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SENATE—*Friday, October 7, 2005*

(Legislative day of Thursday, October 6, 2005)

The Senate met at 8:15 a.m. and was called to order by the Honorable JIM DEMINT, a Senator from the State of South Carolina.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Gracious God, sustainer of our lives, rescue us from the faults to which we are so prone. Keep us from saying one thing and doing another. Save us from criticizing in others what we condone in ourselves. Deliver us from demanding of others standards we make no effort to fulfill. Give us wisdom not to flirt with temptation but to avoid even the near occasion to sin. Protect us from an indecision that can't say yes or no and from a reluctance to break habits we know are wrong.

Bless our Senators today. Keep them from trying to please both others and You. Save us all from anything which would keep us from loving You with all our heart, soul, mind, and strength.

We pray in Your Holy Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JIM DEMINT led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, October 7, 2005.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JIM DEMINT, a Senator from the State of South Carolina, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. DEMINT thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning, the Senate will vote on the Defense appropriations bill. That vote will occur at 9:15 this morning. I thank and commend Senator STEVENS for his patience and perseverance in getting this bill to the President.

We must complete action on the Homeland Security appropriations conference report before we leave. Senators will be notified if further votes are scheduled.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2006

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 2863, which the clerk will report.

The assistant legislative clerk read as follows:

> A bill (H.R. 2863) making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes.

Pending:

> Reed/Hagel amendment No. 1943, to transfer certain amounts from the supplemental authorizations of appropriations for Iraq, Afghanistan, and the Global War on Terrorism to amounts for Operation and Maintenance, Army, Operation and Maintenance, Marine Corps, Operation and Maintenance, Defense-wide activities, and Military Personnel in order to provide for increased personnel strengths for the Army and the Marine Corps for fiscal year 2006.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Louisiana, Ms. LANDRIEU, is recognized until the hour of 9:15.

Ms. LANDRIEU. Mr. President, as the majority leader stated a moment ago, I also thank Senators STEVENS and INOUYE, who worked here very late last night as we got to the end of the debate on the Defense bill. Of course, under the rules we have established, we could speak on that bill for up to 30 hours. Those 30 hours will be coming to an end at 9:15 under the rules of cloture.

Throughout the 30 hours as we debate this very important bill which funds our military men and women and continues their operations moving forward and helps to try to find a solution in Iraq and allocates resources to keep our military strong, we also have been talking a great deal about keeping strong right here at home, particularly keeping strong in the areas that need strength and support right now. That area, of course, is the gulf coast of our Nation, the great energy coast, the great trade coast, the great commerce coast. There are so many important parts of that coast, but the largest city, of course, in the middle of that coast is New Orleans, my hometown.

We have spent a lot of time this week talking about how we can get the help we have promised to this region, to all the people of this region who have suffered. The poor have been crushed, the middle class are staggering, and even wealthy individuals with substantial businesses wake up every morning in Louisiana, Mississippi, Texas, and Alabama thinking, How are we going to get through this day to keep our business open, our employees employed, and take care of the community we have served so proudly for so long?

● This "bullet" symbol identifies statements or insertions which are not spoken by a member of the Senate on the floor.

It is very hard to describe the magnitude of the destruction. Nothing anyone has seen on television captures it. I have watched a lot of television—not as much as I would like because we are busy doing other things, but I have seen a lot of what has come over on the television from CNN, from FOX, from MSNBC. I have listened to NPR, and I have tried to listen to the television. I have been there so many times and seen so much myself, I keep thinking I wish there were some way I could take a bigger camera or make a 4-hour movie to describe to this Nation the depth of the destruction along the gulf coast. Unfortunately, in situations such as this we cannot make a movie quickly. There will be many movies made and many books written. We cannot make one, though, in the next few days or weeks.

I was very fortunate to find the National Geographic special edition to describe our situation as my colleague, Senator VITTER, and I asked for help, more direct help, more immediate help, real help that we need to begin this long, complicated, difficult, and challenging rebuilding effort. I was very fortunate to find this National Geographic issue. We have sent copies to all of our colleagues. I thank the National Geographic again and mention that I just found out this morning that all of the proceeds from the sale of this special edition National Geographic entitled "Katrina, Why It Became A Manmade Disaster, Where It Can Happen Next," all the proceeds are going to the victims of Katrina—and Rita because that storm came after Katrina hit—and will go to help the victims along the gulf coast from Texas, Louisiana, Mississippi, to Alabama. We so appreciate that effort.

In searching for ways I could describe the depth of the destruction, there are some pictures in National Geographic that give people some idea of what we are faced with. Again, these pictures cannot quite tell the story. While this looks like blocks and blocks along the gulf coast, this is probably the city of Waveland. It could be parts of Biloxi. It could be parts of Pass Christian. I am not exactly sure where, but it is somewhere along Mississippi. You can tell how pretty their beach is. We have a different kind of coastline in Louisiana.

The reason I have been spending so much time on this Defense bill talking about this issue is this is our war. This is our Baghdad. This is a picture of parts of New Orleans with water as far as the eye can see. There is another picture that shows the city in the background and the depths of flood around it. This picture is a graveyard in New Orleans. Of course, we bury our dead above ground because there is so much water we cannot even dig a few feet down to bury them. This picture is one of our graveyards.

Looking through the National Geographic, when you see the pictures of destruction, I don't know if the camera can see the depths of the destruction, the industrial canal, the Lower 9th Ward in New Orleans. These pictures could be shown from the western side of our State to the eastern side of our State, to New Orleans, to the gulf coast of Mississippi, into some parts of Alabama, and into some parts of Texas. Two million people have been displaced and are searching for high ground, for stability, for housing, for jobs. From the cities they fled, from communities they fled, in boats a lot like this. They are searching for housing, apartments, jobs, safety. Most important, what they need is help, real help—not promises, not photo-ops, but real, serious help.

Let me show some other pictures of people who need help. This is a gentleman in Lafitte. I would say he needs a little help. He may be interested in some tax breaks that people have offered around here. I don't know at this exact moment what tax breaks might help him, but a fireman would be good or someone who could help drain out some of the water—maybe one of his employees from Lafitte, which does not have a tax base, who is about ready to go out of business, maybe someone who works for the little town of Lafitte that was created by Mayor Tim Kerner's father, the father of Lafitte who helped create this town. I actually went to his funeral last week. He served with my father. When he was mayor of Lafitte, my father was mayor of New Orleans. We went to his funeral to pay respects to the family. His son now is mayor of Lafitte. I don't know how long he will be mayor because Lafitte does not have a tax base to stay in business. This man used to live in Lafitte. If this town folds because we cannot get a loan to them, that is all they have. I don't know where he goes, but he is looking for help.

This is a woman—I am sorry I don't know her name, but there is a picture and description of her in the magazine. This woman looks pretty self-reliant to me. She obviously looks troubled and anxious. She is doing what she can to carry her two children to safety. People all over the gulf coast did this, basically by themselves, with limited support. A lot has been said about people not helping people, but David Johnson, who was unable to work, is carried from his home in eastern New Orleans by Mickey Monceaux. The authorities say the water is leveling off as Lake Pontchartrain empties in the gulf. We have had people helping each other during this time, being as self-reliant as possible.

Here is another picture. National guardsman Jon Eric Miletello comforts his grandmother. This young man probably—because most of the National Guard in Louisiana have pulled triple and double duty in Iraq—probably just got back from Iraq. You can see how much he loves his grandmother, the way he is looking at her to help her get out of the floodwater.

I don't know what city she lives in, but I can promise you that National Guard specialist would appreciate it if this Congress could take a billion dollars of the $43 billion that is sitting in a bank account going nowhere, doing nothing, and lend it to the cities and the towns and communities on the gulf coast to help his grandmother figure out what she might do in the next few weeks and months and years. We are not certain about what his grandmother's future is, but we would like some time to figure it out.

I know a lot of people have died in Iraq. I have had 42 soldiers die in Iraq. Our elected officials have gone to as many funerals as we can possibly go to. We have written as many letters to their families, and called them. We have had about 942 people die from this disaster.

Our challenge right here at home—and not to underestimate in any way the lives that have been given to protect this country. We want to get our soldiers home and protect them. That is why we are passing this bill, and that is why I am not holding this bill. I can't hold this bill because we have 30 hours of debate, but I have taken time through this 30 hours to talk about the war right here at home.

"Here lies Vera. God help us." In New Orleans, as people were dying with no place to go, the neighbors built makeshift coffins. This one could still be there. It was there when a National Geographic photographer took it maybe a week or two ago. It could still be there in a neighborhood in New Orleans. Many of the bodies that are yet unidentified are in the prison at St. Gabriel. That awesome and gruesome situation is being worked out as I speak.

In the midst of all of this tragedy and destruction of cities and towns and high water and inadequate FEMA response, my colleague and I came to the floor and have been working through the week in meetings and letter exchanges and telephone calls, working with Senators, trying to work with the House, trying to work with the administration to say: OK, we know things aren't working as well as they could. What can we do to try to fix it?

We came up with a suggestion. Let's take a billion dollars from the $43 billion that FEMA has sitting there that has already been allocated and move it to an already established loan program to give the cities and counties and sheriffs and law enforcement the help they need for 3 months, just 3 months, while we go on vacation again. Just give them 3 months. Lend them some money to keep their lights on, to keep their cities and their communities and the hospitals open until we can figure out a long-range plan.

We may have to refinance some debt. We may have to close areas down permanently. We hope not, but maybe we will have to. We are going to have to do a lot of things we never thought we would have to—such as build a good levee system. We will have to do that. So we came to ask for a loan under the program that has been established since 1972.

We have basically been told—even after working through the night, after offering a variety of different compromises—I am sorry, to the Louisiana delegation; I am sorry, to the Mississippi delegation; I am sorry, to the Alabama and Texas delegation, but the only way that we will lend you the money is if you pay it back under different terms than anyone has before and that anyone will be asked to do in the future.

With 45 minutes left in the debate, still the only way that we can get 3 months of operating expenses, under a program that already exists, with money that we have already allocated that is sitting in a bank account doing nothing, is to agree to tight-fisted lending policies that have never been applied to anyone else in America and, according to the draft that I saw last night at 2 o'clock in the morning, will not be applied to anyone in the future. But for Louisiana, Mississippi, Alabama, and Texas, the Gulf Coast States—and not all of Alabama but just the regions hit by the storm—for those counties, the only way you all on the gulf coast can get the money is under a new, tight-fisted, basically what one could describe as higher interest rate loans because there is no way under any circumstance, according to the draft I have seen, no matter how dire your situation, that you could ever be given any reprieve whatsoever to not have to pay the whole thing back.

Some people have classified this latest offer from the Republican leadership as a compromise. A compromise is an effort to do the best you can for people while preserving some important principle. This is no compromise; this is an agreement between the rightwing and the far rightwing, people who are holding the power and are not willing to use it on behalf of people who need help. The gulf coast of Louisiana has been hit by the worst hurricane in the history of our country. Then we were hit by a disastrous break in a levee system that was not supported, not built to standard, and not invested in by a nation, and in some measure by our own selves, but in large measure by a nation that refused to recognize the importance of this levee system, not just for the people of Louisiana and the southern part of Mississippi but a levee system to continue to bring trade and commerce and jobs and wealth to a nation that needs and was actually built on the banks of the mighty Mississippi River.

Despite decades of speeches from members of our delegation about the importance of investing in levees and even agreeing to take some of our own revenues generated off of our coast to invest in hurricane protection and levee protection, we were in large measure left to fend for ourselves in a way that while the Federal Government contributed money, those moneys kept getting less and less relative to other spending and other priorities in Congress, until we were left with a second-rate levee system. Now we have a major disaster on our hands.

It is extremely important that the people of our country know that there is a way that we can rebuild this region; that there is a way that we can pull together to do it. When we make suggestions as simple as getting $1 billion to go through a loan program that is already established with money that has already been appropriated, when we are told, that is too much to ask, we can't do that, we can't afford to do it because the people of the gulf coast just have to understand that you have to take this on terms and conditions that no one has been asked to before and no one will be asked to after, is a hard thing for this Senator to accept.

A historian once described New Orleans as an inevitable city in an impossible location. That pretty much captures where we are today. We are having an inevitable debate that places the people of Louisiana and the gulf coast in an impossible situation. We are asking for a 3-month loan to keep our cities and communities operating, for our sheriffs, for police, for firefighters, for critical city workers, for some of our hospitals that, despite the worst storm in the world, stayed open, kept their lights on, kept serving people, and are sustaining a region of this country that is vital for the future of the Nation. We ask for a loan, and we get nothing but empty promises and tight-fisted lending policies when we need help.

We have been stuck by the worst natural disaster. We now have a third-rate FEMA operating, a second-class levee system, and now, to pour salt on the wound, a tight-fisted lending policy applied only to us. I am asked, basically: Senator, take it or leave it. That is a hard question to ask any Senator—take it or leave it. That is why I have taken all of these 30 hours to consider what our options are, to try to bring our case to the American people, to ask the country: Is this fair? I don't believe it is, but life isn't fair.

Our job is to try to make it more fair. That is why I am here. I don't know, I hope that is why everybody else is here. But that is why I am here. I would hope that my colleagues would think, particularly in the Senate, Republicans and Democrats, that that is why we are here.

Talking about Senators, I thank the Senators who worked through the night trying to come up with a real compromise, a compromise with dignity, a compromise with some hope, a compromise that would give our cities some hope that somebody in Washington is listening. The junior Senator from Delaware, Mr. CARPER, who has no immediate interest other than he was a former Governor, a former House Member, he spent time on my and Senator VITTER's behalf on the House side trying to talk to the leaders of the Republican Appropriations Committee to say: Why are you asking for new terms for Louisiana, Mississippi, Alabama, and Texas when you have given these terms before to others?

We know we are asking for the cap to be raised. The cap has been raised before. There is a $5 million loan cap on a program where our cities, not only New Orleans, which is the largest, but the parishes of Jefferson and St. Tammany and St. Bernard and Plaqueman—their monthly operating budget in the city of New Orleans is $20 million. So ask me what borrowing $5 million would help? A week? That is what we would be able to borrow, 1 week?

So we have asked for the loan cap to be raised so the cities can borrow some money, and the parishes and the sheriffs, which are not included specifically in the language of the "compromise" that has been offered, they are not specifically included. It has been inferred that our sheriffs are included. But our sheriffs are elected. They are different from the rest of the country. They perform a tremendous service to our State and to our parishes. They were the ones who carried people on their backs to safety. They were the ones who helped keep law and order. They didn't do everything perfectly, but they did the best they could under a very difficult circumstance. They are not even specifically in the compromise. If we can't keep law enforcement operating, if we can't keep our lights on, if we can't keep some running water in what pipes we have left, if we can't keep the mayors and the parish councils at work having meetings, turning on city hall, trying to mop out their city halls, could anybody here tell me how we begin to rebuild a region without basic, essential community services? I don't know.

I know the private sector can do a great deal. But you know what the private sector people coming into my office tell me, whether they are big business or small: Senator, we need lights. We need water. And, Senator, please tell them to stop sending us bottled water; I need for the water to go on in my business because my employees want to come back to work, but I can't bring them back to work without water. If we lay off the sewage and water board and the people who work to turn on the water, how in the heck are we going to get water and electricity on? If you are trying to give a tax credit to a small business or big business. I don't think it is going to work very well.

The Democratic leader, Senator REID, worked through the night. The junior Senator from New York, Mrs. CLINTON, worked through the night. Senator BARACK OBAMA came down here at 1:30 in the morning and asked if there was something he could do. Senator BLANCHE LINCOLN from Arkansas, who has been a great voice for us, although her State was not directly impacted, has come to the floor many times this week to say the 75,000 citizens who were evacuated to Arkansas would be well cared for and well taken care of but has asked for some help with their health care system as Arkansas struggles to provide health care services to these individuals, and they have been turned down time after time.

I have a word for the people of Louisiana. The men and women I mentioned are your true friends as Senator VITTER, my colleague from Louisiana, and I have worked together to try to forge the best possible arrangement we could make for the people of our State. Without a bit of self-interest, they have fought for you. They have searched throughout the night for a true compromise.

I am proud to serve with these colleagues of mine because they do not believe the people of Louisiana should have to trade their dignity for cash. But that is basically what we are being asked to do, in the opinion of this Senator. In other words, Senator, you can have the loan for the people of your State, but you are going to take it under a tightfisted policy that has never been applied before to anyone and, by the way, according to the script that we are going to give you, it won't be applied to anyone in the future, but only for you—for Louisiana, for Mississippi, for Alabama, for the poor, for the middle income, and for the rich. Only for you all in the South is this going to be applied. Take it or leave it.

I hope the people of Louisiana, whom I have proudly represented for so long, can understand why I spent the evening here and why I am going to continue to stay at this desk as often as I can in between trips home visiting with local elected leaders trying to help organize meetings, supporting all the local officials—Democrats and Republicans, Black and White, urban and suburban, rich and poor citizens to try to help us rebuild a State that is not only a State we love, but a region that the country needs, even though the country refuses to understand how valuable we are to them.

I think people can understand why the situation is as critical as some of us are trying to show. The devastation is enormous. It is unprecedented. Our options are limited. FEMA is not working. The Red Cross is getting very mixed reviews, and I say that with the greatest respect for a very great organization. But we are getting very mixed reviews about the Red Cross. We have 50,000 people in shelters with nowhere to go, no housing available even if you presented vouchers. I am not saying we do not need them, but it is not an option that is working well because our cities are so full of people who have left the south of our State to find shelter, to find jobs, to find stability, and to find their families because the old voucher program is not working very well.

We have people in hotels. That causes problems with the business community because when they have conferences or visitors, they cannot get their own executives into the hotels to do business in the city.

I have talked a lot about New Orleans. I have talked a lot about Lafitte, Grand Isle, Plackman, St. Tammany, and Calcasieu, but let me, for a minute, talk about Baton Rouge, our capital city, and Lafayette, the heart of the Cajun culture in our State, and Monroe, the home of my husband and our home for 6 years, and Shreveport. These are our other major cities that sit to the north in our State. These cities were struggling to pay their bills to make things work for their communities, some of them growing quite fast and doing quite well but, as we know, when counties and parishes grow, their school systems are strained and their transportation systems are strained.

They were managing just like we all manage and do the best we can. And then overnight, the city of Baton Rouge, under the great leadership of Kip Holden and a great council, ended up getting 150,000 new citizens in 1 week—150,000 new citizens in a city of 350,000. They might need to borrow a little money. When you try to move in Baton Rouge from one part of the city to the next, the traffic is back to back. Lafayette is the same way.

So I do not want the people of my State to think I am not aware that there are not impacts everywhere. Again, this is a program that has existed for the benefit of everybody in this country, and we have asked to take $1 billion from FEMA and move it—not new money, but money that is sitting in FEMA's bank account that they cannot spend, and give it in loans under the same terms and conditions as other States to which it has been given, and we are told "no."

From the authorization of this loan program in 1974 through December 31, the Federal Government disbursed nearly $100 million in 42 loans. Of that amount, millions have been repaid, some of it has been canceled, 7 were fully canceled, 3 were partially canceled, and 29 remain outstanding, of which one has been partially canceled.

This is a program that has worked for everybody in every disaster—earthquakes, hurricanes—but when the people of the gulf coast ask for it under the leadership of the tightfisted House of Representatives, the only way we can get the loans is under new terms at basically a higher interest rate. The higher interest rate is reflected in the fact that there will be no forgiveness, under any terms, whatsoever written into the law.

It is not available to sheriffs, and it is not available to hospitals—not explicitly available to law enforcement. You might interpret it, someone could make the argument, but we have read the proposed language, and it is not in the bill.

Some people have said this is a way to help law enforcement. They are not in the draft I have seen. We tried to put them in and that was rejected.

Mr. REID. Will the Senator yield for a question?

Ms. LANDRIEU. Not at this minute, but I will in just a second. I will be happy to yield in a moment.

So we have worked through the night, Mr. President, trying to come up with some available options for the people of Louisiana, Mississippi, Alabama, and Texas as they seek to work through a very complicated and difficult situation to try to pull efforts together to make loans available for 3 months.

I have shown this picture throughout the week. That is why, as I close over the next few minutes, I would like to show it again. You can find this picture in the National Geographic, "A World Upside Down." This is Long Beach, MS, a week after Katrina hit. This is Mrs. Leona Watts. The National Geographic says that her home "rests amid the bones of the home where she has lived for 61 years."

The National Geographic goes on to say:

> Many Mississippians felt abandoned in the days after the storm as national attention—and relief efforts—seemed locked on New Orleans.

I have asked throughout the week if the city of Long Beach or the cities in Louisiana can get some infusion of cash to help them go through. I don't know what kind of tax credits and other possibilities could help here, at least not in the next few weeks or few months. I am confident that targeted strategic tax cuts can help to rebuild this city.

I am almost certain that in Mississippi—I am not completely certain—that the State could actually borrow money to help this situation. But I do know one thing because I was State treasurer of Louisiana for 8 years: Our State is prohibited from borrowing money for operating expenses because our constitution states that it is fiscally irresponsible because, under normal circumstances, it is irresponsible to borrow money for operating expenses if you are a State. You should borrow money to invest in ports, roads, and infrastructure, not to maintain a lifestyle. Every family knows that. So in Louisiana we have not allowed it for quite some time.

So if I have stood on the floor a little longer for some people and tempers have gotten a little short, I have to stand here to try to explain that while our State might be in a position to borrow money, although they got a report last week that they are $1 billion short in their own revenue, but even if they were not $1 billion short, the Constitution of Louisiana does not allow the State to borrow money.

The State's largest city is laying off thousands of workers by the day. In the city that we keep saying we are going to stand up for, people are being laid off, the city that people still visit for photo ops to say, We are with you, we are not abandoning you, we are there.

My colleague and I come here to ask for $1 billion out of $43 billion to give a loan for 3 months for police, fire, law enforcement, to get the lights on and to get the water through the faucets. And we are told: Sorry, the only way that we will give you that money, the only way we will lend you that money is under new policies designed especially for you that no one in the past and no one in the future has to accept. But you, Louisiana, Mississippi, and Alabama, have to take it or leave it.

So through the night, we offered one compromise after another—a real compromise.

Again, the Senator from Michigan is in the Chamber. He helped through the night. Senator REID was particularly supportive, and I have said thank you to Senator STEVENS who is not now on the floor but will be here. He was quite patient through a difficult night. This is a difficult bill.

We have had to take some time, as we have gotten it at the end of the debate on defense, to talk about this. It was our only option. We said just lend us the $1 billion under the same old and good and steady and traditional programs. That was not accepted.

We have said if the Senate would come together and act, my colleague and I have made it clear that we want the money to be for sheriffs, for several of our hospitals that are in a desperate situation, to allow the cities and parishes to borrow money, and we would be willing, or I would be willing, to send two bills over to the House with Senator VITTER and Senator FRIST's name on both of those bills so the Senate could go on record saying we are ready to act. And if the House wants to pass either one of these, they can pass one and send it to the President's desk and then they can decide whether we should be treated the same or treated differently. And I would live with that. I have made my point clear, I believe, and I have made myself clear in representing the State. We should be treated the same way. But if the House of Representatives decides that we should be treated a different way, if the President of the United States wants to explain why we should be treated differently, I would be happy to send two bills over and let the House of Representatives, under the control of the Republican leadership, decide what they want to do. But that was not acceptable.

So I have stayed here through the night working on as many suggestions as Republicans and Democrats in the Senate, and my colleagues for whom I have a great deal of respect, suggested, and yet at this hour, a few minutes before the 9:15 vote, the only "compromise" we have is for the people of the gulf coast to take it or leave it—under different terms than have ever been asked by anybody before and will not be asked of anybody in the future.

Last night when I pressed this issue of whether we would be treated the same way, we were told that we could be and we would be. But when we read the bill, the text, it says in added language on page 2—it is a very short bill, so I want to read it for the RECORD. This is the new provision that has been offered to us:

> Provided further, notwithstanding section 417(c)(1) of the Stafford Act, such loans may not be canceled.
>
> . . . notwithstanding section 417(c)(1) of the Stafford Act, such loans may not be canceled.

That language has never been in any act, and before anybody tries to say, well, we are lifting the cap, the cap has been lifted before. Loans have been extended. Never has this language been put in. But this is the Republican leader's tight-fisted money policy that says "such loans may not be canceled."

So the people of my State are in a pretty tough situation—and the people of the gulf coast. We have had a category 5 storm, the breaking of a levy system, everything people have worked for, hoped for, dreamed of—destroyed.

The Federal Government sent us a third-rate FEMA, offered a second-rate levee system, and now a tight-fisted lending policy, and then criticized us for not being more self-reliant.

This woman lived in this house for 61 years. The reason I like to keep showing this picture is she looks a lot like my grandma. And because I know, because I know how self-reliant my grandmother was, I am just going to assume that she was a lot like my grandmother, Loretta Landrieu. My grandmother never graduated from eighth grade. She worked her whole life three jobs. She raised 2 boys and 19 grandchildren. She never asked the Government for any money. When she died, she had $19,000 in the bank. She gave each one of her grandchildren $1,000, and she bought us a little camp for $15,000 on Lake Pontchartrain. In 42 years, the 8 of us raised 37 children in that little camp, with no air-conditioning, and we had a great time. Then as we grew and the family grew and we got a little more prosperous, we put in air-conditioning and we expanded it.

But this is what my grandmother, if she were still alive, this is probably what she would be looking at right now. And I have to listen to people in Washington, the power in Washington, the Republican power from the White House, to this Senate, to the House, tell me that people in the gulf coast area need to be more self-reliant. This woman has lived in this house for 61 years. She has probably paid the mortgage. She has probably raised children, worked in her church, never been late for her taxes, just like my grandmother was—every Sunday morning of her life in church. The Catholic Church that she went to doesn't exist anymore. It was washed away in the 29 feet of water that came over Slidell, LA. And I have to listen to the Republican leadership tell me: Just rely on faith-based institutions and private sector involvement.

Our faith-based institutions have done great work. I am so grateful for the many missionaries and churches and synagogues that have come to help. The church in this neighborhood is gone. Maybe another church from Ohio will come down, or Michigan, but this lady's church is gone. Our churches are gone. Our synagogues are gone. And our businesses that are always there to help, that have been helping, that have been keeping people on their payrolls when they had no money coming in the front door, keeping their employees on the payroll, putting up trailers, putting up tents so their employees could come and sleep in the parking lots so they could work in the offices, we are not self-reliant enough.

So this Senator comes to ask for $1 billion to lend to the communities such as this, and I am told: Sorry, Senator, we can't loan you the money the way we have lent it to everyone for the last 30 years. And by the way, when we do it again in the future, we are going to lend it to everybody under the old program, but just for you we have a special deal. Just for you all we have a special deal.

Here is another man who needs help, and for him we have a special deal—the Republican leadership. We lent money to everybody in America since 1974 under certain terms, but for you, you get a special deal. For this lady walking out of the Superdome—I think this is the Hyatt in New Orleans; I think this is where this is—she is doing the best she can. Obviously, she only has two arms and she has two babies and she is carrying them both—with one blanket, a bottle, and a bottle of water for two babies. No store open, and she comes here to ask for help, and I am told by the Republican leadership in power: Sorry, we are going to lend you the money but under different circumstances.

How much time do I have remaining?

How much time do I have remaining, please?

The PRESIDING OFFICER (Mr. ALLARD). The Senator has 3½ minutes remaining.

Ms. LANDRIEU. I thank the Chair.

This is the National Guard, Jon Eric Miletello. He has probably pulled double duty in Iraq because our National Guard has been there, trying to stand up Iraq, standing up water systems in Iraq, putting down sewer systems in Iraq, so he comes home and this is what he finds: his grandmother in 5 feet of water. And when we come here to ask for a loan for this town to help them out just for 3 months, we have to get a different deal.

So in the last 3 minutes I am going to ask the Senate, since they said that they would do this, they want to help, to send this over to the House. Let the House make the decision. Let the House leadership make the decision whether they want to lend us the money under the traditional program or give us yet a special deal for people of the gulf coast.

So I am prepared to ask unanimous consent that the Senate proceed to the immediate consideration of S. 1855, and for that bill to be read and passed. This bill would allow the Stafford Act money to be given under the same terms and conditions as it was to everyone else.

The PRESIDING OFFICER. Is there objection?

Mr. FRIST. Objection.

The PRESIDING OFFICER. Objection is heard.

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the Senate would send the bill over to the House to say that such loans may only be canceled with the approval of the Office of Management and Budget, so that they could be canceled but only Management and Budget could make that decision.

The PRESIDING OFFICER. Is there objection?

Mr. FRIST. I object.

The PRESIDING OFFICER. Objection is heard by the Chair.

Ms. LANDRIEU. Mr. President, those are the best ideas we have had. They are obviously not enough. I thank my colleagues for their patience. I understand it has been a difficult time, but this is a difficult situation, and I know that we have held everybody here a day longer than they thought they would be here. We thought we would get out of here about 10 o'clock last night, or 11. I thank Senator STEVENS for his patience. He has been very patient, and Senator INOUYE, as they have managed this bill. I thank Senator FRIST for the hours of discussions that he has had, but I will say in closing that when you have power, Mr. President, I believe that we should use it in the wisest and best way. I don't think the work we are doing here is the wisest and the best. It may be the best we can do, but this Senator does not think it is what we should do.

I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. FRIST. Before the vote, let me quickly explain the two objections and then I will have a unanimous consent request of my own.

Basically, the language of both of the bills that have been put forward has not been reviewed by anybody except maybe two or three people on the floor of the Senate. Second, we do have legislation, the Vitter bill, that has been vetted with the administration. We talked to the Republican leadership in the House. I believe strongly we can pass this bill over the course of the day.

Having said that, I now ask unanimous consent the Senate now proceed to the Vitter bill which has been at the desk since yesterday. For the information of all Senators, this bill is the same language we have cleared and have been working on for the past 48 hours.

I further ask unanimous consent the bill be read a third time and passed and the motion to reconsider be laid on the table.

The PRESIDING OFFICER. Is there objection?

Mr. LEVIN. Reserving the right to object.

Mr. FRIST. Regular order, Mr. President.

Mr. LEVIN. Reserving the right to object. May I ask a question?

The PRESIDING OFFICER. Regular order has been called for. The Senator must——

Mr. LEVIN. I object.

The PRESIDING OFFICER. Objection is heard.

OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

Mr. STEVENS. Mr. President, in fiscal year 2002, Congress provided $5 million in the Department of Defense appropriations bill to transport and distribute wheelchairs to the victims of overseas conflicts, landmines, and crippling illnesses if matched by private funds. These funds were allocated from amounts provided to the Defense Security Cooperation Agency, DSCA. Since that time, the DSCA has worked with a nonprofit organization called the WheelChair Foundation to deliver over 120,000 wheelchairs to nearly 100 countries, including 5,810 to Afghanistan; 2,400 to Iraq; and over 3,900 to Jordan.

I believe it is vital that we plan and invest not only to win the wars we fight, but also to win the peace. In that regard, this program has been an unqualified success. The hope and chance for a new life that a wheelchair can provide to someone who could never afford one has value beyond measure. Additionally, this program gives us the opportunity to leverage Federal support with the efforts of the nonprofit sector to accomplish more than we could do alone.

The funding specifically earmarked for this initiative in fiscal year 2002 will likely be exhausted within the year. The legislation we are now considering would provide the full amount of the President's request for Overseas Humanitarian, Disaster, and Civic Aid of $61 million. It is our hope that funding will be available for this activity in the coming fiscal year if appropriate humanitarian needs are identified.

Mr. INOUYE. Mr. President, I appreciate the comments from the chairman, and commend his leadership on this issue. I am familiar with the successes that this program has enjoyed. Providing wheelchairs to the victims of overseas conflicts is an important program, and I encourage our Federal agencies to support this program.

WAR RELATED ILLNESSES

Mr. LEVIN. Mr. President, we have before the Senate the fiscal year 2006 Department of Defense appropriations bill, H.R. 2863. This legislation makes a valuable contribution to our Nation's efforts to enhance the quality of life for our soldiers, sailors, airmen and marines as well as their families, while continuing to transform our military forces to ensure that they are capable of meeting the threats to America's security now and in the future.

Mr. INOUYE. The committee bill seeks to improve pay and benefits for our military personnel and makes considerable improvements in medical care that our men and women in uniform and their families receive. In addition, funding has been included to fund a Peer Reviewed Medical Research Program that addresses a wide array of important medical programs.

Mr. HARKIN. I agree with the Senator from Hawaii about the significant efforts made by the committee bill to address the well-being of our soldiers, sailors, airmen and marines. Of particular interest to me is peer-reviewed medical research that examines gulf war illnesses and their relationship to chronic multisymptom illnesses. I believe this research could provide valuable insights into diagnosed post-deployment illnesses.

Mr. JOHNSON. My friend from Iowa is correct. For the past several years, the Center for Chronic Pain and Fatigue Research has conducted research on the internal mechanisms and most effective treatment of gulf war illnesses and other undiagnosed post-deployment illnesses. This research has been funded by Congress and overseen by the U.S. Army Medical Research and Materiel Command and its peer-review process. Continued funding for this program will enable the continuation of research into a variety of illnesses reported by personnel upon returning from the gulf war.

Ms. STABENOW. I would agree with my friend from South Dakota. The Center for Chronic Pain and Fatigue Research at the University of Michigan is the national leader in the research of chronic multisymptom illnesses. Their recent research has used advanced functional brain imaging technology to demonstrate the similarity in dysfunctional pain processing between a group of veterans suffering from gulf war illnesses and a group of civilians diagnosed with fibromyalgia. The center's work has taken on added importance because of our Nation's current military deployments and deserves the continued support of Congress and the Department of Defense.

Mr. LEVIN. As the Senators from Michigan and South Dakota have noted, many soldiers returned from the gulf war with a variety of symptoms that have no discernible cause. Although environmental exposure in the gulf war cannot be ruled out as a cause, many believe that stress is a factor that may have contributed to these illnesses. I hope that efforts will be made to ensure that this bill provides adequate funding to ensure the continuation of this important research.

Mr. STEVENS. I understand the concerns that my colleagues have regarding poorly understood illnesses that have affected military personnel in nearly every conflict since the Civil War, and most recently in Iraq and Afghanistan. As chairman of the Defense Appropriations Subcommittee, I want to lend my support to this important research.

AM2 AND COATINGS REMOVAL TECHNOLOGY

Mr. BURNS. Mr. President, I would like to thank the chairman for his continued efforts to ensure a strong national defense. I am well aware of the tight budget structures the subcommittee faced when marking up the bill. I would like to draw attention to two important programs for future consideration that may have great benefit to our military.

The refurbishment of aircraft fuselages and engines, ships, and jet engine turbine blades requires the removal of paint and other coatings, but can be extremely costly if, while removing the coating, the underlying surface is damaged. I am told that laser technology is able to detect, in real time, when coatings have been removed, thus avoiding damage to the item being serviced. Further, I am told the Air Force Research Laboratory has expressed interest in spectroscopy-based technology as it may assist them in developing robotic systems for coatings removal of large off-aircraft components, as well as developing systems in the future for de-coating large on-aircraft components.

Providing for a lightweight replacement for Air Field Matting, AM2, is among the Top Ten mission critical technology needs of the Department of Defense. AM2 is an outdated 40-year old system currently used by the Air Force, Marine Corps and Army to establish temporary airport systems in the field. I have learned it may be too heavy to deploy easily and unsuitable for missions where mobility and speed are necessary. Lattice Block Structures may be an option to serve as a stronger, lighter and more portable replacement to the antiquated AM2 matting. Fiscal year 2006 funding for Lattice Block Structures could enable DOD to more rapidly establish temporary airfields in support of critical military missions.

Mr. STEVENS. I say to the distinguished Senator from Montana that I appreciate him bringing these important programs to my attention and to the attention of the Senate. I look forward to working with him on these and other important matters that affect our military and national defense in the days and weeks to come.

Mr. McCAIN. Mr. President, the pending measure, H.R. 2863, the Defense Appropriations Act for Fiscal Year 2006, will provide our men and women in uniform with the equipment, benefits, and programs they need to carry out their critical missions at home and overseas. Having said that, I must again voice my dismay at the Senate's inability to authorize these appropriations. Critical programs and benefits have not been authorized. The authorizers layout the priorities, and the appropriators fund. Unfortunately, this time honored practice is not being upheld.

As I look over the bill, I see that, as reported in the Senate, it trims $7 billion from the administration request, leaving that amount available for nondefense appropriations. I am pleased that the cuts are reductions for programs that were underexecuted in the last fiscal year. Unfortunately, and not surprisingly, the bill also includes a large number of unauthorized and unrequested provisions. I hope that the sponsors will carefully reconsider these damaging provisions as the bill works its way through the legislative process. While I appreciate the hard work and the laudable intentions of the members of the Committee, we must all be alarmed at these appropriations earmarks. They limit the ability of our Defense Department to expend needed resources according to its funding priorities.

I have already spoken at length during debate on this bill, so I will not take up much more of the Senate's time again. I am pleased that the Senate recognizes the importance of America's greatest strength, the acknowledgment that we are different and better than our enemies. We are Americans, and we hold ourselves to humane standards of treatment of people no matter how evil or terrible they may be. To do otherwise would undermine both our security and our greatness as a Nation. The Senate spoke with a strong voice this week, and I urge the conferees to include the detention-related amendment in the conference report that will be sent to the President.

With Americans deployed across the globe fighting terror, deployed at home in recovery of Hurricane Katrina, and with looming budget deficits, the Senate faces some tough choices. We must maintain our fiscal responsibility while providing for our military needs. The cost of the conflicts in Afghanistan and Iraq demand a new fiscal sanity in our appropriations bills. A half-a-trillion dollar budget deficit means we simply cannot afford business as usual. We simply cannot continue the binge of pork barrel spending that consumes an ever growing proportion of our federal budget. While the cost of an individual project may get lost in the fine print of lengthy bills, together, they all do real damage. Collectively, these earmarks represent a significant burden to American taxpayers.

Some of the more egregious examples of earmarks, either in the bill or in the accompanying report, include:

The bill includes language to provide $10 million for the Joint Interagency Training Center-East and the affiliated Center for National Response at the Memorial Tunnel in West Virginia.

The bill includes language to provide $3.5 million above the President's budget request to procure aircraft and aviation equipment for the Civil Air Patrol.

The bill includes language to provide $19,000 above the President's budget request to procure vehicles for the Civil Air Patrol.

The bill includes language to provide $3 million to support the National Museum of the United States Army at Fort Belvoir, VA.

The bill includes language to provide $2 million for the installation, repair, and maintenance of an on-base and adjacent off-base wastewater/treatment facility at Naval Computer Telecommunications Area Master Station, NCTAMS, in Hawaii.

The bill includes language to prohibit the procurement of foreign ball and roller bearings. This "Buy America" restriction with regard to the procurement of ball and roller bearings may cost the taxpayers more than purchasing ball and roller bearings from a foreign source.

The bill includes language to direct the Secretary of the Army to fully plan, budget, program finance the Non-Line of Sight Future Force cannon and re-supply vehicle program, NLOS–C, in order to field this system in fiscal year 2010. Furthermore, the bill language directs that if the plan to field the Future Combat System, FCS, in fiscal year 2010 is delayed then it directs the Secretary of the Army to develop the NLOS–C independent of the broader FCS development timeline to achieve fielding by fiscal year 2010. Moreover, the bill directs the Army to deliver 8 combat operational pre-production NLOS–C systems by the end of calendar year 2008, in addition to those systems necessary for developmental and operational testing. Section 8103 to H.R. 2853 Separating the Non-line-of-sight cannon, NLOS–C, program from the Future Combat System, FCS, will increase costs and program risk because it invalidates one of the key underpinnings of the FCS program which is to have a family of systems based on equipment commonality. The original concept for the development of the manned ground vehicle was to design and produce a common chassis for all manned ground vehicles. Separating NLOS–C from FCS fundamentally changes this principle and further complicates the development of this already complex and yet critical Army weapons system. Furthermore, bisecting FCS will increase development and sustainment costs and negatively impact systems interoperability. The AirLand Subcommittee on the Senate Armed Services Committee is the appropriate subcommittee of jurisdiction in this matter. Although we had hearings on FCS in the subcommittee this year, we did not hear expert testimony in support of this specific provision. As a result, I intend to offer legislation to repeal this provision in the Defense Authorization bill at the appropriate time.

The bill includes language that authorizes the Secretary of the Air Force to spend $32 million to make upgrades, repairs, and build additions to buildings and other types of infrastructure associated with military ranges in Alaska.

The bill includes language to provide $12.9 million in grant money and directs the Secretary of Defense to spend the money for the following: $850,000 to the Fort Des Moines Memorial Park and Education Center; $2 million to the American Civil War Center at Historic Tredegar; $3 million to the Museum of Flight, American Heroes Collection; $1 million to the National Guard Youth Foundation; $3 million to the United Services Organization; $2 million to the Dwight D. Eisenhower Memorial Commission; and $1 million to the Iraq Cultural Heritage Assistance Project.

Section 8062 of the General Provisions. The text states that, "each contract awarded by the Department of Defense during the current fiscal year for construction or service performed in whole or in part in a State which is not contiguous with another State and has an unemployment rate in excess of the national average rate of unemployment as determined by the Secretary of Labor, shall include a provision requiring the contractor to employ, for the purpose of performing that portion of the contract in such State that is not contiguous with another State, individuals who are residents of such State and who, in the case of any craft or trade, possess or would be able to acquire promptly the necessary skills." I am not making this text up. Let's call a spade a spade. This provision directly protects the jobs of only Hawaiians and Alaskans.

And 2.2 million for the Lewis and Clark Bicentennial celebration. You don't need to have the exploration skills of Lewis and Clark to see that this is a path to higher deficits.

And $65 million for the Additional Procurement of F–15s. The Air Force has decided to procure the F–22 to replace the F–15. Yet this earmark keeps the F–15 production line open, so I question the necessity of the F–22 procurement in the numbers of aircraft and at the funding levels requested by the Air Force. Apparently we just decided to pay for both.

And $2 million for the Air Battle Captain Program at the University of North Dakota. This provision sends students from West Point to North Dakota for their flight lessons. Instead of letting flight schools compete for the ability to train these cadets, we have earmarked their training to North Dakota. We are putting parochial interests over the necessity to provide the best training possible for the best price to our Army cadets.

And $8 million for repairs to a specific building at Rock Island Arsenal. I can think of 8 million reasons why the military, not the Senate should allocate funds to fix their priorities.

And $10 million for repairs to utility tunnels at Fort Wainright. The tunnels aren't broken, mind you, but the owners would like new doors put on them. This appropriation looks to me like an open door to fiscal irresponsibility.

The damage these earmarks do is deadly serious. They pull money away from legitimate funding priorities and they waste taxpayer dollars. Each year, many of the same earmarks appear in appropriations legislation, and each year I come to the floor and point them out to my colleagues. Some of the appropriators' favorite projects include:

The $25 million for the Hawaii Federal Health Care Network. I remember only 2 years ago when this particular project was given $23 million dollars. Some things never change.

And $2 million for the brown tree snakes. Once again, the brown tree snake has slithered its way into our defense appropriation bill. This funding does not belong in the Defense Appropriations Act.

There are many earmarks that funnel dollars to worthy medical research programs, such as breast cancer research, but there is no compelling national defense reason for these items to be in this piece of legislation. This type of critical research should be funded through the Labor/HHS Appropriations bill. Our soldiers and sailors need to be provided with the best equipment, housing, and support possible. Scarce defense dollars should be used for these defense purposes, not others.

I could go on and on—and on and on and on—listing all of the examples of pork in this legislation. We simply need to reassess our priorities.

This year's bill also includes a number of "Buy America" provisions. For example, it prevents the foreign purchase of welded shipboard anchor and mooring chain four inches in diameter and under. Another provision ensures that all carbon, alloy or steel plates are produced in the United States. Whew. I know we'll sleep better at night knowing that all of our carbon plates are manufactured in the U.S. Yet another section prohibits the Department of Defense from purchasing supercomputers from a foreign source.

I continue to be very concerned about the potential impact on readiness of our restrictive trade policies with our allies. Every year, Buy America restrictions cost the Department of Defense and the American taxpayers $5.5 billion. From a philosophical point of view, I oppose these types of protectionist policies, and from an economic point of view they are ludicrous. Free trade is both an important element in improving relations among nations and essential to economic growth. From a practical standpoint, "Buy America" restrictions could seriously impair our ability to compete freely in international markets and also could result in the loss of existing business from long-standing trade partners.

Some legislative enactments over the past several years have had the effect of establishing a monopoly for a domestic supplier in certain product lines. This not only adds to the pressure for our allies to "Buy European" but it also raises the costs of procurement for DOD, and cuts off access to potential state-of-the-art technologies. In order to maintain our troop strength and force readiness, the DOD must be able to be equipped with the best technologies available, regardless of country of origin. This would ensure both price and product competition.

Defense exports improve interoperability with friendly forces—increasingly necessary as we operate in coalition warfare and peacekeeping missions. Exports lower the unit costs of systems to the U.S. military, and provide the same economic benefits to the U.S. as all other exports—well paying jobs, improved balance of trade, and increased tax revenue. These are really issues of acquisition policy, not appropriations matters. There is no justification for including these provisions in the Appropriations Act.

This bill spends money on Lewis and Clark and funnels cash into military museums. It protects the mooring chain industry and ensures that we only buy American ball bearings. There is enough pork in this bill to feed an army—if only that we used our defense appropriations to do that. I suppose it is more important to appease local constituencies and special interests.

I wish it were not necessary for me to come to the Senate with every appropriations bill to criticize the amount of unrequested spending in the legislation. I do so because I believe it is critical for American taxpayers to understand where the money in their pockets is really going. I urge my colleagues to stop "porking up" our appropriations bills. In a time of huge spending deficits and scarce dollars, it is long past time to stop feeding at the trough.

Mrs. FEINSTEIN. Mr. President, I was pleased to join with the distinguished Chairman of the Defense Appropriations Subcommittee, Senator STEVENS, in offering an amendment that has been accepted as part of the managers' package in the Fiscal Year 2006 Defense appropriations bill.

Specifically, this amendment would require the Office of Management and Budget, along with the Department of Defense and Department of Homeland Security, to conduct a study on "improving the response of the Federal Government to disasters."

I believe this study is essential as it is clear to me that there were breakdowns at every level in our response to Hurricane Katrina.

Moreover, it is critical that the Federal Government improve its response to future disasters.

The study required by this amendment would: review the Federal Government's ability to coordinate and expedite its response efforts; evaluate the role of our military in responding to disasters; consider establishing criteria for "automatically triggering" the military's participation in emergency response efforts; and look at increasing the role of the U.S. Geological Survey in preparing and responding to future disasters.

In addition, the amendment requires that the Office of Management and Budget prepare a report based on the study that includes: recommendations for improving the Federal Government's response in future disasters with a focus on the military; and proposals for legislation or regulations to implement these recommendations.

Lastly, I would like to express my disappointment that the amendment does not direct the study to analyze the role of the National Guard in responding to disasters.

While I wholly join those colleagues of mine who have commended the untiring and dedicated work of the National Guard in responding to the recent hurricanes, I believe that including an assessment of the National Guard's capabilities is critical to understanding the broader implications of our government's emergency response mechanisms.

As the principal resource available to States to assist in disaster response efforts, it would seem vital to consider the Guard's capabilities under both State and Federal control, and the mechanisms currently established for mobilizing out-of-State Guard units to assist in any response.

Part of such a review would certainly have included a proper evaluation of whether the National Guard currently has the necessary resources and equipment to respond adequately to disasters.

The study required by this amendment is not about placing blame or pointing fingers: there is plenty of fault to go around. Rather, it is about assessing our capabilities to respond to future disasters, and addressing our weaknesses.

As I have said in the past, we need to ensure that we have a system in place that allows the Federal Government to come in immediately with the full force of its resources and assume primary responsibility for response and relief.

Now is the time to prepare for future disasters.

The study and report required by this amendment will provide us a roadmap for enacting the necessary reforms within our Government to make sure we never again have to observe the failures like we experienced during Hurricane Katrina.

Mr. FEINGOLD. Mr. President, although I support passage of this year's Department of Defense appropriations bill, I am deeply disappointed that the Senate has not been allowed a full debate on the Defense authorization bill. It is unconscionable that the Defense authorization bill that is so critical to our men and women in uniform has been allowed to languish for over 5 months. The appropriations bill includes funds for many important items I strongly support, including vital equipment for those in uniform facing daily dangers in Iraq and Afghanistan. However, vital defense policies are contained in the authorization bill, including policies with a direct impact on military families, such as pay and benefits. The Senate's strong bipartisan efforts to make TRICARE available for the Guard Reserve are also a part of the Defense authorization bill. I therefore urge the majority leader to bring the Defense authorization bill back to the floor so that the Senate can fulfill its obligation to our troops and to the American people.

I am also frustrated that the administration continues to rely on emergency supplemental funding for ongoing operations in Iraq and Afghanistan and continues to delay even those funding requests. The administration did not even request the $50 billion "bridge fund" included in this bill by the Appropriations Committee even though the Pentagon will soon run out of money for the war effort. This week, Senator BYRD eloquently explained, once again, why the administration should include the costs of the wars in Iraq and Afghanistan in the regular budget. Congress cannot budget responsibly or perform its oversight duties adequately if we continue to rely on supplemental spending bills, which essentially put the costs of war on our national tab. The Senate has insisted on three separate occasions that the administration include war costs in its budget submissions and the administration has ignored the Senate three times. I was proud to cosponsor Senator BYRD's amendment demanding accountability for the fourth time and was gratified that the Senate adopted it.

I am proud that the Senate sent such a strong message to the administration about the treatment of detainees. The lack of a clear policy regarding the treatment of detainees has been confusing and counterproductive. It has left our men and women in uniform in the lurch with no clear direction about what is and is not permissible. This failure on the part of the administration has sullied our reputation as a nation, and hurt our efforts to promote democracy and human rights in the Arab and Muslim world. I was proud to vote for Senator MCCAIN's amendment on interrogation policy because it should help to bring back some accountability to the process and restore our great Nation's reputation as the world's leading advocate for human rights.

I am also pleased that the bill coins a modified version of Senator GRAHAM's amendment, requiring that the administration report to Congress about the procedures used by the tribunals at Guantanamo Bay to determine whether individuals held there are enemy combatants. The modified amendment also makes a very important clarification, ensuring that the tribunals may not consider statements obtained with undue coercion.

This bill also contains a provision I authored establishing the Civilian Linguist Reserve Corps, CLRC, pilot project. It became abundantly clear after the attacks of September 11, 2001, that the U.S. Government had a dearth of critical language skills. The 9/11 Commission report documented the disastrous consequences of this deficiency that, unfortunately, we still have not made enough progress in addressing 4 years after the 9/11 tragedy.

CLRC is designed to address the Government's critical language shortfall by creating a pool of people with advanced language skills that the Federal

Government could call on to assist when needed. The National Security Education Program completed a feasibility study of CLRC and concluded that the concept was sound and "an important step in addressing both short- and long-term shortfalls related to language assets in the national security community." It also recommended that a 3-year pilot project be conducted to work out any potential problems. My amendment establishes this pilot project. I want to thank the managers of the bill for working with me to include this important measure and thank Senator COLEMAN for cosponsoring my amendment.

I also want to thank the chairman of the Defense Appropriations Subcommittee for continuing to work with me in assisting the families of injured service members. I was pleased that Congress included my amendment on travel benefits for the family of injured service members in the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief of 2005, P.L. 109-13. My amendment corrected a flaw in the law that unintentionally restricted the number of families of injured service members that qualify for travel assistance. Too many families were being denied help in visiting their injured loved ones because the Army had not officially listed them as "seriously injured," even though these men and women have been evacuated out of the combat zone to the United State for treatment. The change in the law now ensures that families of injured service members evacuated to a U.S. hospital get at least one trip paid for so the families can quickly reunite and begin recovering from the trauma they have experienced.

The family travel provision in P.L. 109–13 was sunset at the end of the 2005 fiscal year. H.J. Res. 68 continues to make this travel provision available until November 18 of this year. I was concerned that Congress may not pass the necessary legislation to make this travel benefit permanent before November 18. However, the distinguished Chairman assured me that he would continue working to extend this benefit in fiscal year 2006 until it becomes permanent through the Defense authorization process.

There are provisions in this bill with which I disagree, and the Senate rejected a number of amendments that would have made this bill better. We continue to waste billions on Cold-War-era weapons systems designed to counter the Soviet Union while not fully funding the needs of the military personnel fighting our current wars. However, on balance, this legislation contains many good provisions for our men and women in uniform and their families, and that is why I support it.

Mr. FRIST. I ask for the yeas and nays on the Defense Appropriations Committee bill.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill, as amended, pass?

The clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. The following Senators were necessarily absent: the Senator from Kentucky (Mr. BUNNING) and the Senator from New Hampshire (Mr. GREGG).

Further, if present and voting, the Senator from Kentucky (Mr. BUNNING) would have voted "yea."

Mr. DURBIN. I announce that the Senator from Vermont (Mr. LEAHY) is necessarily absent.

The result was announced—yeas 97, nays 0, as follows:

[Rollcall Vote No. 254 Leg.]

YEAS—97

Akaka
Alexander
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Brownback
Burns
Burr
Byrd
Cantwell
Carper
Chafee
Chambliss
Clinton
Coburn
Cochran
Coleman
Collins
Conrad
Cornyn
Corzine
Craig
Crapo
Dayton
DeMint
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Frist
Graham
Grassley
Hagel
Harkin
Hatch
Hutchison
Inhofe
Inouye
Isakson
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McCain
McConnell
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner
Wyden

NOT VOTING—3

Bunning
Gregg
Leahy

The bill (H.R. 2863), as amended, was passed as follows:

H.R. 2863

Resolved, That the bill from the House of Representatives (H.R. 2863) entitled "An Act making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes.", do pass with the following amendment:

Strike out all after the enacting clause and insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2006, for military functions administered by the Department of Defense and for other purposes, namely:

TITLE I—MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Army on active duty, (except members of reserve components provided for elsewhere), cadets, and aviation cadets; for members of the Reserve Officer's Training Corps; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $28,099,587,000.

MILITARY PERSONNEL, NAVY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Navy on active duty (except members of the Reserve provided for elsewhere), midshipmen, and aviation cadets; for members of the Reserve Officer's Training Corps; and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $22,671,875,000.

MILITARY PERSONNEL, MARINE CORPS

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Marine Corps on active duty (except members of the Reserve provided for elsewhere); and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $8,894,984,000.

MILITARY PERSONNEL, AIR FORCE

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Air Force on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; for members of the Reserve Officer's Training Corps; and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $22,908,750,000.

RESERVE PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army Reserve on active duty under sections 10211, 10302, and 3038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $3,052,269,000.

RESERVE PERSONNEL, NAVY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Navy Reserve on active duty under *section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $1,617,299,000.*

Reserve Personnel, Marine Corps

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Marine Corps Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Marine Corps platoon leaders class, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $491,601,000.

Reserve Personnel, Air Force

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air Force Reserve on active duty under sections 10211, 10305, and 8038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $1,263,046,000.

National Guard Personnel, Army

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army National Guard while on duty under section 10211, 10302, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $4,555,794,000.

National Guard Personnel, Air Force

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air National Guard on duty under section 10211, 10305, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $2,125,632,000.

TITLE II—OPERATION AND MAINTENANCE

Operation and Maintenance, Army

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Army, as authorized by law; and not to exceed $11,478,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Army, and payments may be made on his certificate of necessity for confidential military purposes, $24,573,795,000.

Operation and Maintenance, Navy

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Navy and the Marine Corps, as authorized by law; and not to exceed $6,003,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Navy, and payments may be made on his certificate of necessity for confidential military purposes, $30,317,964,000.

Operation and Maintenance, Marine Corps

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Marine Corps, as authorized by law, $3,780,926,000.

Operation and Maintenance, Air Force

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Air Force, as authorized by law; and not to exceed $7,699,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Air Force, and payments may be made on his certificate of necessity for confidential military purposes, $30,891,386,000.

Operation and Maintenance, Defense-Wide

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of activities and agencies of the Department of Defense (other than the military departments), as authorized by law, $18,517,218,000: Provided, That not more than $25,000,000 may be used for the Combatant Commander Initiative Fund authorized under section 166a of title 10, United States Code, and of which not to exceed $32,000,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of Defense, and payments may be made on his certificate of necessity for confidential military purposes: Provided further, That of the funds provided under this heading not less than $27,009,000 shall be made available for the Procurement Technical Assistance Cooperative Agreement Program, of which not less than $3,600,000 shall be available for centers defined in 10 U.S.C. 2411(1)(D): Provided further, That none of the funds appropriated or otherwise made available by this Act may be used to plan or implement the consolidation of a budget or appropriations liaison office of the Office of the Secretary of Defense, the office of the Secretary of a military department, or the service headquarters of one of the Armed Forces into a legislative affairs or legislative liaison office: Provided further, That $4,000,000, to remain available until expended, is available only for expenses relating to certain classified activities, and may be transferred as necessary by the Secretary to operation and maintenance appropriations or research, development, test and evaluation appropriations, to be merged with and to be available for the same time period as the appropriations to which transferred: Provided further, That any ceiling on the investment item unit cost of items that may be purchased with operation and maintenance funds shall not apply to the funds described in the preceding proviso: Provided further, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

Operation and Maintenance, Army Reserve

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Army Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $1,956,482,000.

Operation and Maintenance, Navy Reserve

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Navy Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $1,239,295,000.

Operation and Maintenance, Marine Corps Reserve

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Marine Corps Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $197,734,000.

Operation and Maintenance, Air Force Reserve

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Air Force Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $2,474,286,000.

Operation and Maintenance, Army National Guard

For expenses of training, organizing, and administering the Army National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; hire of passenger motor vehicles; personnel services in the National Guard Bureau; travel expenses (other than mileage), as authorized by law for Army personnel on active duty, for Army National Guard division, regimental, and battalion commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau; supplying and equipping the Army National Guard as authorized by law; and expenses of repair, modification, maintenance, and issue of supplies and equipment (including aircraft), $4,428,119,000: Provided, That $10,000,000 shall be available for the operations and development of training and technology for the Joint Interagency Training Center-East and the affiliated Center for National Response at the Memorial Tunnel and for providing homeland defense/security and traditional warfighting training to the Department of Defense, other federal agency, and state and local first responder personnel at the Joint Interagency Training Center-East.

Operation and Maintenance, Air National Guard

For expenses of training, organizing, and administering the Air National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; transportation of things, hire of passenger motor vehicles; supplying and equipping the Air National Guard, as authorized by law; expenses for repair, modification, maintenance, and issue of supplies and equipment, including those furnished from stocks under the control of agencies of the Department of Defense; travel expenses (other than mileage) on the same basis as authorized by law for Air National Guard personnel on active Federal duty, for Air National Guard commanders while inspecting units in *compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau, $4,681,291,000.*

UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES

For salaries and expenses necessary for the United States Court of Appeals for the Armed Forces, $11,236,000, of which not to exceed $5,000 may be used for official representation purposes.

ENVIRONMENTAL RESTORATION, ARMY

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, $407,865,000, to remain available until transferred: Provided, That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Army, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

ENVIRONMENTAL RESTORATION, NAVY

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Navy, $305,275,000, to remain available until transferred: Provided, That the Secretary of the Navy shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Navy, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Navy, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

ENVIRONMENTAL RESTORATION, AIR FORCE

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Air Force, $406,461,000, to remain available until transferred: Provided, That the Secretary of the Air Force shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Air Force, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Air Force, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

ENVIRONMENTAL RESTORATION, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For the Department of Defense, $28,167,000, to remain available until transferred: Provided, That the Secretary of Defense shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of Defense, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of Defense, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

ENVIRONMENTAL RESTORATION, FORMERLY USED DEFENSE SITES

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, $271,921,000, to remain available until transferred: Provided, That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris at sites formerly used by the Department of Defense, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

For expenses relating to the Overseas Humanitarian, Disaster, and Civic Aid programs of the Department of Defense (consisting of the programs provided under sections 401, 402, 404, 2557, and 2561 of title 10, United States Code), $61,546,000, to remain available until September 30, 2007.

FORMER SOVIET UNION THREAT REDUCTION ACCOUNT

For assistance to the republics of the former Soviet Union, including assistance provided by contract or by grants, for facilitating the elimination and the safe and secure transportation and storage of nuclear, chemical and other weapons; for establishing programs to prevent the proliferation of weapons, weapons components, and weapon-related technology and expertise; for programs relating to the training and support of defense and military personnel for demilitarization and protection of weapons, weapons components and weapons technology and expertise, and for defense and military contacts, $415,549,000, to remain available until September 30, 2008: Provided, That of the amounts provided under this heading, $15,000,000 shall be available only to support the dismantling and disposal of nuclear submarines, submarine reactor components, and security enhancements for transport and storage of nuclear warheads in the Russian Far East.

TITLE III—PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $2,562,480,000, to remain available for obligation until September 30, 2008.

MISSILE PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of missiles, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $1,214,919,000, to remain available for obligation until September 30, 2008.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For construction, procurement, production, and modification of weapons and tracked combat vehicles, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $1,359,465,000, to remain available for obligation until September 30, 2008.

PROCUREMENT OF AMMUNITION, ARMY

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $1,708,680,000, to remain available for obligation until September 30, 2008.

OTHER PROCUREMENT, ARMY

For construction, procurement, production, and modification of vehicles, including tactical, support, and non-tracked combat vehicles; the purchase of passenger motor vehicles for replacement only; and the purchase of 14 vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed $255,000 per vehicle; communications and electronic equipment; other support equipment; spare parts, ordnance, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $4,426,531,000, to remain available for obligation until September 30, 2008.

AIRCRAFT PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of aircraft, *equipment, including ordnance, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $9,880,492,000, to remain available for obligation until September 30, 2008.*

WEAPONS PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of missiles, torpedoes, other weapons, and related support equipment including spare parts, and accessories therefor; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $2,593,341,000, to remain available for obligation until September 30, 2008.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $832,791,000, to remain available for obligation until September 30, 2008.

SHIPBUILDING AND CONVERSION, NAVY

For expenses necessary for the construction, acquisition, or conversion of vessels as authorized by law, including armor and armament thereof, plant equipment, appliances, and machine tools and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; procurement of critical, long leadtime components and designs for vessels to be constructed or converted in the future; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, as follows:

Carrier Replacement Program (AP), $651,613,000;

NSSN, $1,637,698,000;

NSSN (AP), $763,786,000;

SSGN, $286,516,000;

CVN Refuelings, $1,493,563,000;

CVN Refuelings (AP), $20,000,000;

SSBN Submarine Refuelings, $230,193,000;

SSBN Submarine Refuelings (AP), $62,248,000;

DD(X) (AP), $765,992,000;

DDG–51 Destroyer, $29,773,000;

LHD–8, $197,769,000;

LPD–17, $1,344,741,000;

LHA–R, $150,447,000;

LCAC Landing Craft Air Cushion, $110,583,000;

Prior year shipbuilding costs, $517,523,000;

Service Craft, $46,055,000; and

For outfitting, post delivery, conversions, and first destination transportation, $369,387,000;

in all: $8,677,887,000, to remain available for obligation until September 30, 2010: Provided, That additional obligations may be incurred after September 30, 2010, for engineering services, tests, evaluations, and other such budgeted work that must be performed in the final stage of ship construction: Provided further, That none of the funds provided under this heading for the construction or conversion of any naval vessel to be constructed in shipyards in the United States shall be expended in foreign facilities for the construction of major components of such vessel: Provided further, That none of the funds provided under this heading shall be used for the construction of any naval vessel in foreign shipyards.

OTHER PROCUREMENT, NAVY

For procurement, production, and modernization of support equipment and materials not otherwise provided for, Navy ordnance (except ordnance for new aircraft, new ships, and ships authorized for conversion); the purchase of passenger motor vehicles for replacement only, and the purchase of 9 vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed $255,000 per vehicle; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $5,293,157,000, to remain available for obligation until September 30, 2008.

PROCUREMENT, MARINE CORPS

For expenses necessary for the procurement, manufacture, and modification of missiles, armament, military equipment, spare parts, and accessories therefor; plant equipment, appliances, and machine tools, and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; vehicles for the Marine Corps, including the purchase of passenger motor vehicles for replacement only; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, $1,361,605,000, to remain available for obligation until September 30, 2008.

AIRCRAFT PROCUREMENT, AIR FORCE

For construction, procurement, and modification of aircraft and equipment, including armor and armament, specialized ground handling equipment, and training devices, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, $12,729,492,000, to remain available for obligation until September 30, 2008.

MISSILE PROCUREMENT, AIR FORCE

For construction, procurement, and modification of missiles, spacecraft, rockets, and related equipment, including spare parts and accessories therefor, ground handling equipment, and training devices; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, $5,068,974,000, to remain available for obligation until September 30, 2008.

PROCUREMENT OF AMMUNITION, AIR FORCE

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $996,111,000, to remain available for obligation until September 30, 2008.

OTHER PROCUREMENT, AIR FORCE

For procurement and modification of equipment (including ground guidance and electronic control equipment, and ground electronic and communication equipment), and supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of passenger motor vehicles for replacement only, and the purchase of 2 vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed $255,000 per vehicle; lease of passenger motor vehicles; and expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon, prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, $14,048,439,000, to remain available for obligation until September 30, 2008.

PROCUREMENT, DEFENSE-WIDE

For expenses of activities and agencies of the Department of Defense (other than the military departments) necessary for procurement, production, and modification of equipment, supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of passenger motor vehicles for replacement only, and the purchase of 5 vehicles required for physical security of personnel, notwithstanding prior limitations applicable to passenger vehicles but not to exceed $255,000 per vehicle; expansion of public and private plants, equipment, and installation thereof in such plants, erection of structures, and acquisition of land for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, $2,572,250,000, to remain available for obligation until September 30, 2008.

NATIONAL GUARD AND RESERVE EQUIPMENT

For procurement of aircraft, missiles, tracked combat vehicles, ammunition, other weapons, and other procurement for the reserve components of the Armed Forces, $422,000,000, to remain available for obligation until September 30, 2008: Provided, That the Chiefs of the Reserve and National Guard components shall, not later than 30 days after the enactment of this Act, individually submit to the congressional defense committees the modernization priority assessment for their respective Reserve or National Guard component.

Defense Production Act Purchases

For activities by the Department of Defense pursuant to sections 108, 301, 302, and 303 of the Defense Production Act of 1950 (50 U.S.C. App. 2078, 2091, 2092, and 2093), $68,573,000, to remain available until expended.

TITLE IV—RESEARCH, DEVELOPMENT, TEST AND EVALUATION

Research, Development, Test and Evaluation, Army

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $10,520,592,000, to remain available for obligation until September 30, 2007.

Research, Development, Test and Evaluation, Navy

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $18,557,904,000, to remain available for obligation until September 30, 2007: Provided, That funds appropriated in this paragraph which are available for the V–22 may be used to meet unique operational requirements of the Special Operations Forces: Provided further, That funds appropriated in this paragraph shall be available for the Cobra Judy program.

Research, Development, Test and Evaluation, Air Force

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $21,859,010,000, to remain available for obligation until September 30, 2007.

Research, Development, Test and Evaluation, Defense-Wide

For expenses of activities and agencies of the Department of Defense (other than the military departments), necessary for basic and applied scientific research, development, test and evaluation; advanced research projects as may be designated and determined by the Secretary of Defense, pursuant to law; maintenance, rehabilitation, lease, and operation of facilities and equipment, $19,301,618,000, to remain available for obligation until September 30, 2007.

Operational Test and Evaluation, Defense

For expenses, not otherwise provided for, necessary for the independent activities of the Director, Operational Test and Evaluation, in the direction and supervision of operational test and evaluation, including initial operational test and evaluation which is conducted prior to, and in support of, production decisions; joint operational testing and evaluation; and administrative expenses in connection therewith, $168,458,000, to remain available for obligation until September 30, 2007.

TITLE V—REVOLVING AND MANAGEMENT FUNDS

Defense Working Capital Funds

For the Defense Working Capital Funds, $1,154,940,000.

National Defense Sealift Fund

For National Defense Sealift Fund programs, projects, and activities, and for expenses of the National Defense Reserve Fleet, as established by section 11 of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744), and for the necessary expenses to maintain and preserve a U.S.-flag merchant fleet to serve the national security needs of the United States, $579,954,000, to remain available until expended: Provided, That none of the funds provided in this paragraph shall be used to award a new contract that provides for the acquisition of any of the following major components unless such components are manufactured in the United States: auxiliary equipment, including pumps, for all shipboard services; propulsion system components (that is; engines, reduction gears, and propellers); shipboard cranes; and spreaders for shipboard cranes: Provided further, That the exercise of an option in a contract awarded through the obligation of previously appropriated funds shall not be considered to be the award of a new contract: Provided further, That the Secretary of the military department responsible for such procurement may waive the restrictions in the first proviso on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes.

TITLE VI—OTHER DEPARTMENT OF DEFENSE PROGRAMS

Defense Health Program

For expenses, not otherwise provided for, for medical and health care programs of the Department of Defense, as authorized by law, $20,237,962,000, of which $19,345,087,000 shall be for Operation and maintenance, of which not to exceed 2 percent shall remain available until September 30, 2007, and of which up to $10,157,427,000 may be available for contracts entered into under the TRICARE program; of which $377,319,000, to remain available for obligation until September 30, 2008, shall be for Procurement; and of which $515,556,000, to remain available for obligation until September 30, 2007, shall be for Research, development, test and evaluation.

Chemical Agents and Munitions Destruction, Army

For expenses, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions, to include construction of facilities, in accordance with the provisions of section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile, $1,430,727,000, of which $1,241,514,000 shall be for Operation and maintenance; $116,527,000 shall be for Procurement to remain available until September 30, 2008; $72,686,000 shall be for Research, development, test and evaluation, of which $57,926,000 shall only be for the Assembled Chemical Weapons Alternatives (ACWA) program, to remain available until September 30, 2007; and no less than $119,300,000 may be for the Chemical Stockpile Emergency Preparedness Program, of which $36,800,000 shall be for activities on military installations and $82,500,000 shall be to assist State and local governments.

Drug Interdiction and Counter-Drug Activities, Defense

(INCLUDING TRANSFER OF FUNDS)

For drug interdiction and counter-drug activities of the Department of Defense, for transfer to appropriations available to the Department of Defense for military personnel of the reserve components serving under the provisions of title 10 and title 32, United States Code; for Operation and maintenance; for Procurement; and for Research, development, test and evaluation, $926,821,000: Provided, That the funds appropriated under this heading shall be available for obligation for the same time period and for the same purpose as the appropriation to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That the transfer authority provided under this heading is in addition to any other transfer authority contained elsewhere in this Act.

Office of the Inspector General

For expenses and activities of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $209,687,000, of which $208,687,000 shall be for Operation and maintenance, of which not to exceed $700,000 is available for emergencies and extraordinary expenses to be expended on the approval or authority of the Inspector General, and payments may be made on the Inspector General's certificate of necessity for confidential military purposes; and of which $1,000,000, to remain available until September 30, 2008, shall be for Procurement.

TITLE VII—RELATED AGENCIES

Central Intelligence Agency Retirement and Disability System Fund

For payment to the Central Intelligence Agency Retirement and Disability System Fund, to maintain the proper funding level for continuing the operation of the Central Intelligence Agency Retirement and Disability System, $244,600,000.

Intelligence Community Management Account

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Intelligence Community Management Account, $413,344,000, of which $27,454,000 for the Advanced Research and Development Committee shall remain available until September 30, 2007: Provided, That of the funds appropriated under this heading, $17,000,000 shall be transferred to the Department of Justice for the National Drug Intelligence Center to support the Department of Defense's counter-drug intelligence responsibilities.

TITLE VIII—GENERAL PROVISIONS

Sec. 8001. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

Sec. 8002. During the current fiscal year, provisions of law prohibiting the payment of compensation to, or employment of, any person not a citizen of the United States shall not apply to personnel of the Department of Defense: Provided, That salary increases granted to direct and indirect hire foreign national employees of the Department of Defense funded by this Act shall not be at a rate in excess of the percentage increase authorized by law for civilian employees of the Department of Defense whose pay is computed under the provisions of section 5332 of title 5, United States Code, or at a rate in excess of the percentage increase provided by the appropriate host nation to its own employees, whichever is higher: Provided further, That this section shall noi apply to Department of Defense foreign service national employees serving at United States diplomatic missions whose pay is set by the Department of State under the Foreign Service Act of 1980: Provided further, That the limitations of this provision shall not apply to foreign national employees of the Department of Defense in the Republic of Turkey.

Sec. 8003. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year, unless expressly so provided herein.

Sec. 8004. No more than 20 percent of the appropriations in this Act which are limited for obligation during the current fiscal year shall be obligated during the last 2 months of the fiscal year: Provided, That this section shall not apply to obligations for support of active duty training of reserve components or summer camp training of the Reserve Officers' Training Corps.

(TRANSFER OF FUNDS)

SEC. 8005. Upon determination by the Secretary of Defense that such action is necessary in the national interest, he may, with the approval of the Office of Management and Budget, transfer not to exceed $3,500,000,000 of working capital funds of the Department of Defense or funds made available in this Act to the Department of Defense for military functions (except military construction) between such appropriations or funds or any subdivision thereof, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: Provided, That such authority to transfer may not be used unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which funds are requested has been denied by the Congress: Provided further, That the Secretary of Defense shall notify the Congress promptly of all transfers made pursuant to this authority or any other authority in this Act: Provided further, That no part of the funds in this Act shall be available to prepare or present a request to the Committees on Appropriations for reprogramming of funds, unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which reprogramming is requested has been denied by the Congress: Provided further, That a request for multiple reprogrammings of funds using authority provided in this section must be made prior to June 30, 2006: Provided further, That transfers among military personnel appropriations shall not be taken into account for purposes of the limitation on the amount of funds that may be transferred under this section.

(TRANSFER OF FUNDS)

SEC. 8006. During the current fiscal year, cash balances in working capital funds of the Department of Defense established pursuant to section 2208 of title 10, United States Code, may be maintained in only such amounts as are necessary at any time for cash disbursements to be made from such funds: Provided, That transfers may be made between such funds: Provided further, That transfers may be made between working capital funds and the "Foreign Currency Fluctuations, Defense" appropriation and the "Operation and Maintenance" appropriation accounts in such amounts as may be determined by the Secretary of Defense, with the approval of the Office of Management and Budget, except that such transfers may not be made unless the Secretary of Defense has notified the Congress of the proposed transfer. Except in amounts equal to the amounts appropriated to working capital funds in this Act, no obligations may be made against a working capital fund to procure or increase the value of war reserve material inventory, unless the Secretary of Defense has notified the Congress prior to any such obligation.

SEC. 8007. Funds appropriated by this Act may not be used to initiate a special access program without prior notification 30 calendar days in session in advance to the congressional defense committees.

SEC. 8008. None of the funds provided in this Act shall be available to initiate: (1) a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any 1 year of the contract or that includes an unfunded contingent liability in excess of $20,000,000; or (2) a contract for advance procurement leading to a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any 1 year, unless the congressional defense committees have been notified at least 30 days in advance of the proposed contract award: Provided, That no part of any appropriation contained in this Act shall be available to initiate a multiyear contract for which the economic order quantity advance procurement is not funded at least to the limits of the Government's liability: Provided further, That no part of any appropriation contained in this Act shall be available to initiate multiyear procurement contracts for any systems or component thereof if the value of the multiyear contract would exceed $500,000,000 unless specifically provided in this Act: Provided further, That no multiyear procurement contract can be terminated without 10-day prior notification to the congressional defense committees: Provided further, That the execution of multiyear authority shall require the use of a present value analysis to determine lowest cost compared to an annual procurement: Provided further, That none of the funds provided in this Act may be used for a multiyear contract executed after the date of the enactment of this Act unless in the case of any such contract—

(1) the Secretary of Defense has submitted to Congress a budget request for full funding of units to be procured through the contract;

(2) cancellation provisions in the contract do not include consideration of recurring manufacturing costs of the contractor associated with the production of unfunded units to be delivered under the contract;

(3) the contract provides that payments to the contractor under the contract shall not be made in advance of incurred costs on funded units; and

(4) the contract does not provide for a price adjustment based on a failure to award a follow-on contract.

Funds appropriated in title III of this Act may be used for a multiyear procurement contract as follows:

UH–60/MH–60 Helicopters; and

C–17 Globemaster.

SEC. 8009. Within the funds appropriated for the operation and maintenance of the Armed Forces, funds are hereby appropriated pursuant to section 401 of title 10, United States Code, for humanitarian and civic assistance costs under chapter 20 of title 10, United States Code. Such funds may also be obligated for humanitarian and civic assistance costs incidental to authorized operations and pursuant to authority granted in section 401 of chapter 20 of title 10, United States Code, and these obligations shall be reported as required by section 401(d) of title 10, United States Code: Provided, That funds available for operation and maintenance shall be available for providing humanitarian and similar assistance by using Civic Action Teams in the Trust Territories of the Pacific Islands and freely associated states of Micronesia, pursuant to the Compact of Free Association as authorized by Public Law 99–239: Provided further, That upon a determination by the Secretary of the Army that such action is beneficial for graduate medical education programs conducted at Army medical facilities located in Hawaii, the Secretary of the Army may authorize the provision of medical services at such facilities and transportation to such facilities, on a nonreimbursable basis, for civilian patients from American Samoa, the Commonwealth of the Northern Mariana Islands, the Marshall Islands, the Federated States of Micronesia, Palau, and Guam.

SEC. 8010. (a) During fiscal year 2006, the civilian personnel of the Department of Defense may not be managed on the basis of any end-strength, and the management of such personnel during that fiscal year shall not be subject to any constraint or limitation (known as an end-strength) on the number of such personnel who may be employed on the last day of such fiscal year.

(b) The fiscal year 2007 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2007 Department of Defense budget request shall be prepared and submitted to the Congress as if subsections (a) and (b) of this provision were effective with regard to fiscal year 2006.

(c) Nothing in this section shall be construed to apply to military (civilian) technicians.

SEC. 8011. None of the funds appropriated in this or any other Act may be used to initiate a new installation overseas without 30-day advance notification to the Committees on Appropriations.

SEC. 8012. None of the funds made available by this Act shall be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before the Congress.

SEC. 8013. None of the funds appropriated by this Act shall be available for the basic pay and allowances of any member of the Army participating as a full-time student and receiving benefits paid by the Secretary of Veterans Affairs from the Department of Defense Education Benefits Fund when time spent as a full-time student is credited toward completion of a service commitment: Provided, That this subsection shall not apply to those members who have reenlisted with this option prior to October 1, 1987: Provided further, That this subsection applies only to active components of the Army.

SEC. 8014. (a) LIMITATION ON CONVERSION TO CONTRACTOR PERFORMANCE.—None of the funds appropriated by this Act shall be available to convert to contractor performance an activity or function of the Department of Defense that, on or after the date of the enactment of this Act, is performed by more than 10 Department of Defense civilian employees unless—

(1) the conversion is based on the result of a public-private competition that includes a most efficient and cost effective organization plan developed by such activity or function;

(2) the Competitive Sourcing Official determines that, over all performance periods stated in the solicitation of offers for performance of the activity or function, the cost of performance of the activity or function by a contractor would be less costly to the Department of Defense by an amount that equals or exceeds the lesser of—

(A) 10 percent of the most efficient organization's personnel-related costs for performance of that activity or function by Federal employees; or

(B) $10,000,000; and

(3) the contractor does not receive an advantage for a proposal that would reduce costs for the Department of Defense by—

(A) not making an employer-sponsored health insurance plan available to the workers who are to be employed in the performance of that activity or function under the contract; or

(B) offering to such workers an employer-sponsored health benefits plan that requires the employer to contribute less towards the premium or subscription share than the amount that is paid by the Department of Defense for health benefits for civilian employees under chapter 89 of title 5, United States Code.

(b) EXCEPTIONS.—

(1) The Department of Defense, without regard to subsection (a) of this section or subsections (a), (b), or (c) of section 2461 of title 10, United States Code, and notwithstanding any administrative regulation, requirement, or policy to the contrary shall have full authority to enter into a contract for the performance of any commercial or industrial type function of the Department of Defense that—

(A) is included on the procurement list established pursuant to section 2 of the Javits-Wagner-O'Day Act (41 U.S.C. 47);

(B) is planned to be converted to performance by a qualified nonprofit agency for the blind or

by a qualified nonprofit agency for other severely handicapped individuals in accordance with that Act; or

(C) is planned to be converted to performance by a qualified firm under at least 51 percent ownership by an Indian tribe, as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)), or a Native Hawaiian Organization, as defined in section 8(a)(15) of the Small Business Act (15 U.S.C. 637(a)(15)).

(2) This section shall not apply to depot contracts or contracts for depot maintenance as provided in sections 2469 and 2474 of title 10, United States Code.

(c) TREATMENT OF CONVERSION.—The conversion of any activity or function of the Department of Defense under the authority provided by this section shall be credited toward any competitive or outsourcing goal, target, or measurement that may be established by statute, regulation, or policy and is deemed to be awarded under the authority of, and in compliance with, subsection (h) of section 2304 of title 10, United States Code, for the competition or outsourcing of commercial activities.

(TRANSFER OF FUNDS)

SEC. 8015. Funds appropriated in title III of this Act for the Department of Defense Pilot Mentor-Protege Program may be transferred to any other appropriation contained in this Act solely for the purpose of implementing a Mentor-Protege Program developmental assistance agreement pursuant to section 831 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 10 U.S.C. 2302 note), as amended, under the authority of this provision or any other transfer authority contained in this Act.

SEC. 8016. None of the funds in this Act may be available for the purchase by the Department of Defense (and its departments and agencies) of welded shipboard anchor and mooring chain 4 inches in diameter and under unless the anchor and mooring chain are manufactured in the United States from components which are substantially manufactured in the United States: Provided, That for the purpose of this section manufactured will include cutting, heat treating, quality control, testing of chain and welding (including the forging and shot blasting process): Provided further, That for the purpose of this section substantially all of the components of anchor and mooring chain shall be considered to be produced or manufactured in the United States if the aggregate cost of the components produced or manufactured in the United States exceeds the aggregate cost of the components produced or manufactured outside the United States: Provided further, That when adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis, the Secretary of the service responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations that such an acquisition must be made in order to acquire capability for national security purposes.

SEC. 8017. None of the funds appropriated by this Act available for the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) or TRICARE shall be available for the reimbursement of any health care provider for inpatient mental health service for care received when a patient is referred to a provider of inpatient mental health care or residential treatment care by a medical or health care professional having an economic interest in the facility to which the patient is referred: Provided, That this limitation does not apply in the case of inpatient mental health services provided under the program for persons with disabilities under subsection (d) of section 1079 of title 10, United States Code, provided as partial hospital care, or provided pursuant to a waiver authorized by the Secretary of Defense because of medical or psychological circumstances of the patient that are confirmed by a health professional who is not a Federal employee after a review, pursuant to rules prescribed by the Secretary, which takes into account the appropriate level of care for the patient, the intensity of services required by the patient, and the availability of that care.

SEC. 8018. Of the funds appropriated or otherwise made available in this Act, a reduction of $591,100,000 is hereby taken from title III, Procurement, from the "Other Procurement, Army" account: Provided, That within 30 days of enactment of this Act, the Secretary of the Army shall provide a report to the House Committee on Appropriations and the Senate Committee on Appropriations which describes the application of these reductions to programs, projects or activities within this account.

SEC. 8019. None of the funds available to the Department of Defense may be used to demilitarize or dispose of M–1 Carbines, M–1 Garand rifles, M–14 rifles, .22 caliber rifles, .30 caliber rifles, or M–1911 pistols.

SEC. 8020. No more than $500,000 of the funds appropriated or made available in this Act shall be used during a single fiscal year for any single relocation of an organization, unit, activity or function of the Department of Defense into or within the National Capital Region: Provided, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the congressional defense committees that such a relocation is required in the best interest of the Government.

SEC. 8021. In addition to the funds provided elsewhere in this Act, $8,000,000 is appropriated only for incentive payments authorized by section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544): Provided, That a prime contractor or a subcontractor at any tier that makes a subcontract award to any subcontractor or supplier as defined in section 1544 of title 25, United States Code or a small business owned and controlled by an individual or individuals defined under section 4221(9) of title 25, United States Code shall be considered a contractor for the purposes of being allowed additional compensation under section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544) whenever the prime contract or subcontract amount is over $500,000 and involves the expenditure of funds appropriated by an Act making Appropriations for the Department of Defense with respect to any fiscal year: Provided further, That notwithstanding section 430 of title 41, United States Code, this section shall be applicable to any Department of Defense acquisition of supplies or services, including any contract and any subcontract at any tier for acquisition of commercial items produced or manufactured, in whole or in part by any subcontractor or supplier defined in section 1544 of title 25, United States Code or a small business owned and controlled by an individual or individuals defined under section 4221(9) of title 25, United States Code: Provided further, That, during the current fiscal year and hereafter, businesses certified as 8(a) by the Small Business Administration pursuant to section 8(a)(15) of Public Law 85–536, as amended, shall have the same status as other program participants under section 602 of Public Law 100–656, 102 Stat. 3825 (Business Opportunity Development Reform Act of 1988) for purposes of contracting with agencies of the Department of Defense.

SEC. 8022. None of the funds appropriated by this Act shall be available to perform any cost study pursuant to the provisions of OMB Circular A–76 if the study being performed exceeds a period of 24 months after initiation of such study with respect to a single function activity or 30 months after initiation of such study for a multi-function activity.

SEC. 8023. Funds appropriated by this Act for the American Forces Information Service shall not be used for any national or international political or psychological activities.

SEC. 8024. Notwithstanding any other provision of law or regulation, the Secretary of Defense may adjust wage rates for civilian employees hired for certain health care occupations as authorized for the Secretary of Veterans Affairs by section 7455 of title 38, United States Code.

SEC. 8025. The Secretary of Defense, acting through the Office of Economic Adjustment of the Department of Defense, may use funds made available in this Act under the heading "Operation and Maintenance, Defense-Wide" to make grants and supplement other Federal funds in accordance with the guidance provided in the report of the Committee on Appropriations of the Senate accompanying this Act, and the projects specified in such guidance shall be considered to be authorized by law.

SEC. 8026. During the current fiscal year, the Department of Defense is authorized to incur obligations of not to exceed $350,000,000 for purposes specified in section 2350j(c) of title 10, United States Code, in anticipation of receipt of contributions, only from the Government of Kuwait, under that section: Provided, That upon receipt, such contributions from the Government of Kuwait shall be credited to the appropriations or fund which incurred such obligations.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8027. (a) Of the funds made available in this Act, not less than $31,109,000 shall be available for the Civil Air Patrol Corporation, of which—

(1) $24,288,000 shall be available from "Operation and Maintenance, Air Force" to support Civil Air Patrol Corporation operation and maintenance, readiness, counterdrug activities, and drug demand reduction activities involving youth programs;

(2) $6,000,000 shall be available from "Aircraft Procurement, Air Force"; and

(3) $821,000 shall be available from "Other Procurement, Air Force" for vehicle procurement.

(b) The Secretary of the Air Force should waive reimbursement for any funds used by the Civil Air Patrol for counter-drug activities in support of Federal, State, and local government agencies.

SEC. 8028. (a) None of the funds appropriated in this Act are available to establish a new Department of Defense (department) federally funded research and development center (FFRDC), either as a new entity, or as a separate entity administrated by an organization managing another FFRDC, or as a nonprofit membership corporation consisting of a consortium of other FFRDCs and other non-profit entities.

(b) No member of a Board of Directors, Trustees, Overseers, Advisory Group, Special Issues Panel, Visiting Committee, or any similar entity of a defense FFRDC, and no paid consultant to any defense FFRDC, except when acting in a technical advisory capacity, may be compensated for his or her services as a member of such entity, or as a paid consultant by more than one FFRDC in a fiscal year: Provided, That a member of any such entity referred to previously in this subsection shall be allowed travel expenses and per diem as authorized under the Federal Joint Travel Regulations, when engaged in the performance of membership duties.

(c) Notwithstanding any other provision of law, none of the funds available to the department from any source during fiscal year 2006 may be used by a defense FFRDC, through a fee

or other payment mechanism, for construction of new buildings, for payment of cost sharing for projects funded by Government grants, for absorption of contract overruns, or for certain charitable contributions, not to include employee participation in community service and/or development.

(d) Notwithstanding any other provision of law, of the funds available to the department during fiscal year 2006, not more than 5,500 staff years of technical effort (staff years) may be funded for defense FFRDCs: Provided, That of the specific amount referred to previously in this subsection, not more than 1,050 staff years may be funded for the defense studies and analysis FFRDCs: Provided further, That this subsection shall not apply to staff years funded in the National Intelligence Program (NIP).

(e) The Secretary of Defense shall, with the submission of the department's fiscal year 2007 budget request, submit a report presenting the specific amounts of staff years of technical effort to be allocated for each defense FFRDC during that fiscal year.

(f) Notwithstanding any other provision of this Act, the total amount appropriated in this Act for FFRDCs is hereby reduced by $51,600,000.

SEC. 8029. None of the funds appropriated or made available in this Act shall be used to procure carbon, alloy or armor steel plate for use in any Government-owned facility or property under the control of the Department of Defense which were not melted and rolled in the United States or Canada: Provided, That these procurement restrictions shall apply to any and all Federal Supply Class 9515, American Society of Testing and Materials (ASTM) or American Iron and Steel Institute (AISI) specifications of carbon, alloy or armor steel plate: Provided further, That the Secretary of the military department responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: Provided further, That these restrictions shall not apply to contracts which are in being as of the date of the enactment of this Act.

SEC. 8030. For the purposes of this Act, the term "congressional defense committees" means the Armed Services Committee of the House of Representatives, the Armed Services Committee of the Senate, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives.

SEC. 8031. During the current fiscal year, the Department of Defense may acquire the modification, depot maintenance and repair of aircraft, vehicles and vessels as well as the production of components and other Defense-related articles, through competition between Department of Defense depot maintenance activities and private firms: Provided, That the Senior Acquisition Executive of the military department or Defense Agency concerned, with power of delegation, shall certify that successful bids include comparable estimates of all direct and indirect costs for both public and private bids: Provided further, That Office of Management and Budget Circular A–76 shall not apply to competitions conducted under this section.

SEC. 8032. (a)(1) If the Secretary of Defense, after consultation with the United States Trade Representative, determines that a foreign country which is party to an agreement described in paragraph (2) has violated the terms of the agreement by discriminating against certain types of products produced in the United States that are covered by the agreement, the Secretary of Defense shall rescind the Secretary's blanket waiver of the Buy American Act with respect to such types of products produced in that foreign country.

(2) An agreement referred to in paragraph (1) is any reciprocal defense procurement memorandum of understanding, between the United States and a foreign country pursuant to which the Secretary of Defense has prospectively waived the Buy American Act for certain products in that country.

(b) The Secretary of Defense shall submit to the Congress a report on the amount of Department of Defense purchases from foreign entities in fiscal year 2006. Such report shall separately indicate the dollar value of items for which the Buy American Act was waived pursuant to any agreement described in subsection (a)(2), the Trade Agreement Act of 1979 (19 U.S.C. 2501 et seq.), or any international agreement to which the United States is a party.

(c) For purposes of this section, the term "Buy American Act" means title III of the Act entitled "An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes", approved March 3, 1933 (41 U.S.C. 10a et seq.).

SEC. 8033. Appropriations contained in this Act that remain available at the end of the current fiscal year, and at the end of each fiscal year hereafter, as a result of energy cost savings realized by the Department of Defense shall remain available for obligation for the next fiscal year to the extent, and for the purposes, provided in section 2865 of title 10, United States Code.

SEC. 8034. None of the funds in this Act may be used for research, development, test, evaluation, procurement or deployment of nuclear armed interceptors of a missile defense system.

SEC. 8035. None of the funds appropriated in this Act shall be used to study, demonstrate, or implement any plans privatizing, divesting or transferring of any Civil Works missions, functions, or responsibilities for the United States Army Corps of Engineers to other government agencies without specific direction in a subsequent Act of Congress.

SEC. 8036. The President shall include with each budget for a fiscal year submitted to the Congress under section 1105 of title 31, and hereafter, United States Code, materials that shall identify clearly and separately the amounts requested in the budget for appropriation for that fiscal year for salaries and expenses related to administrative activities of the Department of Defense, the military departments, and the defense agencies.

SEC. 8037. Notwithstanding any other provision of law, funds available during the current fiscal year and hereafter for "Drug Interdiction and Counter-Drug Activities, Defense" may be obligated for the Young Marines program.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8038. During the current fiscal year, amounts contained in the Department of Defense Overseas Military Facility Investment Recovery Account established by section 2921(c)(1) of the National Defense Authorization Act of 1991 (Public Law 101–510; 10 U.S.C. 2687 note) shall be available until expended for the payments specified by section 2921(c)(2) of that Act.

SEC. 8039. (a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of the Air Force may convey at no cost to the Air Force, without consideration, to Indian tribes located in the States of North Dakota, South Dakota, Montana, and Minnesota relocatable military housing units located at Grand Forks Air Force Base and Minot Air Force Base that are excess to the needs of the Air Force.

(b) PROCESSING OF REQUESTS.—The Secretary of the Air Force shall convey, at no cost to the Air Force, military housing units under subsection (a) in accordance with the request for such units that are submitted to the Secretary by the Operation Walking Shield Program on behalf of Indian tribes located in the States of North Dakota, South Dakota, Montana, and Minnesota.

(c) RESOLUTION OF HOUSING UNIT CONFLICTS.—The Operation Walking Shield Program shall resolve any conflicts among requests of Indian tribes for housing units under subsection (a) before submitting requests to the Secretary of the Air Force under subsection (b).

(d) INDIAN TRIBE DEFINED.—In this section, the term "Indian tribe" means any recognized Indian tribe included on the current list published by the Secretary of the Interior under section 104 of the Federally Recognized Indian Tribe Act of 1994 (Public Law 103–454; 108 Stat. 4792; 25 U.S.C. 479a–1).

SEC. 8040. During the current fiscal year, appropriations which are available to the Department of Defense for operation and maintenance may be used to purchase items having an investment item unit cost of not more than $250,000.

SEC. 8041. (a) During the current fiscal year, none of the appropriations or funds available to the Department of Defense Working Capital Funds shall be used for the purchase of an investment item for the purpose of acquiring a new inventory item for sale or anticipated sale during the current fiscal year or a subsequent fiscal year to customers of the Department of Defense Working Capital Funds if such an item would not have been chargeable to the Department of Defense Business Operations Fund during fiscal year 1994 and if the purchase of such an investment item would be chargeable during the current fiscal year to appropriations made to the Department of Defense for procurement.

(b) The fiscal year 2007 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2007 Department of Defense budget shall be prepared and submitted to the Congress on the basis that any equipment which was classified as an end item and funded in a procurement appropriation contained in this Act shall be budgeted for in a proposed fiscal year 2007 procurement appropriation and not in the supply management business area or any other area or category of the Department of Defense Working Capital Funds.

SEC. 8042. None of the funds appropriated by this Act for programs of the Central Intelligence Agency shall remain available for obligation beyond the current fiscal year, except for funds appropriated for the Reserve for Contingencies, which shall remain available until September 30, 2007: Provided, That funds appropriated, transferred, or otherwise credited to the Central Intelligence Agency Central Services Working Capital Fund during this or any prior or subsequent fiscal year shall remain available until expended: Provided further, That any funds appropriated or transferred to the Central Intelligence Agency for advanced research and development acquisition, for agent operations, and for covert action programs authorized by the President under section 503 of the National Security Act of 1947, as amended, shall remain available until September 30, 2007.

SEC. 8043. Notwithstanding any other provision of law, funds made available in this Act for the Defense Intelligence Agency may be used for the design, development, and deployment of General Defense Intelligence Program intelligence communications and intelligence information systems for the Services, the Unified and Specified Commands, and the component commands.

SEC. 8044. Of the funds appropriated to the Department of Defense under the heading "Operation and Maintenance, Defense-Wide", not less than $10,000,000 shall be made available only for the mitigation of environmental impacts, including training and technical assistance to tribes, related administrative support, the gathering of information, documenting of environmental damage, and developing a system for prioritization of mitigation and cost to complete estimates for mitigation, on Indian lands resulting from Department of Defense activities.

SEC. 8045. (a) None of the funds appropriated in this Act may be expended by an entity of the Department of Defense unless the entity, in expending the funds, complies with the Buy American Act. For purposes of this subsection, the term "Buy American Act" means title III of the Act entitled "An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes", approved March 3, 1933 (41 U.S.C. 10a et seq.).

(b) If the Secretary of Defense determines that a person has been convicted of intentionally affixing a label bearing a "Made in America" inscription to any product sold in or shipped to the United States that is not made in America, the Secretary shall determine, in accordance with section 2410f of title 10, United States Code, whether the person should be debarred from contracting with the Department of Defense.

(c) In the case of any equipment or products purchased with appropriations provided under this Act, it is the sense of the Congress that any entity of the Department of Defense, in expending the appropriation, purchase only American-made equipment and products, provided that American-made equipment and products are cost-competitive, quality-competitive, and available in a timely fashion.

SEC. 8046. None of the funds appropriated by this Act shall be available for a contract for studies, analysis, or consulting services entered into without competition on the basis of an unsolicited proposal unless the head of the activity responsible for the procurement determines—

(1) as a result of thorough technical evaluation, only one source is found fully qualified to perform the proposed work;

(2) the purpose of the contract is to explore an unsolicited proposal which offers significant scientific or technological promise, represents the product of original thinking, and was submitted in confidence by one source; or

(3) the purpose of the contract is to take advantage of unique and significant industrial accomplishment by a specific concern, or to insure that a new product or idea of a specific concern is given financial support: Provided, That this limitation shall not apply to contracts in an amount of less than $25,000,000, contracts related to improvements of equipment that is in development or production, or contracts as to which a civilian official of the Department of Defense, who has been confirmed by the Senate, determines that the award of such contract is in the interest of the national defense.

SEC. 8047. (a) Except as provided in subsection (b) and (c), none of the funds made available by this Act may be used—

(1) to establish a field operating agency; or

(2) to pay the basic pay of a member of the Armed Forces or civilian employee of the department who is transferred or reassigned from a headquarters activity if the member or employee's place of duty remains at the location of that headquarters.

(b) The Secretary of Defense or Secretary of a military department may waive the limitations in subsection (a), on a case-by-case basis, if the Secretary determines, and certifies to the Committees on Appropriations of the House of Representatives and Senate that the granting of the waiver will reduce the personnel requirements or the financial requirements of the department.

(c) This section does not apply to—

(1) field operating agencies funded within the National Intelligence Program; or

(2) an Army field operating agency established to eliminate, mitigate, or counter the effects of improvised explosive devices, and, as determined by the Secretary of the Army, other similar threats.

SEC. 8048. Up to $3,000,000 of the funds appropriated in Title II of this Act under the heading, "Operation and Maintenance, Army", may be made available to contract with the Army Historical Foundation, a non profit organization, for services required to solicit non-Federal donations to support construction and operation of the National Museum of the United States Army at Fort Belvoir, Virginia: Provided, That notwithstanding any other provision of law, the Army is authorized to receive future payments in this or the subsequent fiscal year from any non-profit organization chartered to support the National Museum of the United States Army to reimburse amounts expended by the Army pursuant to this section: Provided further, That any reimbursements received pursuant to this section shall be merged with "Operation and Maintenance, Army" and shall be made available for the same purposes and for the same time period as that appropriation account.

(RESCISSIONS)

SEC. 8049. Of the funds appropriated in Department of Defense Appropriations Acts, the following funds are hereby rescinded from the following accounts and programs in the specified amounts:

"Other Procurement, Army, 2005/2007", $68,500,000;

"Aircraft Procurement, Navy, 2005/2007", $104,800,000;

"Shipbuilding and Conversion, Navy, 2005/2009", $67,300,000;

"Other Procurement, Navy, 2005/2007", $43,000,000;

"Aircraft Procurement, Air Force, 2004/2006", $4,000,000;

"Aircraft Procurement, Air Force, 2005/2007", $20,000,000;

"Missile Procurement, Air Force, 2005/2007", $29,000,000;

"Research, Development, Test and Evaluation, Army, 2005/2006", $25,900,000;

"Research, Development, Test and Evaluation, Navy, 2005/2006", $70,900,000; and

"Research, Development, Test and Evaluation, Air Force, 2005/2006", $63,400,000.

SEC. 8050. None of the funds available in this Act may be used to reduce the authorized positions for military (civilian) technicians of the Army National Guard, the Air National Guard, Army Reserve and Air Force Reserve for the purpose of applying any administratively imposed civilian personnel ceiling, freeze, or reduction on military (civilian) technicians, unless such reductions are a direct result of a reduction in military force structure.

SEC. 8051. None of the funds appropriated or otherwise made available in this Act may be obligated or expended for assistance to the Democratic People's Republic of North Korea unless specifically appropriated for that purpose.

SEC. 8052. During the current fiscal year and hereafter, funds appropriated in this Act are available to compensate members of the National Guard for duty performed pursuant to a plan submitted by a Governor of a State and approved by the Secretary of Defense under section 112 of title 32, United States Code: Provided, That during the performance of such duty, the members of the National Guard shall be under State command and control: Provided further, That such duty shall be treated as full-time National Guard duty for purposes of sections 12602(a)(2) and (b)(2) of title 10, United States Code.

SEC. 8053. Funds appropriated in this Act for operation and maintenance of the Military Departments, Combatant Commands and Defense Agencies shall be available for reimbursement of pay, allowances and other expenses which would otherwise be incurred against appropriations for the National Guard and Reserve when members of the National Guard and Reserve provide intelligence or counterintelligence support to Combatant Commands, Defense Agencies and Joint Intelligence Activities, including the activities and programs included within the National Intelligence Program (NIP), the Joint Military Intelligence Program (JMIP), and the Tactical Intelligence and Related Activities (TIARA) aggregate: Provided, That nothing in this section authorizes deviation from established Reserve and National Guard personnel and training procedures.

SEC. 8054. During the current fiscal year, none of the funds appropriated in this Act may be used to reduce the civilian medical and medical support personnel assigned to military treatment facilities below the September 30, 2003 level: Provided, That the Service Surgeons General may waive this section by certifying to the congressional defense committees that the beneficiary population is declining in some catchment areas and civilian strength reductions may be consistent with responsible resource stewardship and capitation-based budgeting.

SEC. 8055. Up to $2,000,000 of the funds appropriated under the heading, "Operation and Maintenance, Navy" may be made available to contract for the installation, repair, and maintenance of an on-base and adjacent off-base wastewater/treatment facility and infrastructure critical to base operations and the public health and safety of community residents in the vicinity of the NCTAMS.

SEC. 8056. Notwithstanding any other provision of law, that not more than 35 percent of funds provided in this Act for environmental remediation may be obligated under indefinite delivery/indefinite quantity contracts with a total contract value of $130,000,000 or higher.

SEC. 8057. (a) None of the funds available to the Department of Defense for any fiscal year for drug interdiction or counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

(b) None of the funds available to the Central Intelligence Agency for any fiscal year for drug interdiction and counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

(TRANSFER OF FUNDS)

SEC. 8058. Appropriations available under the heading "Operation and Maintenance, Defense-Wide" for the current fiscal year and hereafter for increasing energy and water efficiency in Federal buildings may, during their period of availability, be transferred to other appropriations or funds of the Department of Defense for projects related to increasing energy and water efficiency, to be merged with and to be available for the same general purposes, and for the same time period, as the appropriation or fund to which transferred.

SEC. 8059. None of the funds appropriated by this Act may be used for the procurement of ball and roller bearings other than those produced by a domestic source and of domestic origin: Provided, That the Secretary of the military department responsible for such procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate, that adequate domestic supplies are not available to meet Department of Defense *requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: Provided further, That this restriction shall not apply to the purchase of "commercial items", as defined by section 4(12) of the Office of Federal Procurement Policy Act, except that the restriction shall apply to ball or roller bearings purchased as end items.*

SEC. 8060. Notwithstanding any other provision of law, funds available to the Department of Defense shall be made available to provide transportation of medical supplies and equipment, on a nonreimbursable basis, to American Samoa, and funds available to the Department of Defense shall be made available to provide transportation of medical supplies and equipment, on a nonreimbursable basis, to the Indian Health Service when it is in conjunction with a civil-military project.

SEC. 8061. None of the funds in this Act may be used to purchase any supercomputer which is not manufactured in the United States, unless the Secretary of Defense certifies to the congressional defense committees that such an acquisition must be made in order to acquire capability for national security purposes that is not available from United States manufacturers.

SEC. 8062. Notwithstanding any other provision of law, each contract awarded by the Department of Defense during the current fiscal year for construction or service performed in whole or in part in a State (as defined in section 381(d) of title 10, United States Code) which is not contiguous with another State and has an unemployment rate in excess of the national average rate of unemployment as determined by the Secretary of Labor, shall include a provision requiring the contractor to employ, for the purpose of performing that portion of the contract in such State that is not contiguous with another State, individuals who are residents of such State and who, in the case of any craft or trade, possess or would be able to acquire promptly the necessary skills: Provided, That the Secretary of Defense may waive the requirements of this section, on a case-by-case basis, in the interest of national security.

SEC. 8063. None of the funds made available in this or any other Act may be used to pay the salary of any officer or employee of the Department of Defense who approves or implements the transfer of administrative responsibilities or budgetary resources of any program, project, or activity financed by this Act to the jurisdiction of another Federal agency not financed by this Act without the express authorization of Congress: Provided, That this limitation shall not apply to transfers of funds expressly provided for in Defense Appropriations Acts, or provisions of Acts providing supplemental appropriations for the Department of Defense.

SEC. 8064. (a) LIMITATION ON TRANSFER OF DEFENSE ARTICLES AND SERVICES.—Notwithstanding any other provision of law, none of the funds available to the Department of Defense for the current fiscal year may be obligated or expended to transfer to another nation or an international organization any defense articles or services (other than intelligence services) for use in the activities described in subsection (b) unless the congressional defense committees, the Committee on International Relations of the House of Representatives, and the Committee on Foreign Relations of the Senate are notified 15 days in advance of such transfer.

(b) COVERED ACTIVITIES.—This section applies to—

(1) any international peacekeeping or peace-enforcement operation under the authority of chapter VI or chapter VII of the United Nations Charter under the authority of a United Nations Security Council resolution; and

(2) any other international peacekeeping, peace-enforcement, or humanitarian assistance operation.

(c) REQUIRED NOTICE.—A notice under subsection (a) shall include the following:

(1) A description of the equipment, supplies, or services to be transferred.

(2) A statement of the value of the equipment, supplies, or services to be transferred.

(3) In the case of a proposed transfer of equipment or supplies—

(A) a statement of whether the inventory requirements of all elements of the Armed Forces (including the reserve components) for the type of equipment or supplies to be transferred have been met; and

(B) a statement of whether the items proposed to be transferred will have to be replaced and, if so, how the President proposes to provide funds for such replacement.

SEC. 8065. (a) The total amount appropriated or otherwise made available in title II of this Act is hereby reduced by $92,000,000 to limit excessive growth in the travel and transportation of persons.

(b) The Secretary of Defense shall allocate this reduction proportionately to each budget activity, activity group, subactivity group, and each program, project, and activity within each applicable appropriation account.

SEC. 8066. None of the funds available to the Department of Defense under this Act shall be obligated or expended to pay a contractor under a contract with the Department of Defense for costs of any amount paid by the contractor to an employee when—

(1) such costs are for a bonus or otherwise in excess of the normal salary paid by the contractor to the employee; and

(2) such bonus is part of restructuring costs associated with a business combination.

SEC. 8067. None of the funds provided in this Act may be obligated to realign or relocate forces or operational assets from bases to be converted to enclave status until the Secretary of Defense certifies that he has sought new missions for these bases as mandated by the 2005 Defense Base Closure and Realignment Commission: Provided, That the Secretary of Defense shall report his findings to the congressional defense committees not later than October 1, 2006.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8068. During the current fiscal year, no more than $30,000,000 of appropriations made in this Act under the heading "Operation and Maintenance, Defense-Wide" may be transferred to appropriations available for the pay of military personnel, to be merged with, and to be available for the same time period as the appropriations to which transferred, to be used in support of such personnel in connection with support and services for eligible organizations and activities outside the Department of Defense pursuant to section 2012 of title 10, United States Code.

SEC. 8069. During the current fiscal year, in the case of an appropriation account of the Department of Defense for which the period of availability for obligation has expired or which has closed under the provisions of section 1552 of title 31, United States Code, and which has a negative unliquidated or unexpended balance, an obligation or an adjustment of an obligation may be charged to any current appropriation account for the same purpose as the expired or closed account if—

(1) the obligation would have been properly chargeable (except as to amount) to the expired or closed account before the end of the period of availability or closing of that account;

(2) the obligation is not otherwise properly chargeable to any current appropriation account of the Department of Defense; and

(3) in the case of an expired account, the obligation is not chargeable to a current appropriation of the Department of Defense under the provisions of section 1405(b)(8) of the National Defense Authorization Act for Fiscal Year 1991, Public Law 101–510, as amended (31 U.S.C. 1551 note): Provided, That in the case of an expired account, if subsequent review or investigation discloses that there was not in fact a negative unliquidated or unexpended balance in the account, any charge to a current account under the authority of this section shall be reversed and recorded against the expired account: Provided further, That the total amount charged to a current appropriation under this section may not exceed an amount equal to 1 percent of the total appropriation for that account.

SEC. 8070. Notwithstanding section 12310(b) of title 10, United States Code, a Reserve who is a member of the National Guard serving on full-time National Guard duty under section 502(f) of Title 32 may perform duties in support of the ground-based elements of the National Ballistic Missile Defense System.

SEC. 8071. (a) Notwithstanding any other provision of law, the Chief of the National Guard Bureau may permit the use of equipment of the National Guard Distance Learning Project by any person or entity on a space-available, reimbursable basis. The Chief of the National Guard Bureau shall establish the amount of reimbursement for such use on a case-by-case basis.

(b) Amounts collected under subsection (a) shall be credited to funds available for the National Guard Distance Learning Project and be available to defray the costs associated with the use of equipment of the project under that subsection. Such funds shall be available for such purposes without fiscal year limitation.

SEC. 8072. Using funds available by this Act or any other Act, the Secretary of the Air Force, pursuant to a determination under section 2690 of title 10, United States Code, may implement cost-effective agreements for required heating facility modernization in the Kaiserslautern Military Community in the Federal Republic of Germany: Provided, That in the City of Kaiserslautern such agreements will include the use of United States anthracite as the base load energy for municipal district heat to the United States Defense installations: Provided further, That at Landstuhl Army Regional Medical Center and Ramstein Air Base, furnished heat may be obtained from private, regional or municipal services, if provisions are included for the consideration of United States coal as an energy source.

SEC. 8073. None of the funds appropriated in title IV of this Act may be used to procure end-items for delivery to military forces for operational training, operational use or inventory requirements: Provided, That this restriction does not apply to end-items used in development, prototyping, and test activities preceding and leading to acceptance for operational use: Provided further, That this restriction does not apply to programs funded within the National Intelligence Program: Provided further, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that it is in the national security interest to do so.

SEC. 8074. None of the funds made available in this Act may be used to approve or license the sale of the F–22 advanced tactical fighter to any foreign government.

SEC. 8075. (a) The Secretary of Defense may, on a case-by-case basis, waive with respect to a foreign country each limitation on the procurement of defense items from foreign sources provided in law if the Secretary determines that the application of the limitation with respect to that country would invalidate cooperative programs entered into between the Department of Defense *and the foreign country, or would invalidate reciprocal trade agreements for the procurement of defense items entered into under section 2531 of title 10, United States Code, and the country does not discriminate against the same or similar defense items produced in the United States for that country.*

(b) Subsection (a) applies with respect to—

(1) contracts and subcontracts entered into on or after the date of the enactment of this Act; and

(2) options for the procurement of items that are exercised after such date under contracts that are entered into before such date if the option prices are adjusted for any reason other than the application of a waiver granted under subsection (a).

(c) Subsection (a) does not apply to a limitation regarding construction of public vessels, ball and roller bearings, food, and clothing or textile materials as defined by section 11 (chapters 50–65) of the Harmonized Tariff Schedule and products classified under headings 4010, 4202, 4203, 6401 through 6406, 6505, 7019, 7218 through 7229, 7304.41 through 7304.49, 7306.40, 7502 through 7508, 8105, 8108, 8109, 8211, 8215, and 9404.

SEC. 8076. (a) PROHIBITION.—None of the funds made available by this Act may be used to support any training program involving a unit of the security forces of a foreign country if the Secretary of Defense has received credible information from the Department of State that the unit has committed a gross violation of human rights, unless all necessary corrective steps have been taken.

(b) MONITORING.—The Secretary of Defense, in consultation with the Secretary of State, shall ensure that prior to a decision to conduct any training program referred to in subsection (a), full consideration is given to all credible information available to the Department of State relating to human rights violations by foreign security forces.

(c) WAIVER.—The Secretary of Defense, after consultation with the Secretary of State, may waive the prohibition in subsection (a) if he determines that such waiver is required by extraordinary circumstances.

(d) REPORT.—Not more than 15 days after the exercise of any waiver under subsection (c), the Secretary of Defense shall submit a report to the congressional defense committees describing the extraordinary circumstances, the purpose and duration of the training program, the United States forces and the foreign security forces involved in the training program, and the information relating to human rights violations that necessitates the waiver.

SEC. 8077. (a) The Secretary of Defense, in coordination with the Secretary of Health and Human Services, may carry out a program to distribute surplus dental and medical equipment of the Department of Defense, at no cost to the Department of Defense, to Indian Health Service facilities and to federally-qualified health centers (within the meaning of section 1905(l)(2)(B) of the Social Security Act (42 U.S.C. 1396d(l)(2)(B))).

(b) In carrying out this provision, the Secretary of Defense shall give the Indian Health Service a property disposal priority equal to the priority given to the Department of Defense and its twelve special screening programs in distribution of surplus dental and medical supplies and equipment.

SEC. 8078. None of the funds appropriated or made available in this Act to the Department of the Navy shall be used to develop, lease or procure the T-AKE class of ships unless the main propulsion diesel engines and propulsors are manufactured in the United States by a domestically operated entity: Provided, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes or there exists a significant cost or quality difference.

SEC. 8079. None of the funds appropriated or otherwise made available by this or other Department of Defense Appropriations Acts may be obligated or expended for the purpose of performing repairs or maintenance to military family housing units of the Department of Defense, including areas in such military family housing units that may be used for the purpose of conducting official Department of Defense business.

SEC. 8080. Notwithstanding any other provision of law, funds appropriated in this Act under the heading "Research, Development, Test and Evaluation, Defense-Wide" for any new start advanced concept technology demonstration project may only be obligated 30 days after a report, including a description of the project, the planned acquisition and transition strategy and its estimated annual and total cost, has been provided in writing to the congressional defense committees: Provided, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying to the congressional defense committees that it is in the national interest to do so.

SEC. 8081. The Secretary of Defense shall provide a classified quarterly report, beginning 30 days after enactment of this Act, to the House and Senate Appropriations Committees, Subcommittees on Defense on certain matters as directed in the classified annex accompanying this Act.

SEC. 8082. During the current fiscal year, refunds attributable to the use of the Government travel card, refunds attributable to the use of the Government Purchase Card and refunds attributable to official Government travel arranged by Government Contracted Travel Management Centers may be credited to operation and maintenance, and research, development, test and evaluation accounts of the Department of Defense which are current when the refunds are received.

SEC. 8083. (a) REGISTERING FINANCIAL MANAGEMENT INFORMATION TECHNOLOGY SYSTEMS WITH DOD CHIEF INFORMATION OFFICER.—None of the funds appropriated in this Act may be used for a mission critical or mission essential financial management information technology system (including a system funded by the defense working capital fund) that is not registered with the Chief Information Officer of the Department of Defense. A system shall be considered to be registered with that officer upon the furnishing to that officer of notice of the system, together with such information concerning the system as the Secretary of Defense may prescribe. A financial management information technology system shall be considered a mission critical or mission essential information technology system as defined by the Under Secretary of Defense (Comptroller).

(b) CERTIFICATIONS AS TO COMPLIANCE WITH FINANCIAL MANAGEMENT MODERNIZATION PLAN.—

(1) During the current fiscal year, a financial management automated information system, a mixed information system supporting financial and non-financial systems, or a system improvement of more than $1,000,000 may not receive Milestone A approval, Milestone B approval, or full rate production, or their equivalent, within the Department of Defense until the Under Secretary of Defense (Comptroller) certifies, with respect to that milestone, that the system is being developed and managed in accordance with the Department's Financial Management Modernization Plan. The Under Secretary of Defense (Comptroller) may require additional certifications, as appropriate, with respect to any such system.

(2) The Chief Information Officer shall provide the congressional defense committees timely notification of certifications under paragraph (1).

(c) CERTIFICATIONS AS TO COMPLIANCE WITH CLINGER-COHEN ACT.—

(1) During the current fiscal year, a major automated information system may not receive Milestone A approval, Milestone B approval, or full rate production approval, or their equivalent, within the Department of Defense until the Chief Information Officer certifies, with respect to that milestone, that the system is being developed in accordance with the Clinger-Cohen Act of 1996 (40 U.S.C. 1401 et seq.). The Chief Information Officer may require additional certifications, as appropriate, with respect to any such system.

(2) The Chief Information Officer shall provide the congressional defense committees timely notification of certifications under paragraph (1). Each such notification shall include, at a minimum, the funding baseline and milestone schedule for each system covered by such a certification and confirmation that the following steps have been taken with respect to the system:

(A) Business process reengineering.

(B) An analysis of alternatives.

(C) An economic analysis that includes a calculation of the return on investment.

(D) Performance measures.

(E) An information assurance strategy consistent with the Department's Global Information Grid.

(d) DEFINITIONS.—For purposes of this section:

(1) The term "Chief Information Officer" means the senior official of the Department of Defense designated by the Secretary of Defense pursuant to section 3506 of title 44, United States Code.

(2) The term "information technology system" has the meaning given the term "information technology" in section 5002 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1401).

SEC. 8084. During the current fiscal year, none of the funds available to the Department of Defense may be used to provide support to another department or agency of the United States if such department or agency is more than 90 days in arrears in making payment to the Department of Defense for goods or services previously provided to such department or agency on a reimbursable basis: Provided, That this restriction shall not apply if the department is authorized by law to provide support to such department or agency on a nonreimbursable basis, and is providing the requested support pursuant to such authority: Provided further, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that it is in the national security interest to do so.

SEC. 8085. None of the funds provided in this Act may be used to transfer to any nongovernmental entity ammunition held by the Department of Defense that has a center-fire cartridge and a United States military nomenclature designation of "armor penetrator", "armor piercing (AP)", "armor piercing incendiary (API)", or "armor-piercing incendiary-tracer (API–T)", except to an entity performing demilitarization services for the Department of Defense under a contract that requires the entity to demonstrate to the satisfaction of the Department of Defense that armor piercing projectiles are either: (1)

rendered incapable of reuse by the demilitarization process; or (2) used to manufacture ammunition pursuant to a contract with the Department of Defense or the manufacture of ammunition for export pursuant to a License for Permanent Export of Unclassified Military Articles issued by the Department of State.

SEC. 8086. Notwithstanding any other provision of law, the Chief of the National Guard Bureau, or his designee, may waive payment of all or part of the consideration that otherwise would be required under section 2667 of title 10, United States Code, in the case of a lease of personal property for a period not in excess of 1 year to any organization specified in 32 U.S.C. 508(d), or any other youth, social, or fraternal non-profit organization as may be approved by the Chief of the National Guard Bureau, or his designee, on a case-by-case basis.

SEC. 8087. None of the funds appropriated by this Act shall be used for the support of any nonappropriated funds activity of the Department of Defense that procures malt beverages and wine with nonappropriated funds for resale (including such alcoholic beverages sold by the drink) on a military installation located in the United States unless such malt beverages and wine are procured within that State, or in the case of the District of Columbia, within the District of Columbia, in which the military installation is located: Provided, That in a case in which the military installation is located in more than one State, purchases may be made in any State in which the installation is located: Provided further, That such local procurement requirements for malt beverages and wine shall apply to all alcoholic beverages only for military installations in States which are not contiguous with another State: Provided further, That alcoholic beverages other than wine and malt beverages, in contiguous States and the District of Columbia shall be procured from the most competitive source, price and other factors considered.

SEC. 8088. Up to $2,500,000 of the funds appropriated under the heading "Operation and Maintenance, Navy" in this Act for the Pacific Missile Range Facility may be made available to contract for the repair, maintenance, and operation of adjacent off-base water, drainage, and flood control systems, electrical upgrade to support additional missions critical to base operations, and support for a range footprint expansion to further guard against encroachment.

SEC. 8089. Funds available to the Department of Defense for the Global Positioning System during the current fiscal year may be used to fund civil requirements associated with the satellite and ground control segments of such system's modernization program.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8090. Of the amounts appropriated in this Act under the heading, "Operation and Maintenance, Army", $147,900,000 shall remain available until expended: Provided, That notwithstanding any other provision of law, the Secretary of Defense is authorized to transfer such funds to other activities of the Federal Government: Provided further, That the Secretary of Defense is authorized to enter into and carry out contracts for the acquisition of real property, construction, personal services, and operations related to projects described in further detail in the Classified Annex accompanying the Department of Defense Appropriations Act, 2006, consistent with the terms and conditions set forth therein: Provided further, That contracts entered into under the authority of this section may provide for such indemnification as the Secretary determines to be necessary: Provided further, That projects authorized by this section shall comply with applicable Federal, State, and local law to the maximum extent consistent with the national security, as determined by the Secretary of Defense.

SEC. 8091. Section 8106 of the Department of Defense Appropriations Act, 1997 (titles I through VIII of the matter under subsection 101(b) of Public Law 104–208; 110 Stat. 3009–111; 10 U.S.C. 113 note) shall continue in effect to apply to disbursements that are made by the Department of Defense in fiscal year 2006.

SEC. 8092. Amounts appropriated in title II of this Act are hereby reduced by $265,890,000 to reflect savings attributable to efficiencies and management improvements in the funding of miscellaneous or other contracts in the military departments, as follows:

(1) From "Operation and Maintenance, Army", $36,890,000.

(2) From "Operation and Maintenance, Navy", $79,000,000.

(3) From "Operation and Maintenance, Air Force", $150,000,000.

SEC. 8093. The total amount appropriated or otherwise made available in this Act is hereby reduced by $100,000,000 to limit excessive growth in the procurement of advisory and assistance services, to be distributed as follows:

"Operation and Maintenance, Army", $37,000,000;

"Operation and Maintenance, Air Force", $6,000,000;

"Operation and Maintenance, Defense-Wide", $45,000,000; and

"Operation and Maintenance, Army Reserve", $12,000,000.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8094. Of the amounts appropriated in this Act under the heading "Research, Development, Test and Evaluation, Defense-Wide", $143,600,000 shall be made available for the Arrow missile defense program: Provided, That of this amount, $70,000,000 shall be available for the purpose of producing Arrow missile components in the United States and Arrow missile components and missiles in Israel to meet Israel's defense requirements, consistent with each nation's laws, regulations and procedures, and $10,000,000 shall be available for the purpose of the initiation of a joint feasibility study and risk reduction activities designated the Short Range Ballistic Missile Defense (SRBMD) initiative: Provided further, That funds made available under this provision for production of missiles and missile components may be transferred to appropriations available for the procurement of weapons and equipment, to be merged with and to be available for the same time period and the same purposes as the appropriation to which transferred: Provided further, That the transfer authority provided under this provision is in addition to any other transfer authority contained in this Act.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8095. Of the amounts appropriated in this Act under the heading "Shipbuilding and Conversion, Navy", $517,523,000 shall be available until September 30, 2006, to fund prior year shipbuilding cost increases: Provided, That upon enactment of this Act, the Secretary of the Navy shall transfer such funds to the following appropriations in the amounts specified: Provided further, That the amounts transferred shall be merged with and be available for the same purposes as the appropriations to which transferred:

To:

Under the heading, "Shipbuilding and Conversion, Navy, 1998/2006":

New SSN, $28,000,000.

Under the heading, "Shipbuilding and Conversion, Navy, 1999/2006":

LPD–17 Amphibious Transport Dock Ship Program, $95,000,000;

New SSN, $72,000,000.

Under the heading, "Shipbuilding and Conversion, Navy, 2000/2006":

LPD–17 Amphibious Transport Dock Ship Program, $94,800,000.

Under the heading, "Shipbuilding and Conversion, Navy, 2001/2006":

Carrier Replacement Program, $145,023,000;

New SSN, $82,700,000.

SEC. 8096. The Secretary of the Navy may settle, or compromise, and pay any and all admiralty claims under section 7622 of title 10, United States Code arising out of the collision involving the U.S.S. GREENEVILLE and the EHIME MARU, in any amount and without regard to the monetary limitations in subsections (a) and (b) of that section: Provided, That such payments shall be made from funds available to the Department of the Navy for operation and maintenance.

SEC. 8097. None of the funds available to the Department of Defense may be obligated to modify command and control relationships to give Fleet Forces Command administrative and operational control of U.S. Navy forces assigned to the Pacific fleet: Provided, That the command and control relationships which existed on October 1, 2004, shall remain in force unless changes are specifically authorized in a subsequent Act.

SEC. 8098. Notwithstanding any other provision of law or regulation, the Secretary of Defense may exercise the provisions of section 7403(g) of title 38, United States Code for occupations listed in section 7403(a)(2) of title 38, United States Code as well as the following:

Pharmacists, Audiologists, and Dental Hygienists.

(A) The requirements of section 7403(g)(1)(A) of title 38, United States Code shall apply.

(B) The limitations of section 7403(g)(1)(B) of title 38, United States Code shall not apply.

SEC. 8099. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2006 until the enactment of the Intelligence Authorization Act for fiscal year 2006.

SEC. 8100. In addition to funds made available elsewhere in this Act, $5,500,000 is hereby appropriated and shall remain available until expended to provide assistance, by grant or otherwise (such as, but not limited to, the provision of funds for repairs, maintenance, construction, and/or for the purchase of information technology, text books, teaching resources), to public schools that have unusually high concentrations of special needs military dependents enrolled: Provided, That in selecting school systems to receive such assistance, special consideration shall be given to school systems in States that are considered overseas assignments, and all schools within these school systems shall be eligible for assistance: Provided further, That up to 2 percent of the total appropriated funds under this section shall be available to support the administration and execution of the funds or program and/or events that promote the purpose of this appropriation (e.g. payment of travel and per diem of school teachers attending conferences or a meeting that promotes the purpose of this appropriation and/or consultant fees for on-site training of teachers, staff, or Joint Venture Education Forum (JVEF) Committee members): Provided further, That up to $2,000,000 shall be available for the Department of Defense to establish a non-profit trust fund to assist in the public-private funding of public school repair and maintenance projects, or provide directly to non-profit organizations who in return will use these monies to provide assistance in the form of repair, maintenance, or renovation to public school systems that have high concentrations of special needs military dependents and are located in States that are considered overseas assignments: Provided further, That to the extent a Federal agency provides this assistance, by contract, grant, or otherwise, *it may accept and expend non-Federal funds in combination with these Federal funds to provide assistance for the authorized purpose, if the non-Federal entity requests such assistance and the non-Federal funds are provided on a reimbursable basis.*

SEC. 8101. None of the funds in this Act may be used to initiate a new start program without prior written notification to the Office of Secretary of Defense and the congressional defense committees.

SEC. 8102. The amounts appropriated in title II of this Act are hereby reduced by $350,000,000 to reflect cash balance and rate stabilization adjustments in Department of Defense Working Capital Funds, as follows:

(1) From "Operation and Maintenance, Army", $100,000,000.

(2) From "Operation and Maintenance, Navy", $150,000,000.

(3) From "Operation and Maintenance, Air Force", $100,000,000.

SEC. 8103. FINANCING AND FIELDING OF KEY ARMY CAPABILITIES.—The Department of Defense and the Department of the Army shall make future budgetary and programming plans to fully finance the Non-Line of Sight Future Force cannon and resupply vehicle program (NLOS-C) in order to field this system in fiscal year 2010, consistent with the broader plan to field the Future Combat System (FCS) in fiscal year 2010: Provided, That if the Army is precluded from fielding the FCS program by fiscal year 2010, then the Army shall develop the NLOS–C independent of the broader FCS development timeline to achieve fielding by fiscal year 2010. In addition the Army will deliver eight (8) combat operational pre-production NLOS-C systems by the end of calendar year 2008. These systems shall be in addition to those systems necessary for developmental and operational testing: Provided further, That the Army shall ensure that budgetary and programmatic plans will provide for no fewer than seven (7) Stryker Brigade Combat Teams.

SEC. 8104. Of the funds made available in this Act, not less than $76,100,000 shall be available to maintain an attrition reserve force of 18 B–52 aircraft, of which $3,900,000 shall be available from "Military Personnel, Air Force", $44,300,000 shall be available from "Operation and Maintenance, Air Force", and $27,900,000 shall be available from "Aircraft Procurement, Air Force": Provided, That the Secretary of the Air Force shall maintain a total force of 94 B–52 aircraft, including 18 attrition reserve aircraft, during fiscal year 2006: Provided further, That the Secretary of Defense shall include in the Air Force budget request for fiscal year 2007 amounts sufficient to maintain a B–52 force totaling 94 aircraft.

SEC. 8105. The Secretary of the Air Force is authorized, using funds available under the heading "Operation and Maintenance, Air Force", to complete a phased repair project, which repairs may include upgrades and additions, to the infrastructure of the operational ranges managed by the Air Force in Alaska: Provided, That the total cost of such phased projects shall not exceed $32,000,000.

SEC. 8106. In addition to the amounts appropriated or otherwise made available elsewhere in this Act, $12,850,000 is hereby appropriated to the Department of Defense, to remain available until September 30, 2006: Provided, That the Secretary of Defense shall make grants in the amounts specified as follows: $850,000 to the Fort Des Moines Memorial Park and Education Center; $2,000,000 to the American Civil War Center at Historic Tredegar; $3,000,000 to the Museum of Flight, American Heroes Collection; $1,000,000 to the National Guard Youth Foundation; $3,000,000 to the United Services Organization; $2,000,000 to the Dwight D. Eisenhower Memorial Commission; and $1,000,000 to the Iraq Cultural Heritage Assistance Project.

(TRANSFER OF FUNDS)

SEC. 8107. The Secretary of Defense may transfer funds from any currently available Department of the Navy appropriation to any available Navy shipbuilding and conversion appropriation for the purpose of funding shipbuilding cost increases for any ship construction program, to be merged with and to be available for the same purposes and for the same time period as the appropriation to which transferred: Provided, That all transfers under this section shall be subject to the notification requirements applicable to transfers under section 8005 of this Act.

SEC. 8108. The budget of the President for fiscal year 2007 submitted to the Congress pursuant to section 1105 of title 31, United States Code shall include separate budget justification documents for costs of United States Armed Forces' participation in contingency operations for the Military Personnel accounts, the Operation and Maintenance accounts, and the Procurement accounts: Provided, That these documents shall include a description of the funding requested for each contingency operation, for each military service, to include all Active and Reserve components, and for each appropriations account: Provided further, That these documents shall include estimated costs for each element of expense or object class, a reconciliation of increases and decreases for each contingency operation, and programmatic data including, but not limited to, troop strength for each Active and Reserve component, and estimates of the major weapons systems deployed in support of each contingency: Provided further, That these documents shall include budget exhibits OP–5 and OP–32 (as defined in the Department of Defense Financial Management Regulation) for all contingency operations for the budget year and the two preceding fiscal years.

SEC. 8109. Of the amounts provided in title II of this Act under the heading, "Operation and Maintenance, Defense-Wide", $20,000,000 is available for the Regional Defense Counter-terrorism Fellowship Program, to fund the education and training of foreign military officers, ministry of defense civilians, and other foreign security officials, to include United States military officers and civilian officials whose participation directly contributes to the education and training of these foreign students.

SEC. 8110. None of the funds appropriated or made available in this Act shall be used to reduce or disestablish the operation of the 53rd Weather Reconnaissance Squadron of the Air Force Reserve, if such action would reduce the WC–130 Weather Reconnaissance mission below the levels funded in this Act: Provided, That the Air Force shall allow the 53rd Weather Reconnaissance Squadron to perform other missions in support of national defense requirements during the non-hurricane season.

SEC. 8111. None of the funds provided in this Act shall be available for integration of foreign intelligence information unless the information has been lawfully collected and processed during the conduct of authorized foreign intelligence activities: Provided, That information pertaining to United States persons shall only be handled in accordance with protections provided in the Fourth Amendment of the United States Constitution as implemented through Executive Order No. 12333.

SEC. 8112. For purposes of section 612 of title 41, United States Code, any subdivision of appropriations made under the heading "Shipbuilding and Conversion, Navy" that is not closed at the time reimbursement is made shall be available to reimburse the Judgment Fund and shall be considered for the same purposes as any subdivision under the heading "Shipbuilding and Conversion, Navy" appropriations in the current fiscal year or any prior fiscal year.

(TRANSFER OF FUNDS)

SEC. 8113. Upon enactment of this Act, the Secretary of Defense shall make the following transfer of funds: Provided, That funds so transferred shall be merged with and shall be available for the same purpose and for the same time period as the appropriation to which transferred: Provided further, That the amounts shall be transferred between the following appropriations in the amounts specified:

From:

Under the heading, "Shipbuilding and Conversion, Navy, 2003/2007":

For outfitting, post delivery, conversions, and first destination transportation, $3,300,000;

Under the heading, "Shipbuilding and Conversion, Navy, 2004/2008":

For outfitting, post delivery, conversions, and first destination transportation, $6,100,000;

To:

Under the heading, "Shipbuilding and Conversion, Navy, 2003/2007":

SSGN, $3,300,000.

Under the heading, "Shipbuilding and Conversion, Navy, 2004/2008":

SSGN, $6,100,000.

SEC. 8114. None of the funds in this Act may be obligated for a classified program as described on page 18 of the compartmented annex to Volume IV of the Fiscal Year 2006 National Intelligence Program justification book unless specifically authorized in the Intelligence Authorization Act for Fiscal Year 2006.

SEC. 8115. (a) The Director of the Office of Management and Budget shall, in coordination with the Secretary of Defense and the Secretary of Homeland Security, conduct a study on improving the response of the Federal Government to disasters.

(b) The study under subsection (a) shall—

(1) consider mechanisms for coordinating and expediting disaster response efforts;

(2) examine the role of the Department of Defense in participating in disaster response efforts, including by providing planning, logistics, and relief and reconstruction assistance;

(3) consider the establishment of criteria for automatically triggering the participation of the Department of Defense in disaster response efforts; and

(4) assess the role of the United States Geological Survey in enhancing disaster preparation measures.

(c) Not later than May 1, 2006, the Director of the Office of Management and Budget shall submit to Congress a report on the study conducted under subsection (a), including—

(1) recommendations for improving the response of the Federal Government to disasters, including by providing for greater participation by the Department of Defense in response efforts; and

(2) proposals for any legislation or regulations that the Director determines necessary to implement such recommendations.

SEC. 8116. (a) From the money in the Treasury not otherwise obligated or appropriated, there are appropriated to the Centers for Disease Control and Prevention $3,913,000,000 for activities relating to the avian flu epidemic during the fiscal year ending September 30, 2006, which shall be available until expended.

(b) Of the amount appropriated under subsection (a)—

(1) $3,080,000,000 shall be for the stockpiling of antivirals and necessary medical supplies;

(2) $33,000,000 shall be for global surveillance relating to avian flu;

(3) $125,000,000 shall be to increase the national investment in domestic vaccine infrastructure including development and research;

(4) $600,000,000 shall be for additional grants to state and local public health agencies for emergency preparedness, to increase funding for emergency preparedness centers, and to expand hospital surge capacity;

(5) $75,000,000 shall be for risk communication and outreach to providers, businesses, and to the American public;

(c) The amount appropriated under subsection (a)—

(1) is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress); and

(2) shall remain available until expended.

(d) This section shall take effect on the date of enactment of this Act.

SEC. 8117. Nonreduction in pay while Federal employee is performing active service in the uniformed services or National Guard. (a) SHORT TITLE.—This section may be cited as the "Reservists Pay Security Act of 2005".

(b) IN GENERAL.—Subchapter IV of chapter 55 of title 5, United States Code, is amended by adding at the end the following:

"§5538. Nonreduction in pay while serving in the uniformed services or National Guard

"(a) An employee who is absent from a position of employment with the Federal Government in order to perform active duty in the uniformed services pursuant to a call or order to active duty under a provision of law referred to in section 101(a)(13)(B) of title 10 shall be entitled, while serving on active duty, to receive, for each pay period described in subsection (b), an amount equal to the amount by which—

"(1) the amount of basic pay which would otherwise have been payable to such employee for such pay period if such employee's civilian employment with the Government had not been interrupted by that service, exceeds (if at all)

"(2) the amount of pay and allowances which (as determined under subsection (d))—

"(A) is payable to such employee for that service; and

"(B) is allocable to such pay period.

"(b)(1) Amounts under this section shall be payable with respect to each pay period (which would otherwise apply if the employee's civilian employment had not been interrupted)—

"(A) during which such employee is entitled to reemployment rights under chapter 43 of title 38 with respect to the position from which such employee is absent (as referred to in subsection (a)); and

"(B) for which such employee does not otherwise receive basic pay (including by taking any annual, military, or other paid leave) to which such employee is entitled by virtue of such employee's civilian employment with the Government.

"(2) For purposes of this section, the period during which an employee is entitled to reemployment rights under chapter 43 of title 38—

"(A) shall be determined disregarding the provisions of section 4312(d) of title 38; and

"(B) shall include any period of time specified in section 4312(e) of title 38 within which an employee may report or apply for employment or reemployment following completion of service on active duty to which called or ordered as described in subsection (a).

"(c) Any amount payable under this section to an employee shall be paid—

"(1) by such employee's employing agency;

"(2) from the appropriation or fund which would be used to pay the employee if such employee were in a pay status; and

"(3) to the extent practicable, at the same time and in the same manner as would basic pay if such employee's civilian employment had not been interrupted.

"(d) The Office of Personnel Management shall, in consultation with Secretary of Defense, prescribe any regulations necessary to carry out the preceding provisions of this section.

"(e)(1) The head of each agency referred to in section 2302(a)(2)(C)(ii) shall, in consultation with the Office, prescribe procedures to ensure that the rights under this section apply to the employees of such agency.

"(2) The Administrator of the Federal Aviation Administration shall, in consultation with the Office, prescribe procedures to ensure that the rights under this section apply to the employees of that agency.

"(f) For purposes of this section—

"(1) the terms 'employee', 'Federal Government', and 'uniformed services' have the same respective meanings as given them in section 4303 of title 38;

"(2) the term 'employing agency', as used with respect to an employee entitled to any payments under this section, means the agency or other entity of the Government (including an agency referred to in section 2302(a)(2)(C)(ii)) with respect to which such employee has reemployment rights under chapter 43 of title 38; and

"(3) the term 'basic pay' includes any amount payable under section 5304.".

(c) CLERICAL AMENDMENT.—The table of sections for chapter 55 of title 5, United States Code, is amended by inserting after the item relating to section 5537 the following:

"5538. Nonreduction in pay while serving in the uniformed services or National Guard.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to pay periods (as described in section 5538(b) of title 5, United States Code, as amended by this section) beginning on or after the date of enactment of this Act.

SEC. 8118. Notwithstanding Section 101 of H.J. Res. 68, the Community Services Block Grant program shall be funded at the same rate of operation as in Division F of Public Law 108–447, through November 18, 2005.

SEC. 8119. APPLICATIONS FOR IMPACT AID PAYMENT.—Notwithstanding paragraphs (2) and (3) of section 8005(d) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7705(d)(2) and (3)), the Secretary of Education shall treat as timely filed, and shall process for payment, an application under section 8002 or section 8003 of such Act (20 U.S.C. 7702, 7703) for fiscal year 2005 from a local educational agency—

(1) that, for each of the fiscal years 2000 through 2004, submitted an application by the date specified by the Secretary of Education under section 8005(c) of such Act for the fiscal year;

(2) for which a reduction of more than $1,000,000 was made under section 8005(d)(2) of such Act by the Secretary of Education as a result of the agency's failure to file a timely application under section 8002 or 8003 of such Act for fiscal year 2005; and

(3) that submits an application for fiscal year 2005 during the period beginning on February 2, 2004, and ending on the date of enactment of this Act.

SEC. 8120. Of the amount appropriated by title III under the heading "OTHER PROCUREMENT, NAVY", up to $3,000,000 may be made available for the Joint Aviation Technical Data Integration Program.

SEC. 8121. (a) RENAMING OF DEATH GRATUITY PAYABLE FOR DEATHS OF MEMBERS OF THE ARMED FORCES.—Subchapter II of chapter 75 of title 10, United States Code, is amended as follows:

(1) In section 1475(a), by striking "have a death gratuity paid" and inserting "have fallen hero compensation paid".

(2) In section 1476(a)—

(A) in paragraph (1), by striking "a death gratuity" and inserting "fallen hero compensation"; and

(B) in paragraph (2), by striking "A death gratuity" and inserting "Fallen hero compensation".

(3) In section 1477(a), by striking "A death gratuity" and inserting "Fallen hero compensation".

(4) In section 1478(a), by striking "The death gratuity" and inserting "The amount of fallen hero compensation".

(5) In section 1479(1), by striking "the death gratuity" and inserting "fallen hero compensation".

(6) In section 1489—

(A) in subsection (a), by striking "a gratuity" in the matter preceding paragraph (1) and inserting "fallen hero compensation"; and

(B) in subsection (b)(2), by inserting "or other assistance" after "lesser death gratuity".

(b) CLERICAL AMENDMENTS.—

*(1) Such subchapter is further amended by striking "**Death gratuity:**" each place it appears in the heading of sections 1475 through 1480 and 1489 and inserting "**Fallen hero compensation:**".*

(2) The table of sections at the beginning of such subchapter is amended by striking "Death gratuity:" in the items relating to sections 1474 through 1480 and 1489 and inserting "Fallen hero compensation:".

(c) GENERAL REFERENCES.—Any reference to a death gratuity payable under subchapter II of chapter 75 of title 10, United States Code, in any law, regulation, document, paper, or other record of the United States shall be deemed to be a reference to fallen hero compensation payable under such subchapter, as amended by this section.

SEC. 8122. Of the amount appropriated by title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE", up to $3,000,000 may be used for research and development on the reliability of field programmable gate arrays for space applications.

SEC. 8123. Of the amount appropriated by title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY", up to $1,000,000 may be used for Chemical Biological Defense Material Test and Evaluation Initiative.

SEC. 8124. Of the amount appropriated by title IV under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY", up to $1,000,000 may be made available for an environmental management and compliance information system.

SEC. 8125. Of the amount appropriated by title IV under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY", up to $2,000,000 may be made available for medical advanced technology for applied emergency hypothermia for advanced combat casualty life support.

SEC. 8126. (a) FINDINGS.—The Senate makes the following findings:

(1) The Department of Defense Appropriations Act, 2004 (Public Law 108–87), the Department of Defense Appropriations Act, 2005 (Public Law 108–287), and the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005 (Public Law 109–13) each contain a sense of the Senate provision urging the President to provide in the annual budget requests of the President for a fiscal year under section 1105(a) of title 31, United States Code, an estimate of the cost of ongoing military operations in Iraq and Afghanistan in such fiscal year.

(2) The budget for fiscal year 2006 submitted to Congress by the President on February 7, 2005, requests no funds for fiscal year 2006 for ongoing military operations in Iraq or Afghanistan.

(3) According to the Congressional Research Service, there exists historical precedent for including the cost of ongoing military operations

in the annual budget requests of the President following initial funding for such operations by emergency or supplemental appropriations Acts, including—

(A) funds for Operation Noble Eagle, beginning in the budget request of President George W. Bush for fiscal year 2005;

(B) funds for operations in Kosovo, beginning in the budget request of President George W. Bush for fiscal year 2001;

(C) funds for operations in Bosnia, beginning in budget request of President Clinton for fiscal year 1997;

(D) funds for operations in Southwest Asia, beginning in the budget request of President Clinton for fiscal year 1997;

(E) funds for operations in Vietnam, beginning in the budget request of President Johnson for fiscal year 1966; and

(F) funds for World War II, beginning in the budget request of President Roosevelt for fiscal year 1943.

(4) In section 1024(b) of Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005 (119 Stat. 252), the Senate requested that the President submit to Congress, not later than September 1, 2005, an amendment to the budget of the President for fiscal year 2006 setting forth detailed cost estimates for ongoing military operations overseas during such fiscal year.

(5) The President has yet to submit such an amendment.

(6) The Department of Defense Appropriations Act, 2006, as reported to the Senate by the Committee on Appropriations of the Senate on September 28, 2005, contains a bridge fund of $50,000,000,000 for overseas contingency operations, but the determination of that amount could not take into account any Administration estimate on the projected cost of such operations in fiscal year 2006.

(7) In February 2005, the Congressional Budget Office estimated that fiscal year 2006 cost of ongoing military operations in Iraq and Afghanistan could total $85,000,000,000.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) any request for funds for a fiscal year after fiscal year 2006 for an ongoing military operation overseas, including operations in Afghanistan and Iraq, should be included in the annual budget of the President for such fiscal year as submitted to Congress under section 1105(a) of title 31, United States Code;

(2) the amendment to the budget of the President for fiscal year 2006, requested by the Senate to be submitted to Congress not later than September 1, 2005, by section 1024(b) of Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005, is necessary to describe the anticipated use of the $50,000,000,000 bridge fund appropriated in this Act and set forth all additional appropriations that will be required for the fiscal year; and

(3) any funds provided for a fiscal year for ongoing military operations overseas should be provided in appropriations Acts for such fiscal year through appropriations to specific accounts set forth in such appropriations Acts.

SEC. 8127. (a) REIMBURSEMENT FOR CERTAIN PROTECTIVE, SAFETY, OR HEALTH EQUIPMENT PURCHASED BY OR FOR MEMBERS OF THE ARMED FORCES FOR DEPLOYMENT IN OPERATIONS IN IRAQ AND CENTRAL ASIA.—

(1) IN GENERAL.—Subject to subsections (d) and (e), the Secretary of Defense shall reimburse a member of the Armed Forces, or a person or entity referred to in paragraph (2), for the cost (including shipping cost) of any protective, safety, or health equipment that was purchased by such member, or such person or entity on behalf of such member, before or during the deployment of such member in Operation Noble Eagle, Operation Enduring Freedom, or Operation Iraqi Freedom for the use of such member in connection with such operation if the unit commander of such member certifies that such equipment was critical to the protection, safety, or health of such member.

(2) COVERED PERSONS AND ENTITIES.—A person or entity referred to in this paragraph is a family member or relative of a member of the Armed Forces, a non-profit organization, or a community group.

(3) REGULATIONS NOT REQUIRED FOR REIMBURSEMENT.—Reimbursements may be made under this subsection in advance of the promulgation by the Secretary of Defense of regulations, if any, relating to the administration of this section.

(b) PROTECTIVE EQUIPMENT REIMBURSEMENT FUND.—

(1) ESTABLISHMENT.—There is hereby established an account to be known as the "Protective Equipment Reimbursement Fund" (in this subsection referred to as the "Fund").

(2) ELEMENTS.—The Fund shall consist of amounts deposited in the Fund from amounts available for the Fund under subsection (f).

(3) AVAILABILITY.—Amounts in the Fund shall be available directly to the unit commanders of members of the Armed Forces for the making of reimbursements for protective, safety, and health equipment under subsection (a).

(4) DOCUMENTATION.—Each person seeking reimbursement under subsection (a) for protective, safety, or health equipment purchased by or on behalf of a member of the Armed Forces shall submit to the unit commander of such member such documentation as is necessary to establish each of the following:

(A) The nature of such equipment, including whether or not such equipment qualifies as protective, safety, or health equipment under subsection (c).

(B) The cost of such equipment.

(c) COVERED PROTECTIVE, SAFETY, AND HEALTH EQUIPMENT.—Protective, safety, and health equipment for which reimbursement shall be made under subsection (a) shall include personal body armor, collective armor or protective equipment (including armor or protective equipment for high mobility multi-purpose wheeled vehicles), and items provided through the Rapid Fielding Initiative of the Army, or equivalent programs of the other Armed Forces, such as the advanced (on-the-move) hydration system, the advanced combat helmet, the close combat optics system, a Global Positioning System (GPS) receiver, a gun scope and a soldier intercommunication device.

(d) LIMITATION REGARDING AMOUNT OF REIMBURSEMENT.—The amount of reimbursement provided under subsection (a) per item of protective, safety, and health equipment purchased by or on behalf of any given member of the Armed Forces may not exceed the lesser of—

(1) the cost of such equipment (including shipping cost); or

(2) $1,100.

(e) OWNERSHIP OF EQUIPMENT.—The Secretary shall identify the circumstances, if any, under which the United States shall assume title or ownership of protective, safety, or health equipment for which reimbursement is provided under subsection (a).

(f) FUNDING.—

(1) IN GENERAL.—Except as provided in paragraph (2), amounts for reimbursements under subsection (a) shall be derived from any amounts authorized to be appropriated by this Act.

(2) EXCEPTION.—Amounts authorized to be appropriated by this Act and available for the procurement of equipment for members of the Armed Forces deployed, or to be deployed, to Iraq or Afghanistan may not be utilized for reimbursements under subsection (a).

(g) REPEAL OF SUPERSEDED AUTHORITY.—Section 351 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118. Stat. 1857) is repealed.

SEC. 8128. ENSURING TRANSPARENCY IN FEDERAL CONTRACTING.—(a) PUBLICATION OF INFORMATION ON FEDERAL CONTRACTOR MISCONDUCT.—The Secretary of Defense shall maintain a publicly-available website that provides information on instances of improper conduct by contractors entering into or carrying out Federal contracts, including instances in which contractors have been fined, paid penalties or restitution, settled, plead guilty to, or had judgments entered against them in connection with allegations of improper conduct.

(b) REPORTS ON FEDERAL NO-BID CONTRACTS RELATED TO IRAQ RECONSTRUCTION.—

(1) REPORTS REQUIRED.—Not later than 7 days after entering into a no-bid contract to procure property or services in connection with Iraq reconstruction, the head of an executive agency shall submit to the Secretary of Defense a report on the contract.

(2) CONTENT.—Each report submitted under paragraph (1) shall include the following information:

(A) The date the contract was awarded.

(B) The contract number.

(C) The name of the contractor.

(D) The amounts awarded and obligated under the contract.

(E) The scope of work under the contract.

(3) PUBLICATION.—The Secretary of Defense shall maintain a publicly-available website that lists the information provided in reports submitted under paragraph (1).

(4) EXECUTIVE AGENCY DEFINED.—In this subsection, the term "executive agency" has the meaning given such term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

SEC. 8129. (a) PROHIBITION ON TRANSFER OF AUTHORITY ON TACTICAL UNMANNED AERIAL VEHICLES.—None of the funds appropriated by this Act may be used to transfer research and development, acquisition, or other program authority relating to current tactical unmanned aerial vehicles (TUAVs) from the Army.

(b) EXTENDED RANGE MULTI-PURPOSE UNMANNED AERIAL VEHICLES.—The Army shall retain responsibility for and operational control of the Extended Range Multi-Purpose (ERMP) Unmanned Aerial Vehicle (UAV) in order to support the Secretary of Defense in matters relating to the employment of unmanned aerial vehicles.

SEC. 8130. Of the amount appropriated in title III under the heading "OTHER PROCUREMENT, NAVY", up to $2,000,000 may be made available for the Surface Sonar Dome Window Program.

SEC. 8131. Of the amount appropriated by title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY", up to $700,000 may be used for Medical Countermeasures to Nerve Agents.

SEC. 8132. Of the amount appropriated by title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE", up to $5,000,000 may be used for High Performance Defense Manufacturing Technology Research and Development.

SEC. 8133. Of the amount appropriated by title II under the heading "OPERATION AND MAINTENANCE, ARMY", up to $600,000 may be made available for removal of unexploded ordnance at Camp Wheeler, Georgia.

SEC. 8134. Of the amount appropriated by title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY", up to $4,000,000 may be used for the development of light-weight rigid-rod polyphenylene ammunition.

SEC. 8135. Of the amounts appropriated by title VII under the heading "INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT", up to $2,000,000 may be used for the Pat Roberts Intelligence Scholars Program.

SEC. 8136. Of the amount appropriated by title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY", up to $1,000,000 may be used for Combat Vehicle and Automotive Technology (PE#0602601A) for the Multipurpose Utility Vehicle.

SEC. 8137. Of the amount appropriated by this title under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY", up to $3,000,000 may be available for land attack technology for the Millennium Gun System.

SEC. 8138. Of the amount appropriated by title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY", up to $2,000,000 may be used for Moldable Armor.

SEC. 8139. PILOT PROJECT FOR CIVILIAN LINGUIST RESERVE CORPS.—(a) IN GENERAL.—The Secretary of Defense, acting through the Chairman of the National Security Education Board, shall, during the 3-year period beginning on the date of enactment of this Act, carry out a pilot program to establish a civilian linguist reserve corps, comprised of United States citizens with advanced levels of proficiency in foreign languages, who would be available, upon request from the President, to perform translation and other services or duties with respect foreign languages for the Federal Government.

(b) IMPLEMENTATION.—In establishing the Civilian Linguist Reserve Corps, the Secretary, after reviewing the findings and recommendations contained in the report required under section 325 of the Intelligence Authorization Act for Fiscal Year 2003 (Public Law 107–306; 116 Stat. 2393), shall—

(1) identify several foreign languages in which proficiency by United States citizens is critical for the national security interests of the United States and the relative importance of such proficiency in each such language;

(2) identify United States citizens with advanced levels of proficiency in each foreign language identified under paragraph (1) who would be available to perform the services and duties referred to in subsection (a);

(3) cooperate with other Federal agencies with national security responsibilities to implement a procedure for securing the performance of the services and duties referred to in subsection (a) by the citizens identified under paragraph (2); and

(4) invite individuals identified under paragraph (2) to participate in the civilian linguist reserve corps.

(c) CONTRACT AUTHORITY.—In establishing the civilian linguist reserve corps, the Secretary may enter into contracts with appropriate agencies or entities.

(d) FEASIBILITY STUDY.—During the course of the pilot program established under this section, the Secretary shall conduct a study of the best practices to be utilized in establishing the civilian linguist reserve corps, including practices regarding—

(1) administrative structure;

(2) languages that will be available;

(3) the number of language specialists needed for each language;

(4) the Federal agencies that may need language services;

(5) compensation and other operating costs;

(6) certification standards and procedures;

(7) security clearances;

(8) skill maintenance and training; and

(9) the use of private contractors to supply language specialists.

(e) REPORTS.—

(1) EVALUATION REPORTS.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and annually thereafter for the next 2 years, the Secretary shall submit to Congress an evaluation report on the pilot project conducted under this section.

(B) CONTENTS.—Each report under subparagraph (A) shall contain information on the operation of the pilot project, the success of the pilot project in carrying out the objectives of the establishment of a civilian linguist reserve corps, and recommendations for the continuation or expansion of the pilot project.

(2) FINAL REPORT.—Not later than 6 months after the completion of the pilot project, the Secretary shall submit to Congress a final report summarizing the lessons learned, best practices, and recommendations for full implementation of a civilian linguist reserve corps.

(f) FUNDING.—Of the amount appropriated under the heading "Operation and Maintenance, Defense-Wide" in title II, up to $1,500,000 may be available to carry out the pilot program under this section.

SEC. 8140. (a) FUNDING FOR PARTICIPATION OF VET CENTERS IN TRANSITION ASSISTANCE PROGRAMS.—Of the amounts appropriated or otherwise made available by this Act, up to $5,000,000 may be used for the participation of Vet centers in the transition assistance programs of the Department of Defense for members of the Armed Forces.

(b) VET CENTERS DEFINED.—In this section, the term "Vet centers" means centers for the provision of readjustment counseling and related mental health services under section 1712A of title 38, United States Code.

SEC. 8141. Of the amount appropriated by title IV under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE", up to $2,500,000 may be available for advanced technology for IRCM component improvement.

SEC. 8142. Of the amount appropriated by title IV under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY" and available for demonstration and validation, up to $5,000,000 may be available for the Plasma Energy Pyrolysis System (PEPS), Operational Gasification unit.

SEC. 8143. Of the amount appropriated by this Act under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE", up to $5,000,000 may be available for the rapid mobilization of the New England Manufacturing Supply Chain Initiative to meet Department of Defense supply shortages and surge demands for parts and equipment.

SEC. 8144. Of the amount appropriated by title IV under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY", up to $1,000,000 may be made available for Marine Corps assault vehicles for development of carbon fabric-based friction materials to optimize the cross-drive transmission brake system of the Expeditionary Fighting Vehicle.

SEC. 8145. Of the amount appropriated by title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY, up to $2,000,000 may be used for Program Element #0603235N for the Shipboard Automated Reconstruction Capability.

SEC. 8146. (a) BLAST INJURY PREVENTION, MITIGATION, AND TREATMENT INITIATIVE OF THE ARMY.—Of the amount appropriated by title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY", up to $1,000,000 may be available for Program Element #63002A for far forward use of recombinant activated factor VII.

SEC. 8147. Beginning with the fiscal year 2006 program year, the Secretary of the Air Force is strongly encouraged to exercise the option on the existing multiyear procurement contract for C–17 aircraft in order to enter into a multiyear contract for the procurement of 42 additional C-17 aircraft.

SEC. 8148. DEPARTMENT OF DEFENSE TASK FORCE ON MENTAL HEALTH.—(a) REQUIREMENT TO ESTABLISH.—The Secretary of Defense shall establish within the Department of Defense a task force to examine matters relating to mental health and the Armed Forces.

(b) COMPOSITION.—

(1) MEMBERS.—The task force shall consist of not more than 14 members appointed by the Secretary of Defense from among individuals described in paragraph (2) who have demonstrated expertise in the area of mental health.

(2) RANGE OF MEMBERS.—The individuals appointed to the task force shall include—

(A) at least one member of each of the Army, Navy, Air Force, and Marine Corps; and

(B) a number of persons from outside the Department of Defense equal to the total number of personnel from within the Department of Defense (whether members of the Armed Forces or civilian personnel) who are appointed to the task force.

(3) INDIVIDUALS APPOINTED WITHIN DEPARTMENT OF DEFENSE.—At least one of the individuals appointed to the task force from within the Department of Defense shall be the surgeon general of an Armed Force or a designee of such surgeon general.

(4) INDIVIDUALS APPOINTED OUTSIDE DEPARTMENT OF DEFENSE.—(A) Individuals appointed to the task force from outside the Department of Defense may include officers or employees of other departments or agencies of the Federal Government, officers or employees of State and governments, or individuals from the private sector.

(B) The individuals appointed to the task force from outside the Department of Defense shall include—

(i) an officer or employee of the Department of Veterans Affairs appointed by the Secretary of Defense in consultation with the Secretary of Veterans Affairs;

(ii) an officer or employee of the Substance Abuse and Mental Health Services Administration of the Department of Health and Human Services appointed by the Secretary of Defense in consultation with the Secretary of Health and Human Services; and

(iii) at least two individuals who are representatives of—

(I) a mental health policy and advocacy organization; and

(II) a national veterans service organization.

(5) DEADLINE FOR APPOINTMENT.—All appointments of individuals to the task force shall be made not later than 120 days after the date of the enactment of this Act.

(6) CO-CHAIRS OF TASK FORCE.—There shall be two co-chairs of the task force. One of the co-chairs shall be designated by the Secretary of the Defense at the time of appointment from among the Department of Defense personnel appointed to the task force. The other co-chair shall be selected from among the members appointed from outside the Department of Defense by members so appointed.

(c) LONG-TERM PLAN ON MENTAL HEALTH SERVICES.—

(1) IN GENERAL.—Not later than 12 months after the date on which all members of the task force have been appointed, the task force shall submit to the Secretary a long-term plan (referred to as a strategic plan) on means by which the Department of Defense shall improve the efficacy of mental health services provided to members of Armed Forces by the Department of Defense.

(2) UTILIZATION OF OTHER EFFORTS.—In preparing the report, the task force shall take into consideration completed and ongoing efforts by the Department of Defense to improve the efficacy of mental health care provided to members of the Armed Forces by the Department.

(3) ELEMENTS.—The long-term plan shall include an assessment of and recommendations

(including recommendations for legislative or administrative action) for measures to improve the following:

(A) The awareness of the prevalence of mental health conditions among members of the Armed Forces.

(B) The efficacy of existing programs to prevent, identify, and treat mental health conditions among members of the Armed Forces, including programs for and with respect to forward-deployed troops.

(C) The reduction or elimination of barriers to care, including the stigma associated with seeking help for mental health related conditions, and the enhancement of confidentiality for members of the Armed Forces seeking care for such conditions.

(D) The adequacy of outreach, education, and support programs on mental health matters for families of members of the Armed Forces.

(E) The efficacy of programs and mechanisms for ensuring a seamless transition from care of members of the Armed Forces on active duty for mental health conditions through the Department of Defense to care for such conditions through the Department of Veterans Affairs after such members are discharged or released from military, naval, or air service.

(F) The availability of long-term follow-up and access to care for mental health conditions for members of the Individual Ready Reserve, and the Selective Reserve and for discharged, separated, or retired members of the Armed Forces.

(G) Collaboration among organizations in the Department of Defense with responsibility for or jurisdiction over the provision of mental health services.

(H) Coordination between the Department of Defense and civilian communities, including local support organizations, with respect to mental health services.

(I) The scope and efficacy of curricula and training on mental health matters for commanders in the Armed Forces.

(J) Such other matters as the task force considers appropriate.

(d) ADMINISTRATIVE MATTERS.—

(1) COMPENSATION.—Each member of the task force who is a member of the Armed Forces or a civilian officer or employee of the United States shall serve without compensation (other than compensation to which entitled as a member of the Armed Forces or an officer or employee of the United States, as the case may be). Other members of the task force shall be treated for purposes of section 3161 of title 5, United States Code, as having been appointed under subsection (b) of such section.

(2) OVERSIGHT.—The Under Secretary of Defense for Personnel and Readiness shall oversee the activities of the task force.

(3) ADMINISTRATIVE SUPPORT.—The Washington Headquarters Services of the Department of Defense shall provide the task force with personnel, facilities, and other administrative support as necessary for the performance of the duties of the task force.

(4) ACCESS TO FACILITIES.—The Under Secretary of Defense for Personnel and Readiness shall, in coordination with the Secretaries of the military departments, ensure appropriate access by the task force to military installations and facilities for purposes of the discharge of the duties of the task force.

(e) REPORT.—

(1) IN GENERAL.—The task force shall submit to the Secretary of Defense a report on its activities under this section. The report shall include—

(A) a description of the activities of the task force;

(B) the plan required by subsection (c); and

(C) such other mattes relating to the activities of the task force that the task force considers appropriate.

(2) TRANSMITTAL TO CONGRESS.—Not later than 90 days after receipt of the report under paragraph (1), the Secretary shall transmit the report to the Committees on Armed Services and Veterans' Affairs of the Senate and the House of Representatives. The Secretary may include in the transmittal such comments on the report as the Secretary considers appropriate.

(f) TERMINATION.—The task force shall terminate 90 days after the date on which the report of the task force is submitted to Congress under subsection (e)(2).

SEC. 8149. (a) ARMY PROGRAMS.—Of the amount appropriated by title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY", up to an additional $10,000,000 may be used for Program Element 0601103A for University Research Initiatives.

(b) NAVY PROGRAMS.—Of the amount appropriated by title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY", up to an additional $5,000,000 may be used for Program Element 0601103N for University Research Initiatives.

(c) AIR FORCE PROGRAMS.—Of the amount appropriated by title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE", up to an additional $10,000,000 may be used for Program Element 0601103F for University Research Initiatives.

(d) DEFENSE-WIDE ACTIVITIES.—Of the amount appropriated by title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE"—

(A) up to an additional $10,000,000 may be used for Program Element 0601120D8Z for the SMART National Defense Education Program; and

(B) up to an additional $5,000,000 may be used for Program Element 0601101E for the Defense Advanced Research Projects Agency University Research Program in Cybersecurity.

(e) SENSE OF SENATE.—It is the sense of the Senate that it should be a goal of the Department of Defense to allocate to basic research programs each fiscal year an amount equal to 15 percent of the funds available to the Department of Defense for science and technology in such fiscal year.

SEC. 8150. REPORT ON REVIEW AND IMPLEMENTATION OF COMPTROLLER GENERAL RECOMMENDATIONS ON TRANSITION ASSISTANCE FOR MEMBERS OF THE NATIONAL GUARD AND RESERVES.—(a) REPORT.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the status of the review of, and actions taken to implement, the recommendations of the Comptroller General of the United States in the report of the Comptroller General entitled "Military and Veterans Benefits: Enhanced Services Could Improve Transition Assistance for Reserves and National Guard" (GAO 05-544).

(b) PARTICULAR INFORMATION.—If the Secretary has determined in the course of the review described in subsection (a) not to implement any recommendation of the Comptroller General described in that subsection, the report under that subsection shall include a justification of such determination.

SEC. 8151. Any limitation, directive, or earmarking contained in either the House of Representatives or Senate report accompanying H.R. 2863 shall also be included in the conference report or joint statement accompanying H.R. 2863 in order to be considered as having been approved by both Houses of Congress.

SEC. 8152. (a) Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the use of ground source heat pumps at Department of Defense facilities.

(b) The report required under subsection (a) shall include—

(1) a description of the types of Department of Defense facilities that use ground source heat pumps;

(2) an assessment of the applicability and cost-effectiveness of the use of ground source heat pumps at Department of Defense facilities in different geographic regions of the United States; and

(3) a description of the relative applicability of ground source heat pumps for purposes of new construction at, and retrofitting of, Department of Defense facilities.

SEC. 8153. (a) Of the amount appropriated by title IV under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY" up to $1,500,000 may be available for research within the High-Brightness Electron Source program.

SEC. 8154. UNIFORM STANDARDS FOR THE INTERROGATION OF PERSONS UNDER THE DETENTION OF THE DEPARTMENT OF DEFENSE.—(a) IN GENERAL.—No person in the custody or under the effective control of the Department of Defense or under detention in a Department of Defense facility shall be subject to any treatment or technique of interrogation not authorized by and listed in the United States Army Field Manual on Intelligence Interrogation.

(b) APPLICABILITY.—Subsection (a) shall not apply to with respect to any person in the custody or under the effective control of the Department of Defense pursuant to a criminal law or immigration law of the United States.

(c) CONSTRUCTION.—Nothing in this section shall be construed to affect the rights under the United States Constitution of any person in the custody or under the physical jurisdiction of the United States.

SEC. 8155. PROHIBITION ON CRUEL, INHUMAN, OR DEGRADING TREATMENT OR PUNISHMENT OF PERSONS UNDER CUSTODY OR CONTROL OF THE UNITED STATES GOVERNMENT.—(a) IN GENERAL.—No individual in the custody or under the physical control of the United States Government, regardless of nationality or physical location, shall be subject to cruel, inhuman, or degrading treatment or punishment.

(b) CONSTRUCTION.—Nothing in this section shall be construed to impose any geographical limitation on the applicability of the prohibition against cruel, inhuman, or degrading treatment or punishment under this section.

(c) LIMITATION ON SUPERSEDURE.—The provisions of this section shall not be superseded, except by a provision of law enacted after the date of the enactment of this Act which specifically repeals, modifies, or supersedes the provisions of this section.

(d) CRUEL, INHUMAN, OR DEGRADING TREATMENT OR PUNISHMENT DEFINED.—In this section, the term "cruel, inhuman, or degrading treatment or punishment" means the cruel, unusual, and inhumane treatment or punishment prohibited by the Fifth, Eighth, and Fourteenth Amendments to the Constitution of the United States, as defined in the United States Reservations, Declarations and Understandings to the United Nations Convention Against Torture and Other Forms of Cruel, Inhuman or Degrading Treatment or Punishment done at New York, December 10, 1984.

SEC. 8156. None of the funds appropriated or otherwise made available in this Act may be obligated or expended during fiscal year 2006 for paying salaries and expenses or other costs associated with reimbursing or otherwise financially compensating the Government of Uzbekistan for services rendered to the United States at Karshi-Khanabad airbase in Uzbekistan.

SEC. 8157. SENSE OF THE SENATE REGARDING DEPOT MAINTENANCE.—(a) FINDINGS.—The Senate finds that—

(1) the Depot Maintenance Strategy and Master Plan of the Air Force reflects the essential

requirements for the Air Force to maintain a ready and controlled source of organic technical competence, thereby ensuring an effective and timely response to national defense contingencies and emergency requirements;

(2) since the publication of the Depot Maintenance Strategy and Master Plan of the Air Force in 2002, the service has made great progress toward modernizing all 3 of its Depots, in order to maintain their status as "world class" maintenance repair and overhaul operations;

(3) 1 of the indispensable components of the Depot Maintenance Strategy and Master Plan of the Air Force is the commitment of the Air Force to allocate $150,000,000 a year over 6 years, beginning in fiscal year 2004, for recapitalization and investment, including the procurement of technologically advanced facilities and equipment, of our Nation's 3 Air Force depots; and

(4) the funds expended to date have ensured that transformation projects, such as the initial implementation of "Lean" and "Six Sigma" production techniques, have achieved great success in dramatically reducing the time necessary to perform depot maintenance on aircraft.

(b) Sense of the Senate.—It is the sense of the Senate that—

(1) the Air Force should be commended for the implementation of its Depot Maintenance Strategy and Master Plan and, in particular, meeting its commitment to invest $150,000,000 a year over 6 years, since fiscal year 2004, in the Nation's 3 Air Force Depots; and

(2) the Air Force should continue to fully fund its commitment of $150,000,000 a year through fiscal year 2009 in investments and recapitalization projects pursuant to the Depot Maintenance Strategy and Master Plan.

Sec. 8158. Of the amount appropriated by title III under the heading "Procurement of Weapons and Tracked Combat Vehicles, Army", up to $5,000,000 may be used for the Arsenal Support Program Initiative for Watervliet Arsenal, New York.

Sec. 8159. Of the amount appropriated by title IV under the heading "Research, Development, Test, and Evaluation, Defense-Wide", up to $4,000,000 may be used for Oral Anthrax/Plague Vaccine Development.

Sec. 8160. (a) The Secretary of the Navy may, subject to the terms and conditions of the Secretary, donate the World War II-era marine railway located at the United States Naval Academy, Annapolis, Maryland, to the Richardson Maritime Heritage Center, Cambridge, Maryland.

(b) The marine railway donated under subsection (a) may not be used for commercial purposes.

Sec. 8161. The Secretary of Defense may present promotional materials, including a United States flag, to any member of an Active or Reserve component under the Secretary's jurisdiction who, as determined by the Secretary, participates in Operation Enduring Freedom or Operation Iraqi Freedom, along with other recognition items in conjunction with any week-long national observation and day of national celebration, if established by Presidential proclamation, for any such members returning from such operations.

Sec. 8162. (a) Implementation of Long-Range Wireless Capabilities.—Of the amount appropriated by title II under the heading "Operation and Maintenance, Air Force", up to $10,000,000 may be used by the United States Northern Command for the purposes of implementing Long-Range Wireless telecommunications capabilities for the Gulf States and key entities within the Northern Command Area of Responsibility (AOR).

(b) Implementation of Long-Range Wireless Capabilities.—Of the amount appropriated or otherwise made available by title III under the heading "Other Procurement, Air Force", up to $20,000,000 may be used by the United States Northern Command for the purposes of implementing IMT–2000 3G Standards Based Communications Information Extension capabilities for the Gulf States and key entities within the Northern Command Area of Responsibility (AOR).

Sec. 8163. (a) Submission of Procedures for Combatant Status Review Tribunals and Administrative Review Boards To Determine Status of Detainees at Guantanamo Bay, Cuba.—Not later than 180 days after the date of enactment of this Act the President shall submit to the Congressional Defense Committees and committees on Judiciary in the House and Senate the procedures for the Combatant Status Review Tribunals and a noticed administrative review boards in operation at Guantanamo Bay, Cuba, for determining the status of the detainees held at Guantanamo Bay, including whether any such detainee is a lawful enemy combatant or an unlawful enemy combatant.

(b) Procedures.—The procedures submitted to Congress pursuant to subsection (a) shall ensure that—

(A) In making a determination of status under such procedures, the Combatant Status Review Tribunal and annual review boards may not consider statements derived from persons that, as determined by the Tribunals or boards, by the preponderance of the evidence, were obtained with undue coercion.

(B) The Designated Civilian Official shall be an officer of the United States Government whose appointment to office was made by the President, by and with the advise and consent of the Senate.

(C) Modification of procedures.—The President shall submit to Congress any modification to the procedures submitted under subsection (a) no less than 30 days before the date on which such modifications go into effect.

Sec. 8164. (a) Additional Amount for Aircraft Procurement, Air Force.—The amount appropriated under the heading "Aircraft Procurement, Air Force" is hereby increased by $130,000,000.

(b) Availability of Amount.—Of the amount appropriated under the heading "Aircraft Procurement, Air Force", as increased by subsection (a), $130,000,000 shall be available for purposes as follows:

(1) Procurement of Predator air vehicles, initial spares, and RSP kits.

(2) Procurement of Containerized Dual Control Station Launch and Recovery Elements.

(3) Procurement of a Fixed Ground Control Station.

(4) Procurement of other upgrades to Predator Ground Control Stations, spares, and signals intelligence packages.

(c) Offset.—(1) The amount appropriated by title II for Operation and maintenance, Air Force is hereby reduced by $130,000,000.

Sec. 8165. Sense of Senate on Transfer of Funds for Increased Personnel Strengths for the Army and Marine Corps.—(a) Findings.—The Senate makes the following findings:

(1) A long-term increase in the personnel end strengths for active duty personnel of the Army and the Marine Corps is necessary in order to carry out the current missions of the Army and the Marine Corps and to relieve current strains on Army and Marine Corps forces.

(2) The cost of the increase in such end strengths is foreseeable and should be included in the annual budget of the President for each fiscal year, as submitted to Congress pursuant to section 1105 of title 31, United States Code, in order to provide a full and honest accounting to the American people of the personnel costs of the Army and the Marine Corps.

(3) The inclusion in the annual budget of the President for each fiscal year of the costs of an increase in such end strengths will permit the Army and Marine Corps to plan for and accommodate the additional troops contemplated by such increased end strengths without reducing other important programs.

(b) Sense of Senate.—It is the sense of the Senate that the additional amounts to be required for increases in the personnel end strengths for active duty personnel of the Army and the Marine Corps for fiscal year 2006 should be transferred from amounts appropriated by title IX for the Military Personnel, Army, Military Personnel, Marine Corps, Operation and Maintenance, Army, and Operation and Maintenance, Marine Corps, and Operation and Maintenance, Defense-Wide, accounts to the amounts appropriated for the applicable accounts in titles I and II.

Sec. 8166. Of the amount appropriated by title III under the heading "Other Procurement, Air Force", up to $3,000,000 may be made available for the Laser Marksmanship Training System.

Sec. 8167. Of the amount appropriated by title IV under the heading "Research, Development, Test, and Evaluation, Army", up to $5,000,000 may be used for Medium Tactical Vehicle Modifications.

Sec. 8168. Section 8013 of the Department of Defense Appropriations Act, 1994 (Public Law 103–139; 107 Stat. 1440) is amended by striking "the report to the President from the Defense Base Closure and Realignment Commission, July 1991" and inserting "the reports to the President from the Defense Base Closure and Realignment Commission, July 1991 and July 1993".

Sec. 8169. Of the amount appropriated by title IV under the heading "Research, Development, Test, and Evaluation, Army", up to $1,000,000 may be used for Integrated Starter/Alternator for Up-Armored High Mobility Multi-Wheeled Vehicles.

Sec. 8170. Availability of amount.—Of the amount appropriated by title II under the heading "Operation and Maintenance, Defense-Wide", up to $60,000,000 may be made available as follows:

(A) Up to $50,000,000 may be made available for childcare services for families of members of the Armed Forces.

(B) Up to $10,000,000 may be made available for family assistance centers that primarily serve members of the Armed Forces and their families.

(b) National Guard Counterdrug Support Activities.—

(1) Availability of amount.—Of the amount appropriated by title VI under the heading "Drug Interdiction and Counter-Drug Activities", up to $40,000,000 may be available for the purpose of National Guard counterdrug support activities.

(2) Supplement not supplant.—The amount available under paragraph (2) for the purpose specified in that paragraph is in addition to any other amounts available under title VI for that purpose.

Sec. 8171. Of the amount appropriated by title II under the heading "Operation and Maintenance, Defense-Wide", up to $2,000,000 may be available for the establishment, in consultation with the Reach Out and Read National Center, of a pilot project on pediatric early literacy on military installations.

Sec. 8172. Increase in rate of basic pay of the enlisted member serving as the Senior Enlisted Advisor for the Chairman of the Joint Chiefs of Staff.—(a) Increase.—Footnote 2 to the table on Enlisted Members in section 601(b) of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–

136; 37 U.S.C. 1009 note) is amended by striking "or Master Chief Petty Officer of the Coast Guard" and inserting "Master Chief Petty Officer of the Coast Guard, or Senior Enlisted Advisor for the Chairman of the Joint Chiefs of Staff".

(b) PERSONAL MONEY ALLOWANCE.—

(1) ENTITLEMENT.—Section 414(c) of title 37, United States Code, is amended by striking "or the Master Chief Petty Officer of the Coast Guard" and inserting "the Master Chief Petty Officer of the Coast Guard, or the Senior Enlisted Advisor for the Chairman of the Joint Chiefs of Staff".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on April 1, 2005.

SEC. 8173. SUPPORT FOR YOUTH ORGANIZATIONS.—(a) SHORT TITLE.—This Act may be cited as the "Support Our Scouts Act of 2005".

(b) SUPPORT FOR YOUTH ORGANIZATIONS.—

(1) DEFINITIONS.—In this subsection—

(A) the term "Federal agency" means each department, agency, instrumentality, or other entity of the United States Government; and

(B) the term "youth organization"—

(i) means any organization that is designated by the President as an organization that is primarily intended to—

(I) serve individuals under the age of 21 years;

(II) provide training in citizenship, leadership, physical fitness, service to community, and teamwork; and

(III) promote the development of character and ethical and moral values; and

(ii) shall include—

(I) the Boy Scouts of America;

(II) the Girl Scouts of the United States of America;

(III) the Boys Clubs of America;

(IV) the Girls Clubs of America;

(V) the Young Men's Christian Association;

(VI) the Young Women's Christian Association;

(VII) the Civil Air Patrol;

(VIII) the United States Olympic Committee;

(IX) the Special Olympics;

(X) Campfire USA;

(XI) the Young Marines;

(XII) the Naval Sea Cadets Corps;

(XIII) 4–H Clubs;

(XIV) the Police Athletic League;

(XV) Big Brothers—Big Sisters of America; and

(XVI) National Guard Youth Challenge.

(2) IN GENERAL.—

(A) SUPPORT FOR YOUTH ORGANIZATIONS.—

(i) SUPPORT.—No Federal law (including any rule, regulation, directive, instruction, or order) shall be construed to limit any Federal agency from providing any form of support for a youth organization (including the Boy Scouts of America or any group officially affiliated with the Boy Scouts of America) that would result in that Federal agency providing less support to that youth organization (or any similar organization chartered under the chapter of title 36, United States Code, relating to that youth organization) than was provided during the preceding fiscal year. This clause shall be subject to the availability of appropriations.

(ii) YOUTH ORGANIZATIONS THAT CEASE TO EXIST.—Clause (i) shall not apply to any youth organization that ceases to exist.

(iii) WAIVERS.—The head of a Federal agency may waive the application of clause (i) to any youth organization with respect to each conviction or investigation described under subclause (I) or (II) for a period of not more than 2 fiscal years if—

(I) any senior officer (including any member of the board of directors) of the youth organization is convicted of a criminal offense relating to the official duties of that officer or the youth organization is convicted of a criminal offense; or

(II) the youth organization is the subject of a criminal investigation relating to fraudulent use or waste of Federal funds.

(B) TYPES OF SUPPORT.—Support described under this paragraph shall include—

(i) holding meetings, camping events, or other activities on Federal property;

(ii) hosting any official event of such organization;

(iii) loaning equipment; and

(iv) providing personnel services and logistical support.

(c) SUPPORT FOR SCOUT JAMBOREES.—

(1) FINDINGS.—Congress makes the following findings:

(A) Section 8 of article I of the Constitution of the United States commits exclusively to Congress the powers to raise and support armies, provide and maintain a Navy, and make rules for the government and regulation of the land and naval forces.

(B) Under those powers conferred by section 8 of article I of the Constitution of the United States to provide, support, and maintain the Armed Forces, it lies within the discretion of Congress to provide opportunities to train the Armed Forces.

(C) The primary purpose of the Armed Forces is to defend our national security and prepare for combat should the need arise.

(D) One of the most critical elements in defending the Nation and preparing for combat is training in conditions that simulate the preparation, logistics, and leadership required for defense and combat.

(E) Support for youth organization events simulates the preparation, logistics, and leadership required for defending our national security and preparing for combat.

(F) For example, Boy Scouts of America's National Scout Jamboree is a unique training event for the Armed Forces, as it requires the construction, maintenance, and disassembly of a "tent city" capable of supporting tens of thousands of people for a week or longer. Camporees at the United States Military Academy for Girl Scouts and Boy Scouts provide similar training opportunities on a smaller scale.

(2) SUPPORT.—Section 2554 of title 10, United States Code, is amended by adding at the end the following:

"(i)(1) The Secretary of Defense shall provide at least the same level of support under this section for a national or world Boy Scout Jamboree as was provided under this section for the preceding national or world Boy Scout Jamboree.

"(2) The Secretary of Defense may waive paragraph (1), if the Secretary—

"(A) determines that providing the support subject to paragraph (1) would be detrimental to the national security of the United States; and

"(B) reports such a determination to the Congress in a timely manner, and before such support is not provided.".

(d) EQUAL ACCESS FOR YOUTH ORGANIZATIONS.—Section 109 of the Housing and Community Development Act of 1974 (42 U.S.C. 5309) is amended—

(1) in the first sentence of subsection (b) by inserting "or (e)" after "subsection (a)"; and

(2) by adding at the end the following:

"(e) EQUAL ACCESS.—

"(1) DEFINITION.—In this subsection, the term 'youth organization' means any organization described under part B of subtitle II of title 36, United States Code, that is intended to serve individuals under the age of 21 years.

"(2) IN GENERAL.—No State or unit of general local government that has a designated open forum, limited public forum, or nonpublic forum and that is a recipient of assistance under this chapter shall deny equal access or a fair opportunity to meet to, or discriminate against, any youth organization, including the Boy Scouts of America or any group officially affiliated with the Boy Scouts of America, that wishes to conduct a meeting or otherwise participate in that designated open forum, limited public forum, or nonpublic forum.".

SEC. 8174. (a) There are appropriated out of the Employment Security Administration account of the Unemployment Trust Fund, $14,000,000 for authorized administrative expenses.

(b) From the money in the Treasury not otherwise obligated or appropriated, there are appropriated to the Office of the Inspector General of the Department of Health and Human Services $5,000,000 for oversight activities related to Hurricane Katrina.

(c) The amounts appropriated under subsection (a) and (b)—

(1) are designated as an emergency requirements pursuant to section 402 of H. Con. Res. 95 (109th Congress); and

(2) shall remain available until expended.

TITLE IX—ADDITIONAL WAR-RELATED APPROPRIATIONS

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for "Military Personnel, Army", $5,009,420,000.

MILITARY PERSONNEL, NAVY

For an additional amount for "Military Personnel, Navy", $180,000.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for "Military Personnel, Marine Corps", $455,420,000.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for "Military Personnel, Air Force", $372,480,000.

RESERVE PERSONNEL, ARMY

For an additional amount for "Reserve Personnel, Army", $121,500,000.

RESERVE PERSONNEL, NAVY

For an additional amount for "Reserve Personnel, Navy", $10,000,000.

NATIONAL GUARD PERSONNEL, ARMY

For an additional amount for "National Guard Personnel, Army", $232,300,000.

NATIONAL GUARD PERSONNEL, AIR FORCE

For an additional amount for "National Guard Personnel, Air Force", $5,300,000.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for "Operation and Maintenance, Army", $21,915,547,000.

OPERATION AND MAINTENANCE, NAVY

For an additional amount for "Operation and Maintenance, Navy", $1,806,400,000.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for "Operation and Maintenance, Marine Corps", $1,275,800,000.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for "Operation and Maintenance, Air Force", $2,014,900,000.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for "Operation and Maintenance, Defense-Wide", $980,000,000, of which up to $195,000,000, to remain available until expended, may be used for payments to reimburse Pakistan, Jordan, and other key cooperating nations, for logistical, military, and other support provided, or to be provided, to United States military operations, notwithstanding any other provision of law: Provided, That such payments may be made in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State, and in consultation with the Director of the Office of

Management and Budget, may determine, in his discretion, based on documentation determined by the Secretary of Defense to adequately account for the support provided, and such determination is final and conclusive upon the accounting officers of the United States, and 15 days following notification to the appropriate congressional committees: Provided further, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees on the use of funds provided in this paragraph.

OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for "Operation and Maintenance, Army Reserve", $53,700,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for "Operation and Maintenance, Navy Reserve", $9,400,000.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For an additional amount for "Operation and Maintenance, Marine Corps Reserve", $27,950,000.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For an additional amount for "Operation and Maintenance, Air Force Reserve", $7,000,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for "Operation and Maintenance, Army National Guard", $201,300,000.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For an additional amount for "Operation and Maintenance, Air National Guard", $13,400,000.

IRAQ FREEDOM FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Iraq Freedom Fund", $4,100,000,000, to remain available for transfer until September 30, 2006, only to support operations in Iraq or Afghanistan and classified activities: Provided, That the Secretary of Defense may transfer the funds provided herein to appropriations for military personnel; operation and maintenance; Overseas Humanitarian, Disaster, and Civic Aid; procurement; research, development, test and evaluation; the Defense Health Program; and working capital funds: Provided further, That of the amounts provided under this heading, $2,850,000,000 shall only be for classified programs, described in further detail in the classified annex accompanying this Act: Provided further, That $750,000,000 shall be available for the Joint IED Defeat Task Force: Provided further, That funds transferred shall be merged with and be available for the same purposes and for the same time period as the appropriation or fund to which transferred: Provided further, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That the Secretary of Defense shall, not fewer than 5 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer: Provided further, That the Secretary shall submit a report no later than 30 days after the end of each fiscal quarter to the congressional defense committees summarizing the details of the transfer of funds from this appropriation.

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For an additional amount for "Aircraft Procurement, Army", $348,100,000, to remain available until September 30, 2008.

MISSILE PROCUREMENT, ARMY

For an additional amount for "Missile Procurement, Army", $80,000,000, to remain available until September 30, 2008.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For an additional amount for "Procurement of Weapons and Tracked Combat Vehicles, Army", $910,700,000, to remain available until September 30, 2008.

PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for "Procurement of Ammunition, Army", $335,780,000, to remain available until September 30, 2008.

OTHER PROCUREMENT, ARMY

For an additional amount for "Other Procurement, Army", $3,916,000,000, to remain available until September 30, 2008.

AIRCRAFT PROCUREMENT, NAVY

For an additional amount for "Aircraft Procurement, Navy", $151,537,000, to remain available until September 30, 2008.

WEAPONS PROCUREMENT, NAVY

For an additional amount for "Weapons Procurement, Navy", $56,700,000, to remain available until September 30, 2008.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For an additional amount for "Procurement of Ammunition, Navy and Marine Corps", $48,485,000, to remain available until September 30, 2008.

OTHER PROCUREMENT, NAVY

For an additional amount for "Other Procurement, Navy", $116,048,000, to remain available until September 30, 2008.

PROCUREMENT, MARINE CORPS

For an additional amount for "Procurement, Marine Corps", $2,303,700,000, to remain available until September 30, 2008.

AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for "Aircraft Procurement, Air Force", $118,058,000, to remain available until September 30, 2008.

MISSILE PROCUREMENT, AIR FORCE

For an additional amount for "Missile Procurement, Air Force", $17,000,000, to remain available until September 30, 2008.

OTHER PROCUREMENT, AIR FORCE

For an additional amount for "Other Procurement, Air Force", $17,500,000, to remain available until September 30, 2008.

PROCUREMENT, DEFENSE-WIDE

For an additional amount for "Procurement, Defense-Wide", $132,075,000, to remain available until September 30, 2008.

NATIONAL GUARD AND RESERVE EQUIPMENT

For an additional amount for "NATIONAL GUARD AND RESERVE EQUIPMENT", $1,300,000,000, to remain available until expended: Provided, That the amount available under this heading shall be available for homeland security and homeland security response equipment; Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (109th Congress).

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For an additional amount for "Research, Development, Test and Evaluation, Army", $72,000,000, to remain available until September 30, 2007.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For an additional amount for "Research, Development, Test and Evaluation,. Air Force", $17,800,000, to remain available until September 30, 2007.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For an additional amount for "Research, Development, Test and Evaluation, Defense-Wide", $2,500,000, to remain available until September 30, 2007.

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For an additional amount for "Defense Working Capital Funds", $2,716,400,000.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

For an additional amount for "Drug Interdiction and Counter-drug Activities, Defense", $27,620,000.

GENERAL PROVISIONS, TITLE IX

SEC. 9001. Appropriations provided in this title are available for obligation until September 30, 2006, unless otherwise so provided in this title.

SEC. 9002. Notwithstanding any other provision of law or of this Act, funds made available in this title are in addition to amounts provided elsewhere in this Act.

(TRANSFER OF FUNDS)

SEC. 9003. Upon his determination that such action is necessary in the national interest, the Secretary of Defense may transfer between appropriations up to $2,500,000,000 of the funds made available to the Department of Defense in this title: Provided, That the Secretary shall notify the Congress promptly of each transfer made pursuant to the authority in this section: Provided further, That the authority provided in this section is in addition to any other transfer authority available to the Department of Defense and is subject to the same terms and conditions as the authority provided in section 8005 of this Act.

SEC. 9004. Funds appropriated in this title, or made available by the transfer of funds in or pursuant to this title, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414).

SEC. 9005. None of the funds provided in this title may be used to finance programs or activities denied by Congress in fiscal years 2005 and 2006 appropriations to the Department of Defense or to initiate a procurement or research, development, test and evaluation new start program without prior written notification to the congressional defense committees.

SEC. 9006. Notwithstanding any other provision of law, from funds made available in this title to the Department of Defense for operation and maintenance, not to exceed $500,000,000 may be used by the Secretary of Defense, with the concurrence of the Secretary of State, to train, equip and provide related assistance only to the New Iraqi Army and the Afghan National Army to enhance their capability to combat terrorism and to support U.S. military operations in Iraq and Afghanistan: Provided, That such assistance may include the provision of equipment, supplies, services, training and funding: Provided further, That the authority to provide assistance under this section is in addition to any other authority to provide assistance to foreign nations: Provided further, That the Secretary of Defense shall notify the congressional defense committees, the Committee on International Relations of the House of Representatives, and the Committee on Foreign Relations of the Senate *not less than 15 days before providing assistance under the authority of this section.*

Sec. 9007. (a) From funds made available in this title to the Department of Defense, not to exceed $500,000,000 may be used, notwithstanding any other provision of law, to fund the Commander's Emergency Response Program, for the purpose of enabling military commanders in Iraq to respond to urgent humanitarian relief and reconstruction requirements within their areas of responsibility by carrying out programs that will immediately assist the Iraqi people, and to fund a similar program to assist the people of Afghanistan.

(b) Quarterly Reports.—Not later than 15 days after the end of each fiscal year quarter (beginning with the first quarter of fiscal year 2006), the Secretary of Defense shall submit to the congressional defense committees a report regarding the source of funds and the allocation and use of funds during that quarter that were made available pursuant to the authority provided in this section or under any other provision of law for the purposes of the programs under subsection (a).

Sec. 9008. Amounts provided in this title for operations in Iraq and Afghanistan may be used by the Department of Defense for the purchase of heavy and light armored vehicles for force protection purposes, notwithstanding price or other limitations specified elsewhere in this Act, or any other provision of law: Provided, That the Secretary of Defense shall submit a report in writing no later than 30 days after the end of each fiscal quarter notifying the congressional defense committees of any purchase described in this section, including the cost, purposes, and quantities of vehicles purchased.

Sec. 9009. During the current fiscal year, funds available to the Department of Defense for operation and maintenance may be used, notwithstanding any other provision of law, to provide supplies, services, transportation, including airlift and sealift, and other logistical support to coalition forces supporting military and stability operations in Iraq and Afghanistan: Provided, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees regarding support provided under this section.

Sec. 9010. (a) Not later than 60 days after the date of the enactment of this Act and every 90 days thereafter through the end of fiscal year 2006, the Secretary of Defense shall set forth in a report to Congress a comprehensive set of performance indicators and measures for progress toward military and political stability in Iraq.

(b) The report shall include performance standards and goals for security, economic, and security force training objectives in Iraq together with a notional timetable for achieving these goals.

(c) In specific, the report requires, at a minimum, the following:

(1) With respect to stability and security in Iraq, the following:

(A) Key measures of political stability, including the important political milestones that must be achieved over the next several years.

(B) The primary indicators of a stable security environment in Iraq, such as number of engagements per day, numbers of trained Iraqi forces, and trends relating to numbers and types of ethnic and religious-based hostile encounters.

(C) An assessment of the estimated strength of the insurgency in Iraq and the extent to which it is composed of non-Iraqi fighters.

(D) A description of all militias operating in Iraq, including the number, size, equipment strength, military effectiveness, sources of support, legal status, and efforts to disarm or reintegrate each militia.

(E) Key indicators of economic activity that should be considered the most important for determining the prospects of stability in Iraq, including—

(i) unemployment levels;

(ii) electricity, water, and oil production rates; and

(iii) hunger and poverty levels.

(F) The criteria the Administration will use to determine when it is safe to begin withdrawing United States forces from Iraq.

(2) With respect to the training and performance of security forces in Iraq, the following:

(A) The training provided Iraqi military and other Ministry of Defense forces and the equipment used by such forces.

(B) Key criteria for assessing the capabilities and readiness of the Iraqi military and other Ministry of Defense forces, goals for achieving certain capability and readiness levels (as well as for recruiting, training, and equipping these forces), and the milestones and notional timetable for achieving these goals.

(C) The operational readiness status of the Iraqi military forces, including the type, number, size, and organizational structure of Iraqi battalions that are—

(i) capable of conducting counterinsurgency operations independently;

(ii) capable of conducting counterinsurgency operations with the support of United States or coalition forces; or

(iii) not ready to conduct counterinsurgency operations.

(D) The rates of absenteeism in the Iraqi military forces and the extent to which insurgents have infiltrated such forces.

(E) The training provided Iraqi police and other Ministry of Interior forces and the equipment used by such forces.

(F) Key criteria for assessing the capabilities and readiness of the Iraqi police and other Ministry of Interior forces, goals for achieving certain capability and readiness levels (as well as for recruiting, training, and equipping), and the milestones and notional timetable for achieving these goals, including—

(i) the number of police recruits that have received classroom training and the duration of such instruction;

(ii) the number of veteran police officers who have received classroom instruction and the duration of such instruction;

(iii) the number of police candidates screened by the Iraqi Police Screening Service, the number of candidates derived from other entry procedures, and the success rates of those groups of candidates;

(iv) the number of Iraqi police forces who have received field training by international police trainers and the duration of such instruction; and

(v) attrition rates and measures of absenteeism and infiltration by insurgents.

(G) The estimated total number of Iraqi battalions needed for the Iraqi security forces to perform duties now being undertaken by coalition forces, including defending the borders of Iraq and providing adequate levels of law and order throughout Iraq.

(H) The effectiveness of the Iraqi military and police officer cadres and the chain of command.

(I) The number of United States and coalition advisors needed to support the Iraqi security forces and associated ministries.

(J) An assessment, in a classified annex if necessary, of United States military requirements, including planned force rotations, through the end of calendar year 2006.

Sec. 9011. Congress, consistent with international and United States law, reaffirms that torture of prisoners of war and detainees is illegal and does not reflect the policies of the United States Government or the values of the people of the United States.

Sec. 9012. Supervision and administration costs associated with a construction project funded with appropriations available for operation and maintenance, and executed in direct support of the Global War on Terrorism only in Iraq and Afghanistan, may be obligated at the time a construction contract is awarded: Provided, That for the purpose of this section, supervision and administration costs include all in-house Government cost.

Sec. 9013. Amounts appropriated or otherwise made available in this title are designated as making appropriations for contingency operations related to the global war on terrorism pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

This Act may be cited as the "Department of Defense Appropriations Act, 2006".

Mr. STEVENS. I move to reconsider the vote.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. If I may have a moment, I thank our staff for their dedication and hard work putting this bill together. I point out to the Senate the people I am going to name are our staff. They work with both Senator Inouye and me. We work as a seamless team in the subcommittee: Sid Ashworth, Charlie Houy, Lesley Kalan, Brian Wilson, Brian Potts, Kate Kaufer, Mark Hoaland, Alycia Farrell, Katy Hagan, Betsy Schmid, Nicole DiResta, Mazie Mattson, Janelle Treon, Kate Fitzgerald, Jennifer Chartrand.

Let me recognize a very dedicated, wonderful staff person of our subcommittee, Mazie Mattson, who is now going to retire after 25 years of working for Congress. This is Mazie's final Defense bill. We are extremely grateful to her for her sincere loyalty and tireless efforts and very gracious support she provided to each and every one of us on both sides of the aisle on our subcommittee. She will be greatly missed. We wish her family and her husband, Bill, all the best. We thank you very much, Mazie. Thank you very much.

The PRESIDING OFFICER (Mr. Isakson). The majority leader.

Mr. FRIST. Mr. President, I ask unanimous consent the Senate insist on its amendment, request a conference with the House, and the Chair be authorized to appoint conferees.

The PRESIDING OFFICER. Without objection it is so ordered.

The PRESIDING OFFICER appointed Mr. Stevens, Mr. Cochran, Mr. Specter, Mr. Domenici, Mr. Bond, Mr. McConnell, Mr. Shelby, Mr. Gregg, Mrs. Hutchison, Mr. Burns, Mr. Inouye, Mr. Byrd, Mr. Leahy, Mr. Harkin, Mr. Dorgan, Mr. Durbin, Mr. Reid, Mrs. Feinstein, and Ms. Mikulski conferees on the part of the Senate.

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2006—CONFERENCE REPORT

Mr. FRIST. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of the conference report to accompany H.R. 2360, the Homeland Security appropriations bill. I further ask consent that there be 30 minutes of debate equally divided, and following the use or yielding back of time, the Senate proceed to a vote on adoption of the conference report, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

> The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2360) "making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes," having met, have agreed that the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, and the Senate agree to the same, signed by a majority of conferees on the part of both Houses.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

The Senate proceeded to consider the conference report.

(The conference report is printed in the House proceedings of the RECORD of September 20, 2005.)

Mr. FRIST. Mr. President, for the information of colleagues, we expect this vote to be a voice vote. There will be no more rollcall votes today.

I yield the floor.

Mr. GREGG. Mr. President, in the Senate this year, we have considered this homeland security bill during two very different times of crisis. When the bill was on the floor of the Senate in July, the reprehensible train bombings in London had just occurred and there was a desire to increase funding for rail security. Now, we consider this conference report during the immediate aftershock of two damaging hurricanes in the gulf coast, which demolished entire cities and towns. And there has been a call and an urgency to provide Federal financial help. We have met that call through significant—very significant—supplemental emergency funds. While these funds need to be monitored to make sure they are spent wisely and prudently, it is appropriate to help get the people in these areas back on their feet. And it is important to remember that this is an emergency, and emergency needs are being addressed through tens of billions of dollars that have been approved.

The conference report we are considering today addresses the Department of Homeland Security as a whole. It is an amalgamation of 22 Federal agencies and it encompasses the broad spectrum of homeland security needs. But first and foremost, the Department must be focused on the national security of our country.

The conference report before us builds on that. It is threat-based and provides total appropriations of $31.9 billion for the Department of Homeland Security, directly focusing on two of the most vulnerable areas of our homeland security: weapons of mass destruction and border security.

As a country, we pride ourselves on being an open and democratic society that affords tremendous freedoms to its citizens. Unfortunately, there are terrorists who wish to prey on that trust and openness and to harm and kill massive numbers of innocent civilians to attack our way of life. There is absolutely no question that if a terrorist gets control of a weapon of mass destruction, be it biological, nuclear, or radiological, it will be used against us and against the fundamentals of Western civilization. This conference report provides over $2.4 billion for WMD and terrorism prevention and preparedness, including funds to assist State and local jurisdictions.

Similarly, because we seek to participate in an open and vibrant world, our borders are incredibly porous and access into this country is easy. Regrettably, that openness is now a threat to us. We do not have a handle on who and what crosses into our country everyday. This conference report provides $9 billion, which funds 1,000 new border patrol agents, 250 new investigators, 460 new detention personnel, and the necessary infrastructure and training capacity to support a vast improvement in our border security.

I want to particularly single out the coast guard for the outstanding job they have done in the gulf coast States. They exemplify a working agency—one that does its job without fanfare and complaint, and which produces tremendous results in the number of lives that were saved rescuing over 33,520 people—as many as they have over the past 8 years—stranded by Hurricane Katrina. Their superior work day in and day out is well recognized. This conference report provides a total of $7.86 billion for the Coast Guard for fiscal year 2006.

As clearly as we saw the top performance of the Coast Guard during Katrina, the problems in FEMA continue to be highlighted. And this Committee intends to conduct an in depth analysis of the Department and this agency. At this time, putting more money in this bill, on top of the $60 billion in emergency funds already provided and the funds that will soon be coming in the next supplemental, is not the solution.

I continue to also be concerned about the vast amount of unspent funds in the Department, particularly the $6.2 billion in unspent funds for State and local grants. For that reason, this bill limits funding in those areas. As a part of the National Preparedness Goal, State and local jurisdictions are undertaking a review of their essential capabilities, to determine what has been accomplished with the funds provided so far. The results of this analysis will be used to inform future funding decisions.

Interoperable communications remains a significant priority. One of the hurdles facing communities attempting to achieve this goal is that not all of the technical standards, known as Project 25, are finished. Some standards continue under development.

Overall, this conference report represents a responsible and targeted approach to homeland security funding. Were we able to fully meet every need? No, given fiscal constraints, we focused our limited resources on eliminating the most serious and detrimental vulnerabilities of our homeland security. And we have made a significant accomplishment in beginning to address the major threats facing our national security as a whole. This conference report demonstrates our strong commitment to shoring up our national security, making the Department of Homeland Security a better agency with a more coordinated and cohesive approach, and ensuring we are focused on the emerging threats of today rather than on yesterday's problems.

The PRESIDING OFFICER. Who yields time on the conference report?

The Senator from West Virginia.

Mr. BYRD. Mr. President, I yield myself such time as I may consume.

Mr. President, I thank Chairman JUDD GREGG, the House Chairman HAROLD ROGERS, Representatives MARTIN SABO, Representative DAVE OBEY, and all of the House and Senate conferees for their hard work on the Homeland Security appropriations conference report.

I also commend the thousands of men and women who are on the front lines of Homeland Security. God bless them. I thank them. While I remain very concerned that we are not giving these men and women the tools they need to do their job, that in no way detracts from their commitment to serve the Nation.

The conference agreement that is before the Senate sends a strong signal to the Department that it needs to move in a new direction. The Department needs to be nimble and responsive, not bureaucratic and slow. It needs to target limited resources on future threats, not simply the threats posed by the attacks of September 11.

The conference agreement includes numerous improvements to the President's budget, particularly with regard to border security, air cargo security, improved screening of airline passengers for explosives, funds to hire firefighters, as well as funding to protect the all-hazards Emergency Management Performance Grant Program.

The conference agreement builds on the bipartisan border security initiatives I offered along with the very able Senator, Mr. CRAIG, with Chairman GREGG's support to the 2005 emergency supplemental bill. Between the supplemental enacted in May and this bill, Congress will have increased the number of Border Patrol agents by 1,500; Congress will have increased the number of immigration investigators, agents, and detention officers by over 750; and Congress will have increased the number of detention beds by at least 1,800.

I commend all of the conferees and in particular the inimitable chairman, JUDD GREGG, for that action. The inimitable chairman. Do you hear that? The inimitable chairman, Judd Gregg. He is not here, but he will hear about it.

In addition, the agreement contains an important protection for the privacy rights of Americans. The agreement would prohibit the use of commercial databases in the implementation of Secure Flight, the Department's proposed new airline passenger profiling system. Such commercial databases are unreliable and potentially could be used to invade people's privacy.

The conference agreement provides $30.8 billion for discretionary programs, an increase of just 4.6 percent. This is a very lean bill. The committee was put into a difficult position as a result of the administration's proposal to have the Appropriations Committee increase the fees paid by airline passengers by $1.68 billion. How about that?

The Appropriations Committee does not have jurisdiction—what is the matter with the White House?—the Appropriations Committee does not have jurisdiction over airline fees. The White House knows that. The Budget Office knows that. So as a result of what the White House did, the committee was forced to reduce spending on critical homeland security programs—your programs, your people's programs, your constituents' programs.

This ill-considered administration proposal—hear it—this ill-considered White House proposal resulted in real cuts—real cuts—in firefighter grants, first responder grants, Coast Guard operations, and in the number of airport screeners.

Now listen. Listen. It is regrettable that the administration's apparent lack of understanding of the legislative process—when will they learn?—their apparent lack of understanding of the legislative process will have such a direct impact on programs that are important elements of our homeland security strategy. How about that? Time and time again—time and time again—this administration has talked a good game on homeland security, but it has not followed through with a sustained commitment of resources and ideas. I fear that the administration believes that it fulfilled its commitment to securing the homeland by creating the Department of Homeland Security, which I voted against. And I am glad I voted against it. Well, America is not made safer by simply reorganizing boxes on an organizational chart.

Repeatedly, the energy, the initiative, the resources, and the leadership for homeland security have come from the Congress—the Congress. From border security to transit, rail, and port security, to air cargo security and explosives detection, the initiative—hear me—the initiative to fund these efforts came from—where?—the Congress, you, this body, the other body, the people's branch, the Congress. This conference agreement continues in that tradition, and I commend Chairman GREGG and former Chairman COCHRAN. I commend them for their excellent leadership.

However, following the terrorist attacks on 9/11, the Madrid and London train bombings, many other bombings such as those in Bali just a few days ago, and Hurricane Katrina, Congress should be approving a more robust homeland security bill. If there is one lesson we should all learn from Hurricane Katrina, it is that when you starve our Nation's infrastructure and allow our emergency response capacity to wither on the vine, there are consequences. There are consequences. There will be consequences.

In conference, I joined with Representatives OBEY and SABO in offering an amendment to provide $1.7 billion of targeted investments for emergency disaster planning, predisaster mitigation, grants to hire, equip, and train firefighters, and grants for transit, port, and chemical security. The amendment would also have helped the Coast Guard maintain the ships, the planes, the helicopters that they have used so effectively in evacuating over 33,000 people following Hurricane Katrina and Hurricane Rita.

The entire bill that is before us, the budget for the entire Department, is only $30.8 billion. Now, I understand the need to live within limits, but sometimes those limits simply do not correspond to the reality that confronts us. Why not limit somewhere else? Why not limit somewhere else? How much are we giving to Iraq? How many questions do we ask, then, when we give there? We build infrastructure in Iraq. How about building it here in our country? Charity begins at home.

In the past month, we appropriated $60 billion as an emergency for one agency that is funded by this bill, FEMA. One agency received a supplemental that is double the annual budget of the entire Department, and yet in this bill we fail to make the investments to help us avoid future $60 billion supplemental bills.

We should be increasing predisaster mitigation efforts. What if something happens here in Washington? What if something hits Washington? There will be millions of people from Washington, Virginia, and Maryland heading—where?—heading westward, heading toward West Virginia, heading toward parts of Maryland, Pennsylvania, and Virginia. Then what? Yes, what about that? We have seen the problems created by Katrina. What if the terrorists were to hit here, and then we have this massive, massive flow of people Westward? That is what we are talking about when we talk about predisaster mitigation efforts.

My Governor, the Governor of West Virginia, the most handsome Governor in the country, Governor Joe Manchin, has proposed that there be more money—more money, that we need to prepare ahead of time, that we need to pre-position medical supplies, pre-position gasoline, pre-position other items that will be needed when and if that disaster hits here. That is what we should be increasing: predisaster mitigation efforts—not cutting them.

We should be doing the disaster planning now so that if there is a terrorist attack in a major city such as Washington, DC, that produces a mass evacuation, there will be pre-positioned food, water, fuel, and communications equipment to help the millions of affected citizens evacuate safely.

When less than 25 percent of eligible applications for firefighting grants were approved last year, should we be cutting firefighting funds by $105 million? Why, that is sheer madness—madness. That is sheer madness. May I say to one of my favorite Senators of all time, the Senator from Vermont, JIM JEFFORDS—one of my favorite Senators—that is sheer madness.

When the Madrid and London train bombings proved that there is a real threat to our transit systems—hear me, New York City—when there is a real threat to our transit systems, should Congress be providing just $150 million, when the estimated need is $6 billion—$6 billion.

When two Russian airplanes were simultaneously blown out of the sky by terrorists 1 year ago, should we be satisfied that only 18—only 18—out of the 448 commercial airports in the United States have received new checkpoint technologies to screen passengers for explosives?

Hear me. We better act in time.

I believe Chairman GREGG—the inimitable chairman, I say; he is a Republican, but he is a great chairman; I am proud of him—has put together a bill that makes significant improvements to the President's budget. I commend Chairman GREGG for those choices. However, as we move forward on a Katrina supplemental bill, I hope we will reconsider the investments contained in the amendment that was defeated—hear me—defeated in conference.

Sometimes I say, yes, sometimes you have to spend money to save money and to save lives. Let me say that again. Sometimes—sometimes, Senators; sometimes, Mr. President; sometimes, I say to the White House—you have to spend money to save money and to save lives. And you do have to spend it here in America, in this country, to save American lives.

I commend the staff—our wonderful staff, our great staff, our dedicated staff—for their contributions to this important legislation. In particular, I thank Chairman GREGG's staff: Rebecca Davies, James Hayes, Carol Cribbs, Kimberly Nelson, Shannon O'Keefe, and Avery Forbes.

And do you think I would forget my own staff? No. My own staff, I commend them: Charles Kieffer—man, he is it, he is the man, Charles Kieffer—Chip Walgren, Scott Nance, Drenan Dudley, and our Coast Guard detailee, Sean MacKenzie. What a staff.

Finally, on a personal note, I mark the recent passing of Robert M. Sempsey this past Saturday. Bob Sempsey worked for the Congressional Budget Office for nearly 25 years. He was the principal analyst for the Homeland Security and Labor-HHS-Education appropriations bills. He was a good friend. He was a fine teacher for many of our Senate staff. To his wife and three children, I extend my hand in your time of grief. Bob was a fine public servant. He will be sorely missed.

With regard to the Homeland Security conference report, I again compliment the inimitable Chairman JUDD GREGG.

I urge its adoption, and I yield the floor.

Mr. LIEBERMAN. Mr. President, it is with regret that I oppose this conference report.

I am a strong advocate of the need for the Department of Homeland Security and its work. And as the ranking member of the Department's lead authorizing committee, I do not lightly oppose this appropriations bill for the Department's vital work. But I feel I have no choice but to protest what I consider to be dangerous and misguided cuts in the vital programs that help America's first responders.

Just weeks ago, we watched with horror as our fellow citizens in Louisiana and Mississippi suffered the ravages of Hurricane Katrina. It was inevitable that a hurricane of that size and intensity would cause hardship. But we know that the pain was far greater and the recovery far more daunting than it needed to have been if our Government had done all it could to prepare for and respond to the catastrophe. We know that preparedness planning was inadequate; that first responders lacked the equipment and communications they needed to respond; and that first responders and officials did not have the training and command structures they needed to work effectively together to help the many victims depending on them. And this for a catastrophic hurricane that had been predicted in advance. We can only speculate what preparedness and response to an unforeseen catastrophic terror attack might look like.

We know, in short, that we have very far to go before we are as ready as we must be for the threats ahead. So why are we now are asked to approve dramatic cuts in the very programs that could help strengthen these essential capabilities?

This conference report would cut the three core first responder programs—the State Homeland Security Grant Program, SHSGP, the Urban Area Security Initiative, UASI, and the Law Enforcement Terrorism Prevention Program, LETPP—by 28 percent—nearly a third. The State homeland grants, which make up the backbone of most prevention and preparedness efforts, would be cut in half from fiscal year 2005 levels. And this comes on top of several years of cuts to these accounts. I know these cuts will leave unacceptable gaps in homeland security efforts in my own state of Connecticut, and I assume other States will also be unable to achieve their preparedness and response goals without more help from the Federal Government.

By contrast, the Senate voted in support of S. 21, a bill sponsored by Senator COLLINS and me, to authorize a significant increase in funding for these core first responder programs. The Homeland Security and Governmental Affairs Committee has also endorsed legislation to create a new dedicated grant program to help first responders obtain interoperable communications equipment. This vital need—so painfully apparent on 9/11 and again during Katrina and its aftermath—alone is estimated to cost billions of dollars. Currently, first responders must purchase interoperable communications systems with these general homeland security grants, making the pending cuts all the more distressing.

I recognize that appropriators struggled with constraints imposed by the administration's budget and had to make difficult choices between many important homeland security needs. I appreciate that conferees fought to include dedicated money for rail, transit and port security grants, as well as for the Coast Guard's Deepwater program. But I reject the premise that we must accept this as the best we can do for our first responders. It is not the best we can do. It must not be the best we can do. We know that the threats—natural or manmade—are real, and that we are not yet ready to meet them. Katrina has just underscored that lesson. Two years ago, a distinguished task force chaired by our former colleague Warren Rudman told us that our first responders were "drastically underfunded, dangerously unprepared" and that we would need close to $100 billion over 5 years to meet critical preparedness and response needs. Yet in the time since, we have only whittled away at these critical programs rather than strengthening them. As I have said before, we have the best military in the world because we are willing to pay for it. We should not do less for our defenses here at home.

I wish to go on record opposing this conference report because I believe we must find a way to do more for our first responders and the communities they serve.

Ms. COLLINS. Mr. President, I rise today in opposition to the fiscal year 2006 Homeland Security appropriations bill. I oppose this conference report for three main reasons. First, the funding levels for first responder grants has been slashed to the lowest levels in the post-9/11 era despite the evident need for resources. Second, the bill adopts a formula for the distribution of first responder grants that is unpredictable, lacking in basic fiscal safeguards and will leave many parts of this country vulnerable. Third, this conference report underfunds mass transit security.

This conference report cuts the funding allocation for State and local first responder grants from $1.1 billion enacted in fiscal year 2005 to only $550 million for fiscal year 2006, an unacceptable and unwise reduction. Moreover, the level contained in the conference report is a full $270 million less than the amount requested in the administration's budget request. Unfortunately, these reductions continue a downward trend. The overall amount of homeland security funding for first responders and state and local needs has declined by $1.2 billion in just the past 2 years.

This is not the time to slash funding levels of these critical preparedness grants. These Draconian cuts are particularly remarkable given the recent failures in the response to Hurricane Katrina. That disaster clearly indicated that this Nation is not as prepared as it must be and that Federal, State, and local first responders and emergency managers are lacking critical equipment, especially communications gear and training resources. This is not the time to be cutting the resources available for these vital preparedness programs.

The second reason I voted against the conference report was because it adopts a formula to distribute these funds that is unbalanced, unpredictable and lacks accountability measures that are needed to ensure funds are spent wisely. Indeed, this conference report underscores the need for the bill Senator LIEBERMAN and I have developed, and the Senate overwhelmingly endorsed, to ensure a stable level of funding for all States. The approach taken in our bill would establish a formula that provides a predictable level of funding—

scaled to reflect the different needs of states—that will allow all States to achieve essential preparedness and prevention capabilities.

We don't know where the next terrorist attack will take place. There is no way to predict where the next hurricane, tornado, or outbreak of pandemic influenza will occur. Therefore, we must raise the preparedness of all States to a minimum level of preparedness.

Unfortunately, the approach taken by the conference report does not provide an adequate base level to help States and localities establish minimum levels of preparedness. Nor does it recognize, as our bill does, that some States, because of larger or more dense populations, need more funding than others to establish essential preparedness capabilities.

Additionally, under the ad hoc approach taken in this conference report, States cannot count on a predictable stream of funding, which makes it impossible to implement the long-range plans the DHS requires of them. We need a fair formula, in statute, that does not jump from year to year as is currently the case.

Additionally, accountability measures—like independent audits, robust reporting requirements, and tying spending to standards—are simply not in place. We need to adopt authorizing legislation to ensure this funding is being properly spent.

It is disappointing that the appropriators largely adopted the House position on how to distribute this funding. This is particularly the case given that the bill Senator LIEBERMAN and I put together received the support of more than 70 Senators just this past July.

Finally, this conference report is flawed because it shortchanges vulnerable areas, in particular, transit security. The Committee on Homeland Security and Governmental Affairs recently held hearings on this important topic which revealed vulnerabilities in our transit systems. The attacks in Madrid and London demonstrate that terrorists are willing and able to attack transit systems; it is unconscionable that we are not doing more to secure our domestic transit systems.

Our Nation must make more progress in improving its ability to respond to catastrophic disasters, whether natural or from a terrorist attack. Congress owes it to our constituents and to our first responders to be more thoughtful in how we provide the resources necessary to improve our ability to deter, detect, and respond to threats facing our Nation.

Mr. REED. Mr. President, today the Senate passed the Department of Homeland Security appropriations bill conference report. The bill provides $30.8 billion in discretionary spending for the Department of Homeland Security. While it is important that the Senate acted to pass this legislation, I am concerned about the funding levels provided for critical programs in this conference report. Specifically, the bill cuts funding for vital first-responders grants, and fails to improve our Nation's transit and aviation security.

I fear that we have failed to learn from the terrorist attacks in Madrid and London about the vulnerability of our transit system. Yesterday's terrorist threat against the New York City transit system further illustrates the need to increase our efforts in this area. Yet the conference report that we passed today includes only $150 million for transit security grants. In June, Senators SHELBY and SARBANES and I sponsored an amendment to raise funding for transit security to more than $1 billion. Unfortunately, the amendment failed. But it is this level of funding, not $150 million, that is necessary to keep the Nation safe.

Every workday, 14 million Americans take a train or a bus. We know that transit systems and their riders are by their very nature prime terrorist targets. Subways, light rail, buses, and ferries are designed for easy access and to move large numbers of people efficiently.

These are the facts: Numerous attacks on transit; 6,000 transit systems in the U.S.; and 14 million riders every workday. I don't think anyone can say transit is not a target for terrorists and should not be among our highest homeland security priorities. Yet the Federal Government's response to these facts has been underwhelming. Indeed, the Federal Government has invested $9 in aviation security improvements per passenger, but only $0.006 in public transportation security per passenger. Now, are aviation and transit the same and can we achieve the same level of security in the open access environment of transit? No, but I doubt that the 14 million Americans who use transit every workday think that less than one cent is the appropriate amount to invest in transit security

Second, I am concerned about the cuts that the bill provides to aviation screening. The bill would cut funding for the aviation security screener workforce by $125 million from the budget request. This cut will result in 2,000 fewer airport screeners nationwide, including cuts in the number of screeners in Rhode Island. Rather than cutting the number of screeners, we need to increase the nationwide number to 53,000 screeners in order to keep wait times at the current average of about 10 minutes. Yesterday, President Bush in an attempt to rally public support for the war in Iraq stated that the Government disrupted 10 serious terrorist plots since September 11, 2001. Three of these plots involved hijacking airplanes for suicide attacks. Yet, today, the Republican Congress cut the number of screeners serving our airports.

Finally, the bill cuts funding for first-responder grants for States and local governments by about 17 percent, $680 billion less than last year, and failed to include a formula to help ensure all states would receive adequate funding and protection.

This conference report does not do enough to protect Americans from terrorism threats or natural disasters. This is a continuation of the administration's, and the leadership of this Congress, pattern of failure to learn from past lessons and invest in the essential infrastructure necessary to make our country safe. Is this the type of belt-tightening the administration is willing to accept in order to continue to pay for irresponsible tax cuts?

Mr. PRYOR. Mr. President, I rise today to express my displeasure with the Homeland Security appropriations conference report. More specifically, the conferees' neglect of formula based funding for State's first responders could produce dire results for small rural States such as Arkansas.

The conferees' decision to cut this funding, by more than half, will make it harder for smaller States to prevent, and more importantly, respond to emergency situations either manmade or natural. The events of the last 2 months alone go to show that first responders need to be prepared regardless of where they are located geographically.

The conferees' decision to cut first responder funding is even more frustrating seeing that the U.S. Senate a few months ago overwhelmingly passed a Homeland Security appropriations bill that went to great lengths to maintain a minimum base of first responder funding for all States. The formula which was created by Senators SUSAN COLLINS and JOSEPH LIEBERMAN was fair and would have provided stability to our Homeland Security appropriations process. I commend these Senators for their hard work and regret that their formula was ignored by conferees.

The conferees' actions will not only do great disservice to small States' first responders this year, but they have guaranteed that we will yet again spend precious time next year working out a funding formula to allocate Homeland Security grant money. There are many other issues that we must tackle but an inability to reach an understanding on this important issue will keep us stuck in the mud and that, Mr. President, is a disservice to all States.

The PRESIDING OFFICER. Does any other Member seek recognition?

The Senator from Wyoming.

Mr. ENZI. Mr. President, I yield back time on our side.

The PRESIDING OFFICER. All time having been yielded, the question is on agreeing to the conference report.

The conference report was agreed to.

The PRESIDING OFFICER. The Senator from Wyoming.

MORNING BUSINESS

Mr. ENZI. Mr. President, I ask unanimous consent that there be a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ENZI. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. CLINTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RELIEF FOR THE GULF COAST

Mrs. CLINTON. Mr. President, there has been a lot of activity on the floor over the last 24 hours. It has been focused on how best to help the people along the gulf coast who have been devastated by twin natural disasters, Katrina and Rita. There has been an ongoing debate that took up the night here in trying to determine how best to provide the funding that the cities and parishes in Louisiana and in Mississippi and Alabama and Texas need in order to begin to deal with their pressing, urgent needs.

I rise because I well remember the feelings that I had on this floor in the aftermath of the attacks we suffered on September 11, 2001. It was an uncertain and tragic time in our country. We were attacked and we lost nearly 3,000 people. Eighteen acres were destroyed in the heart of the financial capital of the world. Hundreds of thousands of people lost their jobs. Businesses were shuttered, and there was great doubt as to how we were going to obtain the resources to begin the recovery process.

I am grateful that in New York's hour of need, we had strong support in this Chamber. I am looking at my dear friend, the senior Senator from West Virginia, who came to our aid immediately. In fact, he said he would be the third Senator from New York.

Mr. BYRD. Yes.

Mrs. CLINTON. I have never forgotten that. I am so grateful because he helped to shepherd through the Congress the money that New York needed immediately to meet its needs.

I am someone who believes that in a time of natural or manmade disaster, Americans rally around each other. We take care of each other. We provided funds from all over the country to help New York rebuild, just as we did after the Northridge earthquake in California, just as we did after hurricanes in Florida, just as we did after forest fires in the West, just as we did after the great floods in the Middle West.

There has never been a disaster of the dimension of what we are facing along the gulf coast. I believe I have a small bit of understanding and empathy because of what we went through in New York for what my colleagues, Senator VITTER and Senator LANDRIEU, are facing. But what is becoming clear to me is that there is an effort underway to make the recovery along the gulf coast much more difficult than it needs to be.

I have been stunned at some of the demands that I hear coming from some of those in the Congress about what is expected from the people along the gulf coast and what kinds of funds can be made available to them. Like many people, I have been touched, moved, and impressed by the passion and eloquence of my friend and colleague, the senior Senator from Louisiana, Ms. LANDRIEU. She has valiantly fought for the people who placed their trust in her to come to this Capitol and represent them in good times and bad. We are in a bad time. The people in Louisiana and along the gulf coast need champions. But no matter how eloquent a single Senator is or two Senators might be from a single State, they need support on both sides of the aisle and on both ends of the Capitol.

We are about to be presented with legislation that for the life of me I cannot understand. This legislation in law discriminates against the gulf coast. It says, for the first time ever, we will put conditions on the Federal money that goes through FEMA to the people and businesses of the gulf coast.

Mr. BYRD. Shame. Shame.

Mrs. CLINTON. We will require that the money be repaid. As Senator LANDRIEU has said in this Chamber: It is a little bit of a catch-22, isn't it? You say to hard-pressed sheriffs offices in parishes, to municipal governments in towns and in New Orleans and along the gulf coast, you say to them: You must repay this money. So before you borrow it to keep your police and your fire departments up and going, before you borrow it to have your public utility departments begin to do the work they need to to get the reimbursement they require, you must have a plan in place to repay it.

Mr. BYRD. Shame.

Mrs. CLINTON. I am bewildered. I don't understand why we are turning the people of the gulf coast into second-class citizens.

After 9/11, in addition to the normal disaster relief funds provided in the wake of that tragedy, the Federal Government designated $20 billion to assist the New York City area. This was the first time FEMA received authority of this type to reimburse the city and the State for associated costs that could not otherwise have received money under the Stafford Act. This was an unusual action taken at an unusual time. We had the strong support of then-chairman of the Environment and Public Works Committee, Senator JEFFORDS, because 9/11 happened in that window when the Democrats were in the majority in the Senate. Chairman Jeffords stood with us to make sure we got what we needed without discriminating against New York City, without telling New Yorkers: You are just going to have to figure out how you are going to repay it, when you are not even sure there is another attack coming or what is going to be occurring in the future.

Mr. President, we are again facing an unusual time. Hurricane Katrina, and then, of course, Hurricane Rita, devastated New Orleans and the surrounding areas. The people of this region deserve our full support. Instead of providing that support and helping these communities meet their needs, the proposal before us actually restricts their access to funds by preventing them from using principal forgiveness authorities that are part of current law.

I know this has been presented apparently by the leadership in the House as a take-it-or-leave-it deal. I know what a difficult position that puts our two Senators from Louisiana in because they are basically being told you can leave here with $750 million with discriminatory conditions on it that make your people second-class citizens compared to everybody else, or you can leave with nothing. Well, that is a Hobson's choice if there ever was one.

Mr. BYRD. Right.

Mrs. CLINTON. Bring nothing home or bring something that is not going to help your hospitals, is not available to many communities because they are not going to be able to borrow it in the first place because they cannot repay it.

Mr. BYRD. Shame.

Mrs. CLINTON. I came from a meeting where a number of business executives along the gulf coast are desperately trying to figure out what they are going to do. Entergy in New Orleans has just taken bankruptcy. They said if they have to put the costs they are accruing into the rate base—which they have to do under these circumstances—rates are going to rise 200 percent.

What are people with no jobs and no businesses—and we will not even give them an unemployment compensation extension, we will not pass the Medicaid emergency application process which we used in New York—going to do? We had a one-page Medicaid eligibility program that got people back into a position where they could get their health needs met. We are not doing any of that for people along the gulf.

Mr. BYRD. Right.

Mrs. CLINTON. Mr. President, I have the deepest sympathy for my colleagues from Louisiana. They are between a rock and a hard place.

Mr. BYRD. Right.

Mrs. CLINTON. Go home with nothing or go home with a bad deal.

Mr. BYRD. Shame.

Mrs. CLINTON. And a deal that has never been inflicted on any other city, State, or region in our country.

Mr. BYRD. What a shame.

Mrs. CLINTON. Finally, Mr. President, this is all being done in the name of the deficit. I know, I read the papers. We have a lot of people who have discovered the deficit up here.

Mr. BYRD. Cut the funds for Iraq.

Mrs. CLINTON. There are a lot of other alternatives than imposing discriminatory conditions on the American people—the American people along the gulf coast.

Mr. BYRD. Shame.

Mrs. CLINTON. Mr. President, together we can do better than this. A strong America begins at home.

Mr. BYRD. Right.

Mrs. CLINTON. And we should owe our highest allegiance to the people who are in this country. And before we extend 100 billion more dollars in tax cuts, and before we continue to run up this deficit by funding the war and all of the other associated expenses, let's get some responsibility back here and let's treat the people of the gulf coast with the respect and dignity they deserve.

I yield the floor.

Mr. BYRD. Hear hear.

Ms. LANDRIEU. Hear hear.

The PRESIDING OFFICER. The majority leader.

COMMUNITY DISASTER LOAN ACT OF 2005

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. 1858, the Vitter bill, which is at the desk, that the bill be read three times, passed, and that the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object.

The PRESIDING OFFICER. The Democratic leader.

Mr. REID. Mr. President, let the Record be spread with my admiration for the senior Senator from the State of Louisiana for her tireless work on behalf of the people of Louisiana. I think most all of us would agree that this bill is imperfect, and that is an understatement. But I so appreciate the enthusiasm, the diligence, the hard work of my friend from the State of Louisiana, Senator LANDRIEU.

Also, once this bill passes—and it will pass—I think the focus then moves to the other side of the Capitol. I hope those people who are listening to this who have connections with the administration would assist us in getting the House to do the right thing: not only pass what we have done here, but hopefully take out this provision which I think is different than the people of the State of Louisiana thought they would get.

I hope that by the time the House closes business today, we have a better product than what we have here. I also think it is important for me, having expressed my appreciation to the Senator from Louisiana—I acknowledged the senior Senator, but I acknowledge the work of the junior Senator from Louisiana. They have worked together. I understand that. It is a difficult situation in which we find ourselves based on that storm none of us anticipated, at least I did not.

We are going to have to continue to work our way through this. Even though the devastation of the storm has left the mind's eye of most people momentarily—and it is only momentarily—it is so easy to conjure up in our minds the images we saw—we simply need to help those people who have been forced to leave their homes and take their children to other places.

It is a terrible situation, and we need to help. This is a first step in helping, even though, as the Senator from New York so clearly opined, this is not the best solution. It is a solution.

I again want the RECORD to be spread with the fact that I appreciate the work of the Senators from Louisiana, especially my friend, Ms. LANDRIEU.

Mr. LEVIN. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, first, I ask unanimous consent that I be allowed to explain an amendment which I am going to ask the majority leader to accept as part of this unanimous consent request, and that I be allowed to proceed for 4 minutes to explain what this amendment does.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, we have all gotten up on this floor and talked about the urgent necessity of helping the people of Louisiana, Alabama, Mississippi, and Texas. We have all been on this floor talking about the uniqueness of the disaster which is called Katrina. Every one of us goes back home. We received into our homes, our churches, our synagogues people who have been displaced by Katrina. Our people have responded magnificently to this disaster, to this catastrophe back home.

Now the question is whether we in the Congress are going to be helpful to the victims in a way which we have been helpful in so many other disasters of a smaller magnitude by providing a loan so that operations can continue, or whether we are going to incorporate a provision in this loan which has never been incorporated before in any loan ever made to a community that obtained a loan under this law.

We have never imposed this restriction that is in this bill on any community in this country. We have lent money to Ricksburg, ID; we have lent money to Johnstown, PA; we have lent money to Clifton, AZ; we have lent money to Albian Borough, PA; we have lent money to Vassar, MI, in my home State.

There are occasions when those loans have been forgiven, and in the ones I just listed—and I want the majority leader to understand the depth of the feeling on this issue because it can happen to any of us—the loans I just listed, including one to my home State, have been forgiven when they met the conditions of the Stafford Act for forgiving loans.

But now we are telling the victims of the worst disaster we have had in this country that the Stafford Act provisions, which, under certain circumstances, could permit the forgiveness of a loan, will not be available to them. My amendment does not turn this loan into a grant.

If my amendment is accepted, it would provide that the same terms and conditions under which this loan is made will be the terms and conditions that have been applied to other loans.

To discriminate against these people who have been so victimized, to me, is unthinkable—that we would single them out for discriminatory language. I don't believe we can operate this way, and I don't believe the House would reject our language if my amendment is accepted.

The Senator from Delaware and I went over to the House last night. We talked with the chairman of the Appropriations Committee, and he indicated that the language which I am going to suggest would be acceptable to him. He didn't speak for the whole House, obviously, and if the Senator from Delaware chooses to comment on this, I think he will restate what I just stated as being accurate.

My request, my plea, is that we adopt language which strikes the discriminatory provision which allows the Stafford Act forgiveness to be considered with these loans the way it has been considered with all other loans. That is my plea. And my plea is incorporated in an amendment.

My amendment, which I ask the majority leader to consider, would strike the word "not" in the bill where it says:

> . . . that loans may not be canceled.

Strike the word "not" and substitute the words "may be canceled pursuant to the Stafford Act," and with an additional requirement, "with the approval of the Congress."

I suggest we add an additional safeguard, the safeguard of the Stafford

Act, which has been applied to all other loans, but in addition to that, add a requirement that if there is forgiveness, it could only happen with the approval of the Congress. That is a double safeguard. That still would single them out as no others have been singled out, but at least it would keep the possibility explicit in the bill that under the circumstances that are provided for every other loan, that these loans might be forgiven should Congress so choose.

I have been told we can always do that; we always have that power, and we do. It is implicit. But I think we should make it explicit to give people the assurance that in addition—it is bad enough to be victims of this hurricane; it is doubly bad to be victims of discriminatory language. And we are not going to walk down that road. We are going to hold our hand out to you and not insult or offend at the same time.

I ask the leader whether he would amend his unanimous consent proposal to strike the word "not" on page 2, line 10, and substitute the words "only with the approval of the Congress"?

The PRESIDING OFFICER. Does the majority leader so modify his request?

Mr. FRIST. Mr. President, I object to the request.

The PRESIDING OFFICER. Is there objection to the majority leader's original consent request?

Mr. CARPER. Reserving the right to object.

Mr. FRIST. Mr. President, regular order.

The PRESIDING OFFICER. Regular order being called for, the Senator from Delaware must object or not object.

Mr. LEVIN. Parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Does the Senator from Delaware or any other Senator not have the right to reserve the right to object?

The PRESIDING OFFICER. It is not a right to reserve the right to object; it is an indulgence of the Chair.

Mr. FRIST. Mr. President, regular order.

The PRESIDING OFFICER. Is there objection to the unanimous consent request by the majority leader?

Without objection, it is so ordered.

The bill (S. 1858) was read three times and passed, as follows:

S. 1858

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Community Disaster Loan Act of 2005".

SEC. 2. DISASTER LOANS.

(a) ESSENTIAL SERVICES.—Of the amounts provided in Public Law 109–62 for "Disaster Relief", up to $750,000,000 may be transferred to the Disaster Assistance Direct Loan Program for the cost of direct loans as authorized under section 417 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5184) to be used to assist local governments in providing essential services: *Provided*, That such transfer may be made to subsidize gross obligations for the principal amount of direct loans not to exceed $1,000,000,000 under section 417 of the Stafford Act: *Provided further*, That notwithstanding section 417(b) of the Stafford Act, the amount of any such loan issued pursuant to this section may exceed $5,000,000: *Provided further*, That notwithstanding section 417(c)(1) of the Stafford Act, such loans may not be canceled: *Provided further*, That the cost of modifying such loans shall be as defined in section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a).

(b) ADMINISTRATIVE EXPENSES.—Of the amounts provided in Public Law 109–62 for "Disaster Relief", up to $1,000,000 may be transferred to the Disaster Assistance Direct Loan Program for administrative expenses to carry out the direct loan program, as authorized by section 417 of the Stafford Act.

Mr. CARPER. Mr. President, I ask unanimous consent to address the Senate for 5 minutes.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, for the last 24 hours, we have dealt with an issue that centers around the Vitter bill and the proposal to appropriately be able to modify, increase the amounts of loans and loan programs. We have struggled to come to the point we have today, which maximizes our likelihood, having just passed the Vitter bill, to get language to the House of Representatives before they leave today so that we can respond to the very real needs of the local communities in New Orleans.

We have been working actually for about 10 days on the specific issue of being able to support local government, law enforcement, and hospitals. The step we just took in passing the Vitter bill maximizes our chance today of getting a bill to the House, which we will do, of having the House address it in the next few hours, and having this relief being made available to the people of New Orleans.

There have been a lot of suggestions in terms of language and changes in words, all of which is fine, and some of the language is even very reasonable in terms of the language itself, but after discussions with Republican leadership, the administration having fully vetted the language that is in the Vitter bill, I strongly believe that this gives us the best chance to respond to the very real needs of the people of New Orleans.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Mr. President, the last 24 hours has been a frustrating and disappointing time for me, quite frankly—frustrating because as we face an unprecedented crisis along the gulf coast, some elements of the Senate have acted as they often do by giving speeches and filibustering.

When I ran for the Senate last year, that is what I heard the most from real people in real life in real towns and cities across Louisiana. They did not get that disconnect. There were real issues on the ground they had dealt with every day in their lives, and yet so often the response of some in the Senate was to give speeches, to obstruct, and to filibuster. So I have to say particularly in these circumstances, when my State and the gulf coast face unprecedented obstacles and hurdles, it has been frustrating to get that response from the other side in the Senate. But we have moved through that, and I am glad.

Just a few minutes ago, we sent over to the House a significant measure to try to get some immediate relief to local governmental entities so that they can sustain essential services, police and fire and hospitals and the like. That is vitally important.

When others have been filibustering, making speeches, and delaying, particularly in the last 24 hours, I tried to do something constructive. What I did is what I have done for the last 10 days—working on this vital issue, trying to get something meaningful, important, and positive done. When others gave speeches about what the perfect language would be, I actually talked to other folks who were clearly going to be involved in the process at the White House, at OMB, and in the House of Representatives to understand what the best language would be that we could hopefully pass this week. I continued that work last night, again as others were giving speeches and holding up action. I continued that work talking to dozens of people to try to get something important and significant done. Across the board, that included Members here, members of the administration, and Members of the House.

Senator LEVIN, the distinguished Senator from Michigan, mentioned one conversation with the chairman of the House Appropriations Committee. I followed up with the chairman of the House Appropriations Committee. I talked to him after that conversation, and it was crystal clear to me from my conversation with him that significant elements of the House of Representatives needed to see that at least at the front end, this was a loan program. We can talk later about what we will do at the back end, how things proceed, what the financial picture looks like in the future, but at least in the front end, it is very clear that they want to frame it as a loan program. That is the only reason I accepted that language, because I actually want to do something. I actually want to get needed help today, not in 2 weeks when it will be too late for so many of those communities and local jurisdictions of government that need to preserve their police, fire, and hospital services. That is the only reason I have focused on this particular version of the bill and that particular language.

Several speakers on the other side called it discriminatory. Let me explain a few other ways in which it is discriminatory because it is discriminatory in at least three other ways, and I am pretty darn proud of being able to negotiate those three other discriminatory provisions. No. 1, for the first time ever that I am aware of, ever in history, we are moving emergency Stafford Act funds that have already been appropriated by the Congress into this community disaster loan program under homeland security so it can be used for ongoing expenses, ongoing salaries, and other expenses of local government. That has never happened before. That is discriminatory, and I am proud of that discriminatory provision.

Secondly, we are lifting the cap on this program that ordinarily limits these funds to $5 million per entity of local government. We are blowing well past that, and there are significant numbers of local government entities, such as the city of New Orleans, that will be able to get loans way in excess of that, perhaps 10, 11, 12 times in excess of that in the case of the city of New Orleans. That is discriminatory because it has never happened before. It is discriminatory in our favor because we needed it.

So there are many provisions in this version of the bill that were discriminatory in our favor because these are unusual circumstances and call for absolutely dramatic action. So I am proud of being able to negotiate those. I accept this other provision because, again, what is important to real people in the real world in the real devastated area is that we get real help to them today—not give a speech, not filibuster, but get real help to them today and not simply pass it off for 2 weeks or a month. I am hopeful that is what this bill which we have just passed through the Senate will do.

It has not yet cleared the House, and immediately from this floor, I will go to the House and continue my discussions which were begun over a week ago with House leaders, House Members, to try to ensure that this type of strong, effective action actually happens today.

I thank the Chair for his indulgence. It certainly was not my plan or my actions which caused this 24 hours of obstruction, filibuster, and frustration. I share that frustration, and I thank everyone who has worked constructively on trying to get something done, everyone here, everyone in the U.S. House, everyone in the administration, and OMB, whose help put that together.

I yield back my time.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Ms. STABENOW. Mr. President, I rise today first to pay tribute to the senior Senator from Louisiana for her courage, her strength, and her resolve. I have been so amazed and impressed at the way she has been willing to continue to be on this floor, regardless of how tired she became, in order to fight for the people of Louisiana. I hope everyone in Louisiana understands what she is doing on their behalf and on behalf of all of those in the entire gulf region.

What is so disappointing for me is to see that this has not been a bipartisan effort. It seemed reasonable to me. I represent Michigan, and fortunately we have not been in a situation like my colleagues from New York or the gulf or California. So far—knock on wood—we have not had to face that kind of a catastrophe. But I found what the Senator from Louisiana was asking for very reasonable.

On a bipartisan basis, we have appropriated $61 billion to be used through FEMA. We assumed it would be already being used for the things the Senator talked about. I was shocked to learn that those funds had not been released to help local communities, as we have been told, and that the process was not moving as it should when people are so desperately in need of support, whether it be the small businesses, the families, the seniors, the cities.

When the Senator from Louisiana asked us for a very modest request of allowing $1 billion of $61 billion to be used directly and immediately to help those who have been so devastated, we do not have bipartisan support for that. I was very disappointed that both Senators from Louisiana were not standing together for that, very surprised that instead what we see is an alternative that comes back that is not only less than what is needed but has restrictions that have not been put on other States and other communities. The caps being talked about being raised in terms of loans have been done before, but it is my understanding that no community has been asked before to guarantee a repayment on those loans. I do not know why anyone would support that kind of an effort for their State or their communities to be treated differently than other States or other communities.

If I were in that position, I would not want to say to my folks: I trust you less than I trust the folks in New York; I voted for a different set of rules for what happened in New York, what happened in relation to Washington, DC, and the Pentagon. I certainly would not want to be in a situation of saying that I would vote for rules that were penalizing my own people or saying we do not trust you as much as we trust people in other places. So I am surprised and disappointed, and I know the senior Senator from Louisiana, Ms. LANDRIEU, is as concerned, surprised, and deeply disappointed, certainly, as I am and more than I am because she is working on this every single day.

I just want to indicate that we could have done better, and I believe working together America can do better. I believe we can do better for the people of Louisiana and the gulf coast than what has been offered and passed here today. I know the senior Senator from Louisiana has worked very hard in order to put forward proposals that are better and that would do better than what has been achieved today.

I commend her once again and thank her on behalf of all of us who at any moment could find ourselves in the same situation, could find ourselves fighting for our people because of a devastating attack or natural disaster. I hope I would have the courage of conviction, the compassion, and the strength that the Senator from Louisiana has shown and I know will continue to show.

I yield back.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, folks who might be watching this debate across the country may be wondering what this is all about. Let me try to simplify it as best I can.

Over the last month or so, the Congress has appropriated some $61 billion to be used to assist in the reconstruction, the aid, and the housing of a lot of people whose lives have been disrupted and in some cases destroyed. There are a number of cities, towns, and jurisdictions within that region where their revenue base—the ability to raise taxes and to provide essential services—is gone. Of that $61 billion, FEMA is not authorized to extend or lend that money to those cities or towns or jurisdictions without our authorization.

The legislation that is before us today would authorize the movement of about $750 million from FEMA to be able to lend that money to some of these cities, towns, parishes, and jurisdictions so that hospitals can be helped and police, fire services, and other services can be extended even though the revenue base has dried up under all of this water.

Historically, when FEMA has been given the authority to extend this money, to lend money to other communities, other cities, other States, the loans have in some cases been forgiven. It did not require an act of Congress to do that. It did not require any particular action by OMB or certification by OMB to do that. It occurred under the law. The loans were forgiven.

Senator LEVIN mentioned earlier that a number of jurisdictions, a number of local government borrowers borrowed money extended through FEMA to help these communities in their most tough times, in Idaho, in West Virginia, Pennsylvania, Alabama, Arizona, and others. They did not have to come and ask for an act of Congress to get that forgiveness. They didn't have to go to OMB and say please forgive this loan. The loans were forgiven.

Senator CLINTON spoke a bit earlier as well and talked about the generous assistance that the taxpayers of this country provided to New York City on the heels of 9/11. Mr. President, $20 billion was the amount of money, almost a direct infusion. I thought it was loan. For all these years I thought it was a loan that was forgiven. I was wrong. It was a grant—just a gift to the people of New York as they struggled to recover from their tragedy.

The tragedy that has fallen on the folks along the gulf coast is every bit as bad for a lot of them as what happened in New York on 9/11. Yet we are not prepared to provide a grant to those communities, those cities, so they can provide essential services. Frankly, none of us are calling for doing that.

FEMA has all this money we provided them. Absent some legislation today, they are not able to extend any of that money to help these communities and cities. The legislation is designed to say we are going to allow FEMA to extend those loans.

But unlike the way we treated New York, which got a grant, not a loan, and unlike the loans that were extended to all the communities listed on this sheet of paper whose loans were forgiven and did not even require our action or OMB's forgiveness, we say with respect to the folks on the gulf coast: We are not going to forgive your loan.

CARL LEVIN—Senator LEVIN—and I spent a good deal of time last night trying to put together a compromise. I appreciate very much the cooperation of Senator LANDRIEU to help find that compromise and Senator VITTER and certainly Senator FRIST. Senator LEVIN and I, at the midnight hour last night, were down in the House and found Congressman LEWIS, the chairman of the Appropriations Committee, and said to him: What if we provide a change in language in this bill so, in order to forgive a loan that FEMA would make under the authorization of this bill, it would require an act of Congress? The Senate and House and President would have to concur in that forgiveness.

He said he thought that was a reasonable idea and thought even the House might go along with that.

I am disappointed to hear this morning that is not going to happen. Senator FRIST, last night in conversation after midnight with Senator LEVIN and me, said he thought that was a reasonable idea. He couldn't commit himself to make it happen, but he thought that was a reasonable approach, and, frankly, I do, too. For the life of me, I do not see why that is not acceptable.

If we were to include language—and we are not going to get the chance do this because Senator LEVIN's amendment is not going to be made in order, but if we were to include language that said an act of Congress was required in order to forgive loans made by FEMA to these jurisdictions in their hour of need, that is a very high standard. It is a standard we never set for these communities. It is a standard we never set for New York.

The greatest irony to me is, going back, we didn't require an act of Congress or intervention of OMB to enable the forgiveness of these loans. Going forward, as I read the legislation—going forward, if you are from Delaware or from Michigan or if you are from Georgia and your communities seek a loan from FEMA in a similar situation, an emergency, moneys that have been authorized and appropriated, you don't have to get an act of Congress to have that loan forgiven. You don't have to get any special approval from OMB so the loan can be forgiven. It can be forgiven.

Yet in this case, with respect to the Gulf Coast States, we do not allow that to happen. Going back in time and going forward in time it looks to me as if we protect the rest of us. We allow for the loans to be forgiven for the other 49 States or 48 States. But not in this case. That does not make sense. That does not make sense.

As we move to pass the legislation, I echo what some of my other colleagues have said. We can do better. When we have an opportunity to return, in a week or so, my earnest hope is that we will do better.

In closing, I say to my friend and colleague, Senator LANDRIEU, it has been an honor to stand by her side in this struggle. The people of Louisiana are fortunate to have Senators with that kind of passion and care for them. I hope, as we go forward working with Senator VITTER, we can get to an outcome that is fair to the people you represent.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I thank, so much, the Senator from Delaware who, before he was a Senator—because he wasn't born one either—was a Governor of Delaware. Before he was Governor, he was a husband and a father, which he still is. I know he does a magnificent job at family and in the Senate because I have seen him here at late hours.

Last night this Senator from Delaware, who does not, obviously, have a dog in this hunt, stood through the night and negotiated with myself and with my colleague from Louisiana, with Senator FRIST, with Senator REID, and we negotiated and offered one compromise after another in meetings, on the telephone, on the floor, when we could speak—because speech was limited last night. Despite the notion that is out there that Senators can speak any time they want, the rules of the Senate actually prevent Senators from speaking. So I was not able to speak as much as I would have liked through the night last night. When I was not able to speak on the floor, we were in meetings, in phone calls, speaking with the White House and the House leadership and Republican colleagues and Democratic colleagues, trying to work through this situation.

We put our best efforts forward. We are now down to this time, which is basically the end of this debate, having passed a bill by Senator VITTER and Senator FRIST that will basically allow us to have the loans we seek, loans that are so necessary, but a bill that forces us to take it in a discriminatory fashion.

I believe this Senator has shown, on many occasions, a willingness to compromise and to work through difficult situations. I helped negotiate No Child Left Behind on this floor, one of the premier centerpieces of the current President's administration, of his agenda, even when half of my caucus was opposed—not sort of opposed but very opposed. But I knew what was best for Louisiana was to move forward because we had already gone down the road of accountability. It was showing some results. The children in my State were learning. The gap between the rich and the poor was closing, not because the rich were coming down but because the poor were coming up.

White children and Black children, who had been by law separated for over 150 years in schools, were then thrust together in the 1960s and 1970s. I believed that law, and I still believe this law, could help lift those who had limited opportunities. I have worked with Senators on both sides of the aisle, for the 8 years that I have been here, to try to craft and negotiate some of the toughest legislation the Senate has seen—compromise on missile defense, compromise on Corps of Engineers to move a WRDA bill. I worked for 10 years to compromise the Conservation and Reinvestment Act where 4,500 organizations in this country, from the most liberal to the most conservative, came together one time on one bill to provide coastal money for all the communities in the Nation: 10 years of meetings, 10 years of phone calls, 10 years of speeches, 10 years of pleas, 10 years of press conferences, 10 years of alliance building, only to get down to the last minute some years ago to be told, with 72 signatures on that bill at the last minute, 5 years ago: Senator, we cannot bring your bill up, there is an election around the corner and it may have repercussions for one or two people here. We can't do it.

You could have taken a knife and stabbed it in my heart, but I stood there and took it, not because it was me but because the people I represent I knew were getting a bad deal. But in my heart I knew that I and our delegation had literally done everything we could possibly do. When it came to the end, the death was quick.

When I got back in the next session, after my State had been stabbed in the heart and left for dead—which we have died, through this hurricane—I started putting yet another bill together because there is nothing wrong with me that I don't know how to work through difficult situations. My family has been doing it a very long time.

I thank Senator CLINTON for her remarks. She obviously understands what the people of New York went through. I also thank Senator SCHUMER. Although he was not here in person, he was here in spirit. He and Senator CLINTON stood by the Republican mayor at the time, Rudy Giuliani, lifted him up and helped him. No second-guessing: they helped him and they lifted the city up.

I thank Senator JEFFORDS, who has been a champion. He stood at the Leeville Bridge with me. I have been on so many trips down to Louisiana I lose count, but one of them I remember very well. Senator JEFFORDS came down with me, so far to the bottom of Louisiana if he had taken one more step he would have been in the Gulf of Mexico. There is not much down there—no big cities, no big money, no big press conferences. There is hardly a camera at the end of LA-1, at Port Fourchon, but Senator JEFFORDS went. He stood there, and while I was explaining to him the difficulty of getting people out in an evacuation for a hurricane on a highway that goes underwater when there is rain, let alone when a category 5 hurricane comes bearing down on you—he stood there on the bridge with me and at the moment—if I could have scripted it myself I could not have done it any better, and people who were not there are not going to believe what I am going to say but I have a lot of witnesses—at the very moment I was pointing to the Leeville Bridge, a shrimp trawler came in, lifted their nets up as they do—they look like butterflies out on the gulf—they lifted their nets up and ran into the bridge, with Senator JEFFORDS on it, and shook the bridge and shut it down like that.

The words had just come out of my mouth: Senator JEFFORDS, not only is the road a problem but when the hurricane comes, if this bridge shuts down, there is no way out. And the shrimp trawler hit the bridge.

He said to me, laughing with his good sense of humor: Senator, don't you think you went a little too far to make your point?

And we had a big laugh about it, not that I laughed about the shrimp trawler, but we literally cannot believe that and have talked about it for 3 years.

I know about meetings. I know about visits down to Louisiana. I know about briefings. I know about educating Senators and working with them. We have been doing it a long time.

I thank Senator LEVIN from Michigan, Senator STABENOW from Michigan, and Senator HARRY REID. Before he was a Senator, he was a Lieutenant Governor. He was a Representative in the House from Nevada and is a Senator from Nevada. He came from a little town called Searchlight. Before he did that, he was a captain with the police, and he was a boxer. He wasn't born a Senator either. He wasn't even born in a place that knew much about what the Senate was doing. I imagine they were too busy mining coal out of the ground. But when he came to the Senate, he didn't need a lot of people—and he surely didn't need me—to tell him how much people need help when catastrophes happen. Maybe he has witnessed some collapsed coal mines in his life. Maybe when he was kid he used to think about his father going down in the mine and hoping the mine didn't collapse on top of him. I don't know. Maybe that is what he thought. So I don't have to spend a lot of time with HARRY REID explaining this situation to him.

He wasn't born a millionaire. He wasn't born a Senator.

I thank Senator LINCOLN, who stood on this floor through the night trying to work situations out, who stood here through the week and through the months, and who was an original cosponsor of CARA.

We have laughed with her over the course of the last couple of years. She told me once, Senator LANDRIEU, you need to be successful with your coastal erosion efforts because if you are not, it is going to be Arkansas's problem. I have enough on my plate. I can hardly manage my agriculture, my health care, and my education issues. Please stop coastal erosion because if not, Arkansas is going to be the coast. She is right.

It is a little exaggerated. As a matter of fact, it is a beast out of control. This Congress has failed to respond adequately, and this disaster has occurred.

I thank Senator DURBIN from Illinois, who was not born a Senator either. Senator DURBIN has spent more years in the House than most of us on the Senate floor. I didn't spend any time in the House of Representatives. And the way it operates over there now, I am glad I didn't. But Senator DURBIN has been over there to the House.

He understands about negotiations. He is the best negotiator, probably, on our side. He tried to negotiate this—not just last night, not during the speeches, for a week, for 2 weeks, asking for anything reasonable, anything with dignity, anything that would not be discriminatory, anything at all we would be have been willing to take.

But, no, nothing we offered—not in the morning, not at noon, not on the phone, not in person—would work.

I thank all the Senators who have helped and Senators on the Republican side who tried to intervene. But at a point it became clear that the House Republicans were not going to budge. There was just no budging. They were determined to only accept a bill that would only give help under discriminatory terms. They tried.

I acknowledge Senator VITTER. He has made a mark here in the Senate. He continues in his way, which I respect. I don't always agree with him, but I respect him as an official as a human being. I respect the work he does. We stood together fighting this battle, meeting after meeting, phone call after phone call. I guess the only difference was when the House leadership finally said, no, I wasn't willing to sit down. I am not willing to sit down now.

We sent the best we could over there, Senator VITTER and Senator FRIST. But it is not the best we could have done.

Let us hope the House passes this. Even before they do, let us hope they will consider doing it in the right way for the right reason. They know the gulf coast deserves the same help and the same support that every community in America has received since this act was initiated in 1974, and that people will get the same help in the future.

The House still has time. I think they are still in. They could consider some changes, or the President could say: this is not quite good enough. We need to do better. But saying and doing it are two different things.

The people of my State have heard for 32 days: We will not abandon you, we will do better, we will send you help, help is on the way.

Words are cheap. Actions are what people value. That is why it is important to get the language straight. That is why it is important for the process to work. That is why it is important for the House to maybe see the error of their ways and change course and say, We can do better. I hope they will. If they don't do that today or this weekend or tomorrow, I can promise you this Nation will force better action. Republicans, Democrats, and people from all over the country will force better action.

The needs are substantial—not just in this region but around the country.

Our strength is found at home in our neighborhoods, in our churches, on corners, in our workplaces, and in our places of worship. Right here is where our strength is found—not in anyplace overseas, right here at home.

I am going to wrap up by showing you pictures of the homes to make my point. This is our home on the gulf coast. After the photographer took this picture, the commentary in the National Geographic magazine was something like: It looks like a weapon of mass destruction went off on the gulf coast. This is exactly what would happen if a weapon of mass destruction would go off, except you wouldn't have the trees and maybe the beach would be a little disheveled. That is what it looks like. It was a storm of massive destruction.

Our strength begins at home.

The underlying bill is sending $415 billion overseas. We ask for a loan program of $1 billion already allocated under the same terms and conditions that everyone in America has received. And we are told no. It was too much to do.

I am going to close with this.

This is a picture of New Orleans. It doesn't look like this today because all the water has gone down. But when people say, Why can't you be a little bit more self-reliant, I am not sure any city in America could stand itself up by itself with no loans, no grants, with the police force being laid off, a fire department being laid off, city workers being laid off, an electric company taking bankruptcy, no water in the pipes. And when we come to ask for a loan, we are told: Sorry, there is no money in the Treasury. We have made other arrangements for the taxes that you have paid over the last 300 years.

Let me submit for the Record a letter from the U.S. Conference of Mayors which they sent to this Senate. They said:

> We greatly appreciate Congress' attention to America's cities devastated by Hurricane Katrina, and now Hurricane Rita, and to those cities home to hundreds of thousands of evacuees. The leadership of the U.S. Conference of Mayors, convened in Long Beach on September 22–24, resolved that Congress must pass legislation to provide direct fiscal assistance to cities devastated by Hurricanes Katrina and Rita—

All cities, cities that are Republican cities and cities that are Democratic cities, communities that do not vote for Democrats and communities that do not vote for Republicans—all cities.

> Most importantly, we urge the Senate to reject language that would for the first time in history remove the possibility that communities' disaster loans be forgivable, if needed, due to the dire situation many of the impacted cities will continue to face in the months and years ahead.

It goes on to say they are going to keep a vigil. I hope somebody keeps the candle burning.

I ask unanimous that the letter be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

The United States
Conference of Mayors,
Washington, DC, October 7, 2005.

Hon. Bill Frist,
Majority Leader, U.S. Senate.
Hon. Harry Reid,
Democratic Leader, U.S. Senate.

Dear Senate Leaders:

FISCAL AID NEEDED NOW FOR HURRICANE CITIES, WITHOUT NEW STRINGS ATTACHED

We greatly appreciate Congress's attention to America's cities devastated by Hurricane Katrina, and now Hurricane Rita, and to those cities home to hundred of thousands of evacuees. The Leadership of The U.S. Conference of Mayors, convened in Long Beach on September 22-24, resolved that Congress must pass legislation to provide direct fiscal assistance to cities devastated by Hurricanes Katrina and Rita, as we stated to you in our letter of September 29.

Most importantly, we urge the Senate to reject language that would—for the first time in history—remove the possibility that community disaster loans be forgivable, if needed, due to the dire situation many of the impacted cities will continue to face in the months and years ahead.

As we learned during our recent fact-finding mission to Louisiana, Mississippi and Alabama, the mayors of these cities have lost most of their tax base and will soon be without the funds needed to pay first responders, public works employees, and other key local personnel that are leading the recovery effort. These local personnel are truly national assets in the recovery from Hurricanes Katrina and Rita, and these cities must not be allowed to go bankrupt. Without a functioning local government, the private sector will be stymied in efforts to invest in the reconstruction effort, and it will be impossible for volunteer relief efforts to be coordinated and to function.

If you would like to discuss this further, please contact our Chief of Staff Ed Somers at (202) 861-6706 or *esomers@usmayors.org*.

We look forward to working with you in the coming days, as together we strengthen the intergovernmental partnership needed to make sure our cities are safe and our nation prospers.

Sincerely,

Beverly O'Neill,
Mayor of Long Beach, President.
Tom Cochran,
Executive Director.

Ms. LANDRIEU. Mr. President, I have shown all the pictures I can show for the week. I have done all the talking I can do for today. But I can promise you this. This talking will continue and these meetings will continue and this debate will continue. It is not going away.

The leadership of the House of Representatives needs to be put on notice that this debate is going to go on for a very long time, until we get relief, recovery, respect, and the dignity that we deserve as American citizens from Louisiana to Texas to Alabama to Mississippi and the people whom we represent, Black and White, rich and poor, young and old, small and large businesses alike, and our faith-based community, get the respect it deserves from the floor of this Senate and the Congress of the United States, and gets the help it needs to get through and rebuild.

I assure you that we will rebuild this coast. We will rebuild the gulf coast. It was paid for by a great President, President Jefferson, at 3 cents an acre in 1803 where he borrowed money. He knew what he was borrowing money for. He had a good reason to borrow it, and he bought the Louisiana Purchase. Andrew Jackson came and defended it. His statue never went underwater.

We will rebuild this region all through the gulf coast and into Louisiana—the ports, the energy infrastructure, turn our lights on again, and keep the lights on all over America, to try to keep people's bills as low as we can and keep their heat on this winter, which is approaching. Even if you do not give us one penny, even if you do not lend us money, we have been self-reliant for over 300 or more years. The people here are pretty tough and it takes a lot more than this to beat our spirit.

The bill is gone. It is the best we could do. It is not the best we could have done, but it is what we have. We will live with it, but we will not stop this debate.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATURAL GAS CRISIS

Mr. DOMENICI. Mr. President, this week, Senator Bingaman, Senator Akaka and I returned from Baton Rouge.

We went down to see and learn firsthand about Hurricanes Katrina and Rita damage to the energy infrastructure. There is a great deal of work to be done, and there is a great deal of courage and confidence that it can be done. We need to find ways to make that recovery go right.

Yesterday, my committee held a hearing where we heard from energy industry witnesses who have been impacted by the hurricanes. The main message of that hearing was we are in troubled energy times, particularly on the natural gas front. The CEO of DOW Chemical Company painted a very bleak picture for American industry.

Our industries that rely on natural gas both as a fuel and a feedstock have hard choices before them about how and where they will base their operations. In the U.S., natural gas prices are close to $14. In China, it is less than $5. In Saudi Arabia, it is about $1. If we translated gasoline prices to the level of increases faced by natural gas—we would be seeing $7-a-gallon gasoline at the pump right now.

At DOW's St. Charles petrochemical complex that I saw in Baton Rogue, I learned that every $1 increase in the cost of natural gas means an additional $35 million a year in fuel costs for that single facility. Our manufacturers have to compete in global markets. At those prices, they can't.

The energy bill we just passed took some good steps forward to address these challenges but did not secure more natural gas supply that we have available right here at home.

In the area on the Outer Continental Shelf known as the nonleased portions of Lease Sale 181 which is not under moratorium, but which we are not allowing leasing, there is approximately 7.2 trillion cubic feet of gas. In the areas more than 100 miles from any state coastline, 2 resources are estimated to be approximately 6 trillion cubic feet of gas.

This area can be leased administratively, without any legislative action. At our committee hearing and during yesterday's press conference I urged the administration to reconsider this policy in light of our Nation's natural gas crisis, which has seen a 121-percent price increase in just 1 year.

I will continue to work to cure more domestic energy supplies, but in the short term all the witnesses the committee heard from yesterday said conservation is the most effective tool we can use to deal with the present crisis.

If every American turns down their thermostat just 2 degrees this winter, it could free up 3 billion cubic feet of gas per day.

According to the DOW witness yesterday, that kind of conservation would be equal to having 3 LNG terminals. In addition, we need to focus our efforts on organizing the recovery on the energy infrastructure, our witnesses all stressed the need to give priority to restoration of natural gas processing plants.

The Congress and the administration must provide the leadership to make this recovery move quickly and smartly.

Our witnesses all emphasized that we are in an energy crisis.

Mr. President and fellow Senators, the country is facing an enormous problem. I might even say, without reluctance, that it is a crisis. People might say: Well, Senator, you are talking about Katrina, Rita. No. Katrina and Rita have pointed out to us a crisis well beyond those two hurricanes, and that is that we have a very significant shortfall in the natural gas that is needed to run our businesses and to use for our people during this ensuing winter. If something is not done, it might be for a very long period of time.

Now, it sounds almost impossible, if not incredible, that I would be here on the floor saying this when just 4 or 5 years ago, those who were in the business of producing natural gas and those who knew about America's energy situation were saying: There is plenty of natural gas. Don't worry about that marvelous product.

So what we have done in the last 15 years is to say, since we don't know how to clean up coal sufficient to meet our standards and because we worry about global warming, we will not build any new coal-burning powerplants.

We have not built a nuclear powerplant in over 20 years. So for the last 15 years, at least 13 years, every new powerplant—that is these big monster powerplants that generate electricity, 500 megawatts, 1,000 megawatts—is fueled by natural gas. Then the people of our country have found this is a marvelous fuel for our kitchens, for houses, so more and more people are using natural gas for our way of life, our great standard of living. But what isn't understood is that natural gas is such a great product that when you change its chemical makeup, you use it for a lot of things. The entire fertilizer industry of America is based upon natural gas as one of the components. People don't know the entire chemical and plastic industry is built around and predicated and dependent upon natural gas. That means not only is it imperative that we have it, but I am here today to suggest it is also imperative that it not be so high priced that it puts our businesses out of business.

I had the luxury, as a Senator, to go down and see the aftermath of Katrina and Rita with my colleagues Senator BINGAMAN and Senator AKAKA of Hawaii. We looked at the damage and the energy infrastructure of all types that were destroyed or put out of business. They are going to have an immediate impact because supply has been interrupted, both in the generation of electricity and in putting natural gas into pipelines to deliver it to the United States and to deliver it to our numerous petrochemical plants, plastics plants, and other things. Also the feedstock, you convert things from natural gas, you convert it into the basic things that are used as feedstock for these industries. We are going to be in short supply in the short term because supply has been interrupted and the capacity to deliver has been interrupted. Those are going to get fixed in due course, but in the meantime, we have dramatically used down our reserves, because they are there to pick up when we don't have natural supply coming. The offshore wells aren't producing, so you have reserves to take their place. But the reserves are being depleted, so we are going to have much less reserve capacity which means we may have interim difficulties.

But what has happened is, all of this has pushed the price of natural gas up. Believe it or not, at the beginning of this week, the bid price was $14, where just a few years ago it was $2, and 10 days ago it was $7. Understand that it doesn't sound like much if you are talking about 2 cents or 7 cents. There isn't much difference between that 14 cents. That is just a little change.

Here is the problem: We had a hearing in the Energy and Natural Resources Committee. I must say, as chairman of that committee, it lasted 2½ hours. It was probably as informative a hearing as I have ever presided over. Eight Senators participated. They stayed there and listened to five people talk about the crisis America has with reference to natural gas, not only because of the aftermath of Katrina and Rita, but because we are using so much natural gas and we don't have enough production to meet the need.

We can't sit around and listen to people who say: We don't need any more supply. That is these old industry companies that want to scare us, and they don't need more supply.

We need more supply. It is imperative that we find more natural gas some way. I will quickly tell you the little bit we can do in that regard. I will acknowledge this hearing was attended by witnesses representing the entire industry of oil and gas, a leading environmentalist, three other people who know the problems of Katrina very well, and they were in harmony that we must conserve. So I don't want anybody to think conservation isn't a very important part of this problem I am telling you about, this pending crisis of the rising cost of natural gas and the shortages that might occur. Every chance I get and by every means available, I am going to try to remind the Senate and anybody who will listen that we must understand this fantastic commodity called natural gas is not abundant in the United States. The price is going to go through the roof if something isn't done.

I don't have an answer right now. I am working at it, but I don't have an answer. I want everybody to know, so they are not surprised, that we understand anything that can be done should be done because the crisis is imminent. If the price stays at $14, the crisis is imminent.

Let me tell you how important it is. One of the largest employers in America of high-paying, skilled, professionally trained jobs is the petrochemical industry, the chemical industry. Dow Chemical, a huge plant down there in the middle of Katrina. We went to see it. I won't talk today about the heroics of trying to bring it back and save it and save their people. That is another story. But yesterday the president and chief operating officer of that great company came to our committee. He is reported in the morning's Washington Post in the business section with a detailed story about this crisis I am talking about. This gentleman, Andrew Liveris, is a terrific executive. He gave us a very simple example which I want everybody to listen to. At this plant are 3,500 professionally trained, skilled Americans with terrific jobs. How good? The average is $70,000 plus great benefits for each and every person there. They produce huge things. They gave us a little box of them. They produce all kinds of plastics, things you could never imagine that they produce and sell. The principal ingredient in making their product is natural gas.

Without natural gas, all those workers can go home. They can go home and say goodbye because they can't operate, not only without natural gas, but if natural gas gets too high, petrochemical plants can be located anywhere. They are not inherent to a piece of geography in the United States. They are being sought after by everyone in the world. That CEO told us on the record: When I leave you, tomorrow I am going to China. You can't tell him: Don't go to China. China wants to build a petrochemical industry. They think the greatest in the world is this one. Do you think he is going over there to have a birthday party? He is going over there to talk business.

This is not a question of cheap labor. It is a question of natural gas prices. You understand, there may be natural gas in China for $1. He is now going to have to pay, if this price stays where it was bid Monday, $14. Do you think he will stay here? He can't stay here, not only because he wants to go somewhere, he will go out of business here. These are the numbers. Already 100,000 American jobs are gone, because 100,000 jobs were for their export business. They can't export because they are totally out of competition. The price is too high because of natural gas. So that part of American employment is gone. But now there are almost 800,000 additional Americans. How many jobs can we lose and say it doesn't matter?

It was suggested by this gentleman, who had a terrific analytical ability—he told us how all this works—if the price of natural gas continues as we are talking about, 800,000-plus jobs will go. They will not be able to stay open.

Add to that the fact that everybody must understand you don't see natural gas on a gasoline pump. You don't see day by day the price going up. When you see gasoline go from $2 to $2.50, $2.80, $3, you say: Something is going wrong. The increase in natural gas price from where it was a year ago to where it was Monday of this week, if you transfer that into gasoline prices, gasoline would be priced at $7 a gallon. Think of what would happen to the American economy and to everyday people if gasoline were $7. Everybody who uses natural gas, in particular the industries that use it, are suffering from that kind of an increase. Two years ago gasoline was at $1.69. What if it went to 7? That is what has happened to natural gas.

I am going to include in the RECORD a statement that gives further details about this problem. But I suggest that we must come to grips with the conservation. We are going to put some ideas together.

Let me say, if the American people this winter were to reduce their thermostats by 2 degrees, do you think it would be hard on everybody? I mean just imagine, unless somebody is sick and the doctor prescribes it, it would be an enormous savings of natural gas for the United States and for this pipeline to deliver natural gas. Do you know the pipelines that come out of Louisiana down there in that gulf, these two giant pipelines go all the way from Louisiana up into the United States, with legs off in Ohio, all the way to New York, delivering natural gas from that area so loaded with hydrocarbons? They put them in these pipes and have generating pusher stations all the way up into America and deliver it.

If we conserve the way I have described and other ways, which we are coming to grips with, it will make a big impact on how much those pipelines have to deliver to meet the demand. We have to find a way to do the best we can by American industry or they are going to close. And while we have some natural gas to heat our houses, we will be without jobs for the people who live in those houses.

The one thing they all suggested, when they were sitting around that table talking to us, was: There is one major source of natural gas that is American that we ought to get. I must say to those States who are coastal States, they must understand they are Americans first and coastal States second. The largest supply of American natural gas is off the coasts of our country. No doubt about it. The United States cannot sit by with the technology we have developed—we can go way offshore so that you cannot even see them. So those States that are worried about their visibility, if they are worried about oil spills, there are no oil spills from those platforms that drill.

Do you know that during the time we had this crisis not one major oilspill occurred. Those giant platforms with 20 wells drilled underground, with drilling that goes parallel and with one that was turned upside down, the oil did not come out. So nobody has to worry about that. We can handle that. That is where the natural gas is.

I close by saying that we have been told by the experts that the best way to reduce this crisis would be to have an immediate supply of natural gas. That is not possible. We are going to have to open a substantial number of liquefied natural gas platforms or ports around our country. And where they are being delayed, we have tried to solve that in our Energy bill. We are going to push those local governments to quit the delay for delay sake and get on with letting us put some of those in so natural gas can come from foreign countries, which I hate to say, but at least we can look at it and expect it.

In the meantime, it is said that if we were to say to those who pay for natural gas that we are opening parts of the Outer Continental Shelf, just the section 181 off the coast of Florida and Alabama, which I say now to the President of the United States, Mr. President, you ought to sit down and figure out a way through your Executive order, through your pen, to open section 181, or portions of it, off the coast of Alabama and Florida. Do it, Mr. President. It might take a couple years to produce. It is ready, so it will be very quick.

We are told that the mere fact that the market understands that is ready, that huge entrance of natural gas into the areas for delivery, the pipeline system, that it will reduce the pressure on the cost of natural gas. I think the occupant of the Chair can understand that. The marketplace will say: Oh, it is not going to continue in this crisis state because here comes this huge natural gas that is now released and is ready to come. We must do that. Until it is done, at least this Senator—I have to worry about my State, but I am also a Senator for America, and I am not going to let up until that is done.

Secondly, the States in this country that refuse to recognize that we can drill off their shores on land that is owned by the Federal Government—it is not their land; they only have a few miles, and then it belongs to Americans—you can drill way out there, do no harm, and bring gas into this country to get us through the next 10 or 12 years while other sources of energy that are clean, such as nuclear and very clean coal, come on to keep America alive.

The next thing we are going to do is to find out how we can pass legislation to get those other coastal States in the position where they are either willing to accommodate this in exchange for us giving them substantially more royalties, or we are just going to have to bite the bullet.

It is going to come down here, and the people are going to have to say no, or filibuster, but they are going to have to know what they are doing. They are adding to the crisis status of our country and job market and to one of the few major industries that is left in this country that we are great at. We are not going to be there very long. China is going to catch up, and then it is not going to be cheap labor. It is going to be high technology and national gas. India is doing the same.

I was at an event last night. We used to say how powerful we were. We know where it is; it is in India. Reliance Energy has the largest refinery of crude oil to refine into gasoline-related products. We sit here thinking we are the leaders of the world in everything. We have been sitting somewhere for a long time. I hate to say on what. But we surely have not been doing anything. If anything, we have been going backwards. There have been no new refineries in the United States for more than two decades. That is almost incredible.

I thank the Senate for listening. I will say again, this is probably the most significant event confronting us.

I regret to say there are no easy answers. If there were, we would have done it, but we finally have come to the understanding that it is major, it is big, it is serious.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Mr. President, what is the business before the Senate?

The PRESIDING OFFICER. The Senate is in morning business.

Mr. DODD. I thank the Chair.

HOMELAND SECURITY APPROPRIATIONS CONFERENCE REPORT

Mr. DODD. Mr. President, I rise this afternoon to discuss the fiscal year 2006 Homeland Security appropriations conference report. The Senate passed this measure earlier today by a voice vote. Frankly, I would have liked to have had a recorded vote on this measure. If a recorded vote had been ordered, I would have expressed my opposition to this conference report.

Nevertheless, I would like to begin by recognizing that the authors of this conference report, Senator GREGG and Senator BYRD, do a tremendous job each year. I have served in the Senate long enough to know how hard it is to pull these types of appropriations bills together. I also acknowledge the chairman of the Appropriations Committee, Senator COCHRAN. It is no easy task to write and manage a bill that provides for our domestic security needs. I further commend all of our colleagues and their staffs on the Homeland Security Appropriations Subcommittee for the hard work they have put into this legislation.

However, I feel compelled, notwithstanding these efforts, to express my disappointment over the adoption of this conference report. I have very deep concerns about how this measure funds our country's vital homeland security activities.

In many crucial respects, I believe this conference report continues a pattern of failure on the part of the administration and the leadership of our Congress to address the acute and ongoing needs of our Nation's homeland security infrastructure.

Allow me to read a letter I received 3 days ago from the Republican Governor of my State, a good friend and someone with whom I work all the time. I think it is important to hear—even after we adopted this measure—from a Governor of a State that is grappling with providing the necessary security to protect its citizens.

I ask unanimous consent that this letter be printed in the RECORD at the conclusion of my comments.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. DODD. The Governor says:

> . . . [I]n a time when the threat of terrorism remains elevated and natural disasters such as the recent hurricanes have reminded us all of the staggering power of nature, [the cuts in this bill] simply [defy] rational explanation.
>
> The conference report inexplicably contains cuts that exceed those in the original House or Senate bills or the President's proposed budget. Funding for the State Homeland Security Grant program is halved, from $1.1 billion to $550 million, while funding for the Urban Area Security Initiative is reduced from $885 million to $765 million. Those programs, along with the Law Enforcement Terrorism Prevention Program, have accounted for the bulk of [homeland security] funding that our state has received.
>
> Of the money available for the State Homeland Security Grant program, states will receive a mere 0.75 percent in guaranteed funding. The balance is to be distributed by the Department of Homeland Security based on risk, though how—or when—that assessment is to be made is not clear.
>
> Under the conference report, guaranteed funding for Connecticut in fiscal year 2006 would amount to barely $7.13 million. This is down by two-thirds from the $21 million in fiscal year 2005—itself a reduction from the $46 million in 2004.

My Governor concludes her letter by saying:

> The funding contained within the conference report is utterly insufficient to support the actions needed to protect the people of our State, to say nothing of the millions of travelers and tons of truck, train and barge cargo that pass through Connecticut every year.

In an age when terrorism continues to be a threat to our country, one would think that the Congress of the United States would be doing everything it could to shore up our domestic security, to make it as impregnable as possible against those who would do us harm. Yet when we look at this conference report, I do not believe it does enough to protect our people from terrorism. We are simply not investing in the resources required to make this Nation as safe as possible.

Instead of filling in the cracks that continue to exist within our homeland security foundation, we are letting those cracks grow.

I was particularly disturbed to see that the FIRE and SAFER grant programs—vital firefighting assistance initiatives that I was pleased to author with Senators DEWINE, WARNER, and LEVIN—was cut by $60 million over fiscal year 2005 levels. As the Governor of my State says, funding cuts of this nature defy rationality when one considers the devastation recently wrought by Hurricanes Katrina and Rita, and the unprecedented burdens placed on emergency first responders who are on the domestic frontlines in the fight against terrorism.

For the past 3 years, I have come to the floor and offered legislation that would implement the recommendations made by the Rudman Commission.

As we all know, our former colleague Warren Rudman, a former Republican Senator from New Hampshire, chaired a blue ribbon commission sponsored by the Council on Foreign Relations that included George Schultz, William Webster, Harold Varmus and other distinguished Americans.

The Rudman Commission concluded that our country's homeland security infrastructure was "drastically underfunded" and that our Nation was "dangerously unprepared" to respond effectively to a terrorist attack.

The Commission recommended that our Nation invest no less than $20 billion a year for 5 years to take the minimum steps necessary to protect all Americans from natural and manmade threats. Regrettably, this conference report neglected to implement the recommendations of the Rudman Commission, providing only $3.4 billion of the $20 billion that the Commission identified as essential each and every year for 5 years.

I would point out that in the last 3 years I have offered an amendment on the Rudman Commission report. it has been regrettably defeated.

In March of 2004, we watched the train system in Madrid, Spain, attacked by terrorists with nearly 200 dead. Earlier this year, we watched the London Underground and the double-decker buses attacked by terrorists, with dozens who were killed. Yesterday, the New York City subway system was placed on high alert. Yet in response to this clear and present danger to our Nation's largest transit system, the administration today and the leadership of both the House and the Senate have, in effect, cut funding for transit security in this bill, providing funding levels that do not keep pace with expected inflation.

There is an added irony to all of this. At a time when we are dealing with record high gas prices and the administration is encouraging Americans to conserve energy by taking public transportation when and where they can, it is actually doing less than it did last year to ensure that our public transit systems are as safe as possible.

What more is it going to take before the administration and the leadership of this body realize that we are not investing nearly enough in our homeland security infrastructure and our emergency first responders?

When it comes to meeting the security needs of our country, this administration and leadership in Congress are pursuing a policy that, at best, in my view, can be called benign neglect. That has become painfully apparent in light of the inadequate response to meeting the needs and mitigating the suffering of hundreds of thousands of people along the Gulf Coast. And it has been reinforced by this conference report's failure to make essential investments to keep all Americans safe from the risk of terrorism.

EXHIBIT 1

STATE OF CONNECTICUT,
EXECUTIVE CHAMBERS,
Hartford, CT, October 4, 2005.

HON. CHRISTOPHER J. DODD, JOSEPH I. LIEBERMAN, JOHN B. LARSON, ROBERT R. SIMMONS, ROSA DELAURO, CHRISTOPHER SHAYS, NANCY L. JOHNSON.

DEAR CONNECTICUT CONGRESSIONAL DELEGATION: I have reviewed the Conference Report on H.R. 2360, the Department of Homeland Security Appropriations Act of 2006, and I am deeply disturbed by the woefully inadequate funding the bill would provide to Connecticut.

Under the Conference Report, guaranteed funding for Connecticut in Fiscal Year 2006 would amount to barely $7.13 million. This is down by two-thirds from some $21 million in FY2005—itself a reduction from nearly $46 million in FY2004.

This is incredibly unfair to Connecticut and, in a time when the threat of terrorism remains elevated and natural disasters such as the recent hurricanes have reminded us all of the staggering power of nature, simply defies rational explanation.

The threats have not abated. Nature has not gone away. The need for equitable and sensible funding has not ended.

The Conference Report inexplicably contains cuts that exceed those in the original House or Senate bills or the President's proposed budget. Funding for the State Homeland Security Grant (SHSG) program is halved, from $1.1 billion to $550 million, while funding for the Urban Areas Security Initiative (UASI) was reduced from $885 million to $765 million. Those programs, along with the Law Enforcement Terrorism Prevention Program (LETPP), have accounted for the bulk of funding our state has received.

Of the money available for the SHSG program, states will receive a mere 0.75 percent in guaranteed funding. The balance is to be distributed by the Department of Homeland Security based on risk, though how—or when—that assessment is to be made is not clear.

In essence, the Conference Report reduces the vast majority of homeland security funding to a lobbying contest. States that are most successful in making their case before the Department of Homeland Security will get the bulk of the funding. Those that are not—will not.

This is unfortunate, to say the least. In previous years, after guaranteed SHSG and LETPP funding was distributed the remainder was apportioned on the basis of population. None of the UASI funding is guaranteed to states, and you will recall that despite the obvious need—the FY2004 grant for New Haven Harbor was not renewed in FY2005.

On September 11, 2001, America was awakened to the need for vigilance against security threats as well as natural disasters. Connecticut, as you know, contains a number of major highways, a nuclear power facility, ports that are home to a regional depot for the U.S. Strategic Petroleum Reserve, shipyards, cargo operations and passenger and auto ferries.

The funding contained within the Conference Report is utterly insufficient to support the actions needed to protect the people of our state, to say nothing of the millions of travelers and tons of truck, train and barge cargo that pass through Connecticut every year.

I am urging you to seek an increase in the funding for Connecticut. We cannot sustain a two-thirds reduction in federal homeland security funding. It is unfair and unwise.

I will be contacting you shortly to discuss this matter further.

Sincerely,

M. JODI RELL,
Governor.

RELIEF FOR GULF COAST STATES

Mr. DODD. Mr. President, I will not take as much time as others have, but I would like to commend my colleague from Louisiana, Senator LANDRIEU, for her Herculean efforts over the last couple of days to try and convince this body to do everything it can to provide the needed relief for thousands of displaced individuals along the Gulf Coast, including, obviously, Louisiana, Mississippi, Alabama, and parts of Texas.

I am really stunned, in a sense, by the response we are providing to this situation so far.

On average we provide $5 billion a week to fund our ongoing efforts in Iraq and Afghanistan. Obviously, this funding is critical to protect our troops and the work they continue to undertake overseas. When the President has been asked how he plans to pay for these ongoing efforts, he says that he plans to pay for them using additional Federal resources that are not taken out of other Federal spending priorities.

And yet when it comes to providing the necessary relief to our own citizens in Louisiana, Mississippi, Alabama, and Texas, we are being told by the President that we absolutely have to use existing Federal resources to pay for recovery and relief efforts. We are being told that Federal resources cannot be provided unless we reduce other Federal spending priorities.

I can understand the frustration of the Senator from Louisiana. She goes every week to community after community in her State and still sees the horrible circumstances under which thousands of people are living. Meanwhile, the Senate is about to take another week off. As literally hundreds of thousands of our fellow citizens are suffering, we are leaving town instead of working together to provide adequate long-term disaster assistance in areas such as public health, education, housing, transportation and homeland security.

The Senator from Louisiana took the floor over an extended period of time to talk about the importance of providing this relief: to care for the thousands of displaced children, to assist people who lost their homes, their businesses, their very livelihoods. Nevertheless, we are told by this administration and the leadership in Congress that no adequate assistance can be provided unless we cut vital spending elsewhere.

If we do not have to find offsets for rebuilding Iraq and Afghanistan, then why do we have to find offsets to rebuild the Gulf Coast—our own soil? If this catastrophe were to happen in my State of Connecticut or anywhere else, we would all appreciate what our colleague from Louisiana has gone through and express our frustrations in the same way she has.

So I join with Senator LANDRIEU and others who have already spoken. I am also waiting to hear about what offsets we are going to be forced to come up with to pay for the recovery and relief efforts along the Gulf Coast. They will most certainly come from domestic investments such as Medicaid that aid the poor, not from repealing the estate tax or other tax cuts that have aided only the wealthiest of Americans.

I imagine that we will cut spending to services provided under Medicare and Medicaid—services that provide basic health care coverage to the poorest of our citizens who are the most dependent for their health care needs. There is a very sad irony to this. We are going to force the poor to bear the greatest burden on funding recovery and relief efforts along the Gulf Coast. In essence we are going to charge them to pay for this. What kind of logic is that? It is irrational, it is wrong, and we ought to be doing better by the people of our own country.

I am disappointed that this body had to rush out of town and could not spend the additional time necessary to get this right for the people of the Gulf Coast.

So I, again, applaud the Senator from Louisiana. I admire her courage. I certainly admire her tenacity in fighting as hard as she has been for the people of her State.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ALLEN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

IRAQ ELECTIONS

Mr. FRIST. Mr. President, on October 15, one week from tomorrow, the Iraqi people will cast their votes on a new, permanent Iraqi constitution, a social compact, which if ratified, will be unique in the history of the Arab Middle East.

Since the stunning January 30 elections, Iraqi leaders have worked tirelessly to draft this historic document. Next Saturday, the Iraqi people will have the chance to formally express their support for this historic document.

Throughout the summer, we witnessed the complex and painstaking nature of the constitution drafting process. These negotiations included leaders from all of Iraq's ethnic and religious groups. The product is a result of patience, flexibility, and compromise.

As the President said yesterday in his televised speech, "By any standard or precedent of history, Iraq has made incredible political progress—from tyranny, to liberation, to national elections, to the writing of a constitution, in the space of 2½ years."

Indeed.

And they have made this progress under a hail of constant threats and violence from terrorist enemies within and without their borders.

American service men and women have sacrificed greatly to advance America's interests in Iraq, but many more Iraqis have been killed and injured in the pursuit of a free and democratic Iraq.

The draft permanent constitution lays a solid foundation for a stable and democratic Iraq in the heart of the Middle East. It establishes a true democratic system. The voice of all Iraqis will be heard. Human rights will be protected. The rule of law will be respected. And women will be full and equal participants.

It is critical that Iraqis from all walks of life and all segments of Iraq's diverse population participate in next week's referendum.

It is also important for Iraq's Sunni population to support this document and the democratic system of government that it establishes.

Sunni leaders have expressed strong reservations about several aspects of the constitution in recent weeks. Many will vote no; that is their right.

However, I believe that they also recognize the importance of participating in the referendum. Only through participation and integration into Iraq's new democratic system can Iraq's ethnic and religious groups ensure that their rights are secured and their interests are protected. They learned this hard lesson after avoiding the January vote. They will not make the same mistake again.

When several of my Senate colleagues and I met with Interim President Jalal Talabani last month, I was convinced that the Iraqi people recognize the magnitude of this moment.

And I am confident that when the time comes next week, they will once again show their courage and determination.

The enemy will try to intimidate and threaten them. But the Iraqi people are strong.

Eight and one-half million voters defied the killers last January, and Iraqis continue to volunteer for the Iraqi security forces, ready and willing to defend their new democracy. They do so despite the fact that security forces are being targeted. They do so because they believe in the vision of a free and democratic Iraq.

I am confident that the Iraqi people will demonstrate this same fortitude in the referendum next Saturday.

And for those who vote against the constitution, they will have the chance to express themselves again in December when the Iraqis go to the polls to elect a permanent government.

In the meantime, the Iraqis also must undertake another momentous task.

On October 19, the Iraqi Special Tribunal will begin the trial of Saddam Hussein and some of his closest associates. The opening portion of the trial will focus on the 1982 killings of 143 Shiites in the village north of Baghdad. Saddam will also face charges of human rights abuses, crimes against humanity, and genocide.

In particular, Saddam Hussein will be required to finally answer for his use of chemical weapons against the civilian Kurdish population of Hallabja in 1988, and the violent suppression of mass uprisings following the Gulf War in 1991.

It will be a riveting sight to see the justice system in the hands of the Iraqi people. And to watch as they face down the man and his minions responsible for so many hideous and barbaric crimes.

I am confident that the Iraqi people will give their former oppressors a fair trial and that the guilty will be brought to justice.

Step by step, the Iraqi people are on the path to democracy. And with each step, the terrorists are dealt a devastating blow, and freedom shows once again its power to inspire and prevail.

The Senate stands shoulder-to-shoulder with the Iraqi people as they fulfill their democratic destiny. They deserve our deepest and most sincere support.

I look forward to watching with hope and admiration as they take to the polling booths once again to secure their future as a free and prosperous nation in the heart of the Middle East.

RETIREMENT OF TIM WINEMAN

Mr. FRIST. Mr. President, I would like to take a few minutes today to recognize Tim Wineman for his dedicated and invaluable service to the United States Senate as he prepares to go into retirement.

Tim has served the Senate with great distinction. During his 35 years here, he has worked in various positions within the Senate disbursing office. Tim began as a payroll clerk in 1970 and because of his hard work won numerous promotions. He works today as a financial clerk, one of the best the Secretary's office has been privileged to have. Tim is one of those individuals who come here to serve in the Secretary's office not to debate policy or make political statements, but out of a respect and love for the institution, serving each and every Member with the utmost professionalism.

Our Senate community is privileged to have individuals with the talent and dedication that Tim Wineman has shown. He is the soul of discretion, always available to answer a question and provide wise counsel, and he loves the Senate with all his heart. This is no surprise, since Tim has been familiar with our Nation's capital and the work of the people that goes on here from his earliest days.

Tim was born and raised in this area. His father worked for DC Transit and his mother, Carolyn, worked for Sears and Roebuck. Tim attended Bethesda Chevy Chase High School, where he met his life-long partner and friend, his wife, Pat. They just celebrated their 36th anniversary in August. They are blessed with two children, Matthew and Lory.

Now that Tim is retiring from the Senate, the inevitable question arises: what will he do with his spare time? I have it on good authority that Tim is planning to get straight down to business. He mentioned that he plans to work on his golf game and spend time traveling with Pat. I have heard that Alaska is one of the top destinations on their list of places to visit. The first 6 months, however, he just wants to spend stress free.

In the Senate, we get so involved in the issues of the day, and as Members our days are long and busy. We often forget to pause for a moment and thank those who keep the trains running on time, and for 35 years Tim Wineman has been one of those loyal conductors.

We thank Timothy S. Wineman for his service, and we wish Tim and his wife, Pat, a happy and content retirement.

Mr. DODD. Mr. President, I rise today to speak on behalf of Timothy Wineman, who is retiring after 35 years of dedicated service to the Senate.

There are thousands of employees who work behind the scenes here in the Senate, who make it possible for the Members of this body to discharge the duties of their office. It is rare that these employees get the recognition they deserve.

One of the greatest and longest serving of those unsung heroes has been Tim Wineman, with whom I have had the honor of sharing these halls for the last 25 years. Over that period of time, both my wife Jackie and I have come to rely on his experience and counsel. We are both sad to see him go, but we know as well as anyone that he has certainly earned his retirement.

Tim was hired as a payroll clerk in the disbursing office on October 19, 1970, while my father still served in this Chamber. Six years later, Tim was promoted to payroll supervisor. Four years after that, he became the assistant financial clerk. And, in 1998, he was appointed the Financial Clerk of the United States Senate.

He has fulfilled his duties in all of those roles with efficiency, integrity, and vision. When Tim began over 30 years ago, the Senate's financial services were still performed manually and recorded in pen and ink, without the aid of computers. Over the last three decades, through various leadership positions, Tim has overseen the technological renovation of the Disbursing Office, as it almost flawlessly shifted to cover a marked increase in staff and services.

The Senate Disbursing Office handles not only the payroll of Senators and staff, but also their retirement funds and life and health insurance. The workload is tremendous. Last year, the Disbursing Office also approved nearly 50,000 expense reimbursement vouchers, administered the oath to over 3,200 new Senate employees, and provided 36 training sessions to new office managers, among countless other responsibilities requiring attentiveness and precision.

Under Tim's leadership, these tasks have been carried out with the utmost professionalism. He has adeptly kept the Senate's financial house in order.

I thank Tim for his years of dedicated service to the Senate. He will be sorely missed. I also want to extend to him and Pat, his wife for as long as he has served the Senate, my best wishes as they begin this new phase in their lives.

CONDOLENCES FOR THE HURRICANE KATRINA TRAGEDY

Mr. STEVENS. Mr. President, I ask unanimous consent that the attached letters from various foreign officials be printed in the RECORD. They have all sent their condolences for the Hurricane Katrina tragedy.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE SENATE OF CANADA,
SPEAKER OF THE SENATE,
Ottawa, Canada, September 2, 2005.

Senator TED STEVENS,
President Pro Tempore of the Senate,
U.S. Senate, Washington, DC.

SENATOR STEVENS: On behalf of The Senate of Canada, I join all Canadians in expressing to you, your Senate colleagues, and fellow citizens our sympathy and condolences on your country's great loss.

As we learn more about the wide-spread devastation arising from Hurricane Katrina, it becomes increasingly difficult to fully comprehend the extent of the tragedy. Even so, we extend our thoughts and prayers to all the victims, their families and others hit by this terrible disaster. The numerous telephone calls I have been receiving from Canadians, urging us to be of whatever assistance we can to our American friends, shows how much this tragedy has touched Canadians personally. I assure you we will be supportive in every way we can, and are determined to work together to help both immediately and over the long term.

I wish you great strength both now and in the days ahead.

Sincerely,

DAN HAYS.

EMBASSY OF HUNGARY, SPEAKER OF THE HUNGARIAN NATIONAL ASSEMBLY,
Budapest, September 5, 2005.

Hon. TED STEVENS,
President pro tempore of the Senate, Washington, DC.

EXCELLENCY: I was shocked to hear the news about the disaster caused by the hurricane Katrina. We are very well aware of the situation in which hundreds of thousands of people are in New Orleans. The human tribulation in such a huge mass makes us wordless and silent, and awake deep sorrow. The Hungarian public has been turning in these days with deep sympathy to the people in New Orleans.

From my part, Your Excellency, please accept my deepest sympathy in your bereavement. On behalf of the National Assembly of Hungary I would also like to offer my condolences to the relatives and families of the victims. In the meantime I would like to let you know that you can count on our support, the Hungarian team of rescue is already on the venue to give aid and assistance to the people in need, and to fight shoulder to shoulder with your authorities.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.

Yours sincerely,

Dr. KATALIN SZILI.

PRIME MINISTER,
Jerusalem, Israel, September 1, 2005.

Mr. GEORGE W. BUSH,
President, The United States of America,
Washington, DC.

DEAR MR. PRESIDENT: On behalf of my Government and the people of Israel, I wish to express my sincerest condolences on the horrible tragedy that has befallen the United States, especially the people of Louisiana, Mississippi and Alabama, in the wake of Hurricane Katrina.

I would like to offer Israel's assistance in volunteering our medical teams which include hundreds of doctors, nurses, technicians and other experts that specialize in trauma, natural disasters and public health. We also offer field hospitals, medical kits and equipment for temporary housing, re-enforcement for hospitals, or any other assistance that you may require. I was informed by my security establishment that these teams and equipment can be ready in 24 hours.

During these difficult times, we, the people of Israel, stand firmly by your side in a show of solidarity and friendship.

Sincerely,

ARIEL SHARON.

AUGUST 30, 2005.

Hon. Secretary CONDOLEEZZA RICE,
Secretary of State, Department of State,
Washington, DC.

DEAR SECRETARY RICE: Please allow me to express my condolences to you and to the people of the United States of America, on the loss of life and the terrible pain and destruction caused by Hurricane Katerina.

May the families of the victims find peace and comfort.

As we all stand in awe at the great force of nature unleashed on the shores of the United States, please rest assured that the people of Israel share your sorrow and extend our hand in comfort and friendship. We also stand ready to assist in any way possible.

Yours sincerely,

SILVAN SHALOM.

A PRAYER FOR THE VICTIMS OF HURRICANE KATRINA

(By Chief Israeli Rabbi, Yona Metzger)

"Our Heavenly Father, Founder of the world and Creator of the universe, compassionate and merciful God, please spare and show compassion to Your creatures and the world You have created, and especially the inhabitants of the states among the Gulf of Mexico in the United States. Save them from every calamity, from the winds of storm and hurricane, from the waters of the sea, and from every sorrow and evil, and send deliverance and redemption to all those who call upon Thy Name. Save them from the floodwaters and rescue them from the abyss, lead them to a place of safety, and do not abandon them, and in Your abundant mercy send them redemption in the measure of their loss, and complete healing to the sick and those in pain, and comfort to their souls and spirit. May all the inhabitants of the Earth know and recognize that You are the Supreme King, who rules the powers of the universe and shows mercy to His creatures, who praise Your great Name, amen."

INTER-PARLIAMENTARY UNION,
Geneva, Switzerland.

Hon. DENNIS HASTERT,
Speaker, U.S. House of Representatives,
Washington, DC.
Hon. TED STEVENS,
Senate President Pro Tempore, U.S. Congress,
Washington, DC.

DEAR MR. SPEAKER, DEAR MR. PRESIDENT: In the wake of Hurricane Katrina which has lashed the gulf states of the United States, leaving a trail of destruction and causing the loss of so many lives, we wish to express to the United States Congress and the people of the United States of America the solidarity and heartfelt sympathy of the Inter-Parliamentary Union. Our deepest condolences go to the relatives of those who have lost their lives in one of the most devastating storms in your country's history.

High Consideration,

SERGIO PAEZ VERDUGO,
President of the Inter-Parliamentary Union.
ANDERS B. JOHNSON,
Secretary General of the Inter-Parliamentary Union.

NATIONAL ASSEMBLY,
STATE OF KUWAIT.

Hon. TED STEVENS (pro tempore),
Speaker of the Senate,
Washington, DC.

DEAR MR. SPEAKER: We have been devastated by the news of the natural disaster (Hurricane Katrina) which hit a number of states in the Mexican Gulf south of the U.S.A and resulted in the death of several innocent people and the loss of others, in addition to the destruction of properties.

On behalf of my colleagues members of the National Assembly of Kuwait and myself, I would like to express my deepest condolences to your Excellency and the friendly people of the U.S.A. and the families of the victims.

I wish your country peace, stability, security, and prosperity.

Please accept the assurances of my highest considerations.

Best regards,
JASSIM MOHAMMAD AL-KHARAFI.

BUDGET SCOREKEEPING REPORT

Mr. GREGG. Mr. President, I hereby submit to the Senate the budget scorekeeping report prepared by the Congressional Budget Office under section 308(b) and in aid of section 311 of the Congressional Budget Act of 1974, as amended. This report meets the requirements for Senate scorekeeping of section 5 of S. Con. Res. 32, the first concurrent resolution on the budget for 1986.

This report shows the effects of congressional action on the 2005 budget through September 30, 2005. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the 2006 concurrent resolution on the budget, H. Con. Res. 95.

The estimates show that current level spending is over the budget resolution by $3.145 billion in budget authority and over the budget resolution by $101 million in outlays in 2005. Current level for revenues is $447 million above the budget resolution in 2005.

Since my last report for fiscal year 2005 dated September 29, 2005, the Congress has taken no action that has changed budget authority, outlays, or revenues. This is my final report for fiscal year 2005.

I ask unanimous consent that the accompanying letter and material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, October 6, 2005.

Hon. JUDD GREGG,
Chairman, Committee on the Budget,
U.S. Senate, Washington, DC.

DEAR SENATOR GREGG: The enclosed tables show the effects of Congressional action on the 2005 budget and are current through September 30, 2005. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions for fiscal year 2005 that underlie H. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2006. Pursuant to section 402 of that resolution, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. As a result, the enclosed current level report excludes these amounts (see footnote 2 on Table 2).

Since my last letter, dated September 26, 2005, the Congress has taken no action that has changed budget authority, outlays, or revenues. This is my final report for fiscal year 2005.

Sincerely,
DOUGLAS HOLTZ-EAKIN,
Director.

TABLE 1.—SENATE CURRENT-LEVEL REPORT FOR SPENDING AND REVENUES FOR FISCAL YEAR 2005, AS OF SEPTEMBER 30, 2005

[In billions of dollars]

	Budget resolution [1]	Current level [2]	Current level over/under (−) resolution
On-budget:			
Budget Authority	1,996.6	1,999.7	3.1
Outlays	2,023.9	2,024.0	0.1
Revenues	1,483.7	1,484.1	0.4
Off-budget:			
Social Security Outlays	398.1	398.1	0
Social Security Revenues	573.5	573.5	0

Note: * = less than $50 million.

[1] H. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2006, assumed the enactment of emergency supplemental appropriations for fiscal year 2005, in the amount of $81.8 billion in budget authority and $32.1 billion in outlays, which would be exempt from the enforcement of the budget resolution. Since current level excludes the emergency appropriations in P.L. 109–13 (see footnote 2 of Table 2), the budget authority and outlay totals specified in the budget resolution have also been reduced (by the amounts assumed for emergency supplemental appropriations) for purposes of comparison.

[2] Current level is the estimated effect on revenue and spending of all legislation that the Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made.

Source: Congressional Budget Office.

TABLE 2.—SUPPORTING DETAIL FOR THE SENATE CURRENT-LEVEL REPORT FOR ON-BUDGET SPENDING AND REVENUES FOR FISCAL YEAR 2005, AS OF SEPTEMBER 30, 2005

[In millions of dollars]

	Budget authority	Outlays	Revenues
Enacted in Previous Sessions: [1]			
Revenues	n.a.	n.a.	1,484,024
Permanents and other spending legislation	1,109,476	1,070,500	n.a.
Appropriation legislation	1,298,963	1,369,221	n.a.
Offsetting receipts	−415,912	−415,912	n.a.
Total, enacted in previous sessions	1,992,527	2,023,809	1,484,024
Enacted This Session:			
Authorizing Legislation:			
Surface Transportation Extension Act of 2005 (P.L. 109–14)	16	0	0
TANF Extension Act of 2005 (P.L. 109–19)	81	45	0
Surface Transportation Extension Act of 2005, Part II (P.L. 109–20)	15	0	0
Surface Transportation Extension Act of 2005, Part III (P.L. 109–35)	3	0	0
Surface Transportation Extension Act of 2005, Part IV (P.L. 109–37)	5	0	0
Surface Transportation Extension Act of 2005, Part V (P.L. 109–40)	2	0	0
Energy Policy Act of 2005 (P.L. 109–58)	0	0	40
Safe, Accountable, Flexible, and Efficient Transportation Equity Act: A Legacy for Users (P.L. 109–59)	1,562	8	0
TANF Emergency Response and Recovery Act of 2005 (P.L. 109–68)	5,067	0	0
Appropriation Acts:			
Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005 (P.L. 109–13) [2]	−1,058	4	41
Interior Appropriations Act, 2006 (P.L. 109–54)	1,500	120	0
Total, enacted this session	7,193	177	81
Total Current Level [2,3]	1,999,720	2,023,986	1,484,105
Total Budget Resolution	2,078,456	2,056,006	1,483,658
Adjustment to budget resolution for emergency requirements [4]	−81,881	−32,121	n.a.
Adjusted Budget Resolution	1,996,575	2,023,885	1,483,658
Current Level Over Adjusted Budget Resolution	3,145	101	447
Current Level Under Adjusted Budget Resolution	n.a.	n.a.	n.a.

Notes: n.a. = not applicable; P.L. = Public Law.

[1] The effects of an act to provide for the proper tax treatment of certain disaster mitigation payments (P.L. 109–7) and the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 (P.L. 109–8) are included in this section of the table, consistent with the budget resolution assumptions.

[2] Pursuant to section 402 of H. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2006, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. As a result, the current level excludes: $83,140 million in budget authority and $33,034 million in outlays from the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005 (P.L. 109–13); $10,500 million in budget authority and $1,150 million in outlays from the Emergency Supplemental Appropriations Act to Meet Immediate Needs Arising From the Consequences of Hurricane Katrina, 2005 (P.L. 109–61); $51,800 million in budget authority and $125 million in outlays from the Second Emergency Supplemental Appropriations Act to Meet Immediate Needs Arising From the Consequences of Hurricane Katrina, 2005 (P.L. 109–62); and $94 million in budget authority from the TANF Emergency Response and Recovery Act of 2005 (P.L. 109–68).

[3] Excludes administrative expenses of the Social Security Administration, which are off-budget.

[4] H. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2006, assumed the enactment of emergency supplemental appropriations for fiscal year 2005, in the amount of $81,811 million in budget authority and $32,121 million in outlays, which would be exempt from the enforcement of the budget resolution. Since current level excludes the emergency appropriations in P.L. 109–13 (see footnote 2), the budget authority and outlay totals specified in the budget resolution have also been reduced (by the amounts assumed for emergency supplemental appropriations) for purposes of comparison.

Source: Congressional Budget Office.

HONORING OUR ARMED FORCES

Mrs. BOXER. Mr. President, today I rise to pay tribute to 23 young Americans who have been killed in Iraq since July 29. This brings to 457 the number of soldiers who were either from California or based in California that have been killed while serving our country in Iraq. This represents 24 percent of all U.S. deaths in Iraq.

SGT Milton M. Monzon, Jr., age 21, died on July 24 in Baghdad where an improvised explosive device detonated near his Bradley fighting vehicle. He was assigned to the 3rd Squadron, 3rd Armored Cavalry Regiment, Fort Carson, CO. He was from Los Angeles, CA.

PFC Ramon A. Villatoro, Jr., age 19 died on July 24 in Baghdad where an improvised explosive device detonated near his Bradley fighting vehicle. He was assigned to the 3rd Squadron, 3rd Armored Cavalry Regiment, Fort Carson, CO. He was from Bakersfield, CA.

PVT Ernesto R. Guerra, age 20, died on July 29 in Baghdad of injuries sustained on July 28 when his humvee was involved in an accident. He was assigned to the Army's 4 3rd Brigade Troops Battalion, 3rd Infantry Division, Fort Stewart, GA. He was from Long Beach, CA.

Petty Officer 1st Class Thomas C. Hull, age 41, died August 2 on board the aircraft carrier USS *Nimitz* in the Arabian Gulf after being medically evacuated to the carrier for a noncombat related incident. He was an operations specialist assigned to the USS *Princeton*, homeported in San Diego, CA.

LCpl Adam J. Strain, age 20, died August 2 as a result of enemy small-arms fire while conducting combat operations in Ar Ramadi. He was assigned to 1st Battalion, 5th Marine Regiment, 1st Marine Division, Camp Pendleton, CA. During Operation Iraqi Freedom, his unit was attached to the 2nd Marine Division. He was from Smartsville, CA.

SSG Ramon E. Gonzales Cordova, age 30, died August 8 as a result of enemy small-arms fire while conducting combat operations in Ar Ramadi. He was assigned to 1st Battalion, 5th Marine Regiment, 1st Marine Division, Camp Pendleton, CA. During Operation Iraqi Freedom, his unit was attached to the 2nd Marine Division.

LCpl Evenor C. Herrera, age 22, died August 10 from wounds received from the detonation of an improvised explosive device while conducting combat operations near Ar Ramadi. He was assigned to the 1st Battalion, 5th Marine Regiment, 1st Marine Division, Camp Pendleton, CA. As part of Operation Iraqi Freedom, his unit was attached to the 2nd Marine Division.

SPC Brian K. Derks, age 21, died on August 13 in Baghdad when an improvised explosive device detonated while he was on mounted patrol. He was assigned to the 2nd Squadron, 11th Armored Cavalry Regiment, Fort Irwin, CA.

SGT Nathan K. Bouchard, age 24, died on August 18 in Samarra, Iraq when an improvised explosive device detonated near his Humvee following a mine assessing mission. He was assigned to the 3rd Battalion, 69th Armor Regiment, 1st Brigade Combat Team, 3rd Infantry Division, Fort Stewart, GA. He was from Wildomar, CA.

SPC Ray M. Fuhrmann, II, age 28, died on August 18 in Samarra, Iraq, when an improvised explosive device detonated near his Humvee following a mine assessing mission. He was assigned to the 3rd Battalion, 69th Armor Regiment, 1st Brigade Combat Team, 3rd Infantry Division, Fort Stewart, GA. He was from Novato, CA.

SGT Joseph C. Nurre, age 22, died on August 21 near Samarra, Iraq when an improvised explosive device detonated near his M916 tractor during convoy operations. He was assigned to the Reserve's 463rd Engineer Battalion, Weirton, WV. He was from Wilton, CA.

PFC Ramon Romero, age 19, died August 22 when the vehicle he was in was struck by an improvised explosive device while conducting combat operations near Fallujah. He was assigned to the 2nd Battalion, 7th Marine Regiment, 1st Marine Division, Twentynine Palms, CA. As part of Operation Iraqi Freedom, his unit was attached to the 2nd Marine Division. He was from Huntington Park, CA.

Cpl Timothy M. Shea, age 22, died August 25 in Husaybah, Iraq of injuries sustained when an improvised explosive device detonated near his position. He was assigned to the Army's 3rd Battalion, 75th Ranger Regiment, Fort Benning, GA. He was from Sonoma, CA.

Seaman Apprentice Robert D. Macrum, age 22, was reported missing on September 13 after failing to report to muster formation. It was concluded that he fell overboard and search and rescue attempts were unsuccessful. He was assigned to the USS *Princeton*, currently deployed to the Arabian Gulf conducting maritime security operations as part of the Nimitz Carrier Strike Group. The USS *Princeton* is homeported in San Diego, CA.

LCpl Shane C. Swanberg, age 24, died September 15 from an explosion resulting from indirect fire at Forward Operation Base, Camp Ramadi, Iraq. He was assigned to 3rd Battalion, 7th Marine Regiment, 1st Marine Division, Twentynine Palms, CA. As Part of Operation Iraqi Freedom, his unit was attached to the 2nd Marine Division.

SGT Alfredo B. Silva, age 35, died on September 15 in Baghdad when an improvised explosive device detonated near his Humvee during patrol operations. He was assigned to the Army National Guard's 1st Battalion, 184th Infantry Regiment, 40th Infantry Division, Modesto, CA. He was from Calexico, CA.

SPC Mike T. Sonoda, Jr., age 34, died on September 22 in Baghdad of injuries sustained on September 21 when an improvised explosive device detonated near his military vehicle. He was assigned to D Company, 1st Battalion, 184th Infantry Regiment, 29th Infantry Brigade, Army National Guard, Oakdale CA. He was from Fallbrook, CA.

SGT Paul C. Neubauer, age 40, died on September 23 of injuries sustained in Baghdad when an improvised explosive device detonated and his patrol came under small-arms fire. He was assigned to the Army National Guard's 1st Battalion, 184th Infantry Regiment, 3rd Infantry Division, Oakdale, CA. He was from Oceanside, CA.

SSG Daniel R. Scheile, age 37, died on September 24 of injuries sustained in Baghdad on September 23 when an improvised explosive device detonated and his patrol came under small-arms fire. He was assigned to the Army National Guard's 1st Battalion, 184th Infantry Regiment, 3rd Infantry Division, Oakdale, CA. He was from Antioch, CA.

SGT Brian E. Dunlap, age 34, died September 24 from an improvised explosive device while conducting combat operations against enemy forces in Taqaddum, Iraq. He was assigned to the Marine Forces Reserve's 2nd Battalion, 23rd Marine Regiment, 4th Marine Division, Los Alamitos, CA. As part of Operation Iraqi Freedom, his unit was attached to the 2nd Marine Division. He was from Vista, CA.

PVT Elijah M. Ortega, age 19, died September 26 as the result of a nonhostile gunshot wound at Camp Baharia, Iraq. He was assigned to the 2nd Combat Engineer Battalion, 2nd Marine Division, Camp Lejeune, NC. He was from Oxnard, CA.

SPC Joshua J. Kynoch, age 23, died on October 1 in Bayji, Iraq when an improvised explosive device detonated near his Bradley Fighting Vehicle during convoy operations. He was assigned to the 2nd Battalion, 7th Infantry Regiment, 3rd Infantry Division, Fort Stewart, GA. He was from Santa Rosa, CA.

PFC Andrew D. Bedard, age 19, died October 4 from an improvised explosive device while conducting combat operations against enemy forces in Ar Ramadi. He was assigned to the 3rd Battalion, 7th Marine Regiment, 1st

Marine Division, Twentynine Palms, CA. During Operation Iraqi Freedom, his unit was attached to the 2nd Marine Division.

Mr. President, 457 soldiers who were either from California or based in California have been killed while serving our country in Iraq. I pray for these young Americans and their families.

I would also like to pay tribute to the two soldiers from or based in California who have died while serving our country in Operation Enduring Freedom since July 29.

GySgt Theodore Clark, Jr., age 31, died August 4 when the vehicle he was in was struck by an improvised explosive device while conducting combat operations near Gardez, Afghanistan. He was assigned to the 1st Combat Engineer Battalion, 1st Marine Division, Camp Pendleton, CA.

PVT Christopher L. Palmer, age 22, died on August 21 near Baylough, Afghanistan when an improvised explosive device detonated near his Humvee during patrol operations. He was assigned to the 2nd Battalion, 503rd Infantry Regiment, 173rd Airborne Brigade, Vicenza, Italy. He was from Sacramento, CA.

Mr. President, 32 soldiers who were either from California or based in California have been killed while serving our country in Operation Enduring Freedom. I pray for these Americans and their families.

MONTANA'S PATRIOTS

Mr. BURNS. Mr. President, this week, I learned of another young person from Montana who had been killed in Iraq. PFC Andrew Bedard was only 19 and died Monday when the Humvee he was driving hit a roadside bomb.

Andrew Bedard was from Missoula and a 2004 graduate of Hellgate High School. He joined the Marine Corps shortly after graduation and had only finished basic training earlier this year in San Diego. He had been in Iraq for close to only one month, when his life ended because of another improvised explosive device, or "IED" while conducting combat operations against enemy forces in the Al Anbar province. The military had recently launched a new offensive against insurgents in western Iraq.

Those who knew him best describe Andrew as a personable, positive guy who was friends with most people he ran into and cared a great deal about his family and friends. I actually met Andrew a few years ago when he and I were involved in a fender bender in Missoula. He was courteous and respectful, and I can say that he was a fine young man.

Like me, Andrew was in the U.S. Marine Corps. If they can find solace in anything, his loved ones must know that his country is proud of his honorable service in upholding the freedoms and ideals which make this country great.

My heart and prayers go out to the Bedard family, as well as the loved ones of all others lost in this War on Terror. Private First Class Bedard, unfortunately, was the 13th man with Montana ties to die in Iraq or Afghanistan since 2001. Other Montanans who have been killed in combat in Operation Enduring Freedom/Iraqi Freedom are:

SPC Travis Arndt of Great Falls was the 12th man with Montana ties to lose his life in Iraq or Afghanistan.

Marine LCpl Nicholas Bloem of Bozeman was killed in Iraq on Aug. 3, the day after his 20th birthday, when a roadside bomb was exploded under his amphibious assault vehicle. He was one of 14 Marines killed from the Ohio-based 3rd Battalion, 25th Marine Division.

Marine Cpl Raleigh Smith, 21, of Troy was killed two days before Christmas 2004 by enemy fire in Fallujah, Iraq.

Marine LCpl Nathan R. Wood, 19, a Great Falls native who has moved to Kirkland, WA. He was killed Nov. 19, 2004, as a result of enemy action in Al Anbar Province, Iraq.

Army SSG Aaron N. Holleyman, 26, of Glasgow was killed Aug. 30, 2004, in Khutayiah, Iraq, when his military vehicle hit an improvised explosive device.

Marine LCpl Kane M. Funke, 20, who attended high school in Kalispell before moving to Vancouver, WA. He was killed Aug. 13, 2004, as a result of enemy action in Al Anbar Province, Iraq.

Marine Cpl Dean P. Pratt, 22, of Stevensville, who died Aug. 2, 2004, also as a result of enemy action in Al Anbar Province.

Army PFC Owen D. Witt, 20, of Sand Springs was killed May 24, 2004, in Ad Dawr, Iraq, when his armored high-mobility-multipurpose-wheeled vehicle rolled over.

Army Reserve 1 LT Edward M. Saltz, 27, of Bigfork was killed Dec. 22, 2003, in Baghdad when the convoy in which he was riding was hit by an improvised explosive device.

Army Ranger PFC Kristofer T. Stonesifer, 28, of Missoula was killed Oct. 21, 2001, in a Blackhawk helicopter crash in Pakistan as a part of Operation Enduring Freedom.

Army 1 LT Josh Hyland, a Missoula soldier who enlisted in ROTC at the University of Montana on Sept. 12, 2001, was one of four Americans killed in Afghanistan when a bomb detonated underneath a wooden bridge they were passing over.

This old Marine was lucky to come home from service in Korea. These brave souls for whatever reason were not. I thank them for what they did to protect my family and others across this country and around the world. They did not die in vain and will not be forgotten. We, as a nation, mourn the loss of every soldier, sailor, airman, and marine.

HONORING OUR ARMED FORCES

TRIBUTE TO WARRANT OFFICER ADRIAN B. STUMP AND SERGEANT TANE TRAVIS BAUM

Mr. SMITH. Mr. President, the Bible tells us that "Greater love than this has no man than to lay down his life for his friends." I rise this morning to pay tribute to two American heroes from my home town of Pendleton, OR, who made the ultimate sacrifice by laying down their lives for their friends, their country, and the cause of freedom.

WO Adrian B. Stump and SGT Tane Travis Baum were two of five soldiers who were lost in the crash of a CH-47 Chinook helicopter as it was returning from an ongoing operation in southern Afghanistan.

Warrant Officer Stump was 22 years of age. He was the son of Jerry and Anne Stump, who instilled in Adrian the values of hard work, honesty, and integrity. He was a graduate of Pendleton High School, and he was well known in my community for being an outstanding young man, who always had a smile on his face. Like many east Oregonians, he loved the outdoors and could often be found hiking, fishing, and camping.

Adrian always dreamed of flying helicopters. And after he graduated from high school, there was no question of what he wanted to do. He wanted to serve his country. Indeed, he recently expressed to a friend of mine how great it was to be able to wake up in the morning and do what one loves to do.

SGT Tane Travis Baum was 30 years old. He was married to his high school sweetheart, Tina, and they were the parents of two beautiful children, Caelan and Dyllon. Sergeant Baum also loved the outdoors and flying helicopters. While it was difficult for Sergeant Baum to leave his family behind to serve his country, he carried out his duty like the true hero he was.

The author Herman Wouk once wrote:

> Heroes are not supermen. They are good men, and embodied by the cast of destiny, the virtue of a whole people in a great hour . . . . If America is still the great beacon in dense gloom, the promise to hundreds of millions of the oppressed that liberty exists, that it is the shining future, that they can throw off their tyrants, and learn freedom and cease learning war, then we still need heroes to stand guard in the night.

As of today, Warrant Officer Stump, Sergeant Baum and more than 50 Oregonians have lost their lives keeping the promise of liberty to millions, the promise our forefathers first made and the charge that is ours to keep. They stood guard in the night and have earned the gratitude of our Nation.

LIEUTENANT COMMANDER THOMAS E. BLAKE

Mr. NELSON of Nebraska. Mr. President, I rise today to honor Navy Pilot LCDR Thomas E. Blake of Spencer, NE.

Lieutenant Commander Blake was a selfless and honorable man whose commitment and service to his country were exemplary. As a 1990 graduate of Spencer-Naper High School, Blake went on to earn a bachelor's degree from the University of Nebraska-Lincoln in 1994. Blake was an 11-year veteran of the Navy, and had been stationed at Sea Control Squadron 32, based at Jacksonville, Florida for the past 6 months.

On September 21, 2005, LCDR Thomas Blake died at the age of 33 when an S-3B Viking jet crashed near Jacksonville Naval Air Station, killing Blake and LCDR Scoot Bracher of Malverne, NY. Blake was the naval flight officer and mission commander on the flight.

Lieutenant Commander Blake is survived by his wife Jessica, a native of Gretna, NE. Thomas and Jessica are the parents of a 2-year-old son, and Jessica is expecting their second child soon. I would like to offer my sincere condolences and prayers to the family and friends of Lieutenant Commander Blake. His noble service to the United States of America is to be respected and remembered by all. Every American and all Nebraskans should be proud of the service of brave military personnel such as LCDR Thomas E. Blake.

STATEMENT ON BURMA

Mr. McCONNELL. Mr. President, many of us who closely follow the struggle for freedom in Burma have, over the years, repeatedly called upon the U.N. Security Council to discuss and debate the dire situation in that country that poses an immediate danger to the Burmese people and the entire region.

Our collective efforts may finally be gaining steam thanks to a report commissioned by former Czech President Vaclav Havel and retired South African Archbishop Desmond Tutu that in painstaking detail makes the case that the situation in Burma has the same factors that triggered Security Council consideration of tragedies in Rwanda, Haiti, Sierra Leone, Afghanistan, Cambodia, Liberia, and Yemen.

I encourage my colleagues to read last Friday's Washington Post editorial entitled "A Plan to Free Burma," which highlights the Havel-Tutu report and the need for U.N. action on Burma. While I agree that the administration can and should do more to support a Burma initiative at the United Nations, I am confident that as a stalwart friend of freedom, Ambassador Bolton will make this a priority for himself and his staff. I encourage Secretary Rice to continue to make this effort a priority, as well.

Let me close with a brief word urging the United Kingdom to find its voice on Burma at the United Nations. Given Britain's history with that Southeast Asian country, Prime Minister Blair and senior officials at the Foreign Office should keep in mind that Burma's myriad problems—including humanitarian crises—are political in nature and require a political solution that involves the active participation of the National League for Democracy and ethnic minorities. Let us not forget that this is a country where the Global Fund to Fight AIDS, Tuberculosis and Malaria had to terminate its grants because of the obstructionist policies of the SDPC.

I am reminded that this year marks the 60th anniversary of the Burma Campaign of World War II, the longest British battle of that war. I hope our allies across the Atlantic will continue to show the same grit and determination in supporting freedom in Burma today as they did last century.

RESPECTING GUN LAWS IN DC

Mr. LEVIN. Mr. President, we owe it not only to the people who live and work in Washington, DC and the millions who visit, but to all Americans to do what we can to prevent gun violence in our nation's capital. It is important that we also respect the wishes of DC residents as they work to address the problems of gun violence in their own communities. Unfortunately, legislation introduced earlier this year would undermine both of these objectives.

Among other things, the misnamed District of Columbia Personal Protection Act would repeal local laws in Washington, DC that ban the sale and possession of unregistered firearms, require firearm registration, impose common sense safe storage requirements, and ban semiautomatic weapons.

Elected officials and community leaders throughout Washington, DC, have made clear their opposition to this bill and any other attempt to roll back Washington's local gun safety laws. In recent months, many groups around the country working to end gun violence have also expressed strong opposition to the proposed repeal of local gun safety laws in Washington, DC. In July, 44 national, state, and local organizations issued an open letter to Congress opposing the so called District of Columbia Personal Protection Act. Among the groups who signed the letter were the United States Conference of Mayors, the National Association for the Advancement of Colored People, the National Black Police Association, Physicians for Social Responsibility, the Brady Campaign to Prevent Gun Violence, and the Coalition to Stop Gun Violence. Their letter said:

> The citizens of the District of Columbia should have the power to decide by democratic means whether and how firearms are regulated in the city where they live. DC's current gun laws were passed almost 30 years ago by an elected city council, and these laws continue to enjoy broad support among business executives, law enforcement officials, health care professionals, civic organizations, and ordinary citizens. When legislation to repeal DC's gun laws was introduced last year, it generated widespread opposition—and attracted virtually no support—among DC residents.

While this bill has not yet been considered in the Senate, the citizens of Washington, DC, continue to face attempts to roll back their local gun safety laws. During consideration of the fiscal year 2006 District of Columbia appropriations bill, the House of Representatives adopted an amendment strongly supported by the National Rifle Association which would prohibit funds in the bill from being used to enforce a local requirement that District residents keep their firearms unloaded and disassembled or bound by a trigger lock in their homes. Fortunately, the current Senate version of the bill does not include a similar provision and I am hopeful the House-passed language will not become law.

The Senate should respect the will of the people of Washington, DC, with regard to local gun safety laws. I hope the Senate will focus its efforts on legislation that will help make communities across our Nation safer, not on steps which would make our Nation's Capital less safe.

I ask unanimous consent that the above-mentioned letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JULY 15, 2005.

U.S. SENATE,
Washington, DC.

DEAR SENATOR: We are writing to express our strong opposition to S. 1082, a bill that would strip the District of Columbia's voters and elected officials of the power to pass gun laws.

The citizens of the District of Columbia should have the power to decide by democratic means whether and how firearms are regulated in the city where they live. DC's current gun laws were passed almost 30 years ago by an elected city council, and these laws continue to enjoy broad support among business executives, law enforcement officials, health care professionals, civic organizations, and ordinary citizens. When legislation to repeal DC's gun laws was introduced last year, it generated widespread opposition—and attracted virtually no support—among DC residents.

DC has made great strides in recent years, both in reducing violent crime and in encouraging people to establish businesses, buy homes, and build their lives in the city. The city's finances are in order (it has an "A" rating from bond analysts), the homicide rate is down (by 55 percent over the past ten years), and commercial as well as residential real estate markets are booming.

The city has many challenges ahead, but its citizens and political leaders are working to build consensus and solve problems like any other municipality in the country through vigorous debate, hard work, and participation in democratic political institutions. While some members of Congress might have different ideas about what's good for the city, we believe the choices made by DC citizens and their elected representatives in local government should be entitled to respect.

The debate over S. 1082 is about democracy, not the Second Amendment. By denying the citizens of DC—who have no representation in Congress—the right to decide how best to protect public safety and reduce violent crime, this bill would violate basic American values, and we urge you to reject it.

Sincerely,

Alliance for Justice, Americans for Democratic Action, American Jewish Committee, Anti-Defamation League, Brady Campaign to Prevent Gun Violence, Break the Cycle Washington, DC, CeaseFire Maryland, Ceasefire NJ, Ceasefire PA, and Children's Defense Fund.

Coalition to Stop Gun Violence, Common Cause, Consumer Federation of America, DC Action for Children, DC Democracy Fund, DC Vote, The Episcopal Church, USA, Episcopal Diocese of Washington, Florida Coalition to Stop Gun Violence, and Florida Consumer Action Network.

Hoosiers Concerned About Gun Violence, Illinois Council Against Handgun Violence, Iowans for the Prevention of Gun Violence, Jewish Women International, The League of Women Voters of the United States, Legal Community Against Violence, and Maine Citizens Against Handgun Violence.

Michigan Partnership to Prevent Gun Violence, National Association for the Advancement of Colored People (NAACP), National Black Police Association, National Council of Jewish Women (NCJW), New Yorkers Against Gun Violence, and North Carolinians Against Gun Violence Education Fund.

Ohio Coalition Against Gun Violence, Oregon Consumer League, Physicians for Social Responsibility, Saferworld, States United to Prevent Gun Violence, and United Church of Christ, Justice and Witness Ministries.

Unitarian Universalist Association of Congregations, United States Conference of Mayors, Virginians Against Handgun Violence, Wisconsin Anti-Violence Effort, and Women Against Gun Violence (California).

VOTE EXPLANATION

Mr. HATCH. Mr. President, I rise today to inform my colleagues as to why I missed voting on the motion to table Senator COBURN's amendment No. 2005 to the Department of Defense Appropriations Act, 2006. At the time the vote occurred, I was attending the funeral of a longtime employee and friend, Shawn Bentley.

Should I have been present, I would have voted in favor of tabling the amendment, which would not have changed the outcome of the vote.

GI EDUCATIONAL BENEFITS

Mr. KERRY. Mr. President, the original G.I. bill in 1944 made a sacred bargain: honor our troops for their sacrifice, and keep faith with our veterans by helping them readjust to civilian life. Historically, G.I. bill educational benefits have risen and fallen—at times covering over 100 percent of the cost of tuition, books, supplies and other educational costs. And we know how valuable its benefits have become in recruiting the world's finest military.

But each year, the G.I. bill covers a little bit less of the cost of education in this country. It's a cruel mathematical calculation—the cost of a university education is growing faster than the benefits provided by the G.I. bill. Our troops in Iraq, Afghanistan and around the world fight just as hard and sacrifice just as much as any in American history. Yet the G.I. bill—this great act of gratitude that transformed America 60 years ago—has not kept pace. Today, our troops return home to a G.I. bill that covers only 63 percent of the average price of a 4-year public secondary education. The result is veterans struggling to afford the education they were promised and have earned.

The U.S. Congress should never break promises to our veterans—like 28-year-old Jeff Memmer. As a member of the U.S. Navy, Jeff served two deployments in the Persian Gulf between 1996 and 2002. When he came home, he had to take out tens of thousands of dollars in emergency loans and work part time as a bartender to get through school because costs kept outpacing benefits. He said, "When I started putting a plan together in 1999, the benefit would have covered two-thirds of my tuition and costs. By the time I got to college, the tuition had increased so much it only covered half, and by the time I graduated it was only covering a third of my expenses." We are not proposing that veterans live in luxury while they earn their degrees. But clearly, it shouldn't be this hard.

Take the case of Eric VonEuw, a veteran of 4 years with the airborne infantry. Even with G.I. bill benefits, he is working part time to make ends meet and cover the cost of his community college. If he is able to finish at UC Davis, his benefits won't cover half his bills.

Today's military looks a lot different from the military I served in during the Vietnam war. Today, almost 60 percent of enlisted men and women are married. These veterans are faced with a choice: to borrow for their education or to take care of their families now.

The amendment I offered on the Defense appropriations bill, cosponsored by Senator ENSIGN, would have required a report on G.I. bill educational benefits—who uses them, how they are used, and how they can be improved. The report would have included cost estimates to help us assess various options for increasing the value of the education benefits so they cover more, if not all, of the costs of a 4-year public education.

In the course of preparing this amendment, Senator ENSIGN and I were invited to work with the Veterans' Affairs Committee to accomplish the same thing. We hope this approach will be successful and will therefore not bring our amendment to a vote.

This is the start of an effort to improve G.I. bill educational benefits. It is not just the right thing to do; it is critical to our national security. We all know that this is the most challenging recruiting environment in the history of the All-Volunteer military. In a 2004 survey, servicemembers reported that the G.I. bill is the number one reason they choose to enlist in the military. We must make sure that we understand how those benefits are being used and what the alternatives are to improve them.

I ask unanimous consent that the text of the letter I sent with Senator ENSIGN to the Veterans' Affairs Committee, which was mentioned above, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, October 5, 2005.

Senator LARRY CRAIG,
Chairman,
Senator DANIEL AKAKA,
Ranking Member, Senate Committee on Veterans' Affairs, Russell Senate Office Building, Washington, DC.
Representative STEVEN BUYER,
Chairman,
Representative LANE EVANS,
Ranking Member, House Committee on Veterans' Affairs, Cannon House Office Building, Washington, DC.

DEAR SENATOR CRAIG, SENATOR AKAKA, CONGRESSMAN BUYER, AND CONGRESSMAN EVANS: As you continue negotiations on The Veterans' Benefits Improvement Act of 2005, S1235, and its companion bills in the House, we write to draw your attention to 38 USC, Section 3036, which required a biannual report from the Secretary of Defense on the use and adequacy of readjustment and educational benefits for veterans. As of January 2005, no additional reports are required by this section.

We believe receiving this report remains vital today. This country is at war. American forces are serving heroically around the world, in Iraq, Afghanistan, and elsewhere. The men and women of our armed forces serve for many reasons. Undoubtedly, all serve with a sense of patriotism and duty to country. But there are other important reasons a young American chooses the military, and as recently as 2004 a survey indicated that educational benefits are the primary reason soldiers cite for their decision to enlist.

It is no secret that we are today in the midst of the most challenging recruiting environment our all-volunteer military has ever faced. The Army officially fell short of its FY2005 recruiting goals, delaying the expansion of the active-duty Army. It is essential that we continue to receive periodic updates from the Secretary of Defense on the value of education benefits to new recruits, how these benefits are used by veterans, and recommendations about how the benefits can be improved.

Accordingly, we ask you to reauthorize 38 USC Section 3036, with the minor modification of the first issuance of the report being required within six months of enactment of this bill. We also ask that you consider an additional modification to require that the first report include the attached provisions from an amendment we offered on the Defense Authorization bill to provide a more accurate estimate of the costs of various proposals to increase GI Bill benefits.

We appreciate your continued leadership on this issue.

Sincerely,

JOHN KERRY,
JOHN ENSIGN.

VIOLENCE AGAINST WOMEN ACT

Mrs. CLINTON. Mr. President, I rise today to applaud my Senate colleagues for unanimously passing legislation to protect American women from domestic violence.

The Violence Against Women Act expired this past Saturday, October 1. I cosponsored the renewal of this vital legislation because it strengthens Federal and State efforts to prevent domestic violence and assist victims of domestic violence. It focuses resources and attention on some of the most vulnerable women in our society—women who too often suffer in silence.

I am so pleased that by passing this bill the Senate has reaffirmed its commitment to helping women, men, and children prevent and cope with domestic abuse.

The Violence Against Women Act responds to an ongoing crisis within many American families. Too many of our grandmothers, mothers, and daughters, and too many of our grandfathers, fathers, and sons are abused at home by a partner or family member. Every day in America some women and men, some elderly, are beaten, have objects thrown at them, suffer emotional and verbal abuse. Teenagers suffer abusive dating relationships. Many victims of domestic violence feel trapped and need support and assistance to leave their abusers and start violence-free lives.

The image of a severely battered woman spurs many of us to stop domestic violence, but what is also disturbing is the prevalence of domestic violence. Domestic abuse is the common cold of violence. According to the Journal of the American Medical Women's Association, nearly one in every three women will experience a physical assault by a romantic partner. And of this group, one in three will experience a severe physical assault. Every day more than three women in this country are murdered by their husbands and boyfriends. Children also suffer. Half of women who report rape are under the age of 18. Shockingly, 22 percent are under the age of 12. And I know that violence against the elderly is a serious and growing problem.

For the past decade, the Violence Against Women Act has provided crucial aid to women, men, and children experiencing violence. Between 1994 and 2000, Congress distributed over $3.8 billion to States and local communities to train and support police, lawyers, judges, nurses, shelter directors and advocates to end domestic violence and sexual assault. Our efforts contributed to almost a 50 percent drop in domestic violence.

The Violence Against Women Act of 2005 renews several successful programs and provides funding for training, education and outreach to protect women. It encourages collaboration among law enforcement, the courts, and public and private services providers to victims of domestic and sexual violence. It stiffens criminal penalties for repeat Federal domestic violence offenders, and updates the criminal law on stalking to incorporate new surveillance technology like global positioning systems. It incorporates prevention strategies targeted at men and boys. And it strengthens rape crisis centers and the health care system's response to family violence.

The bill also addresses the special needs of victims who are elderly, disabled, children, immigrants, residents of rural communities, and members of ethnic and racial communities. It provides emergency leave and long-term transitional housing for victims.

The Violence Against Women Act of 2005 will save lives. It also will save money. A 2002 university study found that money spent to reduce domestic violence saved nearly ten times the potential costs incurred between 1995 and 2000 for medical, legal, and other victimization costs. On an individual level, the bill costs roughly $15.50 per woman in the United States and saves an estimated $159 per woman.

Despite the funding provided by the Violence Against Women Act, I believe that reducing the scale and alleviating the human toll of domestic violence requires stronger Federal support. In my own State of New York, in Albany, an award-winning organization dedicated to providing legal assistance to victims of domestic violence and sexual assault faces the possibility of shutting down. Just this past September, the Department of Justice informed the group, The Capital District Women's Bar Association Legal Project, that its application for continued funding had been denied. The Department of Justice has supported the CDWBA Legal Project's efforts on behalf of battered women for nearly a decade. With this financial assistance, the group has provided critical services for more than 4,000 poor, battered women and their children since 1996. The program has been so successful that the United States Office of Justice Programs identified it in 2003 as a "best practices program" as a model for communities striving to better serve and protect victims of domestic violence and sexual assault. Yet this program and, Director Lisa Frisch told me, other programs like it, are losing their funding and ability to prevent abuse and assist victims.

We critically need to provide this funding—to stop domestic violence, and aid its victims.

Domestic abuse is an ongoing crisis for many American families. It is the common cold of violence for Americans today. But working together, as Federal, State, and local officials, as governmental and nongovernmental organizations, as individuals, we can reduce the severity and the prevalence of domestic violence. We can protect the most vulnerable members of our society women, the elderly, children. I applaud Senators BIDEN, HATCH, and SPECTER who introduced the Violence Against Women Act of 2005 in June, and the nearly 60 Senators who cosponsored the legislation, Members on both sides of the aisle. Their hard work helps to strengthen American families.

LOCAL LAW ENFORCEMENT ENHANCEMENT ACT OF 2005

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

On December 7, 2003, in Largo, FL, Reshae McCauley, a 30-year-old transgender person, visited Z109, a local club. The following evening Reshae's body was discovered near her home where she had died of severe upper body trauma. According to police, the apparent motivation for the attack was her sexual orientation.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

NATIONAL LATINO AIDS AWARENESS

Mr. OBAMA. Mr. President, even as our Nation faces new public health challenges, it is crucial that we not lose sight of a devastating disease that has remained a challenge for decades the HIV/AIDS epidemic. Over the past two decades, the Nation has witnessed tremendous strides in the diagnosis and treatment of this disease, and overall, affected individuals are living longer and in better health. Yet approximately 40,000 Americans are still infected every year, half of whom are under the age of 25, and over 1 million

Americans are living with this disease. My own State of Illinois ranks sixth in the Nation for HIV/AIDS, and our health officials and experts continue to work diligently to reduce the number of newly infected, as well as provide high quality care to those who are infected.

As with so many diseases, HIV/AIDS has had a disproportionate impact on the Latino community. While representing only 14 percent of the U.S. population, Latinos comprise 20 percent of the population affected by HIV/AIDS. However, unlike every other racial and ethnic group, the number of estimated deaths among Latinos with AIDS is actually increasing—a 17 percent growth between 1999 and 2003.

As the largest and fastest growing ethnic minority group in the U.S., it is imperative that HIV/AIDS prevention and treatment in the Latino community remain a top priority for our Nation.

I am proud to join Representative HILDA SOLIS, Chair of the Congressional Hispanic Caucus' Task Force on Health, and other members of the Congressional Hispanic Caucus and Congressional Black Caucus, in recognizing October 15 as National Latino AIDS Awareness Day. On this day, we renew our commitment to ending the spread of HIV and ensuring quality of life to those with HIV regardless of their country of origin or immigration status. We do this whether we are Latino, African American, Asian, Caucasian or Native American. Although we all belong to separate communities, it is important that we stand as one community in the fight against this disease that is rapidly targeting populations of color.

The numbers are growing and so should our national attention towards the issue. The reauthorization of the Ryan White CARE Act is an example of how our Nation can help. It is also critical to increase funding for the Minority AIDS Initiative, MAI, which addresses the disproportionate impact of HIV/AIDS on people of color by allocating specific funds for programs under the Ryan White CARE Act. Programs like Ryan White provide our most vulnerable populations, such as HIV/AIDS-stricken Latinos, with a chance for quality health care and a brighter future.

On October 15 and every other day of the year, I encourage all of us to join in the fight against HIV and AIDS. We cannot become complacent. The need is great, and the time to act is overdue.

NOMINATION OF WAN J. KIM

Mr. CORZINE. Mr. President, it is with great pleasure and admiration that I support the nomination of Wan J. Kim, of my home State of New Jersey, to be the Assistant Attorney General for Civil Rights at the Department of Justice.

Wan Kim's life is a testament to the American dream. Mr. Kim's father came to New York from South Korea in 1971, with only a few hundred dollars in his pocket and the dream of building a better life for his family. He spoke no English and he took a job washing dishes. His wife joined him several months later, and worked in a garment factory. In 1973, Wan Kim and his sister left South Korea, where they had been staying with their grandmother, to reunite with their parents on U.S. soil. Wan Kim was 5 years old at the time.

The family soon moved to New Jersey, where Mr. Kim's parents purchased a luncheonette in Jersey City, and later a home in Union Township. Mr. Kim's parents worked 7 days a week to provide an education and a life of opportunity for their children. Mr. Kim excelled in school, graduating as valedictorian of his high school class and serving this country in the Army Reserves. He received his bachelor's degree from Johns Hopkins University and his law degree from the University of Chicago Law School.

Following law school, Mr. Kim clerked for Federal Judge James L. Buckley on the DC Circuit Court. He then worked as a trial attorney in the Criminal Division of the Department of Justice, where he participated in the prosecution of the Oklahoma City bombing case. Mr. Kim later served as an assistant U.S. attorney for the District of Columbia, as counsel on the Senate Judiciary committee, and as a lawyer in private practice. Since August 2003, Mr. Kim has served as a deputy assistant attorney general of the Civil Rights Division at the Department of Justice, where he is charged with oversight of the criminal, educational opportunities, and housing and civil enforcement sections.

If confirmed as assistant attorney general, Mr. Kim will be the Nation's top civil rights law enforcement officer. In that capacity, he will be responsible for overseeing more than 300 attorneys nationwide and with ensuring the vigorous enforcement of this nation's civil rights laws—including those relating to voting rights, employment discrimination, human trafficking, and police misconduct. Mr. Kim will enjoy the distinction of being the first Korean-American and the first naturalized citizen to assume that post.

The position to which Mr. Kim is nominated is one of vital importance to our Nation. There are those who would weaken or narrow the authority of the Civil Rights Division, or remove it from Congressional oversight altogether. I disagree. The Department of Justice, and the Civil Rights Division in particular, must continue to carry out its indispensable role in safeguarding the civil rights of all Americans. The Department must hold firm in ensuring that no person, big or small, strong or weak, Black or White, Latino or Asian, is treated with anything less than fairness, equality, and justice under our laws. To this end, it is essential that the powers of the Civil Rights Division and the oversight authority of this body be vigorous, and that the Division hire only the very best attorneys possible to carry out its mission.

There is no doubt that the Civil Rights Division will face many challenges in the years ahead. The office will require a leader with a firm commitment to civil rights and the resolve to place the considerable resources of the Federal Government behind the protection of those fundamental rights. Mr. Kim has an impressive record of public service and has earned the strong respect of his colleagues and the legal community. I am confident that Mr. Kim will do all he can to preserve and strengthen our civil rights protections, and that in so doing, he will continue to make his family, his home State of New Jersey, and his country proud.

BINATIONAL HEALTH WEEK

Mr. LUGAR. Mr. President, I appreciate this opportunity to join my friends from across the United States and Mexico to celebrate the 5th Annual Binational Health Week. Binational Health Week affords us an opportunity to reflect upon the many successful efforts made here in the United States in cooperation with Mexican consulates to promote health and well-being amongst those who might otherwise lack access to important health care services and to discuss what further efforts should be made to address shortcomings that still exist.

Binational Health Week originated as an effort by Mexico's Secretary of Health to direct health care services to underserved migrant populations here in the United States. In October 2001, the Mexican consulates in California partnered with the California Department of Health Services to celebrate the first Binational Health Week in an effort to mobilize local health clinics and community organizations to provide services to people of Latin origin. Since then, Binational Health Week has expanded to cities across the United States, Mexico, and Canada.

I feel strongly that we must do all that we can to encourage people to pursue healthy lifestyles. Between one-half and two-thirds of premature deaths in the United States and much of our health care costs are caused by just three risk factors: poor diet, physical inactivity, and tobacco. Promoting proper fitness and nutrition is not only good health policy but it is also good fiscal policy as it prevents costly hospitalization and reduces future costs to the taxpayer. We must work together at the Federal, State and local levels to encourage healthy eating and exercise.

I am excited that Binational Health week encourages the people of our great nations to discuss how we can work together to ensure that families across North America have every opportunity to enjoy good health and happiness.

TRIBUTE TO AMERICAN BEVERAGE ASSOCIATION

Mr. CHAMBLISS. Mr. President, today I rise to report on a development by the American Beverage Association, ABA, and its members who have adopted a new policy aimed at helping parents and schools to promote healthy lifestyles for our Nation's students.

Recently, the association's board of directors established new school vending policies for its members. The purpose was to help parents, teachers, and children in the school environment make good lifestyle choices by providing appropriate beverage choices for each grade level.

Childhood obesity is a problem facing society, and I believe that responsibility for achieving healthy lifestyles is shared by everyone, including parents, communities, schools, government, and industry.

Under the new ABA policy, the beverage industry will provide the following: One, only bottled water and 100 percent juice to elementary school students; two, nutritious and/or lower calorie beverages to middle school students, such as bottled water, 100 percent juice, sports drinks, no-caloric and low-calorie soft drinks and low-calorie juice drinks—no full-calorie soft drinks or full-calorie juice drinks with 5 percent or less juice will be provided to middle school students until after school hours; and three, a variety of beverage choices to high school students, such as bottled water, 100 percent juice, sports drinks, and juice drinks. No more than 50 percent of the vending selections made available to high school students will be soft drinks.

This new policy complements the work the Committee on Agriculture, Nutrition, and Forestry completed in the 108th Congress with the Child Nutrition and WIC Reauthorization Act of 2004. Under the act, local school districts were directed to develop wellness policies, address physical activity and nutrition education, and implement nutrition standards for all food sold on campus. The ABA's new vending policy is timely and welcomed, and can serve as a key component for the development of local wellness policies by helping set important nutrition standards for our students.

Mr. President, I would like to recognize the American Beverage Association and its members for being part of a solution in achieving healthy lifestyles and in fighting childhood obesity. This commonsense policy does not unfairly single out individual foods or beverages through wholesale bans, but instead provides a reasonable balance in vending choices and complements the industry's school-based physical activity programs.

I commend The Coca-Cola Company in my home State of Georgia, and the entire beverage industry for its leadership on this issue and for its commitment to making a substantial and positive impact on the well-being of our students.

HONORING FORMER GOVERNOR STAN HATHAWAY

Mr. THOMAS. Mr. President, I rise today to pay tribute to the life and memory of Stan K. Hathaway. Sadly, Stan passed away on October 4, at the age of 81.

One of six children, Stan was born in Osceola, NE. He grew up in Huntley, WY. Stan attended the University of Wyoming until he heard the call of duty, and in 1943, he left college and joined the Army Air Corps to serve his country in World War II. During the war, he flew bomber missions. For his service, Stan received the French Criox de Guerre, U.S. Presidential Unit Citations and five air medals.

When Stan returned from his tour in Europe, he enrolled at the University of Nebraska to finish his bachelor's degree and continued on to complete his law degree at the same institution. While there, he met and married his lovely wife Bobby. Bobby was the light in his life. Their relationship was strong and full of love. They complimented one another beautifully, and together, they accomplished tremendous things.

Following Stan's graduation from law school, he and Bobby moved to Torrington. Bobby began teaching, and Stan established his law practice. Here, they had their two daughters, Susan and Sandra. In 1954, Stan was elected Goshen County Attorney, and in 1966, he was elected Governor. After his second term as governor, President Ford appointed Stan as secretary of the interior in 1975. He was Wyoming's first cabinet officer. Health issues forced his resignation shortly after his appointment, and he moved to Cheyenne to resume his law practice.

Stan always looked toward the future, and his innumerable contributions still resonate in our great State. During his two terms as Governor, Stan initiated groundbreaking policy for Wyoming. He enacted the State's first severance tax on minerals and created the Permanent Mineral Trust Fund where severance tax money is invested. The fund now totals more than $2 billion and earns enough to run a major portion of the State's government operations.

Recognizing the value of our State's natural heritage and the need for conservation, Stan approved Wyoming's first environmental controls on its minerals industry. In addition to creating the State department of environmental quality, he signed into law the State air quality act in 1967 and the State water quality act in 1968. He was also a founding member of the Wyoming Heritage Society/Wyoming Heritage Foundation in 1979. Stan was determined to protect Wyoming's natural treasures while securing its economic future.

Governor Hathaway also had a great love for arts. He signed the 1967 bill which established the Wyoming Arts Council. He and Bobby were leading patrons of the arts, helped lead the charge to inaugurate public funding for the arts in the State, and helped develop many State programs to encourage art.

Stan believed the most important thing Wyoming could give its youth was an education and opportunities to stay in the State. In recognition of his contributions to higher education, the 2005 Wyoming Legislature named the "Hathaway Student Scholarship Endowment Account," a $400 million dollar endowment for academic scholarships and endowed chairs at the State's universities and community colleges, in Stan and Bobby's honor.

Governor Hathaway's trailblazing efforts earned him many recognitions. Many credit him with helping Wyoming pull out of its economic depression during the 1950s and 1960s. In 2000, Stan was the recipient of the Mary Mead Steinhaur Heritage Award for his achievements in public service, private sector leadership and commitment to Wyoming's economic growth. Stan and Bobby also received the Governor's Arts Award for Excellence in the Arts in 2003.

Stan and Bobby were dear friends of my wife Susan and I. Susan's father, Harry Roberts, served in Governor Hathaway's administration as the superintendent of public instruction. She recalls Stan's deep beliefs and great passion. When Stan spoke, you couldn't help but listen. He was a true leader and a good man. Stan will be sorely missed.

ADDITIONAL STATEMENTS

TRIBUTE TO CRAIG M. McKEE

• Mr. LUGAR. Mr. President, I rise today to congratulate a distinguished Hoosier, Mr. Craig M. McKee of Terre Haute, IN, who will be installed as chairman of the board of trustees of the National Cathedral Association here in Washington, DC, at an Evensong service on Thursday, October 13.

Since graduating from Indiana State University and the Indiana University

School of Law in Indianapolis, Craig has worked as a respected attorney, eventually becoming a partner in the firm of Wilkinson, Goeller, Modesitt, Wilkinson & Drummy in Terre Haute. He has also offered distinguished public service in West Central Indiana as a member of the board of directors and chairman of the Greater Terre Haute Chamber of Commerce, president of the Terre Haute Rotary Club, president of the United Way of the Wabash Valley, and a member of the board of directors of the Indiana State University Foundation.

As chairman of the board of trustees of the National Cathedral Association, Craig will help to facilitate funding for the Cathedral and oversee its programs and activities. The association, with some 14,000 members, provides leadership and support to the Cathedral. As one who has had the opportunity to be a reader at an Indiana Day observance at the Cathedral, I am grateful for the work of the Cathedral staff and the association.

The National Cathedral was chartered by Congress in 1893. Contruction began in 1907, when the foundation stone was laid in the presence of Theodore Roosevelt, and lasted for 83 years; the last finial was placed in the presence of George H.W. Bush in 1990. The Cathedral has been the site of two Presidential state funerals: for Dwight D. Eisenhower and Ronald W. Reagan, and the mausoleum is the final resting place for Woodrow Wilson. President Eisenhower lay in repose at the Cathedral before lying in state. In addition, a memorial service for Harry Truman took place at National Cathedral. It has been the venue to national prayer services following many events, most recently after Hurricane Katrina and the attacks of September 11, 2001.

I commend Craig on this signal honor and wish him every continuing success in his important leadership.●

VIOLENCE AGAINST WOMEN IN PAKISTAN

● Mr. LEAHY. Mr. President, I wish to bring attention to the appalling human rights abuses against women in Pakistan and to express my dismay with the recent comments of President Pervez Musharraf that rape in Pakistan has become an opportunity for women of his country to make money and emigrate. Victims of rape and domestic violence in Pakistan and around the world are offended by these irresponsible remarks.

On September 13 President Musharraf stated the following in an interview with the Washington Post: "You must understand the environment in Pakistan . . . This has become a money-making concern. A lot of people say if you want to go abroad and get a visa to Canada for citizenship and be a millionaire, get yourself raped." President Musharraf subsequently denied making these remarks, but the paper posted an audio link of the interview on its website, confirming that he had in fact been accurately quoted.

These comments are completely unacceptable. They are especially so considering the fact that rape and other acts of violence against women in Pakistan are a longstanding problem. The U.S. State Department's Country Report on Human Rights Practices for 2004 reported that one out of every two Pakistani women last year was the victim of mental or physical violence. That is an astounding number. Additionally, the report states that husbands frequently beat and even occasionally kill their wives and that many females are disfigured by intentional burnings or attacks with acid. So called "honor killings," when husbands murder their wives for alleged infidelity or other acts deemed to impugn the man's honor, also continue to be a problem in Pakistan. Yet the perpetrators of these crimes often escape punishment. Pakistani human rights organizations documented 1,458 cases of honor killings last year, and many more likely went unreported. A study by Human Rights Watch estimates that a woman in Pakistan is raped every 2 hours and that approximately 70–90 percent of women suffer from some form of domestic violence.

The terrible stories of two Pakistani rape victims have been vividly portrayed in moving editorials by New York Times reporter Nicholas Kristof. From Kristof we first learned about Mukhtar Mai, who was gang-raped in 2002 on the orders of a council of tribal elders, and also about Dr. Shazia Khalid, a Pakistani physician who was raped in January 2005 by a military officer in her place of employment.

These stories are tragic. But equally troubling is the cruel reality that many rape victims in Pakistan are pressured to drop charges by the authorities, as was the case for Dr. Khalid. Many who courageously decide to press forward are ostracized, beaten or even jailed on charges of adultery or fornication. What we are witnessing is an archaic and twisted judicial system where too often the victims are punished and the culprits go free. This practice of blaming and then abusing the victim is a disgrace.

At a time when the Bush administration is embracing President Musharraf and giving Pakistan huge amounts of aid on account of his support for the administration's policies in Afghanistan, it should use its influence to press Musharraf to act immediately to address the rampant abuse of Pakistani women. This includes abolishing the Hudood Ordinances, a harsh penal code introduced in 1979 by then-dictator General Zia ul-Haq to Islamize the legal system. Unfortunately, President Musharraf has taken few concrete steps to protect women from this discriminatory and backward legal system.

As we consider the plight of women in Pakistan and the tremendous obstacles they must surmount, the U.S. must take a hard look at the consistency of our own policies, especially with respect to advancing human rights around the globe. I was troubled to hear that the State Department declined to react to Musharraf's comments. When asked about the interview by a member of the press, a Government spokesman skirted the issue by stating that "The United States Government speaks out very clearly that violence against women, wherever it may occur, is unacceptable. And around the world, where this is a problem, we make a point of speaking out against it."

Unfortunately, the administration is not practicing what it preaches. The administration missed an important opportunity to speak out against a reprehensible allegation that women are using rape in order to make money and emigrate. In his inaugural address last year, the President stated that "all who live in tyranny and hopelessness can know: the United States will not ignore your oppression, or excuse your oppressors. When you stand for your liberty, we will stand with you." I urge President Bush to live up to his promise to promote democracy and advance human rights and to not ignore the women of Pakistan.●

IN HONOR OF HISPANIC HERITAGE MONTH, SEPTEMBER 15–OCTOBER 15, 2005

● Ms. CANTWELL. Mr. President, I rise today to say a few words in honor of the Latino communities of the United States. As my colleagues know, September 15 to October 15 each year marks Hispanic Heritage Month. Throughout this month, the United States celebrates the history, culture, and traditions of Latinos as well as their contributions to the United States. September 15 was selected as the first day for this special month because it marks the anniversary of independence for Costa Rica, El Salvador, Guatemala, Honduras, and Nicaragua. Mexico and Chile also commemorate their independence days during the month, on September 16 and September 18, respectively.

As we celebrate Hispanic Heritage Month, we must also acknowledge the challenges faced by this community. The Latino population is extremely vulnerable to economic downturns and experience high poverty rates, particularly among working families with children. We must work to continue providing the infrastructure to assist families by strengthening job training, child care, child nutrition, and transportation. Furthermore, we must continue to lift the barriers on education.

Only 12 percent of Latinos have graduated from college. As nearly half of the Latino population is under age 25, it is crucial that we provide access to higher educational opportunities. The Latino community in the United States strives to succeed in all realms. Providing a solid educational foundation for the younger generation will ensure continued growth and accomplishments by the community.

Today, there are 39.9 million Latinos in the United States, which is nearly 14 percent of the total population. Latinos live in every State and are vital contributors to every aspect of the future of our Nation. My State of Washington is home to the 10th largest Latino population in the United States. Fourteen percent of Latinos work in managerial and professional occupations. Twenty-one percent work as operators and laborers, and another 22 percent work in service occupations. Not only are Latinos the fastest growing population in the United States, they are also the fastest growing group amongst small business owners. In the past two decades, the number of Latino-owned businesses has grown by over 600 percent.

Such facts about the achievements about the Latino community should not be surprising, as contributions by Latinos can be traced back through the history of the United States. On March 27, 1513, Juan Ponce de Leon's travels led him to a land he named "La Florida." In 1541, Hernando de Soto became the first European to discover the Mississippi River. Mexican and Spanish voyagers explored the Pacific Northwest as early as 1774. Joseph Marion Hernandez, a member of the Whig party, served as the first Latino Congressman between 1822 and 1823. In 1962, Cesar Chávez established the National Farm Workers Association, which later became the United Farm Workers. These examples further evidence that the history of the Latinos in the United States is an integral part of our history as a Nation.

I am pleased to have this opportunity of Hispanic Heritage Month to give thanks to and honor the Latino community. The accomplishments by Latinos throughout the centuries and their significant influence on our Nation today are cause for celebration.•

IN RECOGNITION OF DOMESTIC VIOLENCE AWARENESS MONTH, OCTOBER 2005

• Ms. CANTWELL. Mr. President, I rise today in recognition of Domestic Violence Awareness Month. As we mark the 11th anniversary of the Violence Against Women Act, VAWA, which has given a voice to the thousands of women and children who had silently suffered the effects of domestic violence, we must continue to build on these protections for victims of domestic violence and sexual assault.

The enactment of the 1994 Violence Against Women Act symbolized a significant Federal response to the problem of violence against women. The original act rewrote Federal criminal law in several respects, including creating penalties for interstate stalking or domestic abuse, strengthening penalties and requiring restitution for repeat sexual offenders, rendering a victim's past sexual behavior inadmissible in Federal cases, and allowing a Federal judge to order HIV testing of alleged rapists. VAWA also created a grant program to improve law enforcement in cases of violent crimes against women, rape prevention and education programs, and funds for battered women's shelters. Earlier this year, my home State of Washington received a grant of over $2.3 million through this program to help victims of domestic violence get access to needed services and to enhance the partnership between criminal justice agencies, victim services providers, and community organizations which respond to domestic violence.

Since passing VAWA, local communities around the United States have made significant strides toward eradicating domestic violence. Between 1993 and 2001, the rate of nonfatal domestic violence dropped 49 percent. States have passed over 660 laws pertaining to domestic violence, stalking, and sexual assault. Yet, despite our progress, a woman in the United States is still more likely to be assaulted, injured, raped, or killed by a male partner than by any other assailant. Three to four million American women continue to be battered by their husbands or partners every single year. At least a third of all female emergency room patients are battered women. A third of all homeless women and children in the U.S. are fleeing domestic violence. At least 5,000 women are beaten to death each year. This is unacceptable and we need to continue our efforts to eradicate domestic violence.

As we consider all issues of domestic abuse, we need to also be aware of the advent of for-profit international marriage brokers—companies that operate solely to connect men and women of different nations with the intent of getting married. Today, experts put the number of international marriage brokers at nearly 500 worldwide. Based on the 1999 statistics, there are between 20,000 and 30,000 women who have entered the U.S. using an international marriage broker in the past 5 years. While many of these matches result in long, happy unions, there is an unfortunate growing epidemic of domestic abuse among couples who meet through a broker. The risk of foreign women being abused and in some cases murdered by men they meet through these mail-order bride agencies is heightened greatly when they do not have access to vital information about their potential husbands or their rights in the United States. In my home State of Washington, we know of at least 3 cases of serious domestic violence, including 2 murders of women who met their husbands through Internet-based brokers.

On October 4, my colleagues unanimously passed legislation to reauthorize and improve the Violence Against Women Act once again. This legislation includes language I authored that will make information available to foreign women about the marital and violent criminal history of their prospective American husbands, in addition to requiring international marriage brokers to provide foreign fiances with information about the rights and resources available to domestic violence victims in the United States. Under current practice, American clients can get all the information they want about foreign fiancées, while foreign clients only receive information that the Americans choose to share, and have no way to make sure what they are told is true. By providing foreign women who meet their potential American spouses with ability to access their potential spouse's marital and criminal history, we are taking a further step to curb domestic violence. The decisions we in Congress chose to make concerning the Violence Against Women Act of 2005 sets in place the priorities and funding levels that will directly affect how we respond to and prevent domestic violence in the coming years.

Because of its occurrence behind closed doors, many Americans are unaware of the severity of this problem. While domestic violence most directly affects women, it hurts us all, no matter our sex, race, religion, or economic status. As our Nation recognizes Domestic Violence Awareness Month, let each of us consider what we can further do to prevent its continuation.•

NATIONAL PAYROLL WEEK

• Mr. CHAMBLISS. Mr. President, I would like to recognize National Payroll Week, which was designated by the American Payroll Association as the week of September 5-9, 2005. This week signified an important effort to recognize the over 156 million working Americans and the payroll professionals who support the American economy by paying wages, reporting worker earnings, and withholding Federal employment taxes.

Together, this hard working group of Americans contributes, collects, reports, and deposits approximately $1.4 trillion, or 71 percent, of the annual revenue of the U.S. Treasury. Payroll professionals continue to play a key role in maintaining the economic health of the United States by carrying out such diverse tasks as paying into the unemployment insurance system, providing information for child support enforcement, and carrying out tax withholding, reporting, and depositing. Payroll professionals also work with Federal and State tax officials to make the tax system more efficient and to improve compliance.

National Payroll Week celebrated the contributions of American workers and payroll professionals and the intricate role they play in our economy and everyday lives.•

TRIBUTE TO BILL WALSH

• Mr. DODD. Mr. President, I rise today to honor a constituent and a pioneer in substance abuse treatment, Bill Walsh, who is retiring this year.

Mr. Walsh grew up in New Bedford, MA, and attended Seton Hall University. He served as a Radioman First Class in the U.S. Navy during World War II. Aboard the USS *Hyter*, he participated in the naval escort for President Franklin Roosevelt as he flew to the conference at Yalta.

After he left the Navy, Bill Walsh nobly dedicated his life to helping those in need of mental health services and those debilitated by alcohol and substance abuse. For 3 years, he served as the executive director of the Mental Health Association of Eastern Connecticut, where he created community mental health services and educational seminars to meet the needs of eastern Connecticut.

And, for the last 34 years, Mr. Walsh has served as the president of the Southeastern Council on Alcoholism and Drug Dependence. In that position, he oversaw the development of three halfway houses, a detoxification program, outpatient services, and community-based education programs. He has helped thousands confront the devastating effects of drug and alcohol abuse and take the difficult steps to recovery.

Mr. Walsh was also a pioneer in long-term care in Connecticut. In 1979 he developed the Lebanon Pines Treatment Facility for those with chronic alcoholism, who are invited to live and work at the rural, alcohol-free facility for an indefinite period. This program has no doubt helped hundreds of individuals find sobriety.

Bill Walsh's selfless desire to truly help those in need is further evidenced by the extent to which he has been willing to share the vast knowledge that he gained working on the front lines. Over the last five decades, he has strenuously lobbied the Connecticut legislature on behalf of those suffering from addictions to drugs or alcohol and their treatment providers. He has served on numerous boards and advisory committees dedicated to substance abuse treatment. And he has lectured on substance abuse and community rehabilitation projects at colleges and universities in Connecticut and throughout our Nation.

Millions of Americans battle drug and alcohol addiction every day. Bill Walsh has dedicated his life to making sure that they don't fight alone. For his tireless service, Connecticut and, indeed, the whole Nation owe him a tremendous debt of gratitude.

Next week, a dinner will be held in honor of Bill Walsh's many contributions to the field of substance abuse treatment and to raise money for a scholarship fund to support those who want to become substance abuse treatment professionals. Both the dinner and the scholarship fund are wonderful tributes to Bill's contributions to serving those who struggle each and every day with addiction.

Once again, I thank Bill Walsh for his years of dedicated service to his community, to Connecticut, and to our Nation. And, I send my best wishes to him, his wife Cinda, and his family as he embarks on this new stage in his life.•

ANNIVERSARY OF THE DEATH OF LEON KLINGHOFFER

• Mr. SCHUMER. Mr. President, 20 years ago this month the world changed forever for the family of Leon Klinghoffer. Mr. Klinghoffer was a 69-year-old American Jewish retired appliance manufacturer from my State of New York. In October 1985, he and his wife Marilyn were celebrating their 36th wedding anniversary by taking a vacation aboard the Achille Lauro.

On October 7, 1985, four members of the Palestine Liberation Front took control of the Achille Lauro liner off the coast of Egypt. While these hijackers held the passengers and crew hostage, they directed the vessel to sail to Tartus, Syria, and demanded the release of 50 Palestinians then held in Israeli prisons. After being refused permission to dock at Tartus, the hijackers killed the wheelchair-bound Leon Klinghoffer and threw his body overboard into the sea.

Nothing can ever repair the mindless horror that act of terror visited upon the innocent. Nothing can replace the love of a husband and father. Yet we can learn from this cowardly act of terror and others like it. Indeed we must learn from it if we are to survive as a free nation in a world stalked by the terrorist gun and bomb. We must understand that terrorism has gotten more dangerous to the United States since Leon Klinghoffer's senseless murder. The Achille Lauro hijacking signaled the beginning of a new era and shattered illusions that Americans were not vulnerable to international terrorism.

Mr. Klinghoffer's widow, Marilyn and his two daughters courageously sought to turn their grief into meaningful action by speaking out against the scourge of terrorism and establishing the Leon Klinghoffer Memorial Foundation of the Anti-Defamation League. Since Marilyn's passing in 1986, the foundation that now bears both their names continues to raise awareness about the growing reach, sophistication, and lethality of terrorism, to identify gaps in America's counterterrorism law, and to advocate for their closure.

Having seen firsthand the destruction and pain caused by the murder of even one victim, the Klinghoffer family has reached out to other victims of terror to share their support, strength and experience. The Klinghoffer Foundation has developed educational, political, and legal strategies to enhance the fight against terror worldwide.

The Senate salutes Leon and Marilyn's two daughters, Lisa and Ilsa, whose longtime education efforts helped put a human face on the threat of terrorism long before fighting terror became a necessary way of life for Americans, and whose advocacy has helped secure vital improvements in American counterterrorism policy. And we join them in remembering Leon and Marilyn Klinghoffer.•

IN HONOR OF MAJOR GENERAL STEPHEN R. LORENZ

• Mr. ALLARD. Mr. President, I would like to take a moment today to recognize one of the finest Air Force officers on active duty, MG Stephen R. Lorenz. On September 6, General Lorenz left his present position as Deputy Assistant Secretary for Budget to become Special Assistant to the Air Force Chief of Staff. During his time in Washington, and especially with regard to his work on Capitol Hill, General Lorenz personified the Air Force core values of integrity first, service before self and excellence in all things. Many Members and staff enjoyed the opportunity to work with him on a variety of Air Force issues and came to appreciate his many talents. Today it is my privilege to recognize some of Steve's many accomplishments since he entered the military 32 years ago, and to commend him for the superb service he provided the Air Force, Congress, and our Nation.

Steve Lorenz earned a bachelor's degree in international affairs from the U.S. Air Force Academy in 1973 and attended undergraduate pilot training at Craig Air Force Base, AL. From 1975 to 1980, he flew the EC–135 as aircraft commander at Ellsworth AFB, SD, and over the course of later assignments to Wright-Patterson AFB, OH, and Castle AFB, CA, attained the qualification of KC–135 instructor pilot. General Lorenz demonstrated his skill as an aviator in the T–37, T–38, T–39, UV–18, EC–135A/G/C, KC–135A/R, KC–10A, and C–141B aircraft. He is a command pilot with over 3,300 hours of flying time.

From early in his career, General Lorenz's exceptional leadership skills were evident to superiors and subordinates alike as he repeatedly proved himself in numerous select command positions. He has commanded an air refueling squadron, the 93rd Air Refueling Squadron, Castle AFB, CA, a geographically separated operations group, the 398th Operations Group, Castle AFB, CA and holds the distinct honor of four Wing commands; the 22nd Air Refueling Wing, March AFB, CA, the 722nd Air Refueling Wing, March AFB, CA, the 305th Air Mobility Wing, McGuire AFB, NJ, and the 34th Training Wing, United States Air Force Academy, Colorado Springs, CO, as the Commandant of Cadets. Under his command, two of those wings were recognized and honored as the "Best Wings" in their respective numbered Air Forces.

Steve Lorenz excelled in a variety of key staff assignments. These include serving as Director of Plans and Programs, Headquarters U.S. Air Forces in Europe; Chief, European and North Atlantic Treaty Organization Policy Branch, European Division, Directorate of Strategic Plans and Policy on the Joint Staff; Chief, Northeast Asia Branch, Far East/South Asia Division, Directorate of Strategic Plans and Policy on the Joint Staff; and Deputy Chief Senate Liaison Office. General Lorenz is also a published author providing articles to military journals on Leadership and the Air Force resource allocation process.

During his service to the 107th, 108th, and 109th Congresses, General Lorenz served as our principal budget liaison with the Air Force, providing clear, concise, and timely information on issues affecting sustainment, modernization and readiness of our airmen. Most importantly, he proved an essential conduit between appropriators in Congress and frontline combat operations during Operation Iraqi Freedom, Operation Noble Eagle, and the global war on terrorism. In his 4 years as Director of Budget, he developed, advocated, and executed over $37 billion of warfighter requirements through supplemental appropriations. General Lorenz's leadership, professionalism, and expertise enabled him to foster exceptional rapport between the Air Force and the Senate, and enabled Congress to better understand Air Force priorities and programs.

I was pleased the President nominated and the Senate confirmed General Lorenz for his third star with assignment as Commander, Air University, Air Education and Training Command, Maxwell Air Force Base, AL. This higher grade and command are exceptionally well deserved. I offer my congratulations to him, his wife Leslie, and children, Tracy, Stephen, and Kelly. The Congress and country applaud the selfless commitment of his entire family to the Nation in supporting Steve's military career.

I know I speak for my colleagues in expressing my heartfelt appreciation to GEN Stephen Lorenz. He is a credit to both the Air Force and to the United States. We wish our friend the very best and are confident of his continued success in a new command.•

CELEBRATING THE DEDICATION OF THE FEDERAL COURTHOUSE BUILDING IN FRESNO, CALIFORNIA

• Mrs. BOXER. Mr. President, I rise to recognize the dedication of the Federal courthouse building in Fresno, CA, which is to occur October 18.

The magnificent Federal courthouse building will provide the much-needed space and capacity to effectively serve a region that is continuing to grow at a rapid rate. This building will help ensure the swift and efficient administration of justice to the people of the Fresno Division of the Eastern District, which covers the counties of Calaveras, Fresno, Inyo, Kern, Kings, Madera, Mariposa, Merced, Stanislaus, Tulare, and Tuolumne. Furthermore, this impressive edifice will be the most tangible and powerful symbol of the American justice system to the people of the region.

In addition to meeting the needs of the court for additional space and related purposes, the Federal courthouse building will be a centerpiece and catalyst for the continued renaissance of downtown Fresno. The strikingly designed courthouse stands as part of the downtown skyline that continues to grow. I am particularly pleased that the Federal Government has been an integral partner in downtown revitalization with this and other projects. Together, they have brought thousands of employees to the area. I applaud the efforts of all those in the community who, through their commitment and dedication, helped make this latest addition to the downtown Fresno landscape a reality.

I hope this courthouse will ultimately be named for Senior U.S. District Judge Robert E. Coyle, a man who is widely and greatly admired and respected for his work as a judge. Judge Coyle has had a distinguished career as an attorney and on the bench. Appointed to California's Eastern Court in 1982, Judge Coyle has served the Eastern District for 20 years, including 6 years as a senior judge.

For over a decade, Judge Coyle has been a tireless champion of the effort to build this courthouse. He has been seen daily walking to and from the building site assuring that the job was done right, which I am proud to report is certainly the case. A courthouse building named in his honor will stand as a testament to the people of California of the distinguished career and the dedicated work of Judge Robert E. Coyle.

I am proud to commemorate the dedication of the Federal courthouse building in Fresno, and wish its occupants and the people of the Fresno Division of the Eastern District a bright future as we continue to work to bring justice and equality to all.•

THANKING AND CONGRATULATING JANA DAVIS

• Mr. LAUTENBERG. Mr. President, each year at about this time, three dozen or so scientists descend on Capitol Hill looking to work for Members of Congress or congressional committees. They come to us offering their expertise and service free of charge, courtesy of the American Association for the Advancement of Science, AAAS. For over 30 years now, AAAS and its constituent professional societies have provided science fellows, and Congress and the Nation are better for it.

Science and technology dominate our lives and yet there are relatively few scientists and engineers engaged in formulating public policy, either as Members of Congress or as congressional staff. As Carl Sagan said, "We live in a society exquisitely dependent on science and technology, in which hardly anyone knows anything about science and technology." That is why the AAAS science fellows are so important.

Scientific expertise has never been more important than it is right now. The Bush administration and its allies in and out of government are pursuing policies that seem to depend on repudiating science on everything from the environment to biomedical research to education. Whether we are talking about global warming or stem cell research or teaching evolution, this administration and the majority here in Congress too often ignore or dispute the solid consensus that exists in scientific communities with regard to these and other crucial issues.

For the past year, I have been fortunate to have Dr. Jana Davis work in my office as a AAAS science fellow. Her tenure has come to an end and she will soon start a new job with the National Oceanic and Atmospheric Agency, NOAA, so I would like to take this opportunity to thank her for her service here in the Senate and to congratulate her on her new job.

Jana is a New Jersey native who went to Yale University for her undergraduate degree in environmental biology. She received her Ph.D. in oceanography from the Scripps Institution of Oceanography. After that, she served as a postdoctoral fellow and biologist at the Smithsonian Environmental Research Center. She has held various teaching jobs and has a lengthy list of scholarly publications to her credit.

In her short time here, Jana worked on a number of bills and became a trusted adviser on a range of scientific issues, especially those which fall under the jurisdiction of the Committee on Environment and Public Works and the Committee on Commerce, Science and Transportation—two of the three committees I serve on. For instance, Jana was the principal author of several measures I have introduced, including S. 1645, an ocean and coastal science literacy and education bill; S. 1635, a bill to protect deep sea coral habitat; S. 1619, a bill to reduce pesticide use in schools; and S. Res. 99, a resolution urging the U.S. delegation to the International Whaling Commission to press for an end to dolphin slaughter. Jana also drafted the "Save Climate SCIENCE"—Scientific Credibility, Integrity, Ethics, Non-partisanship, Consistency, and Excellence—amendment I offered to H.R. 6, the Energy bill. And she served as my representative in Commerce Committee staff negotiations on reauthorizing the Coastal Zone Management Act, ballast water exchange legislation, and the Magnuson-Stevens Fishery Conservation and Management Act.

Jana has done a superb job during her fellowship. I have relied on her scientific expertise and she has shown a great aptitude for public policy. I am grateful for her service and value her numerous substantive contributions. I regret that she is moving on but our loss here in the Senate is NOAA's gain. She will do a superb job at NOAA.

I want to thank the American Geophysical Union for sponsoring Jana and the AAAS for sponsoring the science fellows program. The program is invaluable because it brings talented, energetic, and idealistic scientists like Jana Davis to Capitol Hill. We need more people like that here in Congress.•

RHODE ISLAND SCHOOL OF DESIGN SOLAR HOME IN SOLAR DECATHLON 2005

• Mr. REED. Mr. President, from October 7 through October 16, 2005, the National Mall will be transformed into a solar village. The Solar Decathlon 2005 will showcase 18 solar homes designed, built, and operated by university teams from across the United States as well as Canada and Spain. Each of the university teams chosen for the decathlon competed in 10 contests that measured the aesthetics and livability of the solar homes as well as their capacity to provide lighting, heat water, and run household appliances, including a TV, refrigerator, and computer. Each team demonstrated the ability to power an electric car from the energy harnessed by the solar home—an important achievement in this day of skyrocketing fuel prices. I am proud that the Rhode Island School of Design, known as RISD, is among the 18 participating teams in the Solar Decathlon.

The first Solar Decathlon, held on the Mall in 2002, received more than 100,000 visitors. The decathlon, sponsored by the U.S. Department of Energy's Office of Energy Efficiency and Renewable Energy, aims to educate policymakers and the public about alternative energy sources to improve building design and quality of life. The competition motivates participating teams to use cutting-edge solar technologies, renewable materials, and energy-efficient building principles so that these features will become part of the mainstream of home design.

RISD's solar home is a team effort on the part of more than 60 students and seven departments from both the Rhode Island School of Design and Brown University. The team was led by architecture faculty members, William Yoder and Jonathan Knowles. These students worked for 2 years on the production of an environmental and energy-smart home design while taking classes specifically geared toward this end. Last week, they transported their solar home to Washington, DC, for assembly on the National Mall.

The principle behind RISD's design is to incorporate high-tech solar technologies with low-tech materials that increase energy efficiency. Through this combination, the students illustrated that designers and homeowners do not need to be well-versed in complex technologies to incorporate solar into their homes. Furthermore, many of the materials used in the RISD solar home, while having high insulation values, are reclaimed—an effort on the part of the Rhode Island team to reduce construction waste.

As a design school, RISD was concerned about the attractiveness of the materials and design principles, which will improve the marketability of solar home features. Function and aesthetics led the team to incorporate both a roof garden and a louvered skin. The louvered skin is adaptable, so as to reflect heat during the day and keep in heat during cold nights. Moreover, the skin provides "chameleon-like" color variations and graphics that add to the home's artistic style as it tracks the cycle of the sun. The roof garden brings an element of tranquility to the home's design but is also a smart use of space for a home designed for an urban setting where a lawn is hard to find. This element is one that illustrates the team's goal to blend the boundary between home and environment.

The Rhode Island team also created a home that is adapted to its surroundings. Since the home was designed as an urban dwelling, it uses a north/south orientation, allowing for the home to receive ample lighting if serving as a townhouse between adjacent homes. The RISD team took into account the expansion of its townhouse style to a community scale. With the addition of mirrored or identical units, the entire lot would collectively become more energy efficient. Furthermore, the variations in how these modules fit together would create open spaces that provide a private haven when juxtaposed against an urban backdrop.

The Rhode Island team applied great effort to the design of the "mechanical core" that runs the heating, cooling, plumbing, and electricity of the house. Centrally located, this unit minimizes the need for ducts and piping throughout the home, thereby increasing energy efficiency throughout the structure. RISD's house is so efficient that it produces enough reserve energy from the sun that it will be able to power a car.

Upon conclusion of the competition, several teams will offer the homes that they designed and built for educational or living use. The RISD students intend to transport their solar home back to Providence, RI, where it will serve as an example of smart building design for the community.

The Solar Decathlon offers an opportunity to witness first hand the ingenuity of the participating teams and the innovative solutions available to Americans to reduce our energy demand and propel us on a cleaner and sustainable energy path. Visitors to the solar village will be able to tour each of the 800 square-foot homes and ask the students questions regarding their solar design and technology choices. Workshops are scheduled throughout the week for visitors to learn how to incorporate into their homes both active and passive solar energy, improved energy efficiency technologies, and biobased products. My sincere congratulations to the Rhode Island team for a job well done.•

NORMAN L. KIRKHAM

• Mr. ROCKEFELLER. Mr. President, I rise today to recognize the many years of service Norman "Norm" L. Kirkham has provided to the people of southern West Virginia. For the last 19 years, Mr. Kirkham has held the position of executive director of the West Virginia Region I Planning and Development Council and worked tirelessly on various projects during the 10 years prior to that. This organization is a nonprofit public agency that coordinates with the Federal, State, and local governments to provide comprehensive planning for the coalfields of southern West Virginia. After numerous years of working with the citizens of McDowell, Mercer, Monroe, Raleigh, Summers, and Wyoming Counties to improve their quality of life and develop the regional economy, Norm is retiring effective October 31, 2005.

Many of Norm's colleagues praise him for his active role as the driving force behind the scenes, turning proposed plans and ideas into economic realities for southern West Virginia. One such example is a project to bring a new Federal prison to McDowell County, West Virginia. Over the last decade, I have worked alongside Norm to help develop a site for the prison and secure approval for the prison. As a result of his relentless hard work and determination, the new Federal prison will create 350 high-paying jobs in an area that desperately needs them. I am enormously proud to have worked with Norm on this and so many projects.

During his tenure as executive director, Norm has helped to secure funds to provide flood relief to the flood-prone valleys and riverbanks of southern West Virginia, enhanced the water systems in towns such as Princeton, Welch, and Union, and lobbied for grant money to support senior citizen centers. In addition to advancing specific economic development projects, Norm has helped ease access to technology, sewage, and other forms of infrastructure throughout southern West Virginia.

Without a doubt, Norm has contributed a great deal to his agency and to the people of southern West Virginia. His contributions are even more impressive when one considers the dire need for economic development in the southern West Virginia coalfields. Traditionally, the economy of southern West Virginia has relied heavily on the coal industry. Through coordination and planning, Norm and his agency have helped diversify the region's economy and tremendously enhance the infrastructural needs that are vital to development in southern West Virginia. Many successful economic development sites can be attributed to Norm's dedication to promoting and developing economic prosperity for every person and family in his region. Public servants in his line of work normally do not receive the recognition they deserve. Our State needs more people like Norm who dedicate their entire professional careers to ensure that people have adequate employment, roads, water, sewage, and other services and infrastructural needs commonly taken for granted.

Always modest and never in the limelight, Norm is firmly rooted in rural Summers County where he inherited the values that make southern West Virginia a unique and wonderful area—service to community and nation and dedication to family and neighbors. Through his hard work and integrity, Norm has earned the respect of every local official in southern West Virginia; Federal and State officials; Governors, past and present; and the Members of the congressional delegation.

In retirement, Norm can more fully devote himself to what he cherishes most in life—his family, his Summers County farm and his community. He will surely be missed at Region I and throughout all of West Virginia, but he leaves a career of good work that will last generations.

I will sincerely miss working with Norm but I suspect even in retirement, some very worthwhile community projects are going to find themselves in need of a seasoned volunteer just like him. Regardless, I wish him the very best.●

HONORING COLONEL JOSEPH JULIAN McLACHLAN

● Mr. SALAZAR. Mr. President, I rise today to honor the life and legacy of COL Joseph Julian McLachlan. Colonel McLachlan is a World War II hero and a proud Air Force veteran who died at the age of 85 in late July. Next week, he will be interred at Arlington National Cemetery. With the honors of a full military funeral, he will take his rightful place alongside America's greatest heroes, Medal of Honor recipients and veterans going back to the American Revolution.

Born in 1920, Joseph McLachlan enlisted in the Army Air Corps at the start of World War II. He completed his pilot training and was commissioned in 1942. As part of the famed 368th Fighter Group, McLachlan flew two strafing missions in support of ground troops on D-Day. Six days later, he was shot down and hid behind enemy lines until he could rejoin American troops. Over the course of the war, he completed 91 missions as a P–47 pilot. He earned a Silver Star, Distinguished Flying Cross, Purple Heart, 17 Air Medals, and the Legion of Merit.

Today, more than 60 years later, it is hard to recapture the tremendous uncertainty that America faced at the eve of the Normandy invasion. Operation Overlord employed more than 5,000 ships and landing craft, more than 12,000 airplanes, and more than 150,000 troops. Their bravery carried the day and led to the victory of freedom and democracy over tyranny and oppression. Ordinary Americans like Joseph McLachlan gave the best years of their lives to the greatest mission this country has ever taken on. The world owes them a huge debt of gratitude.

After the war, McLachlan stayed in the military. In 1948, he flew 44 missions in the Berlin Airlift, one of the first major crises of the Cold War. A command pilot, McLachlan led a B–47 Squadron at MacDill Air Force Base in Tampa. He was vice-commander of Zaragoza Air Base in Spain and Commander of Lincoln Air Base in Nebraska. He retired as Chief of Foreign Liaison at the Pentagon.

After leaving the military, Colonel McLachlan went on to have a successful 19-year career in the private sector. His greatest legacy is his large and loving family. He had 6 children, 10 grandchildren, and 7 great-grandsons.

Mr. President, COL Joseph McLachlan was a great American. As we prepare to lay his remains to rest at Arlington, I ask my colleagues to join me in honoring him and his family.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and two withdrawals which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

ENROLLED BILL SIGNED

At 8:54 a.m., a message from the House of Representatives, delivered by Ms. Brandon, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

S. 1413. An act to redesignate the Crowne Plaza in Kingston, Jamaica as the Colin L. Powell Residential Plaza.

The enrolled bill was signed subsequently by the President pro tempore (Mr. STEVENS).

At 12:19 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

S. 1786. An act to authorize the Secretary of Transportation to make emergency airport improvement project grants-in-aid under title 49, United States Code, for repairs and costs related to damage from Hurricane Katrina and Rita.

The enrolled bill was signed subsequently by the President pro tempore (Mr. STEVENS).

At 12:33 p.m., a message from the House of Representatives, delivered by Ms. Brandon, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3439. An act to designate the facility of the United States Postal Service located at 201 North 3rd Street in Smithfield, North Carolina, as the "Ava Gardner Post Office".

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 59. Concurrent resolution recognizing the contributions of African-American basketball teams and players for their achievements, dedication, and contributions to the sport of basketball and to the Nation.

H. Con. Res. 161. Concurrent resolution authorizing the use of the Capitol Grounds for an event to commemorate the 10th Anniversary of the Million Man March.

MEASURES REFERRED

The following bills and joint resolution were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 358. An act to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the desegregation of the Little Rock Central High School in Little Rock, Arkansas, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 3402. An act to authorize appropriations for the Department of Justice for fiscal years 2006 through 2009, and for other purposes; to the Committee on the Judiciary.

H.R. 3408. An act to reauthorize the Livestock Mandatory Reporting Act of 1999 and to amend the swine reporting provisions of that Act; to the Committee on Agriculture, Nutrition, and Forestry.

H.R. 3439. An act to designate the facility of the United States Postal Service located at 201 North 3rd Street in Smithfield, North Carolina, as the "Ava Gardner Post Office"; to the Committee on Homeland Security and Governmental Affairs.

H.J. Res. 61. Joint resolution supporting the goals and ideals of Gold Star Mothers Day; to the Committee on the Judiciary.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 59. Concurrent resolution recognizing the contributions of African-American basketball teams and players for their achievements, dedication, and contributions to the sport of basketball and to the Nation; to the Committee on Commerce, Science, and Transportation.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-188. A concurrent resolution adopted by the Legislature of the State of Texas relative to requesting the Congress of the United States to enact legislation to provide for federal deployment of the Strategic National Stockpile within Mexico; to the Committee on Armed Services.

Senate Concurrent Resolution 2

Whereas, Created in 1999 to help state and local jurisdictions prepare for a national emergency, the Strategic National Stockpile is a repository of pharmaceuticals and medical supplies administered jointly by the United States Department of Homeland Security and United States Department of Health and Human Services; and

Whereas, Currently, if an act of bioterrorism occurs within Mexico near the United States border, it is up to each United States border state, including Texas, to request and deploy the Strategic National Stockpile across the border to protect the citizens of the state; and

Whereas, Procedures for deploying Strategic National Stockpile assets require the affected state governor's office to request deployment from the Centers for Disease Control and Prevention or the Department of Homeland Security; although the assets are transferred to state and local authorities once they arrive at the designated receiving and storage site in the affected state, the stockpile materials remain a federal asset; and

Whereas, Deployment, which may include a mass antibiotic dispensing operation, requires substantial state and local resources to receive, secure, and distribute Strategic National Stockpile assets; staging and dispensing the assets in another country requires a coordinated, comprehensive approach that is best addressed by the federal government; and

Whereas, The Homeland Security Act of 2002 charged the United States Department of Homeland Security with defining the goals and performance requirements of the Strategic National Stockpile program as well as managing the actual deployment of assets; critical to the success of this initiative is ensuring capacity at the federal level to respond to binational public health emergencies; now, therefore, be it

Resolved, That the 79th Legislature of the State of Texas hereby respectfully request the Congress of the United States to enact legislation to provide for federal deployment of the Strategic National Stockpile within Mexico, provided that the Mexican government approves said request pursuant to treaties and other agreements with the United States; and, be it further

Resolved, That the Texas secretary of state forward official copies of this resolution to the president of the United States, to the speaker of the house of representatives and the president of the senate of the United States Congress, and to all the members of the Texas delegation to the congress with the request that this resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States of America.

POM-189. A resolution adopted by the General Assembly of the State of New Jersey relative to legislation to authorize National Guard members to enroll in Department of Defense managed health care program; to the Committee on Armed Services.

Assembly Resolution No. 282

Whereas, The United States of America is founded on the principle of citizen-soldiers safeguarding our national security, a construct that is as essential today as it was more than 368 years ago when the National Guard was established; and

Whereas, The oldest military institution in the United States, the National Guard has been, since its founding in 1636, a community-based force composed of citizen-soldiers, the members of the Army and Air National Guard serving the nation in time of war and their states in time of domestic emergency; and

Whereas, As our nation continues to fight the War on Terrorism and our military forces continue to be engaged in operations in both Iraq and Afghanistan, we are, more than ever, dependent on the National Guard to defend the United States, both overseas and at home; and

Whereas, More than 197,000 soldiers of the Army National Guard and 31,000 members of the Air National Guard have been mobilized since September 11, 2001, the largest mobilization of the National Guard since World War II; and

Whereas, At this time, more than 51,000 Army Guardsmen are on the ground in Iraq and 15,000 are serving in Afghanistan, and sadly, more than 100 National Guard members have made the ultimate sacrifice; and

Whereas, Whether serving in the Iraq and Afghanistan theaters or at home in the US, National Guard members are operating side-by-side with their active-duty counterparts; and

Whereas, With a presence in more than 3,000 communities across the nation, the National Guard is also playing a crucial role in homeland security; and

Whereas, The "Guard and Reserve Readiness and Retention Act of 2005," embodied in S. 337 and H.R. 558, are currently pending before the 109th United States Congress; and

Whereas, In part, this legislation extends TRICARE coverage, the managed health care system for the U.S. military, on a contributory basis, to all members of the National Guard, regardless of mobilization status; and

Whereas, In light of their expanded role in military operations overseas and national security at home in our post-9/11 society, a reevaluation of our nation's commitment to the citizen-soldiers of the National Guard is in order; and

Whereas, These brave men and women deserve more than our thanks, they deserve more substantial personnel and readiness benefits that ensure the National Guard will continue to attract the best and brightest, from the active-duty component of the military as well as the civilian population; and

Whereas, The provision of adequate health care coverage to each and every citizen-soldier of the National Guard would repay but a small portion of our nation's debt to these exceptional men and women who are vigilantly defending our homeland, both at home and abroad; now, therefore, be it

Resolved by the General Assembly of the State of New Jersey:

1. This House calls upon the United States Congress to provide health care benefits for National Guard members and their families by authorizing a member to enroll, on a contributory basis, for individual or family coverage under the TRICARE program, regardless of mobilization status.

2. This House urges that the United States Congress pass and the President of the United States approve the "Guard and Reserve Readiness and Retention Act of 2005," now pending in the 109th Congress as S. 337 and H.R. 558, which authorizes a member of the National Guard to enroll for individual or family coverage under the TRICARE program, a Department of Defense managed health care program.

3. Duly authenticated copies of this resolution, signed by the Speaker of the General Assembly and attested by the Clerk thereof, shall be transmitted to the Vice President of the United States, the Majority Leader of the United States Senate, the Speaker of the United States House of Representatives and to every member of Congress elected from this State.

POM-190. A concurrent resolution adopted by the Legislature of the State of Texas relative to fully funding the National Aeronautics and Space Administration budget request in support of the Space Exploration Vision for fiscal year 2006; to the Committee on Commerce, Science, and Transportation.

House Concurrent Resolution

Whereas, The Legislature of the State of Texas is pleased to pay tribute to National Aeronautics to Space Administration (NASA), whose intrepid explorations of space and important scientific discoveries have inspired and benefited the people of our nation and state; and

Whereas, The Space Exploration Vision has set a goal of returning the Space Shuttle to flight, completing assembly of the International Space Station, developing the Crew Exploration Vehicle, returning humans to the moon, and pursuing and human exploration of Mars and the solar system; and

Whereas, NASA's landmark achievement in putting the first man on the moon, astronaut Neil Armstrong, on July 20, 1969, captured the imagination of people everywhere; and

Whereas, This new and major accomplishment ushered in new and exciting technological advances that have benefited our nation's security and cellular communications; NASA has also advanced our health care system through the development of MRI and CAT scan technology, fetal heart monitors, programmable heart pacemakers, and other important medical devices; and

Whereas, Through education programs like Texas Aerospace Scholars, the NASA Explorer Schools, and the Network of Educator Astronaut Teachers, NASA is nurturing a new generation of explorers and scientists who can contribute to our nation's excellence; and

Whereas, NASA plays a vital role in the economy of the Lone Star State, by employing nearly 3,000 civil servants and approximately 13,000 contractors at the Johnson Space Center and by awarding almost $4 billion worth of NASA contracts annually; small businesses across Texas with technical challenges have benefited from the support of the aerospace industry, NASA, and the State of Texas' support of the Technology Outreach Program, resulting in new business ventures within the state; and

Whereas, The Space Exploration Vision has the potential to further drive innovation, development, and advancement in the aerospace and other high technology industries across the nation and in the State of Texas; and

Whereas, The extraordinary contributions of NASA to science and technology are the pride of our state, and the Space Exploration Vision is truly deserving of legislative recognition; now, therefore, be it

Resolved, That the 79th Legislature of the State of Texas hereby respectfully urge all members of the United States Congress to fully fund the National Aeronautics and Space Administration budget request in support of the Space Exploration Vision, as submitted to the congress for fiscal year 2006, to enable the United States, and the State of Texas, to remain leaders in the exploration and development of space; and, be it further

Resolved, That the Texas secretary of state forward official copies of this resolution to the administrator of the National Aeronautics and Space Administration, to the President of the United States, to the Speaker of the House of Representatives and the president of the Senate of the United States Congress, and to all members of the Texas delegation to the Congress with the request that this resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States of America.

POM–191. A joint resolution adopted by the Legislature of the State of California relative to corporate average fuel economy standards; to the Committee on Commerce, Science, and Transportation.

ASSEMBLY JOINT RESOLUTION NO. 5

Whereas, California has more than 26 million registered motor vehicles and

Whereas, California represents at least 12 percent of the light-duty vehicle market in the United States; and

Whereas, Californians consume more than 18 billion gallons of motor fuel annually; and

Whereas, A study adopted by the State Energy Resources Conservation and Development Commission (California Energy Commission) and the State Air Resources Board (California Air Resources Board) projects that demand for onroad gasoline fuel will increase by about 1.6 percent annually between now and 2020; that onroad diesel demand will increase by about 2.4 percent annually between now and 2020; and that the number of miles that Californians drive is growing at a rate greater than the population growth; and

Whereas, California's refineries are operating at near capacity, and California is importing more gasoline and diesel fuel annually to meet this growing demand; and

Whereas; The combination of greater dependence on imported fuels and vulnerability to refinery outages exposes California's economy to more frequent and higher fuel price spikes; and

Whereas, Fuel price spike vulnerability creates a business climate with diminished certainty about anticipated expenses; and

Whereas, Petroleum extraction, refining, and use are significant sources of pollution and environmental degradation in California and around the world; and

Whereas, Motor vehicle fuel economy dramatically affects fuel demand; and

Whereas, A study adopted by the California Energy Commission and the California Air Resources Board determined that doubling the fuel economy of the nation's light-duty motor vehicle fleet is technically achievable and will result in important reductions in consumer demand for fuel; and

Whereas, Only the federal government has the authority to require motor vehicle fuel economy improvements through the corporate average fuel economy (CAFE) standard; and

Whereas, In recent years, the nationwide motor vehicle fleet fuel economy has declined as motor vehicles have become larger, heavier, and less aerodynamic; and

Whereas, The United States Congress, through its legislative powers, and the President of the United States, through the President's administrative powers, are in position to require a significant increase in the CAFE standard; and

Whereas, The National Highway Traffic Safety Administration's current rulemaking raising CAFE standards for light-duty trucks and sport utility vehicles by just 1.5 miles per gallon above the 1996 levels, over three years, bringing total requirements far below requirements for passenger cars, is insufficient to address the critical need to improve fuel economy and reduce fuel demand; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California memorializes the Congress and the President of the United States to take necessary action to increase CAFE standards by at least 1.5 miles per gallon per annum until total average fuel economy for the new light-duty motor vehicle fleet sold in California is double today's average; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President of the United States, to all Members of the Congress of the United States, and to the Administrator of the National Highway Traffic Safety Administration.

POM–192. A concurrent resolution adopted by the Legislature of the State of Texas relative to establishing a domestic energy policy that will ensure an adequate supply of natural gas, the appropriate infrastructure, and a concerted national effort to promote greater energy efficiency and that will open promising new areas for environmentally responsible natural gas production; to the Committee on Energy and Natural Resources.

SENATE CONCURRENT RESOLUTION

Whereas, The price of natural gas in the United States is among the highest in the industrial world and continues to show great volatility; and

Whereas, Abnormally high natural gas prices have been an unanticipated burden on the economy of the United States over the past 18 months; and

Whereas, The United States is reliant on natural gas in our national energy supply, and forecasts predict a future imbalance between natural gas supply and demand; and

Whereas, Manufacturers, farmers, small businesses, local governments, and retailers are struggling from the uncertainty in natural gas prices, and thousands of jobs are threatened because many businesses use natural gas as a raw material as well as a source of energy; and

Whereas, The natural gas imbalance is not a free-market problem; the high price of natural gas is created by governmental policies that increase demand for natural gas while impeding the development of a greater supply of natural gas by discouraging more exploration and production; and

Whereas, The United States needs policies to encourage and ensure the safe and efficient domestic production and importation of natural gas; and

Whereas, The State of Texas supports a sound, domestic energy policy; now, therefore, be it

Resolved, That the 79th Legislature of the State of Texas hereby respectfully urge the United States Congress to enact legislation in the 109th Congress establishing a domestic energy policy that will ensure an adequate supply of natural gas the appropriate infrastructure, and a concerted national effort to promote greater energy efficiency and that will open promising new areas for environmentally responsible natural gas production; and, be it further

Resolved, That the Texas Secretary of State forward official copies of this resolution to the President of the United States, to the Speaker of the House of Representatives and the President of the Senate of the United States Congress, and to all the members of the Texas delegation to the Congress with the request that this resolution be officially entered in the CONGRESSIONAL RECORD as a memorial to the Congress of the United States of America.

POM–193. A resolution adopted by the General Assembly of the State of New Jersey relative to support for the Passaic River Restoration Initiative; to the Committee on Environment and Public Works.

ASSEMBLY RESOLUTION NO. 227

Whereas, The Passaic River Restoration Initiative (PRRI), a new cooperative approach to restore the Passaic River, will utilize the leadership of the [U.S.] *United States* Army Corps of Engineers, in partnership with the, [U.S.] *United States* Environmental Protection Agency, and various concerned federal, state and local agencies; and

Whereas, The Passaic River and its surrounding wetlands have been degraded as a result of [the State's] commercial growth *in the State* that brought industrial development to the [Passaic's] shores *of the Passaic River* and surrounding properties; and

Whereas, The Passaic River, which traverses New Jersey through Newark, is an ideal pilot [for the proposed PRRI as appropriated by Congress] *project to showcase nationally the restoration of urban waterways, wildlife habitat, and one of America's most historic rivers*; and

Whereas, Under the PRRI, the [U.S.] *United States* Army Corps of Engineers will engage in a cooperative project planning and development process to identify and apply feasible solutions to achieve environmental restoration and economic revitalization of the Passaic River; and

Whereas, The results of the project development process will be incorporated in a report to Congress from the Chief of Engineers as project implementation will require authorization by Congress; and

Whereas, The PRRI is related to several other current major federal initiatives, such as those under [Brownfields Redevelopment] *brownfields redevelopment*, the NY/NJ Harbor Estuary Program, and the Natural Resources Damage Assessment and Restoration Program; and

Whereas, On April 11, 2000 the Committee on Transportation and Infrastructure in the United States House of Representatives approved a resolution authorizing the [U.S.] *United States* Army Corps of Engineers to conduct the Passaic River Environmental Restoration reconnaissance study, which is currently underway by the [Corps'] New York district *of the United States Army Corps of Engineers*; and

Whereas, It is in the best interest of the State to support the enactment of the Passaic River Restoration Initiative in order to restore and preserve [the Passaic River to] healthy environmental and economic conditions *in and along the Passaic River*; Now, therefore, be it

Resolved by the General Assembly of the State of New Jersey:

1. This House urges the United States Congress to support the Passaic River Restoration Initiative in order to restore and preserve the Passaic River to healthy environmental and economic conditions, and to provide the funding for the federal share of the project development process and the necessary study funds of the [U.S.] *United States* Army Corps of Engineers to advance the Passaic River Restoration Initiative.

2. Duly authenticated copies of this resolution, signed by the Speaker of the General Assembly and attested by the Clerk thereof, shall be transmitted to the Vice President of the United States, the Speaker of the United States House of Representatives, the majority and minority leaders of the United States Senate and the United States House of Representatives, and each member of Congress elected from this State.

EXPLANATION—Matter enclosed in boldfaced brackets [thus] in the above bill is not enacted and intended to be omitted in the law. Italic matter that follows the bold brackets is new matter.

POM–194. A resolution adopted by the Senate of the Legislature of the State of New Jersey relative to rejecting privatizing Social Security; to the Committee on Finance.

Senate Resolution No. 94

Whereas, Social Security is based on a promise to the American people: if you work hard and contribute to Social Security, you will be able to retire and live in dignity; and

Whereas, Social Security is the primary source of income for two-thirds of American seniors; and

Whereas, The State of New Jersey recognizes that over 1,363,814 beneficiaries in this State, including 140,693 disabled workers and their families, as well as over 100,000 children, receive guaranteed Social Security benefits which allow them to live without falling into poverty or suffering from a diminished quality of life because of retirement, disability, or the death of a parent or spouse; and

Whereas, As of January 2005 (the most recent data available) Social Security benefits for retired workers average only $965.32 per month, which amount is barely sufficient to maintain a decent standard of living in many parts of New Jersey, especially for seniors with relatively high health care costs; and

Whereas, The U.S. Congress has consistently spent the Social Security surplus on other programs including tax cuts, which has created a long-term funding shortfall; and

Whereas, In 2001 President George W. Bush created the President's Commission to Strengthen Social Security (referred to in this resolution as the "Bush Social Security Commission"), naming as Commission members only those who advocated Social Security privatization, and mandating that the proposals put forward by the Commission include privatization of Social Security; and

Whereas, The Bush Social Security Commission's proposed changes could reduce Social Security benefits to future retirees by as much as 46 percent; and

Whereas, Under the Bush Social Security Commission's proposal, the cuts in Social Security benefits would apply to all seniors, not just those who choose to participate in privatized accounts; and

Whereas, The cuts in Social Security benefits could be even deeper if individuals shift funds to privatized accounts; and

Whereas, Privatization advocates attempt to justify cuts in Social Security benefits by pointing to future projected shortfalls in the Social Security trust fund, but diversion of payroll tax revenues from the trust fund into privatized accounts would substantially accelerate the date by which the Social Security trust fund becomes insolvent; and

Whereas, In order to avoid accelerating the insolvency of the Social Security trust fund, the Bush Social Security Commission was forced to propose that the Federal Government incur as much as $4,700,000,000,000 in Federal debt (in today's dollars) by 2042; and

Whereas, The non-partisan Congressional Budget Office (CBO) predicts that there will be no shortfall until 2052, when Social Security will be able to pay only 80% of recipients' benefits due to insufficient revenue from the payroll tax, if no action is taken in the meantime; and

Whereas, In the past, the Social Security Trust Fund has encountered similar challenges, including larger projected shortfalls during the 1980's, which were resolved without privatization schemes and without reducing guaranteed benefits for the elderly, the disabled, and children; and

Whereas, Private accounts would not only reduce guaranteed benefits, but would also speed up the Social Security shortfall, causing recipients to receive reduced benefits by the year 2018 instead of 2052; and

Whereas, The deep cuts in Social Security benefits proposed by the Bush Social Security Commission could jeopardize the financial security of not only thousands of New Jersey residents but also the security of millions of Americans; and

Whereas, Under President Bush's proposal, guaranteed Social Security protections to the elderly, disabled, survivors, and children will gradually erode for future generations, driving millions of Americans into poverty and destroying the most successful social insurance program ever created in the United States; and

Whereas, It is recognized that Social Security faces future challenges, but powerful members in both the President's party and the opposition do not find the solution in privatizing the most successful government program in our nation's history; now, therefore, be it

Resolved, by the Senate of the State of New Jersey:

1. This House respectfully memorializes the Congress of the United States to reject the Social Security privatization proposals of the President's Social Security Commission that would create private accounts, require deep cuts in guaranteed Social Security benefits and lead to excessive federal borrowing.

2. Duly authenticated copies of this resolution, signed by the President of the Senate and attested by the Secretary of the Senate, shall be transmitted to the presiding officers of the Congress of the United States and each member of New Jersey's Congressional delegation.

POM–195. A concurrent resolution adopted by the Legislature of the State of Texas relative to eliminating current caps on funded Medicare resident training positions and related limits on costs per resident used to determine Medicare graduate medical education reimbursement payments and to reexamine the direct and indirect graduate medical education reimbursement rates for graduate medical education in Texas; to the Committee on Finance.

Senate Concurrent Resolution

Whereas, Two major phases comprise the American system of medical education—medical school, consisting of classroom and clinical training, and the several years of graduate medical education completed during a student's residency, typically in an accredited medical education program at a teaching hospital or academic health center; and

Whereas, Significant funding for this postgraduate training is provided through Medicare's graduate medical education program, whereby the federal government reimburses teaching hospitals and certain other facilities for a portion of the costs associated with operating health education programs; and

Whereas, Medicare's funding includes two categories of reimbursement payments, direct graduate medical education payments and indirect graduate medical education payments; direct graduate medical education payments cover the costs of resident stipends, salaries for supervising faculty positions, and administrative expenses associated with the residency program; indirect graduate medical education payments cover the increased operating expenses resulting from training residents, such as greater technological needs, longer patient stays, and the ordering of a greater number of tests; and

Whereas, The amount of Medicare's reimbursement to a teaching hospital is partially determined by the number of full-time equivalent residents enrolled in the facility's graduate medical education program; however, in 1997, the federal Balanced Budget Act considerably reduced the amount of federal support for graduate medical education programs by limiting the number of full-time equivalent residents that hospitals can use in calculating direct graduate medical education payments and indirect graduate medical education payments and by scheduling an estimated 29 percent further reduction in indirect graduate medical education payments over a five-year period; and

Whereas, The rates of Centers for Medicare and Medicaid Services payments for direct graduate medical education in Texas are already significantly lower than those in many comparable states, largely based on historical differences, and the potential consequences of these caps and the resulting reductions in federal graduate medical education reimbursement are severe; teaching hospitals and the training they provide to physicians and other health professionals are a critical component of the American health care system—these facilities are the vanguard of medical research and technology and provide a broader range of an increasingly diverse and sicker patient care to population than general hospitals; and

Whereas, In addition, teaching hospitals are a traditional fixture of the health care "safety net," serving uninsured and underinsured patients; the importance of this service to Texans is evident in light of United States Census Bureau reports indicating that nearly 25 percent of the state's population is not covered by health insurance; and

Whereas, More specifically, the resident caps threaten the future availability of health care professionals and with the population of the nation aging, the demand for doctors and other health care professionals is increasing; in fact, a 2003 study commissioned by the United States Department of Health and Human Services Bureau of Health Professions at the National Center for Health Workforce Analysis forecasts a greater need for physicians and nurses by 2020 if current health care consumption and physician productivity remain constant; and

Whereas, Furthermore, the study found that the health care workforce is also aging and will retire just as their services are most needed and that the proportion of the population age 18 to 30 is declining, impeding efforts to recruit an adequate number of new health care workers; and

Whereas, Congress has acknowledged the deleterious effects of the federal Balanced Budget Act caps and made bipartisan efforts to diminish its effect on graduate medical education programs: the Medicare, Medicaid, and State Children's Health Insurance Program (SCHIP) Balanced Budget Refinement Act of 1999 froze indirect graduate medical education payments for one year and the Medicare prescription Drug, Improvement and Modernization Act of 2003 increased indirect graduate medical education payments slightly for federal fiscal years 2004 and 2005; and

Whereas, Nevertheless, these measures offered only brief and minor reprieves to the dramatic reductions in indirect graduate medical education reimbursement payments and did not directly address the issue of federal caps in resident training positions though, clearly, the caps and the decreased commitment to indirect graduate medical education funding continue to endanger the entire system of medical education in the United States; now, therefore, be it

Resolved, That the 79th Legislature of the State of Texas hereby respectfully encourage the Congress of the United States to eliminate current caps on funded Medicare resident training positions and related limits on costs per resident used to determine Medicare graduate medical education reimbursement payments and to reexamine the direct and indirect graduate medical education reimbursement rates for graduate medical education in Texas; and, be it further

Resolved, That the Texas secretary of state forward official copies of this resolution to the President of the United States, to the Speaker of the House of Representatives and the President of the Senate of the United States Congress, and to all the members of the Texas delegation to the congress with the request that this resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States of America.

POM-196. A joint resolution adopted by the Legislature of the State of California relative to port customs revenue; to the Committee on Finance.

Assembly Joint Resolution No. 21

Whereas, The State of California is committed to protecting and preserving its ports, and those employed in and around the ports; and

Whereas, The state supports the safe and reliable transportation of goods into and through the state; and

Whereas, California is home to more than 12 percent of the nation's population; and

Whereas, The Ports of Los Angeles and Long Beach, which together transport 43 percent of the nation's trade, 1 million cruise passengers, and more than $200,000,000,000 in trade annually, comprise the largest port complex in the United States and the Western Hemisphere; and

Whereas, California serves as an international commerce gateway between the nation and most of its trade partners and, according to the California Transportation Commission, California moves over $400,000,000,000 in goods annually with a source or destination outside of California; and

Whereas, Forecasts predict that the amount of trade transported through the state's ports will triple by 2020 if adequate infrastructure improvements are completed; and

Whereas, California is the single largest trading entity in the United States, and three of the four largest volume container ports in the United States are located in California; and

Whereas, California ports, harbors, and businesses that depend on federal channels and breakwaters contribute more than $40,000,000,000 per year to national economic output, 1.6 million jobs, and approximately $21,000,000,000 annual personal income to the United States economy; and

Whereas, Federal grants for security upgrades mandated by the United States Department of Homeland Security amount to just over $51,000,000, while it is estimated that these security upgrades will cost California's three major container ports an estimated $200,000,000 to install; and

Whereas, The American Association of Port Authorities has called for the federal government to provide $400,000,000 in port security funds annually; and

Whereas, The United States Coast Guard has additionally estimated that it will require $7,300,000,000 in federal funds for its own maritime security duties during 10-year period of 2003 to 2012, inclusive; and

Whereas, Limited federal port security funds have fallen short of fully funding port security needs throughput the nation; and

Whereas, On August 25, 2004, Stephen E. Flynn, the Jeanne J. Kirkpatrick Senior Fellow for National Security Studies at the Council on Foreign Relations testified to the House Subcommittee on Coast Guard and Maritime Transportation on the risk of terrorist attacks, stating that "the risk of harm is great or greater in the maritime and surface transportation modes"; and

Whereas, An internal audit report produced by the United States Department of Homeland Security entitled "Review of the Port Security Grant Program" criticized the ineffectiveness of the federal port security grant program stating, in part, that the "current design of the program compromises the program's ability to direct resources toward the nation's highest priorities"; and

Whereas, A Public Policy Institute of California study entitled, "Federal Formula Grants and California: Homeland Security," has found that California receives only $5 per person to distribute to first responders in the state, while other states, such as Wyoming, received more than $38 per capita in 2004; and

Whereas, California received only $23.71 per capita in Homeland Security grant funding during fiscal years 2002–03 and 2003–04, ranking 44th in the nation; and

Whereas, Federal port security grants cannot be used for maintenance and operations expenditures related to security, thereby complicating emergency communications and operations duties expected of first responders; and

Whereas, A number of ports are located on state tidelands and, therefore, must act as stewards of the land and manage those lands in a manner that benefits all Californians; and

Whereas, A shut down of the ports can result in an estimated loss to the national economy of more than $1,000,000,000 per day, as demonstrated during the shutdown of the west coast ports in 2002; and

Whereas, California ports are responsible for $8,000,000,000 of the $20,000,000,000 that the United States Customs Service collects annually in fees and duties, and none of that revenue is reinvested in the state's or country's system for moving goods because customs fees are deposited into the General Fund; Now, therefore, be it

Resolved, by the Assembly and the Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to increase federal funding for California's ports for infrastructure and security improvements; and be it further

Resolved, That legislation be enacted, in recognition of the unique role served by ports in California, to ensure a return of an equitable share of the customs revenues generated by, and collected from, this state; and be it further

Resolved, That the Legislature supports efforts by California's congressional and senate representatives to obtain an equitable share of federal port security and goods movement infrastructure funding and encourages those representatives to support measures that will guarantee that California has the funds necessary to secure and facilitate commercial activity at its many ports; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to the Majority Leader of the Senate, to each Senator and Representative from California in the Congress of the United States, and to the Director of the Department of Homeland Security.

POM-197. A joint resolution adopted by the Legislature of the State of California relative to Darfur; to the Committee on Foreign Relations.

Assembly Joint Resolution No. 6

Whereas, Sudan's government and southern rebels have come to an historic, long-awaited agreement that ends Africa's longest civil war and brings hope to millions of exiled Sudanese yearning to return home; and

Whereas, Continued violence in the troubled region of Darfur, Sudan, previously described by the Bush administration as genocide, cast a shadow over the agreement, which does not cover the Darfur conflict; and

Whereas, Darfur, an area of 256,000 square kilometers constituting the western region of the Sudan, is home to an estimated five million people, a population made up of a complex tribal mix; and

Whereas, Large swathes of Darfur have been prone to drought and desertification, intensifying demands on its more fertile lands, making areas of Darfur subject to sporadic intertribal clashes over use of resources in recent decades; and

Whereas, The government of the Sudan appears to have sponsored a militia composed of a loose collection of fighters, apparently of Arab background, known as the "Janjaweed"; and

Whereas, With the active support of the regular army, the Janjaweed have attacked villages, targeting those suspected of supporting the rebels and committing numerous human rights violations; and

Whereas, The humanitarian consequences of the situation in Darfur are grave, with an estimated 70,000 innocent civilians brutally murdered, and according to the Office of the United Nations High Commissioner for Refugees, an estimated 1,600,000 people internally displaced, and more than 200,000 people forced from their homes and fleeing to neighboring Chad; and

Whereas, The government of the Sudan should; at the highest levels, publicly and unequivocally condemn all violations of human rights and international humanitarian law, investigate those violations, and bring the perpetrators to justice; and

Whereas, The Janjaweed and other militias should be immediately disarmed and disbanded, and humanitarian workers must be given full and unimpeded access to Darfur; and

Whereas, Refugees and displaced persons should be permitted to return to their lands and homes voluntarily, and should receive restitution or fair compensation for their losses; and

Whereas, Fundamental human rights must be respected in times of peace and in times of armed conflict; and

Whereas, The Sudan is a party to several core human rights treaties, including the International Covenant and Civil and Political Rights (ICCPR), the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), the Convention on the Rights of the Child (CRC), and the African Charter on Human and Peoples' Rights; Now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That it is the sense of the Legislature of the State of California that the government of the Sudan should, at the highest levels, publicly and unequivocally condemn all actions and crimes committed by the Janjaweed, ensure that all militias are immediately disarmed and disbanded, and pursue a policy of national reconciliation, ending impunity and ensuring the rule of law and the protection of minorities; and be it further

Resolved, That it is the further sense of the Legislature that humanitarian workers must be given full and unimpeded access to Darfur in order to ensure that there is no blockage in the delivery of much-needed humanitarian assistance; and be it further

Resolved, That it is the further sense of the Legislature that the government of the Sudan should put in place measures to ensure that human rights abuses, war crimes, and crimes against humanity are not repeated in the future and that the rule of law is restored in Darfur in conformity with internationally agreed standards; and be it further

Resolved, That the Legislature respectfully requests that the President and Congress of the United States continue to take all prudent and necessary steps to ensure that these matters are addressed at the highest levels of the federal government; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, to the United States Secretary of State, and to the Secretary General of the United Nations.

POM-198. A joint resolution adopted by the Legislature of the State of Colorado relative to expressing sympathy for the victims of the earthquake and tsunamis that occurred on December 26, 2004, and thanking Coloradans for their generous charitable donations; to the Committee on Foreign Relations.

HOUSE JOINT RESOLUTION 05-1005

Whereas, On the morning of December 26, 2004, one of the largest earthquakes in recent memory registering a magnitude of 9.0 occurred undersea in the Indian Ocean, setting off one of the largest tsunamis in recorded history that killed tens of thousands of people in Southeast Asia; and

Whereas, The tsunamis crossed into the Pacific Ocean and were recorded as far away as New Zealand and along the west coast of South and North America; and

Whereas, The earthquake and resulting tsunamis affected a large number of countries, including Indonesia, Sri Lanka, India, Thailand, Myanmar, Malaysia, the Maldives, and Somalia; and

Whereas, At least 150,000 people have lost their lives in East Africa and Southeast Asia in the aftermath of the earthquake and resulting tsunamis; and

Whereas, Millions of people remain homeless and at risk from disease: and

Whereas, Thousands of people are still missing, and the death toll continues to grow; and

Whereas, Aid workers and volunteers are focused on stopping the spread of disease and on delivering food and drinking water to survivors; and

Whereas, Coloradans have always stepped forward to help in times of need by providing financial, material, and medical assistance; and

Whereas, The American Red Cross reports that emergency assessment and first-aid teams were on the ground quickly and are working with local groups to support relief efforts; and

Whereas, The people of Colorado have shown their generosity by donating thus far $4.1 million statewide to the various chapters of the American Red Cross, $3.5 million of which has been donated to the Mile High Chapter of the American Red Cross; and

Whereas, Chennai, India became Denver's 7th sister city in 1984 and has been deeply affected by the tsunamis in that more than 6,000 people in Chennai were killed; and

Whereas, Local radio and television stations and various local groups are contributing their time and efforts to help provide financial assistance for areas devastated by the tsunamis, including Chennai; and

Whereas, The United States government has pledged $350 million in aid, to meet the overwhelming needs of the tsunami victims; now, therefore, be it

Resolved, by the House of Representatives of the sixty-fifth General Assembly of the State of Colorado, the Senate concurring herein:

1. That we, the members of the Colorado General Assembly, hereby express our sorrow to each of the countries affected by the earthquake and tsunamis and for the terrible loss of life and suffering caused by the earthquake and tsunamis; and

2. That we, the members of the Colorado General Assembly, hereby offer our condolences to the victims of the earthquake and tsunamis and their loved ones; and

3. That we, the members of the Colorado General Assembly; hereby express our heartfelt thanks to all Coloradans for their generous charitable donations for the victims of the earthquake and tsunamis, be it further

That copies of this Joint Resolution be sent to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and to each member of Colorado's congressional delegation.

POM-199. A Senate Joint Resolution adopted by the Legislature of the State of Colorado relative to a reaffirmation by the Colorado General Assembly of the strong bonds connecting the United States and the State of Israel and an expression by the Colorado General Assembly of support and solidarity with the State of Israel in its struggle against terrorism; to the Committee on Foreign Relations.

SENATE JOINT RESOLUTION 05-038

Whereas, On November 29, 1947, the United Nations General Assembly voted to partition the British mandate of Palestine and, by that vote, created the state of Israel; and

Whereas, On May 14, 1948, the people of the state of Israel proclaimed the establishment of the sovereign and independent state of Israel; and

Whereas, The United States government recognized the state of Israel just minutes after its declaration of independence and, at that time, established full diplomatic relations with the nascent state; and

Whereas, The establishment of the state of Israel as a modern homeland for the Jewish people followed the extermination of more than six million European Jews during the Holocaust; and

Whereas, Since its establishment fifty-seven years ago, the Israeli people have built a modern nation, forged a new and dynamic society, and created a unique and vital economic, cultural, and intellectual life while confronting immense pressures and burdens associated with war, terrorism, ostracism from much of the international community, and economic boycotts; and

Whereas, In spite of this severe degree of adversity confronting them since 1948, including the War of Independence, the Six-Day War, the Yom Kippur War, and the terrorist attacks of the two Intifadas, the people of the state of Israel have established a vibrant and functioning pluralistic and democratic political system that guarantees fundamental freedoms of speech and of the press, free, fair, and open elections, and respect for the rule of law; and

Whereas, At great financial and social cost, Israel has absorbed several millions of immigrants from many nations around the world and has made great strides in fully integrating these immigrants into Israeli society; and

Whereas, For over half a century, the people of the United States and the people of the state of Israel have created and maintained a special relationship based upon mutually shared democratic values, common strategic interests, and the bonds of friendship and mutual respect; and

Whereas, The bonds connecting the United States and Israel include increased economic ties between the two nations, particularly increased trade between Colorado and Israel as evidenced by the following facts: In 2003, Colorado exported approximately $38 million worth of goods to Israel; total Colorado exports to Israel have exceeded $250 million since 1991; in 2003, Israel ranked as Colorado's 21st leading trade partner; and collaboration between Colorado-based and Israeli business concerns is taking place in, among other things, the areas of advanced technology, telecommunications, and health care; and

Whereas, The bonds connecting the United States and Israel also include greater collaboration between scientific researchers in both nations, including researchers in Colorado and Israel, and researchers in Colorado and Israel are collaborating on scientific projects involving, among other things, atmospheric science, applied chemistry and physics, medicine, and agriculture; and

Whereas, The United States also has benefited from the exchange of technology and expertise from Israel in the area of homeland security, providing invaluable benefits to our nation in combating and responding to terrorism; now, therefore, be it

Resolved by the Senate of the Sixty-fifth General Assembly of the State of Colorado, the House of Representatives concurring herein:

(1) That we, the members of the General Assembly of the state of Colorado, hereby reaffirm the strong bonds that have connected the people of the United States and the people of the state of Israel together through turbulent times for more than half a century.

(2) That we commend the people of the state of Israel for their remarkable achievements in building a democratic and pluralistic society in the wake of almost unrelieved adversity spanning the entirety of the nation's existence.

(3) That we express empathy with the people of the state of Israel as they endure a daily struggle against terrorism and violence and support efforts to bring security to the Jewish and democratic state of Israel.

(4) That we express outrage against, and in the strongest possible terms condemn, all acts of terror perpetrated against the Israeli people with the intent and effect of murdering Israeli civilians, including women and children.

(5) That we support the brave efforts of the government and people of Israel in pursuing peace by way of negotiation.

(6) That we applaud the government of Israel's difficult and painful decision to disengage from Gaza and the northern section of the West Bank in order to advance peace negotiations.

(7) That we reaffirm the commitment of the American people to a just, lasting, and secure peace for the people of the state of Israel and all of the peoples of the Middle East, be it further

Resolved, That copies of this Joint Resolution be sent to President George W. Bush, Vice President Richard B. Cheney, Israeli Prime Minister Ariel Sharon, His Excellency Daniel Ayalon, the Ambassador of Israel to the United States, and to each member of Colorado's congressional delegation

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POM-200. A concurrent resolution adopted by the Legislature of the State of Texas relative to urging the Congress of the United States to increase the presence of the Centers for Disease Control and Prevention in Texas, improve coordination of Centers for Disease Control and Prevention programs with those operated by the Texas Department of State Health Services, and increase the amount of federal resources coming into Texas from the Centers for Disease Control and Prevention; to the Committee on Health, Education, Labor, and Pensions.

HOUSE CONCURRENT RESOLUTION

Whereas, The State of Texas is the second most populous state in the United States and currently registers more than 1,000 births per day; and

Whereas, Texas has a 1,254-mile international border with the United Mexican States with millions of border crossings and thousands of international flights arriving in Texas each year, and 10 percent of Texans living on the border with Mexico; and

Whereas, Mexico is the United States' second-largest trading partner and, according to the Center for Transportation Research at The University of Texas at Austin, 76 percent of all U.S. trade with, Mexico passes through Texas; and

Whereas, The nation's food industry has a pivotal role in the health and bio-security of all Americans, and Texas is the nation's second largest agricultural producing state; and

Whereas, Preventing infectious livestock and plant diseases and protecting our food supply goes a long way toward ensuring both human health and economic stability in Texas and the United States; and

Whereas, Serving as an infectious disease buffer zone for the rest of the United States, Texas faces a significant burden regarding a number of diseases, with the rate of waterborne diseases such as hepatitis A and amebiasis in the Texas counties bordering Mexico that has, as an example, been reported to be two to three times greater than the statewide average; in 2003, the rate of tuberculosis incidence per 100,000 in population was nearly twice that of non-border counties; and

Whereas, The condition of public health within Texas, particularly along the international border, is clearly critical to that of the entire country; and

Whereas, With more than 22 million residents, Texas also faces a number of other alarming public health issues, such as obesity, cardiovascular disease, and diabetes; in 2003, the Texas Department of Health reported that 39 percent of Texas fourth-graders, 38 percent of eighth-graders, and 61 percent of Texas adults were overweight or obese; and

Whereas, Heart disease and stroke are the number one and number three causes of death in Texas, accounting for approximately 54,000 deaths each year in Texas; and

Whereas, The Texas Diabetes Council estimates that more than one million adults in Texas have been diagnosed with diabetes and more than 500,000 adults are believed to have undiagnosed diabetes; and

Whereas, An increased presence and resources from the Centers for Disease Control and Prevention could help prevent vaccine-preventable childhood and adult diseases and prevent and control the introduction of lethal diseases such as tuberculosis and SARS, which could potentially lead to catastrophic consequences in terms of morbidity, mortality, health care costs, and statewide impact; and

Whereas, Partnerships and coordination between the State of Texas and the Centers for Disease Control and Prevention could greatly enhance protection against the spread of infectious disease, further obesity prevention activities, and improve early detection, treatment, and self-management of chronic diseases such as heart disease and diabetes; and

Whereas, Texas' growing population, demographic diversity, and border with the United Mexican States present unique challenges to providing quality health care to its citizens; as a buffer to the remainder of the United States against infectious disease and contamination of the country's food supply, the State of Texas merits additional resources to provide for the health of its residents and, ultimately, to safeguard the health of the entire United States; now, therefore, be it

Resolved, That the 79th Legislature of the State of Texas hereby strongly encourage the United States Congress to increase the presence of the Centers for Disease Control and Prevention in Texas, improve coordination of Centers for Disease Control and Prevention programs with those operated by the Texas Department of State Health Services, and increase the amount of federal resources coming into Texas from the Centers for Disease Control and Prevention; and, be it further

Resolved, That the Texas secretary of state forward official copies Of this resolution to the President of the United States, the Speaker of the House of Representatives and the President of the Senate of the United States Congress, and all members of the Texas delegation to the Congress with the request that this resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States of America and that copies also be forwarded to the secretary of the United States Department of Health and Human Services and the director of the Centers for Disease Control and Prevention.

POM-201. A concurrent resolution adopted by the Legislature of the State of Texas relative to urging the Congress of the United States to increase funding to the fully authorized level and include advance funds for the Low Income Home Energy Assistance Program and to pursue a more equitable funding allocation formula for the program; to the Committee on Health, Education, Labor, and Pensions.

HOUSE CONCURRENT RESOLUTION 166

Whereas, More than four million Texans are at or below 125 percent of Federal poverty guidelines, but only 173,323, or 4.3 percent, are served by the Federal Low Income Home Energy Assistance Program (LIHEAP), according to the Texas Department of Housing and Community Affairs (TDHCA), which administers the program in our State; and

Whereas, Income guidelines for LIHEAP, which provides funding for the Weatherization Assistance Program and the Comprehensive Energy Assistance Program at TDHCA, allow households to have income levels of up to 125 percent of current poverty guidelines; however, based upon 2000 census data, Texas has more than three million persons who are at or below 100 percent of the poverty guidelines; and

Whereas, Home energy assistance is particularly important in Texas due to the intense heat, which is a critical health threat to the elderly, persons with disabilities, and very young children; in fact, the Texas Department of Health reports that in our State more individuals die due to heart-related stress than exposure to excessive cold; and

Whereas, LIHEAP funds are distributed based on an outdated formula that disproportionately favors heating degree days in northern States over cooling degree days in southern States and does not utilize the most current State-specific population, income, and energy price data; and

Whereas, While funding was close to level from Federal fiscal year 2003 to 2005, the recent increase in energy costs has further reduced the already limited number of eligible Texans who can be served by LIHEAP; and

Whereas, Current appropriations for LIHEAP do not include advance funds, which are vital to ensuring the timely and orderly delivery of services during the period after funding for the program is authorized by Congress and before Texas is notified of its final appropriation level for the program year; now, therefore, be it

Resolved, That the 79th Legislature of the State of Texas hereby respectfully urge the Congress of the United States to increase funding to the fully authorized level and include advance funds for the Low Income Home Energy Assistance Program and to pursue a more equitable funding allocation formula for the program; and, be it further

Resolved, That the Texas Secretary of State forward official copies of this resolution to the President of the United States, to the Speaker of the House of Representatives and the President of the Senate of the United States Congress, and to all the members of the Texas delegation to the Congress with the request that this resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States of America.

POM-202. A concurrent resolution adopted by the House of Representatives of the Legislature of the State of New Hampshire relative to enacting legislation to make English the official language of the United States; to the Committee on Health, Education, Labor, and Pensions.

HOUSE CONCURRENT RESOLUTION 6

Whereas, English is the national language of the United States only by custom, not by law; and

Whereas, the United States is comprised of individuals from many ethnic, cultural, and linguistic backgrounds, and continues to benefit from this rich diversity; and

Whereas, these individuals, although keeping their ethnic background alive, were urged to take advantage of the educational system which taught them the English language and United States history; and

Whereas, throughout the history of the Unites States, the common thread binding individuals of differing backgrounds has been the English language; and

Whereas, command of the English language is necessary to participate in, and take full advantage of, the opportunities afforded by life in the United States; now, therefore, be it

Resolved, by the House of Representatives, the Senate concurring:

That the New Hampshire general court hereby urges the United States Congress to pass H.R. 997, "The English Language Unity Act of 2003," to establish English as the official language of the United States; and

That copies of this resolution be transmitted to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, the Majority Leader of the United States Senate, and to members of the New Hampshire congressional delegation.

POM-203. A concurrent resolution adopted by the Senate of the Legislature of the State of Missouri relative to urging the United States Congress to authorize and appropriate full funding required to establish the Chiropractic Center for Military Research at Logan College of Chiropractic at its campus in Chesterfield, Missouri; to the Committee on Health, Education, Labor, and Pensions.

SENATE CONCURRENT RESOLUTION NO. 7

Whereas, musculoskeletal conditions are responsible for approximately 50 percent of all health-related military disability discharges and the most common non-traumatic cause of functional impairment during military operations; and

Whereas, chiropractic services often are used to treat musculoskeletal conditions, and Congress established chiropractic benefits and services for both active duty military within the U.S. Department of Defense and for veterans within the Veterans' Affairs health care systems; and

Whereas, doctors of chiropractic practice are in nearly 50 military treatment facilities, primarily testing musculoskeletal conditions and slowly are being added to the VA health care system; and

Whereas, there currently is no enterprise coordinating and guiding collaborative research efforts between preeminent chiropractic colleges, scientists, and the military researchers to address the primary questions surrounding integration of chiropractic into military health care environments; and

Whereas, there is a critical need to establish a robust, collaborative, national program to address the continued integration of chiropractic health are into the Department of Defense health care systems; and

Whereas, Logan College of Chiropractic and the Samueli Institute have proposed the establishment of a plan to create a new consortial Chiropractic Center for Military Research in Chesterfield, Missouri, on the campus of Logan College; and

Whereas, the Center will facilitate development of research capacity in the area of musculoskeletal research, education and training through linkages with researchers and scientists at chiropractic educational institutions with researchers within the Department of Defense and with scientists and researchers at the Samueli Institute; and

Whereas, the research program to be pursued by the collaborative consortial Chiropractic Center for Military Research will focus special, initial priority consideration on those musculoskeletal conditions that are affecting those active duty military and veterans participating in or returning from combat in Afghanistan and Iraq, including the role of chiropractic manipulation in the total care of those with amputations and prosthetics: Now, therefore be it

Resolved, That the members of the Missouri Senate, Ninety-Third General Assembly, First Regular Session, the House of Representatives concurring therein, urge the United States Senate and the United States House of Representatives to authorize and appropriate full funding required to establish the proposed Chiropractic Center for Military Research at Logan College of Chiropractic at its campus in Chesterfield, Missouri; and be it further

Resolved, That the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the Speaker of the United States House of Representatives, the President of the United States Senate, and each member of the Missouri Congressional delegation.

POM-204. A joint resolution adopted by the Legislature of the State of California relative to Dr. Dalip S. Saund; to the Committee on Homeland Security and Governmental Affairs.

ASSEMBLY JOINT RESOLUTION NO. 1

Whereas, Dr. Dalip S. Saund immigrated to the United States from India at a time when Indian nationals were denied eligibility for American citizenship; and

Whereas, Thanks to his initiative and the help of Indians in California and New York, Congresswoman Clare Booth Luce and Congressman Emanuel Cellar were convinced to jointly introduce a bill in the United States Congress to allow Indian nationals to become American citizens, and after a long and hard struggle the bill was signed by President Truman on July 3, 1946; and

Whereas, Though Dr. Saund had started as a farmhand, he obtained a Ph.D. from the University of California at Berkeley; and as a naturalized citizen started taking an active role in the political process of his adopted homeland; and

Whereas, In June 1950, he won his first political battle when he ran for and won a seat on the Imperial County Democratic Central Committee; and

Whereas, In November 1950, he was elected as a judge in Westmorland due to his exemplary grassroots campaign, but because he had not been a citizen for one full year the judgeship was denied him; and

Whereas, In 1952, he ran again for the judgeship against the incumbent and won, serving as judge in Westmorland for four years; and

Whereas, In October 1955, Dr. Saund became a candidate for Congress from the 29th Congressional District, facing a highly celebrated opponent who had rich supporters and who was a personal friend of the then President of the United States; and

Whereas, With the help of dedicated volunteers, Dr. Saund carried out an intensive campaign of voter registration, passed out thousands of "Saund circulars," visited thousands of homes, and thus made a definite impact on voters, resulting in the election of the "first native of Asia" to the United States Congress on November 6, 1956; and

Whereas, Today, the population of Asian Americans in the United States is in excess of 10 million, and Asian Americans, and particularly Indian Americans, seeking political office invoke Dr. Saund's name, much the same way as Dr. Saund himself invoked President Lincoln's name, as a source of inspiration and a worthy role model; and

Whereas, November 6, 2006, marks the 50th anniversary of the historic election of Dr. Saund to the United States Congress; now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and Congress of the United States to urge the Citizens' Stamp Advisory Committee and the United States Postal Service to issue a commemorative stamp to honor the first Asian member of Congress, Dr. Dalip S. Saund; and be it further

Resolved, That the Legislature urges all Californians to celebrate September 20 of each year, Dalip S. Saund's birthday, in recognition of his outstanding achievement as the first native of Asia to be elected to Congress; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to the Majority Leader of the Senate, and to each Senator and Representative from California in the Congress of the United States, to the Citizens' Stamp Advisory Committee, and to the United States Postal Service.

POM-205. A joint resolution adopted by the Legislature of the State of California relative to ZIP Codes; to the Committee on

Homeland Security and Governmental Affairs.

ASSEMBLY JOINT RESOLUTION NO. 7

Whereas, Many communities in California have the advantage and convenience of possessing ZIP Codes that are unique to their respective communities; and

Whereas, The private development sector measures economic feasibility for investing in local communities based on data collected by ZIP Codes; and

Whereas, Sales taxes, franchise fees, federal funding, and other city revenue sources are traced through ZIP Codes; and

Whereas, Cities who share ZIP Codes may lose a portion of their revenue stream to other jurisdictions which the post office recognizes as the primary geographic area for that particular ZIP Code; and

Whereas, Unique ZIP Codes help to develop a city's identity so that citizens can rightfully participate in their local election processes holding their own elected officials accountable; and

Whereas, Local political and fiscal accountability is the cornerstone of democracy; and

Whereas, The ZIP Codes have a wider application than the delivery of mail to the cities in California; and

Whereas, The United States Postal Service advises residents and businesses to identify their address by post office address rather than city address to ensure proper mail delivery; and

Whereas, Several cities in California also contain shared ZIP Codes and may not be aware of the negative impact such an arrangement may have on their community; now, therefore, be it

Resolved by the Assembly and. the Senate of the State of California, jointly, That the Legislature urges the United States Postmaster to create ZIP Codes that do not encompass more than one municipality; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to the Majority Leader of the Senate, to the Minority Leader of the Senate, to each Senator and Representative from California in the Congress of the United States, and the United States Postmaster.

POM-206. A concurrent resolution adopted by the Legislature of the State of Texas relative to supporting parity for Mexican visitors to the United States by enacting legislation that would allow them the same six-month length of stay afforded to Canadian travelers; to the Committee on the Judiciary.

HOUSE CONCURRENT RESOLUTION 13

Whereas, Canadian travelers to the United States may stay in this country for up to six months, while Mexican visitors only recently gained the right to a 30-day stay with a laser visa under an expansion of the United States Visitor and Immigrant Status Indicator Technology (US-VISIT) program, which previously limited such stays to 72 hours and no more than 25 miles inside the U.S. border; and

Whereas, Aside from adversely affecting international goodwill between the United States and its neighbors to the north and south by the disparate treatment of their citizens, this disparity also has a negative impact on the economic stability of the U.S.-Mexico border; and

Whereas, If Mexican tourists, businesspersons, and other short-term travelers received the same opportunities to visit and do business in the United States as their Canadian counterparts, it would facilitate business between the United States and Mexico, boosting the U.S. and Texas economies; and

Whereas, El Paso and other Texas border communities that directly benefit from cross-border travel may expect a dramatic increase in local economic development if the length of stay for Mexican nationals with laser visas is extended from 30 days to six months; and

Whereas, Local community leaders attending a recent gathering of the U.S. Hispanic Chambers of Commerce were assured by U.S. Department of Homeland Security Undersecretary Asa Hutchinson that the Bush Administration supports treating all international guests equally; and

Whereas, U.S. Senator John Cornyn and U.S. Representative Ruben Hinojosa, both of Texas, introduced legislation in the 108th Congress (S. 1908 and H.R. 3488, respectively) to allow Mexican nationals currently admissible under laser visa border crossing regulations to enter the United States as six-month nonimmigrant visitors; now, therefore, be it

Resolved, That the 79th Legislature of the State of Texas hereby respectfully urge the Congress of the United States to support parity for Mexican visitors to the United States by enacting legislation that would allow them the same six-month length of stay afforded to Canadian travelers; and, be it further

Resolved, That the Texas secretary of state forward official copies or this resolution to the U.S. Department of Homeland Security and U.S. Department of State and to the president of the United States, to the speaker of the house of representatives and the president of the senate of the United States Congress, and to all the members of the Texas delegation to the congress with the request that this resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States of America.

POM-207. A joint resolution adopted by the Legislature of the State of California relative to the 32nd anniversary of Roe v. Wade; to the Committee on the Judiciary.

Whereas, January 22, 2005, is the 32nd anniversary of the historic United States Supreme Court decision in Roe v. Wade (1973) 410 U.S. 113, guaranteeing women's reproductive rights, an occasion deserving of celebration and special public commendations; and

Whereas, The 1973 decision in Roe v. Wade established constitutionally based limits on the power of states to restrict the right of a woman to choose to terminate a pregnancy; and

Whereas, Roe v. Wade is one of the most significant Supreme Court decisions in the 20th century promoting women's rights; and

Whereas, Reproductive rights are central to the ability of women to exercise their full rights under federal and state law; and

Whereas, It is the right of every American woman to determine when, if, and with whom to have children, and how many children to have; and

Whereas, Women's ability to control their reproductive lives has facilitated their equal participation in the economic and social life of the nation; and

Whereas, The state should not interfere with a woman's decision to either bear a child or terminate a pregnancy through a safe and legal abortion; and

Whereas, Women should not be forced into illegal and dangerous abortions, as they often were prior to the Roe v. Wade decision; and

Whereas, During the first half of the 20th century, illegal abortions accounted for about 50 percent of all maternal deaths; and

Whereas, Roe v. Wade has significantly reduced the mortality rate for women terminating their pregnancies; and

Whereas; Roe v. Wade continues to protect the health and freedom of women throughout the United States; now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the Legislature of the State of Califorilia memorializes the Congress and the President of the United States to protect and uphold the intent and substance of the 1973 United States Supreme Court decision in Roe v. Wade; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President of the United States and to all Members of the Congress of the United States.

POM-208. A Senate Joint Memorial adopted by the Legislature of the State of Colorado relative to proposing an amendment to the United States Constitution requiring that the total amount of all federal appropriations made by Congress for any fiscal year not exceed the total of all estimated federal revenues for that fiscal year; to the Committee on the Judiciary.

SENATE JOINT MEMORIAL 05-007

Whereas, In 1998, the federal budget reported its first surplus, $69 billion, since 1969; and

Whereas, From 1998 through 2001, the United States experienced 4 surpluses in a row and in 2001, the surplus reached $128 billion; and

Whereas, The last time the United States had 4 surpluses in a row was over 70 years ago, from 1927–30; and

Whereas, Since 2001, the budget surpluses, which were projected to continue until 2008, have disappeared, and the total budget deficit for the 2004 fiscal year was about $412 billion; and

Whereas, Due to congressional overspending, the budget deficit for the 2005 fiscal year could be around $394 billion, according to the Congressional Budget Office's budgetary projections; and

Whereas, President Bush's $2.57 trillion dollar budget request estimates a budget deficit of $427 billion, which includes additional funding for the ongoing military operations in Iraq and Afghanistan; and

Whereas, President Bush's $427 billion deficit estimate is approximately 17% of the federal budget, which would be the equivalent of a $2.58 billion deficit for the state budget if Colorado's deficit equaled 17% of the state's $15.2 billion budget; and

Whereas, The federal deficit is expected to remain around $250 billion each year for the next 5 years, unless drastic cuts to programs or significant increases to taxes are made; and

Whereas, The Congressional Budget Office projects a cumulative deficit of $2.6 trillion over the next 10 years; and

Whereas, The federal public debt has increased and is now more than $7.6 trillion, an amount equaling approximately $121,000 for each American family or over $25,000 for every man, woman, and child; and

Whereas, The baby boomer generation will soon retire, leaving less tax revenue and a higher drain on social services; and

Whereas, In fiscal year 2004, $321 billion was paid in interest on the federal debt, which is 13% of the total federal budget, the third largest expense in the federal budget, according to the National Debt Awareness Center; and

Whereas, Fiscal irresponsibility at the federal level is lowering our standard of living, destroying jobs, and endangering economic opportunity now and for future generations; and

Whereas, Continued deficit spending demonstrates an unwillingness or inability of both the federal executive and legislative branches to spend no more than available revenues; and

Whereas, The federal government's unlimited ability to borrow raises questions about fundamental principles and responsibilities of government, with potentially profound consequences for the nation and its people, making it an appropriate subject for limitation by the Constitution of the United States; and

Whereas, The Constitution of the United States vests the ultimate responsibility to approve or disapprove constitutional amendments with the people, as represented by their elected state legislatures, and opposition in the United States Congress repeatedly has thwarted the will of the people that a balanced budget amendment to the Constitution be submitted to the states for ratification; now, therefore, be it

Rersolved by the Senate of the Sixty-fifth General Assembly of the State of Colorado, the House of Representatives concurring herein:

That the General Assembly of the state of Colorado requests the United States Congress to expeditiously pass, and propose to the legislatures of the several states for ratification, an amendment to the United States Constitution requiring that, in the absence of a war or national emergency, the total of all federal appropriations made by Congress for any fiscal year not exceed the total of all estimated federal revenues for that fiscal year; be it further

Resolved, That copies of this Joint Memorial be sent to the President and Vice President of the United States, the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, the Majority Leader of the Senate, the Minority Leader of the Senate, and to each member of Colorado's congressional delegation.

POM-209. A concurrent resolution adopted by the Legislature of the State of Texas relative to urging the Congress of the United States and the Department of Veterans Affairs to fulfill the department's goal of providing excellence in patient care by building a veterans hospital in Weslaco, Texas; to the Committee on Veterans' Affairs.

House Concurrent Resolution 138

Whereas, Our veterans who live in South Texas have served their country bravely and risked their lives to preserve our country's freedom and democracy, and their sacrifices in our behalf are deserving of a veterans hospital to meet their health care needs; and

Whereas, Regrettably, South Texas currently lacks adequate health care resources for these proud men and women; the sole outpatient clinic in the eight-county area at the southern tip of Texas has limited hours of operation and must refer patients to other facilities for special tests or treatments; in addition, the nearest veterans hospital to the region with inpatient acute medical and surgical care and extended care is more than 250 miles away in San Antonio; and

Whereas, Veterans in Cameron, Hidalgo, Starr, and Willacy Counties alone number greater than 46,000, and a May 2004 report by the Department of Veterans Affairs (DVA) acknowledged the need for improved and expanded medical facilities for veterans in South Texas; and

Whereas, Despite this assessment, however, the DVA has planned only the addition of 10 contract beds in Harlingen's Valley Baptist Medical Center; and

Whereas, Weslaco is located in the center of the Rio Grande Valley, less than one hour's drive from McAllen, Harlingen, and Brownsville, making it a convenient site for a hospital to serve the area's veterans; now, therefore, be it

Resolved, That the 79th Legislature of the State of Texas respectfully urge the Congress of the United States and the Department of Veterans Affairs to fulfill the department's goal of providing excellence in patient care by building a veterans hospital in Weslaco, Texas, to serve the more than 46,000 veterans in South Texas who have bravely defended and served our country; and, be it further

Resolved, That the Texas secretary of state forward official copies of this resolution to the president of the United States, to the speaker of the house of representatives and the president of the senate of the United States Congress, to the secretary of veterans affairs, and to all the members of the Texas delegation to the congress with the request that this resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States of America.

POM-210. A resolution adopted by the General Assembly of the State of New Jersey relative to rejecting provisions in the President's proposed federal budget that would result in the loss of funding for Veterans' Memorial Homes in New Jersey; to the Committee on Veterans' Affairs.

Assembly Resolution No. 263

Whereas, The President's proposed federal budget for fiscal year 2006 contains reductions to veterans' programs that would result in the loss of funding for the Veterans' Memorial Homes in this State; and

Whereas, The proposed budgetary reductions would hinder this State's ability to operate its three Veterans' Memorial Homes and may result in the closure of one or more of the homes if an alternate funding source is not provided; and

Whereas, The three Homes currently have a resident population of 812 veterans and the funding reductions contained in the President's budget would [cut that population] *reduce the number of veterans eligible for federal funding* to 159 [residents]; and

Whereas, Under the President's proposed budget, the Veterans' Memorial Homes would not meet the criteria for *retaining* federal matching funds [for] *invested in* construction, thereby requiring the State to reimburse the federal government for construction costs totaling approximately $53.3 million; and

Whereas, The proposed reductions to veterans' programs contained in the President's budget would negatively impact New Jersey's ability to care for its veterans; now, therefore, be it

Resolved, by the General Assembly of the State of New Jersey:

1. This House urges Congress to reject provisions in the President's proposed federal budget that would result in the loss of funding for Veterans' Memorial Homes in this State.

2. Duly authenticated copies of this resolution, signed by the Speaker of the General Assembly and attested by the Clerk of the General Assembly, shall be transmitted to the President of the United States, the Vice-President of the United States, the Speaker of the United States House of Representatives, every member of this State's Congressional delegation and the Governor.

POM-211. A resolution adopted by the Municipal Legislature of Mayaguez, Puerto Rico relative to the rejection of imposition of the death penalty for crimes committed in Puerto Rico; to the Committee on the Judiciary.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Ms. LANDRIEU:

S. 1855. A bill to provide for community disaster loans; to the Committee on Homeland Security and Governmental Affairs.

By Ms. LANDRIEU:

S. 1856. A bill to provide for community disaster loans; to the Committee on Homeland Security and Governmental Affairs.

By Ms. LANDRIEU:

S. 1857. A bill to provide for community disaster loans; to the Committee on Homeland Security and Governmental Affairs.

By Mr. VITTER (for himself and Mr. Frist):

S. 1858. A bill to provide for community disaster loans; considered and passed.

By Mr. BURR (for himself, Mr. Allen, Mr. DeMint, and Mr. Talent):

S. 1859. A bill to amend the Clean Air Act to provide for a Federal Fuels List, and for other purposes; to the Committee on Environment and Public Works.

By Mr. DOMENICI (for himself, Mr. Bingaman, Mr. Frist, and Mr. Alexander):

S. 1860. A bill to amend the Energy Policy Act of 2005 to improve energy production and reduce energy demand through improved use of reclaimed waters, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. HARKIN (for himself, Mr. Kohl, Mr. Levin, and Mr. Kennedy):

S. 1861. A bill to amend the Internal Revenue Code of 1986 to restore the phaseout of personal exemptions and the overall limitation on itemized deductions; to the Committee on Finance.

By Mr. SMITH (for himself, Mr. Johnson, and Mrs. Feinstein):

S. 1862. A bill to establish a joint energy cooperation program within the Department of Energy to fund eligible ventures between United States and Israeli businesses and academic persons in the national interest, and for other purposes; to the Committee on Foreign Relations.

By Mr. GREGG (for himself and Mr. Kennedy):

S. 1863. A bill to establish the Gulf Coast Recovery and Disaster Preparedness Agency, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. TALENT (for himself, Mr. Conrad, Mr. Bunning, Mr. Crapo, Mr. Harkin, Mrs. Lincoln, and Mr. Thomas):

S. 1864. A bill to amend the Internal Revenue Code of 1986 to treat certain farming business machinery and equipment as 5-year property for purposes of depreciation; to the Committee on Finance.

By Mrs. DOLE (for herself, Mr. Burr, and Mr. Isakson):

S. 1865. A bill to establish the SouthEast Crescent Authority and for other purposes; to the Committee on Environment and Public Works.

By Ms. COLLINS (for herself and Mr. Warner):

S. 1866. A bill to establish an Under Secretary for Policy in the Department of Homeland Security, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. FEINGOLD:

S. 1867. A bill to extend to individuals evacuated from their residences as a result of Hurricane Katrina the right to use the absentee balloting and registration procedures available to military and overseas voters under the Uniformed and Overseas Citizens Absentee Voting Act, and for other purposes; to the Committee on Rules and Administration.

By Mr. SANTORUM:

S. 1868. A bill to ensure gasoline affordability and security to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DOMENICI (for himself, Mr. Dodd, Mr. Stevens, Mr. Akaka, Mr. Warner, Ms. Landrieu, Mr. DeWine, Mr. Lieberman, Mr. Voinovich, Mr. Johnson, Mr. Enzi, Mr. Kerry, Mr. Cochran, Mr. Levin, Mr. Lott, Mr. Biden, Mr. Allen, Ms. Stabenow, Mr. Inhofe, Mr. Durbin, Mr. Ensign, Mr. Rockefeller, Mr. Cornyn, Mr. Burns, Ms. Murkowski, Mr. Alexander, Mr. Talent, Mrs. Dole, Mr. Craig, and Mr. Martinez):

S. Res. 271. A resolution designating the week beginning October 16, 2005, as "National Character Counts Week"; considered and agreed to.

By Mr. SCHUMER (for himself, Mr. Specter, Mrs. Clinton, Mr. Obama, Mr. Bayh, Ms. Mikulski, Mr. Pryor, Mr. Bingaman, Mr. Wyden, Mr. DeWine, Mr. Harkin, Ms. Stabenow, Mr. Corzine, Mr. Durbin, Mr. Kennedy, Mr. Leahy, Mr. Hatch, Mr. Crapo, Mr. Lautenberg, Mr. Cochran, Mr. Coleman, Mr. Hagel, Mr. Salazar, Mr. Lieberman, Mrs. Feinstein, Mr. Reid, and Mr. Kerry):

S. Res. 272. A resolution recognizing and honoring the life and achievements of Constance Baker Motley, a judge for the United States District Court, Southern District of New York; considered and agreed to.

By Mr. DODD (for himself, Mr. Ensign, Mrs. Boxer, Ms. Collins, Mr. Akaka, Mr. Burns, Mr. Burr, Ms. Cantwell, Mr. Carper, Mrs. Clinton, Mr. Cornyn, Mr. Corzine, Mr. Dayton, Mr. Durbin, Mr. Feingold, Mrs. Feinstein, Mr. Kerry, Mr. Kohl, Ms. Landrieu, Mr. Lautenberg, Mr. Levin, Mr. Lieberman, Ms. Mikulski, Ms. Murkowski, Mrs. Murray, Mr. Nelson of Nebraska, Mr. Reid, Mr. Salazar, Ms. Snowe, Mr. Specter, and Ms. Stabenow):

S. Con. Res. 58. A concurrent resolution supporting "Lights On Afterschool", a national celebration of after school programs; to the Committee on Health, Education, Labor, and Pensions.

ADDITIONAL COSPONSORS

S. 241

At the request of Ms. Snowe, the name of the Senator from California (Mrs. Feinstein) was added as a cosponsor of S. 241, a bill to amend section 254 of the Communications Act of 1934 to provide that funds received as universal service contributions and the universal service support programs established pursuant to that section are not subject to certain provisions of title 31, United States Code, commonly known as the Antideficiency Act.

S. 440

At the request of Mr. Bunning, the name of the Senator from Nevada (Mr. Ensign) was added as a cosponsor of S. 440, a bill to amend title XIX of the Social Security Act to include podiatrists as physicians for purposes of covering physicians services under the medicaid program.

S. 633

At the request of Mr. Johnson, the name of the Senator from Michigan (Ms. Stabenow) was added as a cosponsor of S. 633, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 685

At the request of Mr. Akaka, the name of the Senator from California (Mrs. Feinstein) was added as a cosponsor of S. 685, a bill to amend title IV of the Employee Retirement Income Security Act of 1974 to require the Pension Benefit Guaranty Corporation, in the case of airline pilots who are required by regulation to retire at age 60, to compute the actuarial value of monthly benefits in the form of a life annuity commencing at age 60.

S. 994

At the request of Mrs. Feinstein, the name of the Senator from Massachusetts (Mr. Kennedy) was added as a cosponsor of S. 994, a bill to authorize the Attorney General to make grants to improve the ability of State and local governments to prevent the abduction of children by family members, and for other purposes.

S. 1086

At the request of Mr. Hatch, the name of the Senator from New Hampshire (Mr. Gregg) was added as a cosponsor of S. 1086, a bill to improve the national program to register and monitor individuals who commit crimes against children or sex offenses.

S. 1120

At the request of Mr. Durbin, the name of the Senator from Oregon (Mr. Wyden) was added as a cosponsor of S. 1120, a bill to reduce hunger in the United States by half by 2010, and for other purposes.

S. 1139

At the request of Mr. Bingaman, his name was added as a cosponsor of S. 1139, a bill to amend the Animal Welfare Act to strengthen the ability of the Secretary of Agriculture to regulate the pet industry.

S. 1438

At the request of Mr. Cornyn, the name of the Senator from North Carolina (Mr. Burr) was added as a cosponsor of S. 1438, a bill to provide for immigration reform.

S. 1700

At the request of Mr. Coburn, the name of the Senator from North Carolina (Mr. Burr) was added as a cosponsor of S. 1700, a bill to establish an Office of the Hurricane Katrina Recovery Chief Financial Officer, and for other purposes.

S. 1740

At the request of Mr. Santorum, his name was added as a cosponsor of S. 1740, a bill to amend the Internal Revenue Code of 1986 to allow individuals to defer recognition of reinvested capital gains distributions from regulated investment companies.

S. 1798

At the request of Mr. Corzine, the name of the Senator from New Mexico (Mr. Bingaman) was added as a cosponsor of S. 1798, a bill to amend titles XI and XVIII of the Social Security Act to prohibit outbound call telemarketing to individuals eligible to receive benefits under title XVIII of such Act.

S. 1808

At the request of Mr. Bingaman, the name of the Senator from New York (Mr. Schumer) was added as a cosponsor of S. 1808, a bill to amend title XIX of the Social Security Act to improve the qualified medicare beneficiary (QMB) and specified low-income medicare beneficiary (SLMB) programs within the medicaid program.

S. 1814

At the request of Mr. Bayh, the name of the Senator from Illinois (Mr. Durbin) was added as a cosponsor of S. 1814, a bill to amend the Servicemembers Civil Relief Act and the Housing and Urban Development Act of 1968 to enhance protections for servicemembers and their dependents, and for other purposes.

S. 1828

At the request of Mrs. Clinton, the name of the Senator from Indiana (Mr. Bayh) was added as a cosponsor of S. 1828, a bill to amend the Public Health Service Act to improve and secure an adequate supply of influenza vaccine.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BURR (for himself, Mr. Allen, Mr. DeMint, and Mr. Talent):

S. 1859. A bill to amend the Clean Air Act to provide for a Federal Fuels List, and for other purposes; to the Committee on Environment and Public Works.

Mr. BURR. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1859

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Affordable and Reliable Gas Act of 2005".

SEC. 2. LIST OF FUELS.

(a) LIST OF FUELS.—Section 211(c)(4)(C) of the Clean Air Act (42 U.S.C. 7545(c)(4)(C)) (as amended by the Energy Policy Act of 2005 (Public Law 109–58; 119 Stat. 1106)) is amended by striking the second clause (v) and inserting the following:

"(vi)(I) The Administrator shall have no authority, when considering a State implementation plan or a State implementation plan revision, to approve under this paragraph any fuel included in such plan or revision if the effect of such approval would be to increase the total number of fuels approved under this paragraph as of September 1, 2004 in all State implementation plans.

"(II) The Administrator, in consultation with the Secretary of Energy, shall determine the total number of fuels approved under this paragraph as of September 1, 2004, in all State implementation plans and shall publish a list of such fuels, including the states and Petroleum Administration for Defense District in which they are used, in the Federal Register no later than 90 days after enactment.

"(III) The Administrator shall remove a fuel from the list published under subclause (II) if a fuel ceases to be included in a State implementation plan or if a fuel in a State implementation plan is identical to a Federal fuel formulation implemented by the Administrator and shall reduce the total number of fuels authorized under the list published under subclause (II) appropriately.

"(IV) Subclause (I) shall not limit the Administrator's authority to approve a control or prohibition respecting any new fuel under this paragraph in a State's implementation plan or a revision to that State's implementation plan after the date of enactment of this Act if such new fuel completely replaces a fuel on the list published under subclause (II).

"(V) The Administrator shall have no authority under this paragraph, when considering any particular State's implementation plan or a revision to that State's implementation plan, to approve any fuel unless that fuel was, as of the date of such consideration, approved in at least one State implementation plan in the applicable Petroleum Administrator for Defense District. However, the Administrator may approve as part of a State implementation plan or State implementation plan revision a fuel with a summertime Reid Vapor Pressure of 7.0 psi. In no event shall such approval by the Administrator cause an increase in the total number of fuels on the list published under subclause (II) as of the date of consideration.

"(VI) Nothing in this clause shall be construed to have any effect regarding any available authority of States to require the use of any fuel additive registered in accordance with subsection (b), including any fuel additive registered in accordance with subsection (b) after the enactment of this subclause.

"(vii)(I) The provisions of clause (vi), including the limitations of the authority of the Administrator and the cap on the total number of fuels permitted, shall remain in effect until the harmonization of fuels under subclause V of this clause is accomplished. Once such harmonization has been accomplished, clause (v) shall sunset and the limitations of the authority of the Administrator under subclause (IV) of this clause shall apply.

"(II) The Administrator, in coordination with the Secretary of Energy (hereinafter in this clause referred to as the 'Secretary'), shall identify and publish in the Federal Register, within 12 months after the enactment of this subclause and after notice and opportunity for public comment, a list of 5 gasolines and diesel fuels to be used in States that have not received a waiver under section 209(b) of this Act. The list shall be referred to as the 'Federal Fuels List' and shall include one Federal on-road diesel fuel (which shall grandfather the sulfur phase down in the Administrator's ultra low sulfur diesel fuel regulations in effect as of the date of enactment and shall permit the implementation of one alternative diesel fuel, approved under this subparagraph before enactment of this subclause for a State that has not received a section 209(b) waiver, only in the State in which it was approved prior to enactment), one conventional gasoline for ozone attainment areas, one reformulated gasoline (RFG) meeting the requirements of subsection (k), and 2 additional gasolines with Reid vapor pressure (RVP) controls for use in ozone attainment areas of varying degrees of severity. None of the fuels identified under this subclause shall control fuel sulfur or toxics levels beyond levels required by regulations of the Administrator.

"(III) Gasolines and diesel fuels shall be included on the Federal Fuels List based on the Administrator's analysis of their ability to reduce ozone emissions to assist States in attaining established ozone standards under this Act, and on an analysis by the Secretary that the adoption of the Federal Fuels List will not result in a reduction in supply or in producibility, including that caused by a reduction in domestic refining capacity as a result of the adoption of the Federal Fuels List. In the event the Secretary concludes that adoption of the Federal Fuels List will result in a reduction in supply or in producibility, the Administrator and the Secretary shall report that conclusion to Congress, and suspend implementation of this clause. The Administrator and the Secretary shall conduct the study required under section 1541(c) of the Energy Policy Act of 2005 on the timetable required in that section to provide Congress with legislative recommendations for modifications to the proposed Federal Fuels List only if the Secretary concludes that adoption of the Federal Fuels List will result in a reduction in supply or in producibility.

"(IV) Upon publication of the Federal Fuels List, the Administrator shall have no authority, when considering a State implementation plan or State implementation plan revisions, to approve under this subparagraph any fuel included in such plan or plan revision if the proposed fuel is not one of the fuels on the Federal Fuels List; or to approve a State's plan or plan revision to move from one fuel on the Federal Fuels List to another unless, after consultation with the Secretary, the Administrator publishes in the Federal Register, after notice and opportunity for public comment, a finding that, in the Administrator's judgment, such plan or plan revision to adopt a different fuel on the Federal Fuels List will not cause fuel supply or distribution disruptions in the affected area or contiguous areas. The Administrator's finding shall include an assessment of reasonably foreseeable supply or distribution emergencies that could occur in the affected area or contiguous area and how adoption of the particular fuel revisions would effect alternative supply options during reasonably foreseeable supply or distribution emergencies.

"(V) The Administrator, in consultation with the Secretary, shall develop a plan to harmonize the currently approved fuels in State implementation plans with the fuels included on the Federal Fuels List and shall promulgate implementing regulations for this plan not later than 18 months after enactment of this subclause. This harmonization shall be fully implemented by the States by December 31, 2008.".

(b) BOUTIQUE FUELS.—Section 1541 of the Energy Policy Act of 2005 (Public Law 109–58; 119 Stat. 1106) is amended by striking subsection (c) and inserting the following:

"(c) STUDY AND REPORT TO CONGRESS ON BOUTIQUE FUELS.—

"(1) JOINT STUDY.—The Administrator of the Environmental Protection Agency and the Secretary of Energy shall undertake a study of the effects on air quality, on the number of fuel blends, on fuel availability, on fuel fungibility, and on fuel costs of the State plan provisions adopted pursuant to section 211(c)(4)(C) of the Clean Air Act (42 U.S.C. 7545(c)(4)(C)).

"(2) FOCUS OF STUDY.—The primary focus of the study required under paragraph (1) shall be to determine how to develop a Federal fuels system that maximizes motor fuel fungibility and supply, preserves air quality standards, and reduces motor fuel price volatility that results from the proliferation of boutique fuels, and to recommend to Congress such legislative changes as are necessary to implement such a system. The study should include the impacts on overall energy supply, distribution, and use as a result of the legislative changes recommended. The study should include an analysis of the impact on ozone emissions and supply of a mandatory reduction in the number of fuel blends to 5, including one on-road Federal diesel fuel (which shall grandfather the sulfur phase down in the Administrator's ultra low sulfur diesel fuel regulations and shall permit the implementation of, one alternative diesel fuel, blend approved under this subparagraph before enactment of this subclause for a State that has not received a section 209(b) waiver, only in the State in which it was approved prior to enactment), one conventional gasoline for ozone attainment areas, one reformulated gasoline (RFG) meeting the requirements of subsection (k), and 2 additional gasolines blends with Reid vapor pressure (RVP) controls for use in ozone attainment areas of varying degrees of severity.

"(3) CONDUCT OF STUDY.—In carrying out their joint duties under this section, the Administrator and the Secretary shall use sound science and objective science practices, shall consider the best available science, shall use data collected by accepted means and shall consider and include a description of the weight of the scientific evidence. The Administrator and the Secretary shall coordinate the study required by this section with other studies required by the act and shall endeavor to avoid duplication of effort with regard to such studies.

"(4) RESPONSIBILITY OF ADMINISTRATOR.—In carrying out the study required by this section, the Administrator shall coordinate obtaining comments from affected parties interested in the air quality impact assessment portion of the study. The Administrator shall use sound and objective science practices, shall consider the best available science, and shall consider and include a description of the weight of the scientific evidence.

"(5) RESPONSIBILITY OF SECRETARY.—In carrying out the study required by this section, the Secretary shall coordinate obtaining comments from affected parties interested in the fuel availability, number of fuel blends, fuel fungibility and fuel costs portion of the study.

"(6) REPORT TO CONGRESS.—The Administrator and the Secretary jointly shall submit the results of the study required by this section in a report to the Congress not later than 12 months after the date of the enactment of this Act, together with any recommended regulatory and legislative changes. Such report shall be submitted to the Committee on Energy and Commerce of the House of Representatives and the Committee on Environment and Public Works of the Senate.

"(7) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated jointly to the Administrator and the Secretary $500,000 for the completion of the study required under this subsection.".

By Mr. DOMENICI (for himself, Mr. BINGAMAN, Mr. FRIST, and Mr. ALEXANDER):

S. 1860. A bill to amend the Energy Policy Act of 2005 to improve energy production and reduce energy demand through improved use of reclaimed waters, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. DOMENICI. Mr. President, nearly every form of energy production requires the use of large quantities of water. Electricity production, oil and gas production, and certain renewable energy sources are all dependent on having adequate access to water. Because water availability, particularly for human consumption, is an increasingly important international and domestic issue, it is important for us to ensure that we use our water resources in the most efficient manner in the production of energy. As the world's population grows and stores of fresh water are depleted, finding additional sources of fresh water is vital to meeting our energy needs and ensuring peace and security domestically and abroad. For this reason, developing cost-effective technologies that allow us better access to water for human use and energy production is of great significance.

Electricity production is entirely dependent on the availability of water, regardless of fuel source. Much of our fossil fuel energy production is entirely dependent on having adequate access to water. Sandia National Laboratories estimates that for every barrel of oil produced, ten gallons of water are required. For this reason, ensuring an adequate supply of water, coupled with efficient use of that water supply in our energy processes, is critical to the United States' energy portfolio. Similarly, making water available to our citizens is largely dependent on energy. Transportation, distribution, acquisition and purification of water require large amounts of energy.

Providing water to meet population growth will become increasingly important in the coming years. Nearly 1.2 billion people, roughly one fifth of the world's population, live without reliable access to water. It is estimated that by 2025, roughly one-third of the world will have inadequate access to water. By 2030 there will be an additional 3 billion people. By 2025, it is estimated that the population of the Arab world will reach 600 million, twice the population of 2000. At the World Economic Forum this summer, experts testified that most of the countries in the Arab world had exhausted their water resources and that the only way to provide water is the expensive prospect of desalination. At the forum, former Jordanian water minister told those in attendance "We are not secure about water supplies. Supplies are simply not enough . . . This is a scary issue." He went on to estimate that the water deficit in the Arab world will grow by more than 600 percent by 2025.

The need for renewed Federal investment to develop technologies that will ensure efficient use of scarce water resources in energy production is critically important for domestic growth and prosperity. A study by the Governmental Accountability Office stated that "water managers in thirty-six States anticipate shortages in localities, regions, or state-wide in the next 10 years." In the West, the competing demands of population growth, drought, energy resources development, agricultural needs, environmental needs, and tribal interests have resulted in a paucity of available water. Unbridled population growth in the western U.S. has stretched water resources even thinner. The U.S. Census Bureau recently estimated that by 2030 Nevada will have more than four million residents, twice as many as in 2000. In a region already critically short of water and subject to the unpredictable nature of an already over-allocated Colorado River, even a mild drought could stymie growth and economic development. For this reason, we need to investigate new technologies that allow us to access additional water, and just as importantly, to use water in the most efficient ways, particularly in the production of all forms of energy.

While stories are legion about the deleterious effects of the prolonged drought in the West, including my home State of New Mexico, the availability of water is an increasingly critical issue in the eastern United States. Usable supplies of water in the east coast have been stretched thin. Despite receiving substantially more rainfall than the western U.S., much of the east coast is facing water shortages. For example, Boston, Atlanta and much of Florida are nearing the end of readily available water. Just as with our current oil and natural gas energy crisis, the answer for our looming water crisis is not just to produce more, but to foster new technologies that will both aid in more production, and just as significantly, reduce the amount of water required for energy production and other needs.

I rise today to introduce the Energy-Water Efficiency Technology Research, Development, and Transfer Program Act of 2005. The emphasis of this program is to address the inextricable relationship between energy and water. Large amounts of water are required for electric generation and oil and gas production. Additionally, large amounts of energy are required for reclaiming and transporting water. Water shortages impair our ability to meet our energy needs and conversely, energy shortages impair our ability to provide adequate supplies of water. The bill would establish an ambitious program within the National Laboratories to develop, transfer and demonstrate in real world applications energy and water efficiency technologies to meet the increased demand for water internationally and domestically. The bill establishes a merit-based competitive grant program for research grants, provides that a set percentage of funding received by the program be used to demonstrate promising technologies, and provides for research undertaken by our National Laboratories. Our National Laboratories have shown an ability to push the state of the art forward, furthering technologies such as highspeed computing, nano-technology, and advanced engineering and science. Federal investment in these areas has resulted in thousands of new technologies that benefit humanity. We now have the opportunity to direct a portion of this immense capability to solve our water and related energy issues. I have no doubt that this legislation would help to push the state of the art forward to ensure that the world has access to this life sustaining resource for years to come.

For the reasons I have articulated, renewed Federal investment in this area is of critical importance both domestically and abroad. I thank Senator BINGAMAN, ranking member of the Energy and Natural Resources Committee, Majority Leader FRIST and Senator ALEXANDER for being original co-sponsors of this legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1860

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Energy-Water Efficiency Technology Research, Development, and Transfer Program Act of 2005".

SEC. 2. ENERGY-WATER EFFICIENCY AND SUPPLY TECHNOLOGY RESEARCH, DEVELOPMENT, AND TRANSFER PROGRAM.

The Energy Policy Act of 2005 (Public Law 109–58; 119 Stat. 594) is amended by inserting after section 111 the following:

"SEC. 112. ENERGY-WATER EFFICIENCY AND SUPPLY TECHNOLOGY RESEARCH, DEVELOPMENT, AND TRANSFER PROGRAM.

"(a) DEFINITIONS.—In this section:

"(1) ADVISORY PANEL.—The term 'Advisory Panel' means the Energy-Water Efficiency and Supply Technology Advisory Panel established under subsection (f).

"(2) ENERGY-WATER EFFICIENCY AND SUPPLY TECHNOLOGY.—The term 'energy-water efficiency and supply technology' means—

"(A) technologies for—

"(i) reducing the amount of energy required to provide adequate water supplies;

"(ii) reducing water consumption in the production or generation of energy;

"(iii) the reclamation of previously unusable water;

"(iv) water reuse;

"(v) agricultural, industrial, and municipal efficiency and conservation; and

"(vi) water monitoring and systems analysis; and

"(B) any other technologies identified by the Secretary as necessary to carry out the program.

"(3) LEAD LABORATORY.—The term 'lead laboratory' means each of the program lead laboratories designated under subsection (d)(1).

"(4) PROGRAM.—The term 'program' means the energy-water efficiency and supply technology research, development, and transfer program established under subsection (b).

"(b) ESTABLISHMENT.—In accordance with this section, the Secretary shall establish a National Laboratories energy-water efficiency and supply technology research, development, and transfer program that provides for the conduct of research on, and the development, demonstration, transfer, and commercialization of, economically viable and cost-effective energy-water efficiency and supply technologies to—

"(1) promote the sustainable use of water for energy production activities, including—

"(A) developing less water-intensive electric generation sources; and

"(B) developing and implementing systems analyses to balance energy and water demands;

"(2) facilitate the widespread commercialization of newly developed energy-water efficiency and supply technologies for use in real-world applications, including the conduct of an assessment of economic factors relating to the introduction and adoption of energy-water efficiency and supply technologies in practical applications;

"(3) facilitate collaboration among Federal agencies to provide for the integration of research on, and disclosure of information relating to, energy-water efficiency and supply technologies;

"(4) reclaim and improve access to previously unusable and nontraditional water resources; and

"(5) increase the amount of water available for human use.

"(c) OTHER AGREEMENTS.—The Secretary may enter into any grant, contract, cooperative agreement, interagency agreement, or other transaction, as the Secretary determines to be necessary to carry out this section.

"(d) PROGRAM LEAD LABORATORIES.—

"(1) IN GENERAL.—The program shall be carried out by Sandia National Laboratory, New Mexico, Oak Ridge National Laboratory, Tennessee, and Lawrence Livermore National Laboratory, California.

"(2) SELECTION OF UNIVERSITY PARTNERS.—Each of the lead laboratories, in consultation with the Advisory Panel, shall select at least 1 university partner to assist in carrying out the program.

"(e) WATER SUPPLY TECHNOLOGY ASSESSMENT.—

"(1) ASSESSMENT DUTIES.—In consultation with the Secretary of Agriculture, the Administrator of the Environmental Protection Agency, the Secretary of Defense, the Administrator of the National Aeronautics and Space Administration, the Director of the National Science Foundation, the Secretary of the Interior, and other appropriate Federal agencies, the Secretary, acting through the lead laboratories, shall—

"(A) assess energy-water efficiency and supply technology research being performed;

"(B) assess the annual amount of Federal funding levels and authorizations for energy-water efficiency and supply technology research;

"(C) assess the scope of the energy-water efficiency and supply technology research performed by other agencies;

"(D) assess whether and to what extent Federal energy-water efficiency and supply technology research is duplicative;

"(E) identify energy-water efficiency and supply technology research and development priorities; and

"(F) develop a technology roadmap to identify critical energy-water efficiency and supply technology research, development, demonstration and commercialization activities to guide program activities.

"(2) REPORT.—Not later than 2 years after the date of enactment of this section, the Secretary, acting through the lead laboratories, shall submit to the Committee on Energy and Natural Resources of the Senate, the Committee on Resources of the House of Representatives, and the Committee on Energy and Commerce of the House of Representatives a detailed report on the assessment conducted under paragraph (1).

"(f) ADVISORY PANEL.—

"(1) IN GENERAL.—The Secretary shall establish an advisory panel, to be known as the 'Energy-Water Efficiency and Supply Technology Advisory Panel', to advise the Secretary on the activities carried out under this section.

"(2) MEMBERSHIP.—Members of the Advisory Panel shall—

"(A) have expertise in—

"(i) energy-water efficiency and supply technology; or

"(ii) legal or regulatory issues associated with adopting energy-water efficiency and supply technologies in real-world applications; and

"(B) be representative of institutions of higher education, industry, State and local governments, international energy-water efficiency and supply technology institutions, Federal agencies, and nongovernmental organizations.

"(3) DUTIES.—The Advisory Panel shall—

"(A) periodically assess the performance of energy-water efficiency and supply technology research being carried out under this section;

"(B) advise the Secretary on research priorities to be carried out under this section;

"(C) make recommendations to the Secretary for awarding research grants and demonstration project grants; and

"(D) identify legal, policy, or regulatory barriers to implementing energy-water efficiency and supply technologies in real-world applications.

"(g) PROGRAM GRANTS.—

"(1) IN GENERAL.—The Secretary shall provide competitive grants to entities with expertise in the conduct of energy-water efficiency and supply technology research, development, and demonstration projects.

"(2) REQUIREMENTS.—The grants under paragraph (1) shall be provided—

"(A) in consultation with the Advisory Panel;

"(B) in coordination with the research, development, demonstration, and commercialization activities conducted by the lead laboratories; and

"(C) consistent with the technology roadmap developed under subsection (e)(1)(F).

"(3) LIMITATION.—Of amounts made available for grants under subsection (j)(2)(C), not more than 25 percent shall be provided to National Laboratories and Federal agencies.

"(4) CRITERIA.—The Secretary shall establish criteria for the submission and review of grant applications and the provision of grants under paragraph (1).

"(h) PROGRAM REVIEW.—

"(1) IN GENERAL.—The Secretary shall enter into an arrangement with the National Academy of Sciences to conduct periodic peer reviews of the program.

"(2) REQUIREMENTS.—In conducting a review under paragraph (1), the National Academy of Sciences shall—

"(A) review the technology roadmap, technical milestones, and plans for technology transfer developed under the program; and

"(B) assess the progress of the program in achieving the technical milestones and plans for technology transfer.

"(i) REPORT TO CONGRESS.—Not later than 3 years after the date of enactment of this section and each year thereafter, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate, the Committee on Resources of the House of Representatives, and the Committee on Energy and Commerce of the House of Representatives a report that describes the activities carried out under this section, including the activities carried out under subsection (f)(3)(D).

"(j) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There are authorized to be appropriated to the Secretary to carry out this section, including the completion of the roadmap under subsection (e)(1)(F)—

"(A) $5,000,000 for fiscal year 2006; and

"(B) such sums as are necessary for each fiscal year thereafter.

"(2) ALLOCATION.—Of amounts made available under paragraph (1) for fiscal year 2007 and each fiscal year thereafter—

"(A) at least 30 percent shall be distributed equally between the lead laboratories for the conduct of activities under the program;

"(B) at least 10 percent shall be provided to the lead laboratories to carry out subsection (b)(2);

"(C) at least 40 percent shall be made available for program grants under subsection (g)(1); and

"(D) not more than 15 percent shall be used to pay the administrative costs of carrying out the program, including costs to support the activities of the Advisory Panel.".

By Mr. GREGG (for himself and Mr. KENNEDY):

S. 1863. A bill to establish the Gulf Coast Recovery and Disaster Preparedness Agency, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. GREGG. Mr. President, our Nation's history is not only one of growing prosperity, opportunity, and the steady progress of a free and industrious society, but it is also uniquely identified by the challenges that we have faced and overcome. Sometimes, these challenges have been natural disasters—earthquakes, floods, and hurricanes that have devastated entire towns and cities, uprooted communities, and tragically killed hundreds, if not thousands, of people. Disasters such as the Galveston Hurricane of 1900, the 1906 San Francisco earthquake, the Great Flood of 1927, and Hurricane Camille are the first ones that come to mind, although there are others that we could also add to this list of superdisasters.

Unfortunately, it now appears that the list of these superdisasters has gotten longer. In a number of respects, the devastation inflicted by Hurricane Katrina has so far exceeded any natural disaster that our country has faced: the official death toll is around 1,000 and could go higher; approximately 90,000 square miles, nearly the size of the United Kingdom, has been impacted; a city of nearly half a million was almost entirely emptied; as many as 1 million jobs have been directly affected; and recovery and reconstruction costs could go to as high as $200 billion, if not more. Figures aside, the tragic and widespread devastation that this storm has wreaked is apparent to anyone who has watched news footage from the golf coast region. The images are heart wrenching, and our prayers go out to those who have suffered and have lost loved ones.

Weeks after Hurricane Katrina hit the gulf coast region, Hurricane Rita brought further devastation to areas that were either already impacted or to areas further south and to the west. Although not as powerful as Katrina, Rita dealt a strong blow to many communities. Lives were lost, entire neighborhoods were completely destroyed, and many families were displaced. Again, we extend our prayers and wishes to those who were directly affected by this storm.

While the combined impact of Hurricanes Katrina and Rita is similar to other superdisasters, it also unprecedented in a few key aspects. In particular, the Federal Government is now expected to play, and is playing, a significant role in the response and recovery efforts. This is partly due to the significant growth in the Federal Government over the past 100 years. Back in 1900 when the Galveston Hurricane occurred, there were only eight executive departments in the entire government—the Department of Commerce, the Department of Labor, the Department of Health and Human Services, HUD, the U.S. Coast Guard, the EPA, FEMA, and, of course, the Department of Homeland Security had yet to be established. Today, the federal government is much more expansive than when previous superdisasters took place, and it now delivers a wide array of services and benefits that Americans have come to expect.

In response, President Bush and Congress have approved the spending of billions in Federal funds, unleashing an outpouring of federal aid, assets, and manpower. Over the past 2 weeks, Congress already has approved over $61 billion in supplemental appropriations, and it is contemplating the spending of additional federal funds. Almost every executive department and Federal agency is taking part, taxpayer funds are being doled out to contractors and State and local authorities, and the future of the gulf coast region and millions of its residents is being shaped daily by this massive effort. While mistakes have been made at all levels, we now have the opportunity to make sure that mistakes are not repeated and that we do not come out of this whole experience wondering where all the money went and whether we did the best we can to respond to this challenge.

My Senate colleagues and I have been discussing various proposals for how the federal recovery effort should be managed. I believe that history can be of help—for instance, we can learn from the Great Flood of 1927, a natural disaster that killed hundreds in seven states and flooded around 27,000 square miles. In response, President Coolidge appointed Secretary of Commerce Herbert Hoover to coordinate relief across eight different agencies, the Red Cross, and other organizations. While the relief effort had its flaws, I believe that Coolidge's appointment of a lead director, who had substantial crisis management experience and public recognition, was a wise decision. By centralizing oversight authority over the entire effort under such a central person, Coolidge's appointment of Hoover helped minimize friction and discoordination across agencies, ensuring that the relief response was run efficiently. The appointment also enhanced accountability since everyone knew who was in charge.

The recovery effort for Hurricanes Katrina and Rita is going to be much more complicated and multifaceted than the relief response for the Great Flood of 1927. The breadth of the destruction and the wide array of Federal departments and agencies involved—combined with the efforts of State and local authorities, nonprofit organizations, and private contractors—make the potential for bureaucratic tensions, redundancy, confusion, and waste even greater. I therefore believe that a centralized management structure is as necessary now as it was back in 1927. So, before Congress continues pouring billions of taxpayer dollars and adding additional tasks on top of the recovery effort, Congress should first make sure that a centralized management structure is in place. In particular, we need a person with impeccable credentials endowed with robust planning, operational, and budgetary authorities to be on the ground in the gulf coast region. We need to make sure that accountability is clearly assigned, not diffused. We need to make sure that the right hand knows what the left hand is doing, so to speak, and that federal funds are effectively being used to get the gulf coast region back on its feet. And we need this centralized structure as soon as possible.

As such, I am proposing the Gulf Coast Recovery and Preparedness Act of 2005, along with Senator KENNEDY, which establishes the Gulf Coast Recovery and Disaster Preparedness Agency, a new agency that will be headed by a director who will oversee the entire recovery effort. The Director will be the person responsible for budgeting, overseeing, and executing the entire recovery effort to the extent that Federal resources are used. The director will also regularly report to Congress on how this effort is being conducted and will have deputies and support staff to keep track of how funds are being spent and to investigate any fraud, waste or abuse. Lastly, I recognize that we do not want the legacy of Katrina and Rita to be another layer of bureaucracy, so the legislation would make sure that the agency and the director's position are only temporary, and that it terminates within 6 years.

Within the agency, there will be essentially a planning board—named the Gulf Coast Revitalization Authority that will consist of Federal, State, and local officials, as well as representatives from affected communities. The board, which will be chaired by the director, will be tasked with creating a comprehensive plan for redeveloping the entire region impacted by Hurricanes Katrina and Rita. The plan will ensure that objectives, priorities, and critical infrastructure decisions are developed in a thoughtful and comprehensive manner before federal resources and other funds are completely committed. The authority board will also make sure that there is substantial and meaningful public participation, which is critical for making potentially difficult rebuilding and revitalization decisions. The director, who must approve the plan after it is passed by the authority, will be responsible for executing it.

Our Nation has been through a lot since Katrina and Rita hit the gulf coast, and I am continually amazed at the acts of heroism and charity that are taking place across the gulf coast region. And while the tasks ahead may be less dramatic and less attention-grabbing, I believe that it is how we address these challenges—in particular, the rebuilding of infrastructure, the provision of social services to evacuees scattered across the country, and the redevelopment of entire communities—that will truly test our Federal Government in ways that we have not seen in recent memory. In the end, I am confident that we can succeed and the gulf coast region will fully recover and thrive. Our Nation's history has shown how well Americans perform in the face of challenges. However, we must not simply expect this success nor expect that throwing around billions of dollars will necessarily achieve it. Instead, Congress must take action now to ensure that the recovery effort is managed efficiently and effectively. By setting into place such a management structure, I believe that we will be able to look back at these difficult times and be proud of how we handled the public's trust and the taxpayers' money. This is what the American people have elected us to do, and I know that it can be done if we make the right choices right now.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1863

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Gulf Coast Recovery and Disaster Preparedness Act of 2005".

SEC. 2. DEFINITIONS.

In this Act:

(1) AGENCY.—The term "agency" has the meaning given under section 551(1) of title 5, United States Code.

(2) AUTHORITY.—The term "Authority" means the Gulf Coast Revitalization Authority.

(3) DIRECTOR.—The term "Director" means the Director of Gulf Coast Recovery and Disaster Preparedness.

(4) GULF COAST AGENCY.—The term "Gulf Coast Agency" means the Gulf Coast Recovery and Disaster Preparedness Agency.

(5) GULF COAST RECOVERY AND DISASTER PREPAREDNESS PROGRAM.—The term "Gulf Coast Recovery and Disaster Preparedness Program" means all activities described under section 3(b)(3) (B) and (C).

SEC. 3. ESTABLISHMENT AND FUNCTIONS.

(a) ESTABLISHMENT.—There is established the Gulf Coast Recovery and Disaster Preparedness Agency. The Gulf Coast Recovery and Disaster Preparedness Agency is an independent establishment as defined under section 104 of title 5, United States Code.

(b) DIRECTOR.—

(1) APPOINTMENT.—

(A) IN GENERAL.—The Director of Gulf Coast Recovery and Disaster Preparedness shall be the head of the Gulf Coast Agency. The Director shall be appointed by the President, by and with the advice and consent of the Senate.

(B) EXECUTIVE SCHEDULE LEVEL I POSITION.—The Director shall be paid at the rate of pay payable for a position at level I of the Executive Schedule under section 5312 of title 5, United States Code.

(C) DIRECT REPORT TO PRESIDENT.—The Director shall directly report to the President.

(2) QUALIFICATIONS.—The individual appointed as Director shall be appointed on the basis of—

(A) demonstrated leadership, integrity, and experience; and

(B) demonstrated experience in management of large organizations.

(3) FUNCTIONS.—The Director shall—

(A) be responsible for the efficient and effective use of Federal resources relating to the recovery from Hurricane Katrina and Hurricane Rita;

(B) exercise planning, management, and overall control of all Federal funding, personnel, and assets used by Federal, State, or local government authorities for the purposes of—

(i) rebuilding or responding to the damage or destruction of private or public infrastructure caused by Hurricane Katrina and Hurricane Rita to the United States;

(ii) responding, supporting, or otherwise assisting efforts to meet the nutritional, health, educational, housing, transportation, employment, law enforcement, and social service needs of citizens who have been personally displaced or otherwise adversely and directly impacted by Hurricane Katrina and Hurricane Rita;

(iii) studying, planning, and preparing public and private responses to future natural disasters in the region;

(iv) planning, building, and repairing public infrastructure to prevent or mitigate the impact of future natural disasters in the region, including the levee system surrounding the City of New Orleans, Louisiana;

(v) studying, planning, and implementing environmental remediation and coastal restoration efforts in the region;

(vi) studying, planning, and implementing economic redevelopment efforts in areas affected by Hurricane Katrina and Hurricane Rita;

(vii) ensuring the efficient and effective use of Federal funds in all activities relating to the recovery from Hurricane Katrina and Hurricane Rita; and

(viii) any other recovery, rebuilding, or redevelopment effort relating to the direct impact of Hurricane Katrina and Hurricane Rita; and

(C) expend and obligate funds appropriated to the Gulf Coast Agency for purposes described under subparagraph (B), including specific reconstruction projects.

(4) BUDGET AUTHORITIES RELATING TO THE GULF COAST RECOVERY AND DISASTER PREPAREDNESS PROGRAM.—

(A) BUDGET.—With respect to budget requests and appropriations for the Gulf Coast Recovery and Disaster Preparedness Program, the Director shall—

(i) based on priorities set by the President, provide to agencies performing activities of the Program, guidance for developing the Program budget pertaining to such agencies;

(ii) develop and determine an annual consolidated Gulf Coast Recovery and Disaster Preparedness Program budget; and

(iii) present such consolidated budget, together with any comments from the heads of agencies, to the President for approval.

(B) APPROPRIATIONS.—

(i) IN GENERAL.—The Director shall be responsible for managing appropriations for the Gulf Coast Recovery and Disaster Preparedness Program by directing the allotment or allocation of such appropriations through the heads of the agencies performing activities of the Program, with prior notice (including the provision of appropriate supporting information) to the head of the agency receiving any such allocation or allotment.

(ii) ALLOCATIONS.—Notwithstanding any other provision of law, pursuant to relevant appropriations Acts for the Gulf Coast Recovery and Disaster Preparedness Program, the Director of the Office of Management and Budget shall exercise the authority of the Director of the Office of Management and Budget to apportion funds, at the exclusive direction of the Director of Gulf Coast Recovery and Disaster Preparedness, for allocation to agencies performing activities of the Gulf Coast Recovery and Disaster Preparedness Program. Department comptrollers or appropriate budget execution officers shall allot, allocate, reprogram, or transfer funds appropriated for the Gulf Coast Recovery and Disaster Preparedness Program in an expeditious manner.

(iii) MONITORING IMPLEMENTATION.—The Director shall monitor the implementation and execution of the Gulf Coast Recovery and Disaster Preparedness Program by the heads of relevant agencies.

(iv) APPORTIONMENT AND ALLOTMENT.—Apportionment and allotment of funds under this paragraph shall be subject to chapter 13 and section 1517 of title 31, United States Code, and the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 621 et seq.).

(c) OFFICERS TO ASSIST THE DIRECTOR.—

(1) IN GENERAL.—The Office shall have other officers necessary to assist the Director in carrying out the functions of the Director, including—

(A) overseeing recovery operations and disaster preparedness;

(B) expending and obligating Federal funds appropriated to the Gulf Coast Agency for the Gulf Coast Recovery and Disaster Preparedness Program, including specific reconstruction projects;

(C) ensuring that Federal funds are prudently spent and fully audited; and

(D) investigating waste, fraud, and abuse in the use of Federal funds for the activities of the Gulf Coast Recovery and Disaster Preparedness Program.

(2) DEPUTY DIRECTORS.—The Director may appoint no more than 5 Deputy Directors who shall be assigned to geographic areas of the Gulf Coast region.

(d) LOCATION OF THE OFFICE OF THE DIRECTOR.—The Office of the Director shall be physically located within the region comprising the gulf coast areas of the States of Louisiana and Mississippi. The Director may establish additional office locations as necessary.

SEC. 4. ADMINISTRATIVE AND PERSONNEL PROVISIONS.

(a) Employees.—The Director may select, appoint, and employ such officers and employees as may be necessary—

(1) in accordance with the provisions of title 5, United States Code, including section 3101 of that title; and

(2) without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except the pay of any personnel under this paragraph may not exceed the rate payable for level V of the Executive Schedule under section 5316 of that title.

(b) Consultants and Contracts.—The Director may—

(1) obtain services as authorized by section 3109 of title 5, United States Code, at daily rates not to exceed the equivalent rate prescribed for grade GS–15 of the General Schedule by section 5332 of title 5, United States Code; and

(2) to the extent and in such amounts as may be provided in advance by appropriations Acts, to enter into contracts and other arrangements and to make such payments as may be necessary to carry out the provisions of this Act.

SEC. 5. SUPPORT FOR WORKERS AFFECTED BY HURRICANE KATRINA AND HURRICANE RITA.

(a) Definitions.—In this section:

(1) Executive agency.—The term "executive agency" has the meaning given such term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

(2) Workers affected by hurricane katrina and hurricane rita.—The term "workers affected by Hurricane Katrina and Hurricane Rita" means workers who were residing in the area directly impacted by Hurricane Katrina and Hurricane Rita as of the date those hurricanes occurred.

(b) Employment Requirement.—

(1) Contracts.—Except as provided in subsection (c), the Director or the head of an executive agency may not enter into a contract to procure disaster recovery services in connection with Hurricane Katrina and Hurricane Rita reconstruction efforts unless such contract requires that workers affected by Hurricane Katrina and Hurricane Rita—

(A) comprise not less than 30 percent of the workforce employed by the contractor to perform such services; and

(B) comprise not less than 30 percent of the workforce employed by each subcontractor at each tier in connection with such contract.

(2) Grants.—Except as provided in subsection (c), the head of an executive agency may not award a grant of Federal funds to any recipient, for the purpose of providing disaster recovery services in connection with Hurricane Katrina and Hurricane Rita reconstruction efforts unless the terms of the grant require that such workers affected by Hurricane Katrina and Hurricane Rita—

(A) comprise not less than 30 percent of the workforce employed by that recipient to perform such services; and

(B) comprise not less than 30 percent of the workforce employed by any indirect recipient of such grant funds to perform such services.

(3) Exception for professional services.—The requirements under paragraphs (1) and (2) do not apply to the procurement of professional services.

(c) Exemptions for Exceptional Circumstances.—

(1) Authority.—The Director or the head of an executive agency may enter into a contract or award a grant that would otherwise be prohibited under subsection (b) due to the employment by an employer of a workforce that does not meet the workforce composition requirement under such subsection if the employer qualifies for and receives an exemption under paragraph (2).

(2) Procedures for granting exemptions.—

(A) In general.—Not later than 45 days after the date of the appointment of the Director, the Director shall establish procedures for providing exemptions for employers who despite making reasonable efforts to do so, are unable to comply with the workforce composition requirement under subsection (b) due to an emergency, or due to the lack of available and appropriately qualified workers who have been affected by Hurricane Katrina and Hurricane Rita.

(B) Exemptions before procedures established.—During the 45-day period referred to under subparagraph (A), the Director may exempt an employer as the Director determines necessary.

(d) Reports Required.—

(1) In general.—In the each report submitted under section 6, the Director shall include a report of the hiring of workers affected by Hurricane Katrina and Hurricane Rita.

(2) Content.—Each report submitted under paragraph (1) shall include, with respect to the preceding fiscal quarter, information on—

(A) the total number of workers affected by Hurricane Katrina and Hurricane Rita hired by contractors, subcontractors, or employers that provided disaster recovery services in connection with Hurricane Katrina and Hurricane Rita reconstruction efforts;

(B) the total number of individuals hired by contractors, subcontractors, or employers that provided disaster recovery services in connection with Hurricane Katrina and Hurricane Rita reconstruction efforts; and

(C)(i) whether the Director or head of the executive agency provided any exemptions under subsection (a)(2);

(ii) the total number of contractors, subcontractors, and employers provided such exemptions in each State, and the percentage they represent of all contractors, subcontractors, and employers providing services; and

(iii) the total number of workers employed under contracts or grants for which an exemption was granted and the percentage of such workers who were workers affected by Hurricane Katrina and Hurricane Rita.

(3) Source of information.—For purposes of preparing a report required under paragraph (1), the Director or the head of an executive agency shall require employers providing disaster recovery services in connection with Hurricane Katrina and Hurricane Rita reconstruction efforts to provide to the agency, under penalty of perjury, information relevant to such reports.

SEC. 6. REPORTS TO CONGRESS.

(a) In General.—Every 3 months, for each calendar quarter, the Director shall submit a report to Congress on the progress of the Gulf Coast Recovery and Disaster Preparedness Program, including—

(1) any findings regarding fraud, waste, and abuse of Federal funds, personnel, and assets; and

(2) the status of progress toward the rebuilding of the Gulf Coast region during the 3-month period preceding the date of submission of the report.

(b) First Report.—The first report under this section shall be submitted for the first full calendar quarter for which a Director has been appointed.

SEC. 7. GULF COAST REVITALIZATION AUTHORITY.

(a) Establishment.—There is established, within the Gulf Coast Agency, the Gulf Coast Revitalization Authority. The Authority shall have responsibility for the development of a comprehensive plan for rebuilding and improving the public infrastructure of the Gulf Coast region affected by Hurricane Katrina and Hurricane Rita.

(b) Purpose.—The purpose of the Authority is to develop a plan with substantial local participation to—

(1) rebuild and improve the public infrastructure of the Gulf Coast region affected by Hurricane Katrina and Hurricane Rita;

(2) determine how best to use available Federal resources; and

(3) coordinate State and local government and private sector initiatives with the Federal effort.

(c) Composition of the Authority.—The Authority shall consist of 19 members including—

(1) the Director, who shall serve as Chairperson of the Authority;

(2) the Governor of Louisiana;

(3) the Governor of Mississippi;

(4) the Governor of Alabama;

(5) the Governor of Texas;

(6) the Mayor of New Orleans, Louisiana;

(7) 3 members appointed by the President;

(8) 3 residents of communities within the area affected by Hurricane Katrina and Hurricane Rita appointed by the Governor of Louisiana—

(A) of whom 1 shall be a local elected official;

(B) of whom 1 shall be from a nonprofit organization; and

(C) of whom 1 shall be a leader in the private sector;

(9) 3 residents of the communities within the area affected by Hurricane Katrina and Hurricane Rita appointed by the Governor of Mississippi—

(A) of whom 1 shall be a local elected official;

(B) of whom 1 shall be from a nonprofit organization; and

(C) of whom 1 shall be a leader in the private sector;

(10) 1 resident of a community within the area affected by Hurricane Katrina and Hurricane Rita appointed by the Governor of Alabama;

(11) 1 resident of a community within the area affected by Hurricane Katrina and Hurricane Rita appointed by the Governor of Texas; and

(12) 2 residents of New Orleans, Louisiana, appointed by the Mayor of New Orleans, Louisiana.

(d) Representatives.—

(1) In general.—Each member of the Authority described under subsection (c) (2) through (6) may designate a representative to attend any meeting of the Authority in the absence of that member.

(2) Quorum and voting.—A representative designated under this subsection—

(A) shall count for purposes of a quorum; and

(B) may vote on any matter of the Authority.

(e) Appointments; Vacancies; Quorum.—

(1) Appointments.—All members of the Authority shall be appointed within 14 days after the date of enactment of this Act.

(2) Period of appointment; vacancies.—Members shall be appointed for the life of the Authority. Any vacancy in the Authority

shall not affect its powers, but shall be filled in the same manner as the original appointment.

(3) Quorum.—A majority of the members of the Authority shall constitute a quorum, but a lesser number of members may hold hearings.

(f) Personnel Matters for Authority Members.—

(1) Compensation of members.—

(A) In general.—Except as provided under subparagraph (B), each member of the Authority described under subsection (c)(7) through (12) shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Authority.

(B) Federal officers and employees.—All members of the Authority who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(2) Travel expenses.—The members of the Authority described under subsection (c) (7) through (12) shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Authority.

(g) Preparation of a Comprehensive Plan.—

(1) Preliminary plan.—Not later than 134 days after the date of enactment of this Act, the Authority shall approve a preliminary plan for rebuilding and improving the public infrastructure of the Gulf Coast region.

(2) Comprehensive plan.—Not later than 194 days after the date of enactment of this Act, the Authority shall approve a comprehensive plan for rebuilding and improving the public infrastructure of the Gulf Coast region.

(3) Extension.—For good cause shown, the Authority by majority vote may extend the time period for adoption of the comprehensive plan by not more than 60 days.

(h) Authority of Director Before Plans.—Nothing in this section shall be construed to limit the authority of the Director to approve priority projects and initiate programs which the Director determines are needed before the adoption of the preliminary and comprehensive plans.

(i) Approval of Plans.—Adoption of the plans shall require approval of a majority of the members of the Authority and approval by the Director. After each of the plans has been adopted, individual projects authorized by the Gulf Coast Agency shall be consistent with that plan.

(j) Governors Approval.—Nothing in this section shall affect the authority of a Governor to approve individual projects within the State of that Governor to the extent that the approval of the Governor is required by law.

(k) Implementation Modifications.—

(1) In general.—After the adoption of the comprehensive plan, the Authority—

(A) shall monitor implementation;

(B) develop more detailed advisory proposals consistent with the comprehensive plan; and

(C) consider and adopt such modifications to the comprehensive plan as may become necessary and appropriate.

(2) Modifications.—Modifications to the comprehensive plan shall be adopted in the same manner as the plan.

(l) Considerations.—In developing the plan, the Authority shall consider—

(1) the impact of public infrastructure on minimizing the impact of future hurricanes;

(2) the impact of public infrastructure on—

(A) improving the opportunities for economic development in the region; and

(B) enhancing public services available to residents;

(3) the preservation of the unique historical and cultural character of communities, maintaining traditional styles of architecture, neighborhood design, and community facilities wherever possible; and

(4) procedures to ensure that rebuilding and redevelopment is carried out in an efficient and cost-effective manner, including efforts to promote the involvement of the private sector and nonprofit organizations.

(m) Opportunity for Public Comment.—The Authority shall conduct public hearings in each of the affected States and shall endeavor to provide substantial opportunity for public input, including opportunity for public comment on the preliminary plan before the comprehensive plan is adopted.

(n) Authority Personnel.—

(1) In general.—To develop the comprehensive plan the Authority shall select and supervise consultants and employees as provided under paragraphs (2) and (3) who shall include planners, architects, engineers, and experts on information technology, the environment, and economic development.

(2) Procurement of temporary and intermittent services.—After consultation with the Authority, the Director shall procure temporary and intermittent services under section 3109(b) of title 5, United States Code, of the individuals selected by the Authority under paragraph (1) of this subsection. The rate of pay for any such individual may not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(3) Employees.—After consultation with the Authority, the Director shall employ individuals selected by the Authority under paragraph (1).

(4) Assistance.—To the extent practicable, the consultants and employees under this subsection shall provide local officials with technical assistance and consultation on local efforts.

(o) Detailees.—Any Federal employee may be detailed to the Authority with reimbursement, and such detail shall be without interruption or loss of civil service status or privilege. Federal agencies shall provide detailees to the Authority at the request of the Authority to the extent feasible.

(p) Use of Federal Agency Expertise.—The Authority shall consult with the heads of agencies, and other Federal officials as necessary in the preparation of the comprehensive plan, and the heads of those agencies shall consult with the Authority as requested. Federal agencies shall provide expertise to the Authority to the extent feasible.

(q) Areas Addressed by Comprehensive Plan.—The comprehensive plan shall address the following areas of redevelopment:

(1) Water Management:

(A) Design improvements and placement of water control facilities (including drainage channels, pumping facilities, levees and barriers).

(B) Design improvements and repair of water treatment and delivery systems and sewage collection and treatment facilities.

(2) Environmental Restoration:

(A) A long-term coastal restoration plan, including the restoration of coastal wetlands and barrier islands that are natural flood control systems to prevent erosion and flood damages.

(B) Land and water resource conservation.

(3) Transportation:

(A) Priorities and criteria for demolishing and rebuilding damaged bridges, roads and highways.

(B) Identification of appropriate placement of bridges, roads, and highways that takes into consideration daily traffic flow as well as future evacuation requirements and susceptibility to hurricane damage.

(C) Adequate public transportation facilities connected to regional transportation networks that takes into consideration daily transportation needs of residents and evacuation requirements for residents without personal vehicles.

(D) Airport reconstruction including runway layouts, and connections to public transit, roads and highways.

(E) Priorities and criteria for rebuilding freight rail and freight terminals.

(4) Ports:

(A) Design standards for rebuilding port facilities.

(B) A plan for working with private entities to rebuild port facilities including berths, storage facilities, navigation channels, and docks.

(C) Identification of the need for improved security technologies available for port security screening.

(5) Housing:

(A) Criteria for demolition of damaged housing, restoration of housing where advisable, and development of newly built housing.

(B) Design improvement standards for housing that can minimize damage from a future hurricane.

(C) A plan for working with private entities and nonprofit organizations to facilitate rebuilding an adequate supply of housing that is affordable to residents of all incomes displaced by Hurricane Katrina and Hurricane Rita.

(6) Schools:

(A) Priorities and criteria for rebuilding schools where advisable and construction of replacement schools where necessary.

(B) Design improvement standards for schools that need to be rebuilt that include, where advisable and cost effective, state of the art information technology infrastructure.

(7) Hospitals and Other Public Health Care Facilities:

(A) Design improvement standards for hospitals that will be rebuilt that includes state of the art information technology infrastructure.

(B) Design standards for health care facilities to withstand and continue operation during a future hurricane.

(8) Utility Infrastructure: A plan for working with private entities that serve the public to ensure utility coverage of redeveloped areas with telecommunication services, including broadband access, and energy and electricity generation and distribution.

(9) Employment and Training:

(A) A plan for the training of residents of the affected communities in job skills that will be required in the region.

(B) Priority for jobs for residents of the affected communities created by reconstruction programs funded by the Gulf Coast Agency to the extent practicable.

(10) Other Public Facilities:

(A) A plan for the rebuilding of public buildings and facilities, and for buildings and facilities of nonprofit organizations that serve a public function open to all residents within communities.

(B) A plan for the rebuilding of museums and other facilities operated by nonprofit organizations that are used to preserve and promote the historic, cultural, musical and artistic traditions of the affected areas.

(r) EXPEDITING THE REBUILDING PROCESS.—The Authority shall—

(1) consider whether it is necessary to waive or modify any Federal, State, or local law relating to the environment, land use, or the permitting of construction projects in order to expedite reconstruction within the Gulf Coast region; and

(2) make appropriate recommendations in the comprehensive plan relating to the waiver or modification of such laws.

(s) PLANNING PRINCIPLES.—In developing and implementing the comprehensive plan, the Authority and the Gulf Coast Agency shall take into consideration the following planning principles:

(1) Provide substantial opportunities for area residents to participate in the planning process.

(2) All public structures should be designed to withstand a category 5 hurricane.

(3) Preserve the unique historical, cultural, and architectural character of communities to the maximum extent possible.

(4) Infrastructure should be developed to minimize the impact of future hurricanes.

(5) Infrastructure should be developed to improve economic opportunity for the region and its residents.

(6) Transportation infrastructure should be designed and built with future evacuation needs in mind.

(7) Establish systems to maintain infrastructure over time and accommodate growth in the region.

(8) Promote access to housing, transportation, jobs and schools to residents of all incomes that accommodates economic and social integration.

(9) Promote energy efficient design.

(10) Promote transit oriented development in metropolitan areas.

(11) Promote innovations in public-private partnerships.

(12) Promote efficient and cost-effective rebuilding efforts.

(13) Promote involvement of the private sector and nonprofit organizations to broaden participation and help control costs to the Federal Government.

(t) COLLABORATION WITH LOCAL GOVERNMENT, NONPROFIT ORGANIZATIONS, AND PRIVATE ENTITIES.—

(1) IN GENERAL.—Throughout the process of developing a comprehensive plan, the Authority and the planning staff of the Authority shall work with local government officials, nonprofit organizations and private entities with a stake in the redevelopment of the region.

(2) INDIVIDUALS AND ENTITIES.—Individuals and entities shall include—

(A) State and local government officials;

(B) community based nonprofit organizations;

(C) chambers of commerce and business community leaders;

(D) school superintendents, parent and teacher associations;

(E) environmental groups;

(F) real estate and construction industries, both nonprofit organizations and for-profit entities;

(G) social service providers;

(H) emergency relief and disaster planning nonprofit organizations;

(I) labor organizations;

(J) utility companies;

(K) hospital administrators and practitioners; and

(L) insurance companies.

(u) NONAPPLICABILITY OF CERTAIN PROVISIONS.—The Authority shall not be construed to be an agency for purposes of chapter 5 of title 5, United States Code, and such chapter shall not be construed to apply to the Gulf Coast Agency with respect to the Authority. The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Authority.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as necessary to carry out this Act.

SEC. 9. TERMINATION OF OFFICE.

(a) IN GENERAL.—The Office and position of Director shall terminate 3 years after the date of enactment of this Act.

(b) EXTENSION OF TERMINATION.—

(1) IN GENERAL.—The President may extend the date of termination under subsection (a) in accordance with this subsection.

(2) CONDITIONS OF EXTENSION.—Any extension of termination under this subsection—

(A) shall not be effective for any period occurring 6 years after the date of enactment of this Act;

(B) may not apply retroactively if the Office and the position of Director have already terminated under this section;

(C) shall not be effective unless 6 months before the date on which a termination would occur the President submits a notice to Congress of a determination to extend the termination and setting forth the length of the extension; and

(D) subject to subparagraph (A), may be made only for a 1-year period, 2-year period, or 3-year period.

Mr. KENNEDY. Mr. President, when I last spoke on the Senate floor about Hurricane Katrina, I spoke of my visit to the region—to Louisiana and Mississippi—where I witnessed first hand the devastation to these communities. Entire blocks were left bare to their foundations where families once lived. Schools and hospitals were destroyed. Power lines were draped over fallen trees and there was water everywhere. Roads were washed out and bridges were destroyed. Much of the great city of New Orleans was under water. It was beyond what any of us could have imagined.

Seeing the Gulf Coast in such a state has deeply touched me and my family in deeply personal ways. My wife Vicki and her strong and wonderful family are from Louisiana. She went to school in Louisiana, attending Tulane University, and considers New Orleans her second home.

It has now been more than a month since Hurricane Katrina first hit the Gulf Coast. Hurricane Rita wreaked further havoc on the region. And although the emergency phase of the response may be over, we now face the extraordinary challenge of rebuilding this region and restoring people's lives.

Relief workers and agencies have been working tirelessly to clear debris, and connect evacuees to services and temporary housing. Just this week, New Orleans has finally been drained of all water left standing in the city. Health workers are working to address the public health challenges and the ongoing health needs of the evacuees. And States across the country continue to work with evacuees in their area to help them with housing, jobs and services.

Relief and recovery efforts have revealed that we have our work cut out for us. Thousands of homes were destroyed and more have water marks to the ceilings, mold and severe structural damage are everywhere. Entire schools and hospitals must be rebuilt. Roads and bridges that were washed out must be replaced. Museums with artifacts of the rich cultural tradition of the region have been damaged. Much of what has made these cities and towns vibrant has been destroyed and kept residents away from their beloved communities.

We need to make these communities whole again. We need to make them stronger and healthier. We need to build the roads and bridges that will bring the many evacuees home to quality, permanent homes, and get their children back to their schools.

We must rebuild the region thoughtfully and swiftly. We owe it to the residents of the region who want to come home. And we owe it to the thousands of relief workers, charities, and businesses that have come together to make the region and its residents safe and secure.

It is up to us in Congress to ensure that the region is equipped to rebuild. The residents of the Gulf Coast and New Orleans take pride in their cities and towns and they want to lead the way in reviving their own communities. But they desperately need our help. That is why today, Senator GREGG and I are introducing the Gulf Coast Recovery and Disaster Preparedness Act.

We need a response that is as good and generous as the American people but our existing disaster relief structures are not equipped for this monumental task.

The primary focus of our Department of Homeland Security is to protect the Nation from terrorism, and it is imperative for that work to go on unimpeded. And FEMA is primarily a rapid response agency whose first responsibility is to provide relief in the immediate aftermath of a disaster.

Given the enormity of the number of people displaced by Hurricanes Katrina and Rita, the rebuilding will be an all-consuming task. And if it is to take place as rapidly as possible, it requires the creation of a new Federal entity to be an effective partner in that effort.

Our bill creates a Gulf Coast Recovery and Disaster Preparedness Agency to aid in the work of rebuilding the region. The enormous Federal investment that will be needed to revitalize the region would be channeled through this agency. Estimates of the cost of rebuilding the region are as high as $200 billion. We need someone who will be responsible for the coordinated deployment of these dollars.

The agency will be headed by a Director, an eminent, nonpartisan person with demonstrated leadership in large organizations. It will take strong leadership that has the attention of the President to coordinate redevelopment efforts and cut through the redtape to ensure that Federal funds are deployed swiftly, efficiently and effectively.

Under our bill, the President appoints the Director with the advice and consent of the Senate. The Director will have overall control of Federal funding, personnel, and assets used for rebuilding the region.

The Director of the Gulf Coast Recovery and Disaster Preparedness Agency will work with an Authority, composed primarily of residents from the affected area, that will develop a comprehensive plan for rebuilding the region.

Governors, mayors, community leaders, business and non-profit leaders, citizens and the Federal Government will be able to sit around the same table to develop a common blueprint for reconstructing their communities and their lives.

While only the Federal Government possesses the necessary resources to rebuild the devastated areas, it is essential that State and local officials who know the area best be full partners. Local residents must share the decisionmaking authority. Creating this Authority to develop a comprehensive plan for redevelopment will guarantee that local concerns are taken seriously.

How to rebuild should not be determined by the biggest, most powerful contractors. We need to work from a shared vision for the future in which we all do our part in rebuilding the new Gulf Coast.

The rebuilding process does not merely involve reproducing in place the structures that existed prior to the hurricane and the flooding, although that alone would be an enormous task. It involves planning for the future of the affected communities.

To develop this plan, the Authority will involve the best flood control engineers, the best community and urban development specialists, planners, and experts to address rebuilding or restoring water management facilities, environmental restoration, transportation, ports, housing, schools, hospitals, utility infrastructure, other public facilities, and employment and training.

And, while we need to build water control systems and structures that will be able to withstand giant hurricanes and floods in the future, it is not just about the bricks and mortar. It is about promoting economic development and improving the quality of life for the residents of the region; it is about preserving the unique historical, cultural and architectural character of communities; and restoring the ecological resources of the region. It is about promoting access to housing, transportation, jobs and schools to residents of all incomes.

We have a chance to build the Gulf economy of the future—and in doing so improve the entire Nation's economic destiny. We have a chance to build a new economy that works for everyone—with diverse housing and more job opportunities.

We cannot wait any longer. The people of Louisiana, the people of Mississippi, Alabama and now Texas, and the many States who have taken in evacuees, cannot wait any longer. We need to act and appoint an executive who will lead recovery and redevelopment efforts and really listen to what the residents of the Gulf Coast, its community leaders, business leaders and elected officials really need.

All of those who visited the region and those who have seen images of the devastation on TV recognize that rebuilding the Gulf Coast requires an unprecedented national effort. It must be a principal focus of our national government in the months ahead and it must be done in a genuine collaboration with the people of the affected region.

I want to commend my colleague Senator GREGG who has worked very hard to ensure that we come up with a sensible way of addressing the enormous challenge of rebuilding that lies ahead.

We believe that a Gulf Coast Recovery and Disaster Preparedness Director and a Gulf Coast Revitalization Authority is the best way to combine the Federal resources and coordination with real local involvement in the decisionmaking process.

By Ms. COLLINS (for herself and Mr. WARNER):

S. 1866. A bill to establish an Under Secretary for Policy in the Department of Homeland Security, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Ms. COLLINS. Mr. President, I rise today, on behalf of myself and Senators WARNER and COBURN, to introduce a bill establishing an Under Secretary for Policy within the Department of Homeland Security. This legislation would meet a critical need of the Department: an official at the highest level of the Department to develop coherent strategies and provide comprehensive policy guidance for responding to the full range of threats to our homeland.

This past spring, soon after being confirmed as the second Secretary of Homeland Security, Secretary Chertoff conducted a top-to-bottom review of the Department. As Secretary Chertoff said at the launch of this "Second Stage Review," the Congress created the Department of Homeland Security "to do more than simply erect a big tent under which a lot of different organizations would be collected." Instead, the purpose of the Department is to integrate the capabilities and achieve unity of effort among a wide range of agencies and entities that are involved in protecting our homeland.

In July, Secretary Chertoff announced the results of the "Second Stage Review" and proposed several organizational changes aimed at further integrating the Department's many components. Chief among these proposed changes was the creation of a Senate-confirmed Under Secretary with responsibility for policy development across the Department.

Thus, in keeping with Secretary Chertoff's proposal, this legislation would create an Under Secretary for Policy who is appointed by the President with the advice and consent of the Senate. This Under Secretary would serve as the Secretary's principal policy advisor and enable the Department to develop comprehensive policies and strategies—across all of the Departments' components—to meet homeland security challenge. The Under Secretary's responsibilities would cover four key areas: policy development, strategic planning, international affairs, and private sector outreach. The policy development and strategic planning functions are new, while the international affairs and private sector outreach functions are transferred from other parts of the Department in order to consolidate the full range of policy-level functions under this Under Secretary.

We need no better reason to take up this bill than the tragic events of a month ago. Hurricane Katrina was a natural disaster, but the devastation, suffering, and deprivation left in the wake of this powerful storm were compounded by the failure of all levels of government—local, State, and Federal—to prepare and respond in a unified, integrated way. Moreover, the capabilities needed to have dealt with Hurricane Katrina are in many instances the same capabilities that are needed to protect America from terrorism.

The governmental failures highlighted by Hurricane Katrina are evidence of the need for greater integration and unity of effort within the Department. At the heart of this integration, the Department needs a stronger emphasis on policy development and strategic planning to meet the full range of threats to our homeland. Creating an Under Secretary for Policy is a critical step for ensuring that our government has a truly capable Department of Homeland Security.

I ask unanimous consent that the text of the bill establishing an Under Secretary for Policy within the Department of Homeland Security be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1866

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. UNDER SECRETARY FOR POLICY.

(a) SHORT TITLE.—This Act may be cited as the "Homeland Security Policy Act of 2005".

(b) IN GENERAL.—The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended—

(1) by redesignating title VI and section 601 as title XVIII and section 1801, respectively, and transferring that title to the end of the Homeland Security Act of 2002; and

(2) by inserting after title V, the following:

"TITLE VI—UNDER SECRETARY FOR POLICY

"SEC. 601. UNDER SECRETARY FOR POLICY.

"(a) IN GENERAL.—There shall be in the Department an Under Secretary for Policy, who shall be appointed by the President, by and with the advice and consent of the Senate.

"(b) RESPONSIBILITIES.—Subject to the direction, authority, and control of the Secretary, the responsibilities of the Under Secretary for Policy shall be as follows:

"(1) POLICY.—

"(A) To serve as the principal policy advisor to the Secretary.

"(B) To provide overall direction and supervision for policy development to programs, offices, and activities of the Department.

"(C) To establish and direct a formal policymaking process for the Department.

"(D) To analyze, evaluate, and review completed, ongoing, and proposed programs, to ensure they are compatible with the Secretary's priorities, strategic plans, and policies.

"(2) STRATEGIC PLANNING.—

"(A) To conduct long-range, strategic planning for the Department.

"(B) To prepare national and Department strategies, as appropriate.

"(C) To conduct net assessments of issues facing the Department.

"(D) To conduct reviews of the Department to ensure the implementation of this paragraph.

"(3) INTERNATIONAL RESPONSIBILITIES.—

"(A) To promote informational and educational exchange with nations friendly to the United States in order to promote sharing of best practices and technologies relating to homeland security, including—

"(i) the exchange of information on research and development on homeland security technologies;

"(ii) joint training exercises of first responders; and

"(iii) exchanging expertise and information on terrorism prevention, response, and crisis management.

"(B) To identify areas for homeland security informational and training exchange where the United States has a demonstrated weakness and another friendly nation or nations have a demonstrated expertise.

"(C) To plan and undertake international conferences, exchange programs (including the exchange of scientists, engineers, and other experts), and other training activities.

"(D) To manage international activities within the Department in coordination with other Federal officials with responsibility for counterterrorism matters.

"(4) PRIVATE SECTOR.—

"(A) To create and foster strategic communications with the private sector to enhance the primary mission of the Department to protect the American homeland.

"(B) To advise the Secretary on the impact of the policies, regulations, processes, and actions of the Department on the private sector.

"(C) To interface with other relevant Federal agencies with homeland security missions to assess the impact of the actions of such agencies on the private sector.

"(D) To create and manage private sector advisory councils composed of representatives of industries and associations designated by the Secretary—

"(i) to advise the Secretary on private sector products, applications, and solutions as they relate to homeland security challenges; and

"(ii) to advise the Secretary on homeland security policies, regulations, processes, and actions that affect the participating industries and associations.

"(E) To work with Federal laboratories, federally funded research and development centers, other federally funded organizations, academia, and the private sector to develop innovative approaches to address homeland security challenges to produce and deploy the best available technologies for homeland security missions.

"(F) To promote existing public-private partnerships and develop new public-private partnerships to provide for collaboration and mutual support to address homeland security challenges.

"(G) To assist in the development and promotion of private sector best practices to secure critical infrastructure.

"(H) To coordinate industry efforts, with respect to functions of the Department, to identify private sector resources and capabilities that could be effective in supplementing Federal, State, and local government agency efforts to prevent or respond to a terrorist attack.

"(I) To coordinate among Department operating entities and with the Assistant Secretary for Trade Development of the Department of Commerce on issues related to the travel and tourism industries.".

(c) TECHNICAL AND CONFORMING AMENDMENTS.—The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended—

(1) in section 103—

(A) by redesignating paragraphs (6) through (10) as paragraphs (7) through (11), respectively; and

(B) by inserting after paragraph (5) the following:

"(6) An Under Secretary for Policy.";

(2) by striking section 879;

(3) by redesignating sections 880 through 890 as sections 879 through 889, respectively; and

(4) in the table of contents—

(A) by redesignating the items relating to title VI and section 601 as relating to title XVIII and section 1801, respectively, and transferring the items relating to that title and section to the end of the table of contents;

(B) by inserting before the item relating to title VII the following:

"TITLE VI—UNDER SECRETARY FOR POLICY

"Sec. 601. Under Secretary for Policy.";

(C) by striking the item relating to section 879; and

(D) by redesignating the items relating to sections 880 through 890 as relating to sections 879 through 889, respectively.

By Mr. FEINGOLD:

S. 1867. A bill to extend to individuals evacuated from their residences as a result of Hurricane Katrina the right to use the absentee balloting and registration procedures available to military and overseas voters under the Uniformed and Overseas Citizens Absentee Voting Act, and for other purposes; to the Committee on Rules and Administration.

Mr. FEINGOLD. Mr. President, today I will introduce the Displaced Citizens Voter Protection Act. This bill is a companion measure to legislation introduced in the House by my friend Representative ARTUR DAVIS of Alabama. He has been a real advocate for victims of Hurricane Katrina, and I greatly appreciate his leadership on this issue.

We are continuing to learn more about and to grapple with the myriad ways that the Hurricane Katrina disaster has affected the lives of residents of the Gulf Coast. Hundreds of thousands of people fled their homes, and are temporarily displaced. Most of these people hope to eventually return to the communities from which they were driven, and have every intention of rebuilding their lives there. As the communities in Louisiana, Alabama, and Mississippi begin to rebuild, it is crucial that those who wish to return are able to take part in the government decisions that will have an impact on their communities and their lives. They must be able to elect the Federal leaders who will shape this recovery process.

The legislation that I will introduce today will make sure that victims of Hurricane Katrina who are temporarily displaced, and who intend to return to their home States, continue to be eligible to vote in their States, and that the government takes steps to inform them of their rights in this area. It would extend the same voting protections currently available to members of the military and overseas voters to those who are displaced temporarily by Katrina. Individuals who are qualified to vote in their original place of residence, and who intend to return to that place in the near future, will be able to vote by absentee ballot for Federal elections held through 2008. Voters who intend to return to their original place of residence would be able to use the forms available online that are currently used by members of the military and other citizens who are overseas to request absentee ballots from their home State. Voters requesting an absentee ballot would be required to include an affidavit certifying that they intend to return to their home State in the near future with their ballot. The bill also directs motor vehicle authorities and voter registration agencies to take steps to notify the public that this absentee ballot option is available for Katrina victims.

This legislation does not mandate where people should vote, nor does it place additional burdens on State election officials. It simply puts a mechanism in place to make sure that these voters do not lose their right to vote in elections simply because they are temporarily displaced.

The challenges that we face in the wake of Katrina are many, and unfortunately there is some disagreement in Congress about how best to help those affected by this tragedy. This is different. This bill is a straightforward, simple, and direct response that will help keep the electoral process accessible for victims of Hurricane Katrina. I urge my colleagues to support this bill.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1867

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Displaced Citizens Voter Protection Act of 2005".

SEC. 2. APPLICABILITY OF PROTECTIONS FOR ABSENT MILITARY AND OVERSEAS VOTERS TO KATRINA EVACUEES.

(a) RIGHT OF KATRINA EVACUEES TO USE ABSENTEE BALLOTING AND REGISTRATION PROCEDURES AVAILABLE TO MILITARY AND OVERSEAS VOTERS.—In the case of any individual who is an eligible Hurricane Katrina evacuee—

(1) the individual shall be treated in the same manner as an absent uniformed services voter and overseas voter for purposes of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.), other than section 103(b)(1) (42 U.S.C. 1973ff-2(b)(1)); and

(2) the individual shall be deemed to be an individual who is entitled to vote by absentee ballot for purposes of the National Voter Registration Act of 1993 and the Help America Vote Act of 2002.

(b) DEFINITION.—For purposes of this section, the term "eligible Hurricane Katrina evacuee" means an individual—

(1) who certifies to the appropriate State election official that the individual is absent from the place of residence where the individual is otherwise qualified to vote as a result of evacuation from an area affected by Hurricane Katrina; and

(2) who provides the official with an affidavit stating that the individual intends to return to such place of residence after the election or elections involved.

(c) EFFECTIVE DATE.—This section shall apply with respect to elections for Federal office held in calendar years 2006 through 2008.

SEC. 3. REQUIRING DESIGNATED VOTER REGISTRATION AGENCIES TO NOTIFY DISPLACED INDIVIDUALS OF AVAILABILITY OF PROTECTIONS.

Each motor vehicle authority in a State and each voter registration agency designated in a State under section 7(a) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-5(a)) shall take such steps as may be necessary to notify individuals to whom services are provided of the protections provided by section 2 and of the requirements for obtaining those protections, including the requirement to submit an affidavit stating that the individual intends to return to the place of residence where the individual is otherwise qualified to vote.

By Mr. SANTORUM:

S. 1868. A bill to ensure gasoline affordability and security; to the Committee on Finance.

Mr. SANTORUM. Mr. President, I rise today to introduce the Gasoline Affordability and Security, GAS, Act. With the average price of gasoline at $2.86 a gallon in Pennsylvania and the national average even higher, conditions are ripe for Congress to critically examine why prices are rising and act to address those factors we can control. While we have little influence over OPEC, events in oil-exporting countries or growing demand in other nations, we can take steps to expand our shrunken refining capacity, diversify our transportation fuel supply and reduce demand.

Though critical for our Nation's energy security, the benefits of many Federal policies will take some time to realize. For this reason, my bill combines consumer protection provisions with proposals incentivizing innovative technology and conservation.

Consumers are understandably concerned that they are being taken advantage of at the pump. My bill will protect consumers by distinguishing retailers engaging in predatory business activities from those simply responding to market conditions beyond their control. Under my proposal, the Federal Trade Commission, FTC, is directed to define "price gouging" and set rules that they will have the authority to enforce. This provision would be effective in times of a declared energy emergency and would not be limited to a specific geographic area in which a major disaster occurs. My constituents can vigorously attest to the fact that the effects of a natural disaster on gasoline prices are not confined to that region. The damage caused by Hurricanes Katrina and Rita has affected consumers' pocketbooks nationwide.

And to better inform consumers, the FTC will be required to make available a list disclosing the name of any entity penalized under the Federal price gouging prohibition.

Twenty-eight States currently have price gouging laws on the books. In an effort to further assist States to tackle this issue, the GAS Act also directs the FTC to create a task force that will aid any state requesting assistance with the investigation of potential price gouging and provide technical assistance in reviewing or establishing state price gouging laws.

High prices are often not the result of price gouging, and consumers have a right to know what they're paying for in a gallon of gasoline. This information is available through the Energy Information Association, EIA. But because many Americans do not have Internet access or may not be able to easily extract this data, my bill encourages the EIA to disseminate, in a manner suitable for posting, information regarding the cost components of a gallon of gasoline to individuals selling gas or diesel fuel. Retailers may then display this information for their customers.

One important strategy to combat rising fuel prices is to diversify our fuel supply. This can be accomplished through use of coal, a resource plentiful in my State of Pennsylvania and in other regions of the country. Coal-to-liquid fuel technology now enables us to use this resource in an environmentally friendly way that can greatly benefit our economy and create hundreds of jobs in Pennsylvania alone. I am proud to be a longtime supporter of this technology and other clean coal initiatives. In 2001, I was able to secure language to enable a Pennsylvania-based coal and energy company to compete for a Clean Coal Power Initiative, CCPI, grant, and I was pleased to secure a provision in the Energy bill earlier this year that helped make this project a reality. My legislation will further encourage the production of this clean fuel by dedicating funds from the CCPI to at least one additional project.

Another way all Americans can help reduce fuel prices is to reduce gasoline consumption. But the reality is that cutting back on gas, which we need to perform responsibilities as basic as going to work and getting to the grocery store, is not easy. To help encourage conservation, I am proposing a tax credit for employees who telecommute from home and for employers who make that possible. With today's advanced technology, telework should be a part of the 21st century workplace. Forty percent of our Nation's jobs are already compatible with telecommuting. It creates the best of all worlds for both employers and employees, while reducing gas consumption and emissions.

President Bush recently called on Federal agencies to cut back on unnecessary travel and look for other ways to conserve fuel. The legislative branch should make a concerted effort to do the same. We cannot expect the American people to make sacrifices that we ourselves are not willing to make. Accordingly, my bill includes language to urge Congress and legislative branch employees to conserve transportation fuel by whatever means practicable, and as a part of these efforts, promote teleworking.

It is my hope that Congress will take a hard look at this country's fuel supply and will act decisively to make us less reliant on foreign sources. This Act contains steps we can take now to protect consumers and conserve fuel, while moving towards our goal of lower prices and energy independence.

I ask unanimous consent that the text of legislation titled: the "Gasoline Affordability and Security Act" be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1868

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Gasoline Affordability and Security Act" or the "GAS Act".

TITLE I—CONSUMER PROTECTION

SEC. 101. PROHIBITION ON GASOLINE PRICE GOUGING.

(a) UNLAWFUL CONDUCT.—During the 30-day period beginning on the date on which the President determines the existence of conditions warranting the drawdown and sale of petroleum products from the Strategic Petroleum Reserve under subsection (d) or (h) of section 161 of the Energy Policy and Conservation Act (42 U.S.C. 6241), it shall be an unfair or deceptive act or practice in violation of section 5(a)(1) of the Federal Trade Commission Act (15 U.S.C. 45(a)(1)) for any person to sell gasoline or diesel fuel at a price which constitutes price gouging as defined by rule pursuant to subsection (b).

(b) ENFORCEMENT.—A violation of subsection (a) shall be treated as a violation of a rule defining an unfair or deceptive act or practice prescribed under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)) and shall be enforced by the Federal Trade Commission in accordance with all applicable terms and provisions of the Federal Trade Commission Act.

(c) PENALTIES.—Any person who violates subsection (a), or the rules promulgated pursuant to this section, shall be subject to a civil penalty in an amount not to exceed $11,000 per day in which a violation occurs.

(d) RULEMAKING.—Not later than 90 days after the date of enactment of this Act, the Federal Trade Commission shall promulgate rules, in accordance with section 5(n) of the Federal Trade Commission Act (15 U.S.C. 45(n)), that—

(1) define "price gouging" for purposes of this section; and

(2) carry out this section.

SEC. 102. COMPETITIVE PRICING TASK FORCE.

(a) ESTABLISHMENT.—Not later than 30 days after the date of enactment of this Act, the Federal Trade Commission shall establish a Competitive Pricing Task Force (referred to in this section as the "Task Force".

(b) DUTIES.—The Task Force shall provide each State attorney general who requests assistance from the Task Force—

(1) with assistance in the investigation of alleged price gouging affecting the consumers of the State; and

(2) such additional technical assistance as may be necessary in studying and drafting State laws to prohibit price gouging.

(c) DURATION.—The Task Force shall carry out the duties described in subsection (b) during the 2-year period beginning on the date on which the Task Force is established under subsection (a).

SEC. 103. CONSUMER INFORMATION.

(a) LIST.—The Federal Trade Commission shall publish a list on its Web site containing the names of all persons penalized under section 101.

(b) INFORMATION ABOUT GASOLINE PRICES.—The Energy Information Administration of the Department of Energy shall disseminate to all persons selling gasoline or diesel fuel to retail consumers, in a manner suitable for posting, information contained in the table on the Administration's Web site entitled, "WHAT WE PAY FOR IN A GALLON OF REGULAR GASOLINE", to inform such consumers of the factors contributing to the price of gasoline.

SEC. 104. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this title.

TITLE II—INCREASING SUPPLY

SEC. 201. FUEL DIVERSIFICATION.

Section 402 of the Energy Policy Act of 2005 (42 U.S.C. 15962) is amended—

(1) in subsection (b)(1)(A)—

(A) in clause (iv), by striking "and" at the end;

(B) by redesignating clause (v) as clause (vi); and

(C) by inserting after clause (iv) the following:

"(v) a Fischer-Tropsch technology project to produce ultra-low sulfur liquid transportation fuel; and"; and

(2) by adding at the end the following:

"(j) ENERGY POLICY PRIORITY.—

"(1) ESTABLISHMENT.—Not later than 90 days after the date on which the Secretary provides funds for a Fischer-Tropsch technology project to produce ultra-low sulfur liquid transportation fuel under subsection (b)(1)(A)(v), the Secretary shall establish as an energy policy priority the expedited, large-scale commercialization of that technology to promote the supply of affordable, clean, domestic gasoline and diesel fuel.

"(2) SUBSEQUENT PROJECTS.—

"(A) IN GENERAL.—In accordance with the energy policy priority established under paragraph (1), the Secretary shall provide funds for a subsequent Fischer-Tropsch technology project to produce ultra-low sulfur liquid transportation fuel as soon as practicable after the date on which the priority is established.

"(B) CRITERIA FOR SELECTION.—In carrying out subparagraph (A), the Secretary shall select the private sector recipient that is the most capable of designing and constructing a Fischer-Tropsch technology project with an output of not less than 50,000 barrels per day of ultra-low sulfur transportation fuel, as determined by the Secretary.".

SEC. 202. FUEL TREATMENT.

Not later than 60 days after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall conduct an expedited review of any fuel additive an application for verification for which has been filed in accordance with the voluntary diesel retrofit program.

TITLE III—DECREASING DEMAND

SEC. 301. CREDIT FOR TELEWORKING.

(a) IN GENERAL.—Subpart B of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to foreign tax credit, etc.) is amended by adding at the end the following new section:

"SEC. 30D. TELEWORKING CREDIT.

"(a) ALLOWANCE OF CREDIT.—In the case of an eligible taxpayer, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the qualified teleworking expenses paid or incurred by the taxpayer during such year.

"(b) MAXIMUM CREDIT.—

"(1) PER TELEWORKER LIMITATION.—The credit allowed by subsection (a) for a taxable year with respect to qualified teleworking expenses paid or incurred by or on behalf of an individual teleworker shall not exceed—

"(A) in the case of an eligible taxpayer described in subsection (c)(1)(A), $1,000, and

"(B) in the case of an eligible taxpayer described in subsection (c)(1)(B), $2,000.

"(2) REDUCTION FOR TELEWORKING LESS THAN FULL YEAR.—In the case of an individual who is in a teleworking arrangement for less than a full taxable year, the dollar amount referred to subparagraph (A) or (B) of paragraph (1) shall be reduced by an amount which bears the same ratio to such dollar amount as the number of months in which such individual is not in a teleworking arrangement bears to 12. For purposes of the preceding sentence, an individual shall be treated as being in a teleworking arrangement for a month if the individual is subject to such arrangement for any day of such month.

"(c) DEFINITIONS.—For purposes of this section—

"(1) ELIGIBLE TAXPAYER.—The term 'eligible taxpayer' means—

"(A) in the case of an individual, an individual who performs services for an employer under a teleworking arrangement, and

"(B) in the case of an employer, an employer for whom employees perform services under a teleworking arrangement.

"(2) TELEWORKING ARRANGEMENT.—The term 'teleworking arrangement' means an arrangement under which an employee teleworks for an employer not less than 75 days per year.

"(3) QUALIFIED TELEWORKING EXPENSES.—The term 'qualified teleworking expenses' means expenses paid or incurred under a teleworking arrangement for furnishings and electronic information equipment which are used to enable an individual to telework.

"(4) TELEWORK.—The term 'telework' means to perform work functions, using electronic information and communication technologies, thereby reducing or eliminating the physical commute to and from the traditional work site.

"(d) LIMITATION BASED ON AMOUNT OF TAX.—

"(1) LIABILITY FOR TAX.—The credit allowable under subsection (a) for any taxable year shall not exceed the excess (if any) of—

"(A) the regular tax for the taxable year, reduced by the sum of the credits allowable under subpart A and the preceding sections of this subpart, over

"(B) the tentative minimum tax for the taxable year.

"(2) CARRYFORWARD OF UNUSED CREDIT.—If the amount of the credit allowable under subsection (a) for any taxable year exceeds the limitation under paragraph (1) for the taxable year, the excess shall be carried to the succeeding taxable year and added to the amount allowable as a credit under subsection (a) for such succeeding taxable year.

"(e) SPECIAL RULES.—

"(1) BASIS REDUCTION.—The basis of any property for which a credit is allowable under subsection (a) shall be reduced by the amount of such credit (determined without regard to subsection (d)).

"(2) RECAPTURE.—The Secretary shall, by regulations, provide for recapturing the benefit of any credit allowable under subsection (a) with respect to any property which ceases to be property eligible for such credit.

"(3) PROPERTY USED OUTSIDE UNITED STATES NOT QUALIFIED.—No credit shall be allowed under subsection (a) with respect to any property referred to in section 50(b)(1) or with respect to the portion of the cost of any property taken into account under section 179.

"(4) Election to not take credit.—No credit shall be allowed under subsection (a) for any expense if the taxpayer elects to not have this section apply with respect to such expense.

"(5) Denial of double benefit.—No deduction or credit (other than under this section) shall be allowed under this chapter with respect to any expense which is taken into account in determining the credit under this section.".

(b) Conforming Amendments.—

(1) Subsection (a) of section 1016 of the Internal Revenue Code of 1986 is amended by striking "and" at the end of paragraph (36), by striking the period at the end of paragraph (37) and inserting ", and", and by adding at the end the following new paragraph:

"(38) to the extent provided in section 30D(e)(1), in the case of amounts with respect to which a credit has been allowed under section 30D.".

(2) Section 55(c)(3) of such Code is amended by inserting "30D(d)," after "30(b)(3),".

(3) Section 6501(m) of such Code is amended by inserting "30D(e)(4)," after "30C(e)(5),".

(c) Clerical Amendment.—The table of sections for subpart B of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

"Sec. 30D. Teleworking credit.".

(d) Effective Date.—The amendments made by this section shall apply to amounts paid or incurred after the date of the enactment of this Act, in taxable years ending after such date.

SEC. 302. EMPLOYER-PROVIDED COMPUTER EQUIPMENT TREATED AS FRINGE BENEFIT.

(a) In General.—Subsection (a) of section 132 of the Internal Revenue Code of 1986 is amended by striking "or" at the end of paragraph (7), by striking the period at the end of paragraph (8) and inserting ", or", and by adding at the end the following new paragraph:

"(9) qualified employer-provided computer equipment fringe.".

(b) Qualified Employer-Provided Computer Equipment Fringe.—Section 132 of such Code is amended by redesignating subsection (o) as subsection (p) and by inserting after subsection (n) the following new subsection:

"(o) Qualified Employer-Provided Computer Equipment Fringe.—For purposes of this section—

"(1) In general.—The term 'qualified employer-provided computer equipment fringe' means any computer and related equipment and services provided to an employee by an employer if—

"(A) such computer and related equipment and services are necessary for the employee to perform work for the employer from the employee's home, and

"(B) the employee makes substantial business use of the equipment in the performance of work for the employer.

"(2) Substantial use.—For purposes of paragraph (1), the term 'substantial business use' includes standby use for periods when work from home may be required by the employer such as during work closures caused by the threat of terrorism, inclement weather, or natural disasters.".

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2005.

SEC. 303. SENSE OF CONGRESS.

It is the sense of Congress that Congress and the employees of the legislative branch of the Federal Government should—

(1) conserve gasoline, aviation, and diesel fuel by whatever means practicable; and

(2) as a part of such conservation efforts, promote teleworking.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 271—DESIGNATING THE WEEK BEGINNING OCTOBER 16, 2005, AS "NATIONAL CHARACTER COUNTS WEEK"

Mr. DOMENICI (for himself, Mr. Dodd, Mr. Stevens, Mr. Akaka, Mr. Warner, Ms. Landrieu, Mr. DeWine, Mr. Lieberman, Mr. Voinovich, Mr. Johnson, Mr. Enzi, Mr. Kerry, Mr. Cochran, Mr. Levin, Mr. Lott, Mr. Biden, Mr. Allen, Ms. Stabenow, Mr. Inhofe, Mr. Durbin, Mr. Ensign, Mr. Rockefeller, Mr. Cornyn, Mr. Burns, Ms. Murkowski, Mr. Alexander, Mr. Talent, Mrs. Dole, Mr. Craig, and Mr. Martinez) submitted the following resolution; which was considered and agreed to:

S. Res. 271

Whereas the well-being of the Nation requires that the young people of the United States become an involved, caring citizenry with good character;

Whereas the character education of children has become more urgent as violence by and against youth increasingly threatens the physical and psychological well-being of the people of the United States;

Whereas more than ever, children need strong and constructive guidance from their families and their communities, including schools, youth organizations, religious institutions, and civic groups;

Whereas the character of a nation is only as strong as the character of its individual citizens;

Whereas the public good is advanced when young people are taught the importance of good character and the positive effects that good character can have in personal relationships, in school, and in the workplace;

Whereas scholars and educators agree that people do not automatically develop good character and that, therefore, conscientious efforts must be made by institutions and individuals that influence youth, to help young people develop the essential traits and characteristics that comprise good character;

Whereas, although character development is, first and foremost, an obligation of families, the efforts of faith communities, schools, and youth, civic, and human service organizations also play an important role in fostering and promoting good character;

Whereas Congress encourages students, teachers, parents, youth, and community leaders to recognize the importance of character education in preparing young people to play a role in determining the future of the Nation;

Whereas effective character education is based on core ethical values, which form the foundation of democratic society;

Whereas examples of character are trustworthiness, respect, responsibility, fairness, caring, citizenship, and honesty;

Whereas elements of character transcend cultural, religious, and socioeconomic differences;

Whereas the character and conduct of our youth reflect the character and conduct of society, and, therefore, every adult has the responsibility to teach and model ethical values and every social institution has the responsibility to promote the development of good character;

Whereas Congress encourages individuals and organizations, especially those who have an interest in the education and training of the young people of the United States, to adopt the elements of character as intrinsic to the well-being of individuals, communities, and society;

Whereas many schools in the United States recognize the need, and have taken steps, to integrate the values of their communities into their teaching activities; and

Whereas the establishment of National Character Counts Week, during which individuals, families, schools, youth organizations, religious institutions, civic groups, and other organizations would focus on character education, would be of great benefit to the Nation: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week beginning October 16, 2005, as "National Character Counts Week"; and

(2) calls upon the people of the United States and interested groups to—

(A) embrace the elements of character identified by local schools and communities, such as trustworthiness, respect, responsibility, fairness, caring, and citizenship; and

(B) observe the week with appropriate ceremonies, programs, and activities.

Mr. DOMENICI. Mr. President, I rise today with my friend Senator Dodd to submit a resolution regarding National Character Counts Week. Our resolution says the week of October 16 through 22 of this year will be known across the country as National Character Counts Week.

I have risen many times on this Senate floor to speak about the importance of character in our everyday lives. Over this past year, there have been many instances when our individual and our country's character have been challenged. These situations have compelled us to evaluate our core beliefs, our ethics, but most of all our character. I ask that everyone take some time during October 16–22 to stop and reflect upon their individual core character beliefs.

The Character Counts program identifies the following values as the Six Pillars of Character. They are: trustworthiness, respect, responsibility, fairness, caring, and citizenship. Character Counts includes support from forty States and 500 municipalities, school districts, and business groups. But not only is this program promoting the six tenants nationwide, it is becoming utilized on an international level as well. Last year in 2004, celebrations for Character Counts Week included Bangkok, Thailand; Busan, Korea; and Cholutecta, Honduras.

Since my initial involvement with Character Counts in 1993, I have always had a specific interest in the programs run in my home State of New Mexico.

especially how these programs have influenced students. From its start in Albuquerque, it has expanded statewide to areas such as Grants, Shiprock, Roswell, Laguna, Portales, Farmington, Carlsbad, Ramah, and Los Alamos. I am proud to say that many of the staffers in my personal office are graduates of the initial chartering program of Character Counts New Mexico. It is extremely rewarding to hear how this program impacted their lives growing up and I look forward to continual development of this program not only in my home State but nationally and internationally.

I believe we can all learn a lot from the Character Counts program. While the Character Counts program specifically focuses on youth, I would like to share some of the simple lessons that are taught under the Six Pillars of Character. These words might be simple but they speak with magnitude.

Trustworthiness: Be honest. Don't deceive, cheat or steal. Be reliable—do what you say you'll do. Have the courage to do the right thing. Build a good reputation. Be loyal—stand by your family, friends and country.

Respect: Treat others with respect; follow the Golden Rule. Be tolerant of differences. Use good manners, not bad language. Be considerate of the feelings of others. Don't threaten, hit or hurt anyone. Deal peacefully with anger, insults and disagreements.

Responsibility: Do what you are supposed to do. Persevere: keep on trying. Always do your best. Use self-control. Be self-disciplined. Think before you act—consider the consequences. Be accountable for your choices.

Fairness: Play by the rules. Take turns and share. Be open-minded; listen to others. Don't take advantage of others. Don't blame others carelessly.

Caring: Be kind. Be compassionate and show you care. Express gratitude. Forgive others. Help people in need.

Citizenship: Do your share to make your school and community better. Cooperate. Get involved in community affairs. Stay informed; vote. Be a good neighbor. Obey laws and rules. Respect authority. Protect the environment.

The bottom line is that I believe the Character Counts program is working in New Mexico and other parts of the country. Today, we salute the efforts already underway and encourage even more character education across our country.

So today, Senator DODD and I are here to submit a resolution to accomplish just that and hopefully our renewed effort will bring together even more communities to ensure that character education is a part of every child's life.

I hope that my colleagues will support this effort.

Mr. DODD. Mr. President, today I join my friend and colleague from New Mexico, Senator DOMENICI, in submitting a resolution declaring the week of October 16th "National Character Counts Week." Senator DOMENICI and I have worked together for many years on the issue of character education and hope that by designating a special week to this cause, students and teachers will come together to participate in character building activities in their schools. In 1994, Senator DOMENICI and I established the Partnerships in Character Education Pilot Project and have worked regularly since then to commemorate National Character Counts Week. I am pleased that we are continuing our efforts today to help expand States' and schools' abilities to make character education a central part of every child's education.

Our schools may be built with the bricks of English, math and science, but character education certainly is the mortar. Character education means teaching students about such qualities as caring, citizenship, fairness, respect, responsibility, trustworthiness, and other qualities that their community values. It isn't a separate subject, but part of a seamless garment of learning providing students with a context within which to learn.

Earlier this week I was in Connecticut attending an event that honored the fundamentals of character education, especially those of caring, responsibility and citizenship. In response to the devastation caused by the tsunami last December, Connecticut schoolchildren across the State came together to raise money for tsunami relief. Collectively, 350 schools rose over $300,000 in hopes of building a school in Sri Lanka. Knowing that it would take approximately a half million dollars to rebuild one, the students also worked to find a nonprofit willing to match their donation. They did. The Brother's Brother Foundation, a nonprofit that seeks to improve international health and education, brought the final contribution amount to $600,000.

These collective dollars will be used to build a 1,500-pupil school consisting of four buildings, including science and computer labs, in Sri Lanka. But that's not all. Dedicated to their cause, these students plan to continue to donate money for the next five years to fill the Sri Lankan students' library with books and to make sure that they have necessary school supplies. Since the initial fundraising effort, these same students have begun collecting small change and checks for Katrina relief efforts. These efforts, efforts to help students, hundreds and some times hundreds of thousands of miles away, demonstrate character at its best.

Schools across the country that have adopted formal character education programs report better student performance, fewer discipline problems, and increased student involvement within the community. Children want direction—they want to be taught right from wrong. The American public wants character education in our schools, too. Studies show that about 90 percent of Americans support schools teaching character education.

As all education policy should be, character education is bi-partisan. This year we have 26 cosponsors to our resolution, cosponsors on both sides of the aisle. Character education not only cultivates minds, it nurtures hearts. While our children may be one-quarter of our population, they are 100 percent of our future.

Mr. BURNS. Mr. President, I rise today in support of a resolution offered by my colleague from New Mexico, Senator PETE DOMENICI. For many years, I have supported his efforts to identify a week in October as National Character Counts Week. The important aspect of this legislation is its focus on children. Children growing up in these times often face much more difficult experiences and must mature more quickly than when I was young. One of fastest growing problems in Montana is the rate of methamphetamine use and addiction by teens. All it takes is one try—teens get hooked trying to recreate that first rush. It is vitally important to encourage young people to have positive role models in their lives in order to develop a strong, positive character to avoid the temptation to try meth or engage in other dangerous behaviors. I urge my colleagues to support this resolution, and I thank Senator DOMENICI for his leadership.

SENATE RESOLUTION 272—RECOGNIZING AND HONORING THE LIFE AND ACHIEVEMENTS OF CONSTANCE BAKER MOTLEY, A JUDGE FOR THE UNITED STATES DISTRICT COURT, SOUTHERN DISTRICT OF NEW YORK

Mr. SCHUMER (for himself, Mr. SPECTER, Mrs. CLINTON, Mr. OBAMA, Mr. BAYH, Ms. MIKULSKI, Mr. PRYOR, Mr. BINGAMAN, Mr. WYDEN, Mr. DEWINE, Mr. HARKIN, Ms. STABENOW, Mr. CORZINE, Mr. DURBIN, Mr. KENNEDY, Mr. LEAHY, Mr. HATCH, Mr. CRAPO, Mr. LAUTENBERG, Mr. COCHRAN, Mr. COLEMAN, Mr. HAGEL, Mr. SALAZAR, Mr. LIEBERMAN, Mrs. FEINSTEIN, Mr. REID, and Mr. KERRY) submitted the following resolution; which was considered and agreed to:

S. RES. 272

Whereas Constance Baker Motley was born in 1921, in New Haven, Connecticut, the daughter of immigrants from the Caribbean island of Nevis;

Whereas in 1943, Constance Baker Motley graduated from New York University with a Bachelor of Arts degree in economics;

Whereas, upon receiving a law degree from Columbia University in 1946, Constance Baker Motley became a staff attorney at the National Association for the Advancement of Colored People Legal Defense and Educational Fund, Inc., and fought tirelessly for

2 decades alongside Thurgood Marshall and other leading civil rights lawyers to dismantle segregation throughout the country;

Whereas Constance Baker Motley was the only female attorney on the legal team that won the landmark desegregation case, Brown v. Board of Education;

Whereas Constance Baker Motley argued 10 major civil rights cases before the Supreme Court, winning all but one, including the case brought on behalf of James Meredith challenging the University of Mississippi's refusal to admit him;

Whereas Constance Baker Motley's only loss before the United States Supreme Court was in Swain v. Alabama, a case in which the Court refused to proscribe race-based peremptory challenges in cases involving African-American defendants and which was later reversed in Batson v. Kentucky on grounds that had been largely asserted by Constance Baker Motley in the Swain case;

Whereas in 1964, Constance Baker Motley became the first African-American woman elected to the New York State Senate;

Whereas in 1965, Constance Baker Motley became the first African-American woman, and the first woman, to serve as president of the Borough of Manhattan;

Whereas Constance Baker Motley, in her capacity as an elected public official in New York, continued to fight for civil rights, dedicating herself to the revitalization of the inner city and improvement of urban public schools and housing;

Whereas in 1966, Constance Baker Motley was appointed by President Johnson as a United States District Court Judge for the Southern District of New York;

Whereas the appointment of Constance Baker Motley made her the first African-American woman, and only the fifth woman, appointed and confirmed for a Federal judgeship;

Whereas in 1982, Constance Baker Motley was elevated to Chief Judge of the United States District Court for the Southern District of New York, the largest Federal trial court in the United States;

Whereas Constance Baker Motley assumed senior status in 1986, and continued serving with distinction for the next 2 decades; and

Whereas Constance Baker Motley passed away on September 28, 2005, and is survived by her husband Joel Wilson Motley Jr., their son, Joel Motley III, her 3 grandchildren, her brother, Edmund Baker of Florida, and her sisters Edna Carnegie, Eunice Royster, and Marian Green, of New Haven, Connecticut: Now, therefore, be it

Resolved, That the Senate—

(1) extends its heartfelt sympathy to the family and friends of Constance Baker Motley on the occasion of her passing; and

(2) commends Constance Baker Motley for—

(A) her 39-year tenure on the United States District Court for the Southern District of New York; and

(B) her lifelong commitment to the advancement of civil rights and social justice.

SENATE CONCURRENT RESOLUTION 58—SUPPORTING "LIGHTS ON AFTERSCHOOL", A NATIONAL CELEBRATION OF AFTER SCHOOL PROGRAMS

Mr. DODD (for himself, Mr. Ensign, Mrs. Boxer, Ms. Collins, Mr. Akaka, Mr. Burns, Mr. Burr, Ms. Cantwell, Mr. Carper, Mrs. Clinton, Mr. Cornyn, Mr. Corzine, Mr. Dayton, Mr. Durbin, Mr. Feingold, Mrs. Feinstein, Mr. Kerry, Mr. Kohl, Ms. Landrieu, Mr. Lautenberg, Mr. Levin, Mr. Lieberman, Ms. Mikulski, Ms. Murkowski, Mrs. Murray, Mr. Nelson of Nebraska, Mr. Reid, Mr. Salazar, Ms. Snowe, Mr. Specter, and Ms. Stabenow) submitted the following concurrent resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. Con. Res. 58

Whereas high quality after school programs provide safe, challenging, engaging, and fun learning experiences to help children and youth develop their social, emotional, physical, cultural, and academic skills;

Whereas high quality after school programs support working families by ensuring that the children in such families are safe and productive after the regular school day ends;

Whereas high quality after school programs build stronger communities by involving the Nation's students, parents, business leaders, and adult volunteers in the lives of the Nation's youth, thereby promoting positive relationships among children, youth, families, and adults;

Whereas high quality after school programs engage families, schools, and diverse community partners in advancing the well-being of the Nation's children;

Whereas "Lights On Afterschool!", a national celebration of after school programs held on October 20, 2005, promotes the critical importance of high quality after school programs in the lives of children, their families, and their communities;

Whereas more than 28,000,000 children in the United States have parents who work outside the home and 14,300,000 children in the United States have no place to go after school; and

Whereas many after school programs across the United States are struggling to keep their doors open and their lights on: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress supports the goals and ideals of "Lights On Afterschool!" a national celebration of after school programs.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2056. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 1858, to provide for community disaster loans; which was ordered to lie on the table.

SA 2057. Mr. STEVENS (for Mr. Inhofe) proposed an amendment to the bill H.R. 3765, to extend through March 31, 2006 the authority of the Secretary of the Army to accept and expend funds contributed by non-Federal public entities and to expedite the processing of permits.

SA 2058. Mr. STEVENS (for Mr. Inhofe) proposed an amendment to the bill H.R. 3765, supra.

SA 2059. Mr. STEVENS (for Mr. Grassley) proposed an amendment to the bill H.R. 3971, An act to provide assistance to individuals and States affected by Hurricane Katrina.

TEXT OF AMENDMENTS

SA 2056. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 1858, to provide for community disaster loans; which was ordered to lie on the table; as follows:

On page 2, line 10, insert before the : "Only with the approval of Congress"

On page 2, line 10, strike out "not"

SA 2057. Mr. STEVENS (for Mr. Inhofe) proposed an amendment to the bill H.R. 3765, to extend through March 31, 2006, the authority of the Secretary of the Army to accept and expend funds contributed by non-Federal public entities and to expedite the processing of permits"; as follows:

On page 2, line 10, strike "December 31, 2007" and insert "March 31, 2006".

SA 2058. Mr. STEVENS (for Mr. Inhofe) proposed an amendment to the bill H.R. 3765, to extend through March 31, 2006, the authority of the Secretary of the Army to accept and expend funds contributed by non-Federal public entities and to expedite the processing of permits: as follows:

Amend the title so as to read: "To extend through March 31, 2006, the authority of the Secretary of the Army to accept and expend funds contributed by non-Federal public entities and to expedite the processing of permits.".

SA 2059. Mr. STEVENS (for Mr. Grassley) proposed an amendment to the bill H.R. 3971, An act to provide assistance to individuals and States affected by Hurricane Katrina: as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Medicare Cost-Sharing and Welfare Extension Act of 2005".

SEC. 2. EXTENSION OF QI PROGRAM THROUGH SEPTEMBER 2006.

(a) In General.—Section 1902(a)(10)(E)(iv) of the Social Security Act (42 U.S.C. 1396a(a)(10)(E)(iv)) is amended by striking "September 2005" and inserting "September 2006".

(b) Total Amount Available for Allocation.—Section 1933(g) of such Act (42 U.S.C. 1396u–3(g)) is amended—

(1) in paragraph (2)—

(A) by striking "and" at the end of subparagraph (B);

(B) by striking the period at the end of subparagraph (C) and inserting "; and"; and

(C) by adding at the end the following new subparagraphs:

"(D) for the period that begins on October 1, 2005, and ends on December 31, 2005, the total allocation amount is $100,000,000; and

"(E) for the period that begins on January 1, 2006, and ends on September 30, 2006, the total allocation amount is $300,000,000."; and

(2) in paragraph (3), in the matter preceding subparagraph (A), by inserting "or (D)" after "subparagraph (B)".

(c) Effective Date.—The amendments made by this section shall be effective as of September 30, 2005.

SEC. 3. EXTENSION OF THE TEMPORARY ASSISTANCE FOR NEEDY FAMILIES BLOCK GRANT PROGRAM, TRANSITIONAL MEDICAL ASSISTANCE, AND RELATED PROGRAMS THROUGH MARCH 31, 2006.

(a) In General.—Activities authorized by part A of title IV of the Social Security Act, and by sections 510, 1108(b), and 1925 of such Act, shall continue through March 31, 2006, in the manner authorized for fiscal year 2005, notwithstanding section 1902(e)(1)(A) of such Act, and out of any money in the Treasury of the United States not otherwise appropriated, there are hereby appropriated such sums as may be necessary for such purpose. Grants and payments may be made pursuant to this authority through the second quarter of fiscal year 2006 at the level provided for such activities through the second quarter of fiscal year 2005.

(b) CONFORMING AMENDMENT.—Section 403(a)(3)(H)(ii) of the Social Security Act (42 U.S.C. 603(a)(3)(H)(ii)), as amended by section 2(b)(2)(A) of the TANF Emergency Response and Recovery Act of 2005 (Public Law 109–68), is amended by striking "December 31, 2005" and inserting "March 31, 2006".

(c) EXTENSION OF THE NATIONAL RANDOM SAMPLE STUDY OF CHILD WELFARE AND CHILD WELFARE WAIVER AUTHORITY THROUGH MARCH 31, 2006.—Activities authorized by sections 429A and 1130(a) of the Social Security Act shall continue through March 31, 2006, in the manner authorized for fiscal year 2005, and out of any money in the Treasury of the United States not otherwise appropriated, there are hereby appropriated such sums as may be necessary for such purpose. Grants and payments may be made pursuant to this authority through the second quarter of fiscal year 2006 at the level provided for such activities through the second quarter of fiscal year 2005.

SEC. 4. RESTRICTION ON COVERED DRUGS UNDER THE MEDICAID AND MEDICARE PROGRAMS.

(a) EXCLUSION UNDER MEDICARE BEGINNING IN 2007.—Section 1860D–2(e)(2)(A) of the Social Security Act (42 U.S.C. 1395w–102(e)(2)(A)) is amended by inserting "and, only with respect to 2006, other than subparagraph (K) (relating to agents when used to treat sexual or erectile dysfunction, unless such agents are used to treat a condition, other than sexual or erectile dysfunction, for which the agent has been approved by the Food and Drug Administration)" after "agents)".

(b) RESTRICTION UNDER MEDICAID.—

(1) IN GENERAL.—Section 1927(d)(2) of the Social Security Act (42 U.S.C. 1396r–8(d)(2)) is amended by adding at the end the following new subparagraph:

"(K) Agents when used to treat sexual or erectile dysfunction, except that such exclusion or other restriction shall not apply in the case of such agents when used to treat a condition, other than sexual or erectile dysfunction, for which the agent has been approved by the Food and Drug Administration.".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to drugs dispensed on or after the date that is 60 days after the date of enactment of this Act.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will be held on Thursday, October 20, 2005 at 2:30 p.m. in Room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is receive testimony on S. 1016, to direct the Secretary of Energy to make incentive payments to the owners or operators of qualified desalination facilities to partially offset the cost of electrical energy required to operate the facilities, and for other purposes; and S. 1860, to amend the Energy Policy Act of 2005 to improve energy production and reduce energy demand through improved use of reclaimed waters, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150.

For further information, please contact Nate Gentry (202) 224–2179 or Steve Waskiewicz at (202) 228–6195.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet on Friday, October 7, 2005, at 10 a.m. to hold a business meeting to consider pending committee business.

Agenda

Nomination

1. Julie L. Myers to be Assistant Secretary, U.S. Department of Homeland Security.

Legislation

1. S.   , an original bill to repeal the increased micro-purchase threshold.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOTICE: REGISTRATION OF MASS MAILINGS

The filing date for 2005 third quarter mass mailings is Tuesday, October 25, 2005. If your office did no mass mailings during this period, please submit a form that states "none."

Mass mailing registrations, or negative reports, should be submitted to the Senate Office of Public Records, 232 Hart Building, Washington, D. C. 20510–7116.

The Public Records office will be open from 9:00 a.m. to 5:30 p.m. on the filing date to accept these filings. For further information, please contact the Public Records office at (202) 224–0322.

UNANIMOUS CONSENT—H.R. 3058

Mr. STEVENS. Mr. President, I ask unanimous consent that at a time to be determined by the majority leader in consultation with the Democratic leader, on Monday, October 17, the Senate proceed to the immediate consideration of Calendar No. 175, H.R. 3058, the Transportation-Treasury appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

SOCIAL SERVICES EMERGENCY RELIEF AND RECOVERY ACT

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 3971, which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

> A bill (H.R. 3971) to provide assistance to individuals and States affected by Hurricane Katrina.

There being no objection, the Senate proceeded to consider the bill.

Mr. STEVENS. I ask unanimous consent that the substitute amendment at the desk be agreed to, the bill, as amended, be read a third time and passed, the motion to reconsider be laid on the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2059) was agreed to, as follows:

AMENDMENT NO. 2059

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Medicare Cost-Sharing and Welfare Extension Act of 2005".

SEC. 2. EXTENSION OF QI PROGRAM THROUGH SEPTEMBER 2006.

(a) IN GENERAL.—Section 1902(a)(10)(E)(iv) of the Social Security Act (42 U.S.C. 1396a(a)(10)(E)(iv)) is amended by striking "September 2005" and inserting "September 2006".

(b) TOTAL AMOUNT AVAILABLE FOR ALLOCATION.—Section 1933(g) of such Act (42 U.S.C. 1396u–3(g)) is amended—

(1) in paragraph (2)—

(A) by striking "and" at the end of subparagraph (B);

(B) by striking the period at the end of subparagraph (C) and inserting "; and"; and

(C) by adding at the end the following new subparagraphs:

"(D) for the period that begins on October 1, 2005, and ends on December 31, 2005, the total allocation amount is $100,000,000; and

"(E) for the period that begins on January 1, 2006, and ends on September 30, 2006, the total allocation amount is $300,000,000."; and

(2) in paragraph (3), in the matter preceding subparagraph (A), by inserting "or (D)" after "subparagraph (B)".

(c) EFFECTIVE DATE.—The amendments made by this section shall be effective as of September 30, 2005.

SEC. 3. EXTENSION OF THE TEMPORARY ASSISTANCE FOR NEEDY FAMILIES BLOCK GRANT PROGRAM, TRANSITIONAL MEDICAL ASSISTANCE, AND RELATED PROGRAMS THROUGH MARCH 31, 2006.

(a) IN GENERAL.—Activities authorized by part A of title IV of the Social Security Act, and by sections 510, 1108(b), and 1925 of such Act, shall continue through March 31, 2006, in the manner authorized for fiscal year 2005, notwithstanding section 1902(e)(1)(A) of such Act, and out of any money in the Treasury of the United States not otherwise appropriated, there are hereby appropriated such sums as may be necessary for such purpose. Grants and payments may be made pursuant to this authority through the second quarter of fiscal year 2006 at the level provided for such activities through the second quarter of fiscal year 2005.

(b) CONFORMING AMENDMENT.—Section 403(a)(3)(H)(ii) of the Social Security Act (42 U.S.C. 603(a)(3)(H)(ii)), as amended by section 2(b)(2)(A) of the TANF Emergency Response and Recovery Act of 2005 (Public Law 109-68), is amended by striking "December 31, 2005" and inserting "March 31, 2006".

(c) EXTENSION OF THE NATIONAL RANDOM SAMPLE STUDY OF CHILD WELFARE AND CHILD WELFARE WAIVER AUTHORITY THROUGH MARCH 31, 2006.—Activities authorized by sections 429A and 1130(a) of the Social Security Act shall continue through March 31, 2006, in the manner authorized for fiscal year 2005, and out of any money in the Treasury of the United States not otherwise appropriated, there are hereby appropriated such sums as may be necessary for such purpose. Grants and payments may be made pursuant to this authority through the second quarter of fiscal year 2006 at the level provided for such activities through the second quarter of fiscal year 2005.

SEC. 4. RESTRICTION ON COVERED DRUGS UNDER THE MEDICAID AND MEDICARE PROGRAMS.

(a) EXCLUSION UNDER MEDICARE BEGINNING IN 2007.—Section 1860D–2(e)(2)(A) of the Social Security Act (42 U.S.C. 1395w–102(e)(2)(A)) is amended by inserting "and, only with respect to 2006, other than subparagraph (K) (relating to agents when used to treat sexual or erectile dysfunction, unless such agents are used to treat a condition, other than sexual or erectile dysfunction, for which the agent has been approved by the Food and Drug Administration)" after "agents)".

(b) RESTRICTION UNDER MEDICAID.—

(1) IN GENERAL.—Section 1927(d)(2) of the Social Security Act (42 U.S.C. 1396r-8(d)(2)) is amended by adding at the end the following new subparagraph:

"(K) Agents when used to treat sexual or erectile dysfunction, except that such exclusion or other restriction shall not apply in the case of such agents when used to treat a condition, other than sexual or erectile dysfunction, for which the agent has been approved by the Food and Drug Administration.".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to drugs dispensed on or after the date that is 60 days after the date of enactment of this Act.

The bill (H.R. 3971), as amended, was read the third time and passed.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on today's Executive Calendar: Calendar Nos. 312, 313, 314, 315, 316, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 366, 367, 368, 369, and all nominations on the Secretary's desk.

I further ask unanimous consent that the nominations be confirmed en bloc, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

DEPARTMENT OF JUSTICE

Kenneth L. Wainstein, of Virginia, to be United States Attorney for the District of Columbia for the term of four years, Howard, Jr., resigned.

THE JUDICIARY

Juliet JoAnn McKenna, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

John R. Fisher, of the District of Columbia, to be an Associate Judge of the District of Columbia Court of Appeals for the term of fifteen years.

FEDERAL LABOR RELATIONS AUTHORITY

Colleen Duffy Kiko, of Virginia, to be General Counsel of the Federal Labor Relations Authority for a term of five years.

DEPARTMENT OF HOMELAND SECURITY

Stewart A. Baker, of Virginia, to be an Assistant Secretary of Homeland Security.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Kim Kendrick, of the District of Columbia, to be an Assistant Secretary of Housing and Urban Development.

Keith A. Nelson, of Texas, to be an Assistant Secretary of Housing and Urban Development.

Darlene F. Williams, of Texas, to be an Assistant Secretary of Housing and Urban Development.

Keith E. Gottfried, of California, to be General Counsel of the Department of Housing and Urban Development.

DEPARTMENT OF COMMERCE

David H. McCormick, of Pennsylvania, to be Under Secretary of Commerce for Export Administration.

DEPARTMENT OF THE TREASURY

Patrick M. O'Brien, of Minnesota, to be Assistant Secretary for Terrorist Financing, Department of the Treasury.

DEPARTMENT OF COMMERCE

Israel Hernandez, of Texas, to be Assistant Secretary of Commerce and Director General of the United States and Foreign Commercial Service.

Darryl W. Jackson, of the District of Columbia, to be an Assistant Secretary of Commerce.

DEPARTMENT OF THE TREASURY

Emil W. Henry, Jr., of New York, to be an Assistant Secretary of the Treasury.

DEPARTMENT OF STATE

Thomas A. Shannon, Jr., of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be an Assistant Secretary of State (Western Hemisphere Affairs).

INTER-AMERICAN DEVELOPMENT BANK

Jan E. Boyer, of Texas, to be United States Alternate Executive Director of the Inter-American Development Bank.

OVERSEAS PRIVATE INVESTMENT CORPORATION

Robert A. Mosbacher, of Texas, to be President of the Overseas Private Investment Corporation.

MILLENNIUM CHALLENGE CORPORATION

John J. Danilovich, of California, to be Chief Executive Officer, Millennium Challenge Corporation.

DEPARTMENT OF STATE

Josette Sheeran Shiner, of Virginia, to be United States Alternate Governor of the International Bank for Reconstruction and Development for a term of five years; United States Alternate Governor of the Inter-American Development Bank for a term of five years; United States Alternate Governor of the African Development Bank for a term of five years; United States Alternate Governor of the African Development Fund; United States Alternate Governor of the Asian Development Bank; and United States Alternate Governor of the European Bank for Reconstruction and Development.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

Kent R. Hill, of Virginia, to be an Assistant Administrator of the United States Agency for International Development.

Jacqueline Ellen Schafer, of the District of Columbia, to be an Assistant Administrator of the United States Agency for International Development.

DEPARTMENT OF STATE

John Hillen, of Virginia, to be an Assistant Secretary of State (Political-Military Affairs), vice Lincoln P. Bloomfield, Jr., resigned.

Barry F. Lowenkron, of Virginia, to be Assistant Secretary of State for Democracy, Human Rights, and Labor.

AFRICAN DEVELOPMENT FOUNDATION

Jendayi Elizabeth Frazer, Assistant Secretary of State (African Affairs), to be a Member of the Board of Directors of the African Development Foundation for the remainder of the term expiring September 27, 2009.

DEPARTMENT OF STATE

Francis Rooney, of Florida, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Holy See.

Alfred Hoffman, of Florida, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Portugal.

Charles A. Ford, of Virginia, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Honduras.

Mark Langdale, of Texas, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Costa Rica.

Brenda LaGrange Johnson, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Jamaica.

Alexander R. Vershbow, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Korea.

Patricia Louise Herbold, of Washington, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Singapore.

William Paul McCormick, of Oregon, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to New Zealand, and serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to Samoa.

DEPARTMENT OF THE INTERIOR

H. Dale Hall, of New Mexico, to be Director of the United States Fish and Wildlife Service, vice Steven A. Williams, resigned.

NUCLEAR REGULATORY COMMISSION

Edward McGaffigan, Jr., of Virginia, to be a Member of the Nuclear Regulatory Commission for the term of five years expiring June 30, 2010. (Reappointment)

ENVIRONMENTAL PROTECTION AGENCY

George M. Gray, of Massachusetts, to be an Assistant Administrator of the Environmental Protection Agency.

Lyons Gray, of North Carolina, to be Chief Financial Officer, Environmental Protection Agency.

NOMINATIONS PLACED ON THE SECRETARY'S DESK

FOREIGN SERVICE

PN796 Foreign Service nomination of Robert S. Connan, which was received by the Senate and appeared in the Congressional Record of July 29, 2005.

Mr. LEVIN. Mr. President, I rise to address the nomination of Stewart Baker to be Assistant Secretary for Policy at the Department of Homeland Security.

Last week, when Mr. Baker's nomination came before the Senate Committee on Homeland Security and Governmental Affairs, I voted no. That is my position today.

Mr. Baker is an intelligent and accomplished man, but he does not have the experience necessary to fill this important post at this important time. Mr. Baker is a lawyer with experience in national security, trade, and technology. He has been widely published on topics such as cyber-security and civil liberties. I understand that he performed capably as the general counsel of the Silverman-Robb Commission on WMD intelligence capabilities. Mr. Baker might be well qualified for many positions at DHS, but he is not qualified to be Assistant Secretary for Policy.

During his confirmation hearing before our committee, Mr. Stewart testified that he expected to be the "central player" at DHS on "lessons learned" from Hurricane Katrina, to develop emergency response policy, and to be a key player on immigration reform, among other matters. Yet when asked at his hearing if he had emergency response experience, he said "no." He also admitted to having little expertise on immigration issues.

While no one could be expected to be an expert on all of the issues addressed by DHS, it makes little sense to me to appoint a person with no emergency response experience to be the central player on lessons learned from Katrina, or to appoint a person with little immigration expertise to articulate Federal immigration policy, especially when, over the next few years, both issues—emergency response and immigration—will be so prominent at the Department. As we have learned from the Katrina disaster, we cannot afford to have inexperienced people in senior positions at DHS for on-the-job training.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

SEQUENTIAL REFERRAL OF NOMINATION

Mr. STEVENS. Mr. President, as in executive session, I ask consent that when the Committee on Homeland Security and Governmental Affairs reports the nomination of Julie Myers, the nomination then be sequentially referred to the Judiciary Committee for up to 30 calendar days; provided further that if not reported by that time, the nomination be automatically discharged from the Judiciary Committee and placed on the Executive Calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION SIGNING

Mr. STEVENS. Mr. President, I ask unanimous consent that during the adjournment of the Senate, the majority leader and senior Senator from Virginia be authorized to sign duly enrolled bills or joint resolutions.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION TO MAKE ADJOURNMENT APPOINTMENTS

Mr. STEVENS. Mr. President, I ask unanimous consent that notwithstanding the upcoming recess or adjournment of the Senate, the President of the Senate, the President pro tempore of the Senate, the majority and minority leaders be authorized to make appointments to commissions, committees, boards, conferences or nonparliamentary conferences authorized by law, by current action of the two Houses or by order of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—ADJOURNMENT RESOLUTION

Mr. STEVENS. Mr. President, I ask unanimous consent that notwithstanding the adjournment of the Senate, when the Senate receives from the House the adjournment resolution, the text of which is at the desk, the concurrent resolution be considered agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

FUTURE STATUS OF KOSOVO

Mr. STEVENS. I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration and the Senate now proceed to consider Senate Resolution 237.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 237) expressing the sense of the Senate on reaching an agreement on the future status of Kosovo.

There being no objection, the Senate proceeded to consider the resolution.

Mr. STEVENS. Mr. President, I ask unanimous consent the Senate resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 237) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 237

Whereas, on June 10, 1999, the United Nations Security Council adopted Resolution 1244 which authorized the Secretary-General of the United Nations to establish an interim administration for Kosovo to assume the supreme legal authority in Kosovo with the task of promoting "substantial autonomy and self-governance" in Kosovo and facilitating a political process to determine the future status of Kosovo;

Whereas, on December 10, 2003, the United Nations interim administration, known as the United Nations Interim Administration Mission in Kosovo, presented the Standards for Kosovo document which set out the requirements to be met to advance stability in Kosovo;

Whereas the Standards for Kosovo require the establishment of functioning democratic institutions in Kosovo, including providing for the holding of elections, establishing the Provisional Institutions of Self-Government, and establishing media and civil society, the establishment of rule of law to ensure equal access to justice and to implement mechanisms to suppress economic and financial crime, and the establishment of freedom of movement in Kosovo, including the free use of language;

Whereas the Standards for Kosovo further require sustainable returns and the rights of communities and their members, improvements in economic and financial institutions, including the prevention of money laundering and the establishment of an attractive environment for investors, the establishment of property rights, including the preservation of cultural heritage, and the development of a sustained dialogue, including a Pristina-Belgrade dialogue and a regional dialogue;

Whereas the ethnic violence that occurred in Kosovo from March 17, 2004 through March

19, 2004, represented a severe setback to the progress the people of Kosovo achieved in implementing the Standards for Kosovo and resulted in 20 deaths and damage to or destruction of approximately 900 homes and 30 Serbian Orthodox churches and other religious sites;

Whereas the bomb attacks against the people and international institutions in Kosovo that occurred from July 2, 2005 through July 4, 2005, were unacceptable events that work counter to the interests and efforts of the majority of the people of Kosovo and signal that more work must be done to promote the implementation of the Standards for Kosovo;

Whereas the status of Kosovo, which is neither stable nor sustainable, is a critical issue affecting the aspirations of Southeast Europe for stability, peace, and eventual membership in the European Union;

Whereas the authorities and institutions of Kosovo must be empowered to act independently to achieve the Standards for Kosovo so that such authorities and institutions may assume responsibility for any progress or setbacks;

Whereas 2005 must be a year of decision for representatives of Kosovo, Serbia and Montenegro, and the United Nations to move forward on the status of Kosovo;

Whereas the basic values of multi-ethnicity, democracy, and market-orientation must remain at the heart of any effort to resolve the question of the future status of Kosovo; and

Whereas the support of all of the people of Kosovo is required to achieve a successful outcome that addresses those basic values: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the unresolved status of Kosovo is neither sustainable nor beneficial to the progress toward stability and peace in Southeast Europe and its integration with Europe;

(2) the leaders of Kosovo and Serbia and Montenegro and the representatives of the United Nations should work toward an agreement on the future status of Kosovo and a plan for transformation in Kosovo;

(3) such agreement and plan should—

(A) address the claims and satisfy the key concerns of the people of Kosovo and the people of Serbia and Montenegro;

(B) seek compromises from both Kosovo and Serbia and Montenegro to reach an agreement;

(C) promote the integration of Southeast Europe with the European Union and the North Atlantic Treaty Organization;

(D) reinforce efforts to encourage full cooperation by the governments of Kosovo and of Serbia and Montenegro with the International Crimes Tribunal for the Former Yugoslavia;

(E) promote stability in the region and take into consideration the stability of democracy in Kosovo and in Serbia and Montenegro;

(F) promote the active participation of Serbians in Kosovo in elections and in the government of Kosovo; and

(G) require the fulfillment of the Standards for Kosovo, the requirements that the United Nations Interim Administration Mission in Kosovo established to advance stability in Kosovo, in accordance with prior commitments and in support of the initiation of discussions on status with particular emphasis on the problem of human rights in minority communities;

(4) the anticipated discussions of the long-term status of Kosovo should result in a plan for implementing the Standards for Kosovo, particularly with regard to minority protections, return of property, and the development of rule of law as it relates to the improvement of protection of minorities, the return of internally displaced persons, the return of property, and the prosecution of human rights violations; and

(5) Kosovo, Serbia and Montenegro, and the United Nations, during the negotiations related to the long-term status of Kosovo, should require—

(A) increased monitoring and reporting of the progress on the implementation of the Standards for Kosovo and any incidents of human rights violations, and should broaden the involvement of minorities and community-level representatives in monitoring, reporting, and publicizing that progress;

(B) that the authorities and institutions of Kosovo be given greater authority and independence in fulfilling the Standards for Kosovo, including assuming the responsibility for any setbacks and progress and acquiring experience in assuming greater autonomy; and

(C) a broad public awareness campaign to raise awareness of both the plan to resolve the question of the status of Kosovo and the requirements for the transition of Kosovo to a permanent status, including the importance of the progress in implementing the Standards for Kosovo and the necessity of ensuring peace and suppressing all forms of discrimination and violence so that the region may move forward toward a future of greater prosperity, stability, and lasting peace.

EXTENDING AUTHORITY OF THE SECRETARY OF THE ARMY

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on the Environment and Public Works be discharged from further consideration of H.R. 3765 and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will please report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 3765) to extend through December 31, 2007, the authority of the Secretary of the Army to accept and expend funds contributed by non-Federal public entities to expedite the processing of permits.

There being no objection, the Senate proceeded to consider the bill.

Mr. STEVENS. Mr. President, I ask unanimous consent that the amendments at the desk be agreed to, the bill, as amended, be read a third time and passed, the motions to reconsider be laid upon the table, and that any statements relating to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments (Nos. 2057 and 2058) were agreed to, as follows:

AMENDMENT NO. 2057

(Purpose: To modify the reauthorization period of a certain water resource program)

On page 2, line 10, strike "December 31, 2007" and insert "March 31, 2006".

AMENDMENT NO. 2058

Amend the title so as to read: "To extend through March 31, 2006, the authority of the Secretary of the Army to accept and expand funds contributed by non-Federal public entities and to expedite the processing of permits.".

The bill (H.R. 3765), as amended, was read the third time and passed, as follows:

(The bill will be printed in a future editing of the RECORD.)

NATIONAL CHARACTER COUNTS WEEK

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 271, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will please report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 271) designating the week beginning October 16, 2005, as "National Character Counts Week."

There being no objection, the Senate proceeded to consider the resolution.

Mr. STEVENS. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 271) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 271

Whereas the well-being of the Nation requires that the young people of the United States become an involved, caring citizenry with good character;

Whereas the character education of children has become more urgent as violence by and against youth increasingly threatens the physical and psychological well-being of the people of the United States;

Whereas more than ever, children need strong and constructive guidance from their families and their communities, including schools, youth organizations, religious institutions, and civic groups;

Whereas the character of a nation is only as strong as the character of its individual citizens;

Whereas the public good is advanced when young people are taught the importance of good character and the positive effects that good character can have in personal relationships, in school, and in the workplace;

Whereas scholars and educators agree that people do not automatically develop good character and that, therefore, conscientious efforts must be made by institutions and individuals that influence youth, to help young people develop the essential traits and characteristics that comprise good character;

Whereas, although character development is, first and foremost, an obligation of families, the efforts of faith communities, schools, and youth, civic, and human service organizations also play an important role in fostering and promoting good character;

Whereas Congress encourages students, teachers, parents, youth, and community leaders to recognize the importance of character education in preparing young people to play a role in determining the future of the Nation;

Whereas effective character education is based on core ethical values, which form the foundation of democratic society;

Whereas examples of character are trustworthiness, respect, responsibility, fairness, caring, citizenship, and honesty;

Whereas elements of character transcend cultural, religious, and socioeconomic differences;

Whereas the character and conduct of our youth reflect the character and conduct of society, and, therefore, every adult has the responsibility to teach and model ethical values and every social institution has the responsibility to promote the development of good character;

Whereas Congress encourages individuals and organizations, especially those who have an interest in the education and training of the young people of the United States, to adopt the elements of character as intrinsic to the well-being of individuals, communities, and society;

Whereas many schools in the United States recognize the need, and have taken steps, to integrate the values of their communities into their teaching activities; and

Whereas the establishment of National Character Counts Week, during which individuals, families, schools, youth organizations, religious institutions, civic groups, and other organizations would focus on character education, would be of great benefit to the Nation: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week beginning October 16, 2005, as "National Character Counts Week"; and

(2) calls upon the people of the United States and interested groups to—

(A) embrace the elements of character identified by local schools and communities, such as trustworthiness, respect, responsibility, fairness, caring, and citizenship; and

(B) observe the week with appropriate ceremonies, programs, and activities. 3

RECOGNIZING AND HONORING THE LIFE AND ACHIEVEMENTS OF CONSTANCE BAKER MOTLEY

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 272, submitted early today by Senator SCHUMER.

The PRESIDING OFFICER. The clerk will please report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 272) recognizing and honoring the life and achievements of Constance Baker Motley, a judge for the United States District Court, Southern District of New York.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SCHUMER. Mr. President, I am in support of this resolution to recognize and honor the life and achievements of Constance Baker Motley, a judge for the United States District Court, Southern District of New York. Sadly, Judge Motley passed away last week, on September 28, 2005, at the age of 84, after having lived an extraordinary and exemplary life.

Constance Baker Motley was the first African American woman, and only the fifth woman, to serve on the federal judiciary. Before becoming a judge, she was a renowned civil rights lawyer, public servant, and trailblazer. Her remarkable career reads like a civil rights history book.

After earning her Bachelor of Arts degree in Economics from New York University and her law degree from Columbia University, Constance Baker Motley joined Thurgood Marshall at the NAACP Legal Defense and Educational Fund. For 2 decades, Constance Baker Motley worked closely with Marshall and other leading civil rights lawyers to dismantle desegregation throughout the country.

She was the only woman on the legal team that won the landmark desegregation case, Brown v. Board of Education. She went on to argue 10 major civil rights cases before the Supreme Court, winning all but one of them, including James Meredith's fight to gain admission to the University of Mississippi.

In 1964, Judge Motley became the first African-American woman elected to the New York State Senate, and in 1965, she became the first African-American woman, and woman, to serve as a city borough president, the great borough of Manhattan. During this time, Judge Motley worked tirelessly to revitalize the inner city and improve urban housing and public schools.

In 1966, President Lyndon B. Johnson appointed Constance Baker Motley to the Southern District of New York. She was confirmed 9 months later, over the strong opposition of Southern Senators. She rose to the position of Chief Judge in 1982, and assumed senior status 4 years later. She served with distinction for nearly 4 decades, until last week. Her passing is a great loss to New York, as well as the country, and for this reason her life must be remembered and celebrated.

This resolution extends the Senate's heartfelt sympathy to Judge Motley's friends and family and commends her for her 39-year tenure on the United States District Court for the Southern District of New York and her lifelong commitment to the advancement of civil rights and social justice.

Mr. OBAMA. Mr. President, I rise today to say that, as I have often thought, justice is a curious thing.

She has been poked and prodded, detained and defaced, and her piercing light is too often hidden from view. Justice had a tough time in Montgomery and Selma, and she took a sore drumming alongside Susan B. Anthony and the other fighters for women's suffrage. If you asked Dr. Martin Luther King, Jr. or Ms. Fannie Lou Hamer where justice was during those cold nights in jail in 1963, they might have said that she was nowhere to be found.

But inevitably and incredibly justice always seems to find her way. She creeps into the dark spots of our history. She rears her head where she is not wanted. And, eventually, she causes the barriers meant to hold her back to crack and crumble, under the collective weight of those who fight for her cause.

On January 25, 1966, justice was at it again. It was on that date after a storied career of educational success, fervent legal advocacy, and legislative accomplishments that Constance Baker Motley became the first African-American woman appointed to the Federal judiciary. Judge Motley passed away on September 28, 2005, at the age of 84. She is survived by her husband Joel, a son, three sisters and a brother. I rise today to honor her and the concept of justice for which she fought all her life.

Constance Baker was born on September 14, 1921, in New Haven, CT. Her father was a chef for an exclusive club at Yale, and her mother was active in the NAACP. She graduated from New York University in 1943 and received her law degree from Columbia University in 1946. As a third-year student at Columbia, Judge Motley joined the staff of the NAACP Legal Defense and Educational Fund. She would eventually become its principal trial attorney.

Judge Motley's list of accomplishments while working for the Legal Defense Fund is stunning. In 1950, she drafted the complaint that would become Brown v. Board of Education. In 1957 she argued the case in Little Rock, AR, which prompted President Eisenhower to call in Federal troops to protect the "Little Rock Nine". She personally argued the 1962 case in which James Meredith won admission to the University of Mississippi, as well as the suit that resulted in the enrollment of black students at the University of Georgia. All told, Judge Motley won 9 of the 10 civil rights cases she argued before the Supreme Court, an astounding accomplishment for that or any other time period.

After 20 years with the NAACP, Judge Motley was elected to the New York State Senate and became the first African-American woman to serve in that body. Among her first tasks was fighting for additional low- and middle-income housing. In February of 1965, Judge Motley was elected to serve as the President of the Borough of Manhattan, becoming the first woman of any race to serve in that post. And in 1966, President Johnson helped bring justice's work full circle. He appointed Judge Motley to the Federal District Court for the Southern District Court of New York, making her the first African American woman to sit on the Federal bench. She served with distinction in the Southern District, and became the chief judge of this court in 1982. She took senior status in 1986.

I honor Judge Motley today. I honor her for her wisdom, for her tenacity, and for the fire with which she advocated for equal rights. And, equally important, I honor the spirit of justice that motivated Constance Baker Motley. It spurred her on from her early days in Connecticut to her long and distinguished tenure on the Federal bench. I ask that this body and all Americans remember Judge Motley today. And I ask that we attempt to infuse the same sense of justice which guided Judge Motley into our own work, and our daily lives.

I am pleased to join a bipartisan group of my colleagues in introducing a resolution honoring the life of Judge Constance Baker Motley and I hope this body will move swiftly to its passage.

Mr. STEVENS. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to, en bloc, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 272) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 272

Whereas Constance Baker Motley was born in 1921, in New Haven, Connecticut, the daughter of immigrants from the Caribbean island of Nevis;

Whereas in 1943, Constance Baker Motley graduated from New York University with a Bachelor of Arts degree in economics;

Whereas, upon receiving a law degree from Columbia University in 1946, Constance Baker Motley became a staff attorney at the National Association for the Advancement of Colored People Legal Defense and Educational Fund, Inc., and fought tirelessly for 2 decades alongside Thurgood Marshall and other leading civil rights lawyers to dismantle segregation throughout the country;

Whereas Constance Baker Motley was the only female attorney on the legal team that won the landmark desegregation case, Brown v. Board of Education;

Whereas Constance Baker Motley argued 10 major civil rights cases before the Supreme Court, winning all but one, including the case brought on behalf of James Meredith challenging the University of Mississippi's refusal to admit him;

Whereas Constance Baker Motley's only loss before the United States Supreme Court was in Swain v. Alabama, a case in which the Court refused to proscribe race-based peremptory challenges in cases involving African-American defendants and which was later reversed in Batson v. Kentucky on grounds that had been largely asserted by Constance Baker Motley in the Swain case;

Whereas in 1964, Constance Baker Motley became the first African-American woman elected to the New York State Senate;

Whereas in 1965, Constance Baker Motley became the first African-American woman, and the first woman, to serve as president of the Borough of Manhattan;

Whereas Constance Baker Motley, in her capacity as an elected public official in New York, continued to fight for civil rights, dedicating herself to the revitalization of the inner city and improvement of urban public schools and housing;

Whereas in 1966, Constance Baker Motley was appointed by President Johnson as a United States District Court Judge for the Southern District of New York;

Whereas the appointment of Constance Baker Motley made her the first African-American woman, and only the fifth woman, appointed and confirmed for a Federal judgeship;

Whereas in 1982, Constance Baker Motley was elevated to Chief Judge of the United States District Court for the Southern District of New York, the largest Federal trial court in the United States;

Whereas Constance Baker Motley assumed senior status in 1986, and continued serving with distinction for the next 2 decades; and

Whereas Constance Baker Motley passed away on September 28, 2005, and is survived by her husband Joel Wilson Motley Jr., their son, Joel Motley III, her 3 grandchildren, her brother, Edmund Baker of Florida, and her sisters Edna Carnegie, Eunice Royster, and Marian Green, of New Haven, Connecticut: Now, therefore, be it

Resolved, That the Senate—

(1) extends its heartfelt sympathy to the family and friends of Constance Baker Motley on the occasion of her passing; and

(2) commends Constance Baker Motley for—

(A) her 39-year tenure on the United States District Court for the Southern District of New York; and

(B) her lifelong commitment to the advancement of civil rights and social justice.

AUTHORIZING THE USE OF THE CAPITOL GROUNDS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 161, which was received from the House.

The PRESIDING OFFICER. The clerk will please report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 161) authorizing the use of the Capitol Grounds for an event to commemorate the 10th Anniversary of the Million Man March.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. STEVENS. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the concurrent resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 161) was agreed to.

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

INTER-AMERICAN CONVENTION AGAINST TERRORISM—TREATY DOCUMENT NO. 107–18

U.N. CONVENTION AGAINST TRANSNATIONAL ORGANIZED CRIME—TREATY DOCUMENT NO. 108–16

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following treaties on today's Executive Calendar, Nos. 2 and 3. I further ask unanimous consent that these treaties be considered as having passed through their various parliamentary stages, up to and including the presentation of the resolutions for ratification; that any committee conditions, declarations, or reservations be agreed to as applicable; that any statements be printed in the RECORD as if read; and that the Senate take one vote on the resolutions of ratification, to be considered as separate votes; further, that when the resolutions of ratification are voted upon, the motion to reconsider be laid on the table; the President be notified of the Senate's action, and that following the disposition of the treaties, the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered. The treaties will be considered to have passed through their various parliamentary stages, up to and including the presentation of the resolutions of ratification.

The resolutions of ratification are as follows:

INTER-AMERICAN CONVENTION AGAINST TERRORISM (T.D. 107–18)

SECTION 1. SENATE ADVICE AND CONSENT SUBJECT TO UNDERSTANDING

Resolved (two-thirds of the Senators present concurring therein), The Senate advises and consents to the ratification of the Inter-American Convention Against Terrorism (the "Convention"), adopted at the thirty-second regular session of the General Assembly of the Organization of American States meeting in Bridgetown, Barbados, and signed by the United States on June 3, 2002 (Treaty Doc. 107–18), subject to the understanding in Section 2.

SECTION 2. UNDERSTANDING

The advice and consent of the Senate under section 1 is subject to the following understanding, which shall be included in the United States instrument of ratification:

The United States of America understands that the term "international humanitarian law" in paragraph 2 of Article 15 of the Convention has the same substantive meaning as the law of war.

U.N. CONVENTION AGAINST TRANSNATIONAL ORGANIZED CRIME (T.D. 108–16)

Resolved (two-thirds of the Senators present concurring therein),

SECTION 1. SENATE ADVICE AND CONSENT SUBJECT TO RESERVATIONS, UNDERSTANDINGS, AND DECLARATIONS

The Senate advises and consents to the ratification of the United Nations Convention Against Transnational Organized Crime (hereinafter in this resolution referred to as the "Convention") and two supplementary protocols: the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (hereinafter in this resolution referred to as the "Trafficking Protocol") and the Protocol Against Smuggling of Migrants by Land, Sea and Air (hereinafter in this resolution referred to as the "Smuggling Protocol"), adopted by the United Nations General Assembly on November 15, 2000 and signed by the United States on December 13, 2000 at Palermo, Italy (T. Doc. 108-16), subject to the reservations, understandings, and declarations of sections 2, 3 and 4.

SECTION 2. RESERVATIONS AND DECLARATION RELATIVE TO THE CONVENTION

(a) RESERVATIONS.—The advice and consent of the Senate under section 1 is subject to the following reservations relative to the Convention, which shall be included in the United States instrument of ratification:

(1) The United States of America reserves the right to assume obligations under the Convention in a manner consistent with its fundamental principles of federalism, pursuant to which both federal and state criminal laws must be considered in relation to the conduct addressed in the Convention. U.S. federal criminal law, which regulates conduct based on its effect on interstate or foreign commerce, or another federal interest, serves as the principal legal regime within the United States for combating organized crime, and is broadly effective for this purpose. Federal criminal law does not apply in the rare case where such criminal conduct does not so involve interstate or foreign commerce, or another federal interest. There are a small number of conceivable situations involving such rare offenses of a purely local character where U.S. federal and state criminal law may not be entirely adequate to satisfy an obligation under the Convention. The United States of America therefore reserves to the obligations set forth in the Convention to the extent they address conduct which would fall within this narrow category of highly localized activity. This reservation does not affect in any respect the ability of the United States to provide international cooperation to other Parties as contemplated in the Convention.

(2) The United States of America reserves the right not to apply in part the obligation set forth in Article 15, paragraph 1(b) with respect to the offenses established in the Convention. The United States does not provide for plenary jurisdiction over offenses that are committed on board ships flying its flag or aircraft registered under its laws. However, in a number of circumstances, U.S. law provides for jurisdiction over such offenses committed on board U.S.-flagged ships or aircraft registered under U.S. law. Accordingly, the United States will implement paragraph 1(b) to the extent provided for under its federal law.

(3) In accordance with Article 35, paragraph 3, the United States of America declares that it does not consider itself bound by the obligation set forth in Article 35, paragraph 2.

(b) DECLARATION.—The advice and consent of the Senate under section 1 is subject to the following declaration relative to the Convention:

The United States of America declares that, in view of its federalism reservation, current United States law, including the laws of the States of the United States, fulfills the obligations of the Convention for the United States. Accordingly, the United States of America does not intend to enact new legislation to fulfill its obligations under the Convention.

SECTION 3. RESERVATIONS, UNDERSTANDING, AND DECLARATION RELATIVE TO THE TRAFFICKING PROTOCOL

(a) RESERVATIONS.—The advice and consent of the Senate under section 1 is subject to the following reservations relative to the Trafficking Protocol, which shall be included in the United States instrument of ratification:

(1) The United States of America reserves the right not to apply in part the obligation set forth in Article 15, paragraph 1(b), of the United Nations Convention Against Transnational Organized Crime with respect to the offenses established in the Trafficking Protocol. The United States does not provide for plenary jurisdiction over offenses that are committed on board ships flying its flag or aircraft registered under its laws. However, in a number of circumstances, U.S. law provides for jurisdiction over such offenses committed on board U.S.-flagged ships or aircraft registered under U.S. law. Accordingly, the United States will implement paragraph 1(b) of the Convention to the extent provided for under its federal law.

(2) The United States of America reserves the right to assume obligations under this Protocol in a manner consistent with its fundamental principles of federalism, pursuant to which both federal and state criminal laws must be considered in relation to conduct addressed in the Protocol. U.S. federal criminal law, which regulates conduct based on its effect on interstate or foreign commerce, or another federal interest, such as the Thirteenth Amendment's prohibition of "slavery" and "involuntary servitude," serves as the principal legal regime within the United States for combating the conduct addressed in this Protocol, and is broadly effective for this purpose. Federal criminal law does not apply in the rare case where such criminal conduct does not so involve interstate or foreign commerce, or otherwise implicate another federal interest, such as the Thirteenth Amendment. There are a small number of conceivable situations involving such rare offenses of a purely local character where U.S. federal and state criminal law may not be entirely adequate to satisfy an obligation under the Protocol. The United States of America therefore reserves to the obligations set forth in the Protocol to the extent they address conduct which would fall within this narrow category of highly localized activity. This reservation does not affect in any respect the ability of the United States to provide international cooperation to other Parties as contemplated in the Protocol.

(3) In accordance with Article 15, paragraph 3, the United States of America declares that it does not consider itself bound by the obligation set forth in Article 15, paragraph 2.

(b) UNDERSTANDING.—The advice and consent of the Senate under section 1 is subject to the following understanding relative to the Trafficking Protocol, which shall be included in the United States instrument of ratification:

The United States of America understands the obligation to establish the offenses in the Protocol as money laundering predicate offenses, in light of Article 6, paragraph 2(b) of the United Nations Convention Against Transnational Organized Crime, as requiring States Parties whose money laundering legislation sets forth a list of specific predicate offenses to include in such list a comprehensive range of offenses associated with trafficking in persons.

(c) DECLARATION.—The advice and consent of the Senate under section 1 is subject to the following declaration relative to the Trafficking Protocol:

The United States of America declares that, in view of its reservations, current United States law, including the laws of the States of the United States, fulfills the obligations of the Protocol for the United States. Accordingly, the United States of America does not intend to enact new legislation to fulfill its obligations under the Protocol.

SECTION 4. RESERVATIONS AND UNDERSTANDING RELATIVE TO THE SMUGGLING PROTOCOL

(a) RESERVATIONS.—The advice and consent of the Senate under section 1 is subject to the following reservations relative to the Smuggling Protocol, which shall be included in the United States instrument of ratification:

(1) The United States of America criminalizes most but not all forms of attempts to commit the offenses established in accordance with Article 6, paragraph 1 of this Protocol. With respect to the obligation under Article 6, Paragraph 2(a), the United States of America reserves the right to criminalize attempts to commit the conduct described in Article 6, paragraph 1(b), to the extent that under its laws such conduct relates to false or fraudulent passports and other specified identity documents, constitutes fraud or the making of a false statement, or constitutes attempted use of a false or fraudulent visa.

(2) In accordance with Article 20, paragraph 3, the United States of America declares that it does not consider itself bound by the obligation set forth in Article 20, paragraph 2.

(b) UNDERSTANDING.—The advice and consent of the Senate under section 1 is subject to the following understanding relative to the Smuggling Protocol, which shall be included in the United States instrument of ratification:

The United States of America understands the obligation to establish the offenses in the Protocol as money laundering predicate offenses, in light of Article 6, paragraph 2(b) of the United Nations Convention Against Transnational Organized Crime, as requiring States Parties whose money laundering legislation sets forth a list of specific predicate offenses to include in such list a comprehensive range of offenses associated with smuggling of migrants.

Mr. SESSIONS. Mr. President, the Senate is prepared to ratify two important treaties, the Inter-American Convention Against Terrorism, and the United Nations Convention Against Transnational Organized Crime.

As a former prosecutor, I believe these treaties will provide important tools in our war against terrorism and organized crime.

However, as chairman of the Senate Steering Committee, and as a United States Senator, it is my job to carefully review all legislation and treaties to ensure that they are consistent with our Constitution and in the best interest of the United States.

In reviewing these treaties, there were two matters I felt needed further clarification.

First, the issue of extradition. I believe it is important that if we are going to enter into an extradition arrangement, it strengthen our hand with respect to nations, such as Mexico, who have refused to extradite violent criminals to the United States for prosecution. It serves no purpose to enter into treaties with no teeth.

Second, the International Criminal Court: The position of the United States has been firm in opposition to any expanded powers of the International Criminal Court. These treaties were silent on the ICC. They did not explicitly permit the ICC from exercising jurisdiction over matters, nor do they prohibit it from doing so. Were I not absolutely certain that these treaties would provide no mechanism for an overzealous ICC prosecutor to assert new jurisdiction, these treaties would not be ratified today.

However, based on an exchange of correspondence with the United States Department of Justice, I am satisfied that there is absolutely no way the ICC may assert any new jurisdiction based upon these treaties.

I received this letter by fax within the last few minutes, and it is on this basis that I am permitting these treaties to proceed. I am confident that these treaties are in the interest of the United States, and this correspondence will serve as legislative history with respect to the concerns I just addressed.

I ask unanimous consent that the above-referenced letters be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington, DC.

Hon. JEFF SESSIONS,
U.S. Senate,
Washington, DC.

DEAR SENATOR SESSIONS: We are pleased to have the opportunity to respond to your letter of October 6, posing questions about the United Nations Convention Against Transnational Organized Crime and the Inter-American Convention Against Terrorism. Both Conventions are strongly supported by the Administration, and we urge immediate action by the Senate to provide its advice and consent to ratification. As you may be aware, the first Conference of States Parties to the U.N. transnational organized crime convention will commence in Vienna on October 10, and thus there is particular urgency to the Senate acting today to approve this treaty and thereby strengthen the United States' ability to participate effectively at this meeting.

Your first question concerned Article 16 of the U.N. Convention on transnational organized crime and its impact on our existing bilateral extradition relations. This is a common provision in multilateral law enforcement treaties, and it can strengthen our extradition relationships under existing bilateral extradition treaties by requiring that the organized crime offenses covered by the U.N. Convention be included as extraditable offenses under those existing treaties. This can be helpful with older treaties that contain a limited list of extraditable offenses. Our treaty with Mexico, however, is not so limited.

As you suggest in your letter, a particular concern with Mexico at this time is the impact of a 2001 Mexican Supreme Court decision which barred extradition where a defendant would be subject to a life sentence. The U.N. Convention does not resolve this issue; at the same time it in no way endorses, or requires the United States to acquiesce in, such a limitation on extradition. You can be assured that resolving this problem in our extradition relations with Mexico remains a major objective of the Departments of Justice and State and is one that Attorney General Gonzales has raised personally with the Mexican Attorney General and with the Mexican Foreign Minister. We are hopeful that a recent decision of the Mexican Supreme Court in a domestic criminal case may open the door to a favorable revision of its 2001 decision, and we are committed to working with Mexico to that end.

With respect to your question concerning potential interplay between these treaties and the International Criminal Court (ICC), I can assure you that the Administration continues to have fundamental concerns about the ICC and would not advocate the United States joining any treaty that would expand the jurisdiction of the ICC or impose directly or indirectly any obligation on the United States to support the ICC. The jurisdiction of the ICC is strictly defined by the Rome statute at Article 5. Neither of the treaties now being considered by the Senate extends or could extend that jurisdiction. This is clear from the text of the treaties and the intent of the negotiators. Moreover, in no respect will the United States becoming a party to these two treaties affect the provisions of the American Service-members' Protection Act of 2002 (ASPA), including its restrictions on assistance to the ICC. We do not believe there is any ambiguity on these points and thus no need for clarification through understandings in the resolution of ratification. You and other members of the Senate can be confident that the Administration shares your concerns about the ICC and is fully satisfied that none of those concerns are implicated in these treaties.

We have consulted with the Department of State, which concurs fully in these views, and hope with this letter you and your colleagues will be able to vote in favor of these two important treaties today.

Sincerely,

WILLIAM E. MOSCHELLA,
Assistant Attorney General.

SENATE STEERING COMMITTEE,
UNITED STATES SENATE,
Washington, DC, October 6, 2005.

Hon. ALBERTO R. GONZALES,
Attorney General, U.S. Department of Justice,
Washington, DC.

DEAR MR. ATTORNEY GENERAL: I am writing regarding two critical treaties that the Senate is considering. As a former prosecutor, I believe these treaties could provide important new tools to law enforcement. However, before we ratify them, I seek your assistance in addressing several concerns.

1. *Article 16 of the United Nations Convention Against Transnational Organized Crime.* I am interested in learning whether or not the extradition provisions of this treaty would strengthen our current bilateral arrangements to address problems we have had with nations such as Mexico who refuse to extradite dangerous criminals to the United States. Further, it would appear that our moral position for extradition would be undermined if we explicitly acquiesce in allowing the nation to consider penalties as a basis for denying extradition.

2. *International Criminal Court.* The ICC is mentioned in neither treaty, and the Department of Justice attorneys have maintained that the ICC would have no jurisdiction over matters addressed in them. However, the main reason that the United States rejects the Rome Statute is that the ICC has one prosecutor who initiates investigations with virtually unchecked discretion. I seek further clarification from the Department on whether we can be absolutely certain that these treaties would not provide a vehicle for a case to be brought to the ICC by an overzealous prosecutor. Absent such certainty, it would be my desire to include an understanding to the resolution of ratification that clarifies the United States's position that the ICC may not try cases under the Convention or avail itself of the Convention's extradition or judicial assistance provisions. We could also add an explicit understanding to the resolution that ASPA shall govern application of the Convention by the Executive branch.

Thank you for your assistance.

Sincerely,

JEFF SESSIONS.

Mr. STEVENS. Mr. President, I ask for a division vote on the resolutions of ratification.

The PRESIDING OFFICER. A division vote is requested. Senators in favor of the resolutions will rise and stand until counted.

Those opposed will rise and stand until counted.

On a division vote, two-thirds of the Senators present and voting having voted in the affirmative, the resolutions of ratification are agreed to.

Mr. STEVENS. Mr. President, I am delighted to represent two-thirds of the Senate.

The PRESIDING OFFICER. The Chair recognizes the power of the Senator from Alaska.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

ORDERS FOR MONDAY, OCTOBER 17, 2005

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate stand in adjournment until 2 p.m. on Monday, October 17, contingent upon the Senate's action on the adjournment resolution from the House; that if we do not agree to the adjournment resolution, the Senate reconvene at 12 noon on Tuesday, October 11. I further ask that following the prayer and pledge on October 17, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and that there be a period for morning business until 3 p.m. equally divided. I further ask that the Senate then proceed to consideration of H.R. 3058, the

Transportation-Treasury appropriations bill, under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. STEVENS. Mr. President, when the Senate reconvenes on Monday, October 17, we will begin consideration of the Transportation-Treasury appropriations bill. As we consider the bill, I remind my colleagues to work with Senators Bond and Murray, the bill managers, and to offer amendments early in the week. I alert my colleagues that the first vote during Monday's session will occur at 5:30 p.m.

ADJOURNMENT UNTIL TUESDAY, OCTOBER 11, 2005, OR 2 P.M., MONDAY, OCTOBER 17, 2005

Mr. STEVENS. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 1:11 p.m., adjourned until Tuesday, October 11, 2005, at 12 noon, or Monday, October 17, 2005, at 2 p.m.

NOMINATIONS

Executive nomination received by the Senate October 7, 2005:

SUPREME COURT OF THE UNITED STATES

HARRIET ELLAN MIERS, OF TEXAS, TO BE AN ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE UNITED STATES, VICE SANDRA DAY O'CONNOR, RETIRING.

CONFIRMATIONS

Executive nominations confirmed by the Senate, Friday, October 7, 2005:

FEDERAL LABOR RELATIONS AUTHORITY

COLLEEN DUFFY KIKO, OF VIRGINIA, TO BE GENERAL COUNSEL OF THE FEDERAL LABOR RELATIONS AUTHORITY FOR A TERM OF FIVE YEARS.

DEPARTMENT OF HOMELAND SECURITY

STEWART A. BAKER, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF HOMELAND SECURITY.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

KIM KENDRICK, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT.

KEITH A. NELSON, OF TEXAS, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT.

DARLENE F. WILLIAMS, OF TEXAS, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT.

KEITH E. GOTTFRIED, OF CALIFORNIA, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.

DEPARTMENT OF COMMERCE

DAVID H. MCCORMICK, OF PENNSYLVANIA, TO BE UNDER SECRETARY OF COMMERCE FOR EXPORT ADMINISTRATION.

DEPARTMENT OF THE TREASURY

PATRICK M. O'BRIEN, OF MINNESOTA, TO BE ASSISTANT SECRETARY FOR TERRORIST FINANCING, DEPARTMENT OF THE TREASURY.

DEPARTMENT OF COMMERCE

ISRAEL HERNANDEZ, OF TEXAS, TO BE ASSISTANT SECRETARY OF COMMERCE AND DIRECTOR GENERAL OF THE UNITED STATES AND FOREIGN COMMERCIAL SERVICE.

DARRYL W. JACKSON, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF COMMERCE.

DEPARTMENT OF THE TREASURY

EMIL W. HENRY, JR., OF NEW YORK, TO BE AN ASSISTANT SECRETARY OF THE TREASURY.

DEPARTMENT OF STATE

THOMAS A. SHANNON, JR., OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF STATE (WESTERN HEMISPHERE AFFAIRS).

INTER-AMERICAN DEVELOPMENT BANK

JAN E. BOYER, OF TEXAS, TO BE UNITED STATES ALTERNATE EXECUTIVE DIRECTOR OF THE INTER-AMERICAN DEVELOPMENT BANK.

OVERSEAS PRIVATE INVESTMENT CORPORATION

ROBERT A. MOSBACHER, OF TEXAS, TO BE PRESIDENT OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION.

MILLENNIUM CHALLENGE CORPORATION

JOHN J. DANILOVICH, OF CALIFORNIA, TO BE CHIEF EXECUTIVE OFFICER, MILLENNIUM CHALLENGE CORPORATION.

DEPARTMENT OF STATE

JOSETTE SHEERAN SHINER, OF VIRGINIA, TO BE UNITED STATES ALTERNATE GOVERNOR OF THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT FOR A TERM OF FIVE YEARS; UNITED STATES ALTERNATE GOVERNOR OF THE INTER-AMERICAN DEVELOPMENT BANK FOR A TERM OF FIVE YEARS; UNITED STATES ALTERNATE GOVERNOR OF THE AFRICAN DEVELOPMENT BANK FOR A TERM OF FIVE YEARS; UNITED STATES ALTERNATE GOVERNOR OF THE AFRICAN DEVELOPMENT FUND; UNITED STATES ALTERNATE GOVERNOR OF THE ASIAN DEVELOPMENT BANK; AND UNITED STATES ALTERNATE GOVERNOR OF THE EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

KENT R. HILL, OF VIRGINIA, TO BE AN ASSISTANT ADMINISTRATOR OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.

JACQUELINE ELLEN SCHAFER, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT ADMINISTRATOR OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.

DEPARTMENT OF STATE

JOHN HILLEN, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF STATE (POLITICAL-MILITARY AFFAIRS).

BARRY F. LOWENKRON, OF VIRGINIA, TO BE ASSISTANT SECRETARY OF STATE FOR DEMOCRACY, HUMAN RIGHTS, AND LABOR.

AFRICAN DEVELOPMENT FOUNDATION

JENDAYI ELIZABETH FRAZER, ASSISTANT SECRETARY OF STATE (AFRICAN AFFAIRS), TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE AFRICAN DEVELOPMENT FOUNDATION FOR THE REMAINDER OF THE TERM EXPIRING SEPTEMBER 27, 2009.

DEPARTMENT OF STATE

FRANCIS ROONEY, OF FLORIDA, TO BE AMBASSADOR TO THE HOLY SEE.

ALFRED HOFFMAN, OF FLORIDA, TO BE AMBASSADOR TO THE REPUBLIC OF PORTUGAL.

CHARLES A. FORD, OF VIRGINIA, TO BE AMBASSADOR TO THE REPUBLIC OF HONDURAS.

MARK LANGDALE, OF TEXAS, TO BE AMBASSADOR TO THE REPUBLIC OF COSTA RICA.

BRENDA LAGRANGE JOHNSON, OF NEW YORK, TO BE AMBASSADOR TO JAMAICA.

ALEXANDER R. VERSHBOW, OF THE DISTRICT OF COLUMBIA, TO BE AMBASSADOR TO THE REPUBLIC OF KOREA.

PATRICIA LOUISE HERBOLD, OF WASHINGTON, TO BE AMBASSADOR TO THE REPUBLIC OF SINGAPORE.

WILLIAM PAUL MCCORMICK, OF OREGON, TO BE AMBASSADOR TO NEW ZEALAND, AND SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR TO SAMOA.

DEPARTMENT OF THE INTERIOR

H. DALE HALL, OF NEW MEXICO, TO BE DIRECTOR OF THE UNITED STATES FISH AND WILDLIFE SERVICE.

NUCLEAR REGULATORY COMMISSION

EDWARD MCGAFFIGAN, JR., OF VIRGINIA, TO BE A MEMBER OF THE NUCLEAR REGULATORY COMMISSION FOR THE TERM OF FIVE YEARS EXPIRING JUNE 30, 2010.

ENVIRONMENTAL PROTECTION AGENCY

GEORGE M. GRAY, OF MASSACHUSETTS, TO BE AN ASSISTANT ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY.

LYONS GRAY, OF NORTH CAROLINA, TO BE CHIEF FINANCIAL OFFICER, ENVIRONMENTAL PROTECTION AGENCY.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

DEPARTMENT OF JUSTICE

KENNETH L. WAINSTEIN, OF VIRGINIA, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF COLUMBIA FOR THE TERM OF FOUR YEARS.

THE JUDICIARY

JULIET JOANN MCKENNA, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS.

JOHN R. FISHER, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE DISTRICT OF COLUMBIA COURT OF APPEALS FOR THE TERM OF FIFTEEN YEARS.

FOREIGN SERVICE

FOREIGN SERVICE NOMINATION OF ROBERT S. CONNAN.

WITHDRAWALS

Executive message transmitted by the President to the Senate on October 7, 2005 withdrawing from further Senate consideration the following nominations:

PHILIP D. MORRISON, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF THE TREASURY, WHICH WAS SENT TO THE SENATE ON MAY 26, 2005.

TIMOTHY ELLIOTT FLANIGAN, OF VIRGINIA, TO BE DEPUTY ATTORNEY GENERAL, WHICH WAS SENT TO THE SENATE ON JUNE 20, 2005.

HOUSE OF REPRESENTATIVES—*Friday, October 7, 2005*

The House met at 9 a.m.

The Reverend Henry Holley, Director of Asian Affairs, Billy Graham Evangelistic Association, Marietta, Georgia, offered the following prayer:

O Lord, You have said that first of all prayers, supplications, and intercessions be made for those in authority.

I pray for this Chamber of Representatives, that they may have wisdom, integrity, courage, faithfulness in their performance. I pray for the Speaker of this House and our President. Bless each one with Your presence, enfold them with Your love and strengthen them by Your spirit.

May all remember that government is an institution ordained by Almighty God, for Thou does not desire that mankind should live in anarchy in which everyone does that which seems right in his own eyes.

I pray for all citizens of our land. Cause us to know that righteousness exalteth a nation, but sin is a reproach. May we do justly, love mercy and walk humbly with Thee. God bless America.

I pray this with all respect for persons of other faiths. I pray this in the name of my savior, Jesus Christ. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. PALLONE. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on agreeing to the Speaker's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. PALLONE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from Wisconsin (Ms. BALDWIN) come forward and lead the House in the Pledge of Allegiance.

Ms. BALDWIN led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

INTRODUCTION OF REVEREND HENRY HOLLEY, GUEST CHAPLAIN

(Mr. PRICE of Georgia asked and was given permission to address the House for 1 minute.)

Mr. PRICE of Georgia. Mr. Speaker, what a distinct privilege and honor to come before you today to introduce our guest Chaplain, the Reverend Henry Holley. As Members of Congress we are truly blessed with the opportunity to meet and get to know many wonderful Americans from all walks of life, many of whom have dedicated their lives to the betterment of the human race. Henry Holley is one of Georgia's and America's greatest treasures and a man who has given all and then some in his work on behalf of a grateful nation followed by his glorious affiliation with the Billy Graham Evangelistic Association.

Following service in World War II in the Pacific, Reverend Holley continued on active duty in the United States Marine Corps until 1966. He then joined the Reverend Billy Graham, ultimately becoming ordained into the gospel ministry by the Johnson Ferry Baptist Church in my district in Marietta, Georgia.

He has literally given his life to further outreach and evangelism. Reverend Holley has organized 10s of crusades worldwide, many attended by literally millions. The Hong Kong crusade in 1990, for example, extended its message of hope and faith to over 100 million people with the gospel, an effort directed by Reverend Holley.

He has served as a special assistant to Dr. Billy Graham on projects and missions too numerous to count, and has recently lent his talent to Reverend Franklin Graham. Reverend Holley is the embodiment of love and compassion and humility. He has been supported in his life work by Betty, his dear wife of 56 years, who joins us today. For the past 33 years they have made Georgia their home. They have three children and four grandchildren. Reverend Holley has brightened and made more meaningful so many lives, and I am privileged to have been able to add my name to that list. I appreciate the opportunity to share him with the House today.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will recognize five 1-minutes on each side.

CAREFUL ADHERENCE TO MEDICATION THERAPIES SAVES LIVES

(Mr. MURPHY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MURPHY. Mr. Speaker, failure to take prescription medications properly accounts for approximately 125,000 deaths, and an additional $100 billion per year in preventable hospitalizations, emergency department and repeat physician visits. Twenty-three percent of nursing home admissions and 10 percent of all hospital admissions result from patients failing to take medications properly.

Why do they skip their medications? Some forget, some want to save money, some did not believe that drugs were effective. Some doubted they needed to take them, or experienced unwanted side effects. Much of this can be solved by improving communication between doctor and pharmacist and patient.

Under the new Medicare bill, pharmacists will manage and monitor medications for patients with chronic illness. These programs have the potential to save billions of dollars and thousands of lives each year. It is a welcome addition to the Medicare bill and one that will help many seniors.

To learn more about the careful adherence to medication therapies and how they can save lives and money, I would encourage my colleagues to visit my Web site at murphy.house.gov.

NATIONAL COMING OUT DAY

(Ms. BALDWIN asked and was given permission to address the House for 1 minute.)

Ms. BALDWIN. Mr. Speaker, I rise today to recognize the importance of National Coming Out Day. Next Tuesday, October 11th, will be the 18th annual National Coming Out Day.

As public officeholders, we know the power of telling real life stories and putting a human face on the policy issues that we deal with to convey the ideas that a dry public policy speech could not convey.

In the movement towards full equality for gay, lesbian, bisexuals and transgender Americans, no actions have been more important than the steps that millions of Americans have taken in being open, truthful, forthright, with their friends, families, coworkers and neighbors about who they are.

For much of history, gays and lesbians were invisible, so people knew us

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

through stereotypes and myths. Visibility serves to shatter those stereotypes. Truth telling not only chips away at the myths, but serves to open minds and hearts.

National Coming Out Day is a time for us to celebrate that freedom and rededicate ourselves to the freedoms yet to be won.

OUTSTANDING SCHOOLS IN OHIO

(Mr. CHABOT asked and was given permission to address the House for 1 minute.)

Mr. CHABOT. Mr. Speaker, we all know the key to America's future is providing an excellent education for children. As a former school teacher myself, it gives me great pleasure to recognize two school districts located in my congressional district that truly live up to this commitment.

Wyoming City School District was recently named the State's most outstanding school district, receiving the highest performance index score in Ohio's State report card. 100 percent of students tested were at or above the proficient level, and their high school graduation rate has reached 100 percent.

The Oak Hills Local School District was also rated excellent, continuing in its long-standing tradition of academic excellence. Superintendent Patricia Brenneman has a lot to be proud of. With a graduation rate of 98.4 percent, Oak Hills boasts the highest rate of any high school its size in the entire State of Ohio.

These numbers are a testament to the hard work and dedication of the teachers, administrators, parents, and last but not least, the students of Wyoming City Schools and the Oak Hill School District. I would like to congratulate both communities on this outstanding achievement.

HOUSE OF SHAME

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Mr. Speaker, Republican cronyism here in Washington is something that has become quite evident to people outside the Beltway in recent weeks. I just wanted to reference today an article in the last issue of Newsweek magazine by Jonathan Alter called "Tom DeLay's House of Shame." It talks about how Mr. Alter a decade ago called on TOM DELAY in his ornate office in the Capitol and what he found there.

Alter goes on to say, and I quote, "Thus began what historians will regard as the single most corrupt decade in the long and colorful history of the House of Representatives. Never before has the leadership of the House been hijacked by a small band of extremists bent on building a ruthless shakedown machine, lining the pockets of their richest constituents and rolling back popular protections for ordinary people."

He goes on to say that "the 21st century radical Republican agenda, that is today, repeals health and safety regulations and spends billions on shameless pork-barrel projects to keep the GOP at the trough."

The bottom line is that Republican cronyism is now evident to everyone.

COOSA MIDDLE SCHOOL

(Mr. GINGREY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGREY. Mr. Speaker, I rise today to congratulate Coosa Middle School in Rome, Georgia, for being named a Blue Ribbon School by the United States Department of Education. This award recognizes schools that dramatically improve student performance on State tests and whose students excel at the educational standards set by our States. I am extremely proud Coosa Middle School has attained these goals. Coosa Middle School was one of only 12 middle schools across the Nation to win this prestigious award and the only middle school in the State of Georgia to do so.

Floyd County Superintendent Kelly Henson, Coosa Principal Lisa Landrum, the Floyd County Board of Education and all the teachers at Coosa Middle School deserve our praise and admiration for the fine work they do educating Rome's schoolchildren.

Their efforts show how much our students can achieve when we give them a solid educational foundation based on high expectations and the resources needed to help students meet these expectations.

Mr. Speaker, I ask that you join me in congratulating Coosa Middle School.

IRAQ AND THE WAR ON TERROR

(Mr. KUCINICH asked and was given permission to address the House for 1 minute.)

Mr. KUCINICH. Mr. Speaker, the President's speech yesterday proved one thing, that this administration is intent on war and nothing else. They are intent on sending more troops to die for a shifting tale of pure fiction, about WMDs, about trying to establish a democracy, about a war on terror.

Come home, America. Deal with the terror of joblessness in the United States. Deal with the terror of lack of adequate health care, of people losing their homes and their hope. Deal with things here at home. Give people a chance to make things work for their families. Create a new WPA program to put millions back to work. Give health care for all. Stop taking this Nation to the edge of total war with the world.

SUPPORTING OUR TROOPS

(Mrs. DRAKE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. DRAKE. Mr. Speaker, this weekend I had the privilege to lead an armed services congressional delegation to Iraq. We had the great opportunity to visit with our brave fighting men and women, attend briefings by their commanders, and see firsthand the progress that is being made. We visited Camp Victory, Baghdad, Ballad, and Qatar. Our brave men and women are working very hard, they are making incredible progress, they are proud of what they are doing, they are determined to prevent another attack on our Nation, and they know a free and democratic Iraq means the spread of freedom throughout the Middle East and a safer world for all of us.

As these courageous American heroes stand side by side with our allies and with Iraqi soldiers, they want to be assured that the American people support them, that the American people understand the mission, and that the American people understand the threat to the entire world. Today New Yorkers are on alert because of their efforts. What happens in Iraq matters to Americans. I thank them for their service.

CONSUMER CONFIDENCE

(Mrs. MALONEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MALONEY. Mr. Speaker, last week we saw new evidence that Americans are becoming increasingly pessimistic about this economy. Two separate measures of consumer attitudes plunged drastically, posting their largest declines in decades.

The impact of the hurricanes was the immediate cause of pessimism, but Americans have never had much confidence in the Bush economy. The President has the worst job creation record since Herbert Hoover. American workers have been left behind in the economic recovery from the 2001 recession.

For the typical worker and household, wages and incomes are not keeping up with the cost of living. The gap between the haves and the have-nots continues to grow and I find that tremendously troubling for our country. This record does not inspire confidence in our economy. We can do better.

□ 0915

RECOGNIZING NATIONAL FIRE PREVENTION WEEK

(Mr. BRADLEY of New Hampshire asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BRADLEY of New Hampshire. Mr. Speaker, this morning I rise to recognize National Fire Prevention Week, which is October 9 through October 15. Fire Prevention Week is an opportunity for Americans of all ages to learn more about how to avoid fires and fire injuries and how to respond to them as well.

This year's theme, "Use Candles With Care," reflects how proper use of candles can go a long way in protecting one's home and family from the devastating effects of fires. Candle fires in 2002 alone resulted in an estimated 130 deaths. Fire Prevention Week also serves as the time to honor our brave firefighters for risking their lives every day to protect us. They work tirelessly to educate their fellow citizens about fire safety and the importance of being prepared for emergencies.

I especially would like to recognize the brave and fine firefighters in my home State of New Hampshire for their efforts to make the granite State's community safer. We owe all firefighters a debt of gratitude for their courage and dedication to keeping us out of harm's way. I encourage all my colleagues to take a moment to thank their local first responders for their hard work and to heed the important lessons they impress upon us.

AMENDMENT TO HOUSE RESOLUTION 481, PROVIDING FOR CONSIDERATION OF H.R. 3893, GASOLINE FOR AMERICA'S SECURITY ACT OF 2005

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I ask unanimous consent that House Resolution 481 be considered as amended by striking the number 3983 in each place it appears and inserting in lieu thereof the number 3893.

The SPEAKER pro tempore (Mr. SIMPSON). Is there objection to the request of the gentleman from Florida?

There was no objection.

PERMITTING INDIVIDUALS TO BE ADMITTED TO HALL OF HOUSE TO OBTAIN FOOTAGE OF HOUSE IN SESSION

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I ask unanimous consent that it shall be in order at any time to consider in the House the resolution, H. Res. 480; the resolution shall be considered as read; the previous question shall be considered as ordered on the resolution to its adoption without intervening motion except 10 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Rules.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, pursuant to the previous order of the House, I call up the resolution (H. Res. 480) permitting individuals to be admitted to the Hall of the House in order to obtain footage of the House in session for inclusion in the orientation film to be shown to visitors at the Capitol Visitor Center, and ask for its immediate consideration.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 480

Resolved, That the Speaker, in consultation with the minority leader, may designate individuals to be admitted to the Hall of the House and the rooms leading thereto in order to obtain film footage of the House in session for inclusion in the orientation film to be shown to visitors at the Capitol Visitor Center.

The SPEAKER pro tempore. Pursuant to the order of the House of today, the gentleman from Florida (Mr. LINCOLN DIAZ-BALART) and the gentlewoman from New York (Ms. SLAUGHTER) each will control 5 minutes.

The Chair recognizes the gentleman from Florida (Mr. LINCOLN DIAZ-BALART).

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is a very simple resolution which allows the Speaker, in consultation with the minority leader, to allow individuals to be admitted to the Hall of the House in order to film the House in session for inclusion in an orientation film to be shown to visitors at the Capitol Visitor Center. This resolution is necessary because clause 2(b) of rule IV of the rules of the House provides that the Speaker may not entertain a unanimous consent request or a motion to suspend clause 2 of rule IV, which restricts access to the floor of the House while the House is in session.

Mr. Speaker, I would urge all Members to support this resolution which will provide edification for millions of visitors to our Nation's Capitol.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, we are pleased to support the resolution.

Mr. Speaker, I yield back the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield back the balance of my time.

Pursuant to the order of the House of today, the resolution is considered read and the previous question is ordered.

The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 3893, GASOLINE FOR AMERICA'S SECURITY ACT OF 2005

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 481 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 481

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 3893) to expedite the construction of new refining capacity in the United States, to provide reliable and affordable energy for the American people, and for other purposes. The bill shall be considered as read. The amendment in the nature of a substitute recommended by the Committee on Energy and Commerce now printed in the bill, modified by the amendment printed in part A of the report of the Committee on Rules accompanying this resolution, shall be considered as adopted. All points of order against the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate on the bill, as amended, equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce; (2) the amendment in the nature of a substitute printed in part B of the report of the Committee on Rules accompanying this resolution, if offered by Representative Stupak of Michigan or his designee, which shall be in order without intervention of any point of order, shall be considered as read, and shall be separately debatable for 40 minutes equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Florida (Mr. LINCOLN DIAZ-BALART) is recognized for 1 hour.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to my dear friend from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 481 is a structured rule that provides for the consideration of H.R. 3893. The rule provides 1 hour of general debate evenly divided and controlled by the chairman and the ranking minority member of the Committee on Energy and Commerce. The rule also provides one motion to recommit with or without instructions.

Mr. Speaker, in the last 24 years, our refinery capacity has dropped from almost 19 million barrels a day to less than 17 million barrels a day. Now, this has happened at the same time that our gross domestic product has quadrupled. In other words, because of the sustained growth of our economy and the fact that we have not built a new refinery in almost 30 years, the United

States is now forced to import over 4 million barrels a day in refined products, and that is when our refineries are running at full capacity.

I thought it was impacting when I learned this fact that I have just relayed. We have not built a single refinery in the country during the time period that our gross domestic product has quadrupled. I think if there has ever been an example of a great superpower really sitting on its laurels, it is pointed out by this example. We have to take steps, as we are with this legislation that we bring to the floor today, to maintain the necessary infrastructure to continue being the most successful economy in the world.

Now, any change in our refinery capacity can cause supply constraints and price spikes, especially, for example, in the gulf coast, where we have almost 50 percent of our refinery capacity. That is what happened when we had the two natural disasters in the last weeks, hurricanes Katrina and Rita. They hit the gulf coast, causing gasoline prices to rise significantly.

On August 25, Hurricane Katrina began her path of destruction. The eye of that hurricane passed right by my district. It was fortunately then only a category 1 hurricane, but it hit us in South Florida; and then of course, as we all know, it went into the Gulf of Mexico and became a monster storm. That storm then headed towards Louisiana and then the Mississippi gulf coast as a category 4, almost category 5, storm.

Once that storm passed, we awoke to the greatest natural disaster that the United States has ever faced. The Mississippi gulf coast was decimated by that deadly combination of the powerful winds and the storm surge caused by Hurricane Katrina.

In Louisiana, the storm surge submerged a large portion of the southeastern part of the State, toppling over the levees that protected the area, including the city of New Orleans. In the immediate aftermath of the hurricane, several refineries were shut down, accounting for about 11 percent of the total United States refinery capacity.

As of the beginning of October, four oil refineries remain closed. Now, those refineries provide almost a million barrels a day, almost 5 percent of our refining capacity; and even at this time it is still not known when those four refineries will be able to reopen.

□ 0930

A month later, we had Hurricane Rita hit the Texas-Louisiana Gulf Coast with 120-mile-an-hour winds, causing widespread damage and flooding. In anticipation of the storm, several oil refineries in the warning area, constituting over 4 million barrels a day in refining capacity, were shut down. Some of those refineries were able to restart, but as of the first of October, nine refineries with the capacity to refine over 2 million barrels a day, about an eighth of our capacity, remain shut down.

Now combine that with the four refineries closed because of Hurricane Katrina, approximately 18 percent of the refining capacity in the United States is off line. Pipelines from the gulf to the Midwest and East Coast have also been affected by the hurricanes. The Colonial and Plantation pipelines serving the whole East Coast with refined products resumed operation not long after Hurricane Katrina. However, they were shut down again by the subsequent hurricane, Hurricane Rita, and are still not working at full capacity.

In order to prevent the sharp price increases we have seen after the hurricanes, we have to make sure that we do everything possible so that refineries, new refineries, are built. And if another hurricane or a terrorist attack were to hit our refineries, we will still have the capacity to produce enough gasoline for the needs of our economy: that must be our goal.

Mr. Speaker, H.R. 3893, I am so pleased to see the author, the gentleman from Texas (Chairman BARTON) here who has done a tremendous job. He has done a tremendous amount of hard work in a very difficult area. This is an area that you cannot alleviate, much less solve, this problem overnight. It requires the kind of hard work, dedication, seriousness, that the gentleman from Texas (Mr. BARTON) has demonstrated day in and day out. We are seeing it in legislation that we are bringing to the floor today.

Now, this bill, H.R. 3893, will remove some of the obstacles that have prevented the construction of new refineries. The underlying legislation streamlines the cumbersome environmental and energy provisions that affect construction of facilities such as refineries and oil pipelines. Bringing new refineries online will alleviate our reliance on foreign sources of refined products, will allow us to have enough refinery capacity to meet the needs of our growing economy, while providing a backup if any of our refineries are shut down in the future.

Now, to help conserve gasoline, the legislation also directs the Secretary of Energy to establish and carry out programs to encourage the use of carpooling and van pooling. After the hurricanes, we saw reports of unscrupulous business practices engaged in in some instances. The bill addresses unfair or deceptive acts or practices of any person selling crude oil or gasoline or diesel fuel or home heating oil at a price that constitutes price gouging.

Mr. Speaker, H.R. 3893, as I stated before, required a tremendous amount of hard work. It was introduced by the gentleman from Texas (Chairman BARTON), reported out of the Committee on Energy and Commerce on September 29. It is a good bill. I think it is very important to our energy needs, to the health of our economy and to the national security of this country.

So again I thank the gentleman from Texas (Mr. BARTON). I know the ranking member, the gentleman from Michigan (Mr. DINGELL) has worked extraordinarily hard, as he has for decades in this House on so many important issues. I urge my colleagues to support both the rule and the underlying legislation.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, there are two fundamental problems with the bill before us today: What it does and what it does not to do. The bill will not address the very real and very immediate problems millions of Americans are facing every day. People are struggling to be able to afford to drive to work in the morning, and families are wondering how they are going to pay to heat their homes this winter.

But the GAS Act we are considering today will not help them. This energy bill, written in the midst of what is threatening to become the worst energy crisis the country has ever experienced, does nothing to help reduce the price of gasoline.

That is not me talking, the chairman of the House Committee on Energy and Commerce, the gentleman from Texas (Mr. BARTON), admitted this very fact in the Committee on Rules yesterday. He told us without taking command and control measures, this Congress cannot do anything in the short term to lower gas prices, even if the bill is passed, and he wrote the bill.

I hope every American pays attention to that fact because it is a very important one. With this bill, the Republican leadership is telling you they know there is a problem, they know you are suffering, but there is nothing they can do about it; but it is not true that they cannot, it is just true that they will not.

There are things that this Congress can do to help our fellow Americans in this time of crisis. There are measures that can be taken that will help reduce the price of gasoline. I know because we debated many of those measures in the Committee on Rules just last night. Amendments that I and my colleagues have proposed, such as eliminating the zone pricing methods employed by gasoline suppliers, would help to mitigate the high gas prices not years down the road but now.

These amendments were rejected by the majority. In fact, of the 18 Democratic amendments offered only one was allowed. We are offering that amendment by the gentleman from Michigan (Mr. STUPAK) as a substitute for the bill, but it begs the question, what is the leadership doing with their time and energy if we cannot have a real debate on how to solve these very real problems?

If unconcerned with the present, does the bill at least offer a plan for the future? Does it call for our Nation to raise its energy efficiency standards or for us to aggressively explore alternatives fuels? Amendments that were not allowed to be considered called for those things, but the GAS Act is silent on them.

Since the GAS Act will not address the needs of the people either now or in the years ahead, what will it do? The answer is as simple as it is predictable: It is a give-away to the oil industry. To justify this action, the Republican leadership first invented a problem. America needs to expand its refinery capacity, they said. This premise is dubious at best.

Edward Murphy, a refinery specialist with the American Petroleum Institute, told The Washington Post just yesterday there is not a shortage of capacity in America because capacity is a global issue. His learned opinion was clearly ignored by the authors of the legislation, for having invented their problem, they have already come up with a solution to it: Throw the money at the oil companies, and that will induce them to build more refineries.

The simple truth of the matter is that for three decades, oil companies have not been building refineries because it has not been profitable for them to do so. In almost 30 years, no oil company has applied to build one. By intentionally limiting the supply of available gasoline on the market, they keep its price up. Numerous industry memos available to the public have advocated just such an approach to business.

Furthermore, it is impossible to seriously argue that throwing even more money at the oil companies would change their minds. The American oil industry is already flush with cash, just as the people of the Nation struggle to foot the bill. In fact, since 2001, 4 years ago, the top five oil companies in the United States have recorded combined profits. This is important, Mr. Speaker, they have reported combined profits of $254 billion. That is more money than we have spent on the war in Iraq, and it is split between just five companies.

If we were to open that figure out to the entire industry, it would be even more staggering. This is not the only way in which the Republicans are standing up today for the corporations who need help the least. Under this bill, if an oil company wins a suit against a local government over the right to build a new refinery within that government's jurisdiction, this bill will force the locality to pay for the court costs.

But conversely, if the locality wins the suit, the company under this law does not have to pay a dime. So if Exxon wants to build a refinery in your backyard or near your child's school, and you and the local community want to oppose it, it means you very well may have the pleasure of paying Exxon's legal fees for trying to protect your community. It is an official incentive for corporations to take communities for all they are worth and then some.

Next, what about price gouging? Rather than punish this outrageous, immoral and deeply damaging practice, the bill will place a limit on the maximum daily fine that can be given to an individual guilty of that practice.

Sadly, we are lucky this is all the GAS Act will do because until late last night, it was much worse. The legislation included an unjustified attack on the Clean Air Act and was intent on rolling back 30 years of progress on protecting the quality of air that we and our children breathe. It seems that being good corporate citizens and mandating that companies not pump their waste into the air we breathe and the water we drink was just too much for this leadership to ask of their energy industry. Apparently, they would rather have Americans pay for corporate profits with their health.

Thankfully, the majority was shamed into removing such a provision from the bill as its own rank and file objected to this basic assault on the health of our country.

But what we are left with is still deeply troubling. It is legislation that is not responsive to the welfare of the people and does not offer real solutions for the future. It is the kind of legislation produced by a Congress that has forgotten who it works for, a Congress more concerned with corporate lobbyists who write bills than concerned with the working people who struggle to deal with their consequences. It is the product of congressional leadership out of touch with the citizens of this country.

This bill is a living, breathing example of the culture of corruption which has plagued this body and ails this Nation, and I urge my colleagues to oppose this rule, this bill, and to support the Democratic alternative.

Mr. Speaker, I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. DREIER), chairman of the Committee on Rules.

Mr. DREIER. Mr. Speaker, I rise in strong support of this rule, and I thank my friend from Miami for his superb management of this, as well as the hard work he is doing upstairs as we worked late last night to ensure we could put this package together.

Since he has left the floor, I want to take this time to praise the very distinguished chairman of the Committee on Energy and Commerce, the gentleman from Texas (Mr. BARTON). I do not want him to actually hear this, Mr. Speaker, but I want to say he has done an absolutely phenomenal job in fashioning this very important piece of legislation that is designed to increase our Nation's refinery capacity.

We know full well that our constituents are complaining, understandably, about the high cost of gasoline. It is absolutely outrageous. I am privileged to represent the Los Angeles area, and we see prices in excess of $3.15 and $3.20 a gallon. Obviously, we have seen some relief, but it is clear if we look at the history of refinery capacity, it is one that has played a big role in exacerbating the cost of gasoline.

Since 1981, we have seen the number of refineries in the United States of America cut in half. It has been three decades since we have seen a new oil refinery constructed. Why? People have argued it is the oil companies that have not done this. An argument made, which is an appropriate one, is it has not been a great profit center.

The fact of the matter is when you have a regulatory burden which is designed to create a disincentive for the construction of refineries, why would anyone in the industry consider it? This bill is designed to address that issue. Our goal is clear and simple. We want to do everything within our power to bring the cost of energy down for the American people.

Now, many have argued that this is a partisan bill when in fact the gentleman from Texas (Mr. BARTON) has turned himself inside out to try and accommodate concerns that Members of the minority have. The combination of the base text of the bill and the manager's amendment, which will be in fact passed when we pass this rule, we address the concerns on heating oil put forward by the very distinguished gentleman from Massachusetts (Mr. MARKEY), and you can go right down the line and look at a number of issues that were brought forward by Members of the minority, including the gentleman from Illinois (Mr. RUSH), the gentleman from Washington (Mr. INSLEE), the gentleman from Washington (Mr. DICKS), and others who have raised issues of concern, and the gentleman from Texas (Mr. BARTON) has worked diligently to address those.

Mr. Speaker, it is my hope this bill will enjoy strong bipartisan support. It is our one opportunity, our one opportunity now to step forward and actually take decisive steps to work towards diminishing the high cost of gasoline for the American people. I strongly support this rule and the underlying legislation. I thank my friends for their hard work on this important issue.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. MCGOVERN).

Mr. McGOVERN. Mr. Speaker, we have a national energy crisis now. If my colleagues on the other side of the aisle do not appreciate that fact, I would suggest that they go home to their districts and listen to their constituents. Instead, we are rushing a flawed bill to the floor that will once again reward the very industries that have gouged the American people.

It is unacceptable for anybody in this Congress to say we cannot do anything about the short-term crisis of high energy costs.

□ 0945

We must. That is what our constituents expect us to do. That is what we should be doing today here on the floor. The cost of filling a tank of gas ranges between $40 and $100. There are workers whose wages do not compensate for the cost of driving to and from work. I have senior citizens in my district and low- and moderate-income families who are scared out of their minds about how they will heat their homes this winter. We must crack down on price gouging in the short term and find other ways to lower prices. This is an emergency. It requires dramatic action by the Government of the United States.

In the long term, we should reduce our reliance on foreign oil by aggressively pursuing renewable energy sources, something that we should have been doing a long time ago.

What we have here in this so-called "Gas Act" is more of the same: tax breaks to reward the bad behavior of oil and gas companies; reduced regulations that compromise our communities; and nothing, absolutely nothing, for the relief of our citizens.

Let me say to my colleagues who vote for this, do not go home and tell their constituents that they did anything for them because in truth they have not. When they ask them what did they do to lower the prices of gas and home heating oil, they can say honestly they did nothing.

Mr. Speaker, I would urge my colleagues to support the Stupak substitute, which will deal head-on with the issue of price gouging; and if that fails, I would urge my colleagues to defeat this bill and to go back to the committee and do something meaningful. The status quo does not work. It is time for a comprehensive, honest-to-goodness energy plan, and this is not it.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. BARTON), distinguished chairman of the Committee on Energy and Commerce.

Mr. BARTON of Texas. Mr. Speaker, I thank the distinguished member of the Committee on Rules for yielding me this time.

Mr. Speaker, I rise in very strong support of this rule and, of course, in strong support of the underlying bill, H.R. 3893.

I want to make a few comments first about the rule. We have made in order the Democratic substitute. My understanding is that the Democrat substitute is similar, if not identical, to the Democrat alternative that was put in play in the Committee on Energy and Commerce at our 16-hour markup last week. So point one is our friends on the minority side are going to get an opportunity to have their ideas on this issue addressed by the body and voted on; so that would be a very good reason for everybody to vote on the rule.

Another good reason to vote for the rule is that the manager's amendment that has been incorporated into the base text takes into account many of the issues that were debated in the Committee on Energy and Commerce and many of the issues that were supported by our minority members of that committee last week, in particular the concerns about price gouging.

The amendment that was adopted in committee on price gouging last week only referred to price gouging within a disaster area that had been declared by the President of the United States, and it only applied to gasoline and diesel fuel. The manager's amendment incorporates many of the ideas that the gentleman from Michigan (Mr. STUPAK) and the gentlewoman from New Mexico (Mrs. WILSON) on the majority side had in their alternative price gouging amendments.

It would expand the authority of the President to allow a price gouging investigation outside of the disaster area. It would allow the FTC to prosecute price gouging outside the disaster area if they felt that there was price gouging. It also expands the jurisdiction of price gouging that would be under the control of the Federal Trade Commission from gasoline and diesel fuel to home heating oil. And I know there are very legitimate concerns in the Northeast and the Midwest this winter about the price and availability of home heating oil.

So those are the reasons that I think we should vote for the rule.

When it comes time to vote for the bill, obviously we are going to have a very spirited debate, which is what this body is all about. As we have that debate, there are several facts that I think we should keep in mind. Number one, since 1981 we have closed 176 refineries in this country. That means that we have in operation today 148. We have closed over half of the refineries in the United States of America in the last 30 years. That might be acceptable if the demand for their products was going down; but, in fact, the opposite is true. The demand for refined products in our Nation is rising every year, somewhere between 1 percent to 3 percent a year. If we convert that to barrels per day, that is somewhere between 250,000 to 750,000 barrels a day. Our Nation uses 30 billion barrels of oil every year.

Our refinery capacity has simply not kept pace with our demand for the refined products. The consequences were clear for every American to see in the aftermath of Katrina and Rita when over half of our refineries shut down temporarily and about 25 percent of our oil and gas production shut down. In some parts of the country, the price of gasoline doubled and even tripled. Even with most of those refineries back on line, there is still enough refinery capacity disabled that the prices remain somewhere between 30 to 50 cents a gallon higher than they were before the hurricane.

So quite simply, Mr. Speaker, it is time to invest in our energy infrastructure, and one of the critical components of that is our refinery capacity. This bill would do that without putting direct Federal dollars into it. It would do it by eliminating the red tape that we have to go through to get a refinery permitted. It would not eliminate or reduce any environmental law on the books today, but it would create an expedited process that a Governor of a State that wished to build a new refinery or expand an existing one could utilize.

The bill would also make it easier to build some new oil pipelines. We have not built a new oil pipeline in this country in over 40 years. Again, the only two pipelines serving the Midwest and the Northeast, both of those were temporarily shut down because of Katrina. This bill takes some steps to do that.

The bill would also reduce the number of boutique fuels, which currently is over 40, down to six. If the EPA thinks that that is practical to do so, that would make these fuels more fungible, more efficient to refine, and less expensive for the taxpayers, motorists of our country, to have to purchase.

It also has some incentives and some emphasis on carpooling. Carpooling is not a real sexy high-tech issue: but if we could get one out of every three Americans to actually carpool on their way to and from work, we would save over 1 million barrels of oil per day, which, again, reducing the demand would reduce the cost of the gasoline.

This is a good bill. It is a bill that both sides of the aisle can support. I would hope that we vote for the rule and then vote for the bill later this afternoon.

I want to thank the distinguished Committee on Rules for bringing this rule to the floor, and I look forward to working with them on this issue and other issues in the future.

Mr. Speaker, I rise in strong support of this rule.

The House today takes an important step in recovering from Hurricane Katrina. With the

Gasoline for America's Security Act, we will make our country less dependent upon imports of gasoline and address high gas prices.

The bill increases U.S. fuel supply by encouraging new refineries and reducing the number of boutique fuels around the country. We promote conservation through carpooling. We also outlaw price gouging for gasoline.

The bill before us today is the product of a markup in committee that started at 8 a.m. and ended after midnight. It follows countless hearings over the last several years on gasoline markets, refinery capacity, and Clean Air Act issues.

Our Nation is dangerously dependent upon tight refinery capacity and refined product imports. Hurricane Katrina hit in the wrong place at the wrong time, and American consumers are suffering. Offshore crude oil production was shut down. Refineries went down and are struggling to come on line. Oil and gasoline pipelines were without power and couldn't pump their product. We are paying the price at the pump and must take action.

I keep hearing "it doesn't matter how much crude oil we import if we don't build or expand refineries." Katrina proved that right when refineries were damaged or unable to move their product.

Mr. Speaker, our Nation has not seen a new refinery built since 1976. The bill today encourages companies to come forward with proposals to build refineries. Many refiners have just given up because of an endless stream of red tape and the threat of nuisance litigation. The permitting process is overly cumbersome, and this bill fixes it.

We want all States to be able to build refineries under an expedited permitting process. Any Governor can request that we cut through the red tape. The President can designate Federal lands to be considered for a refinery, even a military base that is being closed. If a State needs to see a pipeline built to service a refinery, we let the Governor request expedited permitting, too.

The manager's amendment before us today improves the bill further from the bill reported out of the Energy and Commerce Committee. It extends the geographic reach of our price gouging provision and increases penalties for violations. The manager's amendment also drops provisions that are very important policies but which I will save for another day. Nothing should stand in the way of this bill passing.

If you want to increase the supply of gasoline, you need to do two things: Increase the supply of crude oil; and Increase refinery capacity.

In the end, the issue before us is whether people who work for a living will get the gasoline they need to go to work, at a price they can afford to pay. Some seem to believe that Americans will float to work on a cloud of our good intentions. But they drive to work in cars and trucks that run gasoline. That could change some day, and I hope it does, but it will not change this day or this decade.

We've known about the problem in refinery capacity for 30 years, and done nothing. Katrina and Rita demonstrated that the do-nothing policy is dangerous. Today we can start doing something about gasoline prices and gasoline supplies. The Energy Policy Act of 2005 will help on crude oil prices, as will future legislation by the Resources Committee. We can increase refinery capacity today by voting "yes" on this rule and "yes" on the GAS Act.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. MATSUI).

Ms. MATSUI. Mr. Speaker, I thank the gentlewoman from New York for yielding me this time.

I rise today in opposition to the rule and the underlying bill, H.R. 3893.

Hurricane Katrina highlighted the failure of the Republican leadership's first attempt to create a national energy policy. We now have a second chance to craft a forward-looking strategic plan. Unfortunately, H.R. 3893 fails to do this. Instead of tackling America's very serious energy challenges, we are looking at the cast-asides from the earlier legislation. I therefore urge my colleagues to support the substitute.

Every American now clearly sees that our energy policy affects everything, from a family's monthly budget to our national security. My constituents, like the other Members, are paying over $3 a gallon at the pump. Yet H.R. 3893 does not include price gouging provisions that would sufficiently protect American consumers, particularly when we have oil companies making as much as $80 million a day.

We owe our constituents more than empty promises on high gas prices. And we can do this with the substitute. It gives the FTC real authority to investigate the energy supply chain. The substitute provides for significant fines that actually have the power to deter companies from gouging consumers.

H.R. 3893's shortcomings are not exclusive to its attempts at immediate relief. The legislation also fails to address our Nation's long-term needs. Constructing new facilities would increase the Nation's capacity to process crude oil and soften the effects of future supply disruptions, but the oil refiners are not interested in incentives to do so. In fact, they have minimized capacity to maximize profit.

Again, Congress has a responsible alternative: Establish a strategic refinery reserve, a logical complement to the existing Strategic Petroleum Reserve. This would give us the increased flexibility and control to respond to future energy disruptions.

But this legislation fails to do that; and worse still, it ignores the larger causes of our energy security. A forward-looking energy policy should curb our reliance on unstable foreign oil markets and accelerate research for alternative sources of energy.

This bill takes only nominal steps toward that goal. There is an almost laughable $2.5 million for an education program and encouragement to Federal agencies to buy energy-efficient light bulbs. This is not exactly the bold out-of-the-box thinking that will free the next generation from dependence on foreign sources of energy. Congress needs to pause and examine our energy stance in a long-term strategic manner. We owe that to our children and our grandchildren.

I urge my colleagues to vote against the rule and reject this opportunistic legislation.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Indiana (Mr. PENCE).

Mr. PENCE. Mr. Speaker, I rise in support of the rule and the underlying bill and commend Chairman BARTON for his exceptional and timely work on this legislation.

But I also rise, Mr. Speaker, to say, while we respond to the energy crisis that was revealed by Hurricane Katrina, it is also vital that we respond to the fiscal crisis that was laid bare by the hurricane as well. For what began as a hurricane of nature very quickly became a hurricane of spending here on Capitol Hill: $60 billion appropriated in 6 days, paid for by simply adding to the national debt.

Now, some of us thought we should pay for the big cost of Hurricane Katrina by cutting Big Government; and this week, with the leadership of President George W. Bush and the leadership of the Republican majority in Congress, we are beginning to do just that.

Last night, Speaker HASTERT unveiled a bold plan to cut billions of dollars from every branch of government to offset the extraordinary cost of Hurricane Katrina and its aftermath. And while the details take shape that would save tens of billions of dollars through an across-the-board spending cut; through additional entitlement savings; through a Presidential recision package, the first time in this administration; by reopening the Budget Act with a Budget Act amendment, the first time Congress has done that since 1977; and by ending nearly 100 outdated Federal programs, we are beginning that process as well.

So I rise today to say on behalf of House conservatives we are pleased, but not content. We are encouraged, but not satisfied. For while the debate has been difficult at times, the work of cutting government spending to offset the extraordinary cost of Hurricane Katrina will be harder still. With more hurricane spending right around the corner, I rise humbly to challenge my colleagues in the House and, Mr. Speaker, I rise to challenge my colleagues in the United States Senate to be strong and courageous and do the work.

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Let us have the courage to make the tough choices, to find the means to pay for the cost of Hurricane Katrina and its aftermath through reductions in government spending. Let us do the work of rebuilding our gulf coast with the compassion and the fiscal discipline that the American people expect from a Republican Congress.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Speaker, I thank the gentlewoman for yielding me time.

The bill we are debating today is exactly what the American people expect from a Republican Congress. It is a set of giveaways to big oil and to big gas, while simultaneously out here on the floor the last two speakers are calling for a gutting of environmental laws and cutting of Medicaid and other social programs for the poorest people in our country as a response to Hurricanes Katrina and Rita.

This Republican Party is so out of touch that it believes that the oil and gas industries, the wealthiest industries in our country, the industries that are tipping American consumers upside-down and shaking money out of their pockets, is the first bill they should bring to the floor to respond to Hurricane Katrina, even after 10 years of a conscious conspiracy on the part of the oil industry to shut down 30 refineries, voluntarily.

And the reason is clear. In a series of memos 10 years ago, the oil industry said that we have too much refining capacity in our country. We must shut it down if we want to charge the consumers in our country more money.

That is what is going on out here on the floor, this leave-no-oilman-behind bill. We cannot fund leave No Child Behind, but can leave-no-oilman, who today planned this complete catastrophe that occurs because they shut down 30 refineries. They shut them down deliberately to cause this crisis.

We should be debating out here on the floor, which the Republicans refuse to do. Increasing fuel economy standards for automobiles, they refuse to even allow that debate out here on the floor. Increasing, doubling, tripling, quadrupling solar energy, wind energy out here on the floor, they refuse to have that debate. Instead, it is this leave-no-oilman-behind bill. Today, they have failed the historic test of preparing our country for this day.

We are here because this party believes that an energy policy is the President holding the hand of a Saudi prince and taking him in for a barbecue at Crawford, that it can substitute for the kind of plan which President Kennedy had in 1961 when the Soviets were challenging our supremacy in outer space.

President Kennedy had a plan for us to take on the Soviet Union. This administration says there is no magic wand, and, if there is one, it is only to give more breaks, more environmental breaks, more subsidies, to the oil and gas industry, which is reporting profits that they admit they cannot even spend themselves. There is no plan from the Republican Party, except giving more to the largest industries that have dug this hole.

Mr. Speaker, the Republican Party is in violation of the first law of holes: When you are in one, stop digging. What they have out here today on the floor is a huge excavation device digging our country ever deeper, without looking at automotive technology, solar technology and the future of technology for our country.

Mr. Speaker. I rise in opposition to the Rule providing for consideration of H.R. 3893, the Gasoline for America's Security Act of 2005."

Let me begin by saying that I've been in Congress for 29 years now, and this is absolutely the worst energy bill that I've seen in the last eight weeks.

Moreover, the Rule that we are considering this morning is pretty much a gag Rule. It makes only one Substitute in order, and it bars the amendment filed by the Gentleman from New York (Mr. BOEHLERT), myself, and the Gentlelady from California (Ms. ESHOO) to mandate new fuel efficiency standards for cars and SUVs. This amendment was identical to one that I offered in the Energy and Commerce Committee, and it is unconscionable that at a time when gas prices are over $3.00 a gallon nationwide that the Republican Leadership of this House would deny the Members an opportunity to debate the issue of whether or not to increase CAFE standards.

What is the Republican Leadership afraid of? Are they afraid that the Members, if given an opportunity to approve a measure that might actually do something to reduce gas prices, might vote for a fuel efficiency standard increase? We should be able to have that debate and vote on this issue today.

The last Energy bill that President Bush signed into law way back in August was praised by the Chairman of the Energy and Commerce Committee, who said its boutique fuels provisions would "make it more efficient to use our boutique fuels" by reducing the number of these fuels "so that we have greater transportability of our boutique fuels between those regions of the country that need those fuel sources."

Eight weeks later, we are about to take up a bill that repeals those boutique fuels provisions and replaces them with a completely new boutique fuels statute. Without any hearings, and without any Record, we're just going to rewrite those provisions.

When the last Republican energy bill was on the House floor in July, the Speaker of the House said it "promotes greater refinery capacity so more gasoline will be on the market and it increases gasoline supply by putting an end to the proliferation of boutique fuels."

Eight weeks later, this House is about to repeal the refinery provisions the Speaker praised, and replace with a whole new refinery bill.

This bill is based on a false premise, the premise that somehow our Nation's environmental laws stand in the way of building more refineries around the country. Nothing could be further from the truth. The Clean Air Act isn't the problem, it's the Anti-Competitive Acts of the oil companies that has lead to our current problems. Consider these facts.

Since 1994, 30 refineries have been closed across the country, reducing the Nation's refinery capacity by a collective 750,000 barrels per day.

This reduction represents nearly 5% of the Nation's current refinery production capability of 17.1 million barrels per day.

Twenty-one of the 30 refineries that the refiners voluntarily closed—or 78% of the shut down refinery capacity—were located in states that are not on the Gulf Coast and therefore would not have been affected by Hurricanes Katrina or Rita.

Nine of the top 10 producing refineries that were shut down were located outside the Gulf Coast, including 3 in Illinois, one in Kansas, one in Michigan, 2 in California, and 1 in Washington.

Why are these refineries being closed down?

Is it environmental regulations? No. During this same period, the refinery industry increased capacity at existing sites—with all the permits and approvals granted by the EPA. The one new refinery permit application that was submitted out in Arizona was approved by the EPA in less than a year.

So, why did the oil companies close these refineries? The reason is very clear. During the last decade, there was a wave of mergers in the refinery industry. The Big Oil companies got bigger, and as they gobbled up their smaller competitors, they closed down certain refineries for strategic business reasons.

Oil industry documents from the mid-1990s suggest that at that time, major players sought to shut down refineries in order to decrease supply and thereby drive up prices. Consider this:

A 1996 Chevron internal memo stated that "A senior energy analyst at the recent API [American Petroleum Institute] convention warned that if the U.S. petroleum industry doesn't reduce its refining capacity it will never see any substantial increase in refinery margins."

A March 1996 memo from Texaco discussed concerns that "the most critical factor facing the refining industry on the West Coast is the surplus of refining capacity, and the surplus gasoline production capacity. . . . This results in very poor refinery margins and very poor refinery financial results. Significant events need to occur to assist in reducing supplies and/or demand for gasoline."

It seems clear that the oil industry, in closing 30 refineries over the course of the last decade, was pursuing a deliberate business profit-maximization strategy aimed at addressing the oil industry's "problem" of low profit margins in refinery operations. By closing down refineries, and by consolidating any increased production at existing refineries, the oil industry has been able to drive up their profit margins.

This strategy has worked out quite well for the oil industry. During the course of this year, the profit margins of each of these companies have risen higher and higher and higher. According to a recent article in the Washington

Post, there's been a 255 percent average increase in refiner profit margins over the last two years. Now, all of that is great news if you are a shareholder in any of the big companies. But it's terrible news if you're a consumer paying $3.00 a gallon or more to fill up the gas tank on your car or paying a $1,000 more this winter to fill up the oil tank to heat your home.

So, what does this bill proposed to do?

Is it going to impose a windfall profit tax on the big oil companies? No.

Is it going to mandate an increase in fuel efficiency standards for cars and SUVs so we can begin reducing consumer demand? No.

Is it going to promote investment in and deployment of solar and wind energy technologies that could be an alternative to natural gas? No.

Is it going to give the Federal Trade Commission and the State Attorneys General tough new enforcement powers to go after price gouging at both the wholesale and retail level? No.

What this bill proposes is more giveaways for the big oil and gas companies at the expense of consumers and the environment.

This bill shamelessly tries to exploit the terrible human tragedy of Hurricanes Katrina and Rita to advance a radical anti-environmental agenda, of gutting the Clean Air Act, of gutting the principle of local control over land use decisions, all to advance an oil company agenda.

The sponsors of this bill call it the GAS Act. In reality, it should be called the "Leave no Oil Company Behind Act."

This is a terrible bill. It deserves to be defeated.

I strongly urge a "no" vote on the Rule and a "no" vote on final passage.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, it is interesting how today is a clear example of how anything, anything, is possible on this floor. Anything can be said. That is freedom. Even the most inconceivable, out of touch with reality statements.

Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. BARTON), the author of the legislation, the distinguished chairman of the Committee on Energy and Commerce.

Mr. BARTON of Texas. Mr. Speaker, I want to thank the distinguished gentleman from Florida for yielding me time.

Mr. Speaker, I want to point out one thing to the body: There is one thing in this bill, one thing, that scores as a cost by the Congressional Budget Office. One thing. Do you know what it is? It is the Markey amendment that we accepted in committee to increase the home heating oil reserve from 2 million barrels to 5 million barrels. We accepted it because the gentleman from Massachusetts has a legitimate concern about the plight of people that need home heating oil in the northeast. We accepted his amendment to increase the reserve by 150 percent. That is the only thing in the bill before us that the CBO has scored.

Now, is that a giveaway to big oil? Is that some kind of a payoff to industry? Or is that a legitimate need of the American people that we put into the bill because the gentleman from Massachusetts (Mr. MARKEY) asked for it, legitimately so, and it made sense, and we put it in the bill?

Ms. SLAUGHTER. Mr. Speaker, I yield 2½ minutes to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Speaker, well, the majority party is shocked, shocked that price gouging took place in the wake of Katrina. Of course, they turned a blind eye to the gouging of consumers for months and years before that by big oil working in collusion with OPEC.

In the last 4 years, the top five oil companies have made $254 billion of profits. Exxon-Mobil, in the quarter before Katrina, $14 billion in one-quarter. And this bill does nothing to provide price relief to consumers or prevent gouging. Big oil gets a pass yet again. They are not getting as big of a gift this time, just a pass.

They point the finger at the retailers. Well, with rare exceptions, the gouging is not at the retail level. Producers of gas, they are getting 46 percent more, 47 cents a gallon; refiners, they are up to 250 percent in one year, 70 cents a gallon. Every American is paying 70 cents a gallon more to the refiners and 2 cents more on average to the retail people. It is not the retailers who are price gouging.

The chairman says "we have closed 175 refineries." He can only say "we" if he is the oil industry. The oil industry has consciously colluded to close refineries to squeeze supply to drive up the price. It is the same thing Enron did in California to stick it to everybody on the West Coast of America. Tried and true. The industry has been doing that for years.

It is not environmental laws or regulation which have closed these refineries. They have been closed by mergers and a conscious decision of the chief operating officers and CEOs of big oil to drive up their profits, and boy, have they done that. Unfortunately, it is about to destroy small businesses and consumers across America.

But they still cannot take them on. They cannot take on their benefactors here on the floor. The President offered last year to let Valero or anybody else build a new refinery on a closed military base, waiving all environmental laws, and the chief operating officer of Valero, stock up 263 percent in one year, you thought Google was doing good, he said, why would we do that? It is working really well the way it is. It is phenomenally profitable for them and the few others who still operate refineries.

We need real help for Americans, short-term relief against price gouging, take on OPEC in the World Trade Organization. And then we need longer-term new technology, new fuels, more efficiency, true energy independence for the United States of America from big oil and the Saudi and the OPEC cartels. That would be something for the American people. You are not doing that.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Pennsylvania (Mr. MURPHY).

Mr. MURPHY. Mr. Speaker, we find ourselves with so many things happening now. We have increased gasoline prices, increased winter heating costs, natural gas prices are up, manufacturing jobs are down, all because the cost of energy has remained high. Our demand for oil has grown, our production simply cannot meet demands, and this has caused increased prices. We have increased population, and we want more manufacturers to remain in the United States. That means that we have to do something.

Mr. Speaker, we do not need another hurricane to remind us that our energy infrastructure is wholly inadequate. Had we taken action to prevent our energy problems years ago, we would not have been vulnerable to natural disasters. For 30 years, we sat back. We did not want to study it. We did not want to take inventories. We did not want to explore. We resisted drilling for oil or gas. We did not build refineries. We did not move to develop clean coal technology. We did not build nuclear power plants over those 30 years, while demand grew. And eventually the system snapped. We did the same thing over and over again and expected different results.

Until our refining capacity and production capacity expands, our oil markets will remain vulnerable to disruptions. We have to have increased conservation measures. We have to have the car-pooling measures in this bill. We have to have energy-efficient cars, but we have to have more refineries.

During the last 30 years, our dependence or foreign energy has increased from 24 to 62 percent. How much further do we have to go? The American people understand this, and that is why they support this. That is why labor unions support this bill. That is why we have to move this forward.

The Gasoline for America's Security Act builds on the Energy Policy Act of 2005 and keeps us moving in the right direction. It addresses a great deal of what we need, the use of biomass debris, car pooling, van pooling, requirements to direct the FTC to conduct an investigation into nationwide gasoline prices, and it does include anti-price-gouging measures.

The other side says repeatedly it is not in there, but it does. It has anti-price-gouging measures and enforcement for gasoline, for diesel, for home heating oil, for crude oil. It is massive.

There will be a temptation to blame the high gas prices on the storms alone or to use politics to block this. But the American people understand, you cannot drive a car with politics in your tank or heat a home with politics.

I support the rule and this bill.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. Mr. Speaker, one of the things that you can say about the way in which the national Republican Party has handled America's energy problem is that they are being very consistent, and that goes back to the first moment when they controlled both the Congress and the White House: when the President, charged by the Bush administration to develop an energy policy, did the natural thing for them, brought in the energy companies to tell them what kind of policy we should have. That attitude is reflected in this bill, as well as the one that this Congress passed last July. They are both deferential to the energy companies at the expense of the American people. Everything goes to the energy companies; nothing goes to the American people.

The energy companies last year, the oil companies, made record profits, more than $125 billion. One corporation alone made more than $25 billion in profits in 2004. Their profits in 2005 are even higher, while the American people struggle to get back and forth to work because of the price of gasoline and as they will struggle this winter to heat their homes to try to stay safe and secure. Lives will be lost because of the way in which the national Republican Party is handling this energy problem.

In order to justify gasoline being sold at $3 a gallon under a free, open market, you would have to have oil priced at $95 a barrel. But we do not have a free and open market, even though the Republicans claim we do. We have a market that is controlled by the oil companies, for the oil companies and against the interests of the American people, and all of that is conspired and entered into by the national Republican Party, in the White House and in this Congress as well.

That is what we are seeing here today in the context of this legislation: More for the oil companies, less for Americans. Struggle, struggle, struggle for the American worker; struggle, struggle, struggle for the American family, while huge profits are given to the oil companies over and over again. It has got to stop. Defeat this rule, defeat the bill, pass the Stupak substitute.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 2 minutes to the gentlewoman from California (Ms. ESHOO).

Ms. ESHOO. I thank our distinguished ranking member for yielding me time.

Mr. Speaker, I rise in opposition to the rule. I want to point out something that is in the underlying bill which authorizes the President to designate Federal lands that might be suitable for the construction of an oil refinery.

Once he has made a designation, the land must be leased for the construction of a refinery. The refinery would be permitted under expedited procedures with limited judicial review. Although the manager's amendment requires the President to conduct an analysis of the suitability of the site, there is no obligation that he take the analysis into account before designating Federal property as suitable for a refinery. So there is no requirement that there be an opportunity for citizen input.

The sponsors of the bill did bar the President from designating lands that are part of the National Park System, the National Wilderness System and national monuments.

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But they failed to place language in the bill that would protect millions of acres of other equally sensitive lands, including national forests, the National Wildlife Refuge System, National Conservation Areas, Wilderness Study Areas, the National Wild and Scenic River System, the National Trail System, and the National Landscape Conservation System.

I offered an amendment that was turned back by the Committee on Rules that would have protected these lands which have been set aside for the American people. I cannot imagine why a President would want to clear the path for building a new refinery in Chincoteague, Virginia; the Great Bay Refuge in New Hampshire; or in Arkansas's Cache River Refuge. My question is, why would Congress want to give him the chance?

Vote against the rule. This is a bad bill for the American people.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, first of all, at the appropriate time, I will enter some extraneous information into the RECORD.

Mr. Speaker, it is very clear when we look at what has happened in the last few years where we have had a number of mergers of oil companies, the top five oil companies, I believe, now dominate more than a third of the market. As a result, we see that prices keep increasing as market concentration increases. This is a clear example of what happens when monopolies dominate an economy. We have high prices, and we also have manipulation of supplies, increased profits; and now we have price gouging.

With this manipulation of supply, we are also seeing an attempt today to attack our environmental laws. That puts us in a position where we sacrifice not only the standard of living of many Americans to the oil companies but now we are sacrificing the environment itself.

I think that many Americans are already aware that one of the reasons that we are in Iraq is because of oil. I mean, very few people would dispute that now. There were no weapons of mass destruction, they are not going to have a democracy there, but the administration is preparing to stay there for the long haul, and it is because of oil. Oil is corrupting this government. Oil is costing us peace in the world. Oil is putting us on a path to economic ruin. Oil is dominating this political process right now.

We need to take a new course. We can start with the windfall profits tax, but we have to go beyond that. We need to look at alternative energy, the power of the sun. Sunlight is a disinfectant in many ways, but it is also a powerful energy source. We need wind power, we need geothermal, we need to tap all available technologies to take us in a new direction where the globe itself is not at stake.

What a disgrace it is that we put the lives and the existence of the Gwitchin Indians in Alaska at risk for more oil. What a disgrace it is that we violate people's human rights for more oil. What a disgrace it is that we are not taking a new direction, not just to save the planet, but to save democracy. Vote down the bill.

PUBLIC CITIZEN,
Washington, DC, October 5, 2005.

DEAR REPRESENTATIVE: On Friday, October 7 the House will consider H.R. 3893, the "Gasoline for America's Security (GAS) Act of 2005." This bill takes the approach that environmental laws must be weakened in order to encourage the U.S. refining industry to expand or construct new refining capacity. This is false. The facts clearly show that not only are current environmental laws in place at a time when the refining industry is experiencing record profits, but that recent, fundamental changes to the refining industry—namely recent mergers—have created financial incentives for refineries to encourage tight supplies. Until these market fundamentals—and not environmental rules—are corrected, Americans will continue to be price-gouged by oil companies.

This week, the national average gasoline price hit $2.93/gallon, up 50 percent from a year ago. These prices were well on their way to hitting record highs long before Hurricane Katrina. Oil and gasoline prices were rising long before Hurricane Katrina wreaked havoc. U.S. gasoline prices jumped 14 percent from July 25 to August 22.

The problem is that too few oil companies control too much of the refineries, squelching competition but guaranteeing record profits for the industry.

In 1993, the 5 largest U.S. oil refining companies controlled 34.5 percent of domestic oil refinery capacity; the top 10 companies controlled 55.6 percent. By 2004, the top 5—ConocoPhillips, Valero, ExxonMobil, Shell and BP—controlled 56.3 percent and the top 10 refiners controlled 83 percent. As a result of all of these recent mergers, the largest 5 oil refiners today control more capacity than the largest 10 did a decade ago. This dramatic increase in the control of just the top 5 companies makes it easier for oil companies to manipulate gasoline prices.

The proof is in the numbers. According to the Energy Information Administration, profit margins for U.S. oil refiners have been at record highs. In 1999, U.S. oil refiners made 22.8 cents for every gallon of gasoline refined from crude oil. By 2004, they were making 40.8 cents for every gallon of gasoline refined, a 79 percent jump. And the Washington Post noted that those profit margins have soared even higher in 2005, to 99 cents on each gallon sold, for a more than 300 percent increase since 1999.

It is no coincidence that oil corporation profits—including refining—are enjoying record highs. Since 2001, the largest 5 oil refiners in America have recorded $228 billion in profits.

And will the environmental regulations make it easier to build new refineries? No, because the financial structure of the refining industry is what is prohibiting additional investment. That's because the industry is making record profits off of the current tight supplies. They have no interest in creating surplus capacity because that will erode their profit margins.

Want proof? Start with the U.S. Federal Trade Commission. In March 2001, FTC concluded in its Midwest Gasoline Price Investigation:

". . . A significant part of the supply reduction was caused by the investment decisions of three firms . . . One firm increased its summer-grade RFG [reformulated gasoline] production substantially and, as a result, had excess supplies of RFG available and had additional capacity to produce more RFG at the time of the price spike. This firm did sell off some inventoried RFG, but it limited its response because selling extra supply would have pushed down prices and thereby reduced the profitability of its existing RFG sales. An executive of this company made clear that he would rather sell less gasoline and earn a higher margin on each gallon sold than sell more gasoline and earn a lower margin. Another employee of this firm raised concerns about oversupplying the market and thereby reducing the high market prices. A decision to limit supply does not violate the antitrust laws, absent some agreement among firms. Firms that withheld or delayed shipping additional supply in the face of a price spike did not violate the antitrust laws. In each instance, the firms chose strategies they thought would maximize their profits."

So, that settles it: U.S. oil refineries would rather sell less gasoline and earn bigger profits than flood the market and earn lower profit margins. So gutting environmental laws, as H.R. 3893 proposes, will do nothing to expand refining capacity, but it will reduce public health protections for Americans.

And a May 2004 U.S. Government Accountability Office report agreed with Public Citizen that recent mergers in the oil industry have directly led to higher prices. It is important to note, however, that this GAO report severely underestimates the impact mergers have on prices because their price analysis stops in 2000—long before the mergers that created ChevronTexaco, ConocoPhillips, and Valero-Ultramar/Diamond Shamrock-Premcor.

Rolling back environmental laws will do nothing to lower prices, but it will weaken public health protections for Americans.

Sincerely,

TYSON SLOCUM,
Public Citizen's Energy Program.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, after hearing more prophecies of pessimism, I yield 2 minutes to the distinguished gentleman from Pennsylvania (Mr. PETERSON).

Mr. PETERSON of Pennsylvania. Mr. Speaker, I thank the gentleman for yielding me this time. I rise, after listening to the last two or three speakers, because we are short of energy in this country because we have locked up our energy. We are short of energy in this country because we have built no refineries to process the oil that we purchase now from Third World countries.

We cannot shut down supply; we cannot shut down our capacity or not increase our capacity with the growing need and not have high prices. When we restrict supply, we give the power to the big companies. When we bring on supply, our market system works, and prices will come down; but then we have to have, we have to have the refineries to refine it.

To not pass this bill today is a tragedy. I am going to support this rule, even though my amendment that I think was very important to open up supply was not allowed to be a part of it.

I want to tell my colleagues, natural gas is an issue that this Congress has to deal with. We have to deal with the supply of oil and gas both. We have to deal with having the capacity to process and provide the products. This winter, home heating oil is going to be in very short supply. In some markets, it will be way higher than others because it is not an even distribution system.

But natural gas is the one thing that we have to deal with this fall, in my view, because natural gas has not doubled; it is 700 percent more. We are going to endanger home heating. We are going to endanger major industries who are natural gas-intensive. We have companies who use it. Polymers, plastics, petrochemicals, fertilizers use natural gas as an ingredient and as a fuel. They cannot afford $14 and $15 natural gas. They will leave American shores.

My brick companies are closing down until it gets less costly. The last plant they are shutting down because they cannot properly make glass and compete with these natural gas prices. It is the one we have where we can be totally self-sufficient in this country on the clean fuel natural gas that fuels our industry, heats our homes, heats our schools, heats our hospitals.

Folks, let us not go home this fall until we deal with natural gas.

Ms. SLAUGHTER. Mr. Speaker, I yield 30 seconds to the gentleman from Michigan (Mr. STUPAK) for the purpose of asking a question to the previous speaker.

Mr. STUPAK. Mr. Speaker, the gentleman from Pennsylvania makes a good point, but if you look at today's Washington Post, "Natural Gas Danger Signs," they talk about a 90 percent increase in natural gas. Higher costs threaten our economic growth in U.S. manufacturing. Here is USA Today: "Staying Warm Costs Up 90 Percent More."

There is no way you are going to vote for the Barton bill, the main bill, if you believe the price of natural gas is too high. If you believe everything the gentleman from Pennsylvania said, you would vote against the Barton bill, because it does not include natural gas. Only the Democratic substitute, the Stupak-Boucher bill does.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Speaker, I want to thank the gentlewoman for yielding me this time and for her leadership.

I rise in strong opposition to this very restrictive rule. Now, we are all touched by the magnitude of the devastation caused by Hurricane Katrina and Hurricane Rita in the gulf coast. The human and environmental costs of these disasters are unimaginable. But as in any catastrophe, there is always somebody waiting in the wings to make a profit off the human misery and suffering. Today, once again, it is the energy companies. This adds insult to injury. We just gave them over $12.8 billion in subsidies and tax breaks 2 months ago, and now they are back asking for more help. Why?

The top 10 energy companies last year made over $125 billion. Why should the American public be subsidizing these megaprofits? Once again, instead of allowing us to take a real stand to address our short-and long-term energy needs, the Committee on Rules has reported a restrictive rule that rejects consideration of many amendments which would have made this bill much better.

Despite a recent survey indicating that 86 percent, 86 percent of Americans favor an increase in fuel economy standards, the Committee on Rules prevented, prevented consideration of the Boehlert-Markey amendment which would do just that. We were prevented from considering the Gas Price Spike Act of 2005 offered as an amendment by the gentleman from Ohio (Mr. KUCINICH), the gentleman from New York (Mr. HINCHEY), the gentleman from Arizona (Mr. GRIJALVA), and myself. It would have discouraged price gouging by implementing a windfall tax on oil and gasoline profits. And we were also prevented from considering the Larson-Slaughter amendment which would have put an end, an end to gasoline price discrimination based on location, creating a free market for gasoline dealers.

Our current energy strategy will only further increase our dependence on foreign oil. We must break this chain by implementing a strategy of energy independence and defeat this giveaway to the oil industry.

Vote for a new strategy, not more of the same. We must oppose this rule and support the Stupak substitute.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Speaker, the Republican leadership has done it. They have turned the House of Representatives into a banana republic. We have a bill on the floor today that had no hearings. It had no subcommittee markup. It was rushed through the committee without any attempt to find a compromise.

A few hours ago, in the dark of night, the bill was rewritten. There is not one Member who really understands everything that is in this bill or understands what this bill will really do. But there are dozens of cronies and special interest lobbyists smiling this morning because they know the fix is in.

The Republican leadership is so scared of open debate and the democratic process that they will not allow the bill's provisions to be debated or amended. They only will permit one amendment to one of the most anti-environmental, backward, and intellectually dishonest bills that has ever come before the House. And that may not be the worst of it, because the Republican leadership is trying to do all of this in the name of Katrina.

America watched with horror as this hurricane struck. The damage was immense, and so was our responsibility in Congress to do all we can to help those who have been displaced rebuild their lives. But that is what makes this legislation so shameful. At a time of desperate need and profound responsibility, the response of Washington Republicans is crass opportunism.

The bill will not help a single victim of Katrina. It will do nothing to help lower gas prices. Instead, Washington Republicans are using the devastation caused by the hurricanes to stampede Congress into undermining our environmental laws.

Exploitation is an ugly word, but that is what this is. I would urge Members to vote against the rule and, more importantly, vote against this bill. It is a shameful piece of legislation. It is the legislative equivalent of price gouging, and the American people deserve better, and we can do better.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Georgia (Mr. WESTMORELAND).

Mr. WESTMORELAND. Mr. Speaker, I hope the American people are watching this debate; and if they are watching this debate on TV, I hope they have a video recorder, because they need to record this debate.

When you are talking in your church or in your home or where you work about high fuel prices, you can play this and let people see why we have the prices that we have right now; why they are going to be paying more for home heating oil; why they are paying more for gasoline, because this side of the aisle over here does not understand the problems that we have in this country.

Play it; listen to it. You are an individual out there. You can car pool if you want to. If you want to buy a car that gets 50 miles to the gallon, they make them every day. You can go buy them by the hundreds. If you want to buy a car that gets 10 miles to the gallon, that is up to you. You are an individual, and you have individual responsibilities.

Let us quit blaming the people who are trying to be leaders in this country and put us on the right track for an energy policy.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON). The Chair would advise Members to address their remarks to the Chair and not to guests in the gallery or the television audience.

Ms. SLAUGHTER. Mr. Speaker, I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, how much time remains?

The SPEAKER pro tempore. The gentlewoman from New York (Ms. SLAUGHTER) has 1½ minutes remaining. The gentleman from Florida (Mr. LINCOLN DIAZ-BALART) has 2 minutes remaining.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 1½ minutes to the gentleman from Texas (Mr. BARTON), the author of the legislation.

Mr. BARTON of Texas. Mr. Speaker, I want to try to respond to some of the comments that have been made. One comment that has been made is that the U.S. oil companies somehow control the market. We consume 21 million barrels a day of oil in this country. We only produce 8 million barrels a day. We import 1 million to 2 million barrels a day from Saudi Arabia. We import a million barrels a day from Venezuela. We import a half a million barrels a day from Libya. We import some oil, believe it or not, from Iraq. We import a million barrels a day from Mexico.

One thing the U.S. oil companies do not do is control the market. They do accept a world market price. The reason the price of oil is high is because the world is using about 84 million barrels of oil a day and the world is producing about 84 million barrels of oil a day.

□ 1030

Economies like China and India are growing at 2 to 3 to 4 to 5 percent a year. The amount of oil that China is going to need from the world market in the next year is expected to go up perhaps as much as a million barrels a day. So that is one reason the oil prices are high.

The gentleman from Michigan (Mr. STUPAK) comments that his price gouging amendment does something on natural gas. That is true. I would like to point out that every State PUC in the country already regulates the retail price of natural gas, so in that particular instance, I am not sure that his amendment would do much good. The pending bill does have a provision to get information from the gathering systems, the Gulf of Mexico for natural gas production, which is something that we do not have under current law.

With that I would just ask us to vote for the rule.

Ms. SLAUGHTER. Mr. Speaker, I yield back the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, this is an important piece of legislation that the gentleman from Texas (Mr. BARTON) has brought forward today. I urge support of the rule. I urge that we reject the arguments we have heard from the prophets of pessimism. This is an important piece of legislation to keep the economy's infrastructure in place for sustained economic growth and for the lifestyle that this great Nation has become accustomed to, and so we would ask all colleagues to support the underlying legislation as well as the rule.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to express my disappointment and opposition to the Rule regarding H.R. 3893.

The Gasoline Security Act, as reported by the Committee on Energy and Commerce, includes language that takes away States' rights to have State decisions on Clean Water Act permits and water quality related to the placement of refineries and pipelines decided in State courts. Instead, the Gasoline Security Act overturns 33 years of successful State/Federal partnership and forces States to defend their actions in the U.S. Court of Appeals for the District of Columbia.

In the absence of this provision, challenges to State decisions would be brought in State courts as they always have.

The Gasoline Security Act dilutes State authority to protect water quality. I offered an amendment that would have prevented this dilution; unfortunately it was not make in order.

Section 401 of the Clean Water Act requires that before any Federal permit or license is issued that could result in a discharge into the State's waters, the State in which the discharge would occur must issue a certification that the proposed activity is consistent with the State's water quality standards.

Such a certification must be issued within a reasonable time (not more than one year), and if the certification is denied, the Federal permit or license may not be issued.

This authority is the States' ability to ensure a role in Federally-permitted activity within the State's borders.

The provisions contained in both the refinery and pipeline titles of the Gasoline Security Act are modeled on a similar provision in the recently enacted Energy Policy Act. This language was inserted in response to a specific case in Connecticut where the business community wanted to construct a pipeline over State and public objections.

The proponents of the pipeline believe that Federal courts will be less deferential to Connecticut's position in denying the water quality certification. In fact, less than two hours after President Bush signed the Energy Policy Act, Islander East Pipeline Co. went to the Federal Appeals Court seeking to overturn Connecticut's decision.

I urge my colleagues and members of the Rules Committee to help stop the trampling of the States' rights to defend the quality of the environment and public health by making in order my amendment to modify these provisions from H.R. 3893.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 8 of rule XX, this 15-minute vote on adoption of House Resolution 481 will be followed by a 5-minute vote on approval of the Journal.

The vote was taken by electronic device, and there were—yeas 216, nays 201, not voting 16, as follows:

[Roll No. 515]

YEAS—216

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Chabot
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Cunningham
Davis (KY)
Davis, Jo Ann
Davis, Tom
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NAYS—201

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Boren
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Castle
Chandler
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Oberstar
Obey
Ortiz
Owens
Pallone
Pascrell
Pastor
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—16

Beauprez
Boswell
Clay
Deal (GA)
Delahunt
Fitzpatrick (PA)
Hastings (FL)
Neal (MA)
Norwood
Olver
Payne
Poe
Royce
Schwarz (MI)
Simmons
Young (AK)

☐ 1055

Messrs. CARNAHAN, WYNN and KENNEDY of Rhode Island changed their vote from "yea" to "nay."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. SIMPSON). Without objection, the title is amended to conform to the number of the bill reflected in the text.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 1858. An act to provide for community disaster loans.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the pending business is the question of agreeing to the Speaker's approval of the Journal on which the yeas and nays are ordered.

The question is on agreeing to the Speaker's approval of the Journal.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 348, nays 63, not voting 22, as follows:

[Roll No. 516]

YEAS—348

Abercrombie
Aderholt
Akin
Alexander
Allen
Baca
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Bean
Becerra
Berkley
Berman
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boucher
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps

Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chocola
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeGette
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Ehlers
Emanuel
Emerson
Engel
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Ferguson
Flake
Foley
Forbes
Ford
Fortenberry
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Herseth
Higgins
Hinojosa
Hobson
Hoekstra
Holden
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Langevin
Lantos
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
Lipinski
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Matsui
McCaul (TX)
McCollum (MN)
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neugebauer
Ney
Northup
Nunes
Nussle
Obey
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Salazar
Sánchez, Linda T.
Sanders
Saxton
Schiff
Schmidt
Schwartz (PA)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Simpson
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stearns
Sullivan
Tancredo
Tanner
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Tierney
Turner
Upton
Van Hollen
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Westmoreland
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wynn
Young (FL)

NAYS—63

Ackerman
Baird
Baldwin
Barrow
Berry
Brady (PA)
Capuano
Chandler
Costello
Davis (KY)
DeFazio
English (PA)
Evans
Filner
Fossella
Graves
Gutknecht
Hefley
Hinchey
Holt
Israel
Kennedy (MN)
Kucinich
Larsen (WA)
Larson (CT)
Latham
LoBiondo
Lynch
Maloney
Markey
Marshall
Matheson
McCarthy
McCotter
McDermott
McNulty
Miller, George
Moran (KS)
Oberstar
Ramstad
Sabo
Sanchez, Loretta
Schakowsky
Shuster
Slaughter
Stark
Strickland
Stupak
Sweeney
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Towns
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watson
Weller
Whitfield
Wu

NOT VOTING—22

Andrews
Beauprez
Boswell
Clay
Deal (GA)
Delahunt
Edwards
Fitzpatrick (PA)
Hastings (FL)
Lewis (CA)
Linder
Melancon
Neal (MA)
Norwood
Olver
Payne
Poe
Royce
Schwarz (MI)
Simmons
Wexler
Young (AK)

☐ 1103

So the Journal was approved.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. SIMMONS. Mr. Speaker, I was regrettably delayed in a meeting at the Pentagon, and was unable to be on the House Floor for rollcall votes 515 and 516.

Had I been present, I would have voted "yea" on rollcall 515, the rule providing for consideration of the bill H.R. 3893 and "yea" on rollcall 516, approving the Journal.

GASOLINE FOR AMERICA'S SECURITY ACT OF 2005

Mr. BARTON of Texas. Mr. Speaker, pursuant to House Resolution 481, I call up the bill (H.R. 3893) to expedite the construction of new refining capacity in the United States, to provide reliable and affordable energy for the American people, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to House Resolution 481, the bill is considered read.

The text of the bill is as follows:

H.R. 3893

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Gasoline for America's Security Act of 2005".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Definitions.

TITLE I—INCREASING REFINERY CAPACITY

Sec. 101. State participation and presidential designation.
Sec. 102. Process coordination and rules of procedure.
Sec. 103. Refinery revitalization repeal.
Sec. 104. Standby support for refineries.
Sec. 105. Military use refinery.
Sec. 106. New source review under Clean Air Act.
Sec. 107. Waiver authority for extreme fuel supply emergencies.
Sec. 108. List of fuel blends.
Sec. 109. Attainment dates for downwind ozone nonattainment areas.
Sec. 110. Northwest crude oil supply.
Sec. 111. Discounted sales of royalty-in-kind oil to qualified small refineries.
Sec. 112. Study and Report Relating to Streamlining Paperwork Requirements.

TITLE II—INCREASING DELIVERY INFRASTRUCTURE

Sec. 201. Process coordination; hearings; rules of procedure.
Sec. 202. Issuance of Commission order.
Sec. 203. Backup power capacity.
Sec. 204. Sunset of loan guarantees.
Sec. 205. Offshore gathering pipelines.
Sec. 206. Savings clause.

TITLE III—CONSERVATION

Sec. 301. Department of Energy carpooling and vanpooling program.
Sec. 302. Evaluation and assessment of carpool and vanpool projects.
Sec. 303. Internet utilization.
Sec. 304. Fuel consumption education campaign.

TITLE IV—GASOLINE PRICE REFORM

Sec. 401. FTC investigation on price-gouging.
Sec. 402. FTC study of petroleum prices on exchange.

TITLE V—STRATEGIC PETROLEUM RESERVE

Sec. 501. Strategic Petroleum Reserve capacity.
Sec. 502. Strategic petroleum reserve sale.

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) No new refinery has been constructed in the United States since 1976. There are 148 operating refineries in the United States, down from 324 in 1981. Refined petroleum product imports are currently projected to grow from 7.9 percent to 10.7 percent of total refined product by 2025 to satisfy increasing demand.

(2) While the number of American refineries in operation has reduced over the last 20 years, much of the resulting lost capacity has been replaced by gains from more efficient refineries.

(3) Hurricanes Katrina and Rita substantially disrupted petroleum production, refining, and pipeline systems in the Gulf Coast region, impacting energy prices and supply nationwide. In the immediate aftermath of Katrina alone, United States refining capacity was reduced by more than 2,000,000 barrels per day. However, before Hurricanes Katrina and Rita, United States refining capacity was already significantly strained by increased levels of production, with industry average utilization rates of 95 percent of capacity or higher.

(4) It serves the national interest to increase refinery capacity for gasoline, heating oil, diesel fuel, and jet fuel wherever located

within the United States, to bring more reliable and economic supply to the American people.

(5) According to economic analysis, households are conservatively estimated to spend an average of $1,948 this year on gasoline, up 45 percent from 3 years ago, and households with incomes under $15,000 (⅕ of all households) this year will spend, on average, more than ⅒ of their income just on gasoline.

(6) According to economic analysis, rural Americans will spend $2,087 on gasoline this year. Rural Americans are paying an estimated 22 percent more for gasoline than their urban counterparts because they must drive longer distances.

(7) A growing reliance on foreign sources of refined petroleum products impairs our national security interests and global competitiveness.

(8) Refiners are subject to significant environmental and other regulations and face several new Clean Air Act requirements over the next decade. New Clean Air Act requirements will benefit the environment but will also require substantial capital investment and additional government permits. These new requirements increase business uncertainty and dissuade investment in new refinery capacity.

(9) There is currently a lack of coordination in permitting requirements and other regulations affecting refineries at the Federal, State, and local levels. There is no consistent national permitting program for refineries, compared with the Federal Energy Regulatory Commission's lead agency role over interstate natural gas pipelines, liquefied natural gas, and hydroelectric power and the Nuclear Regulatory Commission's role over nuclear plant licensing. More regulatory certainty and coordination is needed for refinery owners to stimulate investment in increased refinery capacity.

SEC. 3. DEFINITIONS.

For purposes of this Act—

(1) the term "Administrator" means the Administrator of the Environmental Protection Agency;

(2) the term "refinery" means a facility designed and operated to receive, load, unload, store, transport, process, and refine crude oil by any chemical or physical process, including distillation, fluid catalytic cracking, hydrocracking, coking, alkylation, etherification, polymerization, catalytic reforming, isomerization, hydrotreating, blending, and any combination thereof, in order to produce gasoline or other fuel; and

(3) the term "Secretary" means the Secretary of Energy.

TITLE I—INCREASING REFINERY CAPACITY

SEC. 101. STATE PARTICIPATION AND PRESIDENTIAL DESIGNATION.

(a) Federal-State Regulatory Coordination and Assistance.—

(1) Governor's request.—The governor of a State may submit a request to the Secretary for the application of process coordination and rules of procedure under section 102 to the siting, construction, expansion, or operation of any refinery in that State.

(2) State assistance.—The Secretary and the Administrator are authorized to provide financial assistance to State governments to facilitate the hiring of additional personnel with expertise in fields relevant to consideration of applications to site, construct, expand, or operate any refinery in that State.

(3) Other assistance.—The Secretary and the Administrator shall provide technical, legal, or other assistance to State governments to facilitate their review of applications to site, construct, expand, or operate any refinery in that State.

(b) Presidential Designation.—

(1) Requirement.—Not later than 90 days after the date of enactment of this Act, the President shall designate sites on Federal lands, including closed military installations, that are appropriate for the purposes of siting a refinery. Any such designation may be based on an analysis of—

(A) the availability of crude oil supplies to the site, including supplies from domestic production of shale oil and tar sands and other strategic unconventional fuels;

(B) the distribution of the Nation's refined petroleum product demand;

(C) whether such sites are in close proximity to substantial pipeline infrastructure, including both crude and refined petroleum product pipelines, and potential infrastructure feasibility;

(D) the need to diversify the geographical location of the Nation's domestic refining capacity;

(E) the effect that increased refined petroleum products from a refinery on that site may have on the price and supply of gasoline to consumers;

(F) national defense; and

(G) such other factors as the President considers appropriate.

(2) Military installations.—Among the sites designated pursuant to this subsection, the President shall designate no less than 3 military installations closed pursuant to a base closure law (as defined in section 101(a)(17) of title 10, United States Code), as suitable for the construction of a refinery. Until the expiration of 2 years after the date of enactment of this Act, the Federal Government shall not sell or otherwise dispose of the military installations designated pursuant to this subsection.

(c) Applicability.—Section 102 shall only apply to refineries sited or proposed to be sited or expanded or proposed to be expanded—

(1) in a State whose governor has requested applicability of such section pursuant to subsection (a) of this section; or

(2) on a site designated by the President under subsection (b).

(d) Definition.—For purposes of this section—

(1) the term "Federal lands" means all land owned by the United States, except that such term does not include land—

(A) within the National Park System;

(B) within the National Wilderness Preservation System; and

(C) designated as a National Monument; and

(2) the term "State" means a State, the District of Columbia, the Commonwealth of Puerto Rico, and any other territory or possession of the United States.

SEC. 102. PROCESS COORDINATION AND RULES OF PROCEDURE.

(a) Definition.—For purposes of this section and section 105, the term "Federal refinery authorization"—

(1) means any authorization required under Federal law, whether administered by a Federal or State administrative agency or official, with respect to siting, construction, expansion, or operation of a refinery; and

(2) includes any permits, special use authorizations, certifications, opinions, or other approvals required under Federal law with respect to siting, construction, expansion, or operation of a refinery.

(b) Designation as Lead Agency.—

(1) In general.—The Department of Energy shall act as the lead agency for the purposes of coordinating all applicable Federal refinery authorizations and related environmental reviews with respect to a refinery.

(2) Other agencies.—Each Federal and State agency or official required to provide a Federal refinery authorization shall cooperate with the Secretary and comply with the deadlines established by the Secretary.

(c) Schedule.—

(1) Secretary's authority to set schedule.—The Secretary shall establish a schedule for all Federal refinery authorizations with respect to a refinery. In establishing the schedule, the Secretary shall—

(A) ensure expeditious completion of all such proceedings; and

(B) accommodate the applicable schedules established by Federal law for such proceedings.

(2) Failure to meet schedule.—If a Federal or State administrative agency or official does not complete a proceeding for an approval that is required for a Federal refinery authorization in accordance with the schedule established by the Secretary under this subsection, the applicant may pursue remedies under subsection (e).

(d) Consolidated Record.—The Secretary shall, with the cooperation of Federal and State administrative agencies and officials, maintain a complete consolidated record of all decisions made or actions taken by the Secretary or by a Federal administrative agency or officer (or State administrative agency or officer acting under delegated Federal authority) with respect to any Federal refinery authorization. Such record shall be the record for judicial review under subsection (e) of decisions made or actions taken by Federal and State administrative agencies and officials, except that, if the Court determines that the record does not contain sufficient information, the Court may remand the proceeding to the Secretary for further development of the consolidated record.

(e) Judicial Review.—

(1) In general.—The United States Court of Appeals for the District of Columbia shall have original and exclusive jurisdiction over any civil action for the review of—

(A) an order or action, related to a Federal refinery authorization, by a Federal or State administrative agency or official; and

(B) an alleged failure to act by a Federal or State administrative agency or official acting pursuant to a Federal refinery authorization.

The failure of an agency or official to act on a Federal refinery authorization in accordance with the Secretary's schedule established pursuant to subsection (c) shall be considered inconsistent with Federal law for the purposes of paragraph (2) of this subsection.

(2) Court action.—If the Court finds that an order or action described in paragraph (1)(A) is inconsistent with the Federal law governing such Federal refinery authorization, or that a failure to act as described in paragraph (1)(B) has occurred, and the order, action, or failure to act would prevent the siting, construction, expansion, or operation of the refinery, the Court shall remand the proceeding to the agency or official to take appropriate action consistent with the order of the Court. If the Court remands the order, action, or failure to act to the Federal or State administrative agency or official, the Court shall set a reasonable schedule and deadline for the agency or official to act on remand.

(3) Secretary's action.—For any civil action brought under this subsection, the Secretary shall promptly file with the Court the

consolidated record compiled by the Secretary pursuant to subsection (d).

(4) EXPEDITED REVIEW.—The Court shall set any civil action brought under this subsection for expedited consideration.

(5) ATTORNEY'S FEES.—In any action challenging a Federal refinery authorization that has been granted, reasonable attorney's fees and other expenses of litigation shall be awarded to the prevailing party. This paragraph shall not apply to any action seeking remedies for denial of a Federal refinery authorization or failure to act on an application for a Federal refinery authorization.

SEC. 103. REFINERY REVITALIZATION REPEAL.

Subtitle H of title III of the Energy Policy Act of 2005 and the items relating thereto in the table of contents of such Act are repealed.

SEC. 104. STANDBY SUPPORT FOR REFINERIES.

(a) DEFINITION.—For purposes of this section, the term "authorization" means any authorization or permit required under State or Federal law.

(b) CONTRACT AUTHORITY.—

(1) IN GENERAL.—The Secretary may enter into contracts under this section with non-Federal entities that the Secretary determines, at the sole discretion of the Secretary, to be the first non-Federal entities to enter into firm contracts after the date of enactment of this Act to construct new refineries in the United States or refurbish and return to commercial operation existing but nonoperating refineries in the United States. The Secretary may enter into contracts under this section with respect to new refineries or refurbished refineries that add a total of no more than 2.000.000 barrels per day of refining capacity to the refining capacity of the United States as in existence on the date of enactment of this Act.

(2) CONDITIONS.—Except as provided in paragraphs (4) and (5), under a contract authorized under paragraph (1), the Secretary shall pay to the non-Federal entity the costs specified in paragraph (3), using funds deposited in the Standby Refinery Support Account established under subsection (c), if—

(A) the non-Federal entity has substantially completed construction of the new refinery or the refurbished refinery and the initial commercial operation of the new refinery or of the refurbished refinery is delayed because of—

(i) litigation that could not have been reasonably foreseen by the non-Federal entity at the time the non-Federal entity entered into the firm contract to construct; or

(ii) a failure of an agency of the Federal Government or of a State government to grant an authorization within a period specified in the contract authorized by this section; or

(B) the throughput level of commercial operation of the new or refurbished refinery is substantially reduced due to—

(i) State or Federal law or regulations enacted or implemented after the firm contract was entered into; or

(ii) litigation, that could not have been reasonably foreseen by the non-Federal entity, disputing actions taken by the non-Federal entity to conform with and satisfy Federal law or regulations enacted or implemented after the firm contract was entered into.

(3) COVERED COSTS.—Under a contract authorized under this section, the Secretary shall pay—

(A) in the case of a delay described in paragraph (2)(A), all costs of the delay in the initial commercial operation of a new refining or a refurbished refinery, including the principal or interest due on any debt obligation of the new refinery or of the refurbished refinery during the delay, and any consequential damages; and

(B) in the case of a substantial reduction described in paragraph (2)(B), all costs necessary to offset the costs of the reduced throughput and the costs of complying with the new State or Federal law or regulations.

(4) COSTS NOT COVERED.—The Secretary shall not enter into a contract under this section that would obligate the Secretary to pay any costs resulting from—

(A) except as provided in paragraph (3)(B), a failure of the non-Federal entity to take any action required by law or regulation; or

(B) events within the control of the non-Federal entity.

(5) DEPOSIT.—The Secretary shall not enter into a contract authorized under this section until the Secretary has deposited into the Standby Refinery Support Account amounts sufficient to cover the costs specified in paragraph (3).

(c) STANDBY REFINERY SUPPORT ACCOUNT.—There is established in the Treasury an account known as the Standby Refinery Support Account. The Secretary shall deposit into this account amounts appropriated, in advance of entering into a contract authorized by this section, to the Secretary for the purpose of carrying out this section and payments paid to the Secretary by any non-Federal source for the purpose of carrying out this section. The Secretary may receive and accept payments from any non-Federal source, and amounts deposited into the account, whether appropriated or received from a non-Federal source, shall be available to the Secretary, without further appropriation, for the payment of the costs specified in subsection (b)(3).

(d) REGULATIONS.—The Secretary may issue regulations necessary or appropriate to carry out this section.

(e) REPORTS.—The Secretary shall file with Congress annually a report of the Secretary's activities under this section and the activities of the non-Federal entity under any contract entered into under this section.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as are necessary to carry out this section.

(g) APPLICABILITY.—This section shall only apply to refineries sited or proposed to be sited—

(1) in a State whose governor has requested applicability of this section; or

(2) on a site designated by the President under section 101(a).

SEC. 105. MILITARY USE REFINERY.

(a) AUTHORIZATION.—The President may authorize the design of, obtain all necessary Federal refinery authorizations for, acquire an appropriate site for, and authorize the construction and operation of a refinery for the purpose of manufacturing petroleum products for consumption by the Armed Forces of the United States. A refinery constructed under this section shall be located at a site designated by the President under section 101(b).

(b) SOLICITATION FOR DESIGN AND CONSTRUCTION.—The President shall solicit proposals for the design and construction of a refinery under this section. In selecting a proposal under this subsection, the President shall consider—

(1) the ability of the applicant to undertake and complete the project;

(2) the extent to which the applicant's proposal serves the purposes of the project; and

(3) the ability of the applicant to best satisfy the criteria set forth in subsection (c).

(c) REFINERY CRITERIA.—A refinery constructed under this section shall meet or exceed the industry average for—

(1) construction efficiencies; and

(2) operational efficiencies, including cost efficiencies.

(d) OPERATION.—When all design, Federal refinery authorization, acquisition, and construction activities are completed with respect to a refinery under this section, the President shall offer for sale or lease the rights to operate such refinery. If the President is unable to sell or lease the right to operate the refinery, it shall be operated by the Federal Government.

(e) USE OF PRODUCTS.—

(1) IN GENERAL.—Except as provided in paragraph (2), all petroleum products manufactured at a refinery constructed under this section shall be for use by the Armed Forces of the United States.

(2) EXCEPTION.—The Secretary of Energy, at the direction of the President, may sell any portion of the petroleum products manufactured at the refinery that are not needed for the purposes described in paragraph (1) in private markets at the products' fair market value.

SEC. 106. NEW SOURCE REVIEW UNDER CLEAN AIR ACT.

(a) RULEMAKING.—Considering the devastation brought about by the recent natural disasters, and the adverse impact of such disasters on the United States energy markets, including both the availability and the price of energy, the Administrator shall initiate a rulemaking, to issue guidance, and to take all other appropriate steps to reform, as expeditiously as practicable, the New Source Review programs under title I, parts C and D of the Clean Air Act. Taking into account the urgent need to increase the efficiency and availability and to improve the reliability of the energy supply to consumers and industrial sources, and to secure a decrease in energy prices, the Administrator, in undertaking these reform efforts, should utilize and draw upon the maximum legal flexibility available under existing law, in order to enable energy industry facilities, including, but not limited to, refineries, electric power generating stations, and compressor stations, to undertake without hindrance, promptly and in the least-cost manner, projects to maintain, to restore, and to improve the efficiency, the reliability, or the availability of such facilities.

(b) DEFINITION.—Section 302 of the Clean Air Act (42 U.S.C. 7602) is amended by adding the following new subsection at the end thereof:

"(aa) PHYSICAL CHANGE, OR CHANGE IN THE METHOD OF OPERATION OF EXISTING EMISSIONS UNIT.—For purposes of parts C and D of this title, the term 'physical change, or change in the method of operation of,' as applied to an existing emissions unit, means a 'modification' as defined in paragraphs (a), (b), (c), (e), and (h) of title 40 of the Code of Federal Regulations, section 60.14 (as in effect on September 22, 2005), except that paragraph (h) shall apply to all industrial categories and paragraph (e)(1) shall include all repairs and replacements covered by section 51.166(y) of title 40 of the Code of Federal Regulations (as in effect on December 31, 2004).".

SEC. 107. WAIVER AUTHORITY FOR EXTREME FUEL SUPPLY EMERGENCIES.

Section 211(c)(4)(C) of the Clean Air Act (42 U.S.C. 7545) is amended—

(1) by redesignating the second clause (v) as clause (viii);

(2) by redesignating clause (v) as clause (vii);

(3) by inserting after clause (iv) the following:

"(v)(I) For the purpose of alleviating an extreme and unusual fuel or fuel additive supply emergency resulting from a natural disaster, the President, in consultation with the Administrator of the Environmental Protection Agency and the Secretary of Energy—

"(aa) may temporarily waive any control or prohibition respecting the use of a fuel or fuel additive required by this section; and

"(bb) may preempt and temporarily waive any related or equivalent control or prohibition respecting the use of a fuel or fuel additive prescribed by a State or local statute or regulation, including any such requirement in a State implementation plan.

"(II) The effective period of a waiver under this clause shall be the time period necessary to permit the correction of the extreme and unusual fuel or fuel additive supply emergency caused by the natural disaster."; and

(4) by inserting after clause (v) (as inserted by paragraph (3)) the following:

"(vi) A State shall not be subject to any finding, disapproval, or determination by the Administrator under section 179, no person may bring an action against a State or the Administrator under section 304, and the Administrator shall not take any action under section 110(c) to require the revision of an applicable implementation plan, because of any emissions attributable to a waiver granted by the Administrator under clause (ii) or by the President under clause (v).".

SEC. 108. LIST OF FUEL BLENDS.

(a) LIST OF BLENDS.—Section 211(c)(4)(C)(viii) of the Clean Air Act (42 U.S.C. 7545(c)(4)(C)(viii)), as so redesignated by section 107(1) of this Act, is amended—

(1) by striking subclauses (I) through (V);

(2) by redesignating subclause (VI) as subclause (V); and

(3) by inserting the following before subclause (V), as so redesignated by paragraph (2) of this subsection:

"(I) The Administrator, in coordination with the Secretary of Energy (hereinafter in this clause referred to as the 'Secretary'), shall identify and publish in the Federal Register, within 12 months after the enactment of this subclause and after notice and opportunity for public comment, a list of 6 gasoline and diesel fuel blends to be used in States that have not received a waiver under section 209(b) of this Act or any State dependent on refineries in such State for gasoline or diesel fuel supplies. The list shall be referred to as the 'Federal Fuels List' and shall include one Federal diesel fuel, one alternative diesel fuel blend approved under this subparagraph before enactment of this subclause, one conventional gasoline for ozone attainment areas, one reformulated gasoline (RFG) meeting the requirements of subsection (k), and 2 additional gasoline blends with Reid vapor pressure (RVP) controls for use in ozone nonattainment areas of varying degrees of severity. None of the fuel blends identified under this subclause shall control fuel sulfur or toxics levels beyond levels required by regulations of the Administrator.

"(II) Gasoline and diesel fuel blends shall be included on the Federal Fuels List based on the Administrator's analysis of their ability to reduce ozone emissions to assist States in attaining established ozone standards under this Act, and on an analysis by the Secretary that the adoption of the Federal Fuels List will not result in a reduction in supply or in producibility, including that caused by a reduction in domestic refining capacity triggered by this clause. In the event the Secretary concludes that adoption of the Federal Fuels List will result in a reduction in supply or in producibility, the Administrator and the Secretary shall report that conclusion to Congress, and suspend implementation of this clause. The Administrator and the Secretary shall conduct the study required under section 1541(c) of the Energy Policy Act of 2005 on the timetable required in that section to provide Congress with legislative recommendations for modifications to the proposed Federal Fuels List only if the Secretary concludes that adoption of the Federal Fuels List will result in a reduction in supply or in producibility.

"(III) Upon publication of the Federal Fuels List, the Administrator shall have no authority, when considering a State implementation plan or State implementation plan revision, to approve under this subparagraph any fuel included in such plan or plan revision if the fuel proposed is not one of the fuels included on the Federal Fuels List; or to approve such plan or revision unless, after consultation with the Secretary, the Administrator publishes in the Federal Register, after notice and opportunity for public comment, a finding that, in the Administrator's judgment, such revisions to newly adopt one of the fuels included on the Federal Fuels List will not cause fuel supply or distribution interruptions or have a significant adverse impact on fuel producibility in the affected area or contiguous area. The Administrator's findings shall include an assessment of reasonably foreseeable supply distribution emergencies that could occur in the affected area or contiguous area and how adoption of the particular fuel revision would effect supply opportunities during reasonably foreseeable supply distribution emergencies.

"(IV) The Administrator, in consultation with the Secretary, shall develop a plan to harmonize the currently approved fuel blends in State implementation plans with the blends included on the Federal Fuels List and shall promulgate implementing regulations for this plan not later than 18 months after enactment of this subclause. This harmonization shall be fully implemented by the States by December 31, 2008.".

(b) STUDY.—Section 1541(c)(2) of the Energy Policy Act of 2005 is amended to read as follows:

"(2) FOCUS OF STUDY.—The primary focus of the study required under paragraph (1) shall be to determine how to develop a Federal fuels system that maximizes motor fuel fungibility and supply, preserves air quality standards, and reduces motor fuel price volatility that results from the proliferation of boutique fuels, and to recommend to Congress such legislative changes as are necessary to implement such a system. The study should include the impacts on overall energy supply, distribution, and use as a result of the legislative changes recommended. The study should include an analysis of the impact on ozone emissions and supply of a mandatory reduction in the number of fuel blends to 6, including one Federal diesel fuel, one alternative diesel fuel blend, one conventional gasoline for ozone attainment areas, one reformulated gasoline (RFG) meeting the requirements of subsection (k), and 2 additional gasoline blends with Reid vapor pressure (RVP) controls for use in ozone nonattainment areas of varying degrees of severity.".

SEC. 109. ATTAINMENT DATES FOR DOWNWIND OZONE NONATTAINMENT AREAS.

Section 181 of the Clean Air Act (42 U.S.C.7511) is amended by adding the following new subsection at the end thereof:

"(d) EXTENDED ATTAINMENT DATE FOR CERTAIN DOWNWIND AREAS.—

"(1) DEFINITIONS.—

"(A) The term 'upwind area' means an area that—

"(i) affects nonattainment in another area, hereinafter referred to as a downwind area; and

"(ii) is either—

"(I) a nonattainment area with a later attainment date than the downwind area, or

"(II) an area in another State that the Administrator has found to be significantly contributing to nonattainment in the downwind area in violation of section 110(a)(2)(D) and for which the Administrator has established requirements through notice and comment rulemaking to eliminate the emissions causing such significant contribution.

"(B) The term 'current classification' means the classification of a downwind area under this section at the time of the determination under paragraph.

"(2) EXTENSION.—Notwithstanding the provisions of subsection (b)(2) of this section, a downwind area that is not in attainment within 18 months of the attainment deadline required under this section may seek an extension of time to come into attainment by petitioning the Administrator for such an extension. If the Administrator—

"(A) determines that any area is a downwind area with respect to a particular national ambient air quality standard for ozone;

"(B) approves a plan revision for such area as provided in paragraph (3) prior to a reclassification under subsection (b)(2)(A); and

"(C) determines that the petitioning downwind area has demonstrated that it is affected by transport from an upwind area to a degree that affects the area's ability to attain,

the Administrator, in lieu of such reclassification, may extend the attainment date for such downwind area for such standard in accordance with paragraph (5).

"(3) APPROVAL.—In order to extend the attainment date for a downwind area under this subsection, the Administrator may approve a revision of the applicable implementation plan for the downwind area for such standard that—

"(A) complies with all requirements of this Act applicable under the current classification of the downwind area, including any requirements applicable to the area under section 172(c) for such standard;

"(B) includes any additional measures needed to demonstrate attainment by the extended attainment date provided under this subsection, and provides for implementation of those measures as expeditiously as practicable; and

"(C) provides appropriate measures to ensure that no area downwind of the area receiving the extended attainment date will be affected by transport to a degree that affects the area's ability to attain, from the area receiving the extension.

"(4) PRIOR RECLASSIFICATION DETERMINATION.—If, after April 1, 2003, and prior to the time the 1-hour ozone standard no longer applies to a downwind area, the Administrator made a reclassification determination under subsection (b)(2)(A) for such downwind area, and the Administrator approves a plan consistent with subparagraphs (A) and (B) for such area, the reclassification shall be withdrawn and, for purposes of implementing the 8-hour ozone national ambient air quality standard, the area shall be treated as if the reclassification never occurred. Such plan must be submitted no later than 12 months following enactment of this subsection—

"(A) the plan revision for the downwind area complies with all control and planning requirements of this Act applicable under the classification that applied immediately prior to reclassification, including any requirements applicable to the area under section 172(c) for such standard; and

"(B) the plan includes any additional measures needed to demonstrate attainment no later than the date on which the last reductions in pollution transport that have been found by the Administrator to significantly contribute to nonattainment are required to be achieved by the upwind area or areas.

The attainment date extended under this paragraph shall provide for attainment of such national ambient air quality standard for ozone in the downwind area as expeditiously as practicable but no later than the end of the first complete ozone season following the date on which the last reductions in pollution transport that have been found by the Administrator to significantly contribute to nonattainment are required to be achieved by the upwind area or areas.

"(5) EXTENDED DATE.—The attainment date extended under this subsection shall provide for attainment of such national ambient air quality standard for ozone in the downwind area as expeditiously as practicable but no later than the new date that the area would have been subject to had it been reclassified under subsection (b)(2).

"(6) RULEMAKING.—Within 12 months after the enactment of this subsection, the Administrator shall, through notice and comment, promulgate rules to define the term 'affected by transport to a degree that affects an areas ability to attain' in order to ensure that downwind areas are not unjustly penalized, and for purposes of paragraphs (2) and (3) of this subsection.".

SEC. 110. NORTHWEST CRUDE OIL SUPPLY.

Section 5(b) of the Act entitled "An Act to authorize appropriations for fiscal year 1978 to carry out the Marine Mammal Protection Act of 1972", enacted October 18, 1977 (Public Law 95-136) is amended by striking "for consumption in the State of Washington".

SEC. 111. DISCOUNTED SALES OF ROYALTY-IN-KIND OIL TO QUALIFIED SMALL REFINERIES.

(a) REQUIREMENT.—The Secretary of the Interior shall issue and begin implementing regulations by not later than 60 days after the date of the enactment of this Act, under which the Secretary of the Interior shall charge a discounted price in any sale to a qualified small refinery of crude oil obtained by the United States as royalty-in-kind.

(b) AMOUNT OF DISCOUNT.—The regulations shall provide that the amount of any discount applied pursuant to this section in any sale of crude oil to a qualified small refinery—

(1) shall reflect the actual costs of transporting such oil from the point of origin to the qualified small refinery; and

(2) shall not exceed $4.50 per barrel of oil sold.

(c) TERMINATION OF DISCOUNT.—This section and any regulations issued under this section shall not apply on and after any date on which the Secretary of Energy determines that United States domestic refining capacity is sufficient.

(d) QUALIFIED SMALL REFINERY.—In this section the term "qualified small refinery" means a refinery of a small business refiner (as that term is defined in section 45H(c)(1) of the Internal Revenue Code of 1986) that demonstrates to the Secretary of the Interior that it had unused crude oil processing capacity in 2004.

SEC. 112. STUDY AND REPORT RELATING TO STREAMLINING PAPERWORK REQUIREMENTS.

(a) STUDY.—The Administrator of the Environmental Protection Agency shall study ways to streamline the paperwork requirements associated with title V of the Clean Air Act and corresponding requirements under State laws, particularly with regard to States that have more stringent requirements than the Federal Government in this area.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the Administrator shall report to Congress the results of the study made under subsection (a), together with recommendations on how to streamline those paperwork requirements.

TITLE II—INCREASING DELIVERY INFRASTRUCTURE

SEC. 201. PROCESS COORDINATION; HEARINGS; RULES OF PROCEDURE.

(a) DEFINITIONS.—For purposes of this title—

(1) the term "Commission" means the Federal Energy Regulatory Commission; and

(2) the term "Federal pipeline authorization"—

(A) means any authorization required under Federal law, whether administered by a Federal or State administrative agency or official, with respect to siting, construction, expansion, or operation of a crude oil or refined petroleum product pipeline facility in interstate commerce; and

(B) includes any permits, special use authorizations, certifications, opinions, or other approvals required under Federal law with respect to siting, construction, expansion, or operation of a crude oil or refined petroleum product pipeline facility in interstate commerce.

(b) COMMISSION AUTHORIZATION REQUIRED.—

(1) REQUIREMENT.—No person shall site, construct, expand, or operate a crude oil or refined petroleum product pipeline facility in interstate commerce without an order from the Commission authorizing such action.

(2) NOTICE AND HEARING.—Upon the filing of an application to site, construct, expand, or operate a crude oil or refined petroleum product pipeline facility in interstate commerce, the Commission shall—

(A) set the matter for hearing;

(B) give reasonable notice of the hearing to all interested persons;

(C) decide the matter in accordance with this title; and

(D) issue or deny the appropriate order accordingly.

(c) DESIGNATION AS LEAD AGENCY.—

(1) IN GENERAL.—The Commission shall act as the lead agency for the purposes of coordinating all applicable Federal pipeline authorizations and for the purposes of complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to a crude oil or refined petroleum product pipeline facility.

(2) OTHER AGENCIES.—Each Federal and State agency or official required to provide Federal pipeline authorization shall cooperate with the Commission and comply with the deadlines established by the Commission.

(d) SCHEDULE.—

(1) COMMISSION'S AUTHORITY TO SET SCHEDULE.—The Commission shall establish a schedule for all Federal pipeline authorizations with respect to a crude oil or refined petroleum product pipeline facility. In establishing the schedule, the Commission shall—

(A) ensure expeditious completion of all such proceedings; and

(B) accommodate the applicable schedules established by Federal law for such proceedings.

(2) FAILURE TO MEET SCHEDULE.—If a Federal or State administrative agency or official does not complete a proceeding for an approval that is required for a Federal pipeline authorization in accordance with the schedule established by the Commission under this subsection, the applicant may pursue remedies under subsection (f).

(e) CONSOLIDATED RECORD.—The Commission shall, with the cooperation of Federal and State administrative agencies and officials, maintain a complete consolidated record of all decisions made or actions taken by the Commission or by a Federal administrative agency or officer (or State administrative agency or officer acting under delegated Federal authority) with respect to any Federal pipeline authorization. Such record shall be the record for judicial review under subsection (f) of decisions made or actions taken by Federal and State administrative agencies and officials, except that, if the Court determines that the record does not contain sufficient information, the Court may remand the proceeding to the Commission for further development of the consolidated record.

(f) JUDICIAL REVIEW.—

(1) IN GENERAL.—The United States Court of Appeals for the District of Columbia shall have original and exclusive jurisdiction over any civil action for the review of—

(A) an order or action related to a Federal pipeline authorization by a Federal or State administrative agency or official; and

(B) an alleged failure to act by a Federal or State administrative agency or official acting pursuant to a Federal pipeline authorization.

The failure of an agency or official to act on a Federal pipeline authorization in accordance with the Commission's schedule established pursuant to subsection (d) shall be considered inconsistent with Federal law for the purposes of paragraph (2) of this subsection.

(2) COURT ACTION.—If the Court finds that an order or action described in paragraph (1)(A) is inconsistent with the Federal law governing such Federal pipeline authorization, or that a failure to act as described in paragraph (1)(B) has occurred, and the order, action, or failure to act would prevent the siting, construction, expansion, or operation of the crude oil or refined petroleum product pipeline facility, the Court shall remand the proceeding to the agency or official to take appropriate action consistent with the order of the Court. If the Court remands the order, action, or failure to act to the Federal or State administrative agency or official, the Court shall set a reasonable schedule and deadline for the agency or official to act on remand.

(3) COMMISSION'S ACTION.—For any civil action brought under this subsection, the Commission shall promptly file with the Court the consolidated record compiled by the Commission pursuant to subsection (e).

(4) EXPEDITED REVIEW.—The Court shall set any civil action brought under this subsection for expedited consideration.

(5) ATTORNEY'S FEES.—In any action challenging a Federal pipeline authorization that has been granted, reasonable attorney's fees and other expenses of litigation shall be awarded to the prevailing party. This paragraph shall not apply to any action seeking

remedies for denial of a Federal pipeline authorization or failure to act on an application for a Federal pipeline authorization.

SEC. 202. ISSUANCE OF COMMISSION ORDER.

(a) Criteria.—Upon application by a qualified applicant, the Commission shall issue an order authorizing, in whole or in part, the siting, construction, expansion, or operation of a crude oil or refined petroleum product pipeline facility in interstate commerce—

(1) unless the Commission finds that such actions or operations will not be consistent with the public interest; and

(2) if the Commission has found that the applicant is—

(A) able and willing to carry out the actions and operations proposed; and

(B) willing to conform to any terms, conditions, or other requirements of the Commission under this section.

(b) Terms and Conditions.—The Commission may by its order grant an application, in whole or in part, with such modification and upon such terms and conditions as the Commission may find necessary or appropriate.

(c) Rights-of-Way.—When any holder of an order from the Commission under this section cannot acquire by contract, or is unable to agree with the owner of property to the compensation to be paid for—

(1) the necessary right-of-way to site, construct, operate, and maintain a pipeline or pipelines for the transportation of crude oil or refined petroleum products; and

(2) the necessary land or other property for the location of compressor stations, pressure apparatus, or other stations or equipment necessary to the proper operation of such pipeline or pipelines,

the holder of the order may acquire such property by the exercise of the right of eminent domain in the district court of the United States for the district in which such property may be located, or in the State courts. The practice and procedure in any action or proceeding under this subsection in the district court of the United States shall conform as nearly as may be with the practice and procedure in similar action or proceeding in the courts of the State where the property is situated.

SEC. 203. BACKUP POWER CAPACITY.

(a) Requirement.—Not later than 1 year after the date of enactment of this Act, the Secretary shall issue regulations requiring the owners or operators of crude oil or refined petroleum product pipeline facilities that the Secretary finds to be significant to the Nation's supply needs to ensure the availability of sufficient backup power capacity, in areas that have historically been subject to higher incidents of natural disasters such as hurricanes, earthquakes, and tornados, to provide for the continued operation of the pipeline facilities in the event of any reasonably foreseeable emergency situation.

(b) Suspension of Certain Requirements.—The Administrator shall promulgate regulations providing for the temporary suspension, for the duration of an emergency described in subsection (a), of all or part of any requirement (including any Federal or State permitting requirement, emissions limit, or operations limit) in effect under the Clean Air Act or under any implementation plan in effect under that Act to the extent that such requirement applies to the process or equipment necessary to provide backup power capacity under subsection (a).

SEC. 204. SUNSET OF LOAN GUARANTEES.

Section 116(a) of the Alaska Natural Gas Pipeline Act is amended by adding at the end the following new paragraph:

"(4) The Secretary shall not enter into an agreement under paragraph (1) or (2) after the date that is 60 days after the date of enactment of the Gasoline for America's Security Act of 2005 if the State of Alaska and all interested parties have not entered into an agreement pursuant to Alaska Stranded Gas Development Act which contractually binds the parties to deliver North Slope natural gas to markets via the proposed Alaska Natural Gas Pipeline.".

SEC. 205. OFFSHORE GATHERING PIPELINES.

Section 1(b) of the Natural Gas Act (15 U.S.C. 717(b)) is amended—

(1) by striking "and to natural gas companies" and inserting "to natural gas companies";

(2) by inserting ", gathering in Federal waters," after "such transportation or sale"; and

(3) by striking "the production or gathering of natural gas" and inserting "the production of natural gas or to the gathering onshore or in State waters of natural gas".

SEC. 206. SAVINGS CLAUSE.

Nothing in this title shall be construed to amend, alter, or in any way affect the jurisdiction or responsibilities of the Department of Transportation with respect to pipeline safety issues under chapter 601 of title 49, United States Code, or any other law.

TITLE III—CONSERVATION

SEC. 301. DEPARTMENT OF ENERGY CARPOOLING AND VANPOOLING PROGRAM.

(a) Findings.—Congress finds the following:

(1) Metropolitan transit organizations have reported heightened interest in carpooling and vanpooling projects in light of recent increases in gasoline prices.

(2) The National Transportation Database reports that, in 2003, American commuters traveled over 440,000 miles using public transportation vanpools, an increase of 60 percent since 1996.

(3) According to the Natural Resource Defense Council, if each commuter car carried just one more passenger once a week, American gasoline consumption would be reduced by about 2 percent.

(b) Establishment of Program.—The Secretary shall establish and carry out a program to encourage the use of carpooling and vanpooling to reduce the consumption of gasoline. The program shall focus on carpool and vanpool operations, outreach activities, and marketing programs, including utilization of the Internet for marketing and outreach.

(c) Grants to State and Local Governments.—As part of the program established under subsection (b), the Secretary may make grants to State and local governments for carpooling or vanpooling projects. The Secretary may make such a grant only if at least 50 percent of the costs of the project will be provided by the State or local government. If a private sector entity provides vehicles for use in a carpooling or vanpooling project supported under this subsection, the value of those vehicles may be counted as part of the State or local contribution to the project.

SEC. 302. EVALUATION AND ASSESSMENT OF CARPOOL AND VANPOOL PROJECTS.

(a) In General.—The Administrator, in consultation with the Secretary, shall evaluate and assess carpool and van pool projects funded under the congestion mitigation and air quality program established under section 149 of title 23, United States Code, to—

(1) reduce consumption of gasoline;

(2) determine the direct and indirect impact of the projects on air quality and congestion levels; and

(3) ensure the effective implementation of the projects under such program.

(b) Report.—Not later than 180 days after the date of enactment of this Act, the Administrator, in consultation with the Secretary, shall submit to Congress a report including recommendations and findings that would improve the operation and evaluation of carpool and vanpool projects funded under the congestion mitigation and air quality improvement program and shall make such report available to all State and local metropolitan planning organizations.

SEC. 303. INTERNET UTILIZATION.

The program established under section 301 shall include outreach activities and marketing programs, including the utilization of the Internet for marketing and outreach, to encourage, facilitate, provide incentives for, and maintain carpools and vanpools without regard to any limitation on operating costs.

SEC. 304. FUEL CONSUMPTION EDUCATION CAMPAIGN.

(a) Partnership.—The Secretary shall enter into a partnership with interested industry groups to create an education campaign that provides information to United States drivers about measures that may be taken to conserve gasoline.

(b) Accessibility.—The public information campaign shall be designed to reach the widest audience possible. The education campaign may include television, print, Internet website, or any method designed to maximize the dissemination of gasoline savings information to drivers.

(c) Cost Sharing.—The Secretary shall provide no more than 50 percent of the cost of the campaign created under this section.

(d) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary $2,500,000 for carrying out this section.

TITLE IV—GASOLINE PRICE REFORM

SEC. 401. FTC INVESTIGATION ON PRICE-GOUGING.

(a) Study.—The Federal Trade Commission shall conduct an investigation into nationwide gasoline prices in the aftermath of Hurricane Katrina, including any evidence of price-gouging by subject companies described in subsection (b). Such investigation shall include—

(1) a comparison of, and analysis of the reasons for changes in, profit levels of subject companies during the 12-month period ending on August 31, 2005, and their profit levels for the month of September, 2005, including information for particular companies on a basis that does not permit the identification of any company to which the information relates;

(2) a summary of tax expenditures (as defined in section 3(3) of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 622(3)) for such companies;

(3) an examination of the effects of increased gasoline prices and gasoline price-gouging on economic activity in the United States; and

(4) an analysis of the overall cost of increased gasoline prices and gasoline price-gouging to the economy, including the impact on consumers' purchasing power in both declared State and National disaster areas and elsewhere.

Chapter 35 of title 44, United States Code, does not apply to the collection of information for the investigation required by this section.

(b) Subject Companies.—The companies subject to the investigation required by this section shall be—

(1) any company with total United States wholesale sales of gasoline and petroleum distillates for calendar year 2004 in excess of $500,000; and

(2) any retail distributor of gasoline and petroleum distillates against which multiple formal complaints (that identify the location of the particular retail distributor and provide contact information for the complainant) of price-gouging were filed in August or September 2005, with a Federal or State consumer protection agency.

(c) EVIDENCE OF PRICE-GOUGING.—In conducting its investigation, the Commission shall treat as evidence of price-gouging any finding that the average price of gasoline available for sale to the public in September, 2005, or thereafter in a market area located in an area designated as a State or National disaster area because of Hurricane Katrina, or in any other area where price-gouging complaints have been filed because of Hurricane Katrina with a Federal or State consumer protection agency, exceeded the average price of such gasoline in that area for the month of August, 2005, unless the Commission finds substantial evidence that the increase is substantially attributable to additional costs in connection with the production, transportation, delivery, and sale of gasoline in that area or to national or international market trends.

(d) REPORTS.—

(1) NOTIFICATION TO STATE AGENCIES.—In any areas of markets in which the Commission determines price increases are due to factors other than the additional costs, it shall also notify the appropriate State agency of its findings.

(2) PROGRESS AND FINAL REPORTS TO CONGRESS.—The Commission shall provide information on the progress of the investigation to the Appropriations Committees of the House of Representatives and the Senate, the Committee on Energy and Commerce of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate, every 30 days after the date of enactment of this Act. The Commission shall provide those Committees a written interim report 90 days after such date, and shall transmit a final report to those Committees, together with its findings and recommendations, no later than 180 days after the date of enactment of this Act. Such reports shall include recommendations, based on its findings, to for any legislation necessary to protect consumers from gasoline price-gouging in both State and National disaster areas and elsewhere.

(e) EVIDENCE OF CRIMINAL MISCONDUCT.—If, during the investigation required by this section, the Commission obtains evidence that a person may have violated a criminal law, the Commission may transmit that evidence to appropriate Federal or State authorities.

SEC. 402. FTC STUDY OF PETROLEUM PRICES ON EXCHANGE.

Not later than 180 days after the date of enactment of this Act, the Federal Trade Commission shall transmit to Congress a report on the price of refined petroleum products on the New York Mercantile Exchange and the effects on such price, if any, of the following:

(1) The geographic size of the delivery market and the number of delivery points.

(2) The proximity of energy futures markets in relation to the source of supply.

(3) The specified grade of gasoline deliverable on the exchange.

(4) The control of the storage and delivery market infrastructure.

(5) The effectiveness of temporary trading halts and the monetary threshold for such temporary trading halts.

TITLE V—STRATEGIC PETROLEUM RESERVE

SEC. 501. STRATEGIC PETROLEUM RESERVE CAPACITY.

(a) AUTHORITY TO DRAWDOWN AND SELL PETROLEUM PRODUCTS FOR EXPANSION OF RESERVE.—Notwithstanding any other provision of law, the Secretary may drawdown and sell petroleum products from the Strategic Petroleum Reserve to construct, purchase, lease, or otherwise acquire additional capacity sufficient to permit filling the Strategic Petroleum Reserve to its maximum authorized level.

(b) ESTABLISHMENT OF SPR EXPANSION FUND.—The Secretary of the Treasury shall establish in the Treasury of the United States an account to be known as the "SPR Expansion Fund" (in this section referred to as the "Fund") and the proceeds from any sale pursuant to subsection (a) shall be deposited into the Fund.

(c) OBLIGATION OF FUNDS FOR EXPANSION.—Amounts in the Fund may be obligated by the Secretary to carry out the purposes in subsection (a) to the extent and in such aggregate amounts as may be appropriated in advance in appropriations Acts for such purposes.

(d) OFFSETTING COLLECTIONS.—The proceeds from any sale pursuant to subsection (a) shall be credited to the Fund as offsetting collections in amounts not to exceed the amounts annually appropriated from the Fund.

SEC. 502. STRATEGIC PETROLEUM RESERVE SALE.

Section 161(e) of the Energy Policy and Conservation Act (42 U.S.C. 6241(e)) is amended by inserting after paragraph (2) a new paragraph as follows:

"(3) Any contract under which petroleum products are sold under this section shall include a requirement that the person or entity that acquires the petroleum products agrees—

"(A) not to resell the petroleum products before the products are refined; and

"(B) to refine the petroleum products primarily for consumption in the United States.".

The SPEAKER pro tempore. The amendment in the nature of a substitute printed in the bill, modified by the amendment printed in part A of House Report 109–245, is adopted.

The text of the amendment in the nature of a substitute, as modified, is as follows:

H.R. 3893

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Gasoline for America's Security Act of 2005".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Definitions.

TITLE I—INCREASING REFINERY CAPACITY

Sec. 101. State participation and presidential designation.
Sec. 102. Process coordination and rules of procedure.
Sec. 103. Refinery revitalization repeal.
Sec. 104. Standby support for refineries.
Sec. 105. Military use refinery.
Sec. 106. Waiver authority for extreme fuel supply emergencies.
Sec. 107. List of fuel blends.
Sec. 108. Attainment dates for downwind ozone nonattainment areas.
Sec. 109. Rebates for sales of royalty-in-kind oil to qualified small refineries.
Sec. 110. Study and report relating to streamlining paperwork requirements.
Sec. 111. Response to biomass debris emergency.

TITLE II—INCREASING DELIVERY INFRASTRUCTURE

Sec. 201. Federal-State regulatory coordination.
Sec. 202. Process coordination and rules of procedure.
Sec. 203. Backup power capacity study.
Sec. 204. Sunset of loan guarantees.
Sec. 205. Offshore pipelines.
Sec. 206. Savings clause.

TITLE III—CONSERVATION AND EDUCATION

Sec. 301. Department of Energy carpooling and vanpooling program.
Sec. 302. Evaluation and assessment of carpool and vanpool projects.
Sec. 303. Internet utilization study.
Sec. 304. Fuel consumption education campaign.
Sec. 305. Procurement of energy efficient lighting devices.
Sec. 306. Minority employment.

TITLE IV—GASOLINE PRICE REFORM

Sec. 401. Short title.
Sec. 402. Gasoline price gouging prohibited.
Sec. 403. FTC investigation on price-gouging.
Sec. 404. FTC study of petroleum prices on exchange.

TITLE V—STRATEGIC PETROLEUM RESERVE

Sec. 501. Strategic Petroleum Reserve capacity.
Sec. 502. Strategic Petroleum Reserve sale.
Sec. 503. Northeast Home Heating Oil Reserve capacity.

TITLE VI—COMMISSION FOR THE DEPLOYMENT OF THE HYDROGEN ECONOMY

Sec. 601. Establishment.
Sec. 602. Duties of Commission.
Sec. 603. Membership.
Sec. 604. Staff of Commission; experts and consultants.
Sec. 605. Powers of Commission.
Sec. 606. Report.

TITLE VII—CRITICAL ENERGY ASSURANCE

Sec. 701. Evacuation plan review.
Sec. 702. Disaster assistance.
Sec. 703. Critical Energy Assurance Account.
Sec. 704. Regulations.

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) No new refinery has been constructed in the United States since 1976. There are 148 operating refineries in the United States, down from 324 in 1981. Refined petroleum product imports are currently projected to grow from 7.9 percent to 10.7 percent of total refined product by 2025 to satisfy increasing demand.

(2) While the number of American refineries in operation has reduced over the last 20 years, much of the resulting lost capacity has been replaced by gains from more efficient refineries.

(3) Hurricanes Katrina and Rita substantially disrupted petroleum production, refining, and pipeline systems in the Gulf Coast region, affecting energy prices and supply nationwide. In the immediate aftermath of Katrina alone, United States refining capacity was reduced by more than 2,000,000 barrels per day. However, before

Hurricanes Katrina and Rita, United States refining capacity was already significantly strained by increased levels of production, with industry average utilization rates of 95 percent of capacity or higher.

(4) It serves the national interest to increase refinery capacity for gasoline, heating oil, diesel fuel, and jet fuel wherever located within the United States, to bring more reliable and economic supply to the American people.

(5) According to economic analysis, households are conservatively estimated to spend an average of $1,948 this year on gasoline, up 45 percent from 3 years ago, and households with incomes under $15,000 (1/5 of all households) this year will spend, on average, more than 1/10 of their income just on gasoline.

(6) According to economic analysis, rural American households will spend $2,087 on gasoline this year. Rural Americans are paying an estimated 22 percent more for gasoline than their urban counterparts because they must drive longer distances.

(7) A growing reliance on foreign sources of refined petroleum products impairs our national security interests and global competitiveness.

(8) Refiners are subject to significant environmental and other regulations and face several new Clean Air Act requirements over the next decade. New Clean Air Act requirements will benefit the environment but will also require substantial capital investment and additional government permits. These new requirements increase business uncertainty and dissuade investment in new refinery capacity.

(9) There is currently a lack of coordination in permitting requirements and other regulations affecting refineries at the Federal, State, and local levels. There is no consistent national permitting program for refineries, compared with the Federal Energy Regulatory Commission's lead agency role over interstate natural gas pipelines, liquefied natural gas, and hydroelectric power and the Nuclear Regulatory Commission's role over nuclear plant licensing. More regulatory certainty and coordination is needed for refinery owners to stimulate investment in increased refinery capacity.

SEC. 3. DEFINITIONS.

For purposes of this Act—

(1) the term "Administrator" means the Administrator of the Environmental Protection Agency;

(2) the term "refinery" means—

(A) a facility designed and operated to receive, load, unload, store, transport, process, and refine crude oil by any chemical or physical process, including distillation, fluid catalytic cracking, hydrocracking, coking, alkylation, etherification, polymerization, catalytic reforming, isomerization, hydrotreating, blending, and any combination thereof, in order to produce gasoline or other fuel; or

(B) a facility designed and operated to receive, load, unload, store, transport, process, and refine coal by any chemical or physical process, including liquefaction, in order to produce gasoline, diesel, or other liquid fuel as its primary output; and

(3) the term "Secretary" means the Secretary of Energy.

TITLE I—INCREASING REFINERY CAPACITY

SEC. 101. STATE PARTICIPATION AND PRESIDENTIAL DESIGNATION.

(a) FEDERAL-STATE REGULATORY COORDINATION AND ASSISTANCE.—

(1) GOVERNOR'S REQUEST.—The governor of a State may submit a request to the Secretary for the application of process coordination and rules of procedure under section 102 to the siting, construction, expansion, or operation of any refinery in that State.

(2) STATE ASSISTANCE.—The Secretary and the Administrator are authorized to provide financial assistance to State governments to facilitate the hiring of additional personnel with expertise in fields relevant to consideration of applications to site, construct, expand, or operate any refinery in that State.

(3) OTHER ASSISTANCE.—The Secretary and the Administrator shall provide technical, legal, or other assistance to State governments to facilitate their review of applications to site, construct, expand, or operate any refinery in that State.

(b) PRESIDENTIAL DESIGNATION.—

(1) DESIGNATION REQUIREMENT.—Not later than 90 days after the date of enactment of this Act, the President shall designate sites on Federal lands, including closed military installations "subject to paragraph (3)", that are appropriate for the purposes of siting a refinery.

(2) ANALYSIS OF REFINERY SITES.—IN CONSIDERING ANY SITE ON FEDERAL LANDS FOR POSSIBLE DESIGNATION UNDER THIS SUBJECTION, THE PRESIDENT SHALL CONDUCT AN ANALYSIS OF—

(A) the availability of crude oil supplies to the site, including supplies from domestic production of shale oil and tar sands and other strategic unconventional fuels;

(B) the distribution of the Nation's refined petroleum product demand;

(C) whether "such sites is" in close proximity to substantial pipeline infrastructure, including both crude oil and refined petroleum product pipelines, and potential infrastructure feasibility;

(D) the need to diversify the geographical location of the domestic refining capacity;

(E) the effect that increased refined petroleum products from a refinery on that site may have on the price and supply of gasoline to consumers;

(F) "the impact of locating a refinery on the site on the readiness and operations of the Armed Forces"; and

(G) such other factors as the President considers appropriate.

(3) SPECIAL RULES FOR CLOSED MILITARY INSTALLATIONS.—

(A) DESIGNATION FOR CONSIDERATION AS REFINERY SITE.—Among the sites designated pursuant to this subsection, the President shall designate no less than 3 closed military installations, or portions thereof, as suitable for the construction of a refinery.

(B) EFFECT OF DESIGNATION.—In the case of a closed military installation, or portion thereof, designated by the President as a potentially suitable refinery site pursuant to this subsection—

(i) the redevelopment authority for the installation, in preparing or revising the redevelopment plan for the installation, shall consider the feasibility and practicability of siting a refinery on the installation; and

(ii) the Secretary of Defense, in a managing and disposing of real property at the installation pursuant to the base closure law applicable to the installation, shall given substantial deference to the recommendations of the redevelopment authority, as contained in the redevelopment plan for the installation, regarding the siting of a refinery on the installation.

(c) USE OF DESIGNATED SITES.—

(1) LEASE.—Except as provided in paragraph (2), the Federal Government shall offer for lease any site designated by the President under subsection (b) consistent with procedures for the disposition of such site under applicable Federal property laws. Notwithstanding any provision of such Federal property laws providing for the disposition or reuse of the site, a lease under this paragraph shall be deemed to be the appropriate disposition of the site. A site shall not be leased under this paragraph except for the purpose of construction of a refinery.

(2) SPECIAL RULES FOR CLOSED MILITARY INSTALLATIONS.—Paragraph (1) shall not apply to a closed military installation. The management and disposal of real property at a closed military installation, even a closed military installation or portion thereof found to be suitable for the siting of a refinery under subsection (b)(3), shall be carried out in the manner provided by the base closure law applicable to the installation.

(d) APPLICABILITY.—Section 102 shall only apply to a refinery sited or proposed to be sited or expanded or proposed to be expanded—

(1) in a State whose governor has requested applicability of such section pursuant to subsection (a);

(2) on a site (other than a closed military installation or portion thereof) designated by the President under subsection (b);

(3) on a closed military installation, or portion thereof, made available for the siting of a refinery in the manner provided by the base closure law applicable to the installation; or

(4) on a site leased by the Secretary of a military department under section 2667 of title 10, United States Code, or by the Secretary of Defense under section 2667a of such title for the siting of a refinery.

(e) DEFINITION.—For purposes of this section—

(1) the term "base closure law" means the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note);

(2) the term "closed military installation" means a military installation closed or approved for closure pursuant to a base closure law;

(3) the term "Federal lands" means all land owned by the United States, except that such term does not include land—

(A) within the National Park System;

(B) within the National Wilderness Preservation System;

(C) designated as a National Monument; or

(D) under the jurisdiction of the Department of Defense or withdrawn from the public domain for use by the Armed Forces (other than a closed military installation); and

(4) the term "State" means a State, the District of Columbia, the Commonwealth of Puerto Rico, and any other territory or possession of the United States.

SEC. 102. PROCESS COORDINATION AND RULES OF PROCEDURE.

(a) DEFINITION.—For purposes of this section and section 105, the term "Federal refinery authorization"—

(1) means any authorization required under Federal law, whether administered by a Federal or State administrative agency or official, with respect to siting, construction, expansion, or operation of a refinery; and

(2) includes any permits, special use authorizations, certifications, opinions, or other approvals required under Federal law with respect to siting, construction, expansion, or operation of a refinery.

(b) DESIGNATION AS LEAD AGENCY.—

(1) IN GENERAL.—The Department of Energy shall act as the lead agency for the purposes of coordinating all applicable Federal refinery authorizations and related environmental reviews with respect to a refinery.

(2) OTHER AGENCIES.—Each Federal and State agency or official required to provide a Federal refinery authorization shall cooperate with the Secretary and comply with the deadlines established by the Secretary.

(c) SCHEDULE.—

(1) SECRETARY'S AUTHORITY TO SET SCHEDULE.—The Secretary shall establish a schedule for all Federal refinery authorizations with respect to a refinery. In establishing the schedule, the Secretary shall—

(A) ensure expeditious completion of all such proceedings; and

(B) accommodate the applicable schedules established by Federal law for such proceedings.

(2) FAILURE TO MEET SCHEDULE.—If a Federal or State administrative agency or official does not complete a proceeding for an approval that is required for a Federal refinery authorization in accordance with the schedule established by the Secretary under this subsection, the applicant may pursue remedies under subsection (e).

(d) CONSOLIDATED RECORD.—The Secretary shall, with the cooperation of Federal and State administrative agencies and officials, maintain a complete consolidated record of all decisions made or actions taken by the Secretary or by a Federal administrative agency or officer (or State administrative agency or officer acting under delegated Federal authority) with respect to any Federal refinery authorization. Such record shall be the record for judicial review under subsection (e) of decisions made or actions taken by Federal and State administrative agencies and officials, except that, if the Court determines that the record does not contain sufficient information, the Court may remand the proceeding to the Secretary for further development of the consolidated record.

(e) JUDICIAL REVIEW.—

(1) IN GENERAL.—The United States Court of Appeals for the District of Columbia shall have original and exclusive jurisdiction over any civil action for the review of—

(A) an order or action, related to a Federal refinery authorization, by a Federal or State administrative agency or official; and

(B) an alleged failure to act by a Federal or State administrative agency or official acting pursuant to a Federal refinery authorization.

The failure of an agency or official to act on a Federal refinery authorization in accordance with the Secretary's schedule established pursuant to subsection (c) shall be considered inconsistent with Federal law for the purposes of paragraph (2) of this subsection.

(2) COURT ACTION.—If the Court finds that an order or action described in paragraph (1)(A) is inconsistent with the Federal law governing such Federal refinery authorization, or that a failure to act as described in paragraph (1)(B) has occurred, and the order, action, or failure to act would prevent the siting, construction, expansion, or operation of the refinery, the Court shall remand the proceeding to the agency or official to take appropriate action consistent with the order of the Court. If the Court remands the order, action, or failure to act to the Federal or State administrative agency or official, the Court shall set a reasonable schedule and deadline for the agency or official to act on remand.

(3) SECRETARY'S ACTION.—For any civil action brought under this subsection, the Secretary shall promptly file with the Court the consolidated record compiled by the Secretary pursuant to subsection (d).

(4) EXPEDITED REVIEW.—The Court shall set any civil action brought under this subsection for expedited consideration.

(5) ATTORNEY'S FEES.—In any action challenging a Federal refinery authorization that has been granted, reasonable attorney's fees and other expenses of litigation shall be awarded to the prevailing party. This paragraph shall not apply to any action seeking remedies for denial of a Federal refinery authorization or failure to act on an application for a Federal refinery authorization.

SEC. 103. REFINERY REVITALIZATION REPEAL.

Subtitle H of title III of the Energy Policy Act of 2005 and the items relating thereto in the table of contents of such Act are repealed.

SEC. 104. STANDBY SUPPORT FOR REFINERIES.

(a) DEFINITION.—For purposes of this section, the term "authorization" means any authorization or permit required under State or Federal law.

(b) CONTRACT AUTHORITY.—

(1) IN GENERAL.—The Secretary may enter into contracts under this section with non-Federal entities that the Secretary determines, at the sole discretion of the Secretary, to be the first non-Federal entities to enter into firm contracts after the date of enactment of this Act to construct new refineries in the United States or refurbish and return to commercial operation existing but nonoperating refineries in the United States. The Secretary may enter into contracts under this section with respect to new refineries or refurbished refineries that add a total of no more than 2,000,000 barrels per day of refining capacity to the refining capacity of the United States as in existence on the date of enactment of this Act.

(2) CONDITIONS.—Except as provided in paragraphs (4) and (5), under a contract authorized under paragraph (1), the Secretary shall pay to the non-Federal entity the costs specified in paragraph (3), using funds deposited in the Standby Refinery Support Account established under subsection (c), if—

(A) the non-Federal entity has substantially completed construction of the new refinery or the refurbished refinery and the initial commercial operation of the new refinery or of the refurbished refinery is delayed because of—

(i) litigation that could not have been reasonably foreseen by the non-Federal entity at the time the non-Federal entity entered into the firm contract to construct; or

(ii) a failure of an agency of the Federal Government or of a State government to grant an authorization within a period specified in the contract authorized by this section; or

(B) the throughput level of commercial operation of the new or refurbished refinery is substantially reduced due to—

(i) State or Federal law or regulations enacted or implemented after the firm contract was entered into; or

(ii) litigation, that could not have been reasonably foreseen by the non-Federal entity, disputing actions taken by the non-Federal entity to conform with and satisfy Federal law or regulations enacted or implemented after the firm contract was entered into.

(3) COVERED COSTS.—Under a contract authorized under this section, the Secretary shall pay—

(A) in the case of a delay described in paragraph (2)(A), all costs of the delay in the initial commercial operation of a new refining or a refurbished refinery, including the principal or interest due on any debt obligation of the new refinery or of the refurbished refinery during the delay, and any consequential damages; and

(B) in the case of a substantial reduction described in paragraph (2)(B), all costs necessary to offset the costs of the reduced throughput and the costs of complying with the new State or Federal law or regulations.

(4) COSTS NOT COVERED.—The Secretary shall not enter into a contract under this section that would obligate the Secretary to pay any costs resulting from—

(A) except as provided in paragraph (3)(B), a failure of the non-Federal entity to take any action required by law or regulation; or

(B) events within the control of the non-Federal entity.

(5) DEPOSIT.—The Secretary shall not enter into a contract authorized under this section until the Secretary has deposited into the Standby Refinery Support Account amounts sufficient to cover the costs specified in paragraph (3).

(c) STANDBY REFINERY SUPPORT ACCOUNT.—There is established in the Treasury an account known as the Standby Refinery Support Account. The Secretary shall deposit into this account amounts appropriated, in advance of entering into a contract authorized by this section, to the Secretary for the purpose of carrying out this section and payments paid to the Secretary by any non-Federal source for the purpose of carrying out this section. The Secretary may receive and accept payments from any non-Federal source, which shall be made available without further appropriation for the payment of the covered costs.

(d) REGULATIONS.—The Secretary may issue regulations necessary or appropriate to carry out this section.

(e) REPORTS.—The Secretary shall file with Congress annually a report of the Secretary's activities under this section and the activities of the non-Federal entity under any contract entered into under this section.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as are necessary to carry out this section.

(g) APPLICABILITY.—This section shall only apply to refineries sited or proposed to be sited—

(1) in a State whose governor has requested applicability of this section pursuant to section 101(a)(1); or

(2) on a site designated by the President under section 101(b).

SEC. 105. MILITARY USE REFINERY.

(a) AUTHORIZATION.—If the President determines that there is not sufficient refining capacity in the United States, the President may authorize the design and construction of a refinery that will be—

(1) located at a site—

(A) designated by the President under section 101(b), other than a closed military installation or portion thereof; or

(B) on a closed military installation, or portion thereof, made available for the siting of a refinery in the manner provided by the base closure law applicable to the installation;

(2) disposed of in the manner provided in paragraph (1) of section 101(c) or, in the case of a closed military installation, or portion thereof, paragraph (2) of such section; and

(3) reserved for the exclusive purpose of manufacturing petroleum products for consumption by the Armed Forces.

(b) SOLICITATION FOR DESIGN, CONSTRUCTION, AND OPERATION.—The President shall solicit proposals for the design, construction, and operation of a refinery "(or any combination thereof)" under this section. In selecting a proposal or proposals under this subsection, the President shall consider—

(1) the ability of the applicant to undertake and complete the project;

(2) the extent to which the applicant's proposal serves the purposes of the project; and

(3) the ability of the applicant to best satisfy the criteria set forth in subsection (c).

(c) REFINERY CRITERIA.—A refinery constructed under this section shall meet or exceed the industry average for—

(1) construction efficiencies; and

(2) operational efficiencies, including cost efficiencies.

(d) USE OF PRODUCTS.—All petroleum products manufactured at a refinery constructed under this section shall be sold to the Federal Government at a price not to exceed the fair market value of the petroleum products," for use by the Armed Forces of the United States.

(e) FUNDING.—A contract for the design or construction of a refinery may not be entered into under this section in advance of the appropriation of funds sufficient for such purpose. Funds appropriated for the Department or Defense or for Department of Energy national security programs may not be used to enter into contracts under this section for the design, construction, or operation of a refinery. Funds appropriated for the Department of Defense may

be used to purchase petroleum products manufactured at a refinery constructed under this section for use by the Armed Forces.

(f) DEFINITIONS.—For purposes of this section, the terms "base closure law" and "closed military installation" have the meanings given those terms in section 101.

SEC. 106. WAIVER AUTHORITY FOR EXTREME FUEL SUPPLY EMERGENCIES.

Section 211(c)(4)(C) of the Clean Air Act (42 U.S.C. 7545) is amended—

(1) by redesignating the second clause (v) as clause (viii);

(2) by redesignating clause (v) as clause (vii);

(3) by inserting after clause (iv) the following:

"(v)(I) For the purpose of alleviating an extreme and unusual fuel or fuel additive supply emergency resulting from a natural disaster, "the President, in consultation with the Administrator and the Secretary of Energy may temporarily waive any control or prohibition respecting the use of a fuel or fuel additive required by this subsection or by subsection (h), (i), (k), or (m); and may, with respect to a State implementation plan, temporarily waive any equivalent control or prohibition respecting the use of a fuel or fuel additive required by this subparagraph. Nothing in this clause shall be construed to authorize the waiver of, or to affect in any way, any Federal or State law or regulation pertaining to ethanol or methyl tertiary butyl ether."

(4) by inserting after clause (v) (as inserted by paragraph (3)) the following:

"(vi) A State shall not be subject to any finding, disapproval, or determination by the Administrator under section 179, no person may bring an action against a State or the Administrator under section 304, and the Administrator shall not take any action under section 110(c) to require the revision of an applicable implementation plan, because of any emissions attributable to a waiver granted by the Administrator under clause (ii) or by the President under clause (v).".

SSC. 107. LIST OF FUELS.

(a) LIST OF FUELS.—Section 211(c)(4)(C) of the Clean Air Act (42 U.S.C. 7545(c)(4)(C)) is amended as follows:

(1) By redesignating subclause (VI) of clause (viii) (as so redesignated by section 107(1) of this Act) as clause (x).

(2) In such redesignated clause (x) by striking "this clause" and inserting "clause (viii) or clause (ix)".

(3) By inserting the following new subclause at the end of clause (viii) (as so redesignated by section 107(1) of this Act):

"(VI) The provisions of this clause, including the limitations of the authority of the Administrator and the limit on the total number of fuels permitted, shall remain in effect until the publication of the list under subclause (III) of clause (ix).".

(4) By inserting the following new clause after clause (viii) (as so redesignated):

"(ix)(I) The Administrator", in coordination with the Secretary of Energy (hereinafter in this clause referred to as the 'Secretary'), shall identify and publish in the Federal Register, within 12 months after the enactment of this subclause and after notice and opportunity for public comment, a list of "6 gasoline and diesel fuels" to be used in States that have not received a waiver under section 209(b) of this Act or any State dependent on refineries in such State for gasoline or diesel fuel supplies. The list shall be referred to as the 'Federal Fuels List' and shall include one Federal diesel fuel, "one other diesel fuel", one conventional gasoline for ozone attainment areas, one reformulated gasoline (RFG) meeting the requirements of subsection (k), and "2 additional gasolines" with Reid vapor pressure (RVP) controls for use in ozone nonattainment areas of varying degrees of severity. "None of the fuels" identified under this subclause shall control fuel sulfur or toxics levels beyond levels required by regulations of the Administrator.

"(II) Gasoline and "diesel fuels" shall be included on the Federal Fuels List based on the Administrator's analysis of their ability to reduce ozone emissions to assist States in attaining established ozone standards under this Act, and on an analysis by the Secretary that the adoption of the Federal Fuels List will not result in a reduction in supply or in producibility, including that caused by a reduction in domestic refining capacity triggered by this clause. In the event the Secretary concludes that adoption of the Federal Fuels List will result in a reduction in supply or in producibility, the Administrator and the Secretary shall report that conclusion to Congress, and suspend implementation of this clause. The Administrator and the Secretary shall conduct the study required under section 1541(c) of the Energy Policy Act of 2005 on the timetable required in that section to provide Congress with legislative recommendations for modifications to the proposed Federal Fuels List only if the Secretary concludes that adoption of the Federal Fuels List will result in a reduction in supply or in producibility.

"(III) Upon publication of the Federal Fuels List, the Administrator shall have no authority, when considering a State implementation plan or State implementation plan revision, to approve under this subparagraph any fuel included in such plan or plan revision if the fuel proposed is not one of the fuels included on the Federal Fuels List; or to approve such plan or revision unless, after consultation with the Secretary, the Administrator publishes in the Federal Register, after notice and opportunity for public comment, a finding that, in the Administrator's judgment, such revisions to newly adopt one of the fuels included on the Federal Fuels List will not cause fuel supply or distribution interruptions or have a significant adverse impact on fuel producibility in the affected area or contiguous area. The Administrator's findings shall include an assessment of reasonably foreseeable supply distribution emergencies that could occur in the affected area or contiguous area and how adoption of the particular fuel revision would effect supply opportunities during reasonably foreseeable supply distribution emergencies.

"(IV) The Administrator, in consultation with the Secretary, shall develop a plan to harmonize the "currently approved fuels" in State implementation plans with "the fuels included" on the Federal Fuels List and shall promulgate implementing regulations for this plan not later than 18 months after enactment of this subclause. This harmonization shall be fully implemented by the States by December 31, 2008.".

(b) STUDY.—Section 1541(c)(2) of the Energy Policy Act of 2005 is amended to read as follows:

"(2) FOCUS OF STUDY.—The primary focus of the study required under paragraph (1) shall be to determine how to develop a Federal fuels system that maximizes motor fuel fungibility and supply, preserves air quality standards, and reduces motor fuel price volatility that results from the proliferation of boutique fuels, and to recommend to Congress such legislative changes as are necessary to implement such a system. The study should include the impacts on overall energy supply, distribution, and use as a result of the legislative changes recommended. The study should include an analysis of the impact on ozone emissions and supply of a mandatory reduction in "the number of fuels" to 6, including one Federal diesel fuel, "one other diesel fuel", one conventional gasoline for ozone attainment areas, one reformulated gasoline (RFG) meeting the requirements of subsection (k), and 2 "additional gasolines" with Reid vapor pressure (RVP) controls for use in ozone nonattainment areas of varying degrees of severity.".

SEC. 108. ATTAINMENT DATES FOR DOWNWIND OZONE NONATTAINMENT AREAS.

Section 181 of the Clean Air Act (42 U.S.C. 7511) is amended by adding the following new subsection at the end thereof:

"(d) EXTENDED ATTAINMENT DATE FOR CERTAIN DOWNWIND AREAS.—

"(1) DEFINITIONS.—In this subsection:

"(A) The term 'upwind area' means an area that—

"(i) affects nonattainment in another area, hereinafter referred to as a downwind area; and

"(ii) is either—

"(I) a nonattainment area with a later attainment date than the downwind area, or

"(II) an area in another State that the Administrator has found to be significantly contributing to nonattainment in the downwind area in violation of section 110(a)(2)(D) and for which the Administrator has established requirements through notice and comment rulemaking to eliminate the emissions causing such significant contribution.

"(B) The term 'current classification' means the classification of a downwind area under this section at the time of the determination under paragraph (2).

"(2) EXTENSION.—Notwithstanding the provisions of subsection (b)(2) of this section, a downwind area that is not in attainment within 18 months of the attainment deadline required under this section may seek an extension of time to come into attainment by petitioning the Administrator for such an extension. If the Administrator—

"(A) determines that any area is a downwind area with respect to a particular national ambient air quality standard for ozone;

"(B) approves a plan revision for such area as provided in paragraph (3) prior to a reclassification under subsection (b)(2)(A); and

"(C) determines that the petitioning downwind area has demonstrated that it is affected by transport from an upwind area to a degree that affects the area's ability to attain,

the Administrator, in lieu of such reclassification, may extend the attainment date for such downwind area for such standard in accordance with paragraph (5).

"(3) APPROVAL.—In order to extend the attainment date for a downwind area under this subsection, the Administrator may approve a revision of the applicable implementation plan for the downwind area for such standard that—

"(A) complies with all requirements of this Act applicable under the current classification of the downwind area, including any requirements applicable to the area under section 172(c) for such standard;

"(B) includes any additional measures needed to demonstrate attainment by the extended attainment date provided under this subsection, and provides for implementation of those measures as expeditiously as practicable; and

"(C) provides appropriate measures to ensure that no area downwind of the area receiving the extended attainment date will be affected by transport to a degree that affects the area's ability to attain, from the area receiving the extension.

"(4) PRIOR RECLASSIFICATION DETERMINATION.—If, after April 1, 2003, and prior to the time the 1-hour ozone standard no longer applies to a downwind area, the Administrator made a reclassification determination under subsection (b)(2)(A) for such downwind area, and the Administrator approves a plan consistent with subparagraphs (A) and (B) for such area, the reclassification shall be withdrawn and, for purposes of implementing the 8-hour

ozone national ambient air quality standard, the area shall be treated as if the reclassification never occurred. Such plan must be submitted no later than 12 months following enactment of this subsection, and—

"(A) the plan revision for the downwind area must comply with all control and planning requirements of this Act applicable under the classification that applied immediately prior to reclassification, including any requirements applicable to the area under section 172(c) for such standard; and

"(B) the plan must include any additional measures needed to demonstrate attainment no later than the date on which the last reductions in pollution transport that have been found by the Administrator to significantly contribute to nonattainment are required to be achieved by the upwind area or areas.

The attainment date extended under this subsection shall provide for attainment of such national ambient air quality standard for ozone in the downwind area as expeditiously as practicable but no later than the end of the first complete ozone season following the date on which the last reductions in pollution transport that have been found by the Administrator to significantly contribute to nonattainment are required to be achieved by the upwind area or areas.

"(5) EXTENDED DATE.—The attainment date extended under this subsection shall provide for attainment of such national ambient air quality standard for ozone in the downwind area as expeditiously as practicable but no later than the new date that the area would have been subject to had it been reclassified under subsection (b)(2).

"(6) RULEMAKING.—Within 12 months after the enactment of this subsection, the Administrator shall, through notice and comment, promulgate rules to define the term 'affected by transport to a degree that affects an areas ability to attain' in order to ensure that downwind areas are not unjustly penalized, and for purposes of paragraphs (2) and (3) of this subsection.".

SEC. 110. REBATES FOR SALES OF ROYALTY-IN-KIND OIL TO QUALIFIED SMALL REFINERIES.

(a) REQUIREMENT.—The Secretary of the Interior shall issue and begin implementing regulations by not later than 60 days after the date of the enactment of this Act, under which the Secretary of the Interior shall pay to a qualified small refinery a rebate for any sale to the qualified small refinery of crude oil obtained by the United States as royalty-in-kind.

(b) AMOUNT OF REBATE.—The amount of any rebate paid pursuant to this section with respect to any sale of crude oil to a qualified small refinery—

(1) shall reflect the actual costs of transporting such oil from the point of origin to the qualified small refinery; and

(2) shall not exceed $4.50 per barrel of oil sold.

(c) SUBJECT TO APPROPRIATIONS.—The requirement to pay rebates under this section is subject to the availability of funds provided in advance in appropriations Acts.

(d) TERMINATION.—This section and any regulations issued under this section shall not apply on and after any date on which the Secretary of Energy determines that United States domestic refining capacity is sufficient.

(e) QUALIFIED SMALL REFINERY DEFINED.—In this section the term "qualified small refinery" means a refinery of a small business refiner (as that term is defined in section 45H(c)(1) of the Internal Revenue Code of 1986) that demonstrates to the Secretary of the Interior that it had unused crude oil processing capacity in 2004.

SEC. 111. STUDY AND REPORT RELATING TO STREAMLINING PAPERWORK REQUIREMENTS.

(a) STUDY.—The Administrator shall study ways to streamline the paperwork requirements associated with title V of the Clean Air Act and corresponding requirements under State laws, particularly with regard to States that have more stringent requirements than the Federal Government in this area.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the Administrator shall report to Congress the results of the study made under subsection (a), together with recommendations on how to streamline those paperwork requirements.

SEC. 112. RESPONSE TO BIOMASS DEBRIS EMERGENCY.

(a) USE OF BIOMASS DEBRIS AS FUEL.—Notwithstanding any other provision of law, the Secretary of Energy may authorize any facility to use as fuel biomass debris if—

(1) the debris results from a major disaster declared in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170);

(2) the debris is located in the area for which the major disaster is declared; and

(3) the requirements of subsection (b) are met.

(b) CERTIFICATION.—A facility described in subsection (a)—

(1) shall certify to the State in which the facility is located that no significant impact on meeting national ambient air quality standards will result and shall propose emission limits adequate to support such certification; and

(2) may begin burning biomass debris fuel upon filing the certification required by paragraph (1) unless the State notifies the facility to the contrary.

(c) EMISSION LIMITS.—The State in which a facility described in subsection (a) is located shall—

(1) adopt (or as appropriate amend) the proposed emission limits for the biomass burning at the facility; and

(2) retain other existing emissions limits wherever they are necessary and reasonable.

(d) NEW SOURCE REVIEW.—No activities needed to qualify a facility to burn biomass debris as fuel in accordance with this section shall trigger the requirements of new source review or new source performance standards under the Clean Air Act.

TITLE II—INCREASING DELIVERY INFRASTRUCTURE

SEC. 201. FEDERAL-STATE REGULATORY COORDINATION.

(a) GOVERNOR'S REQUEST.—The Governor of a State may submit a request to the Commission for the application of process coordination and rules of procedure under section 202 to the siting of a crude oil or refined petroleum product pipeline facility in that State.

(b) APPLICABILITY.—Section 202 shall only apply to crude oil or refined petroleum product pipeline facilities sited or proposed to be sited in a State whose Governor has requested such applicability under subsection (a).

(c) INTERSTATE COMPACTS.—(1) The consent of Congress is given for 2 or more contiguous States to enter into an interstate compact, subject to approval by Congress, establishing regional pipeline siting agencies to facilitate siting of future crude oil or refined petroleum product pipeline facilities within those States.

(2) The Secretary may provide technical assistance to regional pipeline siting agencies established under this subsection.

SEC. 202. PROCESS COORDINATION AND RULES OF PROCEDURE.

(a) DEFINITIONS.—For purposes of this title—

(1) the term "Commission" means the Federal Energy Regulatory Commission; and

(2) the term "Federal pipeline authorization"—

(A) means any authorization required under Federal law, whether administered by a Federal or State administrative agency or official, with respect to siting of a crude oil or refined petroleum product pipeline facility in interstate commerce; and

(B) includes any permits, special use authorizations, certifications, opinions, or other approvals required under Federal law with respect to siting of a crude oil or refined petroleum product pipeline facility in interstate commerce.

(b) DESIGNATION AS LEAD AGENCY.—

(1) IN GENERAL.—The Commission shall act as the lead agency for the purposes of coordinating all applicable Federal pipeline authorizations and related environmental reviews with respect to a crude oil or refined petroleum product pipeline facility.

(2) OTHER AGENCIES.—Each Federal and State agency or official required to provide Federal pipeline authorization shall cooperate with the Commission and comply with the deadlines established by the Commission.

(c) SCHEDULE.—

(1) COMMISSION'S AUTHORITY TO SET SCHEDULE.—The Commission shall establish a schedule for all Federal pipeline authorizations with respect to a crude oil or refined petroleum product pipeline facility. In establishing the schedule, the Commission shall—

(A) ensure expeditious completion of all such proceedings; and

(B) accommodate the applicable schedules established by Federal law for such proceedings.

(2) FAILURE TO MEET SCHEDULE.—If a Federal or State administrative agency or official does not complete a proceeding for an approval that is required for a Federal pipeline authorization in accordance with the schedule established by the Commission under this subsection, the applicant may pursue remedies under subsection (e).

(d) CONSOLIDATED RECORD.—The Commission shall, with the cooperation of Federal and State administrative agencies and officials, maintain a complete consolidated record of all decisions made or actions taken by the Commission or by a Federal administrative agency or officer (or State administrative agency or officer acting under delegated Federal authority) with respect to any Federal pipeline authorization. Such record shall be the record for judicial review under subsection (e) of decisions made or actions taken by Federal and State administrative agencies and officials, except that, if the Court determines that the record does not contain sufficient information, the Court may remand the proceeding to the Commission for further development of the consolidated record.

(e) JUDICIAL REVIEW.—

(1) IN GENERAL.—The United States Court of Appeals for the District of Columbia shall have original and exclusive jurisdiction over any civil action for the review of—

(A) an order or action related to a Federal pipeline authorization by a Federal or State administrative agency or official; and

(B) an alleged failure to act by a Federal or State administrative agency or official acting pursuant to a Federal pipeline authorization.

The failure of an agency or official to act on a Federal pipeline authorization in accordance with the Commission's schedule established pursuant to subsection (c) shall be considered inconsistent with Federal law for the purposes of paragraph (2) of this subsection.

(2) COURT ACTION.—If the Court finds that an order or action described in paragraph (1)(A) is inconsistent with the Federal law governing such Federal pipeline authorization, or that a failure to act as described in paragraph (1)(B) has occurred, and the order, action, or failure to act would prevent the siting of the crude oil or

refined petroleum product pipeline facility, the Court shall remand the proceeding to the agency or official to take appropriate action consistent with the order of the Court. If the Court remands the order, action, or failure to act to the Federal or State administrative agency or official, the Court shall set a reasonable schedule and deadline for the agency or official to act on remand.

(3) COMMISSION'S ACTION.—For any civil action brought under this subsection, the Commission shall promptly file with the Court the consolidated record compiled by the Commission pursuant to subsection (d).

(4) EXPEDITED REVIEW.—The Court shall set any civil action brought under this subsection for expedited consideration.

(5) ATTORNEY'S FEES.—In any action challenging a Federal pipeline authorization that has been granted, reasonable attorney's fees and other expenses of litigation shall be awarded to the prevailing party. This paragraph shall not apply to any action seeking remedies for denial of a Federal pipeline authorization or failure to act on an application for a Federal pipeline authorization.

SEC. 203. BACKUP POWER CAPACITY STUDY.

Not later than 6 months after the date of enactment of this Act, the Secretary shall transmit to the Congress a report assessing the adequacy of backup power capacity in place as of the date of enactment of this Act, and the need for any additional capacity, to provide for the continuing operation during any reasonably foreseeable emergency situation, of those crude oil or refined petroleum product pipeline facilities that the Secretary finds to be significant to the Nation's supply needs, in areas that have historically been subject to higher incidents of natural disasters such as hurricanes, earthquakes, and tornados.

SEC. 204. SUNSET OF LOAN GUARANTEES.

Section 116(a) of the Alaska Natural Gas Pipeline Act is amended by adding at the end the following new paragraph:

"(4) The Secretary shall not enter into an agreement under paragraph (1) or (2) after the date that is 24 months after the date of enactment of the Gasoline for America's Security Act of 2005 if the State of Alaska has not entered into an agreement pursuant to the Alaska Stranded Gas Development Act which in good faith contractually binds the parties to deliver North Slope natural gas to markets via the proposed Alaska Natural Gas Pipeline.".

SEC. 205. OFFSHORE PIPELINES.

The Natural Gas Act is amended—

(1) in section 1(b) 15 U.S.C. 717(b)) by inserting after "to the production or" the following: ", except as provided in section 4(g),"; and

(2) in section 4 (15 U.S.C. 717(b)) by adding at the end the following:

"(g)(1) For the purposes of this subsection—

"(A) the term 'gas service provider' means an entity that operates a facility located in the outer Continental Shelf that is used to "gather or transport natural gas" on or across the outer Continental Shelf; and

"(B) the term 'outer Continental Shelf' has the meaning given that term in section 2(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1331(a)).

"(2) All gas service providers shall submit to the Commission annually the conditions of service for each shipper served, consisting of—

"(A) the full legal name of the shipper receiving service;

"(B) a notation of shipper affiliation;

"(C) the type of service provided;

"(D) primary receipt points;

"(E) primary delivery points;

"(F) rates between each pair of points; and

"(G) other conditions of service deemed relevant by the gas service provider.

"(3) This subsection shall not apply to—

"(A) a gas service company that serves exclusively a single entity (either itself or one other party), until such time as—

"(i) the gas service provider agrees to serve a second shipper; or

"(ii) a determination is made that the gas service provider's denial of a request for service is unjustified;

"(B) a gas service provider that serves exclusively shippers with ownership interests in both the pipeline operated by the gas service provider and the gas produced from a field or fields connected to a single pipeline, until such time as—

"(i) the gas service provider offers to serve a nonowner shipper; or

"(ii) a determination is made that the gas service provider's denial of a request for service is unjustified;

"(C) service rendered over facilities that feed into a facility where natural gas is first collected, separated, dehydrated, or otherwise processed; and

"(D) gas service providers' facilities and service regulated by the Commission under section 7 of this Act.

"(4) When a gas service provider subject to this subsection alters its affiliates, customers, rates, conditions of service, or facilities, within any calendar quarter, it must then file with the Commission, on the first business day of the subsequent quarter, a revised report describing the status of its services and facilities.".

SEC. 206. SAVINGS CLAUSE.

Nothing in this title shall be construed to amend, alter, or in any way affect the jurisdiction or responsibilities of the Department of Transportation with respect to pipeline safety issues under chapter 601 of title 49, United States Code, or any other law.

TITLE III—CONSERVATION AND EDUCATION

SEC. 301. DEPARTMENT OF ENERGY CARPOOLING AND VANPOOLING PROGRAM.

(a) FINDINGS.—Congress finds the following:

(1) Metropolitan transit organizations have reported heightened interest in carpooling and vanpooling projects in light of recent increases in gasoline prices.

(2) The National Transportation Database reports that, in 2003, American commuters traveled over 440,000 miles using public transportation vanpools, an increase of 60 percent since 1996.

(3) According to the Natural Resource Defense Council, if each commuter car carried just one more passenger once a week, American gasoline consumption would be reduced by about 2 percent.

(b) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish and carry out a program to encourage the use of carpooling and vanpooling to reduce the consumption of gasoline. The program shall focus on carpool and vanpool operations, outreach activities, and marketing programs, including utilization of the Internet for marketing and outreach.

(c) GRANTS TO STATE AND LOCAL GOVERNMENTS.—As part of the program established under subsection (b), the Secretary may make grants to State and local governments for carpooling or vanpooling projects. The Secretary may make such a grant only if at least 50 percent of the costs of the project will be provided by the State or local government. If a private sector entity provides vehicles for use in a carpooling or vanpooling project supported under this subsection, the value of those vehicles may be counted as part of the State or local contribution to the project.

(d) CONSIDERATIONS.—In making grants for projects under subsection (c), the Secretary shall consider each of the following:

(1) The potential of the project to promote oil conservation.

(2) The contribution of the project to State or local disaster evacuation plans.

(3) Whether the area in which the project is located is a nonattainment area (as that term is defined in section 171 of the Clean Air Act (42 U.S.C. 7501)).

SEC. 302. EVALUATION AND ASSESSMENT OF CARPOOL AND VANPOOL PROJECTS.

(a) IN GENERAL.—The Administrator, in consultation with the Secretary, shall evaluate and assess carpool and vanpool projects funded under the congestion mitigation and air quality program established under section 149 of title 23, United States Code, to—

(1) reduce consumption of gasoline;

(2) determine the direct and indirect impact of the projects on air quality and congestion levels; and

(3) ensure the effective implementation of the projects under such program.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Administrator, in consultation with the Secretary, shall submit to Congress a report including recommendations and findings that would improve the operation and evaluation of carpool and vanpool projects funded under the congestion mitigation and air quality improvement program and shall make such report available to all State and local metropolitan planning organizations.

SEC. 303. INTERNET UTILIZATION STUDY.

(a) IN GENERAL.—The Secretary, under the program established in section 301, shall evaluate the capacity of the Internet to facilitate carpool and vanpool operations through—

(1) linking riders with local carpools and vanpools;

(2) providing real-time messaging communication between drivers and riders;

(3) assisting employers to establish intercompany vanpool and carpool programs; and

(4) marketing existing vanpool and carpool programs.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to Congress a report including recommendations and findings that would improve Internet utilization in carpool and vanpool operations and shall make such report available to all State and local metropolitan planning organizations.

SEC. 304. FUEL CONSUMPTION EDUCATION CAMPAIGN.

(a) PARTNERSHIP.—The Secretary shall enter into a partnership with interested industry groups to create an education campaign that provides information to United States drivers about measures that may be taken to conserve gasoline.

(b) ACCESSIBILITY.—The public information campaign shall be designed to reach the widest audience possible. The education campaign may include television, print, Internet website, or any method designed to maximize the dissemination of gasoline savings information to drivers.

(c) COST SHARING.—The Secretary shall provide no more than 50 percent of the cost of the campaign created under this section.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary $2,500,000 for carrying out this section.

SEC. 305. PROCUREMENT OF ENERGY EFFICIENT LIGHTING DEVICES.

Section 553(d) of the National Energy Conservation Policy Act is amended by adding at the end the following new paragraph:

"(3) The head of an agency shall procure the most energy efficient and cost-effective light bulbs or other electrical lighting products, consistent with safety considerations, for use in that agency's facilities and buildings.".

SEC. 306. MINORITY EMPLOYMENT.

Section 385 of the Energy Policy Act of 2005 is amended by adding at the end the following:

"(d) PROGRAM.—The Secretary of Energy is authorized and directed to establish a program to encourage minority students to study the earth sciences and enter the field of geology in order to qualify for employment in the oil, gas, and mineral industries. There are authorized to be appropriated for the program established under the preceding sentence $10,000,000.".

TITLE IV—GASOLINE PRICE REFORM

SEC. 401. SHORT TITLE.

This title may be cited as the "Gas Price Gouging Prevention Act".

SEC. 402. GASOLINE PRICE GOUGING PROHIBITED.

(a) UNLAWFUL CONDUCT.—During a period of a major disaster, it shall be unfair or deceptive act or practice in violation of section 5 of the Federal Trade Commission Act for any person to sell crude oil, gasoline, diesel fuel, or home heating oil at a price which constitutes price gouging as defined by rule pursuant to subsection (b).

(b) PRICE GOUGING.—Not later than 6 months after the date of the enactment of this Act, the Federal Trade Commission shall promulgate any rules necessary for the enforcement of this section. Such rules shall define "price gouging" for purposes of this section, and shall be consistent with the requirements for declaring unfair acts or practices in section 5(n) of the Federal Trade Commission Act (15 U.S.C. 45(n)).

(c) ENFORCEMENT BY FTC.—

(1) IN GENERAL.—A violation of subsection (a) shall be treated as a violation of a rule defining an unfair or deceptive act or practice prescribed under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)). The Federal Trade Commission shall enforce this section in the same manner, by the same means, and with the same jurisdiction as though all applicable terms and provisions of the Federal Trade Commission Act were incorporated into and made a part of this section.

(2) EXCLUSIVE ENFORCEMENT.—Notwithstanding any other provision of law, no person or State or political subdivision of a State other than the Federal Trade Commission, or the Attorney General to the extent provided for in section 5 of the Federal Trade Commission Act, shall have any authority to enforce this section, or any rule prescribed pursuant to this section.

(d) PENALTIES.—Any person who violates subsection (a), or the rules promulgated pursuant to this section, shall be subject to a civil penalty of not more than $11,000 per violation.

(e) DEFINITION OF MAJOR DISASTER.—

(1) DETERMINATION.—As used in this section, and for purposes of any rule promulgated pursuant to this section, the term "major disaster" means a major disaster declared by the President as defined in section 102(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)) that the Secretary of Energy determines to have substantially disrupted the production, distribution, or supply of crude oil, gasoline, diesel fuel, or home heating oil.

(2) APPLICABLE AREA AND PERIOD.—The prohibition in subsection (a) shall apply to the United States or a specific geographic region of the United States as determined by the President and the Secretary of Energy at the time in which a determination under paragraph (1) is made, and for a period of 30 days after such determination is made. The President may extend the prohibition for such additional 30-day periods as the President determines necessary.

SEC. 403. FTC INVESTIGATION ON PRICE-GOUGING.

(a) STUDY.—The Federal Trade Commission shall conduct an investigation into nationwide gasoline prices in the aftermath of Hurricane Katrina, including any evidence of price-gouging by subject companies described in subsection (b). Such investigation shall include—

(1) a comparison of, and analysis of the reasons for changes in, profit levels of subject companies during the 12-month period ending on August 31, 2005, and their profit levels for the month of September, 2005, including information for particular companies on a basis that does not permit the identification of any company to which the information relates;

(2) a summary of tax expenditures (as defined in section 3(3) of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 622(3)) for such companies;

(3) an examination of the effects of increased gasoline prices and gasoline price-gouging on economic activity in the United States;

(4) an analysis of the overall cost of increased gasoline prices and gasoline price-gouging to the economy, including the impact on consumers' purchasing power in both declared State and National disaster areas and elsewhere; and

(5) an analysis of the role and overall cost of credit card interchange rates on gasoline and diesel fuel retail prices.

(b) SUBJECT COMPANIES.—The companies subject to the investigation required by this section shall be—

(1) any company with total United States wholesale sales of gasoline and petroleum distillates for calendar year 2004 in excess of $500,000,000; and

(2) any retail distributor of gasoline and petroleum distillates against which multiple formal complaints (that identify the location of the particular retail distributor and provide contact information for the complainant) of price-gouging were filed in August or September 2005, with a Federal or State consumer protection agency.

(c) EVIDENCE OF PRICE-GOUGING.—In conducting its investigation, the Commission shall treat as evidence of price-gouging any finding that the average price of gasoline available for sale to the public in September, 2005, or thereafter in a market area located in an area designated as a State or National disaster area because of Hurricane Katrina, or in any other area where price-gouging complaints have been filed because of Hurricane Katrina with a Federal or State consumer protection agency, exceeded the average price of such gasoline in that area for the month of August, 2005, unless the Commission finds substantial evidence that the increase is substantially attributable to additional costs in connection with the production, transportation, delivery, and sale of gasoline in that area or to national or international market trends.

(d) REPORTS.—

(1) NOTIFICATION TO STATE AGENCIES.—In any areas of markets in which the Commission determines price increases are due to factors other than the additional costs, it shall also notify the appropriate State agency of its findings.

(2) PROGRESS AND FINAL REPORTS TO CONGRESS.—The Commission shall provide information on the progress of the investigation to the Appropriations Committees of the House of Representatives and the Senate, the Committee on Energy and Commerce of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate, every 30 days after the date of enactment of this Act. The Commission shall provide those Committees a written interim report 90 days after such date, and shall transmit a final report to those Committees, together with its findings and recommendations, no later than 180 days after the date of enactment of this Act. Such reports shall include recommendations, based on its findings, for any legislation necessary to protect consumers from gasoline price-gouging in both State and National disaster areas and elsewhere.

(e) EVIDENCE OF CRIMINAL MISCONDUCT.—If, during the investigation required by this section, the Commission obtains evidence that a person may have violated a criminal law, the Commission may transmit that evidence to appropriate Federal or State authorities.

SEC. 404. FTC STUDY OF PETROLEUM PRICES ON EXCHANGE.

Not later than 180 days after the date of enactment of this Act, the Federal Trade Commission shall transmit to Congress a report on the price of refined petroleum products on the New York Mercantile Exchange and the effects on such price, if any, of the following:

(1) The geographic size of the delivery market and the number of delivery points.

(2) The proximity of energy futures markets in relation to the source of supply.

(3) The specified grade of gasoline deliverable on the exchange.

(4) The control of the storage and delivery market infrastructure.

(5) The effectiveness of temporary trading halts and the monetary threshold for such temporary trading halts.

TITLE V—STRATEGIC PETROLEUM RESERVE

SEC. 501. STRATEGIC PETROLEUM RESERVE CAPACITY.

(a) AUTHORITY TO DRAWDOWN AND SELL PETROLEUM PRODUCTS FOR EXPANSION OF RESERVE.—"In addition to the authority provided under part B of title I of the Energy Policy and Conservation Act (42 U.S.C. 6231 et seq.)," the Secretary may drawdown and sell petroleum products from the Strategic Petroleum Reserve to construct, purchase, lease, or otherwise acquire additional capacity sufficient to permit filling the Strategic Petroleum Reserve to its maximum authorized level.

(b) ESTABLISHMENT OF SPR EXPANSION FUND.—The Secretary of the Treasury shall establish in the Treasury of the United States an account to be known as the "SPR Expansion Fund" (in this section referred to as the "Fund"), and the proceeds from any sale pursuant to subsection (a) shall be deposited into the Fund.

(c) OBLIGATION OF FUNDS FOR EXPANSION.—Amounts in the Fund may be obligated by the Secretary to carry out the purposes in subsection (a) to the extent and in such aggregate amounts as may be appropriated in advance in appropriations Acts for such purposes.

SEC. 502. STRATEGIC PETROLEUM RESERVE SALE.

Section 161(e) of the Energy Policy and Conservation Act (42 U.S.C. 6241(e)) is amended by inserting after paragraph (2) a new paragraph as follows:

"(3) Any contract under which petroleum products are sold under this section shall include a requirement that the person or entity that acquires the petroleum products agrees—

"(A) not to resell the petroleum products before the products are refined; and

"(B) to refine the petroleum products primarily for consumption in the United States.".

SEC. 503. NORTHEAST HOME HEATING OIL RESERVE CAPACITY.

Section 181(a) of the Energy Policy and Conservation Act (42 U.S.C. 6250(a)) is amended by striking "2 million barrels" and inserting "5 million barrels".

TITLE VI—CRITICAL ENERGY ASSURANCE

SEC. 601. EVACUATION PLAN REVIEW.

Not later than 6 months after the date of enactment of this Act, the Secretary shall transmit to the Congress a report of the Secretary's review of the fuel supply plan components of State evacuation plans and the National Capitol region. Such report shall determine the sufficiency of such plans, and shall include recommendations for improvements thereto. Annually after the transmittal of a report under the preceding sentence, the Secretary shall transmit *a report to the Congress assessing plans found insufficient under previous reports.*

SEC. 602. DISASTER ASSISTANCE.

(a) AUTHORITY.—During any federally declared emergency or disaster, the Secretary may provide direct assistance to private sector entities that operate critical energy infrastructure, including refineries.

(b) ASSISTANCE.—Assistance under this section may include emergency preparation and recovery assistance, including power generation equipment, other protective or emergency recovery equipment, assistance to restore access to water, power, or other raw materials, and transportation and housing for critical employees. The Secretary may request assistance from other Federal agencies in carrying out this section.

SEC. 603. CRITICAL ENERGY ASSURANCE ACCOUNT.

There is established in the Treasury an account known as the Critical Energy Assurance Account. The Secretary shall deposit into this account amounts appropriated to the Secretary for the purpose of carrying out this title and payments paid to the Secretary by any non-Federal source for the purpose of carrying out this title. The Secretary may receive and accept payments from any non-Federal source, which shall be available to the Secretary, without further appropriation, for carrying out this title.

SEC. 604. REGULATIONS.

The Secretary may issue regulations necessary or appropriate to carry out this title.

The SPEAKER pro tempore. After 1 hour of debate on the bill, as amended, it shall be in order to consider the further amendment printed in part B of the report, if offered by the gentleman from Michigan (Mr. STUPAK) or his designee, which shall be considered read, and shall be debatable for 40 minutes, equally divided and controlled by the proponent and an opponent.

The gentleman from Texas (Mr. BARTON) and the gentleman from Michigan (Mr. DINGELL) each will control 30 minutes of debate on the bill.

The Chair recognizes the gentleman from Texas (Mr. BARTON).

GENERAL LEAVE

Mr. BARTON of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the legislation before us and to insert extraneous material on the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BARTON of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. STEARNS), the distinguished subcommittee chairman.

Mr. STEARNS. Mr. Speaker, let me say to all my colleagues that are concerned about this bill, within the bill is a gas price gouging prevention portion, the "Gas Price Gouging Prevention Act," my amendment that was approved in Committee. Included in the manager's amendment, it will for the first time direct the Federal Trade Commission to define price gouging and prosecute it as an unfair and deceptive trade practice.

It will direct Federal Trade Commission expertise and resources in addition to existing State anti-gouging laws on eliminating retail and wholesale price gouging in a designated disaster area as well as any extended problem in the areas around the country, as determined by the President and the Secretary of Energy. Penalties include fines up to $11,000 for violation in addition to equitable remedies, like returning ill-gotten profits.

The amendment prohibits price gouging in the market for crude oil, home heating oil, gasoline, and diesel fuel. This has been extended. It is difficult to define price gouging. For the first time in this country, we are going to define it. We are going to prosecute it, and we are going to give the Federal Trade Commission the authority to do just that.

The amendment provides for the exclusive enforcement by the Federal Trade Commission of the provisions as a violation of a rule defining an unfair deceptive act or practice under the FTC Act. As I mentioned earlier, there are stiff penalties involved.

The bill is triggered for 30 days in the affected area, not just 1 or 2 weeks, but 30 days and beyond if the President of the United States, in consultation with the Secretary of Energy, deems it to be appropriate. When the President declares a major disaster, and only for those major disasters that the Secretary has determined could significantly affect production, distribution or supply, then it is extended, it is enforced. As mentioned earlier, it includes not just crude oil, home heating oil, and gasoline and diesel fuel.

I urge my colleagues to look carefully at this bill. If you are going to vote against this bill, you are going to vote against a provision that establishes for the first time price gouging that is defined and prosecuted on a Federal level.

I urge all my colleagues to support the bill.

The amendment prohibits price gouging in the market for crude oil, home heating oil, gasoline and diesel fuel.

It is difficult to define "price gouging." The existing State statutes in this area have vastly different definitions and interpretations. Therefore, the amendment directs the FTC to define price gouging within 6 months of enactment consistent with the requirements for declaring unfair acts or practices in Section 5 of the FTC Act.

The FTC's authority to define "price gouging" is tempered by the traditional unfairness principles under Section 5(n) of the FTC Act. Under this section, to be "unfair" a practice must: cause or be likely to cause substantial injury to consumers; not be reasonably avoidable by consumers themselves; and not be outweighed by countervailing benefits to consumers or to competition.

The amendment provides for the exclusive enforcement by the FTC of the provision as a violation of a rule defining an unfair or deceptive act or practice under the FTC Act.

The amendment provides for civil penalties of up to $11,000 per violation.

The bill is triggered for 30 days in the affected areas—and beyond if the President, in consultation with the Secretary of Energy, deems it to be appropriate—when the President declares a major disaster, and only for those major disasters that the Secretary has determined could significantly affect production, distribution, or supply. The President may extend the prohibition for such additional 30-day periods as he or she determines necessary.

In addition, the issue of price gouging must be addressed. Unfortunately, the tremendous goodwill of the American people in helping their fellow citizens on the devastated gulf coast was marred by some now infamous instances of gasoline price gouging. Experts say the rapid rise in gasoline and diesel fuel prices nationwide following these natural disasters primarily resulted from a supply crisis. Yet, there were some specific gasoline price increases that the average American, and maybe even the experts, knows are gouging. Certain market situations, particularly those involving natural disasters like Hurricanes Katrina and Rita, require aggressive and targeted Federal prosecution of gasoline price gouging.

My amendment, the "Gas Price Gouging Prevention Act," which is included in the Manager's amendment, will for the first time direct the Federal Trade Commission to define price gouging and prosecute it as an unfair and deceptive trade practice. The "Gas Gouging Prevention Act" will direct FTC expertise and resources, in addition to existing state anti-gouging laws, on eliminating retail and wholesale price gouging in a designated disaster area, as well as any extended problem areas around the country as determined by the President and Secretary of Energy. Penalties include fines of up to $11,000 per violation, in addition to equitable remedies like returning ill-gotten profits.

It's time to flush out the gougers and protect consumers with a new Federal weapon to prosecute gasoline price gouging. I thank my colleagues, especially Mr. WALDEN, for their help in making the amendment even better and I urge that we pass "Gas Price Gouging Prevention Act" included in H.R. 3893, the "Gasoline for America's Security Act."

In closing, this legislation will go a long way to better protect the U.S. oil markets, as well as all consumers who depend on them. I urge my colleagues to support it.

Mr. DINGELL. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, we have before us today a hastily crafted minimally reviewed bill of doubtful value and most curious circumstance. We have had no hearings on the specific measure before us. The major changes in language in the bill were revealed late last night, I believe at 11 p.m. We have not received a single response to the questions we asked of the Department of Energy and the Environmental Protection Agency.

We do not know whether the provisions in the energy bill passed less than 2 months ago to expedite refinery siting are working. We do not know what these new provisions on refinery sitings are going to do. We literally have before us a bill which is composed of scraps assembled from the waste baskets at the House Legislative Counsel, crafted together by my Republican colleagues to do something which they will have great difficulty in explaining today.

There can only be one explanation for this rush to the floor, and that is the desire of the Republican leadership of the House to use the hardship of the devastation of Hurricanes Katrina and Rita to push various parts of their agenda. The former majority leader, as is custom, has tried to blame Democrats for all ills, saying, and I quote, "[t]he Democrats made us drop many important issues out of the last energy bill that would have helped this situation that we have found ourselves in now, and it is time to go back and revisit those."

I would remind the House that it was widely pointed out when that legislation was before us what a remarkable example of bipartisanship and legislative cooperation it was. Of course, the committee chairman has offered to negotiate, and I want to express my affection and respect for him.

But the predetermined schedules of the goal meant that all the Republicans wished to negotiate for was political cover for themselves and perhaps surrender by the Democratic members. Now we have before us a poorly thought out and poorly vetted effort to pass the Republican and energy wish list. This is not the way to respond to energy issues raised by hurricanes.

If we decide to act on an expedited basis, we should be focusing on immediate problems of rising gasoline prices and anticipated increases in natural gas and home heating oil prices which are coming upon us in the fall. Democrats will today offer a sensible substitute that provides tough consequences for price gouging whenever it occurs in the industry, not just by the little corner gas station.

Our substitute will tackle the problem of limited refinery capacity head-on by creating a national Strategic Refinery Reserve patterned after the successful Strategic Petroleum Reserve. We direct the Secretary of Energy to establish and operate refineries that will help protect our national security and protect consumers from supply disruptions. The public interest demands no less.

I urge my colleagues to vote against the bill and for the Democratic substitute.

Mr. BARTON of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. LEWIS), the distinguished chairman of the Appropriations Committee.

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Mr. LEWIS of California. Mr. Speaker, I would say to the gentleman from Texas (Mr. BARTON), I appreciate the expeditious way he has responded to this crises. If there is a silver lining to the Hurricane Katrina crisis, it is that it has opened the eyes of Congress and our business community to the urgent need to add to the capacity of our oil refineries. The fact that gas prices shot up in the wake of this monstrous hurricane is a reflection of the reality that we do not have the capability to meet the sort of refining needs the country has that will put the kind of pressure on gas prices that are so important to our consuming public.

Hurricane Katrina is telling us very clearly that we have a challenge and an opportunity here to increase that capacity. In the last year, I met on several occasions with Adel Al-Jubeir, a representative of the country of Saudi Arabia. On any number of occasions he has rather smiled at me saying America does not have the capacity to provide the gasoline that your consuming public needs. You have not built a refinery in three generations.

We do have that opportunity by this action today, and I strongly urge the House to recognize it. This is the one chance for us to make a long-term commitment to reducing gasoline prices. I strongly urge an "aye" vote on this measure.

Mr. DINGELL. Mr. Speaker, I ask unanimous consent to yield the remainder of my time to the gentleman from Virginia (Mr. BOUCHER), and that he be allowed to control the time for this side.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. BOUCHER. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. WAXMAN), a senior member of the Committee on Energy and Commerce.

Mr. WAXMAN. Mr. Chairman, I rise in strong opposition to H.R. 3893 and in strong support of the Stupak substitute.

The Gulf Coast of the United States was devastated by a catastrophic hurricane. Hundreds of thousands of Americans lost their homes and their possessions. Gasoline prices jumped 46 cents per gallon overnight. Price gouging was rampant. The big oil companies charged more, simply because they could. The oil companies took shameless advantage of the disaster, and now Washington Republicans are trying to do the very same thing.

The Republican leadership is trying to use this tragedy and Missouri to undermine our environmental laws and pass more special interest giveaways to the oil industry. It wants to exploit Hurricane Katrina for a special interest bonanza. This is the legislative equivalent of price gouging, and it is unconscionable.

The bill before us is supposed to be a response to Hurricane Katrina. It is supposed to respond to the damage done to our Nation's energy infrastructure and address the Nation's runaway energy prices, but what it does is give the oil companies even more taxpayer subsidies and exemptions from environmental laws, and the bill is not even limited to the oil industry.

If this bill becomes law, the entire eastern half of the United States can suffer more pollution for years to come. The ideas in this bill are not new. They are the same egregious environmental assaults that Republicans in Congress have tried unsuccessfully to pass for years. All that is new is the rationale. There is no excuse for this legislation to allow children with asthma to have to suffer more medical problems on the eastern coast of the United States in order to address a tragedy in the gulf coast of the United States.

Ten years ago, the gentleman from Texas (Mr. DELAY) introduced legislation to repeal the Clean Air Act piece by piece. Today, Washington Republicans are using hurricanes as a cover to enact his radical agenda. These were very bad ideas when they were first proposed. To pass them now in the guise of helping hurricane victims would be shameful.

Mr. BARTON of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. RYAN), a member of the Committee on Ways and Means.

Mr. RYAN of Wisconsin. Mr. Speaker, I thank the chairman for putting this bill together. I want to talk about one very important provision of this bill, and I want to endorse the passage of this legislation.

This legislation builds on progress we had in the energy bill dealing with boutique fuels, but what I want to do is explain the problem we have with boutique gasoline blends in America.

Today we have 18 different fuel types, which translates into 45 different fuel blends. This map of America looks like a piece of modern art and shows the different fuel blends we have to have running through America today. When we designed our pipeline and refinery system three generations ago, it was designed for one kind of gasoline: conventional gasoline. Today we have to pump 45 different blends of gasoline through that system.

Any time there is a problem with supply, a pipeline break, a hurricane, a refinery fire, what happens? The price of gas skyrockets. There are refineries that cannot even make the needed gasoline for particular areas. The problem is getting worse. This map is because we have 217 counties that have to have some kind of reformulated boutique fuel. Because of the new, 8-hour ozone regulations this year, 474 counties will have to adopt new blends of gasoline so the problem will get even worse if we do nothing. This bill fixes that.

This bill says that, over the next year, the EPA and the DOE will have to design a six-fuel-blend system. So we go from 18 different base blends with 45 different fuels down to six fuels, to make sure we can meet and exceed our Clean Air Act standards, no compromise on those, and have stable, fungible blends of gasoline.

Mr. Speaker, we can have cheap gas and clean gas at the same time in this country. We need to harmonize our gasoline blends so we have standard, stable blends of gasoline. If we do that, we stabilize the supply. If we do that, we stabilize the price. I urge passage of this legislation.

Mr. BOUCHER. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, the bill before us today was rushed through the committee. It did not receive a single legislative hearing. It would weaken environmental protections but would do nothing to reduce the price of gasoline.

There has been much attention given to the fact that our Nation's refinery capacity is limited, but there has been no substantial evidence presented to conclude that the reason for this shortage is difficulty in siting or obtaining the environmental permits necessary in order to build a new refinery. In fact, there has been some evidence that suggests the reason for the thin refinery capacity is that refiners are reluctant to build new facilities since they are enjoying record profits under the current regime.

The bill before us would seek to increase refinery capacity by easing environmental requirements and providing additional Federal authorities for siting new facilities. Based on the evidence before us, that would be the wrong remedy. There is a better approach.

Later today I will be joining with our colleague, the gentleman from Michigan (Mr. STUPAK), in offering a substitute for the bill. Our substitute would address the refinery capacity issue by creating a strategic refinery reserve. The new reserve would build on the success of the strategic petroleum reserve and would provide the Nation with a reserve refinery capacity that could be used in times of national emergency to increase the supply of gasoline and minimize supply disruptions and price spikes.

Given the choices that are before us today, the substitute that the gentleman from Michigan (Mr. STUPAK) and I will be offering is far more likely to address our real gasoline supply problems than the underlying bill.

Mr. Speaker, I reserve the balance of my time.

Mr. BARTON of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. SHIMKUS).

Mr. SHIMKUS. Mr. Speaker, 1976 was a great year. We built our last refinery in this country, and I graduated from high school. That is too long for that to occur.

Our domestic demand for crude oil averages 21 million barrels a day. We refine only 17 million barrels a day. That means we import gasoline. People understand we have a dependence upon foreign oil. What they do not understand and find incredibly ridiculous is that we import refined product just making us more dependent on the industry.

This is a great piece of legislation, and anyone from coal country ought to support it. Coal to liquid, fisher trove technology developed during World War II is evident in production in South Africa today. What we have done in this bill is we have taken the definition of refinery and added coal to liquid, which means we can harvest the great coal reserves of this country. We can turn them into clean fuel and use that clean fuel to reduce our demand for foreign oil. We are also able to disburse our refinery assets around the country so we are not held hostage by having 47 percent of our refineries in hurricane alley.

This bill is a tremendous step forward in decreasing our reliance on foreign oil, new technology, diversifying our refinery portfolio, and I ask all of my colleagues to join me in support of this legislation.

Mr. BOUCHER. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. ENGEL).

Mr. ENGEL. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise in strong opposition to this bill.

It is ironic that this bill is called the Gasoline for America's Security Act, or GAS Act, because this bill is certainly filled with a lot of hot air.

This bill will do nothing to bring down the cost of gasoline. My constituents and millions of Americans want to know why they are paying $3 and more for gasoline. Just today in the newspaper it reported that Americans can expect to spend 45 to 90 percent more on home heating fuel this year than they did last winter. This is absolutely unconscionable.

We saw during Hurricane Katrina looters in New Orleans, but the real looters are the big oil companies. They are looting the American people. They are making record profits. What does this bill do? It does nothing to bring down the price of gasoline. That is what Americans want. They do not want rhetoric. They do not want more SOP to the oil and gas industry. They do not want more of the same.

Since I am from the Bronx, I will quote Yogi Berra of the Yankees: It is deja vu all over again.

Once again, the majority has presented us with legislation that purports to respond to skyrocketing gas prices, but does nothing of the sort. Under the guise of responding to Hurricane Katrina, we are voting on a bill that guts environmental and public health protections and does nothing to reduce our Nation's devastating dependence on Middle Eastern oil.

Further, we are once again witnessing the majority undermining States' rights on the floor of the House. This bill includes provisions that preempt State and local government's authority to decide where refinery facilities are placed in individual communities.

What this country critically needs, but was neither in the Energy Policy Act of 2005, which was signed into law, nor in this bill, is a policy to reduce our addiction to oil through the promotion of alternatives and clean renewables, automotive fuel efficiency and the reduction of greenhouse gases. We must create policies that achieve these goals, and we need not destroy the environment and the rights of our citizens in doing so.

This is a sop to the industry. It gives us more of the same. It does nothing to lower gas prices. I urge a "no" vote.

Mr. BARTON of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. UPTON), a member of the Committee on Energy and Commerce and chairman of the Subcommittee on Telecommunications.

Mr. UPTON. Mr. Speaker, what have Members been hearing in their districts? I will tell Members what I have been hearing: There is a constant uproar and anguish about the gas prices across this country.

One of the home builders that I met with earlier this week, it cost him $94 to fill up his pickup. Sadly, I do not see that price going down any time soon. This is a long-term, not a short-term, problem.

Worldwide, we consume what we produce. This country uses 25 percent of the world's energy, yet we have only 2.5 percent of the world's energy reserves. And in fact in Alaska, we are getting 50 percent of what we got only 7 years ago.

The energy bill signed in August will help us in the long term, but it will not help us in the short term. This bill will help us in the long term, not in the short term.

We have heard the arguments. We have fewer refineries than we had 30 years ago. We have not built a new refinery in a generation. We need more, and this bill will bring that about.

We have dozens of boutique fuels. 45 different blends of gasoline to serve this country. That means we have a different blend for St. Louis than Milwaukee than Detroit than Los Angeles than Houston than Philadelphia than Washington. It is crazy.

□ 1130

This bill is going to reduce that from 45 blends to no more than six or eight.

The bottom line is if we are not happy with $3 gas, we need to vote "yes" on this bill. We need to send it to the Senate. I will remind my colleagues that this bill passed by a voice vote after 16 hours of markup, and I applaud the gentleman from Texas (Mr. BARTON), my chairman, for making sure we did it in a bipartisan way.

Mr. BOUCHER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Colorado (Ms. DEGETTE).

Ms. DEGETTE. Mr. Speaker, I have always believed something many politicians do not realize: the American people are not stupid. This winter, as their car gasoline prices remain high, their home heating bills from natural gas and heating oil go up, they are going to understand this bill has no connection to lowering gas prices and no connection to Hurricane Katrina.

What this bill does do is it rides roughshod over environmental laws, and it rides roughshod over local control of new refineries. Just wait for the public outcry if this bill passes when people find out that refineries can be put up in their backyards with no local input and especially when they find out that these refineries' profits went up 255 percent last year.

So what should we be doing? Number one, we should genuinely address price gouging. The provisions in this bill are toothless at best. If we really want to stop price gouging, what we should do is pass the Democratic substitute, which would actually beef up the FTC's ability to prosecute this practice.

Number two, I have been saying this for the 9 years I have been in Congress: we need a forward-looking energy policy that puts real teeth into conservation and renewables so that we can reduce our dependence on foreign oil.

What does this bill do about conservation? Members will be pleased to know it encourages carpooling and van pooling. I am going to tell the Members the other soccer moms at my kids' school would be appalled to know that this is all Congress is doing to encourage conservation.

What about renewables? Well, I offered an amendment both in committee and at the Committee on Rules which was denied. All this amendment says is let us increase the use of renewable energy in this country. I think that the majority of Coloradans who voted for an initiative on a ballot last year would agree with this along with the rest of Americans. What we need, Mr. Speaker, is a comprehensive energy policy that is more than a sop to Big Oil.

Vote for the substitute and "no" on final.

Mr. BARTON of Texas. Mr. Speaker, I yield 2 minutes to the gentlewoman from Tennessee (Mrs. BLACKBURN), a member of the committee.

Mrs. BLACKBURN. Mr. Speaker, I thank the chairman for his excellent work on this issue.

It is so interesting for me to stand here in this body and listen to people say it was rushed through committee, that we have not given proper thought to this issue.

Mr. Speaker, it seems this issue has been around for about 10 years, trying to get an energy bill through, and we did. We passed the Energy Policy Act of 2005. But this issue has been on the table for 10 years, and if former President Clinton had not vetoed drilling in ANWR in 1995, we might not be standing here having this discussion today. But that happened.

So this is not being rushed through. This is something that is the culmination of a decade's worth of talk. And the people in Tennessee, in my district, are tired of the talk, Mr. Speaker. They are ready for some action. This is a right step. It is the right time.

I want to hit two provisions that are included in this bill. One is streamlining the countless regulations, then helping to prevent some of the frivolous lawsuits. When we look at streamlining some of the process they have to go through to build a refinery, that is a good thing. It is going to help us to be able to move forward on refineries in a more expeditious manner. The other thing is establishing the Department of Energy as the lead agency for siting refineries and eliminating some of the unnecessary requirements on waiting on multiple bureaucracies to respond to a request to build one refinery. This is not about bureaucrats and building. It is about meeting real American needs of real families for energy uses on a daily basis.

Mr. BOUCHER. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. DOYLE).

Mr. DOYLE. Mr. Speaker, I rise today in strong opposition to the wrongly named Gasoline for America's Security Act. It would be more appropriate to call this the Don't Hold Your Breath Act, as this bill will not do what my colleagues on the other side claim.

While it is clear to all of us that our Nation does not have the refinery capacity that we need, it is equally clear that the bill before us will not increase this shortfall. The idea that simply eliminating environmental standards and removing judicial control will solve this problem is absolutely wrong.

Over the past 30 years, there has been only one application filed to build a new refinery. I will say that again: only one application has been filed. We are not talking about permit after permit being thrown out. We are not talking about an industry trying time after time to site a facility and being denied.

What we are talking about is the fact that the gasoline industry makes the vast majority of their profits at the refinery level, and there is zero economic incentive for them to increase their capacity. As long as the refineries are operating at near 100 percent, their profit margins are through the roof. This bill ignores this obvious fact and instead focuses on eliminating environmental protections, which is nothing more than a scapegoat measure that will not do anything to address the basic problem.

So what does this bill actually do? It strips virtually all of the environmental protections of the Clean Air Act, the Clean Water Act, and the Endangered Species Act when they come into conflict with the siting of a refinery. The bill removes all cases challenging refinery siting from local State courts and forces communities to come to Washington, D.C. in order to challenge the selection of their hometown for a new refinery. And, further, if the local communities lose in court, they have to pay all of the industry's legal bills. This bill also will limit the Federal Trade Commission's ability to impose penalties when presented with evidence of price gouging, effectively incentivizing industry to take advantage of disasters like Katrina.

For these reasons, I ask my colleagues to reject this bill. Democrats have a substitute that will address critical shortages during disasters without gutting our environmental laws, and it deserves our support.

Mr. BARTON of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. BUYER), a member of the committee and the distinguished chairman of the Committee on Veterans' Affairs.

Mr. BUYER. Mr. Speaker, I appreciate the gentleman's comments, the speaker before me, because what he has really laid out is sort of the complaints that we hear from the Democrat side of the aisle, the complaints for years when they controlled Congress and laid out policies and rules and regulations that prevented, really, people to bring capital at risk to build refineries. So we hear a lot of complaints, but we do not hear of ideas and actions to help an industry that will help America.

This is a good bill. I support the bill. I want to compliment the chairman for his good work.

I also believe that Hurricane Katrina did reveal a weakness in our energy supply systems, highlighting the reliance this country has on the gulf coast for our energy resources. Approximately 47 percent of the U.S. refining capacity and 28 percent of oil production are located in the hurricane-prone region. So I think it is time for America to take steps to build more refineries and protect this country in time of natural disaster.

This is a good bill. It will address our growing need for gasoline, heating oil, and other fuels and will bring more supply to the market and for the American people. So despite the noise that we maybe hear on the floor, for the American people this is a good bill.

I am concerned, though, that a section of the bill was removed that dealt with the interchange rates, and what we wanted to do was to address the channels of trade to bring more transparency to how credit card companies actually apply these interchange rate fees and how the consumer then picks it up. I am pleased, in a conversation with the chairman and the gentleman from Florida (Mr. STEARNS), they are going to consider having a hearing on the issue; and I think that is a good thing.

I strongly support the Bush Administration's clean diesel rules, which will reduce air pollution from diesel engines by more than 90 percent, and reduce the sulfur content of diesel fuel by more than 95 percent. These rules will not only help clean the air, but they will also encourage greater use of highly fuel-efficient clean diesel engines. The use of highly fuel-efficient clean diesel engines is a mandates free way of making our existing domestic refining and oil production go further. In fact, according to the Department of Energy, if diesel vehicles made up 20 percent of our fleet in 15 years, we would save 350,000 barrels of oil a day.

I understand the challenges that so-called "boutique fuels" present. Section 108 takes steps towards addressing these challenges. However, I want to make it clear that I have been assured by the Chairman of the Energy and Commerce Committee, the Gentleman from Texas, that Section 108 of the legislation does not intend to alter or delay—in any way—the Bush Administration's on- and off-road diesel rules.

Mr. BOUCHER. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Mrs. CAPPS), a member of the Committee on Energy and Commerce.

Mrs. CAPPS. Mr. Speaker, I rise in strong opposition to this ill-conceived legislation.

This bill is a shameless attempt to use the tragedy of Katrina as an engine to drive bad policies into law. The purported reason behind the bill is the high cost of gas caused by Katrina, and this is the bill that is supposed to meet that challenge. But gas prices were at record highs before Katrina hit. Katrina merely ramped them up and provided an excuse to push more failed Republican energy ideas.

I guess the best thing we can say about the bill is what is not in it, namely, the repeal of the longstanding, bipartisan moratorium on new offshore drilling. But the bill, however, does gut public health and environmental laws. It does strip States and localities of the authority to protect their own citizens. And, bottom line, it fails to protect consumers from price gouging at the pump, which we have seen going on on a regular basis.

Mr. Speaker, the problem of high gas prices is a serious one. It affects businesses and families on a daily basis, and I should know because my gas prices in my district are usually among the highest in the Nation. Right now they hover around $3.50 a gallon. But this bill is not about trying to do something about that. It is about trying to distract the American people from a failed Republican energy strategy, a strategy that fails to realize that we have 3 percent of the world's oil reserves while we account for 25 percent of the world demand. This is a strategy that relies on increasing our supplies at all costs while conservation efforts are ridiculed by our Vice President as "signs of personal virtue." This is a strategy that says if laws that protect public health or environment get in the way, we should just waive them. It is a strategy that dooms America to never-ending energy crises that consistently enrich energy companies at the expense of hard-working American families and businesses.

Over the past several years, we have had repeated chances to craft commonsense, efficient, and effective energy legislation that would set America on a more stable future; but this Republican Congress has failed to do that and this, failure is once again realized in this bill.

So I urge my colleagues to vote for the alternative and to vote down this awful legislation.

Mr. BARTON of Texas. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, I want to cut to the chase on this issue.

In 1981 there were 324 operating refineries in the boundaries of the United States of America. Today there are 148. Do the math: 184 is a smaller number by 176 than 324. There are a lot of reasons for it, but one of the reasons is this flow diagram to my left.

To the left we have all of the permits that are required for what is called "new source review." That is if they want to expand an existing refinery. Now, this is actually the permitting application to expand an existing refinery in the State that I live in, the State of Texas. In the new source review, every one of these steps has to go forward. On the right of the chart are additional permits in addition to the new source review.

This is not a made-up chart. This is the law as it exists today. What company's board of directors in their right minds would want to go through this process and tie up billions of dollars for years and years if they did not know that they would at least get a definite decision in a timely fashion?

The bill before us may not be the best bill. It may not be the only approach. But it is a fact that we use 21 million barrels of oil a day in this country and we only have the refining capacity for about 16 on a good day; and, unfortunately, since Katrina and Rita, we have had many good days. We are down to 14 million barrels of refinery capacity that is available, and we need 21 million barrels of refinery capacity to refine our consumer demands that we have right now in this country. So this bill before us today does not eliminate any of these requirements. It does not lower the standard.

What it does do is require the Environmental Protection Agency and the Department of Energy to appoint officials within their agencies to consolidate and to coordinate all of these reviews if, if, a State Governor wants them to or if the President of the United States wants them to on Federal property. If a Governor does not want it to expedite the review, they do not have to; and this stays in existence, which means in those States they will not get any new or existing refineries built or expanded.

□ 1145

But in some States, and I hope my State of Texas is one, I think Governor Perry would ask for this expedited review. If that happens, and if we can get a company that wants to invest in a new refinery or expand an existing refinery, you will actually get a decision in a timely fashion. I have reason to believe that if we pass this bill and if the Senate passes this bill within the next year, you are going to see America's systems step forward and actually ask to build new refineries in the United States of America.

This is a good bill. We should vote for it. We should send it to the Senate, encourage them to vote for a similar bill and then go to conference and produce a conference report that the President can sign, and let us get our country moving again and at least begin to start the process to lower gasoline prices for every American in this country.

In the days right after Hurricane Katrina, gasoline prices shot up past the $3 dollar mark almost everywhere. Shortages caused some gasoline stations to run dry. Americans nationwide worried if the price would be higher on their way home from work than it was in the morning. Many consumers worried that they were getting gouged, and wondered if prices would ever go down again. Today, we take action. Today, the House of Representatives will support building new refineries, improving gasoline markets, and outlawing price gouging.

My committee was voting on the Gasoline for America's Security Act just 4 weeks after Hurricane Katrina crossed the coast. On that day, 11 refineries remained closed by flooding and power failures, and most had no restart dates. Roughly 18 percent of all U.S. gasoline production was still halted, and prices everywhere had spiked as a consequence.

Katrina damaged refineries all over Louisiana and Mississippi. Then Hurricane Rita came along and damaged refineries in Louisiana and Texas. Some have not restarted yet. We were all surprised to learn what happens when a chunk of our domestic capacity goes off line. Every driver in America has endured shortages and price spikes that still have not fully subsided.

This bill encourages new refineries to increase supply. We improve siting procedures, provide regulatory risk insurance, suggest non-park Federal lands for consideration, and give refiners more certainty about the rules they have to live under. Our Nation is more secure if refineries are spread more throughout the country.

This bill promotes new pipelines to get new crude oil and gasoline to consumers at lower prices. We encourage those who might build the Alaska Natural Gas Pipeline to speed up, by setting a deadline on their incentives. We require a study of whether pipelines should have backup power capability, so that they could operate during power outages.

The bill outlaws price gouging during emergencies for gasoline, crude oil, and home heating oil. We leave in place State measures against price gouging. We increase penalties to $11,000 per incident and expand the geographic scope of the provision. I want to thank Chairman CLIFF STEARNS of our Commerce, Trade and Consumer Protection Subcommittee and Congressman GREG WALDEN for their help on this provision.

We promote conservation with a DOE program to encourage carpooling and vanpooling. We also require evaluation of using CMAQ funds, Congestion Mitigation and Air Quality, for carpool and vanpool projects. We can make it easier for Americans to network and do these voluntary reductions of demand.

We authorize a refinery built for military use. If the President determines that there is insufficient refining capacity, the President can enter into contracts to permit, construct and operate a refinery with private industry to manufacture refined products for the military.

This bill doesn't do everything I think it should do. Last night, I agreed to drop very important New Source Review provisions that would give clarity to refiners and other energy providers. An operator of a refinery, a power plant, or an industrial facility should not feel scared to conduct routine maintenance or modernize the system without hurting emissions. A bipartisan majority of the Energy & Commerce Committee believes we should codify the Administration's return to a sensible NSR policy. Those who want to delay these sensible reforms are taking a step back from increasing supplies of gasoline, heating oil and other forms energy.

But I don't want this to get in the way of expanding refinery capacity after Hurricane Katrina, so I will set it aside for now until we can hold the additional hearings that some believe are needed. We will have a vote in the future on this policy, and when it passes, our Nation's supply of both energy supply and common sense will expand.

But today we have a chance to strike a blow against high gasoline prices. We can increase competition among refineries by seeing new ones built. We let any retail gasoline provider know the Federal government is watching—so don't gouge consumers in an emergency.

People everywhere expect us to do the right thing, and there's been honest and candid debate about what constitutes the right thing. According to some, doing nothing is not only right, but cheap and easy, too. The do-nothing plan is the one we've followed for decades. I think the two killer hurricanes have weakened the will to continue doing nothing, however. I hope so.

Our country needs more oil refineries because the people who work for a living need gasoline to get to work. These are people who earn paychecks and buy groceries at the Safeway and pay their bills, including their taxes. That means they use gasoline every day. They need it, and they need it at a price they can afford. They aren't activists and they don't contribute to campaigns or hire any lobbyists. Sometimes Washington forgets about them, but I haven't, and that's why we're taking up this bill.

Our cars, our jobs, our Nation's economic growth and our people's opportunity to prosper—they all rely on gasoline. Gasoline does not come from heaven, it comes from a refinery.

Let's send to the Senate and the President this antidote for high gasoline prices. Vote "yes" on this bill.

Mr. BOUCHER. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. I thank the gentleman for yielding me time.

We cannot begin to discuss how we are going to reduce our dependence upon imported oil unless we debate increasing the fuel economy standards for automobiles and SUVs in the United States. The gentleman from New York (Mr. BOEHLERT) and I have made this amendment for 4 years in a row. Now that the public's attention is on it, the Republican majority refuses to have a debate on how we can dramatically increase the fuel economy standards for SUVs and automobiles, and we put 70 percent of all the oil we consume into gasoline tanks.

We also are not having the debate out here on solar energy. Europe now outspends us on solar energy by four to one. Japan outspends us four to one. China is now passing us. No debate, however, under the Republican rules, on solar energy as a solution.

Instead, what we have here is new law which will allow for refineries to be built on closed-down military bases, on wildlife refuges, with a mayor or a State incapable of blocking it. In fact, if the State or city sues and loses, they must pay the legal bills of Exxon-Mobil. But if the city wins, Exxon-Mobil does not have to pay the legal bills of the city. That just shows you how backwards all of this is.

We should be debating a futuristic, innovative, energy strategy to cut in half our dependence upon imported oil, to use automotive technologies, to use solar and wind, to quadruple our expenditures, to surpass the world, to be number one looking over our shoulders at number two and three in the world, to do what President Kennedy did in responding to the Sputnik challenge of the Soviet Union.

Instead, our industry that engaged in a conspiracy to shut down 30 refineries in the last 10 years is now coming here and asking us to waive the Clean Air Act as the answer to their irresponsible actions. That is absolutely wrong. This bill must be defeated.

Mr. Speaker, I rise in opposition to this bill.

The race is on. It is a worldwide race among nations to embrace and own the energy technology of the future. Right now, the United States is not even at the starting line. We're not even tying up the laces on our running shoes.

Energy is the lifeblood of our economy, of our security, or our lives. Oil, black gold, runs our cars, machines, and planes and heats our homes—what if it just stopped coming? Think about it. It would take simply a decision of one or two oil producing nations to cut off critical supplies of oil to the U.S. tomorrow. The impact of such disruption to our economy would be crippling.

Al Qaeda has already identified this American vulnerability—our energy dependency Achilles heel. They call on jihadists everywhere to attack not just people, but also oil wells and pipelines, arguing that "the killing of 10 American soldiers is nothing compared to the impact of the rise in oil prices on America and the disruption that it causes in the international economy."

The decisions being made today by the Republican-controlled Congress are handicapping our nation at the starting line.

While this House is busying itself with the care and feeding of the industries of the last century—oil and gas production and refining, we are doing precious little to develop the energy technologies of the 21st Century. The only solution the Republican Leadership in Congress has to offer up to our current energy problems is giving oil companies more giveaways and more exemptions from environmental laws. Meanwhile, other nations around the world are beginning to race ahead of us.

The European Union already has set a target of meeting at least 20 percent of its overall energy consumption with renewable energy technologies by 2020. They've just passed a resolution in the European Parliament to increase that target up to 25 percent.

Aggressive renewable energy policies have put Europe on track to increase electricity generated from wind ten-fold and from solar photovoltaics 45 times by 2020. A major factor making this rapid growth possible is the significant investments European governments have made in R&D. We spend a paltry $80 million on photovoltaics, for example, whereas Europe spends $300 million. So does Japan.

What's more, according to Christopher Flavin, Chairman of the World Watch Institute, China is set to overtake everyone. "In 5 years' time we see China as a world leader in this department. . . . Already, 35-million homes in China get their hot water from solar collectors. That is more than the rest of the world combined." China has also adopted CAFE standards that by 2008 will require cars to get 40 miles per gallon and trucks to get 21 miles per gallon. China is also purchasing Hybrids from abroad and developing hybrid production capabilities.

How do we expect to keep up, let alone lead, in these emerging innovative energy technology markets if we starve our R&D sector and refuse to set bold goals that stimulate creativity and achievement?

Americans know in their bones that we need to do more—that we are lagging behind in this race. Every time we pull up to the pump and watch the cost of the gasoline filling up our cars, ringing up to $40.00 for a tank that is barely full, we are reminded of the need to get out of this mess.

Consumers are paying the price for the Republican Congress' submissiveness to the Big Oil companies, for its lack of vision.

Consumers lose when the Republican Congress allows America to slip behind the pack of nations racing to lead the energy industries of the future. Right now, we have few choices but to return to the pump, fill our cars and hope that this spike that has lasted for over 2 years is going to break soon.

We owe our citizens a new vision for America's energy future to hang their hopes on. Hope without vision is a four letter word—our vision for restoring America's greatness through an energy challenge gives wings to the hopes of Americans wondering when this crunch will end.

This is a can-do Nation that has never stepped down from a challenge. Today we cannot afford to walk away from the challenge to lead the world in the future of energy technology.

In 1961, President Kennedy announced a goal of sending a Man to the Moon and returning him safely to Earth. By 1969, Neil Armstrong was standing on the Moon looking up at the earth. We need a similar visionary leadership today.

Instead of the bill before us now, we should be bringing a bill to the floor of this House which would:

Adopt a national policy of cutting our dependence on imported oil in half within the next decade.

Recognize that since we consume 25 percent of the world's energy but have only 3 percent of the world's oil reserves, we cannot drill our way into energy independence.

Embrace innovative energy technologies to improve the fuel efficiency of our cars and SUVs so that we make our motor vehicles at least 1 mile per gallon more efficient every year for the next 10 years.

Launch a Manhattan Project scale R&D initiative that is twice the size of comparable programs in the European Union, Japan, and China combined.

Mandate that at least 30 percent of our Nation's overall energy needs be met with solar, wind or other renewable energy sources, or with energy efficiency measures.

Create public and private partnerships to help rapidly commercialize and deploy a whole new generation of super-efficiency hybrid vehicles to deploy solar energy to our homes and businesses, to broadly deploy wind turbines around the country, to deploy Fuel Cells, clean-burning coal, more efficient natural gas and alternative fuels.

The U.S. is the technological engine of the world and we must lead the innovation in wind, solar energy and new fuel sources. We cannot, we must not lose this race.

If the Democrats were in charge of this House, we would be challenging America to establish a national oil savings goal, drive the future of the energy industry, and revolutionize our domestic use of fuels.

Democrats would be setting an agenda of innovation and establishing measurable goals to test the success of this to measure the success of their energy policy.

We would be demonstrating that a modern economy can grow and provide jobs to its citizens without sacrificing the quality of its air, its water or its most precious natural heritage areas.

That is what we need to be doing on the Floor of this House, and that is what the bill before us today entirely fails to do.

I urge the House to vote down this bill.

Mr. HALL. Mr. Speaker, I yield 2 minutes to the gentleman from Louisiana (Mr. BOUSTANY).

Mr. BOUSTANY. Mr. Speaker, I rise today in vigorous support of H.R. 3893. This bill takes us back to Earth in reality. This bill recognizes the need for increased supplies of refined petroleum products and takes the necessary steps to increase refining capacity.

No new refinery has been constructed in the United States since 1976. We just heard the numbers earlier. The demand for gasoline exceeds domestic production by an average of 4 million barrels per day. This growing gap is met by importing refined petroleum from foreign sources, which is a threat to market stability and national security. Refining capacity is not being increased, due in part to a permitting process that is overly cumbersome and capital intensive.

The two hurricanes only further exposed the lack of a comprehensive national energy security policy. Currently, 20 percent of our Nation's refinery production is shut down. 600,000 barrels are off line in my southwest Louisiana district.

This bill makes the necessary commitments to expand and diversify the refining industry in this country. By reforming and expediting a permitting process that is excessively slow and nearly impossible to navigate, we will enable refiners to meets the energy needs of America's citizens.

This legislation would not circumvent or remove any environmental protection, but would simply coordinate and streamline the process. It would also encourage investment in new pipelines and expansion of existing infrastructure to transport petroleum products more efficiently and at a lower cost to consumers.

The farmers of Louisiana need to harvest crops. The industries of Louisiana need to rebuild, and families of Louisiana would like to return. Affordable energy is going to be an important factor in our ability to do that.

The people of my district have realized the responsibility of providing fuel for this Nation for a long time, and they are happy to do so. It is now time to give them the tools to meet this growing task and share it with others. I urge the passage of this bill.

Mr. BOUCHER. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from New York (Mr. BOEHLERT), the distinguished chairman of the Committee on Science.

Mr. BOEHLERT. Mr. Speaker, I rise in strong opposition to this bill. H.R. 3893 will increase the deficit, harm the environment, undermine the States and give charity to oil companies, while doing virtually nothing, virtually nothing, to help consumers.

The whole premise of this bill is faulty: Refining capacity in U.S. is increasing. Let me repeat that: Refining capacity in the U.S. is increasing, and it has been increasing for a decade.

Yes, the number of refineries has declined, but that is irrelevant. Saying that we have less refining capacity today because we have fewer refineries is like saying that we have fewer crops today than we did in 1920 because fewer Americans are farming. It just does not make sense. It does not pass the laugh test.

Not only that, the marketplace offers incentives, and plenty of them, for oil companies, all the incentives they need to build more refineries. They have record profits and demand for their products keeps increasing. Refining capacity is likely to increase even more with or without this bill responding to the market demand.

But with this bill, we burden taxpayers by sending their hard-earned tax dollars into the pockets of oil companies through rebates and special payments. With this bill, we interfere with environmental rules designed to improve public health. With this bill, we take away, take away, authority from the States and local governments.

What we do not do with this bill is take any steps to reduce demand for oil, the only step that will actually reduce the price of gasoline, not to mention to make our Nation more secure.

I urge opposition. The priorities are all wrong.

Mr. HALL. Mr. Speaker, I yield 2 minutes to the gentlewoman from New Mexico (Mrs. WILSON), a member of the committee.

Mrs. WILSON of New Mexico. Mr. Speaker, one of the things that bothered me at the time of Katrina and then Rita was when you saw on the television long lines of cars at gas stations that were charging $5 or $6 for gas that you knew they did not pay that much to get in there. I do not believe that disasters should be a windfall for opportunists, and I appreciate the chairman and his staff working with us over the last week to strengthen the price-gouging provisions in this bill.

Currently, under current law, most price-gouging statutes are at the State level, and only 23 States in the Nation have price-gouging statutes. The only authority at the Federal level is through antitrust laws. You have to have two companies colluding in order to investigate it. With this bill, that will change for the first time.

For the first time, there will be Federal authority under the Federal Trade Commission to investigate price gouging after a disaster area has been declared. We have worked to strengthen this bill from the committee. The fines will be up to $11,000 per instance. It will apply in a disaster area and also beyond that disaster area if the President expands the area of coverage.

It covers any person or company, not just the retailers, but up and down the supply chain, and it applies to gasoline, crude oil, home heating oil and natural gas. It is quite a broad provision compared to what we had coming out of the committee.

I want to thank the chairman for his leadership and his staff for really strengthening the price-gouging provisions in this bill and, for the first time in this country, giving the Federal Government the tools they need to combat people who are taking advantage of terrible situations and take care of this problem of windfalls.

Mr. BOUCHER. Mr. Speaker, I am pleased to yield 2 minutes to the gentlewoman from California (Ms. ESHOO).

Ms. ESHOO. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I rise in opposition to the bill and in support of the Democratic substitute. I would like to start out by saluting the gentleman from New York (Mr. BOEHLERT) for having the courage as a Republican to stand up and to take the position that he has.

I think it is a sad day when the Republican Party is no longer holding on to the environmental mantle. One of my predecessors, Pete McCloskey, was a great champion in the Congress on those issues, and I think it is regrettable that that is where the Republicans are today, because if there were more that would stand up, we would be able to put into place a bill that would really serve the American people well.

Hurricanes Katrina and Rita only exacerbated what has been happening to consumers in our country for the past year. Weeks before Katrina hit, consumers were paying higher and higher prices at the pump. In California, prices climbed $1 between January and August. They rose 50 cents in a month's time between July and August, with prices rising to well over $3 a gallon. I paid close to $4 a gallon in my congressional district just a week ago. Consumers in other parts of the country have seen similar hikes.

If we look at what the Washington Post recently reported, it is painfully evident that the oil industry and the refiners have profited handsomely. The money going to crude producers has climbed 46 percent over the last year. For refiners, revenues have increased 255 percent in one year, from September 2004 to September 2005.

The last time I remember seeing revenue increases like this was when Enron, Reliant and other gougers were raking in their profits during the so-called California energy crisis. And the explanations are also too familiar. We are being told again we are paying the price for having too little capacity. It is not the case, Mr. Speaker. The record shows otherwise. It is economics, not regulations, that have led to the shortfall in capacity.

I hope everyone will support the Democratic substitute. It is the legislation that will really put the gougers' feet to the fire and do something about it. I urge everyone to vote for the substitute and against the base bill.

Mr. HALL. Mr. Speaker, I yield 2 minutes to the gentleman from New Hampshire (Mr. BASS), a member of committee.

Mr. BASS. Mr. Speaker, I thank the chairman for yielding me time, and I want to thank the gentleman from Texas (Mr. BARTON) for working so hard to accommodate those of us who represent the northeastern part of this country in this bill. I rise in strong support of this legislation, and I do so having worked hard to make sure that those of us who represent the northeastern part of the country are satisfied with what we have before us today.

I wish to make three points. The first is that the issue of new source review is gone. It is a debate for another day, and I think that is an enormous improvement to the bill. The issue of pollution in this country needs to be addressed, and the Clean Air Act definitely needs to be amended, but I felt for a long time a refinery bill was not the place to do that, and I commend my leadership for being able to work that out. As the gentlewoman from New Mexico mentioned in her speech, there is a wonderful provision on price gouging that will protect consumers against price gouging from the refinery on down.

The third point is that the only cost in this bill is the cost associated with increasing the Northeast Home Heating Oil Reserve from 2 million to 5 million barrels a day, which is critical to the northeast.

The bottom line is, if you are satisfied with higher gas prices, if you are satisfied with the concentration of refinery capacity in hurricane-prone areas, if you are satisfied with the fact that we have not built a new refinery in so many years, if you are satisfied with the status quo and if you think your constituents are satisfied with that, if you think that 2 million barrels is enough for the Northeast Heating Oil Reserve, if you think this bill is going to cost money even though it will not, then vote against it.

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But this is your opportunity to support an energy bill that you can tell your constituents will help, over the short term and the long term, provide gasoline and heating oil to your constituents who need it badly.

Mr. BOUCHER. Mr. Speaker, I am pleased to yield 2 minutes to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Speaker, I rise in strong opposition to this bill and in support of the Stupak-Boucher substitute.

This bill does nothing to help us gain energy independence, to increase refining capacity, or lower prices at the pump. And no Member, and particularly no one who represents the Midwest, should vote for this bill.

The Federal Energy Information Agency predicted that the price of natural gas would increase by 71 percent in the Midwest this winter. In Chicago, the average heating bill is predicted to be $1,475 per household. Yet, instead of addressing an impending heating crisis and protecting consumers, this bill is filled with giveaways to the same energy companies that are making record profits in the aftermath of the hurricanes.

This bill's attempt to prevent gasoline price gouging is little more than a charade. But this bill does not even pretend to prevent natural gas companies from gouging consumers. Even though natural gas prices are four times what they were in 2001, there is no mention of natural gas in the price gouging section of this bill. For natural gas suppliers and distributors, this bill is a green light to jack up the prices.

In Illinois, to qualify for the Low Income Home Energy Assistance Program, a family of four must earn under $29,000 a year, under that. Because of increasing energy costs, LIHEAP has covered a smaller share of a family's average heating bill over the last 4 years, and that share will be lower this year due to these record price spikes. This winter, millions more Americans may find that they cannot pay their home heating bills, not just poor Americans. What are we doing to protect them?

The Democratic substitute gives the FTC new authority to prevent and punish corporations that gouge consumers for the oil, gasoline, and natural gas they need to get to work, heat their homes, and run their businesses. It is the only proposal before the House today that will address the impending heating crisis facing millions of Americans this winter.

Mr. Speaker, we were unprepared for Katrina. We cannot let that happen again. Members in this body are faced with a choice: representing consumers and small businesses, or big oil companies. We should not leave the American people in the cold this winter while energy companies are left with money to burn.

Mr. HALL. Mr. Speaker, I reserve the balance of my time.

Mr. BOUCHER. Mr. Speaker, I am pleased to yield 2 minutes to the gentlewoman from California (Ms. SOLIS).

Ms. SOLIS. Mr. Speaker, today I rise in opposition to the anti-public health, anti-consumer "GAS Act." The legislation is an insult to the American public which needs real relief, but this is an attack on our public health; and it is a giveaway to corporate America.

Their interests will harm, in my opinion, 5.5 million Latinos that live within 10 miles of coal-powered plants and the 68 percent of all African Americans that live within 30 miles of a coal-powered plant.

These changes will increase the risk of disease to schoolchildren in Texas who are exposed right now to 43.4 million tons of toxic pollutants in just 1 year because of almost 140 nearby industrial facilities. These changes will increase the risk of disease to over 207,000 children who go to schools within a 2-mile radius of a chemical plant or refinery in Texas. These changes will not help construct new refineries or guarantee an increase in refinery capacity and will do nothing to lower the cost of gasoline.

This is a Washington bill drafted on K Street by those lobbyists and is an attack on our public health. No State air boards were consulted, no mayors, no city managers, no land use planners, no attorneys general, not even mine from California.

There is a reason why the bill is opposed by the National Association of Counties, the National League of Cities, and nine attorneys general. The local air pollution program and control officers, the South Coast Air Quality Management District, the American Lung Association, and many others are in opposition to this bill.

It is time that the administration and the Republican leadership learn that public health and the environment and the voices of our communities are not exploitable commodities.

I will support the Democratic alternative which protects public health, protects consumers, and secures our refineries in times of emergency. I will not support the underlying legislation which gives Americans a false sense of hope and security. I urge my colleagues to join me in opposition. America deserves better.

Mr. HALL. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. ROGERS), a member of the committee.

Mr. ROGERS of Michigan. Mr. Speaker, I am a little surprised by the discourse from my colleagues on the other side of the aisle, very 1960s rhetoric for a 2005 problem. You cannot regulate and put hurdles and tell the oil industry that is really global these days that you cannot build refining capacity in America. It is bad.

Most Americans, when they saw the hurricane strike, realized that 30 percent of our refineries were at risk, 30 percent. They understood that you cannot concentrate our refineries in one place and that you have to have more capacity.

The reason it is expensive is because we import refined product. Americans understand that. Your rhetoric today, the old-fashioned ideas of regulate and hinder and put hurdles up, will not solve these problems. It took 20 years to get here because we would not allow them to build refineries across this country to meet public demand.

I tell you, I have working families in my district that pull up to that pump and talk about mortgaging their house in order to get it completely full. This is a serious problem, and it needs serious solutions.

This bill goes a long way. It says we are going to protect the environment, we are encouraging some conservation, and we are going to build capacity so that we do not have to have this foreign dependence on refined product. I thank the chairman for doing this. This is the responsible thing to do, moving this country forward, and putting us in a place where we are not foreign-dependent and we have the ability to lower the prices and give stable prices in the future in this great country.

Mr. BOUCHER. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. WYNN).

Mr. WYNN. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in strong opposition to this bill, the so-called Gasoline For America's Security Act. Now, this is not a partisan rant. I am a Democrat, but I supported the last energy bill. It had considerable merit and a few flaws. This bill is very flawed and has very little merit.

Let us talk about refineries. Over the past 20 years, U.S. demand has increased 20 percent. No new refineries have been built. In fact, refining capacity has declined by 10 percent. But contrary to what my colleagues just heard, there are no barriers stopping the refining industry from building new refineries and expanding capacity. In fact, the key thing people need to understand in this debate is that the profit margins for the refineries has gone up 255 percent. They are making more money than anybody else. So there is no reason why we should give them some big subsidy or big benefit to encourage them to build refinery capacity.

This bill really is outrageous in terms of having the taxpayers pay the refineries to cover their unanticipated costs. It is in the bill and it is called stand-by support, stand-by support. What that means is if they encounter some sort of reasonable delay, government regulation, or something like that, and they suffer losses and they cannot open on time or they are delayed in their operations, we, the taxpayer, get to pay for that. That is not unusual. That is not a crisis situation. That is not the airlines after September 11. That is not an unusually high-risk situation. These are delays in the normal course of business; but, yet, this bill would have the taxpayer pay for those losses, and that does not make sense.

Let me take a minute and talk about price gouging. Now, they came out of committee with a very limited bill that basically talked about gasoline, and now they say, well, we want to broaden it a little bit. Let me suggest that the broadest possible protection for the American people in terms of price gouging comes from the Democratic substitute. It gives the broadest jurisdiction over the most types of fuel, including propane, home heating oil, crude oil. That is where we need to be, not with the limited approach of the Republicans.

They also do not deal with market manipulation, and market manipulation is where the consumer takes the hit. I urge rejection of the Republican bill and adoption of the Democratic alternative.

Mr. HALL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is one of the two most important bills that has come before this Congress maybe in the last 10 years, one we passed a couple or 3 months ago. This bill is not just important to us in Congress that we pass something; it is not just important to companies that have to adhere to the contents of it; not just to the big oil companies, as they have been referred to, we need them, they need us, we need what they can do for us; but it is important to the youth of our Nation. This is really a generational bill because it affects your children and my children and my grandchildren.

I probably have asked myself a dozen times what is the primary duty of a Member of Congress. It is probably to prevent a war. And how do you do that? You do that by removing the causes of war, and energy or lack of energy is a major cause of most wars that I know anything about or remember.

Who fights wars? Your children do. They are today in school, juniors or seniors or maybe in junior college, totally unaware of what we are doing here, but so affected by what we do. Our children have to fight wars, not us anymore. About 64 years ago I was a senior in high school, and I heard Frank Roosevelt at that podium right there stand up and say in a speech after our Nation had been attacked, "To some generations much is given, of some generations, much is expected, but this generation has a rendezvous with destiny." That rendezvous was World War II. We do not want that rendezvous for our children. If we remove the causes of war, and energy is a major cause of war, if we pass this bill, we will have refinery capacity to prevent a war for this generation and those that are waiting.

So, Mr. Speaker, of course I rise today in support of H.R. 3893. While the impetus for the bill arose from tragedy, it opened our eyes to the vulnerability of our Nation's gasoline supply and causes us to act to prevent the price spikes and shortages from happening again, and everything we have said or done here on this floor is going to be in the CONGRESSIONAL RECORD for the American people to see. I would hate to say that I opposed everything that had been offered to solve the energy crisis.

There has not been a new refinery built in some 25 or 30 years, and the ones that are currently running are doing so at 95 percent of operating capacity and at peak times of the year, even higher.

The main thrust of this bill before us today encourages the building of new refineries, and in more diverse locations. It gives areas with closed military bases a chance to convert these bases into refineries so that they can keep their citizens employed and remain economically stable. I have one in my district at Texarkana, not subject to the vicissitudes of nature or the hurricanes; it is inland far enough. There are other areas in here. I hope consideration is given to them.

I encourage my colleagues to vote for H.R. 3893 insomuch as it is a bill that addresses head-on the high price of gasoline and provides solutions from supply to conservation. I am tired of seeing my constituents have to pay almost 3 bucks for a gallon of gas. If you want your constituents to keep on paying these exorbitant prices, then go ahead and vote against this bill. If you want to help them, like I do, I ask my colleagues to vote "yes."

Mr. Speaker, I reserve the balance of my time.

Mr. BOUCHER. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Washington (Mr. INSLEE), a member of the Committee on Energy and Commerce.

Mr. INSLEE. Mr. Speaker, this bill is a giant missed opportunity. We had an opportunity to do something significant. Kennedy said we were going to go to the Moon in 10 years; this bill will not get us to Cleveland. And the reason is it invests in old technology. Did Kennedy challenge the country to invest in propeller plane technology? Here we are simply investing in oil fossil fuel technology, a giveaway to the oil and gas industry of millions and billions of dollars of taxpayer money.

We need a new Apollo energy project. H.R. 2828 will get us there with new technologies and fuel-efficient cars, new technologies and new productive capabilities in wind and solar and wave power and a whole slew of other things. We need new ideas, we need a new vision, not an old giveaway to oil and gas.

Mr. Speaker, this bill is one small misstep for man and one giant leap backwards for mankind, and it should be defeated.

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Mr. BOUCHER. Mr. Speaker, I yield the balance of my time to the gentleman from Maine (Mr. ALLEN).

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Maine is recognized for 2 minutes.

Mr. ALLEN. Mr. Speaker, I rise in strong opposition to H.R. 3893. This bill is a laundry list of giveaways to the oil industry, one of the most profitable industries in America and one that is right now gouging American consumers. Big oil and its supporters are exploiting the tragedy and human suffering caused by Hurricane Katrina to ram through Congress ideas so bad they were rejected just 2 months ago when Congress last approved a laundry list of giveaways to the oil industry.

For example, the bill guts key environmental and human health protections of the Clean Air Act by limiting the States ability to use specialized blends of gasoline to achieve their clean air goals, and permitting up-wind States to continue to send pollution downwind. The result: More dirty air at higher emissions rates for a longer period of time.

Supporters of this bill will tell you that environmental regulations make it impossible to build or expand refineries. But that simply is not true. Environmental regulations are not the problem. The truth is that the oil industry's profits will decline if the capacity is increased, so they have not really tried to keep up with demand. The oil companies are making billions these days. They do not need another subsidy.

Moreover, there are no offsets for subsidies to big oil in this bill. Apparently, the Republican operation offset applies only to programs that help poor people, like Medicaid and food stamps, and not to oil industry subsidies.

I am pleased that the manager's amendment appropriately modified the provision requiring the President to designate three closed military bases for construction of a refinery against the will of the local community. I am also pleased that the chairman deleted the section of the bill that eviscerated the Clean Air Act's new source review program.

But these welcome programs do not make the underlying bill a good one. I believe that we should act to increase refinery capacity, and that the Stupak-Boucher amendment is the right approach. Let us reject this bill and move forward on a better solution to our energy crisis.

Mr. LANGEVIN. Mr. Speaker, I rise today in opposition to H.R. 3893, which pretends to be a response to our Nation's exorbitant energy costs, but which is actually a giveaway to oil and gas companies that doesn't help America's struggling consumers. In fact, many of the provisions in this legislation are not new; we have seen them before, but they have proven so controversial that they were excluded from the energy bill that Congress passed earlier this year.

Rhode Islanders are paying an average of $2.86 for a gallon of gasoline, and high home heating oil and natural gas prices are causing families to wonder how they will be able to afford to stay warm in the coming winter months. In recent weeks, Rhode Islanders have learned of two utility rate increases for both electricity and gas. These proposed increases come at a time when the average price of gasoline at the pump is up 51 percent, compared with last year, and home heating oil is up 57 percent in the same period.

Congress must take swift action to reduce the cost of energy, but this bill benefits only the oil and gas industries, which have been reaping record profits in recent months. We have heard legitimate questions about how much of the recent increase in energy costs is the result of price fixing, yet this legislation's provisions to combat price gouging are insufficient and amount to no more than a slap on the wrist. Furthermore, it would reverse longstanding health and environmental protections, despite strong opposition nationwide to these proposals. In fact, one of the bill's original provisions—expanding loopholes for refineries and power plants to avoid compliance with the Clean Air Act—was deemed so controversial that it was removed in the dead of night.

I support the Democratic plan to establish strong federal laws and new penalties to crack down on price gouging. The Stupak-Boucher substitute empowers the Federal Trade Commission to combat price gouging for gasoline, diesel, natural gas, home heating oil, and propane. Unlike the Republican bill, the Democratic proposal includes real penalties for price gouging and energy market manipulation—up to $3 million per day. Additionally, the Democratic plan would create a Strategic Refinery Reserve, which like the Strategic Petroleum Reserve, would improve our Nation's ability to prevent oil and gasoline shortages in the wake of a natural disaster such as a hurricane.

Our Nation needs a new, long-term energy policy that encourages the use of renewable fuels and energy conservation efforts. To this end, I have cosponsored legislation to increase automobile fuel efficiency standards and have strongly supported Congressman INSLEE's New Apollo Energy Act, which would establish a nationwide commitment to developing and promoting new energy sources for the future. This strategy is important not only for our economy, but also for our national security.

Unfortunately, the Republican bill considered today does nothing to move us toward that goal, but instead offers us more of the failed policies of the past. I urge my colleagues to support the Stupak-Boucher substitute and to oppose H.R. 3893.

Mrs. WILSON of New Mexico. Mr. Speaker, times of tragedy should not be windfalls for opportunists in the wake of Hurricane Katrina gas prices fluctuated to upwards of $6.00 in some communities.

Prosecution for price gouging is generally a state matter unless it involves some form of collusion or other activity in violation of federal laws.

Only 23 states have anti-gouging laws on the books, and definitions vary widely. Only 13 of those states have emergency anti-gouging laws. The aftermath of Hurricane Katrina has shown that the patchwork of state anti-gouging laws does not work to deter opportunists.

While the Federal Trade Commission (FTC) monitors gas prices and investigates possible antitrust violations in the petroleum industry, there is no federal law to prohibit price gouging by individual bad actors.

I welcome H.R. 3893 the Gasoline for America's Security (GAS) Act of 2005 price gouging language. It incorporates penalties of up to $11,000 per violation and covers retail and wholesale sellers of crude oil, gasoline, diesel fuel and home heating oil.

The GAS Act Requires the FTC to enact a price gouging definition as soon as possible within six months, an improvement from the potential delay in the language reported out of Committee.

The House should pass a strong price gouging law that would be in effect in disaster areas. This bill includes a strong national policy providing stiff penalties for gasoline price gouging. Times of tragedy should not be windfalls for opportunists. I urge my colleagues to vote in favor of H.R. 3893, the Gasoline for America's Security Act of 2005.

Mr. VAN HOLLEN. Mr. Speaker, I rise in strong opposition to H.R. 3893, which in many ways is little more than a hastily assembled—and opportunistically revived—retread of discarded ideas from past energy debates.

Mr. Speaker, our constituents are asking for transparency in markets and price relief at the pump. So what does this bill do?

Rather than empowering the FTC to launch an aggressive investigation into recent reports of market manipulation, this legislation actually reduces the maximum penalty for price gouging from $11,000 per incident to $11,000 per day. So much for strengthening transparency and deterrence.

Instead of ensuring additional refining capacity, this bill blames and then proposes to eliminate key provisions of the Clean Air Act—as if public health protections are the barrier to additional refining capacity. They are not. The Government Accountability Office (GAO) has concluded—and industry representatives concede—that the decisive factor is economics. Indeed, far from cheering this legislation, Attorneys General from across the nation are sounding the alarm that H.R. 3893 will cripple states' ability to meet basic clean air standards for our citizens.

Finally, not content to relieve industry of its environmental obligations, H.R. 3893 extends the gravy train begun several months ago by lavishing oil companies with an additional $1.5 billion over and above the $4 billion they just received under the last energy bill. This—during a time of record deficits *and* industry profits.

Mr. Speaker, we do indeed have an energy crisis in this country—one that cannot begin to be solved by the kind of special interest wish list being passed off as legislation today. In the near term, we need to restore confidence and transparency to the marketplace by taking decisive steps to punish and deter market manipulation where necessary. Next, it is imperative we make long overdue improvements in automobile fuel economy while diversifying our fuel mix to include alternatives like cellulosic ethanol and biodiesel. Finally, we need to invest in the next generation of 21st century technologies that create jobs, protect the environment and move us towards energy independence.

I ask my colleagues to embrace that vision and to oppose this bill.

Mr. SKELTON. Mr. Speaker, the Gasoline for America's Security Act has a nice name, but it does little to help Missouri's farmers and rural commuters who are experiencing record high energy costs.

Motorists in Missouri and across the Nation are paying a premium for gasoline and diesel fuel, especially in the wake of severe weather in the Gulf of Mexico. Missouri's Fourth Congressional District is primarily rural, and residents rely heavily on transportation in going about their daily lives. This is especially true for farmers who are also facing additional costs for natural gas, propane, fertilizer, and pesticides.

As energy expenses have sky-rocketed over the past few weeks, many Missourians have expressed concern and skepticism about high prices and simultaneous reports of record oil industry profits.

In order to make sure consumers are being treated fairly, the Federal Trade Commission and the Justice Department should be given explicit authority to investigate collusion and price gouging within the oil industry. Penalties must have teeth and must be severe. And, importantly, the government must be guaranteed broader authority to look into potentially illegal behavior within other energy sectors, at least during times of national emergency.

The bill being considered by the House today contains scant assistance for the rural Americans I am privileged to represent. It will not lower their energy prices and it puts in place weak price gouging standards. It also does little to promote additional refining capacity, while gutting important environmental safeguards and creating additional corporate tax breaks.

Waiving environmental protections and offering federal tax breaks to oil companies will not entice them to build new oil refineries. While more refineries would certainly help produce more gasoline, oil companies have had the opportunity and financial capability for years to increase their refining capacity. Environmental regulations are not stopping them. Rather, the inability to build profitable refineries has led oil company executives away from constructing or resurrecting them.

An alternative to this bill is being offered by Mr. STUPAK of Michigan and others. The Stupak bill would strengthen the hands of the Federal Trade Commission and the Justice Department, targeting price gouging across the energy spectrum. It would also help Americans who are struggling to deal with high gas prices and bracing for record home heating bills this winter, while creating a Strategic Refinery Reserve to provide additional gas supplies during energy shortages like the one we are currently facing.

I urge my colleagues to oppose the Republican bill and support the more wisely drafted alternative.

Mr. PAYNE. Mr. Speaker, I come before you today to express my opposition to H.R. 3893, the so-called "Gasoline for America's Security Act of 2005."

I share my colleagues' concern for the rising costs of fuel in this country, and I too am outraged at the allegations of those who would profit through other Americans' misfortunes by price gouging. However, I do not feel that we should join in the exploitation of this tragedy by using it as an opportunity to pass unsound, short-sighted, and irresponsible legislation.

This bill will do virtually nothing to lower gasoline and other fuel costs. It will not get relief to those Americans who are currently bearing the burden of more expensive gas and those who will be facing much bigger home heating bills this winter.

In fact, as far as I can tell, the only ones who will see relief from this bill are the ones who need it least: the gas and oil industry who are currently enjoying record profits. We seem to be offering subsidies to big oil with one breath and excuses to the American people with the next.

Just last week I came before you and assured you that I could not and would not support a bill that ignores and endangers public health. I make that promise again today. This bill's weakening of environmental protections poses a great threat not only to the viability and sustainability of our environment, but also to the people who inhabit it. Limiting judicial review and EPA oversight, allowing increased air emissions, and permitting delays in meeting current deadlines under the Clean Air Act is irresponsible and dangerous.

In my own state of New Jersey, studies have shown that our air pollution levels cause 2,000 premature deaths every year. At this rate, pollution ranks as the 3rd most serious public health threat in the State. Only smoking and obesity kill more New Jerseyans each year. Air pollution has also been directly linked to the rise in child asthma rates, lung cancer, learning disabilities, and heart attacks.

I will not endanger the lives and health of the people of my State. I will not support the weakening of environmental protections that will lead to increased pollution and threats to public health. I will not participate in fiscal irresponsibility by giving the oil and gas industry subsidies that do nothing to ease the cost burden on the American people, especially those who can least afford it.

In other words, I will not support H.R. 3893.

Mr. LARSON of Connecticut. Mr. Speaker, I rise today in opposition to the Gasoline for America's Security Act and in strong support for the substitute offered by the gentleman from Michigan (Mr. STUPAK) and the gentleman from Virginia (Mr. BOUCHER).

Our Nation is facing a real energy crisis. The people of Connecticut, and millions of Americans, are paying record amounts to fill their gas tanks. The Energy Information Administration (EIA) estimates that in the upcoming winter, homeowners in the northeast can expect to pay almost 30 percent more to heat their homes. American families will pay hundreds, if not thousands, more in extra energy costs this year. This will be a hard year for too many Americans.

Yet, in the name of Hurricane Katrina the House majority leadership is pushing a bill that does nothing to reduce our dependence on oil, lower gas prices, or help Americans get through the upcoming winter. We cannot solve high gas prices by throwing money at oil companies. We need to bring some real transparency into the oil industry and shine the brightest possible light on how these companies—making billions in record profits are squeezing every possible dollar out of the American people. It's our American families who are struggling to heat their homes and fill their tanks this winter that need relief, not big oil.

I was honored to join the gentlewoman from New York (Ms. SLAUGHTER) in offering an amendment that would have ended the practice of wholesale price discrimination by prohibiting oil companies from restricting the source of a dealer's supply of gasoline. This amendment, based on legislation proposed by Connecticut Attorney General Richard Blumenthal, would have gotten straight to the heart of high gas prices by freeing our local gas stations from the hold of big oil companies. The hard truth is that our small local gas station owners are just as much at the whim of big oil companies as the rest of us. They are locked into restrictive franchising agreements that require them to purchase their supply from a single wholesaler. As a result many of these owners, who may own two or more stations in different towns, often have to pay different prices on the same gas on the same day, depending on where their stations are located. Our amendment would have simply freed station owners to find the most competitive and fair market price to purchase their supply and pass real savings on to their customers.

Last night, while I was waiting at the Rules Committee to testify on our amendment, I had the opportunity to listen to many of my colleagues offer amendments that would have significantly improved this bill. From increasing fuel efficiency, addressing the natural gas crisis and making our Nation energy independent, it was clear to me that there are many worthwhile ideas that deserve real debate on the House floor. Unfortunately, as they do time and again, the majority rejected these excellent amendments in favor of pushing a bill that will do nothing for Americans paying high energy costs.

Instead of throwing taxpayer dollars at an industry making record profits, let us debate the real issues that are driving up the cost of energy. Let us take on the price gouging and market manipulation that is happening at all levels of oil production and distribution. Let us have a real discussion on how we can free our nation from dependence on foreign oil and develop the hydrogen and fuel cell technologies that will lead our energy future.

These debates are not taking place on the House floor today. The American people deserve better.

Mr. BLUMENAUER. Mr. Speaker, I rise in strong opposition to H.R. 3893, the "Second Energy Special Interest Act of 2005." The Bush administration's energy policy and the machinations of the Republican leadership on this subject have an Alice in Wonderland quality.

It was the Vice President, after all, who said that energy conservation may have been a virtue but it was no basis for a national energy policy. Yet just last week the President was compelled by circumstances to urge the only things that are really going to work to get us out of this energy crisis: conservation, the use of mass transit, and changing American driving habits. Unfortunately, the administration has not put forward any concrete proposals or recommendations for conservation initiatives. Instead, he has cut funding for the conservation and efficiency programs we already have in place.

It is unconscionable that this most recent energy bill completely misses the point. We're not going to drill, dig, and subsidize our way out of this energy crisis. Burning money is not an efficient way to produce energy. We must have an energy program for this century, not the 1950s. This new energy policy should consist of more efficiency, new technology, and less petroleum.

If we're going to spend more money, it should be invested in programs that actually help people. Higher fuel efficiency standards, public transit, and even bicycles, will do much more to reduce our dependence on foreign oil than what's in this bill. If just two percent of trips taken nationwide were taken by bikes, we would save more than two thirds of a billion gallons of gasoline a year and up to $5 billion in total consumer driving costs.

Increasing fuel economy standards by a mere 1.5 miles per gallon—less than 10 percent—over the next 10 years would save more oil than we currently import from the Persian Gulf and more than we could ever recover from the Arctic National Wildlife Refuge, combined.

Last but not least, this bill's focus on making it easier to build more refineries by limiting our environmental standards completely misses the point. The fact is, the energy industry makes more money by restricting refinery capacity; the refiners' profits have jumped 80 percent over the past 5 years. As long as the oil companies stand to make more money with limited supply, this approach is doomed to fail.

This energy bill is not only a missed opportunity, but it is a cynical effort by Washington Republicans to exploit the tragedy of Hurricanes Katrina and Rita to give more subsidies to oil companies and to roll back environmental laws.

Mrs. MALONEY. Mr. Speaker, I rise today in strong opposition to H.R. 3893, the Gasoline for America's Security Act of 2005. This legislation will do nothing to lower the high cost of gas or help families pay for home heating oil this winter. Rather, it's another taxpayer subsidy from the Republican Majority to the oil and gas companies while the American people continue to face the increasing burdens that the rising cost of fuel is placing on family budgets.

I urge my colleagues to oppose this legislation.

Mr. COSTA. Mr. Speaker, since the 1973 energy crisis, we are no more energy independent now than we were then, and this legislation will do nothing to resolve this Nation's bankrupt energy policy.

For those of you who support federalism, this measure goes in opposition to state rights!

Our current energy policy is bankrupt. If this Congress is to pass a real energy policy, here are some things what we must do: Open up ANWR; invest the revenue into renewable energy resources; and provide incentives to promote the ingenuity of Americans to develop energy measures that are progressive and will rid us of energy dependence. The President has it right, we must conserve, but we must go further like improve CAFE standards and provide incentives to build a High Speed Rail network. Conservation is an American value, and it is lacking from this bill.

This Congress must craft a real energy policy that goes beyond the status quo.

Therefore, I urge that we vote down this measure, and support the Democratic substitute.

Mr. STARK. Mr. Speaker, I rise in strong opposition to H.R. 3893, the so-called Gasoline for America's Security Act of 2005.

This bill represents the worst of legislation written by and for corporations. In the name of helping the economy, it decimates environmental laws and eliminates the ability of state and local governments to decide what's best for them. It then reimburses oil companies for the inconvenience of having to act appropriately to protect our air and water. It is so far afield of economic reality that even the oil companies admit that refining capacity will increase without it. It is so environmentally reckless that one has to wonder if Republicans think that they, in addition to being exempt from our ethics rules, breathe different air than the rest of us.

While the Majority says that environmental regulations are the reason for high gas prices, the facts just don't support their claim. The reason that the cost of refining has increased is because oil companies voluntarily closed 30 refineries in the late eighties and early nineties to increase their profit margins. The scheme worked: Refinery revenues increased by 255 percent last year alone.

As one would expect, high profits are now encouraging companies to once again build and expand refineries. 1.4 million barrels per day of refining capacity were added between 1996 and 2003. Due to this expansion, even the American Petroleum Institute acknowledges that the Republican's bill is completely unnecessary.

This bill is shamefully using hurricanes and high gas prices as an excuse to advance the extreme anti-environment agenda of the Republican Party's corporate bankrollers. It would:

Allow the President to place new refineries in national forests, wildlife refuges, and closed military bases. The military base in my district would probably be an appealing target for this President:. It's the site of a planned National Wildlife Refuge. Like many communities around the country, the City of Alameda has undergone an extensive planning process to convert the base to civilian use, but if the President said the word, all that could be undone without any local recourse.

Give the Federal Government sole authority to place new refineries, even those not on federal land. Apparently the oil executives running the Bush Energy Department know better than your City Council where an oil refinery should be placed.

Requires the Federal Government to reimburse refinery operators for the cost of lawsuits and any new environmental regulations. Citizens beware: If the Bush Administration wants to put a refinery next to your child's preschool, you can sue to block it, but you'll have to pay back the oil company every cent the lawsuit costs them.

We could have raised fuel economy standards today—the one policy that would actually have a dramatic impact on gas prices—but the Majority blocked the House from even voting on the issue. Then again, it would hardly be germane to consider such an amendment on a bill that has nothing whatsoever to do with lowering gas prices. I vote no on this reckless bill.

Mr. GENE GREEN of Texas. Mr. Speaker, these are very hard times for energy consumers—from people on fixed incomes filling up their tanks to multi-billion dollar chemical companies facing soaring natural gas feedstock costs.

I think we did a good job with the energy bill, which cannot provide immediate relief, but will allow prices to stabilize in the future and to become more affordable over time.

If the global market gives us $60 per barrel oil, we are going to pay a lot for gas.

People say there is no global spare oil capacity.

Well, there is a lot here in the U.S. but we aren't allowed to use it—that is why I support expanded oil and gas production offshore in the OCS.

Limited refining capacity is leading to higher prices, but it is not the refiners fault.

We have 12 refining companies that make over 500,000 barrels per day.

That is more competitive than the software operating system industry, the airline industry, the semiconductor industry, and many others.

In the refining business, historical profits are well below average—that's why no one invested in expansion until recently, when margins improved.

Throughout this process, I have been concerned with both parties' approach to consumer protection on gasoline prices.

The original refinery bill had no FTC authority to protect consumers, only a study.

However, I am grateful to Chairman BARTON for making significant improvements to the committee-passed version of this bill.

The Stupak substitute goes even further by expanding refining capacity and applying tougher and clearer consumer protection standards to this bill.

It is clear that some price increases should be investigated—especially given price spikes in Atlanta that topped $6 after Hurricane Katrina.

But, I object to singling out the energy industry.

If we need the FTC to investigate price spikes for gasoline during emergencies, it should have the authority to investigate price increases for any necessity during an emergency.

We should cover water supplies, financial services, clothing, food, and other things we need to survive in the modern world.

I also don't agree with critics of this bill who call it a give-away to the energy industry.

When the refining industry has historically low returns and lots of pollution control investments to make, there is not much we can do to force them to expand capacity.

I am particularly grateful to Chairman BARTON for eliminating the New Source Review reform provisions in the committee-passed version of the bill.

That language had the potential to hinder our efforts to improve air quality in Houston.

My constituents are extremely concerned with air pollution in our district, and we are working on solutions with the help of both industry and residents.

The elimination of this provision greatly improves this bill and ensures that it will do no environmental harm to the Houston area, which has long struggled to contain air pollution and smog.

The courts and the EPA are working to reform New Source Review, a highly complex and controversial program, and it is wise for Congress to let them address this issue.

For my part, I am thankful for the Chairman accepting my amendment to respond to the crisis that brought us here—gasoline shortages and prices spikes after Hurricane Katrina and now Rita.

The amendment added an Energy Assurance title to the bill to require the Department of Energy to review, approve, and offer recommendations of the fuel supply segments of State evacuation plans.

The amendment also specifically authorizes critical energy facilities like refineries to request direct help from the Department of Energy during a federally declared emergency or disaster. It is in the national interest for refineries not to go down, and if they do, to get back up quickly,

The Department of Energy is authorized to provide assistance with generation capacity, water service, critical employees, ensure raw materials can be accessed, and any other necessity.

Neither the base bill nor the Stupak amendment is a perfect answer to our problems with refining capacity.

However, it is clear that the American public is feeling an energy pinch and is looking to Congress for action.

At this time, some amount of positive action is better than no action—which is why I will ultimately support this bill and encourage my colleagues to do the same.

Mr. UDALL of Colorado. Mr. Speaker, I rise in strong opposition to this bill today.

This so-called GAS Act has nothing to do with bringing the prices of gasoline down—its ostensible purpose—and everything to do with the Republican leadership overreaching, exploiting the catastrophes of Hurricanes Katrina and Rita to their own advantage.

As I said earlier this year when the House passed the Energy Policy Act, there is nothing I'd rather vote for than a balanced energy bill that sets us on a forward-looking course—one that acknowledges that this country is overly dependent on a single energy source—fossil fuels—to the detriment of our environment, our national security, and our economy.

But like its predecessor, this bill is far from balanced.

Although there is bipartisan recognition that this bill should—at a minimum—address price-gouging that occurred in the wake of Katrina, this bill's price-gouging provisions are weak. They give the Federal Trade Commission (FTC) authority to pursue price gouging by sellers of gasoline or diesel fuel only in those areas where a natural disaster has occurred. And the provisions are directed at small gas station owners rather than at refiners, when recent studies show that refineries' prices have increased 255 percent—as compared to an increase of retailers' margin of about 5 percent.

The bill also includes subsidies for oil companies if a refinery is delayed because of litigation, even if the litigation results from the oil company violating the law. We shouldn't be using taxpayer dollars to help profitable oil companies evade local, state, and federal laws and regulations.

More problematic, the bill claims to solve a problem that doesn't exist. The Republicans would have us believe that environmental permit requirements are to blame for the fact that no new refineries have been built since 1976. In fact, the only refinery that industry has attempted to build since 1976—a facility in Arizona—received its permit in just nine months. The truth is that over the last ten years, 30 existing refineries have been closed, but our refining capacity has been increasing. Refining capacity has become tight in recent years—so now companies can use their substantial profits to increase that capacity. But there is no reason to think that market forces cannot solve the current problem, and no reason to believe that "burdensome" environmental rules had anything to do with industry decisions not to add to refining capacity in recent years.

The Republicans tell us we need a smaller federal government and greater local government control. Yet this bill is yet another example of where their message doesn't mesh with reality. The reality is that this bill preempts state and local government responsibilities and relaxes environmental laws. The National Association of Counties, National Conference of State Legislatures, National League of Cities, and U.S. Conference of Mayors oppose this bill—and for good reason."

H.R. 3893 gives federal bureaucrats at the Department of Energy sole authority over the location of new refineries, taking away the primary permitting and oversight authority from all other state and local agencies. The bill also gives the D.C. Appeals Court exclusive jurisdiction over states' actions related to refineries or pipelines, as opposed to allowing state and local agencies review refinery and pipeline construction. And even though the energy bill passed earlier this year limited the number of gasoline and diesel fuel blends, H.R. 3893 would limit them even further, undermining the ability of states and localities that already cannot meet national air quality goals to clean up the air their constituents breathe.

The bill instructs the president to designate sites on Federal lands, including closed military installations, for the purposes of siting a refinery. The bill excludes national parks, national monuments, and wilderness areas, but wildlife refuges and wilderness-quality lands such as Wilderness Study Areas and National Forest roadless areas are fair game.

I share the concerns of Thomas Markham, the Executive Director of the Lowry Redevelopment Authority in Colorado who also serves as the president of the Association of Defense Communities, about how this provision might affect former military bases. As he writes in a letter on behalf of the ADC, "Shifting the responsibility to the federal government for planning how closed military installation will be reused would interfere with the time-tested approach developed over the past two decades. The conversion of military property to civilian uses is the responsibility of the community. Communities must be in charge when planning for life after closure."

I realize that the rule as adopted today improved the bill language slightly to give communities more voice in the proposed process. But the essence of the bill language is the same. Again, this provision is a solution in search of a problem. There is nothing in the BRAC statute or in new DoD regulations that prevents a local community, through its redevelopment authority, from building or permitting an oil refinery on a military base.

And then there are the things the bill would not do. It fails on the "demand side" by not increasing vehicle fuel economy standards, which have been frozen since 1996. Raising CAFE standards is the single biggest step we can take to reduce oil consumption, since about half of the oil used in the U.S. goes into the gas tanks of our passenger vehicles.

I support legislation that would actually help lower gas prices.

I support the substitute introduced by Representative BART STUPAK that gives explicit authority to the FTC to define, for the first time, price gouging—not just for gasoline and diesel, but for natural gas, home heating oil, and propane. And the provisions are directed at the entire chain of gasoline production and distribution, including refineries. The substitute also authorizes new civil penalties of up to three times the amount of unjust profits gained by companies who engage in price gouging. The substitute would also increase our nation's refinery capacity by establishing a federal Strategic Refinery Reserve, patterned after the Strategic Petroleum Reserve, with capacity equal to 5 percent of the total U.S. demand for gasoline, home heating oil and other refined petroleum products.

Hurricanes Katrina and Rita did highlight a serious problem this country faces—our excessive reliance on fossil fuels. But the solution isn't to give still more incentives to oil and gas companies to drill. Instead, we should act to wean our nation from its dependence on fossil fuels, especially foreign oil. The Republican leadership claims this bill will help us reduce our dependence on foreign oil by stimulating domestic development and production. Yet with only 3% of the world's known oil reserves, we are not in a position to solve our energy vulnerability by drilling at home.

Our excessive dependence on fossil energy is a pressing matter of national security. We have an energy security crisis. We need to think anew to devise an energy security strategy that will give future generations of Americans an economy less dependent on oil and fossil fuels.

Unfortunately, this bill does not even begin to address this problem. For that reason, I cannot vote for it.

Ms. KILPATRICK of Michigan. Mr. Speaker, the spike in gasoline prices after hurricanes Katrina and Rita has drawn national attention to domestic energy supplies, as well as fuel efficiency standards. Instead of the Bush Administration and the Republican Congress offering a bill reducing gas prices, home heating prices, declare our Nation's energy independence, protect the environment, and put funds into increasing energy research and development, this Republican Congress promotes a bill that includes massive subsidies to oil companies at the expense of Americans.

Hurricanes Katrina and Rita devastated much of the energy infrastructure in the Gulf of Mexico. The region contains 47 percent of the Nation's oil refining capacity, and 19 percent of the Nation's natural gas production. Immediately after Hurricane Katrina the national average price for gasoline increased 46 cents to $3.07 per gallon.

Home heating costs, including home heating oil, natural gas and electricity are predicted to increase 50–90 percent over last year's prices. Since 2001, home heating oil costs have nearly tripled, and natural gas costs have more than doubled, nearing crisis levels for homeowners and Americans on a fixed and low income.

President Bush recently gave a speech calling on consumers to conserve gasoline and other fuels. I have yet to hear the President urge oil, coal, utility, and energy companies to reduce their costs. During a time oil and refinery company profits are more than 200 percent, the Republican solution is to offer subsidies to a profitable industry, to rollback environmental regulations, and to increase gasoline and home heating prices to Americans.

This bill is anti-consumer and anti-environment. The American people need real relief at the gas pump and with their heating bills. Democrats support an energy policy that helps Americans by stopping price gouging and increasing refinery capacity to keep gas and home heating prices low. The bill before us today will do nothing to lower gas prices at the pump or lower home heating costs.

If the alternative offered by my Michigan colleague, Representative BART STUPAK is accepted, we would have a strong energy bill. The Stupak substitute gives the Federal Trade Commission new powers to prohibit price gouging for gasoline, diesel, natural gas, home heating oil, and propane. The substitute also creates a new Strategic Refinery Reserve that would give our country the ability to produce refined oil products during extreme energy situations. This approach is more favorable and will help Americans at this most difficult time.

The underlying legislation is a bad deal for America. I urge my colleagues to join me in voting against passage of the energy bill.

Ms. JACKSON-LEE of Texas. Mr. Speaker, it goes with out saying that we are facing a serious energy crisis in this country. Since the beginning of the year, crude oil prices have been continuously escalating, and most recently have exceeded $70 dollars a barrel. Many factors, ranging from the war in Iraq, to increased demand from China and India have caused the spike in prices. While the factors may vary, the results are constant. Many Americans are suffering from the high cost of gasoline which has exceeded $3 dollars a gallon in some areas. In addition, as winter approaches the price of natural gas is also expected to be exceedingly high which will further increase the burden Americans, particularly those who fall into low income brackets, will have to shoulder as they figure out how to pay for gas to get to work and electricity to heat their homes.

Unfortunately, Hurricane Katrina and Rita did not help the situation. With their devastating power, Katrina caused U.S. oil and refinery operations in the Gulf of Mexico to shut down an estimated 1 million barrels of refining capacity. With Louisiana and Mississippi being such a crucial part of the U.S. energy infrastructure, these interruptions played a vital role in spiking prices. Both hurricane Katrina and Rita should serve as flashing light that we need more refineries in this country. While this may be the case, we as policy makers must go about it in smart way that gives us the capacity we need, but also does not jeopardize the environment and health of the American people. This means ensuring that we have sound environmental laws that protect, but not restrict development. While I realize this can be difficult to achieve at first sight, I believe this goal can be achieved if party lines are dropped and the needs and concerns of the American people are put first. I hope this will be the course followed as we move through conference.

While I am pleased that the New Standard Review provision has been removed from the Barton bill, it is still not perfect. For example it does not list factors that the FTC must use when defining price gouging. In addition, the bill does not provide any additional penalties for those who engage in price gouging, and does not direct penalties collected back to consumers. Further, the bill does not event mention market manipulation or price transparency.

In contrast, the Stupak/Boucher substitute list factors that the FTC must use when defining price gouging. It also applies to all crude and refined petroleum products including propane and Natural Gas. The substitute also strengthens enforcement against those who price gouge by providing new civil penalties with up to triple damages of the profits gained by the violation. In addition, it directs penalties collected from price gougers to go towards LIHEAP. Further, it provides the FTC with authority to stop market manipulation and provide information on price transparency. Finally, the bill builds on the proven success of the Strategic Petroleum Reserve by requiring the Federal Government to operate Strategic Refinery Reserve to ensure adequate supply of refined products in emergency situations. Most importantly, the bill maintains environmental standards.

Before closing let me take a few moments to mention my amendment that was adopted by voice vote during the Full Committee Markup. I appreciate Chairman BARTON's willingness to work with me on this issue. In essence, the provision would authorize and direct the Secretary of Energy to establish a program at Historically Black Universities, Hispanic serving institutions, and community colleges to encourage minority students to study the earth and other sciences and enter the field of geology in order to qualify for employment in the oil, gas, and mineral industries. As we continue to deal with the energy crises we are facing, we need qualified individuals in the fields who can assist with providing new information as to the location of reserves. As we are all aware, there has been a great deal of talk about where the next source of oil will come from that will sustain this country. If we do not encourage individuals to study the earth sciences we may never find this country's next source of oil. Geology is more than the study of rocks; it has become the corner stone of this country's oil supply.

Today, HBCU's remain one of the surest ways for an African American, or student of any race, to receive a high quality education. Seven of the top eleven producers of African American baccalaureates in engineering were HBCU's, including #1 North Carolina A&T State University. The top three producers of African American baccalaureates in health professions (#1 Southern University and A&M College, #2 Florida A&M University and #3 Howard University) were HBCU's. The twelve top producers of African American baccalaureates in the physical sciences, including #1 Xavier University of Louisiana, were all HBCU's. While, Hispanic Serving Institutions (HIS's) have also produced great leaders in this country, according to the Hispanic Association of Colleges and Universities Hispanics are historically underrepresented in the areas of science, technology, engineering and mathematics. HIS's receive only half the federal funding per student, on average, accorded to every other degree-granting institution. This provision would seek to encourage all minorities to study the earth sciences and geology to better equip them for jobs in the oil and gas and minerals industries.

Mr. MORAN of Virginia. Mr. Speaker, I rise in opposition to this rule and this legislation.

This legislation is a corruption of special energy interests, it displays an abject disregard for human health and the environment, and it fails completely to find consensus to address the impending energy crisis.

Today, we have the opportunity to lead and help the people of this country in a genuine and lasting manner.

Instead, we are turning our back on the people and are catering to the self-interests of the highest bidders.

History will not look favorably on the actions of this administration and this Congress.

Confirmation of this criticism is contained in today's rule.

The rule corrects an overreach by some within the oil and gas and electric utility industries.

It seems the majority could not muster the votes to perpetrate a complete gutting of the Clean Air Act's New Source Review provisions.

Under the pretext of lowering the cost of building new refineries by waiving certain environmental laws designed to protect the public, a few bad electric utilities operators tried to hitch a ride and enact what they have been trying for years to achieve: enable their older coal-fired power plants to operate without adding modern emission controls to reduce harmful emissions.

Given the refinery industry's high profits and cash reserves, I find it hard to believe that we need to endanger the public's health to increase refinery capacity, but why should electric utilities be granted the same exemption from the New Source Review provisions?

Despite the full support of the Bush administration, the utility companies' goals have been blocked by the courts and enforcement actions by the Justice Department which has continued to uphold the law and prosecute violators.

The bill approved by the Energy and Commerce Committee would have enabled refineries and utilities making physical changes that do not increase emissions above a maximum level the plant could have theoretically once emitted to be exempt from the New Source Review requirements.

The late Senator John Chaffee, when crafting the New Source Review provisions, stated:

> [O]lder plants are operating well below their maximum capacity. To allow a refurbished utility to emit at its old potential levels could permit an almost twofold increase in emissions. * * * So this amendment could permit a powerplant, even one where its emissions directly affected a national park, for example, to refurbish or add a new boiler, to double its NO[$_x$] and particulate emissions, triple its SO_2 emissions and cover these SO_2 emissions by purchasing allowances and never have to demonstrate what impact this would have on visibility or other air quality standards. Similarly, a powerplant * * * could increase emissions in one of these nonattainment areas and neither have to demonstrate air quality impacts nor be required to offset these increases of emissions as they are required to do under existing law.

Beyond making it easier and cheaper to increase refining capacity and to prosecute for price gouging, what does this legislation do to wean our dependency from oil and from a growing worldwide shortage in oil?

Nothing.

In fact, this rule blocks us from even considering what is clearly one greatest opportunities to reduce the country's dependence of imported oil.

My colleagues Representatives BOEHLERT and MARKEY had an amendment that this rule does not allow us to consider that would require auto manufacturers to improve the fuel efficiency of their automobiles by raising the Corporate Fuel Economy Standards (CAFE) for SUVs and minivans.

Had the current President's father adopted tougher CAFE standards, put us on a gradual path to 27 miles per gallon for light trucks and 34 gallons for cars, we would have displaced all oil we import from the Persian Gulf today.

Of course we would still be importing oil from the Persian Gulf, but our economy and our transportation sector and today's auto manufacturers would not be reeling from the consequences of $60 barrels of oil and $3.00 gallons of gasoline.

We are an oil-based economy, with about 60 percent of our oil imported from abroad. While coal, uranium and some renewable sources such as wind and hydro comprise a majority of the fuel used to generate electricity, most of our economy is dependent or exclusively reliant on oil, from fertilizers for agriculture, plastics for manufacturing to gasoline and diesel for transportation.

You would think that, in light of world events and the vulnerabilities Hurricane Katrina and Rita illuminated, we would have a different bill. World oil supplies have tightened, the price of oil has shot up to over $60 a barrel and many of our foreign sources of oil, the Middle East, in particular, but Africa and Venezuela as well, have grown even less stable.

This bill, while better than what was approved by the Energy and Commerce last week, is woefully deficient and heads our country in the wrong direction. It rushes us closer to the day oil shortages occur and sets us backward on our ability to address it.

Oppose today's rule and oppose this bill.

Mr. WOLF. Mr. Speaker, Hurricane Katrina may not only have been one of the most destructive natural disasters in our nation's history, the argument could be made that Katrina was the perfect storm in exposing our nation's vulnerabilities in supplying oil and gas to meet our energy needs.

There is absolutely no doubt that our country must become energy independent. Today we rely on foreign sources of oil to supply 60 percent of our energy needs. We are at the mercy of the Oil Producing Export Countries. Disruption in our energy supply—whether through OPEC polices to reduce production, disruption in domestic drilling and shipping caused by hurricanes, or limited refining capacity—energy security is a matter of national security.

I understand the serious impact that rising fuel prices have on the everyday lives of people and the strength of our economy. It is an issue which impacts everyone who drives or uses oil and every sector of our economy. We must find ways to improve conservation of oil resources, increase domestic production and oil refining capacity. Progress also needs to be made in developing alternative fuels as well as making the machines we use more energy efficient.

The argument has been made that our nation's ability to refine both imported and domestic sources of oil is limited because no new oil refineries have opened in the United States in almost 30 years. Additionally, just under half our refinery capacity or 47 percent is concentrated in the Gulf of Mexico. If every refinery is operating at full capacity, 17 million barrels per day are refined, however, demand averages at 21 million barrels a day. The legislation before the House today, H.R. 3893, the Gasoline for America's Security Act of 2005, attempts to increase refining capacity through provisions to encourage new refinery construction and streamline the regulatory path to build new refineries, among other provisions.

Mr. Speaker, I am giving the benefit of the doubt to Chairman BARTON and the Energy and Commerce Committee on this bill and I will vote for it, albeit reluctantly, to help move the process forward. But I believe we need more debate, especially on the issue of making certain we maintain strong environmental protections for clean air and water and endangered species when siting refineries, and I am hopeful that the House can negotiate with the Senate to come up with a more balanced bill. I am glad to see that the provisions modifying the New Source Review Program and the New Source Performance Standards Programs, which would reduce protections against pollutants, were removed from the final version of the bill.

I also am pleased that the bill authorizes the president to have a refinery permitted, constructed and operated for the sole consumption of the United States Armed Forces. It is absolutely necessary that we do everything possible to ensure that our ability to defend our citizens is inhibited by a simple lack of oil and refined gas.

If our nation ever hopes to reduce its dependence on imported oil, we also must increase automobile fuel economy standards. I was very disappointed that the Rules Committee failed to make in order an amendment to H.R. 3893 to increase Corporate Average Fuel Economy (CAFE) standards. I enclose for the record a copy of the text of the letter I signed with Representatives BOEHLERT, SHAYS, GILCHREST and others to the Rules Committee. We must have fuel efficient automobiles that do not waste gasoline. I support boosting CAFE standards for U.S. auto makers to 33 mpg over 10 years (by 2015), consistent with the findings of the National Academy of Sciences, in order to save 10 percent of the gasoline the nation would otherwise consume by 2015. The current standard of 27.5 miles per gallon has been in effect for nearly two decades despite proven technology that promises to stretch engine efficiency to much higher levels. I believe such a reasonable approach is needed to put U.S. auto makers on notice that they must work to produce more fuel efficient vehicles.

I am also disappointed that, although the bill establishes a program to encourage the use of carpooling and vanpooling to save energy, there is absolutely no mention of telework. Ridesharing is important, but telework is the most efficient way to reduce gasoline consumption and reduce pollutants by taking commuters off the roads and allowing them to work at home or at a telework center close to home. Allowing all eligible federal employees to telework is the law of the land. Why is telework not included in this bill?

I also believe we must have tough penalties on price gouging. I am very concerned when I hear from my constituents who don't understand how the price of gasoline at the pump can jump 25 cents in one day or how the same brand of gasoline can be selling at widely different prices at gas stations only a few miles apart. Then we hear the major oil companies reporting record profits while consumers deal with skyrocketing gas prices.

This is far from a perfect bill. In the wake of the perfect storm that Katrina brought to our nation, we need to take action to both increase our energy supply and to become more energy and fuel efficient. Congress has an opportunity to craft a fair and balanced bill. I hope the legislation that is brought to the House after conference with the Senate is a bill that protects consumers, protects the environment and moves our nation to energy efficiency and is a final bill that I can support.

Hon. DAVID DREIER,
Chairman, House Committee on Rules,
The Capitol, Washington, DC.

DEAR MR. CHAIRMAN: We are writing to urge that the Rules Committee make in order Congressman Boehlert's amendment to increase Corporate Average Fuel Economy (CAFE) standards when it reports out a rule for the consideration of H.R. 3893, the "Gasoline for America's Security Act of 2005."

The amendment, a version of which has been made in order in each of the last three Energy Bill debates in the House, is germane to H.R. 3893. Indeed, it is difficult to see how the House could be seen to have a complete debate on the availability of gasoline without a discussion of fuel economy standards. In the wake of Hurricane Katrina and $3 per gallon gasoline prices, more Americans are becoming aware of the need to address the demand, as well as the supply side of our gasoline crisis—to protect their own family pocketbooks, as well as to enhance the nation's energy security. Indeed one recent poll found that 86 percent of Americans favor higher fuel economy standards, more than the percentage favoring any other approach to the current energy pinch. At this time when both the public and their representatives are becoming more open to toughening fuel economy standards, fairness dictates that a serious amendment on fuel economy standards be part of the debate about how the nation will ensure that gasoline remains affordable and accessible.

The transportation sector is the nation's single largest consumer of oil, yet it is also the only sector of the economy that is less fuel efficient than it was 20 years ago. A debate on gasoline needs to include measures that will address that fact, especially when the National Academy of Sciences concluded four years ago that the technology exists to accomplish fuel economy goals cost-effectively and safely. And the study did not even consider three important technologies that automakers have since begun to introduce in the marketplace that can achieve even greater fuel economies: hybrid engine technologies, clean diesel technologies and high-strength, lightweight composites and steels.

The House needs and deserves to have a discrete debate on fuel economy, just as it has had during the debate on past energy bills. The issue must not get lost in disputes about other aspects of H.R. 3893, which deals with a wide variety of legal and regulatory issues. We urge you to allow a clear, full and open debate on the single measure that would do the most to reduce the U.S. demand for oil.

Sincerely, ——

Mr. ETHERIDGE. Mr. Speaker, I rise today in opposition to H.R. 3893.

Our country is facing a painful energy crisis under the policies of this Administration and Congressional leadership. Just last week, I received a letter from a constituent of mine, Paul Perry of Dunn, North Carolina, a small businessman struggling to make ends meet. He wrote: "We just broke ground on a new brick plant and should be in operation by August of 2006. I just hope gas prices don't break us before we get the new plant in production." The American people desperately need effective new energy policies, but H.R. 3893 is simply more of the same failed giveaways to Big Oil.

The bill on the floor today is nothing more than a giveaway to big oil companies; and on top of this, it contains environmental rollbacks that the Administration has been unsuccessfully pursuing for years for gas and coal fired power plants. These provisions would relax existing pollution controls on thousands of industrial facilities across the country in what one energy industry official even called the most blatant attack on state and local environmental authority that he's ever seen.

This legislation would throw out provisions my state of North Carolina implemented when we passed our own clean smokestacks legislation. This legislation would cap penalties levied against big oil companies and refineries caught price gouging to meager amounts at a time when they are recording record profits. Finally, this bill would give tax breaks to those same oil companies at a time of record budget deficits.

I urge my colleagues to vote against this bill, and to support the substitute that provides real provisions to crack down on price gouging. The substitute bill provides real help to the American people. It punishes price gougers, not just the gas stations but the refineries, the wholesalers, and any of the big oil companies if they are caught taking advantage of the American people.

The substitute also creates a strategic refining capacity for the country in times of a national emergency, without jeopardizing the environmental safeguards put in place by the Congress to protect our air, water, land, and public health.

Again, I urge my colleagues to support the Democratic substitute.

Mr. HONDA. Mr. Speaker, I rise today to express my opposition to H.R. 3893. Hurricanes Katrina and Rita caused tremendous devastation along the Gulf coast, and I appreciate the need to address the suffering and destruction that resulted. However, I am appalled at this effort by the Republican majority to exploit this national tragedy to weaken environmental, public health, and consumer protections under the guise of lower gasoline prices; and protect consumers from price-gouging on gasoline. Sadly, the bill will accomplish none of these things, while being loaded down with controversial unrelated provisions. This is why it was opposed by every Democrat on the Committee on Energy and Commerce.

While claiming to protect consumers, this bill actually weakens the Federal Trade Commission's authority to deal with price gouging, at a time when we have seen gasoline prices rise at astronomical rates. It focuses all price gouging efforts on mom-and-pop retailers, rather than the big oil companies and refiners who are actually reaping enormous profits. This bill limits the areas that can be investigated for price-gouging, and there is no real enforcement authority to prosecute bad behavior.

The bill gives new regulatory subsidies to the refining industry at a time when that industry's profits are breaking records. The Washington Post reported last month that over the past year, refinery profit margins on a gallon of gasoline have increased over 255 percent. Yet the bill could also put taxpayers on the hook for unlimited damages if a refinery is stalled in litigation or must meet new regulatory standards. The fact is that refineries are not being built in this country because the companies do not want to build them for economic reasons.

And this bill will undermine local control by forcing some communities with closed military bases to accept refineries without having any input in the process. These communities will not be able to develop sites for years even if the Federal Government does not ultimately build refineries on them.

I was at a roundtable with high tech leaders last weekend, and the one thing they talked most about was energy. They emphasized the need for new alternative energy supplies and highlighted the role that new technologies can play in using energy more efficiently and generating it in new ways. Sadly, the Republican bill will do nothing in this area. And one amendment that would have led to real strides in efficiency, the Boehlert-Markey amendment which would have increased fuel economy standards for cars and trucks to 33 miles per gallon by 2015, was not even allowed by the Rules Committee. I am incredulous as to how we could be considering a bill that is supposed to address high gasoline prices and not have a debate on increasing the efficiency with which vehicles use fuel. Even the President is now advocating conservation, which his own Vice President once claimed was a virtue but not a policy.

That is why I oppose H.R. 3893 and support the Democratic substitute, which will provide real enforcement against energy price gouging and establish a Strategic Refinery Reserve, patterned on the successful Strategic Petroleum Reserve, to protect against loss of refinery capacity.

Mr. CASTLE. Mr. Speaker, more than ever in the wake of the recent hurricanes, Congress and the American people are focused on meeting our energy needs. Whether it's the rise in gas prices at the pump or the anticipation of expensive home heating bills this winter, all Americans are feeling the pinch.

We have already signed into law an energy bill that sought to expand domestic production of oil and other sources of energy, but we have done very little to reduce demand. Yet again, we are considering a bill that will only address the supply end of the equation. Even if increasing refinery capacity were to positively affect gasoline prices, as the The Gasoline for America's Security Act of 2005 (H.R. 3893) purports, it would do so at the expense of our environment and public health, and by trumping state law.

While I am pleased that the manager's amendment strikes changes to the "New Source Review" program, provisions remain that ill hurt taxpayers, pollute our environment, supersede state law, and give unnecessary payments to the oil companies. This bill outlines erroneous solutions to our current energy challenges, and ultimately fails to "secure" Americans from energy price surges.

Whereas intended to respond to temporary refinery shortages caused by recent hurricanes and to address high gasoline prices, the bill weakens environmental laws and undermines states' rights by limiting the kinds of cleaner fuels states can require to meet their clean air targets; federalizing many siting and permitting decisions relating to refineries; limiting the kinds of diesel fuel that can be required and interfering with the low sulfur diesel rule that was championed by the Bush Administration; rewriting the permitting process for refineries to limit environmental reviews without any evidence that current processes are at all a problem; and enabling cities with harmful levels of ozone air pollutants to delay improving air quality.

Adoption of this bill would constitute a major setback for air quality across the nation. The longterm costs for backtracking on important pollution measures will be far greater than the short terms gains from this bill. Our states have worked aggressively to ensure that improvements are made to air quality and it is our duty to support, not hinder, such efforts.

Instead of only meeting our energy needs by increasing supply, we need to continue to improve conservation methods and our R&D efforts in renewable sources of energy like wind and solar power. And, we must take a hard look at automotives, from creating additional consumer incentives for domestic production and purchase of efficient hybrid-electric vehicles to the possibility of increasing fuel economy standards, so cars can go further on a tank of gas. A diversified approach, based on a variety of resources, will truly save consumers money at the pump and help to reduce our dependence on foreign oil.

The legislation before us today can only hurt our states and our environment and I urge a no vote on this legislation.

Mr. BARTON of Texas. Mr. Speaker, I submit the following exchange of letters for the RECORD.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, October 5, 2005.

Hon. JOE BARTON,
Chairman, Committee on Energy and Commerce, U.S. House of Representatives, Washington, DC.

DEAR CHAIRMAN BARTON: On September 28, 2005, the Committee on Energy and Commerce ordered reported H.R. 3893, the "Gasoline for America's Security Act of 2005." In recognition of the desire to expedite floor consideration of H.R. 3893, the Committee on the Judiciary hereby waives any consideration of the bill.

Several sections of H.R. 3893 contain matters within the Committee on the Judiciary's rule X jurisdiction. A summary of principal provisions within the Committee on the Judiciary's jurisdiction follows.

Section 102(e) grants original and exclusive Federal court jurisdiction to adjudicate civil actions filed under this section. Section 202(e) grants original and exclusive Federal court jurisdiction to adjudicate civil actions filed under this section. These matters fall within the Committee on the Judiciary's jurisdiction under rule X(1)(l)(1) ("The judiciary and judicial proceedings, civil and criminal").

Section 605(f) grants members of the "Commission for the Deployment of the Hydrogen Economy," as creted under Title VI of the bill, the authority to issue subpoenas without requesting the assistance of the Attorney General. This matter falls within the Committee on the Judiciary's jurisdiction under rule X(1)(l)(1) ("The judiciary and judicial proceedings, civil and criminal").

The Committee on the Judiciary agrees to waive any formal consideration of the bill with the understanding that its jurisdiction over these and other provisions contained in the legislation is no way altered or diminished. This waiver is further conditioned upon the understanding between our Committees that there are no provisions contained in H.R. 3893 that could be construed or interpreted to alter, modify, or to have any effect on any laws or regulations pertaining to any fuel additive, including ethanol and MTBE. The Committee on the Judiciary also reserves the right to seek appointment to any House-Senate conference on this legislation. I would appreciate your including this letter in the Congressional Record during consideration of H.R. 3893 on the House floor. Thank you for your attention to these matters.

Sincerely,
F. JAMES SENSENBRENNER, JR.,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, October 4, 2005.

Hon. F. JAMES SENSENBRENNER, JR.,
Chairman, Committee on the Judiciary, House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN SENSENBRENNER: I write in regards to H.R. 3893, Gasoline for America's Security Act of 2005.

While the Committee on the Judiciary did not receive a referral of the bill upon introduction, I appreciate your willingness not to seek a referral on H.R. 3893. I agree that your decision to forego action on the bill will not prejudice the Committee on the Judiciary with respect to its jurisdictional prerogatives on this or future legislation.

Further, knowing of your interest in the debate surrounding fuel additive liability, nothing in H.R. 3893 should be construed or interpreted to alter, modify, or to have any effect on any laws or regulations pertaining to any additive, including ethanol and MTBE.

I will include our exchange of letters in the Committee's report on H.R. 3893, and I look forward to working with you as we prepare to pass this important energy legislation for the American people.

Sincerely,
JOE BARTON,
Chairman.

Mr. HOLT. Mr. Speaker, I rise to express my strong opposition to the Gasoline for America's Security Act.

We are all too aware of this government's failed response to Hurricane Katrina and the problems that are continuing in the aftermath. Despite all the issues that we must address to assist the victims of this disaster, some of my colleagues are attempting to use this tragedy as a means to push through their flawed initiatives that were left out of the Energy Policy Act. Fortunately, a degree of rationality prevailed late last night and a few of the most egregious provisions were removed.

However, this bill still contains many misguided measures and continues the Majority's irrational economic policy of subsidizing one of the most successful industries—the oil and gas industry. Yet this direct handout of taxpayer dollars is not enough and at every opportunity this Congress finds ways to gut environmental regulations that protect the health of our citizens in order to preserve this unsustainable form of energy production.

Specifically, this bill will allow cities and States to delay meeting Clean Air Act requirements and undermines States that are seeking to meet these deadlines by limiting the number of fuel blends that can be used. Furthermore, this bill provides an open-ended taxpayer subsidy to cover all the costs that an oil company may incur due to a delay in the initial operation of a new or upgraded oil refinery, including delays due to compliance with State or Federal laws or regulations.

Time and again, we come to this floor to commemorate the lives of remarkable Americans that have changed the course of history. We recognize the importance of their contributions and the ways that they improved our lives. We disgrace this American legacy of ingenuity every time that this Congress passes these shortsighted, deeply flawed bills.

This Nation is facing an energy crisis and a planet that is suffering from our mismanagement. We have the ability to become independent from fossil fuels and to revitalize the health of our environment. Scientists, researchers and business leaders across this Nation are standing ready to develop and make innovative technologies a reality. Even my constituents in New Jersey that have no connection to the energy industry write me with ideas and their desire to contribute to solving our energy problem. But instead of investing in this ingenuity and our Nation's future, this government keeps spending billions to keep America stuck in the quicksand of nonrenewable energy sources.

I urge my colleagues to oppose this flawed bill that will do nothing to alleviate the energy crisis facing this Nation and removes important environmental regulations.

Mr. MOORE of Kansas. Mr. Speaker, I rise today in opposition to H.R. 3893, the Gasoline for America's Security Act.

While I believe our Nation needs to improve and increase our refining capacity, I voted against H.R. 3893, because it would weaken and eliminate important public health and environmental regulations. Specifically, H.R. 3893 would delay existing smog cleanup deadlines in cities with some of the most persistent smog problems—a provision that would likely hurt minority and low-income areas the worst. In addition, this legislation is not only harmful to the environment but it also creates a fiscally irresponsible "Standby Refinery Support Account," which would compensate corporations if their refinery construction is delayed by State or local laws or litigations. At a time when some refineries are turning record profits, taxpayers should not be paying for the legal costs of refineries, when they are facing legitimate challenges to their evasion of State, local, or Federal regulations.

Instead, I supported a substitute amendment offered by Representative Bart Stupak, which would: Create a strategic refinery reserve based upon the strategic petroleum reserve; allow the President to declare a "Federal energy emergency"; and prohibit gasoline price gouging in times of such emergencies. Under this substitute amendment, the Department of Energy, DOE, would operate a strategic refinery reserve from either constructing new refineries or opening closed refineries to create this reserve, which would have a capacity of 5 percent of the daily U.S. demand for gasoline, home heating oil, and other refined petroleum products. I believe this is an important proposal, which would help address our strained refining capacity in times of emergency. In addition, the substitute amendment would provide explicit authority for the FTC to define price gouging for the first time, and would provide them with the authority to prosecute any entity in the chain of gasoline production, including refineries and not just retailers, for engaging in price gouging.

Hurricanes Katrina and Rita further highlighted the instability of energy prices and the fragility of our Nation's energy infrastructure, particularly our domestic refining capacity.

Prior to Hurricane Katrina, our domestic refining industry was already operating at near capacity, with 176 refineries closing in the U.S. over the past 25 years. While we need to strengthen our energy infrastructure, it is essential that the Federal Government does not do this at the expense of important environmental regulations, which protect the safety and health of our communities.

Ms. MCCOLLUM of Minnesota. Mr. Speaker, as our nation continues to reel from the tragic effects of Hurricanes Katrina and Rita, we need to have an honest debate about our nation's energy policy and dependency on foreign sources of oil. The recent natural disasters along the Gulf Coast not only revealed the failures of our federal emergency plans, they also exposed the vulnerability of our nation's refineries and oil and gas pipelines. A comprehensive energy policy that promotes efficiency and invests in alternative energy is desperately needed. The proof is at the pump—consumers are facing soaring prices on the road, and record heating costs will await them at home this winter. The U.S. Department of Energy estimates that home heating prices will experience the biggest annual increase in three decades. In my state of Minnesota, the largest natural gas utility is projected to charge 77 percent more than last year.

Unfortunately, the bill before us today appears to reflect the wishes of special interests, not the reality facing ordinary Americans. This Republican bill promotes consumption and increases pollution but does nothing to lower the cost of gasoline, reduce our dependency on foreign oil, or keep our environment clean.

It was very disappointing that the Rules Committee rejected a very important amendment, which I would have supported, offered by Rep. GUTKNECHT of Minnesota. This amendment would have added a 10 percent ethanol requirement for all gasoline sold in the United States by the year 2010. Minnesota is a leader in renewable fuels, having enacted a 10 percent ethanol requirement in 1997. Unfortunately, the House was denied the opportunity to consider this worthy amendment.

This bill severely limits the use of ethanol and homegrown fuels by creating a federal fuels list limited to two diesel and four gasoline fuel blends for the entire nation. If a state or local program wished to promote a cleaner-burning fuel, the EPA could deny the plan on the grounds that it would interrupt the fuel supply in surrounding states.

This bill also fails to protect the American consumer from price gouging. As prices soared in the wake of Hurricane Katrina, refineries cashed in. The industry reported a 255 percent increase in profits from just one year prior. Provisions in this bill, however, target only retailers, many who show only marginal gains during price hikes. These anti-gouging measures are also limited to disaster zones, leaving consumers in the rest of the country at the industry's mercy.

H.R. 3893 further exploits these natural disasters by rolling back basic environmental and public health protections. Cities with the most persistent smog problems would be allowed to delay their cleanup deadlines for many years. The bill also requires the president to designate sites for new refineries on federal land, with no exemptions for national wildlife refuges and national forests.

When it comes to our energy policy, Americans can no longer afford business as usual. The Democratic energy plan offered by Representatives BART STUPAK and RICK BOUCHER, which I support, is a reality-based solution to our energy needs. This package provides meaningful relief to American consumers and small businesses by promoting efficiency and investing in alternative sources of power.

The Stupak-Boucher bill establishes a Strategic Refinery Reserve to allow for the release of refined product during energy emergencies. This reserve would maintain a capacity of five percent of the total U.S. daily demand for gasoline and home heating oil. This would double the spare capacity that currently exists and would help curb the skyrocketing prices that disproportionately affect seniors and low-income households.

The Democratic plan provides real protection from price gouging by covering the entire production and supply chain. In addition to gasoline, it would protect against price gouging of propane, natural gas, and home heating oil. It would extend beyond disaster zones to anywhere in the country price gouging occurs.

The Republican-controlled Rules Committee demonstrated their intolerance for energy efficiency by rejecting the Boehler/Markey amendment. This amendment would have increased the fuel efficiency standards of cars and trucks from twenty-five to thirty-three miles per gallon by 2016. By reducing our consumption of gasoline we could have relieved market pressure and decreased our dependency on foreign oil.

Now is the time to invest in the next generation of efficient technologies and to move our nation toward a sustainable and energy-independent future. I urge my colleagues to oppose H.R. 3893 and support the Democratic substitute.

Mr. HALL. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate on the bill has expired.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2360) "An Act making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.".

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. STUPAK

Mr. STUPAK. Mr. Speaker, I offer an amendment in the nature of a substitute.

The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute offered by Mr. STUPAK:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Federal Response to Energy Emergencies Act of 2005".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1 Short title; table of contents.

TITLE I—PROTECTING CONSUMERS FROM ENERGY PRICE GOUGING
Sec. 101. Unconscionable pricing of gasoline, oil, natural gas, and petroleum distillates during emergencies.
Sec. 102. Declaration of energy emergency.
Sec. 103. Enforcement by the Federal Trade Commission.
Sec. 104. Enforcement at retail level by State attorneys general.
Sec. 105. Low Income energy assistance.
Sec. 106. Effect on other laws.
Sec. 107. Market transparency for crude oil, gasoline, and petroleum distillates.
Sec. 108. Report on United States energy emergency preparedness.
Sec. 109. Protective action to prevent future disruptions of supply.
Sec. 110. Authorization of Appropriations.
TITLE II—ENSURING EMERGENCY SUPPLY OF REFINED PETROLEUM PRODUCTS
Sec. 201. Refineries.

TITLE I—PROTECTING CONSUMERS FROM ENERGY PRICE GOUGING

SEC. 101. UNCONSCIONABLE PRICING OF GASOLINE, OIL, NATURAL GAS, AND PETROLEUM DISTILLATES DURING EMERGENCIES.

(a) UNCONSCIONABLE PRICING.—

(1) IN GENERAL.—During any energy emergency declared by the President under section 102, it is unlawful for any person to sell crude oil, gasoline, natural gas, or petroleum distillates in, or for use in, the area to which that declaration applies at a price that—

(A) is unconscionably excessive; or

(B) indicates the seller is taking unfair advantage of the circumstances to increase prices unreasonably.

(2) FACTORS CONSIDERED.—In determining whether a violation of paragraph (1) has occurred, there shall be taken into account, among other factors, whether—

(A) the amount charged represents a gross disparity between the price of the crude oil, gasoline, natural gas, or petroleum distillate sold and the price at which it was offered for sale in the usual course of the seller's business immediately prior to the energy emergency; or

(B) the amount charged grossly exceeds the price at which the same or similar crude oil, gasoline, natural gas, or petroleum distillate was readily obtainable by other purchasers in the area to which the declaration applies.

(3) MITIGATING FACTORS.—In determining whether a violation of paragraph (1) has occurred, there also shall be taken into account, among other factors, whether the price at which the crude oil, gasoline, natural gas, or petroleum distillate was sold reasonably reflects additional costs, not within the control of the seller, that were paid or incurred by the seller.

(b) FALSE PRICING INFORMATION.—It is unlawful for any person to report information related to the wholesale price of crude oil, gasoline, natural gas, or petroleum distillates to the Federal Trade Commission if—

(1) that person knew, or reasonably should have known, the information to be false or misleading;

(2) the information was required by law to be reported; and

(3) the person intended the false or misleading data to affect data compiled by that department or agency for statistical or analytical purposes with respect to the market for crude oil, gasoline, natural gas, or petroleum distillates.

(c) MARKET MANIPULATION.—It is unlawful for any person, directly or indirectly, to use or employ, in connection with the purchase or sale of crude oil, gasoline, natural gas, or petroleum distillates at wholesale, any manipulative or deceptive device or contrivance, in contravention of such rules and regulations as the Federal Trade Commission may prescribe as necessary or appropriate in the public interest or for the protection of United States citizens.

(d) RULEMAKING.—Not later than 180 days after the date of the enactment of this title, the Federal Trade Commission shall promulgate rules necessary and appropriate to enforce this section.

SEC. 102. DECLARATION OF ENERGY EMERGENCY.

(a) IN GENERAL.—If the President finds that the health, safety, welfare, or economic well-being of the citizens of the United States is at risk because of a shortage or imminent shortage of adequate supplies of crude oil, gasoline, natural gas, or petroleum distillates due to a disruption of the national distribution system for crude oil, gasoline, natural gas, or petroleum distillates (including such a shortage related to a major disaster (as defined in section 102(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122))), or significant pricing anomalies in national or regional energy markets for crude oil, gasoline, natural gas, or petroleum distillates of a more than transient nature, the President may declare that a Federal energy emergency exists.

(b) SCOPE AND DURATION.—The declaration shall apply to the Nation, a geographical region, or 1 or more States, as determined by the President, but may not be in effect for a period of more than 45 days.

(c) EXTENSIONS.—The President may—

(1) extend a declaration under subsection (a) for a period of not more than 45 days; and

(2) extend such a declaration more than once.

SEC. 103. ENFORCEMENT BY THE FEDERAL TRADE COMMISSION.

(a) ENFORCEMENT BY FTC.—A violation of section 101 shall be treated as a violation of a rule defining an unfair or deceptive act or practice prescribed under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)). The Federal Trade Commission shall enforce this title in the same manner, by the same means, and with the same jurisdiction as though all applicable terms and provisions of the Federal Trade Commission Act were incorporated into and made a part of this title. In enforcing section 101(a) of this title, the Commission shall give priority to enforcement actions concerning companies with total United States wholesale or retail sales of crude oil, gasoline, and petroleum distillates in excess of $500,000,000 per year.

(b) CIVIL PENALTIES.—

(1) IN GENERAL.—Notwithstanding the penalties set forth under the Federal Trade Commission Act, any person who violates section 101 shall be subject to the following penalties:

(A) PRICE GOUGING; UNJUST PROFITS.—Any person who violates section 101(a) shall be subject to—

(i) a fine of not more than 3 times the amount of profits gained by such person through such violation; or

(ii) a fine of not more than $3,000,000.

(B) FALSE INFORMATION; MARKET MANIPULATION.—Any person who violates section 101(b) or 101(c) shall be subject to a civil penalty of not more than $1,000,000.

(2) METHOD OF ASSESSMENT.—The penalties provided by paragraph (1) shall be assessed in the same manner as civil penalties imposed under section 5 of the Federal Trade Commission Act (15 U.S.C. 45).

(3) MULTIPLE OFFENSES; MITIGATING FACTORS.—In assessing the penalty provided by subsection (a)—

(A) each day of a continuing violation shall be considered a separate violation; and

(B) the Federal Trade Commission shall take into consideration the seriousness of the violation and the efforts of the person committing the violation to remedy the harm caused by the violation in a timely manner.

SEC. 104. ENFORCEMENT AT RETAIL LEVEL BY STATE ATTORNEYS GENERAL.

(a) IN GENERAL.—A State, as parens patriae, may bring a civil action on behalf of its residents in an appropriate district court of the United States to enforce the provisions of section 101(a) of this title, or to impose the civil penalties authorized by section 103(b)(1)(B), whenever the attorney general of the State has reason to believe that the interests of the residents of the State have been or are being threatened or adversely affected by a violation of this title or a regulation under this title.

(b) NOTICE.—The State shall serve written notice to the Federal Trade Commission of any civil action under subsection (a) prior to initiating such civil action. The notice shall include a copy of the complaint to be filed to initiate such civil action, except that if it is not feasible for the State to provide such prior notice, the State shall provide such notice immediately upon instituting such civil action.

(c) AUTHORITY TO INTERVENE.—Upon receiving the notice required by subsection (b), the Federal Trade Commission may intervene in such civil action and upon intervening—

(1) be heard on all matters arising in such civil action; and

(2) file petitions for appeal of a decision in such civil action.

(d) CONSTRUCTION.—For purposes of bringing any civil action under subsection (a), nothing in this section shall prevent the attorney general of a State from exercising the powers conferred on the attorney general by the laws of such State to conduct investigations or to administer oaths or affirmations or to compel the attendance of witnesses or the production of documentary and other evidence.

(e) VENUE; SERVICE OF PROCESS.—In a civil action brought under subsection (a)—

(1) the venue shall be a judicial district in which—

(A) the defendant operates;

(B) the defendant was authorized to do business; or

(C) where the defendant in the civil action is found;

(2) process may be served without regard to the territorial limits of the district or of the State in which the civil action is instituted; and

(3) a person who participated with the defendant in an alleged violation that is being litigated in the civil action may be joined in the civil action without regard to the residence of the person.

(f) LIMITATION ON STATE ACTION WHILE FEDERAL ACTION IS PENDING.—If the Federal Trade Commission has instituted a civil action or an administrative action for violation of this title, no State attorney general, or official or agency of a State, may bring an action under this subsection during the pendency of that action against any defendant named in the complaint of the Federal

Trade Commission or the other agency for any violation of this title alleged in the complaint.

(g) ENFORCEMENT OF STATE LAW.—Nothing contained in this section shall prohibit an authorized State official from proceeding in State court to enforce a civil or criminal statute of such State.

SEC. 105. LOW INCOME ENERGY ASSISTANCE.

Amounts collected in fines and penalties under sections 103 of this title shall be deposited in a separate fund in the treasury to be known as the Consumer Relief Trust Fund. To the extent provided for in advance in appropriations Acts, such fund shall be used to provide assistance under the Low Income Home Energy Assistance Program established under title XXVI of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 8621 et seq.).

SEC. 106. EFFECT ON OTHER LAWS.

(a) OTHER AUTHORITY OF FEDERAL TRADE COMMISSION.—Nothing in this title shall be construed to limit or affect in any way the Federal Trade Commission's authority to bring enforcement actions or take any other measure under the Federal Trade Commission Act (15 U.S.C. 41 et seq.) or any other provision of law.

(b) STATE LAW.—Nothing in this title preempts any State law.

SEC. 107. MARKET TRANSPARENCY FOR CRUDE OIL, GASOLINE, AND PETROLEUM DISTILLATES.

(a) IN GENERAL.—The Federal Trade Commission shall facilitate price transparency in markets for the sale of crude oil and essential petroleum products at wholesale, having due regard for the public interest, the integrity of those markets, fair competition, and the protection of consumers.

(b) MARKETPLACE TRANSPARENCY.—

(1) DISSEMINATION OF INFORMATION.—In carrying out this section, the Federal Trade Commission shall provide by rule for the dissemination, on a timely basis, of information about the availability and prices of wholesale crude oil, gasoline, and petroleum distillates to the Federal Trade Commission, States, wholesale buyers and sellers, and the public.

(2) PROTECTION OF PUBLIC FROM ANTI-COMPETITIVE ACTIVITY.—In determining the information to be made available under this section and time to make the information available, the Federal Trade Commission shall seek to ensure that consumers and competitive markets are protected from the adverse effects of potential collusion or other anticompetitive behaviors that can be facilitated by untimely public disclosure of transaction-specific information.

(3) PROTECTION OF MARKET MECHANISMS.—The Federal Trade Commission shall withhold from public disclosure under this section any information the Commission determines would, if disclosed, be detrimental to the operation of an effective market or jeopardize system security.

(c) INFORMATION SOURCES.—

(1) IN GENERAL.—In carrying out subsection (b), the Federal Trade Commission may—

(A) obtain information from any market participant; and

(B) rely on entities other than the Commission to receive and make public the information, subject to the disclosure rules in subsection (b)(3).

(2) PUBLISHED DATA.—In carrying out this section, the Federal Trade Commission shall consider the degree of price transparency provided by existing price publishers and providers of trade processing services, and shall rely on such publishers and services to the maximum extent possible.

(3) ELECTRONIC INFORMATION SYSTEMS.—The Federal Trade Commission may establish an electronic information system if it determines that existing price publications are not adequately providing price discovery or market transparency. Nothing in this section, however, shall affect any electronic information filing requirements in effect under this title as of the date of enactment of this section.

(4) DE MINIMUS EXCEPTION.—The Federal Trade Commission may not require entities who have a de minimus market presence to comply with the reporting requirements of this section.

(d) COOPERATION WITH OTHER FEDERAL AGENCIES.—

(1) MEMORANDUM OF UNDERSTANDING.—Within 180 days after the date of enactment of this title, the Federal Trade Commission shall conclude a memorandum of understanding with the Commodity Futures Trading Commission and other appropriate agencies (if applicable) relating to information sharing, which shall include provisions—

(A) ensuring that information requests to markets within the respective jurisdiction of each agency are properly coordinated to minimize duplicative information requests; and

(B) regarding the treatment of proprietary trading information.

(2) CFTC JURISDICTION.—Nothing in this section may be construed to limit or affect the exclusive jurisdiction of the Commodity Futures Trading Commission under the Commodity Exchange Act (7 U.S.C. 1 et seq.).

(e) RULEMAKING.—Within 180 days after the date of enactment of this title, the Federal Trade Commission shall initiate a rulemaking proceeding to establish such rules as the Commission determines to be necessary and appropriate to carry out this section.

SEC. 108. REPORT ON UNITED STATES ENERGY EMERGENCY PREPAREDNESS.

(a) POTENTIAL IMPACTS REPORT.—Within 30 days after the date of enactment of this title, the Federal Trade Commission shall transmit to the Congress a confidential report describing the potential impact on domestic prices of crude oil, residual fuel oil, and refined petroleum products that would result from the disruption for periods of 1 week, 1 year, and 5 years, respectively, of not less than—

(1) 30 percent of United States oil production;

(2) 20 percent of United States refinery capacity; and

(3) 5 percent of global oil supplies.

(b) PROJECTIONS AND POSSIBLE REMEDIES.—The President shall include in the report—

(1) projections of the impact any such disruptions would be likely to have on the United States economy; and

(2) detailed and prioritized recommendations for remedies under each scenario covered by the report.

SEC. 109. PROTECTIVE ACTION TO PREVENT FUTURE DISRUPTIONS OF SUPPLY.

The Secretary of Energy and the Energy Information Administration shall review expenditures by, and activities undertaken by, companies with total United States wholesale or retail sales of crude oil, gasoline, and petroleum distillates in excess of $500,000,000 per year to protect the energy supply system from terrorist attacks, international supply disruptions, and natural disasters, and ensure a stable and reasonably priced supply of such products to consumers in the United States, and, not later than 180 days after the date of the enactment of this title, shall transmit a report of their findings to Congress. Such report shall include an assessment of the companies' preparations for the forecasted period of more frequent and more intense hurricane activity in the Gulf of Mexico and other vulnerable coastal areas.

SEC. 110. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this title.

TITLE II—REFINERIES

SEC. 201. REFINERIES.

Title I of the Energy Policy and Conservation Act is amended by adding at the end the following new part:

"PART E—REFINERIES

"SEC. 191. STRATEGIC REFINERY RESERVE.

"(a) ESTABLISHMENT.—The Secretary shall establish and operate a Strategic Refinery Reserve in the United States. The Secretary may design and construct new refineries, or acquire closed refineries and reopen them, to carry out this section.

"(b) OPERATION.—The Secretary shall operate refineries in the Strategic Refinery Reserve for the following purposes:

"(1) During any period described in subsection (c), to provide petroleum products to the general public.

"(2) To provide petroleum products to the Federal Government, including the Department of Defense, as well as State governments and political subdivisions thereof who choose to purchase refined petroleum products from the Strategic Refinery Reserve.

"(c) EMERGENCY PERIODS.—The Secretary shall make petroleum products from the Strategic Refinery Reserve available under subsection (b)(1) only—

"(1) during a severe energy supply interruption, within the meaning of such term under part B; or

"(2) if the President determines that there is a regional petroleum product supply shortage of significant scope and duration and that action taken under subsection (b)(1) would assist directly and significantly in reducing the adverse impact of such shortage.

"(d) LOCATIONS.—In determining the location of a refinery for the Strategic Refinery Reserve, the Secretary shall take into account the following factors:

"(1) Impact on the local community (determined after requesting and receiving comments from State, county or parish, and municipal governments, and the public).

"(2) Regional vulnerability to a natural disaster.

"(3) Regional vulnerability to terrorist attacks.

"(4) Proximity to the Strategic Petroleum Reserve.

"(5) Accessibility to energy infrastructure.

"(6) The need to minimize adverse public health and environmental impacts.

"(7) The energy needs of the Federal Government, including the Department of Defense.

"(e) INCREASED CAPACITY.—The Secretary shall ensure that refineries in the Strategic Refinery Reserve are designed to enable a rapid increase in production capacity during periods described in subsection (c).

"(f) IMPLEMENTATION PLAN.—Not later than 6 months after the date of enactment of this section, the Secretary shall transmit to the Congress a plan for the establishment and operation of the Strategic Refinery Reserve under this section. Such plan shall provide for establishing, within 2 years after the date of enactment of this section, and maintaining a capacity for the Reserve equal to 5 percent of the total United States daily demand for gasoline, home heating oil, and other refined petroleum products. If the Secretary finds that achieving such capacity within 2 years is not feasible, the Secretary shall explain in the plan the reasons therefor, and shall include provisions for achieving such capacity as soon as practicable. Such plan shall also provide for adequate delivery systems capable of providing Strategic Refinery Reserve product to the entities described in subsection (b)(2).

"(g) COMPLIANCE WITH FEDERAL ENVIRONMENTAL REQUIREMENTS.—Nothing in this section shall affect any requirement to comply with Federal or State environmental or other law.

"SEC. 192. REFINERY CLOSING REPORTS.

"(a) CLOSING REPORTS.—The owner or operator of a refinery in the United States shall notify the Secretary at least 6 months in advance of permanently closing the refinery, and shall include in such notice an explanation of the reasons for the proposed closing.

"(b) REPORTS TO CONGRESS.—The Secretary, in consultation with the Federal Trade Commission, shall promptly report to the Congress any report received under subsection (a), along with an analysis of the effects the proposed closing would have on petroleum product prices, competition in the refining industry, the national economy, regional economies and regional supplies of refined petroleum products, and United States energy security.".

The SPEAKER pro tempore. Pursuant to House Resolution 481, the gentleman from Michigan (Mr. STUPAK) and the gentleman from Texas (Mr. BARTON) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan (Mr. STUPAK).

Mr. STUPAK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I urge every member to support this amendment which provides meaningful relief for our Nation that is facing record gas prices. This amendment has support of the Minority Leader PELOSI as well as the ranking member of the Energy and Commerce Committee, Congressman DINGELL. I would like to commend them for their support on this important initiative.

I would also like to thank the gentleman from Virginia (Mr. BOUCHER) for his hard work on the refinery portions of this amendment. The results of our efforts have produced a quality product that will benefit all Americans.

I would also like to recognize Congressmen BISHOP, BARROW and ETHERIDGE and Congresswomen HERSETH and SCHWARTZ for their valued input on this legislation.

Even before the devastation caused by Hurricane Katrina, skyrocketing oil and gasoline prices were taxing American families and burdening our Nation's economy, with notable exceptions of the oil and gas industry which continued to rack up record profits.

Following Katrina, gas prices in some States reached $6 per gallon, deepening suspicion of the oil industry profiteering. Our amendment would ensure that the President has the tools needed to adequately respond to any energy emergency and prohibits price gouging on all petroleum products with a priority on refineries and big oil.

Whether it is gasoline or natural gas, the problem lies right here at the refinery level, with a 255 percent increase in the last 12 months alone. Here is a 1995 memo from the American Petroleum Industry, and I quote. "A senior analyst, at the recent American petroleum energy convention, warned that if the U.S. petroleum industry does not refine or reduce its refining capacity, it will never see any substantial increase in refining margins."

So since 1995, since this memo, they have closed 30 refineries. This conclusion is also backed up by the GAO, Government Accountability Office, which said in 2004 that by closing refineries, they were able to drive up to those exorbitant prices we are paying today at the pump.

Currently, there are only 28 states that have laws on the books that define price gouging and have enforcement mechanisms to go after those ripping off consumers. At the Federal level, there is no oversight to protect consumers from this predatory pricing, gouging or market manipulation. We need to pass this amendment today. No American should have to pay too much for gas because the oil companies are rigging prices.

Our amendment will give the President authority to take immediate action in the face of energy crisis by declaring a national energy emergency.

It will provide the Federal Trade Commission with new authority to investigate and prosecute those that engage in predatory pricing, from oil companies on down to gas stations, with the emphasis on those who profit the most. This includes price gouging of gasoline and natural gas, home heating oil, propane.

H.R. 3893 does nothing to address natural gas and propane gas prices, even though gas prices are expected to rise by more than 90 percent as shown in today's USA Today. Staying warm is to cost up to 90 percent more. That is natural gas. And this bill does not even address it.

Our amendment also empowers the Federal Government to impose tough civil penalties of up to triple damage on all excess profits on companies that have cheated consumers. The base bill provides no additional penalties for those who engage in price gouging.

Our amendment will also provide for relief to consumers paying skyrocketing energy and transportation costs and increase funding for the low-income home energy assistance program through fines from price-gouging companies.

It would also put in place new consumer protections to prevent market manipulation and ensure greater transparency in the cost of a gallon of gas. The base bill provides no transparency. Why is it, we in America, no one can tell us what does it cost for a gallon of gas? What does it cost for a cubic foot of natural gas? Why do they not want us to know how they are manipulating the market, gouging the American consumer?

In the wake of Hurricane Katrina, Americans are pulling together, donating to relief organizations and giving their time to help the people of the Gulf Coast recover. That is how American people react when they see their fellow citizens in need.

Unfortunately, some people have looked at Hurricane Katrina not as a chance to give but as an opportunity to profit. Some have decided to take advantage of this terrible tragedy and line their own pockets by gouging the American people at the gas pump.

As eight governors wrote to us in Congress urging passage of our legislation, they stated, and I quote, "to price gouge consumers under normal circumstances is dishonest enough. But to take money off from the severe misfortune of others is downright immoral."

Skyrocketing oil and gas prices are hurting the American consumer as well as our economy. Sadly, the majority bill does nothing to crack down on those who are manipulating the market and price gouging. The Stupak-Boucher amendment provides the kind of relief from high gas and energy prices that consumers deserve.

Our amendment will protect all consumers from unfair energy and gas prices and punish those who think that a time of a national tragedy is the right time to rob the American people of their hard-earned money.

I urge a "yes" vote on our amendment.

Mr. Speaker, I reserve the balance of my time.

Mr. BARTON of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. HALL).

Mr. HALL. Mr. Speaker, people are sick and tired of the two words, do nothing. And that is just no answer to folks who are startled when they go to gas their vehicle, 50 bucks, 60 bucks, $70 to fill it up. They are startled that we have airlines that are flying full and going broke because of the cost of energy, and we just cannot afford to do nothing.

Let me just list a few of the areas here of the Stupak substitute that do nothing. It will do nothing to limit boutique fuels that have propped up gasoline prices by artificially limiting supply. It will do nothing to encourage private industry to build new refineries that will increase daily supplies of gasoline. It will do nothing to help diversify our domestic refining capacity away from the gulf coast. It will do nothing to help site crude oil and petroleum product pipelines that transport gasoline to Americans. It will do nothing to help small refineries utilize their capacity to increase supply and encourage robust competition in the industry. It will do nothing to provide authority to the President to temporarily waive Federal, State and local fuel additive requirements in the event of an extreme and unusual supply circumstance caused by a natural disaster, which proved to be critical in the wake of Katrina and Rita. It will do nothing to encourage conservation like carpooling and van pooling. Do nothing to strengthen the Strategic Petroleum Reserve to ensure that critical crude oil supply is there when the Nation needs it. It will do nothing to ensure that the crude oil sold from the Strategic Petroleum Reserve is used for its intended purpose, to be refined for our domestic use. And finally, it will do nothing for the northeast to help develop the northeast home heating oil. We cannot afford to do nothing outlined in the Stupak amendment. I urge a vote against it.

Mr. STUPAK. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. BOUCHER), a member of the committee and my partner in drafting this amendment, the substitute amendment.

Mr. BOUCHER. Mr. Speaker, I am pleased to join with Mr. STUPAK in offering this substitute which would replace the underlying bill with two targeted provisions aimed at increasing our Nation's refinery capacity and giving the Federal Government the tools necessary to investigate, deter and punish price gouging. Together, these two provisions would be an effective response to problems in our gasoline market.

The gentleman from Michigan (Mr. STUPAK) has drafted the price-gouging provisions of our amendment. I fully support those provisions, and I commend the gentleman for his outstanding efforts.

I will direct my remarks today to the refinery specific provisions of our substitute. We would create a strategic refinery reserve. In doing so, we would build upon the success of the Strategic Petroleum Reserve by creating a natural extension of that successful program of refinery reserve. Under our amendment, the Secretary of Energy would establish refineries with capacity equal to 5 percent of the total United States demand for gasoline, home heating oil and other refined petroleum products. The location of these refineries would be out of harm's way at places to be designated by the Secretary of Energy.

During times of nonemergency, the refineries which make up the strategic reserve would produce refined gasoline for use by the Federal Government. In addition, State and local governments could choose to purchase refined products from the reserve. Keeping the refinery reserve operational in that fashion would ensure that there would be no lag time in it going on-line when needed to address a national emergency.

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Weakening the clean air laws and providing incentives to the refinery industry as proposed in the underlying bill is not the best way to ensure new refinery construction. There has been no evidence that environmental permitting is the problem that leads to no new refinery capacity.

The truth is that the refinery owners are benefiting enormously from the current limited capacity, with profits increasing 255 percent during the past year alone, 255 percent of profit increase in a single year. Simply put, the refiners are making more money by refining less gasoline.

The substitute which the gentleman from Michigan (Mr. STUPAK) and I are offering is a commonsense approach to our problems, establishing a Federal mechanism to investigate and punish price gouging and creating a strategic refinery reserve to assure adequate refining capacity during times of emergencies.

I support strongly the substitute, and I urge its approval by the House.

Mr. BARTON of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. SHIMKUS), a distinguished member of the committee.

Mr. SHIMKUS. Mr. Speaker, I would like to address my friends and colleagues.

We have got a lot of good Members on the Committee on Energy and Commerce, and I have great respect for my friends, the gentleman from Michigan (Mr. STUPAK) and the gentleman from Virginia (Mr. BOUCHER), who come here with serious public policy concerns.

I want to speak on an issue they do not address, in fact, I think they roll back, which I think is critical to addressing the price spike, and that is boutique fuels. I will just give an example

When I fly back home, I fill up in St. Louis. I fill up my vehicle in St. Louis, and then I drive across the river to my hometown in Collinsville, which is 30 minutes from the St. Louis airport, and then I drive up to Springfield, Illinois, which is the northern part of my district, probably 100, maybe 200 miles separation. I go through three different fuel markets. In other words, the unleaded gas I burn in St. Louis is not allowed to be purchased and bought in Illinois, and it is not allowed to be purchased and sold in Springfield, even though I am burning that fuel and driving back and forth. These environmental regulations on the boutique fuels really make sense.

What makes it more difficult is that when you have constrained refinery capacity and you have one refinery producing for one area of the country, when that refinery has a disruption or goes down, then there is no way you can get fuel in there unless you waive environmental regulations, which is what the bill allows us to do if there is a natural disaster or hurricane. It says we need to move fuel from St. Louis to Springfield, Illinois; Mr. President, you can waive those regulations.

So we should not discount the importance of addressing this boutique fuel. Boutique fuels, 48 to 58 different fuel brands around our country, will be pared down to six so that we can still meet the needs of the different regions of the country without holding us hostage.

I thank the chairman for the time.

Mr. STUPAK. Mr. Speaker, I yield 1½ minutes to the gentleman from Texas (Mr. GENE GREEN), a member of the committee.

Mr. GENE GREEN of Texas. Mr. Speaker, I thank my colleague for yielding me time.

I have to admit, it is frustrating when you have someone from an energy producing State and when you hear speaker after speaker complain about high energy prices, and yet the only thing they bring to the table is an empty tank. What we need is supply solutions, but I am supporting the Stupak substitute only because of the additional consumer protections.

I applaud the gentleman from Texas' (Mr. BARTON) amendment to the version we passed out of committee for strengthening consumer protections and for removing the new source review, or the NSR, language that would have weakened clean air protections.

But the language in the gentleman from Michigan's (Mr. STUPAK) amendment is clearer, and the penalties are much stronger than those in the original bill. This is a critical issue that must be addressed to prevent price spikes like we saw in Atlanta after the hurricane that drove prices to nearly $6 a gallon.

I am disappointed the substitute does not include my amendment that was accepted by the committee to address energy needs after a disaster. The amendment would require the Department of Energy to review and approve and offer recommendations on fuel supply segments of State evacuation plans.

It would also specifically authorize critical energy facilities like refineries to request direct help from the Department of Energy during a federally declared emergency or disaster.

If refineries go down, they must get back up quickly. The amendment would have authorized the DOE to provide assistance with generation capacity, water service, critical employees and ensure raw materials could be accessed, and any other necessity.

Mr. Speaker, this amendment strengthens the consumer protections in the overall bill, and that is why I support it, and I urge my colleagues to do the same.

Mr. BARTON of Texas. Mr. Speaker, I yield 2½ minutes to the gentleman from Florida (Mr. STEARNS), one of my subcommittee chairmen.

Mr. STEARNS. Mr. Speaker, I thank the distinguished chairman for the time, and I come to the floor to speak against the Stupak substitute.

I would tell all my colleagues in the energy markup in the full committee, the gentleman from Michigan (Mr. STUPAK) did offer his amendment. It was defeated. I offered an amendment that was dealing with price gouging, and I won by only one vote.

The gentleman from Michigan (Mr. STUPAK) did an able job of pointing out some of the things in my amendment that he felt were weak. So the chairman and I and others on the committee went back, and we incorporated a lot of what the gentleman from Michigan (Mr. STUPAK) brought up in the debate. We included it in this manager's amendment.

So there is really no reason to vote for the Stupak substitute because much of what we have in the manager's amendment is already included. As a Member on this side of the aisle, I wanted to thank the gentleman from Michigan (Mr. STUPAK) for his help so that we are able to include in the manager's amendment some of his points, and I think we made a stronger bill.

I would say to those Members on both sides of the aisle, there is really no reason to support the Stupak amendment because lots of what he is talking about dealing with price gouging, as I mentioned earlier in my speech, we have included in the manager's amendment.

There are some other things I would like to point out dealing with the Stupak amendment. It does not provide consumer protection against price gouging in the crude oil or home heating oil market. The manager's amendment that I mentioned earlier offers these important consumer protections.

The Stupak amendment caps damages at $3 million per day, while the manager's amendment allows for $11,000 per violation with no cap on the amount of damages that can be assessed. I think that is an important difference, and I think we should realize that is why the manager's amendment is better.

The Stupak amendment has a market manipulation provision that is current law. The manager's amendment does not include this provision because the Federal Trade Commission has authority under current antitrust law to enforce against market manipulation.

The Stupak amendment includes petroleum distillates that are subject to price-gouging violations. Unfortunately, petroleum distillates, which are used in so many products that are sold to consumer product companies, such as cosmetics, could be subject to price gouging under this amendment. That is our interpretation. My colleagues might not agree with it, but that is an area we are concerned about. If we have price gouging, it could affect such things as cosmetics.

Overall, I think the point I am trying to make is, we incorporate a lot of the gentleman from Michigan's (Mr. STUPAK) concerns in our manager's amendment. It made our bill stronger. We thank him for what he did.

In the end, I think my colleagues should realize we should vote against the Stupak substitute.

I agree we should have legislation to prevent people from lining their own pockets by taking advantage of others in a time of crisis. However, I cannot support the manner in which Mr. STUPAK's amendment addresses the problem.

The Stupak amendment will create serious problems for consumers at a time of disaster. There is no mechanism to allow prices to reflect the changes in the market dynamic following a disaster other than cost.

The Stupak amendment defines price gouging violations with very subjective terms, such as "unconscionable" and "grossly exceeds", that will prove unworkable for the FTC. Instead, the FTC possesses a history of determining what is unfair under the FTC Act and we should rely upon their expertise to define price gouging.

Because the amendment only accounts for price increases related to costs increases and does not include other factors—such as fear or panic—it will artificially restrain prices that lead to shortages in gasoline at the time consumers in a disaster area most need access to gasoline. This is because the amendment does not adequately allow for actual or anticipated changes in supply to be reflected in price.

The Stupak amendment includes "petroleum distillates" that are subject to price-gouging violations. Unfortunately, petroleum distillates are used in so many products that selling distillates to consumer products companies, such as cosmetics, could be subject to price gouging under this amendment.

While it does provide supply and demand considerations as a mitigating factor, it does so only for dollar costs actually incurred by the seller. It does not allow the FTC to consider countervailing benefits to consumers, namely that an increase in price can discourage hording by the first consumers to arrive at the gas station, leaving no gas for those who arrive later.

The amendment is not adequately tied to a time of disaster. It gives the President authority to declare an emergency for any disruption of gasoline distribution or any significant pricing anomalies in the market. If exercised, this would interfere with supply and demand and lead to shortages for extended periods of time.

The Stupak amendment caps damages at $3 million per day while the Manager's Amendment allows for $11,000 per violation, with no cap on the amount of damages that can be assessed.

The Stupak amendment has a market manipulation provision that is current law. The Manager's Amendment does not include this provision because the FTC has authority under current antitrust law to enforce against market manipulation.

The Stupak amendment does not provide consumer protection against price gouging in the crude oil or home heating oil markets. The Manager's Amendment offers these important consumer protections.

Mr. STUPAK. Mr. Speaker, I yield 2 minutes to the gentlewoman from Pennsylvania (Ms. SCHWARTZ), one of the authors of this substitute, and we appreciate her.

Ms. SCHWARTZ of Pennsylvania. Mr. Speaker, I rise in strong support of the Stupak-Boucher-Bishop-Schwartz-Barrow substitute amendment, and I want to thank the gentleman from Michigan (Mr. STUPAK) for his leadership on this issue of national importance.

Mr. Speaker, Americans across the country are deeply concerned about the skyrocketing costs of gasoline, and rightly so. This year, the average American family will pay nearly $4,500 to meet their energy needs. This is 19 percent more than last year.

Contributing to these costs, as we all know, is the dramatic increase in the price of gasoline. In the midst of Hurricane Katrina, gas refiners were selling a barrel of gasoline for 434 percent more than a barrel was selling exactly 1 year ago.

These steep costs make it difficult for hardworking Americans to meet their financial obligations, and they underscore the reality that the President and the majority party in Congress have failed to enact policies to protect American consumers from price gouging and reduce the Nation's overall dependence on gasoline and oil.

The American public is concerned, and they are concerned that at the same time that oil refiners' profits are more than tripled over the last year, consumers are paying record high gas prices.

They are concerned because after a double-digit increase in home heating costs last year, prices are expected to increase at even higher rates this winter.

They are concerned that the cost of gasoline is rising faster than the actual price of crude oil.

Mr. Speaker, they are concerned that neither the White House nor the Republican Congress has put forward a plan to address this problem.

The bill before us is yet another giveaway, not a plan. Behind the rhetoric is an empty bill that favors the oil industry while failing to take meaningful action to reduce prices for consumers. In fact, it makes matters worse.

It ignores the harsh realities of price gouging at the pump by weakening our ability to crack down on those trying to manipulate the market for their own profit.

And it eliminates long-standing production and refining standards that safeguard the environment and the public's health.

My colleagues, we have the opportunity to answer the concerns of everyday Americans and to promote our nation's and our families' security and economic well-being. To meet this goal, we must make clear that price gouging and profiteering is unacceptable and will be met with stiff penalties. We must reduce our reliance on foreign oil. We must find better, more efficient ways to use traditional energy sources. And must help bring to market more affordable, reliable, and cleaner energy sources. And, the plan we are offering in the substitute amendment today will help to meet these goals.

It will provide relief at the pump by bolstering our ability to punish oil companies and refiners who wrongly ratchet up the cost of their product. Our plan will stop price gouging, not just for gasoline, but for natural gas, home hearing oil, and propane. And our plan will improve our nation's energy security through the establishment of a Strategic Refining Reserve so that we are never again are in the position of releasing crude oil from our emergency reserves, but unable to refine it and bring it to market.

Do not be fooled by the title of this bill, vote for this substitute. Enact a plan that will deliver real relief to the American people.

Mr. BARTON of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Mississippi (Mr. PICKERING), the vice chairman of the committee.

Mr. PICKERING. Mr. Speaker, I rise in opposition to the Stupak substitute and in support of the underlying legislation.

I want to thank the gentleman from Texas (Mr. BARTON), the chairman of the committee, my friend, for his leadership. We have seen this year that we have passed comprehensive energy legislation, but that legislation did not address really the linchpin of the need in our country for greater refining capacity and greater pipeline security, redundancy and reliability. Katrina exposed that fundamental weakness in our Nation's energy security and in our Nation's economic security.

For 30 years, we have done nothing. We have not had a new refinery come into our Nation. No one has invested. And much of that reason is that the cost of doing business, a refinery investment in this country, is so much higher than offshore. If we can streamline the regulatory process, give new incentives so that companies will invest in our country and new pipeline security and redundancy and reliability, as well as a new refining capacity, then we can do something about high gas prices and the disruptions that occur in a natural disaster like Katrina.

We must act. We cannot fail to act. We have seen the fundamental flaw and weakness. It has been exposed with Katrina, and the other side reminds me of those who, when a barn is burning and the fire truck is wanting to come and put the fire out and do something about it, they stand in the way and block the road and then want to blame the fire department for failing to put the fire out.

Now is the time to act. The chairman of the committee has shown remarkable speed in getting this legislation to the floor. We need to act. It is what the American people want. They would agree with us. Give us a chance to do something to make it better.

Mr. STUPAK. Mr. Speaker, I yield 1½ minutes to the gentleman from New York (Mr. BISHOP), who helped us with the substitute and had invaluable input.

Mr. BISHOP of New York. Mr. Speaker, I thank the gentleman from Michigan (Mr. STUPAK) and the gentleman from Virginia (Mr. BOUCHER) for their leadership in offering this substitute, and I am proud to join them.

I rise in strong support of this substitute for two reasons. Unlike the underlying legislation, it contains a meaningful deterrent to price gouging, and it provides an effective strategy to expand refinery capacity.

We can all agree there were some good provisions in the first energy bill, but Katrina exposed its shortcomings, as well as vulnerabilities that still exist in the energy market.

We can also agree that the hurricane made it harder to meet the challenge of delivering relief to families struggling to pay their energy bills and that a rash of price gouging compounded this problem.

Our substitute takes direct aim at these challenges by creating a strong deterrent to price gouging that keeps gas prices stable. The underlying bill sets an $11,000 fine for price gouging. That may sound like a lot to the average middle class family, but it is not much to the Exxon-Mobils of this world who earn record profits.

In contrast, this substitute deters price gouging at every stage of production, not just the retail phase, but at all phases in the chain of supply, and this will strengthen those measures.

Mr. Speaker, now is the time that we must stand up to profiteers by assuring hardworking American families that Congress is standing up for their interests, not the oil companies'.

I urge my colleagues to support this substitute that protects American taxpayers and our national security.

Mr. BARTON of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. MURPHY), another distinguished member of the committee.

Mr. MURPHY. Mr. Speaker, I thank the chairman for the time.

There are two points I would like to make here. First of all, with regard to the amendment, let us understand what is in there. If there is concern for giving large amounts of money to oil companies, what they propose we do is that the Federal Government gets in the business of, quote, designing and constructing refineries and then put that into use at times in their national emergencies or sell gas to States, which this bill actually allows States and governments to have some of this gasoline now, but for the government to own and operate refineries and invest all the money in there. In the alternative, if we can provide incentives for private industries to build, whether it is something small or large refineries, that makes a lot more sense.

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And if we are concerned at all about the budget, let us do the more efficient thing, rather than have the government run these things, have them sit mothballed until times of emergency, and then suddenly act like there is a switch one can throw and start them up.

The second thing I want to point out is that I wish we could have included some important movement forward to make some changes on new source review. What happens now with a coal-fired power plant, for example, if they want to go in and do some routine maintenance, and while they are in there maybe improve the efficiency of the plant, the EPA comes by and says, no, you are going to do something different here. Even though you are going to improve efficiencies, we want you to do everything now. The energy company comes back and says we cannot afford those larger investments; we were going to make some smaller ones, so, therefore, we will do nothing.

What they have done, instead of using the abundant supply of coal, we have 300 years' worth of coal in this Nation, they will move to natural gas instead in order to meet some of those standards. Natural gas means we have more demand, the costs go up, it affects homeowners in the price of heating their homes, and it affects our chemical industry.

The Unions for Jobs and the Environment have sent a letter, and I will submit this letter as well for the RECORD, which states the efficiency and competitiveness of our facilities and the safety of our workers hang in the balance. This is a jobs and safety issue for millions of American workers. And they go on to say that delaying the new source review issue is costly to jobs. So I want to make sure that we address this the next time when we get on to more of these energy issues.

The letter referred to is as follows:

UNIONS FOR JOBS AND THE ENVIRONMENT,
Washington, DC, October 5, 2005.

Re: Support for Section 106 of H.R. 3893

Hon. JOE BARTON,
Chairman, House Committee on Energy and Commerce, Washington, DC.

Hon. JOHN DINGELL,
Ranking Member, House Committee on Energy and Commerce, Washington, DC.

DEAR CONGRESSMEN BARTON AND DINGELL: On behalf of the members of Unions for Jobs and the Environment and the United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry, we write to express our support for Section 106 of H.R. 3893, the Gasoline for America's Security Act of 2005 (the Act) to provide much needed clarification of the New Source Review (NSR) program. We oppose any effort to amend this provision, and therefore, we urge you and your colleagues to vote against any amendment or rule that would complicate implementation of these important NSR reforms.

Our unions have had a long-time commitment to clear, effective and reasonable NSR policy. Like the Act does in Section 106(a), we have encouraged the Environmental Protection Agency (EPA) to clarify the program as soon as possible. The efficiency and competitiveness of our facilities and the safety of our workers hang in the balance. This is a jobs and safety issue for millions of American workers.

NSR, correctly interpreted as we hope EPA's new rules will do, forces new sources or those undergoing major modifications, to install new technology. We support NSR in that context. However, when NSR is applied in an unclear or inflexible manner to existing facilities, very different results occur. In those cases, facilities are discouraged from undertaking appropriate actions for fear of huge penalties, long delays, or both. By applying NSR in that way, our members will not have the opportunity to work on projects that we know are extremely important to energy efficiency. Further, by reducing the useful economic life of boilers or by inaccurately setting baselines, the existing NSR confusion undermines the competitiveness of American job sites. The result is that some of the almost 20 million manufacturing jobs at stake in heavy industry are placed at risk.

Finalizing new NSR rules is also important to maintain worker safety. As the Boilermakers testified earlier this year, "the threat of litigation too often acts as a deterrent to capital investments that create work and maintain safe facilities for our members. Boilers operate under high temperatures and pressures—with superheater tubes exposed to flue gases at temperatures as high as 2,000 degrees and pressure around 3,000 lbs./square inch—and must be maintained in order to be safe for workers." Section 106(a) and (b) ensure the orderly and timely implementation of NSR clarification.

Therefore, we ask you and your colleagues not to accept any amendment that would complicate the implementation of the final NSR rules. Thank you for your consideration of our view on this important matter.

Sincerely,

BILL CUNNINGHAM,
President, Unions for Jobs
and the Environment.

Mr. STUPAK. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. BARROW).

Mr. BARROW. Mr. Speaker, I want to address a serious problem with the underlying bill, and that is that it relies exclusively on the Federal Trade Commission and its willingness and ability and resources to enforce the price gouging remedy in the bill.

I think we should all remember this is the same FTC that said, we do not have any authority to investigate price gouging in this area; we do not need any authority in this area. Everything is just fine, thank you very much; and then, when pressed further, said we do not want any authority in this area because we will just make a bad situation worse.

Well, Mr. Speaker, relying on a sorry bunch of people that do not know their job, do not care about their job, and do not believe in their job is like going hunting and having to tote the dog.

Our substitute corrects this problem by giving the States attorneys general the same authority to enforce the price gouging remedies that we give the FTC. The attorneys general of our States are elected by our constituents, they know the conditions in their States better than we do, they have the resources and the discretion under the substitute to decide whether or not it is in the best interest of their constituents, our constituents, for them to act when we do not. This is Federalism at its best.

I urge everybody to support the substitute for this reason, if none other. Any attorney general doing something is better than the FTC doing nothing.

Mr. BARTON of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Midland, Texas (Mr. CONAWAY), the former mayor of Midland.

Mr. CONAWAY. Mr. Speaker, I thank the gentleman for yielding me this time, but I do need to correct the record. I was not the mayor. I should have been, perhaps, but I thank my colleague.

Mr. Speaker, the issue is about refining capacity and the ability for us to convert crude oil into gasoline and other products. The record is pretty clear on both sides that we have not built a new refinery since 1976. In 1981, we had 324 refineries in production. Today, we have 148. We refine about 17 million barrels of gasoline a day, and we use about 21 million. We are importing gasoline; and, obviously, one of the choke points in the supply system is the ability to convert crude oil into gasoline.

What this bill does, and I am speaking against the substitute and in favor of the underlying bill, is that it removes a regulatory burden that many folks who want to build a refinery have to submit themselves to. It takes about 3 years to build a refinery, exclusive of the permitting process. Major investments are needed in order to construct a refinery, and businesses simply are not willing to put those dollars at risk subject to a regulatory approval permitting scene that is disjointed at best.

Under the bill, we allow the Governor to designate a particular site subject to these provisions. We put the DOE in charge of shepherding the permitting process, not making the decisions on behalf of the State and the Federal regulators, but simply encouraging them to get it done on a timely basis.

Most businesses can deal with an answer, but a maybe or a give me more information or a delay is what is killing us. So I am standing in favor of the original bill, the manager's amendment and speaking against the Stupak substitute.

Mr. STUPAK. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. FARR).

Mr. FARR. Mr. Speaker, I rise in strong support of the Stupak substitute and in strong opposition to the underlying bill. I would use this moment just to wake up the city councils and boards of supervisors and county folks around this country, particularly if you have had a closed military base. Because this underlying bill just opens that up and says if the President of the United States decides we need oil refining capacities, they can puts it in your back yard. They waive all the requirements.

They did make an amendment at midnight last night that is still vague, but says they have to following BRAC re-use law, but that does not affect Federal lands that may be in the closed base. So essentially they could parachute an oil refinery in the middle of a closed military base, and it waives all of the requirements that are local, zoning and all of that. That just would not have any effect.

I will tell you why this is crazy. Because one of the bases that would probably qualify with a deep port and a lot of land is Fort Ord. Fort Ord, California, is surrounded by the National Marine Sanctuary and is one of the most beautiful areas in the whole United States. The last thing we should ever do is have an oil refinery there. This is a crazy bill, and I urge its defeat.

Mr. BARTON of Texas. Mr. Speaker, I yield myself such time as I may consume to enter into a colloquy with the gentleman from Michigan (Mr. STUPAK) and the gentleman from Virginia (Mr. BOUCHER) if they are on the floor. I know the gentleman from Michigan (Mr. STUPAK) is. I do not know if the gentleman from Virginia (Mr. BOUCHER) is or not.

First of all, I want to say that I think it is good that we have a Democrat substitute. I think it adds to the debate. It certainly adds to the fairness of the debate. But I do have some questions for my good friend from Michigan.

On page 2, title I, section 101, it basically says if a President has issued a declaration that there is an energy emergency, it begins to talk about a price that is unconscionably excessive. That is line 4. What is unconscionably excessive?

Mr. STUPAK. Mr. Speaker, will the gentleman yield?

Mr. BARTON of Texas. I yield to the gentleman from Michigan.

Mr. STUPAK. Mr. Speaker, when the oil refineries raise their rates 255 percent in the last 12 months, that is unconscionably excessive.

Mr. BARTON of Texas. So reclaiming my time, Mr. Speaker, if they were up 250 percent, that would not be unconscionably excessive?

Mr. STUPAK. Well, Mr. Speaker, if the gentleman will continue to yield, I guess we are going to have to look in the bill, because in the bill we also put in there factors to be considered excessively too much. If you go to the bottom of page 2, bottom of page 3, we put it in there. Our bill says that in 90 days the FTC has to define it for us.

Mr. BARTON of Texas. I am asking what if it was conscious? What if somebody set a price that was not unconscious, but said I am going to raise the price? Would that trigger it?

Look, I am asking legitimate questions.

Mr. STUPAK. I will give the gentleman examples. I think excessive is more than reasonable. When it is more than reasonable pricing.

Mr. BARTON of Texas. Then you need to put the example in the statute.

Mr. STUPAK. A great example is Georgia. Why did it go up $6 a gallon after Hurricane Katrina? Was that reasonable, when the rest of the Nation was about $3? That is excessive. That is unconscionable.

Mr. BARTON of Texas. Let me ask another question. It says "in the area to which the declaration applies." What if the price gouging is outside of the declaration area? What does your amendment do then?

Mr. STUPAK. Then the President, much like the manager's bill, and much like excessive, and the gentleman's bill has the same language basically because you copied our bill, so you can go outside the area. The President has the authority to go outside the area, just like he does in the underlying area.

And getting back to the FTC and what is excessive, again just like your bill, you used different words, but you allow the FTC to define it. We gave more than you gave. We actually gave concrete factors to consider.

Mr. BARTON of Texas. We do not have in the manager's amendment the words "unconscionably excessive." We do not have the words "gross disparity." I am not disputing the intent. I understand that. I do question the advisability of putting that in statute when it is not defined. That is my question.

Can the gentleman answer questions about the strategic reserve?

Mr. STUPAK. In answer to the gentleman's last question, if you look at page 4, we have rulemaking in there, where the FTC shall promulgate the rules necessary and appropriate to enforce. Under the rulemaking process, you, myself, just about all of us have an opportunity to put in our two cents' worth on what we feel may be excessive, market manipulation, or price gouging. So, again, if you want to dwell on a word or two, I think all Americans know when they are being excessively gouged at the pump.

Mr. BARTON of Texas. Mr. Speaker, I know the gentleman's intent is honorable. I am not questioning that.

Can the gentleman answer questions about section 191, the Strategic Refinery Reserve? I know the gentleman from Virginia (Mr. BOUCHER) is the prime author.

Mr. STUPAK. Go ahead. I will try to answer it.

Mr. BARTON of Texas. First of all, it says the Secretary shall establish and operate. Does that mean that the Federal Government would actually build these refineries and operate them with Federal employees?

Mr. STUPAK. It is just like the Strategic Petroleum Reserve; it is up to the Secretary to approve it. Would the Federal Government and Federal employees operate it? No. Much like we did in the energy bill for nuclear. Let us put it up and build it, but let someone else operate it and manage it.

Mr. BARTON of Texas. Would these refineries operate continuously, around the clock, or would they only operate when the President has declared an energy emergency?

Mr. STUPAK. They would operate around the clock. Mr. Chairman, if you look on page 18 on how it would be implemented, it is starting on line 9, we have the implementation plan, and it must be established within 2 years and how they are going to do it. But we would operate it year-round. The refined product would go to, without an energy declaration by the President, refined product would go to the military to meet their military needs. At times of emergency, then we would shift to give relief at home at the pump for the American people.

Mr. BARTON of Texas. Well, on page 18, the implementation plan just says the Secretary shall transmit to the Congress a plan. But it is your understanding that if this were to become law, these refineries that would be built by the Department of Energy would actually be operated on a continual basis; is that correct?

Mr. STUPAK. "Shall transmit the plan to Congress for establishment and operation of the strategic refinery reserve," lines 11 and 12.

Again, he will submit his plan, whoever the Secretary is. They may have a different idea, but they must submit it to the Congress so we can see. It is just like SPR, subject to appropriation, subject to congressional oversight.

Mr. BARTON of Texas. But the strategic petroleum reserve is a reserve that you take crude oil and store it so if we need it you bring it up and transmit it to refineries to be refined into refined products. A strategic refinery reserve, as I understand it in this bill, you actually go out and build the refineries, and it is unclear to me whether you would operate them around the clock or just in some sort of an emergency.

I do understand that you require the Secretary of Energy to transmit the plan. But if the Secretary of Energy did not want to operate them continuously, I guess he would have that authority in the plan to have them as a sort of ready reserve.

Mr. STUPAK. Mr. Speaker, I yield 3½ minutes to the gentleman from Maryland (Mr. HOYER), the distinguished Democratic floor leader.

Mr. HOYER. Mr. Speaker, I thank the gentleman for yielding me this time, and I would like to make an observation to the chairman at the outset.

Mr. Chairman, had we had hearings on this bill, perhaps your questions could have been answered. But your side decided not to have any hearings, not to explore the facts. Your side decided to go ahead, in my opinion, for political purposes. I do not question your motives, because my understanding is you were acting under instructions, and we all understand that.

Mr. Speaker, the American people are being pummeled at the pump by high gas prices, and they are being told to brace themselves for record heating costs this winter. And what is this House majority doing to reduce the consumers' pain? Nothing.

Let us be clear: this bill is not a panacea; it is not even a solution or a plan. But do not take my word for it, just listen to the Republican chairman of the House Committee on Science, the gentleman from New York (Mr. BOEHLERT). In a letter that he sent today, after the Committee on Rules reported the manager's amendment late last night, the gentleman from New York (Mr. BOEHLERT) wrote in a Dear Colleague: "Please join me in voting no on H.R. 3893, which will increase the deficit, harm the environment, undermine the States, and give charity to the oil companies while doing virtually nothing to help consumers." Chairman BOEHLERT's remarks.

□ 1300

Mr. Speaker, it is clear that this Republican majority is exploiting the disruption to our Nation's refining capacity caused by Hurricane Katrina and Rita to push many of the same provisions that they could not pass in the Energy Policy Act we passed in July.

This Republican bill, for example, would create a fund that would pay oil companies if they are sued, even if they lose in court. It would enable cities with dirty air to delay meeting clean air requirements, and it would preempt State and local zoning regulations related to the siting of refineries.

What do these provisions have to do with reducing gas prices today? In sharp contrast, the Democratic substitute, sponsored by the gentleman from Michigan (Mr. STUPAK) and the gentleman from Virginia (Mr. BOUCHER) would put some bite in the Federal Trade Commission's bark. It would give the FTC explicit authority to stop price gouging, not just for gasoline and diesel fuels, but for natural gas home heating oil and propane as well. It provides for enhanced penalties for price gouging, explicitly outlaws market manipulation, substitute Enron activities, if you will, and empowers State attorneys general to enforce the Federal law.

Furthermore, Mr. Speaker, the substitute would establish a strategic refinery reserve. The fact is our national security and economic strength are susceptible to private industry decisions that are motivated primarily by profit, but not by national security issues. This Congress has a duty to address this vulnerability.

I urge my colleagues to vote for this substantive substitute, and I urge further, that if the substitute passes, maybe vote for the bill; but if it does not pass, to vote against this bad bill, which is bad for the consumers of our country.

Mr. STUPAK. Mr. Speaker, I yield the balance of my time to the gentlewoman from California (Ms. PELOSI), our Democratic leader, who has been so supportive in our efforts to make sure that Americans get a fair shake at the gas pump and when they heat their homes this winter and go to work each and every day. She has been there fighting for the American people.

Ms. PELOSI. Mr. Speaker, I thank the distinguished gentleman from Michigan for yielding. I commend the gentleman from Michigan for his great leadership, and I thank him for his great leadership on behalf of the American consumer and the American taxpayer.

The gentleman from Michigan and the gentleman from Virginia with their very wise substitute give a chance to help the consumer and declare energy independence. I also want to commend the gentleman from Michigan (Mr. DINGELL), the distinguished ranking member of the full committee, for his extraordinary leadership on this and so many issues. Also, I salute the gentleman from New York (Mr. BOEHLERT), chair of the Science Committee, for his recognition that this Democratic substitute is a better way to go.

Mr. Speaker, I rise in strong opposition to the Republican energy bill. It is anti-taxpayer. It is anti-consumer. And it is anti-environment. I encourage my colleagues to support the Stupak-Boucher substitute. This bill should be called, The Republican Gifts to Special Interests Bill. It is a perfect example of the Republican culture of cronyism and corruption. Using Hurricane Katrina as their excuse, the Republicans are once again pushing their special interest agenda at the expense of the American people.

Americans do not need legislation passed here today to enrich the oil industry. Americans need relief from high Georgia prices. This week, the average price at the pump was $2.92 a gallon. That is 99 cents more than a year ago and 30 cents higher than just pre-Katrina. It is also twice the cost per gallon than the first year when President Bush took office.

Winter is around the corner, and so are skyrocketing increases in home heating costs. Families who heat with natural gas could see their fuel costs increase more than 70 percent in some parts of the country. It is astounding. Families are expected to spend nearly three times as much for home heating oil again than they did 4 years ago, the first year President Bush took office. Let us get this straight. Price at the pump for the consumer, per gallon of gas, is twice as high as 4 years ago, the first year President Bush took office. For home heating oil, you are expected to pay three times as much as you did 4 years ago, the first year President Bush took office.

Yet for the second time in 1 month, the Republicans have brought a bill to the floor that fails to address price gouging, fails to bring down prices and fails to put us on the road to energy independence.

As with the energy bill passed this summer, this bill ignores the real need of the American people and rewards the greed of special interests. Need or greed, take your choice. The Republicans in this culture of corruption and cronyism came down on the side of greed. This bill includes all the special favors to the energy industry that were too extreme to be included in the energy bill passed by Congress less than 3 months ago.

Refinery companies have deliberately closed and consolidated their facilities to drive up profit margins. They are making enormous profits. Do the American people really believe the right response is to waive environmental laws, brush aside State and local authorities and open up Federal lands to new refineries? Of course not. But that is the Republican approach: Greed over need.

Republicans blame the Clean Air Act for our record energy costs. Even after removing its most extreme provisions, this bill still includes the so-called bump-up provision, which would expose millions of Americans to unhealthy levels of smog for years to come. Once again, greed over need.

Our Democratic substitute to this bill, introduced again by the gentleman from Michigan (Mr. STUPAK) and the gentleman from Virginia (Mr. BOUCHER) creates a strategic refinery initiative which would be able to produce 5 percent of the daily demand for gasoline when needed, real solutions to America's energy crisis. That is what this substitute contains. If you are able to produce 5 percent, bump that up to the daily demand, you can reduce the price of gasoline at the pump drastically.

For weeks, Democrats have demanded a new Federal law to crack down on price gouging by the energy industry. In fact, the gentleman from Michigan (Mr. STUPAK) has that very bill. Consumers are being cheated every time they fill up their cars or turn up their thermostat by an industry making record profits. But this bill does not come close to addressing the severe gouging of consumers.

Our Democratic substitute provides real protection from price gouging for the first time. We have been asking for it over and over. Here we have a bill on the floor that will do just that. The Stupak-Boucher bill gives the Federal Trade Commission broad authority to crack down on price gouging for a wide range of fuels, for businesses all along the supply chain.

Our substitute provides for tough civil penalties and allows attorneys general to enforce the Federal law without interfering with State price gouging laws. Mr. Speaker, it is time for our Nation to make a declaration of energy independence. This is an urgent issue of national security. Together, America can do better. We have the resources. We have the technology. We have the innovative ideas, and more of them are springing forth all the time. We can do it right and create millions of new jobs at the same time.

We have an enormous untapped potential in the area of energy efficiency and renewable energy. By implementing existing technologies and developing new ones in every sector of the economy and American life, we can take a giant step toward energy independence. This is not just about turning down the thermostat or driving less. Many Americans have had to do that for a long time now, they have already taken those steps; as much as this is about using our ingenuity to make our lives better and more comfortable.

Let us make progress. Let us set aside this back-to-the-future energy bill and turn our faces into the 21st Century, toward our Nation's true needs. I urge my colleagues to again reject this special interest Republican giveaway act and support the Democratic substitute. Together, Americans can do better.

Mr. MARKEY. Mr. Speaker, I rise in support of the amendment offered by the gentleman from Michigan (Mr. STUPAK) and the gentleman from Virginia (Mr. BOUCHER).

The bill before us today proposes to gut the Clean Air Act in order to promote construction of more refineries. It is predicated upon the false premise that somehow our nation's environmental laws somehow stand in the way of the oil companies' attempts to build new refineries. Nothing could be further from the truth. The oil companies have shut down 30 refineries over the last decade. They've ordered 1 new refinery, and that one got its permit through the EPA in 9 months!

The Republican Energy bill that we passed just 8 weeks ago contained a refinery siting proposal that the Speaker of the House said "promotes greater refinery capacity so more gasoline will be on the market and it increases gasoline supply by putting an end to the proliferation of boutique fuels." The bill before us today repeals that provision. Why? Has the Majority lost confidence in its own new law?

The Republican Energy bill that we passed just 8 weeks ago contained boutique fuels language that you, Mr. Chairman, praised on the House floor, arguing that they would "make it more efficient to use our boutique fuels" by reducing the number of these fuels "so that we have greater transportability of our boutique fuels between those regions of the country that need those fuel sources." Now, the bill you have brought before us today has repealed that provision. Why? Has the Majority lost confidence that its earlier boutique fuels solution would work?

The Republican Energy bill that we passed just 8 weeks ago dropped provisions of the House bill that would have weakened the Clean Air Act. These provisions were dropped because there was bipartisan opposition to their adoption, and Chairman DOMENICI stated during the conference that the bill could not pass the Senate if they were included. The language that delays compliance with the Clean Air Act was resurrected. Why? Does the Majority really think that they've picked up any more votes for dirtying our Nation's air due to the terrible tragedies Katrina and Rita?

Why would we allow the EPA to extend deadlines for cleaning up ozone pollution, in some cases until 2015, without imposing any of the additional cleanup requirements mandated under current law? The proponents of this bad provision are trying to justify it by saying it is for the "protection" of downwind States.

However, just yesterday, 9 Attorneys General, including 6 from "downwind" States such as Massachusetts, sent a letter to the House leadership opposing this bill. Well if the States that are the supposed beneficiaries of these relaxed regulations don't want them, then who does? The polluters, that's who!

The bottom line is that these rollbacks of clean air requirements don't benefit the states that have to breathe dirty air for another 10 years, they benefit the corporations that don't want to clean up their power plants.

This bill before us today also proposes to preempt the ability of state or local officials to make decisions regarding the siting of a new refinery or an oil pipeline. Instead of allowing State and local officials to make land use decisions, to consider environmental impacts, impacts on local communities, on historic or cultural sites, or other factors, we are going to have the bureaucrats at the Department of Energy and the Federal Energy Regulatory Commission make these decisions. State and local officials, the cities, the Mayors, all oppose doing this.

The Democratic Substitute would replace the many objectionable provisions of the underlying bill with language that would give the Federal Trade Commission new authority to investigate and punish certain manipulative or abusive practices during any presidentially declared national or regional "energy emergency." It would bar any party from selling crude oil, gasoline, home heating oil or other petroleum products at a price that is unconscionably excessive or which takes unfair advantage of the circumstances to increase prices unreasonably.

At the same time, the Substitute creates a new Strategic Refinery Reserve that builds on the highly successful Strategic Petroleum Reserve. The Refinery Reserve would provide the Federal Government with the ability to produce gasoline, home heating oil, or other refined petroleum products during an energy emergency. It would be designed to be able to serve 5 percent of daily demand. During non-emergency periods, the Reserve would produce petroleum products to serve demand from the Federal government, including the Department of Defense. It would also serve demand from State and local governments that elected to opt-in to receiving fuel supplies from the Reserve.

The Substitute avoids the extreme over-reaching of the underlying bill. It limits our response to the two issues that have been highlighted for us all as the result of Katrina and Rita—the need for a Federal price gouging law and the need for a Federal refinery reserve.

I urge adoption of the amendment.

The SPEAKER pro tempore (Mr. SIMPSON). Pursuant to House Resolution 481, the previous question is ordered on the bill and on the amendment in the nature of a substitute offered by the gentleman from Michigan (Mr. STUPAK).

The question is on the amendment in the nature of a substitute offered by the gentleman from Michigan (Mr. STUPAK).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. STUPAK. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 199, noes 222, not voting 12, as follows:

[Roll No. 517]

AYES—199

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Emerson
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Oberstar
Obey
Ortiz
Owens
Pallone
Pascrell
Pastor
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—222

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Cunningham
Davis (KY)
Davis, Jo Ann
Davis, Tom
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo

Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—12

Beauprez
Boswell
Deal (GA)
Delahunt
Hastings (FL)
Neal (MA)
Norwood
Olver
Payne
Poe
Royce
Schwarz (MI)

□ 1332

Messrs. GOODLATTE. McCAUL of Texas and HALL and Ms. PRYCE of Ohio changed their vote from "aye" to "no."

Messrs. STARK, CARDOZA, CRAMER, AL GREEN of Texas, RUPPERSBERGER and SHAYS changed their vote from "no" to "aye."

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. POE. Mr. Speaker, I was not present for debate on rollcall vote No. 515, rule providing for consideration of Gasoline for America's Security Act (H.R. 3893); rollcall vote No. 516, on approving the journal; and rollcall vote No. 517, substitute amendment by STUPAK to H.R. 3893.

Had I been present, I would have voted "yea" for rollcall votes 515 and 516. I would have voted "nay" for rollcall vote No. 517.

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. BISHOP OF NEW YORK

Mr. BISHOP of New York. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. BISHOP of New York. In its present form, yes.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Bishop of New York moves to recommit the bill, H.R. 3893, to the Committee on Energy and Commerce with instructions to report the bill back to the House forthwith with the following amendment:

Strike section 402 of the bill and insert the following:

SEC. 402. PROTECTING CONSUMERS FROM ENERGY PRICE GOUGING.

(a) UNCONSCIONABLE PRICING OF GASOLINE, OIL, NATURAL GAS, AND PETROLEUM DISTILLATES DURING EMERGENCIES.—

(1) UNCONSCIONABLE PRICING.—

(A) IN GENERAL.—During any energy emergency declared by the President under subsection (b), it is unlawful for any person to sell crude oil, gasoline, natural gas, or petroleum distillates in, or for use in, the area to which that declaration applies at a price that—

(i) is unconscionably excessive; or

(ii) indicates the seller is taking unfair advantage of the circumstances to increase prices unreasonably.

(B) FACTORS CONSIDERED.—In determining whether a violation of subparagraph (A) has occurred, there shall be taken into account, among other factors, whether—

(i) the amount charged represents a gross disparity between the price of the crude oil, gasoline, natural gas, or petroleum distillate sold and the price at which it was offered for sale in the usual course of the seller's business immediately prior to the energy emergency; or

(ii) the amount charged grossly exceeds the price at which the same or similar crude oil, gasoline, natural gas, or petroleum distillate was readily obtainable by other purchasers in the area to which the declaration applies.

(C) MITIGATING FACTORS.—In determining whether a violation of subparagraph (A) has occurred, there also shall be taken into account, among other factors, whether the price at which the crude oil, gasoline, natural gas, or petroleum distillate was sold reasonably reflects additional costs, not within the control of the seller, that were paid or incurred by the seller.

(2) FALSE PRICING INFORMATION.—It is unlawful for any person to report information related to the wholesale price of crude oil, gasoline, natural gas, or petroleum distillates to the Federal Trade Commission if—

(A) that person knew, or reasonably should have known, the information to be false or misleading;

(B) the information was required by law to be reported; and

(C) the person intended the false or misleading data to affect data compiled by that department or agency for statistical or analytical purposes with respect to the market for crude oil, gasoline, natural gas, or petroleum distillates.

(3) MARKET MANIPULATION.—It is unlawful for any person, directly or indirectly, to use or employ, in connection with the purchase or sale of crude oil, gasoline, natural gas, or petroleum distillates at wholesale, any manipulative or deceptive device or contrivance, in contravention of such rules and regulations as the Federal Trade Commission may prescribe as necessary or appropriate in the public interest or for the protection of United States citizens.

(4) RULEMAKING.—Not later than 180 days after the date of the enactment of this section, the Federal Trade Commission shall promulgate rules necessary and appropriate to enforce this section.

(b) DECLARATION OF ENERGY EMERGENCY.—

(1) IN GENERAL.—If the President finds that the health, safety, welfare, or economic well-being of the citizens of the United States is at risk because of a shortage or imminent shortage of adequate supplies of crude oil, gasoline, natural gas, or petroleum distillates due to a disruption of the national distribution system for crude oil, gasoline, natural gas, or petroleum distillates (including such a shortage related to a major disaster (as defined in section 102(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122))), or significant pricing anomalies in national or regional energy markets for crude oil, gasoline, natural gas, or petroleum distillates of a more than transient nature, the President may declare that a Federal energy emergency exists.

(2) SCOPE AND DURATION.—The declaration shall apply to the Nation, a geographical region, or 1 or more States, as determined by the President, but may not be in effect for a period of more than 45 days.

(3) EXTENSIONS.—The President may—

(A) extend a declaration under paragraph (1) for a period of not more than 45 days; and

(B) extend such a declaration more than once.

(c) ENFORCEMENT BY THE FEDERAL TRADE COMMISSION.—

(1) ENFORCEMENT BY FTC.—A violation of subsection (a) shall be treated as a violation of a rule defining an unfair or deceptive act or practice prescribed under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)). The Federal Trade Commission shall enforce this section in the same manner, by the same means, and with the same jurisdiction as though all applicable terms and provisions of the Federal Trade Commission Act were incorporated into and made a part of this section. In enforcing subsection (a)(1), the Commission shall give priority to enforcement actions concerning companies with total United States wholesale or retail sales of crude oil, gasoline, and petroleum distillates in excess of $500,000,000 per year.

(2) CIVIL PENALTIES.—

(A) IN GENERAL.—Notwithstanding the penalties set forth under the Federal Trade Commission Act, any person who violates subsection (a) shall be subject to the following penalties:

(i) PRICE GOUGING; UNJUST PROFITS.—Any person who violates subsection (a)(1) shall be subject to—

(I) a fine of not more than 3 times the amount of profits gained by such person through such violation; or

(II) a fine of not more than $3,000,000.

(ii) FALSE INFORMATION; MARKET MANIPULATION.—Any person who violates paragraph (2) or (3) of subsection (a) shall be subject to a civil penalty of not more than $1,000,000.

(B) METHOD OF ASSESSMENT.—The penalties provided by subparagraph (A) shall be assessed in the same manner as civil penalties imposed under section 5 of the Federal Trade Commission Act (15 U.S.C. 45).

(C) MULTIPLE OFFENSES; MITIGATING FACTORS.—In assessing the penalty provided by this paragraph—

(i) each day of a continuing violation shall be considered a separate violation; and

(ii) the Federal Trade Commission shall take into consideration the seriousness of the violation and the efforts of the person committing the violation to remedy the harm caused by the violation in a timely manner.

(d) ENFORCEMENT AT RETAIL LEVEL BY STATE ATTORNEYS GENERAL.—

(1) IN GENERAL.—A State, as parens patriae, may bring a civil action on behalf of its residents in an appropriate district court of the United States to enforce the provisions of subsection (a)(1) or to impose the civil penalties authorized by subsection (c)(2)(a)(ii), whenever the attorney general of the State has reason to believe that the interests of the residents of the State have been or are being threatened or adversely affected by a violation of this section or a regulation under this section.

(2) NOTICE.—The State shall serve written notice to the Federal Trade Commission of

any civil action under paragraph (1) prior to initiating such civil action. The notice shall include a copy of the complaint to be filed to initiate such civil action, except that if it is not feasible for the State to provide such prior notice, the State shall provide such notice immediately upon instituting such civil action.

(3) AUTHORITY TO INTERVENE.—Upon receiving the notice required by paragraph (2), the Federal Trade Commission may intervene in such civil action and upon intervening—

(A) be heard on all matters arising in such civil action; and

(B) file petitions for appeal of a decision in such civil action.

(4) CONSTRUCTION.—For purposes of bringing any civil action under paragraph (1), nothing in this section shall prevent the attorney general of a State from exercising the powers conferred on the attorney general by the laws of such State to conduct investigations or to administer oaths or affirmations or to compel the attendance of witnesses or the production of documentary and other evidence.

(5) VENUE; SERVICE OF PROCESS.—In a civil action brought under paragraph (1)—

(A) the venue shall be a judicial district in which—

(i) the defendant operates;

(ii) the defendant was authorized to do business; or

(iii) where the defendant in the civil action is found;

(B) process may be served without regard to the territorial limits of the district or of the State in which the civil action is instituted; and

(C) a person who participated with the defendant in an alleged violation that is being litigated in the civil action may be joined in the civil action without regard to the residence of the person.

(6) LIMITATION ON STATE ACTION WHILE FEDERAL ACTION IS PENDING.—If the Federal Trade Commission has instituted a civil action or an administrative action for violation of this section, no State attorney general, or official or agency of a State, may bring an action under this subsection during the pendency of that action against any defendant named in the complaint of the Federal Trade Commission or the other agency for any violation of this section alleged in the complaint.

(7) ENFORCEMENT OF STATE LAW.—Nothing contained in this section shall prohibit an authorized State official from proceeding in State court to enforce a civil or criminal statute of such State.

(e) LOW INCOME ENERGY ASSISTANCE.—Amounts collected in fines and penalties under subsection (c) shall be deposited in a separate fund in the treasury to be known as the Consumer Relief Trust Fund. To the extent provided for in advance in appropriations Acts, such fund shall be used to provide assistance under the Low Income Home Energy Assistance Program established under title XXVI of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 8621 et seq.).

(f) EFFECT ON OTHER LAWS.—

(1) OTHER AUTHORITY OF FEDERAL TRADE COMMISSION.—Nothing in this section shall be construed to limit or affect in any way the Federal Trade Commission's authority to bring enforcement actions or take any other measure under the Federal Trade Commission Act (15 U.S.C. 41 et seq.) or any other provision of law.

(2) STATE LAW.—Nothing in this section preempts any State law.

(g) MARKET TRANSPARENCY FOR CRUDE OIL, GASOLINE, AND PETROLEUM DISTILLATES.—

(1) IN GENERAL.—The Federal Trade Commission shall facilitate price transparency in markets for the sale of crude oil and essential petroleum products at wholesale, having due regard for the public interest, the integrity of those markets, fair competition, and the protection of consumers.

(2) MARKETPLACE TRANSPARENCY.—

(A) DISSEMINATION OF INFORMATION.—In carrying out this subsection, the Federal Trade Commission shall provide by rule for the dissemination, on a timely basis, of information about the availability and prices of wholesale crude oil, gasoline, and petroleum distillates to the Federal Trade Commission, States, wholesale buyers and sellers, and the public.

(B) PROTECTION OF PUBLIC FROM ANTICOMPETITIVE ACTIVITY.—In determining the information to be made available under this subsection and time to make the information available, the Federal Trade Commission shall seek to ensure that consumers and competitive markets are protected from the adverse effects of potential collusion or other anticompetitive behaviors that can be facilitated by untimely public disclosure of transaction-specific information.

(C) PROTECTION OF MARKET MECHANISMS.—The Federal Trade Commission shall withhold from public disclosure under this subsection any information the Commission determines would, if disclosed, be detrimental to the operation of an effective market or jeopardize system security.

(3) INFORMATION SOURCES.—

(A) IN GENERAL.—In carrying out paragraph (2), the Federal Trade Commission may—

(i) obtain information from any market participant; and

(ii) rely on entities other than the Commission to receive and make public the information, subject to the disclosure rules in paragraph(2)(C).

(B) PUBLISHED DATA.—In carrying out this subsection, the Federal Trade Commission shall consider the degree of price transparency provided by existing price publishers and providers of trade processing services, and shall rely on such publishers and services to the maximum extent possible.

(C) ELECTRONIC INFORMATION SYSTEMS.—The Federal Trade Commission may establish an electronic information system if it determines that existing price publications are not adequately providing price discovery or market transparency. Nothing in this subsection, however, shall affect any electronic information filing requirements in effect under this section as of the date of enactment of this section.

(D) DE MINIMUS EXCEPTION.—The Federal Trade Commission may not require entities who have a de minimus market presence to comply with the reporting requirements of this subsection.

(4) COOPERATION WITH OTHER FEDERAL AGENCIES.—

(A) MEMORANDUM OF UNDERSTANDING.—Within 180 days after the date of enactment of this section, the Federal Trade Commission shall conclude a memorandum of understanding with the Commodity Futures Trading Commission and other appropriate agencies (if applicable) relating to information sharing, which shall include provisions—

(i) ensuring that information requests to markets within the respective jurisdiction of each agency are properly coordinated to minimize duplicative information requests; and

(ii) regarding the treatment of proprietary trading information.

(B) CFTC JURISDICTION.—Nothing in this subsection may be construed to limit or affect the exclusive jurisdiction of the Commodity Futures Trading Commission under the Commodity Exchange Act (7 U.S.C. 1 et seq.).

(5) RULEMAKING.—Within 180 days after the date of enactment of this subsection, the Federal Trade Commission shall initiate a rulemaking proceeding to establish such rules as the Commission determines to be necessary and appropriate to carry out this subsection.

(h) REPORT ON UNITED STATES ENERGY EMERGENCY PREPAREDNESS.—

(1) POTENTIAL IMPACTS REPORT.—Within 30 days after the date of enactment of this section, the Federal Trade Commission shall transmit to the Congress a confidential report describing the potential impact on domestic prices of crude oil, residual fuel oil, and refined petroleum products that would result from the disruption for periods of 1 week, 1 year, and 5 years, respectively, of not less than—

(A) 30 percent of United States oil production;

(B) 20 percent of United States refinery capacity; and

(C) 5 percent of global oil supplies.

(2) PROJECTIONS AND POSSIBLE REMEDIES.—The President shall include in the report—

(A) projections of the impact any such disruptions would be likely to have on the United States economy; and

(B) detailed and prioritized recommendations for remedies under each scenario covered by the report.

Mr. BISHOP of New York (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The SPEAKER pro tempore. The gentleman from New York (Mr. BISHOP) is recognized for 5 minutes in support of his motion.

Mr. BISHOP of New York. Mr. Speaker, 1 year ago, the price of a gallon of gasoline in America was $1.94. The day before Hurricane Katrina struck, it was $2.61. This difference shows that exorbitant increases began even before Katrina wreaked havoc on our economy. The day after Katrina, prices jumped to $3.07. Today, our constituents are looking toward their elected representatives to rein in gas prices once and for all.

Earlier this year, we passed up a golden opportunity to protect Americans from price gouging when we enacted the first energy bill. If we pass this energy bill in its current form, we pass up that opportunity a second time. Let us not make the same mistake twice.

In that spirit, we offer this motion to recommit, which attacks soaring gas prices head on. Our motion achieves this objective by investing new authority in the FTC to investigate, enforce and then punish price gouging and market manipulation.

Specifically, our motion prohibits the sale of crude oil, gasoline, natural gas or any other petroleum distillates at a price that is considered either unconscionably excessive or indicates the seller is taking unfair advantage of the circumstances to increase prices unreasonably.

Any violation will result in new civil penalties, and will be enforced with up to triple the damages of the profits gained by the violation. Unlike the underlying bill, this motion has teeth by reining in scrupulous practices of the oil and gas executives, interested more in padding their bottom line than helping middle-class families make ends meet.

I urge my colleagues to stand up to the oil companies and show hardworking Americans that we are in their corner. Now is the time we must act, to prove that their interests are paramount, not the oil companies'. Our price gouging provisions are superior to those of the underlying legislation, and our provisions are in effect at every stage of the oil and gas production, covering everyone in the supply chain.

Let us put an end to price gouging once and for all. Do not let another opportunity go by without giving middle-class families the relief that they so desperately need and deserve. If you want to do the right thing for America here and now, vote for the motion to recommit.

Mr. Speaker, I yield to the gentlewoman from Pennsylvania (Ms. SCHWARTZ).

Ms. SCHWARTZ of Pennsylvania. Mr. Speaker, there is no doubt that the entire Nation is paying a price for the astronomical costs of oil and gasoline, and, Mr. Speaker, Pennsylvanians are no exception. Just yesterday, Philadelphia residents were told that their home heating bills would increase by 19.4 percent. That comes on top of double-digit price increases that they had to absorb last year, and it means they will pay on average an additional $335 to heat their homes this winter.

Winter can be very cold in Pennsylvania, and if Congress fails to take immediate action, some of my constituents will simply not have enough money to pay these high prices and may be forced to choose between heating their homes and putting food on their table. That, Mr. Speaker, is a decision that no American should be forced to make.

And it is more than just home heating costs. In the last 60 days, it has gotten a whole lot more expensive to drive to and from work, with the price of gasoline going up. It rose about 55 cents in just the last 2 months. Higher home heating costs, higher gas prices, these are daily expenses for most Americans, and they have real consequences for families across this Nation and to our national economy.

The bill under consideration today is simply another giveaway for special interests, and it comes at the expense of hardworking Americans.

The gentleman from New York (Mr. BISHOP) and I stand here today offering a way to give the Federal Government the authority to investigate and punish those using anti-competitive practices. It ensures immediate action to address the concerns of our constituents suffering from the high price of energy.

Support the Bishop motion to recommit and report this bill back to committee so we can adequately address price gouging and reduce costs for everyday Americans.

Mr. BARTON of Texas. Mr. Speaker, I claim the time in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from Texas (Mr. BARTON) is recognized for 5 minutes.

Mr. BARTON of Texas. Mr. Speaker, I want to engage in a short colloquy with the gentleman from New York (Mr. MCHUGH) concerning LIHEAP funding.

Mr. McHUGH. Mr. Speaker, will the gentleman yield?

Mr. BARTON of Texas. I yield to the gentleman from New York.

Mr. McHUGH. Mr. Chairman, as you know, the high energy costs are having a very negative effect on the Low Income Home Energy Assistance Program, and many State LIHEAP programs are expecting a major increase in applications and need for additional funding immediately to help ensure low-income families and seniors can afford to heat their homes.

I recently joined with more than 100 of my colleagues in writing to the Committee on Appropriations Members requesting $1.276 billion in additional LIHEAP funding, and I hope, Mr. Chairman, that you would work with me and other Members who share those concerns to make sure this very important assistance program will be available to those who need it in the upcoming winter heating season.

Mr. BARTON of Texas. Mr. Speaker, reclaiming my time, I support increased LIHEAP funding and the Energy Policy Act of 2005 the for LIHEAP funding from $2 billion to $5.1 billion. I will work with the gentleman to help increase the amount of funds appropriated for LIHEAP, to help those Americans, including those Americans in your great State of New York, most vulnerable to the higher energy costs we are seeing today.

Mr. Speaker, I oppose the motion to recommit. I know we are tired and grumpy, and we want to go home and catch planes.

Let me simply say that it appears to be the Stupak language on price gouging that was in the Democratic substitute. If that is correct, we have already had the vote, and we have in the pending bill language that addresses price gouging. So I guess we just have a difference of opinion.

It reminds me of what Ginger Rogers said when she was asked to comment on what a great dancer Fred Astaire was. She said, "Yes, but I do it, and I do it in high heels backwards."

So we both agree on both sides of the aisle that we need to do something about price gouging. I would say the base bill before us does it a little bit more eloquently, and it does it so that we can actually get to the root cause without preempting the States.

Mr. Speaker, I urge a "no" vote on the motion to recommit.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. BISHOP of New York. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on passage of H.R. 3893, if ordered, and on the motion to suspend the rules on H. Con. Res. 248.

The vote was taken by electronic device, and there were—ayes 200, noes 222, not voting 12, as follows:

[Roll No. 518]

AYES—200

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)

Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Oberstar
Obey
Ortiz
Owens
Pallone
Pascrell
Pastor
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Sweeney
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—222

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Cunningham
Davis (KY)
Davis, Jo Ann
Davis, Tom
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—12

Beauprez
Boswell
Deal (GA)
Delahunt
Hastings (FL)
Neal (MA)
Norwood
Olver
Payne
Royce
Schwarz (MI)
Weldon (PA)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON) (during the vote). Members are advised that 2 minutes remain in this vote.

□ 1358

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. DELAY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 212, noes 210, not voting 12, as follows:

[Roll No. 519]

AYES—212

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Chabot
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Cunningham
Davis (KY)
Davis, Jo Ann
Davis, Tom
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson, Sam
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Nunes
Nussle
Osborne
Otter
Oxley
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ryan (WI)
Ryun (KS)
Schmidt
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—210

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Boren
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Castle
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Fitzpatrick (PA)
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Oberstar
Obey
Ortiz
Owens
Pallone
Pascrell
Pastor
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz

Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Wexler
Woolsey
Wu
Wynn

NOT VOTING—12

Beauprez
Boswell
Deal (GA)
Delahunt
Hastings (FL)
Neal (MA)
Norwood
Olver
Paul
Payne
Royce
Schwarz (MI)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON) (during the vote). Members are advised that 2 minutes remain in this vote.

PARLIAMENTARY INQUIRY

Mr. HOYER (during the vote). Mr. Speaker, Members have planes to catch, as you well know; and I am just wondering if you could advise us as to the time frame of this vote.

The SPEAKER pro tempore. Does the gentleman have a parliamentary inquiry?

Mr. HOYER. The parliamentary inquiry would be how long, under parliamentary procedure, will this vote continue?

The SPEAKER pro tempore. The rules specify only a minimum time for the vote.

Mr. HOYER. We have passed that, is my understanding, Mr. Speaker.

The SPEAKER pro tempore. The Chair is exercising his discretion as to when the vote has been completed.

PARLIAMENTARY INQUIRY

Mr. SANDERS (during the vote). Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman may state his inquiry.

Mr. SANDERS. How long was this vote for?

The SPEAKER pro tempore. There is no maximum time for a vote.

Mr. SANDERS. My understanding is this was a 5-minute vote; is that correct?

The SPEAKER pro tempore. The rule specifies only a minimum time for voting, which on this vote is 5 minutes.

Mr. SANDERS. And how many minutes have elapsed? How many minutes have elapsed since the vote was called?

The SPEAKER pro tempore. Fourteen.

Mr. SANDERS. Fourteen for a 5-minute vote. I thank the Chair.

PARLIAMENTARY INQUIRIES

Mr. MARKEY (during the vote). Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore (Mr. SIMPSON). The gentleman may inquire.

Mr. MARKEY. Mr. Speaker, I observe that we are operating in a 5-minute vote, and we are now nearing 20 minutes for this vote to have been completed. Mr. Speaker, where does the point at which at the discretion of the Chair is no longer being used for the convenience of the Members but instead in order to abuse the discretion that the Chair has in keeping——

The SPEAKER pro tempore. The Chair will inform the gentleman that the rules do not set a maximum duration for the vote. The Chair intends to bring the vote to a close at such time as he believes Members have finished voting.

Mr. FRANK of Massachusetts. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. FRANK of Massachusetts. Mr. Speaker, my question is in the current uncertainty, do you know which Members the leadership from whom you are to take instruction to close the vote——

The SPEAKER pro tempore. The gentleman has not stated a proper parliamentary inquiry.

Mr. LEVIN. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman may inquire.

Mr. LEVIN. Mr. Speaker, the all-time world's record for a vote was 3 hours for the prescription drug Medicare bill. Do we anticipate beating that today?

The SPEAKER pro tempore. The gentleman has not stated a proper parliamentary inquiry.

Mr. LEVIN. I am sorry, Mr. Speaker.

Mr. MENENDEZ. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman may inquire.

Mr. MENENDEZ. Mr. Speaker, is the discretion of the Chair or the abuse of the discretion of the Chair and the abuse of power subject to a vote of the House to continue this vote open? Because we have a history on this House floor of illegalities taking place to change people's vote. Is the discretion of the Chair and an abuse of the discretion of the Chair subject to a ruling and a vote by this House?

The SPEAKER pro tempore. The Chair has affirmed that the rules establish a minimum duration of the vote; the rules do not set a maximum duration; and the Chair intends to bring the vote to a close at such time as he believes that Members have finished voting.

The Chair feels that further parliamentary inquiry at this stage of the proceedings is not constructive.

PARLIAMENTARY INQUIRY

Mr. HOYER (during the vote). Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore (Mr. SIMPSON). The gentleman will state his inquiry.

Mr. HOYER. Mr. Speaker, I am informed by the tally clerk that every Member of Congress who is in town has voted. Has voted. Has voted.

The SPEAKER pro tempore. Does the gentleman have a parliamentary inquiry?

Mr. HOYER. I do have a parliamentary inquiry. In that instance, is it not appropriate, once the people have spoken through their representatives in this House, to bring the vote to a close?

The SPEAKER pro tempore. That is a hypothetical question. The Chair will not answer a hypothetical question.

Mr. HOYER. I do not think that is hypothetical. That is the fact.

The SPEAKER pro tempore. As previously stated, the Chair intends to bring the vote to a close at such time as he believes that Members have finished voting. Have finished voting.

Mr. HOYER. I thank the Speaker. I am disappointed at the response, but I understand it.

PARLIAMENTARY INQUIRY

Mr. WAXMAN (during the vote). Parliamentary inquiry, Mr. Speaker. When a bill does not have a hearing——

The SPEAKER pro tempore. Does the gentleman have a parliamentary inquiry?

Mr. WAXMAN. I do have an inquiry.

The SPEAKER pro tempore. The gentleman may state a parliamentary inquiry.

Mr. WAXMAN. When there is a markup without Members having more than a day to review it; when the bill is rewritten and put on the House floor without Members having had a chance to review it; when the vote is held open a long period of time after the time has expired, does that not make the House a banana republic?

The SPEAKER pro tempore. The gentleman is not stating a parliamentary inquiry.

PARLIAMENTARY INQUIRY

Mr. DINGELL (during the vote). Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman may inquire.

Mr. DINGELL. Mr. Speaker, I have a plane to catch in about 1 hour. Am I going to be able to make it?

The SPEAKER pro tempore. That is not a parliamentary inquiry.

Mr. DINGELL. Will my colleagues be able to make it? Will the vote be ended by that time?

The SPEAKER pro tempore. That is not a parliamentary inquiry.

PARLIAMENTARY INQUIRY

Ms. PELOSI (during the vote). Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentlewoman may inquire.

Ms. PELOSI. Mr. Speaker, my parliamentary inquiry is: Is it not bringing dishonor to the House of Representatives for this body to act in the shameful way that it is? Is it not part of the culture of corruption of the Republican Party to dishonor the wishes of the American people?

The SPEAKER pro tempore. Does the gentlewoman have a parliamentary inquiry?

Ms. PELOSI. I have a parliamentary inquiry.

PARLIAMENTARY INQUIRY

Mr. THOMAS (during the vote). Parliamentary inquiry, Mr. Speaker. Based upon the statement of the gentleman from Maryland that everyone had voted and that therefore the vote should have been closed——

The SPEAKER pro tempore. Does the gentleman have a parliamentary inquiry?

The Chair will recognize Members for appropriate parliamentary inquiries.

PARLIAMENTARY INQUIRY

Mr. WAXMAN (during the vote). Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman may inquire.

Mr. WAXMAN. After the votes have been cast, is it not appropriate to announce the votes?

The SPEAKER pro tempore. As previously stated, the Chair intends to bring the vote to a close at such time as he believes that all Members have finished voting.

□ 1442

Messrs. MOLLOHAN, CUELLAR, GENE GREEN of Texas, and BRADLEY of New Hampshire changed their vote from "yea" to "nay."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

HONORING THE LIFE AND WORK OF SIMON WIESENTHAL

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 248, as amended.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 248, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 354, nays 0, not voting 79, as follows:

[Roll No. 520]

YEAS—354

Abercrombie
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capuano
Cardin
Cardoza
Carnahan
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, Tom
DeGette
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Etheridge
Evans
Farr
Fattah
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Frank (MA)
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gingrey
Gohmert
Gonzalez
Goodlatte
Gordon
Green, Al
Green, Gene
Grijalva
Gutknecht
Hall
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Issa
Istook
Jackson (IL)
Jackson Lee (TX)
Jefferson
Jindal
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Mack
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy
Myrick
Nadler
Napolitano
Neugebauer
Northup
Nunes
Oberstar
Obey
Ortiz
Otter
Owens
Pallone
Pastor
Paul
Pearce
Pelosi
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stearns
Strickland
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Wasserman Schultz
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—79

Ackerman
Bachus
Beauprez
Blackburn
Boswell
Boucher
Brady (TX)
Brown-Waite, Ginny
Capps
Carson
Cleaver
Clyburn
Coble
Davis (FL)
Davis (TN)
Davis, Jo Ann
Deal (GA)
DeFazio
Delahunt
DeLauro
Dicks
Eshoo
Everett
Feeney
Filner
Foxx
Frelinghuysen
Gillmor
Goode
Granger
Graves
Green (WI)
Gutierrez
Harris
Hastings (FL)
Hinchey
Hooley
Israel
Jenkins
Johnson (IL)
King (NY)
LaHood
Larson (CT)
Lynch
Marchant
McCarthy
McDermott
Meehan
Mica
Moran (KS)
Murtha
Musgrave
Neal (MA)
Ney
Norwood
Nussle
Olver
Osborne
Oxley
Pascrell
Payne
Pence
Peterson (MN)
Peterson (PA)
Pombo
Royce
Sabo
Schwarz (MI)
Stark
Stupak
Taylor (NC)
Terry
Tiberi
Walsh
Wamp
Waters
Watson
Westmoreland
Wicker

□ 1453

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. PENCE. Mr. Speaker, I was detained this afternoon. Had I been present, I would have voted in the following manner: Rollcall 520 (On Passage—H. Con. Res. 248)—"yea."

Mr. GREEN of Wisconsin. Mr. Speaker, had I been present, I would have voted "yea" on rollcall 520.

Mr. GUTIERREZ. Mr. Speaker, I was unavoidably absent from this Chamber for one rollcall vote today. I would like the RECORD to show that, had I been present, I would have voted "yea" on rollcall vote 520.

Mr. LARSON of Connecticut. Mr. Speaker, I was unable to vote on H. Con. Res. 248, honoring the life and work of Simon Wiesenthal and reaffirming the commitment of Congress to the fight against anti-Semitism and intolerance in all forms, in all forums, and in all nations. Had I been present I would have voted "yea" on rollcall vote No. 520.

Mr. CLEAVER. Mr. Speaker, I was unavoidably detained from the Chamber today during rollcall vote 520. Had I been present, I would have voted "yea."

Mrs. CAPPS. Mr. Speaker, I was not able to be present for the following rollcall vote and would like the RECORD to reflect that I would have voted as follows: Rollcall No. 520—"yea."

Mr. JOHNSON of Illinois. Mr. Speaker, on rollcall No. 520 I was inadvertently detained. Had I been present, I would have vote "yea."

Mr. MICA. Mr. Speaker, I was unavoidably detained and was unable to vote on rollcall 520. Had I been present, I would have voted "yea" on this measure.

Mr. FILNER. Mr. Speaker, on rollcall No. 520, on H. Con. Res. 248, I was in route to my Congressional District on official business. Had I been present, I would have vote "yea."

PROVIDING FOR AN ADJOURNMENT OR RECESS OF THE TWO HOUSES

Mr. BAKER. Mr. Speaker, I offer a privileged concurrent resolution (H.

Con. Res. 263) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 263

Resolved by the House of Representatives (the Senate concurring),

That when the House adjourns on the legislative day of Friday, October 7, 2005, or Saturday, October 8, 2005, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Monday, October 17, 2005, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on Friday, October 7, 2005, or Saturday, October 8, 2005, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, October 17, 2005, or at such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate if, in their opinion, the public interest shall warrant it.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

CONDITIONAL ADJOURNMENT OF THE HOUSE

Mr. BAKER. Mr. Speaker, I ask unanimous consent that when the House adjourns on this legislative day, it adjourn to meet at noon on the third constitutional day thereafter, unless it sooner has received a message from the Senate transmitting its concurrence in House Concurrent Resolution 263, in which case the House shall stand adjourned pursuant to that concurrent resolution.

The SPEAKER pro tempore (Mr. SIMPSON). Is there objection to the request of the gentleman from Louisiana?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY, OCTOBER 19, 2005

Mr. BAKER. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday, October 19, 2005.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

COMMUNITY DISASTER LOAN ACT OF 2005

Mr. BAKER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 1858) to provide for community disaster loans, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

Mr. OBERSTAR. Mr. Speaker, reserving the right to object, under my reservation, I ask the gentleman from Louisiana (Mr. BAKER) to explain the substance of the bill.

Mr. BAKER. Mr. Speaker, will the gentleman yield?

Mr. OBERSTAR. I yield to the gentleman from Louisiana.

Mr. BAKER. Mr. Speaker, there is within the construction of FEMA a loan program called the Community Disaster Loan Program. Currently as constructed, there is a $5 million limit per loan per community under the rules that govern distributions of these loans. There is also a funding limitation of some considerable concern in light of the community needs pursuant to Hurricanes Katrina and Rita.

The purpose of this legislation is to designate $700 million of previously appropriated funds for the purpose of making them available under the provisions of the current Community Disaster Loan Program.

Secondly, the bill would waive the $5 million arbitrary cap in light of the current need, but only as to the $700 million specified, and only as to the final disposition of the need for Hurricanes Katrina and Rita.

Pursuant to those modifications, the Senate has also adopted a provision which would not allow the waiver of repayment which has been historically the case over the course of the administration of the Community Disaster Loan Program. The bill as now constructed does not permit the waiver of repayment of these loan obligations. This will in effect create a $700 million loan program which must be repaid by the communities which have suffered the Katrina-Rita losses without a limit as to the $5 million cap on a per-loan consideration.

Mr. OBERSTAR. Further reserving the right to object, and I thank the gentleman for that explanation. Earlier this week, under the leadership of our chairman of the Subcommittee on Water Resources of the Committee on Transportation and Infrastructure, the gentleman from Tennessee (Mr. DUNCAN), 10 House Members traveled to the three principally affected Gulf States to see firsthand the effects of Hurricane Katrina.

We met with officials in Baton Rouge at the Joint Operation Center for New Orleans and then on through Mississippi and Alabama, during which session the gentleman from Louisiana (Mr. BAKER) made, I thought, a superb, a superlative presentation of the history of the storm and the disastrous affects of Katrina and the consequences on the people and the businesses and the need for reconstruction.

Citizens of the Gulf States are doing everything they can to pick up where the storm left off and rebuild their lives. As we saw, nearly a month after the storm, they are still hurting. After 5 weeks of debris removal, the debris remaining is overwhelming.

□ 1500

Local governments' tax base is gone. In our meeting with Mayor Nagin, the mayor of New Orleans, he pointed out that the city of New Orleans accounts for 35 percent of the total economy of the State of Louisiana.

Of course, we also know very well that New Orleans is the world's most important grain export facility. Yet grain is backed up all along the Mississippi, the soybean crop coming in that will not be able to move until New Orleans is able to operate.

In the course of our meeting, Mayor Nagin said, with a heavy heart, with candor, that he had to leave that meeting and go to another news conference to announce layoff of half of the municipal workforce of New Orleans because the city has no revenue coming in and no ability to pay its workforce.

But it was not just New Orleans. We heard that in Bay St. Louis, we heard it in Biloxi, we heard it in Mobile. We saw the pain. This legislation is desperately needed. I support the transfer of $750 million already appropriated in the emergency supplemental of September 8, transferring that money to FEMA, to the community disaster loan program.

I support waiver of the current $5 million cap, but I think it is hard to swallow the insistence by the Office of Management and Budget that the loan forgiveness provision is discontinued. I look back over the major hurricanes of the last decade and a half: 1889, Hurricane Hugo, Virgin Islands, $50 million forgiven; 1992, Hurricane Andrew, Homestead, Florida, $10 million forgiven; Kauai in Hawaii, 1992, $50 million, Hurricane Iniki, forgiven; Virgin Islands, 1995, Hurricane Marilyn, $127 million, forgiven. Every penny, principal and interest, forgiven. They needed it. It was desperate for those communities. They needed the loan forgiveness.

The damage from Katrina as we have seen is unprecedented. It is heartbreaking, it is devastating. It has affected the gentleman from Louisiana personally, his family, his constituents. It has affected my own family. My wife's brothers still live in New Orleans. One completely lost his home and a second home in Pass Christian.

The situation in Slidell, Louisiana, they would be eligible for a loan of $5 million. But if they do not recover within 3 years, the loan and interest under current law must be forgiven. Under the bill pending, Slidell will have to repay. If they have not rebuilt their economy, if they have not reconstructed, how are they going to repay?

Now, I am sure that colleagues in the committee will say, welcome back, we will fix this at a later time. Now is the time to fix it. I understand, we are not going to stand in the way of the administration's policy priority here. I think we all accept that with great reluctance and heavy heart. We need to resolve to come back and address this at a later time.

Mr. BAKER. Mr. Speaker, will the gentleman yield?

Mr. OBERSTAR. Further reserving the right to object, I yield to the gentleman from Louisiana.

Mr. BAKER. Mr. Speaker, I certainly appreciate the gentleman from Minnesota yielding and just wish to express appreciation for those concerns he has noted. Certainly, the repayment obligation should be met at some point. The arbitrary deadline, in fact, may be problematic going forward.

I would suggest in consultation with the other members of the Louisiana delegation, we fully intend to examine this going forward and hope to have the opportunity to bring our concerns to the attention of this body and the Senate as well. The principal concern, as the gentleman has identified, is the Senate has passed this vehicle in its current construct. If we were to amend it as suggested, it would have to return to that body for their agreement.

We are very concerned with potential layoffs occurring next week in various municipalities. So this loan package is very much an emergency issue; and albeit with the nonwaiver of repayment provision, we fully support it in its current form, given the constraints we face.

Mr. OBERSTAR. Further reserving the right to object. I appreciate the gentleman's predicament and position, but I am also quite certain that within our committee, we will revisit this issue. I certainly intend to take the first opportunity to do so to correct what I think is an imbalance.

Mr. Speaker, I am happy to yield to the gentleman from Louisiana (Mr. MELANCON) under my reservation.

Mr. MELANCON. Mr. Speaker, I am new to the House, so maybe I should not be so shocked, so disappointed at what I have seen and heard this week. Maybe failing to address critical needs in a crisis is normal here. Maybe if I had been here a few terms, I would understand that is just part of the job to smile when you get nothing and then you say it is a good compromise.

Maybe with a little seniority, I would understand what it means to be a Member of the House of Representatives, to shake a lot of hands, make speeches on the floor, and deeply hope that your district ends up okay.

But I am new to this House. I do not understand. I do not understand why we cannot do what is so obviously the right thing. I do not understand how good people can have their hands so completely tied by leadership that refuses to let their Members voice their conscience. I have friends here and on the other side of the aisle. I do not understand why after asking me personally what they can do to help with this terrible tragedy, they are unable to explain to me why we have to compromise.

I am new here, Mr. Speaker. I heard the President make promises in Jackson Square, and I believed them. I believed the White House when they told me Wednesday that they would help local governments survive so that we can lay the ground work to rebuild. I believed the Louisiana Senators when they said they were committed to the same simple request.

Maybe it is because I am new, but what I am having trouble with today, Mr. Speaker, is the idea that this House would seek to put the people under south Louisiana under more debt and more pain. The loans that should be grants are about to become huge millstones around the necks of the people of south Louisiana when we act today.

When we leave this afternoon, we will have sent its local government along the gulf coast to hundreds of millions of dollars of debt. Why? That is what I ask. Why?

Senator VITTER tells us that it is the only way for this to pass the House. The only way he says that the leadership in this body will lift a finger to help the people in need in Louisiana, Mississippi, and Alabama is if we impose a crushing debt on them. All the signs point in the same direction, Mr. Speaker. The problem is here.

Senator VITTER worked in this House for 6 years and knows this leadership. He has placed the blame squarely at their feet, and I think they owe the entire gulf coast a explanation. Who is this compromise supposed to help, and why is it being done on the backs of those who need the help the most? Why have 90 percent of previous loans been forgiven, and why will loans for future disasters be forgiven but not these?

I will have to support this, Mr. Speaker. Then I am going to go back home, look my local leaders in the eye and tell them to take the money and run. Their Federal Government let them down again, just like we failed in the early days after this storm. They will be asked in 3 years to pay back the money, and that should have been a gift.

My advice to them, again, will be take the money and run. Spend it on your sheriffs' deputies, your firefighters, your public hospitals. Spend it and do not pay it back.

Mr. Speaker, I was sent here to do a job, to work for people that I represent, every day without exception, as hard as I know how. After Katrina and Rita, that focus has only sharpened. I now represent more homeless, broken and suffering people than almost anybody in this body. They have been drowned by the water, whipped by the wind, and now, Mr. Speaker, failed by the House.

Mr. OBERSTAR. Mr. Speaker, further reserving the right to object, I yield to the gentlewoman from New York.

Mrs. MALONEY. Mr. Speaker, I am not going to object, even though this legislation is flawed in many ways, as my colleague pointed out, because we all understand the tremendous need for the people in the gulf region. I am not a Representative from the gulf coast, but I certainly understand the impact on tax revenues after a disaster. Repealing the $5 million cap on community disaster loans is something that I have been working on along with the New York delegation, ever since New York suffered at least $5 billion in lost tax revenues following 9/11 and the loss from the gulf region maybe more.

The bill before us lifts the $5 million cap, but it adds a provision that has never, ever been seen before with these loans. It prohibits, literally prohibits, the Federal Government from forgiving any part of these loans. This is incredibly important because there has been a long history of canceling these loans after they are given.

I have here with me, Mr. Speaker, a list of all the previous disaster loans that have been forgiven. So why are we now putting this terrible burden on the people in the gulf region?

CDL PROGRAM HISTORY—PRINCIPAL AND INTEREST CANCELLED

[As Sept. 30, 2001—* loan made under Credit Reform Act]

Loan No.	Local Government	Status	Approved amount	Inerest rate	Amount disbursed	Principal canceled	Interest canceled	P&L cancelled
505–1	Madison Co., ID	Repaid	375,000	7¼	$275,000			
505–2	Rexburd,ID	Cancel	260,000	7¼	260,000	260,000	260,000	$249,301
505–3	Fremont Co., ID	Repaid	321,409	7¼	300,000			$509,302
505–4	Bingham Co., ID	W/draw	854,000	7¼				
531–5	Williamson, WV	Repaid	127,000	7⅛	127,000		86,339	86,339

CDL PROGRAM HISTORY—PRINCIPAL AND INTEREST CANCELLED—Continued

[As Sept. 30, 2001—* loan made under Credit Reform Act]

Loan No.	Local Government	Status	Approved amount	Inerest rate	Amount disbursed	Principal canceled	Interest canceled	P&L cancelled
531-6	Matewan, WV	Cancel	12,000	7⅛	7,000	7,00	3,859	10,659
547-7	Hull, MA	Repaid	1,369,000	8¾	765,108	0		
537-9	Johnstown, PA	Cancel	1,680,000	8¼	1,680,000	1,880,000	699,782	2,379,782
537-10	Franklin Boro, PA	Cancel	50,000	9½	50,000	50,000	30,965	80,965
537-11	Dale Boro.PA	Cancel	47,000	11⅝	47,000	47,000	24,250	71,250
598-12A	Gulf Shores, AL	Repaid	239,000	9⅝	239,000			
598-12E	Gulf Shoers (Sew Bd)	Repaid	16,100	10⅜	16,100			
598-13	Prichard, AL	Debt Col	1,540,000	9⅝	1,540,000	1,540,000	1,983,789	3,523,789
598-14	Gulf Shores WWB, Al	Repaid	44,000	10⅜	44,000			
638-15	Hurtsboro, AL	Repaid	28,000	13¾	29,000			
691-16	Clifton, AZ	Repaid	344,639	11	344,639	112,979	69,928	182,805
737-17	Wheatland Boro, PA	Cancel	65,768	9¼	65,758	85,788	21,681	87,449
753-18	Marlington, WV	Repaid	84,438	7½	84,430			
753-19	Albright, WV	W/draw	16,232					
753-20	Pendleton City, WV	Repaid	113,581	7½	113,581			
737-21A	Albion Boro, PA	Repaid	48,242	6¾	48,242	19,146	4,146	23,292
737-21E	Albion (Muny Auth)	W/draw	79,996					
774-22	Vassar, MI	Repaid	124,115	6½	124,115	55,528	21,304	76,832
841-23	USVI (Hugo)	Repaymt	89,912,000	8¼	50,100,000	21,013,658	12,154,386	33,168,044
853-24	Port of Tillamook, OR	Repaymt	172,318	8⅜	172,318			
955-25	Homestead City, FL	Cancel	10,325,000	6.73*	10,325,000	10,325,000	3,223,100	13,548,100
955-26	Florida City, FL	Cancel	1,048,000	8.73*	1,046,000	1,046,000	377,823	1,423,823
955-27	City of Miami, FL	Cancel	5,000,000	5.68*	5,000,000	5,000,000	915,350	5,815,350
955-27A	City of Miami, FL	Cancel	5,000,000	5.47*	5,000,000	5,000,000	707,733	5,707,733
955-28	Key Biscayne, FL	Repaid	1,000,000	5.88*	1,000,000			
961-29	County of Kauai, HI	Cancel	15,000,000	5.47*	15,000,000	15,000,000	4,071,873	19,071,873
927-30	American Samoa	Open	10,680,000	5.47	10,179,083	8,638,009	3,332,779	11,955,788
997-31	Quincy, IL	Repaid	700,00	5.47*	1,000			
997-32	Brussels Comm Sch #4	Suspend	11,600	5.47*				
997-33	Calhoun Co., IL	Repaid	162,000	5.47*	71,000			
977-34	Calhoun Comm Sch #4	Suspend	543,000	5.47*				
997-35	Bluffdale Twp, Il	Repaid	10,000	5.47*	1,000			
997-36	Bluffdale Rd Dist	Repaid	10,700	5.47*	1,000			
997-37	Carrollton Sch Dist, IL	Suspend	762,000	5.47*				
997-38	Columbia Levee Dist, IL	Cancel	10,000	5.47*	10,000	10,000	2,646	12,646
997-38	Green Co., IL	Repaid	270,00	5.47*	1,000			
997-40	Hillview, IL	Repaymt	16,725	5.47*	13,500		4,844	4,844
997-41	Patterson Twp, IL	Repaid	11,600	5.47*	6,000			
997-42	Patterson Fld Dist	Repaid	15,500	5.47*	1,000			
997-43	Walkerville Twp, IL	Repaid	6,000	5.47*	6,000			
997-44	Walkerville Rd Dist	Repaid	8,300	5.47*	1,000			
997-45	Woodville, IL	Repaid	9,582	5.47*	1,000			
997-46	Woodville Rd Dist	Repaid	13,235	5.47*	1,000			
997-47	Grfton, IL	Repaid	92,000	5.47*	1,000			
997-48	Chouteau Twp, IL	Repaid	24,867	5.47*	500			
997-49	Chouteau Rd Dist	Repaid	48,283	5.47*	500			
997-50	Maeystown Fire Dist	Repaid	10,957	5.47*	1,000			
997-51	Monroe Co. Rd #8	Repaid	10,053	5.47*	1,000			
997-52	Monroe Co. Rd #9	Open	13,109	5.47*	13,109			
997-53	Monroe Co. Rd #10	Open	18,776	5.47*	10,000	3,947	1,088	5,035
997-54	Valmeyer, IL	Open	97,200	5.47*	97,200			
997-55	Valmeyer Sch #2	Suspend	652,295	5.47*				
997-56	Valmeyer Fire Dist	Open	7,500	5.47*	7,500			
997-57	Hull, IL	W/draw	15,694	5.47*				
997-58	Harrisoinville Levee	Repaid	67,308	5.47*	36,000	36,000	9,725	45,725
997-59	North Coast Railroad	Open	615,658	5.66*	615,538			
1067-60	USVI (Marilyn)	Open	127,224,000	8.35*	127,200,000			
1175-64	Ada, MN	Open	1,423,448	4.90*	1,423,448			
Total			$278,657,228		233,523,891	69,910,035	27,991,491	97,901,526

When you think about it, communities that have been devastated are not going to be in the position to be able to afford to pay back these loans. They cannot even afford their operating expenses. They are laying people off. How in the world is a city like New Orleans going to be able to afford to pay this back when it will be absolutely years before their tax base returns to normal?

Mr. Speaker, Congress is not requiring Iraq to pay back the money we are giving them. Why are we making the people of the gulf coast pay us back now? It is terribly unfair, and I would say unpatriotic. Why are we giving a priority to contractors in Iraq over the people in Louisiana, Mississippi, and Alabama? Again, we are not being required to pay back in Iraq, but now they are telling these devastated communities and people that they have to pay it back.

Mr. Speaker, this morning, along with the gentleman from Louisiana (Mr. JEFFERSON) and the gentleman from Louisiana (Mr. MELANCON) and others, we have introduced H.R. 4012. This bill would remove the $5 million cap, give assistance grants and allow for these loans to fully cover the expenses of the towns, counties, and parishes up and down the coast. We have already appropriated at least $84 billion in aid for Katrina. We have identified the need. Why in the world are we setting up in this legislation new restrictive qualifications for the people in the gulf coast?

So I join my colleague in his efforts and other efforts on both sides of the aisle to remove this in the future. But it is wrong, in my opinion, to place this burden now on the people of the gulf coast.

Mr. OBERSTAR. Mr. Speaker, I thank the gentlewoman from New York (Mrs. MALONEY) for her observations.

I am happy to yield further to the gentleman should he wish.

Mr. BAKER. Mr. Speaker, I appreciate the courtesy. I shall be brief. I wish to express appreciation to those Members who brought to the House's attention that the waiver of repayment has been stricken from the bill, but I would also indicate that in discussions with people and in the loan construction packages they have great latitude as to terms and conditions of repayment. They have been quite assuring that they will work with communities in a manner which is responsible to assure relief is provided, but that the taxpayers of the United States have some assurance that, when possible, communities will give back that which was extended during times of hardship.

I would also want to point out that there literally have been billions of dollars made available to constituents in Louisiana of great scope and consequence from the FEMA checks to the provision of temporary housing. There has been a great deal of work conducted here.

□ 1515

I wish to express appreciation for the administration and all those who are engaged in this work and to the people of this great country, who have given voluntarily huge charitable contributions to various organizations to be of assistance to us. We are indeed appreciative, and we do not wish to leave the House floor today with the impression that Louisianans have been ignored. Far from it.

We have a long way to go. There is much work to do. There is suffering still far too rampant in our communities. This act today will go another small step in helping those people get back to normality. But there is a lot happening as fast as can be conducted, I believe, in the State of Louisiana, and I am sure in other coastal States as well, and I would like the record to reflect some balance, that it is not as fast as everyone would like, but help is coming, and I appreciate the gentleman's allowing me to make that statement.

Mr. OBERSTAR. Mr. Speaker, reclaiming my time. I thank the gentleman for his observation. Again, I wish other Members had been present to hear his discussion and presentation of the State of affairs of the pre- and post-Katrina effects in Louisiana and throughout the gulf. The gentleman has certainly become a scholar of the issue.

Mr. Speaker, I include for the record at this point a compilation of the expenditures by FEMA and insured losses for fiscal year 1980 through 2000.

NATURAL DISASTERS IN THE UNITED STATES—FEMA EXPENDITURES AND INSURED LOSSES FISCAL YEARS 1980–2000

[dollars in millions]

FY	Major Disasters* (affected states, total FEMA cost to date)	FEMA Disaster Relief Fund Expenditures*	Insured Losses	Total Expenditures
1980		849.10	1,177.00	2,026.10
1981		228.96	714.00	942.96
1982		115.11	1,528.00	1,643.11
1983		245.23	2,254.00	2,499.23
1984		296.42	1,548.00	1,844.42
1985		319.17	2,816.00	3,135.17
1986		497.73	871.00	1,368.73
1987		246.03	905.00	1,151.03
1988		189.61	1,409.00	1,598.61
1989	Hurricane Hugo (NC, SC, PR, VI): $1.31 billion, Loma Prieta Earthquake (CA): $868.12 million	138.56	7,642.00	7,780.56
1990		2,026.26	2,825.00	4,851.26
1991		391.51	4,723.00	5,114.51
1992	Hurricane Andrew (FL, LA): $1.85 billion; Hurricane Iniki (HI): $257.5 million	1,725.57	22,907.00	24,632.57
1993	Midwest Floods (IL, IA, KS, MN, MO, NE, ND, SD, WI): $1.17 billion	2,553.90	5,705.00	8,258.90
1994	Northridge Earthquake (CA): $6.94 billion; Tropical Storm Alberta (AL, FL, GA): $524.44 million	4,357.35	17,010.00	21,367.35
1995	Hurricane Marilyn (PR, VI): $484.0 million; Hurricane Opal (AL, FL, GA): $201.4 million	2,685.03	8,310.00	10,995.03
1996	Hurricane Fran (MD, NC, PA, SC, VA, WV): $608.39 million; Hurricane Hortense (PR): $291.6 million	3,613.60	7,375.00	10,988.60
1997	Red River Valley Floods (MN, ND, SD): $730.43 million	4,344.92	2,600.00	6,944.92
1998	Hurricane Georges (AL, FL, LA, MS, PR, VI): $2.48 billion	4,067.09	10,070.00	14,137.09
1999	Hurricane Floyd (CT, DE, FL, ME, MD, NH, NJ, NY, NC, PA, SC, VT, VA): $880.4 million; Hurricane Irene (FL): $134.9 million	4,402.61	8,321.00	12,723.61
2000		2,375.01	4,300.00	6,675.01
Total (1980-2000).		$35,668.77	$115,010.00	$150,678.77
Total (1993-2000).		$28,399.51	$63,691.00	$92,090.51

* The amount listed after each major disaster represents obligations for specific events that may have affected more than one state and whose related obligations fall over a number of fiscal years. The amount includes funds obligated from the Disaster Relief Fund for Federal Emergency Management Agency assistance programs, hazard mitigation grants, federal mission assignments, contractual services and administrative costs. Figures do not include funding provided by other participating federal agencies, e.g., Small Business Administration and Agriculture Department Farm Service disaster loan programs.

* FEMA Disaster Relief Fund expenditures represent obligations by fiscal year for all disasters declared to that date that are not officially closed.

Sources: FEMA; Insurance Services Offices, Inc. Fact Books. Insured losses include catastrophes resulting in insured losses of $5 million or more.

Mr. OBERSTAR. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. GINGREY). Is there objection to the request of the gentleman from Louisiana?

Mr. OBEY. Mr. Speaker, reserving the right to object to the gentleman's request, it is my understanding that this bill allows $750 million of the $50 billion in disaster relief funding that we provided to be used for loans to assist local governments in providing essential local services. It is also my understanding, as has been discussed here, that there is a "fig leaf" attached to this bill, at least it has been called that by some, which would create the impression that these communities are going to be provided loans, rather than grants, and that these loans must be repaid.

I would simply make this observation: This country forgave debt to Eastern Europe, billions of dollars worth of debt. We forgave debt to the tune of billions of dollars for Third World debt. Yet we are being told today that somehow we are supposed to believe that the communities who are supposedly assisted by this legislation will in some way be able to pay back the debt which they would incur under this legislation.

I think we are fooling the American people if we pretend that those communities are going to have the capacity any time soon to repay those debts, and I suspect that this provision is here more to deceive the American people about the true cost than to in fact reflect reality.

I think that if we are going to be honest with the American people and if we are going to be fair to the recipient communities, we need to recognize that these communities are not likely to have any ability to repay that was any greater than the ability of Eastern Europe or the Third World to repay the debts that we forgave in those cases a long time ago. That is one concern I have with the bill.

The second concern I have with the bill is a conservative concern, if you will, because while it is assumed that this bill will provide loans for functions such as police protection, fire fighting and everyday emergency work, in fact there is no guarantee that that is the only purpose for which these funds will be used. Because of that, I want to ask the gentleman whether or not he would be amenable and whether the majority leadership would be amenable to adding the following section to the legislation that the gentleman seeks to have considered. That would read as follows:

"Section 3, reporting requirements. The Committees on Appropriations of the House of Representatives and the Senate, the House Committee on Transportation and Infrastructure and the Senate Select Committee on Homeland Security and Government Affairs shall be notified no later than 15 days after a loan is made pursuant to this act. Such notification shall include the following: Number one, the amount of the loan; number two, an assessment of the borrower's financial position; number three, reasons for the necessity of the loan; and number four, a description of the essential services to be provided with the funding from the loan."

Mr. BAKER. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Louisiana.

Mr. BAKER. Mr. Speaker, I certainly understand the reason for the gentleman's inquiry and the illustrative list gentleman presents is very reasonable. In other circumstances, we found ourselves with the luxury of a little time with which to consider the matter. If we were to agree to that modification, I understand the matter would be referred to the Senate for further consideration and may well put in jeopardy the adoption ultimately of this loan program, which we are hoping to have in effect and available on Monday morning to affected communities.

I have, however, conversed with the gentleman from Alaska (Chairman YOUNG), the ranking member, the gentleman from Minnesota (Mr. OBERSTAR) and others on the committee who have jurisdiction over FEMA matters in which this loan program is domiciled, and have assurances from them that we will visit the gentleman's concerns and adopt a reporting regime, if not exactly, very similar to this.

I would be supportive of and I am sure all members of the Louisiana delegation who are here on the floor would also support the gentleman's request, but would respectfully ask, given the concerns of time and the issues at hand, that the gentleman would withdraw his objection. We would be happy to note formally in the record our agreement to proceed with the gentleman on our return to work absent the Columbus Day recess to achieve the gentleman's interest.

Mr. OBEY. Mr. Speaker, continuing my reservation, I have been told by several people that they do not want me to pursue this because "the Senate is going out of session and it will be hard to get an amended version considered by the Senate."

Heaven forbid that we should ask the Senate to come back and work on something of this urgency. This is the same Senate that did not hesitate to come back in order to tell one American family, the Schiavo family, how they should deal with an end-of-life issue for one of their family members, and yet we are told that we should not build in this protection for the taxpayer because it might inconvenience the other body.

I am very reluctant to agree to proceeding with this legislation without this reporting requirement because, as we have just discovered under the previous $50 billion that we provided to FEMA, they have given us a miserable explanation of the money that they have spent so far. They have given us meaningless spreadsheets and money defined in very broad, meaningless categories that tells the Congress nothing that will enable us to exercise our responsibilities as watchdogs of the public purse.

So, I guess my question is, if I withdraw my reservation, how soon can we expect to have this kind of reporting requirement brought to the House so that we know that in fact the money which is being provided will be used only for the purpose for which it is described today?

Mr. BAKER. Mr. Speaker, if the gentleman will yield further, I thank the gentleman for his question. I would point out, we would act forthwith, and perhaps there would be additional items that we would be interested in having reported to us on the matter of these loan dispositions. So we have some accountability to our constituencies and know what local governments are seeking in the way of assistance and how we may further provide aid.

So the gentleman's point is important to us in the delegation as well as to the gentleman for his own satisfaction that the funds are being used appropriately.

I would like to have the possibility of working with the gentleman's staff over the recess week we are about to enter into, in consultation with the staff from the offices of the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Alaska (Chairman YOUNG), to try to perfect a reporting regime that the gentleman and I and the chairman would find acceptable to achieve his goals, and it would be obtained as soon as agreement can be obtained. I would commit our delegation to be fully supportive of that effort.

Mr. YOUNG of Alaska. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. Mr. Speaker, I have not communicated with the gentleman from Minnesota, because I support what the gentleman wants to do, but I would suggest that if the gentleman from Minnesota and I can reach this agreement, and I am sure we can, we can come out with a resolution out of our committee immediately and bring it to the floor under unanimous consent, because what I think what the gentleman is asking is very legitimate.

I will commit that to the gentleman as chairman of the committee, and I am sure the gentleman from Minnesota and I can work that out. So I give you that commitment.

Mr. OBEY. Mr. Speaker, continuing my reservation, I thank both gentlemen for their responses. Let me say that while I intend to withdraw my reservation, given those assurances, I would hope that that would happen as soon as possible, and I would also hope that sometime, somewhere, someone will explain to me why we can forgive billions of dollars of debt to the Third World, billions of dollars of debt to Eastern Europe, but not recognize that American citizens may need that same privilege.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1858

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Community Disaster Loan Act of 2005".

SEC. 2. DISASTER LOANS.

(a) ESSENTIAL SERVICES.—Of the amounts provided in Public Law 109–62 for "Disaster Relief", up to $750,000,000 may be transferred to the Disaster Assistance Direct Loan Program for the cost of direct loans as authorized under section 417 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5184) to be used to assist local governments in providing essential services: *Provided*, That such transfer may be made to subsidize gross obligations for the principal amount of direct loans not to exceed $1,000,000,000 under section 417 of the Stafford Act: *Provided further*, That notwithstanding section 417(b) of the Stafford Act, the amount of any such loan issued pursuant to this section may exceed $5,000,000: *Provided further*, That notwithstanding section 417(c)(1) of the Stafford Act, such loans may not be canceled: *Provided further*, That the cost of modifying such loans shall be as defined in section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a).

(b) ADMINISTRATIVE EXPENSES.—Of the amounts provided in Public Law 109–62 for "Disaster Relief", up to $1,000,000 may be transferred to the Disaster Assistance Direct Loan Program for administrative expenses to carry out the direct loan program, as authorized by section 417 of the Stafford Act.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BAKER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on S. 1858.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

A FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 2863. An act making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 2863) "An Act making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes," and requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. STEVENS, Mr. COCHRAN, Mr. SPECTER, Mr. DOMENICI, Mr. BOND, Mr. MCCONNELL, Mr. SHELBY, Mr. GREGG, Mr. HUTCHISON, Mr. BURNS, Mr. INOUYE, Mr. BYRD, Mr. LEAHY, Mr. HARKIN, Mr. DORGAN, Mr. DURBIN, Mr. REID, Mrs. FEINSTEIN, and Ms. MIKULSKI, to be the conferees on the part of the Senate.

The message also announced that the Senate has passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 3765. An act to extend through December 31, 2007, the authority of the Secretary of the Army to accept and expend funds contributed by non-Federal public entities to expedite the processing of permits.

The message also announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 3971. An act to provide assistance to individuals and States affected by Hurricane Katrina.

The message also announced that the Senate has passed a concurrent resolution of the House of the following title:

H. Con. Res. 161. Concurrent resolution authorizing the use of the Capitol Grounds for an event to commemorate the 10th Anniversary of the Million Man March.

RESIGNATION AS MEMBER OF COMMITTEE ON GOVERNMENT REFORM

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Government Reform:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, Sept. 15, 2005.

Speaker DENNIS HASTERT,
House of Representatives, Room H-209, the Capital, Washington, DC.

DEAR SPEAKER HASTERT: This letter is to resign my seat on the Committee on Government Reform and all subcommittees under its jurisdiction as of September 30, 2005.

Sincerely,
GINNY BROWN-WAITE,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

APPOINTMENT OF HON. TOM DAVIS AND HON. ROSCOE G. BARTLETT TO ACT AS SPEAKER PRO TEMPORE, TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS THROUGH OCTOBER 17, 2005

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

THE SPEAKER'S ROOM,
HOUSE OF REPRESENTATIVES,
Washington, DC, Oct. 7, 2005.

I hereby appoint the Honorable TOM DAVIS and the Honorable ROSCOE G. BARTLETT to act as Speaker pro tempore to sign enrolled bills and joint resolutions through October 17, 2005.

DENNIS HASTERT,
Speaker of the House of Representatives.

The SPEAKER pro tempore. Without objection, the appointment is approved.

There was no objection.

TRIBUTE TO THREE JEFFERSON COUNTY, TEXAS, HEROES

(Mr. POE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POE. Mr. Speaker, when the second lady of the gulf, Rita, hit Jefferson County, Texas, first responders hunkered down to wait out the storm. They did not leave during this hurricane. After the storm, the first responders began working 12-hour shifts and slept in their cars. The county had and still has no power or water. The responders had no food. So three local heroes took control.

Port Arthur police officer Marcelo Molfino, Port Arthur fire fighter David Barclay and a lawyer by the name of Everett Sanderson of Nederland, Texas, took control. Molfino and Barclay worked 48 straight hours looking for meat and finding it before it got thawed. Sanderson opened up his beat up, old damaged restaurant and used a generator and set up a barbecue pit outside in a National Guard tent.

These three worked 7 days a week, 15 to 20 hours a day, cooking. Local grocery stores donated more meat during the weeks. One day last week, they fed 6,500 police officers, firefighters, Red Cross and FEMA workers, National Guard troops, Coast Guard and other responders from as far away as Maine, all eating Texas barbecue.

They did so without any government bureaucracy, no red tape forms, no permission and no committee meetings. These three heroes got her done.

FEDERAL RESPONSE TO NEW YORK TERRORIST THREAT LACKING

(Mr. ENGEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ENGEL. Mr. Speaker, yesterday the mayor of the City of New York announced that there was a credible threat of a terrorist bombing attack against New York City's trains.

□ 1530

The FBI concurred, and then we heard that the Department of Homeland Security disagreed and said that the threats were not credible.

Madam Speaker, what is going on? We are spending billions and billions of dollars on homeland security, and our Federal officials cannot seem to get it straight. First we had these ridiculous color-coded alerts. Now our FBI and Department of Homeland Security cannot agree on credible threats.

Today, part of Pennsylvania Station in New York City had to be evacuated.

President Bush should summon Secretary Chertoff and ask some very hard questions. This Congress ought to investigate why our Federal officials cannot seem to get their act together with regard to homeland security.

HOUSE REPUBLICANS LEAD FOR FISCAL RESPONSIBILITY

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Madam Speaker, all levels of government have recently learned the critical importance of saving and planning for a rainy day.

Hurricanes Katrina and Rita were a sudden wake-up call for our Nation. As the Federal Government begins to pay for the costs of these devastating disasters, Congress must adhere to a responsible plan and a strict budget. If we do not use this opportunity to reform the spending habits of the Federal Government, our children and grandchildren will inherit tax increases and unimaginable deficits. They do not deserve to suffer the harsh consequences of earlier generations' fiscal irresponsibility.

Yesterday, House Republican leaders introduced a 4-point plan that will increase mandatory savings, decrease discretionary spending, offset reconstruction costs, and will eliminate wasteful government programs. By using our resources to provide for our Nation's needs, this plan will protect the future of American citizens and strengthen our economy.

In conclusion, God bless our troops and we will never forget September 11.

WILLIAM BENNETT

(Ms. WATSON asked and was given permission to address the House for 1 minute.)

Ms. WATSON. Madam Speaker, during a recent radio broadcast, conservative critic William Bennett said the following: "If you wanted to reduce crime, you could abort every black baby in this country and your crime rate would go down."

But Mr. Bennett's hypothesis, as absurd and racist as it is, does not tell the real story.

According to the Department of Justice national crime statistics of men and women behind bars, approximately 43 percent are black, 38 percent are white, and 19 percent are Hispanic. Whites, however, make up 70 percent of all persons arrested, and 60 percent of those are arrested for violent crime.

So why the disparity between whites arrested and whites convicted? Could it have to do with the fact that poorer defendants, often people of color, are more likely to receive substandard legal representation and harsher sentences?

Madam Speaker, getting justice in America seems to have a lot more to do with the color of your skin and the color of the green in your pocket. Now, that is not virtuous.

HONORING THE MILLIONS OF AMERICANS OF GERMAN HERITAGE

(Mr. GARRETT of New Jersey asked and was given permission to address the House for 1 minute.)

Mr. GARRETT of New Jersey. Madam Speaker, I rise today to honor the millions of Americans of German heritage and their ancestors who emigrated from their native lands to come to the shores of this country.

The first German American Day was declared by Ronald Reagan back in 1983 to commemorate the 300th anniversary of the first group of German-speaking settlers who arrived in the American colonies. German settlers and immigrants have played a vital role in our Nation's history since its very beginning. Great American icons, too, people like Babe Ruth, Lou Gehrig, and Casey Stengel in sports, and John Steinbeck, Kurt Vonnegut, and the inimitable Doctor Seuss in literature claim German heritage.

Madam Speaker, I urge the House to pay tribute to this Great German American Heritage Month, to the many Americans of German descent who continue to contribute to the vitality of my State of New Jersey and to these United States of America.

REMEMBERING THE VICTIMS OF THE LAKE GEORGE BOATING ACCIDENT

(Mr. McCOTTER asked and was given permission to address the House for 1 minute.)

Mr. McCOTTER. Madam Speaker, I rise today to offer my condolences to the loved ones of those who were lost in the Lake George, New York, boating accident and offer my heartfelt sympathy to those who survived.

Seven of the individuals who perished were from my hometown of Livonia: Caryl and William Gilson, Louise and Charles Greenwald, Margaret and William Nadvornik, and Marge Perry. Avid members of the Livonia Travel Club, these fine people had contributed to their community and their country as mothers, fathers, grandmothers, grandfathers, veterans, volunteers, and friends and neighbors. Truly, they will all be missed.

Madam Speaker, I ask my colleagues to join me in expressing our sorrow and offering our assistance to all involved in and affected by this tragedy.

CELEBRATING THE 45TH ANNIVERSARY OF "IT'S ACADEMIC"

(Mr. TOM DAVIS of Virginia asked and was given permission to address the House for 1 minute.)

Mr. TOM DAVIS of Virginia. Madam Speaker, I rise today to call attention to and honor the 45th anniversary of the Nation's leading and longest-running educational television program, the Emmy-winning show, "It's Academic."

"It's Academic" is a nationwide, weekly high school competition that began in Washington, D.C. Since its inception 45 years ago, "It's Academic" shows have spread to other cities. During the current school year, 27 high schools in my congressional district will compete against the brightest students from public and private schools throughout the District of Columbia region. These students will be coached and encouraged by dedicated teachers and principals on a wide variety of academic subjects and the challenges of a competitive format under the television lights.

Every Saturday morning, viewers tune in to watch local high school students compete in their knowledge of math, literature, history, and current events. In many schools, students compete for the opportunity to be on the show. Not only do they enjoy the camaraderie with their peers in learning challenging information and developing team skills, but they get the added bonus of being on television and performing under pressure, something many students on the football team and the drama club can simply envy.

The goals of "It's Academic" are more than showcasing intelligent students. All the students, including members of the losing teams, receive scholarship money from the corporate sponsors, which in my area has been primarily Giant Food.

In a recent editorial, The Washington Post said of the show: "Amid all the disturbing news about declining test scores and failing schools, this homegrown Saturday morning staple serves as a welcome reminder of what is right with education."

Madam Speaker, I wholeheartedly agree and look forward to the partnership between "It's Academic" and our communities and schools for many more years to come.

SPECIAL ORDERS

The SPEAKER pro tempore (Mrs. SCHMIDT). Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

EXCHANGE OF SPECIAL ORDER TIME

Mr. SCHIFF. Madam Speaker, I request unanimous consent to assume the time of my colleague from California.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

AVIAN FLU: WE MUST ACT NOW

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. SCHIFF) is recognized for 5 minutes.

Mr. SCHIFF. Madam Speaker, in the midst of a press conference this past Tuesday, President Bush responded to a question relating to a possible outbreak of avian flu here in the United States by stating that he was considering the use of the American military to enforce quarantine measures in cases of a pandemic.

While a number of public health experts and civil liberties advocates quickly criticized the President for suggesting that the military be deployed to control a flu outbreak, his public musing about the need for such a drastic step was a strong and long overdue indication that the U.S. Government is beginning to take seriously the prospect of a flu pandemic.

For several years now, epidemiologists and public health officials have been warning of a possible global pandemic of bird flu that could rival or surpass the 1918 Spanish flu pandemic that killed as many as 50 million people worldwide. We have been fortunate that none of the existing strains of avian flu that have infected thousands of birds and some 65 people in 11 countries have mutated into a form that can spread from human to human; but that threat is real, and there is growing evidence that we do not have much time to prepare.

This week's issues of the journals Nature and Science have published the results of work done at the U.S. Armed Forces Institute of Pathology here in Maryland that shows that the 1918 Spanish flu was actually a type of bird flu and was similar to the flu now affecting Asia. The research also suggests that samples of today's avian flu have begun to develop genetic changes that may allow it to spread from person to person.

Irwin Redlener, director of the National Center For Disease Preparedness at Columbia University, recently told The New York Times that a flu epidemic was the "next big catastrophe that we can reasonably expect, and the country is phenomenally not prepared for this."

Yesterday, Health and Human Services Secretary Mike Leavitt acknowledged our lack of preparation, but seemingly tried to absolve the administration by saying that "no one in the world is ready" for a flu pandemic.

That may be true, but some countries have taken greater steps to prepare than the United States. At present we have only 2 million doses of Tamiflu, an antiviral medication that has been shown to be effective against the H5NI flu virus. The Australian Government, on the other hand, has stockpiled 3.5 million courses of treatment, while Britain has ordered enough of the drug to cover a quarter of its population.

Clearly, we are lagging behind other developed countries in preparing for an outbreak here. And as ABC's "Primetime" reported last month, the Roche Company, which produces Tamiflu, is filling orders on a first-come, first-served basis. The United States, I am sorry to say, is nowhere near the top of the list.

Quote: "Do we wish we had ordered it sooner and more of it? I suspect one would say yes," admitted Secretary Leavitt. When asked why the U.S. did not place orders for Tamiflu sooner, the Secretary told ABC: "I can't answer that. I don't know the answer to that."

The American Government has finally begun to take action to prepare to confront a pandemic. The Department of State is hosting a meeting of health officials from 80 countries today to map out a strategy for minimizing the deaths and destruction that an outbreak might wreak. At the same time, White House officials will meet today with representatives of the U.S. pharmaceutical industry to encourage them to get involved in the manufacture of a flu vaccine.

But, Madam Speaker, Congress needs to do more. My colleague, the gentlewoman from New York (Mrs. LOWEY), has been a leader in trying to push the Congress and the administration to do more to prepare. In late July, Mrs. LOWEY introduced H.R. 3369, the Attacking Viral Influenza Across Nations Act, the AVIAN Act, which provides for a comprehensive national effort to prepare for a flu outbreak. The AVIAN Act requires the Federal Government to create plans for and respond to a pandemic outbreak. It orders the procurement of antiviral treatments and vaccines for a Strategic National Stockpile.

The bill also promotes increased research in the pandemic flu, its vaccines and treatments, and expands efforts to prevent pandemic avian flu both domestically and internationally. I am a proud cosponsor of the AVIAN Act, and I strongly urge my colleagues to join us.

I was heartened to see last week that the Senate voted to add $4 billion to the U.S. fight against deadly avian flu by stocking up on antiviral drugs and increasing global surveillance of the disease. The gentlewoman from New York (Mrs. LOWEY) and I are circulating a letter to ask House conferees to support the Senate request, and I hope our colleagues will join in that effort.

Madam Speaker, I have spoken many times in this Chamber about the danger we face from nuclear terrorism, which I believe is a primary threat to our way of life. The only other threat that remotely approaches a nuclear attack is that posed by a global flu pandemic, one which could kill tens of millions of people. We failed to prepare for 9/11. We failed to prepare adequately for Hurricane Katrina. We must not fail to prepare for a flu pandemic.

COMING HOME MAKES SENSE, STAYING DOES NOT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PAUL) is recognized for 5 minutes.

Mr. PAUL. Madam Speaker, coming home makes sense; staying does not.

Supporters of the war in Iraq, as well as some nonsupporters, warn of the dangers if we leave. But is it not quite possible that these dangers are simply a consequence of having gone into Iraq in the first place, rather than a consequence of leaving?

□ 1545

Isn't it possible that staying only makes the situation worse? If chaos results after our departure, it is because we occupied Iraq, not because we left. The original reasons for our preemptive strike are long forgotten, having been based on false assumptions. The justification given now is that we must persist in this war or else dishonor those who already have died or been wounded. We are also told civil strife likely will engulf all of Iraq.

But what is the logic of perpetuating a flawed policy where more Americans die just because others have suffered? More American deaths cannot possibly help those who have already been injured or killed.

Civil strive, if not civil war, already exists in Iraq. And despite the infighting, all factions oppose our occupation. The insistence on using our military to occupy and run Iraq provides convincing evidence to our detractors inside and outside of Iraq that we have no intention of leaving.

Building permanent military bases and a huge embassy confirms these fears.

We deny the importance of oil and Israel's influence on our policy, yet we fail to convince the Arab/Muslim world that our intentions are purely humanitarian.

In truth, our determined presence in Iraq actually increases the odds of regional chaos, inciting Iran and Syria, while aiding Osama Bin Laden in his recruiting efforts. Leaving Iraq would do the opposite, though not without some dangers that rightfully should be blamed on our unwise invasion rather than our exit.

Many experts believe Bin Laden welcomed our invasion and occupation of two Muslim countries. It bolsters his claim that the United States intended to occupy and control the Middle East all along. This has galvanized radical Muslim fundamentalists against us. Osama Bin Laden's campaign would surely suffer if we left.

We should remember that losing a war to China over the control of North Korea ultimately did not enhance communism in China, as she now has accepted many capitalist principles. In fact, China today outproduces us in many ways, as reflected by our negative trade balance with her.

We lost a war in Vietnam and the domino theory that communism would spread throughout Southeast Asia was proven wrong. Today, Vietnam accepts American investment dollars and technology. We maintain a trade relationship with Vietnam that the war never achieved.

We contained the USSR and her thousands of nuclear warheads without military confrontation, leading to the collapse and the disintegration of a powerful Soviet empire. Today, we trade with Russia and her neighbors as the market economy spreads throughout the world without the use of arms.

We should heed the words of Ronald Reagan about his experience with a needless and mistaken military occupation of Lebanon. Sending troops into Lebanon seemed like a good idea in 1983, but in 1990, President Reagan said in his memoirs, "We did not appreciate fully enough the depth of the hatred and complexity of the problems that made the Middle East such a jungle. In the weeks immediately after the bombing, I believed the last thing we should do was turn tail and leave. Yet, the irrationality of Middle Eastern politics forced us to rethink our policy there."

During the occupation of Lebanon by American, French and Israeli troops between 1982 and 1986 there were 41 suicide terrorist attacks in that country. One horrific attack killed 241 U.S. Marines. Yet, once these foreign troops were removed, the suicide attacks literally stopped. Today, we should once again rethink our policy in this region.

Madam Speaker, this is the point I want to make. It is amazing what ending military intervention in the internal affairs of others can achieve. Setting an example of how a free market economy works does wonders. We should have confidence in how freedom works, rather than relying on blind faith and the use of military force to spread our message. Setting an example and using persuasion is always superior to military force in showing how others might live. Force and war are tools of authoritarians. They are never tools of champions of liberty and justice. Force and war inevitably leads to dangerous unintended consequences.

EXCHANGE OF SPECIAL ORDER TIME

Mr. LIPINSKI. Madam Speaker, I ask unanimous consent to assume the time of the gentleman from Oregon (Mr. DEFAZIO).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

THE OIL SANDS OF ALBERTA, CANADA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. LIPINSKI) is recognized for 5 minutes.

Mr. LIPINSKI. Madam Speaker, I rise today to raise an issue of great importance to our Nation that I fear is being overlooked, the future of the oil sands of Alberta, Canada. Aside from Saudi Arabia's oil fields, these sands contain the largest deposits of oil in the world, and thus, could be critical to our future energy security.

Just a few months ago the Chinese National Offshore Oil Company, CNOOC, attempted to purchase Unocal. CNOOC is very different from most other companies because it is owned by the Chinese government. It could be directed to sell oil only to the Chinese, taking a large portion of its resources off of the international oil market. As a result of this possibility, the sale of Unocal raised great concerns in the American public. If it had occurred, the Chinese government would have gained control of a significant American player in the energy industry, just as we are struggling with sky-rocketing gas prices and concerns about a secure supply, especially from the volatile Middle East.

Although CNOOC withdrew its bid to buy Unocal, it did not stop looking for other sources of oil. The interest of Chinese companies in Canadian oil is especially troublesome. In May, CNOOC purchased almost 17 percent of MEG Energy Corporation, a Canadian-owned company that owns oil sand leases on almost 33,000 acres of Alberta land. Another Chinese company, SinoCanada Petroleum, has formed a joint venture with Canada's Synenco Energy to develop oil sands projects in Canada which are estimated to produce 5 tons of synthetic crude oil. These initial investments illustrate the worrisome growing Chinese interest in the estimated 178 billion barrels of recoverable oil in Alberta.

Canada is our highly respected neighbor, and our strong relationship has provided many benefits for both of our countries. Canada is our greatest trading partner with more than $1 billion a day in goods and services traded. Canada exports almost 99 percent of its oil to the U.S., and the U.S. imports more oil from Canada than from any other country, with 16 percent of our total imports coming from our northern neighbor. With the increasing development of Alberta's oil sands, this percentage could significantly increase.

If CNOOC had purchased Unocal, it would have owned an American company but few oil resources in North America. But now, China is interested in not just in North American companies, but in Canadian oil reserves as well, the most secure source of oil outside of our own borders.

As the Chinese become more involved, the U.S. needs to become more engaged with the Canadian government and the provincial government of Alberta in discussing the potential ramifications. Let me be clear on this: Neither Congress nor the Bush Administration can or should ever be seen to be telling Canada or Alberta what to do. However, our government should utilize our good relations and strong economic ties to learn more about the Chinese interests in Canadian oil and to discuss the potential shared security concerns.

The administration has shown an interest in this important issue. Treasury Secretary Snow visited Alberta in July and Vice President CHENEY was scheduled to tour the area in September before Hurricane Katrina forced him to cancel his visit. The Senate sent a delegation to Alberta in August. I strongly encourage the Vice President to reschedule his trip, as well as encourage other Members of Congress to travel and to learn more about this close energy source.

This is a critical time to be concerned about secure energy supplies for the future of the United States. We need to be more diligent about conservation and energy efficiency. We need to be working harder to develop alternative sources of energy. But no matter what we do and how successful we are in weaning ourselves from oil, gas and other conventional energy sources, our Nation will still be in need of foreign fossil fuels for many years to come. In the unpredictable world in which we live today, it would be best to rely on secure sources of energy close to home.

That is why I urge Congress and the administration to learn more about Alberta's oil sands and the potential to supply U.S. energy needs. We must continue to work closely with our neighbors on the north on this important security issue.

WEST GEORGIA BOYS AND GIRLS CLUB

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. GINGREY) is recognized for 5 minutes.

Mr. GINGREY. Madam Speaker, I rise today to honor the West Georgia Boys and Girls Club, an exemplary community organization in the 11th District of Georgia.

The West Georgia Club serves the youth of Troup and Meriwether counties, and it does so with distinction. The four facilities operated by the Boys and Girls Club are always buzzing with students, volunteers, friends and events.

On an average day, you will find a host of activities that contribute to the Boys and Girls Club's goal of providing every child with the essential tools needed for success and a bright future.

After-school tutoring gives students the skills they need to achieve. Friday night movies and social events give teens an alternative to street life. Service projects, leadership and skill development, even National Kids Day are all part of what makes the West Georgia Boys and Girls Club a true leader in community involvement and service.

And do not just take my word for it. The West Georgia Club has been recognized and honored on a national level for their amazing work with the youth of Georgia. At the 2005 Boys and Girls Club National Conference in California this year, the West Georgia club won seven national awards. That is right, seven awards.

These included awards for public service announcements, special events, web page, newsletter and even their annual telethon, which I was proud to participate in this year. Most impressively, the West Georgia Boys and Girls Club was selected as the best overall program for clubs with a budget under $400,000.

Madam Speaker, an organization is only as successful as the men and women who commit their time to making it great. And the West Georgia Club has a first rate team. Chris Patton and Wally West oversee the club, and its board members, Judy Wilkerson, Linda Griffies, Emmitt Clark, Mel Jackson-Kendrick, Frank Walls, Rev. Dalton Hammock, Charlie Martin and the many other volunteers from Troup and Meriwether counties give their time to ensure this club is one of the best in the Nation.

It is the commitment and creativity of community organizations like the West Georgia Boys and Girls Club that make our neighborhoods more than simply a collection of homes and buildings. The American spirit is alive and well at the West Georgia Club, and the beneficiaries in our community have a brighter future because of the club's dedication.

Madam Speaker, I ask that you join me in thanking the West Georgia Boys and Girls Club for their creativity, their commitment and, above all, their willingness to help those in need.

FREEZING IN THE DARK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Madam Speaker, when the ladies of the gulf, Katrina and Rita, came barreling through recently, we learned many lessons. Unfortunately, in the aftermath we learned that the gulf coast oil and natural gas production can be easily disrupted to the detriment of the Americans. Although there were around 2,900 platforms pelted in the path of the ladies of the gulf, very little environmental impact resulted. In the wake of these hurricanes, the need for American petroleum and natural gas and dependence on ourselves has become evident.

□ 1600

The United States must be more self-sufficient when it comes to energy.

The United States imports 60 percent of its crude oil from foreign countries. In doing so, we are subject to the illegal price fixing cartel known as OPEC. The Gulf of Mexico is responsible for one-third of the domestic oil production and 22 percent of the domestic natural gas production. We learned from Katrina and Rita, oil and natural gas production can be disrupted to the detriment of consumers throughout the United States because production is too concentrated in the gulf coast region.

To correct these problems, I have introduced H.R. 3811. This legislation would allow for safe oil and natural gas exploration along the Outer Continental Shelf. This bill would do away with all appropriation moratoriums and executive orders that limit leasing activities, while maintaining environmental safeguards.

It is imperative that the United States begin drilling in other parts outside of the gulf. Madam Speaker, as my colleagues can see from this map, there is a wide range of areas where we can drill. Right now, the United States drills right here off my home State of Texas and Louisiana; yet, there is crude oil still in the Gulf of Mexico, on the east coast and, yes, Madam Speaker, even off the sacred coast of California. It is imperative that we think and consider drilling in these areas.

Since the 1980s, Congress has been placing appropriations moratoriums on drilling on all of these red areas that are outlined on this map. They are doing so by withholding leases. It started in California, and now about 90 percent of the Outer Continental Shelf is off limits to energy developments. All these people on these coastal States want cheap gasoline, they want natural gas, but they say do not drill in our neighborhood.

Madam Speaker, this is hypocritical. This does not make sense. It violates common sense. In this Outer Continental Shelf, there are about 300 cubic feet of natural gas and more than 50 billion barrels of oil yet to be discovered, enough to replace current imports from the Persian Gulf for 60 years and produce sufficient natural gas to heat 75 million homes for 60 years.

Madam Speaker, it would seem to me that opening up these areas would be the obvious choice. We are the only major industrial power in the world that has this silly rule about not drilling off our own shores. They drill in the North Sea, and around the world, and yet, they do so safely.

My bill would allow the Department of the Interior's Mineral and Mining Service to begin processing these leases. This would bring in additional lease revenue to Americans. Right now, Americans are receiving in this blue area $7.5 billion a year in lease revenue. Imagine what we could get from these red areas if we allowed drilling in these areas.

It is important that we use some common sense. Americans worry about skyrocketing energy prices and want solutions. The decision on where to drill is going to have to be made and made soon. This is a price issue, but it is also a national security issue.

Hurricane season is not over and it will be back next year. It is inevitable that more storms will come down hurricane alley right here in the gulf, and they are going to stop in Louisiana or Texas. With all the rigs in the same place, we are destined to repeat history. Although most of the rigs survived Hurricanes Rita and Katrina with minimal damage, there will be more storms, wind and disasters.

Those that say no to offshore drilling have no solutions to the energy problem. We can drill offshore safely, environmentally correct, when you get over the fear factor proposed by the anti-drilling people, and take control of our own energy needs. Otherwise, Madam Speaker, we will freeze in the dark. That is just the way it is.

EXCHANGE OF SPECIAL ORDER TIME

Mr. DREIER. Madam Speaker, I ask unanimous consent to take the 5 minutes that the gentleman from Indiana (Mr. BURTON) would have had.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

THE GROWTH OF THE U.S. ECONOMY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. DREIER) is recognized for 5 minutes.

Mr. DREIER. Madam Speaker, I rise this afternoon to talk about a very important issue which, frankly, has not gotten a great deal of attention and that is the growth of the U.S. economy and what it is we have been able to see over the past several weeks and months.

Virtually everyone has acknowledged the fact that Hurricane Katrina was, if not the worst, one of the worst natural disasters to hit the United States of America, and we all know that in the wake of that disaster where we saw the tragic loss of life and, of course, the devastation of property along the gulf coast, we assumed that there would be a very, very deleterious effect on the U.S. economy. Today, we received what is news that is not what you would call overwhelmingly positive, but certainly not news that was anything like what had been anticipated.

Today, we received the news that following the tragedy of Hurricane Katrina there has been a net job loss based on the payroll survey, which is the old survey structure that has been put into place to determine the jobless rate in the country, a payroll jobs rate reduction of 35,000 nationwide.

Madam Speaker, I think it is important to note that many economists had predicted that that job loss number was going to be in excess of 200,000 in the wake of the tragedy of Hurricane Katrina and Hurricane Rita. I think it is important to also recognize that as we focus attention from the United States Congress and the State and local officials, the President of the United States, focus on reconstruction, dealing with the tragic circumstances in the aftermath of Hurricane Katrina, one of the most important things we can do is to make sure that the entire U.S. economy continues to grow as boldly and as dynamically as possible.

Let us look at the policies that we have seen put into place that have led to tremendous economic growth. We saw throughout the year of 2004 gross domestic product growth of 4.4 percent, a very positive sign of growth. This year, the number has not been quite as high, about 3.3 percent on average of GDP growth. So we have gone through the 15th quarter of positive economic growth, a very, very good indicator of what we can do as a Nation to help address the needs of those who have been victimized by this natural disaster.

One of the things that has happened is we have seen many people from that region obviously find job opportunities in other parts of the Nation. I was in my original hometown of Kansas City, Missouri, just a few weeks ago, and I met a man who said he had worked at Brennan's Restaurant in New Orleans, and he is now working in a food service capacity in Kansas City. Obviously, economic growth in other parts of the country played a role in creating opportunities for people who were subjected to that horrible natural disaster.

So, Madam Speaker, one of the things that we have got to do is make sure that we continue to keep in place our very positive, pro-growth, pro-trade, pro-economic opportunity policies.

Now, what are those policies? Those policies obviously consist of tax reduction. Tax reduction has stimulated the economy and, in fact, as we all know, generated a level of revenues to the Federal Treasury that exceeded expectations. In fact, it exceeded expectations to the point where we have now received $94 billion in unanticipated revenues to the Federal Treasury, reducing the deficit projection from the February projection by, as I said, $94 billion.

Madam Speaker, that is a very positive sign. It is not a Republican number that I am offering. That is a number that has come from the nonpartisan Congressional Budget Office. Again, it is tax cuts that have brought about this positive, positive economic growth.

Unfortunately, many of my colleagues on the other side of the aisle during 2001, 2002, 2003, said if we cut taxes we are going to send the U.S. economy right into the dumpster and we will send the deficit sky-high. Time and time again, many of my friends and I would appear on different programs, and that was what I heard, over and over and over again: Any kind of tax cut is going to exacerbate the deficit and ruin the U.S. economy. Madam Speaker, we have found the exact opposite to be the case.

Similarly, as we look at the trade issue, 94 percent of the world's consumers are outside of our U.S. borders. We need to do everything that we can to continue to open up new markets for U.S. goods and services.

We have put into place positive trade and growth policies, and those policies are, I am very happy to say, helping the United States of America and creating opportunity for even those victims of the tragedies on the gulf coast.

THE DEFICIT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentlewoman from Ohio (Mrs. JONES) is recognized for 60 minutes as the designee of the minority leader.

Mrs. JONES of Ohio. Madam Speaker, I rise at a perfect opportunity to talk about the deficit.

The gentleman from California (Mr. DREIER), my colleague, would have the American public believe that we are in great shape. What he did not tell us was that the deficit currently is $8 trillion; that 20 percent of that deficit is owned by Japan, China and other foreign countries; that 40 percent of that deficit, in fact, is a trade-off between our various agencies in the Federal Government; and that our children and our grandchildren are going to be paying on that deficit. He then wants us to believe that, as a result of the tax cuts, the economy's in great shape, but give me a break. Stop trying to fool the American public.

The reality is, as a result of those tax cuts, this $8 trillion deficit currently exists, and as we continue to throw money after money over to Iraq and rebuild Iraq, give them education, give them health care, rebuild their infrastructure, we are failing to even want to spend time to rebuild the infrastructure of New Orleans, Mississippi and Alabama, and in fact, have not even contemplated how we are going to pay for the Katrina loss. But let me give my colleagues some other news.

It is, in fact, true that the Republicans are proposing to offset the cost of Katrina against people who can least afford to lose dollars, and they are going to use dollars that go to low-income folks, Medicare, Medicaid. They are going to use dollars that go to college education. They are going to use dollars that go towards the HUD department that provides for housing, and the list goes on.

So I do not know how he could stand on the floor of this House and make people of America think that we are doing well. We are really not, and in fact, the trade deficit continues to rise, and people in America are still out of work, while many of the companies are going across the border or across the seas and giving jobs to people in China and other countries.

The gentleman from California (Mr. DREIER) needs a wake-up call so we can begin to tell the people of America the truth.

ENERGY BILL VOTE

Mrs. JONES of Ohio. Madam Speaker, let me switch horses just for a moment and talk about what just happened on the floor of the House.

We just had a vote on the energy bill, and my colleagues will recall that the vote, when it began, was supposed to be a 5-minute vote. Ultimately, it ended up probably being a 45-minute vote, and again, the Republicans are twisting arms of their colleagues to get them to vote in support of a bill when, in reality, they would not have done that. In fact, there are many times on the floor of the House when the vote should have been called and it was not.

I am going to quote some of my colleagues specifically on this issue. The gentlewoman from New York (Ms. SLAUGHTER), my colleague says, Once again, on an issue of critical importance to the American people, the Republican majority has chosen to trample the democratic process and manipulate the outcome of a vote on the floor of the House of Representatives after the vote was completed. This is unethical subversion of our democracy, and the Republican leadership has brought shame on themselves in the House of Representatives. Unquote.

One would think that this was the first time that the Republican leadership had made a decision to trample on the rights of the people and to engage in shameless conduct by twisting arms on the floor of the House, but let me give my colleagues some background when this has happened previously.

On October 7, 2005, this is the bill we are talking about right now, the Gasoline for America's Security Act. The vote began at 1:57 p.m., a 5-minute vote. It was gaveled down at 2:43 p.m., some 46 minutes later.

On July 27 and 28, the legislative day of July 27, on the CAFTA, the vote started at 11:00 p.m. and went on till 1:20 a.m. Vote 442, it lasted 63 minutes. It originally was supposed to be a 15-minute vote.

In previous Congresses, on July 8, 2004, it was the Sanders amendment on the PATRIOT Act to the fiscal year 2005 Commerce Justice State appropriations bill. That was a 38-minute vote.

On March 30, 2004, on a motion to instruct conferees on PAYGO on the fiscal year 2005 budget resolution, it was a 28-minute vote when it should have been a 5-minute vote.

On November 22, 2003, the final passage of the conference report on H.R. 1, the prescription drug bill, imagine this, a 3-hour vote. During this time frame bribes allegedly offered.

On final passage of H.R. 1, the prescription drug bill, it was 50 minutes.

On March 20, 2003, final passage of the budget resolution, it was 26 minutes long.

On July 12, 2001, the campaign finance bill, this was a timeout to determine what was to occur next on the floor, 13 minutes.

On October 9, 1997, passage of fiscal year 1998 D.C. appropriations bill, 33 minutes.

The longest votes prior to the Republican majority in the House, October 3, 1994, a timeout to accommodate changes in the floor schedule was only 44 minutes.

□ 1615

And the list goes on.

Madam Speaker, this is a specific example of how the Republican leadership has used the floor because they are in the majority to push and shove and make people vote the way they want them to vote instead of the way in which the Member had chosen to vote previously. I call upon the American people to pay attention because as time goes along, it will be revealed what is happening on the floor of this House.

Let me switch veins one more time. Everybody has been talking about Hurricane Katrina and Hurricane Rita. Let us talk about Hurricane Katrina 1 month later. It has been 1 month since Hurricane Katrina devastated the gulf coast region; yet as of September 27, less than one-tenth of the relief authorized by Congress has reached the 1.2 million households impacted by the storm and thousands of households have received no relief from FEMA at all.

Little wonder, since instead of providing relief to the survivors of the storms the Republicans continue to focus on special interests by appointing political cronies such as Michael Brown and David Safavian, who take jobs they are not qualified for and who unfairly award contracts to their supporters.

Here is a closer look at how the Republican failures are impacting the survivors of Katrina. Health care: Republican red tape leaves hurricane victims without care. Nearly one in four people living at the Houston shelters reported a time since the hurricane hit when they simply could not get the medical care they needed. This administration has failed simply to provide for basic health care needs of the Hurricane Katrina survivors.

Instead, they are pursuing a confusing and limited bureaucratic health care waiver approach that is making it difficult for Hurricane Katrina survivors to know what their health benefits are and which may leave many survivors, such as childless adults or poor parents, without any access to care at all and States without Federal funding to assist evacuees.

Democrats support a bipartisan simple and fair solution to ensure that all victims of the hurricane have temporary access to the basic care they need. They want to cut the red tape by allowing Medicaid to provide temporary health care coverage.

Now, with regard to housing, the Republicans have left thousands without a place to call home. A full 3 weeks after Katrina hit, fewer than 13,000 of the 200,000 families in need of housing assistance have received any help from the administration, even though there are more than one million low-cost rental units available in the South.

First, the administration proposed purchasing 300,000 travel trailers, recreational vehicles and manufactured housing, only to find that some of the orders may take a year to fill and only one-third of the proposed sites for the housing and the necessary infrastructure are in place. Then FEMA chartered cruise ships as temporary shelters, with little understanding that living on a ship at sea would make it difficult to find jobs and schooling. Then the President announced an urban homestead initiative which will provide little more than a lottery of properties held by the Federal Government that will help only a fraction of the affected families.

It was not until nearly 1 month after the disaster struck that the Bush administration finally announced it would begin to provide rent payments to families displaced by the storm.

Democrats have proposed using emergency housing vouchers to meet immediate needs and support funding for construction and repair of affordable housing in the disaster area. Let me take a note from this and say that also Democratic Members of the Congress have proposed various tax initiatives to encourage people to move back to the areas from which they left.

One of the pieces of legislation that I introduced provides specifically a tax credit or a tax incentive for families to go back and build where they lived. It would be like a first-time home buyer program that would allow them to build back in the community where they lived. Because basically it is possible, based on all that we can see, that many of the families who would want to move back to the various areas which have been affected would not be able to afford to move back to those communities.

I also have proposed in a piece of legislation that I have authored that the low-income housing tax credit be doubled in order to encourage developers to build in many of these areas. Currently, it is 1.78. Under the proposal that I have presented, it would be doubled to 3.50 to allow developers to be encouraged to build in those communities.

It is high time that we stop talking about assisting the victims of Katrina and Rita and give them what they need to be successful.

In addition, let us talk about economic security. As many as 400,000 individuals have lost their jobs as a result of Hurricane Katrina; yet the Republicans have proposed no changes to extend unemployment assistance. Unemployment benefits are the lowest in the country in the three impacted States, averaging less than $200 per week, or about 50 percent of the poverty level of a family of four.

Rather than acting to help working families, the Bush administration has cut the wages of workers working on Katrina reconstruction by suspending the Davis-Bacon rules in the gulf region which requires a payment of prevailing wage. Now, if we are going to talk about poor people in the United States of America, and then we are going to pay them below the prevailing wage, how do we expect they are going to be able to take care of their families and to afford health insurance, if that is the case?

It does not make sense at a time when the President says that poverty and racism are actually the outcome of what we see with Katrina and across this country that we would want to pay families at below prevailing wages. Also, in the process of putting in place these economic programs, the President has proposed that affirmative action policies not be put in place. Again, most of the people involved in the Katrina and Rita hurricanes were African Americans. Why would you not want to include in there some chances or opportunities to include affirmative action?

And the list goes on, as we talk about education and the opportunity for these young people to move into school systems or move into other colleges to be successful. We go on to talk about the process that the administration has instead chosen to advance the controversial agenda for education vouchers to private schools.

Some people may want to attend private schools, but many of the children may want to attend the kind of school they were attending before, a public school, where you have a diversity of students in the system. It is a shame that after all that we have gone through, after all the suffering that we have seen as a result of Katrina that we would not have in place a system, some 30-some days later, to support and encourage the people of the particular areas.

I also want to talk about the problem that we see with regard to first responders. They were supposed to, meaning the administration and this Congress, provide dollars to the various areas to support first responders. Instead, they have decided to not meet the needs of the first responders. Additionally, when Hurricane Katrina hit, emergency personnel were on at least five different channels, which was making communications difficult. Instead of fixing the problem for first responders in communicating with each other, the Republicans allowed it to fester.

We all recognized the problem we saw on 9/11, that the first responders had no way of communicating with one another. You would have thought, understanding that, that before another event occurred, such as Katrina or Rita, that we would have put in place a system and dollars for first responders to be able to communicate with one another. But we did not fix that.

One hopes that as the weeks and months go along that this Republican Congress, this majority Republican Congress, would attempt to address the issues that are important to the people of America, such as our first responders; that they will look at a real energy bill, instead of the one they placed on the floor and beat people into submission to vote for; and that they would also look at this culture of cronyism, wherein only their friends have an opportunity to bid on contracts.

Excuse me, they do not even have to bid on the contracts. Only their friends have access to contracts, wherein they have an opportunity to do the work that is created as a result of the disasters in our country.

As I close, Madam Speaker, this afternoon, I would say to the American public that there is a lot for you to take a look at and understand what is happening here on the floor of the House of Representatives, this pushing and arm twisting, the cronyism and the like.

Because, Madam Speaker, in the upcoming weeks we will be involved in a lot of issues that are going to come before this Congress that will be important to the American public, such as additional issues with regard to energy. And this happening at a time when the American public expects that we are going to be operating aboveboard and we are going to be operating in a way in that all of us can stand up and say that we are proud to be Americans; that we are proud to be a part of a Congress of the United States that acts appropriately; and that we are proud to support and help those who are most in need of our help.

CONGRATULATIONS TO CLEVELAND CITY COUNCIL PRESIDENT, FRANK JACKSON

Mrs. JONES of Ohio. Madam Speaker, if you would allow me, on a wholly different issue, I would like to take this opportunity at this time to congratulate the council president of the city of Cleveland, Frank Jackson. Frank Jackson just won the mayoral primary in the city of Cleveland, beating out the current mayor by some 4,000 votes. So this gives me a great opportunity to congratulate him for the work that he has done.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

H. Con. Res. 263. Concurrent resolution providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

APPOINTMENT OF HON. JEAN SCHMIDT TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS ON TODAY

The SPEAKER pro tempore (Mrs. SCHMIDT) laid before the House the following communication from the Speaker:

THE SPEAKER'S ROOMS,
HOUSE OF REPRESENTATIVES,
Washington, DC, Oct. 7, 2005.

I hereby appoint the Honorable JEAN SCHMIDT to act as Speaker pro temore to sign enrolled bills and joint resolutions on this day.

DENNIS HASTERT,
Speaker of the House of Representatives.

The SPEAKER pro tempore. Without objection, the appointment is approved.

There was no objection.

TRIBUTE TO LINDA HOPKINS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WATSON) is recognized for 5 minutes.

Ms. WATSON. Madam Speaker, I want to come and join with hundreds of people who yesterday had the exciting experience of being in Hollywood on the Walk of Fame for a famous jazz and blues singer, Linda Hopkins, who received her star on the Hollywood Walk of Fame.

Linda Hopkins was honored with the 2,292nd star on the world-famous Hollywood Walk of Fame yesterday, October 6, at 11:30 a.m. in front of the Pantages Theatre. Johnny Grant, Honorary Mayor of Hollywood and Chairman of the Walk of Fame Committee, presided over the event.

Hopkins made her singing debut at the age of 3 in her hometown church in New Orleans and grew up to become an internationally acclaimed vocalist and actress. Hopkins was inspired by blues legend Bessie Smith and began to sing her songs and conceived, wrote, and starred in the one-woman musical, "Me and Bessie." The musical was the longest running show in the history of Broadway and the only one written by an African American woman. It also won the coveted Drama Desk Award.

In 1972, she won the Tony Award for best supporting actress for her performance in "Inner City." Hopkins toured with such artists as Sammy Davis, Jr. and Bradford Marsalis. From 1985 through 1997, Hopkins co-starred in the play "Black and Blue" on Broadway and in Paris.

□ 1630

She also holds the record for the most guest performances on Johnny Carson's "Tonight Show" with more than 148 appearances. She recently returned from working on "Wild Women Blues" which she created and toured throughout Europe. She will return to the show in December. Hopkins continues her work in the community by helping the homeless, presenting and assisting new and young artists in the performing arts community, and doing outreach to local communities to promote economic development.

Mr. Speaker, I want to say congratulations to Linda once again, and we are so very pleased to be the ones to nominate Linda. It took us a few years, but she got that star on the Walk of Fame.

LINDA HOPKINS TO RECEIVE STAR ON HOLLYWOOD WALK OF FAME TODAY

Singer Linda Hopkins will be honored with the 2,292nd star on the world famous Hollywood Walk of Fame on Oct. 6, 11:30 a.m., in front of Pantages Theatre, 6233 Hollywood Blvd. Johnny Grant, Honorary Mayor of Hollywood and Chairman of the Walk of Fame Committee, will preside over the event.

Hopkins made her singing debut at the age of three in her hometown church in New Orleans and grew up to become an internationally acclaimed vocalist and actress. Hopkins was inspired by blues legend Bessie Smith and began to sing her songs and conceived, wrote and starred in the one-woman musical, "Me and Bessie." The musical was the longest running show in the history of Broadway and the only one written by an African American woman. It also won the coveted Drama Desk Award.

In 1972, she won the Tony Award for Best Supporting Actress for her performance in "Inner City." Hopkins toured with such artists as Sammy Davis Jr. and Branford Marsalis. From 1985 through 1997, Hopkins co-starred in the play "Black and Blue" on Broadway and in Paris. She also holds the record for most guest performances on Johnny Carson's "Tonight Show," with more than 148 appearances. She recently returned from working on "Wild Women Blues," which she created and toured with throughout Europe. She will return to the show in December.

Hopkins continues her work in the community by helping the homeless, presenting and assisting new and young artists in the performing arts community and doing outreach to local communities to promote economic development.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. POE (at the request of Mr. BLUNT) for today until 1:45 p.m. on account of official business in his district.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. LIPINSKI) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

Mr. LIPINSKI, for 5 minutes, today.

(The following Members (at the request of Mr. PAUL) to revise and extend their remarks and include extraneous material:)

Mr. GARRETT of New Jersey, for 5 minutes, today.

Mr. MCCOTTER, for 5 minutes, today.

Mr. TOM DAVIS of Virginia, for 5 minutes, today.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Mr. DREIER, for 5 minutes, today.

Ms. WATSON, for 5 minutes, today.

ENROLLED BILL SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 2360. An act making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

ADJOURNMENT

Mrs. JONES of Ohio. Madam Speaker, pursuant to House Concurrent Resolution 263, 109th Congress, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore (Mrs. SCHMIDT). Pursuant to House Concurrent Resolution 263, 109th Congress, the House stands adjourned until 2 p.m. on Monday, October 17, 2005.

Thereupon (at 4 o'clock and 31 minutes p.m.), pursuant to House Concurrent Resolution 263, the House adjourned until Monday, October 17, 2005, at 2 p.m.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. POMBO: Committee on Resources. S. 1339. An act to reauthorize the Junior Duck Stamp Conservation and Design Program Act of 1994 (Rept. 109-246). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mrs. MALONEY (for herself, Mr. Jefferson, Mr. Melancon, Mr. Grijalva, Mr. Serrano, Mr. Crowley, Mr. Meeks of New York, and Ms. DeLauro):

H.R. 4012. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to modify the terms of the community disaster loan program, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. CANNON:

H.R. 4013. A bill to amend the Reclamation Projects Authorization and Adjustment Act of 1992 to provide for conjunctive use of surface and groundwater in Juab County, Utah; to the Committee on Resources.

By Mr. HYDE (for himself and Mr. Lantos):

H.R. 4014. A bill to reauthorize the Millennium Challenge Act of 2003, and for other purposes; to the Committee on International Relations.

By Mr. NUNES (for himself, Mr. Doolittle, Mr. Pombo, Mr. Boehner, Mr. Renzi, Mr. Porter, Mr. Franks of Arizona, Mr. Herger, Mr. Gibbons, Mr. Hayworth, Mr. Thomas, Mr. Baca, Mr. Cardoza, Mr. Costa, Mr. Daniel E. Lungren of California, Mr. Filner, Mr. Farr, Ms. Woolsey, Ms. Zoe Lofgren of California, Ms. Harman, Mrs. Napolitano, Mr. Duncan, Mr. Holden, Mr. Sessions, Mr. Thompson of California, Ms. Berkley, Mr. Pastor, and Ms. Matsui):

H.R. 4015. A bill to ensure regulatory equity between and among all dairy farmers and handlers for sales of packaged fluid milk in federally regulated milk marketing areas and into certain non-federally regulated milk marketing areas from federally regulated areas, and for other purposes; to the Committee on Agriculture.

By Mr. GEORGE MILLER of California (for himself, Ms. Pelosi, Mr. Kildee, Mr. Davis of Alabama, Mr. Owens, Mr. Payne, Mr. Scott of Virginia, Ms. Woolsey, Mr. Hinojosa, Mrs. McCarthy, Mr. Holt, Ms. McCollum of Minnesota, Mr. Davis of Illinois, Mr. Grijalva, Mr. Van Hollen, Mr. Bishop of New York, Ms. Lee, Ms. Wasserman Schultz, Mrs. Maloney, Mr. Conyers, Mr. Brown of Ohio, Mr. Stark, Ms. Watson, Mr. Jefferson, Mr. Cummings, Mrs. Napolitano, and Ms. Bordallo):

H.R. 4016. A bill to provide assistance to revitalize institutions of higher education affected by the Gulf hurricane disasters; to the Committee on Education and the Workforce, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SAM JOHNSON of Texas (for himself and Mr. Marchant):

H.R. 4017. A bill to provide assistance for the education of elementary and secondary students; to the Committee on Education and the Workforce.

By Mr. BOEHNER (for himself, Mr. DeLay, Mr. Blunt, Mr. Sam Johnson of Texas, Mr. Kline, Mr. Marchant, Ms. Foxx, Mr. Chocola, Mr. Doolittle, Mr. Flake, Mr. Franks of Arizona, Mr. McHenry, Mr. Pence, Mr. Sessions, Mr. Shadegg, and Mr. Tiahrt):

H.R. 4018. A bill to repeal certain education provisions; to the Committee on Education and the Workforce.

By Mr. CANNON:

H.R. 4019. A bill to amend title 4 of the United States Code to clarify the treatment of self-employment for purposes of the limitation on State taxation of retirement income; to the Committee on the Judiciary.

By Mr. FRANK of Massachusetts (for himself, Mr. Sanders, Mr. Jefferson, and Mr. Melancon):

H.R. 4020. A bill to authorize the Community Development Financial Institutions Fund to conduct a special round of funding in fiscal year 2006 for assistance in areas affected by Hurricane Katrina, and for other purposes; to the Committee on Financial Services.

By Ms. NORTON:

H.R. 4021. A bill to permit statues honoring citizens of the District of Columbia to be placed in Statuary Hall in the same manner as statues honoring citizens of the States are placed in Statuary Hall, and for other purposes; to the Committee on House Administration.

By Mr. ROSS:

H.R. 4022. A bill to require health insurance coverage for certain reconstructive surgery; to the Committee on Energy and Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BACHUS (for himself, Mr. Moore of Kansas, Mr. Waxman, Mr. Weldon of Pennsylvania, Ms. Wasserman Schultz, Mr. McDermott, Mr. Boswell, Mr. Gutierrez, Mr. Jackson of Illinois, Mr. Udall of New Mexico, Mr. Price of North Carolina, Mrs. McCarthy, Mr. Melancon, Mr. Doggett, Mr. Bishop of New York, Mr. Nadler, Mr. Larson of Connecticut, Ms. Jackson-Lee of Texas, Mr. Meehan, Ms. Slaughter, Mr. Ackerman, Mr. Rahall, Mr. Hoyer, Mr. Lewis of Georgia, Ms. Kaptur, Mr. Cardin, Mr. Kennedy of Rhode Island, Mr. Hinchey, Mr. Weiner, Mr. Markey, Mrs. Davis of California, Mr. Davis of Alabama, Mr. Davis of Illinois, Mr. Van Hollen, Ms. Eddie Bernice Johnson of Texas, Mr. Blumenauer, Mr. Holt, Ms. Carson, Ms. DeLauro, Ms. Solis, Mr. Moran of Virginia, Mr. Cleaver, Ms. Schwartz of Pennsylvania, Mr. Kildee, Mr. Carnahan, Mr. Matheson, Mr. Cardoza, Mr. Wu, Mr. Spratt, Mr. Davis of Tennessee, Mrs. Napolitano, Ms. Schakowsky, Ms. Woolsey, Mr. Holden, Ms. Berkley, Mr. Gillmor, Mr. Schiff, Mr. Honda, Mr. Edwards, Mr. Israel, Mr. Conyers, Ms. Zoe Lofgren of California, Mr. Inslee, Mr. Neal of Massachusetts, and Mr. Tom Davis of Virginia):

H.R. 4023. A bill to require the Consumer Product Safety Commission to issue regulations mandating child-resistant closures on all portable gasoline containers; to the Committee on Energy and Commerce.

By Mr. BAKER (for himself and Mr. Jefferson):

H.R. 4024. A bill to make funds available for community disaster loans to assist local governments in providing essential services following Hurricane Katrina, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. BARROW (for himself, Mr. Filner, Mr. Michaud, Mr. Jones of North Carolina, Mr. Evans, Ms. Herseth, and Mr. Brown of Ohio):

H.R. 4025. A bill to amend title 38, United States Code, to eliminate the deductible and change the method of determining the mileage reimbursement rate under the beneficiary travel program administered by the Secretary of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. CROWLEY (for himself, Mr. Israel, Mr. Grijalva, Ms. Wasserman Schultz, and Mr. Davis of Illinois):

H.R. 4026. A bill to amend the Internal Revenue Code of 1986 to allow nonrefundable credits against income tax for certain gasoline, diesel fuel, and home energy consumption expenses, and for other purposes; to the Committee on Ways and Means.

By Mr. CUMMINGS:

H.R. 4027. A bill to establish a short-term moratorium on the payment of principal or interest on certain mortgage loans secured by residential or commercial real estate located in any area declared to be a Federal disaster area due to Hurricane Katrina or Hurricane Rita, and for other purposes; to the Committee on Financial Services.

By Mr. DAVIS of Tennessee:

H.R. 4028. A bill to require employers of temporary H-2A workers to pay such workers at least the greater of the Federal or State minimum wage rate; to the Committee on the Judiciary.

By Ms. DELAURO:

H.R. 4029. A bill to ensure fairness in gasoline, diesel fuel, and home heating oil prices; to the Committee on Energy and Commerce.

By Ms. DELAURO (for herself, Mr. Brown of Ohio, Ms. Carson, Mr. Pomeroy, Mr. Grijalva, Mr. Price of North Carolina, and Ms. Schakowsky):

H.R. 4030. A bill to amend the Internal Revenue Code of 1986 to repeal the inflation adjustment of the earned income threshold used in determining the refundable portion of the child tax credit and to restore the threshold to its original amount; to the Committee on Ways and Means.

By Mr. MARIO DIAZ-BALART of Florida (for himself, Mr. Putnam, Ms. Harris, Mr. Foley, Ms. Wasserman Schultz, Mr. Lincoln Diaz-Balart of Florida, Mr. MILLER of Florida, Mr. MEEK of Florida, and Ms. ROS-LEHTINEN):

H.R. 4031. A bill to provide assistance to nursery crop and tropical fruit producers whose agricultural operations were severely damaged by Hurricane Dennis, Hurricane Katrina, or Hurricane Rita in 2005; to the Committee on Agriculture, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DOOLITTLE:

H.R. 4032. A bill to amend the Immigration and Nationality Act to remove the discretion of the Secretary of Homeland Security with respect to expedited removal under section 235(b)(1)(A)(iii)(I) of such Act and to amend the Truth in Lending Act to prohibit issuance of residential mortgages to illegal aliens; to the Committee on the Judiciary, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ENGEL (for himself, Mr. TERRY, Mr. SHIMKUS, Mr. WAXMAN, Mr. WHITFIELD, Mr. BROWN of Ohio, Ms. ESHOO, Mr. TOWNS, Mr. RUSH, Mrs. CAPPS, Mr. ALLEN, Mr. RANGEL, Mr. FOLEY, Mr. MCNULTY, Mr. MCHUGH, Ms. ROS-LEHTINEN, Mr. MCDERMOTT, Ms. DELAURO, Mr. SHAYS, Mr. JEFFERSON, Mr. GOODE, Mr. LANTOS, Ms. BERKLEY, Mr. CALVERT, Ms. BORDALLO, Mr. BRADY of Pennsylvania, Mr. MOORE of Kansas, Ms. JACKSON-LEE of Texas, Mr. ABERCROMBIE, Ms. CARSON, Mr. CROWLEY, Mr. FILNER, Mr. GRIJALVA, Mr. HIGGINS, Mr. HINCHEY, Mr. KUCINICH, Mr. LYNCH, Mr. RUPPERSBERGER, Mr. SANDERS, Mr. SCHIFF, Mr. SCOTT of Georgia, Mr. VAN HOLLEN, Ms. WASSERMAN SCHULTZ, Mr. WEINER, Mr. WEXLER, Mr. CAPUANO, and Mr. OWENS):

H.R. 4033. A bill to amend the Public Health Service Act to provide for the establishment of an Amyotrophic Lateral Sclerosis Registry; to the Committee on Energy and Commerce.

By Mr. GARRETT of New Jersey:

H.R. 4034. A bill to allow a deduction for 100 percent of medical expenses, not compensated for by insurance or otherwise, for taxpayers residing in the Hurricane Katrina disaster area; to the Committee on Ways and Means.

By Mr. GARRETT of New Jersey:

H.R. 4035. A bill to amend the Internal Revenue Code of 1986 to eliminate capital gains taxes on investments in the Hurricane Katrina disaster area to reduce the estate tax for victims of Hurricane Katrina; to the Committee on Ways and Means.

By Mr. GILLMOR (for himself and Ms. DEGETTE):

H.R. 4036. A bill to amend the Public Health Service Act to allow qualifying children's hospitals to participate in the 340B drug discount program; to the Committee on Energy and Commerce.

By Mr. GONZALEZ:

H.R. 4037. A bill to prohibit offering homebuilding purchase contracts that contain in a single document both a mandatory arbitration agreement and other contract provisions, and to prohibit requiring purchasers to consent to a mandatory arbitration agreement as a condition precedent to entering into a homebuilding purchase contract; to the Committee on Financial Services.

By Mr. GONZALEZ (for himself and Mr. REYES):

H.R. 4038. A bill to amend the Immigration and Nationality Act to improve enforcement of restrictions on employment in the United States of unauthorized aliens; to the Committee on the Judiciary, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GREEN of Wisconsin:

H.R. 4039. A bill to amend title XVIII of the Social Security Act to provide for an exception to the reduction in unused medical residency positions for small family practice residency programs under the Medicare Program; to the Committee on Ways and Means.

By Mr. HERGER:

H.R. 4040. A bill to amend the Internal Revenue Code of 1986 to provide that the deduction for certain attorney fees shall be fully allowable in computing both taxable income and alternative minimum taxable income; to the Committee on Ways and Means.

By Mr. HERGER:

H.R. 4041. A bill to amend the Internal Revenue Code of 1986 to provide that the deduction for certain flood-related attorney fees shall be fully allowable in computing both taxable income and alternative minimum taxable income; to the Committee on Ways and Means.

By Mr. HERGER:

H.R. 4042. A bill to amend title XVIII of the Social Security Act to modernize payments for ambulatory surgical centers under the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ISSA (for himself, Mr. CONAWAY, Mr. RADANOVICH, Mrs. BONO, and Mr. DOOLITTLE):

H.R. 4043. A bill to provide for a report from the National Academy of Sciences on the feasibility and design of a national strategic gasoline reserve; to the Committee on Energy and Commerce.

By Ms. JACKSON-LEE of Texas:

H.R. 4044. A bill to provide for more efficient and effective protection of the borders of the United States; to the Committee on Homeland Security, and in addition to the Committees on Government Reform, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MALONEY (for herself, Mr. LANTOS, and Mr. BILIRAKIS):

H.R. 4045. A bill to award a congressional gold medal to Rabbi Arthur Schneier in recognition of his pioneering role in promoting religious freedom and human rights throughout the world, for close to half a century; to the Committee on Financial Services.

By Mr. MICHAUD:

H.R. 4046. A bill to amend title 38, United States Code, to provide authority, in certain cases, for the Secretary of Veterans Affairs to provide care for the newborn children of veterans who have been provided maternity care by the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. MILLER of Florida (for himself, Mr. PAUL, Mr. BARTLETT of Maryland, Mr. KIND, Mr. SHIMKUS, Mr. DAVIS of Tennessee, Mr. SIMMONS, Mr. COBLE, Mrs. EMERSON, Mr. MATHESON, Mr. GREEN of Wisconsin, Mr. HALL, Mr. FLAKE, Mr. BRADLEY of New Hampshire, Mr. BARRETT of South Carolina, Mr. GINGREY, Mr. KENNEDY of Minnesota, Mr. GIBBONS, and Mr. ENGLISH of Pennsylvania):

H.R. 4047. A bill to amend the Legislative Reorganization Act of 1946 to reduce the rate of pay, and to eliminate automatic pay adjustments, for Members of Congress; to the Committee on House Administration, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GEORGE MILLER of California (for himself, Ms. WOOLSEY, Mr. KILDEE, Mr. PAYNE, Mr. SCOTT of Virginia, Mr. HINOJOSA, Mrs. MCCARTHY, Mr. HOLT, Mr. DAVIS of Illinois, Ms. MCCOLLUM of Minnesota, Mr. GRIJALVA, Mr. VAN HOLLEN, Mr. JEFFERSON, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. OWENS, and Mrs. DAVIS of California):

H.R. 4048. A bill to authorize the Secretary of Education to make grants to local educational agencies to restart school operations interrupted by Hurricane Katrina or Hurricane Rita, and for other purposes; to the Committee on Education and the Workforce.

By Mr. POMBO (for himself, Mr. COSTA, Mr. CARDOZA, Mr. CASE, Mr. NUNES, Mr. BACA, Mr. HERGER, Mr. FARR, Mr. RADANOVICH, Mr. BOYD, and Ms. ZOE LOFGREN of California):

H.R. 4049. A bill to authorize the Secretary of Agriculture to enter into cooperative agreements with State and local governments to augment their efforts to conduct early detection and surveillance to prevent the establishment or spread of plant pests that endanger agriculture, the environment, and the economy of the United States; to the Committee on Agriculture.

By Mr. RAMSTAD (for himself, Mr. PETERSON of Minnesota, Mr. OBERSTAR, Mr. UDALL of Colorado, Mr. BEAUPREZ, Ms. MCCOLLUM of Minnesota, Mr. HEFLEY, and Mr. TANCREDO):

H.R. 4050. A bill to amend title XVIII of the Social Security Act to extend reasonable cost contracts under Medicare; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. REHBERG (for himself, Mrs. CUBIN, and Mr. BISHOP of Utah):

H.R. 4051. A bill to establish the policy of the United States on the size of the land-based intercontinental ballistic missile force; to the Committee on Armed Services.

By Mr. SANDERS (for himself, Mr. GUTKNECHT, Mr. GEORGE MILLER of California, Mr. HINCHEY, Mr. DAVIS of Illinois, Ms. LEE, Mr. BISHOP of New York, Ms. WOOLSEY, Mr. EMANUEL, Mr. MURTHA, Mr. TAYLOR of Mississippi, Ms. BORDALLO, Mr. OBERSTAR, Mr. BRADY of Pennsylvania, Mr. DEFAZIO, Mrs. MALONEY, Mr. BROWN of Ohio, Mr. HOLT, Mr. BERRY, Mr. MARKEY, Mr. GRIJALVA, Ms. KILPATRICK of Michigan, Mr. LANTOS, Mr. FILNER, Mr. UDALL of New Mexico, Mr. MCGOVERN, Mr. KENNEDY of

Rhode Island, Mr. FRANK of Massachusetts, Mr. VAN HOLLEN, Mr. DOYLE, Mr. PAYNE, Ms. LINDA T. SÁNCHEZ of California, Ms. MILLENDER-McDONALD, Mr. OLVER, Mr. PALLONE, Ms. NORTON, Ms. SCHAKOWSKY, Mr. DOGGETT, Mr. EVANS, Mr. VISCLOSKY, Mr. MEEK of Florida, Mr. WEXLER, Mr. BOEHLERT, Mr. MEEKS of New York, Mr. TIERNEY, Mr. ENGEL, Mr. CONYERS, Ms. ESHOO, Mr. ALLEN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. RUSH, Mr. LYNCH, Mrs. NAPOLITANO, Ms. JACKSON-LEE of Texas, Mr. STRICKLAND, Mr. ROSS, Mr. SCHIFF, Ms. SLAUGHTER, Mr. MEEHAN, Mr. BLUMENAUER, Mr. MICHAUD, Mr. KILDEE, Mrs. CAPPS, Ms. KAPTUR, Mr. CASE, Ms. McCOLLUM of Minnesota, Mr. UDALL of Colorado, Mr. KUCINICH, Mr. CUMMINGS, Mr. SCOTT of Virginia, and Ms. DeLAURO):

H.R. 4052. A bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to protect pension benefits of employees in defined benefit plans and to direct the Secretary of the Treasury to enforce the age discrimination requirements of the Internal Revenue Code of 1986; to the Committee on Education and the Workforce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. SOLIS (for herself, Mr. BACA, Mr. BECERRA, Mr. BERMAN, Mrs. BONO, Mr. CALVERT, Mrs. CAPPS, Mr. CARDOZA, Mr. COSTA, Mr. CUNNINGHAM, Mrs. DAVIS of California, Mr. DOOLITTLE, Ms. ESHOO, Mr. FARR, Mr. FILNER, Ms. HARMAN, Mr. HERGER, Mr. HONDA, Mr. ISSA, Mr. LANTOS, Ms. LEE, Mr. LEWIS of California, Ms. ZOE LOFGREN of California, Mr. DANIEL E. LUNGREN of California, Mr. McKEON, Ms. MATSUI, Ms. MILLENDER-McDONALD, Mr. GARY G. MILLER of California, Mrs. NAPOLITANO, Ms. PELOSI, Mr. POMBO, Mr. ROHRABACHER, Ms. ROYBAL-ALLARD, Mr. ROYCE, Ms. LINDA T. SÁNCHEZ of California, Ms. LORETTA SANCHEZ of California, Mr. SCHIFF, Mr. SHERMAN, Mr. STARK, Mrs. TAUSCHER, Mr. THOMPSON of California, Ms. WATERS, Ms. WATSON, Mr. WAXMAN, Ms. WOOLSEY, Mr. GRIJALVA, Mr. BISHOP of Georgia, Ms. SCHAKOWSKY, Mr. CONYERS, Mrs. MALONEY, Mr. REYES, Mr. TOWNS, Mr. GONZALEZ, Mr. MORAN of Virginia, Mr. GEORGE MILLER of California, Mr. RADANOVICH, Mr. HUNTER, Mr. DREIER, Mr. NUNES, Mr. GALLEGLY, and Mr. THOMAS):

H.R. 4053. A bill to designate the facility of the United States Postal Service located at 545 North Rimsdale Avenue in Covina, California, as the "Lillian Kinkella Keil Post Office"; to the Committee on Government Reform.

By Mr. SULLIVAN:

H.R. 4054. A bill to designate the facility of the United States Postal Service located at 6110 East 51st Place in Tulsa, Oklahoma, as the "Dewey F. Bartlett Post Office"; to the Committee on Government Reform.

By Mr. VISCLOSKY:

H.R. 4055. A bill to amend the Employee Retirement Income Security Act of 1974 and title 11, United State Code, to provide necessary reforms for employee pension benefit plans; to the Committee on Education and the Workforce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BAKER:

H. Con. Res. 263. A concurrent resolution providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate; considered and agreed to.

By Mrs. JO ANN DAVIS of Virginia (for herself, Mr. HALL, Mr. REGULA, Mr. HYDE, and Mr. DINGELL):

H. Con. Res. 264. Concurrent resolution recognizing veterans who served in the Armed Forces during World War II and supporting the goals and ideals of National World War II Veterans Recognition Week; to the Committee on Veterans' Affairs.

By Mr. KIRK (for himself, Mr. LARSEN of Washington, Mr. DAVIS of Kentucky, Mr. LEACH, Mr. SMITH of Washington, and Mr. DICKS):

H. Con. Res. 265. Concurrent resolution expressing appreciation for the contribution of Chinese art and culture and recognizing the Festival of China at the Kennedy Center; to the Committee on International Relations.

By Mr. TOWNS:

H. Con. Res. 266. Concurrent resolution expressing the sense of Congress that Cote d'Ivoire be encouraged and supported by the United States in its efforts to hold democratic elections in the very near future; to the Committee on International Relations.

By Mrs. JO ANN DAVIS of Virginia:

H. Res. 486. A resolution commending the Coast Guard for its extraordinary efforts in response to Hurricane Katrina and Hurricane Rita; to the Committee on Transportation and Infrastructure.

By Mr. TOM DAVIS of Virginia (for himself, Mr. RANGEL, Mr. CAPUANO, and Mr. ROYCE):

H. Res. 487. A resolution supporting the goals and ideals of Korean American Day; to the Committee on Government Reform.

By Mr. LaTOURETTE (for himself, Mr. LoBIONDO, and Mr. McCOTTER):

H. Res. 488. A resolution requesting that the President transmit to the House of Representatives information in his possession relating to contracts for services or construction related to Hurricane Katrina recovery; to the Committee on Transportation and Infrastructure.

By Mr. LEACH (for himself and Mr. BECERRA):

H. Res. 489. A resolution commemorating the 100th Anniversary of the National Audubon Society; to the Committee on Resources.

By Ms. MILLENDER-McDONALD:

H. Res. 490. A resolution urging the United Nations to establish a commission on the prevention of slavery, human trafficking, and exploitation; to the Committee on International Relations.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII.

Mr. HUNTER introduced A bill (H.R. 4056) for the relief of Fouad Yousef Hakim Mansour and Saheir Gamil Shaker Mansour; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 23: Mr. WELDON of Pennsylvania and Mr. ETHERIDGE.

H.R. 34: Ms. SCHWARTZ of Pennsylvania.

H.R. 303: Mr. RADANOVICH.

H.R. 328: Mr. REYES.

H.R. 373: Mr. CLAY.

H.R. 375: Mr. FORBES, Mr. AKIN, and Mr. GOODLATTE.

H.R. 389: Mr. MEEHAN, Ms. HARRIS, Mr. MOLLOHAN, and Mr. HASTINGS of Florida.

H.R. 445: Mr. JONES of North Carolina, Mr. BROWN of South Carolina, and Mr. TAYLOR of North Carolina.

H.R. 457: Mr. GARRETT of New Jersey and Mr. WEXLER.

H.R. 543: Mr. FITZPATRICK of Pennsylvania.

H.R. 552: Mr. GOHMERT.

H.R. 583: Mr. CAMP.

H.R. 586: Mr. SMITH of Washington and Mr. McCOTTER.

H.R. 594: Mr. WATT.

H.R. 616: Mr. BROWN of Ohio.

H.R. 633: Mr. CLAY.

H.R. 668: Mr. CONYERS.

H.R. 697: Mr. BRADLEY of New Hampshire.

H.R. 699: Ms. MOORE of Wisconsin and Mr. ALLEN.

H.R. 747: Mr. ALLEN and Mr. FRANK of Massachusetts.

H.R. 752: Ms. CARSON.

H.R. 769: Ms. ZOE LOFGREN of California.

H.R. 791: Mr. CONYERS and Mr. CAPUANO.

H.R. 844: Mr. BROWN of Ohio.

H.R. 864: Mr. JOHNSON of Illinois, Ms. ZOE LOFGREN of California, Mr. MATHESON, Mr. McHUGH, and Mrs. JOHNSON of Connecticut.

H.R. 874: Ms. FOXX.

H.R. 896: Mr. HIGGINS.

H.R. 910: Mr. ABERCROMBIE, Mr. MILLER of North Carolina, and Ms. DeGETTE.

H.R. 923: Mr. HOEKSTRA.

H.R. 949: Mrs. CAPITO.

H.R. 986: Mr. CHANDLER, Mr. SAXTON, Mr. McGOVERN, and Mr. ROTHMAN.

H.R. 999: Mr. JONES of North Carolina and Mr. ADERHOLT.

H.R. 1002: Mrs. MALONEY.

H.R. 1043: Ms. SCHAKOWSKY.

H.R. 1108: Mr. FRANK of Massachusetts, Mr. OLVER, Mr. MARKEY, Mr. RANGEL, and Mr. CROWLEY, and Mr. NADLER.

H.R. 1120: Mr. MICHAUD and Mr. LEACH.

H.R. 1121: Mrs. BIGGERT and Mr. LEWIS of Kentucky.

H.R. 1131: Ms. SCHAKOWSKY, Mr. RUPPERSBERGER, and Mr. MENENDEZ.

H.R. 1176: Mr. AKIN.

H.R. 1182: Mr. RUSH.

H.R. 1190: Mr. CUNNINGHAM.

H.R. 1227: Mr. EHLERS, Mrs. NORTHUP, Ms. GINNY BROWN-WAITE of Florida, Mr. BAKER, Mr. SWEENEY, Mrs. BONO, Mr. FOLEY, Mr. WILSON of South Carolina, Mr. MICA, Mr. WELDON of Pennsylvania, Mr. LEWIS of Kentucky, and Mr. DUNCAN.

H.R. 1246: Mrs. BIGGERT.

H.R. 1264: Mr. ABERCROMBIE, Mrs. LOWEY, Mr. FRANK of Massachusetts, and Mr. ALLEN.

H.R. 1431: Mr. HOLDEN and Mr. CUNNINGHAM.

H.R. 1498: Mr. MOLLOHAN.

H.R. 1558: Mr. ANDREWS and Ms. McCOLLUM of Minnesota.

H.R. 1577: Ms. ESHOO.

H.R. 1582: Ms. SCHAKOWSKY and Mr. GILLMOR.

H.R. 1590: Mr. BROWN of Ohio.

H.R. 1592: Mr. VAN HOLLEN.

H.R. 1594: Mr. JONES of North Carolina.

H.R. 1646: Mr. THOMPSON of California.

H.R. 1651: Mr. FEENEY.

H.R. 1664: Mr. MILLER of Florida.

H.R. 1671: Mrs. CUBIN and Mr. MCINTYRE.

H.R. 1689: Mr. GONZALEZ.

H.R. 1707: Mr. HASTINGS of Florida and Mr. KILDEE.

H.R. 1709: Mr. MENENDEZ and Mr. VAN HOLLEN.

H.R. 1714: Mr. ISRAEL.

H.R. 1814: Mrs. DAVIS of California.

H.R. 1898: Mr. LINCOLN DIAZ-BALART of Florida.

H.R. 1940: Mr. ALLEN, Mr. BISHOP of Georgia, Mr. BOEHLERT, Mr. CLYBURN, Mr. ETHERIDGE, Mr. HYDE, Mr. JEFFERSON, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. KAPTUR, Mr. LYNCH, Mr. MCGOVERN, Mr. MEEK of Florida, Mr. MEEKS of New York, Mr. OBERSTAR, and Mr. PASCRELL.

H.R. 1950: Mr. SIMMONS.

H.R. 1951: Mr. CARTER.

H.R. 1952: Mr. TANCREDO.

H.R. 1953: Miss MCMORRIS, Mr. ALEXANDER, Mr. SIMPSON, Mr. NORWOOD, Mr. BARRETT of South Carolina, Mr. SMITH of New Jersey, Mr. FRANKS of Arizona, Mr. PETERSON of Pennsylvania, Mr. BURTON of Indiana, Mr. WESTMORELAND, Mr. MARCHANT, Mr. BUYER, Mr. FOSSELLA, Mr. PITTS, and Mr. CHABOT.

H.R. 2017: Mr. STARK.

H.R. 2048: Mr. SHAW and Mr. MEEK of Florida.

H.R. 2177: Mr. BRADLEY of New Hampshire.

H.R. 2257: Mr. MCNULTY.

H.R. 2308: Mr. LEWIS of Georgia.

H.R. 2356: Ms. HARMAN, Mr. FORD, Mr. PASTOR, Mr. ENGEL, Mr. LATOURETTE, and Mr. GILLMOR.

H.R. 2470: Mrs. KELLY and Mr. CRENSHAW.

H.R. 2533: Mr. REYES, Ms. MOORE of Wisconsin, Mr. CHANDLER, Ms. ZOE LOFGREN of California, Mr. OWENS, Mr. PICKERING, and Miss MCMORRIS.

H.R. 2587: Mr. HUNTER.

H.R. 2662: Mrs. BIGGERT.

H.R. 2669: Mr. BROWN of South Carolina, Mr. EVANS, Mr. KUCINICH, Mr. ANDREWS, and Mr. BLUMENAUER.

H.R. 2671: Ms. BALDWIN, Mr. EMANUEL, and Mr. BOYD.

H.R. 2694: Mr. ROSS.

H.R. 2717: Mr. SHERWOOD, Mr. BROWN of Ohio, Mr. BOUCHER, Mr. NEAL of Massachusetts, and Mr. OWENS.

H.R. 2719: Mr. CONYERS.

H.R. 2793: Mrs. BIGGERT.

H.R. 2811: Ms. CARSON, Mr. PAYNE, Ms. MCCOLLUM of Minnesota, Mr. CUMMINGS, Mr. CONYERS, and Mr. MICHAUD.

H.R. 2869: Ms. BALDWIN.

H.R. 2872: Mrs. LOWEY, Mr. SMITH of New Jersey, Mr. PRICE of North Carolina, Mr. EMANUEL, Mr. KING of New York, Mr. BUTTERFIELD, Mr. LEWIS of Kentucky, Mr. BERRY, and Mr. MARKEY.

H.R. 2874: Mr. LAHOOD and Mr. MENENDEZ.

H.R. 2892: Mr. SERRANO.

H.R. 2962: Mr. FALEOMAVAEGA, Mr. STRICKLAND, and Mrs. CHRISTENSEN.

H.R. 2963: Mr. MARKEY.

H.R. 2989: Mr. SHERMAN.

H.R. 3046: Mrs. LOWEY.

H.R. 3082: Mr. CARTER.

H.R. 3128: Ms. SLAUGHTER.

H.R. 3142: Mr. FILNER and Ms. WOOLSEY.

H.R. 3146: Mr. FORTUÑO.

H.R. 3160: Mr. VAN HOLLEN and Mr. BRADY of Pennsylvania.

H.R. 3171: Mr. KUCINICH.

H.R. 3296: Mr. RUPPERSBERGER and Mr. JEFFERSON.

H.R. 3334: Mr. BECERRA, Mr. MILLER of North Carolina, and Mr. CUELLAR.

H.R. 3360: Mr. KING of Iowa.

H.R. 3380: Mrs. LOWEY.

H.R. 3417: Mr. MCGOVERN.

H.R. 3427: Mr. FARR, Mr. WOLF, Mr. ENGLISH of Pennsylvania, and Mr. MCNULTY.

H.R. 3437: Mr. MCCOTTER.

H.R. 3449: Mr. CLEAVER.

H.R. 3452: Ms. PRYCE of Ohio and Mr. REGULA.

H.R. 3478: Ms. GINNY BROWN-WAITE of Florida.

H.R. 3492: Mr. FILNER and Ms. DELAURO.

H.R. 3505: Mr. LEWIS of Kentucky.

H.R. 3547: Mr. CAPUANO.

H.R. 3548: Ms. VELÁZQUEZ and Mrs. KELLY.

H.R. 3561: Ms. WATSON.

H.R. 3579: Mr. MILLER of North Carolina.

H.R. 3601: Mr. JACKSON of Illinois and Ms. LINDA T. SÁNCHEZ of California.

H.R. 3604: Mrs. NAPOLITANO.

H.R. 3612: Mr. MCCOTTER.

H.R. 3616: Mr. MCCOTTER and Mr. MCHUGH.

H.R. 3622: Mr. CAMP.

H.R. 3628: Mr. GRIJALVA.

H.R. 3639: Ms. MOORE of Wisconsin and Mr. HIGGINS.

H.R. 3641: Mr. BROWN of Ohio.

H.R. 3662: Mrs. CHRISTENSEN and Mr. WYNN.

H.R. 3681: Mr. CARDOZA.

H.R. 3697: Mr. SCHIFF, Ms. SCHWARTZ of Pennsylvania, Mr. BISHOP of New York, and Ms. MOORE of Washington.

H.R. 3698: Mr. KILDEE, Mr. FARR, and Mrs. MCCARTHY.

H.R. 3711: Mr. SCHIFF, Mr. RUSH, Mr. SANDERS, and Mr. FATTAH.

H.R. 3715: Mr. PAUL.

H.R. 3637: Mr. WELLER, Mrs. MILLER of Michigan, Mr. GRAVES, Mr. FORBES, Mr. BEAUPREZ, Mr. CLAY, and Mr. DINGELL.

H.R. 3739: Mr. OSBORNE.

H.R. 3740: Ms. SCHWARTZ of Pennsylvania, Ms. CORRINE BROWN of Florida, and Mr. FATTAH.

H.R. 3774: Mr. RANGEL, Mr. WEXLER, Ms. MILLENDER-MCDONALD, Mr. SANDERS, Ms. SOLIS, Mrs. CHRISTENSEN, Ms. SCHAKOWSKY, and Mr. FATTAH.

H.R. 3776: Mrs. BLACKBURN, Mr. SESSIONS, Mr. GINGREY, and Mr. DEAL of Georgia.

H.R. 3781: Mr. RANGEL, Mr. JEFFERSON, Mr. MCGOVERN, Mr. PAYNE, Mr. DAVIS of Illinois, Mr. MCNULTY, Ms. LEE, and Mr. SHERMAN.

H.R. 3782: Mr. OBEY.

H.R. 3796: Mr. OWENS.

H.R. 3800: Mr. FATTAH.

H.R. 3854: Mr. FRANK of Massachusetts.

H.R. 3858: Mr. FILNER, Mr. TANNER, Ms. LEE, Mr. INSLEE, Mr. FARR, Mr. HINCHEY, Mr. CASE, Mr. KLINE, Mr. MCNULTY, Mr. SPRATT, Mr. NADLER, Ms. BERKLEY, Mr. WAXMAN, and Mr. SNYDER.

H.R. 3860: Mr. ALEXANDER, Mr. FLAKE, Mr. MARCHANT, Mr. WELDON of Florida, Mr. SAM JOHNSON of Texas, Mr. FRANKS of Arizona, Mr. GOHMERT, Mr. FEENEY, Mr. SODREL, Ms. FOXX, Mr. FORTUÑO, Mr. NEUGEBAUER, Mr. KLINE, Mr. HENSARLING, Mr. WAMP, Mr. LEWIS of Kentucky, Mr. BARRETT of South Carolina, Mr. BISHOP of Utah, Mr. BARTLETT of Maryland, Mr. CHABOT, and Mr. COLE of Oklahoma.

H.R. 3861: Mr. DEFAZIO, Mr. FATTAH, Ms. WOOLSEY, Mr. LEVIN, and Mr. CAPUANO.

H.R. 3883: Mr. BLUNT, Mr. SMITH of Texas, Mr. THOMPSON of California, Mr. SHAW, Mr. SESSIONS, Mr. JEFFERSON, Mr. GOODE, and Mr. GINGREY.

H.R. 3910: Mr. KLINE and Mr. KUHL of New York.

H.R. 3916: Mr. GRIJALVA.

H.R. 3917: Mr. CONYERS, Mr. HINCHEY, Mr. SANDERS, and Mr. OWENS.

H.R. 3922: Mr. PICKERING.

H.R. 3935: Mr. PETERSON of Pennsylvania, Mr. JENKINS, Mr. ROGERS of Michigan, and Mr. ALEXANDER.

H.R. 3936: Mr. MENENDEZ.

H.R. 3943: Mr. TERRY, Ms. HERSETH, Mr. OTTER, Mr. REHBERG, Mr. HOSTETTLER, Mr. WESTMORELAND, Mr. ROGERS of Alabama, Mr. BROWN of South Carolina, Mr. MICHAUD, Mr. BOYD, Mr. SHUSTER, Mr. BOOZMAN, Ms. GRANGER, Mr. GRAVES, Mr. JONES of North Carolina, Mr. PUTNAM, Mr. DAVIS of Kentucky, Mr. MCHENRY, Mr. GINGREY, Mr. GREEN of Wisconsin, Mr. WAMP, Mrs. CAPITO, Mr. REGULA, Mr. PASTOR, Mr. SENSENBRENNER, Mr. DUNCAN, and Mr. WHITFIELD.

H.R. 3948: Mr. FILNER.

H.R. 3957: Mr. HAYWORTH, Mr. WELLER, and Mr. BECERRA.

H.R. 3960: Mr. CANTOR, Mr. FEENEY, Mr. WELDON of Florida, Ms. FOXX, Mr. FORTUÑO, Mr. PENCE, Mr. FORBES, Mr. SODREL, and Mr. DOOLITTLE.

H.R. 3974: Mr. MCINTYRE, Mr. BUTTERFIELD, Ms. HERSETH, Mr. DAVIS of Tennessee, Mr. BOSWELL, Mr. STRICKLAND, Mr. CHANDLER, Mr. SANDERS, and Ms. KAPTUR.

H.R. 3979: Mr. COSTELLO and Mr. DELAY.

H.R. 3987: Mr. TIAHRT.

H.J. Res. 38: Mr. KENNEDY of Rhode Island and Mr. MORAN of Virginia.

H.J. Res. 55: Mr. OBERSTAR and Mr. DAVIS of Illinois.

H.J. Res. 56: Ms. MCCOLLUM of Minnesota.

H.J. Res. 57: Mrs. DRAKE.

H. Con. Res. 112: Mr. OWENS, Mr. ROSS, and Mr. MCGOVERN.

H. Con. Res. 190: Mr. SHIMKUS.

H. Con. Res. 197: Mr. NADLER.

H. Con. Res. 210: Ms. HARMAN, Ms. LINDA T. SÁNCHEZ of California, Mr. PRICE of Georgia, and Mr. PEARCE.

H. Con. Res. 213: Mr. SHERMAN.

H. Con. Res. 251: Mr. DUNCAN, Mr. DAVIS of Alabama, Ms. CARSON, Mr. GRAVES, Mr. JEFFERSON, Mr. RAHALL, Ms. LEE, Mr. WOLF, Mr. ROSS, Mr. AL GREEN of Texas, and Mr. PRICE of North Carolina.

H. Con. Res. 254: Mr. SANDERS, Mrs. MALONEY, and Mr. BAKER.

H. Con. Res. 260: Mr. HYDE, Mr. LINCOLN DIAZ-BALART of Florida, Ms. PELOSI, Mr. MCNULTY, Mr. PASCRELL, Mr. TANCREDO, Mr. DOGGETT, Mr. KILDEE, Mr. HASTINGS of Florida, Mr. BERMAN, Ms. ESHOO, and Mr. ACKERMAN.

H. Con. Res. 262: Mr. MCNULTY and Ms. SCHAKOWSKY.

H. Res. 97: Mr. NORWOOD, Mrs. DRAKE, and Mr. GOODE.

H. Res. 141: Mr. SOUDER.

H. Res. 166: Mr. CARDIN

H. Res. 286: Mr. NADLER.

H. Res. 323: Mr. SHERMAN and Mr. SERRANO.

H. Res. 363: Mr. JACKSON of Illinois.

H. Res. 411: Mr. BROWN of Ohio, Mr. SCHIFF, and Mr. ROTHMAN.

H. Res. 444: Mr. GENE GREEN of Texas, Mrs. MYRICK, Mr. TOWNS, Mr. PUTNAM, Mr. MATHESON, Mr. SMITH of Washington, and Mr. FITZPATRICK of Pennsylvania.

H. Res. 447: Mr. OWENS.

H. Res. 457: Ms. JACKSON-LEE of Texas and Mr. VAN HOLLEN.

H. Res. 466: Ms. LINDA T. SÁNCHEZ of California.

H. Res. 472: Mr. WEXLER, Mr. RAHALL, Mr. FORTENBERRY, and Ms. WATSON.

H. Res. 473: Ms. KILPATRICK of Michigan, Mr. JACKSON of Illinois, Mr. MEEK of Florida, Ms. KAPTUR, Mrs. DAVIS of California, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LYNCH, Mr. RANGEL, Mr. FATTAH, Mr. WYNN, Mr. MEEKS of New York, Mr. DAVIS of Illinois, and Ms. SCHAKOWSKY.

H. Res. 477: Ms. DEGETTE, Ms. SCHAKOWSKY, Mr. OBERSTAR, Mr. MARKEY, Mr. FARR, Mr. DINGELL, Ms. MILLENDER-MCDONALD, Mr. WYNN, Mr. DAVIS of Illinois, and Mr. CLAY.

H. Res. 485: Mr. HUNTER, Mr. OSBORNE, and Mr. COSTA.

EXTENSIONS OF REMARKS

THE LIFE AND LEGACY OF AUGUST WILSON

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Mr. RANGEL. Mr. Speaker, I rise today to pay my recognition and respect to the extraordinary contributions of the world renowned playwright August Wilson who died October 2, 2005 of liver cancer. Mr. Wilson was a Tony Award winner and two time Pulitzer Prize winner whose plays not only chronicled and captured the harsh realities African American families faced throughout the 1900s, they have provided insight into Black life, depicting its struggles to overcome discrimination and poverty with dignity and nobility amidst the pain and the struggle that all communities are able to appreciate. His plays poetically depict the effects of slavery and oppression on Black Americans in every decade of the 20th century, and show that despite the harshness of life, this crucible produced great strength and resilience that have enabled us to overcome.

August Wilson was born on April 27, 1945 as Frederick August Kittel, in Pittsburgh, Pennsylvania. He later changed his name after his father left out of respect for his mother. Mr. Wilson grew up on "the Hill," which was a predominantly Black and poor neighborhood in Pittsburgh. It was the daily experiences of this African American community that inspired the content of his plays. At 13 years of age he moved to predominantly White Hazelwood, but he did not forget the unique culture of the Hill, especially when he had to suffer the racial taunts in Hazelwood. The racial discrimination that Wilson faced led Wilson, at the age of 15 to drop out of high school because his teacher couldn't believe that a Black student could create a well written term paper and accused him of plagiarism. This however, did not impede his thirst for knowledge or his love for writing. With diligence and self discipline, August Wilson continued his education through self-study at Carnegie Library. He began reading Black literature and other Black works, like Richard Wright, Langston Hughes, Ralph Ellison, and Arna Bontemps.

His hopes of becoming a writer were quickly challenged when his mother urged him to become an attorney. Disapproving of his dreams for a writing career, his mother forced him to leave the house. In 1963, Mr. Wilson enlisted in the U.S. Army only to be discharged in 1964. Determined to continue his pursuit for a writing career, he invested in the purchase of his first typewriter and moved into a rooming house in Pittsburgh. To support himself he worked a series of odd "blue collar" jobs, like short-order cook, dishwasher, porter, stock boy, and gardener. Starting out as a poet, his poems were published in the late 1960s and early 70s in several periodicals, one being the Negro Digest created by the late John Johnson.

However, it was not until August Wilson heard the voice of legendary Bessie Smith's record "Nobody in Town Can Bake a Sweet Jellyroll Like Mine," he realized that it was his responsibility to carry the torch of his ancestors and assume the role as the representative of Black American culture, telling the world our history and dignifying our struggle. Hearing the blues motivated, challenged, and empowered the young poet to document Black American culture in his writings. Wilson describe this epiphany as the "Universe stuttered and everything fell to a new place . . . I cannot describe or even relate what I felt . . . it was a birth, a baptism, a resurrection, and a redemption all rolled up in one. It was the beginning of my consciousness that I was a representative of a culture and the carrier of some very valuable antecedents . . . I had been given a world that contained my image . . . The ideas of self-determination, self-respect, and self-defense . . . are still very much a part of my life as I sit down and write. I have stood [these ideas] up in the world of Bessie Smith on the ground captured by the Blues. Having started my beginning consciousness there, it is no surprise that I would mature and my efforts would come to fruition on that same ground." As a result he established two organizations that promoted Black American writing: the Center Avenue Poets Theatre Workshop, and Black Horizons. Plus, he continued writing plays chronicling different experiences that Afiican Americans faced.

His big break was the debut of the 1982 play "Ma Rainey's Black Bottom," the first of a 10-drama series that would chronicle each decade of the Twentieth Century, which premiered at Broadway's Cort Theater on October 11, 1984. Set in Chicago in 1927, the play focuses on White record companies' exploitation of Black musicians. This play mirrored the images and positions that African Americans faced in a society dominated by White racism. The beauty of the play, grabbed national attention earning Mr. Wilson several Tony nominations, and the New York Drama Critics Circle Award. "Fences", however, a play depicting a 1950s Black family's personal and economic issues, grossed a record $11 million in a year, which broke the record for nonmusical plays. As a result, Wilson became The Chicago Tribune's Artist of the Year; the play won the New York Drama Critics Circle Award for Best Play, four Tony Awards for Best Play, Best Director, Best Actor and Best Featured Actress; and a Pulitzer Prize for Drama. Finally, "The Piano Lesson," inspired by Romare Beardon's painting illustrated family conflict over an heirloom built by a slave ancestor. This 1986 play earned the New York Drama Critics Award, the Tony for Best Play, the Drama Desk Award, the American Theatre Critics Outstanding Play Award, and the Pulitzer Prize for Drama. Wilson's subsequent plays continued to receive accolades and awards, solidifying his position in American Theatrical history.

August Wilson was not only a champion of Black America by representing and dignifying African American culture during a time when it wasn't otherwise appreciated; he was a pioneer in the world of literature and theatre. Although his body is no longer with us, his work and his impact on American History will continue on for posterity. On October 17, Broadway's Virginia Theatre will be renamed the August Wilson Theatre in Mr. Wilson's honor. His final play, "Radio Golf' is scheduled to be produced on Broadway during the 2006–2007 season. Mr. Wilson is survived by his wife, Constanza Romero; their daughter, Azula, 8, and an adult daughter from a previous marriage, Sakina Ansari.

I submit to you an article from the October 4, 2005 edition of the Washington Post, illustrating the type of man and impact August Wilson had on this country.

[From the Washington Post, Oct. 4, 2005]

THE CYCLE OF AUGUST WILSON'S LIFE

(By Peter Marks)

The death of August Wilson does not simply leave a hole in the American theater, but a huge, yawning wound, one that will have to wait to be stitched closed by some expansive, poetic dramatist yet to emerge.

To say that Wilson was the greatest African American playwright the nation has produced—as some inevitably do—is to limit the scope of his significance as a contributor to the country's dramatic heritage. Wilson wrote scathingly about racism, yes, in "Ma Rainey's Black Bottom," and the indelible scars of slavery, in "The Piano Lesson" and "Gem of the Ocean." He also wrote about the Oedipal conflict of fathers and sons ("Fences") and the universal quest for the easy score ("Two Trains Running"). His concerns were as multifaceted as the hard-pressed people he wrote about.

Over the past 20 years, Wilson had staked a legitimate claim to the title of nation's most important dramatist. During that time he won two Pulitzers and a Tony, and among his plays he polished off at least three that will rank among the classics: "Ma Rainey," "Joe Turner's Come and Gone" and "The Piano Lesson," along with what will perhaps endure as his favorite with audiences: "Fences," the story of an embittered former baseball prospect, played on Broadway by James Earl Jones.

All this may not have meant as much as it did in the days when playwriting giants roamed the countryside, when a new play by Tennessee Williams or Arthur Miller or Eugene O'Neill had the power to galvanize public discourse, and even land an actor on the cover of a national magazine. We've moved away, sad to say, from the era of the stage as a truly vital pulpit. In the commercial realm, Wilson's plays were usually not moneymakers. But the fact that he could consistently count on clicking the "send" button and having a play end up in the in box of Broadway—even in this lean and inhospitable time for serious drama—stamps him

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

as a theater man of nothing but consequence.

Wilson died ludicrously young on Sunday, at the age of 60 in his adoptive home town of Seattle, where he wrote plays, big, garrulous, angry, lyrical, ponderous, often beautiful plays, in an office in his basement. He went public with his terminal liver cancer a little more than a month ago and when he did, he came forward with a breathtaking serenity. He pronounced himself prepared for what was coming. "I've lived a blessed life," he told the Pittsburgh Post-Gazette, the paper of the city of his birth, the metropolis that served as backdrop for many of his major plays. "I'm ready."

He cannot, of course, have been content to leave his family, especially his 8-year-old daughter, Azula, whom he proudly told me last December was writing her own plays. Work-wise, however, he may have been expressing a measure of relief, in that he had satisfied the exacting requirements of the towering assignment he had given himself: a cycle of 10 plays, one set in each decade of the 20th century. ("Radio Golf," the last one, has yet to reach New York; its regional debut comes at Center Stage in Baltimore in March.)

Not that he was exactly through with writing. In an interview over breakfast at a diner in the Edison, the modest Times Square tourist hotel that was his longtime New York base, he revealed that he was working on a comedy whose milieu now seems heartbreakingly prescient: Pittsburgh coffin makers.

His dramas are connected by a palpable sense of geography, usually, a rambunctious district of Pittsburgh; by the mordant humor of characters who spit at hardship; by an eye that seemed to see a story taking shape in every soul. They also reveal the acumen of Wilson's ear in the cross currents of language that flow from his characters as if pouring out of deep, lustrous, meandering canals.

He wrote for authentic-sounding stage creatures, and yet his dialogue might have found a place in novels. "Now I'm gonna show you how this goes, where you just a leftover from history," Toledo, the piano player, tells the other Black musicians in dialect in "Ma Rainey's Black Bottom." The play, set in the 1920s, was the first of Wilson's to make it to Broadway. It was an auspicious coming out. Wilson, wrote drama critic Frank Rich in the New York Times at the play's 1984 opening, "sends the entire history of black America down upon our heads."

Wilson returned again and again to the idea of Black America's unique historical inheritance, to reminders of how the South's peculiar institution was not at all a dead memory but a living shadow. As many other characters would in the Wilson pantheon, Toledo offers in "Ma Rainey" his own homespun history lesson about the African diaspora:

"Everybody come from different places in Africa, right? Come from different tribes and things. Soonawhile they began to make one big stew. You had the carrots, the peas, and potatoes and whatnot over here. And over there, you had the meat, the nuts, the okra, corn . . . and then you mix it up and let it cook right through to get the flavors flowing together. Then you got one thing. You got a stew."

Wilson's own favorite playwright was Chekhov, and you can see how their theatrical stews might simmer well together. Wilson was a conjurer of characters, not an accomplished spinner of plot or master of compression. He was, in fact, legendary for writing one overlong draft after another, and working with a director—most successfully Lloyd Richards, head for many years of the Yale School of Drama—who could help him pare it down. A script was by no means complete once rehearsals began, he told me. He even liked to seek out actors and ask them what else they needed from him.

He had a reputation for feistiness and a certain amount of ego. The talk of the theater world in 1997 was his Manhattan debate with Robert Brustein, the director, critic and founder of Harvard's American Repertory Theatre, over their disagreement about whether a theater exclusively devoted to Black experience is desirable. Wilson was a passionate advocate of Black theater, and the evening at Town Hall stands as the last occasion on which a philosophical theater argument grabbed headlines.

When I sat down with him late last year, Wilson seemed anything but combative. He was in a pleasant frame of mind, as a playwright might be with the work of grinding out a play completed. The play was "Gem of the Ocean," set in 1904, which as a result became the prologue of the cycle he'd been writing for much of his professional life.

As it happens, the first in the chain was the last he'd ever get to see on Broadway. The chain he'd long promised, and true to his word, the chain he delivered.

HONORING MAUREEN BUFALINO AS SHE RECEIVES THE ATHENA AWARD FROM THE WILKES-BARRE CHAMBER OF BUSINESS AND INDUSTRY

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Mr. KANJORSKI. Mr. Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to Maureen Moran Bufalino, regional president of Omega Bank in Wilkes-Barre, Pennsylvania, on the occasion of her receiving the prestigious Athena Award presented annually by the Wilkes-Barre Chamber of Business and Industry.

Mrs. Bufalino is truly deserving of this honor because throughout her career she has exemplified what a true community leader should be.

As a former president of the Junior League of Wilkes-Barre, Mrs. Bufalino helped develop many young women for volunteer service within the community. She has served as a role model for businesswomen through her work in the banking industry. And despite her demanding business schedule, she has still found the time to volunteer and serve several non-profit organizations and also raise three children.

She is also a charter member of Circle 200, a regional executive women's networking organization, and is a graduate of the Leadership Wilkes-Barre program.

Mrs. Bufalino serves as vice chair of CityVest Community Development Organization, a group committed to revitalizing Wilkes-Barre's downtown. She is a graduate of King's College.

Mrs. Bufalino was also named one of the top 20 executives under the age of 40 in 2001 by the Northeastern Business Journal, a widely respected business periodical in northeastern Pennsylvania.

On a personal note, I have known Maureen and her family for decades. I know her parents Jack and Maureen are extremely proud of her success, not only as a well-respected professional, but also as a dedicated community leader and loving mother. It has been a pleasure to watch her develop into such a fine leader for the next generation.

Mr. Speaker, please join me in congratulating Mrs. Bufalino on this notable occasion. Her spirit and generosity repeatedly propels her into positions of leadership wherever she goes. An outstanding and highly talented woman, she is a model business and civic leader who epitomizes all the qualities required for a recipient of the Athena Award. Our community in northeastern Pennsylvania is far better off because of Mrs. Bufalino's selfless service.

IN RECOGNITION OF THE SOUTHEASTERN MICHIGAN VETERANS STAND DOWN 2005 EVENT

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Mr. MCCOTTER. Mr. Speaker, I rise today to recognize the efforts of the dedicated volunteers of the Southeastern Michigan Veterans Stand Down organization in helping homeless veterans.

Stand Down assists homeless veterans, by working with area service providers, in securing housing, suitable employment and training, helping them return to the mainstream of life's day-to-day activities.

On October 19–20, Southeastern Michigan Stand Down will host a community event geared towards giving homeless veterans the opportunity to begin the process of regaining their self-esteem and their hope. Organized Stand Down events across the country have helped thousands of homeless veterans since 1988.

In conclusion, Mr. Speaker, I ask my colleagues to join with me today to extend our sincere appreciation and gratitude, and to recognize the outstanding and selfless volunteers who organize the Stand Down events each year because they are guided by the Stand Down motto: "For Honor, Duty and Country . . . We Leave No Veteran Behind."

IN HONOR AND REMEMBRANCE OF MAYOR LOUIS J. BACCI

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Mr. KUCINICH. Mr. Speaker, I rise today in honor and remembrance of Mayor Louis J. Bacci—devoted family man, accomplished community leader, entrepreneur, United States veteran and admired friend and mentor. For 45 years, Mayor Bacci's vision, integrity and love for his constituents reflected throughout the Village of Cuyahoga Heights and miles beyond.

Mayor Bacci was born and raised in Cuyahoga Heights and lived in the same house his entire life. His parents instilled in him a clear sense of service to others and an unwavering devotion to family, friends and community—qualities that defined his public service and framed his life. He consistently went above and beyond the 'call of duty,' and was always willing to assist an individual or family in need.

Mayor Bacci was first elected to represent the Village as a member of Council, a position he held for 16 years. He then went on to serve as mayor for 29 years. Titles, awards and accolades held no significance for Mayor Bacci—his family, friends and Village family always did. Mayor Bacci's easy-going nature, kindness, limitless generosity, sense of humor, vision and insight drew others to him and his advice was consistently sought after by everyone—from the neighbor down the street, to big city mayors.

Unlike many candidates, Mayor Bacci never spent money on campaign literature. Rather, he discussed his intent along the sidewalks and on front porches throughout the Village, offering his homegrown tomatoes and lively conversation. Mayor Bacci was the heart and soul of Cuyahoga Heights, and he afforded every person the same respect and attention, regardless of their social or political status.

Mayor Bacci's tireless efforts in all areas of local government served to elevate the well-being of every resident and business owner within Cuyahoga Heights. His dedication to the youth of the Village was reflected throughout his service as council member and mayor. Mayor Bacci's work and focus on education is reflected in the students and faculty of Cuyahoga Heights School District and is recognized throughout Ohio. His creation of college scholarship programs within the district has given numerous students an opportunity to achieve their academic goals. Cuyahoga Heights School District is ranked as one of the best in Ohio.

Mayor Bacci's work on behalf of local and regional development, environmental preservation and job retention has positively affected the entire region. A founding member of the Northeast Ohio Regional Sewer District (NEORSD), Mayor Bacci was able to coalesce the commitment and support of suburban mayors and county leaders to unite our region for the common good.

The long-term success of NEORSD underscores Mayor Bacci's strength in leadership. NEORSD provides efficient and low cost sanitary and water services to millions of residents throughout Cuyahoga County. Moreover, the focus of NEORSD has also extended to the restoration of our local environment by earmarking billions of dollars to fund successful cleanup projects that have succeeded in restoring and preserving our local river and wetland ecosystems.

Mr. Speaker and Colleagues, please join me in honor, gratitude and remembrance of Mayor Louis J. Bacci—an exceptional man and caring leader whose life profoundly affected the lives of millions. Mayor Bacci's passing marks a deep loss for countless individuals who called him friend—including me. His brilliant legacy of community progress tempered with preservation will be remembered always by the people of Cuyahoga Heights and by people in neighboring communities throughout Cuyahoga County and beyond. Moreover, it was the power of his kindness, grace, tenacity and heart that uplifted our entire community.

I extend my deepest condolences to Mayor Bacci's beloved wife, Lillian; his beloved children, Charlotte, Laura, Juliann, John, Jack, and the loving memory of John Louis and Louis John; his 12 grandchildren and 10 great-grandchildren; and to his extended family and many friends.

Mayor Bacci's life and good works will serve as an ageless example of leadership, service to others and heart—and his legacy will forever resound throughout the Village of Cuyahoga Heights, and throughout our entire community.

HONORING THE ACHIEVEMENTS OF JUDGE FERNANDO GAITAN, JR.

HON. EMANUEL CLEAVER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Mr. CLEAVER. Mr. Speaker, I proudly rise today in recognition of the achievements of Judge Fernando Gaitan, Jr., an important resident of the 5th Congressional District of Missouri, and current United States District Judge for the Western District of Missouri. Judge Gaitan was recently inducted into the Missouri Walk of Fame, during a reception as part of the Congressional Black Caucus Foundation's Annual Legislative Conference, an event held to honor the achievements of African-Americans who have made significant contributions to Missouri.

Judge Gaitan graduated from Pittsburg State University in 1970, and earned his law degree from the University of Missouri at Kansas City—where he was member of the Law Review. Judge Gaitan served first as a state trial judge for the Sixteenth Judicial Circuit in Kansas City, Missouri. He then went on to serve as an appellate judge on the Missouri Court of Appeals-Western District. He was elevated to the federal bench in 1991 by then-President George H. W. Bush. By the appointment of then Chief Justice William Rehnquist, he also served in the Federal-State Jurisdiction Committee of the Judicial Conference from 1997–2003.

With a great desire to share this incalculable knowledge and experiance with others in the community, Judge Gaitan serves as adjunct professor at the University of Missouri-Kansas City School of Law. In addition, he is a member of many non-for-profit boards as well as local, state and national bar associations.

Throughout his career, Judge Gaitan has been noted for his steadfast judicial prudence. His rulings have been noted for their fairness and adherence to the letter and intent of the law. His scholarly approach to judicial decisions coupled with his fundamental commitment to equality and equity are well regarded across the federal judiciary.

For those reasons and more, it was indeed an honor and privilege to recognize Judge Gaitan at the Missouri Walk of Fame reception, hosted by myself and fellow colleague, Missouri Representative William Lacy Clay of St. Louis.

Mr. Speaker, please join with me in expressing our appreciation to Judge Gaitan and his endless commitment to serving the residents of the State of Missouri. He is a true role model not just to the African-American community in Missouri, but to the entire African American community at large. May his success serve as a stepping stone for many other African-Americans eager to be just as successful in their endeavors.

TRIBUTE TO MONTGOMERY COUNTY

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Mr. VAN HOLLEN. Mr. Speaker, I rise today to commend Montgomery County for its outstanding efforts in the digital Government program. The Montgomery County website recently received two awards and an honorable mention at the Best of the Awards Ceremony held by the Center for Digital Government in Las Vegas, Nevada.

The digital government program has been tremendously successful, and it continues to provide County residents with easier and more convenient ways to take care of County business.

Mr. Speaker, Montgomery County's website provides a valuable service to our community and I would like to thank the website team for their service and dedication to the residents of our community.

HONORING LINO MARCHETTI AS HE IS NAMED PERSON OF THE YEAR BY THE ITALIAN AMERICAN FOUNDATION OF LUZERNE COUNTY, PENNSYLVANIA

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Mr. KANJORSKI. Mr. Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to Mr. Lino Marchetti, of Exeter, Pennsylvania, on the occasion of being named "Person of the Year" by the Italian American Association of Luzerne County, Pennsylvania.

Born in Bologna, Italy, Mr. Marchetti is the son of the late Samuel and Sylvia Parente Marchetti.

Mr. Marchetti served in the United States Army during World War II. He worked for many years at Atlas Chain in West Pittston, Pennsylvania, and is a member of the United Auto Workers, AFL–CIO.

An accomplished musician, Mr. Marchetti serves as president of the American Federation of Musicians, Local 140. He frequently provides musical entertainment for residents of nursing homes and for patients at veterans hospitals.

He is the adjutant of the American Legion, Post 833, and he serves as vice president of the Italian American Association of Luzerne County.

Mr. Marchetti and his wife have been married for 53 years. They are the parents of two daughters and the grandparents of three grandsons.

Throughout his life, Mr. Marchetti has been a good citizen, friend and neighbor whose deeds have touched the lives of many in a very positive manner.

Mr. Speaker, please join me in congratulating Mr. Marchetti on this special occasion that recognizes his service to his fellow man and the community at large.

NATIONAL FORESTS REHABILITATION AND RECOVERY ACT OF 2005

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Mr. UDALL of New Mexico. Mr. Speaker, today I am introducing legislation to authorize the Forest Service and Bureau of Land Management to carry out five collaboratively created pilot projects dealing with post-disturbance rehabilitation.

For those communities that remain at risk from wildland fire or other disturbances, it is important to consider, in advance, scenarios for rehabilitation should a wildland fire, insect infestation, hurricane, or other disturbance event occur. The National Forests Rehabilitation and Recovery Act does just that—this legislation promotes pro-active planning and collaboration to accelerate the approval of rehabilitation projects following uncharacteristic disturbance events.

The National Forests Rehabilitation and Recovery Act will create five pilot projects for post-disturbance rehabilitation. Federal forest land communities can apply to participate in the pilot program by meeting a number of different criteria, with specific consideration given to communities that have a proven track record of working in a collaborative manner to resolve natural resource issues.

This bill includes independent, third-party monitoring of the forest areas following rehabilitation operations to track the short-term and long-term impacts of logging, replanting, stream restoration, road removal, or other rehabilitation activities. The legislation further creates a National Oversight Committee of scientists to provide scientific and socioeconomic monitoring and evaluation of the pilot program. The National Oversight Committee will submit reports to Congress on the short and long-term results of the pilot project. The results of this report will allow Congress to make the most informed decisions on post-disturbance rehabilitation in the future.

Community collaboration has shown great promise in resolving controversial issues before Federal agencies. While I reserved concerns with the Healthy Forests Restoration Act of 2003, Public Law 108–148, one good that came out of the legislation is that it recognized the promise in collaboration by encouraging the development of community wildfire protection plans. These plans have allowed communities across the country to work in a collaborative manner to resolve natural resource issues concerning wildfire protection.

There is no doubt that an ounce of prevention is worth a pound of cure. When Congress passed the Healthy Forests Restoration Act of 2003, Congress clearly recognized the priority of preventing wildfires through active thinning of Federal lands in the wildland-urban interface. It is just common sense that we need to invest more on the front end in the name of fire prevention to avert major spending postfire.

While I believe that there were inadequacies with the Healthy Forests Restoration Act, I do believe that we are being penny-wise and pound-foolish by cheating our budget for forest thinning. To date, forest thinning has not been funded even close to the level authorized. This needs to improve for the sake of protecting our communities and public lands.

Mr. Speaker, the National Forests Rehabilitation and Recovery Act represents a balanced and collaborative approach to post-disturbance rehabilitation. I am pleased to introduce my legislation today with my colleagues Mr. NICK RAHALL and Mr. RAÚL GRIJALVA. I urge my other colleagues to support this bill so that we can promote a collaborative approach to restoring forest ecosystem health and diversity following unusually intense disturbances.

PERSONAL EXPLANATION

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Ms. LEE. Mr. Speaker, on September 29, 2005 I was unable to vote during rollcall votes Nos. 502 to 508 as I had to attend a funeral in my district.

Had I been present, I would have voted "nay" on H. Res. 470, H. Res. 388, and H.J. Res. 68. I would have voted "aye" on H. Con. Res. 178.

Also, I would voted "nay" on H.R. 3824, the Threatened and Endangered Species Recovery Act of 2005 because in reality this bill is a threat to the recovery of endangered species in our Nation. However, I would have voted "aye" on the Miller substitute to H.R. 3824.

JIMMY CARTER—A WARNING AGAINST AN ARCTIC FOLLY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Mr. RANGEL. Mr. Speaker, I rise today to bring to your attention and strongly endorse the position taken by former president Jimmy Carter in support of the preservation of America's greatest wildlife preserve. President Carter's position was stated in his opinion editorial article "Arctic Folly", in the Washington Post, September 13, 2005.

President Carter criticizes a policy advanced by the Bush administration and adopted by the Congress in the energy legislation passed earlier this session which favors increased production of domestic oil over the protection and preservation of the environmental treasures contained in the Arctic National Wildlife Refuge and which do nothing to encourage the preservation of oil.

President Carter states, "Now is a time to speak out for the ecological integrity of this unsurpassed 18-million acres wilderness. If we do not respect those acres, many species will be affected." This "Frozen Desert" as Mr. Carter describes it, is a rich Serengeti-like haven of life; serving as a nursery for Caribous, polar bears, walruses and millions of shore birds and waterfowl. Nevertheless, Mr. Carter warns that ". . . In a few months Americans could lose this special and amazing place through a backdoor legislative maneuver . . ."

I strongly support Mr. Carter's commitment to the preservation of the Arctic National Wildlife Refuge and I am glad to know that he is asserting leadership to preserve this important legacy for our wildlife and future generations.

[From the Washington Post, Sept. 13, 2005]

ARCTIC FOLLY

(By Jimmy Carter)

Congress is about to make one of those big decisions that marks an era. Unless wiser heads prevail, it may do it badly—making the wrong decision in the wrong way and about the wrong place. At stake is America's great wildlife sanctuary, the Arctic National Wildlife Refuge. To dissaude Congress from this environmental tragedy, Americans must rally, and quickly.

Congress had its Pyrrhic energy victory this summer, with a new energy policy that ignores much-needed conservation measures and gives the oil industry large new tax breaks regardless of where it drills and pumps. Surely Congress has done more than enough to increase the profits of the oil industry.

Yet now, in a separate decision, the White House and Big Oil are pressuring Congress to allow drilling rigs to rip into the ecological heart of America's preeminent wildlife sanctuary. We must not confuse this with Prudhoe Bay, which lies west of the Arctic refuge and is already an industrial landscape resembling Houston more than Yellowstone.

With increasing gasoline prices bringing economic hardship and concern to many Americans, we must not be misled by oil lobbyists who are trying to convince us that our energy security is singularly dependent on sacrificing the Arctic refuge. They promote the false premise that development will touch just a few thousand acres when, in fact, it would introduce roads and pipelines spider-webbing across hundreds of thousands of acres on the fragile coastal plain.

We cannot drill our way to energy security or lower gasoline prices as long as our nation sits on just 3 percent of world oil reserves yet accounts for 25 percent of all oil consumption. An obvious answer is to increase the fuel efficiency of motor vehicles, at least to the level we set more than a quarter-century ago.

Instead, the administration recently proposed a tiny increase in gas mileage for

SUVs, miniVans and pickups. Not effective until the 2011 models, this would save about one month's current consumption of fuel over the next 20 years—far less than will be saved in just one state by a new California law. The new ruling offers automobile makers an opportunity to avoid the reductions by modifying the size of various models as they persist in manufacturing gas guzzlers. It is not a coincidence that Moody's has just downgraded the debt of General Motors and Ford to junk status, while makers of efficient vehicles prosper.

I have been to the coastal plain of the Arctic National Wildlife Refuge to study the wilderness wildlife. Far from being the frozen "desert" some suggest, this is a rich, Serengeti-like haven of life: nursery for caribou, polar bears, walruses and millions of shorebirds and waterfowl that migrate annually to the Lower 48. To sit, as Rosalynn and I did, watching a herd of musk oxen circle-up to defend their young and then to find yourself literally in the midst of thousands of caribou streaming by is to touch in a fundamental way God's glorious ark of teeming wildlife.

We Americans use a lot-of energy, and millions of us want to do so in a more efficient way that also allows us to cherish our disappearing wilderness heritage. In the Arctic refuge we cannot have it both ways. In the next few months Americans could lose this special and amazing place through a backdoor legislative maneuver.

Each fall Congress endeavors to combine budgetary directives covering the nation's $2.5 trillion dollar annual budget in a single "reconciliation" decision. In a tricky ploy to avoid full debate, drilling advocates have buried their despoil-the-Arctic goal in this mammoth measure. So, conservation-minded Americans must ask our elected representatives to vote down any final budget reconciliation bill that would allow the sacrifice of our Arctic sanctuary.

Now is the time to speak up for the ecological integrity of this unsurpassed 18-million-acre wilderness. Many Americans will be in Washington on Sept. 20 for the Arctic Refuge Action Day rally on the Mall and to contact congressional representatives personally.

If we are not wise enough to protect the Arctic refuge, future generations will condemn us for needlessly sacrificing the wilderness of their world to feed our profligate, short-term and shortsighted energy habit. The pathway to a better, more sustainable energy future does not wind through the Arctic National Wildlife Refuge.

HONORING ATTORNEY PAUL MAZZONI AS HE IS NAMED "MAN OF THE YEAR" BY THE COLUMBUS DAY ASSOCIATION OF LACKAWANNA COUNTY, PENNSYLVANIA

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Mr. KANJORSKI. Mr. Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to Attorney Paul Mazzoni, of Lackawanna County, Pennsylvania, who has been named "Man of the Year" by the Columbus Day Association of Lackawanna County.

Mr. Mazzoni has enjoyed a very successful career and has distinguished himself as a dynamic crime fighter during the years he served as special assistant attorney general and as district attorney for Lackawanna County.

The son of Italian immigrants, he was born in Carbondale, Pennsylvania. His father worked in the coal mines and his mother labored in the factories.

A graduate of the University of Scranton, he received his law degree from Georgetown University Law School.

After serving as Census Director for the 10th Congressional District, he was named special assistant attorney general. Later, he worked for the Pennsylvania Department of Labor and Industry and, after that, as a workmen's compensation judge.

Elected to two terms as district attorney, Mr. Mazzoni prosecuted more cases of election law violations than any previous DA in the history of Lackawanna County. He also prosecuted a murder case involving two juvenile victims that attracted the attention of a national magazine.

He also broke up the largest interstate crime ring ever to operate in northeastern Pennsylvania. The case involved organized crime figures from New York and New Jersey and led to solving a murder case and scores of burglaries and robberies throughout the region. The case sparked the book "Marked to Die" by Michael Brown.

The Commonwealth of Pennsylvania awarded Mr. Mazzoni a certificate of merit, the first such award ever presented to a county prosecutor by the state.

Having established a law firm with his brother, Robert, who is now a Lackawanna County Common Pleas Judge, Mr. Mazzoni remains engaged in the practice of law at the firm of Mazzoni and Karam.

A former president of the Lackawanna County Bar Association, Mr. Mazzoni is married to the former Elaine Seckary. The couple has four children and 11 grandchildren.

Mr. Speaker, please join me in congratulating Mr. Mazzoni on this happy occasion. The quality of life in northeastern Pennsylvania is better today because of the contributions of men like Paul Mazzoni.

IN RECOGNITION OF THE 100TH ANNIVERSAY OF THE CITY OF BELLEVILLE, MICHIGAN

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Mr. McCOTTER. Mr. Speaker, I rise today in tribute to the City of Belleville, Michigan, which is celebrating the 100th anniversary of its incorporation.

Located on the southwestern fringe of the Detroit metropolitan area, in VanBuren Township, the City of Belleville was originally founded in 1820. The area was a small industry-trade center in the early 1800s when farming and lumbering were the main occupations.

Today, Belleville and Van Buren Township make up a diverse community of approximately 40,000 residents and is home to Wayne County's largest inland lake. The area is enhanced by its homes, schools, churches, shopping centers, and industrial parks.

Mr. Speaker, I ask my colleagues to join me in congratulating the people of Belleville as they celebrate their historic past. It is my hope this fine community will enjoy a long and prosperous future.

IN HONOR AND RECOGNITION OF JON AND KAREN SALERNO

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Mr. KUCINICH. Mr. Speaker, I rise today in tribute and recognition of Jon and Karen Salerno, united in marriage and united in their unwavering dedication to family, faith and community, as they are recognized by civic leaders, friends and family for their significant contributions to our entire community, including the Italian American community. In honor of their volunteerism, the Salerno's have been chosen to serve as Grand Marshals of the 2005 Cleveland Columbus Day Parade.

Jon and Karen continue to dedicate their personal time and talents to the promotion and preservation of Greater Cleveland's rich Italian heritage by numerous community events and programs, including the annual Cleveland Columbus Day Parade. Karen has focused her professional vocation in working to improve the lives of families and individuals who face life-long challenges of living with physical, mental and emotional disabilities. Karen has worked with the Summit County Board of Mental Retardation and Developmental Disabilities for more than 25 years and is currently the Senior Director of Medicaid Services. Jon is also an active member with the Summit County Board of Mental Retardation. In the 1970s, Jon led the effort to implement new legislation that gave mentally challenged citizens the right to vote.

Jon's interest in public service began in 1971, when he was elected to serve as Council Member with the Village of Moreland Hills. Since that time, local and national political candidates have sought after Jon's political wisdom and insight. Both Karen and Jon continue to volunteer their time as active members and leaders of many local civic organizations, including many Italian American organizations.

As president of Media, Italia, Inc., Jon has produced and hosted the "Memories from Italy" radio program for more than 25 years. Fifteen years ago, Jon led the effort to organize the first WJCU radio-thon, an event that has raised thousands of dollars for the college radio station every year. Jon's outreach efforts also extend directly to our most vulnerable citizens. He is also the Board Chairman for Alternatives Agency, a community-based correctional facility in Cleveland that has been recognized for its positive impact on individuals making the transition from incarceration to freedom.

Mr. Speaker and Colleagues, please join me in honor and recognition of Jon and Karen Salerno, for their exceptional commitment, leadership and service focused on uplifting the citizens and culture within our community. Their individual and united efforts within their profession, and their volunteer work on behalf of the Italian American community and our entire community, continues to enhance our society and gives us all hope for a brighter tomorrow. I wish Jon and Karen Salerno, and their grown children, Anthony, Jessica and Anthony's wife, Gina, an abundance of health, happiness and peace today and always.

RECOGNIZING THE ACHIEVEMENTS OF MS. GAYLE HOLLIDAY

HON. EMANUEL CLEAVER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Mr. CLEAVER. Mr. Speaker, I proudly rise today in recognition of the achievements of Dr. Gayle Holliday, a constituent of the 5th District of Missouri which I am honored to represent. For over thirty years Gayle has dedicated her life to the Greater Kansas City, MO community, promoting and improving socio-economic conditions, political empowerment and civil rights of people of color.

I recently had the opportunity to pay tribute to Gayle for her extraordinary commitment to community service. During the Congressional Black Caucus Foundation's 35th Annual Legislative Conference, I had the privilege of nominating Gayle for the Congressional Black Caucus Spouses' Celebration of Leadership Unsung Hero Award. While this award carries no monetary prize, it is no less a testament to her devotion to bettering our area.

Helping her both personally and professionally is her tremendous educational background. Gayle holds a BA in Political Sciences, a Masters in Public Administration and a Ph.D. in Management and Applied Technology. Professionally, she is the President and owner of G & H Consulting, LLC, which has been in business for over 10 years, helping clients in the public, private and non-profit sector with strategic planning and business plan development. Additionally, under President Clinton, Gayle was selected as one of a small group of individuals to represent the transportation industry on the President's transition team.

Civically, Gayle serves on twelve boards in the Greater Kansas City area, with diverse interests such as issues of healthcare, education and economic development. Gayle has been happily and eagerly ready to help our community amassing more than 70 hours of community service each month. She is also a member of the church I pastor, St. James Methodist Church, and finds time to serve as chair of the Pastor Parish Staff Relations Committee.

Dr. Holliday's work on behalf of others reaches from behind the scenes to the frontlines. In all of her activities, she demonstrates her dedication and commitment to the greater food of others. Her high energy pace translates directly to the results she is able to obtain for the benefit of all in our area. Regardless of whether she is in the trenches or the boardroom, her poise and thoughtfulness is ever present.

Throughout her life, Gayle Holliday has exercised a tireless belief in the principle of putting "other" before "self." But what separates Gayle from those who simply profess to hold a belief but do nothing to promote it, is that she has put her principles to practice, and the effects of her efforts can be felt throughout the Kansas City metropolitan area. That is why it was indeed an honor for me to be able to recognize her during the CBCF's Annual Legislative Conference. It is also why I am doubly honored to be able to recognize her here along with my colleagues, in the U.S. House of Representatives. While it is but a small acknowledgement for all of the work she has done, it is a heart-felt gesture, taking strength from the myriad lives she has touched in our hometown.

Mr. Speaker, please join me in expressing our appreciation to Dr. Gayle Holliday and her commitment to helping others. She is a living testament to the unspoken principle that defines unsung heroes: to be a great leader you must be a great servant.

TRIBUTE TO 2005 NOBEL PRIZE IN PHYSICS WINNER, DR. JOHN HALL

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Mr. VAN HOLLEN. Mr. Speaker, it is with great pleasure that I rise to commend Dr. John Hall, winner of the 2005 Nobel Prize in Physics. Dr. Hall is a scientist emeritus in the Quantum Physics division of the National Institute of Standards and Technology (NIST) and a Fellow at the Joint Institute for Laboratory Astrophysics.

Dr. Hall has been recognized for his contributions to the development of a laser based precision spectroscopy and optical frequency comb technique. His innovative techniques have made it possible to carry out studies in the stability of the constants of nature over time and to develop extremely accurate clocks and improved GPS technology.

This is the third time a NIST researcher has been awarded the Nobel Prize for Physics, and I am proud to be a strong supporter of that important agency. I applaud Dr. Hall for his outstanding achievements in physics and I wish him continued success in the years ahead.

HONORING SENATOR RAPHAEL J. MUSTO AS HE RECEIVES THE LIFETIME ACHIEVEMENT AWARD FROM THE ITALIAN AMERICAN ASSOCIATION OF LUZERNE COUNTY, PENNSYLVANIA

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Mr. KANJORSKI. Mr. Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to a former colleague and current Pennsylvania State Senator Raphael J. Musto on the occasion of receiving the "Lifetime Achievement Award" from the Italian American Association of Luzerne County, Pennsylvania.

Senator Musto has had a distinguished career in public service dating back to 1971 when he was elected to the Pennsylvania House of Representatives in a special election to fill the unexpired term of office of his father, the late State Representative James Musto. Senator Musto was subsequently re-elected to four consecutive terms.

In 1980, then-State Representative Musto won a special election to become the Congressman representing the 11th Congressional District of Pennsylvania in the United States House of Representatives.

In November, 1982, he was elected to the Senate of Pennsylvania to serve the 14th District. Senator Musto was subsequently reelected in 1986, 1990, 1994, 1998 and 2002. He served as Senate Democratic Caucus Secretary from 1997 to 2004, a leadership position. Senator Musto also serves as Democratic chairman of the Senate Environmental Resources and Energy Committee and chairman of the Energy and Environment Committee of the Council of State Governments' Eastern Regional Conference, which encompasses 11 States, five Canadian provinces, Puerto Rico and the Virgin Islands.

Senator Musto is a charter member of the Pittston Township Lions Club, a member of the Knights of Columbus, the Italian American Association of Luzerne County, the Sons of Italy, the Greater Pittston Chamber of Commerce, King's College Alumni Association and he is a life member of the Pittston Township Volunteer Fire Company.

Senator Musto was honored by both King's College and Wilkes University when the two Wilkes-Barre institutions presented him with honorary doctorates of humanities and humane letters, respectively.

In 2000, he was named Conservation Legislator of the year and he received awards for excellence and distinguished service from the National Association of Water Companies, the Pennsylvania Municipal Authorities Association, the Ford Foundation and Harvard University.

Senator Musto is married to the former Frances Panzetta and they are the parents of four children and seven grandchildren.

On a personal note, it has been a pleasure to work with Ray Musto on many issues of importance to our mutual constituents. He has epitomized the true American success story by encompassing strong family values, dedication to his community, and commitment to the democratic institutions of his community, his State, and indeed, the Nation. He has been a friend for more than half my lifetime.

Mr. Speaker, please join me in congratulating Senator Musto on this special occasion that recognizes the contributions he has made throughout his distinguished career in public service. Clearly, Senator Musto has made a positive difference in the quality of life for the citizens of northeastern Pennsylvania and we thank him for that.

THE LOW-INCOME GASOLINE ASSISTANCE PROGRAM ACT OF 2005

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Mr. UDALL of New Mexico. Mr. Speaker, I rise today to introduce the Low-Income Gasoline Assistance Program Act of 2005. I want to thank the original House cosponsors that have joined in this effort.

Recent high gasoline prices are taking a serious toll on American's pocketbooks. The monthly budgets of hard-working, low-income families are currently dominated by the unexpected price increases at the pumps. We all must do our part to conserve fuel and reduce our national demand for petroleum and I applaud those individuals who have begun or continue to walk, bike or take public transportation on a daily basis. Unfortunately, not all people have these options. Due to lack of available public transportation, people living in rural areas are often forced to commute to everyday activities by automobile. The Low-Income Gasoline Assistance Program Act or LIGAP is designed to assist American families most affected by high fuel prices.

LIGAP is modeled after the successful LIHEAP program that helps low-income citizens pay for seasonal heating and cooling. In short, LIGAP calls for qualifying recipients to receive $25–$75 per month for 3 months to pay for gasoline. Additionally, another 3 months' benefit will be made available if prices do not soften. LIGAP will allow States and tribal organizations to make grants to low- and fixed-income individuals and families who have no option but to drive at least 30 miles a day, or 150 miles per week for work, school, or medical care to defray the cost of purchasing gasoline. States are also encouraged to use their welfare reform block grant to provide transportation stipends to parents who meet the same distance standards.

This measure will enable States to operate the program through their Community Action agencies or welfare departments. Additionally, tribal organizations may directly request assistance. Thus, States will have the flexibility to set income-eligibility standards similar to the current eligibility for LIHEAP. The prices at which the program triggers on and subsequently releases will then be set for each jurisdiction through consultation between the Secretary of Health and Human Services and the Secretary of Energy.

LIGAP is not meant to be a substitute for the long-term energy solutions we all seek for our Nation. Each of us understands the necessity of a comprehensive and balanced approach to energy development, but we must realize that in every State there are hard-working people and elderly individuals whose monthly budgets are being overwhelmed by the cost of gasoline. While we must approach this country's energy demand with the willingness to make the tough, long-range choices demanded of us, it is equally important that we heed the immediate damage being caused by the current high prices. We must show a willingness to provide some comfort for those Americans who are most at risk.

Mr. Speaker, we all recognize that people are suffering and that something must be done to help with the high cost of gasoline. I urge my colleagues to join us in this forward thinking and comprehensive proposal.

ASA PHILIP RANDOLPH

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Mr. RANGEL. Mr. Speaker, I rise today to present resolution H. Res. 179 giving homage to one of America's forgotten heroes, Asa Philip Randolph. A champion for workers' rights and civil rights for African Americans, he has achieved many gains and survived many losses in his battles to achieve racial, social and economic equality for all Americans.

Mr. Randolph was born in the post-Reconstruction South on April 15, 1889 in Crescent City, Florida. At the age of twenty-two, he moved to Harlem, New York to attend City College where he studied politics and economics, and soon joined the socialist party. During the onset of WWI, Mr. Randolph and his friend Chandler Owen established a controversial magazine called "The Messenger," which initiated his open stance against the segregation of the military and other anti-war sentiments. He believed that the statement "making the world safe for democracy" was a fallacy and a tremendous offense to the intelligence of Black Americans because at that time Blacks were being lynched and denied the right to vote, in the South especially, and were victims of segregation and discrimination all over the Nation. WWI became the catalyst for his commitment to fight for the rights of all.

Although Mr. Randolph has done a lot for the Civil Rights Movement, including initiating the famous March on Washington which led to the signing of the Civil Rights Act of 1964, he has done much more with concern for workers' rights and the labor movement. Employment, better wages and equal access are the only ways in which he believed the fight against discrimination and racism could be won. Just before WWII, Mr. Randolph traveled throughout the Nation to unite African Americans against discrimination, which shut them out of well-paying jobs in the factories. As a result of his efforts, then President Franklin D. Roosevelt signed an order ending discrimination in defense plant jobs. Once more in 1948, the power of persuasion and the justice of his complaints convinced President Truman to sign an order calling for the end to discrimination not only in the armed forces, but also in federal and civil service jobs.

His greatest accomplishment, however, has been attributed to his leadership of the Brotherhood of Sleeping Car Porters. Initially, Randolph was approached by a group of Black Pullman porters who wanted the right to bargain for better wages and improvements in working conditions. They wanted to unionize. This was considered the first serious effort to unionize the Pullman Company. In retaliation, the company fired union members, put fear in the men by threatening them with tougher assignments, assignment cuts, or termination. However, to no avail. A. Philip Randolph and the Brotherhood of Sleeping Car Porters continued to fight for their right to unionize. In 1935, 12 years after they started their fight against the Pullman Company, the American Federation of Labor reversed its previous position and voted to make them an international charter. Two years later, the Pullman Company agreed to sit down with the Brotherhood and they signed a contract. He then became heavily involved within the ranks of the AFL–CIO, trying to build a mass movement by working with and through trade unions.

The words and deeds of A. Philip Randolph show us the unyielding strength of his lifelong struggle for full human rights for African Americans and all the disinherited of the Nation. He believed that the condition of blacks in America were a symptom of a larger social illness, an illness which is caused by an unfair distribution of power, wealth, and resources. Mr. Randolph left a legacy of activism and triumph for all Americans to cherish. He fought long and hard to secure the rights of working class Americans regardless of race, color or creed. His life and legacy was based on the principle that "Salvation for a race, nation or class must come from within. Freedom is never granted; it is won. Justice is never given; it is exacted and the struggle must be continuous for freedom is never a final fact, but a continuing evolving process to higher and higher social, economic, political and religious relationships."

A. Philip Randolph's position, whether an attitude toward the rights of workers to organize and collectively bargain for their terms and conditions of employment; or his anti-war stand, or a political position with an aim of economic change, has consistently reflected his socialist ideals. He has always believed in a movement based on the workers as the main force, and has always been committed to the idea that a democratic redistribution of wealth is the first step toward greater freedom for all people, Black as well as White. This is why I believe that Congress should support resolution H. Res. 179 expressing the sense of the House of Representatives that A. Philip Randolph should be recognized for his lifelong leadership and work to end discrimination and secure equal employment and labor opportunities for all Americans.

RECOGNIZING ATTORNEY JOHN PENTZ AS HE IS HONORED BY THE MONROE COUNTY BAR ASSOCIATION

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Mr. KANJORSKI. Mr. Speaker, I rise today to ask you and my esteemed colleagues to pay tribute to Attorney John J. Pentz, Jr., on the occasion of being honored by the Monroe County, Pennsylvania, Bar Association for 48 years of distinguished service.

Born in Dubois, Pennsylvania, the son of the late Judge and Mrs. John J. Pentz, Mr. Pentz graduated from Mercersburg Academy and served in the United States Navy for 2 years.

He attended and graduated from Princeton University and the University of Michigan Law School.

After practicing law in New Haven, Connecticut, for 3 years, he moved to Monroe County where he later established his own law office in Stroudsburg where he specialized in real estate law, administration, corporate and commercial law and estate planning.

A member of Grace Lutheran Church where he was a former trustee and Sunday school teacher, he was the Pocono District Representative and District Chairman for Boy Scouts of America. He is also a member of the Kiwanis Club of the Stroudsburgs, the Monroe County Bar Association, Pennsylvania Bar Association and the American Bar Association.

Married to the former Connie Beers, of New Haven, Connecticut, the couple has three sons.

Mr. Speaker, please join me in congratulating Mr. Pentz on this memorable occasion during which his peers are honoring him for his service to family and community for nearly a half century. The quality of life in northeastern Pennsylvania is enhanced by the sacrifices and contributions of people like John Pentz.

PERSONAL EXPLANATION

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Mr. MILLER of Florida. Mr. Speaker, I would like to offer a personal explanation of the reason I missed roll call Vote No. 508 on September 29, 2005. It was a suspension vote on H. Con. Res. 178, of which I am a cosponsor. Due to circumstances, I could not make it to the floor for this vote.

I respectfully request that it be entered into the CONGRESSIONAL RECORD that if present, I would have voted rollcall vote No. 508, recognizing the need to pursue research into the causes, treatment, and an eventual cure for idiopathic pulmonary fibrosis, supporting the goals and ideals of National Idiopathic Pulmonary Fibrosis Awareness Week, "aye."

PERSONAL EXPLANATION

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Ms. HARMAN. Mr. Speaker, due to travel for official government business, I missed votes on the House floor from Tuesday, September 27 to Thursday, September 29, 2005.

I ask that the RECORD reflect that had I been able to vote Wednesday, I would have voted "yea" on rollcall vote No. 501, final passage of the Department of Justice Appropriations Authorization Act.

I also ask that the RECORD reflect that had I been able to vote Thursday, I would have voted "yea" on rollcall vote No. 505, the Miller amendment to improve H.R. 3824 through bipartisan compromise, and "nay" on rollcall vote No. 506, final passage of the Threatened and Endangered Species Recovery Act.

HONORING THE 75TH ANNIVERSARY OF THE HUNTING KIWANIS CLUB DAY CARE CENTER

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Mr. RAHALL. Mr. Speaker, today, I honor a historic anniversary as the Kiwanis Day Care Center in Huntington celebrates its 75th anniversary. This is without a doubt a one of a kind day care center with a unique history. The center is the oldest day care facility in West Virginia and is also the oldest continuous Kiwanis service project in the world. The Huntington chapter of the Kiwanis embodies their international motto "We Build" with the chapter's dedication to building brotherhood, camaraderie and community as displayed through building and maintaining a 75-year-old service project. The center is operated and sponsored by the Kiwanis Club of Huntington, and President Bob Mauk has been doing a fantastic job for the organization. The center started from a donated residence in 1930 and has since grown to a modern building with seven classrooms, a kitchen, offices and a large, well equipped playground.

Recently a formal ceremony was held where several Kiwanian and government officials were on hand to offer congratulatory remarks and give praise to the center's 23 workers and volunteers. The 72 children served daily by the Kiwanis Day Care Center were on hand to sing Happy Birthday to the center during the ceremony. I take great pride in knowing that a wonderful organization such as the Kiwanis has been working so hard for nearly a century in Huntington to maintain a safe, fun and educational environment for the youth of the Mountain State.

RESOLUTION RECOGNIZING THE THIRD ANNUAL NATIONAL LATINO AIDS AWARENESS DAY

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Mr. MENENDEZ. Mr. Speaker, today I am proud to rise and join my colleague, Congresswoman HILDA SOLIS, the chair of the Congressional Hispanic Caucus Health Braintrust, in recognizing the third annual National Latino AIDS Awareness Day, which will take place on Saturday, October 15, 2005.

In my State of New Jersey, over 32,000 people are living with HIV or AIDS, and almost 7,000 of them are Latinos. Unfortunately, Latinos are suffering disproportionately from this disease. Latinos in New Jersey, like Latinos in the rest of the Nation, make up about 13 percent of the population, but 20 percent of the AIDS cases. Many are uninsured and unable to access adequate care due to lack of transportation, language and cultural barriers, or the fear of being stigmatized, among other reasons. Even more disturbing is the fact that 4 out of every 5 females living with HIV/AIDS are minorities.

National Latino AIDS Awareness Day is about educating our communities and increasing awareness. Too many Latinas in my State are not getting diagnosed until it is too late. With increased awareness and action, we can save lives.

National Latino AIDS Awareness Day is a chance to salute the AIDS survivors, and make sure they have the services they need. I urge my colleagues to reauthorize a stronger and fully funded Ryan White CARE Act, which provides critical support for those affected by HIV/AIDS, and is often what keeps those with HIV/AIDS from falling through the cracks. Through the help of the CARE Act, the incidence of mothers transmitting HIV to their babies has decreased ten-fold. Almost half of all CARE Act beneficiaries are minorities. Without a stronger commitment and increased funding, Latinos will be left behind and lives will be lost.

National Latino AIDS Awareness Day also gives us a chance to thank those dedicated to ending HIV/AIDS: the victims, the volunteers, the professionals, and the advocates. It is their tireless efforts and dedication that force our country to be honest with itself. The progress we have made so far would not have been possible without them, or the commitment of national and community organizations, that provide culturally sensitive information and services that are essential to helping Latinos who suffer from the disease.

But the battle against AIDS has not yet been won. Approximately 40,000 new cases of HIV are reported each year. Alarmingly, Congress has slashed critical funding for programs that provide a comprehensive response to the spread of the disease, and for years, our communities have been asked to do more with less. This must stop.

A renewed investment in the fight against HIV and AIDS is critical to the future of this country. Hispanic men, women, children, and families deserve better. On this National Latino AIDS Awareness Day, let us renew our commitment to the Latino community and to ending HIV/AIDS. Let us reauthorize and fully fund the CARE Act, and let us give our communities the resources they need to fight this disease.

PERSONAL EXPLANATION

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Mr. GALLEGLY. Mr. Speaker, on Thursday, September 29, 2005, I was unable to vote on passage of H.J. Res. 68, making continuing appropriations for Fiscal year 2006 (rollcall No. 507); and the motion to suspend the rules and agree to H. Con. Res. 178, recognizing the need to pursue research into the causes, treatment and an eventual cure for idiopathic pulmonary fibrosis (rollcall No. 508). Had I been present, I would have voted "yea" on both measures.

FREEDOM FOR RAÚL ARENCIBIA FAJARDO

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I rise today to speak about Raúl Arencibia Fajardo, a political prisoner in totalitarian Cuba.

Mr. Arencibia Fajardo is a member of the Lawton Foundation for Human Rights, the Human Rights Friends Club, and a delegate of the 24th of February Movement. He is a peaceful pro-democracy activist who has worked for basic human rights for the people of Cuba. As an opponent of the tyrannical regime in Havana, he has faced constant harassment and repression.

According to Amnesty International, he was arrested on December 6, 2002, along with fellow opposition activists Dr. Oscar Elias Biscet and Mr. Virgilio Marante Guelmes. He was summarily incarcerated in the grotesque totalitarian gulag for 3 months without trial. During his unjust imprisonment, and after being released, Mr. Arencibia Fajardo never wavered in his commitment to bring freedom, democracy and human rights to the Cuban people.

Unfortunately, according to Amnesty International, on May 18, 2004, Mr. Arencibia Fajardo was, in a sham trial, sentenced to 3 years in the totalitarian gulag for the "crimes" of "disrespect" and "resistance."

According to CubaNetcom, Mr. Arencibia Fajardo has a chronic cough, high fever, throat infection, and has been confined in a cell without food and water. He is suffering in abhorrent conditions because he refuses to accept the reality inflicted on the Cuban people by the tyrant. Let us be very clear, the repression and tyranny practiced by the regime in Havana are incompatible with the democratic values of the western hemisphere.

Mr. Arencibia Fajardo is one of the many heroes of the peaceful Cuban democratic movement who are locked in the dungeons of the dictatorship for their beliefs. They are symbols of freedom and democracy who will always be remembered when freedom reigns again in Cuba.

Mr. Speaker, Mr. Arencibia Fajardo is suffering in a grotesque gulag because he believes in freedom, democracy and human rights. My Colleagues, it is absolutely unacceptable that peaceful pro-democracy activists are languishing in the depraved prisons of tyrants. We must demand the immediate and unconditional release of Raúl Arencibia Fajardo and every prisoner of conscience in totalitarian Cuba.

CELEBRATING THE OPENING OF THE NEW SAN MATEO HIGH SCHOOL

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Mr. LANTOS. Mr. Speaker, I rise today to celebrate the opening of the new San Mateo High School and the dedication of the Thomas C. Mohr Clock Tower, in my Congressional district. San Mateo High School has been on the same property since 1927, but is being rebuilt so that once again the splendor of the school and the extraordinary students who attend will be paired with the elegant architecture they so richly deserve.

Mr. Speaker, the people of San Mateo County agreed in the year 2000 that the six high schools in the San Mateo Union High School District were in need of repairs. Unfortunately shortly after the renovation of San Mateo High School was initiated it became clear that the existing structure was seismically unsafe. As a result of this discovery, the students and staff suddenly found themselves facing a complete reconstruction of their school and were moved into modular classrooms, which have been used for the past four years.

The principal architect of the reconstruction bonds for the San Mateo Union High School District and San Mateo High School is the former superintendent Thomas C. Mohr. Now hopefully enjoying a peaceful retirement, Superintendent Mohr spent a distinguished 43-year career in public education, working as a teacher, counselor, principal, district level administrator and Superintendent. His strong leadership and devotion to the school district led to the clock tower being named after him.

Like any construction project, there were certainly bumps in the road during the past four years but I was delighted to witness how the whole community has come together around the school not only through voting for a bond to revitalize the school but through groups such as the San Mateo High School Foundation, Parent Teacher Organization, Booster Groups and Alumni, which raised funds for an open air amphitheatre and new all-weather track, among other improved amenities.

Mr. Speaker, I commend the community for undertaking the renovation and necessary seismic updates. The extraordinarily beautiful building incorporates many parts of the historic structure, down to murals and the "haphazardly placed bricks," as the architect Paul Bunton appropriately describes them. The new modem structure has expanded the size of the school by 46,000 square feet, yet kept the historic facade. After a somewhat arduous four year project the 1425 students along with the faculty, staff and community as a whole should be commended for their patience in seeing this important project through. On October 15, 2005, the school will officially be dedicated and I ask my colleagues to join me in celebrating the opening of new San Mateo High School and the Dedication of the Thomas C. Mohr Clock Tower.

CELEBRATING ROSH HASHANA

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Mr. RANGEL. Mr. Speaker, I rise to recognize the Jewish New Year or Rosh Hashana. This is the 5766th year on the Jewish calendar. Rosh Hashana is the Hebrew phrase which literally translates to "the head of the year."

As the Jewish people of our great country and around the world celebrate this new year, let us join them in their prayers for peace, justice and equality. Let us not forget those of us, of all faiths, who are struggling, especially in the wake of the devastating Hurricane Katrina in the Gulf.

A new year is a symbol of hope and this year is no different. Today, we need to have hope more than ever. Hope for less wars and more diplomacy, hope for breaking racial barriers and coming together, and hope for restraint and modesty in the face of great challenges.

Jewish people throughout the world join their loved ones and friends to take part in a traditional dinner where they enjoy sweet foods such as apples and honey. These foods symbolize the notion of starting a new and sweet year.

Even many of the 10,000 Jewish Katrina evacuees got to celebrate this new year. In Houston, Rabbi Robert Loewy of Congregation Gates of Prayer led a service for 120 of these evacuees. Many of them had not seen each other since the hurricane hit their communities over a month ago. Such coming together after a tremendously painful experience only serves to show the resilience of America's communities and the necessity of maintaining them.

I know my colleagues from both sides of the aisle will join me in wishing a happy new year to all Jews in my district, in our country and around the world—both in the Diaspora and in Israel. May God continue to bless all of us as we face some of the most difficult tests we have ever been faced as a nation.

Shana Tova Umetuka—Have a good and sweet year!

RECOGNIZING JUDGE PETER J. O'BRIEN AS HE IS HONORED UPON HIS RETIREMENT BY THE MONROE COUNTY BAR ASSOCIATION

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Mr. KANJORSKI. Mr. Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to join me in paying tribute to the Honorable Peter J. O'Brien, from the Court of Common Pleas, 43rd Judicial District, Monroe County, Pennsylvania, on the occasion of his retirement. He is being honored by his peers at a special celebration on Sunday, Oct. 16.

A native of Pennsylvania, Judge O'Brien has been recognized by his peers as a man who has accomplished much in his career. Mark S. Love, president of the Monroe County Bar Association, has stated that the association is honored to be able to recognize Judge O'Brien for his work and his service to the community.

A graduate of Villanova University, Judge O'Brien was admitted to the Bar of the Supreme Court of Pennsylvania in December,

1962. He attended Judge Advocate General's School in 1963 and received his Military Justice Certification. He also attended several courses at the National Judicial College.

Judge O'Brien served as a captain in the Judge Advocate General's Corps (U.S. Army) from 1963 to 1966. He was Chief of Military Justice, Sixth Army Headquarters in San Francisco, California. He received the Sixth Army Commanding General's Commendation, the Army Commendation Medal and the First Oak Leaf Cluster.

Judge O'Brien practiced law at the O'Brien and Miller law firm in Mount Pocono for 18 years. His former partner, the Honorable Linda Wallace Miller, is also a Common Pleas Judge in Monroe County.

As a practicing attorney, he conducted extensive litigation throughout 12 northeastern counties in Pennsylvania for many years. He also had an extensive appellate practice in the Supreme, Superior and Commonwealth Courts.

He was a member and chairman of a hearing committee for the Disciplinary Board of the Supreme Court from 1972 to 1980.

In 1986, Judge O'Brien was elected to the Monroe County Court of Common Pleas. He was re-elected in 1996 and has presided over hundreds of civil and criminal jury trials.

A member of the American Bar Association, Pennsylvania Bar Association and Monroe County Bar Association, he remains active in numerous education and youth related organizations in the community.

Married for 43 years to his wife, Karin, the couple has seven children.

Mr. Speaker, please join me in acknowledging a remarkable career of public service. Judge O'Brien's example of devotion to justice, faithfulness to family and community service among our youth provides a wonderful role model for others to emulate. Judge O'Brien can take justifiable pride in a job well done.

INTRODUCTION OF LEGISLATION TO AMEND THE INTERNAL REVENUE CODE OF 1986 TO PROVIDE THAT THE DEDUCTION FOR CERTAIN ATTORNEY FEES SHALL BE FULLY ALLOWABLE IN COMPUTING BOTH TAXABLE INCOME AND ALTERNATIVE MINIMUM TAXABLE INCOME

HON. WALLY HERGER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Mr. HERGER. Mr. Speaker, after 19 years of legal challenges, the courts found the State of California responsible in an inverse condemnation for the failure of the Linda levee on the Yuba River, and ordered it to pay damages to victims of the 1986 Yuba County flood. Now, constituents in my northern California congressional district are receiving their long awaited just compensation. Unfortunately, an unforeseen consequence has arisen. Depending on the amount of an individual's award, he or she may be subject to the alternative minimum tax (AMT), due in part to the portion of the individual's judgment award paid to attorneys in the form of fees.

Attorneys in the suit received their cut of the judgment right off the top, payment for services rendered, as ordered by the court's decision. The attorneys will owe regular tax on this payment. Unfortunately, the actual award recipients may also incur tax liability for this amount, effectively resulting in double taxation—once when the attorneys pay taxes and once if recipients incur AMT liability. Even though this is money my constituents never physically possessed, as currently written in law no AMT relief can be granted.

Although there is no practical way to retrospectively address the tax treatment of the 1986 Yuba County flood victims, I believe their situation stands on its own as an example of the damaging impacts of the AMT on the American taxpayer. And the scope of the problem is only getting worse. The AMT is not indexed for inflation, meaning that what was conceived in 1969 as a way to compel the wealthy to pay at least a "minimum" level of taxes has increasingly become a burden to middle-class citizens. If the current AMT exemptions are allowed to expire, the number of taxpayers subject to the AMT will increase from 3 million in 2004 to 21 million in 2006. Also staggering is the cost of proposed solutions. In fact, the Treasury Department has estimated that by 2013, it would be less expensive to repeal the regular income tax than it would to repeal the AMT.

Though I have long supported the outright repeal of the AMT, I believe it is equally important to highlight the nature in which attorney fees can result in AMT liability, as they may for many of my constituents. For this reason, today I am introducing two bills that would exempt attorney fees from the calculation of AMT tax liability. The first would apply to AMT liability resulting from attorney fees in certain floods that constitute natural disasters. The second would apply to AMT liability resulting from attorney fees in general.

There is no easy fix to the problems encountered by a growing number of Americans due to the alternative minimum tax. It is my hope that in the near future Congress will constructively respond to this problem, whether through overall repeal of this onerous tax, or through consideration of intermediate measures such as these.

INTRODUCTION OF COMMUNITY DISASTER LOAN EQUITY ACT OF 2005

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Mrs. MALONEY. Mr. Speaker, Representatives JEFFERSON, MELANCON, GRIJALVA, CROWLEY, SERRANO, MEEKS and I are introducing the Community Disaster Loan Equity Act.

We have all seen the headlines this week that the Mayor of New Orleans has been forced to lay off 3,000 municipal employees because the city of New Orleans can not pay them as a direct result of reduced tax revenues following Hurricane Katrina. There are a number of other towns, counties and parishes up and down the Gulf Coast in similar situations.

Realizing that communities hard-hit by a major disaster frequently suffer a dramatic decrease in tax revenues accompanied by a dramatic increase in expenses, the Robert T. Stafford Disaster and Emergency Assistance Act allows FEMA to make loans to states and local communities to assist with lost tax revenues. This act prevents a community from having to drastically cut essential services and/or increase taxes as they recover from a disaster. These loans stabilize local governments during their greatest time of need. Frequently, these loans have been forgiven and were treated as grants. Since this program was created in 1976, 60 loans have been distributed.

In 2000, arguing that they were too expensive, Congress placed a $5 million cap on these loans with the Disaster Mitigation Act of 2000. Needless to say, a cap of $5 million unfairly penalizes larger communities or communities absolutely devastated by a disaster. That is why we are introducing the Community Disaster Loan Equity Act. This bill would remove the $5 million cap imposed by the Disaster Mitigation Act of 2000. Additionally, it would automatically cancel repayment of these loans and remove the limit of only providing up to 25 percent of total operating expenses if a disaster is declared an Incident of National Significance under the National Response Plan. This legislation is similar to legislation I introduced since the 107th Congress following the major loss of tax revenues suffered by New York City and State following 9/11.

HONORING THE LIFE AND ACCOMPLISHMENTS OF SAM VOLPENTEST

HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Mr. SMITH of Washington. Mr. Speaker, I rise to recognize the life and accomplishments of Sam Volpentest, who recently died after a lifetime of service to the citizens of Washington state.

Although born in Seattle in 1904, Sam was best known for his work on behalf of the Tri-Cities in the Eastern part of our state. From the time he moved there in 1948, Sam was a respected member of the regional community, operating a variety of businesses and co-founding the Tri-Cities Nuclear Industrial Council, now TRIDEC, to foster development in the Richland, Kennewick and Pasco communities. He served as president of the Richland Chamber of Commerce and the Richland Kiwanis, and said his greatest I achievement in 40 years as a registered lobbyist was having the Pacific Northwest National Laboratory, an Energy Department science lab, built in the Tri-Cities.

Sam served as a mentor to many Members of our state's Congressional delegation, and I will always remember the energy and commitment he demonstrated when I worked with him as a Member of the Armed Services Committee. When I first worked with Sam, I remember a man in his mid–90s who worked harder on his issues than anyone else. His enthusiasm and knowledge of the issues affecting the Tri-Cities provided this region with a respected voice advocating its interests in Congress.

Our state's delegation will miss the insight and perspectives of this community leader. The Tri-Cities—and indeed all of Washington state—will always remember the commitment and dedication of Sam Volpentest.

PERSONAL EXPLANATION

HON. BOB INGLIS

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Mr. INGLIS of South Carolina. Mr. Speaker, on rollcall nos. 512, 513, and 514, I was unavoidably detained. Had I been present, I would have voted "aye."

THE THURGOOD MARSHALL COMMEMORATIVE COIN ACT

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Mr. RANGEL. Mr. Speaker, I rise today to ask Congress to please join me in cosponsoring H.R. 1433, the Thurgood Marshall Commemorative Coin Act to commemorate the life and legacy of the Honorable Thurgood Marshall, one of America's distinguished Civil Rights leaders and the first black Associate Justice of the Supreme Court.

Like Martin Luther King Jr., Malcolm X and many more, Thurgood Marshall led a civil rights revolution in the twentieth century that forever changed the landscape of American society. Working through the courts to eradicate the legacy of slavery and destroying the racist segregation system of Jim Crow, he had an even more profound impact on race relations than many of his peers in the Movement. As the leader of Legal Defense Fund of the National Association for the Advancement of Colored People (NAACP), Mr. Marshall won Supreme Court victories breaking the color line in housing, transportation and voting, all of which overturned the 'Separate but Equal' apartheid, which was the oppressive reality of American life for Blacks from emancipation to the 1960's. It was Marshall who was the mastermind behind the strategies which won the most important legal case of the century, Brown v. Board in 1954, which ended the legal separation of black and white children in public schools and initiated the dismantling of the legal framework which supported segregation. The success of the Brown case sparked the 1960's Civil Rights Movement.

Marshall's first major case in 1933 desegregated the University of Maryland and initiated his long and distinguished career as the most notable civil rights attorney in American history. Heavily involved with the NAACP, Mr. Marshall navigated through the court system a series of cases to legally challenge the laws that sought to legitimize the denial of constitutionally guaranteed civil rights to African Americans. He was even invited by the United Nations and the United Kingdom to help draft the constitutions of both newly formed Ghana and Tanzania.

As a result of the success of many of his Supreme Court challenges to state sponsored discrimination, President John F. Kennedy appointed Mr. Marshall to the U.S. Court of Appeals for the Second Circuit. As a Federal Court judge Thurgood Marshall wrote over 150 decisions including support for immigrants' rights, limiting government intrusion in cases involving illegal search and seizure, double jeopardy, and right to privacy issues. As U.S. Solicitor General, Mr. Marshall won 14 of the 19 cases he argued in front of the Supreme Court on behalf of the government. Through this position he represented and won more cases before the Supreme Court than any other American. Therefore it was befitting that in 1967 Lyndon B. Johnson appointed him to the Supreme Court, making Thurgood Marshall the first African American to be a Supreme Court Justice.

Throughout his tenure as a Supreme Court Justice, Marshall was a strong advocate for equal rights under the law. He strongly believed that integration was the only route to achieving equal protection for all. Once individual rights were accepted, blacks and whites could rise or fall based on their own ability. However, Justice Marshall believed that the Constitution was inherently defective in its acceptance of slavery, and he made it clear that while legal discrimination had ended, there was more to be done to advance educational opportunity for people who had been locked out and to bridge the wide canyon of economic inequity between blacks and whites. Therefore he was a very strong advocate for programs such as Affirmative Action, preferences, set-asides and other race conscious policies.

Although Thurgood Marshall worked most of his life on behalf of the rights of African Americans, he built a structure of individual rights that became the cornerstone of protections for all Americans. He succeeded in creating new protections under law for women, children, prisoners, and the homeless. Justice Marshall "refused to acquiesce in outdated notions of 'liberty', 'justice' and 'equality,'" and worked to better them. Therefore, as we now experience the process of appointing a new Supreme Court Justice, let us remember the life and legacy of Supreme Court Justice Thurgood Marshall. For his strength and struggle has contributed greatly to American history and his impact on the Supreme Court fully represents the true essence and purpose of our Constitution.

I believe it is most appropriate at this time in our national history to recognize and honor Thurgood Marshall in a special manner. That is why I have introduced a bill to authorize the minting of a special coin in honor of Thurgood Marshall. I submit the text of my proposal legislation for the CONGRESSIONAL RECORD and ask for the support of its early consideration and passage.

PERSONAL EXPLANATION

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Ms. LEE. Mr. Speaker, on September 29, 2005, I was unable to vote during rollcall votes Nos. 502 to 508 as I had to attend a funeral in my district.

Had I been present, I would have voted "nay" on H. Res. 470, H. Res. 388, and H.J. Res. 68. I would have voted "aye" on H. Con. Res. 178.

Also, I would voted "nay" on H.R. 3824, the Threatened and Endangered Species Recovery Act of 2005 because in reality this bill is a threat to the recovery of endangered species in our nation. However, I would have voted "aye" on the Miller substitute to H.R. 3824.

HONORING ST. NICHOLAS ROMAN CATHOLIC CHURCH IN WILKES-BARRE, PENNSYLYANIA, AS IT CELEBRATES ITS 150TH ANNIVERSARY

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Mr. KANJORSKI. Mr. Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay special tribute to St. Nicholas Roman Catholic Church of Wilkes-Barre, Pennsylvania, which is celebrating its 150th anniversary on Oct. 16, 2005.

A century and a half ago, a small group of German immigrants joined together to form a church where they could worship in the traditions instilled in them by their ancestors and provide a religious education for their children and for the generations to follow.

Their effort took root and quickly flourished. Soon, a small wooden church appeared to provide a place to worship and then a school. Both structures filled quickly and the need to build even larger facilities was evident.

In 1883, the congregation started construction on a magnificent Gothic edifice that remains to this day and can accommodate up to 1,200 worshippers at a given service.

In 1913, anew, larger elementary parochial school was constructed to accommodate an ever growing number of students. A high school was incorporated in 1928, and an auditorium and gymnasium were built in 1930.

The Sisters of Christian Charity, organized in Germany, joined St. Nicholas Parish as the school teachers in the early 1870s and they remain in a leadership role to this day. A new convent was built to accommodate their needs in 1963.

The old church rectory was torn down in 1971 and a new residence was built and completed by June, 1972.

The parish steadily acquired adjacent properties over the years and, today, occupies nearly an entire city block bounded by Washington Street, Pennsylvania Avenue and the South Street Bridge.

Now home to more than 1,300 families, the parish maintains more than 40 thriving organizations that minister to all segments of the congregation and the larger community nearby.

Although in existence for 150 years, the parish has had only six pastors, including Monsignors Peter Nagel, Charles Goeckel, Cyriac Staib, Francis Schmitt, Joseph Meier and Joseph Rauscher.

Mr. Speaker, please join me in congratulating St. Nicholas Parish on the occasion of its 150th anniversary. A landmark in central city Wilkes-Barre for a century and a half, St. Nicholas Church is well known for much more than just a striking physical presence in the heart of the community. It has been a shining example of a faith community that ministers to its own while reaching out with a welcoming hand to the larger community in a myriad of ways. The pastor and parishioners of St. Nicholas Church have much about which to celebrate and be proud. We extend to them a hearty wish for continued success as a beacon of spiritual inspiration to those throughout the greater Wyoming Valley.

CELEBRATING HISPANIC HERITAGE MONTH

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Mr. LANTOS. Mr. Speaker, I rise today to honor and celebrate with my amazingly diverse constituents in the 12th Congressional District of California Hispanic Heritage Month. I am grateful that September 15th through October 15th has been set aside to commemorate the extraordinary heritage and the significant contributions that people of Hispanic descent have made to the United States.

Hispanic and Latino influence predates the establishment of our Nation and can be seen in the discovery and founding, as well as the continued prosperity of America. The influence of Mexican Americans, Cuban Americans, and every other American of Hispanic descent, has enriched our country. Currently, 26 Hispanic Americans serve in the House of Representatives, and two serve in the Senate. In every war in American history, Hispanic Americans have displayed valor and courage. Over 1.1 million Hispanic Americans have served in the U.S. armed forces. Indeed, 41 men of Hispanic heritage have received the Congressional Medal of Honor.

KQED, a nationally recognized public broadcaster, has awarded the following four outstanding individuals for their work in the community through the 2005 Latino Heritage Local Heroes. They are but a few of the wonderful people who have worked to make my community great.

Mr. Speaker, Felix Bedolla, a Northern California native, has served in multiple leadership roles in the arts, education, and youth mentoring. Mr. Bedolla is the program director of Aldea/Nuestra Esperanza, which is a Latino Multi-Service Center offering drug, alcohol and mental health counseling and treatment services, parent support groups, Latino youth mentoring programs, and gang violence suppression programs.

Carlotta del Portillo, the Dean of the Mission Campus of City College of San Francisco, has facilitated access to educational opportunities and has developed vocational job training programs, which have provided a great assistance to many Hispanic Americans. Through her service in city government and community groups, Dr. del Portillo has had a positive and lasting effect on human rights, education, the Fire Department, the role of women in the Fire Department, national parks, and so much more.

Mr. Speaker, Joel Garcia has also centered his career on helping others. Specifically, Mr. Garcia contributes to his community by securing access to health and human services to the needy. Joel serves as the Chief Executive Officer of the Tiburcio Vasquez Health Center, Inc., a non-profit, federal-qualified community health center that provides primary care health services in southern Alameda County. He plays an influential role in academia by publishing research on health law, policy, and administration.

I would like to underscore the contributions of my friend, Pedro Gonzalez, who has devoted his life to the city of South San Francisco for many years. As a public servant, he has served as a council member and mayor. Through his career, he has worked for affordable housing, childcare assistance for low-income families, national parks, community service, recreation, and education among many other issues. As president and co-founder of Historical Old Town Homeowners and Renters Association, Pedro implemented the "Siempre Adelante" program, an informational program for the community on parenting and civic participation.

In addition to those honored by KQED, I wish to further single out many other deserving leaders who have contributed so much to my community. These are the giants of government and community service who work so tirelessly around the Penninsula.

Last year, my good friend, José Cisneros was appointed by Mayor Gavin Newsom as Treasurer for the City and County of San Francisco. I have known José for a long time, and as the City's banker and chief investment officer, the City of San Francisco is in very able hands. José Cisneros received his Bachelor of Science from Sloan School of Management at the Massachusetts Institute of Technology (MIT) and studied for his MBA at Boston University.

Mr. Speaker, the County of San Mateo is lucky to have Ortensia Lopez. As a resident of San Mateo County since 1975 and as the Executive Director of the Concilio of San Mateo County, she has helped to improve public health, energy efficiency, employment, job training, race relations, conditions for the disadvantaged, banking, and commerce. Ms. Lopez was the first member of her family to graduate from college and has won multiple awards, including "Woman Who Could Be President".

Since 1996, Daly City has benefited from the public service of Sal Torres, the city's first elected Latino official. Through his various offices in Daly City, including mayor, vice mayor and city council member, Mr. Torres has shown exemplary leadership in transforming the city into a family and children friendly place. He dedicated the Bayshore Community Center for the use of the Mid-Peninsula Boys and Girls Club as well as several parks. During his years of service Daly City ranked among the top 10 safest cities with populations exceeding 100,000.

The efforts of Elizabeth Quiros as the President of the San Mateo County Hispanic Chamber of Commerce have helped countless Hispanic Americans in my district. Her organization works as an information resource and provides networking and expansion opportunities for all its members. The success of the Hispanic Chamber of Commerce in promoting Hispanic business, under Ms. Quiros's, influence manifested in the Chamber's recognition as the 2004 Small Hispanic Chamber of the Year. Ms. Quiros has worked tirelessly to identify the needs of the Hispanic Community and ensuring equity in the treatment of Hispanic Americans.

Mr. Speaker, the problems that the Hispanic community faces with the Nation as a whole are daunting. According to the latest data and statistics from the Centers for Disease Control and Prevention, Latinos represent 14 percent of the population of the United States but account for 20 percent—over 164,000—of AIDS cases nationally. AIDS-related illnesses represent the fourth leading cause of death among Latinos between 25 and 44. In order to promote awareness and prevention, I support the 3rd Annual National Latino AIDS Awareness Day on October 15, 2005. We need to continue to work toward legislation to help Hispanic Americans.

This month our Nation can take a long look back at the myriad of contributions that the Hispanic community has offered and continues to offer. Hispanic Heritage Month also helps us renew our focus on difficult issues that face this community: racial profiling, affordable housing, language barriers, and unfair immigration policy.

Mr. Speaker, this vibrant part of our community offers an array of perspectives that are firmly woven into the fabric of America, and I am extremely proud to serve as a representative of a community that consists of so many great Americans. I encourage all Americans to participate in this month of celebration. I invite my colleagues to join me in recognizing the contributions that Hispanic Americans have made to our Nation.

HONORING HIS HOLINESS ARAM I, CATHOLICOS OF THE ARMENIAN APOSTOLIC CHURCH

HON. GRACE F. NAPOLITANO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Mrs. NAPOLITANO. Mr. Speaker, I rise today on behalf of the second largest Armenian-American community in the state of California to welcome His Holiness Aram I, Catholicos of the Armenian Apostolic Church. We are honored that His Holiness will be visiting our state during his October pontifical travels.

Catholicos Aram I has served the Armenian Apostolic Church with distinction since he was consecrated as spiritual leader in July of 1995. His major priority has been to reorganize and revitalize the work of the church, particularly in the areas of theological education, cultural activities, youth outreach, and the promotion of peace, justice and human rights. Additionally, he has increased the social service work of the church, improving assistance to orphans, to vulnerable children, to the elderly, and to the disabled.

I am particularly grateful that His Holiness will be visiting the 38th Congressional District on Oct. 8th, where he will attend a ceremony at the Armenian Genocide Monument at Bicknell Park in the city of Montebello. This is the only Armenian Genocide Monument to reside on public property in the United States. It is a reminder to our communities of the horrible atrocities that befell the Armenian people 90 years ago, and the world's continuing struggle against genocide wherever it occurs.

Mr. Speaker, it is a special privilege to serve my constituency on the Committee on International Relations, which recently passed H. Con. Res. 195, Commemorating and Recognizing the Armenian Genocide, and H. Res. 316, Affirming the United States Record on the Armenian Genocide. H. Con. Res. 195 acknowledges the systematic and deliberate annihilation of 1.5 million Armenians by the Ottoman Empire, and H. Res. 316 recalls the proud history of U.S. intervention in opposition to the Armenian Genocide. I hope the full House will have an opportunity to vote on and pass these important bills. The United States Congress must honor the many survivors of the Armenian Genocide who have made our nation and my district their home.

Mr. Speaker, I ask my colleagues to join me in welcoming His Holiness Aram I as he visits the Armenian Genocide Monument in Montebello, CA. This will be a rare opportunity for the Armenian Apostolic community in my district to hear from their spiritual leader. My district, the Los Angeles region, and the state of California are deeply honored by his visit.

NUCLEAR MEDICINE WEEK

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Mr. MORAN of Virginia. Mr. Speaker, I rise today to remind my colleagues that October 2–October 8 is Nuclear Medicine Week. Celebrated at hospitals, clinics, imaging centers, educational institutions, and corporations around the world the first full week of October each year, Nuclear Medicine Week encourages members of the nuclear medicine community to take pride in their profession.

I am proud to note that the Society of Nuclear Medicine is headquartered in Reston, Virginia in my congressional district. The Society is an international scientific and professional organization of more than 15,000 members dedicated to promoting the science, technology, and practical application of nuclear medicine. I commend the Society staff and its professional members for their outstanding work and dedication to caring for people with cancer and other serious, life-threatening illnesses that are diagnosed, managed, and treated with medical isotopes via nuclear medicine procedures.

Nuclear medicine is a medical specialty that involves the use of small amounts of medical isotopes called "tracers" to help diagnose and treat a variety of diseases. These tracers are introduced into the body by injection, swallowing, or inhalation. A special camera, called gamma camera, detects the medical isotope in the target organ, bone, or tissue and forms an image that provides data and information about the imaged area of the body. This is how nuclear medicine differs an x-ray, ultrasound or other diagnostic test—it determines the presence of disease based on function rather than anatomy.

Nuclear medicine tests are safe and painless and often identify abnormalities very early in the progression of a disease—long before some medical problems are apparent through other diagnostic tests. This early detection allows a disease to be treated in its beginning stages, which significantly improves the odds of a successful outcome.

An estimated 16 million nuclear medicine imaging and therapeutic procedures are performed on 20 million individuals each year in the United States. These procedures are a vital tool in the diagnosis and treatment of patients with cancers of the brain, breast, blood, bone, bone marrow, liver, lungs, pancreas, thyroid, ovaries, and prostate, as well as cardiovascular disease, neurological disorders such as stroke and Alzheimer's disease, and kidney disease.

Some of the more frequently performed nuclear medicine procedures include:

Bone scans to examine orthopedic injuries, fractures, tumors or unexplained bone pain.

Heart scans to identify normal or abnormal blood flow to the heart muscle, measure heart function or determine the existence or extent of damage to the heart muscle after a heart attack.

Breast scans that are used in conjunction with mammograms to more accurately detect and locate cancerous tissue in the breasts.

Liver and gallbladder scans to evaluate liver and gallbladder function.

Cancer imaging to detect tumors and determine the severity (staging) of various types of cancer.

Treatment of thyroid diseases and certain types of cancer.

Brain imaging to investigate problems within the brain itself or in blood circulation to the brain.

Renal imaging in children to examine kidney function.

Unfortunately, funding for nuclear medicine research is in jeopardy. The President's FY 2006 Budget cut the Medical Applications and Measurement Science, MAMS, Program at the Department of Energy, DOE, Office of Biological and Environmental Research, OBER, from $37 million to $14 million and earmarked the remaining funds for research unrelated to nuclear medicine. The DOE has funded nuclear medicine research for over 50 years. Fortunately, the House Energy and Water Appropriations Subcommittee restored $35 million for the MAMS Program, but the Senate Energy and Water Appropriations bill is silent on this matter. It is vital that this small but highly successful program receive funding at the House level in conference. The MAMS Program is directly responsible for the creation of positron emission tomography, PET, and current research projects will create the next generation imaging procedures that will save lives.

I encourage my colleagues to support Nuclear Medicine Week and to support the House funding level for the MAMS Program so that our nation will continue to be at the cutting edge of life saving nuclear medicine and imaging research.

A STATEMENT ON TAIWAN NATIONAL DAY

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Mr. COSTA. Mr. Speaker, I rise today to congratulate the people of Taiwan on the occasion of National Day on October 10.

The Republic of China (Taiwan) is our ally in the Pacific. Although it is a small island nation, it has a growing and progressive economy, providing its citizens with quality education, health care and affordable housing. In a recent survey conducted by the Geneva-based World Economic Forum, Taiwan was ranked first in Asia and fifth in the world in terms of growth competitiveness. With its well-educated population, Taiwan is an ideal training ground and place for business entrepreneurship. Much of Taiwan's economic prowess is directly attributable to Taiwan's political system.

A vibrant democracy, Taiwan's history of democratization is an important example of how other countries can change. In 2 decades Taiwan has peacefully transformed its political system, from authoritarian to democratic government, providing a role model for other non-democratic political governments in Asia. In view of China's growing military strength and intentions, the best way to safeguard Asia's permanent peace and prosperity is to have all Asian countries join forces with other democratic countries in the world to form a global community of democracies. In the meantime, we hope democracy will take roots in China. Taiwan's successful democratic experience proves that democracy can indeed thrive on Chinese soil.

We also hope that in the months and years ahead, Taiwan and China will reach a rapprochement of sorts. Taiwan has made efforts to expand cross-strait exchanges in the fields of journalism, information exchange, education, culture and trade in endeavoring to foster mutual trust. Taiwan President Chen Shui-bian has adopted a policy of reconciliation and goodwill toward China. I hope Taiwan President Chen Shui-bian and PRC President Hu Jintao will soon meet and discuss cross-strait issues. A unified China under the principles of freedom, democracy and prosperity is the dream of all peace-loving people.

Again, congratulations to the people of the Republic of China on their National Day.

RECOGNIZING KEITA AND HAYATO ISHIBASHI

HON. RANDY “DUKE” CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Mr. CUNNINGHAM. Mr. Speaker, I rise to recognize 2 young men whose musical talents are exceeded only by their commitment and dedication. As a former high school teacher and coach, I know how important it is to recognize the achievements of our youth. Keita and Hayato Ishibashi are role models for all who believe that creativity and hard work lead to the American dream of success. Both are students at Rancho Bernardo High School, and both are violinists of the highest caliber.

Only 16 years old, Keita has appeared several times with the San Diego Symphony. In fact, he made his career debut with the San Diego Symphony at the age of 13. Keita performed for the last five summers at the Viana do Castelo International Music Festival in Portugal, and he performed in the summer of 2000 at an international music festival in Saluzzo, Italy. He has a resumé that any musical prodigy would be proud of. The high school junior began playing the violin in Tokyo, Japan, at the age of three on a 1/16th size instrument. At the age of four, Keita performed publicly at a concert hall in Japan shortly before coming to the United States with his family. It was not long before he began attending international music festivals in cities that included Seattle, Washington; Santa Rosa, California; and Aspen, Colorado.

Meanwhile, Keita's younger brother Hayato was also starting to get his musical legs. Hayato began taking violin lessons in the United States at the age of four. Soon, he, too, began participating in the same music festivals as his older brother. The purpose of the festivals is to help young artists develop their musicianship through an extensive curriculum that includes experience with master classes, chamber groups, and orchestras.

The sons of Shinji and Akemi Ishibashi have enjoyed many high notes in their young musical careers, and they include numerous prestigious competitions. Earlier this year Keita won the First Place Award in the San Diego Symphony's Young Artist Competition, and he received an Honorable Mention Award at the La Jolla Symphony's Young Artist Competition. At the La Jolla Symphony competition, Keita was the youngest participant in a field of 25–to–30 young musicians. The oldest was about 23. Last year, Keita won the blue ribbon at the San Diego Youth Symphony's Concerto Competition, and in 1999 another First Place at the El Camino Youth Symphony's Concerto Competition.

Like his older brother, 14-year-old high school freshman Hayato has an affinity for high notes of his own. Hayato's 2005 First Place finish at the Young Musicians Foundation's 50th Annual National Debut Competition resulted in an invitation to play with the foundation's symphony orchestra in Los Angeles, California, in October of this year and again in January of 2006. Hayato tied for Second Place at the California International Young Artist Competition last April. He won a Third Place Award in the San Diego Youth Symphony's 2004 Concerto Competition, and he was declared a national semi-finalist at the American String Teachers Association's 2003 Competition in Sacramento, California. During the latter competition, Hayato performed Concerto No.1 by Niccolo Paganini and Concerto No.1 by Max Bruch. Both were recorded on CD and are available through recorded music sources.

Currently, Keita is concertmaster and first chair of the chamber and symphony orchestras at Rancho Bernardo High School, and Hayato is a new and welcome addition to the school's music department. Each of them is pursuing his dream, and in so doing each of them is setting an example for all of us. My sincere congratulations go to Keita and Hayato, and I wish you both continued success throughout your academic and musical careers.

CONGRATULATING SEAN HUGHES

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Mr. BURGESS. Mr. Speaker, I rise today to congratulate Sean Hughes who has recently been recognized by the International Association of Emergency Managers as a Certified Emergency Manager. The designation is the highest honor of professional achievement available from the international association, which has more than 2,700 members.

Mr. Hughes has worked for the City of North Richland Hills, in my home district since 1987. He has an Associate's Degree from Clackamas Community College, a Bachelors Degree from the University of North Texas and is currently doing graduate work towards a Master of Science in Emergency Management.

Mr. Hughes is a Texas Certified Emergency Manager, Master Firefighter, Master Arson Investigator, Master Instructor and Advanced Peace Officer. He has completed the FEMA Professional Development Series and has received numerous awards including the Fire Department Medal of Valor.

The emergency management certification program was developed by the International Association of Emergency Managers with funding from the Federal Emergency Management Agency and guidance from an advisory board. Candidates for the certification are reviewed by a Commission of 19 respected professionals in the field and must complete a written examination and management essay. The commission considers each candidate's experience, references, education, training and contributions to the profession. Since 1993, the association has recognized 954 professionals with the Certified Emergency Manager designation. Sean Hughes is the third emergency management professional in Tarrant County to receive the designation.

I am proud to recognize Sean Hughes for his accomplishments and to have him represent the North Richland Hills Community and the 26th District of Texas.

INTRODUCING A BILL DESIGNATING A POST OFFICE AFTER LILLIAN KINKELLA KEIL

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Ms. SOLIS. Mr. Speaker, I rise today to introduce a bill designating a post office after Lillian Kinkella Keil, the most decorated female veteran in U.S. military history. Lillian Keil was a long time resident of Covina, California, in my Congressional District.

Lillian Keil was born in 1917 in Arcata, California, and raised in a convent. As she watched the nuns take care of the sick, she was drawn to nursing. She became one of the first generation of stewardesses for United Airlines when many early flight attendants were nurses. In 1943, she joined the Army Air Corps (which later became the U.S. Air Force) as a flight nurse to serve in World War II. She rose to rank of Captain.

Captain Lillian Keil has been called an “Airborne Florence Nightingale.” As a flight nurse, she helped to evacuate thousands of wounded U.S. troops from the battlefields during World War II and the Korean War. She flew more than 425 combat evacuation missions, rescuing men who fought in the Battle of Bulge and in Normandy during the D-Day invasion. She also was part of a team that followed General Patton's army across France with cargos of crucial supplies.

Captain Lillian Keil died of cancer at the age of 88 earlier this year. Her life and decorated service to our country serve as an inspiration to current and future generations of Americans, particularly women serving in the U.S. military. Through it all, Captain Lillian Keil won the hearts and touched the lives of countless service members and their families. She never questioned what she needed to do and she was proud of her service.

After serving her country, Captain Lillian Keil became an active member of various veterans' organizations. She was a member of the Veterans of Foreign War 8620 in West Covina, California, and the American Legion Post 790 in West Covina. She also belonged to the Chosin Few Veterans Military Organization.

I am pleased that my colleagues from the California delegation have joined me in support of this bill. This legislation also enjoys support at the local level. Both the City of Covina and West Covina have expressed their support for naming the post office located at 545 North Rimsdale in Covina, California, after Lillian Kinkella Keil.

My heart and my prayers go out to the family and friends of Captain Lillian Keil, as well as to those who have lost their loved ones during these turbulent times. I urge my colleagues to join me in recognizing Captain Lillian Keil. This bill symbolizes the gratitude and admiration we have for our nation's soldiers who risk their life to defend our country.

RECOGNIZING A STATEMENT BY RABBI ISRAEL ZOBERMAN, SPIRITUAL LEADER OF CONGREGATION BETH CHAVERIM IN VIRGINIA BEACH

HON. J. RANDY FORBES

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Mr. FORBES. Mr. Speaker, I rise today in recognition of a statement by Rabbi Israel Zoberman, spiritual leader of Congregation Beth Chaverim in Virginia Beach, Virginia in recognition of the hope of peace created by recent Middle East developments.

Israel's historic disengagement from Gaza and parts of the West Bank has begun on August 15, 2005. These unilateral acts by a democratic Israel, though coordinated with the Palestinian Authority, approved by its government and Knesset, and commanding a majority in the Israeli public, are nonetheless painful and controversial in uprooting thousands of Israeli settlers from areas associated with Biblical Israel gained following the 1967 Six-Day War.

Paradoxically, that miraculous victory by a gravely threatened Israel facilitated through a pre-emptive strike by the superb Israeli Air Force that destroyed the Egyptian planes still on the ground, saddled Israel with two challenging dilemmas; a recalcitrant, fast growing Palestinian population with its own national aspirations and a rising messianic Judaism mesmerized by a universal redemptive vision rooted in the stunning return to the ancient inheritance with every inch of it consequential, flying in the face of classical Zionism's operative principle of compromise with the Arabs.

I surely sympathize with fellow Jews who accomplished much and whose lives are now dramatically impacted with their realities and dreams undergoing demanding change. We also recognize that both Likkud and Labor-led governments encouraged the settlement enterprise as a patriotic act. How ironic and symbol-laden that Prime Minister Sharon is the one presiding over the transfer of territory that he was the grand architect of settling, stamped by his unique style of charismatic leadership and pioneering zeal. I personally witnessed during earlier missions to Israel the enthusiastic use of dotted maps by the once hero of the settlers' movement and the political Right who has turned into their maligned figure, making him into the most guarded man on earth.

How history repeats itself with altered twists. It was Sharon who as Defense Minister ordered the destruction of Yamit in 1982 in the wake of the 1979 peace treaty with Egypt which included the Sinai Peninsula's loss. It is this courageously transformed Prime Minister Sharon who, following the bloody Second Intifada of barbaric suicide bombings against Israel's civilian population, the death of his longstanding nemesis Chairman Arafat and the yet unsettling murder of Prime Minister Rabin by a fanatic Jew, has finally decided to act.

He thus offsets world pressure and begins to draw, with the Road Map's backdrop, Israel's future boundaries sans the Palestinian demographic trap, signaling with sacrificial acts to the Palestinian Authority Israel's abiding interest in reaching a peace agreement and its commitment to establishing a Palestinian state. The Israeli military is also freed from the cumbersome and expensive yoke of guarding the Gaza settlers, attempting to preserve the genuinely Biblically connected major blocks of West Bank settlements, assuring greater Jerusalem's Jewish destiny.

This realistic Zionist vision comes with the heavy and traumatic price of relocating Israelis whose majority peacefully complies albeit with some understandable legal demonstration. However, a hard core minority with outside agitators seems bent on resisting the order to evacuate in spite of offered compensation, even as we pray that in the moment of truth the tragically unacceptable scenario of Jew fighting Jew will be averted. To be sure, the state's authority properly carried out should prevail to safeguard its very foundation.

What is described as Israel's most fateful internal test since 1948, will hopefully prove a rallying point for reordering the only Jewish state's priorities toward applying its limited resources to pressing economic, social and educational needs along with focusing on the holy as well southern Negev and northern Galilee, without which an enduring Israel is truly at risk, quality-wise and physically.

The Palestinian Authority has a golden opportunity and responsibility, not to be missed, assuring that violence from its midst will not interfere with Israel's forthcoming move which benefits both sides to this far too long and costly entanglement. Indeed, the challenge for President Abbas remains to put an end to Palestinian terrorism and competing organizations such as Hamas and Islamic Jihad, undermining both Israel's and his own dreams for his people. How his leadership will run the evacuated territory will be indicative of what's in store for a future Palestine state. Active American involvement and essential support remain key for the prospect of peace and prosperity to the entire turbulent region bearing upon the world at large these eventful times.

Rabbi Israel Zoberman is the spiritual leader of Congregation Beth Chaverim in Virginia Beach. He grew up in Haifa, Israel.

CELEBRATING THE 50TH ANNIVERSARY OF GREATER MIAMI CHAPTER OF THE LINKS, INC.

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Mr. MEEK of Florida. Mr. Speaker, I rise to congratulate the Greater Miami Chapter of The Links, Inc., on their 50th year of outstanding commitment to community service. The ceremony recognizing this important milestone will be held on Sunday, October 16, 2005, at Florida Memorial University, Miami, Florida.

The Greater Miami Chapter was chartered on Saturday, November 5, 1955, when founding members Maude K. Reid, Mayme E. Williams, and Susie W. Francis brought together 15 other charter members for an installation ceremony at the Carver Hotel in Overtown.

During its 50th anniversary celebration, the chapter will honor 7 honorees: charter member Susie W. Francis, Frances J. Chambers, Gwendolyn H. Welters, Dorothy J. Fields, Ph.D.; Castell V. Bryant, Ed.D., Regina J. Frazier, and Senator Frederica S. Wilson.

The Greater Miami Chapter lists among its many accomplishments programs that bolster the arts, promote awareness of international issues and multicultural events, and assist young people in reaching their full potential.

Nationally, The Links, Inc. has grown to 274 chapters and approximately 11,000 members who reside in 42 states, the District of Columbia, the Bahamas, Germany and South Africa.

Mr. Speaker, 50 years after their founding, the members of the Greater Miami Chapter of The Links, Inc. are a powerful force for change in the South Florida Community. I thank them for all of their efforts, and wish them another successful 50 years of making a positive impact in the lives of others.

DAYS OF AWE: FORGIVENESS, ATONEMENT AND PEACE

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Mr. RANGEL. Mr. Speaker, I rise to wish L'Shanah Tova "Good Year" to my Jewish friends in Congress and to Jewish people around the world as they begin the celebration of the Days of Awe: the sacred Holy Days beginning with Rosh Hashanah continuing to the holiest day Yom Kippur, which falls on October 13, 2005. To those Jews who must feel the most forgotten and alone whether in Ethiopia, Iraq, Iran, Syria, and the remnants still living in poverty in Poland, Russia and other parts of Eastern Europe who can only celebrate these Holy Days in their hearts, I rise to say you are not forgotten.

For Jewish people Rosh Hashanah and Yom Kippur as well as the days between are the most solemn of all the Jewish Holidays and for some the most important. These ten days are sometimes known as the Days of Remembrance, the Days of Repentance and the Days of Awe. Unlike other Jewish holidays and festivals which are closely tied to harvests and changes of seasons, the High Holy Days are spiritual days of soul-searching and prayer.

Rosh Hashanah is a beginning of a spiritual new year, when each Jew can ask forgiveness for sin of conduct and of the heart, atone for those sins and begin again asking God to inscribe him or her in the "Book of Life." On Rosh Hashanah the Book is opened. The Shofar, the curled ram's horn, calls the Jewish people to gather together to pray on Rosh Hashanah as the Book of Life is opened, just as it has for the last 3000 years.

The Jewish liturgy or prayers said during this holiday not only ask for forgiveness from God for sins against both of conduct and of the heart, the prayers remind the people that they cannot be forgiven by God for sins committed against their fellow man. For forgiveness from others, they must atone by seeking it from the people they have hurt and doing charity. The liturgy, both the ancient derived from many beloved psalms as well as newer liturgy, which recognizes political realities of our time, center on ethical concerns, searching for the core of the ethical human being, the meaning of righteousness and good.

For Jewish people this High Holy Day is one for evaluating their conduct of the past year, not only toward their fellow man, but for all the creatures of the earth and for the earth itself. This re-thinking of their conduct requires each person to examine his or her moral and spiritual values, principles, ethical standards, in other words the moral core of their being. The Jews from ancient times valued these high holy days more than the other holidays and traveled to the Temple in Jerusalem so the High Priests could perform the spiritual rituals that would cleanse them of their sins and seek blessings of peace for them and inscribe each with his or loved ones in the Book of Life. This day is the beginning of the Jewish calendar year. It is a beginning in a spiritual sense which is more important than a change in the calendar.

For the Jewish people, each Rosh Hashanah is a new year that is one more step in a history thousands of years long. Jewish people strive to understand the values of our forebears and build on what has gone before. Jewish people all over the world read from the writings of the sages who wrote during the long exile in Babylon a model for moral behavior:

> "The one who proceeds with integrity, and takes action for justice, and speaks truth with their heart, the one who does no harm to others, and does not raise trouble for their neighbor. . . ."

On Rosh Hashanah Jews also reflect on the words of Isaiah,

> "Wash yourselves; make yourselves clean. Put away the evil of your doings from before mine eyes. Cease to do evil; learn what is good. Seek justice; relieve the oppressed; Speak out for the orphan; advocate for the widow."—Isaiah, 1: 16-17

The prayers are also a promise to God to strive for peace. In this Holy Day liturgy which spans the millennia, the Jewish people around the world pray for God's peace: Bring peace, the Jews sing, peace to the Jews and to the whole world.

The second High Holy Day, Yom Kippur, the Day of Atonement, is the most solemn day of the Jewish year. Yom Kippur is a day of fasting, reflection and prayers. The names of this day in Hebrew are many: Yom HaZikkaron, "Day of remembrance," Yom ha-Din "Day of Judgment", the day on which God judges all human beings by their deeds during the year just ended and inscribes their fate in the heavenly record book for the next year. Some believe the Book of Life will close at sundown on Yom Kippur. As the sun slowly sinks in the sky, the fasting people stand for the entire evening service. Some believe literally, others believe metaphorically, that on this day God has determined who will live, and who will die. They make a last plea for their loved ones and themselves. They also pledge to live the ethical life they believe is required of them by soul or spirit that is the spark of God in them. In Judaism, ethics are the foundation of prayer and the theology of prayer. This is most evident on the High Holy Days.

Yom Kippur is also called in Hebrew, Yom Teruah, "The Day of the Sounding of the Shofar" In the ancient past trumpet sound called the people together to repent sins, to forsake evil and to pursue goodness and mercy. One of the most important observances of this holiday is hearing the repeated trumpeting sound of the Shofar in the synagogue.

For most Jews the call of the Shofar is a reminder of their rich heritage, the centuries in a Diaspora when they had nothing but their Holy Book and their liturgy. The call of the Shofar reminds Jews they survived the Roman Empire which burned their Holy Temple twice and drove them to exile; survived expulsion from Spain, survived pogroms, poverty and restrictive regulations in Russia and Eastern Europe and even survived the Nazi "final solution, genocide the murder of their men, women and their babies; survived to have a Jewish Country and flag. In all that time and through all those trials, the Jews of the world have kept their Holy Days. Their Holy Book is unchanged from the day they took it into exile. The Jews have lived now to hear the Shofar blown in Israel as it was before the Diaspora. The liturgy has remained as it was in ancient times, but in the last century prayers and remembrances have been added for the victims of the Holocaust.

The words of the Kaddish are a hymn that praises God. It is a public declaration of the Jewish belief that God is Great and Holy and it envisions a time when Peace will be established on earth. One form of the prayer says "may He who makes peace in heaven, make peace for us."

On the High Holy Days, the Days of Awe of 2005, I join with my Jewish friends and wish peace for us.

HONORING ANDREA LEIDERMAN

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Mr. HONDA. Mr. Speaker, I rise to honor the life and contributions of Ms. Andrea Leiderman who recently passed away. Andrea is survived by her parents and siblings, and her loving husband, Hayes Alexander, III. She will be sorely missed by her many friends and our community. Today, I honor her energy, her determination and her life-long service to the Bay Area community.

Andrea Naomi Leiderman was born on August 8, 1959 in Boston, Massachusetts, to Drs. Herbert and Gloria Leiderman. The family moved west when Andrea, the youngest of four children, was four years old. Andrea grew up on the Stanford campus where her father is a professor emeritus, and has always been politically active. As a child, she organized a school grape boycott in support of the United Farm Workers; as an adult, she worked on the presidential campaigns of George McGovern, Jimmy Carter and Alan Cranston.

Andrea attended Vassar College, majoring in political science. After college, she worked as a legislative assistant to former New York Representative Matt McHugh and, later, as the LBJ Congressional Fellow to former California Representative Norman Mineta, currently U.S. Secretary of Transportation. Andrea also served as an aide to County Supervisor Jim Beall during his tenure on the San Jose City Council.

Andrea was only 28 years old when she was elected as chairwoman of the Santa Clara County Democratic Party. She was also elected as chair of the Women's Caucus, and received the highest number of votes in delegate elections.

Andrea served on the Santa Clara County Board of Education, including two terms as President of the Board in 1995 and 2000. Andrea spearheaded school board policy on neighborhood outreach while advocating workforce education and emphasizing assistance to underrepresented students. She was also a valued trustee of the Foothill-DeAnza Community College District.

Most recently, Andrea was Director of Government and Community Relations for Kaiser Permanente's South Bay facilities, using her experience in the public sector to promote healthcare. She was a dedicated and committed worker until the end.

Andrea Leiderman died at the very young age of 46, on September 11, 2005. When she passed away, our community lost one of its most dynamic community activists—an advocate of minority rights, social justice, education and equality.

IN HONOR OF COACH SAM MILLS

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Mr. PALLONE. Mr. Speaker, I would like to take this opportunity to recognize a distinguished athlete from my district, Carolina Panthers' Linebacker Coach Sam Mills. Unfortunately, after fighting cancer for two years, Mr. Mills passed away on April 18, 2005 at the age of 45.

Not only did Mr. Mills play in the NFL for twelve seasons, he used his expertise to coach the Panthers' linebackers. Sam Mills played his first nine seasons with the New Orleans Saints and his last three with the Panthers. He earned five Pro Bowl selections, including one while playing for Carolina in 1996. Sam was the second member of the Panthers Hall of Fame and was elected to the Sports Hall of Fame of New Jersey in 2003. Despite injuries to two of his best linebackers last season, Coach Mills led his linebacking corps to be an integral part of a defense that has ranked in the top ten for the past two seasons.

John Fox, the head coach of the Carolina Panthers, stated upon Mills' passing, ". . . as a coach he made the players better; as a friend he made us all better".

I ask my colleagues in the United States House of Representatives to join me in acknowledging the life and work of this exceptional individual. I wish to honor Coach Sam Mills for his ability to impart his skills and intelligence upon his players and for his outstanding career as both a professional player and coach.

TRIBUTE TO GRANDPARENTS AND OTHER RELATIVES WHO ARE CAREGIVERS

HON. BOB BEAUPREZ

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Mr. BEAUPREZ. Mr. Speaker, across the country there are more than 6 million children living in grandparent and other relative headed households. About 2.5 million of these children are living in homes without either parent present. Regardless of the many reasons children enter relative care, including death of a parent, neglect, and substance abuse, it is never, ever the fault of the child. I commend grandparents and other relatives who step forward to care for these children, keeping them out of foster care while providing safe, stable, homes, often at great personal and financial sacrifice.

Stories of a 78-year-old grandmother raising a four year old, a 71-year-old grandfather raising 5 teenagers, or a single grandmother raising more than 6 grandchildren are all too common throughout Colorado and our nation.

Grandparents and other relative caregivers are often the best chance for a loving and stable childhood for the children in their care, but their hard work and dedication often goes unnoticed. Mr. Speaker, today, I offer my formal acknowledgement and deepest appreciation for the ongoing service of these caregivers to our country and our nation's most valuable asset, our children.

KYRGYZSTAN LEADERSHIP ON GLOBAL SECURITY, DEVELOPMENT AND DEMOCRACY

HON. GREGORY W. MEEKS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Mr. MEEKS of New York. Mr. Speaker, in his September 17, 2005, address to the 60th session of the United Nations General Assembly, Kurmanbek Bakiev, President of the Kyrgyz Republic, called on his fellow Heads of State to join him in supporting U.N. peace keeping by fighting poverty and promoting democratic development. President Bakiev told the U.N. General Assembly "it is no accident that exactly in the poorest regions of the world the most serious regional conflicts arise".

Kyrgyzstan, the only state in Central Asia that participates in peace making efforts by the United Nations, has directed military observers and staff officers to the missions of the United Nations in Liberia, Burundi, Sierra Leone, Serbia, Kosovo, and Sudan. On September 23, 2005, Leandro Despouy, Special Rapporteur on the Independence of Judges and Lawyers of the United Nations Commission on Human Rights, praised Kyrgyzstan's courageous leadership in supporting the resettlement of Uzbek refugees to third countries along with its commitment to the Geneva Convention. Mr. Despouy called on international donors to provide financial support for Kyrgyzstan's reform programs.

Kyrgyzstan has also been a critical ally in the international community's efforts to rebuild and strengthen Afghanistan. It has made its territory available to the coalition to combat terrorism and promote regional safety and security.

Mr. Speaker, I would like to share with my congressional colleagues President Bakiev's September 17, 2005, address to the United Nations' 60th General Assembly and ask that it be printed in the CONGRESSIONAL RECORD.

Mr. Chairman, Mr. Secretary General, dear delegates, ladies and gentlemen, first of all, I would like to congratulate you, Mr. Chairman, on your election to the responsible post of Chairman of the Sixtieth Anniversary Session of the General Assembly of the United Nations and to wish you every success in so honorable and noble a mission. Let me also express words of gratitude to your predecessor Mr. Jean Ping for the successful moderation of the previous session of the Assembly.

Mr. Chairman, the Summit of the United Nations which came to an end yesterday confirmed that the United Nations Organization remains the universal organization capable of bringing important contributions to the matters of strengthening international peace and security, the maintenance of sustainable development, and the search for adequate answers to new global challenges and threats. In this regard, I hope that the 60th Anniversary Session of the General Assembly of the United Nations becomes the major event in our time, and will give to all mankind a feeling of confidence and hope in our future.

Rapid changes in the world have not bypassed Kyrgyzstan. Our people, not remaining indifferent to its own destiny, in March of this year have chosen the way of development, progress and creativity. In the new history of Kyrgyzstan, one more page has been turned. We enter into the 21st century with firm determination to realize the deep expectations and hopes for peace, prosperity, progress and freedom. We are confident that the goals reflected in the Millennium Declaration will be realized fully for the benefit of each person in the Kyrgyz Republic.

To keep the respect and to justify hopes of people, the United Nations cannot lag behind the fast and accelerated changes in the world. It should not only respond to these realities, but also create more effective mechanisms of prevention and confrontation to both new challenges and risks.

In this regard, we in Kyrgyzstan are deeply convinced that reform of the United Nations should be reflective of the will, the fundamental rights and interests of all states-members and people.

In previous years, the Security Council has been repeatedly criticized for failures in the field of maintenance of international peace and security. Therefore, for all of us, it is extremely important that the Security Council most effectively carry out the basic preservation of peace, international order and tranquility. Kyrgyzstan consistently supports expansion of the membership of the Security Council and reforming of its methods of work so that it will become more representative and democratic, and consequently more effective. It is our belief that the reform of the Security Council should be based on principles of universality, efficiency and wide geographical representation. Decisions of the Security Council should be, as much as possible, timely, and their implementation correspondingly expeditious.

The Kyrgyz Republic shares the position that reform of the system of the United Nations will be successful only insofar as the reform of the Security Council will be followed with reform of both the General Assembly and the Economic and Social Council. We support the efforts aimed at the more pervasive activity of the General Assembly and strengthening of coordination functions of the Economic and Social Council. Effective coordination between these three principal bodies is extremely important for the complex decision making regarding current urgent problems.

We all realize how great and complex are the challenges facing the United Nations in the area of maintenance of global peace and security. In this regard, I would like to note that Kyrgyzstan also intends to make a contribution. And for the first time, it has nominated its own candidature for non-permanent membership of the Security Council for the period of 2012–2013. We realize the full extent of membership responsibility in this key body of the United Nations Organization. I can assure you that Kyrgyzstan will use its best efforts to activate cooperation with the member states in all regions and become the reliable partner in the decisions of global policy.

Mr. Chairman, I would like also to note that today the United Nations and its institutes are more engaged with the issues of development than security. In a scene in which many organizations of the United Nations system constantly deal with problems of development, there is only one constantly operating body which deals with problems of security. In our opinion in conditions of globalization and strengthening of interdependence and the risks connected both with technological and natural disasters along with international terrorism and extremism, the functions of the United Nations on maintenance of global security should be considerably strengthened. In this regard, along with the programs connected with development, the preventive measures directed to security also should be strengthened.

The history of international affairs of the second half of the last century shows that it is practically impossible to support successfully international peace and security until the basic conditions necessary for people's existence are created. Poverty and deprivation often bring to escalation the infringements of international peace and security. It is no accident that exactly in the poorest regions of the world, the most serious regional conflicts arise. Simultaneously to reach the purposes of security and of development, the international community should carry out a more balanced policy.

It is necessary for the world community to work actively in overcoming distinctions and inequalities between the countries of the North and the South. In our opinion, the United Nations requires the creation of such interactive mechanisms which will remove the problems causing the poorest countries to drop out of universal development, and their participation in decision making. The countries of the South should become full participants in the decisions involving global problems.

Kyrgyzstan remains devoted to the Monterey Consensus according to which the developed countries will increase development aid, and poor countries in their transformation will use this aid more effectively. At various authoritative forums, an understanding of the Concepts of Sustainable Economic Development and Sustainable Human Development has been reached. We completely support this. These concepts, with substantive provisions, will find reflection in our national strategy and programs. At the same time, successful realization of national programs of the various countries is directly connected with regional and international cooperation. On this joint interest, the role of the United Nations and its agencies, with a view of fast achievement of mutual understanding, coordination of mutual efforts should be considerably strengthened.

We support the proposal on drafting a National strategy of development and its adoption in 2006 and achievement by 2015 as parameters of implementation of the purposes in the field of the development, formulated in the Millennium Declarations. In our opinion, the United Nations should mobilize new resources, strengthen coordination and increase the contribution regarding decisions on problems of development.

We consider that it is time for donor countries to move from the declaration of obligations to concrete actions. In this regard the Kyrgyz Republic welcomes the decision of the European Union to allocate 0.7 percent of the GDP as an official aid of development by 2009. Besides, the Kyrgyz Republic supports the necessity of a comprehensible level of debts and acceptance of urgent and scale measures on the simplification of debt burden for developing countries.

Kyrgyzstan is a mountain country. The mountain states are characterized by remoteness, difficult accessibility, information inaccessibility, severe geo-climatic conditions, greater expenses for maintenance of life. At the same time, receiving the financial aid from the developed countries Kyrgyzstan itself is the donor on rendering eco-system services whose value yearly increases. So, for example, the Kyrgyz Republic is one of the basic repositories of glaciers and the supplier of fresh water in the region. Besides, within the International Convention on Preservation of Biological Variety, there is in Kyrgyzstan the operation of a network of biosphere territories. Kyrgyzstan emits into the atmosphere much less hotbed gases than the majority of the countries of the world, and thus brings a contribution to the preservation of an ozone cloud of the planet.

Simultaneously, to our great regret, in our territory, there are storehouses of radioactive waste—an inheritance from a military-industrial complex of the former Soviet period. Their maintenance and the prevention of further potential ecological accidents for the entire Central Asian region are an excessive burden for Kyrgyzstan. We consider that the international community at a coordinating role of the United Nations, should concern itself more closely to such zones of high ecological risk and render sufficient financial and technical aid directed at the prevention of global and regional ecological disasters.

We also consider that for the decisions of a national scale, the United Nations should promote more actively the participation of the poor and developing countries regarding sustainable development. The presence of a big debt interferes with sustainable social and economic development of mountain territories.

In addition to wider initiatives on the maintenance of readiness for disasters and mitigation of their consequences, Kyrgyzstan supports initiatives on the creation of a worldwide early warning system on acts of nature. As a mountain country Kyrgyzstan constantly collides with regular and often repeating acts of nature—earthquakes, landslips, avalanches, flooding of cities and settlements. Our long experience on liquidation of consequences of similar disasters takes huge sums from economic and social development and thus highlights the importance of strengthening ecological security. As a first step, Kyrgyzstan suggests the use of its territory as a pilot area for the prevention and mitigation of consequences of such kind of natural disasters.

Mr. Chairman, I would like to express also support to the proposal on the establishment of a Committee of the regional organizations under the United Nations. It will allow the involvement of unused potential of the regional and sub-regional organizations in the prevention and settlement of conflicts and also other important regional problems. The regional structures having the corresponding potential and effectively acting at the present moment should play a complementary role before new threats and challenges. Kyrgyzstan supports participation in work of this Committee of such organizations, as the Shanghai Cooperation Organization, the Organization of the Treaty on Collective Security, the Euro-Asian Economic Union and the Organization of the Central Asian Cooperation.

We also support the measures directed to an increase of efficiency of peace-making operations; in this regard we welcome the proposal of the Secretary General on the establishment of strategic reserves for activity of the United Nations on maintenance of the world and reserve potential of civil police of the United Nations.

The Kyrgyz Republic is the only state in Central Asia that participates in peace-making efforts of the United Nations, having directed military observers and staff officers in the Missions of the United Nations in Liberia, Burundi, Sierra Leone, Serbia and Montenegro (Kosovo) and Sudan. We are proud that we bring our contribution to the efforts of the United Nations to these countries and are fully determined to give support to such noble activity.

Kyrgyzstan actively supports efforts of the international community on restoration and strengthening of the world in Afghanistan and has given its territory for accommodation of forces of the Antiterrorist coalition and the Organization of the Contract about collective safety, providing measures on maintenance of safety in region.

Kyrgyzstan actively supports efforts of the international community on restoration and strengthening of the peace in Afghanistan and has given the territory for accommodation of forces of the Antiterrorist coalition and the Organization of the Treaty on Collective security, providing measures on maintenance of security in region.

We remain devoted to the establishment of the nuclear Free Zone in the Central Asia. Now the text of the relevant Treaty is coordinated by five countries of region and we are glad that the depository of the Treaty will be the Kyrgyz Republic. We believe that it is testimony of high trust and a recognition of the contribution of our republic in the implementation of the initiative establishing a Nuclear-free Zone. I am firmly convinced that the establishment of a Zone free from nuclear weapons in our region will promote the strengthening of global security and regional stability. We hope to obtain corresponding support of the world community.

In conclusion Mr. Chairman, I would like to note that the world community experiences a complex period of formation of a new system of international affairs. Already, it is clear that it will be a long process. The states—members of the United Nations should affirm their readiness to achieve practical solutions to the most essential problems of our time: to struggle with poverty, famine, illnesses, to provide sustainable development. The 60th session of the General Assembly should remain with us in memory as the session of reforms. Thank you for your attention.

LEGISLATION TO PROHIBIT STATES FROM TAXING RETIREMENT INCOME OF NONRESIDENTS

HON. CHRIS CANNON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Mr. CANNON. Mr. Speaker, I am introducing today legislation to clarify Public Law 104–95, adopted by the Congress in 1995, prohibiting States from taxing the retirement income of nonresidents. Public Law 104–95, enacted in 1996, precludes States, other than the State in which a retiree resides, from taxing certain retirement benefits. The law defines "retirement income" as any income from specified types of qualified pension plans or from a nonqualified deferred compensation plan that meets certain payment requirements. Nonqualified deferred compensation plans are defined by reference to section 3121(v)(2)(C) of the Internal Revenue Code (the "Code"), which relates to employment taxes. Specifically, any income of an individual who is not a resident of the taxing State from any plan, program, or arrangement described in section 3121(v)(2)(C) is exempt from that State's income tax provided the income received from such plan is part of a series of substantially equal periodic payments made (not less frequently than annually) over the life expectancy of the recipient, or for a period of not less than 10 years. Neither the statute nor the related committee reports provide guidance as to what constitutes a substantially equal periodic payment; they merely require that the payments be made for at least 10 years.

Unfortunately, at least one State tax revenue department has taken the position that Public Law 104–95 does not preclude state taxation of nonqualified retirement benefits paid by a partnership to its retired nonresident partners. Specifically, the State has construed the reference to section 3121(v)(2)(C) of the Code to limit the exemption to payments made only to retired employees, i.e., those individuals subjected to FICA tax, since the provision is written in the context of employment taxation. Under this view, nonqualified retirement benefits paid by a partnership to its retired partners who are not residents of the State would not be exempt from nonresident State income taxation because there is no specific reference to retired partners in P.L. 104–95, section 3121(v)(2)(C) of the Code, or subsequently issued Treasury Regulations for that section.

In addition, at least one State tax revenue department has taken the position that the periodic benefits provided under the plan fail the "substantially equal periodic payments" test if the plan provides for benefit reductions pursuant to a pre-determined formula capping total disbursements. Under a similar analysis, periodic benefits that are subject to adjustment pursuant to a plan provision providing cost-of-living adjustments could also fail to qualify as "substantially equal periodic payments." Because businesses are not permitted to pre-fund nonqualified deferred compensation benefits on a tax-favored basis, some businesses find it prudent to cap total disbursements under a pre-determined plan formula, such as a percentage of the business's overall income. This cap operates to keep retirement costs within a reasonable range sustainable by the business, in effect protecting the business from unusual demands triggered by demographic variations. Similarly, many plans provide for cost-of-living adjustments to retirement benefits. Any such adjustments made as a result of a pre-determined plan formula do not change the nature of the retirement benefit and should not cause the retirement benefits to fail to meet the "substantially equal periodic payments" test.

The application of the "substantially equal periodic payments" test is unclear when retirement benefits include components from both qualified plans (no substantially equal periodic payment requirement) and nonqualified plans. Consider a plan in which total annual payments to a retiree do not change from year to year, but the payments are required to come first from a Keogh (i.e., qualified plan) until depleted and then from the general assets of the business (i.e., nonqualified plan). Under a pre-determined plan formula, the total annual payment remains the same and is part of a series of substantially equal periodic payments. However, the sources underlying the total payment will change as the qualified plan is depleted and nonqualified payments are increased to maintain annual payments at the same level.

This legislation would clarify that States may not impose an income tax on retirement income of nonresidents received under certain nonqualified deferred compensation plans, including plans for retired partners (treated as such under applicable tax laws). This would also clarify that retired partner equivalents, that is retired principals, will be treated as retired partners for purposes of this provision. This legislation would also clarify that benefit reductions pursuant to a pre-determined formula capping total disbursements, or benefit adjustments pursuant to a plan provision providing cost-of-living adjustments are permitted, and do not cause the periodic benefits provided under the plan to fail the "substantially equal periodic payments" test. It is also my intent to clarify that the "substantially equal periodic payments" test is satisfied when payments include components from both qualified and nonqualified plans. Because this legislation merely clarifies Congressional intent with respect to current law, it would apply as of the effective date of P.L. 104–94, that is to amounts received after December 31, 1995.

These changes are intended to make it clear that, when Congress originally passed this legislation, it did not want to allow States to tax retirement income, other than the State where the retiree resides, whether the retirement payments are made to a retired employee or a retired partner. The present bill merely confirms Congressional intent to prohibit State taxation of retirement payments made to nonresidents.

HONORING WISCONSIN'S 2005 OUTSTANDING OLDER WORKER

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Mr. KIND. Mr. Speaker, it is with great pleasure that I rise before you today to honor this year's Outstanding Older Worker for the State of Wisconsin, Norman Gudmundson. Continuing to work at age 78, Norm clearly deserves this recognition.

Norm began violin lessons at the age of eight, and like his father before him, dreamt of being a great violinist one day. Norm had 16 years of private training, and by the time he graduated high school, he was considered one of the most accomplished violinists in the State of Illinois after winning the state competition.

Upon his graduation from high school in 1945, Norm joined the U.S. Army Infantry in the last days of World War II. Upon war's end, he was sent to Germany and served for 2 years rebuilding the war-torn country. After his military service, Norm received a full scholarship to play violin for the University of Miami, Florida's Orchestra. After college, Norm continued his career in music, playing with orchestras in Chicago, Denver, and Milwaukee.

Norm retired from the orchestra but did not give up working. Norm is a dead-on Santa Claus, so it only seemed natural to donate his time to play St. Nick at local department stores around Christmas-time.

Refusing to retire, Norm has recently worked for his own excavating business, repairing telephone lines in Colorado, inspecting cranberries for Ocean Spray, and manufacturing lawn equipment with Toro. Norm now works for Cardinal IG in Tomah, WI.

And so I stand today to honor Wisconsin's Outstanding Older Worker for this year, Norman Gudmundson, who truly is a Renaissance man. For his contribution to the arts, his love of children, and his dedication to his community and America's workforce, I commend Norm for his generous spirit and remarkable commitment to service.

PERSONAL EXPLANATION

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Mr. EVANS. Mr. Speaker, on rollcall No. 512, I was unavoidably detained. Had I been present, I would have voted "yea."

HONORING THE MARINES OF LIMA COMPANY FOR THEIR SERVICE IN IRAQ

HON. PATRICK J. TIBERI

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Mr. TIBERI. Mr. Speaker, I rise to honor the brave Marines of Lima Company, 3rd Battalion, 25th Marine Regiment who returned home to Columbus, Ohio this morning after deploying for ten months, eight of which they spent in Iraq.

This reserve Marine Corps infantry unit, which is composed of young men from all walks of life, left home, family, career, and college to respond with honor and courage to the call of service issued by our great nation. Lima Company served in western Iraq in Haditha, in al Anbar Province, one of the most dangerous and insurgent-infested areas of the entire country. They pursued their mission to seek out and engage insurgents in their strongholds to reduce the terrorists' ability to disrupt Iraq's new democratically elected government.

Central Ohioans could not be more proud of their service. These brave young Marines participated in operations "Matador," "New Market" and "Quick Strike," conducting house to house searches for weapons and terrorists. Lima Company engaged in direct combat with the enemy and performed with great honor and distinction fighting side by side with our active duty troops.

It is often said that freedom is not free. Nobody knows the truth of this statement better than the Marines and their families of Lima Company. In the performance of their duties, Lima Company suffered grievous casualties. 16 Marines lost their lives, and 34 Marines were wounded.

I am grateful to the Marines of Lima Company who put themselves in harm's way to make our country safer, and to make the world a better place. I urge my fellow Americans and this Congress to never forget the debt we owe these young heroes and their families. Now that they have returned, they need our help as much as ever to heal from their wounds, to reconnect with their families and resume their lives. And in the case of those families whose Marine did not return home, they need our support and prayers as they face each new day without the one they loved.

We must all work together to help these Marines and their families as they return to civilian life. To the Department of Veterans Affairs, I say give these heroes the best care possible. I ask employers to give these young Marines a chance to serve in your organizations. I urge the people of Central Ohio to help the families of the fallen. Finally to the brave Marines of Lima Company, I simply say thank you and God bless you for your service to our country.

RECOGNIZING BOWATER'S CATAWBA OPERATIONS

HON. JOHN M. SPRATT, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Mr. SPRATT. Mr. Speaker, I rise to recognize Bowater's Catawba Operations, the largest coated paper manufacturing facility in North America. The plant makes paper used in magazines, flyers, inserts, and coupons, and I am proud to say that it is located in my congressional district.

Fifty years ago, when Bowater chose the site for a paper-making plant on the Catawba

River in York County, South Carolina, a special session of our General Assembly was called to amend the state constitution so that Bowater, then a British firm, could purchase unlimited timberland acreage.

That plant site has proven its worth many times in the years since then. Now, Bowater's Catawba Operation has been recognized for meeting and surpassing world-class standards in manufacturing, employee programs, community outreach, and environmental stewardship.

The Catawba plant employs 1,000 associates. Most live in York, Chester, and Lancaster counties. And they are the reason that the Catawba plant won Industry Week's 2005 Best Plant competition, one of just 10 plants out of 220 nominated. They are also the reason that Catawba plant was named South Carolina's Manufacturer of the Year for 2004 by the South Carolina Chamber of Commerce and the National Association of Manufacturers.

Industry Week calls the plant a "pacesetter" that will "continue to lead the way in the future."

Bowater's Catawba Operations recently undertook major capital improvements, including the construction of a $175 million state-of-the-art kraft-pulping mill, along with a $106 million paper machine conversion. Both were completed while the mill maintained a full 24-hour production schedule.

The plant's associates and managers not only work hard and smart, they work safely—recently reaching a significant safety milestone by working four million hours without a disabling or lost time injury.

It comes as no surprise to us in South Carolina why the Catawba plant is second to none in its class.

As the editors of Industry Week put it in honoring the Catawba plant and the nine other "Best Plants": "These plants produce different products from one another, operate different machinery, rely on a host of different improvement methods, and face different competitive challenges in their quests to excel at the jobs they do. What they share, however, is a vision of excellence by design, not by accident. They hire the right people and train them well, and they focus continually on improvement. They have leadership that encourages input from all employees and employees who take up the challenge; and they look outside their four walls to their upstream and downstream partners in their efforts to be the best."

Mr. Speaker, I am proud to represent Bowater's Catawba Plant and its outstanding associates, and honored to call them today to the attention of the House.

RECOGNIZING THE MANY ACCOMPLISHMENTS OF RAUL RODRIGUEZ

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Mr. CUELLAR. Mr. Speaker, I rise today to recognize Raul Rodriguez for his work to improve the quality of life in the U.S.-Mexico border region as he prepares to end his tenure as the Managing Director of the North American Development Bank.

The NADBank is jointly operated by the United States and Mexico, financing and developing needed environmental projects in the border region, such as water and wastewater treatment plants. Raul has guided the expanding NADBank since October of 2000.

Under Raul's leadership, the NADBank has grown dramatically. It now provides over $703 million in financing and assistance for 89 infrastructure projects in the U.S.-Mexico border region, including technical and financial assistance projects in border communities that would not otherwise have been feasible.

The North American Development Bank is assisting on a set of projects whose total cost is estimated at over $2.4 billion, a level of investment that may have been impossible to achieve if not for the efforts of the NADBank.

Prior to joining the NADBank, Raul was the Executive Director of the Mexican Foreign Trade Bank, and he served as Mexico's Trade Commissioner in Canada during the NAFTA negotiations. Raul also served as a professor for several years.

Thanks in large part to the contributions of Raul Rodriguez, the NADBank is more able to make a positive impact in the border region than many could have ever imagined. I thank Mr. Rodriguez today for his hard work and dedication, and I wish him the best as he continues to serve our border community.

HONORING ST. PETER'S LUTHERAN CHURCH IN LANCASTER, OHIO

HON. DAVID L. HOBSON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Mr. HOBSON. Mr. Speaker, I rise today to congratulate St. Peter's Lutheran Church in Lancaster, Ohio, for 1 celebrating its 200th anniversary as a congregation on October 16, 2005.

The history of St. Peter's began in 1804, when a traveling preacher, the Reverend Johannes Stauch, visited Lancaster. A year later, Reverend William Forster was sent to the territory by the Ministerium of Pennsylvania to preach throughout the area, most notably in Fairfield and Perry Counties. The result was the founding of St. Peter's Evangelical Lutheran Church, which is the oldest existing Lutheran congregation in the State of Ohio.

For several years, the church had no regular place of worship. A parcel of land was secured on the banks of the Old Canal, and a cornerstone for the log cabin church was laid in 1819. The congregation worshipped at this site until 1832, when a brick building was constructed as a new home for the church. And in 1882, the present building at the comer of Broad and Mulberry Streets in Lancaster was dedicated. The current church is listed on the National Registry of Historic Places.

Over the years, members of St. Peter's Church have dedicated themselves to their faith through their worship and involvement in the community. The congregation is involved in a variety of programs that help provide food, clothing and shelter to those in need in the region and throughout the State of Ohio, including the Mid-Ohio Food Bank and the church's "We Care Corner".

In addition, St. Peter's church has also been a part of the Fairfield Heritage Association's annual candlelight tour of churches in downtown Lancaster. The event takes place December and attracts nearly 800 people each year.

Mr. Speaker, I join with the residents of the 7th Congressional District of Ohio in congratulating St. Peter's Lutheran Church for its honored history and its contributions to the religious and community life of the Lancaster area for the past 200 years.

PRESIDENT DISCUSSES WAR ON TERROR AT NATIONAL ENDOWMENT FOR DEMOCRACY

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Mr. WILSON of South Carolina. Mr. Speaker, yesterday, President Bush addressed supporters of the National Endowment for Democracy about the War on Terrorism. As he spoke at the Ronald Reagan International Trade Center about our country's continued efforts to spread democracy and defeat terrorism around the globe, I was reminded of the tremendous parallels between the 40th and 43rd Presidents of the United States.

Over 20 years ago, Ronald Reagan advanced the idea of peace through strength. Today, we are witnessing the greatest spread of freedom in the history of the world. I am grateful for President Bush's leadership and his continued commitment to turning Ronald Regan's vision into a reality.

Please see the following copy of President Bush's speech.

THE PRESIDENT: Thank you all. Thank you all. Please be seated. Thank you for the warm welcome. I'm honored once again to be with the supporters of the National Endowment for Democracy. Since the day President Ronald Reagan set out the vision for this Endowment, the world has seen the swiftest advance of democratic institutions in history. And Americans are proud to have played our role in this great story.

Our nation stood guard on tense borders; we spoke for the rights of dissidents and the hopes of exile; we aided the rise of new democracies on the ruins of tyranny. And all the cost and sacrifice of that struggle has been worth it, because, from Latin America to Europe to Asia, we've gained the peace that freedom brings.

In this new century, freedom is once again assaulted by enemies determined to roll back generations of democratic progress. Once again, we're responding to a global campaign of fear with a global campaign of freedom. And once again, we will see freedom's victory.

Vin, I want to thank you for inviting me back. And thank you for the short introduction. I appreciate Carl Gershman. I want to welcome former Congressman Dick Gephardt, who is a board member of the National Endowment for Democracy. It's good to see you, Dick. And I appreciate Chris Cox, who is the Chairman of the U.S. Securities and Exchange Commission, and a board member for the National Endowment of Democracy, for being here, as well. I want to thank all the other board members.

I appreciate the Secretary of State, Condi Rice, who has joined us—alongside her, Secretary of Defense Don Rumsfeld. Thank you all for being here. I'm proud, as well, that the newly sworn-in Chairman of the Joint Chiefs, the first Marine ever to hold that position, is with us today—General Peter Pace. I thank the members of the Diplomatic Corps who are here, as well.

Recently our country observed the fourth anniversary of a great evil, and looked back on a great turning point in our history. We still remember a proud city covered in smoke and ashes, a fire across the Potomac, and passengers who spent their final moments on Earth fighting the enemy. We still remember the men who rejoiced in every death, and Americans in uniform rising to duty. And we remember the calling that came to us on that day, and continues to this hour: We will confront this mortal danger to all humanity. We will not tire, or rest, until the war on terror is won.

The images and experience of September the 11th are unique for Americans. Yet the evil of that morning has reappeared on other days, in other places—in Mombasa, and Casablanca, and Riyadh, and Jakarta, and Istanbul, and Madrid, and Beslan, and Taba, and Netanya, and Baghdad, and elsewhere. In the past few months, we've seen a new terror offensive with attacks on London, and Sharm el-Sheikh, and a deadly bombing in Bali once again. All these separate images of destruction and suffering that we see on the news can seem like random and isolated acts of madness; innocent men and women and children have died simply because they boarded the wrong train, or worked in the wrong building, or checked into the wrong hotel. Yet while the killers choose their victims indiscriminately, their attacks serve a clear and focused ideology, a set of beliefs and goals that are evil, but not insane.

Some call this evil Islamic radicalism; others, militant Jihadism; still others, Islamofascism. Whatever it's called, this ideology is very different from the religion of Islam. This form of radicalism exploits Islam to serve a violent, political vision: the establishment, by terrorism and subversion and insurgency, of a totalitarian empire that denies all political and religious freedom. These extremists distort the idea of jihad into a call for terrorist murder against Christians and Jews and Hindus—and also against Muslims from other traditions, who they regard as heretics.

Many militants are part of global, borderless terrorist organizations like al Qaeda, which spreads propaganda, and provides financing and technical assistance to local extremists, and conducts dramatic and brutal operations like September the 11th. Other militants are found in regional groups, often associated with al Qaeda—paramilitary insurgencies and separatist movements in places like Somalia, and the Philippines, and Pakistan, and Chechnya, and Kashmir, and Algeria. Still others spring up in local cells, inspired by Islamic radicalism, but not centrally directed. Islamic radicalism is more like a loose network with many branches than an army under a single command. Yet these operatives, fighting on scattered battlefields, share a similar ideology and vision for our world.

We know the vision of the radicals because they've openly stated it—in videos, and audiotapes, and letters, and declarations, and websites. First, these extremists want to end American and Western influence in the broader Middle East, because we stand for democracy and peace, and stand in the way of their ambitions. Al Qaeda's leader, Osama bin Laden, has called on Muslims to dedicate, quote, their "resources, sons and money to driving the infidels out of their lands." Their tactic to meet this goal has been consistent for a quarter-century: They hit us, and expect us to run. They want us to repeat the sad history of Beirut in 1983, and Mogadishu in 1993—only this time on a larger scale, with greater consequences.

Second, the militant network wants to use the vacuum created by an American retreat to gain control of a country, a base from which to launch attacks and conduct their war against non-radical Muslim governments. Over the past few decades, radicals have specifically targeted Egypt, and Saudi Arabia, and Pakistan, and Jordan for potential takeover. They achieved their goal, for a time, in Afghanistan. Now they've set their sights on Iraq. Bin Laden has stated: "The whole world is watching this war and the two adversaries. It's either victory and glory, or misery and humiliation." The terrorists regard Iraq as the central front in their war against humanity. And we must recognize Iraq as the central front in our war on terror.

Third, the militants believe that controlling one country will rally the Muslim masses, enabling them to overthrow all moderate governments in the region, and establish a radical Islamic empire that spans from Spain to Indonesia. With greater economic and military and political power, the terrorists would be able to advance their stated agenda: to develop weapons of mass destruction, to destroy Israel, to intimidate Europe, to assault the American people, and to blackmail our government into isolation.

Some might be tempted to dismiss these goals as fanatical or extreme. Well, they are fanatical and extreme—and they should not be dismissed. Our enemy is utterly committed. As Zarqawi has vowed, "We will either achieve victory over the human race or we will pass to the eternal life." And the civilized world knows very well that other fanatics in history, from Hitler to Stalin to Pol Pot, consumed whole nations in war and genocide before leaving the stage of history. Evil men, obsessed with ambition and unburdened by conscience, must be taken very seriously—and we must stop them before their crimes can multiply.

Defeating the militant network is difficult, because it thrives, like a parasite, on the suffering and frustration of others. The radicals exploit local conflicts to build a culture of victimization, in which someone else is always to blame and violence is always the solution. They exploit resentful and disillusioned young men and women, recruiting them through radical mosques as the pawns of terror. And they exploit modern technology to multiply their destructive power. Instead of attending faraway training camps, recruits can now access online training libraries to learn how to build a roadside bomb, or fire a rocket-propelled grenade—and this further spreads the threat of violence, even within peaceful democratic societies.

The influence of Islamic radicalism is also magnified by helpers and enablers. They have been sheltered by authoritarian regimes, allies of convenience like Syria and Iran, that share the goal of hurting America and moderate Muslim governments, and use terrorist propaganda to blame their own failures on the West and America, and on the Jews. These radicals depend on front operations, such as corrupted charities, which direct money to terrorist activity. They're strengthened by those who aggressively fund the spread of radical, intolerant versions of Islam in unstable parts of the world. The militants are aided, as well, by elements of the Arab news media that incite hatred and anti-Semitism, that feed conspiracy theories and speak of a so-called American "war on Islam"—with seldom a word about American action to protect Muslims in Afghanistan, and Bosnia, Somalia, Kosovo, Kuwait, and Iraq.

Some have also argued that extremism has been strengthened by the actions of our coalition in Iraq, claiming that our presence in that country has somehow caused or triggered the rage of radicals. I would remind them that we were not in Iraq on September the 11th, 2001—and al Qaeda attacked us anyway. The hatred of the radicals existed before Iraq was an issue, and it will exist after Iraq is no longer an excuse. The government of Russia did not support Operation Iraqi Freedom, and yet the militants killed more than 180 Russian schoolchildren in Beslan.

Over the years these extremists have used a litany of excuses for violence—the Israeli presence on the West Bank, or the U.S. military presence in Saudi Arabia, or the defeat of the Taliban, or the Crusades of a thousand years ago. In fact, we're not facing a set of grievances that can be soothed and addressed. We're facing a radical ideology with inalterable objectives: to enslave whole nations and intimidate the world. No act of ours invited the rage of the killers—and no concession, bribe, or act of appeasement would change or limit their plans for murder.

On the contrary: They target nations whose behavior they believe they can change through violence. Against such an enemy, there is only one effective response: We will never back down, never give in, and never accept anything less than complete victory.

The murderous ideology of the Islamic radicals is the great challenge of our new century. Yet, in many ways, this fight resembles the struggle against communism in the last century. Like the ideology of communism, Islamic radicalism is elitist, led by a self-appointed vanguard that presumes to speak for the Muslim masses. Bin Laden says his own role is to tell Muslims, quote, "what is good for them and what is not." And what this man who grew up in wealth and privilege considers good for poor Muslims is that they become killers and suicide bombers. He assures them that his—that this is the road to paradise—though he never offers to go along for the ride.

Like the ideology of communism, our new enemy teaches that innocent individuals can be sacrificed to serve a political vision. And this explains their cold-blooded contempt for human life. We've seen it in the murders of Daniel Pearl, Nicholas Berg, and Margaret Hassan, and many others. In a courtroom in the Netherlands, the killer of Theo Van Gogh turned to the victim's grieving mother and said, "I do not feel your pain—because I believe you are an infidel." And in spite of this veneer of religious rhetoric, most of the victims claimed by the militants are fellow Muslims.

When 25 Iraqi children are killed in a bombing, or Iraqi teachers are executed at their school, or hospital workers are killed caring for the wounded, this is murder, pure and simple—the total rejection of justice and honor and morality and religion. These militants are not just the enemies of America, or the enemies of Iraq, they are the enemies of Islam and the enemies of humanity. We have seen this kind of shameless cruelty before, in the heartless zealotry that led to the gulags, and the Cultural Revolution, and the killing fields.

Like the ideology of communism, our new enemy pursues totalitarian aims. Its leaders pretend to be an aggrieved party, representing the powerless against imperial enemies. In truth they have endless ambitions of imperial domination, and they wish to make everyone powerless except themselves. Under their rule, they have banned books, and desecrated historical monuments, and brutalized women. They seek to end dissent in every form, and to control every aspect of life, and to rule the soul, itself. While promising a future of justice and holiness, the terrorists are preparing for a future of oppression and misery.

Like the ideology of communism, our new enemy is dismissive of free peoples, claiming that men and women who live in liberty are weak and decadent. Zarqawi has said that Americans are, quote, "the most cowardly of God's creatures." But let's be clear: It is cowardice that seeks to kill children and the elderly with car bombs, and cuts the throat of a bound captive, and targets worshipers leaving a mosque. It is courage that liberated more than 50 million people. It is courage that keeps an untiring vigil against the enemies of a rising* * *.

And Islamic radicalism, like the ideology of communism, contains inherent contradictions that doom it to failure. By fearing freedom—by distrusting human creativity, and punishing change, and limiting the contributions of half the population—this ideology undermines the very qualities that make human progress possible, and human societies successful. The only thing modern about the militants' vision is the weapons they want to use against us. The rest of their grim vision is defined by a warped image of the past—a declaration of war on the idea of progress, itself. And whatever lies ahead in the war against this ideology, the outcome is not in doubt: Those who despise freedom and progress have condemned themselves to isolation, decline, and collapse. Because free peoples believe in the future, free peoples will own the future.

We didn't ask for this global struggle, but we're answering history's call with confidence, and a comprehensive strategy. Defeating a broad and adaptive network requires patience, constant pressure, and strong partners in Europe, the Middle East, North Africa, Asia and beyond. Working with these partners, we're disrupting militant conspiracies, destroying their ability to make war, and working to give millions in a troubled region of the world a hopeful alternative to resentment and violence.

First, we're determined to prevent the attacks of terrorist networks before they occur. We're reorganizing our government to give this nation a broad and coordinated homeland defense. We're reforming our intelligence agencies for the incredibly difficult task of tracking enemy activity, based on information that often comes in small fragments from widely scattered sources, here and abroad. We're acting, along with the governments from many countries, to destroy the terrorist networks and incapacitate their leaders. Together, we've killed or captured nearly all of those directly responsible for the September the 11th attacks; as well as some of bin Laden's most senior deputies; al Qaeda managers and operatives in more than 24 countries; the mastermind of the USS Cole bombing, who was chief of al Qaeda operations in the Persian Gulf; the mastermind of the Jakarta and the first Bali bombings; a senior Zarqawi terrorist planner, who was planning attacks in Turkey; and many of al Qaeda's senior leaders in Saudi Arabia.

Overall, the United States and our partners have disrupted at least ten serious al Qaeda terrorist plots since September the 11th, including three al Qaeda plots to attack inside the United States. We've stopped at least five more al Qaeda efforts to case targets in the United States, or infiltrate operatives into our country. Because of this steady progress, the enemy is wounded—but the enemy is still capable of global operations. Our commitment is clear: We will not relent until the organized international terror networks are exposed and broken, and their leaders held to account for their acts of murder.

Second, we're determined to deny weapons of mass destruction to outlaw regimes, and to their terrorist allies who would use them without hesitation. The United States, working with Great Britain, Pakistan, and other nations, has exposed and disrupted a major black-market operation in nuclear technology led by A.Q. Khan. Libya has abandoned its chemical and nuclear weapons programs, as well as long-range ballistic missiles. And in the last year, America and our partners in the Proliferation Security Initiative have stopped more than a dozen shipments of suspected weapons technology, including equipment for Iran's ballistic missile program.

This progress has reduced the danger to free nations, but has not removed it. Evil men who want to use horrendous weapons against us are working in deadly earnest to gain them. And we're working urgently to keep weapons of mass destruction out of their hands.

Third, we're determined to deny radical groups the support and sanctuary of outlaw regimes. State sponsors like Syria and Iran have a long history of collaboration with terrorists, and they deserve no patience from the victims of terror. The United States makes no distinction between those who commit acts of terror and those who support and harbor them, because they're equally as guilty of murder. Any government that chooses to be an ally of terror has also chosen to be an enemy of civilization. And the civilized world must hold those regimes to account.

Fourth, we're determined to deny the militants control of any nation, which they would use as a home base and a launching pad for terror. For this reason, we're fighting beside our Afghan partners against remnants of the Taliban and their al Qaeda allies. For this reason, we're working with President Musharraf to oppose and isolate the militants in Pakistan. And for this reason, we're fighting the regime remnants and terrorists in Iraq. The terrorist goal is to overthrow a rising democracy, claim a strategic country as a haven for terror, destabilize the Middle East, and strike America and other free nations with ever-increasing violence. Our goal is to defeat the terrorists and their allies at the heart of their power—and so we will defeat the enemy in Iraq.

Our coalition, along with our Iraqi allies, is moving forward with a comprehensive, specific military plan. Area by area, city by city, we're conducting offensive operations to clear out enemy forces, and leaving behind Iraqi units to prevent the enemy from returning. Within these areas, we're working for tangible improvements in the lives of Iraqi citizens. And we're aiding the rise of an elected government that unites the Iraqi people against extremism and violence. This work involves great risk for Iraqis, and for Americans and coalition forces. Wars are not won without sacrifice—and this war will require more sacrifice, more time, and more resolve.

The terrorists are as brutal an enemy as we've ever faced. They're unconstrained by any notion of our common humanity, or by the rules of warfare. No one should underestimate the difficulties ahead, nor should they overlook the advantages we bring to this fight.

Some observers look at the job ahead and adopt a self-defeating pessimism. It is not justified. With every random bombing and with every funeral of a child, it becomes more clear that the extremists are not patriots, or resistance fighters—they are murderers at war with the Iraqi people, themselves.

In contrast, the elected leaders of Iraq are proving to be strong and steadfast. By any standard or precedent of history, Iraq has made incredible political progress—from tyranny, to liberation, to national elections, to the writing of a constitution, in the space of two-and-a-half years. With our help, the Iraqi military is gaining new capabilities and new confidence with every passing month. At the time of our Fallujah operations 11 months ago, there were only a few Iraqi army battalions in combat. Today there are more than 80 Iraqi army battalions fighting the insurgency alongside our forces. Progress isn't easy, but it is steady. And no fair-minded person should ignore, deny, or dismiss the achievements of the Iraqi people.

Some observers question the durability of democracy in Iraq. They underestimate the power and appeal of freedom. We've heard it suggested that Iraq's democracy must be on shaky ground because Iraqis are arguing with each other. But that's the essence of democracy: making your case, debating with those who you disagree—who disagree, building consensus by persuasion, and answering to the will of the people. We've heard it said that the Shia, Sunnis and Kurds of Iraq are too divided to form a lasting democracy. In fact, democratic federalism is the best hope for unifying a diverse population, because a federal constitutional system respects the rights and religious traditions of all citizens, while giving all minorities, including the Sunnis, a stake and a voice in the future of their country. It is true that the seeds of freedom have only recently been planted in Iraq—but democracy, when it grows, is not a fragile flower; it is a healthy, sturdy tree.

As Americans, we believe that people everywhere—everywhere—prefer freedom to slavery, and that liberty, once chosen, improves the lives of all. And so we're confident, as our coalition and the Iraqi people each do their part, Iraqi democracy will succeed.

Some observers also claim that America would be better off by cutting our losses and leaving Iraq now. This is a dangerous illusion, refuted with a simple question: Would the United States and other free nations be more safe, or less safe, with Zarqawi and bin Laden in control of Iraq, its people, and its resources? Having removed a dictator who hated free peoples, we will not stand by as a new set of killers, dedicated to the destruction of our own country, seizes control of Iraq by violence.

There's always a temptation, in the middle of a long struggle, to seek the quiet life, to escape the duties and problems of the world, and to hope the enemy grows weary of fanaticism and tired of murder. This would be a pleasant world, but it's not the world we live in. The enemy is never tired, never sated, never content with yesterday's brutality. This enemy considers every retreat of the civilized world as an invitation to greater violence. In Iraq, there is no peace without victory. We will keep our nerve and we will win that victory.

The fifth element of our strategy in the war on terror is to deny the militants future recruits by replacing hatred and resentment with democracy and hope across the broader Middle East. This is a difficult and long-term project, yet there's no alternative to it. Our future and the future of that region are linked. If the broader Middle East is left to grow in bitterness, if countries remain in misery, while radicals stir the resentments of millions, then that part of the world will be a source of endless conflict and mounting danger, and for our generation and the next. If the peoples of that region are permitted to choose their own destiny, and advance by their own energy and by their participation as free men and women, then the extremists will be marginalized, and the flow of violent radicalism to the rest of the world will slow, and eventually end. By standing for the hope and freedom of others, we make our own freedom more secure.

America is making this stand in practical ways. We're encouraging our friends in the Middle East, including Egypt and Saudi Arabia, to take the path of reform, to strengthen their own societies in the fight against terror by respecting the rights and choices of their own people. We're standing with dissidents and exiles against oppressive regimes, because we know that the dissidents of today will be the democratic leaders of tomorrow. We're making our case through public diplomacy, stating clearly and confidently our belief in self-determination, and the rule of law, and religious freedom, and equal rights for women, beliefs that are right and true in every land, and in every culture.

As we do our part to confront radicalism, we know that the most vital work will be done within the Islamic world, itself. And this work has begun. Many Muslim scholars have already publicly condemned terrorism, often citing Chapter 5, Verse 32 of the Koran, which states that killing an innocent human being is like killing all humanity, and saving the life of one person is like saving all of humanity. After the attacks in London on July the 7th, an imam in the United Arab Emirates declared, "Whoever does such a thing is not a Muslim, nor a religious person." The time has come for all responsible Islamic leaders to join in denouncing an ideology that exploits Islam for political ends, and defiles a noble faith.

Many people of the Muslim faith are proving their commitment at great personal risk. Everywhere we have engaged the fight against extremism, Muslim allies have stood up and joined the fight, becoming partners in a vital cause. Afghan troops are in combat against Taliban remnants. Iraqi soldiers are sacrificing to defeat al Qaeda in their own country. These brave citizens know the stakes—the survival of their own liberty, the future of their own region, the justice and humanity of their own tradition—and that the United States of America is proud to stand beside them.

With the rise of a deadly enemy and the unfolding of a global ideological struggle, our time in history will be remembered for new challenges and unprecedented dangers. And yet the fight we have joined is also the current expression of an ancient struggle between those who put their faith in dictators and those who put their faith in the people. Throughout history, tyrants and would-be tyrants have always claimed that murder is justified to serve their grand vision—and they end up alienating decent people across the globe. Tyrants and would-be tyrants have always claimed that regimented societies are strong and pure—until those societies collapse in corruption and decay. Tyrants and would-be tyrants have always claimed that free men and women are weak and decadent—until the day that free men and women defeat them.

We don't know the course of our own struggle—the course our own struggle will take—or the sacrifices that might lie ahead. We do know, however, that the defense of freedom is worth our sacrifice. We do know the love of freedom is the mightiest force of history. And we do know the cause of freedom will once again prevail.

May God bless you.

IN MEMORY OF WILLIAM M. RICKMAN

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Mr. CASTLE. Mr. Speaker, it is with great sadness that I rise today to remember and honor the life of William M. Rickman. The embodiment of the American Dream, Bill's life was a rags-to-riches story straight out of the pages of a Horatio Alger novel. He was an avid horseman who loved thoroughbred racing and worked to keep the sport alive in my home state of Delaware.

Bill Rickman was born July 9, 1921 in St. Charles, Virginia. During World War II, he served in the U.S Army and was stationed in Italy. In August of 1983, Bill partnered with William G. Christmas to purchase Delaware Park racetrack, which had been closed at the time due to growing competition from other racetracks in the area. The following spring saw the reopening of Delaware Park, which has been an integral part of the Delaware economy ever since.

In addition to being remembered as a savvy businessman, Bill will always be known as someone who loved horses, racing, and all of the people who worked at his track. He took great pride in both owning and breeding his horses. He owned over 100 horses, as well as two horse-training facilities in Maryland.

Bill considered the people who worked at Delaware Park as his family, and will be remembered for his kindness and generosity. He had a wonderful sense of humor, joking around with his entire staff. His good-natured manner will be sorely missed.

Mr. Speaker, in closing, our thoughts and prayers are with Bill's friends and family as they remember the loss of such a great man. His contributions to Delaware will live on, as will his memory.

HISPANIC HERITAGE MONTH

HON. SUSAN A. DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Mrs. DAVIS of California. Mr. Speaker, I rise today in honor of Hispanic Heritage Month, which commemorates the numerous contributions that Latinos make to our country.

I am proud, honored and privileged to represent California's 53rd District in Congress. The district's rich diversity embodies the vibrant cultural fabric of our country.

During this month of celebration, I would like to recognize the efforts of some ordinary individuals who are doing extraordinary things in San Diego.

GUS CHAVEZ

For thirty years, Gus Chavez helped make the dream of a college degree possible for countless students. Chavez is widely recognized as the heart and soul of the Education Opportunity Program (EOP) at San Diego State University. He transformed a pilot program to attract low-income students into one of the most successful programs in the state's history.

Chavez turned the department into a comprehensive admissions outreach and retention program. He expanded services to include pre-collegiate recruiting and pre-admission advising, academic orientation, tutoring, skills development and test preparation, summer bridge programs for freshmen and transfer students, career counseling and grants.

At his retirement words like "activist" "leader" "mentor" and "advocate", easily rolled off tongues. Indeed, many alumni cite Chavez as the person who had the most impact on their educations.

ALBERTO R. CORTÉS

For nearly 18 years, Alberto Cortés has been dedicated to educating people of color about HIV and AIDS. He has worked as a bilingual information specialist and health educator for the San Diego AIDS Project and volunteered for the San Diego AIDS Information Line. Cortés has also been active with the Council of Community Clinics where he helped build HIV awareness and counseled individuals.

Presently, Cortés serves as executive director of Mama's Kitchen, a nonprofit organization that prepares and delivers food to people affected by AIDS. Last year, Mama's Kitchen provided more than 316,000 meals to community members in need.

This year, Cortés was one of five San Diegans honored as a local hero as part of the Union Bank of California and KPBS Hispanic Heritage Month Local Heroes Awards. Awardees are chosen for demonstrating a high level of commitment and community participation.

JOSE MONDRAGON

While some high school students view summer vacation as a time to relax, this 17-year-old used it to coordinate a community meeting with city council members.

Working with Barrios Unidos Hoy Organizados (BUHO), Mondragon was a key organizer for a public meeting that brought together 300 community residents to address issues of concern such as affordable housing and adequate street lighting. Those who worked with him on the community meeting describe Mondragon as "a true role model."

Mondragon is currently Commissioner of Community Service for the Associated Student Body at San Diego High School. Despite all of his extracurricular activities, Jose has maintained a 3.81 GPA and hopes to attend Stanford University after high school.

I hope you, Mr. Speaker, and all of my colleagues will join me in honoring these extraordinary individuals and their accomplishments for the Latino community.

COMMEMORATING THE TWENTIETH ANNIVERSARY OF KKLA-FM

HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Mr. GARY G. MILLER of California. Mr. Speaker, I rise today to pay tribute to 99.5 KKLA–FM, Los Angeles, California's leading Christian-teaching radio station, as it celebrates 20 years of community-oriented broadcasting.

And what an amazing twenty years it has been. From its humble beginnings in a small studio in Hollywood to the multimedia powerhouse it is today, KKLA–FM has always striven to engage Southern California listeners with thought-provoking discussions and family friendly programming. In an age when our media increasingly focuses on violent and offensive material, KKLA–FM has consistently remained committed to providing quality material for listeners of all ages.

Since October 15, 1985, KKLA–FM's first day on the air, the station has been dedicated to its mission of beaming the Lord's word and teachings to Southern California. But it wasn't until 1986, with the debut of "Live from LA," that the station moved to the national forefront as the voice of Southern California's Christian community. Today, KKLA–FM is unquestionably the leader of Christian-themed radio in Southern California.

KKLA–FM's success was twenty years in the making. It was the first Los Angeles radio station and second in the nation to stream their programming on the Internet. And the station was quick to develop other radio outlets, including News/Talk 870 KRLA–AM, 95.9 KFSH–FM (The Fish), News/Talk 590 KTIE–AM and 1190 KXMX–AM. The development of these technologies has helped to grow KKLA–FM's listener base and spread its message of peace, tolerance, and love to listeners around the world.

Much of KKLA–FM's accomplishments can be attributed to the dedication and passion of its owner, Salem Communications Corporation, the leading U.S. radio broadcaster focused on Christian and family themes programming. The company will soon own 106 radio stations, including 67 stations in 24 of the top 25 markets. In addition to its radio properties, Salem owns Salem Radio Network, which syndicates talk, news and music programming to over 1,900 affiliated radio stations; Salem Web Network, the leading Internet provider of Christian content and online streaming; and Salem Publishing, a leading publisher of Christian themed magazines.

I congratulate all the listeners and employees of KKLA-FM, who should be extremely proud of the station they have helped to build. I ask this Congress to join me in wishing the KKLA–FM family a happy 20th anniversary.

AZERBAIJAN

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Mr. POE. Mr. Speaker, Azerbaijan is an important strategic ally for the United States. The Country is located in a region that can produce and transport energy products to the West. As well as provide military and intelligence capabilities to the United States.

Azerbaijan is an emerging major non-OPEC oil producer and transit country (i.e, Baku-Ceyhan pipeline), which will supply 1.6 million barrels a day after being operational December 2005. This will stabilize the other energy producing countries (oil and gas) in the region and their ability to get their product to the marketplace without the dependency of Russia or Iran.

Azerbaijan is a front line positioned state for military and intelligence access to Iran. This will act as a stabilizing effect for the region and fight off the aggressive position of Iran. It will also work against terrorist activities spread by fundamental terrorist who have the support of Iran.

Azerbaijan is the first Muslim state to provide troops to the U.S. backed coalitions in Iraq., Afghanistan and Kosovo. To date, they are the only Shiite Muslim state to provide troops.

Azerbaijan is in the vanguard of the emerging democracies from the former Soviet Union. Azerbaijan has parliamentary elections scheduled November 6, 2005, and is moving forward with international support to assure free and fair elections. Azerbaijan has allowed opposition parties the right to organize, protest, and access public television.

Azerbaijan maintains excellent relations with the State of Israel, both, diplomatically and economically including providing crude oil.

Azerbaijan is a strong strategic partner with the United States and is cooperating in United States activities regarding Caspian regional security overseeing Iran (e.g., Caspian Guards program, radar system, fly-over rights and refueling capacity).

Azerbaijan is a strategic asset given its presence as a strong United States-Israel ally next to Iran. Azerbaijan welcomes trade with Israel and stronger ties between the two countries.

Iran has threatened Azerbaijan due to cooperation with Israel and the United States Iran continues to inform Azerbaijan that their strong relations with the United States and Israel will not be beneficial, as Iran is their neighbor.

The Iran military enters Azerbaijan airspace weekly and Iran has made claims on Azerbaijan's offshore oil and gas exploration.

Iran has attempted to spread Madrassas schools in Azerbaijan and Azerbaijan has resisted.

Iran pressures Azerbaijan to abolish visas between the two countries, which would lead to less control and more Iranians infiltration into Azerbaijan. Azerbaijan is resisting this effort.

Occupied Azerbaijan (NK Region) is on the Iranian border, where alleged terrorist camps, narcotic trafficking and weapons trading goes on. Since Armenia has occupied this region of Azerbaijan, almost 16 percent of the total country, this activity has existed with the support of Iran. Azerbaijan is defenseless in trying to stop this activity, as long as Armenia occupies this region.

RECOGNIZING THE EAST TEXANS AGAINST LAWSUIT ABUSE

HON. LOUIE GOHMERT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Mr. GOHMERT. Mr. Speaker, on behalf of Texas' 1st Congressional District, I would like to recognize the efforts of the 3,000 members of the East Texans Against Lawsuit Abuse organization and the Citizens Against Lawsuit Abuse in promoting Texas' fourth Lawsuit Abuse Awareness Week from October 3–7, 2005.

East Texans Against Lawsuit Abuse (ETALA) is a respected and effective organization that works to educate consumers about the human and financial costs associated with frivolous lawsuits. This organization has led successful efforts to reform our states medical malpractice system, reduce the number of frivolous lawsuits in Texas, ensure that Texans who are truly injured have access to our court system and educate Texans about how to become wise legal consumers.

ETALA is recognized locally for their efforts to encourage personal responsibility among local school children. For the second year, they are sponsoring a personal responsibility essay-writing contest among local sixth and seventh graders. What is most interesting and encouraging is that our children seem to understand this basic concept that has escaped so many adults.

We support ETALA in their efforts in support of civil justice reform and wish to thank their many supporters, board members and staff in their efforts. Through the courage and dedication of these individuals, what was once only a nice idea, has now become a reality. It has been my pleasure to work with ETALA in the past, and I look forward to working with them in the future.

INTRODUCTION OF THE HURRICANE DISASTER MORTGAGE MORATORIUM ACT OF 2005

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Mr. CUMMINGS. Mr. Speaker, I rise today to introduce The Hurricane Disaster Mortgage

Moratorium Act of 2005, which would provide a 6-month moratorium on mortgage payments owed by residential and commercial property owners who reside in the disaster areas of Hurricanes Katrina and Rita. This bill would provide a temporary refuge from payment for those individuals and entities who are unable to make their mortgage payment obligations.

Mr. Speaker, as we know, the devastation wreaked by Hurricanes Katrina and Rita was of colossal proportion. The ensuing fallout of lost jobs, destroyed homes and shattered lives is equally devastating.

Needless to say, the figures that have begun to be compiled in the aftermath of the storm are staggering. Analysts with the National Association of Realtors are projecting that at least 200,000 homes in the Gulf Coast region have been destroyed or will have to be demolished. The U.S. Department of Commerce has estimated that uninsured losses could easily exceed $100 billion. Sadly, up to a million Americans were displaced by the storms and many are still living in temporary shelters.

The Department of Labor job figures released today show that unemployment is up to 5.1 percent for September, up from a 4.9 percent pre-Katrina and Rita level and much higher than the 4.0 percent level we experienced during the 1990s. According to the Joint Economic Committee Democratic staff, the unemployment rate would in fact be 9.0 percent if the figure included those who are marginally attached to the labor force and those who are forced to work part-time because of the weak economy. The Houston Chronicle on October 6, 2005 reported that as a result of Hurricanes Katrina and Rita, at least 363,000 people have lost their jobs. These dismal numbers are likely to remain constant in the short-term as our nation rebuilds this region.

In fact, most of those unemployed as a result of Hurricanes Katrina and Rita are expected to be out of work at least 6–9 months and we should only anticipate the indicators to increase. As we know, just this week we heard Mayor Ray Nagin of New Orleans inform that he has to let go of 3,000 municipal employees because the City cannot afford to pay them. This unfortunate scenario will surely be repeated to some extent throughout the region as municipal and state coffers dwindle from depleted revenue bases.

Whereas the number of job losses for the month of September is surprisingly only 35,000, the Department of Labor reported that last week, it received an additional 74,000 hurricane-related unemployment claims. In fact, nearly one in every five unemployed people—1.5 million Americans have been jobless for more than 26 weeks, the maximum number of weeks for receiving regular unemployment insurance benefits and the Hurricanes will only exacerbate these passive numbers.

The CBO predicts that the Hurricanes could actually cut job growth by between 280,000 and 400,000 jobs. Although it may sound obvious, Americans who have lost everything in a hurricane, who are not working and have little prospects of working in the near future cannot afford to pay their mortgages. This bill would provide them with a reprieve from their mortgage payments. Also, as it does not mandate forgiveness of this debt, this bill reflects the shared burden that our Nation will have to shoulder temporarily during this time of rebuilding.

Mr. Speaker, behind these figures are thousands of home and business owners whose entire livelihoods have been destroyed and who now face the prospect that the properties they have worked a lifetime to purchase could be taken from them when they fall behind in their mortgages. This bill provides a temporary sanctuary from payment and stops the clock for any default or foreclosure proceedings and negative credit reporting.

Needless to say the economic effects of the Hurricanes are being felt in painful increments nationwide. However, for the Americans forced out of their homes by the Hurricanes, the economic effects are not coming in the form of a trickle, but a deluge.

The Hurricane Disaster Mortgage Moratorium Act of 2005 will ensure that during the moratorium, those Gulf Coast residents who cannot afford to pay their mortgages will not lose their homes or suffer the negative attendant consequences from non-payment. Let's not make these Americans suffer needlessly by facing the prospect of losing their homes twice. I urge my colleagues to support this effort.

ON THE 2ND PLACE FINISH OF THE EL PASO HIGH HIGH-Q TEAM AT THE NATIONAL ACADEMIC CHAMPIONSHIP

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Mr. REYES. Mr. Speaker, on June 13, 2005 a group of students from historic El Paso High School in my district of El Paso, Texas, after months of grueling preparation and a hard-fought season, finished second at the National Academic Championship in Chicago.

I congratulate the following El Paso High Tigers for their hard work and dedication: Blain Baurngardt, Trevor Vargas, Alex Neuman, Robert Heyman, Emil Michal, and their coach, named Coach of the Year by the National Academic Championship, Gerard Neuman.

The El Paso High School High-Q Team made it to the final round with a combination of intelligence, teamwork and self-discipline. The team demonstrated the ability to come from behind and showed maturity beyond their years.

Mr. Speaker, on June 13, 2005 the El Paso High Tigers gave us a preview of the excellence we can expect from our city's young generations and showed El Paso is home to some of the best and brightest our Nation has to offer. I invite my colleagues to join me in congratulating the El Paso High-Q team on their second place finish at the National Academic Championship.

HONORING VICTOR AND MAE LoBUE

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Mr. HONDA. Mr. Speaker, I rise today to honor two very special people, Victor and Mae LoBue, who are celebrating seventy-five years of marriage on September 10, 2005.

Victor LoBue and Mae DiSalvo were both born in 1910 in San Jose, in a neighborhood of Italian-American immigrants called "Little Orchard" near the Sacred Heart Church. Both of their families were in the ranching and canning business. Vic and Mae each have three siblings, who all reside in San Jose, and Mae survives her late sister, Dolly.

Vic and Mae have been close since childhood when they met in elementary school. The nuns at school were constantly busy trying to interfere in the couple's endless chase, but to no avail! Vic would chase Mae, and when stopped, Mae would in turn chase Vic.

The couple married on September 10, 1930, at Sacred Heart Church in San Jose when Vic was twenty and Mae was nineteen. They settled into a home on Willow Street, near their cherry orchards, where Vic worked in the family business.

In 1966, when Vic became a partner in the Indian Wells Country Club, home of the "Bob Hope Classic Golf Tournament", Vic and Mae moved to Southern California. The couple has homes in Carmel Valley Ranch Country Club and Indian Wells Country Club. They have also maintained a long-time membership to The Thunderbird Club in Rancho Mirage.

Vic and Mae have one child, Victor, Jr. Victor, Jr. and his wife, Jeannie, lived in Gilroy for many years but moved to Indian Wells, California in 1990.

Vic has generously contributed to the Boys and Girls Clubs of San Jose throughout his life. He, along with his brother, Salvador, donated a room at Santa Clara University. Vic was an active member of the Jaycees, the San Jose Chamber of Commerce and the Santa Clara County Horseman's Association. He was also a member of the Sheriff's Posse.

Today, Vic and Mae divide their time between San Jose and Southern California. They have lived a long, healthy and happy life.

Congratulations to Vic and Mae LoBue on the occasion of their seventy-fifth wedding anniversary. Their marriage is a testament to happiness, commitment and fulfillment: What began as a childhood game of chase has become a lifetime of love.

HONORING JERRY L. REPPERT ON BEING NAMED THE NATIONAL NEWSPAPER ASSOCIATION

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Mr. COSTELLO. Mr. Speaker, I rise today to ask my colleagues to join me in recognizing Jerry L. Reppert, who recently was appointed as president of the National Newspaper Association.

The National Newspaper Association, created in 1885, represents owners, publishers and editors of America's community newspapers and is the largest newspaper association in the United States, currently having more than 3,200 members. As President of the NNA, Mr. Reppert will be responsible for protecting, promoting and enhancing America's community newspapers.

Prior to election as President, Mr. Reppert held several other positions within NNA, including Vice President, State Chairman, Regional Director and Government Affairs Director. In addition, Mr. Reppert has made important contributions to the newspaper publishing business in Southern Illinois, having served as president of the Southern Illinois Editorial Association and the Illinois Press Association, where he played a pivotal role in establishing the Illinois Press Foundation, the fund-raising arm of the Illinois Press Association. He continues to serve as the foundation's President to this day.

Jerry L. Reppert first began his career in managing newspapers by becoming editor of the Gazette-Democrat, a community newspaper run by his family, based in Anna, Illinois. Mr. Reppert greatly expanded the small, weekly newspaper into Reppert Publications, which published weekly newspapers throughout Southern Illinois, including the Cairo Citizen in Cairo, the Navigator-Journal and Prairie Post in Grayville and Albion, the Tri-County Record in Dongola. Reppert Publications also published numerous specialty publications, several of which have received honors by the Illinois Department of Natural Resources and Illinois Governor's Conference on Tourism.

In addition to his pursuits in publishing, Mr. Reppert has also been successful in many other enterprises. He is a founder of Anna-Jonesboro Cable TV and constructed a cable television system for it. In 1971 he opened his own furniture company: Reppert Office Furniture. He also served 20 years in the United States Navy Reserve and attained the rank of lieutenant commander.

Mr. Reppert and his wife, Dianne, have two daughters and two grandchildren.

Mr. Speaker, I ask my colleagues to join me in an expression of congratulations to Mr. Jerry Reppert for his election to lead the National Newspaper Association and offer our best wishes during his tenure as President.

CONGRESSIONAL GOLD MEDAL FOR RABBI ARTHUR SCHNEIER

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Mrs. MALONEY. Mr. Speaker, together with my colleagues Rep. TOM LANTOS and MICHAEL BILIRAKIS, I am introducing a bill to award a Congressional Gold Medal to Rabbi Arthur Schneier, in recognition of his pioneering role in promoting religious freedom and human rights throughout the world, for close to half a century.

A holocaust survivor, and the Founder and President of the Appeal of Conscience Foundation, Rabbi Schneier has devoted his life to overcoming the forces of hatred and intolerance.

He has been a pioneer in bringing together religious leaders to address ethnic or religious conflicts. For example, in Bosnia in 1997, he convened government and religious leaders to promote healing and conciliation between Orthodox, Muslim and Jewish communities. In the Balkans, the Caucasus and Central Asia he worked with the Orthodox Patriarch and the Turkish Government to hold the Peace and Tolerance Conference in 1994 and address religious and ethnic tensions in that area. In the former Yugoslavia, he mobilized religious leaders to halt the bloodshed of the early 1990s, holding the Religious Summit on the Former Yugoslavia and the Conflict Resolution Conference to build support and consensus among religious leaders of different faiths. Since the early 1980s, he has led delegations of religious leaders to China to open a dialogue on religious freedom.

Born in Vienna, Austria, in 1930, Rabbi Schneier lived under Nazi occupation in Budapest during World War II and came to the United States in 1947. He has been the Spiritual Leader of the Park East Synagogue in New York City since 1962.

I hope my colleagues will join us in honoring this distinguished pioneer of religious freedom with a Congressional Gold Medal.

SALUTING SERGEANT HECTOR R. FELICIANO

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Mr. BACA. Mr. Speaker, I rise to salute and pay tribute to Sergeant Hector R. Feliciano, a 22-year veteran of the Los Angeles Police Department. Sergeant Feliciano is receiving an honorable mention commendation for the annual TOP COPS Award Ceremony, from the National Association of Police Officers. This is a great honor, and reflects the substantial respect and recognition accorded to Sergeant Feliciano by California and national law enforcement. Sergeant Feliciano represents the very best of our outstanding law enforcement officers, previously being selected as Rampart Sergeant of the year 2004, for distinguishing himself as an exemplary leader as well as a tactical expert.

Among his many achievements include developing game plans that targeted narcotics violators who utilized the Mac Arthur Park as a base of operations. He also planned operations to address quality of life issues in and around the park. His operations focused on such concerns as drinking in public, illegal street sales, and gambling. He was also tasked with developing and writing operations plans for special events in and around the park. According to superiors, his operations plans were outstanding, covering all aspects of the event from manpower to street closures to tactical considerations. The reduction in crime and improvement in the quality of life in and around the park has been remarkable. The efforts of Sergeant Feliciano, as well as those officers he supervises, has been the topic of crime strategy seminars throughout the Los Angeles Police Department.

Hector is a highly sought after and well-respected supervisor. Even under great pressure, he has repeatedly proven that his is steadfast and levelheaded. Hector has stepped forward to take command in many situations, thus ensuring the welfare of his officers and the citizens of Los Angeles. A notable example of this occurred on November 9, 2004. Sergeant Feliciano employed decisive and heroic actions during a hostage crisis at the Mexican Consulate. His lifesaving intervention resulted in the successful rescue of a pregnant female who was being held hostage by a gunman.

Mr. Speaker, Hector Feliciano has served our community with great distinction. As a husband, father, and grandparent, I feel secure knowing the safety of my loved ones is entrusted to such a fine individual. An officer's work is never done, and because of that, our families are secure.

And so, we thank Hector, with gratitude and respect for his distinguished service. We wish the very best to him, and his wife, Jeanette, and their other family members who are here this month in Washington, DC. God bless, and congratulations on this great honor.

HONORING JUDGE HORACE WHEATLEY

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Ms. LEE. Mr. Speaker, I rise today to honor the extraordinary life and achievements of Alameda County Superior Court Judge Horace Wheatley of Oakland, California. Serving Alameda County on the bench for almost 25 years, Judge Wheatley has been known throughout his career for his unfaltering sense of social justice, and for his unwavering commitment to our young people. Today our community comes together to celebrate his career and achievements on the occasion of his retirement in Oakland, California.

Judge Wheatley was born in Lake Charles, Louisiana, and raised in San Francisco's historic Fillmore district. After graduating from the "old" Lowell High School in 1957, he went to College of the Pacific, now known as University of the Pacific, later transferring to Howard University in Washington, DC, where he continued his record as a champion debater. The Civil Rights Act of 1964 had not yet been enacted during his time in college, making some of the challenges he faced in school extend far beyond the realm of academics. When he competed in the National Collegiate Debate Tournament at the University of Oklahoma in 1961, the open and unabated racial discrimination that prevailed in some parts of the country was so severe that the southern colleges who were competing were instructed to walk out of any round in which an African American was competing. Undeterred, Judge Wheatley went on not only to win the tournament, but to be awarded the Pi Kappa Delta gold debate key for his outstanding performance. Following his studies at Howard, Judge

Wheatley returned to the University of the Pacific in 1960, where he graduated with a degree in Sociology and Psychology.

Following a successful law school career at Willamette University in Oregon, where he won the school's Moot Court Competition and served as a teaching assistant before earning his Doctor of Jurisprudence degree, Judge Wheatley began serving as Deputy Attorney General for the State of California in 1965. He later went into private practice in Oakland, where he engaged in general litigation practice and was one of the lead attorneys in a precedent-setting class-action lawsuit against the savings and loan industry. In 1972, he became General Counsel for the California Teachers Association, representing the organization's 300,000 members in several noteworthy cases which resulted in precedent-setting rulings in favor of public school teachers' rights and benefits.

Judge Wheatley was appointed as a Judge of the Alameda County Municipal Court on July 1, 1981, by California Governor Edmond G. "Jerry" Brown, Jr., and was elevated to the Alameda County Superior Court when all of the courts in Alameda County were unified in 1998. Known for his tendency to give many young defendants the choice to "Go to school or go to jail," Judge Wheatley's career on the bench has been marked by his steadfast commitment to serving the young people in our community who are most in need of guidance.

Judge Wheatley's outstanding dedication and accomplishments have not only impacted countless young lives, but have also been recognized by a number of the professional organizations of which he is a member. He has not only been inducted into the Charles Houston Bar Association's Hall of Fame, but has also received its "Judicial Excellence Award." In addition, he received the Bernard S. Jefferson Award from the California Association of Black Lawyers as its Judge of the Year in 2001, and has also been named the Lend-A-Hand Foundation's "Man of the Year." This past August, he was inducted into the National Bar Association's Hall of Fame in recognition of having practiced law for over 40 years and made significant contributions to the cause of justice. In addition, he was also given the A. Leon Higginbotham Memorial Award by the Young Lawyers Division of the National Bar Association in recognition of his intellectual accomplishments, professional achievements and community contributions.

Today Judge Wheatley's family, friends and colleagues come together to celebrate the impact of his life and work not only on the innumerable lives, particularly young lives, he has touched here in Alameda County, but the lasting effects his rulings and his commitment to true justice have had and will continue to have on our legal system. On behalf of the 9th Congressional District of California, I salute and thank Judge Horace Wheatley for his invaluable contributions to the people of Alameda County, the 9th Congressional District, the State of California and our entire country.

CONGRATULATING NEW NMA PRESIDENT DR. SANDRA L. GADSON

HON. JESSE L. JACKSON, JR.

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Mr. JACKSON of Illinois. Mr. Speaker, it is my privilege to recognize and congratulate one of my constituents and the 106th president of The National Medical Association, Dr. Sandra L. Gadson.

Founded in 1895, the National Medical Association, NMA, is the largest and oldest national organization representing African American physicians and their patients in the United States. The NMA represents the interests of more than 35,000 African American physicians and the patients they serve and is the leading force for parity and justice in medicine and the elimination of health disparities. Throughout its history, the National Medical Association has focused primarily on health issues related to African Americans and medically underserved populations, as well as all ethnic groups.

Many years ago, Dr. Gadson was herself a patient, facing a battle with colon cancer. In her own words, Dr. Gadson stated: "When my patients curse a rising wave of pain or struggle to give voice to their suffering, I understand because I've been there." This experience has not only influenced Dr. Gadson to be a more sensitive and empathetic doctor, but it inspired her to improve the quality of service available to patients everywhere.

While working in the Emergency Room at Methodist Hospital in Gary, Indiana, Dr. Gadson was shocked to learn that the predominately poor, African American city had a high prevalence of kidney failure but no dialysis center. She immediately took action and established the first freestanding dialysis center in northern Indiana.

In her acceptance speech, Dr. Gadson said that as president of NMA, she will work to increase its membership and mentorship, advocate for a national health plan of universal coverage, strengthen partnerships with churches and the media to promote health awareness, and to launch initiatives in kidney disease that encourage transplantation and organ donation. Dr. Gadson, a practicing nephrologist, also made note of the fact that African Americans make up 13 percent of the U.S. population but nearly one-third of all kidney patients. "The crisis of kidney failure in the African American community mirrors the dilemma of health care disparities," Dr. Gadson stated.

Dr. Gadson's contributions to the health community have been enumerable. As president of the NMA, she will continue to help decrease health disparities and increase access to high quality healthcare for all Americans. We are truly fortunate to have her as a part of our community, and I congratulate her on her achievement.

INTRODUCTION OF LEGISLATION WITH GOVERNMENT REFORM TO GIVE DC CITIZENS A PLACE IN STATUARY HALL

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Ms. NORTON. Mr. Speaker, I am pleased that Government Reform Committee Chair TOM DAVIS (R–VA) and House Administration Committee Ranking Member JUANITA MILLENDER-MCDONALD (D–CA) are introducing a bill with me today to permit two statues honoring citizens of the District of Columbia in Statuary Hall of the Capitol, just as statues honoring citizens of States are placed in the historic hall. This legislation would allow the city to offer two statues to the Congress on behalf of DC residents. As I introduce this bill, as we have just honored the citizens of New Mexico, I ask the committee to remember that with the placement of their second statute, a bill I was pleased to support, I seek equal recognition for the citizens of the District of Columbia.

The District of Columbia was born with the Nation itself. The city has more than two centuries of its very own rich and uniquely American history. It goes without saying that the almost 650,000 American citizens who live in the Nation's Capital deserve the honor of having two of its history makers represented in the halls of the Nation's Capital just as citizens who live in the 50 States have long enjoyed.

Our bill would allow the Mayor and the City Council to devise the method for determining the identity of the honorees, who must be deceased. Mayor Anthony Williams has already agreed to find funds in the District's budget for these statues upon the passage of this legislation.

Every time we allow the District to be excluded from its place among the 50 States, we undermine the Nation's efforts to spread full democracy around the world. While DC residents have not yet obtained the same political equality and voting rights as the citizens of the States, they have all the responsibilities of the States, including paying all Federal taxes and serving in all wars. Today, when our residents are serving in Iraq, the least we should do is to give this city its rightful and equal place in the Capitol. Among our residents now serving their country, the District lost 44-year-old Lt. Col. Paul W. Kimbrough, an African American engineer who was supporting Operation Enduring Freedom in Afghanistan. I attended the funeral of 21-year-old Specialist Darryl Dent of the DC National Guard who was killed in Iraq. There are more than 100 soldiers still serving in Iraq from Specialist Dent's 547th Transportation Company.

This bill offers District residents the opportunity to enjoy the same pride that all other citizens experience when they come to their Capital—the opportunity to view memorials that commemorate the efforts of deceased local residents who have made significant contributions to American history.

REP. BARBARA LEE HONORED BY THE 100 BLACK MEN OF SILICON VALLEY

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Ms. LOFGREN of California. Mr. Speaker, the California Democratic Congressional Delegation is proud to recognize the achievements of our colleague, Rep. Barbara Lee, upon the presentation of the Lifetime Achievement Award by the 100 Black Men of Silicon Valley.

The concept of the 100 Black Men was born in New York in 1963, when a group of concerned African American men gathered to explore ways of improving conditions in their community. These visionaries and industry leaders included David Dinkins, Jackie Robinson, Nathaniel Goldston III, Andrew Hatcher and founding President Dr. William Hayling.

The mission of the 100 Black Men of Silicon Valley is to improve the quality of life of our citizens and enhance educational opportunities for African Americans and minorities, through its chapters, in all communities—with a particular emphasis on young African American males. They do this by focusing on mentoring, education, health and wellness, and economic development.

It is fitting that Representative BARBARA LEE is being honored for her long record of standing for youth and family issues such as criminal justice reform as a member of the Public Safety, Sentencing and Incarceration Reform Caucus. Health and wellness has been at a priority for her in Congress as well. She has fought to establish a United States Health Service and provide health coverage for all Americans. The measure, first introduced in 1978 by her predecessor, Representative Ron Dellums, has been a priority for her since her election in 1998. Representative BARBARA LEE has also been committed to promoting economic development and supporting those who need it most, including working to secure investment in housing, transit systems, roads, clean water, and schools to stimulate the economy and create jobs.

We wish to thank the 100 Black Men for their tireless efforts to enhance the quality of life for all citizens, and to Representative BARBARA LEE for her deeply held commitment to the principle of human rights.

IN HONOR OF DON MILANESE, VICE PRESIDENT OF LAS POSITAS COLLEGE, ON THE OCCASION OF HIS RETIREMENT

HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Mrs. TAUSCHER. Mr. Speaker, I rise today to honor Don Milanese, vice president of Academic Services at Las Positas College in Livermore, who is retiring after 35 years of service to the Chabot-Las Positas Community College District, the Tri-Valley community, and thousands of students.

Don began his career in 1964 as a graduate teaching assistant at the University of California at Davis. Following a 2-year stint in the Army, he joined Chabot College as an adjunct faculty member teaching political science, while serving as an assistant administrative analyst in the education section of the Legislative Analyst's Office in Sacramento. In 1970, he became the coordinator of Evening and Extension Operations at Chabot College. His warm, supportive manner was felt throughout the campus by faculty, staff and students. After 5 years, Don then became the assistant dean of instruction for Evening and Extension Operations at Chabot College's Valley Campus in Livermore. It was here that Don focused his talents on shaping the vision he shared with other college officials: a college that would serve the Tri-Valley. His hard work, dedication, and ability to dream helped establish Las Positas College. In 1992, he accepted the position of dean of Academic Services at the College, and in 1994 the position converted to the vice president of Academic Services.

Don's talent and wisdom extend beyond community college curriculum and instruction. He has used his skills to create community partnerships to benefit students, the college, and the community. He has been a driving force behind the Tri-Valley Educational Collaborative, which brings together business and education leaders to address issues of mutual interest.

Above and beyond his accomplishments at the colleges of Chabot and Las Positas, Don is revered for his compassionate nature, his ability to know when to lead and when to follow, and his sense of humor. While Don's skills and knowledge will be greatly missed and will leave a void at the college, it is his love of the college, students, faculty, and staff that will be missed the most.

Mr. Speaker, I wish Don Milanese the best of luck in retirement. I hope he finds joy in this next chapter of his life in equal measure to the joy he has given his colleagues in his working life.

A TRIBUTE TO THE PHILADELPHIA MURAL ARTS PROGRAM AND THE SOUTH PHILLY MUSICIANS MURAL

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise to honor the Philadelphia Mural Arts Program, which will dedicate the new South Philadelphia musicians mural at 9th and Wharton Streets in my district on Saturday, October 8. As everyone knows, Philadelphia has long been one of the capitols of popular culture. This mural will honor seven of the icons of that culture, Jerry Blavat, Al Martino, Frankie Avalon, Fabian, Chubby Checker, Bobby Rydell and Eddie Fisher.

Mr. Speaker, I am proud that this mural will include one of the pioneers of rock and roll, my dear friend Jerry Blavat. Jerry was attracted to the music business because of his love for the music, not for fame or wealth. He was a dancer on the original Bandstand television program, hosted by Bob Horn. He became a favorite with the viewers and rose to the head of the coveted "Committee," the group of teens responsible for aiding Horn in the direction of the show. Jerry got into radio in 1962 and soon was given the title "The Geator With The Heator." He soon coupled his growing popularity on the air, which by 1963 resulted in regional syndication of his program on small stations throughout the Delaware Valley from Atlantic City to Allentown, with appearances off the air at dances, clubs and events. It was not unusual for Blavat to see 5,000 kids a week in person in the mid sixties, nor too much of a stretch to say he would remember 3,000 of their names the following week. His appearances became so frequent that for a time he needed to use a helicopter just to make it on time from one gig to the next. Today the helicopter is gone, but the frantic schedule is still in place. Throughout the year, he can be found somewhere on virtually any night, and in the summer months he is in weekend residence at Memories At Margate, the New Jersey Shore's hottest night spot which he has owned and operated since 1972.

Al Martino will celebrate his 68th birthday on October 7. The son of Italian immigrants, Martino worked as a bricklayer in his father's construction business before being encouraged to become a singer by his friend Mario Lanza. After singing in local clubs, and winning Arthur Godfrey's Talent Scouts, he recorded "Here In My Heart" for the small BBS record label. It shot to No. 1 in the U.S. chart, and sold over a million copies. This disc was also the first ever record to top the New Musical Express UK listings, inaugurated in 1952. He continued his illustrious career on both stage and screen.

Frankie Avalon was the first and most successful of the teen idols from Philadelphia. He was encouraged to perform from the time he was a child, beginning from when he was tutored on the trumpet by his father. By the time he was 12, he had joined Rocco and the Saints, a dance band that featured another boy from the CR Club, drummer Bobby Rydell. The combo played parish bazaars, shows at the Sons of Italy Hall, weekend sock hops in school gyms, and weekend dances at teen clubs. "Venus" was Avalon's biggest hit selling more than a million copies in the spring of 1959. Three more million sellers in a row, "Bobby Sox To Stockings," "Just Ask Your Heart," and "Why" followed.

In 1960, he co-starred with Alan Ladd in "Guns of the Timberland" and appeared in John Wayne's "Alamo." Appearing in a number of other films Avalon did not have a starring role until 1963's "Drums of Africa." In the early sixties there was a nationwide surfing craze and Hollywood did a number of movies on the subject. Avalon, along with Annette Funicello, were leading stars in these movies. Starting in 1963 he appeared in "Beach Party," "Muscle Beach," "Beach Blanket Bingo," etc.

Mr. Speaker, Avalon's friend, Fabian was an overnight singing sensation, a film star with over 30 films to his credit and the producer of his own concert series. Fabian Forte was actually discovered at the age of 14 sitting on his front steps in Philadelphia. At 15, he won the Silver Award as "The Most Promising Male Vocalist of 1958." By the time he was 18, he had recorded dozens of hit singles, eight albums and earned gold records for "Turn Me Loose" and "Tiger" and a gold album for "The Fabulous Fabian." In 1959, Fabian made his screen debut in "Hound Dog Man" opposite Carol Lynley. His role as a homicidal maniac in a TV production entitled "A Lion Walks Among Us" directed by Robert Altman solidly established his credentials as a versatile and powerful actor. His impressive acting credits include featured roles with John Wayne, James Stewart, Jack Palance, Tuesday Weld, George Segal and Karen Black.

Chubby Checker was born in South Carolina, but grew up in South Philadelphia. By the time he entered high school, he had learned to play the piano at Settlement Music School. In June of 1959, Chubby recorded "The Twist." Fourteen months later, in the summer of 1960, "The Twist" was not only the No. 1 song but it introduced the concept of "dancing apart to the beat." Mr. Speaker, Chubby Checker accomplished many "firsts" in the record industry. He is the only artist to have 5 albums in the top 12 all at once; the only artist to have a song to be No. 1 twice—"The Twist" and the only artist to have nine double-sided hits.

Bobby Rydell, unlike many of the other Teen Idols, was a genuine musician. At the age of 4 or 5, Bobby used to sit in front of the TV set trying to impersonate performers like Louis Prima, Milton Berle, and Johnny Ray. His father recognized Bobby's talent and encouraged him to pursue a show business career. At 5 he began taking lessons on the drums. Three years later he was an accomplished cabaret performer, playing drums and doing imitations. At 9, he was a regular on Paul Whiteman's television show that was broadcast from Philadelphia and performed on it for 3 years. By the time he was a teen, he was playing drums in a dance band Rocco and the Saints. Rydell's million seller, "Wild One" was released in early in 1960. "Swingin' School" b/w "Ding-A-Ling" was a springtime hit and third million seller. That summer "Volare" was released. The song had been pulled from a previous unsuccessful session of songs in a big band style to introduce Rydell to an older audience.

Mr. Speaker, Eddie Fisher received his first wide exposure as frequent guest performer on Eddie Cantor's early-fifties TV broadcasts. Later responsible for million-selling records during the fifties, including "Any Time," his signature song, "O My Papa," and many others. In 1953 Eddie Fisher was given his own 15-minute TV show called "Coke Time," sponsored by the Coca-Cola company. This show proved to be so popular that Coke then offered Eddie a $1 million contract to be their national spokesperson. A deal of that magnitude was almost unheard of at this time and helped push Fisher towards being one of the most popular singers by 1954. At the height of his popularity, during the 1950s, Fisher was, along with Perry Como and Elvis Presley, RCA Victor's top-selling pop vocalist. His many hits during this period, all well remembered, include: "Anytime," his first big hit, "Oh, My Papa," "Wish You Were Here," "I Need You Now," "Dungaree Doll," "I'm Walking Behind You," "Heart," "Games That Lovers Play" and "Somebody Like You."

IN HONOR OF 7TH LANCE CORPORAL JAMES R. SARGENT

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Mr. RAHALL. Mr. Speaker, today, 7th Lance Corporal James R. Sargent USMC, was laid to rest at Arlington Cemetery after being listed as missing in action for more than 37 years.

Lance Corporal Sargent, a native of Anawalt, WV, was a true American hero and today marks the end of a long journey for his family and friends.

Lance Corporal Sargent, like so many West Virginians, answered our Nation's call to arms. He wore the uniform and gave his life for freedom's cause.

Lance Corporal Sargent was part of an artillery platoon airlifted to provide support to the 11th Mobile Strike Force, which was under threat of attack from North Vietnamese forces near Kham Duc in South Vietnam. On May 9, 1968, the Strike Force had been directed to reconnoiter an area known as Little Ngok Tavak Hill near the Laos-Vietnam border, in the Kham Duc Province. Their base came under heavy attack by North Vietnamese Army troops, but after a 10-hour battle, all of the survivors were able to withdraw from the area.

LCpl, Sargent, one of 13 Marines killed in this battle, was awarded the Meritorious Unit Commendation for his heroism at Ngok Tavak. The Bible says in the book of John, Chapter 15, Verse 13, "Greater love has no one than this, than to lay down one's life for his friends." Today we honor not only Lance Corporal Sargent, but all of the soldiers, airmen and Marines who, through commitment and courage, have answered the call to protect the ones they love. This is truly the greatest gift one can give.

I would also like to submit for the RECORD The Secretary of the Navy Citation for the Meritorious Unit Commendation—a detailed account of Lance Corporal Sargent's heroism:

The Secretary of the Navy takes pleasure in presenting the Meritorious Unit Commendation to: Detachment, Battery D, Second Battalion, and Thirteenth Marines, First Marine Division (Reinforced)

CITATION

For heroic achievement in action against enemy Viet Cong and North Vietnamese forces during the defense of the Civilian Irregular Defense Group camp known as Ngok Tavak on 10 May 1968. The detachment, consisting of one officer and 43 enlisted men, was tasked with the mission of providing artillery support to the camp. In the early morning, while providing this support to a mixed force of U.S Army Special Forces and Vietnamese irregulars, the detachment's defensive position came under attack by a determined and well equipped enemy force of estimated battalion size. Employing an intense mortar barrage, grenades and heavy small-arms fire, the enemy breached the outer defensive wire in two places and surged through the wire in superior numbers, launching a series of assaults directly against the small defensive perimeter the Marines had formed around their howitzers.

Although seriously depleted by heavy casualties, including the detachment commander and the platoon sergeant, the gallant men of the detachment steadfastly met and contained each assault with withering fire from automatic weapons, grenades, and point-blank individual weapons. On separate occasions, Marines braved the hail of grenade fragments and automatic weapons fire to man a 4.2-inch mortar, an 81mm mortar, and a 30-caliber machine gun belonging to the Special Forces Detachment. Although continually exposed, they brought the fires of these weapons to bear on the attacking enemy and inflicted heavy casualties.

When the survivors of the detachment were ordered to abandon their position, mute evidence of their ferocity as fighting men lay about them in the form of 31 confirmed enemy dead. The successful evacuation of the position was completed under the direct observation and fire of the remaining enemy force. Accompanied by the surviving Civilian Irregular Defense Group forces, the men of the detachment marched for six hours through dense enemy-infested jungle until successfully extracted by helicopter. Of the original detachment, 13 Marines were killed in action and 20 were wounded in action. By their effective teamwork, aggressive fighting spirit, and individual acts of heroism and daring, the artillerymen of this detachment achieved an illustrious record of courage and skill in keeping with the highest traditions of the Marine Corps and the United States Naval Service.

All personnel attached to and serving with Detachment, Battery D, Second Battalion, Thirteenth Marines, First Marine Division (Reinforced), during the cited action, are hereby authorized to wear the Meritorious Unit Commendation Ribbon.

For the Secretary of the Navy, L. F. CHAPMAN, JR., Commandant of the Marine Corps.

CELEBRATING THE LIFE OF CARMEN N. CIQUEIROS TAFOYA PERKINS MULLALY

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Ms. ROYBAL-ALLARD. Mr. Speaker, I rise today to take a few moments to honor my cousin, Carmen N. Ciqueiros Tafoya Perkins Mullaly, from Long Beach, California, whose life was cut short on September 11, 2005.

Carmen was born in Los Angeles, California on September 17, 1926 and was always a proud Angeleno. She attended Hammel Elementary School and Belvedere Junior High, and graduated from Roosevelt High School in Los Angeles.

Early on in life, Carmen developed a belief in the principles of the Democratic Party. An active member of the League of Women Voters, Carmen never missed voting in a single election. My cousin's enthusiasm for Election Day was an inspiration to all those around her, as she often opened her own home to serve as a polling precinct for primary and general elections.

In addition to her allegiance to the Democratic Party, Carmen loved being an Anaheim

Angels fan. Carmen enjoyed cheering her favorite team on to victory over the years at the Angel Stadium of Anaheim.

Carmen was beloved by our large family, and we all miss her since her passing. I know that my father, former Congressman Edward R. Roybal, will especially miss his cousin.

Carmen is survived by her children: Virgilia Goodwin of Aurora, Colorado; Jack Perkins of Huntington Beach, California; Dwight Perkins of Woodburn, Oregon; Gayle Rex of Walla Walla, Washington; and Patrick Mullaly of Kennewick, Washington. She is also survived by her sister, Geraldine Overton of Lakewood, California, and by her stepchildren, Tom Mullaly of Irvine, California; Cindy Mullaly of Chicago, Illinois; and Scott Mullaly of San Diego, California. Carmen is also survived by a niece, Geraldine O. Wiese of Cornwall, England. Carmen was preceded in death by her stepson, Mark Mullaly, and her husband Thomas J. Mullaly.

Although my family and I mourn Carmen today, we are also grateful for the many happy moments she brought into the lives of those around her. Today we mourn her death and celebrate her abundant life.

RECOGNIZING THE INTERNATIONAL ATOMIC ENERGY AGENCY (IAEA) AND ITS DIRECTOR GENERAL, MOHAMED ELBARADEI, JOINT RECIPIENTS OF THE 2005 NOBEL PEACE PRIZE

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Mr. MARKEY. Mr. Speaker, I rise to recognize the award of the 2005 Nobel Peace Prize to the International Atomic Energy Agency (IAEA) and its Director General, Mohamed ElBaradei. Today the IAEA and Dr. ElBaradei were jointly awarded this most prestigious of awards for their active efforts against the spread of nuclear arms and against the misuse of nuclear energy for military purposes.

As we know, Dr. ElBaradei and the IAEA were asked by the United Nations, at the urging of the United States, to serve the cause of world peace by engaging in a vigorous effort to find whatever evidence might exist of a Nuclear Weapons program in Iraq through anytime, anywhere inspections. Dr. ElBaradei and the IAEA did their jobs, and the world had an opportunity both to serve the cause of preventing weapons proliferation and heading off a very costly war. Unfortunately, the United States decided to forego this opportunity, and war ensued.

Now, the world is turning once again to the IAEA as the only way to prevent weapons proliferation in Iraq and in North Korea. Will the IAEA be supported this time? The Nobel Committee's decision to recognize the work of the IAEA, and of Dr. ElBaradei, increases the likelihood that such support will be forthcoming. It is needed now more than ever.

I submit below an excerpt from the press release from the Nobel Committee, describing why the important work of the IAEA and Dr. ElBaradei is deserved of such an honor.

> At a time when the threat of nuclear arms is again increasing, the Norwegian Nobel Committee wishes to underline that this threat must be met through the broadest possible international cooperation. This principle finds its clearest expression today in the work of the IAEA and its Director General. In the nuclear non-proliferation regime, it is the IAEA which controls that nuclear energy is not misused for military purposes, and the Director General has stood out as an unafraid advocate of new measures to strengthen that regime. At a time when disarmament efforts appear deadlocked, when there is a danger that nuclear arms will spread both to states and to terrorist groups, and when nuclear power again appears to be playing an increasingly significant role, IAEA's work is of incalculable importance.
>
> In his will, Alfred Nobel wrote that the Peace Prize should, among other criteria, be awarded to whoever had done most for the "abolition or reduction of standing armies". In its application of this criterion in recent decades, the Norwegian Nobel Committee has concentrated on the struggle to diminish the significance of nuclear arms in international politics, with a view to their abolition. That the world has achieved little in this respect makes active opposition to nuclear arms all the more important today.

INDIA'S UNFINISHED AGENDA: EQUALITY AND JUSTICE FOR 200 MILLION VICTIMS OF THE CASTE SYSTEM

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Mr. SMITH of New Jersey. Mr. Speaker, yesterday the Subcommittee on Africa, Global Human Rights and International Operations studied the terrible situation facing India's Dalits and tribal peoples. Taken together, Dalits and tribal peoples constitute as many as 250 million people. The Dalits, whose name means "the oppressed," are much better known as "untouchables," although this demeaning name is not the one they choose for themselves. They are also often referred to in official documents as "Scheduled Castes, and occasionally as "Harijans," or "Children of God," a name given them by Gandhi. The tribal peoples are often referred to as Scheduled Tribes, or Adivasis, which means indigenous or aboriginal inhabitants. The Dalits and tribal peoples are treated as virtual non-humans, and suffer pervasive discrimination and violation of their human rights.

This topic has taken on a special relevance. India's reformist government has made great strides to open its economy, and improve the lot of all its citizens. It has also played a leading role in the Community of Democracies and the U.N.'s Democracy Caucus and the U.N. Democracy Fund. In June and July of this year the U.S. and India announced a series of agreements that represent a quantum leap in cooperation between the world's two most populous democracies after decades of estrangement during the Cold War. On July 18th, U.S. and Indian leaders issued a joint statement resolving to establish a "global partnership" between the two nations through increased cooperation on a wide range of issues. We heartily welcome all of these actions.

However, there is still a long road to travel. Most observers have focused on the nuclear proliferation implications of our announced agreements as potential stumbling blocks to a true strategic partnership between the U.S. and India. But as we seek to develop a strategic partnership, we must not lose sight of India's serious human rights problems. These problems are amply documented in the three current State Department reports: the 2004 Human Rights Report on India, the 2005 Report on Trafficking in Persons, and the 2004 Report on Religious Freedom. All three are massive catalogues of human rights violations which the Government of India condones, ignores, and in some instances, has even promoted.

To quote the 2004 Human Rights Report on India:

> Security force officials who committed human rights abuses generally enjoyed de facto legal impunity . . . violations included: torture and rape by police and other government agents; . . . harassment and arrest of human rights monitors; . . . forced prostitution; child prostitution and female infanticide; trafficking in women and children; . . . serious discrimination and violence against indigenous people and scheduled castes and tribes; widespread intercaste and communal violence; religiously motivated violence against Muslims and Christians; and widespread exploitation of indentured, bonded, and child labor.

Further, the 2005 Report on Trafficking in Persons has this to say. Again I quote:

> India is a source, transit, and destination country for women, men, and children trafficked for the purposes of sexual and labor exploitation . . . Internal trafficking . . . for . . . sexual exploitation, domestic servitude, bonded labor, and indentured servitude is widespread . . . the vast majority of females in the Indian commercial sex industry are currently victims of sexual servitude or were originally trafficked into the sex trade. India is also home to millions of victims of forced or bonded labor.

The Government of India does not fully comply with the minimum standards for the elimination of trafficking.

India was placed on Tier 2 Watch List for human trafficking a second consecutive year in 2005. Many of us believe it should be a Tier III country.

The State Department's 2004 Report on Religious Freedom also had many harsh words for India's respect for religious freedom. It noted that the Indian government, despite India's constitutional commitment to religious freedom and secular government, was often lax in protecting religious minorities from attack, and in punishing their persecutors. Religious extremists have taken such laxity as a signal that they can attack with impunity. Missionaries were often harassed, and the right to freely choose one's own religion was often violated.

Finally, there is abortion. In theory, India only allows abortions for risk to the life of the mother, or "grave risks" to her health, or for "substantial risk" of fetal impairment. Yet like so many countries where the absolute right to life of the unborn child has been disregarded in a misguided attempt to provide a so-called "limited" abortion license, the reality is that there is abortion on demand. Estimates of abortions run as high as 7 million a year. There are some estimates that 17 percent of maternal deaths are due to abortion: so much for "safe, legal and rare."

And abortion is not just at the demand of the mother, but often at the demand of relatives who don't want girl babies. The incidence of "sex-selection abortions" has reached staggering proportions. As many as 50 million girls and women are missing from India's population as a result of infanticide and abortion. In most countries in the world, there are approximately 105 female births for every 100 males. In India, there are less than 93 women for every 100 men in the population. In one wealthier area of the capital of New Delhi, the sex ratio at birth has dropped to 762 girls for every 1,000 boys, one of the lowest in the entire country. The problem is getting worse as scientific methods of detecting the sex of a baby and of performing abortions are improving. These methods are becoming increasing available even in rural areas.

India banned sex-selection abortions in 1996, but the health minister recently admitted that not a single person has ever been convicted or otherwise punished for having carried out sex selective abortions. UNICEF has warned that unless steps are taken to address the problem, India will soon face severe social problems, not least increased trafficking of women, which is already an enormous problem. As more and more girls are aborted or murdered after birth, more and more poor women and girls will be trafficked.

All of this background will provide the context for today's hearing. India's Dalits and tribal peoples are victims of all the human rights violations prevalent in India, and to a far greater extent than most other Indians.

According to India's caste system, Dalits are impure, and even their shadow can pollute. Dalits are discriminated against, denied access to land and forced to work in degrading conditions. Dalit men, women, and children numbering in the tens of millions work as agricultural laborers for a few pounds of rice or less than a dollar a day. Their upper-caste employers frequently use caste as a cover for exploitative economic arrangements. In India's own version of "apartheid," entire villages in many Indian states remain completely segregated by caste. Dalits dare not even walk in the part of the village occupied by higher castes. They may not use the same wells, visit the same temples, drink from the same cups in tea stalls, or lay claim to land that is legally theirs. Dalit children are frequently made to sit in the back of classrooms.

Most Dalits continue to live in extreme poverty, without land or opportunities for better employment or education. India has a policy of quotas in education and government jobs to benefit Dalits and tribal peoples. But most cannot afford primary education, so their literacy rates remain very low and only a small minority can benefit from these quotas.

Dalits are routinely abused at the hands of the police and of higher caste group that enjoys the state's protection. According to India's National Crime Records Bureau, in 2000, the last year for which figures are available, 25,455 crimes were committed against Dalits. Every hour two Dalits were assaulted; every day three Dalit women were raped, two Dalits were murdered, and two Dalit homes were torched. And most experts believe that these numbers are grossly underreported, since Dalits are afraid to report crimes to police, and when they do, police often refused to register or investigate their complaints. In 2001 Amnesty International estimated that only about 5 percent of sexual assaults were registered, and that police officers dismissed at least 30 percent of rape complaints as false.

Approximately eighty percent of the tribal population lives below the poverty level. Despite constitutional safeguards, the rights of indigenous groups in the eastern parts of the country are often ignored. In recent years, crime against the tribes has risen. Indigenous peoples suffer discrimination and harassment, are deprived of their land, and subjected to torture and to arbitrary arrest. Mob violence, lynching, arson, and police atrocities against tribal persons occur in many states.

Dalits and tribal peoples suffer horribly from human trafficking. Dalit girls have been forced to become temple prostitutes as devadasis, or "servants of god," a practice where they are "married" to a deity or temple where they are then forced to have sex with upper caste men and are eventually sold into prostitution. In 2001, more than 40,000 tribal women were forced into situations of economic and sexual exploitation. An estimated 40 million people, most of them Dalits, are bonded workers, many working to pay off debts that were incurred generations ago, according to a 1999 report by Human Rights Watch. These people work under slave-like conditions for less than U.S. $1 per day. Fifteen million are children, and according to UNICEF, the majority are from the lowest castes.

Dalits and tribal peoples are often the targets of Hindu religious extremism as well. Over the years, many Dalits and tribal groups have converted from Hinduism to other faiths to escape widespread discrimination and achieve higher social status. However, such converts often lose benefits conferred by the Government's affirmative action programs because these, according to the Constitution, are reserved only for those having scheduled caste status. Converts to Christianity are particularly targeted.

Christian missionaries have been operating schools and medical clinics for many years in tribal areas and among the very poor, and tribal peoples and Dalits have made great strides as a result. Hindu extremists resent these gains for disturbing the traditional social order, since better educated Dalits and tribals no longer accept their disadvantaged status as readily as they once did. Some Hindu groups fear that Christians may try to convert large numbers of lower caste Hindus, using economic or social welfare incentives. Many acts of violence against Christians stem from these fears, and most go unpunished. Many states have also adopted anti-conversion laws, in violation of India's constitutional protection for religious freedom.

In many cases, India has very good laws to protect the human rights of its citizens, although new and tougher legislation against trafficking is clearly necessary. But the best laws in the world are useless unless there is vigorous enforcement, and all too often, enforcement of laws protecting human rights is weak or non-existent. As an American I can easily understand the difficulty in a democratic, federal system of confronting deeply ingrained social prejudices against a minority, but that difficulty must be faced and overcome in any nation which aspires to its rightful place as one of the great nations in the world. To keep nearly a quarter of one's population in subhuman status is not only a grotesque violation of human rights, but it is a formula for economic and political stagnation as well. Once in America, we deprived African Americans of the most basic rights and opportunities. This was especially true in our Southern states, which were once a byword for poverty and backwardness among people of all races. For a long time we refused to act at a national level to stop lynchings, often arguing that it was a local problem. Yet we all suffered the consequences of shutting off a huge segment of our population from equality and justice. Now, after the civil rights movement ended all legal basis for discrimination, and lynching is only a shameful memory, the Southern states are among the most economically dynamic in America, and all regions of America enjoy unprecedented prosperity. By fulfilling its promises of equality and justice for all, India will also benefit in every way imaginable.

INTRODUCTION OF ALS REGISTRY ACT OF 2005

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Mr. ENGEL. Mr. Speaker, I rise to introduce the ALS Registry Act of 2005 with my esteemed colleague, LEE TERRY of Nebraska. We are proud to have the support of over 40 other bi-partisan members of Congress today as original co-sponsors of this important legislation.

Amyotrophic Lateral Sclerosis (ALS) is a fatal, progressive neurodegenerative disease that affects motor nerve cells in the brain and spinal cord. While the great baseball player, Lou Gehrig, put a national face on ALS over 65 years ago, my own family was devastated by the death of my grandmother, Dora Engel, who passed away from ALS in her 50s. Unfortunately, families across the Nation face the challenges and experience the suffering associated with ALS every single day. 5,600 people in the U.S. are diagnosed with ALS each year, and it is estimated that as many as 30,000 Americans have the disease at any given time. The average life expectancy for a person with ALS is two to five years from the time of diagnosis. The causes of ALS are not well understood and there is no known cure. We must provide hope to change this tragedy today.

Surprisingly, a single national patient registry which collects and stores information on the prevalence and incidence of ALS does not currently exist in the United States today. The legislation I am introducing with Congressman TERRY, would create an ALS registry at the

Centers for Disease Control and Prevention and will aid in the search for a cure to this devastating disease. The registry will collect data concerning: the incidence and prevalence of ALS in the United States; the environmental and occupational factors that may contribute to the disease; the age, race or ethnicity, gender and family history of individuals diagnosed; and other information essential to the study of ALS. The registry will also provide a secure method to put patients in contact with scientists conducting clinical trials and scientists studying the environmental and genetic causes of ALS.

We need to provide our Nation's researchers and clinicians with the tools and information they need to make progress in the fight against ALS. The data made available by a national registry will potentially allow scientists to identify causes of the disease, and maybe even lead to the discovery of new treatment, a cure for ALS, or even a way to prevent the disease in the first place. This is good public policy.

The establishment of a registry will bring new hope to thousands of patients and their families that ALS will no longer be a death sentence. I strongly urge the swift consideration and passage of the ALS Registry Act of 2005.

RECOGNIZING RICHARD "NUB" BROWN

HON. JEB HENSARLING

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Mr. HENSARLING. Mr. Speaker, I would like to recognize Richard "Nub" Brown of Winnsboro, Texas, for his effort to fight crime and support law enforcement through the Enough Is Enough Drug Task Force.

On April 18, 2005, in response to a drug-related tragedy in Winnsboro, Nub Brown gathered over 340 members of the community in the high school auditorium and cried, "Enough is enough!" Several committees were formed that evening to work with city officials and law enforcement officers to rid Winnsboro of drugs. Today this program is helping educate and inform the community of Winnsboro about drug awareness and to help achieve a safe and drug-free environment.

Nub Brown is an active member of his community, serving as the Youth and Education Minister of Pine Street Baptist Church since 1997. He is also an active member of his community, speaking on drug and alcohol awareness in many schools, civic clubs, youth groups and churches, as well as serving the prison ministry at the Clyde M. Johnston Unit in Winnsboro.

As the father of two children, I appreciate the leadership of Nub Brown and his commitment to rid his community of drugs. Today, I would like to thank him for his public service and for the outstanding contributions he has made to make his community and his country a better place.

70TH ANNUAL TUSKEGEE-MOREHOUSE FOOTBALL CLASSIC

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Mr. BISHOP of Georgia. Mr. Speaker, this Saturday, October 8, 2005, the Golden and Maroon Tigers will face each other on the field at McClung Stadium in Columbus, Georgia for the 70th Annual Tuskegee-Morehouse Football Classic.

The historic clash of these two titans of college football, is more than just a ball game between two rivals, the event itself, themed a "salute to our military troops" is an opportunity for us to pause and celebrate the tremendous role that we as African Americans and as former, current and future leaders of men and women play in the success of our great nation.

As many of you know, African-Americans have a proud and rich tradition of service to our nation. From Crispus Attucks, born a slave, who was the first casualty of the Revolutionary War to the oldest Buffalo Soldier and Calveryman, Sergeant Mark Matthews, who fought under General Pershing in the Spanish American War and recently died at age 111; from the Black Union Soldiers who volunteered and fought in America's Civil War, to July 19, 1941, when during World War II, a program began in Alabama to train black Americans as military pilots, a squadron of fighter pilots that we now know as the Tuskegee Airmen.

We honor and recognize those African-American servicemen and women who have served in the Korean War, Vietnam, and Operation Desert Storm, as well as the brave soldiers, sailors and marines who continue to serve in our Nation's global war on terror. Officers and soldiers trained by institutions such as Morehouse College and Tuskegee University have and continue to fight for freedom. We pay tribute to them today, as we honor the courageous men and women, here at Fort Benning and around the world who dedicate their lives for their country.

Therefore, I invite my colleagues in the U.S. House of Representatives, as well as those present at this year's 70th Annual Tuskegee-Morehouse Football Classic to join me in saluting our military troops. We pause in celebration and in recognition of their service and sacrifice on our behalf.

IN RECOGNITION OF TAIWAN

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Mr. HONDA. Mr. Speaker, I rise today to celebrate the anniversary of the Republic of China's (Taiwan) Independence Day, a day commonly referred to as Double 10 Day. Double 10 Day celebrates the start of the Wuchang Uprising on October 10, 1911, which led to the collapse of the Qing dynasty. It is therefore also known in Chinese as National Celebration Day. I am proud to join with the people of Taiwan and their leader President Chen Shui-bian in commemorating the Chinese people's struggle for independence.

Double 10 Day offers those of us in Congress an opportunity to recognize Taiwan's friendship and unwavering alliance with the United States. This strong alliance is predicated in part on shared values. In fact, Taiwan has nurtured a stable democracy and vibrant economy that encourages the entrepreneurial spirit. Taiwan has also become a model society. It has excellent schools, outstanding medical care, a strong economy, and many of its people enjoy one of the highest standards of living. Taiwan's social welfare programs have been making laudable efforts to raise the standard of living for all.

Mr. Speaker, I would also take this opportunity to praise the good work of Taiwan Representative David Tawei Lee. He is a fine diplomat who has kept those of us in Congress well informed and well briefed on all of the latest developments in Taiwan.

Again, congratulations to the people of Taiwan on their Independence Day and I wish the 23 million people of Taiwan continued progress and prosperity.

TRIBUTE TO STEVE SLIGER

HON. JOHN L. MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Mr. MICA. Mr. Speaker, my good friend and an outstanding Central Florida businessman, Stephen Blair Sliger, passed away on October 4, 2005.

He is a native of Deland, Florida where was he born on November 21, 1952. Steve Sliger was preceded in death by his brother, Gus A. Sliger. Gus, also a close friend, lost his life 10 years ago in a tragic motorcycle accident. Steve headed Sliger and Associates of Port Orange, FL. founded by his late brother.

A wonderful father and husband, he was dedicated to his family, his community, and his business.

To Steve's wife, Sonia, his sons Adam and Noah, his father Gus A. Sliger, II and all of his family, we extend our deepest sympathy. They have lost a loved one. I have lost a good friend and our community has lost a great American.

HONORING LIMA COMPANY, 3RD BATTALION, 25TH REGIMENT UPON THEIR RETURN HOME FROM IRAQ

HON. DEBORAH PRYCE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Ms. PRYCE of Ohio. Mr. Speaker, throughout Operation Iraqi Freedom and Operation Enduring Freedom in Afghanistan, Ohio has shouldered an enormous share of the sacrifice, but no one has shouldered a greater share than the Marines and families of Lima

Company, 3rd Battalion, 25th Regiment, based in my hometown of Columbus. On August 3, 2005, this brave group of soldiers lost nine of their brethren in western Iraq. Since its deployment in March, Lima Company has lost fifteen of its 160 men.

The 3rd Battalion, 25th Marines' reputation is legendary. First activated on May 1, 1943, "3/25" captured a key airfield at the Batte of Iwo Jima in the Pacific. The battalion fought heroically in the battles of Kwajalein Atoll, Saipan, Tinian, and Colonel Justice Marino Chambers received the Congressional Medal of Honor for his bravery as Commander of the 3/25 at Iwo Jima. After being deactivated at the end of WWII, the battalion was reactivated in January of this year, and headed to Iraq in March.

It truly is impossible for us to fully comprehend the dangerous mission these valiant Marines have undertaken in Iraq. They've been tasked with the most strategic yet risky assignments, often moving from town to town, door to door, in search of armed insurgents along the Euphrates River. And as desperate insurgents have been staging more frequent and deadly attacks on our armed forces, Lima Company endured the brunt of these attacks on that fateful day in August and laid to rest nine brave soldiers.

When confronted with a loss as great as this, we all search for some perspective, trying to balance the sacrifices made by these brave Marines with the vital mission our soldiers are carrying out in both Iraq and Afghanistan. We take some solace in knowing that because of the commitment and dedication to freedom by America's soldiers and those of our allies, more people in the Middle East region are living in freedom under democratically elected governments than at any point in the history of this region. We have witnessed free elections in Palestine and the election of a leader committed to achieving lasting peace. Saudi Arabia has held elections, and Syria has ended its occupation of Lebanon. Libya's nuclear program has been dismantled, and Egypt is allowing for challengers to compete in a public election against the sitting president. This democratic domino effect portends a safer, freer future for the people of the Middle East and the rest of the world.

As Lima Company returns home to Ohio, the Iraqi people are about to embark on a monumental endeavor—casting a vote on their very own Constitution—drafted by officials they selected just ten months ago in a free and fair election. I have to think that the crossing of these two meaningful events is not coincidental. There is far too much symbolism. This Constitution is a tangible and lasting symbol of freedom and liberty in a part of the world that for centuries has known neither, yet without the brave sacrifices of Lima Company, and all of America's armed forces, they would probably never know. Thank you, Lima Company, for your bravery, heroism, and sacrifice. We welcome you home.

RECOGNIZING MELVIN KREB OF HUMBOLDT COUNTY, CALIFORNIA

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Mr. THOMPSON of California. Mr. Speaker, I rise today to recognize Melvin Horton Kreb, deputy director of the California Conservation Corps and a distinguished citizen of Humboldt County, CA. He is being honored for his contribution to one of our Nation's most precious rights—participation in the political system. His commitment to the preservation of our political liberty is worthy of appreciation and recognition.

Mr. Kreb, a graduate of Humboldt State University, has served with distinction at the California Conservation Corps since 1980. He began his career as a conservation administrator and spent many years as the district director for northern California. In the past year he was singled out to become the chief deputy director in the State of California.

Mel was a founding member of the Eel River Watershed Improvement Group and the Salmonid Restoration Federation. He has received numerous awards for his restoration work, including the Renew America Foundation Award and the Chevron Times Mirror Conservation Award. From the Salmonid Restoration Federation he was presented with the distinguished Nat Bingham Restorationist of the Year award.

Mel Kreb has been unflagging in his commitment to his community. In addition to his long and distinguished career in the California Conservation Corps, Mel has served on numerous boards of directors, including the Humboldt State Alumni Association, the Backcountry Horsemen of California and the Humboldt Democratic Central Committee. He was a charter member of the Fortuna Certified Farmer's Market and is active in the Fortuna Kiwanis as well as serving as the chair of the Redcrest Volunteer Fire Department.

Mel's dedication to his community has been shared by his wife Hollis and passed along to their children Gabriel and Helena.

Mel is being recognized this year for his outstanding contributions to the political process by the Humboldt County Democratic Central Committee as the "Democrat of the Year, 2005."

Mr. Speaker, it is appropriate at this time that we recognize Melvin Horton Kreb for his contribution to the ideals and traditions that have made our country a great nation.

TRIBUTE TO MARY RITA GENDRON

HON. MARTIN T. MEEHAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Mr. MEEHAN. Mr. Speaker, I rise today to pay my respects to Mary Rita Downing Gendron. Mary passed away on Wednesday, September 14, 2005, at the age of 84. Mary was born in Lowell on December 24, 1920, the daughter of John and Rose Purcell Downing. For 60 years, she was the beloved wife of the late Arthur W. Gendron, a former Lowell firefighter.

Mrs. Gendron is survived by three daughters and two sons, Geraldine R. McSwiggin and her husband Jack of Dracut, William A. Gendron and his wife Paula Skrekas, Patricia A. Tobin and her husband Kevin, Christine G. Florence and her husband William, and Stephen J. Gendron and his wife Katherine Kijanka, all of Lowell, as well as a son-in-law Bruce G. Johnson, also of Lowell.

She is also survived by four sisters-in-law, and three brothers-in-law, Barbara McSweeney Downing, formerly of Lowell, Leo and Terry Gendron, Francis and Jane Gendron, both of Lowell, and Gerald and Terry Gendron of Salem, NH.

She was the mother of the late Mary R. Gendron Johnson, sister of the late John W. Downing, Harold Downing, Christine Downing Lisien, Gertrude and Madeline Downing, and the sister-in-law of the late Elizabeth Armstrong Downing, Walter Lisien, Gladys Gendron Lowell, Leighton, Leonard and Raymond Gendron.

Mrs. Gendron leaves 20 grandchildren, Meredith Johnson Wall, Kirsten Johnson, Katie McSwiggin Cochran, Laurie McSwiggin Tirado, Maureen and John McSwiggin, Daniel, Tricia and Kristina Tobin, William, Maggie and Patrick Florence, Kathleen, Elena, William, Paul, Stephen, Matthew, Michael and Christopher Gendron, 3 great-grand-children, Julia and Hannah Cochran and Alex Tirado, and many nieces and nephews.

I ask unanimous consent to enter into the CONGRESSIONAL RECORD the eloquent words that Steven Gendron, Mary's son, wrote and delivered at his Mother's funeral.

> It is an honor for me to stand here today and share the collective reflections of my brother and sisters, Gerry, Billy, Patty, Chrissie and me, about the life of my Mom. I have to tell you, that everyone of us wanted to do this, but, I'm the baby, and I usually get my way.
>
> I stopped into a photo store a couple days ago to get copies of some pictures that we wanted to display at the wake and funeral. I explained to the saleswoman what I wanted, and I didn't notice an old acquaintance of mine standing at the counter just a few feet away. When the sales lady stepped away, the old friend surprised me by saying "Are you having a celebration Steve?" "Oh Hi," I replied, "No, actually, my Mom passed away yesterday and we just wanted to display some pictures at the wake." Now the woman felt bad and said, "oh, I'm sorry to hear that." The sales lady returned and I finished my business, and as I walked out of the store, the old friend said, "Steve, you know, it will be a celebration . . . a celebration of her life." I was touched by the comment and I said, "you're right, it will be a celebration."
>
> So, we're happy to see all of you here today, to help us celebrate the life of a woman we all loved.
>
> And Mary loved to celebrate. She loved to dance, and she loved to sing. We can all remember her singing around the house all the time. I have a vivid memory of her when I was about 6 years old, one of those memories that is so clear it's like a little video clip in you're mind. She's walking across the kitchen, while I'm eating breakfast, snapping her fingers and singing, "Nothing could be finer,

than to be in Carolina, in the morning". I don't think she'd ever been to Carolina, except maybe for a stopover on the drive down to Florida, but she liked the song, singing it made her happy, and it made us happy too.

And she loved to be with her friends. Back in the old days there were the Bon Ton Girls, a group of high school friends that would hang together and go to dances. I saw a few of the Bon Ton Girls last night, and one of them told me how they would run their own fundraisers, to rent a place at the beach during the summer. Kay McCabe can give you more details on that little group if you're interested.

And then there was the "Club," the group of Gendron sisters-in-law, and a few honorary sisters-in-law, that would get together on Saturday evenings when the boys were off playing cards. We can remember them meeting in the "parlor", or front room, of our house on A Street. They'd bring their knitting, they'd sit, they'd chat and laugh up a storm.

And then later in life there was the Clark Rd. knitting group that would get together for much the same type of thing on a regular basis.

Mom was completely, and totally dedicated to her family. She could teach our politicians a few things about family values. And she probably learned those from her own close family growing up. Her brother Johnny was like a father to her, and Uncle John and Aunt Sis were like grandparents to us. She adored her sister Tina, and her brother Harold meant the world to her.

In our family, she was our foundation; always in the background—always there to support us. Growing up my brother and sisters and I never really worried about anything. There was no problem that seemed too big, no hurdle that seemed too high, nothing we couldn't accomplish. Because our foundation was strong—Mom was always there to support and encourage us.

Mom taught us many things. She taught us about love and commitment through her relationship with my father. For 60 years most everybody knew her as half of either Mary & Arthur, Ma & Dad or Nana & Grampy. It was a true lifelong love story. She waited for him while he fought the Nazis, and when he returned there was no turning back. Oh, don't get me wrong, they had trying moments like any couple, but in the end they cared more about each other than they did themselves. And there was never any question that they would be together to the end.

Mary was truly a professional wife and mother. She had all the qualifications:

Cooking: Mary would best be termed an Irish Cook. There was never a recipe book in our house, yet there was always a stew or spaghetti in the big silver pot on the stove, and if a few extra people showed up, well a can of soup and a bottle of ketchup could stretch it a long way.

And you know, Arthur was one of those guys who expected dinner to be on the table and hot when he arrived home from work. In the morning, coffee was to be percolated, never that instant stuff. Well, Billy tells the story of how one morning he caught Mom reaching deep into the cabinet for a bottle of Taster's Choice. She gave him a wink and a "Shhh" as she poured it into the coffee pot. That morning, and every morning, Arthur thought the coffee was delicious. I wonder how many times it really was fresh brewed.

Sewing: Mom's sewing machine was always humming, but her sewing skills mirrored her cooking skills. She was no seamstress but had functional sewing skills. She was good at modifying what she had. Gerry remembers her hemming and altering everything, and it wasn't uncommon for this year's new dress to be an updated version of last year's.

Ironing: You haven't worn a shirt until you've worn one ironed by Mary Gendron. Never a wrinkle. She even put starch in your underwear. Except there was the time that she burned an iron-sized hole into Chrissie's bridesmaid dress, 2 days before Patty's wedding. Fortunately her functional sewing skills kicked in and she patched it up, and nobody knew the difference.

Home Decorating: With the change of seasons Mom would make new curtains, rearrange the furniture or paint the room. It used to drive my Father crazy because she'd usually end up painting the windows shut.

Shopping: Mom was the ultimate bargain hunter. She loved nothing more to spend the days with Mrs. Barrows or one of her other "chums", as she would call them, out sifting through the bins in search of a good deal. She was always in search of something nice for her kids or grandkids at a price that fit her budget.

Typing: My mother was actually an accomplished secretary. She could type like the wind and she was an excellent speller. She never obtained a college degree, but based on the number of college papers she proofread and typed, we figure she's earned at least six.

Mom was so proud of her kids and her grandkids. She'd beam when she told you that we were all college educated and successful in our careers. And her pride only increased as our own families began to blossom. She treated her daughters and sons-in-law as if they were her own, and she always made time for each of her 20 grandchildren and 3 great-grandchildren, making each one of them feel special.

As you all know, for the last 10 years or so, my mother has been a victim of Alzheimer's Disease. It is a terrible disease that my father once termed a "living death". At first, the symptoms she exhibited are those that most people are familiar with, such as forgetfulness and disorientation. But as the symptoms become more debilitating, she became harder and harder to care for. Thank God for my Dad, who truly rose to the occasion, keeping her at home much longer than would normally have been possible. But ultimately, we were forced to provide professional care for her.

This is when we found Life Care Center of the Merrimack Valley. I have to tell you, our first impression of the place was not good. In fact, it was horrible. Mom's transition was painful. She fought every step of the way. There were many tears. But slowly, Mom and the rest of us began to grow accustomed to her new environment.

Slowly, we began to learn about the later stages of this disease and how to cope with it. We learned that Mom and the other residents of the unit, while trapped inside their own bodies, could give you a glimpse of their personalities if you worked at it. Slowly, all of us, children, spouses and grandchildren, learned not to be afraid of these patients, but instead to embrace them and try to make their lives just a little more pleasant. In doing so, we all made new friends. We can't say enough about the caregivers at Life Care. They treat each resident with respect and dignity, while somehow maintaining their sense of humor. They are truly doing God's work on earth. Mom had found a new family there, and so had we.

So, in the final years of her life, nearly helpless, and unable to communicate, Mom still had something else to teach us. This time she taught us about compassion.

And do you know, that even in her challenged condition, she could spell almost any word you asked, she could recite the Lord's Prayer in its entirety, and she could still sing. She could sing When Irish Eyes are Smiling from beginning to end, Let me call you Sweetheart and yes, "Nothing could be Finer than to be in Carolina in the Morning." I guess some memories never fade.

In the end, Mary became as comfortable at Life Care as anyone could in her condition. She became known around the nursing home as Mary, the girl who liked to dance. The last time I saw her, just a week ago, my son Mike and I walked her up and down the halls of the nursing home. At least 15 employees stopped us along the way and gave her a big hello, and some did a little dance with her. Mary gave them all a smile, and it prompted Mike to say, "Boy Dad, Nana's really popular." In fact, one of the nurses told me last night that Mary, was.

In closing, I have to say how proud I am to be a part of this family. During both Mom and Dad's illness, everybody stepped up to the plate. Thank God Chrissie chose to pursue the medical profession, she was always the first phone call, and always there to put the medical jargon in laymans terms. We truly valued her advice. And Gerry is just always there. Whatever you need, whatever you want, Gerry will get it for you, even if it means great inconvenience to her own family. Billy was the father-figure, always there for the heavy lifting, and to take care of the business end of things. And Patty was the principal, the peacemaker, always keeping the communication lines open, and keeping us sane. As Chrissie put it, everybody contributed, and nobody wimped out. I think Mom and Dad are proud of us today.

When you leave today, if you should think about Ma, or Mary, or Nana in the future, we hope you don't think about the woman afflicted with Alzheimer's Disease. We hope you think about the woman who enjoyed the simple things in life, a woman content to be the quiet foundation of the family, a woman who would sing while serving breakfast, and the woman who may well have left us with words from the song that my sisters chose for the back of the program today:

I hope you still feel small when you stand beside the ocean.
Whenever one door closes, I hope that one more opens.
Promise me that you'll give faith the fighting chance.
And if you get the chance to sit it out or dance.
I hope you dance.

IN HONOR OF TED SARBIN

HON. SAM FARR

OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Friday, October 7, 2005

Mr. FARR. Mr. Speaker, I rise today to honor my dear friend Ted Sarbin, who recently passed away at his Carmel home in my Central California district. He was 94. I knew Ted first as a friend of my late father, but the academic world knew Dr. Sarbin as a pioneering research psychologist who helped shape the modern science of psychology.

Born Theodore Ray Sarbin on May 8, 1911, Ted rose from humble beginnings in Cleveland, Ohio, as one of six children of Russian immigrant parents. As a young man, he rode the rails as a hobo, an experience he later said helped him identify with people on the margins of society. In 1941, he earned a Ph.D. from Ohio State University and did further post doctorate work at the University of Chicago. His dissertation used data gathered at the University of Minnesota to examine the relative accuracy of statistical versus clinical prediction of undergraduate success. During this time he also collaborated on research to measure hypnotic depth. This work pioneered research in these fields and framed the questions for hundreds of subsequent studies by psychologists.

In 1949, after a short stint as a clinical psychologist in Illinois and Los Angeles, he joined the faculty at UC Berkeley. In 1969, he left UC Berkeley to join the faculty at UC Santa Cruz. During these academic years, he gained the reputation as an energetic teacher and graduate student mentor, supervising more students than any other faculty member in his department. He also gained the reputation as a prolific author of studies and journal articles. He focused his work on psychopathology—the study of anti-social behavior and its root causes and effects. He became known as "Mr. Role Theory," defending the unorthodox view that the label "mental illness" was often used as a moral judgment to express or exert social power over those whose conduct was perceived as unwanted or dangerous.

In the course of his academic career, Ted published over 250 scientific articles and book chapters. He received scores of honors, including both Fulbright and Guggenheim fellowships. He received the Morton Prince Award from the Society for Clinical Experimental Hypnosis, as well as the Henry Murray Award from the American Psychological Association. In 2001, the Western Psychological Association recognized him with a lifetime achievement award. Although Ted officially retired in 1976, he never stopped working. He continued to teach and write throughout his life. Recently in Washington, D.C., Ted presented a new award named in his honor as part of the annual American Psychological Association convention.

Ted was perhaps best known for pioneering work he did on the subject of gays in the military. From 1987 until just before his death, Ted was a researcher for the Defense Personnel Security Research and Education Center at the Naval Postgraduate School in Monterey, California. The Department of Defense founded the Center to study the impact of psychology on national security in the wake of its discovery of a spy ring embedded in the Navy. He had been at the Center less than a year when he co-authored a report which found no evidence to support the idea that gay and lesbian soldiers pose a security risk. The report later became public in 1990 when it was published under the title "Gays in Uniform: The Pentagon's Secret Reports."

The Report's publication propelled Ted into the spotlight. However, despite its notoriety, the "Gays in Uniform" report simply reflected the theme of Ted's life work: Listen to others and refrain from judgment in reporting the facts. Ted called this narrative psychology—listen to what the patient has to say rather than rush to characterize them.

Ted had a devoted following of former students and colleagues. He established a custom 40 years ago of hosting an annual party where he would present his own award "Role Theorist of the Year," to one of those gathered. He presided over these celebrations with grace and wit. This past August, he hosted his final such banquet which drew over sixty participants.

Ted bought a vacation home in Carmel in the 1950s. He moved to my hometown for good in the 1970s. He loved to golf and played almost every Monday, always aiming to shoot his age, which he achieved at 89. He and his wife, Genevieve, often hosted elaborate costume parties where he always played the part of Don Quixote—a role he often played in his professional life.

Ted is survived by his sons Jim Allen, Ronald Allen, and Theodore Sarbin; sister Ruth Landy; domestic partner Karen Sobeck; four grandchildren: Mathew Allen, Chelsea Allen, Park Allen, and Link Allen; and two great grandchildren: MacKenzie Allen and Delaney Allen; and numerous people who still love and cherish him. His late wife Genevieve Sarbin, died in 1999.

IN HONOR OF THE UKRAINIAN AMERICAN VETERANS, POST #24 OF PARMA, OHIO

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Mr. KUCINICH. Mr. Speaker, I rise today in tribute and recognition of the Ukrainian American Veterans, Post #24, of Parma, Ohio, as they will preside over the blessing of a commemorative monument anchoring the "Walkway of Remembrance" within the Ohio Western Reserve National Cemetery in Rittman, Ohio.

The newly erected monument will forever symbolize the bravery and sacrifice of the men and women of Ukrainian heritage who heeded the call of duty on behalf of our country. The individual and collective service of these veterans continues to play a key role in protecting our democracy, during times of peace and times of war.

American veterans of Ukrainian descent continue to be a vital source of strength in every branch of the United States military, dating back to the dawn of America. The deep dedication to justice and significant contribution to American society by Ukrainian American veterans has been, and continues to be, a vital strength within our community, and within our Nation.

Mr. Speaker and colleagues, please join me in honor of the Ukrainian Veterans of America, Post #24, as they commemorate the unwavering service reflected by veterans of Ukrainian heritage; their honorable service within the United States Armed Forces will be remembered always. Let us also recognize United States veterans of every ethnic background, whose united commitment serves to strengthen our entire Nation.

CELEBRATING AND SUSTAINING CHINESE AND AMERICAN CULTURAL CONTRIBUTIONS

HON. DONALD A. MANZULLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Mr. MANZULLO. Mr. Speaker, I rise today to recognize the Festival of China taking place at the Kennedy Center. This festival is the largest in the history of the Kennedy Center and the largest celebration of Chinese performing arts ever undertaken in the United States. Indeed, the Kennedy Center is coordinating the performances of more than 800 artists from China and the United States and is hosting more than 50 events associated with the month-long celebration.

Mr. Speaker, it is well known that significant differences exist between the United States and China in some areas of current policy and practices. This is why it remains important that our government fosters cooperative artistic interaction between our two countries. I am pleased to commend the Kennedy Center and the Chinese Ministry of Culture for collaborating in this vein.

Mr. Speaker, I also want to draw this body's attention to the important role that these cultural exchanges play in the overarching relationship between China and the United States. As Chairman of the US-China Interparliamentary Exchange, I know that it is important that the United States and China continue to work to understand each other on a variety of levels. Mutual cooperation, particularly through U.S.-China exchange programs and cultural events, brings about a deeper understanding and, in turn, can strengthen our bilateral relationship, so we can resolve our differences.

Mr. Speaker, I applaud this exposition as it works to deepen our appreciation for some of China's unique cultural treasures and enhance the friendship between our two countries.

URGING CONGRESS TO SUPPORT DEMOCRATIC ELECTIONS IN COTE D'IVOIRE

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Mr. TOWNS. Mr. Speaker, democracy has begun to take hold in Afghanistan and Iraq recently, and today the United States has an opportunity to affirm democracy and democratic principles in another country—Cote d'ivoire.

Congress, along with the Bush administration, must commit the resources that are needed to ensure that this strong U.S. ally can hold its election at the earliest possible date.

Just 5 years ago, 85 percent of the Ivorian people approved a Constitution mandating that Cote d'ivoire's President remain in office until an election result.

Violating this critical provision of the Constitution could render the rest of the document null and void and throw the country into further chaos.

Postponing the election would also reward Cote d'ivoire's anti-government rebels, who have waged a brutal campaign of fear and intimidation. Any peace plan must include the disarmament of these rebels.

Supporting democracy and democratic principles is of particular importance in Cote d'ivoire, which is the economic anchor of West Africa.

I am today introducing a Sense of Congress Resolution urging the Bush Administration and the Congress to declare, unequivocally, that the United States supports a free and fair presidential election in Cote d'ivoire at the earliest possible date, and I encourage my colleagues to cosponsor this measure.

Supporting democracy, not thwarting it, must be a guiding principle of America's relations with nations throughout the world.

CONGRATULATING CRESTHILL MIDDLE SCHOOL

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Mr. TANCREDO. Mr. Speaker, I rise today to congratulate Cresthill Middle School in Highlands Ranch Colorado. Cresthill has been named an Intel School of Distinction in Professional Development. This award recognizes schools in which teachers, administrators, and staff work together to continuously improve student learning.

The Intel School of Distinction award adds to the list of honors bestowed upon Cresthill Middle School, which has also been named a Blue Ribbon School of Excellence. These honors reflect the school's extraordinary commitment to education and speak to the dedication of the teachers, students, and parents.

Mr. Speaker, schools such as Cresthill Middle School that foster academic excellence for its students and professional development for its teachers, deserve recognition. In its mission statement, Cresthill Middle School champions all students in the quest toward achievement and responsible citizenship. I am proud to congratulate the school both for living up to its mission and for being recognized as an Intel School of Distinction.

PERSONAL EXPLANATION

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Ms. LEE. Mr. Speaker, on September 29, 2005, I was unable to vote during rollcall vote No. 504 as I had to attend a funeral in my District. Had I been present, I would have voted against H. Con. Res. 245.

I am increasingly concerned that resolutions like H. Con. Res. 245 are being used to score political points, rather than resolutions that could be well-intended expressions of reasonable patriotism and commitment to our national identity.

Similarly, in the last Congress, we considered legislation (H.R. 2028) that would strip the Federal Courts of jurisdiction over cases involving the Pledge of Allegiance. Though the legislation was intended to ostensibly deal with the "under God" controversy, which was bad enough considering the important role that the Courts play in ensuring that our legislative enactments are permissible in light of the Constitution's protections of our citizens, it unfortunately also had broad implications on cases in which individuals, especially members of religious minorities, would seek enforcement of their constitutional right for religious practice.

I voted against that legislation because it threatened the separation of powers established in our Constitution and undermined the constitutionally established function of the Federal Courts to interpret the law, a principle established in Marbury v. Madison two centuries ago. I believe that H. Con. Res. 245 would similarly be incompatible with the First Amendment's religious protections and would thereby harm religious minorities for whom the recitation of the Pledge is a violation of their faith.

Mr. Speaker, it is the responsibility of Congress to protect the rights of all of our citizens and to pass laws consistent with that great document, The Constitution of the United States, not pass laws that flout its principles. I believe that H. Con. Res. 245 deviates from those responsibilities and that is why, had I been able to attend the day's proceedings, I would have voted, "no."

BROCK PETERS IN MEMORIAM

HON. DIANE E. WATSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Ms. WATSON. Mr. Speaker:

Whereas, It was with great sadness and a deep sense of loss that word was received of the death in Los Angeles of Brock Peters on August 23, 2005, one of America's most distinguished actors of stage and screen, whose deeds in life merit the respectful acknowledgement of his community and nation; and

Whereas, he was born George Fisher on July 2, 1927 in New York City, the child of Sonny and Alma A. Fisher, following a year at the University of Chicago in 1944 and undergraduate study at the City College of New York from 1945 to 1947, he worked as a YMCA and Parks Department instructor, hospital orderly and shipping clerk in New York while studying for the acting and singing career which was the object of his life-long dreams; and

Whereas, Brock first took the stage at the age of 15 in the 1943 Broadway production of Gershwin's Porgy and Bess, sang bass with the DePaur Infantry Chorus, joined a traveling cabaret act that played in American and Canadian clubs, and was among the first African Americans to break through in television when he sang on The Arthur Godfrey Talent Scouts in 1953; and

Whereas, Brock's film career flowered when he breathed life into some of the most memorable roles in American cinema, playing "Sergeant Brown" in Otto Preminger's Carmen Brown in 1954 and "Crown" in the 1959 film version of Porgy and Bess, yet these villainous portrayals nearly stalled Brock's career until he garnered his most famous role in 1962, that of the innocent but falsely accused "Tom Robinson" vindicated by Gregory Peck's Oscar-award winning performance in To Kill A Mockingbird, henceforth Brock's film characters varied between the noble and the notorious, including "Johnny" in 1962's The L-Shaped Room and "Rodriguez" in 1965's The Pawnbroker, and more than a dozen other films including The Incident (1967), Soylent Green (1972), Lost in the Stars (1974), Two-Minute Warning (1976), Star Trek IV (1986) and Star Trek VI (1991), in between which Brock had a significant television career, playing featured or recurring roles in Roots: The Next Generation (1979), Battlestar Galactica (1979) and the musical Polly! (1989) as well as scores of guest show appearances and film voice-overs, yet Brock never abandoned live theater, where he starred in such hits as Othello (1963), My Children, My Africa (1990), and the stage versions of The Great White Hope (1971), Driving Miss Daisy (1989) and Lost in the Stars; and

Whereas, having married Delores "DiDi" Daniels in 1961, the couple sustained a tireless parallel career as advocates for African American drama and craftsmanship, together founding Delbro Enterprises which produced Five on the Black-Hand Side (1973), and the PBS documentary This Far by Faith (1975), and directing an actors studio specializing in African and African American theater, Brock also became a co-founder of the Dance Theater of Harlem; such artistic leadership garnered numerous honors for Brock Peters including Presidency of the California Arts Commission, induction in the Black Filmmakers Hall of Fame, the Best Actor in a Musical Award from the Drama Desk and Outer Critics Circle Awards, nomination for a Tony Award, and receipt of awards from the National Film Society and the Screen Actors Guild, and;

Whereas, Brock Peters, preceded in death by his beloved wife DiDi in 1990, leaves to cherish his memory his beloved daughter Lisa Jo Peters and a host of family, friends, colleagues and fans; Now, therefore, be it

Resolved, by U.S. Representative Diane E. Watson, that the outstanding artistic achievements and exemplary civic contributions of Brock Peters be Saluted and Memorialized in the Annals of the Congress of these United States of America, with most sincere condolences to his bereaved family and prayers that his soul may now rest in eternal peace.

Attested this 27th Day of August in the Year 2005.

TAIWAN'S NATIONAL DAY

HON. DAVID WU

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Mr. WU. Mr. Speaker, on October 10, 2005, Taiwan's National Day, I offer my best wishes and congratulations to the people of Taiwan for building a democratic, peaceful and prosperous island. Taiwan witnessed the first ever peaceful transition of political power in Chinese cultural history in 2000.

Taiwan is also an island with a significant population and a prosperous economy. The two peoples, both Taiwanese and Americans, share a common belief in democracy, the adherence of human rights and the rule of law. I believe it is important that we maintain a free and open relationship. The United States should remain committed to stability in the region. I believe the United States must continue to play a role in guaranteeing the peaceful resolution any destabilizing issues between Taiwan and the People's Republic of China.

It is my hope that there will be enduring peace and stability in the Asia Pacific region, especially in the Taiwan Strait. It is also my hope that both Taiwan and the People's Republic of China will soon resume their dialogue, as it is my belief that negotiation is imperative to any resolution.

DAVIS-BACON SUSPENSION LEAVES LOCALS JOBLESS IN GULF

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 2005

Mr. OWENS. Mr. Speaker, the indefinite suspension of Davis-Bacon by President Bush has destroyed the hopes of local residents in the Gulf region—many of whom had already lost everything in the wake of Hurricanes Katrina and Rita. Now Gulf residents who work in construction have to contend with wages even lower than those normally prevailing in Louisiana, Mississippi, Alabama, and several counties in Florida. As documented by an article which appeared in today's Washington Post, the President's suspension of Davis-Bacon and clear preference for political cronies also appears to make Gulf residents last on the list for Katrina reconstruction jobs. Despite rhetoric to the contrary, the President's actions will prove just as devastating to workers in the Gulf region as the destruction wrought by the hurricanes. Mr. Speaker, I ask unanimous consent that this Post article be printed in the RECORD in its entirety.

[From the Washington Post, Oct. 7, 2005]

SMALL BUSINESSES LOSE KATRINA CLEANUP CONTRACTS TO LARGE FIRMS

(By Jonathan Weisman)

When Al Knight received notice Friday that his small company's contract to help wire Louisiana's storm-damaged Alvin Callendar Naval Air Station had been abruptly canceled, he could not have known the reverberations would reach Washington within days.

But the plight of little Knight Enterprises LLP has several compelling factors: a minority owned small business in New Orleans losing out to a big, national firm; local workers, mainly African American, first devastated by Hurricane Katrina and then supplanted by out-of-state, low-wage replacements; questions over White House wage policies; and a name that has haunted the Bush administration since the invasion of Iraq—Halliburton. Little wonder that Sen. Carl M. Levin (D-Mich.) highlighted it yesterday as he grilled the Federal Emergency Management Agency's acting director, R. David Paulison, on the Bush administration's hurricane recovery contracts.

After Katrina hit, most of Knight's electricians found themselves with nothing: homeless, jobless and broke. But when Alabama-based BE&K landed a subcontract to help rebuild the naval air station, it turned to Knight for electricians—he says 75, BE&K says 59 at the peak of work.

BE&K was working for Kellogg, Brown & Root, a subsidiary of Halliburton Co., Vice President Cheney's former company.

When BE&K came to him, Knight said he was told his work would run well into the millions of dollars and stretch out as long as 20 months. His men would be paid the prevailing union wage of $22.09 an hour, plus health benefits.

After three weeks, the initial work was 60 percent completed. Then, on Friday, Knight received a letter informing him that BE&K workers—largely from out of state and, according to Knight, earning $14 to $15 an hour without benefits—could take over from there.

Susan Wasley, a BE&K spokeswoman, said Knight's crew was always there merely to augment the company's own staff of 45 electricians. Knight Enterprises was let go because its work was done.

Knight did not blame BE&K for his disappointment. Instead, he pointed to President Bush's decision last month to suspend the so-called Davis-Bacon federal law that mandates that workers on federal projects be paid the average wage of an area, often the union wage. Once BE&K was forced to compete with nonunion companies for KBR contracts, they could not afford the union electricians that dominate Louisiana, he said. "I can tell you this for sure," Knight said. "If Davis-Bacon wage rates were left alone, then you'd have local Louisiana people working on local projects, and we would be working today."

SENATE—*Monday, October 17, 2005*

The Senate met at 2 p.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God, our Father, You alone can strengthen us to do Your will. Strengthen us to trust You when life brings more shadows than sunshine. Strengthen us to have faith, faith in You, even when doubts assail. Strengthen us with hope when things seem at their worst.

Strengthen the Members of this body with a reliance upon Your loving and powerful providence. Remind each Senator that all things work together for the good of those who love You. Strengthen us all to fight the good fight, to run a noble race, and to refuse to give in to despair.

We pray in Your strong Name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, today, at 3 o'clock, we will begin consideration of the Transportation, Treasury, and HUD appropriations bill. We expect amendments to be offered during today's session and, as I announced prior to the recess, the first vote will occur at 5:30. We expect that vote to be in relation to an amendment to the Transportation-Treasury bill, and we will coordinate with the two managers once we begin debate on the bill itself.

We are now in the final weeks of the first session. Members should expect busy weeks with rollcall votes possible each day of the week, including Fridays. I say including on Fridays not as a threat but as a reality of the large amount of work remaining that we have to do and the time left for completing our business.

I do thank all Senators in advance for their patience and cooperation as we try to wrap up our business next month.

SENATE AGENDA

Mr. FRIST. Mr. President, I welcome back our colleagues from the Columbus Day recess. As we open our session, I hope everyone—I am sure they did—had a productive and rejuvenating week with their constituents and their families and their friends. We have a very busy 5-week session ahead of us. There is a lot of work to do.

First up is going to be spending reconciliation. This week our committees are taking up the hard work of thoughtfully considering spending cuts to ensure fiscal discipline, particularly in light of our responsibilities in the wake of Hurricane Katrina. It is not an easy job. It is not going to be an easy job over the next several days and weeks. I do want to thank our committees and their chairmen and ranking members for their determination and focus.

On appropriations, we have made steady progress. We have made good progress in the last several weeks. I anticipate we will be able to finish the Transportation, Treasury, HUD, and DC appropriations bill this week, which means once we are successful with that—and we will be—we will have only one bill remaining. I thank, particularly, Chairman THAD COCHRAN for his tremendous leadership in this appropriations process.

The appropriations process is one of our primary responsibilities. It funds the basic functions of our Government. And we are committed to doing so in a way that is disciplined and is fiscally responsible.

This is equally true as we continue to meet the challenges of Hurricane Katrina and Hurricane Rita. In the wake of these twin disasters, we focused on providing the targeted relief, the immediate relief, and the effective tax incentives that we know will work to help the gulf coast recover and rebuild.

As this process moves forward, we are going to face a lot of tough decisions, a lot of difficult decisions. But with each of these decisions does come an opportunity, an opportunity to encourage growth, to lower costs, to create jobs, and to strengthen the economy as the gulf recovers and rebuilds stronger and, indeed, more prosperous than ever.

Throughout, we need to keep a sharp eye on the bottom line, and we need to set clear priorities. Some have called for higher taxes to cover the short-term expense. I disagree. America's families are already bearing the burden of higher taxes in higher gasoline prices and heating bills as a result of the storms. We cannot and should not burden the American people with even greater Government-imposed expenses.

We need to stick to a rigorous program of fiscal discipline and strong progrowth and deliver meaningful solutions that are responsible and effective, that we know will work.

Before the Columbus Day recess, I asked our committee chairmen to keep working on the spending controls we agreed to earlier this year and to look for ways to find additional savings.

I asked our Budget Committee chairman, JUDD GREGG, to put together feasible and achievable savings recommendations. I also asked him to coordinate his work with the House and the White House.

We have also endorsed the concept of creating an independent inspector general to make sure the Katrina and Rita disaster relief will be well spent.

To further control costs, we have asked the President to send the Congress a rescissions package under the Budget Act. This is the only guaranteed way to ensure both the House and Senate jointly take a stand on spending. This authority, last used in 1992, resulted in savings, then, of nearly $8 billion.

We are moving forward, and I urge all of our colleagues to continue to work together to impose aggressive fiscal discipline to restrain Government spending.

In the next 5 weeks, we will also consider the President's nomination of Harriet Miers to the Supreme Court of the United States. I expect the Senate to carry out its constitutional advice and consent responsibility in an expeditious, fair, and civil manner, as we did with Chief Justice John Roberts.

Harriet Miers is an accomplished and experienced lawyer, who is respected by her peers and trusted by the President. In the weeks ahead, we will have the opportunity to learn more about her background and more about her qualifications. Through courtesy calls and hearings, we will have that opportunity to hear from Ms. Miers herself.

I urge all of my colleagues to let her be heard and to resist a rush to judgment. Such as with all judicial nominees, Harriet Miers deserves a fair up-or-down vote.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

In the meantime, we will continue to work for consent on pensions and Defense authorization. I urge my colleagues to work together to get these critical pieces of legislation done.

Protecting our fellow citizens' safety and well-being is our highest obligation. The American people expect and deserve a Senate that is purpose driven and that does get results. We are called upon to govern with meaningful solutions.

In this session, we have worked hard to address some daunting challenges: defeating our terrorist enemies, tackling rising energy costs, and securing our borders from illegal immigration and terrorist threat. More remains to be done. We face a serious threat of avian flu, as well as taking a hard look at our spending priorities.

These are just two examples. There will be many more. But I am confident that by pulling together with a sense of common purpose we can secure a stronger, safer, healthier, freer, and more prosperous America. I am confident that with determination and focus we will continue to move America forward.

Mr. President, I yield the floor.

RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. The Democratic leader is recognized.

PRIORITIES OF THE AMERICAN PEOPLE

Mr. REID. Mr. President, similar to all Senators, with rare exception, I spent last week's recess at home. I traveled Nevada meeting with my constituents. I met with a wide range of people. I had many conversations. But all the conversations came back to the same issues, including rising energy prices.

One of the last conversations I had was at my home in Searchlight, where some of our friends who live in Searchlight came to visit with us, Judy and Dick Hill. He works at a powerplant, the Mojave Generating Facility, about 35 miles from Las Vegas. She is the assistant postmistress of Searchlight. They have two boys. One of them is going to school. She is even taking some courses at a community college.

They spend about $500 a month on gasoline. Maybe they should get vehicles that do not use as much gas, and I am sure they are considering that, but it would not matter what kind of vehicle they drove; they need lots of gasoline to be able to do what they have to do, such as going back and forth to work, taking the boy to school.

People in Nevada are concerned about Iraq, as well they should be. I certainly applaud the people of Iraq. A little more than half of them turned out to vote. That is courageous. They are proud people, and I am glad they have shown their strength by turning out to vote. And it appears the constitution is going to pass. We will know in a few days.

We lost five soldiers yesterday in Iraq. We are very quickly approaching 2,000. We have not quite arrived at that number yet, but we are 10 or 12 short of that number.

The costs are ongoing. The war seems to be intractable. Surprisingly, the administration is still claiming, as Secretary Rice did over the weekend on a Sunday talk show, that the war is a result of 9/11. The American people do not accept that because it is simply not true.

Of course, constituents were concerned about Katrina and, of course, whether we are ready for another disaster such as the avian flu. I am sure this is not unique. I am sure other Senators had the same experiences I did these past 10 days. Americans from all walks of life are focused on these important issues, and they are looking to us for help. As the Democratic leader, I felt comfortable assuring my constituents that my Democratic colleagues are doing everything we can to meet these three areas about which they spoke.

On Iraq, we continue to press the President to answer key questions about how he is going to change course and achieve military and political success and to get an accounting of how the money has been spent.

On energy, we believe we must remain committed—and we will remain committed—to energy independence by the year 2020. And we have pushed to help families fill their tanks and heat their homes.

With Katrina, we have continued to fight to make sure the needs of displaced families are placed at the top of the Senate's agenda.

And with the avian flu, we have taken the lead in offering solutions to help prepare America and Americans for the next possible disaster.

You see, Democrats understand these issues are the priorities of the American people. That is why they are priorities for us.

Mr. President, a couple of comments regarding the statement of my friend, the Republican leader. I do not know of anyone who is calling for higher taxes, as he suggests. But I know there are people calling for doing away with the budget resolution and reconciliation that calls for $70 billion more in tax cuts—$70 billion more in tax cuts—that go to the elite of the country.

On top of that, I would suggest that we need to, in effect, get rid of the reconciliation.

The resolution that will be executed by the reconciliation process now before the Congress, that was called by all leaders of Protestant Churches the night we voted on it immoral, is even more so now, the resolution before us, not counting what the House says they are going to do. They are going to cut more, Medicaid by $10 billion, cut Medicaid more, cut medical care to the poorest of the poor in America. They want to increase it by another $5 or $10 billion. That is unconscionable.

My distinguished friend, the majority leader, said the high energy costs are a result of the storm of Katrina. That is simply without fact. Prior to Katrina, oil prices were at $70 a barrel. This is a problem that has been going on for a while. We Democrats are concerned about the priorities of the American people. I suggest that those issues about which my friend spoke are not priorities, certainly not to the people of Nevada. We are focused on addressing America's pressing needs. Republicans are acting as though nothing is wrong, that the storm caused the problems.

Take energy. The price of gas continues to hover around $3. I already told you about Dick and Judy Hill in Searchlight. Millions of other people are in the same boat as Dick and Judy. The administration's own Energy Department predicts families will pay hundreds more to heat their homes this winter.

I met with Governor Doyle of Wisconsin today. He said in Wisconsin to heat your home will cost $300 a month more. Despite these facts, Republicans have refused to help families at the pump. They have blocked our efforts to help working families heat their homes. Senate Republicans have taken a similar hands-off approach to Iraq and Katrina. We still have done nothing to help the victims of Katrina. We have appropriated money. The majority leader says we should have somebody to make sure the money is spent right. We have begged for legislation to create a czar so this money can be spent wisely. No, no legislation in that regard. They won't allow us to bring it to the floor. The huddled masses we all saw on TV—I read the spokesperson for this administration, Bob Novak, in the Washington Post today, the columnist. He said it looks good in Louisiana, especially New Orleans: We just won't let the people come back. We will have the city about half of what it was before, and that will be great for Louisiana.

That is their response to this catastrophe. The people who needed the help the most have still gotten no help. And preparedness for avian flu, let's see what happens on that.

The best example, though, of the Republicans, the best example is the Defense authorization bill. We haven't done one. At a time of war, we have not done a Defense authorization bill. In that bill we have money for troops, for pay raises so that they will pay taxes, money for health care, for new equipment. Republicans refuse to bring it to the floor. We even agreed to 12 amendments, 12 amendments. The average number of amendments is about 150. We agreed to 12. The only real vote we have had on the Defense authorization bill was an amendment offered by the majority leader on Boy Scouts. Yet we don't have time for the Defense authorization bill. Why won't they let us go forward with the 12 amendments? Because one of the amendments calls for an independent, bipartisan commission to study what went wrong with Katrina. They will not let us do that. They are willing to bring down the whole Defense authorization bill because they know on that vehicle we have a right to offer an amendment. On the things they are bringing up now, the appropriations bills, we can't do it procedurally in the Senate. They do not want an independent, bipartisan commission to take a look at what went wrong with this administration's response to Katrina. You would think the administration would want this. But, no, they are fighting this, just as this President fought the 9/11 Commission.

I would hope that we would get someone like Senator McCAIN, who was the one who forced the issue on 9/11, to come forward. Let's have this as a bipartisan call for help, for review. From Defense authorization to Katrina relief, the Republican record is clear: Their plans for the future are bad. Instead of helping Americans, Republicans have decided to use the months ahead to make problems worse. For the next 5 weeks, Republicans have decided we should focus on cutting health care funding for the sick and elderly, cutting education for students, cutting housing and food assistance, food stamps. That is part of the budget reconciliation. They want to cut food stamps. Republicans will be arguing that all this is justified in the name of fiscal discipline.

Now we have about 20 people who are running the House. With Congressman DELAY's problems, the Speaker has lost control of the House. We read in papers all over America today that the House is being run by 20 renegades who are telling him what to do. It appears he is listening, and he is going to do what they want. What are some of the things they want to do? Cut Medicaid even more, more tax cuts, forget about the people in Louisiana and Mississippi. The group that now runs the House of Representatives is arguing that all this is justified in the name of fiscal discipline, and these are the same people who have brought us the largest deficits and debt increases in this Nation's history. Remember when President Bush took office, some say there was a surplus over 10 years of $7 trillion. That has all since gone. Now we are $7 trillion in the hole. Some turnaround. These are the same people who voted for trillions in additional tax cuts and hundreds of billions for Iraq without batting an eye about the fact that none of this spending was offset.

The same people would like to move forward on another round of expensive tax breaks for the elite. America can do better than this. It is time for Congress to focus on the needs of the United States. The American people have concerns about a number of issues, and we have an obligation to address them. I know the majority leader would like to proceed with business as usual, but that is not what the American people expect or want. They aren't interested in more tax breaks for the rich or perks for big oil. They want us to come together and focus on real problems. We have 5 weeks before the next recess—that is Thanksgiving—and a host of issues to address, including energy prices, Katrina, preparedness for avian flu, and other disasters.

It is the pledge of the Democrats that we will not allow these issues to be swept under the rug. Democrats will do everything in our power to make sure these issues are addressed before we leave. On energy, we will fight to make sure the Senate takes real steps to help millions of families fill their tanks and heat their homes, like LIHEAP, like price gouging. On avian flu, we will continue to push the Senate to consider our comprehensive legislation so that our country has the tools and resources it needs to focus and confront this threat. With Katrina, we will make sure hundreds of thousands of victims are helped, not forgotten. Displaced families may no longer be front-page news, but that doesn't mean their needs are met. Thousands are still without health care and housing, and we have an obligation to help. Energy costs, preparedness, Katrina relief—top priorities for the American people, and Democrats will fight to make sure they are the top priorities for the Senate as well. America must do better than what we have done.

The PRESIDING OFFICER (Mr. CORNYN). The Senator from Illinois.

Mr. DURBIN. My understanding is the Senate is now in morning business?

MORNING BUSINESS

The PRESIDING OFFICER. If the Senator will allow, under the previous order, we are scheduled to go into a period for the transaction of morning business until 3 p.m. The time will be equally divided until 3 p.m.

Mr. DURBIN. Could the Chair advise me how much time I would have under that understanding? Is it half of 35 minutes?

The PRESIDING OFFICER. The Senator is correct.

CONCERNS OF THE AMERICAN PEOPLE

Mr. DURBIN. Mr. President, I thank the Democratic leader for coming to the floor. We have all returned from our time back home. The Columbus Day recess gave us a chance to go back to our home States. I have run into Senators in the hallway. Senator CORNYN said: I was blazing across Texas. I know Senator REID was in Nevada. I was going across the State of Illinois. It is a good time. It is a good chance to see if some of the things we are talking about in Washington are really resonating and important to the families back home.

I sense, after having been around here for a while, where we spend a lot of time, the people back home scratch their heads and think: They are wasting time. It is all political talk and speeches. When are they going to talk about the things that really count?

I will tell you what I found really counts back home. I went to Wheaton, IL, and visited with Joel Gomez. Joel Gomez, a year and a half ago, was injured in Iraq as an American soldier and became a quadriplegic. Joel Gomez is a wonderful young man. This was the first time I had met him face to face. He lights up a room with his smile, and he is so engaging. He is in a hospital bed and cannot move. The people in the community and the veterans organizations have come together and built him a new home. They built it in 3 months. They broke all construction records. It is for his mother and father and himself. It cost over $700,000. They put all of that into it to make sure that Joel Gomez can have a good life from this point forward.

I talked to his mom and dad and the people who are around him. I said: How is care at the veterans hospital for Joel? They are trying their best. Sometimes his condition is so challenging, they have to go to other places. But they said: Senator, he is offered 16 hours of nursing care each week. Joel Gomez needs 24/7. He gets 16 hours from the Veterans' Administration. The rest comes from friends and family, other veterans and relatives who are giving money so Joel can have nursing care.

So when I come back here and join in the debate with Senator PATTY MURRAY and other Democrats and talking about the war in Iraq, I think of Joel Gomez. I think of the soldier who did what we asked of him, as so many hundreds of thousands have. He risked his life for America, has suffered a life-transforming injury, and now doesn't have the support of his Government that he should.

In terms of the priorities of America, when it comes to Iraq, I am glad the constitutional referendum took place, but I also think we have to look at the security needs of Iraq and the reality of Iraq today. One hundred fifty thousand American soldiers are there today. As Senator REID said, we have lost almost 2,000 of our best and bravest so far with no end in sight. So when we say to the administration, we are holding you accountable, we want to see this move forward so American troops can come home, I think that is our responsibility. We are not saying cut and run, retreat. We are saying: Tell us when the Iraqi army has improved to the point where it can take over for American soldiers.

Two weeks ago, Generals Casey and Abizaid came to Capitol Hill disclosing information to congress that had been classified for months. The information was this: There is only one battalion in the Iraqi army standing ready to fight independently, alone, today, out of 110. Four months ago there were three. They have gone downhill because of desertions, because of the infiltration of insurgents. The Iraqi army is not growing in strength, as we had planned it would, so we could come home. So when the Democratic side of the aisle holds the White House accountable, it is so that we can start bringing these soldiers home. So that Iraq can take control of its own future and security; and, secondly, to make sure, as well, that when we consider cuts in appropriations, we never cut the Veterans' Administration—never.

We made a solemn promise to these men and women. We said, If you will risk your life for America, we will stand by you when you come home. I think of Joel Gomez when I think about that.

Then I went up to Elgin and went to the local community center there and met with the United Way and a young woman named Sheila Balthazar. Sheila Balthazar and her 2-year-old son are from New Orleans. They were lucky. They were traveling when Hurricane Katrina hit and they managed to escape and made their way, with her father, up to Illinois to a community in Kane County. The community of Elgin embraced her—because they wanted to make her feel at home—finding a home for her, finding a job for her, and taking care of her son.

I said, What about Government help in this situation? You have lost your home; you have lost everything you own. She said there hasn't been much if any in terms of Government assistance.

I thought to myself, we have appropriated $60 billion, and yet when it comes right down to it, the people who are suffering turn to the best place one can turn, and that is the compassion and caring of their fellow Americans. But where is their Government? Where was our preparation? Where was our preparedness? We were told by this administration: We are ready, whatever the disaster might be. It did not happen. We saw those horrifying images on television as a reminder that it did not happen.

The one issue that kept coming back was the cost of energy. It was announced while I was home that even in the upper Midwest, northern Illinois, people can expect historically high natural gas heating bills. We rely on natural gas more than anything else. People in the Northeast use heating oil. They expect the average home to see an increase of $200 or $300 a month in their heating bills this approaching winter.

It shows us that what we passed and had signed into law a few weeks ago, the Energy bill, is not much of an energy bill. It did have some good provisions in it. I voted for the bill because it helped ethanol, biodiesel—alternative fuels—that I think move us in the right direction. But when we offered an amendment on the floor and said to the Senate, Shouldn't we as a nation accept as a challenge for every President—Democrat and Republican—from this day forward to reduce our dependence on foreign oil by at least 40 percent by the year 2020, the amendment was defeated on a partisan rollcall, Republicans voting no on energy independence for America by 2020.

Now take a look at where we are. We are still heavily dependent on foreign oil, still finding our economy at the mercy of the OPEC cartel and others who run prices up as high as they can. What is even worse, we are finding that the big oil companies are making obscene profits at the expense of individuals and families and businesses across America.

The top four big oil companies in America in the first 6 months of this year reported $40 billion in profits, recordbreaking profits. So as we stick that nozzle into the gas tank and look at those numbers rolling, trust me, a small part may be going to Saudi Arabia, but the biggest part of it is not going to the man who owns the gas station, it is going to that oil company that owns the gas station: $40 billion in new profits, windfall profits that consumers are paying across America. We will see it with heating bills this winter, and we are going to see it as well with the pressure on airlines for the cost of jet fuel.

The obvious question is this: What will this Congress do about it? Before we leave in 5 weeks, will we do anything? Will we make a move now to establish a goal of energy independence by the year 2020? Will we set up a strategic gasoline and jet fuel reserve so that when we have these price spikes, the President has a tool he can use to reduce these costs? Will we hold the oil companies accountable for these windfall profits, $40 billion, that have come at the expense of average Americans over the last 6 months?

You can understand that the President and Vice President, because of their business backgrounds, are not excited about these ideas, but the American people expect us to do something. The Democrats have come forward with specific proposals dealing with energy. The Republican side has said, Let business continue as usual. Let these billions of dollars continue.

Then I ran into a friend of mine in Springfield with whom I have worked for years. We talked about credit card debt. He said he understood that his credit card company by the end of the year was going to do something that could hurt his family. I said, What is that? He said they are going to increase the minimum amount you can pay each month on your balance from 2 percent to 4 percent. He said: I am not sure I can keep up with it.

I thought to myself: If you can't pay off 4 percent of your credit card balance each month, how can you ever get ahead of the game? The interest they are going to charge you is going to eat up 4 percent—2 percent at least. And if you are not paying down that principal and still charging away, how are you ever going to get out from under?

The reason why that is especially appropriate to mention today is because today is the first day of the new bankruptcy law in America. The Republican leadership here points with pride to the fact that they put in a new bankruptcy law.

The most basic question one can ask in Washington when people say they want a law passed is, Who wants it passed and why? This bankruptcy reform bill was the darling and pet project of the financial institutions and credit card companies of America for almost 10 years. Why did they want to change the bankruptcy law? Because this individual I mentioned in Springfield and others who become so heavily indebted to credit card companies sometimes reach a breaking point. The one thing that pushes them over the edge more than anything is medical bills uncovered by their health insurance. When these medical bills come crashing on them, some are forced into the bankruptcy court.

Other things can happen—a death in the family, a divorce, a loss of a job. But the No. 1 reason people go to bankruptcy court is because of medical bills. So this bankruptcy reform which we passed—I voted against it—with a majority in the Senate will make it more difficult for individuals with medical debt forced into bankruptcy to discharge their debt. In other words, at the end of this legal proceeding in bankruptcy, they are still in debt. They walk out the door with the debts all over again. The credit card debt and medical debt is still there.

So, of course, the financial institutions and credit card companies couldn't be happier. If you can't get out from under this debt, they will get more money from you, they will harass you for years and months to come. That is the idea of breakthrough legislation by the Republican leadership in the Senate.

From my point of view, it does not help the average person in America. It puts an unreasonable burden on people who are struggling to survive as each year we see fewer and fewer people with health insurance, as each year the Republicans resist efforts to increase the minimum wage in this country so people who get up and go to work every day can make enough money to get by. As the number of impoverished people in America continues to grow each year, we end up making it more difficult to go to bankruptcy court and get out from under that debt, even if that debt is caused by medical bills.

That, to me, is not the people's agenda, it is not America's agenda, and it does not reflect what I found when I returned to Illinois. The people I represent believe America can do better. We can do a lot better. We can have an energy policy that moves us toward independence and gives us some way to deal with these obscene profits by the oil companies that are dragging our economy down, as well as family budgets. We can do better in Iraq by establishing standards of accountability for this administration: How many Iraqi soldiers are going to be prepared to fight, and how soon can American soldiers come home? What is the progress on reconstructing Iraq? There is less electricity in Iraq now than when we invaded. There is less potable water available. There is a 50-percent unemployment rate and less oil production than at the time of the invasion.

We need to hold this administration and the Iraqi Government accountable so our American soldiers can come home successfully with their mission truly accomplished.

We also need to see accountability when it comes to health care in America. This is a topic that neither the President nor leaders in Congress are willing to talk about in public, and it is the No. 1 issue. When I sat down with the Chamber of Commerce in Elgin, IL, and asked the gathering of business leaders, If you had to rank the top three issues facing your business today as a challenge, how many of you would put the cost of health insurance in the top three? Every single hand went up.

What are we doing about that in Washington? The answer is absolutely nothing. While people are making a handsome profit as providers and insurance companies and HMOs, we are doing nothing to help the average American.

We had a hearing on the Medicare prescription drug bill in Chicago with Congresswoman SCHAKOWSKY. I feel sorry for the seniors of this country. I am glad they have a benefit coming their way, but it couldn't have been more complicated. In an effort to protect the profits of pharmaceutical companies, we would not let Medicare offer—simply offer—one plan for all seniors across America, a plan that could compete by bulk purchases and discounts in lowering the price of drugs. No way. The pharmaceutical companies opposed it, and they, of course, rule the roost when it comes to Capitol Hill. They get what they want. As a result, we have the jumbled mess of bureaucracy and redtape that our seniors have to go through to try to figure out what this Medicare prescription drug benefit is all about.

We should have done a lot better for our seniors than this Medicare prescription drug bill. It is not as good as America can do. I think we have an obligation to do better.

In the weeks ahead, the 5 weeks when we are scheduled to adjourn, I hope we rise to the challenge on a bipartisan basis. I hope the Republican leadership looks to the real issues facing America: energy, dealing with the Katrina crisis with a truly independent nonpartisan commission, and making certain we have accountability with what is happening in the war in Iraq. That will move the Senate forward and move America forward.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. CORNYN). The assistant majority leader.

HONORING OUR ARMED FORCES

SERGEANT MICHAEL DUANE ACKLIN II

Mr. McCONNELL. Mr. President, I ask the Senate to pause for a moment today in loving memory and honor of Sergeant Michael Duane Acklin II.

Sergeant Acklin of Louisville, KY, served with the First Battalion, 320th Field Artillery, 101st Airborne Division. Nearly 2 years ago, he gave his life in defense of our country in the northern Iraqi city of Mosul. He was 25 years old and had served in the Army for 5 years.

On November 15, 2003, Sergeant Acklin was on an evening patrol over Mosul in a Blackhawk helicopter, and his team was responding to an ambush of a squad of American soldiers on the ground. As the helicopter hovered above the fight, a second helicopter, which had also come to help, was struck by a rocket-propelled grenade.

That helicopter lost control and hit Sergeant Acklin's aircraft, cutting off the tail rotor of Sergeant Acklin's helicopter. Both helicopters lost control and crashed, killing 17 soldiers. Sergeant Acklin was one of them. It was the largest loss of American lives during a single incident in Iraq at the time.

Sergeant Acklin was buried in Louisville at the Zachary Taylor National Cemetery, named for America's 12th President who is also laid to rest there. For his valor, Sergeant Acklin was awarded the Bronze Star and the Purple Heart. During his service, he also received the Global War on Terrorism Service Medal and the Global War on Terrorism Expeditionary Medal.

Michael attended Butler High School and then Western High School, where he graduated in 1996. After graduation, he worked as a bus boy, a cook, and at several other temporary jobs, but none gave Michael the challenge or the fulfillment that he was looking for. Then he began to see the Army as a way to focus his life and spirit.

Michael's family has a long and distinguished career of military service. His grandfather, Eugene Acklin, his great-grandfather, Fred Bible, and three of his cousins have all served in either the Army or Air Force. In fact, before making his decision to enlist, Michael spoke with one of those cousins, Curtis Luckett Jr., an Army veteran. Michael also sought the advice of his father's cousin, LTC Charles Mitchell, Jr., a career military officer who gave him a personal perspective on Army life. However, Michael made his decision to join the Army in his own way.

A devout Christian, Michael enlisted in the Army in the summer of 1998, after hearing, according to what he told his family later, what he could describe only as the voice of God. In hopes of following God's calling, Michael had a friend drive him to a nearby Army recruiting station, and he signed up. He felt this was to be his path into adulthood. His father applauded his decision, and his mother hoped it would provide him the direction he was seeking.

While he found basic training tough, Michael embraced the discipline the Army provided him, and he successfully completed his training and emerged with a greater awareness of his strengths and talents. Early-morning wake-up calls at 4:30 and ceaseless drills gave Michael a new sense of commitment and confidence. He was made a recruit leader, and after training to use large artillery pieces, he was assigned to the 101st Airborne Division based in Fort Campbell, KY, not too far from his home back in Louisville.

Sergeant Acklin was a part of the initial wave of forces sent to liberate Iraq in March 2003. The 101st Airborne took the lead, as it always does whenever our country calls, and Michael and his unit were charged with providing cover fire in support of our troops.

After the fall of Saddam Hussein's tyrannical regime, Michael's unit built schools, cleared streets, and tracked down suspected terrorists. He commanded five other men, and made sure they wrote their families back home often.

Michael Acklin, or "Mikey" as his mother Dorothy calls him, grew up as a bright young boy who enjoyed playing football or video games with the neighborhood kids, many of whom would remain lifelong friends. He played basketball with his dad, who first taught him how to dunk. He was a good kid with a big smile who was known at school to be a prankster, but also a good student.

"My son always had a jolly outlook everyday," said Sergeant Acklin's father, Michael Acklin Sr. "He was just always filled with joy."

Growing up, Mrs. Acklin recalls her son playing the drums, writing poems, and helping younger children at church, bringing a quiet thoughtfulness to everything he did. Michael listened to people, that was his style.

While stationed at Fort Campbell, Michael drove to the base everyday from his rented room in a servicemen's church. When not on duty, he taught Sunday school, attended Bible studies, and helped out around the church by cooking meals or cutting the grass. His fellow soldiers began calling him "Preacher" for his frequent praying before missions. Michael talked to his father about going to a Bible college and becoming a minister when he got back. He was able to find a direction for his life, before he was tragically taken from us.

We thank Michael's parents, Dorothy Acklin and Michael Acklin Sr., for sharing Michael's story with us. As Michael's father said, "I know my son has gone to be with the Lord. I do know my son certainly will be honored."

It is my hope that we have done our part to help honor Michael today, even if only a small part. Words cannot erase the grief and despair that hang over Michael's parents, family and beloved friends. But they can declare boldly to all that Michael was a hero. He gave his life to defend us, and our freedoms. His mission was to spread that freedom, like a light, into places that had only known darkness. Michael may have been taken from us. But the light he planted in people's hearts will never be extinguished.

I ask my colleagues to keep the family of SGT Michael Acklin II in their thoughts and prayers. I know they will be in mine.

I yield the floor.

STAFF SERGEANT MATT KIMMELL

Mr. BAYH. Mr. President, I rise today with a heavy heart and deep sense of gratitude to honor the life of a brave soldier from Paxton. Matt Kimmell, 30 years old, died on October 11 in Muqdadiyah, Iraq, when an improvised explosive device exploded near the military vehicle in which he was riding. With so much of his life before him, Matt risked everything to fight for the values Americans hold close to our hearts, in a land halfway around the world.

A man remembered for kindness, compassion, and deep faith, Matt joined the National Guard just 1 year after graduating from Faith Christian School in Carlisle. Soon committed to military life, he signed up for a tour of duty and was chosen to be an Army airborne ranger. When his training was over, he returned home, studied law enforcement at Vincennes University and joined the Vanderburgh County Sheriff's Department as a road patrol deputy, where he worked 3 years before reenlisting in the Army. Universally liked and admired, his friends and colleagues recounted that Matt had not joined the military for glory but rather because of his deep sense of right and wrong.

Matt served as the newspaper carrier for the Sullivan Daily Times during his childhood in Paxton. Even as a young boy, customers remember him as prompt and diligent. All of his actions were underscored by his Christian faith. Three years ago, he married Mylissa Hall, a nurse from Worthington. He loved children and the couple planned to start a family when he returned from Iraq. A friend of Matt's told the Terre Haute Tribune Star, "He broke the mold when they made him." Matt's small hometown has been hit hard by the death of one of their own. This week, townsfolk planted 542 small American flags down a half mile stretch in Matt's honor and they have started a fund to build a monument to him.

Matt was killed while serving his country in Operation Iraqi Freedom. He was assigned to the 5th Special Forces Group, based at Fort Campbell, KY. This brave young soldier leaves behind his wife Mylissa; his father Pastor Larry Kimmell and his mother Jeanne; his brother Matt; and his sister Suzanne.

Today, I join Matt's family and friends in mourning his death. While we struggle to bear our sorrow over this loss, we can also take pride in the example he set, bravely fighting to make the world a safer place. It is his courage and strength of character that people will remember when they think of Matt, a memory that will burn brightly during these continuing days of conflict and grief.

Matt was known for his dedication to his family, his faith, and his love of country. Today and always, Matt will be remembered by family members, friends, and fellow Hoosiers as a true American hero and we honor the sacrifice he made while dutifully serving his country.

As I search for words to do justice in honoring Matt's sacrifice, I am reminded of President Lincoln's remarks as he addressed the families of the fallen soldiers in Gettysburg: We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here.

This statement is just as true today as it was nearly 150 years ago, as I am certain that the impact of Matt's actions will live on far longer than any record of these words.

It is my sad duty to enter the name of Matt Kimmell in the CONGRESSIONAL RECORD of the U.S. Senate for his service to this country and for his profound commitment to freedom, democracy, and peace. When I think about this just cause in which we are engaged, and the unfortunate pain that comes with the loss of our heroes, I hope that families like Matt's can find comfort in the words of the prophet Isaiah who said, "He will swallow up death in victory; and the Lord God will wipe away tears from off all faces."

May God grant strength and peace to those who mourn, and may God be with all of you, as I know He is with Matt.

The PRESIDING OFFICER. The Senator from Tennessee.

ORDER OF PROCEDURE

Mr. ALEXANDER. Mr. President, I ask unanimous consent that following the remarks of the Senator from Texas I be allowed to speak for up to 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALEXANDER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CORNYN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ALEXANDER). Without objection, it is so ordered.

Mr. CORNYN. I ask unanimous consent to speak for 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

IRAQ ELECTION

Mr. CORNYN. Mr. President, this past weekend, the people of Iraq voted on their new constitution. Soon they will participate in parliamentary elections that will provide for a fully constitutional government. By any measure of history, the nation of Iraq has made remarkable progress in the past 2 years despite the criticism of naysayers who seem, in some instances, intent on scoring political points more than encouraging our brave comrades to win the war in Iraq and assist us in winning the larger global war on terror.

Iraqi participation in this election yesterday was strong, including Sunnis who boycotted the January election. The election was also more peaceful than the previous election, in large measure due to the determination and professionalism of the new Iraqi security services. If 3 short years ago someone would have predicted the Iraqis would vote on a constitution in the near future, the same critics who are today calling for retreat would have scoffed.

However, the critics have consistently underestimated the Iraqi people, the American military, and, I might add, the American people as well. America must remain engaged in stabilization efforts in order to ensure the triumph of democracy over the return of tyranny.

Since the beginning of the war on terror, members of our military have been asked to execute both difficult and dangerous work. As always, the good men and women who serve have met these challenges with determination, courage, and honor. They are a credit to our Nation and deserve our deepest respect and gratitude.

We all know there remains difficult work to be done in Iraq. Terrorists regard this country as the central battle ground in the war on terror, and these enemies acknowledge no standards and no rules governing warfare. Their stated goal is to bring great harm to any government or country that opposes their actions. We in the United States, of course, are a primary target, and we must therefore continue to show leadership and courage in the fight.

Some critics have said that we should cut and run, that we should leave according to some arbitrary timetable, claiming that the Pentagon and the administration have failed to be realistic about the problems that exist in Iraq and the challenges that lie ahead. I firmly disagree.

President Bush and other members of the administration have consistently told the American people that our efforts in Iraq will require much sacrifice, but that we must stay the course. We must not let the politics of the moment undermine the path to democracy in Iraq. We should consider, though, the alternative: what would happen if our troops left Iraq prematurely. The country would likely face a civil war or would fragment in a dangerous way. Terrorists such as Ayman al-Zawahiri, al-Qaida's No. 2 operative and Bin Laden's deputy, and Abu Masab al-Zarqawi, al-Qaida's chief terrorist in Iraq, and others who vow to destroy America could be counted on to seize power in at least a portion of the country. At a minimum, they would find patronage in any regime to plan attacks and train terrorists and offer them harbor and material support.

The consequences of a U.S. pullout and coalition pullout from Iraq should not be in question, as a letter from Zawahiri and Zarqawi released this week by the Pentagon makes clear. In this letter, Zawahiri tells Zarqawi when the United States leaves Iraq that al-Qaida must be prepared to claim the most political territory possible in the inevitable vacuum of power that will arise.

Yes, Iraq would be more dangerous, not less, if we fail to finish the job. Failure in Iraq would empower and embolden the enemy. Failure to stay the course and lay the foundation of a functioning democracy would result in more, not fewer, terrorist attacks, including here at home.

I must also express disappointment with those in this country who are trying to use the situation in Iraq to score political points or undermine America's resolve.

Last week, the leadership in the Senate on the other side of the aisle put out a statement claiming that we do not have a plan for victory in Iraq. Nothing could be further from the truth.

For the record, the Senate has been briefed numerous times by our military leadership regarding the plan in Iraq and the war on terror. This weekend's successful election was a key element in that plan to build a stable and self-governing Iraq. Sadly, the claim by political partisans that we do not have a plan in Iraq is nothing more than politics at its worst. To imply that our military leadership does not understand what it takes to win in Iraq is simply wrong and even insulting.

I trust the wisdom and experience of GEN John Abizaid and GEN George Casey over the many armchair generals inside the beltway who seem to pontificate with great frequency. They understand the facts on the ground and what is necessary to achieve victory.

Finally, some critics are fond of comparing Iraq to Vietnam. Yet the differences far outweigh the flawed comparisons some attempt to make. The only obvious and striking similarity is that the enemy is counting on American public opinion to force a retreat. In fact, Zawahiri noted in his letter that "we are in a battle and more than half of this battle is taking place in the battlefield of the media." Al-Qaida understands that they cannot win on the battlefield against the spirit of determination of America and our allies. Prematurely leaving Iraq would have catastrophic consequences far greater than those we saw in Vietnam, as retreat would, in effect, hand the Iraqi people over to the terrorists who have stated their intention and proven their ability to launch horrifying attacks.

Yes, we have seen significant progress in Iraq, and our confidence in the desire of the Iraqi people to self-govern is well placed as we have seen the value that they place on liberty. We have seen record numbers show up at the polls, more than 60 percent, despite threats of car bombs and other acts of terrorism. We have seen Iraqi elected officials vocally defend the values of freedom and democracy at their own peril. In 2½ years, this country has moved from the rule of a tyrant to implementing the rule of law. They have held national elections, and they were followed by the writing of a constitution. They are formulating their own military and security forces that grow more and more capable.

While much remains to be done, much has been accomplished. To ignore these strides forward would be to diminish the good work of both the Iraqi people and the United States and their contributions that have allowed this effort to occur. Yes, we must stay the course. In so doing we honor both the ideals upon which this great Nation was founded and our own national security interests. America has sacrificed much in this global war, and we do not yet know the trials that will come. We can be confident that there will be a struggle and a greater sacrifice, but we can also be confident that in the midst of this struggle and sacrifice there is hope.

We are encouraging democracy, freedom, progress, free markets, self-governance, and the rule of law and the Iraqi people are reaching out and taking hold of that hope.

So we must stand confident and strong, shoulder to shoulder with the Iraqi people in the defense of their nascent democracy, confident that freedom will, in the end, triumph.

I yield the floor.

The PRESIDING OFFICER (Mr. VOINOVICH). The Senator from Tennessee is recognized for up to 10 minutes.

Mr. ALEXANDER. I ask the Chair to inform me when I have 1 minute remaining.

The PRESIDING OFFICER. The Chair will so inform the Senator.

KEEPING OUR COMPETITIVE EDGE

Mr. ALEXANDER. Mr. President, in May, Senator JEFF BINGAMAN and I, with the encouragement of the Senate Energy Committee Chairman, PETE DOMENICI, asked the National Academies of Sciences and Engineering and the Institute of Medicine the following question: What are the top 10 actions, in priority order, that Federal policymakers could take over the next decade to help the United States keep our advantage in science and technology? That was our question.

To answer the question, the academies assembled a distinguished panel of business, government, and university leaders, headed by Norm Augustine, the former chair of Lockheed Martin. The panel also included three Nobel Prize laureates. The panel took our question seriously, and I intend to do everything within my power to take their recommendations seriously. Tomorrow, the Energy Committee will take the first step in that response by holding a hearing to hear from Mr. Augustine and the Academies. It will be the first opportunity Congress will have to hear their answer to our question.

This hearing is primarily about brainpower and the relationship of brainpower to good American jobs. The United States produces almost one-third of all the wealth in the world, in terms of gross domestic product but has only 5 percent of the world's population. We are a fortunate country indeed. The Academies explained this phenomenon in this way:

> . . . as much as 85 percent of measured growth in U.S. income per capita is due to technological change.

This technological change is the result, in the report's words, of an outpouring of:

> . . . well-trained people and the steady stream of scientific and technological innovations they produce.

The United States has taken extraordinary steps to help create this outpouring of trained people and new discoveries that have given us such a disproportionate share of the world's wealth. We have in our country almost all of the world's great research universities. We have a unique array of 36 Federal research laboratories. More Americans attend college than people in any other country, and the colleges they attend are the best in the world. We have had, until at least recently, a system of K–12 education unsurpassed in the world.

Government support for all these enterprises has been massive. In 2001, the Federal Government spent $22.5 billion for university-based research in science and engineering. This year the Government will provide 60 percent of American students with grants or loans to help them attend the college or university of their choice. The Federal Government will spend nearly $17 billion on grants and work-study programs and will provide an additional $52 billion in student loans.

In my last year as Governor of Tennessee, and I am sure it must have been as true in Ohio as well, or nearly true, half of State dollars and a larger proportion of local tax dollars went to support education. Our free-market environment encouraged innovation and enterprise, as well as billions of dollars invested in corporate research. Finally, to top it all off, while we have been outsourcing jobs, we have been insourcing brainpower—572,000 foreign students attend our colleges and universities. One-half of the students in our graduate programs of engineering, science, and computing are foreign students.

There are three reasons I put this question to the National Academies. First, Congress is facing huge budget challenges over the next decade as we grapple with restraining the growth of entitlement spending. I did not want tight budgets to squeeze out the necessary investments in science and technology that create good jobs. Second, as the Augustine report details, there are worrisome reports from all sides in the new competitive world marketplace that the United States will have to make an even greater effort to keep our high standard of living. To put it bluntly, people in India, China, Singapore, Finland, and Ireland know very well that since their brains work similar to our brains, if brainpower is the secret weapon to produce good jobs, then there is no reason they can't have a standard of living more similar to ours. They are working to develop better trained citizens and create their own stream of discoveries.

Third, I wanted to ask this question to those who should know the answer. Members of Congress are not the best ones to guess what the first 10 things we should do are, in the next 10 years, to keep our science and technology edge. This panel represents the best of those brains. Congress is not efficiently organized to deal with broad recommendations such as these. I intend to work with my colleagues to see that all of the recommendations in the report are introduced and given a fair hearing in various committees that have jurisdiction. I see the senior Senator from Missouri and the Senator from Ohio. Both of them have been leaders in this body on this very question of how do we keep our secret weapon, our brainpower advantage, in order to keep good jobs.

But what should happen is that President Bush should make this report the subject of his State of the Union Address and the focus of his remaining 3 years in office. This challenge cries out for executive leadership. This challenge is the real answer to most of our hopes and the solution to most of our big problems. From high gasoline prices to the outsourcing of chemical industry jobs, from the shortage of engineers to the growing number of lower wage jobs, from energy independence to controlling health care costs, this is the challenge that most Americans wish their Government would put up front.

We have begun the discussion with a bipartisan question to the wisest Americans who know the answer. We have a remarkable opportunity now because of the Augustine report, upon which we will have our hearing tomorrow. We will have an opportunity now to act on the recommendations of that report in the same spirit.

Mr. President, I ask unanimous consent to have printed in the RECORD the following items: A copy of the executive summary of the Augustine report entitled "Rising Above the Gathering Storm." This is the report of the National Academy of Sciences, National Academy of Engineering, and the Institute of Medicine—4 recommendations with 20 specific steps that we ought to take over the next 10 years to keep our brainpower advantage so we can keep good jobs. Second, I ask unanimous consent to have printed after that the article by Thomas L. Friedman in the New York Times, on October 14, called "Keeping Us in the Race," which is his commentary on the Augustine report.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RISING ABOVE THE GATHERING STORM

COMMITTEE BIOGRAPHIC INFORMATION

NORMAN R. AUGUSTINE [NAE] (Chair) is the retired chairman and CEO of the Lockheed Martin Corporation. He serves on the President's Council of Advisors on Science and Technology and has served as undersecretary of the Army. He is a recipient of the National Medal of Technology.

CRAIG BARRETT [NAE] is chairman of the Board of the Intel Corporation.

GAIL CASSELL [IOM] is vice president for scientific affairs and a Distinguished Lilly Research Scholar for Infectious Diseases at Eli Lilly and Company.

STEVEN CHU [NAS] is the director of the E.O. Lawrence Berkeley National Laboratory. He was a cowinner of the Nobel prize in physics in 1997.

ROBERT GATES is the president of Texas A&M University and served as Director of Central Intelligence.

NANCY GRASMICK is the Maryland State Superintendent of Schools.

CHARLES HOLLIDAY JR. [NAE] is chairman of the Board and CEO of DuPont.

SHIRLEY ANN JACKSON [NAE] is president of Rensselaer Polytechnic Institute. She is the immediate past president of the American Association for the Advancement of Science and was chairman of the U.S. Nuclear Regulatory Commission.

ANITA K. JONES [NAE] is the Lawrence R. Quarles Professor of Engineering and Applied Science at the University of Virginia. She served as director of defense research and engineering at the U.S. Department of Defense and was vice-chair of the National Science Board.

JOSHUA LEDERBERG [NAS/IOM] is the Sackler Foundation Scholar at Rockefeller University in New York. He was a cowinner of the Nobel prize in physiology or medicine in 1958.

RICHARD LEVIN is president of Yale University and the Frederick William Beinecke Professor of Economics.

C.D. (DAN) MOTE JR. [NAE] is president of the University of Maryland and the Glenn L. Martin Institute Professor of Engineering.

CHERRY MURRAY [NAS/NAE] is the deputy director for science and technology at Lawrence Livermore National Laboratory. She was formerly the senior vice president at Bell Labs, Lucent Technologies.

PETER O'DONNELL JR. is president of the O'Donnell Foundation of Dallas, a private foundation that develops and funds model programs designed to strengthen engineering and science education and research.

LEE R. RAYMOND [NAE] is the chairman of the Board and CEO of Exxon Mobil Corporation.

ROBERT C. RICHARDSON [NAS] is the F.R. Newman Professor of Physics and the vice provost for research at Cornell University. He was a cowinner of the Nobel prize in physics in 1996.

P. ROY VAGELOS [NAS/IOM] is the retired chairman and CEO of Merck & Co., Inc. He serves as chairman of New Jersey's Commission on Jobs, Growth, and Economic Development.

CHARLES M. VEST [NAE] is president emeritus of MIT and a professor of mechanical engineering. He serves on the President's Council of Advisors on Science and Technology and is the immediate past chair of the Association of American Universities.

GEORGE M. WHITESIDES [NAS/NAE] is the Woodford L. & Ann A. Flowers University Professor at Harvard University. He has served as an adviser for the National Science Foundation and the Defense Advanced Research Projects Agency.

RICHARD N. ZARE [NAS] is the Marguerite Blake Wilbur Professor of Natural Science at Stanford University. He was chair of the National Science Board from 1996 to 1998.

FOR MORE INFORMATION: This report was developed under the aegis of the National Academies Committee on Science, Engineering, and Public Policy (COSEPUP), a joint committee of the three honorific academies—the National Academy of Sciences [NAS], the National Academy of Engineering [NAE], and the Institute of Medicine [IOM]. Its overall charge is to address cross-cutting issues in science and technology policy that affect the health of the national research enterprise.

More information, including the full body of the report, is available at COSEPUP's Web site, *www.nationalacademies.org/cosepup*.

EXECUTIVE SUMMARY

The United States takes deserved pride in the vitality of its economy, which forms the foundation of our high quality of life, our national security, and our hope that our children and grandchildren will inherit ever-greater opportunities. That vitality is derived in large part from the productivity of well-trained people and the steady stream of scientific and technical innovations they produce. Without high-quality, knowledge-intensive jobs and the innovative enterprises that lead to discovery and new technology, our economy will suffer and our people will face a lower standard of living. Economic studies conducted before the information-technology revolution have shown that even then as much as 85% of measured growth in U.S. income per capita is due to technological change.

Today, Americans are feeling the gradual and subtle effects of globalization that challenge the economic and strategic leadership that the United States has enjoyed since World War II. A substantial portion of our workforce finds itself in direct competition for jobs with lower-wage workers around the globe, and leading-edge scientific and engineering work is being accomplished in many parts of the world. Thanks to globalization, driven by modern communications and other advances, workers in virtually every sector must now face competitors who live just a mouse-click away in Ireland, Finland, China, India, or dozens of other nations whose economies are growing.

CHARGE TO THE COMMITTEE

The National Academies was asked by Senator Lamar Alexander and Senator Jeff Bingaman of the Committee on Energy and Natural Resources, with endorsement by Representatives Sherwood Boehlert and Bart Gordon of the House Committee on Science, to respond to the following questions: What are the top 10 actions, in priority order, that federal policy-makers could take to enhance the science and technology enterprise so that the United States can successfully compete, prosper, and be secure in the global community of the 21st Century? What strategy, with several concrete steps, could be used to implement each of those actions?

The National Academies created the Committee on Prospering in the Global Economy of the 21st Century to respond to this request. The charge constitutes a challenge both daunting and exhilarating: To recommend to the Nation specific steps that can best strengthen the quality of life in America—our prosperity, our health, and our security. The committee has been cautious in its analysis of information. However, the available information is only partly adequate for the committee's needs. In addition, the time allotted to develop the report (10 weeks from the time of the committee's meeting to report release) limited the ability of the committee to conduct a thorough analysis. Even if unlimited time were available, definitive analyses on many issues are not possible given the uncertainties involved.

This report reflects the consensus views and judgment of the committee members. Although the committee includes leaders in academe, industry, and government—several current and former industry chief executive officers, university presidents, researchers (including three Nobel prize winners), and former presidential appointees—the array of topics and policies covered is so broad that it was not possible to assemble a committee of 20 members with direct expertise in each relevant area. Because of those limitations, the committee has relied heavily on the judgment of many experts in the study's focus groups, additional consultations via e-mail and telephone with other experts, and an unusually large panel of reviewers. Although other solutions are undoubtedly possible, the committee believes that its recommendations, if implemented, will help the United States achieve prosperity in the 21st century.

FINDINGS

Having reviewed trends in the United States and abroad, the committee is deeply concerned that the scientific and technical building blocks of our economic leadership are eroding at a time when many other nations are gathering strength. We strongly believe that a worldwide strengthening will benefit the world's economy—particularly in the creation of jobs in countries that are far less well-off than the United States. But we are worried about the future prosperity of the United States. Although many people assume that United States will always be a world leader in science and technology, this may not continue to be the case inasmuch as great minds and ideas exist throughout the world. We fear the abruptness with which a lead in science and technology can be lost—and the difficulty of recovering a lead once lost, if indeed it can be regained at all.

This Nation must prepare with great urgency to preserve its strategic and economic security. Because other nations have, and probably will continue to have, the competitive advantage of a low-wage structure, the United States must compete by optimizing its knowledge-based resources, particularly in science and technology, and by sustaining the most fertile environment for new and revitalized industries and the well-paying jobs they bring. We have already seen that capital, factories, and laboratories readily move wherever they are thought to have the greatest promise of return to investors.

RECOMMENDATIONS

The committee reviewed hundreds of detailed suggestions—including various calls for novel and untested mechanisms—from other committees, from its focus groups, and from its own members. The challenge is immense, and the actions needed to respond are immense as well.

The committee identified two key challenges that are tightly coupled to scientific and engineering prowess: Creating high-quality jobs for Americans and responding to the nation's need for clean, affordable, and reliable energy. To address those challenges, the committee structured its ideas according to four basic recommendations that focus on the human, financial, and knowledge capital necessary for U.S. prosperity.

The four recommendations focus on actions in K–12 education (10,000 Teachers, 10 Million Minds), research (Sowing the Seeds), higher education (Best and Brightest), and economic policy (Incentives for Innovation) that are set forth in the following sections. Also provided are a total of 20 implementation steps for reaching the goals set forth in the recommendations.

Some actions involve changes in the law. Others require financial support that would come from reallocation of existing funds or, if necessary, from new funds. Overall, the committee believes that the investments are modest relative to the magnitude of the return the Nation can expect in the creation of new high-quality jobs and in responding to its energy needs.

10,000 TEACHERS, 10 MILLION MINDS AND K–12 SCIENCE AND MATHEMATICS EDUCATION

Recommendation A: Increase America's talent pool by vastly improving K–12 science and mathematics education.

Implementation Actions. The highest priority should be assigned to the following actions and programs. All should be subjected to continuing evaluation and refinement as they are implemented:

Action A–1: Annually recruit 10,000 science and mathematics teachers by awarding 4-year scholarships and thereby educating 10 million minds. Attract 10,000 of America's brightest students to the teaching profession every year, each of whom can have an impact on 1,000 students over the life of their careers. The program would award competitive 4-year scholarships for students to obtain bachelor's degrees in the physical or life sciences, engineering, or mathematics with concurrent certification as K–12 science and mathematics teachers. The merit-based scholarships would provide up to $20,000 a year for 4 years for qualified educational expenses, including tuition and fees, and require a commitment to 5 years of service in public K–12 schools. A $10,000 annual bonus would go to participating teachers in underserved schools in inner cities and rural areas. To provide the highest-quality education for undergraduates who want to become teachers, it would be important to award matching grants, perhaps $1 million a year for up to 5 years, to as many as 100 universities and colleges to encourage them to establish integrated 4-year undergraduate programs leading to bachelor's degrees in science, engineering, or mathematics with teacher certification.

Action A–2: Strengthen the skills of 250,000 teachers through training and education programs at summer institutes, in master's programs, and Advanced Placement and International Baccalaureate (AP and IB) training programs and thus inspires students every day. Use proven models to strengthen the skills (and compensation, which is based on education and skill level) of 250,000 *current* K–12 teachers:

Summer institutes: Provide matching grants to state and regional 1- to 2-week summer institutes to upgrade as many as 50,000 practicing teachers each summer. The material covered would allow teachers to keep current with recent developments in science, mathematics, and technology and allow for the exchange of best teaching practices. The Merck Institute for Science Education is a model for this recommendation.

Science and mathematics master's programs: Provide grants to universities to offer

50,000 current middle-school and high-school science, mathematics, and technology teachers (with or without undergraduate science, mathematics, or engineering degrees) 2-year, part-time master's degree programs that focus on rigorous science and mathematics content and pedagogy. The model for this recommendation is the University of Pennsylvania Science Teachers Institute.

AP, IB, and pre-AP or pre-IB training: Train an additional 70,000 AP or IB and 80,000 pre-AP or pre-IB instructors to teach advanced courses in mathematics and science. Assuming satisfactory performance, teachers may receive incentive payments of up to $2,000 per year, as well as $100 for each student who passes an AP or IB exam in mathematics or science. There are two models for this program: the Advanced Placement Incentive Program and Laying the Foundation, a pre-AP program.

K–12 curriculum materials modeled on world-class standards. Foster high-quality teaching with world-class curricula, standards, and assessments of student learning. Convene a national panel to collect, evaluate, and develop rigorous K–12 materials that would be available free of charge as a voluntary national curriculum. The model for this recommendation is the Project Lead the Way pre-engineering courseware.

Action A–3: Enlarge the pipeline by increasing the number of students who take AP and IB science and mathematics courses. Create opportunities and incentives for middle-school and high-school students to pursue advanced work in science and mathematics. By 2010, increase the number of students in AP and IB mathematics and science courses from 1.2 million to 4.5 million, and set a goal of tripling the number who pass those tests, to 700,000, by 2010. Student incentives for success would include 50% examination fee rebates and $100 mini-scholarships for each passing score on an AP or IB mathematics and science examination.

The committee proposes expansion of two additional approaches to improving K–12 science and mathematics education that are already in use:

Statewide specialty high schools. Specialty secondary education can foster leaders in science, technology, and mathematics. Specialty schools immerse students in high-quality science, technology, and mathematics education; serve as a mechanism to test teaching materials; provide a training ground for K–12 teachers; and provide the resources and staff for summer programs that introduce students to science and mathematics.

Inquiry-based learning. Summer internships and research opportunities provide especially valuable laboratory experience for both middle-school and high-school students.

SOWING THE SEEDS THROUGH SCIENCE AND ENGINEERING RESEARCH

Recommendation B: Sustain and strengthen the nation's traditional commitment to long-term basic research that has the potential to be transformational to maintain the flow of new ideas that fuel the economy, provide security, and enhance the quality of life.

Action B–1: Increase the federal investment in long-term basic research by 10% a year over the next 7 years, through reallocation of existing funds or if necessary through the investment of new funds. Special attention should go to the physical sciences, engineering, mathematics, and information sciences and to Department of Defense (DOD) basic-research funding. This special attention does not mean that there should be a disinvestment in such important fields as the life sciences (which have seen growth in recent years) or the social sciences. A balanced research portfolio in all fields of science and engineering research is critical to U.S. prosperity. This investment should be evaluated regularly to realign the research portfolio—unsuccessful projects and venues of research should be replaced with emerging research projects and venues that have greater promise.

Action B–2: Provide new research grants of $500,000 each annually, payable over 5 years, to 200 of our most outstanding early-career researchers. The grants would be made through existing Federal research agencies—the National Institutes of Health (NIH), the National Science Foundation (NSF), the Department of Energy (DOE), DOD, and the National Aeronautics and Space Administration—to underwrite new research opportunities at universities and government laboratories.

Action B–3: Institute a National Coordination Office for Research Infrastructure to manage a centralized research-infrastructure fund of $500 million per year over the next 5 years—through reallocation of existing funds or if necessary through the investment of new funds—to ensure that universities and government laboratories create and maintain the facilities and equipment needed for leading-edge scientific discovery and technological development. Universities and national laboratories would compete annually for these funds.

Action B–4: Allocate at least 8% of the budgets of Federal research agencies to discretionary funding that would be managed by technical program managers in the agencies and be focused on catalyzing high-risk, high-payoff research.

Action B–5: Create in the Department of Energy (DOE) an organization like the Defense Advanced Research Projects Agency (DARPA) called the Advanced Research Projects Agency-Energy (ARPA–E). The director of ARPA–E would report to the under secretary for science and would be charged with sponsoring specific research and development programs to meet the nation's long-term energy challenges. The new agency would support creative "out-of-the-box" transformational generic energy research that industry by itself cannot or will not support and in which risk may be high but success would provide dramatic benefits for the nation. This would accelerate the process by which knowledge obtained through research is transformed to create jobs and address environmental, energy, and security issues. ARPA–E would be based on the historically successful DARPA model and would be designed as a lean and agile organization with a great deal of independence that can start and stop targeted programs on the basis of performance. The agency would itself perform no research or transitional effort itself but would fund such work conducted by universities, startups, established firms, and others. Its staff would turn over about every 4 years. Although the agency would be focused on specific energy issues, it is expected that its work (like that of DARPA or NIH) will have important spinoff benefits, including aiding in the education of the next generation of researchers. Funding for ARPA–E would start at $300 million the first year and increase to $1 billion per year over 5–6 years, at which point the program's effectiveness would be evaluated.

Action B–6: Institute a Presidential Innovation Award to stimulate scientific and engineering advances in the national interest. Existing presidential awards address lifetime achievements or promising young scholars, but the proposed new awards would identify and recognize persons who develop unique scientific and engineering innovations in the national interest at the time they occur.

BEST AND BRIGHTEST IN SCIENCE AND ENGINEERING HIGHER EDUCATION

Recommendation C: Make the United States the most attractive setting in which to study and perform research so that we can develop, recruit, and retain the best and brightest students, scientists, and engineers from within the United States and throughout the world.

Action C–1: Increase the number and proportion of U.S. citizens who earn physical-sciences, life-sciences, engineering, and mathematics bachelor's degrees by providing 25,000 new 4-year competitive undergraduate scholarships each year to U.S. citizens attending U.S. institutions. The Undergraduate Scholar Awards in Science, Technology, Engineering, and Mathematics (USA–STEM) would be distributed to states on the basis of the size of their congressional delegations and awarded on the basis of national examinations. An award would provide up to $20,000 annually for tuition and fees.

Action C–2: Increase the number of U.S. citizens pursuing graduate study in "areas of national need" by funding 5,000 new graduate fellowships each year. NSF should administer the program and draw on the advice of other Federal research agencies to define national needs. The focus on national needs is important both to ensure an adequate supply of doctoral scientists and engineers and to ensure that there are appropriate employment opportunities for students once they receive their degrees. Portable fellowships would provide funds of up to $20,000 annually directly to students, who would choose where to pursue graduate studies instead of being required to follow faculty research grants.

Action C–3: Provide a Federal tax credit to encourage employers to make continuing education available (either internally or through colleges and universities) to practicing scientists and engineers. These incentives would promote career-long learning to keep the workforce current in the face of rapidly evolving scientific and engineering discoveries and technological advances and would allow for retraining to meet new demands of the job market.

Action C–4: Continue to improve visa processing for international students and scholars to provide less complex procedures and continue to make improvements on such issues as visa categories and duration, travel for scientific meetings, the technology-alert list, reciprocity agreements, and changes in status.

Action C–5: Provide a 1-year automatic visa extension to international students who receive doctorates or the equivalent in science, technology, engineering, mathematics, or other fields of national need at qualified U.S. institutions to remain in the United States to seek employment. If these students are offered jobs by United States-based employers and pass a security screening test, they should be provided automatic work permits and expedited residence status. If students are unable to obtain employment within 1 year, their visas would expire.

Action C–6: Institute a new skills-based, preferential immigration option. Doctoral-level education and science and engineering skills would substantially raise an applicant's chances and priority in obtaining U.S.

citizenship. In the interim, the number of H-1B visas should be increased by 10,000, and the additional visas should be available for industry to hire science and engineering applicants with doctorates from U.S. universities.

Action C-7: Reform the current system of "deemed exports". The new system should provide international students and researchers engaged in fundamental research in the United States with access to information and research equipment in U.S. industrial, academic, and national laboratories comparable with the access provided to U.S. citizens and permanent residents in a similar status. It would, of course, exclude information and facilities restricted under national-security regulations. In addition, the effect of deemed-exports regulations on the education and fundamental research work of international students and scholars should be limited by removing all technology items (information and equipment) from the deemed-exports technology list that are available for purchase on the overseas open market from foreign or U.S. companies or that have manuals that are available in the public domain, in libraries, over the Internet, or from manufacturers.

INCENTIVES FOR INNOVATION AND THE INVESTMENT ENVIRONMENT

Recommendation D: Ensure that the United States is the premier place in the world to innovate; invest in downstream activities such as manufacturing and marketing; and create high-paying jobs that are based on innovation by modernizing the patent system, realigning tax policies to encourage innovation, and ensuring affordable broadband access.

Action D-1: Enhance intellectual-property protection for the 21st century global economy to ensure that systems for protecting patents and other forms of intellectual property underlie the emerging knowledge economy but allow research to enhance innovation. The patent system requires reform of four specific kinds:

Provide the Patent and Trademark Office sufficient resources to make intellectual-property protection more timely, predictable, and effective.

Reconfigure the U.S. patent system by switching to a "first-inventor-to-file" system and by instituting administrative review after a patent is granted. Those reforms would bring the U.S. system into alignment with patent systems in Europe and Japan.

Shield research uses of patented inventions from infringement liability. One recent court decision could jeopardize the long-assumed ability of academic researchers to use patented inventions for research.

Change intellectual-property laws that act as barriers to innovation in specific industries, such as those related to data exclusivity (in pharmaceuticals) and those which increase the volume and unpredictability of litigation (especially in information-technology industries).

Action D-2: Enact a stronger research and development tax credit to encourage private investment in innovation. The current Research and Experimentation Tax Credit goes to companies that increase their research and development spending above a base amount calculated from their spending in prior years. Congress and the administration should make the credit permanent, and it should be increased from 20% to 40% of the qualifying increase so that the U.S. tax credit is competitive with that of other countries. The credit should be extended to companies that have consistently spent large amounts on research and development so that they will not be subject to the current de facto penalties for previously investing in research and development.

Action D-3: Provide tax incentives for United States-based innovation. Many policies and programs affect innovation and the nation's ability to profit from it. It was not possible for the committee to conduct an exhaustive examination, but alternatives to current economic policies should be examined and, if deemed beneficial to the United States, pursued. These alternatives could include changes in overall corporate tax rates, provision of incentives for the purchase of high-technology research and manufacturing equipment, treatment of capital gains, and incentives for long-term investments in innovation. The Council of Economic Advisers and the Congressional Budget Office should conduct a comprehensive analysis to examine how the United States compares with other nations as a location for innovation and related activities with a view to ensuring that the United States is one of the most attractive places in the world for long-term innovation-related investment. From a tax standpoint, that is not now the case.

Action D-4: Ensure ubiquitous broadband Internet access. Several nations are well ahead of the United States in providing broadband access for home, school, and business. That capability will do as much to drive innovation, the economy, and job creation in the 21st century as did access to the telephone, interstate highways, and air travel into the 20th century. Congress and the administration should take action—mainly in the regulatory arena and in spectrum management—to ensure widespread affordable broadband access in the near future.

CONCLUSION

The committee believes that its recommendations and the actions proposed to implement them merit serious consideration if we are to ensure that our nation continues to enjoy the jobs, security, and high standard of living that this and previous generations worked so hard to create. Although the committee was asked only to recommend actions that can be taken by the federal government, it is clear that related actions at the state and local levels are equally important for U.S. prosperity, as are actions taken by each American family. The United States faces an enormous challenge because of the disadvantage it faces in labor cost. Science and technology provide the opportunity to overcome that disadvantage by creating scientists and engineers with the ability to create entire new industries—much as has been done in the past.

It is easy to be complacent about U.S. competitiveness and pre-eminence in science and technology. We have led the world for decades, and we continue to do so in many research fields today. But the world is changing rapidly, and our advantages are no longer unique. Without a renewed effort to bolster the foundations of our competitiveness, we can expect to lose our privileged position. For the first time in generations, the nation's children could face poorer prospects than their parents and grandparents did. We owe our current prosperity, security, and good health to the investments of past generations, and we are obliged to renew those commitments in education, research, and innovation policies to ensure that the American people continue to benefit from the remarkable opportunities provided by the rapid development of the global economy and its not inconsiderable underpinning in science and technology.

SOME WORRISOME INDICATORS

When asked in spring 2005 what is the most attractive place in the world in which to "lead a good life", respondents in only one of the 16 countries polled (India) indicated the United States.

For the cost of one chemist or one engineer in the United States, a company can hire about five chemists in China or 11 engineers in India.

For the first time, the most capable high-energy particle accelerator on Earth will, beginning in 2007, reside outside the United States.

The United States is today a net importer of high-technology products. Its share of global high-technology exports has fallen in the last 2 decades from 30% to 17%, and its trade balance in high-technology manufactured goods shifted from plus $33 billion in 1990 to a negative $24 billion in 2004.

Chemical companies closed 70 facilities in the United States in 2004 and have tagged 40 more for shutdown. Of 120 chemical plants being built around the world with price tags of $1 billion or more, one is in the United States and 50 in China.

Fewer than one-third of U.S. 4th grade and 8th grade students performed at or above a level called "proficient" in mathematics; "proficiency" was considered the ability to exhibit competence with challenging subject matter. Alarmingly, about one-third of the 4th graders and one-fifth of the 8th graders lacked the competence to perform basic mathematical computations.

U.S. 12th graders recently performed below the international average for 21 countries on a test of general knowledge in mathematics and science. In addition, an advanced mathematics assessment was administered to U.S. students who were taking or had taken precalculus, calculus, or Advanced Placement calculus and to students in 15 other countries who were taking or had taken advanced mathematics courses. Eleven nations outperformed the United States, and four countries had scores similar to the U.S. scores. No nation scored significantly below the United States.

In 1999, only 41% of U.S. 8th grade students received instruction from a mathematics teacher who specialized in mathematics, considerably lower than the international average of 71%.

In one recent period, low-wage employers, such as Wal-Mart (now the nation's largest employer) and McDonald's, created 44% of the new jobs, while high-wage employers created only 29% of the new jobs.

In 2003, only three American companies ranked among the top 10 recipients of patents granted by the United States Patent and Trademark Office.

In Germany, 36% of undergraduates receive their degrees in science and engineering. In China, the figure is 59%, and in Japan 66%. In the United States, the corresponding figure is 32%.

The United States is said to have 10.5 million illegal immigrants, but under the law the number of visas set aside for "highly qualified foreign workers" dropped to 65,000 a year from its 195,000 peak.

In 2004, China graduated over 600,000 engineers, India 350,000, and America about 70,000.

In 2001 (the most recent year for which data are available), U.S. industry spent more on tort litigation than on R&D.

[From the New York Times, Oct. 14, 2005]

KEEPING US IN THE RACE

(By Thomas L. Friedman)

What if we were really having a national discussion about what is most important to the country today and on the minds of most parents?

I have no doubt that it would be a loud, noisy dinner-table conversation about why so many U.S. manufacturers are moving abroad—not just to find lower wages, but to find smarter workers, better infrastructure and cheaper health care. It would be about why in Germany, 36 percent of undergrads receive degrees in science and engineering; in China, 59 percent; in Japan, 66 percent; and in America, only 32 percent. It would be about why Japanese on bullet trains can get access to the Internet with cellphones, and Americans get their cellphone service interrupted five minutes from home.

It would be about why U.S. 12th graders recently performed below the international average for 21 countries in math and science, and it would be about why, in recent years, U.S. industry appears to have spent more on lawsuits than on R.&D. Yes, we'd be talking about why the world is racing us to the top, not the bottom, and why we are quietly falling behind.

And late in the evening, as the wine bottles emptied, someone at the national dinner table might finally say: "Hey, what if we were really thinking ahead? What if we asked some of the country's best minds to make a list of the steps we could take right now to enhance America's technology base?"

Fortunately, two senators, **LAMAR ALEXANDER** and **JEFF BINGAMAN**, asked the National Academy of Sciences, the National Academy of Engineering and the Institute of Medicine to form a bipartisan study group to produce just such a list, which was released on Wednesday in a report called "Rising Above the Gathering Storm."

Because of globalization, the report begins, U.S. "workers in virtually every sector must now face competitors who live just a mouse-click away in Ireland, Finland, India or dozens of other nations whose economies are growing. Having reviewed the trends in the United States and abroad, the committee is deeply concerned that the scientific and technical building blocks of our economic leadership are eroding at a time when many other nations are gathering strength. We are worried about the future prosperity of the United States. We fear the abruptness with which a lead in science and technology can be lost and the difficulty of recovering a lead once lost—if indeed it can be regained at all."

The report's key recommendations? Nothing fancy. Charles Vest, the former president of M.I.T., summed them up: "We need to get back to basic blocking and tackling"—educating more Americans in the skills needed for 21st-century jobs.

Among the top priorities, the report says, should be these:

(1) Annually recruiting 10,000 science and math teachers by awarding four-year merit-based scholarships, to be paid back through five years of K–12 public school teaching. (We have too many unqualified science and math teachers.)

(2) Strengthening the math and science skills of 250,000 other teachers through extracurricular programs.

(3) Creating opportunities and incentives for many more middle school and high school students to take advanced math and science courses, by offering, among other things, $100 mini-scholarships for success in exams, and creating more specialty math-and-science schools.

(4) Increasing federal investment in long-term basic research by 10 percent a year over the next seven years.

(5) Annually providing research grants of $500,000 each, payable over five years, to 200 of America's most outstanding young researchers.

(6) Creating a new Advanced Research Projects Agency in the Energy Department to support "creative out-of-the-box transformational energy research that industry by itself cannot or will not support and in which risk may be high, but success would provide dramatic benefits for the nation."

(7) Granting automatic one-year visa extensions to foreign students in the U.S. who receive doctorates in science, engineering or math so they can seek employment here, and creating 5,000 National Science Foundation-administered graduate fellowships to increase the number of U.S. citizens earning doctoral degrees in fields of "national need." (See the rest at *www.nationalacademies.org <http://www.nationalacademies.org>*.)

These proposals are the new New Deal urgently called for by our times. This is where President Bush should have focused his second term, instead of squandering it on a silly, ideological jag called Social Security privatization. Because, as this report concludes, "Without a renewed effort to bolster the foundations of our competitiveness, we can expect to lose our privileged position."

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, morning business is closed.

TRANSPORTATION, TREASURY, THE JUDICIARY, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2006

The PRESIDING OFFICER. Under the previous order, the hour of 3 p.m. having arrived, the Senate will proceed to the consideration of H.R. 3058, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 3058) making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, the District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes.

The Senate proceeded to consider the bill which had been reported from the Committee on Appropriations with an amendment.

(Strike the part shown in black brackets and insert the part shown in italic.)

H.R. 3058

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

[That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes, namely:

[TITLE I

[DEPARTMENT OF TRANSPORTATION

[OFFICE OF THE SECRETARY

[SALARIES AND EXPENSES

[For necessary expenses of the Office of the Secretary, $84,913,000 (increased by $250,000) (reduced by $17,339,000), of which not to exceed $2,198,000 shall be available for the immediate Office of the Secretary; not to exceed $698,000 shall be available for the immediate Office of the Deputy Secretary; not to exceed $15,183,000 (increased by $250,000) shall be available for the Office of the General Counsel; not to exceed $11,680,000 shall be available for the Office of the Under Secretary of Transportation for Policy; not to exceed $7,593,000 shall be available for the Office of the Assistant Secretary for Budget and Programs; not to exceed $2,052,000 (reduced by $2,052,000) shall be available for the Office of the Assistant Secretary for Governmental Affairs; not to exceed $23,139,000 shall be available for the Office of the Assistant Secretary for Administration; not to exceed $1,910,000 (reduced by $1,910,000) shall be available for the Office of Public Affairs; not to exceed $1,442,000 (reduced by $1,422,000) shall be available for the Office of the Executive Secretariat; not to exceed $697,000 shall be available for the Board of Contract Appeals; not to exceed $1,265,000 shall be available for the Office of Small and Disadvantaged Business Utilization; not to exceed $2,033,000 for the Office of Intelligence and Security; not to exceed $3,128,000 shall be available for the Office of Emergency Transportation; and not to exceed $11,895,000 (reduced by $11,895,000) shall be available for the Office of the Chief Information Officer: *Provided*, That the Secretary of Transportation is authorized to transfer funds appropriated for any office of the Office of the Secretary to any other office of the Office of the Secretary: *Provided further*, That no appropriation for any office shall be increased or decreased by more than 5 percent by all such transfers: *Provided further*, That notice of any change in funding greater than 5 percent shall be submitted for approval to the House and Senate Committees on Appropriations: *Provided further*, That not to exceed $60,000 (reduced by $60,000) shall be for allocation within the Department for official reception and representation expenses as the Secretary may determine: *Provided further*, That notwithstanding any other provision of law, excluding fees authorized in Public Law 107–71, there may be credited to this appropriation up to $2,500,000 in funds received in user fees: *Provided further*, That none of the funds provided in this Act shall be available for the position of Assistant Secretary for Public Affairs.

[OFFICE OF CIVIL RIGHTS

[For necessary expenses of the Office of Civil Rights, $8,550,000.

[TRANSPORTATION PLANNING, RESEARCH, AND DEVELOPMENT

[For necessary expenses for conducting transportation planning, research, systems development, development activities, and making grants, to remain available until expended, $40,613,000 (reduced by $31,583,000).

[WORKING CAPITAL FUND

[Necessary expenses for operating costs and capital outlays of the Working Capital Fund, not to exceed $120,014,000, shall be paid from appropriations made available to the Department of Transportation: *Provided*, That such services shall be provided on a competitive basis to entities within the Department of Transportation: *Provided further*, That the above limitation on operating expenses shall not apply to non-DOT entities: *Provided further*, That no funds appropriated in this Act to an agency of the Department shall be transferred to the Working Capital Fund without the approval of the agency modal administrator: *Provided further*, That no assessments may be levied against any program, budget activity, subactivity or project funded by this Act unless notice of such assessments and the basis therefor are presented to the House and Senate Committees on Appropriations and are approved by such Committees.

[MINORITY BUSINESS RESOURCE CENTER PROGRAM

[For the cost of guaranteed loans, $500,000, as authorized by 49 U.S.C. 332: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $18,367,000. In addition, for administrative expenses to carry out the guaranteed loan program, $400,000.

[MINORITY BUSINESS OUTREACH

[For necessary expenses of Minority Business Resource Center outreach activities, $3,000,000, to remain available until September 30, 2007: *Provided*, That notwithstanding 49 U.S.C. 332, these funds may be used for business opportunities related to any mode of transportation.

[PAYMENTS TO AIR CARRIERS

[(AIRPORT AND AIRWAY TRUST FUND)

[In addition to funds made available from any other source to carry out the essential air service program under 49 U.S.C. 41731–41742, $54,000,000 to remain available until expended: *Provided*, That the Secretary may transfer amounts appropriated to the Federal Aviation Administration under any heading in this Act or otherwise available to the Federal Aviation Administration, to make such amounts available for obligation and expenditure for the essential air service program, in satisfaction of the requirements of section 41742(a)(1) of title 49, United States Code, in advance of the collection of fees under section 45301 of title 49, United States Code: *Provided further*, That the Secretary shall reimburse such amounts to the Federal Aviation Administration proportionally by transfer, to the extent possible, from amounts credited to the account established under section 45303 of title 49, United States Code, as such fees are collected during the fiscal year: *Provided further*, That, in determining between or among carriers competing to provide service to a community, the Secretary may consider the relative subsidy requirements of the carriers.

[NEW HEADQUARTERS BUILDING

[For necessary expenses of the Department of Transportation's new headquarters building and related services, $100,000,000 (reduced by $25,000,000) (reduced by $20,000,000), to remain available until expended.

[FEDERAL AVIATION ADMINISTRATION

[OPERATIONS

[For necessary expenses of the Federal Aviation Administration, not otherwise provided for, including operations and research activities related to commercial space transportation, administrative expenses for research and development, establishment of air navigation facilities, the operation (including leasing) and maintenance of aircraft, subsidizing the cost of aeronautical charts and maps sold to the public, lease or purchase of passenger motor vehicles for replacement only, in addition to amounts made available by Public Law 108–176, $8,042,920,000 (increased by $263,000,000), of which $4,986,000,000 shall be derived from the Airport and Airway Trust Fund, of which not to exceed $6,424,229,000 shall be available for air traffic services activities; not to exceed $951,042,000 (increased by $263,000,000) shall be available for aviation regulation and certification activities; not to exceed $222,171,000 shall be available for research and acquisition activities; not to exceed $11,759,000 shall be available for commercial space transportation activities; not to exceed $50,583,000 shall be available for financial services activities; not to exceed $69,943,000 shall be available for human resources program activities; not to exceed $150,744,000 shall be available for region and center operations and regional coordination activities; not to exceed $140,337,000 shall be available for staff offices; and not to exceed $36,612,000 shall be available for information services: *Provided*, That none of the funds in this Act shall be available for the Federal Aviation Administration to finalize or implement any regulation that would promulgate new aviation user fees not specifically authorized by law after the date of the enactment of this Act: *Provided further*, That there may be credited to this appropriation funds received from States, counties, municipalities, foreign authorities, other public authorities, and private sources, for expenses incurred in the provision of agency services, including receipts for the maintenance and operation of air navigation facilities, and for issuance, renewal or modification of certificates, including airman, aircraft, and repair station certificates, or for tests related thereto, or for processing major repair or alteration forms: *Provided further*, That of the funds appropriated under this heading, not less than $7,500,000 shall be for the contract tower cost-sharing program: *Provided further*, That funds may be used to enter into a grant agreement with a nonprofit standard-setting organization to assist in the development of aviation safety standards: *Provided further*, That none of the funds in this Act shall be available for new applicants for the second career training program: *Provided further*, That none of the funds in this Act shall be available for paying premium pay under 5 U.S.C. 5546(a) to any Federal Aviation Administration employee unless such employee actually performed work during the time corresponding to such premium pay: *Provided further*, That none of the funds in this Act may be obligated or expended to operate a manned auxiliary flight service station in the contiguous United States: *Provided further*, That none of the funds in this Act for aeronautical charting and cartography are available for activities conducted by, or coordinated through, the Working Capital Fund: *Provided further*, That none of the funds in this Act may be obligated or expended for an employee of the Federal Aviation Administration to purchase a store gift card or gift certificate through use of a Government-issued credit card. In addition, $150,000,000 (reduced by $59,000,000) for transition costs associated with OMB Circular A–76 Flight Service Station competition.

[FACILITIES AND EQUIPMENT

[(AIRPORT AND AIRWAY TRUST FUND)

[For necessary expenses, not otherwise provided for, for acquisition, establishment, technical support services, improvement by contract or purchase, and hire of air navigation and experimental facilities and equipment, as authorized under part A of subtitle VII of title 49, United States Code, including initial acquisition of necessary sites by lease or grant; engineering and service testing, including construction of test facilities and acquisition of necessary sites by lease or grant; construction and furnishing of quarters and related accommodations for officers and employees of the Federal Aviation Administration stationed at remote localities where such accommodations are not available; and the purchase, lease, or transfer of aircraft from funds available under this heading; to be derived from the Airport and Airway Trust Fund, $3,053,000,000, of which $2,618,000,000 shall remain available until September 30, 2008, and of which $435,000,000 shall remain available until September 30, 2006: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred in the establishment and modernization of air navigation facilities: *Provided further*, That upon initial submission to the Congress of the fiscal year 2007 President's budget, the Secretary of Transportation shall transmit to the Congress a comprehensive capital investment plan for the Federal Aviation Administration which includes funding for each budget line item for fiscal years 2007 through 2011, with total funding for each year of the plan constrained to the funding targets for those years as estimated and approved by the Office of Management and Budget.

[RESEARCH, ENGINEERING, AND DEVELOPMENT

[(AIRPORT AND AIRWAY TRUST FUND)

[For necessary expenses, not otherwise provided for, for research, engineering, and development, as authorized under part A of subtitle VII of title 49, United States Code, including construction of experimental facilities and acquisition of necessary sites by lease or grant, $130,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until September 30, 2008: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred for research, engineering, and development.

[GRANTS-IN-AID FOR AIRPORTS

[(LIQUIDATION OF CONTRACT AUTHORIZATION)

[(LIMITATION ON OBLIGATIONS)

[(AIRPORT AND AIRWAY TRUST FUND)

[(INCLUDING RESCISSION)

[For liquidation of obligations incurred for grants-in-aid for airport planning and development, and noise compatibility planning and programs as authorized under subchapter I of chapter 471 and subchapter I of chapter 475 of title 49, United States Code, and under other law authorizing such obligations; for procurement, installation, and commissioning of runway incursion prevention devices and systems at airports of such title; $3,600,000,000 to be derived from the Airport and Airway Trust Fund and to remain available until expended: *Provided*, That none of the funds under this heading shall be available for the planning or execution of programs the obligations for which are in excess of $3,600,000,000 in fiscal year 2006, notwithstanding section 47117(g) of title 49, United States Code: *Provided further*, That none of the funds under this heading shall be available for the replacement of baggage conveyor systems, reconfiguration of terminal baggage areas, or other airport improvements that are necessary to install bulk explosive detection systems: *Provided further*, That of the amount authorized for the fiscal year ending September 30, 2005, under sections 48103 and 48112 of title 49, United States Code, $469,000,000 are rescinded.

[ADMINISTRATIVE PROVISIONS—FEDERAL AVIATION ADMINISTRATION

[SEC. 101. Notwithstanding any other provision of law, airports may transfer without consideration to the Federal Aviation Administration (FAA) instrument landing systems (along with associated approach lighting equipment and runway visual range equipment) which conform to FAA design and performance specifications, the purchase of which was assisted by a Federal airport-aid program, airport development aid program or airport improvement program grant: *Provided*, That, the Federal Aviation Administration shall accept such equipment, which shall thereafter be operated and maintained by FAA in accordance with agency criteria.

[SEC. 102. None of the funds in this Act may be used to compensate in excess of 375 technical staff-years under the federally funded research and development center contract between the Federal Aviation Administration and the Center for Advanced Aviation Systems Development during fiscal year 2005.

[SEC. 103. None of the funds in this Act shall be used to pursue or adopt guidelines or regulations requiring airport sponsors to provide to the Federal Aviation Administration without cost building construction, maintenance, utilities and expenses, or space in airport sponsor-owned buildings for services relating to air traffic control, air navigation, or weather reporting: *Provided*, That the prohibition of funds in this section does not apply to negotiations between the agency and airport sponsors to achieve agreement on "below-market" rates for these items or to grant assurances that require airport sponsors to provide land without cost to the FAA for air traffic control facilities.

[SEC. 104. None of the funds appropriated or limited by this Act may be used to change weight restrictions or prior permission rules at Teterboro Airport in Teterboro, New Jersey.

[SEC. 105. (a) Section 44302(f)(1) of title 49, United States Code, is amended by striking "2005," each place it appears and inserting "2006,".

[(b) Section 44303(b) of such title is amended by striking "2005," and inserting "2006,".

[SEC. 106. None of the funds made available in this Act shall be used for engineering work related to an additional runway at Louis Armstrong New Orleans International Airport.

[FEDERAL HIGHWAY ADMINISTRATION

[LIMITATION ON ADMINISTRATIVE EXPENSES

[Necessary expenses for administration and operation of the Federal Highway Administration, not to exceed $359,529,000 shall be paid in accordance with law from appropriations made available by this Act to the Federal Highway Administration together with advances and reimbursements received by the Federal Highway Administration.

[FEDERAL-AID HIGHWAYS

[(LIMITATION ON OBLIGATIONS)

[(HIGHWAY TRUST FUND)

[None of the funds in this Act shall be available for the implementation or execution of programs, the obligations for which are in excess of $36,287,100,000 for Federal-aid highways and highway safety construction programs for fiscal year 2006: *Provided*, That within the $36,287,100,000 obligation limitation on Federal-aid highways and highway safety construction programs, not more than $485,000,000 shall be available for the implementation or execution of programs for transportation research (as authorized by title 23, United States Code, as amended; section 5505 of title 49, United States Code, as amended; and sections 5112 and 5204–5209 of Public Law 105-178, as amended) for fiscal year 2006: *Provided further*, That this limitation on transportation research programs shall not apply to any authority previously made available for obligation: *Provided further*, That the Secretary may, as authorized by sections 183 and 184 of title 23, United States Code, charge and collect a fee, from the applicant for a direct loan, guaranteed loan, or line of credit to cover the cost of the financial and legal analyses performed on behalf of the Department: *Provided further*, That such fees are available until expended to pay for such costs: *Provided further*, That such amounts are in addition to administrative expenses that are also available for such purpose, and are not subject to any obligation limitation or the limitation on administrative expenses under 23 U.S.C. 188.

[FEDERAL-AID HIGHWAYS

[(LIQUIDATION OF CONTRACT AUTHORIZATION)

[(HIGHWAY TRUST FUND)

[For carrying out the provisions of title 23, United States Code, that are attributable to Federal-aid highways, including the National Scenic and Recreational Highway as authorized by 23 U.S.C. 148, not otherwise provided, including reimbursement for sums expended pursuant to the provisions of 23 U.S.C. 308, $36,000,000,000 or so much thereof as may be available in and derived from the Highway Trust Fund (other than the Mass Transit Account), to remain available until expended.

[ADMINISTRATIVE PROVISIONS—FEDERAL HIGHWAY ADMINISTRATION

[SEC. 110. Notwithstanding 31 U.S.C. 3302, funds received by the Bureau of Transportation Statistics from the sale of data products, for necessary expenses incurred pursuant to 49 U.S.C. 111 may be credited to the Federal-aid highways account for the purpose of reimbursing the Bureau for such expenses: *Provided*, That such funds shall be subject to the obligation limitation for Federal-aid highways and highway safety construction.

[FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

[MOTOR CARRIER SAFETY OPERATIONS AND PROGRAMS

[(LIMITATION ON OBLIGATIONS)

[(LIQUIDATION OF CONTRACT AUTHORIZATION)

[(HIGHWAY TRUST FUND)

[(INCLUDING TRANSFER OF FUNDS)

[None of the funds provided for expenses for administration of motor carrier safety programs and motor carrier safety research shall be available for fiscal year 2006, the obligations for which are in excess of $215,000,000: *Provided*, That for payment of obligations incurred to pay administrative expenses of and motor carrier research by the Federal Motor Carrier Safety Administration, $215,000,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account), together with advances and reimbursements received by the Federal Motor Carrier Safety Administration, the sum of which shall remain available until expended.

[NATIONAL MOTOR CARRIER SAFETY PROGRAM

[LIQUIDATION OF CONTRACT AUTHORIZATION

[(LIMITATION ON OBLIGATIONS)

[(HIGHWAY TRUST FUND)

[For payment of obligations incurred in carrying out motor carrier safety grant programs in accordance with title 49, United States Code, $286,000,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account) and to remain available until expended: *Provided*, That none of the funds provided for the implementation or execution of motor carrier safety grant programs authorized by title 49, United States Code, shall be available for fiscal year 2006, the obligations for which are in excess of $286,000,000.

[ADMINISTRATIVE PROVISION—FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

[SEC. 120. Funds appropriated or limited in this Act shall be subject to the terms and conditions stipulated in section 350 of Public Law 107–87, including that the Secretary submit a report to the House and Senate Appropriations Committees annually on the safety and security of transportation into the United States by Mexico-domiciled motor carriers.

[NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

[OPERATIONS AND RESEARCH

[For expenses necessary to discharge the functions of the Secretary, with respect to traffic and highway safety under chapter 301 of title 49, United States Code, and part C of subtitle VI of title 49, United States Code, $152,367,000, of which $135,367,000 is to remain available until September 30, 2008, and $17,000,000 is to remain available until expended: *Provided*, That none of the funds appropriated by this Act may be obligated or expended to plan, finalize, or implement any rulemaking to add to section 575.104 of title 49 of the Code of Federal Regulations any requirement pertaining to a grading standard that is different from the three grading standards (treadwear, traction, and temperature resistance) already in effect.

[OPERATIONS AND RESEARCH

[(LIQUIDATION OF CONTRACT AUTHORIZATION)

[(LIMITATION ON OBLIGATIONS)

[(HIGHWAY TRUST FUND)

[For payment of obligations incurred in carrying out the provisions of 23 U.S.C. 403, to remain available until expended, $75,000,000, to be derived from the Highway Trust Fund: *Provided*, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 2006, are in excess of $75,000,000 for programs authorized under 23 U.S.C. 403.

[NATIONAL DRIVER REGISTER

[(LIQUIDATION OF CONTRACT AUTHORIZATION)

[(LIMITATION ON OBLIGATIONS)

[(HIGHWAY TRUST FUND)

[For payment of obligations incurred in carrying out chapter 303 of title 49, United States Code, $4,000,000, to be derived from the Highway Trust Fund: *Provided*, That none of the funds in this Act shall be available for the implementation or execution of programs the obligations for which are in excess of $4,000,000 for the National Driver Register authorized under chapter 303 of title 49, United States Code.

[HIGHWAY TRAFFIC SAFETY GRANTS

[(LIQUIDATION OF CONTRACT AUTHORIZATION)

[(LIMITATION ON OBLIGATIONS)

[(HIGHWAY TRUST FUND)

[For payment of obligations incurred in carrying out the provisions of 23 U.S.C. 402, 405, and 410, to remain available until expended, $551,000,000 to be derived from the Highway Trust Fund and to remain available until expended: *Provided*, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 2006, are in excess of $551,000,000 for programs authorized under 23 U.S.C. 402, 405, and 410, and the State Traffic Safety Information Systems Improvements, High Visibility Enforcement, Child Safety and Booster Seat, and Motorcyclist Safety grants programs, to be allocated as follows: $229,000,000 shall be for "Highway Safety Programs" under 23 U.S.C. 402, $136,000,000 shall be for "Occupant Protection Incentive Grants" under 23 U.S.C. 405, $129,000,000 shall be for "Alcohol-Impaired Driving Countermeasures Grants" under 23 U.S.C. 410, $30,000,000 shall be for State Traffic Safety Information Systems Improvement grants, $15,000,000 shall be for High Visibility Enforcement grants, $6,000,000 shall be for Child Safety and Booster Seat grants, and $6,000,000 shall be for Motorcyclist Safety grants: *Provided further*, That none of these funds shall be used for construction, rehabilitation, or remodeling costs, or for office furnishings and fixtures for State, local, or private buildings or structures: *Provided further*, That not to exceed $10,000,000 of the funds made available for section 402, not to exceed $3,306,000 of the funds made available for section 405, and not to exceed $3,000,000 of the funds made available for section 410 shall be available to NHTSA for administering highway safety grants under chapter 4 of title 23, United States Code: *Provided further*, That not to exceed $500,000 of the funds made available for section 410 "Alcohol-Impaired Driving Countermeasures Grants" shall be available for technical assistance to the States.

[FEDERAL RAILROAD ADMINISTRATION

[SAFETY AND OPERATIONS

[For necessary expenses of the Federal Railroad Administration, not otherwise provided for, $145,949,000, of which $13,856,000 shall remain available until expended.

[RAILROAD RESEARCH AND DEVELOPMENT

[For necessary expenses for railroad research and development, $26,325,000 (reduced by $26,325,000), to remain available until expended.

[RAILROAD REHABILITATION AND IMPROVEMENT PROGRAM

[The Secretary of Transportation is authorized to issue to the Secretary of the Treasury notes or other obligations pursuant to section 512 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94-210), as amended, in such amounts and at such times as may be necessary to pay any amounts required pursuant to the guarantee of the principal amount of obligations under sections 511 through 513 of such Act, such authority to exist as long as any such guaranteed obligation is outstanding: *Provided*, That pursuant to section 502 of such Act, as amended, no new direct loans or loan guarantee commitments shall be made using Federal funds for the credit risk premium during fiscal year 2006.

[NEXT GENERATION HIGH-SPEED RAIL

[For necessary expenses for the Next Generation High-Speed Rail program as authorized under 49 U.S.C. 26101 and 26102, $10,165,000, to remain available until expended.

[GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

[To enable the Secretary of Transportation to make quarterly grants to the National Railroad Passenger Corporation, $550,000,000 (increased by $626,248,000), to remain available until September 30, 2006: *Provided*, That of the funds provided, $50,000,000 shall be used by the Secretary of Transportation to enter into contracts to make improvements to the Northeast Corridor, as authorized under chapters 241 and 249 of title 49, United States Code.

[ADMINISTRATIVE PROVISION—FEDERAL RAILROAD ADMINISTRATION

[SEC. 140. The Secretary may purchase promotional items of nominal value for use in public outreach activities to accomplish the purposes of 49 U.S.C. 20134: *Provided*, That the Secretary shall prescribe guidelines for the administration of such purchases and use.

[FEDERAL TRANSIT ADMINISTRATION

[ADMINISTRATIVE EXPENSES

[For necessary administrative expenses of the Federal Transit Administration's programs authorized by chapter 53 of title 49, United States Code, $12,000,000: *Provided*, That no more than $80,000,000 of budget authority shall be available for these purposes: *Provided further*, That of the funds available not to exceed $989,000 shall be available for the Office of the Administrator; not to exceed $7,284,000 shall be available for the Office of Administration; not to exceed $4,140,000 shall be available for the Office of the Chief Counsel; not to exceed $1,276,000 shall be available for the Office of Communication and Congressional Affairs; not to exceed $7,916,000 shall be available for the Office of Program Management; not to exceed $7,123,000 shall be available for the Office of Budget and Policy; not to exceed $4,712,000 shall be available for the Office of Demonstration and Innovation; not to exceed $3,113,000 shall be available for the Office of Civil Rights; not to exceed $4,155,000 shall be available for the Office of Planning; not to exceed $21,408,000 shall be available for regional offices; and not to exceed $17,884,000 shall be available for the central account: *Provided further*, That the Administrator is authorized to transfer funds appropriated for an office of the Federal Transit Administration: *Provided further*, That no appropriation for an office shall be increased or decreased by more than a total of 5 percent during the fiscal year by all such transfers: *Provided further*, That any change in funding greater than 5 percent shall be submitted for approval to the House and Senate Committees on Appropriations: *Provided further*, That any funding transferred from the central account shall be submitted for approval to the House and Senate Committees on Appropriations: *Provided further*, That none of the funds provided or limited in this Act may be used to create a permanent office of transit security under this heading: *Provided further*, That of the funds in this Act available for the execution of contracts under section 5327(c) of title 49, United States Code, $2,000,000 shall be reimbursed to the Department of Transportation's Office of Inspector General for costs associated with audits and investigations of transit-related issues, including reviews of new fixed guideway systems: *Provided further*, That upon submission to the Congress of the fiscal year 2007 President's budget, the Secretary of Transportation shall transmit to Congress the annual report on new starts, proposed allocations of funds for fiscal year 2007.

[FORMULA GRANTS

[(INCLUDING TRANSFER OF FUNDS)

[For necessary expenses to carry out 49 U.S.C. 5307, 5308, 5310, 5311, 5327, 5335 and section 3038 of Public Law 105–178, $662,550,000, to remain available until expended: *Provided*, That no more than $4,417,000,000 of budget authority shall be available for these purposes: *Provided further*, That of the amount available, $2,500,000 shall be available for the National Transit database.

[UNIVERSITY TRANSPORTATION RESEARCH

[For necessary expenses to carry out 49 U.S.C. 5505, $1,200,000, to remain available until expended: *Provided*, That no more than $8,000,000 of budget authority shall be available for these purposes.

[TRANSIT PLANNING AND RESEARCH

[For necessary expenses to carry out 49 U.S.C. 5303, 5304, 5305, 5311(b)(2), 5312, 5313(a), 5314, 5315, and 5322, $24,049,000, to remain available until expended: *Provided*, That no more than $160,325,000 of budget authority shall be available for these purposes.

[TRUST FUND SHARE OF EXPENSES

[(LIQUIDATION OF CONTRACT AUTHORIZATION)

[(HIGHWAY TRUST FUND)

[For payment of obligations incurred in carrying out 49 U.S.C. 5303-5308, 5310-5315, 5317(b), 5322, 5327, 5334, 5505, and sections 3037 and 3038 of Public Law 105–178, $7,209,700,000, to remain available until expended, and to be derived from the Mass Transit Account of the Highway Trust Fund: *Provided*, That $3,754,450,000 shall be paid to the Federal Transit Administration's formula grants account: *Provided further*, That $136,276,000 shall be paid to the Federal Transit Administration's transit planning and research account: *Provided further*, That $68,000,000 shall be paid to the Federal Transit Administration's administrative expenses account: *Provided further*, That $6,800,000 shall be paid to the Federal Transit Administration's university transportation research account: *Provided further*, That $148,750,000 shall be paid to the Federal Transit Administration's job access and reverse commute grants program: *Provided further*, That $3,095,424,000 shall be paid to the Federal Transit Administration's Capital Investment Grants account.

[CAPITAL INVESTMENT GRANTS

[(INCLUDING TRANSFER OF FUNDS)

[For necessary expenses to carry out 49 U.S.C. 5308, 5309, 5318, and 5327, $546,251,000, to remain available until expended: *Provided*, That no more than $3,641,675,000 of budget authority shall be available for these purposes.

[JOB ACCESS AND REVERSE COMMUTE GRANTS

[For necessary expenses to carry out section 3037 of the Federal Transit Act of 1998, $26,250,000, to remain available until expended: *Provided*, That no more than $175,000,000 of budget authority shall be available for these purposes: *Provided further*, That up to $300,000 of the funds provided under this heading may be used by the Federal Transit Administration for technical assistance and support and performance reviews of the Job Access and Reverse Commute Grants program.

[ADMINISTRATIVE PROVISIONS—FEDERAL TRANSIT ADMINISTRATION

[SEC. 150. The limitations on obligations for the programs of the Federal Transit Administration shall not apply to any authority under 49 U.S.C. 5338, previously made available for obligation, or to any other authority previously made available for obligation.

[SEC. 151. Notwithstanding any other provision of law, any funds appropriated before October 1, 2005, under any section of chapter 53 of title 49, United States Code, that remain available for expenditure may be transferred to and administered under the most recent appropriation heading for any such section.

[SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

[The Saint Lawrence Seaway Development Corporation is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to the Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the Corporation's budget for the current fiscal year.

[OPERATIONS AND MAINTENANCE

[(HARBOR MAINTENANCE TRUST FUND)

[For necessary expenses for operations and maintenance of those portions of the Saint Lawrence Seaway operated and maintained by the Saint Lawrence Seaway Development Corporation, $16,284,000, to be derived from the Harbor Maintenance Trust Fund, pursuant to Public Law 99–662.

[MARITIME ADMINISTRATION

[MARITIME SECURITY PROGRAM

[For necessary expenses to maintain and preserve a U.S.-flag merchant fleet to serve the national security needs of the United States, $156,000,000, to remain available until expended.

[OPERATIONS AND TRAINING

[For necessary expenses of operations and training activities authorized by law, $112,336,000, of which $23,750,000 shall remain available until September 30, 2006, for salaries and benefits of employees of the United States Merchant Marine Academy; of which $17,000,000 shall remain available until expended for capital improvements at the United States Merchant Marine Academy; and of which $11,211,000 shall remain available until expended for the State Maritime Schools Schoolship Maintenance and Repair.

[SHIP DISPOSAL

[For necessary expenses related to the disposal of obsolete vessels in the National Defense Reserve Fleet of the Maritime Administration, $21,000,000, to remain available until expended.

[MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM ACCOUNT

[(INCLUDING TRANSFER OF FUNDS)

[For administrative expenses to carry out the guaranteed loan program, not to exceed $3,526,000, which shall be transferred to and merged with the appropriation for Operations and Training.

[SHIP CONSTRUCTION

[(RESCISSION)

[Of the unobligated balances available under this heading, $2,071,280 are rescinded.

[ADMINISTRATIVE PROVISIONS—MARITIME ADMINISTRATION

[SEC. 160. Notwithstanding any other provision of this Act, the Maritime Administration is authorized to furnish utilities and services and make necessary repairs in connection with any lease, contract, or occupancy involving Government property under control of the Maritime Administration, and payments received therefore shall be credited to the appropriation charged with the cost thereof: *Provided*, That rental payments under any such lease, contract, or occupancy for items other than such utilities, services, or repairs shall be covered into the Treasury as miscellaneous receipts.

[SEC. 161. No obligations shall be incurred during the current fiscal year from the construction fund established by the Merchant Marine Act, 1936, or otherwise, in excess of the appropriations and limitations contained in this Act or in any prior appropriations Act.

[PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION

[ADMINISTRATIVE EXPENSES

[For necessary administrative expenses of the Pipeline and Hazardous Materials Safety Administration, $17,027,000, of which $645,000 shall be derived from the Pipeline Safety Fund.

[HAZARDOUS MATERIALS SAFETY

[For expenses necessary to discharge the hazardous materials safety functions of the Pipeline and Hazardous Materials Safety Administration, $26,183,000, of which $1,847,000 shall remain available until September 30, 2008: *Provided*, That up to $1,200,000 in fees collected under 49 U.S.C. 5108(g) shall be deposited in the general fund of the Treasury as offsetting receipts: *Provided further*, That there may be credited to this appropriation, to be available until expended, funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training, for reports publication and dissemination, and for travel expenses incurred in performance of hazardous materials exemptions and approvals functions.

[PIPELINE SAFETY

[(PIPELINE SAFETY FUND)

[(OIL SPILL LIABILITY TRUST FUND)

[For expenses necessary to conduct the functions of the pipeline safety program, for grants-in-aid to carry out a pipeline safety program, as authorized by 49 U.S.C. 60107, and to discharge the pipeline program responsibilities of the Oil Pollution Act of 1990, $72,860,000, of which $15,000,000 shall be derived from the Oil Spill Liability Trust Fund and shall remain available until September 30, 2008; of which $57,860,000 shall be derived from the Pipeline Safety Fund, of which $24,000,000 shall remain available until September 30, 2008: *Provided*, That not less than $1,000,000 of the funds provided under this heading shall be for the one-call State grant program.

[EMERGENCY PREPAREDNESS GRANTS

[(EMERGENCY PREPAREDNESS FUND)

[For necessary expenses to carry out 49 U.S.C. 5127(c), $200,000, to be derived from the Emergency Preparedness Fund, to remain available until September 30, 2007: *Provided*, That not more than $14,300,000 shall be made available for obligation in fiscal year 2006 from amounts made available by 49 U.S.C. 5116(i) and 5127(d): *Provided further*, That none of the funds made available by 49 U.S.C. 5116(i), 5127(c), and 5127(d) shall be made available for obligation by individuals other than the Secretary of Transportation, or his designee.

[RESEARCH AND INNOVATIVE TECHNOLOGY ADMINISTRATION

[RESEARCH AND DEVELOPMENT

[For necessary expenses of the Research and Innovative Technology Administration, $4,326,000: *Provided*, That there may be credited to this appropriation, to be available until expended, funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training.

[OFFICE OF INSPECTOR GENERAL

[SALARIES AND EXPENSES

[For necessary expenses of the Office of Inspector General to carry out the provisions of the Inspector General Act of 1978, as amended, $62,499,000: *Provided*, That the Inspector General shall have all necessary authority, in carrying out the duties specified in the Inspector General Act, as amended (5 U.S.C. App. 3), to investigate allegations of fraud, including false statements to the government (18 U.S.C. 1001), by any person or entity that is subject to regulation by the Department: *Provided further*, That the funds made available under this heading shall be used to investigate, pursuant to section 41712 of title 49, United States Code: (1) unfair or deceptive practices and unfair methods of competition by domestic and foreign air carriers and ticket agents; and (2) the compliance of domestic and foreign air carriers with respect to item (1) of this proviso.

[SURFACE TRANSPORTATION BOARD

[SALARIES AND EXPENSES

[For necessary expenses of the Surface Transportation Board, including services authorized by 5 U.S.C. 3109, $26,622,000: *Provided*, That notwithstanding any other provision of law, not to exceed $1,250,000 from fees established by the Chairman of the Surface Transportation Board shall be credited to this appropriation as offsetting collections and used for necessary and authorized expenses under this heading: *Provided further*, That the sum herein appropriated from the general fund shall be reduced on a dollar-for-dollar basis as such offsetting collections are received during fiscal year 2006, to result in a final appropriation from the general fund estimated at no more than $25,372,000.

[ADMINISTRATIVE PROVISIONS—DEPARTMENT OF TRANSPORTATION

[(INCLUDING TRANSFERS OF FUNDS)

[SEC. 170. During the current fiscal year applicable appropriations to the Department of Transportation shall be available for maintenance and operation of aircraft; hire of passenger motor vehicles and aircraft; purchase of liability insurance for motor vehicles operating in foreign countries on official department business; and uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902).

[SEC. 171. Appropriations contained in this Act for the Department of Transportation shall be available for services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for an Executive Level IV.

[SEC. 172. None of the funds in this Act shall be available for salaries and expenses of more than 100 political and Presidential appointees in the Department of Transportation: *Provided*, That none of the personnel covered by this provision may be assigned on temporary detail outside the Department of Transportation.

[SEC. 173. None of the funds in this Act shall be used to implement section 404 of title 23, United States Code.

[SEC. 174. (a) No recipient of funds made available in this Act shall disseminate personal information (as defined in 18 U.S.C. 2725(3)) obtained by a State department of motor vehicles in connection with a motor vehicle record as defined in 18 U.S.C. 2725(1), except as provided in 18 U.S.C. 2721 for a use permitted under 18 U.S.C. 2721.

[(b) Notwithstanding subsection (a), the Secretary shall not withhold funds provided in this Act for any grantee if a State is in noncompliance with this provision.

[SEC. 175. Funds received by the Federal Highway Administration, Federal Transit Administration, and Federal Railroad Administration from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training may be credited respectively to the Federal Highway Administration's "Federal-Aid Highways" account, the Federal Transit Administration's "Transit Planning and Research" account, and to the Federal Railroad Administration's "Safety and Operations" account, except for State rail safety inspectors participating in training pursuant to 49 U.S.C. 20105.

[SEC. 176. Notwithstanding any other provisions of law, rule or regulation, the Secretary of Transportation is authorized to allow the issuer of any preferred stock heretofore sold to the Department to redeem or repurchase such stock upon the payment to the Department of an amount determined by the Secretary.

[SEC. 177. None of the funds in this Act to the Department of Transportation may be used to make a grant unless the Secretary of Transportation notifies the House and Senate Committees on Appropriations not less than 3 full business days before any discretionary grant award, letter of intent, or full funding grant agreement totaling $1,000,000 or more is announced by the department or its modal administrations from: (1) any discretionary grant program of the Federal Highway Administration other than the emergency relief program; (2) the airport improvement program of the Federal Aviation Administration; or (3) any program of the Federal Transit Administration other than the formula grants and fixed guideway modernization programs: *Provided*, That no notification shall involve funds that are not available for obligation.

[SEC. 178. Rebates, refunds, incentive payments, minor fees and other funds received by the Department of Transportation from travel management centers, charge card programs, the subleasing of building space, and miscellaneous sources are to be credited to appropriations of the Department of Transportation and allocated to elements of the Department of Transportation using fair and equitable criteria and such funds shall be available until expended.

[SEC. 179. Amounts made available in this or any other Act that the Secretary determines represent improper payments by the Department of Transportation to a third party contractor under a financial assistance award, which are recovered pursuant to law, shall be available—

[(1) to reimburse the actual expenses incurred by the Department of Transportation in recovering improper payments; and

[(2) to pay contractors for services provided in recovering improper payments: *Provided*, That amounts in excess of that required for paragraphs (1) and (2)—

[(A) shall be credited to and merged with the appropriation from which the improper payments were made, and shall be available for the purposes and period for which such appropriations are available; or

[(B) if no such appropriation remains available, shall be deposited in the Treasury as miscellaneous receipts: *Provided*, That prior to the transfer of any such recovery to an appropriations account, the Secretary shall notify the House and Senate Committees on Appropriations of the amount and reasons for such transfer: *Provided further*, That for purposes of this section, the term "improper payments", has the same meaning as that provided in section 2(d)(2) of Public Law 107–300.

[SEC. 180. The Secretary of Transportation is authorized to transfer the unexpended balances available for the bonding assistance program from "Office of the Secretary, Salaries and expenses" to "Minority Business Outreach".

[SEC. 181. None of the funds made available in this Act to the Department of Transportation may be obligated for the Office of the Secretary of Transportation to approve assessments or reimbursable agreements pertaining to funds appropriated to the modal administrations in this Act, except for activities underway on the date of enactment of this Act, unless such assessments or agreements have completed the normal reprogramming process for Congressional notification.

[SEC. 182. None of the funds made available under this Act may be obligated or expended to establish or implement a pilot program under which not more than 10 designated essential air service communities located in proximity to hub airports are required to assume 10 percent of their essential air subsidy costs for a 4-year period commonly referred to as the EAS local participation program.

[TITLE II—DEPARTMENT OF THE TREASURY

[DEPARTMENTAL OFFICES

[SALARIES AND EXPENSES

[(INCLUDING TRANSFER OF FUNDS)

[For necessary expenses of the Departmental Offices including operation and maintenance of the Treasury Building and Annex; hire of passenger motor vehicles; maintenance, repairs, and improvements of, and purchase of commercial insurance policies for, real properties leased or owned overseas, when necessary for the performance of official business, not to exceed $3,000,000 for official travel expenses; $187,452,000 (reduced by $30,000,000), of which not to exceed $7,216,000 for executive direction program activities; not to exceed $7,521,000 for general counsel program activities; not to exceed $32,011,000 for economic policies and programs activities; not to exceed $24,721,000 for financial policies and programs activities; not to exceed $16,843,000 for Treasury-wide management policies and programs activities; not to exceed $63,731,000 for administration programs activities: *Provided*, That $35,409,000 of the amount provided under this heading is for the Office of Terrorism and Financial Intelligence as authorized in Public law 108–447, of which $22,032,000 is for the Office of Foreign Assets Control, $5,882,000 is for the Office of Intelligence and Analysis, and $1,998,000 is for the Office of the Undersecretary: *Provided further*, That the Secretary of the Treasury is authorized to transfer funds appropriated for any program activity of the Departmental Offices to any other program activity of the Departmental Offices upon notification to the House and Senate Committees on Appropriations: *Provided further*, That no appropriation for any program activity shall be increased or decreased by more than 2 percent by all such transfers: *Provided further*, That any change in funding greater than 2 percent shall be submitted for approval to the House and Senate Committees on Appropriations: *Provided further*, That of the amount appropriated under this heading, not to exceed $3,000,000, to remain available until September 30, 2007, is for information technology modernization requirements; not to exceed $100,000 is for official reception and representation expenses; and not to exceed $258,000 is for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Secretary of the Treasury and to be accounted for solely on his certificate: *Provided further*, That of the amount appropriated under this heading, $5,173,000, to remain available until September 30, 2007, is for the Treasury-wide Financial Statement Audit Program and internal control programs, of which such amounts as may be necessary may be transferred to accounts of the Department's offices and bureaus to conduct audits: *Provided further*, That this transfer authority shall be in addition to any other provided in this Act.

[DEPARTMENT-WIDE SYSTEMS AND CAPITAL INVESTMENTS PROGRAMS

[(INCLUDING TRANSFER OF FUNDS)

[For development and acquisition of automatic data processing equipment, software, and services for the Department of the Treasury, $21,412,000, to remain available until September 30, 2008: *Provided*, That these funds shall be transferred to accounts and in amounts as necessary to satisfy the requirements of the Department's offices, bureaus, and other organizations: *Provided further*, That this transfer authority shall be in addition to any other transfer authority provided in this Act: *Provided further*, That none of the funds appropriated shall be used to support or supplement "Internal Revenue Service, Information Systems" or "Internal Revenue Service, Business Systems Modernization".

[OFFICE OF INSPECTOR GENERAL

[SALARIES AND EXPENSES

[For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, not to exceed $2,000,000 for official travel expenses, including hire of passenger motor vehicles; and not to exceed $100,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Inspector General of the Treasury, $17,000,000, of which not to exceed $2,500 shall be available for official reception and representation expenses.

[TREASURY INSPECTOR GENERAL FOR TAX ADMINISTRATION

[SALARIES AND EXPENSES

[For necessary expenses of the Treasury Inspector General for Tax Administration in carrying out the Inspector General Act of 1978, as amended, including purchase (not to exceed 150 for replacement only for police-type use) and hire of passenger motor vehicles (31 U.S.C. 1343(b)); services authorized by 5 U.S.C. 3109, at such rates as may be determined by the Inspector General for Tax Administration; not to exceed $6,000,000 for official travel expenses; and not to exceed $500,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Inspector General for Tax Administration, $133,286,000; and of which not to exceed $1,500 shall be available for official reception and representation expenses.

[AIR TRANSPORTATION STABILIZATION PROGRAM ACCOUNT

[For necessary expenses to administer the Air Transportation Stabilization Board established by section 102 of the Air Transportation Safety and System Stabilization Act (Public Law 107–42), $2,500,000 (reduced by $2,500,000) to remain available until expended.

[TREASURY BUILDING AND ANNEX REPAIR AND RESTORATION

[For the repair, alteration, and improvement of the Treasury Building and Annex,

$10,000,000, to remain available until September 30, 2008.

[Financial Crimes Enforcement Network

[SALARIES AND EXPENSES

[For necessary expenses of the Financial Crimes Enforcement Network, including hire of passenger motor vehicles; travel expenses of non-Federal law enforcement personnel to attend meetings concerned with financial intelligence activities, law enforcement, and financial regulation; not to exceed $14,000 for official reception and representation expenses; and for assistance to Federal law enforcement agencies, with or without reimbursement, $73,630,000 of which not to exceed $6,944,000 shall remain available until September 30, 2008; and of which $8,521,000 shall remain available until September 30, 2007: *Provided*, That funds appropriated in this account may be used to procure personal services contracts.

[Financial Management Service

[SALARIES AND EXPENSES

[For necessary expenses of the Financial Management Service, $236,243,000, of which not to exceed $9,220,000 shall remain available until September 30, 2008, for information systems modernization initiatives; and of which not to exceed $2,500 shall be available for official reception and representation expenses.

[Alcohol and Tobacco Tax and Trade Bureau

[SALARIES AND EXPENSES

[For necessary expenses of carrying out section 1111 of the Homeland Security Act of 2002, including hire of passenger motor vehicles, $91,126,000; of which not to exceed $6,000 for official reception and representation expenses; not to exceed $50,000 for cooperative research and development programs for laboratory services; and provision of laboratory assistance to State and local agencies with or without reimbursement.

[United States Mint

[UNITED STATES MINT PUBLIC ENTERPRISE FUND

[Pursuant to section 5136 of title 31, United States Code, the United States Mint is provided funding through the United States Mint Public Enterprise Fund for costs associated with the production of circulating coins, numismatic coins, and protective services, including both operating expenses and capital investments. The aggregate amount of new liabilities and obligations incurred during fiscal year 2006 under such section 5136 for circulating coinage and protective service capital investments of the United States Mint shall not exceed $36,900,000.

[Bureau of the Public Debt

[ADMINISTERING THE PUBLIC DEBT

[For necessary expenses connected with any public-debt issues of the United States, $179,923,000, of which not to exceed $2,500 shall be available for official reception and representation expenses, and of which not to exceed $2,000,000 shall remain available until expended for systems modernization: *Provided*, That the sum appropriated herein from the General Fund for fiscal year 2006 shall be reduced by not more than $3,000,000 as definitive security issue fees and Treasury Direct Investor Account Maintenance fees are collected, so as to result in a final fiscal year 2006 appropriation from the General Fund estimated at $176,923,000. In addition, $70,000 to be derived from the Oil Spill Liability Trust Fund to reimburse the Bureau for administrative and personnel expenses for financial management of the Fund, as authorized by section 1012 of Public Law 101–380.

[Community Development Financial Institutions

[FUND PROGRAM ACCOUNT

[To carry out the Community Development Banking and Financial Institutions Act of 1994, including services authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for ES–3, $55,000,000, to remain available until September 30, 2006, of which up to $13,000,000 may be used for administrative expenses, including administration of the New Markets Tax Credit, up to $6,000,000 may be used for the cost of direct loans, and up to $250,000 may be used for administrative expenses to carry out the direct loan program: *Provided*, That the cost of direct loans, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $11,000,000.

[Internal Revenue Service

[PROCESSING, ASSISTANCE, AND MANAGEMENT

[For necessary expenses of the Internal Revenue Service for pre-filing taxpayer assistance and education, filing and account services, shared services support, general management and administration; and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, $4,181,520,000, of which up to $4,100,000 shall be for the Tax Counseling for the Elderly Program, of which $8,000,000 shall be available for low-income taxpayer clinic grants, of which $1,500,000 shall be for the Internal Revenue Service Oversight Board; and of which not to exceed $25,000 shall be for official reception and representation expenses.

[TAX LAW ENFORCEMENT

[(INCLUDING TRANSFER OF FUNDS)

[For necessary expenses of the Internal Revenue Service for determining and establishing tax liabilities; providing litigation support; conducting criminal investigation and enforcement activities; securing unfiled tax returns; collecting unpaid accounts; conducting a document matching program; resolving taxpayer problems through prompt identification, referral and settlement; expanded customer service and public outreach programs, strengthened enforcement activities, and enhanced research efforts to reduce erroneous filings associated with the earned income tax credit; compiling statistics of income and conducting compliance research; purchase (for police-type use, not to exceed 850) and hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, $4,541,466,000 (increased by $38,750,000), of which $55,584,000 shall be for the Interagency Crime and Drug Enforcement program: *Provided*, That up to $10,000,000 may be transferred as necessary from this account to the IRS Processing, Assistance, and Management appropriation or the IRS Information Systems appropriation solely for the purposes of management of the Interagency Crime and Drug Enforcement Program: *Provided further*, That up to $10,000,000 may be transferred as necessary from this account to the IRS Processing, Assistance, and Management appropriation or the IRS Information Systems appropriation solely for the purposes of management of the Earned Income Tax Credit compliance program and to reimburse the Social Security Administration for the cost of implementing section 1090 of the Taxpayer Relief Act of 1997 (Public Law 105–33): *Provided further*, That this transfer authority shall be in addition to any other transfer authority provided in this Act.

[INFORMATION SYSTEMS

[For necessary expenses of the Internal Revenue Service for information systems and telecommunications support, including developmental information systems and operational information systems; the hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, $1,606,846,000 (reduced by $24,000,000) (reduced by $7,700,000), of which $75,000,000 shall remain available until September 30, 2007.

[BUSINESS SYSTEMS MODERNIZATION

[For necessary expenses of the Internal Revenue Service, $199,000,000, to remain available until September 30, 2008, for the capital asset acquisition of information technology systems, including management and related contractual costs of said acquisitions, including contractual costs associated with operations authorized by 5 U.S.C. 3109: *Provided*, That none of these funds may be obligated until the Internal Revenue Service submits to the Committees on Appropriations, and such Committees approve, a plan for expenditure that: (1) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including Circular A–11; (2) complies with the Internal Revenue Service's enterprise architecture, including the modernization blueprint; (3) conforms with the Internal Revenue Service's enterprise life cycle methodology; (4) is approved by the Internal Revenue Service, the Department of the Treasury, and the Office of Management and Budget; (5) has been reviewed by the Government Accountability Office; and (6) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government.

[HEALTH INSURANCE TAX CREDIT ADMINISTRATION

[For expenses necessary to implement the health insurance tax credit included in the Trade Act of 2002 (Public Law 107–210), $20,210,000.

[ADMINISTRATIVE PROVISIONS—INTERNAL REVENUE SERVICE

[(INCLUDING TRANSFER OF FUNDS)

[Sec. 201. Not to exceed 5 percent of any appropriation made available in this Act to the Internal Revenue Service or not to exceed 3 percent of appropriations under the heading "Tax Law Enforcement" may be transferred to any other Internal Revenue Service appropriation upon the advance approval of the Committees on Appropriations.

[Sec. 202. The Internal Revenue Service shall maintain a training program to ensure that Internal Revenue Service employees are trained in taxpayers' rights, in dealing courteously with taxpayers, and in cross-cultural relations.

[Sec. 203. The Internal Revenue Service shall institute and enforce policies and procedures that will safeguard the confidentiality of taxpayer information.

[Sec. 204. Funds made available by this or any other Act to the Internal Revenue Service shall be available for improved facilities and increased manpower to provide sufficient and effective 1–800 help line service for taxpayers. The Commissioner shall continue to make the improvement of the Internal Revenue Service 1–800 help line service a priority and allocate resources necessary to increase phone lines and staff to improve the Internal Revenue Service 1–800 help line service.

[SEC. 205. None of the funds in this title may be used to modify the number or location of Taxpayer Assistance Centers until the Treasury Inspector General for Tax Administration completes a study detailing the impact that such closures would have on taxpayer compliance and submits such study to the Committees on Appropriatons of the House of Representatives and the Senate for review: *Provided*, That no funds shall be obligated by the Internal Revenue Service for such purposes for 60 days after receipt of such study: *Provided further*, That the Internal Revenue Service shall consult with stakeholder organizations, including but no limited to, the National Taxpayer Advocate, the Internal Revenue Service Oversight Board, the Treasury Inspector General for Tax Administration, and Internal Revenue Service employees with respect to the types of data to be included in the model that will determine which Taxpayer Assistance Centers should be closed and the relative weight of such data as it relates to such model.

[ADMINISTRATIVE PROVISIONS—DEPARTMENT OF THE TREASURY

[(INCLUDING TRANSFER OF FUNDS)

[SEC. 210. Appropriations to the Department of the Treasury in this Act shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901), including maintenance, repairs, and cleaning; purchase of insurance for official motor vehicles operated in foreign countries; purchase of motor vehicles without regard to the general purchase price limitations for vehicles purchased and used overseas for the current fiscal year; entering into contracts with the Department of State for the furnishing of health and medical services to employees and their dependents serving in foreign countries; and services authorized by 5 U.S.C. 3109.

[SEC. 211. Not to exceed 2 percent of any appropriation made available in this Act to the Internal Revenue Service may be transferred to the Treasury Inspector General for Tax Administration's appropriation upon the advance approval of the Committees on Appropriations: *Provided*, That no transfer may increase or decrease any such appropriation by more than 2 percent.

[SEC. 212. Of the funds available for the purchase of law enforcement vehicles, no funds may be obligated until the Secretary of the Treasury certifies that the purchase by the respective Treasury bureau is consistent with Departmental vehicle management principles: *Provided*, That the Secretary may delegate this authority to the Assistant Secretary for Management.

[SEC. 213. None of the funds appropriated in this Act or otherwise available to the Department of the Treasury or the Bureau of Engraving and Printing may be used to redesign the $1 Federal Reserve note.

[SEC. 214. The Secretary of the Treasury may transfer funds from "Financial Management Services, Salaries and Expenses" to "Debt Collection Fund" as necessary to cover the costs of debt collection: *Provided*, That such amounts shall be reimbursed to such salaries and expenses account from debt collections received in the Debt Collection Fund.

[SEC. 215. Section 122(g)(1) of Public Law 105–119 (5 U.S.C. 3104 note), is further amended by striking "7 years" and inserting " 8 years".

[SEC. 216. None of the funds appropriated or otherwise made available by this or any other Act may be used by the United States Mint to construct or operate any museum without the explicit approval of the House Committee on Financial Services and the Senate Committee on Banking, Housing, and Urban Affairs.

[SEC. 217. None of the funds appropriated or otherwise made available by this or any other Act or source to the Department of the Treasury, the Bureau of Engraving and Printing, and the United States Mint, individually or collectively, may be used to consolidate any or all functions of the Bureau of Engraving and Printing and the United States Mint without the explicit approval of the House Committee on Financial Services; the Senate Committee on Banking, Housing, and Urban Affairs; the House Committee on Appropriations; and the Senate Committee on Appropriations.

[TITLE III—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[PUBLIC AND INDIAN HOUSING

[TENANT-BASED RENTAL ASSISTANCE

[(INCLUDING TRANSFER OF FUNDS)

[For activities and assistance for the provision of tenant-based rental assistance authorized under the United States Housing act of 1937, as amended (42 U.S.C. 1437 et seq.) ("the Act" herein), not otherwise provided for, $15,531,400,000 (increased by $100,000,000), to remain available until expended, of which $11,331,400,000 (increased by $100,000,000) shall be available on October 1, 2005, and $4,200,000,000 shall be available on October 1, 2006: *Provided*, That the amounts made available under this heading are provided as follows:

[(1) $14,089,755,725 (increased by $100,000,000) for renewals of expiring section 8 tenant-based annual contributions contracts (including renewals of enhanced vouchers under any provision of law authorizing such assistance under section 8(t) of the Act: *Provided*, That notwithstanding any other provision of law, from amounts provided under this paragraph, the Secretary for the calendar year 2006 funding cycle shall provide renewal funding for each public housing agency based on each public housing agency's 2005 annual budget for renewal funding as calculated by HUD, prior to prorations, and by applying the 2006 Annual Adjustment Factor as established by the Secretary, and by making any necessary adjustments for the costs associated with the first-time renewal of tenant protection or HOPE VI vouchers: *Provided further*, That the Secretary shall, to the extent necessary to stay within the amount provided under this paragraph, pro rate each public housing agency's allocation otherwise established pursuant to this paragraph: *Provided further*, That except as provided in the following proviso, the entire amount provided under this paragraph shall be obligated to the public housing agencies based on the allocation and pro rata method described above: *Provided further*, That up to $45,000,000 shall be available only: (1) to adjust the allocations for public housing agencies, after application for an adjustment by a public housing agency and verification by HUD, whose allocations under this heading for contract renewals for the calendar year 2005 funding cycle were based on verified VMS leasing and cost data averaged for the months of May, June, and July of 2004 and solely because of temporarily low leasing levels during such 3-month period did not accurately reflect leasing levels and costs for the 2004 fiscal year of the agencies; and (2) for adjustments for public housing agencies that experienced a significant increase, as determined by the Secretary, in renewal costs resulting from the portability under section 8(r) of the United States Housing Act of 1937 of tenant-based rental assistance: *Provided further*, That none of the funds provided in this paragraph may be used to support a total number of unit months under lease which exceeds a public housing agency's authorized level of units under contract;

[(2) $165,700,000 for section 8 rental assistance for relocation and replacement of housing units that are demolished or disposed of pursuant to the Omnibus Consolidated Rescissions and Appropriations Act of 1996 (Public Law 104–134), conversion of section 23 projects to assistance under section 8, the family unification program under section 8(x) of the Act, relocation of witnesses in connection with efforts to combat crime in public and assisted housing pursuant to a request from a law enforcement or prosecution agency, enhanced vouchers under any provision of law authorizing such assistance under section 8(t) of the Act, HOPE VI vouchers, mandatory and voluntary conversions, vouchers necessary to complete the consent decree requirements in Walker vs. U.S. Department of Housing and Urban Development, and tenant protection assistance including replacement and relocation assistance;

[(3) $45,000,000 for family self-sufficiency coordinators under section 23 of the Act;

[(4) $5,900,000 shall be transferred to the Working Capital Fund; and

[(5) $1,225,000,000 for administrative and other expenses of public housing agencies in administering the section 8 tenant-based rental assistance program, of which up to $25,000,000 shall be available to the Secretary to allocate to public housing agencies that need additional funds to administer their section 8 programs: *Provided*, That $1,200,000,000 of the amount provided in this paragraph shall be allocated for the calendar year 2006 funding cycle on a pro rata basis to public housing agencies based on the amount public housing agencies were eligible to receive in calendar year 2005: *Provided further*, That all amounts provided under this paragraph shall be only for activities related to the provision of tenant-based rental assistance authorized under section 8, including related development activities, except that up to $200,000,000 of funds made available on October 1, 2006, to this account may be transferred to the "Project Based Rental Assistance Account" at the discretion of the Secretary.

[HOUSING CERTIFICATE FUND

[(RESCISSION)

[Of the unobligated balances, including recaptures and carryover, remaining from funds appropriated to the Department of Housing and Urban Development under this heading or the heading "Annual contributions for assisted housing" or any other heading for fiscal year 2005 and prior years, $2,493,600,000 is rescinded, to be effected by the Secretary no later than September 30, 2006: *Provided*, That any such balances governed by reallocation provisions under the statute authorizing the program for which the funds were originally appropriated shall be available for the rescission: *Provided further*, That any obligated balances of contract authority from fiscal year 1974 and prior that have been terminated shall be cancelled: *Provided further*, That no amounts recaptured from amounts appropriated in prior years under this heading or the heading "Annual contributions for assisted housing" and no carryover of such appropriated amounts for project-based assistance shall be available for the calendar year 2006 funding cycle for activities provided for under the heading "Tenant-based rental assistance".

[PROJECT-BASED RENTAL ASSISTANCE

[(INCLUDING TRANSFER OF FUNDS)

[For activities and assistance for the provision of project-based subsidy contracts under the United States Housing Act of 1937, as amended (42 U.S.C. 1437 et seq.) ("the Act" herein), not otherwise provided for, $5,088,300,000, to remain available until expended: *Provided*, That the amounts made available under this heading are provided as follows:

[(1) $4,940,100,000 for expiring or terminating section 8 project-based subsidy contracts (including section 8 moderate rehabilitation contracts), for amendments to section 8 project-based subsidy contracts (including section 8 moderate rehabilitation contracts), for contracts entered into pursuant to section 441 of the McKinney-Vento Homeless Assistance Act, for renewal of section 8 contracts for units in projects that are subject to approved plans of action under the Emergency Low Income Housing Preservation Act of 1987 or the Low-Income Housing Preservation and Resident Homeownership Act of 1990, and for administrative and other expenses associated with project-based activities and assistance funded under this paragraph.

[(2) $147,200,000 for performance-based contract administrators for section 8 project-based assistance: *Provided*, That the Secretary may also use such amounts for performance-based contract administrators for: interest reduction payments pursuant to section 236(a) of the National Housing Act (12 U.S.C. 1715z–1(a)); rent supplement payments pursuant to section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s); Section 236(f)(2) rental assistance payments (12 U.S.C. 1715z–1(f)(2)); project rental assistance contracts for the elderly under section 202(c)(2) of the Housing Act of 1959, as amended (12 U.S.C. 1701q, 1701q–1); project rental assistance contracts for supportive housing for persons with disabilities under section 811(d)(2) of the Cranston-Gonzalez National Affordable Housing Act; project assistance contracts pursuant to section 202(h) of the Housing Act of 1959 (Public Law 86–372; 73 Stat. 667); and loans under section 202 of the Housing Act of 1959 (Public Law 86–372; 73 Stat. 667).

[(3) $1,000,000 shall be transferred to the Working Capital Fund: *Provided further*, That amounts recaptured under this heading, the heading, 'Annual Contributions for Assisted Housing,' or the heading, 'Housing Certificate Fund,' for project-based section 8 activities may be used for renewals of or amendments to section 8 project-based subsidy contracts or for performance-based contract administrators, notwithstanding the purposes for which such amounts were appropriated.

[PUBLIC HOUSING CAPITAL FUND

[(INCLUDING TRANSFERS OF FUNDS)

[For the Public Housing Capital Fund Program to carry out capital and management activities for public housing agencies, as authorized under section 9 of the United States Housing Act of 1937, as amended (42 U.S.C. 1437g) (the "Act"), $2,600,000,000, to remain available until September 30, 2009: *Provided*, That notwithstanding any other provision of law or regulation, during fiscal year 2006, the Secretary may not delegate to any Department official other than the Deputy Secretary and the Assistant Secretary for Public and Indian Housing any authority under paragraph (2) of section 9(j) regarding the extension of the time periods under such section: *Provided further*, That for purposes of such section 9(j), the term "obligate" means, with respect to amounts, that the amounts are subject to a binding agreement that will result in outlays, immediately or in the future: *Provided further*, That of the total amount provided under this heading, up to $11,000,000 shall be for carrying out activities under section 9(h) of such Act: *Provided further*, That $10,000,000 shall be transferred to the Working Capital Fund: *Provided further*, That no funds may be used under this heading for the purposes specified in section 9(k) of the United States Housing Act of 1937, as amended: *Provided further*, That of the total amount provided under this heading, up to $17,000,000 shall be available for the Secretary of Housing and Urban Development to make grants, notwithstanding section 305 of this Act, to public housing agencies for emergency capital needs resulting from unforeseen emergencies and natural disasters occurring in fiscal year 2006: *Provided further*, That of the total amount provided under this heading, $24,000,000 shall be for supportive services, service coordinators and congregate services as authorized by section 34 of the Act and the Native American Housing Assistance and Self-Determination Act of 1996: *Provided further*, That up to $8,820,000 is to support the costs of administrative and judicial receiverships.

[PUBLIC HOUSING OPERATING FUND

[For 2006 payments to public housing agencies for the operation and management of public housing, as authorized by section 9(e) of the United States Housing Act of 1937, as amended (42 U.S.C. 1437g(e)), $3,600,000,000: *Provided*, That all funds made available under this heading shall be allocated to public housing agencies in accordance with the terms, conditions, criteria and methodology set forth in the "Post 4th Session Rule" issued on June 10, 2004 and shall not be allocated using any other formula unless approved by the Committee: *Provided further*, That of the total amount provided under this heading, up to $50,000,000 shall be for assistance for the conversion to asset management including project-based accounting, budgeting and management for public housing agencies operating three or more public housing projects, which will under the "Post 4th Session Rule" formula experience a loss of subsidy greater than 5 percent from the amount which would otherwise have been receivable under the Performance Funding System regulations superceded by such formula: *Provided further*, That, in fiscal year 2006 and all fiscal years hereafter, no amounts under this heading in any appropriations Act may be used for payments to public housing agencies for the costs of operation and management of public housing for any year prior to the current year of such Act: *Provided further*, That no funds may be used under this heading for the purposes specified in section 9(k) of the United States Housing Act of 1937, as amended.

[REVITALIZATION OF SEVERELY DISTRESSED PUBLIC HOUSING (HOPE VI)

[For grants to public housing agencies for demolition, site revitalization, replacement housing, and tenant-based assistance grants to projects, as authorized by section 24 of the United States Housing Act of 1937, as amended, and the amounts otherwise provided by this Act for "INDEPENDENT AGENCIES—GENERAL SERVICES ADMINISTRATION—FEDERAL BUILDINGS FUND" and for building operations under such item are hereby reduced by, $60,000,000.

[NATIVE AMERICAN HOUSING BLOCK GRANTS

[(INCLUDING TRANSFER OF FUNDS)

[For the Native American Housing Block Grants program, as authorized under title I of the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA) (25 U.S.C. 4111 et seq.), $600,000,000, to remain available until expended. Notwithstanding the Native American Housing Assistance and Self-Determination Act of 1996, to determine the amount of the allocation under title I of such Act for each Indian tribe, the Secretary shall apply the formula under section 302 of such Act with the need component based on single-race Census data and with the need component based on multi-race Census data, and the amount of the allocation for each Indian tribe shall be the greater of the two resulting allocation amounts. Of funds made available under this heading, $1,200,000 shall be contracted through the Secretary as technical assistance and capacity building to be used by the National American Indian Housing Council in support of the implementation of NAHASDA; of which $2,308,000 shall be to support the inspection of Indian housing units, contract expertise, training, and technical assistance in the training, oversight, and management of Indian housing and tenant-based assistance, including up to $300,000 for related travel; of which $45,000,000 shall be for the Indian Community Development Block Grant program under title I of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5301 et seq.), for grants to Indian tribes notwithstanding section 106(a)(1) of such Act, to be allocated using the same methodology as fiscal year 2005 funds of which up to $4,000,000 may be used for emergencies that constitute imminent threats to health and safety, notwithstanding any other provision of law (including section 205 of the Act): *Provided*, That of the amount provided under this heading, $2,000,000 shall be made available for the cost of guaranteed notes and other obligations, as authorized by title VI of NAHASDA: *Provided further*, That such costs, including the costs of modifying such notes and other obligations, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That these funds are available to subsidize the total principal amount of any notes and other obligations, any part of which is to be guaranteed, not to exceed $17,926,000: *Provided further*, That for administrative expenses to carry out the guaranteed loan program, up to $150,000 from amounts in the first proviso, which shall be transferred to and merged with the appropriation for "Salaries and Expenses".

[NATIVE HAWAIIAN HOUSING BLOCK GRANT

[For the Native Hawaiian Housing Block Grant program, as authorized under title VIII of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4111 et seq.), $8,815,000, to remain available until expended, of which $352,606 shall be for training and technical assistance activities.

[INDIAN HOUSING LOAN GUARANTEE FUND PROGRAM ACCOUNT

[(INCLUDING TRANSFER OF FUNDS)

[For the cost of guaranteed loans, as authorized by section 184 of the Housing and Community Development Act of 1992 (12

U.S.C. 1715z–13a), $2,645,000, to remain available until expended: *Provided*, That such costs, including the costs of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $98,966,942.

[In addition, for administrative expenses to carry out the guaranteed loan program, up to $250,000 from amounts in the first paragraph, which shall be transferred to and merged with the appropriation for "Salaries and Expenses".

[NATIVE HAWAIIAN HOUSING LOAN GUARANTEE FUND PROGRAM ACCOUNT

[(INCLUDING TRANSFER OF FUNDS)

[For the cost of guaranteed loans, as authorized by section 184A of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–13b), $882,000, to remain available until expended: *Provided*, That such costs, including the costs of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $35,000,000.

[In addition, for administrative expenses to carry out the guaranteed loan program, up to $35,000 from amounts in the first paragraph, which shall be transferred to and merged with the appropriation for "Salaries and Expenses".

[COMMUNITY PLANNING AND DEVELOPMENT

[HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS

[For carrying out the Housing Opportunities for Persons with AIDS program, as authorized by the AIDS Housing Opportunity Act (42 U.S.C. 12901 et seq.), $285,000,000 (increased by $5,000,000) to remain available until September 30, 2007, except that amounts allocated pursuant to section 854(c)(3) of such Act shall remain available until September 30, 2008: *Provided*, That the Secretary shall renew all expiring contracts for permanent supportive housing that were funded under section 854(c)(3) of such Act that meet all program requirements before awarding funds for new contracts and activities authorized under this section: *Provided further*, That the Secretary may use up to $1,000,000 of the funds under this heading for training, oversight, and technical assistance activities.

[RURAL HOUSING AND ECONOMIC DEVELOPMENT

[For the Office of Rural Housing and Economic Development in the Department of Housing and Urban Development, $10,000,000 to remain available until expended, which amount shall be competitively awarded by September 1, 2006, to Indian tribes, State housing finance agencies, State community and/or economic development agencies, local rural nonprofits and community development corporations to support innovative housing and economic development activities in rural areas.

[COMMUNITY DEVELOPMENT FUND

[(INCLUDING TRANSFERS OF FUNDS)

[For assistance to units of State and local government, and to other entities, for economic and community development activities, and for other purposes, $4,151,500,000 (increased by $67,500,000) (increased by $24,000,000), to remain available until September 30, 2008, unless otherwise specified: *Provided*, That of the amount provided, $3,859,900,000 (increased by $17,500,000) is for carrying out the community development block grant program under title I of the Housing and Community Development Act of 1974, as amended (the "Act" herein) (42 U.S.C. 5301 et seq.): *Provided further*, That unless explicitly provided for under this heading not to exceed 20 percent of any grant made with funds appropriated under this heading shall be expended for planning and management development and administration: *Provided further*, That $1,600,000 shall be transferred to the Working Capital Fund.

[Of the amount made available under this heading, $290,000,000 shall be available for grants for the Economic Development Initiative (EDI) to finance a variety of targeted economic investments in accordance with the terms and conditions specified in the statement of managers accompanying this Act: *Provided*, That none of the funds provided under this paragraph may be used for program operations.

[HOME INVESTMENT PARTNERSHIPS PROGRAM

[(INCLUDING TRANSFER OF FUNDS)

[For the HOME investment partnerships program, as authorized under title II of the Cranston-Gonzalez National Affordable Housing Act, as amended, $1,850,000,000 to remain available until September 30, 2008: *Provided*, That of the total amount provided in this paragraph, up to $41,700,000 shall be available for housing counseling under section 106 of the Housing and Urban Development Act of 1968, and $1,000,000 shall be transferred to the Working Capital Fund.

[In addition to amounts otherwise made available under this heading, $50,000,000, to remain available until September 30, 2008, for assistance to homebuyers as authorized under title I of the American Dream Downpayment Act.

[SELF-HELP AND ASSISTED HOMEOWNERSHIP OPPORTUNITY PROGRAM

[For the Self-Help and Assisted Homeownership Opportunity Program, $60,800,000, to remain available until September 30, 2008: *Provided*, That of the total amount provided in this heading $23,800,000 shall be made available to the Self Help Homeownership Opportunity Program as authorized under section 11 of the Housing Opportunity Program Extension Act of 1996 as amended: *Provided further*, That $28,000,000 shall be made available for capacity building, of which $27,000,000 shall be for capacity building for Community Development and affordable Housing for LISC and the Enterprise Foundation for activities authorized by Section 4 of the HUD Demonstration Act of 1993 (42 USC 9816 note), as in effect immediately before June 12, 1997 and $1,000,000 shall be made available for capacity building activities administered by Habitat for Humanity International: *Provided further*, That $3,000,000 shall be made available to the Housing Assistance Council, $1,000,000 shall be made available to the Native American Indian Housing Council, $4,000,000 shall be made available to the Housing Partnership Network, and $1,000,000 shall be made available to the Special Olympics, to remain available until September 30, 2008.

[HOMELESS ASSISTANCE GRANTS

[(INCLUDING TRANSFER OF FUNDS)

[For the emergency shelter grants program as authorized under subtitle B of title IV of the McKinney-Vento Homeless Assistance Act, as amended; the supportive housing program as authorized under subtitle C of title IV of such Act; the section 8 moderate rehabilitation single room occupancy program as authorized under the United States Housing Act of 1937, as amended, to assist homeless individuals pursuant to section 441 of the McKinney-Vento Homeless Assistance Act; and the shelter plus care program as authorized under subtitle F of title IV of such Act, $1,340,000,000, of which $1,320,000,000 shall remain available until September 30, 2008, and of which $20,000,000 shall remain available until expended: *Provided*, That not less than 30 percent of funds made available, excluding amounts provided for renewals under the shelter plus care program, shall be used for permanent housing: *Provided further*, That all funds awarded for services shall be matched by 25 percent in funding by each grantee: *Provided further*, That the Secretary shall renew on an annual basis expiring contracts or amendments to contracts funded under the shelter plus care program if the program is determined to be needed under the applicable continuum of care and meets appropriate program requirements and financial standards, as determined by the Secretary: *Provided further*, That all awards of assistance under this heading shall be required to coordinate and integrate homeless programs with other mainstream health, social services, and employment programs for which homeless populations may be eligible, including Medicaid, State Children's Health Insurance Program, Temporary Assistance for Needy Families, Food Stamps, and services funding through the Mental Health and Substance Abuse Block Grant, Workforce Investment Act, and the Welfare-to-Work grant program: *Provided further*, That up to $11,674,000 of the funds appropriated under this heading shall be available for the national homeless data analysis project and technical assistance: *Provided further*, That $1,000,000 of the funds appropriated under this heading shall be transferred to the Working Capital Fund: *Provided further*, That all balances for Shelter Plus Care renewals previously funded from the Shelter Plus Care Renewal account and transferred to this account be available, if recaptured, for Shelter Plus Care renewals in fiscal year 2006.

[HOUSING PROGRAMS

[HOUSING FOR THE ELDERLY

[(INCLUDING TRANSFER OF FUNDS)

[For capital advances, including amendments to capital advance contracts, for housing for the elderly, as authorized by section 202 of the Housing Act of 1959, as amended, and for project rental assistance for the elderly under section 202(c)(2) of such Act, including amendments to contracts for such assistance and renewal of expiring contracts for such assistance for up to a 1-year term, and for supportive services associated with the housing, $741,000,000, to remain available until September 30, 2009, of which amount $49,600,000 shall be for service coordinators and the continuation of existing congregate service grants for residents of assisted housing projects, and of which amount up to $24,800,000 shall be for grants under section 202b of the Housing Act of 1959 (12 U.S.C. 1701q–2) for conversion of eligible projects under such section to assisted living or related use and for emergency capital repairs as determined by the Secretary: *Provided*, That amounts made available under this heading shall be available for Real Estate Assessment Center inspections and inspection-related activities associated with section 202 capital advance projects: *Provided further*, That $400,000 shall be transferred to the Working Capital Fund: *Provided further*, That the Secretary may waive the provisions of section 202 governing the terms and conditions of project rental assistance, except that the initial contract term for such assistance shall not exceed 5 years in duration.

[HOUSING FOR PERSONS WITH DISABILITIES

[(INCLUDING TRANSFER OF FUNDS)

[For capital advance contracts, including amendments to capital advance contracts, for supportive housing for persons with disabilities, as authorized by section 811 of the Cranston-Gonzalez National Affordable Housing Act, for project rental assistance for supportive housing for persons with disabilities under section 811(d)(2) of such Act, including amendments to contracts for such assistance and renewal of expiring contracts for such assistance for up to a 1-year term, and for supportive services associated with the housing for persons with disabilities as authorized by section 811(b)(1) of such Act, and for tenant-based rental assistance contracts entered into pursuant to section 811 of such Act, $238,100,000 to remain available until September 30, 2009: *Provided*, That $400,000 shall be transferred to the Working Capital Fund: *Provided further*, That, of the amount provided under this heading $78,300,000 shall be for amendments or renewal of tenant-based assistance contracts entered into prior to fiscal year 2005 (only one amendment authorized for any such contract): *Provided further*, That of the amount provided under this heading, the Secretary may make available up to $5,000,000 for incremental tenant-based rental assistance, as authorized by section 811 of such Act (which assistance is 5 years in duration): *Provided further*, That all tenant-based assistance made available under this heading shall continue to remain available only to persons with disabilities: *Provided further*, That the Secretary may waive the provisions of section 811 governing the terms and conditions of project rental assistance and tenant-based assistance, except that the initial contract term for such assistance shall not exceed 5 years in duration: Provided further That amounts made available under this heading shall be available for Real Estate Assessment Center Inspections and inspection-related activities associated with Section 811 Capital Advance Projects.

[OTHER ASSISTED HOUSING PROGRAMS

[RENTAL HOUSING ASSISTANCE

[For amendments to contracts under section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s) and section 236(f)(2) of the National Housing Act (12 U.S.C. 1715z–1) in State-aided, non-insured rental housing projects, $26,400,000, to remain available until expended.

[FLEXIBLE SUBSIDY FUND

[(TRANSFER OF FUNDS)

[From the Rental Housing Assistance Fund, all uncommitted balances of excess rental charges as of September 30, 2005, and any collections made during fiscal year 2006 and all subsequent fiscal years, shall be transferred to the Flexible Subsidy Fund, as authorized by section 236(g) of the National Housing Act, as amended.

[PAYMENT TO MANUFACTURED HOUSING FEES TRUST FUND

[For necessary expenses as authorized by the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended (42 U.S.C. 5401 et seq.), up to $12,896,000 to remain available until expended, to be derived from the Manufactured Housing Fees Trust Fund: *Provided*, That not to exceed the total amount appropriated under this heading shall be available from the general fund of the Treasury to the extent necessary to incur obligations and make expenditures pending the receipt of collections to the Fund pursuant to section 620 of such Act: *Provided further*, That the amount made available under this heading from the general fund shall be reduced as such collections are received during fiscal year 2006 so as to result in a final fiscal year 2006 appropriation from the general fund estimated at not more than $0 and fees pursuant to such section 620 shall be modified as necessary to ensure such a final fiscal year 2006 appropriation.

[FEDERAL HOUSING ADMINISTRATION

[MUTUAL MORTGAGE INSURANCE PROGRAM ACCOUNT

[(INCLUDING TRANSFERS OF FUNDS)

[During fiscal year 2006, commitments to guarantee loans to carry out the purposes of section 203(b) of the National Housing Act, as amended, shall not exceed a loan principal of $185,000,000,000.

[During fiscal year 2006, obligations to make direct loans to carry out the purposes of section 204(g) of the National Housing Act, as amended, shall not exceed $50,000,000: *Provided*, That the foregoing amount shall be for loans to nonprofit and governmental entities in connection with sales of single family real properties owned by the Secretary and formerly insured under the Mutual Mortgage Insurance Fund.

[For administrative expenses necessary to carry out the guaranteed and direct loan program, $355,000,000, of which not to exceed $351,000,000 shall be transferred to the appropriation for "Salaries and expenses"; and not to exceed $4,000,000 shall be transferred to the appropriation for "Office of Inspector General". In addition, for administrative contract expenses, $62,600,000, of which $18,281,000 shall be transferred to the Working Capital Fund: *Provided*, That to the extent guaranteed loan commitments exceed $65,500,000,000 on or before April 1, 2006, an additional $1,400 for administrative contract expenses shall be available for each $1,000,000 in additional guaranteed loan commitments (including a pro rata amount for any amount below $1,000,000), but in no case shall funds made available by this proviso exceed $30,000,000.

[GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

[(INCLUDING TRANSFERS OF FUNDS)

[For the cost of guaranteed loans, as authorized by sections 238 and 519 of the National Housing Act (12 U.S.C. 1715z–3 and 1735c), including the cost of loan guarantee modifications, as that term is defined in section 502 of the Congressional Budget Act of 1974, as amended, $8,800,000, to remain available until expended: *Provided*, That commitments to guarantee loans shall not exceed $35,000,000,000 in total loan principal, any part of which is to be guaranteed.

[Gross obligations for the principal amount of direct loans, as authorized by sections 204(g), 207(l), 238, and 519(a) of the National Housing Act, shall not exceed $50,000,000, of which not to exceed $30,000,000 shall be for bridge financing in connection with the sale of multifamily real properties owned by the Secretary and formerly insured under such Act; and of which not to exceed $20,000,000 shall be for loans to nonprofit and governmental entities in connection with the sale of single-family real properties owned by the Secretary and formerly insured under such Act.

[In addition, for administrative expenses necessary to carry out the guaranteed and direct loan programs, $231,400,000, of which $211,400,000 shall be transferred to the appropriation for "Salaries and Expenses"; and of which $20,000,000 shall be transferred to the appropriation for "Office of Inspector General".

[In addition, for administrative contract expenses necessary to carry out the guaranteed and direct loan programs, $71,900,000, of which $10,800,000 shall be transferred to the Working Capital Fund: *Provided*, That to the extent guaranteed loan commitments exceed $8,426,000,000 on or before April 1, 2006, an additional $1,980 for administrative contract expenses shall be available for each $1,000,000 in additional guaranteed loan commitments over $8,426,000,000 (including a pro rata amount for any increment below $1,000,000), but in no case shall funds made available by this proviso exceed $14,400,000.

[GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

[GUARANTEES OF MORTGAGE-BACKED SECURITIES LOAN GUARANTEE PROGRAM ACCOUNT

[(INCLUDING TRANSFER OF FUNDS)

[New commitments to issue guarantees to carry out the purposes of section 306 of the National Housing Act, as amended (12 U.S.C. 1721(g)), shall not exceed $200,000,000,000, to remain available until September 30, 2007.

[For administrative expenses necessary to carry out the guaranteed mortgage-backed securities program, $10,700,000, to be derived from the GNMA guarantees of mortgage-backed securities guaranteed loan receipt account, of which not to exceed $10,700,000, shall be transferred to the appropriation for "Salaries and Expenses".

[POLICY DEVELOPMENT AND RESEARCH

[RESEARCH AND TECHNOLOGY

[For contracts, grants, and necessary expenses of programs of research and studies relating to housing and urban problems, not otherwise provided for, as authorized by title V of the Housing and Urban Development Act of 1970, as amended (12 U.S.C. 1701z–1 et seq.), including carrying out the functions of the Secretary under section 1(a)(1)(i) of Reorganization Plan No. 2 of 1968, $60,600,000, to remain available until September 30, 2007: *Provided*, That of the total amount provided under this heading, $5,000,000 shall be for the Partnership for Advancing Technology in Housing (PATH) Initiative: *Provided further*, That of the amounts made available for PATH under this heading, $2,500,000 shall not be subject to the requirements of section 305 of this title: *Provided further*, That of funds made available under this heading, $750,000 shall be transferred to the National Research Council for a study in accordance with the accompanying Report: *Provided further*, That $29,038,000 is for grants pursuant to section 107 of the Housing and Community Development Act of 1974, as amended, as follows: $2,989,000 to support Alaska Native serving institutions and Native Hawaiian serving institutions as defined under the Higher Education Act, as amended; $2,562,000 for tribal colleges and universities to build, expand, renovate, and equip their facilities and to expand the role of the colleges into the community through the provision of needed services such as health programs, job training and economic development activities; $8,967,000 for Historically Black Colleges and Universities program, of which up to $2,000,000 may be used for technical assistance; $5,979,000 for the Community Outreach Partnership Program; $5,979,000 for the Hispanic Serving Institutions Program; and $2,562,000 for the Community Development Work Study Program.

[Fair Housing and Equal Opportunity

[FAIR HOUSING ACTIVITIES

[For contracts, grants, and other assistance, not otherwise provided for, as authorized by title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, and section 561 of the Housing and Community Development Act of 1987, as amended, $38,800,000 (increased by $7,700,000), to remain available until September 30, 2007, of which $16,100,000 (increased by $3,900,000) shall be to carry out activities pursuant to such section 561: *Provided*, That no funds made available under this heading shall be used to lobby the executive or legislative branches of the Federal Government in connection with a specific contract, grant or loan.

[Office of Lead Hazard Control

[LEAD HAZARD REDUCTION

[For the Lead Hazard Reduction Program, as authorized by section 1011 of the Residential Lead-Based Paint Hazard Reduction Act of 1992, $119,000,000 (increased by $47,656,000), to remain available until September 30, 2007, of which $8,800,000 shall be for the Healthy Homes Initiative, pursuant to sections 501 and 502 of the Housing and Urban Development Act of 1970 that shall include research, studies, testing, and demonstration efforts, including education and outreach concerning lead-based paint poisoning and other housing-related diseases and hazards: *Provided*, That for purposes of environmental review, pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other provisions of law that further the purposes of such Act, a grant under the Healthy Homes Initiative, Operation Lead Elimination Action Plan (LEAP), or the Lead Technical Studies program under this heading or under prior appropriations Acts for such purposes under this heading, shall be considered to be funds for a special project for purposes of section 305(c) of the Multifamily Housing Property Disposition Reform Act of 1994.

[Management and Administration

[SALARIES AND EXPENSES

[(INCLUDING TRANSFER OF FUNDS)

[For necessary administrative and non-administrative expenses of the Department of Housing and Urban Development, not otherwise provided for, including purchase of uniforms, or allowances therefore, as authorized by 5 U.S.C. 5901–5902; hire of passenger motor vehicles; services as authorized by 5 U.S.C. 3109; and not to exceed $25,000 for official reception and representation expenses, $1,152,535,000, of which $562,400,000 shall be provided from the various funds of the Federal Housing Administration, $10,700,000 shall be provided from funds of the Government National Mortgage Association, $150,000 shall be provided by transfer from the "Native American housing block grants" account, $250,000 shall be provided by transfer from the "Indian housing loan guarantee fund program" account and $35,000 shall be transferred from the "Native Hawaiian housing loan guarantee fund" account: *Provided*, That funds made available under this heading shall only be allocated in the manner specified in the Report accompanying this Act unless the Committees on Appropriations of both the House of Representatives and the Senate are notified of any changes in an operating plan or reprogramming: *Provided further*, That no official or employee of the Department shall be designated as an allotment holder unless the Office of the Chief Financial Officer (OCFO) has determined that such allotment holder has implemented an adequate system of funds control and has received training in funds control procedures and directives: *Provided further*, That the Chief Financial Officer shall establish positive control of and maintain adequate systems of accounting for appropriations and other available funds as required by 31 U.S.C. 1514: *Provided further*, That for purposes of funds control and determining whether a violation exists under the Anti-Deficiency Act (31 U.S.C. 1341 et seq.), the point of obligation shall be the executed agreement or contract, except with respect to insurance and guarantee programs, certain types of salaries and expenses funding, and incremental funding that is authorized under an executed agreement or contract, and shall be designated in the approved funds control plan: *Provided further*, That the Chief Financial Officer shall: (1) appoint qualified personnel to conduct investigations of potential or actual violations; (2) establish minimum training requirements and other qualifications for personnel that may be appointed to conduct investigations; (3) establish guidelines and timeframes for the conduct and completion of investigations; (4) prescribe the content, format and other requirements for the submission of final reports on violations; and (5) prescribe such additional policies and procedures as may be required for conducting investigations of, and administering, processing, and reporting on, potential and actual violations of the Anti-Deficiency Act and all other statutes and regulations governing the obligation and expenditure of funds made available in this or any other Act: *Provided further*, That up to $15,000,000 may be transferred to the Working Capital Fund.

[WORKING CAPITAL FUND

[For additional capital for the Working Capital Fund (42 U.S.C. 3535) for the development of, modifications to, and infrastructure for Department-wide information technology systems, for the continuing operation of both Department-wide and program-specific information systems, and for program-related development activities, $165,000,000 (reduced by $120,000,000) (reduced by $5,000,000), to remain available until September 30, 2007: *Provided*, That any amounts transferred to this Fund under this Act shall remain available until expended: *Provided further*, That any amounts transferred to this Fund from amounts appropriated by previously enacted appropriations Acts or from within this Act may be used for the purposes specified under this Fund, in addition to the purposes for which such amounts were appropriated.

[OFFICE OF INSPECTOR GENERAL

[(INCLUDING TRANSFER OF FUNDS)

[For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $103,000,000, of which $24,000,000 shall be provided from the various funds of the Federal Housing Administration: *Provided*, That the Inspector General shall have independent authority over all personnel issues within this office.

[Office of Federal Housing Enterprise Oversight

[SALARIES AND EXPENSES

[(INCLUDING TRANSFER OF FUNDS)

[For carrying out the Federal Housing Enterprises Financial Safety and Soundness Act of 1992, including not to exceed $500 for official reception and representation expenses, $60,000,000, to remain available until expended, to be derived from the Federal Housing Enterprises Oversight Fund: *Provided*, That of the amount made available under this heading, $5,000,000 is for litigation and to continue ongoing special investigations of the Federal housing enterprises: *Provided further*, That the Director shall submit a spending plan for the amounts provided under this heading no later than January 15, 2005: *Provided further*, That not less than 80 percent of total amount made available under this heading shall be used only for examination, supervision, and capital oversight of the enterprises (as such term is defined in section 1303 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4502)) to ensure that the enterprises are operating in a financially safe and sound manner and complying with the capital requirements under Subtitle B of such Act: *Provided further*, That not to exceed the amount provided herein shall be available from the general fund of the Treasury to the extent necessary to incur obligations and make expenditures pending the receipt of collections to the Fund: *Provided further*, That the general fund amount shall be reduced as collections are received during the fiscal year so as to result in a final appropriation from the general fund estimated at not more than $0.

[Administrative Provisions

[Sec. 301. Fifty percent of the amounts of budget authority, or in lieu thereof 50 percent of the cash amounts associated with such budget authority, that are recaptured from projects described in section 1012(a) of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 (42 U.S.C. 1437 note) shall be rescinded, or in the case of cash, shall be remitted to the Treasury, and such amounts of budget authority or cash recaptured and not rescinded or remitted to the Treasury shall be used by State housing finance agencies or local governments or local housing agencies with projects approved by the Secretary of Housing and Urban Development for which settlement occurred after January 1, 1992, in accordance with such section. Notwithstanding the previous sentence, the Secretary may award up to 15 percent of the budget authority or cash recaptured and not rescinded or remitted to the Treasury to provide project owners with incentives to refinance their project at a lower interest rate.

[Sec. 302. None of the amounts made available under this Act may be used during fiscal year 2006 to investigate or prosecute under the Fair Housing Act any otherwise lawful activity engaged in by one or more persons, including the filing or maintaining of a nonfrivolous legal action, that is engaged in solely for the purpose of achieving or preventing action by a Government official or entity, or a court of competent jurisdiction.

[Sec. 303. (a) Notwithstanding section 854(c)(1)(A) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)(1)(A)), from any amounts made available under this title for fiscal year 2006 that are allocated under such section, the Secretary of Housing and Urban Development shall allocate and make a grant, in the amount determined under subsection (b), for any State that—

[(1) received an allocation in a prior fiscal year under clause (ii) of such section; and

[(2) is not otherwise eligible for an allocation for fiscal year 2006 under such clause (ii) because the areas in the State outside of the metropolitan statistical areas that qualify under clause (i) in fiscal year 2006 do not have the number of cases of acquired immunodeficiency syndrome (AIDS) required under such clause.

[(b) The amount of the allocation and grant for any State described in subsection (a) shall be an amount based on the cumulative number of AIDS cases in the areas of that State that are outside of metropolitan statistical areas that qualify under clause (i) of such section 854(c)(1)(A) in fiscal year 2006, in proportion to AIDS cases among cities and States that qualify under clauses (i) and (ii) of such section and States deemed eligible under subsection (a).

[(c) Notwithstanding any other provision of law, the amount allocated for fiscal year 2006 under section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)), to the City of New York, New York, on behalf of the New York-Wayne-White Plains, New York-New Jersey Metropolitan Division (hereafter "metropolitan division") of the New York-Newark-Edison, NY-NJ-PA Metropolitan Statistical Area, shall be adjusted by the Secretary of Housing and Urban Development by: (1) allocating to the City of Jersey City, New Jersey, the proportion of the metropolitan area's or division's amount that is based on the number of cases of AIDS reported in the portion of the metropolitan area or division that is located in Hudson County, New Jersey, and adjusting for the proportion of the metropolitan division's high incidence bonus if this area in New Jersey also has a higher than average per capita incidence of AIDS; and (2) allocating to the City of Paterson, New Jersey, the proportion of the metropolitan area's or division's amount that is based on the number of cases of AIDS reported in the portion of the metropolitan area or division that is located in Bergen County and Passaic County, New Jersey, and adjusting for the proportion of the metropolitan division's high incidence bonus if this area in New Jersey also has a higher than average per capita incidence of AIDS. The recipient cities shall use amounts allocated under this subsection to carry out eligible activities under section 855 of the AIDS Housing Opportunity Act (42 U.S.C. 12904) in their respective portions of the metropolitan division that is located in New Jersey.

[(d) Notwithstanding any other provision of law, the amount allocated for fiscal year 2006 under section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)) to areas with a higher than average per capita incidence of AIDS, shall be adjusted by the Secretary on the basis of area incidence reported over a three year period.

[SEC. 304. (a) During fiscal year 2006, in the provision of rental assistance under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)) in connection with a program to demonstrate the economy and effectiveness of providing such assistance for use in assisted living facilities that is carried out in the counties of the State of Michigan notwithstanding paragraphs (3) and (18)(B)(iii) of such section 8(o), a family residing in an assisted living facility in any such county, on behalf of which a public housing agency provides assistance pursuant to section 8(o)(18) of such Act, may be required, at the time the family initially receives such assistance, to pay rent in an amount exceeding 40 percent of the monthly adjusted income of the family by such a percentage or amount as the Secretary of Housing and Urban Development determines to be appropriate.

[SEC. 305. Except as explicitly provided in law, any grant, cooperative agreement or other assistance made pursuant to title III of this Act shall be made on a competitive basis and in accordance with section 102 of the Department of Housing and Urban Development Reform Act of 1989.

[SEC. 306. Funds of the Department of Housing and Urban Development subject to the Government Corporation Control Act or section 402 of the Housing Act of 1950 shall be available, without regard to the limitations on administrative expenses, for legal services on a contract or fee basis, and for utilizing and making payment for services and facilities of the Federal National Mortgage Association, Government National Mortgage Association, Federal Home Loan Mortgage Corporation, Federal Financing Bank, Federal Reserve banks or any member thereof, Federal Home Loan banks, and any insured bank within the meaning of the Federal Deposit Insurance Corporation Act, as amended (12 U.S.C. 1811–1831).

[SEC. 307. Unless otherwise provided for in this Act or through a reprogramming of funds, no part of any appropriation for the Department of Housing and Urban Development shall be available for any program, project or activity in excess of amounts set forth in the budget estimates submitted to Congress.

[SEC. 308. Corporations and agencies of the Department of Housing and Urban Development which are subject to the Government Corporation Control Act, as amended, are hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of such Act as may be necessary in carrying out the programs set forth in the budget for 2006 for such corporation or agency except as hereinafter provided: *Provided*, That collections of these corporations and agencies may be used for new loan or mortgage purchase commitments only to the extent expressly provided for in this Act (unless such loans are in support of other forms of assistance provided for in this or prior appropriations Acts), except that this proviso shall not apply to the mortgage insurance or guaranty operations of these corporations, or where loans or mortgage purchases are necessary to protect the financial interest of the United States Government.

[SEC. 309. None of the funds provided in this title for technical assistance, training, or management improvements may be obligated or expended unless HUD provides to the Committees on Appropriations a description of each proposed activity and a detailed budget estimate of the costs associated with each program, project or activity as part of the Budget Justifications. For fiscal year 2006, HUD shall transmit this information to the Committees by March 15, 2006 for 30 days of review.

[SEC. 310. The Secretary of Housing and Urban Development shall provide quarterly reports to the House and Senate Committees on Appropriations regarding all uncommitted, unobligated, recaptured and excess funds in each program and activity within the jurisdiction of the Department and shall submit additional, updated budget information to these Committees upon request.

[SEC. 311. Notwithstanding any other provision of law, in fiscal year 2006, in managing and disposing of any multifamily property that is owned or held by the Secretary and is occupied primarily by elderly or disabled families, the Secretary of Housing and Urban Development shall maintain any rental assistance payments under section 8 of the United States Housing Act of 1937 that are attached to any dwelling units in the property. To the extent the Secretary determines that such a multifamily property owned or held by the Secretary is not feasible for continued rental assistance payments under such section 8, the Secretary may, in consultation with the tenants of that property, contract for project-based rental assistance payments with an owner or owners of other existing housing properties or provide other rental assistance.

[SEC. 312. (a) Notwithstanding any other provision of law, the amount allocated for fiscal year 2006 under section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)), to the City of Wilmington, Delaware, on behalf of the Wilmington, Delaware-Maryland-New Jersey Metropolitan Division (hereafter "metropolitan division"), shall be adjusted by the Secretary of Housing and Urban Development by allocating to the State of New Jersey the proportion of the metropolitan division's amount that is based on the number of cases of AIDS reported in the portion of the metropolitan division that is located in New Jersey, and adjusting for the proportion of the metropolitan division's high incidence bonus if this area in New Jersey also has a higher than average per capita incidence of AIDS. The State of New Jersey shall use amounts allocated to the State under this subsection to carry out eligible activities under section 855 of the AIDS Housing Opportunity Act (42 U.S.C. 12904) in the portion of the metropolitan division that is located in New Jersey.

[(b) Notwithstanding any other provision of law, the Secretary of Housing and Urban Development shall allocate to Wake County, North Carolina, the amounts that otherwise would be allocated for fiscal year 2006 under section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)) to the City of Raleigh, North Carolina, on behalf of the Raleigh-Cary, North Carolina Metropolitan Statistical Area. Any amounts allocated to Wake County shall be used to carry out eligible activities under section 855 of such Act (42 U.S.C. 12904) within such metropolitan statistical area.

[(c) Notwithstanding section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)), the Secretary of Housing and Urban Development may adjust the allocation of the amounts that otherwise would be allocated for fiscal year 2006 under section 854(c) of such Act, upon the written request of an applicant, in conjunction with the State(s), for a formula allocation on behalf of a metropolitan statistical area, to designate the State or States in which the metropolitan statistical area is located as the eligible grantee(s) of the allocation. In the case that a metropolitan statistical area involves more than one State, such amounts allocated to each State shall be in proportion to the number of cases of AIDS reported in the portion of the metropolitan statistical area located in that State. Any amounts allocated to a State under this section shall be used to carry out eligible activities within the portion of the metropolitan statistical area located in that State.

[SEC. 313. Notwithstanding any other provision of law, for this fiscal year and every fiscal year thereafter, funds appropriated for housing for the elderly, as authorized by section 202 of the Housing Act of 1959, as amended, and for supportive housing for persons with disabilities, as authorized by section 811 of the Cranston-Gonzalez National Affordable Housing Act, shall be available for the cost of maintaining and disposing of such properties that are acquired or otherwise become the responsibility of the Department.

[SEC. 314. The Secretary of Housing and Urban Development shall submit an annual report no later than August 30, 2006 and annually thereafter to the House and Senate Committees on Appropriations regarding the number of Federally assisted units under lease and the per unit cost of these units to the Department of Housing and Urban Development.

[SEC. 315. The Department of Housing and Urban Development shall submit the Department's fiscal year 2006 congressional budget justifications to the Committees on Appropriations of the House of Representatives and the Senate using the identical structure provided under this Act and only in accordance with the direction specified in the report accompanying this Act.

[SEC. 316. That incremental vouchers previously made available under the heading "Housing Certificate Fund" or renewed under the heading, "Tenant-Based Rental Assistance," for non-elderly disabled families shall, to the extent practicable, continue to be provided to non-elderly disabled families upon turnover.

[SEC. 317. A public housing agency or such other entity that administers Federal housing assistance in the States of Alaska, Iowa, and Mississippi shall not be required to include a resident of public housing or a recipient of assistance provided under section 8 of the United States Housing Act of 1937 on the board of directors or a similar governing board of such agency or entity as required under section (2)(b) of such Act. Each public housing agency or other entity that administers Federal housing assistance under section 8 in the States of Alaska, Iowa and Mississippi shall establish an advisory board of not less than 6 residents of public housing or recipients of section 8 assistance to provide advice and comment to the public housing agency or other administering entity on issues related to public housing and section 8. Such advisory board shall meet not less than quarterly.

[SEC. 318. The funds made available for Native Alaskans under the heading "Native American Housing Block Grants" in title II of this Act shall be allocated to the same Native Alaskan housing block grant recipients that received funds in fiscal year 2005.

[SEC. 319. No funds provided under this title may be used for an audit of the Government National Mortgage Association that makes applicable requirements under the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.).

[SEC. 320. CLARIFICATION REGARDING MORTGAGE INSURANCE FOR PURCHASE OF EXISTING HEALTH CARE FACILITIES.—Section 223(f)(1) of the National Housing Act is amended by inserting "purchase or" immediately before "refinancing of existing debt".

[SEC. 321. Notwithstanding any other provision of law, for fiscal year 2006 and thereafter, all mortgagees receiving interest reduction payments under section 236 of the National Housing Act (12 U.S.C. 1715z-1) shall submit only electronic invoices to the Department of Housing and Development in order to receive such payments.The mortgagees shall comply with this requirement no later than 90 days from the date of enactment of this provision.

[SEC. 322. Notwithstanding any other provision of law, the recipient of a grant under section 202b of the Housing Act of 1959 (12 U.S.C. 1701q-2) after December 26, 2000, in accordance with the unnumbered paragraph at the end of section 202b(b) of such Act, may, at its option, establish a single-asset nonprofit entity to own the project and may lend the grant funds to such entity, which may be a private nonprofit organization described in section 831 of the American Homeownership and Economic Opportunity Act of 2000.

[TITLE IV—THE JUDICIARY

[SUPREME COURT OF THE UNITED STATES

[SALARIES AND EXPENSES

[For expenses necessary for the operation of the Supreme Court, as required by law, excluding care of the building and grounds, including purchase or hire, driving, maintenance, and operation of an automobile for the Chief Justice, not to exceed $10,000 for the purpose of transporting Associate Justices, and hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; not to exceed $10,000 for official reception and representation expenses; and for miscellaneous expenses, to be expended as the Chief Justice may approve, $60,730,000, of which $2,000,000 shall remain available until expended.

[CARE OF THE BUILDING AND GROUNDS

[For such expenditures as may be necessary to enable the Architect of the Capitol to carry out the duties imposed upon the Architect by the Act approved May 7, 1934 (40 U.S.C. 13a–13b), $5,624,000, which shall remain available until expended.

[UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

[SALARIES AND EXPENSES

[For salaries of the chief judge, judges, and other officers and employees, and for necessary expenses of the court, as authorized by law, $24,613,000.

[UNITED STATES COURT OF INTERNATIONAL TRADE

[SALARIES AND EXPENSES

[For salaries of the chief judge and eight judges, salaries of the officers and employees of the court, services, and necessary expenses of the court, as authorized by law, $15,480,000.

[COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

[SALARIES AND EXPENSES

[For the salaries of circuit and district judges (including judges of the territorial courts of the United States), justices and judges retired from office or from regular active service, judges of the United States Court of Federal Claims, bankruptcy judges, magistrate judges, and all other officers and employees of the Federal Judiciary not otherwise specifically provided for, and necessary expenses of the courts, as authorized by law, $4,348,780,000 (including the purchase of firearms and ammunition); of which not to exceed $27,817,000 shall remain available until expended for space alteration projects and for furniture and furnishings related to new space alteration and construction projects; of which $1,300,000 of the funds provided for the Judiciary Information Technology Fund will be for the Edwin L. Nelson Local Initiatives Program, within which $1,000,000 will be reserved for local court grants.

[In addition, for expenses of the United States Court of Federal Claims associated with processing cases under the National Childhood Vaccine Injury Act of 1986, not to exceed $3,833,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

[DEFENDER SERVICES

[For the operation of Federal Defender organizations; the compensation and reimbursement of expenses of attorneys appointed to represent persons under the Criminal Justice Act of 1964, as amended (18 U.S.C. 3006A); the compensation and reimbursement of expenses of persons furnishing investigative, expert and other services under the Criminal Justice Act of 1964 as amended (18 U.S.C. 3006A(e)); the compensation (in accordance with Criminal Justice Act maximums) and reimbursement of expenses of attorneys appointed to assist the court in criminal cases where the defendant has waived representation by counsel; the compensation and reimbursement of travel expenses of guardians ad litem acting on behalf of financially eligible minor or incompetent offenders in connection with transfers from the United States to foreign countries with which the United States has a treaty for the execution of penal sentences; the compensation of attorneys appointed to represent jurors in civil actions for the protection of their employment, as authorized by 28 U.S.C. 1875(d); and for necessary training and general administrative expenses, $721,919,000, to remain available until expended.

[FEES OF JURORS AND COMMISSIONERS

[For fees and expenses of jurors as authorized by 28 U.S.C. 1871 and 1876; compensation of jury commissioners as authorized by 28 U.S.C. 1863; and compensation of commissioners appointed in condemnation cases pursuant to rule 71A(h) of the Federal Rules of Civil Procedure (28 U.S.C. Appendix Rule 71A(h)), $60,053,000, to remain available until expended: *Provided*, That the compensation of land commissioners shall not exceed the daily equivalent of the highest rate payable under section 5332 of title 5, United States Code.

[COURT SECURITY

[(INCLUDING TRANSFER OF FUNDS)

[For necessary expenses, not otherwise provided for, incident to the provision of protective guard services for United States courthouses and other facilities housing Federal court operations, and the procurement, installation, and maintenance of security systems and equipment for United States courthouses and other facilities housing Federal court operations, including building ingress-egress control, inspection of mail and packages, directed security patrols, perimeter security, basic security services provided by the Federal Protective Service, and other similar activities as authorized by section 1010 of the Judicial Improvement and Access to Justice Act (Public Law 100–702), $379,461,000, of which not to exceed $15,000,000 shall remain available until expended, to be expended directly or transferred to the United States Marshals Service, which shall be responsible for administering the Judicial Facility Security Program consistent with standards or guidelines agreed to by the Director of the Administrative Office of the United States Courts and the Attorney General.

[ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

[SALARIES AND EXPENSES

[For necessary expenses of the Administrative Office of the United States Courts as authorized by law, including travel as authorized by 31 U.S.C. 1345, hire of a passenger motor vehicle as authorized by 31 U.S.C. 1343(b), advertising and rent in the District of Columbia and elsewhere, $70,262,000, of which not to exceed $8,500 is authorized for official reception and representation expenses.

[FEDERAL JUDICIAL CENTER

[SALARIES AND EXPENSES

[For necessary expenses of the Federal Judicial Center, as authorized by Public Law

90–219, $22,249,000; of which $1,800,000 shall remain available through September 30, 2007, to provide education and training to Federal court personnel; and of which not to exceed $1,500 is authorized for official reception and representation expenses.

[JUDICIAL RETIREMENT FUNDS

[PAYMENT TO JUDICIARY TRUST FUNDS

[For payment to the Judicial Officers' Retirement Fund, as authorized by 28 U.S.C. 377(o), $36,800,000; to the Judicial Survivors' Annuities Fund, as authorized by 28 U.S.C. 376(c), $600,000; and to the United States Court of Federal Claims Judges' Retirement Fund, as authorized by 28 U.S.C. 178(l), $3,200,000.

[UNITED STATES SENTENCING COMMISSION

[SALARIES AND EXPENSES

[For the salaries and expenses necessary to carry out the provisions of chapter 58 of title 28, United States Code, $14,046,000, of which not to exceed $1,000 is authorized for official reception and representation expenses.

[ADMINISTRATIVE PROVISIONS—THE JUDICIARY

[SEC. 401. Appropriations and authorizations made in this title which are available for salaries and expenses shall be available for services as authorized by 5 U.S.C. 3109.

[SEC. 402. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Judiciary in this Act may be transferred between such appropriations, but no such appropriation, except "Courts of Appeals, District Courts, and Other Judicial Services, Defender Services" and "Courts of Appeals, District Courts, and Other Judicial Services, Fees of Jurors and Commissioners", shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 810 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

[SEC. 403. Notwithstanding any other provision of law, the salaries and expenses appropriation for Courts of Appeals, District Courts, and Other Judicial Services shall be available for official reception and representation expenses of the Judicial Conference of the United States: *Provided*, That such available funds shall not exceed $11,000 and shall be administered by the Director of the Administrative Office of the United States Courts in the capacity as Secretary of the Judicial Conference.

[TITLE V—THE DISTRICT OF COLUMBIA

[FEDERAL FUNDS

[FEDERAL PAYMENT FOR RESIDENT TUITION SUPPORT

[For a Federal payment to the District of Columbia, to be deposited into a dedicated account, for a nationwide program to be administered by the Mayor, for District of Columbia resident tuition support, $33,200,000, to remain available until expended: *Provided*, That such funds, including any interest accrued thereon, may be used on behalf of eligible District of Columbia residents to pay an amount based upon the difference between in-State and out-of-State tuition at public institutions of higher education, or to pay up to $2,500 each year at eligible private institutions of higher education: *Provided further*, That the awarding of such funds may be prioritized on the basis of a resident's academic merit, the income and need of eligible students and such other factors as may be authorized: *Provided further*, That the District of Columbia government shall maintain a dedicated account for the Resident Tuition Support Program that shall consist of the Federal funds appropriated to the Program in this Act and any subsequent appropriations, any unobligated balances from prior fiscal years, and any interest earned in this or any fiscal year: *Provided further*, That the account shall be under the control of the District of Columbia Chief Financial Officer, who shall use those funds solely for the purposes of carrying out the Resident Tuition Support Program: *Provided further*, That the Office of the Chief Financial Officer shall provide a quarterly financial report to the Committees on Appropriations of the House of Representatives and Senate for these funds showing, by object class, the expenditures made and the purpose therefor: *Provided further*, That not more than $1,200,000 of the total amount appropriated for this program may be used for administrative expenses.

[FEDERAL PAYMENT FOR EMERGENCY PLANNING AND SECURITY COSTS IN THE DISTRICT OF COLUMBIA

[For necessary expenses, as determined by the Mayor of the District of Columbia in written consultation with the elected county or city officials of surrounding jurisdictions, $15,000,000, to remain available until expended, to reimburse the District of Columbia for the costs of providing public safety at events related to the presence of the national capital in the District of Columbia and for the costs of providing support to respond to immediate and specific terrorist threats or attacks in the District of Columbia or surrounding jurisdictions: *Provided*, That any amount provided under this heading shall be available only after notice of its proposed use has been transmitted by the President to Congress and such amount has been apportioned pursuant to chapter 15 of title 31, United States Code.

[FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA COURTS

[For salaries and expenses for the District of Columbia Courts, $221,693,000, to be allocated as follows: for the District of Columbia Court of Appeals, $9,198,000, of which not to exceed $1,500 is for official reception and representation expenses; for the District of Columbia Superior Court, $87,342,000, of which not to exceed $1,500 is for official reception and representation expenses; for the District of Columbia Court System, $41,643,000, of which not to exceed $1,500 is for official reception and representation expenses; and $83,510,000, to remain available until September 30, 2007, for capital improvements for District of Columbia courthouse facilities: *Provided*, That notwithstanding any other provision of law, a single contract or related contracts for development and construction of facilities may be employed which collectively include the full scope of the project: *Provided further*, That the solicitation and contract shall contain the clause "availability of Funds" found at 48 CFR 52.232–18: *Provided further*, That funds made available for capital improvements shall be expended consistent with the General Services Administration master plan study and building evaluation report: *Provided further*, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies, with payroll and financial services to be provided on a contractual basis with the General Services Administration (GSA), and such services shall include the preparation of monthly financial reports, copies of which shall be submitted directly by GSA to the President and to the Committees on Appropriations of the House of Representatives and Senate, the Committee on Government Reform of the House of Representatives, and the Committee on Governmental Affairs of the Senate: *Provided further*, That 30 days after providing written notice to the Committees on Appropriations of the House of Representatives and Senate, the District of Columbia Courts may reallocate not more than $1,000,000 of the funds provided under this heading among the items and entities funded under this heading for operations, and not more than 4 percent of the funds provided under this heading for facilities.

[DEFENDER SERVICES IN DISTRICT OF COLUMBIA COURTS

[For payments authorized under section 11–2604 and section 11–2605, D.C. Official Code (relating to representation provided under the District of Columbia Criminal Justice Act), payments for counsel appointed in proceedings in the Family Court of the Superior Court of the District of Columbia under chapter 23 of title 16, D.C. Official Code, or pursuant to contractual agreements to provide guardian ad litem representation, training, technical assistance and such other services as are necessary to improve the quality of guardian ad litem representation, payments for counsel appointed in adoption proceedings under chapter 3 of title 16, D.C. Code, and payments for counsel authorized under section 21–2060, D.C. Official Code (relating to representation provided under the District of Columbia Guardianship, Protective Proceedings, and Durable Power of Attorney Act of 1986), $45,000,000, to remain available until expended: *Provided*, That the funds provided in this Act under the heading "Federal Payment to the District of Columbia Courts" (other than the $83,510,000 provided under such heading for capital improvements for District of Columbia courthouse facilities) may also be used for payments under this heading: *Provided further*, That in addition to the funds provided under this heading, the Joint Committee on Judicial Administration in the District of Columbia may use funds provided in this Act under the heading "Federal Payment to the District of Columbia Courts" (other than the $83,510,000 provided under such heading for capital improvements for District of Columbia courthouse facilities), to make payments described under this heading for obligations incurred during any fiscal year: *Provided further*, That funds provided under this heading shall be administered by the Joint Committee on Judicial Administration in the District of Columbia: *Provided futher*, That notwithstanding any other provision of law, this appropriation shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for expenses of other Federal agencies, with payroll and financial services to be provided on a contractual basis with the General Services Administration (GSA), and such services shall include the preparation of monthly financial reports, copies of which shall be submitted directly by GSA to the President and to the Committees on Appropriations of the House of Representatives and Senate, the Committee on Government Reform of the House of Representatives, and the Committee on Governmental Affairs of the Senate.

[FEDERAL PAYMENT TO THE COURT SERVICES AND OFFENDER SUPERVISION AGENCY FOR THE DISTRICT OF COLUMBIA

[(INCLUDING TRANSFER OF FUNDS)

[For salaries and expenses, including the transfer and hire of motor vehicles, of the Court Services and Offender Supervision Agency for the District of Columbia and the Public Defender Service for the District of Columbia, as authorized by the National Capital Revitalization and Self-Government Improvement Act of 1997, $203,388,000, of which not to exceed $2,000 is for official receptions and representation expenses related to Community Supervision and Pretrial Services Agency programs; of which not to exceed $25,000 is for dues and assessments relating to the implementation of the Court Services and Offender Supervision Agency Interstate Supervision Act of 2002; of which $131,360,000 shall be for necessary expenses of Community Supervision and Sex Offender Registration, to include expenses relating to the supervision of adults subject to protection orders or the provision of services for or related to such persons; of which $42,195,000 shall be available to the Pretrial Services Agency; and of which $29,833,000 shall be transferred to the Public Defender Service for the District of Columbia: *Provided*, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies: *Provided further*, That the Director is authorized to accept and use gifts in the form of in-kind contributions of space and hospitality to support offender and defendant programs, and equipment and vocational training services to educate and train offenders and defendants: *Provided further*, That the Director shall keep accurate and detailed records of the acceptance and use of any gift or donation under the previous proviso, and shall make such records available for audit and public inspection: *Provided further*, That the Court Services and Offender Supervision Agency Director is authorized to accept and use reimbursement from the D.C. Government for space and services provided on a cost reimbursable basis: *Provided further*, That the Public Defender Service is authorized to charge fees to cover costs of materials distributed and training provided to attendees of educational events, including conferences, sponsored by the Public Defender Service, and notwithstanding section 3302 of title 31, United States Code, said fees shall be credited to the Public Defender Service account to be available for use without further appropriation.

[FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA

[WATER AND SEWER AUTHORITY

[For a Federal payment to the District of Columbia Water and Sewer Authority, $10,000,000, to remain available until expended, to continue implementation of the Combined Sewer Overflow Long-Term Plan: *Provided*, That the District of Columbia Water and Sewer Authority provides a 100 percent match for this payment.

[FEDERAL PAYMENT FOR THE ANACOSTIA WATERFRONT INITIATIVE

[For a Federal payment to the District of Columbia Department of Transportation, $5,000,000, to remain available until September 30, 2007, for design and construction of a continuous pedestrian and bicycle trail system from the Potomac River to the District's border with Maryland.

[FEDERAL PAYMENT TO THE CRIMINAL JUSTICE COORDINATING COUNCIL

[For a Federal payment to the Criminal Justice Coordinating Council, $1,300,000, to remain available until expended, to support initiatives related to the coordination of Federal and local criminal justice resources in the District of Columbia.

[FEDERAL PAYMENT TO THE OFFICE OF THE CHIEF FINANCIAL OFFICER OF THE DISTRICT OF COLUMBIA

[For a Federal payment to the Office of the Chief Financial Officer of the District of Columbia, $20,000,000: *Provided*, That each entity that receives funding under this heading shall submit to the Office of the Chief Financial Officer of the District of Columbia (CFO) a report on the activities to be carried out with such funds no later than March 15, 2006, and the CFO shall submit a comprehensive report to the Committees on Appropriations of the House of Representatives and the Senate no later June 1, 2006.

[FEDERAL PAYMENT FOR SCHOOL IMPROVEMENT

[For a Federal payment for a school improvement program in the District of Columbia, $41,616,000, to be allocated as follows: for the District of Columbia Public Schools, $13,525,000 to improve public school education in the District of Columbia; for the State Education Office, $13,525,000 to expand quality public charter schools in the District of Columbia, to remain available until September 30, 2007; for the Secretary of the Department of Education, $14,566,000 to provide opportunity scholarships for students in the District of Columbia in accordance with division C, title III of the District of Columbia Appropriations Act, 2004 (Public Law 108–199; 118 Stat. 126), of which up to $1,000,000 may be used to administer and fund assessments.

[FEDERAL PAYMENT FOR BIOTERRORISM AND FORENSICS LABORATORY

[For a Federal payment to the District of Columbia, $7,200,000, to remain available until September 30, 2007, for design, planning, and procurement costs associated with the construction of a bioterrorism and forensics laboratory: *Provided*, That the District of Columbia shall provide an additional $1,500,000 with local funds as a condition of receiving this payment.

[DISTRICT OF COLUMBIA FUNDS

[The following amounts are appropriated for the District of Columbia for the current fiscal year out of the general fund of the District of Columbia, except as otherwise specifically provided: *Provided*, That notwithstanding any other provision of law, except as provided in section 450A of the District of Columbia Home Rule Act (D.C. Official Code, sec. 1–204.50a) and provisions of this Act, the total amount appropriated in this Act for operating expenses for the District of Columbia for fiscal year 2006 under this heading shall not exceed the lesser of the sum of the total revenues of the District of Columbia for such fiscal year or $8,700,158,000 (of which $5,007,344,000 shall be from local funds, $1,921,287,000 shall be from Federal grant funds, $1,754,399,000 shall be from other funds, and $17,129,000 shall be from private funds), in addition, $163,116,000 from funds previously appropriated in this Act as Federal payments: *Provided further*, That of the local funds, $466,830,000 shall be derived from the District's general fund balance: *Provided further*, That of these funds the District's intradistrict authority shall be $468,486,000: *Provided further*, That the amounts provided under this heading are to be allocated and expended as proposed under "Title II-District of Columbia Funds" of the Fiscal Year 2006 Proposed Budget and Financial Plan submitted to the Congress of the United States by the District of Columbia on June 6, 2005: *Provided further*, That this amount may be increased by proceeds of one-time transactions, which are expended for emergency or unanticipated operating or capital needs: *Provided further*, That such increases shall be approved by enactment of local District law and shall comply with all reserve requirements contained in the District of Columbia Home Rule Act as amended by this Act: *Provided further*, That the Chief Financial Officer of the District of Columbia shall take such steps as are necessary to assure that the District of Columbia meets these requirements, including the apportioning by the Chief Financial Officer of the appropriations and funds made available to the District during fiscal year 2006, except that the Chief Financial Officer may not reprogram for operating expenses any funds derived from bonds, notes, or other obligations issued for capital projects.

[GOVERNMENTAL DIRECTION AND SUPPORT

[ADMINISTRATIVE PROVISIONS—DISTRICT OF COLUMBIA

[SEC. 501. Whenever in this title, an amount is specified within an appropriation for a particular purposes or objects of expenditure, such amount, unless otherwise specified, shall be considered as the maximum amount that may be expended for said purpose or object rather than an amount set apart exclusively therefor.

[SEC. 502. Appropriations in this title shall be available for expenses of travel and for the payment of dues of organizations concerned with the work of the District of Columbia government, when authorized by the Mayor, or, in the case of the Council of the District of Columbia, funds may be expended with the authorization of the Chairman of the Council.

[SEC. 503. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making refunds and for the payment of legal settlements or judgments that have been entered against the District of Columbia government.

[SEC. 504. (a) Except as provided in subsection (b), no part of this appropriation shall be used for publicity or propaganda purposes or implementation of any policy including boycott designed to support or defeat legislation pending before Congress or any State legislature.

[(b) The District of Columbia may use local funds provided in this title to carry out lobbying activities on any matter other than—

[(1) the promotion or support of any boycott; or

[(2) statehood for the District of Columbia or voting representation in Congress for the District of Columbia.

[(c) Nothing in this section may be construed to prohibit any elected official from advocating with respect to any of the issues referred to in subsection (b).

[SEC. 505. (a) None of the funds provided under this title to the agencies funded by this title, both Federal and District government agencies, that remain available for obligation or expenditure in fiscal year 2006, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this title, shall be available for obligation or expenditures for an agency through a reprogramming of funds which—

[(1) creates new programs;

[(2) eliminates a program, project, or responsibility center;

[(3) establishes or changes allocations specifically denied, limited or increased under this Act;

[(4) increases funds or personnel by any means for any program, project, or responsibility center for which funds have been denied or restricted;

[(5) reestablishes any program or project previously deferred through reprogramming;

[(6) augments any existing program, project, or responsibility center through a reprogramming of funds in excess of $3,000,000 or 10 percent, whichever is less; or

[(7) increases by 20 percent or more personnel assigned to a specific program, project or responsibility center,

[unless the Committees on Appropriations of the House of Representatives and Senate are notified in writing 15 days in advance of the reprogramming.

[(b) None the local funds contained in this title may be available for obligation or expenditure for an agency through a transfer of any local funds in excess of $3,000,000 from one appropriation heading to another unless the Committees on Appropriations of the House of Representatives and Senate are notified in writing 15 days in advance of the transfer, except that in no event may the amount of any funds transferred exceed 4 percent of the local funds in the appropriations.

[SEC. 506. Consistent with the provisions of section 1301(a) of title 31, United States Code, appropriations under this title shall be applied only to the objects for which the appropriations were made except as otherwise provided by law.

[SEC. 507. Notwithstanding any other provisions of law, the provisions of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (D.C. Law 2–139; D.C. Official Code, sec. 1-601.01 et seq.), enacted pursuant to section 422(3) of the District of Columbia Home Rule Act (D.C. Official Code, sec. 1–2041.22(3)), shall apply with respect to the compensation of District of Columbia employees. For pay purposes, employees of the District of Columbia government shall not be subject to the provisions of title 5, United States Code.

[SEC. 508. No later than 30 days after the end of the first quarter of fiscal year 2006, the Mayor of the District of Columbia shall submit to the Council of the District of Columbia and the Committees on Appropriations of the House of Representatives and Senate the new fiscal year 2006 revenue estimates as of the end of such quarter. These estimates shall be used in the budget request for fiscal year 2007. The officially revised estimates at midyear shall be used for the midyear report.

[SEC. 509. No sole source contract with the District of Columbia government or any agency thereof may be renewed or extended without opening that contract to the competitive bidding process as set forth in section 303 of the District of Columbia Procurement Practices Act of 1985 (D.C. Law 6–85; D.C. Official Code, sec. 2–303.03), except that the District of Columbia government or any agency thereof may renew or extend sole source contracts for which competition is not feasible or practical, but only if the determination as to whether to invoke the competitive bidding process has been made in accordance with duly promulgated rules and procedures and has been reviewed and certified by the Chief Financial Officer of the District of Columbia.

[SEC. 510. None of the Federal funds provided in this title may be used by the District of Columbia to provide for salaries, expenses, or other costs associated with the offices of United States Senator or United States Representative under section 4(d) of the District of Columbia Statehood Constitutional Convention Initiatives of 1979 (D.C. Law 3–171; D.C. Official Code, sec. 1–123).

[SEC. 511. None of the Federal funds made available in this title may be used to implement or enforce the Health Care Benefits Expansion Act of 1992 (D.C. Law 9-114; D.C. Official Code, sec. 32–701 et seq.) or to otherwise implement or enforce any system of registration of unmarried, cohabiting couples, including but not limited to registration for the purpose of extending employment, health, or governmental benefits to such couples on the same basis that such benefits are extended to legally married couples.

[SEC. 512. (a) Notwithstanding any other provision of this title, the Mayor, in consultation with the Chief Financial Officer of the District of Columbia may accept, obligate, and expend Federal, private, and other grants received by the District government that are not reflected in the amounts appropriated in this title.

[(b)(1) No such Federal, private, or other grant may be obligated, or expended pursuant to subsection (a) until—

[(A) the Chief Financial Officer of the District of Columbia submits to the Council a report setting forth detailed information regarding such grant; and

[(B) the Council has reviewed and approved the obligation, and expenditure of such grant.

[(2) For purposes of paragraph (1)(B), the Council shall be deemed to have reviewed and approved the obligation, and expenditure of a grant if—

[(A) no written notice of disapproval is filed with the Secretary of the Council within 14 calendar days of the receipt of the report from the Chief Financial Officer under paragraph (1)(A); or

[(B) if such a notice of disapproval is filed within such deadline, the Council does not by resolution disapprove the obligation, or expenditure of the grant within 30 calendar days of the initial receipt of the report from the Chief Financial Officer under paragraph (1)(A).

[(c) No amount may be obligated or expended from the general fund or other funds of the District of Columbia government in anticipation of the approval or receipt of a grant under subsection (b)(2) or in anticipation of the approval or receipt of a Federal, private, or other grant not subject to such subsection.

[(d) The Chief Financial Officer of the District of Columbia may adjust the budget for Federal, private, and other grants received by the District government reflected in the amounts appropriated in this title, or approved and received under subsection (b)(2) to reflect a change in the actual amount of the grant.

[(e) The Chief Financial Officer of the District of Columbia shall prepare a quarterly report setting forth detailed information regarding all Federal, private, and other grants subject to this section. Each such report shall be submitted to the Council of the District of Columbia and to the Committees on Appropriations of the House of Representatives and Senate not later than 15 days after the end of the quarter covered by the report.

[SEC. 513. (a) Except as otherwise provided in this section, none of the funds made available by this title or by any other title may be used to provide any officer or employee of the District of Columbia with an official vehicle unless the officer or employee uses the vehicle only in the performance of the officer's or employee's official duties. For purposes of this paragraph, the term "official duties" does not include travel between the officer's or employee's residence and workplace, except in the case of—

[(1) an officer or employee of the Metropolitan Police Department who resides in the District of Columbia or is otherwise designated by the Chief of the Department;

[(2) at the discretion of the Fire Chief, an officer or employee of the District of Columbia Fire and Emergency Medical Services Department who resides in the District of Columbia and is on call 24 hours a day or is otherwise designated by the Fire Chief;

[(3) the Mayor of the District of Columbia; and

[(4) the Chairman of the Council of the District of Columbia.

[(b) The Chief Financial Officer of the District of Columbia shall submit by March 1, 2006, an inventory, as of September 30, 2005, of all vehicles owned, leased or operated by the District of Columbia government. The inventory shall include, but not be limited to, the department to which the vehicle is assigned; the year and make of the vehicle; the acquisition date and cost; the general condition of the vehicle; annual operating and maintenance costs; current mileage; and whether the vehicle is allowed to be taken home by a District officer or employee and if so, the officer or employee's title and resident location.

[SEC. 514. None of the funds contained in this title may be used for purposes of the annual independent audit of the District of Columbia government for fiscal year 2006 unless—

[(1) the audit is conducted by the Inspector General of the District of Columbia, in coordination with the Chief Financial Officer of the District of Columbia, pursuant to section 208(a)(4) of the District of Columbia Procurement Practices Act of 1985 (D.C. Official Code, sec. 2–302.8); and

[(2) the audit includes as a basic financial statement a comparison of audited actual year-end results with the revenues submitted in the budget document for such year and the appropriations enacted into law for such year using the format, terminology, and classifications contained in the law making the appropriations for the year and its legislative history.

[SEC. 515. (a) None of the funds contained in this title may be used by the District of Columbia Corporation Counsel or any other officer or entity of the District government to provide assistance for any petition drive or civil action which seeks to require Congress to provide for voting representation in Congress for the District of Columbia.

[(b) Nothing in this section bars the District of Columbia Corporation Counsel from reviewing or commenting on briefs in private lawsuits, or from consulting with officials of the District government regarding such lawsuits.

[SEC. 516. (a) None of the funds contained in this title may be used for any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug.

[(b) Any individual or entity who receives any funds contained in this title and who carries out any program described in subsection (a) shall account for all funds used for such program separately from any funds contained in this title.

[SEC. 517. None of the funds contained in this title may be used after the expiration of the 60-day period that begins on the date of the enactment of this title to pay the salary of any chief financial officer of any office of the District of Columbia government (including any independent agency of the District of Columbia) who has not filed a certification with the Mayor and the Chief Financial Officer of the District of Columbia that the officer understands the duties and restrictions applicable to the officer and the officer's agency as a result of this title (and the amendments made by this title), including any duty to prepare a report requested either in the title or in any of the reports accompanying the title and the deadline by which each report must be submitted: *Provided*, That the Chief Financial Officer of the District of Columbia shall provide to the Committees on Appropriations of the House of Representatives and Senate by the 10th day after the end of each quarter a summary list showing each report, the due date, and the date submitted to the Committees.

[SEC. 518. Nothing in this title may be construed to prevent the Council or Mayor of the District of Columbia from addressing the issue of the provision of contraceptive coverage by health insurance plans, but it is the intent of Congress that any legislation enacted on such issue should include a "conscience clause" which provides exceptions for religious beliefs and moral convictions.

[SEC. 519. The Mayor of the District of Columbia shall submit to the Committees on Appropriations of the House of Representatives and Senate, the Committee on Government Reform of the House of Representatives, and the Committee on Governmental Affairs of the Senate quarterly reports addressing—

[(1) crime, including the homicide rate, implementation of community policing, the number of police officers on local beats, and the closing down of open-air drug markets;

[(2) access to substance and alcohol abuse treatment, including the number of treatment slots, the number of people served, the number of people on waiting lists, and the effectiveness of treatment programs;

[(3) management of parolees and pre-trial violent offenders, including the number of halfway houses escapes and steps taken to improve monitoring and supervision of halfway house residents to reduce the number of escapes to be provided in consultation with the Court Services and Offender Supervision Agency for the District of Columbia;

[(4) education, including access to special education services and student achievement to be provided in consultation with the District of Columbia Public Schools and the District of Columbia public charter schools;

[(5) improvement in basic District services, including rat control and abatement;

[(6) application for and management of Federal grants, including the number and type of grants for which the District was eligible but failed to apply and the number and type of grants awarded to the District but for which the District failed to spend the amounts received; and

[(7) indicators of child well-being.

[SEC. 520. (a) No later than 30 calendar days after the date of the enactment of this Act, the Chief Financial Officer of the District of Columbia shall submit to the appropriate committees of Congress, the Mayor, and the Council of the District of Columbia a revised appropriated funds operating budget in the format of the budget that the District of Columbia government submitted pursuant to section 442 of the District of Columbia Home Rule Act (D.C. Official Code, sec. 1–204.42), for all agencies of the District of Columbia government for fiscal year 2006 that is in the total amount of the approved appropriation and that realigns all budgeted data for personal services and other-than-personal-services, respectively, with anticipated actual expenditures.

[(b) This section shall apply only to an agency where the Chief Financial Officer of the District of Columbia certifies that a reallocation is required to address unanticipated changes in program requirements.

[SEC. 521. None of the Federal funds made available in this title may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

[SEC. 522. Notwithstanding any other law, in fiscal year 2006 and in each subsequent fiscal year, the District of Columbia Courts shall transfer to the general treasury of the District of Columbia all fines levied and collected by the Courts under section 10(b)(1) and (2) of the District of Columbia Traffic Act (D.C. Official Code, sec. 50–2201.05(b)(1) and (2)): *Provided*, that the transferred funds are hereby made available and shall remain available until expended and shall be used by the Office of the Attorney General of the District of Columbia for enforcement and prosecution of District traffic alcohol laws in accordance with section 10(b)(3) of the District of Columbia Traffic Act (D.C. Official Code, sec. 50–2201.05(b)(3)).

[SEC. 523. (a) None of the funds contained in this Act may be made available to pay—

[(1) the fees of an attorney who represents a party in an action or an attorney who defends an action brought against the District of Columbia Public Schools under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) in excess of $4,000 for that action; or

[(2) the fees of an attorney or firm whom the Chief Financial Officer of the District of Columbia determines to have a pecuniary interest, either through an attorney, officer, or employee of the firm, in any special education diagnostic services, schools, or other special education service providers.

[(b) In this section, the term "action" includes an administrative proceeding and any ensuing or related proceedings before a court of competent jurisdiction.

[SEC. 524. The Chief Financial Officer of the District of Columbia shall require attorneys in special education cases brought under the Individuals with Disabilities Education Act (IDEA) in the District of Columbia to certify in writing that the attorney or representative rendered any and all services for which they receive awards, including those received under a settlement agreement or as part of an administrative proceeding, under the IDEA from the District of Columbia. As part of the certification, the Chief Financial Officer of the District of Columbia shall require all attorneys in IDEA cases to disclose any financial, corporate, legal, memberships on boards of directors, or other relationships with any special education diagnostic services, schools, or other special education service providers to which the attorneys have referred any clients as part of this certification. The Chief Financial Officer shall prepare and submit quarterly reports to the Committees on Appropriations of the House of Representatives and Senate on the certification of and the amount paid by the government of the District of Columbia, including the District of Columbia Public Schools, to attorneys in cases brought under IDEA. The Inspector General of the District of Columbia may conduct investigations to determine the accuracy of the certifications.

[SEC. 525. The amount appropriated by this title may be increased by no more than $42,000,000 from funds identified in the comprehensive annual financial report as the District's fiscal year 2005 unexpended general fund surplus. The District may obligate and expend these amounts only in accordance with the following conditions:

[(1) The Chief Financial Officer of the District of Columbia shall certify that the use of any such amounts is not anticipated to have a negative impact on the District's long-term financial, fiscal, and economic vitality.

[(2) The District of Columbia may only use these funds for the following expenditures:

[(A) One-time expenditures.

[(B) Expenditures to avoid deficit spending.

[(C) Debt Reduction.

[(D) Program needs.

[(E) Expenditures to avoid revenue shortfalls.

[(3) The amounts shall be obligated and expended in accordance with laws enacted by the Council in support of each such obligation or expenditure.

[(4) The amounts may not be used to fund the agencies of the District of Columbia government under court ordered receivership.

[(5) The amounts may not be obligated or expended unless the Mayor notifies the Committees on Appropriations of the House of Representatives and Senate not fewer than 30 days in advance of the obligation or expenditure.

[SEC. 526. (a) The fourth proviso in the item relating to "Federal Payment for School Improvement" in the District of Columbia Appropriations Act, 2005 (Public Law 108–335; 118 Stat. 1327) is amended—

[(1) by striking "$4,000,000" and inserting "$4,000,000, to remain available until expended,"; and

[(2) by striking "$2,000,000 shall be for a new incentive fund" and inserting "$2,000,000, to remain available until expended, shall be for a new incentive fund".

[(b) The amendments made by subsection (a) shall take effect as if included in the enactment of the District of Columbia Appropriations Act, 2005.

[SEC. 527. (a) To account for an unanticipated growth of revenue collections, the amount appropriated as District of Columbia Funds pursuant to this Act may be increased—

[(1) by an aggregate amount of not more than 25 percent, in the case of amounts proposed to be allocated as "Other-Type Funds" in the Fiscal Year 2006 Proposed Budget and Financial Plan submitted to Congress by the District of Columbia on June 6, 2005; and

[(2) by an aggregate amount of not more than 6 percent, in the case of any other amounts proposed to be allocated in such Proposed Budget and Financial Plan.

[(b) The District of Columbia may obligate and expend any increase in the amount of funds authorized under this section only in accordance with the following conditions:

[(1) The Chief Financial Officer of the District of Columbia shall certify—

[(A) the increase in revenue; and

[(B) that the use of the amounts is not anticipated to have a negative impact on the long-term financial, fiscal, or economic health of the District.

[(2) The amounts shall be obligated and expended in accordance with laws enacted by the Council of the District of Columbia in support of each such obligation and expenditure, consistent with the requirements of this Act.

[(3) The amounts may not be used to fund any agencies of the District government operating under court-ordered receivership.

[(4) The amounts may not be obligated or expended unless the Mayor has notified the Committees on Appropriations of the House of Representatives and Senate not fewer than 30 days in advance of the obligation or expenditure.

[SEC. 528. (a) Notwithstanding section 450A of the District of Columbia Home Rule Act, during fiscal year 2006 the District of Columbia may allocate amounts from the emergency reserve fund established under section 450A(a) of such Act and the contingency reserve fund established under section 450A(b) of such Act and use such amounts to fund the operations of the District government during such fiscal year (consistent with the requirements of this Act and other applicable law).

[(b) The aggregate amount allocated from the emergency reserve fund or the contingency reserve fund under this section may not exceed 50 percent of the balance of the fund involved as of October 1, 2005.

[(c) If the District of Columbia allocates any amounts from a reserve fund under this section, the District shall fully replenish the fund for the amounts allocated not later than February 15, 2007.

[SEC. 529. Notwithstanding any other provision of this Act, there is hereby appropriated for the Office of the Inspector General such amounts in local funds, as are consistent with the annual estimates for the expenditures and appropriations necessary for the operation of the Office of the Inspector General as prepared by the Inspector General and submitted to the Mayor and forwarded to the Council pursuant to D.C. Official Code 2-302.08(a)(2)(A) for fiscal year 2005: *Provided*, That the Office of the Chief Financial Officer shall take such steps as are necessary to implement the provisions of this subsection.

[SEC. 530. (a) None of the funds contained in this title may be used to enact or carry out any law, rule, or regulation to legalize or otherwise reduce penalties associated with the possession, use, or distribution of any schedule I substance under the Controlled Substances Act (21 U.S.C. 802) or any tetrahydrocannabinols derivative.

[(b) The Legalization of Marijuana for Medical Treatment Initiative of 1998, also known as Initiative 59, approved by the electors of the District of Columbia on November 3, 1998, shall not take effect.

[SEC. 531. None of the funds appropriated under this title shall be expended for any abortion except where the life of the mother would be endangered if the fetus were carried to term or where the pregnancy is the result of an act of rape or incest.

[TITLE VI—EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

[COMPENSATION OF THE PRESIDENT

[For compensation of the President, including an expense allowance at the rate of $50,000 per annum as authorized by 3 U.S.C. 102, $450,000: *Provided*, That none of the funds made available for official expenses shall be expended for any other purpose and any unused amount shall revert to the Treasury pursuant to section 1552 of title 31, United States Code.

[WHITE HOUSE OFFICE

[SALARIES AND EXPENSES

[For necessary expenses for the White House as authorized by law, including not to exceed $3,850,000 for services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 105; subsistence expenses as authorized by 3 U.S.C. 105, which shall be expended and accounted for as provided in that section; hire of passenger motor vehicles, newspapers, periodicals, teletype news service, and travel (not to exceed $100,000 to be expended and accounted for as provided by 3 U.S.C. 103); and not to exceed $19,000 for official entertainment expenses, to be available for allocation within the Executive Office of the President, $53,830,000: *Provided*, That of the funds appropriated under this heading, $1,500,000 shall be for the Privacy and Civil Liberties Oversight Board.

[EXECUTIVE RESIDENCE AT THE WHITE HOUSE

[OPERATING EXPENSES

[For the care, maintenance, repair and alteration, refurnishing, improvement, heating, and lighting, including electric power and fixtures, of the Executive Residence at the White House and official entertainment expenses of the President, $12,436,000, to be expended and accounted for as provided by 3 U.S.C. 105, 109, 110, and 112–114.

[REIMBURSABLE EXPENSES

[For the reimbursable expenses of the Executive Residence at the White House, such sums as may be necessary: *Provided*, That all reimbursable operating expenses of the Executive Residence shall be made in accordance with the provisions of this paragraph: *Provided further*, That, notwithstanding any other provision of law, such amount for reimbursable operating expenses shall be the exclusive authority of the Executive Residence to incur obligations and to receive offsetting collections, for such expenses: *Provided further*, That the Executive Residence shall require each person sponsoring a reimbursable political event to pay in advance an amount equal to the estimated cost of the event, and all such advance payments shall be credited to this account and remain available until expended: *Provided further*, That the Executive Residence shall require the national committee of the political party of the President to maintain on deposit $25,000, to be separately accounted for and available for expenses relating to reimbursable political events sponsored by such committee during such fiscal year: *Provided further*, That the Executive Residence shall ensure that a written notice of any amount owed for a reimbursable operating expense under this paragraph is submitted to the person owing such amount within 60 days after such expense is incurred, and that such amount is collected within 30 days after the submission of such notice: *Provided further*, That the Executive Residence shall charge interest and assess penalties and other charges on any such amount that is not reimbursed within such 30 days, in accordance with the interest and penalty provisions applicable to an outstanding debt on a United States Government claim under section 3717 of title 31, United States Code: *Provided further*, That each such amount that is reimbursed, and any accompanying interest and charges, shall be deposited in the Treasury as miscellaneous receipts: *Provided further*, That the Executive Residence shall prepare and submit to the Committees on Appropriations, by not later than 90 days after the end of the fiscal year covered by this Act, a report setting forth the reimbursable operating expenses of the Executive Residence during the preceding fiscal year, including the total amount of such expenses, the amount of such total that consists of reimbursable official and ceremonial events, the amount of such total that consists of reimbursable political events, and the portion of each such amount that has been reimbursed as of the date of the report: *Provided further*, That the Executive Residence shall maintain a system for the tracking of expenses related to reimbursable events within the Executive Residence that includes a standard for the classification of any such expense as political or nonpolitical: *Provided further*, That no provision of this paragraph may be construed to exempt the Executive Residence from any other applicable requirement of subchapter I or II of chapter 37 of title 31, United States Code.

[WHITE HOUSE REPAIR AND RESTORATION

[For the repair, alteration, and improvement of the Executive Residence at the White House, $1,700,000, to remain available until expended, for required maintenance, safety and health issues, and continued preventative maintenance.

[COUNCIL OF ECONOMIC ADVISERS

[SALARIES AND EXPENSES

[For necessary expenses of the Council of Economic Advisers in carrying out its functions under the Employment Act of 1946 (15 U.S.C. 1021), $4,040,000.

[OFFICE OF POLICY DEVELOPMENT

[SALARIES AND EXPENSES

[For necessary expenses of the Office of Policy Development, including services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 107, $3,500,000.

[NATIONAL SECURITY COUNCIL

[SALARIES AND EXPENSES

[For necessary expenses of the National Security Council, including services as authorized by 5 U.S.C. 3109, $8,705,000.

[OFFICE OF ADMINISTRATION

[SALARIES AND EXPENSES

[For necessary expenses of the Office of Administration, including services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 107, and hire of passenger motor vehicles, $89,322,000, of which $11,768,000 shall remain available until expended for the Capital Investment Plan for continued modernization of the information technology infrastructure within the Executive Office of the President.

[OFFICE OF MANAGEMENT AND BUDGET

[SALARIES AND EXPENSES

[For necessary expenses of the Office of Management and Budget, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109 and to carry out the provisions of chapter 35 of title 44, United States Code, $76,930,000 (reduced by $9,000,000), of which not to exceed $3,000 shall be available for official representation expenses: *Provided*, That, as provided in 31 U.S.C. 1301(a), appropriations shall be applied only to the objects for which appropriations were made and shall be allocated in accordance with the terms and conditions set forth in the accompanying Report except as otherwise provided by law: *Provided further*, That none of the funds appropriated in this Act for the Office of Management and Budget may be used for the purpose of reviewing any agricultural marketing orders or any activities or regulations under the provisions of the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 601 et seq.): *Provided further*, That none of the funds made available for the Office of Management and Budget by this Act may be expended for the altering of the transcript of actual testimony of witnesses, except for testimony of officials of the Office of Management and Budget, before the Committees on Appropriations or their subcommittees: *Provided further*, That the preceding shall not apply to printed hearings released by the Committees on Appropriations.

[OFFICE OF NATIONAL DRUG CONTROL POLICY

[SALARIES AND EXPENSES

[For necessary expenses of the Office of National Drug Control Policy; for research activities pursuant to the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1701 et seq.); not to exceed $10,000 for official reception and representation expenses; and for participation in joint projects or in the provision of services on matters of mutual interest with nonprofit, research, or public organizations or agencies, with or without reimbursement, $26,908,000; of which $1,316,000 shall remain available until expended for policy research and evaluation: *Provided*, That the Office is authorized to accept, hold, administer, and utilize gifts, both real and personal, public and private, without fiscal year limitation, for the purpose of aiding or facilitating the work of the Office.

[COUNTERDRUG TECHNOLOGY ASSESSMENT CENTER

[(INCLUDING TRANSFER OF FUNDS)

[For necessary expenses for the Counterdrug Technology Assessment Center for research activities pursuant to the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1701 et seq.), $30,000,000, which shall remain available until expended, consisting of $18,000,000 for counternarcotics research and development projects, and $12,000,000 for the continued operation of the technology transfer program: *Provided*, That the $18,000,000 for counternarcotics research and development projects shall be available for transfer to other Federal departments or agencies.

[FEDERAL DRUG CONTROL PROGRAMS

[HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM

[(INCLUDING TRANSFER OF FUNDS)

[For necessary expenses of the Office of National Drug Control Policy's High Intensity Drug Trafficking Areas Program, $227,000,000 (increased by $9,000,000), for drug control activities consistent with the approved strategy for each of the designated High Intensity Drug Trafficking Areas, of which no less than 51 percent shall be transferred to State and local entities for drug control activities, which shall be obligated within 120 days of the date of the enactment of this Act: *Provided*, That up to 49 percent, to remain available until September 30, 2007, may be transferred to Federal agencies and departments at a rate to be determined by the Director, of which not less than $2,000,000 shall be used for auditing services and associated activities, and at least $500,000 of the $2,000,000 shall be used to develop and implement a data collection system to measure the performance of the High Intensity Drug Trafficking Areas Program: *Provided further*, That High Intensity Drug Trafficking Areas Programs designated as of September 30, 2005, shall be funded at no less than the fiscal year 2005 initial allocation levels unless the Director submits to the Committees on Appropriations, and the Committees approve, justification for changes in those levels based on clearly articulated priorities for the High Intensity Drug Trafficking Areas Programs, as well as published Office of National Drug Control Policy performance measures of effectiveness: *Provided further*, That a request shall be submitted in compliance with the reprogramming guidelines to the Committees on Appropriations for approval prior to the obligation of funds of an amount in excess of the fiscal year 2005 budget request: *Provided further*, That not to exceed $2,000,000 of the funds made available under this heading in excess of the fiscal year 2005 budget request shall be available for the Consolidated Priority Organization Target program.

[OTHER FEDERAL DRUG CONTROL PROGRAMS

[(INCLUDING TRANSFER OF FUNDS)

[For activities to support a national anti-drug campaign for youth, and for other purposes, authorized by the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1701 et seq.), $213,292,000 (increased by $25,000,000), to remain available until expended, of which the following amounts are available as follows: $120,000,000 (increased by $25,000,000) to support a national media campaign, as authorized by the Drug-Free Media Campaign Act of 1998: *Provided*, That ONDCP shall maintain funding for non-advertising services for the Media Campaign at no less than the Fiscal Year 2003 ratio of service funding to total funds and shall continue the corporate outreach program as it operated prior to its cancellation: $80,000,000 to continue a program of matching grants to drug-free communities, of which $750,000 shall be a directed grant to the Community Anti-Drug Coalitions of America for the National Community Anti-Drug Coalition Institute, as authorized in chapter 2 of the National Narcotics Leadership Act of 1988, as amended; $1,000,000 for the National Drug Court Institute; $992,000 for the National Alliance for Model State Drug Laws; $7,400,000 for the United States Anti-Doping Agency for anti-doping activities; $2,900,000 for the United States membership dues to the World Anti-Doping Agency; and $1,000,000 for evaluations and research related to National Drug Control Program performance measures: *Provided further*, That such funds may be transferred to other Federal departments and agencies to carry out such activities: *Provided further*, That of the amounts appropriated for a national media campaign, not to exceed 12 percent shall be for administration, advertising production, research and testing, labor and related costs of the national media campaign.

[UNANTICIPATED NEEDS

[UNANTICIPATED NEEDS

[For expenses necessary to enable the President to meet unanticipated needs, in furtherance of the national interest, security, or defense which may arise at home or abroad during the current fiscal year, as authorized by 3 U.S.C. 108, $1,000,000.

[SPECIAL ASSISTANCE TO THE PRESIDENT

[SALARIES AND EXPENSES

[For necessary expenses to enable the Vice President to provide assistance to the President in connection with specially assigned functions; services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 106, including subsistence expenses as authorized by 3 U.S.C. 106, which shall be expended and accounted for as provided in that section; and hire of passenger motor vehicles, $4,455,000.

[OFFICIAL RESIDENCE OF THE VICE PRESIDENT

[OPERATING EXPENSES

[(INCLUDING TRANSFER OF FUNDS)

[For the care, operation, refurnishing, improvement, and to the extent not otherwise provided for, heating and lighting, including electric power and fixtures, of the official residence of the Vice President; the hire of passenger motor vehicles; and not to exceed $90,000 for official entertainment expenses of the Vice President, to be accounted for solely on his certificate, $325,000: *Provided*, That advances or repayments or transfers from this appropriation may be made to any department or agency for expenses of carrying out such activities.

[TITLE VII—INDEPENDENT AGENCIES

[ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

[SALARIES AND EXPENSES

[For expenses necessary for the Architectural and Transportation Barriers Compliance Board, as authorized by section 502 of the Rehabilitation Act of 1973, as amended, $5,941,000: *Provided*, That, notwithstanding any other provision of law, there may be credited to this appropriation funds received for publications and training expenses.

[CONSUMER PRODUCT SAFETY COMMISSION

[SALARIES AND EXPENSES

[For necessary expenses of the Consumer Product Safety Commission, including hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable under 5 U.S.C. 5376, purchase of nominal awards to recognize non-Federal officials' contributions to Commission activities, and not to exceed $500 for official reception and representation expenses, $62,449,000.

[ELECTION ASSISTANCE COMMISSION

[SALARIES AND EXPENSES

[(INCLUDING TRANSFER OF FUNDS)

[For necessary expenses to carry out the Help America Vote Act of 2002, $15,877,000, of which $2,800,000 shall be transferred to the National Institute of Standards and Technology for election reform activities authorized under the Help America Vote Act of 2002.

[FEDERAL DEPOSIT INSURANCE CORPORATION

[OFFICE OF INSPECTOR GENERAL

[For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended $29,965,000, to be derived from the Bank Insurance Fund, the Savings Association Insurance Fund, and the FSLIC Resolution Fund.

[FEDERAL ELECTION COMMISSION

[SALARIES AND EXPENSES

[For necessary expenses to carry out the provisions of the Federal Election Campaign Act of 1971, as amended, $54,700,000, of which no less than $4,700,000 shall be available for internal automated data processing systems, and of which not to exceed $5,000 shall be available for reception and representation expenses.

[FEDERAL LABOR RELATIONS AUTHORITY

[SALARIES AND EXPENSES

[For necessary expenses to carry out functions of the Federal Labor Relations Authority, pursuant to Reorganization Plan Numbered 2 of 1978, and the Civil Service Reform Act of 1978, including services authorized by 5 U.S.C. 3109, and including hire of experts and consultants, hire of passenger motor vehicles, and rental of conference rooms in the District of Columbia and elsewhere, $25,468,000: *Provided*, That public members of the Federal Service Impasses Panel may be paid travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons employed intermittently in the Government service, and compensation as authorized by 5 U.S.C. 3109: *Provided further*, That notwithstanding 31 U.S.C. 3302, funds received from fees charged to non-Federal participants at labor-management relations conferences shall be credited to and merged with this account, to be available without further appropriation for the costs of carrying out these conferences.

[FEDERAL MARITIME COMMISSION

[SALARIES AND EXPENSES

[For necessary expenses of the Federal Maritime Commission as authorized by section 201(d) of the Merchant Marine Act, 1936, as amended (46 U.S.C. App. 1111), including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); and uniforms or allowances therefor, as authorized by 5 U.S.C. 5901-5902, $20,499,000: *Provided*, That not to exceed $2,000 shall be available for official reception and representation expenses.

[GENERAL SERVICES ADMINISTRATION

[REAL PROPERTY ACTIVITIES

[FEDERAL BUILDINGS FUND

[LIMITATIONS ON AVAILABILITY OF REVENUE

[(INCLUDING TRANSFER OF FUNDS)

[To carry out the purposes of the Fund established pursuant to section 210(f) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 592), the revenues and collections deposited into the Fund shall be available for necessary expenses of real property management and related activities not otherwise provided for, including operation, maintenance, and protection of federally owned and leased buildings; rental of buildings in the District of Columbia; restoration of leased premises; moving governmental agencies (including space adjustments and telecommunications relocation expenses) in connection with the assignment, allocation and transfer of space; contractual services incident to cleaning or servicing buildings, and moving; repair and alteration of federally owned buildings including grounds, approaches and appurtenances; care and safeguarding of sites; maintenance, preservation, demolition, and equipment; acquisition of buildings and sites by purchase, condemnation, or as otherwise authorized by law; acquisition of options to purchase buildings and sites; conversion and extension of federally owned buildings; preliminary planning and design of projects by contract or otherwise; construction of new buildings (including equipment for such buildings); and payment of principal, interest, and any other obligations for public buildings acquired by installment purchase and purchase contract; in the aggregate amount of $7,768,795,000 (reduced by $88,789,000) (reduced by $727,909,000) (reduced by $25,000,000), of which: (1) $708,106,000 (reduced by $67,789,000) (reduced by $9,500,000) shall remain available until expended for construction (including funds for sites and expenses and associated design and construction services) of additional projects at the following locations:

[New Construction:

[California:

[San Diego, United States Courthouse, $230,803,000.

[Colorado:

[Lakewood, Denver Federal Center Infrastructure, $4,658,000.

[District of Columbia:

[Coast Guard Consolidation, $24,900,000.

[Saint Elizabeths West Campus Infrastructure, $13,095,000.

[Southeast Federal Center Site Remediation, $15,000,000.

[Maine:

[Calais, Border Station, $50,146,000.

[Jackman, Border Station, $12,788,000.

[Maryland:

[Montgomery County, Food and Drug Administration Consolidation, $127,600,000.

[New York:

[Champlain, Border Station, $52,510,000.

[Massena, Border Station, $49,783,000.

[Texas:

[Austin, United States Courthouse, $3,000,000.

[Washington:

[Blaine, Peace Arch Border Station, $46,534,000.

[Material Price increases, various projects, $67,789,000 (reduced by $67,789,000).

[Nonprospectus Construction, $9,500,000 (reduced by $9,500,000):

[*Provided*, That each of the foregoing limits of costs on new construction projects may be exceeded to the extent that savings are effected in other such projects, but not to exceed 10 percent of the amounts included in an approved prospectus, if required, unless advance approval is obtained from the Committees on Appropriations of a greater amount: *Provided further*, That all funds for direct construction projects shall expire on September 30, 2007, and remain in the Federal Buildings Fund except for funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date; (2) $961,376,000 (reduced by $568,409,000) shall remain available until expended for repairs and alterations, which includes associated design and construction services:

[Repairs and Alterations:

[Arizona:

[Tucson, James A. Walsh Courthouse, $16,136,000.

[District of Columbia:

[Eisenhower Executive Office Building, $133,417,000 (reduced by $133,417,000).

[Federal Office Building 8, $47,769,000.

[Heating, Operation, and Transmission District Repair, $18,783,000.

[Herbert C. Hoover Building, $54,491,000.

[Main Interior Building, $41,399,000.

[Georgia:

[Atlanta, Martin Luther King, Jr. Federal Building, $30,129,000.

[New York:

[Brooklyn, Emanuel Celler Courthouse, $96,924,000.

[New York City, James Watson Federal Building and Courthouse, $9,721,000.

[Special Emphasis Programs:

[Chlorofluorocarbons Program, $10,000,000.

[Energy Program, $30,000,000.

[Glass Fragment Retention, $15,700,000.

[Design Program, $21,915,000.

[Basic Repairs and Alterations, $434,992,000 (reduced by $434,992,000):

[*Provided further*, That funds made available in this or any previous Act in the Federal Buildings Fund for Repairs and Alterations shall, for prospectus projects, be limited to the amount identified for each project, except each project in this or any previous Act may be increased by an amount not to exceed 10 percent unless advance approval is obtained from the Committees on Appropriations of a greater amount: *Provided further*, That additional projects for which prospectuses have been fully approved may be funded under this category only if advance approval is obtained from the Committees on Appropriations: *Provided further*, That the amounts provided in this or any prior Act for "Repairs and Alterations" may be used to fund costs associated with implementing security improvements to buildings necessary to meet the minimum standards for security in accordance with current law and in compliance with the reprogramming guidelines of the appropriate Committees of the House and Senate: *Provided further*, That the difference between the funds appropriated and expended on any projects in this or any prior Act, under the heading "Repairs and Alterations", may be transferred to Basic Repairs and Alterations or used to fund authorized increases in prospectus projects: *Provided further*, That all funds for repairs and alterations prospectus projects shall expire on September 30, 2007, and remain in the Federal Buildings Fund except funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date: *Provided further*, That the amount provided in this or any prior Act for Basic Repairs and Alterations may be used to pay claims against the Government arising from any projects under the heading "Repairs and Alterations" or used to fund authorized increases in prospectus projects; (3) $168,180,000 for installment acquisition payments including payments on purchase contracts which shall remain available until expended; (4) $4,046,031,000 (reduced by $12,500,000) for rental of space which shall remain available until expended; and (5) $1,885,102,000 (reduced by $21,000,000) (reduced by $150,000,000) (reduced by $12,500,000) for building operations which shall remain available until expended: *Provided further*, That funds available to the General Services Administration shall not be available for expenses of any construction, repair, alteration and acquisition project for which a prospectus, if required by the Public Buildings Act of 1959, as amended, has not been approved, except that necessary funds may be expended for each project for required expenses for the development of a proposed prospectus: *Provided further*, That funds available in the Federal Buildings Fund may be expended for emergency repairs when advance approval is obtained from the Committees on Appropriations: *Provided further*, That amounts necessary to provide reimbursable special services to other agencies under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 592(b)(2)) and amounts to provide such reimbursable fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control as may be appropriate to enable the United States Secret Service to perform its protective functions pursuant to 18 U.S.C. 3056, shall be available from such revenues and collections: *Provided further*, That revenues and collections and any other sums accruing to this Fund during fiscal year 2006, excluding reimbursements under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 592(b)(2)) in excess of the aggregate new obligational authority authorized for Real Property Activities of the Federal Buildings Fund in this Act shall remain in the Fund and shall not be available for expenditure except as authorized in appropriations Acts.

[GENERAL ACTIVITIES

[GOVERNMENT-WIDE POLICY

[For expenses authorized by law, not otherwise provided for, for Government-wide policy and evaluation activities associated with the management of real and personal property assets and certain administrative services; Government-wide policy support responsibilities relating to acquisition, telecommunications, information technology management, and related technology activities; and services as authorized by 5 U.S.C. 3109, $52,796,000.

[OPERATING EXPENSES

[For expenses authorized by law, not otherwise provided for, for Government-wide activities associated with utilization and donation of surplus personal property; disposal of real property; providing Internet access to Federal information and services; agencywide policy direction and management, and Board of Contract Appeals; accounting, records management, and other support services incident to adjudication of Indian Tribal Claims by the United States Court of Federal Claims; services as authorized by 5 U.S.C. 3109; and not to exceed $7,500 for official reception and representation expenses, $99,890,000 (reduced by $17,711,000).

⟦OFFICE OF INSPECTOR GENERAL

⟦For necessary expenses of the Office of Inspector General and service authorized by 5 U.S.C. 3109, $43,410,000: *Provided*, That not to exceed $15,000 shall be available for payment for information and detection of fraud against the Government, including payment for recovery of stolen Government property: *Provided further*, That not to exceed $2,500 shall be available for awards to employees of other Federal agencies and private citizens in recognition of efforts and initiatives resulting in enhanced Office of Inspector General effectiveness.

⟦ELECTRONIC GOVERNMENT FUND

⟦(INCLUDING TRANSFER OF FUNDS)

⟦For necessary expenses in support of interagency projects that enable the Federal Government to expand its ability to conduct activities electronically, through the development and implementation of innovative uses of the Internet and other electronic methods, $3,000,000, to remain available until expended: *Provided*, That these funds may be transferred to Federal agencies to carry out the purposes of the Fund: *Provided further*, That this transfer authority shall be in addition to any other transfer authority provided in this Act: *Provided further*, That such transfers may not be made until 10 days after a proposed spending plan and justification for each project to be undertaken has been submitted to the Committees on Appropriations.

⟦ALLOWANCES AND OFFICE STAFF FOR FORMER PRESIDENTS

⟦(INCLUDING TRANSFER OF FUNDS)

⟦For carrying out the provisions of the Act of August 25, 1958, as amended (3 U.S.C. 102 note), and Public Law 95–138, $2,952,000: *Provided*, That the Administrator of General Services shall transfer to the Secretary of the Treasury such sums as may be necessary to carry out the provisions of such Acts.

⟦FEDERAL CITIZEN INFORMATION CENTER FUND

⟦For necessary expenses of the Federal Citizen Information Center, including services authorized by 5 U.S.C. 3109, $15,030,000, to be deposited into the Federal Citizen Information Center Fund: *Provided*, That the appropriations, revenues, and collections deposited into the Fund shall be available for necessary expenses of Federal Citizen Information Center activities in the aggregate amount not to exceed $32,000,000. Appropriations, revenues, and collections accruing to this Fund during fiscal year 2006 in excess of such amount shall remain in the Fund and shall not be available for expenditure except as authorized in appropriations Acts.

⟦ADMINISTRATIVE PROVISIONS—GENERAL SERVICES ADMINISTRATION

⟦SEC. 701. The appropriate appropriation or fund available to the General Services Administration shall be credited with the cost of operation, protection, maintenance, upkeep, repair, and improvement, included as part of rentals received from Government corporations pursuant to law (40 U.S.C. 129).

⟦SEC. 702. Funds available to the General Services Administration shall be available for the hire of passenger motor vehicles.

⟦SEC. 703. Funds in the Federal Buildings Fund made available for fiscal year 2006 for Federal Buildings Fund activities may be transferred between such activities only to the extent necessary to meet program requirements: *Provided*, That any proposed transfers shall be approved in advance by the Committees on Appropriations.

⟦SEC. 704. No funds made available by this Act shall be used to transmit a fiscal year 2007 request for United States Courthouse construction that: (1) does not meet the design guide standards for construction as established and approved by the General Services Administration, the Judicial Conference of the United States, and the Office of Management and Budget; and (2) does not reflect the priorities of the Judicial Conference of the United States as set out in its approved 5-year construction plan: *Provided*, That the fiscal year 2007 request must be accompanied by a standardized courtroom utilization study of each facility to be constructed, replaced, or expanded.

⟦SEC. 705. None of the funds provided in this Act may be used to increase the amount of occupiable square feet, provide cleaning services, security enhancements, or any other service usually provided through the Federal Buildings Fund, to any agency that does not pay the rate per square foot assessment for space and services as determined by the General Services Administration in compliance with the Public Buildings Amendments Act of 1972 (Public Law 92–313).

⟦SEC. 706. From funds made available under the heading "Federal Buildings Fund, Limitations on Availability of Revenue", claims against the Government of less than $250,000 arising from direct construction projects and acquisition of buildings may be liquidated from savings effected in other construction projects with prior notification to the Committees on Appropriations.

⟦SEC. 707. No funds in this Act shall be used to dispose of the GSA property located at 522 North Central Avenue, on the southwest corner of Central Avenue and Fillmore Street in Phoenix, Arizona.

⟦MERIT SYSTEMS PROTECTION BOARD

⟦SALARIES AND EXPENSES

⟦(INCLUDING TRANSFER OF FUNDS)

⟦For necessary expenses to carry out functions of the Merit Systems Protection Board pursuant to Reorganization Plan Numbered 2 of 1978, the Civil Service Reform Act of 1978, and the Whistleblower Protection Act of 1989 (5 U.S.C. 5509 note), as amended, including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, direct procurement of survey printing, and not to exceed $2,000 for official reception and representation expenses, $35,600,000 together with not to exceed $2,605,000 for administrative expenses to adjudicate retirement appeals to be transferred from the Civil Service Retirement and Disability Fund in amounts determined by the Merit Systems Protection Board.

⟦MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION

⟦MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY TRUST FUND

⟦(INCLUDING TRANSFER OF FUNDS)

⟦For payment to the Morris K. Udall Scholarship and Excellence in National Environmental Policy Trust Fund, pursuant to the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 (20 U.S.C. 5601 et seq.), $2,000,000, to remain available until expended, of which up to $50,000 shall be used to conduct financial audits pursuant to the Accountability of Tax Dollars Act of 2002 (Public Law 107–289) notwithstanding sections 8 and 9 of Public Law 102–259: *Provided*, That up to 60 percent of such funds may be transferred by the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation for the necessary expenses of the Native Nations Institute.

⟦ENVIRONMENTAL DISPUTE RESOLUTION FUND

⟦For payment to the Environmental Dispute Resolution Fund to carry out activities authorized in the Environmental Policy and Conflict Resolution Act of 1998, $1,900,000, to remain available until expended.

⟦NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

⟦OPERATING EXPENSES

⟦For necessary expenses in connection with the administration of the National Archives and Records Administration (including the Information Security Oversight Office) and archived Federal records and related activities, as provided by law, and for expenses necessary for the review and declassification of documents, and for the hire of passenger motor vehicles, $283,975,000: *Provided*, That the Archivist of the United States is authorized to use any excess funds available from the amount borrowed for construction of the National Archives facility, for expenses necessary to provide adequate storage for holdings: *Provided further*, That of the funds provided in this paragraph, $2,930,000 shall be for initial move of records, staffing, and operations of the Nixon Library.

⟦ELECTRONIC RECORDS ARCHIVES

⟦For necessary expenses in connection with the development of the electronic records archives, to include all direct project costs associated with research, analysis, design, development, and program management, $35,914,000.

⟦REPAIRS AND RESTORATION

⟦For the repair, alteration, and improvement of archives facilities, and to provide adequate storage for holdings, $6,182,000, to remain available until expended.

⟦NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION

⟦GRANTS PROGRAM

⟦(INCLUDING TRANSFER OF FUNDS)

⟦For necessary expenses for allocations and grants for historical publications and records as authorized by 44 U.S.C. 2504, as amended, $7,500,000, to remain available until expended: *Provided*, That of the funds provided in this paragraph, $2,000,000 shall be transferred to the operating expenses account for operating expenses of the National Historical Publications and Records Administration.

⟦NATIONAL CREDIT UNION ADMINISTRATION

⟦CENTRAL LIQUIDITY FACILITY

⟦(INCLUDING TRANSFER OF FUNDS)

⟦During fiscal year 2006, gross obligations of the Central Liquidity Facility for the principal amount of new direct loans to member credit unions, as authorized by 12 U.S.C. 1795 et seq., shall not exceed $1,500,000,000: *Provided*, That administrative expenses of the Central Liquidity Facility in fiscal year 2006 shall not exceed $323,000.

⟦COMMUNITY DEVELOPMENT REVOLVING LOAN FUND

⟦For the Community Development Revolving Loan Fund program as authorized by 42

U.S.C. 9812, 9822, and 9910, $950,000 shall be available until September 30, 2007, for technical assistance to low-income designated credit unions, and amounts of principal and interest on loans repaid shall be available until expended for low-income designated credit unions.

[NATIONAL TRANSPORTATION SAFETY BOARD

[SALARIES AND EXPENSES

[For necessary expenses of the National Transportation Safety Board, including hire of passenger motor vehicles and aircraft; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for a GS–15; uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901–5902) $76,700,000, of which not to exceed $2,000 may be used for official reception and representation expenses.

[(RESCISSION)

[Of the available unobligated balances made available under Public Law 106–246, $1,000,000 are rescinded.

[NEIGHBORHOOD REINVESTMENT CORPORATION

[PAYMENT TO THE NEIGHBORHOOD REINVESTMENT CORPORATION

[For payment to the Neighborhood Reinvestment Corporation for use in neighborhood reinvestment activities, as authorized by the Neighborhood Reinvestment Corporation Act (42 U.S.C. 8101–8107), $118,000,000.

[OFFICE OF GOVERNMENT ETHICS

[SALARIES AND EXPENSES

[For necessary expenses to carry out functions of the Office of Government Ethics pursuant to the Ethics in Government Act of 1978, as amended and the Ethics Reform Act of 1989, including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, and not to exceed $1,500 for official reception and representation expenses, $11,148,000.

[OFFICE OF PERSONNEL MANAGEMENT

[SALARIES AND EXPENSES

[(INCLUDING TRANSFER OF TRUST FUNDS)

[For necessary expenses to carry out functions of the Office of Personnel Management pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109; medical examinations performed for veterans by private physicians on a fee basis; rental of conference rooms in the District of Columbia and elsewhere; hire of passenger motor vehicles; not to exceed $2,500 for official reception and representation expenses; advances for reimbursements to applicable funds of the Office of Personnel Management and the Federal Bureau of Investigation for expenses incurred under Executive Order No. 10422 of January 9, 1953, as amended; and payment of per diem and/or subsistence allowances to employees where Voting Rights Act activities require an employee to remain overnight at his or her post of duty, $119,952,000, of which $6,983,000 shall remain available until expended for the Enterprise Human Resources Integration project; $1,450,000 shall remain available until expended for the Human Resources Line of Business project; $500,000 shall remain available until expended for the E-Training project; and $1,412,000 shall remain available until expended until September 30, 2007 for the E-Payroll project; and in addition $102,679,000 for administrative expenses, to be transferred from the appropriate trust funds of the Office of Personnel Management without regard to other statutes, including direct procurement of printed materials, for the retirement and insurance programs: *Provided*, That the provisions of this appropriation shall not affect the authority to use applicable trust funds as provided by sections 8348(a)(1)(B), and 9004(f)(2)(A) of title 5, United States Code: *Provided further*, That no part of this appropriation shall be available for salaries and expenses of the Legal Examining Unit of the Office of Personnel Management established pursuant to Executive Order No. 9358 of July 1, 1943, or any successor unit of like purpose: *Provided further*, That the President's Commission on White House Fellows, established by Executive Order No. 11183 of October 3, 1964, may, during fiscal year 2006, accept donations of money, property, and personal services: *Provided further*, That such donations, including those from prior years, may be used for the development of publicity materials to provide information about the White House Fellows, except that no such donations shall be accepted for travel or reimbursement of travel expenses, or for the salaries of employees of such Commission.

[OFFICE OF INSPECTOR GENERAL

[SALARIES AND EXPENSES

[(INCLUDING TRANSFER OF TRUST FUNDS)

[For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act, as amended, including services as authorized by 5 U.S.C. 3109, hire of passenger motor vehicles, $1,614,000, and in addition, not to exceed $16,786,000 for administrative expenses to audit, investigate, and provide other oversight of the Office of Personnel Management's retirement and insurance programs, to be transferred from the appropriate trust funds of the Office of Personnel Management, as determined by the Inspector General: *Provided*, That the Inspector General is authorized to rent conference rooms in the District of Columbia and elsewhere.

[GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEES HEALTH BENEFITS

[For payment of Government contributions with respect to retired employees, as authorized by chapter 89 of title 5, United States Code, and the Retired Federal Employees Health Benefits Act (74 Stat. 849), as amended, such sums as may be necessary.

[GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEE LIFE INSURANCE

[For payment of Government contributions with respect to employees retiring after December 31, 1989, as required by chapter 87 of title 5, United States Code, such sums as may be necessary.

[PAYMENT TO CIVIL SERVICE RETIREMENT AND DISABILITY FUND

[For financing the unfunded liability of new and increased annuity benefits becoming effective on or after October 20, 1969, as authorized by 5 U.S.C. 8348, and annuities under special Acts to be credited to the Civil Service Retirement and Disability Fund, such sums as may be necessary: *Provided*, That annuities authorized by the Act of May 29, 1944, as amended, and the Act of August 19, 1950, as amended (33 U.S.C. 771–775), may hereafter be paid out of the Civil Service Retirement and Disability Fund.

[OFFICE OF SPECIAL COUNSEL

[SALARIES AND EXPENSES

[For necessary expenses to carry out functions of the Office of Special Counsel pursuant to Reorganization Plan Numbered 2 of 1978, the Civil Service Reform Act of 1978 (Public Law 95–454), as amended, the Whistleblower Protection Act of 1989 (Public Law 101–12), as amended, Public Law 107–304, and the Uniformed Services Employment and Reemployment Act of 1994 (Public Law 103–353), including services as authorized by 5 U.S.C. 3109, payment of fees and expenses for witnesses, rental of conference rooms in the District of Columbia and elsewhere, and hire of passenger motor vehicles; $15,325,000.

[SELECTIVE SERVICE SYSTEM

[SALARIES AND EXPENSES

[For necessary expenses of the Selective Service System, including expenses of attendance at meetings and of training for uniformed personnel assigned to the Selective Service System, as authorized by 5 U.S.C. 4101–4118 for civilian employees; purchase of uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; hire of passenger motor vehicles; services as authorized by 5 U.S.C. 3109; and not to exceed $750 for official reception and representation expenses; $24,000,000: *Provided*, That during the current fiscal year, the President may exempt this appropriation from the provisions of 31 U.S.C. 1341, whenever the President deems such action to be necessary in the interest of national defense: *Provided further*, That none of the funds appropriated by this Act may be expended for or in connection with the induction of any person into the Armed Forces of the United States.

[UNITED STATES INTERAGENCY COUNCIL ON HOMELESSNESS

[OPERATING EXPENSES

[For necessary expenses (including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms, and the employment of experts and consultants under section 3109 of title 5, United States Code) of the United States Interagency Council on Homelessness in carrying out the functions pursuant to title II of the McKinney-Vento Homeless Assistance Act, as amended, $1,499,000.

[UNITED STATES POSTAL SERVICE

[PAYMENT TO THE POSTAL SERVICE FUND

[For payment to the Postal Service Fund for revenue forgone on free and reduced rate mail, pursuant to subsections (c) and (d) of section 2401 of title 39, United States Code, $116,350,000, of which $73,000,000 shall not be available for obligation until October 1, 2006: *Provided*, That mail for overseas voting and mail for the blind shall continue to be free: *Provided further*, That 6-day delivery and rural delivery of mail shall continue at not less than the 1983 level: *Provided further*, That none of the funds made available to the Postal Service by this Act shall be used to implement any rule, regulation, or policy of charging any officer or employee of any State or local child support enforcement agency, or any individual participating in a State or local program of child support enforcement, a fee for information requested or provided concerning an address of a postal customer: *Provided further*, That none of the funds provided in this Act shall be used to consolidate or close small rural and other small post offices in fiscal year 2006.

[UNITED STATES TAX COURT

[SALARIES AND EXPENSES

[For necessary expenses, including contract reporting and other services as authorized by 5 U.S.C. 3109, $48,998,000: *Provided*, That travel expenses of the judges shall be paid upon the written certificate of the judge.

[TITLE VIII—GENERAL PROVISIONS THIS ACT

[(INCLUDING TRANSFERS OF FUNDS)

[SEC. 801. Such sums as may be necessary for fiscal year 2006 pay raises for programs funded in this Act shall be absorbed within the levels appropriated in this Act or previous appropriations Acts.

[SEC. 802. None of the funds in this Act shall be used for the planning or execution of any program to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings funded in this Act.

[SEC. 803. None of the funds appropriated in this Act shall remain available for obligation beyond the current fiscal year, nor may any be transferred to other appropriations, unless expressly so provided herein.

[SEC. 804. The expenditure of any appropriation under this Act for any consulting service through procurement contract pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

[SEC. 805. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

[SEC. 806. None of the funds made available by this Act shall be available for any activity or for paying the salary of any Government employee where funding an activity or paying a salary to a Government employee would result in a decision, determination, rule, regulation, or policy that would prohibit the enforcement of section 307 of the Tariff Act of 1930.

[SEC. 807. No part of any appropriation contained in this Act shall be available to pay the salary for any person filling a position, other than a temporary position, formerly held by an employee who has left to enter the Armed Forces of the United States and has satisfactorily completed his period of active military or naval service, and has within 90 days after his release from such service or from hospitalization continuing after discharge for a period of not more than 1 year, made application for restoration to his former position and has been certified by the Office of Personnel Management as still qualified to perform the duties of his former position and has not been restored thereto.

[SEC. 808. No funds appropriated or otherwise made available under this Act shall be made available to any person or entity that has been convicted of violating the Buy American Act (41 U.S.C. 10a–10c).

[SEC. 809. None of the funds provided in this Act, provided by previous appropriations Acts to the agencies or entities funded in this Act that remain available for obligation or expenditure in fiscal year 2005, or provided from any accounts in the Treasury derived by the collection of fees and available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that: (1) creates a new program; (2) eliminates a program, project, or activity; (3) increases funds or personnel for any program, project, or activity for which funds have been denied or restricted by the Congress; (4) proposes to use funds directed for a specific activity by either the House or Senate Committees on Appropriations for a different purpose; (5) augments existing programs, projects, or activities in excess of $2,000,000 or 10 percent, whichever is greater; (6) reduces existing programs, projects, or activities by $2,000,000 or 10 percent, whichever is greater; or (7) creates, reorganizes, or restructures a branch, division, office, bureau, board, commission, agency, administration, or department different from the budget justifications submitted to the Committees on Appropriations or the table accompanying the statement of the managers accompanying this Act, whichever is more detailed, unless prior approval is received from the House and Senate Committees on Appropriations: *Provided*, That not later than 60 days after the date of enactment of this Act, each agency funded by this Act shall submit a report to the Committee on Appropriations of the Senate and of the House of Representatives to establish the baseline for application of reprogramming and transfer authorities for the current fiscal year: *Provided further*, That the report shall include: (1) a table for each appropriation with a separate column to display the President's budget request, adjustments made by Congress, adjustments due to enacted rescissions, if appropriate, and the fiscal year enacted level; (2) a delineation in the table for each appropriation both by object class and program, project, and activity as detailed in the budget appendix for the respective appropriation; and (3) an identification of items of special congressional interest: *Provided further*, That the amount appropriated or limited for salaries and expenses for an agency shall be reduced by $100,000 per day for each day after the required date that the report has not been submitted to the Congress.

[SEC. 810. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2006 from appropriations made available for salaries and expenses for fiscal year 2006 in this Act, shall remain available through September 30, 2007, for each such account for the purposes authorized: *Provided*, That a request shall be submitted to the Committees on Appropriations for approval prior to the expenditure of such funds: *Provided further*, That these requests shall be made in compliance with reprogramming guidelines.

[SEC. 811. None of the funds made available in this Act may be used by the Executive Office of the President to request from the Federal Bureau of Investigation any official background investigation report on any individual, except when—

[(1) such individual has given his or her express written consent for such request not more than 6 months prior to the date of such request and during the same presidential administration; or

[(2) such request is required due to extraordinary circumstances involving national security.

[SEC. 812. The cost accounting standards promulgated under section 26 of the Office of Federal Procurement Policy Act (Public Law 93-400; 41 U.S.C. 422) shall not apply with respect to a contract under the Federal Employees Health Benefits Program established under chapter 89 of title 5, United States Code.

[SEC. 813. For the purpose of resolving litigation and implementing any settlement agreements regarding the nonforeign area cost-of-living allowance program, the Office of Personnel Management may accept and utilize (without regard to any restriction on unanticipated travel expenses imposed in an Appropriations Act) funds made available to the Office pursuant to court approval.

[SEC. 814. No funds appropriated by this Act shall be available to pay for an abortion, or the administrative expenses in connection with any health plan under the Federal employees health benefits program which provides any benefits or coverage for abortions.

[SEC. 815. The provision of section 815 shall not apply where the life of the mother would be endangered if the fetus were carried to term, or the pregnancy is the result of an act of rape or incest.

[SEC. 816. In order to promote Government access to commercial information technology, the restriction on purchasing nondomestic articles, materials, and supplies set forth in the Buy American Act (41 U.S.C. 10a et seq.), shall not apply to the acquisition by the Federal Government of information technology (as defined in section 11101 of title 40, United States Code), that is a commercial item (as defined in section 4(12) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12)).

[SEC. 817. None of the funds made available in the Act may be used to finalize, implement, administer, or enforce—

[(1) the proposed rule relating to the determination that real estate brokerage is an activity that is financial in nature or incidental to a financial activity published in the Federal Register on January 3, 2001 (66 Fed. Reg. 307 et seq.); or

[(2) the revision proposed in such rule to section 1501.2 of title 12 of the Code of Federal Regulations.

[SEC. 818. Of the funds provided in title I of this Act under the heading, "Office of the Secretary, Transportation Planning, Research, and Development", $3,000,000 shall be available for necessary expenses to reimburse fixed-based general aviation operators and the providers of general aviation ground support services at Ronald Reagan Washington National Airport, and airports within 15 miles of Ronald Reagan Washington National Airport, for financial losses incurred by these operators while such airports were closed due to the actions of the Federal Government following the terrorist attacks on the United States that occurred on September 11, 2001: *Provided*, That such funds shall remain available until expended: *Provided further*, That obligation and expenditure of these funds shall be made conditional upon full release of the United States Government for all claims arising from the closing of these general aviation facilities.

[SEC. 819. Section 640(c) of the Treasury and General Government Appropriations Act, 2000 (Public Law 106-58; 2 U.S.C. 437g note), as amended by section 642 of the Treasury and General Government Appropriations Act, 2002 (Public Law 107–67) and by section 639 of the Transportation, Treasury, and Independent Agencies Appropriations Act, 2004 (Public Law 108–199), is amended by striking "December 31, 2005" and inserting "December 31, 2008".

[TITLE IX—GENERAL PROVISIONS, GOVERNMENT-WIDE

[DEPARTMENTS, AGENCIES, AND CORPORATIONS

[SEC. 901. Funds appropriated in this or any other Act may be used to pay travel to the United States for the immediate family of employees serving abroad in cases of death or life threatening illness of said employee.

[SEC. 902. No department, agency, or instrumentality of the United States receiving appropriated funds under this or any other Act for fiscal year 2006 shall obligate or expend any such funds, unless such department, agency, or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from the illegal use, possession, or distribution of controlled substances (as defined in the Controlled Substances Act) by the officers and employees of such department, agency, or instrumentality.

[SEC. 903. Unless otherwise specifically provided, the maximum amount allowable during the current fiscal year in accordance with section 16 of the Act of August 2, 1946 (60 Stat. 810), for the purchase of any passenger motor vehicle (exclusive of buses, ambulances, law enforcement, and undercover surveillance vehicles), is hereby fixed at $8,100 except station wagons for which the maximum shall be $9,100: *Provided*, That these limits may be exceeded by not to exceed $3,700 for police-type vehicles, and by not to exceed $4,000 for special heavy-duty vehicles: *Provided further*, That the limits set forth in this section may not be exceeded by more than 5 percent for electric or hybrid vehicles purchased for demonstration under the provisions of the Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976: *Provided further*, That the limits set forth in this section may be exceeded by the incremental cost of clean alternative fuels vehicles acquired pursuant to Public Law 101-549 over the cost of comparable conventionally fueled vehicles.

[SEC. 904. Appropriations of the executive departments and independent establishments for the current fiscal year available for expenses of travel, or for the expenses of the activity concerned, are hereby made available for quarters allowances and cost-of-living allowances, in accordance with 5 U.S.C. 5922-5924.

[SEC. 905. Unless otherwise specified during the current fiscal year, no part of any appropriation contained in this or any other Act shall be used to pay the compensation of any officer or employee of the Government of the United States (including any agency the majority of the stock of which is owned by the Government of the United States) whose post of duty is in the continental United States unless such person: (1) is a citizen of the United States; (2) is a person in the service of the United States on the date of the enactment of this Act who, being eligible for citizenship, has filed a declaration of intention to become a citizen of the United States prior to such date and is actually residing in the United States; (3) is a person who owes allegiance to the United States; (4) is an alien from Cuba, Poland, South Vietnam, the countries of the former Soviet Union, or the Baltic countries lawfully admitted to the United States for permanent residence; (5) is a South Vietnamese, Cambodian, or Laotian refugee paroled in the United States after January 1, 1975; or (6) is a national of the People's Republic of China who qualifies for adjustment of status pursuant to the Chinese Student Protection Act of 1992: *Provided*, That for the purpose of this section, an affidavit signed by any such person shall be considered prima facie evidence that the requirements of this section with respect to his or her status have been complied with: *Provided further*, That any person making a false affidavit shall be guilty of a felony, and, upon conviction, shall be fined no more than $4,000 or imprisoned for not more than 1 year, or both: *Provided further*, That the above penal clause shall be in addition to, and not in substitution for, any other provisions of existing law: *Provided further*, That any payment made to any officer or employee contrary to the provisions of this section shall be recoverable in action by the Federal Government. This section shall not apply to citizens of Ireland, Israel, or the Republic of the Philippines, or to nationals of those countries allied with the United States in a current defense effort, or to international broadcasters employed by the United States Information Agency, or to temporary employment of translators, or to temporary employment in the field service (not to exceed 60 days) as a result of emergencies.

[SEC. 906. Appropriations available to any department or agency during the current fiscal year for necessary expenses, including maintenance or operating expenses, shall also be available for payment to the General Services Administration for charges for space and services and those expenses of renovation and alteration of buildings and facilities which constitute public improvements performed in accordance with the Public Buildings Act of 1959 (73 Stat. 749), the Public Buildings Amendments of 1972 (87 Stat. 216), or other applicable law.

[SEC. 907. In addition to funds provided in this or any other Act, all Federal agencies are authorized to receive and use funds resulting from the sale of materials, including Federal records disposed of pursuant to a records schedule recovered through recycling or waste prevention programs. Such funds shall be available until expended for the following purposes:

[(1) Acquisition, waste reduction and prevention, and recycling programs as described in Executive Order No. 13101 (September 14, 1998), including any such programs adopted prior to the effective date of the Executive order.

[(2) Other Federal agency environmental management programs, including, but not limited to, the development and implementation of hazardous waste management and pollution prevention programs.

[(3) Other employee programs as authorized by law or as deemed appropriate by the head of the Federal agency.

[SEC. 908. Funds made available by this or any other Act for administrative expenses in the current fiscal year of the corporations and agencies subject to chapter 91 of title 31, United States Code, shall be available, in addition to objects for which such funds are otherwise available, for rent in the District of Columbia; services in accordance with 5 U.S.C. 3109; and the objects specified under this head, all the provisions of which shall be applicable to the expenditure of such funds unless otherwise specified in the Act by which they are made available: *Provided*, That in the event any functions budgeted as administrative expenses are subsequently transferred to or paid from other funds, the limitations on administrative expenses shall be correspondingly reduced.

[SEC. 909. No part of any appropriation for the current fiscal year contained in this or any other Act shall be paid to any person for the filling of any position for which he or she has been nominated after the Senate has voted not to approve the nomination of said person.

[SEC. 910. No part of any appropriation contained in this or any other Act shall be available for interagency financing of boards (except Federal Executive Boards), commissions, councils, committees, or similar groups (whether or not they are interagency entities) which do not have a prior and specific statutory approval to receive financial support from more than one agency or instrumentality.

[SEC. 911. Funds made available by this or any other Act to the Postal Service Fund (39 U.S.C. 2003) shall be available for employment of guards for all buildings and areas owned or occupied by the Postal Service or under the charge and control of the Postal Service. The Postal Service may give such guards with respect to such property, any of the powers of special policemen provided under 40 U.S.C. 1315. The Postmaster General, or his designee, may take any action that the Secretary of Homeland Security may take under such section with respect to that property.

[SEC. 912. None of the funds made available pursuant to the provisions of this Act shall be used to implement, administer, or enforce any regulation which has been disapproved pursuant to a joint resolution duly adopted in accordance with the applicable law of the United States.

[SEC. 913. (a) Notwithstanding any other provision of law, and except as otherwise provided in this section, no part of any of the funds appropriated for fiscal year 2006, by this or any other Act, may be used to pay any prevailing rate employee described in section 5342(a)(2)(A) of title 5, United States Code—

[(1) during the period from the date of expiration of the limitation imposed by the comparable section for previous fiscal years until the normal effective date of the applicable wage survey adjustment that is to take effect in fiscal year 2006, in an amount that exceeds the rate payable for the applicable grade and step of the applicable wage schedule in accordance with such section; and

[(2) during the period consisting of the remainder of fiscal year 2006, in an amount that exceeds, as a result of a wage survey adjustment, the rate payable under paragraph (1) by more than the sum of—

[(A) the percentage adjustment taking effect in fiscal year 2006 under section 5303 of title 5, United States Code, in the rates of pay under the General Schedule; and

[(B) the difference between the overall average percentage of the locality-based comparability payments taking effect in fiscal year 2006 under section 5304 of such title (whether by adjustment or otherwise), and the overall average percentage of such payments which was effective in the previous fiscal year under such section.

[(b) Notwithstanding any other provision of law, no prevailing rate employee described in subparagraph (B) or (C) of section 5342(a)(2) of title 5, United States Code, and no employee covered by section 5348 of such title, may be paid during the periods for which subsection (a) is in effect at a rate that exceeds the rates that would be payable under subsection (a) were subsection (a) applicable to such employee.

[(c) For the purposes of this section, the rates payable to an employee who is covered by this section and who is paid from a schedule not in existence on September 30, 2005, shall be determined under regulations prescribed by the Office of Personnel Management.

[(d) Notwithstanding any other provision of law, rates of premium pay for employees subject to this section may not be changed from the rates in effect on September 30, 2005, except to the extent determined by the Office of Personnel Management to be consistent with the purpose of this section.

[(e) This section shall apply with respect to pay for service performed after September 30, 2005.

[(f) For the purpose of administering any provision of law (including any rule or regulation that provides premium pay, retirement, life insurance, or any other employee benefit) that requires any deduction or contribution, or that imposes any requirement or limitation on the basis of a rate of salary or basic pay, the rate of salary or basic pay payable after the application of this section shall be treated as the rate of salary or basic pay.

[(g) Nothing in this section shall be considered to permit or require the payment to any employee covered by this section at a rate in excess of the rate that would be payable were this section not in effect.

[(h) The Office of Personnel Management may provide for exceptions to the limitations imposed by this section if the Office determines that such exceptions are necessary to ensure the recruitment or retention of qualified employees.

[SEC. 914. During the period in which the head of any department or agency, or any other officer or civilian employee of the Government appointed by the President of the United States, holds office, no funds may be obligated or expended in excess of $5,000 to furnish or redecorate the office of such department head, agency head, officer, or employee, or to purchase furniture or make improvements for any such office, unless advance notice of such furnishing or redecoration is expressly approved by the Committees on Appropriations. For the purposes of this section, the term "office" shall include the entire suite of offices assigned to the individual, as well as any other space used primarily by the individual or the use of which is directly controlled by the individual.

[SEC. 915. Notwithstanding section 1346 of title 31, United States Code, or section 910 of this Act, funds made available for the current fiscal year by this or any other Act shall be available for the interagency funding of national security and emergency preparedness telecommunications initiatives which benefit multiple Federal departments, agencies, or entities, as provided by Executive Order No. 12472 (April 3, 1984).

[SEC. 916. (a) None of the funds appropriated by this or any other Act may be obligated or expended by any Federal department, agency, or other instrumentality for the salaries or expenses of any employee appointed to a position of a confidential or policy-determining character excepted from the competitive service pursuant to section 3302 of title 5, United States Code, without a certification to the Office of Personnel Management from the head of the Federal department, agency, or other instrumentality employing the Schedule C appointee that the Schedule C position was not created solely or primarily in order to detail the employee to the White House.

[(b) The provisions of this section shall not apply to Federal employees or members of the armed services detailed to or from—

[(1) the Central Intelligence Agency;

[(2) the National Security Agency;

[(3) the Defense Intelligence Agency;

[(4) the offices within the Department of Defense for the collection of specialized national foreign intelligence through reconnaissance programs;

[(5) the Bureau of Intelligence and Research of the Department of State;

[(6) any agency, office, or unit of the Army, Navy, Air Force, and Marine Corps, the Department of Homeland Security, the Federal Bureau of Investigation and the Drug Enforcement Administration of the Department of Justice, the Department of Transportation, the Department of the Treasury, and the Department of Energy performing intelligence functions; and

[(7) the Director of National Intelligence or the Office of the Director of National Intelligence.

[SEC. 917. No department, agency, or instrumentality of the United States receiving appropriated funds under this or any other Act for the current fiscal year shall obligate or expend any such funds, unless such department, agency, or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from discrimination and sexual harassment and that all of its workplaces are not in violation of title VII of the Civil Rights Act of 1964, as amended, the Age Discrimination in Employment Act of 1967, and the Rehabilitation Act of 1973.

[SEC. 918. No part of any appropriation contained in this or any other Act shall be available for the payment of the salary of any officer or employee of the Federal Government, who—

[(1) prohibits or prevents, or attempts or threatens to prohibit or prevent, any other officer or employee of the Federal Government from having any direct oral or written communication or contact with any Member, committee, or subcommittee of the Congress in connection with any matter pertaining to the employment of such other officer or employee or pertaining to the department or agency of such other officer or employee in any way, irrespective of whether such communication or contact is at the initiative of such other officer or employee or in response to the request or inquiry of such Member, committee, or subcommittee; or

[(2) removes, suspends from duty without pay, demotes, reduces in rank, seniority, status, pay, or performance of efficiency rating, denies promotion to, relocates, reassigns, transfers, disciplines, or discriminates in regard to any employment right, entitlement, or benefit, or any term or condition of employment of, any other officer or employee of the Federal Government, or attempts or threatens to commit any of the foregoing actions with respect to such other officer or employee, by reason of any communication or contact of such other officer or employee with any Member, committee, or subcommittee of the Congress as described in paragraph (1).

[SEC. 919. (a) None of the funds made available in this or any other Act may be obligated or expended for any employee training that—

[(1) does not meet identified needs for knowledge, skills, and abilities bearing directly upon the performance of official duties;

[(2) contains elements likely to induce high levels of emotional response or psychological stress in some participants;

[(3) does not require prior employee notification of the content and methods to be used in the training and written end of course evaluation;

[(4) contains any methods or content associated with religious or quasi-religious belief systems or "new age" belief systems as defined in Equal Employment Opportunity Commission Notice N-915.022, dated September 2, 1988; or

[(5) is offensive to, or designed to change, participants' personal values or lifestyle outside the workplace.

[(b) Nothing in this section shall prohibit, restrict, or otherwise preclude an agency from conducting training bearing directly upon the performance of official duties.

[SEC. 920. No funds appropriated in this or any other Act may be used to implement or enforce the agreements in Standard Forms 312 and 4414 of the Government or any other nondisclosure policy, form, or agreement if such policy, form, or agreement does not contain the following provisions: "These restrictions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by Executive Order No. 12958; section 7211 of title 5, United States Code (governing disclosures to Congress); section 1034 of title 10, United States Code, as amended by the Military Whistleblower Protection Act (governing disclosure to Congress by members of the military); section 2302(b)(8) of title 5, United States Code, as amended by the Whistleblower Protection Act (governing disclosures of illegality, waste, fraud, abuse or public health or safety threats); the Intelligence Identities Protection Act of 1982 (50 U.S.C. 421 et seq.) (governing disclosures that could expose confidential Government agents); and the statutes which protect against disclosure that may compromise the national security, including sections 641, 793, 794, 798, and 952 of title 18, United States Code, and section 4(b) of the Subversive Activities Act of 1950 (50 U.S.C. 783(b)). The definitions, requirements, obligations, rights, sanctions, and liabilities created by said Executive order and listed statutes are incorporated into this agreement and are controlling.": *Provided*, That notwithstanding the preceding paragraph, a nondisclosure policy form or agreement that is to be executed by a person connected with the conduct of an intelligence or intelligence-related activity, other than an employee or officer of the United States Government, may contain provisions appropriate to the particular activity for which such document is to be used. Such form or agreement shall, at a minimum, require that the person will not disclose any classified information received in the course of such activity unless specifically authorized to do so by the United States Government. Such nondisclosure forms shall also make it clear that they do not bar disclosures to Congress or to an authorized official of an executive agency or the Department of Justice that are essential to reporting a substantial violation of law.

[SEC. 921. No part of any funds appropriated in this or any other Act shall be used by an agency of the executive branch, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, and for the preparation, distribution or use of any kit, pamphlet, booklet, publication, radio, television or film presentation designed to support or defeat legislation pending before the Congress, except in presentation to the Congress itself.

[SEC. 922. None of the funds appropriated by this or any other Act may be used by an agency to provide a Federal employee's home address to any labor organization except when the employee has authorized such disclosure or when such disclosure has been ordered by a court of competent jurisdiction.

[SEC. 923. None of the funds made available in this Act or any other Act may be used to provide any non-public information such as mailing or telephone lists to any person or any organization outside of the Federal Government without the approval of the Committees on Appropriations.

[SEC. 924. No part of any appropriation contained in this or any other Act shall be used directly or indirectly, including by private contractor, for publicity or propaganda purposes within the United States not heretofor authorized by the Congress.

[SEC. 925. (a) In this section the term "agency"—

[(1) means an Executive agency as defined under section 105 of title 5, United States Code;

[(2) includes a military department as defined under section 102 of such title, the Postal Service, and the Postal Rate Commission; and

[(3) shall not include the Government Accountability Office.

[(b) Unless authorized in accordance with law or regulations to use such time for other purposes, an employee of an agency shall use official time in an honest effort to perform official duties. An employee not under a leave system, including a Presidential appointee exempted under section 6301(2) of title 5, United States Code, has an obligation to expend an honest effort and a reasonable proportion of such employee's time in the performance of official duties.

[Sec. 926. Notwithstanding 31 U.S.C. 1346 and section 910 of this Act, funds made available for the current fiscal year by this or any other Act to any department or agency, which is a member of the Joint Financial Management Improvement Program (JFMIP), shall be available to finance an appropriate share of JFMIP administrative costs, as determined by the JFMIP, but not to exceed a total of $800,000 including the salary of the Executive Director and staff support.

[Sec. 927. Notwithstanding 31 U.S.C. 1346 and section 910 of this Act, the head of each Executive department and agency is hereby authorized to transfer to or reimburse "General Services Administration, Governmentwide Policy" with the approval of the Director of the Office of Management and Budget, funds made available for the current fiscal year by this or any other Act, including rebates from charge card and other contracts: *Provided*, That these funds shall be administered by the Administrator of General Services to support Government-wide financial, information technology, procurement, and other management innovations, initiatives, and activities, as approved by the Director of the Office of Management and Budget, in consultation with the appropriate interagency groups designated by the Director (including the Chief Financial Officers Council and the Joint Financial Management Improvement Program for financial management initiatives, the Chief Information Officers Council for information technology initiatives, the Chief Human Capital Officers Council for human capital initiatives, and the Federal Acquisition Council for procurement initiatives). The total funds transferred or reimbursed shall not exceed $10,000,000. Such transfers or reimbursements may only be made 15 days following notification of the Committees on Appropriations by the Director of the Office of Management and Budget.

[Sec. 928. Notwithstanding any other provision of law, a woman may breastfeed her child at any location in a Federal building or on Federal property, if the woman and her child are otherwise authorized to be present at the location.

[Sec. 929. Notwithstanding section 1346 of title 31, United States Code, or section 910 of this Act, funds made available for the current fiscal year by this or any other Act shall be available for the interagency funding of specific projects, workshops, studies, and similar efforts to carry out the purposes of the National Science and Technology Council (authorized by Executive Order No. 12881), which benefit multiple Federal departments, agencies, or entities: *Provided*, That the Office of Management and Budget shall provide a report describing the budget of and resources connected with the National Science and Technology Council to the Committees on Appropriations, the House Committee on Science; and the Senate Committee on Commerce, Science, and Transportation 90 days after enactment of this Act.

[Sec. 930. Any request for proposals, solicitation, grant application, form, notification, press release, or other publications involving the distribution of Federal funds shall indicate the agency providing the funds, the Catalog of Federal Domestic Assistance Number, as applicable, and the amount provided: *Provided*, That this provision shall apply to direct payments, formula funds, and grants received by a State receiving Federal funds.

[Sec. 931. Subsection (f) of section 403 of Public Law 103–356 (31 U.S.C. 501 note), as amended, is further amended by striking "October 1, 2005" and inserting "October 1, 2006".

[Sec. 932. (a) Prohibition of Federal Agency Monitoring of Individuals' Internet Use.—None of the funds made available in this or any other Act may be used by any Federal agency—

[(1) to collect, review, or create any aggregation of data, derived from any means, that includes any personally identifiable information relating to an individual's access to or use of any Federal Government Internet site of the agency; or

[(2) to enter into any agreement with a third party (including another government agency) to collect, review, or obtain any aggregation of data, derived from any means, that includes any personally identifiable information relating to an individual's access to or use of any nongovernmental Internet site.

[(b) Exceptions.—The limitations established in subsection (a) shall not apply to—

[(1) any record of aggregate data that does not identify particular persons;

[(2) any voluntary submission of personally identifiable information;

[(3) any action taken for law enforcement, regulatory, or supervisory purposes, in accordance with applicable law; or

[(4) any action described in subsection (a)(1) that is a system security action taken by the operator of an Internet site and is necessarily incident to the rendition of the Internet site services or to the protection of the rights or property of the provider of the Internet site.

[(c) Definitions.—For the purposes of this section:

[(1) The term "regulatory" means agency actions to implement, interpret or enforce authorities provided in law.

[(2) The term "supervisory" means examinations of the agency's supervised institutions, including assessing safety and soundness, overall financial condition, management practices and policies and compliance with applicable standards as provided in law.

[Sec. 933. (a) None of the funds appropriated by this Act may be used to enter into or renew a contract which includes a provision providing prescription drug coverage, except where the contract also includes a provision for contraceptive coverage.

[(b) Nothing in this section shall apply to a contract with—

[(1) any of the following religious plans:

[(A) Personal Care's HMO; and

[(B) OSF HealthPlans, Inc.; and

[(2) any existing or future plan, if the carrier for the plan objects to such coverage on the basis of religious beliefs.

[(c) In implementing this section, any plan that enters into or renews a contract under this section may not subject any individual to discrimination on the basis that the individual refuses to prescribe or otherwise provide for contraceptives because such activities would be contrary to the individual's religious beliefs or moral convictions.

[(d) Nothing in this section shall be construed to require coverage of abortion or abortion-related services.

[Sec. 934. The Congress of the United States recognizes the United States Anti-Doping Agency (USADA) as the official anti-doping agency for Olympic, Pan American, and Paralympic sport in the United States.

[Sec. 935. Notwithstanding any other provision of law, funds appropriated for official travel by Federal departments and agencies may be used by such departments and agencies, if consistent with Office of Management and Budget Circular A–126 regarding official travel for Government personnel, to participate in the fractional aircraft ownership pilot program.

[Sec. 936. None of the funds made available under this or any other Act for fiscal year 2006 and each fiscal year thereafter shall be expended for the purchase of a product or service offered by Federal Prison Industries, Inc., unless the agency making such purchase determines that such offered product or service provides the best value to the buying agency pursuant to governmentwide procurement regulations, issued pursuant to section 25(c)(1) of the Office of Federal Procurement Act (41 U.S.C. 421(c)(1)) that impose procedures, standards, and limitations of section 2410n of title 10, United States Code.

[Sec. 937. Notwithstanding any other provision of law, none of the funds appropriated or made available under this Act or any other appropriations Act may be used to implement or enforce restrictions or limitations on the Coast Guard Congressional Fellowship Program, or to implement the proposed regulations of the Office of Personnel Management to add sections 300.311 through 300.316 to part 300 of title 5 of the Code of Federal Regulations, published in the Federal Register, volume 68, number 174, on September 9, 2003 (relating to the detail of executive branch employees to the legislative branch).

[Sec. 938. Each Executive department and agency shall evaluate the creditworthiness of an individual before issuing the individual a government travel charge card. The department or agency may not issue a government travel charge card to an individual that either lacks a credit history or is found to have an unsatisfactory credit history as a result of this evaluation: *Provided*, That this restriction shall not preclude issuance of a restricted-use charge, debit, or stored value card made in accordance with agency procedures to: (1) an individual with an unsatisfactory credit history where such card is used to pay travel expenses and the agency determines there is no suitable alternative payment mechanism available before issuing the card; or (2) an individual who lacks a credit history. Each Executive department and agency shall establish guidelines and procedures for disciplinary actions to be taken against agency personnel for improper, fraudulent, or abusive use of government charge cards, which shall include appropriate disciplinary actions for use of charge cards for purposes, and at establishments, that are inconsistent with the official business of the Department or agency or with applicable standards of conduct.

[Sec. 939. Notwithstanding any other provision of law, no executive branch agency shall purchase, construct, and/or lease any additional facilities, except within or contiguous to existing locations, to be used for the purpose of conducting Federal law enforcement training without advance approval of the Committees on Appropriations, except that the Federal Law Enforcement Training Center is authorized to obtain the temporary use of additional facilities by lease, contract, or other agreement for training which cannot be accommodated in existing Center facilities.

[SEC. 940. From funds made available in this or any other Act under the headings "The White House", "Special Assistance to the President and the Official Residence of Residence of the Vice President", "Council on Environmental Quality and Office of Environmental Quality", "Office of Science and Technology Policy", and "Office of the United States Trade Representative", the Director of the Office of Management and Budget (or such other officer as the President may designate in writing) may, 15 days after giving notice to the Committees on Appropriations of the Senate and the House of Representatives, transfer not to exceed 10 percent of any such appropriation to any other such appropriation, to be merged with and available for the same time and for the same purposes as the appropriation to which transferred: *Provided*, That the amount of an appropriation shall not be increased by more than 50 percent by such transfers: *Provided further*, That no amount shall be transferred from the heading "Special Assistance to the President and the Official Residence of the Vice President" without approval of the Vice President.

[SEC. 941. Section 4(b) of the Federal Activities Inventory Reform Act of 1998 (Public Law 105–270) is amended by adding at the end the following new paragraph:

["(5) Executive agencies with fewer than 100 full-time employees as of the first day of the fiscal year. However, such an agency shall be subject to section 2 to the extent it plans to conduct a public-private competition for the performance of an activity that is not inherently governmental.".

[SEC. 942. (a) No funds shall be available for transfers or reimbursements to the E-Government Initiatives sponsored by the Office of Management and Budget (OMB) prior to 15 days following submission of a report to the Committees on Appropriations by the Director of the Office of Management and Budget or receipt of approval to transfer funds by the House and Senate Committees on Appropriations.

[(b) The report in (a) shall detail—

[(1) the amount proposed for transfer for any department and agency by program office, bureau, or activity, as appropriate;

[(2) the specific use of funds;

[(3) the relevance of that use to that department or agency and each bureau or office within, which is contributing funds; and

[(4) a description on any such activities for which funds were appropriated that will not be implemented or partially implemented by the department or agency as a result of the transfer.

[SEC. 943. (a) The adjustment in rates of basic pay for employees under the statutory pay systems that takes effect in fiscal year 2006 under sections 5303 and 5304 of title 5, United States Code, shall be an increase of 3.1 percent, and this adjustment shall apply to civilian employees in the Department of Defense and the Department of Homeland Security and such adjustments shall be effective as of the first day of the first applicable pay period beginning on or after January 1, 2006.

[(b) Notwithstanding section 913 of this Act, the adjustment in rates of basic pay for the statutory pay systems that take place in fiscal year 2006 under sections 5344 and 5348 of title 5, United States Code, shall be no less than the percentage in paragraph (a) as employees in the same location whose rates of basic pay are adjusted pursuant to the statutory pay systems under section 5303 and 5304 of title 5, United States Code. Prevailing rate employees at locations where there are no employees whose pay is increased pursuant to sections 5303 and 5304 of title 5 and prevailing rate employees described in section 5343(a)(5) of title 5 shall be considered to be located in the pay locality designated as "Rest of US" pursuant to section 5304 of title 5 for purposes of this paragraph.

[(c) Funds used to carry out this section shall be paid from appropriations, which are made to each applicable department or agency for salaries and expenses for fiscal year 2006.

[SEC. 944. Unless otherwise authorized by existing law, none of the funds provided in this Act or any other Act may be used by an executive branch agency to produce any prepackaged news story intended for broadcast or distribution in the United States, unless the story includes a clear notification within the text or audio of the prepackaged news story that the prepackaged news story was prepared or funded by that executive branch agency.

[SEC. 945. None of the funds made available in this Act may be used to administer, implement, or enforce the amendment made to section 515.533 of title 31, Code of Federal Regulations, that was published in the Federal Register on February 25, 2005.

[SEC. 946. None of the funds made available in this Act may be used in contravention of section 552a of title 5, United States Code (popularly known as the Privacy Act) or of section 552.224 of title 48 of the Code of Federal Regulations.

[SEC. 947. None of the funds made available in this Act may be used to provide for the competitive sourcing of flight service stations.

[SEC. 948. None of the funds contained in this Act may be used to enforce section 702 of the Firearms Control Regulations Act of 1975 (sec. 7–2507.02, D.C. Official Code).

[SEC. 949. None of the funds made available in this Act may be used to enforce the judgment of the United States Supreme Court in the case of Kelo v. New London, decided June 23, 2005.

[SEC. 950. The amount otherwise provided under the heading "Management and Administration—Working Capital Fund", in title III is hereby increased by $22,000,000.

[SEC. 951. None of the funds made available in this Act to the Department of the Treasury may be used to recommended approval of the sale of Unocal Corporation to CNOOC Ltd. of China.

[SEC. 952. None of the funds made available in this Act may be used by the General Services Administration to carry out the eTravel Service program.

[SEC. 953. None of the funds made available by this Act may be used to implement the revision to Office of Management and Budget Circular A–76 made on May 29, 2003.

[This Act may be cited as the "Transportation, Treasury, Housing and Urban Development, the Judiciary, the District of Columbia, and Independent Agencies Appropriations Act, 2006".

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Transportation, Treasury, the Judiciary, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2006, and for other purposes, namely:

TITLE I—DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

For necessary expenses of the Office of the Secretary, $86,000,000, of which not to exceed $2,198,000 shall be available for the immediate Office of the Secretary; not to exceed $698,000 shall be available for the immediate Office of the Deputy Secretary; not to exceed $15,183,000 shall be available for the Office of the General Counsel; not to exceed $12,650,000 shall be available for the Office of the Under Secretary of Transportation for Policy; not to exceed $8,585,000 shall be available for the Office of the Assistant Secretary for Budget and Programs; not to exceed $2,293,000 shall be available for the Office of the Assistant Secretary for Governmental Affairs; not to exceed $22,031,000 shall be available for the Office of the Assistant Secretary for Administration; not to exceed $1,910,000 shall be available for the Office of Public Affairs; not to exceed $1,442,000 shall be available for the Office of the Executive Secretariat; not to exceed $697,000 shall be available for the Board of Contract Appeals; not to exceed $1,265,000 shall be available for the Office of Small and Disadvantaged Business Utilization; not to exceed $2,033,000 for the Office of Intelligence and Security; not to exceed $11,895,000 shall be available for the Office of the Chief Information Officer; and not to exceed $3,120,000 shall be available for the Office of Emergency Transportation: Provided, That the Secretary of Transportation is authorized to transfer funds appropriated for any office of the Office of the Secretary to any other office of the Office of the Secretary: Provided further, That no appropriation for any office shall be increased or decreased by more than 5 percent by all such transfers: Provided further, That notice of any change in funding greater than 5 percent shall be submitted for approval to the House and Senate Committees on Appropriations: Provided further, That not to exceed $60,000 shall be for allocation within the Department for official reception and representation expenses as the Secretary may determine: Provided further, That notwithstanding any other provision of law, excluding fees authorized in Public Law 107–71, there may be credited to this appropriation up to $2,500,000 in funds received in user fees: Provided further, That none of the funds made available in this Act may be used to enforce the restriction in section 29(a) of the International Air Transportation Competition Act of 1979 against the operation of flights between Love Field, Texas, and one or more points within the State of Missouri: Provided further, That the Secretary of Transportation shall amend each air carrier's certificate of public convenience and necessity to authorize the carrier operations consistent with the limitations of the preceding proviso.

OFFICE OF CIVIL RIGHTS

For necessary expenses of the Office of Civil Rights, $8,550,000.

TRANSPORTATION PLANNING, RESEARCH, AND DEVELOPMENT

For necessary expenses for conducting transportation planning, research, systems development, development activities, and making grants, to remain available until expended, $15,000,000.

WORKING CAPITAL FUND

Necessary expenses for operating costs and capital outlays of the Working Capital Fund, not to exceed $120,014,000, shall be paid from appropriations made available to the Department of Transportation: Provided, That such services shall be provided on a competitive basis to entities within the Department of Transportation:

Provided further, That the above limitation on operating expenses shall not apply to non-DOT entities: Provided further, That no funds appropriated in this Act to an agency of the Department shall be transferred to the Working Capital Fund without the approval of the agency modal administrator: Provided further, That no assessments may be levied against any program, budget activity, subactivity or project funded by this Act unless notice of such assessments and the basis therefor are presented to the House and Senate Committees on Appropriations and are approved by such Committees.

MINORITY BUSINESS RESOURCE CENTER PROGRAM

For the cost of guaranteed loans, $500,000, as authorized by 49 U.S.C. 332: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $18,367,000. In addition, for administrative expenses to carry out the guaranteed loan program, $400,000.

MINORITY BUSINESS OUTREACH

For necessary expenses of Minority Business Resource Center outreach activities, $3,000,000, to remain available until September 30, 2007: Provided, That notwithstanding 49 U.S.C. 332, these funds may be used for business opportunities related to any mode of transportation.

PAYMENTS TO AIR CARRIERS

(AIRPORT AND AIRWAY TRUST FUND)

In addition to funds made available from any other source to carry out the essential air service program under 49 U.S.C. 41731 through 41742, $60,000,000, to be derived from the Airport and Airway Trust Fund, to remain available until expended.

NEW HEADQUARTERS BUILDING

For necessary expenses of the Department of Transportation's new headquarters building and related services, $50,000,000, to remain available until expended.

FEDERAL AVIATION ADMINISTRATION

OPERATIONS

For necessary expenses of the Federal Aviation Administration, not otherwise provided for, including operations and research activities related to commercial space transportation, administrative expenses for research and development, establishment of air navigation facilities, the operation (including leasing) and maintenance of aircraft, subsidizing the cost of aeronautical charts and maps sold to the public, lease or purchase of passenger motor vehicles for replacement only, in addition to amounts made available by Public Law 108–176, $8,026,000,000, of which $5,686,500,000 shall be derived from the Airport and Airway Trust Fund, of which not to exceed $6,627,010,000 shall be available for air traffic organization activities; not to exceed $956,242,000 shall be available for aviation regulation and certification activities; not to exceed $11,759,000 shall be available for commercial space transportation activities; not to exceed $50,983,000 shall be available for financial services activities; not to exceed $69,943,000 shall be available for human resources program activities; not to exceed $150,744,000 shall be available for region and center operations and regional coordination activities; not to exceed $141,909,000 shall be available for staff offices; and not to exceed $36,112,000 shall be available for information services: Provided, That not to exceed 2 percent of any budget activity, except for aviation regulation and certification budget activity, may be transferred to any budget activity under this heading: Provided further, That no transfer may increase or decrease any appropriation by more than 2 percent: Provided further, That any transfer in excess of 2 percent shall be treated as a reprogramming of funds under section 710 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: Provided further, That none of the funds in this Act shall be available for the Federal Aviation Administration to finalize or implement any regulation that would promulgate new aviation user fees not specifically authorized by law after the date of the enactment of this Act: Provided further, That there may be credited to this appropriation funds received from States, counties, municipalities, foreign authorities, other public authorities, and private sources, for expenses incurred in the provision of agency services, including receipts for the maintenance and operation of air navigation facilities, and for issuance, renewal or modification of certificates, including airman, aircraft, and repair station certificates, or for tests related thereto, or for processing major repair or alteration forms: Provided further, That of the funds appropriated under this heading, not less than $7,500,000 shall be for the contract tower cost-sharing program: Provided further, That funds may be used to enter into a grant agreement with a nonprofit standard-setting organization to assist in the development of aviation safety standards: Provided further, That none of the funds in this Act shall be available for new applicants for the second career training program: Provided further, That none of the funds in this Act shall be available for paying premium pay under 5 U.S.C. 5546(a) to any Federal Aviation Administration employee unless such employee actually performed work during the time corresponding to such premium pay: Provided further, That none of the funds in this Act may be obligated or expended to operate a manned auxiliary flight service station in the contiguous United States: Provided further, That none of the funds in this Act for aeronautical charting and cartography are available for activities conducted by, or coordinated through, the Working Capital Fund: Provided further, That none of the funds in this Act may be obligated or expended for an employee of the Federal Aviation Administration to purchase a store gift card or gift certificate through use of a Government-issued credit card. In addition, $150,000,000 is for costs associated with the flight service station transition.

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for acquisition, establishment, technical support services, improvement by contract or purchase, and hire of air navigation and experimental facilities and equipment, as authorized under part A of subtitle VII of title 49, United States Code, including initial acquisition of necessary sites by lease or grant; engineering and service testing, including construction of test facilities and acquisition of necessary sites by lease or grant; construction and furnishing of quarters and related accommodations for officers and employees of the Federal Aviation Administration stationed at remote localities where such accommodations are not available; and the purchase, lease, or transfer of aircraft from funds available under this heading; to be derived from the Airport and Airway Trust Fund, $2,448,000,000, of which $2,024,579,000 shall remain available until September 30, 2008, and of which $423,421,000 shall remain available until September 30, 2006: Provided, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred in the establishment and modernization of air navigation facilities: Provided further, That upon initial submission to the Congress of the fiscal year 2007 President's budget, the Secretary of Transportation shall transmit to the Congress a comprehensive capital investment plan for the Federal Aviation Administration which includes funding for each budget line item for fiscal years 2007 through 2011, with total funding for each year of the plan constrained to the funding targets for those years as estimated and approved by the Office of Management and Budget.

RESEARCH, ENGINEERING, AND DEVELOPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for research, engineering, and development, as authorized under part A of subtitle VII of title 49, United States Code, including construction of experimental facilities and acquisition of necessary sites by lease or grant, $134,500,000, to be derived from the Airport and Airway Trust Fund and to remain available until September 30, 2008: Provided, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred for research, engineering, and development.

GRANTS-IN-AID FOR AIRPORTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(AIRPORT AND AIRWAY TRUST FUND)

For liquidation of obligations incurred for grants-in-aid for airport planning and development, and noise compatibility planning and programs as authorized under subchapter I of chapter 471 and subchapter I of chapter 475 of title 49, United States Code, and under other law authorizing such obligations; for procurement, installation, and commissioning of runway incursion prevention devices and systems at airports of such title; for grants authorized under section 41743 of title 49, United States Code; and for inspection activities and administration of airport safety programs, including those related to airport operating certificates under section 44706 of title 49, United States Code, $3,390,000,000 to be derived from the Airport and Airway Trust Fund and to remain available until expended: Provided, That none of the funds under this heading shall be available for the planning or execution of programs the obligations for which are in excess of $3,500,000,000 in fiscal year 2006, notwithstanding section 47117(g) of title 49, United States Code: Provided further, That none of the funds under this heading shall be available for the replacement of baggage conveyor systems, reconfiguration of terminal baggage areas, or other airport improvements that are necessary to install bulk explosive detection systems: Provided further, That notwithstanding any other provision of law, not more than $71,096,000 of funds limited under this heading shall be obligated for administration and not less than $20,000,000 shall be available to carry out the Small Community Air Service Development Program, to remain available until expended.

GRANTS-IN-AID FOR AIRPORTS

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION OF CONTRACT AUTHORIZATION)

Of the amounts authorized for the fiscal year ending September 30, 2006 and prior years under sections 48103 and 48112 of title 49, United States Code, $1,174,000,000 are rescinded.

ADMINISTRATIVE PROVISIONS—FEDERAL AVIATION ADMINISTRATION

SEC. 101. Notwithstanding any other provision of law, airports may transfer without consideration to the Federal Aviation Administration (FAA) instrument landing systems (along with associated approach lighting equipment and runway visual range equipment) which conform to FAA design and performance specifications, the purchase of which was assisted by a Federal airport-aid program, airport development aid program or airport improvement program grant:

Provided, That the Federal Aviation Administration shall accept such equipment, which shall thereafter be operated and maintained by FAA in accordance with agency criteria.

SEC. 102. None of the funds in this Act may be used to compensate in excess of 375 technical staff-years under the federally funded research and development center contract between the Federal Aviation Administration and the Center for Advanced Aviation Systems Development during fiscal year 2006.

SEC. 103. None of the funds in this Act shall be used to pursue or adopt guidelines or regulations requiring airport sponsors to provide to the Federal Aviation Administration without cost building construction, maintenance, utilities and expenses, or space in airport sponsor-owned buildings for services relating to air traffic control, air navigation, or weather reporting: *Provided*, That the prohibition of funds in this section does not apply to negotiations between the agency and airport sponsors to achieve agreement on "below-market" rates for these items or to grant assurances that require airport sponsors to provide land without cost to the FAA for air traffic control facilities.

SEC. 104. The Administrator of the Federal Aviation Administration may reimburse amounts made available to satisfy 49 U.S.C. 41742(a)(1) from fees credited under 49 U.S.C. 45303: *Provided*, That during fiscal year 2006, 49 U.S.C. 41742(b) shall not apply, and any amount remaining in such account at the close of that fiscal year may be made available to satisfy section 41742(a)(1) for the subsequent fiscal year.

SEC. 105. Amounts collected under section 40113(e) of title 49, United States Code, shall be credited to the appropriation current at the time of collection, to be merged with and available for the same purposes of such appropriation.

SEC. 106. (a) Section 44302(f)(1) of title 49, United States Code, is amended by striking "2005," each place it appears and inserting "2006,".

(b) Section 44303(b) of such title is amended by striking "2005," and inserting "2006,".

SEC. 107. Notwithstanding any provision of law, the Secretary of Transportation is authorized and directed to make project grants under chapter 471 of title 49, United States Code, from funds available for fiscal year 2006 and thereafter under 49 U.S.C. 48103, for the cost of acquisition of land, or reimbursement of the cost of land if purchased prior to enactment of this provision and prior to a grant agreement, for non-exclusive use aeronautical purposes on an airport layout plan that has been approved by the Secretary on January 23, 2004, pursuant to section 49 U.S.C. 47107(a)(16), for any small hub airport as defined in 49 U.S.C. 47102, and had scheduled or chartered direct international flights totaling at least 200 million pounds gross aircraft landed weight for calendar year 2002.

SEC. 108. (a) Section 47108 of title 49, United States Code, is amended in subsection (e) by adding the following new paragraph at the end:

"(3) CHANGES TO NONHUB PRIMARY STATUS.—If the status of a nonhub primary airport changes to a small hub primary airport at a time when the airport has received discretionary funds under this chapter for a terminal development project in accordance with section 47110(d)(2), and the project is not yet completed, the project shall remain eligible for funding from the discretionary fund and the small airport fund to pay costs allowable under section 47110(d). Such project shall remain eligible for such funds for three fiscal years after the start of construction of the project, or if the Secretary determines that a further extension of eligibility is justified, until the project is completed.".

(b) CONFORMING AMENDMENT.—Section 47110(d)(2)(A) is amended by striking "(A) the" and inserting "(A) except as provided in section 47108(e)(3), the".

FEDERAL HIGHWAY ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

Necessary expenses for administration and operation of the Federal Highway Administration, not to exceed $364,638,000, shall be paid in accordance with law from appropriations made available by this Act to the Federal Highway Administration together with advances and reimbursements received by the Federal Highway Administration.

FEDERAL-AID HIGHWAYS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

None of the funds in this Act shall be available for the implementation or execution of programs, the obligations for which are in excess of $40,194,259,000 for Federal-aid highways and highway safety construction programs for fiscal year 2006: *Provided*, That within the $40,194,259,000 obligation limitation on Federal-aid highways and highway safety construction programs, not more than $408,491,420 shall be available for the implementation or execution of programs for transportation research (sections 502, 503, 504, 506, 507, and 508 of title 23, United States Code, as amended; section 5505 of title 49, United States Code, as amended; and sections 5112 and 5204–5209 of Public Law 105–178) for fiscal year 2005: *Provided further*, That this limitation on transportation research programs shall not apply to any authority previously made available for obligation.

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

Notwithstanding any other provision of law, for carrying out the provisions of title 23, United States Code, that are attributable to Federal-aid highways, including the National Scenic and Recreational Highway as authorized by 23 U.S.C. 148, not otherwise provided, including reimbursement for sums expended pursuant to the provisions of 23 U.S.C. 308, $40,194,259,000 or so much thereof as may be available in and derived from the Highway Trust Fund, to remain available until expended.

FEDERAL-AID HIGHWAYS

HIGHWAY TRUST FUND

(RESCISSION)

Of the unobligated balances of funds apportioned to each State under chapter 1 of title 23, United States Code, $2,300,000,000 are rescinded: *Provided*, That such rescission shall not apply to the funds distributed in accordance with 23 U.S.C. 133(d)(1) and the first sentence of 23 U.S.C. 133(d)(3)(A) or to the funds apportioned to the program authorized under section 163 of title 23, United States Code.

APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM

For necessary expenses for the Appalachian Development Highway System as authorized under section 1069(y) of Public Law 102–240, as amended, $80,000,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS—FEDERAL HIGHWAY ADMINISTRATION

SEC. 110. (a) For fiscal year 2006, the Secretary of Transportation shall—

. (1) not distribute from the obligation limitation for Federal-aid highways amounts authorized for administrative expenses and programs funded from the administrative takedown authorized by section 104(a)(1)(A) of title 23, United States Code, for the highway use tax evasion program, and for the Bureau of Transportation Statistics;

(2) not distribute an amount from the obligation limitation for Federal-aid highways that is equal to the unobligated balance of amounts made available from the Highway Trust Fund (other than the Mass Transit Account) for Federal-aid highways and highway safety programs for the prior fiscal years the funds for which are allocated by the Secretary;

(3) determine the ratio that—

(A) the obligation limitation for Federal-aid highways less the aggregate of amounts not distributed under paragraphs (1) and (2), bears to

(B) the total of the sums authorized to be appropriated for Federal-aid highways and highway safety construction programs (other than sums authorized to be appropriated for sections set forth in paragraphs (1) through (7) of subsection (b) and sums authorized to be appropriated for section 105 of title 23, United States Code, equal to the amount referred to in subsection (b)(8)) for such fiscal year less the aggregate of the amounts not distributed under paragraph (1) of this subsection;

(4) distribute the obligation limitation for Federal-aid highways less the aggregate amounts not distributed under paragraphs (1) and (2) for section 201 of the Appalachian Regional Development Act of 1965 and $2,000,000,000 for such fiscal year under section 105 of title 23, United States Code (relating to minimum guarantee) so that the amount of obligation authority available for each of such sections is equal to the amount determined by multiplying the ratio determined under paragraph (3) by the sums authorized to be appropriated for such section (except in the case of section 105, $2,000,000,000) for such fiscal year;

(5) distribute the obligation limitation provided for Federal-aid highways less the aggregate amounts not distributed under paragraphs (1) and (2) and amounts distributed under paragraph (4) for each of the programs that are allocated by the Secretary under title 23, United States Code (other than activities to which paragraph (1) applies and programs to which paragraph (4) applies) by multiplying the ratio determined under paragraph (3) by the sums authorized to be appropriated for such program for such fiscal year; and

(6) distribute the obligation limitation provided for Federal-aid highways less the aggregate amounts not distributed under paragraphs (1) and (2) and amounts distributed under paragraphs (4) and (5) for Federal-aid highways and highway safety construction programs (other than the minimum guarantee program, but only to the extent that amounts apportioned for the minimum guarantee program for such fiscal year exceed $2,639,000,000, and the Appalachian development highway system program) that are apportioned by the Secretary under title 23, United States Code, in the ratio that—

(A) sums authorized to be appropriated for such programs that are apportioned to each State for such fiscal year, bear to

(B) the total of the sums authorized to be appropriated for such programs that are apportioned to all States for such fiscal year.

(b) EXCEPTIONS FROM OBLIGATION LIMITATION.—The obligation limitation for Federal-aid highways shall not apply to obligations: (1) under section 125 of title 23, United States Code; (2) under section 147 of the Surface Transportation Assistance Act of 1978; (3) under section 9 of the Federal-Aid Highway Act of 1981; (4) under sections 131(b) and 131(j) of the Surface Transportation Assistance Act of 1982; (5) under sections 149(b) and 149(c) of the Surface Transportation and Uniform Relocation Assistance Act of 1987; (6) under sections 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act of 1991; (7) under section 157 of title 23, United States Code, as in effect on the day before the date of the enactment of the Transportation Equity Act for the 21st Century; (8) under section 105 of title 23, United States Code (but, only in an amount equal to $639,000,000 for such fiscal year); and (9) for Federal-aid highway programs for which obligation authority was made available under the Transportation Equity Act for the 21st Century or subsequent public laws for multiple years or to remain *available until used, but only to the extent that such obligation authority has not lapsed or been used.*

(c) Redistribution of Unused Obligation Authority.—Notwithstanding subsection (a), the Secretary shall after August 1 for such fiscal year revise a distribution of the obligation limitation made available under subsection (a) if a State will not obligate the amount distributed during that fiscal year and redistribute sufficient amounts to those States able to obligate amounts in addition to those previously distributed during that fiscal year giving priority to those States having large unobligated balances of funds apportioned under sections 104 and 144 of title 23, United States Code, section 160 (as in effect on the day before the enactment of the Transportation Equity Act for the 21st Century) of title 23, United States Code, and under section 1015 of the Intermodal Surface Transportation Efficiency Act of 1991.

(d) Applicability of Obligation Limitations to Transportation Research Programs.—The obligation limitation shall apply to transportation research programs carried out under chapter 5 of title 23, United States Code, except that obligation authority made available for such programs under such limitation shall remain available for a period of 3 fiscal years.

(e) Redistribution of Certain Authorized Funds.—Not later than 30 days after the date of the distribution of obligation limitation under subsection (a), the Secretary shall distribute to the States any funds: (1) that are authorized to be appropriated for such fiscal year for Federal-aid highways programs (other than the program under section 160 of title 23, United States Code) and for carrying out subchapter I of chapter 311 of title 49, United States Code, and highway-related programs under chapter 4 of title 23, United States Code; and (2) that the Secretary determines will not be allocated to the States, and will not be available for obligation, in such fiscal year due to the imposition of any obligation limitation for such fiscal year. Such distribution to the States shall be made in the same ratio as the distribution of obligation authority under subsection (a)(6). The funds so distributed shall be available for any purposes described in section 133(b) of title 23, United States Code.

(f) Special Rule.—Obligation limitation distributed for a fiscal year under subsection (a)(4) of this section for a section set forth in subsection (a)(4) shall remain available until used and shall be in addition to the amount of any limitation imposed on obligations for Federal-aid highway and highway safety construction programs for future fiscal years.

Sec. 111. Notwithstanding 31 U.S.C. 3302, funds received by the Bureau of Transportation Statistics from the sale of data products, for necessary expenses incurred pursuant to 49 U.S.C. 111 may be credited to the Federal-aid highways account for the purpose of reimbursing the Bureau for such expenses: Provided, That such funds shall be subject to the obligation limitation for Federal-aid highways and highway safety construction.

Sec. 112. Bypass Bridge at Hoover Dam. (a) In General.—Subject to subsection (b), the Secretary of Transportation may expend from any funds appropriated for expenditure in accordance with title 23, United States Code, for payment of debt service by the States of Arizona and Nevada on notes issued for the bypass bridge project at Hoover Dam, pending appropriation or replenishment for that project.

(b) Reimbursement.—Funds expended under subsection (a) shall be reimbursed from the funds made available to the States of Arizona and Nevada for payment of debt service on notes issued for the bypass bridge project at Hoover Dam.

Sec. 113. None of the funds made available in this Act shall be available for the development or dissemination by the Federal Highway Administration of any version of a programmatic agreement which regards the Dwight D. Eisenhower National System of Interstate and Defense Highways as eligible for inclusion on the National Register of Historic Places.

Sec. 114. Bus Axle Weight Exemption. Section 1023 of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 127 note; 105 Stat. 1951) is amended by striking subsection (h) and inserting the following:

"(h) Over-the-Road Bus and Public Transit Vehicle Exemption.—

"(1) In general.—The second sentence of section 127 of title 23, United States Code (relating to axle weight limitations for vehicles using the Dwight D. Eisenhower System of Interstate and Defense Highways), shall not apply to—

"(A) any over-the-road bus (as defined in section 301 of the Americans With Disabilities Act of 1990 (42 U.S.C. 12181)); or

"(B) any vehicle that is regularly and exclusively used as an intrastate public agency transit passenger bus.

"(2) State action.—No State or political subdivision of a State, or any political authority of 2 or more States, shall impose any axle weight limitation on any vehicle described in paragraph (1) in any case in which such a vehicle is using the Dwight D. Eisenhower System of Interstate and Defense Highways.".

Sec. 115. Notwithstanding any other provision of law, access to the I-5 "Transit Only" ramps at NE 163rd in Shoreline, Washington shall be expanded to include King County Solid Waste Division transfer vehicles upon the determination of the Federal Highway Administrator that necessary safety improvements have been completed.

Federal Motor Carrier Safety Administration

MOTOR CARRIER SAFETY OPERATIONS AND PROGRAMS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in the implementation, execution and administration of the motor carrier safety program, motor carrier safety research, motor carrier outreach and education, $211,400,000, to be derived from the Highway Trust Fund, together with advances and reimbursements received by the Federal Motor Carrier Safety Administration, the sum of which shall remain available until expended: Provided, That none of the funds under this heading shall be available for the implementation, execution or administration of programs the obligations for which are in excess of $211,400,000, for "Motor Carrier Safety Operations and Programs", of which $9,600,000, to remain available until September 30, 2009, is for the research and technology program; and of which up to $6,800,000 shall be available to make grants to, or enter into contracts with, States, local government, or other persons for the commercial vehicle analysis reporting system, and the Federal share payable under such grants shall be 100 percent.

MOTOR CARRIER SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

(INCLUDING TRANSFER OF FUNDS)

For payment of obligations incurred in carrying out sections 31102, 31106, and 31309 of title 23, United States Code, $278,620,000 to be derived from the Highway Trust Fund and to remain available until expended: Provided, That none of the funds in this Act shall be available for the implementation or execution of programs the obligations for which are in excess of $278,620,000 for "Motor Carrier Safety Grants", of which $193,620,000 shall be available for Motor Carrier Safety Assistance Program grants to States; of which $33,000,000 shall be available for Border Enforcement grants to States; $4,000,000 shall be available for Performance and Registration Information System Management grants to States; $23,000,000 shall be available for the Commercial Driver's License and Driver Improvement Program grants to States; and $25,000,000 shall be available for Commercial Vehicle Information Systems and Networks grants to States: Provided further, That for grants made to States for implementation of section 210 of the Motor Carrier Safety Improvement Act of 1999 (113 Stat. 1764–1765), and for grants to States, local governments, or other entities for commercial driver's license program improvements, the Federal share payable under such grants shall be 100 percent: Provided further, That from amounts provided under this heading for grants to States or local governments for audits of new entrant motor carriers, the Secretary of Transportation may withhold such funds from a State or local government that is unable to use government employees to conduct new entrant motor carrier audits and may transfer such funds to "Motor Carrier Safety Operations and Programs" to conduct audits in those jurisdictions.

ADMINISTRATIVE PROVISIONS—FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

Sec. 120. Funds appropriated or limited in this Act shall be subject to the terms and conditions stipulated in section 350 of Public Law 107–87, including that the Secretary submit a report to the House and Senate Appropriations Committees annually on the safety and security of transportation into the United States by Mexico-domiciled motor carriers.

Sec. 121. None of the funds appropriated or otherwise made available by this Act may be used to implement or enforce any provisions of the Final Rule, issued on April 16, 2003 (Docket No. FMCSA–97–2350), with respect to either of the following:

(1) The operators of utility service vehicles, as that term is defined in section 395.2 of title 49, Code of Federal Regulations.

(2) Maximum daily hours of service for drivers engaged in the transportation of property or passengers to or from a motion picture or television production site located within a 100-air mile radius of the work reporting location of such drivers.

National Highway Traffic Safety Administration

OPERATIONS AND RESEARCH

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out the provisions of 23 U.S.C. 403, 49 U.S.C. 301, and part C of subtitle VI of 49 U.S.C., $226,688,000, to be derived from the Highway Trust Fund: Provided, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 2006, are in excess of $226,688,000 for programs authorized under such sections: Provided further, That none of the funds appropriated by this Act may be obligated or expended to plan, finalize, or implement any rulemaking to add to section 575.104 of title 49 of the Code of Federal Regulations any requirement pertaining to a grading standard that is different from the three grading standards (treadwear, traction, and temperature resistance) already in effect.

NATIONAL DRIVER REGISTER

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out chapter 303 of title 49, United States Code, $4,000,000, to be derived from the Highway Trust Fund and remain available until expended: Provided, That none of the funds in this Act shall be available for the implementation or execution of programs the obligations for which are in excess of $4,000,000 for the National Driver Register authorized under chapter 303 of title 49, United States Code.

HIGHWAY TRAFFIC SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out the provisions of 23 U.S.C. 402, 405, 406, 407A, 410, 412, section 7212(a)(9) of the Highway Safety Grant Program Reauthorization Act of 2005 to pay administrative and related operating expenses under 23 U.S.C. 402, 405, 406, 407A, 410, 412, 413 and 414, and section 7223 of the Highway Safety Grant Program Reauthorization Act of 2005, to remain available until expended, $548,182,095 to be derived from the Highway Trust Fund (other than the Mass Transit Account): Provided, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 2006, are in excess of $548,182,095 for programs authorized under 23 U.S.C. 402, 405, 406, 407A, 410, 412, 413 and 414, and section 7223 of the Highway Safety Grant Program Reauthorization Act of 2005, of which $209,217,985 shall be for "Highway Safety Programs" under 23 U.S.C. 402, $149,667,110 shall be for "Occupant Protection Programs" under 23 U.S.C. 405, $7,400,000 shall be for "Demonstration Programs related to older drivers, law enforcement, and motorcycle training" under 23 U.S.C. 406, $5,000,000 shall be for the "Emergency Medical Services Program" under 23 U.S.C. 407A, $115,721,000 shall be for the "Impaired Driving Program" under 23 U.S.C. 410, $45,000,000 shall be for "State Traffic Safety Information System Improvements" under 23 U.S.C. 412, $16,176,000 shall be for "administrative and related operating expenses" under section 7212(a)(9) of the Highway Safety Grant Program Reauthorization Act of 2005 for 23 U.S.C. 402, 405, 406, 407A, 410, 412, 413 and 414, and section 7223 of the Highway Safety Grant Program Reauthorization Act of 2005: Provided further, That none of these funds shall be used for construction, rehabilitation, or remodeling costs, or for office furnishings and fixtures for State, local or private buildings or structures: Provided further, That not to exceed $500,000 of the funds made available for section 410 "Alcohol-Impaired Driving Countermeasures Grants" shall be available for technical assistance to the States.

ADMINISTRATIVE PROVISIONS—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

SEC. 130. Notwithstanding any other provision of law, States may use funds provided in this Act under section 402 of title 23, United States Code, to produce and place highway safety public service messages in television, radio, cinema, and print media, and on the Internet in accordance with guidance issued by the Secretary of Transportation: Provided, That any State that uses funds for such public service messages shall submit to the Secretary a report describing and assessing the effectiveness of the messages: Provided further, That $10,000,000 of the funds allocated under section 157 of title 23, United States Code, shall be used as directed by the National Highway Traffic Safety Administrator to purchase national paid advertising (including production and placement) to support national safety belt mobilizations: Provided further, That, of the funds allocated under section 163 of title 23, United States Code, $6,000,000 shall be used as directed by the Administrator to support national impaired driving mobilizations and enforcement efforts, and $14,000,000 shall be used as directed by the Administrator to purchase national paid advertising (including production and placement) to support such national impaired driving mobilizations and enforcement efforts.

SEC. 131. Notwithstanding any other provision of law, for fiscal year 2006 the Secretary of Transportation is authorized to use amounts made available to carry out section 157 of title 23, United States Code, to make innovative project allocations, not to exceed the prior year's amounts for such allocations, before making incentive grants for use of seat belts.

SEC. 132. Notwithstanding any other provision of law, not to exceed $130,000 of the funds made available under sections 403 of title 23 U.S.C. and 7212(a)(9) of the Highway Safety Grant Program Reauthorization Act of 2005 to pay administrative and related operating expenses under 23 U.S.C. 402 shall be available to the National Highway Traffic Safety Administration for travel and related expenses for State management reviews and highway safety staff core competency development training.

FEDERAL RAILROAD ADMINISTRATION

SAFETY AND OPERATIONS

For necessary expenses of the Federal Railroad Administration, not otherwise provided for, $146,000,000, of which $13,856,000 shall remain available until expended.

RAILROAD RESEARCH AND DEVELOPMENT

For necessary expenses for railroad research and development, $41,000,000, to remain available until expended.

RAILROAD REHABILITATION AND IMPROVEMENT PROGRAM

The Secretary of Transportation is authorized to issue to the Secretary of the Treasury notes or other obligations pursuant to section 512 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94–210), as amended, in such amounts and at such times as may be necessary to pay any amounts required pursuant to the guarantee of the principal amount of obligations under sections 511 through 513 of such Act, such authority to exist as long as any such guaranteed obligation is outstanding: Provided, That pursuant to section 502 of such Act, as amended, no new direct loans or loan guarantee commitments shall be made using Federal funds for the credit risk premium during fiscal year 2006.

NEXT GENERATION HIGH-SPEED RAIL

For necessary expenses for the Next Generation High-Speed Rail program as authorized under 49 U.S.C. 26101 and 26102, $11,500,000, to remain available until expended.

ALASKA RAILROAD REHABILITATION

To enable the Secretary of Transportation to make grants to the Alaska Railroad, $20,000,000, for capital rehabilitation and improvements benefiting its passenger operations, to remain available until expended.

GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

To enable the Secretary of Transportation to make a grant to the National Railroad Passenger Corporation ("Corporation") for the operation and capital expenses of intercity passenger rail service, $1,450,000,000, to remain available until expended: Provided, That, not later than six months after the date of enactment of this Act, no federal grants from funds appropriated under this heading shall be used by the National Railroad Passenger Corporation for the purposes of providing food and beverage services except as a capital expenditure that results in no operating subsidy: Provided further, That, not later than six months after the date of enactment of this Act, Amtrak shall provide food and beverage service on its trains only if revenues from the provision of food and beverage service shall equal or exceed the cost of providing said service, pursuant to 49 U.S.C. Section 24305: Provided further, That, not later than six months after the date of enactment of this Act, no funds appropriated under this heading shall be used by the Corporation for the purposes of providing sleeper car service except to the extent that the revenues from the provision of sleeper car accommodations equal or exceed the cost of providing said service: Provided further, That the Corporation may impose a passenger service surcharge on each ticket issued equivalent to 5 percent of the value of said ticket for all tickets issued for travel in the Northeast Corridor, or route segment, between Washington, DC and Boston, MA and equivalent to 2 percent of the value of said ticket price for all tickets issued for travel on a route outside the Northeast Corridor, the proceeds of which shall be used for capital investments: Provided further, That the Corporation shall not impose said surcharge if it finds that such a surcharge shall have a deleterious impact on ridership and revenues: Provided further, That, of the funds provided under this section, not less than $5,000,000 shall be expended for the development and implementation of a managerial cost accounting system, which includes average and marginal unit cost capability: Provided further, That within 30 days of development of the managerial cost accounting system, the Department of Transportation Inspector General shall review and comment to the Secretary of Transportation and the House and Senate Committees on Appropriations, upon the strengths and weaknesses of the system and how it best can be implemented to improve decision making by the Board of Directors and management of the Corporation: Provided further, That the Corporation shall determine the cost to the Corporation for the annual Northeast Corridor maintenance costs attributable to commuter rail operations over said Corridor: Provided further, that these costs shall be calculated by the Corporation based on the train mile usage of each commuter rail authority as a percentage of the total number of annual train miles used by all users of the Northeast Corridor: Provided further, That, notwithstanding any other provision of law, the Secretary may assess fees to each commuter rail authority for any direct maintenance costs associated with that rail authority's train mile usage of the corridor minus any direct annual contributions made by that commuter authority for the use of the northeast Corridor in that fiscal year: Provided further, That no funds may be used by the National Railroad Passenger Corporation to influence a member of Congress in acting upon proposed legislation except to the extent that such efforts are consistent with the program and policies of the Amtrak Board of Directors as articulated by the Amtrak President.

ADMINISTRATIVE PROVISIONS—FEDERAL RAILROAD ADMINISTRATION

SEC. 140. Notwithstanding any other provision of law, from funds made available to the Federal Railroad Administration under the heading "Next Generation High-Speed Rail" in the Consolidated Appropriations Act of 2005 (Public Law 108–447), the Secretary of Transportation shall award a grant in the amount of $500,000 to the Maine Department of Transportation for Safety and Mitigation Rail Relocation in Auburn, Maine.

SEC. 141. Notwithstanding any other provision of law, funds made available to the Federal Railroad Administration for the Illinois statewide highway-rail crossing safety program on *page 1420 of the Joint Explanatory Statement of the Committee of Conference for Public Law 108–447 (House Report 108–792) shall be made available to the Illinois Commerce Commission for the Public Education and Enforcement Research (PEERS) program to improve rail-grade crossing safety through education and enforcement initiatives.*

SEC. 142. Notwithstanding any existing federal legislation, from funds available to the Federal Railroad Administration under the heading of "Next Generation High-Speed Rail" in the Consolidated Appropriations Act of 2004, Public Law 108–199; the Secretary of Transportation may award a grant of $1,000,000 to the New Orleans Regional Planning Commission, New Orleans, Louisiana for site planning and an update of the Master Plan for the Union Passenger Terminal, located at New Orleans, Louisiana.

FEDERAL TRANSIT ADMINISTRATION

ADMINISTRATIVE EXPENSES

For necessary administrative expenses of the Federal Transit Administration's programs authorized by chapter 53 of title 49, United States Code, $13,411,000: Provided, That no more than $79,544,000 of budget authority shall be available for these purposes: Provided further, That of the funds available not to exceed $925,000 shall be available for the Office of the Administrator; not to exceed $6,800,000 shall be available for the Office of Administration; not to exceed $4,200,000 shall be available for the Office of the Chief Counsel; not to exceed $1,300,000 shall be available for the Office of Communication and Congressional Affairs; not to exceed $7,500,000 shall be available for the Office of Program Management; not to exceed $7,200,000 shall be available for the Office of Budget and Policy; not to exceed $4,700,000 shall be available for the Office of Demonstration and Innovation; not to exceed $3,000,000 shall be available for the Office of Civil Rights; not to exceed $4,200,000 shall be available for the Office of Planning; not to exceed $21,000,000 shall be available for regional offices; and not to exceed $16,219,000 shall be available for the central account: Provided further, That the Administrator is authorized to transfer funds appropriated for an office of the Federal Transit Administration: Provided further, That no appropriation for an office shall be increased or decreased by more than a total of 5 percent during the fiscal year by all such transfers: Provided further, That any change in funding greater than 5 percent shall be submitted for approval to the House and Senate Committees on Appropriations: Provided further, That any funding transferred from the central account shall be submitted for approval to the House and Senate Committees on Appropriations: Provided further, That none of the funds provided or limited in this Act may be used to create a permanent office of transit security under this heading: Provided further, That of the funds in this Act available for the execution of contracts under section 5327(c) of title 49, United States Code, $2,000,000 shall be reimbursed to the Department of Transportation's Office of Inspector General for costs associated with audits and investigations of transit-related issues, including reviews of new fixed guideway systems: Provided further, That up to $2,500,000 for the National transit database shall remain available until expended: Provided further, That upon submission to the Congress of the fiscal year 2007 President's budget, the Secretary of Transportation shall transmit to Congress the annual report on new starts, including proposed allocations of funds for fiscal year 2007.

FORMULA GRANTS

For necessary expenses to carry out 49 U.S.C. 5307, 5308, 5310, 5311, 5327, and section 3038 of Public Law 105–178, $734,117,000, to remain available until expended: Provided, That no more than $4,354,191,000 of budget authority shall be available for these purposes.

UNIVERSITY TRANSPORTATION RESEARCH

For necessary expenses to carry out 49 U.S.C. 5505, $981,000, to remain available until expended: Provided, That no more than $5,818,000 of budget authority shall be available for these purposes.

TRANSIT PLANNING AND RESEARCH

For necessary expenses to carry out 49 U.S.C. 5303, 5304, 5305, 5311(b)(2), 5312, 5313(a), 5314, 5315, and 5322, $26,350,000, to remain available until expended: Provided, That no more than $156,287,000 of budget authority shall be available for these purposes: Provided further, That $5,208,000 is available to provide rural transportation assistance (49 U.S.C. 5311(b)(2)), $3,967,000 is available to carry out programs under the National Transit Institute (49 U.S.C. 5315), $8,992,000 is available to carry out transit cooperative research programs (49 U.S.C. 5313(a)), $104,004,000 is available for State and metropolitan planning; and $34,116,000 is available for the national planning and research program (49 U.S.C. 5314).

TRUST FUND SHARE OF EXPENSES

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

Notwithstanding any other provision of law, for payment of obligations incurred in carrying out 49 U.S.C. 5303–5308, 5310–5315, 5317(b), 5322, 5327, 5334, 5505, and sections 3037 and 3038 of Public Law 105–178, $6,824,667,000, to remain available until expended, and to be derived from the Mass Transit Account of the Highway Trust Fund: Provided, That $3,620,074,000 shall be paid to the Federal Transit Administration's formula grants account: Provided further, That $129,937,000 shall be paid to the Federal Transit Administration's transit planning and research account: Provided further, That $66,133,000 shall be paid to the Federal Transit Administration's administrative expenses account: Provided further, That $4,837,000 shall be paid to the Federal Transit Administration's university transportation research account: Provided further, That $101,292,000 shall be paid to the Federal Transit Administration's job access and reverse commute grants program: Provided further, That $2,902,394,000 shall be paid to the Federal Transit Administration's Capital Investment Grants account.

CAPITAL INVESTMENT GRANTS

For necessary expenses to carry out 49 U.S.C. 5308, 5309, 5318, and 5327, $588,578,000, to remain available until expended: Provided, That no more than $3,490,972,000 of budget authority shall be available for these purposes: Provided further, That there shall be available for fixed guideway modernization, $1,307,473,000; there shall be available for the replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus-related facilities, $796,977,000, and there shall be available for new fixed guideway systems $1,386,522,000, to be available as follows:

Alaska and Hawaii ferry projects, $10,296,000;

Baltimore Central Light Rail Double Track Project, Maryland, $12,420,000;

Central Phoenix/East Valley LRT, Arizona, $90,000,000;

Charlotte South Corridor Light Rail Project, North Carolina, $55,000,000;

City of Miami Streetcar, Florida, $2,000,000;

City of Rock Hill Trolley Study, South Carolina, $400,000;

Commuter Rail, Albuquerque to Santa Fe, New Mexico, $500,000;

Commuter Rail, Utah, $9,000,000;

CORRIDORone Regional Rail Project, Pennsylvania, $1,500,000;

CTA Douglas Blue Line, Illinois, $45,150,000;

CTA Ravenswood Brown Line, Illinois, $40,000,000;

Dallas Northwest/Southeast Light Rail MOS, Texas, $12,000,000;

Dulles Corridor Rapid Transit Project, Virginia, $26,000,000;

East Corridor Commuter Rail, Nashville, Tennessee, $6,000,000;

East Side Access Project, New York, $340,000,000;

Euclid Corridor Transportation Project, Ohio, $24,774,513;

Gainesville-Haymarket VRE Service Extension, Virginia, $1,450,000;

Hartford-New Britain Busway, Connecticut, $6,000,000;

Hudson-Bergen Light Rail MOS 2, New Jersey, $100,000,000;

Kansas City, MO, Southtown BRT, $12,300,000;

Metra, Illinois, $42,180,000;

Metro Gold Line Eastside Light Rail Extension, California, $80,000,000;

Houston METRO, Texas, $12,000,000;

Mid-Coast Light Rail Transit Extension, California, $7,160,000;

Mid-Jordan Light Rail Transit Line, Utah, $500,000;

Mission Valley East, California, $7,700,000;

New Jersey Trans-Hudson Midtown Corridor, New Jersey, $3,315,000;

North Corridor Interstate MAX Light Rail Project, Oregon, $18,110,000;

North Shore Connector, Pennsylvania, $55,000,000;

Northeast Corridor Commuter Rail Project, Delaware, $1,425,000;

Northstar Corridor Commuter Rail Project, Minnesota, $2,000,000;

Oceanside Escondido Rail Project, California, $12,210,000;

Regional Fixed Guideway Project, Nevada, $3,000,000;

Rhode Island Integrated Commuter Rail Project, Rhode Island, $6,000,000;

San Francisco BART Extension to San Francisco International Airport, California, $81,860,000;

San Francisco Muni Third Street Light Rail Project, California, $10,000,000;

San Juan Tren Urbano, Puerto Rico, $10,200,000;

Schuylkill Valley Metro, Pennsylvania, $2,000,000;

Seattle Sound Transit, Washington, $80,000,000;

Second Avenue Subway, New York, $25,000,000;

Silicon Valley Rapid Transit Corridor Project, Santa Clara County, California, $5,000,000;

Silver Line Phase III, Massachusetts, $4,000,000;

Sounder Commuter Rail, Washington, $5,000,000;

Southeast Corridor Multi-Modal Project (T-REX), Colorado, $80,000,000;

Triangle Transit Authority Regional Rail System (Raleigh-Durham), North Carolina, $18,000,000;

Washington County Commuter Rail Project, Oregon, $15,000,000;

West Corridor Light Rail, Colorado, $5,000,000.

JOB ACCESS AND REVERSE COMMUTE GRANTS

For necessary expenses to carry out section 3037 of the Federal Transit Act of 1998, $20,541,000, to remain available until expended: Provided, That no more than $121,833,000 of budget authority shall be available for these purposes: Provided further, That up to $300,000 of the funds provided under this heading may be used by the Federal Transit Administration for technical assistance and support and performance reviews of the Job Access and Reverse Commute Grants program.

ADMINISTRATIVE PROVISIONS—FEDERAL TRANSIT ADMINISTRATION

SEC. 150. The limitations on obligations for the programs of the Federal Transit Administration *shall not apply to any authority under 49 U.S.C. 5338, previously made available for obligation, or to any other authority previously made available for obligation.*

SEC. 151. Notwithstanding any other provision of law, and except for fixed guideway modernization projects, funds made available by this Act under "Federal Transit Administration, Capital investment grants" for projects specified in this Act or identified in reports accompanying this Act not obligated by September 30, 2008, and other recoveries, shall be made available for other projects under 49 U.S.C. 5309.

SEC. 152. Notwithstanding any other provision of law, any funds appropriated before October 1, 2005, under any section of chapter 53 of title 49, United States Code, that remain available for expenditure may be transferred to and administered under the most recent appropriation heading for any such section.

SEC. 153. Notwithstanding any other provision of law, any Office of Management and Budget Circular or any policy, directive, or regulation, funds made available from the Mass Transit Account of the Highway Trust Fund in this Act may not be deposited in the General Fund of the United States Treasury: Provided, That obligations incurred to carry out any Federal Transit program, project or activity shall be liquidated first from amounts appropriated for that program, project or activity from the General Fund of the United States Treasury until the appropriated amount is depleted.

SEC. 154. Notwithstanding any other provision of law, unobligated funds made available for a new fixed guideway systems projects under the heading "Federal Transit Administration, Capital Investment Grants" in any appropriations Act prior to this Act may be used during this fiscal year to satisfy expenses incurred for such projects.

SEC. 155. Funds made available for Alaska or Hawaii ferry boats or ferry terminal facilities pursuant to 49 U.S.C. 5309(m)(2)(B) may be used to construct new vessels and facilities, or to improve existing vessels and facilities, including both the passenger and vehicle-related elements of such vessels and facilities, and for repair facilities: Provided, That not more than $3,000,000 of the funds made available pursuant to 49 U.S.C. 5309(m)(2)(B) may be used by the State of Hawaii to initiate and operate a passenger ferryboat services demonstration project to test the viability of different intra-island and inter-island ferry boat routes and technology: Provided further, That notwithstanding 49 U.S.C. 5302(a)(7), funds made available for Alaska or Hawaii ferry boats may be used to acquire passenger ferry boats and to provide passenger ferry transportation services within areas of the State of Hawaii under the control or use of the National Park Service.

SEC. 156. Amounts made available from the bus category of the Capital Investment Grants Account or Discretionary Grants Account in this or any other previous Appropriations Act that remain unobligated or unexpended in a grant for a multimodal transportation facility in Burlington, Vermont, may be used for site-preparation and design purposes of a multimodal transportation facility in a different location within Burlington, Vermont, than originally intended notwithstanding previous expenditures incurred such purposes at the original location.

SEC. 157. Notwithstanding any other provision of law, funds designated in the conference report accompanying Public Law 108–447 and Public Law 108–199 for the King County Metro Park and Ride on First Hill, Seattle, Washington, shall be available to the Swedish Hospital parking garage, Seattle, Washington, subject to the same conditions and requirements of Section 125 of Division H of Public Law 108–447.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

The Saint Lawrence Seaway Development Corporation is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to the Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 9101–9110), as may be necessary in carrying out the programs set forth in the Corporation's budget for the current fiscal year.

OPERATIONS AND MAINTENANCE

(HARBOR MAINTENANCE TRUST FUND)

For necessary expenses for operations and maintenance of those portions of the Saint Lawrence Seaway operated and maintained by the Saint Lawrence Seaway Development Corporation, $16,284,000, to be derived from the Harbor Maintenance Trust Fund, pursuant to Public Law 99–662.

MARITIME ADMINISTRATION

MARITIME SECURITY PROGRAM

For necessary expenses to maintain and preserve a U.S.-flag merchant fleet to serve the national security needs of the United States, $156,000,000, to remain available until expended.

OPERATIONS AND TRAINING

For necessary expenses of operations and training activities authorized by law, $118,649,000 of which $23,750,000 shall remain available until September 30, 2006, for salaries and benefits of employees of the United States Merchant Marine Academy; of which $13,033,000 shall remain available until expended for capital improvements at the United States Merchant Marine Academy; and of which $8,211,000 shall remain available until expended for the State Maritime Schools Schoolship Maintenance and Repair.

SHIP DISPOSAL

For necessary expenses related to the disposal of obsolete vessels in the National Defense Reserve Fleet of the Maritime Administration, $21,000,000, to remain available until expended.

MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For administrative expenses to carry out the guaranteed loan program, not to exceed $4,726,000, which shall be transferred to and merged with the appropriation for Operations and Training.

NATIONAL DEFENSE TANK VESSEL CONSTRUCTION PROGRAM

For necessary expenses to carry out the program of financial assistance for the construction of new product tank vessels as authorized by section 53101 of title 46, United States Code, as amended, $25,000,000, to remain available until expended.

SHIP CONSTRUCTION

(RESCISSION)

Of the unobligated balances available under this heading, $2,071,280 are rescinded.

ADMINISTRATIVE PROVISIONS—MARITIME ADMINISTRATION

SEC. 160. Notwithstanding any other provision of this Act, the Maritime Administration is authorized to furnish utilities and services and make necessary repairs in connection with any lease, contract, or occupancy involving Government property under control of the Maritime Administration, and payments received therefore shall be credited to the appropriation charged with the cost thereof: Provided, That rental payments under any such lease, contract, or occupancy for items other than such utilities, services, or repairs shall be covered into the Treasury as miscellaneous receipts.

SEC. 161. No obligations shall be incurred during the current fiscal year from the construction fund established by the Merchant Marine Act, 1936 (46 App. U.S.C. 1101 et seq.), or otherwise, in excess of the appropriations and limitations contained in this Act or in any prior appropriations Act.

PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION

ADMINISTRATIVE EXPENSES

For necessary administrative expenses of the Pipeline and Hazardous Materials Safety Administration, $16,877,000, of which $645,000 shall be derived from the Pipeline Safety Fund.

HAZARDOUS MATERIALS SAFETY

For expenses necessary to discharge the hazardous materials safety functions of the Pipeline and Hazardous Materials Safety Administration, $26,138,000, of which $1,847,000 shall remain available until September 30, 2008: Provided, That up to $1,200,000 in fees collected under 49 U.S.C. 5108(g) shall be deposited in the general fund of the Treasury as offsetting receipts: Provided further, That there may be credited to this appropriation, to be available until expended, funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training, for reports publication and dissemination, and for travel expenses incurred in performance of hazardous materials exemptions and approvals functions.

PIPELINE SAFETY

(PIPELINE SAFETY FUND)

(OIL SPILL LIABILITY TRUST FUND)

For expenses necessary to conduct the functions of the pipeline safety program, for grants-in-aid to carry out a pipeline safety program, as authorized by 49 U.S.C. 60107, and to discharge the pipeline program responsibilities of the Oil Pollution Act of 1990 (Public Law 101–380), $73,165,000, of which $15,000,000 shall be derived from the Oil Spill Liability Trust Fund and shall remain available until September 30, 2008; of which $58,165,000 shall be derived from the Pipeline Safety Fund, of which $24,000,000 shall remain available until September 30, 2008: Provided, That not less than $1,000,000 of the funds provided under this heading shall be for the one-call State grant program.

EMERGENCY PREPAREDNESS GRANTS

(EMERGENCY PREPAREDNESS FUND)

For necessary expenses to carry out 49 U.S.C. 5127(c), $200,000, to be derived from the Emergency Preparedness Fund, to remain available until September 30, 2007: Provided, That not more than $14,300,000 shall be made available for obligation in fiscal year 2006 from amounts made available by 49 U.S.C. 5116(i) and 5127(d): Provided further, That none of the funds made available by 49 U.S.C. 5116(i), 5127(c), and 5127(d) shall be made available for obligation by individuals other than the Secretary of Transportation, or his designee.

RESEARCH AND INNOVATIVE TECHNOLOGY ADMINISTRATION

RESEARCH AND DEVELOPMENT

For necessary expenses of the Research and Innovative Technology Administration, $4,326,000, of which $1,000,000 shall remain available until September 30, 2008: Provided, That there may be credited to this appropriation, to be available until expended, funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General to carry out the provisions of the Inspector General Act of 1978, as amended,

$62,499,000: Provided, That the Inspector General shall have all necessary authority, in carrying out the duties specified in the Inspector General Act, as amended (5 U.S.C. App. 3), to investigate allegations of fraud, including false statements to the government (18 U.S.C. 1001), by any person or entity that is subject to regulation by the Department: Provided further, That the funds made available under this heading shall be used to investigate, pursuant to section 41712 of title 49, United States Code: (1) unfair or deceptive practices and unfair methods of competition by domestic and foreign air carriers and ticket agents; and (2) the compliance of domestic and foreign air carriers with respect to item (1) of this proviso.

SURFACE TRANSPORTATION BOARD

SALARIES AND EXPENSES

For necessary expenses of the Surface Transportation Board, including services authorized by 5 U.S.C. 3109, $24,388,000: Provided, That notwithstanding any other provision of law, not to exceed $1,250,000 from fees established by the Chairman of the Surface Transportation Board shall be credited to this appropriation as offsetting collections and used for necessary and authorized expenses under this heading: Provided further, That the sum herein appropriated from the general fund shall be reduced on a dollar-for-dollar basis as such offsetting collections are received during fiscal year 2006, to result in a final appropriation from the general fund estimated at no more than $23,138,000.

ADMINISTRATIVE PROVISIONS—DEPARTMENT OF TRANSPORTATION

(INCLUDING TRANSFERS OF FUNDS)

SEC. 170. During the current fiscal year applicable appropriations to the Department of Transportation shall be available for maintenance and operation of aircraft; hire of passenger motor vehicles and aircraft; purchase of liability insurance for motor vehicles operating in foreign countries on official department business; and uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902).

SEC. 171. Appropriations contained in this Act for the Department of Transportation shall be available for services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for an Executive Level IV.

SEC. 172. None of the funds in this Act shall be available for salaries and expenses of more than 109 political and Presidential appointees in the Department of Transportation: Provided, That none of the personnel covered by this provision may be assigned on temporary detail outside the Department of Transportation.

SEC. 173. None of the funds in this Act shall be used to implement section 404 of title 23, United States Code.

SEC. 174. (a) No recipient of funds made available in this Act shall disseminate personal information (as defined in 18 U.S.C. 2725(3)) obtained by a State department of motor vehicles in connection with a motor vehicle record as defined in 18 U.S.C. 2725(1), except as provided in 18 U.S.C. 2721 for a use permitted under 18 U.S.C. 2721.

(b) Notwithstanding subsection (a), the Secretary shall not withhold funds provided in this Act for any grantee if a State is in noncompliance with this provision.

SEC. 175. Funds received by the Federal Highway Administration, Federal Transit Administration, and Federal Railroad Administration from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training may be credited respectively to the Federal Highway Administration's "Federal-Aid Highways" account, the Federal Transit Administration's "Transit Planning and Research" account, and to the Federal Railroad Administration's "Safety and Operations" account, except for State rail safety inspectors participating in training pursuant to 49 U.S.C. 20105.

SEC. 176. Notwithstanding any other provisions of law, rule or regulation, the Secretary of Transportation is authorized to allow the issuer of any preferred stock heretofore sold to the Department to redeem or repurchase such stock upon the payment to the Department of an amount determined by the Secretary.

SEC. 177. None of the funds in this Act to the Department of Transportation may be used to make a grant unless the Secretary of Transportation notifies the House and Senate Committees on Appropriations not less than 3 full business days before any discretionary grant award, letter of intent, or full funding grant agreement totaling $1,000,000 or more is announced by the department or its modal administrations from: (1) any discretionary grant program of the Federal Highway Administration other than the emergency relief program; (2) the airport improvement program of the Federal Aviation Administration; or (3) any program of the Federal Transit Administration other than the formula grants and fixed guideway modernization programs: Provided, That no notification shall involve funds that are not available for obligation.

SEC. 178. Rebates, refunds, incentive payments, minor fees and other funds received by the Department of Transportation from travel management centers, charge card programs, the subleasing of building space, and miscellaneous sources are to be credited to appropriations of the Department of Transportation and allocated to elements of the Department of Transportation using fair and equitable criteria and such funds shall be available until expended.

SEC. 179. Amounts made available in this or any other Act that the Secretary determines represent improper payments by the Department of Transportation to a third party contractor under a financial assistance award, which are recovered pursuant to law, shall be available—

(1) to reimburse the actual expenses incurred by the Department of Transportation in recovering improper payments; and

(2) to pay contractors for services provided in recovering improper payments: Provided, That amounts in excess of that required for paragraphs (1) and (2)—

(A) shall be credited to and merged with the appropriation from which the improper payments were made, and shall be available for the purposes and period for which such appropriations are available; or

(B) if no such appropriation remains available, shall be deposited in the Treasury as miscellaneous receipts: Provided, That prior to the transfer of any such recovery to an appropriations account, the Secretary shall notify the House and Senate Committees on Appropriations of the amount and reasons for such transfer: Provided further, That for purposes of this section, the term "improper payments", has the same meaning as that provided in section 2(d)(2) of Public Law 107–300.

SEC. 180. The Secretary of Transportation is authorized to transfer the unexpended balances available for the bonding assistance program from "Office of the Secretary, Salaries and expenses" to "Minority Business Outreach".

SEC. 181. None of the funds made available in this Act to the Department of Transportation may be obligated for the Office of the Secretary of Transportation to approve assessments or reimbursable agreements pertaining to funds appropriated to the modal administrations in this Act, except for activities underway on the date of enactment of this Act, unless such assessments or agreements have completed the normal reprogramming process for Congressional notification.

SEC. 182. Funds provided in this Act for the Working Capital Fund shall be reduced by $1,000,000, which limits fiscal year 2006 Working Capital Fund obligational authority for elements of the Department of Transportation funded in this Act to no more than $119,014,000: Provided, That such reductions from the budget request shall be allocated by the Department of Transportation to each appropriations account in proportion to the amount included in each account for the Working Capital Fund.

SEC. 183. For the purpose of any applicable law, for fiscal years 2004 and 2005, the city of Norman, Oklahoma, shall be considered to be part of the Oklahoma City urbanized area.

This title may be cited as the "Department of Transportation Appropriations Act, 2006".

TITLE II—DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Departmental Offices including operation and maintenance of the Treasury Building and Annex; hire of passenger motor vehicles; maintenance, repairs, and improvements of, and purchase of commercial insurance policies for, real properties leased or owned overseas, when necessary for the performance of official business, $197,591,000, of which not to exceed $8,642,366 is for executive direction program activities; not to exceed $7,851,946 is for general counsel program activities; not to exceed $32,010,626 is for economic policies and programs activities; not to exceed $27,220,470 is for financial policies and programs activities; not to exceed $39,938,449 is for financial crimes policies and programs activities; not to exceed $16,843,447 is for Treasury-wide management policies and programs activities; and not to exceed $65,083,696 is for administration programs activities: Provided, That of the amount appropriated for financial crimes policies and programs activities, $22,032,016 is for the Office of Foreign Assets Control and shall support no less than 125 full time equivalent positions: Provided further, That the Secretary of the Treasury is authorized to transfer funds appropriated for any program activity of the Departmental Offices to any other program activity of the Departmental Offices upon notification to the House and Senate Committees on Appropriations: Provided further, That no appropriation for any program activity shall be increased or decreased by more than 2.5 percent by all such transfers: Provided further, That any change in funding greater than 2.5 percent shall be submitted for approval to the House and Senate Committees on Appropriations: Provided further, That of the amount appropriated under this heading, not to exceed $3,000,000, to remain available until September 30, 2007, for information technology modernization requirements; not to exceed $100,000 for official reception and representation expenses; and not to exceed $258,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Secretary of the Treasury and to be accounted for solely on his certificate: Provided further, That of the amount appropriated under this heading, $5,173,000, to remain available until September 30, 2007, is for the Treasury-wide Financial Statement Audit Program, of which such amounts as may be necessary may be transferred to accounts of the Department's offices and bureaus to conduct audits: Provided further, That this transfer authority shall be in addition to any other provided in this Act.

DEPARTMENT-WIDE SYSTEMS AND CAPITAL INVESTMENTS PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For development and acquisition of automatic data processing equipment, software, and services for the Department of the Treasury, $24,412,000, to remain available until September 30, 2008: Provided, That these funds shall be transferred to accounts and in amounts as necessary to satisfy the requirements of the Department's offices, bureaus, and other organizations: Provided further, That this transfer authority shall be in addition to any other transfer authority provided in this Act: Provided further, That none of the funds appropriated shall be used to support or supplement "Internal Revenue Service, Information Systems" or "Internal Revenue Service, Business Systems Modernization".

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, not to exceed $2,000,000 for official travel expenses, including hire of passenger motor vehicles; and not to exceed $100,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Inspector General of the Treasury, $16,722,000, of which not to exceed $2,500 shall be available for official reception and representation expenses.

TREASURY INSPECTOR GENERAL FOR TAX ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Treasury Inspector General for Tax Administration in carrying out the Inspector General Act of 1978, as amended, including purchase (not to exceed 150 for replacement only for police-type use) and hire of passenger motor vehicles (31 U.S.C. 1343(b)); services authorized by 5 U.S.C. 3109, at such rates as may be determined by the Inspector General for Tax Administration; not to exceed $6,000,000 for official travel expenses; and not to exceed $500,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Inspector General for Tax Administration, $133,286,000; and of which not to exceed $1,500 shall be available for official reception and representation expenses.

AIR TRANSPORTATION STABILIZATION PROGRAM ACCOUNT

For necessary expenses to administer the Air Transportation Stabilization Board established by section 102 of the Air Transportation Safety and System Stabilization Act (Public Law 107–42), $2,942,000.

TREASURY BUILDING AND ANNEX REPAIR AND RESTORATION

For the repair, alteration, and improvement of the Treasury Building and Annex, $10,000,000, to remain available until September 30, 2008.

FINANCIAL CRIMES ENFORCEMENT NETWORK

SALARIES AND EXPENSES

For necessary expenses of the Financial Crimes Enforcement Network, including hire of passenger motor vehicles; travel expenses of non-Federal law enforcement personnel to attend meetings concerned with financial intelligence activities, law enforcement, and financial regulation; not to exceed $14,000 for official reception and representation expenses; and for assistance to Federal law enforcement agencies, with or without reimbursement, $73,630,000 of which not to exceed $6,944,000 shall remain available until September 30, 2008; and of which $8,521,000 shall remain available until September 30, 2007: Provided, That funds appropriated in this account may be used to procure personal services contracts.

FINANCIAL MANAGEMENT SERVICE

SALARIES AND EXPENSES

For necessary expenses of the Financial Management Service, $236,243,000, of which not to exceed $9,220,000 shall remain available until September 30, 2008, for information systems modernization initiatives; and of which not to exceed $2,500 shall be available for official reception and representation expenses.

ALCOHOL AND TOBACCO TAX AND TRADE BUREAU

SALARIES AND EXPENSES

For necessary expenses of carrying out section 1111 of the Homeland Security Act of 2002, including hire of passenger motor vehicles, $91,126,000; of which not to exceed $6,000 for official reception and representation expenses; not to exceed $50,000 for cooperative research and development programs for laboratory services; and provision of laboratory assistance to State and local agencies with or without reimbursement.

BUREAU OF THE PUBLIC DEBT

ADMINISTERING THE PUBLIC DEBT

For necessary expenses connected with any public-debt issues of the United States, $179,923,000, of which not to exceed $2,500 shall be available for official reception and representation expenses, and of which not to exceed $2,000,000 shall remain available until expended for systems modernization: Provided, That the sum appropriated herein from the General Fund for fiscal year 2006 shall be reduced by not more than $3,000,000 as definitive security issue fees and Treasury Direct Investor Account Maintenance fees are collected, so as to result in a final fiscal year 2006 appropriation from the General Fund estimated at $176,923,000. In addition, $70,000 to be derived from the Oil Spill Liability Trust Fund to reimburse the Bureau for administrative and personnel expenses for financial management of the Fund, as authorized by section 1012 of Public Law 101–380.

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS FUND

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS FUND PROGRAM ACCOUNT

To carry out the Community Development Banking and Financial Institutions Act of 1994 (Public Law 103–325), including services authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for ES-3, $55,000,000, to remain available until September 30, 2007, of which $4,000,000 shall be for financial assistance, technical assistance, training and outreach programs designed to benefit Native American, Native Hawaiian, and Alaskan Native communities and provided primarily through qualified community development lender organizations with experience and expertise in community development banking and lending in Indian country, Native American organizations, tribes and tribal organizations and other suitable providers, and up to $13,500,000 may be used for administrative expenses, including administration of the New Markets Tax Credit, up to $6,000,000 may be used for the cost of direct loans, and up to $250,000 may be used for administrative expenses to carry out the direct loan program: Provided, That the cost of direct loans, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $11,000,000.

UNITED STATES MINT

UNITED STATES MINT PUBLIC ENTERPRISE FUND

Pursuant to section 5136 of title 31, United States Code, the United States Mint is provided funding through the United States Mint Public Enterprise Fund for costs associated with the production of circulating coins, numismatic coins, and protective services, including both operating expenses and capital investments. The aggregate amount of new liabilities and obligations incurred during fiscal year 2006 under such section 5136 for circulating coinage and protective service capital investments of the United States Mint shall not exceed $36,900,000.

INTERNAL REVENUE SERVICE

PROCESSING, ASSISTANCE, AND MANAGEMENT

For necessary expenses of the Internal Revenue Service for pre-filing taxpayer assistance and education, filing and account services, shared services support, general management and administration; and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, $4,136,578,000, of which up to $4,100,000 shall be for the Tax Counseling for the Elderly Program, of which $8,000,000 shall be available for low-income taxpayer clinic grants, and of which not to exceed $25,000 shall be for official reception and representation expenses.

TAX LAW ENFORCEMENT

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Internal Revenue Service for determining and establishing tax liabilities; providing litigation support; conducting criminal investigation and enforcement activities; securing unfiled tax returns; collecting unpaid accounts; conducting a document matching program; resolving taxpayer problems through prompt identification, referral and settlement; expanded customer service and public outreach programs, strengthened enforcement activities, and enhanced research efforts to reduce erroneous filings associated with the earned income tax credit; compiling statistics of income and conducting compliance research; purchase (for police-type use, not to exceed 850) and hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, $4,725,756,000, of which not to exceed $1,000,000 shall remain available until September 30, 2008, for research: Provided, That up to $10,000,000 may be transferred as necessary from this account to the IRS Processing, Assistance, and Management appropriation or the IRS Information Systems appropriation solely for the purposes of management of the Earned Income Tax Credit compliance program and to reimburse the Social Security Administration for the cost of implementing section 1090 of the Taxpayer Relief Act of 1997 (Public Law 105–33): Provided further, That this transfer authority shall be in addition to any other transfer authority provided in this Act.

INFORMATION SYSTEMS

For necessary expenses of the Internal Revenue Service for information systems and telecommunications support, including developmental information systems and operational information systems; the hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, $1,597,717,000, of which $75,000,000 shall remain available until September 30, 2007.

BUSINESS SYSTEMS MODERNIZATION

For necessary expenses of the Internal Revenue Service, $199,000,000, to remain available until September 30, 2008, for the capital asset acquisition of information technology systems, including management and related contractual costs of said acquisitions, including contractual costs associated with operations authorized by 5 U.S.C. 3109: Provided, That none of these funds may be obligated until the Internal Revenue Service submits to the Committees on Appropriations, and such Committees approve, a plan for expenditure that: (1) meets the capital planning and investment control review requirements established by the Office of Management and

Budget, including Circular A-11; (2) complies with the Internal Revenue Service's enterprise architecture, including the modernization blueprint; (3) conforms with the Internal Revenue Service's enterprise life cycle methodology; (4) is approved by the Internal Revenue Service, the Department of the Treasury, and the Office of Management and Budget; (5) has been reviewed by the Government Accountability Office; and (6) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government.

HEALTH INSURANCE TAX CREDIT ADMINISTRATION

For expenses necessary to implement the health insurance tax credit included in the Trade Act of 2002 (Public Law 107-210), $20,210,000.

ADMINISTRATIVE PROVISIONS—INTERNAL REVENUE SERVICE

(INCLUDING TRANSFER OF FUNDS)

SEC. 200. Not to exceed 5 percent of any appropriation made available in this Act to the Internal Revenue Service or not to exceed 3 percent of appropriations under the heading "Tax Law Enforcement" may be transferred to any other Internal Revenue Service appropriation upon the advance approval of the Committees on Appropriations.

SEC. 201. The Internal Revenue Service shall maintain a training program to ensure that Internal Revenue Service employees are trained in taxpayers' rights, in dealing courteously with the taxpayers, and in cross-cultural relations.

SEC. 202. The Internal Revenue Service shall institute and enforce policies and procedures that will safeguard the confidentiality of taxpayer information.

SEC. 203. Funds made available by this or any other Act to the Internal Revenue Service shall be available for improved facilities and increased manpower to provide sufficient and effective 1–800 help line service for taxpayers. The Commissioner shall continue to make the improvement of the Internal Revenue Service 1–800 help line service a priority and allocate resources necessary to increase phone lines and staff to improve the Internal Revenue Service 1–800 help line service.

SEC. 204. None of the funds made available in this Act may be used to reduce taxpayer services until the Treasury Inspector General for Tax Administration completes a study detailing the impact of the IRS's reductions on taxpayer compliance and taxpayer services, and the IRS's plans for providing adequate alternative services, and submits such study to the Committees on Appropriations of the House of Representatives and the Senate.

SEC. 205. Of the funds made available by this Act to the Internal Revenue Service, not less than $6,447,000,000 shall be available only for tax enforcement. In addition, of the funds made available by this Act to the Internal Revenue Service, and subject to the same terms and conditions, $446,000,000 shall be available for enhanced tax enforcement.

SEC. 206. Not later than 90 days after the date of enactment of this Act, the IRS Commissioner shall submit a report to the Committees on Appropriations of the House of Representatives and the Senate on tax enforcement, which includes estimates for the entire tax enforcement program and for the tax enforcement initiative of tax enforcement spending, tax enforcement workload indicators, direct tax enforcement revenue, and an explanation of the methodology and accuracy of the estimates provided.

SEC. 207. Of the funds made available by this Act to the Internal Revenue Service, not less than $166,249,000 shall be available for operating expenses of the Taxpayer Advocate Service.

SEC. 208. The Internal Revenue Service shall submit its fiscal year 2007 congressional budget justifications to the Committees on Appropriations of the House of Representatives and the Senate using the identical structure provided under this Act and only in accordance with the direction specified in the report accompanying this Act.

SEC. 209. Section 3 under the heading "Administrative Provisions—Internal Revenue Service" of title I of Public Law 103–329 is amended by striking the last proviso.

ADMINISTRATIVE PROVISIONS—DEPARTMENT OF THE TREASURY

(INCLUDING TRANSFER OF FUNDS)

SEC. 210. Appropriations to the Department of the Treasury in this Act shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901), including maintenance, repairs, and cleaning; purchase of insurance for official motor vehicles operated in foreign countries; purchase of motor vehicles without regard to the general purchase price limitations for vehicles purchased and used overseas for the current fiscal year; entering into contracts with the Department of State for the furnishing of health and medical services to employees and their dependents serving in foreign countries; and services authorized by 5 U.S.C. 3109.

SEC. 211. Not to exceed 2 percent of any appropriations in this Act made available to the Departmental Offices—Salaries and Expenses, Office of Inspector General, Financial Management Service, Alcohol and Tobacco Tax and Trade Bureau, Financial Crimes Enforcement Network, and Bureau of the Public Debt, may be transferred between such appropriations upon the advance approval of the Committees on Appropriations: Provided, That no transfer may increase or decrease any such appropriation by more than 2 percent.

SEC. 212. Not to exceed 2 percent of any appropriation made available in this Act to the Internal Revenue Service may be transferred to the Treasury Inspector General for Tax Administration's appropriation upon the advance approval of the Committees on Appropriations: Provided, That no transfer may increase or decrease any such appropriation by more than 2 percent.

SEC. 213. Of the funds available for the purchase of law enforcement vehicles, no funds may be obligated until the Secretary of the Treasury certifies that the purchase by the respective Treasury bureau is consistent with Departmental vehicle management principles: Provided, That the Secretary may delegate this authority to the Assistant Secretary for Management.

SEC. 214. None of the funds appropriated in this Act or otherwise available to the Department of the Treasury or the Bureau of Engraving and Printing may be used to redesign the $1 Federal Reserve note.

SEC. 215. The Secretary of the Treasury may transfer funds from Financial Management Services, Salaries and Expenses to Debt Collection Fund as necessary to cover the costs of debt collection: Provided, That such amounts shall be reimbursed to such salaries and expenses account from debt collections received in the Debt Collection Fund.

SEC. 216. Section 122(g)(1) of Public Law 105–119 (5 U.S.C. 3104 note), is further amended by striking "7 years" and inserting "8 years".

SEC. 217. None of the funds appropriated or otherwise made available by this or any other Act may be used by the United States Mint to construct or operate any museum without the explicit approval of the House Committee on Financial Services and the Senate Committee on Banking, Housing, and Urban Affairs.

SEC. 218. None of the funds appropriated or otherwise made available by this or any other Act or source to the Department of the Treasury, the Bureau of Engraving and Printing, and the United States Mint, individually or collectively, may be used to consolidate any or all functions of the Bureau of Engraving and Printing and the United States Mint without the explicit approval of the House Committee on Financial Services; the Senate Committee on Banking, Housing, and Urban Affairs; the House Committee on Appropriations; and the Senate Committee on Appropriations.

SEC. 219. Not later than 60 days after enactment of this Act, the Secretary of the Treasury shall submit to the Committees on Appropriations a report describing how statutory provisions addressing currency manipulation by America's trading partners contained in, and relating to, title 22 U.S.C. 5304, 5305, and 286y can be better clarified administratively to provide for improved and more predictable evaluation, and to enable the problem of currency manipulation to be better understood by the American people and the Congress.

SEC. 220. None of the funds appropriated or otherwise made available by this or any other Act or source to the Secretary of the Treasury may be expended to develop, study, or implement any plan to reallocate the resources of, or merge the Financial Crimes Enforcement Network into the Departmental Offices—Salaries and Expenses, or any other office within the Department of the Treasury.

This title may be cited as the "Department of the Treasury Appropriations Act, 2006".

TITLE III—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

PUBLIC AND INDIAN HOUSING

TENANT-BASED RENTAL ASSISTANCE

(INCLUDING TRANSFERS OF FUNDS)

For activities and assistance for the provision of tenant-based rental assistance authorized under the United States Housing act of 1937, as amended (42 U.S.C. 1437 et seq.) ("the Act" herein), not otherwise provided for, $15,636,064,000, to remain available until expended, of which $11,436,064,000 shall be available on October 1, 2005 and $4,200,000,000 shall be available on October 1, 2006: Provided, That the amounts made available under this heading are provided as follows:

(1) $14,089,756,000 for renewals of expiring section 8 tenant-based annual contributions contracts (including renewals of enhanced vouchers under any provision of law authorizing such assistance under section 8(t) of the Act): Provided, That notwithstanding any other provision of law, from amounts provided under this paragraph, the Secretary for the calendar year 2006 funding cycle shall provide renewal funding for each public housing agency based verified voucher management system (VMS) lease and cost data for the most recent 12 months for which data are available, prior to prorations, and by applying the 2006 Annual Adjustment Factor as established by the Secretary, and by making any necessary adjustments for the costs associated with the first-time renewal of tenant protection or HOPE VI vouchers: Provided further, That the Secretary shall, to the extent necessary to stay within the amount provided under this paragraph, pro rate each public housing agency's allocation otherwise established pursuant to this paragraph: Provided further, That the entire amount provided under this paragraph shall be obligated to the public housing agencies based on the allocation and pro rata method described above: Provided further, That public housing agencies participating in the Moving to Work demonstration shall be funded pursuant to their Moving to Work agreements and shall be subject to the same pro rata adjustments under the previous proviso: Provided further, That up to $45,000,000 shall be available only (1) to adjust the allocations for public housing agencies, after application for an

adjustment by a public housing agency and verification by HUD, whose allocation under this heading for contract renewals for the calendar year 2005 funding cycle were based on verified VSM leasing and cost data averaged for the months of May, June, and July of 2004 and solely because of temporarily low leasing levels during the 3-month period did not accurately reflect leasing levels and costs for the 2004 fiscal year of the agencies, and (2) for adjustments for public housing agencies that experienced a significant increase, as determined by the Secretary, in renewal costs resulting from portability under section 8(r) of the United States Housing Act of 1937 of tenant-based rental assistance: Provided further, That none of the funds provided in this paragraph may be used to support a total number of unit months under lease which exceeds a public housing agency's authorized level of units under contract;

(2) $192,000,000 for section 8 rental assistance for relocation and replacement of housing units that are demolished or disposed of pursuant to the Omnibus Consolidated Rescissions and Appropriations Act of 1996 (Public Law 104–134), conversion of section 23 projects to assistance under section 8, the family unification program under section 8(x) of the Act, relocation of witnesses in connection with efforts to combat crime in public and assisted housing pursuant to a request from a law enforcement or prosecution agency, enhanced vouchers under any provision of law authorizing such assistance under section 8(t) of the Act, HOPE VI vouchers, mandatory and voluntary conversions, and tenant protection assistance including replacement and relocation assistance: Provided, That no more than $12,000,000 can be used for section 8 assistance to cover the cost of judgments and settlement agreements;

(3) $48,000,000 for family self-sufficiency coordinators under section 23 of the Act;

(4) $5,900,000 shall be transferred to the Working Capital Fund;

(5) $1,295,408,000 for administrative and other expenses of public housing agencies in administering the section 8 tenant-based rental assistance program, of which up to $10,000,000 shall be available to the Secretary to allocate to public housing agencies that need additional funds to administer their section 8 programs: Provided, That $1,271,000,000 of the amount provided in this paragraph shall be allocated for the calendar year 2006 funding cycle on a pro rata basis to public housing agencies based on the amount public housing agencies were eligible to receive in calendar year 2005: Provided further, That all amounts provided under this paragraph shall be only for activities related to the provision of tenant-based rental assistance authorized under section 8 including related development activities; and

(6) $5,000,000 shall be transferred to the Affordable Housing and Economic Development Technical Assistance Board.

HOUSING CERTIFICATE FUND

(RESCISSION)

Of the unobligated balances, including recaptures and carryover, remaining from funds appropriated to the Department of Housing and Urban Development under this heading or the heading "Annual contributions for assisted housing" for fiscal year 2005 and prior years, $1,500,000,000 are rescinded, to be effected by the Secretary no later than September 30, 2006: Provided, That, to the extent there are not adequate funds for the rescission from said unobligated balances under the headings "Housing Certificate Fund" or "Annual Contribution for Assisted Housing", additional funds shall first be rescinded of up to 10 percent of the funding available under the heading of "Salaries and Expenses" in title III and funding available under the heading of "Office of Management and Budget" in title V: Provided further, That should additional funds be needed once the aforementioned rescissions are effectuated to meet the requirements of this paragraph, then, and only then, shall additional funds needed for the rescission be derived from any unobligated funds under any heading under title III: Provided further, That any such balances governed by reallocation provisions under the statute authorizing the program for which the funds were originally appropriated shall be available for the rescission: Provided further, That any obligated balances of contract authority from fiscal year 1974 and prior that have been terminated shall be cancelled: Provided further, That no amounts recaptured from amounts appropriated in prior years under this heading or the heading "Annual contributions for assisted housing" and no carryover of such appropriated amounts for project-based assistance shall be available for the calendar year 2006 funding cycle for activities provided for under the heading "Tenant-based rental assistance".

PROJECT-BASED RENTAL ASSISTANCE

(INCLUDING TRANSFER OF FUNDS)

For activities and assistance for the provision of project-based subsidy contracts under the United States Housing Act of 1937, as amended (42 U.S.C. 1437 et seq.) ("the Act" herein), not otherwise provided for, $5,072,100,000, to remain available until expended: Provided, That the amounts made available under this heading are provided as follows:

(1) $4,918,100,000 for expiring or terminating section 8 project-based subsidy contracts (including section 8 moderate rehabilitation contracts), for amendments to section 8 project-based subsidy contracts (including section 8 moderate rehabilitation contracts), for contracts entered into pursuant to section 441 of the McKinney-Vento Homeless Assistance Act, for renewal of section 8 contracts for units in projects that are subject to approved plans of action under the Emergency Low Income Housing Preservation Act of 1987 or the Low-Income Housing Preservation and Resident Homeownership Act of 1990, and for administrative and other expenses associated with project-based activities and assistance funded under this paragraph.

(2) up to $147,200,000 for performance-based contract administrators for section 8 project-based assistance with any unused funds available to preserve section 8 housing.

(3) $1,800,000 shall be transferred to the Working Capital Fund: Provided further, That amounts recaptured under this heading, the heading, "Annual Contributions for Assisted Housing", or the heading, "Housing Certificate Fund", for project-based section 8 activities may be used for renewals of or amendments to section 8 project-based subsidy contracts or for performance-based contract administrators, notwithstanding the purposes for which such amounts were appropriated.

(4) amounts recaptured under this heading, the heading "Annual Contributions for Assisted Housing", or the heading "Housing Certificate Fund" may be used for renewals of or amendments to section 8 project-based contracts, notwithstanding the purposes for which such amounts were appropriated.

(5) $5,000,000 shall be transferred to the Affordable Housing and Economic Development Technical Assistance Board.

PUBLIC HOUSING CAPITAL FUND

(INCLUDING TRANSFERS OF FUNDS)

For the Public Housing Capital Fund Program to carry out capital and management activities for public housing agencies, as authorized under section 9 of the United States Housing Act of 1937, as amended (42 U.S.C. 1437g) (the "Act") $2,327,200,000, to remain available until September 30, 2009: Provided, That notwithstanding any other provision of law or regulation, during fiscal year 2006, the Secretary may not delegate to any Department official other than the Deputy Secretary and the Assistant Secretary for Public and Indian Housing any authority under paragraph (2) of section 9(j) regarding the extension of the time periods under such section: Provided further, That for purposes of such section 9(j), the term "obligate" means, with respect to amounts, that the amounts are subject to a binding agreement that will result in outlays, immediately or in the future: Provided further, That of the total amount provided under this heading, up to $11,000,000 shall be for carrying out activities under section 9(h) of such Act: Provided further, That $13,230,000 shall be transferred to the Working Capital Fund: Provided further, That no funds may be used under this heading for the purposes specified in section 9(k) of the United States Housing Act of 1937, as amended: Provided further, That of the total amount provided under this heading, up to $17,000,000 shall be available for the Secretary of Housing and Urban Development to make grants, notwithstanding section 205 of this Act, to public housing agencies for emergency capital needs resulting from unforeseen emergencies and natural disasters occurring in fiscal year 2006: Provided further, That of the total amount provided under this heading, $45,000,000 shall be for supportive services, service coordinators and congregate services as authorized by section 34 of the Act and the Native American Housing Assistance and Self-Determination Act of 1996: Provided further, That of the total amount provided under this heading up to $8,820,000 is to support the costs of administrative and judicial receiverships: Provided further, That of the total amount provided under this heading up to $20,000,000 shall be available for the demolition, relocation, and site remediation of obsolete and severely distressed public housing units: Provided further, That of the total amount provided under this heading, $15,000,000 shall be for Neighborhood Networks grants for activities authorized in section 9(d)(1)(E) of the United States Housing Act of 1937, as amended, of which up to $1,000,000 may be used for technical assistance in connection with such grants as authorized in section 9(h)(8) of such Act: Provided further, That notwithstanding any other provision of law, amounts made available in the previous proviso shall be awarded to public housing agencies on a competitive basis: Provided further, That notwithstanding section 9(d)(1)(E) of the United States Housing Act of 1937, any Neighborhood Networks computer center established with funding made available under this heading in this or any other Act, shall be available for use by residents of public housing and residents of other housing assisted with funding made available under this title in this Act or any other Act.

PUBLIC HOUSING OPERATING FUND

(INCLUDES TRANSFER OF FUNDS)

For 2006 payments to public housing agencies for the operation and management of public housing, as authorized by section 9(e) of the United States Housing Act of 1937, as amended (42 U.S.C. 1437g(e)), $3,557,300,000: Provided, That for fiscal year 2006 and all fiscal years thereafter, the Secretary shall provide assistance under this heading to public housing agencies on a calendar year basis: Provided further, That, in fiscal year 2006 and all fiscal years hereafter, no amounts under this heading in any appropriations Act may be used for payments to public housing agencies for the costs of operation and management of public housing for any year prior to the current year of such Act: Provided further, That no funds may be *used under this heading for the purposes specified in section 9(k) of the United States Housing Act of 1937, as amended: Provided further, That of the total amount provided under this heading $5,000,000 shall be transferred to the Affordable Housing and Economic Development Technical Assistance Board.*

REVITALIZATION OF SEVERELY DISTRESSED PUBLIC HOUSING (HOPE VI)

For grants to public housing agencies for demolition, site revitalization, replacement housing, and tenant-based assistance grants to projects as authorized by section 24 of the United States Housing Act of 1937, as amended, $150,000,000, to remain available until September 30, 2007, of which the Secretary may use up to $4,000,000 for technical assistance and contract expertise, to be provided directly or indirectly by grants, contracts or cooperative agreements, including training and cost of necessary travel for participants in such training, by or to officials and employees of the department and of public housing agencies and to residents: Provided, That none of such funds shall be used directly or indirectly by granting competitive advantage in awards to settle litigation or pay judgments, unless expressly permitted herein.

NATIVE AMERICAN HOUSING BLOCK GRANTS

(INCLUDING TRANSFERS OF FUNDS)

For the Native American Housing Block Grants program, as authorized under title I of the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA) (25 U.S.C. 4111 et seq.), $622,000,000, to remain available until expended, of which $2,200,000 shall be contracted through the Secretary as technical assistance and capacity building to be used by the National American Indian Housing Council in support of the implementation of NAHASDA; of which $4,500,000 shall be to support the inspection of Indian housing units, contract expertise, training, and technical assistance in the training, oversight, and management of Indian housing and tenant-based assistance, including up to $300,000 for related travel; and of which $2,600,000 shall be transferred to the Working Capital Fund: Provided, That of the amount provided under this heading, $2,000,000 shall be made available for the cost of guaranteed notes and other obligations, as authorized by title VI of NAHASDA: Provided further, That such costs, including the costs of modifying such notes and other obligations, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize the total principal amount of any notes and other obligations, any part of which is to be guaranteed, not to exceed $17,926,000: Provided further, That for administrative expenses to carry out the guaranteed loan program, up to $150,000 from amounts in the first proviso, which shall be transferred to and merged with the appropriation for "Salaries and Expenses", to be used only for the administrative costs of these guarantees: Provided further, That of the total amount provided under this heading $5,000,000 shall be transferred to the Affordable Housing and Economic Development Technical Assistance Board.

INDIAN HOUSING LOAN GUARANTEE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of guaranteed loans, as authorized by section 184 of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–13a), $5,000,000, to remain available until expended: Provided, That such costs, including the costs of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $145,345,000.

In addition, for administrative expenses to carry out the guaranteed loan program, up to $250,000 from amounts in the first paragraph shall be transferred to and merged with the appropriation for "Salaries and Expenses", to be used only for the administrative costs of these guarantees.

NATIVE HAWAIIAN HOUSING LOAN GUARANTEE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of guaranteed loans, as authorized by section 184A of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–13b), $1,000,000, to remain available until expended: Provided, That such costs, including the costs of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $37,403,000.

In addition, for administrative expenses to carry out the guaranteed loan program, up to $35,000 from amounts in the first paragraph shall be transferred to and merged with the appropriation for "Salaries and Expenses", to be used only for the administrative costs of these guarantees.

COMMUNITY PLANNING AND DEVELOPMENT

HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS

For carrying out the Housing Opportunities for Persons with AIDS program, as authorized by the AIDS Housing Opportunity Act (42 U.S.C. 12901 et seq.), $287,000,000, to remain available until September 30, 2007, except that amounts allocated pursuant to section 854(c)(3) of such Act shall remain available until September 30, 2008: Provided, That the Secretary shall renew all expiring contracts for permanent supportive housing that were funded under section 854(c)(3) of such Act that meet all program requirements before awarding funds for new contracts and activities authorized under this section: Provided further, That the Secretary may use up to $2,200,000 of the funds under this heading for training, oversight, and technical assistance activities.

RURAL HOUSING AND ECONOMIC DEVELOPMENT

For the Office of Rural Housing and Economic Development in the Department of Housing and Urban Development, $24,000,000 to remain available until expended, which amount shall be competitively awarded by September 1, 2006, to Indian tribes, State housing finance agencies, State community and/or economic development agencies, local rural nonprofits and community development corporations to support innovative housing and economic development activities in rural areas.

COMMUNITY DEVELOPMENT FUND

(INCLUDING TRANSFERS OF FUNDS)

For assistance to units of State and local government, and to other entities, for economic and community development activities, and for other purposes, $4,323,610,000, to remain available until September 30, 2008, unless otherwise specified: Provided, That of the amount provided, $3,767,410,000 is for carrying out the community development block grant program under title I of the Housing and Community Development Act of 1974, as amended (the "Act" herein) (42 U.S.C. 5301 et seq.): Provided further, That unless explicitly provided for under this heading (except for planning grants provided in the third paragraph and amounts made available in the second paragraph), not to exceed 20 percent of any grant made with funds appropriated under this heading (other than a grant made available in this paragraph to the Housing Assistance Council or the National American Indian Housing Council, or a grant using funds under section 107(b)(3) of the Act) shall be expended for planning and management development and administration: Provided further, That $69,000,000 shall be for grants to Indian tribes notwithstanding section 106(a)(1) of such Act, of which, notwithstanding any other provision of law (including section 205 of this Act), up to $4,000,000 may be used for emergencies that constitute imminent threats to health and safety; $4,200,000 shall be for a grant to the National Council of La Raza; $3,000,000 shall be for a grant to the Housing Assistance Council; $2,000,000 shall be for a grant to the National American Indian Housing Council; $32,400,000 shall be for grants pursuant to section 107 of the Act, of which $8,800,000 shall be for the Native Hawaiian block grant authorized under title VIII of the Native American Housing Assistance and Self-Determination Act of 1996, to remain available until expended, of which $500,000 shall be for training and technical assistance; $3,000,000 shall be transferred to the Working Capital Fund; $15,000,000 shall be for grants pursuant to the Self Help Homeownership Opportunity Program; $30,000,000 shall be for Capacity Building for Community Development and Affordable Housing for LISC and the Enterprise Foundation for activities as authorized by section 4 of the HUD Demonstration Act of 1993 (42 U.S.C. 9816 note), as in effect immediately before June 12, 1997, with not less than $5,000,000 of the funding to be used in rural areas, including tribal areas; $55,000,000 shall be available for YouthBuild program activities authorized by subtitle D of title IV of the Cranston-Gonzalez National Affordable Housing Act, as amended, and such activities shall be an eligible activity with respect to any funds made available under this heading: Provided, That local YouthBuild programs that demonstrate an ability to leverage private and nonprofit funding shall be given a priority for YouthBuild funding: Provided further, That no more than 8 percent of any grant award under the YouthBuild program may be used for administrative costs: Provided further, That of the amount made available for YouthBuild not less than $4,000,000 is for grants to establish YouthBuild programs in underserved and rural areas and $1,000,000 is to be made available for a grant to YouthBuild USA for capacity building for community development and affordable housing activities as specified in section 4 of the HUD Demonstration Act of 1993, as amended: Provided further, That $10,000,000 shall be transferred to the Affordable Housing and Economic Development Technical Assistance Board.

Of the amount made available under this heading, $290,000,000 shall be available for grants for the Economic Development Initiative (EDI) to finance a variety of targeted economic investments in accordance with the terms and conditions specified in the statement of managers accompanying this Act: Provided, That none of the funds provided under this paragraph may be used for program operations.

Of the amount made available under this heading, $40,000,000 shall be available for neighborhood initiatives that are utilized to improve the conditions of distressed and blighted areas and neighborhoods, to stimulate investment, economic diversification, and community revitalization in areas with population outmigration or a stagnating or declining economic base, or to determine whether housing benefits can be integrated more effectively with welfare reform initiatives: Provided, That amounts made available under this paragraph shall be provided in accordance with the terms and conditions specified in the statement of managers accompanying this Act.

The referenced statement of the managers under the heading "Community Development Fund" in title II of Division G of Public Law 108–199 is deemed to be amended with respect to item #181 striking "Volusia County" and inserting "Lively Arts Center in Volusia County".

The referenced statement of the managers under the heading "Community Development Fund" in title II of division G of Public Law 108-199 is deemed to be amended with respect to item number 216 by striking "for construction" and inserting "for planning, design, and engineering".

COMMUNITY DEVELOPMENT LOAN GUARANTEES PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of guaranteed loans, $6,000,000, to remain available until September 30, 2007, as authorized by section 108 of the Housing and Community Development Act of 1974, as amended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $275,000,000, notwithstanding any aggregate limitation on outstanding obligations guaranteed in section 108(k) of the Housing and Community Development Act of 1974, as amended.

In addition, for administrative expenses to carry out the guaranteed loan program, $1,000,000 shall be transferred to and merged with the appropriation for "Salaries and expenses".

BROWNFIELDS REDEVELOPMENT

For competitive economic development grants, as authorized by section 108(q) of the Housing and Community Development Act of 1974, as amended, for Brownfields redevelopment projects, $15,000,000, to remain available until September 30, 2007.

HOME INVESTMENT PARTNERSHIPS PROGRAM

(INCLUDING TRANSFERS OF FUNDS)

For the HOME investment partnerships program, as authorized under title II of the Cranston-Gonzalez National Affordable Housing Act, as amended, $1,850,000,000, to remain available until September 30, 2008: Provided, That of the total amount provided in this paragraph, up to $42,000,000 shall be available for housing counseling under section 106 of the Housing and Urban Development Act of 1968, and $2,000,000 shall be transferred to the Working Capital Fund: Provided further, That $5,000,000 shall be transferred to the Affordable Housing and Economic Development Technical Assistance Board.

In addition to amounts otherwise made available under this heading, $50,000,000, to remain available until September 30, 2008, for assistance to homebuyers as authorized under title I of the American Dream Downpayment Act.

HOMELESS ASSISTANCE GRANTS

(INCLUDING TRANSFER OF FUNDS)

For the emergency shelter grants program as authorized under subtitle B of title IV of the McKinney-Vento Homeless Assistance Act, as amended; the supportive housing program as authorized under subtitle C of title IV of such Act; the section 8 moderate rehabilitation single room occupancy program as authorized under the United States Housing Act of 1937, as amended, to assist homeless individuals pursuant to section 441 of the McKinney-Vento Homeless Assistance Act; and the shelter plus care program as authorized under subtitle F of title IV of such Act, $1,415,000,000, of which $1,395,000,000 shall remain available until September 30, 2008, and of which $20,000,000 shall remain available until expended: Provided, That not less than 30 percent of funds made available, excluding amounts provided for renewals under the shelter plus care program, shall be used for permanent housing: Provided further, That all funds awarded for services shall be matched by 25 percent in funding by each grantee: Provided further, That the Secretary shall renew on an annual basis expiring contracts or amendments to contracts funded under the shelter plus care program if the program is determined to be needed under the applicable continuum of care and meets appropriate program requirements and financial standards, as determined by the Secretary: Provided further, That all awards of assistance under this heading shall be required to coordinate and integrate homeless programs with other mainstream health, social services, and employment programs for which homeless populations may be eligible, including Medicaid, State Children's Health Insurance Program, Temporary Assistance for Needy Families, Food Stamps, and services funding through the Mental Health and Substance Abuse Block Grant, Workforce Investment Act, and the Welfare-to-Work grant program: Provided further, That up to $11,674,000 of the total amount provided under this heading shall be available for the national homeless data analysis project and technical assistance: Provided further, That $1,000,000 of the total amount provided under this heading shall be transferred to the Working Capital Fund: Provided further, That $5,000,000 of the total amount provided under this heading shall be transferred to the Affordable Housing and Economic Development Technical Assistance Board: Provided further, That all balances for Shelter Plus Care renewals previously funded from the Shelter Plus Care Renewal account and transferred to this account shall be available, if recaptured, for Shelter Plus Care renewals in fiscal year 2006.

HOUSING PROGRAMS

HOUSING FOR THE ELDERLY

(INCLUDING TRANSFERS OF FUNDS)

For capital advances, including amendments to capital advance contracts, for housing for the elderly, as authorized by section 202 of the Housing Act of 1959, as amended, and for project rental assistance for the elderly under section 202(c)(2) of such Act, including amendments to contracts for such assistance and renewal of expiring contracts for such assistance for up to a 1-year term, and for supportive services associated with the housing, $742,000,000, to remain available until September 30, 2009, of which amount $53,000,000 shall be for service coordinators and the continuation of existing congregate service grants for residents of assisted housing projects, and of which amount up to $30,000,000 shall be for grants under section 202b of the Housing Act of 1959 (12 U.S.C. 1701q–2) for conversion of eligible projects under such section to assisted living or related use and for emergency capital repairs as determined by the Secretary: Provided, That of the amount made available under this heading, $20,000,000 shall be available to the Secretary of Housing and Urban Development only for making competitive grants to private nonprofit organizations and consumer cooperatives for covering costs of architectural and engineering work, site control, and other planning relating to the development of supportive housing for the elderly that is eligible for assistance under section 202 of the Housing Act of 1959 (12 U.S.C. 1701q): Provided further, That amounts under this heading shall be available for Real Estate Assessment Center inspections and inspection-related activities associated with section 202 capital advance projects: Provided further, That $450,000 of the total amount made available under this heading shall be transferred to the Working Capital Fund: Provided further, That the Secretary may waive the provisions of section 202 governing the terms and conditions of project rental assistance, except that the initial contract term for such assistance shall not exceed 5 years in duration: Provided further, That $2,500,000 of the total amount made available under this heading shall be transferred to the Affordable Housing and Economic Development Technical Assistance Board.

HOUSING FOR PERSONS WITH DISABILITIES

(INCLUDING TRANSFERS OF FUNDS)

For capital advance contracts, including amendments to capital advance contracts, for supportive housing for persons with disabilities, as authorized by section 811 of the Cranston-Gonzalez National Affordable Housing Act, for project rental assistance for supportive housing for persons with disabilities under section 811(d)(2) of such Act, including amendments to contracts for such assistance and renewal of expiring contracts for such assistance for up to a 1-year term, and for supportive services associated with the housing for persons with disabilities as authorized by section 811(b)(1) of such Act, $240,000,000: Provided, That $450,000 shall be transferred to the Working Capital Fund: Provided further, That renewal of tenant-based assistance contracts shall be renewed from funding made available under the heading Tenant-Based Rental Assistance: Provided further, That of the amount provided under this heading, the Secretary may make available up to $5,000,000 for incremental tenant-based rental assistance, as authorized by section 811 of such Act (which assistance is 5 years in duration): Provided further, That all tenant-based assistance made available under this heading shall continue to remain available only to persons with disabilities: Provided further, That the Secretary may waive the provisions of section 811 governing the terms and conditions of project rental assistance and tenant-based assistance, except that the initial contract term for such assistance shall not exceed 5 years in duration: Provided further, That amounts made available under this heading shall be available for Real Estate Assessment Center Inspections and inspection-related activities associated with Section 811 Capital Advance Projects: Provided further, That $2,500,000 of the total amount provided under this heading shall be transferred to the Affordable Housing and Economic Development Technical Assistance Board.

AFFORDABLE HOUSING AND ECONOMIC DEVELOPMENT TECHNICAL ASSISTANCE BOARD

(TRANSFER OF FUNDS)

To carry out a technical assistance program to assist local nonprofits that participate in programs administered by the Department of Housing and Urban Development, $45,000,000 of funds transferred from within this title: Provided, That these funds shall be made available to a board made up of national nonprofits consisting of LISC, the Enterprise Foundation, and the Centre for Management and Technology: Provided further, That the board shall be assisted by an advisory board consisting of nonprofits with diverse knowledge and expertise with regard to affordable housing and economic development: Provided further, That these funds shall be used by this board to assist local nonprofits in preserving and expanding the stock of low-income housing and in developing economic development activities in accordance with the requirements of programs administered by the Department of Housing and Urban Development: Provided further, That direct administrative costs shall not exceed 10 percent of the total appropriation.

OTHER ASSISTED HOUSING PROGRAMS

RENTAL HOUSING ASSISTANCE

For amendments to contracts under section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s) and section 236(f)(2) of the National Housing Act (12 U.S.C. 1715z–1) in State-aided, non-insured rental housing projects, $26,400,000, to remain available until expended.

FLEXIBLE SUBSIDY FUND

(TRANSFER OF FUNDS)

From the Rental Housing Assistance Fund, all uncommitted balances of excess rental charges as of September 30, 2005, and any collections made during fiscal year 2006 and all subsequent fiscal years, shall be transferred to the Flexible Subsidy Fund, as authorized by section 236(g) of the National Housing Act, as amended.

PAYMENT TO MANUFACTURED HOUSING FEES TRUST FUND

For necessary expenses as authorized by the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended (42 U.S.C. 5401 et seq.), up to $13,000,000 to remain available until expended, to be derived from the Manufactured Housing Fees Trust Fund: Provided, That not to exceed the total amount appropriated under this heading shall be available from the general fund of the Treasury to the extent necessary to incur obligations and make expenditures pending the receipt of collections to the Fund pursuant to section 620 of such Act: Provided further, That the amount made available under this heading from the general fund shall be reduced as such collections are received during fiscal year 2006 so as to result in a final fiscal year 2006 appropriation from the general fund estimated at not more than $0 and fees pursuant to such section 620 shall be modified as necessary to ensure such a final fiscal year 2006 appropriation.

FEDERAL HOUSING ADMINISTRATION

MUTUAL MORTGAGE INSURANCE PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

During fiscal year 2006, commitments to guarantee loans to carry out the purposes of section 203(b) of the National Housing Act, as amended, shall not exceed a loan principal of $185,000,000,000.

During fiscal year 2006, obligations to make direct loans to carry out the purposes of section 204(g) of the National Housing Act, as amended, shall not exceed $50,000,000: Provided, That the foregoing amount shall be for loans to nonprofit and governmental entities in connection with sales of single family real properties owned by the Secretary and formerly insured under the Mutual Mortgage Insurance Fund.

For administrative expenses necessary to carry out the guaranteed and direct loan program, $355,000,000, of which not to exceed $351,000,000 shall be transferred to the appropriation for "Salaries and expenses"; and not to exceed $4,000,000 shall be transferred to the appropriation for "Office of Inspector General". In addition, for administrative contract expenses, $62,600,000, of which $18,281,000 shall be transferred to the Working Capital Fund: Provided, That to the extent guaranteed loan commitments exceed $65,500,000,000 on or before April 1, 2006, an additional $1,400 for administrative contract expenses shall be available for each $1,000,000 in additional guaranteed loan commitments (including a pro rata amount for any amount below $1,000,000), but in no case shall funds made available by this proviso exceed $30,000,000.

GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the cost of guaranteed loans, as authorized by sections 238 and 519 of the National Housing Act (12 U.S.C. 1715z–3 and 1735c), including the cost of loan guarantee modifications, as that term is defined in section 502 of the Congressional Budget Act of 1974, as amended, $8,800,000, to remain available until expended: Provided, That commitments to guarantee loans shall not exceed $35,000,000,000 in total loan principal, any part of which is to be guaranteed.

Gross obligations for the principal amount of direct loans, as authorized by sections 204(g), 207(l), 238, and 519(a) of the National Housing Act, shall not exceed $50,000,000, of which not to exceed $30,000,000 shall be for bridge financing in connection with the sale of multifamily real properties owned by the Secretary and formerly insured under such Act; and of which not to exceed $20,000,000 shall be for loans to nonprofit and governmental entities in connection with the sale of single-family real properties owned by the Secretary and formerly insured under such Act.

In addition, for administrative expenses necessary to carry out the guaranteed and direct loan programs, $231,400,000, of which $211,400,000 shall be transferred to the appropriation for "Salaries and Expenses"; and of which $20,000,000 shall be transferred to the appropriation for "Office of Inspector General".

In addition, for administrative contract expenses necessary to carry out the guaranteed and direct loan programs, $71,900,000, of which $10,800,000 shall be transferred to the Working Capital Fund: Provided, That to the extent guaranteed loan commitments exceed $8,426,000,000 on or before April 1, 2006, an additional $1,980 for administrative contract expenses shall be available for each $1,000,000 in additional guaranteed loan commitments over $8,426,000,000 (including a pro rata amount for any increment below $1,000,000), but in no case shall funds made available by this proviso exceed $14,400,000.

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

GUARANTEES OF MORTGAGE-BACKED SECURITIES LOAN GUARANTEE PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

New commitments to issue guarantees to carry out the purposes of section 306 of the National Housing Act, as amended (12 U.S.C. 1721(g)), shall not exceed $200,000,000,000, to remain available until September 30, 2007.

For administrative expenses necessary to carry out the guaranteed mortgage-backed securities program, $11,360,000, to be derived from the GNMA guarantees of mortgage-backed securities guaranteed loan receipt account, of which not to exceed $11,360,000, shall be transferred to the appropriation for "Salaries and expenses".

POLICY DEVELOPMENT AND RESEARCH

RESEARCH AND TECHNOLOGY

For contracts, grants, and necessary expenses of programs of research and studies relating to housing and urban problems, not otherwise provided for, as authorized by title V of the Housing and Urban Development Act of 1970, as amended (12 U.S.C. 1701z–1 et seq.), including carrying out the functions of the Secretary under section 1(a)(1)(i) of Reorganization Plan No. 2 of 1968, $48,000,000, to remain available until September 30, 2007: Provided, That of the total amount provided under this heading, $5,000,000 shall be for the Partnership for Advancing Technology in Housing (PATH) Initiative: Provided further, That of the amounts made available for PATH under this heading, $2,500,000 shall not be subject to the requirements of section 305 of this title.

FAIR HOUSING AND EQUAL OPPORTUNITY

FAIR HOUSING ACTIVITIES

For contracts, grants, and other assistance, not otherwise provided for, as authorized by title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, and section 561 of the Housing and Community Development Act of 1987, as amended, $46,000,000, to remain available until September 30, 2007, of which $20,000,000 shall be to carry out activities pursuant to such section 561: Provided, That no funds made available under this heading shall be used to lobby the executive or legislative branches of the Federal Government in connection with a specific contract, grant or loan.

OFFICE OF LEAD HAZARD CONTROL

LEAD HAZARD REDUCTION

For the Lead Hazard Reduction Program, as authorized by section 1011 of the Residential Lead-Based Paint Hazard Reduction Act of 1992, $167,000,000, to remain available until September 30, 2007, of which $9,900,000 shall be for the Healthy Homes Initiative, pursuant to sections 501 and 502 of the Housing and Urban Development Act of 1970 that shall include research, studies, testing, and demonstration efforts, including education and outreach concerning lead-based paint poisoning and other housing-related diseases and hazards: Provided, That for purposes of environmental review, pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other provisions of law that further the purposes of such Act, a grant under the Healthy Homes Initiative, Operation Lead Elimination Action Plan (LEAP), or the Lead Technical Studies program under this heading or under prior appropriations Acts for such purposes under this heading, shall be considered to be funds for a special project for purposes of section 305(c) of the Multifamily Housing Property Disposition Reform Act of 1994: Provided further, That of the total amount made available under this heading, $48,000,000 shall be made available on a competitive basis for areas with the highest lead paint abatement needs, as identified by the Secretary as having: (1) the highest number of occupied pre-1940 units of rental housing; and (2) a disproportionately high number of documented cases of lead-poisoned children: Provided further, That each grantee receiving funds under the previous proviso shall target those privately owned units and multifamily buildings that are occupied by low-income families as defined under section 3(b)(2) of the United States Housing Act of 1937: Provided further, That not less than 90 percent of the funds made available under this paragraph shall be used exclusively for abatement, inspections, risk assessments, temporary relocations and interim control of lead-based hazards as defined by 42 U.S.C. 4851: Provided further, That each recipient of funds provided under the first proviso shall make a matching contribution in an amount not less than 25 percent: Provided further, That each applicant shall submit a detailed plan and strategy that demonstrates adequate capacity that is acceptable to the Secretary to carry out the proposed use of funds pursuant to a Notice of Funding Availability.

MANAGEMENT AND ADMINISTRATION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary administrative and non-administrative expenses of the Department of Housing and Urban Development, not otherwise provided for, including purchase of uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; hire of passenger motor vehicles; services as authorized by 5 U.S.C. 3109; and not to exceed $25,000 for official reception and representation expenses, $1,145,195,000, of which $562,400,000 shall be provided from the various funds of the Federal Housing Administration, $11,360,000 shall be provided from funds of the Government National Mortgage Association, $1,000,000 shall be from the Community Development Loan Guarantee program, $150,000 shall be provided by transfer from the "Native American housing block grants" account, $250,000 shall be provided by transfer from the "Indian housing loan guarantee fund program" account and $35,000 shall be transferred from the "Native Hawaiian housing loan guarantee fund" account: Provided, That funds made available *under this heading shall only be allocated in the manner specified in the report accompanying this Act unless the Committees on Appropriations of both the House of Representatives and the Senate are notified of any changes in an operating plan or reprogramming: Provided further, That no official or employee of the Department shall be designated as an allotment holder unless the Office of the Chief Financial Officer (OCFO) has determined that such allotment holder has implemented an adequate system of funds control and has received training in funds control procedures and directives: Provided further, That the Chief Financial Officer shall establish positive control of and maintain adequate systems of accounting for appropriations and other available funds as required by 31 U.S.C. 1514: Provided further, That for purposes of funds control and determining whether a violation exists under the Anti-Deficiency Act (31 U.S.C. 1341 et seq.), the point of obligation shall be the executed agreement or contract, except with respect to insurance and guarantee programs, certain types of salaries and expenses funding, and incremental funding that is authorized under an executed agreement or contract, and shall be designated in the approved funds control plan: Provided further, That the Chief Financial Officer shall: (1) appoint qualified personnel to conduct investigations of potential or actual violations; (2) establish minimum training requirements and other qualifications for personnel that may be appointed to conduct investigations; (3) establish guidelines and timeframes for the conduct and completion of investigations; (4) prescribe the content, format and other requirements for the submission of final reports on violations; and (5) prescribe such additional policies and procedures as may be required for conducting investigations of, and administering, processing, and reporting on, potential and actual violations of the Anti-Deficiency Act and all other statutes and regulations governing the obligation and expenditure of funds made available in this or any other Act: Provided further, That $20,000,000 may be transferred to the Working Capital Fund: Provided further, That the Secretary shall fill 7 out of 10 vacancies at the GS–14 and GS–15 levels until the total number of GS–14 and GS–15 positions in the Department has been reduced from the number of GS–14 and GS–15 positions on the date of enactment of Public Law 106–377 by 2½ percent.*

WORKING CAPITAL FUND

For additional capital for the Working Capital Fund (42 U.S.C. 3535) for the development of, modifications to, and infrastructure for Department-wide information technology systems, for the continuing operation of both Department-wide and program-specific information systems, and for program-related development activities, $265,000,000, to remain available until September 30, 2007: Provided, That any amounts transferred to this Fund under this Act shall remain available until expended: Provided further, That any amounts transferred to this Fund from amounts appropriated by previously enacted appropriations Acts or from within this Act may be used only for the purposes specified under this Fund, in addition to the purposes for which such amounts were appropriated.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $106,000,000, of which $24,000,000 shall be provided from the various funds of the Federal Housing Administration: Provided, That the Inspector General shall have independent authority over all personnel issues within this office.

OFFICE OF FEDERAL HOUSING ENTERPRISE OVERSIGHT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For carrying out the Federal Housing Enterprises Financial Safety and Soundness Act of 1992, including not to exceed $500 for official reception and representation expenses, $60,000,000, to remain available until expended, to be derived from the Federal Housing Enterprises Oversight Fund: Provided, That not to exceed the amount provided herein shall be available from the general fund of the Treasury to the extent necessary to incur obligations and make expenditures pending the receipt of collections to the Fund: Provided further, That the general fund amount shall be reduced as collections are received during the fiscal year so as to result in a final appropriation from the general fund estimated at not more than $0.

ADMINISTRATIVE PROVISIONS

SEC. 301. Fifty percent of the amounts of budget authority, or in lieu thereof 50 percent of the cash amounts associated with such budget authority, that are recaptured from projects described in section 1012(a) of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 (42 U.S.C. 1437 note) shall be rescinded, or in the case of cash, shall be remitted to the Treasury, and such amounts of budget authority or cash recaptured and not rescinded or remitted to the Treasury shall be used by State housing finance agencies or local governments or local housing agencies with projects approved by the Secretary of Housing and Urban Development for which settlement occurred after January 1, 1992, in accordance with such section. Notwithstanding the previous sentence, the Secretary may award up to 15 percent of the budget authority or cash recaptured and not rescinded or remitted to the Treasury to provide project owners with incentives to refinance their project at a lower interest rate.

SEC. 302. None of the amounts made available under this Act may be used during fiscal year 2006 to investigate or prosecute under the Fair Housing Act any otherwise lawful activity engaged in by one or more persons, including the filing or maintaining of a non-frivolous legal action, that is engaged in solely for the purpose of achieving or preventing action by a Government official or entity, or a court of competent jurisdiction.

SEC. 303. (a) Notwithstanding section 854(c)(1)(A) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)(1)(A)), from any amounts made available under this title for fiscal year 2006 that are allocated under such section, the Secretary of Housing and Urban Development shall allocate and make a grant, in the amount determined under subsection (b), for any State that—

(1) received an allocation in a prior fiscal year under clause (ii) of such section; and

(2) is not otherwise eligible for an allocation for fiscal year 2006 under such clause (ii) because the areas in the State outside of the metropolitan statistical areas that qualify under clause (i) in fiscal year 2006 do not have the number of cases of acquired immunodeficiency syndrome (AIDS) required under such clause.

(b) The amount of the allocation and grant for any State described in subsection (a) shall be an amount based on the cumulative number of AIDS cases in the areas of that State that are outside of metropolitan statistical areas that qualify under clause (i) of such section 854(c)(1)(A) in fiscal year 2006, in proportion to AIDS cases among cities and States that qualify under clauses (i) and (ii) of such section and States deemed eligible under subsection (a).

(c) Notwithstanding any other provision of law, the amount allocated for fiscal year 2006 under section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)), to the City of New York, New York, on behalf of the New York-Wayne-White Plains, New York-New Jersey Metropolitan Division (hereafter,''metropolitan division'') of the New York-Newark-Edison, NY-NJ-PA Metropolitan Statistical Area, shall be adjusted by the Secretary of Housing and Urban Development by: (1) allocating to the City of Jersey City, New Jersey, the proportion of the metropolitan area's or division's amount that is based on the number of cases of AIDS reported in the portion of the metropolitan area or division that is located in Hudson County, New Jersey, and adjusting for the proportion of the metropolitan division's high incidence bonus if this area in New Jersey also has a higher than average per capita incidence of AIDS; and (2) allocating to the City of Paterson, New Jersey, the proportion of the metropolitan area's or division's amount that is based on the number of cases of AIDS reported in the portion of the metropolitan area or division that is located in Bergen County and Passaic County, New Jersey, and adjusting for the proportion of the metropolitan division's high incidence bonus if this area in New Jersey also has a higher than average per capita incidence of AIDS. The recipient cities shall use amounts allocated under this subsection to carry out eligible activities under section 855 of the AIDS Housing Opportunity Act (42 U.S.C. 12904) in their respective portions of the metropolitan division that is located in New Jersey.

(d) Notwithstanding any other provision of law, the amount allocated for fiscal year 2006 under section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)) to areas with a higher than average per capita incidence of AIDS, shall be adjusted by the Secretary on the basis of area incidence reported over a three year period.

SEC. 304. (a) During fiscal year 2006, in the provision of rental assistance under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)) in connection with a program to demonstrate the economy and effectiveness of providing such assistance for use in assisted living facilities that is carried out in the counties of the State of Michigan specified in subsection (b) of this section, notwithstanding paragraphs (3) and (18)(B)(iii) of such section 8(o), a family residing in an assisted living facility in any such county, on behalf of which a public housing agency provides assistance pursuant to section 8(o)(18) of such Act, may be required, at the time the family initially receives such assistance, to pay rent in an amount exceeding 40 percent of the monthly adjusted income of the family by such a percentage or amount as the Secretary of Housing and Urban Development determines to be appropriate.

(b) The counties specified in this subsection are Oakland County, Macomb County, Wayne County, and Washtenaw County, in the State of Michigan.

SEC. 305. Except as explicitly provided in law, any grant, cooperative agreement or other assistance made pursuant to title III of this Act shall be made on a competitive basis and in accordance with section 102 of the Department of Housing and Urban Development Reform Act of 1989.

SEC. 306. Funds of the Department of Housing and Urban Development subject to the Government Corporation Control Act or section 402 of the Housing Act of 1950 shall be available, without regard to the limitations on administrative expenses, for legal services on a contract or fee basis, and for utilizing and making payment for services and facilities of the Federal National Mortgage Association, Government National Mortgage Association, Federal Home Loan Mortgage Corporation, Federal Financing

Bank, Federal Reserve banks or any member thereof, Federal Home Loan banks, and any insured bank within the meaning of the Federal Deposit Insurance Corporation Act, as amended (12 U.S.C. 1811–1831).

SEC. 307. Unless otherwise provided for in this Act or through a reprogramming of funds, no part of any appropriation for the Department of Housing and Urban Development shall be available for any program, project or activity in excess of amounts set forth in the budget estimates submitted to Congress.

SEC. 308. Corporations and agencies of the Department of Housing and Urban Development which are subject to the Government Corporation Control Act, as amended, are hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of such Act as may be necessary in carrying out the programs set forth in the budget for 2006 for such corporation or agency except as hereinafter provided: Provided, That collections of these corporations and agencies may be used for new loan or mortgage purchase commitments only to the extent expressly provided for in this Act (unless such loans are in support of other forms of assistance provided for in this or prior appropriations Acts), except that this proviso shall not apply to the mortgage insurance or guaranty operations of these corporations, or where loans or mortgage purchases are necessary to protect the financial interest of the United States Government.

SEC. 309. None of the funds provided in this title for technical assistance, training, or management improvements may be obligated or expended unless HUD provides to the Committees on Appropriations a description of each proposed activity and a detailed budget estimate of the costs associated with each program, project or activity as part of the Budget Justifications. For fiscal year 2006, HUD shall transmit this information to the Committees by March 15, 2006 for 30 days of review.

SEC. 310. The Secretary of Housing and Urban Development shall provide quarterly reports to the House and Senate Committees on Appropriations regarding all uncommitted, unobligated, recaptured and excess funds in each program and activity within the jurisdiction of the Department and shall submit additional, updated budget information to these Committees upon request.

SEC. 311. Notwithstanding any other provision of law, in fiscal year 2006, in managing and disposing of any multifamily property that is owned or held by the Secretary and is occupied primarily by elderly or disabled families, the Secretary of Housing and Urban Development shall maintain any rental assistance payments under section 8 of the United States Housing Act of 1937 that are attached to any dwelling units in the property. To the extent the Secretary determines that such a multifamily property owned or held by the Secretary is not feasible for continued rental assistance payments under such section 8, the Secretary may, in consultation with the tenants of that property, contract for project-based rental assistance payments with an owner or owners of other existing housing properties or provide other rental assistance.

SEC. 312. (a) Notwithstanding any other provision of law, the amount allocated for fiscal year 2006 under section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)), to the City of Wilmington, Delaware, on behalf of the Wilmington, Delaware-Maryland-New Jersey Metropolitan Division (hereafter "metropolitan division"), shall be adjusted by the Secretary of Housing and Urban Development by allocating to the State of New Jersey the proportion of the metropolitan division's amount that is based on the number of cases of AIDS reported in the portion of the metropolitan division that is located in New Jersey, and adjusting for the proportion of the metropolitan division's high incidence bonus if this area in New Jersey also has a higher than average per capita incidence of AIDS. The State of New Jersey shall use amounts allocated to the State under this subsection to carry out eligible activities under section 855 of the AIDS Housing Opportunity Act (42 U.S.C. 12904) in the portion of the metropolitan division that is located in New Jersey.

(b) Notwithstanding any other provision of law, the Secretary of Housing and Urban Development shall allocate to Wake County, North Carolina, the amounts that otherwise would be allocated for fiscal year 2006 under section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)) to the City of Raleigh, North Carolina, on behalf of the Raleigh-Cary, North Carolina Metropolitan Statistical Area. Any amounts allocated to Wake County shall be used to carry out eligible activities under section 855 of such Act (42 U.S.C. 12904) within such metropolitan statistical area.

(c) Notwithstanding section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)), the Secretary of Housing and Urban Development may adjust the allocation of the amounts that otherwise would be allocated for fiscal year 2006 under section 854(c) of such Act, upon the written request of an applicant, in conjunction with the State(s), for a formula allocation on behalf of a metropolitan statistical area, to designate the State or States in which the metropolitan statistical area is located as the eligible grantee(s) of the allocation. In the case that a metropolitan statistical area involves more than one State, such amounts allocated to each State shall be in proportion to the number of cases of AIDS reported in the portion of the metropolitan statistical area located in that State. Any amounts allocated to a State under this section shall be used to carry out eligible activities within the portion of the metropolitan statistical area located in that State.

SEC. 313. The Department of Housing and Urban Development shall submit the Department's fiscal year 2007 congressional budget justifications to the Committees on Appropriations of the House of Representatives and the Senate using the identical structure provided under this Act and only in accordance with the direction specified in the report accompanying this Act.

SEC. 314. Incremental vouchers previously made available under the heading "Housing Certificate Fund" or renewed under the heading, "Tenant-Based Rental Assistance," for non-elderly disabled families shall, to the extent practicable, continue to be provided to non-elderly disabled families upon turnover.

SEC. 315. A public housing agency or such other entity that administers Federal housing assistance in the States of Alaska, Iowa, and Mississippi shall not be required to include a resident of public housing or a recipient of assistance provided under section 8 of the United States Housing Act of 1937 on the board of directors or a similar governing board of such agency or entity as required under section (2)(b) of such Act. Each public housing agency or other entity that administers Federal housing assistance under section 8 in the States of Alaska, Iowa and Mississippi shall establish an advisory board of not less than 6 residents of public housing or recipients of section 8 assistance to provide advice and comment to the public housing agency or other administering entity on issues related to public housing and section 8. Such advisory board shall meet not less than quarterly.

SEC. 316. For this fiscal year and each fiscal year hereafter, the portion of any athletic scholarship assistance that is available for housing costs shall be considered adjusted income for purposes of section 3(b)(5) of the United States Housing Act of 1937.

SEC. 317. The funds made available for Native Alaskans under the heading "Native American Housing Block Grants" in title III of this Act shall be allocated to the same Native Alaskan housing block grant recipients that received funds in fiscal year 2004.

SEC. 318. (a) Notwithstanding any other provision of law, subject to the conditions listed in subsection (b), for this fiscal year and each fiscal year thereafter, the Secretary may authorize the transfer of project-based assistance, debt and statutorily required low-income and very low-income use restrictions, associated with one multifamily housing project to another multifamily housing project.

(b) The transfer authorized in subsection (a) is subject to the following conditions:

(1) the number of low-income and very low-income units and the net dollar amount of Federal assistance provided by the transferring project shall remain the same in the receiving project;

(2) the transferring project shall, as determined by the Secretary, be either physically obsolete or economically non-viable;

(3) the receiving project shall meet or exceed applicable physical standards established by the Secretary;

(4) the owner or mortgagor of the transferring project shall notify and consult with the tenants residing in the transferring project and provide a certification of approval by all appropriate local governmental officials;

(5) the tenants of the transferring project who remain eligible for assistance to be provided by the receiving project shall not be required to vacate their units in the transferring project until new units in the receiving project are available for occupancy;

(6) if either the transferring project or the receiving project meets the condition specified in subsection (c)(2)(A), any lien on the receiving project resulting from additional financing obtained by the owner shall be subordinate to any FHA-insured mortgage lien transferred to, or placed on, such project by the Secretary;

(7) if the transferring project meets the requirements of subsection (c)(2)(E), the owner or mortgagor of the receiving project shall execute and record either a continuation of the existing use agreement or a new use agreement for the project where, in either case, any use restrictions in such agreement are of no lesser duration than the existing use restrictions; and

(8) any financial risk to the FHA General and Special Risk Insurance Fund, as determined by the Secretary, would be reduced as a result of a transfer completed under this section.

(c) For purposes of this section—

(1) the terms "low-income" and "very low-income" shall have the meanings provided by the statute and/or regulations governing the program under which the project is insured or assisted;

(2) the term "multifamily housing project" means housing that meets one of the following conditions—

(A) housing that is subject to a mortgage insured under the National Housing Act,

(B) housing that has project-based assistance attached to the structure,

(C) housing that is assisted under section 202 of the Housing Act of 1959 as amended by section 801 of the Cranston-Gonzales National Affordable Housing Act,

(D) housing that is assisted under section 202 of the Housing Act of 1959, as such section existed before the enactment of the Cranston-Gonzales National Affordable Housing Act, or,

(E) housing or vacant land that is subject to a use agreement;

(3) the term "project-based assistance" means—

(A) assistance provided under section 8(b) of the United States Housing Act of 1937;

(B) assistance for housing constructed or substantially rehabilitated pursuant to assistance provided under section 8(b)(2) of such Act (as such section existed immediately before October 1, 1983);

(C) rent supplement payments under section 101 of the Housing and Urban Development Act of 1965;

(D) additional assistance payments under section 236(f)(2) of the National Housing Act; and,

(E) assistance payments made under section 202(c)(2) of the Housing Act of 1959;

(4) the term "receiving project" means the multifamily housing project to which the project-based assistance, debt, and statutorily required use low-income and very low-income restrictions are to be transferred;

(5) the term "transferring project" means the multifamily housing project which is transferring the project-based assistance, debt and the statutorily required low-income and very low-income use restrictions to the receiving project; and,

(6) the term "Secretary" means the Secretary of Housing and Urban Development.

SEC. 319. (a) EXTENSION.—The Secretary of Housing and Urban Development shall extend the term of the Moving to Work Demonstration Agreement entered into between a public housing agency and the Secretary under section 204, title V, of the Omnibus Consolidated Rescissions and Appropriations Act of 1996 (Public Law 104–134, April 26, 1996) if—

(1) the public housing agency requests such extension in writing;

(2) the public housing agency is not at the time of such request for extension in default under its Moving to Work Demonstration Agreement; and

(3) the Moving to Work Demonstration Agreement to be extended would otherwise expire on or before September 30, 2006.

(b) TERMS.—Unless the Secretary of Housing and Urban Development and the public housing agency otherwise agree, the extension under subsection (a) shall be upon the identical terms and conditions set forth in the extending agency's existing Moving to Work Demonstration Agreement, except that for each public housing agency that has been or will be granted an extension to its original Moving to Work Agreement, the Secretary shall require that data be collected so that the effect of Moving to Work policy changes on residents can be measured.

(c) EXTENSION PERIOD.—The extension under subsection (a) shall be for such period as is requested by the public housing agency, not to exceed 3 years from the date of expiration of the extending agency's existing Moving to Work Demonstration Agreement.

(d) BREACH OF AGREEMENT.—Nothing contained in this section shall limit the authority of the Secretary of Housing and Urban Development to terminate any Moving to Work Demonstration Agreement of a public housing agency if the public housing agency is in breach of the provisions of such agreement.

SEC. 320. Incremental vouchers previously made available under the heading, "Housing Certificate Fund" or renewed under the heading, "Tenant-Based Rental Assistance", for family unification shall, to the extent practicable, continue to be provided for family unification.

This title may be cited as the "Department of Housing and Urban Development Appropriations Act, 2006".

TITLE IV—THE JUDICIARY

SUPREME COURT OF THE UNITED STATES

SALARIES AND EXPENSES

For expenses necessary for the operation of the Supreme Court, as required by law, excluding care of the building and grounds, including purchase or hire, driving, maintenance, and operation of an automobile for the Chief Justice, not to exceed $10,000 for the purpose of transporting Associate Justices, and hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; not to exceed $10,000 for official reception and representation expenses; and for miscellaneous expenses, to be expended as the Chief Justice may approve, $60,730,000, of which $2,000,000 shall remain available until expended.

CARE OF THE BUILDING AND GROUNDS

For such expenditures as may be necessary to enable the Architect of the Capitol to carry out the duties imposed upon the Architect by the Act approved May 7, 1934 (40 U.S.C. 13a–13b), $5,624,000, which shall remain available until expended.

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

SALARIES AND EXPENSES

For salaries of the chief judge, judges, and other officers and employees, and for necessary expenses of the court, as authorized by law, $23,489,000.

UNITED STATES COURT OF INTERNATIONAL TRADE

SALARIES AND EXPENSES

For salaries of the chief judge and eight judges, salaries of the officers and employees of the court, services, and necessary expenses of the court, as authorized by law, $15,480,000.

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES AND EXPENSES

For the salaries of circuit and district judges (including judges of the territorial courts of the United States), justices and judges retired from office or from regular active service, judges of the United States Court of Federal Claims, bankruptcy judges, magistrate judges, and all other officers and employees of the Federal Judiciary not otherwise specifically provided for, and necessary expenses of the courts, as authorized by law, $4,374,959,000 (including the purchase of firearms and ammunition); of which not to exceed $27,817,000 shall remain available until expended for space alteration projects and for furniture and furnishings related to new space alteration and construction projects.

In addition, for expenses of the United States Court of Federal Claims associated with processing cases under the National Childhood Vaccine Injury Act of 1986 (Public Law 99–660), not to exceed $3,833,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

DEFENDER SERVICES

For the operation of Federal Defender organizations; the compensation and reimbursement of expenses of attorneys appointed to represent persons under the Criminal Justice Act of 1964, as amended (18 U.S.C. 3006A); the compensation and reimbursement of expenses of persons furnishing investigative, expert and other services under the Criminal Justice Act of 1964 (18 U.S.C. 3006A(e)); the compensation (in accordance with Criminal Justice Act maximums) and reimbursement of expenses of attorneys appointed to assist the court in criminal cases where the defendant has waived representation by counsel; the compensation and reimbursement of travel expenses of guardians ad litem acting on behalf of financially eligible minor or incompetent offenders in connection with transfers from the United States to foreign countries with which the United States has a treaty for the execution of penal sentences; the compensation of attorneys appointed to represent jurors in civil actions for the protection of their employment, as authorized by 28 U.S.C. 1875(d); and for necessary training and general administrative expenses, $710,785,000, to remain available until expended.

FEES OF JURORS AND COMMISSIONERS

For fees and expenses of jurors as authorized by 28 U.S.C. 1871 and 1876; compensation of jury commissioners as authorized by 28 U.S.C. 1863; and compensation of commissioners appointed in condemnation cases pursuant to rule 71A(h) of the Federal Rules of Civil Procedure (28 U.S.C. Appendix Rule 71A(h)), $61,318,000, to remain available until expended: Provided, That the compensation of land commissioners shall not exceed the daily equivalent of the highest rate payable under section 5332 of title 5, United States Code.

COURT SECURITY

For necessary expenses, not otherwise provided for, incident to the provision of protective guard services for United States courthouses and other facilities housing Federal court operations, and the procurement, installation, and maintenance of security systems and equipment for United States courthouses and other facilities housing Federal court operations, including building ingress-egress control, inspection of mail and packages, directed security patrols, perimeter security, basic security services provided by the Federal Protective Service, and other similar activities as authorized by section 1010 of the Judicial Improvement and Access to Justice Act (Public Law 100–702), $372,426,000, of which not to exceed $15,000,000 shall remain available until expended, to be expended directly or transferred to the United States Marshals Service, which shall be responsible for administering the Judicial Facility Security Program consistent with standards or guidelines agreed to by the Director of the Administrative Office of the United States Courts and the Attorney General.

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

SALARIES AND EXPENSES

For necessary expenses of the Administrative Office of the United States Courts as authorized by law, including travel as authorized by 31 U.S.C. 1345, hire of a passenger motor vehicle as authorized by 31 U.S.C. 1343(b), advertising and rent in the District of Columbia and elsewhere, $72,198,000, of which not to exceed $8,500 is authorized for official reception and representation expenses and of which up to $1,000,000 shall be made available to the National Academy of Public Administrators for a review of the financial and management procedures of the Federal Judiciary.

FEDERAL JUDICIAL CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Judicial Center, as authorized by Public Law 90–219, $22,350,000; of which $1,800,000 shall remain available through September 30, 2007, to provide education and training to Federal court personnel; and of which not to exceed $1,500 is authorized for official reception and representation expenses.

JUDICIAL RETIREMENT FUNDS

PAYMENT TO JUDICIARY TRUST FUNDS

For payment to the Judicial Officers' Retirement Fund, as authorized by 28 U.S.C. 377(o), $36,800,000; to the Judicial Survivors' Annuities Fund, as authorized by 28 U.S.C. 376(c), $600,000; and to the United States Court of Federal Claims Judges' Retirement Fund, as authorized by 28 U.S.C. 178(l), $3,200,000.

UNITED STATES SENTENCING COMMISSION

SALARIES AND EXPENSES

For the salaries and expenses necessary to carry out the provisions of chapter 58 of title 28, *United States Code, $14,700,000, of which not to exceed $1,000 is authorized for official reception and representation expenses.*

Administrative Provisions—The Judiciary

Sec. 401. Appropriations and authorizations made in this title which are available for salaries and expenses shall be available for services as authorized by 5 U.S.C. 3109.

Sec. 402. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Judiciary in this Act may be transferred between such appropriations, but no such appropriation, except "Courts of Appeals, District Courts, and Other Judicial Services, Defender Services" and "Courts of Appeals, District Courts, and Other Judicial Services, Fees of Jurors and Commissioners", shall be increased by more than 10 percent by any such transfers: Provided, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 705 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

Sec. 403. Notwithstanding any other provision of law, the salaries and expenses appropriation for Courts of Appeals, District Courts, and Other Judicial Services shall be available for official reception and representation expenses of the Judicial Conference of the United States: Provided, That such available funds shall not exceed $11,000 and shall be administered by the Director of the Administrative Office of the United States Courts in the capacity as Secretary of the Judicial Conference.

Sec. 404. Within 90 days of enactment of this Act, the Administrative Office of the U.S. Courts shall submit to the Committees on Appropriations a comprehensive financial plan for the Judiciary allocating all sources of available funds including appropriations, fee collections, and carryover balances, to include a separate and detailed plan for the Judiciary Information Technology fund.

Sec. 405. Pursuant to section 140 of Public Law 97–92, and from funds appropriated in this Act, Justices and judges of the United States are authorized during fiscal year 2006, to receive a salary adjustment in accordance with 28 U.S.C. 461.

Sec. 406. The existing judgeship for the eastern district of Missouri authorized by section 203(c) of the Judicial Improvements Act of 1990 (Public Law 101–650, 104 Stat. 5089) as amended by Public Law 105–53, as of the effective date of this Act, shall be extended. The first vacancy in the office of district judge in this district occurring 20 years or more after the confirmation date of the judge named to fill the temporary judgeship created by section 203(c) shall not be filled.

Sec. 407. Not later than 180 days after enactment of this Act, GAO shall provide the Committees on Appropriations with a report regarding the potential impact on the Federal Judiciary of recent increases in Homeland Security funding to enhance border security and enforce our nation's immigration laws.

This title may be cited as the "Judiciary Appropriations Act, 2006".

TITLE V—EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

Compensation of the President

For compensation of the President, including an expense allowance at the rate of $50,000 per annum as authorized by 3 U.S.C. 102, $450,000: Provided, That none of the funds made available for official expenses shall be expended for any other purpose and any unused amount shall revert to the Treasury pursuant to section 1552 of title 31, United States Code.

White House Office

SALARIES AND EXPENSES

For necessary expenses for the White House as authorized by law, including not to exceed $3,850,000 for services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 105; subsistence expenses as authorized by 3 U.S.C. 105, which shall be expended and accounted for as provided in that section; hire of passenger motor vehicles, newspapers, periodicals, teletype news service, and travel (not to exceed $100,000 to be expended and accounted for as provided by 3 U.S.C. 103); not to exceed $3,501,000 for the necessary expenses of the Office of Policy Development, including services authorized under 5 U.S.C. 3109 and 3 U.S.C. 107; and not to exceed $19,000 for official entertainment expenses, to be available for allocation within the Executive Office of the President, $58,081,000: Provided, That of the funds appropriated under this heading, $1,500,000 shall be for the Privacy and Civil Liberties Oversight Board.

Executive Residence at the White House

OPERATING EXPENSES

For the care, maintenance, repair and alteration, refurnishing, improvement, heating, and lighting, including electric power and fixtures, of the Executive Residence at the White House and official entertainment expenses of the President, $12,436,000, to be expended and accounted for as provided by 3 U.S.C. 105, 109, 110, and 112–114.

REIMBURSABLE EXPENSES

For the reimbursable expenses of the Executive Residence at the White House, such sums as may be necessary: Provided, That all reimbursable operating expenses of the Executive Residence shall be made in accordance with the provisions of this paragraph: Provided further, That, notwithstanding any other provision of law, such amount for reimbursable operating expenses shall be the exclusive authority of the Executive Residence to incur obligations and to receive offsetting collections, for such expenses: Provided further, That the Executive Residence shall require each person sponsoring a reimbursable political event to pay in advance an amount equal to the estimated cost of the event, and all such advance payments shall be credited to this account and remain available until expended: Provided further, That the Executive Residence shall require the national committee of the political party of the President to maintain on deposit $25,000, to be separately accounted for and available for expenses relating to reimbursable political events sponsored by such committee during such fiscal year: Provided further, That the Executive Residence shall ensure that a written notice of any amount owed for a reimbursable operating expense under this paragraph is submitted to the person owing such amount within 60 days after such expense is incurred, and that such amount is collected within 30 days after the submission of such notice: Provided further, That the Executive Residence shall charge interest and assess penalties and other charges on any such amount that is not reimbursed within such 30 days, in accordance with the interest and penalty provisions applicable to an outstanding debt on a United States Government claim under section 3717 of title 31, United States Code: Provided further, That each such amount that is reimbursed, and any accompanying interest and charges, shall be deposited in the Treasury as miscellaneous receipts: Provided further, That the Executive Residence shall prepare and submit to the Committees on Appropriations, by not later than 90 days after the end of the fiscal year covered by this Act, a report setting forth the reimbursable operating expenses of the Executive Residence during the preceding fiscal year, including the total amount of such expenses, the amount of such total that consists of reimbursable official and ceremonial events, the amount of such total that consists of reimbursable political events, and the portion of each such amount that has been reimbursed as of the date of the report: Provided further, That the Executive Residence shall maintain a system for the tracking of expenses related to reimbursable events within the Executive Residence that includes a standard for the classification of any such expense as political or nonpolitical: Provided further, That no provision of this paragraph may be construed to exempt the Executive Residence from any other applicable requirement of subchapter I or II of chapter 37 of title 31, United States Code.

White House Repair and Restoration

For the repair, alteration, and improvement of the Executive Residence at the White House, $1,700,000, to remain available until expended, for required maintenance, safety and health issues, and continued preventative maintenance.

Council of Economic Advisers

SALARIES AND EXPENSES

For necessary expenses of the Council of Economic Advisers in carrying out its functions under the Employment Act of 1946 (15 U.S.C. 1021), $4,040,000.

National Security Council

SALARIES AND EXPENSES

For necessary expenses of the National Security Council, including services as authorized by 5 U.S.C. 3109, $8,705,000.

Office of Administration

SALARIES AND EXPENSES

For necessary expenses of the Office of Administration, including services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 107, and hire of passenger motor vehicles, $98,609,000, of which $11,768,000 shall remain available until expended for the Capital Investment Plan for continued modernization of the information technology infrastructure within the Executive Office of the President.

Office of Management and Budget

SALARIES AND EXPENSES

For necessary expenses of the Office of Management and Budget, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109 and to carry out the provisions of chapter 35 of title 44, United States Code, $68,411,000, of which not to exceed $2,000 shall be available for official representation expenses: Provided, That, as provided in 31 U.S.C. 1301(a), appropriations shall be applied only to the objects for which appropriations were made except as otherwise provided by law: Provided further, That none of the funds appropriated in this Act for the Office of Management and Budget may be used for the purpose of reviewing any agricultural marketing orders or any activities or regulations under the provisions of the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 601 et seq.): Provided further, That none of the funds made available for the Office of Management and Budget by this Act may be expended for the altering of the transcript of actual testimony of witnesses, except for testimony of officials of the Office of Management and Budget, before the Committees on Appropriations or their subcommittees: Provided further, That the preceding shall not apply to printed hearings released by the Committees on Appropriations: Provided further, That none of the funds provided in this or prior Acts shall be used, directly or indirectly, by the Office of Management and Budget, for evaluating or determining if water resource project or study reports submitted by the Chief of Engineers acting through the Secretary of the Army are in compliance with all *applicable laws, regulations, and requirements relevant to the Civil Works water resource planning process: Provided further, That the Office of Management and Budget shall have not more than 60 days in which to perform budgetary policy reviews of water resource matters on which the Chief of Engineers has reported. The Director of the Office of Management and Budget shall notify the appropriate authorizing and Appropriations Committees when the 60-day review is initiated. If water resource reports have not been transmitted to the appropriate authorizing and appropriating committees within 15 days of the end of the OMB review period based on the notification from the Director, Congress shall assume OMB concurrence with the report and act accordingly.*

OFFICE OF NATIONAL DRUG CONTROL POLICY

SALARIES AND EXPENSES

For necessary expenses of the Office of National Drug Control Policy; for research activities pursuant to the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1701 et seq.); not to exceed $10,000 for official reception and representation expenses; and for participation in joint projects or in the provision of services on matters of mutual interest with nonprofit, research, or public organizations or agencies, with or without reimbursement, $24,224,000; of which $1,316,000 shall remain available until expended for policy research and evaluation: Provided, That the Office is authorized to accept, hold, administer, and utilize gifts, both real and personal, public and private, without fiscal year limitation, for the purpose of aiding or facilitating the work of the Office.

COUNTERDRUG TECHNOLOGY ASSESSMENT CENTER

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the Counterdrug Technology Assessment Center for research activities pursuant to the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1701 et seq.), $30,000,000, which shall remain available until expended, consisting of $12,000,000 for counternarcotics research and development projects, and $18,000,000 for the continued operation of the technology transfer program: Provided, That the $12,000,000 for counternarcotics research and development projects shall be available for transfer to other Federal departments or agencies.

FEDERAL DRUG CONTROL PROGRAMS

HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of National Drug Control Policy's High Intensity Drug Trafficking Areas Program, $227,000,000, for drug control activities consistent with the approved strategy for each of the designated High Intensity Drug Trafficking Areas, of which no less than 60 percent shall be transferred to State and local entities for drug control activities, which shall be obligated within 120 days of the date of the enactment of this Act: Provided, That up to 40 percent, to remain available until September 30, 2007, may be transferred to Federal agencies and departments at a rate to be determined by the Director, of which not less than $2,000,000 shall be used for auditing services and associated activities, and at least $500,000 of the $2,000,000 shall be used to develop and implement a data collection system to measure the performance of the High Intensity Drug Trafficking Areas Program: Provided further, That none of the funds made available under this heading shall be available for the Consolidated Priority Organization Target program.

OTHER FEDERAL DRUG CONTROL PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For activities to support a national anti-drug campaign for youth, and for other purposes, authorized by the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1701 et seq.), $191,400,000, to remain available until expended, of which the following amounts are available as follows: $95,000,000 to support a national media campaign, as authorized by the Drug-Free Media Campaign Act of 1998; $80,000,000 to continue a program of matching grants to drug-free communities, of which $2,000,000 shall be a directed grant to the Community Anti-Drug Coalitions of America for the National Community Anti-Drug Coalition Institute, as authorized in chapter 2 of the National Narcotics Leadership Act of 1988, as amended; $1,000,000 for the National Drug Court Institute; $1,000,000 for the National Alliance for Model State Drug Laws; $9,500,000 for the United States Anti-Doping Agency for anti-doping activities; $2,900,000 for the United States membership dues to the World Anti-Doping Agency; and $2,000,000 for evaluations and research related to National Drug Control Program performance measures: Provided, That such funds may be transferred to other Federal departments and agencies to carry out such activities: Provided further, That of the amounts appropriated for a national media campaign, not to exceed 10 percent shall be for administration, advertising production, research and testing, labor and related costs of the national media campaign.

UNANTICIPATED NEEDS

For expenses necessary to enable the President to meet unanticipated needs, in furtherance of the national interest, security, or defense which may arise at home or abroad during the current fiscal year, as authorized by 3 U.S.C. 108, $1,000,000.

SPECIAL ASSISTANCE TO THE PRESIDENT

SALARIES AND EXPENSES

For necessary expenses to enable the Vice President to provide assistance to the President in connection with specially assigned functions; services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 106, including subsistence expenses as authorized by 3 U.S.C. 106, which shall be expended and accounted for as provided in that section; and hire of passenger motor vehicles, $4,455,000.

OFFICIAL RESIDENCE OF THE VICE PRESIDENT

OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For the care, operation, refurnishing, improvement, and to the extent not otherwise provided for, heating and lighting, including electric power and fixtures, of the official residence of the Vice President; the hire of passenger motor vehicles; and not to exceed $90,000 for official entertainment expenses of the Vice President, to be accounted for solely on his certificate, $325,000: Provided, That advances or repayments or transfers from this appropriation may be made to any department or agency for expenses of carrying out such activities.

This title may be cited as the "Executive Office of the President Appropriations Act, 2006".

TITLE VI—INDEPENDENT AGENCIES

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

SALARIES AND EXPENSES

For expenses necessary for the Architectural and Transportation Barriers Compliance Board, as authorized by section 502 of the Rehabilitation Act of 1973, as amended, $5,941,000: Provided, That, notwithstanding any other provision of law, there may be credited to this appropriation funds received for publications and training expenses.

CONSUMER PRODUCT SAFETY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Consumer Product Safety Commission, including hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable under 5 U.S.C. 5376, purchase of nominal awards to recognize non-Federal officials' contributions to Commission activities, and not to exceed $500 for official reception and representation expenses, $63,000,000 of which up to $500,000 shall be used to coordinate with the Administrator of the Environmental Protection Agency in the Agency's study pursuant to H.R. 2361, as passed by the Senate in the first session of the 109th Congress, to assess safety risks to both persons and the environment with regard to small engines, as required in Public Law 108-199, including real-world scenarios involving, among other things, operator burn, fire due to contact with flammable items, and refueling.

ELECTION ASSISTANCE COMMISSION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the Help America Vote Act of 2002, $13,888,000, of which $4,000,000 shall be transferred to the National Institute of Standards and Technology for election reform activities authorized under the Help America Vote Act of 2002.

FEDERAL DEPOSIT INSURANCE CORPORATION

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $31,000,000, to be derived from the Bank Insurance Fund, the Savings Association Insurance Fund, and the FSLIC Resolution Fund.

FEDERAL ELECTION COMMISSION

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the Federal Election Campaign Act of 1971, as amended, $54,600,000, of which no less than $4,700,000 shall be available for internal automated data processing systems, and of which not to exceed $5,000 shall be available for reception and representation expenses.

FEDERAL LABOR RELATIONS AUTHORITY

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Federal Labor Relations Authority, pursuant to Reorganization Plan Numbered 2 of 1978, and the Civil Service Reform Act of 1978, including services authorized by 5 U.S.C. 3109, and including hire of experts and consultants, hire of passenger motor vehicles, and rental of conference rooms in the District of Columbia and elsewhere, $25,468,000: Provided, That public members of the Federal Service Impasses Panel may be paid travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons employed intermittently in the Government service, and compensation as authorized by 5 U.S.C. 3109: Provided further, That notwithstanding 31 U.S.C. 3302, funds received from fees charged to non-Federal participants at labor-management relations conferences shall be credited to and merged with this account, to be available without further appropriation for the costs of carrying out these conferences.

FEDERAL MARITIME COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Maritime Commission as authorized by section 201(d) of the Merchant Marine Act, 1936, as amended (46 U.S.C. App. 1111), including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C.

1343(b); and uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902, $20,499,000: Provided, That not to exceed $2,000 shall be available for official reception and representation expenses.

GENERAL SERVICES ADMINISTRATION

REAL PROPERTY ACTIVITIES

FEDERAL BUILDINGS FUND

LIMITATIONS ON AVAILABILITY OF REVENUE

(INCLUDING TRANSFER OF FUNDS)

To carry out the purposes of the Fund established pursuant to section 210(f) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 592), the revenues and collections deposited into the Fund shall be available for necessary expenses of real property management and related activities not otherwise provided for, including operation, maintenance, and protection of federally owned and leased buildings; rental of buildings in the District of Columbia; restoration of leased premises; moving governmental agencies (including space adjustments and telecommunications relocation expenses) in connection with the assignment, allocation and transfer of space; contractual services incident to cleaning or servicing buildings, and moving; repair and alteration of federally owned buildings including grounds, approaches and appurtenances; care and safeguarding of sites; maintenance, preservation, demolition, and equipment; acquisition of buildings and sites by purchase, condemnation, or as otherwise authorized by law; acquisition of options to purchase buildings and sites; conversion and extension of federally owned buildings; preliminary planning and design of projects by contract or otherwise; construction of new buildings (including equipment for such buildings); and payment of principal, interest, and any other obligations for public buildings acquired by installment purchase and purchase contract; in the aggregate amount of $7,889,745,000, of which: (1) $829,056,000 shall remain available until expended for construction (including funds for sites and expenses and associated design and construction services) of additional projects at the following locations:

New Construction:

Alabama:

Mobile, United States Courthouse, $2,000,000.

Tuscaloosa, Federal Building, $50,000,000.

California:

San Diego, United States Courthouse, $230,803,000.

Colorado:

Lakewood, Denver Federal Center Infrastructure, $4,658,000.

District of Columbia:

Coast Guard Consolidation, $24,900,000.

St. Elizabeths West Campus Infrastructure, $13,095,000.

Southeast Federal Center Site Remediation, $15,000,000.

Illinois:

Rockford Federal Courthouse, $50,000,000.

Maine:

Calais, Border Station, $50,146,000.

Jackman, Border Station, $12,788,000.

Maryland:

Montgomery County, Food and Drug Administration Consolidation, $127,600,000.

Mississippi:

Jackson, United States Courthouse, $8,750,000.

Missouri:

Jefferson City, United States Courthouse, $5,200,000.

New Mexico:

Las Cruces, United States Courthouse, $15,000,000.

New York:

Champlain, Border Station, $52,510,000.

Massena, Border Station, $49,783,000.

Texas:

Austin, United States Courthouse, $3,000,000.

Washington:

Blaine, Peace Arch Border Station, $46,534,000.

Material Price Increases for the following existing projects: U.S. Mission to the United Nations, New York City, New York; FBI Office, Houston, Texas; Border Station, Del Rio, Texas; United States Courthouse, Cape Girardeau, Missouri; United States Courthouse, El Paso, Texas; and Border Station, El Paso, Texas, $57,789,000.

Non-prospectus Construction, $9,500,000:

Provided, That each of the foregoing limits of costs on new construction projects may be exceeded to the extent that savings are effected in other such projects, but not to exceed 10 percent, unless advance approval is obtained from the Committees on Appropriations of a greater amount: Provided further, That all funds for direct construction projects shall expire on September 30, 2007 and remain in the Federal Buildings Fund except for funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date; (2) $961,376,000 shall remain available until expended for repairs and alterations, which includes associated design and construction services:

Repairs and Alterations:

Arizona:

Tucson, James A. Walsh United States Courthouse, $16,136,000.

District of Columbia:

For transfer to the Navy for certain permanent relocation expenses pursuant to section 1(e) of Public Law 108–268, $2,000,000.

Eisenhower Executive Office Building, $133,417,000.

Federal Office Building 8, $47,769,000.

Heating, Operation, and Transmission District Repair, $18,783,000.

Herbert C. Hoover Building, $54,491,000.

Main Interior Federal Building, $41,399,000.

Georgia:

Atlanta, Martin Luther King, Jr., Federal Building, $30,129,000.

New York:

Brooklyn, Emanuel Celler Courthouse, $96,924,000.

New York, James Watson Federal Building and United States Courthouse, $9,721,000.

Special Emphasis Programs:

Chlorofluorocarbons Program, $10,000,000.

Energy Program, $28,000,000.

Glass Fragmentation Program, $15,700,000.

Design Program, $21,915,000.

Basic Repairs and Alterations, $434,992,000:

Provided further, That funds made available in this or any previous Act in the Federal Buildings Fund for Repairs and Alterations shall, for prospectus projects, be limited to the amount identified for each project, except each project in this or any previous Act may be increased by an amount not to exceed 10 percent of the amounts included in an approved prospectus, if required, unless advance approval is obtained from the Committees on Appropriations of a greater amount: Provided further, That additional projects for which prospectuses have been fully approved may be funded under this category only if advance approval is obtained from the Committees on Appropriations: Provided further, That the amounts provided in this or any prior Act for "Repairs and Alterations" may be used to fund costs associated with implementing security improvements to buildings necessary to meet the minimum standards for security in accordance with current law and in compliance with the reprogramming guidelines of the appropriate Committees of the House and Senate: Provided further, That the difference between the funds appropriated and expended on any projects in this or any prior Act, under the heading "Repairs and Alterations", may be transferred to Basic Repairs and Alterations or used to fund authorized increases in prospectus projects: Provided further, That all funds for repairs and alterations prospectus projects shall expire on September 30, 2007 and remain in the Federal Buildings Fund except funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date: Provided further, That the amount provided in this or any prior Act for Basic Repairs and Alterations may be used to pay claims against the Government arising from any projects under the heading "Repairs and Alterations" or used to fund authorized increases in prospectus projects; (3) $168,180,000 for installment acquisition payments including payments on purchase contracts which shall remain available until expended; (4) $4,046,031,000 for rental of space which shall remain available until expended; and (5) $1,885,102,000 for building operations which shall remain available until expended: Provided further, That funds available to the General Services Administration shall not be available for expenses of any construction, repair, alteration and acquisition project for which a prospectus, if required by the Public Buildings Act of 1959, as amended, has not been approved, except that necessary funds may be expended for each project for required expenses for the development of a proposed prospectus: Provided further, That funds available in the Federal Buildings Fund may be expended for emergency repairs when advance approval is obtained from the Committees on Appropriations: Provided further, That, notwithstanding any other provision of law, the Administrator of the General Services Administration is authorized and directed to proceed with site, design, acquisition, and construction for a new courthouse in Jefferson City, Missouri, of which planning and design funding is provided in this Act: Provided further, That the courthouse in Jefferson, Missouri is a demonstration project that will be part of a larger judicial complex that will include the renovation and preservation of the existing historic United States Post Office and Courthouse as well as for implementing a new innovative fund process that will include the renovation and preservation of the existing historic United States Post Office and Courthouse: Provided further, That amounts necessary to provide reimbursable special services to other agencies under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 592(b)(2)) and amounts to provide such reimbursable fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control as may be appropriate to enable the United States Secret Service to perform its protective functions pursuant to 18 U.S.C. 3056, shall be available from such revenues and collections: Provided further, That revenues and collections and any other sums accruing to this Fund during fiscal year 2006, excluding reimbursements under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 592(b)(2)) in excess of the aggregate new obligational authority authorized for Real Property Activities of the Federal Buildings Fund in this Act shall remain in the Fund and shall not be available for expenditure except as authorized in appropriations Acts.

GENERAL ACTIVITIES

GOVERNMENT-WIDE POLICY

For expenses authorized by law, not otherwise provided for, for Government-wide policy and evaluation activities associated with the management of real and personal property assets and certain administrative services; Government-wide policy support responsibilities relating to acquisition, telecommunications, information technology management, and related technology activities; and services as authorized by 5 U.S.C. 3109, $52,796,000.

OPERATING EXPENSES

For expenses authorized by law, not otherwise provided for, for Government-wide activities associated with utilization and donation of surplus personal property; disposal of real property; providing Internet access to Federal information and services; agency-wide policy direction and management, and Board of Contract Appeals; accounting, records management, and other support services incident to adjudication of Indian Tribal Claims by the United States Court of Federal Claims; services as authorized by 5 U.S.C. 3109; and not to exceed $7,500 for official reception and representation expenses, $99,890,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General and service authorized by 5 U.S.C. 3109, $43,410,000: Provided, That not to exceed $15,000 shall be available for payment for information and detection of fraud against the Government, including payment for recovery of stolen Government property: Provided further, That not to exceed $2,500 shall be available for awards to employees of other Federal agencies and private citizens in recognition of efforts and initiatives resulting in enhanced Office of Inspector General effectiveness.

ELECTRONIC GOVERNMENT FUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses in support of interagency projects that enable the Federal Government to expand its ability to conduct activities electronically, through the development and implementation of innovative uses of the Internet and other electronic methods, $5,000,000, to remain available until expended: Provided, That these funds may be transferred to Federal agencies to carry out the purposes of the Fund: Provided further, That such transfers may not be made until 10 days after a proposed spending plan and justification for each project to be undertaken has been submitted to the Committees on Appropriations: Provided further, That for purposes of the eTravel system no less than 23 percent of all contracted dollars shall be allocated to small businesses.

ALLOWANCES AND OFFICE STAFF FOR FORMER PRESIDENTS

(INCLUDING TRANSFER OF FUNDS)

For carrying out the provisions of the Act of August 25, 1958, as amended (3 U.S.C. 102 note), and Public Law 95–138, $2,952,000: Provided, That the Administrator of General Services shall transfer to the Secretary of the Treasury such sums as may be necessary to carry out the provisions of such Acts.

FEDERAL CITIZEN INFORMATION CENTER FUND

For necessary expenses of the Federal Citizen Information Center, including services authorized by 5 U.S.C. 3109, $15,000,000, to be deposited into the Federal Citizen Information Center Fund: Provided, That the appropriations, revenues, and collections deposited into the Fund shall be available for necessary expenses of Federal Citizen Information Center activities in the aggregate amount not to exceed $32,000,000. Appropriations, revenues, and collections accruing to this Fund during fiscal year 2006 in excess of such amount shall remain in the Fund and shall not be available for expenditure except as authorized in appropriations Acts.

ADMINISTRATIVE PROVISIONS—GENERAL SERVICES ADMINISTRATION

(INCLUDING RECISSION OF FUNDS)

SEC. 601. The appropriate appropriation or fund available to the General Services Administration shall be credited with the cost of operation, protection, maintenance, upkeep, repair, and improvement, included as part of rentals received from Government corporations pursuant to law (40 U.S.C. 129).

SEC. 602. Funds available to the General Services Administration shall be available for the hire of passenger motor vehicles.

SEC. 603. Funds in the Federal Buildings Fund made available for fiscal year 2006 for Federal Buildings Fund activities may be transferred between such activities only to the extent necessary to meet program requirements: Provided, That any proposed transfers shall be approved in advance by the Committees on Appropriations.

SEC. 604. No funds made available by this Act shall be used to transmit a fiscal year 2007 request for United States Courthouse construction that: (1) does not meet the design guide standards for construction as established and approved by the General Services Administration, the Judicial Conference of the United States, and the Office of Management and Budget; and (2) does not reflect the priorities of the Judicial Conference of the United States as set out in its approved 5-year construction plan: Provided, That the fiscal year 2007 request must be accompanied by a standardized courtroom utilization study of each facility to be constructed, replaced, or expanded.

SEC. 605. None of the funds provided in this Act may be used to increase the amount of occupiable square feet, provide cleaning services, security enhancements, or any other service usually provided through the Federal Buildings Fund, to any agency that does not pay the rate per square foot assessment for space and services as determined by the General Services Administration in compliance with the Public Buildings Amendments Act of 1972 (Public Law 92–313).

SEC. 606. From funds made available under the heading "Federal Buildings Fund, Limitations on Availability of Revenue", claims against the Government of less than $250,000 arising from direct construction projects and acquisition of buildings may be liquidated from savings effected in other construction projects with prior notification to the Committees on Appropriations.

SEC. 607. Section 412 of Division H of Public Law 108–447, Consolidated Appropriations Act, 2005 is amended—

(1) In the first sentence after the words, "Notwithstanding any other provision of law,", insert the phrase, "beginning in fiscal year 2006 and thereafter,"; and

(2) In the first sentence after the words "real and related personal property," insert the words, "under the custody and control of the Administrator of General Services".

SEC. 608. The General Services Administration shall conduct a program to promote the use of stairs in all federal buildings.

SEC. 609. No funds shall be used by the General Services Administration to reorganize its organizational structure without approval by the House and Senate Committees on Appropriations through an operating plan change.

MERIT SYSTEMS PROTECTION BOARD

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out functions of the Merit Systems Protection Board pursuant to Reorganization Plan Numbered 2 of 1978, the Civil Service Reform Act of 1978, and the Whistleblower Protection Act of 1989 (5 U.S.C. 5509 note), as amended, including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, direct procurement of survey printing, and not to exceed $2,000 for official reception and representation expenses, $35,600,000 together with not to exceed $2,605,000 for administrative expenses to adjudicate retirement appeals to be transferred from the Civil Service Retirement and Disability Fund in amounts determined by the Merit Systems Protection Board.

MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION

MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY TRUST FUND

(INCLUDING TRANSFER OF FUNDS)

For payment to the Morris K. Udall Scholarship and Excellence in National Environmental Policy Trust Fund, pursuant to the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 (20 U.S.C. 5601 et seq.), $2,000,000, to remain available until expended, of which up to $50,000 shall be used to conduct financial audits pursuant to the Accountability of Tax Dollars Act of 2002 (Public Law 107–289) notwithstanding sections 8 and 9 of Public Law 102–259: Provided, That up to 60 percent of such funds may be transferred by the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation for the necessary expenses of the Native Nations Institute.

ENVIRONMENTAL DISPUTE RESOLUTION FUND

For payment to the Environmental Dispute Resolution Fund to carry out activities authorized in the Environmental Policy and Conflict Resolution Act of 1998, $1,000,000, to remain available until expended.

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

OPERATING EXPENSES

For necessary expenses in connection with the administration of the National Archives and Records Administration (including the Information Security Oversight Office) and archived Federal records and related activities, as provided by law, and for expenses necessary for the review and declassification of documents, and for the hire of passenger motor vehicles, $280,975,000: Provided, That the Archivist of the United States is authorized to use any excess funds available from the amount borrowed for construction of the National Archives facility, for expenses necessary to provide adequate storage for holdings.

ELECTRONIC RECORDS ARCHIVES

For necessary expenses in connection with the development of the electronic records archives, to include all direct project costs associated with research, analysis, design, development, and program management, $38,914,000: Provided, That none of these funds may be obligated until the National Archives and Records Administration submits to the Committees on Appropriations, and such Committees approve, a plan for expenditure that: (1) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including Circular A–11; (2) complies with the National Archives and Records Administration's enterprise architecture; (3) conforms with the National Archives and Records Administration's enterprise life cycle methodology; (4) is approved by the National Archives and Records Administration and the Office of Management and Budget; (5) has been reviewed by the Government Accountability Office; and (6) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government.

REPAIRS AND RESTORATION

For the repair, alteration, and improvement of archives facilities, and to provide adequate storage for holdings, $11,682,000, to remain available *until expended, of which $2,500,000 is to construct a new regional archives and records facility in Anchorage, Alaska, and of which $2,000,000 is for the repair and restoration of the plaza that surrounds the Lyndon Baines Johnson Presidential Library that is under the joint control and custody of the University of Texas: Provided, That such funds may be transferred directly to the University and used, together with University funds, for repair and restoration of the plaza and remain available until expended for this purpose: Provided further, That such funds shall be spent in accordance with the construction plan submitted to the Committees on Appropriations on March 14, 2005: Provided further, That the Archivist shall be prohibited from entering into any agreement with the University or any other party that requires additional funding commitments on behalf of the Federal government.*

NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION

GRANTS PROGRAM

For necessary expenses for allocations and grants for historical publications and records as authorized by 44 U.S.C. 2504, as amended, $5,000,000, to remain available until expended.

National Credit Union Administration

CENTRAL LIQUIDITY FACILITY

(INCLUDING TRANSFER OF FUNDS)

During fiscal year 2006, gross obligations of the Central Liquidity Facility for the principal amount of new direct loans to member credit unions, as authorized by 12 U.S.C. 1795 et seq., shall not exceed $1,500,000,000: Provided, That administrative expenses of the Central Liquidity Facility in fiscal year 2006 shall not exceed $323,000.

COMMUNITY DEVELOPMENT CREDIT UNION REVOLVING LOAN FUND

For the Community Development Revolving Loan Fund program as authorized by 42 U.S.C. 9812, 9822 and 9910, $950,000 shall be available until September 30, 2007 for technical assistance to low-income designated credit unions, and amounts of principal and interest on loans repaid shall be available until expended for low-income designated credit unions.

National Transportation Safety Board

SALARIES AND EXPENSES

For necessary expenses of the National Transportation Safety Board, including hire of passenger motor vehicles and aircraft; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for a GS–15; uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901–5902) $76,700,000, of which not to exceed $2,000 may be used for official reception and representation expenses.

(RESCISSION)

Of the available unobligated balances made available under Public Law 106–246, $1,000,000 are rescinded.

Neighborhood Reinvestment Corporation

PAYMENT TO THE NEIGHBORHOOD REINVESTMENT CORPORATION

For payment to the Neighborhood Reinvestment Corporation for use in neighborhood reinvestment activities, as authorized by the Neighborhood Reinvestment Corporation Act (42 U.S.C. 8101–8107), $115,000,000, of which $5,000,000 shall be for a multi-family rental housing program.

Office of Government Ethics

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Government Ethics pursuant to the Ethics in Government Act of 1978, as amended and the Ethics Reform Act of 1989, including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, and not to exceed $1,500 for official reception and representation expenses, $11,148,000.

Office of Personnel Management

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses to carry out functions of the Office of Personnel Management pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109; medical examinations performed for veterans by private physicians on a fee basis; rental of conference rooms in the District of Columbia and elsewhere; hire of passenger motor vehicles; not to exceed $2,500 for official reception and representation expenses; advances for reimbursements to applicable funds of the Office of Personnel Management and the Federal Bureau of Investigation for expenses incurred under Executive Order No. 10422 of January 9, 1953, as amended; and payment of per diem and/or subsistence allowances to employees where Voting Rights Act activities require an employee to remain overnight at his or her post of duty, $124,521,000, of which $6,983,000 shall remain available until expended for the Enterprise Human Resources Integration project; $1,450,000 shall remain available until expended for the Human Resources Line of Business project; $500,000 shall remain available until expended for the E-Training project; and $1,412,000 shall remain available until expended until September 30, 2007 for the E-Payroll project; and in addition $100,017,000 for administrative expenses, to be transferred from the appropriate trust funds of the Office of Personnel Management without regard to other statutes, including direct procurement of printed materials, for the retirement and insurance programs: Provided, That the provisions of this appropriation shall not affect the authority to use applicable trust funds as provided by sections 8348(a)(1)(B), and 9004(f)(2)(A) of title 5, United States Code: Provided further, That no part of this appropriation shall be available for salaries and expenses of the Legal Examining Unit of the Office of Personnel Management established pursuant to Executive Order No. 9358 of July 1, 1943, or any successor unit of like purpose: Provided further, That the President's Commission on White House Fellows, established by Executive Order No. 11183 of October 3, 1964, may, during fiscal year 2006, accept donations of money, property, and personal services: Provided further, That such donations, including those from prior years, may be used for the development of publicity materials to provide information about the White House Fellows, except that no such donations shall be accepted for travel or reimbursement of travel expenses, or for the salaries of employees of such Commission.

Office of Inspector General

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act, as amended, including services as authorized by 5 U.S.C. 3109, hire of passenger motor vehicles, $1,614,000, and in addition, not to exceed $16,329,000 for administrative expenses to audit, investigate, and provide other oversight of the Office of Personnel Management's retirement and insurance programs, to be transferred from the appropriate trust funds of the Office of Personnel Management, as determined by the Inspector General: Provided, That the Inspector General is authorized to rent conference rooms in the District of Columbia and elsewhere.

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEES HEALTH BENEFITS

For payment of Government contributions with respect to retired employees, as authorized by chapter 89 of title 5, United States Code, and the Retired Federal Employees Health Benefits Act (74 Stat. 849), as amended, such sums as may be necessary.

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEE LIFE INSURANCE

For payment of Government contributions with respect to employees retiring after December 31, 1989, as required by chapter 87 of title 5, United States Code, such sums as may be necessary.

PAYMENT TO CIVIL SERVICE RETIREMENT AND DISABILITY FUND

For financing the unfunded liability of new and increased annuity benefits becoming effective on or after October 20, 1969, as authorized by 5 U.S.C. 8348, and annuities under special Acts to be credited to the Civil Service Retirement and Disability Fund, such sums as may be necessary: Provided, That annuities authorized by the Act of May 29, 1944, as amended, and the Act of August 19, 1950, as amended (33 U.S.C. 771–775), may hereafter be paid out of the Civil Service Retirement and Disability Fund.

Office of Special Counsel

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Special Counsel pursuant to Reorganization Plan Numbered 2 of 1978, the Civil Service Reform Act of 1978 (Public Law 95–454), as amended, the Whistleblower Protection Act of 1989 (Public Law 101–12), as amended, Public Law 107–304, and the Uniformed Services Employment and Reemployment Act of 1994 (Public Law 103–353), including services as authorized by 5 U.S.C. 3109, payment of fees and expenses for witnesses, rental of conference rooms in the District of Columbia and elsewhere, and hire of passenger motor vehicles; $15,325,000.

Selective Service System

SALARIES AND EXPENSES

For necessary expenses of the Selective Service System, including expenses of attendance at meetings and of training for uniformed personnel assigned to the Selective Service System, as authorized by 5 U.S.C. 4101–4118 for civilian employees; purchase of uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; hire of passenger motor vehicles; services as authorized by 5 U.S.C. 3109; and not to exceed $750 for official reception and representation expenses; $25,650,000: Provided, That during the current fiscal year, the President may exempt this appropriation from the provisions of 31 U.S.C. 1341, whenever the President deems such action to be necessary in the interest of national defense: Provided further, That none of the funds appropriated by this Act may be expended for or in connection with the induction of any person into the Armed Forces of the United States.

United States Interagency Council on Homelessness

OPERATING EXPENSES

For necessary expenses (including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms, and the employment of experts and consultants under section 3109 of title 5, United States Code) of the United States Interagency Council on Homelessness in carrying out the functions pursuant to title II of the McKinney-Vento Homeless Assistance Act, as amended, $1,800,000.

Title II of the McKinney-Vento Homeless Assistance Act, as amended, is amended in section 209 by striking "2005" and inserting "2012".

UNITED STATES POSTAL SERVICE

PAYMENT TO THE POSTAL SERVICE FUND

For payment to the Postal Service Fund for revenue forgone on free and reduced rate mail, pursuant to subsections (c) and (d) of section 2401 of title 39, United States Code, $116,350,000, of which $87,350,000 shall not be available for obligation until October 1, 2006: Provided, That mail for overseas voting and mail for the blind shall continue to be free: Provided further, That 6-day delivery and rural delivery of mail shall continue without reduction: Provided further, That none of the funds made available to the Postal Service by this Act shall be used to implement any rule, regulation, or policy of charging any officer or employee of any State or local child support enforcement agency, or any individual participating in a State or local program of child support enforcement, a fee for information requested or provided concerning an address of a postal customer: Provided further, That none of the funds provided in this Act shall be used to consolidate or close small rural and other small post offices in fiscal year 2006.

UNITED STATES TAX COURT

SALARIES AND EXPENSES

For necessary expenses, including contract reporting and other services as authorized by 5 U.S.C. 3109, $47,998,000: Provided, That travel expenses of the judges shall be paid upon the written certificate of the judge.

TITLE VII—GENERAL PROVISIONS THIS ACT

(INCLUDING TRANSFERS OF FUNDS)

SEC. 701. Such sums as may be necessary for fiscal year 2006 pay raises for programs funded in this Act shall be absorbed within the levels appropriated in this Act or previous appropriations Acts.

SEC. 702. None of the funds in this Act shall be used for the planning or execution of any program to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings funded in this Act.

SEC. 703. None of the funds appropriated in this Act shall remain available for obligation beyond the current fiscal year, nor may any be transferred to other appropriations, unless expressly so provided herein.

SEC. 704. The expenditure of any appropriation under this Act for any consulting service through procurement contract pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 705. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

SEC. 706. None of the funds made available by this Act shall be available for any activity or for paying the salary of any Government employee where funding an activity or paying a salary to a Government employee would result in a decision, determination, rule, regulation, or policy that would prohibit the enforcement of section 307 of the Tariff Act of 1930 (19 U.S.C. 1307).

SEC. 707. No part of any appropriation contained in this Act shall be available to pay the salary for any person filling a position, other than a temporary position, formerly held by an employee who has left to enter the Armed Forces of the United States and has satisfactorily completed his period of active military or naval service, and has within 90 days after his release from such service or from hospitalization continuing after discharge for a period of not more than 1 year, made application for restoration to his former position and has been certified by the Office of Personnel Management as still qualified to perform the duties of his former position and has not been restored thereto.

SEC. 708. No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c, popularly known as the "Buy American Act").

SEC. 709. No funds appropriated or otherwise made available under this Act shall be made available to any person or entity that has been convicted of violating the Buy American Act (41 U.S.C. 10a–10c).

SEC. 710. None of the funds provided in this Act, provided by previous appropriations Acts to the agencies or entities funded in this Act that remain available for obligation or expenditure in fiscal year 2006, or provided from any accounts in the Treasury derived by the collection of fees and available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that: (1) creates a new program; (2) eliminates a program, project, or activity; (3) increases funds or personnel for any program, project, or activity for which funds have been denied or restricted by the Congress; (4) proposes to use funds directed for a specific activity by either the House or Senate Committees on Appropriations for a different purpose; (5) augments existing programs, projects, or activities in excess of $5,000,000 or 10 percent, whichever is less; (6) reduces existing programs, projects, or activities by $5,000,000 or 10 percent, whichever is less; or (7) creates, reorganizes, or restructures a branch, division, office, bureau, board, commission, agency, administration, or department different from the budget justifications submitted to the Committees on Appropriations or the table accompanying the statement of the managers accompanying this Act, whichever is more detailed, unless prior approval is received from the House and Senate Committees on Appropriations: Provided, That not later than 60 days after the date of enactment of this Act, each agency funded by this Act shall submit a report to the Committee on Appropriations of the Senate and of the House of Representatives to establish the baseline for application of reprogramming and transfer authorities for the current fiscal year: Provided further, That the report shall include: (1) a table for each appropriation with a separate column to display the President's budget request, adjustments made by Congress, adjustments due to enacted rescissions, if appropriate, and the fiscal year enacted level; (2) a delineation in the table for each appropriation both by object class and program, project, and activity as detailed in the budget appendix for the respective appropriation; and (3) an identification of items of special congressional interest: Provided further, That the amount appropriated or limited for salaries and expenses for an agency shall be reduced by $100,000 per day for each day after the required date that the report has not been submitted to the Congress.

SEC. 711. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2006 from appropriations made available for salaries and expenses for fiscal year 2006 in this Act, shall remain available through September 30, 2007, for each such account for the purposes authorized: Provided, That a request shall be submitted to the Committees on Appropriations for approval prior to the expenditure of such funds: Provided further, That these requests shall be made in compliance with reprogramming guidelines.

SEC. 712. None of the funds made available in this Act may be used by the Executive Office of the President to request from the Federal Bureau of Investigation any official background investigation report on any individual, except when—

(1) such individual has given his or her express written consent for such request not more than 6 months prior to the date of such request and during the same presidential administration; or

(2) such request is required due to extraordinary circumstances involving national security.

SEC. 713. The cost accounting standards promulgated under section 26 of the Office of Federal Procurement Policy Act (Public Law 93–400; 41 U.S.C. 422) shall not apply with respect to a contract under the Federal Employees Health Benefits Program established under chapter 89 of title 5, United States Code.

SEC. 714. For the purpose of resolving litigation and implementing any settlement agreements regarding the nonforeign area cost-of-living allowance program, the Office of Personnel Management may accept and utilize (without regard to any restriction on unanticipated travel expenses imposed in an Appropriations Act) funds made available to the Office pursuant to court approval.

SEC. 715. In order to promote Government access to commercial information technology, the restriction on purchasing nondomestic articles, materials, and supplies set forth in the Buy American Act (41 U.S.C. 10a et seq.), shall not apply to the acquisition by the Federal Government of information technology (as defined in section 11101 of title 40, United States Code), that is a commercial item (as defined in section 4(12) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12)).

SEC. 716. None of the funds made available under this Act may be obligated or expended to establish or implement a pilot program under which not more than 10 designated essential air service communities located in proximity to hub airports are required to assume 10 percent of their essential air subsidy costs for a 4-year period commonly referred to as the EAS local participation program.

SEC. 717. From funds made available in this Act under the headings "White House Office", "Executive Residence at the White House", "White House Repair and Restoration", "Council of Economic Advisors", "National Security Council", "Office of Administration", "Office of Management and Budget", "Office of National Drug Control Policy", "Special Assistance to the President", and "Official Residence of the Vice President", the Director of the Office of Management and Budget (or such other officer as the President may designate in writing), may, fifteen days after giving notice to the House and Senate Committees on Appropriations, transfer not to exceed 10 percent of any such appropriation to any other such appropriation, to be merged with and available for the same time and for the same purposes as the appropriation to which transferred: Provided, That the amount of an appropriation shall not be increased by more than 50 percent by such transfers: Provided further, That no amount shall be transferred from "Special Assistance to the President" or "Official Residence of the Vice President" without the approval of the Vice President.

SEC. 718. All Federal agencies and departments that are funded under this Act shall issue quarterly reports to the House and Senate Committees on Appropriations on all sole source contracts. Such report shall include the contractor, the amount of the contract and the rationale for using a sole source contract. Each Federal agency and department shall publish this information quarterly in the Federal Register.

SEC. 719. Section 315(a)(4) of the Federal Election Campaign Act of 1971 (2 U.S.C 441a(a)(4)) is amended—

(1) by striking "(4)" and inserting "(4)(A)"; and

(2) by adding at the end the following new subparagraph:

"(B) The limitation on contributions contained in paragraphs (1) and (2) do not apply to transfers between a leadership committee of an individual holding Federal office and political committees established and maintained by a national political party. For purposes of the previous sentence, the term 'leadership committee' means, with respect to an individual holding Federal office, an unauthorized political committee which is associated with such individual but which is not affiliated with any authorized committee of such individual.".

SEC. 720. The Secretary of the Treasury may transfer funds from within Treasury accounts for any costs necessary to pay for both career and non-career Senior Executive Service positions and support staff in locations of economic strategic interest throughout the world. Such positions would be used to advocate potions of interest to the United States government, including open and fair financial markets, consistent with the Secretary's obligation under the Gold Reserve Act of 1934 (48 Stat. 337) to promote orderly exchange arrangements and an orderly system of exchange rates. Any transfer shall not be made available until approved in an operating plan request by the House and Senate Committees on Appropriations.

SEC. 721. None of the funds made available in this Act may be used to administer, implement, or enforce the amendment made to section 515.533 of title 31, Code of Federal Regulations, that was published in the Federal Register on February 25, 2005.

SEC. 722. Notwithstanding any other provision of law, hereafter, neither the Board of Governors of the Federal Reserve System nor the Secretary of the Treasury may determine, by rule, regulation, order, or otherwise, for purposes of section 4(K) of the Bank Holding Company Act of 1956, or section 5136A of the Revised Statutes of the United States, that real estate brokerage activity or real estate management activity (which, for purposes of this paragraph shall be defined to mean "real estate brokerage" and "property management" respectively, as those terms were understood by the Federal Reserve Board prior to March 11, 2000) is an activity that is financial in nature, is incidental to any financial activity, or is complementary to a financial activity. For purposes of this paragraph, "real estate brokerage activity" shall mean "real estate brokerage", and "real estate management activity" shall mean "property management", as those terms were understood by the Federal Reserve Board prior to March 11, 2000.

SEC. 723. None of the funds in this Act or otherwise available to the Secretary of the Treasury from any source may be expended to implement a reimbursable agreement pursuant to section 517 of H.R. 2360, as adopted by the United States Senate on July 14, 2005.

TITLE VIII—GENERAL PROVISIONS GOVERNMENT-WIDE

DEPARTMENTS, AGENCIES, AND CORPORATIONS

SEC. 801. Funds appropriated in this or any other Act may be used to pay travel to the United States for the immediate family of employees serving abroad in cases of death or life threatening illness of said employee.

SEC. 802. No department, agency, or instrumentality of the United States receiving appropriated funds under this or any other Act for fiscal year 2006 shall obligate or expend any such funds, unless such department, agency, or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from the illegal use, possession, or distribution of controlled substances (as defined in the Controlled Substances Act (21 U.S.C. 802)) by the officers and employees of such department, agency, or instrumentality.

SEC. 803. Appropriations of the executive departments and independent establishments for the current fiscal year available for expenses of travel, or for the expenses of the activity concerned, are hereby made available for quarters allowances and cost-of-living allowances, in accordance with 5 U.S.C. 5922–5924.

SEC. 804. Unless otherwise specified during the current fiscal year, no part of any appropriation contained in this or any other Act shall be used to pay the compensation of any officer or employee of the Government of the United States (including any agency the majority of the stock of which is owned by the Government of the United States) whose post of duty is in the continental United States unless such person: (1) is a citizen of the United States; (2) is a person in the service of the United States on the date of the enactment of this Act who, being eligible for citizenship, has filed a declaration of intention to become a citizen of the United States prior to such date and is actually residing in the United States; (3) is a person who owes allegiance to the United States; (4) is an alien from Cuba, Poland, South Vietnam, the countries of the former Soviet Union, or the Baltic countries lawfully admitted to the United States for permanent residence; (5) is a South Vietnamese, Cambodian, or Laotian refugee paroled in the United States after January 1, 1975; or (6) is a national of the People's Republic of China who qualifies for adjustment of status pursuant to the Chinese Student Protection Act of 1992 (Public Law 102–404): Provided, That for the purpose of this section, an affidavit signed by any such person shall be considered prima facie evidence that the requirements of this section with respect to his or her status have been complied with: Provided further, That any person making a false affidavit shall be guilty of a felony, and, upon conviction, shall be fined no more than $4,000 or imprisoned for not more than 1 year, or both: Provided further, That the above penal clause shall be in addition to, and not in substitution for, any other provisions of existing law: Provided further, That any payment made to any officer or employee contrary to the provisions of this section shall be recoverable in action by the Federal Government. This section shall not apply to citizens of Ireland, Israel, or the Republic of the Philippines, or to nationals of those countries allied with the United States in a current defense effort, or to international broadcasters employed by the United States Information Agency, or to temporary employment of translators, or to temporary employment in the field service (not to exceed 60 days) as a result of emergencies.

SEC. 805. Appropriations available to any department or agency during the current fiscal year for necessary expenses, including maintenance or operating expenses, shall also be available for payment to the General Services Administration for charges for space and services and those expenses of renovation and alteration of buildings and facilities which constitute public improvements performed in accordance with the Public Buildings Act of 1959 (73 Stat. 749), the Public Buildings Amendments of 1972 (87 Stat. 216), or other applicable law.

SEC. 806. In addition to funds provided in this or any other Act, all Federal agencies are authorized to receive and use funds resulting from the sale of materials, including Federal records disposed of pursuant to a records schedule recovered through recycling or waste prevention programs. Such funds shall be available until expended for the following purposes:

(1) Acquisition, waste reduction and prevention, and recycling programs as described in Executive Order No. 13101 (September 14, 1998), including any such programs adopted prior to the effective date of the Executive order.

(2) Other Federal agency environmental management programs, including, but not limited to, the development and implementation of hazardous waste management and pollution prevention programs.

(3) Other employee programs as authorized by law or as deemed appropriate by the head of the Federal agency.

SEC. 807. Funds made available by this or any other Act for administrative expenses in the current fiscal year of the corporations and agencies subject to chapter 91 of title 31, United States Code, shall be available, in addition to objects for which such funds are otherwise available, for rent in the District of Columbia; services in accordance with 5 U.S.C. 3109; and the objects specified under this head, all the provisions of which shall be applicable to the expenditure of such funds unless otherwise specified in the Act by which they are made available: Provided, That in the event any functions budgeted as administrative expenses are subsequently transferred to or paid from other funds, the limitations on administrative expenses shall be correspondingly reduced.

SEC. 808. No part of any appropriation for the current fiscal year contained in this or any other Act shall be paid to any person for the filling of any position for which he or she has been nominated after the Senate has voted not to approve the nomination of said person.

SEC. 809. No part of any appropriation contained in this or any other Act shall be available for interagency financing of boards (except Federal Executive Boards), commissions, councils, committees, or similar groups (whether or not they are interagency entities) which do not have a prior and specific statutory approval to receive financial support from more than one agency or instrumentality.

SEC. 810. Funds made available by this or any other Act to the Postal Service Fund (39 U.S.C. 2003) shall be available for employment of guards for all buildings and areas owned or occupied by the Postal Service or under the charge and control of the Postal Service. The Postal Service may give such guards, with respect to such property, any of the powers of special policemen provided under 40 U.S.C. 1315. The Postmaster General, or his designee, may take any action that the Secretary of Homeland Security may take under such section with respect to that property.

SEC. 811. None of the funds made available pursuant to the provisions of this Act shall be used to implement, administer, or enforce any regulation which has been disapproved pursuant to a joint resolution duly adopted in accordance with the applicable law of the United States.

SEC. 812. (a) Notwithstanding any other provision of law, and except as otherwise provided in this section, no part of any of the funds appropriated for fiscal year 2006, by this or any other Act, may be used to pay any prevailing rate employee described in section 5342(a)(2)(A) of title 5, United States Code—

(1) during the period from the date of expiration of the limitation imposed by the comparable section for previous fiscal years until the normal effective date of the applicable wage survey adjustment that is to take effect in fiscal year 2006, in an amount that exceeds the rate payable for the applicable grade and step of the applicable wage schedule in accordance with such section; and

(2) during the period consisting of the remainder of fiscal year 2006, in an amount that exceeds, as a result of a wage survey adjustment,

the rate payable under paragraph (1) by more than the sum of—

(A) the percentage adjustment taking effect in fiscal year 2006 under section 5303 of title 5, United States Code, in the rates of pay under the General Schedule; and

(B) the difference between the overall average percentage of the locality-based comparability payments taking effect in fiscal year 2006 under section 5304 of such title (whether by adjustment or otherwise), and the overall average percentage of such payments which was effective in the previous fiscal year under such section.

(b) Notwithstanding any other provision of law, no prevailing rate employee described in subparagraph (B) or (C) of section 5342(a)(2) of title 5, United States Code, and no employee covered by section 5348 of such title, may be paid during the periods for which subsection (a) is in effect at a rate that exceeds the rates that would be payable under subsection (a) were subsection (a) applicable to such employee.

(c) For the purposes of this section, the rates payable to an employee who is covered by this section and who is paid from a schedule not in existence on September 30, 2005, shall be determined under regulations prescribed by the Office of Personnel Management.

(d) Notwithstanding any other provision of law, rates of premium pay for employees subject to this section may not be changed from the rates in effect on September 30, 2005, except to the extent determined by the Office of Personnel Management to be consistent with the purpose of this section.

(e) This section shall apply with respect to pay for service performed after September 30, 2005.

(f) For the purpose of administering any provision of law (including any rule or regulation that provides premium pay, retirement, life insurance, or any other employee benefit) that requires any deduction or contribution, or that imposes any requirement or limitation on the basis of a rate of salary or basic pay, the rate of salary or basic pay payable after the application of this section shall be treated as the rate of salary or basic pay.

(g) Nothing in this section shall be considered to permit or require the payment to any employee covered by this section at a rate in excess of the rate that would be payable were this section not in effect.

(h) The Office of Personnel Management may provide for exceptions to the limitations imposed by this section if the Office determines that such exceptions are necessary to ensure the recruitment or retention of qualified employees.

SEC. 813. During the period in which the head of any department or agency, or any other officer or civilian employee of the Government appointed by the President of the United States, holds office, no funds may be obligated or expended in excess of $5,000 to furnish or redecorate the office of such department head, agency head, officer, or employee, or to purchase furniture or make improvements for any such office, unless advance notice of such furnishing or redecoration is expressly approved by the Committees on Appropriations. For the purposes of this section, the term "office" shall include the entire suite of offices assigned to the individual, as well as any other space used primarily by the individual or the use of which is directly controlled by the individual.

SEC. 814. Notwithstanding section 1346 of title 31, United States Code, or section 809 of this Act, funds made available for the current fiscal year by this or any other Act shall be available for the interagency funding of national security and emergency preparedness telecommunications initiatives which benefit multiple Federal departments, agencies, or entities, as provided by Executive Order No. 12472 (April 3, 1984).

SEC. 815. (a) None of the funds appropriated by this or any other Act may be obligated or expended by any Federal department, agency, or other instrumentality for the salaries or expenses of any employee appointed to a position of a confidential or policy-determining character excepted from the competitive service pursuant to section 3302 of title 5, United States Code, without a certification to the Office of Personnel Management from the head of the Federal department, agency, or other instrumentality employing the Schedule C appointee that the Schedule C position was not created solely or primarily in order to detail the employee to the White House.

(b) The provisions of this section shall not apply to Federal employees or members of the armed services detailed to or from—

(1) the Central Intelligence Agency;

(2) the National Security Agency;

(3) the Defense Intelligence Agency;

(4) the offices within the Department of Defense for the collection of specialized national foreign intelligence through reconnaissance programs;

(5) the Bureau of Intelligence and Research of the Department of State;

(6) any agency, office, or unit of the Army, Navy, Air Force, and Marine Corps, the Department of Homeland Security, the Federal Bureau of Investigation and the Drug Enforcement Administration of the Department of Justice, the Department of Transportation, the Department of the Treasury, and the Department of Energy performing intelligence functions; and

(7) the Director of National Intelligence or the Office of the Director of National Intelligence.

SEC. 816. No department, agency, or instrumentality of the United States receiving appropriated funds under this or any other Act for the current fiscal year shall obligate or expend any such funds, unless such department, agency, or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from discrimination and sexual harassment and that all of its workplaces are not in violation of title VII of the Civil Rights Act of 1964 (Public Law 88–352, 78 Stat. 241), as amended, the Age Discrimination in Employment Act of 1967 (Public Law 90–202, 81 Stat. 602), and the Rehabilitation Act of 1973 (Public Law 93–112, 87 Stat. 355).

SEC. 817. No part of any appropriation contained in this or any other Act shall be available for the payment of the salary of any officer or employee of the Federal Government, who—

(1) prohibits or prevents, or attempts or threatens to prohibit or prevent, any other officer or employee of the Federal Government from having any direct oral or written communication or contact with any Member, committee, or subcommittee of the Congress in connection with any matter pertaining to the employment of such other officer or employee or pertaining to the department or agency of such other officer or employee in any way, irrespective of whether such communication or contact is at the initiative of such other officer or employee or in response to the request or inquiry of such Member, committee, or subcommittee; or

(2) removes, suspends from duty without pay, demotes, reduces in rank, seniority, status, pay, or performance of efficiency rating, denies promotion to, relocates, reassigns, transfers, disciplines, or discriminates in regard to any employment right, entitlement, or benefit, or any term or condition of employment of, any other officer or employee of the Federal Government, or attempts or threatens to commit any of the foregoing actions with respect to such other officer or employee, by reason of any communication or contact of such other officer or employee with any Member, committee, or subcommittee of the Congress as described in paragraph (1).

SEC. 818. (a) None of the funds made available in this or any other Act may be obligated or expended for any employee training that—

(1) does not meet identified needs for knowledge, skills, and abilities bearing directly upon the performance of official duties;

(2) contains elements likely to induce high levels of emotional response or psychological stress in some participants;

(3) does not require prior employee notification of the content and methods to be used in the training and written end of course evaluation;

(4) contains any methods or content associated with religious or quasi-religious belief systems or "new age" belief systems as defined in Equal Employment Opportunity Commission Notice N–915.022, dated September 2, 1988; or

(5) is offensive to, or designed to change, participants' personal values or lifestyle outside the workplace.

(b) Nothing in this section shall prohibit, restrict, or otherwise preclude an agency from conducting training bearing directly upon the performance of official duties.

SEC. 819. No funds appropriated in this or any other Act may be used to implement or enforce the agreements in Standard Forms 312 and 4414 of the Government or any other nondisclosure policy, form, or agreement if such policy, form, or agreement does not contain the following provisions: "These restrictions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by Executive Order No. 12958; section 7211 of title 5, United States Code (governing disclosures to Congress); section 1034 of title 10, United States Code, as amended by the Military Whistleblower Protection Act (Public Law 100–456) (governing disclosure to Congress by members of the military); section 2302(b)(8) of title 5, United States Code, as amended by the Whistleblower Protection Act (Public Law 101–12) (governing disclosures of illegality, waste, fraud, abuse or public health or safety threats); the Intelligence Identities Protection Act of 1982 (50 U.S.C. 421 et seq.) (governing disclosures that could expose confidential Government agents); and the statutes which protect against disclosure that may compromise the national security, including sections 641, 793, 794, 798, and 952 of title 18, United States Code, and section 4(b) of the Subversive Activities Act of 1950 (50 U.S.C. 783(b)). The definitions, requirements, obligations, rights, sanctions, and liabilities created by said Executive order and listed statutes are incorporated into this agreement and are controlling.": Provided, That notwithstanding the preceding paragraph, a nondisclosure policy form or agreement that is to be executed by a person connected with the conduct of an intelligence or intelligence-related activity, other than an employee or officer of the United States Government, may contain provisions appropriate to the particular activity for which such document is to be used. Such form or agreement shall, at a minimum, require that the person will not disclose any classified information received in the course of such activity unless specifically authorized to do so by the United States Government. Such nondisclosure forms shall also make it clear that they do not bar disclosures to Congress or to an authorized official of an executive agency or the Department of Justice that are essential to reporting a substantial violation of law.

SEC. 820. No part of any funds appropriated in this or any other Act shall be used by an agency of the executive branch, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, and for the preparation, distribution or use of any kit, pamphlet, booklet, publication, radio, television or film presentation designed to support or defeat legislation pending before the

Congress, except in presentation to the Congress itself.

SEC. 821. None of the funds appropriated by this or any other Act may be used by an agency to provide a Federal employee's home address to any labor organization except when the employee has authorized such disclosure or when such disclosure has been ordered by a court of competent jurisdiction.

SEC. 822. None of the funds made available in this Act or any other Act may be used to provide any non-public information such as mailing or telephone lists to any person or any organization outside of the Federal Government without the approval of the Committees on Appropriations.

SEC. 823. No part of any appropriation contained in this or any other Act shall be used for publicity or propaganda purposes within the United States not heretofor authorized by the Congress.

SEC. 824. (a) In this section the term "agency"—

(1) means an Executive agency as defined under section 105 of title 5, United States Code;

(2) includes a military department as defined under section 102 of such title, the Postal Service, and the Postal Rate Commission; and

(3) shall not include the Government Accountability Office.

(b) Unless authorized in accordance with law or regulations to use such time for other purposes, an employee of an agency shall use official time in an honest effort to perform official duties. An employee not under a leave system, including a Presidential appointee exempted under section 6301(2) of title 5, United States Code, has an obligation to expend an honest effort and a reasonable proportion of such employee's time in the performance of official duties.

SEC. 825. Notwithstanding 31 U.S.C. 1346 and section 809 of this Act, funds made available for the current fiscal year by this or any other Act to any department or agency, which is a member of the Joint Financial Management Improvement Program (JFMIP), shall be available to finance an appropriate share of JFMIP administrative costs, as determined by the JFMIP, but not to exceed a total of $800,000 including the salary of the Executive Director and staff support.

SEC. 826. Notwithstanding 31 U.S.C. 1346 and section 810 of this Act, the head of each Executive department and agency is hereby authorized to transfer to or reimburse "General Services Administration, Government-wide Policy" with the approval of the Director of the Office of Management and Budget, funds made available for the current fiscal year by this or any other Act, including rebates from charge card and other contracts: Provided, That these funds shall be administered by the Administrator of General Services to support Government-wide financial, information technology, procurement, and other management innovations, initiatives, and activities, as approved by the Director of the Office of Management and Budget, in consultation with the appropriate interagency groups designated by the Director (including the Chief Financial Officers Council and the Joint Financial Management Improvement Program for financial management initiatives, the Chief Information Officers Council for information technology initiatives, the Chief Human Capital Officers Council for human capital initiatives, and the Federal Acquisition Council for procurement initiatives). The total funds transferred or reimbursed shall not exceed $17,000,000. Such transfers or reimbursements may only be made 15 days following notification of the Committees on Appropriations by the Director of the Office of Management and Budget.

SEC. 827. Notwithstanding any other provision of law, a woman may breastfeed her child at any location in a Federal building or on Federal property, if the woman and her child are otherwise authorized to be present at the location.

SEC. 828. Nothwithstanding section 1346 of title 31, United States Code, or section 809 of this Act, funds made available for the current fiscal year by this or any other Act shall be available for the interagency funding of specific projects, workshops, studies, and similar efforts to carry out the purposes of the National Science and Technology Council (authorized by Executive Order No. 12881), which benefit multiple Federal departments, agencies, or entities: Provided, That the Office of Management and Budget shall provide a report describing the budget of and resources connected with the National Science and Technology Council to the Committees on Appropriations, the House Committee on Science; and the Senate Committee on Commerce, Science, and Transportation 90 days after enactment of this Act.

SEC. 829. Any request for proposals, solicitation, grant application, form, notification, press release, or other publications involving the distribution of Federal funds shall indicate the agency providing the funds, the Catalog of Federal Domestic Assistance Number, as applicable, and the amount provided: Provided, That this provision shall apply to direct payments, formula funds, and grants received by a State receiving Federal funds.

SEC. 830. Subsection (f) of section 403 of Public Law 103–356 (31 U.S.C. 501 note), as amended, is further amended by striking "October 1, 2005" and inserting "October 1, 2006": Provided, That this provision shall not apply to the Department of Homeland Security.

SEC. 831. (a) PROHIBITION OF FEDERAL AGENCY MONITORING OF INDIVIDUALS' INTERNET USE.—None of the funds made available in this or any other Act may be used by any Federal agency—

(1) to collect, review, or create any aggregation of data, derived from any means, that includes any personally identifiable information relating to an individual's access to or use of any Federal Government Internet site of the agency; or

(2) to enter into any agreement with a third party (including another government agency) to collect, review, or obtain any aggregation of data, derived from any means, that includes any personally identifiable information relating to an individual's access to or use of any nongovernmental Internet site.

(b) EXCEPTIONS.—The limitations established in subsection (a) shall not apply to—

(1) any record of aggregate data that does not identify particular persons;

(2) any voluntary submission of personally identifiable information;

(3) any action taken for law enforcement, regulatory, or supervisory purposes, in accordance with applicable law; or

(4) any action described in subsection (a)(1) that is a system security action taken by the operator of an Internet site and is necessarily incident to providing the Internet site services or to protecting the rights or property of the provider of the Internet site.

(c) DEFINITIONS.—For the purposes of this section:

(1) The term "regulatory" means agency actions to implement, interpret or enforce authorities provided in law.

(2) The term "supervisory" means examinations of the agency's supervised institutions, including assessing safety and soundness, overall financial condition, management practices and policies and compliance with applicable standards as provided in law.

SEC. 832. (a) None of the funds appropriated by this Act may be used to enter into or renew a contract which includes a provision providing prescription drug coverage, except where the contract also includes a provision for contraceptive coverage.

(b) Nothing in this section shall apply to a contract with—

(1) any of the following religious plans:

(A) Personal Care's HMO; and

(B) OSF HealthPlans, Inc.; and

(2) any existing or future plan, if the carrier for the plan objects to such coverage on the basis of religious beliefs.

(c) In implementing this section, any plan that enters into or renews a contract under this section may not subject any individual to discrimination on the basis that the individual refuses to prescribe or otherwise provide for contraceptives because such activities would be contrary to the individual's religious beliefs or moral convictions.

(d) Nothing in this section shall be construed to require coverage of abortion or abortion-related services.

SEC. 833. The Congress of the United States recognizes the United States Anti-Doping Agency (USADA) as the official anti-doping agency for Olympic, Pan American, and Paralympic sport in the United States.

SEC. 834. Notwithstanding any other provision of law, funds appropriated for official travel by Federal departments and agencies may be used by such departments and agencies, if consistent with Office of Management and Budget Circular A–126 regarding official travel for Government personnel, to participate in the fractional aircraft ownership pilot program.

SEC. 835. Notwithstanding any other provision of law, none of the funds appropriated or made available under this Act or any other appropriations Act may be used to implement or enforce restrictions or limitations on the Coast Guard Congressional Fellowship Program, or to implement the proposed regulations of the Office of Personnel Management to add sections 300.311 through 300.316 to part 300 of title 5 of the Code of Federal Regulations, published in the Federal Register, volume 68, number 174, on September 9, 2003 (relating to the detail of executive branch employees to the legislative branch).

SEC. 836. Each Executive department and agency shall evaluate the creditworthiness of an individual before issuing the individual a government purchase charge card or government travel charge card. The department or agency may not issue a government purchase charge card or government travel charge card to an individual that either lacks a credit history or is found to have an unsatisfactory credit history as a result of this evaluation: Provided, That this restriction shall not preclude issuance of a restricted-use charge, debit, or stored value card made in accordance with agency procedures to: (1) an individual with an unsatisfactory credit history where such card is used to pay travel expenses and the agency determines there is no suitable alternative payment mechanism available before issuing the card; or (2) an individual who lacks a credit history. Each Executive department and agency shall establish guidelines and procedures for disciplinary actions to be taken against agency personnel for improper, fraudulent, or abusive use of government charge cards, which shall include appropriate disciplinary actions for use of charge cards for purposes, and at establishments, that are inconsistent with the official business of the Department or agency or with applicable standards of conduct.

SEC. 837. (a) The adjustment in rates of basic pay for employees under the statutory pay systems that takes effect in fiscal year 2006 under sections 5303 and 5304 of title 5, United States Code, shall be an increase of 3.1 percent, and this adjustment shall apply to civilian employees in the Department of Defense and the Department of Homeland Security and such adjustments shall be effective as of the first day of *the first applicable pay period beginning on or after January 1, 2006.*

(b) Notwithstanding section 812 of this Act, the adjustment in rates of basic pay for the statutory pay systems that take place in fiscal year 2006 under sections 5344 and 5348 of title 5, United States Code, shall be no less than the percentage in paragraph (a) as employees in the same location whose rates of basic pay are adjusted pursuant to the statutory pay systems under section 5303 and 5304 of title 5, United States Code. Prevailing rate employees at locations where there are no employees whose pay is increased pursuant to sections 5303 and 5304 of title 5 and prevailing rate employees described in section 5343(a)(5) of title 5 shall be considered to be located in the pay locality designated as "Rest of US" pursuant to section 5304 of title 5 for purposes of this paragraph.

(c) Funds used to carry out this section shall be paid from appropriations, which are made to each applicable department or agency for salaries and expenses for fiscal year 2006.

SEC. 838. (a) Not later than 180 days after the end of the fiscal year, the head of each Federal agency shall submit a report to Congress on the amount of the acquisitions made by the agency from entities that manufacture the articles, materials, or supplies outside of the United States in that fiscal year.

(b) The report required by subsection (a) shall separately indicate—

(1) the dollar value of any articles, materials, or supplies purchased that were manufactured outside of the United States;

(2) an itemized list of all waivers granted with respect to such articles, materials, or supplies under the Buy American Act (41 U.S.C. 10a et seq.); and

(3) a summary of the total procurement funds spent on goods manufactured in the United States versus funds spent on goods manufactured outside of the United States.

(c) The head of each Federal agency submitting a report under subsection (a) shall make the report publicly available to the maximum extent practicable.

(d) This section shall not apply to acquisitions made by an agency, or component thereof, that is an element of the intelligence community as set forth in or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

SEC. 839. Notwithstanding any other provision of law, no executive branch agency shall purchase, construct, and/or lease any additional facilities, except within or contiguous to existing locations, to be used for the purpose of conducting Federal law enforcement training without the advance approval of the Committees on Appropriations, except that the Federal Law Enforcement Training Center is authorized to obtain the temporary use of additional facilities by lease, contract, or other agreement for training which cannot be accommodated in existing Center facilities.

SEC. 840. Notwithstanding section 1346 of title 31, United States Code, and section 809 of this Act and any other provision of law, the head of each appropriate executive department and agency shall transfer to or reimburse the Federal Aviation Administration, upon the direction of the Director of the Office of Management and Budget, funds made available by this or any other Act for the purposes described below, and shall submit budget requests for such purposes. These funds shall be administered by the Federal Aviation Administration, in consultation with the appropriate interagency groups designated by the Director and shall be used to ensure the uninterrupted, continuous operation of the Midway Atoll Airfield by the Federal Aviation Administration pursuant to an operational agreement with the Department of the Interior for the entirety of fiscal year 2006 and any period thereafter that precedes the enactment of the Transportation, Treasury, the Judiciary, Housing and Urban Development, and Related Agencies Appropriations Act, 2006. The Director of the Office of Management and Budget shall mandate the necessary transfers after determining an equitable allocation between the appropriate executive departments and agencies of the responsibility for funding the continuous operation of the Midway Atoll Airfield based on, but not limited to, potential use, interest in maintaining aviation safety, and applicability to governmental operations and agency mission. The total funds transferred or reimbursed shall not exceed $6,000,000 for any twelve-month period. Such sums shall be sufficient to ensure continued operation of the airfield throughout the period cited above. Funds shall be available for operation of the airfield or airfield-related capital upgrades. The Director of the Office of Management and Budget shall notify the Committees on Appropriations of such transfers or reimbursements within 15 days of this Act. Such transfers or reimbursements shall begin within 30 days of enactment of this Act.

SEC. 841. Section 4(b) of the Federal Activities Inventory Reform Act of 1998 (Public Law 105–270) is amended by adding at the end the following new paragraph:

"(5) Executive agencies with fewer than 100 full-time employees as of the first day of the fiscal year. However, such an agency shall be subject to section 2 to the extent it plans to conduct a public-private competition for the performance of an activity that is not inherently governmental.".

SEC. 842. Unless otherwise authorized by existing law, none of the funds provided in this Act or any other Act, may be used by an executive branch agency to produce any prepackaged news story intended for broadcast or distribution in the United States unless the story includes a clear notification within the text or audio of the prepackaged news story that the prepackaged news story was prepared or funded by that executive branch agency.

SEC. 843. COMPETITIVE SOURCING. (a) REQUIREMENT FOR PUBLIC-PRIVATE COMPETITION.—

(1) Notwithstanding any other provision of law, none of the funds appropriated by this or any other Act shall be available to convert to contractor performance an activity or function of an executive agency, that on or after the date of enactment of this Act, is performed by more than 10 Federal employees unless—

(A) the conversion is based on the result of a public-private competition that includes a most efficient and cost effective organization plan developed by such activity or function; and

(B) the Competitive Sourcing Official determines that, over all performance periods stated in the solicitation of offers for performance of the activity or function, the cost of performance of the activity or function by a contractor would be less costly to the executive agency by an amount that equals or exceeds the lesser of—

(i) 10 percent of the most efficient organization's personnel-related costs for performance of that activity or function by Federal employees; or

(ii) $10,000,000.

(2) This paragraph shall not apply to—

(A) a commercial or industrial type function that—

(i) is included on the procurement list established pursuant to section 2 of the Javits-Wagner-O'Day Act (41 U.S.C. 47); or

(ii) is planned to be converted to performance by a qualified nonprofit agency for the blind or by a qualified nonprofit agency for other severely handicapped individuals in accordance with that Act.

(B) depot contracts or contracts for depot maintenance as provided in sections 2469 and 2474 of title 10, United States Code; or

(C) activities that are the subject of an ongoing competition that was publicly announced prior to the date of enactment of this act.

(b) USE OF PUBLIC-PRIVATE COMPETITION.—Nothing in Office of Management and Budget Circular A–76 shall prevent the head of an executive agency from conducting a public-private competition to evaluate the benefits of converting work from contract performance to performance by Federal employees in appropriate instances. The Circular shall provide procedures and policies for these competitions that are similar to those applied to competitions that may result in the conversion of work from performance by Federal employees to performance by a contractor.

This Act may be cited as the "Transportation, Treasury, the Judiciary, Housing and Urban Development, and Related Agencies Appropriations Act, 2006".

Mr. BOND. Mr. President, I ask unanimous consent that the amendment at the desk to the substitute be agreed to, the committee substitute now as amended be agreed to, and it be considered as original text for the purpose of further amendment, with no points of order waived by virtue of this agreement.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2060) was agreed to, as follows:

AMENDMENT NO. 2060

Strike section 719.

The committee amendment in the nature of a substitute, as amended, was agreed to.

Mr. BOND. Mr. President, it is with pleasure that I rise, after 2½ months of waiting, to introduce the Transportation, Treasury, HUD, Judiciary, and related agencies fiscal year 2006 appropriations bill. My invaluable partner, the distinguished Senator from Washington, is being held up by airline delays, something that most of us in this body are acquainted with, so I will go ahead and present my opening statement and open the floor for business and reserve her time until she is able to get here.

This bill is the first real appropriations product of a brand-new subcommittee that grew out of the reorganization of the Senate Appropriations Committee from earlier this year. It is a substantial and complex bill that will have a significant and, we hope, positive impact on every State and community in this Nation, as it covers, among other things, every mode of transportation, financial services, and IRS requirements, as guided by the Department of Treasury, the Federal responsibility for housing and economic development under HUD, as well as the funding for the executive office of the President, for the Federal judicial system, and for other related agencies, such as GSA, OPM, and the Postal Service.

My view is that this is a good product, as good a product as we could have produced given the circumstances in our allocation. I give tremendous credit and thanks to my friend and colleague, the ranking member, Senator MURRAY, for her hard work, dedication, and commitment to working with me in a bipartisan manner to craft this legislation. As I said, this is a brand-new bill for us, for our staffs, and for this body to consider. I think it is a good bill and that is due, in no small part, because of the participation of Senator MURRAY and her partnership with me in the legislative process. I look forward to working with her through conference and final passage.

We started with a budget that severely underfunded many of the important programs in this bill. These are programs that historically have been supported in large numbers by the Members this body. Thankfully, in most cases we have been able to restore many of the cuts and shortfalls, and for that we especially thank Chairman COCHRAN and the ranking member, Senator BYRD, who demonstrated their understanding and sensitivity to the needs of the Transportation-Treasury appropriations subcommittee. Without Chairman COCHRAN's help and Senator BYRD's acquiescence, we would have been unable to meet the funding needs of most of our programs, as well as Members' priorities. This bill as well is within our section 302(b) allocation of $65.819 billion of budget authority and $122.064 billion in outlays.

In particular, despite our fiscal limitations, we worked diligently to ensure that transportation programs in this bill are adequately funded. One of our highest priorities in fashioning the bill was to meet the Federal responsibilities to provide funding for the safety, construction, and maintenance of our highways, transit systems, and airports. Funding of our Nation's transportation infrastructure, and especially for our highway and road network, creates jobs and promotes economic growth. More importantly, it guarantees the continued growth of our economic infrastructure by which we serve our markets throughout the Nation and ultimately the world. Our transportation system, the system that brought our country together in the 19th century, is still the heart and the arteries by which we pump our goods and products, which guarantees our current and future prosperity in the national and international marketplace. We cannot afford to shortchange this system.

Moreover, the delay in passing the surface transportation authorization, SAFETEA, made it difficult to recommend funding for the Federal Highway Administration, Federal Transit Administration, National Highway Traffic Safety Administration, and Federal Motor Carrier Safety Administration. I will not go into reasons for the delay in that, having had a hand in that operation, as has the occupant of the chair. He and I both did. In many cases, the committee funding levels for this bill were based on our best guess on how a program would fare in the authorization process.

Some guesses were better than others.

Clearly, a number of changes will have to be made to this appropriations bill to be more consistent with safety. I am exited to be addressing these issues in conference.

Next, the bill provides $14.78 billion for the Federal Aviation Administration. This is approximately $400 million more than the request. The recommendation includes $14.3 million to hire safety inspectors and to accelerate restoring the inspector staffing level. It also adds $4 million to restore engineering and inspector staffing at the Office of Certification so that new equipment and technologies can be approved for use in aviation and so that our Nation can retain leadership in aviation.

I am pleased to announce that the bill does not cut the Airport Improvement Program by $500 million as proposed in the budget request. Also, on the good news side, we have been able to fund Amtrak at $1.45 billion while taking some incremental steps to reform how Amtrak conducts its business. These reforms include enforcement of a prohibition currently in law that prohibits Amtrak from subsidizing losses from its food and beverage service. Most people can't believe it when we tell them that Amtrak currently spends $2 for every $1 received for food and beverage service. We can no longer afford to pay for that luxury while failing to address the operational shortfall and serve infrastructure needs in the Northeast corridor.

This bill also authorizes Amtrak to impose a Federal surcharge on tickets to address infrastructure needs. This surcharge will only go into effect upon a finding by Amtrak that such surcharges would not depress ticket sales.

Finally, we would allow Amtrak to establish assessments on commuter rail authorities for their use of Amtrak-owned rail segments as another way to begin addressing the capital needs of the Northeast corridor.

These are modest but we believe very significant attempts to offset some of the costs that we cannot and should not provide.

I am also very supportive of the efforts of Senator STEVENS and Senator LOTT to move a comprehensive Amtrak reform bill through the Commerce Committee that will balance the funding needs for all Amtrak rail service.

We hope our modest attempts to offset certain costs can be seen as a stepping stone to the Commerce Committee's reform bill. There is one major disappointment in this operation, however, and that is the administration's posture on Amtrak funding and reform. The administration has threatened to veto this bill if the Amtrak funding level of $1.45 billion is maintained without substantial reform.

I have no problem with reform and indeed recognize its need. But the sad fact is, the administration has failed to provide adequate guidance and/or leadership on this issue. Even more troubling is the administration's position that even were adequate reform to be proposed, OMB would not provide the budget amendment to supplement the $360 million recommended in the administration's 2006 budget, and $360 million is likely not even enough to support the cost of bankruptcy for Amtrak which would be a tremendously costly financial and economic burden to the Nation and send Amtrak into chaos and great consternation for the people throughout the Nation.

For the Department of Treasury, the bill provides about $11.7 billion for fiscal year 2006. This amount is about $50 million above the budget request and some $475 million above the fiscal year 2005 enacted level.

To help fight the war on terrorism, we have provided full funding for the Treasury's Office of Terrorism and Financial Intelligence. I strongly support Treasury's antiterrorism efforts. I commend them on it because I believe this is a vital and unique role in cutting off financial assistance to terrorist organizations, and without that assistance they will not be nearly as robust, and they will not provide nearly the challenge to our safety and security that they would were we not able to cut off these ties.

There has been a lot of talk and Members here and people across the country are concerned about the so-called "tax gap"—the difference between what is actually collected and what is owed. To help close that gap we continue providing for taxpayer services. We have provided $10.7 billion for the IRS, including $6.9 billion for tax enforcement activities. This amount is $443 million above the fiscal year 2005 enacted level.

These additional funds will help ensure that there will be less fraud and that honest taxpayers will have a greater level of confidence in our tax system. If average citizens do not believe others are paying what they owe, there is much less incentive to do the right thing and pay the taxes that are owed.

We provided full funding for IRS's modernization efforts through its business system modernization program. Currently, this program is IRS's highest management and administrative priority.

Turning to the Federal judiciary, the bill includes a total appropriation of $5.8 billion which is a 6.5-percent increase over the fiscal year 2005 enacted level. This represents the funding necessary to meet the judiciary's fiscal year 2006 funding needs.

For HUD, the bill provides some $30.6 billion for fiscal year 2006, an increase of $5.6 billion over the request for Housing and Urban Development activities. These additional funds include almost $4.35 billion for the Community Development Fund and the CDBG which was slated for elimination through a reduction of over 30 percent of the funding, and consolidation and submersion of the activities along with other programs into a new grant program within the Department of Commerce which, in my view, does not have the expertise and should not be involved in Housing and Urban Development's very well connected activities.

This bill also reduces a proposed rescission of "excess" section 8 funds from $2.5 billion to $1.5 billion. Neither HUD nor the Office of Management and Budget, when called before our committee, could identify the rescission source. We asked them: Where is the money coming from? They said: Well, we do not know, but it has been there in the past.

I explained to them that our Appropriations Committee had worked with HUD and OMB to change the manner of allocating HUD section 8 funds so there would not be that amount left over. Nevertheless, they chose to ignore that process in which they had been deeply involved, and asking for $2.5 billion when we don't see any evidence that they know it is there would result in cuts to priority programs, such as programs for the homeless, section 202 housing for the elderly, housing for people with AIDS, public housing, and the very important home program that gives local governments the resources to make housing-targeted investments in their own community.

In addition, I am happy to report that we have adequately funded almost all HUD programs at a minimum of last year's level, which is generally higher than the request.

Moving next to the Executive Office of the President, we basically funded them at the request level, acceding to their request to merge the Office of Policy Development into the White House Office Salaries and Expenses Account as the administration requested.

We have also fully funded the High Intensity Drug Trafficking Areas Program at $227 million despite the budget request which would have funded it at $100 million in the Department of Justice.

My colleagues and I know from listening to law enforcement personnel in our States that this has been a critically important program which has been successful throughout the Nation in helping to root out and eradicate methamphetamine production, marijuana and ecstasy use, as well as heroin and cocaine importation. This program was especially important in Missouri where methamphetamine production and use has reached almost epidemic proportions. It absolutely affects and taints every community in this Nation, no matter how large or how small. The toll of methamphetamine production, distribution, use, and addiction is something that Missouri has found much to our distress as we have become one of the leaders in its use, and the Nation has a far too high price to pay in human terms as well as in economic terms.

Finally, we are facing a crisis precipitated by Hurricanes Katrina and Rita in Louisiana, Mississippi, Alabama, and Texas. The extent of the damage and human tragedy in New Orleans and parts of Louisiana because of these hurricanes is virtually unprecedented in the history of natural disasters in our Nation.

While there is much to be done, I am optimistic and confident that the Nation will do what is necessary to overcome this tragedy.

I am hopeful that Members will wait until the coming Katrina and Rita supplemental to offer amendments. A piecemeal approach on different appropriations bills is not the way to go. I understand the urge to want to do something immediately, but we learned a lot of lessons in New York from 9/11 and previous natural disasters, and we need to apply those lessons carefully, consistently, and in a comprehensive manner to New Orleans, to the States of Louisiana, Mississippi, and Alabama.

What we need first is a fully functioning FEMA with leadership and adequate resources. I believe the administration is taking the needed steps to reach that goal. While there are still things needing to be done, FEMA has all the necessary authority and funding to meet all the current initial needs. FEMA has the know-how and the people on the ground. It is slow going, no doubt, but it is beginning to work. Once the initial assessment is complete, then and only then is the time to add additional necessary funding and the needed authorities for other Federal agencies to help the Katrina-Rita recovery efforts.

For example, this means education assistance to ensure available, good educational opportunities and continuity in that education. It means any needed unemployment assistance and job creation initiatives as we rebuild the New Orleans area. It means housing vouchers and other housing assistance options. It means establishing new entities such as a local public benefit corporation similar to the Lower Manhattan Development Corporation which was created in the aftermath of 9/11 as a way to rebuild Manhattan. It means rebuilding roads and much of the transportation infrastructure. It means special health care assistance. And it means EPA environmental contamination assistance to complete the cleanup of the disaster area.

I think we also need to look closely at how best to rebuild New Orleans and the surrounding parishes. As we have long known—especially now that Katrina and Rita have delivered such a devastating wake-up blow—much of New Orleans is below sea level and likely will remain exposed and vulnerable to some level of annual flooding, to the type of horrific damage and loss of life that was caused by Katrina and Rita.

I do not think it is enough just to build stronger and bigger levees. The plan must be more thoughtful, and we will need to ensure that the poorest households, including those who live in public and assisted housing, are not just relocated to the most risky neighborhoods. In fact, we must think hard about whether to rebuild many of the neighborhoods most at risk of hurricane damage and flooding.

I also strongly urge that any rebuilding plans try to ensure those persons and families who have been displaced by Katrina and Rita are given an opportunity to rebuild their communities and a right of first refusal to any housing that is rebuilt. However, let me emphasize that this is not the right bill on which to rush to create and fund new programs. There will be another supplemental in the next week or so, and that bill is the appropriate vehicle in which to seek funding and establish new programs as appropriate.

I understand everyone wants to help and to do what is right. However, we must proceed thoughtfully. We need to work together based on knowledge and need.

As for the progress on this bill, I understand from the leadership that they are looking for a vote that would be held at 5:30. We are preparing to offer that amendment.

I make a particular point to my colleagues and staff who are listening that we are open for business. This bill has been hanging out there since mid-July. People have had an opportunity to look at it. I hope Members with well-crafted, relevant amendments will come forward in order to get this bill completed without further disruption to the vital entities and activities we fund. We would like to finish it, if possible, by Wednesday night. At this juncture we do not know how many amendments will be offered. I ask all staff involved to let the majority and minority staff know what amendments Members are planning to propose, when Members are planning to propose them. We will work with you. If they are ones we can accept, we would like to do that.

It is imperative to continue the activities not just of the Treasury and other governmental agencies but for Transportation, for Housing and Urban Development, to move forward on this bill so they will know the funds are available.

AMENDMENT NO. 2061

I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Missouri [Mr. BOND] proposes an amendment numbered 2061.

Mr. BOND. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: Clarifies the ability of HUD to recover assets used in violation of a regulatory agreement)

Insert the following on page 348, after line 5, and renumber sections accordingly:

SEC. 321. Section 421 of the Housing and Community Development Act of 1987 (12 U.S.C. §1715z–4a) is amended—

(1) in subsection (a)(1)(A), by inserting after "is" the following: "or, at the time of the violations, was"; and

(2) in subsection (a)(1)(C), by inserting after "held" the following: "or, at the time of the violations, was insured or held".

Mr. BOND. I understand there is a previous order and a vote will occur at 5:30. Has that agreement been reached?

The PRESIDING OFFICER. No formal agreement has been reached to that effect.

Mr. BOND. We will hope to set that time as soon as we get concurrence from the leadership on both sides.

With that, I will explain briefly what this amendment does. It revises section 421 of the Housing and Community Act of 1987 to clarify HUD's authority to recover any assets or income of a multifamily project where those funds are used in violation of the project's regulatory agreement.

This provision is intended to ensure that HUD and the Federal Government can recover losses from owners of multifamily housing who have intentionally and fraudulently skimmed equity from an FHA-insured project for their own benefit. Without this technical correction, HUD ends up paying the lender the value of a defaulted FHA-insured mortgage that should have been paid off by the owner of a multihousing project out of rent receipts. Too often, the FHA or, more specifically, the pockets of the taxpayers of the United States fund the loss.

In the year 2000, the U.S. District Court for the Eastern District of Missouri issued an unpublished decision in United States v. Crosswinds which effectively holds that the U.S. Government may only bring actions to recover assets used in violation of a regulatory agreement if HUD holds or insures the mortgage covering the multifamily project both at the time of the regulatory agreement violation and at the time that recovery action is filed in district court.

As a practical matter, HUD often disposes of a property or a mortgage long after it has an opportunity to act on an owner's misuse of property assets by equity skimming. This makes the current statute essentially a nullity, with a practical consequence that HUD is unable to pursue a recovery of assets no matter how abusive an owner has been.

That was never the intent of the statute. With this amendment we are revising the section in accordance with the original intent of the legislation. Without this authority, HUD and the Department of Justice have limited or no ability to recover assets from owners who have intentionally defrauded the Government by pocketing funds that are derived from rents paid by tenants and intended to be used to pay the outstanding obligation on an FHA-insured mortgage.

I will wait for a leadership agreement and at that time I will ask for the yeas and nays on this amendment. For the information of our colleagues, we were initially advised that timeframe would be 5:30, so that is the timeframe we are working out, but we are still waiting to hear from the leadership.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. I am told that Senator MURRAY, the ranking member of this appropriations subcommittee, is delayed but apparently has landed and is on her way to the Senate. It would be, I am sure, her intention to offer an opening statement.

Mr. BOND. We reserved time.

Mr. DORGAN. If it is all right with the chairman of the subcommittee to speak in morning business for 10 minutes, with the understanding if Senator MURRAY arrives during that time I will be happy to relinquish the floor.

Mr. BOND. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. DORGAN are printed in today's RECORD under "Morning Business.")

Mr. DORGAN. Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOND. Mr. President, what my colleague from North Dakota has just talked about is one of the mind-boggling events that has all of us not only stumped but outraged. I believe it is long past due that we get tight control over how the money is being spent.

As we talk about the need to offset moneys going to the disaster, the first place we ought to look is money that might otherwise be wasted. So I believe that while there is going to be a significant Federal investment, it needs to be refined, targeted, and managed effectively so we will not see examples of this, the rental of cruise ships and other items that make no sense.

Now, Mr. President, I believe this request has been cleared by both sides. I ask unanimous consent that at 5:30 today, the Senate proceed to a vote in relation to the pending Bond amendment No. 2061, with no second degrees in order to the amendment prior to the vote.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BOND. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. BOND. Mr. President, I thank the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I ask the Chair, do I need to ask unanimous consent to set aside the pending business to offer an amendment, or may I simply offer an amendment at this time?

The PRESIDING OFFICER. The pending amendment must be laid aside.

Mr. KYL. Mr. President, I ask unanimous consent that be done so I can offer an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2062

Mr. KYL. Mr. President, I send an amendment to the desk and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. KYL], for himself, Mr. SANTORUM, and Mr. CORNYN, proposes an amendment numbered 2062.

Mr. KYL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide that Members of Congress shall not receive a cost of living adjustment in pay during fiscal year 2006)

At the appropriate place, insert the following:

SEC. . NO COST OF LIVING ADJUSTMENT FOR MEMBERS OF CONGRESS.

Notwithstanding any other provision of law, no adjustment shall be made under section 601(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31) (relating to cost of living adjustments for Members of Congress) during fiscal year 2006.

Mr. KYL. Mr. President, I will simply describe the amendment's content.

What this amendment does is provide that for this coming year—the fiscal year which began this October—the annual COLA for Members of Congress not go into effect. That pay increase, in effect, is estimated to be at about 1.9 percent for Members of Congress, and it actually takes effect in January or February. The amendment is projected to save about $2 million for the Federal Treasury.

Mr. President, as you know, some years the COLA has gone into effect and other years Congress has not had the COLA go into effect for Members of Congress. The reason for not having it go into effect this year, frankly, is symbolic. We know we are going to be spending a lot of taxpayer dollars to help rebuild the gulf coast area following the hurricane and the related events to that. We also know that unless we find ways to offset that spending, we are going to go further into debt, that our deficit for this year will increase. So the leaders of both the House and the Senate have asked the various committees to find ways to reduce spending in other areas so we can offset some of the expense of this reconstruction with that reduced spending.

It seemed to me and others—and I will ask unanimous consent in a moment to have some others added as original cosponsors—one way we might encourage others to come forth with potential savings is to demonstrate we ourselves are willing to forgo this COLA, this cost-of-living increase, for this coming year. As I said, while it is not a lot of money in the overall Federal budget, for each Member of the Senate, obviously, it represents an increase in salary that I am sure would be appreciated by all of our families. Nonetheless, it is a contribution we can make to these rebuilding efforts. I hope my colleagues will agree with me this would be an appropriate thing to do.

Mr. President, I ask unanimous consent that Senators SANTORUM and CORNYN be added as original cosponsors of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL. Mr. President, just one other point. The 2006 budget resolution instructions require savings of $34.7 billion. The House is expected to modify that resolution to increase the amount of savings to at least $50 billion for the expenditures I talked about earlier.

We have approved already about $71 billion, approximately $20 billion of which has already been spent, as I am informed, for the Katrina-related relief spending. That is why it seems to me it would be useful to demonstrate our commitment to offsetting part of this spending so that the budget deficit for this year and eventually the debt of the United States would not be unduly increased as a result of our desire to rebuild part of the gulf coast following the hurricane.

I hope at the appropriate time my colleagues will agree with me that this is a gesture the Members of the Senate ought to make and that we can make and that it will help us in the overall goal we have of trying to watch taxpayer dollars as much as we can and ensure we do not spend unnecessarily, notwithstanding our commitment to try to rebuild after that tragedy in the gulf coast.

Mr. President, if there is no one else to speak, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BURR). Without objection, it is so ordered.

(The remarks of Mr. BAUCUS are printed in today's RECORD under "Morning Business.")

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I am very pleased that the Senate is now considering the Transportation-Treasury bill, formally known as H.R. 3058. It is the appropriations bill for the Departments of Transportation, Treasury, the Judiciary, Housing and Urban Development, and related agencies for fiscal year 2006.

This bill covers areas such as infrastructure, public housing, and the judiciary that are critical to millions of American families and to keeping our economy strong. For our country to reach its full potential, we need to invest in the priorities that are in this bill. Today, many people do not feel very secure about the future. They feel as though they are one slip away from losing their job, or they are worried about the fact that they will not be able to retire or to pay for a trip to the doctor if their child gets sick.

To make America strong again, we need to invest at home. We need to invest in our communities, in our schools, in our people, and in our infrastructure. That is what the bill now before us does.

In the last few months, we have seen how important it is to have a strong and reliable infrastructure. Tonight I want to offer my colleagues an overview of what this bill funds and some of the most important investments, but first I want to note that several things have changed since last year.

As my colleagues know, our Senate subcommittee has changed significantly. Last year, three separate appropriations subcommittees were responsible for funding the agencies that are now in this bill. Even so, the Senate did not have the opportunity to debate and amend any of the appropriations bills that funded these agencies. Since then, the Appropriations Committee has been restructured. As a result, this bill was crafted by one new and very much larger committee. We now have 19 members. Only the Defense Subcommittee is as large.

Fortunately for all of us, we have Senator BOND as our very able chairman. Senator BOND has demonstrated his skill and fair-mindedness time and again during his leadership of the former VA Subcommittee. This year, he continues to demonstrate his leadership, and the proof is in this bill. It was reported unanimously by both the subcommittee and the full Appropriations Committee back in July.

In addition to the changes we witnessed in the last year, we have seen dramatic changes in the 12 weeks since we marked up this bill. First and foremost has been the devastation of Hurricanes Katrina and Rita. More than 1 million people were forced to evacuate the region, including low-income citizens who remain eligible for housing assistance from HUD. Today, because of the devastation, even more people are eligible for Federal housing assistance.

Other Federal agencies that are funded in this bill have responded to the hurricanes. In the Department of Transportation, the Maritime Administration has deployed ships from the Ready Reserve fleet to the gulf to assist in recovery efforts. DOT personnel have also been involved in the effort to obtain trucks and buses to move personnel and equipment. Amtrak assisted in the evacuation of storm victims from both New Orleans and Houston. The hurricanes showed us that we need workable plans to evacuate large numbers of low-income residents who depend on public transit. I truly hope the Department of Transportation and FEMA are hard at work on those plans.

In the judiciary, Hurricane Katrina has required the emergency relocation of 36 Federal judges and more than 400 staff. The New Orleans office of the Fifth Circuit Court of Appeals has been abandoned, as have the Federal District and Bankruptcy Courts for Eastern Louisiana and Southern Mississippi.

Another change since we marked up this bill in July concerns energy prices. Back in late July, the average price per gallon of regular gasoline was $2.27. Today it is more than 25 percent higher. Gas costs more than $3 a gallon in many parts of our country. High gas prices are hurting our families, our businesses, and our communities. This price spike is already causing revenues to our Federal and State transportation trust funds to diminish. That could have a serious impact on the ability of our States to finance their highest priority road projects.

The recent spike in fuel prices has also further undermined the financial condition of the Nation's airlines.

Since we first marked up this bill, another two major U.S. carriers and one regional carrier have entered bankruptcy. That threatens the long-term availability of air service to the communities across the country and to tens of thousands of jobs.

Also, since we first marked up this appropriations bill, we passed the authorization bill and made significant progress on Amtrak reform. First, just prior to the August recess, thanks again to the very able work of Chairman BOND, the Congress passed the conference report on the surface transportation bill, now known as SAFETEA-LU. This law will now guide the direction of our Federal highway, transit, and highway safety programs for the next 5 years.

Secondly, following the markup of this bill, the Senate Commerce Committee reported a comprehensive Amtrak reform bill. That bill has yet to come before the Senate, but it is important legislation that must inform this subcommittee's deliberations going forward.

So as I said earlier, we have seen some dramatic and in some cases tragic changes since the Appropriations Committee first reported this bill. But even with those changes, this bill deserves the strong bipartisan support of the Senate.

This bill totals more than $141.4 billion. That is more than $11.6 billion over the President's request. I think the best feature of this bill is that it rejects many of the painful and unwise cuts that were proposed in the President's budget. Whether it is funding to continue rail service in the country or building new runways to relieve congestion at our airports, to construct new housing for low-income seniors and for our disabled; whether it is to invest in community development or provide needed assistance to taxpayers or aggressively enforce our drug laws, this bill rejects the President's painful cuts. Instead, our bill invests the funds to make our world safer and advance the needs of our infrastructure and our people.

I thank Chairman COCHRAN and Senator BYRD for providing our subcommittee with the necessary allocation so we could make these critical investments. Chairman BOND also deserves a great deal of credit for ensuring that even with so many new programs now under our jurisdiction, every program was thoroughly reviewed and considered.

I thank Chairman BOND for treating me as a full partner in this endeavor. His door has always been open to me. While we do not see eye to eye on every funding level and every provision in the bill, I think the bill we are considering is truly an effort at bipartisan consensus, and I thank the chairman for that.

I would like to review some of the priorities in this bill, starting with aviation. This bill rejects the administration's proposal to slash funding for our Nation's airports. It also preserves funding for the essential Air Service Program so that rural communities across the country will continue to receive air service.

I am also pleased that the bill attempts to boost hiring of our air safety inspectors at the FAA. Last year this committee fully funded the President's request for safety inspectors. What happened? The FAA downsized that office by more than 300 people. With the Nation's airlines in turmoil and all the airlines seeking to cut costs, this is not the time to cut our safety inspector workforce as I described in detail on the Senate floor just a few weeks ago.

For Amtrak, our bill includes $1.45 billion. That is a 20-percent increase over the current year. Now, the DOT inspector general testified that Amtrak would require between $1.4 billion and $1.5 billion next year to maintain all of its current routes and services. This funding recommendation falls right in the middle of that range. This bill also recommends some reforms for Amtrak in the interest of helping Amtrak cut costs. The President's budget asks that we throw Amtrak into bankruptcy and leave 22 million Americans stranded on the platform. This bill categorically rejects that approach and preserves all current rail routes so a meaningful debate on reform can continue without the threat of a crisis.

Funding for the judiciary is up 6.6 percent. That is slightly higher than the level that was passed by the House of Representatives, and I am confident that this funding level will enable the judiciary to continue its important work without the threat of staff layoffs.

Within the Department of Housing and Urban Development, the President proposed to move the Community Development Block Grant Program over to the Department of Commerce and cut its funding by more than a third. I am very pleased to say that we will continue to fund CDBG in this bill, and we limited the funding cut to just 8 percent.

Some of the more damaging cuts in the President's HUD budget include cuts to new construction for housing for the disabled and cuts to funding for housing funds for AIDS patients, and those have been rejected.

Within the Executive Office of the President, the White House proposed to cut funding for the drug law enforcement activities of the high intensity drug tracking areas by more than 50 percent. Our bill, however, rejects that cut entirely and fully funds the HIDTA Program.

Turning to Federal workers, this bill provides a 3.1-percent pay raise for all Federal employees. It is an identical adjustment for military and civilian workers.

I am also very pleased that Chairman BOND and Senator MIKULSKI reached a compromise on competitive sourcing. It will provide a level playing field when it comes to efforts by the Federal Government to contract out Federal jobs.

As I have outlined, this bill makes some critical investments in our transportation infrastructure, in our ability to house the poor and administer justice, and the pressing needs, of course, of our highways and airways and transit systems. I urge my colleagues to support this bipartisan bill so we can strengthen our local communities and our entire country.

I will repeat the words of my chairman, Senator BOND, and encourage my colleagues to bring their amendments to the Senate floor. The sooner we start these amendments, the sooner we can review them and perhaps get them adopted. One thing I do know is, as of right now, there is still hope that the St. Louis Cardinals are going to reverse course and win the National League Championship Series. I cannot guarantee to any of my colleagues that Chairman BOND is going to greet their amendments warmly, but I know he will greet them less warmly if the Cardinals are eliminated this evening, so I suggest to all my colleagues they bring their amendments to the floor as soon as possible so they can be considered and we can move forward on this bill.

I yield the floor.

Mr. BOND. Mr. President, I thank my distinguished colleague and good partner very much for her kind words.

Surely this bill was an interesting and challenging bill because it brought so many new agencies together. The Senator from Washington has had much greater experience in the Transportation appropriations area. Her input in that area and all the other areas was invaluable. I share her views that this is a good bill. As I stated earlier, I hope we will come forward with amendments as soon as possible.

I know the Senator probably watched, as I did, the Seahawks' magnificent victory yesterday—truly awesome. As far as the Cardinals, Chris Carpenter pitches tonight and there is hope. So there is still a smile on my face. We are both in a good mood. If you wish to have amendments favorably reviewed, please come, bring them down. Even if my Cardinals continue to win, as it gets later in the week we will be getting short of time and short of patience. So we will very much appreciate having those amendments now.

For the information of all my colleagues we hope are watching, there will be a vote at 5:30. This is a vote that is on a technical change in the underlying legislation to allow the Federal Government to recapture funds from a multifamily housing project owner who skims rent off the project and leaves the project in default to be paid for out of FHA funds, out of public funds, and thus pockets the rents.

This is a situation that was certainly not foreseen. It is a very undesirable situation where, in effect, the money from the taxpayer is going indirectly into the pockets of an owner of a project who has taken rent money instead of applying it to the mortgage.

There is a vote at 5:30. We hope Members will come forward with their amendments. I hope we can wrap up these amendments by Wednesday night to get ready for the World Series, for whosoever happens to be in it at the time. I still have my hopes.

I see no other Member seeking the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. MURRAY. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, the Senate is going to vote in a couple of minutes on an amendment Senator BOND and I offered that addresses fraud and abuse at HUD properties. These are technical changes that are needed to provide the HUD Office of Inspector General the tools they need to continue this effort.

The amendment clarifies that the Government can recover double damages from project owners, heirs, officers, and management companies that have violated their project agreements with HUD. These damages will apply even if the violators no longer have a mortgage or are doing business with HUD. The provision allows violations to basically be considered as a false claim. Large damage awards are a proven deterrent in minimizing fraud and abuse in these programs.

There is a backlog of enforcement actions awaiting this change, including nursing homes that have been skimming equity from properties that are covered with HUD insurance. We have to put a stop to these abuses. I encourage all colleagues, when this vote occurs in a few minutes, to support this amendment.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOND. Mr. President, as my colleague and comanager of the bill, the Senator from Washington, has just stated, we are preparing to vote on an amendment that is a technical correction to the Housing and Community Act of 1987 to make sure that HUD has the authority to recover any assets or income for a multifamily project where the funds are used in violation of the project's regulatory agreement. It is necessary to ensure that HUD and the Federal Government can recover losses from owners of multifamily housing who have intentionally and fraudulently skimmed equity from an FHA-insured project for their own benefit. Without this technical correction, HUD, FHA, ends up paying the lender the value of a defaulted FHA-insured mortgage that should have been paid off by the owner of the multifamily housing out of rent receipts. I hope my colleagues will look at it and see this is nothing but common sense and adopt it.

At the same time, I reiterate for those who may be listening, we want to move forward on this bill as quickly as possible. We hope people who have amendments will come forward. We are looking for an agreement to take up the DC appropriations bill which has to be added to this to go to conference. It will be a separate conference, but since the House has DC in with the TTHUD bill, they will have to be considered at once. We ask that everybody bring forth those amendments and be prepared for a filing deadline tomorrow.

Mr. President, I see the time for the vote on the amendment has arrived, and I suggest we proceed to that vote.

The PRESIDING OFFICER. Under the previous order, the hour of 5:30 having arrived, the question is on agreeing to Bond amendment No. 2061. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. The following Senators were necessarily absent: the Senator from South Carolina (Mr. DEMINT), the Senator from Arizona (Mr. MCCAIN), and the Senator from Louisiana (Mr. VITTER).

Further, if present and voting, the Senator from South Carolina (Mr. DEMINT) would have voted "yea."

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New Jersey (Mr. CORZINE), the Senator from Iowa (Mr. HARKIN), and the Senator from New Jersey (Mr. LAUTENBERG) are necessarily absent.

The PRESIDING OFFICER (Mr. CORNYN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 93, nays 0, as follows:

[Rollcall Vote No. 255 Leg.]

YEAS—93

Akaka
Alexander
Allard
Allen
Baucus
Bayh
Bennett
Bingaman
Bond
Boxer
Brownback
Bunning
Burns
Burr
Byrd
Cantwell
Carper
Chafee
Chambliss
Clinton
Coburn
Cochran
Coleman
Collins
Conrad
Cornyn
Craig
Crapo
Dayton
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Inouye
Isakson
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McConnell
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Thune
Voinovich
Warner
Wyden

NOT VOTING—7

Biden
Corzine
DeMint
Harkin
Lautenberg
McCain
Vitter

The amendment (No. 2061) was agreed to.

Mr. BOND. I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BOND. Mr. President, we are negotiating to get an agreement on procedure for tomorrow. We are very close. We want to line up the DC bill and then set a vote.

I suggest the absence of a quorum.

Mr. KENNEDY. Mr. President, will the Senator be good enough to withhold that request? I ask unanimous consent that I be recognized after we come out of the quorum call.

Mr. BOND. Mr. President, I wish to keep this quorum call going, and then, after I propound the unanimous consent request, obviously the Senate can proceed in the normal fashion. This should be just a minute. I ask the Senator's indulgence.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOND. Mr. President, after conferring with my colleagues on the other side of the aisle, I ask unanimous consent that at 11 a.m. tomorrow, Senator BROWNBACK be recognized in order to offer an amendment which relates to the appropriations for the District of Columbia; provided further that there then be 40 minutes equally divided between Senators BROWNBACK and LANDRIEU; further, that following that debate, the amendment be agreed to with no second degrees in order to the amendment; provided that at 12:10, the Senate proceed to a vote in relation to the Kyl amendment No. 2062, with no second degrees in order to that amendment prior to the vote.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 2063

Mr. KENNEDY. I send an amendment to the desk and ask that the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY], for himself, Mr. HARKIN, Mrs. BOXER, Mr. FEINGOLD, Ms. STABENOW, and Mr. DAYTON, proposes an amendment numbered 2063.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide for an increase in the Federal minimum wage)

At the appropriate place, insert the following:

SEC. . MINIMUM WAGE.

(a) INCREASE IN THE MINIMUM WAGE.—

(1) IN GENERAL.—Section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) is amended to read as follows:

"(1) except as otherwise provided in this section, not less than—

"(A) $5.85 an hour, beginning on the 60th day after the date of enactment of the Fair Minimum Wage Act of 2005;

"(B) $6.55 an hour, beginning 12 months after that 60th day; and

"(C) $7.25 an hour, beginning 24 months after that 60th day;".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect 60 days after the date of enactment of this Act.

(b) APPLICABILITY OF MINIMUM WAGE TO THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.—

(1) IN GENERAL.—Section 6 of the Fair Labor Standards Act of 1938 (29 U.S.C. 206) shall apply to the Commonwealth of the Northern Mariana Islands.

(2) TRANSITION.—Notwithstanding paragraph (1), the minimum wage applicable to the Commonwealth of the Northern Mariana Islands under section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) shall be—

(A) $3.55 an hour, beginning on the 60th day after the date of enactment of this Act; and

(B) increased by $0.50 an hour (or such lesser amount as may be necessary to equal the minimum wage under section 6(a)(1) of such Act), beginning 6 months after the date of enactment of this Act and every 6 months thereafter until the minimum wage applicable to the Commonwealth of the Northern Mariana Islands under this subsection is equal to the minimum wage set forth in such section.

Mr. KENNEDY. Mr. President, I look forward to the opportunity to discuss this amendment and to the opportunity for the Senate to be able to express itself on the issue of increasing the minimum wage for the working families of this country. It has not been increased now for some 9 years. We have not increased the minimum wage for some 9 years. There will be those who will ask: Why are we thinking about increasing the minimum wage on this legislation? We have tried to get stand-alone legislation so that it could be considered. We have been unable to do that. We have been unable to get another vote on an increase in the minimum wage over these period of years.

In this particular appropriations bill, there is another amendment dealing with the increase in salaries for Members of the Senate. This will be the seventh increase we have had in 9 years, but we have not had an increase in the minimum wage over that same period of time. It does seem to me that there is a certain amount of equity, a certain amount of justice, a certain amount of fairness when we are talking about an increase in the salaries or the cost of living for Members of the Senate. We certainly ought to be considerate of the interests of those who have been left behind by the failure of Congress to support the increase in the minimum wage.

Who are the minimum wage workers? The minimum wage workers are men and women of dignity, first of all. These are men and women who work hard, play by the rules, are trying to provide for their families, trying to look out for their children, and trying to look after a parent. We know these are men and women who work in nursing homes and are looking after senior citizens, men and women who have contributed so much to this Nation, who have sacrificed greatly for this Nation by more often than not subverting their own kinds of interests and their own futures to the benefit of their children. Now, during their golden years, they need some help and assistance, and many of those who work and assist the elderly people in nursing homes are men and women who earn a minimum wage.

Who else are they? They are the men and women who clean the great buildings of American commerce every evening, hard working, going around and cleaning out those buildings. They are men and women of dignity. They want to do a decent job, and they do a decent job. They need to have a decent pay.

Many of them are workers working in schools as teachers' assistants, as teachers' aides. These are men and women who are working with seniors, who have made great contributions to our Nation. They are men and women who are working with children who are attempting to get an education. They are working part time or even full time as teachers' assistants.

Primarily, this is an issue involving women because 60 percent of those who would benefit from this legislation are women. More than one third of the women who are receiving the minimum wage have children. So an increase in the minimum wage is a women's issue, and since so many of the women who receive the minimum wage have children, it is a children's issue. It is a women's issue, and it is a children's issue. It is also a civil rights issue because 35 percent of those who would benefit from an increase in the minimum wage are men and women of color.

So it is a children's issue. It is a women's issue. It is a family issue. We hear a great deal in this body about family issues, about family responsibilities, family obligations. These are men and women who are earning the minimum wage and who are trying to provide for their families on that minimum wage. They know they cannot do it. So they have one or two or even three minimum wage jobs. How much time do they have with their children? They are trying to provide for their children but have no time to spend with them.

I will give real stories of what families are going through, the sacrifices they have made, the lost opportunities, the conversations they were not able to have with their children, the missed birthdays that come and go, the Christmases that come and go and they do not have that gift for that child or they do not have those pairs of skates so the children can join other children.

The fact is that hard-working men and women in this country have not gotten a raise in 9 years, and yet we in the Senate are adjusting our salaries to inflation effectively for the seventh time in the ninth year. So we have a women's issue, a children's issue, a family issue, a civil rights issue, and most of all it is a fairness issue.

Americans understand fairness. Americans understand that if a person works 40 hours a week for 52 weeks of the year, they should not have to live in poverty, and these men and women are living in poverty. All we are trying to do is what we have done many times in the past.

This has not been a partisan issue. It has only been in recent years that it has been a partisan issue. If we look at this chart, we will see that over the period of the years when there was the first minimum wage, going back to 1938, it was 25 cents. There was President Roosevelt, then Harry Truman, and Dwight Eisenhower increased the minimum wage. Democrats and Republicans. President Kennedy increased the minimum wage. So did President Johnson increase the minimum wage. Then President Eisenhower, President Ford, then President Carter, then Bush 1, President Bush, increased the minimum wage, and then President Clinton. So Republicans as well as Democrats have fought for an increase in the minimum wage, although over the period of these last years, that has not been the case. Every time we have tried for an increase in the minimum wage, we have been opposed by a Republican administration and by the Republican leadership in the House and the Senate. That is not fair. It is time we altered and changed that.

It is appropriate that we take a moment or two to look at what has been happening in our country: Americans struggling to survive in this economy, in what we call the Bush economy. Too many Americans are living in poverty. We have 1 in every 10 families living in poverty. One out of every five children in the United States now, one out of every five Hispanic Americans, one out of every four African Americans, is now living in poverty in the United States. If we look at the overall figures from years 2000 to 2004, 5.4 million more Americans are living in poverty today than were living in poverty in the year 2000. An increase in the minimum wage is not going to solve all of these problems, but it is going to help 15 to 16 million Americans become better off in regard to their economic condition to some extent.

Let us take a look at what has happened to the minimum wage over the period of recent years. This is the 2004 Federal poverty line. This red line indicates the minimum wage. Going back to the early 1960s, we saw that the minimum wage even exceeded the poverty wage. This is constant purchasing dollars. This is in constant real dollars. We saw an increase even above the poverty line. Then it bounced around just around the poverty line, and then we have seen now what has happened in recent times where the real minimum wage has fallen so far from the poverty line. Most Americans believe if one is going to work and work hard, they should not have to live in poverty, but this is what is happening in the United States over the period of the recent years. The total number of individuals who have fallen into poverty has increased significantly because of the failure of Congress to deal with any kind of increase in the minimum wage.

The amendment I have offered is a three-phase increase. It provides for an increase of 70 cents 60 days after it is signed, 70 cents a year after, and 70 cents a year after, from $5.15 to $7.25. It will put the minimum wage up to this level, which it will still be well below what it was in the 1960s through the 1970s and even up to the 1980s. It will certainly not recover all of its purchasing power, but it will make a very serious and important difference to millions of Americans.

For anybody who is viewing this discussion this evening, this chart is self-evident. What has been happening is an increased pressure on families' pocketbooks, which has virtually soared since the year 2001. We find gasoline has increased some 71 percent; health insurance up 59 percent; housing up 44 percent; college tuition up 35 percent. These are basics.

If they can afford a car to be able to drive, or even participate in a car pool, we see the explosion in gasoline prices in spite of an Energy bill we passed here which did virtually nothing on this issue.

We continue to see the escalation of health care costs, housing has gone up, and college tuition. All this has gone up. What has not gone up is the minimum wage.

This chart shows what an average family is up against. The average costs for a family for health insurance premiums per year now is up to $10,880. If you look at the salary of a full-time, minimum-wage worker, it is $10,700. You wonder how in the world can they even afford one coverage, which is so important to families, which is to be able to provide health coverage. Of course they cannot afford it, and so they do without it. In some States, they get some protection from some of the safety net programs, but we have seen the increasing pressure on those safety net programs in recent years.

What would $4,400 mean, which is what it would be when the minimum wage is fully implemented? What would that mean? We have been encouraged by the living wage campaigns that have taken place in communities all over this country. They have taken place in Boston. They have taken place in Cambridge, MA, and other communities in my State. They have taken place in Baltimore and in many other cities—in Los Angeles. And they have made a real difference. It has made a real difference in the quality of life for people. In many of those instances when they go to a living wage, they go up to $12 or $14 an hour. We are only increasing this to $7.25. So we are going to be well behind the living wage that has been accepted overwhelmingly.

We know when it has been on the ballot in the States of Nevada and Florida, it has been passed overwhelmingly by the people in those States. People have overwhelmingly, when they have addressed this in all parts of the country, supported an increase. The only people who have not supported it have been the Republican leadership. We are going to give them an opportunity to address this issue on this legislation.

This is what it provides. The $4,400 increase means almost 2 years of child care, full tuition for a community college, a year and a half of heat and electricity—maybe not after this winter, when we are finding out in my part of the country on the natural gas bill they expect to have an increase of some 70 percent in the cost of heating oil and natural gas, but we know it would make an important difference in those terms—and more than a year of groceries or more than 9 months of rent.

Does this sound very excessive to those who believe we are already doing what we should for some of the most hard-working Americans?

This chart is enormously important. Although it doesn't reflect the human dimension of what families are faced with or what a difference in the minimum wage will mean, what it does do is show what has happened in relation to increased productivity. What does that mean? It means the production levels workers have been able to achieve. What we have seen over a period of years—this chart goes back to the 1960s. If you look at the minimum wage even prior to that time, an increase in the minimum wage has always reflected an increase in productivity. It makes sense. That is the best way to answer people who say this is going to be inflationary. It is not when you are increasing productivity.

This is what had happened. We had always seen the minimum wage had been kept slightly higher than productivity in the 1960s and going into the 1970s. Now what we see is productivity is up 155 percent over 45 years ago. What we have seen is the decline of the minimum wage. This includes the increase in the minimum wage that we had during the 1990s. We see the extraordinary decline. We have not seen the minimum wage go up to reflect the increase in productivity. We have seen the minimum wage go down, in spite of the increase in productivity.

We have workers working longer, working harder, being more productive. They are working longer hours. They are working many more months of the year than any other worker in the world—American workers. American workers are. We will have a chance to show that tomorrow, the comparison between American workers and other workers. We have American workers working longer, working harder, being more productive, and you would think the increase in the minimum wage would reflect it, right? Wrong. We do not see that increase reflected.

This chart shows again, all of these indicators, that the purchasing power of the minimum wage has collapsed over the last 50 years. The minimum wage now is the lowest in over 50 years compared to average wages. For years the minimum wage was reflective of what the average wage was. They tried to keep it about 56 to 60 percent, that was the desire for years for the minimum wage. But look what has happened. This is another indicator. The minimum wage is now 32 percent of the average wages for American workers. Look at the decline.

We are talking about a segment of our society. We are talking about a segment of Americans. It is all reflected in this—when we had the Hurricane Katrina, when we saw so many millions of Americans who had been left behind in opportunity, and they are getting short shrift in their wages. These are millions of Americans who are left behind, and that is reflected by the fact that the number of Americans living in poverty has increased.

We have some indication of what has happened as the minimum wage remained stagnant over this period of time. We see Members of Congress have had an increase in salary of $31,600. People will have to answer to that, whether they are going to vote themselves a pay increase and vote down an increase in the minimum wage. That will be the issue that will be before the Members. That is why this particular measure is of so much importance.

We will have a chance to go through this in greater detail. This issue is most of all about fairness for American workers. We know there will be about 7½ million Americans who will be affected by the increase in the minimum wage. The ripple effect on the wages of others of low income is expected to effectively double that. We are talking about impacting more than 15 million Americans—some obviously more than others. But we are talking about whether we are going to be one country with one history and one destiny and whether this institution is going to increase the minimum wage and try to begin to catch up for so many we have left behind.

We will take the opportunity tomorrow. Some will come out and refute this with the old arguments that this will be bad for the economy. This will be bad for the economy because it will have a inflationary effect on the economy. Let me show what this is, in terms of the economy. All Americans combined earn $5.4 trillion a year. This is all Americans. Increasing the minimum wage to $7.25 is vital to workers but a drop in the bucket in the national payroll. All Americans combined earn $5.4 trillion. An increase to $7.25 would be less than one-fifth of 1 percent of the national payroll, one-fifth of 1 percent. I hope our friends on the other side who say this is going to be an inflator, we are suffering difficult economic times now—all of which are true—will let me point out that this is one-fifth of 1 percent of national payroll. They will say that this is going to be an inflator? This doesn't hold.

We have seen in Great Britain they have increased their minimum wage to $8.85 3 weeks ago. They increased it to $8.85, and they have provisionally accepted a plan to go up to $9.37 next year. If you asked the Chancellor of the Exchequer about the adverse impact in terms of the British economy, he said: It has been good for the economy. It has been healthy for the economy. We have moved a million children out of poverty. We have moved families out of poverty. People are spending and investing and it has strengthened our economy.

We will have an opportunity to go through the traditional arguments: We can't afford this because it is an inflator. I hope our friends on the other side will be able to respond to that. They will also say this is going to mean job losses. We have gone through that time in and time out. We will have the charts to show at the times that we have increased the minimum wage it has actually meant increasing employment. That certainly has been true in more recent times that we have done it, and we have the charts to reflect that.

Then we will hear this is a decent idea but it only goes to—we should just have a training wage. We should not. We have already had that kind of debate and discussion.

Those are all arguments we are going to hear from the other side. Basically, they are rooted in the concept they do not believe that men and women who work hard, men and women of dignity, that they are entitled even to a fair day's pay.

We are not, even with the increase of the minimum wage, able to reach the poverty line for these millions of Americans. It does seem to me with all the things we have seen in this country in the most recent times, when we peeled back the veil of the American society, as had been done in Katrina and Rita, and we saw who was out there and who was adversely impacted, Americans said. Oh, my goodness, why have so many people been left out? Why have so many people been left behind?

This increase in the minimum wage is not going to solve all of their problems. It will not. But it will make an important difference to more than 15 million Americans who are hard working, trying to make ends meet, playing by the rules, looking out after their families. They certainly deserve this increase, particularly if we intend to increase the salaries for Members of the Senate.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CHAMBLISS). Without objection, it is so ordered.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

• Mr. HARKIN. Mr. President, I would like the record to show that I was necessarily absent during today's vote due to a funeral which I attended in my home State of Iowa. Had I been present, I would have voted "yea" on the amendment.•

MORNING BUSINESS

Mr. FRIST Mr. President, I ask unanimous consent there now be a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

HURRICANE RECONSTRUCTION CONTRACTING

Mr. DORGAN. Mr. President, this morning I and a number of other Senators held a policy committee hearing on the issue of FEMA and some of the expenditures dealing with Hurricane Katrina and the aftermath of the devastation of the gulf coast of our country. Some of what we learned is enormously distressing. I will share some of it with my colleagues, including some ideas about what we ought to be doing about it.

One of the people who came to Capitol Hill this morning was a man named Paul Mullinaux, a truck driver who owns his own tractor and trailer and lives in Florida. He was contracted by FEMA to haul ice to the victims of Hurricane Katrina and for the devastation on the gulf coast. Mr. Mullinaux is a person who, when asked to perform this service—obviously he was paid for it, but with his refrigeration truck and with an opportunity, he went to New York City and picked up a load of ice in his 18-wheeler and his refrigerated trailer. That load of ice was for delivery to Carthage, MO. He wasn't sure why it was to be delivered to Missouri, but it was. He took his 18-wheeler to Carthage, MO.

When he arrived at Carthage, MO, they told him that what he needed to do was to go to Maxwell Air Force Base in Alabama. So he had driven his 18-wheeler with a load of ice from New York City to Carthage, MO. Then he was told, go to Maxwell Air Force Base in Alabama. He got in his truck and went to Maxwell Air Force Base in Alabama.

When he got to Alabama, he told us this morning, he spent 12 days sitting on the Maxwell Air Force Base tarmac with apparently hundreds of other trucks and a load of ice. He said other trucks were loaded with ice, they were loaded with blankets, they were loaded with all kinds of things that evacuees would have needed, the victims of the hurricane would have needed. For 12 days he and his truck, with his motor running for the refrigeration to keep the ice cold, sat there. Finally, at the end of 12 days he was told he was to take his truckload of ice to Idaho.

Remember, this is a truck driver contracted by FEMA to pick up a load of ice in New York and take it to the gulf coast to try to help the victims of Hurricane Katrina. He got the ice in New York, went to Missouri, then was told to go to Alabama. He went to Alabama, sat there 12 days and then was told, by the way, now you should take this ice to Idaho and put it in storage.

Mr. Mullinaux told them, I wasn't aware there was a hurricane in Idaho and I don't intend to drive to Idaho with this ice. At that point, they talked about calling the National Guard to escort him off the military base because he had a bad attitude. I would have had a bad attitude sitting there 12 days with a refrigeration truck running with a load of ice that was supposed to go to hurricane victims. At the end of 12 days, he refused to go to Idaho, so they sent him—and he said they sent many other trucks—to Massachusetts to offload the ice in a warehouse where it is now being stored.

Think of this. The Federal Government, through FEMA, paid $15,000 to a trucker to pick up a load of ice in New York to help hurricane victims and they told him to go to Missouri. He went to Missouri. They then told him to go to Alabama. He went to Alabama. They then told him to wait for 12 days. He sat on the base in Alabama for 12 days and then they told him to take the ice to Idaho, to put it in storage. When he refused, they said, well, then, take it to Massachusetts. He took it to Massachusetts and it is now in storage. From New York, to Missouri, to Alabama, to Massachusetts.

In effect, the American taxpayer has paid this one trucker $15,000 to haul ice from New York to Massachusetts to benefit the victims of Hurricane Katrina. It is unbelievable and staggering incompetence that FEMA is paying this kind of money. But it was not only Paul Mullinaux; it was not just him. It was hundreds and hundreds of other truckers with exactly the same experience. Loaded with blankets, loaded with ice, loaded with the things the victims needed, sitting in an airbase, being paid $800, $900 a day per truck while victims waited. Incidentally, Paul Mullinaux said they had a small television in that truck of theirs sitting on the tarmac of the military base along with hundreds of other truckers, and they were seeing on the nightly news the victims who were begging and pleading for the things they needed to keep them warm, to give them sustenance, food, ice, good water, blankets, clothing. And they were all on trucks, sitting there, day after day after day after day after day, and, finally, never delivered.

The question is, when you hear this sort of staggering incompetence, who is in charge? Who is accountable? Harry Truman used to have a little sign on his desk that said "The buck stops here." Where does the buck stop with this? Is anybody accountable? FEMA? It used to be an agency we were enormously proud of. Regrettably, many of the top positions in that agency were filled with cronies who had no information, no experience, no capability with respect to disaster preparedness or disaster response. And this is but one small story of Paul Mullinaux, a trucker who came here to tell his story, furious as a taxpayer about what has happened.

Al Knight and Mike Moran came, Knight Enterprises. They were hired by a subsidiary of Halliburton to do some work down in the Gulf of Mexico to try to deal with the devastation of Hurricane Katrina. They went out as a result of an oral contract and hired 75 skilled, experienced electricians to do a job. It wasn't very long before the subcontractor with Halliburton said, don't worry about that: your electricians will not be on the job very long. We are bringing in new people.

Guess what. They did bring in new people. My guess is a fair number of them were undocumented workers. They say almost none of them spoke English. They say their electricians were trying to work beside them and these were not skilled electricians. In many cases, they didn't know what they were doing.

Why were they there? Why were they there to replace Louisiana workers who wanted the jobs to help get back on their feet, people who were victimized by Hurricane Katrina and Rita? Why were others brought in from out of state to take those jobs? Money. Just money. Because the President said, by the way, with respect to reconstruction in the Gulf of Mexico, in Louisiana and related States, Mississippi and so on, we will get rid of the Davis-Bacon requirement.

What is Davis-Bacon? It says the Federal Government, when it does work in your region, is going to pay the prevailing wage. They will not come in and hire a bunch of fly-by-night operators in order to drop the wages to dirt-poor levels. We will, as a Federal Government, pay prevailing, regional wages, when we do contracting in a region. But when the President said, by the way, Davis-Bacon does not work, does not count, with respect to reconstruction in Louisiana, Mississippi, and elsewhere, he opened the door for these firms to hire a bunch of workers for dollars a day with no benefits, and put them up in conditions—by the way, this picture was taken last weekend. Those are some of the workers who are brought in to take jobs that days ago belonged to the people of Louisiana. Workers who got hit by these hurricanes were anxious to get these jobs to try to get back on their feet. No more. The jobs now belong the these folks who live in these conditions—the exploitation of workers in this country. That is what happens when you get rid of the Davis-Bacon requirement of paying the prevailing wage—bring somebody in and exploit them.

And, oh, by the way, one of the witnesses this morning said he saw jobs advertised by companies to do the reconstruction that claimed their workers can have free meals at the Red Cross. What does that mean, "free meals at the Red Cross"? That means you don't have to pay them much. You can underpay them. You can have them live like this, as shown in this picture. You can exploit them. And, oh, by the way, we can get free meals for you at the Red Cross.

What a shame this is. The fact is, there is a right way and a wrong way to do reconstruction in Louisiana, Alabama, and Mississippi, and that is to not devastate the local prevailing wage. It is to reach out and hire the people in that region who have been victimized by these natural disasters. It is not to waste money. There is such prevailing waste here, it is almost unbelievable.

Ms. Sheila Crowley testified this morning. She has a Ph.D. She is president of the National Low Income Housing Coalition. There is $11 million being spent each day to put people in hotels who are displaced because of Hurricane Katrina. Think of that. So $11 million tonight is what the estimate is for hotel rooms.

Now, why are we still paying for these hotel rooms? Because the administration decided they did not want to use a voucher program. They do not like vouchers. A voucher program would have been to say to a person displaced: Here is a voucher. Go find yourself an apartment. It would have used existing housing stock. It would have made a great deal of sense and very quickly put people in housing. But the administration does not like vouchers, so the people who run these programs have been prevented from doing that.

Let me come back for a moment to the testimony by Paul Mullinaux. I have asked FEMA if we can find some accountability in FEMA. Who is it that decided we should have a truck pick up ice in New York and deliver it to Massachusetts for the purpose of helping victims of Katrina down in Louisiana and Mississippi? Who decided to do that? Who authorized the payment of $15,000 for that truck and hundreds of other trucks just like it full of materials that victims needed, full of food and supplies and clothing and ice that victims needed? Will we find the answer to that? Will we find some accountability somewhere? I hope so because as we produce additional money for reconstruction and as we provide additional money to FEMA, the question is, Is this money being spent in a manner that meets any commonsense test at all? The fact is, this does not meet any test at all, that I am aware of, of efficiency or of effectiveness. Someone, some group of people is completely brain dead when it comes to managing the resources that belong to the taxpayers of this country. I would like to find out who. This country deserves better. America deserves better than this. We can do better as a country.

Let me just finally say this: We had a FEMA that was extraordinary. I know that because in my State we had a city of nearly 50,000 people that was nearly completely evacuated because of a flood. I watched FEMA up close. They were extraordinary: professional, sharp, on the mark, on the ball, doing the right things.

Now FEMA is a joke. I am sure there are wonderful people still working at FEMA. But I see people inside FEMA, who are career people, who say what has happened inside is to hollow out this great organization. You put people at the top who have no experience at all in this area—just hire a couple cronies, friends, and say, "Go do this," with no experience in disaster preparation or disaster preparedness—and this is what you get.

I hope we can find some accountability. I hope we can put some new people in charge, in place, to be responsible for this country and to its taxpayers. We are going to spend billions more dollars out of this Chamber. I have watched it with respect to reconstruction in Iraq, and I am now watching it with respect to reconstruction in the wake of Hurricane Katrina. In both cases, it appears to me that massive amounts of money are being wasted. There is substantial waste, fraud, and abuse. Instead of yawning at that problem, this Congress ought to be furious. We ought to make sure we put a stop to it right now.

ENERGY COMPETITIVENESS

Mr. BAUCUS. Mr. President, in the 12th century, in the Bay of Biscay, Basque sailors began to hunt right whales. The Basques melted the whales' blubber into oil to fuel their lamps. When the whales died out in Spanish waters, the Basques sailed north to Iceland pursuing the source of their lamp oil. By the 16th century, whalers hunted extensively in Icelandic waters to find the fuel for light.

As our former colleague Phil Gramm wrote in 1973, from American colonial times through the middle of the 19th century, whale oil provided the major source of artificial lighting in America and Europe. But in the middle of the 19th century, America faced an energy crisis. The price of whale oil was rising. From a low of 23 cents a gallon in 1832, it rose to $1.45 a gallon in 1865.

But then in 1859, people discovered petroleum oil in western Pennsylvania. The rising price of whale oil encouraged an engineer to invent a process to convert that western Pennsylvania black oil into a new fuel, kerosene.

The whale oil era was ending, and the petroleum era began.

One hundred fifty years later, at the turn of the 21st century, gasoline prices are rising. As late as December 2002, Montana gasoline prices averaged a little more than $1.30 a gallon. On September 5 of this year, the average price hit about $2.90 a gallon.

In the wake of Hurricane Katrina's disruption of oil refineries, many Montanans feel gouged by sky-high gasoline and diesel prices. High gas prices hit low-income Montanans particularly hard. Peggy Grimes, director of the Montana Food Bank Network, says: "[P]eople are going without food more often and coming to visit local food pantries more often." Just think of people having to make choices such as that.

Rising natural gas and fuel oil prices have many Montanans concerned about how they will heat their homes this winter. And rising fertilizer costs will hit many Montana farmers hard.

In the short term, petroleum price increases are forcing painful adjustments. In the medium term, we need to invest in conservation, weatherization, and upgrading the efficiency of cars, appliances, and machines that use energy. And in the long term, we need to adjust intelligently to higher petroleum costs, systematically and purposefully diversifying our energy sources.

In the middle of the 19th century, America led the way to the next energy era, leaving the whale oil era behind. Now, at the beginning of the 21st century, America must once again lead the way to another energy era, an era that severs the world's dependence on Middle Eastern oil. Domestic oil and gas production will remain a critical part of our energy security for some time. But to lead the world to a new era, we will have to make major investments in new innovative forms and uses of energy.

Once again, we have cause to look again across the waters to Iceland.

Iceland is leaving the petroleum era behind. Iceland is entering the hydrogen era. The government has announced its intention to become a hydrogen-based economy by 2030.

In Iceland, icy water cascades down from massive glaciers. And in Iceland, boiling water bubbles up from just beneath the surface. Iceland already harnesses these renewable resources to generate virtually all of its electricity and heating from hydroelectric and geothermal sources.

But with no fossil fuel resources, Iceland relies heavily on imported oil to power cars, buses, and the fishing trawlers that provide 70 percent of Iceland's income.

To break that dependency, and to reduce greenhouse gases, Iceland is turning to fuel cells. Fuel cells use hydrogen and oxygen to generate electricity to power engines. And the vehicles powered by those engines emit only water as exhaust.

Iceland plans to use its cheap electricity to split water—H_2O—into its component parts—hydrogen and oxygen. Iceland uses the process of electrolysis. Electrolysis runs an electric current through bonded elements to separate the elements.

Iceland's capital Reykjavik intends to replace its entire fleet of 80 buses with fuel cell buses. Next, Iceland hopes to convert private cars. And after that, Iceland hopes to switch the huge Icelandic fishing trawlers to hydrogen power.

Iceland thus hopes to convert its renewable hydroelectric and geothermal energy into a form that can power its transportation system, and, in the process, Iceland hopes to slash emissions and end its dependence on fossil fuels.

Maria Maack, the project director of Iceland New Energy, explained:

> We are so reliant on our fisheries, and the fisheries are totally dependent on oil. So we have a chance to be quite independent of this. . . [I]t's being independent and relying on ourselves to continue the way we live.

Bragi Arnason, a chemistry professor at the University of Iceland and a leader in hydrogen technology, beamed:

> I think we could be a pilot country, giving a vision of the world to come.

This is my sixth address to the Senate on competitiveness. Starting this summer, I spoke on competitiveness generally. I spoke on the role of education in meeting that challenge so we Americans can be more competitive in the future. Education at all levels—K through 12, continuing education, higher education, technology schools—is the long-term key for America to remain the biggest and strongest economic power in the world, given the challenges of China, India, and other countries that are taking advantage of the Internet and other technologies which are making other countries more competitive than they have been in the past.

I spoke on the role of trade, how we have to be more aggressive in trade to market our products overseas better and knock down trade barriers. I spoke on the role of controlling health care costs which make us less competitive worldwide. Our health care costs per capita are twice that of the next expensive country, and I doubt we are twice as healthy. I spoke on the role of capital and savings. We are not a net savings country, we are basically a net deficit country. Other countries save so much more than we save. That means capital that is available to develop new technologies, both technical technologies and human technologies.

Today I wish to speak about the role of energy in competitiveness. If we are to be a strong country and meet the foreign challenge, clearly, we need to be much more independent in energy production.

Iceland's Professor Arnason is not alone in his vision of a hydrogen future. At the University of Montana, Missoula College of Technology, Dean Paul Williamson has a similar vision. He is working to use hydrogen as the focal point to build a state-of-the-art college of technology and futures park. He wants to create something that folks in Geneva will get on a plane to come to America to see. So we are not always going overseas to see what they are doing, they will come to see what we are doing. It is a laboratory of excellence, to serve as a gateway to alternative technology in a much larger community.

Dean Williamson's vision is to marry Montana's resource base with the best trained workforce, and he is working to make the Missoula College of Technology a focal point to transform that vision into reality. Missoula College of Technology is creating the educational venue, and with it, they will match a business gateway to help to bring business and industry to the area, creating networks of microenterprises.

All around Montana and the Nation, people are working on renewable and alternative energy research and industry. Rising energy prices, combined with smart Government incentives, have spurred innovation, and we are already beginning to reap the benefits.

I have already talked about one example, hydrogen. Another example is coal conversion.

Coal gasification can be used to help produce hydrogen, and coal gasification can also be used to produce fertilizers, other chemicals, and diesel fuel. Our State's Governor, Brian Schweitzer, and I have targeted a process to turn Montana's coal into clean-burning diesel and jet fuel. The process is called Fischer-Tropsch, or F–T for the German scientists who developed it in the 1920s.

Energy technology firms in America and elsewhere are fine-tuning F–T to make it even cleaner. F–T fuels are relatively clean. The process can recover sulfur, mercury, and arsenic as marketable byproducts.

Jack Holmes, president of Syntroleum, extols the cleanliness of F–T diesel. He says it can be burned straight or blended with regular diesel fuel. He says:

> It's like a single-malt scotch.

Not quite, but we get the drift of it.

Governor Schweitzer calculates:

> It would cost less than $1 per gallon to make that diesel.

The break-even point for F–T comes when crude oil sells for more than $35 a barrel. These days, that looks like a pretty safe bet.

To develop processes such as these in the just-passed Energy bill, I worked to include an investment tax credit for the coal gasification technology used by the F–T process. In the highway bill, I worked to include a 50-cent-a-gallon tax credit for companies that generate fuel using an updated version of the F–T process. I also included a Federal loan guarantee so that companies can finance these capital investments.

We have real opportunity here. The coal-to-fuel technology can be a win for everybody if we do it right and if we make sure that any facility uses the cleanest and most advanced technology available—again, if they do it right. It will help lessen our dependence on foreign sources of energy while creating thousands of jobs in America. I am proud to join our Governor in trying to bring a new investment in this technology to Montana and to the Nation.

A third example is renewable and alternative energy in the form of wind energy. They may call Chicago "the windy city," but many say Great Falls, MT, is the windiest city in America. "Wind is like water flowing out of the mountains," says Bob Quinn, a farmer from Big Sandy, MT. Big Sandy is a little bit east of what we call the eastern front. It is the Rocky Mountains and the Continental Divide. The eastern front falls off similar to a big cliff. That is why we call it the front. By the time it gets to Big Sandy, which is not too far away, it is similar to water flowing out of the mountains.

Closer to the mountains, the wind is turbulent, but across the prairie, it flows uniformly similar to a huge river, and that makes it attractive as a wind farm site.

Five years ago, Bob traveled to Germany to research his ancestry. He visited a distant cousin who had developed a wind project and was contemplating others in Chile or South Africa. Bob asked him, Why are you thinking about going clear to Chile to build a wind farm when you can buy one in Montana, where we have this river of wind? The cousin reconsidered and chose Montana. Along with another partner and two cousins, they formed WindPark Solutions America and began looking for sites.

They settled on Judith Gap, a town of about 150 people in central Montana. Eventually, WindPark sold the project to Invenergy Wind, a Chicago-based company that will own and operate the project. Invenergy is now building a $150 million facility, the Judith Gap wind farm.

Billings resident Ludlow Howe manages the construction. His work crews erected 130 turbines in two phases. The wind farm will cover an area about 8 miles long and 5 miles wide, straddling Highway 191 between Judith Gap and Harlowton.

So far, workers have assembled at least 27 towers, colored white-gray to blend with the sky. Each tower is 260 feet tall. On top of each tower sits a generator box the size of a motor home. Seven-ton rotors with 122-foot blades sweep up to 387 feet into the air. Each turbine weighs more than 400,000 pounds. A system of 140 bolts secures each tower to its base.

The rotors come from Houston, the turbines come from North Carolina, and tower sections come from China, Korea, and Fargo, ND.

Ludlow says of the wind turbines:

> They will actually seek out the wind at 9 miles per hour. They will pitch their blades, just like a sailboat. They will trim their sails.

The plant should be in full operation soon. NorthWestern Energy will buy power from the 150-megawatt wind farm for customers in central and western Montana.

Wheatland County Commissioner Tom Bennett says admiringly:

> It's environmentally friendly. It's renewable. It's something we'll have forever. You tell me any negative on this. We couldn't find any.

A fourth example of renewable and alternative energy is biomass and ethanol.

Energy competitiveness can also come from a clear commitment to the development of biomass and ethanol-based fuels. Currently, most alternative fuels are not profitable without a Federal subsidy, but if we continue to support the industry until it reaches profitability, much as with wind power, it will become a self-sustaining model in its own right.

A Pentagon-sponsored study called "Winning the Oil Endgame," projects that biomass and ethanol-based fuels can create 750,000 new jobs. This effort could revitalize rural and agricultural areas of America. It could add tens of billions of dollars to farmers' revenue every year.

Rural America is at the center of the next age of domestic energy production. Rather than spending $50 billion a year overseas to buy oil from foreign countries, we could be buying into rural America. We must continue to support these new industries.

The man who headed the research team that created the hybrid Toyota Prius tells his young researchers:

> Forget about concentrating on such things as trivial increments in performance or cost cutting. If you restrict yourself to refining the prevailing paradigm, you will never come up with an earth-shattering idea or technology.

That is the guy who heads the team that formed the new hybrid Prius, which is doing very well.

America needs to follow that sage advice. We need to move beyond trivial increments in refining the prevailing petroleum paradigm. We need to move on to the next Earth-shattering ideas and technologies.

During World War II, America created the Manhattan Project in an effort to develop the first nuclear weapons and win the war against fascism. That important effort involved sites at Hanford, Los Alamos, Oak Ridge, and more than 30 locations in all. By 1945, the project employed more than 130,000 people. It cost nearly $2 billion, or $20 billion in 2004 dollars, that is, in current dollars.

Today, America needs a new Manhattan Project. As Tom Friedman put it in his book, "The World is Flat," we need "a crash program to . . . develop clean alternative energies."

On May 25, 1961, President John F. Kennedy told the Congress:

> I believe that this nation should commit itself to achieving the goal, before this decade is out, of landing a man on the Moon and returning him safely to the Earth.

Don't you remember that? That was a real challenge, an important and necessary challenge. It lifted us up, helped us develop technologies, and made America feel good about itself.

Today, America needs a new challenge. As Friedman puts it, we need "a similar legacy project . . . a crash program for alternative energy and conservation to make America energy-independent in 10 years."

Developing new energy sources in America will contribute to energy independence. Energy independence will contribute to national security, and energy independence will contribute to the stability of energy sources, allowing business to go forward without the jolts of supply disruptions. People facing the jolt of supply disruptions is a huge additional part of the problem of dependence.

As well, developing new energy sources in America has the potential to turn renewable and alternative energy development into comparative advantage for America, to gain an advantage for America. If we can figure out how to make clean, cheap energy before other countries, then those other countries will pay American companies to build energy production there.

Because of our early investments in the 1970s, America had an opportunity to become the world leader of the fossil alternative energy. With lower energy prices and decreased Federal support, however, our advantage dwindled.

Countries such as Denmark and Germany built on our initial research. Denmark and Germany have become the world leaders in wind generation. Danish companies are now the No. 1 provider of wind services in America, outnumbering even American companies.

The Danish became world leaders in wind power production by first growing the industry at home. According to the Danish Wind Industry Association, the Danish wind industry has created 20,000 new jobs. It exports 90 percent of the wind turbines it creates, and it supplies 20 percent of Denmark's electricity.

This is all because Denmark was the second country to reach the critical production level of 100 megawatts a year in 1987. That was 4 years after America. But we decided to end wind power subsidies for a time. That put them ahead.

There is a silver lining, however. America still has the resources to create technologies that could be turned into comparative advantages. Because of our wind power penetration, we are still fairly advanced compared to other nations. With a concerted effort for research, development, and production of wind generation—or solar power or other energy programs that we have been working on—we could easily become the world leaders in those industries if we put our mind and effort to it.

America has underinvested in research and development. This happens because firms invest in R&D based on the private return to their firms alone.

The social rate of return to investment, however, exceeds the private return. As economists put it, positive externalities exist. These external benefits come from knowledge spillovers, the creation of public goods, and economies of scale. The existence of these externalities—an awful word, but it is so powerful—counsels that the Government needs to subsidize R&D until the private rate of return matches the social rate of return. Traditionally, governments have used a few different policy tools to subsidize R&D: the first as government research grants to industry and educational institutions but, second, to provide tax incentives for R&D. A third tool is the increasingly popular and effective technique of offering prizes to spur innovation.

For example, in 1714, the British Government offered the longitude prize, a prize of 20,000 pounds, for precise determination of a ship's longitude. John Harrison solved the problem and eventually won the prize using precision clocks.

A year ago, SpaceShipOne won the Ansari X Prize competition. The X Prize Foundation offered $10 million to the first private venture to send a privately funded craft into space twice in a week.

The Clay Mathematics Institute of Cambridge, MA, offers a $1 million prize each for the solutions of seven Prize problems. The problems are classic mathematical questions that have resisted solution over the years.

Prizes like these involve little risk for the Government. And these prizes provide a very efficient, market-based approach to subsidy. For every success, there will be numerous failures. It is extremely difficult to predict who the winner will be. America needs to invest in a basket of potential technologies.

In 1874, it was a dream of science fiction: Jules Verne envisaged a world in which water would replace coal as the fuel of the future.

Now Icelanders believe they can do just that; they can turn that dream into science fact. And they have taken steps to create the world's first hydrogen society.

In old Icelandic sagas, whales were either good or evil. The evil whales swallowed boats and men. Just talking about such whales while on a boat would bring bad luck.

In contrast, the blue whale protected both boats and men. Blue whales would scare away all the evil whales. According to old Icelandic sagas, blue whales would warn fishermen by circling a boat three times in a row.

Sometimes energy sources can also appear to be good or bad. With hydrogen, Iceland hopes it has found the energy equivalent of a good blue whale.

Certainly, with the 1970s oil shocks and now the Katrina-related price spikes, we have been warned at least three times in a row to seek out safer seas.

In the 19th century, America plotted the course to a more productive energy future. In this new century, let us see that America once again leads the way. Let us once again chart a course to more secure energy waters. And let us once again explore the uncharted oceans of possibilities and bring the energy that we need safely home.

R&D TAX CREDIT

Mr. BURNS. Mr. President, because I support innovation and continued economic growth, I am pleased to announce my cosponsorship of S. 627, the Investment in America Act of 2005 sponsored by my colleague Senator HATCH.

With a permanent R&D tax credit, companies will no longer have to worry about the potential for expiration and may more accurately gauge long-term investment for research and development. Certainty to the market will help provide much-needed stability and assist U.S. companies in overseas competition. This permanent tax credit will allow companies the flexibility they want, and gives them the time needed to develop new and innovative ideas.

In global terms, it is extremely important that the United States remains a leader in a variety of sectors, from technology to manufacturing. Countries such as France, Japan, Australia, Pakistan, Spain, India, Indonesia, the Netherlands, Portugal, Singapore, United Kingdom, and Canada all have permanent R&D credits. If we want to stay competitive, we must put our country on at least equal footing to that of our foreign competitors.

In Montana, over 100 companies engage in research and development and stand to benefit from the R&D tax credit. When Steve Lethert, controller of Wood's Powr-Grip Company from Laurel, MT, visited my office, he expressed that a permanent tax incentive is vital to his company's growth. This bill will not only help the United States economy at large but will benefit those in the Big Sky State.

In March 2004 when Senator HATCH proposed to extend the credit for 18 months during debate of the Jumpstart Our Business Strength, JOBS, Act of 2004, I was pleased to support that measure, and hope that the Senate will soon provide permanency to such an advantageous tool for our businesses.

LOCAL LAW ENFORCEMENT ENHANCEMENT ACT OF 2005

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

On June 5, 2002, Fred Martinez a 16-year-old Navajo youth was murdered by 18-year-old Shaun Murphy. Murphy repeatedly smashed a heavy rock into Martinez's head, throat, and abdomen. The apparent motivation for the attack was that Martinez was a transgender person.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

PHILIPPINES DEBT RELIEF PROPOSAL

Mr. INOUYE. Mr. President, today, I rise to speak on an innovative and creative proposal submitted by the Republic of the Philippines that would provide debt relief to the 100 most heavily indebted nations. This proposal was presented to the Boards of the International Monetary Fund and the World Bank on September 20, 2005, by the Honorable Jose De Venecia, Speaker of the House of Representatives, Congress of the Republic of the Philippines. The proposal has received a positive reception by financial and political authorities in Western Europe and will be considered by the Paris Club at its next meeting.

The proposal, known as the Debt-for-Millennium Development Goals—MDG—Investments program, would allow creditor countries to convert up to 50 percent of the debt-service payments from debtor countries into equities or other forms of investment capital. Such equities would subsequently be use to finance MDG initiatives, including, but not limited to, reforestation, energy, mass housing, irrigation, food production, and postharvest facilities, ecotourism projects, safe water systems, hospitals, infrastructure, and microfinancing.

The Debt-for-MDG Investments proposal is voluntary and would augment the agreements made by G8 countries to depreciate multilateral debt owed by heavily indebted countries. Creditor countries will have a say in which projects they support in a specific debtor country. For example, under the proposal, a creditor country may decide to help finance housing construction to address the needs of low-income households in a debtor country. In addition, the proposal would provide debtor countries with the opportunity to improve on its infrastructure and make the economic and social investments required for them to achieve a self-sustaining economic stability.

Developing countries with heavy debt burdens face tremendous challenges in meeting the Millennium Development Goals of the United Nations and in promoting their own economic development and growth. The Philippine Debt-for-MDG Investments program proposal is one innovative and creative approach in bringing together the G8 countries to help address the debt burdens of the 100 most heavily indebted nations. I encourage my colleagues to review the Republic of the Philippines' proposal in the hopes that it will spark productive discussion and debate on this international problem.

Mr. President, I ask unanimous consent that the text of my statement, and the September 20, 2005, statement of Speaker De Venecia before the Boards of the International Monetary Fund and the World Bank be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

(Sept. 20, 2005)

DEBT FOR MDG INVESTMENTS

(By Jose De Venecia)

On this eve of the 2005 World Summit, I am honored to be given this opportunity to elaborate before this distinguished body on the Philippine proposal for a "Debt-for-MDG-Investments" program to help realize the UN's Millennium Development Goals—the foremost of which is to cut world poverty in half by 2015.

Since the late eighteenth century—a time of the overturning of monarchies and the emergence of ordinary people on the stage of history—visionaries inspired by scientific progress and the promise of the new international economy have dreamt of an end to poverty.

Yet a World Bank study finds that, until now, 1.2 billion people still have a daily spending power equal to about the price of a hamburger, or a can of soft drink and a chocolate bar, in the West.

And, according to the Food and Agriculture Organization, about 815 million people go to bed hungry (among them 200 million children under the age of five).

Of course, the Good Book says the poor we will always have with us.

But—in our age of the information revolution—it has become more and more difficult to segregate poverty and wealth: To prevent the poor from realizing what is possible.

So that—in the long run—the peace and prosperity of the rich depend on the well-being of all the others.

THE WORLD DEBT BURDEN

Since the 1980s, the weakest economies have been weighted down by their burden of external debt.

Nowadays, the 100 most-heavily-indebted poor and middle-income countries must service over 2.3 trillion U.S. dollars in combined debt-stock yearly.

Debt-servicing in effect deprives these countries of scarce resources and hard-earned savings which they could otherwise invest in economic growth, job-creation, and poverty-reduction.

To pay off interests and principals, our governments are forced to slash social spending and investment in infrastructure. They are also forced to impose more—and higher—taxes.

Typically, debt-ridden states must sacrifice budget allocations for education, health care, housing, and development projects in the name of financial responsibility and continued access to international capital markets.

And, all too often, even such sacrifices come to naught, because the higher a poor country's debt-stock, the lower the level of foreign-investor confidence—and the higher the premium that lenders charge on its debt-paper.

In sum, the debt-burden of the developing world—a burden that's still growing—has been blocking economic progress for billions of the world's poorest peoples.

Now the creditor-countries must realize that the poor economies need a respite from the burden of their debts.

This is the only way they can achieve the higher—and better-quality—economic growth which is the key to reducing global poverty that the MDG seeks.

THE HIPC INITIATIVE OF THE G-8 COUNTRIES

Let me say—up front—that we welcome the decision of the G-8 countries to condone tens of billions of dollars in loans of the Highly Indebted Poor Countries or HIPCs (pronounced "hipicks")—which are states mostly from the African continent.

This is a compassionate—and praiseworthy—step the G-8 has taken—to reduce to "sustainable" levels the debt-stock of this most vulnerable group of countries.

We must all realize, however, that the HIPCs make up a relatively-tiny group—when compared to the absolute number of poor peoples in the so-called middle-income countries.

In fact, over three-quarters of the world's poorest peoples are found, not in Africa, but in Southeast Asia, South Asia, the Middle East, Latin America, and Eastern Europe.

"Middle-income" countries with large populations—such as Indonesia, Bangladesh, Pakistan, Egypt, and the Philippines—have much larger absolute numbers of people who themselves subsist on less than US$1 a day.

And the countries of which these absolutely-poor people are part are also saddled by debts just as debilitating as those of their African counterparts.

BEYOND DEBT FORGIVENESS

Undeniably—if we are to achieve substantially the Millennium Development Goal of halving the number of the world's poor by 2015—the global community must organize deeper, wider, and faster debt relief than that awarded to the largely-African HIPCs.

Jeffrey Sachs of Harvard University—in his Report on the UN Millennium Project—has warned that the world community has barely enough time to meet its MDG targets.

We believe it naïve to ask for debt-write-offs for the middle-income countries.

The cost of universal debt-forgiveness may be too much for even the rich countries to bear.

Realistically, middle-income countries such as the Philippines seek no more than a breathing spell from their huge debt-service burdens.

Laying down their debt-burdens—even for a short while—would give them enough "fiscal space" to finance their requirements of growth and poverty-reduction under the social objectives of the Millennium Development Goals.

THE PHILIPPINE PROPOSAL

The "Debt-for-MDG-Investments" program that my Government proposes seeks to provide that fiscal breathing space.

We offer the Philippine proposal as a complement to the agreement by the G–8 countries to write off multilateral debt owed by the poorest countries.

We plead neither for debt-forgiveness nor for debt-cancellation.

Our proposal requires no new monies from the parliaments and governments of the rich countries. Neither do we envision any reduction or loss of face-value in the creditor's financial asset.

Furthermore, participation by creditors in the debt-for-equity program will be voluntary.

And creditors would have the option of choosing which MDG projects to support in a specific debtor-country.

We propose only that the rich countries plow back into the economies of the debtor-countries—over an agreed-on period—an agreed-on portion of the debt-service payments they receive.

These payments would be plowed back in the form of equities, or other kinds of financial assets, and channeled toward MDG programs—such as reforestation, mass-housing, safe water systems, hospitals, infrastructure, or micro-financing.

To be sure, there have been debt-for-equity and debt-for-nature initiatives in the past.

For instance, the United States—through its Tropical Forest Conservation Act—allowed debt relief, debt buy-back, or debt restructuring for countries like the Philippines on their bilateral loan obligations.

But those instances have been few, small, and sporadic.

What we propose is a large-scale conversion of debt for MDG projects—a plow-back of up to 50 percent of debt-service payments received.

Creditors may also choose to convert up to 50% of their debt-stock holdings immediately. This will save a debtor-country up to half of its debt-service payments.

In countries where debt-stocks are huge and where the debt-service payment alone is significant, the creditor may choose to convert only the stream of debt payments.

POSITIVE RESPONSE IN WESTERN EUROPE

We are offering this program for consideration by the Paris Club and the G–8 governments; by the multilateral financial institutions and the regional development banks; and by the world's large commercial banks.

And I am pleased to tell you that the Philippine proposal has been received positively by financial and political authorities in Western Europe.

The Italian Government, for one, agreed to "give favorable consideration to the Philippine proposal—once [it] is submitted to the Paris Club."

For its part, the German Government has promised it "will work to ensure your proposals are discussed openly and constructively in the Paris Club."

In London, senior Treasury officials on the International Poverty Reduction Team also assured me they would consider the proposal seriously in the Paris Club.

Subsequently I was able to meet with Jean-Pierre Jouyet, President of the Paris Club. After hearing me out, he decided to create immediately a 'Technical Committee' of experts to evaluate our proposal for presentation to the Club's 21 member-states.

MENU OF OPTIONS

Our "Debt-for-MDG-Investments" program will be backed by tangible assets—most of which would be value-creating, job-generating, and tradable in themselves.

A particular creditor may convert his debt-holdings into equities in new projects that have their own prospective income streams.

Or he may choose to put it in trusts or endowment funds for social investments—such as USAID has done through the World Wildlife Fund, under the Tropical Forest Conservation Act.

As a third alternative, debt-service receipts may be plowed back into new lending for long-term social-reform programs. This third alternative the World Bank and other multilateral institutions may be inclined to consider.

We are extra-cautious in our approach to the holders of public-sector bonds, domestic government securities, and Brady Bonds—because we do not wish to give them any cause for alarm.

Nonetheless, we eagerly invite them—as they see fit—to convert their bond-holdings into equity in assets being privatized by developing-country governments.

Technically, no one should lose under this Philippine proposal. The debt-service and/or principal amount is merely converted into equities in new or existing projects of at least equal value, and with their own earnings potential.

THE PHILIPPINE CASE

To illustrate how far this proposed program would benefit a specific middle-income state, let me cite the case of the Philippines.

Our MDG projects over 2005–2010 will cost roughly $6.5 billion in social investments yearly.

Our domestic financing capacity for these projects is $5 billion yearly. Thus we face a residual-financing gap of $1.5 billion.

Meanwhile, for 2005 alone, the Philippines will be paying roughly US$2 billion in interest and another US$ 2.5 billion in principal amortization on our foreign debt.

If, say, 50 percent of this total amount were freed under our proposal, the Philippines will have the equivalent of 112.5 billion pesos (at more than 50 pesos to one U.S. dollar) worth of anti-poverty projects—enough to ensure it is able to meet all its Millennium Development Goals.

RE-INVESTMENT CHOICES

Debtor-countries like the Philippines can readily offer specific projects as the object of debt-for-MDG investments. Creditors may wish to consider the following.

1. Debt-for-Reforestation—These are projects that will regenerate forest resources; bring back green cover to the bald mountains in Asia, Africa, and Latin America; restore the ecological balance and create hundreds of thousands of jobs in upland rural communities throughout the poor countries.

By taking advantage of carbon credits under the Kyoto Protocol, investors in reforestation projects can realize investment paybacks within three years.

Moreover, it has been well-established that reforestation projects in tropical countries can turn a $100,000 investment into $3 million in ten years from timber sales alone.

2. Debt for Energy—Current runaway oil prices have given impetus to the search for indigenous and renewable alternatives to hydrocarbons.

The successful Brazilian experiment of substituting ethanol from sugar cane for petroleum is already being adopted by many countries not only to lower their dependence on foreign crude but also to lower their energy costs.

High oil prices have now made the conversion of cane sugar to ethanol more profitable than its traditional use to produce sugar granules.

The Philippines has set itself the goal of replacing 30% of the gasoline it consumes with ethanol within three to five years. Setting up a sufficient number of ethanol factories in our sugar-producing regions will require investments of roughly $1.5 billion.

3. Debt for Mass-Housing—The lack of shelter is a common problem in many developing countries.

In the Philippines alone, we have a backlog of up to four million units. This is due mainly to the lack of long-term financing at interest rates our low-income households could afford.

Housing loans that extend over 15 to 25 years will create mass demand in our construction sector. And this demand will ripple widely throughout the economy. Not only is building labor-intensive. Its has strong linkages with other industries.

4. Debt for irrigation, food production, and post-harvest facilities—In many developing countries, the interrelated problems of rural poverty, under-employment, hunger, and malnutrition are best dealt with through strategic investments in basic food production, irrigation, and farm-storage facilities.

Off-farm employment can be enlarged through investments in high-value crops and animal production, food processing and other post-harvest facilities.

Creditor-countries can set up community-based corporations in these activities with equity participation from local government units, cooperatives, or non-government organizations.

5. Debt for Eco-Tourism—Many poor countries have natural tourist attractions which are often located in untouched regions far from the usual tourist spots.

In the Philippines alone, there are dozens of white-sand beaches, secluded coves, and diving sites, historical attractions, and mountain vistas—all with strong potential to attract global tourists.

Foreign investment can make these potential tourism sites attractive by giving them modern infrastructure such as airports, communication lines, and hotel facilities.

Investors may also wish to develop specific areas as complete travel "packages"—much as Bali, in Indonesia, has become. Ecological tourism in the new countries will bring many benefits—even apart from enabling the developing country to generate foreign exchange.

6. Debt for Wealth-Creating Projects. Many developing countries possess natural resources they are unable to exploit because of their lack of investment capital. The Philippines, for one, can potentially become the world's fifth-largest minerals producer. Substantial deposits of gold, copper, and nickel have been discovered in many parts of the archipelago.

Oil and gas wells are now operational in the Malampaya areas in offshore Palawan.

In addition, land-reclamation programs may be launched in coastal cities like Manila, Cebu, Davao—all of which need room for expansion. These programs could raise billions of pesos for the foreign investor and the Philippine State.

Reclamation, as we know has been a major stimulus to the economies of Hong Kong and Singapore.

SOCIAL INVESTMENTS

Bilateral or multi-lateral creditors, who offer official loans, will be attracted to social investment opportunities for their Debt-for-MDG programs.

There are many ways through which official lenders can plow back their debt-service receipts into social investment in the poor countries. Among them are the following:

1. Debt for Education. Millions of young people in poor countries have little or no access to basic education. Debt-payments can be plowed back into school buildings, instructional materials, and better pay and training for public-school teachers in the poor countries.

They can also fund school-feeding programs and "wages for learning" incentive schemes that keep potential drop-outs in school—as well as college scholarships and "study-now-pay-later" programs. In making these social investments, creditors can deal directly with local, government units and school boards.

2. Debt for Hospitals and Health Care. Debt-relief funds can also be channeled to primary health-care facilities such as puericulture centers, general hospitals, and diagnostic laboratories. Even more useful are mass vaccination programs to prevent epidemic that now kill people in poor countries in great number.

3. Debt for Micro-Finance. The United Nations regards microfinance as a key strategy in poverty reduction. The success of microlending in Bangladesh and elsewhere proves how much poor people (particularly rural women) can do—given a little capital.

The hundreds of micro-banks operating throughout the Third World can use recycled debt-service payments to expand their coverage and to raise their loan levels to the local entrepreneurs they serve.

If we are to realize the vision we share—of halving the world's' most abject poor in 10 years' time—we will need the concerted action of the world's richest economies.

According to the "Report on the UN Millennium Project," the MDGs will require from the donor-states at least $50 billion more yearly—on top of the US$88 billion the rich countries have already committed in Official Development Aid—to fund sufficiently their action points, reform programs, and development requirements.

Persuading the G-8 countries and the Paris Club to raise this new money will obviously be hard to do.

So we say outright that the world's donor and creditor communities need not raise new money. They can easily meet the most urgent needs of the poor and middle-income countries just by agreeing to plow back a portion of their debt payments into the economies of the poor countries—through our Debt-for-MDG-Investments program.

The rich countries commonly reproach the poor countries for dissipating in corruption too large a part of the foreign aid they receive.

We believe this reproach to be richly deserved. We expect that the debtor-countries which subscribe to the Philippine proposal will agree to observe adequate standards of transparency in their handling of recycled debt-payments—particularly those that go into social investments. (In the case of equity investments, investors will presumably be protected by the normal business constraints.)

AN END AT LAST TO POVERTY?

In conclusion, let me emphasize that we in the so-called middle-income countries are not seeking the charity of the rich.

Whatever the outcome of this proposal, we shall continue to honor our debts.

But we appeal to our creditors: Together let us seek creative ways of easing our debt-burden—ways that will also help us meet our obligations to you.

Right now, all we seek is some fiscal breathing space—which will allow us to realize our national Millennium Development Goals by 2015.

With your consent and your support—and with a little help from the various institutions of the United Nations, as well as the world's large commercial banks—we can launch together a massive international effort, truly to "make poverty history."

Thank you for hearing me out, and good day.

ADDITIONAL STATEMENTS

HONORING JAMES E. KELLEY

• Mr. BAYH. Mr. President, it is with a heavy heart that I wish to honor the life of a great man, Jim Kelley, who died Sunday, leaving behind a legacy of generosity and selflessness. He was known as a visionary businessman, a dedicated public servant, and a kind-hearted humanitarian. His friends and family will miss him dearly, and I know that sentiment is shared by countless others across Indiana and the country.

Jim grew up during the Great Depression on a farm in northeast Indiana. Through hard work and study, Jim became a great business success, a position he used to support his many philanthropic efforts. There was hardly a Fort Wayne charity or non-profit that did not benefit from Jim's generosity. In addition to helping existing charities, Jim actively sought new ways to help the people in his community and even families halfway around the world. From creating a golf tournament to support local charities to organizing humanitarian trips to help foster families in the former Soviet Republic of Moldova, Jim's philanthropy had no boundaries.

Jim believed in equality and worked hard to provide opportunities for all Hoosiers. When he purchased Brookwood Golf Club in the 1960s, it became the first privately owned course in the area to welcome African-American golfers. He was also a supporter of Union Baptist Church, the oldest African-American church in Fort Wayne.

As Chairman of the Democratic Party in Allen County, Jim became one of the most influential Democrats in the County's history. His role helped restore the Democratic Party in Allen County and provided him with yet another avenue to improve the quality of life for area Hoosiers.

There is a saying that life is not about what you take out of it, but what you put back in. Jim lived that sentiment to the fullest. He touched countless lives through his work, from local families in Fort Wayne to children an ocean away in Eastern Europe. While Jim was a leader in many aspects, including business, politics and community service, it is his generosity of spirit that Hoosiers will remember most. I am proud to be among the many Hoosiers to call him my friend, and I will miss him.

Indiana lost a great man this week. It is my sad honor to enter the name of James Kelley in the official record of the U.S. Senate for his service to Indiana.•

RECOGNIZING JOHN W. MACK

• Mrs. BOXER. Mr. President, I am very pleased to take a few moments to recognize the many important accomplishments of John W. Mack, as the Los Angeles Unified School District opens a new elementary school on South Catalina Street in Los Angeles bearing his name.

Earlier this year, John W. Mack stepped down from his post as president of the Los Angeles Urban League after 36 years of service. During his tenure, John led the venerable civil rights organization through an amazing period of growth and accomplishment. His ability to build coalitions with a wide variety of groups enabled him to keep the Los Angeles Urban League focused on providing opportunity to African Americans and other minorities over the years. Under John's leadership, the Los Angeles Urban League's budget grew from $1.7 million to nearly $25 million; providing funding for innovative, results-oriented job training, job placement, education, academic tutorial, youth achievement and business development programs, serving more than 112,000 people annually. Countless individuals credit John and the Los Angeles Urban League for helping them turn their lives around for the better, start businesses, and complete their education.

John Mack has an innate ability to forge partnerships with elected officials, corporate leaders, local clergy, and community residents. His ability to build bridges has made him a highly respected advocate for equal opportunities in education, law enforcement and economic empowerment and has garnered him many awards. His coalition-building skills also proved useful during his youth, as he was an early leader of the civil rights movement with Rev. Martin Luther King, Jr.

I invite my colleagues to join me and the thousands of people touched by his work in commending John W. Mack for his great leadership and tireless advocacy throughout his lifetime. Naming an elementary school after a man who devoted so much of his life to bettering our Nation will remind all who walk through its halls about the importance of community service.•

IN CELEBRATION OF BLUE RIBBON SCHOOLS AWARDS

• Mr. CARPER. Mr. President, today I wish to celebrate the selection of Booker T. Washington Elementary School as a No Child Left Behind-Blue Ribbon Schools Award recipient. This prestigious honor is awarded to exemplary schools that meet one of two criteria. The nominated school must have at least 40 percent of a nominated school's student population come from disadvantaged backgrounds, and each segment—including Whites, Blacks, Hispanics, low-income and special education students must show scholastic improvement, or the school must score in the top 10 percent on State achievement tests. This is a well deserved honor for Booker T. Washington Elementary School, attesting to years of tireless commitment that this school, as well as the First State, brings to educating our youth.

Booker T. Washington Elementary School is located in historic Dover, DE, the State's Capital. The school was founded in 1919 to serve approximately 240 African-American children from two schools in the downtown Dover area. Today, the school serves approximately 350 students. Booker T. Washington's student body is now comprised of 56 percent African American, 2 percent Asian American, 8 percent Hispanic, and 34 percent Caucasian students. Twenty-three percent of the students are identified as special needs students. Approximately 9 percent of the students have limited English proficiency. Forty-four percent of the students qualify as low income. The school's small size and culturally rich student and staff population enhance the educational and social-emotional growth of the children and affords the school the opportunity to personalize the learning experience for the children.

The mission of Booker T. Washington is to offer the best educational program possible in order to develop the mind and character of each child. To accomplish this mission, the school has established a firm foundation in the core subject areas. Led by Principal Marcia Johnson, they have established high expectations for all children and communicate these expectations daily in the staffs' work with them. Booker T. Washington provides an environment that celebrates and promotes understanding of self and others, and expects that everyone will behave in a manner that represents the standards that have been set for the school community. Booker T. Washington has established close working relationships with the parents and the community and depends on their support to help the school meet its goals.

Booker T. Washington's primary program nurtures the continuing growth of children's knowledge and understanding of themselves and their world. The remarkable growth of all children over the past 5 years is evident in the decreases in the achievement gaps between all subgroups of children served in the school. Not only is this school meeting yearly targets for all subgroups set by the State and capital school district, but they are also moving more children into higher achievement levels. The growth that children have made is also a direct result of staff members' use of data to make instructional decisions and their willingness to change their instructional practices by participating in professional development activities based on best practices. Collaborative decisionmaking and the participation of parents and the community in the decisionmaking process have added to Booker T. Washington's success.

The faculty and staff view themselves as a work in progress. They understand how far they have come over the past 5 years to change the community's perception of their school and to provide instructional activities that will move children toward the goals the district, State, and No Child Left Behind legislation have set for them as learners. Five years ago, there were vast differences in student achievement in the areas of reading, writing, and mathematics. Today, although some discrepancies remain, the gap has narrowed significantly and continues to close. The school's selection as a national blue ribbon school is a testament to their hard work and dedication.

Delaware is a small State, but we are building a growing record of achievement in public school education. Helping lead the way are the students at Booker T. Washington Elementary School, along with their teachers and parents. Collectively, they are truly an inspiration to other schools and communities in Delaware and throughout our Nation.

Today we also celebrate the selection of Long Neck Elementary School as a No Child Left Behind-Blue Ribbon Schools Award recipient. This prestigious honor is awarded to exemplary schools that meet one of two criteria. The nominated school must have at least 40 percent of a nominated school's student population come from disadvantaged backgrounds, and each segment—including Whites, Blacks, Hispanics, low-income and special education students—must show scholastic improvement, or the school must score in the top 10 percent on State achievement tests. This is a well deserved honor for Long Neck Elementary School, attesting to years of tireless commitment that this school, as well as the First State, brings to educating our youth. It is also the fourth elementary school from the Indian River School District to receive this national recognition, a remarkable accomplishment for any school district.

It is not surprising that such an award is bestowed upon a school committed to the philosophy that all students can achieve academic success. The teachers and staff at Long Neck Elementary, led by Principal Charlynne Hopkins, are steadfast in their schoolwide goal that all students are expected to meet Delaware's academic standards. Furthermore, Long Neck Elementary is dedicated to encouraging students to not only meet these standards but to exceed them regardless of their limitations.

Long Neck Elementary School is located in the rural town of Millsboro, DE. The school is composed of a large percentage of students from low socioeconomic backgrounds. Over half of the school's 522 students receive free or reduced-price lunches. Long Neck Elementary houses a diverse population of students from prekindergarten to the fifth grade. The racially diverse student body includes students from all ethnic backgrounds, including African American, Hispanic, and American Indian. In addition, Long Neck Elementary has an academically diverse student population. The school offers an EXCEL program for high achieving students as well as an intensive learning center and other special education services for struggling learners. It is by combining the efforts of the entire school family that the needs of students at Long Neck Elementary are met and exceeded.

At Long Neck Elementary, the school family consists of parents, teachers, support staff and community members, all working together collaboratively for the benefit and growth of its students. An active and continually growing parent teacher organization there works to enable parents to support their school and their children. In addition, parents and community members partner with the school through its Creative Mentoring program, classroom volunteer opportunities, an "adopt a class" program, and a weekly career corner on the Long Neck Elementary School's televised news program. Lastly, the school improvement committee, which consists of staff, parents, and community members, identifies and allocates resources to enhance achievement for all students.

At Long Neck Elementary, students are not only challenged academically. They are also expected to demonstrate model behavior. Good citizenship is reinforced through a character education program where students are honored monthly with certificates and medals for demonstrating the six pillars of good character which promotes making positive choices and becoming a productive member of society.

No school could achieve the gains and progress Long Neck Elementary has met without having a staff that believes every child can learn and who are committed to providing students opportunities to reach their fullest potential. Long Neck Elementary has implemented professional learning communities where teachers work closely together, both within and across grade levels, to promote learning. All members of the staff assist students in improving their academic performances, increasing the likelihood that they will find success through their school years and go on to become productive and active members of society. This is done through after school programs, differentiated instruction, and extra support programs. In addition, instructional staff members participate in numerous learning-focused professional development activities, which enable them to provide students with instructional strategies that are sound and research-based.

Tirelessness of staff and parents at Long Neck Elementary have made possible real progress in closing that school's achievement gap. Along with the National Blue Ribbon Schools Award, the school also earned "Superior" rating from the State of Delaware in 2003, 2004, and 2005. Long Neck Elementary School is a school that demonstrates that all students can learn. The school's selection as a national blue ribbon school is a testament to their hard work and dedication.

Delaware is a small State, but we are building a growing record of achievement in public school education. Helping lead the way are the students at Long Neck Elementary School, along with their teachers and parents. Collectively, they are truly an inspiration to other schools and communities in Delaware and throughout our Nation.●

TRIBUTE TO JACK GHERTY OF LAND O'LAKES

● Mr. COLEMAN. Mr. President, it is my pleasure to recognize an individual who has made a significant positive difference in U.S. agriculture, agribusiness, rural communities and cooperative enterprise.

That individual is Land O'Lakes' President and Chief Executive Officer Jack Gherty, retiring after a 35-year career with the cooperative and 16 years as its President and CEO.

During his tenure as CEO, Land O'Lakes was transformed from a regional to a national farmer-owned business and membership organization—giving producers a powerful presence in the marketplace and, from my experience, an equally powerful and positive voice in the policy arena.

Jack Gherty's role in Land O'Lakes' transformation comes as no surprise, for agriculture, rural communities and cooperatives have always been close to his heart.

Gherty grew up on his family's western Wisconsin dairy and livestock farm, in a close-knit rural community, where the local cooperative was at the center of agribusiness activity.

He learned the importance of diligence and teamwork. He learned to value family, community and the land. And, he learned the important role farmer-owned businesses can play in helping preserve the integrity of family-based agriculture and rural communities.

Jack carried these lessons with him when he left the farm in the mid-1960s and earned business and law degrees from the University of Wisconsin. They were also part of his work in the late 1960s as a VISTA volunteer on the tough, poverty-stricken south side of Chicago.

In 1970, Jack joined the Land O'Lakes law department. Over the next several years, he held a number of executive positions within the cooperative. In 1989, the board selected him to serve as Land O'Lakes' President and CEO.

In this leadership role, Gherty continued to be driven by a strong set of personal values. He combined this with the belief that the most critical role a CEO must play is defining organizational culture, and he immediately began working with the board and his leadership team to set the foundation for Land O'Lakes' future—the organization's vision, mission and values.

Over the past 16 years, Gherty's vision, mission and values have served Land O'Lakes and its members well. Not only has Land O'Lakes built business success while remaining true to its cooperative principles, the company has gained a reputation for uncompromising standards of ethics and integrity and has established a strong record of corporate social responsibility.

As a Minnesotan, I am proud to count Land O'Lakes as a Minnesota-based company. I am proud of its ethics. I admire its contributions to the success of family-based agriculture and producer-owned agribusiness. I share its rural and family values. I applaud its commitment to community.

I am equally proud of Jack Gherty's record as its leader and of the values that have shaped his career—and, in turn, the Land O'Lakes of today.

A few years ago, Jack Gherty traveled here to Washington D.C. to speak at the 35th Anniversary celebration for VISTA. At that time he said, "The most successful and satisfied people are not those who are out to make an impression, but rather those who are out to make a difference."

Jack Gherty has made an impression by making a difference, and I am pleased to share his achievements with you today.●

AMMON, IDAHO

● Mr. CRAPO. Mr. President, this month, the city of Ammon, ID celebrates a very special birthday: it turned 100 on October 10. A century ago, this thriving town of over 10,000 people was covered with sagebrush that was so tall and thick, as one historian put it "one could ride for miles on horseback without being seen." Today, the vestiges of those stalwart Mormon settlers can still be seen in this community that champions family, faith and hard work.

The steady growth and measured additions of elements that make a city a city: church, school, electricity, railroad, well, park and public works reflect the wisdom of a well-organized, solid community of citizens. I have lived close to Ammon my entire life; it is a fine community and a great place for families. Those Idahoans who call it home can be proud of their fine city and its 100 years of prosperity.●

BURLINGTON, A CORNERSTONE FOR ECONOMIC DEVELOPMENT

● Mr. HARKIN. Mr. President, one of the greatest challenges we face—not just in Iowa but all across America—is preserving the character and vitality of our towns. This is about economics, but it is also about our culture and identity. After all, you won't find the heart and soul of Iowa at Wal-Mart or Home Depot out in the strip malls. No, the heart and soul of Iowa is in our family farms, and on Main Street in communities all across my State. That is why we need to be as generous as possible—and creative as possible—in keeping our downtowns not just alive but thriving.

As a member of the Senate Appropriations Committee, I am involved in funding many hundreds of programs every year. But the Main Street Iowa program—providing challenge grants to revitalize downtown buildings across my State—is in a class by itself. It is smart. It is effective. And it touches communities and people in very concrete ways.

For example, the town of Burlington, IA, is making an effort to improve the aesthetics and function of its downtown area. So many of our rural communities are fading away, but with the assistance of Federal funding through a Main Street grant, Burlington is revitalizing its downtown. Downtown Burlington has been waiting for a grocery store for years, and all studies and market analysis done in the city for the past 10 years have shown that a grocery store would be a great asset to the area. Becky and Tom Shockley, two Burlington citizens, have led the charge to get this project completed, and will be investing almost $4 million into this project made possible through the Main Street Challenge Grant. This project serves the people of Burlington in more ways than just providing them a grocery store; it will create jobs, increase the tax base, and help to improve the community at large.

The beauty of the Main Street Iowa program is that the ideas and initiatives come from our towns and rural communities. I have been pleased to secure $1.5 million in funding since 2002 for Main Street Iowa Challenge Grants. The Main Street programs of the Iowa Department of Economic Development help provide technical assistance, but, as we have seen in Burlington, success itself comes from local leadership, local teamwork, and home-grown ideas and solutions.

This project is a shining example of new construction and a catalyst for future projects. With a continued increase in residents living in downtown Burlington, a grocery store is a much needed addition. When people see one of the anchor businesses on Main Street being renovated or expanded, this can change the whole psychology of a town or community. It offers hope. It serves as a catalyst for a far-reaching ripple effect of positive changes.

So I congratulate Becky and Tom Shockley and the citizens of Burlington for putting together a winning proposal to secure a Main Street Challenge Grant. Their efforts to reinvigorate their historic downtown are setting a terrific example for other small towns across America, and for that, I salute them.•

IN APPRECIATION OF CONNECTICUT'S METROPOLITAN DISTRICT COMMISSION

• Mr. LIEBERMAN. Mr. President, today is Metropolitan District Commission Day in Connecticut and it is with great pleasure that I send my congratulations to the commission as it celebrates another year of impressive service to the people of Connecticut and our State's riverfronts.

Seven years ago, Connecticut's Metropolitan District Commission took on a groundbreaking mission. Expanding its role of providing water and sewer services to the Hartford region, the commission made a historic step to partner with the organization Riverfront Recapture to maintain Connecticut Riverfront parks and provide funding for park rangers in each of the parks. Metropolitan District Commission believed then as it believes today that creating and maintaining an attractive waterfront environment is valuable to everyone in a community.

Of course, the Metropolitan District Commission is no newcomer to civic engagement. For decades the commission has participated in enhancing the Connecticut River's water quality—making it possible to use the once-polluted river for a rich variety of recreational activities, including fishing tournaments, triathlons, rowing regattas, and dragon boat races.

Metropolitan District Commission's partnership with Riverfront Recapture is only natural. The team has worked together skillfully to create a welcoming presence in the parks and attracting visitors as well as residents. Last year, more than 786,000 people visited the riverfront parks and as much as $4 billion worth of development projects are underway or planned within walking distance of the parks. The Metropolitan District Commission's funding efforts and maintenance capabilities are critical to making the mission succeed. Unsurprisingly, this exceptional partnership is attracting national attention as a model for urban parks management.

By commemorating the contributions of the Metropolitan District Commission today, we honor the spirit of entrepreneurship that has profited the people of Connecticut and their guests so significantly.

I am very happy to join colleagues in honoring the Metropolitan District Commission on this day, October 25, 2005.•

TRIBUTE TO COLONEL BRAD APPLEGATE

• Mr. SMITH. Mr. President, I rise today on behalf of Oregonians, the people of the Pacific Northwest, and all Americans to pay tribute to COL Brad Applegate, the Wing Commander of the 142nd Fighter Wing. In doing so, I also pay tribute to all those who wear our Nation's uniform, as Colonel Applegate's professionalism and capability is characteristic of all those who serve to protect our Nation.

Brad Applegate began his association with the Air Force while attending Indiana University when he received an Air Force Reserve Officer Training Course aviation scholarship. Upon graduating, he received his commission in the U.S. Air Force, and shortly thereafter, began his training as an F-15 pilot. From that time until now, Brad has served in many locations and has been awarded several decorations. As an F-15 pilot, he is quick to tell you that homeland security has long been his specialty.

My association with Colonel Applegate is relatively late in his career. With the recent round of Base Realignment and Closure, BRAC, proposals from the Defense Department, the people of the Pacific Northwest woke up to the news that the reassuring roar of the F-15 Eagles from the 142nd Fighter Wing might not be flying over their heads in the years to come. I learned quickly that the Portland Air National Guard base was among the first bases to be scrutinized by the BRAC Commissioners and analysts.

With little more than a weekend to prepare, Colonel Applegate organized his team, sifted through the scant and murky details of the proposal, and prepared such an extensive briefing to the Commissioners and analysts that the efforts of the 142nd presentation became a model for bases across the country. The media will give, and the politicians will take, credit for saving the bases, but I am here today to set the record straight in regards to the preservation of the 142nd Fighter Wing in Portland. The intelligence, skill, and knowledge of COL Brad Applegate and his team is why we will continue to have air defenses in the Pacific Northwest. Without his leadership skills, my part of the country would be an open target for our enemies.

Colonel Applegate will soon be retiring from military service after more than 20 years of dedicated service to his Nation. The leadership torch of the 142nd Fighter Wing will soon be passed to another very capable fighter pilot and leader, and the important work of our Air National Guard will continue.

Mr. President, I would like to offer my words of appreciation and thanks to COL Applegate and the countless others who wear our Nation's uniform. Although our Nation has dangerous enemies who wish to do us harm, I sleep better at night knowing that the reassuring roar of the F-15 Eagles will continue to fly overhead in the Pacific Northwest.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a withdrawal which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

NOTIFICATION OF THE PRESIDENT'S INTENT TO ENTER INTO A FREE TRADE AGREEMENT WITH THE SULTANATE OF OMAN—PM 26

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Finance.

To the Congress of the United States:

Consistent with section 2105(a)(1)(A) of the Trade Act of 2002 (Public Law 107-210) (the "Trade Act"), I am pleased to notify the Congress of my intention to enter into a Free Trade Agreement (FTA) with the Sultanate of Oman.

The Agreement will generate export opportunities for U.S. companies, farmers, and ranchers, help create jobs in the United States, and help American consumers save money while offering them more choices. Entering into an FTA with Oman will build on the FTAs that we already have with Israel, Jordan, and Morocco, as well as the FTA that we have concluded with Bahrain, and will be an important step on the path to fulfilling my vision of developing economic growth and democracy in the Middle East and creating a U.S.-Middle East Free Trade Area (MEFTA) by 2013.

Consistent with the Trade Act, I am sending this notification at least 90 days in advance of signing the FTA. My Administration looks forward to working with the Congress in developing appropriate legislation to approve and implement this Agreement.

GEORGE W. BUSH.

THE WHITE HOUSE, *October 17, 2005.*

MESSAGE FROM THE HOUSE RECEIVED DURING ADJOURNMENT

Under the authority of the order of the Senate of January 4, 2005, the Secretary of the Senate, on October 7, 2005, during the adjournment of the Senate, received a message from the House of Representatives announcing that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 263. Concurrent resolution providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

The message also announced that the House has passed the following bill, without amendment:

S. 1858. An act to provide for community disaster loans.

ENROLLED BILLS SIGNED

The message further announced that the Speaker has signed the following enrolled bills:

H.R. 2360. An act making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

S. 1858. An act to provide for community disaster loans.

Under the authority of the order of the Senate on October 7, 2005, the enrolled bills were signed on October 7, 2005, during the adjournment of the Senate, by the Acting President pro tempore (Mr. WARNER).

MESSAGE FROM THE HOUSE

At 2:46 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3893. An act to expedite the construction of new refining capacity in the United States, to provide reliable and affordable energy for the American people, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 248. Concurrent resolution honoring the life and work of Simon Wiesenthal and reaffirming the commitment of Congress to the fight against anti-Semitism and intolerance in all forms, in all forums, and in all nations.

MEASURES REFERRED

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 248. Concurrent resolution honoring the life and work of Simon Wiesenthal and reaffirming the commitment of Congress to the fight against anti-Semitism and intolerance in all forms, in all forums, and in all nations; to the Committee on Foreign Relations.

ENROLLED BILLS PRESENTED DURING ADJOURNMENT

The Secretary of the Senate reported that on Friday, October 7, 2005, she had presented to the President of the United States the following enrolled bills:

S. 1413. A act to redesignate the Crowne Plaza in Kingston, Jamaica, as the Colin L. Powell Residential Plaza.

S. 1786. An act to authorize the Secretary of Transportation to make emergency airport improvement project grants-in-aid under title 49, United States Code, for repairs and costs related to damage from Hurricanes Katrina and Rita.

S. 1858. An act to provide for community disaster loans.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-4221. A communication from the Chairman, Federal Communications Commission, transmitting, pursuant to law, the Commission's Auctions Expenditure Report for fiscal year 2004; to the Committee on Commerce, Science, and Transportation.

EC-4222. A communication from the Chairman, Federal Communications Commission, transmitting, pursuant to law, the Commission's Strategic Plan for fiscal years 2006 to 2011; to the Committee on Commerce, Science, and Transportation.

EC-4223. A communication from the Director for Acquisition Management and Procurement Executive, Department of Commerce, transmitting, pursuant to law, the Department's annual progress report which covers interagency activities and DOC-specific activities; to the Committee on Commerce, Science, and Transportation.

EC-4224. A communication from the Secretary of Transportation transmitting, pursuant to law, the Federal Railroad Administration's March 2005 Report entitled "Use of Dedicated Trains for Transportation of High-Level Radioactive Waste and Spent Nuclear Fuel"; to the Committee on Commerce, Science, and Transportation.

EC-4225. A communication from Under Secretary and Director, Patent and Trademark Office, Department of Commerce, transmitting pursuant to law, the report of a rule entitled "Changes to Implement the Cooperative Research and Technology Enhancement Act of 2004" (RIN0651-AB76) received on October 4, 2005; to the Committee on Commerce, Science, and Transportation.

EC-4226. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airspace Designations; Incorporation by Reference; Correction" ((RIN2120-ZZ76) (2005-0002)) received on October 4, 2005; to the Committee on Commerce, Science, and Transportation.

EC-4227. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Raytheon Aircraft Company Models 1900, 1900C, 1900C (C-12J), and 1900D Airplanes" ((RIN2120-AA64) (2005-0447)) received on October 4, 2005; to the Committee on Commerce, Science, and Transportation.

EC-4228. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Rolls Royce plc RB211 Trent 875, 877, 884, 884B, 892, 892B, and 895 Series Turbofan Engines" ((RIN2120-AA64) (2005-0449)) received on October 4, 2005; to the Committee on Commerce, Science, and Transportation.

EC-4229. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 747-100, 100B, 100B SUD, 200B, 200C, 200F, 300, 747-SR, and 747-SP Series Airplanes" ((RIN2120-AA64) (2005-0445)) received on October 4, 2005; to the Committee on Commerce, Science, and Transportation.

EC-4230. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Raytheon Aircraft Company Model 390 Airplanes" ((RIN2120-AA64) (2005-0446)) received on October 4, 2005; to the Committee on Commerce, Science, and Transportation.

EC-4231. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Raytheon Aircraft Company Model 390 Premier 1 Airplanes" ((RIN2120-AA64) (2005-0448)) received on October 4, 2005; to the Committee on Commerce, Science, and Transportation.

EC-4232. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: BAe Systems Limited Model ATP Airplanes" ((RIN2120-AA64) (2005-0450)) received on October 4, 2005; to the Committee on Commerce, Science, and Transportation.

EC-4233. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 737-600, 700, 700C, 800, and 900 Series Airplanes" ((RIN2120-AA64) (2005-0451)) received on October 4, 2005; to the Committee on Commerce, Science, and Transportation.

EC-4234. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A340-200 and 300 Series Airplanes" ((RIN2120-AA64) (2005-0452)) received on October 4, 2005; to the Committee on Commerce, Science, and Transportation.

EC-4235. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Empresa Brasileira de Aeronautica S.A. Model ERJ 170 Airplanes" ((RIN2120-AA64) (2005-0453)) received on October 4, 2005; to the Committee on Commerce, Science, and Transportation.

EC-4236. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Empresa Brasileira de Aeronautica S.A. Model EMB 110P1 and EMB 110P2 Airplanes" ((RIN2120-AA64) (2005-0454)) received on October 4, 2005; to the Committee on Commerce, Science, and Transportation.

EC-4237. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 777-200 and 300 Series Airplanes" ((RIN2120-AA64) (2005-0455)) received on October 4, 2005; to the Committee on Commerce, Science, and Transportation.

EC-4238. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Aerospatiale Model ATR42-500 Airplanes" ((RIN2120-AA64) (2005-0456)) received on October 4, 2005; to the Committee on Commerce, Science, and Transportation.

EC-4239. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E5 Airspace; Gardner, KS" ((RIN2120-AA66) (2005-0215)) received on October 4, 2005; to the Committee on Commerce, Science, and Transportation.

EC-4240. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Chehalis, WA" ((RIN2120-AA66) (2005-0217)) received on October 4, 2005; to the Committee on Commerce, Science, and Transportation.

EC-4241. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Golovin, AK" ((RIN2120-AA66) (2005-0213)) received on October 4, 2005; to the Committee on Commerce, Science, and Transportation.

EC-4242. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Legal Description of Class E Airspace; Lincoln, NE" ((RIN2120-AA66) (2005-0214)) received on October 4, 2005; to the Committee on Commerce, Science, and Transportation.

EC-4243. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Norfolk, NE; Correction" ((RIN2120-AA66) (2005-0216)) received on October 4, 2005; to the Committee on Commerce, Science, and Transportation.

EC-4244. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Prospect Creek, AK" ((RIN2120-AA66) (2005-0218)) received on October 4, 2005; to the Committee on Commerce, Science, and Transportation.

EC-4245. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Cordova, AK" ((RIN2120-AA66) (2005-0219)) received on October 4, 2005; to the Committee on Commerce, Science, and Transportation.

EC-4246. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 of the Gulf of Alaska" (I.D. No. 090605F) received on October 4, 2005; to the Committee on Commerce, Science, and Transportation.

EC-4247. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 620 of the Gulf of Alaska" (I.D. No. 090605E) received on October 4, 2005; to the Committee on Commerce, Science, and Transportation.

EC-4248. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Deep-water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska" (I.D. No. 090705D) received on October 4, 2005; to the Committee on Commerce, Science, and Transportation.

EC-4249. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel in the Bering Sea and Aleutian Islands Management Area" (I.D. No. 082305C) received on October 4, 2005; to the Committee on Commerce, Science, and Transportation.

EC-4250. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Atlantic Sea Scallop Fishery; Closure of the Closed Area I Scallop Access Area to General Category Scallop Vessels" (I.D. No. 083105A) received on October 4, 2005; to the Committee on Commerce, Science, and Transportation.

EC-4251. A communication from the Deputy Assistant Administrator for Operations, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled "International Fisheries; Pacific Tuna Fisheries; Final Rule; Restrictions for 2005 Longline Fisheries in the Eastern Tropical Pacific Ocean—Temporary Rule—Emergency Action" ((RIN 0648-AT33) (I.D. No. 081105E)) received on October 4, 2005; to the Committee on Commerce, Science, and Transportation.

EC-4252. A communication from the Acting Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled "Modification of the Emergency Fishery Closure Due to the Presence of the Toxin that Causes Paralytic Shellfish Poisoning" (RIN0648-AT48) received on October 4, 2005; to the Committee on Commerce, Science, and Transportation.

EC-4253. A communication from the Acting Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled "Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Northeast Multispecies FMP; Final Rule to Implement Framework Adjustment 41" (RIN0648-AT08) received on October 4, 2005; to the Committee on Commerce, Science, and Transportation.

EC-4254. A communication from the Chief Human Capital Officer/Director, National Nuclear Security Administration, Department of Energy, transmitting, pursuant to law, the report of discontinuation of service in the acting role for the position of Deputy Administrator, Defense Nuclear Nonproliferation, received on October 4, 2005; to the Committee on Energy and Natural Resources.

EC-4255. A communication from the Chief Human Capital Officer/Director, National Nuclear Security Administration, Department of Energy, transmitting, pursuant to law, the report of the designation of an acting officer for the position of Deputy Administrator, Defense Nuclear Nonproliferation, received on October 4, 2005; to the Committee on Energy and Natural Resources.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Ms. COLLINS, from the Committee on Homeland Security and Governmental Affairs, without amendment:

S. 1871. An original bill to repeal the increased micropurchase threshold.

EXECUTIVE REPORT OF COMMITTEE

The following executive report of committee was submitted on Friday, October 7, 2005:

By Ms. COLLINS for the Committee on Homeland Security and Governmental Affairs. Julie L. Myers, of Kansas, to be an Assistant Secretary of Homeland Security.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. INHOFE (for himself, Mr. JEFFORDS, and Mr. CHAFEE):

S. 1869. A bill to reauthorize the Coastal Barrier Resources Act, and for other purposes; to the Committee on Environment and Public Works.

By Mrs. FEINSTEIN:

S. 1870. A bill to clarify the authorities for the use of certain National Park Service properties within Golden Gate National Recreation Area and San Francisco Maritime National Historical Park, and for other purposes; to the Committee on Energy and Natural Resources.

By Ms. COLLINS:

S. 1871. An original bill to repeal the increased micropurchase threshold; from the Committee on Homeland Security and Governmental Affairs; placed on the calendar.

By Ms. LANDRIEU (for herself and Mr. VITTER):

S. 1872. A bill to permit the cancellation of certain loans under the Robert T. Stafford Disaster Relief and Emergency Assistance Act; to the Committee on Homeland Security and Governmental Affairs.

By Mr. BURR (for himself, Mr. ENZI, Mr. GREGG, Mr. FRIST, and Mr. ALEXANDER):

S. 1873. A bill to prepare and strengthen the biodefenses of the United States against deliberate, accidental, and natural outbreaks of illness, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. FEINSTEIN:

S. 1874. A bill to amend title 28, United States Code, to clarify jurisdiction of Federal Courts over a tort action brought by an alien, and for other purposes; to the Committee on the Judiciary.

By Mr. BINGAMAN:

S. 1875. A bill to provide financial aid to local law enforcement officials along the Nation's borders, and for other purposes; to the Committee on the Judiciary.

By Mr. AKAKA:

S. 1876. A bill to provide that attorneys employed by the Department of Justice shall be eligible for compensatory time off for travel under section 5550b of title 5, United States Code; to the Committee on Homeland Security and Governmental Affairs.

By Mr. BAUCUS:

S. 1877. A bill to prohibit the closure or relocation of certain county offices of the Farm Service Agency; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. AKAKA:

S. 1878. A bill to prohibit predatory payday loans, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. AKAKA:

S. 1879. A bill to amend title 11, United States Code, to limit claims in bankruptcy by certain unsecured creditors; to the Committee on the Judiciary.

By Mr. KENNEDY (for himself, Mr. DODD, Mr. HARKIN, Ms. MIKULSKI, Mr. BINGAMAN, Mrs. CLINTON, Mr. SCHUMER, and Mr. OBAMA):

S. 1880. A bill to amend the Public Health Service Act to enhance biodefense and pandemic preparedness activities, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. COLEMAN:

S. Res. 273. A resolution expressing the sense of the Senate that the United Nations and other international organizations shall not be allowed to exercise control over the Internet; to the Committee on Foreign Relations.

By Mr. FRIST (for himself, Mr. REID, Mr. MARTINEZ, Mr. BIDEN, and Mr. LUGAR):

S. Res. 274. A resolution expressing sympathy and pledging the support of the Senate and the American people to the victims of the devastating earthquake that struck South Asia and caused the severe loss of life and destruction on October 8, 2005, and pledging immediate United States assistance to save lives and help the region recover from this monumental tragedy; considered and agreed to.

ADDITIONAL COSPONSORS

S. 408

At the request of Mr. DEWINE, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 408, a bill to provide for programs and activities with respect to the prevention of underage drinking.

S. 627

At the request of Mr. HATCH, the names of the Senator from Montana (Mr. BURNS), the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. 627, a bill to amend the Internal Revenue Code of 1986 to permanently extend the research credit, to increase the rates of the alternative incremental credit, and to provide an alternative simplified credit for qualified research expenses.

S. 696

At the request of Mr. BURNS, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 696, a bill to amend the Elementary and Secondary Education Act of 1965 regarding the transfer of students from certain schools.

S. 757

At the request of Mr. CHAFEE, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 757, a bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

S. 769

At the request of Ms. SNOWE, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 769, a bill to enhance compliance assistance for small businesses.

S. 894

At the request of Mr. ENZI, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 894, a bill to allow travel between the United States and Cuba.

S. 969

At the request of Mr. OBAMA, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 969, a bill to amend the Public Health Service Act with respect to preparation for an influenza pandemic, including an avian influenza pandemic, and for other purposes.

S. 1055

At the request of Mr. KENNEDY, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1055, a bill to improve elementary and secondary education.

S. 1086

At the request of Mr. HATCH, the names of the Senator from Washington (Ms. CANTWELL), the Senator from Arizona (Mr. KYL) and the Senator from Iowa (Mr. GRASSLEY) were added as cosponsors of S. 1086, a bill to improve the national program to register and monitor individuals who commit crimes against children or sex offenses.

S. 1120

At the request of Mr. DURBIN, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 1120, a bill to reduce hunger in the United States by half by 2010, and for other purposes.

S. 1139

At the request of Mr. SANTORUM, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 1139, a bill to amend the Animal Welfare Act to strengthen the ability of the Secretary of Agriculture to regulate the pet industry.

S. 1155

At the request of Mr. BROWNBACK, the names of the Senator from Virginia (Mr. ALLEN), the Senator from North Carolina (Mrs. DOLE) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of S. 1155, a bill to establish a commission to conduct a comprehensive review of Federal agencies and programs and to recommend the elimination or realignment of duplicative, wasteful, or outdated functions, and for other purposes.

S. 1272

At the request of Mr. NELSON of Nebraska, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1272, a bill to amend title 46, United States Code, and title II of the Social Security Act to provide benefits to certain individuals who served in the United States merchant marine (including the Army Transport Service and the Naval Transport Service) during World War II.

S. 1294

At the request of Mr. LAUTENBERG, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 1294, a bill to amend the

Telecommunications Act of 1996 to preserve and protect the ability of local governments to provide broadband capability and services.

S. 1317

At the request of Mr. HATCH, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 1317, a bill to provide for the collection and maintenance of cord blood units for the treatment of patients and research, and to amend the Public Health Service Act to authorize the Bone Marrow and Cord Blood Cell Transplantation Program to increase the number of transplants for recipients suitable matched to donors of bone marrow and cord blood.

S. 1353

At the request of Mr. REID, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1353, a bill to amend the Public Health Service Act to provide for the establishment of an Amyotrophic Lateral Sclerosis Registry.

S. 1358

At the request of Mr. DURBIN, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 1358, a bill to protect scientific integrity in Federal research and policymaking.

S. 1367

At the request of Mr. ALEXANDER, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 1367, a bill to provide for recruiting, selecting, training, and supporting a national teacher corps in underserved communities.

S. 1399

At the request of Mr. THOMAS, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 1399, a bill to improve the results the executive branch achieves on behalf of the American people.

S. 1462

At the request of Mr. BROWNBACK, the names of the Senator from Minnesota (Mr. DAYTON) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. 1462, a bill to promote peace and accountability in Sudan, and for other purposes.

S. 1516

At the request of Mr. LOTT, the names of the Senator from Maine (Ms. SNOWE), the Senator from Maine (Ms. COLLINS), the Senator from Delaware (Mr. CARPER) and the Senator from New Jersey (Mr. CORZINE) were added as cosponsors of S. 1516, a bill to reauthorize Amtrak, and for other purposes.

S. 1698

At the request of Mr. KERRY, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 1698, a bill to accelerate efforts to develop vaccines for diseases primarily affecting developing countries and for other purposes.

S. 1700

At the request of Mr. COBURN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1700, a bill to establish an Office of the Hurricane Katrina Recovery Chief Financial Officer, and for other purposes.

S. 1749

At the request of Mr. KENNEDY, the names of the Senator from North Dakota (Mr. DORGAN), the Senator from Michigan (Mr. LEVIN) and the Senator from Colorado (Mr. SALAZAR) were added as cosponsors of S. 1749, a bill to reinstate the application of the wage requirements of the Davis-Bacon Act to Federal contracts in areas affected by Hurricane Katrina.

S. 1772

At the request of Mr. INHOFE, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 1772, a bill to streamline the refinery permitting process, and for other purposes.

S. 1774

At the request of Mr. CORNYN, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 1774, a bill to amend the Public Health Service Act to provide for the expansion, intensification, and coordination of the activities of the National Heart, Lung, and Blood Institute with respect to research on pulmonary hypertension.

S. 1793

At the request of Mr. BINGAMAN, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 1793, a bill to extend certain apportionments to primary airports.

S. 1798

At the request of Mr. KENNEDY, his name was added as a cosponsor of S. 1798, a bill to amend titles XI and XVIII of the Social Security Act to prohibit outbound call telemarketing to individuals eligible to receive benefits under title XVIII of such Act.

S. 1817

At the request of Mr. DEMINT, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1817, a bill to suspend the Davis-Bacon Wage rate requirements for Federal contracts in areas declared national disasters.

S. 1821

At the request of Mr. REID, the names of the Senator from California (Mrs. BOXER) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 1821, a bill to amend the Public Health Service Act with respect to preparation for an influenza pandemic, including an avian influenza pandemic, and for other purposes.

S. 1826

At the request of Mr. KOHL, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1826, a bill to amend the Internal Revenue Code of 1986 to allow a credit to encourage employers to offer flexible and phased work opportunities to older workers, to expand the credit for dependent care expenses to cover eldercare expenses, to extend COBRA coverage for certain older workers who lose health insurance coverage due to a reduction in work, to improve older workers' access to job training services, and for other purposes.

S. 1862

At the request of Mr. SMITH, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 1862, a bill to establish a joint energy cooperation program within the Department of Energy to fund eligible ventures between United States and Israeli businesses and academic persons in the national interest, and for other purposes.

S. 1867

At the request of Mr. FEINGOLD, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1867, a bill to extend to individuals evacuated from their residences as a result of Hurricane Katrina the right to use the absentee balloting and registration procedures available to military and overseas voters under the Uniformed and Overseas Citizens Absentee Voting Act, and for other purposes.

S.J. RES. 25

At the request of Mr. TALENT, the names of the Senator from Florida (Mr. MARTINEZ) and the Senator from Georgia (Mr. CHAMBLISS) were added as cosponsors of S.J. Res. 25, a joint resolution proposing an amendment to the Constitution of the United States to authorize the President to reduce or disapprove any appropriation in any bill presented by Congress.

S. CON. RES. 58

At the request of Mr. DODD, the names of the Senator from Mississippi (Mr. COCHRAN) and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of S. Con. Res. 58, a concurrent resolution supporting "Lights On Afterschool", a national celebration of after school programs.

S. RES. 180

At the request of Mr. SCHUMER, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. Res. 180, a resolution supporting the goals and ideals of a National Epidermolysis Bullosa Awareness Week to raise public awareness and understanding of the disease and to foster understanding of the impact of the disease on patients and their families.

S. RES. 261

At the request of Mr. KERRY, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. Res. 261, a resolution expressing the sense of the Senate that the crisis of Hurricane Katrina should not be used to weaken, waive, or roll back Federal public health, environmental, and environmental justice laws and regulations, and for other purposes.

AMENDMENT NO. 1550

At the request of Mr. FEINGOLD, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of amendment No. 1550 intended to be proposed to S. 1042, an original bill to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. FEINSTEIN:

S. 1870. a bill to clarify the authorities for the use of certain National Park Services properties within Golden Gate National Recreation Area and San Francisco Maritime National Historical Park, and for other purposes; to the Committee on Energy and Natural Resources.

Mrs. FEINSTEIN. Mr. President, I rise today to introduce a bill which will clarify certain National Park Service authorities for the Golden Gate National Recreation Area and San Francisco Maritime National Historic Park.

I also want to thank Congresswoman PELOSI for introducing a similar bill in the house. As a San Francisco native and a former mayor, I know these parks are extremely popular tourist sites and I believe this bill will allow the National Park Service to restore and renovate these parks in order to maintain their status as top tourist destinations.

The Golden Gate National Recreation Area is one of the largest urban national parks in the world—home to such renowned sites as the Presidio of San Francisco and Alcatraz Island. Additionally, the San Francisco Maritime National Historic Park, located at the west end of San Francisco's Fisherman's Wharf, includes a fleet of landmark vessels and a maritime museum.

Presently, the revenue collected by these parks must be spent in the same fiscal year in which it is collected. Otherwise, any revenue that is not spent is deposited in the National Treasury. This current policy makes it difficult for these two parks to pursue long term, major restoration projects. This bill makes the necessary changes to allow these parks to undertake needed substantive restoration as opposed to smaller, less significant projects allowed under the current revenue system.

The bill also calls for a modest boundary adjustment between the two adjacent parks in order to be consistent with the current administration of San Francisco's Municipal Pier.

I am introducing this bill with the hope that it will allow these two parks to retain the revenue necessary for maintenance in order to continue to attract visitors from around the world to these historic sites of California.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1870

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. GOLDEN GATE NATIONAL RECREATION AREA.

Section 4(f) of Public Law 92-589 (16 U.S.C. 460bb–3) is amended by striking "Haslett Warehouse, Cliff House Properties and Louis' Restaurant," and all that follows and inserting "Cliff House Properties and Louis' Restaurant, the Secretary may enter into a contract for the management (including rental or lease) of the aforementioned properties with such terms and conditions as will protect the Government's interest. Any proceeds from the use of such properties shall be available until expended, without further appropriation, for the administration, maintenance, repair and related expenses of the properties and for major renovation and park rehabilitation of those buildings included in the Fort Mason Foundation Agreement".

SEC. 2. SAN FRANCISCO MARITIME NATIONAL HISTORICAL PARK.

Section 3 of Public Law 100-348 (16 U.S.C. 410nn–1) is amended—

(1) by amending the text of subsection (c) to read as follows: "Notwithstanding any other provision of law, in the administration of any real or personal property (including vessels and heavy marine equipment such as floating drydocks) that is administered as part of the park, the Secretary may enter into a contract for the management (including rental or lease) of such property with such terms and conditions as will protect the Government's interest. Any proceeds from the use of such property shall be available until expended, without further appropriation, for the administration, maintenance, repair, and related expenses of the property."; and

(2) in the second sentence of subsection (d) by striking "shall be credited" and all that follows and by inserting "shall be available until expended, without further appropriation, for use at the park for purposes of facility maintenance and repair, interpretation, signage, habitat or facility enhancement, resource preservation, annual operations (including fee collection), and law enforcement.".

SEC. 3. CONFORMING AMENDMENTS.

(a) Section 2(b) of Public Law 100–348 (16 U.S.C. 410nn) is amended—

(1) by striking "numbered 641/80,053 and dated April 7, 1987" and inserting "numbered 350/80,012 and dated June 2004"; and

(2) by striking the third and fourth sentences and inserting the following: "The Secretary of the Interior" (hereinafter in this Act referred to as the "Secretary") may make minor revisions to the boundary of the park in accordance with section 7(c) of the Land and Water Conservation Act of 1965 (16 U.S.C. 4601–9(c)).

(b) Section 4(e) of Public Law 92-589 (16 U.S.C. 460bb–3) is amended by striking "and for admission to the sailing vessel Balclutha and other historic vessels of the National Maritime Museum".

By Mr. BURR (for himself, Mr. ENZI, Mr. GREGG, Mr. FRIST, and Mr. ALEXANDER):

S. 1873. A bill to prepare and strengthen the biodefenses of the United States against deliberate, accidental, and natural outbreaks of illness, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. BURR. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1873

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Biodefense and Pandemic Vaccine and Drug Development Act of 2005".

SEC. 2. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. Biomedical Advanced Research and Development Agency.
Sec. 4. Clarification of countermeasures covered by Project BioShield.
Sec. 5. Orphan drug market exclusivity for countermeasure products.
Sec. 6. Liability protections for pandemics, epidemics, and countermeasures.
Sec. 7. Compensation.
Sec. 8. Rebates and grants for research development, and manufacturing of vaccines, qualified countermeasures and pandemic or epidemic products.
Sec. 9. Technical assistance.
Sec. 10. Animal models for certain diseases.
Sec. 11. Animal Model/Research Tool Scientific Advisory Committee.
Sec. 12. Collaboration and coordination.
Sec. 13. Procurement.
Sec. 14. National Pathology Center.

SEC. 3. BIOMEDICAL ADVANCED RESEARCH AND DEVELOPMENT AGENCY.

Title III of the Public Health Service Act (42 U.S.C. 241 et seq.) is amended by inserting after section 319K the following:

"SEC. 319L. BIOMEDICAL ADVANCED RESEARCH AND DEVELOPMENT AGENCY.

"(a) DEFINITIONS.—In this section:

"(1) BARDA.—The term 'BARDA' means the Biomedical Advanced Research and Development Agency.

"(2) FUND.—The term 'Fund' means the Biodefense Medical Countermeasure Development Fund established under subsection (d).

"(3) OTHER TRANSACTIONS.—The term 'other transactions' means transactions, other than procurement contracts, grants, and cooperative agreements, including transactions for prototypes, as provided to the Secretary of Defense under section 2371 of title 10, United States Code.

"(4) QUALIFIED COUNTERMEASURE.—The term 'qualified countermeasure' has the meaning given such term in section 319F–1.

"(5) QUALIFIED COUNTERMEASURE AND QUALIFIED PANDEMIC OR EPIDEMIC PRODUCT ADVANCED RESEARCH AND DEVELOPMENT.—

"(A) IN GENERAL.—The term 'qualified countermeasure and qualified pandemic or epidemic product advanced research and development' means any applied research, testing, or evaluation (including those conducted on humans or animals), related to the safety or effectiveness, that is required for approval, clearance, or licensing by the Secretary under this Act or the Federal Food, Drug, and Cosmetic Act, of such countermeasure or pandemic or epidemic product to diagnose, mitigate, prevent, or treat harm from a deliberate, accidental, or natural exposure to a chemical, biological, radiological, or nuclear agent, particularly such exposure resulting from an act of terrorism or potential pandemic infectious disease.

"(B) INCLUSION.—The term under subparagraph (A) includes any investigation to improve the manufacturing, formulation, finish, fill, delivery, or shelf-life of such qualified countermeasures or qualified pandemic or epidemic products.

"(6) QUALIFIED PANDEMIC OR EPIDEMIC PRODUCT.—The term 'qualified pandemic or epidemic product' has the meaning given the term in section 319F-3(c)(5).

"(7) SECURITY COUNTERMEASURE.—The term 'security countermeasure' has the meaning given such term in section 319F-2.

"(8) PERSON.—The term 'person' includes an individual, partnership, corporation, association, entity, or public or private corporation, including a Federal, State, or local agency or department.

"(b) BIOMEDICAL ADVANCED RESEARCH AND DEVELOPMENT AGENCY.—

"(1) ESTABLISHMENT.—There is established within the Department of Health and Human Services, the Biomedical Advanced Research and Development Agency.

"(2) PURPOSE.—It shall be the purpose of the BARDA to coordinate and oversee activities that support and accelerate qualified countermeasure or qualified pandemic or epidemic product (referred to in this section as 'countermeasure or product') advanced research and development by—

"(A) directing and coordinating collaboration among the Department of Health and Human Services, other Federal agencies, relevant industries, academia, and other persons, with respect to such advanced research and development;

"(B) supporting countermeasure and product advanced research and development;

"(C) recommending approaches to modernize and streamline the countermeasure or product development process and reduce regulatory burdens with respect to procurement of security countermeasures and qualified pandemic or epidemic products; and

"(D) supporting innovation to reduce the time and cost of countermeasure and product advanced research and development.

"(3) DIRECTOR.—The BARDA shall be headed by a Director (referred to in this section as the 'Director') who shall—

"(A) be appointed by the President, with the advice and consent of the Senate;

"(B) report to the Secretary; and

"(C) serve as the principal advisor to the Secretary on countermeasure and product advanced research and development.

"(4) DUTIES OF DIRECTOR.—

"(A) COLLABORATION.—To carry out the purpose described in paragraph (2)(A), the Secretary, acting through the Director, shall—

"(i) increase appropriate communication between the Federal Government and relevant industries, academia, and other interested persons with respect to countermeasure and product advanced research and development by establishing transparent, expeditious, and direct processes to—

"(I) facilitate regular, ongoing communication regarding the processes established under subparagraph (C)(ii) and new countermeasures or products of interest;

"(II) solicit research and associated data on potential countermeasures and products and related technologies; and

"(III) provide technical assistance with respect to such processes and the Food and Drug Administration approval process;

"(ii) at least annually—

"(I) convene meetings with representatives from relevant industries, academia, other Federal agencies, international agencies, and other interested persons; and

"(II) sponsor relevant biodefense countermeasure technology demonstrations;

"(iii) carry out the activities described in subsection (g) of section 2 of the Clayton Act; and

"(iv) encourage and coordinate countermeasure or product advanced research and development, including by convening working groups as identified in paragraph (5).

"(B) SUPPORT ADVANCED RESEARCH AND DEVELOPMENT.—To carry out the purpose described in paragraph (2)(B), the Secretary, acting through the Director, shall—

"(i) conduct continuous searches and support calls for potential countermeasures or products for drugs, biological products, devices, or research tools to diagnose, mitigate, prevent, or treat harm from existing, emerging, or possible chemical, biological, radiological, and nuclear agents or potential pandemic infectious diseases that threaten public health and national security, as identified by the Assistant Secretary for Public Health Emergency Preparedness;

"(ii) direct the countermeasure and product advanced research and development activities of the Department of Health and Human Services, in consultation with the Assistant Secretary for Public Health Emergency Preparedness, the Director of the National Institutes of Health, the Director of the Centers for the Disease Control and Prevention, and the Commissioner of Food and Drugs; and

"(iii) award contracts, grants, cooperative agreements, and enter into other transactions, to include use of simplified acquisition authorities provided under sections 319F-1 and 319F-2(c)(7)(C)(iii), to public and private persons, including for-profit and non-profit persons, federally funded research and development centers, and universities, to—

"(I) support the cost of countermeasure and product advanced research and development; and

"(II) ensure accelerated development of countermeasures and products.

"(C) STREAMLINE PROCESSES.—To carry out the purpose described in paragraph (2)(C), the Secretary, acting through the Director, shall—

"(i) receive from the Assistant Secretary for Public Health Emergency Preparedness, requirements for national civilian biodefense needs, particularly countermeasures or products and other technologies, to diagnose, mitigate, prevent, or treat harm from existing, emerging, or potential chemical, biological, radiological, or nuclear agents or potential pandemic infectious diseases;

"(ii) establish transparent, expeditious, and direct processes for selecting promising countermeasures and products, supporting them through advanced research and development and recommending them for procurement;

"(iii) establish an office within the BARDA, in consultation with the Commissioner of Food and Drugs, to—

"(I) facilitate regular and ongoing communication between the BARDA and the Food and Drug Administration regarding the status of BARDA advanced research and development activities;

"(II) ensure that such activities are coordinated with the approval requirements of the Food and Drug Administration, with the goal of expediting the development and approval of countermeasures and products; and

"(III) connect interested persons with additional technical assistance made available under section 565 of the Federal Food, Drug, and Cosmetic Act;

"(iv) coordinate with the Food and Drug Administration to facilitate regulatory review and approval of promising classes of countermeasures or products through the development of research tools; and

"(v) recommend to the Secretary, through the Assistant Secretary for Public Health Emergency Preparedness, procurement of the most promising eligible security countermeasures or qualified pandemic or epidemic products identified in clause (i).

"(D) SUPPORTING INNOVATION.—To carry out the purpose described in paragraph (2)(D), the Secretary, acting through the Director, shall award contracts, grants, cooperative agreements, or enter into other transactions, to include use of simplified acquisition authorities provided under sections 319F-1 and 319F-2(c)(7)(C)(iii), to the entities described in subparagraph (B)(iii), to promote innovation in technologies supporting the advanced research and development and production of qualified or security countermeasures or qualified pandemic or epidemic products, such as research tools, manufacturing, countermeasure administration, storage, and bioinformatics and other devices.

"(E) OTHER DUTIES.—

"(i) IN GENERAL.—The Director may—

"(I) prepare and submit to the President and Congress, an annual budget estimate for qualified countermeasure and pandemic or epidemic product advanced research and development and other BARDA activities, after opportunity for comment by the Secretary; and

"(II) receive from the President and the Office of Management and Budget directly all funds appropriated by Congress for obligation and expenditure by the BARDA.

"(ii) SECRETARY DUTIES.—The Secretary, acting through the Director, may—

"(I) enter into such contracts, leases, cooperative agreements, or other transactions, as may be necessary to carry out the functions of BARDA, without regard to section 3648 and 3709 of the Revised Statutes of the United States (31 U.S.C. 3324(a) and (b), (41 U.S.C. 5), with any public agency, any firm, association, corporation, or educational institution, or any other person;

"(II) support advanced research and development and innovation of potential countermeasures or products by highly qualified foreign nationals outside the United States that may inure to the benefit of the American people and collaborative research involving American and foreign participants;

"(III) administer grants using milestone-based awards and payments; and

"(IV) establish 1 or more federally funded research and development centers or university affiliated research centers in accordance with section 253(c)(3) of title 41, United States Code.

“(5) Vulnerable populations.—In carrying out the activities under this section, the Director, in consultation with the Vulnerable Populations Working Group, may give priority to supporting and facilitating advanced research and development of countermeasures or products, and formulations of countermeasures or products, that are likely to be safe and effective for pediatric populations, pregnant women, and other vulnerable populations.

“(6) Working groups.—

“(A) Identification of technologies.—

“(i) In general.—The Director may establish and convene, or enter into a contract with a public or private research institution to convene, one or more working groups that consists of experts on countermeasure technology to identify innovative technologies that have the potential to be developed as countermeasures or products.

“(ii) Meetings.—A working group established under clause (i) shall participate in regular meetings with sponsors of countermeasures, products, or related technologies to—

“(I) review the scientific evidence or concept of such countermeasures, products, or related technologies;

“(II) provide guidance on research protocols or studies; and

“(III) provide guidance on the regulatory approval process for countermeasures, products, and related technologies.

“(iii) Recommendations.—Not later than 30 days after each meeting with a sponsor of a countermeasure, product, or related technology, the working group shall make recommendations to the Director concerning such countermeasure, product, or related technology.

“(iv) Confidentiality.—Any commercial confidential or proprietary information that is disclosed to the working group in a meeting under this section shall remain confidential and shall not be disclosed other than to the Secretary or the Director, or their designees.

“(v) Construction.—Nothing in this subparagraph shall be construed to prohibit a sponsor from meeting with the Director to discuss potential countermeasures, products, or related technologies.

“(B) Public working group.—The Director may establish and convene one or more working groups composed of private citizens and officials of Federal, State, and local governments to advise such Director with respect to the functions of the BARDA and the Director.

“(C) Vulnerable populations working group.—The Director shall establish and convene a Vulnerable Populations Working Group composed of experts on pediatric populations, pregnant women, and other vulnerable populations to advise such Director with respect to—

“(i) supporting and facilitating advanced research and development of countermeasures, and formulations of countermeasures, that are safe and effective for such populations; and

“(ii) other activities of the BARDA that effect such populations.

“(7) Personnel authorities.—

“(A) Specially qualified scientific and professional personnel.—In hiring personnel for the BARDA, the Director shall have the hiring and management authorities described in section 1101 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (5 U.S.C. 3104 note; Public Law 105–261). With respect to the personnel of the BARDA, the term of appointments for employees referred to under subsection (c)(1) of that section may not exceed 5 years before the granting of any extension under subsection (c)(2) of that section.

“(B) Special consultants.—The Director may accept special consultants as personnel for the BARDA under section 207(f).

“(C) Intergovernmental personnel act.—The Director may accept as personnel for the BARDA, employees under subchapter VI of chapter 33 of subpart B of part III of title 5, United States Code.

“(D) Other services.—The Director may accept voluntary and uncompensated services.

“(c) National Biodefense Advisory Board.—

“(1) In general.—

“(A) Purpose.—The National Biodefense Advisory Board shall provide expert advice and guidance to the Secretary on the threats, challenges, and opportunities presented by advances in biological and life sciences and the threat from natural infectious diseases and chemical, biological, radiological, and nuclear threats.

“(B) Membership.—There is established the National Biodefense Advisory Board (hereinafter in this section referred to as the ‘Board’) to be composed of 23 members who represent the Nation’s preeminent scientific, public health, and medical experts on the subject of biological, chemical, nuclear, and radiological threats, whether naturally occurring, accidental, or deliberate, as follows:

“(i) Ex officio.—The following members shall serve on the Board ex officio:

“(I) The Assistant to the President for Homeland Security and Counterterrorism.

“(II) The Director of the Office of Science and Technology Policy.

“(III) The Assistant Secretary for Public Health Emergency Preparedness.

“(IV) The Director of the National Institutes of Health.

“(V) The Director of the Centers for Disease Control and Prevention.

“(VI) The Commissioner of Food and Drugs.

“(VII) The Director of BARDA.

“(VIII) The Assistant Secretary of Defense for Health Affairs.

“(IX) The Assistant Secretary of Homeland Security for Science and Technology.

“(X) The Secretary of Agriculture (or a designee).

“(ii) Appointed members.—The following individuals, as appointed by the Secretary:

“(I) Four representatives of the pharmaceutical and biotechnology industries.

“(II) Four representatives of academia.

“(III) Five other members as determined appropriate by the Secretary.

“(C) Term of appointment.—A member of the Board described in subparagraph (B)(ii) shall serve for a term of 3 years, except that the Secretary may adjust the terms of the initial Board appointees in order to provide for a staggered term of appointment for all members.

“(D) Consecutive appointments; maximum terms.—A member may be appointed to serve not more than 3 terms on the Board and may serve not more than 2 consecutive terms.

“(2) Duties.—The Board shall—

“(A) advise the Secretary on major biodefense initiatives and review ongoing and proposed biodefense programs, which may include potential activities of the BARDA; and

“(B) in consultation with the Director of BARDA, and in coordination with the Director of National Institute of Allergy and Infectious Diseases, provide to the Secretary, recommendations and findings for an expanded, intensified, and coordinated biodefense research program encompassing the programs of the BARDA and other Federal agencies and related programs of the other research institutes.

“(3) Meetings.—The Board shall meet at the call of the Secretary, but in no case less than twice annually to provide to the Secretary updated assessments, findings, and recommendations of the current trends, challenges, and opportunities posed in biotechnology and genetic engineering.

“(4) Vacancies.—Any vacancy in the Board shall not affect its powers, but shall be filled in the same manner as the original appointment.

“(5) Chairperson.—The Secretary shall appoint a chairperson from among the members of the Board.

“(6) Powers.—

“(A) Hearings.—The Board may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Board considers advisable to carry out this subsection.

“(B) Postal services.—The Board may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

“(7) Personnel.—

“(A) Officers of the federal government.—A member of the Board that is an employee of the Federal Government may not receive additional pay, allowances, or benefits by reason of the member’s service on the Board.

“(B) Other members.—A member of the Board that is not an employee of the Federal Government shall be compensated at a rate equivalent to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the actual performance of duties as a member of the Board.

“(C) Travel expenses.—Each member of the Board shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

“(D) Detail of government employees.—Any Federal Government employee may be detailed to the Board without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

“(d) Fund.—

“(1) Establishment.—There is established the Biodefense Medical Countermeasure Development Fund, which shall be administered by the Director of the BARDA.

“(2) Funds.—

“(A) First fiscal year.—Of the amounts appropriated to carry out the Project BioShield Act of 2004 (Public Law 108–276) and not obligated, $1,000,000,000 shall be available to the Fund to carry out this section for fiscal year 2006. Such amounts shall remain available until expended.

“(B) Subsequent fiscal years.—There are authorized to be appropriated such sums as may be necessary to carry out this section for fiscal year 2007 and each subsequent fiscal year. Such sums shall remain available until expended.

“(e) Effect of Section.—Nothing in this section shall be construed to limit any authority of the Department of Health and Human Services, including those authorities provided under the Project BioShield Act of 2004 (Public Law 108–276).

"(f) INAPPLICABILITY OF CERTAIN ACTS.—

"(1) FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the duties, activities, working groups, and advisory boards of the BARDA.

"(2) FOIA.—Information that relates to the activities, working groups, and advisory boards of the BARDA shall not be subject to disclosure under section 552 of title 5, United States Code, unless the Secretary or Director determines that such disclosure would pose no threat to national security. Such a determination shall not be subject to judicial review.

"(3) CERTAIN COST PRINCIPLES AND COST ACCOUNTING STANDARDS.—Notwithstanding any other provision of law, the cost principles set forth under part 31 of title 48, Code of Federal Regulations, the cost accounting standards set forth under chapter 99 of title 48, Code of Federal Regulations, and the requirement for the submission of certified cost and pricing information under section 304A of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254b), shall not apply to any contract, grant, cooperative agreement, or other transaction entered into under the Project BioShield Act of 2004 (Public Law 108–276).".

SEC. 4. CLARIFICATION OF COUNTERMEASURES COVERED BY PROJECT BIOSHIELD.

(a) QUALIFIED COUNTERMEASURE.—Section 319F–1(a) of the Public Health Service Act (42 U.S.C. 247d–6a(a)) is amended by striking paragraph (2) and inserting the following:

"(2) DEFINITIONS.—In this section:

"(A) QUALIFIED COUNTERMEASURE.—The term 'qualified countermeasure' means a drug (as that term is defined by section 201(g)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(g)(1))), biological product (as that term is defined by section 351(i) of this Act (42 U.S.C. 262(i))), device (as that term is defined by section 201(h) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(h))), or research tool (as that term is defined in section 201(rr) of the Federal Food, Drug, and Cosmetic Act) that the Secretary determines to be a priority (consistent with sections 302(2) and 304(a) of the Homeland Security Act of 2002) to—

"(i) diagnose, mitigate, prevent, or treat harm from any biological agent (including organisms that cause an infectious disease) or toxins, chemical, radiological, or nuclear agent that may cause a public health emergency affecting national security;

"(ii) diagnose, mitigate, prevent, or treat harm from a condition that may result in adverse health consequences or death and may be caused by administering a drug, biological product, or device that is used as described in this subparagraph; or

"(iii) in the case of a research tool, enable the rapid and effective identification, assessment, or development of a drug, biological product, or device to diagnose, mitigate, prevent, or treat harm, as described in clause (i) or (ii).

"(B) INFECTIOUS DISEASE.—The term 'infectious disease' means a disease potentially caused by a pathogenic organism (including a bacteria, virus, fungus, or parasite) that is acquired by a person and that reproduces in that person.".

(b) SECURITY COUNTERMEASURE.—Section 319F–2(c)(1)(B) is amended by—

(A) striking "treat, identify, or prevent" each place it appears and inserting "diagnose, mitigate, prevent, or treat"; and

(B) inserting "agent (including organisms that cause an infectious disease) or toxin" after "any biological".

(c) RESEARCH TOOL.—Section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321) is amended by adding at the end the following:

"(rr) RESEARCH TOOL.—The term 'research tool' includes the full range of tools and systems that assist in the discovery, development, or manufacture of drugs, biological products (as defined in section 351 of the Public Health Service Act), or devices.".

SEC. 5. ORPHAN DRUG MARKET EXCLUSIVITY FOR COUNTERMEASURE PRODUCTS.

(a) MARKET EXCLUSIVITY.—Subchapter A of chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351 et seq.) is amended by inserting after section 505B the following:

"SEC. 505C. ORPHAN DRUG MARKET EXCLUSIVITY FOR COUNTERMEASURE PRODUCTS.

"(a) IN GENERAL.—With respect to countermeasure products (as such term is defined in this section), if a countermeasure product is designated under section 526 for a rare disease or condition, the period referred to in section 527(a) shall be 10 years instead of 7 years.

"(b) DEFINITION.—For the purpose of this section, the term 'countermeasure' means a drug or biological product (as such term is defined by section 351(i) of the Public Health Service Act) that the Secretary determines to be a priority (consistent with sections 302(2) and 304(a) of the Homeland Security Act of 2002) to diagnose, mitigate, prevent, or treat harm from any biological, chemical, radiological, or nuclear agent (including organisms that cause an infectious disease) or toxin identified as a material threat under subsection (c)(2)(A)(ii) of section 319F-2 of the Public Health Service Act.".

(b) ORPHAN DRUGS.—For purposes of section 526 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bb) a biological, chemical, radiological, or nuclear agent (including organisms that cause an infectious disease) or toxin identified as a material threat under subsection (c)(2)(A)(ii) of section 319F-2 of the Public Health Service Act shall be considered to be a "rare disease or condition" within the meaning of such term in such section 526. The Secretary may designate antibiotics and anti-infective products that treat infectious diseases as designated drugs or biological products under such section 526.

(c) EFFECT OF SECTION.—This section, and the amendments made by this section, shall apply to new drug applications and biological product licenses approved under the Federal Food, Drug, and Cosmetic Act or the Public Health Service Act after the date of enactment of this Act.

SEC. 6. LIABILITY PROTECTIONS FOR PANDEMICS, EPIDEMICS, AND COUNTERMEASURES.

Part B of title III of the Public Health Service Act is amended by inserting after section 319F–2 (42 U.S.C. 247d–6b) the following:

"SEC. 319F–3. LIABILITY PROTECTIONS FOR PANDEMIC AND EPIDEMIC PRODUCTS AND SECURITY COUNTERMEASURES.

"(a) AUTHORITY.—As provided in subsection (b), and subject to subsection (b)(1)(C), a manufacturer, distibutor, or administrator of a security countermeasure, or a qualified pandemic and epidemic product, described in subsection (b)(1)(A) or a health care provider shall be immune from suit or liability caused by or arising out of the design, development, clinical testing and investigation, manufacture, labeling, distribution, sale, purchase, donation, dispensing, prescribing, administration, or use of a security countermeasure, or a qualified pandemic and epidemic product, described in subsection (b)(1)(A).

"(b) LITIGATION MANAGEMENT.—

"(1) LIMITATION ON CAUSE OF ACTION.—

"(A) IN GENERAL.—

"(i) IN GENERAL.—No cause of action shall exist against a person described in subsection (a) for claims for loss of property, personal injury, or death arising out of, reasonably relating to, or resulting from the design, development, clinical testing and investigation, manufacture, labeling, distribution, sale, purchase, donation, dispensing, prescribing, administration, or use of a security countermeasure or qualified pandemic or epidemic product distributed, sold, purchased, donated, dispensed, prescribed, administered, or used in anticipation of and preparation for, in defense against, or in response to, or recovery from an actual or potential public health emergency that is a designated security countermeasure or a qualified pandemic or epidemic product by the Secretary in a declaration described in paragraph (2).

"(ii) RULE OF CONSTRUCTION.—For purposes of this section, the phrase 'arising out of, reasonably relating to, or resulting from' shall not be construed to apply to loss of property, personal injury, or death that has no alleged or potential causal relationship with the design, development, clinical testing and investigation, manufacture, labeling, distribution, sale, purchase, donation, dispensing, prescribing, administration, or use of a product described in clause (i).

"(B) RULE.—

"(i) SUBSEQUENT INJURY.—The protections set forth in subsection (a) and subparagraph (A) shall apply to all claims identified in subparagraph (A) that involve products distributed, sold, purchased, donated, dispensed, prescribed, administered, or used during the effective period set forth in the designation provided for in paragraph (2), regardless of the date of alleged injury.

"(ii) PRIVATE DONATION OR SALE.—The protections set forth in subsection (a) and subparagraph (A) shall apply to all claims identified in subparagraph (A) that involve security countermeasures or qualified pandemic or epidemic products distributed, sold, purchased, donated, dispensed, prescribed, administered, or used during the effective period set forth in the designation provided for in paragraph (2) by a manufacturer through the commercial market, provided that the security countermeasures or the qualified pandemic or epidemic product are the security countermeasure or qualified pandemic or epidemic product described in a declaration described in paragraph (2) and the Secretary does not specifically prohibit such private donation or sale in such declaration.

"(C) POTENTIAL LIABILITY UPON DETERMINATION.—

"(i) IN GENERAL.—A manufacturer, distributor, administrator, or health care provider shall not be immune under subsection (a) or exempted from a cause of action under subparagraph (A) if the Secretary makes a determination as provided for in subparagraph (D).

"(ii) INVESTIGATION BY SECRETARY.—A party seeking a determination under subparagraph (D) may petition the Secretary to investigate allegations against a manufacturer, distributor, administrator, or health care provider arising out of, relating to, or resulting from the design, development, clinical testing and investigation, manufacture, labeling, distribution, sale, purchase, donation, dispensing, prescribing, administration, or use of products as provided for in subparagraph (A)(i). The decision to undertake such investigation shall be within the Secretary's discretion and shall not be subject to judicial review.

"(iii) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to abrogate or limit the application of subtitle II of chapter 5 and chapter 7 of title 5, United States Code (commonly known as the Administrative Procedure Act).

"(D) DETERMINATION BY SECRETARY.—

"(i) IN GENERAL.—In making a determination under this subparagraph, the Secretary, acting through an administrative law judge, must find clear and convincing evidence that—

"(I) the manufacturer, distributor, administrator, or health care provider violated a provision of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) or this Act; and

"(II) in violating such Act, such manufacturer, distributor, administrator, or health care provider acted with willful misconduct.

"(ii) EFFECT OF DETERMINATION.—If the Secretary finds such clear and convincing evidence under clause (i), the Secretary shall examine whether such willful misconduct to violate an Act under such clause—

"(I) caused the product to present a significant or unreasonable risk to human health; and

"(II) proximately caused the injury alleged by the party.

"(ii) NOTICE AND HEARING.—Prior to the Secretary's making a determination under clause (i), the manufacturer, distributor, administrator, or health care provider shall have notice and a right to a formal hearing in accordance with section 556 of title 5, United States Code.

"(iii) EFFECT OF DETERMINATION.—Subject to subsection (c), the sole exception to the immunity from suit and liability of manufacturers, distributors, administrators, or healthcare providers set forth in subsection (a) and subparagraph (A) shall be for actions against a manufacturer, distributor, administrator, or healthcare provider as provided in subparagraph (A).

"(iv) JUDICIAL REVIEW.—At any time prior to the 90th day following a determination by the Secretary under clause (i), any manufacturer, distributor, administrator, or health care provider named in such determination may file a petition with the United States Court District Court for the District of Columbia, for a judicial review of such determination. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary or other officer designated by the Secretary for that purpose. The Secretary thereupon shall file in the court the record of the findings on which the Secretary based his or her determination. The filing of a petition under this clause shall automatically stay the Secretary's determination for the duration of the judicial proceeding. The sole parties to the judicial proceeding shall be the Secretary and the petitioner. Intervention by third parties in the judicial proceeding shall not be permitted. No subpoenas shall be issued nor shall other compulsory process apply. The court's review of a determination by the Secretary under this clause shall conform to the procedures for judicial review of administrative orders set forth in paragraphs (2) through (6) of section 701(f) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 371(f)) to the extent consistent with this section.

"(v) TOLLING OF STATUTE OF LIMITATIONS.—The computation of the statute of limitations for any action against a manufacturer, distributor, administrator, or health care provider described under this subparagraph shall not include any time occurring before the determination by the Secretary under this subparagraph.

"(vi) REGULATORY AUTHORITY.—The Secretary, in consultation with the Attorney General, shall promulgate regulations defining what actions by a manufacturer, distributor, administrator, or healthcare provider of a security countermeasure or a qualified pandemic and epidemic product shall be deemed to constitute 'willful misconduct' for purposes of clause (i). In promulgating such regulations, the Secretary shall consider the nature of the actual or potential public health emergency, the timing and extent of any vaccination or countermeasure program, and any other circumstances they deem significant, so that any civil actions permitted under this subsection will not adversely affect the public health. The Secretary may specify the period of time for which such regulations apply.

"(vii) EVIDENCE REQUIRED.—The Secretary, in consultation with the Attorney General, shall promulgate regulations that require, in order to be a party under this section, that an individual present evidence that reasonably demonstrates that—

"(I) such individual has suffered a loss as a direct result of the design, development, clinical testing and investigation, manufacture, labeling, distribution, sale, purchase, donation, dispensing, prescribing, or administration of a security countermeasure or qualified epidemic or pandemic product; and

"(II) the loss as described in subclause (I) was a direct result of the willful misconduct of the manufacturer, distributor, administrator, or health care provider in violating the Federal Food, Drug, and Cosmetic Act or this Act.

"(E) SCOPE.—Subparagraph (C) shall apply regardless of whether the suit or liability described in subsection (a) or the claim described in subparagraph (A) arises from the design, development, clinical testing and investigation, manufacture, labeling, distribution, sale, purchase, donation, dispensing, prescribing, administration, or use by the Federal Government or by any person.

"(2) DECLARATION BY SECRETARY.—

"(A) IN GENERAL.—The Secretary may issue a declaration, pursuant to this paragraph, that an actual or potential public health emergency makes advisable the distribution, administration, or use of a security countermeasure or qualified pandemic or epidemic product.

"(B) SECURITY COUNTERMEASURE OR QUALIFIED PANDEMIC OR EPIDEMIC PRODUCT.—The Secretary shall specify in such declaration the security countermeasures or qualified pandemic or epidemic products to be sold by, purchased from, or donated by a manufacturer or drawn from the Strategic National Stockpile.

"(C) EFFECTIVE PERIOD.—The Secretary shall specify in such declaration the beginning and the ending dates of the effective period of the declaration, which shall be not longer than 6 months. The Secretary may subsequently amend such declaration to shorten or extend such effective period, provided that the new ending data is after the date on which the declaration is amended.

"(D) PUBLICATION.—The Secretary shall promptly publish each such declaration and amendment in the Federal Register.

"(c) ACTIONS BY THE UNITED STATES.—Nothing in this section shall be construed to abrogate or limit any right, remedy, or authority that the United States or any agency thereof may possess under any other provision of law.

"(d) DEFINITIONS.—In this section:

"(1) ADMINISTRATOR.—The term 'administrator' means a person employed by the State or local government, or their designee, who supervised or administered a program with respect to the administration, dispensing, distribution, or provision of a security countermeasure or a qualified pandemic or epidemic product, including a person who has established requirements, provided policy guidance, supplied technical or scientific advice or assistance.

"(2) HEALTH CARE PROVIDER.—The term 'health care provider' means a person, including a volunteer, who distributes, prescribes, administers, dispenses, provides a facility to administer, or supervises or oversees the administration of a security countermeasure or a qualified pandemic or epidemic product, including persons who distribute, prescribe, administer, dispense, or provide a facility to administer in accordance with a designation under subsection (b)(2).

"(3) LOSS.—The term 'loss' means death, physical injury, or loss of or damage to property, including business interruption loss.

"(4) MANUFACTURER.—The term 'manufacturer' includes—

"(A) a contractor or subcontractor of a manufacturer;

"(B) a supplier of any product or service, research tool, or component to the manufacturer; and

"(C) any or all of the parents, subsidiaries, affiliates, successors, and assigns of a manufacturer.

"(5) QUALIFIED PANDEMIC OR EPIDEMIC PRODUCT.—The term 'qualified pandemic or epidemic product' means a drug (as such term is defined in section 201(g)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(g)(1))), biological product (as such term is defined by section 351(i) of this Act) or device (as such term is defined by section 201(h) of the Federal Food, Drug and Cosmetic Act (21 U.S.C. 321(h))) designed, developed, modified, or procured to diagnose, mitigate, prevent, treat, or cure a pandemic or epidemic or limit the harm such pandemic or epidemic might otherwise cause or a serious or life-threatening disease or condition caused by such a product, that—

"(A) is approved or cleared under chapter V of the Federal Food, Drug, and Cosmetic Act or licensed under section 351 of this Act;

"(B) is a product for which the Secretary determines that sufficient and satisfactory clinical experience or research data (including data, if available, from pre-clinical and clinical trials) support a reasonable conclusion that the product will qualify for approval or licensing within 8 years after the date the Secretary makes a declaration under paragraph (2); or

"(C) is authorized for emergency use section 564 of the Federal Food, Drug, and Cosmetic Act, except that subsection (b) of such section shall not apply.

"(6) PARTY.— The term 'party' means an individual who can reasonably demonstrate to the Secretary that such individual has suffered a loss (as defined in paragraph (3)) as a direct result of the willful misconduct of a manufacturer, distributor, administrator, or health care provider.

"(7) PERSON.—The term 'person' includes an individual, partnership, corporation, association, entity, or public or private corporation, including a Federal, State, or local agency or department.

"(8) SECURITY COUNTERMEASURE.—The term 'security countermeasure' has the meaning given such term in section 319F–2(c)(1)(B).".

SEC. 7. COMPENSATION.

Title II of the Public Health Service Act (42 U.S.C. 202 et seq.) is amended by adding at the end the following:

"PART D—OTHER COMPENSATION PROGRAMS

"SEC. 271. COVERED COUNTERMEASURES PROGRAM.

"(a) IN GENERAL.—If the Secretary issues a Proclamation stating that there is a critical public health need for a covered individual to receive a covered countermeasure during the effective period of the Proclamation, the Secretary shall establish a process to provide compensation to such covered individuals for a covered injury, consistent with the Smallpox Emergency Personnel Protection program under part C.

"(b) DEFINITION.—For purposes of this section:

"(1) COVERED COUNTERMEASURE.—The term 'covered countermeasure' means a qualified pandemic or epidemic (as defined in section 319F-3(c)(5)) or a security countermeasure (as defined in section 319F-2(c)(1)(B)) specified in the Proclamation.

"(2) COVERED INDIVIDUAL.—The term 'covered individual' means an individual—

"(A) who is a health care worker, law enforcement officer, firefighter, security personnel, emergency medical personnel, other public health or safety personnel, or support personnel for such occupational specialties;

"(B) who is or will be functioning in a role identified in a State, local, or Department of Health and Human Services emergency response plan approved by the Secretary;

"(C) who has volunteered and been selected to be a member of an emergency response plan; and

"(D) to whom a covered countermeasure is administered pursuant to such approved plan during the effective period of the Proclamation and prior to the time at which the Secretary declares a public health emergency pursuant to section 319 related to a covered countermeasure specified in the Proclamation.

"(3) COVERED INJURY.—The term 'covered injury' means an injury, disability, illness, condition, or death (other than a minor injury such as minor scarring or minor local reaction) determined by the Secretary to have been sustained by a covered individual as the direct result of administration to the individual of a covered countermeasure.

"(4) EFFECTIVE PERIOD OF THE PROCLAMATION.—The term 'effective period of the Proclamation' means the effective period specified in the Proclamation, unless extended by the Secretary.

"(5) EMERGENCY RESPONSE PLAN.—The term 'emergency response plan' or 'plan' means a response plan detailing actions to be taken in preparation for a pandemic, epidemic, or biological, chemical, nuclear agent or toxin that presents, or may present, a public health emergency.

"(6) PROCLAMATION.—The term 'Proclamation' means a Proclamation regarding the critical public health need for the administration of a covered countermeasure issued by the Secretary and published in the Federal Register. Such Proclamation shall specify the specific covered countermeasure recommended for administration.

"(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to require the creation of a compensation program if the covered injuries are only minor injuries consistent with section (b)(3).".

SEC. 8. REBATES AND GRANTS FOR RESEARCH DEVELOPMENT, AND MANUFACTURING OF VACCINES, QUALIFIED COUNTERMEASURES AND PANDEMIC OR EPIDEMIC PRODUCTS.

(a) IN GENERAL.—The Secretary of Health and Human Services (referred to in this section as the "Secretary") may award to a person with respect to an investment described in this section (or an amendment made by this section)—

(1) a rebate pursuant to subsection (b); or

(2) a grant pursuant to section 319M of the Public Health Service Act (as added by subsection (c)).

(b) SURGE CAPACITY AND RESEARCH REBATES.—

(1) IN GENERAL.—The Secretary may award rebates out of any money in the Treasury not otherwise appropriated to persons for the expansion of surge capacity for manufacturing vaccines, qualified countermeasures (as defined in 319F-1 of the Public Health Service Act, as amended by this Act) or qualified pandemic or epidemic products (as defined in 319F-3(c)(5) of such Act, as added by this Act) (referred to in this section as "vaccines, countermeasures or products") and for vaccines, countermeasures, or products research.

(2) VACCINES, COUNTERMEASURES OR PRODUCTS MANUFACTURING FACILITIES INVESTMENT REBATE.—

(A) IN GENERAL.—For purposes of this section, vaccines, countermeasures or products manufacturing facilities investment rebate for any taxable year for a person (as defined with respect to such person for purposes of the Internal Revenue Code of 1986) shall be an amount equal to 20 percent of the qualified investment for such taxable year.

(B) VACCINES, COUNTERMEASURES OR PRODUCTS MANUFACTURING FACILITIES INVESTMENT.—For purposes of subparagraph (A), the qualified investment for any taxable year for a person is the basis of each vaccines, countermeasures or products manufacturing facilities property placed in service by the person during the taxable year involved.

(C) VACCINES, COUNTERMEASURES AND PRODUCTS MANUFACTURING FACILITIES PROPERTY.—For purposes of this subsection, the term "vaccines, countermeasures and products manufacturing facilities property" means real and tangible personal property—

(i)(I) the original use of which commences with the person applying for the rebate; or

(II) which is acquired through purchase (as defined by section 179(d)(2) of the Internal Revenue Code of 1986);

(ii) which is depreciable under section 167 of the Internal Revenue Code of 1986;

(iii) which is physically located in a State;

(iv) which is used for the manufacture, distribution, or research and development of vaccines, countermeasures, or products; and

(v) which is in compliance with applicable good manufacturing practice and with any other applicable requirements which are promulgated by the Secretary, the Occupational Safety and Health Administration, or the Environmental Protection Agency, and which are applicable to such property.

(D) DENIAL OF DOUBLE BENEFIT FOR MANUFACTURING FACILITIES EXPENSES.—If any portion of the vaccines, countermeasures, and products manufacturing facilities property investment expenses is otherwise allowable as a deduction for the taxable year involved, the Secretary shall only provide a rebate under this section for the portion of such expenses not covered by the rebate determined by such deduction.

(E) ELIGIBILITY.—To be eligible to receive a rebate under this subsection, a manufacturer shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including—

(i) a detailed description and intended use of the facilities that is the basis of application;

(ii) a detailed description of the vaccine, countermeasure, or product being produced or that may be produced at the facility;

(iii) a detailed accounting of qualified manufacturing facilities investment of the person;

(iv) a certification as to the compliance of the person with clauses (i) through (iv) of subparagraph (C); and

(v) copies of tax returns for the taxable year involved.

(F) EFFECTIVE DATE.—This paragraph shall apply to property placed in service after December 31, 2005.

(G) TERMINATION.—This paragraph shall not apply to any property placed in service after December 31, 2010.

(3) MEDICAL RESEARCH RELATED TO DEVELOPING VACCINES, COUNTERMEASURES OR QUALIFIED PANDEMIC OR EPIDEMIC PRODUCTS REBATE.—

(A) IN GENERAL.—For purposes of this subsection, the research rebate determined under this section for the taxable year involved (as determined as provided for in paragraph (2)(A)) is an amount equal to 35 percent of the vaccines, qualified countermeasures, or qualified pandemic or epidemic products (referred to in this section as "vaccine, countermeasure, or product") research expenses for the taxable year.

(B) VACCINES, COUNTERMEASURES, OR PRODUCTS RESEARCH EXPENSES.—Except as otherwise provided in this paragraph, the term "vaccines, countermeasures, or products research expenses" means the amounts which are paid or incurred by the researcher or manufacturer during the taxable year with respect to any research and development of vaccines, countermeasures, or products. Qualified research and development expenses include expenses related to reformulating existing vaccines, countermeasures, or products.

(C) DETERMINING RESEARCH EXPENSES.—Any vaccines, countermeasures, or products research expenses for any taxable year which are qualified research expenses (within the meaning of this subsection) shall be taken into account in determining base period research expenses for purposes of applying this paragraph to subsequent taxable years.

(D) DENIAL OF DOUBLE BENEFIT FOR VACCINES, COUNTERMEASURES, OR PRODUCTS RESEARCH EXPENSES.—If any portion of the vaccines, countermeasures, or products research expenses is otherwise allowable as a deduction for the taxable year involved, the Secretary shall only provide a rebate under this section for the portion of such expenses not covered by any rebate determined by such deduction.

(E) ELIGIBILITY.—To be eligible to receive a rebate under this paragraph, a manufacturer or researcher shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including—

(i) a detailed description of the vaccine, countermeasure, or product being researched or developed;

(ii) a detailed description of the research that is the subject of the rebate;

(iii) a detailed accounting of the qualified research expenses involved;

(iv) an assurance that the researcher or manufacturer is following good laboratory practice, as required by the Secretary pursuant to the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) and the Public Health Service Act (42 U.S.C. 201 et seq.); and

(v) copies of tax returns for the taxable year involved.

(F) EFFECTIVE DATE.—This paragraph shall apply to expenses for taxable years beginning after December 31, 2005.

(4) EXCLUSION FOR AMOUNTS FUNDED BY GRANTS, ETC.—The terms "vaccines, countermeasures, or products manufacturing investment" and "qualified research expenses" shall not include any amount to the extent such amount is funded by any grant, contract, or otherwise funded by another person (or any governmental entity).

(c) GRANTS TO EXPAND AND IMPROVE RESEARCH AND DEVELOPMENT AND MANUFACTURING OF VACCINES, COUNTERMEASURES OR PRODUCTS.—Part B of title III of the Public Health Service Act is amended by inserting after section 319L, as added by this Act, the following:

"SEC. 319M. GRANTS TO EXPAND AND IMPROVE RESEARCH AND DEVELOPMENT AND MANUFACTURING OF VACCINES, QUALIFIED COUNTERMEASURES OR QUALIFIED PANDEMIC OR EPIDEMIC PRODUCTS.

"(a) IN GENERAL.—The Secretary may award grants to a manufacturer to purchase or improve real property and tangible personal property used in the research and development, manufacture, or distribution of a vaccine, qualified countermeasure (as defined in section 319F–1) or qualified pandemic or epidemic product (as defined in section 319F-3(c)(5)).

"(b) ELIGIBILITY.—To be eligible to receive a grant under subsection (a), a manufacturer shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including—

"(1) a detailed description of the planned expansion;

"(2) a detailed description of the equipment, facility, or property involved;

"(3) a certification that such facility or property is physically located in a State;

"(4) a detailed description of the vaccine, qualified countermeasure or qualified pandemic or epidemic product involved;

"(5) a detailed description of the research and development, manufacturer, or distribution involved;

"(6) a description of how such equipment, facility, or property is to be used;

"(7) a description of whether such equipment, facility, or property can be used for the research and development, manufacture, or distribution of a drug, biological product, device or other countermeasure not described in paragraph (4); and

"(8) a certification that the equipment, facility, or property involved complies with all applicable Federal, State, and local laws.

"(c) RECAPTURE.—

"(1) IN GENERAL.—If, at any time prior to the expiration of the 20-year period beginning on the date on which a grant is awarded under this section, the facility or property involved ceases to be used for the purpose for which the grant was awarded, the United States shall be entitled to recover from the manufacturer an amount bearing the same ratio to the value of the facility or property at such time as the amount of the grant bore to the total cost of the purchase or improvement involved. The value of the facility or property at such time may be determined by agreement of the manufacturer and the Secretary, or by order of the United States District Court for the district in which such facility or property is situated.

"(2) LIMITATION.—The Secretary may not recapture the facility or property under this subsection if the Secretary determines, in accordance with regulations promulgated by the Secretary, that there is good cause for the failure of proper use.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out this section.".

SEC. 9. TECHNICAL ASSISTANCE.

Subchapter E of chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb et seq.) is amended by adding at the end the following:

"SEC. 565. TECHNICAL ASSISTANCE.

"The Secretary, in consultation with the Commissioner of Food and Drugs, shall establish within the Food and Drug Administration a team of experts on manufacturing and regulatory activities (including compliance with current Good Manufacturing Practices) to provide both off-site and on-site technical assistance to the manufacturers of qualified countermeasures (as defined in section 319F-1 of the Public Health Service Act), security countermeasures (as defined in section 319F-2 of such Act), or vaccines, at the request of such a manufacturer and at the discretion of the Secretary, if the Secretary determines that a shortage or potential shortage may occur in the United States in the supply of such vaccines or products and that the provision of such assistance would be beneficial in helping alleviate or avert such shortage.".

SEC. 10. ANIMAL MODELS FOR CERTAIN DISEASES.

Part B of title IV of the Public Health Service Act (42 U.S.C. 284 et seq.) is amended by adding at the end the following:

"SEC. 409J. ANIMAL MODELS FOR CERTAIN DISEASES.

"(a) IN GENERAL.—The Secretary, acting through the Director of NIH, in coordination with the Director of the Biomedical Advanced Research and Development Agency, the Director of the Centers for Disease Control and Prevention, and the Commissioner of Food and Drugs, shall establish and award grants under this section to eligible entities, including other Federal agencies, to study the physiological responses of certain animal species and, where appropriate, juvenile models, to chemical, biological, radiological, or nuclear agents or toxins or potential pandemic infectious disease, and to develop and validate such animal models.

"(b) ELIGIBILITY.—To be eligible to receive a grant under this section, an entity shall—

"(1) provide assurances to the Secretary that the entity—

"(A) has access to an appropriate biosafety laboratory or facility, as determined by the Secretary; and

"(B) will follow good laboratory practices;

"(2) submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including—

"(A) a detailed description of the animal model involved;

"(B) a detailed description of the chemical, biological, radiological, nuclear, or other infectious agents involved;

"(C) a detailed description of how the animal model will be used for the development of a drug, biological product, or device for use as a countermeasure;

"(D) a detailed description of validation methods; and

"(E) an assurance that the entity will follow good laboratory practices; and

"(3) agree to submit the results of the research funded under the grant to the Director of the Biomedical Advanced Research and Development Agency and the Director of NIH.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.".

SEC. 11. ANIMAL MODEL/RESEARCH TOOL SCIENTIFIC ADVISORY COMMITTEE.

Subchapter E of chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb et seq.), as amended by this Act, is amended by adding at the end the following:

"SEC. 566. ANIMAL MODEL/RESEARCH TOOL SCIENTIFIC ADVISORY COMMITTEE.

"(a) ESTABLISHMENT.—Not later than 6 months after the date of enactment of this section, the Secretary shall establish an 11-member advisory committee to be known as the 'Animal Model/Research Tool Scientific Advisory Committee' (referred to in this section as the 'Advisory Committee').

"(b) MEMBERSHIP.—

"(1) IN GENERAL.—The Secretary shall appoint as members of the Advisory Committee individuals who are technically qualified by training and experience, including in medicine, veterinarian medicine, biology, technology involving the manufacture, evaluation, or use of research tools, who are of appropriately diversified professional backgrounds to evaluate the priority animal models and research tools.

"(2) EX OFFICIO MEMBERS.—The Secretary may appoint Federal officials, including at least 1 representative of the Biomedical Advanced Research and Development Agency, to serve as ex officio members of the Advisory Committee.

"(3) CHAIRPERSON.—The Secretary shall designate 1 of the members of the Advisory Committee to serve as the chairperson.

"(c) DUTIES.—The Advisory Committee shall provide advice, information, and recommendations to the Secretary on—

"(1) accepted animal models for diseases and conditions associated with any biological (including organisms that cause infectious diseases), chemical, radiological, or nuclear agent or toxin or potential pandemic infectious disease;

"(2) strategies to accelerate animal model and research tool development and validation; and

"(3) scientific issues raised in applications as requested by the Secretary.

"(d) PRIORITIES.—Priorities for animal models and research tools shall be established by the Secretary.

"(e) COMPENSATION; SUPPORT; FACA.—

"(1) COMPENSATION AND TRAVEL.—Members of the Advisory Committee who are not officers or employees of the United States, while attending conferences or meetings of the committee or otherwise engaged in its business, shall be entitled to receive compensation at rates to be fixed by the Secretary, which may not exceed daily equivalent of the rate in effect for level 4 of the Senior Executive Schedule under section 5382 of title 5, United States Code, for each day (including travel time) they are so engaged, and while so serving away from their homes or regular places of business each member may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Federal Government service employed intermittently.

"(2) ADMINISTRATIVE SUPPORT.—The Secretary shall furnish the Advisory Committee clerical and other assistance.

"(3) NONAPPLICATION OF FACA.—Section 14 of the Federal Advisory Committee Act (5

U.S.C. App.) shall not apply to the Advisory Committee.

“(f) PROCEEDINGS.—The Advisory Committee shall make and maintain a transcript of any proceeding of the Committee. The Committee shall delete from any transcript made under this subsection information, which is exempt from disclosure under section 552(b) of title 5, United States Code.”.

SEC. 12. COLLABORATION AND COORDINATION.

Section 2 of the Clayton Act (15 U.S.C. 13) is amended by adding at the end the following:

“(g) LIMITED ANTITRUST EXEMPTION.—

“(1) SECURITY COUNTERMEASURES, QUALIFIED COUNTERMEASURES AND QUALIFIED PANDEMIC OR EPIDEMIC PRODUCT DEVELOPMENT MEETINGS.—

“(A) COUNTERMEASURES AND PRODUCTS DEVELOPMENT MEETINGS AND CONSULTATIONS.—The Secretary of Health and Human Services (referred to in this subsection as the ‘Secretary’) or the Director of the Biomedical Advanced Research and Development Agency (referred to in this subsection as the ‘Director’), in coordination with the Attorney General and the Secretary of Homeland Security, may conduct meetings and consultations with parties involved in the development of security countermeasures (as defined in section 319F-2 of the Public Health Service Act) qualified countermeasures (as defined in section 319F–1 of the Public Health Service Act) or qualified pandemic or epidemic products (as defined in section 319F–3(c)(5) of the Public Health Service Act) (referred to in this section as “countermeasures or products”) for the purpose of the development, manufacture, distribution, purchase, sale, or storage of countermeasures or products consistent with the purposes of this title. The Secretary or Director may convene such meeting or consultation at the request of any person, the Secretary of Homeland Security, the Attorney General, the Chairperson of the Federal Trade Commission, an industry representative or member, or upon initiation by such Secretary. The Secretary or Director shall give notice of such meetings and consultations to the Chairperson of the Federal Trade Commission (referred to in this subsection as the ‘Chairperson’) and the Attorney General.

“(B) MEETING AND CONSULTATION CONDITIONS.—A meeting or consultation conducted under subparagraph (A) shall—

“(i) be chaired or, in the case of a consultation, facilitated by the Secretary or Director;

“(ii) be open to parties involved in the development, manufacture, distribution, purchase, or sale of countermeasures or products, as determined by the Secretary or Director;

“(iii) be open to the Attorney General, the Secretary of Homeland Security, and the Chairperson;

“(iv) be limited to discussions involving the development, manufacture, distribution, or sale of countermeasures or products, consistent with the purposes of this title; and

“(v) be conducted in such manner as to ensure that national security, confidential, and proprietary information is not disclosed outside the meeting or consultation.

“(C) LIMITATION.—The Secretary or Director may not require the disclosure of confidential commercial or proprietary information.

“(D) MINUTES.—The Secretary or Director shall maintain minutes of meetings and consultations under this subsection, which shall not be disclosed under section 552 of title 5, United States Code, unless such Secretary or Director, in consultation with the Attorney General, determines that disclosure would pose no threat to national security. Such determination shall not be subject to judicial review.

“(E) EXEMPTION.—

“(i) IN GENERAL.—The antitrust laws shall not apply to meetings and consultations under this paragraph.

“(ii) LIMITATION.—Clause (i) shall not apply to any agreement or conduct that results from a meeting or consultation and that does not receive an exemption pursuant to this subsection.

“(2) WRITTEN AGREEMENTS.—The Secretary or the Director shall file a written agreement regarding covered activities, made pursuant to meetings or consultations conducted under paragraph (1) and that is consistent with this paragraph, with the Attorney General and the Chairperson for a determination of the compliance of such agreement with antitrust laws. In addition to the proposed agreement itself, any such filing shall include—

“(A) an explanation of the intended purpose of the agreement;

“(B) a specific statement of the substance of the agreement;

“(C) a description of the methods that will be utilized to achieve the objectives of the agreement;

“(D) an explanation of the necessity of a cooperative effort among the particular participating parties to achieve the objectives of the agreement; and

“(E) any other relevant information determined necessary by the Secretary or Director in consultation with the Attorney General and the Chairperson.

“(3) DETERMINATION.—The Attorney General, in consultation with the Chairperson, shall determine whether an agreement regarding covered activities referred to in paragraph (2) would likely—

“(A) be in compliance with the antitrust laws, and so inform the Secretary or Director and the participating parties; or

“(B) violate the antitrust laws, in which case, the filing shall be deemed to be a request for an exemption from the antitrust laws, limited to the performance of the agreement consistent with the purposes of this title.

“(4) ACTION ON REQUEST FOR EXEMPTION.—

“(A) IN GENERAL.—The Attorney General, in consultation with the Chairperson, shall grant, deny, grant in part and deny in part, or propose modifications to a request for exemption from the antitrust laws under paragraph (3) within 15 business days of the receipt of such request.

“(B) EXTENSION.—The Attorney General may extend the 15-day period referred to in subparagraph (A) for an additional period of not to exceed 10 days. Such additional period may be further extended only by the United States district court, upon an application by the Attorney General after notice to the Secretary or Director and the parties involved.

“(C) DETERMINATION.—In granting an exemption under this paragraph, the Attorney General, in consultation with the Chairperson and the Secretary or Director—

“(i) shall find—

“(I) that the agreement involved is necessary to ensure the availability of countermeasures or products;

“(II) that the exemption from the antitrust laws would promote the public interest; and

“(III) that there is no substantial competitive impact to areas not directly related to the purposes of the agreement; and

“(ii) may consider any other factors determined relevant by the Attorney General and the Chairperson.

“(5) LIMITATION ON AND RENEWAL OF EXEMPTIONS.—An exemption granted under paragraph (4) shall be limited to covered activities, and shall be renewed (with modifications, as appropriate) on the date that is 3 years after the date on which the exemption becomes effective (and at 3-year intervals thereafter, if renewed) unless the Attorney General in consultation with the Chairperson determines that the exemption should not be renewed (with modifications, as appropriate) considering the factors described in paragraph (4).

“(6) LIMITATION ON PARTIES.—The use of any information acquired under an exempted agreement by the parties to such an agreement for any purposes other than those specified in the antitrust exemption granted by the Attorney General shall be subject to the antitrust laws and any other applicable laws.

“(7) GUIDELINES.—The Attorney General and the Chairperson may develop and issue guidelines to implement this subsection.

“(8) REPORT.—Not later than 1 year after the date of enactment of the Biodefense and Pandemic Vaccine and Drug Development Act of 2005, and annually thereafter, the Attorney General and the Chairperson shall report to Congress on the use and continuing need for the exemption from the antitrust laws provided by this subsection.

“(9) STATUS OF MEMORANDUMS.—Minutes maintained by the Secretary or Director pursuant to paragraph (1)(D) shall not be disclosed under section 552 of title 5, United States Code, if the exemption is not renewed under paragraph (5), or if meetings are no longer conducted, unless the Secretary or Director, in consultation with the Attorney General, determines that the disclosure would pose no threat to national security. Such determination shall not be subject to judicial review.

“(h) SUNSET.—The authority of the Attorney General to grant or renew a limited antitrust exemption under this section shall expire at the end of the 6-year period that begins on the date of enactment of the Biodefense and Pandemic Vaccine and Drug Development Act of 2005.

“(i) DEFINITIONS.—In this section:

“(1) ANTITRUST LAWS.—The term ‘antitrust laws’—

“(A) has the meaning given such term in subsection (a) of the first section of this Act, except that such term includes the Act of June 19, 1936 (15 U.S.C. 13 et seq.) (commonly known as the Robinson-Patman Act), and section 5 of the Federal Trade Commission Act (15 U.S.C. 45) to the extent such section 5 applies to unfair methods of competition; and

“(B) includes any State law similar to the laws referred to in subparagraph (A).

“(2) COVERED ACTIVITIES.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), the term ‘covered activities’ means any group of activities or conduct, including attempting to make, making, or performing a contract or agreement or engaging in other conduct, for the purpose of—

“(i) theoretical analysis, experimentation, or the systematic study of phenomena or observable facts necessary to the development of countermeasures or products;

“(ii) the development or testing of basic engineering techniques necessary to the development of countermeasures or products;

"(iii) the extension of investigative findings or theory of a scientific or technical nature into practical application for experimental and demonstration purposes, including the experimental production and testing of models, prototypes, equipment, materials, and processes necessary to the development of countermeasures or products;

"(iv) the production, distribution, or marketing of a product, process, or service that is a countermeasures or products;

"(v) the testing in connection with the production of a product, process, or services necessary to the development of countermeasures or products;

"(vi) the collection, exchange, and analysis of research or production information necessary to the development of countermeasures or products; or

"(vii) any combination of the purposes described in clauses (i) through (vi);

and such term may include the establishment and operation of facilities for the conduct of covered activities described in clauses (i) through (vi), the conduct of such covered activities on a protracted and proprietary basis, and the processing of applications for patents and the granting of licenses for the results of such covered activities.

"(B) EXCEPTION.—The term 'covered activities' shall not include the following activities involving 2 or more persons:

"(i) Exchanging information among competitors relating to costs, profitability, marketing, or distribution of any product, process, or service if such information is not reasonably necessary to carry out the purposes of covered activities.

"(ii) Entering into any agreement or engaging in any other conduct—

"(I) to restrict or require the sale, licensing, or sharing of inventions, developments, products, processes, or services not developed through, produced by, or distributed or sold through such covered activities; or

"(II) to restrict or require participation by any person who is a party to such covered activities in other research and development activities, that is not reasonably necessary to prevent the misappropriation of proprietary information contributed by any person who is a party to such covered activities or of the results of such covered activities.

"(iii) Entering into any agreement or engaging in any other conduct allocating a market with a competitor that is not expressly exempted from the antitrust laws by a determination under subsection (g)(4).

"(iv) Exchanging information among competitors relating to production (other than production by such covered activities) of a product, process, or service if such information is not reasonably necessary to carry out the purpose of such covered activities.

"(v) Entering into any agreement or engaging in any other conduct restricting, requiring, or otherwise involving the production of a product, process, or service that is not so expressly exempted from the antitrust laws by a determination under subsection (g)(4).

"(vi) Except as otherwise provided in this subsection, entering into any agreement or engaging in any other conduct to restrict or require participation by any person who is a party to such activities, in any unilateral or joint activity that is not reasonably necessary to carry out the purpose of such covered activities.

"(vii) Entering into any agreement or engaging in any other conduct restricting or setting the price at which a product is offered for sale, whether by bid or otherwise.

"(4) DEVELOPMENT.—The term 'development' includes the identification of suitable compounds or biological materials, the conduct of preclinical and clinical studies, the preparation of an application for marketing approval, and any other actions related to preparation of a countermeasure or product.".

SEC. 13. PROCUREMENT.

Section 319F-2 of the Public Health Service Act (42 U.S.C. 247d-6b) is amended—

(1) in the section heading, by inserting "**AND SECURITY COUNTERMEASURE PROCUREMENTS**" before the period; and

(2) in subsection (c)—

(A) in the subsection heading, by striking "BIOMEDICAL";

(B) in paragraph (5)(B)(i), by striking "to meet the needs of the stockpile" and inserting "to meet the stockpile needs";

(C) in paragraph (7)(C)(ii)—

(i) by amending clause (I) to read as follows:

"(I) PAYMENT CONDITIONED ON DELIVERY.—The contract shall provide that no payment may be made until delivery of a portion, acceptable to the Secretary, of the total number of units contracted for, except that, notwithstanding any other provision of law, the contract may provide that, if the Secretary determines (as the Secretary's discretion) that an advance payment, partial payment for significant milestones, or payment to increase manufacturing capacity is necessary to ensure success of a project, the Secretary shall pay an amount, not to exceed 10 percent of the contract amount, in advance of delivery. The contract shall provide that such advance payment is required to be repaid if there is a failure to perform by the vendor under the contract. The contract may also provide for up to 3 additional advance payments of 5 percent each for meeting the milestones specified in such contract. Provided that the specified milestones are reached, these advanced payments of 5 percent shall not be required to be repaid. Nothing in this subclause shall be construed as affecting the rights of vendors under provisions of law or regulation (including the Federal Acquisition Regulation) relating to the termination of contracts for the convenience of the Government."; and

(ii) by adding at the end the following:

"(VII) SALES EXCLUSIVITY.—The contract may provide that the vendor is the sole and exclusive supplier of the product to the Federal Government for a specified period of time, not to exceed 15 years, on the condition that the vendor is able to satisfy the needs of the Government. During the agreed period of sales exclusivity, the vendor shall not assign its rights of sales exclusivity to another entity or entities without approval by the Secretary.

"(VIII) SURGE CAPACITY.—The contract may provide that the vendor establish domestic manufacturing capacity of the product to ensure that additional production of the product is available in the event that the Secretary determines that there is a need to quickly purchase additional quantities of the product. Such contract may provide a fee to the vendor for establishing and maintaining such capacity in excess of the initial requirement for the purchase of the product. Additionally, the cost of maintaining the domestic manufacturing capacity shall be an allowable and allocable direct cost of the contract.

"(IX) CONTRACT TERMS.—The Secretary, in any contract for procurement under this section, may specify—

"(aa) the dosing and administration requirements for countermeasures to be developed and procured;

"(bb) the amount of funding that will be dedicated by the Secretary for research and development of the countermeasure; and

"(cc) the specifications the countermeasure must meet to qualify for procurement under a contract under this section."; and

(D) in paragraph (8)(A), by adding at the end the following: "Such agreements may allow other executive agencies to order qualified and security countermeasures under procurement contracts or other agreements established by the Secretary. Such ordering process (including transfers of appropriated funds between an agency and the Department of Health and Human Services as reimbursements for such orders for countermeasures) may be conducted under the authority of section 1535 of title 31, United States Code, except that all such orders shall be processed under the terms established under the Biodefense and Pandemic Vaccine and Drug Development Act of 2005 and the Project BioShield Act of 2004, for the procurement of countermeasures under section 319F-1 or 319F-2."

SEC. 14. NATIONAL PATHOLOGY CENTER.

(a) IN GENERAL.—Title IV of the Public Health Service Act (42 U.S.C. 281 et seq.) is amended—

(1) in section 401(b)(2), by adding at the end the following:

"(H) The National Pathology Center."; and

(2) by adding at the end of part E (42 U.S.C. 287 et seq.) the following:

"Subpart 7—National Pathology Center

"SEC. 485A. ESTABLISHMENT OF NATIONAL PATHOLOGY CENTER.

"In order to provide pathology consultation for civilian and military health professionals (including Department of Veterans Affairs health professionals) there is established the National Pathology Center (in this subpart referred to as the 'Center'). The Center shall be headed by a director, who shall be appointed by the Secretary. The Director of the Center shall report directly to the Director of NIH.

"SEC. 485B. PURPOSES AND FUNCTIONS OF THE CENTER.

"(a) PURPOSES OF THE CENTER.—The general purposes of the Center are to—

"(1) conduct and support research, education, training, and other programs with respect to the science and clinical practice of pathology;

"(2) maintain and improve a pathology tissue repository; and

"(3) provide pathology consultation services.

"(b) ACTIVITIES OF THE DIRECTOR.—In order to carry out the purposes of the Center described in subsection (a), the Director of the Center—

"(1) shall—

"(A) maintain and improve a comprehensive repository of pathological specimens;

"(B) provide consultations on request regarding clinical cases;

"(C) conduct educational programs and publish educational materials on the science and clinical practice of pathology;

"(D) maintain and improve registries on such clinical conditions as the Director of the Center determines appropriate; and

"(E) conduct and support research on pathology; and

"(2) may—

"(A) collect reasonable and appropriate fees for the activities described in paragraph (1)(B); and

"(B) conduct such other activities as the Director of the Center determines appropriate to carry out the purposes described in subsection (a).

"(c) AUTHORITY FOR EXPERT OPINIONS.—The Director of the Center may enter into memoranda of understanding with officials at the Department of Veterans Affairs and the Department of Defense to provide expert second opinion pathology consultations and pathology education or training if the Secretary of either such Department determines that such provision would be in the best interest of either of their respective departments.

"SEC. 485C. BOARD OF REGENTS.

"(a) MEMBERSHIP.—

"(1) IN GENERAL.—There is established a Board of Regents of the Center (in this subpart referred to as the 'Board') consisting of—

"(A) the Surgeons General of—

"(i) the Public Health Service;

"(ii) the Army;

"(iii) the Navy; and

"(iv) the Air Force;

"(B) the Chief Medical Director of the Department of Medicine and Surgery of the Department of Veterans Affairs;

"(C) the Deputy Director of the National Library of Medicine;

"(D) the Assistant Secretary of Health of the Department of Defense;

"(E) the Dean of the Uniformed Services University of the Health Sciences; and

"(F) 11 members to be appointed by the Secretary from among leaders in pathology research, education and clinical practice.

"(2) EX OFFICIO MEMBERS.—The members of the Board described in subparagraphs (A) through (E) of paragraph (1) shall serve as ex officio members of the Board.

"(3) CHAIRPERSON.—The members of the Board appointed under paragraph (1)(F) shall annually elect one of such members to serve as the Chairperson of the Board until the next election.

"(b) DUTIES OF THE BOARD.—It shall be the duty of the Board to advise, consult with, and make recommendations to the Director of NIH on important matters of policy in regard to the Center, including such matters as the scope, content and organization of the research, education and consultative services provided by the Center. The Board shall make recommendations to the Director of NIH regarding the rules under which specimens from the tissue repository will be used and under which it's publications, facilities and services will be made available to various kinds of users.

"(c) TERMS OF OFFICE.—Each appointed member of the Board shall hold office for a term of 4 years, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which the predecessor of such member was appointed shall be appointed for the remainder of such term. None of the appointed members shall be eligible for reappointment within 1 year after the end of the preceding term of such member.

"(d) COMPENSATION.—Appointed members of the Board who are not otherwise in the employ of the United States, while attending conferences of the Board or otherwise serving at the request of the Secretary in connection with the administration of the Board, shall be entitled to receive compensation, per diem in lieu of subsistence, and travel expenses in the same manner and under the same conditions as that prescribed under section 208(c).

"SEC. 485D. GIFTS TO THE CENTER.

"Section 231 shall be applicable to the acceptance and administration of gifts made for the benefit of the Center or for carrying out any of its functions.

"SEC. 485E. CENTER FACILITIES.

"There are authorized to be appropriated amounts sufficient for the erection and equipment of suitable and adequate buildings and facilities for use of the Center. The Administrator of General Services may acquire, by purchase, condemnation, donation, or otherwise, a suitable site or sites, selected by the Secretary in accordance with the direction of the Board, for such buildings and facilities and to erect thereon, furnish, and equip such buildings and facilities. The amounts authorized to be appropriated by this section include the cost of preparation of drawings and specifications, supervision of construction, and other administrative expenses incident to the work. The Administrator of General Services shall prepare the plans and specifications, make all necessary contracts, and supervise construction.".

(b) REPORT.—Not later than 12 months after the date of enactment of this Act, the Secretary of Health and Human Services shall submit a report to the appropriate committees of Congress that contains—

(1) a review of all functions and duties of the National Pathology Center under subpart 7 of part E of title IV of the Public Health Service Act,as established by subsection (a);

(2) areas where such functions and duties overlap with the functions and duties of the National Institutes of Health; and

(3) recommendations concerning necessary modifications to the National Pathology Center.

(c) TRANSFER OF THE ARMED FORCES INSTITUTE OF PATHOLOGY.—

(1) IN GENERAL.—

(A) IN GENERAL.—Except as provided in subparagraph (B), there are transferred to the National Pathology Center established under subpart 7 of part E of title IV of the Public Health Service Act all functions, duties, personnel, assets, liabilities, contracts, property, records, and unexpended balances of appropriations of the Armed Forces Institute of Pathology. The preceding sentence shall not affect any proceedings, pending applications, suits, or other actions pending on the date of enactment of this Act.

(B) EXCEPTIONS.—The following components of the Armed Forces Institute of Pathology shall not be transferred from the Department of Defense pursuant to subparagraph (A):

(i) The Armed Forces Medical Examiner.

(ii) The Department of Defense DNA registry.

(iii) Accident Investigation Program.

(iv) The histopathology training program.

(v) The patient safety center.

(vi) Department of Legal Medicine.

(vii) Center for Clinical Laboratory Medicine.

(viii) Drug Testing and Quality Assurance Program.

(ix) Subject to the discretion of the Secretary of Defense, medical research programs on the following:

(I) Body armor.

(II) Environmental sarcoidosis.

(III) Depleted uranium.

(IV) Military working dogs.

(V) Such other areas of research related to pathology as the Secretary of Defense shall choose to conduct.

(2) REFERENCES.—Any reference in any Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or relating to the Armed Forces Institute of Pathology shall be deemed to be a reference to the National Pathology Center established under subpart 7 of part E of title IV of the Public Health Service Act.

By Mrs. FEINSTEIN:

S. 1874. A bill to amend title 28, United States Code, to clarify jurisdiction of Federal Courts over a tort action brought by an alien, and for other purposes; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I am pleased to introduce legislation that clarifies the meaning and scope of the Alien Tort Statute.

This 200-year-old law has spawned dozens of legal cases involving U.S. multinational companies, human rights groups, foreign plaintiffs, the State Department, and millions of dollars in litigation costs. Numerous companies in California are in the midst of these lawsuits as defendants and it is my view that legislation can help refine and improve the law.

Judges have grappled in interpreting and applying the statute for years now without a consensus view emerging. I think it would be fair to say that confusion reigns supreme when it comes to alien tort suits.

Given this opaque legal picture, last summer the Supreme Court ruled on a case, Sosa v. Alvarez Machain, in an attempt to reconcile conflicting decisions from judges across the country.

The Court's June 2004 ruling was notable, for embracing certain principles that will help guide the Judiciary branch on alien tort claim issues but for leaving many questions unanswered as well.

It held that a substantive, legal basis exists for foreigners to sue U.S. individuals and corporations over alleged human rights violations occurring in overseas locations. The Court essentially affirmed that a limited, implicit sanction for courts exists to decide certain alien tort claims.

At the same time, the opinion provided a wide berth for what the claims might actually be. The Court hedged on key issues, without clearly demarcating what suits ought to go forward under the statute and which ones should be summarily dismissed.

In particular the ruling did not address: which international law claims by foreigners should be heard in a U.S. district court, and the standard of liability for U.S. companies facing these human rights charges.

To clarify these areas, the Justices wrote that they would welcome "any congressional guidance" on the breadth of the statute. During oral arguments a number of the Justices appeared to concur that a legislative approach would make sense. One Justice even commented that "I just wonder if it isn't wise to . . . let Congress have a look at this thing."

Those views were echoed by a Washington Post editorial that followed soon after. The paper stated that the alien tort law has "formed the basis for litigation against U.S. companies involved with nefarious regimes abroad. And while horrid conduct by an American company ought to be, where proven, grounds for action in American courts, the parameters of such litigation are surely a legislative question, not one for the freewheeling discretion of judges. . . . But the court left open the possibility that at least some of these suits can proceed in the absence of further congressional action."

The Court's perspective, along with the Post commentary, indicates, at least to me, a sense of caution about imposing by judicial fiat action that is better left to consideration and refinement by the Congress.

The Court's hesitation to legislate from the bench shifts the responsibility to this body, I believe, to pass legislation that settles on a reasonable legal means that plaintiffs and defendants alike can rely on to litigate their differences.

I believe the measure we are introducing today accomplishes this basic and important goal.

Right now, courts are essentially adrift in terms of being able to pinpoint the underlying meaning, scope and intent of this 200-year-old statute. In its entirety, it reads: "The district courts shall have original jurisdiction of any civil action by an alien for a tort only, committed in violation of the law of nations or a treaty of the United States."

The economy of words makes the law abstruse and subject to varying interpretation. And complex, lengthy and unnecessary litigation has burdened the courts as a result.

This new bill will establish a fair, legal basis for filing suit under the Alien Tort Statute (ATS). And it will have the added benefit of explicating the law's dual jurisdictional and substantive nature.

The measure: specifies a legal standard convicting defendants of wrongdoing if they directly participate with specific intent to commit the alleged tort; codifies international claims under the Alien Tort law to include genocide, torture, slavery and slave trade, extrajudicial killing, and piracy; expands on existing statutory law, the Torture Victim Protection Act; states that Federal courts shall not proceed with tort claims when the President adequately certifies that such exercise of jurisdiction will have a negative impact on the foreign policy interests of the U.S.; maintains that every effort should be made to try these cases in the country of origin before granting jurisdiction in U.S. courts; invokes a 10-year statute of limitations on ATS charges filed against U.S. multinational companies; and disallows contingency fee arrangements for legal representatives of plaintiffs or defendants.

The Supreme Court's delineation that the Alien Tort law is jurisdictional in one sense, but recognizes a restricted category of substantive claims encompassed by the law of nations, leaves many unresolved questions.

The historical origins of the ATS, passed by the First Congress as part of the Judiciary Act of 1789, suggest that certain offenses relevant to that period in American history—piracy, infringing the rights of ambassadors, and prevention of safe travel abroad—were meant to be prosecutable. But Justice Souter's Alvarez-Machain opinion notes that a slim legislative history of the statute makes it difficult to surmise the law's true intent.

At the same time, Justice Souter opined: "Still, the history does tend to support two propositions. First, there is every reason to suppose that the First Congress did not pass the ATS as a jurisdictional convenience to be placed on the shelf for use by a future Congress or state legislature that might, some day, authorize the creation of causes of action or itself decide to make some element of the law of nations actionable for the benefit of foreigners. The anxieties of the preconstitutional period cannot be ignored easily enough to think that the statute was not meant to have a practical effect. . . . The second inference to be drawn from the history is that Congress intended the ATS to furnish jurisdiction for a relatively modest set of actions alleging violations of the law of nations."

The opinion ranges further, that, such a "modest set of actions" indeed applies to current times, not merely offenses grounded in law two hundred years ago. The critical portion reads: "Accordingly, we think courts should require any claim based on the present-day law of nations to rest on a norm of international character accepted by the civilized world and defined with specificity comparable to the features of the 18th century paradigms we have recognized."

I am uncomfortable with such a nebulous, open-ended legal approach permitting courts to entertain suits based on a "norm of international character" and "specificity" consistent with crimes of early American history. Adjudicating cases based on these broad historical and legal precepts is admirable. In practical terms it remains very difficult.

The Congress ought to weigh in and play a constructive role. Without legislation, judges will continue to reach markedly different conclusions under the law, based on arbitrary interpretations of case-specific facts and other considerations.

Let's take the legal mystery out of the statute and what qualifies as an alien tort and replace it with something that is concrete and appropriate for the times.

At the heart of this legislation is codifying a class of violations of international law that will discourage defendant companies from consorting with human rights violators in any respect. They will be held liable if they do so by a specific standard that judges whether they intentionally and directly caused certain violations of human rights.

A plaintiff victim will be able to vindicate their rights by filing an express statutory cause of action based on a half dozen egregious wrongs. Regardless of the foreign policy and trade implications, defendant U.S. companies will be held fully accountable under the bill for bad corporate behavior in their overseas business operations.

That is as it should be. Certain alien torts in violation of the law of nations ought to be cognizable and this legislation ensures that result. Moreover, the fact that specific crimes are made actionable and enforceable will aid human rights organizations in their fight to strengthen the deterrent effect of the law for potential violators.

Regarding the defendant perspective, in one friend of the court brief submitted in the Alvarez Machain case, the argument was made that ". . . companies face enormous uncertainty regarding the scope of potential claims under the statute. . . . Because ATS cases are based upon an implied cause of action without any clear standards of liability, there may be little companies can do to protect themselves against potential claims, short of simply ceasing to do business in the many nations whose human rights practices come up short against evolving Western ideals."

The business community ought to embrace this legislation precisely because it wipes away this uncertainty. The best way to encourage U.S. multinationals to invest abroad is: 1. by specifying a universe of the most egregious human rights violations that they may be held liable for and 2. offering a clear, understandable legal standard that judges their actions accordingly. This legislative measure tackles both issues head on.

There are estimates that dozens of existing alien tort suits claim damages—collectively—in excess of $200 billion dollars. That's an extraordinary sum that rightly concerns the U.S. business community, particularly given numerous inconsistent federal courts verdicts handed down in the past two decades.

This legislation deters private plaintiffs from filing sweeping and specious claims simply because a corporation has a U.S. legal nexus and deep pockets. Yet, it expands the basis for foreign plaintiffs pursuing certain international law causes of action in federal court by codifying their rights in a judicious way.

While some in the U.S. business community would prefer that the Alien

Tort statute be deleted from the U.S. Code altogether, I would respectfully disagree. A fair compromise that balances the interests of U.S. companies and human rights organizations is what this legislation seeks to accomplish.

The Congress has waded into this debate before, passing the Torture Victim Protection Act in 1991, and this new legislation contains many similar elements: a statute of limitations, a statutory exhaustion provision, and specifying torture and extrajudicial killing as within the adjudicatory discretion of a district court.

There is precedent, then, for the Legislative branch acting to provide civil redress for victims of torture. Asserting extraterritorial jurisdiction under the ATS, for torture and other jus cogen violations, has a firm footing in American jurisprudence.

The legislative history of the TVPA is important because it spells out the constitutional grounds justifying that statutory law and this new legislation as well.

The Senate Judiciary Committee report on the TVPA states as follows: "Under article III of the Constitution, the Federal judiciary has the power to adjudicate cases 'arising under' the 'law of the United States.' The Supreme Court has held that the law of the United States includes international law. . . . Congress's ability to enact this legislation also derives from article I, section 8 of the Constitution which authorizes Congress 'to define and punish . . . Offenses against the Law of Nations.' "

Existing case law confirms the point that Congress has given the federal courts the power to interpret and apply international human rights law. The notable Paquete Habana decision states, in part, that "international law is part of our law, and must be ascertained and administered by the courts of justice of appropriate jurisdiction, as often as questions of right depending upon it are duly presented for their determination. . . Congress, however, has not only expressed no disagreement with our view of the proper exercise of the judicial power, but has responded to its most notable instance by enacting legislation [the Torture Victim Protection Act] supplementing the judicial determination in some detail."

The view expressed in the Alvarez Machain case last year was much the same, that no development in the last two centuries has "categorically precluded federal courts from recognizing a claim under the law of nations as an element of common law."

Different precedent, Tel Oren v. Libyan Arab Republic, also posits that civil liability should ensue from certain violations of international law, suggesting that the "limits of section 1350's [the ATS] reach" be defined by "a handful of heinous actions—each of which violates definable, universal and obligatory norms."

This legislation fills that legal vessel with the most egregious crimes: genocide, torture, slavery and slave trading, extrajudicial killing, and piracy. These jus cogen offenses are singled out through 1. stare decisis, 2. the Restatement (Third) of Foreign Relations Law, 3. academic writings, 4. official annual human rights assessments from the State Department and 5. among the writings and publications of many human rights and international law advocacy groups.

Congress is in the best position to make the determination of what falls within the ambit of the statute, not judges across America who lack expertise, time, and resources to assess what constitutes definable, specific, universal, and obligatory norms of international law. The bill, I would submit, represents a good faith effort in permitting these tortious acts, all firmly established and well defined in international law norms, to be prosecuted in U.S. district courts.

I was interested to read the views last year of the head of the National Foreign Trade Council, William Reinsch, that "these cases are going to end up in the Supreme Court . . . and the Court will over time end up defining what in its judgment constitutes the law of nations and what does not. But that seems to us a fairly circuitous way of doing things." I would concur, particularly since the Supreme Court's decision last year in the Alvarez Machain case did not clear up the inherent vagaries in the law.

A significant provision in this legislation creates a standard of liability that requires plaintiffs to show that a defendant directly participated with specific intent in carrying out the alleged tort. In my view, we need to deter legal fishing expeditions, whereby plaintiffs come to the bar with flinty facts backing weak charges. Their real intent, it seems, is to rely on an extensive legal discovery process to uncover matters that embarrass companies and delay their business plans.

In the groundbreaking 1980 Filartiga v. Pena-Irala case, for example, the threshold requirement laid out was that the offense needed to be "clear and unambiguous" to be viable under the statute. Succeeding cases have affirmed a standard essentially requiring proof of a defendant aiding and abetting the worst human rights violations. This bill replaces the current aiding and liability standard for good reason: these foreign-based claims demand a particularity of facts that is both strong and specific.

I would submit that the existing ambiguous grant of jurisdiction needs more refinement to provide judges legal bright lines for deciding these cases. My bill offers precise, and fair, treatment for which cases get standing in a U.S. court.

A common theme in dozens of cases alien tort cases is whether the facts and law combine to present a nonjusticiable political question. Each cause of action is obviously different, and whether the matter ought to be under the province of a different branch of government requires careful analysis.

I would certainly agree that certain prudential doctrines, act of state, political question, foreign sovereign immunity, forum non conveniens, and considerations of comity among nations, at times can be appropriately invoked to limit jurisdiction.

Part of that consideration can usefully come from statements of interest and certifications submitted by the Executive branch; for that reason, the legislation I'm offering preserves a suitable role for the Executive branch to weigh in. If a judge determines that a certification offered by the State Department adequately justifies that harm will come to U.S. foreign policy interests if an alien tort suit proceeds, then dismissal is warranted.

In regards to restricting the statute of limitations to ten years, equitable tolling considerations should be explicitly considered in interpreting provisions in the legislation. There are numerous factors that give rise to equitable tolling and long-established judge-made doctrine in this area is not inconsistent with the goals of my bill.

Complementary legislation which I raised earlier, the Torture Victim Protection Act, upholds the principle of equitable tolling. The Judiciary Committee report on that measure notes some common examples:

"The statute of limitation should be tolled during the time the defendant was absent from the United States or from any jurisdiction in which the same or a similar action arising from the same facts may be maintained by the plaintiff, provided that the remedy in that jurisdiction is adequate and available. Excluded also from calculation of the statute of limitations would be the period when a defendant has immunity from suit. The statute of limitations should also be tolled for the period of time in which the plaintiff is imprisoned or otherwise incapacitated."

I would submit that all of these listed circumstances, and others, are sufficient to suspend the running of the time under my legislation.

Let me conclude by referring back to one of the Supreme Court's foundational points in the Alvarez-Machain case that "despite considerable scholarly attention, it is fair to say that a consensus understanding of what Congress intended has proven elusive."

The 33 words contained in the law remain a "legal Lohengrin" since "no one seems to know whence it came" added a judge hearing a different case some years ago. As a result, costly, complex litigation proceeds forward across the country.

Courts deserve guidance from Congress about how to treat and interpret the statute, particularly in light of the growing importance of international trade and commerce. In a major address Supreme Court Justice O'Connor recently observed that "international law has emerged in ways that affect all courts, both here and abroad. The reason is globalization. Its importance should not be underestimated. Thirty percent or more of our gross domestic product is internationally derived." Yet these particular suits, brought by foreigners for massive monetary damages, threaten the international economic activities that are important to sustaining the American economy.

The suits should be able to go forward, but judges need better legal tools to make heads or tails of the cases that come before them hence the motivation for introducing the Alien Tort Statute Reform Act.

With full understanding of the Supreme Court's admonition to act with judicial caution in framing the alien tort statute, I believe it is time for Congress to bring clarity to the law and this proposed legislation does so.

I look forward to working with colleagues on the Judiciary Committee, through the hearing process and other means, to give this matter serious consideration by the Legislative branch.

I ask unanimous consent that the text of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1874

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Alien Tort Statute Reform Act".

SEC. 2. SUITS BY ALIENS.

Section 1350 of title 28, United States Code, is amended to read as follows:

"§ 1350. Alien's action for tort

"(a) JURISDICTION OF DISTRICT COURTS.—The district courts shall have original and exclusive jurisdiction of any civil action brought by an alien asserting a claim of torture, extrajudicial killing, genocide, piracy, slavery, or slave trading if a defendant is a direct participant acting with specific intent to commit the alleged tort. The district courts shall not have jurisdiction over such civil suits brought by an alien if a foreign state is responsible for committing the tort in question within its sovereign territory.

"(b) DEFINITIONS.—For the purposes of this section:

"(1) DEFENDANT.—The term 'defendant' means any person subject to the jurisdiction of the district courts of the United States, including—

"(A) a United States citizen;

"(B) a natural person who is a permanent resident of the United States;

"(C) a natural person who resides in the United States; or

"(D) a partnership, corporation, or other legal entity organized under the laws of the United States or of a foreign state.

"(2) FOREIGN STATE.—The term 'foreign state' has the meaning given that term in section 1603 of title 28, United States Code.

"(3) EXTRAJUDICIAL KILLING.—The term 'extrajudicial killing'—

"(A) means a deliberated killing, which—

"(i) notwithstanding the jurisdictional limitations referred to in subsection (a), is carried out by an individual under actual or apparent authority, or color of law, of any foreign state;

"(ii) is directed against another individual in the offender's custody or physical control; and

"(iii) is not authorized by a previous judgment pronounced by a regularly constituted court affording all the judicial guarantees which are recognized as indispensable by civilized peoples; and

"(B) does not include any such killing that, under international law, is lawfully carried out under the authority of a foreign state.

"(4) GENOCIDE.—The term 'genocide' means, whether in time of peace or in time of war, an act carried out, or an attempt to carry out an act, with the specific intent to destroy, in whole or in substantial part, a national, ethnic, racial, or religious group as such, which—

"(A) kills members of that group;

"(B) causes serious bodily injury to members of that group;

"(C) causes the permanent impairment of the mental faculties of members of the group through drugs, torture, or similar techniques;

"(D) subjects the group to conditions of life that are intended to cause the physical destruction of the group in whole or in part;

"(E) imposes measures intended to prevent births within the group; or

"(F) transfers by force children of the group to another group.

"(5) PIRACY.—The term 'piracy' means—

"(A) any illegal acts of violence or detention, or any act of depredation, committed for private ends by the crew or the passengers of a private ship or a private aircraft, and directed—

"(i) on the high seas, against another ship or aircraft, or against persons or property on board such ship or aircraft; or

"(ii) against a ship, aircraft, persons, or property in a place outside the jurisdiction of any country;

"(B) any act of voluntary participation in the operations of a ship or of an aircraft with knowledge of facts making it a pirate ship or aircraft; or

"(C) any act of inciting or of intentionally facilitating an act described in subparagraph (A) or (B).

"(6) SLAVE TRADING.—The term 'slave trading' includes—

"(A) all acts involved in the capture, acquisition, or disposal of a person with intent to reduce such person to slavery;

"(B) all acts involved in the acquisition of a slave with a view to selling or exchanging such slave;

"(C) all acts of disposal by sale or exchange of a slave acquired with a view to being sold or exchanged; and

"(D) in general, every act of trade or transport of slaves.

"(7) SLAVERY.—The term 'slavery' means the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised.

"(8) TORTURE.—

"(A) IN GENERAL.—Notwithstanding the jurisdictional limitations referred to in subsection (a), the term 'torture' means any act, carried out by an individual under actual or apparent authority, or color of law, of any foreign state, directed against another individual in the offender's custody or physical control, by which severe pain or suffering (other than pain or suffering arising only from or inherent in, or incidental to, lawful sanctions), whether physical or mental, is intentionally inflicted on that individual for such purposes as obtaining from that individual or a third person information or a confession, punishing that individual for an act that individual or a third person has committed or is suspected of having committed, intimidating or coercing that individual or a third person, or for any reason based on discrimination of any kind.

"(B) MENTAL PAIN OR SUFFERING.—In subparagraph (A), mental pain or suffering refers to prolonged mental harm caused by or resulting from—

"(i) the intentional infliction or threatened infliction of severe physical pain or suffering;

"(ii) the administration or application, or threatened administration or application, of mind altering substances, or other procedures calculated to disrupt profoundly the senses or the personality;

"(iii) the threat of imminent death; or

"(iv) the threat that another individual will imminently be subjected to death, severe physical pain or suffering, or the administration or application of mind altering substances or other procedures calculated to disrupt profoundly the senses or personality.

"(c) LIABILITY FOR DAMAGES.—Any defendant who is a direct participant acting with specific intent to commit a tort referred to in subsection (a) against an alien shall be liable for damages to that alien or to any person who may be a claimant in an action for the wrongful death of that alien.

"(d) EXHAUSTION OF REMEDIES.—A district court shall abstain from the exercise of jurisdiction over a civil action described in subsection (a) if the claimant has not exhausted adequate and available remedies in the place in which the injury occurred. Adequate and available remedies include those available through local courts, claims tribunals, and similar legal processes.

"(e) FOREIGN POLICY INTERESTS OF THE UNITED STATES.—No court in the United States shall proceed in considering the merits of a claim under subsection (a) if the President, or a designee of the President, adequately certifies to the court in writing that such exercise of jurisdiction will have a negative impact on the foreign policy interests of the United States.

"(f) PROCEDURAL REQUIREMENTS.—

"(1) SPECIFICITY.—In any action brought under this section, the complaint shall state with particularity specific facts that—

"(A) describe each tort alleged to have been committed and demonstrate the reason or reasons why the tort action may be brought under this section, provided that if an allegation is made on information and belief, the complaint shall state with particularity all facts on which that belief is formed; and

"(B) demonstrate that the defendant had the specific intent to commit the tort alleged to have been committed.

"(2) MOTION TO DISMISS.—In any action brought under this section, the court shall, on the motion of any defendant, dismiss the complaint if the requirements of subparagraphs (A) and (B) of paragraph (1) are not met.

"(3) STAY OF DISCOVERY.—In any action brought under this section, all discovery related to the merits of the claim and other proceedings shall be stayed during the pendency of any motion to dismiss, unless the court finds upon the motion of any party that particularized discovery is necessary to preserve evidence or to prevent undue prejudice to that party.

"(4) PLAINTIFF IDENTITY.—

"(A) REQUIREMENT.—Subject to subparagraph (B), in any action brought under this section, the first and last names of all plaintiffs shall be disclosed in the complaint filed with the court.

"(B) EXCEPTION.—A court may permit an anonymous filing of a complaint if a plaintiff's life or safety would be endangered by publicly disclosing the plaintiff's identity.

"(g) FEES.—Contingency fee arrangements are prohibited in any action brought under the jurisdiction provided in this section.

"(h) STATUTE OF LIMITATIONS.—No action shall be maintained under this section unless it is commenced not later than 10 years from the date the injury occurred.

"(i) APPLICATION OF OTHER LAWS.—Nothing in this section may be construed to waive or modify the application of any provision of the Class Action Fairness Act of 2005 (Public Law 109-2; 119 Stat. 4) and any amendment made by that Act, or of title 28, United States Code, to any class action law suit brought under this section.".

By Mr. BINGAMAN:

S. 1875. A bill to provide financial aid to local law enforcement officials along the Nation's borders, and for other purposes; to the Committee on the Judiciary.

Mr. BINGAMAN. Mr. President, I rise today to introduce the Border Law Enforcement Relief Act of 2005. This bill will provide local law enforcement in border communities with much needed assistance in combating border-related criminal activity. For far too long, law enforcement agencies operating along the border have had to incur significant costs due to the inability of the Federal Government to secure our Nation's borders. It is time that the Federal Government recognizes that border communities should not have to bear this burden alone.

The bill I am introducing today is aimed at enhancing security in the border region by giving law enforcement agencies the manpower and resources they need to combat border-related crimes. Specifically, the bill would establish a competitive grant program within the Department of Homeland Security to help local law enforcement situated along the border cover some of the costs they incur as a result of dealing with illegal immigration, drug trafficking, stolen vehicles, and other border-related crimes, and authorizes $30 million a year to carry out the program. Funds allocated under the grant program could be used to hire additional personnel, obtain necessary equipment, upgrade law enforcement technology, and cover overtime and transportations costs.

Law enforcement agencies serving communities within 100 miles of the U.S. border with Mexico or Canada, as well as any other agencies located outside of this geographical limit located in an area which has been designated by the Secretary of Homeland Security as a "High Impact Area," would be eligible to apply for the grants. Priority in awarding grants would go to law enforcement agencies serving communities with populations under 50,000. Two-thirds of the funds would be set aside for the six states with the highest alien apprehension rates and one-third for areas designated as "High Impact Areas."

It is the responsibility of the Federal Government to adequately secure the Nation's borders and prevent the flow of undocumented persons and illegal drugs into the country. Despite the fact that the Border Patrol apprehends over 1 million people each year trying to illegally enter the United States, the number of illegal aliens in the United States continues to rise as thousands of individuals enter the country through our porous borders. The border region is also a major corridor for the shipment of drugs—according to the El Paso Intelligence Center, 65 percent of the narcotics that are sold in the United States enter the country through the Southwest border.

By virtue of their proximity to an international border, many of adverse consequences of the failure of the Federal Government to adequately secure the border fall on the border communities. In traveling around the New Mexico-Mexico border region, I have heard repeatedly how drug trafficking, kidnappings, human smuggling, and the destruction of private property, such as the tearing down ranchers' cattle fences, are impacting our communities.

The United States shares 5,525 miles of border with Canada and 1,989 miles with Mexico. Many of the local law enforcement agencies located along the border are small, rural departments charged with patrolling large areas of land with few officers and very limited resources. Counties along the Southwest border are some of the poorest in the country and are not in the position to cover the additional costs associated with illegal immigration, drug trafficking, and other border-related crimes.

According to a 2001 study by the United States-Mexico Border Counties Coalition, local law enforcement and criminal justice costs associated with illegal immigration exceed $89 million every year. The States of Arizona and New Mexico have declared states of emergency in order to provide local law enforcement with immediate assistance in addressing criminal activity along the border. It is time that the Federal Government step up and share some of this burden.

We are making some headway in terms of increasing the number of Border Patrol agents along the border. Despite the fact that the administration only requested funding to hire an additional 210 Border Patrol agents in its 2006 Budget Request, Congress has appropriated enough funding to hire and train an additional 1,500 agents. We are making some progress, and I am pleased that additional agents have been sent to New Mexico, but we must face the reality that much more needs to be done and we are a long way off from securing our borders and preventing the illegal flow of drugs and undocumented person into this country. I believe that this is an area that Congress can, and should, be doing more.

We need more Border Patrol agents, better technology, and a comprehensive strategy to meet our security needs. We also need to reform our broken immigration system so we are able to more effectively target those who pose a threat to our country. However, we must also remember the role local law enforcement play in responding to criminal activity that occurs in the border region. Increasing funding for local law enforcement will help border communities alleviate some of these problems and enhance security in the border region.

Federal assistance is desperately needed to help border law enforcement agencies address the unique challenges that arise from being situated along an international border and the lack of overall border security. I urge my colleagues to lend their support to this important bill and give law enforcement the resources they need to meet these challenges.

By Mr. AKAKA:

S. 1878. A bill to prohibit predatory payday loans, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. AKAKA:

S. 1879. A bill to amend title 11, United States Code, to limit claims in bankruptcy by certain unsecured creditors; to the Committee on the Judiciary.

BANKRUPTCY REFORM IMPLEMENTATION

Mr. AKAKA. Mr. President, I opposed the bankruptcy reform bill because it was an outdated bill that failed to include adequate consumer protections. We saw a record number of consumer bankruptcy filing prior to the October 17 implementation deadline for the harsh new bankruptcy. Not enough was included in the legislation to protect consumers from predatory lenders or to make credit counseling a viable alternative to bankruptcy or to better inform over extended consumers about the true costs of their debts. I was disappointed that the Senate failed to effectively address these issues in a meaningful way, and instead, passed an outdated bill that forces working families into more costly and difficult bankruptcy proceedings. I am committed to making improvements in this flawed law.

Today, I am introducing two bills that address flaws in the bankruptcy reform law. The first bill is the Predatory Payday Loan Prohibition Act. This bill would prevent federally-insured financial institutions from originating predatory payday loans. Payday loans are small cash loans repaid by borrowers' postdated checks or borrowers' authorizations to make electronic debits against existing financial accounts. Payday loan amounts are usually in the range of $100 to $500 with full payment due in 2 weeks. Finance charges on payday loans are typically in the range of $15 to $30 per $100 borrowed, which translates into triple digit interest rates in the range of 390 percent to 780 percent when expressed as an annual percentage rate. Loan flipping, which is a common practice, is the renewing of loans at maturity by paying additional fees without any principal reduction. Loan flipping often leads to instances where the fees paid for a payday loan well exceed the principal borrowed. This situation often creates a cycle of debt that is hard to break.

Industry analysts conservatively estimate that more than 15,000 payday advance locations across America extend about $25 billion in short-term credit to millions of households experiencing cash-flow shortfalls. Too many of its customers are low-income, working families. More and more customers are the financially stretched middle class, including people who have maxed out their credit cards, people perhaps who have lost a job, or people with no savings to fall back on during a situation that causes a cash-flow shortfall, such as a medical emergency.

Payday lending is also rampant in the military. One in five servicemembers have used payday lenders in the last year, according to the report, "Payday Lenders Target the Military," by the Center for Responsible Lending. Payday lenders exploit people in financial need and profit enormously from these loans. We must act to protect vulnerable consumers from these predatory lenders.

In addition, I previously introduced S. 1347, the Low-Cost Alternatives to Payday Loans Act. This bill would authorize award demonstration project grants for eligible entities to provide consumers with low-cost, small loan alternatives to more costly and predatory payday loans. Loan alternatives that meet the needs of consumers and are at a fair price must be developed.

Today, I am also introducing the Bankruptcy Prevention Credit Counseling Act. The new bankruptcy reform law does not allow consumers to declare personal bankruptcy in either chapter 7 or chapter 13, unless they receive a briefing from an approved nonprofit credit counseling agency within 6 months of filing. The credit counseling instructional course requirement is intended to provide financial education to consumers who declare bankruptcy so they can attempt to avoid future financial problems.

About one in three consumers in credit counseling enter a debt management plan. In exchange, creditors may agree to concessions so that consumers pay off as much of their outstanding debt as possible. Examples of concessions can include a reduced interest rate on the amount they owe and the elimination of fees. Unfortunately, most credit card companies have become increasingly unwilling to significantly reduce interest rates for consumers in credit counseling.

The Bankruptcy Prevention Credit Counseling Act would prevent unsecured creditors, primarily credit card issuers, from attempting to collect accruing interest and additional fees from consumers in bankruptcy, if the creditor does not have a policy of waiving interest and fees for debtors who enter a consolidated payment plan at a credit counseling agency. Since the new bankruptcy law requires that consumers enter credit counseling before filing for bankruptcy, we must ensure that consumers are given a fair chance at reducing their debt burden.

I also offered the text of the amendment of my bill, S. 393, the Credit Card Minimum Payment Warning Act, as an amendment to the bankruptcy bill. My amendment, intended to provide consumers with adequate, timely, and meaningful disclosures, was unfortunately defeated. As the bankruptcy reform law makes it more difficult for consumers to discharge their debts in bankruptcy, we have a responsibility to provide meaningful additional information so that consumers can make better informed debt management decisions. The bankruptcy reform law includes a requirement that credit card issuers provide a generic warning about the consequences of only making the minimum payment. This requirement fails to provide consumers the detailed information that my amendment would have provided, which means detailed, personalized information necessary for them to make better informed choices about their credit card use and repayment. My amendment would have required companies to inform consumers of how many years and months it would take to repay their entire balance, and the total cost in interest and principal, if the consumer makes only the minimum payment. My legislation would also have required consumers to be provided with the amount they would need to pay to eliminate their outstanding balance in 36 months. Finally, my legislation would have required that creditors establish a toll-free number so that consumers can access trustworthy credit counselors. In response to criticisms that my amendment was not feasible, I, along with Senator SARBANES, requested that the Government Accountability Office study the issue. I am hopeful the report will provide helpful information as we must continue to improve meaningful and understandable disclosures that will help Americans better manage their credit card debts.

I want to take a moment to thank Senator SARBANES, and his Banking Committee staff, for working with me on this and many other financial literacy related issues. In addition, I also want to thank Senator LEAHY and the staff of the Judiciary Committee for all of their efforts to try and improve the flawed bankruptcy legislation.

I fear that the bankruptcy reform law will significantly harm families who have suffered financially due to illnesses, the loss of a job, or the death of a loved one. I remain committed to working with all of my colleagues to better protect and inform consumers and to hold the credit card industry accountable for its aggressive marketing of credit to our debt burdened society.

Mr. AKAKA. Mr. President, I rise to introduce the Predatory Payday Loan Prohibition Act of 2005. Currently, federal law authorizes insured depository institutions to export interest rates, as provided under the laws of the state where the bank or credit union is located, to out-of-state borrowers. My bill would effectively eliminate the ability of financial institutions to do this by prohibiting federally-insured financial institutions from originating predatory payday loans.

What constitutes a payday loan? These are small cash loans repaid by borrowers' postdated checks or borrowers' authorizations to make electronic debits against existing financial accounts. Payday loan amounts are usually in the range of $100 to $500 with payment in full due in two weeks. Finance charges on payday loans are typically in the range of $15 to $30 per $100 borrowed, which translates into triple digit interest rates in the range of 390 percent to 780 percent when expressed as an annual percentage rate. Loan flipping, which is a common practice, is the renewing of loans at maturity by paying additional fees without any principal reduction. Loan flipping often leads to instances where the fees paid for a payday loan well exceed the principal borrowed. This situation often creates a cycle of debt that is hard to break. Today, industry analysts conservatively estimate that more than 15,000 payday advance locations across America extend about $25 billion in short-term credit to millions of households experiencing cash-flow shortfalls.

I am appalled that the payday lending industry is portrayed as a legitimate business. Too many of its customers are low-income, working families. More and more customers are the financially stretched middle class including people who have maxed out their credit cards, people perhaps who have lost a job, or people with no savings to fall back on during a situation that causes a cash-flow shortfall, such as a medical emergency. Payday lending is also rampant in the military. One in five servicemembers have used payday lenders in the last year, according to the report, "Payday Lenders Target the Military," by the Center for Responsible Lending. Payday lenders are concentrated around military bases, such as the Navy bases in Norfolk, Virginia, the Army's Fort Lewis in Washington State, and the Marine Corps base at Camp Pendleton in California. The Department of Defense confirms the Center's report by listing payday lending as one of the top 10 priority issues facing military families, according to Dr. David Chu, the Under Secretary of Defense for Personnel and Readiness. To the predatory lenders, our military personnel's government paychecks represent a reliable source of fees. Also, payday lenders can be relatively confident that borrowers will continue to pay, because military personnel face harsh consequences, such as court martial or dishonorable discharge, for not repaying their debts. I am pleased that in my home state a local credit union, Windward Community Federal Credit Union, Kailua, Hawaii, has developed an affordable, alternative product to offer the many Marines who live in its service area. Earlier this year I introduced another bill to encourage replication of such practices. S. 1347, the Low-Cost Alternatives to Payday Loans Act, would authorize demonstration project grants to eligible entities to provide low-cost, small loans to consumers that would provide alternatives to more costly, predatory payday loans so that more people could have access to payday loan alternatives.

Payday loan providers claim that they are offering a simple financial product that addresses an emergency or temporary credit need that usually cannot be met by traditional financial institutions. An analysis of payday lending statistics by the Center for Responsible Lending indicates that the majority of payday loan borrowers have multiple loans each year with two thirds having five or more payday loans annually and half of these borrowers having 12 or more payday loans annually. Some borrowers seek loans from two or more payday lenders, multiplying the potential for getting trapped in debt. Research by the Community Financial Services Association of America, the payday loan industry's national trade association, found that 40 percent of payday loan customers renew their payday loans a staggering five times or more.

The payday loan industry exploits people that are in financial need. Congress has failed to act to prevent the exploitation of working families that are short on cash due to unexpected medical expenses or other needs. We must act to protect consumers from these unscrupulous lenders. I remain committed to restricting all forms of predatory lending, including payday loans, and I encourage my colleagues to support this legislation.

Mr. President, I ask unanimous consent that the text of the bill and a letter of support be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1878

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Predatory Payday Loan Prohibition Act of 2005".

SEC. 2. PROHIBITION ON CREDITORS MAKING PAYDAY LOANS.

The Truth in Lending Act (15 U.S.C. 1601 et seq.) is amended by inserting after section 109 the following:

"SEC. 110. PROHIBITION ON PAYDAY LOANS.

"(a) IN GENERAL.—A creditor may not make a payday loan to any person, if the creditor knows or has reasonable cause to believe that—

"(1) the personal check or share draft that the creditor receives from the person in exchange for the loan is drawn on an insured depository institution or an insured credit union; or

"(2) the account that will be debited in exchange for the loan is a transaction account or share draft account at an insured depository institution or an insured credit union.

"(b) DEFINITIONS.—In this section, the following definitions shall apply:

"(1) INSURED INSTITUTIONS.—The terms 'insured depository institution' and 'insured credit union' have the meanings given those terms in section 3 of the Federal Deposit Insurance Act and section 101 of the Federal Credit Union Act, respectively.

"(2) PAYDAY LOAN.—The term 'payday loan' means any transaction in which a short-term cash advance is made to a consumer in exchange for—

"(A) the personal check or share draft of the consumer, in the amount of the advance plus a fee, where presentment or negotiation of such check or share draft is deferred by agreement of the parties until a designated future date; or

"(B) the authorization of a consumer to debit the transaction account or share draft account of the consumer, in the amount of the advance plus a fee, where such account will be debited on or after a designated future date.".

SEC. 3. PROHIBITION ON INSURED DEPOSITORY INSTITUTIONS MAKING PAYDAY LOANS.

Section 18 of the Federal Deposit Insurance Act (12 U.S.C. 1828) is amended by adding at the end the following:

"(x) PROHIBITION ON CERTAIN UNSAFE AND UNSOUND BANKING PRACTICES.—

"(1) IN GENERAL.—An insured depository institution may not—

"(A) make any payday loan, either directly or indirectly; or

"(B) make any loan to any other lender for purposes of financing a payday loan or refinancing or extending any payday loan.

"(2) PAYDAY LOAN DEFINED.—For purposes of this subsection, the term 'payday loan' means any transaction in which a short-term cash advance is made to a consumer in exchange for—

"(A) the personal check or share draft of the consumer, in the amount of the advance plus a fee, where presentment or negotiation of such check or share draft is deferred by agreement of the parties until a designated future date; or

"(B) the authorization of the consumer to debit the transaction account or share draft account of the consumer, in the amount of the advance plus a fee, where such account will be debited on or after a designated future date.".

OCTOBER 6, 2005.

Hon. DANIEL K. AKAKA,
U.S. Senate,
Washington, DC.

DEAR SENATOR AKAKA: Consumer Federation of America, Community Reinvestment Association of NC, Consumer Action, Consumers Union, National Community Reinvestment Coalition, National Consumer Law Center and U.S. PIRG applaud you for sponsoring legislation to prohibit lending based on checks or debits drawn on federally insured depository institutions. You have recognized that it is an unsafe banking practice for consumers to be enticed by payday lenders to write checks or authorize debits when there is no money on deposit to cover these cash advances. We are also pleased that your bill would prohibit banks from partnering with payday lenders, a tactic used by storefront lenders to evade state small loan and usury laws.

The "Predatory Payday Loan Prohibition Act of 2005" prohibits the relatively new practice of holding a check as security for a loan. Using the check as security for the payment of a payday loan is the key to the coercive collection tactics used by the lenders. As the lender holds the check, at the end of the short term loan, the consumer is generally forced to choose among three untenable options: 1) allowing the check to be debited from their bank account where it will deplete money needed for food and other living necessities, 2) allowing the check to bounce, exposing the borrower to coercive collection tactics when lenders threaten civil or criminal liability for unpaid checks, and from the risk of losing their bank account or checkwriting privileges, or 3) renewing the loan at the original high cost. Loans based on personal checks drawn on the borrower's bank account that will be deposited to repay the loan on the next payday is the modern version of lending secured by wage assignments, a credit practice long recognized as inherently unfair which violates FTC rules.

Your legislation also stops payday lenders from partnering with federally insured depository institutions to evade state usury or small loan rate caps. A few federally insured state chartered banks persist in "renting" their charters to payday lenders, a practice curtailed by most federal bank regulators, to make loans in states that enforce their usury or small loan laws.

Although payday lender-bank charter renting has been curtailed by regulatory action, only legislation will create a clear prohibition to stop this practice that undermines state small loan regulation.

Sincerely,

JEAN ANN FOX,
Director of Consumer Protection, Consumer Federation of America.
PETER SKILLERN,
Executive Director, Community Reinvestment Association of NC.
LINDA SHERRY,
Director, National Priorities, Consumer Action.
SUSANNA MONTEZEMOLO,
Policy Analyst, Consumers Union.
MONICA GONZALES,
Vice President of Legislation and Regulatory Affairs, National Community Reinvestment Coalition.
MARGOT SAUNDERS,
Of Counsel, National Consumer Law Center.
ED MIERZWINSKI,
Consumer Program Director, U.S. Public Interest Research Group (U.S. PIRG).

Mr. AKAKA. Mr. President. I rise to introduce the Bankruptcy Prevention Credit Counseling Act. The new bankruptcy reform law does not allow consumers to declare personal bankruptcy in either Chapter 7 or Chapter 13, unless they receive a briefing from an approved nonprofit credit counseling agency within 6 months of filing. The credit counseling instructional course requirement is intended to provide financial education to consumers who declare bankruptcy so they can attempt to avoid future financial problems.

About one in three consumers in credit counseling enter a debt management plan. In exchange, creditors may agree to concessions so that consumers pay off as much of their outstanding debt as possible. Concessions can include a reduced interest rate on the amount they owe and the elimination of fees. Unfortunately, most credit card companies have become increasingly unwilling to significantly reduce interest rates for consumers in credit counseling. A study by the National Consumer Law Center and the Consumer Federation of America revealed that 5 of 13 credit card issuers increased the interest rates they offered to consumers in credit counseling between 1999 and 2003. American Express and Wells Fargo completely waive all interest for consumers in credit counseling. However, the majority of credit card issuers charge interest rates above 9 percent for account holders that enter into credit counseling, with several charging more than 15 percent.

My bill would prevent unsecured creditors, primarily credit card issuers, from attempting to collect accruing interest and additional fees from consumers in bankruptcy, if the creditor does not have a policy of waiving interest and fees for debtors who enter a consolidated payment plan at a credit counseling agency.

Since the new bankruptcy law requires that consumers enter credit counseling before filing for bankruptcy, we must ensure that credit counseling is truly effective and a viable alternative to bankruptcy. Credit card issuers undermine the good intentions of those consumers. They have sharply curtailed the concessions they offer to consumers in credit counseling, contributing to increased bankruptcy filings. According to a survey by VISA USA, 33 percent of consumers who failed to complete a debt management plan in credit counseling said they would have stayed on the plan if creditors had lowered interest rates or waived fees. Credit card companies have an obligation to ensure that effective alternatives are readily available to the consumers they aggressively pursue.

We must make sure that credit counseling is an effective tool to help consumers avoid bankruptcy. In order to do this, credit card issuers should waive the amount owed in interest and fees for consumers who enter a consolidated payment plan. Successful completion of a debt management plan benefits both creditors and consumers. Mr. President, for many consumers, paying off their debt is not easy. My bill will help people who are struggling to repay their obligations. I encourage all of my colleagues to support this legislation to help consumers enrolled in debt management plans to successfully repay their creditors, free themselves from debt, and avoid bankruptcy.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1879

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Bankruptcy Prevention Credit Counseling Act of 2005".

SEC. 2. REDUCTION OF UNSECURED CLAIMS.

Section 502(b) of title 11, United States Code, is amended—

(1) in paragraph (8), by striking "or" at the end;

(2) in paragraph (9), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(10) such consumer debt is an unsecured claim arising from a debt to a creditor that does not have, as of the date of the order for relief, a policy of waiving additional interest for all debtors who participate in a debt management plan administered by a nonprofit budget and credit counseling agency described in section 111(a).".

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 273—EXPRESSING THE SENSE OF THE SENATE THAT THE UNITED NATIONS AND OTHER INTERNATIONAL ORGANIZATIONS SHALL NOT BE ALLOWED TO EXERCISE CONTROL OVER THE INTERNET

Mr. COLEMAN submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 273

Whereas market-based polices and private sector leadership have allowed the Internet the flexibility to evolve;

Whereas given the importance of the Internet to the global economy, it is essential that the underlying domain name system and technical infrastructure of the Internet remain stable and secure;

Whereas the Internet was created in the United States and has flourished under United States supervision and oversight, and the Federal Government has followed a path of transferring Internet control from the defense sector to the civilian sector, including the Internet Corporation for Assigned Names and Numbers (ICANN) with the goal of full privatization;

Whereas the developing world deserves the access to knowledge, services, commerce, and communication, the accompanying benefits to economic development, education, health care, and the informed discussion that is the bedrock of democratic self-government that the Internet provides;

Whereas the explosive and hugely beneficial growth of the Internet did not result from increased government involvement but from the opening of the Internet to commerce and private sector innovation;

Whereas, on June 30, 2005, President George W. Bush announced that the United States intends to maintain its historic role over the master "root zone" file of the Internet, which lists all authorized top-level Internet domains;

Whereas the recently articulated principles of the United States on the domain name and addressing system of the Internet (DNS) are that the Federal Government will preserve the security and stability of the DNS, will take no action with the potential to adversely affect the effective and efficient operation of the DNS, and will maintain the historic role of the United States regarding modifications to the root zone file, that governments have a legitimate interest in the management of country code top level domains (ccTLD), and the United States is committed to working with the international community to address the concerns of that community in accordance with the stability and security of the DNS, that ICANN is the appropriate technical manager of the Internet, and the United States will continue to provide oversight so that ICANN maintains focus and meets its core technical mission, and that dialogue relating to Internet governance should continue in multiple relevant fora, and the United States encourages an ongoing dialogue with all stakeholders and will continue to support market-based approaches and private sector leadership;

Whereas the final report issued by the Working Group on Internet Governance (WGIG) of the United Nations indicates that an entity affiliated with the United Nations should assume global governance of the Internet;

Whereas a United Nations taskforce report suggests that, in addition to terminating the leadership role of the United States with respect to the Internet, the authority and functions of ICANN should be transferred to an entity affiliated with the United Nations;

Whereas that report contains recommendations for relegating the private sector and nongovernmental organizations to an advisory capacity, and some nations advocating such a change have stated that the private sector and nongovernmental organizations should have no future role in Internet governance;

Whereas the European Union has also proposed transferring control of the Internet to the United Nations, and such a transfer of control of the Internet would confer significant leverage to the governments of Iran, Cuba, and China, and would impose an undesirable layer of politicized bureaucracy on the operations of the Internet that would result in an inadequate response to the rapid pace of technological change;

Whereas some nations that advocate radical change in the structure of Internet governance censor the information available to their citizens through the Internet and use the Internet as a tool of surveillance to curtail legitimate political discussion and dissent, and other nations operate telecommunications systems as state-controlled monopolies or highly-regulated and highly-taxed entities;

Whereas some nations in support of transferring Internet governance to an entity affiliated with the United Nations, or another international entity, might seek to have such an entity endorse national policies that block access to information, stifle political dissent, and maintain outmoded communications structures;

Whereas the structure and control of Internet governance has profound implications for homeland security, competition and trade, democratization, free expression, access to information, privacy, and the protection of intellectual property, and the threat of some nations to take unilateral actions that would fracture the root zone file would result in a less functional Internet with diminished benefits for all people; and

Whereas the World Summit on the Information Society will meet in November 2005 in Tunisia to discuss the possibility of transferring control of the Internet to the United Nations or another international entity, and that summit will likely be the beginning of a prolonged international debate regarding the future of Internet governance:

Now, therefore, be it

Resolved, That the Senate—

(1) calls on the President to continue to oppose any effort to transfer control of the Internet to the United Nations or any other international entity;

(2) applauds the President for—

(A) clearly and forcefully asserting that the United States has no present intention of relinquishing the historic leadership role the United States has played in Internet governance; and

(B) articulating a vision of the future of the Internet that places privatization over politicization with respect to the Internet; and

(3) calls on the President to—

(A) recognize the need for, and pursue a continuing and constructive dialogue with the international community on, the future of Internet governance; and

(B) advance the values of an open Internet in the broader trade and diplomatic conversations of the United States.

SENATE RESOLUTION 274—EXPRESSING SYMPATHY AND PLEDGING THE SUPPORT OF THE SENATE AND THE AMERICAN PEOPLE TO THE VICTIMS OF THE DEVASTATING EARTHQUAKE THAT STRUCK SOUTH ASIA AND CAUSED THE SEVERE LOSS OF LIFE AND DESTRUCTION ON OCTOBER 8, 2005, AND PLEDGING IMMEDIATE UNITED STATES ASSISTANCE TO SAVE LIVES AND HELP THE REGION RECOVER FROM THIS MONUMENTAL TRAGEDY

Mr. FRIST (for himself, Mr. REID, Mr. MARTINEZ, Mr. BIDEN, and Mr. LUGAR) submitted the following resolution; which was considered and agreed to.

S. RES. 274

Whereas on October 8, 2005, at 8:50 am local time, a devastating earthquake, measuring 7.6 on the Richter scale, struck parts of Pakistan, India, and Afghanistan, causing massive loss of life and destruction;

Whereas it is estimated that more than 39,000 people residing in Pakistan-administered Kashmir and the Northwest Frontier Province of Pakistan and between 1,000 to 2,000 people located in Indian-administered Kashmir have perished as a result of the earthquake and that tens of thousands of others have been injured;

Whereas the capital city of Pakistan-administered Kashmir, Muzaffarabad, located near the epicenter of the earthquake, was one of the worst-affected cities, suffering tens of thousands of deaths and widespread destruction throughout the city;

Whereas millions of people throughout the region have been left homeless as a result of this earthquake;

Whereas the earthquake damaged and destroyed sanitation systems and hospitals and left thousands of people more vulnerable to deadly diseases such as measles and cholera;

Whereas the Senate and the people of the United States acknowledge with deep sadness that this severe tragedy occurred during the Islamic holy month of Ramadan, a time when Muslims across the world observe a fast during the daylight hours and focus on worship, contemplation, and strengthening family and community ties;

Whereas the United States immediately deployed material and technical assistance to the region, including plastic sheeting, blankets, water containers, food, and a United States Agency for International Development Disaster Assistance Response Team to assess humanitarian needs, coordinate assistance from the United States, and provide technical assistance as required;

Whereas the Department of Defense immediately dispatched 8 military helicopters and is providing additional helicopter support to assist in relief and rescue operations in remote areas that are largely inaccessible by road;

Whereas the United States made an initial pledge of $50,000,000 in humanitarian assistance to help Pakistan cope with its massive relief and recovery needs;

Whereas Secretary of State Condoleezza Rice, during her October 12, 2005, visit to Pakistan, said that the United States would support Pakistan over the long-term in the Pakistani Government's efforts to provide assistance to the victims of the earthquake and rebuild parts of the country devastated by the earthquake;

Whereas the United Nations launched a $272,000,000 international flash appeal to support recovery efforts;

Whereas the United Nations estimates that as many as 2,500,000 people are homeless and 1,000,000 are in need of immediate assistance;

Whereas Pakistani President Pervez Musharraf has appealed for international assistance and called for more medicine, tents, and cargo helicopters;

Whereas Indian Prime Minister Manmohan Singh declared the earthquake a "national calamity" and pledged to rebuild the lives of thousands of people in Indian-administered Kashmir affected by the earthquake;

Whereas during humanitarian crises, such as the earthquake that struck South Asia, women and children often become more vulnerable to exploitation and abuse and have difficulty accessing humanitarian relief;

Whereas India has begun sending a consignment of 25 tons of emergency relief supplies, including medicines, blankets, tents, and food items, to Islamabad, the first time India has provided assistance to Pakistan in over 30 years; and

Whereas the recovery and reconstruction of the devastated areas will require the concerted leadership of the United States working with the governments of the affected countries and with the international community: Now, therefore, be it

Resolved, That the Senate—

(1) expresses its sympathy and support for the people of South Asia following the devastating earthquake that struck Pakistan, India, and Afghanistan on October 8, 2005, during the Islamic holy month of Ramadan;

(2) conveys its most sincere condolences to the families, communities, and governments of the more than 39,000 people that lost their lives in this terrible natural disaster;

(3) expresses its admiration and full support for the courageous rescue and relief workers, including personnel of the United States Agency for International Development and the United States military, who are saving lives and providing relief and assistance to those affected by the earthquake;

(4) supports the initial pledge by President George W. Bush of $50,000,000 in humanitarian assistance, the deployment of United States military assets to the region to assist in relief and recovery efforts, and provision of additional United States assistance necessary to save lives and help the region recover from this monumental disaster;

(5) commends the ongoing international relief effort that includes the work of individual countries, numerous international organizations, and various relief and nongovernmental entities;

(6) commends the Governments of Pakistan and India for their cooperation in the common cause of saving lives and providing humanitarian relief to people on both sides of the Line of Control; and

(7) encourages further cooperation between India and Pakistan on relief operations and efforts to fortify and expand peace and stability in the region as they cope with the impact of the earthquake over the next several months and seek to rehabilitate the lives of those affected.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2060. Mr. BOND (for himself and Mrs. Murray) proposed an amendment to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes.

SA 2061. Mr. BOND (for himself and Mrs. Murray) proposed an amendment to the bill H.R. 3058, supra.

SA 2062. Mr. KYL (for himself, Mr. Santorum, Mr. Cornyn, Mrs. Hutchison, and Mr. Feingold) proposed an amendment to the bill H.R. 3058, supra.

SA 2063. Mr. KENNEDY (for himself, Mr. Harkin, Mrs. Boxer, Mr. Feingold, Ms. Stabenow, and Mr. Dayton) proposed an amendment to the bill H.R. 3058, supra.

SA 2064. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill H.R. 3058, supra; which was ordered to lie on the table.

SA 2065. Mr. BINGAMAN (for himself, Mr. Nelson, of Nebraska, Mr. Levin, and Ms. Stabenow) submitted an amendment intended to be proposed by him to the bill H.R. 3058, supra; which was ordered to lie on the table.

SA 2066. Mr. ENSIGN (for himself and Mr. Allen) submitted an amendment intended to be proposed by him to the bill H.R. 3058, supra; which was ordered to lie on the table.

SA 2067. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill H.R. 3058, supra; which was ordered to lie on the table.

SA 2068. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill H.R. 3058, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2060. Mr. BOND (for himself and Mrs. Murray) proposed an amendment to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

Strike section 719.

SA 2061. Mr. BOND (for himself and Mrs. Murray) proposed an amendment to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

Insert the following on page 348, after line 5, and renumber sections accordingly:

Sec. 321. Section 421 of the Housing and Community Development Act of 1978 (12 U.S.C. §1715z–4a) is amended—

(1) in subsection (a)(1)(A), by inserting after "is" the following: "or, at the time of the violations, was"; and

(2) in subsection (a)(1)(C), by inserting after "held" the following: "or, at the time of the violations, was insured or held".".

SA 2062. Mr. KYL (for himself, Mr. Santorum, Mr. Cornyn, Mrs. Hutchison, and Mr. Feingold) proposed an amendment to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. . NO COST OF LIVING ADJUSTMENT FOR MEMBERS OF CONGRESS.

Notwithstanding any other provision of law, no adjustment shall be made under section 601(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31) (relating to cost of living adjustments for Members of Congress) during fiscal year 2006.

SA 2063. Mr. KENNEDY (for himself, Mr. Harkin, Mrs. Boxer, Mr. Feingold, Ms. Stabenow, and Mr. Dayton) proposed an amendment to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. . MINIMUM WAGE.

(a) Increase in the Minimum Wage.—

(1) In general.—Section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) is amended to read as follows:

"(1) except as otherwise provided in this section, not less than—

"(A) $5.85 an hour, beginning on the 60th day after the date of enactment of the Fair Minimum Wage Act of 2005;

"(B) $6.55 an hour, beginning 12 months after that 60th day; and

"(C) $7.25 an hour, beginning 24 months after that 60th day;".

(2) Effective date.—The amendment made by paragraph (1) shall take effect 60 days after the date of enactment of this Act.

(b) Applicability of Minimum Wage to the Commonwealth of the Northern Mariana Islands.—

(1) In general.—Section 6 of the Fair Labor Standards Act of 1938 (29 U.S.C. 206) shall apply to the Commonwealth of the Northern Mariana Islands.

(2) Transition.—Notwithstanding paragraph (1), the minimum wage applicable to the Commonwealth of the Northern Mariana Islands under section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) shall be—

(A) $3.55 an hour, beginning on the 60th day after the date of enactment of this Act; and

(B) increased by $0.50 an hour (or such lesser amount as may be necessary to equal the minimum wage under section 6(a)(1) of such Act), beginning 6 months after the date of enactment of this Act and every 6 months thereafter until the minimum wage applicable to the Commonwealth of the Northern Mariana Islands under this subsection is equal to the minimum wage set forth in such section.

SA 2064. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was order to lie on the table; as follows:

On page 251, strike line 23 and all that follows through page 252, line 11, and insert the following: "of the Corporation: *Provided further*, That the Corporation, during the 1-year period beginning on the date of enactment of this Act, may not assess or collect maintenance or access fees from any commuter rail authority operating along the Northeast Corridor:".

SA 2065. Mr. BINGAMAN (for himself, Mr. Nelson of Nebraska, Mr. Levin, and Ms. Stabenow) submitted an amendment intended to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 229, between lines 12 and 13, insert the following:

(c) Section 47114(c)(1)(F) of title 49, United States Code, is amended by striking "and 2005" each place it appears in the text and in the heading and inserting ", 2005, and 2006".

SA 2066. Mr. ENSIGN (for himself and Mr. Allen) submitted an amendment intended to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 293, after line 25, add the following:

Sec. 221. None of the funds appropriated or otherwise made available by this Act or source to the Secretary of the Treasury may be expended for the provision of individual income tax electronic filing or preparation products or services other than through the Free File program. Nothing in the preceding sentence shall be construed to preclude the Secretary of the Treasury from making expenditures for the operation of walk-in tax service centers or the volunteer income tax assistance program.

SA 2067. Mr. BROWNBACK submitted an amendment intendd to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 243, strike line 20 and all that follows through page 244, line 8, and insert the following:

Sec. 121. None of the funds appropriated or otherwise made available by this Act may be used to implement or enforce any provisions of the Final Rule, issued on April 28, 2003 (Docket No. FMCSA-97-2350), with respect to—

(1) the operators of utility service vehicles (as defined in section 395.2 of title 49, Code of Federal Regulations);

(2) maximum daily hours of service for drivers engaged in the transportation of property or passengers to or from a motion picture or television production site located within a 100-air mile radius of the work reporting location of such drivers; or

(3) maximum daily hours of service for any driving activities reasonably related to derailment services if such rail restoration is initiated in response to a request for derailment vehicles to move wrecked or disabled train cars or locomotives, or make emergency repairs to track, locomotives or other rolling stock made by a railroad, Federal, State or local police official, or an elected official of the State or locality, in which the rail emergency has occurred.

SA 2068. Mr. BROWNBACK submitted an amendment intendd to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 312, between lines 17 and 18, insert the following:

The referenced statement of the managers under the heading "Community Development Fund" in title II of division I of Public Law 108-447 is deemed to be amended with respect to item number 83 with respect to amounts made available for Haskell Indian Nations University in Kansas by striking "construction" and inserting "planning, design, engineering, and construction".

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will be held on Tuesday, October 18, 2005 at 10 a.m. in Room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to discuss the winter fuels outlook and the effect of high prices this coming winter.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150.

For further information, please contact Lisa Epifani 202-224-5269 or Shannon Ewan at 202-224-7555.

SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. CRAIG. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on Public Lands and Forests of the Committee on Energy and Natural Resources.

The hearing will be held on Wednesday, November 2, 2005, at 2 p.m. in Room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on S. 1541, to protect, conserve, and restore public lands administered by the Department of the Interior or the Forest Service and adjacent land through cooperative cost-share grants to control and mitigate the spread of invasive species, and for other purposes; S. 1548, to provide for the conveyance of certain Forest Service land to the city of Coffman Cove, Alaska; S. 1552, to amend Public Law 97-435 to extend the authorization for the Secretary of the Interior to release certain conditions contained in a patent concerning certain lands conveyed by the United States to Eastern Washington University until December 31, 2009; and H.R. 482, to provide for a land exchange involving Federal lands in the Lincoln National Forest in the State of New Mexico, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150.

For further information, please contact Frank Gladics (202-224-2878), Dick Bouts (202-224-7545), or Kristina Rolph (202-224-8276) of the Committee staff.

PRIVILEGE OF THE FLOOR

Mr. VOINOVICH. I ask unanimous consent Jeff Muhs of my staff be granted the privilege of the floor during my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the following detailees and interns with the Senate Finance Committee be granted the privileges of the floor during the Senate's consideration of the Transportation, Treasury, and HUD appropriations bill: Mary Baker, Jorlie Cruz, Brian Townsend, and Will Larson.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. Mr. President, I ask unanimous consent Senate floor privileges be extended to Harry Wingo through this session of Congress. Mr. Wingo is on loan to the Senate Commerce Committee from the Federal Communications Commission.

The PRESIDING OFFICER. Without objection, it is so ordered.

SYMPATHY FOR SOUTH ASIA EARTHQUAKE VICTIMS

Mr. FRIST. I ask unanimous consent the Senate now proceed to consideration of S. Res. 274 which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 274) expressing sympathy and pledging the support of the Senate and the American people to the victims of the devastating earthquake that struck South Asia and caused severe loss of life and destruction on October 8, 2005, and pledging immediate United States assistance to save lives and help the region recover from this monumental tragedy.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, I ask unanimous consent the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 274) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 274

Whereas on October 8, 2005, at 8:50 am local time, a devastating earthquake, measuring 7.6 on the Richter scale, struck parts of Pakistan, India, and Afghanistan, causing massive loss of life and destruction;

Whereas it is estimated that more than 39,000 people residing in Pakistan-administered Kashmir and the Northwest Frontier Province of Pakistan and between 1,000 to 2,000 people located in Indian-administered Kashmir have perished as a result of the earthquake and that tens of thousands of others have been injured;

Whereas the capital city of Pakistan-administered Kashmir, Muzaffarabad, located near the epicenter of the earthquake, was one of the worst-affected cities, suffering tens of thousands of deaths and widespread destruction throughout the city;

Whereas millions of people throughout the region have been left homeless as a result of this earthquake;

Whereas the earthquake damaged and destroyed sanitation systems and hospitals and left thousands of people more vulnerable to deadly diseases such as measles and cholera;

Whereas the Senate and the people of the United States acknowledge with deep sadness that this severe tragedy occurred during the Islamic holy month of Ramadan, a time when Muslims across the world observe a fast during the daylight hours and focus on worship, contemplation, and strengthening family and community ties;

Whereas the United States immediately deployed material and technical assistance to the region, including plastic sheeting, blankets, water containers, food, and a United States Agency for International Development Disaster Assistance Response Team to assess humanitarian needs, coordinate assistance from the United States, and provide technical assistance as required;

Whereas the Department of Defense immediately dispatched 8 military helicopters and is providing additional helicopter support to assist in relief and rescue operations in remote areas that are largely inaccessible by road;

Whereas the United States made an initial pledge of $50,000,000 in humanitarian assistance to help Pakistan cope with its massive relief and recovery needs;

Whereas Secretary of State Condoleezza Rice, during her October 12, 2005, visit to Pakistan, said that the United States would support Pakistan over the long-term in the Pakistani Government's efforts to provide assistance to the victims of the earthquake and rebuild parts of the country devastated by the earthquake;

Whereas the United Nations launched a $272,000,000 international flash appeal to support recovery efforts;

Whereas the United Nations estimates that as many as 2,500,000 people are homeless and 1,000,000 are in need of immediate assistance;

Whereas Pakistani President Pervez Musharraf has appealed for international assistance and called for more medicine, tents, and cargo helicopters;

Whereas Indian Prime Minister Manmohan Singh declared the earthquake a "national calamity" and pledged to rebuild the lives of thousands of people in Indian-administered Kashmir affected by the earthquake;

Whereas during humanitarian crises, such as the earthquake that struck South Asia, women and children often become more vulnerable to exploitation and abuse and have difficulty accessing humanitarian relief;

Whereas India has begun sending a consignment of 25 tons of emergency relief supplies, including medicines, blankets, tents, and food items, to Islamabad, the first time India has provided assistance to Pakistan in over 30 years; and

Whereas the recovery and reconstruction of the devastated areas will require the concerted leadership of the United States working with the governments of the affected countries and with the international community: Now, therefore, be it

Resolved, That the Senate—

(1) expresses its sympathy and support for the people of South Asia following the devastating earthquake that struck Pakistan, India, and Afghanistan on October 8, 2005, during the Islamic holy month of Ramadan;

(2) conveys its most sincere condolences to the families, communities, and governments of the more than 39,000 people that lost their lives in this terrible natural disaster;

(3) expresses its admiration and full support for the courageous rescue and relief workers, including personnel of the United States Agency for International Development and the United States military, who are saving lives and providing relief and assistance to those affected by the earthquake;

(4) supports the initial pledge by President George W. Bush of $50,000,000 in humanitarian assistance, the deployment of United States military assets to the region to assist in relief and recovery efforts, and provision of additional United States assistance necessary to save lives and help the region recover from this monumental disaster;

(5) commends the ongoing international relief effort that includes the work of individual countries, numerous international organizations, and various relief and nongovernmental entities;

(6) commends the Governments of Pakistan and India for their cooperation in the common cause of saving lives and providing humanitarian relief to people on both sides of the Line of Control; and

(7) encourages further cooperation between India and Pakistan on relief operations and efforts to fortify and expand peace and stability in the region as they cope with the impact of the earthquake over the next several months and seek to rehabilitate the lives of those affected.

Mr. FRIST. Mr. President, the resolution we passed does express support for those victims of the South Asia earthquake. I encourage our colleagues to make statements for the RECORD. A number of people have called me over the last several days. This is a resolution that has been put forth by Senator REID and myself, the Republican leader and the Democratic leader. With that, we express our heartfelt support for the hundreds of thousands of families who have been affected by that earthquake.

ORDERS FOR TUESDAY, OCTOBER 18, 2005

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:45 a.m. on Tuesday, October 18; I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and there then be a period of morning business for up to 60 minutes, with the first 30 minutes under the control of the majority leader or his designee and the final 30 minutes under the control of the Democratic leader or his designee; provided that following morning business, the Senate then resume consideration of H.R. 3058, the Transportation-Treasury appropriations bill. I further ask consent that following debate on the Brownback-Landrieu amendment, the time until 12:10 be equally divided between the majority leader or his designee and the Democratic leader or his designee; provided further that upon disposition of amendment No. 2062, the Senate stand in recess until 2:15 to accommodate the weekly policy luncheons.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. Mr. President, today the Senate began consideration of the Transportation-Treasury appropriations bill. I do urge my colleagues to come to the floor if they wish to offer amendments as soon as possible. The bill managers are here throughout the day for that purpose. We are working to get an amendment filing deadline and complete action on this bill this week. Let me repeat, we are going to complete action on this bill this week. That means we cannot have everybody rushing over Thursday afternoon or Thursday night to have their amendment considered.

Tomorrow, the first vote will occur at 12:10 and that vote will be on the Kyl amendment relating to a cost-of-living freeze for Members' pay. We will continue with amendments throughout the afternoon. I expect multiple votes tomorrow as we continue with the consideration of the Transportation-Treasury bill.

ADJOURNMENT UNTIL 9:45 A.M. TOMORROW

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:10 p.m., adjourned until Tuesday, October 18, 2005, at 9:45 a.m.

NOMINATIONS

Executive Nominations Received by the Senate October 17, 2005:

BROADCASTING BOARD OF GOVERNORS

MARK MCKINNON, OF TEXAS, TO BE A MEMBER OF THE BROADCASTING BOARD OF GOVERNORS FOR A TERM EXPIRING AUGUST 13, 2006, VICE FAYZA VERONIQUE BOULAD RODMAN.

MARK MCKINNON, OF TEXAS, TO BE A MEMBER OF THE BROADCASTING BOARD OF GOVERNORS FOR A TERM EXPIRING AUGUST 13, 2009. (REAPPOINTMENT)

DEPARTMENT OF STATE

RONALD L. SCHLICHER, OF TENNESSEE, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF CYPRUS.

UNITED NATIONS

ALEJANDRO DANIEL WOLFF, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE THE DEPUTY REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS, WITH THE RANK AND STATUS OF AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY, AND THE DEPUTY REPRESENTATIVE OF THE UNITED STATES OF AMERICA IN THE SECURITY COUNCIL OF THE UNITED NATIONS.

ALEJANDRO DANIEL WOLFF, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SESSIONS OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS, DURING HIS TENURE OF SERVICE AS DEPUTY REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

JEAN B. ELSHTAIN, OF TENNESSEE, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR THE REMAINDER OF THE TERM EXPIRING JANUARY 26, 2010, VICE THOMAS MALLON, RESIGNED.

ALLEN C. GUELZO, OF PENNSYLVANIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR THE REMAINDER OF THE TERM EXPIRING JANUARY 26, 2006, VICE NAOMI SHIHAB NYE.

ALLEN C. GUELZO, OF PENNSYLVANIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2012. (REAPPOINTMENT)

EUGENE HICKOK, OF PENNSYLVANIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR THE REMAINDER OF THE TERM EXPIRING JANUARY 26, 2008, VICE SIDNEY MCPHEE.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. MICHAEL J. DIAMOND, 8630

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. ERVIN PEARSON, 3468

IN THE AIR FORCE

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

CHRISTOPHER SARTORI, 6349

THE FOLLOWING NAMED INDIVIDUALS IN THE GRADES INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A).

To be lieutenant colonel

SUZANNE M. CECCONI, 6218
GARY A. PEITZMEIER, 1014
HARRY M. RICHTER, 3724

To be major

PHILIP M. BECK, 1881
LANCE T. FRYE, 6876
JAMES J. MADEN, 9267
KIRK B. STETSON, 5871

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

To be major

MELISSA A. SARAGOSA, 3669

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 624:

To be lieutenant colonel

CRAIG L. ADAMS, 2764
RONALD E. ADAMSON, 1480
JEFFERY R. ALDER, 2509
CRAIG ALAN C. BIAS, 0458
NORMITA C. BRAVO, 7788
PETER G. BREED, 5757
ROBERT G. BURGESS, 1962
JAMES M. CANTRELL, 5498
JOHN D. CAYE, 6013
RENE J. CHADWELL, 8164
BRENDA L. CROOK, 4203
KEVIN W. CULP, 7867
KEITH A. CUNNINGHAM, 7674
DANA J. DANE, 6498
MICHAELA A. DEMBOSKI, 8036
GREGORY P. DURAND, 9885
VIRA EM, 1405
VERNE S. FUTAGAWA, 7964
MARGARET F. HAYNES, 8547
EDITHA P. HEBERLEIN, 2372
SCOTT T. HEBRINK, 5523
PAUL J. HOERNER, 9685
ANN S. HRYSHKOMULLEN, 9254
CAROLYN S. JACOBSON, 9847
TODD C. JOACHIM, 4156
NATHAN H. JOHNSON, 8219
BETH A. KECK, 3189
WENDY E. KLEIN, 2877
GREGORY S. LAFFITTE, 6698
THERESA A. LAWSON, 7220
GERALD T. MCGINTY, 5364
JOSEPH A. MIGGINS, 3889
THOMAS O. MORRISON, 0782
TRACY A. NEALWALDEN, 4563
ANGELA M. OGAWA, 8122
DEBORAH J. OLSON, 0018
RICHARD J. ONKEN, 7722
ALFRED J. OZANIAN, 9755
RHONDA G. OZANIAN, 4459
KIRK A. PHILLIPS, 3454
PAUL S. PIRKLE III, 5452
TASHA L. PRAVECEK, 2673
CHARLENE H. REITH, 1043
DONNAMARIA ROBINSON, 8091
KIRK L. ROWE, 2911
BRIAN L. SASSAMAN, 3201
TAMMY M. SAVOIE, 4589
RAFAEL A. SCHARRON, 6588
JILL R. SCHECKEL, 5058
WINSTON J. SHAFFER II, 7172
ROBERT A. SHULL, 2048
SHARI FOX SILVERMAN, 4266
JEFFREY A. STINSON, 8705
DARRYL J. SUMRALL, 7585
TRENT J. TATE, 9651
CHARITY J. THOMASOS, 0257
CHRISTIAN T. TOTTEN, 5926
SCOTT F. WALTER, 6075
JACK D. WRIGHT, JR., 8403
ANTHONY J. WURMSTEIN, 3456
MATTHEW C. WYATT, 2610

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

JAMES C. AULT, 3029
VALORIE L. BAGGENSTOSS, 5178
TERRI L. BAILEY, 3021
ROSE M. BELL, 7681
APRIL S. BROOME, 5940
TERRY J. BROUSSARD, 6529
MARGARET M. CAREY, 9522
FLAVIA CASASSOLA, 8166
LINDA A. CASE, 7840
TIMOTHY L. COOK, 5381
DEAN KAREN L. COX, 6851
WILLIAM J. CRAIG, 0214
KATHLEEN B. CRAVER, 4707
CAROLINE M. CUTBUSH, 4395
LAUREEN M. DONOVAN, 7089
ARTHUR M. DURKIN, JR., 0029
CHRISTOPHER A. DYER, 7252
STEPHEN E. FECURA, JR., 7925
BRUCE E. FEWKES, 6426
VIRGINIA A. GARNER, 5661
JUDY B. GAVIN, 4000
ROBIN C. GIACONIA, 9997
NATALIE Y. GISCOMBE, 4481
CHRISTINE L. HALEPIERCE, 9899
PHYLLIS A. HAMILTON, 5693
ADRIENNE G. HARTGERINK, 5764
THEODORE D. HAYNES, JR., 6946
KIMBERLY S. HERNDON, 6282
DAVID HOLLAND, 9856
HELEN M. HORN, 7850
HEIDI M. HOYT, 2983
DIANE T. HUSTON, 1246
APRIL L. IACOPELLI, 2249
DENISE R. IRIZARRY, 8459
DANA J. JAMES, 7086
ANDREA L. JONES, 3447
ALLEN J. KIDD, 0352
JENNIFER A. KIMMET, 9934
SONIA J. KUCH, 9681
DAVID T. KWIATKOWSKI, 6795
MICHELLE D. LAVEY, 5925
JERRY B. LAWSON, 2270
LORI D. LEE, 5238
MARK A. LEE, 5679
WENDY J. LEE, 9720
EILEEN M. LOFLIN, 1739
ANNE T. MAGPURI, 9686
KATHRYN A. MANGION, 9661
BARBARA C. MARTIN, 3417
CYNTHIA A. MARTIN, 8737
TINA M. MCCONNELL, 9148
IDA L. MCDONALD, 3853
TANYA R. MCKINNEY, 1632
JEAN A. MEINK, 4924
JENNIFER C. MERCIER, 2180
BRENDA R. NELSON, 6807
JODY L. OCKER, 2314
MARY M. OLOUGHLIN, 1385
CHRISTOPHER H. PAYNE, 1988
LISA M. PERDUE, 9802
RICHARD G. PEREZ, 2488
LINDA G. PHELPS, 3373
MARK A. PISTONE, 9332
KAREN S. RASMUSSEN, 4117
DAVID J. ROLL, 5516
ELLEN M. SCHAFF, 5413
KIMBERLY M. SHANKS, 4064
DANA J. SMITH, 0094
IRENE M. SOTO, 1397
HEATHER L. STETSON, 5316
KATHRYN F. TATE, 4524
DWAYNE B. WILHITE, 7716
KENNETH A. WILLIAMS, 1718
MARYANNE C. YIP, 0259

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

JAY O. AANRUD, 2399
ALDRU T. AARON, 0590
JAMES M. ABATTI, 8359
DEREK A. ABEYTA, 7560
EDWARD T. ACKERMAN, 1175
TODD E. ACKERMAN, 9524
MARK R. ADAIR, 8627
CLOYCE J. ADAMS, 4854
MICHAEL E. ADDERLEY, 8590
JEFFREY E. ADDISON, 5479
LARRY D. ADKINS, 8112
JEFFREY R. ALEXANDER, 4302
ROBERT M. ALEXANDER, 0740
JOSEPH A. ALLEGRETTI, 7086
BRADLEY D. ALLEN, 6073
RICHARD G. ALLEN, 0108
BENJAMIN L. ALLEY, 6949
PETER A. AMES, 7701
BRIAN L. AMMERMAN, 6226
BRADLEY E. ANDERSON, 4848
DAGVIN R. M. ANDERSON, 5448
JEFFREY R. ANDERSON, 3294
DAVID S. ANDRUS, 1018
DOUGLAS E. ANTCLIFF, 1023
SCOTT A. ARCURI, 4670
KEVIN S. ARMSTRONG, 2909
RICHARD W. ARMSTRONG, 8074
RUSSELL L. ARMSTRONG, 5663
CRAIG L. ARNOLD, 7953
NEIL P. ARNOLD, 0599
KEVIN R. ARTHUR, 7910
JULIANA M. ASTRACHAN, 6054
RUDOLPH E. ATALLAH, 0187
JOSEPH ATKINS, 0802
ELISABETH S. AULD, 4711
DALE R. AUSTIN, 3747
WARREN G. AUSTIN, 4056
MICHAEL J. BABYAK, 8610
GEOFFREY S. BACON, 7323
DAVID E. BACOT, 1803
KENNETH W. BAILEY, 6310
LOWELL E. BAILEY, JR., 5184
PETER K. BAILEY, 5405
THOMAS E. BAILEY, 2060
WILLIAM E. BAKER III, 3307
JEFFREY J. BAKKEN, 5704
PETER I. BAKO, 7740
KEITH W. BALTS, 0238
DAVID D. BANHOLZER, 8080
DAVID R. BARKER, 3552
DAVID W. BARNA, 8188
CHRISTOPHER C. BARNETT, 4969
BRADLEY D. BARNETTE, 3627
PAUL K. BARNEY, 7807
GREG A. BARNHART, 7147
JEFFREY J. BARROWS, 0234
KURT D. BARRY, 1218
KRISTIN BARTO, 5596
ERIC R. BASS, 2273
BRYAN E. BATT, 3913
MELISSA L. BATTEN, 5262
FRANK BATTISTELLI, 1024
BRIEN J. BAUDE, 3793
JEROLD J. BAUER, 9716
COLIN K. BEAL, 7797
ALAN K. BEATY, 7798
EUGENE V. BECKER, 2480
JOSEPH M. BECKER, 9397
KELI A. BEDICS, 8299
DAVID A. BEEBE, 2434
KENNETH J. BEEBE, 5871
JEANNINE A. BEER, 7814
ANDREA D. BEGEL, 1143
CHERYL J. BEINEKE, 5997
ALMARAH K. BELK, 2777
JAMES BELL, 9400
JEFFREY S. BELL, 1953
JOHN E. BELL, 1147
MARK E. BELL, 3259
LANE M. BENEFIELD, 9403
MARK S. BENNETT, 1966
MIKE BENSON, 9276
SCOTT D. BENTON, 0930
CHRISTOPHER N. BERG, 9580
ALEXANDER BERGER, 9333
ROBERT D. BERGER, 5295
KEVIN J. BERNER, 2962
JOHN A. BERNHART II, 3341
BRIAN J. BERNING, 8274
KENNETH B. BERRY, 9908
RICARDO J. BERUVIDES, 9754
YVONNE M. BESSELLIEU, 9822
KENNETH T. BIBB, JR., 8093
KENNETH R. BIBEE, 4142
ANGELA L. BILLINGS, 8657
PETER M. BILODEAU, 9794
FRANK M. BIRD, 7281
BRADLEY L. BISTODEAU, 1764
THOMAS C. BLACK, 2428
ROBERT K. BLAGG, 0570
DANIEL E. BLAKE, JR., 5679
FRED R. BLASS, 9036
MICHAEL S. BLASS, 4301
NICOLE I. BLATT, 0806
JOHN R. BOBROSKI, 8788
KENT A. BODILY, 4224
FREDERICK H. BOEHM, 6042
BRIAN C. BOHANNON, 8866
JAMES E. BOLES, JR., 1892
PAUL E. BOLEY II, 1224
JEFFREY P. BOMKAMP, 3650
ROBERT K. BOONE, 4931
MARK J. BOROCZ, 3443
DAVID B. BOSKO, 4678
GENTRY W. BOSWELL, 5800
JOEL D. BOSWELL, 3443
GREGG C. BOTTEMILLER, 6300
DAVID H. BOUSKA, 6148
RICHARD H. BOUTWELL, 2145
MARK E. BOWEN, 2515
KENNETH B. BOWLING, 9462
CHARLES W. BOYD, 7291
RICHARD D. BOYD, 3332
NANCY M. BOZZER, 9931
NOEL D. BRADFORD, 8171
DANIEL J. BRADLEY, 4718
MARK P. BRAISTED, 3024
SHAWN E. BRAKE, 1007
BRYCE H. BRAKMAN, 1561
TIMOTHY S. BRANDON, 7517
STEVEN S. BRANDT, 7426
MIKE M. BRANTLEY, 9222
TROY A. J. BRASHEAR, 1967
THOMAS K. BRAUNLINGER, 0947
EVAN A. BREEDLOVE, 1818
JOHN F. BRENDLE, 4290
CARL N. BRENNER, 5498
EDWARD S. BREWER, 7741
ERIC T. BREWINGTON, 9430
LEE J. BRIDGES, 6514
DAVID E. BRIEN, 9705
ANDRE J. BRIERE, 5967
RAYMOND E. BRIGGS, JR., 4573
JOHN U. BRINKMAN, 1438
ROBERT A. BRISSON, 3087
ROBERT L. BROADY, JR., 2475
PETER J. BROMEN, 9982
CHRISTOPHER D. BROOKS, 8012
BRIAN A. BROWN, 8812
DONALD L. BROWN, 4716
MARK A. BROWN, 1136
THOMAS S. BROWNING, 0069
DAVID W. BRUCE, 7664
BRIAN R. BRUCKBAUER, 8225
ROBERT J. BRUST, 6900
HAROLD D. BUGADO, 8176
LANCE R. BUNCH, 1100
DAVID S. BUNZ, 6873
HEATHER L. BUONO, 1008
STEVEN C. BURGH, 5571
MARK L. BURMAN, 3140

LLOYD A. BUZZELL, 1607
CECILIA M. BYRNE, 0459
JAMES G. CABALQUINTO, 5019
DAVID M. CADE, 1058
STEVEN E. CAHANIN, 2920
ERIC D. CAIN, 8657
JOHN T. CAIRNEY, 9738
MARK J. CALFEE, 0060
MICHAEL E. CALTA, 4962
CARLOS E. CAMARILLO, 6883
WHITNEY J. CANFIELD, 9045
TODD D. CANTERBURY, 9540
CHRISTOPHER P. CAPUTO, 9968
WILLIAM J. CARLE, 2396
SHAY T. CARNES, 1375
MICHAEL E. CAROTHERS, 1972
ROBERT E. CARRAWAY, 6518
DONALD T. CARTER, 8410
MICHAEL E. CARTER, 4998
BRENDA P. CARTIER, 1884
BENJAMIN M. CASON, 3313
VINCENT R. CASSARA, 5139
CHRISTOPHER M. CAUSEY, 5904
PAUL O. CHAMBERS, 3811
CINDI M. CHIARAVALLOTI, 3074
GREGORY H. CHURCH, 2092
MARK E. CHURCH, 6346
RAYMOND E. CHUVALA, JR., 6847
RICHARD A. CIARAMELLA, 3520
ANTON W. CIHAK II, 1651
JAMES M. CLARK, 8750
MARK S. CLARK, 2023
MICHAEL B. CLARK, 3117
RICHARD A. CLARK, 7946
ELLEN D. CLEMENS, 5236
ERIC N. CLEVELAND, 0745
JOHN D. CLINE, 1051
DAVID R. CLINTON, 9794
DEAN A. CLOTHIER, 3363
PAUL J. COBB, 2607
TAMMY S. COBB, 0490
VINCENT A. COBB, 8459
JERRY D. COCHRAN, 9577
WILLIAM L. COCHRAN, 4549
CHAD D. COE, 7949
JERRY A. COLE, 5124
RONALD C. COLE, 8916
PAMELA D. COLEMAN, 7883
JAMES C. COLLINS, 5569
JEFFREY G. COMPTON, 9550
ROBERTO M. CONCEPCION, 8379
THOMAS R. CONKLIN, 4325
MICHAEL J. CONNELLY, 8506
THOMAS P. CONSTANT, 7472
JOSEPH E. COOGAN, 2573
ANTHONY G. COOK, 7154
BARRY W. COOK, 3753
PAUL E. COOK, 2142
DAVID A. COOPER, 5866
DAVID M. COPE, 6756
SHAWN B. COPELAND, 0034
TODD M. COPELAND, 1328
MICHAEL A. COPLEY, 3232
CHARLES S. CORCORAN, 7428
DONALD D. CORNWELL, 7860
ANNE M. COVERSTON, 8776
GEORGE COVIN, JR., 2874
DAVID B. COX, 0700
REYNA E. COX, 6573
JERALD L. CRAIG, 9591
JEFFREY E. CREHAN, 1441
CHRISTOPHER S. CRONK, 2138
MICHAEL E. CROOK, 1037
VONDA L. CROSS, 4378
ANTHONY D. CRUCIANI, 3753
RANDALL G. CUMBERWORTH, 7836
DARYL CUNNINGHAM, 5198
SCOTT M. CURTIN, 5594
BEACHEL S. CURTIS, 9218
DAVID P. CVANCARA, 0929
GEORGE CYHANIUK, 3627
NORMAN W. CZUBAJ, JR., 2558
ROBERT A. DAHLKE, 9365
MARION D. DALLISON, 4931
ERIC M. DALTON, 4865
JON Y. DANDREA, 2057
WALTER C. DANIELS II, 5222
KAREN M. DARNELL, 1987
BENJIMAN W. DAVIS, 0513
JEFFREY A. DAVIS, 5129
JOSEPH C. DAVISSON, 5577
JON K. DAWSON, 1981
MICHAEL A. DAY, 4657
MICHEAL S. DAY, 0224
JOSEPH D. DEANE, 0484
JOSEPH L. DECARO, 5349
WILLIAM A. DEEB, 2504
MATTHEW J. DELLER, 0536
DAVID A. DELMONACO, 7445
MARCELINO E. DELROSARIO, JR., 5688
JAVIER A. DELUCCA, 9498
ANDREW D. DEMBOSKY, 1014
RICHARD A. DENNERY, 7703
JEFFREY S. DENNIS, JR., 7712
THOMAS A. DERMODY, 8498
ERNEST V. DESHAYES II, 4734
SCOTT V. DETHOMAS, 3009
SEAN M. DEWITT, 6851
DOUGLAS S. DICKERSON, 3126
DAVID W. DIEHL, 9147
STEVEN J. DIMATTEO, 0158
TODD A. DIXON, 9802
THOMAS W. DOBBS, 4680
STEPHEN J. DOBRONSKI, 3378
WAYNE E. DOHERTY, 8872
TODD J. DOLBIER, 5846
JOHN J. DONAHUE, 7434
RICHARD A. DONLEY, 3902
MARK J. DORIA, 2348
TODD A. DOZIER, 8748
ERNEST S. DRAKE, 7956
STEVEN T. DREWRY, 3222
JAMES D. DRYJANSKI, 9365
DOUGLAS S. DUDLEY, 5599
CHRISTOPHER G. DUFFY, 0530
MICHAEL B. DUFFY, 2639
CYNTHIA L. DUNCAN, 2359
JOHN J. DUNKS, 0017
TIMOTHY L. DUREPO, 7984
MICHAEL A. EADS, 5785
LIONEL F. EARL, JR., 8289
BARBARA A. EAST, 5326
MICHELE C. EDMONDSON, 1920
JAMES T. EGBERT, 7693
WILLIAM A. EGER III, 8977
ELIZABETH A. EIDAL, 6555
KRISTIAN S. ELLINGSEN, 2296
BRIAN I. ELLIOTT, 1272
ERIC D. ELLIOTT, 4940
VIKKI L. ELLISON, 7895
JOHN S. EMIG, 2732
THOMAS A. EMMOLO, 2897
GREGORY L. ENDRIS, 0215
THOMAS E. ENGLE, 9743
BRIAN E. EPPLER, 9457
ROBERT W. ERICKSON, 7125
STEVEN E. ERICKSON, 1417
TODD C. ERICSON, 5419
VALERIE R. ERNST, 1235
TYLER M. EVANS, 9891
RONALD C. EVENSON, 9880
PHILIP C. EVERITTE, 9316
SHAWN C. FAIRHURST, 3213
ERIC V. FAISON, 7691
JUDSON R. FANCHER, 7731
TIMOTHY L. FANNING, 8396
BRIAN J. FARRAR, 7557
SCOTT R. FARRAR, 1395
SEAN M. FARRELL, 8490
JEFFREY R. FEARON, 7149
MICHAEL S. FEATHERS, 3634
ERIC FERGUSON, 8618
FRANK T. FERRARO, 7267
RONALD J. FISCHER, 7058
SCOTT C. FISHER, 8813
VINCENT R. FISHER, 3164
ERIC S. FISK, 5265
ALBERT H. FITTS, 0360
MICHAEL T. FITZGERALD, 2475
GERALD W. FLAUGHER, 6834
MARGARET N. FLEMING, 2275
EDGAR L. FLERI, JR., 8869
JEFFREY D. FLINT, 3870
TIMOTHY D. FLORA, 5813
RICHARD W. FOGG, 4456
SAROYA I. FOLLENDER, 5612
JAMES M. FORAND, 4334
PETER S. FORD, 9430
JOEL R. FORTENBERRY, 3562
STEVEN E. FOSS, 4802
GARY W. FOSTER, 9306
JOAN Y. FOURNIER, 6459
ROBERT J. FOURNIER, 5543
BRIAN A. FOX, 0609
SCOTT A. FOY, 7979
ANTHONY A. FRANZESE, 9005
STEVEN P. FRASER, 0823
MICHAEL J. FREDELL, 8823
SCOTT A. FRERKING, 5810
JOHN A. FREY, 8741
DANIEL J. FRITZ, 4173
CHRISTOPHER P. FROESCHNER, 5093
FREDERICK H. FROSTIC, 5197
BRADY A. FULLER, 7953
CHRISTOPHER T. FULLER, 4666
TIMOTHY L. FULLER, 1147
JENNIFER M. FULLMER, 1696
CRAIG S. GADDIS, 7195
RUDIE D. GALBERT, 7694
ANDREW J. GALE, 4568
SEAN T. GALLAGHER, 8581
LUIS S. GALLEGOS, 8336
ROBERT J. GAMBERA, 2600
JOSEPH M. GAMBRELL, 5898
PHILIP A. GARRANT, 3044
MARK A. GAUBERT, 1182
KEVIN J. GAUDETTE, 1067
STEVEN S. GAUTHIER, 9009
ANDREW J. GAWRYLUK, 4488
JESSE A. GAYDON, 1113
ANDREW J. GEBARA, 8708
GORDON M. GEISSLER, 4979
ROBERT J. GENDREAU, 4583
RONALD J. GENDRON, 3666
JEFFREY L. GEOZEFF, 4338
STEPHEN T. GIBSON, 8274
DANIEL E. GIFFORD, 9773
RONALD P. GILBERT, 8805
ROB D. GILCHREST, 4173
DANIEL M. GILLESPIE, 7119
DAVID J. GILLIHAN, 0973
VINCENT J. GILLIS, 8869
RANDLE A. GLADNEY, 7136
JAY D. GLASCOCK, 8732
THOMAS E. GLOCKZIN, 6705
JOHN W. GLOYSTEIN III, 8473
RONALD J. GODWIN, JR., 5616
JAMES D. GOLDEN, 0614
DREW C. GONZALEZ, 4663
BRUCE E. GOOCH, 3424
THOMAS E. GOODNOUGH, 6234
ROBERT G. GORDY, 8179
DAVID B. GOSSETT, 2113
WILLIAM L. GOULD, 8972
WINSTON A. GOULD, 3633
THOMAS J. GOULTER, JR., 5816
CARMEN S. GOYETTE, 5152
SAMUEL D. GRABLE, 5635
CHRISTINE GRAMLICH, 3445
JOSEPH S. GRANDUCCI III, 8346
STEPHEN J. GRANGER, 0590
LEONARD R. GRASSLEY, 2791
TRACY L. GRAY, 7103
WILLIAM J. GRAY, JR., 3796
ANDREW W. GREEN, 8309
JASON D. GREEN, 7278
KELLY A. GREENE, 7803
BRIAN L. GREENWOOD, 1227
MICHAEL A. GREINER, 7796
THOMAS H. GRIEP, 4381
BRENT M. GRIFFIN, 6402
MARK J.C. GRIFFIN, 2587
PAUL E. GRIFFITH, 0830
JEFFREY H. GROBMAN, 0993
PETER J. GUERRA, 1520
RICHARD A. GUGLIEMINO, JR., 6293
JOSE E. GUILLEN, JR., 6663
QUINN A. GUMMEL, 4286
GARY B. GUY, 5307
OTTO D. HABEDANK, 1906
MARK W. HABERICHTER, 5088
GARY D. HAINES, 1658
ROBERT M. HAINES, 1763
CARLOS HALCOMB, 9764
RODERICK A. HALEY, 1172
CHRISTOPHER R. HALL, 6998
KARL D. HALL, 3505
KENT C. HALVERSON, 2513
WILLIAM B. HAMANT, 2957
DAVID M. HAMERSHOCK, 2227
DAVID T. HAMM, 2594
KENNETH R. HAMM, 6980
KEVIN D. HAMPSHIRE, 7762
JOHN HAMUKA, 1347
THOMAS E. HANCOCK, 8356
JASON L. HANOVER, 1987
FORREST B. HARE, 8965
JULIE A. HARMON, 0698
TONY D. HARPER, 0748
BRYAN L. HARRIS, 8257
MATTHEW C. HARRIS, 6833
MCKINLEY HARRIS III, 0903
PAUL H. HARRIS, 9511
TAL H. HARRIS, 2620
RUSSELL J. HART, JR., 9242
STACY K. HARUGUCHI, 8017
RYAN E. HATTEN, 2489
DANIEL B. HAUCK, 3803
LAWRENCE B. HAVIRD, 5918
GARY F. HAWTHORNE, 8757
MARK J. HAYES, 3726
EMILE L. HAZEUR, JR., 6121
THOMAS E. HAZLEBECK, 6837
ANDREW D. HEALY, 8195
JEFFREY M. HEBERT, 2933
ROBERT S. HEDDEN, 8580
JERRY G. HELMS, 5363
SAMANTHA A. HELWIG, 6588
JAMES A. HENDERSON, 1963
RONALD L. HENRY, 8842
THOMAS K. HENSLEY, 5135
GARY F. HERMANN, 0837
MICHAEL F. HERNANDEZ, 6749
CHRISTOPHER A. HERRING, 8882
ANDREAS C. HEY, 8882
ROBERT W. HICKS, 4267
DUANE L. HIEBSCH, 1257
DOUGLAS E. HIESTAND, 2574
ROBERT J. HILL, JR., 5607
JOHN J. HILLSMAN III, 5883
SAMUEL C. HINOTE, 6065
BRADLEY T. HOAGLAND, 2216
MARILYN E. HODGES, 4508
DAVID J. HOEY, 1138
ROBERT A. HOFF, 4673
CHARLES E. HOGAN II, 0328
JEFFREY A. HOKETT, 8794
STEVEN W. HOLLIS, 8026
SCOTT A. HOLLISTER, 8458
MICHAEL A. HOLLMAN, 6954
JOHN O. HOLM, 4306
DAVID P. HOLMEN, 0873
DANIEL T. HO[illegible]46
WILLIAM G. HO[illegible] II, 5144
JEREMY C. HOLTGRAVE, 1820
MICHAEL A. HOMSY, 1898
ANDREW J. HOSTETTER, 9088
RODNEY A. HOUSER, 3298
CHARLES M. HOWARD, 7086
PAUL L. HOWE, 4082
BRENT R. HRNCIR, 1226
JEFFREY B. HUBBELL, 7134
ROBERT V. HUCKLEBERRY, 3390
JAMES M. HUMES, 5732
THERESA B. HUMPHREY, 4660
LANE R. HUMPHREYS, 9832

PETER A. HUNSUCK, 7826
BRIAN S. HUNT, 8761
CURTIS C. HUNT, 6784
ROBERT J. HUNT, JR., 7961
MATTHEW M. HURLEY, 3558
RONALD E. HUZZARD, 6253
ALFRED A. IANNACCONE, 4014
DAVID J. IMPICCINI, 6379
PAUL H. ISSLER, 2007
DAPHINE B. JACKSON, 0648
JOEL D. JACKSON, 1544
RONALD L. JACKSON, JR., 3363
WILMER M. JACKSON, 8648
DEBORAH S. JACOBS, 4939
SCOTT C. JACOBS, 3268
BRANDON A. JAEGER, 5471
EDWARD M. JAKES, 4948
BRIAN L. JAMES, 3883
RAYMOND T. JAMES, 7128
STEVEN P. JAMES, 6624
RICHARD F. JANOSO, 8655
MICHAEL M. JANSEN, 5500
RYAN A. JARA, 6582
JOHN T. JARVIS, 3881
GUY R. JASEPH, 3646
SEAN E. JEFFERS, 4514
DOUGLAS H. JENKINS, 2184
DOUGLAS W. JENKINS, 3448
RONALD S. JOBO, 3930
TAY W. JOHANNES, 8455
DONALD A. JOHNSON, 2476
JAMES L. JOHNSON, 3793
MARCUS JOHNSON, 9233
PAUL L. JOHNSON, 4274
SHANE W. JOHNSON, 2901
JAMES M. JOHNSTON, 8164
LANCE A. JOLLY, 3652
BRIAN C. JONES, 7892
DIANE M. JONES, 4937
ROBERT W. JONES, JR., 6097
KIMBERLEE P. JOOS, 2210
JAMES F. JORDAN, JR., 8810
LYNN C. JORGENSEN, JR., 9008
THOMAS M. JOSS, 5869
JAMES A. JOYCE, 5109
TODD S. JOYNER, 0104
DANIEL A. KALTENBAUGH, 3897
GREG M. KALUA, 9103
TIMOTHY J. KARMONDY, 0995
PAUL J. KASUDA, 8109
LANCE K. KAWANE, 0184
MICHAEL J. D. KAYSER, 8062
JEFFREY S. KECKLEY, 7606
DAVID W. KELLER, 1120
JONATHAN L. KELLY, 9282
PATRICK J. KELLY, 2430
FRED G. W. KENNEDY III, 5952
DOUGLAS L. KERSEY, 0912
GREGORY S. KEYSOR, 8781
ROBERT E. KIEBLER, 9634
JENNIFER L. KILBOURN, 9247
MICHAEL L. KILBOURN, 1360
STEPHEN W. KILL, 7473
JOEL T. KING, 4438
MICHAEL J. KING, 0393
PATRICK C. KING, 7277
RANDY E. KING, 1394
PRESTON D. KISE, 3388
STEPHEN D. KISER, 5617
MIKLOS C. KISS, JR., 0665
DAVID A. KIVIOJA, 2818
CATHERINE M. M. KLEIFGES, 0739
KELLY KLEIFGES, 2726
JACK A. KLEIN, 6260
GREGG A. KLINE, 1448
JAMES F. KLINOMEYER, 6301
TIMOTHY S. KLOPFER, 9519
THOMAS G. KLOPOTEK, 0879
ERIC K. KNIGHT, 4073
ANDREW J. KNOEDLER, 6399
THEODORE S. KOCH, 9304
JAMES S. KOCKLER, 7972
EDWARD J. KOHARIK III, 6154
MARIE O. KOKOTAJLO, 6775
STEPHEN O. KORNITZER, 3691
MICHAEL G. KOSCHESKI, 1475
MICHAEL J. KOSCO, 5116
THOMAS S. KOSS, 8485
WALLACE J. KOST, 5548
BENJAMIN F. KOUDELKA, JR., 1348
ALEXANDER L. KOVEN, 6449
TIMOTHY A. KRANER, 9904
JON M. KRAUSE, 9921
JORDAN R. KRISS, 8073
TODD C. KRUEGER, 2298
GARY B. KUBAT, 2842
JOHN C. KUBINEC, 6066
JAMES D. KUEHN, 0917
BRENDA S. KURTYKA, 6620
DEBORAH L. KUTH, 3001
STEVEN N. LACASSE, 1703
MARK B. LACY, 8557
TIMOTHY M. LAMBERT, 2462
PAUL C. LAMBERTSON, 3603
JOHN K. LANDRUM, 1642
LANCE K. LANDRUM, 8015
DEBORAH A. LANDRY, 6368
TIMOTHY J. LANDVOGT, 3679
HARRY J. LANE, 8482
LARRY H. LANG, 9985
LEIANN M. LANG, 8554
MARY P. LANGHILL, 8982
ELIZABETH S. LARSON, 1069
KATHY H. LAUDEN, 8751
SCOTT E. LAVIGNE, 1687
JAMES W. LAW, 6286
CARMELLA V. LAWSON, 7992
THOMAS R. LAYNE, 5508
BRIAN K. LEATHERWOOD, 8609
CHARLES P. LEE, 8379
DAVID R. LEE, 3815
DEBRA S. LEE, 0269
GENE C. LEE, 9415
JAMES D. LEE, 0905
DANTE S. LEGASPI, 9570
PETER F. LEHEW, 7856
EDWARD J. LENGEL, 9005
THOMAS J. LENNON, JR., 7250
ALBERT P. LENSE, 8123
BROOK J. LEONARD, 3074
MARK T. LEONARD, 5473
ROBERT S. LEPPER, JR., 6016
STEVEN R. LETCH, 6652
JOHN R. LEWIS, 5367
MICHAEL B. LEWIS, 3900
WILLIAM A. LIBBY, 0507
DANIEL LIGGINS, 4794
MICHAEL S. LIGHTFOOT, 7282
SAMUEL LIGHTFOOT, JR., 5428
JOE L. LINDSEY, 3988
BARTH L. LIPPERT, 1391
JEFFREY D. LIPSKY, 6976
ROLAND J. LIRETTE, JR., 5628
JAMES F. LOBASH, 9873
DANIEL R. LOCKERT, 1732
MICHAEL J. LOGAR, 9489
EDWARD A. LOMBARD, 4805
DONALD W. LONG, 4921
RICKY M. LONGHURST, 9747
JESUS K. LOPEZ, 3477
MARC A. LOPEZ, 9849
JEFFREY C. LOUIE, 3738
MICHAEL A. LOVE, 7060
JOHN R. LOWELL, 4923
ROBERT R. LOY, 4073
ROY E. LOZANO, JR., 5015
VERNON K. LUCAS, 2922
RYAN S. LUCHSINGER, 2921
KEITH A. LUDWIG, 1642
CLARENCE W. LUKES, JR., 4529
DAVID A. LUNGER, 8144
GARRY W. LUNSFORD, 6743
JAMIE A. LUTES, 0949
MICHAEL J. LUTTON, 5369
PAUL J. MACDONALD, 8553
TIMOTHY B. MACGREGOR, 8889
THOMAS A. MACIAS, 8922
JAMES B. MACKEY, 7971
RUSSELL E. MACLEAN, 8414
GARY W. MACLEOD, 4777
MITCHELL E. MADDOX, 1279
KAREN R. MADSEN, 9055
SCOTT R. MAETHNER, 8791
DAVID A. MAHER, 6766
BRIAN J. MAHONEY, 7425
CHRISTOPHER T. MAINE, 1530
LORI L. MALDONADO, 1873
PHILIPPE R. MALEBRANCHE, 2820
ROBERT A. MALLETS, 1021
RUSSELL W. MAMMOSER, 5610
ANDREW W. MANN, 3203
DANIEL G. MANUEL, JR., 9694
HENRY F. MARCINOWSKI III, 9893
PETER M. MARSCH, 7611
EDWARD MARTIGNETTI, 9930
WAYNE R. MARTIN, 0652
JOHN C. MARTINEZ, 7031
RUSSELL T. MASSEY, 5448
JOHN C. MATEER IV, 3670
DENNIS R. MATHEWS, 6600
PAUL T. MATIER, 3224
GARY A. MAUSS, 6264
STACY L. MAXEY, 0670
BRIAN G. MAY, 9506
ROBERT E. MAYFIELD, 2931
ERIC S. MAYHEU, 6239
WILLIAM P. MAZZENO, 6448
RANDALL J. MAZZONI, 9120
HOWARD G. MCARTHUR, 4746
PAUL B. MCARTHUR, 1896
BUSTER G. MCCALL, 1236
WAYNE A. MCCASKILL, 0786
MARK H. MCCLOUD, 9740
GREGORY L. MCCLURE, 9772
LISA R. MCCOLGAN, 4945
DEVON F. MCCOLLOUGH, 8236
BRIAN E. MCCOMBS, 7710
ROBERT P. MCCRADY, 4420
DANIEL P. MCCUTCHON, 5178
CHARLES B. MCDANIEL, 9121
JEFFREY T. MCDONALD, 8003
JOHN P. MCELDOWNEY, 7105
PATRICK D. MCEVOY, 8602
CURTIS D. MCGIFFIN, 8657
DAVID O. MCGRATH, 0760
SHAUN R. MCGRATH, 4693
THOMAS P. MCGRATH, 8048
ANTHONY K. MCGRAW, 7821
THOMAS G. MCGUIRE, 2938
KEITH T. MCILVOY, 3520
PATRICK D. MCKEOWN, 8640
MICHAEL J. MCKINNEY, 5062
BRIAN P. MCLAUGHLIN, 2032
FRED A. MCNEIL, 9591
PATRICK J. MCNELIS, 3614
MICHAEL A. MCNERNEY, 9424
AARON T. MEADOWS, 1505
JOSEPH C. MEDLIN, 2852
JAMES P. MEGER, 7685
HELEN M. MEISENHELDER, 8036
CHARLES J. MELNIK, 0655
JAMES A. MELVIN, 1755
JOHN J. MENOZZI, 3281
LEIGH E. METHOD, 6362
STEPHEN R. MEZHIR, 7020
MELANIE J. MILBURN, 2295
MICHAEL D. MILLEN, 3104
ALBERT G. MILLER, 4366
CHAD H. MILLER, 1604
CHRISTOPHER M. MILLER, 6257
JASON E. MILLER, 5431
MARC J. MILLER, 8601
RAYMOND S. MILLER, 5641
RODNEY L. MILLER, 1041
DANIEL R. MILLMAN, 9050
FRANK C. MILLS, 2509
GARY H. MILLS, 2515
DAVID A. MILLSAPPS, 2723
CHRISTOPHER W. MILNER, 0692
PETER J. MILOHNIC, 1498
GEORGE G. MITCHELL, 5938
MATTHEW W. MITCHELL, 5411
MATTHEW K. MOELLER, 1233
TROY P. MOLENDYKE, 4431
TIMOTHY S. MOLNAR, 4530
ROBERT B. MONROE, 3572
BOBBIE A. MOORE, 6701
JENNIFER L. MOORE, 3406
KYLE W. MOORE, 5157
LEANNE C. MOORE, 4802
MICHAEL J. MOORE, 6882
RANDALL W. MOORE, 1617
RICHARD G. MOORE, JR., 6280
VICTOR H. MORA, 1080
BRENT P. MORAN, 4276
GREY L. MORGAN, 3182
MELINDA F. MORGAN, 8918
JOY L. MORIBE, 7843
MICHAEL A. MORREALE, 8956
ANNA MARIE MORRIS, 0806
DOUGLAS B. MORRIS, 9950
SCOTT A. MORRIS, 9541
DAVID F. MORRISSEY, 2434
ADAM L. MORTENSEN, 6998
STEPHEN J. MORTENSEN, 8835
WILLIAM J. MOWRY, 5884
MICHAEL A. MRAS, 2758
ANDRES E. MUKK, 7511
RALPH J. MULI, 5822
JOSEPH E. MULLEN, JR., 3469
JAMES F. MULLIN III, 4045
MATTHEW P. MURDOUGH, 2168
DAVID W. MURPHY, 4081
JENNIFER J. MURPHY, 3417
MICHAEL C. MURPHY, 2315
RODERICK T. MURPHY, 3075
NIELE H. MUSEKAMP, 3757
RICK R. MUSSI, 8321
CHRISTOPHER R. MYERS, 1056
STEVEN R. MYERS, 9988
DARRYL F. NEAL, 1460
RICHARD D. NEAL, JR., 1431
MICHAEL R. NEEMAN, 5230
ROBERT E. NEHER, JR., 0083
WILLIAM D. NEITZKE, 1074
ROBERT G. NELSON, 4106
ROBERT J. NELSON, 0489
CHARLES S. NESEMEIER, 4744
ALEXANDER F. NEUMANN, 7843
ROGER L. NEUMANN, 4729
STEVEN T. NEUSER, 3406
JOHN J. NICHOLS, 4377
PAUL B. NICHOLS, 8488
FRANK D. NICHOLSON, 2038
TODD A. NICHOLSON, 4951
LAWRENCE A. NIXON, 2961
BRADFORD N. NORRIS, 6340
JULIE T. NORRIS, 3395
BRIAN M. NOVOTNY, 5800
KEVIN W. NYBERG, 3930
KRISTINA M. OBRIEN, 9662
SEAN B. OBRIEN, 1836
SHAWNA E. OBRIEN, 0099
EDWARD A. OCONNOR, 4014
TREVOR A. ODAY, 2812
EDWIN J. OFFUTT, 8890
LESTER S. OGAWA, 9326
MARK L. OLAUGHLIN, 9878
TIMOTHY F. OLDENBURG, 4990
DAVID B. OLIVER, 0433
DANIEL R. OLSON, 9529
ERIC J. OLSON, 5344
ANDREW D. ONEEL, 5683
BRADLEY A. ONEIL, 8543
ELIZABETH A. ORIE, 9367
STEVEN ORIE, 7160
DANIEL S. ORMSBY, 5892
PETER A. ORNELL, 4957
KEVIN P. OROURKE, 4756
KENNETH J. ORR, 3723
ROBERT J. ORRIS, 9982
CARLOS H. ORTIZ, 8488
BRYAN R. OSSOLINSKI, 5978
WILLIAM K. OSWALD, 4412
WILLIAM R. OTTER, 6653
GREGORY R. OTTOMAN, 3912

DONALD A. OVERBAY, 1232
JAMES L. OVERSTREET, 3386
JOSEPH P. PACE, 3644
SUZANNE M. PALMER, 4282
DANNY E. PALUBECKIS, 1103
GERALD J. PARISH, 1672
BOYD C. L. PARKER IV, 5741
KENNETH J. PASCOE, 8165
DAVID PASTORE, 6735
JEFFREY E. PATERSON, 8019
GREGORY M. PATSCHKE, 4852
WILLIAM C. PATTERSON, 4954
ALLEN D. PATTON, 1903
ROBERT J. PAVELKO, 9750
GREGORY J. PAYNE, 7905
TAMMI L. PEACOCK, 8571
STEPHEN W. PEARCE, 3796
MICHAEL S. PEDERSON, 0724
JAMES C. PENROD, 3530
RODERICK F. PEOPLES, 4216
DANIEL A. PEPPER, 5528
CHARLES D. PERHAM, 7948
MARC A. PETERSON, 5888
ERIK D. PETTYJOHN, 6525
JEFFREY D. PHILIPPART, 4259
JAMES W. PHILLIPS, 0295
MICHAEL A. PHILLIPS, 2530
JOSEPH F. PIASECKI, 3362
CHARLES PICONE, 4412
JEFFREY G. PIERCE, 9890
WILLIAM N. PIERCE, 7892
MASON B. PIGUE, 4828
GEOFFREY B. PIHLAJA, 1872
STEVEN W. PLANK, 0882
STEPHEN C. PLATT, 9816
MICHAEL E. PLATTEEL, 7214
STEPHEN M. PLESCHA, 3423
STEPHEN D. POINTON, 1309
WILLIAM J. POIRIER, 1498
WILLIAM E. POLAKOWSKI, 0884
MICHAEL J. POLLEY, 4955
MARK E. POLOMSKY, 6906
BRIAN G. POLSER, 6700
PATRICK D. POON, 3663
MICHAEL D. PORT, 7111
JAMES C. PORTER, 5067
CHRISTOPHER S. POVAK, 3320
WILLIAM P. POWER, 4733
MICHAEL J. POWERS, 2502
SANDERS E. PRESCOTT, 8705
EDWARD R. PRESLEY, 4696
RYAN J. PRICE, 8252
THOMAS E. PRICE, 8462
KELLY J. PRIMUS, 2930
HEATHER L. PRINGLE, 7666
GREGORY T. PUGH, 0029
BRIAN D. PUKALL, 5887
THOMAS J. QUICK, 4903
JAMES A. QUINN, 2091
JEFFREY G. RAETZ, 0671
KENNETH C. RAGSDALE, 0200
STEVEN J. RAJOTTE, 5353
ANTHONY R. RAMAGE, 5919
STEVEN E. RAMER, 3853
MURIEL RAMIREZSALAS, 2153
THOMAS E. RAMPULLA, 0919
ROBERT L. RAMSDEN, 1633
GREGORY N. RANKIN, 1713
BILLY M. RASNAKE, 5010
CHRISTOPHER R. RATE, 3538
KOLIN D. RATHMANN, 0571
WILLIAM F. I. RATLEDGE, 9976
JAMES R. RAY, 6012
KEVIN J. RAYBINE, 3999
DENNIS V. RED, 2709
RANDALL J. REDELL, 8715
GEORGE E. REED, 2622
BROOKS B. REESE, 1696
MATTHEW R. REGNER, 3811
CHRISTOPHER MICHAEL REIN, 0926
LYNN A. REISE, 1584
ROBERT S. RENEAU, 3762
KENNETH J. RENGERING, 2639
THOMAS A. REPPART, 6526
GEORGE M. REYNOLDS, 4118
PATRICK J. RHATIGAN, 0658
LARRY G. RICE, JR., 5372
DONNA M. RICHARDS, 4963
THOMAS J. RICHARDS, 6659
ANDREW J. RICHARDSON, 7723
JOSEPH C. RICHARDSON, 9588
MICHAEL G. RICKARD, 9903
WILLIAM R. RIDDLE, JR., 2018
THOMAS A. RIETKERK, 3462
STEPHEN P. RITTER, 3051
WILLIAM RITTERSHAUS, 9157
MICAH S. RIZA, 0036
JOSEPH M. RIZZUTO, 1911
MATTHEW S. ROBERSON, 9058
STEVEN J. ROBERTS, 1983
TOMMY A. ROBERTS, 8326
WILLIAM P. ROBERTS, 6330
HOWARD G. ROBINSON, 4741
REGINALD O. ROBINSON, 9260
WILLIAM B. ROGAN III, 0422
JAMES W. ROGERS, JR., 2938
TAMARA S. ROGERS, 7116
HAROLD N. ROLLINS, 7706
DAVID F. ROMAN, 6260
DEBRA K. ROSE, 8270
MICHAEL D. ROSS, SR., 3529
THOMAS ROSS, 5899
MARTIN L. ROTHROCK, 7081
DONOVAN L. ROUTSIS, 9490
BRIAN C. ROY, 7700
JAMES D. ROY, 9212
DAVID L. RUFFIN, 4923
DENNIS G. GUZ RUIZ, 3110
BRIAN RUSLER, 0441
DONALD G. RUSSELL, 0831
ROBERT D. RUSSELL, 8720
TIMOTHY R. RUSSELL, 0735
MICHAEL J. RUSZKOWSKI, 0869
DOUGLAS B. SABO, 5701
ANDREW L. SACKETT, 5290
ROBERT D. SAGRAVES, 2209
CARL D. SALAS, 4185
BRIAN R. SALMANS, 8221
ASHLEY D. SALTER, 0602
KEVIN L. SAMPELS, 0937
GARY L. SAMSON, 4172
CESAR C. SANDAN, 1400
BRETT H. SANDERS, 8162
GREGORY P. SARAKATSANNIS, 0895
MICHAEL E. SAUNDERS, 5101
SCOTT G. SAUNDERS, 5027
DENNIS G. SCARBOROUGH, 2448
CARL E. SCHAEFER, 4305
SCOTT A. SCHAEFER, 5295
GREGORY SCHECHTMAN, 4788
GREGORY C. SCHEER, JR., 0376
ANTHONY SCHEIDT, 4420
MARK P. SCHENCK, 5252
MARTIN K. SCHLACTER, 2465
ROBERT J. SCHLEGEL, 4577
DAVID I. SCHMIDT, 6945
THOMAS L. SCHMIDT, 3194
JAIME M. SCHOFIELD, 7922
PAUL L. SCHOLL, 5369
TODD J. SCHOLLARS, 4827
CHERYL M. SCHRAMM, 8172
ROBERT C. SCHROEDER, JR., 5011
CARL J. SCHULER, JR., 3785
MARCUS R. SCHULTHESS, 5699
ALLEN D. SCHWARTZ, 6205
TERESA M. SCHWEHM, 6145
JEFFREY S. SCHWOOB, 6401
VERNON L. SCRIBNER, 6187
LOUIS P. SELIQUINI, JR., 1286
SOPHIE M. SENN, 2403
STEVEN E. SENN, 9643
BRIAN W. SENNETT, 4885
JOHN S. P. SEO, 8710
CHRISTOPHER L. SETLIFF, 2506
BRIAN G. SEVERNS, 0192
JAMES P. SEWARD, 9072
KRISTINE M. SHAFFER, 9368
CHRISTOPHER C. SHANNON, 0865
EVERETT E. SHAVER, JR., 3676
ROBERT M. SHAW, 8355
MICHAEL J. SHEA, 9097
DARRYL M. SHEETS, 5437
MICHAEL C. SHENBERGER, 8853
MICHAEL J. SHEPHERD, 4820
DREXEL B. SHERMAN, 4389
JAMES S. SHIGEKANE, 0344
STEVEN L. SHINKEL, 1627
DONNA D. SHIPTON, 7561
DAVID R. SHONK, JR., 8871
TODD C. SHULL, 0971
DAVID A. SIKORA, 6244
DONLEY R. SILBAUGH, 3223
ERIC E. SILBAUGH, 2341
STEPHEN S. SILVERS, 9654
JOHN P. SIMMONS, 2079
LESTER G. SIMPSON III, 9116
JILL E. SINGLETON, 1545
TIMOTHY M. SIPOWICZ, 9571
SAMUEL T. SKAGGS, 2709
ERIN A. SKOWRAN, 6538
MARK H. SLOCUM, 1735
AARON M. SMITH, 2671
ELDON R. SMITH III, 0068
HOMER R. SMITH, 4287
JEFFERY B. SMITH, 4084
JEFFERY P. SMITH, 2070
JEFFREY S. SMITH, 1245
LESLIE T. SMITH, JR., 6287
RAYMOND H. SMITH, JR., 1431
ROBERT J. SMITH, JR., 0926
SCOTT E. SMITH, 0273
TERRY E. SMITH, 5279
BENJAMIN E. SNOW, 8110
JONATHAN D. SNOWDEN, 9386
STANLEY G. SOLLIE, 2132
JAY C. SORENSEN, 7628
FRANK C. SOUZA, 4742
WILLIAM A. SPANGENTHAL, 0352
BERTRAND D. SPARROW, JR., 2158
JUSTIN J. SPEEGLE, 7649
PATRICK H. SPIERING, 7881
CHARLES J. SPILLAR, JR., 4203
NANCY F. STAATS, 6320
STEVEN G. STAATS, 3395
GREGORY K. STANKEWICZ, 2942
ANDREW J. STARK, 2986
TODD R. STAUDT, 6982
GRANT J. STEDRONSKY, 2018
DARRELL C. STEELE, 6358
DAVID R. STEELE, 0025
JERALD W. STEEN, JR., 9613
CRAIG D. STEINER, 6828
DAVID M. STEPHAN, 7476
MATTHEW A. STEVENS, 0396
DAVID R. STEWART, 9376
PHILLIP A. STEWART, 2239
THERESA A. STOCKDALE, 6086
DAVID A. STONE, 1551
ROBERT H. STONEMARK, 8140
GUY D. STORY, 4821
ANDREW M. STOSS, 1209
JAMES E. STRATTON, 8037
ROBERT O. STROEBEL, 0410
MARIA LIZA R. STRUCK, 1208
MICHAEL S. STRUNK, 7757
SHAUN R. STUGER, 4842
PATRICK D. SULLIVAN, 6608
NICHOLAS A. SULLY, 0616
JONATHAN A. SUTHERLAND, 9193
ARAS P. SUZIEDELIS, 3587
THOMAS J. SVOBODA, 6869
EDWARD W. SWANSON, 7338
FRANCIS J. SWEKOSKY, JR., 1212
JEFFERY S. SZATANEK, 7796
ANDREW G. SZMEREKOVSKY, 5966
PAUL E. SZOSTAK, 6190
DAVID H. TABOR, 2151
ALBERT Z. TALAMANTEZ, JR., 0094
ANTHONY T. TAYLOR, 0485
SHAWN E. TEAGAN, 0418
RICHARD R. TELLES, 3520
KEITH A. TERRELL, 0978
JOHN P. TERRY, 7506
PATRICK A. TESTERMAN, 7786
KIM E. THEIN, 0476
KEITH L. THIBODEAUX, 1919
GEORGE E. THOMAS, JR., 8651
GREGORY D. THOMAS, 0616
JORDAN K. THOMAS, 1478
BRAD R. THOMPSON, 4512
MARK E. THOMPSON, 6536
WILLIAM P. THOMPSON, 0203
MARK A. THONNINGS, 8032
JEFFREY A. TIBBITS, 8518
LANCE A. TILGHMAN, 4467
MICHAEL J. TIMMERMAN, 0702
CHARLES R. TIMMERMEYER, JR., 2019
DAVID TOBAR, 2556
RODNEY F. TODARO, 5921
LANCE S. TOKUNAGA, 2302
GEORGE W. TOMBE IV, 1898
MARY D. TOOHEY, 3931
FRANCISCO A. TORANOCAMPOS, 8128
LAWRENCE O. TORRES, 2840
GAVIN B. TOVREA, 1857
JULIE D. TRAVNICEK BURNS, 3558
ROBERT W. TRAYERS, JR., 7247
CHESTER A. TRELOAR, 0799
JIMMIE L. TRIGG, 8590
MICHELLE M. TRIGG, 1303
ERIC J. TRYCHON, 2314
TROY A. TSCHIRHART, 3523
CLAUDE K. TUDOR, JR., 8459
DANIEL H. TULLEY, 6654
LONNIE K. TURNER, 1746
AMY E. TWEED, 4481
DANIEL A. TWOMEY, JR., 1335
TIMOTHY R. UECKER, 5929
JEFFREY R. ULLMANN, 6171
LISA A. UNDEM, 1750
JERRY J. UPDEGRAFF, 1834
CHRISTOPHER J. URDZIK, 8478
SANTIAGO A. VACA, 5560
JOHN J. VANCE, 3312
JEFFREY L. VANDENBUSSCHE, 4628
HARRY W. VANDERBACH, 0232
REX S. VANDERWOOD, 1637
EDWARD J. VANGHEEM, 1096
ROBERT H. VANHOOSE, 8621
JONATHAN R. VANNOORD, 5428
DAVID M. VARDAMAN, 0883
JOHN E. VARLJEN, 6577
DANIEL R. VASQUEZ, 3088
DAVID S. VAUGHN, 3116
BRYAN S. VEIT, 7867
ROBERT J. VERCHER, 4975
TODD M. B. VICIAN, 9918
ROMMEL B. C. VILLALOBOS, 7353
JUAN C. VILLARREAL, 7033
JOHN M. VITACCA, 8097
MARK A. VIVIANS, 6829
JAMES R. VOGEL, 4367
BRENT R. VOSSELLER, 9004
JAMES D. WAGGLE, 4781
EUGENE H. WAGNER, JR., 1318
JOHN W. WAGNER, 6757
MICHAEL L. WAHLER, 1088
CRAIG J. WALKER, 4111
JAMES E. WALKER, 7548
KEVIN J. WALKER, 7444
RICHARD W. WALKER, 6711
ANDREW M. WALLACE, 5384
GINGER L. WALLACE, 2657
SCOTT J. WARDLE, 8937
ERIC L. WARNER, 7351
LUCILLE J. WARNER, 4112
SCOTT A. WARNER, 5554
JAMES L. WARNKE, 2698
JAMES T. WASHINGTON, 0716
OLIVER D. WASHINGTON, JR., 4694
DANIEL L. WATERS, 6570
JEFFREY J. WATERS, 4097
BILLY J. WATKINS, JR., 2124
GORDON K. WATTS, 6076
ANDREW H. WEAVER, 6070
JOEL J. WEAVER, 0465

CHARLES W. WEBB, JR., 1724
RICHARD E. WEBB, JR., 5123
MARK D. WEBER, 3500
JOSEPH P. WEDDING III, 1993
MICHAEL R. WEHMEYER, 5186
HOLLY B. WEIK, 0966
CHRISTOPHER S. WELDON, 7860
MICHAEL V. WELGE, 7212
MARK W. WELHAF, 7670
ALIX E. WENGERT, 6613
MARK S. WERT, 6716
TIMOTHY P. WESSEL, 1440
TIMOTHY C. WEST, 6187
RICHARD G. WESTON, 0924
GARY A. WETTENGEL, JR., 7517
TODD J. WEYERSTRASS, 1339
MICHAEL T. WHATLEY, 5091
CHRISTOPHER L. WHEELER, 6990
MARK C. WHEELHOUSE, 3801
ROBERT S. WIDMANN, 8027
PHILIP W. WIELHOUWER, 3092
DAVID A. WIESNER, 6290
JOHN T. WILCOX II, 7544
GARY WILEY, JR., 2647
CURTIS L. WILKEN, 5295
JAMES B. WILKIE, 2963
BERNARD M. WILLI, 5823
CHRISTOPHER S. WILLIAMS, 9691
CLIFFORD D. WILLIAMS, 4220
CRAIG E. WILLIAMS, 2421
GREG A. WILLIAMS, 7460
REGINALD J. WILLIAMS, 3431
SHUN V. WILLIAMS, 7926
MICHAEL D. WILLIAMSON, 0995
RICHARD E. WILLIAMSON, JR., 5203
ALLEN C. WILSON, 2358
MARK P. WILSON, 1077
THEODORE D. WILSON, 2469
THOMAS E. WILSON, 3478
PATRICK J. WINDEY, 9253
PATRICK E. WINGATE, 8602
MICHAEL P. WINKLER, 3572
ROBERT P. WINKLER, 0721
MARK B. WISER, 8888
STEPHEN A. WISSER, 3568
TRACY M. WITCHER, 4940
ERIC P. WOHLRAB, JR., 4660
JOSEPH L. WOLFKIEL, 9955
JASON L. WOOD, 1457
MARK A. WOOTAN, 9596
TOBI SEARS WORDEN, 0847
CHRISTOPHER A. WORLEY, 1365
KARYN E. WRIGHT, 3023
RICHARD D. WRIGHT, 7080
JUSTIN R. WYMORE, 0871
KEVIN J. YANDURA, 9843
JOSEPH F. YEZZI, 3904
STACY L. YIKE, 2016
ZEV YORK, 8557
DAVID T. YOUNG, 0611
JOEL D. YOUNG, 7352
WILLIAM E. YOUNG, JR., 8905
RAMONA D. YOUNGHANSE, 1120
JEFFREY A. ZEMKE, 0271
KENNETH S. ZEPP, 1602
SCOTT C. ZIPPWALD, 0044

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY VETERINARY CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be lieutenant colonel

DEBORAH WHITMER, 8289

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES ARMY JUDGE ADVOCATE GENERAL'S CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

STEVEN C. HENRICKS, 6329
MICHAEL D. MIERAU, 9454
WILLIAM C. MOORHOUSE, 1544
WILLIAM J. NELSON, 4408

FOREIGN SERVICE

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE DEPARTMENT OF STATE FOR PROMOTION IN THE SENIOR FOREIGN SERVICE TO THE CLASSES INDICATED: CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF CAREER MINISTER:

R. NICHOLAS BURNS, OF MASSACHUSETTS
ERIC S. EDELMAN, OF VIRGINIA
JAMES FRANKLIN JEFFREY, OF VIRGINIA
KRISTIE ANNE KENNEY, OF VIRGINIA

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER-COUNSELOR:

KATHLEEN HATCH ALLEGRONE, OF VIRGINIA
JONATHAN MARK ALOISI, OF CALIFORNIA
JAY N. ANANIA, OF CONNECTICUT
ALEXANDER A. ARVIZU, OF COLORADO
DAVID L. BALLARD, OF TEXAS
WILLIAM M. BARTLETT, OF VIRGINIA
PATRICIA A. BUTENIS, OF VIRGINIA
FREDERICK BISHOP COOK, OF FLORIDA
ERNEST E. DAVIS, OF MISSOURI
KATHLEEN R. DAVIS, OF CALIFORNIA
SCOTT H. DELISI, OF MINNESOTA
DAVID TANNRATH DONAHUE, OF INDIANA
EDWARD KWOK HEE DONG, OF CALIFORNIA
JOSEPH R. DONOVAN, JR., OF NEW YORK
PATRICK D. DONOVAN, OF VIRGINIA
CHARLES LEWIS ENGLISH, OF FLORIDA
GARY M. GIBSON, OF MARYLAND
MARY ELLEN T. GILROY, OF VIRGINIA
GEORGE A. GLASS, OF NEW JERSEY
PATRICIA HASLACH, OF OREGON
WILLIAM J. HAUGH, OF VIRGINIA
ERIC G. JOHN, OF INDIANA
JOHN J. KEYES III, OF FLORIDA
MICHAEL DAVID KIRBY, OF OHIO
L.W. KOENGETER, OF FLORIDA
ALAN BRYAN CEDRIC LATIMER, OF GEORGIA
SALLY MATHIASEN LIGHT, OF WASHINGTON
HUGO LLORENS, OF FLORIDA
JACKSON C. MCDONALD, OF FLORIDA
WILLIAM JOSEPH MCGLYNN, JR., OF CALIFORNIA
LUIS G. MORENO, OF FLORIDA
DAVID D. NELSON, OF SOUTH DAKOTA
CAROL ZELIS PEREZ, OF TEXAS
ROGER DWAYNE PIERCE, OF VIRGINIA
MARGUERITA D. RAGSDALE, OF VIRGINIA
CHARLES AARON RAY, OF TEXAS
JAMES P. REID, OF CALIFORNIA
RONALD SINCLAIR ROBINSON, OF VIRGINIA
LESLIE VENTURA ROWE, OF WASHINGTON
DANIEL A. RUSSELL, OF MAINE
JOHN FREDERICK SAMMIS, OF VIRGINIA
ROBIN RENEE SANDERS, OF NEW YORK
KYLE R. SCOTT, OF ARIZONA
DANIEL BENNETT SMITH, OF COLORADO
DOUGLAS GORDON SPELMAN, OF VIRGINIA
SUSAN H. SWART, OF VIRGINIA
HARLAN D. WADLEY, OF WASHINGTON
D. BRUCE WHARTON, OF VIRGINIA
JAMES G. WILLIARD, OF FLORIDA
ROBERT T. YAMATE, OF CALIFORNIA

THE FOLLOWING-NAMED CAREER MEMBERS OF THE FOREIGN SERVICE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE, AND FOR APPOINTMENT AS CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE, AS INDICATED: CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

RICHARD ALAN ALBRIGHT, OF OHIO
GERALD C. ANDERSON, OF ILLINOIS
DAVID EGERT APPLETON, OF NEW HAMPSHIRE
GARY G. BAGLEY, OF CALIFORNIA
RICHARD C. BEER, OF VIRGINIA
SCOTT D. BELLARD, OF THE DISTRICT OF COLUMBIA
ERIC DAVID BENJAMINSON, OF OREGON
EARLE C. BLAKEMAN III, OF THE DISTRICT OF COLUMBIA
JOHN BRIEN BRENNAN, OF VIRGINIA
DOLORES MARIE BROWN, OF VIRGINIA
RAYMOND LEWIS BROWN, OF CALIFORNIA
SUE KATHRINE BROWN, OF TEXAS
LEE A. BRUDVIG, OF CALIFORNIA
BEATRICE A. CAMP, OF VIRGINIA
LOIS ANN CECSARINI, OF CONNECTICUT
JUDITH BETH CEFKIN, OF TEXAS
LINDA CAROL CHEATHAM, OF TEXAS
ANDREW GILMAN CHRITTON, OF TEXAS
JOHN W. DAVISON, OF PENNSYLVANIA
THOMAS LAWRENCE DELARE, OF VIRGINIA
J. THOMAS DOUGHERTY, OF WYOMING
MARY DALE DRAPER, OF CALIFORNIA
GORDON K. DUGUID, OF ILLINOIS
SUSAN M. ELBOW, OF THE DISTRICT OF COLUMBIA
THOMAS SCOTT ENGLE, OF THE DISTRICT OF COLUMBIA
HENRY S. ENSHER, OF CALIFORNIA
PAUL MICHAEL FITZGERALD, OF VIRGINIA
WILLIAM E. FITZGERALD, OF NEW YORK
ROBERT STEPHEN FORD, OF MARYLAND
JOHN GILMORE FOX, OF CALIFORNIA
ATIM ENEIDA GEORGE, OF CALIFORNIA
ALAN ERIC GREENFIELD, OF MAINE
JERI S. GUTHRIE-CORN, OF CALIFORNIA
DEAN J. HAAS, OF CALIFORNIA
MARY E. HICKEY, OF CALIFORNIA
GRETA CHRISTINE HOLTZ, OF FLORIDA
JASON P. HYLAND, OF VIRGINIA
KEVIN M. JOHNSON, OF NEW YORK
MARGARET ELLEN KEETON, OF CALIFORNIA
DAMARIS A. KIRCHHOFER, OF HAWAII
EDWARD J. KULAKOWSKI, OF VIRGINIA
JERRY P. LANIER, OF NORTH CAROLINA
EDWARD ALEX LEE, OF TEXAS
DAVID ERIK LINDWALL, OF TEXAS
ERIC H. MADISON, OF VIRGINIA
FRANK J. MANGANIELLO, OF VIRGINIA
ALBERTA MAYBERRY, OF VIRGINIA
JAMES P. MCANULTY, OF VIRGINIA
MARIA ELIZABETH MCKAY, OF FLORIDA
ALAN GREELEY MISENHEIMER, OF VIRGINIA
ROBIN JAN MORRITZ, OF ILLINOIS
CHRISTOPHER W. MURRAY, OF THE DISTRICT OF COLUMBIA
ADAM E. NAMM, OF VIRGINIA
PATRICIA NELSON-DOUVELIS, OF VIRGINIA
RICHARD NORLAND, OF MISSOURI
MAUREEN E. PARK, OF VIRGINIA
GEETA PASI, OF NEW YORK
LAWRENCE G. RICHTER, OF CALIFORNIA
FERIAL ARA SAEED, OF CALIFORNIA
RICHARD MILTON SANDERS, OF PENNSYLVANIA
ERIC T. SCHULTZ, OF COLORADO
SANDRA JEAN SHIPSHOCK, OF VIRGINIA
GREGORY S. STANFORD, OF FLORIDA
DAVID L. STONE, OF LOUISIANA
W. STUART SYMINGTON IV, OF MISSOURI
LUCY TAMLYN, OF NEW YORK
DOUGLAS B. WAKE, OF NEW YORK
VIVIAN S. WALKER, OF CALIFORNIA
CHARLES H. WALSH, JR., OF OREGON
LAURIE B. WEITZENKORN, OF FLORIDA
MARK A. WENTWORTH, OF MAINE
BRUCE WILLIAMSON, OF VIRGINIA
CLAUD R. YOUNG, JR., OF THE DISTRICT OF COLUMBIA

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, AND CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

RANDALL D. BENNETT, OF MARYLAND
DAVID J. BENSON, OF FLORIDA
ROGER N. COHEN, OF FLORIDA
JAMES T. CRONIN, JR., OF VIRGINIA
RODNEY ALLEN EVANS, OF VIRGINIA
WALTER G. FELT, OF VIRGINIA
LESTER S. FOLENSBEE, OF VIRGINIA
WILLIAM S. GREEN, OF OHIO
STEPHEN RICHARD HARTWELL, OF NEW HAMPSHIRE
MARK JEFFREY HIPP, OF WASHINGTON
MARK J. HUNTER, OF FLORIDA
DAVID G. KIDD, OF VIRGINIA
TIMOTHY C. LAWSON, OF OHIO
RUSSELL G. LE CLAIR, JR., OF ILLINOIS
PATRICK JOSEPH MEAGHER, OF CALIFORNIA
THOMAS S. MILLER, OF MINNESOTA
BARRY M. MOORE, OF TEXAS
CLAUDE J. NEBEL, JR., OF NEW HAMPSHIRE
CHRISTOPHER J. PAUL, OF FLORIDA
ROBERT G. REED, OF VIRGINIA
TERRENCE K. WILLIAMSON, OF MARYLAND
JACOB M. WOHLMAN, OF FLORIDA
CHARLES E. WRIGHT, OF CALIFORNIA

WITHDRAWAL

Executive message transmitted by the President to the Senate on October 17, 2005 withdrawing from further Senate consideration the following nomination:

MARK MCKINNON, OF TEXAS, TO BE A MEMBER OF THE BROADCASTING BOARD OF GOVERNORS FOR A TERM EXPIRING AUGUST 13, 2008, WHICH WAS SENT TO THE SENATE ON SEPTEMBER 6, 2005.

HOUSE OF REPRESENTATIVES—*Monday, October 17, 2005*

The House met at 2 p.m. and was called to order by the Speaker pro tempore (Mr. PETRI).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
October 17, 2005.

I hereby appoint the Honorable THOMAS E. PETRI to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Eternal Father, our Guardian and Stay, protect and guide America's military forces as they face the perils of combat. Strengthen their officers with wisdom and right judgment. May their families know that their country's citizens stand by them with pride and with our prayers.

As Congress addresses the issues of governance this week, be with all the Members of the House of Representatives. May every Democrat, every Republican, and every independent thinking Member come together under the banner of civility to seek only the best answers to the deepest problems facing this Nation.

May people across this Nation rejoice in the realization that this institution is truly government of the people, for the people, and by the people, today and every day. This we ask of You as our Sovereign Guide now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. SMITH of Texas. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on agreeing to the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SMITH of Texas. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from South Carolina (Mr. WILSON) come forward and lead the House in the Pledge of Allegiance.

Mr. WILSON of South Carolina led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 4 of rule I, Speaker pro tempore TOM DAVIS signed the following enrolled bill on Friday, October 7, 2005:

S. 1858, to provide for community disaster loans.

HOUR OF MEETING ON TOMORROW

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 10:30 a.m. tomorrow for morning hour debates.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

A CONSTITUTION FOR IRAQ

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker, once again democracy has trumped anarchy, chaos, and terror. The Iraqis, 61 percent mind you, went out and voted for a new constitution. The Kurds, the Sunnis, and Shiites have formed a new democracy in Iraq. Those cynics, even those in this House who say the Iraqis are not competent to have a republic, have once again been proven to be the ignorant.

I was in Iraq this January and witnessed these proud people yearning to be free. The United States presence in Iraq is serving two purposes: we are fighting and winning the war on terror, and we have helped to establish a democracy, a free nation in that land far, far away.

Even though there are those who have the French mindset and want us to cut and run, we will not do so. We will not run from duty and democracy. When our noble cause is completed and the terrorists are on the run, and when the Iraqis can protect their own nation, our troops will return to these shores.

To those pacifists that cry, Peace, peace, at any price peace, there can be no peace as long as there is some American somewhere dying for the rest of us. That is just the way it is.

IRAQ CONSTITUTION VOTE

(Mr. BURGESS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURGESS. Mr. Speaker, again, a significant milestone was reached this past weekend in the recovery of the sovereign nation of Iraq.

On my most recent trip to that country this past August, it was clear that the constitution was the key that gets them through the door to the next part of their ability to govern themselves.

There are things in this country that we take for granted, things like bank to check, things like transfer of title of real estate, things that are not possible in a country that does not have a constitution, things that are not possible in a country that does not know the rule of law.

Mr. Speaker, in excess of 60 percent of the people of Iraq braved the terrorists, braved the threats of violence to go out and vote. We stand with the people of Iraq today, but mostly we stand with our troops who made this all possible, and I salute their efforts.

IRAQI ELECTION IS A SHINING EXAMPLE OF DEMOCRACY

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, Saturday's election in Iraq was a shining example of democracy in action and continued proof that the Iraqi people are bravely determining the fate of their nation.

After Iraqi security forces and coalition troops worked together efficiently to provide security for the landmark event, the day was calm and the election was conducted professionally. On Sunday, the Chicago Tribune reported that Iraqis said they felt safer in this election than they did in January.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Most importantly, millions of Shiites, Sunnis, Kurds, and Turkmen cast their ballots for a constitution that will protect their rights and serve as a blueprint for their nation's future. Their strong participation demonstrated that Iraqis respect the constitutional process and believe in the promise of democracy. Their success in building a civil society is a critical step of the global war on terrorism, protecting American families.

Today, I am honored to congratulate the Iraqi National Assembly, the Iraqi people, and Iraqi and coalition troops on this historic accomplishment.

In conclusion, God bless our troops, and we will never forget September 11.

MARINES PLAY IMPORTANT ROLE IN IRAQ

(Mr. DREIER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, as my colleagues have said, the people of Iraq have chosen ballots over bullets. I want to congratulate the United States forces, the coalition forces, and of course the Iraqi security forces which did a phenomenal job over this past weekend.

I would like to share, Mr. Speaker, with my colleagues a letter that came from the family of Byron Norwood, who, you recall, was killed in the battle of Fallujah last November. His parents were in the gallery when President Bush delivered his State of the Union message. They wrote to the Marines who are getting ready to be redeployed:

"As you prepare to deploy once again, we as Gold Star parents of a sergeant from your own battalion want you to know the depth of gratitude and support felt by Americans everywhere. We live in a time of conflicting messages, as free speech rights are exercised by a vocal few.

"Since the battle of Fallujah last November, we have received countless letters expressing heartfelt thanks to not only Byron but also to you as his fellow Marines. Had we not lost our son, we would not have been aware of the overwhelming appreciation and respect for those of you who wear the uniform.

"Byron loved being a Marine and welcomed the duty and honor of protecting the United States. He also loved his brother Marines and said there was nowhere he would rather be than with them until the mission was complete. He believed strongly in the need to fight terrorism at its source in order to lessen the risk of having to face it in our own neighborhoods. We are grateful for all of you who are willing to fight for something greater than yourselves.

"We are grateful for the freedoms that we are afforded by living in America, and we are aware that those freedoms exist only because we have men and women in the military who, for generations, have fought to protect them. Thank you for taking your place in the ranks of great warriors who understand the value of honor, courage, and commitment."

RECOGNIZING KATHY LINEBERGER

(Ms. FOXX asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FOXX. Mr. Speaker, I rise today to recognize and congratulate an outstanding teacher from North Carolina's Fifth District, Ms. Kathy Lineberger.

Last Thursday, Ms. Lineberger, who teaches at Ward Elementary School in Winston-Salem, was named to USA Today's All-USA Teacher Team. This recognition means that she is one of the top 20 teachers in the United States.

As a reward, Ms. Lineberger will receive $2,500 to share with her school. She plans to enrich the lives of her students by using a vast majority of her award to purchase books for her classroom.

This is not the first national recognition bestowed to Ms. Lineberger. In 2000, she was named the National CHEM, which stands for Chemistry, Health, Environment, and Me, Teacher of the Year for writing interdisciplinary lessons. She also won the National Science Educator for Public Understanding Award in 1998 and was the Academically Gifted Teacher of the Year for Winston-Salem/Forsyth County in 2002.

Mr. Speaker, the people of the Fifth District are fortunate to have many dedicated and talented teachers like Kathy Lineberger teach our children. I congratulate Ms. Lineberger and wish her continued success.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

RECOGNIZING THE IMPORTANCE AND POSITIVE CONTRIBUTIONS OF CHEMISTRY TO OUR EVERYDAY LIVES AND SUPPORTING THE GOALS AND IDEALS OF NATIONAL CHEMISTRY WEEK

Mr. SMITH of Texas. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 457) recognizing the importance and positive contributions of chemistry to our everyday lives and supporting the goals and ideals of National Chemistry Week.

The Clerk read as follows:

H. RES. 457

Whereas chemistry is at the core of every technology we benefit from today;

Whereas the power of the chemical sciences is what they create as a whole; an enabling infrastructure that delivers the foods, fuels, medicines, and materials that are the hallmarks of modern life;

Whereas the contributions of chemical scientists and engineers are central to technological progress and to the health of many industries, including the chemical, pharmaceutical, electronics, agricultural, automotive, and aerospace sectors, and these contributions boost economic growth, create new jobs, and improve our health and standard of living;

Whereas the American Chemical Society, the world's largest scientific society, founded National Chemistry Week in 1987 to educate the public, particularly elementary and secondary school children, about the role of chemistry in society and to enhance students' appreciation of the chemical sciences;

Whereas National Chemistry Week is a community-based public awareness campaign conducted by more than 10,000 volunteers in all 50 States, the District of Columbia, and Puerto Rico;

Whereas National Chemistry Week volunteers from United States industry, government, secondary schools, and institutions of higher education reach and educate millions of children through hands-on science activities in local schools, libraries, and museums;

Whereas the theme of National Chemistry Week in 2005, "The Joy of Toys", was chosen to emphasize the chemistry involved in the creation and production of toys and the role that chemistry has played in new material development that has helped to make toys safer and more durable; and

Whereas in recognition of National Chemistry Week, volunteers across the United States will teach children about the chemistry involved with the materials, function, and properties of toys during the week beginning October 16, 2005: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes that the important contributions of chemical scientists and engineers to technological progress and the health of many industries have created new jobs, boosted economic growth, and improved the Nation's health and standard of living;

(2) supports the goals of National Chemistry Week as founded by the American Chemical Society; and

(3) encourages the people of the United States to observe National Chemistry Week with appropriate recognition, ceremonies, activities, and programs to demonstrate the importance of chemistry to our everyday lives.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. SMITH) and the gentleman from Oregon (Mr. WU) each will control 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. SMITH).

GENERAL LEAVE

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on H. Res. 457, the resolution now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of H. Res. 457, a resolution recognizing the importance of chemistry and honoring National Chemistry Week.

The importance of chemistry in our lives cannot be overstated. As H. Res. 457 recognizes, advances in chemistry impact every one of us, from the creation of a safer child's toy to the search for potential cures for cancer. Without a fundamental understanding of the chemistry that undergirds all modern technologies and products, we would not have the success of space travel or the promise of nanotechnology.

Those who work in the chemical sciences are as important as the products that they produce. Chemical scientists are vital to numerous industries, including the pharmaceutical, agricultural, and automotive sectors. This large and diverse workforce is composed of millions of Americans who work to maintain our global leadership in these and other areas.

In addition, the United States has a history of success in the chemical sciences. Since 1992, every Nobel Prize in chemistry has included at least one scientist from the United States. Most recently, the 2005 Nobel Prize in chemistry was awarded to two American scientists for developing a chemical process that has resulted in the production of cheaper and more environmentally friendly products.

Yet future accolades and our continued global and economic leadership depend on our ability to inspire the next generation of chemical scientists and engineers.

It is for this reason that H. Res. 457 celebrates the goals and ideals of National Chemistry Week. This week, children of all ages will be exposed to the wonders of chemistry. This year's theme, The Joy of Toys, was chosen to highlight the impact of chemistry on the creation and improvement of toys. Why do rubber balls bounce and why do paper boats float are just some of the interesting questions that will be explored through hands-on experiments and demonstrations.

□ 1415

These activities will both educate and inspire participants by creating a fun atmosphere in which to understand the role of chemistry in our daily lives.

In conclusion, I thank the American Chemical Society for its ongoing efforts to educate children and adults about the benefits of chemistry. I would also like to thank the gentleman from Michigan (Mr. EHLERS) and the gentleman from New Jersey (Mr. HOLT) for their steadfast leadership on this important issue. I urge my colleagues to join me in recognizing the importance of chemistry in our daily lives and the positive impact of National Chemistry Week by voting in favor of H. Res. 457.

Mr. Speaker, I reserve the balance of my time.

Mr. WU. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Resolution 457 to recognize National Chemistry Week. I want to congratulate the gentleman from New Jersey (Mr. HOLT) for introducing this important resolution which highlights the importance of chemistry and chemical engineering.

Chemistry and chemical engineering affect the everyday lives of all Americans. For example, these disciplines contribute to public health through new biomaterials, drug design, drug delivery techniques, and gene therapy. For decades, they have also contributed to public health by helping to keep our water clean and our food pure. In addition, new structural and electronic materials and advanced technologies that improve energy utilization and transportation systems improve our work and home lives. In short, chemistry and chemical engineering contribute in critical ways to the economic strength, security and well-being of the Nation and all its citizens.

National Chemistry Week was started as an annual event in 1987 by the American Chemical Society. It sponsors activities to make elementary and secondary schoolchildren and the general public more aware of what chemistry is and its importance to our everyday lives. National Chemistry Week activities are carried out by local sections of the American Chemical Society located in all parts of our Nation.

They work with local industry, schools and museums to design hands-on activities, provide chemical demonstrations and develop exhibits. By these means, the local organizations provide opportunities to stimulate the interest of young people in science and in pursuing careers in science and technology, and the activities of National Chemistry Week help advance the important goal of increasing public understanding of science generally.

For 2005, the theme of National Chemistry Week is "The Joy of Toys." This will emphasize how chemistry has led to safer and more durable toys through advances in materials science and will also illustrate chemical principles and concepts through toys.

Mr. Speaker, I congratulate the American Chemical Society for its efforts to establish and sustain National Chemistry Week. I am a cosponsor of this resolution to recognize the value of chemistry and the goals of National Chemistry Week. I ask for its adoption by the House.

Mr. HOLT. Mr. Speaker I would like to thank the leadership for bringing this bill to the floor, recognizing the importance of chemistry in our everyday lives, and supporting National Chemistry Week. The gentleman from Michigan, Mr. EHLERS, has been a strong supporter as an original cosponsor of this bill and helped to move it forward. Mr. EHLERS and I do this again as the two physicists in Congress, with no irony that again we physicists would be sponsoring National Chemistry Week.

I stand here before you happy to state that in 2003, the last time this body recognized the importance of chemistry in our daily lives, and the importance of National Chemistry Week, I had 3 cosponsors, and this year I have 21 cosponsors. With the world unfolding as it is, and with great rapidity, the increase of cosponsors is an indication of the growing understanding of the importance of chemistry, and science, in our daily lives.

JOY OF TOYS THEME FOR NATIONAL CHEMISTRY WEEK

The American Chemical Society should be commended for establishing National Chemistry Week in 1987, to raise the awareness of the chemistry in our daily lives, now in its eighteenth year. In particular this year's theme of the "Joy of Toys", supports the universality of chemistry and its creations, for each of us has played, and I hope continues to play, with toys. Every child on this planet of ours, regardless of location, does several things growing up: we are innate explorers of this world, and we play.

To watch children at play re-ignites in us the joy and wonder that we experienced as we played with toys and created our world understanding. As we grow and learn our toys match our intellectual growth and our physical capabilities. The curiosity that toys ignite through the queries of "why did it do that? "and "how did that happen?" invigorates the exploration and discovery of the world around us. Many scientists and engineers turn to toys for moments of respite and inspiration. Innovation in technology at times can be traced back to moments with toys.

In fact, BusinessWeek Online ran an article with the subtitle "Toymakers are pushing the boundaries in artificial intelligence, wireless communications, and virtual realities. And the benefits are flowing to other industries as well." The military, the medical field, gamers, chemists, chemical engineers, and material scientists all connect to the toy industry. Chemists and material scientists have created such material as self-healing plastics, prolonging the life of toys and many consumer goods.

Toys spark the imagination, imaginations fuels innovation. Chemistry is a science which is the backbone to the health of many industries including pharmaceuticals, electronics, automotive, agricultural, and aerospace. A fundamental piece of chemistry is the periodic table of the elements, a simple chart whose intricacies determine how atoms bond to create the world around us.

ELEMENTS OFF THE PERIODIC TABLE AND THEIR INNOVATION TECHNOLOGIES

The element hydrogen, the first element on the periodic table and the most abundant element in the universe, has sparked innovation in fuel cells. Hydrogen and oxygen are the fundamental elements involved in fuel cells, an alternative energy source with both low and high temperature functions. Low temperature fuels cells, which work similar to batteries, are being developed for cell phones, laptops, and video cameras. Yet innovations still await the future scientists and engineers of America, as we do not yet know how to make sufficient quantities of hydrogen available, and the tasks of making this a completely clean energy have yet to be fully surmounted to produce commercial goods.

Fluorine, element #9 on the periodic table, is found in toothpaste and liquid crystals found in flat-screen televisions, to give higher resolution, good brightness, and sharp contrast with about half the power consumption! Yet on the frontier of innovation are organic light emitting diodes, which would require far less power and allow us to roll up the screens for our laptops! There is much creativity and unbounded vision necessary for the new products to follow.

The high tech fiber industry has taken science fiction into fashion by creating keyboards in shirtsleeves powered by a thermogenerator chip that converts your body heat into power. More conventionally, microfibers are found in fabrics advertised to breathe with you and they stay dry in the rain. Flame-resistant micro fibers found in your curtains, your couches, and your carpets make your home safer. Chemists are now adding titanium dioxide to fabric to make the fabric UV resistant, thus protecting you even further from damaging UV rays. The innovation continues!

The extent to which chemistry and the products, processes, and thinking that chemists create and modify affect our daily lives is undeniable.

CHANGING WORLD & ECONOMY: MOVING AMERICA FORWARD

However, Mr. Speaker, as we celebrate a fundamental science and its engineering applications, we must not forget how these innovative processes and products came to us—through the work of Americans and people who came to America to work.

Today we are facing a world that is described by Thomas Friedman as flat; that is, the playing field has reasonably flattened, all countries and companies can be at times perceived as on the same level. America has to find its place in this new world, and we must do this rapidly for our economic future.

The goals of National Chemistry week include the invigoration of the curiosity of our youth in chemistry. We must enliven our students to science, technology, engineering, and mathematics. We need teachers to share the joy of science, technology, engineering, and math to our students. We ourselves must reflect the necessity and importance of these fields, and the teaching of these fields, to the future of America through legislation and action. Today is a good start to the action which is required.

We must rise up as nation, similarly to the Sputnik era, where there was a goal to have a superior technical workforce, second to none in engineering and science. I raise a hand to move forward with caution, however, as the Sputnik era, I feel, left behind too many Americans. We focused on a segment of the population. Now we must aim to create a scientifically and technically literate nation of citizens who apply critical, creative, and innovative thinking to their work and their everyday lives.

INVESTMENTS IN THE FUTURE: EDUCATION, R & D, ATTRACTING BEST & BRIGHTEST

We begin this through improving our nation's investment in the future. The prime investment any nation can make in its future is investing in education. Teachers create our future, through educating our youth and opening their minds and hearts to the world, and we owe nothing less to our future, our youth, then to invest fully in them. We must enable a teaching core whose education and teaching skills are strong, flexible, and motivating. If we wish our students to rise to college level and beyond, we should expect nothing less from their teachers, and offer the same support for teachers to reach the highest level of educational achievement.

Further investment in America's future must be into research and development. Each product I mentioned today went through a period of research and development. The future of America, like its past, will not be handed to America. As our forefathers did so long ago, we will work hard and create the country in which we will live. Research and development is part of the hard work, the investment in the future. We must additionally make it easier for companies to invest time, energy, and finances into research and development, as there is often loss with unsuccessful innovation.

We must make our country an attractive location for the best and brightest scientists and engineers to live and to work. We must invest in infrastructures including that of research and development, the institutions and physical structures, the U.S. Patent office, the U.S. Department of Immigration, and in the National Science Foundation.

In closing, Mr. Speaker, I am encouraged at the level of support for National Chemistry Week, and the ideals and standards which the "Joy of Toys" represents. I also stand before you all with the expectation that we will carry forward these ideals and invest in America's future through education, research, development, and creative vision.

Mr. EHLERS. Mr. Speaker, today, I am pleased that we are considering this resolution recognizing the importance of chemistry in our everyday lives. This resolution supports the goals and ideals of National Chemistry Week. It recognizes the important contributions of chemical scientists and engineers to technological progress and the health of many industries. In addition, it encourages the people of the United States to observe National Chemistry Week, which, this year, is October 16–22.

Two weeks ago, the Nobel Prize in Chemistry was awarded to three organic chemists—one of them a former Michigan State University professor—for their work to reduce hazardous waste in forming new chemicals. Their method of organic synthesis, called "metathesis", allows carbon bonds to be broken and reformed to create new compounds. Their pioneering work has resulted in more efficient, safe and cleaner methods of synthesizing new materials and is appropriately classified as "Green Chemistry."

One of these three Nobel Prize winners, Richard Schrock of MIT, noted he became interested in chemistry when he was given a chemistry set as an 8–year-old, and at first liked to "blow things up." His experience parallels the 2005 theme of National Chemistry Week, "The Joy of Toys," which was chosen to highlight the valuable role curiosity plays in developing critical thinking.

I believe there are three main motivations for doing science: (1) The practical need to control, (2) the intellectual urge to understand, and (3) the aesthetic need to enjoy. I believe that the third of these motivations is the strongest, the one that drives the curiosity of young people and future chemists. That enjoyment is often stimulated by the process of playing: the simple action of enjoying a toy that does something fun or unexpected.

When a child plays with a toy, unexplainable behavior leads to questions about the underlying nature of a machine and drives a child to perhaps, like the Nobel Prize winner, deconstruct a toy in an effort to understand it. Getting to the bottom of how something works is, at its very nature, a scientific enterprise. Natural curiosity drives innovative thinking, improvements, and discovery. At a time when our workforce is in great need of increased scientific and mathematic literacy, it is important to stimulate children's interest in the chemical sciences so that they will consider careers in these fields and potentially discover the innovations of the future. What better way to stimulate interest than something fun?

Toys not only make us laugh, they give our minds a chance to view the world in a different way. Chemists provide the substance of toys through materials chemistry and ensure their safety for contact with our skin and in our children's mouths through analytical testing.

I commend the American Chemical Society for establishing National Chemistry Week in 1987. During this year's National Chemistry Week, volunteers from across the United States will engage children in understanding how toys work. Chemistry is used by the pharmaceutical, biotechnology, agricultural and plastics industries to produce drugs, advanced plastics, herbicides, fuel additives and other substances. Chemistry supports our economic infrastructure and improves our lives—and it is fun!

I urge my colleagues to support this resolution recognizing the goals and ideals of National Chemistry Week.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise in support of H. Res. 457. This bill recognizes the importance of chemistry in our everyday lives and supports the goals and ideals of National Chemistry Week.

The theme of National Chemistry Week for 2005 is "The Joy of Toys." This seemingly comical name belies the hard work and amazing developments in materials science that have gone into the production of safer and more durable toys for children of all ages.

Children have a wide array of choices when it comes to modern toys. Gone are the days of making one's own toys out of sticks and stones. Chemistry has yielded materials that are non-toxic and harbor fewer germs than before. Chemistry has helped develop crazy-shaped materials in colors that change, depending on temperature.

I admire the work of countless chemists, engineers and materials scientists that has produced marvels for the delight of children and the benefit of society.

Mr. Speaker, today I am happy to celebrate National Chemistry Week and urge my colleagues to support H. Res. 457.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PETRI). The question is on the motion offered by the gentleman from Texas (Mr. SMITH) that the House suspend the rules and agree to the resolution, H. Res. 457.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. SMITH of Texas. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

EXPRESSING SENSE OF THE HOUSE WITH RESPECT TO RAISING AWARENESS AND ENHANCING STATE OF COMPUTER SECURITY AND SUPPORTING GOALS AND IDEALS OF NATIONAL CYBER SECURITY AWARENESS MONTH

Mr. SMITH of Texas. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 491) expressing the sense of the House of Representatives with respect to raising awareness and enhancing the state of computer security in the United States, and supporting the goals and ideals of National Cyber Security Awareness Month.

The Clerk read as follows:

H. RES. 491

Whereas over 202,000,000 Americans use the Internet in the United States, including 53 percent of home-users through broadband connections, to communicate with family and friends, manage their finances, pay their bills, improve their education, shop at home, and read about current events;

Whereas the approximately 23,000,000 small businesses in the United States, who represent 99.7 percent of all United States employers and employ 50.1 percent of the private work force, increasingly rely on the Internet to manage their businesses, expand their customer reach, and enhance their connection with their supply chain;

Whereas nearly 100 percent of public schools in the United States have Internet access, with approximately 80 percent of instructional rooms connected to the Internet, to enhance our children's education by providing access to educational online content and encouraging responsible self-initiative to discover research resources;

Whereas almost 9 in 10 teenagers between the ages of 12 and 17, or 87 percent of all youth (approximately 21,000,000 people) use the Internet, and 78 percent (or about 16,000,000 students) say they use the Internet at school;

Whereas teen use of the Internet at school has grown 45 percent since 2000, and educating children of all ages about safe, secure, and ethical practices will not only protect their systems, but will protect our children's physical safety, and help them become good cyber citizens;

Whereas our Nation's critical infrastructures rely on the secure and reliable operation of our information networks to support our Nation's financial services, energy, telecommunications, transportation, health care, and emergency response systems;

Whereas cyber security is a critical part of our Nation's overall homeland security, in particular the control systems that control and monitor our drinking water, dams, and other water management systems; our electricity grids, oil and gas supplies, and pipeline distribution networks; our transportation systems; and other critical manufacturing processes;

Whereas terrorists and others with malicious motives have demonstrated an interest in utilizing cyber means to attack our Nation, and the Department of Homeland Security's mission includes securing the homeland against cyber terrorism and other attacks;

Whereas Internet users and our information infrastructure face an increasing threat of malicious attacks through viruses, worms, Trojans, and unwanted programs such as spyware, adware, hacking tools, and password stealers, that are frequent and fast in propagation, are costly to repair, and disable entire systems;

Whereas consumers face significant financial and personal privacy losses due to identity theft and fraud, as reported in 205,568 complaints in 2004 to the Federal Trade Commission's Consumer Sentinel database; and Internet-related complaints in 2004 accounted for 53 percent of all reported fraud complaints, with monetary losses of over $265,000,000 and a median loss of $214;

Whereas our Nation's youth face increasing threats online such as inappropriate content or child predators, with 70 percent of teens having accidentally come across pornography on the Internet, and with one in five children having been approached by a child predator online each year;

Whereas national organizations, policymakers, government agencies, private sector companies, nonprofit institutions, schools, academic organizations, consumers, and the media recognize the need to increase awareness of computer security and enhance our level of computer and national security in the United States;

Whereas the National Cyber Security Alliance's mission is to increase awareness of cyber security practices and technologies to home users, students, teachers, and small businesses through educational activities, online resources and checklists, and Public Service Announcements; and

Whereas the National Cyber Security Alliance has designated October as National Cyber Security Awareness Month, which will provide an opportunity to educate the people of the United States about computer security: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of National Cyber Security Awareness Month; and

(2) will work with Federal agencies, national organizations, businesses, and educational institutions to encourage the development and implementation of existing and future computer security voluntary consensus standards, practices, and technologies in order to enhance the state of computer security in the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. SMITH) and the gentleman from Oregon (Mr. WU) each will control 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. SMITH).

GENERAL LEAVE

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Res. 491, the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H. Res. 491, a resolution to applaud the goals and activities of National Cyber Security Awareness Month. Computers and the Internet have been integrated into our daily routine in our businesses, schools and homes. These information and communication systems underpin our government and they increase the productivity of our industries, financial institutions, and transportation systems. However, our increasing dependence on computers and computer networks exposes our society to the risk of cyber attacks, destructive viruses, malicious hacking and identity theft.

This is why the National Cyber Security Alliance, a cooperative effort between government, academia, and industry, has organized National Cyber Security Awareness Month for this October. As is only proper for a cybersecurity-related effort, there is a central website with online resources that offers tips and tools to help computer uses protect themselves from viruses, worms, hacker attacks, phishing, identity theft, spyware and more.

In addition to these online resources, there are weekly events all over the country on specific cybersecurity topics aimed at consumers, students, children, parents, small businesses, and educational institutions. Thirty Governors across the United States have issued proclamations declaring their support and observance of National Cyber Security Awareness Month. And as part of these activities, Texas State University hosted a "Cyber Security Awareness Day" on October 6. In New York, the Governor will host a conference on protecting our children on the Internet.

Of course, cybersecurity is not just an issue in October but year-round. National Cyber Security Awareness Month is a chance not only to raise awareness about computer vulnerabilities and threats, but also to inform people about programs that exist throughout the U.S. to educate students, parents, business people, law enforcement and government employees about cybersecurity. These include programs like a cybersecurity camp for high school students in Rome, New York, and an Information Technology and Security Academy for high school juniors at the University of Texas at San Antonio.

Cybersecurity is an important part of homeland security. Just last month, the Science Committee heard testimony from energy, electric power and telecommunications companies about their dependence on information systems and their concerns about the Nation's vulnerability to cyber attacks. The connectedness of the Internet means that each person not only must protect himself in cyberspace, but each person's cybersecurity efforts contribute to the Nation's overall status of cyber and homeland security. Progress is being made, but we as a Nation still have a long way to go.

In conclusion, I would like to thank the gentleman from New York (Mr. BOEHLERT), the gentleman from Tennessee (Mr. GORDON), the gentleman from New York (Mr. KING) and the gentleman from Mississippi (Mr. THOMPSON) for their leadership on this issue. We applaud the associations, companies, organizations, and agencies involved in National Cyber Security Awareness Month for their efforts to help all of us become more responsible, safer computer users. I urge my colleagues to support adoption of this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. WU. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of House Resolution 491, which expresses the support of Congress for the goals and ideals of National Cyber Security Awareness Month.

This resolution was introduced by Chairman BOEHLERT and Ranking Member GORDON of the Science Committee in an effort to help the Nation become more aware of certain risks lurking in cyberspace and the availability of tools and practices to minimize these dangers.

I want to congratulate the National Cyber Security Alliance for originating the idea for this observance and for its efforts to improve cybersecurity. The National Cyber Security Alliance is a public-private partnership led by industry that has focused on improving cybersecurity for home users, small businesses and educational institutions. The alliance seeks to alert computer users to such threats as viruses, hack attacks and identity theft, and it provides information to users on best practices and technologies available for countering cyber threats.

National Cyber Security Awareness Month includes a range of special events designed specifically for home users, small businesses, and the educational community. To attain these objectives, the Alliance will be organizing national and regional events, such as small businesses workshops, student assemblies and cybersecurity boot camps which will take consumer education to the grass roots level. The Alliance will also be making public service announcements to urge consumers to protect their valuable personal data through online best practices, and it will publicize its online resources for computer users, including beginner's guides, computer security tips, and free security scans.

The Committee on Science has recognized for some time that cybersecurity is a long-term problem that will require a comprehensive approach by government and the private sector and that will require greater efforts by both. We held a hearing last month to review the security of computer systems on which critical industries rely and found that government has made inadequate progress in the development of national vulnerability assessments and plans for recovery from cyber attacks. We expect and count on the Department of Homeland Security to do a better job, and will be closely following its progress.

Equally important, the general public needs to be made aware of the dangers of cyber vulnerabilities and to be encouraged to learn about and use effective security practices and tools in their homes and businesses. This is the focus of National Cyber Security Awareness Month, and I should add that I was just a speaker at GOSCON which is a government open source conference in my hometown of Portland, Oregon, sponsored by Oregon State University and Portland State University, and while cybersecurity is an issue for both proprietary and open software, open source code is unique in that the source code is available for grass roots users to improve the security of any particular software program.

House Resolution 491 before this Chamber calls attention to and endorses the commendable efforts of the National Cyber Security Alliance to increase awareness of cybersecurity throughout the Nation. This is a message we should all heed.

Mr. Speaker, I commend this resolution to my colleagues, and ask for its support and passage by the House.

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today in strong support of H. Res. 491, a bill expressing the sense of Congress regarding the raising awareness and enhancing the state of computer security in the United States, and supporting the goals and ideals of National Cyber Security Awareness Month.

As Ranking Member of the Subcommittee on Economic Security, Infrastructure Protection, and Cybersecurity of the House Homeland Security Committee, I have had the opportunity to work on the broad Homeland Security aspects of cybersecurity. However, it is important to recognize that cybersecurity includes a wide variety of challenges that affect governments, businesses and individuals on many levels.

The Department of Homeland Security has the considerable responsibility of working to protect the computer systems that operate some of our nation's most critical infrastructure like dams, oil pipelines and water treatment systems. It is essential that the federal government coordinate with state and local governments in addition to the owners, operators, and vendors of the computer control systems. I urge the Department of Homeland Security to act swiftly in building better partnerships and information sharing relationships between the public and private sectors in order to improve cybersecurity.

In addition to the government's responsibilities, private businesses need to recognize the sensitivity of the information that they store and process, and commit to adhering to industry best practices to ensure the security of their computer systems. Consumers should be able to expect that businesses can and will protect sensitive personal and financial information.

National Cyber Security Awareness Month is also an important tool for raising individual citizens' awareness of the steps they need to take to protect their personal computers and files from hackers and viruses. Every individual should consider protecting their computer by:

(1) Using anti-virus and anti-spyware programs with firewalls to protect against infected incoming files, and outside hacker attempts to control your computer.

(2) Updating software and operating systems with the most recent patches from the manufacturer.

(3) Refusing to provide personal information to unknown, online sources.

(4) Using strong passwords that contain at least 8 characters that include numerals and symbols.

(5) Backing up computer files.

(6) Educating kids on how to safely use the Internet, and teaching them not to give out personal information.

I hope that Cyber Security Awareness Month will encourage governments, businesses and individuals to take steps to improve the security of their computer systems, and I urge my colleagues to support this important initiative.

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise to speak about "National Cyber Security Awareness Month."

In this age of telecommunications, never before has it been easier for people around the globe to communicate, do business, and learn from one another. With the Internet, we can pay our bills, converse electronically with each other in real time, and read millions of articles in almost every publication around the world. But while the Internet presents us with great opportunities, it also imposes great challenges. As we become increasingly reliant on technology to assist us in our daily lives, we must also increase our vigilance in protecting that technology from those who wish to use it for malevolent purposes.

Individuals should follow some simple, basic steps to protect themselves and their personal information when they use the Internet. Using strong passwords, anti-virus software, and firewalls are all ways to self-secure one's online information. Furthermore, online consumers must be particularly careful about whom they are dealing with to ensure that their information does not wind up in the wrong hands.

While there are many things that individuals should do to protect themselves, our federal government must also remain vigilant in protecting our nation's electronic infrastructure. Across America, millions of people rely on computerized control systems to provide electricity, monitor oil pipelines, distribute water, and harness nuclear power. Though many of these systems are secure, terrorists and hackers presently seek to infiltrate vulnerable computers to wreak havoc and destroy our way of life. The results of a cyber attack against our nation's critical infrastructure could be incredibly damaging to our economy and may possibly result in significant losses of life.

Led by the Department of Homeland Security, the federal government is aware of the harms of a cyber attack and is working to prevent any damaging attacks. But although our nation has thus far avoided becoming the victim of a significant cyber attack, we cannot be complacent. I commend the hard work by DHS to strengthen and secure our cyberspace, but encourage the agency to dedicate more time and resources to this issue.

DHS as a whole has been slow in completing its critical infrastructure protection policies, an important goal in protecting America's cyberspace. In December 2003, President Bush issued Presidential Directive 7: Critical Infrastructure Identification, Prioritization, and Protection (HSPD–7) establishing a national policy for federal departments and agencies to prioritize critical infrastructure, including cyber-related infrastructure. DHS was charged with developing the National Infrastructure Protection Plan (NIPP) to serve as the guide for protecting infrastructure. The NIPP was due in December 2004. In February 2005, an "Interim NIPP" was issued, setting a deadline of November 2005 for the "Final NIPP." According to the General Accounting Office, the "Interim NIPP" was incomplete: it lacked both national-level milestones and sector-specific security plans. The "Final NIPP" remains incomplete to this day.

The GAO has also criticized DHS for failing to build better partnerships and information-sharing relationships between the public and private sectors to improve cyber security. Such partnerships are essential to effective coordination among all levels of government and between the public and private sectors. DHS has also failed to develop or deploy an effective analysis and warning system in the event of a cyber attack. This is an important step in preparing the country for cyber attack.

Securing our cyberspace is not an obligation we can afford to delay. I encourage DHS to act quickly in addressing these issues, just as I encourage all Americans to take pro-active measures in protecting themselves online. Let's all recommit ourselves to protecting our personal information and our national cyber infrastructure during this "Month of Awareness" and in the years ahead.

Mr. WU. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SMITH) that the House suspend the rules and agree to the resolution, H. Res. 491.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. SMITH of Texas. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 2 o'clock and 30 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

☐ 1830

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. NEUGEBAUER) at 6 o'clock and 30 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on approving the Journal and on motions to suspend the rules previously postponed.

Votes will be taken in the following order: the Journal, House Resolution 457, and House Resolution 491, each by the yeas and nays.

The first and third votes will be conducted as 15-minute votes. The second vote in the series will be a 5-minute vote.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the pending business is the question of agreeing to the Speaker's approval of the Journal on which the yeas and nays are ordered.

The question is on agreeing to the Speaker's approval of the Journal.

The vote was taken by electronic device, and there were—yeas 317, nays 52, answered "present" 1, not voting 63, as follows:

[Roll No. 521]

YEAS—317

Ackerman
Aderholt
Akin
Allen
Andrews
Baca
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Camp
Cannon
Cantor
Capps
Cardoza
Carnahan
Carson
Carter
Castle
Chabot
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Eshoo
Evans
Everett
Farr
Ferguson
Flake
Foley
Forbes
Fortenberry
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Gutknecht
Hall
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kaptur
Kelly
Kildee
Kind
King (NY)
Kingston
Kline
Knollenberg
Kolbe
Kuhl (NY)
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Matsui
McCaul (TX)
McCrery
McHenry
McHugh
McIntyre
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neugebauer
Ney
Northup
Norwood
Nunes
Obey
Ortiz
Osborne
Otter
Owens
Pallone
Paul
Payne
Pearce
Pelosi
Pence
Peterson (PA)
Petri
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (MI)
Rohrabacher
Ross
Rothman

Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Saxton
Schakowsky
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stearns
Tanner
Tauscher
Taylor (NC)
Thomas
Thompson (MS)
Thornberry
Tiahrt
Tierney
Turner
Upton
Van Hollen
Walden (OR)
Walsh
Wamp
Watson
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NAYS—52

Abercrombie
Baird
Baldwin
Capito
Capuano
Chandler
Costello
Davis (KY)
English (PA)
Etheridge
Fattah
Filner
Fitzpatrick (PA)
Fossella
Green, Gene
Hart
Hastings (FL)
Hefley
Holden
Kanjorski
Kennedy (MN)
Kucinich
Latham
Lewis (GA)
LoBiondo
Markey
Marshall
Matheson
McCarthy
McCollum (MN)
McDermott
Moran (KS)
Nussle
Oberstar
Olver
Pastor
Peterson (MN)
Ramstad
Sabo
Sanchez, Loretta
Shuster
Stupak
Sweeney
Taylor (MS)
Thompson (CA)
Tiberi
Udall (CO)
Udall (NM)
Velázquez
Waters
Weller
Wu

ANSWERED "PRESENT"—1

Tancredo

NOT VOTING—63

Alexander
Barrow
Becerra
Biggert
Blumenauer
Boswell
Boucher
Brady (PA)
Brown, Corrine
Butterfield
Calvert
Cardin
Case
Davis (FL)
DeFazio
Diaz-Balart, L.
Engel
Feeney
Ford
Gallegly
Gerlach
Gibbons
Goode
Grijalva
Gutierrez
Harman
Harris
Istook
Jackson-Lee (TX)
Jones (OH)
Keller
Kennedy (RI)
Kilpatrick (MI)
King (IA)
Kirk
LaHood
McCotter
McGovern
McKeon
Meeks (NY)
Menendez
Moran (VA)
Neal (MA)
Oxley
Pascrell
Pickering
Rangel
Reyes
Rogers (KY)
Ros-Lehtinen
Roybal-Allard
Rush
Ryun (KS)
Sanders
Schiff
Stark
Strickland
Sullivan
Terry
Towns
Visclosky
Wasserman Schultz
Watt

☐ 1853

So the Journal was approved.

The result of the vote was announced as above recorded.

Stated for:

Mr. KIRK. Mr. Speaker, on rollcall No. 521 regarding the Journal, I was unavoidably detained. Had I been present, I would have voted "yea."

RECOGNIZING THE IMPORTANCE AND POSITIVE CONTRIBUTIONS OF CHEMISTRY TO OUR EVERYDAY LIVES AND SUPPORTING THE GOALS AND IDEALS OF NATIONAL CHEMISTRY WEEK

The SPEAKER pro tempore (Mr. NEUGEBAUER). The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 457.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SMITH) that the House suspend the rules and agree to the resolution, H. Res. 457, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 366, nays 2, not voting 65, as follows:

[Roll No. 522]

YEAS—366

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carson
Carter
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Foley
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Gutknecht
Hall
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Kelly
Kennedy (MN)
Kildee
Kind
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCrery
McDermott
McHenry
McHugh
McIntyre
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Pallone
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Rogers (AL)
Rogers (MI)
Rohrabacher
Ross
Rothman
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Schakowsky
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stearns
Stupak
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Walden (OR)
Walsh
Wamp
Waters
Watson
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—2

Flake
Shadegg

NOT VOTING—65

Alexander
Barrow
Becerra
Biggert
Blumenauer
Boswell
Boucher
Brady (PA)
Brown, Corrine
Butterfield
Calvert
Cardin
Case
Davis (FL)
DeFazio
Diaz-Balart, L.
Engel
Feeney
Ford
Gallegly
Gerlach
Gibbons
Goode
Grijalva
Gutierrez
Harman
Harris
Istook
Jackson-Lee (TX)
Jones (OH)
Keller
Kennedy (RI)
Kilpatrick (MI)
King (IA)
LaHood
McCotter
McGovern
McKeon
Meeks (NY)
Menendez
Moran (VA)
Neal (MA)
Oxley
Pascrell
Pickering
Pombo
Rangel
Reyes
Reynolds
Rogers (KY)
Ros-Lehtinen
Roybal-Allard
Rush
Ryun (KS)
Sanders
Saxton
Schiff
Stark
Strickland
Sullivan
Terry
Towns
Visclosky
Wasserman Schultz
Watt

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. NEUGEBAUER) (during the vote). Members are advised that 2 minutes remain in this vote.

☐ 1904

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. MENENDEZ. Mr. Speaker, I rise to offer a personal explanation. Today, I was unavoidably detained at Newark International Airport, due to the later arrival of an inbound plane, while traveling back for votes on Rollcall votes Nos. 521–523. Therefore, I was unable to vote on the Journal Vote (Rollcall No. 521) and H. Res. 457, a resolution recognizing the importance and positive contributions of chemistry to our everyday lives and supporting the goals and ideals of National Chemistry Week (Rollcall No. 522). Had I been present, I would have voted "yea" on both of the measures considered by the House.

PERSONAL EXPLANATION

Mr. GUTIERREZ. Mr. Speaker, I was unavoidably absent from this Chamber today. I would like the RECORD to show that, had I been present, I would have voted "yea" on rollcall votes Nos. 521 and 522.

EXPRESSING SENSE OF THE HOUSE WITH RESPECT TO RAISING AWARENESS AND ENHANCING STATE OF COMPUTER SECURITY AND SUPPORTING GOALS AND IDEALS OF NATIONAL CYBER SECURITY AWARENESS MONTH

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution. H. Res. 491.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SMITH) that the House suspend the rules and agree to the resolution, H. Res. 491, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 354, nays 13, not voting 66, as follows:

[Roll No. 523]

YEAS—354

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Bartlett (MD)
Bass
Bean
Beauprez
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carson
Carter
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Filner
Fitzpatrick (PA)
Foley
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Gutknecht
Hall
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Kanjorski
Kaptur
Kelly
Kennedy (MN)
Kildee
Kind
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCrery
McDermott
McHenry
McHugh
McIntyre
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy
Musgrave
Myrick
Nadler
Napolitano
Neugebauer
Ney
Northup
Nunes
Nussle
Oberstar
Obey
Ortiz
Osborne
Otter
Owens
Pallone
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (MI)
Rohrabacher
Ross
Rothman
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Saxton
Schakowsky
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shaw
Shays
Sherman
Sherwood
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stupak
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Tierney
Turner
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Walsh
Wamp
Waters
Watson
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)
Sessions
Shadegg
Shimkus
Stearns
Upton
Walden (OR)

NAYS—13

Barton (TX)
Ferguson
Flake
Hensarling
Jones (NC)
Norwood
Paul

NOT VOTING—66

Alexander
Barrow
Becerra
Biggert
Blumenauer
Boswell
Boucher
Brady (PA)
Brown, Corrine
Butterfield
Calvert
Cardin
Case
Davis (FL)
DeFazio
Diaz-Balart, L.
Engel
Feeney
Ford
Gallegly
Gerlach
Gibbons
Goode
Grijalva
Gutierrez
Harman
Harris
Istook
Jackson-Lee (TX)
Jones (OH)
Keller
Kennedy (RI)
Kilpatrick (MI)
King (IA)
LaHood
McCotter
McGovern
McKeon
Meeks (NY)
Moran (VA)
Murtha
Neal (MA)
Olver
Oxley
Pascrell
Pickering
Price (NC)
Rangel
Reyes
Rogers (KY)
Ros-Lehtinen
Roybal-Allard
Rush
Ryun (KS)
Sanders
Schiff
Smith (TX)
Stark
Strickland
Sullivan
Terry
Tiahrt
Towns
Visclosky
Wasserman Schultz
Watt

☐ 1920

Mr. BUYER and Mr. DELAY changed their vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. KILPATRICK of Michigan. Mr. Speaker, personal reasons require my absence from legislative business today, Monday, October 17, 2005. Had I been present, I would have voted "yea" on approving the Journal (rollcall No. 521); "yea" on H. Res. 457, recognizing the importance and positive contributions of chemistry (rollcall No. 522); "yea" on H. Res. 491, expressing the sense of Congress with respect to raising awareness and enhancing the state of computer security in the U.S. (rollcall No. 523).

PERSONAL EXPLANATION

Mr. PASCRELL. Mr. Speaker, I regrettably was absent from votes this evening due to commitment in my Congressional District. Had I been present, I would have voted "yea" on rollcall No. 521 on approving the previous days Journal; "yea" on rollcall No. 522, to suspend the rules and pass H. Res. 457 recognizing National Chemistry Week; and "yea" on rollcall No. 523, to suspend the rules and pass H. Res. 491, recognizing National Cyber Security Awareness Month.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3954

Ms. HERSETH. Mr. Speaker, I ask unanimous consent that the gentleman from Utah (Mr. BISHOP) be removed from H.R. 3954.

The SPEAKER pro tempore (Mr. NEUGEBAUER). Is there objection to the request of the gentlewoman from South Dakota?

There was no objection.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, October 17, 2005.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on October 17, 2005, at 4:42 p.m. and said to contain a message from the President consistent with the Trade Act of 2002 whereby he notifies the Congress of his intention to enter into a Free Trade Agreement with the Sultanate of Oman.

With best wishes, I am
Sincerely,

GERASIMOS VANS,
Deputy Clerk of the House.

NOTIFICATION OF INTENT TO ENTER INTO FREE TRADE AGREEMENT WITH THE SULTANATE OF OMAN—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 109–60)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Ways and Means and ordered to be printed:

To the Congress of the United States:

Consistent with section 2105(a)(1)(A) of the Trade Act of 2002, (Public Law 107-210) (the "Trade Act"), I am pleased to notify the Congress of my intention to enter into a Free Trade Agreement (FTA) with the Sultanate of Oman.

The Agreement will generate export opportunities for U.S. companies, farmers, and ranchers, help create jobs in the United States, and help American consumers save money while offering them more choices. Entering into an FTA with Oman will build on the FTAs that we already have with Israel, Jordan, and Morocco, as well as the FTA that we have concluded with Bahrain, and will be an important step on the path to fulfilling my vision of developing economic growth and democracy in the Middle East and creating a U.S.–Middle East Free Trade Area (MEFTA) by 2013.

Consistent with the Trade Act, I am sending this notification at least 90 days in advance of signing the FTA. My Administration looks forward to working with the Congress in developing appropriate legislation to approve and implement this Agreement.

GEORGE W. BUSH.
THE WHITE HOUSE, *October 17, 2005.*

ON THE IRAQ VOTE

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Mr. Speaker, the Washington Post has done it again for us. They ran an article on the retirement of Turkey's ambassador to the United States, and I was struck by a comment that the ambassador made regarding Iraq and our efforts to reshape that country in the Middle East.

This is what he said: "Pessimism debilitates you. Don't ignore the facts, but be optimistic. Some of the apparent clumsiness is democracy in the making." Democracy in the making.

Mr. Speaker, too many in this body and in the media have fed the pessimism. Those of us standing with the President and our military in Iraq are not playing Pollyanna on this. We know it is going to be a tough, tough endeavor. But we believed and we still believe that failing to act was a poor long-term solution to the fundamental crisis of terrorism that exists in the Middle East.

Today, we should all take a moment and praise our troops, our leadership, and the Iraqi people for voting on a constitution last Saturday. Nearly 63 percent of eligible voters cast a ballot. That is tremendous, and it should be cause for celebration both here and around the world.

Again, to quote the ambassador, "Pessimism debilitates you." Let us celebrate this success.

STOP ILLEGAL IMMIGRATION

(Mr. PRICE of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PRICE of Georgia. Mr. Speaker, illegal immigration is a huge concern to the vast majority of Americans. Some States are welcoming illegal aliens with driver's licenses, in-State college tuition, and access to social services. One has to wonder how can this be. It appears to many that we are rewarding those that break the laws.

Whoever said crime does not pay must not have been talking about those who enter our country illegally. Crossing the border illegally is a criminal act; however, we give these people access to everything you can imagine. Lax enforcement of our immigration policies is making every day payday for illegal aliens.

States other than Texas, Arizona, and California are now more burdened than ever picking up the tab for illegal aliens, with Georgia, my home State, ranking in the top 10 with illegal alien populations.

Hospitals and others are being forced to scrape the bottom of the barrel to look for money, money that should be spent on American citizens and those here legally.

Mr. Speaker, not tomorrow, not the day after that, not next week, not next month, but today, today is the time to stop illegal immigration. H.R. 3693 will do just that.

IRAQ ELECTION ON CONSTITUTION

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, as the representative of the 48th Brigade and the 3rd Infantry Division, I have thousands of constituents in Iraq. I look each day, as most Americans do, for good news to come from that area of the world; and good news did come this weekend with their unprecedented election.

This election, which had a lot of high stakes, will hopefully, when the tally is counted, ratify their constitution, which so many have worked on in the international community for so long.

The election itself, though, was a great success, with an over-60 percent turnout. In over 6,000 different polling places, violence was absent. Compare that to the June election, when there was a lot more absence and a lot less participation. This Saturday was a success.

Even the Sunni population, the minority population that has a lot of apprehension about this constitution, showed up in record numbers. And, remember, they boycotted the election in June.

There is a lot of progress that is happening in Iraq. I hope that this constitution does pass. I hope that the elections in December are a success. I hope that the new national government takes hold and does a great job of moving this great country to democracy.

America has made this possible, and America is standing behind our friends in Iraq.

☐ 1730

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. BURGESS). Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

NATIONAL DOMESTIC VIOLENCE AWARENESS MONTH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. MORAN) is recognized for 5 minutes.

Mr. MORAN of Kansas. Mr. Speaker, this evening I rise to recognize October as National Domestic Violence Awareness Month. Thankfully, we have made progress in raising awareness and attention of domestic violence and providing assistance to the affected victims. However, it is a problem that has not gone away.

We must not forget about these crimes that disrupt homes and destroy families. It is estimated that over 2 million acts of domestic violence take place each year here in the United States. According to a recent study in my home State of Kansas, one domestic violence act occurs every 24 minutes.

Domestic violence is an issue that affects all aspects of our society and is not bound by race, economics or age. It can be blamed for increased medical care costs, decreased productivity, and increased absence from work. Domestic violence also promotes a culture of depression, hopelessness and fear. One incidence of domestic violence can create a cycle of despair that is difficult for not only the victim but also the entire family to overcome.

In my small hometown of Plainville, Kansas, a family grieves over the loss of their daughter. Patty Kruse-Hicks, a kind, loving daughter, and a devoted mother to her three children, lost her life due to domestic violence. On April 19, 2004, the world changed forever for her family and all those who loved her. Patty is more than a statistic. Her legacy and love will live in the hearts of all who knew her. Too often we think an act of domestic violence does not occur on our street, in our hometown, or to people and families we know, but this act of violence tells me that no street, no community, no hometown is immune.

There are other victims of domestic violence who are often overlooked. Each year an estimated 3.3 million children are exposed to violence committed by family members against their mother or caretaker. During 2002 in Kansas alone, there were over 8,000 cases where children were the victims of domestic violence. Children who see violence are more likely to commit or suffer violence when they become adults. The cycle of despair continues from one generation to the next.

While the realities of domestic violence are grim, we do have hope. Our hope stems from the belief that with education, resources and support, victims of domestic violence can overcome their circumstances. Hope is what sustains and motivates the nine domestic violence centers I represent in my rural 69-county district. These agencies help advocate for victims, provide essential services, and spearhead efforts to increase domestic violence awareness throughout most part of rural Kansas.

I would like to highlight one such effort. In Emporia, the SOS, Inc., agency recently partnered with the Girl Scout Council of the Flint Hills, and their Studio 2 Be Troop, including 40 girls, ranging from the ages of 11 to 17. This effort focused on teaching these youth about domestic violence and the legal system. The highlight of this year-long project was a mock trial event that the youth participated in during the month of September. The troop girls were the defense and prosecution teams, the jury, and even the victims of crimes. This project was supported by the legal community, and many lawyers and judges gave their time to work with these Girl Scouts. This project taught the participants that domestic violence is not okay and our communities should take it very seriously. This project was a one-of-a-kind experience for these girls, and garnered significant national attention.

Mr. Speaker, tonight I rise to recognize October as National Domestic Violence Awareness Month. Thankfully, we have made progress in raising awareness and attention to domestic violence and providing assistance to victims. However, it is a problem that certainly has not gone away. We must not forget about these crimes that disrupt homes and destroy families. It is estimated that 2 million acts of domestic violence will take place this year in the United States. According to a recent study, in my home State of Kansas one domestic violence act occurs every 24 minutes.

Mr. Speaker, I ask for continued support and assistance for the domestic violence programs we in Congress have responsibility for.

GUN LIABILITY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. McCARTHY) is recognized for 5 minutes.

Mrs. McCARTHY. Mr. Speaker, this week the House will take up the National Rifle Association's top legislative priority for the 109th Congress. We will vote on legislation granting the gun industry unprecedented immunity from liability lawsuits. Nearly no other consumer product manufacturers or sellers have this kind of protection.

The NRA says this bill will prevent frivolous lawsuits that may bankrupt the gun industry, but a closer look reveals this bill tries to fix a problem that actually does not exist.

Over the past decade, there have been over 10 million lawsuits filed here in the U.S. and only 57 involved the gun industry. According to the Brady Campaign to Prevent Gun Violence, no lawsuit against the gun industry has ever been dismissed as frivolous by a judge. Some of these suits have been dismissed for other reasons, and some have been successful. The point is the current system does work.

Unworthy cases are not coming to trial so why do we need to close the courthouse doors to those who were legitimately victimized by gun industry negligence or incompetence? Do not let the NRA rhetoric fool you. This legislation is not about protecting an honest gun dealer who legally sells a gun to someone who later commits a crime. This legislation protects cases of gross negligence that lead to the injuries and death of unsuspecting victims.

For example, the owner of the Bull's Eye Shooter Supply Store in Washington State was successfully sued because he could not account for over 239 guns in his inventory. One of these guns was the Bushmaster used in the D.C. sniper killings. The D.C. sniper murderers were allowed to get their hands on a gun because of a gun seller's negligence. But now, House leadership thinks the D.C. snipers' victims should not have their day in court.

We should not let negligence and incompetence that results in death or injury go unpunished in any industry. Stripping away the threat of legal action will seriously jeopardize efforts to make guns safer. Without the threat of liability suits, the gun industry will have no financial incentive to incorporate gun locks, smart gun technology, and safety triggers into their products.

Imagine if similar legislation were passed 40 years ago to cover the auto industry. Today our cars would not have seat belts, air bags or antilock brakes.

Mr. Speaker, instead of stopping nonexistent frivolous lawsuits, we should be protecting the public from gun violence. I submitted amendments to this bill to the Committee on Rules. One amendment will allow liability lawsuits against those who negligently sell cop killer bullets. These are bullets that are similar to the ones used in the murder of my husband and critically wounded my son in 1993.

I will also seek to continue negligence lawsuits against those who irresponsibly sell large-capacity clips. Large-capacity clips were used in the Long Island shooting which took down my husband and son and many other family members. If we had smaller clips, we would not have had as many killings on that train. If we did not have the cop killer bullets out on the streets, maybe my son would not have been injured so severely, and there is a possibility my husband might be alive.

These clips represent a serious homeland security threat if a terrorist were to use them. Without the threat of lawsuits, guns may end up in the hands of people who should not have them.

Mr. Speaker, we already have lost 33,000 Americans a year to gun violence. We lose 5,200 children per year. Independent studies show that gun violence costs our health care system over $100 billion a year. The average cost of each firearm fatality, including medical care, police services, and lost productivity is over $1 million. I can testify because my son's bills are over that.

But the Department of Justice says only 2 percent of Federal gun crimes are prosecuted, and 20 of the 22 Federal gun laws on the books are not effectively enforced. We need to give our law enforcement agencies the tools to do their jobs efficiently.

We cannot proceed with this legislation unless we can ensure the National Instant Background Check is fully effective. Currently, half of the States have entered less than 60 percent of the felony convictions into the NICS system. In 13 States, and my colleague just talked about domestic violence, restraining orders are not accessible through the NICS system.

Too many of those not allowed to buy guns slip through the cracks of our background check system. That is why I submitted an amendment to permit negligence lawsuits against the gun industry until 90 percent of the felony convictions and other disqualifying criteria are included in the NICS database.

I have introduced H.R. 1415, a bill to give grants to help the States keep their NICS information current and accurate. Honest gun sellers do not want to sell criminals guns. My amendment would give them the peace of mind that all of their sales are to responsible gun owners. However, we still should not give breaks to dishonest and incompetent gun sellers by giving them immunity from lawsuits resulting from their negligence.

But if the gun lobby and its faithful servants in leadership insist on taking up this bill, we must make sure safeguards are in place to protect the public.

Mr. Speaker, our priorities are misplaced when it comes to preventing gun violence. We need to change the dialogue.

WE SHOULD NOT CUT FOREIGN MILITARY ASSISTANCE TO EGYPT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, the Bush administration's allies in this Congress are making another truly astounding foreign policy blunder, one that jeopardizes decades of painstaking effort toward peacemaking in the Middle East. Bush allies are proposing to sever our established U.S. military relationship with Egypt at a time when diplomatic ties in the region are more vital than ever.

At great sacrifice, Egypt has forged a leadership role in the region and remains committed to peace and progress. Yet rather than stemming terrorism, Bush congressional allies are doing, with their retrograde proposal, just what they did with Iraq: Miscalculating, failing to shape robust diplomatic initiatives, and setting the region up for more terrorism, more bloodletting, and more instability. They want to act tough first rather than smart first.

They are hastening more instability as antagonism to the United States grows. Does anybody in the White House recognize that Middle East terrorism is going up, not down? Does anybody notice that polls across the Middle East show a majority of Arabs are now opposed to U.S. policy?

Zogby International polls indicate that Arab public attitudes towards the United States are declining. And according to the Pew Research Center, solid majorities in many predominantly Muslim countries surveyed still express unfavorable views of the United States.

At a time like this, cutting foreign military assistance to a strong ally risks a vital blow to our relationship with this most populous Arab nation and friend in the region. Ultimately, our troops cannot win militarily when the Iraqi war is being lost politically and diplomatically across that region.

The Bush administration's allies in this House are truly ill-advised and ill-timed to sever America's 25-year military commitment with Egypt. Let us remember it was Egypt's valiant President Anwar Sadat who in 1979 stood shoulder to shoulder in peace efforts with President Jimmy Carter and President Menachem Begin of Israel on the White House lawn. I was there as a witness to that majestic day when the most important peace accord of that era was signed, the Camp David Accords.

Yes, Egypt's President walked toward peace, and a few months later was assassinated for his vision. We should honor and remember that sacrifice.

Egypt is the most populous Arab nation and the most influential in the region, strategically positioned adjacent to the Suez Canal on the borders of Gaza, Israel, Libya and Sudan. Egypt is the nation that has sent 750 troops to safeguard the Gaza withdrawal of Israelis to begin historic resettlement of Palestinians.

The Bush allies are not only dead wrong but absolutely wrong; wrong historically, wrong diplomatically, dangerously wrong. Egypt has been a strong ally to the United States and the Middle East for 25 years. Egypt has provided support in the Middle East peace process. The peace between Egypt and Israel is a template for which peace between Israel and other Arab countries can be achieved.

□ 1945

Egypt provided troops and facilitated transportation in the region during Desert Storm, and they continue to provide support in Iraq and Afghanistan today. They stand ready and willing to provide needed training for Afghan and Iraqi troops to aid in the stabilization of those countries at no cost, though neither country has taken them up on this offer yet.

And Egypt has facilitated diplomatic relations among Arab governments and the Iraqi interim government. Not only are they a politically strategic ally; they are also an important economic ally. U.S.-Egypt trade totals almost $4.5 billion, and last year we had a trade surplus with that country of $1.8 billion. Funds that we offer in aid to Egypt come back to this country in trade.

Former President Anwar Sadat had the ultimate vision and courage in 1979. He knew peace required courage. It requires international cooperation as well and mutual support. He understood peace assures human progress, and he gave peace a chance.

Let us not be unwise and turn our back on America's military relationship with Egypt, an alliance he helped establish, an alliance that has endured, an alliance that has broadened, an alliance that has made peace across that region possible. Possible in our time.

I would hope that the President's allies in this Congress would remove the proposal they have on the table to sever our foreign military assistance and our relationship with Egypt. It could not be more wrong and more poorly timed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF S. 397, PROTECTION OF LAWFUL COMMERCE IN ARMS ACT

Mr. GINGREY, from the Committee on Rules, submitted a privileged report (Rept. No. 109-248) on the resolution (H. Res. 493) providing for consideration of the Senate bill (S. 397) to prohibit civil liability actions from being brought or continued against manufacturers, distributors, dealers, or importers of firearms or ammunition for damages, injunctive or other relief resulting from the misuse of their products by others, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 554, PERSONAL RESPONSIBILITY IN FOOD CONSUMPTION ACT OF 2005

Mr. GINGREY, from the Committee on Rules, submitted a privileged report (Rept. No. 109-249) on the resolution (H. Res. 494) providing for consideration of the bill (H.R. 554) to prevent legislative and regulatory functions from being usurped by civil liability actions brought or continued against food manufacturers, marketers, distributors, advertisers, sellers, and trade associations for claims of injury relating to a person's weight gain, obesity, or any health condition associated with weight gain or obesity, which was referred to the House Calendar and ordered to be printed.

ORDER OF BUSINESS

Ms. WOOLSEY. Mr. Speaker, I ask unanimous consent to take my Special Order at this time.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

IRAQ AND THE "BOLDER APPROACH"

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, the Secretary of State, Condoleezza Rice, appeared on "Meet the Press" yesterday morning and made this assertion, and I quote Dr. Rice: " . . . when we were attacked on September 11, we had a choice to make. We could decide that the proximate cause was al Qaeda and the people who flew those planes into the buildings and, therefore, we would go after al Qaeda and perhaps after the Taliban and then our work would be done . . .

"Or we could take a bolder approach, which was to say that we had to go after the root causes of the kind of terrorism that was produced there, and that meant a different kind of Middle East. And there is no one who could have imagined a different kind of Middle East with Saddam Hussein still in power."

Mr. Speaker, what happened to the weapons of mass destruction? In the run up to the war, no one said anything about a bolder approach.

We were told about uranium purchases from Niger. We were told about the world's most dangerous weapons falling into the hands of the wrong people. We were told by Dr. Rice herself about the specter of mushroom clouds over American cities. We were treated to a campaign of fear and deception about weapons of mass destruction because the Bush administration knew that was the only way to convince the Nation and the Congress to commit to this war.

They knew that this bolder approach, this ideological pipe dream, was an absolute nonstarter.

So what are we supposed to tell Cindy Sheehan and the thousands of other mothers, fathers, spouses, siblings, and friends of dead soldiers and soldiers who were wounded? That their children died or were wounded not to protect America but for some "bolder approach," because the Middle East is the personal chess board of a gang of neoconservatives who have not had to sacrifice a thing for this war?

Mr. Speaker, I traveled to Iraq a few weeks ago to meet the troops to learn more about their mission. I cannot tell the Members how impressed I was with the courage, the loyalty, and intelligence of our soldiers from the officers down to the citizen soldiers of the National Guard. They are, indeed, the best America has to offer.

My question is: Why can we not have political leaders with the same honor and integrity as the men and women who wear the uniform, who take the risks, who make the sacrifices? It is nothing short of tragic the way the Pentagon and the White House have let down and even exploited the men and women in their charge. They sent them to Iraq on false pretenses, on a poorly defined mission, without all the tools they needed and without a plan to bring them home.

I have been calling for our troops to come home this entire year. I have called for hearings. I have introduced resolutions. I have forced a vote in this Chamber. But, Mr. Speaker, I am not just speaking for myself. A majority of Americans clearly share this anxiety and skepticism about the war.

I have tried to jumpstart the conversation about how to go about ending the occupation. At the hearing I convened last month, some very sound ideas were laid out about how to end this debacle and how the United States can play a constructive role in the rebuilding of Iraqi society.

But the President will not engage on this level. He will not engage in this conversation. He offers nothing but platitudes and vague assertions. Terrorism is bad and freedom is good, he tells us. We need to stay the course, he tells us. We will be there as long as we need to be there, he tells us.

This is not enough. The American people and our soldiers deserve better. They deserve a plan, an endgame, a clear strategy to return Iraq to the Iraqi people and the troops to their families back home.

URGING HELP FOR PAKISTAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. OWENS) is recognized for 5 minutes.

Mr. OWENS. Mr. Speaker, unfortunately, the nation of Pakistan is experiencing the greatest natural disaster of all time. There is no recorded disaster with the dimensions that the earthquake in Pakistan has produced. Forty thousand at least are already dead. Forty thousand at least are dead already, and with the freezing weather coming and the inaccessibility of the people in the mountains, another 40,000 could easily die, being frozen to death or starved because they cannot be reached. Millions are homeless.

Now is the time for America to come to the aid of this nation in great distress. These are people, first of all; and for humanitarian reasons, we certainly should come to their aid. They are also citizens of Pakistan, a major ally of the United States, a major ally which has done a great deal in the fight against terrorism.

I know disaster fatigue has set in with a lot of Americans and certainly our media. We had the tsunami, an overwhelming disaster. We had Katrina, Rita. In Central America they had Hurricane Stan.

Unfortunately, the media has reached the point of exhaustion too early. Not enough is being said about the great tragedy in Pakistan because I think they just do not want to deal with another great disaster with the kind of coverage it needs. It does not have it.

When we add up all these disasters, the tsunami, Katrina, Rita, and Pakistan, the tragic numbers should not overwhelm us. We should not throw up our hands and say it is just too much, we cannot deal with it. It is the most massive disaster in history, the Pakistani earthquake; but yet 40,000, though it may seem like a lot, and in the case of Katrina we do not know whether it is going to be 10,000 or not, and in the case of the tsunami, if we add them all up, still relative to the population of the world, it is a very small number of people.

We have almost 6 billion people in the world. Surely 6 billion people in the world and almost 200 nations in the world can come to the aid of people who have experienced these disasters this year, can come to the aid of those in Katrina, those in the tsunami, and those in Pakistan. Surely we should not get weary of being weary of disasters so early. We must go to the aid of Pakistan and not write it off because we have had enough disasters. We need more attention paid to this.

When we look at numbers, we lost 600,000 people in the Civil War in America, 600,000. We lost 400,000 or 500,000 in World War II. The Russians lost 18 million people in World War II. Those are numbers which can really overwhelm us. Surely we have dealt with problems on that scale. In World War II we mobilized, and in terms of men and materiel and the effort to win World War II, it was overwhelming.

But it would not take even one-tenth of that effort to go to the aid of Pakistan at this point and deal with getting the practical things that they need. They need helicopters because those mountains cannot be reached any other way. They have got to have helicopters to transport whatever they are going to transport. They need it, and they need it right away. The people are freezing in the mountains. They need food. The U.S. must lead the way.

I do not want to get into any discussion of competition, what nation is doing what and are we doing less than any other nations. I do not think that is the kind of discussion we ought to have. We ought to just understand we should come to the aid of Pakistan to the extent that we can. We are the greatest. We are the most resourceful. We are the richest Nation that ever existed on the face of the Earth. We should not hesitate to lead on this matter. We should step out there and not yield leadership and wait for someone else.

We have made past mistakes with Pakistan. Pakistan was our ally during the Cold War, and yet we treated them very poorly, and we did not take care of the needs of Pakistan once the war in Afghanistan was over and they had helped us to win the war against the Russians in Afghanistan originally. Now Pakistan has come to our aid in the war against terrorism. The Government of Pakistan teeters on the brink of rebellion because of the fact that large numbers of the Muslim population do not approve of the close friendship of Pakistan with the United States, the alliance with the United States against terrorism.

Let us come to the aid of our friends and make up for past errors. And here is a time when they have this great calamity that we can act and wipe out any harsh feelings about the past. Now is the time to act. For the future, as long as we can see it, I assure the Members that the Pakistani people will be grateful for what we have done. We ought to seal the alliance and make certain that they understand that we are their friends in every way possible. We do not want to just use them to fight the war on terrorism. We do not want to just use them to hunt for Osama bin Laden. We do not want to just use them in a critical time when we are threatened by terrorism. We care about them; and when they need help, we will be there.

Practical help is needed right now. We need cargo planes. At Kennedy Airport they have cargo-loads of material to go to Pakistan. They have no planes to send them there. They need the practical help. We need helicopters in Pakistan right now. Across the border in Afghanistan, we have hundreds of helicopters. We should give up the hunt for Osama bin Laden for a little while if necessary, and those helicopters should go to Pakistan. They need food. They need tents. They need attention from the whole world.

We need our caucus here, Members of Congress. We have a Pakistan Caucus. The Pakistan Caucus needs to meet as soon as possible. I call on the gentleman from Indiana (Mr. BURTON) and the gentlewoman from Texas (Ms. JACKSON-LEE), who are co-chairs, to call to meet as soon as possible. And let us, as Members of Congress, see what we can do to come to the aid of our friends, to come to the aid of millions of people who are in great distress and they look to the United States for leadership. We should follow that leadership. God expects us to provide leadership to help the people of Pakistan.

□ 2000

PEAK OIL

The SPEAKER pro tempore (Mr. BURGESS). Under the Speaker's announced policy of January 4, 2005, the gentleman from Maryland (Mr. BARTLETT) is recognized for 60 minutes as the designee of the majority leader.

Mr. BARTLETT of Maryland. Mr. Speaker, I have here an article that appeared on the front page of USA Today. It is above the fold. It is the center article. It says: Debate Brews: Has Oil Production Peaked?

The undeniable facts that spawned this article were noted by a number of the leading persons in our country several months ago, Boyden Gray, McFarland, James Woolsey, and a large number of retired four-star admirals and generals when they noted the facts that are on our first chart here: That we have in our country only 2 percent of the world's reserves of oil; we have 8 percent of the world's oil production. Just those two statistics together say something rather interesting. If we have only 2 percent of the oil reserves but are producing 8 percent of the world's oil, that means we are really good at pumping oil, does it not? That means that we are pumping down our reserves four times faster than the rest of the world.

We represent only 5 percent of the population, they noted, and we consume 25 percent of the world's oil and import about two-thirds of what we use. They wrote a letter to the President saying: Mr. President, the fact that we have only 2 percent of the reserves and use 25 percent of the world's oil and import two-thirds of what we use is a very large national security risk. We really need to do something about that as a country.

Whether you believe, as this article points out, that oil has peaked—in just a moment, Mr. Speaker, we will note how this term came into existence—or whether you believe that we need to do something about energy because of this national security concern, what you are going to do is essentially the same thing, because what you need to do, if this is just a national security concern, is to free ourselves from the dependence on foreign oil. That is exactly the thing you have to do. If you believe that we have reached peak oil, you have to free ourselves from the dependence on oil, most of which is foreign oil. In the former, if you just think it is a national security concern, we may muddle through that and come out okay. If you think that it is a peak oil issue, then there is no way of muddling through that, because unless you forcefully and intelligently approach that problem you are going to have some big problems.

The next chart shows us how this term originated, and we need to go back about six decades to the 1940s and the 1950s when a scientist by the name of M. King Hubbert whose name is widely known. I was reading an article just today. Without ever telling the readers the derivation of the term they were talking about Hubbert's Peak. Well, in 1956, Hubbert as a result of his analysis for nearly two decades of the behavior of oil fields made the prediction that the United States would peak in oil production in about 1970. As it turned out, he was right on target, we did peak in 1970.

He made that prediction because, as he noted, the exploitation and exhaustion of an individual oil field followed a typical not surprising or unsurprising bell curve, that it went up and up as you pumped a field until you reached the peak, and then at that peak about half of the oil had been pumped, and then the last half was more difficult to get and so you came down the other side of that typical bell curve, and that has come in the literature to be known as Hubbert's Peak.

This smooth green line is his prediction for the United States. The rougher green line with the heavy symbols indicates the actual production of oil. What you see, it roughly followed his prediction. The red curve here is for Russia that had more oil than we. They peaked after us. But when the Soviet Union fell apart, you see that they did not reach their potential, and they are now experiencing a second smaller peak that does not show here but it is a peak about like so.

If we look at the next chart, we see where we got the oil from in our country. I am going to spend a couple of minutes just to say what peak oil is, and I have got several colleagues that are going to join us. This shows where we have gotten the oil from in our country, Texas and the rest of the United States and Alaska and natural gas liquids. Notice the small contribution that Prudhoe Bay made, a big source of oil. We were starting down the other side of Hubbert's Peak. Remember, he said we would peak in 1970, and right on target that is when we peaked, and the big Prudhoe Bay oil field was a little blip in our downward coast on Hubbert's Peak. I am sure you can all remember the fabled oil discoveries in the Gulf of Mexico which was going to save us for the future. That is this yellow here. That is all that amounted to. There are 4,000 oil wells out there, I think, and that is their contribution to oil in our country.

The next chart shows the world situation, and this is a too busy chart. It is like reading a textbook. There is really a whole lot of information there. They spent a lot of time putting this together, and what I have done is to pull out one part of this. This little inset here will be our next chart, and this inset shows two curves. They are really very interesting curves. The bars here show the discovery of oil, and you notice that we were discovering oil way back in the early 1900s and a whole lot of it was discovered in the 1960s and 1970s. The black curve here indicates our consumption of oil. Notice, up until about the early 1980s the world was finding a lot more oil than it was consuming.

Up until this point, this is all history, and from this point on now is a guess as to where we will be going. Because these two curves have the same abscissa, the area under these two curves, and this is one curve, the production curve, and this is the consumption curve. The area under those two curves has to be the same. What that means is that the only oil that we can pump is the oil that we found, and what the authors have done is to make a guesstimate of the oil which is yet to be found, and this is their estimate of what we are yet to find. We may find more, a little, we may find less. I will tell you, Mr. Speaker, that most of the world's experts agree that we have probably found about 95 percent of the oil that we will find, of the recoverable oil that we will find.

I did a little play with these curves, and I noted that this part of the consumption curve will consume some of this discovery, and I noted that it took all of the discovery to about this point just to make up the difference between the rate at which we are using oil, which you can see is three or four times as high as the rate at which we are finding oil. So what we have got yet to consume is this oil which remains here, and the authors believe that it will follow that kind of a slope.

The next chart shows a simplistic bell curve. By the way, this bell curve can be very sharp. All you have to do is change the ordinate and abscissa, you can make it very short and sharp, or you can make it spread out. This is a 2 percent growth rate in the production and consumption, because up until this point the production of oil and the consumption of oil have been the same thing. There have been no real shortages until currently, and there have been no big surpluses that have been stored away somewhere except for our strategic reserve and some other countries that have some strategic reserve.

This shows that the problem will occur not at peak oil but sometime before peak oil, because you see that the demand curve will separate from the supply curve quite a while before you reach a peak. If this is a 2 percent growth rate, that means you double, that is exponential, you double in 35 years. So that yellow area on the abscissa is 35 years long. What this says is that you should start seeing some little perturbations a decade or so before you reach peak oil.

The next chart kind of puts this in context, and I think that it is good to look back through history to see how we got here. Here we have three little curves, one of which shows our economy, and this starts way back in the 1600s and goes up to the present. This shows the economy of the world with wood, the brown; black appropriately for coal; and then look what happens when we get to oil. It just does not show the quadrillion Btus that the world has produced, that also mirrors pretty much the population growth of the world. We started out back here with less than a billion people for hundreds of years, less than a billion people. When we finally had the energy available from fossil fuels, primarily oil, our population has shot up from about 1 billion people to now almost 7 billion people.

I want to show one more chart before I put one up that we can talk to with the Members that have joined me. This is an interesting one that kind of tells you where we are today. The analogy I use is that we as a country are very much like a young couple that has gotten an inheritance from their grandparents, a pretty good inheritance, and they have established a lavish lifestyle where 85 percent of all the money they spend comes from their grandparents' inheritance and only 15 percent from what they earn, and the grandparents' inheritance is not going to last until they retire at the rate they are spending it. So they have got to do one of two things. Either they have got to spend less money, or they have got to earn more money. I use those numbers, 85 and 15, and some other people may use 86 and 14, by the way, but that is pretty much where we are in our country in terms of energy use. 85 percent of all the energy we use comes from fossil fuels and only 15 percent comes from other sources, a bit more than half of that 15 percent comes from nuclear. That could and probably should grow. There are obviously some problems with using nuclear, but you will make a choice between borrowing those problems or not having energy in the future, I believe.

The 7 percent which is what we call renewables has been blown up here so that we can see what it consists of. Notice that the biggest part, nearly half of that renewable energy, is hydro. That is probably not going to grow in our country, we are breaching more dams than we are making now and so hydro has probably peaked out in our country.

The next biggest source is wood. That is not rural people burning wood to keep warm. That is the paper industry and the timber industry wisely using what would otherwise be a waste product and they are using it to produce energy. Then, waste. That is a really interesting one because that is pretty big, well, pretty big compared to other things in renewables but not very big compared to the total amount of energy that we use. That is municipal waste being burned. The county instead of a landfill ought to have a generating plant that is burning this waste. There is a very good one, by the way, up at Dickerson not very far from here that they would be happy to show you.

Now we get down to those renewables that are talked about as the sources of energy that we are going to have to increasingly turn to as we slide down the other side of Hubbert's Peak. They are solar, 1 percent. That is 1 percent of 7 percent, which is .07 percent. Wind, 1 percent of 7 percent, .07 percent, more than that of electricity, because this nuclear power which is 8 percent of total energy is 20 percent of electricity in our country. Then agriculture.

☐ 2015

By the way, there are two ways we use geothermal. One is the true geothermal where you are tapping into the molten core of the Earth and getting heat there. There is not a chimney, I believe, in Iceland, because they get all of their energy that way. We are now using that term "geothermal" in another way where you wisely couple not to the air, which you are trying to heat in the wintertime and cool in the summertime to condition your house, but you are coupling your heat pump to the ground or ground water which stays a constant temperature. Fifty-six degrees seems pretty cool in the summertime and pretty warm in the wintertime, does it not, and that is ground water temperature here.

Then we get to agriculture, and what we can expect to get from agriculture. I know one of the Members who has joined us is going to talk about agriculture. Let me just call on the gentleman from Minnesota (Mr. GUTKNECHT) because he wants to talk about agriculture. Let me put the next chart up here, because what we are going to be speaking to now is the finite resources we have, the things we can turn to; but they are finite. They will not last forever, and then the renewable resources, and the gentleman from Minnesota (Mr. GUTKNECHT) is interested in one of those down here in the agricultural resources area.

Mr. GUTKNECHT. Mr. Speaker, I thank the gentleman from Maryland. I am so delighted that the gentleman took this hour tonight, because this is an issue that every American is thinking about, in terms of our energy, and the gentleman has probably done more research on overall energy and energy policy, how much good we get out of a barrel of oil. I apologize for being a little late, but I do want to talk just for a minute, because there are so many misunderstandings about ethanol and other renewable energies.

This is a chart based on numbers from the United States Department of Agriculture, and they have part of their numbers, I think, from the United States Energy Department, but it is a chart that most Americans would be surprised to learn. Frankly, even back in my own district of Minnesota, many people are surprised that right now, in Claremont, Minnesota at the Alcorn ethanol plant, we are producing ethanol for 95 cents a gallon. That number reflects a higher price for corn than corn is today. Actually, corn is dirt cheap, as they say out in the Midwest. But the price right now is at about $60 a barrel for oil, and to produce a gallon of unleaded gasoline is $1.65.

Now, the truth of the matter is, we have to be honest, we get fewer Btus out of a gallon of alcohol than we do out of a gallon of gasoline; but even when you make that comparison, ethanol today is cheaper than gasoline on a Btu basis. On a Btu basis, $60 for oil, $2.25 for corn, these are the raw costs of that product.

Now, there are a lot of other benefits to using more ethanol. One, of course, is we become less dependent on foreign sources of energy. I think even if these numbers were reversed, it seems to me it would be worthwhile for us at the Federal level to do more to encourage more use of renewable energies like ethanol.

The other thing about ethanol is it is better for the environment, and perhaps the gentleman from Maryland (Mr. BARTLETT) can talk about this sometime now or later, but ethanol is an oxygenate. It is roughly 30 to 35 percent oxygen, which means that it burns far leaner than unleaded gasoline. More importantly, one of the by-products, of course, is carbon dioxide; but that gets used the next year in growing the next crop of corn. So in many respects, it is a perfect carbon dioxide cycle, if you will. So it is better for the environment; it is better for our economy, because in the month of August we spent $22 billion, over $22 billion, the United States, in buying oil from countries that are not particularly friendly to us.

I think we ought to set as a vision that we are going to become energy independent.

Now, I was taught many years ago in sales training class that a goal is a dream with a deadline, and so I tried to offer last week in the energy bill that we had what we described as a 10-by-10 amendment mandating that by the year 2010, 10 percent of our gasoline will be renewable energy. We did not get a chance to offer that amendment, so now I am having it redrafted as a bill. I am planning to offer it as a bipartisan effort. I think energy policy does not have to be partisan. But these numbers, I think, speak for themselves. Even if ethanol were more expensive, because of the environment and in terms of keeping more of those dollars rotating through our economy, it makes sense to use more renewable energy.

So I want to thank the gentleman for what he is doing tonight. I want to thank him for what he has done in the past, and I want to encourage Members, if they would like more information, because there are so many myths about renewable energy and particularly about ethanol, if they would like a fact sheet, we have some in our office, get ahold of my office or go to my Web site at gil.house.gov. We have some great information, and we have sources for all of it. This is from the actual people who produce it, and it was authenticated and authorized by the United States Department of Agriculture. Ethanol is cheaper than gasoline. I yield back to the gentleman, and I thank him for having this Special Order.

Mr. BARTLETT of Maryland. Mr. Speaker, I thank the gentleman for joining us this evening.

Ethanol is certainly one of the alternatives to which we can turn. But if there were some here on the other side, let me just indicate what they would probably say because, as a friend told me a number of years ago, the thinnest sheet of paper has two sides, and so let us look at what they would say on the other side.

I have here a chart which shows the energy input for producing a million Btus from gasoline and the energy input for producing a million Btus from ethanol. And to get a million Btus out of gasoline, we have to input 1.23 million, because you are not going to get it all. You have to transport it and refine it and you are going to lose something in the process. But for ethanol, we have the happy consequence of getting a lot of energy from the sun. So this chart says that for every million Btus you get from ethanol, it takes only .74 million Btus of fossil energy to produce it, and that is a good bet.

But, there are others, Dr. Pimentel, for instance, and his colleague from the West Coast. About 6 weeks ago I attended an all-day conference at the National Press Club, and their argument was that if you really look at all of the fossil fuel energy that goes into producing ethanol, you use more fossil fuel energy in producing ethanol than you get out of it. I hope they are wrong; but even if they are not wrong, the energy profit ratio is not going to be really large.

Let me look at this next chart for just a moment, and then I am going to come back to this one for a minute, because both of these relate to ethanol. This is an interesting chart. What it shows is energy profit ratios for several fuels. This is energy profit ratio.

Now, what the gentleman was looking at was dollar profit ratio. It is really profitable dollar-wise to produce ethanol today because it takes less money to produce it than you would pay for an equivalent gallon of gasoline. This is the energy profit ratio, and this is contrasted with a quality, economic effectiveness in transport, how feasible is it to use over a wide range of uses. Of course, the source that tops the list is the giant oil fields. We do not have any of those, by the way; they are all in the Middle East. But the energy profit ratio is very high: if you put in $1 you get out $60. And they are very economically useful, because you can make a whole lot of things out of it. You can make pharmaceuticals out of it, you can heat your house with it, you can run your car with it, you can make plastics out of it, do a whole lot of things with oil.

This shows the other compounds. Here is U.S. oil. We never were very good, and now we are getting on down further, tar sands and ethanol. Ethanol is way down here at the bottom because they say there is not a big energy profit ratio. But if it is even positive, it is really good, because when you use ethanol, it is relatively nonpolluting as compared to fossil fuels.

As the gentleman from Minnesota (Mr. GUTKNECHT) properly pointed out, there is no CO_2 penalty for that, because every bit of CO_2 you get out of it, next year's plant is going to absorb in growing it. We use oxygen, produce CO_2, the plants, happy neighbors; they use our CO_2 to produce oxygen which we then can breath. But you must be very careful with the energy profit ratio. The dollar profit ratio is one thing; and, today, that is about all economists look at. But energy profit ratio, at the end of the day, if we really have finite sources of these fossil fuels, is going to be important.

Let us go back now to the previous chart. I just want to take a quick look at the bottom of it because this shows something that most people have no idea about. This is the energy that goes into producing a bushel of corn which you are using for your ethanol, and notice that nearly half of all of the energy that goes into producing a bushel of corn comes from natural gas. And the other sources are the tractor that guides it, the seed, the phosphates, the diesel fuel, the gasoline, the electricity, natural gases and so forth.

But nearly half the energy comes from natural gas which produces nitrogen, and most people have no concept of that. Before we learned how to do that, the only nitrogen sources we had in the world were barnyard manures and guano, and it was a big industry a number of years ago. Guano, of course, is the droppings of bats and birds over tens of thousands of years that accumulated, and that is gone. If we wait a couple of hundred thousand more years, there will be some more. But ethanol is certainly something we ought to look at. It is one of a number of things on this list and it is down here in ethanol, and it is one of the things we can get out of agriculture. We will come back a little later in the hour to talk more about agriculture. Several other Members have joined us, and let me let them speak in terms of the time they appeared. I yield to the gentleman from Maryland (Mr. GILCHREST).

Mr. GILCHREST. Mr. Speaker, I want to thank the gentleman for his initiative to give us an insight into the world of peak oil and all its ramifications. I just wanted to speak briefly tonight in support of the gentleman's effort to bring this information across the board to the administration, to Members of Congress, and to the country as a whole so that all of us can understand what is transpiring over the next couple of decades to have an enormous impact on not only our Nation's economy but on the world's economy.

The question that I would pose that I think everybody should think about is what is at the bottom of the bottomless well. I think most people think that oil will go on forever, that there is plenty of reserves out there, that they will never dry up, they are not a finite resource, they are there for the foreseeable future, and that nature is not dynamic, but it is static.

Well, I think the gentleman from Maryland (Mr. BARTLETT) is bringing to the forefront that what is at the bottomless well is not oil; and if it is not initiative, ingenuity, and intellect, we are in for a lot of problems in the very near future. If, at the bottom of the bottomless well is initiative, ingenuity, and intellect, we will take the next logical step in cultural evolution.

We all used to burn wood for thousands of years. People burned wood for energy, for heat to make their communities whole. Then we discovered coal, and coal was a lot more efficient. It burned a lot better, and our industries prospered, plus we had better uses for wood than just to burn it. Coal was then, to a large extent, supplemented by oil, and oil was more efficient. Our industries could prosper even more, and it increased the ability to advance technology.

Now, coal has more hydrogen than wood. Oil has more hydrogen in it than coal. And then we discovered natural gas, which was even more efficient than oil or coal, and that expanded our markets for our economic progress even more, and natural gas has more hydrogen than oil.

We are running out of oil, and I think the gentleman from Maryland (Mr. BARTLETT) said we have about 2 percent of the known reserves in the United States. Many people say it is a little bit more than that; but whether it is 2 percent or 3 percent or 4 percent or whatever, it is a limited resource. In 1970, we produced in the United States 11 million barrels of oil a day, in 1970. In the year 2004, we produced 5 million barrels a day. We produce less than half now than we did 30 years ago, and yet we are burning a lot more. We burn 20 million barrels of oil a day. Now, if we compared what we have done in the last 100 years in BTUs as far as oil energy use is concerned, we can put it into the number quadrillion. This is what a quadrillion looks like.

In 1910, our Btu energy output from oil was 7 quadrillion Btus, 7 quadrillion. In 1930, it was 35 quadrillion Btus. In 2004, it was 100 quadrillion Btus. The point here is that as supplies go down from this finite resource, demand goes up exponentially.

□ 2030

And what are we going to do? I would just like us to think about a couple of things. Oil is not going to last forever. The horizon is seeing to its completion in a number of decades, and so the transition to find alternatives to that type of fossil fuel is now.

There are a number of alternatives that some of the other Members will talk about, whether it is solar or even hydrogen or using soybeans or corn or wind or other technologies, advancing nuclear. The idea that we need to transition and find alternatives to our transportation needs is vital.

The second thing is we have the technology right now to more than double our efficiency across the board. The technology exists right now to more than double what you can get out of an automobile, from 20 miles a gallon to 50 miles a gallon. We have the technology to make all of our appliances way more efficient.

When we burned coal, we found a lot better uses for wood. If we know what uses there are for oil, other than burning it, we would be astounded. Our whole economy, our medical field, our industry, our clothes, our trinkets, the things that we have in our house, it is all a byproduct of oil.

So we have better uses for oil than putting it in, pardon the expression, a gas hog, so we can run off to the 7-Eleven and buy a cup of coffee and maybe some item that is made in some other part of the world.

So think about peak oil. Think about energy efficiency. Think about alternatives. These are not 100 years away. And think about your own lifestyle and how that fits into the mix.

Mr. BARTLETT of Maryland, thank you very much for joining us. You mentioned gas hog. The other day my wife read a new definition for SUV, it was a suddenly useless vehicle with the high gas prices we have now.

The gentleman from Maryland (Mr. GILCHREST) mentioned conservation and efficiency. I just wanted to come back for a moment to this chart to point out something that is quite obvious when you think about it.

If we are here, and I am going to call next on my colleague from Michigan (Mr. HOEKSTRA). And I see he has the same article that I started with. But here we have a curve that shows that as we approach peak oil that our demands for oil are going to exceed the supplies of oil. What that means is that there will not even be enough oil to fuel our present economies.

And if we are going to have any oil to invest, any energy to invest in alternatives, we are going to have to reduce our use of oil. Now we have blown, if you will excuse the term, 25 years. We absolutely knew in 1980 that M. King Hubbert was right about his 1970 prediction that we would peak.

By the way he predicted the world would peak about now, and we knew in 1980 that he was right about our country. Should not we have assumed that maybe, just maybe, he was right about the world and we ought to do something about that? We did absolutely nothing about that except grow an ever more and more lavish lifestyle that used ever more and more oil.

And so now just emphasizing what this curve tells us is if we are going to have any energy to invest in the renewables, we should have been investing for the last 25 years at least. We were not doing it. If we are going to have any to invest now, we would like to use this much oil, only this much is available totally so we cannot even use that much for ordinary activities, we are going to have to reduce that so that we have something to invest in the alternatives.

By the way, Mr. Speaker, I hope I am wrong. I hope all of these experts are wrong. Because if we are not wrong, the world and the United States mostly, because we are the biggest consumers of energy, are in for a very rough ride.

Let me turn now to the gentleman from Michigan (Mr. HOEKSTRA).

Mr. HOEKSTRA. Mr. Speaker, we must have both had our eyes drawn to the same article in USA Today that ran where it talks about the debate brews. Has oil production peaked?

As my colleague has pointed out, there are those that would advocate that say we have not reached the peak yet, that I think one of the authors or one of the people quoted in here says we have run out of oil five times since 1890 and we always find additional sources.

But it also goes on to say that the only debate should be over when we peak, not whether we will or will not peak. It is going to happen. And as we have seen over the last 12 months, especially the last 6 months, all of the indications are that we are going to continue to feel significant stresses with oil prices and the demand for oil.

With gasoline at one time having been close to $3 a gallon, now being back in the $2 and a half range, you know, we can see that perhaps at least for the short term some of the problems have been alleviated. But that only provides us what I believe is a short window, a very small window of opportunity for Congress and the United States to address this issue.

We know that our demand is going to continue increasing. We know that global demand is going to continue increasing, especially for two significant countries like China and India coming on-stream, their demand for fossil fuels is going to increase dramatically.

With increased demand, probably static production, we know that we are going to continue seeing increases in the pressure for the prices of fossil fuels.

You know I chair the Intelligence Committee. One of the things that I look at this as, I think this is a national security issue. We are extremely vulnerable. Today we import about 60 percent of our fossil fuels.

Who do we import from? Well, we import from our southern and our northern neighbors. We get 16 percent of our imports from Canada. We get almost exactly that same amount from Mexico. And after that, we have got to be really careful in terms of how we describe these countries, but the next three countries, Saudi Arabia, roughly 15 percent. Venezuela, Hugo Chavez who has shown himself to be not a great friend of the United States, we get about 13 percent from Venezuela, and we get about 11 percent from Nigeria, and then you know a much lesser extent from a whole long list of countries.

But it becomes a national security issue, because at any particular given time, if these countries believe, or their leaders believe that they want to hold us hostage, they have the potential to perhaps do that.

So it is a national security issue. It is an economic issue. I agree with my colleagues and the comments made by my friend, the gentleman from Minnesota (Mr. GUTKNECHT), earlier that we ought to establish a goal, with a firm implementation date of when we will be energy independent. We ought to define exactly what that means and then we ought to develop those strategies to get there.

You know, he talked about ethanol. My friend, the gentleman from Maryland (Mr. BARTLETT) has talked about various conservation methods. There is probably no single magic bullet to solving this crisis, but if we push a whole range of efforts forward at the same time, there is no reason why by 2010 we could not be using 10 percent of our gasoline, or that all of our gasoline would be a 90/10 mix, 90 percent gasoline, 10 percent ethanol.

We just need to have a will to make it happen. Ford and GM, you talked about the SUVs, the interesting thing today about the automobiles that are being produced. I believe that every automobile being produced today can burn a mix of 90 percent gas, 10 percent ethanol. It is not a technology problem for the automotive companies.

As a matter of fact, everybody who is driving a relatively new car, something that has been produced in the last 5 to 7 years, can burn a 90/10 mix. The other interesting thing is all of the SUVs, the bigger vehicles with the bigger engines, because of some quirk in technology that my colleague from Maryland or my colleague from Michigan can maybe explain to me exactly how it works, but all of the larger engines today can burn a mix of 85/15, and that is 85 percent ethanol and 15 percent gasoline.

So the industry has come a long way. They have come a long way in moving forward on hybrids. And as much as I am against mandates, this may be an area, because I do not believe the oil companies, as I have talked to folks in my district who produce biodiesel, who produce the ethanol and these type of things, and I am asking if these are things are more economical to produce than fossil fuels why do not we see a richer mix of these fuels available at the pump?

And the answer is very clear. It is not a priority for the oil companies. They do not want to make it happen. They like selling fossil fuels and making significant profits. Maybe it is time for us to mandate that some of these products move forward so that we can facilitate the type of change that we really need.

Technology has moved forward. You know, we need alternatives. It is a national security issue. It is only going to become a larger national security issue in the future.

I thank my colleagues for allowing me to participate. I thank my colleague for his deep in-depth knowledge on these issues, and for bringing it forward. When I take a look at the mix of Members that we have here, we have got a great cross-section of the Republican Conference, I am optimistic that we actually can come together with a legislative fix to address this issue and hopefully do it in this Congress.

Mr. BARTLETT of Maryland. Thank you very much. You mentioned prioritizing. And, you know, if we are going to avoid a really rough landing here, we need as a country, indeed as a world society, we need to have a mentality like the Manhattan Project or putting a man on the moon. This is a big, big challenge.

I just wanted to note your observation about we would reach peak oil. I come back to this chart for just a moment. This is only since 1630. We had a lot of recorded history about, what, 4,000 years before that of recorded history. Out of 5,000 years of recorded history we have been about 100 years in the Age of Oil, and we are probably about half way through the Age of Oil. There is a little argument whether it is 50 percent through, 40 percent through the Age of Oil. But we are roughly halfway through the Age of Oil. And during this Age of Oil, now we have permitted the world's population to grow to almost 7 billion people.

We will come down the other side. This will reach a peak. It will come down the other side. What will we do as we come down that other side? Now we can avoid catastrophic consequences of this, but we really must anticipate them to do that. Let me go back for just a quick moment to the analogy of the thinnest sheet of paper has two sides.

The argument for ethanol is great, and we need to go to ethanol. But I just want to dissuade people from believing that this is the solution to our problem. We are barely able to feed the world today. Tonight I understand maybe a fifth of the world will go to bed hungry.

We are just barely able to maintain the quality of our topsoils. Now taking corn does not degrade that, because we are taking the corn off anyhow. But ethanol will be a really meaningful contribution when we have drastically reduced our total need for energy, because to produce enough ethanol to make a dent in the amount of energy we use now is just going to take more corn than there is out there to do that.

Let me give you a real quick example of the energy density of these fossil fuels. One barrel of oil, the refined product of which will cost you a little over $100 will buy you the work output of 12 people working all year for you. We have some difficulty getting our arms around that. Imagine how far one gallon of gas or diesel fuel takes whatever you drive, from a big SUV that gets 8, 10 miles a gallon to I drive a Prius that gets 45 miles per gallon.

How long would it take me to pull my Prius 45 miles? How long would it take you to pull an SUV 8 or 10 miles? If you can do it with a come-along and chains and guardrail you can get it there. It would take you a long time.

Something, another analogy to help you understand how energy rich these fossil fuels are. If you work in your yard real hard all day long, I will get more work out of an electric motor with less than 25 cents worth of electricity. So in terms of fossil fuel energy, we are worth less than 25 cents a day in terms of work output.

So that is the challenge we have. Now ethanol is nearly as good as gasoline. But as I showed on the chart before, it takes an enormous amount of fossil fuel input to produce the ethanol.

You know all of these are solutions, but I tell you, none of them will work with the amount of energy that the world is presently using, particularly in the United States.

Now me turn now to the gentleman from New York (Mr. BOEHLERT). I know that he has had a long-time concern about energy and particular concerns that we ought to be getting more mileage from our motor vehicles.

□ 2045

Mr. BOEHLERT. I thank the gentleman from Maryland (Dr. BARTLETT). You will notice during this presentation the colleagues of the gentleman have constantly, as I have, referred to him as doctor. The reason we do so is out of respect for his background, his knowledge; because that Ph.D. that he has indicates he is a very distinguished scientist. So he is not just talking about some pet theory or some gut reaction. He is talking about facts, scientifically produced evidence; and I applaud the gentleman for that, and I want to compliment all of my colleagues for participating in this special order.

In sum and substance, I think the viewers might say, what do I take out of this tutorial? It has been a great academic exercise and the gentleman from Maryland (Dr. BARTLETT) has presented a compelling case why we should all be concerned about peak oil. But if you are watching this in your living room someplace across America you might say, what does it mean to me right now? What does it mean to my family right now and what can I do about it?

Let me suggest something that everyone can do. They can write their Representative in Congress and urge their Representative to support CAFE standards. What are CAFE standards? Corporate Average Fuel Economy, CAFE. That is where you get the acronym. That is, the Federal Government should require the automobile industry, the manufacturers of automobiles, SUVs, light trucks, all of these vehicles that traverse our Nation's highways which we are so dependent on, we should require them to be more fuel efficient.

We have tried mightily to convince our colleagues of that basic fact using some of the facts that the gentleman from Maryland (Dr. BARTLETT) made in his presentation about peak oil, pointing out that we have 25 percent of the world's energy consumption but we have only 5 percent of the population and only 2 percent of the world's oil reserves, yet we are consuming 25 percent of the world's energy output. Now, something is wrong there.

I would suggest we are on a collision course with disaster and we have to do something very meaningful about it. We are consuming 21 million barrels of oil a day in the United States. 21 million. We import 14 million barrels of oil a day. So we are starting every single day with a couple of problems on our hands.

Number one, if we are importing 14 million barrels of oil a day and oil is costing $60, $65 a barrel, that means we start each and every day somewhere in the neighborhood of $750 million, three-quarters of a billion dollars in the hole, in the red in our balance of trade deficit. And ironically, we are sending, as you have heard from previous speakers, so much of that money to countries where we are not quite certain what they are doing with the money. And the saddest part, as we have heard from our chairman of the Permanent Select Committee on Intelligence, some of that money that we send abroad to purchase this oil from less than enthusiastic embracers of our democratic ways, ends up in the hands of people who are trying to undermine everything that is so dear to us that we cherish.

So, in effect, you could make an argument that we are helping to sponsor terrorism by sending so much of that money abroad to countries that do not really give two hoots about our way of life, and some of that money ends up in hands that are intent on doing us harm. That is established. That is a fact. That is not just a pet theory.

Now, in addition to creating further pressure on our balance of trade, sending all of this money abroad, we are also doing something that is mind boggling to me. We are concentrating all of our efforts not on how we can conserve energy, but how we can consume more and find new sources of energy. Now, that is important. We have got to constantly be searching for new sources of energy but we ought to think in terms of how we can conserve energy, and making our vehicles more fuel efficient is a way to do it.

Now, back in the mid-seventies I was a member of the staff here in Congress at that time when CAFE standards were first introduced into the American lexicon. The opponents of that fought every step of the way, screaming and scratching, do not do it. If you force CAFE standards, and we only did it minimally, very modestly initially, said the opponent, that will put a death knell in the domestic auto industry. As a matter of fact, they asserted, if you do that, within 10 years all Americans will be driving compacts or subcompacts. That did not happen. You know it did not. So do I. So do the facts verify that. But they opposed it every step of the way, and these same forces are trying to oppose it today.

Now, what are their arguments? Well, the one argument they trot out is to make vehicles more fuel efficient the only way to do it is to make them less safe under the theory that you have to make them lighter, therefore less safe. Unmitigated nonsense. That is not my theory. That is not the theory developed by the Committee on Science of which I am privileged to chair. That is the scientific consensus embodied in papers produced by the National Academy of Science, the most distinguished scientists in America.

Now, everybody in this body loves to say "we are for science-based decision making" until the scientific consensus leads to a politically inconvenient conclusion. Then they want to go to plan B. So the safety argument is phony on its surface.

The next big argument, well, if you require the American domestic auto industry to make more fuel efficient vehicles, SUVs, light trucks, passenger cars, well, that is going to cost jobs. How is it going to cost jobs? I think the American public would challenge more to go to the showroom to buy vehicles that are more fuel efficient because you know what? At today's price when you fill up, I filled up my vehicle today, $56 for one tank of gasoline. Do you know what $56 means to a lot of families in America? It means, boy, they have got to make some hard choices and they are going to have to go without something just to pay the gas bill. And most Americans just are not driving around on a Sunday afternoon drive to look at the scenery. They are going to work. They are going to church. They are taking the kids to school. They are going to the doctors. They are doing what they have to do. They do not have a choice. They have got to fill up their vehicle and they have to drive to places their family has to go.

So if you make more fuel efficient vehicles, they are not going to stop suddenly buying the vehicles. They are going to buy more because they are going to see, wow, this will get me farther on a gallon of gasoline. This will mean I do not have to fill up every week. Maybe I can fill up every 2 weeks. My family budget will be stretched.

Then the argument, the business, if it requires to make them more fuel efficient, and I have shot down the safety argument and I have shot down the jobs argument and they say we do not have the technology. The technology is there, it is on the shelf. We have got to continue research to develop new ways to do things even more efficiently. But the fact of the matter is off-the-shelf technology is there that if employed by the domestic manufacturers or by manufacturers any place, we can make the vehicles more fuel efficient.

So we work to the advantage of national security, make us less dependent on foreign source oil. Incidentally, I do not like the fact, I do not think any American likes the fact that a group of people can get together someplace a half a world away, they can get together and decide to turn off the spigot or reduce the flow on the spigot. That plays havoc on the domestic economy. The prices go up through the ceiling. We have all experienced $3 plus a gallon for gasoline. Some predictions indicate that it is going to go even higher. It is down temporarily.

I filled up today and it is down to $2.89 a gallon. I thought, gee, some relief is on the way, but 2 weeks ago it was $3.29 a gallon. But the fact is if we deal in a responsible way with the CAFE standards, we will provide a benefit to the consuming public from coast to coast. Not that the Federal Government is saying, look it, Detroit, and I use that as a euphemism for the domestic manufacturers, you cannot make SUVs anymore. That is nonsense. There are a lot of people that want SUVs. They have got families. They have got things they cart around in addition to the kids and all the supplies for all the events. They need bigger vehicles. But they want bigger vehicles that are more fuel efficient. You can get them with existing technology. So I would argue that this is an idea whose time long since has come and we are making progress.

In the 107th Congress when I first offered my amendment to increase the CAFE standards from an average of 25 miles per gallon up to 33, that is the current version of it. It was somewhat different back in the 107th Congress. We got 160 votes from Republicans and Democrats alike. And then in the 108th Congress we went up to 162 votes. Not much progress. Then at the beginning of 109th Congress we got 177 votes. Guess what? That was before we had $3 a gallon gasoline.

Now, I would submit that the votes are there to finally pass CAFE standards but what happened? We had a vote last week on another energy bill and my amendment to increase CAFE standards was not given a rule which would allow open, public debate on the floor and a vote by the people's House. I was denied that opportunity. But I am going to be persistent. I am going to keep at it. One of the reasons I am going to keep at it is because the gentleman from Maryland (Dr. BARTLETT) has pointed out with his presentation on peak oil this is a serious matter that demands our collective attention and we have got to deal with it in a responsible way.

So I thank the gentleman from Maryland (Dr. BARTLETT) for his support, for his leadership in dealing with a very important issue for all Americans, energy.

Mr. BARTLETT of Maryland. The gentleman mentioned a collision course with catastrophe. I just wanted to make a quick quote from the article in the paper that the gentleman from Michigan (Mr. HOEKSTRA) was mentioning.

"'The least-bad scenario is a hard landing, global recession worse than the 1930s,' says Kenneth Deffeyes, a Princeton University professor emeritus of geosciences."

He goes on to say that he made that prediction because "the worst case borrows from the Four Horsemen of the Apocalypse." That is better than war, famine, pestilence, and death.

It is interesting that the gentleman's "collision course with catastrophe" is mirrored by what he said.

I want to yield the remainder of my time to a colleague who has a fascinating Energy 101. We will only get partway through it today and we will give him a chance for a full explanation of this.

Mr. EHLERS. I thank the gentleman for yielding and I thank him for organizing this session.

I want to go very quickly through one item, and as we said we will continue later. I am a physicist. As a physicist, energy is tangible to me but to most people energy is intangible. You cannot touch it, see it, feel it, smell it or taste it. In other words, with our senses we cannot detect it. The only tangible aspect of energy for most people is the price at the gas pump and the utility bill at the end of the month.

But I have a wish and I wish it were true but my wish would be that energy would be purple. If energy would be purple it would be tangible. We could see it. And if you drive up to your house in the middle of the winter and saw the purple oozing through the walls and coming out in rivulets around the doors and windows where they are not sealed properly, you would say, oh, that is horrible. I am wasting all that energy. It is costing me money. So we would make sure that we would get the house sealed up.

Or if we were driving down the road and a Toyota Prius such as is owned by the gentleman from Maryland (Dr. BARTLETT) or Honda Insight or some other hybrid vehicle went past us, there would be just a little bit of purple around the outside of it because it is very energy efficient. But if an SUV roared by there would be a huge cloud of purple. You could hardly see it. If people saw that they would say, why, that is foolish. Why would I want an SUV that is using all that energy? We are wasting energy. We are wasting money. Why do I not get a hybrid vehicle?

My point is simply because energy is intangible, it is very difficult for people to understand the problem and to deal with it. But if we can believe the experts who tell us about energy, it would be just as good if we saw it because energy is purple.

□ 2100

I am wearing a purple tie for a reason. First of all, I like it. But, secondly, its keeps reminding me if energy were purple, we would certainly change our energy use habits and we would do a much better job of conserving, as the gentleman from New York (Mr. BOEHLERT) observed earlier about conservation. That is very important.

And I have to tell everyone in this Chamber and all of my colleagues, there is no faster, cheaper way to increase our oil supply than to conserve what we use. Because we can get the use of more energy at lower cost by doing that than by any oil exploration scheme and refinery-building scheme or anything else you wish to do. It costs less to conserve energy than it does to produce more. That is a very important principle to remember.

So I hope that everyone in this Nation and certainly everyone in this Congress recognizes the importance of energy efficiency. Conservation is just one part of energy efficiency, but we can certainly use our energy more efficiently than we have in the past. We can get more bang for the buck because we have the technological capability to do that today.

And it is absolutely essential to do that because, as you heard, we are being held hostage by other countries. Our energy costs are being used against us in various ways, and we simply have to start conserving energy, using it more efficiently, imagining that it is purple and keep trying to reduce the amount of purple that we produce by our use of energy. Then we have a chance of balancing our import-export balance, reducing the deficit of payments, and having a better economy at home because our money will be staying here rather than going abroad.

30-SOMETHING WORKING GROUP

The SPEAKER pro tempore (Mr. FITZPATRICK of Pennsylvania). Under the Speaker's announced policy of January 4, 2005, the gentleman from Florida (Mr. MEEK) is recognized for 60 minutes as the designee of the minority leader.

Mr. MEEK of Florida. Mr. Speaker, once again it is an honor to come to the floor. We would like to thank the Democratic leader as well as the gentleman from Maryland (Mr. HOYER), our Democratic whip, for allowing us to have this hour here to talk about the issues that are facing Americans and the issues that we feel should be brought to the forefront which are not being addressed.

Tonight I am joined by the gentleman from New Jersey (Mr. PALLONE) and also by the gentleman from Ohio (Mr. RYAN). I am glad to be joined by them once again because, as we have said before, we are going to come to the floor night after night to try to push the American agenda forward as best we can.

As my colleagues know, being in the minority here in the House of Representatives does not bring about the kind of power one needs to be able to respond to the needs of Americans. But I can say that being in the minority and pointing out these issues of how we could do the job better than the majority side has done, I think is not only educational for the Members of this House but also should bring about some kind of change so that we can have better representation here in Washington, DC, especially representation in terms of legislation that passes from this floor and out of this Congress and on to the White House.

We have been out for a week on the Columbus Day break, and I know the gentleman and his constituents have been getting lots of rain in New Jersey, so my prayers go out to your constituents and many others. Being from Florida, as you know we receive our fair share of good and bad weather. Mainly good, and so we want folks to come to Florida; but we know the Garden State has been hammered, along with other States around it, for quite a few days now. So I hope all is well with those counties that are trying to survive some of the flood waters.

I think it is important to begin where we left off almost a week ago, Mr. Speaker, and to address the issue of having an independent commission for the aftermath of hurricanes Katrina and Rita and making sure that not only are those Americans not forgotten but that we not forget the mistakes that took place during the aftermath of Hurricane Katrina so that they never happen again. Never again in the United States.

I think it is important for us to also realize, Mr. Speaker, that it was not just a storm. It was the aftermath of the storm and the lack of governance on the front end, making sure that our levee systems were where they should have been and the issues as relates to those buffer islands in the gulf coast area, especially in Louisiana. Those issues should have been addressed by the Federal Government in making sure that we have the kind of buffer to protect one of our greatest U.S. cities.

As my colleagues may know, the gentleman from Florida (Mr. HASTINGS) and also the gentleman from New Jersey (Mr. MENENDEZ) on our side of the aisle have introduced an independent commission bill that we have been working to get to the floor for some time now. I think that not only the Members but the American people need to realize that the power of this House, if we were in the majority, and this is not a partisan issue, but if we were in the majority, because there is a bill that is there that almost every Member, if not every Member from the Democratic Caucus, has signed on to this bill calling for a 9/11-like commission to deal with the issues that are facing the Katrina victims and to be able to analyze in an independent way outside of this process, outside of the partisanship, to make sure we do what we did for the 9/11 victims, to give them their fair share of representation and insight; making sure that they are not dragged through the mud, becoming victims once again.

Mr. Speaker, as we open our discussions here tonight, I also wanted to make sure that we deal with the issue of corruption and cronyism. When we left here over a week ago, we were dealing with that issue; and I wanted to make sure that we talk about that a little tonight with my colleagues.

I also brought some articles with me that I think Members should be made aware of, and that we share with them the importance of governance and oversight. So there are a number of issues that we are going to talk about, and I just wanted to make some opening comments regarding those items, but I will be happy to yield to my colleagues at any time.

Mr. RYAN of Ohio. Mr. Speaker, I want to welcome our newest 30-something member joining us from New Jersey this evening; but before I get into it, I want to make an announcement. Since we left here last week, we had last week off, and since we left here, there has been an addition to the Ryan family. My brother and sister-in-law Carrie had a baby last Friday night on his birthday, Nicholas John Ryan. So I want to welcome him into the world officially, and say hello to his first two friends, Zack and Molly Leonard, who were all over to the house the other day, and I fed the baby for the first time the other day. So here I had the bottle, and I fed him. It was great.

Mr. MEEK of Florida. Well, A, congratulations; and, B, because you were feeding the baby for the first time yesterday, I hope that you knew what to do when you were feeding the baby.

Mr. RYAN of Ohio. Well, see, I took a week and I watched. I was very timid. I did not want to make any mistakes, so I watched for a while. I watched my brother. I was being a little hesitant with the bottle, and my brother is like, jam it in there, you are not going to hurt the kid. So you pick up and gain a little confidence, and then I burped the kid. It was great. Bingo.

Mr. MEEK of Florida. There you go. Great uncle.

Mr. RYAN of Ohio. And the godfather. I am also going to be the godfather.

Mr. MEEK of Florida. Two-fer.

Mr. RYAN of Ohio. Yes. So this is a lot of pressure. You think being a Member of Congress is a lot of pressure, try being the godfather to the first new baby in the family.

So that for me has kind of changed my perspective, and it makes all of the stuff we talk about here that much more important because you begin to see the timetable, the effect our decisions have over the long term.

I know a couple weeks ago when we left, we were talking about this administration, this Congress putting people in charge of key positions, in charge of key processes that need to happen here, whether it was in FEMA, Medicare, or regardless of what it is. There has been, over the past 5 to 10 years in this body and now in the executive branch, a host of cronyistic appointments to key positions. There have been people put in key positions, like FEMA, that have absolutely no experience whatsoever. All we are saying in this Chamber from the Democratic side is give us a chance to run this place. Give us an opportunity to be able to handle the levers of government and allow us to lead.

That is the opportunity that we are asking the American people for, my good friends, because our colleagues who have had the levers of government over the past, since 1994 in the House and since 2000 in the White House and in the Senate, have not been able to govern. They just have not been able to do it.

You do not have to look very far. Ask yourself sitting at home, what is going on here? I mean, we have higher energy costs, we have more people in poverty, we have tuition costs that have doubled, we have our FEMA administration that has been devastated financially. We have put cronies in key governmental positions. We are leaking information about CIA agents. I mean, what good is going on right now? Somebody please help me.

We are bogged down in a war that is costing us $1.5 billion a week. I repeat, $1.5 billion a week. We are getting our clock cleaned by China. Delphi, the largest auto supplier in the country, filed for bankruptcy. They are asking their workers to take 60 percent pay cuts. I have over 5,000 workers in my district, in Warren, Ohio. What positive is happening today due to the Republican leadership in the House, Republican leadership in the Senate, and the Republican leadership in the White House? I cannot seem to find anything.

I think this country deserves a lot better, and I think we need to start talking about that, my good friends. This country deserves better. After September 11, this President had more political capital than any President probably since FDR after Pearl Harbor, and he asked the American people to go shopping. That is the best leadership you can come up with in the United States of America? We deserve a little better than that, I think.

He did not start an alternative energy policy, not to fix the health care system that is a mess, not to take care of the millions and millions of young kids that live in poverty, not fund No Child Left Behind. What are we doing? The biggest leadership move is to ask the country to go shopping? What is that? That is terrible. That is terrible leadership.

We have given this President the opportunity time and time again to lead, and he has not done it. He has not done it. And now the whole Delphi situation, which I am a little too intimate with because of the workers in my district. And General Motors. I have a General Motors plant in my district. Believe me, I understand why the corporations are doing what they are doing. The rising costs of health care are crippling the American businessperson. Crippling the corporation and the small businessperson.

So now they are trying to squeeze blood out of a turnip in the form of asking middle-class citizens in the United States of America to get less health care or to pay for more health care, whether they are in a union or not in a union, instead of addressing the key issue, which is that the insurance lobby and the health care lobby and the pharmaceutical lobby which has a stranglehold around the United States Congress.

Let us be honest. How about a little straight talk from the House floor tonight? Check it out. When you are passing the Medicare prescription drug bill, there are four lobbyists for every one Member of Congress; and I know I did not have a lobbyist. I did not have one, let alone four, so somebody had eight. Now, imagine that. When we get this health care issue under control, that will release a lot of potential that can get freed up, investments that could be made back in the United States of America.

□ 2115

For example, and I am sorry because we have been dealing with this for the last week, with the Delphi situation, this money that this corporation saves, and we all want to save Delphi. We want it to be a solvent company and we want them to maintain the work that they have in Ohio. Of course we do. The way the system is set up is any savings that they get, they are going to invest that money into China. That is what they are going to do. So the whole system is screwed up to where you are forcing corporations to invest into these other countries.

Here we have an opportunity with this independent commission to oversee a problem with the government through FEMA, the problems that FEMA had, to oversee it in an independent manner like the 9/11 Commission, and the Republican leadership put the kibosh on it. They put together a bust-out committee that is 11 Republicans, 9 Democrats, that is going to totally, totally, whitewash this thing. Get out the Brillo pads because they do not want the truth to come out. The Democrats will not have any subpoena power. Get a Republican Governor, a Democratic former Member of Congress, put together an independent commission and let us try to fix this problem. Let us try to fix this in a way that we are putting partisanship aside.

Mr. Speaker, next we will hear from the newest member of the 30-Somethings, and we charge him two sets of dues because he is almost 30-Something twice.

Mr. PALLONE. Mr. Speaker, I do not know how many times I am going to have to endure these comments about my age.

Mr. MEEK of Florida. Mr. Speaker, I never say anything about the gentleman's age.

Mr. RYAN of Ohio. Mr. Speaker, that is because the gentleman is almost his age. Tell the American people how old you are.

Mr. MEEK of Florida. I am 39.

Mr. RYAN of Ohio. See, he graduates out of the 30-somethings next year. I am going to be a one-man show.

Mr. MEEK of Florida. Mr. Speaker, since the gentleman from Ohio (Mr. RYAN) is at the younger end, he wants to talk more about the older people that are involved and the wiser people. And I would say to the gentleman from New Jersey (Mr. PALLONE), we will not prolong it any more.

Mr. PALLONE. Mr. Speaker, I want you to know that one way to deal with the age problem is to hang out with the younger people so I feel younger.

Mr. RYAN of Ohio. You are welcome here every time we are here, my friend.

Mr. PALLONE. Mr. Speaker, let me follow up on what the gentleman from Ohio (Mr. RYAN) said because he certainly was right. We had a week when we were back in our districts doing things locally. I was thinking when I was listening to the gentleman from Ohio (Mr. RYAN) about three events that I attended in the last 48 hours in my district or nearby which point to this whole idea of what is good and what is the Republican leadership and what is President Bush doing because all I hear are complaints about his policies.

For example, on Sunday, I went to a senior complex for a group of seniors that were meeting in Lakewood, New Jersey, which is a community just outside my district. It used to be in my district until redistricting a few years ago. What I heard was how expensive it is for seniors to buy their prescription drugs, and how they did not feel that the President's new program, which goes into effect in January, was going to help them in any way.

One gentleman in particular, I remember, was one of these guys who was essentially forced into early retirement and promised a fairly generous health care plan that included prescription drugs. What he has found since he retired is that every year the cost goes up and the whole agreement, if you will, that was initially set out has essentially made it so he really cannot afford to buy the prescription drugs even though he has the coverage under a plan for his early retirement.

The other seniors were talking how the Federal Government should negotiate price reductions like they do for the VA or the Department of Defense. My answer was that is what the Democrats wanted to do. The reason it did not become law was because the Republicans opposed it. I remember in the Committee on Energy and Commerce I had an amendment that would have required negotiated prices by the Medicare Administrator, and it was defeated on a party line vote.

The bottom line is Republicans are so aligned with lobbyists and the cronyism they do not want to do anything that is going to be helpful to the average person. This prescription drug bill is a perfect example.

In addition, all the seniors were saying as of October 1, all these different private drug plans are being promoted on television and they have no idea what they are all about. I said be very, very careful. Do not sign up for these things until you really look at the details because they may not be helpful to you.

Mr. RYAN of Ohio. Mr. Speaker, I wanted to highlight that fact. This totally puts into perspective what happens down here under their leadership.

We have a prescription drug bill that we spent $700-some billion over the next 10 years on, but we were told it was $400 billion. So that is another issue, to start a prescription drug Medicare program, and we are not doing anything to control the costs, whether it is reimportation from Canada or to allow the Secretary of Health and Human Services to buy in bulk.

There would be every Medicare beneficiary behind that proposal. And you can say Merck, you want to negotiate this, we want 30 to 40 percent chopped off, and they would do it because they want the contract. We would not have to create a new bureaucracy. If people think the old Democrat Party wants to create a new bureaucracy, they are wrong. This is a progressive idea of giving the Administrator already in place the power. It is a progressive idea that makes sense, but you can only do it if you are not tied to the pharmaceutical lobby like our friends on the other side of the aisle.

Mr. PALLONE. Mr. Speaker, I have ceased even referring to this program as Medicare because as far as I am concerned there is nothing Medicare about it. You said we need to show to the American people how we would do things differently because we want a chance to be in the majority and to run the country.

Here we had a clear contrast. The fact of the matter is every Democrat, or maybe one or two that did not vote for a substitute, that basically would have been just like we do now with Medicare Part B, how seniors pay for their doctor bills, and that would have been under Medicare as a regular government program. They would have paid a $25 premium per month, and had their choice of whatever prescription drugs they wanted. They would not have to go out privately and shop around. They would have had a $100 deductible and 80 percent of the cost paid for by the Federal Government, 20 percent copay. We already have it for Part B, and the Republicans rejected that to a person. There is clear contrast. This is the kind of thing we would do if we were in the majority and in charge.

I want to use another example. The gentleman from Florida (Mr. MEEK) talked about the rain and the storms in New Jersey. There was a senior complex in my district that was near a brook where a number of homes were completely destroyed and people had to be moved out. I went there this morning with the Army Corps of Engineers because the Corps has a project that would correct the situation that we would like to do. It would cost about $8 million to do it. What I am hearing from the Corps, we would like to do it but we have to see if we have the money.

What happened with those levees in New Orleans is no different from what is happening around the country. We are not funding these infrastructure needs, whether flood control or whatever it happens to be. The reason, and I am going to go back to another forum, right after I met with the Corps this morning and talked about this flood control project which has been delayed for a number of years now. I met with students at Rutgers, a State university in my district, and we talked about the Iraq war.

I started out talking about an exit strategy and what needed to be done. A lot of the students were talking about the cost of the war, not only cost in terms of the lives and the wounded, but also the cost of the actual dollars we were spending and the fact that because we were spending so much money on the Iraq war, we were not able to pay for a lot of domestic needs, whether it be student financial aid. They were stressing that, of course. But I was thinking about my flood control project which would have avoided all of the damage and all of the people who had to move out if it had been in place.

The bottom line is we are spending all of this money on the Iraq war. The President does not have an exit strategy. He keeps talking about how everything is going to get better, and the cost is not only lives and the wounded, but also in terms of the dollars we are not spending here domestically, and we are not investing in the future to remain competitive with China and the other countries competing with us.

People get this. I am not making this up. This is within the last 48 hours at three different forums or opportunities I had to meet with my constituents, and this is what they are saying. They are not happy. They realize there are alternatives. The bottom line is some of those alternatives are easy, some are hard. Democrats are saying we have alternatives, whether it is prescription drugs or any of the other topics.

Many of us voted against all these tax breaks that the President gave because we knew it would put us into debt and we would not have money to pay for a lot of the domestic programs, and most of the money went to the wealthy rather than the average person.

One more thing, and that is when we were here last time, the week before being back in our districts, I think it was the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) talking about the energy bill because the next day we voted on the Republican energy bill. She pointed out there was no benefit from this bill. It would not do anything to reduce gas prices or reduce our dependence on foreign oil. All of the things that people would like us to do, the Republicans were not doing.

What it was doing, two things she mentioned, one was it was going to allow for offshore drilling off the coast of Florida and New Jersey, all these sensitive areas. The second thing the gentlewoman mentioned was it was going to weaken the Clean Air Act. Lo and behold, the interesting thing was the next day the Republicans took those provisions out of their energy bill because there was such a hue and cry. When they finally passed the energy bill, they barely were able to pass it. We had to wait an hour for them to get the votes.

Mr. MEEK of Florida. Ninty minutes.

Mr. PALLONE. The bottom line is that this Republican majority is starting to fall apart because their policies are not good for the American people. Even some of the Republicans are starting to realize it and are not willing to vote for some of the junk bills that come to this floor with the Republican leadership.

I just mention that because I think there is hope here. I left last Friday thinking maybe now because of yourselves getting on the floor, maybe because Democrats are speaking out and talking about why these Republican initiatives are not helpful, maybe people are starting to realize it. Maybe some Republicans are starting to realize it. That is why I admire what you are doing because I think it is making a difference.

Mr. RYAN of Ohio. Mr. Speaker, the gentleman from Florida (Mr. MEEK) has been resilient in pushing us to get up to the floor once or twice a week. I just saw a poll last week that had 60 percent of the independent voters in the country are sick and tired of what has been going on in Washington, D.C.

Mr. Wagner from General Motors said D.C. better do something about health care. We are not doing anything. What we are doing seems like we are doing something, but the energy bill is not really doing anything.

The gentleman mentioned the $1.5 billion a week that we are spending in Iraq. I want to share one thing. This is a great article today in the Washington Post. The first line says it feels like the 1990s minus the good parts, all of the scandals that were going on, but the economy, energy costs and everything is bad.

There was a proposal made, and talking about dealing with the Chinese, we need to offer, and that is what we are doing as Democrats, we just need to convince the American people that we are offering alternatives and do have ideas, whether it is prescription drugs or alternative energy.

I want to share a proposal from the National Academies and it is a combination of a variety of different things to get our math scores up. Our math scores in 8th grade, we ranked 15th internationally and in the 9th grade we ranked 24th internationally. We are not going to stimulate the economy if we do not have engineers and math and science majors, and the 30-Something Group is calling for a million new engineers and scientists over the next 10 years because we believe that is going to be the greatest stimulus.

But let me share the proposal from the National Academies to spend money on math prizes for high schoolers, pay raises for math teachers and to boost Federal research funding by 10 percent annually for 7 years. That would cost $10 billion a year. That is it. We are spending $1.5 billion a week in Iraq. The American people judge, $10 billion a year on increased Federal funding for research and development and targeted investments to increase math and science scores in the United States of America among K–12 school kids. That is what the Democrats want to do, versus $1.5 billion a week in Iraq, versus hundreds of thousands and millions and trillions of dollars over the next 10 years in tax cuts for people who make more than $600,000 a year.

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Pick what they want. Democrats, increased funding for Pell grants to lower tuition costs. Republicans, cut taxes for the top 1 percent. Trillions.

Democrats, fully fund No Child Left Behind, make sure every kid who is eligible for more funding, for afterschool tutoring, summer school, before school; Democrats are for full funding of that. Republicans, no. We have to give our tax cuts to our buddies.

And that is the difference. Time and time again and over the course of the next year, we are just going to hammer the differences between the two parties.

Mr. MEEK of Florida. Mr. Speaker, reclaiming my time, the gentleman from Ohio (Mr. RYAN) brought up some interesting points; and I can tell him, as a parent myself, this issue of No Child Left Behind, we would talk to our Republican leadership colleagues and they would say, well, that was a bipartisan bill and over on the opposite side, in the Senate, folks were having press conferences and bill-signing ceremonies and everything.

But we believed that we were going to see full funding of No Child Left Behind and that this Congress would go down in history as the education Congress, and we are not even close to fulfilling our obligations. As a matter of fact, we have about eight States that are suing the Federal Government over No Child Left Behind unfunded mandates. These are States. These are not other countries. These are States here in the United States that taxpayers pay money.

We have a number of school districts that say, listen, if we can opt out of it, we want to opt out. We do not want to opt in. That is not a federalized education program to help local communities and chambers and all the other do-gooders in small communities and big communities who want to make sure they have an educated workforce. It is not that same theory.

We have one other issue that is here. The gentleman mentioned the issue of the energy bill. I am glad that resurfaced because I am going to tell the Members the reason why that is important. The energy bill came to this floor, and for 90 minutes we sat and stood here on this floor waiting for the board to close. What we call the board here in Congress is a voting board. For several minutes, almost 1 hour. The bill was defeated. And, Mr. Speaker, I think this is where if I had a yellow flag and I was a referee or an official on the 40 yard line that I would actually throw a flag. I would have thrown the flag because the spirit of the rules were violated because when the board opens up and there are 15 minutes to vote, there are 15 minutes to vote, give or take 1 or 2 or 3. But when they say the board is open for 15 minutes and we will close it when we win, then that is a violation of the spirit of the rules of this House. And it feeds into the whole issue of the corruption and cronyism.

I have two young children; and if there were a homework assignment that was due, and my wife and I have to sign their reading stuff and say that it is done, but it would not be fair if my children were to do their homework and there were two other children in the same classroom or in the same school that say, Well, I do not have to do my homework. I will just do it two nights from now because my father or my mother is a chairperson of the PTA and we have power like that. We can do it. That would not be fair to the children who actually did their homework.

I use that analogy because I want to make sure that the Members and the American people understand what we are talking about. Yes, it is a bad thing dealing with children, but it is a horrible thing when we are talking about national policy for the greatest country on the face of the Earth, the shining example of democracy. Now, we salute one flag. And my colleagues heard me speak a couple of weeks ago about those Americans; and, yes, we think about those 2,000-plus individuals who have fallen in this war, but for those Americans who are still here who are voting for representation and fair play, they are individuals that are without limbs now.

We have all gone to Walter Reed. We have all gone to these hospitals in our own communities, these VA hospitals, watching these men and women come back, half of their head blown off, legs and arms missing. And we are here and we walk through this door and we put our voting cards in these machines to represent them and the Americans that they fought for. And then we come to the floor because the majority did not get what they wanted when they wanted it, to say that they will hold this vote open as long as they have to to make sure that they twist enough arms on the Republican side because every Democrat voted against the bad policy, this bill.

I do not even want to address it as an energy bill because basically it was just a giveaway to the industry. That is all it was. Everything, 7 months prior, that could not go straight-faced into the "energy bill" at that time they got in this last time right before we took a break of the bill that just passed recently. And the reason why they got it: A, Hurricane Katrina came through. Hurricane Rita was on its way. The bill was already being marked up before Rita came, but it was on its way to help deal with the issue of price gouging and making sure that we are able to provide energy for our country and hopefully bring down the price of gas, and it did not do that. What it did was it raped our environmental laws. It raped the process of fair play in this institution.

There are certain things, as Members of Congress, we cannot allow to happen on behalf of the institution. When the record books are opened, the annals of history of the 109th Congress, yes, there will be individuals that will be mentioned; but also it will be that day that we were on the floor and the spirit of the rules of the House were violated in the worst way, time after time again. Time after time again.

The leadership from this side, Mr. Speaker, came to the floor with a parliamentary inquiry. The clock was at triple zero. Obviously, the measure did not pass, Mr. Speaker. Can we ask for the Speaker to call the vote? And each person was gaveled down for not making a parliamentary inquiry, and the Speaker said what he had to say at that particular time to keep it going. The gentlewoman from California (Ms. PELOSI), Democratic leader, came to the floor, gaveled down for asking the question and then pointing out the fact this is what is wrong with Washington now, the culture of corruption and cronyism, not in the dark corners of Congress but under the lights on international, not national, but international television that we are willing to rape the spirit of the rules of this House and the spirit of fair play in America. Not something that we watched on cable television in some foreign land somewhere in a Third World country. Not there. But right here for the world to see. I would not say the hypocrisy of the democracy of everyday Americans, but because of the leaders who allowed it to happen here in this House.

Mr. Speaker, last point, I just want to make sure that we understand, as Members of Congress, that we have a responsibility in the majority and minority. I take full responsibility for what took place, Mr. Speaker, here on this floor, yes. Did I do everything I could? Of course I did. Did I walk over to the other side of the aisle and talk to some of my friends over there that are level-minded individuals, who will go unnamed because we do not want them to receive any repercussions for speaking out, who said, I think that the vote should have been called. Well, you need to go tell your leadership that the vote needs to be called.

I mean, we want to do it in a gentlemanly way. We call ourselves, Mr. Speaker, gentlemen and gentlewomen, respect for the institution, and still the vote was not called. I mean, individuals' arms were twisted. You vote, hurry up, and trying to call the vote while they went. And it almost happened once, and then the conscience kicked in of some Members and they changed their vote and it went back to a losing vote again, and they said we have to hold the board open another 20 minutes because we did not get our way.

Mr. PALLONE. Mr. Speaker, if the gentleman will yield, he is absolutely right. This is strictly an abuse of power. That is what is going on here. This is the majority, the Republican majority, abusing their power. And I think that last Friday was the perfect example of it. And it was not the first time. I have to say one thing that was interesting that he pointed out was that was the first time I remember that they did it in broad daylight, because if the gentleman remembers, most of the time when we had to deal with these major policy initiatives, which that was not, they waited until 3 or 4 o'clock in the morning so nobody was watching. And, of course, the best example of that was the Medicare prescription drug bill, which, as the gentleman knows, was voted on at 3 o'clock in the morning. We had to wait here for hours while they were twisting arms all night for that too and even lied about the fact of how much it was going to cost; otherwise they would have never passed it. Remember when they said it was only going to cost, I guess, 400 billion, and then it ended up being 600 or 700 billion?

We see this abuse of power constantly. I see it in my committee because what happens is when bills come to committee, they do not go to a subcommittee. They do not have a hearing. When the Democrats were in the majority, every time we had a bill that we wanted to move, we had a hearing, sometimes several hearings, in the subcommittee. Then we would have a markup in the subcommittee. Then it would go to the full committee. Then it would go to the Committee on Rules. And at every point there was an opportunity not only for the majority but also for the minority to have some input into what went on.

But that does not go on around here. A lot of bills just go to the floor without even having a hearing or even go into committee, and then they change it when they get to the Committee on Rules. They do not allow us the opportunity to offer an amendment or to offer a substitute so that our voice is not even heard. And what is going on, the reason why they have these closed votes and have to do this arm-twisting is because these are bad bills. These are not bills that are good for the average American, and they can barely get enough people to make a majority and they are even starting to lose some of their own Republicans.

If the gentleman noticed, a lot of Republicans voted "no" on that energy bill, and then they had to twist their arms to get them to come back and barely pass the bill. This is happening all the time. It is an absolute abuse of power. It is not letting the minority have its say, not letting the minority have a voice. And I think it is very important that we get that out there.

This is procedure and a lot of times people maybe listen and maybe they get bored or they yawn because they say this is just procedure, but in a democracy these kinds of procedures are very important. And when the Republicans are abusing the procedure, it is really bad.

And I want to mention one more thing. I cannot help but mention it. The other day when the gentleman from Texas (Mr. DELAY), the majority leader, was forced to step down because of the indictment by the grand jury, a lot of people forgot that the only reason why that happened was because Democrats insisted that the Republicans go back to the original rules. They tried to change the rules of the Committee on Standards of Official Conduct at the beginning of this Congress to say that if somebody was indicted in leadership that they did not have to step down. And we came here, and the gentleman was part of it too, and insisted that we go back to the old rules, the bipartisan rules, that had that type of provision in it. And there were other changes as well that we insisted on.

So, again, it is important that we speak out because we can make a difference and the public needs to understand the abuse of power and the cronyism that is going on here.

Mr. MEEK of Florida. Mr. Speaker, reclaiming my time. I just want to share something with the gentleman, because this is serious business when we come to the floor to talk about these issues. We always say we were elected to represent not only our constituents but also the American people. When they voted for us, they federalized us. They allowed us to come here to vote on policy and to create policy on behalf of the betterment of this country.

The gentleman mentioned something and we do a lot of work here. We have information. We meet off the floor to be able to talk about some of these issues. The Washington Post Federal Page, I just want to take this and make sure everyone understands this is about saluting one flag. This is not about what side of the aisle we are on. But the reason why we point out the fact, Mr. Speaker, that the majority leadership has not taken leadership to lead us in a way that we should be led in fair play when we are saluting one flag on issues that are facing national security. I am on the Committee on Homeland Security and I am on the Committee on Armed Services with the gentleman from Ohio (Mr. RYAN); and I can tell the Members right now that energy, as far as I am concerned, is a national security issue.

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So when folks come to the floor not on behalf of the American people and national security but on behalf of special interests, I personally have a problem with it.

I take the Federal Page from the Washington Post. This is actually from October 5. This story here talks about: Storms show system out of balance. GOP Congress has reduced agency oversight.

I think it is important that we pay very close attention to not only this article. It names not only three Republicans, one on the other side of the body in the Senate and two here in this body. As a matter of fact, the gentleman from Florida (Mr. FOLEY) and the gentlewoman from Florida (Ms. HARRIS), two of my colleagues, called for hearings, Mr. Speaker, on FEMA, the money that was spent last year in Florida on counties that were not truly affected by the four storms that came through, the money that was just given out without any oversight, just simply, for the committees wrote a letter, which one I sent on, to have oversight hearings on FEMA. I agreed with that, yes, we should have oversight hearings. If something went wrong, that is the thing that the Congressperson does, call for oversight hearings.

These are Members that are in the majority. These are not Democratic Members that have said we need to have oversight hearings. These are the Members in the majority side that said we need oversight hearings. Guess what. They did not happen, and this was last year. This was the story that they asked for the hearings last year. It still did not happen.

The point I am making on this article, it goes on to say that it took an analysis of the first 6 months of Congress between 1983 and 1997, to make a comparison. This researcher found that both Chambers of Congress both reduced their numbers of hearings. Actually, in the House, there were 782 hearings in 1983 of oversight, and it went down in 1997 to 287. In the Senate, they had 439 hearings on oversight, and in 1997 it went down to 175.

Mr. PALLONE. Mr. Speaker, if the gentleman would yield, I want to say, because I have been here longer than the gentleman, and he has already told me that many times, the fact of the matter is I remember when the Democrats were in the majority. I was here from 1988 to 1994 when we were in the majority. The core of our being in the majority was oversight. That is what we did. That was our life blood. We spent more time on oversight than anything else.

I remember specifically in my committee, the Committee on Energy and Commerce, every one of the subcommittees had oversight on health care, environment, consumer issues, energy, you name it. That was our MO. For all practical purposes, the Republicans have eliminated any real oversight. So you are absolutely right.

Mr. RYAN of Ohio. We have said it 1 million times. Article I, Section 1 of the U.S. Constitution creates the House of Representatives. The people of the country govern. Anything that is created from there we have oversight of, and that is the essence of this democracy. We try to represent the republic that we have. This is our job, overseeing FEMA.

Mr. MEEK of Florida. Overseeing the Federal Government, but see, the issue that is so difficult here is the fact that this is our main job, and we are not doing it.

It takes a while to get a culture. If it is corruption, it comes and it goes. When you have a culture of corruption and cronyism, that means two things. Someone has not been overseeing the rules. Someone has not been saying listen, no, I am sorry. We have the Department of Transportation. This is what you are supposed to be doing because we are the oversight committee of the Committee on Transportation and Infrastructure, and we have oversight over you and we are elected by the American people to make sure that your tax dollar is being spent in the appropriate way.

Mr. RYAN of Ohio. We write the checks out of this body. The checks come if you are going to write the checks but not oversight.

Mr. MEEK of Florida. This is what we have done, and in the aftermath of Hurricane Katrina, in the aftermath of Hurricane Rita. We are living with the highest deficit in the history of the republic. We are standing and we are doing this, and what goes back to this article that I was addressing a little while ago, it talked about the fact that there is no checks and balances.

I just want to remind the Members, since some might have maybe not fully focused on what is happening, the Senate is Republican-controlled. The House is definitely Republican-controlled. The White House, we know for sure that it is under Republican control, and when we see the amount of money that is now having to be spent, I am just going to take Katrina. I do want to talk about health care, and I know the gentleman from Ohio (Mr. RYAN) has the next hour, and I just want to talk a little bit about health care again.

But I can tell you this, I am going to take Katrina for an instance, $200 billion plus. A big part of that is the fact that Louisiana or New Orleans were flooded, under water. Hundreds of thousands of Americans were displaced.

Two things happened there. Americans died but two things happened there. There was a lack of governance, and I can tell you that if we had the right kind of oversight, if maybe that Army Corps of Engineers captain or commander would have gotten what he needed to do exactly what the National Hurricane Center called for or to do exactly what Members of Congress from that area asked for, or to say that since we are doing all of these strategic review of vulnerabilities, I am on Homeland Security so I know the language, since we are doing all of that and we did all these things when we knew when we were vulnerable, then we are supposed to respond to that, and we did not. That is where the lack of governance comes in.

So this whole issue of oversight is a big issue, and if folks feel that it is not going to be in a community by you, it is already there. Katrina knocked the scab off of the Department of Homeland Security and others that have said that we are ready for anything that happens. It is a perfect example that we are not and we were not. Communities should not have to go through it to learn it, and we are the Congress and we are supposed to do better when we know better, and we know better, and we are not doing better because we are not willing to lead.

On this side of the aisle, we are here at some couple of minutes before 10:00 saying that we are ready and willing to lead or share in the leadership. What is important here is that we allow a bipartisan nature in dealing with some of the issues that we pointed out here tonight, and that is not happening. That is where it comes in.

So I am glad historically that the gentleman was able to share with us what happened when Democrats were in control, how many opportunities that the minority had an opportunity to be a part of legislation and inclusion.

Mr. PALLONE. If I could just say, that is the other part that is so important is, again going back when the Democrats were in the majority, most legislation was done on a consensus, bipartisan basis. In other words, you would find in my committee, the gentleman from Michigan (Mr. DINGELL), on the Committee on Energy and Commerce, who of course was the chairman, and legislation, if it was an energy bill, if it was a health care bill, he would start by going to the ranking member, the Republican man, the minority, and saying what input do you want into this bill and let us sit down and there would be meetings, and they would try to build a consensus on legislation.

That does not happen anymore around here. I mean, it is very rare to see someone who is the chairman of the committee on the Republican side reaching out to the Democrat on the committee and saying let us see if we can work together and come to a consensus on a bill. That is why most of the time you did not have to have these situations where you would vote in the middle of the night and have to get people to change votes because, if the bill came to the floor most likely it was a consensus measure and most people voted for it.

Some people may say not everything has to be that way, and not everything was that way, but the bottom line is when someone is elected, when you are elected or I am elected, our constituents send us down here. They do not expect us to just come down here and object to everything because we do not have input. They expect that we are going to have some input on what goes on, and to deny us that, which is what the Republican leadership does for the most part now, I think denies the basic principle of democracy.

We are not supposed to be coming down here and just objecting. We are supposed to be part of what goes on, but we are not allowed to for the most part. We cannot bring up amendments or ask for hearings. So this is the problem.

I just want to go back and say one more thing. The reason why the Republicans do not want the oversight and do not want the accountability is because they are doing bad things. The reason they do not want to have this bipartisan Katrina Commission is because they do not want the commission to come back and report that there were problems in what the FEMA Director and the administration did during the hurricane.

It is pretty simple stuff, because if it is bipartisan and it has equal members and there is a lot of oversight, they are going to show what the problems were. They want to whitewash. That is the bottom line. That is why they do not want this independent commission. It is uncovering things.

Mr. RYAN of Ohio. Exactly. So they are picking their own personal political situation over what is best for the American people. Can you think of a better reason to take someone out of their leadership position?

We all play politics here. We are just here. You get 435 people in a room, there is going to be politics. We understand that, but when you consistently and constantly pick your own personal political interests over the public interests, even if it means not getting to the bottom line, not getting to the kind of reforms that are going to be needed, then that is a real problem, I think, and I think the American people from the polls and from the people we talk to in our district seem to feel the same way.

Mr. PALLONE. There was an editorial in the New York Times on September 26 about faking the Katrina inquiry. The last paragraph, if I could just read it, said this. It says, There is no way to whitewash a hurricane. A government dominated by one party should be disqualified from investigating itself. Just as President Bush repeatedly fought the creation of the 9/11 Commission until public pressure forced him to yield, so should the public now demand the administration and Congress get real about Katrina.

That is what we are getting with this Republican-dominated committee. It is just going to be another whitewash, and we cannot allow it. So I appreciate the opportunity.

Mr. MEEK of Florida. I think what is important here are several points that the gentleman has already made.

You have this chart here dealing with the whole gas price issue on the middle class, and I just want to take a couple of minutes of this hour just to talk a little bit more about what is called an energy bill.

We had an alternative, and the reason why I call it an alternative to the gas or to the energy bill is the fact that we were in the majority and it would be called an energy bill dealing with price gouging and also making future investments and bringing out alternative fuels to be done by a certain date. Also, our alternative said if you price gouge, we are not talking about someone at the pump, we are talking about the oil industry that has soaring, through-the-roof profits in a time that we have individuals who cannot even make it to work now because they cannot afford to buy a tank of gas. They did not get an increase. Their employer did not say, listen, we are going to give you about three hundred more dollars a month so you can pay for gas. They did not say that.

So we dealt with those individuals in our alternative by saying that if you price gouge the American people, not only will it allow State Attorneys General to enforce the law, but you will pay serious fines, up to $3 million a day. Every day you price gouge, you pay. You do not get your profits and run off and the stockholders are happy. No, you are punished, and it not only dealt with gas. It dealt with oil and LP Gas and heating gas.

I think it is important for folks to understand that we were for real about it, and the majority side was really defending the industry. I know we are going to have more time.

Mr. RYAN of Ohio. Let me do this, we want to give the e-mail address, 30somethingdems@mail.house.gov.

□ 2200

30-SOMETHING WORKING GROUP: REFORMING GOVERNMENT

The SPEAKER pro tempore (Ms. FOXX). Under the Speaker's announced policy of January 4, 2005, the gentleman from Ohio (Mr. RYAN) is recognized for 60 minutes.

Mr. RYAN of Ohio. Madam Speaker, I appreciate the opportunity to be back and continue our discussion here. I hope for the next hour, my good friend, we can talk about something that I think is very important for the Democratic Party and what the future of the Democratic Party is all about, and that is reforming government. We are the party of reform. We have offered alternatives, as we have talked about in the past hour and over the past several weeks, that have been ignored; but we are not going to let that stop us. We are going to continue to talk throughout the rest of this year and into next year about the different reform measures that we are going to propose, and we are going to be critical of what we think is a broken system in general and broken systems in general, all of these different systems in our government.

I was thinking about this and talking about this last night, about how our government runs today; and our government really runs today totally designed like an industrial-age system. It is almost like an assembly line. We have our health care over here and our education is over here and our foreign policy is over here and our research is over here, and none of the component parts are allowed to ever come together. That is an old assembly line kind of system. You deal with this part and you put that part on and then that part, and everything is separated.

Government in the 21st century needs to be integrated and unified. A health care system that does not teach healthy eating habits and has a diverse physical education requirement in our schools or gives our kids good food in our schools, that is not a comprehensive health care system. Because at some point we are going to pay the bill for obesity or diabetes, or whatever may come from the long-term effects of not having a healthy diet. And one day, somebody is going to be on Medicare, and we are going to have to pay the price.

I want to just talk for a couple of minutes about what is going on with Delphi and their bankruptcy and how I think the system right now is a bit broken. Basically, over the last 30 years or so, this company and their workers have generated a lot of wealth over the past 30 years. A lot of people in Ohio and in Mississippi and all over the country have made money. Workers were paid well, and they had pensions and benefits and health care coverage and everything else. The wealth that these workers created was taken and invested in China, first in Mexico, then in China. And now, because of all of that that has happened, we increased the global supply of labor, that is driving down the wages here in the United States of America, which leads to Delphi filing bankruptcy because they cannot compete with their competitors who are doing a lot of business in China.

It just is something broken when a worker or a group of workers who create wealth and that money is taken and invested somewhere else comes back to bite you on the behind. And now their company is filing for bankruptcy. The workers are going to be asked to take, they are asking them now to take about a 60 percent pay cut. Now, there is not a person in the world, there is not a person in the United States for sure who could take a 60 percent pay cut in the course of a few months and not file bankruptcy. How do you do that? I do not care if you are making $40,000 or $200,000 a year. If you are asked to take a 60 percent pay cut, you are going to have to file bankruptcy.

So the squeeze is on the workers here in the United States. Many people may say, well, those workers are making $27 an hour, that is a lot of money; and that is a whole other argument. But the bottom line is, there is going to be in my community $150 million pulled out of our local economy.

Mr. MEEK of Florida. Madam Speaker, let us just think about that for a minute. A 60 percent pay cut, the gentleman does know that a 60 percent pay cut, some folks are going to lose their homes.

Mr. RYAN of Ohio. Absolutely, they are going to lose their homes.

Mr. MEEK of Florida. The media quick-fix probably would be to try to go out and get a loan. Now you make a little bit less than what you used to make, and you may not be able to get the loan because you do not make the money you used to make and the uncertainty of how long your company is going to be able to provide the money that you thought that you were going to be able to make. I think this is a real issue. I think it is a real issue, and I think it is something that we need to be very concerned about.

I agree with the gentleman 110 percent. I have been reading in the paper what is going on. The gentleman from Ohio is living it because it is right there in his district. But guess what, I say to the gentleman, it is happening throughout America. A number of other communities are going through it. And once again, I think it is important, it falls back on the heels of governance again, and also our stronghold and our love affair with China.

I mean, it goes far beyond, far beyond that particular company and the relationship with China. It is almost like if China was to make some sort of move, it would affect the United States of America, whether it be in manufacturing, or if they were to make an issue as it relates to debt, call in some of those chits that they have out there with us as it relates to the debt, because they are buying our debt. If they were to deal with other countries as it relates to oil, it would have some issues and would deal with our economy.

So it is almost like we have to be very, very careful, because the U.S. taxpayers are not only, obviously, the main contributor to many of our trade policies, because it is, unfortunately, a negative trade policy, and that we are having to take in space where U.S. jobs have been lost, people cannot provide for their families like they used to, so then government has to try to be there to be able to assist not only local governments but State governments in areas where individuals through even their payroll taxes could cover some of the costs of some of these unfunded mandates that are now out there, and the Federal Government has to rise up and be a part of that experience.

But I wanted to just, I want the gentleman to finish his point on sharing with us what is happening in your district, and then I want to go back to an article that talks about the issue of not only health care, but where our priorities are as a Congress when it comes down to dealing with the American people. Because that is what the gentleman is talking about right now.

The gentleman is talking about the American people, and the gentleman has a lot of individuals that are deployed out of the State of Ohio that are in harm's way right now, and some of their families are tied up in this. And I can tell my colleagues right now, I am here, I am with my family; but what if I were not and something like this were to happen to a spouse or a loved one or a significant other or a brother or a sister. We are going have to all come together to try to help that individual financially.

Mr. RYAN of Ohio. Madam Speaker, the ultimate question is, and that is why we need to issue a reform agenda for the country, because it just seems like nothing is really working right now the way the system is currently set up, and there are a lot of arguments against it, but it is based on a world that really no longer exists.

The idea of comparative advantage, the great free trade concept of comparative advantage is from the 1800s. I mean, trying to apply it to a society today that is so much different than it was a few hundred years ago. So our reform agenda that the Democrats are promoting is to reform the way government works. Whether it is the way workers here who have created a lot of wealth and their wealth is then invested into China, to steal their own jobs and wages and benefits and everything else, or to argue literally for a supply-side economic theory where you cut taxes for the top 1 percent, and, the theory goes, they invest in the United States and that creates wealth here.

Well, who in their right mind thinks a millionaire who gets a couple hundred thousand dollars back is investing in the United States? They are investing the money in China or they are going to invest it in mutual funds in different investment schemes in China. They are not investing it in the United States. If people were investing in the United States, companies like Delphi would not be going bankrupt. And that is the bottom line.

The question for America is, Who is investing in the United States today? We have cut taxes; we have a huge budget deficit, so the government does not have any money to make any progressive investments like magnetic levitation trains or education or scientists and engineers, or research and development. And then you cut taxes for the top 1 percent, and they take that money and they invest it in China. Who is investing in the United States? That is the ultimate question. I think that the government has a responsibility. It cannot do it all, but we need to certainly create an environment in which it is okay to do business and it is worthwhile for people to make the proper investments, and that brings up why we need to reform the health care system.

I was just talking to a gentleman who runs a hospital in Youngstown, Ohio. The one hospital left in Youngstown, with a population of about between 80,000 and 90,000, almost 90,000, they do about $50 million a year in charity care. $50 million. These are people who walk into the emergency room because they have nowhere to go. Do you know how much money we are wasting by waiting until they come into the emergency room? That makes no business sense at all. You cannot be a businessperson and analyze our health care system and think in any way, shape, or form it makes any sense.

Would it not be smarter to maybe give them access to a clinic to where they could take some preventive measures, get their antibiotics, take care of a cold instead of pneumonia. Pregnancies, as far as pregnancies go, have the prenatal care, whatever it takes, expand SCHIPS, do these things that will take care of the preventive side, instead of emergency room care. The taxpayer is paying either way. The current system is cheating the taxpayer. It is no good.

Mr. MEEK of Florida. Madam Speaker, that is the reason why people elected us to come up here and govern, to make sure that we stand up and forecast future issues. Now, that hospital had to close, I am pretty sure, because the funding just was not there in the preventive way to be able to deal with the issues that are facing indigent patients, or everyday working folks.

Mr. RYAN of Ohio. They are open. They are open.

Mr. MEEK of Florida. But what I am saying is that we do not do things because we are supposed to do them; we respond to it after it happens.

Mr. RYAN of Ohio. Right.

Mr. MEEK of Florida. Examples are the health care system, and New Orleans.

Mr. RYAN of Ohio. Bingo.

Mr. MEEK of Florida. Madam Speaker, $14 billion to make ready for a category 5 storm, $200 billion later, or several, up into the $60 billion and $70 billion to not only fix it, but also deal with other issues, because of a result of the fact that we did not do what we were supposed to do when we were supposed to do it. Going back to vulnerabilities here in the United States, that community was ranked number one as it relates to a storm, a natural disaster in a catastrophic way as it relates to the damage that would be done.

Madam Speaker, I think it is also important for me to point out, when we start talking about this issue, the gentleman mentioned Democrats having to stand up and make sure that we deal with the whole corruption and cronyism issue, and I think that that is important.

□ 2215

And I think it is also important to make sure that we deal with that, but to deal with that, A, we are trying to deal with it by calling out some of this stuff out here on the floor.

We are trying to do the best we can. And there are others who are trying to do the best they can. The gentleman from California (Mr. WAXMAN), who is the ranking member on the Committee on Government Reform, can only do all that he can do to point out some of these issues.

And I have a number of reports as it relates to contracting under the Bush administration. But guess what? If we were in the majority we could do these things and make sure that we save the Federal taxpayer money, we save those dollars. We make sure that they are paying taxes, which we all are, okay, that it is being spent in the way that the American people want us to spend it, in a responsible way.

Now, this whole issue, once again, this corruption and cronyism issue is so deep here in Washington, DC, I do not even have to say, well, let me pick up the paper a week ago because there were some stories in there that I think I need to bring to your attention, or I hear there is a story coming out on Thursday about some of this stuff that is going on here in the Capitol.

You can just walk out the door here in Washington, DC or in your local community and pick up the paper on any given day, be it a Saturday or Sunday or Monday or Tuesday, it does not matter what day, there is always something here, because there are several things that are here because there are several things that are going on in this town, and that is just in the present.

That is just what has happened already. Think about what is happening as we speak, and what is not happening under the culture of corruption of cronyism. What do not we know about now that we will know 6 months from now, because it will have worked on someone's conscience to be able to say, hey, you know something, this is wrong. And it is not wrong because of a personal decision that someone has made, it is wrong because they made a decision that changed the very fiber of the Congress. I mean changed the culture of Congress, I mean, what we are supposed to be doing and not doing.

Yes, we know we have individuals that make bad independent decisions. Oh, I have made some. But they were independent. Did not affect my constituents. Did not affect this country, a bad decision that I have made.

But you have folks that are knowingly and willfully making bad decisions that are altering this Congress, and that will alter many Americans' lives and the way they live and the way they provide for their children, and it is happening every day without a conscience.

Now in the Washington Post, there are some folks here, and we know that there are some folks here in the Capitol that have said, okay, we have to deal with this Katrina issue. It is $200 billion and we are going to have offsets and we are going to deal with it.

Where are we going go for the offsets? Well, in this story, it is not saying, well, maybe we need to look at some of our advanced weapons systems that possibly may be useful to us sometime in the future. Maybe we need to say that we are spending $50 million or $50 billion or $130 billion out there on advanced weapons systems, maybe since they are, you know, advanced, maybe there are some other areas we can take 5 billion here or ten billion there and then maybe we can come up with some offset.

No, not that. Maybe we can go to the tax cuts that we gave to the billionaires. All right. I am not even talking about the millionaires. I am talking about the billionaires. Maybe ask them to give a little sacrifice under this time that the country is going through a lot. Maybe, you know, maybe just a 5 or 2 percent cut from there.

No, they are not mentioned. No, where we are going to go, this is the Republican leadership. This is the discussion that is taking place over there. This is not my report, because I am going to tell you right now this is the Washington Post. House GOP leaders are setting up third party validator, set to cut spending as it relates to Medicaid.

Wow. Let us go after the big people. Let us, you know, the folks that catch the early bus in the morning. Let us go after them. Yeah. They are really strong. In a program that has already been cut.

Mr. RYAN of Ohio. And the poverty numbers are up so there are going to be more people applying for this or qualify for this program.

Mr. MEEK of Florida. Let us go pick on someone that is not our own size. Yeah, let us go after individuals and make them, because they are not giving in the way maybe some of these other folks are. Okay. Let us go after them.

Mr. RYAN of Ohio. They are not pharmaceutical lobbyists.

Mr. MEEK of Florida. Well, let us go after some folks that we were sent up here to protect. Let us go after them. Let us turn on our own. I am bigger than that person. So maybe that guy, you know, that is driving the pickup truck running around here shopping where he is bundling T-shirts and clothes and leaving the truck now parked because he cannot take the kids to the recreation center where they can stay out of trouble, let us beat up on them.

Let us deal with the individuals that the company that they went to work for, said maybe you need to go get on Medicaid because it is better than what we have to provide, because there is really no incentive as a business person for me to provide health care for you, because there is no national policy.

Let us pick on them. Let us take Title I lunch programs to help poor kids to have the nutrition to be able to go to school and think correctly so that they can learn, and so they have to pass a standardized test that this Congress has called for to make sure that they learn, or they retain, whatever the test is supposed to pull out of them, let us take that, let us reduce that.

Yeah. Let us take away from the kids, because guess what, they cannot vote. They are definitely not going to give a campaign contribution. Let us deal with them.

Now I am going to tell you something. And I know there are some well-intended Members here in this Congress. And I know that there are some leadership individuals that are saying, well, you know, maybe that is a great idea. But I can tell you right now, if you are going to do it, we are not going to be sitting here watching and allowing you to do it. You are not going to talk about it in the back halls of Congress and then come to this floor under regular order and say, well, we are doing this because we have to help the people in the devastated area.

As a matter of fact, not only are we helping you, the folks in the devastated area, and I must add there is no discussion in here, well, we are going to take away from the Democratic areas, we are going to carve out those counties and parishes and we are going to cut them. No, no, we are going to do it to you all. We are going to make sure, and this is a national blanket cut, so if you are sitting in Illinois tonight, Member, or if you are down the street, you know, at your apartment or house, I want you to realize that what some Members of the Republican Congress are talking about is cutting programs in your district.

This story goes further on to talk about small farming programs. Okay, so if you are sitting there, Member of Congress, saying, well, they are not talking about me, they might be talking about those folks that are on Medicaid, that I must add if a Member is saying they are talking about those folks on Medicaid, they are talking about your constituents too, but they are going to cut that.

Meanwhile, whatever Mr. Rumsfeld calls for out of the Pentagon, and whatever the White House says that needs to happen, without an exit strategy or even a discussion of the exit strategy on what is our goals and objectives outside of the several elections that are going on in Iraq and that will continue to go on. What we are going to need as long as we are going to need it. Do not ask any questions. What are you asking questions about?

You are asking a question of me about what I am asking for for the troops as it relates to money? My question is, is it really for the troops or is it really to continue to feed family and friends that are out there making billions on this war, billions they are making?

And I will tell you this also. They can run commercials. I know Halliburton is the shining example of what goes on under a culture of cronyism and corruption and a lack of oversight. I just gave an analysis of what took place of oversight hearings and how the decline has taken place, because no one wants to call out the next person, because we have an oversight hearing, oh, my goodness, we may start to govern around here.

I think it is important for us to also understand that we are sitting here talking about we are for the troops and you know all of this kind of stuff, but we are not willing to lead in a way to say that, hey, excuse me, excuse me, Mr. President, can we talk about maybe when will this be over? Or maybe what is the strategy?

Is the strategy as long as there is an insurgency, we are going to be there? Well, that is a 20-year strategy, Madam Speaker, because we are spending billions to fight an insurgency, not the troops, not the individuals that a train was not ready.

The individuals that said that we should go did not do what they were supposed to do as it relates to the planning. We are going to run to Baghdad, we are going to have bombs and stuff. We are going to get there and this is a race and everybody has a clock going, and the news media like we are here now. Wow, record time. Wow.

There was nothing after that. And because of that, hundreds upon hundreds of Americans have lost their lives, thousands upon thousands of Americans are injured that have come back to their community, that have served their country because their country asked them to serve.

And I am going to tell you, and I want to make sure that we get clarity on this, that it is our job to govern here in the Congress. It is our job to protect these individuals. It is not our job to continue to hold on and to cover for individuals that are making bad ideas or that are sharing bad ideas and continuing to compound on these ideas, and to continue to come here and say, well, you know, why are you asking me the question, and with great arrogance.

Now I am going to share this with you. It is our job, and you know it, for us to not only call out the fact of a lack of governance, a look of oversight, a lack of bipartisan working on these very issues, and bringing to a head of what is important here. The head is, is making sure that we govern in the way we are supposed to govern.

And for some of the individuals that are calling out saying that we have to have offsets. Hey, we have been calling for offsets. We have been saying, if you are going to spend it, you better have a plan on how you are going to pay for it but, listen, did not get religion now when we are talking about the American people.

Do not stand up and say, well, I am going to get religion on this week. I am going the make them pay when you will not even stand up to big companies, when you come to the floor with an energy bill that is a gift to the industry.

You did not come here on behalf of the American people. You came here on behalf of oil company profits. Tell the truth. At least come to the floor and be straight with the American people. Because if you are not, we will. And let me tell you something. It really infuriates me that folks will run around here and even hold their head up going after poverty programs saying that we are going to balance the budget on the back of poverty.

Mr. RYAN of Ohio. Can I ask a question? Where is the Christian Coalition? Where is the Christian Coalition when you are cutting poverty programs? Where are you? You know, they are fighting over Supreme Court justices and meanwhile poverty programs are being cut for poor people.

Now I do not know. 12 years of Catholic school, and I know you had a religious upbringing as well. Where is the Christian voice in all of this? All of a sudden silence. Medicare, Head Start, No Child Left Behind, which would help more in high poverty schools than any other. Where is the Christian right? Silence. Silence. Because they are getting overrun by the corporate greed and the corruption and the cronyism that is going on here. That is the problem. Right under their nose.

Join us. You talked about Medicaid. You talked about poverty. You talked about Head Start. You talked about helping people that cannot help themselves. I cannot think of anything more Christian. I do not want to get religious, because this is a public forum. But it has been invoked time and time again from the other side.

☐ 2230

We hear it every day.

Mr. MEEK of Florida. I will put it to you pointblank. Never apologize for representing not only what you feel spiritually about what is going on, because I think your spirit makes religion act right. That is the bottom line. Spirit brings about the kind of change that we call and pray for in government and in our regular lives.

When we talk about young children, when we talk about the weak, physically, maybe financially, these are individuals that are going to pay the high prices for the heating oil. These are the individuals that we ask to go out and vote. They do not need to be Democrat, Republican or Independent, Reform Party, Green Party or no party; and we ask them to go out and take part in this democracy. They are the first ones on the chopping block. As a matter of fact, they were the first under regular order when it came down to even working the budget out in the first place.

Now, when it comes down to responding, going back to what is the federal Commitment to the South, I would add also the poor in this country, and then the first time out of the blocks we are going to go after Medicaid? We are going to cut it. We are going to go after reducing free lunch. We are to go after Head Start. We are going to go after small farming programs. We are going to go after those individuals who cannot hit back.

That is almost like someone who cannot move their arms and their legs, and we get the world heavy weight champion of the world and he hits them and beats them up and it is over in one round and he jumps up and waves his hand and says, I am the heavy weight champion of the world. They expected you to win because you are the heavy weight champion of the world. But the bottom line is, it is okay to have offsets. Goodness gracious, we are calling for offsets. Let us call for some offsets in some other areas so we can ask some Americans who can afford to take the sacrifice of an offset, or a particular program that this Congress has put forth that has very little to do with right now but it has something to do, hopefully, dealing with the future.

And if it is something that is dealing with the future, okay; and we are the superpower of the world, and there is an advanced weapons system that somebody in Congress likes, maybe we need to go to that person in Congress or that person in the other body over there and say, you know something, you know that project we passed, the $400 billion, the advanced weapons project for several million dollars that you wanted, maybe we need to try to offset that. Maybe we can try to do it verses 5 years, we can do it in 8 years. With that money we can have some offsets for the Hurricane Katrina and Hurricane Rita package to help us as it relates to bringing about offsets.

No, that conversation was not in The Washington Post. But we are going to take people, real Americans, and say we are going to make you pay because we are not big enough to stand up to the special interests here in Washington, D.C. Let me just take that way out. The majority leadership of opening discussions, this is the opening discussion, this is not even the "maybe there was a small discussion." No, this is a serious discussion within the leadership of the Republican Caucus in this House about cutting those programs. That is a serious discussion.

Mr. RYAN of Ohio. Let us put all this together here because as I am listening here; I am beginning to see how this is coming together. Let us see if we can outline this here. If you are poor or working poor, which is the dark underbelly of the United States of America, the working poor that do not qualify for Medicaid so they do not have health care but they are working a couple of jobs and they are trying to make ends meet. So if you are in that class, this outfit, the Republican outfit that we have in right now wants to cut Medicaid, is not funding No Child Left Behind, they are cutting Head Start and we have a health care system that is a wreck. Watching health care in America is like watching a train wreck happen. It is terrible.

So if you are poor or working poor, those programs are getting cut, school lunches, all the other good stuff. And you probably live in a community where you are having criminal justice issues like we are having in a lot of our communities where you cannot afford the prison, the jail. You do not have enough sheriffs, deputies to run the jail. You do not have enough police on the beat. And if you do, you put them in the court system and they wait and wait and they get back on the street. A whole other set of the issues.

If you are in the middle class, the Republican majority has done nothing for Pell grants to try to reduce the cost of college tuition when tuition has doubled in just about every State in the Union in the past 5 years.

If you are in the middle class trying to provide health care, if you are a union worker in Delphi or some other UAW or something else, you are getting squeezed. If you are part of the 45 million or 50 million now that do not have health care, you are getting squeezed. If you are a middle-class small businessperson, you are getting squeezed. We get calls every day in my office about small businessmen and women who cannot afford to provide health care for their workers. Squeezed.

If you are in the upper middle class and you are trying to provide health care, it is not working. These systems that we have in place are broken; and instead of fixing them, instead of reforming the system or the systems, our ideas are so antiquated, old school, supply-side economics in a world where that does not work. Look around. I mean, look around. This does not work. It is crazy.

What are we doing here? We have a reform agenda that invests in education, invests in research and development, helps kids with math and science, fully funds No Child Left Behind, puts money into the Pell grants so your kids can go to college and afford it, reforms the health care system to move the investment on the preventative side instead of on the tail end when people are so sick and acutely ill that it costs so much more money.

The reforms that we want to make on the preventative side provide for mental health coverage so people do not go out and commit crimes who are mentally ill because they have medication or they have some basic counseling which saves us money. We are cheating the taxpayer right now. They want to tell us we were tax and spend. They are borrow and spend. And they are not even spending it right. They are spending at a billion and a half a week in Iraq. They are giving it to billionaires. That is not good government.

That stinks. That is not right. It is just not right because average people are suffering. Let me say this, we do not come to this floor for what this week will probably be 3 or 4 hours. All day we are here and we get an opportunity to come at night. We are not doing this for therapy. We are not doing this because we like to come down here and listen to each other talk. If we wanted to do that, we would go out and grab a hamburger and a Starbuck's and go talk and drink some green tea. We are here because the country is unraveling before our very eyes, and the Republican leadership is either doing nothing or doing something to make it worse.

The Democrats have an agenda on health care, education. We are ready to reform. We are ready to take over. We just need the chance. And I know from people in my district and from the gentleman's district and from the district of the gentleman from New Jersey (Mr. PALLONE), people are suffering; and the government is part of the problem now. Maybe Ronald Reagan was right, government is the problem. Right now it is. But I think government can be a positive, progressive leading force in society with the proper leadership. And right now it is just not happening. But we are not doing this stuff for therapy.

We could be going out and having dinners and everything else. We have come here because this country needs reform; and if no one else is going to talk about it, then the 30-something group is going to step up and implement an agenda and talk about the agenda that is going to make this country better.

Mr. MEEK of Florida. Let me just say that it is important that we realize the time that we are in now. I think the gentleman is 110 percent right.

I was in my district recently and I went to New Shiloh Baptist Church. One of my local pastors was celebrating his third pastoral anniversary of the church. And I went over and worshipped with him and some parishioners. When I was there, a couple of folks came up to me and said, It is really something that is going on in Washington right now. Are you not shocked? And I am, like, I am not. Oh, no, I am not. No. Not only did I see it coming, but some more is to come.

How do you know that? Well, I am not a prophet, but I am your Congressman. And when we are not doing our job as Members of Congress, not individuals. Folks make sure to keep the district offices open, respond to constituent mail, return phone calls, this, that and the other, not the individual policing of our own districts, but the policing of the Federal budget, the policing of having oversight over all the Federal agencies. When we are not doing that, then that means we are not doing our job. When we are not doing our job that the Constitution calls for and that the rules of the House calls for of how we do our job and conduct our job and we violate the rules of this House, then we have issues.

When we violate the spirit, I must add, of the rules, then we violate this country. When we violate the spirit of the rules of this House and we violate the spirit of fair play and also our oversight responsibilities through a lack of governance or the lack of oversight, then we will see what we see now.

Now, I am here to say that I think it is very, very important, we have talked and covered a lot of ground here this evening, but I can tell you that there is so much more to be covered. There is so much more work to be done. I wish, because it gives me no pleasure to come to the floor and to just point out the obvious of what is not happening and what is happening to a certain group of people, and guess what, that certain group of people are the American people.

It is not like you start saying, well, there is something happening to the folks over in Iowa. No, it is not. It is happening to the American people. It is happening to your constituents. It is happening to my constituents. It is happening to the Member's constituent that sits right there, and the one that was here a minute ago, and the one that is back in their apartment and the other that is back in their office right now; it can either be a he or she. It is happening to them.

So when the historians start looking at what happened and how did we get to the point where we are now when someone turns the lights on here in the Congress, I mean, the real lights, and that ember starts to hit the floor and they start to look and say, goodness, how did this happen, then we want to make sure that there were Members of this House, need it be those Members that put together reports in minority committees of what is happening and should be happening; need it be our friends on the other side of the aisle that are lathered up enough that will stand up to the majority and that will say, you know something, we are doing this wrong and I will use my voice the best way to use it. And I want to say as an American, I thank you.

The gentleman talked about religion a moment ago. I talked about this article about where we will make these offsets here in The Washington Post: $50 billion, how are we going to find it?

The first thing mentioned is Medicaid. The second thing mentioned is reducing free lunch for poor children, for Head Start and small farming programs. Yes, let us go for those. How are we going to get there?

This is just in today's Washington Post. It is not an article found just the other day. It is important. And we talked about sitting in church or a synagogue or a mosque or whatever the religion may be of policymakers here in Congress and you hear about the ills of our society. You hear about the tragedies and the tough times that parishioners are going through. The only difference between the average American that goes to those institutions of religious practice, the only difference between them and the rest of the American people is that they could have done something about it. That is the bottom line.

Now, that is not about how I feel about it or how you feel about it. Because I could walk into any religious institution and say, you know something, we are here to govern on behalf of the American people. Period. Dot. If given the opportunity to do more we will do more.

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Matter of fact, we want to do more. You need us to do more. But I feel for that Member that goes into these religious institutions in their mind knowing that they could have done more and they could have stood up at such a time as this.

So there is a spiritual component to what we do. We cannot get religion on certain things and not have it on others. That is what my colleague pointed out when he said where is the faith community when it comes down to dealing with issues such as this. For openers, we will start with the poor. That is what we are going to do, we are going to start with them first.

Mr. RYAN of Ohio. Where is the outrage? Where is the outrage? They are outraged about Harriet Miers? Wait a minute, here is a woman who has a distinguished legal career. And I do not want to give the whole Supreme Court thing here, because that happens on the other side of the Capitol, but here is a distinguished lawyer. Now, I am not so convinced that she may be the best Supreme Court Justice pick, but, my goodness, to be outraged at that? How about being outraged at both? How about that? Be outraged at both. Be outraged about Harriet Miers, and be outraged about this too. My goodness.

Mr. MEEK of Florida. Let me just say this. There are faith-based groups that are very concerned about cuts to Medicaid and will speak out, that will come to Washington and will talk to the appropriators and to some of the individuals who want cuts; but those individuals that have relationships with the President of the United States, those very high individuals within the very, very conservative groups should go and say this is wrong, in my opinion.

I think that those voices on a spiritual level need to be worked on, and also in this House. We need to be worked on about making the right decisions as it relates to the masses of Americans who need us the most. That is just where it is. So that is where the responsibility is.

But guess what? Ultimately, we make the decision. They do not. We are elected to make the decision; they are not. And I do not want to put this on an outside group saying it is their responsibility, but as it relates to what people are reacting to here in Washington, DC, as it relates to the leadership and what the leadership is reacting to here in Washington, DC, we just may need that intervention.

We may very well need that intervention on behalf of individuals who cannot fight for themselves. And they have a lobbyist. It is supposed to be Members of Congress. All Members of Congress. Not folks that are saying that, well, we care more about our philosophy and we are going to start with the individuals who cannot protect themselves, because I am their lobbyist. They have the power to elect or unelect individuals, but they do not have the money to send a lobbyist knocking on my door saying, No, I know you want to start offsets, but do not start with us. Matter of fact, do not even look at us. Do not even come this way.

They do not have that. We are here as Members of Congress to make sure they have lobbyists, because we are their lobbyists. We sit at the table. We come to the floor on their behalf. So when we back out, when we see the majority side and this philosophy being pushed onto the front page of the local paper here and other papers throughout the United States that this is where we are going to start, and we are the individuals that are supposed to be here blocking on behalf of the folks that need us most, then we are in trouble.

So we need to start talking about leadership and standing on behalf of every American. We need to start talking about oversight. And tomorrow, if we can, I want us to talk more about this oversight committee, talk about House Resolution 3838 that has this commission that is looking at fraud over contracting. I have a report here that has been put together by the minority side on the committee dealing with the whole issue of protecting against contractor fraud, making sure the American taxpayers are not made victims due to a lack of oversight.

One thing I do know is that the majority, not the White House, not any other group here in Washington, DC, has the ability to oversee the Federal tax dollar in an administrative no-bid contract scenario. They do not have it. They are not moving fast enough to be able to protect the Federal tax dollar.

Mr. RYAN of Ohio. I want to just go back, and I think this week, whenever we get our next hour to come this week, I think that is a great idea, to talk about that. As you were going through the poor and the middle class that is getting squeezed harder and harder, you made a great point that it is our job as Members of Congress to advocate on behalf of those people. I think that has a moral component to it. I want to set that moral component aside. I want to talk for 2 minutes, because we are wrapping up here, about economics.

We talked about who is investing in the United States. Not many people. We are talking about even the government now is cutting programs that would invest in these young people and these poor middle-class people that we need economically, like the 30-somethings are calling for a million new scientists and engineers over the next decade in the United States of America to generate our economy again. That is what we are saying. That is investment into human capital here in the United States.

We need these poor people to turn into with health care, education, and we are going to talk a little this week or next week about the arts programs that we believe if started at an early age, afterschool programs, will increase math and science scores. And we are going to bring some third-party validators and some studies that have been done to back up that argument and why the arts are a good component of feeding into this math and science goal that we have.

We have to recognize that investments into Medicaid, with reform, and we need to reform the system too, do not get me wrong; but investments in Medicaid, and investments in Head Start, and investments in the No Child Left Behind, and investments in the Pell grants are going to lead to more wealth in the United States of America. We are going on the field right now with half of our society not eligible to play in the game.

All these poor kids that we saw down in New Orleans, it is the same in Miami, it is the same in Youngstown, Cleveland, Akron, Canton, Toledo, Cincinnati, and Columbus. There are core pockets of very, very poor people in our country. And all we are saying is, invest in those people so that they can go out and create wealth for the United States of America.

The Ohio State football team would not go on the field with five players. It does not make sense. You need to have everybody on your team. And quite frankly, our country is only 300 million. We are competing against over a billion Chinese citizens and over a billion Indian citizens. If you are going to compete with them, you better have every single player on the field prepared, conditioned, and ready to move forward.

So when we talk about Medicaid, Head Start, No Child Left Behind, and Pell grants, we want reform on these systems because we want to make them better and convert them into the 21st century, but we have to make the proper investments into our people. That is the bottom line.

There is the moral component that we talk about, hopefully not just on Sundays, but there is also this economic component too that I think is going to help stimulate the economy in the 21st century if we make those investments. But today we are not making them. So we cannot expect something to happen when we are not doing anything. It just does not make any sense.

I will let my colleague make a final comment or two and then we will wrap it up and give out the e-mail address.

Mr. MEEK of Florida. Well, I want to thank my colleague for bearing with me.

Mr. RYAN of Ohio. I hope you feel better. My colleague from Florida was down last week, sick as a dog.

Mr. MEEK of Florida. Down last week, but came back in on behalf of the country. The fact is we have to continue to do what we have to do as Members of Congress. I think that it is very, very important that we continue to pay very close attention to these issues.

I want to commend many of my colleagues on this side of the aisle for standing up in ways that are unprecedented in this institution and trying to change the tide of not only thinking but also making sure that we get back to governing this country of ours and that we stand up on behalf of those Americans who need us to stand up for them. I can tell you right now they come in all ages and all economic backgrounds, and some of them are even children. It is important that we work on their behalf in an honest way.

If anything comes out of this, I would be happy if the leadership on the Republican side was to say, you know, I think there are some points that have been made and I think we need to implement some of those things; or at least have a fair discussion on some of those issues to make sure that we will govern in a way that does not violate the spirit of our existing rules. That would be a victory.

Or if the American people were to say enough is enough, it has affected my household personally, and make other decisions based on the representation here in Washington, D.C. And this will not be a discussion; it will be action on what we are talking about. So there is a long time before that happens, because the election is not up until 2006.

But on behalf of the country, there are some things that just cannot wait that long, and there are some issues that need to be brought to the forefront and hopefully change will come out. So my spirit is the American spirit and dream that things will get better and should get better because it is the right thing to do.

Mr. RYAN of Ohio. Well, we are going to do our best. If you are not watching baseball tonight and you were watching the 30-something Dems, our e-mail is the 30somethingdems@mail.house.gov. We have been getting a ton of e-mails lately, so do not be afraid to drop us an e-mail. We appreciate everybody who is listening and watching, and I appreciate my colleague fighting through a cold to be down here with us.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Ms. FOXX). Members are reminded that their remarks are to be addressed to the Chair and not to the television audience.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BECERRA (at the request of Ms. PELOSI) for today on account of official business.

Mr. CARDIN (at the request of Ms. PELOSI) for today.

Mr. GRIJALVA (at the request of Ms. PELOSI) for today and October 18 on account of official business.

Ms. KILPATRICK of Michigan (at the request of Ms. PELOSI) for today.

Mr. REYES (at the request of Ms. PELOSI) for today.

Ms. ROYBAL-ALLARD (at the request of Ms. PELOSI) for today and the balance of the week on account of illness in the family.

Mr. SCHIFF (at the request of Ms. PELOSI) for today and October 18 on account of attending a soldier's funeral in California.

Ms. WASSERMAN SCHULTZ (at the request of Ms. PELOSI) for today.

Ms. JACKSON-LEE of Texas (at the request of Ms. PELOSI) for today on account of official business in the district.

Mrs. BIGGERT (at the request of Mr. BLUNT) for today on account of official business.

Mr. KING of Iowa (at the request of Mr. BLUNT) for today on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Mrs. MCCARTHY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Mr. OWENS, for 5 minutes, today.

(The following Members (at the request of Mr. MORAN of Kansas) to revise and extend their remarks and include extraneous material:)

Mr. BISHOP of Utah, for 5 minutes, October 19 and 20.

Mr. MORAN of Kansas, for 5 minutes, today.

Mr. OSBORNE, for 5 minutes, today and October 18 and 19.

Mr. POE, for 5 minutes, today and October 18.

Mr. BURTON of Indiana, for 5 minutes, today and October 18 and 20.

Mr. PAUL, for 5 minutes, today and October 18 and 19.

SENATE ENROLLED BILL SIGNED

The SPEAKER pro tempore, Mr. TOM DAVIS of Virginia, announced his signature to an enrolled bill of the Senate of the following title:

S. 1858. An act to provide for community disaster loans.

ADJOURNMENT

Mr. MEEK of Florida. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 59 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, October 18, 2005, at 10:30 a.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

[Omitted from the Record of October 7, 2005]

4443. A letter from the Counsel for Legislation and Regulations, Office of Housing, Department of Housing and Urban Development, transmitting the Department's final rule—Multifamily Accelerated Processing (MAP): MAP Lender Quality Assurance Enforcement [Docket No. FR-4836-F-02] (RIN: 2502-AI01) received August 4, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4444. A letter from the Acting Director, OSHA Directorate of Standards and Guidance, Department of the Labor, transmitting the Department's final rule—Updating OSHA Standards Based On Natural Consensus Standards; General, Incorporation by Reference; Hazardous Materials, Flammable and Combustible Liquids; General Environmental Controls, Temporary Labor Camps; Hand and Portable Powered Tools and Other Hand-Held Equipment, Guarding of Portable Powered Tools; Welding, Cutting and Brazing, Are Welding and Cutting; Special Industries, Sawmills. [Docket No. S-023A] (RIN: 1218-AC08) received September 21, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

4445. A letter from the Assistant Secretary, Employee Benefits Security Administration, Department of Labor, transmitting the Department's final rule—Amendment to Prohibited Transaction Exemption (PTE) 84-14 for Plan Asset Transactions Determined by Independent Qualified Professional Asset Managers [Application Number D-11047] received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

4446. A letter from the Director, Office of Workers' Compensation Programs, Department of Labor, transmitting the Department's final rule—Regulations Implementing the Longshore and Harbor Workers' Compensation Act and Related Statutes (RIN: 1215-AB38) received July 26, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

4447. A letter from the Chief, Regulatory Development Division, OSRV, MSHA, Department of Labor, transmitting the Department's final rule—Diesel Particulate Matter Exposure of Underground Metal and Nonmetal Miners (RIN: 1219-AB29) received July 26, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

4448. A letter from the Senior Regulatory Officer, Wage & Hour Division, Department of Labor, transmitting the Department's final rule—Service Contract Act Wage Determination OnLine Request Process (RIN: 1215-AB47) received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

4449. A letter from the Senior Legal Advisor to the Bureau Chief, MB, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b) Table of Allotments, FM Broadcast Stations. (Jacksonville, Texas) [MB Docket No. 05-129; RM-11201] received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4450. A letter from the Legal Advisor to the Chief, MB, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Strong, Arkansas) [MB Docket No. 05-141; RM-11219]; (Silver Springs, Nevada) [MB Docket No. 05-76; RM-11167]; (Covington, Oklahoma) [MB Docket No. 05-77; RM 11168]; (Spur, Texas) [MB Docket No. 05-87; RM-11166]; (Poultney, Vermont) [MB Docket No. 05-78; RM-11169]; received July 28, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4451. A letter from the Legal Advisor to the Chief, MB, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Chillicothe, Dublin, Hillsboro, and Marion, Ohio) [MB Docket No. 02-266; RM-10557] received August 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4452. A letter from the Legal Advisor to the Chief, MB, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Gunnison, Crawford, and Olathe, Breckinridge, Eagle, Fort Morgan, Greenwood Village, Loveland, and Strasburg, Colorado, and Laramie, Wyoming) [MB Docket No. 03-144; RM-10733; RM-10788; RM-10789] received August 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4453. A letter from the Legal Advisor to the Chief, MB, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.606(b), Table of Allotments, Television Broadcast Stations; and Amendment of Section

73.622(b). Table of Allotments, Digital Television Broadcast Stations (Columbia and Edenton, North Carolina) [MB Docket No. 04-289; RM-10802] received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4454. A letter from the Legal Advisor to the Chief, MB, Federal Communications Commission, transmitting the Commission's final rule—Provision of Improved Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities [CC Docket No. 98–67] received August 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4455. A letter from the Legal Advisor to the Chief, MB, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Knox City, Texas) [MM Docket No. 01-199; RM–10213]; (Gunnison, Colorado) [MB Docket No. 02–171; RM–10483]; (Red Oak, Oklahoma) [MB Docket No. 02-174; MB-10486]; (Tignall, Georgia) [MB Docket No. 02–288; RM–10525]; (Rosebud, South Dakota) [MB Docket No. 04–170; RM–10766]; received August 28, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4456. A letter from the Chief Counsel, Office of Foreign Assets Control, Department of the Treasury, transmitting the Department's final rule—Iraqi Debt Unblocked—September 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

4457. A letter from the Chief Counsel, Office of Foreign Assets Control, Department of the Treasury, transmitting the Department's final rule—Burmese Sanctions Regulations—August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

4458. A letter from the Deputy Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule—Revisions and Clarifications to the Export Administration Regulations [Docket No. 050803216-5216-01] (RIN: 0694–AD30) received September 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

4459. A letter from the Deputy Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule—Implementation of the Understandings Reached at the April 2005 Australia Group (AG) Plenary Meeting [Docket No. 050719191–5191–01] (RIN: 0694–AD51) received August 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

4460. A letter from the Deputy Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule—Exports of Nuclear Grade Graphite: Change in Licensing Jurisdiction. [Docket No. 050707179-5179-01] (RIN: 0694–AD28) received July 26, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

4461. A letter from the Director, Bureau of Economic Analysis, Department of Commerce, transmitting the Department's final rule—International Services Surveys: Cancellation of Five Annual Surveys [Docket No. 050406094-5201-02] (RIN: 0691-AA59) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

4462. A letter from the Acting Director, Fish and Wildlife Services, Department of the Interior, transmitting the Department's final rule—Endangered and Threatened Wildlife and Plants; Removal of Helianthus eggertii (Eggert's Sunflower) from the Federal List of Endangered and Threatened Plants (RIN: 1018-AJ08) received August 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4463. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule—Migratory Bird Hunting; Approval of Iron-Tungsten-Nickel Shot as Nontoxic for Hunting Waterfowl and Coots (RIN: 1018–AT87) received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4464. A letter from the Acting Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule—Endangered and Threatened Wildlife and Plants; Exclusion of U.S. Captive-Bred Scimitar-Horned Oryx, Addax, and Dama Gazelle From Certain Prohibitions (RIN: 1018-AT95) received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4465. A letter from the Assistant Secretary, Land and Minerals Management, Department of the Interior, transmitting the Department's final rule—Oil and Gas Leasing: Onshore Oil and Gas Operations—Fees, Rentals and Royalty Stripper Well Royalty Reductions Retention of Records [WO-310-1310-PB-24 1A] (RIN: 1004–AD71) received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4466. A letter from the Assistant Secretary, Land and Minerals Management, Department of the Interior, transmitting the Department's final rule—Mining Claim and Site Maintenance and Location Fees—Fee Adjustment [WO–620–1990–00–24 1A] (RIN: 1004-AD75) received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4467. A letter from the Acting Chief Counsel, Bureau of Public Debt, Department of the Treasury, transmitting the Department's final rule—Sale and Issue of Marketable Book-Entry Treasury Bills, Notes, and Bonds (Department of the Treasury Circular, Public Debt Series No. 1-93); Regulations Governing Book-Entry Treasury Bonds, Notes and Bills Held in Legacy Treasury Direct; Regulations Governing Securities Held in TreasuryDirect—received September 27, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4468. A letter from the Acting Chief Counsel, Bureau of Public Debt, Department of the Treasury, transmitting the Department's final rule—General Regulations Governing U.S. Securities; Regulations Governing U.S. Savings Bonds, Series A, B, C, D, E, F, G, H, J, and K, and U.S. Savings Notes; Regulations Governing United States Savings Bonds, Series EE and HH; Regulations Governing Book-Entry Treasury Bonds, Notes and Bills (Department of the Treasury Circular, Public Debt Series No. 2-86); Regulations Governing Definitive United States Savings Bonds, Series I; Regulations Governing Securities Held in the New Treasury Direct System. Received September 27, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4469. A letter from the Legal Information Assistant, Office of Thrift Supervision, Department of Treasury, transmitting the Department's final rule—EGRPRA Regulatory Review—Application and Reporting Requirements [No. 2005–34] (RIN: 1550–AB93) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4470. A letter from the Director, NIST, Department of Commerce, transmitting the Department's final rule—Fastener Quality Act [Docket No. 050705177-5177-01] (RIN: 0693-AB55) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Science and Energy and Commerce.

[Submitted October 17, 2005]

4471. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Imidacloprid; Pesticide Tolerances for Emergency Exemptions [OPP-2005-0260; FRL-7738-8] received October 4, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4472. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of the enclosed list of officers to wear the insignia of the next higher grade in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

4473. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement of Major General Roger C. Schultz, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

4474. A letter from the Principal Deputy Under Secretary for Personnal and Readiness, Department of Defense, transmitting authorization of Lieutenant General Duncan J. McNabb, United States Air Force, to wear the insignia of the grade of general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

4475. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of Lieutenant General William S. Wallace, United States Army, to wear the insignia of the grade of general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

4476. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of Major General Ann E. Dunwoody, United States Army, to wear the insignia of the grade of lieutenant general in accordance with title 10 United States Code, section 777; to the Committee on Armed Services.

4477. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of Major General Douglas M. Fraser, United States Air Force, to wear the insignia of the grade of lieutenant general in accordance with title 10 United States Code, section 777; to the Committee on Armed Services.

4478. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of Lieutenant General Duncan J. McNabb, United States Air Force, to wear the insignia of the grade of general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

4479. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of Major General Gary L. North, United States Air Force, to wear the insignia of the grade of lieutenant general in accordance with title 10 United States Code, section 777; to the Committee on Armed Services.

4480. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of Major

General Frank G. Klotz, United States Air Force, to wear the insignia of the grade of lieutenant general in accordance with title 10 United States Code, section 777; to the Committee on Armed Services.

4481. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of Major General Stephen R. Lorenz, United States Air Force, to wear the insignia of the grade of lieutenant general in accordance with title 10 United States Code, section 777; to the Committee on Armed Services.

4482. A letter from the Secretary, Department of Defense, transmitting a report to Congress in response to the Electromagnets Pulse (EMP) Commission's report, pursuant to Section 1403 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001; to the Committee on Armed Services.

4483. A letter from the Assistant Secretary for Special Education and Rehabilitation Services, Department of Education, transmitting the Department's final rule—National Institute on Disability and Rehabilitation Research—Disability and Rehabilitation Research Projects and Centers Program—Disability and Rehabilitation Research Projects—received July 22, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

4484. A letter from the Assistant Secretary for Special Education and Rehabilitative Services, Department of Education, transmitting the Department's final rule—National Institute on Disability and Rehabilitation Research—Disability and Rehabilitation Research Projects and Centers Program—Rehabilitation Research and Training Centers—received July 22, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

4485. A letter from the Assistant Secretary for Vocational and Adult Education, Department of Education, transmitting the Department's final rule—Office of Vocational and Adult Education, Department of Education; Notice of Funding of Continuation Grants and Waiver for the Career Resources Network (CRN) Program—September 20, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

4486. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Interim Guidance on Control of Volatile Organic Compounds in Ozone State Implementation Plans [OAR-2003-0032; FRL-7965-4] received September 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4487. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Endocrine Disruptor Screening Program; Chemical Selection Approach for Initial Round of Screening [OPPT-2004-0109 FRL-7716-9] received September 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4488. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Nashville-Davidson County; Revised Format for Materials Being Incorporated by Reference [TN-200507; FRL-7972-5] received October 4, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4489. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Texas; Texas Low-Emission Diesel Fuel Program [R06-OAR-2005-TX-0020; FRL-7982-2] received October 4, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4490. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Plans For Designated Facilities and Pollutants: Massachusetts; Negative Declaration [R01-OAR-2005-MA-0002; FRL-7981-5] received October 4, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4491. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Control of Emissions of Hazardous Air Pollutants From Mobile Sources: Default Baseline Revision [OAR-2002-0042; FRL-7981-4] (RIN: 2060-AJ97) received October 4, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4492. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Prevention of Significant Deterioration for Nitrogen Oxides [AD-FRL-7981-1; E-Docket ID No. OAR-2004-0013 (Legacy Docket No. A-87-16)] (RIN: 2060-AM33) received October 4, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4493. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Revision to the Motor Vehicle Enhanced I/M Program—Philadelphia, Pittsburgh, South Central, and Northern Regions and Safety Inspection Program Enhancements for Non-I/M Regions [R03-OAR-2004-PA-0001, R03-OAR-2004-PA-0002; FRL-7980-5] received September 30, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4494. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans for Kentucky; Inspection and Maintenance Program Removal for Northern Kentucky; New Solvent Metal Cleaning Equipment; Commercial Motor Vehicle and Mobile Equipment Refinishing Operations [R04-OAR-2004-KY-0003-200529; FRL-7979-7-A] received September 30, 3005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4495. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; New York State Implementation Plan Revision: [Region 2 Docket No. R02-OAR-2005-NY-0003, FRL-7971-5] received September 30, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4496. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Plans for Designated Facilities and Pollutants: Bernalillo County, New Mexico; Negative Declaration [R06-OAR-2004-NM-0002; FRL-7979-3] received September 30, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4497. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants for Secondary Aluminum Production [OAR-2002-0084; FRL-7978-4] (RIN: 2060-AN38) received September 30, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4498. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Texas; Permits by Rule [R06-OAR-2005-TX-0016; FRL-7975-9] received September 27, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4499. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Idaho; Correcting Amendment [R10-OAR-2005-ID-0002; FRL-7977-5] received September 27, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4500. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Plan for Designated Facilities and Pollutants; North Carolina [RO4-OAR-2005-NC-0003-200532(a); FRL-7976-5] received September 27, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4501. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Cross-Media Electronic Reporting [FRL-7977-1] (RIN: 2025-AA07) received September 27, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4502. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Montana: Final Authorization of State Hazardous Waste Management Program Revision [FRL-7977-4] received September 27, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4503. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Reimbursement to Local Governments for Emergency Responses to Hazardous Substances Releases [SFUND-2005-0009; FRL-7976-2] (RIN: 2050-AE36) received September 27, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4504. A letter from the Principal Deputy Associate Administrator, Environmental Protetcion Agency, transmitting the Agency's final rule—Approval and Promulgation of State Plans for Designated Facilities and Pollutants; Oklahoma; Plan for Controlling Emissions From Commercial and Industrial Solid Waste Incineration Units [R06-OAR-2005-OK-0004; FRL-7979-7] received September 30, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4505. A letter from the Director, International Cooperation, Department of Defense, transmitting pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, a copy of Transmittal No. 08-05 which informs of an intent to sign Amendment Number Six to te Arrow System Improvement Program (ASIP) Memorandum of Agreement (MOA) between the United States and Israel, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

4506. A letter from the Director, International Cooperation, Department of Defense, transmitting pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, a copy of Transmittal No. 09-05 which informs of an intent to sign the Ballistic Missile Defense Technology (BMDT) Memorandum of Agreement (MOA) between the United States and Denmark, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

4507. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 05-36, concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance to Saudi Arabia for defense articles and services; to the Committee on International Relations.

4508. A letter from the Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 06-06, concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance to Saudi Arabia for defense articles and services; to the Committee on International Relations.

4509. A letter from the Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 06-05, concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance to Saudi Arabia for defense articles and services; to the Committee on International Relations.

4510. A letter from the Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 06-04, concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance to Saudi Arabia for defense articles and services; to the Committee on International Relations.

4511. A letter from the Acting Deputy Secretary, Department of Defense, transmitting reports pursuant to the Emergency Supplemental Appropriations Act for Defense, the Global War an Terror, and Tsunami Relief, 2005, Public Law 109-13; to the Committee on International Relations.

4512. A letter from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b; to the Committee on International Relations.

4513. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(d) of the Arms Export Control Act, certification regarding the proposed license for the manufacture of defense equipment from the Government of Japan (Transmittal No. DDTC 030-05); to the Committee on International Relations.

4514. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification regarding the proposed license for the export of defense equipment (Transmittal No. DDTC 045-05); to the Committee on International Relations.

4515. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification regarding the proposed license for the export of defense articles and services to the Government of Japan (Transmittal No. DDTC 027-05); to the Committee on International Relations.

4516. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting Accountability Review Board report and recommendations concerning serious injury, loss of life or significant destruction of property at a U.S. mission abroad, pursuant to 2 U.S.C. 4831 et seq.; to the Committee on International Relations.

4517. A letter from the Chief Human Capital Officer/Director, HCM, Department of Energy, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

4518. A letter from the Asst. Secretary for Administration & Management, Department of Labor, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

4519. A letter from the Asst. Secretary for Administration & Management, Department of Labor, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

4520. A letter from the Attorney Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

4521. A letter from the Associate Legal Counsel, Equal Employment Opportunity Commission, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

4522. A letter from the General Counsel (Acting), Export-Import Bank of the United States, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

4523. A letter from the General Counsel (Acting), Export-Import Bank of the United States, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

4524. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Streamlining the General Pretreatment Regulations for Existing and New Sources of Pollution [OW-2002-0007; FRL-7980-4] (RIN: 2040-AC58) received October 4, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4525. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Revision of Wastewater Treatment Exemptions for Hazardous Waste Mixtures ("Headworks Exemptions") [RCRA-2002-0028; FRL-7980-1] (RIN: 2050-AE84] received September 30, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. POMBO: Committee on Resources. H.R. 2383. A bill to redesignate the facility of the Bureau of Reclamation located at 19550 Kelso Road in Byron, California, as the "C.W. 'Bill' Jones Pumping Plant" (Rept. 109–247). Referred to the House Calendar.

Mr. GINGREY: Committee on Rules. House Resolution 493. Resolution providing for consideration of the bill (S. 397) to prohibit civil liability actions from being brought or continued against manufacturers, distributors, dealers, or importers of firearms or ammunition for damages, injunctive or other relief resulting from the misuse of their products by others (Rept. 109–248). Referred to the House Calendar.

Mr. GINGREY: Committee on Rules. House Resolution 494. Resolution providing for consideration of the bill (H.R. 554) to prevent legislative and regulatory functions from being usurped by civil liability actions brought or continued against food manufacturers, marketers, distributors, advertisers, sellers, and trade associations for claims of injury relating to a person's weight gain, obesity, or any health condition associated with weight gain or obesity (Rept. 109–249). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. PORTER (for himself, Mr. Tom Davis of Virginia, Mr. Waxman, Mr. Davis of Illinois, and Mr. Van Hollen):

H.R. 4057. A bill to provide that attorneys employed by the Department of Justice shall be eligible for compensatory time off for travel under section 5550b of title 5, United States Code; to the Committee on Government Reform.

By Mr. WELLER:

H.R. 4058. A bill to amend the Internal Revenue Code of 1986 to modify the construction contract exception to the percentage of completion method for determining income under long-term contracts; to the Committee on Ways and Means.

By Mr. SMITH of New Jersey (for himself, Mr. Doyle, Mr. Burton of Indiana, and Mr. Weldon of Florida):

H.R. 4059. A bill to amend the Individuals with Disabilities Education Act to enhance educational services for persons with autism spectrum disorders, to expand loan forgiveness for teachers of autistic children, and for other purposes; to the Committee on Education and the Workforce.

By Mr. ABERCROMBIE:

H.R. 4060. A bill to amend the Internal Revenue Code of 1986 to allow a 100 percent deduction for meal and entertainment expenses; to the Committee on Ways and Means.

By Mr. BUYER (for himself, Mr. Evans, Mr. Bilirakis, Mr. Strickland, Mr. Everett, Mr. Brown of South Carolina, Mr. Boozman, Mr. Filner, Mr. Gutierrez, Ms. Corrine Brown of Florida, Mr. Reyes, Ms. Ginny Brown-Waite of Florida, Mr. Burton of Indiana, Mr. Udall of New Mexico, Mr. Bradley of New Hampshire, Mr. Moran of Kansas, and Mr. Turner):

H.R. 4061. A bill to amend title 38, United States Code, to improve the management of information technology within the Department of Veterans Affairs by providing for the Chief Information Officer of that Department to have authority over resources, budget, and personnel related to the support function of information technology, and for other purposes; to the Committee on Veterans' Affairs.

By Mrs. LOWEY (for herself, Mr. Emanuel, Mr. Case, Mr. Conyers, Mrs. Maloney, Mr. Jackson of Illinois, Mrs. Christensen, Mr. Owens, Mr. Kildee, Mr. McNulty, Mr. Payne, Mr. Price of North Carolina, Mr. Reyes, Mr. Hoyer, Mr. Van Hollen, Mr. Pallone, Mr. DeFazio, Mr. Inslee, Mr. McGovern, Mr. Gutierrez, Ms. Bean, Ms. Jackson-Lee of Texas, Mr. Nadler, Mr. Schiff, Mr. Skelton, Mr. Sanders, Ms. Bordallo, Mr. Moran of Virginia, Mr. Markey, Mr. Wexler, Mr. Ackerman, and Mr. Allen):

H.R. 4062. A bill to amend the Public Health Service Act with respect to preparation for an influenza pandemic, including an avian influenza pandemic, and for other purposes; to the Committee on Energy and Commerce.

By Mrs. LOWEY (for herself, Mrs. Maloney, Mr. Emanuel, Mr. Owens, Mr. Meek of Florida, Ms. Jackson-Lee of Texas, Ms. Millender-McDonald, Mr. Sherman, Mr. Sanders, Mr. Levin, and Mr. Wexler):

H.R. 4063. A bill to direct the Secretary of Health and Human Services to develop a policy for managing the risk of food allergy and anaphylaxis in schools; to the Committee on Energy and Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MILLER of Florida:

H.R. 4064. A bill to provide for the inclusion of Department of Defense property on Santa Rosa and Okaloosa Island, Florida, in the Gulf Islands National Seashore if the property is ever excess to the needs of the Armed Forces; to the Committee on Armed Services, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. OSBORNE:

H.R. 4065. A bill to amend the Immigration and Nationality Act to provide certain undocumented workers with temporary work visas; to the Committee on the Judiciary.

By Mr. PAUL:

H.R. 4066. A bill to amend the Internal Revenue Code of 1986 to allow individuals either a credit against income tax or a deduction for expenses paid or incurred by reason of a voluntary or mandatory evacuation; to the Committee on Ways and Means.

By Ms. VELÁZQUEZ (for herself, Mr. Serrano, Ms. Lee, Mr. Kucinich, and Mr. Filner):

H.R. 4067. A bill to reform the program of block grants to States for temporary assistance for needy families; to the Committee on Ways and Means.

By Mr. VISCLOSKY:

H.R. 4068. A bill to authorize the Secretary of the Interior to lease a portion of a visitor center to be constructed outside the boundary of the Indiana Dunes National Lakeshore in Porter County, Indiana, and for other purposes; to the Committee on Resources.

By Mr. SHAW (for himself, Mr. Pomeroy, and Mr. English of Pennsylvania):

H.R. 4069. A bill to amend the Internal Revenue Code of 1986 to extend the period that regulated investment companies may carryover capital losses; to the Committee on Ways and Means.

By Mr. POMBO:

H. Con. Res. 267. Concurrent resolution expressing the sense of the Congress upholding the Makah Tribe treaty rights; to the Committee on Resources.

By Mr. BOEHLERT (for himself, Mr. Gordon, Mr. King of New York, Mr. Thompson of Mississippi, Mr. Honda, Mr. Sherman, Mr. Upton, Ms. Eshoo, Ms. Zoe Lofgren of California, Mr. Wu, and Mr. Smith of Texas):

H. Res. 491. A resolution expressing the sense of the House of Representatives with respect to raising awareness and enhancing the state of computer security in the United States, and supporting the goals and ideals of National Cyber Security Awareness Month; to the Committee on Science. considered and agreed to.

By Mr. HYDE (for himself, Mr. Lantos, Mr. Leach, Mr. Faleomavaega, Mr. Burton of Indiana, Mr. Ackerman, Ms. Ros-Lehtinen, Mr. Crowley, and Mr. Menendez):

H. Res. 492. A resolution mourning the loss of life caused by the earthquake that occurred on October 8, 2005, in Pakistan and India, expressing the condolences of the American people to the families of the victims, and urging assistance to those affected; to the Committee on International Relations.

By Mr. ENGEL (for himself, Mr. Lantos, Mr. Gallegly, Mr. Wexler, Mrs. Kelly, Mr. McGovern, Mr. King of New York, Mr. Crowley, Mr. Kirk, Mrs. Maloney, Mr. Meeks of New York, Mr. Smith of New Jersey, and Ms. Wasserman Schultz):

H. Res. 495. A resolution commending the people of the Republic of Albania on the 60th anniversary of the end of World War II for protecting and saving the lives of the majority of Jews living in Albania during the Holocaust; to the Committee on International Relations.

By Mr. PAYNE (for himself, Mr. Tancredo, Mr. Wolf, Mr. Lantos, Mr. Meeks of New York, Ms. McCollum of Minnesota, and Ms. Watson):

H. Res. 496. A resolution honoring the life and achievements of the late Dr. John Garang de Mabior and reaffirming the continued commitment of the House of Representatives to a just and lasting peace in the Republic of the Sudan; to the Committee on International Relations.

By Mr. RANGEL:

H. Res. 497. A resolution recognizing and honoring the life and achievements of Constance Baker Motley, a judge for the United States District Court, Southern District of New York; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 49: Mr. Higgins and Mr. Olver.

H.R. 219: Mr. Bartlett of Maryland.

H.R. 226: Mrs. Capito.

H.R. 302: Mr. Udall of Colorado.

H.R. 305: Mr. Kline.

H.R. 311: Mr. Moore of Kansas, Mr. Sherman, and Mr. Berman.

H.R. 500: Mrs. Cubin.

H.R. 503: Mr. Larson of Connecticut.

H.R. 517: Mr. Ruppersberger, Mr. Crenshaw, Mrs. Cubin, Mr. Rothman, Mr. Menendez, and Mr. Van Hollen.

H.R. 535: Ms. McKinney and Mr. Jackson of Illinois.

H.R. 583: Mr. Burgess and Mr. Shuster.

H.R. 602: Mr. Thompson of Mississippi.

H.R. 615: Mr. Ross and Mr. Andrews.

H.R. 668: Ms. Roybal-Allard.

H.R. 759: Mr. Cleaver and Mr. Sherman.

H.R. 777: Mr. Inglis of South Carolina.

H.R. 813: Mr. Nadler, Mr. Etheridge, and Mr. Miller of North Carolina.

H.R. 872: Mr. Cooper, Mr. Rothman, Mr. Kildee, Mr. Allen, Mrs. Capps, Mr. Olver, and Ms. Schwartz of Pennsylvania.

H.R. 874: Mr. Boustany.

H.R. 884: Mr. Sweeney.

H.R. 887: Mr. Honda.

H.R. 920: Mr. Souder.

H.R. 923: Mr. Serrano and Mr. Fortuño.

H.R. 949: Ms. Lee and Mr. Israel.

H.R. 972: Mr. Menendez and Mrs. Davis of California.

H.R. 986: Mr. Ross and Mr. Higgins.

H.R. 994: Mr. Emanuel, Ms. Schakowsky, Mr. Lipinski, Mr. Bonner, Mr. Shaw, Mr. Kucinich, Mr. Tanner, Mr. Becerra, Mr. LaHood, Mr. Brown of South Carolina, Ms. Loretta Sanchez of California, and Mr. Schwarz of Michigan.

H.R. 998: Mr. Sodrel.

H.R. 1000: Mr. Fitzpatrick of Pennsylvania.

H.R. 1002: Mr. Walsh, Mr. McCotter, Mr. McIntyre, Mrs. Davis of California, and Mr. Holt.

H.R. 1010: Mr. Neal of Massachusetts and Mr. Levin.

H.R. 1227: Mr. Davis of Kentucky, Mr. Lantos, and Mr. Ortiz.

H.R. 1246: Mrs. Cubin and Mr. Becerra.

H.R. 1251: Mr. Serrano.

H.R. 1298: Mr. Issa, Mr. Becerra, Ms. DeGette, and Mr. LoBiondo.

H.R. 1329: Mr. Shays and Mr. Brown of South Carolina.

H.R. 1369: Mr. Forbes.

H.R. 1409: Mr. Van Hollen.

H.R. 1426: Mr. Conyers.

H.R. 1510: Mr. Sodrel and Mr. Sessions.

H.R. 1526: Ms. DeGette.

H.R. 1578: Mr. Linder.

H.R. 1588: Mr. Brown of Ohio and Ms. Slaughter.

H.R. 1591: Mr. Van Hollen.

H.R. 1621: Mr. Waxman and Mr. Dingell.

H.R. 1636: Mr. Engel.

H.R. 1664: Mr. Larsen of Washington.

H.R. 1681: Mr. Ruppersberger.

H.R. 1696: Mr. Etheridge.

H.R. 1736: Mr. Jones of North Carolina.

H.R. 1742: Mr. Fattah.

H.R. 1819: Ms. Corrine Brown of Florida.

H.R. 1849: Mr. Fortuño.

H.R. 1859: Mr. Udall of Colorado.

H.R. 1864: Mr. Ramstad, Mr. Shays, Mrs. Maloney, Ms. Zoe Lofgren of California, Mr. Souder, Mr. Gene Green of Texas, and Mr. Lincoln Diaz-Balart of Florida.

H.R. 1973: Mrs. Davis of California and Mr. Evans.

H.R. 2048: Mr. Holt and Mr. Rangel.

H.R. 2199: Mr. Cummings.

H.R. 2238: Mr. Hastings of Florida.

H.R. 2294: Mr. Simmons.

H.R. 2421: Mr. Turner, Mr. Baca, Mr. Hoyer, Mr. Sherman, Mr. Kind, Mr. Gene Green of Texas, Ms. Kaptur, Ms. Pryce of Ohio, and Mr. Foley.

H.R. 2669: Mr. Smith of New Jersey, Mr. Pallone, Ms. Norton, Mr. Olver, Mr. Emanuel, Mr. Dicks, Mrs. Maloney, and Mr. Schiff.

H.R. 2682: Mr. Abercrombie.

H.R. 2694: Mr. Higgins, Mr. Honda, and Mr. Cummings.

H.R. 2721: Mr. Boren.

H.R. 2793: Mr. Moran of Kansas.

H.R. 2803: Mr. PENCE, Mr. HINCHEY, and Mrs. BONO.

H.R. 2804: Mr. SOUDER and Mrs. MYRICK.

H.R. 2811: Mr. JACKSON of Illinois.

H.R. 2830: Mr. MANZULLO.

H.R. 2835: Mr. HONDA and Mr. ROSS.

H.R. 2841: Ms. DeGETTE.

H.R. 2861: Mr. CUMMINGS, Mr. DICKS, and Mr. STUPAK.

H.R. 2874: Mr. PASTOR, Mr. HONDA, Mr. REYES, and Mr. EMANUEL.

H.R. 2892: Mrs. MALONEY and Mr. FARR.

H.R. 2961: Mr. BOUCHER, Mr. LaHOOD, and Mrs. JO ANN DAVIS of Virginia.

H.R. 2971: Mr. SHIMKUS.

H.R. 2989: Mr. ROSS, Mr. MENENDEZ, Mr. PRICE of North Carolina, and Mr. VAN HOLLEN.

H.R. 3127: Mr. HASTINGS of Florida, Mr. JACKSON of Illinois, Ms. WOOLSEY, and Mr. WELDON of Pennsylvania.

H.R. 3150: Mr. JONES of North Carolina.

H.R. 3151: Mr. MICHAUD.

H.R. 3162: Mr. ABERCROMBIE.

H.R. 3255: Mr. TANNER.

H.R. 3276: Mr. McCAUL of Texas.

H.R. 3333: Mr. SULLIVAN.

H.R. 3352: Mrs. MUSGRAVE.

H.R. 3361: Mr. PETERSON of Minnesota and Ms. MATSUI.

H.R. 3373: Mr. MICA, Mr. ISRAEL, Mr. NEAL of Massachusetts, Mr. REYNOLDS, Mr. MICHAUD, and Mr. SCOTT of Georgia.

H.R. 3405: Mr. ROGERS of Alabama, Mr. HUNTER, Mr. PAUL, Mr. BARROW, Mr. KLINE, MR. AKIN, and Mr. CULBERSON.

H.R. 3417: Mr. BRADY of Pennsylvania and Mr. EVANS.

H.R. 3492: Mr. LEWIS of Georgia.

H.R. 3548: Mr. SWEENEY.

H.R. 3561: Mr. CLAY, Mr. VAN HOLLEN, and Mr. RUPPERSBERGER.

H.R. 3579: Mr. GRIJALVA.

H.R. 3582: Mr. McHUGH.

H.R. 3601: Mr. ACKERMAN.

H.R. 3616: Mr. CHABOT.

H.R. 3617: Mr. WALSH, Ms. SLAUGHTER, and Mr. SIMMONS.

H.R. 3644: Mr. HIGGINS.

H.R. 3700: Mr. GOODE.

H.R. 3704: Mr. DUNCAN.

H.R. 3710: Mr. KENNEDY of Rhode Island.

H.R. 3758: Mr. BERMAN and Ms. LORETTA SANCHEZ of California.

H.R. 3764: Mr. POMEROY and Mr. DAVIS of Florida.

H.R. 3800: Mr. SANDERS.

H.R. 3832: Mr. JACKSON of Illinois.

H.R. 3852: Mr. MEEKS of New York.

H.R. 3917: Ms. WOOLSEY.

H.R. 3918: Mrs. BLACKBURN and Mr. MANZULLO.

H.R. 3936: Ms. BERKLEY, Mr. DOYLE, Ms. BALDWIN, Mr. GONZALEZ, Mrs. CHRISTENSEN, Mr. RYAN of Ohio, Mr. McGOVERN, Mr. BERRY, Mr. FRANK of Massachusetts, Mr. LEVIN, Mr. GRIJALVA, Mr. TIERNEY, Mr. UDALL of Colorado, Mr. CARNAHAN, Mr. BECERRA, Ms. DeGETTE, Mr. WAXMAN, and Mr. ALLEN.

H.R. 3953: Mr. FEENEY, Mr. KELLER, and Mr. WEXLER.

H.R. 3954: Mr. ETHERIDGE.

H.R. 3974: Mr. BACA, Mr. ROGERS of Alabama, Mrs. MUSGRAVE, Mr. BOREN, Mr. RAHALL, and Mr. SALAZAR.

H.R. 4012: Mr. OWENS, Mr. BERMAN, and Mr. WEXLER.

H.R. 4018: Mr. NORWOOD and Mr. RYUN of Kansas.

H.R. 4021: Mr. TOM DAVIS of Virginia and Ms. MILLENDER-McDONALD.

H.R. 4025: Mr. BACA, Mr. ABERCROMBIE, Mrs. MALONEY, Mr. VAN HOLLEN, Mr. MORAN of Kansas, Mr. OBERSTAR, and Mrs. TAUSCHER.

H.R. 4030: Mr. DOGGETT, Mr. AL GREEN of Texas, Mr. PAYNE, Mr. BACA, and Mr. WEXLER.

H.R. 4033: Mrs. McCARTHY, Mr. UPTON, Mr. STEARNS, and Mr. SAXTON.

H.R. 4052: Ms. BALDWIN and Mr. JACKSON of Illinois.

H.J. Res. 38: Mr. DOYLE.

H. Con. Res. 106: Mr. DOYLE.

H. Con. Res. 177: Mr. McHUGH.

H. Con. Res. 197: Mrs. MALONEY and Ms. HARMAN.

H. Con. Res. 230: Mr. GARRETT of New Jersey, Mr. BEAUPREZ, Mr. MACK, Mr. BISHOP of Georgia, Mr. OLVER, Mr. MANZULLO, Mr. DAVIS of Florida, and Mr. POE.

H. Con. Res. 231: Mr. PRICE of North Carolina, Mr. MATHESON, and Mr. McNULTY.

H. Con. Res. 234: Mr. OLVER and Mr. SANDERS.

H. Con. Res. 260: Mr. McCOTTER, Mr. TERRY, Mr. BISHOP of Georgia, Mr. PALLONE, Mr. WAXMAN, MS. ROS-LEHTINEN, Mr. CROWLEY, Mr. ENGEL, and Mr. LANTOS.

H. Con. Res. 262: Mr. LARSEN of Washington, Mr. ABERCROMBIE, and Mr. MEEKS of New York.

H. Res. 31: Mr. BROWN of Ohio.

H. Res. 76: Mr. McINTYRE, Mr. PAYNE, and Mr. FILNER.

H. Res. 97: Mr. PLATTS.

H. Res. 223: Mr. BROWN of Ohio.

H. Res. 316: Mr. MICHAUD.

H. Res. 404: Mr. SPRATT.

H. Res. 449: Mr. WEXLER and Mr. KIND.

H. Res. 457: Mr. BISHOP of Georgia, Mr. LIPINSKI, Mr. McGOVERN, Mr. SKELTON, and Mr. HONDA.

H. Res. 458: Mr. MEEKS of New York, Mr. MENENDEZ, Mr. GENE GREEN of Texas, Ms. WASSERMAN SCHULTZ, Mr. BISHOP of Georgia, Mr. JACKSON of Illinois, and Mr. DOYLE.

H. Res. 472: Mr. COLE of Oklahoma.

H. Res. 477: Mrs. MALONEY, Mr. TOWNS, Mr. FILNER, Mr. GUTIERREZ, and Mrs. TAUSCHER.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3954: Mr. BISHOP of Utah.

EXTENSIONS OF REMARKS

U.S. CIVILIAN RESEARCH AND DEVELOPMENT FOUNDATION (CRDF) MARKS ITS FIRST DECADE OF CONTRIBUTING TO A SAFER WORLD

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 17, 2005

Mr. LANTOS. Mr. Speaker, I invite my colleagues to join me in marking the 10th anniversary of the U.S. Civilian Research and Development Foundation (CRDF). Established in 1995, the Foundation was created to employ in peaceful scientific pursuits scientists from the former Soviet Union.

The Congress adopted legislation in 1992 to create the CRDF to provide grants for joint scientific research between scientists from the countries of the former Soviet Union and the United States. The effort is to fund non-military research and development projects, to provide employment and advancement of science with scientists that otherwise might be forced to seek employment with rogue nations using their knowledge and experience with weapons of mass destruction and other military research in order to support their families. In 1995 the CRDF was formally established by the Director of the National Science Foundation. Since that time the organization has put former Soviet scientists to work on a myriad of peaceful projects that have contributed to a better life for people around the globe.

Mr. Speaker, the current Chair of the Board of CRDF is Gloria Duffy from the San Francisco Bay Area. In the Clinton Administration, Gloria was U.S. Special Coordinator for Cooperative Threat Reduction and Deputy Assistant Secretary of Defense, and there she focused on preventing the spread of nuclear, chemical, and biological weapons from the countries of the former Soviet Union.

After serving in the Department of Defense, Gloria became the President and CEO of the Commonwealth Club of San Francisco, the nation's largest, oldest and most distinguished civic forum. Under Gloria's able direction, the Commonwealth Club organizes some 400 forums each year on public policy issues which are held in person, on radio and television, and on the Internet.

One of the best examples of exactly what CRDF does and of the creative talent that goes into its work is an article by Gloria Duffy that appeared in The Commonwealth (September 15, 2005), the publication of the Commonwealth Club. Mr. Speaker, I ask unanimous consent that the article, "Teeth Whitening and Terrorism," by Gloria Duffy be placed in the RECORD, and I urge all of my colleagues to read it.

[From the Commonwealth, Sept. 15, 2005]

TEETH WHITENING AND TERRORISM

(By Gloria C. Duffy)

Peter the Great began the long and distinguished history of Russian science in 1724, creating the Russian Academy of Sciences in St. Petersburg to ensure that Russia kept pace with the rest of Europe in contributing to the scientific discoveries of the age. During the Cold War, the Soviet Union continued to pour funds into science. But under the Soviets, much of Russia's superb scientific training and research was turned to military purposes, to create nuclear, chemical and biological weapons. The majority of scientists worked for the government.

When the Soviet Union disintegrated in 1991, the cash-strapped governments of the former Soviet states had little money to continue supporting the work of their chemists, physicists, geologists, mathematicians and biologists. So they abruptly cut the scientists' funding. This personal disaster for the scientists was also tragic for their societies, which could benefit so greatly from their contributions to medicine, industry and the quality of life.

Of particular concern to the international community: because of their work during the Cold War, hundreds of thousands of these scientists had critical knowledge of how to build weapons of mass destruction. In an era when terrorists and rogue countries are seeking nuclear, chemical and biological weapons, these legions of unemployed or underemployed scientists present a very real threat. One story from the early 1990s, perhaps apocryphal, tells of a planeload of Russian scientists stopped by authorities on the runway at Moscow's Sheremetyevo Airport, bound for Iran, or North Korea or Iraq.

Enter a Riverside, California, Congressman, George Brown, with a bright idea. An industrial physicist and chairman of the House Science Committee, in 1992 Brown wrote legislation creating the U.S. Civilian Research and Development Foundation (CRDF). Set up as a nonprofit, non-governmental organization by the U.S. National Science Foundation, CRDF would fund collaboration between the U.S. and former Soviet scientific communities, the two greatest scientific groups in the world, which had been cut off from one another during the Cold War. CRDF would help scientists in the FSU to continue their contributions to world scientific knowledge, and to create more prosperous economies in their region. The Foundation would employ former Soviet weapons scientists on civilian research projects, giving them an alternative to selling their knowledge to other countries or terrorist groups.

Congressman Brown died in 1999, but CRDF was born in 1995 and will celebrate its 10th anniversary in Washington, D.C. in October. In the past decade, the Foundation has raised and channeled $249 million, in taxpayer dollars, private foundation and corporate funding, for joint scientific research. CRDF has run research competitions and given hundreds of grants for American-FSU research. It has provided travel grants for scientists from the 12 former Soviet states to attend conferences or visit colleagues in the United States, in many cases for the first time in their lives. CRDF has provided major scientific research equipment—spectrometers, lasers, electron microscopes—to consortia of researchers across Eurasia, who share use of the equipment.

CRDF has funded fellowships for young scientists at Russian universities and built a geodynamic research facility in Kyrgyzstan. It has refitted an oceanographic vessel, the Professor Kaganovskiy, so teams of U.S. and Russian researchers can measure the health of the Arctic Ocean's Pollock fish population. CRDF has launched a collaborative research project on treatment of HIV/AIDS. It has funded joint research by an Ohio start-up company and a Russian institute on advanced cancer detection technology, and funded training of Russian hospital staffs in infection control to prevent the spread of tuberculosis. After 9/11, CRDF established a joint U.S.-Russian research project on defense against bioterrorism, tapping the considerable Russian knowledge growing from their longtime biological weapons program.

CRDF has done all of this with low overhead, and with matching funds from the governments in the former Soviet countries. And the Foundation has paired scientists with companies and investors to explore the commercial potential of the joint research, so that it will eventually help the economies of that region and beyond. Some CRDF research projects have produced commercially viable products, including an energy-saving cryogenic process for refrigerating produce during transport that is already in use in the United States. My personal favorite among these success stories is teeth whitening strips. Every time you see a TV ad for these, think about how the method for making these strips adhere to the teeth came from one of CRDF's U.S.-Russian research projects.

And with terrorists on the hunt for nuclear weapons, CRDF has recently broadened its geographical range to provide former weapons scientists in Iraq and Libya with productive civilian alternatives for their skills.

On October 18, Marta Brown, widow of the late congressman, will be in Washington to help CRDF mark its 10th birthday. Kudos to Congressman Brown for a great idea, and to the U.S. and foreign officials, CRDF's dedicated staff, the participating scientists, funders and investors, and the volunteers who serve on its board for building this unique institution.

HONORING COAST GUARD AIR STATION SAVANNAH FOR ITS RESPONSE TO HURRICANE KATRINA

HON. JOHN BARROW

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 17, 2005

Mr. BARROW. Mr. Speaker, the U.S. House of Representatives and the citizens of Georgia's 12th Congressional District commend the

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

heroism of the crews of Coast Guard Air Station Savannah for their lifesaving efforts in the aftermath of Hurricane Katrina. Thanks to Coast Guard Air Station Savannah's immediate response in a time of need, 376 American lives were saved. Our nation will remain forever grateful to the following Coast Guardsmen for their selfless and noble actions: LCDR Mark Jones, LCDR John Hollingsworth, LT Steven Foran, LT Ryan Allen, LT Chris Howard, LT Matt Walker, LT Tim Eason, LTJG Andy Kirkpatrick, AST2 Scott Beitel, AST3 Matthew Laub, AST3 Jonathon Ardan, AMTCS Bryant Denning, AMT1 Chuck Hyland, AMT1 William Breiner, AMT1 Philip Vanhornbeck, and AMT2 Brandon Weaver.

RECOGNIZING THE COLONIAL LIFE AND ACCIDENT INSURANCE COMPANY OF COLUMBIA, SOUTH CAROLINA

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 17, 2005

Mr. WILSON of South Carolina. Mr. Speaker, in the aftermath of hurricanes Katrina and Rita, Colonial Life and Accident Insurance Company of Columbia, South Carolina has provided tremendous support to our neighbors in the Gulf Coast region.

Colonial recently provided the following description of the company's relief and recovery efforts. As Colonial continues to respond to this crisis, I am proud to recognize the company's generosity and service:

COLONIAL LIFE & ACCIDENT INSURANCE COMPANY RESPONSE TO HURRICANES

Like millions of others across the country, Colonial Life & Accident Insurance Company was shocked by the suffering and devastation caused by the recent Gulf Coast hurricanes, one of the greatest natural disasters in U.S. History. The company was concerned both for its several hundred contracted sales agents in Louisiana, Mississippi, Alabama, and Texas, and for its many thousands of customers who lost possessions, homes, jobs, and even loved ones.

In response, Colonial quickly announced that customers in affected areas will receive a grace period for premium payment through year-end 2005. Colonial took this action proactively before the states mandated grace periods and went well beyond the minimum state requirements. The company continues to work with employer and employee customers on a case-by-case basis to ensure their coverage continues and their claims receive priority attention. Colonial call center representatives have special instructions of supporting telephone calls from plan administrators and policyholders in the disaster areas, and the company has added new options to its automated phone system to ensure these calls are directed to the right places quickly.

The company also is supporting its sales agents in the affected areas, many of whom not only suffered personally but also have lost their business base for many months or possibly years to come. The company is making financial arrangements to help offset the lost commissions to these independent contractor agents and also is helping many of them find other temporary work opportunities. Colonial also established a special company-matched relief fund at a local bank to provide financial support to these agents in greatest need.

On a local level, Colonial employees are actively involved in drives to collect food, clothing and other vitally needed supplies for hurricane victims. The company is matching two-for-one employee donations to the American Red Cross and Salvation Army.

Colonial is committed to helping its producers and customers during this difficult time.

HONORING THE 50TH ANNIVERSARY OF THE VIENNA WOMAN'S CLUB

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 17, 2005

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today to commemorate the 50th anniversary of the Vienna Woman's Club located in Vienna, Virginia.

The Vienna Woman's Club is a service and civic organization that was formed under the name of the Vienna Hills Woman's Club by 22 women on October 12, 1955. The following year, the group became affiliated with the General Federation of Women's Clubs in January of 1956, and membership was expanded to all Vienna women. The club meets the third Wednesday of the month, and is responsible for numerous projects that enhance and contribute to the Vienna community.

Some instrumental projects the club has participated in for years include the club's scholarship program and the Policeman of the Year award. The Vienna Woman's Club inaugurated its scholarship program in 1962, and since that time has awarded approximately $100,000 in scholarships to Vienna high school students. In 1967, the club awarded its first Policeman of the Year award. Each year, the club recognizes a Town police officer and holds a banquet in his or her honor. The recipient also participates in the annual Vienna Halloween Parade, which is enjoyed by many Northern Virginia residents.

In addition, the club has helped to improve the community by helping to establish a branch of the Fairfax County Library, furnishing a room at Fairfax Hospital for a more comfortable stay for hospital patients, and has set up eye testing clinics for pre-school children. Some philanthropic events the club has participated in include the Annual Harvest Bazaar and Craft Fair, to which the proceeds are donated to the scholarship program, and contributing a generous donation to the Vienna Community Center. The club members have also worked to promote holiday cheer by acting as hostesses at the Annual Christmas Sing-Along held at Wolftrap Farm Park.

Mr. Speaker, in closing, I would like to commend and congratulate the Vienna Woman's Club on 50 years of success. They have served the interests of their community well, truly meriting recognition. I call upon my colleagues to join me in applauding their past accomplishments and in wishing the club continued success in the many years to come.

COUNCIL OF KHALISTAN CALLS ON ALL SIKHS TO SUPPORT FREEDOM

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 17, 2005

Mr. TOWNS. Mr. Speaker, recently, the Council of Khalistan issued an open letter in which it called for all Sikhs to work for independence for Khalistan. The letter cites abuses against the Sikh Nation such as the torture of Jagtar Singh Hawara, who had a cigarette forced into his mouth in contravention of a Sikh religious tenet and was forced to desecrate the Sikh holy scripture, the Guru Granth Sahib. This shows that there is no freedom and no tolerance for religious minorities in Hindu-dominated India. And unfortunately, whichever party is in power, the imposition of Hindu theocracy continues. The latest atrocities have occurred under the secular Congress Party, not the openly Hindu nationalist BJP.

It is outrageous that such atrocities against human beings are still occurring in the twenty-first century, Mr. Speaker. The civilized nations of the world must step in to put a stop to this tyrannical brutality.

We must do whatever we can to help all people live in freedom. We can start by ending our aid and our trade with India and by publicly demanding a free and fair vote to settle the question of independence for Khalistan and all the nations of South Asia the democratic way. Separating from India appears to be the only way that the Sikhs of Punjab, Khalistan, the Muslims of Kashmir, the Christians of Nagaland, and so many other minority groups will ever have a chance to live in the freedom that is their birthright as human beings.

I would like to introduce the Council of Khalistan's open letter into the RECORD for the information of my colleagues. It goes into much more detail than I am able to go into here. I urge my colleagues to read it carefully.

COUNCIL OF KHALISTAN,
Washington, DC, October 12, 2005.

ALL SIKHS MUST WORK FOR THE LIBERATION OF KHALISTAN

DEAR KHALSA JI: WAHEGURU JI KA KHALSA, WAHEGURU JI KI FATEH!

Recent events have underlined again the importance of liberating our homeland, Khalistan. All Sikhs must work toward that goal.

Recently, the Council of Khalistan completed its highly successful annual convention. There was great enthusiasm for Khalistan. There have been marches in Punjab demanding a free and sovereign Khalistan. Over 30,000 Sikhs were present at the raising of the Khalistan flag on the anniversary of the Golden Temple attack in June. 35 Sikhs were arrested and many were charged at that time for making speeches and raising the flag. On Republic Day the same thing happened. Sikhs were charged and arrested for raising the Sikh flag and making speeches in support of Khalistan. This blatant attempt to put an end to the Khalistan movement through the use of naked intimidation will not work.

Recently, Prime Minister Manmohan Singh apologized to the Sikh Nation for the

Indian government's massacre of Sikhs in Delhi in November 1984. Over 20,000 Sikhs were killed in these massacres while Sikh police were locked in their barracks and the state television and radio issued a call for more Sikh blood. Manmohan Singh's apology squarely establishes India's guilt and it is greatly appreciated. Now we await the apology for Operation Bluestar and the withdrawal of all Indian occupation forces from Punjab, Khalistan.

Captain Amarinder Singh became a hero of the Sikh Nation by asserting Punjab's sovereignty and preserving Punjab's natural resource, its river water, for the use of Punjab farmers by cancelling Punjab's water agreements. This action is saving Punjab from the Hindu regime's plan to make Punjab a desert and eliminate the Sikh Nation, the Sikh people, the Sikh culture, and the Sikh religion from the face of the Earth. The Delhi government, which is always a Hindu majority government whether the BJP or the Congress Party is in power, has never treated Punjab fairly. The government is determined to destroy the Sikh religion and the economy of Punjab.

A recent report issued by ENSAAF entitled Fabricating Terrorism through Illegal Detention and Torture shows that India is still illegally detaining and torturing Sikhs on false charges of "militancy." Yet India claims to have ended the "militancy" years ago. Why are there still Sikhs who are being arrested and tortured on these charges?

Jagtar Singh Hawara is a hero of the Sikh Nation. The Sikh Nation is proud of him. He is a living martyr whose name will be written in golden letters in Sikh history. According to the Indian Express of July 13, 2005, the Delhi police stuffed cigarettes in his mouth, in violation of the Sikh religion, and forced him to desecrate the Guru Granth Sahib. His attorney, Arvind Thalmr, expressed concern that Sardar Hawara could be eliminated in a fake encounter like so many thousands of Sikhs before him. This treatment is a deliberate affront to the entire Sikh Nation. How would Sardar Hawara's captors feel if they were forced to eat beef (cow meat) prepared by Halal!?

Sikhs will never get any justice from Delhi. The leaders in Delhi are only interested in imposing Hindu sovereignty over all the minorities to advance their own careers and their own power. Ever since independence, India has mistreated the Sikh Nation, starting with Patel's memo labelling Sikhs "a criminal tribe." What a shame for Home Minister Patel and the Indian government to issue this memorandum when the Sikh Nation gave over 80 percent of the sacrifices to free India.

The Sikhs in Punjab have suffered enormous repression at the hands of the Indian regime in the last 25 years. Even now, the capital of Punjab, Chandigarh, has not been handed over to Punjab. It was built as Punjab's capital but remains a Union Territory. The Indian government has murdered over 250,000 Sikhs since 1984. Over 50,000 Sikh youth were picked up from their houses, tortured, murdered in police custody, then secretly cremated as "unidentified bodies." Their remains were never even given to their families! 52,268 Sikhs sit in Indian jails as political prisoners without charge or trial, according to the Movement Against State Repression (MASR.) Some of them have been in illegal custody for 20 years! Even those sent to prison for life for murder only serve 16 years. According to Amnesty International, tens of thousands of others are also being held as political prisoners. We call for the immediate release of these Sikh political prisoners and all political prisoners in India. The Indian government must return remains to grieving Sikh families.

The attack on the Golden Temple, the murder of over 20,000 Sikhs in June 1984, diverting Punjab's river water to Hindu states without compensation, giving Punjab farmers lower prices for their produce, and other abuses have left Sikhs with no other choice but to sever all ties with Delhi and finally reclaim our lost sovereignty in a free and independent Sikh state called Khalistan, as declared on October 7, 1987. That is our destiny. Remember that the Guru gave us sovereignty: "In Grieb Sikhin Ko Deon Patshahi."

The time has come for the Sikh Nation to take its seat among the nations of the world at the United Nations and send its ambassadors to almost 200 countries around the world. This will promote the interests of the Sikh Nation and the Sikh religion worldwide. The Sikh diaspora will gain tremendous respect within their host countries when we have our own independent, sovereign country and representatives at the United Nations.

The Sikh Nation must beware of Sikh puppets of the Indian government. Such puppets do not serve our interests. If you want to be remembered as a true Sikh, Mr. Prime Minister, you will fire the Hindu militants from your government, release all political prisoners, and make compensation to the families of the victims of Indian government genocide against the Sikhs.

Nehru promised that Sikhs would have "the glow of freedom" in northwest India, but as soon as independence was achieved, he told Sikh leaders that "things have changed." His Home Minister, Patel, sent out a memo calling Sikhs "a criminal tribe." That is why no Sikh representative has ever signed the Indian constitution.

We must bring back our Khalsa spirit. We must commit ourselves to the greater well being of the Sikhs Nation and to the cause of freedom. We must remember our heritage and tradition of "Khalsa Bagi Yan Badshah" by committing ourselves to the cause of freedom for our Sikh brothers and sisters. Will you commit yourself to this cause, Prime Minister Singh, or will you be a tool of the regime that has unleashed a brutal genocide on our people?

Last year's seminar on Khalistan held in Chandigarh shows that the flame of freedom still burns brightly in Punjab in spite of the Indian government's brutal repression. Always remember our heritage: Raj Kare Ga Khalsa; Khalsa Bagi Yan Badshah. We call on you to take these necessary steps to bring the glow of freedom that was promised to the Sikhs to fruition. That is the only way that you can be considered a good Sikh in alignment with the gurus.

Panth Da Sewadar,
DR. GURMIT SINGH AULAKH,
President, Council of Khalistan.

CONGRATULATING PASTORS RANDALL AND SHARLENE HOLTS ON THIRTY YEARS OF MARRIAGE

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 17, 2005

Mr. MEEK of Florida. Mr. Speaker, I rise to congratulate and pay tribute to two people who are bound both by marriage, and by their service to God and our community. It is one of these ties that I want to recognize today, for Pastors Randall and Sharlene Holts of New Hope Missionary Baptist Church are celebrating their 30th wedding anniversary.

Reverend Randall E. Holts is the Senior Pastor of the New Hope Missionary Baptist Church of Miami. Since 1985, Pastor Holts has served as the Chief Administrator responsible for administering the spiritual and temporal affairs of the church. Under his dynamic leadership the congregation has grown to more than 2,500 members. In addition, in 1997, Pastor Holts and his leadership team organized and established the "New Hope Development Center, Inc.", a 501(c)3 non-profit organization. The mission of NHDC is to foster self-sufficiency of families through economic empowerment, and delivering human and social services to improve the quality of life for residents in the community.

Mrs. Sharlene D. Holts currently serves as Pastor of Women's Ministry at the New Hope Missionary Baptist Church of Miami, Florida. In December of 1995, Mrs. Holts heard and accepted the call of God summoning her to the Gospel Ministry. Since that time, she has faithfully prepared herself in prayer and study of the Word to do God's will.

Pastors Randall and Sharlene Holts were high school sweethearts, and are currently partners in life, as well as, ministry. They are the proud parents of Shontel Holts-Rich, Ericka Holts and Randall Holts, Jr.

Each is a valuable contributing member of the South Florida family, and together they have truly emerged as leaders helping to foster the empowerment of a people and an overall better quality of life in our community. Our prayers and good wishes go with them for many more happy, productive years in the future.

IN RECOGNITION OF BARBARA SEAMAN ON THE OCCASION OF HER 70TH BIRTHDAY CELEBRATION

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 17, 2005

Mrs. MALONEY. Mr. Speaker, I rise to acknowledge the achievements of Barbara Seaman, a great New Yorker, groundbreaking author, perceptive reporter and researcher and dear friend of mine. On October 2, 2005, many of Barbara's friends and colleagues will gather to celebrate her 70th birthday. I am very pleased to offer my best wishes to Barbara for a truly memorable and enjoyable afternoon.

I have heard it said more than once that Barbara Seaman is to women's health what Ralph Nader was to automobiles. Barbara's contributions to the welfare of women throughout the world have been simply extraordinary: she was the first reporter to expose the serious health risks posed by the birth control pill, and she pioneered efforts to allow women to take control of their own health care decisions.

Barbara's 1969 book on the dangers of oral contraceptives, The Doctors' Case Against the

Pill, spurred a U.S. Senate hearing on the topic, though patients harmed by the pill were not allowed to testify. The hearing became known as the "Boston Tea Party" of the women's movement when female audience members" demands to be heard repeatedly brought the proceedings to a halt. As a result of Barbara's work, the Federal Government required that health warnings be placed on oral contraception packaging and advertisements, a first for any prescription drug.

Barbara also strives to make sure that women have the information they need to make good decisions about a range of health topics, including contraception, childbirth and infant nutrition. Indeed, The New York Times commented that "Barbara Seaman triggered a revolution, fostering a willingness among women to take issues of health into their own hands."

In the 1980s, Barbara was essentially blacklisted from magazines by pharmaceutical companies who would not advertise in publications that carried her stories. Her relentless insistence on questioning the safety and effectiveness of their products earned her their condemnation and our praise. Barbara took advantage of this forced lull by turning to biography. Her book on the life of the novelist Jacequeline Susann was made into a television movie starring Michele Lee.

Cited by the Library of Congress as the author who raised sexism in health care as a worldwide issue, Barbara Seaman is a cofounder of the Women's Health Network, a non-profit organization devoted to giving women a greater voice in the health care system. In addition to the works cited above, Barbara is the author of For Women Only: Your Guide to Health Empowerment, Free and Female and Women and the Crisis in Sex Hormones. Her most recent book, published in 2003, is The Greatest Experiment Ever Performed on Women: Exploding the Estrogen Myth, which presaged recent studies that proved that estrogen was doing more harm than good for menopausal women.

I continue to be in awe of Barbara Seaman's contributions to the public good. A native of Brooklyn and currently an Upper West Sider, Barbara's life and accomplishments are a reflection of the strength and vitality of New York City itself.

I would like to join Barbara's friends and family in marking this special occasion; I trust that she will be surrounded by the warmth of happy memories, good cheer and loving friendships. Mr. Speaker, I request that my colleagues join me in paying tribute to Barbara Seaman, a friend to all Americans and a force for women's health.

HONORING THE 50TH ANNIVERSARY OF THE POLISH SATURDAY SCHOOL IN CHEEKTOWAGA, NY

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 17, 2005

Mr. HIGGINS. Mr. Speaker, I rise today to honor and salute the Msgr. P. Adamski Polish Saturday School in Cheektowaga, NY, which will celebrate its 50th Anniversary on Saturday, October 15. The school was founded thanks to the commitment of people belonging to the Polish Teachers Federation and the Polish Veterans Union. They were deeply convinced that only an educational institution which provides instruction in the Polish language, history and culture could keep their identity alive.

Classes were held for the first time on October 1, 1955 at the Polish Union House. From the very beginning, the school was extremely successful and six weeks after opening, it moved to the premises of St. Stanislaus Parish, where it stayed for more than 40 years. Since 1996, the site of the school has been located at the parish of St. John Gualbert in Cheektowaga.

Since its creation many people: parents, chaplains and teachers, put much effort to make the Polish Saturday School a well-functioning educational institution. Its authorities have always tried to provide high quality teachers and staff and a positive learning environment for its students.

Today the school consists of 86 students and 10 teachers. Its main goals are to teach the language and culture of Poland, and to help people both young and old reconnect with the Polish tradition of their parents and grandparents. In order to better achieve these aims, the school runs kindergarten for children beginning at 4-years-old and provides classes for adults in learning the Polish language and history. The Polish Saturday School is an accredited institution and its students complete their education with an examination, which gives them three Regents credits honored by every public high school in the NY state.

The Director of the school is Mrs. Mira Szramel, and all organizational issues belong to the Parents' Board and its Chairman, Krzysztof Sokolowski. The school, a nonprofit institution, is financed thanks to the small tuition fees from parents and the donations from various Polonia organizations and individuals. Invaluable help comes from the Chaplain of the school, Father Tadeusz Bocianowski and Parochial Vicar, Father David Bialkowski.

The 50th Anniversary, also called the Golden Jubilee, is a wonderful occasion for paying tribute to those who throughout these past years created the school community and taught young people the Polish language, culture and tradition. Their hard work and devotion will never be forgotten by Polonia. From its foundation, the Polish Saturday School was focused on teaching children but also served the local Polish community. During the past 50 years, the school has built a strong presence among Polish-Americans in Buffalo. Students have always actively and willingly participated in the life of Polonia, preparing national and religious celebrations. They and their parents are proud of their Polish roots, cultivate their tradition and thus enrich the great diversity of American culture.

The 50th Anniversary celebrations on Saturday, October 15, will consist of two main events. There will be an artistic program prepared by students of the school, as well as short speeches by invited guests. The official program will be followed by dinner and a dance with music played by 'Polanie'. On Sunday, October 16 there will be a special Mass at St. Stanislaus Church, celebrated by Bishop Edward Grosz and by the Chaplain of the Polish Saturday School—Father Tadeusz Bocianowski. These celebrations will be an important event not only in the history of the school, but also in the history of Polonia in Western New York.

CELEBRATING NATIONAL REVIEW'S SUCCESS

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 17, 2005

Mr. WILSON of South Carolina. Mr. Speaker, as a subscriber of National Review since high school I know personally its historic impact on American culture providing for conservatism to be the respected political philosophy of today.

Despite withering assaults, the majority achievement of conservatism today is largely due to the courageous intellect of William F. Buckley, Jr.

I am grateful to be identified as a National Review Republican. On October 8th, The Washington Times' lead editorial chronicled its significance:

NATIONAL REVIEW AT 50

National Review met the world on Nov. 18, 1955, on an upbeat note. "There is, we like to think, solid reason for rejoicing:" began founder and longtime editor William F. Buckley Jr., which was just a little odd. No one, liberals and conservatives alike, could quite understand Mr. Buckley's enthusiasm. Surely, with America's destiny in the competent hands of social planners and international bureaucrats, conservatism was dead. What, then, is the point of a conservative journal, especially one greeting the world with a wink and a smile? Mr. Buckley appeared to concede the point, admitting "it seems altogether possible that did National Review not exist, no one would have invented it. Nevertheless," he added, in what would become the right's rallying cry, National Review "stands athwart history, yelling Stop, at a time when no one is inclined to do so, or to have much patience with those who so urge it." And with that the standard was raised, the battle joined, and the rest, as they say, is history.

This week in Washington, National Review celebrated its 50th anniversary. Once more there is, we're sure Mr. Buckley still thinks, solid reason for rejoicing. The world has changed: Communism, not conservatism, is dead or dying; the social planners, not the capitalists, have retreated to the universities; and America (not the international bureaucracies) has spread freedom throughout the globe. Of course, more needs to be done. But 50 years ago, few conservatives would have predicted the country could ever get this far. "It is idle," Whittaker Chambers wrote to his friend, Mr. Buckley, in 1961, "to talk about preventing the wreck of Western civilization. It is already a wreck from within." Even if Chambers' prognosis was a bit too shrouded in doom, it was still a lonely time to be a conservative. With its trademarked irreverence and schoolyard sense of mischief, National Review "crashed through," as Mr. Buckley put it, to break the dangerous lock liberals had taken for granted and offer the "non-licensed nonconformists" (i.e. conservatives) a place to call home.

So to say that National Review had something of a monopoly on the conservative audience is true, since there was simply nothing else. It also diminishes the peculiar challenge Mr. Buckley and his staff faced—namely, just what was conservatism? On Thursday, President Bush lunched with Mr. Buckley and others to mark the occasion, during which he described this three-ring conservative circus: "[Mr. Buckley] had voices that included ex-communists who knew better than most the threat posed to America by the Soviet Union. He had voices such as free marketers who knew that markets could deliver better results than bureaucracies. He had voices from traditionalists who understood that a government of and by and for the people could not stand unless it stood on moral grounds."

By combining these [still] feuding factions into a political philosophy with mass appeal, National Review worked to remake the Republican Party. To do this, as well as to purge the extremists, it made poking fun at liberals almost a sideshow.

With 50 years behind it, how has National Review done? Columnist and former NR editor George Will called it "the most consequential journal of opinion ever," which is no overstatement. On the Internet, in multimillion-dollar institutes and in Washington, conservative ideas are ubiquitous. They brought Ronald Reagan to the White House, who in turn brought down the Evil Empire. It is as true today as it was in the dark days of 1955 that one's conservative journey usually begins with National Review. May it remain so for another 50 years.

HONORING MEL J. RIDDILE, NATIONAL HIGH SCHOOL PRINCIPAL OF THE YEAR

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 17, 2005

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today to honor Mel Riddile, the MetLife/National Association of Secondary School Principals (NASSP) National High School Principal of the Year.

Dr. Riddile, the principal for J.E.B. Stuart High School in Falls Church Virginia, was named National High School Principal of the Year and will be recognized in Washington, DC, during the Principals' Institute for State and National Principals of the Year on November 11–12, 2005.

Dr. Riddile received a Bachelor of Arts in Education from the University of North Carolina at Chapel Hill, and a Master of Arts in Educational Administration from George Mason University. He received his doctorate in Educational Leadership from George Peabody College of Vanderbilt University. He has served Fairfax County Public Schools for over 33 years, first as a social studies teacher and then serving as assistant principal in three area Fairfax County High Schools before taking the head position at J.E.B. Stuart High School in 1997.

He is a member of numerous educational associations including the National Association of Secondary School Principals, and the Association for Supervision and Curriculum and Development. He has been invited to speak all over the country to share his experience with other educational leaders, and has been recognized by the International Baccalaureate of North America and featured in National Geographic Magazine.

During his tenure, J.E.B. Stuart High School moved from being one of the lowest achieving schools in Fairfax County to becoming a NASSP Breakthrough High School. Dr. Riddile's campaign to achieve literacy for all students has been a success. He integrated annual pre- and post-testing of all students; and established a reading lab and mandatory after-school tutoring for at-risk students. He and his staff developed a differentiated approach to increase adult and student contact outside the normal classroom setting, creating a school of achievement while creating a sense of community. The school now serves as a national model for serving disadvantaged and diverse students. In addition, Dr. Riddile has worked with the PTSA in successfully growing the school's scholarship fund, to help graduates achieve their dreams of higher education.

Dr. Riddile has dedicated his life to ensuring that all students are given the opportunity to achieve success. Over the past 33 years, he has made a lasting impact on thousands of students and truly deserves recognition for his achievements. I am proud to know him and to have the opportunity to work with him.

I ask my colleagues to join me in applauding Dr. Mel Riddile and congratulating him on this distinguished achievement.

HONORING GENERAL NARINDER SINGH, A FREEDOM ACTIVIST

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 17, 2005

Mr. TOWNS. Mr. Speaker, it is with great sadness that I note the passing of General Narinder Singh, a leader in the struggle for freedom for the Sikhs in Punjab, Khalistan. General Narinder Singh was an army general who became an activist for his people in his retirement. He frequently spoke out against the atrocities committed against the Sikhs in India. On a visit to the United States, General Narinder Singh said that "Punjab is a police state." Unfortunately, it is still a police state today.

Punjab police recently have arrested numerous Sikhs, held them incommunicado, and tortured them on charges of militancy. This is the same "militancy" that India claimed to have eradicated several years ago! In June, 35 Sikhs were arrested and many more were charged for making speeches in support of freedom for Khalistan, the Sikh homeland, and raising the Sikh flag in front of over 30,000 cheering Sikhs. Even a former Member of Parliament was arrested for making a speech. The same thing happened in January at a protest on India's Republic Day. Mr. Speaker, does this sound like the act of a tyranny or a democracy?

We must not just watch while India forcibly suppresses the freedom of Sikhs and other minorities. The time has come to stop our aid and our trade with India. It is also time to enact a formal resolution calling for a free and fair plebiscite on the question of independence. The essence of democracy is the right of self-determination.

Mr. Speaker, the Council of Khalistan recently published an excellent press release on the passing of General Narinder Singh, which I would like to place in the RECORD.

COUNCIL OF KHALISTAN

IN MEMORY OF GENERAL NARINDER SINGH

Washington, DC, October 12, 2005—General Narinder Singh, a strong spokesman for an independent Khalistan, died recently. He was 86. He served in the army and became an activist for the Sikh Nation after his retirement. He spoke out for human rights and for freedom for Khalistan, the Sikh homeland that declared its independence on October 7, 1987. General Narinder Singh travelled to countries such as the United States in support of these causes. He participated in political events in Punjab, Khalistan, aimed at securing freedom for the Sikh nation. "General Narinder Singh will be sorely missed," said Dr. Gurmit Singh Aulakh, President of the Council of Khalistan. "We salute his courage and we honor his memory. On behalf of the Sikh Nation, I extend deepest sympathies to his family," Dr. Aulakh said.

General Narinder Singh correctly called Punjab "a police state," and it remains one to this day. India has murdered over 250,000 Sikhs since 1984. In addition, India has also killed more than 90,000 Kashmiri Muslims since 1988, over 300,000 Christians in Nagaland since 1947, and thousands of Christians and Muslims elsewhere in the country, as well as tens of thousands of Assamese, Bodos, Dalits ("Untouchables," the dark-skinned aboriginal people of South Asia), Manipuris, Tamils, and other minorities. The Indian Supreme Court called the Indian government's murders of Sikhs "worse than a genocide." The Movement Against State Repression (MASR) reported that 52,268 Sikhs are being held as political prisoners in India without charge or trial, some since 1984! Amnesty International reported that tens of thousands of other minorities are also being held as political prisoners. We demand the immediate release of all these political prisoners.

Cases were registered against dozens of Sikhs for raising the Sikh flag at the Golden Temple on the anniversary of the Golden Temple attack in the presence of more than 30,000 Sikhs. Warrants have been issued for their arrest. The flag of Khalistan was also raised on Republic Day, January 26. 35 Sikhs were arrested at that time. Some of them have been denied bail.

Recently, Indian Prime Minister Manmohan Singh formally apologized to the Sikh Nation for the genocide against the Sikhs in November 1984 in which over 20,000 Sikhs were killed in Delhi and surrounding areas while Sikh police were locked in their barracks and Indian radio and television called for more Sikh blood. This apology establishes the Indian government's responsibility for the genocide against the Sikh Nation. India must end its occupation of Khalistan, which is the root cause of this genocide. Sikhs are a sovereign nation and they are fighting for their freedom.

In September 1995, Indian police arrested human-rights activist Jaswant Singh Khalra following his report exposing the government's policy of mass cremation of Sikhs, in which over 50,000 Sikhs have been arrested, tortured, and murdered, then their bodies were declared unidentified and secretly cremated. He was murdered in police custody. His body was not given to his family.

"Only a sovereign, independent Khalistan will end the repression and lift the standard of living for the people of Punjab," said Dr. Gurmit Singh Aulakh, President of the Council of Khalistan. "Democracies don't commit genocide."

"The flame of freedom still burns bright in the hearts of Sikhs despite the deployment of over half a million Indian troops to crush it," Dr. Aulakh said. "As Professor Darshan Singh, a former Jathedar of the Akal Takht, said, 'If a Sikh is not a Khalistani, he is not a Sikh'," Dr. Aulakh noted. Last year, Punjab Chief Minister Amarinder Singh signed a bill cancelling the agreements that allowed the diversion of Punjabi water to non-riparian states. The bill asserted the sovereignty of Punjab. Sardar Atinder Pal Singh, a former Member of Parliament, held a seminar on Khalistan in Punjab. It was well attended and featured outstanding presentations, including one by Professor Gurtej Singh, IAS, Professor of Sikhism. There have been several recent marches through Punjab demanding the establishment of an independent Khalistan. "The Khalistan movement is on the rise and India is on the verge of disintegration," Dr. Aulakh said.

History shows that multinational states such as India are doomed to failure. Countries like India's longtime friend the Soviet Union, Yugoslavia, Czechoslovakia, and others prove this point. India is not one country; it is a polyglot like those countries. In Forbes magazine, Steve Forbes wrote that India is doomed to disintegrate like the Austro-Hungarian Empire. "India is not a homogeneous state," he wrote. "Neither was the Austro-Hungarian Empire. It attacked Serbia in the summer of 1914 in the hopes of destroying this irritating state after Serbia had committed a spectacular terrorist act against the Hapsburg monarchy. The empire ended up splintering and the Hapsburgs lost their throne." India is doomed to fall apart just as Austria-Hungary and the others did.

"The best way to honor the memory of General Narinder Singh is to continue to pray for and work for our God-given birthright of freedom," Dr. Aulakh said. "We must continue to press for our God-given birthright of freedom," he said. "Without political power religions cannot flourish and nations perish. India claims to be a democracy. It is time it recognized the right of self-determination for all people in South Asia."

TRIBUTE TO CORA EAVES BRAYNON

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 17, 2005

Mr. MEEK of Florida. Mr. Speaker, I rise to celebrate the life of Mrs. Cora Eaves Braynon, a true leader whose rich legacy will enhance our community for many years to come.

Cora Braynon spent her entire career in public health—as a nurse, educator, administrator and as a North Broward Hospital District Commissioner. Mrs. Braynon received a bachelor's degree in nursing from the Tuskegee Institute in Alabama and a Master's in Public Health from the University of Michigan.

Mrs. Braynon was appointed to the North Broward Hospital District Board in 1999 and reappointed in 2003. Her last role was that of Vice Chair. Mrs. Braynon also served on numerous District committees including the Executive Committee, Joint Conference Committee, Minority Business Enterprise Committee, and the Quality Assessment/Oversight Committee.

Prior to receiving the appointment as Commissioner of the North Broward Hospital District, Mrs. Braynon was the first black Registered Nurse employed by the Broward County Health Department. She served as Senior Executive Nursing Director for 18 years and retired in 1994. Mrs. Braynon was also an instructor at Broward Community College, Florida Atlantic University and an adjunct faculty member of Barry University Adult and Community Education Program. She also served on the Advisory Council on Nurse Education, Division of Nursing for the Public Health Services, Department of Health and Human Services.

Aside from her commitment to public health, Cora Braynon served 52 years as a life member of Delta Sigma Theta, Inc., a public service sorority. She was a pioneer in developing programs to help safeguard the health of teenage mothers and their babies. Her interests were reflected in her sorority work where she implemented the Reaching Adolescent Parents Program. She was also devoted to the Delteen youth program where she mentored many young women on their role and commitment to finer womanhood. Cora Braynon, the immediate past president of the Broward County Alumnae Chapter, served three terms as President. Additionally, she served on regional and national committees of the sorority.

Cora Eaves Braynon, a woman of great accomplishment, leaves behind a large and accomplished family, including her beloved husband, Ronald A. Braynon; three children: Oscar Braynon, Sr. (Patricia), of Miami, Florida; two daughters: Andrea A. Braynon, of Ft. Lauderdale, Florida and Terri Braynon Glasford (Jason), of Miramar, Florida; one sister, Carrie Eaves Evans (Willis), of Louisville, Kentucky; one brother, Frank Eaves (Ella) of Prospect, Kentucky; one brother-in-law, Roger Forbes of Fenton, Michigan; sisters-in-law: Betty Sharpe of Lauderdale Lakes, Florida and Rosemary Braynon of North Miami, Florida; grandchildren: City of Miami Gardens Vice Mayor Oscar Braynon, Jr., Gina Braynon and Marina Braynon Moore, a host of nieces, nephews and other family members and friends.

Cora Braynon will surely be missed, but we will all remember her with wonderful thoughts and memories of the person that she was and the many ways that she touched our lives.

IN RECOGNITION OF THE GREEK AMERICAN HOMEOWNERS ASSOCIATION AND ITS HONOREES

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 17, 2005

Mrs. MALONEY. Mr. Speaker, I rise to acknowledge the achievements of the Greek American Homeowners Association (GAHOA) on the occasion of its annual dinner dance. I ask that my colleagues join me in honoring the organization's officers and members, as well as its President, George Alexiou. I would also like to salute GAHOA's distinguished honorees: George Fakiris, John Millas, Peter Stathatos, Dennis Syntilas and Rose Ann Alafogiannis.

GAHOA is a non-profit organization based in Astoria, New York that has been committed to advancing the interests of the Greek-American community since 1976. The organization provides an extensive array of educational programs and is a generous benefactor to the community.

GAHOA currently has more than 2,000 members in the greater New York area. The Association provides Greek language scholarships to local schools, citizenship and voter registration drives and monthly speakers to help educate the residents of the community. In addition, GAHOA provides Thanksgiving dinner to more than 12,000 individuals every year.

This year's dinner dance will benefit another of the Association's outstanding community service achievements: Athens Square Park. The park is a cultural center that invites people of all ethnicities to share and enjoy Hellenic music, dance and art. The park, which once served as the starting point of the Olympic flame in the United States, was the brainchild of GAHOA cofounder Dennis Syntilas. With contributions from students, the community and corporations, as well as cooperation with the NYC Department of Parks, Athens Square Park is now a cultural hub of the diverse Astoria community.

George Fakiris, the first of GAHOA's honorees, was born in Chios, Greece and immigrated to the United States in 1969. He worked as a painter and decorator before becoming a successful real estate developer and philanthropist. Mr. Fakiris is a generous benefactor of GAHOA's annual Thanksgiving dinner and scholarship fund. Mr. Fakiris' support, knowledge and experience continue to greatly benefit his community.

The Association's next honoree, John Millas, is from Evia, Greece and moved to the United States in 1963. Mr. Millas worked in the restaurant business before starting his own real estate management firm. A GAHOA co-founder, Mr. Millas also dedicates his time to the Pan Evoiakos Society of New York and other worthy causes. In 1977, he married Amalia Calogrides, and they have two children, Sofia and George.

The Association's third honoree, Peter Stathatos, was born in Kefallonia, Greece. Also a co-founder of the Greek American Homeowners Association, Mr. Stathatos has held several positions within the organization and has served on the boards of the Kefalos Society and St. Gerasimos Church. In 1997, Mr. Stathatos was honored by Borough President Claire Shulman for his outstanding work in the community. He and his wife, Anastasia, have three children, Irene, John and Mamie, and three grandchildren, Anastasia, Nicholas and Matthew.

The next honoree, Dennis C. Syntilas, is a retired banker, a cofounder of the Greek American Homeowners Association and the driving force behind Athens Square Park. He is a member of Community Board 1 and has dedicated himself to improving the quality of life in his neighborhood. Mr. Syntilas's awards are too numerous to list—though his friends will attest to the fact that he is most proud of his wife, Rita Koletti, his daughter Vayia and his son-in-law, George D. Apergis.

The final honoree, Rose Ann Alafogiannis, is another GAHOA co-founder and an active member of the Astoria community.

She is a former President of the Kiwanis Club, a member of the Board of Directors of Astoria Civic Association and a member of Community Board 1. Ms. Alafogiannis also donates her time to SHAREing and CAREing, a nonprofit organization dedicated to supporting those affected by breast cancer. She and her late husband, Thomas, have four children, Paul, Jennifer, Joseph and Vasilli.

Mr. Speaker, as the founder and co-chairperson of the Congressional Caucus on Hellenic Issues, I ask that my colleagues join me in paying tribute to the Greek American Homeowners Association, its President George Alexiou and its distinguished honorees.

HONORING RETIRING ERIE COUNTY LEGISLATOR RAYMOND K. DUSZA

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 17, 2005

Mr. HIGGINS. Mr. Speaker, I rise today to recognize a great labor leader, public official and dear friend and colleague who at the end of this year will retire from active public service as a member of the Erie County Legislature—the man commonly known as "Mr. Cheektowaga," Legislator Raymond K. Dusza.

During the 1990s, I worked closely with Ray, and saw firsthand his gentle yet persistent leadership style. Ray's leadership on so many issues important to taxpayers and consumers won kudos from countless local residents and praise from local taxpayers' groups.

Ray's call to public service came early in life. He enlisted in the United States Army and defended this country as a Paratrooper in the unit known as "America's Guard of Honor," Ray's beloved 82nd Airborne Division. When Ray came home after his military service, he started at the Westinghouse Electric corporation, where his reputation as a "man of the people" became apparent. Ray rose through the ranks and was chosen to represent 4,000 of his labor brothers and sisters as leader of the International Union of Electrical Workers, Local 1581.

In 1988, the 8th District seat in the Erie County Legislature became vacant. After many years of active service in the community and in the Democratic Party, Ray contested and won election that November, representing the residents of the Town of Cheektowaga and the Village of Depew. Over the past 17 years, Republicans and Democrats alike have bowed to the high regard with which this man has been held—Ray has never been seriously challenged for re-election.

Local consumers soon learned that they had no greater defender of their rights than Ray Dusza. Ray led the fight for a new Item Pricing/Scanner Accuracy law for Erie County, to ensure that prices consumers were charged for goods were properly reflecting prices on store shelves. Through Ray's work, scanners in supermarkets, home centers and other retail stores that were estimated to be accurate only 50 percent to 70 percent of the time must now offer consumers 98 percent accuracy. In addition, Ray will always be remembered as the "Coupon King" for his successful fight against the Proctor & Gamble Corporation's attempt to deny local shoppers free access to manufacturer's coupons. Ray fought hard for consumers, residents and taxpayers as Vice Chairman of the Legislature's Public Safety Committee, and as Chairman of two legislative standing committees, the Government Affairs Committee and the Energy and Environment Committee.

Ray Dusza added one more very important element to his service in County Hall: a robust sense of humor. Ray's philosophy was to "be serious about what you do, but don't take yourself too seriously," and he was indeed good to his word. Ray always added a refreshing sense of humor to the deliberations within County Hall, consistently entering committee meetings with the declaration that "the paratroopers have landed," and sarcastically questioning what time the perennially tardy "nine o'clock caucus" would begin.

Ray's dedication to his community was not limited to his role in the Legislature. The following are just a few of the organizations Ray has dedicated his time and energy toward: the Fraternal Order of Eagles, Knights of Columbus—Father Justin Council, Polish Falcons Club, American Legion Gierlach Post, Depew/Cheektowaga Taxpayers' Association, AMVETS Buddy Knaus Post, Catholic War Veterans Post 1313, the Ushers Society at St. Philip the Apostle Church, and St. Josephat's Parish Holy Name Society. In addition, Ray is the leader of the eponymously-named "Ray Dusza Booster Club," a grouping of political supporters that Ray sentimentally refers to as his "commandos."

Mr. Speaker, I am a lifelong resident of another great Western New York community—South Buffalo, NY, and the highest compliment that folks can pay to someone from South Buffalo is that they remember where they come from, and remember the people who sent them to serve in public office. Few public officials remember from whom and from whence they came the way Ray Dusza does. I am delighted that you have allowed me to take a few moments to honor Ray's service to our community here today, and I am honored even more to call Ray Dusza my friend. To Ray, his wife Terry, to their children, grandchildren and to the entire Dusza Family, I want to offer my sincere thanks, and my wishes of good luck and Godspeed for many years to come.

CELEBRATING THE BIRTH OF PARKER DAVIS WORK

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 17, 2005

Mr. WILSON of South Carolina. Mr. Speaker, today, I am happy to congratulate Micki and Ryan Work of Falls Church, Virginia, on the birth of their new baby boy. Parker Davis Work was born in Washington, DC, on October 1, 2005, at 1:32 pm, weighing 6 pounds, 8 ounces and measuring over 19 inches long. He has been born into a loving home, where he will be raised by parents who are devoted to his well-being and bright future.

His mother Micki serves as a Legislative Assistant in my office and is a tremendous asset to the Second Congressional District of South Carolina. She is extremely knowledgeable about healthcare and other legislative issues, and is a valuable contributor to my decision making process. Today, I am pleased to congratulate the Work family on Parker's birth.

CONGRATULATING MRS. SALLIE H. FLAVIN

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 17, 2005

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today to congratulate Mrs. Sallie Flavin upon her retirement from the Federal Government after more than 30 years of distinguished service.

Mrs. Flavin began her career as a young clerk typist and through years of tenacity and diligence, rose to the top echelons of the federal acquisition community. After a brief stint with the Geological Survey, Mrs. Flavin entered the Air Force Copper Cap Intern Program and soon found herself immersed in the daily welter of the procurement office at Pope AFB in North Carolina. That assignment would prove to be the first rung in a career ladder that Mrs. Flavin would climb to reach the pinnacle of the intricate and demanding realm of defense contract management. Now, some three decades later, she will end her career as a member of the Senior Executive Service and as the deputy director and highest-ranking civilian of the Defense Contract Management Agency (DCMA). DCMA is a worldwide organization of 11,000 employees responsible for ensuring that the supplies and materials going to our men and women in uniform are delivered on-time and are of the highest quality.

Over the past year, her contribution to the efficacy and integrity of defense acquisition was particularly notable. She led a high-profile team that investigated and successfully identified recent improprieties at executive levels within the military acquisition community. Moreover, she was recently selected as a recipient of the Presidential Rank Award for Meritorious Service, a highly prestigious Executive Branch honor recognizing her unwavering integrity and her role in making her agency a pacesetter in the government's adoption of performance-based management principles.

Having served in high-level positions with the Air Force, the Missile Defense Agency, and the Army Materiel Command, it is indeed fitting that she will end her career while employed with a joint-service agency. During her long run on the defense acquisition stage, she has played key roles in the introduction of many major systems, including the Theatre High Altitude Area Defense Missile System (THAAD), the Space-Based Infrared Systems (SBIRS), the Aegis Missile System, and the Stryker.

During her 3-year tenure as the deputy director of DCMA, Mrs. Flavin demonstrated true result-producing leadership that advanced acquisition excellence within the Defense Department. Additionally, she served as the agency's standard bearer in its campaign to invigorate and refashion its workforce to meet the challenges of today's fast-paced, technology-driven acquisition environment. The indelible mark Mrs. Flavin has left on DCMA will ensure its viability as a combat support agency for years to come.

Mr. Speaker, in closing, I would like to congratulate Sallie Flavin for her service to our country. I call upon my colleagues to join me in applauding her past accomplishments and wishing her and her husband, Mark, the best of luck in all future endeavors.

COUNCIL OF KHALISTAN CONVENTION VERY SUCCESSFUL

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 17, 2005

Mr. TOWNS. Mr. Speaker, the Council of Khalistan, which leads the movement to liberate the Sikh homeland, Khalistan, from Indian occupation, held its annual convention in the Detroit area October 7 through October 9. It was very successful. Delegates came from around the country and from Canada to participate.

I recently made a statement about Prime Minister Manmohan Singh's apology to the Sikh Nation for the Delhi massacres of November 1984 in which over 20,000 Sikhs lost their lives. This established India's culpability for the violence and terror that swept Punjab and other parts of India at that time. That underlines the need for a sovereign Khalistan to put an end to these kinds of acts. Recently, an organization called ENSAAF published a report detailing the ongoing human rights violations committed by Indian security forces in recent-militancy related arrests. From June 2005 to August 2005, Indian police claim to have arrested several dozen individuals on charges that they were trying to "revive militancy" in Punjab. They have been held incommunicado and tortured, according to the report.

In June, 35 Sikhs were arrested and several were charged simply for making speeches in support of an independent Khalistan and raising the Sikh flag. Those arrested and charged include Simranjit Singh Mann, a former Member of Parliament, who is out on bail after making a speech in support of Khalistan. Is making a speech a crime in a democracy? Is raising a flag a crime in a democracy? How can India claim it is democratic when people are arrested for making speeches and raising a flag?

These recent incidents are the latest in a pattern of repression by the Indian government that demonstrates why a free and sovereign Khalistan is needed. The Council of Khalistan convention helped maintain and increase support for that goal.

We can help the people in Punjab and throughout South Asia live in freedom, Mr. Speaker. We can do so by withholding aid and trade from India until it respects human rights and by putting the Congress on record in support of self-determination for the Sikhs of Punjab, Khalistan, the Muslims of Kashmir, predominantly Christian Nagaland, and all the nations seeking freedom from India. It's time to stop using violence and settle these matters democratically.

Mr. Speaker, I would like to place the Council of Khalistan's press release on its convention into the RECORD at this time.

[From the Council of Khalistan, Oct. 12, 2005]

COUNCIL OF KHALISTAN ANNUAL CONVENTION VERY SUCCESSFUL

WASHINGTON, DC—Delegates came from Canada, New Jersey, Philadelphia, Memphis, Florida, Illinois, California, Washington, DC, and other locations to the Council of Khalistan's annual convention, which was held October 7–9, 2005 at the Sikh Gurdwara in Rochester Hills, Michigan. The convention was very well attended and successful. The delegates were enthusiastic in support of freedom for Khalistan, the Sikh homeland that declared its independence from India on October 7, 1987.

Resolutions were passed in support of a sovereign, independent Khalistan, in support of the Washington office, thanking the Sangat of Detroit, condolences for the victims of the earthquake in Kashmir, and other resolutions. Delegates spoke in support of independence for Khalistan and discussed the need to remain active on the grassroots level. They stressed the need for the active participation of Sikhs in this country and worldwide.

The Council of Khalistan has preserved the true history of the Sikh Nation since 1984 by documenting every major incident in the CONGRESSIONAL RECORD, internationalizing the Sikh struggle for independence, and exposing the Indian government's repression against the Sikhs and other minorities.

India has murdered over 250,000 Sikhs since 1984, according to figures compiled by the Punjab State Magistracy and human-rights groups and reported in the book The Politics of Genocide by Inderjeet Singh Jaijee. It has also killed more than 90.000 Kashmiri Muslims since 1988, over 300,000 Christians in Nagaland since 1947, and thousands of Christians and Muslims elsewhere in the country, as well as tens of thousands of Assamese, Bodos, Dalits ("Untouchables," the dark-skinned aboriginal people of South Asia), Manipuris, Tamils, and other minorities.

The Indian Supreme Court called the Indian government's murders of Sikhs "worse than a genocide." According to a report by the Movement Against State Repression (MASR), 52,268 Sikhs are being held as political prisoners in India without charge or trial. Some have been in illegal custody since 1984! Amnesty International reported that tens of thousands of other minorities are also being held as political prisoners. We demand the immediate release of all these political prisoners.

Cases were registered against dozens of Sikhs for raising the Sikh flag at the Golden Temple on the anniversary of the Golden Temple attack in the presence of over 30,000 Sikhs. Warrants have been issued for their arrest. The flag of Khalistan was also raised on Republic Day, January 26. 35 Sikhs were arrested at that time. Some of them have been denied bail.

Recently, Indian Prime Minister Manmohan Singh formally apologized to the Sikh Nation for the genocide against the Sikhs in November 1984 in which over 20,000 Sikhs were killed in Deihl alone while Sikh police were locked in their barracks and Indian radio and television called for more Sikh blood. This apology establishes the Indian government's responsibility for the genocide against the Sikh Nation. India must end its occupation of Khalistan, which is the root cause of this genocide. Sikhs are a sovereign nation and they are fighting for their freedom.

Indian police arrested human-rights activist Jaswant Singh Khalra after he exposed their policy of mass cremation of Sikhs, in which over 50,000 Sikhs have been arrested, tortured, and murdered, then their bodies were declared unidentified and secretly cremated. He was murdered in police custody. His body was not given to his family.

"Only a sovereign, independent Khalistan will end the repression and lift the standard of living for the people of Punjab," said Dr. Gurmit Singh Aulakh, President of the Council of Khalistan. "Democracies don't commit genocide."

History shows that multinational states such as India are doomed to failure. Countries like Austria-Hungary, India's longtime friend the Soviet Union, Yugoslavia, Czechoslovakia, and others prove this point. India is not one country; it is a polyglot like those countries. Steve Forbes, writing in Forbes magazine, said that India is doomed to disintegrate like the Austro-Hungarian Empire. "India is not a homogeneous state," Forbes wrote. "Neither was the Austro-Hungarian Empire. It attacked Serbia in the summer of 1914 in the hopes of destroying this irritating state after Serbia had committed a spectacular terrorist act against the Hapsburg monarchy. The empire ended up splintering, and the Hapsburgs lost their throne." India is doomed to fall apart just as Austria-Hungary and the others did.

"We must continue to pray for and work for our God-given birthright of freedom," Dr. Aulakh said. "As Professor Darshan Singh, a former Jathedar of the Akal Takht, said, "If a Sikh is not a Khalistani, he is not a Sikh," Dr. Aulakh noted. "We must continue to press for our God-given birthright of freedom, he said, "Without political power, religions cannot flourish and nations perish. India claims to be a democracy. It is time it recognized the right of self-determination for all people in South Asia,"

MEETING THE CHALLENGE OF CHINA

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 17, 2005

Mr. WILSON of South Carolina. Mr. Speaker, last month I visited Beijing and I saw again firsthand China's economic challenges as it continues to develop its free market economy.

We should remain concerned about outsourcing, but there are positive examples in

America that our businesses are meeting the challenges stemming from trade with China.

Last week I attended the grand opening of Carolina Ceramics Brick Company, a success story which proves U.S. companies continue to improve productivity and energy efficiency. Richland County Council Vice Chairman Greg Pearce, Sen. Joel Lourie, advertising executive Elaine Gillespie, and company President Michael Borden spoke eloquently on the new achievements verified in the below article from The State of October 12, 2005.

[From the State, Oct. 12, 2005]

GROWTH PRODUCES DOUBLE REWARDS

(By Jim DuPlessis)

After Investing $12 million this year at its Two Notch Road plant, Carolina Ceramics Brick Co. not only can make more bricks per worker, but also will avoid some of the pain this fall from skyrocketing natural gas prices.

The 66-year-old business in Northeast Richland can make a brick with 30 percent less natural gas with new equipment installed this year, president and majority owner Michael W. Borden said.

"You really can't control the natural gas price. All you can control is the amount you use. So we're trying to be as efficient as we can," Borden said.

While households are a few months away from their first post-Katrina natural gas heating bills, manufacturers are feeling the heat already. Manufacturers are paying $14 per decatherm, double the price a year ago, and six times the price they paid in 2000.

Carolina Ceramics Brick today will celebrate completion of its expansion, which will allow the company to sell more than $20 million in bricks next year, double its sales in 2000.

The improvements also expanded capacity 45 percent, allowing two kilns to make as many as 80 million bricks per year, up from 55 million in 2000.

The company hired 15 more workers last summer and expects to hire five more, bringing Its work force to 100 by year's end. The plant had employed about 80 workers since a similar upgrade on its other kiln in 2000.

Even with more workers, productivity has risen 16 percent. Each worker can make 800,000 bricks per year, up from 687,000 bricks per year previously.

Some of the productivity improvements have filtered down to the shop floor, with fewer lower-paying manual jobs.

Entry-level production workers make $10 to $12 per hour, while machine operators make $14 to $15 per hour. Average wages, including management, are more than $20 per hour, Borden said.

The improvements also allow the company to absorb some of the energy price increase, but prices for brick are likely to rise at least 5 percent by early next year to compensate for at least part of the higher energy cost, Borden said.

Manufacturers of milk jugs, vinyl siding and other plastics are also hard hit by the higher price of natural gas, said Keith McCoy, vice president for energy and environmental policy for the National Association of Manufacturers in Washington, D.C.

Part of the increase in natural gas prices is because of short-term supply disruptions caused when hurricanes Katrina and Rita hit the Gulf Coast. Prices might drop somewhat after those drilling and pipeline facilities are back to full speed, but are expected to remain high enough to cause some companies to consider switching fuel sources, McCoy said.

"At nine to 10 dollars, it was very high for them, but It was something they could deal with," he said. At $14, "that was the point companies would consider retrofitting their facilities to switch," McCoy said.

Carolina Ceramics switched to propane in the weeks after Katrina when natural gas supplies were curtailed. The company will continue to burn propane for a while because its price Is now lower than natural gas.

But long-term cost savings depend on efficiency. Without the energy-saving improvements, Carolina Ceramics would be paying $130,000 per month more for natural gas.

Borden, who turned 40 this year, started in the brick business working for his father, Frank Borden, 77, who ran a Borden Brick in Durham, N.C. The business had been started by Michael Borden's great-grandfather in 1911, but the family sold it in 1989 to Cherokee-Sanford Brick of Raleigh.

Frank Borden retired, but Michael Borden went to work for Cherokee-Sanford. When the company bought Carolina Ceramics in 1992, Borden moved to Columbia to manage it. A few years later, the company decided to sell it, and Borden's family bought it.

Carolina Ceramics was founded in 1939. It has sold about 80 percent of its bricks to builders of offices, schools and stores, but with its new capacity it is now going to supply more bricks to home builders, Borden said.

As the Gulf Coast recovers from hurricanes Katrina and Rita, Borden expects brick demand will rise by early next year as contractors begin rebuilding homes, offices, schools and stores. "We would expect to see a lot of opportunities in that area when they get ready."

RECOGNIZING SISTER PAULA DELGROSSO

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 17, 2005

Mr. SHUSTER. Mr. Speaker, I rise today to recognize Sister Paula DelGrosso of the Carmelite Community of the Word, Altoona, Pennsylvania, as the recipient of the 2005 John Riley Human Relations Award for community service. This award is presented each year to an individual who has performed outstanding and meritorious service to the community of Altoona through personal efforts by enhancing the dignity and worth of its citizens. This award is presented by the Blair County Advisory Council to the Pennsylvania Human Relations Commission and is now in its sixteenth year of giving this award. The Pennsylvania Human Relations Commission has served the citizens of Pennsylvania faithfully since 1955 fighting the practice or policy of discrimination against individuals or groups by reason of their race, color, familial status, creed, ancestry, age, sex, national origin or disability.

Sister DelGrosso is receiving this award in recognition for her lifelong commitment to the community of Altoona, but in particular for her special efforts over the past fourteen years as Director of the St. Vincent DePaul Soup Kitchen and Food for Families Food Bank in Altoona. Under Sister DelGrosso's guidance, the dining hall at St. Vincent DePaul's has been able to provide over 35,000 meals every year to needy people in the community. Thanks in large part to her steadfast leadership, the kitchen at St. Vincent DePaul's enjoys support from various segments of the community ranging from the religious to the financial and from the public to the private sector. These are people within the community of Altoona who share different philosophies, beliefs and opinions, yet Sister DelGrosso has been able to bring them together in support of a worthy cause.

Sister Paula has led a life filled with compassion and dignity. Born in the town of Altoona, the daughter of Thomas and Mary DelGrosso, Sister Paula graduated from Altoona Area High School and Mt. Aloysius, before going on to graduate with a B.S. in Education from St. Francis University, and a Masters Degree and Supervision Certificate in Guidance and Counseling from Duquesne University. Her passion for education has imbued her life as she has served in the field of education for thirty-four years, with sixteen being spent as an elementary and secondary school teacher and eighteen years as Assistant Superintendent of Schools for the Altoona/Johnstown Diocese.

Mr. Speaker, I would like to congratulate Sister Paula DelGrosso for her lifelong commitment to the community of Altoona and I am proud to call Sister Paula a constituent.

CONGRATULATIONS TO EMMETT C. BURNS, JR.

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, October 17, 2005

Mr. CARDIN. Mr. Speaker, I rise today to pay special tribute to Emmett C. Burns, Jr., who is an outstanding delegate to the Maryland House of Delegates and who has been awarded this year's Thurgood Marshall Legacy Award by the Baltimore City Branch of the NAACP.

It is most fitting that Emmett Burns is the recipient of an award named for our Nation's first African-American U.S. Supreme Court Justice. Thurgood Marshall, who was born in Baltimore, was one of the most important figures in our Nation's struggle for civil rights. As chief attorney for the NAACP, he successfully argued the Brown v. Board of Education case before the Supreme Court, ending legalized segregation of our Nation's schools.

Since 1995, Emmett Burns has been a leader in the Maryland House of Delegates for the rights of all Marylanders. Most recently, he was instrumental in the enactment of a law to rename Maryland's largest airport the Baltimore-Washington International Thurgood Marshall Airport.

As former head and lifelong member of the Baltimore NAACP, he has been a role model for the African-American community, providing a strong voice for social justice and equality. I have known Emmett Burns for many years and I consider him a friend whose advice I seek and value.

I urge my colleagues in the U.S. House of Representatives to join me in congratulating Del. Emmett C. Burns on being this year's recipient of the Baltimore City NAACP Thurgood Marshall Legacy Award.

IN RECOGNITION OF A NEW FEDERAL COURTHOUSE IN FRESNO, CA

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 17, 2005

Mr. COSTA. Mr. Speaker, I rise today to recognize the completion of a spectacular new United States Courthouse in Fresno, California, that will serve the needs of the communities of the great Central San Joaquin Valley.

I am joined in this recognition by my colleagues, who also represent the City of Fresno and the communities served by this new facility, Representatives DENNIS CARDOZA, DEVIN NUNES and GEORGE RADANOVICH.

The new courthouse features 14 courtrooms and judicial chambers for the U.S. District Court, the U.S. Magistrate, and the U.S. Bankruptcy Court. It also includes facilities such as a library, conference rooms, jury assembly area, public cafeteria and offices for other federal agencies and elected officials.

This unique, nine-story building integrates the textures, colors and materials of the surrounding natural landscape of Fresno and the nearby Sierra Nevada mountain range.

The building began construction in April 2002 and was completed at a cost of $116 million. It will accommodate 232 employees, who will serve hundreds of private citizens on a daily basis.

Mr. Speaker, it is with the greatest pleasure that I join my colleagues in celebrating this momentous occasion for the communities of the Central San Joaquin Valley.

RECOGNIZING THE FINALISTS OF THE DISCOVERY CHANNEL'S YOUNG SCIENTIST CHALLENGE

HON. SHERWOOD BOEHLERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 17, 2005

Mr. BOEHLERT. Mr. Speaker, as Chairman of the House Committee on Science, I am an avid supporter of programs that encourage the youth of America to push the limits of innovation. One such program is the Discovery Channel Young Scientist Challenge.

In 1999, Discovery Communications, Inc., designed the Discovery Channel Young Scientist Challenge to help address America's chronic underachievement in K–12 science and math. The annual national contest responds to evidence that our students' academic performance and interest in science declines dramatically as they become older, particularly during the middle school years.

The Discovery Channel Young Scientist Challenge attempts to reverse that decline by identifying and honoring America's top middle school students with a demonstrated ability in leadership, teamwork, and scientific problem solving. More than 9,500 middle school students have accepted the challenge and have competed for the title of "America's Top Young Scientist of the Year." Since 1999, scholarship awards for the students have totaled more than $500,000, and challenge winners have participated in science-related trips to far-off places, including the Roslin Institute in Midlothian, Scotland and the El Yunque rain forest in Puerto Rico.

On September 14, 2005, Discovery Communications, Inc., announced the 40 middle school students who will advance to the finals of the Discovery Channel Young Scientist Challenge. Selected from more than 1,700 entrants, the finalists represent an elite group of young Americans who have demonstrated exceptional creativity and communications skills in their original science research projects. The 40 finalists will come to Washington, D.C. during October 15–20, where they will take part in the Discovery Channel Young Scientist Challenge finalist competition at University of Maryland's Cole Field House. There, they will compete in team-based, interactive challenges designed around the theme of "Forces of Nature." The winners will be announced at the awards ceremony on October 19, 2005.

The finalists for the 2005 Discovery Channel Young Scientist Challenge are: Iftin Abshir of Littleton, CO; John Bolander of Memphis, IN; Pinaki Bose of Fort Worth, TX; Kelsey Burnham of Okeechobee, FL; Shireen Dhir of Kathleen, GA; Brendan Dwyer of Northport, NY; Heather Foster of Beverly Hills, FL; Anudeep Gosal of Orlando, FL; Joanna Guy of Oakland, MD; Mary Hedberg of N. Attleboro, MA; Joshua Jones of Titusville, FL; Taylor Jones of Maryville, TN; Melanie Kabinoff of Boynton Beach, FL; Spencer Larson of Springville, UT; Gregory Lavins of Solon, OH; Melissa Luga of Hilo, HI; Elijah Mena of Gales Ferry, CT; Camden Miller of Fairview, TX; Lucia Mocz of Mililani, HI; Alyssa Ovaitt of Weston, MO; Susan Pasternak of Santa Barbara, CA; Jacob Perry of Livingston, MT; Sarah Pierz of Clarkston, MI; Sabrina Prabakran of Fort Myers, FL; Nilesh Raval of Saginaw, MI; Roberto Rios of Mayaguez, PR; Aaron Rozon of Kapa'a, HI; Colleen Ryan of Chillicothe, OH; Brittany Sheehan of Bluffton, OH; Katherine Smith of Malabar, FL; Narayan Subramanian of Saratoga, CA; Adrian Tatulian of Orlando, FL; Bailey Terry of Newcastle, WY; Neela Thangada of San Antonio, TX; Nilesh Tripuraneni of Fresno, CA; Sheel Tyle of Pittsford, NY; Alexander Uribe of Eagle Mountain, UT; Ruslan Werntz of Coppell, TX; Garrett Yazzie of Pinon, AZ; and Robert Zane of Honolulu, HI.

At a time when science and technology plays such an enormous role in our lives, I believe it is imperative that we continue to support and nurture the next generation of young scientists. I would like to congratulate these students for their dedication and hard work and wish them all good luck and good science during the 2005 Discovery Channel Young Scientist Challenge.

WELCOMING FORMER TAIWANESE PRESIDENT LEE TENG-HUI TO WASHINGTON

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 17, 2005

Mr. TANCREDO. Mr. Speaker, I rise today to welcome former Taiwanese President Lee Teng-Hui to Washington, D.C. this week.

President Lee is perhaps best known as a primary architect of Taiwan's miraculous transition from dictatorship to democracy. He is a founding father of the island's well-known, vibrant, multiparty electoral system, and is often referred to simply as "Mr. Democracy."

Lee helped engineer various political reforms after becoming Vice President in 1984 and remained a steadfast force for democratization on the island after assuming the presidency in 1988. He convinced members of Taiwan's legislature, who were elected on the Chinese mainland some forty years earlier, to retire—opening the door for free and open parliamentary elections. He also championed changes to Taiwan's constitution to allow for direct popular election of the president—ushering in a new era of freedom in Taiwan.

In 1996, Lee was elected President in Taiwan's first direct Presidential election. His election was a watershed moment, paving the way for a peaceful transition of power in 2000 when the people of Taiwan elected Democratic Progressive Party candidate Chen Shui-Bian as President—marking the end of five decades of one-party rule on the island.

President Lee was able to engineer this transition peacefully, and under continued threats from communist China. His achievements demonstrate the power of democracy, and he deserves our respect for his determination and dedication to freedom.

IN MEMORY OF STEPHEN F. KENDALL

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, October 17, 2005

Mr. ANDREWS. Mr. Speaker, I rise today in memory of Stephen F. Kendall. Mr. Kendall was a leading businessman in the great state of New Jersey, and his legacy of integrity and hard work will certainly be remembered.

Stephen Kendall built Arch America L.L.C, the major fabricator of metal products and served as its CEO for twenty-seven years. Born in the Wynnefield section of Philadelphia, Mr. Kendall graduated from Valley Forge Military Academy and attended Villanova University. In 1959 Mr. Kendall began to work at a tiny aluminum plant. By 1970 he had taken over the firm and proceeded to build the business into Arch America L.L.C. Arch America currently has 1,400 employees. Among its many achievements, Arch America provided scaffolding for the restoration of the Statue of Liberty and the Washington Monument. In 1997 Mr. Kendall stepped down from his position as CEO and became Chairman of the

Board of Arch America. He passed away on October 6, 2005.

Stephen Kendall will be sorely missed. He is survived by his wife, two sons, one daughter, a brother, and eight grandchildren. His dedication to his family and his business will be remembered for generations to come.

VIDEO GAME VIOLENCE

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 17, 2005

Mr. WOLF. Mr. Speaker, particularly in light of the availability of video games like "Grand Theft Auto: San Andreas," I would like to highlight a recent publication from the American Psychological Association regarding violent video game content and the resultant influences of these games on the behavior of children and adolescents. Violence in Video Games: A Review of the Empirical Literature discusses the strong correlation between video games and increases in aggressive behavior.

I am surprised that lawsuits haven't been brought holding game manufacturers responsible for the havoc they are wreaking on society.

VIOLENCE IN VIDEO GAMES: A REVIEW OF THE EMPIRICAL LITERATURE

(By Jessica M. Nicoll and Kevin M. Kieffer)

One area of research that has received increasing attention involves the violent content of video games and the resultant influences of these games on the behavior of children and adolescents. No clear consensus has arisen as to whether violent video game content is harmful to players or predictive of future aggressive behavior, but there are some common themes in the empirical research literature. These common themes include: (a) demonstration of short term effects on player behavior following a violent video game participation; (b) gender differences as regards the player's aggressive reaction to the game; and (c) variations in the types of players who are at greater risk of being adversely affected by the violent content. The purpose of the present paper was to explore the general themes that have emerged in the research literature on violent video games and posit recommendations for future research on the relationship between violent video games and player behavior.

Violent content in video games is a particularly virulent topic among consumers and lawmakers alike. This issue has been contentiously debated from U.S. Superior Courts to the "Dr. Phil" show. Regardless of the positive and negative press generated by these violent video games, it seems that newly released games with extremely violent content are in no short supply and, in some cases, actually contain more graphic displays of violence than previous games. Mounting concern about the effects that violent video games have on young children and minors in general has led to the initiation of legislation that seeks to ban the sale or rental of video games deemed violent or sexually explicit. Concerned parents and lobbyists alike have insisted that industry regulations be made and, more importantly, enforced as regards the sale of violent video games to minors. Recently, Michigan legislators attempted to change the current law which allowed children to buy and rent video games that depict graphic violence, sexually explicit content, and the glorification of illegal activity. Illinois officials have called for similar legislation and currently require the labeling of violent and sexually explicit video games by manufacturers. Supporters of legislation limiting the dissemination of these video games believe that the video game industry has not been regulating itself stringently enough and that legislation of this type is both beneficial for American youth as well as society as a whole. Conversely, dissidents of this legislation maintain that these bans violate the first amendment rights of children and should not be allowed or enforced.

Recent court cases have placed violent video game content in the public eye. One such example, American Amusement Machine Association v. Kendrick (2001), alleged the legality of banning the sale of violent video games to persons under the age of 18. One of the issues discussed in the proceedings was that the ordinance was based on the belief, not compelling evidence, that violent video games cause an increase in aggression that may lead to actual violence. According to Judge Posner of the United States Court of Appeals for the Seventh Circuit who ruled on the case, studies on video game violence have not indicated evidence that violent video games evoke violent actions or cause an increase in the average level of violence among players. Thus, the ordinance banning the sale of violent video games was struck down.

Despite contentions from the legal community that convincing evidence demonstrating the harmful effects of video games on youth does not exist or is inconclusive, research has consistently demonstrated correlations between aggressive video game play and aggressive behavior. Thus, violent media has been shown to have effects on those who view violent programs with some past research suggesting that viewing violent content affects viewers in both explicit and implicit ways (Anderson & Dill, 2000; Huesman, Titus, Poldaski, and Eron 2003). Other researchers have reported that short term exposure to violent video games can have an impact on players self concept, even on an automatic level (Wood, Wong, & Chachere, 1991).

THEMES IN THE VIDEO GAME VIOLENCE RESEARCH LITERATURE

Indeed, violence is a reoccurring theme in most television programming, movies, television commercials, and video games, and it has been proposed that media violence is currently at an all time high with no appreciable decreases in violent content in the foreseeable future. Given the volume of violent material to which viewers are exposed, research that clearly documents the enduring behavioral changes on viewers is sorely needed to quell any misconceptions or misbeliefs that aggressive behavior can result from viewing violent content or playing violent video games. Previous disparity in the research literature as to the effects of violent content on viewers has spurred an impressive debate among scholars as to whether violent media broadcasting and game play actually incites aggressive behavior in those who view it (Wood, Wong, & Chachere, 1991).

Our review of the literature has resulted in the identification of three general themes: (a) demonstration of short term effects on player behavior following a violent video game participation; (b) gender differences as regards the player's aggressive reaction to the game; and (c) variations in the types of players who are at greater risk of being adversely affected by the violent content.

SHORT TERM EFFECTS ON PLAYER BEHAVIOR

One of the most documented findings in the research literature is the short term effects of playing violent video games on resultant player behavior. Bartholow and Anderson (2001) found that participants who played a violent video game for a short time experienced an increase in aggressive behavior following the video game. Uhlmann and Swanson (2004) found that participants who played a violent game for as few as 10 minutes associated themselves with aggressive traits and aggressive actions on a self rating scale. These results led the researchers to contend that even short-term exposure to violent video games can have an effect on the player's self-concept, primarily at some unconscious, "automatic" level. Uhlmann and Swanson extrapolated these findings to suggest that repeated priming of the self as being more aggressive through violent video game play may lead to the actual self being more aggressive in daily life.

Other research by Graybill, Kirsch, and Esselman (1985) found that short-term exposure to violent video games had effects on children's aggression fantasies. These researchers reported that children who played the violent games were less defensive and more assertive or aggressive in their fantasies than children who played a similar non-violent game. Similarly, Anderson and Ford, (1987) measured both the short-term effects of violent video games on players and the degree of violence viewed and the resulting effects on players. They found that aggressive video games did indeed have an effect on the player's emotional state with players of the highly aggressive game exhibiting an increase in hostility and anxiety when compared to the non-game control group. Players of a mildly aggressive game, however, only exhibited an increase in hostility without an increase in anxiety.

Gentile, Lynch, and Walsh (2004) conducted a study of over six hundred 8th and 9th grade school children and found that children who reported playing greater amounts of violent video games were rated more hostile than the other children in the study. In addition these children also reported a greater number of arguments with authority figures such as teachers and also were more likely to be involved in physical altercations with other students. The children who reported greater exposure to violent video games were also more likely to perform more poorly on academic tasks.

Barthlow and Anderson (2002) designed a study that examined the duration and intensity of aggressive behavior following participation in aggressive game play. Immediately after playing either a violent or non-violent game, the participants participated in a mock retaliation time task which used blasts of noise as punishment to the opponent. Players were informed that they had complete liberty to select both the intensity and duration of the punishment on their opponent. Researchers found that the participants who had played the violent game displayed more aggression against their opponents in the retaliation portion of the study than those participants who played the nonviolent game. Further, the participants who played the violent video game administered a greater number of high intensity sound blasts than those participants who played the nonviolent games.

Empirical research has also suggested that violent video game players tend to imitate the moves that they have just "acted-out" in the game. Irwin and Gross (1995) found that participants who played an aggressive video game displayed moves similar in free play to those in the violent game they had played. Players of the violent video game also exhibited more verbal and physical aggression toward a confederate during a competitive situation than those who played the nonviolent game. Schutte, Maloff, Post-Gordon, and Rodasta (1988) concluded that children who played a violent karate game displayed that type of behavior in free play with other children after playing the game. Children in the same study who played video games imitated the moves of the video game character in the video game they had just played.

In an effort to clarify the cognitive, behavioral, and affective experiences of children during exposure to aggressive stimuli, Anderson and Ford (1986) found a somewhat divergent relationship between short-term exposure to violent video games and subsequent behavior. These researchers did not find a relationship between aggressive behavior and exposure to violent video game play in all groups, as short term increases in aggression were only demonstrated in those who played the most violent games. Anderson and Ford also reported that participants who played violent video games were more anxious than those who had played either a mildly violent or non-violent game. Further, those who played the violent or mildly violent game were more hostile than the nonviolent controls.

Violent video game play has also demonstrated decrements in children's willingness to engage in short-term pro-social behavior. Chambers and Ascione (1985) found that children who played violent games displayed engaged in less helpful peer behavior than those who played a pro-social game. A similar study by Lin and Lepper (1987) reported a noteworthy correlation between teacher rated student competence and prosocial video game play.

GENDER DIFFERENCES TO VIOLENT VIDEO GAME CONTENT

A second general theme in the research literature is that gender differences play a role in how the player reacts to the violent content in a game. Cooper and Mackie (1986) found that girls who played a violent video game had an increase in the likelihood of playing with an aggressive toy. It was reported that girls who played the violent game also changed activities more and exhibited more aggressive play than those playing a passive videogame. In contrast, girls who reported less outside violent game play were more aroused when presented with the violent game than boys. Cooper and Mackie suggested that arousal was the precursor to aggressive behavior and subsequently caused the girls in the study to play more aggressively than the boys.

Fling, Smith, Rodriguez, Thornton, Atkins, and Nixon (1992) suggested that the aggressive effects demonstrated in psychological studies following exposure to violent video game content could be a function of the quantity of video games typically played by participants in the study. They reported that because young men typically play more video games, and especially more violent video games, than their female counterparts that there is a natural proclivity for male participants to demonstrate more aggressive play in psychological studies. This notion has been supported by other research by Funk and Buchman (1996) which found that boys tend to play video games for longer periods of time than girls. One hypothesis offered for the temporal disparity in game play is that it is more socially acceptable for boys to engage in this play than for girls. Yet another explication for gender differences in the quantity of game play is that video games often portray women in subordinate roles resulting in less incentive for young women to play. Regardless of the factors, research has indicated that young men tended to be more aggressive overall than young women (Bartholow & Anderson, 2001) thus predisposing them to engage in violent video game play more frequently.

CHARACTERISTICS OF PLAYERS INFLUENCED BY VIOLENT VIDEO GAME PLAY

A third general theme in the research literature involves the identification of characteristics of players who are likely to be influenced by violent video games. Slater, Henry, Swim, and Anderson (2003) proposed a "downward spiral model" that implied that the media perpetually reinforces the antisocial tendencies and behaviors of aggressive youths thus predisposing them to act in somewhat aggressive manners. Individuals who are attracted to violent content in media or games are likely to be more vulnerable to the effects of that exposure. In addition, those at risk often face mutual reinforcement of negative or aggressive behavior.

Funk and Bushman (1996) identified at "risk players" as those who spend the greatest amount of time playing these games and concomitantly have low self-concept. Researchers have been quick to point out that there is no evidence that suggests playing these videogames will lead to adjustment problems. The fact remains, however, that those individuals most at risk may share common characteristics, thus suggesting the need to monitor the playing habits of these types of games among children.

SUMMARY AND CONCLUSIONS

Research on the effects of violent video games on subsequent aggressive behavior has served as an important catalyst for change, in that rules and regulations have been developed to make it increasingly difficult for young children to obtain video games laden with violent or sexually explicit content. However, disparity in the present research literature and the absence of clear and compelling scientific evidence from the psychological community demonstrating the harmful and lasting effects of violent games on behavior has signaled the need for novel studies in this area. Future research may need to focus on the issue of free choice and the reasons why some children and adolescents would rather play video games than engage in some other type of stimulating activity. One avenue might involve the greater examination of personality variables in an effort to determine what factors may precipitate the purchase and subsequent use of violent video games. Because of the noted gender differences in past research, future research should continue to examine the role of player gender in the proclivity to exhibit aggressive behavior following video game playing. Lastly, due to the need to determine if exposure to violent content has any lasting detrimental effects on children, longitudinal studies are needed to ascertain what effects, if any, children are likely to experience.

In sum, past empirical studies have found that even short term exposure to violent video games influences subsequent player behavior and can result in an increase in outward aggressiveness both verbally and physically, a more negative self-concept, a decrease in helping behavior, an increase in arousal, and an increase in anxiety. Although no one study has conclusively demonstrated a cause and effect relationship between exposure and behavior, based on the results presented here, it is difficult to argue that there is no relationship between violent game play and subsequent aggressive behavior. And given the amount of violent content in the media and in current video games, it appears that this is an issue psychologists will be dealing with for quite some time.

RECOGNIZING MARY ALICE QUEIROS OF BROOKSVILLE, FLORIDA

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 17, 2005

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to recognize Mary Alice Queiros, the winner of the 2005 Great Brooksvillian of the Year Award. After retiring from a 30-year career as an art teacher, Mary Alice moved to Brooksville in 1994 and immediately took an active role in the greater Brooksville arts community.

Currently serving as the city's art director, Mary Alice has been a tireless advocate for the arts over the years. Perhaps her greatest contribution to making Brooksville the cultural heart of Hernando County has been her efforts to beautify and improve the city hall.

One of her first undertakings upon moving to Florida was to fill the bare walls of city hall with bright and beautiful artwork. Today, Brooksville city hall hosts an annual fall art show to showcase the work of area artisans. This year's exhibit, organized by Mary Alice, has brought the artwork of more than 20 local artists into the building, bringing color and beauty to the walls and hallways of city hall.

In addition to her work as Brooksville's art director, Mary Alice has been a longtime and active supporter of the arts in Brooksville. She is the founding member of the Brooksville Mural Society, and organizes artist receptions and art tours for visitors and students. She is also a member of the Hernando County Fine Arts Council, the Spring Hill Art League and is active at the Hernando Historical Museum.

Mr. Speaker, the city of Brooksville is lucky to have a woman like Mary Alice Queiros to take an active role in our community. I am proud to recognize her accomplishments, and congratulate her on being named the 2005 Brooksvillian of the Year.

HONORING JERRY BROWN ON HIS RETIREMENT FROM FORD MOTOR COMPANY

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, October 17, 2005

Mr. McCOTTER. Mr. Speaker, I rise today to acknowledge and honor Jerry Brown, as he retires from his position Governmental Relations Director, Michigan Region for Ford Motor Company.

Jerry joined Ford Motor Company as a Research Technician in 1962 with the General Parts Division and spent the next several years in various engineering positions in Body and Product Engineering.

In 1978, Jerry joined the Governmental Relations Staff as a Municipal Affairs manager. In 1994, he was appointed Director, Michigan Region in Lansing and has represented the Ford Motor Co. before the Michigan Legislature, the Governor and executive offices, government agencies and industry associations. Jerry also worked with the Local Government affairs activity on issues of importance to Michigan and Ford Motor Co. Additionally, Jerry has been very active in the community as a former member of Livonia City Council.

Mr. Speaker, Jerry Brown has made a significant impact on Ford Motor Co., and his community over the past four decades. I ask my colleagues to join me today in honoring Jerry as he prepares for his retirement, and I offer my congratulations and appreciation for his accomplishments.

IN HONOR OF GEOFF BORASTON

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 17, 2005

Mr. FARR. Mr. Speaker, I'm pleased to announce that Geoff Boraston, of Granite Construction, Inc., located in my congressional district, has been named 2005 National Stone, Sand and Gravel Association (NSSGA) Environmental Professional of the Year. Geoff Boraston is the vice chairman of the NSSGA Environmental Committee. The NSSGA member companies account for 90 percent of crushed stone and 70 percent of the sand and gravel used each year in the United States, and employs 115,000 American workers.

Mr. Boraston recognizes that we must all be good environmental stewards. He has made significant contributions in limiting emissions from naturally occurring asbestos to conform to the standards set by the California Resources Board. Mr. Boraston has coordinated summit meetings between government agencies and industry companies, and developed and implemented company-wide environmental management systems to address Granite Construction environmental issues. These are truly commendable actions that exemplify what one individual can contribute to the protection of the environment. We all look forward to Geoff Boraston's continued leadership on the NSSGA Environmental Committee to achieve environmentally sound operating practices.

Granite Construction is one of the Nation's largest heavy civil contractors and construction materials producers. The Watsonville company is a major builder of all types of rail system infrastructure, such as light rail, monorail, commuter rail and freight rail. Granite Construction is currently pursuing some $12 billion in rapid transit and rail projects to be bid throughout the country over the next year.

ACKNOWLEDGING STUDENTS AND STAFF OF BERTSCHI SCHOOL IN SEATTLE, WA

HON. JAY INSLEE

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, October 17, 2005

Mr. INSLEE. Mr. Speaker, it is with great pleasure that I acknowledge the students and staff of Bertschi School in Seattle, WA, for sending heartfelt greetings to the victims of Hurricane Katrina.

In the aftermath of Hurricane Katrina, I traveled to Houston to visit the evacuees who were housed in the Astrodome. I brought handwritten letters from citizens of my home town, Bainbridge Island, WA, and handed them out as I met so many courageous individuals who had lost everything; their homes, their jobs, their belongings, and in some cases, their families, during their hurried evacuation of New Orleans. As I handed out the letters written by citizens who live thousands of miles away, I witnessed how meaningful these words of compassion and support were to these displaced Americans.

Students at the Bertschi School in Seattle, WA, read about my trip and the positive impact the letters had on the hurricane victims and they wrote to me, asking if they could also send letters to families during my next visit with hurricane evacuees. While I was not able to return to Houston with their letters, I did have the pleasure of reading over their beautiful and inspirational words and art work before the letters made their way to Texas Children's Hospital, where some of the youngest hurricane victims were relocated.

It is among the greatest honors as a Member of the House of Representatives that I have an opportunity to meet and work with young people who are involved in their communities and who are deeply committed to making our country and our world a better place. Our future depends on these young people, who are capable of reaching out and showing support for their fellow citizens.

Though the students of Bertschi School are only in their elementary years, they already have a deep sense of civic pride and connectedness to the greater world and feel they have something to offer, even if it is, as in this case, sharing words of encouragement and compassion.

I commend the students and staff of Bertschi School for their efforts and wish them continued success in the years ahead.

IN HONOR OF THE COMMUNITY ACTION BOARD OF SANTA CRUZ COUNTY

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 17, 2005

Mr. FARR. Mr. Speaker, I rise today to congratulate the Community Action Board of Santa Cruz County, Inc. CAB on the occasion of its 40th anniversary. CAB was created in October 1965 to meet the challenge of President Lyndon B. Johnson's "War on Poverty," and as such is committed to meeting the needs of low-income people.

Since its inception, CAB has assumed responsibilities of great import to the community by providing vital preventative, emergency, and intervention services. They created and administer many programs in Santa Cruz County including Head Start, Second Harvest Food Bank, Legal Aid Society, Housing Authority, Women Infants and Children nutrition program, Senior Citizens Legal Services, Foster Grandparent Program, Women Ventures Project, Natural Resources and Employment Program, and CalWORKS Emergency Payment Program.

CAB played an important role in disaster relief for low-income residents following the devastating Loma Prieta earthquake of 1989 and the 1995 Pajaro River flood. Many of the programs and policies nurtured by CAB successfully reduce poverty and increase independence and self-sufficiency.

Mr. Speaker, it gives me great pleasure to recognize the Community Action Board for its 40 years of leadership in the community. I applaud the many contributions and achievements of the Community Action Board, and am proud to have such an exemplary organization fighting poverty and caring for the needs of the most vulnerable citizens in Santa Cruz County.

SUDAN HIRES WASHINGTON LOBBYIST

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 17, 2005

Mr. WOLF. Mr. Speaker, here we go again. First it was Patton, Boggs trying to polish the image of Saudi Arabia. Then we had Akin, Gump trying to assist China in buying a U.S. oil company. Now comes the shocking news that a Washington lobby shop has landed the Government of the Republic of Sudan as a client. Where will the lobbying wheel of fortune stop next?

The Government of Sudan has hired Mr. Robert J. Cabelly, managing director, C/R International, to lobby on its behalf. How can an American company use such bad judgment and represent a country whose leaders are suspected of organizing and arming militias to commit genocide? And why did the United States State Department sign-off on such a plan?

While shocking to some, it may not be all that surprising for anyone familiar with Mr. Cabelly's history. After working at the State Department for more than a decade where he developed hundreds of contacts in Africa, Mr. Cabelly went on to found C/R International. This international consulting firm received $6 million from Angola from 1996 to 2002 in order to successfully defeat a series of bills for an international oil embargo, according to a Harper's magazine article from March 2004. "While [Mr. Cabelly's firm] served Angola, the government's troops beat and raped civilians, and killed suspected rebel sympathizers," wrote Harpers' magazine.

On August 12 of this year, Mr. Cabelly filed with the Foreign Agents Registration Unit at the Department of Justice, reporting a contract with the Government of the Republic of Sudan for $530,000 per year. The contract lists the agreed representation by Mr. Cabelly for the Government of Sudan as providing "public relations, government relations and strategic counsel as they would relate to implementing the North-South peace agreement, cooperating in the war on terrorism, and addressing other issues."

But make no mistake, Sudan is hiring this firm to help counteract the ongoing worldwide campaign against the government's policy in the Darfur region of the country. This American company is taking money to wage a lobbying war against the hundreds of organizations and more than 130 million Americans who have voiced their concern about the situation in Sudan. While coalition groups work every day to call the world's attention to the regime in Khartoum and its condoning of the action of a violent militia which is raping and killing innocent women, men and children and pillaging villages in Darfur, they might be surprised to learn that one of the Government of Sudan's contract employees is working against it right here in Washington. Just last week there were new reports that the violence in Darfur is growing worse. The Sudan government has not reined in the janjaweed militia.

There is no question about what is occurring in Sudan. Last year the United States clearly stated that genocide is occurring in Darfur. This Congress passed a resolution affirming it. President Bush has called the actions in Darfur as genocide on repeated occasions. The United Nations has referred the case to an international tribunal to investigate war crimes.

I have been involved on Sudan issues for over 15 years. I have traveled to Sudan five times since 1989 with my most recent trip last summer to Darfur. I talked with women who had been raped and families whose members had been murdered. I saw emaciated children, dying from hunger and disease. I have seen with my own eyes bombed schools in Yei and horrific scenes of devastation inflicted upon the people of Sudan by government forces. The war between the Government of Sudan and the Sudan People's Liberation Army claimed the lives of over two million people and has left the country in despair. Although the fighting is over in the South and a Comprehensive Peace Agreement awaits implementation, death and destruction at the hands of the government and its proxy militia in Darfur continues unabated.

The United States Government and the United States Congress stands united with the people of Sudan and any lobbyist who walks these halls on behalf of the Government of Sudan is not welcome. The Sudan regime should be spending its money reining in the Janjaweed, and turning over criminals to the International Criminal Court, not hiring lobbyists to try to improve their image.

We are all aware of the actions of the Government of Sudan and no amount of lobbying will change that.

IN HONOR OF PENNY S. SINCLAIR

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 17, 2005

Mr. FARR. Mr. Speaker, today it gives me great pleasure to recognize Ms. Penny S. Sinclair, Director of Contracting at the Army Contracting Agency, Southern Region, at the Presidio of Monterey, California, for her 31 years of distinguished service to our Nation.

Ms. Sinclair is a member of the American Society of Military Comptrollers. She began her career as a Clerk Typist in 1971. She became an Acquisition Intern in September 1984 and graduated with honors. Throughout her career she received numerous awards, all reflecting her support for military services and civilian support staff in the highest manner possible.

She was appointed as the Director of Contracting in April 1993, at the time of Fort Ord's Base Realignment and Closure. Throughout this challenging time she dealt with year-end closure pressures, loss of personnel and a variety of emergency requirements with professionalism and superior performance. For this work she received a Special Act or Service Award and later was honored with the Commander's Award for Civilian Service. Ms. Sinclair was selected to serve on the Base Closure Ceremony team and was given the honor of assisting in the folding of the Fort Ord Parade Field flag for the last time. She returned as Director in 1999, continuing in that capacity until this year.

Ms. Sinclair was a renowned advocate for the installation organizations, its tenants, and the local business community. During her tenure the Presidio of Monterey exceeded its goals to work with small businesses and woman-owned businesses. She habitually sought opportunities to work with the regional Small Business Administration office and the cities on the Monterey Peninsula. Ms. Sinclair continuously encouraged her staff to expand their learning experience through formal and informal training, and made sure that her staff received monetary rewards for excellent performance. Ms. Sinclair personally provided a workplace that allowed employees to grow and have opportunities for promotion within the organization.

Serving as the Project Officer for Naval Support Activity Monterey Bay, Ms. Sinclair did a masterful job working the very difficult support agreements for fire protection services and public works support. She identified and recommended downsizing areas which were inefficient and costly and saved DLIFLC and POM over one million dollars per year.

Mr. Speaker, Penny Sinclair's professionalism, untiring dedication, and personal involvement reflect great credit upon herself, the Army Contracting Agency, and the United States Army. Her contributions to the Army's contracting mission and her unselfish passion for the contracting profession over the past 31 years have earned her the recognition of this body.

RECOGNIZING PROVIDENCE HIGH SCHOOL

HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 17, 2005

Mrs. MYRICK. Mr. Speaker, I would like to recognize one of the schools in my district, Providence High School. The Providence Varsity and Junior Varsity Lacrosse Teams have recently been admitted into the North Carolina High School Lacrosse Association, a prestigious group of schools competing in one of the fastest growing sports in the country. This is a great honor for Providence, because it is the only High School in the Charlotte Mecklenburg School System to be admitted to this Association, It also shows the commitment and dedication of the coach, the parents, and the players at Providence.

The coach of the Providence lacrosse team, William Humphrey, does an excellent job with the students. He focuses on teamwork, discipline, and the importance of academics. Due to Coach Humphrey's excellent coaching skills, Providence has had a number of outstanding and successful lacrosse seasons.

The parents are also hugely important to the success of this program. Their commitment to their children and the sport are the reason why the program continues to have success every year. In addition, the students involved in this program should be recognized for their commitment to academics and lacrosse. Each year students on the lacrosse team graduate and go on to many prestigious colleges, many of which have leading lacrosse programs.

I congratulate Providence High School lacrosse team on their achievement of being admitted to the North Carolina High School Lacrosse Association, and I wish them many successful seasons.

RECOGNIZING THE 50TH ANNIVERSARY OF SOUTH CAROLINA FARM BUREAU MUTUAL INSURANCE COMPANY

HON. JOHN M. SPRATT, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 17, 2005

Mr. SPRATT. Mr. Speaker, I would like to join my colleagues in recognizing the South Carolina Farm Bureau Mutual Insurance Company, SCFBMIC, on its 50th Anniversary. As its motto—"Helping you is what we do best"—suggests, the South Carolina Farm Bureau Insurance Company has provided a wide range of financial services to the people of our state for half a century.

South Carolina Farm Bureau Insurance came along at a time when South Carolina farmers were looking for better options in the way of obtaining good insurance coverage that was also affordable. Recognizing that need, the board members of the South Carolina Farm Bureau Federation went to work and secured a charter from the South Carolina Secretary of State on December 1, 1955. The result, 5 decades later, is a company that supplies a diversity of insurance products to

South Carolinians from all walks of life. Among some of the services they now provide are, auto, home, and life insurance, as well as financial services such as banking, loans, IRA, and credit cards.

I recall the year 1989 when the South Carolina Farm Bureau Insurance Company faced one of the biggest natural disasters in the history of our state: Hurricane Hugo. The South Carolina Farm Bureau rose to the occasion. It settled some 16,000 claims and paid out more than $71 million. Then, in 1999, when Hurricane Floyd struck the coast, 90 percent of reported claims were settled within one week, setting a model, if not a record, for expeditious claims management.

Today, the South Carolina Farm Bureau Insurance Company has a presence in every county in the State, which is one reason they are able to provide such timely and quality service. Theirs is a name that folks know and trust. I am proud of their service to our State, and wish them the best as they celebrate their 50th Anniversary and look to the future.

MOURNING THE TRAGIC BUS CRASH IN OSSEO, WISCONSIN

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, October 17, 2005

Mr. KIND. Mr. Speaker, today I rise with a heavy heart. I mourn with the citizens of western Wisconsin as we remember the lives of five people killed in a tragic school bus crash in Osseo, Wisconsin.

On Sunday, October 16, teachers, chaperons and members of the Chippewa Falls High School Marching Band were returning from a marching band championship when their bus struck an overturned tractor-trailer on Interstate 94 outside the city of Eau Claire. The band director, his wife and granddaughter, the bus driver, and a student teacher all were killed in the collision. Additionally, 29 other people were injured in this terrible accident.

Sunday should have been a day of celebration for the Chippewa Falls Community. The Cardinals' routine, "Robin Hood: Prince of Thieves," earned the school third place in its division at the Wisconsin School Music Association State Marching Band Championships in Whitewater. Instead of excitement over a job well done, the night would end in tragedy. At 2 a.m., the first of four buses carrying more than 200 students and 40 adults struck the overturned trailer on the dark road.

That day Wisconsin lost dedicated secondary education teachers and valued members of our community. The band director, Morgan Greenhalgh, affectionately called "G" by his students, was more than a teacher to them; he was a friend. His pupils said of him that he was able to bring out the best in his students, creating an extended family of those he taught. His peers said he was a wonderful teacher and a role model who will be impossible to replace.

Sadly, Therese Greenhalgh and their granddaughter, Morgan, also were lost in the crash. As was Brandon Atherton, a student teacher. Only 24 years old, Brandon attended the university of Wisconsin Eau Claire. Even at such a young age, he was committed to giving back to the community. And finally, Paul Rasmus, the bus driver was killed. At 78 years old, he was in the golden years of life. Instead of living a simple life of retirement, he spent his last years in service to the students at Chippewa Falls High School.

There were 29 students and adults who suffered serious injuries as a result of the collision. My heart goes out to all those who were involved in this terrible accident, as well as the families, students, and the community that were effected that terrible morning. On behalf of all the residents of western Wisconsin, each of us shares in your loss, and our thoughts and prayers are with you and your loved ones.

INTRODUCING THE EVACUEES TAX RELIEF ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 17, 2005

Mr. PAUL. Mr. Speaker, I rise to introduce the Evacuees Tax Relief Act of 2005, legislation providing tax relief to those forced to abandon their homes because of a natural disaster. This legislation provides a tax credit or a tax deduction, depending on the wishes of the taxpayer, of up to $5,000 for costs incurred because of a government-ordered mandatory or voluntary evacuation. Evacuees could use the credit to cover travel and lodging expenses associated with the evacuation, lost wages, property damages not otherwise compensated, and any other evacuation-related expenses. The tax credit is refundable up to the amount of income and payroll taxes a person would otherwise pay, thus ensuring working people who pay more in payroll than in income taxes are able to benefit from this tax relief. The credit is available retroactive to August of this year, so it is available to Katrina and Rita evacuees.

Having had parts of my district, including my home county, subject to mandatory evacuation because of Hurricane Rita, I have seen firsthand the burdens on those forced to uproot themselves and their families. Evacuees incur great costs in getting to safety, as well as loss from the storm damage. It can take many months, and even years, to fully recover from the devastation of a natural disaster. Given the unpredictable nature of natural disasters such as hurricanes and tornados, it is difficult for most families to adequately budget for these costs. The Evacuees Tax Relief Act helps Americans manage the fiscal costs of a natural disaster.

Mr. Speaker, it is hard to think of a more timely and more compassionate tax relief proposal than one aimed at helping families cope with the costs associated with being uprooted from their homes, jobs, and communities by a natural disaster. I hope all my colleagues will show compassion for those forced to flee their homes by cosponsoring the Evacuees Tax Relief Act.

ABILENE CHRISTIAN UNIVERSITY—100 YEARS OF EXCELLENCE

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 17, 2005

Mr. POE. Mr. Speaker, out on the hot, windy, arid plains of West Texas, where the prairie dog and the coyote make their home, amidst the tumble weeds, is a school that is the oasis of private Christian education and excellence. Celebrating its 100th year, Abilene Christian University, with its over 4000 students and 200 faculty members, has progressed dramatically since its beginning in 1906 as Childress Classical Institute.

Mr. J.W. Childress sold A.B. Barret some land outside Abilene, Texas to start a Christian school. The Church of Christ in Abilene backed the project. Then in 1912, when Jesse P. Sewell became President, the school started using the name Abilene Christian College, or commonly referred to as Abilene Christian.

The school moved its campus in 1929 after receiving money from the city of Abilene and land donated by the people of the city. The new campus permanently moved to the Northeast portion of town, fondly referred to as the Hill. ACC eventually became Abilene Christian University in 1976.

The school has students from all 50 states and 60 foreign countries. ACU is proud to be a liberal arts institution and has excellent programs in Business, Bible and Education. Numerous students go on to receive graduate degrees at ACU and other universities. All four of my kids, Kim, Kara, Kurt, and Kellee Lyn attended ACU.

The school has had tremendous athletic programs and its track program has won National Championships for over 60 years. The purple and white Wildcats are now in NCAA Division II and compete in all major sports.

Having been a student at ACU, the school—affiliated with the Churches of Christ—is a unique experience. The people who are at the University, not just the students, but the teachers and administration are a unique type of people.

Garvin Beauchamp, former head football coach, and then Dean of students, did much for me personally to make me see the importance of making good choices in life—He, like other faculty and staff, routinely has students in his home for informal gatherings, Bar-B-Que, and pizza. Students are taught by professors with very few teaching assistants.

I remember several Political Science classes I took from Dr. Gary Thompson that had 10 students learning politics.

My senior year at ACU, I was president of Galaxy Social Club—similar to Fraternities at other schools. We had an annual big event, a formal banquet, for our club. I drove an old 1962 Chevy Nova SS, more like a hot rod instead of a dating vehicle. And I wanted to borrow a nicer car to impress my date. Being the President of the club, I also needed a vehicle to make a statement at the party. So I went to the office of the President of the University and met with President Don Morris. I candidly told him my dilemma.

Then, I asked him if I could borrow his car because his well recognized Lincoln with license plates ACC–1 was the best car in town.

So I asked Dr. Morris if we could trade cars on that particular Saturday night of the banquet. Well, he did not say "If I lend you my car, I'll have to do it for everybody." He didn't mention liability issues. He just said "come over, leave me your car" and asked me to return his car after the date.

So I borrowed the President's car, impressed my date, made my fellow club members envious and had a grand time cruising Abilene, Texas in the President's Lincoln town car. I even drove by the ever popular Mack Eplan's Drive In to show off.

When I returned Dr. Morris's car that evening, he was waiting for me at his kitchen table. He was reading the Bible and probably praying to the Almighty for the safety of his car. We exchanged car keys and that was that.

But Dr. Morris, like many at Abilene Christian displayed an example of the unique character of the university.

Now the 11th President, Royce Money is continuing to lead the school with a determination to follow the mission of the school: "To educate students for Christian Service and leadership throughout the world."

So congratulations to Abilene Christian University in celebrating its 100th year. And thanks for influencing and educating so many students to be a remarkable difference in our nation. The world is a better place because of that Texas school out on the plains of West Texas.

DEPARTMENT OF VETERANS AFFAIRS INFORMATION TECHNOLOGY MANAGEMENT IMPROVEMENT ACT

HON. STEVE BUYER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 17, 2005

Mr. BUYER. Mr. Speaker, today, I am introducing legislation, along with Ranking Member EVANS and other distinguished Members of the Committee, will introduce legislation that will mandate the Department of Veterans' Affairs to empower the Department's Chief Information Officer with authority over resources, budget and personnel related to information technology for the Department.

Since coming to Congress in 1993, I have witnessed this Committee struggle with VA's inability to adequately manage its IT funding and IT modernization efforts.

While there have been significant improvements in VA's IT modernization efforts, the improvements have come at significant cost to our Veterans: $600 million plus for a decade of VETSNET—the automated compensation and pension claims processing system that still has not been implemented in 10 years. $342 million for CoreFLS—the failed financial management system. $300 million for the HR Links—the failed automated personnel system. $485 million annually to maintain VISTA, VA's 25-year-old medical information system.

This legislation, the "Department of Veterans Affairs Information Technology Management Improvement Act" will ensure accountability in VA IT spending, and reorganize VA's IT infrastructure to better serve our nation's veterans.

HONORING GEORGE HALE

HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Monday, October 17, 2005

Mr. MICHAUD. Mr. Speaker, Maine has a long tradition of honoring men and women who have made a positive impact on the community and the people around them. This is why I would like to recognize George Hale. George has spent his life working with and helping others.

George first began working with others when he was in the Navy. He would then go on to serve in Korea as a medic, working with the sick and wounded. A Cleveland native, George eventually found his way to Maine where he has had a distinguished 50 year career doing what he loves: broadcasting. During this career he has become an icon to a vast number of Mainers and he has become a legend as a high school basketball announcer. He has used his broadcasting skills to the benefit of others too. For the last 15 years George has helped host the Muscular Dystrophy Telethons on WABI TV. He has also done important work for the Maine Chapter of the March of Dimes and countless communities around Maine.

For these reasons George is being honored by the Maine Chapter of the March of Dimes tonight for a lifetime of achievement and involvement with the community. On behalf of the residents of Maine's Second Congressional District, and for myself personally, I would like to congratulate George Hale on this honor and also thank him for all the work he has done for the people of Maine.

THANKING FORMER GOVERNOR JAMES B. HUNT FOR HIS LEADERSHIP ON EDUCATION

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, October 17, 2005

Mr. HOYER. Mr. Speaker, James B. Hunt—the four-term Governor of North Carolina, is not only a model public servant, a proud democrat and a long-time dear friend, he is the rare visionary who actually knows how to implement his vision and get demonstrable results.

The "No Child Left Behind Act" was an historic bipartisan achievement for our Nation. And it was a signal accomplishment for President Bush and Members on both sides of the aisle in Congress.

But the fact is, governor Hunt was in the vanguard of the movement for education reform in the States and his hard work helped inspire the enactment of this important Federal law.

When it comes to education, Jim Hunt not only put North Carolina on the map, he has helped move the Tarheel State toward the top of the heap.

His smart start program—a public-private partnership in each of North Carolina's 100 counties—helps provide quality child care, health care and family support for each child who needs it.

The "Judy Centers" in Maryland—named for my late wife, who was a strong advocate of early childhood education—provide many of the same services.

Jim Hunt helped set up North Carolina's primary reading program. He helped reduce class size, and create a dropout prevention program.

And, he established the State's school of science and mathematics, the Microelectronics Center of North Carolina, and the North Carolina Biotechnology Center.

He also helped put in place one of the most rigorous, approaches to measuring student performance, requiring mastery before promotion and graduation and providing assistance to turn around failing schools.

When it comes to education reform that gets results, no one in America has had a more profound impact than Jim Hunt.

He didn't just claim victory after signing these initiatives into law. He demanded—and received—results.

For example, The Rand Corporation reported that North Carolina Public Schools improved test scores more than any other State in the 1990s.

And, the 1997 national education goals report showed that North Carolina had the most impressive improvements toward reaching educational goals outlined by the panel, and made significant progress in science and math.

But Governor Hunt's contributions have been felt far beyond the borders of North Carolina.

They have been felt throughout the Nation.

As the founding chair of the national board for professional teaching standards, Jim Hunt has been a driving force in improving student achievement by raising teaching standards.

Quite simply, the national board helps teachers improve their skills, so that they can better serve their students.

Governor Hunt has always recognized that the key to a first-rate education is first-rate teaching.

And, through the national board he has helped raise the bar, striving to give professional educators the respect and training that they deserve.

Finally, let me say that Jim Hunt has always understood and focused on the nexus between educational achievement and economic success.

Today, figures from across the political spectrum—Bill Clinton, Newt Gingrich, Bill Gates and the U.S. Chamber—recognize and are talking about that nexus.

"We are living in a world," said President Clinton, "Where what you can earn is a function of what you can learn."

This issue, the centrality of education and knowledge in today's global economy, unites all of us.

And Jim Hunt has recognized that for more than 25 years.

A few years ago, the Raleigh News and Observer stated that, "Jim Hunt served his State with practical accomplishment and with forceful leadership in times of crisis. Of that, he, and we, can be proud."

Governor Hunt is a trailblazer who has lit the path to personal fulfillment and professional accomplishment for literally thousands of North Carolinians and men and women all across this Nation.

His insight has been invaluable. His determination has been essential. And his leadership has been practical, productive and profound.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, October 18, 2005 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

OCTOBER 19

9:30 a.m.

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings to examine the potential of stem cell and nuclear transplantation research.

SD–138

10 a.m.

Agriculture, Nutrition, and Forestry

Business meeting to consider recommendations which it will make to the Committee on the Budget with respect to spending reductions and revenue increases to meet reconciliation expenditures as imposed by H. Con. Res. 95, establishing the congressional budget for the United States Government for fiscal year 2006, revising appropriate budgetary levels for fiscal year 2005, and setting forth appropriate budgetary levels for fiscal years 2007 through 2010.

SR–328A

Energy and Natural Resources

Business meeting to consider pending calendar business.

SD–366

Foreign Relations

To hold hearings to examine United State foreign policy relating to Iraq.

SD–106

10:30 a.m.

Judiciary

To hold hearings to examine issues and implications regarding reporters' privilege legislation.

SD–226

2 p.m.

Judiciary

Antitrust, Competition Policy and Consumer Rights Subcommittee

To hold hearings to examine video competition in 2005.

SD–226

Health, Education, Labor, and Pensions

Employment and Workplace Safety Subcommittee

To hold hearings to examine enhancing cooperation between employers and guardsmen/reservists.

SD–430

2:30 p.m.

Foreign Relations

To hold hearings to examine the nomination of David M. Hale, of New Jersey, to be Ambassador to the Hashemite Kingdom of Jordan.

SD–419

Intelligence

To receive a closed briefing regarding certain intelligence matters.

SH–219

OCTOBER 20

9:30 a.m.

Foreign Relations

To hold hearings to examine the nominations of Benson K. Whitney, of Minnesota, to be Ambassador to Norway, Roland Arnall, of California, to be Ambassador to the Kingdom of the Netherlands, Susan Rasinski McCaw, of Washington, to be Ambassador to the Republic of Austria, and Nicholas F. Taubman, of Virginia, to be Ambassador to Romania.

SD–419

Homeland Security and Governmental Affairs

To hold hearings to examine the response to Hurricane Katrina in New Orleans.

SD–342

Judiciary

Business meeting to consider pending calendar business.

SD–226

10 a.m.

Banking, Housing, and Urban Affairs

To resume hearings to examine the implementation of the Exon-Florio provision by the Committee on Foreign Investment in the United States (CFIUS), Department of the Treasury, which seeks to serve U.S. investment policy through reviews that protect national security while maintaining the credibility of open investment policy.

SD–538

Commerce, Science, and Transportation

To hold hearings to examine S. 1052, to improve transportation security, including public and private sector actions taken since September 11, 2001, and the attacks on rail systems overseas, to enhance the security of passenger and freight rail transportation.

SD–562

Veterans' Affairs

To hold hearings to examine IT Management by the VA.

SR–418

Joint Economic Committee

To hold hearings to examine the current economic outlook.

Room to be announced

10:30 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings to examine USDA Farm Service Agency Office consolidation plan known as FSA Tomorrow.

SR–328A

2 p.m.

Commerce, Science, and Transportation

Business meeting to consider proposed DTV bill, S. 1753, to establish a unified national hazard alert system, S. 967, to amend the Communications Act of 1934 to ensure that prepackaged news stories contain announcements that inform viewers that the information within was provided by the United States Government, and S. 1063, to promote and enhance public safety and to encourage the rapid deployment of IP-enabled voice services.

SR–325

Judiciary

Constitution, Civil Rights and Property Rights Subcommittee

To hold hearings to examine the constitutional amendment on marriage.

SD–226

Health, Education, Labor, and Pensions

To hold hearings to examine Federal employment programs for persons with disabilities.

SD–430

2:30 p.m.

Energy and Natural Resources

To hold hearings to examine S. 1016, to direct the Secretary of Energy to make incentive payments to the owners or operators of qualified desalination facilities to partially offset the cost of electrical energy required to operate the facilities, and S. 1860, to amend the Energy Policy Act of 2005 to improve energy production and reduce energy demand through improved use of reclaimed waters.

SD–366

Foreign Relations

Near Eastern and South Asian Affairs Subcommittee

To hold hearings to examine U.S. foreign policy, petroleum, and the Middle East.

SD–419

Intelligence

To receive a closed briefing regarding certain intelligence matters.

SH–219

OCTOBER 25

9:30 a.m.

Armed Services

To hold hearings to examine the nominations of John J. Young, Jr., of Virginia, to be Director of Defense Research and Engineering, Department of Defense, Dorrance Smith, of Virginia, to be Assistant Secretary of Defense for Public Affairs, Delores M. Etter, of Maryland, to be Assistant Secretary of the Navy for Research, Development and Acquisition, and General Burwell B. Bell, III, USA, for reappointment to the grade of general and to be Commander, United Nations Command/Combined Forces Command, and Commander, United States Forces Korea.

SD–106

Judiciary

To hold hearings to examine U.S.-Saudi Arabia relations relating to the war on terror.

SD–226

10 a.m.

Energy and Natural Resources

To hold hearings to examine S. 1829, to repeal certain sections of the Act of May 26, 1936, pertaining to the Virgin Islands, S. 1830, to amend the Compact of Free Association Amendments Act of 2003, and S. 1831, to convey certain submerged land to the Commonwealth of the Northern Mariana Islands.

SD–366

OCTOBER 26

9:30 a.m.

Indian Affairs

To hold an oversight hearing to examine In Re Tribal Lobbying Matters, Et Al.

SH–216

Judiciary

To hold hearings to examine the Streamlined Procedures Act relating to Habeas Reform.

SD–226

2 p.m.

Energy and Natural Resources

Public Lands and Forests Subcommittee

To hold hearings to examine the implementation of the Federal Lands Recreation Enhancement Act (P.L. 108–447), by the Forest Service and the Department of the Interior.

SD–366

NOVEMBER 2

2 p.m.

Energy and Natural Resources

Public Lands and Forests Subcommittee

To hold hearings to examine S. 1541, to protect, conserve, and restore public land administered by the Department of the Interior or the Forest Service and adjacent land through cooperative cost-shared grants to control and mitigate the spread of invasive species, S. 1548, to provide for the conveyance of certain Forest Service land to the city of Coffman Cove, Alaska, S. 1552, to amend Public Law 97–435 to extend the authorization for the Secretary of the Interior to release certain conditions contained in a patent concerning certain land conveyed by the United States to Eastern Washington University until December 31, 2009, and H.R. 482, to provide for a land exchange involving Federal lands in the Lincoln National Forest in the State of New Mexico.

SD–366

CANCELLATIONS

OCTOBER 20

10 a.m.

Indian Affairs

To hold hearings to examine Indian water rights settlement policy effects on the Duck Valley Reservation proposed settlement agreement.

SR–485

POSTPONEMENTS

OCTOBER 19

10 a.m.

Health, Education, Labor, and Pensions

Bioterrorism and Public Health Preparedness Subcommittee

To hold hearings to examine biosurveillance.

SD–430

OCTOBER 20

2:30 p.m.

Indian Affairs

Business meeting to consider S. 1057, to amend the Indian Health Care Improvement Act to revise and extend that Act, S. 1003, to amend the Act of December 22, 1974, S. 692, to provide for the conveyance of certain public land in northwestern New Mexico by resolving a dispute associated with coal preference right lease interests on the land, and a proposed bill to extend the statute of limitations for breach of trust claims.

SR–485

SENATE—*Tuesday, October 18, 2005*

The Senate met at 9:46 a.m. and was called to order by the Honorable PATRICK J. LEAHY, a Senator from the State of Vermont.

The PRESIDING OFFICER. The visiting Chaplain today, Father Claude Pomerleau, will lead the Senate in prayer.

PRAYER

The guest Chaplain offered the following prayer:

Let us pray.

Father in heaven, beloved Creator of the mountains and the wooded valleys from Whose fullness we have all received, direct our steps in our everyday efforts. Your presence in the resounding rivers and quiet breezes, in the fertile plains and dry deserts powerfully yet gently guides all the moments of our day and brings those necessary moments of beauty and peace into our lives.

Go before us in our pilgrimage of life, anticipate our needs, and prevent our falling. We are all hungry for the fullness of joy that only You can give. Send Your Spirit to unite us in our search for a better world, and especially to enlighten and guide all legislators who serve You by working for the common good. Amen.

PLEDGE OF ALLEGIANCE

The Honorable PATRICK J. LEAHY led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

The PRESIDENT pro tempore. The Chair is honored to be able to ask the Senator from Vermont to introduce his distinguished relative.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The Chair recognizes the majority leader.

SCHEDULE

Mr. FRIST. Mr. President, very briefly, this morning we have set aside a period of morning business for the first 60 minutes. Following that time, we will return to the consideration of the Transportation-Treasury-HUD appropriations bill. Last night, we entered into an agreement which will allow Senators BROWNBACK and LANDRIEU to offer the DC appropriations bill at 11 o'clock this morning. Following their statements, we expect a vote on that amendment. That will be a voice vote.

Also under our order from last night, at 12:10 today, we will vote on the Kyl amendment relating to a freeze of the Members' COLA or cost-of-living adjustment. After that vote, we will recess for our scheduled policy luncheons.

We will return to the bill this afternoon, and we will have additional votes on amendments to the appropriations measure. It would also be helpful to have a filing deadline so that the two managers will be better able to manage the amendments as they come forward. Today, I will be talking to the Democratic leader about a unanimous consent for that deadline.

We need to finish this appropriations bill this week. We will finish this appropriations bill this week. It does mean we may need to be voting on Friday in order to accomplish that, and we will be here on Friday to accomplish that if necessary.

Mr. President, I yield the floor.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business for up to 60 minutes, with the first half of the time under the control of the majority leader or his designee and the second half of the time under the control of the Democratic leader or his designee.

The Chair recognizes the distinguished Senator from Vermont.

ORDER OF PROCEDURE

Mr. LEAHY. Mr. President, with the distinguished majority leader on the floor, I ask unanimous consent that I be allowed to go forward for 3 or 4 minutes on Senator REID's time and go out of order at this point.

The PRESIDENT pro tempore. Without objection, it is so ordered.

WELCOMING THE GUEST CHAPLAIN

Mr. LEAHY. Mr. President, first, I note my dear friend of over 30 years, the distinguished senior Senator from Alaska, is in the chair, the President pro tempore of the Senate. I note that the President pro tempore showed his usual courtesy, instead of taking the chair initially to open the session, as he would, to allow me to do so to introduce my brother-in-law, Father Claude Pomerleau.

I also note that our distinguished Chaplain, Dr. Barry Black, is here. I thank the Chaplain for his cooperation in making sure that Father Pomerleau could open the session.

Of course, I thank the distinguished majority leader, Senator FRIST, and the distinguished Democratic leader, Senator REID.

Mr. President, I note that Father Pomerleau is a very close member of our family. He is probably not used to hearing me call him Father Pomerleau; it has always been Claude. He was on the altar—not yet a priest but in the seminary—when my wife Marcelle and I were married slightly over 43 years ago. And 40 years ago this December, the two of us were able to be with his wonderful parents, Phil and Cecile Pomerleau, at his ordination in Rome—a very proud time for his parents, certainly a proud time for Claude, but also a very proud time for Marcelle and me.

He has been, in many ways, our spiritual light and friend all these years. He is very much a brother to me, as he is to Marcelle. I have had the privilege one other time to have him as visiting Chaplain. And in my 31 years in the Senate, those two times stand out as highlights in my career.

So again I thank the distinguished Senator from Alaska for showing his usual courtesy, and, of course, I cherish our friendship of over three decades.

With that, Mr. President, I yield the floor.

The PRESIDENT pro tempore. The Senator from Georgia is recognized.

IRAQ

Mr. ISAKSON. Mr. President, I rise this morning to reflect for a moment on the apparent successful events in Iraq this weekend and also to look forward to more successful events in the months ahead. It appears the people of Iraq—10 million of them—turned out on Saturday to ratify a constitution under which elections will take place on December 15 of this year. I believe now is an appropriate time for us to recognize, in the process of liberating the people of Iraq, the great accomplishments our brave young men and women have made to allow that process to take place.

About 2½ years ago, America went into Iraq with three stated goals. One was to depose Saddam Hussein. That was done. He goes on trial tomorrow, to be tried by his own people, in his own court, by his own judges. Second, we went in to rid the nation of weapons that could hurt others and stabilize the country so we could accomplish the third goal, which is to allow the people of Iraq to self-determine their future, as we in America did some 229 years ago.

The first goal, deposing Hussein, was accomplished, and he goes on trial. The second goal of stabilizing the country has, in fact, been accomplished. It has been accomplished in a unique way and was ratified by the very election that took place on Saturday, because on Saturday the Iraqi military protected the Iraqi polling places to allow the Iraqis to have an election that had very little disruption or violence by the insurgents. Now we move toward December 15 and the election of a permanent assembly for the people of Iraq to govern themselves.

On the first day of February of this year, I visited Baghdad, shortly after the elections that were held on January 31. I saw on that day the pride of Iraqis holding up their index finger, stained with blue ink, with smiles on their faces and self-satisfaction from having voted, which they did. We saw at that election where a number of the Sunnis stayed home, where most of the Shiites and the Kurds voted, and there were about 8 million votes.

Just 8 months later, I watched this morning on TV and saw index fingers raised with ink stains to evidence the vote that had taken place, but those ink stains were not just on the fingers of Shiites and Kurds, they were on the fingers of Sunnis as well because, as was said after the first election in Iraq in January, the Sunnis learned that in a democracy, if you do not vote, you do not count. Although their votes may have been different yesterday, it laid the groundwork for this country to self-determine its future in peace, for its three groups within their country to join together, to form a government, to iron out their differences peacefully, and to grow in the Middle East what many thought was never possible, and that is an Arab nation self-determining its future, with its people electing its representatives, living and growing in peace and harmony with its neighbors.

There have been a lot of critics of our efforts in Iraq. There have been some who have said the war was wrong and others who have said we ought to come home, when, in fact, they have misjudged and mischaracterized the entire event. For us to come home is to lose the war. For us to stay is for liberty and peace and freedom to take root, to grow, and to prosper, and for an area of the world that for all time has been in turmoil to have the chance in future time to be in peace. That is not just good for the Middle East. That is not just good for the Iraqis. That is good for America. That is good for the nations of the world. That is good for the future peace of this great Nation we call the United States of America, for it was terrorism that drug us into the Middle East. It is terrorism, through insurgents, that we fight today in Iraq. And it is terrorism that will lose, not in the end to bullets but to votes, with a people free to self-determine their future.

The people in Iraq began that process on January 31 and reaffirmed that process this past Saturday. I am confident and looking forward to the future, that on December 15 they will reaffirm that process again by holding free elections, guarded—and peacefully guarded—by their own trained troops, who will be the security force that in the future replaces our men and women, and that they will secure the country of Iraq not just for one election, not just for one day, but for the future.

It has been said that victory in Iraq is a process and not an event. I believe that is an appropriate statement. We have gone through a process that deposed an evil dictator, stabilized a violent nation, allowed free elections to take place, for a constitution to be drawn, for elections for its ratification to take place, and now we are on the doorstep of the election of those permanent representatives who will self-determine the future of the nation of Iraq. In this process, known as freedom, America has contributed much.

Our sons and daughters have been there steadfastly fighting the insurgents, securing the Iraqi people, and giving the flame of liberty and freedom a chance to grow and glow. On Saturday that process apparently took place again. I look forward to it taking place on December 15. I thank God for the brave men and women of the U.S. Armed Forces and the resilience of our people as, once again, we are the leading light for freedom, peace, hope, and liberty not just in our own country but around the world.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. VITTER). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent to use my leader time and not interfere with morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEADERSHIP PAC RIDER

Mr. REID. Mr. President, this morning I would like to speak for a short time about a provision of the bill before the Senate, the Transportation bill, that was removed by Republican leaders when the bill was taken up yesterday. I commend my colleagues, Senators FEINGOLD and MCCAIN, for their leadership in advocating to the Republican leaders to take this step. The provision should not pass quietly in the night. It was in this bill. It should not have been. More importantly, it should not emerge in any way in the future in some type of a must-pass conference report.

The leadership PAC rider would have created a giant loophole in our campaign finance laws and would have permitted unseemly money transfers among incumbents and national parties.

Today, leadership PACs are bound by the same campaign finance rules as are regular campaign PACs, known as political action committees; that is, leadership PACs can't give more than $15,000 annually to the national parties. The rider inserted in this bill during markup by the Republican leadership removed this limit on leadership PACs so they could transfer unlimited funds to national parties.

My colleagues, Senators FEINGOLD and MCCAIN, rightly decried this move as a major circumvention of our campaign finance laws. The provision would have directly undermined the point of those laws: preventing corruption in fact and in appearance. I joined with them to oppose this provision and assured them that the Democrats would stand united with them on a motion to strike this rider or to prevent the bill from moving forward.

Through the efforts of Senators FEINGOLD and MCCAIN, we had the votes to strip this provision from the bill, and everyone knew that. Recognizing that, my colleagues on the other side of the aisle agreed to remove it from the bill. I made it clear to my colleague and friend, the majority leader, that we would not accept a conference report with reemergence of this provision.

COMPENSATION FOR MEMBERS OF CONGRESS

I also want to say another word about my friend, RUSS FEINGOLD. RUSS FEINGOLD is a person who is very talented. He is a unique advocate for many issues that affect this country. I have just talked about campaign finance reform. He is and has been a leader on campaign finance reform. There are times that I disagree with RUSS FEINGOLD but not often. He is a person who brings unique attributes to the Senate. Academically, he is without peer. He graduated from Harvard Law School and is a Rhodes scholar.

Today, he will speak on behalf of this side of the aisle on a provision dealing with compensation for Members of Congress. There are times when a COLA is certainly in keeping with the needs of this body and the country, but there are times when it is not. As I have indicated. RUSS FEINGOLD has never shied away from offering contentious, difficult amendments. Today, I am happy to see the other side of the aisle recognize that this amendment would pass, the Feingold amendment that has been offered by him alone in years past. The majority decided they would step in the shoes of Senator FEINGOLD because they knew this was a time—with Katrina, with the many other problems facing our country—when a pay raise was not appropriate.

I want the record to be spread with the fact that RUSS FEINGOLD is a person whose good work I so appreciate. I admire him and the work that he does and want everyone within the sound of my voice to understand that this amendment we will dispose of prior to 12:30 today has been the Feingold amendment year after year after year. Now I am happy to see that others have joined with him.

While I have disagreed with him on this issue in the past, no one can take away from the fact that this has always been RUSS FEINGOLD's mantra: that he would offer the amendment to make sure that the congressional pay raise did not go forward.

He certainly was not successful in years past, but everyone recognized that he would be this year. Therefore, the majority, in an effort to take away a little recognition from him, decided they would do it. But recognition will always be there because RUSS FEINGOLD has always been out front on this issue.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. OBAMA. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. OBAMA. I ask that I be able to proceed out of order. It is my understanding the Republicans actually control the time at the moment. I ask unanimous consent that I be able to proceed and the time to be taken out of the Democratic time.

The PRESIDING OFFICER. Without objection, it is so ordered.

AVIAN INFLUENZA

Mr. OBAMA. Mr. President, we are continuing to witness, as I think you are aware, the relentless spread of avian flu carried slowly, but predictably, by wild migratory birds from countries in Southeast Asia to western China to Mongolia and then over the Ural Mountains into Russia and Ukraine. From there, avian flu this week has spread over to Romania and Turkey, and we have just learned possibly into Greece.

Dr. Joseph Domenech, chief of the Animal Health Service at the United Nations Food and Agricultural Organization, has been quoted as saying that ". . . we are not surprised."

At this point, no one should be surprised. The experts have told us repeatedly that a flu pandemic is inevitable, although the timing is unpredictable. In other words, the question is not if but when. The spread of avian flu is our warning signal, and we need to heed this call to action.

If we are lucky, we will have at least a year or perhaps several years to prepare for a flu pandemic, but we might not be so lucky. Regardless of whether it is this particular strain of avian flu, H5N1, or another deadly strain, the time to act is long overdue if we want to prevent human suffering, death, and economic devastation.

International health experts say that two of the three conditions for an avian flu pandemic in Southeast Asia already exist. First, a new strain of the virus has emerged to which humans have little or no immunity. Second, this strain has shown that it can jump between species.

The last condition, the ability for the virus to travel efficiently from human to human, has not been met, and it is the only thing preventing a full-blown pandemic. Once this virus mutates and can be transmitted from human to human, we will not be able to contain this disease. Because of the wonders of modern travel, a person could board a plane in Bangkok, Athens or Bucharest and land in Chicago less than a day later, unknowingly carrying the virus. In fact, we learned this lesson from SARS, which moved quickly from Asia to Canada, where it led to many deaths.

As my colleagues know, one of my top priorities since arriving in the Senate has been to increase awareness about the avian flu. In April of this year, I introduced the Avian Act, which is a comprehensive bill to increase our preparedness for an avian flu pandemic. This bill was incorporated into a larger bill, the Pandemic Preparedness and Response Act that Senator REID and I introduced 2 weeks ago. We need to move this bill as quickly as possible.

We also need to provide more funding to purchase vaccines and antivirals and improve our ability to spot and isolate a pandemic as soon as it begins. In the spring and summer, I worked to secure $25 million in funding to fight the avian flu. Today, some of this money is already helping the World Health Organization to step up its international surveillance and response efforts.

But obviously more money is needed—much more. Last month, I joined Senator HARKIN and others in offering an amendment to the DOD appropriations bill to provide almost $4 billion to fight the avian flu. I am pleased that Senator STEVENS cosponsored the amendment and it was accepted into the appropriations bill. At this point, I am hoping that the House will agree to this funding in conference.

Although we have begun to step up to the plate in the Senate, it is unfortunate that none of the avian flu bills that have been introduced have yet been passed into law. There has been too much talk, not enough action. And this is not just true in the Congress.

One year after publishing the draft pandemic flu plan, the administration still has not released the final HHS pandemic flu preparedness plan. Half the States have not published plans either, and we know that many of these States will need substantial help.

This lack of planning is compounded by the fact that we still don't have an FDA-approved vaccine against avian flu, and the one drug that many countries are relying on, Tamiflu, may be less effective than experts had thought. The manufacturer is also struggling to meet the demand, and it could take up to 2 years for it to make enough for the U.S. stockpile, presuming this administration finally puts in an order for the drug.

I ask my colleagues how many hearings and briefings have they sat through where witnesses and experts have urged the Government to be better prepared for these types of crises?

The failure to prepare for emergencies can have devastating consequences. We learned that lesson the hard way after Katrina. This Nation must not be caught off guard when faced with the prospects of a pandemic because the consequences are simply too high.

The flyways for migratory birds are well established. We know that avian flu will likely hit the United States in a matter of time. With the regular flu season coming up shortly, conditions will be favorable for the reassortment of the avian flu virus with the annual flu virus.

Such reassortment could lead to a mutated virus that could be transmitted efficiently between humans, which is the last condition needed for pandemic flu.

The question is, Will we be ready when that happens? Let's make sure the answer is yes. I urge my colleagues in the Senate and the House to push this administration to take the immediate action needed to prevent catastrophe, the likes of which we have not seen during our lifetimes.

I thank the Chair, and I yield the floor.

Mr. WYDEN. Mr. President, I ask unanimous consent to be recognized at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

ENERGY

Mr. WYDEN. Mr. President, a few months ago, the President signed into law an Energy bill that did virtually nothing to prepare America for any kind of crisis for a disruption in the oil supply. Now, a few months after that new law was signed, a scavenger hunt is underway to come up with yet another bill to address the issues that Congress ignored in the 2005 Energy bill.

The problem is that much of the new legislation tracks the troublesome trends of the bill that was signed. What I want to do this morning is spend a few minutes talking about why I think that is the case, why I think this legislation is misguided, and then to suggest some alternatives.

The central problem, in my view, is that this new legislation essentially says to these well-stuffed, well-oiled energy lobbies: We will give you more than you got. This is on top of the fact that oil refiners have seen their profits skyrocket by 255 percent over the last year, an extraordinary fact—a 255-percent increase in profits for the oil-refining sector. And now we are talking about another piece of legislation to subsidize these folks and others who are literally swimming in cash today.

I do not believe that one of Congress's top priorities, after the tragedy of Hurricane Katrina, should be to help these special interest lobbies that already are swimming in cash.

There are too many Americans who are far from swimming in those kinds of funds. They are still trying to clean up the flood waters. They are mucking out their homes in the State of the Presiding Officer, Louisiana. They are trying to rebuild from the rubble of south Mississippi. Many of them do not have a dime to their name. I believe it would be shameful if Congress returns to business as usual writing blank checks for these powerful energy lobbies, using the storms in the wake of these hurricanes as an excuse, as a Trojan horse, for handouts to the powerful energy lobbies in this country.

Let me outline the exact status of the subsidies that are on the books now and what was added in the bill in 2005. Under the laws already on the books before the Energy bill was enacted, oil and gas industries were on tap to get about $1.4 billion in tax breaks and other subsidies for a total of $6 billion in taxpayer subsidies over the next 5 years.

With the Energy bill signed into law, the oil and gas interests will get another $2.6 billion of additional tax breaks and subsidies on top of what they were already slated to receive. That includes an ability to write off up to 50 percent of their costs in the first year, to name just one of the special interest breaks that was in the legislation. But now we are talking about letting those who have received these huge subsidies get another opportunity at the all-you-can-eat buffet.

So the taxpayers and consumers who are footing the bill for hurricane cleanup, paying for tax cuts for some who are extremely affluent, are now going to be faced with the prospect of paying for additional subsidies for these energy interests.

Two weeks ago, the House passed legislation to provide additional financial subsidies to benefit the oil refining industry. Under the House legislation, refineries would get a regulatory risk insurance program to cover all the refineries' costs if their production is reduced because of a delay in the permitting process.

There is no limit on the amount of these subsidies for refineries, while the refineries get essentially guaranteed cost protection. What the Federal Government is essentially doing is privatizing the gains of these refineries and socializing the risks. There is absolutely nothing in the legislation to require refineries to protect consumers from the soaring costs they face today.

In my view, there is no need for these refiners, whose profits increased more than 250 percent in the last year, to get even greater financial rewards on top of the subsidies they are already getting in the brandnew energy law. In effect, what we are talking about is the prospect that these energy lobbies will become triple-dippers. They already received big subsidies in the old law. Then they received additional subsidies in the just-signed legislation.

We are talking about a third dip, a third round of subsidies, and I happen to think that is too much. Even the President said when oil is trading at upwards of $55 a barrel the oil companies do not need incentives to produce more. When the President, who certainly is not hostile to oil interests, says the oil companies do not need a deal from the Government, that ought to tell us something.

With oil selling for what is getting to be close to $70 a barrel, Congress should not be giving more taxpayer money away to these energy interests.

What I suggest is two practical steps that Congress ought to look at as we consider energy legislation in the days ahead.

First, I think the Congress should freeze the new subsidies that Congress lavished on the oil interests that are now earning record profits from record high prices. Nobody is talking about taking away what was there before the 2005 law was passed. What was there before the 2005 law was passed would remain in place. What I am talking about this morning is freezing the new subsidies, the new dollars that Congress just passed, despite the fact that the President of the United States said it was not even needed. What I would propose by freezing those new subsidies is that the Congress redirect those dollars to help low-income Americans who are at risk, literally, of freezing in their homes this winter.

For example, the $2.6 billion in new subsidies for oil interests could be used to pay for weatherization assistance to more than 1 million low-income homes, taking basic steps to improve energy conservation. Adding insulation and sealing energy-leaking windows and doors can help these families reduce their heating bills substantially.

Congress could help consumers further by using the Federal Government's purchasing power to make taxpayer energy dollars go further. The Federal Government is the largest consumer of energy in the country. The Federal Government could use its substantial purchasing power to get some real discounts in the marketplace for the Government's energy purchases. These cost savings could be achieved not only for direct energy purchases for Federal agencies' power needs but especially for the Low-Income Home Energy Assistance Program. Instead of reimbursing consumers for their sky high energy bills when they come due, the billions of dollars spent each year under the Low-Income Home Energy Assistance Program could be used up front to acquire lower cost energy to help low-income Americans.

So the question is, Is the Federal Government going to be a smart shopper? Is the Federal Government going to use its marketplace clout for programs such as the one that serves low-income people to make sure that the Government gets more for its money?

Everybody in the private sector shops that way. They are in a position to make volume purchases. They go to the people with whom they contract, and they say: We are going to buy a lot of your product, give us a deal.

This is essentially what I am proposing be done for the Low-Income Home Energy Assistance Program: the Federal Government use its clout in the marketplace, the Federal Government use its purchasing power to get discounts for this program and to acquire lower cost energy to help low-income Americans.

The bottom line is our country can do better. I believe we could have done better in the Energy bill that was just passed. It seems incredible that just a few months after that law was passed and there were great celebrations about what a difference it would make, now the Congress is back on a scavenger hunt to try to come up with legislation that does what should have been done in the first bill.

The reality is we now have a second chance to do better. I am of the view that lives depend on the Congress doing better not just in homes where heat is going to be scarce this winter but for generations to come.

When I came to the Senate floor to speak in opposition to the Energy bill a few months ago, I was sorry because that legislation failed to reduce our Nation's dependence on foreign oil by one drop. It failed to reduce the prospects that America would again go to war in the Persian Gulf. After 9/11, it became clear that the energy policy was a national security issue and reducing our dependence on foreign oil had to be a national security priority.

I am of the view that the great tragedy in the 2005 Energy bill is that it essentially ratified pre-9/11 energy priorities. For the longer term, Congress should look at smart, probusiness, and proconsumer initiatives. I am willing, for example, to look at a limited antitrust exemption to let oil companies coordinate the refinery shutdowns expressly to keep supplies up and prices down. So there can be plenty of opportunities to put together a business and consumer coalition to meet the needs of our public.

I just suggested something that I suspect in the southern part of the United States, in the State of Louisiana, would be something that would be well received by oil refiners, but I am also saying that at a time when refiner profits are up more than 250 percent that we ought to be looking at other ideas that really help the consumer.

When gas prices are topping $3 a gallon and we are seeing these increases in home heating prices, we know the public is prepared for change. I have laid out a number of areas this morning where change would be in the interest of the consuming public and be smart probusiness policy, but I think there ought to be more to an energy policy than just ladling out tax subsidies. We have done that again and again. The Congress just poured on more subsidies in the 2005 bill and did absolutely nothing to deal with the crisis that we have seen in the last few months.

So at this crucial time, with the eyes of the country upon us, let us look at a fresh energy policy, one that will meet this country's national security needs, one that will meet the needs of our consumers this winter at a time when they are so vulnerable. And let us learn that just handing out subsidies willy-nilly is not going to make the real energy problems of this country go away.

It is no time to further sate the appetites of the entrenched energy interests. It is time, and there is a chance now, for a fresh start on energy policy. This time, with the next Energy bill, let us do right by the people of this country.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BOND. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

Mr. BOND. Mr. President, I yield back the remaining time on this side in morning business.

The PRESIDING OFFICER. Morning business is closed.

TRANSPORTATION, TREASURY, HOUSING AND URBAN DEVELOPMENT, THE JUDICIARY, THE DISTRICT OF COLUMBIA, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2006

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 3058, which the clerk will now report.

The assistant legislative clerk read as follows:

A bill (H.R. 3058) making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, the District of Columbia and independent agencies for the fiscal year ending September 30, 2006, and for other purposes.

Pending:

Kyl amendment No. 2062, to provide that Members of Congress shall not receive a cost-of-living adjustment in pay during fiscal year 2006.

Kennedy amendment No. 2063, to provide for an increase in the Federal minimum wage.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Mr. President, the Transportation, Treasury, HUD, and related agencies bill is now back on the floor. At 11 o'clock it is my understanding that by previous order we will go to consideration of the DC appropriations bill, which will be included as a separate part of this legislation because the House has the two functions of DC and Treasury, Transportation, HUD as one bill. Those, it is my understanding, will be conferenced separately but at the same time so that the final conference report will bring back Treasury, Transportation, Housing and Urban Development, and the District of Columbia appropriations.

The important thing to note is my partner and colleague in this effort, the ranking member, the Senator from Washington, Senator MURRAY and I, have asked our colleagues to bring to the floor the amendments they wish to offer for this T-T-H-U-D or TTHUD bill. We will be having a vote on the pending amendment, the Kyl amendment, at 10 minutes after 12. The amendment relates to the cost-of-living increase for Members of Congress.

It is important to note that both sides agree we want to move quickly. We want to know what amendments there are. We are seeking a time deadline for filing those amendments so our staff can go to work on them.

We believe there will be time this evening for staff to consider them. It is possible we will be able to take some of these amendments and conclude this bill sometime this week. It is very important we get this moving because we are now in the new fiscal year. We are operating on a continuing resolution and we have many important items in this bill and the DC bill that need to be put into law so we are operating on fiscal year 2006 appropriations for the year.

As my colleague was kind enough to mention yesterday, there was an athletic contest in Houston last night in which Albert Pujols managed to keep the St. Louis Cardinals alive. I am currently in a good mood and ready to accept as many amendments as possible. While I have great hopes for continued success, this is the best time to catch me in a good mood. And the Senator from Washington is in a good mood. This is the time to bring the amendments forward. We will be happy to work with our colleagues to try to find ways to accept as many amendments as possible.

In any event, I know there will be some amendments that will require votes. We would like to have them brought to our attention as soon as possible in order for us to set a schedule enabling us to finish this bill, we hope well before the end of this week. We have many other important measures to work on and we will have to have a number of votes. We look forward to having those amendments before us. This is an urgent request to my colleagues who have amendments to the TTHUD bill to bring them to the floor and to share them with the managers on both sides of the aisle.

With that, I thank my colleagues and ask that they bring those amendments down.

Seeing no other speakers wishing to take the floor, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER (Mr. SUNUNU). Without objection, it is so ordered.

The PRESIDING OFFICER. Under the previous order, the Senator from Kansas is recognized to offer an amendment.

AMENDMENT NO. 2071

Mr. BROWNBACK. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kansas [Mr. BROWNBACK] proposes an amendment numbered 2071.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of amendments.")

The PRESIDING OFFICER. Under the previous order, there will be 40 minutes for debate equally divided.

The Senator from Kansas is recognized.

Mr. BROWNBACK. Thank you, Mr. President.

Mr. President, my colleague, Senator LANDRIEU of Louisiana, the ranking member of the Appropriations Subcommittee on the District of Columbia, will be here shortly to use the other 20 minutes of this presentation. This is the District of Columbia appropriations bill. It has been passed and reported by the full Appropriations Committee unanimously and contains some modifications within it. But we have strong agreement within the Appropriations Committee. We have gone through a number of hearings. I want to highlight several particular issues within it, what we are trying to do to encourage family formation, encourage marriage in the District of Columbia.

I want to talk about the school issues. We have had a voucher program for a short period of time. I want to report on how that is going and the problems and needs within that area.

I also want to talk a little bit about the problems we are having with the schools overall in the District of Columbia, which remains an ongoing, desperate problem. Kids that get into the District of Columbia Public School System get into a system that moves them more, unfortunately, in too many cases, toward failure rather than success. A system that does that is a system that needs changing.

I also want to talk about some needs in the future.

We are putting this forward as a part of the Transportation and HUD bill to mirror what is taking place in the House so that this will be amended into the Transportation-HUD bill and then conferenced together with the House of Representatives.

I thank the members of the Appropriations Committee, particularly my colleague, Senator LANDRIEU, the ranking member, for her work on this area. She has been the ranking member under both myself and Senator DEWINE. She does an outstanding job.

This bill provides $593 million in Federal funds for the District of Columbia and includes the city's own local budget of $6.2 billion.

The funds in the bill focus on three key Federal priorities for the District of Columbia.

First, improving educational opportunities for inner-city children; second, reducing and preventing crime; and, third, promoting and sustaining healthy marriages.

To address the first priority, the bill provides funds to improve traditional public schools, increase capacity at public charter schools, improve bilingual education for Latino students, and allow low-income students in failing public schools to attend private schools.

This is the second year of the District of Columbia Opportunity Scholarship Program.

I want to recognize my colleague, Senator DEWINE, for getting this started last year when he chaired this committee, and also my colleague, Senator JUDD GREGG from New Hampshire, for his strong input and push into this program. It was difficult to get started, but it has been quite a success thus far.

This is the first ever Federal program to provide scholarships to low-income, inner-city children so they can attend private schools.

I might note for my colleagues that several years ago, when I was the authorizing chairman of the District of Columbia authorization committee, we polled Members of Congress and then the President and the Vice President to see how many Members of Congress send their kids to DC public schools—either in the House or the Senate or the President or Vice President. I was actually shocked to find out that there were no Members—zero Members of Congress—who sent their children to the District of Columbia public schools—not one in all of the House, all of the Senate, the President and Vice President.

I thought that said a lot by the action that people were taking. They were not sending their kids to DC public schools, even though if you were a poor parent, you had no other choice. Now there is a bit of a different choice.

The demand for scholarships in this program, as far as allowing low-income, inner-city children to go to private school, has been overwhelming, with nearly two applications from eligible public school students for each scholarship available. The federally mandated evaluation of the program is up and running, with a robust number of scholarships and nonscholarship students participating. We are doing evaluations. Most importantly, the program is succeeding and serving the low-income children who truly need this educational opportunity the most. Most of these scholarship students came from failing DC schools, and now they are flourishing in the District's private schools that are participating in the program.

We have heard the story of a first grader who couldn't read at all when he received his scholarship. Yet within 2 months at his new school, he was already reading close to his grade level.

One scholarship mother tells us that her child used to complain about going to school every morning. Yet he is so excited about going to school now that he grumbles about having to stay home from school on a snow day.

Then there is the private school principal who marveled when she called a new scholarship student by his name, and the child said he didn't believe she was the principal because there is no way the principal would actually know a student's name.

These kind of stories are commonplace and indicate that the program is successful. However, I am concerned about the current and growing mismatch between the number of private high school spaces available in the District and the number of scholarship students seeking a space in a District of Columbia private high school. Because of this mismatch, many students who already have a scholarship will be forced to leave the program. Specifically, for the current school year, there are about 50 high school students with scholarships who could not attend the private school in the District because of a lack of capacity. Unfortunately, the problem will only worsen in each subsequent year as current middle school students graduate to high school. If the trend continues—and even if no new scholarships are offered beyond the fifth grade—nearly 75 percent of the students holding scholarships to attend high school will be unable to use them because of a lack of slots in private high schools in the District. This is a shame.

A number of Senators expressed objections to correcting this program at this early stage, so we have left the program unchanged. But I want to note for my colleagues the problems that we have.

The second priority funded by this bill is reducing and preventing crime in the District. The Federal Government entirely funds the District of Columbia courts and the DC Court Services and Supervision Agency. The committee is providing a total of $420 million for these agencies, which is $52 million more than the fiscal year enacted level. Most of these additional resources are for renovation and repairs to the city's fourth oldest building, the historic old courthouse. We need to continue this effort.

The third priority in this bill is promoting and sustaining healthy marriages. This is a new initiative, and I want to spend a little bit of time talking about this. I am hopeful this can be a model, particularly across the country in inner cities where we are having particular difficulty in forming, in many cases, healthy family units.

Every year, almost 57 percent of the babies born to residents of the District of Columbia—that is right, 57 percent—are born to single mothers. This is 40 percent higher than the national average. It is not to say you can't raise healthy children in a single-parent household. I want to go through some of the numbers to indicate the difficulty of raising a child in a single-parent household.

Statistics show that children born to single mothers are seven times more likely to be poor than those born to married parents and that over 80 percent of long-term child poverty occurs in broken or never-married families. Marriage has an enormous potential to reduce poverty amongst couples who are unmarried at the time of their child's birth.

I want to point out this chart which shows that child poverty dramatically increases outside of intact marriages: Marriage impact within wedlock, 7 percent child poverty; never-married mother, 51 percent child poverty rate.

Children born and raised in households where their mother and father married tend to be more financially stable and more emotionally stable. Statistics tell a compelling story of the many positive benefits that accrue to children if they are raised by their married parents.

For example, children raised in married families are 3 times less likely to repeat a grade in school, 5 times less likely to have behavioral problems, half as likely to be depressed, 3 times less likely to use illicit drugs, half as likely to become sexually active as teenagers, and 14 times less likely to suffer abuse from their parents.

We had a hearing on this 2 weeks ago, where a couple talked about their interest in getting married after living together for 20 years and having four children. We have a proposal, which I will be putting forward in a minute. I want to note, before we get to that, that this couple said almost all of their friends came up to them and said: Are you crazy, getting married? The couple said: No. We want to get married. We want to provide a model for our children. Aren't you crazy doing this with all of the payments that you are going to lose under the public assistance system if you get married?

I said at that point in time that we need to look at the disincentives we put in Federal programs for people getting married, particularly low-income households because we shouldn't be sending this kind of signal, given the benefit overall to children of having intact, married families.

Currently, there are many single mothers who are heroically and successfully raising children on their own. They deserve our respect and support. But it is an indisputable fact that the best environment in which to raise a child is in a healthy, two-parent family.

In addition, the growth of single-parent families has had an enormous financial impact on our society at large. The welfare system for children is overwhelmingly a subsidy system for single-parent families. Some three-quarters of the aid to children—given through programs such as food stamps, Medicaid, public housing, Temporary Assistance to Needy Families, and the Earned Income Tax Credit—goes to single-parent households.

The Federal Government annually spends over $150 billion in means-tested welfare aid for single parents. I believe that improving a couple's financial stability can help sustain a healthy marriage.

As a way to assist low-income, married couples to gain appreciable assets, the subcommittee has introduced legislation which has broad bipartisan support. It is supported by Eleanor Holmes Norton. It will establish Marriage Development Accounts in the District of Columbia. The MDAs will be available to low-income, married couples who are citizens or legal residents of the District and who have very low net worth. Couples may save money to buy a home, pay for job training or education or start their own businesses. Couples will have a high incentive to save because their contributions will be matched at a ratio of 3 to 1 by the Federal Government and partnering private institutions. In other words, the Federal Government will put in $1, there will be $2 of private money raised, and low-income couples who receive marriage counseling, or as they get married, will be matched 3 to 1 for every dollar of savings they put in—$3 from the Federal Government and private sector. It is to encourage marriage and also to encourage savings for this couple. As a requirement of participation, couples will receive training that helps them repair their credit, set a budget, set savings schedules, and manage their money. Couples will also receive bonuses in the MDA accounts for receiving marriage counseling.

Recognizing the importance of grassroots support to ensure the success of these efforts, this subcommittee is directing grantees to expand their network of service providers by partnering with local churches, faith-based organizations, and nonprofit organizations, providing mentoring, couple's counseling, and community outreach.

It has been an interesting coming together of people from all parts of the political spectrum, left and right, to support this creation—we believe the first ever in the country—of marriage development accounts to encourage savings and marriage of low-income couples.

A senior fellow with the Brookings Institute testified at a recent hearing I held on MDAs that many researchers and practitioners who work with poor couples believe that a major barrier to healthy marriages is economic uncertainty. For example, Kathy Edin of the University of Pennsylvania has concluded from her interviews with young, unmarried mothers that there are plenty of issues such as empathy and trust that interfere with continuing the couple's relationships, but Edin and other researchers have come to regard poverty, unemployment, and income as serious barriers to healthy marriage.

Young, low-income couples often tell interviewers they are thinking about marriage, but they want to save enough money to make a downpayment on a house before they actually get married. Thus, MDAs are responsive to what the couples say they need before they become serious about marriage. Beyond what the researchers are saying, we hear from real couples in the District who have been living together, who have children, now plan to marry and open an MDA.

We must act quickly to stop the erosion of marriage in our Nation and particularly in our Nation's Capital. We cannot just watch and wring our hands. We must act aggressively in employing as many innovative approaches as possible, test the results, and do a heavy monitoring. That is what we have in the bill itself—a monitoring to see if this is working. Our future and our children's future truly are at stake. I believe MDAs can be an important tool in helping to stabilize, strengthen, and foster healthy marriages.

I again thank my colleague, Senator LANDRIEU, as the ranking member. She and I share the same concerns for the children and residents who live in the District of Columbia. She is a strong supporter, particularly of the school system needs in this district. We both have concerns regarding the public and the charter school system that are not reflected in this bill. If changes are not made in DC public and charter schools, we will be back next year with a bill that has more aggressive statements and a more aggressive position from this Senate on the public and charter school system. It is not serving the children's needs. We did not take that on this year. We met multiple times with the superintendent of the DC Public Schools and others and noted the problems, but they said: Give us a little more time. The problem is, time dooms our children if no successful changes are made. So next year, we could be back with substantial changes.

I thank the staff for working with us. I know her staff, including Kate Eltrich, has worked hard. Mary Dietrich went so far as to break her arm to get this bill to the Senate in a timely fashion—she actually was bike riding—but that did not stop her. She is here to get this done. I hope we can pass this bill.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I am pleased to join my colleague from Kansas, Senator BROWNBACK, to present to our colleagues of the Senate this DC appropriations bill. It has been a joy and a privilege to work with the Senator from Kansas. Prior to the Senator's service, as chair I had the great opportunity to work with the Senator from Ohio, MIKE DEWINE, who is, indeed, a pleasure to work with and a great partner.

This is a very important bill for our Nation. Not only does it matter, of course, directly to the 500,000-plus residents of the District, but the life and the quality of life in the District has a tremendous impact on this whole region, which is made up of millions of people, as the District was actually carved out of Virginia and Maryland and serves as a hub of this region.

As the Presiding Officer knows, in his home State as well as my home State of Louisiana, people all over the Nation feel very warmly attached to their Nation's Capital, what happens in neighborhoods, in schools, downtown, on the riverfronts, our monuments as a tourist mecca. For people to seek inspiration, this is very important. This bill, while it is one of the smallest in terms of dollar amounts, has a great deal of interest from people all over the Nation.

I have been pleased to be the appropriator, and I am particularly happy all of our colleagues have worked in such a cooperative manner that we can bring this bill to the Senate and handle it with great dispatch, with very little controversy, if any at all. From my perspective, since I have had my time taken helping Louisiana and the gulf coast recover from two major storms, Rita and Katrina, and then the subsequent massive levee breaks that have left the gulf coast region in a great challenging state, I thank our colleagues for letting us take this bill up and move it forward so I personally can get back to the issues in front of the State of Louisiana at this moment.

I will be relatively brief, but I follow up Senator BROWNBACK's statements with just a few comments. I thank Senator COCHRAN and Senator BYRD, the chairman and ranking member of the Committee on Appropriations, who made it possible in their decision as to how to organize and to reorganize the Committee on Appropriations, saw fit to keep some independence for the District of Columbia. That is extremely important. The outcome is something I supported, as well as others, but without Senator COCHRAN and Senator BYRD's support, it would not have been possible.

Our House colleagues have merged DC into a bigger committee. I think some of the focus gets lost. The Nation's Capital deserves appropriate focus and support from all, and our focus has not been lost. We in the Senate continue to help strengthen and develop our Nation's Capital appropriately as reliable partners for their progress.

I thank Senator COCHRAN and Senator BYRD.

In addition, I note that the large majority of the money in this bill is not national taxpayer money. It is local money, levied, raised, and appropriated to the tune of $7.3 billion of local money. The Federal money in this bill for which we have responsibility to be accountable is $593 million. It is a lot of money but a small percentage of the $7 billion total levied and raised by the residents and citizens of the District of Columbia. Our focus is on that $600 million portion we allocate in trying to be partners with city officials.

Because of Mayor Williams' outstanding leadership, in my view—and I think it is shared by Senator BROWNBACK and many Senators—his outstanding leadership as a good steward of taxpayer money, as a good manager for reform, as a great salesperson, an advocate for this great city, nationally and internationally, our confidence in his leadership, and the confidence in the management of the city, has increased substantially. So we are pleased to invest in its continued growth.

One major investment this Congress has made is in the establishment of a family court structure. I wish we could have family courts all over the United States. It is not an inexpensive operation. In many States, the last courts to be funded are those that need the most help. The courts that regulate or try to work out situations of marriage and personal lives so important to people, that settle disputes about marriages, wills, and estates, and most importantly, settle the issues of divorces or reconciliations, child custody, child abuse, and spousal abuse, unfortunately those courts throughout our land are the last funded, the least resourced, and the most overly taxed in terms of responsibility.

Over the course of the last few years, we have stood up, Democrats and Republicans, and said it is time to help our Nation's Capital create a model in the Nation, a family court that puts families first, that understands that these decisions of child custody, of separation, of protecting women from abuse and children from abuse, are truly life-and-death matters and are truly important decisions to keep the fabric of society together. So we have invested in this family court, one family, one judge, so children are no longer lost in the bureaucracy, lost in the file rooms, their lives are meaningful, and they are treated with dignity and respect. It has been an expensive project but one well worth investing in the families of the District of Columbia and particularly the children.

We march on to improve child welfare in the District, to work with the city to strengthen and improve the quality of our foster families and, most importantly from my perspective, promote adoption, believing that every child in the District, in America, and, in fact, in the world, deserves a family to call their own.

Governments, as I have said, do a lot of things well. Raising children is not one of them. Parents—a parent, a responsible adult—raise children. And we as a Nation need to do a much better job of connecting these needy children of all ages—infants, toddlers, young children, teenagers, young adults—with parents wanting to give them the benefit of a stable home and family. I am very proud of the District's performance and improvement in that area.

Finally, one more point before I speak about education which is going to be the focus today. I encourage the continuing development of good land use in the District of Columbia. We have planned the revitalization and cleaning up of the Anacostia River to be a balance with the beautiful Potomac on one side, to bring the Anacostia back to be a place where people can recreate—citizens and tourists alike—where there could potentially be exciting new developments of multiuse housing, wonderful commercial waterfront developments that contribute to recreational opportunities and sporting opportunities for children.

The city has a tremendous vision. The Nation should be excited. Although we are able to offer a just small amount, our committee wants to be supportive of that effort in any way we can. That is reflected in this bill.

Let me speak for a moment on the main subject of this, which is education reform. Every city in the country and every county in the country is struggling with the challenge of providing quality education for our Nation's children. We decided as a Nation many years ago to do that through a public system. It has worked in large measure extraordinarily well over the long term.

There are clearly signs in America—whether urban areas, rural areas, or poor areas; sometimes we even find crises in wealthy areas that are growing too fast or there is too much strain in an area—that school systems are really struggling. Either they do not have enough space and too many students, too many students and not enough teachers, not enough quality classroom space, or there is no tax base to pay for quality teachers, so students are failing. There are all sorts of challenges to our public school system. This Congress has been spending a lot of time—from No Child Left Behind to accountability to strategic investments—to try to fix this. Although there have been some setbacks and it is not perfect, from my perspective, we are moving in generally the right direction with the exception that our investments have not matched the rhetoric from the Federal level. But should we ever be able to fix that, I believe we will see increased student performance, increased parental satisfaction, more choice in the public school system, and excellence across the board.

Why do I say this is so important? Because in this Senator's view, the only way to have great cities is to have great schools. The only way to have great communities is to have great schools. If you do not have great cities and great communities, you cannot long have a great nation.

Our forefathers said to us when we created this democracy that one of the fastest ways to end it is to stop educating ourselves to the responsibilities of being citizens of the Nation and the world. That education, yes, begins at home, where children are educated primarily by their parents, their guardians, people who brought them into the world. But we supplement that education of parents by offering, in America, an education to any child wanting to take the chance to walk through that kindergarten door. We do not limit it only to the wealthy. We do not limit it only to those who can afford it. We provide universal public education. It has been the cornerstone of this democracy, and it should remain that way.

But we have some problems because some of our schools are failing our children. Some of our systems are failing our children and the employees who work in the system. So we have to change. I am very proud that in this DC bill, the Members of the Senate and the House—Republicans and Democrats—have come together to negotiate, to reason together, to try to see what could we do in this city to show a model for some things that can work.

We had a very fierce negotiation and debate 2 years ago about this and have settled, if you will, on three approaches. One is what Senator BROWNBACK spoke about, a scholarship-voucher approach that some people believe will work. A large number of us settled on negotiating for investments in charter schools, keeping the money in the public system, not taking it out but providing more independence, more choice, more exciting options to create new models of "coopertition," if you will, in the public system. I happen to be a very strong advocate of that approach to changing and reforming public education in America.

Then there was another group of us who negotiated for more help to traditional public schools, more investments, more help, and reforming in a more traditional way.

This great experiment is underway. It is going to be a 5-year experiment. We are committing $40 million a year, which is a lot of money. There will be $200 million going to this effort. That $200 million, while it sounds like a lot, is a small percentage of what the District residents pay to support their system. But it is an important investment.

I want to say how proud I am of the efforts being made to expand opportunities for public charters, for two reasons. One, it provides choice to parents. There is not one cookie-cutter approach. Some parents want their children in schools that have strong academics and athletics. Other parents like choices that stress the arts. Some parents like to see that their children may be in a school that may give them a pre-med education and direct them more to medicine or science or research.

I believe all parents should have more choices, that one size does not fit all, that we need to get away from this industrial model. We moved away from it in our economy. Why can't we move away from it in our school system and move to a more decentralized, more independent, more entrepreneurial, more choice-driven, more consumer-directed approach to schools? Just because we have not done that for 200 years in this country does not mean we can't.

So that is what we are undertaking: creating opportunities for quality, independent public charters so the money stays in the public system. But it basically acts almost as if it were private in the sense that it is independent but meeting all high standards.

Twenty-five percent of the public school population in the District is in public charter schools. That is one of the highest percentages of school populations in the Nation. So this is really a laboratory to see what is working, what is not. I am proud to say we are making progress not only in the increased number of charter schools but, most importantly, in the quality of charter schools. It is not just quantity but quality.

There are actions being taken now by the certification boards that if a charter school is failing, those schools can be closed and reorganized and supported so that quality education is being provided. That is one of the focuses of this bill. We want to not stress just the increase in quantity but quality. We want to ensure accountability, and we want to make sure, just as in traditional public schools, that any child who walks through the door of a public charter—whether it be a bilingual opportunity, which has been so successful; whether it is a residential Monday-through-Friday school, which has been tremendously successful in giving people hope and raising grade levels—whatever the model, when they walk through that door, they can get a quality education. That is one of our goals.

So we have continued to press for that $13 million piece. The charter school community has come together in unison to lay out how that $13 million should be directed to this movement, a great movement for quality, for opportunity.

I will submit a summary of that for the RECORD.

One of the exciting components, from my perspective—and I will close with a comment about this—is part of our charter school movement has been a new initiative called the Citybuild initiative. It is part of the charter school idea that says that in many cities, including the District of Columbia, there are certain neighborhoods that are revitalizing, I would say on their own, but nothing happens on your own.

It is a combination of some public investments that are occurring, a change in housing patterns, young couples, Black and White and Hispanic, moving into a neighborhood with young children. They like the housing. They like the location to their work. The only problem is, they move into a neighborhood that has affordable housing, restaurants, theaters, but there are no "good" schools or "quality" schools.

So what happens is, in 3 years or 4 years these children move, the families put their houses up for sale and move to either another part of the city where they can find the quality education they are looking for, or, worse, they move out of the city. That is what has happened in the District of Columbia. It is what happened in New Orleans. It is what happens in Cleveland. It is what happens in Detroit. It is what happens in Atlanta. It is what happens even in Houston.

So we have to think about a new way to encourage the development of quality, independent, entrepreneurial public schools, placing them in neighborhoods that can easily be identified as up and coming, with near-term improvements, where parents, if they had a good public school choice, would not leave.

That is what the Citybuild charter program is. So I am excited that this is part of our charter school effort. We are now in the second year. There have been five Citybuild charters designated by the city through a process that is open and competitive. There will be, hopefully, two or three more new schools placed in these neighborhoods that will anchor families with small children so we can grow the population of this city and cities all over America.

Mayor Williams, when he came in as mayor, stated his goal that he wants 100,000 new residents. So we have joined him in that challenge to provide more safety in the city, better transportation, better economic opportunity. But what most families need to stay are good schools for their children to attend. That is why we spend so much time working on education reform and promoting, from my perspective, this exciting new opportunity for charter schools, public charters, and particularly Citybuild charters.

I thank, in closing, Deputy Mayor Robert Bobb, Council Chairperson Linda Cropp, DC Delegate to Congress ELEANOR HOLMES NORTON, and Shadow Senator Paul Strauss, who is in the Gallery today. Specifically, I also thank Council Member Kathy Patterson, Superintendent of Schools Clifford

Janey, and School Board President Peggy Cooper Cafritz, and our staffs who are here, both Kate Eltrich and Mary Dietrich, who were mentioned. Without their support we could not do this bill and present it in a way with such limited controversy and such maximum benefit to the people of the District and the people of our Nation.

So, again, I thank the mayor for his leadership. He makes it easy to work with him. I wish him the best of luck in his future, as he, Mr. President, as you know, said he will not be running for reelection. I suggested he come down South and help us. We need some help in New Orleans, and in Louisiana, Mississippi, and Alabama, and a good manager like that could be a great help to us. We appreciate his support, and we wish him the best in the future.

Mr. President, I would like to submit for the RECORD a summary of the $13 million investment in public charter schools in the District of Columbia appropriations bill.

The bill directs funding to specific initiatives which will strengthen schools, enhance capacity, improve academic quality, and create a network of integrated services. The committee recommended the following initiatives within the amount provided for charter schools: $4 million for the Direct Loan Fund for Charter Schools; $2,000,000 for Credit Enhancement; $2 million for continuation of the Citybuild Charter School Program; $1,500,000 for flexible grants; $2 million for grants for public charter schools for improvement of public school facilities which are leased or owned by public charter schools; $400,000 for college access programming; $300,000 to create a truancy center; $250,000 for administration of Federal entitlement funding; $300,000 for data collection and analysis; and $250,000 for administration within the State Education Office.

The committee report also included language to pursue access to facilities for charter schools and support ongoing efforts to make space available. A significant initiative of this committee, continuing on the work started by the Congressional Control Board, was to make surplus school property accessible to other educational opportunities. We have required an accounting of surplus school property, encouraging schools to be leased or sold to charter schools, and recommend a dedicated account for any proceeds. I look forward to working with the Mayor and Council to finally open these sometimes vacant, but assuredly underutilized in their capacity as a schoolhouse, these surplus public school buildings.

In addition, I would like to submit for the RECORD several highlights from a recent report on the impact of public charter schools on providing quality public education for children across the country, as well as providing healthy competition to the entire public education system.

The following are excerpts from the "State of the Charter Movement 2005, Trends, Issues, and Indicators," by the Charter School Leadership Council.

The Charter School Leadership Council found that:

> demand for charter schools is clearly outstripping the supply. The charter sector would be much bigger in the absence of charter caps and if it could accommodate the throngs of students on waiting lists. Charter schools are concentrated in certain States and cities, though less so than five years ago. Public charter schools are serving a disproportionate share of minority and low-income school children, and this has been the case since the beginning of the charter movement. Charter schools are significantly smaller than district public schools. The charter movement is producing a wide array of instructional and organizational models, providing lots of choices for families.

In relation to public opinion on charter schools, the Council found that:

> charter schools remain a mystery to much of the general public. Misinformation abounds, but attitudes become more favorable as knowledge grows. Twice as many registered voters favor charter schools as oppose them.

By the numbers, there are 3,400 public charter schools operating nationwide educating one million students. That represents 2 percent of all students nationwide. Forty States have public charter school laws on the books and 42 percent of charter schools are concentrated in three of those States, Arizona, California, and Florida. The Council report states:

> The average number of charter schools per State has been increasing steadily each year, from 25 in 1995, to 59 in 2000, to nearly 90 today. On average, over 250 charter schools have been added each year for the past 12 years.

Of all the public charter schools in the country, 16 percent converted from a traditional public school, 7 percent were created by a private entity, and 77 percent are newly created.

Dr. Brian Hassel conducted a meta-analysis of major studies and concluded the following:

> The existence of high quality charter schools and high growth rates for charter schools, at least in many States and studies, suggests that chartering holds promise as an approach to getting better schools. What we have is an experiment worth continuing and refining.
>
> One missing element in nearly all charter studies is the question of productivity: how much learning gain is produced per dollar spent? A Rand study in California found that "Charter schools, particularly start-up schools, reported using fewer resources per student than do conventional schools . . . Most noteworthy, charter schools are achieving comparable test scores despite a lower reported level of revenue." (Ron Zimmer et al., Charter School Operations and Performance: Evidence from California, Rand, 2003). According to a 2004 study of ten Dayton charter schools, average per-pupil funding was $7,510 vs. $10,802 for district public schools, yet on average Dayton charter students outperformed Dayton public school students on all portions of the 2004 fourth and sixth grade State proficiency tests—in some subjects by a significant margin—indicating higher productivity from charters. (Alexander Russo, A Tough Nut to Crack in Ohio: Charter Schooling in the Buckeye State, Progressive Policy Institute, February 2005, 24).

The Council report suggests that we should be asking the right questions:

> Is it working? How do we know? At the moment the country is not thinking clearly about these questions . . . Chartering is an institutional innovation . . . With chartering we want to know which pedagogical, governance, and management practices succeed—and what provisions of law are responsible—so policy can do more of what works better. (Bryan Hassel, Studying Achievement in Charter Schools, Charter School Leadership Council, January 31, 2005, 8.)

Caroline Hoxby, a professor of economics at Harvard University stated in her studies that:

> The goal of charter reforms is not creating good charter schools in the midst of mediocre public schools. The goal is boosting the performance of all schools by fostering competition and innovation.

In conclusion, I found this observation to be fitting to the current status of charter schools in the country. The Council report examined the potential for impact and noted that Nelson Smith stated in a 2003 Progressive Policy Institute report, "Catching the Wave: Lessons from California," "Charter leaders are often asked to document the ripple effects of their work. But it is hard to have ripples when the lake is frozen."

I yield back my time.

The PRESIDING OFFICER. Time for debate having expired, under the previous order, the Brownback amendment is agreed to.

The amendment (No. 2071) was agreed to.

The PRESIDING OFFICER. Under the previous order, the time until 12:10 p.m. shall be equally divided between the majority leader or his designee and the Democratic leader or his designee.

Mr. BROWNBACK. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. INHOFE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Mr. President, I ask unanimous consent that all time under the quorum calls be counted equally on both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2062

Mr. FEINGOLD. Mr. President, I am pleased to cosponsor the amendment the Senator from Arizona, Mr. KYL, has offered. It is straightforward. It would eliminate the roughly $3,100 pay raise for Members of Congress that is currently scheduled to go into effect next January. That increase would follow on a $4,000 pay raise this year, a $3,400 pay raise in 2004, a $4,700 pay raise in 2003, a $4,900 pay raise in 2002, a $3,800 pay raise in 2001, and a $4,600 pay raise in 2000.

There are a number of arguments against this scheduled pay raise. The war in Iraq continues to drain our Treasury at a rate of over $1 billion every week. In the wake of Hurricanes Katrina and Rita, we face a massively expensive relief effort. And on top of those enormous fiscal challenges, we are up to our necks in deficit spending. We are piling up billions more in debt that our children and grandchildren will have to pay. At such a time, it would seem hard to justify a scheduled pay raise for Members of Congress. Nonetheless, I recognize that some do justify it. In the end, though, the most important reason I joined Senator KYL in offering this amendment is that doing so is the only way to put this body on record with respect to our pay raise. And we should go on record on this issue.

Under current law, many Americans do not realize that under current law Members of Congress can get an automatic pay raise every year without lifting a finger, unless we act to stop it. It is automatic. There is no requirement for a vote. All that is required is that we show up to cash the check. As I have noted before in discussing this matter, it is a pretty unusual thing to have the power to raise your own pay. Few people have that ability. Most of our constituents do not have that power. That this power is so unusual is a good reason for the Congress to exercise that power openly and to exercise it subject to regular procedures that include a vote on the record. That is why this process of automatic, stealth pay raises without accountability is so questionable. It is offensive. It is wrong. I believe it also may be unconstitutional.

The 27th amendment to the Constitution states:

> No law, varying the compensation for the services of the senators and representatives, shall take effect, until an election of representatives shall have intervened.

That is what it says in the 27th amendment to the Constitution. I have actually introduced legislation to end this automatic pay raise system, and I hope this body will pass it at some point.

But as the Senator from Arizona has made very clear, this amendment does not go that far. It simply stops the $3,100 pay raise that is scheduled for next January. I fully accept that many—even a majority—of my colleagues may want a pay raise. But those who want a pay raise should support an open and public vote on the increase. Certainly having a vote on the record for a pay hike is better than a stealth pay raise that takes place with no action. Standing up and making the case before the voters is far better than quietly letting the pay raise take effect.

I urge my colleagues to stop this backdoor pay raise and then take the next step by enacting legislation to end this practice once and for all.

I thank my colleague from Arizona for joining us in this cause that I have sought to proceed with almost every year in the hopes that Congress and the Senate in particular will vote on the automatic pay raise.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I appreciate the comments of the Senator from Wisconsin. Senator INHOFE from Oklahoma wishes to speak in a moment. When he arrives, I will call upon him to speak.

Let me make a couple of comments about the reasons for this amendment at this time. There have been times in the past when Members have allowed the cost-of-living adjustment to proceed. It is not technically a pay raise but rather a cost-of-living adjustment. That cost-of-living adjustment is provided for all Federal employees, including Members of Congress, although it is lower for Members of Congress than it is for other Federal employees by about half a percent. In the past, when we have been in good economic times and we have had either lowered deficits or even surplus conditions, Congress has allowed, most of the time, though not every year, that cost-of-living adjustment to go into effect.

This year is a special circumstance. Especially since we are going to be asking our colleagues and people who are recipients of Federal program benefits potentially to make a sacrifice in order to help offset the spending that the Federal Government is going to commit to the rebuilding of the gulf coast area following Hurricane Katrina, it seemed to me and those of us who have cosponsored the amendment that if we are going to ask others to make a sacrifice so that not all of the spending for Katrina recovery is added to the Federal deficit and therefore the Federal debt but, rather, some of it is offset from programs that we have already decided to fund, that we could start by demonstrating a willingness to sacrifice a small measure ourselves.

It is true the $2 million that this saves is hardly noticeable in the overall tens of billions of dollars that are going to be spent on the Katrina recovery. It is symbolic. I recognize that. But sometimes symbolism is important. For Members of Congress to be able to justify reductions in spending in other programs, where some of our constituents will push back and say, Wait a minute, why should I make a sacrifice to rebuild after Katrina, at least we have the ability to say: We all have to make a little sacrifice. Members of Congress are willing to make a sacrifice as well. While it is not much money to the overall Federal budget, some of our families certainly recognize it as being substantially helpful to offset the cost of inflation for families.

It is important for us to do this. It won't always be appropriate, but it is clearly appropriate this year to make the point that we are ready to sacrifice, and clearly it is not something that we cannot afford. In areas that we are going to ask for reductions in spending, we will make the point that these are not areas that simply can't stand any kind of reduction. We are going to try to put forth maybe $50 billion in spending reductions from programs that can afford to be cut or spending deferred for a short period of time. That is a way to at least offset some of the spending that we are going to be doing for Katrina and yet not add further to the deficit or ultimately to our Federal debt. That is the reason for the amendment. I hope my colleagues will support it.

If the Senator from Oklahoma is prepared, I certainly yield to him at this time.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I thank my dear friend from Arizona.

Because of the unique circumstances that exist today, I am going to be doing something that is totally different than I normally do on this the annual hypocrisy day in the Senate. I am actually going to vote for this. Normally, I vote the other way. The reason I am is because—the Senator from Arizona and I both came here in the same year; we have been here 19 years—I have never seen a situation like there is today. We have a President who inherited a military that needed to be built up again. At the same time, we go into a war, and then Katrina happens. I think everywhere we can we need to tighten belts. For that reason, I will go ahead and support it this time, which normally I don't.

I say this in almost a humorous way. It is the annual hypocrisy day. Everyone is always down here so they can go home and say: Look what I have done. I have stopped us from having a pay raise. Aren't I wonderful? I need to be reelected.

There are several dynasties in the Senate. They have been here for many years. We have the ROCKEFELLER dynasty, the KENNEDY dynasty. I love the people. I disagree politically with them most of the time, but we have these. It is a fact. But the question I would ask is, Should you have to be a KENNEDY or a ROCKEFELLER to join the Senate? I don't have this problem. I have other sources of income. I am very thankful for that. I have other things I put this money into, other than salary.

But I would say this: We have had a lot of colleagues, top-notch people. I remember Dan Coats. He was a Senator from Indiana. Democrats and Republicans alike would say that he made some of the greatest contributions to this body that anyone has ever made. Senator Dan Coats was limited in his income. He found that each year that went by, they would stop a cost-of-living increase. With his kids going to college, he resigned. He had to retire from the Senate because of that. Do we want the Dan Coatses here, or do we want just people who are wealthy in their own right?

I say this in a friendly way. I love everybody who is going to vote for or against this thing. But in the future, we are going to change it. I came down last night. I was looking at my monitor in my office. I saw that this amendment was coming up. I ran down to put in a second-degree amendment. That second-degree amendment would have read, because this is the last free ride a lot of these people are going to get around here, we are going to make it out in the open so everybody knows what is really going on. This idea of saying "no but take the dough" is going to be a thing of the past.

My amendment read:

> To provide that any Member of Congress who votes for any amendment (or against the tabling of any amendment) that prevents a cost of living adjustment for Members of Congress shall not receive the amount of that adjustment.

That is a very logical and responsible thing to do. I am looking for something else to put this on so that next year, when the annual hypocrisy day comes, we will be able to be a little bit more responsible.

I yield the floor.

• Mr. CHAMBLISS. Mr. President, I want to voice my support for amendment No. 2062 offered by my good friend JON KYL, to revoke the scheduled 1.9 percent salary increase for Members of Congress. As a cosponsor of this amendment, I believe that at this point in time it is not fiscally responsible or appropriate for Members of Congress to increase our pay. The Federal Government is currently running a $7.9 trillion budget deficit. I do not believe that it is in the best interest of the United States or the American taxpayers for Members of Congress to vote in favor of a congressional pay raise.

The annual cost of living adjustment for Members of Congress is determined by a formula which automatically takes effect unless Congress prohibits or revises it, which is what I hope my colleagues and I will accomplish today. Under the annual Member pay adjustment procedure, Members are scheduled to receive a 1.9-percent increase in January 2006. With the growing national debt, skyrocketing budget deficit, and increased Federal expenditures expected as a result of the hurricanes this year, it is essential that we exercise fiscal restraint and avoid unnecessary and wasteful spending. We should first start with ourselves and set an example for others to follow. I have been and remain a strong a proponent of smaller government, a balanced Federal budget, and lower taxes.

Today, I am in my home State of Georgia with the Secretary of Agriculture, Mike Johanns, working to develop and promote new technologies which will increase agricultural production and expand job growth. For this reason, I am unable to be present for the vote. I encourage my colleagues to seize this opportunity and demonstrate personal leadership in bringing the Federal budget deficit and spending back under control by supporting this amendment. I have consistently opposed a pay raise for Members of Congress throughout my tenure in Congress and urge my colleagues to vote in favor of this amendment.•

Mr. SANTORUM. Mr. President, I am pleased to join my colleague Senator KYL in sponsoring the pending amendment. This week the Senate begins the difficult but necessary process of budget reconciliation. When we passed the budget resolution on April 28, 2005, we all knew that tough votes were ahead as we set the Federal priorities for spending. However, none of us anticipated the devastation that would be caused by Hurricanes Katrina and Rita hitting the gulf coast. The tremendous toll caused by those natural disasters has forced us again to reevaluate our priorities.

This amendment is something we all should support. At a time when we are asking the American people to tighten their belts, it is not the time for members of Congress to increase our salary. We should be mindful of our actions and take this opportunity to do our part by removing this pay increase. The Congressional Budget Office estimates that this amendment will achieve a savings of $2 million in both budget authority and outlays for fiscal year 2006.

I intend to do my part and vote for the Kyl amendment and urge my colleagues to do the same.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I ask unanimous consent to add Senator CHAMBLISS as an original cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL. Mr. President, if there is no one else who desires to speak at this time, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. I would ask to be recognized for 12 minutes as if in morning business.

The PRESIDING OFFICER. Is there objection?

The Senator will note that under the previous order, a vote is scheduled to occur at 12:10 p.m.

Mr. GRASSLEY. OK. I will quit then. Is that OK?

The PRESIDING OFFICER. Is there objection to the modification?

Mr. LEAHY. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. What was the request?

The PRESIDING OFFICER. The Senator from Iowa wishes to be recognized as if in morning business until 12:10 p.m.

Mr. LEAHY. I have no objection. Some of us have a luncheon to go to. I don't want to go beyond 12:30. Of course, I will not object to the request of my friend from Iowa.

The PRESIDING OFFICER. Without objection, the Senator from Iowa is recognized until 12:10.

(The remarks of Mr. GRASSLEY are printed in today's RECORD under "Morning Business.")

Mr. GRASSLEY. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BURR). Will the Senator withhold his request?

Mr. GRASSLEY. I will.

The PRESIDING OFFICER. Under the previous order, the hour of 12:10 p.m. having arrived, the Senate will proceed to a vote in relation to amendment No. 2062 offered by Senator KYL.

Mr. GRASSLEY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. McCONNELL. The following Senator was necessarily absent: the Senator from Georgia (Mr. CHAMBLISS).

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 92, nays 6, as follows:

[Rollcall Vote No. 256 Leg.]

YEAS—92

Akaka
Alexander
Allard
Allen
Baucus
Bayh
Bennett
Biden
Boxer
Brownback
Bunning
Burns
Burr
Byrd
Cantwell
Carper
Chafee
Clinton
Coburn
Cochran
Coleman
Collins
Conrad
Cornyn
Craig
Crapo
Dayton
DeMint
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Frist
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inhofe
Isakson
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Martinez
McCain
McConnell
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Santorum
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner
Wyden

NAYS—6

Bingaman
Bond
Inouye
Jeffords
Lugar
Sarbanes

NOT VOTING—2

Chambliss
Corzine

The amendment (No. 2062) was agreed to.

Mr. BOND. Mr. President, I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

RECESS

The PRESIDING OFFICER. Under the previous order, upon the disposition of amendment No. 2062, the Senate will stand in recess until 2:15 p.m.

Thereupon, the Senate, at 12:38 p.m., recessed until 2:18 p.m. and reassembled when called to order by the Presiding Officer (Mr. SUNUNU).

TRANSPORTATION, TREASURY, THE JUDICIARY, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2006—Continued

Mr. BOND. Mr. President, we are back on the Treasury-Transportation-Housing and Urban Development bill. The minority Member, my partner, Senator MURRAY, and I are ready to do business. I understand we are waiting for final negotiations from both sides on the potential two votes that we hope will be ready to be put forward early this afternoon. As soon as we know something about that and can reach an agreement, we will advise all Senators.

In the meantime, the Kennedy amendment on minimum wage is pending. We expect there will be an alternative amendment which will be proposed, and that will be voted on right after or right before the Kennedy amendment.

We ask all Members who have an amendment they want to file to please bring it in, and we hope we can work it out with them. If it is something that can be accepted, we would like to do so because we need to finish this bill—the sooner the better.

The leaders have advised us that we will be in this week and weekend until we finish the bill. My personal preference would be to finish it this week and not on Friday afternoon or Saturday.

It would be very helpful if they would bring in those amendments. Very shortly, we will be conferring with leadership on both sides to establish an agreed-upon deadline for filing all first-degree amendments.

I thank the Chair.

Mrs. MURRAY. Mr. President, I thank the chairman of the subcommittee and urge all of our colleagues to bring their amendments to the floor. As I stated last night, the chairman of the subcommittee was in a good mood. We had a great baseball game last night, from his viewpoint, for all of us who stayed up to watch the final home run. I think he is amenable to talking to anyone who would like to bring their amendments today. I would suggest our colleagues get that done. I think we all want to finish this bill, most importantly because we need to go to conference on this bill. We are again operating under a continuing resolution. There are many serious issues affecting our investment in housing, our investment in the FAA, in transportation, highways, as well as many other issues that are within this bill. We have a lot of work ahead of us in terms of getting this to conference and working out our differences with the House.

I urge my colleagues to bring their amendments to the floor. We are going to be talking about a time agreement fairly soon. If Members want their issues addressed, they need to bring them to the floor.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOND. Mr. President, I ask that the pending amendment, the Kennedy amendment, be temporarily set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2079

Mr. BOND. Mr. President, I have another technical amendment to offer at this time.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Missouri [Mr. BOND] proposes an amendment numbered 2079.

Mr. BOND. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: Ensures that PHAs will receive adequate funding for section 8 project-based vouchers)

On page 295, line 6, strike "or HOPE VI vouchers" and insert in lieu thereof: ", HOPE VI vouchers or vouchers that were not in use during the 12-month period in order to be available to meet a commitment pursuant to section 8(o)(13) of the Act".

Mr. BOND. Mr. President, this is rather technical, but it has to do with public housing authorities and their ability to use future Section 8 vouchers on project-based assistance needs. As many know, in the past public housing was constructed when the assistance was tied to the project rather than to an individual. That enabled the public housing authority or other entity to get financing to build the units and then receive the income from the Federal housing assistance.

Right now, there is a process for refining the allocation of Section 8 vouchers to public housing authorities so they do not have unused Section 8 vouchers. That has been a good thing because that means the money for housing assistance goes to those who most need it. However, the problem arises when public housing authorities need to put aside or shelve some of the needed Section 8 certificates or vouchers allocated to them in order to provide a basis of funding for construction of additional housing.

In some areas—I know in my State and across the country—we can hand out all of the Section 8 vouchers we want for people needing housing assistance, and they do not do much good because there is not housing available. So we have to have the flexibility for the public housing authorities to take some of the vouchers allocated to them and say: We will commit them to this project in order to build the housing we need.

This amendment includes funding for the projected use of Section 8 project assistance needs of public housing agencies. Normally, for developing housing within the project-based assistance, PHA would shelve the needed vouchers for the 1- to 3-year development timeline for an assisted project. Under the current approach for funding vouchers designed to assure that there were no Section 8 certificates wasted, the projected funding needs related to project-based vouchers would not be funded, thus removing the incentive or the ability to develop Section 8 housing, regardless of need.

We believe this amendment will ensure that the planned use of project-based vouchers is funded without prejudice, thus allowing the local public housing authorities in communities across the country to develop project-based assisted housing where there is not otherwise housing needed for the people who are homeless, who need better shelter in the area.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, we are in agreement on this amendment. It simply will clarify for the purposes of distributing funding from Section 8 housing assistance. Public housing authorities would not be penalized for shelving vouchers temporarily to develop a longer term project. This is a fairness issue, and we are all in agreement. I urge its passage.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2079) was agreed to.

Mr. BOND. I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BOND. I thank all of my colleagues. If any colleagues have compelling statements related to this issue which may be important in their States, we are happy to have those added to the RECORD with this vote. Again, we await the arrival of others with amendments on which we can work.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. TALENT). Without objection, it is so ordered.

A NEW ENERGY FUTURE

Mr. DURBIN. Mr. President, I recently returned to Illinois and traveled across the State. It is interesting to me that there is one pervasive issue that you run into in every corner of my State and that is the cost of energy, because while I was home people were still reeling from high gasoline prices, and announcements were being made about dramatic increases in natural gas costs over the winter, which means record breaking home heating fuel costs. That is going to cause as great a hardship as the high gasoline prices on many individuals and families and businesses large and small. People are changing their spending habits and driving patterns to try to offset the high cost of gasoline. Consumers are now paying about $2.75 per gallon of gasoline. That is up over 80 cents from a year ago. Americans are now bracing for the record-high energy prices they will face when cooler weather arrives and the cold sets in.

The Energy Information Administration recently predicted nearly a 50-percent increase in home heating costs this winter. That is going to cause an extraordinary hardship on many people—those on fixed incomes, those on very limited incomes, and those who happen to live in old dwellings that do not have a lot of insulation.

I met with families all across Illinois who are struggling with these high energy costs and their family budgets. They want to know what Congress is going to do. They know we spend a lot of time on the floor of the Senate talking about a lot of things. They would like to think that 1 hour of 1 day would be spent on one issue that really makes a difference in their lives, and I think if they had their choice at this moment in Illinois, it would be the energy issue. They want to know how much profit is enough for ExxonMobil and BP before the former oil executives now in the Bush administration are shamed into action.

In the last 6 months, it is estimated that the top five oil companies in America collectively had $52 billion in profits—recordbreaking profits. So when you start to fill up the tank and you watch that gas pump go out of control in terms of the cost, the money is going directly to the profit margins of these oil companies. Where is the voice in Washington for the consumers who are paying these gasoline prices? Do we just shrug our shoulders and say that is what happens in a free market? The high profiteers step in.

Sadly, that is the only response we have heard from this administration. These high prices are hurting everyone—families, farmers, already having a tough year in my home State, small businesses, municipalities, school districts. In the meantime, these oil and gas companies are reaping record profits. In my State of Illinois, consumers have already spent nearly $2.5 billion more this year for gasoline than last year—$2.5 billion. By the end of the year, that figure could more than double to over $5 billion—spending more than $5 billion more for gasoline this year than last year, coming right out of family budgets and the budgets of a lot of businesses, large and small.

At the same time, in the first half of this year, the big oil companies—ExxonMobil, Chevron-Texaco, ConocoPhillips, BP, and Royal Dutch/Shell—recorded a combined $52 billion in profits compared to a record $39.5 billion in the first half of 2004. They were doing pretty well last year with the lower prices we were paying. Look at this year—$52 billion in profit taking. That is not sales. That is $52 billion in profits at a time when Americans are worrying about how they are going to get to work and how they are going to heat their homes this winter.

Soon third-quarter earnings will be coming out. I suspect it is going to show the oil companies are doing quite well, thank you.

Who is paying the price? For one, airlines. Today, three airlines in the United States are in bankruptcy largely because of high fuel costs. Second, American consumers. Consumers are paying an additional $600 to $1,000 a year so they can drive to work or school. Take an average American, someone who drives 15,000 miles a year, averages 20 miles a gallon. An 80-cent increase in the price of a gallon of gas this past year equates to an additional $600 out of pocket for that one driver this year, that's at today's gasoline price. Consider for a minute what this means to people of modest means.

We have a pending amendment in the Chamber about raising the minimum wage in America. I think it has been about 8 years since we touched that one. What is it, $5.15 an hour. So people get up every morning, go to work, doing the right thing, trying to care for their families at $5.15 an hour, and for 8 years we have run into resistance from people in the Senate who say: That is plenty. That is enough. We don't need to guarantee any higher minimum wage.

Think about it. I ran into a fellow in Illinois who said: I don't understand how a person on minimum wage filling up the tank of an old car trying to get back and forth to work comes ahead at all. And that is the reality of life for so many people who are literally going to work and falling behind every single day. And the high gasoline prices, sadly, are now part of the major problem these people face. At today's gas prices, total fuel costs for one vehicle is $2,000-plus each year. Double that for a family who needs two cars to commute to work. Fuel costs for that family are over $4,000.

Think of a low-income family. At $5.15 an hour, gross take-home pay for the year is about $10,000. Now take out $2,000 for buying gasoline before you pay any income taxes or other charges against your payroll. Imagine, if you will, these are people in our country, vulnerable people who are asking if there is anybody in Washington listening. They are knocking on the door of the Senate, and nobody is opening the door. Historically, the end of the summer driving season meant there would be some relief from summer gas price hikes. While we witnessed a slight drop, consumers will see no relief from energy costs.

Unfortunately, as I said, gasoline prices are just part of the problem. Heating costs are expected to be significantly higher this year. Nationwide, 55 percent of all households depend on natural gas as their primary heating fuel. In the Midwest, according to the Energy Information Administration's most recent outlook, about 75 percent of households rely on natural gas to heat their homes. This winter, those households can expect to pay nearly 50 percent more than last year for natural gas. Weather forecasts suggest this coming winter may be colder than last year, which means even higher home heating bills. High gasoline, natural gas, and heating oil prices are forcing a slowdown in consumer spending, an increase in consumer prices, more inflation, and the greatest increase in the number of people who are delinquent in paying credit card bills since the 1970s energy crisis. These high energy costs are rippling through the American economy, and they are hurting a lot of hard-working families.

We passed the so-called Energy bill this last August. It was signed by the President with great ceremony. What did that bill do? Primarily it funneled billions in subsidies to oil companies—to the same oil companies that are experiencing record profits? Why in the world aren't we focusing on things that can literally and really make a difference when it comes to America's energy future?

Let me tell you the impact some of these energy prices are having. In the second quarter of 2005, this year, the American Bankers Association reported that the percentage of credit card bills 30 days or more past due reached the highest level since they began recording information 32 years ago. People are falling further and further behind, and the ABA's chief economist cited high gasoline prices as a major factor.

I can't forget the fellow I ran into back in my hometown of Springfield, IL, just a few days ago who said: Senator, I understand my credit card company is going to require me to pay 4 percent, 4 percent of my balance each month. Now it only requires 2 percent. I don't know if I can pay 4 percent.

How in the world can that poor fellow and his family ever get ahead? Their debt keeps increasing as they run up the cost for gasoline for this fellow to get back and forth to work. There is no end in sight.

Earlier this year, the Democrats in the Senate offered an amendment to the Energy bill that would have finally put America on a path to reducing consumption of foreign oil imports by 40 percent in the next 20 years. Is that a good thing for America, for us to reduce our dependence on foreign oil? You would certainly think so. Should it be a partisan issue? Should Democrats and Republicans disagree on that? Why would they ever disagree? But they did, all but two.

We are going to continue to support this measure on this side of the aisle. I hope that since that vote a few months ago, my friends on the other side of the aisle will take another look at it. This should be the underpinning of our energy policy in America, to lessen our dependence on foreign oil. We know America can do better than be held hostage to high energy bills dictated by Saudi sheiks and big oil CEOs. President Bush even rejected a modest 1-million-barrel-per-day oil saving provision that was written in the Senate Energy bill. We tried to at least move just ever so slightly toward conservation, energy efficiency. It was rejected.

We understand the President and Vice President have close ties personally and in their background with the oil industry. But shouldn't our national priority of more energy independence have been more important than that? Just before the Senate recessed to work back in our States, I joined my colleagues in sending a letter to President Bush requesting him to call on his friends and allies in the oil and gas industry to sit down with them and make it clear that their profiteering at the expense of the average person in America is killing the American economy and causing extreme hardship to honest people going to work every single day. We still haven't seen the first indication of action from the White House.

In August, before Hurricanes Katrina and Rita, when gas prices were about $2.55 a gallon, I joined my colleagues, Senator REID of Nevada and Senator CANTWELL of Washington, in a letter to President Bush asking him to show Presidential leadership in reducing fuel prices, including profiteering and price gouging. Still no response from the White House.

We proposed a set of principles on the Democratic side of the aisle. We believe these put America first. We believe that American consumers, businesses, and farmers should be better protected from multinational corporations reaping record profits at the expense of the average consumer and the average business in America.

In the next day or so, I am going to introduce legislation to help address some of these issues, including a desperately needed funding bill for the LIHEAP program. LIHEAP is the Low Income Home Energy Assistance Program. We should tax the windfall profits of these huge oil and gas companies that are recording billions upon billions of dollars of profit at the expense of families and consumers across America. We should transfer part of this money to a LIHEAP trust fund so that the poorest folks across America, the most vulnerable, have a chance to heat their homes this winter. That is pretty basic. This fund would ensure that there are resources available on top of what has already been appropriated by Congress for families hurt by high energy costs. We are proposing other measures on the Democratic side to protect consumers as well. Senator CANTWELL and 26 cosponsors have introduced a bill to ban gasoline price gouging and improve market transparency. This all fits under the basic idea of protecting America's consumers.

Senators MIKULSKI, PRYOR, SALAZAR, BILL NELSON, HARKIN, CORZINE, STABENOW, and OBAMA have introduced an amendment to the appropriations bill calling for the Federal Trade Commission to investigate nationwide gas prices that we witnessed immediately after Hurricane Katrina to see if there is clear evidence of profiteering.

Senators KERRY and REED of Rhode Island offered an amendment to add funds for the LIHEAP program so low-income families most affected by record energy prices can heat their homes this winter.

Senator BINGAMAN and 14 other cosponsors proposed an amendment to the Energy bill that would require 10 percent of electricity generated be produced from renewable sources by the year 2020. This measure would ease the stress on natural gas and help to alleviate the high prices we have currently witnessed.

Senators SCHUMER, CANTWELL, and LAUTENBERG introduced a bill to increase national fuel efficiency which would also save energy.

I have introduced a bill as well, the Strategic Gasoline and Fuel Reserve Act of 2005. We already have a Strategic Petroleum Reserve—that can hold 700 million barrels of crude oil the President can turn to in times of national emergency. But when we have refining capacity compromised by a hurricane, crude oil is not going to be released and make it to the market very quickly. So I am proposing that the United States, like some European countries, create a strategic gasoline and jet fuel reserve. Let's set aside refined product, gasoline and jet fuel, around the United States so the President has another tool to use when we see these price spikes to help businesses like America's airlines and other businesses overcome these skyrocketing prices.

America needs a long-term plan to diversify our energy resources. We have to do this to improve energy efficiency, conservation, and to prevent the energy giants from market manipulation and price gouging. It does not appear there is any cop on the beat in Washington. There is no one who is either threatening or punishing the profiteers who are raising the price of energy unconscionably. For a long time, the finger of blame was pointed at the OPEC cartel and the Saudi sheiks, but we know now that their profit increase is modest, about 46 percent over last year, compared to the dramatic and obscene record profit increases by the big oil companies of 255 percent over last year. That is where the money is going. It is going to the boardrooms of the largest oil companies in America.

This administration and this Congress are mute. They definitely do not want to rock the boat when it comes to their friends in these big oil companies. Instead, the only response from the administration is a plea by the Secretary of Energy for a campaign to conserve energy. Well, that is a good thing. But should not the administration also be there to protect consumers and to punish profiteers in addition to preaching conservation?

This is what the President said:

> We can all pitch in . . . by being better conservers of energy.

Here are some suggestions: Drive less, replace traditional light bulbs with more efficient light bulbs, keep your car well maintained, and your tires properly inflated, and seal leaky windows and doors; all very nice and practical suggestions. But would it not be nice if these practical ideas of conservation were accompanied by some effort by this administration to hold the oil companies responsible for profiteering at the expense of American consumers? Not a word.

I strongly support conservation efforts. Changes in that way can make a significant difference and save Americans millions of dollars. But President Bush's plea for conservation is like putting a gallon of gas in a Hummer and expecting to drive 50 miles.

While small conservation steps will help manage the current energy crisis, we need a broader policy change that includes a long-term commitment to expanding and diversifying energy sources. We have to expand the use and access to alternative fuels, create a more efficient transportation sector, increase the efficiency of our homes, and promote conservation. We need energy policies that place national interests before corporate interests, that put the well-being of the American family before energy CEOs, and make investments to strengthen America's energy security, instead of providing tax cuts to make America's wealthiest individuals and corporations even wealthier.

This administration will not consider such measures, and in many cases they blatantly rejected them. Before the recent call for conservation, the Bush administration had done virtually nothing to develop long-term energy solutions and promote efficiency and conservation. While President Bush now calls for conservation, his own Department of Energy quietly helped prevent advancements on new building efficiency standards for insulation, standards that would have increased efficiency in new homes, saving billions of dollars in energy costs for Americans over the next few decades.

The other thing we have to do, as a fundamental policy when it comes to energy in policy, is to focus on the fuel efficiency of the cars and trucks we drive. When we faced the oil crisis in the 1970s, we understood we were driving cars and trucks that were not adequately fuel efficient. The fleet average of fuel economy for cars and trucks across America was about 14 miles a gallon. So Congress knew there were two ways to push the automobile manufacturers toward more fuel-efficient cars. One was if the price of gasoline went up dramatically, people would make the decision on their own they needed a more fuel-efficient car, but of course that involved a lot of economic pain in the process. The other was to establish federally mandated standards for fuel efficiency for cars and trucks in America.

So what was the response of the Big Three in Detroit when we said in 1975 that they should double the fuel economy of cars and trucks in America from 14 miles a gallon to 28 miles a gallon over 10 years? They said as follows: It is technologically impossible; the cars and trucks that we build will be so unsafe you will regret the decision pushing for more fuel efficiency, and this will definitely drive more imports into America because the Japanese and others will focus on making those more fuel-efficient cars.

Thank goodness Congress rejected those three arguments by the automobile manufacturers and in 1975 imposed the CAFE standards. As a result, 10 years later, the average fuel efficiency had doubled in the United States. All of the ominous warnings from Detroit notwithstanding, we as a nation did the right thing. The one wrong thing we did was to carve out an exemption for trucks. It turned out that exemption was so broadly worded that they drove the big old Hummers and SUVs right into it as they were exempt from the highest standards.

And what happened next? America got this voracious appetite for these huge hunks of metal on the highway which burn up the gasoline as fast as the tank can be filled, and we watched the average fuel efficiency in 1985 go down from 28 miles a gallon to about 21 miles a gallon today. We have gone in the wrong direction. We are burning more gasoline for the same miles that we drove in 1985.

What have we done in Congress since then to establish new CAFE standards for America's cars and trucks? Absolutely nothing. When I called for an amendment in the Energy bill debate to establish national CAFE fuel efficiency standards over the next 10 years, improving fuel efficiency by 1 mile a gallon each year for 10 years, the amendment was defeated, with only 28 Senators supporting it. Americans I have run into, and certainly people in my home State of Illinois, shake their head when they are told that story. They ask, what are these Senators thinking? Why would we not move as a national policy toward more fuel-efficient vehicles?

Well, the automobile dealers have realized that. They have car lots full of SUVs and heavy trucks that consumers are walking right by, saying, well, what is the fuel efficiency of that car? How many miles per gallon on that truck? They are asking the hard questions now because gasoline prices are going up. I think it is time to return to this debate on CAFE and to put honest fuel efficiency standards on the books in America, to demand that those in Detroit and others take into consideration the fact that we need to lessen our dependence on foreign oil and we need to give consumers an opportunity.

Earlier this year my wife and I were considering buying a car. We wanted an American car. My wife drives it more than I do. She takes it on the highway so we wanted a larger car, but we did not want an SUV. Try to find that highway-type car made in America that is fuel efficient. We finally found one, the Ford Escape hybrid. We bought one. How many were made in the United States this year? Only 20,000. There is a long waiting list for people to buy these cars. Ford says they hope in years to come they will start producing more of them.

Meanwhile, Japanese automobile manufacturers are making these hybrid cars and selling them as fast as they make them. It is a shame again that Detroit was asleep at the switch and they did not see this coming. They tend to react a little too late and, sadly, that is one of the reasons they face the financial difficulties they do.

While increasing efficiency of our vehicles is no longer an option, it is a necessity. Consumers are demanding better fuel efficiency, and unfortunately American auto companies are realizing a little too late that they did not think ahead.

In the past month, General Motors witnessed a 24-percent decline in sales over the same month last year. Ford sales were down 20 percent, while U.S. sales of Japanese automobiles increased 10 to 12 percent. Sales of hybrid vehicles soared. In the past month, Honda Civic hybrid sales increased 37 percent. So while the Senate does not get it when it comes to fuel efficiency and fuel economy of cars, consumers get it and they are saying with their checkbooks and credit cards they are going to buy the vehicles that make more sense.

I believe American ingenuity can meet this test, can produce the cars and trucks we need to keep our economy moving forward with safe cars that are much more fuel efficient.

We also need to invest in the production of alternative fuels and provide incentives for their use. We need to break the stranglehold of big oil, open the market to real competition, and give American consumers real energy choices. Ford recently announced more production of its dual fuel vehicles.

That is good news, but we know there is only a small number of vehicles on the road that actually use these alternative fuels. The gas-saving potential of these vehicles is largely wasted. We should be promoting the actual use of alternative fuels that can reap the benefits of new gas-saving technologies.

The fact that we included language in the Energy bill to increase ethanol production and biodiesel is all good, but it is only a small part of the battle. We need to make sure that ethanol reaches the market and that there are cars equipped for E-85 and ethanol compliance so consumers can take advantage of the benefits of their homegrown fuel.

America has 3 percent of the world's known oil reserves. We use 25 percent of the world's oil. We can never, ever drill our way out of this challenge. There is no way we can find energy independence by drilling away in the pristine areas that have been protected around America, including the Arctic National Wildlife Refuge. It is a sad indictment on this administration and this Congress that instead of accepting the challenge of conservation and fuel efficiency, instead of asking for sacrifice and a dedicated commitment from the automobile companies as well as American consumers, we are going to run willy-nilly into a national wildlife reserve that was created by President Eisenhower over 50 years ago and say the only way we can meet our needs is to start drilling away for oil, the environment be damned.

The big oil companies and many of my colleagues want to open this Arctic National Wildlife Refuge. I have been there. It would be a tragic mistake. Sadly, if we do it, over 20 years it will produce less than 1 year's worth of oil supply for the United States. This is not the answer to our prayers. In fact, we should be condemned for turning our back on this great piece of America that we are willing to exploit because of our own bad energy policies. Instead of destroying this national habitat, we should think strategically and creatively to find new ways to meet our future energy needs.

America can do better, and when it comes to our energy policy it is clear we are missing the responsibility that Members of Congress should share. We need to protect America's consumers. We need to punish the profiteers and we need to promote, on a national scale, efficiency, conservation and alternative fuels. America can only do better with leadership and a clear energy policy and a plan. We have to look beyond the quarterly profits of the big oil companies and the clout they have on Capitol Hill and remember that we are serving the public, voters across America, who have to face every single day these skyrocketing gasoline prices and the prospects of a very cold and expensive winter.

I believe in American creativity and innovation, and I know that together we can create a better future for our country.

I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

The Senator from Missouri is recognized.

Mr. BOND. Mr. President, it is very interesting to hear this speech on energy. There were a couple of things my colleague from Illinois said that I agree with. No. 1, energy prices are a real problem. No. 2, LIHEAP needs to be reviewed by the appropriate Labor-HHS appropriations subcommittee. No. 3, the good things we are doing in ethanol and biodiesel need to continue. No. 4, maybe he did not say it on the floor, but he and I both agree on the St. Louis Cardinals. That is about the extent of the things I could find on which we agree.

Let me go through a few of them. First, all of us are paying more at the gasoline pump. This is having a conservation impact. People are driving less. Everybody is thinking about how they can take fewer trips. Certainly we are in our family. I believe the statistics show that people are conserving more. Talk about turning back your heat during the winter, we are one of those families—I think it is 57 percent of the families in the United States—who heat with natural gas. That thermostat is not going to go down a couple of degrees; it is going to go down more than that. We are going to be pulling out the sweaters.

There are some people who cannot do anything about it. There are workers who have to travel on jobs. There are small businesses that are trying to keep their businesses going. There are famers who have to keep up with those prices. This is a real concern for our economy. For small businesses that will be hit by increased costs of energy for operating their business, my colleague seems to want to add a minimum wage increase. When your margins are being squeezed by energy costs, what happens if the minimum wage goes up? Those young people, the people just starting out in the business, the people who might be getting minimum wage—and it is down around 6 percent of workers these days—are probably going to be the ones let go. The people who need to get a start in the process, who need to get a job, are the ones who are going to lose their jobs because the minimum wage is going to put a further squeeze on the profits of small businesses. To see a requirement that they pay a higher cost for entry-level workers is either going to eliminate existing jobs or certainly stifle the creation of new jobs.

For those people on minimum wage, for those families, we have the earned-income tax credit; we have all forms of assistance and this is proper. We need to help those people get started because a significant number, an overwhelming number of those starting with the minimum wage get a 10-percent increase at the end of the first year. They have to learn to work, and that is how they get started.

Let's go back to the problems we have with energy. We have real problems in energy that came about even before Katrina and Rita hit our refineries and hit the gulf coast. We concentrated our petroleum production mainly in the gulf coast region around Texas and Louisiana. Why? Because too many people said, No, you can't drill here. In other places where we have oil and gas, they are being prohibited from drilling. People say we can't drill for natural gas off the coast, and I say, Why not? We have to do so in an environmentally sound manner. We have to protect the environment. But siting a natural gas rig 15 miles out in the sea, if it is done in an environmentally sound way, is not threatening the way of life of people along our coast.

The occupant of the chair and I happen to come from a State where we mine a lot of lead. Lead mining is environmentally difficult. Everybody knows the problems lead can cause, but lead is absolutely critical in many of the goods we produce, computers, and other things. So we produce much of the lead in the United States because we have 90 percent of the lead that exists in the United States. I have told some of my friends who do not want to drill for natural gas in their States or off their shores, we in Missouri would be happy to trade you our lead for your natural gas. You can mine for the lead and we will be happy to pump the natural gas. Natural resources have to be developed where they are found.

Ten years ago, we passed a bill authorizing the opening up of that small portion, and only a fraction of that small portion, set aside in the Arctic National Wildlife Refuge for the development of natural resources. When ANWR was set up, there was a portion set aside specifically for the development of natural resources. To the west of there in Prudhoe Bay, they are producing oil in substantial amounts. The best estimates we have heard is that if we had gone ahead, if the President 10 years ago had not vetoed the opening up of ANWR, we would be getting over 900,000 barrels of oil a day from the ANWR. That is not going to solve all of our problems, but it is certainly a start. Regrettably, it is a lot more than even our farmers can produce in terms of ethanol and biodiesel.

We need to pursue every area. That includes conservation. That includes new sources. That includes developing additional resources that we have in the United States. Right now, because we are busily engaged in a bill that primarily doesn't have anything to do with energy—and I remind my colleagues this is the TTHUD appropriations bill. We are talking about appropriations for Treasury, Transportation, Housing, and Urban Development. My colleague and I are looking forward to having amendments on that bill and also the Judiciary and related agencies.

There is a hearing going on in the Environment and Public Works Committee, and I would love to be there because the chairman has proposed a bill to fast-track permitting for refineries. It can take up to 20 years to get a refinery built. It is too costly. Our refinery capacity for petroleum products has been stretched to the limit. When Katrina and Rita knocked out those facilities, we found ourselves in a terrible shortage. We need to streamline the process, go through all the steps but do so in an orderly manner so we can bring more refineries online in an efficient and environmentally friendly way.

Incidentally, what we need to do in that fast-track permit is to fast-track permitting of coal liquefaction and coal gasification. We are sitting on a 250-year supply of energy in the form of coal. We are the Saudi Arabia of coal. Coal has been a problem because, when you burn it as we have in the past, it produces sulfur, nitrous oxides, carbon, and mercury. But the coal we have in the Midwest, while it is high in sulfur, is high in Btu, and it can be turned into gas or turned into diesel fuel or aviation fuel in a way that removes almost all, if not all, of the pollutants.

We need to get coal refineries putting online plants to replace the natural gas that is being burned in utility boilers. Wasting natural gas in utility boilers has come home to roost. Twenty-five years ago, I heard Glenn Seaborg, a Nobel Prize winner, talking about energy. He said there are some people who want to burn natural gas in combustion boilers to produce energy. He said using natural gas for that purpose is similar to taking your most prized piece of antique furniture and throwing it in the fireplace to keep you warm. That is a bad use.

But environmental policies without considering energy impacts forced most of the new electric generating plants in the last decade to come online on natural gas. All those who are heating with natural gas are paying the price now. We can get a replacement for that natural gas by using gasified coal, but we need to do so pretty darned quick.

We need to open up areas for the production of natural gas. One of the things we should remember is that the natural gas problem, the crisis we face, is not only brought about by constriction and restriction on the ability to produce the natural gas that exists off our coasts, in our Federal land, in the resource-producing areas set aside when ANWR was developed, but we are also facing a natural gas crisis because we have forced utility companies to burn natural gas to produce electricity. We need to be smarter and replace that natural gas with coal gas.

We also have had hysteria over nuclear power. Nuclear power is the most environmentally friendly, cheapest way to produce electricity. Thanks to the Energy bill we passed, we are moving ahead to develop new nuclear power. Our nuclear power facilities are getting old. There has never been a death; they are the safest means of energy production we have. Look at France, not an area we normally cite as an example, but 80 percent of their electricity is generated by nuclear. We need to go back to development of the new style, safe nuclear powerplants, and bring them online as quickly as we can.

My colleague had some interesting ideas. I am not surprised the leadership of the other party would come forth with taxes and windfall profits and ideas such as that, that might sound good, unless you study economics. Then you wonder, when was it that we passed a law making profits illegal? We do have laws. We have laws against restraint of trade. We have laws against price fixing, that say you cannot gain a profit by agreeing with your competitor to fix prices. We have unfair competition laws on the books at the FTC, and many States do, about price gouging. But profits, No. 1, are taxed and, No. 2, are supposed to be providing the investment we make in the new facilities, for example to produce more oil and gas and coal, to refine it and to deliver it to market.

Profiteering—I am not exactly sure at what level making a profit is improper or illegal. I have spent a lot of time as a lawyer on legal cases coming out many years ago on the windfall profits tax, and I found for law firms, litigating windfall profits is a multiyear endeavor with more funds expended on lawyers than recovered. It is not an easy process and not one for which I would argue.

Also, the suggestion has been made that we ought to establish higher CAFE standards. We have had that debate. We have had that debate a number of times. If I remember correctly, a bipartisan majority got behind something called the Bond-Levin or the Levin-Bond amendment, which said we need to increase our fuel efficiency standards, but we should not make the same mistakes we made originally. Yes, when we passed CAFE standards, one of the ways the CAFE standards were met were car companies building lighter weight cars, 1,000 or 2,000 pounds lighter. The National Highway Traffic Safety Administration has said between 1,600 and 2,000 people a year are killed on the highways solely because of the lighter cars.

Yes, more cars are being imported, consumers are seeing more cars coming in from abroad, and they are demanding more fuel-efficient cars, such as hybrid cars, and that is good. But we passed a law mandating the NHTSA to increase the fuel standards as rapidly as technology will permit them to increase those standards without endangering the lives of the passengers by making lighter weight vehicles. So we do have an agency looking out for safety, looking out for the technical advances. Technology has already warranted their increasing the fuel mileage on light trucks and other autos.

If you want to, I guess my colleagues on the other side could come out and pass a law banning hybrids, saying you cannot buy an SUV, you can't buy a small truck. Maybe you would have to get a permit if you were a farmer. That is the way they did it in the Soviet Union. You only got a truck if the government decided you needed a truck. I am not sure we want to go down that path, saying we are going to tell you what kind of truck you can have, and if you have a large family and want to be able to transport them to school, to church, to health care, to see other family members, the Government is going to decide how big a car or how big an SUV you can have. If they want to debate that I would be happy to do that. But as long as we are selling cars and trucks that consumers want, I think pushing the technology as fast as we can is a responsible way to get there.

Yes, I also agree we ought to consider LIHEAP increases to help low-income seniors. That is good. We need to push ethanol and biodiesel. The occupant of the chair was successful in getting the amendment adopted that mandated 7.5 billion gallons of renewable fuels be used by 2012. All of these things are important. I believe we must get a good refinery bill fast-tracking refineries.

In the meantime, as we think about all these energy problems, I hope my colleagues will come forward with their amendments to this bill, as I mentioned a long time ago, the Treasury, Transportation, Housing and Urban Development and Judiciary.

Let us see if we can't get some amendments on this bill and move forward with that.

I thank the Chair and yield the floor.

The PRESIDING OFFICER (Mr. MARTINEZ). The Senator from Illinois.

Mr. DURBIN. Mr. President, let me first commend my colleague from Missouri.

For those who are witnessing this, it is becoming dangerously close to real debate on the floor of the Senate. This is history in the making. It almost never happens that two Senators who disagree on an issue will stand and argue their point of view back and forth. One of the reasons I wanted to run for this body was because I could come over here and engage in debate. I certainly respect the Senator from Missouri. We have much different views on energy, and I think he has articulated his point of view as clearly as one could hope for with a moment's notice. He didn't know I was coming to the floor to talk about energy. He did an excellent job.

I would like to clarify a few things. The first point is this: It was the wisdom of our Founding Fathers which said that every State in the Union would have two Senators, which means the State of Missouri has two Senators and the State of Illinois has two Senators. I wish the very best for the St. Louis Cardinals, and I am certain that the two Missouri Senators are rooting every moment of every day for their victory. But this Senator from Illinois is backing an Illinois baseball team known as the Chicago White Sox. They were successful in winning the American League pennant. I hope they go all the way in the World Series. Despite my boyhood roots, I am rooting for the Illinois baseball team. I had better say that clearly on the record or I can't go home.

The second thing I say is when it comes to energy. I listened carefully to what the Senator from Missouri had to say. In virtually every instance, he suggested there were ways to find new and better and larger sources of energy to take care of our problem. I listened closely for any suggestion from him that we should have conservation and efficiency as part of a national energy policy. If he said it, I missed it.

I think it is a critical part, because we have to understand that the conservation of energy means not only that we reduce the costs for families and businesses to provide the same level of goods and services, we also reduce the pollution that is a product of burning energy across America. It is a "two-fer." If you believe we can keep finding new energy sources, whether it is oil in a national wildlife refuge up in Alaska or drilling off some of the coasts where Governors—both Democrats and Republicans—have said we do not accept that as something we want as part of our State's economy, if you keep looking for these new energy sources, you are ignoring the obvious. And the obvious is that fuel efficiency and fuel conservation should be part of what we do in America. We have learned that over the years. We haven't compromised our lifestyle while we found more fuel efficiency in so many different areas of our life every part of every day.

I will concede that the Senator from Missouri did join the Senator from Michigan in putting together an amendment that at least mentioned the words "fuel efficiency" and "conservation" in the last Energy bill. But I have to say in all fairness that is all it did. It didn't put any requirement on the automobile manufacturers to make more efficient cars and trucks across America.

Every time you talk about CAFE standards and fuel efficiency, we get a history lesson about what the Soviet Government was all about—top-down government, mandating these policies, forcing rugged individuals who would like to go their own way to march in close rank and march in line.

I have to say I view this a lot differently. Left to their own devices, the major automobile manufacturers in America made hundreds of thousands of cars and trucks which Americans don't want to buy. They are now crowding our lots with heavy trucks and SUVs, and Americans are walking right past them. Instead, we should have thought long ago about establishing standards that would give consumers a choice in America.

Why is America coming in second when it comes to automotive technology? When it came to hybrids, the Japanese automobile manufacturers, Honda and Toyota, got the jump on the United States. Are they smarter than we are? I don't think so. Many of their engineers and research scientists went to school in the United States and went back to their countries to build the cars and trucks Americans wanted to buy. For some reason, Detroit is always a little behind the curve, and in this situation, it is dangerous because they are so far from profitability and they have such dramatic costs that they made a terrible calculation by sticking with these heavy vehicles as the price of fuel and energy went up across America. I don't think it is the heavy hand of Government. I think it is good public policy for us to move forward on a policy for CAFE standards that increases fuel efficiency. The argument that that means unsafe cars I don't accept. I happen to believe that in an era of new technologies for safety and otherwise, there are ways to improve the cars and trucks we drive in terms of safety without compromising fuel efficiency.

There are things we can do—creative approaches already recognized by the scientific agencies in Washington—that could be part of cars and trucks in the future. They are not, and they should be. For us to move forward on that as a national policy is to reduce our dependence on foreign oil. If you believe, as I do, that is a worthy national goal, then conservation and fuel efficiency have to be part of it.

The second issue which I raise, and which the Senator from Missouri mentioned, was a bill that could come before us soon, already having passed the House, that would suggest that in order to have the oil we need in America, in order to expand oil refinery capacity, we have to waive the pollution rules when it comes to air pollution and water pollution, and we have to waive the environmental standards refineries have been held to in America. The argument is, if you do not waive these environmental standards, we will not have enough gasoline, and you will have to pay more. It is a classic "your money or your life" argument, because these environmental and pollution standards are there for a purpose.

I invite my colleague from Missouri and all of my friends to visit any classroom of any school in America and ask the following question: How many students in this classroom know someone who has asthma? Watch the hands go up. Do you know why? Because across America these lung problems that air pollution has some relation to are becoming epidemic. Visit a major hospital in St. Louis or Chicago—a children's hospital in particular—and ask in the emergency room what the No. 1 diagnosis is of children brought into their emergency room. I can virtually guarantee it is going to be asthma. What are we going to do? We are being asked to waive the air pollution standards for certain industries and for refineries so we can get cheaper gasoline while we breathe dirtier air. What a terrific bargain for America. Is that as good as it gets with this administration? They cannot meet the energy needs of America without asking us to compromise our public health, to compromise the safety and quality of water that we drink, to compromise environmental standards that have been established for years.

This morning, a major company from Illinois—I spoke to one of their representatives—said several years ago under the Clinton administration they agreed to a reformulation of diesel fuel in America, a long-term project that would make diesel fuel cleaner in America. Do you know what diesel fuel looks like, or used to look like as it came with billowing smoke out of the tailpipes of cars and trucks? They want to move to the point where it is much cleaner. Years ago, we made a commitment as a nation to move to reformulating diesel so it is cleaner for America.

One of the bills before the Congress today waives that reformulation requirement after 6 years of investment in cleaner diesel fuel and cleaner diesel engines. This administration says we have to abandon that, go back to more air pollution from diesel use in order to have cheaper gasoline we can buy across America. What a tradeoff, what an abdication of leadership. America can certainly do better than that.

To have this administration tell us that the only answer to affordable energy is to compromise the public health and to put up with more air and water pollution is a completely unacceptable alternative. I wouldn't want to go to the Senator from the State of Florida, who is in the chair, and tell him that the Federal Government is going to mandate drilling off the coast of Florida. I can tell you that the Governor of Florida, who happens to share the same last name as the President, doesn't think that is a very good idea.

For the suggestion that may have been made here that we need to start moving and burning and drilling off the States that don't want oil drilling and gas drilling off their coasts is a major move by this administration.

Again, you have to ask the basic question: Why would we do anything that radical from Washington to deal with energy before we even discuss the possibility of conservation and fuel efficiency of the cars and trucks we drive? I think we have to accept responsibility. It isn't just a question of answering every challenge in America by saying, party on, you know we are going to find some more energy for you, just keep using it up, don't pay any attention until tomorrow. I think America understands, and our younger people understand better, that we need a serious energy policy that challenges every single one of us as consumers not only to turn down the thermostat, but be smarter in the cars and trucks we buy, challenge the manufacturers in Detroit to produce cars and trucks that are mindful of energy needs across America and the increasing costs of that energy to families and our economy. We need a government with the leadership that is responsive to this national challenge.

The last Energy bill didn't do it. The ink was hardly dry in August until the Members of the Senate said we had better get back and write a new energy bill.

For goodness sakes, that is the greatest single condemnation of the substance of that bill I can think of. We all know it is true. That last energy bill didn't do it. In a few isolated areas, as I mentioned earlier, it is a good bill. But, by and large, it didn't address the fundamental problem facing us today and for years to come.

The last point I will make is this: America's most serious competition in the world today comes from one country, China. China right now is mushrooming in growth. They are building new industries right and left. If you walk into a Wal-Mart to buy a product, you are walking into the largest importer of Chinese goods in America, Wal-Mart selling all across the United States. The obvious question is this: What is China doing about its energy needs? First, it is doing something we are not doing. It is imposing higher fuel efficiency standards on its cars and trucks than we do in America. The Chinese are thinking ahead. They understand that inefficient cars and trucks are not part of a bright energy future.

The second thing they are doing is fighting us tooth and nail in every site around the world where energy can be purchased. They are now our competition for the purchase of energy. Twenty years ago, we didn't even think about it. They did not have an economy that used that much energy. They weren't producing goods and services. That world has changed.

Now, as we continue to be dependent on foreign oil, we are going to have to continue to fight the Chinese and others for affordable fuel. That is the reality of global competition.

Does it make sense for us now to take a step back and say as a national energy policy we ought to figure out ways to keep the American economy moving, businesses thriving, and jobs being created, but also build into that energy conservation and efficiency?

That to me is so obvious. Every time I bring it up in a town meeting in Illinois, people shake their heads and say, You are honestly debating that in Washington; it seems so obvious. We are debating it. So far I have lost that debate. But as energy prices go up and people realize that the energy policy of this administration has failed, I hope we revisit this important issue.

I yield the floor.

Mr. BOND. Mr. President, I had not intended to extend this wonderful discussion because we were trying to get amendments on the Treasury, Transportation, Housing and Urban Development, and Judiciary bill. I invite people to come down and offer amendments. However, since my colleague and neighbor brought it up, I thought I might mention a few things.

No. 1, while he might want to root for the White Sox in the World Series, I was hoping he would not neglect and disregard and disrespect all of our wonderful Illinois neighbors who live in the southern part of the State who are St. Louis Cardinal fans. It is with a heavy heart that I tell the people of southern Illinois that the Cardinal fans have been "dissed" by my colleague from across the river.

I wouldn't normally do that, but since he misquoted what I said, I thought I might as well take the same liberties and misquote what he had to say.

First, right there at the end I thought we were almost opening a new front in this debate. Wal-Mart bashing; oh, that is a great liberal sport these days, bashing Wal-Mart. I saw just the hint of Wal-Mart bashing. But I am sorry, I didn't mean to attribute that to my colleague. He walked away from it. So we are not into Wal-Mart bashing. But he did say I wasn't interested in conservation or energy efficiency. Perhaps the reason he didn't vote for the Bond-Levin or Levin-Bond amendments to conserve energy and assure energy efficiency is he didn't understand that we ordered the scientists at the National Highway Traffic Safety Administration to find the new technologies and require that fuel efficiency improvements be made as technological advances go forward.

That is the whole idea.

How about letting the scientists say what technology actually works? It is a lot more fun on the stump making a political speech saying we are going to double the mileage—and, by the way, forget about it if the lighter cars do kill more people. The National Highway Traffic Safety Administration has produced those figures: the lighter cars have been killing more people.

The third thing he said was we are going to waive all the environmental rules. We have had continually improving air quality in this country. We are making progress, and we are continuing to make progress. That is extremely important.

Are we going to get rid of the standards? No. How about getting the number of processes? One refinery had 800 different permitting processes to go through. How many different permitting processes do you have to go through? We need to hold these refineries or other new facilities to the standards we are setting to make air cleaner. When government bureaucracy and lawsuits tell them how to build and how to operate the facilities, we get tremendous waste. This is why I am talking about economics. Economics is bringing about conservation, as is the National Highway Traffic Safety Administration, as are other conservation measures—new appliances with conservation standards.

Each one of us has the ability, in responding to the marketplace as to the price of energy, to make wise decisions about energy usage. The market does work.

If my colleague wants to have an allocation system to tell the American public what kind of cars and trucks they can buy and dictate what cars, trucks, and SUVs can be made by auto manufacturers, let's have that debate. In the meantime, let us all concede that the auto companies may have missed the mood. They may have made mistakes. They are paying for those mistakes in misjudging the market. But I would rather have the private sector taking the hit because they are in it for the profit motive, and they can afford it, rather than have the government make those decisions which cost jobs, which cost our economy.

I am hoping a Member will have an additional amendment. I will look for that.

I do not intend to answer my colleague from Illinois any further other than to say that if he cites my position, I will probably disagree with his characterization of my position. But we will have this debate perhaps again when we have an honest to goodness Energy bill, maybe one that fast-tracks refineries that would get us the oil, diesel, aviation fuel, and the coal gas we need.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois, from the southern part of Illinois.

Mr. DURBIN. I am from all of Illinois.

The Presiding Officer must face the same thing in the State of Florida with your loyalties for sports teams. You cannot win in the State of Illinois. No matter where you go you will run into opposition—whether a Cardinals, Cubs, or White Sox fan.

I think we have made that issue. At least my position on that issue is clear as we can.

I say in closing, and I certainly invite the Senator from Missouri to respond, we ought to ask ourselves the basic question: If you have a business in America that is unsuccessful, and the business has a loss in one given year, we provide in our Tax Code that business can carry that loss forward from the year that it was experienced, so next year's profits can be reduced accordingly. Your tax liability is reduced accordingly. It is a carry-forward provision for business losses.

It seems to me consistent to say that those corporations which have extraordinary profit taking—as we see with these major oil companies—would be subject to additional taxes.

I am sure the Senator from Missouri disagrees with me. But we have now seen virtually—I am trying to figure the calculation—roughly 30 percent increase in profits for the major oil companies in the United States of America, over the last 6 months, over last year. Last year was a big year for them. Last year, in the same 6-month period, they had about $39 billion in profits. This was with $40-a-barrel oil. This year it is up 30 percent over last year's profits.

Why? We know why. When we go to the gas station, we know why. The price at the pump has gone up dramatically.

The Senator from Missouri thinks this is holy ground, that we should not touch that money: My goodness, these people were brave enough and creative enough and entrepreneurial enough to raise gasoline prices, and we ought to accept that as the reality of capitalism.

But the Tax Code says even if you are profitable you pay taxes. My position is that if you have these windfall profits at the expense of our economy and families and businesses you should face a windfall profits tax. The money should come back to consumers. The money should come back to fund the LIHEAP program. The money should come back to create an incentive for automobile manufacturers to make fuel-efficient cars. I don't think that is an unreasonable position to take.

If the oil companies know that every dollar they make in profits by raising the price of gasoline at the pump is subject to a 50-percent tax, maybe they will slow down a little bit. Maybe they will not raise the prices as high next time. Wouldn't that be nice if there was some disincentive for these prices being skyrocketed and kited on the average family and business? I don't think it is unreasonable. When we consider the alternatives we are facing in this town right now, it makes a lot of sense.

We have arguments being made now that to pay for Hurricane Katrina we have to cut basic programs in this country for the most vulnerable Americans. The idea of cutting food stamps and health care for the poorest people in our country in order to pay for the victims of Hurricane Katrina strikes me as unfair to the nth degree. Why in the world would we help the poor people of Katrina by hurting other poor people in America and look the other way when it comes to the profits of oil companies?

For goodness' sake, a windfall profit tax I have proposed could generate about $40 billion. That is a big chunk of the $60 billion we have heard appropriated for Hurricane Katrina.

Is it unreasonable that these oil companies would help to pay for the greatest natural disaster in modern memory? At least something good would come of it, and we would not be cutting the programs and the basic policies that help the most vulnerable people in America.

I didn't mean to try to get the last word in. I wanted to give the Senator from Missouri that opportunity, but because he is chairman of the subcommittee it means he will ultimately have the last word on this bill and anything else that comes before the Senate.

AVIAN FLU

Mr. DURBIN. Mr. President, there is another issue which is timely, one that is growing in interest and intensity across America; that is, the challenge of avian flu. Public health officials have been worrying about this for the last several years. But an avian flu epidemic is not yesterday's news. Sadly, it may be tomorrow's news. It is our duty to prepare for it today.

Poultry have been susceptible to various strains of avian flu for a long time. Public health officials started to get worried when avian flu was noted in Indonesia, Romania, and other countries as well. This form of flu may be transferrable to humans. That is what is being monitored very carefully.

Unfortunately, humans do not have a natural resistance to this form of the flu. Remember that in previous flu epidemics they usually warned that the people who needed flu shots would be children, the elderly, and people in a compromised health situation. They are the most vulnerable for most ordinary flu strains.

In this particular case, everyone is vulnerable. None of us have a built-in resistance. It is unlike a typical flu that makes you feel bad for a few days and then you are back up and going strong. This, sadly, attacks fast and hard and kills. Over half of the people who have been diagnosed with avian flu around the world perished because of that exposure.

Last week we learned the virus is not just in Asia, but it has been found in Turkey and Romania. Romanian officials reacted quickly and believe they have done what needs to be done to eradicate the spread of flu in their area.

But Romania's Danube Delta is one of Europe's largest bird reserves. Hundreds of thousands of migratory birds are expected to arrive in the coming days. It is possible, maybe likely, that some of these birds will be carriers of avian flu.

If this H5N1 flu mutates into a form that transmits easily from person to person, we have been told to expect the worldwide pandemic that could kill tens of millions of people.

Dr. Andrew Pavia of the Infectious Disease Society of America said:

> We may sound like we are hyperventilating, but in our heart of hearts we know this is a serious possibility.

That is why we added $3.9 billion to the Defense appropriations bill. If we are going to prepare for a pandemic of avian flu, we cannot wait. We have to start now.

That is why I join my colleague from Illinois, Senator BARACK OBAMA, as well as Senator HARRY REID of Nevada, and many others in introducing the Pandemic Preparedness and Response Act, which lays out the necessary steps to prepare this country for the flu. It would take immediate steps to improve surveillance of this infectious disease so we can track it around the world and begin to contain it immediately.

Second, it expands current research and development at the National Institutes of Health to exhaust the possibilities for developing effective vaccines and antiviral drugs.

Third, it creates a Director of Pandemic Preparedness in the Executive Office of the President. The Director will oversee the response of States and all involved Federal agencies so that we coordinate what we do, that we are organized, and we set out to save as many lives as possible. We do not want the response of Hurricane Katrina to be repeated if we face this avian influenza.

Avian influenza is not a new thing, but it is not yesterday's news. An avian flu that develops into a pandemic flu is virtually certain to be tomorrow's news. Let's enact the pandemic preparedness legislation and move immediately, today, before this Senate goes home, to prepare for this possible.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. What is the pending business?

The PRESIDING OFFICER. The Kennedy amendment is the pending amendment.

AMENDMENT NO. 2063, AS MODIFIED

Mr. KENNEDY. Mr. President, I send to the desk a modification and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment is so modified.

The amendment (No. 2063), as modified, is as follows:

At the appropriate place, insert the following:

SEC. ___. MINIMUM WAGE.

(a) INCREASE IN THE MINIMUM WAGE.—

(1) IN GENERAL.—Section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) is amended to read as follows:

"(1) except as otherwise provided in this section, not less than—

"(A) $5.70 an hour, beginning 6 months after the date of enactment of the Fair Minimum Wage Act of 2005;

"(B) $6.25 an hour, beginning 12 months after that 60th day; and

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect 60 days after the date of enactment of this Act.

Mr. KENNEDY. Mr. President, I thank the Chair.

This is a modification of our amendment which was to raise the minimum wage to $7.25. It seemed to me that in an attempt to try to find some common ground with our friends on the other side, we would modify this amendment to reflect what had been the position of the Republican side the last time we had the debate on the increase in the minimum wage and that was $1.10.

There were other provisions in the Santorum amendment, but the overall figure that was included in the alternative amendment to my last amendment was $1.10. That is what this amendment effectively does. It says that in 6 months after enactment, we would have an increase in the minimum wage of 55 cents and then a year after another 55 cents. That would be the way it would be phased in over this period of time.

I will not take a great deal of time again on the Senate floor to urge the consideration of the increase in the minimum wage. It has been 9 years. We have increased our own salaries some six times in that 9-year period. We have not increased the minimum wage. We know the total number of children who have fallen into poverty, the total number of families who have fallen into poverty, some 5 million Americans—5 million Americans have fallen into poverty during the Bush Administration. And we saw at the time of the Katrina tragedy the fact that so many of our fellow citizens have been left out and left behind, lost opportunity, and certainly lost income.

As I have mentioned many times, the minimum wage applies to men and women of dignity. These are men and women who work hard, who try to do a job, try to take care of their children. More often than not, the minimum wage worker has two or even three jobs, and rarely has a chance to spend much time with their family. They are men and women of dignity. They are the men and women who clean the great buildings of American commerce. They are helpers to schoolteachers in the school districts around the country. They work in our nursing homes to look after our senior citizens who have in so many instances sacrificed to permit their children to have a better and a happier future. Now minimum wage workers are looking after our seniors who have done so much to make this country the great Nation that it is. So this is about men and women of dignity. That is the most important point. They should not be held back and should not be held down.

We have seen that this has very substantial support, as it should. It has support in blue States and in red States. It is reflected in votes in Florida and also out West in Nevada in these last elections by a very substantial margin.

This is basically a women's issue because 60 percent of those who would benefit from a minimum wage increase are women. More than one-third of those women have children. So it is a children's issue. It is a family issue. An increase in the minimum wage is a family issue. It is a children's issue. It is a women's issue. It is a civil rights issue because so many of the men and women who receive the minimum wage are men and women of color.

Most of all, it is a fairness issue. If there is one thing the American people understand it is fairness. The American people believe that anyone who works 40 hours a week, 52 weeks of the year, should not have to live in poverty. This very small step is to try to address the needs and the well-being of these families. That is what this debate is really all about.

As I have pointed out at other times, this has been bipartisan. I was here when President Ford supported an increase in the minimum wage. I was here when President Bush 1 supported an increase in the minimum wage. I have been here when we have had bipartisan support for this effort. This is an attempt now to basically move, as our amendment did, from $5.15 to $7.25, increase it 70 cents a year over a 3-year period to effectively cut that in half, to try to reach out to those on the other side. Hopefully we can accept this downpayment and let me give the assurance that it is just a downpayment and move forward.

At the appropriate time, we will have a chance to go through some of the reasons for the increase. I will mention just a few now. I know some of our colleagues desire to speak at 5:15, and when they arrive I will yield the floor.

I will just review what has happened since 2001: the increased cost of gasoline; health insurance; housing up 44 percent; increase in college tuition. Basically, the increases are making it prohibitive for families to be able to own cars or be able to afford health insurance. Housing has become prohibitive, and college tuition is out of sight.

This is what has happened over the period of recent years, that more than 41 million Americans—that is 30 percent of our workforce—work more than 40 hours a week. Nearly 1 in 5 workers work more than 50 hours a week. Is that not extraordinary? When one looks at the fact of the work habits of the American workforce, 30 percent work more than 40 hours and 1 in 5 more than 50 hours. More than 7 million Americans are working 2 or more jobs, and 259,000 of them hold 2 full-time jobs. So Americans are working longer and they are working harder than any other industrial nation in the world.

Productivity has increased dramatically over the period of these last years—from 1965 up to the present time, a 115-percent increase in productivity. So we have workers working longer and harder. We have seen an explosion in productivity, but it is not reflected in any increase in the minimum wage. That is troublesome. It should be.

We have actually seen the purchasing power of the minimum wage decrease by some 31 percent. To give our colleagues some idea of what has happened to the minimum wage, we see the purchasing power of the minimum wage over the period of recent years. These are in real dollars, in 2004 dollars. It would have been close to $9 in 1965. Look how this has gradually declined to $5.15. We had proposed up to $7.25. Now it will just increase $1.10, so it will go to $6.25. This is what the issue is about, and we will have an opportunity to address it.

We have been interested in getting a vote. We understand it is germane to the legislation. We only needed 50 votes to be able to pass this. We have had that in previous votes, but we have been unable to get the consideration for it. In an attempt to move this debate on the minimum wage forward, we have made this very significant—and it is very significant—adjustment and change in this proposal. Hopefully this will result in the willingness to accept it and the beginning of the process to make sure many families will be treated more fairly and equitably in the future.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SALAZAR. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. SALAZAR and Mr. BURR are printed in today's RECORD under "Morning Business.")

Mr. SALAZAR. Mr. President, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. DEMINT). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BOND. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOND. Mr. President, here it is quarter to 6 on the day after this bill has come to the floor. We have had two votes on technical amendments. We have another technical amendment we can offer. But my colleagues have filed about 40 amendments. While there are discussions going on over two different minimum wage amendments, we have set those aside in order for us to go back to work on other amendments relating to this bill. I ask on behalf of leadership on this side and my partner that Members who have amendments which they have filed to please come forward and offer those they wish to offer, or talk with us about ones that might be acceptable.

The leader said we are going to be here this week until we finish this bill. It is my hope, with the tremendous workload we have to accomplish, if we are to get out of here prior to Thanksgiving, that we move forward on this bill. We will be ready for business tomorrow morning. If Members do not come forward, my colleague and I will consider asking the bill go to third reading.

We still have time to deal with another amendment tonight if anyone wishes to come in and bring it before us. Otherwise, I would ask all our colleagues who want to pursue amendments which they have filed to come forward and do so tomorrow.

It is possible, if they will do so in an orderly manner and tell us which ones they do not wish to pursue, we could finish this tomorrow night and be ready to move on to the many other challenging pieces of legislation and appropriations measures we have to deal with.

This is an urgent request to Members on both sides who have amendments filed to come forward—staff met with us on those amendments—and let us know which ones they wish to pursue. We are operating on a continuing resolution for all of the important agencies covered by this bill. Many of these agencies truly need the new appropriations for fiscal year 2006 in which we are operating. Some of the provisions we have in this bill will significantly improve the operation of the Federal Government.

It is going to be a very difficult bill to conference because of the different parts of it. It is going to take us several weeks to complete the conference on the bill. We cannot go to conference until this bill is passed. With any amendments that are agreed to after this, we still believe this is important for the functioning of the Federal Government and the service it provides.

There is much talk about Amtrak and what we need to do on Amtrak. Let us be clear: There are some Amtrak reforms in this bill. They do not go as far as we would hope to see in Amtrak legislation which is coming out of the Commerce Committee. It should be debated on this floor. But it will provide $1.45 billion for the operation of Amtrak and begin to reform some of the significant problems we see in Amtrak. For those who are interested in improving the operation of the passenger rail service, I hope you will join with us in moving forward to completion of this bill so we can get the Amtrak funding done and those reforms which are included in this bill. The system will work better if this measure is passed.

Similarly, for the Treasury Department, we are funding vitally needed resources to stop illicit financing of the terror trade. The Treasury has an important responsibility to do that. That is in our national interest.

We have additional funds available to make sure that the taxes already on the books and owed are collected.

Obviously, for housing, there are many important things for taking care of the needs of those who need assisted housing.

The Judiciary has important measures in it as do the other related agencies.

It is time we move forward on this bill. We reported it out of committee in July. It is now here on the floor and ready to go. We earnestly ask that our colleagues join us and offer amendments, debate them, if necessary, and we will vote on them so we can move this bill to conference and get on with the business of the Federal Government.

I thank the Chair and yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BOND. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2109

Mr. BOND. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Missouri [Mr. BOND] proposes an amendment numbered 2109.

Mr. BOND. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide the Judicial Branch with certain procurement authorities)

Insert the following on page 356, after line 4, and renumber accordingly:

"SEC. 408. (a) Section 604 of title 28, United States Code, is amended by adding section (4) at the end of section "(g)":

"(4) The Director is hereby authorized:

(A) to enter into contracts for the acquisition of severable services for a period that begins in one fiscal year and ends in the next fiscal year to the same extent as the head of an executive agency under the authority of section 2531 of 41 U.S.C.; and

(B) to enter into contracts for multiple years for the acquisition of property and services to the same extent as executive agencies under the authority of section 254c of 41 U.S.C.; and

(C) to make advance, partial, progress or other payments under contracts for property or services to the same extent as executive agencies under the authority of section 255 of 41 U.S.C."

(b) Section 612 of title 28, United States Code, is amended by striking the current language in section (e)(2)(B) and inserting "such contract is in accordance with the Director's authority in section 604(g) of 28 U.S.C.; and."

(c) The authorities granted in this Section shall expire on September 30, 2010.

Mr. BOND. Mr. President, this is an amendment to reform the judiciary's ability to procure things. It is a procurement authority. The amendment actually establishes greater parity for the judicial branch by giving it the same procurement authorities that were given to the executive branch through acquisition reform legislation in the 1990s. We found this saved money. It gives the taxpayers a better bang for their buck. They can procure over several years.

Currently, the judiciary's procurement authority is limited when compared to the executive branch. This limitation increases the cost of doing business. Specifically, these limitations are on multiyear contracting, severable services contracts, and the timing of contract payments and, thus, prevent the judicial branch from taking advantage of the best prices offered for some goods and services. As an example, a typical information technology contract will extend for several years. It is far more efficient for the executive branch and it is more efficient for the judicial branch to be able to make these contracts over several years.

Simply put, this amendment gives the judicial branch authority it should already possess, and I believe makes good business sense for the American taxpayer.

I urge my colleagues to support this amendment.

Mrs. MURRAY. Mr. President, this amendment would extend to the judicial branch certain procurement authorities that are parallel with the authorities that have already been granted to the executive branch and would allow the judiciary to achieve certain cost efficiencies that I think we all want.

This amendment has been cleared by the Judiciary Committee with the sunset provision that limits the authority to 5 years.

I encourage an aye vote from all of our colleagues.

I thank the Chair.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 2109) was agreed to.

Mr. BOND. Mr. President, I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BOND. Mr. President, I thank the Chair and my colleague.

We are still open for business—maybe not for much longer—but I hope all Senators will take the fact that we intend to either vote on amendments tomorrow or have third reading. It doesn't make any difference to us one way or the other. We want to finish this bill.

I thank the Chair and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CARPER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CARPER. Mr. President, I appreciate the opportunity to say a few words while we are contemplating the Transportation appropriations bill. A special thanks to our ranking Democrat and chairman of the appropriations subcommittee for the work that their staff and others on the subcommittee have done.

One of my primary issues of interest is energy independence. This is an issue that, in this Nation today, we all have to be interested in. Today, roughly 60 percent of the oil we will use to drive our cars, trucks, and vans will be from foreign sources. A lot of the oil is controlled by people who, frankly, are not that friendly to us and some of whom, I am convinced, would do us ill if they had the opportunity.

Meanwhile, as we pump more and more money out of our economy into the hands of folks in other countries, who may or may not wish us well, we need to pause and reflect on the wisdom of that.

One of the elements in this Transportation appropriations bill is money to continue to fund passenger rail service in this country. I will talk for a moment about whether that is an energy-efficient approach to part of our transportation challenge.

We are gathered in Washington, DC. Believe it or not, we can move one ton of freight by rail from Washington, DC, where we are located, up to Boston, MA, using one gallon of diesel fuel by train. Think of that. We can move one ton of freight by rail from Washington, DC, to Boston, MA, by simply using one gallon of diesel fuel.

In a day and age when almost 60 percent of the oil we use is from foreign sources, to be able to have that efficiency using rail—whether for freight or, in many cases, by passenger—we are wise to more fully utilize that transportation mode.

Today we were having a hearing in the Environment and Public Works Committee, where I serve, as does Senator BOND. We were having a hearing on the question of whether or not we should make it easier for folks to locate a refinery, to build a refinery on military bases that have been made available through the BRAC process.

While we go forward and explore that option, I suggested to my colleagues and to those who were witnesses before the committee today that we might be wise, as we again try to reduce our reliance on foreign oil, to take a look to the south of our country, down to Brazil, to see what they are doing to reduce their reliance on foreign oil. In Brazil, they have learned how to meet, in an increasing way, their need to drive their cars, trucks, and vans not by importing oil, not by pumping oil but by growing sugarcane, soybeans, in some cases corn, grass, different kinds of grass, and being able to transform those crops into fuel for their cars, trucks, and vans. I understand now over a quarter of the fuel needs of Brazilians, as they are driving around their country today and tonight, are met by the crops they grow.

I am proud to say, in Delaware, during the time I was privileged to be their Governor, we decided to try an experiment with our DelDOT vehicles. The experiment was one where we said, Why don't we use a combination of soybean oil—we raise a lot of soybeans in Delaware—use some of our soybean oil and mix it with diesel fuel and see if it works in powering our DelDOT vehicles. It worked fine and it ran well.

Actually, there were environmental consequences: The air pollution consequences were better with the mixture of soybean oil and diesel fuel, and we reduced our reliance on oil to some extent.

That experiment has given way to a broader experiment in our State, where we use a combination of soybean oil and diesel fuel to power an ever broader number of vehicles that are diesel powered, including farm equipment and I believe now some schoolbuses and other larger trucks.

We are building a refinery in Delaware today. It is not a traditional kind of refinery. We have a big oil refinery along the Delaware River in a town called Delaware City. This is a refinery where we are going to bring soybeans to the refinery and create, again, a blend of soybean oil and diesel fuel to help power those DelDOT vehicles and other vehicles normally diesel powered.

In the next year or so, new EPA requirements for cleaner, leaner, low-burning emission diesel engines will be phased in, Tier II requirements. As we face those requirements, we will find that diesel-powered vehicles, which used to belch black smoke pulling away from intersections and traffic lights, leaving a huge black plume of particulate and pollutants—those days are, at least with respect to new vehicles on the road, those days will be gone for the most part next year. We will see more diesel-powered vehicles which, in many cases in the future, will be clean burning, as lean burning, as low emission as our internal gas-powered engines that can take advantage of the refinery we are building north of Dover, DE, and other folks that are building similar biodiesel refineries in their own States.

We did a couple smart things in the Energy bill that we enacted early this year. They also relate to enhancing our ability to reduce our reliance on foreign oil. We have expanded the tax credit for people who buy hybrid-powered vehicles, a combination of internal combustion engine with the electric motor.

Under current law, the tax credit for people buying hybrids is about $1,000, a flat $1,000. I don't believe it is bigger if you have a vehicle that gets 60 miles per gallon as opposed to one that gets 30. The tax credit for hybrid-powered vehicles will change on January 1. Beginning that day, people who buy a hybrid-powered vehicle, ones that are highly energy efficient, get a tax credit worth up to as much as $3,400. For hybrid engine vehicles that are less energy efficient, the tax credit goes down.

Similarly, we are going to begin to offer, on January 1 of next year, a tax credit—again, a variable tax credit—for folks who buy lean-burning, clean-burn, low-emission, highly fuel-efficient diesel-fueled vehicles.

The head of Daimler Chrysler in North America, Juergen Schrempp, will head up Daimler Chrysler around the world and was here hosting a reception off of Capitol Hill and brought with him folks from Daimler Chrysler.

Vehicles were, in some cases, internal combustion engines and other cases diesel powered. He brought with him a concept passenger car. They have not built it yet but they are hoping. My hope is that they will. The vehicle gets 60 miles per gallon in the city and 80 miles per gallon on the highway. The combination overall is about 70 miles per gallon. The vehicle will meet Tier II diesel requirements for lower emissions, as well.

We have seen our friends from GM and Daimler Chrysler create a partnership early this year for developing the next generation of hybrid-powered vehicles.

My hope is that one of the concepts they will come up with, one of the engines and power systems they will come up with, is something that marries together this notion of a low-emissions, highly energy efficient diesel-powered engine with an electric engine. It will be a diesel hybrid. GM has already introduced that kind of technology quite successfully with respect to buses. We have thousands of buses that are now roaming the streets of America that are diesel powered but also have a hybrid counterpart, too, to provide better efficiency and lower emissions.

I think it would be terrific for consumers and those of us who are interested in cleaner air and for those of us who are interested in reducing our reliance on foreign oil to take that same concept of a diesel engine with an electric hybrid motor—putting them together—and being able to introduce that kind of propulsion system in our cars, trucks, and vans, as we have—at least by GM—in larger vehicles.

Nobody in this country should be comfortable with the state we find ourselves in today, with this huge and growing reliance on foreign oil. We can do better. On behalf of all of us in this country, and especially our kids, the folks to whom we are leaving our trade deficit and our budget deficit, we have to do better than this.

About a quarter of our trade deficit is attributable to the cost of oil, the importation of oil. We cannot continue on a course, in my view, that has $300 billion or $400 billion budget deficits and $600 billion or $700 billion trade deficits. That is not sustainable. One of the ways we can at least take a big bite out of that trade deficit is to move toward energy independence, maybe by the year 2020—it would be great if we could do it sooner; that may not be realistic—but at least by 2020.

With that, Mr. President, I yield back my time and thank the Chair.

NOTICE OF INTENT

Mr. DORGAN. Mr. President, I submit the following notice in writing: In accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill H.R. 3058 amendment No. 2078.

(The amendment is printed in today's RECORD under "Text of Amendments.")

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, it appears that action for the day on the Treasury, Transportation, Housing and Urban Development, the Judiciary, and Related Agencies appropriations bill has come to a close. I ask once again that our colleagues be prepared to offer amendments tomorrow or we will ask to go to third reading.

MORNING BUSINESS

Mr. BOND. Mr. President, I ask unanimous consent that we now proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

REPEAL OF MICROPURCHASE AUTHORITY

Mr. GRASSLEY. Mr. President, I rise today to speak regarding the repeal of expanded Federal Government micropurchase limits, as well as to speak regarding recent regulatory action taken by the Office of Management and Budget on this matter.

We are all deeply concerned with the recent events surrounding Hurricane Katrina and the massive rebuilding and reconstruction efforts ongoing in the gulf coast.

While we all agree that help is needed, many have argued how best to provide this help. The second supplemental emergency appropriation for Hurricane Katrina included a number of provisions to help provide for rebuilding and reconstruction—including nearly $61 billion.

This money will help rebuild the gulf coast, yet there were some provisions in that second supplemental that leave the rebuilding effort vulnerable to fraud, waste, and abuse of taxpayer dollars.

One such provision was the repeal of the limitations on micropurchase spending authority. Micropurchases represent delegated buying authority for Federal agencies and were designed to save money by providing flexible spending. Micropurchases are usually small—averaging $600—and are most often made through Government credit cards.

By law these Government credit card micropurchases were originally capped at $2,500 per purchase. This limit was raised following 9/11 for emergency purposes only, to $15,000 domestically and $25,000 abroad.

The second Hurricane Katrina supplemental raised this emergency rate from $15,000 to $250,000, per purchase. This change represents a nearly 1600 percent increase. Imagine a Government bureaucrat being able to walk into a store, purchase an item for $250,000 without prior approval, and say, "Put it on the taxpayer's tab."

History has proven that these Government credit cards are prone to fraud, waste and abuse of taxpayer funds. I began looking into this issue several years ago. Working with the Government Accountability Office, GAO, and the various inspectors general over the years, I have uncovered hundreds of millions of dollars lost to fraud, waste, and abuse due to inadequate controls on Government credit cards.

This history of abuse prompted my immediate attention and intervention with OMB regarding the increased threshold. Through negotiations during the critical early hours following the passage of the micropurchase increase, OMB agreed to issue guidance which provided a temporary limit on who could utilize the new limits. This guidance helped to prevent undocumented spending and potential abuse; however, it only served as a temporary stop-gap measure.

On September 15, I introduced legislation on this topic. The bill introduced, S. 1716—the Emergency Health Care Relief Act of 2005—contained a provision that would roll back the increased micropurchase thresholds to a responsible level while maintaining flexibility for those providing relief in the impacted Gulf States. I included this provision in the bill I introduced because of my experience in fighting fraud, waste, and abuse that has occurred as a result of Government credit cards.

Unfortunately, S. 1716 has been held up in this body for too long, preventing legislation from fixing this potential giveaway and delaying health care to those most desperately in need.

I was pleased to hear that Senators DORGAN and WYDEN have voiced their concerns by recently introducing legislation on this matter. I am also pleased that legislation which was introduced by Senators COLLINS and LIEBERMAN on this matter was recently reported out of Committee in a favorable voice vote. Both of these bills represent what I believe is the sense of Congress, that this increased limit must be reduced statutorily.

On October 3, OMB revised its guidance for micropurchases, reducing the increased limits from $250,000 to $2,500, the same correction sought in the different legislation introduced by Senators COLLINS and LIEBERMAN and the subsequent legislation by Senators DORGAN and WYDEN. I applaud OMB for stepping forward and taking corrective action; however, I remain concerned that this limit could be changed by OMB at any time as the increased limit still remains in the law.

Fortunately, OMB has listened to my recommendations and recognized the need to rescind this provision and is now supporting efforts to provide a legislative fix. I have learned from OMB that all agencies within the Government have agreed that the higher limit is unnecessary and also support reducing the increased limit.

The micropurchase threshold increase needs to be repealed permanently by Congress and not merely corrected through regulatory guidance. As this body continues to hold up action on S. 1716, the best option for quick and decisive action to reduce this increased credit limit is to support the legislation introduced by Senators COLLINS and LIEBERMAN which was recently voted out by the Committee on Homeland Security and Government Affairs.

S. 1716 remains an important piece of legislation providing health care for those who have been affected by the tragedy in the Gulf States. By no means should my support of this legislation be seen as reducing the need to pass S. 1716 however; it just makes sense for this body to move quickly in closing this potential loophole for fraud, waste, and abuse.

I urge all my colleagues to join me in supporting quick passage of both S. 1716 and the legislation offered by Senators COLLINS and LIEBERMAN, to help prevent relief dollars from being lost to fraud, waste, and abuse and provide the much needed health care to the region devastated by Hurricane Katrina.

HISPANIC HERITAGE MONTH

Mr. LAUTENBERG. Mr. President, I am pleased to rise today to commemorate Hispanic Heritage Month. I was proud to support, along with my Senate colleagues, a resolution recognizing Hispanic Heritage Month and celebrating the vast contributions that Hispanic Americans have made to the strength and culture of our Nation.

I would like to take a moment now to honor the contributions of the Latino community in the great State of New Jersey. New Jersey's 1.3 million Hispanic Americans are an integral and vital part of our State, contributing to every aspect of life, from business to culture. Hispanic or Latino Americans represent nearly 15 percent of the population of my State. They are the largest and fastest-growing minority group in the Nation and in New Jersey.

As the son of immigrants who came to this country for the opportunities it offers, I am proud of the way our Latino neighbors have worked to make a better life for themselves and for their children.

New Jersey is home to more than 50,000 Latino-owned businesses, ranging from big corporations like Goya Foods, which is based in Secaucus, to small mom-and-pop bodegas. Through their energy and talent, these Hispanic businesses in New Jersey generate more than $9 billion in economic activity and support 167,000 jobs.

Latinos contribute to our economy, to our culture, and also to our public life. Hispanic Americans serve our Nation and the State of New Jersey at all levels of government—as mayors and municipal council members, county freeholders, and in countless elected and appointed capacities throughout the State. Seven members of the State's current General Assembly are of Hispanic descent, as well as a member of our Congressional delegation, Congressman ROBERT MENENDEZ. In 2004, Justice Roberto Rivera-Soto became the first Hispanic American to serve on New Jersey's Supreme Court. And just this year, New Jersey's first Latino county prosecutor was appointed.

I am honored today to recognize the efforts and contributions of New Jersey's Hispanic Americans and I thank my colleagues for supporting this important resolution.

LOCAL LAW ENFORCEMENT ENHANCEMENT ACT OF 2005

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

On April 27, 1998, Stephen Goedereis, was killed by two teens near his home in Miami, FL. Goedereis was walking down the street, when he complimented one of the two teens. The teens then beat Goedereis, who subsequently died 2 days later in the local hospital. The teens were convicted of second degree murder and robbery, both of which were classified as hate crimes. I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

LIBERIA'S ELECTIONS

Mr. FEINGOLD. Mr. President, I commend the Liberian people on their recent Presidential and parliamentary elections. News reports of people camping outside polling areas to vote, strong voter turnout, and a free and fair democratic process in Liberia are inspiring. Following a 14-year-long civil war and the regime of former Liberian leader Charles Taylor, who fled in exile in August 2003, the war-tired people of Liberia deserve our support as they work to bring about a legitimate, representative government in that country.

However, Liberia's elections are not the silver bullet for stability. There remains much work to be done to build long-term stability in this country, and the U.S. has a meaningful role to play. We must remain engaged in Liberia to help rebuild and strengthen institutions. The legitimacy of government is contingent upon the public's confidence, and lasting stability depends on such steps as rooting out corruption and providing transparency in government. The Liberian people deserve our unflagging support in those endeavors. Too much is at stake to turn our back and allow Liberia to regress into a state that houses a corrupt and abusive government and further destabilizes West Africa.

In looking forward, Liberians must also reconcile with the past. Years of horrible violence and conflict and the drastic decline of humanitarian conditions in the country under the regime of Charles Taylor need resolution. We also know now that Charles Taylor's desire for power and wealth extended beyond the borders of Liberia. I firmly believe that Charles Taylor is a war criminal, and I maintain that he should stand trial before the Special Court for Sierra Leone. The U.S. and the international community have a responsibility to ensure that the circle of violence and impunity in Liberia does not continue in its nascent government. And we must continue to help the Liberian people combat corruption, because no new leadership can bring lasting change if that fundamental problem is not addressed.

ADDITIONAL STATEMENTS

A TRIBUTE TO JUDGE TOMMY JEWELL

• Mr. BINGAMAN. Mr. President, I rise today to speak about a man of hope and deep conviction who has displayed a tireless commitment to improving the lives of New Mexicans. After serving the State of New Mexico for 22 years, Judge Tommy Jewell stepped down from the bench on September 30, 2005. With his resignation, New Mexico lost one of its finest, most compassionate public servants.

Judge Jewell began his career by breaking down barriers. In 1983, he became the first African American ever appointed to the New Mexico bench. In 1991, after serving for 8 years in Metropolitan Court as Chief Judge, Judge Jewell was appointed to Children's Court in New Mexico's Second Judicial District. Judge Jewell approached each case and each child who came before him with the same underlying philosophy: no one is beyond the reach of hope and everyone is capable of turning his or her life around and moving it in the right direction.

In dealing with juvenile offenders in the Children's Court, Judge Jewell emphasized the need for these young people to take responsibility for their actions. However, he also conveyed his strong belief that, by acknowledging their mistakes and owning up to the consequences, the troubled teens with whom he dealt could find power within themselves to change their life for the better. While striving to keep a firm hand and not let serious offenses go unmet by serious consequences, Judge Jewell believed that there was a degree of goodness in every person who stood before him. Moreover, he was unrelenting in his contention that children would learn more about themselves and how to contribute positively to society by working in recovery programs than they ever could while sitting on a bench behind jail bars.

Well liked and respected by his colleagues, Judge Jewell was honored for Outstanding Judicial Service by the State Bar of New Mexico in 1997 and, in 2001, was named Outstanding Judge by the Albuquerque Bar Association.

Judge Jewell's work in the legal field prior to becoming a judge helped him develop skills that contributed to his success while serving on the bench. He was a partner in the successful law firm of Jewell, Kelly, and Kitson. After graduating from the University of New Mexico School of Law in 1979, Judge Jewell went to work as a staff attorney with the Legal Aid Society, which provides essential legal services to the poor.

In addition to his success as a dedicated public servant, Tommy Jewell is also a man of many interests and talents. Judge Jewell is an avid musician and drummer in a band. As an undergraduate, he was a member of the New Mexico State University football team. Judge Jewell is also a dedicated family man. He and his wife Judge Angela Jewell, also a longtime public servant, have two children, Thomas and Taja.

During his career as a public servant, Judge Jewell has broken racial barriers and empowered many young New Mexicans by helping them believe in themselves. With his resignation, New Mexico loses one of its most committed and effective judges, but there is no doubt in my mind that Judge Tommy Jewell will continue to serve his State with great passion and success.●

TRIBUTE TO IOWA'S 2005 "PRIME TIME AWARDS" WINNERS

● Mr. HARKIN. Mr. President, Experience Works is a national nonprofit organization dedicated to helping seniors get the training and assistance they need to find good jobs in their communities. Each year, Experience Works uses its Prime Time Awards program to recognize exemplary older workers. This year, two Iowans have been honored. Dwight Hauff of Sioux City, who is 100 years old, has been selected for a national award as America's Oldest Worker. And Milt Roth of Waterloo, who is 87, has been selected as Iowa's Outstanding Older Worker.

Mr. Hauff is the owner of a chain of sporting goods stores that includes Hauff Mid-America Sports, Dakota Sports, Inc., and the Iowa Sports Supply Company. He opened his first sporting goods store in Sioux City in 1933 at the height of the Great Depression. For 73 years, Mr. Hauff has supplied schools, athletic leagues, and businesses with quality sports equipment and apparel. In the 1960s, Dwight served as president of the National Sporting Goods Association. He is a past president of the National Operating Committee on Standards for Athletic Equipment, and is a current member of the Iowa High School Girls and Boys Athletic Association. At age 100, Mr. Hauff is still going strong. He spends 6 days a week at his sporting goods store in downtown Sioux City, where he is a much respected and beloved member of the community.

Mr. Roth is the owner and operator of Roth Jewelers, which his father founded in 1931, and which is now the second oldest retail business in downtown Waterloo. During the Second World War, Mr. Roth served in the U.S. Army and was initially assigned to the Armored Cavalry Unit at Fort Riley, KS. He attended Officers Candidate School, was commissioned as a lieutenant, and served with an ordnance unit in the European Theater. After the war he returned to Waterloo, and took over ownership of Roth Jewelers from his father. These days, well into his ninth decade, Mr. Roth still regularly puts in 40 or more hours a week at his store. He remains very much engaged in his community, where he has served on the Allen Memorial Hospital Board of Directors, and has been an active member of the Waterloo Chamber of Commerce and the Kiwanis Club. He has been a generous supporter of scholarships, local colleges, and the performing arts.

Someone once said that we make a living by what we get, but we make a life by what we give. Dwight Hauff and Milt Roth have been blessed with work that they love, and, in return, they have given so much to their communities. I congratulate them on their richly deserved honors from Experience Works. And I wish them many more years of continued service.●

HONORING THE LIFE OF CHARLIE YATES

● Mr. ISAKSON. Yesterday, the city of Atlanta, the State of Georgia and the game of golf lost a legend and a friend, Charlie Yates.

Charlie Yates won the national college golf championship in 1934, and was a Walker Cup competitor twice. In 1938 Charlie Yates won the British Amateur Championship at Royal Troon in Scotland.

Charlie Yates was a close friend of the late Bobby Jones, and a constant playing partner with Jones at their beloved East Lake Golf Club. Yates played in eleven Masters tournaments, and was a member of the Augusta National Golf Club.

Charlie Yates's contributions were not limited to the game of golf. He served as president of the Atlanta Symphony Orchestra from 1962 to 1965, and then chaired the Atlanta Arts Alliance which became the Woodruff Arts Center, one of America's great centers for the Arts.

Under Yates's leadership the Woodruff Arts Center's overall budget rose from $3.8 million in 1973 to $163 million in 1983, and he led the effort that raised $5.4 million for the center's endowment.

Charlie Yates touched the lives of many Georgians, including this Senator, through his efforts on behalf of our community and through his wonderful family. I am honored to pay tribute to a great American, Charlie Yates.●

2005 SOLAR DECATHLON WINNER

● Mr. SALAZAR. Mr. President, it is with great pleasure and pride that I commend the University of Colorado Solar Team on taking overall honors in the 2005 Solar Decathlon on the National Mall in Washington, DC. With their strong work ethic, vision, creativity and commitment to energy conservation and efficiency, the CU Solar Team has successfully designed, engineered and constructed a national model for an attractive, energy-efficient solar-powered home, while outshining esteemed competitors from such prestigious institutions as Cornell University and the California Polytechnic State University.

The 2005 Solar Decathlon was an international competition between 18 competing collegiate teams, sponsored by the Department of Energy's National Renewable Energy Laboratory, or NREL, in Golden, CO. Participants came from all over the United States, and as far away as Puerto Rico, Canada and Spain. Teams competed in 10 areas, including architecture, livability and comfort, as well as how well the homes provide energy for space heating and cooling, hot water, lighting and appliances. Home designs were also required to produce enough extra energy to power an electric car.

The CU Solar Team is a tight-knit group of students and faculty from the colleges of architecture, engineering, and environmental studies. Charged with the task of integrating natural materials and innovative technology into an environmentally conscious, publicly accessible and energy efficient modular home design, architecture students began to "think like engineers" and engineering students were placed in the role of architect. In the end, the team rose to the challenge and successfully achieved an exceptional solar design which included features such as a rooftop photovoltaic system composed of 32 SunPower 200-watt solar panels, and made of building materials such as soy, corn, sunflower and canola.

At a time when our Nation's energy policy continues to be heavily dependent on foreign oil, and when home heating costs are rising to unbearable levels, I commend the ambitious work of these students in envisioning, designing and successfully creating a model for energy-efficient mobile home design. Their achievement stands as a testament to the world-class research and innovation produced at the University of Colorado, which is one of the nation's most accomplished research universities.

I also want to briefly pay tribute to NREL. It is no exaggeration to say that NREL holds the key to our Nation's long-term energy security. For nearly 30 years, NREL has been at the forefront of alternative energy research and development, and their sponsorship of research projects like the decathlon helps ensure that our young engineers and scientists have opportunities to channel their education, creativity, and talent towards solving our Nation's energy challenges.

The work done by this team of 14 students at CU Boulder is impressive, important and will help lead the United States to a future of greater energy independence and greater security.•

DR. C. DELORES TUCKER

• Mr. SANTORUM. Mr. President, I rise today in recognition of the passing of a great Pennsylvanian, and great American, Dr. C. DeLores Tucker. Throughout her distinguished life, Dr. Tucker demonstrated an incredible amount of courage, selflessness, and compassion, as well as an unquenchable thirst for equality for all Americans. Dr. Tucker lived her life in a manner we should all aspire to, and she will be sorely missed.

Born in Philadelphia on October 4, 1927, the child of a north Philadelphia pastor, Dr. Tucker was truly a daughter of Pennsylvania. She attended Temple University and the University of Pennsylvania-Wharton School, and in 1951 married Mr. William Tucker, a successful Philadelphia real estate agent.

Dr. Tucker had a significant, renowned history in the civil rights movement. Her involvement included raising funds for the National Association for the Advancement of Colored People, participating in the 1965 march in Selma, AL with Dr. Martin Luther King, Jr., and founding the National Political Congress of Negro Women, now known as the National Congress of Black Women, and the Philadelphia Martin Luther King, Jr. Association for Nonviolence, Inc. Her devotion to obtaining equal rights for African Americans altered the future of this Nation, and history will remember C. DeLores Tucker as a patriot, a revolutionary thinker, and a credit to America.

Dr. Tucker, a pioneer so often throughout her life, became the first African-American secretary of state for the Commonwealth of Pennsylvania in 1971. In assuming this position, Dr. Tucker also became the first African-American woman secretary of state in America's history. Dr. Tucker often walked upon the road less traveled, and while on this path, paved the way towards a better life for those that followed.

Following her time as secretary of state, Dr. Tucker took up an intense interest in protecting our children, the future of America. She was founder and president of the Bethune-DuBois Institute, Inc., an institution with the goal of enhancing the cultural and intellectual development of African-American youth through scholarships and educational programs. Dr. Tucker was a firm believer in the preservation of values in our culture, and fought hard against the inclusion of explicit lyrics in rap and hip-hop music, citing their detrimental effect on the youth of this Nation.

Personally, I had the pleasure to work with Dr. Tucker in her capacity as national chair of the National Congress of Black Women, Inc. Dr. Tucker and the organization she founded established the Sojourner Truth Crusade, an effort to put the likeness of Sojourner Truth on the Suffrage Monument that now stands in the Capitol Rotunda. In working with Dr. Tucker, I was able to see first-hand the dedication, the joy, and the passion that she brought to both her work and her everyday life.

America has lost a great citizen with the passing of C. DeLores Tucker, and the Commonwealth of Pennsylvania has lost one of its brightest stars. While we will surely miss Dr. Tucker and all that she brought to the lives of each person she touched, there is no question that her legacy will live on for years to come.•

GEORGE HALE

• Ms. SNOWE. Mr. President, I rise today to express my deep admiration for the indomitable George Hale, a man whose voice has danced over the airwaves of Maine television and radio over the last 50 years.

George Hale has an exceptional ability of bringing unique personality and perspective to each and every broadcast. With a career in sports, George provides the listener with the personal stories of triumph that make competition enthralling.

Maine can not take all the credit for George Hale. Born in Cleveland, OH, George had to decide whether to come to Bangor and work in television or accept a desk job in New York City. By my estimation, he made the right decision subsequently establishing himself as one of Maine's premier broadcasting personalities.

The most famous story about George is the time that he predicted snow flurries in the evening weather forecast and the next day Bangor awoke to find itself buried in the biggest snowstorm in its history. To this day, residents refer to him as "Flurries Hale".

I extend my most sincere congratulations to Mr. Hale on this milestone accomplishment.•

MESSAGES FROM THE HOUSE

At 6:18 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, without amendment:

S. 55. An act to adjust the boundary of Rocky Mountain National Park in the State of Colorado.

S. 156. An act to designate the Ojito Wilderness Study Area as wilderness, to take certain land into trust for the Pueblo of Zia, and for other purposes.

The message also announced that the House agrees to the amendments of the Senate to the bill (H.R. 3765) to extend through December 31, 2007, the authority of the Secretary of the Army to accept and expend funds contributed by non-Federal public entities to expedite the processing of permits.

ENROLLED BILL SIGNED

At 6:42 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 3765. An act to extend through March 31, 2006, the authority of the Secretary of the Army to accept and expend funds contributed by non-Federal public entities and to expedite the processing of permits.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-4256. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicaid Program and State Children's Health Insurance Program (SCHIP) Payment Error Rate Measurement" (RIN0938-AN77) received on October 6, 2005; to the Committee on Finance.

EC-4257. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare and Medicaid Programs; Conditions of Participation: Immunization Standard for Long Term Care Facilities" (RIN0938–AN95) received on October 06, 2005; to the Committee on Finance.

EC-4258. A communication from the Administrator, Rural Business-Cooperative Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Business and Industry Guaranteed Loan Program Annual Renewal Fee" (RIN0570–AA34) received on October 6, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4259. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Protected Plant Permits" (APHIS Docket No. 04–137–1) received on October 6, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4260. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Noxious Weed Control and Eradication Act; Revisions to Authority Citations" (APHIS Docket No. 05–012–2) received on October 6, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4261. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Tuberculosis in Cattle and Bison; State and Zone Designations; Michigan" (APHIS Docket No. 05–035–1) received on October 11, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4262. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Melons Grown in South Texas; Continued Suspension of Handling and Assessment Collection Regulations" (Docket No. FV05–979–2 IFR) received on October 11, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4263. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Kiwifruit Grown in California; Relaxation of Pack Requirements" (Docket No. FV05–920–1 FR) received on October 11, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4264. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Kiwifruit Grown in California; Increased Assessment Rate" (Docket No. FV05–920–2 FR) received on October 11, 2005; to the Committee on Agriculture Nutrition, and Forestry.

EC–4265. A communication from the Regulations Coordinator, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Registration of Food Facilities Under the Public Health Security and Bioterrorism Preparedness and Response Act of 2002" ((RIN0910–AC40) (Docket No. 200N–0276)) received on October 6, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC-4266. A communication from the Railroad Retirement Board, transmitting, pursuant to law, the Board's 2005 Annual Report; to the Committee on Health, Education, Labor, and Pensions.

EC–4267. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medical Devices; Dental Devices; Classification of Oral Rinse to Reduce the Adhesion of Dental Plaque" (Docket No. 2005N–0338) received on October 11, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC-4268. A communication from the Administrator, Office of National Programs, Employment and Training Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Labor Condition Applications and Requirements for Employers Using Nonimmigrants on H–1B Visas in Speciality Occupations and as Fashion Models; Labor Attestations Regarding H–1B1 Visas; Interim Final Rule" (RIN1205–AB38) received on October 11, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC-4269. A communication from the Administrator, Office of National Programs, Employment and Training Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Labor Certification for the Permanent Employment of Aliens in the United States; Backlog Reduction; Interim Final Rule" (RIN1205–AB37) received on October 11, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–4270. A communication from the Senior Procurement Executive, National Aeronautics and Space Administration, General Services Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; Federal Acquisition Circular 2005–06" (FAC 2005–06) received on October 6, 2005; to the Committee on Homeland Security and Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. STEVENS, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 1516. A bill to reauthorize Amtrak, and for other purposes (Rept. No. 109–143).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. CRAIG for the Committee on Veterans' Affairs.

George J. Opfer, of Virginia, to be Inspector General, Department of Veterans Affairs.

*Robert Joseph Henke, of Virginia, to be an Assistant Secretary of Veterans Affairs (Management).

*William F. Tuerk, of Virginia, to be Under Secretary of Veterans Affairs for Memorial Affairs.

*John M. Molino, of Virginia, to be an Assistant Secretary of Veterans Affairs (Policy and Planning).

*Lisette M. Mondello, of Texas, to be an Assistant Secretary of Veterans Affairs (Public and Intergovernmental Affairs).

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. FEINSTEIN (for herself, Mrs. BOXER, and Mr. ENSIGN):

S. 1881. A bill to require the Secretary of the Treasury to mint coins in commemoration of the Old Mint at San Francisco otherwise known as the "Granite Lady", and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. SCHUMER (for himself, Ms. CANTWELL, and Mr. LAUTENBERG):

S. 1882. A bill to amend title 49, United States Code, to provide for a national tire fuel efficiency program; to the Committee on Commerce, Science, and Transportation.

By Mr. HATCH (for himself and Mr. BAUCUS):

S. 1883. A bill to amend the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 to assist property owners and Federal agencies in resolving disputes relating to private property; to the Committee on Environment and Public Works.

By Mr. CRAPO:

S. 1884. A bill to amend title XVIII of the Social Security Act to modernize payments for ambulatory surgical centers under the medicare program; to the Committee on Finance.

By Mr. LAUTENBERG (for himself, Mrs. DOLE, Mrs. LINCOLN, Mr. SMITH, Mr. DURBIN, Mr. MARTINEZ, Mr. LEVIN, Mr. CORZINE, and Mr. LEAHY):

S. 1885. A bill to encourage the effective use of community resources to combat hunger and the root causes of hunger by creating opportunity through food recovery and job training; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. LUGAR (for himself and Mr. BIDEN):

S. 1886. A bill to authorize the transfer of naval vessels to certain foreign recipients; considered and passed.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CRAPO (for himself, Ms. CANTWELL, Mr. LIEBERMAN, Mr. DURBIN, Mr. AKAKA, Ms. MURKOWSKI, Mrs. MURRAY, and Mr. BIDEN):

S. Res. 275. A resolution designating the week of February 6, 2006 as "National Teen Dating Violence Awareness and Prevention Week"; to the Committee on the Judiciary.

By Mr. SALAZAR (for himself, Mr. BURR, and Mrs. DOLE):

S. Res. 276. A resolution expressing the sense of the Senate that the attachment therapy technique know as rebirthing is a dangerous practice and should be prohibited; considered and agreed to.

By Ms. MURKOWSKI (for herself, Mr. GRASSLEY, Mr. BIDEN, Mr. TALENT, Mrs. DOLE, Mr. STEVENS, Mr. DOMENICI, and Mr. CHAMBLISS):

S. Res. 277. A resolution supporting the goals of Red Ribbon Week; considered and agreed to.

By Mr. REED (for himself, Ms. COLLINS, Mr. BAYH, Mr. BIDEN, Mr. BOND, Mrs. BOXER, Ms. CANTWELL, Mr. CARPER, Mr. CHAFEE, Mrs. CLINTON, Mr. COCHRAN, Mr. CORZINE, Mr. DAYTON, Mr. DEWINE, Mr. DODD, Mr. DURBIN, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. HAGEL, Mr. INOUYE, Mr. ISAKSON, Mr. JEFFORDS, Mr. JOHNSON, Mr. KERRY, Mr. KOHL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Ms. MIKULSKI, Mrs. MURRAY, Mr. OBAMA, Mr. PRYOR, Mr. SANTORUM, Mr. SARBANES, Mr. SCHUMER, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. TALENT, Mr. CONRAD, and Ms. MURKOWSKI):

S. Res. 278. A resolution designating the week of October 23, 2005, through October 29, 2005, as "National Childhood Lead Poisoning Prevention Week"; considered and agreed to.

By Mr. FRIST (for himself and Mr. REID):

S. Res. 279. A resolution to authorize testimony in State of Mississippi v. Edward Statecum; considered and agreed to.

ADDITIONAL COSPONSORS

S. 211

At the request of Mrs. CLINTON, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 211, a bill to facilitate nationwide availability of 2-1-1 telephone service for information and referral on human services, volunteer services, and for other purposes.

S. 241

At the request of Ms. SNOWE, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 241, a bill to amend section 254 of the Communications Act of 1934 to provide that funds received as universal service contributions and the universal service support programs established pursuant to that section are not subject to certain provisions of title 31, United States Code, commonly known as the Antideficiency Act.

S. 406

At the request of Ms. SNOWE, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 406, a bill to amend title I of the Employee Retirement Security Act of 1974 to improve access and choice for entrepreneurs with small businesses with respect to medical care for their employees.

S. 408

At the request of Mr. DEWINE, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 408, a bill to provide for programs and activities with respect to the prevention of underage drinking.

S. 438

At the request of Mr. ENSIGN, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 438, a bill to amend title XVIII of the Social Security Act to repeal the medicare outpatient rehabilitation therapy caps.

S. 495

At the request of Mrs. CLINTON, her name was added as a cosponsor of S. 495, a bill to impose sanctions against perpetrators of crimes against humanity in Darfur, Sudan, and for other purposes.

S. 558

At the request of Mr. REID, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of S. 558, a bill to amend title 10, United States Code, to permit certain additional retired members of the Armed Forces who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for their disability and either retired pay by reason of their years of military service or Combat-Related Special compensation and to eliminate the phase-in period under current law with respect to such concurrent receipt.

S. 685

At the request of Mr. AKAKA, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Georgia (Mr. ISAKSON) were added as cosponsors of S. 685, a bill to amend title IV of the Employee Retirement Income Security Act of 1974 to require the Pension Benefit Guaranty Corporation, in the case of airline pilots who are required by regulation to retire at age 60, to compute the actuarial value of monthly benefits in the form of a life annuity commencing at age 60.

S. 756

At the request of Mr. BENNETT, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 756, a bill to amend the Public Health Service Act to enhance public and health professional awareness and understanding of lupus and to strengthen the Nation's research efforts to identify the causes and cure of lupus.

S. 910

At the request of Ms. SNOWE, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 910, a bill to require that health plans provide coverage for a minimum hospital stay for mastectomies, lumpectomies, and lymph node dissection for the treatment of breast cancer and coverage for secondary consultations.

S. 1269

At the request of Mr. INHOFE, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 1269, a bill to amend the Federal Water Pollution Control Act to clarify certain activities the conduct of which does not require a permit.

S. 1351

At the request of Mrs. CLINTON, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1351, a bill to amend title 10, United States Code, to provide for the award of a military service medal to members of the Armed Forces who served honorably during the Cold War era.

S. 1418

At the request of Mr. ENZI, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 1418, a bill to enhance the adoption of a nationwide inter-operable health information technology system and to improve the quality and reduce the costs of health care in the United States.

S. 1440

At the request of Mr. CRAPO, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 1440, a bill to amend title XVIII of the Social Security Act to provide coverage for cardiac rehabilitation and pulmonary rehabilitation services.

S. 1489

At the request of Mrs. CLINTON, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1489, a bill to amend the Public Health Service Act with regard to research on asthma, and for other purposes.

S. 1516

At the request of Mr. LOTT, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 1516, a bill to reauthorize Amtrak, and for other purposes.

S. 1597

At the request of Mr. ENZI, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of S. 1597, a bill to award posthumously a Congressional gold medal to Constantino Brumidi.

S. 1687

At the request of Ms. MIKULSKI, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 1687, a bill to amend the Public Health Service Act to provide waivers relating to grants for preventive health measures with respect to breast and cervical cancers.

S. 1725

At the request of Mr. LIEBERMAN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1725, a bill to strengthen Federal leadership, provide grants, enhance outreach and guidance, and provide other support to State and local officials to enhance emergency communications capabilities, to achieve communications interoperability, to foster improved regional collaboration and coordination, to promote more efficient utilization of funding devoted to public safety communications, to promote research and development by both the public and private sectors for first responder communications, and for other purposes.

S. 1749

At the request of Mr. KENNEDY, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 1749, a bill to reinstate the application of the wage requirements of the Davis-Bacon Act to Federal contracts in areas affected by Hurricane Katrina.

S. 1779

At the request of Mr. AKAKA, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1779, a bill to amend the Humane Methods of Livestock Slaughter Act of 1958 to ensure the humane slaughter of nonambulatory livestock, and for other purposes.

S. 1815

At the request of Mr. ALEXANDER, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1815, a bill to amend the Immigration and Nationality Act to prescribe the binding oath or affirmation of renunciation and allegiance required to be naturalized as a citizen of the United States, to encourage and support the efforts of prospective citizens of the United States to become citizens, and for other purposes.

S. 1859

At the request of Mr. BURR, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of S. 1859, a bill to amend the Clean Air Act to provide for a Federal Fuels List, and for other purposes.

S. 1864

At the request of Mr. TALENT, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 1864, a bill to amend the Internal Revenue Code of 1986 to treat certain farming business machinery and equipment as 5-year property for purposes of depreciation.

S. 1867

At the request of Mr. FEINGOLD, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1867, a bill to extend to individuals evacuated from their residences as a result of Hurricane Katrina the right to use the absentee balloting and registration procedures available to military and overseas voters under the Uniformed and Overseas Citizens Absentee Voting Act, and for other purposes.

S.J. RES. 25

At the request of Mr. TALENT, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S.J. Res. 25, a joint resolution proposing an amendment to the Constitution of the United States to authorize the President to reduce or disapprove any appropriation in any bill presented by Congress.

S. CON. RES. 46

At the request of Mr. BROWNBACK, the names of the Senator from Louisiana (Mr. VITTER) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. Con. Res. 46, a concurrent resolution expressing the sense of the Congress that the Russian Federation should fully protect the freedoms of all religious communities without distinction, whether registered and unregistered, as stipulated by the Russian Constitution and international standards.

S. RES. 272

At the request of Mr. SCHUMER, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. Res. 272, a resolution recognizing and honoring the life and achievements of Constance Baker Motley, a judge for the United States District Court, Southern District of New York.

AMENDMENT NO. 2062

At the request of Mr. KYL, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of amendment No. 2062 proposed to H.R. 3058, a bill making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 2063

At the request of Mr. KENNEDY, the names of the Senator from Massachusetts (Mr. KERRY), the Senator from New York (Mrs. CLINTON), the Senator from New Jersey (Mr. CORZINE) and the Senator from Delaware (Mr. BIDEN) were added as cosponsors of amendment No. 2063 proposed to H.R. 3058, a bill making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 2065

At the request of Mr. BINGAMAN, the names of the Senator from Iowa (Mr. HARKIN) and the Senator from Kansas (Mr. BROWNBACK) were added as cosponsors of amendment No. 2065 intended to be proposed to H.R. 3058, a bill making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. FEINSTEIN (for herself, Mrs. BOXER, and Mr. ENSIGN):

S. 1881. A bill to require the Secretary of the Treasury to mint coins in commemoration of the Old Mint at San Francisco otherwise known as the "Granite Lady", and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mrs. FEINSTEIN. Mr. President. I rise today to join my colleagues Senators BOXER and ENSIGN to introduce legislation to authorize the United States Mint to issue a commemorative coin that will honor the San Francisco Old Mint and help restore this historic building in downtown San Francisco.

The San Francisco Old Mint Building is an important historical landmark for San Francisco, the State of California, and the United States.

Beginning its operations in 1854, the Old Mint Building was established to take advantage of the plentiful gold and silver mined in the West during the California Gold Rush. At one point, more than half of the money minted in the United States came from the San Francisco Mint, and it once held a third of the Nation's gold supply.

The Old Mint Building, located in the heart of the city, has been standing for more than 125 years as the oldest stone building in San Francisco.

The Greek-revivalist design of the Old Mint Building was created by architect Alfred B. Mullet, who also designed the U.S. Treasury Building and the Old Executive Office Building in Washington, DC. The San Francisco Old Mint building is also listed on the National Register of Historic Places.

Aided by its magnificent stone structure, the Old Mint Building was able to survive the terrible San Francisco earthquake and fire of 1906. In fact, the Mint was the only financial institution that remained operable after the earthquake and the building was used as the treasury for the city's disaster relief funds.

The San Francisco Old Mint Building minted coins until 1937 when the building became too small and its operations moved to a larger space elsewhere in San Francisco. In the years since then, the building has deteriorated.

In 1994, the Bureau of the Mint closed the Old Mint because it could not afford the then-estimated $20 million seismic retrofit to bring the building up to code. Since 2003, the General Services Administration transferred ownership of the building to the City of San Francisco.

The San Francisco Museum and Historical Society has proposed an exciting project to restore and rejuvenate the Old Mint Building in downtown San Francisco. A fine history museum supported by shops and a visitor's center will combine to make the building a striking and viable destination.

The bill authorizes the Secretary of the Treasury to mint and issue 100,000 $5 gold coins and 500,000 $1 silver coins emblematic of the San Francisco Old Mint Building and its importance to California and the United States.

Proceeds generated from the sale of these commemorative coins will be paid to the San Francisco Museum and Historical Society for the restoration of the Old Mint Building.

The San Francisco Old Mint is venerated by coin collectors, Californians, and millions of Americans as a national treasure and I believe it is worthy of a commemorative coin.

I believe honoring and restoring the San Francisco Old Mint building is an important historic preservation project.

Next year will mark the 100th anniversary of the building's survival of the 1906 San Francisco earthquake and fire.

No other mint has been commemorated and because issuance of these coins would make a vital contribution to preserving this national treasure, the San Francisco Old Mint merits commemoration at this time.

I hope my colleagues will join me to support this legislation to help preserve and restore this majestic building and honor the important role it played in rebuilding the great "City by the Bay".

I ask unanimous consent that the text of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1881

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "San Francisco Old Mint Commemorative Coin Act".

SEC. 2. FINDINGS.

Congress finds the following:

(1) The Granite Lady played an important role in the history of the Nation.

(2) The San Francisco Mint was established pursuant to an Act of Congress of July 3, 1852, to convert miners' gold from the California gold rush into coins.

(3) The San Francisco Old Mint Building was designed by architect A.B. Mullett, who also designed the United States Treasury Building and the Old Executive Office Building.

(4) The solid construction of the Granite Lady enabled it to survive the 1906 San Francisco earthquake and fire, making it the only financial institution that was able to operate immediately after the earthquake as the treasury for disaster relief funds for the city of San Francisco.

(5) Coins struck at the San Francisco Old Mint are distinguished by the "S" mint mark.

(6) The San Francisco Old Mint is famous for having struck many rare, legendary issues, such as the 1870-S $3 coin, which is valued today at well over $1,000,000, and the 1894-S dime which is comparatively rare.

(7) The San Francisco Old Mint Commemorative Coin will be the first commemorative coin to honor a United States mint facility.

SEC. 3. COIN SPECIFICATIONS.

(a) DENOMINATIONS.—Notwithstanding any other provision of law, and in commemoration of the San Francisco Old Mint, the Secretary of the Treasury (hereafter in this Act referred to as the "Secretary") shall mint and issue the following coins:

(1) $5 GOLD COINS.—Not more than 100,000 $5 coins, which shall—

(A) weigh 8.359 grams;

(B) have a diameter of 0.850 inches; and

(C) contain 90 percent gold and 10 percent alloy.

(2) $1 SILVER COINS.—Not more than 500,000 $1 coins, which shall—

(A) weigh 26.73 grams;

(B) have a diameter of 1.500 inches; and

(C) contain 90 percent silver and 10 percent copper.

(b) LEGAL TENDER.—The coins minted under this Act shall be legal tender, as provided in section 5103 of title 31, United States Code.

(c) NUMISMATIC ITEMS.—For purposes of sections 5134 and 5136 of title 31, United States Code, all coins minted under this Act shall be considered to be numismatic items.

SEC. 4. DESIGN OF COINS.

(a) DESIGN REQUIREMENTS.—

(1) IN GENERAL.—The design of the coins minted under this Act shall be emblematic of the San Francisco Old Mint Building, its importance to California and the history of the United States, and its role in rebuilding San Francisco after the 1906 earthquake and fire.

(2) DESIGNATION AND INSCRIPTIONS.—On each coin minted under this Act, there shall be—

(A) a designation of the value of the coin;

(B) an inscription of the year "2006"; and

(C) inscriptions of the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum".

(b) SELECTION.—The design for the coins minted under this Act shall be—

(1) selected by the Secretary, after consultation with the Commission of Fine Arts, and the Board of the San Francisco Museum and Historical Society; and

(2) reviewed by the Citizens Coinage Advisory Committee.

SEC. 5. ISSUANCE OF COINS.

(a) QUALITY OF COINS.—Coins minted under this Act shall be issued in uncirculated and proof qualities.

(b) MINT FACILITY.—The coins authorized under this Act shall be struck at the San Francisco Mint, to the greatest extent possible.

(c) PERIOD FOR ISSUANCE.—The Secretary may issue coins minted under this Act only during the 1-year period beginning on January 1, 2006.

SEC. 6. SALE OF COINS.

(a) SALE PRICE.—The coins issued under this Act shall be sold by the Secretary at a price equal to the sum of—

(1) the face value of the coins;

(2) the surcharge provided in section 7(a) with respect to such coins; and

(3) the cost of designing and issuing the coins (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping).

(b) BULK SALES.—The Secretary shall make bulk sales of the coins issued under this Act at a reasonable discount.

(c) PREPAID ORDERS.—

(1) IN GENERAL.—The Secretary shall accept prepaid orders for the coins minted under this Act before the issuance of such coins.

(2) DISCOUNT.—Sale prices with respect to prepaid orders under paragraph (1) shall be at a reasonable discount.

SEC. 7. SURCHARGES.

(a) IN GENERAL.—All sales of coins minted under this Act shall include a surcharge as follows:

(1) A surcharge of $35 per coin for the $5 coin.

(2) A surcharge of $10 per coin for the $1 coin.

(b) DISTRIBUTION.—Subject to section 5134(f) of title 31, United States Code, all surcharges received by the Secretary from the sale of coins issued under this Act shall be promptly paid by the Secretary to the San Francisco Museum and Historical Society for the purposes of rehabilitating the Historic Old Mint in San Francisco as a city museum and an American Coin and Gold Rush Museum.

(c) AUDITS.—The San Francisco Museum and Historical Society shall be subject to the audit requirements of section 5134(f)(2) of title 31, United States Code, with regard to the amounts received under subsection (b).

By Mr. HATCH (for himself and Mr. BAUCUS):

S. 1883. A bill to amend the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 to assist property owners and Federal agencies in resolving disputes relating to private property; to the Committee on Environment and Public Works.

Mr. HATCH. Mr. President: I rise today to introduce S. 1883, the Empowering More Property Owners with Enhanced Rights Act of 2005, or the EMPOWER Act, a bill that amends the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (the Uniform Act). The EMPOWER Act will assist property owners and Federal agencies in resolving disputes relating to private property outside of the courts. I am joined by my colleague Senator BAUCUS as lead cosponsor of this bill.

In the wake of the Supreme Court decision Kelo v. New London, citizens around the country are calling members of Congress asking if their homes, small businesses, and family farms are safe from the power of the government. While this legislation doesn't address Kelo directly, the EMPOWER Act will enhance the rights of private property owners, when their property becomes a target of the federal government.

The Uniform Act applies to all Federal agencies, and was passed by Congress to "provide for uniform and equitable treatment of persons displaced from their homes, businesses or farms by Federal and federally assisted programs. . . ." The Act was amended in 1987 to designate the U.S. Department of Transportation (DOT) as the Lead Agency, requiring it to coordinate with other Federal agencies to issue government-wide standards for eminent domain actions.

The EMPOWER Act would super-size the Uniform Act by assigning the DOT stronger responsibilities in protecting the rights of property owners. It accomplishes this goal in two significant ways. First, it establishes a Property Owners' Bill of Rights, adding new powers to property owners. Second, it establishes a Private Property Ombudsperson to act as a neutral party to assist property owners, small businesses, and family farms when they are subject to Federal or federally assisted actions that affect their property.

The property owners' "Bill of Rights" includes those rights already enumerated in the Uniform Act, such as the right to just compensation, replacement housing, and relocation assistance. However, the bill would add several new rights that would significantly enhance the power of the Uniform Act. These are: the right to full disclosure of the government's appraised value of the property in question; the right to an independent second appraisal; the right to participate in mediation or, if necessary, arbitration as an alternative to costly and time-consuming litigation; the right to be informed about their rights and access to assistance; and the right to assistance from a Property Rights Ombudsperson.

The Property Rights Ombudsperson established by the EMPOWER Act would assist property owners in negotiating the Federal bureaucracy and to act as a third-party neutral in resolving disputes. The Ombudsperson would inform the public of their rights and actively work to help property owners take full advantage of those rights. The Ombudsperson would call for mediated disputes; force arbitration if necessary; work with Federal agencies to advise them about their actions which affect private property; ensure that agencies inform affected property owners of their rights; and provide information to private citizens, citizen groups, and other interested parties regarding rights and responsibilities relating to property rights.

The EMPOWER Act is modeled after a highly successful program in Utah, which has led the Nation in the area of property rights. After 8 years in effect in Utah, this program has taken a great deal of the acrimony and pain out of the process of eminent domain. It has saved the state millions of dollars in litigation fees and reduced the condemnation rate by half. Most important, it has considerably improved government to citizen relations. The vast majority of those using this program in Utah are homeowners and the program has provided them with considerable relief.

The EMPOWER Act adapts the Utah model to the Federal Government. The Act does not change the rules of Federal acquisition of private property, but it does provide significant assistance to private property owners, small businesses, and family farmers when they are faced with a daunting Federal bureaucracy and the possibility of private property loss.

The EMPOWER Act goes a long way toward protecting our citizens from overbearing federal action with regard to private property rights. It takes nothing away from government but does empower citizens, and requires agencies to ensure that property owners are treated fairly. I urge my colleagues to support this Act.

By Mr. LAUTENBERG (for himself, Mrs. DOLE, Mrs. LINCOLN, Mr. SMITH, Mr. DURBIN, Mr. MARTINEZ, Mr. LEVIN, Mr. CORZINE, and Mr. LEAHY):

S. 1885. A bill to encourage the effective use of community resources to combat hunger and the root causes of hunger by creating opportunity through food recovery and job training; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. LAUTENBERG. Mr. President, I rise to introduce the Food Employment Empowerment and Development Act or FEED Act along with my colleagues Senators DOLE and LINCOLN. This important, bipartisan legislation will award grants to qualified programs that effectively combat hunger while creating opportunity through food rescue programs and job training.

This legislation is inspired by some of the great work that food rescue programs in my State of New Jersey, such as Table to Table in Englewood Cliffs, Elijah's Promise in New Brunswick; the Food Bank of Monmouth and Ocean Counties, in Spring Lake; and the Community Food Bank of New Jersey in Hillside are doing.

It is a tragedy that in the United States, a country where food is plentiful, more than 34 million people are either going hungry or living on the edge of hunger. Thirteen million of those are children.

While on average New Jersey is one of the wealthiest States in the Nation, nearly 12 percent of all New Jersey households experience either hunger, food insecurity or both. Low wages, unstable employment and the high cost of living in the State leave many people in need. Senior adults in particular, faced with high housing costs, rising taxes and significant medical expenses miss meals to help make ends meet.

That is why we believe the FEED Act is so important. The FEED Act would provide eligible entities with a maximum grant of $200,000 per year to carry out food rescue and job training activities.

Food rescue programs collect food from restaurants and businesses and turn it into nutritional meals for seniors, children, and low-income families. In turn, these meals can be distributed and served to hungry people at homeless shelters, community and youth centers, children's after-school programs, and senior citizen programs.

Such programs have proven to be very successful, encouraging partnerships between existing social service programs like welfare-to-work, meals-on-wheels, the school lunch program, and after school programs with the preparation of nutritious meals for people in need. Food rescue programs often maximize use of existing school, community, or private food service facilities and resources to run programs.

But just addressing the immediate problem of hunger by providing food is half the battle. Hunger and poverty are closely related. With hunger on the rise in America, we need to go further and address the root causes of hunger by encouraging self sufficiency and responsibility. We need to focus on opportunities that will provide for a living wage through job training and education.

Programs supported by FEED are designed to provide long-term hunger relief by helping participants find employment in the food service industry. In the food service industry, the average wage for starting jobs is $8.81—over three dollars higher than the Federal minimum wage.

I urge my colleagues to support this bipartisan legislation. Together we can make progress by finding innovative, cost-effective ways to use food to feed the hungry while working to break the cycle of poverty by training the homeless and unemployed in food service preparation and delivery.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1885

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Food Employment Empowerment and Development Program Act of 2005".

SEC. 2. DEFINITIONS.

In this Act:

(1) ELIGIBLE ENTITY.—The term "eligible entity" means an entity that meets the requirements of section (3)(b).

(2) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

(3) VULNERABLE SUBPOPULATION.—

(A) IN GENERAL.—The term "vulnerable subpopulation" means low-income individuals, unemployed individuals, and other subpopulations identified by the Secretary as being likely to experience special risks from hunger or a special need for job training.

(B) INCLUSIONS.—The term "vulnerable subpopulation" includes—

(i) addicts (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802));

(ii) at-risk youths (as defined in section 1432 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6472));

(iii) individuals that are basic skills deficient (as defined in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801));

(iv) homeless individuals (as defined in section 17(b) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b));

(v) homeless youths (as defined in section 387 of the Runaway and Homeless Youth Act (42 U.S.C. 5732a));

(vi) individuals with disabilities (as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102));

(vii) low-income individuals (as defined in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801)); and

(viii) older individuals (as defined in section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002)).

SEC. 3. FOOD EMPLOYMENT EMPOWERMENT AND DEVELOPMENT PROGRAM.

(a) Establishment.—The Secretary shall establish a food employment empowerment and development program under which the Secretary shall make grants to eligible entities to encourage the effective use of community resources to combat hunger and the root causes of hunger by creating opportunity through food recovery and job training.

(b) Eligible Entities.—To be eligible to receive a grant under this section, an entity shall be a public agency, or private nonprofit institution, that conducts, or will conduct, 2 or more of the following activities as an integral part of the normal operation of the entity:

(1) Recovery of donated food from area restaurants, caterers, hotels, cafeterias, farms, or other food service businesses.

(2) Distribution of meals or recovered food to—

(A) nonprofit organizations described in section 501(c)(3) of the Internal Revenue Code of 1986;

(B) entities that feed vulnerable subpopulations; and

(C) other agencies considered appropriate by the Secretary.

(3) Training of unemployed and underemployed adults for careers in the food service industry.

(4) Carrying out of a welfare-to-work job training program in combination with—

(A) production of school meals, such as school meals served under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) or the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.); or

(B) support for after-school programs, such as programs conducted by community learning centers (as defined in section 4201(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7171(b))).

(c) Use of Funds.—An eligible entity may use a grant awarded under this section for—

(1) capital investments related to the operation of the eligible entity;

(2) support services for clients, including staff, of the eligible entity and individuals enrolled in job training programs;

(3) purchase of equipment and supplies related to the operation of the eligible entity or that improve or directly affect service delivery;

(4) building and kitchen renovations that improve or directly affect service delivery;

(5) educational material and services;

(6) administrative costs, in accordance with guidelines established by the Secretary; and

(7) additional activities determined appropriate by the Secretary.

(d) Preferences.—In awarding grants under this section, the Secretary shall give preference to eligible entities that perform, or will perform, any of the following activities:

(1) Carrying out food recovery programs that are integrated with—

(A) culinary worker training programs, such as programs conducted by a food service management institute under section 21 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769b-1);

(B) school education programs; or

(C) programs of service-learning (as defined in section 101 of the National and Community Service Act of 1990 (42 U.S.C. 12511)).

(2) Providing job skills training, life skills training, and case management support to vulnerable subpopulations.

(3) Integrating recovery and distribution of food with a job training program.

(4) Maximizing the use of an established school, community, or private food service facility or resource in meal preparation and culinary skills training.

(5) Providing job skills training, life skills training, and case management support to vulnerable subpopulations.

(e) Eligibility for Job Training.—To be eligible to receive job training assistance from an eligible entity using a grant made available under this section, an individual shall be a member of a vulnerable subpopulation.

(f) Performance Indicators.—The Secretary shall establish, for each year of the program, performance indicators and expected levels of performance for meal and food distribution and job training for eligible entities to continue to receive and use grants under this section.

(g) Technical Assistance.—

(1) In general.—The Secretary shall provide technical assistance to eligible entities that receive grants under this section to assist the eligible entities in carrying out programs under this section using the grants.

(2) Form.—Technical assistance for a program provided under this subsection includes—

(A) maintenance of a website, newsletters, email communications, and other tools to promote shared communications, expertise, and best practices;

(B) hosting of an annual meeting or other forums to provide education and outreach to all programs participants;

(C) collection of data for each program to ensure that the performance indicators and purposes of the program are met or exceeded;

(D) intervention (if necessary) to assist an eligible entity to carry out the program in a manner that meets or exceeds the performance indicators and purposes of the program;

(E) consultation and assistance to an eligible entity to assist the eligible entity in providing the best services practicable to the community served by the eligible entity, including consultation and assistance related to—

(i) strategic plans;

(ii) board development;

(iii) fund development;

(iv) mission development; and

(v) other activities considered appropriate by the Secretary;

(F) assistance considered appropriate by the Secretary regarding—

(i) the status of program participants;

(ii) the demographic characteristics of program participants that affect program services;

(iii) any new idea that could be integrated into the program; and

(iv) the review of grant proposals; and

(G) any other forms of technical assistance the Secretary considers appropriate.

(h) Relationship to Other Law.—

(1) Bill Emerson Good Samaritan Food Donation Act.—An action taken by an eligible entity using a grant provided under this section shall be covered by the Bill Emerson Good Samaritan Food Donation Act (42 U.S.C. 1791).

(2) Food handling guidelines.—In using a grant provided under this section, an eligible entity shall comply with any applicable food handling guideline established by a State or local authority.

(3) Inspections.—An eligible entity using a grant provided under this section shall be exempt from inspection under sections 303.1(d)(2)(iii) and 381.10(d)(2)(iii) of volume 9, Code of Federal Regulations (or a successor regulation), if the eligible entity—

(A) has a hazard analysis and critical control point (HACCP) plan;

(B) has a sanitation standard operating procedure (SSOP); and

(C) otherwise complies with the Federal Meat Inspection Act (21 U.S.C. 601 et seq.) and the Poultry Products Inspection Act (21 U.S.C. 451 et seq.).

(i) Maximum Amount of Grant.—The amount of a grant provided to an eligible entity for a fiscal year under this section shall not exceed $200,000.

(j) Authorization of Appropriations.—

(1) In general.—There are authorized to be appropriated to carry out this section $20,000,000 for each of fiscal years 2006 through 2011.

(2) Technical assistance.—Of the amount of funds that are made available for a fiscal year under paragraph (1), the Secretary shall use to provide technical assistance under subsection (g) not more than the greater of—

(A) 5 percent of the amount of funds that are made available for the fiscal year under paragraph (1); or

(B) $1,000,000.

Mrs. LINCOLN. Mr. President, I rise today in support of the Food Employment Empowerment and Development (FEED) Act. I am proud to join my good friends and colleagues, Senators Lautenberg and Dole in introducing this legislation that aims to help feed hungry Americans and provide job training to low-income Americans in search of self-sufficiency.

The United States Department of Agriculture estimates that Americans throw away 96 billion pounds of food each year. This number includes the food we throw away after meals, food that loses its shelf life and food that never makes it to store shelves. Meanwhile, 36 million Americans, including 13 million children, don't know where their next meal is coming from. Many of these children will go to bed tonight on an empty stomach. This is a paradox in a land of plenty.

Several blocks from this magnificent and historic Capitol building, there is a kitchen located in the basement of a building that houses social services. In that kitchen, every day, over 4,000 meals are prepared by low-income, recovering drug addicts or unemployed persons who are training to be chefs. The dozen men and women are in a 12-week culinary arts training program and once completed, they will earn their culinary arts certification which will empower them to find a job in the culinary industry. The over 4,000 meals produced at the DC Central Kitchen each day come from a combination of donated, rescued or purchased food and are delivered to hundreds of agencies in the Washington metro area that in turn feed hungry adults and children.

America's Second Harvest has a national network of foodbanks which conduct similar programs called "Community Kitchens" that achieve the same goals.

These types of programs are smart and responsible uses of resources and Senators Lautenberg and Dole and I recognize a great model when we see one. We believe that by infusing some Federal support with private business, foundations, and faith-based and local non-profit resources, we can grow similar programs all across the Nation.

Again, we are taking rescued food, food that would otherwise be wasted, turning it into meals that are being prepared by people who are training to get a job to help support themselves and their family, and using the meals to feed hungry American adults and children.

I believe that all of us that are committed to helping end hunger in America agree with the old adage: "Give a man a fish and he eats for a day; teach a man to fish and he eats for a lifetime." And it is this simple concept that is the impetus for the FEED Act.

I am hopeful that this legislation will help local anti-hunger organizations in Arkansas and across the Nation who want to use this multi-pronged approach to feed the hungry, empower the unemployed and maximize food resources.

I am proud to join my colleagues in introducing this bi-partisan bill today and I appreciate those Senators who have joined us in sponsoring this commonsense legislation. I look forward to working with all of my colleagues to ensure its speedy consideration and passage.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 275—DESIGNATING THE WEEK OF FEBRUARY 6, 2006 AS "NATIONAL TEEN DATING VIOLENCE AWARENESS AND PREVENTION WEEK"

Mr. CRAPO (for himself, Ms. CANTWELL, Mr. LIEBERMAN, Mr. DURBIN, Mr. AKAKA, Ms. MURKOWSKI, Mrs. MURRAY, and Mr. BIDEN) submitted the following resolution; which was referred to the Committee on the Judiciary.

S. RES. 275

Whereas 1 in 3 female high school students reports being physically abused or sexually abused by a dating partner;

Whereas over 40 percent of male and female high school students surveyed had been victims of dating violence at least once;

Whereas violent relationships in adolescence can have serious ramifications for victims, who are at higher risk for substance abuse, eating disorders, risky sexual behavior, suicide, and adult re-victimization;

Whereas the severity of violence among intimate partners has been shown to increase if the pattern was established in adolescence;

Whereas 81 percent of parents surveyed either believed dating violence is not a problem or admitted they did not know it is a problem; and

Whereas the establishment of a "National Teen Dating Violence Awareness and Prevention Week" will benefit schools, communities, and families regardless of socio-economic status, race, or gender: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of February 6, 2006 as "National Teen Dating Violence Awareness and Prevention Week"; and

(2) calls on the people of the United States, especially high schools, law enforcement, local, and State officials, and interested groups to observe the week with appropriate activities that promote awareness and prevention of the crime of teen dating violence in our communities.

Mr. CRAPO. Mr. President, I rise to submit a resolution in a critical and too often overlooked subject—teen dating violence. For many decades the tragic crime of domestic violence in the United States went largely unacknowledged by the public face that our society wears. Behind smiling couples and seemingly carefree children lurked something that was better left unspoken, or so many were convinced. Fortunately, in recent years, this dreadful violence that makes a home a prison where rights, human dignity and freedom are eclipsed by fear and rage is now something that society is more willing to acknowledge, talk about and report to proper authorities. As we expose domestic violence to the light of truth and hold perpetrators accountable for their violent actions and destructive words, it is important to address the reality of the transgenerational nature of this crime within families.

I've always liked the adage, "Children learn what they live." Never is this more true than in the case of abuse and domestic violence. When children begin to enter their teen years, the relationship norms they learned watching those in parental roles become their own. The results in many junior high, high schools, and colleges across our Nation are chilling: 20 percent of surveyed male students reported witnessing someone they go to high school with physically hit a person they were dating; 58 percent of rape victims report having been raped between the ages of 12-24; 81 percent of parents surveyed either believe teen dating violence is not an issue or admit they don't know if it is an issue; There is a clear link between adolescent dating violence and adult marital violence.

Clearly, the crime of teen dating violence, including physical, emotional, and sexual assault, is a reality for many American teenagers. Like drug abuse, it's a reality of which many parents are unaware. It makes sense to have the people most affected by this insidious disease leading the efforts to raise awareness of and prevent the further spread of it.

The Teen Dating Violence Awareness and Prevention Initiative is a movement spearheaded by teenagers across the nation to make a stand and put a stop to teen dating violence. Led by the American Bar Association's Steering Committee on the Unmet Needs of Children and co-sponsored by dozens of other organizations, teenagers from 20 State Teams attended a national awareness and education summit in 2004. At that time, they developed Teen Dating Violence Prevention and Awareness Toolkits to distribute to high schools across the Nation in conjunction with a proposed National Teen Dating Violence Awareness and Prevention Week in early 2006.

Today, I am submitting a resolution declaring February 6-10, 2006, National Teen Dating Violence Awareness and Prevention Week. Many governors, the Department of Education and the Department of Justice have already pledged to work with the goals and activities that are part of the Initiative. This resolution calls on government representatives and agencies, private organizations and public officials to promote activities in their respective communities that raise awareness of the high incidence of teen dating violence that occurs among our teens every day, as well as prevention strategies. I thank my colleagues, Senators CANTWELL, MURRAY, LIEBERMAN, MURKOWSKI, DURBIN, AKAKA and BIDEN in joining me in raising awareness of the problem. This is one major step we can take toward the goal of eliminating the tragedy of children hurting children, and I am privileged to be in a position to help lead this effort.

SENATE RESOLUTION 276—EXPRESSING THE SENSE OF THE SENATE THAT THE ATTACHMENT THERAPY TECHNIQUE KNOW AS REBIRTHING IS A DANGEROUS PRACTICE AND SHOULD BE PROHIBITED

Mr. SALAZAR (for himself, Mr. BURR, and Mrs. DOLE) submitted the following resolution; which was considered and agreed to:

S. RES. 276

Whereas "rebirthing" is the most dangerous form of attachment therapy, a controversial and scientifically unsupported form of therapy that claims to treat emotionally disturbed children by using physical restraints;

Whereas rebirthing techniques attempt to reenact the birth process by restraining a child with blankets or other materials and forcing the child to emerge unaided;

Whereas rebirthing techniques are based on the erroneous assumption that a reenactment of the birth process will treat children with reactive attachment disorder, a psychiatric condition characterized by the inability to form emotional attachments, by purging the child of rage resulting from past mistreatment and allowing the child to form stronger emotional attachments in the future;

Whereas attachment therapists claim rebirthing techniques create new bonds between adopted children and adoptive parents and often use rebirthing techniques in therapy sessions with adoptive families;

Whereas in 2000, Candace Newmaker, a 10-year-old child from North Carolina, died from suffocation, after being wrapped in flannel sheets, covered with pillows, and leaned on by 4 adults to simulate contractions, when Candace became trapped by the sheets because she was forcibly restrained by these adults and could not emerge through her own efforts to be reborn into her adoptive family;

Whereas between 1995 and 2005, at least 4 other children in the United States have died from other forms of attachment therapy;

Whereas the American Psychiatric Association, a national medical specialty society that focuses on the diagnosis, treatment, and prevention of mental illnesses, maintains that no scientific evidence supports the effectiveness of rebirthing techniques;

Whereas in 2002, Paul S. Appelbaum, M.D., President of the American Psychiatric Association, condemned rebirthing techniques as "extreme methods [that] pose serious risk and should not be used under any circumstances"; and

Whereas several States have enacted or are considering legislation to prohibit the use of rebirthing techniques: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) rebirthing, an attachment therapy technique that reenacts the birth process by physically restraining a child and forcing the child to emerge unaided, is dangerous, potentially life-threatening, and unsupported by scientific evidence; and

(2) each State should enact laws prohibiting the use of rebirthing techniques.

SENATE RESOLUTION 277—SUPPORTING THE GOALS OF RED RIBBON WEEK

Ms. MURKOWSKI (for herself, Mr. GRASSLEY, Mr. BIDEN, Mr. TALENT, Mrs. DOLE, Mr. STEVENS, Mr. DOMENICI, and Mr. CHAMBLISS) submitted the following resolution; which was considered and agreed to:

S. RES. 277

Whereas the Governors and Attorneys General of the States, the National Family Partnership, Parent Teacher Associations, Boys and Girls Clubs of America, and more than 100 other organizations throughout the United States annually cosponsor Red Ribbon Week during the week of October 23 through October 31;

Whereas a purpose of the Red Ribbon Campaign is to commemorate the service of Enrique "Kiki" Camarena, a Drug Enforcement Administration special agent who died in the line of duty in 1985 while engaged in the battle against illicit drugs;

Whereas the Red Ribbon Campaign is nationally recognized and is in its twentieth year of celebration, helping to preserve Special Agent Camarena's memory and further the cause for which he gave his life;

Whereas the objective of Red Ribbon Week is to promote drug-free communities through drug prevention efforts, education, parental involvement, and community wide support;

Whereas drug and alcohol abuse contributes to domestic violence and sexual assaults, and places the lives of children at risk;

Whereas drug abuse is one of the major challenges our Nation faces in securing a safe and healthy future for our families and children;

Whereas emerging drug threats, such as the growing epidemic of methamphetamine abuse, jeopardize the progress made against illegal drug abuse; and

Whereas parents, youth, schools, businesses, law enforcement agencies, religious institutions, service organizations, senior citizens, medical and military personnel, sports teams, and individuals throughout the United States demonstrate their commitment to drug-free, healthy lifestyles by wearing and displaying red ribbons during this week long celebration: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals of Red Ribbon Week;

(2) encourages children and teens to choose to live a drug-free life; and

(3) encourages all people of the United States to promote drug-free communities and to participate in drug prevention activities to show support for healthy, productive, drug-free lifestyles.

SENATE RESOLUTION 278—DESIGNATING THE WEEK OF OCTOBER 23, 2005, THROUGH OCTOBER 29, 2005, AS "NATIONAL CHILDHOOD LEAD POISONING PREVENTION WEEK"

Mr. REED (for himself, Ms. COLLINS, Mr. BAYH, Mr. BIDEN, Mr. BOND, Mrs. BOXER, Ms. CANTWELL, Mr. CARPER, Mr. CHAFEE, Mrs. CLINTON, Mr. COCHRAN, Mr. CORZINE, Mr. DAYTON, Mr. DEWINE, Mr. DODD, Mr. DURBIN, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. HAGEL, Mr. INOUYE, Mr. ISAKSON, Mr. JEFFORDS, Mr. JOHNSON, Mr. KERRY, Mr. KOHL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Ms. MIKULSKI, Mrs. MURRAY, Mr. OBAMA, Mr. PRYOR, Mr. SANTORUM, Mr. SARBANES, Mr. SCHUMER, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. TALENT, Mr. CONRAD, and Ms. MURKOWSKI) submitted the following resolution; which was considered and agreed to:

S. RES. 278

Whereas lead poisoning is a leading environmental health hazard to children in the United States;

Whereas according to the Centers for Disease Control and Prevention, 310,000 preschool children in the United States have harmful levels of lead in their blood;

Whereas lead poisoning may cause serious, long-term harm to children, including reduced intelligence and attention span, behavior problems, learning disabilities, and impaired growth;

Whereas children from low-income families are significantly more likely to be poisoned by lead than are children from high-income families;

Whereas children may be poisoned by lead in water, soil, or consumable products;

Whereas children most often are poisoned in their homes through exposure to lead particles when lead-based paint deteriorates or is disturbed during home renovation and repainting; and

Whereas lead poisoning crosses all barriers of race, income, and geography: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of October 23, 2005, through October 29, 2005, as "National Childhood Lead Poisoning Prevention Week"; and

(2) calls upon the people of the United States to observe the week with appropriate programs and activities.

SENATE RESOLUTION 279—TO AUTHORIZE TESTIMONY IN STATE OF MISSISSIPPI v. EDWARD STATECUM

Mr. FRIST (for himself and Mr. REID) submitted the following resolution; which was considered and agreed to:

S. RES. 279

Whereas, in the case of State or Mississippi v. Edward Statecum, Case No. M051648, pending in Municipal Court in the City of Clarksdale, Mississippi, testimony has been requested from Kim Coalter, an employee in the office of Senator Thad Cochran;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, that Kim Coalter is authorized to testify in the case of State of Mississippi v. Edward Statecum, except concerning matters for which a privilege should be asserted.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2069. Ms. STABENOW (for herself and Mr. LEVIN) submitted an amendment intended to be proposed by her to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table.

SA 2070. Ms. COLLINS (for herself, Mr. LIEBERMAN, Mr. AKAKA, Mr. WARNER, Mr. LEVIN, and Mr. COLEMAN) submitted an amendment intended to be proposed by her to the bill H.R. 3058, supra; which was ordered to lie on the table.

SA 2071. Mr. BROWNBACK (for himself and Ms. LANDRIEU) proposed an amendment to the bill H.R. 3058, supra.

SA 2072. Mr. CRAIG (for himself and Mr. CRAPO) submitted an amendment intended to be proposed by him to the bill H.R. 3058, supra; which was ordered to lie on the table.

SA 2073. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 3058, supra; which was ordered to lie on the table.

SA 2074. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill H.R. 3058, supra; which was ordered to lie on the table.

SA 2075. Mr. FRIST (for himself and Mr. MARTINEZ) submitted an amendment intended to be proposed by him to the bill H.R. 3058, supra; which was ordered to lie on the table.

SA 2076. Mr. HARKIN submitted an amendment intended to be proposed by him to the bill H.R. 3058, supra; which was ordered to lie on the table.

SA 2077. Mr. REED (for himself, Ms. COLLINS, Mr. KERRY, Mr. KENNEDY, Ms. SNOWE, Ms. CANTWELL, Mrs. CLINTON, Mr. COLEMAN, Mr. HARKIN, Mr. DORGAN, Mr. SCHUMER, Ms. STABENOW, Mr. SMITH, Mr. LAUTENBERG, Mr.

BAUCUS, Mr. BINGAMAN, Mr. KOHL, Mr. DURBIN, Mr. JEFFORDS, Mr. SALAZAR, Mrs. LINCOLN, Ms. MIKULSKI, Mr. LEAHY, Mr. ROCKEFELLER, Mr. LIEBERMAN, Mr. JOHNSON, Mr. REID, Mr. CORZINE, Mr. LEVIN, Mr. BAYH, Mr. BYRD, Mr. CONRAD, and Mr. DAYTON) submitted an amendment intended to be proposed by him to the bill H.R. 3058, supra; which was ordered to lie on the table.

SA 2078. Mr. DORGAN submitted an amendment intended to be proposed by him to the bill H.R. 3058, supra; which was ordered to lie on the table.

SA 2079. Mr. BOND proposed an amendment to the bill H.R. 3058, supra.

SA 2080. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill H.R. 3058, supra; which was ordered to lie on the table.

SA 2081. Mr. VOINOVICH submitted an amendment intended to be proposed by him to the bill H.R. 3058, supra; which was ordered to lie on the table.

SA 2082. Mr. DEWINE submitted an amendment intended to be proposed by him to the bill H.R. 3058, supra; which was ordered to lie on the table.

SA 2083. Mr. DEWINE submitted an amendment intended to be proposed by him to the bill H.R. 3058, supra; which was ordered to lie on the table.

SA 2084. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3058, supra; which was ordered to lie on the table.

SA 2085. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3058, supra; which was ordered to lie on the table.

SA 2086. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3058, supra; which was ordered to lie on the table.

SA 2087. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3058, supra; which was ordered to lie on the table.

SA 2088. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3058, supra; which was ordered to lie on the table.

SA 2089. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3058, supra; which was ordered to lie on the table.

SA 2090. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3058, supra; which was ordered to lie on the table.

SA 2091. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3058, supra; which was ordered to lie on the table.

SA 2092. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3058, supra; which was ordered to lie on the table.

SA 2093. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3058, supra; which was ordered to lie on the table.

SA 2094. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3058, supra; which was ordered to lie on the table.

SA 2095. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3058, supra; which was ordered to lie on the table.

SA 2096. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3058, supra; which was ordered to lie on the table.

SA 2097. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3058, supra; which was ordered to lie on the table.

SA 2098. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3058, supra; which was ordered to lie on the table.

SA 2099. Mr. NELSON of Florida (for himself and Mr. SMITH) submitted an amendment intended to be proposed by him to the bill H.R. 3058, supra; which was ordered to lie on the table.

SA 2100. Mr. JEFFORDS submitted an amendment intended to be proposed by him to the bill H.R. 3058, supra; which was ordered to lie on the table.

SA 2101. Mr. AKAKA (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill H.R. 3058, supra; which was ordered to lie on the table.

SA 2102. Mr. VOINOVICH submitted an amendment intended to be proposed by him to the bill H.R. 3058, supra; which was ordered to lie on the table.

SA 2103. Mr. BURNS submitted an amendment intended to be proposed by him to the bill H.R. 3058, supra; which was ordered to lie on the table.

SA 2104. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill H.R. 3058, supra; which was ordered to lie on the table.

SA 2105. Mrs. CLINTON (for herself and Mr. SCHUMER) submitted an amendment intended to be proposed by her to the bill H.R. 3058, supra; which was ordered to lie on the table.

SA 2106. Mrs. CLINTON (for herself and Mr. SCHUMER) submitted an amendment intended to be proposed by her to the bill H.R. 3058, supra; which was ordered to lie on the table.

SA 2107. Mr. SCHUMER (for himself, Ms. CANTWELL, and Mr. LAUTENBERG) submitted an amendment intended to be proposed by him to the bill H.R. 3058, supra; which was ordered to lie on the table.

SA 2108. Mr. VOINOVICH submitted an amendment intended to be proposed by him to the bill H.R. 3058, supra; which was ordered to lie on the table.

SA 2109. Mr. BOND proposed an amendment to the bill H.R. 3058, supra.

SA 2110. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 3058, supra; which was ordered to lie on the table.

SA 2111. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill H.R. 3058, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2069. Ms. STABENOW (for herself and Mr. LEVIN) submitted an amendment intended to be proposed by her to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 276, after line 24, insert the following:

SEC. 1 . Item number 274 of the table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59; 119 Stat. 1144) is amended by striking "Van Buren, Belleville Road widen to 5 lanes between Tyler and Ecorse" and inserting "Intersection improvements at Belleville and Ecorse Roads and approach roadways, and widen Belleville Road from Ecorse to Tyler, Van Buren Township, Michigan".

SA 2070. Ms. COLLINS (for herself, Mr. LIEBERMAN, Mr. AKAKA, Mr. WARNER, Mr. LEVIN, and Mr. COLEMAN) submitted an amendment intended to be proposed by her to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 406, between lines 7 and 8, insert the following:

SEC. 724. REPEAL OF INCREASE IN MICRO-PURCHASE THRESHOLD.

Section 101 of the Second Emergency Supplemental Appropriations Act to Meet Immediate Needs Arising From the Consequences of Hurricane Katrina, 2005 (Public Law 109-62; 119 Stat. 1992) is repealed.

SA 2071. Mr. BROWNBACK (for himself and Ms. LANDRIEU) proposed an amendment to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

At the appropriate place, insert the following:

DIVISION B—DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2006

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the District of Columbia and related agencies for the fiscal year ending September 30, 2006, and for other purposes, namely:

DISTRICT OF COLUMBIA

FEDERAL FUNDS

FEDERAL PAYMENT FOR RESIDENT TUITION SUPPORT

For a Federal payment to the District of Columbia, to be deposited into a dedicated account, for a nationwide program to be administered by the Mayor, for District of Columbia resident tuition support, $33,200,000, to remain available until expended: *Provided*, That such funds, including any interest accrued thereon, may be used on behalf of eligible District of Columbia residents to pay an amount based upon the difference between in-State and out-of-State tuition at public institutions of higher education, or to pay up to $2,500 each year at eligible private institutions of higher education: *Provided further*, That the awarding of such funds may be prioritized on the basis of a resident's academic merit, the income and need of eligible students and such other factors as may be authorized: *Provided further*, That the District of Columbia government shall maintain a dedicated account for the Resident Tuition Support Program that shall consist of the Federal funds appropriated to the Program in this Act and any subsequent appropriations, any unobligated balances from prior fiscal years, and any interest earned in this or any fiscal year: *Provided further*, That the account shall be under the control of the District of Columbia Chief Financial Officer, who shall use those funds solely for the purposes of carrying out the Resident Tuition Support Program: *Provided further*, That the Office of the Chief Financial Officer shall provide a quarterly financial report to the Committees on Appropriations of the House of Representatives and Senate for these funds showing, by object class, the expenditures made and the purpose therefor: *Provided further*, That not more than $1,200,000 of the total amount appropriated for this program may be used for administrative expenses.

FEDERAL PAYMENT FOR EMERGENCY PLANNING AND SECURITY COSTS IN THE DISTRICT OF COLUMBIA

For necessary expenses, as determined by the Mayor of the District of Columbia in written consultation with the elected county or city officials of surrounding jurisdictions, $12,000,000, to remain available until expended, to reimburse the District of Columbia for the costs of providing public safety at events related to the presence of the national capital in the District of Columbia and for the costs of providing support to respond to immediate and specific terrorist threats or attacks in the District of Columbia or surrounding jurisdictions: *Provided*, That any amount provided under this heading shall be available only after such amount has been apportioned pursuant to chapter 15 of title 31, United States Code.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA COURTS

For salaries and expenses for the District of Columbia Courts, $218,912,000, to be allocated as follows: for the District of Columbia Court of Appeals, $9,198,000, of which not to exceed $1,500 is for official reception and representation expenses; for the District of Columbia Superior Court, $87,342,000, of which not to exceed $1,500 is for official reception and representation expenses; for the District of Columbia Court System, $41,643,000, of which not to exceed $1,500 is for official reception and representation expenses; and $80,729,000, to remain available until September 30, 2007, for capital improvements for District of Columbia courthouse facilities: *Provided*, That notwithstanding any other provision of law, a single contract or related contracts for development and construction of facilities may be employed which collectively include the full scope of the project: *Provided further*, That the solicitation and contract shall contain the clause "availability of Funds" found at 48 CFR 52.232-18: *Provided further*, That funds made available for capital improvements shall be expended consistent with the General Services Administration master plan study and building evaluation report: *Provided further*, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies, with payroll and financial services to be provided on a contractual basis with the General Services Administration (GSA), and such services shall include the preparation of monthly financial reports, copies of which shall be submitted directly by GSA to the President and to the Committees on Appropriations of the House of Representatives and Senate, the Committee on Government Reform of the House of Representatives, and the Committee on Governmental Affairs of the Senate: *Provided further*, That 30 days after providing written notice to the Committees on Appropriations of the House of Representatives and Senate, the District of Columbia Courts may reallocate not more than $1,000,000 of the funds provided under this heading among the items and entities funded under this heading for operations, and not more than 4 percent of the funds provided under this heading for facilities.

DEFENDER SERVICES IN DISTRICT OF COLUMBIA COURTS

For payments authorized under section 11-2604 and section 11-2605, D.C. Official Code (relating to representation provided under the District of Columbia Criminal Justice Act), payments for counsel appointed in proceedings in the Family Court of the Superior Court of the District of Columbia under chapter 23 of title 16, D.C. Official Code, or pursuant to contractual agreements to provide guardian ad litem representation, training, technical assistance and such other services as are necessary to improve the quality of guardian ad litem representation, payments for counsel appointed in adoption proceedings under chapter 3 of title 16, D.C. Code, and payments for counsel authorized under section 21-2060, D.C. Official Code (relating to representation provided under the District of Columbia Guardianship, Protective Proceedings, and Durable Power of Attorney Act of 1986), $45,000,000, to remain available until expended: *Provided*, That the funds provided in this Act under the heading "Federal Payment to the District of Columbia Courts" (other than the $80,729,000 provided under such heading for capital improvements for District of Columbia courthouse facilities) may also be used for payments under this heading: *Provided further*, That in addition to the funds provided under this heading, the Joint Committee on Judicial Administration in the District of Columbia may use funds provided in this Act under the heading "Federal Payment to the District of Columbia Courts" (other than the $80,729,000 provided under such heading for capital improvements for District of Columbia courthouse facilities), to make payments described under this heading for obligations incurred during any fiscal year: *Provided further*, That funds provided under this heading shall be administered by the Joint Committee on Judicial Administration in the District of Columbia: *Provided futher*, That notwithstanding any other provision of law, this appropriation shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for expenses of other Federal agencies, with payroll and financial services to be provided on a contractual basis with the General Services Administration (GSA), and such services shall include the preparation of monthly financial reports, copies of which shall be submitted directly by GSA to the President and to the Committees on Appropriations of the House of Representatives and Senate, the Committee on Government Reform of the House of Representatives, and the Committee on Governmental Affairs of the Senate.

FEDERAL PAYMENT TO THE COURT SERVICES AND OFFENDER SUPERVISION AGENCY FOR THE DISTRICT OF COLUMBIA

(INCLUDING TRANSFER OF FUNDS)

For salaries and expenses, including the transfer and hire of motor vehicles, of the Court Services and Offender Supervision Agency for the District of Columbia and the Public Defender Service for the District of Columbia, as authorized by the National Capital Revitalization and Self-Government Improvement Act of 1997, $201,388,000, of which not to exceed $2,000 is for official receptions and representation expenses related to Community Supervision and Pretrial Services Agency programs; of which not to exceed $25,000 is for dues and assessments relating to the implementation of the Court Services and Offender Supervision Agency Interstate Supervision Act of 2002; of which $129,360,000 shall be for necessary expenses of Community Supervision and Sex Offender Registration, to include expenses relating to the supervision of adults subject to protection orders or the provision of services for or related to such persons; of which $42,195,000 shall be available to the Pretrial Services Agency; and of which $29,833,000 shall be transferred to the Public Defender Service for the District of Columbia: *Provided*, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies: *Provided further*, That the Director is authorized to accept and use gifts in the form of in-kind contributions of space and hospitality to support offender and defendant programs, and equipment and vocational training services to educate and train offenders and defendants: *Provided further*, That the Director shall keep accurate and detailed records of the acceptance and use of any gift or donation under the previous proviso, and shall make such records available for audit and public inspection: *Provided further*, That the Court Services and Offender Supervision Agency Director is authorized to accept and use reimbursement from the D.C. Government for space and services provided on a cost reimbursable basis: *Provided further*, That *for this fiscal year and subsequent fiscal years*, the Public Defender Service is authorized to charge fees to cover costs of materials distributed *and training provided* to attendees of educational events, including conferences, sponsored by the Public Defender Service, and notwithstanding section 3302 of title 31, United States Code, said fees shall be credited to the Public Defender Service account to be available for use without further appropriation.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

For a Federal payment to the District of Columbia Water and Sewer Authority, $5,000,000, to remain available until expended, to continue implementation of the Combined Sewer Overflow Long-Term Plan: *Provided*, That the District of Columbia Water and Sewer Authority provides a 100 percent match for this payment.

FEDERAL PAYMENT FOR THE ANACOSTIA WATERFRONT INITIATIVE

For a Federal payment to the District of Columbia Department of Transportation, $3,000,000, to remain available until September 30, 2007, for design and construction of a continuous pedestrian and bicycle trail system from the Potomac River to the District's border with Maryland.

FEDERAL PAYMENT TO THE CRIMINAL JUSTICE COORDINATING COUNCIL

For a Federal payment to the Criminal Justice Coordinating Council, $1,300,000, to remain available until expended, to support initiatives related to the coordination of Federal and local criminal justice resources in the District of Columbia.

FEDERAL PAYMENT FOR TRANSPORTATION ASSISTANCE

For a Federal payment to the District of Columbia Department of Transportation,

$1,000,000, to implement a downtown circulator transit system.

FEDERAL PAYMENT FOR FOSTER CARE IMPROVEMENTS IN THE DISTRICT OF COLUMBIA

For the Federal payment to the District of Columbia for foster care improvements, $2,000,000 to remain available until expended: *Provided*, That $1,750,000 shall be for the Child and Family Services Agency, of which $1,000,000 shall be for a loan repayment program for social workers; of which $750,000 shall be for post-adoption services: *Provided further*, That $250,000 shall be for the Washington Metropolitan Council of Governments, to continue a program in conjunction with the Foster and Adoptive Parents Advocacy Center, to provide respite care for and recruitment of foster parents: *Provided further*, That these Federal funds shall supplement and not supplant local funds for the purposes described under this heading.

FEDERAL PAYMENT TO THE OFFICE OF THE CHIEF FINANCIAL OFFICER OF THE DISTRICT OF COLUMBIA

For a Federal payment to the Office of the Chief Financial Officer of the District of Columbia, $16,500,000: *Provided*, That these funds shall be available for the projects and in the amounts specified in the Statement of the Managers on the conference report accompanying this Act: *Provided further*, That each entity that receives funding under this heading shall submit to the Office of the Chief Financial Officer of the District of Columbia and the Committees on Appropriations of the House of Representatives and Senate a report on the activities to be carried out with such funds no later than March 15, 2006.

FEDERAL PAYMENT FOR SCHOOL IMPROVEMENT

For a Federal payment for a school improvement program in the District of Columbia, $40,000,000, to be allocated as follows: for the District of Columbia Public Schools, $13,000,000 to improve public school education in the District of Columbia; for the State Education Office, $13,000,000 to expand quality public charter schools in the District of Columbia, to remain available until September 30, 2007; for the Secretary of the Department of Education, $14,000,000 to provide opportunity scholarships for students in the District of Columbia in accordance with division C, title III of the District of Columbia Appropriations Act, 2004 (Public Law 108–199; 118 Stat. 126), of which up to $1,000,000 may be used to administer and fund assessments: *Provided*, That of the $13,000,000 provided for public charter schools in the District of Columbia; $4,000,000, to remain available until expended, shall be for the Direct Loan Fund for Charter Schools; $2,000,000, to remain available until expended, shall be for Credit Enhancement; $2,000,000 shall be for continuation of the City Build Charter School Program; $1,500,000 shall be for flexible grants; $2,000,000 shall be used only for grants to public charter schools for improvement of public school facilities; $400,000 shall be for college access programming; $300,000 shall be to create a truancy center; $250,000 shall be for administration of Federal entitlement funding; $300,000 shall be for data collection and analysis; and $250,000 shall be for administration within the State Education Office.

FEDERAL PAYMENT FOR BIOTERRORISM AND FORENSICS LABORATORY

For a Federal payment to the District of Columbia, $5,200,000, to remain available until September 30, 2007, for costs associated with the construction of a bioterrorism and forensics laboratory: *Provided*, That the District of Columbia shall provide an additional $1,500,000 with local funds as a condition of receiving this payment.

FEDERAL PAYMENT FOR THE NATIONAL GUARD YOUTH CHALLENGE PROGRAM

For a Federal payment to the District of Columbia National Guard for the Youth Challenge program, $500,000.

FEDERAL PAYMENT FOR MARRIAGE DEVELOPMENT AND IMPROVEMENT

For a Federal payment for marriage development and improvement in the District of Columbia, $3,000,000, to remain available until expended: *Provided*, That $1,500,000 shall be for the Capital Area Asset Building Corporation for the establishment of marriage development accounts in accordance with the requirements in the accompanying report, of which $400,000 shall be for program planning, marketing, evaluation, and account administration: *Provided further*, That $1,500,000 shall be for mentoring, counseling, community outreach, and training and technical assistance, of which $850,000 shall be for the National Center for Fathering and $650,000 shall be for the East Capitol Center for Change to carry out these activities: *Provided further*, That within 30 days of enactment of this Act, the entities receiving funds under this title shall submit to the Committees on Appropriations of the House and Senate, a detailed expenditure plan and program requirements that comport with the guidance in the accompanying report.

FEDERAL PAYMENT FOR A LATINO YOUTH INITIATIVE

For a Federal payment to improve health and educational outcomes of Latino youth in the District of Columbia, $2,000,000, to remain available until expended: *Provided*, That $1,100,000 shall be for The National Council of La Raza to provide mentoring, training, intervention services and policy research: *Provided further*, That $400,000 shall be for the MidAtlantic Equity Center to develop a comprehensive Latino youth literacy plan: *Provided further*, That $500,000 shall be for the Latin American Youth Center for direct services to Latino youth: *Provided further*, That within 15 days of enactment of this Act, the entities receiving funds under this title shall submit to the Committees on Appropriations of the House and Senate, a detailed expenditure plan that comports with the requirements in the accompanying report.

FEDERAL PAYMENT FOR PRISONER REENTRANT HOUSING

For a Federal payment to the District of Columbia to increase the capacity of available housing for ex-offenders returning to the community, $3,000,000, to remain available until expended: *Provided*, That the District will use a portion of these funds to provide housing to on-site mentors as a condition of receiving this payment: *Provided further*, That within 15 days of enactment of this Act, the Mayor shall submit to the Committees on Appropriations of the House and Senate, a detailed expenditure plan that comports with the requirements in the accompanying report.

District of Columbia Funds

The following amounts are appropriated for the District of Columbia for the current fiscal year out of the general fund of the District of Columbia, except as otherwise specifically provided: *Provided*, That notwithstanding any other provision of law, except as provided in section 450A of the District of Columbia Home Rule Act (D.C. Official Code, sec. 1–204.50a) and provisions of this Act, the total amount appropriated in this Act for operating expenses for the District of Columbia for fiscal year 2006 under this heading shall not exceed the lesser of the sum of the total revenues of the District of Columbia for such fiscal year or $8,700,158,000 (of which $5,007,344,000 shall be from local funds, $1,921,287,000 shall be from Federal grant funds, $1,754,399,000 shall be from other funds, and $17,129,000 shall be from private funds), in addition, $163,116,000 from funds previously appropriated in this Act as Federal payments: *Provided further*, That of the local funds, $466,894,000 shall be derived from the District's general fund balance: *Provided further*, That of these funds the District's intradistrict authority shall be $468,486,000: in addition for capital construction projects there is appropriated an increase of $2,820,637,000, of which $1,072,671,000 shall be from local funds, $49,551,000 from Highway Trust funds, $172,183,000 from the Local Street Maintenance fund, $378,000,000 from securitization of future revenue streams, $400,000,000 from Certificates of Participation financing, $534,800,000 from financing for construction of a baseball stadium, $213,432,000 from Federal grant funds, and a rescission of $295,032,000 from local funds appropriated under this heading in prior fiscal years, for a net amount of $2,525,605,000, to remain available until expended: *Provided further*, That the amounts provided under this heading are to be allocated and expended as proposed under "Title II—District of Columbia Funds" of the Fiscal Year 2006 Proposed Budget and Financial Plan submitted to the Congress of the United States by the District of Columbia on June 6, 2005: *Provided further*, That this amount may be increased by proceeds of one-time transactions, which are expended for emergency or unanticipated operating or capital needs: *Provided further*, That such increases shall be approved by enactment of local District law and shall comply with all reserve requirements contained in the District of Columbia Home Rule Act as amended by this Act: *Provided further*, That the Chief Financial Officer of the District of Columbia shall take such steps as are necessary to assure that the District of Columbia meets these requirements, including the apportioning by the Chief Financial Officer of the appropriations and funds made available to the District during fiscal year 2006, except that the Chief Financial Officer may not reprogram for operating expenses any funds derived from bonds, notes, or other obligations issued for capital projects.

General Provisions

Sec. 101. Whenever in this Act, an amount is specified within an appropriation for particular purposes or objects of expenditure, such amount, unless otherwise specified, shall be considered as the maximum amount that may be expended for said purpose or object rather than an amount set apart exclusively therefor.

Sec. 102. Appropriations in this Act shall be available for expenses of travel and for the payment of dues of organizations concerned with the work of the District of Columbia government, when authorized by the Mayor, or, in the case of the Council of the District of Columbia, funds may be expended with the authorization of the Chairman of the Council.

Sec. 103. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making refunds and for the payment of legal settlements or judgments that have been entered against the District of Columbia government.

SEC. 104. None of the Federal funds provided in this Act may be used for publicity or propaganda purposes or implementation of any policy including boycott designed to support or defeat legislation pending before Congress or any State legislature.

SEC. 105. (a) None of the Federal funds provided in this Act may be used to carry out lobbying activities on any matter. The District may use local funds to carry out lobbying activities not inconsistent with this Act.

(b) Nothing in this section may be construed to prohibit any elected official from advocating with respect to any issue.

SEC. 106. (a) None of the funds provided under this title to the agencies funded by this title, both Federal and District government agencies, that remain available for obligation or expenditure in fiscal year 2006, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this title, shall be available for obligation or expenditures for an agency through a reprogramming of funds which—

(1) creates new programs;

(2) eliminates a program, project, or responsibility center;

(3) establishes or changes allocations specifically denied, limited or increased under this Act;

(4) increases funds or personnel by any means for any program, project, or responsibility center for which funds have been denied or restricted;

(5) reestablishes any program or project previously deferred through reprogramming;

(6) augments any existing program, project, or responsibility center through a reprogramming of funds in excess of $3,000,000 or 10 percent, whichever is less; or

(7) increases by 20 percent or more personnel assigned to a specific program, project or responsibility center,

unless the Committees on Appropriations of the House of Representatives and Senate are notified in writing 15 days in advance of the reprogramming.

(b) None the local funds contained in this Act may be available for obligation or expenditure for an agency through a transfer of any local funds in excess of $3,000,000 from one appropriation heading to another unless the Committees on Appropriations of the House of Representatives and Senate are notified in writing 15 days in advance of the transfer, except that in no event may the amount of any funds transferred exceed 4 percent of the local funds in the appropriations.

SEC. 107. Consistent with the provisions of section 1301(a) of title 31, United States Code, appropriations under this Act shall be applied only to the objects for which the appropriations were made except as otherwise provided by law.

SEC. 108. Notwithstanding any other provisions of law, the provisions of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (D.C. Law 2–139; D.C. Official Code, sec. 1-601.01 et seq.), enacted pursuant to section 422(3) of the District of Columbia Home Rule Act (D.C. Official Code, sec. 1-2041.22(3)), shall apply with respect to the compensation of District of Columbia employees. For pay purposes, employees of the District of Columbia government shall not be subject to the provisions of title 5, United States Code.

SEC. 109. No later than 30 days after the end of the first quarter of fiscal year 2006, the Mayor of the District of Columbia shall submit to the Council of the District of Columbia and the Committees on Appropriations of the House of Representatives and Senate the new fiscal year 2006 revenue estimates as of the end of such quarter. These estimates shall be used in the budget request for fiscal year 2007. The officially revised estimates at midyear shall be used for the midyear report.

SEC. 110. No sole source contract with the District of Columbia government or any agency thereof may be renewed or extended without opening that contract to the competitive bidding process as set forth in section 303 of the District of Columbia Procurement Practices Act of 1985 (D.C. Law 6–85; D.C. Official Code, sec. 2–303.03), except that the District of Columbia government or any agency thereof may renew or extend sole source contracts for which competition is not feasible or practical, but only if the determination as to whether to invoke the competitive bidding process has been made in accordance with duly promulgated rules and procedures and has been reviewed and certified by the Chief Financial Officer of the District of Columbia.

SEC. 111. None of the Federal funds provided in this Act may be used by the District of Columbia to provide for salaries, expenses, or other costs associated with the offices of United States Senator or United States Representative under section 4(d) of the District of Columbia Statehood Constitutional Convention Initiatives of 1979 (D.C. Law 3–171; D.C. Official Code, sec. 1–123).

SEC. 112. None of the Federal funds made available in this Act may be used to implement or enforce the Health Care Benefits Expansion Act of 1992 (D.C. Law 9–114; D.C. Official Code, sec. 32–701 et seq.) or to otherwise implement or enforce any system of registration of unmarried, cohabiting couples, including but not limited to registration for the purpose of extending employment, health, or governmental benefits to such couples on the same basis that such benefits are extended to legally married couples.

SEC. 113. (a) Notwithstanding any other provision of this Act, the Mayor, in consultation with the Chief Financial Officer of the District of Columbia may accept, obligate, and expend Federal, private, and other grants received by the District government that are not reflected in the amounts appropriated in this Act.

(b)(1) No such Federal, private, or other grant may be obligated, or expended pursuant to subsection (a) until—

(A) the Chief Financial Officer of the District of Columbia submits to the Council a report setting forth detailed information regarding such grant; and

(B) the Council has reviewed and approved the obligation, and expenditure of such grant.

(2) For purposes of paragraph (1)(B), the Council shall be deemed to have reviewed and approved the obligation, and expenditure of a grant if—

(A) no written notice of disapproval is filed with the Secretary of the Council within 14 calendar days of the receipt of the report from the Chief Financial Officer under paragraph (1)(A); or

(B) if such a notice of disapproval is filed within such deadline, the Council does not by resolution disapprove the obligation, or expenditure of the grant within 30 calendar days of the initial receipt of the report from the Chief Financial Officer under paragraph (1)(A).

(c) No amount may be obligated or expended from the general fund or other funds of the District of Columbia government in anticipation of the approval or receipt of a grant under subsection (b)(2) or in anticipation of the approval or receipt of a Federal, private, or other grant not subject to such subsection.

(d) The Chief Financial Officer of the District of Columbia may adjust the budget for Federal, private, and other grants received by the District government reflected in the amounts appropriated in this title, or approved and received under subsection (b)(2) to reflect a change in the actual amount of the grant.

(e) The Chief Financial Officer of the District of Columbia shall prepare a quarterly report setting forth detailed information regarding all Federal, private, and other grants subject to this section. Each such report shall be submitted to the Council of the District of Columbia and to the Committees on Appropriations of the House of Representatives and Senate not later than 15 days after the end of the quarter covered by the report.

SEC. 114. (a) Except as otherwise provided in this section, none of the funds made available by this Act or by any other Act may be used to provide any officer or employee of the District of Columbia with an official vehicle unless the officer or employee uses the vehicle only in the performance of the officer's or employee's official duties. For purposes of this paragraph, the term "official duties" does not include travel between the officer's or employee's residence and workplace, except in the case of—

(1) an officer or employee of the Metropolitan Police Department who resides in the District of Columbia or is otherwise designated by the Chief of the Department;

(2) at the discretion of the Fire Chief, an officer or employee of the District of Columbia Fire and Emergency Medical Services Department who resides in the District of Columbia and is on call 24 hours a day or is otherwise designated by the Fire Chief;

(3) the Mayor of the District of Columbia; and

(4) the Chairman of the Council of the District of Columbia.

(b) The Chief Financial Officer of the District of Columbia shall submit by March 1, 2006, an inventory, as of September 30, 2005, of all vehicles owned, leased or operated by the District of Columbia government. The inventory shall include, but not be limited to, the department to which the vehicle is assigned; the year and make of the vehicle; the acquisition date and cost; the general condition of the vehicle; annual operating and maintenance costs; current mileage; and whether the vehicle is allowed to be taken home by a District officer or employee and if so, the officer or employee's title and resident location.

SEC. 115. None of the funds contained in this Act may be used for purposes of the annual independent audit of the District of Columbia government for fiscal year 2006 unless—

(1) the audit is conducted by the Inspector General of the District of Columbia, in coordination with the Chief Financial Officer of the District of Columbia, pursuant to section 208(a)(4) of the District of Columbia Procurement Practices Act of 1985 (D.C. Official Code, sec. 2–302.8); and

(2) the audit includes as a basic financial statement a comparison of audited actual year-end results with the revenues submitted in the budget document for such year and the appropriations enacted into law for such year using the format, terminology, and classifications contained in the law making

the appropriations for the year and its legislative history.

SEC. 116. (a) None of the funds contained in this Act may be used by the District of Columbia Corporation Counsel or any other officer or entity of the District government to provide assistance for any petition drive or civil action which seeks to require Congress to provide for voting representation in Congress for the District of Columbia.

(b) Nothing in this section bars the District of Columbia Corporation Counsel from reviewing or commenting on briefs in private lawsuits, or from consulting with officials of the District government regarding such lawsuits.

SEC. 117. (a) None of the Federal funds contained in this Act may be used for any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug.

(b) Any individual or entity who receives any funds contained in this Act and who carries out any program described in subsection (a) shall account for all funds used for such program separately from any funds contained in this Act.

SEC. 118. None of the funds contained in this Act may be used after the expiration of the 60-day period that begins on the date of the enactment of this Act to pay the salary of any chief financial officer of any office of the District of Columbia government (including any independent agency of the District of Columbia) who has not filed a certification with the Mayor and the Chief Financial Officer of the District of Columbia that the officer understands the duties and restrictions applicable to the officer and the officer's agency as a result of this Act (and the amendments made by this Act), including any duty to prepare a report requested either in the Act or in any of the reports accompanying the Act and the deadline by which each report must be submitted: *Provided*, That the Chief Financial Officer of the District of Columbia shall provide to the Committees on Appropriations of the House of Representatives and Senate by April 1, 2006 and October 1, 2006, a summary list showing each report, the due date, and the date submitted to the Committees.

SEC. 119. Nothing in this Act may be construed to prevent the Council or Mayor of the District of Columbia from addressing the issue of the provision of contraceptive coverage by health insurance plans, but it is the intent of Congress that any legislation enacted on such issue should include a "conscience clause" which provides exceptions for religious beliefs and moral convictions.

SEC. 120. The Mayor of the District of Columbia shall submit to the Committees on Appropriations of the House of Representatives and Senate, the Committee on Government Reform of the House of Representatives, and the Committee on Governmental Affairs of the Senate quarterly reports addressing—

(1) crime, including the homicide rate, implementation of community policing, the number of police officers on local beats, and the closing down of open-air drug markets;

(2) access to substance and alcohol abuse treatment, including the number of treatment slots, the number of people served, the number of people on waiting lists, and the effectiveness of treatment programs;

(3) management of parolees and pre-trial violent offenders, including the number of halfway houses escapes and steps taken to improve monitoring and supervision of halfway house residents to reduce the number of escapes to be provided in consultation with the Court Services and Offender Supervision Agency for the District of Columbia;

(4) education, including access to special education services and student achievement to be provided in consultation with the District of Columbia Public Schools and the District of Columbia public charter schools;

(5) improvement in basic District services, including rat control and abatement;

(6) application for and management of Federal grants, including the number and type of grants for which the District was eligible but failed to apply and the number and type of grants awarded to the District but for which the District failed to spend the amounts received; and

(7) indicators of child well-being.

SEC. 121. (a) No later than 30 calendar days after the date of the enactment of this Act, the Chief Financial Officer of the District of Columbia shall submit to the appropriate committees of Congress, the Mayor, and the Council of the District of Columbia a revised appropriated funds operating budget in the format of the budget that the District of Columbia government submitted pursuant to section 442 of the District of Columbia Home Rule Act (D.C. Official Code, sec. 1–204.42), for all agencies of the District of Columbia government for fiscal year 2006 that is in the total amount of the approved appropriation and that realigns all budgeted data for personal services and other-than-personal-services, respectively, with anticipated actual expenditures.

(b) This section shall apply only to an agency where the Chief Financial Officer of the District of Columbia certifies that a reallocation is required to address unanticipated changes in program requirements.

SEC. 122. Notwithstanding any other law, in fiscal year 2006 and in each subsequent fiscal year, the District of Columbia Courts shall transfer to the general treasury of the District of Columbia all fines levied and collected by the Courts under section 10(b)(1) and (2) of the District of Columbia Traffic Act (D.C. Official Code, sec. 50–2201.05(b)(1) and (2)): *Provided*, that the transferred funds are hereby made available and shall remain available until expended and shall be used by the Office of the Attorney General of the District of Columbia for enforcement and prosecution of District traffic alcohol laws in accordance with section 10(b)(3) of the District of Columbia Traffic Act (D.C. Official Code, sec. 50–2201.05(b)(3)).

SEC. 123. (a) None of the funds contained in this Act may be made available to pay—

(1) the fees of an attorney who represents a party in an action or an attorney who defends an action brought against the District of Columbia Public Schools under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) in excess of $4,000 for that action; or

(2) the fees of an attorney or firm whom the Chief Financial Officer of the District of Columbia determines to have a pecuniary interest, either through an attorney, officer, or employee of the firm, in any special education diagnostic services, schools, or other special education service providers.

(b) In this section, the term "action" includes an administrative proceeding and any ensuing or related proceedings before a court of competent jurisdiction.

SEC. 124. The Chief Financial Officer of the District of Columbia shall require attorneys in special education cases brought under the Individuals with Disabilities Education Act (IDEA) in the District of Columbia to certify in writing that the attorney or representative rendered any and all services for which they receive awards, including those received under a settlement agreement or as part of an administrative proceeding, under the IDEA from the District of Columbia. As part of the certification, the Chief Financial Officer of the District of Columbia shall require all attorneys in IDEA cases to disclose any financial, corporate, legal, memberships on boards of directors, or other relationships with any special education diagnostic services, schools, or other special education service providers to which the attorneys have referred any clients as part of this certification. The Chief Financial Officer shall prepare and submit quarterly reports to the Committees on Appropriations of the House of Representatives and Senate on the certification of and the amount paid by the government of the District of Columbia, including the District of Columbia Public Schools, to attorneys in cases brought under IDEA. The Inspector General of the District of Columbia may conduct investigations to determine the accuracy of the certifications.

SEC. 125. The amount appropriated by this title may be increased by no more than $42,000,000 from funds identified in the comprehensive annual financial report as the District's fiscal year 2005 unexpended general fund surplus. The District may obligate and expend these amounts only in accordance with the following conditions:

(1) The Chief Financial Officer of the District of Columbia shall certify that the use of any such amounts is not anticipated to have a negative impact on the District's long-term financial, fiscal, and economic vitality.

(2) The District of Columbia may only use these funds for the following expenditures:

(A) One-time expenditures.

(B) Expenditures to avoid deficit spending.

(C) Debt Reduction.

(D) Program needs.

(E) Expenditures to avoid revenue shortfalls.

(3) The amounts shall be obligated and expended in accordance with laws enacted by the Council in support of each such obligation or expenditure.

(4) The amounts may not be used to fund the agencies of the District of Columbia government under court ordered receivership.

(5) The amounts may not be obligated or expended unless the Mayor notifies the Committees on Appropriations of the House of Representatives and Senate not fewer than 30 days in advance of the obligation or expenditure.

SEC. 126. (a) The fourth proviso in the item relating to "Federal Payment for School Improvement" in the District of Columbia Appropriations Act, 2005 (Public Law 108–335; 118 Stat. 1327) is amended—

(1) by striking "$4,000,000" and inserting "$4,000,000, to remain available until expended,"; and

(2) by striking "$2,000,000 shall be for a new incentive fund" and inserting "$2,000,000, to remain available until expended, shall be for a new incentive fund".

(b) The amendments made by subsection (a) shall take effect as if included in the enactment of the District of Columbia Appropriations Act, 2005.

SEC. 127. (a) To account for an unanticipated growth of revenue collections, the amount appropriated as District of Columbia Funds pursuant to this Act may be increased—

(1) by an aggregate amount of not more than 25 percent, in the case of amounts proposed to be allocated as "Other-Type Funds" in the Fiscal Year 2006 Proposed Budget and

Financial Plan submitted to Congress by the District of Columbia on June 6, 2005; and

(2) by an aggregate amount of not more than 6 percent, in the case of any other amounts proposed to be allocated in such Proposed Budget and Financial Plan.

(b) The District of Columbia may obligate and expend any increase in the amount of funds authorized under this section only in accordance with the following conditions:

(1) The Chief Financial Officer of the District of Columbia shall certify—

(A) the increase in revenue; and

(B) that the use of the amounts is not anticipated to have a negative impact on the long-term financial, fiscal, or economic health of the District.

(2) The amounts shall be obligated and expended in accordance with laws enacted by the Council of the District of Columbia in support of each such obligation and expenditure, consistent with the requirements of this Act.

(3) The amounts may not be used to fund any agencies of the District government operating under court-ordered receivership.

(4) The amounts may not be obligated or expended unless the Mayor has notified the Committees on Appropriations of the House of Representatives and Senate not fewer than 30 days in advance of the obligation or expenditure.

SEC. 128. Beginning in fiscal year 2006 and for each fiscal year thereafter, the Chief Financial Officer for the District of Columbia may, for the purpose of cash flow management, conduct short-term borrowing from the emergency reserve fund and from the contingency reserve fund established under section 450A of the District of Columbia Home Rule Act (Public Law 98–198): *Provided*, That the amount borrowed shall not exceed 50 percent of the total amount of funds contained in both the emergency and contingency reserve funds at the time of borrowing: *Provided further*, That the borrowing shall not deplete either fund by more than 50 percent: *Provided further*, That 100 percent of the funds borrowed shall be replenished within 9 months of the time of the borrowing or by the end of the fiscal year, whichever occurs earlier: *Provided further*, That in the event that short-term borrowing has been conducted and the emergency or the contingency funds are later depleted below 50 percent as a result of an emergency or contingency, an amount equal to the amount necessary to restore reserve levels to 50 percent of the total amount of funds contained in both the emergency and contingency reserve fund must be replenished from the amount borrowed within 60 days.

SEC. 129. (a) None of the funds contained in this Act may be used to enact or carry out any law, rule, or regulation to legalize or otherwise reduce penalties associated with the possession, use, or distribution of any schedule I substance under the Controlled Substances Act (21 U.S.C. 802) or any tetrahydrocannabinols derivative.

(b) The Legalization of Marijuana for Medical Treatment Initiative of 1998, also known as Initiative 59, approved by the electors of the District of Columbia on November 3, 1998, shall not take effect.

SEC. 130. None of the funds appropriated under this Act shall be expended for any abortion except where the life of the mother would be endangered if the fetus were carried to term or where the pregnancy is the result of an act of rape or incest.

SEC. 131. CONVEYANCE OF TITLE FOR EDUCATIONAL PURPOSES.—Section 7 of the District of Columbia Stadium Act of 1957 (Public Law 85–300, 71 Stat. 619), as amended, is further amended by inserting after paragraph (d)(4) the following:

"(e)(1) Upon receipt of a written description from the District of Columbia of not more than 15 contiguous acres (hereinafter referred to as 'the 15 acres'), with the longest side of the 15 acres abutting one of the roads bounding the property, within the area designated 'D' on the revised map entitled 'Map to Designate Transfer of Stadium and Lease of Parking Lots to the District' and bound by Oklahoma Avenue, NE, Benning Road, NE, the Metro line, and C Street, NE, and execution of a long-term lease that is contingent up the Secretary's conveyance of the 15 acres and for the purpose consistent with this paragraph, the Secretary shall convey the 15 acres described land to the District of Columbia for the purpose of siting, developing, and operating an educational institution for the public welfare, with first preference given to a pre-collegiate public boarding school.

"(2) Upon conveyance, the portion of the stadium lease that affects the15 acres on the property and all the conditions associated therewith shall terminate, and the 15 acres property shall be removed from the 'Map to Designate Transfer of Stadium and Lease of Parking Lots to the District', and the long-term lease described in paragraph (1) shall take effect immediately.".

SEC. 132. CONTINUATION OF CERTAIN AUTHORITIES OF CHIEF FINANCIAL OFFICER. The authority that the Chief Financial Officer of the District of Columbia exercised with respect to personnel and the preparation of fiscal impact statements during a control period (as defined in Public Law 104–8) shall remain in effect until September 30, 2006.

SEC. 133. CLARIFICATION OF CERTAIN AUTHORITIES OF THE CHIEF FINANCIAL OFFICER. The entire process used by the Chief Financial Officer to acquire any and all kinds of goods, works and services by any contractual means, including but not limited to purchase, lease or rental, shall be exempt from all of the provisions of the District of Columbia's Procurement Practices Act: *Provided*, That provisions made by this subsection shall take effect as if enacted in D.C. Law 11-259 and shall remain in effect until September 30, 2006.

SEC. 134. Section 4013 of the Uniform Per Student Funding Formula for Public Schools and Public Charter Schools Amendment Act of 2005, passed on first reading on May 10, 2005 (engrossed version of Bill 16–200), is hereby enacted into law.

SEC. 135. The Chief Financial Officer of the District is hereby authorized to transfer $5,000,000 from the local funds appropriated for the Deputy Mayor for Economic Development to the Anacostia Waterfront Corporation and to reallocate the appropriation authority for such funds to a heading to be entitled 'Anacostia Waterfront Corporation' in addition, an amount of $3,200,000 is hereby appropriated from the local funds made available to the Anacostia Waterfront Corporation in fiscal year 2005. *Provided, That* all of the funds made available herein to the Anacostia Waterfront Corporation shall remain available until expended.

SEC. ____. Amounts appropriated in this Act for the Department of Health may be increased by 250,000 in local funds to remain available until expended to conduct a health study in Spring Valley.

SEC. ___. WAIVER OF CONGRESSIONAL REVIEW OF AMENDMENTS TO BALLPARK OMNIBUS FINANCING AND REVENUE ACT OF 2004

Notwithstanding section 602(c)(1) of the District of Columbia Home Rule Act, amendments to the Ballpark Technical Amendments Act of 2005 and the Ballpark Fee Rebate Act of 2005 shall take effect on the date of the enactment by the District of Columbia.

This Division may be cited as the "District of Columbia Appropriations Act, 2006".

SA 2072. Mr. CRAIG (for himself and Mr. CRAPO) submitted an amendment intended to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 276, after line 24, insert the following:

SEC. 1____. Beginning in fiscal year 2006 and thereafter, the Federal share of the cost of any project under the table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59; 119 Stat. 1144) that is located in the State of Idaho shall be determined in accordance with section 120(b) of title 23, United States Code.

SA 2073. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. None of the funds appropriated or otherwise made available in this Act may be used by the Federal Aviation Administration for ARAC consolidation of Fort Sill, Oklahoma into OKC TRACON: *Provided*, That $3,000,000 shall be available for ARAC maintenance and associated salaries at Fort Sill, Oklahoma and $4,236,070 shall be available for repair and improvement at the Lawton-Fort Sill Regional Airport in Lawton, Oklahoma.

SA 2074. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 348, between lines 5 and 6, insert the following:

SEC. 321. ELIMINATION OF CAP ON NUMBER OF MORTGAGES INSURED.

(a) SHORT TITLE.—This section may be cited as the "Reverse Mortgages to Help America's Seniors Act".

(b) NATIONAL HOUSING ACT.—Section 255 of the National Housing Act (12 U.S.C. 1715z–20) is amended—

(1) in subsection (g), by striking the first sentence; and

(2) in subsection (i)(1)(C), by striking "limitations" and inserting "limitation".

SA 2075. Mr. FRIST (for himself and Mr. MARTINEZ) submitted an amendment intended to be proposed by him to the bill H.R 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 310 line 11, strike the word "and" after the word "LISC" and insert "," and on page 310 on line 12 after the words "Enterprise Foundation" insert ", and the Habitat for Humanity"; and

On page 319 line 17 after the word "Foundation" insert the following "Habitat for Humanity,".

SA 2076. Mr. HARKIN submitted an amendment intended to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SEC. . (a) No assistance shall be provided under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) to any individual who—

(1) is enrolled as a student at an institution of higher education (as defined under section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002));

(2) is under 24 years of age;

(3) is not a veteran;

(4) is unmarried;

(5) does not have a dependent child; and

(6) is not otherwise individually eligible, or has parents who, individually or jointly, are not eligible, to receive assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f).

(b) For purposes of determining the eligibility of a person to receive assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f), any financial assistance (in excess of amounts received for tuition) that an individual receives under the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), from private sources, or an institution of higher education (as defined under the Higher Education Act of 1965 (20 U.S.C. 1002), shall be considered income to that individual.

(c) Not later than 30 days after the date of enactment of this Act, the Secretary of Housing and Urban Development shall issue final regulations to carry out the provisions of this section.

SA 2077. Mr. REED (for himself, Ms. COLLINS, Mr. KERRY, Mr. KENNEDY, Ms. SNOWE, Ms. CANTWELL, Mrs. CLINTON, Mr. COLEMAN, Mr. HARKIN, Mr. DORGAN, Mr. SCHUMER, Ms. STABENOW, Mr. SMITH, Mr. LAUTENBERG, Mr. BAUCUS, Mr. BINGAMAN, Mr. KOHL, Mr. DURBIN, Mr. JEFFORDS, Mr. SALAZAR, Mrs. LINCOLN, Ms. MIKULSKI, Mr. LEAHY, Mr. ROCKEFELLER, Mr. LIEBERMAN, Mr. JOHNSON, Mr. REID, Mr. CORZINE, Mr. LEVIN, Mr. BAYH, Mr. BYRD, Mr. CONRAD, and Mr. DAYTON) submitted an amendment intended to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VI, insert the following:

ADMINISTRATION FOR CHILDREN AND FAMILIES

LOW INCOME HOME ENERGY ASSISTANCE

For making payments under title XXVI of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 8621 et seq.), $3,100,000,000, for the unanticipated home energy assistance needs of 1 or more States, as authorized by section 2604(e) of the Act (42 U.S.C. 8623(e)), which amount shall be made available for obligation in fiscal year 2006 and which amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

SA 2078. Mr. DORGAN submitted an amendment intended to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE ___—SPECIAL COMMITTEE OF SENATE ON WAR AND RECONSTRUCTION CONTRACTING

SEC. ___01. FINDINGS.

Congress makes the following findings:

(1) The wars in Iraq and Afghanistan have exerted very large demands on the Treasury of the United States and required tremendous sacrifice by the members of the Armed Forces of the United States.

(2) Congress has a constitutional responsibility to ensure comprehensive oversight of the expenditure of United States Government funds.

(3) Waste and corporate abuse of United States Government resources are particularly unacceptable and reprehensible during times of war.

(4) The magnitude of the funds involved in the reconstruction of Afghanistan and Iraq and the war on terrorism, together with the speed with which these funds have been committed, presents a challenge to the effective performance of the traditional oversight function of Congress and the auditing functions of the executive branch.

(5) The Senate Special Committee to Investigate the National Defense Program, popularly know as the Truman Committee, which was established during World War II, offers a constructive precedent for bipartisan oversight of wartime contracting that can also be extended to wartime and postwar reconstruction activities.

(6) The Truman Committee is credited with an extremely successful investigative effort, performance of a significant public education role, and achievement of fiscal savings measured in the billions of dollars.

(7) The public has a right to expect that taxpayer resources will be carefully disbursed and honestly spent.

SEC. ___02. SPECIAL COMMITTEE ON WAR AND RECONSTRUCTION CONTRACTING.

There is established a special committee of the Senate to be known as the Special Committee on War and Reconstruction Contracting (hereafter in this title referred to as the "Special Committee").

SEC. ___03. PURPOSES AND DUTIES.

(a) PURPOSES.—The purposes of the Special Committee are as follows:

(1) To investigate the awarding and performance of contracts to conduct military, security, and reconstruction activities in Afghanistan and Iraq and to support the prosecution of the war on terrorism.

(2) To investigate the awarding and performance of contracts to conduct, recovery, relief, and reconstruction efforts in the Gulf Coast of the United States relating to damage caused by Hurricane Katrina and Hurricane Rita.

(b) DUTIES.—The Special Committee shall examine the contracting actions described in subsection (a) and report on such actions, in accordance with this section, regarding—

(1) bidding, contracting, accounting, and auditing standards for Federal Government contracts;

(2) methods of contracting, including sole-source contracts and limited competition or noncompetitive contracts;

(3) subcontracting under large, comprehensive contracts;

(4) oversight procedures;

(5) consequences of cost-plus and fixed price contracting;

(6) allegations of wasteful and fraudulent practices;

(7) accountability of contractors and Government officials involved in procurement and contracting;

(8) penalties for violations of law and abuses in the awarding and performance of Government contracts; and

(9) lessons learned—

(A) from the contracting process used in Iraq and Afghanistan and in connection with the war on terrorism with respect to the structure, coordination, management policies, and procedures of the Federal Government; and

(B) from the contracting process used in the recovery, relief, and reconstruction efforts regarding the damage caused by Hurricane Katrina and Hurricane Rita with respect to the structure, coordination, management policies, and procedures of the Federal Government.

(c) INVESTIGATION OF WASTEFUL AND FRAUDULENT PRACTICES.—The investigation by the Special Committee of allegations of wasteful and fraudulent practices under subsection (b)(6) shall include investigation of allegations regarding any contract or spending entered into, supervised by, or otherwise involving the Coalition Provisional Authority, regardless of whether or not such contract or spending involved appropriated funds of the United States.

(d) EVIDENCE CONSIDERED.—In carrying out its duties, the Special Committee shall ascertain and evaluate the evidence developed by all relevant governmental agencies regarding the facts and circumstances relevant to contracts described in subsection (a) and any contract or spending covered by subsection (c).

SEC. 04. COMPOSITION OF SPECIAL COMMITTEE.

(a) MEMBERSHIP.—

(1) IN GENERAL.—The Special Committee shall consist of 7 members of the Senate of whom—

(A) 4 members shall be appointed by the President pro tempore of the Senate, in consultation with the majority leader of the Senate; and

(B) 3 members shall be appointed by the minority leader of the Senate.

(2) DATE.—The appointments of the members of the Special Committee shall be made not later than 90 days after the date of the enactment of this Act.

(b) VACANCIES.—Any vacancy in the Special Committee shall not affect its powers, but shall be filled in the same manner as the original appointment.

(c) SERVICE.—Service of a Senator as a member, chairman, or ranking member of the Special Committee shall not be taken into account for the purposes of paragraph (4) of rule XXV of the Standing Rules of the Senate.

(d) CHAIRMAN AND RANKING MEMBER.—The chairman of the Special Committee shall be designated by the majority leader of the Senate, and the ranking member of the Special Committee shall be designated by the minority leader of the Senate.

(e) QUORUM.—

(1) REPORTS AND RECOMMENDATIONS.—A majority of the members of the Special Committee shall constitute a quorum for the purpose of reporting a matter or recommendation to the Senate.

(2) TESTIMONY.—One member of the Special Committee shall constitute a quorum for the purpose of taking testimony.

(3) OTHER BUSINESS.—A majority of the members of the Special Committee, or ⅓ of the members of the Special Committee if at least one member of the minority party is present, shall constitute a quorum for the purpose of conducting any other business of the Special Committee.

SEC. 05. RULES AND PROCEDURES.

(a) GOVERNANCE UNDER STANDING RULES OF SENATE.—Except as otherwise specifically provided in this resolution, the investigation, study, and hearings conducted by the Special Committee shall be governed by the Standing Rules of the Senate.

(b) ADDITIONAL RULES AND PROCEDURES.—The Special Committee may adopt additional rules or procedures if the chairman and ranking member agree that such additional rules or procedures are necessary to enable the Special Committee to conduct the investigation, study, and hearings authorized by this resolution. Any such additional rules and procedures—

(1) shall not be inconsistent with this resolution or the Standing Rules of the Senate; and

(2) shall become effective upon publication in the Congressional Record.

SEC. ___06. AUTHORITY OF SPECIAL COMMITTEE.

(a) IN GENERAL.—The Special Committee may exercise all of the powers and responsibilities of a committee under rule XXVI of the Standing Rules of the Senate.

(b) HEARINGS.—The Special Committee or, at its direction, any subcommittee or member of the Special Committee, may, for the purpose of carrying out this resolution—

(1) hold such hearings, sit and act at such times and places, take such testimony, receive such evidence, and administer such oaths as the Special Committee or such subcommittee or member considers advisable; and

(2) require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, documents, tapes, and materials as the Special Committee considers advisable.

(c) ISSUANCE AND ENFORCEMENT OF SUBPOENAS.—

(1) ISSUANCE.—Subpoenas issued under subsection (b) shall bear the signature of the Chairman of the Special Committee and shall be served by any person or class of persons designated by the Chairman for that purpose.

(2) ENFORCEMENT.—In the case of contumacy or failure to obey a subpoena issued under subsection (a), the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found may issue an order requiring such person to appear at any designated place to testify or to produce documentary or other evidence. Any failure to obey the order of the court may be punished by the court as a contempt of that court.

(d) MEETINGS.—The Special Committee may sit and act at any time or place during sessions, recesses, and adjournment periods of the Senate.

SEC. ___07. REPORTS.

(a) INITIAL REPORT.—The Special Committee shall submit to the Senate a report on the investigation conducted pursuant to section ___03 not later than 270 days after the appointment of the Special Committee members.

(b) UPDATED REPORT.—The Special Committee shall submit an updated report on such investigation not later than 180 days after the submission of the report under subsection (a).

(c) ADDITIONAL REPORTS.—The Special Committee may submit any additional report or reports that the Special Committee considers appropriate.

(d) FINDINGS AND RECOMMENDATIONS.—The reports under this section shall include findings and recommendations of the Special Committee regarding the matters considered under section ___03.

(e) DISPOSITION OF REPORTS.—Any report made by the Special Committee when the Senate is not in session shall be submitted to the Clerk of the Senate. Any report made by the Special Committee shall be referred to the committee or committees that have jurisdiction over the subject matter of the report.

SEC. ___08. ADMINISTRATIVE PROVISIONS.

(a) STAFF.—

(1) IN GENERAL.—The Special Committee may employ in accordance with paragraph (2) a staff composed of such clerical, investigatory, legal, technical, and other personnel as the Special Committee, or the chairman or the ranking member, considers necessary or appropriate.

(2) APPOINTMENT OF STAFF.—

(A) IN GENERAL.—The Special Committee shall appoint a staff for the majority, a staff for the minority, and a nondesignated staff.

(B) MAJORITY STAFF.—The majority staff shall be appointed, and may be removed, by the chairman and shall work under the general supervision and direction of the chairman.

(C) MINORITY STAFF.—The minority staff shall be appointed, and may be removed, by the ranking member of the Special Committee, and shall work under the general supervision and direction of such member.

(D) NONDESIGNATED STAFF.—Nondesignated staff shall be appointed, and may be removed, jointly by the chairman and the ranking member, and shall work under the joint general supervision and direction of the chairman and ranking member.

(b) COMPENSATION.—

(1) MAJORITY STAFF.—The chairman shall fix the compensation of all personnel of the majority staff of the Special Committee.

(2) MINORITY STAFF.—The ranking member shall fix the compensation of all personnel of the minority staff of the Special Committee.

(3) NONDESIGNATED STAFF.—The chairman and ranking member shall jointly fix the compensation of all nondesignated staff of the Special Committee, within the budget approved for such purposes for the Special Committee.

(c) REIMBURSEMENT OF EXPENSES.—The Special Committee may reimburse the members of its staff for travel, subsistence, and other necessary expenses incurred by such staff members in the performance of their functions for the Special Committee.

(d) PAYMENT OF EXPENSES.—There shall be paid out of the applicable accounts of the Senate such sums as may be necessary for the expenses of the Special Committee. Such payments shall be made on vouchers signed by the chairman of the Special Committee and approved in the manner directed by the Committee on Rules and Administration of the Senate. Amounts made available under this subsection shall be expended in accordance with regulations prescribed by the Committee on Rules and Administration of the Senate.

SEC. ___09. TERMINATION.

The Special Committee shall terminate on February 28, 2007.

SEC. ___10. SENSE OF SENATE ON CERTAIN CLAIMS REGARDING THE COALITION PROVISIONAL AUTHORITY.

It is the sense of the Senate that any claim of fraud, waste, or abuse under the False Claims Act that involves any contract or spending by the Coalition Provisional Authority should be considered a claim against the United States Government.

SA 2079. Mr. BOND proposed an amendment to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 295, line 6, strike "or HOPE VI vouchers" and insert in lieu thereof: ", HOPE VI vouchers or vouchers that were not in use during the 12-month period in order to be available to meet a commitment pursuant to section 8(o)(13) of the Act".

SA 2080. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 276, after line 24, add the following:

SEC. 18___. Section 112(b)(2) of title 23, United States Code, is amended—

(1) in subparagraph (A), by striking "title 40" and all that follows through the period and inserting "title 40.";

(2) by striking subparagraph (B);

(3) by redesignating subparagraphs (C) through (F) as subparagraphs (B) through (E), respectively;

(4) in subparagraph (E) (as redesignated by paragraph (3)), in the first sentence, by striking "subparagraph (E)" and inserting "subparagraph (D)"; and

(5) by striking subparagraph (G).

SA 2081. Mr. VOINOVICH submitted an amendment intended to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 436, between lines 10 and 11, insert the following:

SEC. ___.(a) The Secretary shall permit the city of Columbus, Ohio, to conduct a pilot project to authorize the erection and maintenance of graphics in the downtown district of the city pursuant to ordinances and regulations promulgated by the city.

(b) The pilot program shall be a new initiative for advertising artistic and other graphics to revitalize the urban core of the city.

(c) Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to Congress a report on the results of the pilot project.

SA 2082. Mr. DEWINE submitted an amendment intended to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 217, line 9, strike "$86,000,000" and insert "$80,000,000".

On page 244, lines 17 and 18, strike "$226,688,000, to be derived from the Highway Trust Fund:" and insert "$232,688,000, to be derived from the Highway Trust Fund, of which $13,679,000 shall be available for the New Car Assessment Program and $6,000,000 of such amount shall remain available until September 30, 2007:".

SA 2083. Mr. DEWINE submitted an amendment intended to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 248, between lines 20 and 21, insert the following:

SEC. 133.(a) The amount appropriated under this title for the National Highway Traffic Safety Administration under the heading "Operations and Research" is increased by $6,000,000. Of the amount appropriated under that heading, $13,679,000 shall be made available for the New Car Assessment Program, of which $6,000,000 shall remain available until September 30, 2007.

(b) The amount appropriated under this title for the Office of the Secretary under the heading "Salaries and Expenses" is reduced by $6,000,000.

SA 2084. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. Any limitation, directive, or earmarking contained in either the House of Representatives or Senate report accompanying H.R. 3058 shall also be included in the conference report or joint statement accompanying H.R. 3058 in order to be considered as having been approved by both Houses of Congress.

SA 2085. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 276, after line 24, insert the following:

SEC. 1___.(a) Section 144(g)(1) of title 23, United States Code, is amended—

(1) in subparagraph (A)(ii), by striking "for the construction of a bridge joining the Island of Gravina to the community of Ketchikan in Alaska" and inserting "for the reconstruction of the Twin Spans Bridge connecting New Orleans, Louisiana, and Slidell, Louisiana";

(2) by striking subparagraph (B); and

(3) by redesignating subparagraph (C) as subparagraph (B).

(b) The table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59; 119 Stat. 1144) is amended—

(1) in item 406—

(A) by striking "AK" and inserting "LA"; and

(B) by striking "Planning, design, and construction of a bridge joining the Island of Gravina to the Community of Ketchikan" and inserting "Reconstruction of Twin Spans Bridge connecting New Orleans and Slidell, Louisiana"; and

(2) in item 3323—

(A) by striking "AK" and inserting "LA"; and

(B) by striking "Earthwork and roadway construction Gravina Access Project" and inserting "Reconstruction of Twin Spans Bridge connecting New Orleans and Slidell, Louisiana".

(c)(1) The Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59; 119 Stat. 1144) is amended—

(A) by striking section 4410: and

(B) by redesignating sections 4411 through 4413 as sections 4410 through 4412, respectively.

(2) The table of contents of that Act is amended—

(A) by striking the item relating to section 4410: and

(B) by redesignating the items relating to sections 4411 through 4413 as sections 4410 through 4412, respectively.

(d) Nothing in this section or an amendment made by this section affects the allocation of funds to any State other than the States of Alaska and Louisiana.

SA 2086. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 308, strike the period on line 12 and insert the following: ": Provided further, That not less than 80 percent of the funds made available under this heading shall be used exclusively for providing direct financial assistance for housing of eligible program participants.".

SA 2087. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 348, between lines 5 and 6, insert the following:

SEC. 321. LIMITATION ON FUNDING FOR CONFERENCES.

Of the funds made available for the Department of Housing and Development under the heading "Management and Administration, Salaries and Expenses" in this title, not to exceed $3,000,000 shall be available for expenses related to conferences, including for conference programs, staff time, travel costs, and related expenses.

SA 2088. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in the bill, insert the following:

SEC. ___. None of the funds appropriated under this Act may be used to enforce Executive Order 13166, issued August 16, 2000 (65 Fed. Reg. 50121) (relating to improving access to services for persons with limited English proficiency).

SA 2089. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes;

which was ordered to lie on the table; as follows:

On page 348, between lines 5 and 6, insert the following:

SEC. 321. STAND UP FOR ANIMALS.

None of the funds made available for the Department of Housing and Urban Development under the heading "Community Development Fund" in this title, shall be available for Stand Up for Animals in Westerly, Rhode Island for building construction.

SA 2090. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 348, between lines 5 and 6, insert the following:

SEC. 321. MISSOURI SOYBEAN ASSOCIATION.

None of the funds made available for the Department of Housing and Urban Development under the heading "Community Development Fund" in this title, shall be available for the Missouri Soybean Association for test plots for the Life Sciences Research Development and Commercialization Project in Boone County, Missouri.

SA 2091. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 348, between lines 5 and 6, insert the following:

SEC. 321. SEATTLE ART MUSEUM.

None of the funds made available for the Department of Housing and Urban Development under the heading "Community Development Fund" in this title, shall be available for the Seattle Art Museum in Seattle, Washington for the construction of the Olympic Sculpture Park.

SA 2092. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 348, between lines 5 and 6, insert the following:

SEC. 321. MISSISSIPPI FILM ENTERPRISE ZONE.

None of the funds made available for the Department of Housing and Urban Development under the heading "Community Development Fund" in this title, shall be available for the Mississippi Film Enterprise Zone in Canton, Mississippi, to create an art film enterprise facility.

SA 2093. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 348, between lines 5 and 6, insert the following:

SEC. 321. JOSLYN ART MUSEUM.

None of the funds made available for the Department of Housing and Urban Development under the heading "Community Development Fund" in this title, shall be available for a parking facility as part of the Joslyn Art Museum Master Plan, in Omaha, Nebraska.

SA 2094. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. Notwithstanding any other provision of this Act, amounts not required by law provided in this Act for fiscal year 2006 are reduced on a pro rata basis by 1 percent.

SA 2095. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. Notwithstanding any other provision of this Act, amounts not required by law provided in this Act for fiscal year 2006 are reduced on a pro rata basis by 2 percent.

SA 2096. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. Notwithstanding any other provision of this Act, amounts not required by law provided in this Act for fiscal year 2006 are reduced on a pro rata basis by 3 percent.

SA 2097. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. Notwithstanding any other provision of this Act, amounts not required by law provided in this Act for fiscal year 2006 are reduced on a pro rata basis by 4 percent.

SA 2098. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. Notwithstanding any other provision of this Act, amounts not required by law provided in this Act for fiscal year 2006 are reduced on a pro rata basis by 5 percent.

SA 2099. Mr. NELSON of Florida (for himself and Mr. SMITH) submitted an amendment intended to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 293, after line 25, insert the following:

SEC. 221.(a)(1) On December 17, 2004, the Secretary of State placed Al-Manar, a global satellite television operation, on the Terrorist Exclusion List pursuant to section 212(a)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)) because Al-Manar engages in terrorist activity.

(2) The United States included Hizballah on a Specially Designated Global Terrorist list pursuant to Executive Order No. 13224 (50 U.S.C. 1701 note; relating to prohibiting transactions with persons who support terrorism) on October 31, 2001.

(3) Al-Manar is an official mouthpiece of the Hizballah terrorist network.

(4) Pursuant to Executive Order No. 13224, except to the extent required by section 203(b) of the International Emergency Economic Powers Act (50 U.S.C. 1702(b)), or provided in regulations, orders, directives, or licenses issued pursuant to that Order, and notwithstanding any contract entered into or any license or permit granted prior to the effective date of that Order, all property and interests in property of the following persons in the United States or that come within the United States, or that come within the possession or control of United States persons shall be blocked:

(A) Foreign persons listed in the Annex to that Order.

(B) Foreign persons determined by the Secretary of State, in consultation with the

Secretary of the Treasury and the Attorney General, to have committed, or to pose a significant risk of committing, acts of terrorism that threaten the security of United States nationals or the national security, foreign policy, or economy of the United States.

(C) Persons determined by the Secretary of the Treasury, in consultation with the Secretary of State and the Attorney General, to be owned or controlled by, or to act for or on behalf of those persons listed in the Annex to that Order or those persons determined to be subject to subsection 1(b), 1(c), or 1(d)(i) of that Order.

(D) Except as provided in section 5 of that Order and after such consultation, if any, with foreign authorities as the Secretary of State, in consultation with the Secretary of the Treasury and the Attorney General, deems appropriate in the exercise of the Secretary's discretion, persons determined by the Secretary of the Treasury, in consultation with the Secretary of State and the Attorney General—

(i) to assist in, sponsor, or provide financial, material, or technological support for, or financial or other services to or in support of, such acts of terrorism or those persons listed in the Annex to that Order or determined to be subject to that Order; or

(ii) to be otherwise associated with those persons listed in the Annex to that Order or those persons determined to be subject to subsection 1(b), 1(c), or 1(d)(i) of that Order.

(b) Not later than 60 days after the date of enactment of this Act, the Secretary of the Treasury, in conjunction with the Secretary of Homeland Security, the Secretary of State, and the Attorney General, shall submit to the appropriate congressional committees a report on whether the activities of Al-Manar and the Lebanese Communications Group SAL, the parent company of Al-Manar, fit the criteria established for placement on the Specially Designated Global Terrorist list pursuant to Executive Order No. 13224.

(c) In this section, the term "appropriate congressional committees" means the Committee on Appropriations, the Committee on Banking, Housing, and Urban Affairs, the Committee on Foreign Relations, and the Committee on the Judiciary of the Senate and the Committee on Appropriations, the Committee on Financial Services, the Committee on International Relations, and the Committee on Ways and Means of the House of Representatives.

SA 2100. Mr. JEFFORDS submitted an amendment intended to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 436, between lines 10 and 11, insert the following:

SEC. 8 . Notwithstanding any other provision of law, the projects numbered 5094 and 5096 in the table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59; 119 Stat. 1144) shall be subject to section 120(c) of title 23, United States Code.

SA 2101. Mr. AKAKA (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 293, after line 25, add the following:

SEC. ___. DEBT INDICATOR PROGRAM.

None of the funds appropriated or otherwise made available by this Act may be used for the Debt Indicator program announced in Internal Revenue Service Notice 99–58.

SA 2102. Mr. VOINOVICH submitted an amendment intended to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 436, between lines 10 and 11, insert the following:

SEC. 8 .(a) The table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59; 119 Stat. 1144) is amended—

(1) in item number 1429, by striking "Construct Flats East Bulkhead and Riverwalk: construct bulkhead and riverwalk connecting Front and Maine Ave" and inserting "For roadway improvements and construction of Flats East Bulkhead and Riverwalk: construct bulkhead and riverwalk connecting Front and Maine Ave."; and

(2) in item number 4632, by striking "Construct 1,100 foot bulkhead/riverwalk connecting Front and Maine Ave. public rights-of-way" and inserting "For roadway improvements and construction of 1,100 foot bulkhead/riverwalk connecting Front and Maine Ave. public rights-of-way".

(b) The table contained in section 3044 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59; 119 Stat. 1144) is amended in item number 516 by striking "Dayton Wright Stop Plaza" and inserting "Downtown Dayton Transit Enhancements".

SA 2103. Mr. BURNS submitted an amendment intended to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. EXTENSION OF REQUIREMENT FOR AIR CARRIERS TO HONOR TICKETS FOR SUSPENDED AIR PASSENGER SERVICE.

Section 145(c) of the Aviation and Transportation Security Act (49 U.S.C. 40101 note) is amended by striking "November 19, 2005." and inserting "November 30, 2006.".

SA 2104. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. (a) PROMOTION OF FAMILY FORMATION AND HEALTHY MARRIAGE.—Section 402(a)(1)(A) of the Social Security Act (42 U.S.C. 602(a)(1)(A)) is amended by adding at the end the following:

"(vii) Encourage equitable treatment of healthy 2-parent married families under the program referred to in clause (i).".

(b) HEALTHY MARRIAGE PROMOTION GRANTS; REPEAL OF BONUS FOR REDUCTION OF ILLEGITIMACY RATIO.—Section 403(a)(2) of such Act (42 U.S.C. 603(a)(2)) is amended to read as follows:

"(2) HEALTHY MARRIAGE PROMOTION GRANTS.—

"(A) AUTHORITY.—

"(i) IN GENERAL.—The Secretary shall award competitive grants to States and Indian tribes and tribal organizations for not more than 50 percent of the cost of developing and implementing innovative programs to promote and support healthy 2-parent married families.

"(ii) USE OF OTHER TANF FUNDS.—A State or Indian tribe or tribal organization with an approved tribal family assistance plan may use funds provided under other grants made under this part for all or part of the expenditures incurred for the remainder of the costs described in clause (i). In the case of a State, any such funds expended shall not be considered qualified State expenditures for purposes of section 409(a)(7).

"(B) HEALTHY MARRIAGE PROMOTION ACTIVITIES.—Funds provided under subparagraph (A) and corresponding State matching funds shall be used to support any of the following programs or activities:

"(i) Public advertising campaigns on the value of marriage and the skills needed to increase marital stability and health.

"(ii) Education in high schools on the importance of healthy marriages and the characteristics of other healthy relationships experienced throughout life, including education on the importance of grounding all relationships in mutual respect and how earlier healthy relationships are the building blocks for later healthy marital relationships.

"(iii) Marriage education, marriage skills, and relationship skills programs, that may include parenting skills, financial management, conflict resolution, and job and career advancement, for non-married pregnant women, non-married expectant fathers, and non-married recent parents.

"(iv) Pre-marital education and marriage skills training for engaged couples and for couples or individuals interested in marriage.

"(v) Marriage enhancement and marriage skills training programs for married couples.

"(vi) Divorce reduction programs that teach relationship skills.

"(vii) Marriage mentoring programs which use married couples as role models and mentors.

“(viii) Programs to reduce the disincentives to marriage in means-tested aid programs, if offered in conjunction with any activity described in this subparagraph.

“(C) VOLUNTARY PARTICIPATION.—

“(i) IN GENERAL.—Participation in programs or activities described in any of clauses (iii) through (vii) of subparagraph (B) shall be voluntary.

“(ii) ASSURANCE OF INFORMED CONSENT AND OPTION TO DISENROLL.—Each State or Indian tribe or tribal organization that carries out programs or activities described in any of clauses (iii) through (vii) of subparagraph (B) shall provide the Secretary with an assurance that each recipient of assistance under the State program funded under this part who elects to participate in such programs or activities shall be informed, prior to making such election—

“(I) that such participation is voluntary;

“(II) that the recipient may elect at any time to disenroll from such programs or activities by notifying the State or Indian tribe or tribal organization that the recipient no longer wants to participate in such programs or activities;

“(III) of the process, if any, by which a recipient who chooses to withdraw from, or fails to participate in, such programs or activities may be required to follow to become engaged in other programs or activities that are not programs or activities described in clauses (iii) through (vii) of subparagraph (B); and

“(IV) that the State may reassign a recipient at any time, in accordance with the requirements of section 408(b), to other activities that are not programs or activities described in clauses (iii) through (vii) of subparagraph (B).

“(iii) NO SANCTION FOR REFUSAL OR FAILURE TO PARTICIPATE.—

“(I) IN GENERAL.—No State or Indian tribe or tribal organization shall deny or reduce assistance to a recipient of assistance under the State program funded under this part solely on the basis of the recipient's withdrawal from, or failure to, participate in programs or activities described in clauses (iii) through (vii) of subparagraph (B).

“(II) RULE OF CONSTRUCTION.—Nothing in this subparagraph shall be construed as precluding a State or Indian tribe or tribal organization from requiring a recipient of assistance under the State program funded under this part to engage in programs or activities that are not programs or activities described in clauses (iii) through (vii) of subparagraph (B) or to sanction a recipient for failure to engage in such programs or activities or to follow any such procedures the State may establish to enroll a recipient in such other programs or activities.

“(D) GENERAL RULES GOVERNING USE OF FUNDS.—The rules of section 404, other than subsection (b) of that section, shall not apply to a grant made under this paragraph.

“(E) REQUIREMENTS FOR RECEIPT OF FUNDS.—A State or Indian tribe or tribal organization may not be awarded a grant under this paragraph unless the State or Indian tribe or tribal organization, as a condition of receiving funds under such a grant—

“(i) consults with domestic violence organizations that have demonstrated expertise working with survivors of domestic violence in developing policies, procedures, programs and training necessary to appropriately address domestic violence in families served by programs and activities funded under such grant;

“(ii) describes in the application for a grant under this paragraph—

“(I) how the programs or activities proposed to be conducted will appropriately address issues of domestic violence; and

“(II) what the State or Indian tribe or tribal organization, will do, to the extent relevant, to ensure that participation in such programs or activities is voluntary, and to inform potential participants that their involvement is voluntary;

“(iii) establishes a written protocol for providers and administrators of programs and activities relevant to the grant that—

“(I) provides for helping identify instances or risks of domestic violence; and

“(II) specifies the procedures for making service referrals and providing protections and appropriate assistance for identified individuals and families;

“(iv) establishes performance goals for funded programs and activities that clarify the primary objective of such funded programs and activities is to increase the incidence and quality of healthy marriages and not solely to expand the number or percentage of married couples; and

“(v) submits the annual reports required under subparagraph (F).

“(F) ANNUAL REPORTS TO THE SECRETARY.—Each State and Indian tribe or tribal organization awarded a grant under this paragraph shall submit to the Secretary an annual report on the programs and activities funded under the grant that includes the following:

“(i) A description of the written protocols developed in accordance with the requirements of subparagraph (E)(iii) for each program or activity funded under the grant and how such protocols are used, including specific policies and procedures for addressing domestic violence issues within each program or activity funded under the grant and how confidentiality issues are addressed.

“(ii) The name of each individual, organization, or entity that was consulted in the development of such protocols.

“(iii) A description of each individual, organization, or entity (if any) that provided training on domestic violence for the State, Indian tribe or tribal organization, or for any subgrantees.

“(iv) A description of any implementation issues identified with respect to domestic violence and how such issues were addressed.

“(G) BIANNUAL REPORTS TO CONGRESS.—Not later than 24 months after the date of enactment of the Personal Responsibility and Individual Development for Everyone Act, and every 6 months thereafter, the Secretary shall submit to Congress a report regarding the programs and activities funded with grants awarded under this paragraph. Each report submitted in accordance with this subparagraph shall include the following:

“(i) The name of each program or activity funded with such grants and the name of each grantee and subgrantee.

“(ii) The total number of individuals served under programs or activities funded under the grant.

“(iii) The total number of individuals who—

“(I) completed a program or activity funded under the grant, including the number of such individuals who received assistance under the State program funded under this part or with qualified State expenditures (as defined in section 409(a)(7)(B)(i)) while participating in such program or activity; and

“(II) did not complete such a program or activity, including due to ceasing to receive assistance under the State program funded under this part or with qualified State expenditures (as defined in section 409(a)(7)(B)(i)) or for other reasons.

“(iv) A description of the types of services offered under such programs or activities.

“(v) The criteria for selection of programs or activities to be funded under such grant with respect to the award of grants by the Secretary and the awarding of funds to subgrantees.

“(vi) A description of the activities carried out by the Secretary to support grantees and subgrantees in responding to domestic violence issues.

“(v) A summary of the written domestic violence protocols used by grantees and subgrantees.

“(vii) A summary of who the grantees and subgrantees consulted with in developing such protocols.

“(viii) A summary of the training provided to grantees and subgrantees on domestic violence.

“(ix) A list of the organizations, entities, and activities funded under sections 103(c) and 114(e) of the Personal Responsibility and Individual Development for Everyone Act.

“(H) DOMESTIC VIOLENCE DEFINED.—In this paragraph, the term ‘domestic violence’ has the meaning given that term in section 402(a)(7)(B).

“(I) APPROPRIATION.—

“(i) IN GENERAL.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated for each of fiscal years 2005 through 2010, $100,000,000 for grants under this paragraph.

“(ii) EXTENDED AVAILABILITY OF FUNDS.—

“(I) IN GENERAL.—Funds appropriated under clause (i) for each of fiscal years 2006 through 2010 shall remain available to the Secretary until expended.

“(II) AUTHORITY FOR GRANT RECIPIENTS.—A State or Indian tribe or tribal organization may use funds made available under a grant awarded under this paragraph without fiscal year limitation pursuant to the terms of the grant.”.

(c) BEST PRACTICES FOR ADDRESSING DOMESTIC VIOLENCE.—Section 413 of such Act (42 U.S.C. 613) is amended by adding at the end the following:

“(k) BEST PRACTICES FOR ADDRESSING DOMESTIC VIOLENCE.—

“(1) IN GENERAL.—The Secretary shall, by grant, contract, or interagency agreement, develop and implement programs that are designed to address domestic violence as a barrier to healthy relationships, marriage, and economic security. Programs developed and implemented under this subsection shall include—

“(A) training for caseworkers administering the State program funded under this part;

“(B) technical assistance;

“(C) the provision of voluntary services for victims of such violence; and

“(D) activities related to the prevention of domestic violence.

“(2) DOMESTIC VIOLENCE DEFINED.—In this subsection, the term ‘domestic violence’ has the meaning given that term in section 402(a)(7)(B).

“(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection, $10,000,000 for each of fiscal years 2006 through 2010. Amounts appropriated to carry out this subsection shall be in addition to and not in lieu of amounts otherwise appropriated to carry out programs to address domestic violence.”.

(d) COUNTING OF SPENDING ON NON-ELIGIBLE FAMILIES TO PREVENT AND REDUCE INCIDENCE OF OUT-OF-WEDLOCK BIRTHS, ENCOURAGE FORMATION AND MAINTENANCE OF HEALTHY 2-PARENT MARRIED FAMILIES, OR ENCOURAGE RESPONSIBLE FATHERHOOD.—Section

409(a)(7)(B)(i) of such Act (42 U.S.C. 609(a)(7)(B)(i)) is amended by adding at the end the following:

"(V) COUNTING OF SPENDING ON NON-ELIGIBLE FAMILIES TO PREVENT AND REDUCE INCIDENCE OF OUT-OF-WEDLOCK BIRTHS, ENCOURAGE FORMATION AND MAINTENANCE OF HEALTHY 2-PARENT MARRIED FAMILIES, OR ENCOURAGE RESPONSIBLE FATHERHOOD.—Subject to subclauses (II) and (III), the term 'qualified State expenditures' includes the total expenditures by the State during the fiscal year under all State programs for a purpose described in paragraph (3) or (4) of section 401(a).".

(e) PURPOSES.—Section 401(a)(4) of such Act (42 U.S.C. 601(a)(4)) is amended by striking "two-parent families" and inserting "healthy 2-parent married families, and encourage responsible fatherhood".

SA 2105. Mrs. CLINTON (for herself and Mr. SCHUMER) submitted an amendment intended to be proposed by her to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 276, after line 24, insert the following:

SEC. 1 . Item number 512 of the table contained in section 3044 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59; 119 Stat. 1144) is amended by striking "Corning, NY, Phase II Corning Preserve Transportation Enhancement Project" and inserting "Transportation Center Enhancements, Corning, NY".

SA 2106. Mrs. CLINTON (for herself and Mr. SCHUMER) submitted an amendment intended to be proposed by her to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 276, after line 24, insert the following:

SEC. 1 . Item number 4596 of the table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59; 119 Stat. 1144) is amended by striking "Corning Preserve improvements Phase II" and inserting "Transportation Center, Corning, NY".

SA 2107. Mr. SCHUMER (for himself, Ms. CANTWELL, and Mr. LAUTENBERG) submitted an amendment intended to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 276, after line 24, insert the following:

SEC. 1 . (a) Section 30123 of title 49, United States Code, is amended—

(1) in subsection (b), by inserting after the first sentence the following: "The grading system shall include standards for rating the fuel efficiency of tires designed for use on passenger cars and light trucks."; and

(2) by adding at the end the following:

"(d) NATIONAL TIRE FUEL EFFICIENCY PROGRAM.—(1) The Secretary shall develop and carry out a national tire fuel efficiency program for tires designed for use on passenger cars and light trucks.

"(2) The program shall include the following:

"(A) Policies and procedures for testing and labeling tires for fuel economy to enable tire buyers to make informed purchasing decisions about the fuel economy of tires.

"(B) Policies and procedures to promote the purchase of energy-efficient replacement tires, including purchase incentives, website listings on the Internet, printed fuel economy guide booklets, and mandatory requirements for tire retailers to provide tire buyers with fuel-efficiency information on tires.

"(C) Minimum fuel economy standards for tires, promulgated by the Secretary.

"(3) The minimum fuel economy standards for tires shall—

"(A) ensure that the average fuel economy of replacement tires is equal to or better than the average fuel economy of tires sold as original equipment;

"(B) secure the maximum technically feasible and cost-effective fuel savings;

"(C) not adversely affect tire safety;

"(D) not adversely affect the average tire life of replacement tires;

"(E) incorporate the results from—

"(i) laboratory testing; and

"(ii) to the extent appropriate and available, on-road fleet testing programs conducted by the manufacturers; and

"(F) not adversely affect efforts to manage scrap tires.

"(4) The policies, procedures, and standards developed under paragraph (2) shall apply to all types and models of tires that are covered by the uniform tire quality grading standards under section 575.104 of title 49, Code of Federal Regulations (or any successor regulation).

"(5) Not less often than every three years, the Secretary shall review the minimum fuel economy standards in effect for tires under this subsection and revise the standards as necessary to ensure compliance with requirements under paragraph (3). The Secretary may not, however, reduce the average fuel economy standards applicable to replacement tires.

"(6) Nothing in this chapter shall be construed to preempt any provision of State law relating to higher fuel economy standards applicable to replacement tires designed for use on passenger cars and light trucks.

"(7) Nothing in this chapter shall apply to—

"(A) a tire or group of tires with the same SKU, plant, and year, for which the volume of tires produced or imported is less than 15,000 annually;

"(B) a deep tread, winter-type snow tire, space-saver tire, or temporary use spare tire;

"(C) a tire with a normal rim diameter of 12 inches or less;

"(D) a motorcycle tire; or

"(E) a tire manufactured specifically for use in an off-road motorized recreational vehicle.

"(8) In this subsection, the term 'fuel economy', with respect to tires, means the extent to which the tires contribute to the fuel economy of the motor vehicles on which the tires are mounted.".

(b) Section 30103(b) of title 49, United States Code, is amended in paragraph (1) by striking "When" and inserting "Except as provided in section 30123(d) of this title, when".

(c) The Secretary of Transportation shall ensure that the national tire fuel efficiency program required under subsection (d) of section 30123 of title 49, United States Code (as added by subsection (a)(2)), is administered so as to apply the policies, procedures, and standards developed under paragraph (2) of such subsection (d) beginning not later than March 31, 2008.

SA 2108. Mr. VOINOVICH submitted an amendment intended to be proposed by her to the bill H.R. 3053, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 436, between lines 10 and 11, insert the following:

SEC. 8 . The table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59; 119 Stat. 1144) is amended—

(1) in item number 1926, by striking "Grading, paving, roads for the transfer of rail to truck for the intermodal facility at Rickenbacker Airport" and inserting "Grading, paving, roads, and construction of an intermodal freight facility at Rickenbacker Airport, Columbus, Ohio";

(2) in item number 2893, by striking "Grading, paving, roads for the transfer of rail to truck for the intermodal facility at Rickenbacker Airport" and inserting "Grading, paving, roads, and construction of an intermodal freight facility at Rickenbacker Airport, Columbus, Ohio";

(3) in item number 4620, by striking "Grading, paving, roads, and the transfer of rail-to-truck for the intermodal facility at Rickenbacker Airport Columbus, OH" and inserting "Grading, paving, roads, and construction of an intermodal freight facility at Rickenbacker Airport, Columbus, Ohio"; and

(4) in item number 4651, by striking "Grading, paving, roads for the transfer of rail to truck for the intermodal facility at Rickenbacker Airport" and inserting "Grading, paving, roads, and construction of an intermodal freight facility at Rickenbacker Airport, Columbus, Ohio".

SA 2109. Mr. BOND proposed an amendment to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

Insert the following on page 356, after line 4, and renumber accordingly:

"SEC. 408. (a) Section 604 of title 28, United States Code, is amended by adding section (4) at the end of section "(g)":

"(4) The Director is hereby authorized:

(A) to enter into contracts for the acquisition of severable services for a period that begins in one fiscal year and ends in the next fiscal year to the same extent as the head of an executive agency under the authority of section 253 of 41 U.S.C.; and

(B) to enter into contracts for multiple years for the acquisition of property and services to the same extent as executive agencies under the authority of section 254c of 41 U.S.C; and

(C) to make advance, partial, progress or other payments under contracts for property or services to the same extent as executive agencies under the authority of section 255 of 41 U.S. C."

(b) Section 612 of title 28, United States Code, is amended by striking the current language in section (e)(2)(B) and inserting "such contract is in accordance with the Director's authority in section 604(g) of 28 U.S.C.; and,"

(c) The authorities granted in this Section shall expire on September 30, 2010.

SA 2110. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 356, between lines 4 and 5, insert the following:

SEC. 408.(a) The division of the court shall release to the Congress and to the public not later than 60 days after the date of enactment of this Act all portions of the final report of the independent counsel of the investigation of Henry Cisneros made under section 594(h) of title 28, United States Code, except for any such portions that contain information of a personal nature that the division of the court determines the disclosure of which would cause a clearly unwarranted invasion of privacy that outweighs the public interest in a full accounting of this investigation.

(b) The office of the independent counsel established to investigate Henry Cisneros shall terminate on the date of the release of the report referred to in subsection (a).

SA 2111. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 276, after line 24, insert the following:

SEC. 1   . Section 127(a) of title 23, United States Code, is amended by adding at the end the following:

"(13) ARKANSAS.—During the harvesting season of cotton in the State of Arkansas, as determined by the Governor of the State, the State of Arkansas may allow the operation of vehicles with a gross vehicle weight of up to 80,000 pounds for the hauling of cotton seed on—

"(A) United States Route 63 from Gilbert, Arkansas, at the Lake David interchange, to Jonesboro, Arkansas; and

"(B) Interstate Route 555, if that route is open to traffic.".

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will beheld on Tuesday, November 8, 2005, at 10 a.m., in Room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to review the progress made on the development of interim and long-term plans for use of fire retardant aircraft in Federal wildfire suppression operations.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150.

For further information, please contact Frank Gladics (202–224–2878), Dick Bouts (202–224–7545), or Kristina Rolph (202–224–8276) of the Committee staff.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. BOND. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on October 18, 2005, at 10 a.m., to mark up S. 1562, "Safe and Fair Deposit Insurance Act of 2005," and an original bill entitled "FHA Asset Disposition Act of 2005," for purposes of reporting the text of both bills to the Senate Budget Committee as Title II for reconciliation purposes. Immediately following the markup, the Committee will conduct a hearing on "The Future of the National Flood Insurance Program."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. BOND. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on October 18, 2005, at 2:30 p.m., to conduct a hearing on "Growth and Development of the Derivatives Market."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BOND. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, October 18 at 10 a.m. The purpose of this hearing is to discuss the winter fuels outlook and the effect of high prices this coming winter.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BOND. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, October 18 at 3 p.m. The purpose of this hearing is to consider our national capacity for producing technological innovation and the importance of this innovation to our global economic competitiveness. The Committee will hear testimony describing the results of a recently released National Academy of Science report on this same topic.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. BOND. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to hold a business meeting on October 18, 2005 at 2:30 p.m., to consider a bill, S. ——, to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, to make technical corrections.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. BOND. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet on October 18, 2005 at 2:35 p.m., to conduct a legislative hearing on S. 1772, the Gas Petroleum Refiner Improvement and Community Empowerment Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. BOND. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Tuesday, October 18, 2005, at 10 a.m., in 215 Dirksen Senate Office Building, to consider the nomination of James S. Halpern, to be Judge of the United States Tax Court, The Judiciary; Susan C. Schwab, to be Deputy United States Trade Representative, with the Rank of Ambassador, executive Office of the President; Karen K. Bhatia, to be Deputy United States Trade Representative, with the rank of Ambassador, Executive Office of the President; Franklin L. Lavin, to be Under Secretary of Commerce for International Trade, Department of Commerce, and, Clay Lowery, to be Deputy Under Secretary of the Treasury, U.S. Department of Treasury.

The PRESIDENT OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. BOND. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, October 18, 2005, at 9:30 a.m., to hold a hearing on Prospects for United Nations Reform.

The PRESIDENT OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. BOND. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet in executive session during the session of the Senate on Tuesday, October 18, 2005, at 2:30 p.m. in SD–430.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. BOND. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on "Comprehensive Immigration Reform II" on Tuesday, October 18, 2005, at 9:30 a.m. in the Dirksen Senate Office Building Room 226.

Witness List

Panel I: The Honorable Michael Chertoff, Secretary of the Department of Homeland Security, Washington, DC; The Honorable Elaine Chao, Secretary of the Department of Labor, Washington, DC.

Panel II: Frank Sharry, Executive Director, National Immigration Forum, Washington, DC; Mark Krikorian, Executive Director, Center for Immigration Studies, Washington, DC; Douglas S. Massey, Ph.D., Professor of Sociology, Princeton University, Princeton, NJ.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. BOND. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on "Executive Nominations" on Tuesday, October 18, 2005, at 2:30 p.m. in the Dirksen Senate Office Building Room 226.

Witness List

Panel I: Members of Congress.

Panel II: James O'Gara to be Deputy Director for Supply Reduction, Office of National Drug Control Policy; Julie Myers to be Assistant Secretary for Immigration and Customs Enforcement, Department of Homeland Security; Emilio Gonzales to be Director of the Bureau of Citizenship and Immigration Services, Department of Homeland Security.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. BOND. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Tuesday, October 18, 2005, to markup the following nominations:

1. William F. Tuerk, Under Secretary for Memorial Affairs, VA.
2. Robert J. Henke, Assistant Secretary for Management, VA.
3. John M. Molino, Assistant Secretary of Policy and Planning, VA.
4. Lisette M. Mondello, Assistant Secretary of Public and Intergovernmental Affairs, VA.
5. George J. Opfer, Inspector General, VA.

The markup will take place in the Reception Room off the Senate Floor, the Capitol following the first rollcall vote of the Senate after 1 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. WYDEN. Mr. President, I ask unanimous consent that Kristen Averyt, a fellow in my office, be given the privilege of the floor during today's session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOND. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. THUNE). Without objection, it is so ordered.

SUPPORTING THE GOALS OF RED RIBBON WEEK

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 277 which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

> A resolution (S. Res. 277) supporting the goals of Red Ribbon Week.

There being no objection, the Senate proceeded to consider the resolution.

Ms. MURKOWSKI. I rise today in support of a resolution that commemorates the annual "Red Ribbon Week." I am pleased to have Mr. GRASSLEY, Mr. BIDEN, Mr. TALENT, Mrs. DOLE, Mr. STEVENS, Mr. DOMINICI, and Mr. CHAMBLISS join me in introducing this resolution. The purpose of Red Ribbon Week is to educate and advocate a commitment to a drug-free lifestyle. Red Ribbon Week also remembers the contribution of one soldier in the war against drugs, Drug Enforcement Administration Special Agent Enrique "Kiki" Camarena. I am honored to be here to seek the Senate's recognition and support again for the annual Red Ribbon Week Campaign.

In Alaska, Red Ribbon Week will be a statewide celebration involving thousands of school children and those people and organizations who care about the welfare of our children and communities. On October 24, the city of Anchorage of will celebrate with a series of Red Ribbon events coordinated with the Anchorage School District, the Alaska National Guard, the Alaska State Troopers, the mayor of Anchorage, the Boys & Girls Clubs of Alaska, the Drug Enforcement Administration, the local U.S. Attorney's Office, many PTA groups and many others throughout the community.

Throughout the week, Alaskans will be encouraged to show gratitude for everyone who remains drug-free and pledges to live a safe and drug-free life and remember those we have lost in the fight against drugs.

The Red Ribbon Week Campaign was started in 1988 by the Federation of Parents. It was organized as an 8-day event and was then chaired by then-President and Mrs. Reagan. The event began as a tribute to DEA Special Agent Enrique "Kiki" Camarena who was kidnapped, tortured, and murdered by drug traffickers in 1985. Those who advocate that drug addiction is a victimless crime should talk to the widow and children of Agent Camarena. His sons, Erik and Enrique, Jr. continue to honor their father and work to help children and families who are victims of drug-related crimes.

The Red Ribbon that we wear during Red Ribbon Week is a symbol of zero tolerance for illegal drug use and a commitment to drug abuse prevention. The ribbon will be worn or displayed in the upcoming Red Ribbon Week by millions of Americans in an act of unity and remembrance of Agent "Kiki" Camarena.

The distribution and abuse of illicit drugs is not a private matter. Drugs harm children. Drugs harm our communities. Illegal drugs only facilitate dependency, addiction and the breakdown of families.

We must encourage our children to make better choices by making the same commitment in our own lives. We as parents and leaders must set good examples.

Our children are growing up in a culture that continues to send confusing and mixed signals. Therefore, our children are confronting difficult choices on a continuous basis. Celebrities in the media, movies, television, and music often encourage them to make the wrong decisions. The Red Ribbon Campaign is one effort to help our children make the right decisions.

I thank my colleagues for joining me in support of this resolution to help illustrate the Senate's commitment in ensuring that our children know the benefits of a drug-free lifestyle and encouraging all people to live such a lifestyle.

Mr. GRASSLEY. Mr. President. I am pleased to join my colleague Senator MURKOWSKI in sponsoring a resolution commemorating the annual "Red Ribbon Week." Celebrated October 23–31, Red Ribbon Week encourages individuals, families, and communities to take a stand against alcohol, tobacco, and illegal drug use. I hope the rest of the Senate will join in supporting this resolution and support this very important campaign.

The tradition of Red Ribbon Week now in its twentieth year of wearing and displaying red ribbons started following the assassination of U.S. Drug Enforcement Agency Special Agent Enrique "Kiki" Camarena. In an effort to honor his memory and unite in the battle against drug crime and abuse, friends, neighbors, and students from his home town began wearing red ribbons. Shortly thereafter, the National Family Partnership took the celebration nationwide. Since then, the Red Ribbon campaign has reached millions of children, families, and communities across the country, spreading the message about the destructive effects of drugs.

In my State of Iowa, this year's theme for Red Ribbon Week is "Take a Stand—Be Drug Free." Schools and community groups across the State are organizing a variety of activities including pledges, contests, workshops, rallies, theatrical and musical performances, and other family and educational events all designed to educate our children on the negative effects of drugs and promote a drug-free environment.

Research tells us that the longer a child stays drug-free the less likely they will become addicted or even try illegal drugs. This is why it is so important to maintain a coherent anti-drug message that begins early in adolescence and continues throughout the growing years. Such an effort must involve parents, communities, and young people. Red Ribbon Week provides each of us the opportunity to take a stand by helping our children make the right decisions when it comes to drugs.

In light of the growing epidemic of methamphetamine abuse throughout the Nation and especially in State of Iowa, this year's Red Ribbon Week holds greater importance. I urge colleagues to join us in passing this resolution to demonstrate our commitment to raising awareness about drugs and encourage everyone to make healthy choices.

Mr. FRIST. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 277) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 277

Whereas the Governors and Attorneys General of the States, the National Family Partnership, Parent Teacher Associations, Boys and Girls Clubs of America, and more than 100 other organizations throughout the United States annually cosponsor Red Ribbon Week during the week of October 23 through October 31;

Whereas a purpose of the Red Ribbon Campaign is to commemorate the service of Enrique "Kiki" Camarena, a Drug Enforcement Administration special agent who died in the line of duty in 1985 while engaged in the battle against illicit drugs;

Whereas the Red Ribbon Campaign is nationally recognized and is in its twentieth year of celebration, helping to preserve Special Agent Camarena's memory and further the cause for which he gave his life;

Whereas the objective of Red Ribbon Week is to promote drug-free communities through drug prevention efforts, education, parental involvement, and community wide support;

Whereas drug and alcohol abuse contributes to domestic violence and sexual assaults, and places the lives of children at risk;

Whereas drug abuse is one of the major challenges our Nation faces in securing a safe and healthy future for our families and children;

Whereas emerging drug threats, such as the growing epidemic of methamphetamine abuse, jeopardize the progress made against illegal drug abuse; and

Whereas parents, youth, schools, businesses, law enforcement agencies, religious institutions, service organizations, senior citizens, medical and military personnel, sports teams, and individuals throughout the United States demonstrate their commitment to drug-free, healthy lifestyles by wearing and displaying red ribbons during this week long celebration: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals of Red Ribbon Week;

(2) encourages children and teens to choose to live a drug-free life; and

(3) encourages all people of the United States to promote drug-free communities and to participate in drug prevention activities to show support for healthy, productive, drug-free lifestyles.

NATIONAL CHILDHOOD LEAD POISONING PREVENTION WEEK

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 278 which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 278) designating the week of October 23, 2005, through October 29, 2005, as National Childhood Lead Poisoning Prevention Week.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. I ask unanimous consent that the resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 278) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 278

Whereas lead poisoning is a leading environmental health hazard to children in the United States;

Whereas according to the Centers for Disease Control and Prevention, 310,000 preschool children in the United States have harmful levels of lead in their blood;

Whereas lead poisoning may cause serious, long-term harm to children, including reduced intelligence and attention span, behavior problems, learning disabilities, and impaired growth;

Whereas children from low-income families are significantly more likely to be poisoned by lead than are children from high-income families;

Whereas children may be poisoned by lead in water, soil, or consumable products;

Whereas children most often are poisoned in their homes through exposure to lead particles when lead-based paint deteriorates or is disturbed during home renovation and repainting; and

Whereas lead poisoning crosses all barriers of race, income, and geography: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of October 23, 2005, through October 29, 2005, as "National Childhood Lead Poisoning Prevention Week"; and

(2) calls upon the people of the United States to observe the week with appropriate programs and activities.

AUTHORIZATION OF TESTIMONY

Mr. FRIST. I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 279 which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 279) to authorize testimony in the State of Mississippi versus Edward Statecom.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, this resolution concerns a request for testimony in a shoplifting action pending in Municipal Court in the City of Clarksdale, MS. Trial is scheduled to commence on or about October 20, 2005. The defendant has subpoenaed a member of the Senator's staff who has provided casework assistance to him. The enclosed resolution would authorize that staff member to testify in connection with this action.

Mr. FRIST. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 279) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 279

Whereas, in the case of State of Mississippi v. Edward Statecum, Case No. M051648, pending in Municipal Court in the City of Clarksdale, Mississippi, testimony has been requested from Kim Coalter, an employee in the office of Senator Thad Cochran;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, that Kim Coalter is authorized to testify in the case of State of Mississippi v. Edward Statecum, except concerning matters for which a privilege should be asserted.

AUTHORIZING THE TRANSFER OF NAVAL VESSELS

Mr. FRIST. Mr. President, I ask unanimous consent the Senate proceed to immediate consideration of S. 1886, introduced earlier today.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1886) to authorize the transfer of naval vessels to certain foreign recipients.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. I ask unanimous consent the bill be read a third time and passed, the motion to reconsider be laid on the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1886) was read the third time and passed, as follows:

S. 1886

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Naval Vessels Transfer Act of 2005".

SEC. 2. TRANSFERS BY GRANT.

The President is authorized to transfer vessels to foreign recipients on a grant basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j), as follows:

(1) GREECE.—To the Government of Greece, the OSPREY class minehunter coastal ship PELICAN (MHC–53).

(2) EGYPT.—To the Government of Egypt, the OSPREY class minehunter coastal ships CARDINAL (MHC–60) and RAVEN (MHC–61).

(3) PAKISTAN.—To the Government of Pakistan, the SPRUANCE class destroyer ship FLETCHER (DD–992).

(4) TURKEY.—To the Government of Turkey, the SPRUANCE class destroyer ship CUSHING (DD–985).

SEC. 3. TRANSFERS BY SALE.

The President is authorized to transfer vessels to foreign recipients on a sale basis under section 21 of the Arms Export Control Act (22 U.S.C. 2761), as follows:

(1) INDIA.—To the Government of India, the AUSTIN class amphibious transport dock ship TRENTON (LPD–14).

(2) GREECE.—To the Government of Greece, the OSPREY class minehunter coastal ship HERON (MHC–52).

(3) TURKEY.—To the Government of Turkey, the SPRUANCE class destroyer ship O'BANNON (DD–987).

SEC. 4. GRANTS NOT COUNTED IN ANNUAL TOTAL OF TRANSFERRED EXCESS DEFENSE ARTICLES.

The value of a vessel transferred to another country on a grant basis pursuant to authority provided by section 2 shall not be counted against the aggregate value of excess defense articles transferred to countries in any fiscal year under section 516 of the Foreign Assistance Act of 1961.

SEC. 5. COSTS OF CERTAIN TRANSFERS.

Notwithstanding section 516(e)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(e)(1)), any expense incurred by the United States in connection with a transfer authorized under section 2 shall be charged to the recipient.

SEC. 6. REPAIR AND REFURBISHMENT IN UNITED STATES SHIPYARDS.

To the maximum extent practicable, the President shall require, as a condition of the transfer of a vessel under this section, that the country to which the vessel is transferred have such repair or refurbishment of the vessel as is needed before the vessel joins the naval forces of that country be performed at a shipyard located in the United States, including a United States Navy shipyard.

SEC. 7. EXPIRATION OF AUTHORITY.

The authority to transfer a vessel under this section shall expire at the end of the 2-year period beginning on the date of the enactment of this Act.

MONTH OF GLOBAL HEALTH

Mr. FRIST. Mr. President, I ask unanimous consent the Judiciary Committee be discharged from further consideration of S. Res. 225 and that the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 225) designating the month of November 2005 as the "Month of Global Health."

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. I ask unanimous consent the resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table en bloc, and any statements be printed without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 225) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 225

Whereas child survival is a key element of global health and is of utmost importance to the United States and all countries of the world;

Whereas child survival must be addressed on a global scale;

Whereas increasing child survival rates is critical to population growth in countries around the world;

Whereas child survival depends on access to key nutrients that can avert millions of unnecessary deaths in third world countries from preventable diseases;

Whereas 5 simple interventions, if delivered to children before the age of 5, may significantly increase their chances of survival;

Whereas these 5 interventions—vaccines, antibiotics, Vitamin A and micronutrients, oral rehydration therapy, and insecticide-treated bednets—can be provided to third world countries at minimal cost; and

Whereas 10,000,000 children die each year from preventable diseases in third world countries and 6,000,000 of those deaths could be prevented by the use of these interventions: Now, therefore, be it

Resolved, That the Senate—

(1) designates the month of November 2005 as the "Month of Global Health";

(2) reaffirms its commitment to ensuring that children around the world receive the interventions necessary for survival as an integral component of efforts to improve global health; and

(3) encourages the people of the United States to observe the "Month of Global Health" with appropriate participation in key activities, programs, and fundraising in support of worldwide child survival.

URGING PROHIBITION OF REBIRTHING TECHNIQUES

Mr. SALAZAR. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of S. Res. 276, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 276) expressing the sense of the Senate that the attachment therapy technique known as rebirthing is a dangerous practice and should be prohibited.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SALAZAR. Mr. President, I rise today to speak about a resolution I have introduced with my colleague from North Carolina, Senator BURR. This resolution encourages States to prohibit a controversial procedure known as "rebirthing."

Today's action sheds light on the death of a North Carolina child brought to Colorado to undergo the "rebirthing" procedure.

Like many, I first learned of this intervention procedure known as "rebirthing" when information about the death of Candace Newmaker was reported in Colorado newspapers.

Rebirthing is a procedure which attempts to reenact the birth process by restraining a child with blankets and forcing a child to emerge unaided.

Candace, a 10-year-old, was brought to my State to undergo "rebirthing," which was supposed to help her form a bond with her newly adoptive mother. Instead, this dangerous procedure, which is supported by no scientific evidence, and is in fact condemned by the American Psychiatric Association, cut short a life full of possibilities.

Her adoptive mother believed that this procedure would help her establish a stronger relationship with Candace, who was having difficulty adjusting to her new home and who had been in and out of the foster care system.

By paying $7,000 for someone to diagnose and to treat Candace, her adoptive mother believed that she would establish a connection with her new daughter. After a few days, the hired "experts" decided that "rebirthing" would erase Candace's childhood memories so that she could form a lasting mother-daughter relationship.

Candace was wrapped in flannel blankets, held down by the weight of four adults, who bounced her and squeezed her to simulate contractions. When Candace begged for the procedure to cease, the adults holding her down ignored her pleas. When she told the strangers restraining her that she felt she was going to die, they ignored her.

In April 2001, when Candace was brought to Children's Hospital in Denver, she was unconscious. She had been restrained under blankets for over an hour. Tragically, she suffocated to death.

I was Colorado's Attorney General at the time this tragedy occurred. When one of the therapists was convicted for the death of Candace, my office successfully upheld that conviction upon appeal.

As I stated then, and still believe today: adults are responsible for their criminal recklessness when caring for a child, regardless of whether it is called "therapy" or some other form of unusual care or treatment.

We cannot take back the actions of the past and bring Candace back, but we can take action to ensure that her life was not lost in vain.

Her grandparents, David and Mary Davis, have been the primary force behind efforts to honor the life of Candace. Through their advocacy, the States of Colorado and North Carolina have passed laws banning rebirthing.

The Davis family also worked with their representative in the U.S. House of Representatives to pass a resolution encouraging States to outlaw rebirthing.

With the introduction of this resolution, the Senate is poised to act.

Candace's grandparents and several members of her extended family are with us today. I welcome the Davis family and sincerely appreciate their presence. I am honored to join with Senator BURR to support this resolution.

It is my hope that our actions today will prevent further pain and suffering.

I urge the Senate to promptly act on this resolution in the name of Candace Newmaker and all children who could potentially be victimized by this life-threatening procedure.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. BURR. Mr. President, I thank my colleague from Colorado. It is seldom we have an opportunity to effect a change for a specific individual. We have an opportunity to do that today for an individual we will never meet, an individual who might be placed in the same situation as Candace. In fact, in 2001, Candace Newmaker, the granddaughter of David and Mary Davis of Vale, NC, was killed. She was killed during a so-called rebirthing therapy session. This dangerous practice involves therapists, as my colleague said, wrapping sheets and towels and pillows around a patient who almost always is a young child, who is curled in a fetal position. The therapists attempt to recreate the child's birth by physically restraining and pushing against the child, urging the child to escape.

The stories are horrendous. Rebirthing has resulted in numerous injuries as well as the suffocation and death of five children. If there was ever a time that called out for us to act on a resolution like this, this is it: to reach out to States and say: Do what North Carolina did, do what Colorado did—outlaw this practice.

In 2003, North Carolina did outlaw this unsafe therapy, largely due to the Davises' efforts. Today, Senator SALAZAR and I urge other States to do exactly that. The Candace Newmaker resolution encourages States to examine the rebirthing technique and enact laws prohibiting this dangerous practice. Organizations such as the American Psychological Association fully support the ban of this technique. The possible loss of another child to this harmful therapy should be enough reason for the Senate to pass this resolution; if we can affect one child with our action, a child we have not met who might be exposed to this, we should do so.

The House of Representatives, led by my colleague, Representative SUE MYRICK, passed a similar resolution on December 17, 2002. The Davises are here today, and I thank them personally for their passion and for their commitment to have rebirthing outlawed. Their dedication to this cause is a reflection of the amount of love and loss they feel toward Candace.

Mr. President, I proudly join my colleague, Senator SALAZAR, to raise awareness of this resolution and to urge our colleagues in this body for a quick consideration.

Mr. SALAZAR. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table, that any statements relating thereto be printed in the RECORD, without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 276) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 276

Whereas "rebirthing" is the most dangerous form of attachment therapy, a controversial and scientifically unsupported form of therapy that claims to treat emotionally disturbed children by using physical restraints;

Whereas rebirthing techniques attempt to reenact the birth process by restraining a child with blankets or other materials and forcing the child to emerge unaided;

Whereas rebirthing techniques are based on the erroneous assumption that a reenactment of the birth process will treat children with reactive attachment disorder, a psychiatric condition characterized by the inability to form emotional attachments, by purging the child of rage resulting from past mistreatment and allowing the child to form stronger emotional attachments in the future;

Whereas attachment therapists claim rebirthing techniques create new bonds between adopted children and adoptive parents and often use rebirthing techniques in therapy sessions with adoptive families;

Whereas in 2000, Candace Newmaker, a 10-year-old child from North Carolina, died from suffocation, after being wrapped in flannel sheets, covered with pillows, and leaned on by 4 adults to simulate contractions, when Candace became trapped by the sheets because she was forcibly restrained by these adults and could not emerge through her own efforts to be reborn into her adoptive family;

Whereas between 1995 and 2005, at least 4 other children in the United States have died from other forms of attachment therapy;

Whereas the American Psychiatric Association, a national medical specialty society that focuses on the diagnosis, treatment, and prevention of mental illnesses, maintains that no scientific evidence supports the effectiveness of rebirthing techniques;

Whereas in 2002, Paul S. Appelbaum, M.D., President of the American Psychiatric Association, condemned rebirthing techniques as "extreme methods [that] pose serious risk and should not be used under any circumstances"; and

Whereas several States have enacted or are considering legislation to prohibit the use of rebirthing techniques: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) rebirthing, an attachment therapy technique that reenacts the birth process by physically restraining a child and forcing the child to emerge unaided, is dangerous, potentially life-threatening, and unsupported by scientific evidence; and

(2) each State should enact laws prohibiting the use of rebirthing techniques.

ORDERS FOR WEDNESDAY, OCTOBER 19, 2005

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Wednesday, October 19. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and there then be a period of morning business for up to 60 minutes, with the first 30 minutes under the control of the Democratic leader or his designee and the final 30 minutes under the control of the Republican leader or his designee, provided that following morning business the Senate then resume consideration of H.R. 3058, the Transportation, Treasury Appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. Mr. President, the Senate continued to work on the Transportation—Treasury appropriations bill today. A number of amendments have indeed been filed. I encourage Senators who are serious about offering them to come down early in the day tomorrow to do just that. We hope to dispose of the pending Kennedy amendment and an alternative to that amendment at an early hour tomorrow.

The two managers were here all day and have been very patient. If Senators do not come down in a timely manner to offer their amendments, then I would encourage the managers to close out the bill to further amendment and proceed to final passage. We will finish this bill this week, either Wednesday or Thursday, or Friday, if necessary, and therefore votes can be expected each day until we finish this bill.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:16 p.m., adjourned until Wednesday, October 19, 2005, at 9:30 a.m.

HOUSE OF REPRESENTATIVES—*Tuesday, October 18, 2005*

The House met at 10:30 a.m. and was called to order by the Speaker pro tempore (Mr. PRICE of Georgia).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
October 18, 2005.

I hereby appoint the Honorable TOM PRICE to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2005, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Illinois (Mr. EMANUEL) for 5 minutes.

HONORING THE FALLEN IN IRAQ

Mr. EMANUEL. Mr. Speaker, tomorrow will mark the 4-year anniversary of our troops' deployment in Afghanistan. In honor of their service and their memory, Democrats and Republican colleagues of mine have been reading their names, the names of those who have died in Iraq and Afghanistan, into the CONGRESSIONAL RECORD so that our Nation will never forget their sacrifice. Prior to the summer recess, a number of us have read a little over 1,800 of their names into the RECORD. Since that time in July, an additional 188 have fallen. To date, 241 American service men and women have perished in the Afghanistan theater of combat. Additionally, 1,957 members of our armed services and fellow citizens have died fighting in Iraq. We owe these brave men and women and their families a debt of gratitude that can never fully be repaid. At the very least we must pay tribute to our fallen servicemembers.

Staff Sergeant Jefferey J. Farrow
Private Lavena L. Johnson
Sergeant Arthur R. McGill
Corporal Steven P. Gill
Petty Officer Third Class Travis L. Youngblood
Sergeant Bryan James Opskar
Sergeant Jason T. Palmerton
Specialist Jacques Earl "Gus" Brunson
Specialist Ernest W. Dallas, Jr.
Staff Sergeant Carl Ray Fuller
Sergeant James Ondra Kinlow
Staff Sergeant Jason W. Montefering
Sergeant Milton M. Monzon, Jr.
Sergeant Christopher J. Taylor
Sergeant John Frank Thomas
Private First Class Ramon A. Villatoro, Jr.
Specialist Adam J. Harting
Staff Sergeant Michael W. Schafer
Specialist Adrian J. Butler
Captain Benjamin D. Jansky
Specialist Edward L. Myers
Specialist John O. Tollefson
Lance Corporal Christopher P. Lyons
Corporal Andre L. Williams
Private Ernesto R. Guerra
Sergeant First Class Victor A. Anderson
Sergeant Jonathon C. Haggin
Staff Sergeant David R. Jones, Sr.
Private First Class Jason D. Scheuerman
Sergeant Ronnie L. "Rod" Shelley, Sr.
Private First Class Robert A. Swaney
Specialist James D. Carroll
Corporal Jeffrey A. Boskovitch
Lance Corporal Roger D. Castleberry, Jr.
Sergeant David J. Coullard
Lance Corporal Daniel Nathan Deyarmin, Jr.
Sergeant James R. Graham, III
Lance Corporal Brian P. Montgomery
Sergeant Nathaniel S. Rock
Petty Officer First Class Thomas C. Hull
Staff Sergeant James D. McNaughton
Lance Corporal Timothy Michael Bell, Jr.
Lance Corporal Eric J. Bernholtz
Lance Corporal Nicholas William B. Bloem
Lance Corporal Michael J. Cifuentes
Lance Corporal Christopher Jenkins Dyer
Lance Corporal Grant B. Fraser
Specialist Jerry Lewis Ganey, Jr.
Specialist Mathew V. Gibbs
Sergeant Bradley J. Harper

Over the next couple of weeks, I will continue to read the names until we complete the 188 that have fallen since the summer.

I want to also read the words of then President Franklin Delano Roosevelt: "Each of these heroes stands in the unbroken line of patriots who have dared to die that freedom might live and grow and increase its blessings."

Mr. Speaker, it is difficult to read all the names and think of the lives that have been lost in service to our country. My colleagues and I will continue to pay tribute to those who have made the ultimate sacrifice for our Nation. Your Nation thanks you and we will never forget you.

INCREASING DOMESTIC PRODUCTION AND REFINING OF OIL

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2005, the gentleman from Florida (Mr. STEARNS) is recognized during morning hour debates for 5 minutes.

Mr. STEARNS. Mr. Speaker, as summer turns towards winter, the American people will continue to face high prices of gasoline and soon will face even higher costs for natural gas. Short of moving to Florida or another warm weather State, the American people are looking to Congress to solve this problem. Recent events such as Hurricanes Katrina and Rita have highlighted a very serious problem with the Nation's crude oil and gasoline supply/demand balance. One way to fix this balance is for the United States to increase its refining and production capacity. No new refinery has been built in the United States in nearly 30 years. Total current capacity at operating refineries is 17 million barrels per day while total U.S. demand is nearly 21 million barrels per day. Therefore, the only way to bridge this gap is to increase the amount of imported refined products from foreign sources. Currently the U.S. imports 7.9 percent of its total refined petroleum products. By 2005, the U.S. is expected to import 10.7 percent of its total.

Mr. Speaker, these staggering numbers further underscore the dire need for new and increased refining capacity in the United States. If not, we will continue to rely on unstable, anti-American governments to meet our growing demand for gasoline. Not only will this situation be a blow to economic growth in this country but it will also represent a serious national security risk for all of us.

Even before Hurricanes Katrina and Rita, a number of market factors contributed to the record high gas prices: An increased demand at home and abroad, political unrest in the Middle East and in Africa and product disruptions contributed to the already tightening supply of crude oil. Until refining

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

capacity and production capacity grow faster than demand, oil markets will remain tight and vulnerable to unforeseen and unpreventable events such as natural disasters. The high cost of gasoline and other fuels has the potential to stifle economic and job growth and is putting a strain on the wallets of American families.

Of course the most efficient way to reduce our dependence on oil and gas is to encourage conservation. Making sure your tires are inflated properly, carpooling and using public transportation are all fast and easy ways to conserve gasoline. In homes, buying energy-efficient appliances and making sure doors and windows are properly sealed are effective ways to conserve. But, Mr. Speaker, these are short-term fixes. Curbing demand is necessary, but in the long term it is not merely enough. We need to increase domestic production of oil. Currently the U.S. imports about 60 percent of all of its oil. The Department of Energy projects this number to increase to 73 percent by the year 2025. In order to ensure reliable and secure supplies of oil, we have no choice but to increase the domestic supply.

One way to increase production is to finally open ANWR to oil and gas exploration in Alaska. The United States Geological Survey estimates that there is between 5.7 and 16 billion barrels of oil that is technically recoverable. This estimate does not take into account that with new technology, the share could become even higher. A resource of this magnitude cannot simply be ignored. ANWR alone would be capable of reversing the decline in U.S. petroleum supply within a decade. It is not a quick fix. There are no quick fixes. But it is the quickest and most reliable option we now have to reverse the decline brought upon us by years of neglect of our domestic capacity.

In addition to gasoline, oil and natural gas play a key role in the homes of all of us. Oil and natural gas help generate the electricity that powers lights, appliances and entertainment systems. They also provide the building block for plastics, resealable food storage containers, and durable appliances and electronics, all of which contribute to a convenient and safe environment for all of us.

In closing, Mr. Speaker, even under the best circumstances, storms like Hurricanes Katrina and Rita would have had a noticeable impact on oil markets. However, at a time of extremely high demand and tight supplies, practically shutting down the United States' largest oil and refining region caused even greater pressure on our oil markets. In order to alleviate this pressure, we must increase our domestic refining capacity and production. If not, gasoline and home heating prices will continue to climb.

REPUBLICAN CORRUPTION AND ITS IMPACT ON AMERICA

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2005, the gentleman from New Jersey (Mr. PALLONE) is recognized during morning hour debates for 5 minutes.

Mr. PALLONE. Mr. Speaker, at a time when working families are trying to pinch pennies to pay for skyrocketing gas, record high heating bills and ever-increasing health insurance premiums, this is not the time for Washington to ignore the real needs of the American people.

But that is exactly what has happened over the last 5 years under Republican leadership in Congress. Mr. Speaker, a culture of cronyism exists here in Washington unlike anything we have ever seen before. At the White House, we have the President's chief political adviser and the Vice President's chief of staff under investigation for illegally leaking a covert CIA operative's name to reporters. Today we learn that the Vice President himself may also be under investigation in that case. Evidently, according to today's Washington Post, the special prosecutor is assembling evidence that, and I quote, "Cheney's longstanding tensions with the CIA contributed to the unmasking of operative Valerie Plame."

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The gentleman will suspend. Members are reminded to avoid remarks personally offensive to the Vice President.

Mr. PALLONE. Thank you, Mr. Speaker.

Despite the fact that President Bush promised 2 years ago to fire anyone that was involved in the leak, both Karl Rove and Scooter Libby remain on the White House payroll.

And it is just not over at the White House. Here on Capitol Hill, you have the Republican Senate leader under investigation by the SEC for possibly having inside information on stocks that he sold off earlier this year. Over on this side of the Capitol, the Republican majority leader was forced to step down from his leadership post——

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The gentleman will suspend. Members are reminded that they are to avoid personalities toward Senators, as well.

Mr. PALLONE. Okay, Mr. Speaker.

Shortly after the majority leader stepped down, Time Magazine's Jonathan Alter wrote about the majority leader's tenure as majority leader and how the Republican majority leads this House. Alter recalls his first visit with DELAY a decade ago. These are Alter's own words, and I quote: "A decade ago, I paid a call on Tom DeLay in his ornate office in the Capitol. I had heard a rumor about him that I figured could not possibly be true. The rumor was that after the GOP took control of the House that year, DeLay had begun keeping a little black book with the names of Washington lobbyists who wanted to come see him. If the lobbyists were not Republicans and contributors to his power base, they——

PARLIAMENTARY INQUIRY

Mr. STEARNS. Mr. Speaker, a point of order.

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. STEARNS. Can a Member of Congress intimate as the gentleman from New Jersey is doing about Mr. DELAY in reference to a black book and all the innuendo that he is doing on the House floor? Can he do that?

The SPEAKER pro tempore. Is the gentleman stating an inquiry or making a point of order?

Mr. STEARNS. I am stating an inquiry.

The SPEAKER pro tempore. The gentleman from New Jersey has not yielded for purposes of a parliamentary inquiry.

Mr. PALLONE. Mr. Speaker, I am just reading from Time Magazine, so I do not see why I cannot continue.

As I said, the gentleman from Texas may no longer be the majority leader, but he is still wielding power here in this Chamber and that power is not benefiting the American people. Instead, the actions of the House Republican majority benefit only a small few to the actual detriment of everyday Americans.

Mr. Speaker, it is no wonder that this House only brings legislation to the floor that benefits the wealthiest few in our Nation, because these are the people who are in TOM DELAY's black book. The House Republican leadership has heard that the American people are struggling to afford skyrocketing gas prices, so what do they do? House Republicans pass an energy law this summer that even the Bush administration admits will do nothing to lower gas prices for the American consumer. Instead, the energy law provided billions of dollars in tax breaks for oil and gas companies, and these are companies that are already experiencing record profits.

What about the American people? Well, as Alter explains in the Time Magazine article, they are not in the Republican leadership's black book and so their concerns really don't matter to the Republican leadership.

Mr. Speaker, whether you are in New Jersey or wherever you happen to be, the American people do not like what is happening here in Washington. They see examples of cronyism in every Republican corridor and they want it to stop. The American people want us to get back to addressing their needs and their concerns. It is time for the House Republican leaders to throw away their special interest black books like the one that TOM DELAY has so they can finally listen to the real needs and concerns of ordinary Americans.

IRAQI ELECTIONS

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2005, the gentleman from Texas (Mr. GOHMERT) is recognized during morning hour debates for 5 minutes.

Mr. GOHMERT. Saturday was a great day in American history. It was a great day in international history. And for those of us that do not read Time Magazine, it was a great day for democracy.

The Iraqi elections came off Saturday. The results are still coming in. We do not know all that occurred. But there are great things that already can be gleaned from what happened. The Iraqis showed an extraordinary amount of courage. Whereas in America on election day we have people who say, I don't know if I can brave going down and standing in line for 5 or 10 minutes. That may be more than I can handle.

Or, gee, the traffic is kind of heavy today. I don't know if I am going to go vote. I don't know, it looks like it might rain. I may catch the next election.

Not in Iraq. The Iraqis had the opportunity to vote on a constitution. They had an opportunity to vote for governing themselves for the first time in the history of mankind in what many acknowledge to be the cradle of humanity, where mankind began, and they came out and voted.

When I was in Iraq earlier this year, it was after the January elections, and they talked in terms of 8 by 11 flyers that were posted all over the countryside, around the voting areas, that simply said, If You Vote, You Die. Those people that voted knew they were going to have to dip their fingers into permanent blue ink that would be on their fingers for probably a couple or 3 weeks. They knew they could be targets by what they had marked on their fingers. Yet they had the courage to step forward.

Some of the things people do not hear and do not read because not all magazines give you all the facts, but there were many places where Iraqi policemen stepped up to protect the voters. These were not American soldiers. These were not American police. They were Iraqis protecting Iraqis who had developed national pride in what they were trying to accomplish. I did not hear it on any of the media. I certainly did not read it in Time Magazine, but there were a couple of policemen who gave their lives in stepping forward and trying to protect voters. I was told by the Iraqis when I was over there, the voters never got out of line because they realized if they got out of line from voting and ran for cover, those guys that died protecting them while they tried to vote would have died for nothing, much like if we cut and ran from Iraq before this process is finished, then those valiant, brave people whose names we have just heard more of would have died for nothing. Thank God we have a President who is seeing this through to the end.

There was an additional policeman, I was told by Iraqis, who found a suicide bomber in the voting place. He grabbed him, rushed him outside, threw him to the ground, threw himself on top of him and they were both killed in the ensuing explosion. Nobody got out of line, they told me, because they knew that would have meant that the policeman died for nothing. They stayed, they voted, and thank God they have some great days ahead. It is not easy days. It is difficult days. We have got to stay the course.

Some of the headlines I did read, not in magazines necessarily but some of the periodicals said it turned out to be the most peaceful day in months, this preceding Saturday when it was voting day. Only one of Baghdad's 1,200 polling stations came under attack, another article read. The relatively small number of insurgent attacks compared with the last poll may be a sign of how Sunni involvement in politics can complicate matters for insurgent leaders whose aim is to destroy the political process.

Just as evil unimpeded and unobstructed by good people will spread in an insidious way, so will good and democracy spread just like sunlight during the dawn of a new day as it touches more and more land and spreads. That process is in its infancy in the Middle East, but it is a beautiful thing to see occurring and we can thank God and thank those people who have served their country and given their lives.

Here are other comments. Secretary of State Condoleezza Rice said the Sunnis are now invested in this process. There is no political base any longer for this insurgency.

I was told by a former general under Saddam Hussein this past spring in Iraq that if you will just stand behind us in America until we get our constitution voted in, until we have an election under the constitution, you will see violence subside.

We are very grateful for all those who have contributed.

THE GROWING NATIONAL DEBT

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2005, the gentleman from Tennessee (Mr. COOPER) is recognized during morning hour debates for 5 minutes.

Mr. COOPER. Mr. Speaker, any day now, the United States of America will have borrowed over $8 trillion. That is not an occasion to celebrate. That is an occasion to be very worried about the future of our country. $8 trillion is a fantastic sum of money. To see how long it is, all those numbers stretched out, just look outside the office of any Blue Dog Member of this Congress and you will see a chart like this, because it will show you that as of today, the debt is $7.989 trillion. That means we are only $11 billion away from passing the $8 trillion threshold.

How quickly are we approaching that threshold? We are borrowing almost $1 billion a day. That means within the next week or two, we will pass the $8 trillion threshold. Of course, much of the money we are borrowing, we are borrowing from foreigners, and increasingly from the Chinese. So all Americans need to be on alert, because this is something that has never happened before in all of American history. We have had ups and downs, we have had the Depression, we have had the Civil War, but we have never been borrowing money at this rate.

Let me put it in historical perspective. It took the first 204 years of our Nation's history to accumulate $1 trillion in debt. And now we are doing that every 2 or 3 years. Our Nation's top accountant, David Walker, of the GAO has said that arguably the year 2004 was the worst year in America's entire fiscal history. Why would our top accountant say something like that? First of all, because he believes it is true, and it is also because this Congress promised $13 trillion worth of new spending in one year, none of which is paid for. Imagine promising $13 trillion and not even beginning to pay for it.

Later this week under a newly resolved Republican majority, they are planning on increasing the amount of reconciliation that we will undertake by some $15 billion. That sounds mighty good on the surface, but that is about 2 weeks' worth of this borrowing. I do not think 2 weeks' worth is going to be good enough for our kids and grandkids who want to know that we are leaving our Nation stronger than the way we found it. Instead what this Congress is doing and this administration is leaving us weaker than we used to be. There should be more leadership in this body, but with 435 people all contending to represent their districts back home, it is hard to characterize Congress as much more than an organized appetite. That is why our wise Founding Fathers gave us what they thought would be presidential leadership. That is why they gave the President the veto, for example, so that he could take a congressional bill and veto it.

Right now under President George W. Bush, we have the first President since James Garfield in 1881 never to have vetoed a single bill. 1881 was a long time ago. Poor President Garfield was only in office for 6 months. President Bush has been in office for 5 years.

without a single veto. So you really have to go back even further than President Garfield to find a President who has accepted every bill that Congress sent him as if it were perfect. For that, to find a President who served two full terms, you have to go back to President John Quincy Adams. You can see his portrait right outside this Chamber. That is not a record to be proud of. Because this Congress needs to be tamed, it needs to be disciplined and the veto is the constitutional power the President has to do that.

But that is not the only power the President has. He also has the power of rescission. Every President since Richard Nixon has had that power. Every President since Richard Nixon has used that power except for President George W. Bush. He has never used the power. Let me give you an example. President Clinton used it 163 times. President Bush, Sr. used it, I think, 400 times. President Reagan used it 600 times, saving billions and billions of dollars of unnecessary spending as they use it. President Bush has never used that power.

IRAQI ELECTIONS

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2005, the gentleman from Texas (Mr. POE) is recognized during morning hour debates for 5 minutes.

Mr. POE. Mr. Speaker, this year in January, I had the honor to go to Iraq for their first elections in history for a democracy. Iraq is where the world began, between the Tigris and Euphrates Rivers. Myself and Congressman CHRIS SHAYS of Connecticut were the two Members of Congress that were in Iraq on election day.

You remember, Mr. Speaker, those were the times when the skeptics and the terrorists said, Oh, there won't be an election. The Iraqis won't do it. They won't go and vote. Yet they did. Sixty-one percent of those people went and voted.

While there, I learned a lot from the Iraqis. I learned, first of all, they are a very proud people, that they are somewhat underestimated about their ability to have and believe in a democracy. I also learned that those people are just like us and all people in the world, because, Mr. Speaker, down in our soul, where we are made, every person has the yearning to be free. The Iraqis are no different than Americans or other peoples in the world.

I also learned, Mr. Speaker, that they will not be intimidated by the terrorists. The terrorists in January told the Iraqis that if they go and vote, they will be killed. They were told that if they were seen with that purple finger, they would be killed. Yet the Iraqis voted. They willingly stuck their finger in that inkwell and stained their finger for several days. I remember here on the House floor where many of us stood when the President of the United States in his State of the Union message talked about those Iraqi people and how we stood defiant as well as those people with our finger in the air, showing that freedom will prevail and rule the day.

Mr. Speaker, this has been an interesting year for the Iraqi people. They started a country in January with their Parliament. They then elected a Prime Minister, a President. They wrote a constitution, they voted on it, and they have all done it in less than 10 months. Remarkable. We sometimes forget history. We forget our own history that it took us 13 years after 1776 to get our Constitution. In fact, only nine States ratified it at first, and the two big ones, New York and Virginia, were late comers to the table. In fact, North Carolina did not ratify it until the next year and Rhode Island took 2 more years to ratify the U.S. Constitution. Not all Americans supported the Constitution. One of my favorite Revolutionary War people, Patrick Henry, did not believe that the new Constitution should be ratified. He believed in a stronger State instead of a Federal Government.

We sometimes forget our own history and we sometimes sell the Iraqi people short as many people have done this year. Those people, the Northeast elites and the west coast Hollywood leftists, said it would not happen, that the Iraqis would not have a government this year. But they did. Maybe those folks seem to be somewhat disappointed that the Sunnis, the Kurds and the Shiites all came to the table and voted for this Constitution. Those Northeast elites and those west coast Hollywood leftists were the same ones who said that we couldn't help Germany and Japan in World War II. We fought those two countries, those two regimes of totalitarian states, but the United States went in and set up democracies in both of those countries. Now those countries are not only free but they are world powers and they are our allies.

And what if it happens? What if Iraq and Afghanistan do the same thing that Germany and Japan did, become world powers, become democracies and, more importantly, become free and our allies?

Mr. Speaker, democracy is the enemy of terrorism and freedom is the enemy of anarchy, and the people are the enemy of dictators. The United States in its history has gone to war numerous times, but we go to war not to conquer but to liberate. We go to war not to enslave but to set free. And so our troops that I met with in January and the troops that are serving there today are serving a purpose in Iraq. I have talked to them and they are proud that they are able to represent the United States and fight the war on terror. But they are also proud of the fact that they are setting up a democracy in that land far, far away.

Mr. Speaker, history will look favorably on our role in Iraq and Afghanistan. History will record what amazing people these Americans were. It will be a good time in history for the United States and the Iraqi people.

Mr. Speaker, freedom once again has ruled the day.

WHITE HOUSE HAS NOT BEEN HONEST WITH AMERICAN PEOPLE ABOUT CIA LEAK

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2005, the gentlewoman from California (Ms. WATSON) is recognized during morning hour debates for 5 minutes.

Ms. WATSON. Mr. Speaker, for 2 years now, the White House has not leveled with the American people about its involvement in the leaking of a covert CIA operative's name to the press. As a former Ambassador, you have covert agents operating within your authority. To let those names become public could destroy the whole mission.

On October 1, 2003, White House press secretary Scott McClellan was asked about both Karl Rove and Scooter Libby's possible involvement in the leaking of Valerie Plame's identity. Mr. McClellan told reporters that they assured him they were not involved. One month earlier, McClellan told reporters, "If anyone in this administration was involved in it, they would no longer be in this administration."

Well, Mr. Speaker, it is clear that both Rove and Libby were involved and yet they both remain in the administration. Does the President forget how serious this issue is? Remember, it was his own father, a former CIA director, who said in 1999 that he had "nothing but contempt and anger for those who betray the trust by exposing the name of our sources. They are, in my view, the most insidious of traitors."

Mr. Speaker, it is time the President addresses these negative matters that are infecting all areas of the Republican Party here in Washington.

IRAQI ELECTIONS A PHENOMENAL EVENT

The SPEAKER pro tempore (Mr. POE). Pursuant to the order of the House of January 4, 2005, the gentleman from Georgia (Mr. PRICE) is recognized during morning hour debates for 5 minutes.

Mr. PRICE of Georgia. Mr. Speaker, when I am at home and speaking to groups, I oftentimes ask them, the constituents that I am talking to, have you heard any good news lately on the radio or heard any good news on television or have you read any good news in the newspaper? Most often the silence is deafening.

But we do not have to look far for good news, either here at home or around the world. Much of that good news is directly related to the actions of Americans. That certainly has been true with the outpouring of support and relief for our fellow citizens who have been victims of recent hurricanes and other natural disasters, and this past Saturday the world witnessed not just good news but great news. The election in Iraq this past weekend was a phenomenal event, a remarkable step toward an independent, sovereign, democratic nation. What good news this is.

This is a momentous event, a huge step forward, and toward the approaching day when we will be able to bring home our service men and women.

Did you hear the good news, Mr. Speaker? Listen to some of the voices.

Lieutenant Colonel Steve Boylan in Baghdad said: "Nationwide security was a resounding success, with all of the 13 recorded attacks aimed at election targets failing."

Prime Minister Ibrahim al-Jaafari, talking about TV coverage, said: "I have seen pictures of citizens who are proud to be shown on camera having voted. There were no such pictures from these places in the last election. The victory for Iraq is that they are voting."

Listen to the voices, Mr. Speaker. Abdul Hussein Ahmed emerged from a polling station in the southern city of Najaf with his purple ink-stained finger raised aloft and he said: "Five members of my family were killed by Saddam and his people but now with this constitution everyone is equal under the law."

Listen to the voices, Mr. Speaker. Razifa Hussein Abdullah arrived at the polling station with tears in her eyes. Her husband, Hussein Salim, leaned on her for balance as they walked. They had returned several months ago from exile in Iran where they had fled during the Iran-Iraq war of the eighties. "We suffered a lot," she said, "and today I came to get revenge for all of these years I stayed away from my country to feel that I am an Iraqi again. It was a dream to get rid of Saddam and today is another dream come true," she said.

There is the quote from this poster, Mr. Speaker. Listen to the voices. "I voted then for Saddam, of course, because I was afraid, but this time I came here by my own choice. I am not afraid anymore. I am a free man."

Some editorials have finally recognized the importance of this occurrence. The New York Post said, "The referendum results vindicate U.S. policy and are a giant step toward regional peace." The New York Times, yes, the New York Times, said, "What we know already and can't fail to be impressed by is that large numbers of Iraqis of all persuasions turned out in defiance of terrorist threats to decide their constitutional future. They have exercised a basic democratic right that would have been inconceivable just a few years ago." Even the New York Times.

Mr. Speaker, oftentimes we are too close to the happenings of the day to appreciate their gravity and I think we are just a little too close now. This past Saturday was a red letter date in the history of the world, and the naysayers notwithstanding, this is a day and a time to celebrate and congratulate. I am proud to be an American. I am proud of and humbled by the selfless acts by so many of our fellow citizens in Iraq. In the 1800s, de Tocqueville said that America is not good because it is great, it is great because it is good. It is that goodness that continues to strive for liberty for all. What a momentous time we are in as we celebrate and witness that march of liberty around the world.

Mr. Speaker, it is good news. Let's spread that good news.

REPORT OF CONGRESSIONAL DELEGATION TO IRAQ

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2005, the gentlewoman from Virginia (Mrs. DRAKE) is recognized during morning hour debates for 5 minutes.

Mrs. DRAKE. Mr. Speaker, I came today to talk about the great privilege I had just 2 weeks ago to lead a congressional delegation to Iraq. It was my very first trip. I did not know what to expect. But as we approached the airport and you could look down, all you saw was very brown, very barren, very flat land. I realized as we were coming into Kuwait City that we had done a very, very poor job as elected leaders to tell the American people what our military men and women are doing in Iraq, why they are doing it, the incredible progress that they are making and the consequences not only to Iraq and to the Middle East, to the U.S. but to the entire world if they were to fail.

Since this was an armed services trip, our mission was to meet with the troops, to meet with their commanders, to learn more about their mission, to see some of the technology that they are able to use to help them, to hear of their successes and to hear of the problems or things that we as Members of Congress could help them with.

The very first person that I met was a young man on that airstrip in Kuwait City as we were waiting to board a C-130. As I was talking to him, he looked up to me and he said, "Ma'am, don't worry about me. I know what I'm doing and I know why I'm doing it, and I can tell you that there will never be another attack on our nation if I have anything to do with it. So don't worry. Just pray for me." And he walked away. What an overwhelming feeling that that was from somebody probably in their very, very early twenties.

That same evening as we had dinner with troops from Virginia, and I would like to take a moment and thank the Peterson Foundation and AT&T who provided us with telephone cards to give to our very brave men and women so that they could call home, but there was a young woman from Virginia who looked me straight in the eye and I already knew this, I had already sensed it and felt it, but she looked at me and said, "Why aren't our elected leaders telling America what we're doing?" I had no answer for her, except to make the commitment to her that we would do that.

Please understand that there are very huge successes that have been made in Iraq. We hear the stories, and any story is one too many, about our men and women who are injured or killed by the IEDs. The stories that we do not hear are about how successful our military men and women have been at finding these devices, at exploding them or disarming them before someone is hurt.

We watched the Predator land on film as it has been patrolling around Iraq and certainly been a great asset to the military. We talked about civil things, such as the need for electricity, the talk about blackouts, and what we learned is that, yes, there are blackouts in Iraq but the biggest reason is because of increased demand for electricity. I did not know that Iraqis were out buying TV sets and refrigerators and other appliances and have greatly increased it. I was not aware of the condition that Saddam Hussein put his own country in and that for 6 years prior to this conflict that he was allowing raw sewage from Baghdad to flow into the Tigris River.

During Saddam Hussein's reign, there were no independent TV stations. Today, there are 44. No independent commercial radio stations. Today, there are 72. No independent newspapers and magazines. Today, there are 100. We also do not talk about the huge successes of the Iraqi security force and the fact that we as Americans have turned over 24 fully operational bases to the Iraqi government.

We flew from Baghdad to Balad air base by helicopter. We flew very low and very fast. I was surprised, first of all, to see how green the nation was in that area, and more surprised to see the people who were working those agricultural fields who waved to that helicopter as it went by. When we landed in Balad, I talked to General Frank Gorenc, who used to be the commander at Langley Air Force Base in Virginia and whom I know, and I said, "Frank, they're waving at us." They laughed and they said, "Thelma, they always wave at us. They're very glad that we're here."

I believe that these young men and women who are serving in Iraq are true American heroes. I believe that history will give them a name, just as they named my father's generation during World War II. I do not know what that name will be, but I can assure you that these young men and women understand the threat to our world but they need to know that America supports them and that America understands their mission.

I told them stories from back home about a presentation at Sea World, about what a great job they were doing and about how Americans stood and clapped. And how in Ireland on our way back Marines entered that airport and they stood and clapped.

RECESS

The SPEAKER pro tempore (Mr. PRICE of Georgia). Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 11 o'clock and 17 minutes a.m.), the House stood in recess until noon.

☐ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SHIMKUS) at noon.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Watchmen over the Nation, awake! Come to attention all you, chosen by the people, to guard and guide the destiny of the Lord's people. Turn to the Lord when it is dark and you cannot read the shifting winds. The Lord will guide you from within and bring to surface your deepest instincts for what is good and where lies lasting justice.

You are stationed at the far corners of this mighty fortress that you may see what the people need. But your centered ground is what binds God's people together and builds security and peace.

As the Constitutional Congress of this Nation, you are the Lord's own watchmen over the Nation. Come now, let us bless the Lord on this new day. Let us act as God's blessing now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Texas (Mr. AL GREEN) come forward and lead the House in the Pledge of Allegiance.

Mr. AL GREEN of Texas led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WELCOMING PRESIDENT PARVANOV TO THE UNITED STATES

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, as we continue to wage a war against terrorism, I am inspired when I look at a vibrant young democracy that only recently started out on the road to freedom. The country of Bulgaria existed under an oppressive Communist regime for nearly 50 years, but now it serves as a beacon of hope for people throughout the world who seek liberty.

Today, I am honored to welcome Bulgarian President Georgi Parvanov to Capitol Hill. He is a man of great accomplishment and a champion of the Bulgarian Miracle promoting economic success and enhanced security. He has led his country to become a strategically located member of NATO, and is now implementing the reforms to join the European Union.

We appreciate Bulgaria's strong friendship which President Parvanov and President Bush recognized yesterday at the White House as the warmest ever in the history of our diplomatic relations.

Bulgarian Ambassador Elena Poptodorova to Washington has worked professionally with former U.S. Ambassador Jim Pardew and now Ambassador John Beyrle for a mutually beneficial partnership.

In conclusion, God bless our troops and we will never forget September 11.

TEMPORARY PROTECTED STATUS FOR PAKISTANI NATIONALS

(Mr. AL GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. AL GREEN of Texas. Mr. Speaker, I rise today to appeal for temporary protective status for Pakistanis who are temporarily in our country. This would allow them, Mr. Speaker, to stay in this country for up to 18 months at a time when their country has experienced a devastating impact from an earthquake.

As we know, millions are homeless, scores of thousands are dead, and millions more are in need of our assistance. Many of the persons who are here temporarily do not have homes to return to. This appeal would allow them to stay in this country until they will have an opportunity to regather themselves and their lives.

Pakistan has been our ally in the war on terrorism. This is the right thing to do for the people who are here, the people of Pakistan, and it is also the right thing to do because it shows the soft side of our power.

FISCAL RESPONSIBILITY

(Mr. PRICE of Georgia asked and was given permission to address the House for 1 minute.)

Mr. PRICE of Georgia. Mr. Speaker, while all Americans have shown compassion for the victims of recent natural disasters, we must exercise this compassion in a fiscally responsible manner. We in Congress have an obligation to respond to these natural disasters, but we must not give future generations an IOU of billions of dollars that they will have to pay off.

How do we do this? Many of my colleagues have looked for savings and prioritizing programs, and that is a great start and I am sure many more ideas will come forward as we discuss this issue. We must focus our efforts only on spending that which is essential to the American people, just like a family budget. In the past we have reduced spending when needed, and now is such a time. The American taxpayers want Congress to be fiscally responsible.

Mr. Speaker, it is important to compare the government's budget to a family budget, and it is simple: When you spend more in one area, you must find savings in another. My colleagues and I should do just that. Now let us finish the job and show the taxpayers that Congress is able to act as responsibly as they would in their own life.

CALLING FOR A NEW DIRECTION

(Mr. EMANUEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EMANUEL. Mr. Speaker, I know we are pretty busy, so to catch everybody up here, a few of today's headlines:

"E-mail Show FEMA's Disarray." Documents offer a glimpse of communication breakdowns in the Federal response to Katrina.

"Inflation Soars Largest Amount in 15 years."

"General Motors Health Care Benefit Cut Part Of A Trend."

"Greenspan says surge in energy prices will act as a drag on economy."

"States Protest Contributions to the Medicare Drug Plan." The Bush administration is requiring States to pay billion of dollars to fund the new prescription drug benefit.

"Vice President Cheney's Office Is A Focus in Leak Case. Sources Cite Role of Feud With the CIA."

"As of Monday morning, 1,957 U.S. servicemen had died in the war on Iraq."

Mr. Speaker, these stories serve as a wakeup call for change, or we can continue the same policies that have led us to this direction and this place. America can do better. We need new priorities. In the spirit of Edward R. Murrow, "Good day, and good luck."

THE CROPS WERE IN THE FIELDS

(Mr. POE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POE. Mr. Speaker, when the relentless rain and howling winds of Hurricane Rita hit southeast Texas, the agriculture industry took a beating. Texas rice farmers were already having a tough year because of unpredictable weather, increased fuel and fertilizer costs, and the last thing they needed was a visit from the lady of the gulf. Rita's wrath ravaged rice fields and caused power outages in the mills where harvested rice was being dried. The crops in the field just weeks away from the second harvest took a beating.

Bill Dishman, Jr., a rice farmer in my district, owns a farm in the small town of China, Texas. He figures about one-fourth or more of his second crop, that is the one rice farmers count on to make a profit, was lost. Almost every southeast Texas rice farmer suffered damages from this storm.

Following the storm, I had the opportunity to travel to southeast Texas with Secretary of Agriculture Mike Johanns and assess the damage and speak to the local rice farmers. Their concerns were serious and their outlook was grim. Texas rice farmers like Bill Dishman and Ray Stoesser need to remain on their combines and the rice needs to grow more, and we need more markets like Cuba. These are tense and troubling times. The American rice farmer, Mr. Speaker, is becoming an endangered species.

REPUBLICAN CORRUPTION AND EXTREME BUDGET CUTS

(Ms. SOLIS asked and was given permission to address the House for 1 minute.)

Ms. SOLIS. Mr. Speaker, this morning I note that Republicans in Congress have created a culture of corruption and cronyism at the expense of the American public. Instead of helping our senior citizens, students, veterans, and working families that are struggling every single day and see high prices at the gas station and high home heating costs, Republicans are demanding an additional $15 billion in cuts for a budget reconciliation plan. Republicans I understand want to cut the Federal low income heating program known as LIHEAP at a time when families are expected to pay double and triple compared to last year's heating home costs.

Republicans also plan to cut Medicaid and Medicare at a time when the number of people without health insurance has grown to 5 million people in 4 years. Republicans plan to cut higher education when we know that the cost of education and to send our kids to college is more than 20 percent higher than it was a few years ago. Republicans are demanding all these drastic cuts to help pay for the reconstruction of Katrina.

Why aren't we asking the wealthiest people in the country who have been given tax credits and giveaways and somehow make them accountable to help with this?

MORGAN MATLOCK

(Mr. CONAWAY asked and was given permission to address the House for 1 minute.)

Mr. CONAWAY. Mr. Speaker, I rise today to announce the selection of former Lamesa resident Ms. Morgan Matlock as Miss Texas 2005. She will represent the State of Texas in the 2005 Miss America Pageant.

Although she currently resides in Forth Worth, Texas, Ms. Matlock was born in Lamesa and hails from a long line of Dawson County residents. Morgan is a talented and dedicated young woman and is active in public service. She is a National Task Force leader for the Words Can Heal organization, and she will use her opportunity as Miss Texas to promote putting an end to verbal abuse. She also founded the Hearts Across Texas, a motivational organization for students from kindergarten to 12th grade as a staff member and columnist for Teen Scene and Pageantry Magazine, and a member of the Colleyville Chamber of Commerce.

The Texas values that she has exhibited throughout her community service and career in pageantry are honorable. It is my great privilege to represent her here in Washington. She is a bright example of the difference that one can make when civically oriented. I would like to wish Morgan good luck in the Miss America Pageant and in all her future endeavors. She has made not only District 11 proud, but all of Texas.

REGARDING AMBASSADOR JOE WILSON

(Mr. INSLEE asked and was given permission to address the House for 1 minute.)

Mr. INSLEE. Mr. Speaker, Mark Twain once observed that mankind is the only species that feels shame or needs to. That thought crossed my mind when I was reading about this corrupt effort to punish Ambassador Joe Wilson who told the truth and blew the whistle on the administration's misinformation about the Iraq war. Apparently in the grand jury testimony Judith Miller said, "She agreed to Libby's request to be cited in stories as a 'former Hill staffer,' a rather deceptive description for the Vice President's Chief of Staff."

Well, the Los Angeles Times got it right. It was deceptive, and there was a reason. Anyone who would participate in any way to punish an American for blowing the whistle on the President's misstatements should feel shame. Obviously, Mr. Libby did feel shame and that is why he hid from the public, or attempted to, that he was actually part of the administration that attempted to punish an American for telling the truth.

We should not wait for the grand jury. This President should root out the corruption and discharge the people responsible for these misdeeds.

ACTIONS SPEAK LOUDER THAN WORDS

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, the SPDC rules Burma with an iron fist. It has prevented the democratically elected leader of the nation from taking power, and nearly 1 million people have been driven from their homes and now live in the jungles hunted like animals by the SPDC military. They are called IDPs, internally displaced people.

I say to the people of Burma: Other human rights issues may get the headlines, but you are not forgotten. We stand with you. We will continue to work with you for as long as it takes to ensure that the people of your nation are able to live in peace and freedom.

On September 21, Assistant Secretary of State Eric John said that the Bush administration led by Ambassador John Bolton will put Burma on the Security Council agenda this month.

This is an important step towards resolving the tragedy in Burma and calling on the SPDC to account for its atrocities. Seventeen years after the formation of the Burma's main opposition party, the NLD, the U.N. is waking up and taking notice of the plight of the Burmese people. I hope the U.N. will act.

CALLING FOR INDEPENDENT COMMISSION REGARDING HURRICANE KATRINA

(Mr. COSTA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COSTA. Mr. Speaker, Americans were shocked by our government's response to Hurricane Katrina. They watched as days passed before the people of the gulf coast communities were rescued. Americans rightly wondered, given this poor response to a natural disaster, is our government ready to respond to a terrorist attack?

Americans now deserve the answers, and I believe those answers can best come from an independent commission to both identify what went wrong but, more importantly, to find solutions so that this failed response never happens again.

Mr. Speaker, this Congress shares with the current administration a weak reputation for oversight. We need only to look back a couple of years to be reminded that it was not Congress nor the White House who demanded an appropriate oversight of 9/11 attacks. Members on the 9/11 Commission have acknowledged it was the families of those lost in the attacks that came to Washington and demanded a thorough review of what went wrong.

□ 1215

Mr. Speaker, do we intend to wait for the people of Mississippi, Louisiana and Texas to march to the Capitol and demand that their administration and their Congress do the right thing and create an independent commission to find out truly how we can best respond in the future?

WISHING NATIONAL REVIEW AND WILLIAM F. BUCKLEY HAPPY BIRTHDAY

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, 50 years ago a new periodical entered the marketplace in American history. That publication was National Review. Its founder and editor was 29-year-old William F. Buckley. From the beginning, Buckley's magazine stood "athwart history, yelling 'Stop,' at a time when no one is inclined to do so, or to have much patience with those who so urged it."

And for 5 decades, it has bravely and effectively espoused conservative values and ideas, with both humor and intelligence. It is no surprise that since its inception, we have seen widespread acceptance of conservative principles like economic freedom, individual responsibility, and traditional values.

Buckley and National Review did much more than "stand athwart history." They helped shape it and America and the world are better for it. I offer a most sincere happy birthday to William Buckley and thank him for his wonderful creation, and I congratulate the family at National Review for 50 years of fine work with hopefully many more years to come.

REPUBLICANS CUT IMPORTANT PROGRAMS

(Mr. PALLONE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PALLONE. Mr. Speaker, this week House Republicans plan to move ahead with drastic cuts to domestic programs. Republicans say the cuts are necessary to help fund the reconstruction of the gulf coast after Hurricane Katrina.

Mr. Speaker, the programs House Republicans plan to cut this week are the very ones that have helped Americans in the gulf coast begin to pick up the pieces after losing their homes and their jobs. Imagine being injured during the hurricane and not having any access to health coverage because your job simply no longer exists.

The Federal Medicaid program has helped thousands of gulf coast residents with their health care bills over the last month. Now House Republicans are demanding that we cut Medicaid services. I know Republicans will say we need to make these cuts to address the deficit they created; but if Republicans really wanted to address the budget deficit, they would revisit their giant tax breaks for America's millionaires.

We are really helping the wealthiest elite in our Nation when there are so many people struggling from Hurricane Katrina. I cannot believe that the Republican answer to Hurricane Katrina is to cut the programs for the poor.

SPENDING REDUCTIONS

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Mr. Speaker, this morning Congress Daily ran a story, "House GOP drops plans for across-the-board spending cuts." At first glance, I was disappointed.

I have authored bills with the gentleman from Virginia (Mr. CANTOR) and the gentleman from Texas (Mr. HENSARLING) to offer across-the-board cuts because they work, and I believe we should have the courage to enact them. But I also know that those across the aisle favor massive spending and absolutely cannot stand across-the-board cuts. And while I am disappointed that we will not take that approach of across-the-board cuts, I am not going to give up on seeing major spending reductions.

Mr. Speaker, I believe the House Republican majority is going to find savings in our spending one way or another, despite opposition from the big spenders.

I want to thank the leadership for making it clear that we expect to see $50 billion in entitlement reductions. It is great progress. While Republicans debate how do we reduce spending and get it under control, our friends on the other side of the aisle are debating how much more can we spend.

Mr. Speaker, they are out of touch with America, but they can still join us in this effort.

PRAISING IRAQI ELECTIONS

(Ms. FOXX asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FOXX. Mr. Speaker, Saturday was a historic day for democracy in Iraq and a bad day for terrorists. Millions of Iraqis embraced the democratic process and turned out to vote for a new constitution. We will not know the final results until later this week, but the large turnout of voters and the low level of violence are themselves milestones of progress on Iraq's path to democracy. As Prime Minister Ja'afari said, "The victory for Iraq is that Iraqis are voting."

More than 60 percent of registered voters turned out in the Sunni majority Ninewah Province compared to 17 percent in January's election. The higher turnout is an important change and a tribute to our political strategy which includes continued outreach to Sunni leaders. Additionally, this strong Sunni participation is evidence of a desire on their part to reject insurgent violence and place their trust in the democratic process.

In addition, we know Saturday's violence did not even come close to the 347 election-day attacks reported in the January election.

Mr. Speaker, Saturday's vote took place 3 years to the day following Saddam Hussein's made-up election in which he won 100 percent of the vote. Taking one more step toward democracy, Iraqis now know what a real election is.

IMMIGRATION REFORM

(Mr. GINGREY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGREY. Mr. Speaker, 3 weeks ago I had the opportunity to meet and discuss the situation on our borders with the members of the Minute Men Project. These dedicated individuals reaffirmed my concerns that illegal immigrants are crossing our borders in record numbers. They fear that any amnesty or free citizenship bill will only reward and entice more illegal immigration. I agree.

Therefore, as Congress moves closer to a substantial debate on immigration reform, it is important that we not consider any guest worker or amnesty proposal until the administration makes a concerted effort to secure our borders and enforce our laws and Congress passes legislation that allows local and State officials to act as immigration deputies.

The situation on our border is not pretty, and it is a problem that Congress must not ignore.

Mr. Speaker, I ask for your help to reform and restore accountability to our immigration laws.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SHIMKUS). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later in the day.

ASSISTANCE FOR ORPHANS AND OTHER VULNERABLE CHILDREN IN DEVELOPING COUNTRIES ACT OF 2005

Mr. HYDE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1409) to amend the Foreign Assistance Act of 1961 to provide assistance for orphans and other vulnerable children in developing countries, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1409

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Assistance for Orphans and Other Vulnerable Children in Developing Countries Act of 2005".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) As of July 2004, there were more than 143,000,000 children living in sub-Saharan Africa, Asia, Latin America, and the Caribbean who were identified as orphans, having lost one or both of their parents. Of this number, approximately 16,200,000 children were identified as double orphans, having lost both parents—the vast majority of whom died of AIDS. These children often are disadvantaged in numerous and devastating ways and most households with orphans cannot meet the basic needs of health care, food, clothing, and educational expenses.

(2) It is estimated that 121,000,000 children worldwide do not attend school and that the majority of such children are young girls. According to the United Nations Children's Fund (UNICEF), orphans are less likely to be in school and more likely to be working full time.

(3) School food programs, including take-home rations, in developing countries provide strong incentives for children to remain in school and continue their education. School food programs can reduce short-term hunger, improve cognitive functions, and enhance learning, behavior, and achievement.

(4) Financial barriers, such as school fees and other costs of education, prevent many orphans and other vulnerable children in developing countries from attending school. Providing children with free primary school education, while simultaneously ensuring that adequate resources exist for teacher training and infrastructure, would help more orphans and other vulnerable children obtain a quality education.

(5) The trauma that results from the loss of a parent can trigger behavior problems of aggression or emotional withdrawal and negatively affect a child's performance in school and the child's social relations. Children living in families affected by HIV/AIDS or who have been orphaned by AIDS often face stigmatization and discrimination. Providing culturally appropriate psychosocial support to such children can assist them in successfully accepting and adjusting to their circumstances.

(6) Orphans and other vulnerable children in developing countries routinely are denied their inheritance or encounter difficulties in claiming the land and other property which they have inherited. Even when the inheritance rights of women and children are spelled out in law, such rights are difficult to claim and are seldom enforced. In many countries it is difficult or impossible for a widow, even if she has young children, to claim property after the death of her husband.

(7) The HIV/AIDS pandemic has had a devastating affect on children and is deepening poverty in entire communities and jeopardizing the health, safety, and survival of all children in affected areas.

(8) The HIV/AIDS pandemic has increased the number of orphans worldwide and has exacerbated the poor living conditions of the world's poorest and most vulnerable children. AIDS has created an unprecedented orphan crisis, especially in sub-Saharan Africa, where children have been hardest hit. An estimated 14,000,000 orphans have lost 1 or both parents to AIDS. By 2010, it is estimated that over 25,000,000 children will have been orphaned by AIDS.

(9) Approximately 2,500,000 children under the age of 15 worldwide have HIV/AIDS. Every day another 2,000 children under the age of 15 are infected with HIV. Without treatment, most children born with HIV can expect to die by age two, but with sustained drug treatment through childhood, the chances of long-term survival and a productive adulthood improve dramatically.

(10) Few international development programs specifically target the treatment of children with HIV/AIDS in developing countries. Reasons for this include the perceived low priority of pediatric treatment, a lack of pediatric health care professionals, lack of expertise and experience in pediatric drug dosing and monitoring, the perceived complexity of pediatric treatment, and mistaken beliefs regarding the risks and benefits of pediatric treatment.

(11) Although a number of organizations seek to meet the needs of orphans or other vulnerable children, extended families and local communities continue to be the primary providers of support for such children.

(12) The HIV/AIDS pandemic is placing huge burdens on communities and is leaving many orphans with little support. Alternatives to traditional orphanages, such as community-based resource centers, continue to evolve in response to the massive number of orphans that has resulted from the pandemic.

(13) The AIDS orphans crisis in sub-Saharan Africa has implications for political stability, human welfare, and development that extend far beyond the region, affecting governments and people worldwide, and this crisis requires an accelerated response from the international community.

(14) Although section 403(b) of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7673(b)) establishes the requirement that not less than 10 percent of amounts appropriated for HIV/AIDS assistance for each of fiscal years 2006 through 2008 shall be expended for assistance for orphans and other vulnerable children affected by HIV/AIDS, there is an urgent need to provide assistance to such children prior to 2006.

(15) Numerous United States and indigenous private voluntary organizations, including faith-based organizations, provide assistance to orphans and other vulnerable children in developing countries. Many of these organizations have submitted applications for grants to the Administrator of the United States Agency for International Development to provide increased levels of assistance for orphans and other vulnerable children in developing countries.

(16) Increasing the amount of assistance that is provided by the Administrator of the United States Agency for International Development through United States and indigenous private voluntary organizations, including faith-based organizations, will provide greater protection for orphans and other vulnerable children in developing countries.

(17) It is essential that the United States Government adopt a comprehensive approach for the provision of assistance to orphans and other vulnerable children in developing countries. A comprehensive approach would ensure that important services, such as basic care, psychosocial support, school food programs, increased educational opportunities and employment training and related services, the protection and promotion of inheritance rights for such children, and the treatment of orphans and other vulnerable children with HIV/AIDS, are made more accessible.

(18) Assistance for orphans and other vulnerable children can best be provided by a comprehensive approach of the United States Government that—

(A) ensures that Federal agencies and the private sector coordinate efforts to prevent and eliminate duplication of efforts and waste in the provision of such assistance; and

(B) to the maximum extent possible, focuses on community-based programs that allow orphans and other vulnerable children to remain connected to the traditions and rituals of their families and communities.

SEC. 3. ASSISTANCE FOR ORPHANS AND OTHER VULNERABLE CHILDREN IN DEVELOPING COUNTRIES.

Chapter 1 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) is amended by adding at the end the following section:

"SEC. 135. ASSISTANCE FOR ORPHANS AND OTHER VULNERABLE CHILDREN.

"(a) FINDINGS.—Congress finds the following:

"(1) There are more than 143,000,000 orphans living sub-Saharan Africa, Asia, Latin America, and the Caribbean. Of this number, approximately 16,200,000 children have lost both parents.

"(2) The HIV/AIDS pandemic has created an unprecedented orphan crisis, especially in sub-Saharan Africa, where children have been hardest hit. The pandemic is deepening poverty in entire communities, and is jeopardizing the health, safety, and survival of all children in affected countries. It is estimated that 14,000,000 children have lost one or both parents to AIDS.

"(3) The orphans crisis in sub-Saharan Africa has implications for human welfare, development, and political stability that extend far beyond the region, affecting governments and people worldwide.

"(4) Extended families and local communities are struggling to meet the basic needs of orphans and vulnerable children by providing food, health care including treatment of children living with HIV/AIDS, education expenses, and clothing.

‘‘(5) Famines, natural disasters, chronic poverty, ongoing conflicts, and civil wars in developing countries are adversely affecting children in these countries, the vast majority of whom currently do not receive humanitarian assistance or other support from the United States.

‘‘(6) The United States Government administers various assistance programs for orphans and other vulnerable children in developing countries. In order to improve targeting and programming of resources, the United States Agency for International Development should develop methods to adequately track the overall number of orphans and other vulnerable children receiving assistance, the kinds of programs for such children by sector and location, and any other such related data and analysis.

‘‘(7) The United States Agency for International Development should improve its capabilities to deliver assistance to orphans and other vulnerable children in developing countries through partnerships with private volunteer organizations, including community and faith-based organizations.

‘‘(8) The United States Agency for International Development should be the primary United States Government agency responsible for identifying and assisting orphans and other vulnerable children in developing countries.

‘‘(9) Providing assistance to such children is an important expression of the humanitarian concern and tradition of the people of the United States.

‘‘(b) DEFINITIONS.—In this section:

‘‘(1) AIDS.—The term ‘AIDS’ has the meaning given the term in section 104A(g)(1) of this Act.

‘‘(2) CHILDREN.—The term ‘children’ means persons who have not attained 18 years of age.

‘‘(3) HIV/AIDS.—The term ‘HIV/AIDS’ has the meaning given the term in section 104A(g)(3) of this Act.

‘‘(4) ORPHAN.—The term ‘orphan’ means a child deprived by death of one or both parents.

‘‘(5) PSYCHOSOCIAL SUPPORT.—The term ‘psychosocial support’ includes care that addresses the ongoing psychological and social problems that affect individuals, their partners, families, and caregivers in order to alleviate suffering, strengthen social ties and integration, provide emotional support, and promote coping strategies.

‘‘(c) ASSISTANCE.—The President is authorized to provide assistance, including providing such assistance through international or nongovernmental organizations, for programs in developing countries to provide basic care and services for orphans and other vulnerable children. Such programs should provide assistance—

‘‘(1) to support families and communities to mobilize their own resources through the establishment of community-based organizations to provide basic care for orphans and other vulnerable children;

‘‘(2) for school food programs, including the purchase of local or regional foodstuffs where appropriate;

‘‘(3) to increase primary school enrollment through the elimination of school fees, where appropriate, or other barriers to education while ensuring that adequate resources exist for teacher training and infrastructure;

‘‘(4) to provide employment training and related services for orphans and other vulnerable children who are of legal working age;

‘‘(5) to protect and promote the inheritance rights of orphans, other vulnerable children, and widows;

‘‘(6) to provide culturally appropriate psychosocial support to orphans and other vulnerable children; and

‘‘(7) to treat orphans and other vulnerable children with HIV/AIDS through the provision of pharmaceuticals, the recruitment and training of individuals to provide pediatric treatment, and the purchase of pediatric-specific technologies.

‘‘(d) MONITORING AND EVALUATION.—

‘‘(1) ESTABLISHMENT.—To maximize the sustainable development impact of assistance authorized under this section, and pursuant to the strategy required in section 4 of the Assistance for Orphans and Other Vulnerable Children in Developing Countries Act of 2005, the President shall establish a monitoring and evaluation system to measure the effectiveness of United States assistance to orphans and other vulnerable children.

‘‘(2) REQUIREMENTS.—The monitoring and evaluation system shall—

‘‘(A) establish performance goals for the assistance and expresses such goals in an objective and quantifiable form, to the extent feasible;

‘‘(B) establish performance indicators to be used in measuring or assessing the achievement of the performance goals described in subparagraph (A); and

‘‘(C) provide a basis for recommendations for adjustments to the assistance to enhance the impact of assistance.

‘‘(e) SPECIAL ADVISOR FOR ASSISTANCE TO ORPHANS AND VULNERABLE CHILDREN.—

‘‘(1) APPOINTMENT.—

‘‘(A) IN GENERAL.—The Secretary of State, in consultation with the Administrator of the United States Agency for International Development, shall appoint a Special Advisor for Assistance to Orphans and Vulnerable Children.

‘‘(B) DELEGATION.—At the discretion of the Secretary of State, the authority to appoint a Special Advisor under subparagraph (A) may be delegated by the Secretary of State to the Administrator of the United States Agency for International Development.

‘‘(2) DUTIES.—The duties of the Special Advisor for Assistance to Orphans and Vulnerable Children shall include the following:

‘‘(A) Coordinate assistance to orphans and other vulnerable children among the various offices, bureaus, and field missions within the United States Agency for International Development.

‘‘(B) Advise the various offices, bureaus, and field missions within the United States Agency for International Development to ensure that programs approved for assistance under this section are consistent with best practices, meet the requirements of this Act, and conform to the strategy outlined in section 4 of the Assistance for Orphans and Other Vulnerable Children in Developing Countries Act of 2005.

‘‘(C) Advise the various offices, bureaus, and field missions within the United States Agency for International Development in developing any component of their annual plan, as it relates to assistance for orphans or other vulnerable children in developing countries, to ensure that each program, project, or activity relating to such assistance is consistent with best practices, meets the requirements of this Act, and conforms to the strategy outlined in section 4 of the Assistance for Orphans and Other Vulnerable Children in Developing Countries Act of 2005.

‘‘(D) Coordinate all United States assistance to orphans and other vulnerable children among United States departments and agencies, including the provision of assistance relating to HIV/AIDS authorized under the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (Public Law 108-25), and the amendments made by such Act (including section 102 of such Act, and the amendments made by such section, relating to the coordination of HIV/AIDS programs).

‘‘(E) Establish priorities that promote the delivery of assistance to the most vulnerable populations of orphans and children, particularly in those countries with a high rate of HIV infection among women.

‘‘(F) Disseminate a collection of best practices to field missions of the United States Agency for International Development to guide the development and implementation of programs to assist orphans and vulnerable children.

‘‘(G) Administer the monitoring and evaluation system established in subsection (d).

‘‘(H) Prepare the annual report required by section 5 of the Assistance for Orphans and Other Vulnerable Children in Developing Countries Act of 2005.

‘‘(f) AUTHORIZATION OF APPROPRIATIONS.—

‘‘(1) IN GENERAL.—There is authorized to be appropriated to the President to carry out this section such sums as may be necessary for each of the fiscal years 2006 and 2007.

‘‘(2) AVAILABILITY OF FUNDS.—Amounts made available under paragraph (1) are authorized to remain available until expended.’’.

SEC. 4. STRATEGY OF THE UNITED STATES.

(a) REQUIREMENT FOR STRATEGY.—Not later than 180 days after the date of enactment of this Act, the President shall develop, and transmit to the appropriate congressional committees, a strategy for coordinating, implementing, and monitoring assistance programs for orphans and vulnerable children.

(b) CONSULTATION.—The strategy described in subsection (a) should be developed in consultation with the Special Advisor for Assistance to Orphans and Vulnerable Children (appointed pursuant to section 135(e)(1) of the Foreign Assistance Act of 1961 (as added by section 3 of this Act)) and with employees of the field missions of the United States Agency for International Development to ensure that the strategy—

(1) will not impede the efficiency of implementing assistance programs for orphans and vulnerable children; and

(2) addresses the specific needs of indigenous populations.

(c) CONTENT.—The strategy required by subsection (a) shall include—

(1) the identity of each agency or department of the Federal Government that is providing assistance for orphans and vulnerable children in foreign countries;

(2) a description of the efforts of the head of each such agency or department to coordinate the provision of such assistance with other agencies or departments of the Federal Government or nongovernmental entities;

(3) a description of a coordinated strategy, including coordination with other bilateral and multilateral donors, to provide the assistance authorized in section 135 of the Foreign Assistance Act of 1961, as added by section 3 of this Act;

(4) an analysis of additional coordination mechanisms or procedures that could be implemented to carry out the purposes of such section;

(5) a description of a monitoring system that establishes performance goals for the

provision of such assistance and expresses such goals in an objective and quantifiable form, to the extent feasible; and

(6) a description of performance indicators to be used in measuring or assessing the achievement of the performance goals described in paragraph (5).

SEC. 5. ANNUAL REPORT.

(a) REPORT.—Not later than one year after the date on which the President transmits to the appropriate congressional committees the strategy required by section 4(a), and annually thereafter, the President shall transmit to the appropriate congressional committees a report on the implementation of this Act and the amendments made by this Act.

(b) CONTENTS.—The report shall contain the following information for grants, cooperative agreements, contracts, contributions, and other forms of assistance awarded or entered into under section 135 of the Foreign Assistance Act of 1961 (as added by section 3 of this Act):

(1) The amount of funding, the name of recipient organizations, the location of programs and activities, the status of progress of programs and activities, and the estimated number of orphans and other vulnerable children who received direct or indirect assistance under the programs and activities.

(2) The results of the monitoring and evaluation system with respect to assistance for orphans and other vulnerable children.

(3) The percentage of assistance provided in support of orphans or other vulnerable children affected by HIV/AIDS.

(4) Any other appropriate information relating to the needs of orphans and other vulnerable children in developing countries that could be addressed through the provision of assistance authorized in section 135 of the Foreign Assistance Act of 1961, as added by section 3 of this Act, or under any other provision of law.

SEC. 6. APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.

In this Act, the term "appropriate congressional committees" means the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on International Relations of the House of Representatives.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. HYDE) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois (Mr. HYDE).

GENERAL LEAVE

Mr. HYDE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. HYDE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, over 140 million children living in sub-Saharan Africa, Asia, Latin America, and the Caribbean have lost a parent resulting from conflict and disease, undercutting their already difficult struggle to cope with basic needs such as health care, food, clothing, and education.

The situation is even more dire for 16 million of these children who have lost both parents, the vast majority of whom had their lives taken by AIDS. Many of these surviving children themselves are living with HIV/AIDS and are doing so alone.

The size and scope of the problems facing orphans and vulnerable children in the developing world is daunting. The United States provides significant levels of assistance through the good work of the United States Agency For International Development and other U.S. agencies to provide much-needed help to these children. However, these children deserve the best effort of the United States, and the American people expect the same. We can do better.

American aid to help these children is provided by a patchwork of programs from various offices within USAID and across U.S. agencies with little overall coordination. H.R. 1409 will increase the coherence and cohesion, as well as the effectiveness, of our multifaceted approach without disrupting the flow of aid to help these children through existing mechanisms.

This legislation requires the Secretary of State to designate a senior officer, likely within USAID, to be a special adviser for assisting orphans and vulnerable children. This special adviser will ensure that our various assistance streams within our government will be complementary to each other, that aid strategies developed in Washington and our field missions are informed with the best data, analysis, and practices to help these children, and that someone in our government is conducting regular monitoring and evaluation of our efforts so we can continually improve the effectiveness of these programs.

This legislation does not construct costly new bureaucratic structures such as a new office, nor does it expand personnel requirements to accomplish these tasks. There are already sufficient numbers of people and programs. Rather, we expect that the new special adviser will be drawn from existing ranks, someone who is already familiar with and working on these issues and can be dual-hatted in these responsibilities.

In the last Congress we passed a previous version of this bill to help orphans and vulnerable children. Unfortunately, the Senate did not follow our lead. This time the Senate is already working on a bill identical to H.R. 1409, so we are hopeful that the passage of this bill today in the House will result in its being enacted into law very soon.

Finally, I would like to acknowledge the tireless work of the gentlewoman from California (Ms. LEE) and her staff for working to maintain momentum for this important legislation and bringing it to a vote today. I strongly urge my colleagues to vote in favor of H.R. 1409.

Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of this legislation, and I would first like to thank the chairman of the Committee on International Relations, the gentleman from Illinois (Mr. HYDE), for his hard work and long-standing advocacy for orphans and vulnerable children, particularly those affected by HIV/AIDS. I also want to congratulate the outstanding efforts of the sponsor of this legislation, my neighbor, friend and colleague from the San Francisco Bay area, the gentlewoman from California (Ms. LEE).

Mr. Speaker, the world faces an insidious and horrifying threat to human life in the form of HIV/AIDS. This deadly pandemic has left millions of men and women in its wake, but they are not its only victims.

Mr. Speaker, a child is orphaned by HIV/AIDS every 14 seconds. Let me repeat this staggering statistic: every 14 seconds a child is orphaned by HIV/AIDS.

Today, by passing this legislation, we take a step to help relieve the world's orphans and vulnerable children of the suffering they endure at such alarming rates. As of midyear 2004, there were over 15 million children worldwide who were identified as orphans, more than 12 million of whom live in Africa. We expect by the year 2010 this figure will climb to 25 million children.

Mr. Speaker, that means that in 5 years there will be more HIV/AIDS orphans than the combined population of 18 of our States. Alaska, Delaware, Hawaii, Idaho, Kansas, Maine, Montana, Nebraska, Nevada, New Hampshire, New Mexico, North Dakota, Rhode Island, South Dakota, Utah, Vermont, West Virginia, and Wyoming have a combined population which will equal the number of HIV/AIDS orphans. Our government has made a global commitment to combating HIV/AIDS.

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Now we must provide international leadership and do our share to highlight the suffering of children and bring hope to the world's future generations.

This bill is limited in scope, but it does represent our political will and our moral determination to wage battle against child misery in the developing world. I recognize of course that our agencies on the frontlines of this disease are already doing a great deal to aid poor children. However, this effort needs to be coordinated and brought to the attention of leaders in the Congress and around the world.

The legislation we are considering is important because it designates a Special Adviser to coordinate and support all of our efforts to protect orphaned and vulnerable children in poor, developing countries. The legislation will promote accountability for U.S. dollars that are given to programs to help orphans.

Mr. Speaker, our legislation will ensure that donor nations do not constantly reinvent the wheel as aid is provided to orphans in the developing world. The Special Adviser created by this legislation will spread aggressively best practices in assisting orphans to aid agencies and foreign governments around the world.

The orphans of HIV/AIDS around the globe are among the most vulnerable people on our planet. If we care for them, we can overcome this crisis and turn the tide against AIDS and the ravages of poverty.

I urge all of my colleagues to vote in support of this bill.

Mr. Speaker, I yield 7 minutes to the gentlewoman from California (Ms. LEE), the author of this legislation.

Ms. LEE. Mr. Speaker, first let me thank the gentleman from Illinois, our chairman, for his strong and consistent support and his consistent commitment to orphans and vulnerable children throughout the world. Also I want to thank the gentleman from California for helping us make sure that we stayed on track to ensure that this was truly a bipartisan bill, and I want to thank him for his leadership.

This bill is, as the gentleman from Illinois mentioned, a bipartisan-bicameral compromise and has attracted the sponsorship of 130 Members of Congress. We have been working on this bill with the gentleman from Illinois and the gentleman from California (Mr. LANTOS) and their staffs for nearly 1½ years now. So I want to specifically thank Matt McLean on the chairman's staff and also Pearl Alice Marsh on the gentleman from California's staff for their help in putting this bill together. Not to mention my staff, Christos Tsentas, who has worked day and night. Without them this bill would not be possible.

Let me also mention our advocates and NGOs, including the Global AIDS Alliance, the Elizabeth Glaser Foundation, Save the Children, RESULTS, the Global Action for Children campaign, and many others who helped make this bill a reality.

As we move to pass this bill today, I also want to very briefly acknowledge the work of former President Bill Clinton in focusing on AIDS orphans. He was really one of the first to highlight the importance of addressing the needs of children orphaned by AIDS in a speech on World AIDS Day in 1998. The following year President Clinton invited the gentlewoman from Texas (Ms. JACKSON-LEE), the gentlewoman from Michigan (Ms. KILPATRICK), and myself to join Sandy Thurman, then Director of the Office of National AIDS Policy at the White House. We went on a Presidential Mission to sub-Saharan Africa in late March of 1999 to focus specifically on children orphaned by AIDS. We visited Zambia, Uganda, and South Africa and met with a number of dynamic leaders and individuals and saw just how devastating the AIDS crisis had become and how deeply children were being affected.

So out of that visit, in 1999, the White House produced an action report and began to take the first steps towards a broader U.S. role in the global fight against AIDS. And, Mr. Speaker, I will include that report in the RECORD.

BACKGROUND

On December 1, 1998, World AIDS Day, President Clinton highlighted the growing global tragedy of children orphaned by AIDS in sub-Saharan Africa. At that time, he directed Sandra Thurman, Director of the Office of National AIDS Policy, to lead a fact-finding mission to the region and to report back to him with recommendations for productive action. From March 27 through April 5, Director Thurman led a Presidential Mission to Zambia, Uganda, and South Africa. Director Thurman was accompanied by Representatives Jackson-Lee, Kilpatrick, and Lee, and senior staff from the offices of Senators Hatch, Helms, and Kennedy, and Representative Pelosi. Also joining the Mission was a group of community leaders from outside of government including Mayor David Dinkins, Bishop Felton May, and William Harris. [Attachment A: Trip Manifest]

The goals of the trip were to: investigate the extent of the AIDS crisis in sub-Saharan Africa particularly as it relates to children orphaned by AIDS; identify proven and promising interventions; and, promote leadership both at home and abroad.

Information for this report was gathered from meetings with African presidents, government ministers, donors, experts, providers, children, parents, and community leaders. In addition, site visits were made to a wide variety of community-based programs serving children and families affected by AIDS. Both the meetings and the visits provided an important perspective on the problem regarding actions taken, lessons learned, and further progress needed. [Attachment B: Groups Visited]

PLAN OF ACTION

The Background

Throughout the Mission's travel in Africa, it was clear that President Clinton's "Partnership with Africa" is making hope a reality, even at the village level. From Kampala to Cape Town, people across Africa know of this historic initiative. Unfortunately, AIDS threatens to decimate the progress of this partnership and everything else in its path. To protect and defend the legacy of growth and opportunity we have built with Africa, and the children and families who depend on it, an aggressive AIDS initiative, involving concrete action both at home and abroad, is essential.

Given the magnitude of the AIDS pandemic and its devastating impact on child survival, economic development, trade, regional stability, and civil society in Africa today, and in India tomorrow, the President established a Global AIDS Emergency Working Group. Included were the National Security Council, Office of Management and Budget, Office of the Vice President, USAID, and the Departments of Defense, State, Treasury, Commerce, and HHS. The Office of National AIDS Policy coordinated this effort, and together the Working Group and the members of the Presidential Mission made specific recommendations. These recommendations form the basis of the Plan of Action now put forward by the Administration.

The Goals

UNAIDS, in cooperation with its bi-lateral and multi-lateral partners, has laid out a series of goals for the next five years as described below. The Administration seeks to further these goals through an initiative entitled "Joining Forces for LIFE: Leadership and Investment in Fighting an Epidemic:"

The incidence of HIV infection will be reduced by 25% among 15–24 year olds by 2005. (Currently 2 million young adults are infected each year in sub-Saharan Africa.)

At least 75% of HIV infected persons will have access to basic care and support services at the home and community levels, including drugs for common opportunistic infections (TB, pneumonia, and diarrhea). (Currently, less than 1% of HIV infected persons have such access.)

Orphans will have access to education and food on an equal basis with their non-orphaned peers.

By 2001, domestic and external resources available for HIV/AIDS efforts in Africa will have doubled to $300 million per year. (Currently, approximately $150 million per year is spent on HIV/AIDS prevention in sub-Saharan Africa.)

By 2005, 50% of HIV infected pregnant women will have access to interventions to reduce mother-to-child HIV transmission. (Currently, less than 1% of HIV infected pregnant women have access to such services in sub-Saharan Africa.)

The Initiative

I. Increasing the US Government investment in the global battle against AIDS to begin to reflect the magnitude of this rapidly escalating pandemic.

Making a difference in Africa and in other highly impacted areas requires broader political commitment, enhanced community mobilization, and, most urgently, increased resources. In 1998, spending on AIDS in Africa totaled only $165 million. Compared to the ever-escalating need and other health programs, this amount is woefully inadequate. For example, in 1998, over $500 million was spent for basic childhood immunization programs in Africa. Based on our experience in those countries that are starting to demonstrate success, such as Uganda and Senegal, UNAIDS and donors now agree that a minimum of $600 million is needed in sub-Saharan Africa per year for HIV prevention alone ($2 per adult per year).

While we acknowledge the leadership role that the US plays globally and the urgent need to act, clearly an effort to combat AIDS must be driven by many actors including host countries, multi-lateral organizations, and bilateral donors, to be successful. In FY1999, the US Government spent $74 million in USAID prevention and care in Africa and $38 million in HHS research and surveillance/prevention. But more remains to be done in sub-Saharan Africa and in other seriously affected parts of the world.

The Administration proposes to commit an additional $100 million in FY2000 to the global battle against AIDS. This initiative will enable us to move forward on four critically important and interconnected fronts including:

Containing the AIDS Pandemic ($48 million)—Implement a variety of prevention and stigma reduction strategies, especially for women and youth, including: HIV education, engagement of political, religious, and other leaders; voluntary counseling and testing; interventions to reduce mother-to-child transmission (MTCT); and enhance training and technical assistance efforts, including Department of Defense efforts with African militaries.

Providing Home and Community-Based Care ($23 million)—Deliver counseling, support, and palliative and basic medical care including treatment for sexually transmitted diseases, opportunistic infections (OIs), and tuberculosis (TB) through community-based clinics and home-based care workers. Enhance training and technical assistance efforts.

Caring for Children Orphaned by AIDS ($10 million)—Assist families, extended families, and communities in caring for their children through nutritional assistance, education, training, health, and counseling support, in coordination with micro-finance programs.

Strengthening Prevention and Treatment by Augmenting Planning, Infrastructure, and Capacity Development ($19 million)—Strengthen host country ability to plan and implement effective interventions. Strengthen the capacity for effective partnerships and the ability of community-based organizations to deliver essential services. Strengthen surveillance systems to track the epidemic and target HIV/AIDS programs.

This US Government assistance would be provided through USAID ($55 million), HHS ($35 million), and DoD ($10 million). The focus of this funding is HIV prevention, and AIDS care and treatment. In those areas, this initiative represents nearly a doubling of funding in Africa from current levels ($81 million in FY99, which excludes research). The Administration recognizes the fight against AIDS must be sustained to keep pace with this burgeoning epidemic, and is committed to a multi-year effort in this critical area.

II. Building partnerships with other key stakeholders to maximize our impact on the rapidly expanding pandemic

Increasing US investment in the global battle against AIDS is critical, but is not sufficient to achieve the outcomes needed. The commitment of in-country political leaders and of various segments of civil society are key to success. Moreover, resources provided by the US Government need to help leverage, and to be coordinated with those of other donors, the private sector, and national governments to ensure synergy and to maximize impact. Building partnerships with key stakeholders in support of effective action at the community level is our greatest hope for progress.

This initiative will pursue a variety of strategic opportunities for challenging other partners to join in an enhanced effort, including:

Leadership Meeting—On September 7, 1999, First Lady Hillary Rodham Clinton will convene a meeting of key US officials, The World Bank, UNAIDS, as well as heads of foundations, corporate CEOs, and others to discuss how best to enhance AIDS prevention and treatment efforts in Africa and around the world. The meeting will focus not only on leveraging additional resources, but also on establishing priorities, identifying effective public/private partnerships, and identifying targets for action to combat the crisis of HIV/AIDS.

African Leaders Summit—We propose hosting a high-level meeting with Africa government and community leaders within the next ten months. This meeting will highlight the critical role of leadership in arresting the epidemic and will work to encourage increased leadership efforts. Topics will include the economic impact of HIV/AIDS, examination of models of success in reducing the transmission of HIV, and addressing the need for increased investment in health programs. Additional topics will include AIDS care and treatment and support for children orphaned by AIDS.

UN Conference on Children Orphaned by AIDS—On December 1, 1999 (World AIDS Day), the United Nations in conjunction with the National Black Leadership Commission on AIDS, The White House Office of National AIDS Policy, The Magic Johnson Foundation and a variety of NGOs, will organize a conference to focus attention on the growing number of children orphaned by AIDS worldwide. Special emphasis will be placed on assessing the needs of orphaned children in sub-Saharan Africa and the Americas. Participants will include noted experts on the priority issues identified by UNAIDS, UNICEF, and other UN agencies.

Business—The Department of Commerce will facilitate a meeting of business leaders active in Africa to encourage them to increase their efforts to rise to the AIDS challenge. Given the impact that AIDS is having on businesses as well as the overall economic-impact on African countries, such a meeting will seek enhanced business commitment and involvement in AIDS programs.

The Commerce Department will work with American Chambers of Commerce abroad and other business organizations to publicize the successful AIDS efforts of US firms in Africa and to support others taking similar action. In addition, the Department will direct work to promote closer coordination in Africa between Commercial Service Offices, other USG agencies, the business community, and African NGOs in a united effort to promote corporate partnership in AIDS programs.

Labor—The Secretary of Labor will facilitate a meeting of US and African labor leaders, which will be co-chaired by the AFL-CIO. The success of the AFL-CIO and its Solidarity Center in South Africa (supported by USAID) in working with the South African Trade Union Federations to include AIDS as a key labor outreach and policy issue provides a model for similar action elsewhere. Outcomes include assisting labor organizations in educating their members and securing commitments to develop workplace-based AIDS education and prevention programs, including outreach to youth.

Religious Leaders Summit—The US government will facilitate a meeting of African, American, and other religious leaders to discuss the important role of communities of faith in the fight against AIDS. In Uganda and Senegal, the involvement of religious communities and leaders had a dramatic impact on the ability of these two countries to reduce HIV incidence and to maintain it at low levels over time. The outcome of such a meeting would be to increase attention to the need for involving religious communities, to mobilize these organizations and leaders in the fight against AIDS, and to identify ways to support their efforts.

Diplomatic Initiatives—The Department of State, National Security Council, and ONAP will work with US and African ambassadors to increase attention to AIDS within the diplomatic community. The NSC, the Department of State, and USAID will work with G–8 and other donors, and challenge them to match the increased investment put forward in this initiative.

ATTACHMENT A—TRIP MANIFEST

Presidential mission to AFRICA—March 27–April 5, 1999

Members of Congress: Representative Carolyn Kilpatrick, Foreign Operations Subcommittee, Appropriations, and Congressional Black Caucus; Representative Barbara Lee, Africa Subcommittee, International Relations, and Congressional Black Caucus; and Representative Sheila Jackson Lee, Founder and Chair, Congressional Children's Caucus, and Congressional Black Caucus.

Congressional Staff: Bruce Artim, Health Staff, Senator Hatch; Mary Lynn Qurnell, Legislative Assistant, Senator Helms; Stephanie Robinson, General Counsel, Senator Kennedy; and Carolyn Bartholomew, Legislative Director, Representative Pelosi, Minority Staff, Foreign Operations Subcommittee, Appropriations.

Non-Governmental Participants: William Harris, President, Children's Education and Research Institute; Bishop Felton May, General Board of Global Ministries, United Methodist Church; David Dinkins, Chair, Black Leadership Commission on AIDS; Dr. Jacob Gayle, UNAIDS Technical Advisor and Liaison to The World Bank; Rory Kennedy, Documentary filmmaker, Moxie Films; and Nick Doob, Documentary filmmaker, Moxie Films.

Administration Officials: Sandra L. Thurman, Director, Office of National AIDS Policy; Michael Iskowitz, Consultant, USAID; Dr. Paul DeLay, Director, HIV/AIDS Programs, USAID; Maria Sotiropoulos, Protocol Officer, State Department; and Phil Drouin, Desk Officer, Bureau of African Affairs, State Department.

ATTACHMENT B—GROUPS VISITED: COMMUNITY ORGANIZATIONS AND GOVERNMENT OFFICIALS

Zambia

Bwanfanon, CHIN, Christian Council of Zambia, Evangelical Fellowship of Zambia, Family Health Trust, Fountain of Hope, McKinney Islamic Center, Mulenga Compound, National AIDS Network, Ndeke House, Project Concern International, Society of Women Against HIV/AIDS, St. Anthony's Compound, and Twapia Widows Group.

President Jacob Titus Chiluba: Dr. Nkandu Luao, Minister of Health; Peter McDermott, UNICEF Country Representative; Vincent Malambo, Minister of Legal Affairs; Edith Z. Nawakwi, Minister of Finance and Economic Development; Abel Chambeshi, Minister of Youth, Sports and Child Health; Keli Walubita, Minister of Foreign Affairs; Dawson Lupunga, Minister of Community Development; Dr. Moses Sichone, HIV/AIDS Coordinator, GRZ; GRZ public-private orphan task force; and Ambassador Arlene Render.

Uganda

AIDS Development Foundation, AIDS Information Center, The AIDS Support Organization (TASO), Foundation for International Community Assistance (FINCA), Joint Clinical Research Centre, Makerere University, National Community of Women Living with AIDS, Save the Children (UK), Uganda AIDS Commission, Uganda Cancer Institute, Uganda Virus Research Institute, and United Women's Effort to Save Orphans.

President Yoweri Kaguta Museveni, First Lady Janet Museveni, Dr. Crispus Kiyonga, Minister of Health; Hajat Janat Mukwaya, Minister of Gender, Labor and Development; Dr. Elizabeth Madraa, AIDS/STD Control Program, Ministry of Health; Rafina Ochago, Commissioner for Child Care and Protection, Ministry of Gender, Labor and Development; and Ambassador Nancy J. Powell.

South Africa

Bethesda House, CINDI Coalition (Children in Distress), Don McKenzie TB Hospital, Edendale Hospital, Edith Benson Babies Home, Ethembeni Centre, Grey's Hospital, Highway Hospice, Hope Worldwide-Jabavu Clinic, King Edward Hospital, Lilly of the Valley, Makaphuthu Children's Home, Project Gateway, and Streetwise Shelter.

Nkosa Zana Zuma, Minister of Health; GJ Fraser-Moleketi, Minister of Welfare and Population Development; Dr. Ben S. Ngubane, Premier, KZN; Dr. Zweli Mkhize, Minister of Health, KZN; Siphiwe Gwala, Mayor, KZN; and Ambassador James Joseph.

Ms. LEE. Mr. Speaker, I also want to make special note of the work of Bono and his organization Debt, AIDS, Trade, Africa for their work in really driving the agenda of HIV and AIDS and for bringing the attention to the needs of African people. He will be here, incidentally, today in the Capitol, and I know he will appreciate the importance of passing this bill.

And also, finally, I must thank my predecessor, Ron Dellums, who for many years was a lone voice in the wilderness who also developed the concept of the AIDS Marshall Plan and the Global Fund for AIDS.

Quite simply, this bill, H.R. 1409, will better coordinate and address the growing problem of orphans and vulnerable children in the developing world. As we heard earlier, an estimated 143 million children were living as orphans throughout sub-Saharan Africa, Asia, Latin America, and the Caribbean. This is extremely hard to even comprehend.

The rapid growth of HIV and AIDS especially in Africa has dramatically impacted the number of children who are newly becoming orphans. According to UNAIDS, today there are over 15 million children living as orphans due to HIV and AIDS, again, the vast majority in sub-Saharan Africa. By 2010 there will be 25 million children. Today every 14 seconds another child is orphaned by AIDS. With parents dying at an alarming rate, children are left without food, shelter, education, or protection. We actually saw children raising children, 10-year olds raising their siblings.

The global orphan crisis is a profound humanitarian disaster that will be felt for decades to come. This bill seeks to address the growing global problem of orphans and vulnerable children by providing assistance to support basic care through community, school food programs, increased primary school enrollment, employment training, protection of inheritance rights, psychosocial support, and treatment for children living with HIV and AIDS.

Together these activities will be overseen by a Special Adviser for Orphans and Vulnerable Children within USAID, which is a new position that my bill establishes. The Special Adviser will be responsible for coordinating, advising, and monitoring the provision of assistance for orphans and ensuring proper accountability for this program.

The amendments that we put into this bill have been made after careful negotiation with the other body and the gentleman from Illinois and the gentleman from California, our House leadership, and I thank them for helping us with these negotiations. These amendments would clarify the role of the Special Adviser in focussing specifically on orphans and vulnerable children. The amendments would also give USAID some flexibility to aggregate data in its report to Congress rather than providing detailed information on each individual grant and program.

Many of us, as I said earlier, have seen firsthand the desperation that orphans and vulnerable children are facing. There are many, in Africa especially, who have risen to the occasion. Father D'Agostino, for example, of Nyumbani orphanage. Many of us know Father D'Agostino, and he is doing unbelievable work in primarily Kenya. He has got the care and devotion of a staff and all of its volunteers who are really basically saving lives of children and helping develop their futures. He needs resources.

Also Mama Jean. I have got to mention her. Mother of Peace Orphanage Community in Zimbabwe. It is an orphanage I have become quite familiar with because it benefits adjacent rural communities, and I am proud to say that my own church in Oakland, California, the Allen Temple Baptist Church, is one of the sponsors of this orphanage.

Mr. Speaker, let me just say that these two programs are incredible programs and it is really a testament to how much good can be done on a shoestring budget by a committed group of people.

Bwafwano Home-Based Care Organization, run by Beatrice Chola. I met her when I traveled to Zambia last year with the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) and the gentlewoman from Texas (Ms. JACKSON-LEE). She is working as a nurse in the Chipata health center of Lusaka. Beatrice started this clinic, this orphanage, back in 1996 when she saw that the health center was overrun by HIV and AIDS and TB-infected patients.

So today, Mr. Speaker, to our chairman, to the gentleman from California, and to all of those who have made this bill possible, I want to thank them on behalf of the millions of children who are going to be helped, whose lives will be saved, and who will lead the quality of life that they so deserve. They need our help. We are stepping up to the plate.

Mr. LANTOS. Mr. Speaker, I yield 2 minutes to the gentlewoman from Minnesota (Ms. McCOLLUM), a member of the Committee on International Relations, who has been a fighter for children's rights and a fighter to defeat the ravages of AIDS.

Ms. McCOLLUM of Minnesota. Mr. Speaker, I strongly support this important legislation to address the needs of children orphaned and vulnerable as a result of the AIDS pandemic. The gentlewoman from California (Ms. LEE) and her staff, as well as the gentleman from Illinois (Mr. HYDE), the gentleman from California (Mr. LANTOS), and the gentleman from Iowa (Mr. LEACH) are to be commended for their commitment to setting forth a policy that creates a framework to meet the needs of AIDS orphans. This bill deserves the full support of this House.

At this moment millions of boys and girls, children, across the continent of Africa are struggling to survive, struggling to find food and shelter and to care for siblings. They too often live in fear of sexual exploitation or are forced to use sex in exchange for food, safety, and survival. By 2010 an estimated 25 million children across Africa alone will be orphaned as a result of AIDS. Millions more will be caring for sick parents as well as for brothers and sisters.

Mr. Speaker, today's Seattle Post-Intelligencer details how the small southern African nation of Malawi is facing an AIDS disaster which is now fueling a famine. In this nation of nearly 12 million people, nearly 1 million more people are infected with HIV, many too sick to farm their fields. Five million Malawians are at risk of starvation. In Malawi there are also 700,000 AIDS orphans struggling to survive a famine, and this does not include the vulnerable children.

When a country is starving, who feeds the children? Who feeds, cares for, educates, and protects the children, the AIDS orphans? Mr. Speaker, AIDS is killing an entire nation, and the children left behind must be protected and cared for and educated and, most importantly, valued.

This bill is an important first step. U.S. leadership is needed for these children who deserve our help.

Mr. Speaker, for the RECORD I submit the Seattle Post-Intelligencer article.

[From the Seattle Post-Intelligencer, Oct. 18, 2005]

MALAWI VILLAGE UNDERSCORES IMPACT OF AIDS

(By Clare Nullis, Associated Press Writer)

NAPASHA, MALAWI.—It's so quiet you can hear scrawny hens pecking at the dust. A few ragged children peer timidly from the shadow of their mud huts but show no interest in playing. Beyond them lie barren cornfields, abandoned to the blistering heat.

The despair is unmistakable in Napasha, a village in the southern African nation of Malawi where an AIDS epidemic has compounded the vicious cycle of poverty, hunger and disease.

"Our fields are idle because there is nobody to work them," says Toby Solomon, a local commissioner.

Subsistence farmers dominate Malawi's struggling economy. But an estimated 900,000 of 12 million people are infected with the HIV virus, a national rate of just over 14 percent. In the southern province of Nsanje, which includes Napasha, the rate is as high as 35 percent, according to Solomon.

"We don't have machinery for farming, we only have manpower," Solomon says. "If we are sick, or spend our time looking after family members who are sick, we have no time to spend working in the fields."

Numbers aren't easy to come by in Napasha, a cluster of simple mud buildings with no electricity or sanitation and just one communal water pump. But the 400 or so households here include about a hundred children who have lost one or both parents to AIDS.

The epidemic has aggravated a food crisis stemming in part from a drought that is withering corn crops. President Bingu wa Mutharika declared all of the southern African nation a "disaster area" Saturday and appealed for international help. He warned that 5 million people, almost half the population, are threatened with hunger.

Monica Kasitomu, a tiny graying woman who thinks she is around 70, is struggling to feed three young grandchildren who lost both their parents to AIDS. She says she depends on the corn meal and oil she receives from the United Nations.

"I'm getting too old to care for my grandchildren," she frets. "When I die, I don't know what will happen to them," she says, tears in her eyes.

One roadside sign near Napasha urges people to use condoms. "AIDS is real. It's not witchcraft," it says.

Many people here, as in much of Malawi, believe AIDS is caused by witchcraft and consider condoms taboo. The government and foreign relief agencies have launched campaigns to try to educate people about the disease, but results have been slow to filter down.

AIDS kills about 90,000 people in Malawi every year, and about half of the country's hospital beds are occupied by people with AIDS-related complications. Napasha, which is far from any health facilities, has at least eight households with terminally ill AIDS victims.

One is Melania Nakhove, a tall and graceful woman who looks older than her 50 years. She lost her husband to AIDS in 2002 and then discovered that she too was infected with the virus. She used to have a job but gave it up when she became too ill to work. Her house—like most others in the village—is bare. Her monthly ration of cornmeal lies drying on the floor of her living room, adorned only with a 2002 calendar and an AIDS awareness poster.

Nakhove counts herself lucky to receive both food aid and anti-retroviral medicines thanks to a government program funded by foreign donations.

Of an estimated 140,000 Malawis who need the life-prolonging drugs, only 19,000 were receiving them in June, according to the World Health Organization. The government aims to put 80,000 on treatment by the end of the year, but that is subject to foreign funding.

At the Saint Montfort feeding center in southern town of Nchal, nurse Getrude Mkwapu estimates half the children admitted to the intensive feeding ward are HIV-positive, complicating efforts to treat their malnutrition.

James, just 14 months old, is one of them. The skeletal boy, who looks no older than four months, wails incessantly as his grandmother, Weza Jugen, tries to coax him to drink a cup of milk.

"I don't know what I can do," Jugen said. "All I can try to do is to give him milk and porridge."

James, whose mother died last month, is one of 700,000 orphans in Malawi.

"The epidemic is giving people a sense of no hope," says Solomon. "No hope for life."

Mr. HYDE. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. LANTOS) and ask unanimous consent that he be allowed to control that time.

The SPEAKER pro tempore (Mr. SHIMKUS). Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. LANTOS. Mr. Speaker, I thank the gentleman from Illinois for his usual gracious accommodation.

Mr. Speaker, I yield 4 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE), a fighter for children's rights.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank both the gentleman from Illinois (Mr. HYDE) and the gentleman from California (Mr. LANTOS) for their graciousness in this debate, something that I know the gentlewoman from California (Ms. LEE) has waited on and fought for for such a long time. My hat is off to the gentlewoman from California (Ms. LEE), and the good news is that at the end of my name there is L-e-e. But I celebrate her leadership today and join in reminding the world that this may sound like a celebration but it is only the beginning.

I rise to enthusiastically support H.R. 1409, Assistance for Orphans and Other Vulnerable Children in Developing Countries Act of 2005.

Though, Mr. Speaker, that we rise today and speak about the scourge of AIDS, the vitality and importance of this legislation looms even more important as we look at the backdrop of now the rising numbers of those who have lost their lives in the terrible tragedy of the earthquake in Pakistan and, of course, as I am facing two disasters, the terrible tragedy of Hurricane Katrina and Rita where we know that the largest numbers of those impacted are children. In the instance of Pakistan, we know that children may be the highest numbers of those who have lost their lives, now numbers rising above 40,000. We know in Hurricane Katrina and Rita that we also will feel a terrible impact on our children.

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So this bill that is now focused specifically on the issues dealing with HIV/AIDS speaks volumes that we were able to pass legislation based upon the mission that the gentlewoman from California (Ms. LEE), myself, and the gentlewoman from Michigan (Ms. KILPATRICK) joined as the first Presidential mission led by Sandy Thurman of the White House under President Bill Clinton.

As I said, the steps were measured but the effort was persistent and determined, and so this bill will authorize assistance to provide basic care through the community, school food programs, increased primary school enrollment, employment training, protection of inheritance rights, psychosocial support, and treatment for people living with HIV and AIDS.

I will tell my colleagues as I listened to the gentlewoman from California (Ms. LEE), she is right. As we walked into various living facilities, huts, throughout the nations that we visited, we stopped in to visit and see a 4-year-old bending over a dying body, we visited with a grandmother who was now taking care of a number of the children of her dead children, both husbands and wives. We knew that this had to be confronted in a very drastic, severe, persistent, and large way. This bill is a large way of responding to it.

We all know that according to a report developed by the United Nations Joint Programme on HIV/AIDS, UNICEF, and the United States Agency for International Development, as of July 2004 there were more than 143 million orphans living in sub-Saharan Africa, Asia, Latin America and the Caribbean, 143 million, which is more than almost half of the population of the United States of America.

We realize that these children are vulnerable, with no hope, no life. We also realize that those who are dying in their care need greater care than a 4-year-old, a 5-year-old, a 6-year-old might be able to give. We know that infants are poor and malnourished and are more likely to contract respiratory infections, diarrhea, and measles and other preventable diseases. We also know that those who were taking care of had tuberculosis and HIV, and so we recognize that this bill is long in coming, but it is so much needed.

Just imagine these poor children with no hope; and so, today, America rises to the occasion of the America that we all have loved and recognize for what she has always been, the defender of the most vulnerable around the world. Some have called her Mother America. In this instance, we embrace those from around the world, and we join with H.R. 1409, and I ask my colleagues to support it. I congratulate my colleagues, and I look forward to working with the gentleman from Illinois (Chairman HYDE) and the gentleman from California (Mr. LANTOS) as we move this forward for a better world.

Mr. Speaker, I rise today in support of H.R. 1409, the "Assistance for Orphans and Other Vulnerable Children in Developing Countries Act of 2005." This bipartisan bill seeks to address the growing problem of orphans and vulnerable children in developing countries, which has been exacerbated by the HIV/AIDS pandemic. The bill establishes the position of Special Advisor for Assistance to Orphans and

Vulnerable Children within the United States Agency for International Development with responsibilities including coordination, advising, and the monitoring of assistance.

Additionally, the bill will authorize assistance programs to provide: Basic care through the community; school food programs; increased primary school enrollment; employment training; protection of inheritance rights; psychosocial support; and treatment for children living with HIV/AIDs.

As of July 2004, there were more than 143 million children living in sub-Saharan Africa, Asia, Latin America, and the Caribbean who were identified as orphans, having lost one or both of their parents. Of this number, approximately 16 million children were identified as double orphans, having lost both parents—the vast majority of whom died from AIDS. These children often are disadvantaged in numerous and devastating ways and most households with orphans cannot meet the basic needs of health care, food, clothing, and educational expenses.

The HIV/AIDS pandemic has increased the number of orphans worldwide and has exacerbated the poor living conditions of the world's poorest and most vulnerable children. AIDS has created an unprecedented orphan crisis, especially in sub-Saharan Africa, where children have been hardest hit. An estimated 14 million orphans have lost 1 or both parents to AIDS. By 2010, it is estimated that over 25 million children will have been orphaned by AIDS.

Working to combat poverty and to protect the vulnerable is an issue that members of both parties can agree on. According to the United Nations Children's Fund (UNICEF), orphans are less likely to be in school and more likely to be working full time. Providing children with free primary school education, while simultaneously ensuring that adequate resources exist for teacher training and infrastructure would help more orphans and other vulnerable children obtain a quality education. It is critical for the future of these developing nations that the orphaned and vulnerable populations have access to basic needs like food, health care, and education.

GENERAL FACTS ON CHILDREN

According to a report developed by the United Nations Joint Programme on HIV/AIDS (UNAIDS), UNICEF, and the United States Agency for International Development, as of July 2004 there were more than 143,000,000 orphans living in sub-Saharan Africa, Asia, Latin America, and the Caribbean.

Assessments carried out by the International Labor Organization (ILO) to investigate the situation of children who are working found that orphans are much more likely than non-orphans to be working in commercial agriculture, the domestic service industry, and the commercial sex industry, as street vendors, or in industries that violate internationally recognized rights of children.

Infants who are poor and malnourished are more likely to contract respiratory infections, diarrhea, measles, and other preventable diseases, and are less likely to receive needed health care.

According to UNAIDS and UNICEF, by the end of 2001 there were an estimated 14,000,000 children under the age of 15 who had lost one or both parents to AIDS.

As the number of HIV cases increases in sub-Saharan Africa and the Caribbean, as well as in Eastern Europe and Asia, the death rate from AIDS among adults in those regions is expected to increase. By 2010 the total number of children in those regions who will lose one or both parents to AIDS is expected to be approximately 30,000,000.

One-third of children born from an HIV-infected mother develop HIV/AIDS. Few of these children have access to HIV/AIDS medications.

Globally, more than 12,000,000 young people ages 15 to 24 are living with HIV/AIDS, and each day another 6,000 young people became infected with HIV. New estimates indicate that more than 70 percent of new HIV cases among this age group in sub-Saharan Africa are young women and girls.

Mr. LANTOS. Mr. Speaker, I am very pleased to yield 2½ minutes to the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN), our distinguished colleague and a physician herself.

Mrs. CHRISTENSEN. Mr. Speaker, I thank the gentleman from California (Mr. LANTOS) for yielding me time.

I also rise in strong support of H.R. 1409, to amend the Foreign Assistance Act of 1961 to provide assistance for orphans and other vulnerable children in developing countries. I want to commend the gentlewoman from California (Ms. LEE) as well for her commitment to this issue and for sponsoring this bill and for her hard work in getting it to the floor today, and to thank Chairman HYDE and Ranking Member LANTOS for their support.

Mr. Speaker, as the Navhind Times wrote earlier this month, "There are more than 100 million children worldwide who are living hand-to-mouth, bereft from family and homes and are particularly vulnerable to abuse." We have all seen the tragedy of children soldiers, the street children of South America, and children refugees.

As of July 2004, there were more than 143 million children living in sub-Saharan Africa, Asia, Latin America, and the Caribbean who were identified as orphans, having lost one or both parents. Of this number, approximately 16.2 million children were identified as double orphans, having lost both parents, the vast majority of whom died of AIDS.

Numerous United States and indigenous private voluntary organizations, including faith-based organizations, in these countries provide assistance to orphans and other vulnerable children.

One such program is the Rx for Child Survival Campaign, a multimedia campaign aimed at raising the awareness of child hunger, disease and the impact of AIDS on their lives. Many of these organizations have applied for grants to the administrator of the U.S. Agency for International Development to provide increased levels of assistance for orphans and other vulnerable children in these developing countries.

Mr. Speaker, the plight of the world's children represents both a humanitarian and a security crisis, and it is getting worse with each succeeding year. It is essential that the United States Government adopt a comprehensive approach for the provision of assistance to orphans and other vulnerable children around the world.

By acting now, Congress can ensure that important services, such as basic care, psychosocial support, school food programs, increased educational opportunities and employment training, the protection and promotion of their inheritance rights, the treatment of orphans and other vulnerable children of HIV and AIDS and other illnesses have more accessible treatment and support efforts that ensure orphans continue to live with their extended families whenever possible, rather than being placed in orphanages.

I urge my colleagues to support the passage of H.R. 1409.

Mr. HOLT. Mr. Speaker, I rise today in support of H.R. 1409, the Assistance for Orphans and Other Vulnerable Children in Developing Countries Act of 2005. This bipartisan bill will provide assistance to the neediest children in the world's poorest countries, and I urge my colleagues to support it.

AIDS has been so devastating to the developing world, especially sub-Saharan Africa, partly because so many of those killed by AIDS are adults of child-bearing age. These men and women are often the pillars of their communities and families. Most diseases spare at least one parent, but AIDS often kills both mothers and fathers. Sixteen million children in the developing world are "double orphans"—both of their parents are dead—mostly because of AIDS. Unfortunately, their numbers are increasing as AIDS continues to ravage the world. Indeed, in four African countries, one in five children will have lost at least one parent to AIDS by 2010. It is vital that we help these children.

Extended families care for more than 90 percent of orphans in the developing world. Unfortunately, these families often lack the resources to meet the most basic needs of the orphans. These children are less likely than their peers to be enrolled in school. Many orphaned girls in particular are forced into the workforce at an early age. They are more likely than others to go hungry. Because of the stress of losing their parents and coping with the ensuing problems, they are much more likely to suffer from psychological problems.

Many face discrimination both as the children of AIDS victims and as orphans. Orphans and their mothers often have difficulty inheriting the land or other property due to them.

This bill authorizes the President to assist programs in developing nations that benefit orphans and other vulnerable children. USAID will work with an array of groups, including international and non-governmental organizations, to provide needed services to orphans. These services include education, school food, protection of inheritance rights and psychosocial care. When possible, community-based groups will directly provide this care.

H.R. 1409 includes provisions that monitor and evaluate the effectiveness of the programs funded, so resources will be channeled to the groups that do the best work and need the most assistance. It also creates the office of the Special Advisor for Assistance to Vulnerable Populations, appointed by the Secretary of State, who will oversee the implementation of this bill in USAID programs and coordinate U.S. assistance to orphans and other vulnerable children.

Mr. Speaker, this bipartisan bill will ease the suffering of the millions of children who have been orphaned in the developing world, and it is worthy of this House's support.

Ms. LEE. Mr. Speaker, the Elizabeth Glaser Pediatric AIDS Foundation is a lead organization in providing pediatric care and treatment to children with HIV. In mid-September, the Foundation held a briefing on this important issue, and brought to the halls of Congress a brave HIV-positive 12-year-old girl from Uganda named Josephine Nabukenya, who presented testimony and a poem on HIV that was extremely moving and brought the audience to a stand-still.

This young girl has lost siblings to HIV and almost lost her mother as well. Thanks to appropriate care and lifesaving medications, she and her family are healthy and remain together. Josephine not only represents a story of hope that comes with the availability of care and treatment, but as the president of a group called the Young Positive Generation, she is spreading hope and knowledge to her peers and their families. I would like to insert into the RECORD her testimony.

JOSEPHINE NABUKENYA, KAMPALA, UGANDA CONGRESSIONAL BRIEFING ON PEDIATRIC TREATMENT, MONDAY, SEPTEMBER 12, 2005

My name is Josephine Nabukenya. I am 12 years old and I go to school at Kasubi Church of Uganda. I was born HIV positive and got the disease from my mother, who also suffers from HIV/AIDS. Luckily, my HIV does not limit what I do very much, and I still go to school. I am not on any medicines right now, but I do go for regular examinations where my HIV is monitored.

I found out that I was HIV positive when my mother was getting sick regularly. My mother told me to go and arrange her bedroom, and when I did I saw her diary under the pillowcase. I read it and it said that she was HIV positive, along with my father, me and my little sister. I kept quiet and she also kept quiet, but later she disclosed this to me and I told her that I had known when I read her diary. She disclosed to my teacher and headmaster and I felt bad when I decided to write my poem. My mother is now on medicines that help her HIV and she is better able to take care of us children.

I am part of a child support group called, the Young Positive Generation, and I am the Chairperson. The Young Positive Generation group brings children with HIV/AIDS together. We talk about HIV/AIDS, we sing, dance, play and we give testimonies. This has helped me to be firm and not to be shy in public because I knew that I am not the only one in the school with HIV. Now I am strong, I can play and I can do whatever thing comes.

HIV HIV HIV

HIV is a dangerous virus

HIV causes AIDS
AIDS is a bad disease
Oh what a disease it is

Many children lost their parents because of AIDS
Many parents lost their children because of AIDS
Our beloved ones are dead because of AIDS
Oh what a cumbersome disease it is

Ugandans, what should we do to fight AIDS? We should fight AIDS in the following ways:

1. By use of condoms
2. Children should abstain from sex before marriage
3. Blood must be tested for HIV
4. Blood must be tested before being given to sick people who lack blood
5. Pregnant mothers should be given drugs in order to prevent mother to child transmission of HIV

Our government, president, government of USA, President Bush, doctors, nurses, teachers, parents and guardians, help us we are dying.

We should KICK
We should KICK
We should KICK AIDS OUT OF THE WORLD

Mr. LANTOS. Mr. Speaker, I yield back the balance of my time.

Mr. HYDE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SHIMKUS). The question is on the motion offered by the gentleman from Illinois (Mr. HYDE) that the House suspend the rules and pass the bill, H.R. 1409, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. LANTOS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

MOURNING LOSS OF LIFE CAUSED BY EARTHQUAKE THAT OCCURRED ON OCTOBER 8, 2005, IN PAKISTAN AND INDIA

Mr. HYDE. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 492) mourning the loss of life caused by the earthquake that occurred on October 8, 2005, in Pakistan and India, expressing the condolences of the American people to the families of the victims, and urging assistance to those affected.

The Clerk read as follows:

H. RES. 492

Whereas on October 8, 2005, a powerful earthquake measuring 7.6 on the Richter Scale occurred in Pakistan and India, centered on the city of Muzaffarabad;

Whereas the earthquake caused severe damage in both Pakistan and India;

Whereas the earthquake and continuing aftershocks have caused more than 50,000 deaths, resulted in serious injuries to additional tens of thousands of people, and left between 2.5 and 3 million homeless as winter in the affected mountainous region approaches;

Whereas millions of people throughout the affected region currently lack clean water, food, proper sanitation, basic healthcare, adequate shelter, and other necessities, thereby increasing the risk of additional suffering and death; and

Whereas the United States and donors from at least 30 other countries have, to date, pledged several hundred million dollars in emergency and long-term reconstruction assistance, and have begun to deliver humanitarian supplies to survivors of the earthquake: Now, therefore, be it

Resolved, That the House of Representatives—

(1) mourns the tragic loss of life and horrendous suffering caused by the earthquake that occurred on October 8, 2005, in Pakistan and India;

(2) expresses the deepest condolences of the American people to the families, communities, and governments of the tens of thousands of individuals who lost their lives in this earthquake;

(3) welcomes and commends the prompt international humanitarian response to the earthquake by the governments of many countries, the United Nations and other international organizations, and nongovernmental organizations;

(4) expresses gratitude and respect for the courageous and committed work of all individuals providing aid, relief and assistance, including United States civilian and military personnel, who are working to save lives and provide relief in the devastated areas; and

(5) supports the actions to assist the victims taken by the President and the Government of the United States to provide all appropriate assistance to the governments and people of the affected region.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. HYDE) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois (Mr. HYDE).

GENERAL LEAVE

Mr. HYDE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Res. 492, the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. HYDE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the tragic earthquake in Kashmir reminds us of the uncertain course of nature and the parlous state of humanity as we confront a dangerous and uncertain world.

We are also reminded that globalization, our ability to be instantly affected by events on the other side of the globe, allows us to express our humanity in ways unknown to previous generations. We can respond almost instantly, because we learn almost instantly, about the plight of poor victims in faraway lands.

The areas affected by the earthquake of October 8 are about as far as one can get from our shores. Yet Americans, like others from around the world, were able to share the tragedy of the Pakistani and Indian peoples almost as it unfolded and could then react to it, generously, as is our history, including by dispatching considerable material assistance. We can be proud of the role our government and our private sector have played in making that response possible.

Winter is coming to the affected areas, and there is a great need for shelter for the millions of homeless persons. India and Pakistan are significant countries, and not without considerable resources to devote to their own problems. However, an examination of the level of devastation from the recent earthquake and a consideration of the degree to which even our Nation's ability to respond to the hurricane's emergencies was strained, means that we need to be mindful of the ongoing and immediate needs of millions of South Asians. Shelter is in especially short supply.

This resolution properly expresses our sense of mourning for the losses suffered, our sympathy to their survivors, commends those who have stepped forward with help, and encourages additional assistance. It is a privilege to bring this before the House today.

Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume, and I rise in strong support of this resolution.

Mr. Speaker, I rise today to express the condolences of the United States Congress and the American people to the people of Pakistan and the people of India who have suffered so grievously from the horrendous earthquake that struck South Asia just 10 days ago.

Mr. Speaker, the day after the earthquake, I received a telephone call from the President of Pakistan, Pervez Musharraf. The President requested, in the strongest terms possible, assistance not only from our Nation but from other donors around the globe. I immediately reached out to our own government and to other friendly governments and to nongovernmental organizations, and I am profoundly grateful that additional aid is flowing to the people of Pakistan as we speak.

Each day, the news from Pakistan grows worse. The death toll now seems certain to rise above 55,000. More than 2 million people are homeless in the midst of recent torrential rainstorms, and the freezing cold of winter is fast approaching the mountainous regions most affected.

Landslides and poor weather have hampered relief operations, heightening the misery of the injured and the destitute as they wait for help. Relief supplies still have not reached many remote areas where whole villages have been devastated.

Over 30 nations, led by the United States, have rushed to aid and comfort the victims of the earthquake and its horrible after-effects. With natural disasters such as the South Asia earthquake and the Indian Ocean tsunami, the world has seen the generous heart of the American people.

Our country has committed $50 million in initial relief supplies only from our government. We have also dedicated eight military helicopters to fly humanitarian missions, and we have transported over 70 tons of relief supplies to the neediest in the most remote areas.

Mr. Speaker, the United States counts Pakistan as a strong ally in the war against terrorism, and it was my great pleasure recently to welcome President Musharraf to New York. Our assistance thus far proves that the United States is a solid friend of the Pakistani people. I urge our government and this Congress to support additional assistance to the people of Pakistan, India, and Kashmir.

Our resolution offers the condolences of the House of Representatives and of the American people to the families, to the communities, and to the governments of Pakistan and India. It welcomes the humanitarian relief offered by other governments, the United Nations and expresses gratitude for the courageous work being performed by individuals providing aid, relief and assistance, including U.S. civilian and military personnel, under often extremely dangerous conditions.

Mr. Speaker, I urge all of my colleagues to support this resolution.

Mr. Speaker, I am pleased to yield 2¼ minutes to the gentleman from New York (Mr. CROWLEY), a distinguished member of our committee.

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Mr. CROWLEY. Madam Speaker, I thank the gentleman for yielding me this time. I thank the chairman of the committee and the ranking member of the committee for introducing this resolution.

Through this resolution today, the House of Representatives will send the condolences of the American people to those who have been so tragically affected by the October 8 earthquake. I believe this House can do more than just send our condolences, though.

The President has taken the first step with the initial pledge of $50 million and the USAID Office of Foreign Disaster Assistance activated its disaster assistance relief team quickly to ensure that urgent aid was provided. But the situation in Pakistan, the hardest hit in South Asia, remains critical.

The United Nations Office for the Coordination of Humanitarian Affairs said that weather and lack of access to remote areas is delaying the aid needed to save countless lives. We are also seeing logistical problems in providing the basic needs of the people who were made homeless and without shelter by this quake and, as I mentioned earlier, further impaired by heavy rains and flooding in the earthquake region.

Critical needs such as food, clean water, and shelter are badly needed as the winter is fast approaching in this mountainous region, akin to the Adirondack region in New York State, which this time of year can have snow, and especially during the evening. So far, we have been able to help thousands of people, but that is simply the tip of the iceberg.

Madam Speaker, I represent one of the largest populations of South Asians in the country and over the past week I have been reaching out to my Pakistani community. What I have found is a community doing all that it can to raise funds to help their families and friends who were so tragically affected by this earthquake. I also had the honor of speaking to a private Muslim school in my district to update them on the U.S. efforts to provide emergency relief. I was sad to learn that several students' families were directly affected, one student losing over 40 members of their family. The students and the community leaders were very grateful that our country is working to help their homeland, but we all agree that more can and needs to be done.

Madam Speaker, I challenge this House to provide for the millions who have been left injured and homeless. This is a chance not only to help people in need, but to change the hearts and minds of Muslim countries' attitude towards the United States.

After the tsunami, the majority of Indonesians changed their view of us because they saw the soft power of the United States. It is time to show that same soft power to the people of Pakistan so that they too can have a change of heart towards the United States and our people.

Mr. LANTOS. Madam Speaker, before yielding time, I want to recognize my associate, Peter Yeo, who drafted and did the major work on this important legislation.

Madam Speaker, I am pleased to yield 3½ minutes to my good friend and colleague from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Madam Speaker, let me first of all thank the leadership of the gentleman from Illinois (Chairman HYDE) and the gentleman from California (Ranking Member LANTOS) for their quick and compassionate expression that we now have on the floor of the House.

I rise today to join in the support of H.J. Res. 492, and I acknowledge as the cochair of the Pakistan Caucus, newly-founded, to have the pleasure of having both of the members of the Committee on International Relations leadership, the ranking member and chairman, being supportive of this effort, as I cochaired with my colleague, the gentleman from Indiana (Mr. BURTON). I can assure my colleagues that we are very grateful for this profound statement, mourning the loss of so many. We do realize that the numbers continue to climb and that the difficulties are rising beyond our understanding.

Just this past Sunday, some 70 members of the South Asian community were convened by my office in Houston, people of different views and political perspectives, but they united, as we did with the tsunami, and we have called ourselves Houston's Solution for Earthquake Relief and Rehabilitation in Pakistan.

The reason I believe is because this picture is worth a thousand words. The impact on children is going to be unbelievable and without expression.

So it is very important as we look to, as my colleagues have said, the relief from the United States, that we do several things. One, we are the coordinator, and I congratulate the administration for designating Afghanistan as the site of the command, and we acknowledge the loss, devastation in Afghanistan, not as much loss of life, and certainly India has been a real partner. I met last week with the ambassadors from India and spoke to both of them and offered my sympathy and also how we can be involved. Obviously, the obvious things that are needed are food and medicine and tents, but, most of all, coordination and dollars.

So I am asking today that we put our heads together in this Congress and find the additional resources beyond the $50 million, because I can assure my colleagues that we believe these numbers are going to go up, not out of hysteria, of 100,000. We do not know the numbers for sure, but they will be climbing.

The added concern is that it is getting enormously cold. It makes it very difficult for the rescuers to come. The roads are impassable, and many of those who were in that room on Sunday could recount for me the very terrible stories of their relatives, living outdoors, no heating, no addressing of their wounds, and, of course, this picture that shows the children who are orphaned.

So I ask my colleagues to support H.J. Res. 492 and that we spend a moment of mourning, and I would ask that when it is appropriate that we rise in silence. During the time that we are on the floor of the House, I ask the Speaker to convene us in a moment of silence as we mourn for those who have lost their lives.

I finally conclude by saying that we are grateful for what we have been able to do, but we all know that a good Samaritan, no matter what faith you may articulate this philosophy, it is better to give than to receive. We have given and are still giving to our own who are victims and survivors of Hurricane Katrina and Hurricane Rita. Many who would say who are listening to this debate or discussion that we have our own to take care of, and we realize that America does have the responsibility of her own, but we know also that America has many blessings to count for, and those blessings, I believe, come because we have been willing to give, even until it hurts. These are people who are in desperate need, children by the thousands are suffering, and we hope that we will be able to provide for them as well.

I ask my colleagues to support H.J. Res. 492.

Madam Speaker, I rise in support of H. Res. 492, "Mourning the loss of life caused by the earthquake that occurred on October 8, 2005, in Pakistan and India expressing condolences of the American people to the families of the victims, and urging assistance to those affected."

Earlier this month, a disaster occurred on a virtually unimaginable scale when an earthquake violently shook Southeast Asia. Over 50,000 people were killed in India and Pakistan, and countless more were seriously injured. Whole cities were razed to the ground, and an estimated 2.5 to 3 million people lost their homes. This winter in Pakistan and India men, women, children, the elderly, the orphaned and the infirmed will be sleeping outside, exposed to the harsh mountain climate. They are lacking the basic necessities for life; in need of food, water, sanitation, basic healthcare, and adequate shelter.

Disasters of this magnitude, no matter where they occur, affect all of us. In the face of this disaster, countries from around the world have joined together in pledging humanitarian aid to the affected regions. The United States can uniquely sympathize with the suffering and devastation felt in the earthquake-ravaged region. We too have felt the bitter sting of a natural disaster this year. Our feeling of loss and suffering gives us only a glimpse, however, of the utter devastation in the affected regions of India and Pakistan. Our shared losses bring the United States closer to our fellow humans on the other side of the globe, and should only serve to strengthen our national resolve to help those in need, rather than give us excuses for not giving the full support of the American people.

The House of Representatives, together with the American people we represent, mourn the horrific loss of life and livelihood experienced in Pakistan and India. We offer them our fullest support in the reconstruction effort of the region, but also understand that no amount of money, goods, and supplies will replace the loss of life in the region. For this, we can only offer our deepest condolences to the people affected by the earthquake, and ask them to find the strength to see their friends, families, and communities through these difficult times.

I support H. Res. 492 for the foregoing reasons, and I appeal to my colleagues to follow suit. The people of Pakistan and India will be in all of our thoughts and our prayers. I yield the remainder of my time.

Mr. LANTOS. Madam Speaker, I am pleased to yield 3 minutes to my good friend and our distinguished colleague from New York (Mr. OWENS).

Mr. OWENS. Madam Speaker, I rise in support of this very appropriate resolution. I think that beyond the spirit of this resolution there must be immediate response from the entire apparatus of the United States Government and from the United States people.

Madam Speaker, we are weary, maybe, of disasters. When you add up the tsunami and Katrina and Rita, and now in Pakistan 55,000 have already died, and in the mountains they are freezing cold, without any shelter, twice that number may die before it is over, and one might say, well, we just cannot keep going on. We are donor weary, we are disaster weary. That is ridiculous. When we add up all of these people, maybe we will get 100,000 victims, but the world consists of 6 billion people and more than 200 nations. We can take care of all of these disasters if we put our mind to it.

The United States must provide the leadership. $50 million is not enough. Speed is very important here. The formalities of waiting will mean that thousands and thousands of people will die unnecessarily.

Madam Speaker, I hope that we will use as many of the helicopters in Afghanistan as we can, send them across the border to Pakistan. Eight helicopters is not enough. That is the only way these areas can be reached in the mountains. The roads are not passable. There are no places to land other kinds of aircraft. Only helicopters can land.

I have one of the largest Pakistani communities in America in my district, and I visited Pakistan 4 years ago. I went to a school, several schools in Kashmir. One of the schools, an all-girls school that was having a test, an eighth grade test, I could see that eighth grade girls were studying quadratic equations. That is one of the schools that was crushed in the earthquake. I hope that the students were not in there. But I saw school after school of eager young people, anxious to learn, in those mountain schools. I went on those roads.

Madam Speaker, if not in humanitarian terms alone, let us stop and think about the diplomacy issues here. Pakistan has long been our ally. Throughout the whole Cold War, they were our ally. We could not have driven the Russians from Afghanistan. We did not have a single soldier involved, but we were behind the sting of missiles and the whole strategy that drove the Russians out of Afghanistan and led to the collapse of the Soviet Union, but they were disappointed we did not honor them more for that. That is in the past. Right now, they are helping us in the war against terrorism. Their government is at risk because of their position with the United States on terrorism.

What we do now with this earthquake, how we respond to this earthquake can determine the nature of our relationship with Pakistan forever. We have an opportunity, it is tragic, but an opportunity to demonstrate how we operate, how we react to help our friends. If they are really a friend, we can do so much more, and I hope that this resolution is just the beginning. I hope all Members will become sensitive to the fact that we can do more. We must do more. God expects us to do more.

Mr. LANTOS. Madam Speaker, I am delighted to yield 4 minutes to the gentleman from New Jersey (Mr. MENENDEZ), a distinguished member of the Committee on International Relations and the chairman of the Democratic Caucus.

Mr. MENENDEZ. Madam Speaker, I want to thank the distinguished ranking Democrat from California (Mr. LANTOS) not only for his support but also for his leadership along with the gentleman from Illinois (Mr. HYDE) in taking the lead on this important issue and bringing a resolution to the floor, one that I am strongly in support of.

As we learned in September here in the United States, natural disasters strike without warning, destroy our homes and communities, and challenge us to take care of the victims. We also learned that it is only with the help of the world that we can respond to such large-scale natural disasters. Over 90 countries responded after Hurricane Katrina, including both India and Pakistan. Now it is our turn to respond to them.

Current estimates are that over 40,000 people were killed in India and Pakistan, and the number is only expected to rise. We know that the rescue efforts have been difficult, because many of the villages that were hardest hit were in remote mountainous areas which are almost impossible to reach. In fact, the U.N. estimates that only 30 to 40 percent of an estimated 350 to 900 villages damaged by the earthquake have been inspected. Right now, many suffer without food, medicine, or shelter and face the oncoming winter cold with great fear.

I want to commend the international rescue effort that is underway and the U.S. contribution to that effort. As Andrew Macleod, the United Nations Operations Chief in Pakistan, said, the task of responding to this crisis is "bigger than all of us." We have all heard the saying, "the whole is greater than the sum of its parts." When nations contribute to the relief efforts in India and Pakistan, they are working together to create that greater response, that whole which is greater than the sum of its parts.

In response to the United Nations' appeal for $272 million for emergency aid, over 30 countries have already offered assistance, and the United States has pledged $50 million. I hope the world and the United States will continue to provide not only immediate, but long-term assistance to those areas that need it most, and I hope our combined efforts can prevent any public health disasters that could result from this tragedy.

Our diversity is our greatest strength and connects us to almost every country in the world. When tragedy strikes anywhere in the world, it is also directly felt in the homes of U.S. citizens who still have family and friends in their countries of origin. So I would like to acknowledge the actions of the U.S. Indian and Pakistani communities who are sending money and aid to help the survivors. I see that in my own home State of New Jersey, which has the third largest population of Indian Americans in the country and a very large Pakistani community as well.

In closing, I want to express my deepest sympathies and condolences to the families and friends of those who perished in last Saturday's earthquake in India and Pakistan. This has been a year of great trials and tribulations, of enormous disasters followed by unprecedented responses. But as we learned after the tsunami at the start of the year and during the hurricanes last month, and as I am confident we will see again with this earthquake, together we can be greater than the sum of our parts and overcome these grave natural disasters.

I encourage all Members to vote for the resolution.

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Mr. LANTOS. Madam Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Madam Speaker, let me first of all commend and congratulate the gentleman from Illinois (Mr. HYDE) and the gentleman from California (Mr. LANTOS) not only for their leadership in bringing this resolution, this legislation to the floor, but also for the tremendous leadership that they have consistently provided in dealing with the international affairs and international relationships between our country and how we respond to the needs of many other nations throughout the world. I think that they have both demonstrated exactly what we need in this direction, and I commend them.

Madam Speaker, I rise in strong support of this legislation because it is an indication of our leadership responsibility. The Bible says that to those to whom much is given, much is expected in return. We have indeed been a very fortunate Nation, and we are fortunate to be able to provide assistance to others throughout the world.

I have worked very closely with the Indian and Palestinian communities in Chicago and the Chicago area. As a matter of fact, I serve on the board of directors of East-West University, which is a primarily Pakistani-owned university, and have many close friends there.

So I extend condolences to those who have been adversely affected and again commend our leadership.

Mr. FALEOMAVAEGA. Madam Speaker, I rise today in support H. Res. 492 of which I am an original cosponsor and join with my colleagues in mourning the loss of life as a result of the earthquake that occurred on October 8, 2005 in Pakistan and India.

It is estimated that the earthquake claimed the lives of 20,000 to 40,000 people and left more than 2.5 million homeless. Millions of people throughout the region now lack clean water, food, proper sanitation, basic healthcare, adequate shelter, and other necessities.

To date, the U.S. and 30 other donor countries have pledged several hundred million dollars in emergency and long-term reconstruction assistance and many are involved in delivering humanitarian supplies.

As the ranking member of the International Relations Subcommittee on Asia and the Pacific, I express my condolences to the victims and urge continued assistance of those affected. In the case of India, I especially commend the efforts of the Indian American community for mobilizing its forces and working with Members of Congress to make sure help is rendered.

I urge support of this legislation and I thank Chairman HYDE and Ranking Member LANTOS for their leadership in crafting this important piece of legislation and bringing it before the House for consideration this day.

Mr. SCHIFF. Madam Speaker, I regret that I was not able to be here to vote on this important measure. Sadly, I was attending the funeral of one of my constituents, a young Marine named Sergio Escobar, who died October 7 while serving our Nation in Iraq. But I want to take this opportunity to join my colleagues in expressing my condolences to all of those who have been affected by the massive earthquake that struck Southeast Asia on October 8, 2005.

The effects of this 7.6 magnitude earthquake have been devastating. At least 38,000 lives have been lost, with the death toll continuing to rise. Nearly 3 million people have been left homeless and are living in tents or on open ground in freezing temperatures. In some areas, entire villages have been buried in rubble. The Pakistani government estimates $5 billion in damages to its infrastructure.

The areas worst hit by the earthquake, Pakistan-administered Kashmir and the NorthWest Frontier province, are in remote, mountainous regions. According to the U.N. Office for the Coordination of Humanitarian Affairs, the terrain presents a logistical challenge unprecedented for any humanitarian operation. There is an urgent need for additional helicopters to deliver supplies and evacuate victims. Meanwhile, thousands of people are awaiting rescue, food, and medical attention.

The United States has rushed food and medical supplies to the region, and has committed $50 million in initial aid for the relief and reconstruction effort. Nations around the globe have sent rescue workers, search and rescue dogs, tents, and equipment. Private aid organizations are also dispatching volunteers and assistance. Together, I know that we can make a difference and help people rebuild their lives.

Tragedies such as this earthquake and last year's horrific tsunami remind us that we must help one another—both before tragedies strike and also once rebuilding has begun. Nations were very generous in offering help for victims of Hurricane Katrina and I pledge to work with my colleagues in Congress to ensure that our friends in India and Pakistan have what they need to recover from this tragic event.

My thoughts and prayers go out to all of the victims and their families.

Mr. LANTOS. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. HYDE. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from Illinois (Mr. HYDE) that the House suspend the rules and agree to the resolution, H. Res. 492.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. LANTOS. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

SANTA ANA RIVER WATER SUPPLY ENHANCEMENT ACT OF 2005

Mrs. MUSGRAVE. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 177) to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Prado Basin Natural Treatment System Project, to authorize the Secretary to carry out a program to assist agencies in projects to construct regional brine lines in California, to authorize the Secretary to participate in the Lower Chino Dairy Area desalination demonstration and reclamation project, and for other purposes, as amended.

The Clerk read as follows:

H.R. 177

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Santa Ana River Water Supply Enhancement Act of 2005".

SEC. 2. PRADO BASIN NATURAL TREATMENT SYSTEM PROJECT.

(a) IN GENERAL.—The Reclamation Wastewater and Groundwater Study and Facilities Act (Public Law 102-575, title XVI; 43 U.S.C. 390h et seq.) is amended by adding at the end the following:

"SEC. 1636. PRADO BASIN NATURAL TREATMENT SYSTEM PROJECT.

"(a) IN GENERAL.—The Secretary, in cooperation with the Orange County Water District, shall participate in the planning, design, and construction of natural treatment systems and wetlands for the flows of the Santa Ana River, California, and its tributaries into the Prado Basin.

"(b) COST SHARING.—The Federal share of the cost of the project described in subsection (a) shall not exceed 25 percent of the total cost of the project.

"(c) LIMITATION.—Funds provided by the Secretary shall not be used for the operation and maintenance of the project described in subsection (a).

"(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $20,000,000.

"(e) SUNSET OF AUTHORITY.—This section shall have no effect after the date that is 10 years after the date of the enactment of this section.".

(b) CONFORMING AMENDMENT.—The table of sections in section 2 of Public Law 102-575 is further amended by inserting after the item relating to section 1634 the following:

"1636. Prado Basin Natural Treatment System Project.".

SEC. 3. REGIONAL BRINE LINES.

(a) IN GENERAL.—The Reclamation Wastewater and Groundwater Study and Facilities Act (Public Law 102-575, title XVI; 43 U.S.C. 390h et seq.) is further amended by adding at the end the following:

"SEC. 1637. REGIONAL BRINE LINES.

"(a) SOUTHERN CALIFORNIA.—The Secretary, under Federal reclamation laws and in cooperation with units of local government, may assist agencies in projects to construct regional brine lines to export the salinity imported from the Colorado River to the Pacific Ocean as identified in—

"(1) the Salinity Management Study prepared by the Bureau of Reclamation and the Metropolitan Water District of Southern California; and

"(2) the Southern California Comprehensive Water Reclamation and Reuse Study prepared by the Bureau of Reclamation.

"(b) AGREEMENTS AND REGULATIONS.—The Secretary may enter into such agreements and promulgate such regulations as are necessary to carry out this section.

"(c) COST SHARING.—The Federal share of the cost of a project to construct regional brine lines described in subsection (a) shall not exceed—

"(1) 25 percent of the total cost of the project; or

"(2) $40,000,000.

"(d) LIMITATION.—Funds provided by the Secretary shall not be used for operation or maintenance of any project described in subsection (a).

"(e) SUNSET OF AUTHORITY.—This section shall have no effect after the date that is 10 years after the date of the enactment of this section.".

(b) CONFORMING AMENDMENT.—The table of sections in section 2 of Public Law 102-575 is further amended by inserting after the item relating to section 1635 the following:

"1637. Regional brine lines.".

SEC. 4. LOWER CHINO DAIRY AREA DESALINATION DEMONSTRATION AND RECLAMATION PROJECT.

(a) IN GENERAL.—The Reclamation Wastewater and Groundwater Study and Facilities Act (Public Law 102-575, title XVI; 43 U.S.C. 390h et seq.) is further amended by adding at the end the following:

"SEC. 1638. LOWER CHINO DAIRY AREA DESALINATION DEMONSTRATION AND RECLAMATION PROJECT.

"(a) IN GENERAL.—The Secretary, in cooperation with the Chino Basin Watermaster, the Inland Empire Utilities Agency, and the Santa Ana Watershed Project Authority and acting under the Federal reclamation laws, shall participate in the design, planning, and construction of the Lower Chino Dairy Area desalination demonstration and reclamation project.

"(b) COST SHARING.—The Federal share of the cost of the project described in subsection (a) shall not exceed—

"(1) 25 percent of the total cost of the project; or

"(2) $50,000,000.

"(c) LIMITATION.—Funds provided by the Secretary shall not be used for operation or maintenance of the project described in subsection (a).

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

"(e) SUNSET OF AUTHORITY.—This section shall have no effect after the date that is 10 years after the date of the enactment of this section.".

(b) CONFORMING AMENDMENT.—The table of sections in section 2 of Public Law 102-575 is further amended by inserting after the item relating to section 1636 the following:

"1638. Lower Chino dairy area desalination demonstration and reclamation project.".

SEC. 5. CEILING INCREASE ON FEDERAL SHARE OF WATER RECLAMATION PROJECT.

Section 1631(d) of the Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C.390h-13(d)) is amended—

(1) in paragraph (1) by striking "paragraph (2)" and inserting "paragraphs (2) and (3)"; and

(2) by adding at the end the following new paragraph:

"(3) The Federal share of the costs of the project authorized by section 1624 shall not exceed the following:

"(A) $22,000,000 for fiscal year 2007.

"(B) $24,200,000 for fiscal year 2008.

"(C) $26,620,000 for fiscal year 2009.

"(D) $29,282,000 for fiscal year 2010.

"(E) $32,210,200 for fiscal year 2011.

"(F) $35,431,220 for fiscal year 2012.

"(G) $38,974,342 for fiscal year 2013.

"(H) $42,871,776 for fiscal year 2014.

"(I) $47,158,953 for fiscal year 2015.

"(J) $51,874,849 for fiscal year 2016.".

SEC. 6. CENTER FOR TECHNOLOGICAL ADVANCEMENT OF MEMBRANE TECHNOLOGY AND EDUCATION.

(a) IN GENERAL.—The Secretary of the Interior shall establish at the Orange County Water District located in Orange County, California, a center for the expressed purposes of providing—

(1) assistance in the development and advancement of membrane technologies; and

(2) educational support in the advancement of public understanding and acceptance of membrane produced water supplies.

(b) MANAGEMENT OF CENTER.—

(1) CONTRACTS.—In establishing the center, the Secretary shall enter into contracts with the Orange County Water District for purposes of managing such center.

(2) PLAN.—Not later than 90 days after the date of enactment of this section, the Secretary, in consultation with the Orange County Water District, shall jointly prepare a plan, updated annually, identifying the goals and objectives of the center.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to carry out subsections (a) and (b), $2,000,000, for each of fiscal years 2006 through 2011. Such sums shall remain available until expended.

(d) REPORT.—Not later than one year after the date of enactment of this section and annually thereafter, the Secretary, in consultation with the Orange County Water District, shall provide a report to Congress on the status of the center and its accomplishments.

(e) SUNSET OF AUTHORITY.—This section shall have no effect after the date that is 10 years after the date of the enactment of this section.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Colorado (Mrs. MUSGRAVE) and the gentleman from New Mexico (Mr. UDALL) each will control 20 minutes.

The Chair recognizes the gentlewoman from Colorado (Mrs. MUSGRAVE).

GENERAL LEAVE

Mrs. MUSGRAVE. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Colorado?

There was no objection.

Mrs. MUSGRAVE. Madam Speaker, I yield myself such time as I may consume. H.R. 177, introduced by our colleague from California (Mr. GARY G. MILLER) provides Federal assistance for three water projects aimed at drought-proofing Southern California.

The bill will help develop wetlands to naturally clean surface water in the Santa Ana watershed. The bill also authorizes Federal assistance for the design and construction of a regional wastewater pipeline and a desalting plant.

The Federal cost share of these projects will not exceed 25 percent. This legislation promotes the development of new water technologies that create reliable water supplies and help reduces Southern California's dependence on imported water.

I urge my colleagues to support this legislation.

Madam Speaker, I reserve the balance of my time.

Mr. UDALL of New Mexico. Madam Speaker, I yield myself as much time as I may consume.

Madam Speaker, we support passage of H.R. 177, the water recycling and desalting projects authorized in this bill. These projects will be eligible for limited financial assistance under the Bureau of Reclamation's title XVI water recycling program. These projects will reduce Southern California's dependency on imported water from the Sacramento River Delta, and will dramatically improve the reliability of water supplies in Southern California.

Madam Speaker, I reserve the balance of my time.

Mrs. MUSGRAVE. Madam Speaker, I yield such time as he may consume to the gentleman from California (Mr. GARY G. MILLER).

Mr. GARY G. MILLER of California. Madam Speaker, I rise in support of H.R. 177, the Santa Ana River Water Supply Enhancement Act of 2005.

I want to thank Resources Chairman POMBO and Water Subcommittee Chairman RADANOVICH for recognizing the importance of this bill, basically providing innovative water solutions to the challenges posed by chronic water shortages in Southern California.

This bill will authorize water resource reliability projects in the Southern California region and dramatically improve the water supply reliability of the Santa Ana River watershed and the water basin in San Bernardino, Riverside, and Orange counties.

Water scarcity issues and wastewater treatment are particularly important to my region. If you want to sustain our Nation's economic growth and provide for rapidly increasing population, we must ensure there is an efficient and reliable access to water resources and pursue modernized sanitation infrastructure. It is critical that we find innovative solutions to the challenges posed by chronic water shortages in Southern California.

In Southern California, water supply deficiency discourages economic growth, endangers the environment, and compromises the health and safety of residents. Because of limited supplies and increased demands, Southern California communities continue to seek nontraditional methods to produce reliable, dependable resources, including water through recycling and desalination.

This bill would help reduce Southern California's dependence on imported water supply by constructing the recycling project, desalination demonstration reclamation project, the regional brine line project and will help in the study of technologies of water recycling.

The Federal Government's specific role in water recycling and desalination projects is in title XVI of the reclamation wastewater and groundwater studies in the Facilities Act, which direct the Department of the Interior to award Federal grants to communities developing nontraditional water supplies.

The significant local cost share and minimal Federal share makes these projects attractive to private financing partnerships and encourages regional solutions to complex water problems.

Upon full implementation, these projects will create an estimated 200,000 new acre feet of water for the region, upon full implementation, some 65.2 million gallons of water; and that is significant for our region.

It reduces the impact of water from the Colorado River in Northern California. As this bill moves forward, I ask my colleagues to support this. This is good for the environment, good for people, and good for the region.

Mr. UDALL of New Mexico. Madam Speaker, I would like to take this opportunity to thank the majority and minority staff and especially Steve Lanich.

Ms. LORETTA SANCHEZ of California. Madam Speaker, I rise today in strong support of H.R. 177, particularly with regard to Section 5, which will increase the ceiling of the federal share for the Orange County Groundwater Replenishment project. I introduced this section as a stand-alone bill in the 108th Congress, and it was passed by the House last year. I am pleased to see this legislation being passed again in its current form.

Section 5 will increase the authorized Federal share for the Orange County California Groundwater Replenishment, OCGWR. This will help Orange County to complete this important and much-needed project, which will serve about 2.3 million residents of north and central Orange County, and it will create a new water supply of 72,000 acre-feet per year.

The OCGWR project is not just important to Orange County, California, but also to the entire western United States. By recycling our own water, we in Orange County would not have to rely so heavily on water from the Colorado River Aqueduct or the San Francisco Bay Delta.

Moreover, the OCGWR is a highly innovative recycling project—a pilot project for other future water recycling projects. Experts in public water management systems, from other states and from countries around the world, have come to Orange County to look at the tertiary cleaning system housed there. The project is of national and even international significance.

I am pleased that this project has received strong support from Members on both sides of the aisle. As I mentioned previously, the Committee on Resources very generously allowed this same bill to be considered under Suspension of the Rules last year. I would like to take this opportunity to again thank Chairman POMBO from California, Ranking Member RAHALL from West Virginia, as well as former Subcommittee Chairman CALVERT and Ranking Member NAPOLITANO of California for their overwhelming support of this bill.

I would also like to thank my colleagues from Orange County for their continued support. Mr. MILLER, the former Representative Mr. Cox, Mr. ROHRABACHER and Mr. ROYCE are strong supporters of this project. Securing funding for the OCGWR has always been, and will continue to be, a bipartisan effort.

I urge my colleagues to support H.R. 177 which contains this legislation, and I yield back the balance of my time.

Mr. UDALL of New Mexico. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mrs. MUSGRAVE. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Colorado (Mrs. MUSGRAVE) that the House suspend the rules and pass the bill, H.R. 177, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

ROCKY MOUNTAIN NATIONAL PARK BOUNDARY ADJUSTMENT ACT OF 2005

Mrs. MUSGRAVE. Madam Speaker, I move to suspend the rules and pass the Senate bill (S. 55) to adjust the boundary of Rocky Mountain National Park in the State of Colorado.

The Clerk read as follows:

S. 55

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Rocky Mountain National Park Boundary Adjustment Act of 2005".

SEC. 2. DEFINITIONS.

In this Act:

(1) FEDERAL PARCEL.—The term "Federal parcel" means the parcel of approximately 70 acres of Federal land near MacGregor Ranch, Larimer County, Colorado, as depicted on the map.

(2) MAP.—The term "map" means the map numbered 121/80,154, dated June 2004.

(3) NON-FEDERAL PARCELS.—The term "non-Federal parcels" means the 3 parcels of non-Federal land comprising approximately 5.9 acres that are located near MacGregor Ranch, Larimer County, Colorado, as depicted on the map.

(4) PARK.—The term "Park" means Rocky Mountain National Park in the State of Colorado.

SEC. 3. ROCKY MOUNTAIN NATIONAL PARK BOUNDARY ADJUSTMENT.

(a) EXCHANGE OF LAND.—

(1) IN GENERAL.—The Secretary shall accept an offer to convey all right, title, and interest in and to the non-Federal parcels to the United States in exchange for the Federal parcel.

(2) CONVEYANCE.—Not later than 60 days after the date on which the Secretary receives an offer under paragraph (1), the Secretary shall convey the Federal parcel in exchange for the non-Federal parcels.

(3) CONSERVATION EASEMENT.—As a condition of the exchange of land under paragraph (2), the Secretary shall reserve a perpetual easement to the Federal parcel for the purposes of protecting, preserving, and enhancing the conservation values of the Federal parcel.

(b) BOUNDARY ADJUSTMENT; MANAGEMENT OF LAND.—On acquisition of the non-Federal parcels under subsection (a)(2), the Secretary shall—

(1) adjust the boundary of the Park to reflect the acquisition of the non-Federal parcels; and

(2) manage the non-Federal parcels as part of the Park, in accordance with any laws (including regulations) applicable to the Park.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Colorado (Mrs. MUSGRAVE) and the gentleman from New Mexico (Mr. UDALL) each will control 20 minutes.

The Chair recognizes the gentlewoman from Colorado (Mrs. MUSGRAVE).

GENERAL LEAVE

Mrs. MUSGRAVE. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Colorado?

There was no objection.

Mrs. MUSGRAVE. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, S. 55 is identical to H.R. 774, which I introduced earlier this year. S. 55 would authorize the Secretary of the Interior to accept a conveyance of 5.9 acres and in return convey approximately 70 acres to the MacGregor Ranch Trust in order to consolidate trailheads and improve visitor access in Rocky Mountain National Park.

According to the National Park Service, Rocky Mountain National Park is the fifth most visited park in the system. With the popularity of Rocky Mountain National Park, the park officials must continuously find ways to improve visitor access and enjoyment.

For this reason, Senator ALLARD and I introduced the Rocky Mountain National Park Boundary Adjustment Act of 2005. This is a straightforward piece of legislation, and it is legislation that is needed to enhance enjoyment and ease of access to a popular trailhead.

S. 55 would convey three strategic pieces of land to the park system from the MacGregor ranch, a historic working cattle ranch that is located within the boundary of the park. The new parcels of land would be used to build a new parking lot and road to offer improved access for the public, while protecting the historic integrity of the ranch.

The MacGregor ranch would, in turn, receive much-needed grazing land. I believe this is a long-term solution for both the park and the MacGregor ranch.

Madam Speaker, S. 55 is supported by the majority and the minority, and I urge passage of the bill.

Madam Speaker, I reserve the balance of my time.

Mr. UDALL of New Mexico. Madam Speaker, I yield myself as much time as I may consume.

Madam Speaker, as the majority has explained, S. 55 provides for a land exchange at Rocky Mountain National Park in order to facilitate the relocation of a park trailhead.

Madam Speaker, the proposed exchange will include private property within the park that will further the public use and enjoyment of a popular hiking trail. In addition, the legislation requires that a conservation easement be maintained on Federal land being conveyed in order to protect, preserve, and enhance the conservation values of that land.

Madam Speaker, the terms of the exchange are satisfactory to both parties, and we know of no problems with the legislation. That being the case, we have no objection to the adoption of S. 55 by the House today.

Madam Speaker, in closing, I would like to just thank the majority and minority staff and especially Rick Healy of the Resources Committee.

Mr. UDALL of Colorado. Madam Speaker, I rise in support of this bill, which is the companion to a House bill, H.R. 774, introduced by our colleague, Mrs. MUSGRAVE, that I have cosponsored with my Colorado colleagues Mr. BEAUPREZ and Mr. TANCREDO.

It directs the Secretary of Interior to enter into a land exchange to benefit Rocky Mountain National Park, and adjusts the boundary of the park in order to facilitate that exchange.

Rocky Mountain National Park is one of Colorado's outstanding natural treasures. Established by Congress in 1915, it includes about 266,000 acres whose spectacular high alpine scenery and abundant wildlife attract over 3 million visitors annually.

Not all the land within the park's boundaries is owned by the United States. One private inholding is the historic McGregor Ranch. Part of that ranch is a private access road that hikers and rock climbers have been using to reach the Twin Owls Trailhead just inside the park boundary and from there to visit various parts of the park.

Over the last 20 years the popularity of the Twin Owls trailhead has grown steadily and in recent years overflow parking from the trailhead has had adverse effects on the ranch while the increase in traffic on the one-lane access road has diminished the historic character of the area.

For several years the National Park Service, NPS, and the McGregor Ranch have been working to find a solution to the traffic and parking problems. In 2003, after a process that involved public participation and an environmental assessment, the NPS decided to relocate the Twin Owls parking lot to the east end of the McGregor Ranch, a location well away from the historic homestead. Construction of a new access road and a larger parking lot for the trailhead is planned at the new location.

In order to enforce NPS regulations on the new access road and at the new trailhead, the land must be located within the park boundary. This legislation is necessary to authorize the land exchange and to adjust the park boundary to include the newly acquired lands.

Under the bill, the McGregor Trust—owner of the ranch—will convey 5.9 acres of land to the NPS to facilitate the construction and management of the new facilities. In exchange, the McGregor Trust will acquire up to 70 acres to be used for the purpose of growing hay and cattle.

The difference in the acreages reflects a difference in market value. The land now held by the ranch, which will be transferred to the United States, is suitable for residential use and therefore of higher per acre value than the grazing land that will be transferred to the ranch. To maintain the character of the land being transferred to the ranch, the National Park Service will retain a conservation easement that will allow grazing but prohibit construction of buildings.

Mr. Speaker, this bill is good for the McGregor Ranch, for Rocky Mountain National Park, and for the public. I urge its approval.

Mr. UDALL of New Mexico. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mrs. MUSGRAVE. Madam Speaker. I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Colorado (Mrs. MUSGRAVE) that the House suspend the rules and pass the Senate bill, S. 55.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

OJITO WILDERNESS ACT

Mrs. MUSGRAVE. Madam Speaker. I move to suspend the rules and pass the Senate bill (S. 156) to designate the Ojito Wilderness Study Area as wilderness, to take certain land into trust for the Pueblo of Zia. and for other purposes.

The Clerk read as follows:

S. 156

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Ojito Wilderness Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) MAP.—The term "map" means the map entitled "Ojito Wilderness Act" and dated October 1, 2004.

(2) PUEBLO.—The term "Pueblo" means the Pueblo of Zia.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(4) STATE.—The term "State" means the State of New Mexico.

SEC. 3. DESIGNATION OF THE OJITO WILDERNESS.

(a) IN GENERAL.—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), there is hereby designated as wilderness, and, therefore, as a component of the National Wilderness Preservation System, certain land in the Albuquerque District-Bureau of Land Management, New Mexico, which comprises approximately 11,183 acres, as generally depicted on the map, and which shall be known as the "Ojito Wilderness".

(b) MAP AND LEGAL DESCRIPTION.—The map and a legal description of the wilderness area designated by this Act shall—

(1) be filed by the Secretary with the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives as soon as practicable after the date of enactment of this Act;

(2) have the same force and effect as if included in this Act, except that the Secretary may correct clerical and typographical errors in the legal description and map; and

(3) be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(c) MANAGEMENT OF WILDERNESS.—Subject to valid existing rights, the wilderness area designated by this Act shall be managed by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.) and this Act, except that, with respect to the wilderness area designated by this Act, any reference in the Wilderness Act to the effective date of the Wilderness Act shall be deemed to be a reference to the date of enactment of this Act.

(d) MANAGEMENT OF NEWLY ACQUIRED LAND.—If acquired by the United States, the following land shall become part of the wilderness area designated by this Act and shall be managed in accordance with this Act and other applicable law:

(1) Section 12 of township 15 north, range 01 west, New Mexico Principal Meridian.

(2) Any land within the boundaries of the wilderness area designated by this Act.

(e) MANAGEMENT OF LANDS TO BE ADDED.—The lands generally depicted on the map as "Lands to be Added" shall become part of the wilderness area designated by this Act if the United States acquires, or alternative adequate access is available to, section 12 of township 15 north, range 01 west, New Mexico Principal Meridian.

(f) RELEASE.—The Congress hereby finds and directs that the lands generally depicted on the map as "Lands to be Released" have been adequately studied for wilderness designation pursuant to section 603 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782) and no longer are subject to the requirement of section 603(c) of such Act (43 U.S.C. 1782(c)) pertaining to the management of wilderness study areas in a manner that does not impair the suitability of such areas for preservation as wilderness.

(g) GRAZING.—Grazing of livestock in the wilderness area designated by this Act, where established before the date of enactment of this Act, shall be administered in accordance with the provisions of section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)) and the guidelines set forth in Appendix A of the Report of the Committee on Interior and Insular Affairs to accompany H.R. 2570 of the One Hundred First Congress (H. Rept. 101-405).

(h) FISH AND WILDLIFE.—As provided in section 4(d)(7) of the Wilderness Act (16 U.S.C. 1133(d)(7)), nothing in this section shall be construed as affecting the jurisdiction or responsibilities of the State with respect to fish and wildlife in the State.

(i) WATER RIGHTS.—

(1) FINDINGS.—Congress finds that—

(A) the land designated as wilderness by this Act is arid in nature and is generally not suitable for use or development of new water resource facilities; and

(B) because of the unique nature and hydrology of the desert land designated as wilderness by this Act, it is possible to provide for proper management and protection of the wilderness and other values of lands in ways different from those used in other legislation.

(2) STATUTORY CONSTRUCTION.—Nothing in this Act—

(A) shall constitute or be construed to constitute either an express or implied reservation by the United States of any water or water rights with respect to the land designated as wilderness by this Act;

(B) shall affect any water rights in the State existing on the date of enactment of this Act, including any water rights held by the United States;

(C) shall be construed as establishing a precedent with regard to any future wilderness designations;

(D) shall affect the interpretation of, or any designation made pursuant to, any other Act; or

(E) shall be construed as limiting, altering, modifying, or amending any of the interstate compacts or equitable apportionment decrees that apportion water among and between the State and other States.

(3) STATE WATER LAW.—The Secretary shall follow the procedural and substantive requirements of the law of the State in order to obtain and hold any water rights not in existence on the date of enactment of this Act with respect to the wilderness area designated by this Act.

(4) NEW PROJECTS.—

(A) WATER RESOURCE FACILITY.—As used in this subsection, the term "water resource facility"—

(i) means irrigation and pumping facilities, reservoirs, water conservation works, aqueducts, canals, ditches, pipelines, wells, hydropower projects, and transmission and other ancillary facilities, and other water diversion, storage, and carriage structures; and

(ii) does not include wildlife guzzlers.

(B) RESTRICTION ON NEW WATER RESOURCE FACILITIES.—Except as otherwise provided in this Act, on and after the date of enactment of this Act, neither the President nor any other officer, employee, or agent of the United States shall fund, assist, authorize, or issue a license or permit for the development of any new water resource facility within the wilderness area designated by this Act.

(j) WITHDRAWAL.—Subject to valid existing rights, the wilderness area designated by this Act, the lands to be added under subsection (e), and lands identified on the map as the "BLM Lands Authorized to be Acquired by the Pueblo of Zia" are withdrawn from—

(1) all forms of entry, appropriation, and disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) operation of the mineral leasing, mineral materials, and geothermal leasing laws.

(k) EXCHANGE.—Not later than 3 years after the date of enactment of this Act, the Secretary shall seek to complete an exchange for State land within the boundaries of the wilderness area designated by this Act.

SEC. 4. LAND HELD IN TRUST.

(a) IN GENERAL.—Subject to valid existing rights and the conditions under subsection (d), all right, title, and interest of the United States in and to the lands (including improvements, appurtenances, and mineral rights to the lands) generally depicted on the map as "BLM Lands Authorized to be Acquired by the Pueblo of Zia" shall, on receipt of consideration under subsection (c) and adoption and approval of regulations under subsection (d), be declared by the Secretary to be held in trust by the United States for the Pueblo and shall be part of the Pueblo's Reservation.

(b) DESCRIPTION OF LANDS.—The boundary of the lands authorized by this section for acquisition by the Pueblo where generally depicted on the map as immediately adjacent to CR906, CR923, and Cucho Arroyo Road shall be 100 feet from the center line of the road.

(c) CONSIDERATION.—

(1) IN GENERAL.—In consideration for the conveyance authorized under subsection (a), the Pueblo shall pay to the Secretary the amount that is equal to the fair market value of the land conveyed, as subject to the terms and conditions in subsection (d), as determined by an independent appraisal.

(2) APPRAISAL.—To determine the fair market value, the Secretary shall conduct an appraisal paid for by the Pueblo that is performed in accordance with the Uniform Appraisal Standards for Federal Land Acquisitions and the Uniform Standards of Professional Appraisal Practice.

(3) AVAILABILITY.—Any amounts paid under paragraph (1) shall be available to the Secretary, without further appropriation and until expended, for the acquisition from willing sellers of land or interests in land in the State.

(d) PUBLIC ACCESS.—

(1) IN GENERAL.—Subject to paragraph (2), the declaration of trust and conveyance under subsection (a) shall be subject to the continuing right of the public to access the land for recreational, scenic, scientific, educational, paleontological, and conservation uses, subject to any regulations for land management and the preservation, protection, and enjoyment of the natural characteristics of the land that are adopted by the Pueblo and approved by the Secretary: *Provided*, That the Secretary shall ensure that the rights provided for in this paragraph are protected and that a process for resolving any complaints by an aggrieved party is established.

(2) CONDITIONS.—Except as provided in subsection (e)—

(A) the land conveyed under subsection (a) shall be maintained as open space and the natural characteristics of the land shall be preserved in perpetuity; and

(B) the use of motorized vehicles (except on existing roads or as is necessary for the maintenance and repair of facilities used in connection with grazing operations), mineral extraction, housing, gaming, and other commercial enterprises shall be prohibited within the boundaries of the land conveyed under subsection (a).

(e) RIGHTS OF WAY.—

(1) EXISTING RIGHTS OF WAY.—Nothing in this section shall affect—

(A) any validly issued right-of-way or the renewal thereof; or

(B) the access for customary construction, operation, maintenance, repair, and replacement activities in any right-of-way issued, granted, or permitted by the Secretary.

(2) NEW RIGHTS OF WAY AND RENEWALS.—

(A) IN GENERAL.—The Pueblo shall grant any reasonable request for rights-of-way for utilities and pipelines over the land acquired under subsection (a) that is designated as the "Rights-of-Way corridor #1" in the Rio Puerco Resource Management Plan that is in effect on the date of the grant.

(B) ADMINISTRATION.—Any right-of-way issued or renewed after the date of enactment of this Act located on land authorized to be acquired under this section shall be administered in accordance with the rules, regulations, and fee payment schedules of the Department of the Interior, including the Rio Puerco Resources Management Plan that is in effect on the date of issuance or renewal of the right-of-way.

(f) JUDICIAL RELIEF.—

(1) IN GENERAL.—To enforce subsection (d), any person may bring a civil action in the United States District Court for the District of New Mexico seeking declaratory or injunctive relief.

(2) SOVEREIGN IMMUNITY.—The Pueblo shall not assert sovereign immunity as a defense or bar to a civil action brought under paragraph (1).

(3) EFFECT.—Nothing in this section—

(A) authorizes a civil action against the Pueblo for money damages, costs, or attorneys fees; or

(B) except as provided in paragraph (2), abrogates the sovereign immunity of the Pueblo.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Colorado (Mrs. MUSGRAVE) and the gentleman from New Mexico (Mr. UDALL) each will control 20 minutes.

The Chair recognizes the gentlewoman from Colorado (Mrs. MUSGRAVE).

GENERAL LEAVE

Mrs. MUSGRAVE. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Colorado?

There was no objection.

Mrs. MUSGRAVE. Madam Speaker, I yield myself such time as I may consume.

□ 1330

Madam Speaker, S. 156, introduced by Senator BINGAMAN of New Mexico, and a companion to H.R. 362 sponsored by the gentleman from New Mexico (Mr. UDALL) would designate approximately the 11,000-acre Ojito Wilderness Area in Sandoval County, New Mexico, as wilderness. This Federal land was determined by the Bureau of Land Management in 1991 as suitable for wilderness designation. This bill would also take certain land into trust for the Pueblo of Zia to protect its religious and cultural sites in Zia.

Madam Speaker, S. 156 is supported by the majority and the minority of the administration. I urge adoption of the bill.

Madam Speaker, I reserve the balance of my time.

Mr. UDALL of New Mexico. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, we support passage of S. 156, the Ojito Wilderness Act. This bill designates the Ojito Wilderness Study Area, an area totaling approximately 11,000 acres, as a permanent wilderness to be protected pursuant to the 1964 Wilderness Act. The bill also provides for the purchase and transfer of adjacent Bureau of Land Management lands to the Pueblo of Zia. These lands, totaling approximately 13,000 acres, are contiguous to the current boundaries of the Pueblo. This area will be taken into trust and held for the benefit of the Pueblo by the Secretary of the Interior, and will be managed in perpetuity by the Pueblo as wilderness.

As the lead co-sponsor in the House, I would like to take this opportunity to greatly acknowledge my colleague from New Mexico (Mrs. WILSON) and fellow co-sponsor. I thank the gentleman from California (Mr. POMBO) and the gentleman from West Virginia (Mr. RAHALL), the chairman and ranking member of the Committee on Resources, for bringing the Ojito Wilderness Act to the floor. This bipartisan, bicameral legislation is the result of good-faith collaboration and cooperation among many people in New Mexico and among many of us here in the United States Congress. This is truly a compromise bill. I encourage my colleagues to support it.

I am proud to say that New Mexicans recognize how vitally important it is to protect natural areas, to encourage the stainable use of our State's natural resources, and to honor the role land plays in the lives of Native Americans. As this Ojito legislation demonstrates, with creativity and cooperation, we can find solutions compatible with all of these necessities.

This proposal has been under consideration for many years. In 1991 Manuel Lujan, the Secretary of the Interior in the former President Bush's Cabinet, recommended the Ojito area to Congress for wilderness designation. The BLM has evaluated this area and found it qualifies for full wilderness status and protection.

The legislation has the explicit support of the Governor of New Mexico, the counties of Sandoval and Bernalillo, individual members of the State government, including our State Land Commissioner Patrick Lyons, the Pueblo of Zia and its members, the adjacent private land owners and ranchers who graze their cattle on the land, numerous environmental groups, and business owners and private citizens living and working nearby.

The Ojito Wilderness Study Area is characterized by pristine and dramatic landforms and rock structures and by several rare plant populations that are indigenous to the area. Ojito is also recognized for its high density of cultural and archeological sites, including sites that have religious significance to Pueblo Indians.

This legislation is of particular importance for the Pueblo of Zia. The Pueblo's reservation lands currently lie in two noncontiguous sections. Zia has made a concerted effort over years to adjoin its reservation lands. This legislation will help make that long-standing goal a reality. The Pueblo has consistently and openly worked in cooperation with other interested parties to reach a mutually satisfactory arrangement for the protection of these important lands as undeveloped open space with continued public access. And, in an additional gesture of good faith, the Pueblo has waived its sovereign immunity from suit for matters arising under the provisions of this bill.

Considering the above, I think this bill does the right thing by ensuring the preservation, protection, and public accessibility of this special area of New Mexico for future generations of

Americans. Allow me to express a special thanks to New Mexico Senators BINGAMAN and DOMENICI, the sponsors of this bill in the Senate. Let me further express my gratitude to the Governor of Zia, Zia Pueblo, Teofilo Pino, and to the Pueblo's former Governor and current Tribal Administrator Peter Pino, and also to Martin Heinrich, Albuquerque City Councilor and long-time volunteer for the Coalition for New Mexico's Wilderness for their strong and fair efforts in reaching a meaningful and positive compromise.

I would also like to fondly acknowledge my Senior Legislative Assistant Johanna Polsenberg and my field representative Sarah Cobb as well as Rick Healy and Rob Howarth on the Committee on Resources for their tireless and dedicated work on this important and far-sighted legislation.

Finally, I would like to thank my father, Stewart Udall, for his work over 40 years ago on the enactment of the Wilderness Act during his tenure as Secretary of the Interior. It is with the deepest respect and awe in the warp and weft of history that I might find myself on the floor of the House today honoring my father's legacy and his tremendous dedication to ensuring the preservation of wilderness, as stated in the act itself, lands "in contrast to those areas where man and his works dominate the landscape, where the Earth and its communities of life are untrammeled by man."

Madam Speaker, I reserve the balance of my time.

Mrs. MUSGRAVE. Madam Speaker, I yield such time as she may consume to the gentlewoman from New Mexico (Mrs. WILSON).

Mrs. WILSON of New Mexico. Madam Speaker, in the 108th Congress the gentleman from New Mexico (Mr. UDALL) introduced and we passed through this House legislation almost identical to this and we reintroduced it in this Congress. It has had a companion bill in the Senate which has now passed the Senate. And after conferring with the committee and with the gentleman from New Mexico (Mr. UDALL) we decided to take up the Senate version of the bill in this House rather than passing the House bill because that means that the next stop for this legislation is the President's desk.

The bill that the gentleman and I pass today will not have the gentleman's name on it, but it certainly is a result of his leadership that was brought here to the floor of the House, and I want to commend the gentleman from New Mexico (Mr. UDALL).

I also wanted to commend Johanna Polsenberg for her work on this piece of legislation. It has been a real joy to work with her. And my staff member, Colin Hunter, I think also deserves some credit. Without the two of them, all of the little things that had to get done would have been left to others and might not have gotten done. So they have had a tremendous impact. I also thank the gentleman from New Mexico (Mr. UDALL) very much for his leadership.

This legislation is locally developed and locally supported. It is the result of a decade of work by the BLM and the Zia Pueblo and the State office working out all the little details of rights-of-way and lands transfers and where the fences go and who has what rights where. It is a very balanced bill that puts into law the Ojito Wilderness, an 11,000-acre piece of land, that will be protected 40 miles northwest of Albuquerque, New Mexico.

As the gentleman from New Mexico (Mr. UDALL) mentioned, Manuel Lujan was the one who was the Secretary of the Interior when he recommended to the Congress that this piece of land should be set aside as an appropriate area for wilderness. The other thing that it does that I think is very important and has become important to all of us is that it allows for the purchase and transfer of BLM lands to Zia Pueblo. These lands will continue to have public access under the statute and remain undeveloped, but it will allow the Pueblo of Zia to unify its Pueblo and to connect the two noncontiguous areas of lands that are now part of its Pueblo.

I think one of the things that is wonderful about these jobs that we have the honor to hold is the opportunity to work with interesting people who are committed to different projects around our States and around the Nation. There are a lot of people who deserve thanks for making this legislation a reality today, certainly the gentleman from California (Mr. POMBO) and the gentleman from California (Mr. RADANOVICH) for their support and their staff support in getting this worked out and worked through, and of course our staffs and the gentleman from New Mexico's leadership on this.

I think I would also like to recognize some New Mexicans. As I mentioned, this was locally developed and locally supported. Successive Governors and Tribal Council members of Zia Pueblo took a leadership role early on, including the current Governor, Teofilo Pino, and his predecessor and long-time Tribal Administrator Governor Peter Pino and their Counsel, David Mielke.

I think we would probably agree that one of the most colorful, interesting characters in New Mexico is Peter Pino. I could sit and listen to stories from him for a long time. He has taught us so very much.

Additionally, I would like to thank Oscar Simpson of the New Mexico Wildlife Federations, Stephen Capra of the New Mexico Wilderness Alliance, Melyssa Watson of the Wilderness Support Center, and former and current Chair of the Coalition for New Mexico Wilderness, Jim Scarantino and Arturo Sandoval, and former Sandoval County Commissioner Daymon Ely. Linda Rundell and Lisa Morrison from the BLM and Patrick Lyons, the State Land Commissioner, were also very, very helpful in this legislation.

Finally, I would also like to thank Albuquerque City Councilor Martin Heinrich, who from the very beginning has been instrumental in ironing out the little problems that come up, working through issues associated with this legislation, and making things happen.

I think, as you can see, when things are successful there are a lot of people involved behind the scenes making them happen, and without them this legislation would not be here on the floor of the House today. I am very pleased that the Ojito Wilderness is going to get the permanent wilderness designation that it deserves and the Pueblo of Zia is going to achieve its long-sought transfer of important and ancestral lands that will unite two noncontiguous areas of its reservation.

Mr. UDALL of New Mexico. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mrs. MUSGRAVE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentlewoman from Colorado (Mrs. MUSGRAVE) that the House suspend the rules and pass the Senate bill, S. 156.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

EXTENDING THROUGH DECEMBER 31, 2007, AUTHORITY OF THE SECRETARY OF THE ARMY TO ACCEPT AND EXPEND FUNDS CONTRIBUTED BY NON-FEDERAL PUBLIC ENTITIES TO EXPEDITE THE PROCESSING OF PERMITS

Mr. DUNCAN. Mr. Speaker, I move to suspend the rules and concur in the Senate amendments to the bill (H.R. 3765) to extend through December 31, 2007, the authority of the Secretary of the Army to accept and expend funds contributed by non-Federal public entities to expedite the processing of permits.

The Clerk read as follows:

Senate amendments: Page 2, line 10, strike "December 31, 2007" and insert: "March 31, 2006".

Amend the title so as to read: "An Act to extend through March 31, 2006, the authority of the Secretary of the Army to accept and expend funds contributed by non-Federal public entities and to expedite the processing of permits.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from

Tennessee (Mr. DUNCAN) and the gentleman from Colorado (Mr. SALAZAR) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee (Mr. DUNCAN).

GENERAL LEAVE

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. DUNCAN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, on September 20 of 2005, the House passed H.R. 3765, which provided a 2-year extension of the authority of the Corps of Engineers to accept funds to help process permit applications. This program, which has broad bipartisan support, expired on September 30 of this year. Unless it is extended, some regulatory personnel will have to be reassigned or let go, reducing the Corps' ability to process permits in a timely manner.

On October 7 of 2005 the Senate passed H.R. 3765 with an amendment to extend this program for only 6 months, until March 31, 2006. To prevent a reduction in the Corps' ability to process permits, Congressional action is urgently needed. For that reason, I ask Members to agree to the Senate amendment.

This issue of how long the authority to accept funds to process permits should be extended will be revisited in the House-Senate Conference on the Water Resources Development Act, after the other body passes their WRDA bill.

This is an important thing for the Army Corps of Engineers. This is very helpful to them and it is important particularly to the west coast. It is limited to public entities such as ports and highway departments and other similar public entities. It is available throughout the Nation but it is used primarily on the west coast because it is important to them.

Madam Speaker, I reserve the balance of my time.

Mr. SALAZAR. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I support passage of H.R. 3765, as amended by the Senate. This bill extends through March 31 of 2006 the authority of the Secretary of the Army to accept and extends funding contributed by the non-Federal public entities to expedite the processing of permits under the Clean Water Act and Rivers and Harbor Acts of 1899. This program is popular and well-received, particularly in the northwestern part of our country.

I congratulate my colleague from Washington (Mr. BAIRD) for his attention to this issue and for securing consideration of this bill. Thanks to the tireless efforts of the gentleman from Washington State, this short-term extension should quickly move to the President's desk for signature.

□ 1345

I can think of no other Member of Congress who has served his local and regional issues with more enthusiasm and effectiveness.

The language of H.R. 3765 is modeled after language in H.R. 2864, the Water Resources Development Act of 2005, which was passed by this House on July 14 by an overwhelming vote of 406 to 14.

As a freestanding bill, H.R. 3765 was approved by the House under suspension on September 20 in a voice vote. Although the length of authorization contained in this bill was shortened slightly by the Senate, even as modified this bill would continue to receive strong support.

Madam Speaker, despite concerns expressed by the other body, the Senate, on this legislation today, today's consideration of one of the provisions of the larger Water Resources Development Act should not be viewed as an indication that the larger bill will not be enacted later this year.

I remain optimistic that the other House of Congress will soon consider this vital legislation, particularly in light of the vital role of flood damage reduction, navigation and other storm damage reduction projects in protecting lives and properties and enhancing economic well-being. The tragic events associated with Hurricane Katrina indicate how important our water infrastructure truly is.

I would like to thank the gentleman from Tennessee (Mr. DUNCAN), our chairman of the subcommittee, for helping us on this issue. I urge support for this bill.

Madam Speaker, I yield back the balance of my time.

Mr. DUNCAN. Madam Speaker, I would also like to commend the gentleman from Washington (Mr. BAIRD), a member of our subcommittee, a very active member, for his work on this legislation; and as I mentioned earlier, it has broad bipartisan support, so I urge its passage.

Mr. BAIRD. Madam Speaker, I would like to thank the Subcommittee on Water Resources and the Transportation and Infrastructure Committee for expediting the passage of H.R. 3765, a commonsense bill that will save jobs and continue to promote economic growth.

I would also like to acknowledge the efforts of Senator MURRAY and Senator CANTWELL for their efforts in reaching a compromise with their colleagues and ensuring swift passage by the Senate. Although I was hoping for a longer extension of section 214, I was pleased that both Chambers were able to pass a temporary fix before the delay caused irreparable economic damage to the Pacific Northwest.

I have been a strong proponent of the section 214 provision since its enactment in WRDA 2000. This provision permits non-federal public entities to contribute funds to the Army Corps of Engineers to help expedite the processing of corps permits. In the Pacific Northwest, we have seen the backlog of permits grow to over 1,000 in past years and seen the residual effect that this has on our region's economy. This provision has allowed municipalities and ports to move forward with vital infrastructure projects. By funding additional staff to work on specific, time-intensive permits, existing corps' staff is freed up to work on the backlog. It is important to emphasize that these entities providing funding are given no partiality by the corps in their review of the project.

This provision was extended in 2003 in the FY04 Energy and Water appropriations bill, and expired on September 30. The temporary extension passed today, will allow the Army Corps to continue section 214 projects until this bill expires on March 31, 2006. It is my hope that we can permanently extend this provision by passing WRDA this year, a bill that is long overdue for reauthorization.

Additionally, some of my colleagues have expressed interest in a thorough study of the use of section 214, and I would urge these efforts to be expedited. It is my view that a report by the GAO to study the effectiveness of this program in the Pacific Northwest would only yield valuable information that can be used to improve and, perhaps, expand the program.

I am proud to be the primary sponsor of this bill and have the endorsement of the entire Washington State delegation. I thank my colleagues for their vote to pass this bill today and promptly send it to the President for enactment.

Mr. DUNCAN. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from Tennessee (Mr. DUNCAN) that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 3765.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendments were concurred in.

A motion to reconsider was laid on the table.

WILLIAM F. CLINGER, JR. POST OFFICE BUILDING

Mr. PORTER. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3549) to designate the facility of the United States Postal Service located at 210 West 3rd Avenue in Warren, Pennsylvania, as the "William F. Clinger, Jr. Post Office Building".

The Clerk read as follows:

H.R. 3549

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. WILLIAM F. CLINGER, JR. POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 210

West 3rd Avenue in Warren, Pennsylvania, shall be known and designated as the "William F. Clinger, Jr. Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "William F. Clinger, Jr. Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nevada (Mr. PORTER) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Nevada (Mr. PORTER).

GENERAL LEAVE

Mr. PORTER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on the bill now under consideration, H.R. 3549.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nevada?

There was no objection.

Mr. PORTER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of H.R. 3549, authored by the distinguished gentleman from Pennsylvania (Mr. ENGLISH). This bill would designate the post office in Warren, Pennsylvania, as the William F. Clinger, Jr. Post Office Building. All Members of the Pennsylvania delegation have cosponsored this legislation.

Former Representative Bill Clinger was born and raised in Warren, Pennsylvania, where he attended local public schools and graduated from Hill High School in Pottstown, Pennsylvania. Bill Clinger was admitted to the Pennsylvania bar in 1965, and then enjoyed a career in private law practice. On January 3, 1979, Bill Clinger was elected to the 96th Congress and was reelected to eight succeeding Congresses.

During this time, Mr. Clinger showed his perseverance in serving the citizens of Warren, Pennsylvania, by working towards accountability in government during his time as a member of the Committee on Government Reform. As a distinguished long-time member of the committee, Clinger served as the ranking member during the 103rd Congress as well as the chairman during the 104th Congress. One of his many accomplishments in Congress was the passage of the Clinger-Cohen Act, which transformed the way the Federal Government plans for, acquires, and manages information technology.

When Chairman Clinger left Congress, he continued contributing to his community. He is a senior fellow at the Center For the Study of American Government at Johns Hopkins University where he lectures frequently and works with students on their master's theses. Further, he spends his summers in Chautauqua, New York, where he is the chair of the Board of Trustees of the Chautauqua Institution. William Clinger was an example and an inspiration to all as he demonstrated his strong and respected leadership abilities during his time in the U.S. House of Representatives.

I join the gentleman from Pennsylvania (Mr. ENGLISH) in recognizing the accomplishments of former Representative Clinger and I urge all Members to do the same.

Madam Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, as a member of the House Committee on Government Reform, I am pleased to join my colleague in consideration of H.R. 3549, legislation naming a postal facility in Warren, Pennsylvania, after William F. Clinger, Jr. This measure, which was introduced by the gentleman from Pennsylvania (Mr. ENGLISH) on July 28, 2005, and unanimously reported by our committee on September 29, 2005, enjoys the support and cosponsorship of the entire Pennsylvania delegation.

A native of Warren County, Pennsylvania, Mr. Clinger graduated from Johns Hopkins University, served in the United States Navy, and obtained a law degree from the University of Virginia before practicing law. He was elected to represent Pennsylvania's Fifth Congressional District in 1979, serving until 1997. While in Congress, Representative Clinger served as chairman of the Committee on Government Reform and Oversight, vice chairman of the Committee on Transportation and Infrastructure, and ranking member on the Subcommittee on Aviation.

Since retiring from Congress, former Representative Clinger has served on a number of boards and been involved with Johns Hopkins University as a senior fellow with the Political Science Department and Harvard University's Kennedy School of Government. I commend my colleagues for naming a post office after former Representative William Clinger, and I urge swift passage of this bill.

Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. PORTER. Madam Speaker, I yield such time as he may consume to my distinguished colleague from the Commonwealth of Pennsylvania (Mr. ENGLISH).

Mr. ENGLISH of Pennsylvania. Madam Speaker, I want to thank the gentleman for yielding me this time and giving me the opportunity to rise here today to advocate a piece of legislation that is symbolic, but it is important symbolism; and it is particularly important to the residents of a community of mine, Warren County, that I have acquired since the last reapportionment. I share that area with my colleague from Pennsylvania (Mr. PETERSON) who is with us here today and who has cosponsored this bill.

We rise to honor the distinguished former chairman of the Committee on Government Reform, Congressman Bill Clinger. You have heard from some of our other colleagues how Bill Clinger has been a major leader in the House of Representatives, how he served nine terms, how he came to Congress with a background in economic development and became a very powerful advocate of rural concerns, how he was born and raised in Warren, Pennsylvania, and it is our intention to name the post office in Warren after him.

For a generation of political leaders in northwestern Pennsylvania, Bill Clinger has been an inspiration to us, someone who has brought a profound sense of civic responsibility to everything he has done, prior to coming to Congress, in Congress, and since he left Congress, particularly with his service to the Chautauqua Institution.

His chairmanship of the House Committee on Government Reform allowed him to help establish concrete reforms to ensure government accountability, gaining the respect of Members from both sides of the aisle. Chairman Clinger helped usher through historic legislation, such as a measured curb on Federally funded mandates, line item veto authority, and a bill to reduce the paperwork burden that the Federal Government imposes on governments, individuals, and private businesses.

For those of us who had the privilege of working with Bill Clinger, he has always been an inspiration to us, and we thought it was appropriate to take perhaps the signal Federal building in the community in which he grew up and name it after him, so that everyone in Warren could remember how Warren and northwestern Pennsylvania has produced leadership of the first order in Congress.

It is my privilege to submit the bulk of my remarks for the RECORD, but I am proud to be here with my colleague from Pennsylvania, with the gentleman from Nevada, and the gentleman from the other side of the aisle to provide a manifestation of how much Bill Clinger has meant to this institution, to the community that he grew up in, and how it is worth our while to take a few minutes out in the House business to acknowledge those who have really made a difference.

Madam Speaker, I rise today to honor the distinguished former Chairman of the Govemment Reform Committee, Congressman Bill Clinger.

Chairman Clinger was a major leader in the House of Representatives, having acquired the reputation as a strong voice for govemment reform during his nine illustrious terms. Clinger represented what is now Pennsylvania's 5th Congressional District from 1979 to 1997—the seat now held by my distinguished colleague JOHN PETERSON.

Chairman Clinger was born and raised in Warren, Pennsylvania, where he attended the local public schools and graduated from the Hill High School in Pottstown.

After being admitted to the Pennsylvania bar in 1965, Clinger ran a private law practice in Warren before being elected to the 96th Congress in 1978.

An inspiration to many in the House, he exemplified excellence in civic duty, championing rural interests and rural economic development.

After ascending to Chairman of the House Government Reform Committee, he helped establish concrete reforms to ensure government accountability, gaining the respect of members from both sides of the aisle. Chairman Clinger helped usher through historic legislation such as a measure to curb unfunded Federal mandates, line-item veto authority and a bill to reduce the paperwork burden that the Federal Government imposes on governments, individuals, and private businesses.

I had the honor of serving with Chairman Clinger during my freshman term in Congress. He was an important figure in my early political career, providing an example of dignified leadership throughout a demanding and tumultuous period of Congressional oversight.

Since his retirement from the House, Chairman Clinger has continued his dedication to public service. He has shared his expertise in oversight through his teachings at Johns Hopkins University and while serving on boards for organizations such as Council on Excellence in Government, Citizens Against Government Waste and many others.

One of Chairman Clinger's most notable accomplishments in recent years has been his service as Chairman of the Board of Trustees to the renowned Chautauqua Institution, located in southwestern New York State. The historic Chautauqua Institution is a tremendously valuable organization, providing a national forum for open discussions that probe contemporary political, religious and community issues.

I believe this undertaking is reflective of my good friend's character—displaying his commitment to the competent and thoughtful pursuit of understanding. He has shown a continued dedication to excellence and integrity at all levels of government and tirelessly fights on behalf of representative accountability. His decorated service to the community is held in high regard by many.

I believe that naming the post office at 210 West 3rd Avenue in Warren, Pennsylvania is a modest tribute to a true public servant. I urge the support of my colleagues and the swift passage of this legislation.

Mr. PORTER. Madam Speaker, I yield such time as he may consume to my distinguished colleague from the Commonwealth of Pennsylvania (Mr. PETERSON).

Mr. PETERSON of Pennsylvania. Madam Speaker, I thank the gentleman for yielding me this time, and I rise today with affection for my knowledge and memory of Bill Clinger and working with Bill Clinger. I want to thank my colleague from Pennsylvania (Mr. ENGLISH) for his leadership in putting this together and which I am just so glad to cosponsor.

I have known Bill Clinger for a long time. I was thinking back on Memory Lane this morning of when I first met him. I got to know him in Warren. And I remember when I first ran for the State House in 1977, I went to his office and sat down, and he was one of the first to reach in his drawer and pull out a check and help me with my campaign and wished me well and said he hoped in another year or two I would help him because he was planning to run for Congress, and so we worked together the whole time.

I also remember Bill Clinger and his lovely wife, Judy. Judy was a great attribute to him. She was someone who everybody loved and just served him so wonderfully as his closest friend and helper. Also, his great love of his family, Vijou, Willie, Jimmy, and Julia. His first love was his family. Everybody knew that from his weekends and time with them.

Also his love of the Chautauqua Institution. Fortunately for Bill, I believe he is chairman of the board there, at least he was last year, that is running the institution. That is a bright spot in southern New York State that serves Pennsylvania and New York as well, bringing culture and entertainment and all kinds of wonderful things to a rural area that does not always have those luxuries.

I remember back vividly that Bill put together a wonderful staff. It was just a great group of young men. Ric Peltz was my best friend. Out in the field we worked together nearly every day. He was the field guy. Most of his Washington staff went on and were leaders in the Ridge administration in Pennsylvania, and many are running associations here in Washington now. They were just a bright young group that has really made a difference. And you have to give Bill the credit for picking this kind of talent and giving them an opportunity.

I also remember he was chief counsel for EDA under the Ford administration. That may be where I first met him and where he really developed a knowledge of our economic development system. One of his legacies was the Clinger-Cohen bill, which put the Government Responsibility Act in place, which held government agencies responsible.

During his time and tenure, one of the problems that faced Pennsylvania, and I as a Senator and he as a Congressman, was the abandonment of railroads. He and his staff just led that fight. Pennsylvania now, in my district, has the most regional railroads, and it is thanks to Bill Clinger. He saved many of those lines from being totally abandoned and helped form the regional railroads. One that I remember was the Allegheny Railroad that connected Erie and Emporia, Pennsylvania, which the wood industry used exclusively. The Oil Creek, Titusville Railroad, which is a scenic railroad through a beautiful park, and the oil heritage region that is now there was one of the first real successful scenic lines in Pennsylvania. The Nittany and Bald Eagle lines, which became part of the Seda Cog Rail System, which is now serving that region well. The Tioga County, Wellsville into New York line. These were all lines that Bill Clinger and his staff and his efforts preserved and are now serving this area well.

The 219 passing lane was an issue where he got funding numerous times to take a crooked road and get passing lanes on the hill. They all wanted a four-lane highway, which probably will never happen; but he did a lot of improvements to that.

Another area where he really excelled was bringing the use of our waste coal piles in Pennsylvania into making energy. He was the one that helped put together the scrubgrass plant in Venango County, and the Ringgold plant over in Clarion County, and was very helpful in bringing the Allegheny Particle Board plant that makes particle board using wastewood into our region.

□ 1400

He brought the FCI McKean Prison, which now employs hundreds of people in my district; and those are legacy issues that he and his staff were directly involved in and responsible for.

He also was one of those who created the revolving loan programs that our EDA and Appalachia Regional Commissions use now to help small communities with small grants that they continue to use over and over by reloaning them to small businesses. Some of those revolving loan programs are quite large now and are very much a part of our economic development system. In fact, his legacy recently in this administration, Ric Peltz, who was the one I worked with, is now the co-director of the Appalachian Regional Commission, and has just continued the legacy of Bill Clinger back here in Washington. In fact, I want to say this before I conclude. I had lunch with Bill this summer over at the La Colline, one of his favorite eating places, and he is just doing well. He is mentally sharp and in good spirits and happy with what his life is allowing him to teach and be a part of the leadership of the Chautauqua Institution, and he and Judy are doing just fine, and I want to publicly thank them for their friendship to me and the legacy they left in Pennsylvania and in Washington.

One of the toughest issues he worked on was a compromise on wilderness. We had a Congressman in Pennsylvania who wanted to make the Allegheny National Forest all wilderness, and he cut out a compromise and got that passed. Also the wild and scenic rivers, those were a little more controversial issues, he took some heat for those, but I think they were good decisions. He was wise in how he handled them in taking on those tough issues, and I think when he was here he chaired the Wednesday Group, which now may be the Tuesday Group or I think may even have another name.

But Bill was a leader. If you knew Bill, you liked him. If you knew Bill, you knew he was smart and you respected him. Today, I think it is a delight to honor him by naming the Warren post office the William Clinger Post Office. I had a Senate office for years right around the corner, and great traffic in that part of town. People will see it and remember, as they should, that Bill Clinger was their Congressman and he served them admirably.

Mr. TOM DAVIS of Virginia. Madam Speaker, I rise in strong support of H.R. 3549, a bill to designate a post office in Warren, Pennsylvania, as the "William F. Clinger, Jr. Post Office Building."

Mr. Clinger was the distinguished chairman of the Government Reform and Oversight Committee when I first came to Congress in 1995. I became one of his subcommittee chairmen, and I will be forever grateful to him for showing me the ropes on this Committee.

Many of my colleagues are probably familiar with the Clinger-Cohen Act, which transformed the way the Federal Government plans for, acquires and manages information technology investments.

I was proud to have worked with Chairman Clinger on this important law that will be celebrating its 10th anniversary early next year.

Anyone who knows Bill Clinger would not be surprised with his response upon learning that a post office would be named in his honor. He told us he considered it a major success when a dog run in Punxatawny and a sewage treatment plant in Dubois, Pennsylvania were named for him—having a post office named after him was beyond his wildest dreams.

Mr. Clinger's graciousness and respect for others set an example for all Members who served with him.

I am proud to be here today to express my strong support for H.R. 3549, a lasting tribute to the life and work of William F. Clinger.

Mr. PORTER. Madam Speaker, I urge all Members to support the passage of H.R. 3549, and I yield back the balance of my time.

The SPEAKER pro tempore (Ms. BIGGERT). The question is on the motion offered by the gentleman from Nevada (Mr. PORTER) that the House suspend the rules and pass the bill, H.R. 3549.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. PORTER. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

U.S. CLEVELAND POST OFFICE BUILDING

Mr. PORTER. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3830) to designate the facility of the United States Postal Service located at 130 East Marion Avenue in Punta Gorda, Florida, as the "U.S. Cleveland Post Office Building".

The Clerk read as follows:

H.R. 3830

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. U.S. CLEVELAND POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 130 East Marion Avenue in Punta Gorda, Florida, shall be known and designated as the "U.S. Cleveland Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "U.S. Cleveland Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nevada (Mr. PORTER) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Nevada (Mr. PORTER).

GENERAL LEAVE

Mr. PORTER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3830.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nevada?

There was no objection.

Mr. PORTER. Madam Speaker, I yield myself such time as I may consume.

I rise in support of H.R. 3830, introduced by the distinguished gentleman from Florida (Mr. FOLEY). This bill will designate this post office in Punta Gorda, Florida as the U.S. Cleveland Post Office Building. All members of the Florida delegation have co-sponsored this legislation.

Ulysses Samuel Cleveland was born September 7, 1919, in Boca Grande, Florida, to Cleve and Jean Cleveland. At the age of 2, Cleveland moved to Charlotte County's Punta Gorda with his family, the town that he would later dedicate a lifetime to preserving its history.

In 1941, U.S. Cleveland was drafted and was later commissioned as a second lieutenant in the U.S. Army. He oversaw 20 radio crews with the 3103 Signal Service Battalion. He was a part of the secret disinformation campaign that misled the Nazis and helped contribute to the success of the Normandy invasion. Mr. Cleveland and his unit were credited by Supreme Commander General Dwight Eisenhower with saving the D-Day landing.

After World War II, Cleveland returned to Punta Gorda and became the assistant postmaster. He worked for the U.S. Post Office for nearly four decades. During that time he devoted much of his life to archiving old photos, newspaper clippings, and all kinds of Charlotte County records. With all of his historical records he coauthored two volumes of local history entitled "Our Fascinating Past."

Besides being a well-known historian, U.S. Cleveland also dedicated much of his time to various charities within the community. He produced monthly newsletters for the American Legion Post in Punta Gorda and provided and managed sound systems for various community events, including the Florida International Air Show. He was also the treasurer for the Punta Gorda Historical Society, historian for the Kiwanis Club, and a charter member of the Punta Gorda and Charlotte County Historic Preservation boards.

Although U.S. Cleveland passed away this year at the age of 85, his legacy of public service lives on in Charlotte County, Florida. His vast historic collection, now in storage, will be added to by his fellow historians in time to come. I urge all members to join me in honoring this fine man and his quest to preserve the history of his hometown of Punta Gorda, Florida.

Madam Speaker, I support H.R. 3830, and I salute the sponsor, the gentleman from Florida, for his work on this measure.

Madam Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Madam Speaker, I yield myself such time as I may consume.

As a member of the House Government Reform Committee, I am pleased to join with my colleague, the chairman of our subcommittee, the gentleman from Nevada, in consideration of H.R. 3830, legislation naming the postal facility in Punta Gorda, Florida, after the late Ulysses Samuel Cleveland. This measure, which was introduced by Representative MARK FOLEY on September 20, 2005, and unanimously reported by our committee on September 29, 2005, enjoys the support and co-sponsorship of the entire Florida delegation.

Mr. Cleveland, or U.S. as he liked to be called, was a native of Punta Gorda, Florida. After serving in the Army, he returned to his hometown where he became the assistant postmaster for Charlotte County. Mr. Cleveland later became the historian for the Punta Gorda Kiwanis Club and charter member for the Punta Gorda and Charlotte County Historic Preservation boards, authoring books on local history.

Unfortunately, his home was destroyed during Hurricane Charley in

August of 2004. He lost his collection of photographs and historical artifacts. U.S. Cleveland passed away on April 22, 2005, a great citizen, a great historian, a person who is deserving of this honor. I commend my colleague for naming the post after the late Ulysses Samuel Cleveland, and I urge swift passage of this bill.

Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. PORTER. Madam Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. FOLEY).

Mr. FOLEY. Madam Speaker, let me thank the gentleman from Nevada and thank the gentleman from Illinois for their kind introduction of our good friend and dear former citizen and resident, Ulysses Samuel Cleveland. Many of those listening to the testimony may recognize the name and they are struggling to remember where they heard the term Punta Gorda, Florida; but I can tell you August 13 was a startling day in Punta Gorda when Hurricane Charley approached landfall and did significant damage to our constituents. U.S. Cleveland was one of those who suffered the loss of his home. He was in the process of rehabilitating it and retrofitting it, because one of the unique features of U.S. was the fact that he made a lifetime commitment out of caring for his son Dallas who has Down's Syndrome from birth.

So not only was he a native of the region, not only was he a veteran of our Nation, not only was he the assistant postmaster of our community, not only had he spent 83 long years as an active member of our community. He also showed the full measure of devotion to the children, his own particularly, who had been brought into this world with a challenge, a challenge so many other families face.

This past weekend I happened to be in Palm Beach County where they were having the Down's Syndrome Walk, families celebrating the lives of their children who have been challenged, but with the support and strength of their family they have been able to overcome that adversity. U.S. was a father and a principled citizen who gave his devotion to both family, community, and always above self, which was the hallmark of American patriots.

It was noted that Supreme Commander General Dwight Eisenhower credited his unit with saving the D-Day landing at Normandy. We mentioned him coming back home. One of the great things about Florida, and of course it is a State now with 16 million people, but the year of his birth there were very few. Florida was an emerging little area in the south of the United States, and our population was not what it is near today, and certainly he was part of that beautiful community, Punta Gorda, in Charlotte County.

And so today we do rise as we do so often to commend the life's work of citizens who are deserving of this high honor. We do not name post offices after everyone, and it is not always the fact that they may have been postal employees. But this significance to Mr. Cleveland was the fact of his devotion to family, devotion to community, devotion to Nation, and of course being a historian for Punta Gorda.

Those in southwest Florida know this beautiful community of ours, and they know full well of his devotion to that community. By cataloging the photos of early days, he was able to, as was mentioned, co-author two volumes of a local history book called "Our Fascinating Past." These are the hallmarks of a great and giant man.

Unfortunately, he passed away this spring due to complications from pneumonia. He was married to Yvonne Cleveland who preceded him in death, and he is survived by three sons, Max, Keith, and Dallas.

I thank the members of the committee, my colleagues, for allowing us to present this bill to the floor and for their expedition in bringing it to the floor. I would like to thank my district director, Dick Keene, who lives in the Punta Gorda area for his work on this bill and also Jeffrey Ostermayer for helping us bring about this tribute to a fine American. I would like to thank the gentleman from Virginia (Mr. TOM DAVIS), the chairman of the committee, for bringing this bill to the House floor so quickly.

Mr. PORTER. Madam Speaker, I urge all Members to support this legislation, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nevada (Mr. PORTER) that the House suspend the rules and pass the bill, H.R. 3830.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

WILLIE VAUGHN POST OFFICE

Mr. PORTER. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3853) to designate the facility of the United States Postal Service located at 208 South Main Street in Parkdale, Arkansas, as the Willie Vaughn Post Office.

The Clerk read as follows:

H.R. 3853

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. WILLIE VAUGHN POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 208 South Main Street in Parkdale, Arkansas, shall be known and designated as the "Willie Vaughn Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Willie Vaughn Post Office".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nevada (Mr. PORTER) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Nevada (Mr. PORTER).

GENERAL LEAVE

Mr. PORTER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3853.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nevada?

There was no objection.

Mr. PORTER. Madam Speaker, I yield myself such time as I may consume.

I rise in support of H.R. 3853, introduced by the distinguished gentleman from Arkansas (Mr. ROSS). This bill will designate this post office in Parkdale, Arkansas, as the Willie Vaughn Post Office Building.

Willie Vaughn was born in 1904 in Thomasville, Alabama. He later moved to the State of Arkansas where he spent the better part of his life. Although Mr. Vaughn has little formal education, his dedication and perseverance in bettering his community earned him the undying respect and admiration of his peers. As a farmer who raised hogs, chickens, and cattle, he provided for his family, as well as anyone in need. He was always willing to lend a hand whether it be listening to and counseling members of the community or helping grieving friends plan funerals.

Mr. Vaughn was active in his local church and held various positions within the congregation. As a delegate to the 1945 CME convention, he led the church from the Colored Methodist Church to the Christian Methodist Church. At 101 years of age, Willie Vaughn has experienced life-changing periods such as segregation, reconstruction, the stock market crash, the Great Depression, the civil rights movement, and much more. He is truly a man that has contributed to his community by his commitment to humanity and family and has become an icon in Parkdale, Arkansas. I urge all Members to come together and honor the life of this dedicated humanitarian.

Madam Speaker, I reserve the balance of my time.

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Mr. DAVIS of Illinois. Madam Speaker, I yield such time as he may consume to the gentleman from Arkansas (Mr. ROSS).

Mr. ROSS. Madam Speaker, I thank the gentleman from Chicago for yielding me this time.

Madam Speaker, I rise today to urge my colleagues to support H.R. 3853, legislation which would designate the postal facility in Parkdale, Arkansas, which is located in Arkansas' Fourth Congressional District, the "Willie Vaughn Post Office." This bill has the unanimous support of the Parkdale City Council and its mayor, and I would like to personally thank them for their help with this: Mayor Glenda Wells, and to the City Council, Louis Mitchell, Mark Hawkins, Paula Files, and Evora Parker.

Willie Vaughn, known to friends and family as "Uncle Dude," spent most of his life giving back to this small town located near the Ashley and Chicot County line in southeast Arkansas, just a few miles north of Louisiana. Mr. Vaughn is an active member of his local church, helping not only to build the church but also serving in many leadership positions over the years.

I can think of no person more deserving of this prestigious honor than Willie Vaughn. Mr. Vaughn embodies the definition of "giving back to your community." At 101 years of age, Mr. Vaughn has spent a lifetime, or one might say over a century, working to improve Parkdale through dedication to the CME Church, as a civil rights leader working to remove racial barriers, lending an ear to friends and family throughout the community, throughout southeast Arkansas, and, yes, throughout America. He did so as a school bus driver, as a farmer, as a devoted husband and father. It is evident that Mr. Vaughn's commitment and dedication to his church, to civil justice, and to community service has made a lasting impact on the Parkdale community and its people.

Willie Vaughn has served as a role model to many young people who grew up in this small town of 377 people, people like the gentleman from Illinois (Mr. DAVIS), who now resides in Chicago but grew up in Parkdale, people like the gentleman from Illinois (Mr. DAVIS), who have gone on to do great things all across America because of the way their lives were shaped and influenced by Mr. Willie Vaughn.

The Willie Vaughn Post Office will stand for decades and generations to come as a testament to Mr. Vaughn's life and the influence, the impact he has made on so many people from all across this great country that spent a little bit of time growing up in that southeast Arkansas community that we call the town of Parkdale.

Mr. PORTER. Madam Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in strong support of this resolution to rename the U.S. Post Office in Parkdale, Arkansas the Willie Vaughn Post Office, and I want to first express my heartfelt appreciation to the gentleman from Arkansas (Mr. ROSS) for sponsoring this renaming legislation. I also want to thank the gentleman from Arkansas (Mr. BERRY), the gentleman from Arkansas (Mr. BOOZMAN), and the gentleman from Arkansas (Mr. SNYDER) for their cosponsorships. It is also my pleasure to extend thanks to the honorable mayor and members of the Parkdale Arkansas City Council for their concurrence in the renaming of their town's post office: Ms. Glenda Wells, mayor; Louis Mitchell, alderman; Mark Hawkins, alderman; Paula Files, alderman; and Evora Parker, all whose families I knew and in some instances grew up with.

Madam Speaker, I stand here this afternoon with a tremendous amount of pride in being able to participate in passing this legislation.

First of all, I was born and grew up in Parkdale, Arkansas and lived there until I graduated from college. The man for whom we are renaming this post office, Mr. Willie Vaughn, whom we fondly called Uncle Dude and who is now 101 years old, was one of my primary mentors and role models and the most outstanding African American figure in that area for many years. Uncle Dude, who technically was not my uncle, he and my mother were stepbrothers, as they would be called, and sisters because their parents got married after his father's wife had died, and yet our families blended so close together until we were much closer than many blood relatives. As a matter of fact, as a result of the blending, my mother ended up with about 25 brothers and sisters.

In addition, Uncle Dude and my father were close associates and the best of friends, and I spent many a Sunday afternoon in their home eating Aunt L.C.'s famous egg pies.

Uncle Dude never had much formal education. My cousin Cora said that he finished the second grade, and yet he has always been one of the smartest and wisest persons that I have ever known. He had what we call a degree in CSTA; that is, common sense, talent, and ambition.

Legend of Folklore has it that Willie as a little boy did not take kindly to farm work, did not practice it, and did not act as though he wanted to learn. Therefore, he was called "Dude" and it stuck. However, Mr. Vaughn became self-taught and in many ways self-educated. He could do almost anything on and off the farm. He, like most of his peers, was a sharecropper, but he also owned the molasses mill and made syrup. He was a tailor and measured me for my first tailored suit, which another uncle of mine sent to me from St. Louis when I was graduating from elementary school, and, I might add, it was one of the few tailored suits that I have ever owned.

He was the chief lay person at our church, the Penny's Chapel CME Church, for more than 50 years, drove the school bus after we got one because we did not always have one, and was oftentimes the bridge between the black and white factions of the community in a small, rural southern town. Mr. Vaughn worked hard, acquired property, was a leading advocate for education, and commanded the respect of all segments of the town and of the area.

Uncle Dude was the Sunday school superintendent at our church for decades, and I shall never forget that, as a teenager, he gave me the opportunity to teach Sunday school, which may have been the reason that I eventually became a schoolteacher. Even in our small semi-isolated town, and he and other adults expressed and conveyed a strong appreciation for education, and I remember my cousin Aubry graduating from high school as the only person in his class.

As an avid church leader, Uncle Dude became a member of the general board of the CME Church and expressed great pride in the fact that he was able to vote to change the name from Colored Methodist Episcopal Church to Christian Methodist Episcopal Church.

He was born the son of former slaves. Mr. Willie Vaughn epitomizes progress that this country has made. He is indeed a living legend who is still alive, alert, and spiritually as well as intellectually engaged. I would not be surprised to find out that he is watching these proceedings on C-SPAN. And if he is, I say congratulations, Uncle Dude, on a life well spent, a Nation well served, a family well loved, and a faith in God well preserved.

Madam Speaker, it is indeed with great pride that I urge passage of this bill and again thank the gentleman from Arkansas (Mr. ROSS) for introducing it.

Madam Speaker, I yield back the balance of my time.

Mr. PORTER. Madam Speaker, I urge all Members to support the passage of H.R. 3853. I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from Nevada (Mr. PORTER) that the House suspend the rules and pass the bill, H.R. 3853.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. PORTER. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the

Chair's prior announcement, further proceedings on this motion will be postponed.

RECOGNIZING THE SOUTH CAROLINA FARM BUREAU MUTUAL INSURANCE COMPANY ON ITS 50TH ANNIVERSARY

Mr. BARRETT of South Carolina. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 300) recognizing the South Carolina Farm Bureau Mutual Insurance Company on the occasion of its 50th anniversary and saluting the outstanding service of the Company to the people of South Carolina.

The Clerk read as follows:

H. RES. 300

Whereas the South Carolina Farm Bureau Mutual Insurance Company was organized on December 19, 1955, to provide members of the Farm Bureau Federation with insurance coverage that was difficult to obtain and to assist such members with safety programs and loss control measures;

Whereas the South Carolina Farm Bureau Mutual Insurance Company is the largest domestic property and casualty insurer in the State of South Carolina;

Whereas the South Carolina Farm Bureau Mutual Insurance Company has 245 employees and 250 exclusive licensed agents throughout South Carolina that offer various insurance and financial services;

Whereas the South Carolina Farm Bureau Mutual Insurance Company provides a diverse line of products, including auto, homeowners, and other insurance coverage with sales exceeding $190,000,000 on more than 344,000 policies;

Whereas in 1999, after Hurricane Floyd struck the coast of South Carolina, 90 percent of reported claims made with the South Carolina Farm Bureau Mutual Insurance Company were settled within one week; and

Whereas the South Carolina Farm Bureau Mutual Insurance Company serves families of farmers and non-farmers in rural and urban communities and the slogan of the Company is, "Helping you is what we do best": Now, therefore, be it

Resolved, That the House of Representatives recognizes the South Carolina Farm Bureau Mutual Insurance Company on the occasion of its 50th anniversary and salutes the outstanding service of the Company to the people of South Carolina.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from South Carolina (Mr. BARRETT) and the gentleman from Georgia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from South Carolina (Mr. BARRETT).

GENERAL LEAVE

Mr. BARRETT of South Carolina. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to include extraneous material thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. BARRETT of South Carolina. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I want to thank the gentleman from my home State of South Carolina (Mr. WILSON) for introducing this measure.

The South Carolina Farm Bureau Mutual Insurance Company motto is "Helping you is what we do best." They have been committed to that motto for the past five decades. During that time, the company has grown from serving South Carolina's agricultural community to becoming the State's largest domestic insurer. Today we recognize the company's accomplishment of providing outstanding service to the people of South Carolina for the past 50 years.

As a coastal State, South Carolina has received its fair share of severe storms. When Hurricane Hugo devastating our State in 1989, the South Carolina Farm Bureau Mutual Insurance Company was there to pick up the pieces, paying out more than $71 million in claims. Ten years later Hurricane Floyd slammed into our coast, and the company once again did a remarkable job helping us recover, settling 90 percent of its reported claims within 1 week.

Madam Speaker, the South Carolina Farm Bureau Mutual Insurance Company has helped many South Carolinians through difficult times. It is no wonder the company received an excellent rating from the world's leading insurance rating agency.

Again let me thank the gentleman from South Carolina (Mr. WILSON) for introducing this measure on behalf of the South Carolina Farm Bureau Mutual Insurance Company.

Madam Speaker, I reserve the balance of my time.

Mr. SCOTT of Georgia. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I too join with my colleagues, especially the gentleman from South Carolina (Mr. WILSON) in introducing House Resolution 300, in recognition of the South Carolina Farm Bureau Mutual Insurance Company.

Madam Speaker, as a member of the Committee on Financial Services, I want to join with all of my colleagues in supporting this legislation that gives due recognition to the South Carolina Farm Bureau Mutual Insurance Company on its 50th anniversary.

□ 1430

I recognize the mutual insurance company both as a member of the Committee on Financial Services and as a member of the Committee on Agriculture, but Madam Speaker, even more so, I recognize South Carolina's Farm Bureau because I am a native of South Carolina, having been born on a farm in Aynor, South Carolina, raised in an agricultural community in the tobacco farming area. I have now fond memories, as I serve in Washington, often remembering my days of cropping and suckering and dragging and curing tobacco and then taking it to market in some of the areas around Mullins and Marion and Conway, South Carolina.

On December 19, 1955, the South Carolina Farm Bureau Mutual Insurance Company was organized and began selling greatly needed insurance products to farmers; and, today, the company is the largest domestic insurer in the State serving South Carolinians from many, many walks of life.

The South Carolina Farm Bureau Insurance Company came along at a time when South Carolina farmers were looking for better options in the way of obtaining good insurance coverage that was also affordable. Five decades later, the company supplies a diversity of insurance products to South Carolinians from all walks of life.

The weather-related disasters affecting the gulf coast, and now the new England area, gives us all evidence that mutual insurance companies are essential in helping communities rebuild. The South Carolina Farm Bureau Mutual Insurance Company faced a similar tragedy in 1989.

That year, a category 4 hurricane named Hugo created over $7 billion in damage to the Palmetto State of South Carolina; and at the time, Hugo was the costliest hurricane in United States history. The mutual insurance company's staff worked days and worked nights, 24 hours a day, to help make sure its policyholders were dealt with and served correctly; and they settled over 16,264 claims.

In 1999, Hurricane Floyd struck the coast of South Carolina. The South Carolina Farm Bureau Mutual Insurance Company settled 90 percent of the reported claims within 1 week.

Today, the South Carolina Farm Bureau Insurance Company has a presence in every county in the State of South Carolina, which is one reason why they are able to provide such timely and quality service.

As its motto, "Helping you is what we do best," suggests, the South Carolina Farm Bureau Insurance Company has provided a wide range of financial services to the people of South Carolina for a half a century. Five decades of growth and successful development is a wonderful milestone that should be recognized not only by South Carolinians but by all of us throughout this entire Nation as well.

Madam Speaker, I reserve the balance of my time.

Mr. BARRETT of South Carolina. Madam Speaker, I yield as much time as he may consume to the gentleman from South Carolina (Mr. WILSON), the author of the resolution and a genuine friend of the farm bureau.

Mr. WILSON of South Carolina. Madam Speaker, I thank the gentleman from South Carolina (Mr. BARRETT) for the time.

Madam Speaker, I am honored to speak on behalf of H. Res. 300. I appreciate the leadership of the gentleman from South Carolina (Mr. BARRETT), my neighbor and long-time friend, for coordinating this resolution, along with the gentleman from Georgia (Mr. SCOTT), our South Carolina-born friend.

Henry Ford once said that "quality means doing it right when no one is looking."

Today, I am honored to recognize a South Carolina company that epitomizes Mr. Ford's definition of quality service. For over 50 years, the South Carolina Farm Bureau Mutual Insurance Company has quietly built a distinguished record of providing quality products and excellent customer service to thousands of families across my home State.

The company's story began in the 1950s when many residents of South Carolina simply could not have access to affordable insurance coverage. When disaster struck their homes or vehicles, they were unable to pay for the damages and often found themselves facing a financial crisis.

On December 10, 1955, a group of innovative South Carolinians responded to the needs of citizens by establishing the South Carolina Farm Bureau Mutual Insurance Company.

Today, South Carolina families have come to trust and rely upon the South Carolina Farm Bureau Mutual Insurance Company, led today by chief executive officer Phillip Love, for a diverse line of auto, homeowners and other insurance coverage.

As the largest domestic property and casualty insurer in South Carolina, this company now employs almost 500 people and administers over 344,000 policies.

After Hurricane Floyd devastated parts of our State in 1999, the South Carolina Farm Bureau Mutual Insurance Company settled 90 percent of reported claims in 1 week. The company's excellent track record continues to prove that it epitomizes quality customer service.

Today, I am honored to congratulate the South Carolina Farm Bureau Mutual Insurance Company on over 50 years of great accomplishment and wish the company continued success.

I urge my colleagues to support H. Res. 300.

Mr. SCOTT of Georgia. Madam Speaker, I yield such time as he may require to the distinguished gentleman from South Carolina (Mr. SPRATT).

Mr. SPRATT. Madam Speaker, I thank the gentleman for yielding me time.

Madam Speaker, I want to commend the gentleman from South Carolina (Mr. BARRETT) for taking this initiative, and I want to join my other colleague from South Carolina in recognizing the South Carolina Farm Bureau Mutual Insurance Company on its 50th anniversary. Its motto is "Helping you is what we do best," and as that motto suggests, the South Carolina Farm Bureau Insurance Company has provided a wide range of financial services, insurance services to the people of our State for nearly a half century now.

The South Carolina Farm Bureau Insurance Company came along at a time when farmers in our State were looking for better options in the way of obtaining good insurance coverage that was also affordable. Recognizing that need, the organizers of the South Carolina Farm Bureau Federation went to work and secured a charter from the South Carolina Secretary of State on December 1, 1955. The result, five decades later, is a company that supplies a whole diversity of insurance products to South Carolinians from all walks of life, not just farmers. Among some of the services they provide are auto insurance, homeowners insurance, life insurance, as well as financial services such as banking, individual retirement accounts and credit cards.

I was here in 1989, and I recall well the bedlam in our State after Hurricane Hugo struck in Charleston and then moved inward, coming all the way to Charlotte, North Carolina. The South Carolina Farm Bureau Insurance faced probably the biggest natural disaster in the history of our State except for the Charleston earthquake, and it faced the test of its ability to handle such a massive amount of claims, but it rose to the occasion. It settled some 16,000 claims and paid out more than $71 million.

Then, in 1999, the South Carolina Farm Bureau Insurance Company was tested again. Hurricane Floyd struck our coast, and 90 percent of the reported claims were settled within 1 week, which would set a model, if not a record, for fast and expeditious claims management. It is no surprise then that this company has prospered and succeeded over the years.

Today, the South Carolina Farm Bureau Insurance Company has a presence in every county in our State, and that is one reason they are able to provide such timely and quality service. Theirs has become a name that folks trust and know and feel comfortable with. I am proud of their service to our State. I rise to salute them, and I wish them the best as they celebrate their 50th anniversary and look to the future.

Mr. SCOTT of Georgia. Madam Speaker, I yield back the balance of my time.

Mr. BARRETT of South Carolina. Madam Speaker, I want to close in saying I thank the gentleman from South Carolina (Mr. WILSON) for being the author of the resolution. There is no doubt that the South Carolina Farm Bureau Insurance Corporation has had a fantastic effect on every segment of South Carolina life. I urge my colleagues to support H. Res. 300.

Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from South Carolina (Mr. BARRETT) that the House suspend the rules and agree to the resolution, H. Res. 300.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF S. 397, PROTECTION OF LAWFUL COMMERCE IN ARMS ACT

Mr. GINGREY. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 493 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 493

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (S. 397) to prohibit civil liability actions from being brought or continued against manufacturers, distributors, dealers, or importers of firearms or ammunition for damages, injunctive or other relief resulting from the misuse of their products by others. The bill shall be considered as read. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary; and (2) one motion to recommit.

The SPEAKER pro tempore. The gentleman from Georgia (Mr. GINGREY) is recognized for 1 hour.

Mr. GINGREY. Madam Speaker, for the purpose of debate only, I yield 30 minutes to the gentleman from Florida (Mr. HASTINGS), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Madam Speaker, House Resolution 493 is a closed rule. It provides 1 hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. It waives all points of order against consideration of the bill, and it provides one motion to recommit.

Madam Speaker, before we open debate on the rule for S. 397, the Protection of Lawful Commerce in Arms Act prohibiting frivolous lawsuits against the firearm industry, I would like to say that our Nation's judicial system is out of control. If a group or a person does not like what someone else does or believes, they try to sue them out of existence. This seems to be the case for the firearms industry.

Our Founding Fathers designed our second amendment rights to be absolute rights that shall not be infringed. However, those who find the second amendment offensive have made a concerted effort to sue out of existence those who lawfully and legally facilitate a constitutionally guaranteed right. America's firearm companies are directly connected to and span our national history, but they are currently threatened by a lawsuit-friendly culture.

Addressing the burden of frivolous lawsuits has become a necessity for free enterprise. It seems that for some individuals lawsuits have become the latest get-rich scheme. Frivolous lawsuits drive up the cost of goods and services, and they put law-abiding companies out of business.

The passage of this legislation is time-sensitive. Every day without this legislation puts more stress on firearm manufacturers, their customers, and their employees. Indeed, some lawsuits are motivated by ideology and a distaste for the firearm industry and guns in general. They will simply keep suing until either the firearm companies are out of business or the guns are too expensive to purchase.

This form of gun control will not only compromise one of our constitutional rights but, Madam Speaker, it threatens the jobs of many Americans.

So it is important to note that S. 397, the Protection of Lawful Commerce in Arms Act, does allow the following types of lawsuits to be filed: number 1, an action against a person who transfers a firearm or ammunition, knowing that it will be used to commit a crime of violence, or drug trafficking crime or comparable or identical State felony law; secondly, an action brought against the seller for negligent entrustment; third, actions in which a manufacturer or seller of a qualified product violates a State or Federal statute applicable to sales or marketing when such violation was a proximate cause of the harm for which relief is sought.

☐ 1445

This exception would specifically allow lawsuits against firearms dealers such as the dealer whose firearm ended up in the hands of the D.C. snipers who failed to maintain a required inventory list necessary to ensure that they are alerted to any firearm thefts.

Fourth, actions for breach of contract or warranty in connection with the purchase of a firearm or ammunition; and fifth, actions for damages resulting directly from a defect in design or manufacture of a firearm or ammunition.

So, under this legislation, manufacturers and sellers must operate entirely within Federal and State law. More than half our States have passed similar legislation, and I encourage passage of this rule and consideration of the underlying legislation.

Madam Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Madam Speaker, I thank the gentleman from Georgia (Mr. GINGREY) for yielding me this time, and I yield myself such time as I may consume.

Madam Speaker, I rise today in strong opposition to this closed rule and the underlying legislation. My friends in the majority are again bringing to the floor a rule that blocks debate in the body before it begins. Under this rule not one Member of the House, Republican or Democrat, is permitted to offer an amendment. Under this rule and under this bill, the gun lobby is rewarded while public safety is thwarted.

A few examples: The gentleman from Maryland (Mr. VAN HOLLEN) and the gentleman from California (Mr. WAXMAN) offered an amendment last night that prohibits suspected and known terrorists from purchasing firearms. That was not made in order. The gentlewoman from New York (Mrs. MCCARTHY), my good friend who will speak on this issue later, had an amendment that expands existing prohibitions on armor-piercing bullets to include those bullets capable of piercing body armor. And the gentlewoman from California (Ms. LINDA SÁNCHEZ) offered an amendment that permits courts to hear suits based on the sale of weapons to persons with domestic convictions.

Under this rule, however, not one of these amendments, or any of the five other commonsense amendments offered by Democrats in the Committee on Rules last night, will be given any consideration by the full House.

Madam Speaker, our government was built on the foundation of an open and transparent participatory process. Yet, since 1994, when Republicans regained control of the House; I might add, Republicans that argued against closed rules, participation has been limited to only those who share their beliefs.

The underlying legislation, which dismisses existing lawsuits against gun manufacturers and dealers and prohibits the filing of future suits, is not sound public policy. On the contrary, it is outright political grandstanding.

During the last 3 years, more than 34 government entities have filed valid lawsuits against gun manufacturers, distributors, and trade associations. At the beginning of 2005, 18 of those suits had won favorable rulings, while only a handful had been dismissed. The remaining cases are still in court, and I gather that this legislation contemplates eliminating those citizens' rights to be in court.

In fact, several State appeals and supreme courts have also ruled that gun manufacturers and dealers can be held liable for the reasonably foreseeable use of firearms for criminal purposes. Settlements from these cases have forced gun manufacturers to make necessary safety modifications that the industry had previously refused to do. How many times do we have to see a baby with a gun in its hand or at its head or killing some member of the family before we get to safety modifications?

The ruling in the D.C. sniper case forced the gun manufacturer Bushmaster to inform its dealers of safer sales practices that will prevent other criminals from obtaining guns, something that Bushmaster had never done before. Other rulings have resulted in major crackdowns on "straw purchases," where legally purchased guns are resold to individuals unable to lawfully purchase a weapon on their own. In each of these instances, it is beyond fair to say that they were not frivolous lawsuits. Yet, if the underlying legislation becomes law, when the cases are heard then none of them would have even been filed.

Perhaps my friends in the majority can help me understand what is so unreasonable in requiring an industry that produces a product with the sole purpose of killing to take the necessary precautions to protect public safety, and is it our belief that the American judicial system is incapable of properly dismissing lawsuits that are both unreasonable and overzealous? They do it all the time.

Let us be honest and call this bill and this debate what they really are: legislative abuse, with closed rules and a political charade. Republicans are using the legislative process in an attempt to penalize attorneys and trial lawyers, historically supporters of Democrats, who hold the gun lobby, a major campaign contributor to my friends in the majority, accountable for its actions.

The majority's reckless disregard for judicial integrity mocks our Constitution's separation of powers doctrine. Dangerously, it does so at the expense of American safety.

I implore my colleagues to reject this rule and the underlying legislation, and I would say to my good friend, the gentleman from Georgia (Mr. GINGREY), that I know of nothing in my makeup that would cause me at any point in time to want to do anything in derogation of the rights of American citizens under the United States Constitution. The second amendment, the right to own a gun, is everybody's right. But manufacturers ought not be manufacturing guns that are not safe and are poorly manufactured, and nobody should be protecting them at all.

Madam Speaker, I reserve the balance of my time.

Mr. GINGREY. Madam Speaker, I yield myself such time as I may consume before calling on the gentlewoman from Pennsylvania.

I want to point out, Madam Speaker, to the gentleman from Florida, my good friend, regarding this particular legislation, S. 397, we have in this body, not just in the 109th this year, passed very, very similar, almost identical legislation, and there were some 11 amendments I think offered during the markup in the Committee on the Judiciary. Those were defeated. In fact, at least one member of the committee from the other party, from the minority party, voted against most of those amendments and voted in favor of favorably reporting this bill. This bill also was passed in the 108th Congress, H.R. 1036. I think the vote on that particular bill was 285 to 140.

Madam Speaker, I yield 3 minutes to the gentlewoman from Pennsylvania (Ms. HART), a member of the Committee on the Judiciary.

Ms. HART. Madam Speaker, I thank the gentleman from Georgia for yielding me this time.

I rise in support of the rule. This rule gets us to the point of this issue. My area of western Pennsylvania has a strong sportsman heritage, as does this Nation. Hunting has been a tradition, bringing generations of families together. As such, second amendment rights are crucial. I am a cosponsor and I strongly support Senate bill 397.

Since 1998, dozens of municipalities and cities have filed suits against America's firearms industry, somehow alleging that the manufacturer of a firearm can be responsible for the acts of criminals. These suits, following the model of the tobacco litigation, attempt to push the gun manufacturers into court to force a settlement, a large cash award, or cessation of a business. In Pennsylvania, Philadelphia attempted to claim public nuisance violations of firearm manufacturers, but a reasonable court dismissed the claim, stating that the city's charges were a "theory in search of a case."

Firearm manufacturers have a time-honored tradition of acting responsibly. They therefore should not be subjected to these frivolous suits. Such suits are anti-freedom, they are anti-employer, not to mention that they seek to protect the irresponsible.

In addition, the gun industry plays a large role in my State of Pennsylvania in our economy. Pennsylvania is home to 277 gun manufacturers, and the impact of sportsmen-related activity to our economy brings more than $900 million to our State. It also brings generations of family tradition. That is also good for our economy.

Senate bill 397 prohibits illegitimate lawsuits against licensed and law-abiding manufacturers and dealers. These lawsuits, which attempt to blame the firearms industry for crimes committed by criminals who misuse their products, have already cost this industry more than $100 million in attorneys' fees and a suit against the industry has yet to win.

This bill seeks to end the abuse of our judicial system by the coordinated strategy of filing endless predatory lawsuits designed to drive law-abiding gun manufacturers into bankruptcy.

Senators SANTORUM and SPECTER have both cosponsored the Senate version of this bill which passed the Senate in July. President Bush has indicated his support for this legislation, and I look forward to this bill coming to the floor so that we can pass it in the House and its being signed and becoming law, so that our American firearms industry will not be subjected to potentially bankrupting lawsuits.

As we know, there is a way to control gun crime and protect the gun industry. We need to enforce the many gun laws that are currently on the books. Not only does this law protect lawful gun owners, but enforcing gun crime works. A study by the ATF in June of 2000 documented 1,700 Federal and State gun law prosecutions and 1,000 verdicts from July 1996 to December of 1999, while there were nearly 500,000 gun crimes committed annually. The way to combat gun crimes is not through ridiculous lawsuits, but through the prosecution of gun crimes. Forcing the gun industry into court ignores a city's inability to control gun crime.

Mr. HASTINGS of Florida. Madam Speaker, I am pleased and privileged at this time to yield 3½ minutes to the distinguished gentleman from Massachusetts (Mr. MCGOVERN), my colleague on the Committee on Rules.

Mr. MCGOVERN. Madam Speaker, I thank the gentleman from Florida for yielding me this time.

Madam Speaker, I oppose this closed rule and the underlying bill. This bill demonstrates how much of a stranglehold that the NRA and gun industry lobbyists have over the majority party. This bill is not being considered today because it is good policy; it is being considered because the majority leadership is bowing down to special interests.

While the proponents of this bill claim that the intent of this legislation is to protect jobs at mom-and-pop gun stores from reckless lawsuits, the truth is that the bill is all about protecting profits for the gun industry. Ensuring its yearly profits, not protecting jobs nor safeguarding gun sales, is atop the priorities of the gun industry.

This bill protects any gun manufacturer, distributor, or seller from any claim of negligence. Any lawsuit, current or future, would not be considered by the courts if this bill were signed into law.

Madam Speaker, on Christmas Eve in 1999, in my hometown of Worcester, Massachusetts, 26-year-old Danny Guzman was shot and killed. A week later, police recovered the 9 millimeter Kahr Arms handgun used to kill young Danny. Through ballistics, the police determined that the gun was one of several stolen from Kahr Arms by Kahr employees with criminal records. According to the police, one of the employees had been hired by Kahr to work in its Worcester manufacturing facility, despite the fact that he had a long history of drug addiction, theft to support that addiction, alcohol abuse and violence, including several assault and battery charges.

Police determined that the guns were stolen from Kahr before the weapons had serial numbers stamped on them and were then resold to criminals in exchange for money and drugs. In March 2000, police arrested a man who pled guilty to the gun thefts. The investigation also led to the arrest of a Kahr employee, a man with a criminal history who pled guilty to stealing from Kahr a pistol and a slide for another weapon.

Now, Kahr did not conduct any criminal or general background checks on its employees. The company did not even have any metal detectors or x-ray machines or security cameras or other similar devices to monitor the facility or to determine if employees were stealing, nor were there guards to check employees at the end of their shifts.

□ 1500

Mr. Speaker, anybody with half a brain has to understand that this company was negligent. Now, if this bill becomes law, gun manufacturers like Kahr Arms would be shielded from negligence. And the Guzman family's suit would be dismissed.

This is just one of the many stories that illustrate the reckless and irresponsible nature of many, not all, but many in the gun industry. And this bill will only further shield them from accountability.

Now, do not be fooled. The NRA and the gun industry want this bill not because jobs are threatened. They want this bill because they fear their precious profits will be affected should they be forced to change some of their irresponsible and reckless practices.

To my colleagues who support this bill, tell the Guzman family that they have no right to be angry at the Worcester-based manufacturer. Tell them that the death of their beloved Danny Guzman was just bad luck and could not have been prevented. The fact of the matter is, it could have been prevented by more responsible practices by Kahr Arms.

I have to believe that gun owners all across this country would not object to ensuring that gun manufacturers allow for more responsible practices in terms of protecting what they manufacture.

This is not about taking people's guns away. This is about protecting people. Mr. Speaker, I would urge my colleagues to vote "no" on the rule and the underlying legislation.

Mr. GINGREY. Mr. Speaker, in response to the gentleman from Massachusetts (Mr. McGOVERN) I want to point out that this bill prohibits lawsuits against a manufacturer or seller of a firearm or ammunition or not-for-profit trade association for damages resulting from the criminal or unlawful misuse of a firearm or ammunition.

But it provides, as I said in my opening remarks, Mr. Speaker, five exceptions to this liability protection, including, and I will just mention one in response to my good friend from Massachusetts. An exception would be for an action against a seller for negligent entrustment or negligence, per se, for example supplying a gun or ammunition to a person when the seller knows or reasonably should know that the buyer possesses an unacceptable risk of physical injury to himself or others.

As an example again, the D.C. snipers were successful in court on these grounds.

Mr. McGOVERN. Mr. Speaker, will the gentleman yield?

Mr. GINGREY. I yield to the gentleman from Massachusetts.

Mr. McGOVERN. Mr. Speaker, the exception that he just cited would not cover the example that I just gave. The bottom line is that it was an employee who worked for Kahr Arms that stole these weapons and that sold them to criminals for drug money.

As a result, a young man was killed. And it is our understanding, based on my conversations with members of the Judiciary Committee, that in fact this would not be covered. So having said that, I would urge my colleagues to vote "no" on this bill.

Mr. GINGREY. Reclaiming my time, I would again point out to the gentleman that it also would be an exception if a vendor knowingly did not keep an inventory so that they would have knowledge that dangerous weapons or firearms were actually stolen from their place of business. And that also is one of the exceptions.

Mr. Speaker, I yield 2 minutes to the gentlewoman from Michigan (Mrs. MILLER).

Mrs. MILLER of Michigan. Mr. Speaker, I certainly appreciate the debate that we are having today on this issue. I rise in support of the rule.

Mr. Speaker, when drafting the Bill of Rights to our Constitution, our Founding Fathers guaranteed the right of the people to keep and to bear arms in the second amendment, and for 217 years the second amendment has protected our freedom.

But for years we have seen a nonstop onslaught of individuals and groups trying to erode this basic right. Now, unable to accomplish their goals at the ballot box, they are targeting arms makers in the courts for the illegal use of their product.

Their attempt to force U.S. arms producers out of business would have a serious impact not only on our freedoms but on our national security as well. Let us for a moment just look at three of the companies that are targeted by lawsuits by the antigun fanatics.

The Colt Company is a sole provider of the M-16 rifle carried by the men and women of our armed services. Beretta USA supplies the standard sidearm for all branches of the Armed Forces and law enforcement agencies across the country.

The Sig Arms Company manufactures the sidearm carried by the Secret Service and the Navy SEALS. And if these companies are destroyed, where will our military and our law enforcement get the arms that they need to keep our Nation safe? From France, perhaps. Maybe we can buy them from China.

This is why the Pentagon took the extraordinary step in sending a letter urging the passage of this important legislation. The aim of these lawsuits is to deny law-abiding Americans from exercising their Constitutional rights to keep and to bear arms. This must be stopped.

Instead, we should severely punish criminals, not law-abiding companies or citizens. And if we do not do so, what is next? Are we going to sue the Louisville Slugger Company if a criminal hits somebody with a baseball bat?

Enough is enough. It is time for common sense. It is time to protect the jobs of the workers of American firms. It is time to protect our rights under the second amendment of the Constitution, and it is time to ensure that the men and women of the armed services and our law enforcement have access to the best possible firearms to protect our Nation.

Mr. HASTINGS of Florida. Mr. Speaker, I would urge my colleague that just spoke that the many people that I know, and they are numerous in my State and elsewhere that were killed by guns and are advocates against guns, are not fanatics. They are people who are victims of murder.

Additionally, I thought I made it clear, I wish to make it clear again, that insofar as the second amendment is concerned, everyone that I know in this body is protective of a person's right to own a gun.

The fact of the matter is that manufacturers who act irresponsibly should be sued by persons if they so choose when that harm comes to them.

Mr. Speaker, I yield 6 minutes to the gentlewoman from New York (Mrs. McCARTHY).

Mrs. McCARTHY. Mr. Speaker, I thank my colleague for giving me this opportunity to speak out against this rule. I have been here about 8½ years now, and I came here without any political experience.

But history had taught me that we, as Americans, certainly fight for our democracy all of the time. Yet over the years, I have seen democracy, especially in this great House, deteriorate continuously.

I have seen where we go up to the Rules Committee continuously, because I always thought that when you came down to this great House, the whole idea was to have debate. And yet I see debate being challenged constantly.

Important issues that come on to this floor, the minority is not allowed to debate them, nor are we allowed to offer any kind of amendments to hopefully make a bill better. Our voices are being shut constantly. This is not the democracy that I learned about when I was in school or the democracy that I believed in as I became an adult.

Last night in the Rules Committee, the majority voted against protecting police officers and voted to make it easier for felons to get guns. The committee rejected my amendment that would ban all armor-piercing ammunition. Let me tell you about armor-piercing ammunition. That was used in the shooting back in 1993 that killed my husband and wounded my son.

And it is only by the grace of God that my son survived. I can go into how many millions of dollars have been spent to make sure that my son could have a productive life. I can talk about his hand that was operated on, because once the bullet hit it, it shattered.

We were lucky that we had anything to work with. And because he raised his hand, it only took off a little bit of his head. And these are bullets that we want to have on our streets? But that amendment was not allowed.

You cannot even hunt with them. Come on. I am hearing this debate on the second amendment. I believe in the second amendment. I will protect the second amendment. But that does not mean that we cannot enforce the laws that are already on the books.

You know, I have the bill, that would be the NICS system, that would bring the National Instant Checks System up to where it should. You know, this is the month that we are supposed to be talking about domestic violence.

And yet because of the way the States do not keep records, we have people that are not in the NICS system. So if you want to talk about let us enforce the laws on the books, then let us pass a good NICS system that would enforce the laws that are already on the books.

Too many of our felons are slipping through the cracks of the NICS system. What I want to do is make sure that every State can come to the speed that they should be, when someone is found guilty in court, and they are being adjudicated to prison, that their rights of being able to buy a gun are taken away.

You want to talk about that we have terrorists in this country, and we have a terrorist list, but they are allowed to buy guns. Now, again, we keep hearing the rhetoric that goes back and forth in this Hall all of the time that we are trying to take away the right of people to own guns. That is nonsense.

But we can have gun safety issues put out into place so that we can bring down the number of 30,000 people killed in this country every year, so we can bring down the $100 billion that is spent every year on health care, loss of productivity, and using our police. Think about what this Hall and what this great House could do with $100 billion.

Maybe we could protect Social Security. Maybe we could protect our health care system. Maybe we can improve our educational system. You know, again, I am disappointed because I came here as an average citizen, honestly believing that a debate was good, whether people agreed or disagreed, made no difference. You had a debate and hopefully people would then make up their minds.

Let us not think that this bill is going to solve the problems that they are talking about. In a decade we have had over 15 million lawsuits. Fifty-seven of them were against gun manufacturers. Fifty-seven of them. And for this, and every other issue that we are taking away the right of victims to be able to have their day in court.

Our court system is working. Our court system is set up the way the Constitution wanted. And yet this body, with our Republican friends, wants to take away the rights of people to have their day in court.

I ask my colleagues to vote against this rule, to protect the integrity of this House, and not to protect the NRA.

Mr. GINGREY. Mr. Speaker, I want to point out that this bill on the House side, H.R. 800, which was passed, as I mentioned earlier by the House Judiciary Committee, this bill actually had 257 cosponsors, Mr. Speaker. So this is certainly not a Republican bill.

You can do the math. My colleagues certainly can do the math on the other side of the aisle. But clearly, this bill had strong, strong bipartisan support.

Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. STEARNS), a member of the Energy and Commerce and Veterans' Affairs Committees.

Mr. STEARNS. Mr. Speaker, I rise today in support of the rule and in support of the underlying bill. It was my bill, H.R. 800. I authored the House version. Then the Senate passed S. 397, and I am pleased that we are taking action on this important piece of legislation today.

This is a bill, frankly, my colleagues, that promotes legal responsibility. It respects, in my opinion, the legislative process, saves taxpayers dollars, protects legitimate law-abiding businesses, and strengthens our commitment to the second amendment.

☐ 1515

This is an effort that has taken several years and at least three sessions of Congress to get where we are today. It has not been easy, but it has been heartening to see how much bipartisan support this bill has slowly garnered over the years.

When I first introduced this bill in 2001, it had 231 co-sponsors, but never received a vote. The next session we had 250 co-sponsors and an overwhelming 285 to 140 vote on the floor, but then the bill just died in the other body. Now we have 257 co-sponsors on my bill. The Senate overwhelmingly passed their version, and we are poised to pass this historic piece of legislation today.

But when we started debating this issue, there were only a handful of States that had their own laws prohibiting these junk lawsuits. Today there are 33 States that have laws prohibiting these frivolous lawsuits. So not only is this bill bipartisan in the House and in the Senate; it is bipartisan in this Nation with 33 States, both Democrats and Republicans in the State legislatures and Governors signing on to the bills that ultimately became laws.

And just a few years ago polls showed anywhere from 61 to 70 percent of the American people believed that the gun industry should not be held liable for damages caused by violent criminals. Today, that already solid majority has risen even more, to an astounding 79 percent of the American people, according to a March 2005 survey.

Mr. Speaker, this is a bill and an issue whose time has obviously come. I urge my colleagues to support the rule and, obviously, to support the underlying bill.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, just in case people think that it is only those of us who believe in our legal system that are opposed to this particular measure. I have in hand a letter from law enforcement's opposition to H.R. 800, and here is what it says:

"Dear Representative: As active and retired law enforcement officers, we are writing to urge your strong opposition to any legislation granting the gun industry special legal immunity. The bill would strip away the legal rights of gun violence victims, including law enforcement officers and their families, to seek redress against irresponsible gun dealers and manufacturers. The impact of this bill on the law enforcement community is well illustrated by the lawsuit brought by former Orange New Jersey police officers Ken McGuire and David Lemongello."

I gather that their lawsuit would be dismissed as frivolous.

"On January 12, 2001, Officers McGuire and Lemongello were shot in the line of duty with a trafficked gun negligently sold by a West Virginia dealer. The dealer had sold the gun, along with 11 other guns, in a cash sale to a straw buyer for a gun trafficker. In June of 2004, the officers obtained a $1 million settlement from the dealer. The dealer, as well as two other area pawn shops also, have implemented safer practices to prevent sales to traffickers, including a new policy of ending large volume sales of handguns. These reforms go beyond the requirement of current law and are not imposed by any manufacturers or distributors.

"If immunity," this is what the law enforcement community, some of them say, "if immunity for the gun industry had been enacted, the officers' case would have been thrown out of court and justice would have been denied. Police officers like Officers McGuire and Lemongello put their lives on the line every day to protect the public. Instead of honoring them for their service, legislation granting immunity to the gun industry would deprive them of their basic rights as American citizens to prove their case in a court of law. We stand with Officers McGuire and Lemongello in urging you to oppose this legislation."

It is signed by the International Brotherhood of Police Officers, the Major Cities Chiefs Association, the Hispanic American Police Command Officers Association, The Police Foundation, the Michigan Association of Chiefs of Police, chiefs of police from New Jersey, Ohio, Massachusetts, Nevada, California, New York, North Carolina, Maine, Oklahoma, Texas, Missouri, Rhode Island, and Kansas and Virginia and countless others that time will not permit me to add.

If police officers who are out there protecting us cannot find the protection in this House of Representatives from bullets or armor-piercing bullets, and we are going to protect people who manufacture that stuff from having legal suits brought against them, some that may be dismissed, some that may be won, some that may be lost but it is an American right, just like that second amendment is an American right that I will go to my grave believing in, but I will go with these police officers in believing that it is wrong to deny people an opportunity to take their matter to court and have it decided appropriately by a court of law and juries of their peers who are all 435 of our constituents.

In addition to what is wrong is this system is wrong. When you close out amendments that would allow people to have an opportunity to come down here on the floor of the House of Representatives and represent their constituents, this is a closed rule; and I urge my colleagues to vote against this closed rule.

Mr. GINGREY. Mr. Speaker, I yield 2½ minutes to the gentleman from New Hampshire (Mr. BASS), a member of the Committee on Energy and Commerce.

Mr. BASS. Mr. Speaker, I thank the gentleman from Georgia (Mr. GINGREY) for yielding me time.

Mr. Speaker, I would only point out that this bill, with the exception of one and maybe two changes, has already been debated by this House. I appreciate the fact that my friend from Florida would be concerned about it being a closed rule, but this is certainly not the first time that we have considered this bill. I think I have voted on it a number of times in the past.

The fact of the matter is all this bill does is the same thing the last version did that we voted on before and the one we voted on before that: it protects licensed and law abiding firearms and ammunitions manufacturers and sellers from lawsuits that seek to hold them responsible for the crimes that third-party criminals commit. It does not hold harmless unlawful, non-law-abiding arms manufacturers and sellers; but it simply allows for some immunity from the frivolous lawsuits that gun manufacturers have faced now for many years. Thirty-three States, including my home State of New Hampshire, have passed similar legislation at the State level.

Indeed, the argument is brought up that this does set a precedent of providing special protection to a segment of the industry; and I say, you are right. You are absolutely right about that. And sad to say, I wish this bill was not necessary. I wish that there were not adventurous trial lawyers that see deep pockets as a new way to line theirs. I wish we had not reached the day that we have to protect, as we may later on this week, restaurants and public schools from frivolous lawsuits related to obesity claims; but the fact of the matter is we need to do that. We need to do that because there is no direct connection now between gun manufacturers and crimes that are committed with guns unless there is negligence of one sort or another.

I urge my colleagues to support this bill because it is a sad reality that legitimate industries in this country need special protection against entities that are looking to make money, to provide new sources of revenue outside of the tax base, and other ways of looking for people that can afford to settle on cases that they would never ever settle on under any other circumstance.

This bill has been debated. This is a good bill, and I urge the Congress to adopt it when it comes up on the floor.

Mr. HASTINGS of Florida. Mr. Speaker, I yield back the balance of my time.

Mr. GINGREY. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, despite their best arguments against free enterprise, personal responsibility and the protection of lawful commerce, critics fail to provide an alternative solution to the problem without compromising our liberties and second amendment rights.

Just as a car is a tool for transportation, an ax is a tool for cutting trees and shrubs, prescription drugs are tools for better health, a firearm is a tool for hunting and self-defense and protection of our citizens. Any of these tools used in an irresponsible manner and used contrary to their attending purpose can hurt and, yes, even kill others. But a gun by itself, Mr. Speaker, cannot commit a crime. It takes an individual to use the product illegally and irresponsibly.

The protection of Lawful Commerce in Arms Act is a bill to curb our lawsuit-friendly and, yes, sometimes abusive society and to protect law-abiding citizens from individuals who avoid responsibility and undermine the good faith of our legal system.

Frivolous lawsuits against gun manufacturers threaten the survival of the gun industry, the jobs it creates, and our constitutional right to purchase, keep and bear arms. While many cases are dismissed, it only takes one bad ruling to sink a company and to send ripple effects across an entire industry. Although America's first gun manufacturer, Springfield Armory, went out of business in 1968, we still have to protect America's remaining law-abiding companies who conduct business in a responsible and in a lawful manner.

It would be a tragedy for a Nation with such a rich and innovative history in manufacturing to have our police and military carry over foreign-engineered firearms. We need to protect the American firearm industry. We need to restore responsibility and end these frivolous lawsuits.

Mr. Speaker, I encourage passage of this rule and passage of the Protection of Lawful Commerce in Arms Act.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 554, PERSONAL RESPONSIBILITY IN FOOD CONSUMPTION ACT OF 2005

Mr. GINGREY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 494 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 494

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 554) to prevent legislative and regulatory functions from being usurped by civil liability actions brought or continued against food manufacturers, marketers, distributors, advertisers, sellers, and trade associations for claims of injury relating to a person's weight gain, obesity, or any health condition associated with weight gain or obesity. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

☐ 1530

The SPEAKER pro tempore (Mr. LATOURETTE). The gentleman from Georgia (Mr. GINGREY) is recognized for 1 hour.

Mr. GINGREY. Mr. Speaker, for purposes of debate only, I yield 30 minutes to the gentlewoman from California (Ms. MATSUI), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, H.R. 494 is a structured rule. It provides 1 hour of general debate, equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. It waives all points of order against consideration of the bill. It provides that the amendment in the nature of a substitute recommended by the Committee on the Judiciary and now printed in the bill shall be considered as an original bill for the purpose of amendment. This resolution makes in order only those amendments printed in the Committee on Rules report accompanying the resolution, and it provides that the amendments printed in the report may be considered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or the Committee of the Whole. It waives all points of order against the amendments printed in the report, and it provides one motion to recommit with or without instructions.

Mr. Speaker, I rise today to speak on behalf of House Resolution 494 and the underlying bill, H.R. 554, the Personal Responsibility in Food Consumption Act. First, I want to take this opportunity to thank the distinguished chairman of the Committee on the Judiciary, the gentleman from Wisconsin (Mr. SENSENBRENNER), and the ranking member, the gentleman from Michigan (Mr. CONYERS), and additionally I want to commend the gentleman from Florida (Mr. KELLER), a member of the Committee on the Judiciary, for authoring the underlying bill.

Mr. Speaker, today the House will consider H.R. 554, the Personal Responsibility in Food Consumption Act, a common sense piece of legislation that passed this House in the last Congress by a substantial bipartisan vote of 276 to 139. I might further add that 55 Democrats joined with 221 Republicans supporting this bill in an effort to help rein in this mentality of jackpot justice that has plagued our judicial system and cluttered the dockets to a virtual standstill. This legislation would require courts to dismiss any lawsuits that seek damages for injury resulting from weight gain, obesity, or any health condition associated with obesity filed against manufacturers, distributors, sellers, marketers, or advertisers of any food product, in addition to trade associations that represent them.

Of course, support of this bill is not limited to Capitol Hill, Mr. Speaker. A recent Gallup poll found that approximately 9 in 10 Americans, a number of whom are themselves in the ranks of overweight or even obese, opposed holding the fast food industry legally responsible for diet-related health problems of people who eat that kind of food on a regular basis.

Without question, Mr. Speaker, obesity is a problem in our society. Having practiced medicine for nearly 30 years, I am well aware of the habit and complications that obesity can wreak on a person's health, especially over a long term. Like most other Americans, I am also well aware that obesity is on the rise in our country, and particularly among our children. However, the root of the problem is not the existence of fast food or the presence of a local fast food restaurant, but rather the root of the problem lies in the choices of consumers. I have never heard of anyone pulling up to the drive-through window with a hamburglar sitting in the passenger seat forcing someone to buy just one more Big Mac.

Mr. Speaker, allowing an individual to sue a restaurant because the consumer chose to eat there often or chose to eat too much is simply ridiculous and, frankly, it is a dangerous waste of the court's time. For every frivolous case that takes up a spot on the docket, a legitimate case where an individual is truly harmed and truly needs expeditious judicial review gets pushed farther and farther down the line. And as we all know, justice delayed is justice denied.

The title of this bill emphasizes the type of solution needed to address the underlying problem. It is called personal responsibility. It is not just a catch phrase. Individuals have to take control of their own lives. They have to make wise decisions, especially when it comes to their health. And when an individual does make a poor decision, he or she should not be able to abuse the courts so as to shift responsibility to someone else in order to cash in.

Mr. Speaker, while H.R. 544 prohibits certain types of lawsuits, it does make various reasonable exceptions to ensure the protection of a consumer's legitimate claim for legitimate harm. An individual, for example, can still sue in those instances where a contract or a warranty is breached, as long as the basis for the lawsuit is not related to weight gain, obesity or a health condition associated with either. Additionally, a manufacturer or seller is still liable if they knowingly violate a Federal or State statute concerning the marketing, the advertising, or the labeling of a product.

Mr. Speaker, this bill would still allow individuals to bring obesity or weight gain related matters before the FTC, the Federal Trade Commission, or the FDA, the Food and Drug Administration, for consideration and appropriate action. Obviously, individuals can still sue in accordance with applicable State laws protecting against deceptive trade practices and if a person becomes sick from a tainted food product.

In closing, I just want to emphasize that this legislation is common sense and it includes exemptions to ensure legitimate claims still make it to court while abusive lawsuits are stopped at the courthouse door.

Again, Mr. Speaker, I look forward to the consideration of this rule, and I ask my colleagues to support the rule and the underlying bill.

Mr. Speaker, I reserve the balance of my time.

Ms. MATSUI. Mr. Speaker, I thank the gentleman from Georgia for yielding me this time, and I yield myself such time as I may consume.

Mr. Speaker, this rule, House Resolution 494, will allow the House to take up a bill limiting civil liability for the food and restaurant industry from obesity lawsuits.

We have already debated this legislation once. We now have precious few legislative days left on the calendar and an ever-expanding list of legislative priorities, yet the majority leadership has decided to take up a bill that preempts a handful of obesity lawsuits that are already being effectively handled in the courts. Given that, is this really the most pressing issue facing the American people? The courts are working fine. This bill is simply unnecessary.

Here is just a short list of issues we might be addressing today: The debt, the trade deficit, Iraq, housing for Katrina victims, the bird flu, port security, border security, nuclear plant security, and energy independence. I am sure the American people would appreciate a debate on any of those issues over what we are doing today.

In touting the merits of H.R. 554, my colleagues on the other side of the aisle have cited the need for American people to take responsibility for what they eat and how they live. I very much agree. However, I would respectfully submit that maybe it is also time that Congress starts taking some responsibility for the challenges facing the American people. The disconnect between the content of this legislation and the concerns of our constituents would be humorous if it were not so disturbing.

Mr. Speaker, obesity is one of the great health epidemics in the United States, and as today's debate will show, it continues to go ignored. If you talk to any health professional in the country, whether it be the Director of the National Institutes of Health or a nurse at a local clinic, they will tell you that our health care system is on an unsustainable path, especially when it comes to obesity.

Obesity is the number one preventable cause of death in America. According to the RAND Corporation, obesity will account for 20 percent of all health care costs by 2020 if we do not change course. This challenge demands responsible, forward-looking leadership.

As Members of Congress, we need to take personal responsibility for the trajectory of the health care system in the United States. It would be cheaper to prevent this train wreck now than to wait for obesity to overwhelm the capacity of our health care system. Our citizens are hungry for leadership, and they are not getting any.

The obesity epidemic in the United States should spur this Congress into action. Since 1980, childhood obesity rates have more than doubled among preschoolers and adolescents. Obesity among children ages 6 to 11 has more than tripled. Overweight children have a 70 percent chance of being overweight as adults, facing higher risks for many diseases, such as heart disease, cancer, stroke, and diabetes.

I recently visited a dialysis center in my hometown of Sacramento, California, earlier this year. Many patients there had diabetes. Mr. Speaker, diabetes is a terrible disease. In its late stages it limits terribly one's quality of life. We need to be doing more to prevent it. We just do not need another cheeseburger bill. What we need is a debate about health care, about prevention, and about our priorities.

Two-thirds of all Americans are obese. According to the Centers for Disease Control, health care costs related to obesity are costing us more than $117 billion annually and much more in damage to our citizens' quality of life. We should not accept this fate for so many of our Nation's children. Dealing with obesity by talking about tort reform does just that, it says that Congress is more concerned about the industry than it is about the long-term health of our Nation and of our children.

No serious policymaker believes that we can turn this tide with a few half-hearted calls for Americans to exercise more. This is going to take real leadership, real investment. It will take a relentless campaign to educate our citizens, along with public pressure to recognize the importance of this issue. It will mean taking a hard look at whether our public schools are up to the test in terms of offering nutritious meals and physical education classes for everyone. It means asking whether industry advertisers are targeting children and, if so, setting strict marketing guidelines.

In the short-term, the easy path is to dodge this whole debate, to pass this tort reform measure and walk away from the discussion. The harder path and the more responsible one would be to deal with the crisis that is here today and the even bigger crisis we all know is coming. I for one am ready for that discussion. I hope my colleagues are.

Mr. Speaker, I reserve the balance of my time.

Mr. GINGREY. Mr. Speaker, I yield myself such time as I may consume, following which I will yield 2 minutes to the gentlewoman from Michigan.

Mr. Speaker, this bill, the Personal Responsibility in Food Consumption Act, H.R. 554, is all about, again, personal responsibility and to point out how ludicrous it would be if we allowed personal injury lawsuits against the food industry or any other company that makes a legitimate product.

We just talked earlier in the afternoon, Mr. Speaker, in regard to gun manufacturers.

□ 1545

Mr. Speaker, let me just give an example, if I might. This is a belt, an alligator belt. In fact, it is my belt. Size 36. I have a size 36 waist. This belt, I am proud to say, is hand-finished, American alligator, produced right here in the good old U.S.A. This alligator skin was obtained from a Louisiana hunt, it says on this belt, 1993, manufactured by the Trafalgar Limited Belt Company, a good company. And the belt has served me very well. Size 36 fits me well.

Mr. Speaker, let us suppose now that I decided, it is unlikely that I would do this, but let us suppose I decided I wanted to wear a size 42 and I punched a few extra holes in this belt, which is a size 36, so I could wear it and buckle it with a size 42 pair of trousers. These trousers fell right to my knees in a public place. I do not think I should have the right to sue the belt company because I used its product in a manner that it was not designed to use. I could go out and buy myself a size 42 belt.

Let me give another example, and this is more likely. Let us suppose I really felt like my waist was a size 34, and so I cinched this belt up really good so I could proudly say I am not a 36, I have a 34 inch waist at my age. I would feel pretty good about myself.

But, unfortunately, Mr. Speaker, there is a nerve at my waist called the lateral femoral cutaneous nerve. If someone puts too much pressure around their waist by wearing a belt inappropriately, by cinching it up too tightly, they put compression on that nerve, that lateral femoral cutaneous nerve, and I speak from knowledge on this from 30 years as a practicing physician. That condition, my colleagues can look it up, but I will share it with them, it is called meralgia paresthetica. If Members do not believe me, look it up. It creates tremendous numbness and loss of feeling in the anterior part of the thigh.

Let us suppose someone misused this belt and wore it as a size 34 and decided for that reason to sue this Trafalgar Company, this good, solid American company that makes this belt, for damages. That is totally ridiculous and ludicrous, and that is why this bill is so important. That is why it is called personal responsibility.

Mr. Speaker, I yield 2 minutes to the gentlewoman from Michigan (Mrs. MILLER).

Mrs. MILLER of Michigan. Mr. Speaker, I thank the gentleman for yielding me this time, and I want to applaud him for maintaining a size 36 over the years; and I will decline to share my dress size with the Nation.

Mr. Speaker, I rise to support the rule and the underlying bill, H.R. 554, also known as the Personal Responsibility in Food Consumption Act, and sometimes fondly referred to, as the gentlewoman from California (Ms. MATSUI) said, the Cheeseburger Bill.

Mr. Speaker, our Nation is a Nation of freedom. Liberty, individuality, and personal choice are all critical ingredients. A recipe for self-reliance, individual responsibility, and choice has been handed down from generation to generation.

That is why it is so distasteful to see a handful of greedy people trying to strike it rich by attacking the American food industry. The blame-obsessed legal system has increasingly tried to poison the restaurant business with frivolous lawsuits.

Our food industry actually employs about 12 million people. It is the Nation's largest single private sector provider. It provides a legal product, and it provides it in a legal way. And now, because of the avarice of a few, it has become a huge target with a huge bull's-eye on its back.

Mr. Speaker, most restaurants are small businesses that contribute to their community in literally countless ways. What is more, many of them are too small to defend themselves against out-of-control, deep-pocketed trial attorneys who want to file lawsuits against them, who see them as just another target, perhaps see them as just another ATM machine.

I am proud to support this rule and proud to support H.R. 554, which prohibits profiteering from groundless claims about weight gain, to protect our vital food and restaurant industry, to help defend our economy and American jobs, and to support the fundamental tenets of our Nation: personal choice, liberty, and freedom.

Mr. Speaker, I am obviously a pretty good customer of the restaurant industry, but I also recognize that with democracy comes responsibility, the responsibility of citizens to make the right decisions for themselves and the responsibility of a government to stop those who seek to hurt fine American businesses for a drive-thru, fast windfall. I urge my colleagues to support this rule and the underlying bill.

Ms. MATSUI. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, it is clear that today's legislation is not the answer. Certainly it is not about addressing the larger issue, obesity, and its impact on the American health care system.

This legislation demonstrates the blind eye the majority leadership is turning to the very real challenges Americans are facing today. Regardless of what happens with this legislation today, America's health care system will still be in dire need of responsible leadership. The American people deserve an honest discussion.

Mr. Speaker, I yield back the balance of my time.

Mr. GINGREY. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I would like to close by thanking my colleagues for a productive discussion on the rule and the underlying bill. Today, this House has an opportunity to again pass meaningful reform to not only promote personal accountability but also to strengthen the opportunities for legitimate claims to be heard and adjudicated. Let us take one more step to turn back the tide of so-called "jackpot justice."

While runaway juries and frivolous lawsuits might make a few individuals and certain ambulance-chasing lawyers rich, the American people ultimately pay the price both economically and socially.

Mr. Speaker, discouraging individuals from taking personal responsibility does not help anyone. In fact, it will only make matters worse. Encouraging healthy lifestyles and wise dietary choices should always trump rewarding poor decisions by shifting the blame to innocent bystanders.

The Personal Responsibility in Food Consumption Act of 2005 is a good bill, and I look forward to further discussing its merits on the House floor today.

Mr. Speaker, as I mentioned earlier, a strong bipartisan majority passed this bill in the last Congress: and I have no reason to doubt that we should be able to pass it again by a similar, maybe even a stronger, margin: and I urge my colleagues to support this rule and the underlying bill.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise to join many of my colleagues in strongly opposing the restrictive rule set forth on H.R. 554, the "The Personal Responsibility In Food Consumption Act of 2005." As you know, in light of the world we live and the importance of nutrition, this is a very important piece of legislation. Having such a restrictive rule truly goes too far and limits the protections of the American people. It goes without saying; this bill is drafted so broadly, it would immunize defendants for negligent and reckless behavior, including mislabeling of food products. I also object to the fact that the legislation applies retroactively, and is written for the benefit of a single special interest—the fast food industry. Third, I believe the legislation constitutes an unwarranted and hastily considered affront on our system of federalism. Finally, I oppose the bill because there are far preferable ways to respond to this issue than by rushing to judgment to pass a one-size-fits-all Federal law preempting all 50 states. Despite my concerns, I am pleased to see that a few very important amendments were ruled into order. If adopted, I believe these amendments will make major improvements to the bill.

In closing, let me note that while this issue may be important, there are far more urgent issues we need to be focusing on at this time. The aftermath of hurricanes Katrina and Rita, where thousands lost their homes and hundreds lost their lives. Unfortunately, those who were impacted the most were children. For example, many children lost 1 or both parents or a guardian as a result of Hurricane Katrina and Rita. This is where our thoughts and legislative actions need to be. In addition, the earthquake registering 7.6 in magnitude that struck Pakistan has caused major devastation in the region. While the numbers are still coming in, it has been estimated that 23,000 have died and at least 47,000 have been injured. There have also been a historical number of children impacted by this massive earthquake. Those impacted have no access to clean drinking water, making them more vulnerable to disease and other infections.

Mr. GINGREY. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. LATOURETTE). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. GINGREY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 3 o'clock and 54 minutes p.m.), the House stood in recess subject to the call of the Chair.

☐ 1730

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. LATOURETTE) at 5 o'clock and 30 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on H. Res. 494 and on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H. Res. 494, by the yeas and nays;

H.R. 1409, by the yeas and nays:

H. Res. 492, by the yeas and nays:

H.R. 3549, by the yeas and nays;

H.R. 3853, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

PROVIDING FOR CONSIDERATION OF H.R. 554, PERSONAL RESPONSIBILITY IN FOOD CONSUMPTION ACT OF 2005

The SPEAKER pro tempore. The pending business is the vote on adoption of House Resolution 494 on which the yeas and nays are ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the resolution.

The vote was taken by electronic device, and there were—yeas 310, nays 114, not voting 9, as follows:

[Roll No. 524]

YEAS—310

Aderholt
Akin
Alexander
Baca
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Berkley
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boucher
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Cunningham
Davis (AL)
Davis (CA)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Gene
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinojosa
Hobson
Hoekstra
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Israel
Issa
Istook
Jackson-Lee (TX)
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Langevin
Larsen (WA)
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Lynch
Mack
Manzullo
Marchant
Marshall
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
Melancon
Menendez
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Moore (KS)
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Otter
Oxley
Paul
Pearce

Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ruppersberger
Ryan (WI)
Ryun (KS)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Van Hollen
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NAYS—114

Abercrombie
Ackerman
Allen
Baird
Baldwin
Becerra
Berman
Blumenauer
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Clay
Cleaver
Clyburn
Costello
Crowley
Cummings
Davis (IL)
Delahunt
DeLauro
Doggett
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Green, Al
Hastings (FL)
Hinchey
Holden
Holt
Honda
Inslee
Jackson (IL)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kilpatrick (MI)
Kucinich
Lantos
Larson (CT)
Lee
Levin
Lipinski
Lofgren, Zoe
Lowey
Maloney
Markey
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (WI)
Murtha
Nadler
Napolitano
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Price (NC)
Rahall
Rothman
Rush
Ryan (OH)
Sabo
Schakowsky
Sherman
Slaughter
Solis
Spratt
Stark
Strickland
Stupak
Tauscher
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey

NOT VOTING—9

Andrews
Boswell
Davis (FL)
Grijalva
Keller
Kingston
Lewis (GA)
Roybal-Allard
Schiff

☐ 1753

Mr. BERMAN, Mr. DAVIS of Illinois, Mrs. LOWEY, Mrs. McCARTHY, Mr. OWENS, and Mr. WAXMAN changed their vote from "yea" to "nay."

Messrs. GONZALEZ, THOMPSON of California, KENNEDY of Rhode Island, VAN HOLLEN, and LANGEVIN changed their vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ASSISTANCE FOR ORPHANS AND OTHER VULNERABLE CHILDREN IN DEVELOPING COUNTRIES ACT OF 2005

The SPEAKER pro tempore (Mr. LATOURETTE). The pending business is the question of suspending the rules and passing the bill, H.R. 1409, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. HYDE) that the House suspend the rules and pass the bill, H.R. 1409, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 415, nays 9, not voting 9, as follows:

[Roll No. 525]

YEAS—415

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—9

Brown-Waite, Ginny
Flake
Gohmert
Johnson, Sam
Paul
Shadegg
Shuster
Stearns
Westmoreland

NOT VOTING—9

Andrews
Boswell
Davis (FL)
Grijalva
Keller
Kingston
Lewis (GA)
Roybal-Allard
Schiff

☐ 1803

Mr. STEARNS changed his vote from "yea" to "nay."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MOURNING LOSS OF LIFE CAUSED BY EARTHQUAKE THAT OCCURRED ON OCTOBER 8, 2005, IN PAKISTAN AND INDIA

The SPEAKER pro tempore (Mr. LATOURETTE). The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 492.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. HYDE) that the House suspend the rules and agree to the resolution, H. Res. 492, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 423, nays 0, not voting 10, as follows:

[Roll No. 526]

YEAS—423

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—10

Andrews
Boswell
Davis (FL)
Doolittle
Grijalva
Keller
Kingston
Lewis (GA)
Roybal-Allard
Schiff

□ 1811

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

WILLIAM F. CLINGER, JR. POST OFFICE BUILDING

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 3549.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nevada (Mr. PORTER) that the House suspend the rules and pass the bill, H.R. 3549, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 422, nays 1, not voting 10, as follows:

[Roll No. 527]

YEAS—422

Ackerman
Aderholt
Akin
Alexander
Allen
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene

Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—1

Abercrombie

NOT VOTING—10

Andrews
Boswell
Davis (FL)
Grijalva
Keller
Kingston
Lewis (GA)
Roybal-Allard
Schiff
Stark

□ 1819

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

WILLIE VAUGHN POST OFFICE

The SPEAKER pro tempore (Mr. LATOURETTE). The pending business is the question of suspending the rules and passing the bill, H.R. 3853.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nevada (Mr. PORTER) that the House suspend the rules and pass the bill, H.R. 3853, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 421, nays 0, not voting 12, as follows:

[Roll No. 528]

YEAS—421

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—12

Andrews
Blunt
Boswell
Davis (FL)
Fattah
Grijalva

Keller
Kingston
Lewis (GA)
Murtha
Roybal-Allard
Schiff

☐ 1827

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. GRIJALVA. Mr. Speaker, due to a previous commitment, I was absent from legislative business on Monday, October 17, 2005 and Tuesday, October 18, 2005. Had I been present, I would have voted accordingly: On rollcall No. 521, approving the Journal, I would have voted "nay". On rollcall No. 522, passage of H. Res. 457, I would have voted "yea". On rollcall No. 523, passage of H. Res. 491, I would have voted "yea". On rollcall No. 524, passage of H. Res. 494, I would have voted "nay". On rollcall No. 525, passage of H.R. 1409, I would have voted "yea". On rollcall No. 526, passage of H. Res. 492, I would have voted "yea". On rollcall No. 527, passage of H.R. 3549, I would have voted "yea". On rollcall No. 528, passage of H.R. 3853, I would have voted "yea".

PERSONAL EXPLANATION

Mr. ANDREWS. Mr. Speaker, I regret that I missed five votes on October 18th, 2005. Had I been present I would have voted "yes" on rollcall Nos. 525, 526, 527 and 528. I would have voted "no" on rollcall No. 524.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2290

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 2290.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

☐ 1830

SALUTING THE HOUSTON ASTROS

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I know that we have spent the day on some very serious and very important issues.

Coming from Houston, Texas, however, I wanted to salute my team, even as they make their way to St. Louis to begin their journey and their trek that we hope will be a successful run at the World Series. The Houston Astros have given us a good run this season. It is not over. We had a challenging game last evening.

But I thought it was always appropriate to thank a team when it is on its way to making good. The Astros have played their hearts out. To Drayton McLane and family and to the Astros and their leadership, their coaches, their corporate office and all of the players and their families and all of the Houston fans, hold on and be strong.

Because we know that a good run and a strong play and the right kind of spirit will give us the opportunity to look down at Wednesday and Thursday for a better day. So thank you, Astros, for a season already done. And we look forward to a new day on Wednesday and Thursday.

PERSONAL EXPLANATION

Ms. JACKSON-LEE of Texas. Mr. Speaker, I was unavoidably detained in my district. Had I been present, I would have voted, "aye" on rollcall vote 521, "aye" on rollcall vote 522 and "aye" on rollcall vote 523.

IRAQI ELECTIONS

(Ms. GINNY BROWN-WAITE of Florida asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to express my enthusiasm about what the future holds for Iraq's women. This past weekend marked yet another courageous showing of women who are eager to live in a democracy, first in Afghanistan and now in Iraq.

The message is very, very clear that these individuals are ready, willing, and able to vote for a change. President Bush stated that our fight in Iraq includes promoting the rights of women everywhere. This fight is a very important one. Our society proves that when women are given the same rights and opportunities as men, the entire nation benefits greatly.

The constitutional referendum specifies equality regardless of sex and actually reserves 25 percent of the national assembly for women. Because of this provision, for the first time in Iraq's history, women will have a voice in their country.

Currently, two-thirds of all Iraqi women are illiterate. Since our presence in Iraq, 2,400 schools have been renovated, 3,000 teachers trained. And this is resulting in 2 million girls back in school.

The progress that has been made for the women of Iraq is exceptional. During Saddam Hussein's reign, women were imprisoned, tortured and raped; and their attackers faced no recourse. There was no justice under this dictator of terror.

Today, injustice no longer is the rule. Iraqi women will no longer have to fear the terribly cruelty of their past because they will have control of their future.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. DENT). Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

ORDER OF BUSINESS

Ms. WOOLSEY. Mr. Speaker, I ask unanimous consent to speak out of order for 5 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

BRING OUR TROOPS HOME FROM IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, I did not see any purple fingers in this Chamber so far this week. We all remember how the Iraqi elections in January were hailed by the President's supporters as the turning point in Iraq.

Well, now there has been another election, a referendum on the Constitution. And what we are hearing from the pro-war forces is that we are still in for a long and deadly occupation in Iraq.

It was all going to be so simple, remember? We would march into Baghdad and depose Saddam Hussein. The grateful Iraqis would embrace the American presence, and a glorious democracy would spontaneously bloom. The Iraq situation was often compared to Germany and Japan after World War II where we were able to quickly fashion functioning democracy.

The New York Times cites Richard Armitage, Bush's former deputy Secretary of State, who notes that those were homogeneous societies, whereas Iraq is a patchwork of rival ethnic groups. Armitage also points out that Germany and Japan, in 1945, were cowed populations, exhausted and deeply shocked by the war.

Iraqis, however, were unshocked and unawed. They simply want their country back. So 2½ years and 2,000 body bags later, we are spinning our wheels and the President who drove us into this ditch in the first place has no plan for getting us out.

Instead, according to a New York Times article on Monday, he seems to be preparing us for, and I quote, "a struggle of Cold War proportions." Does that mean we can look forward to a half century of American boots on the ground in Iraq?

One of the President's aids says in the article that this is a struggle of ideologies that is not going to end with one election or one constitution, or even a string of elections. Is this what the American people signed up for, a titanic ideological struggle with no end in sight? No, they were told Saddam Hussein had to be removed because he had deadly weapons pointed at American cities.

As he has repeated over the last few years, the President is mixing apples and oranges. The President is saying that there is a threat of Islamic terrorism which is real and must be addressed, and that is true. Though I would argue we need to use more diplomatic and fewer military tools in that struggle.

Then there is the war in Iraq, which is and was not a country of Islamic terrorists until we actually invaded that area and actually inflamed Muslim extremists and served as a recruiting tool for al Qaeda.

In a twisted way it turns out that the Bush administration was right. You cannot separate Iraq from the war on terrorism. What they did not tell us is that invading Iraq has helped the wrong side of the war on terrorism.

That same Times article quotes Kenneth Pollack, a scholar who initially supported the Iraq invasion. Pollack now says, and I quote him, "The theory that democracy is the antidote to insurgency gets disproven on the ground every day."

So if we cannot defeat the insurgents by continuing to hold elections, what can we do? There is only one answer. We can take away the one thing that animates the insurgency in the first place, that is, our perceived military occupation of Iraq.

Mr. Speaker, I traveled to Iraq a few weeks ago to meet with our military and to learn more about their mission. I cannot tell you how impressed I was with their courage, their loyalty, their intelligence. From the officers down to the citizen soldiers of the National Guard, they are indeed the best America has to offer.

Unfortunately, they have been let down by their civilian superiors who sent them to Iraq on false pretenses, on a poorly defined mission, without all of the tools they needed, and without a plan to get them out of there.

Our soldiers deserve better. They deserve a clear strategy from their President. They deserve a one-way ticket back home.

ORDER OF BUSINESS

Mr. PAUL. Mr. Speaker, I ask unanimous consent to speak out of order for 5 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

THE IRAQ WAR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PAUL) is recognized for 5 minutes.

Mr. PAUL. Mr. Speaker, supporters of the preemptive war against Iraq say it was justified by the unprovoked 9/11 attacks. They claim that Muslim hatred for our democracy, freedom, Western values, and prosperity inspired the 19 suicide terrorists who attacked us on that dreadful day.

Opponents of the war argue that al Qaeda radicals who planned the attacks were not allies of Saddam Hussein, and that Iraq posed no threat to our national security. They further argue that our occupation of Iraq now inspires a growing number of radical Islamists to join the ranks of al Qaeda and support its war against U.S. troops in Iraq and Afghanistan.

But proponents of the war insist that our presence in Iraq is not what motivates al Qaeda to attack us, since we had no troops on Iraqi soil on 9/11: and yet al Qaeda attacked us anyway.

The enemy, they claim, is simply a group of radical Islamic fundamentalists who have hijacked the Muslim religion and declared war against our values for no legitimate or logical reason.

We should look at the facts if we want to understand why a growing number of Iraqis and Muslims worldwide are now motivated to join the insurgents in a guerrilla resistance that includes suicide terrorism. It is true that there were no U.S. troops in Iraq on 9/11, but it is also true that Saddam Hussein and Iraq had nothing to do with that attack.

In addition, we have been bombing Iraq since 1991, more than 10 years, on a regular basis. Stiff economic sanctions imposed on Iraq for over a decade by the U.S. and Britain caused extreme suffering and death of hundreds of thousands of innocent Iraqis, many of them children.

Most military experts consider an economic blockade an act of war. We insulted and provoked millions of Muslims, especially fundamentalists, by keeping a military base in Saudi Arabia after the Persian Gulf War.

Osama bin Laden specifically expressed outrage at this policy in his writings. Throughout the 1980s, we allied ourselves with Saddam Hussein, a secularist in his fight against Iran and other Shiite fundamentalists.

We involved ourselves in this civil struggle within the Muslim community. For decades, we supported various secular Arab governments throughout the region, always in opposition to religious fundamentalists. The U.S. never waivered in its enthusiastic support of Israel over Arab-Muslim interests.

For decades Muslim fundamentalists have viewed U.S. policy as being driven by religious zealots because of the strong vocal support from many fundamentalist Christian leaders.

For literally hundreds of years, Europe has continually challenged Muslim and Arab domination of the Middle East. We have never, Europe or the United States, denied our interest in controlling Middle East oil. From Woodrow Wilson to the current neoconservative brand of foreign policy, the zeal for spreading democracy and Western values through force of arms has antagonized most Muslims.

☐ 1845

If we continue to insist that our policy of foreign intervention has nothing to do with the ongoing war against an enemy we refuse to understand, we guarantee that this war will not soon end.

My suggestion is to change our foreign policy. Stop the war, bring our troops home, and stop the wasteful spending overseas. If we do not, the real security of our homeland will continue to be in jeopardy and the economic consequences will get worse and our freedoms at home will be further reduced.

It is time to say no to undeclared wars. It is time to say no to political and U.N. wars. It is time to say no to preemptive war. It is time to say no to nation building. It is time to say no to assuming it is our duty to make the world safe for democracy. It is time to say no to meddling in the affairs of others. It is time to say no to fighting countries that have never threatened our national security. It is time to stop financing extravagant war spending by printing more money. It is time to say yes to more sensible diplomacy.

The senseless death and suffering of so many with nothing to show for it must end. Peace is a far better goal to strive for than an undefined victory in a war that has no end.

EXCHANGE OF SPECIAL ORDER TIME

Mr. EMANUEL. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from Ohio (Mr. BROWN).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

MAKE WISE BUDGET CHOICES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. EMANUEL) is recognized for 5 minutes.

Mr. EMANUEL. Mr. Speaker, since the year 2000 this Congress has racked up more than $3 trillion in new debt. Mind you, at a time in which in 2000 the American budget was running a surplus, but in that time we have run deficits on average a little north of $400 billion and we have added $3 trillion to the Nation's debt.

How did we do it? We have tried to fight two wars with four tax cuts; and this Congress has served as an ATM to the special interests, showering them with billions in tax breaks and handouts. The prescription drug bill is a classic example where we are now adding close to what the American people were once told would be a $400 billion prescription drug bill, is now worth $800 billion and $139 billion in extra profits to the pharmaceutical companies over 10 years.

Yet, all of the sudden when it comes to rebuilding the lives of our fellow citizens in New Orleans and on the coast, we are talking about cutting education, health care, areas of environment and energy for the rest of America, $50 billion; and all the while we are trying to do that this Congress under a Republican majority wants to shower the wealthiest 1 percent, those who earn over $200,000, with more tax cuts and more debt. Yet, what are we saying to the rest of America? You are going to get cuts in education, health care, environment, energy, national security areas, homeland in the area of police.

Yet the interesting thing, while all of this is happening here in the United States we are trying to turn ourselves into a pretzel, trying to cut $50 billion from our education and health care. What are we doing in Iraq at this time? What are we doing in Iraq?

We are actually renovating and building 110 primary health care centers, vaccinating 3.2 million Iraqi children, rehabilitating 2,700 schools, training 36,000 secondary school teachers in Iraq. We fund 3,120 community development projects in Iraq, and we have provided housing for tens of thousands of Iraqis. And what do we tell the American people in the same area, health care and education? We are going to cut in America.

This is the only time in American history. When you look back to it, Abraham Lincoln thought of the land grant colleges and the transcontinental railroad system. Eisenhower at the end of the Korean War thought of the interstate highway system. President Kennedy at the ending days of Vietnam was thinking of putting a man on the moon.

At this time when we are thinking about, as we have always thought towards the end of the war, every President—Roosevelt had the G.I. bill—every President said, how do we bring this peace home to America and how do we make sure we invest in America so we reap the benefits as a country? Only this President at this time in this war is thinking about rebuilding another country while cutting back in the United States.

President Lincoln thought of the land grant colleges. We are going to cut Pell grants. President Eisenhower thought of the interstate highway system. President Kennedy thought of putting a man on the moon. What are we going to do? We are going to cut Amtrak in this country.

This is not the way to invest in America. You want to make the 21st century the American century like the 20th century? You have to invest in America. What have you done? You have turned the budget into a pretzel all to protect tax cuts for the wealthiest of Americans.

They are patriots too. When it comes to America's future, every American must have skin in the game. When it comes to rebuilding the coast, that is the families and the communities of New Orleans, Mississippi and Alabama. The choice should not be cutting Pell grants and college loans, cutting student nutrition programs, cutting health care for our elderly and most vulnerable as a way to pay for that.

Yet at the same time this Congress has allocated $445 billion to Iraq and it is going to go north to $600 billion unaccounted for, unpaid for, all debt the American taxpayer has to pay for. And what are the Americans going to get for it? Cuts in education, cuts in the students loan programs, cuts in health care clinics. Our senior citizens are going to get cuts in health care.

That is the budget you have presented to the American people. The American people deserve better. We can build a stronger America. We do not and America does not deserve gas prices at $3 a gallon. Energy prices this winter are going up by 50 percent. Inflation is increasing at its fastest rate, 15 percent.

What are you providing Americans? You are providing them protection for those who earn $200,000 or more and the rest of America gets cuts in its investment for its future. Yet you have told the Iraqis. Why do we not give Iraq some cuts in their investments and provide America the schools we are talking about in Iraq?

I have no problem investing in Iraq's future. What I have a problem with is the cuts in America's future that you want to make here. We can do better for America. We can definitely do better. A stronger America around the world begins at home.

You are making the wrong choices for America's future. I hope as we deal with this budget and the time coming up for this budget that we understand that writing $445 billion of hot checks for Iraq's future and cutting education and health care in America is not the right choice.

UNRECOVERED GOLD IN THE GULF

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Mr. Speaker, down in the depths of the warm waters of the Gulf of Mexico lies some old Spanish galleon with unrecovered gold, but there is another type of gold in the bottom of the Gulf of Mexico, black gold. We call it crude oil. There is also white gold there as well. We call it natural gas.

These natural gold reserves are energy for today's Americans and we need to drill for these gold reserves. According to the Department of Energy, families across the United States will experience winter heating bills that will be up to 50 percent higher for those who heat with natural gas. This alarming data is yet another reason for us to open up the Outer Continental Shelf and begin drilling for more natural gas and oil off our own coastlines.

The so-called global warming will not keep Americans warm this winter. We have got to become more self-sufficient when it comes to energy, natural gas and crude oil. It borders on the absurd to continue to be held hostage by foreign countries and foreign oil and ignore the billions of barrels that have yet to be drilled off the United States coastline.

Mr. Speaker, I have introduced H.R. 3811 to help relieve our energy woes and help stop U.S. dependence on foreign oil. This legislation will allow for safe oil and natural gas exploration along the Outer Continental Shelf. This bill would do away with all the moratoriums and executive orders that limit leasing activities while maintaining environmental.

Right now 90 percent of our coastline is off limits to drilling because the Federal Government prohibits it. In this chart, Mr. Speaker, I show the three places off the coast of Texas, Louisiana and Mississippi where we drill. All the red here, these are sacred places where we cannot drill for oil. Maybe Texas, Louisiana and Mississippi ought to join OPEC.

In any event, Mr. Speaker, we have got to drill off these other areas because there is oil and there is natural gas in these areas off our Outer Continental Shelf.

It is a myth, Mr. Speaker, that we cannot drill offshore safely. The best experts in the world are from the United States and they know how to drill safely. It is a myth perpetrated on the American people by environmental extremists. No one wants polluted waters. I certainly do not, but we can have both safe drilling and environmentally correct drilling as well.

Let us look at some of the facts, Mr. Speaker. This chart shows pollution from oil, crude oil. Most of the pollution that is in our oceans comes from nature itself, from seepage on the bottom of the ocean. About 63 percent comes from nature; 32 percent comes from jet skis and oil runoff from American soil; 3 percent comes from those tankers that are bringing crude oil in from the Middle East; and way down here 2 percent of the pollution of crude oil comes from offshore drilling. It is a myth to think that we cannot drill offshore in a correct, an environmentally correct way.

The National Academy For Sciences has furnished this information. The American public needs to know the truth about offshore drilling. If coastlines like Florida are worried about the environmental threats, maybe they should stop people from using jet skis and boating because more than a quarter of the spills come from just that. But maybe we should do some research.

According to the Department of Interior, since 1985 more than 7 billion barrels of oil were produced in Federal offshore waters, with less than .001 percent spilled. That is a 99.99 percent record for clean operations. My Jeep leaks more oil than this.

Katrina and Rita hit the coastline very hard, Mr. Speaker. There were high winds, billions of dollars in damages, refineries were closed, but we did not hear anything about oil spills from offshore rigs that were damaged. Why? Because it cannot occur. Even those violent ladies of the gulf could not get a good oil spill to happen.

People in these coastal States want cheap gasoline. They want natural gas, but they say do not drill off our coastlines. Mr. Speaker, this is hypocritical and it violates common sense. Plus, leasing these reserves will bring money to the United States Treasury and to State governments.

If Americans expect to continue driving and heating their homes at low prices, we must begin safe drilling in other places besides the gulf. Economies on the coast rely heavily on tourism and they voice concerns about the so-called environmental impact. Mr. Speaker, if fuel costs continue to rise, the planes and automobiles will be used less and these tourists will never show up at these coastal places. It seems like the consequences of higher gas prices could have a worse impact than an innocent oil rig that is 100 miles off the coast.

Around the world nearly every other major country with oil and gas reserves is promoting investment and developing their offshore capacity. They even drill in the North Sea, the roughest waters in the world, and they do so safely.

Mr. Speaker, we need to continue to explore the Outer Continental Shelf or we will suffer the consequences. Someone has said we will freeze in the dark and end up riding bicycles if we do not use common sense. Mr. Speaker, that is just the way it is.

NATIONAL OCEAN INDUSTRIES ASSOCIATION

BASIC FACTS ABOUT OFFSHORE OIL AND NATURAL GAS

U.S. offshore energy production is an essential component of the nation's energy and economic security. U.S. offshore development accounts for more than 25 percent of the country's natural gas and more than 30 percent of its oil. Each year, offshore energy development contributes between $4 and 6 billion in revenues to the federal Treasury. Millions are also paid to states and local communities. The federal offshore produces approximately 600 million barrels of oil and about 4.5 trillion cubic feet of natural gas annually.

The U.S. offshore industry leads the world in developing and commercializing advanced technologies that protect sensitive environments and improve the quality of life for all Americans. The U.S. offshore energy industry operates in accordance with the world's most stringent standards for human safety and environmental protection.

Since 1985, more than 7 billion barrels of oil were produced in federal offshore waters with less than 0.001 percent spilled—a 99.999 percent record for clean operations. Government statistics show that the injury and illness rate for offshore workers is about 70 percent lower than for all of private industry. Thirty percent of the 15 million fish caught by recreational fishermen annually off the coasts of Texas and Louisiana are caught near platforms. Conservative estimates show annual catches of approximately 450,000 pounds of reef fish annually, valued at approximately $2 million.

NATIONAL BENEFITS

Producing America's Energy

The submerged lands of the outer continental shelf (OCS) of the United States have proved to be one of the most bountiful sources of offshore oil and natural gas in the world. On a per-day basis, the OCS currently produces about 13.9 billion cubic feet of natural gas and about 1.3 million barrels of oil. The federally managed OCS provides the bulk—about 89 percent—of all U.S. offshore production. Five coastal states—Alaska, Alabama, California, Louisiana and Texas—make up the remaining 11 percent.

Offshore Energy Revenues Enrich the Nation

Between 1953 and 2002, the offshore energy industry has contributed more than $145 billion to federal revenues. Most of these revenues were derived from royalty payments that are assessed on oil and natural gas produced from federal lands—typically one-eighth or one-sixth of oil and natural gas' market value. Royalties, rents and bonus payments are collected by the Minerals Management Service (MMS)—which often results in that agency serving as the second largest collector of federal revenues after the Internal Revenue Service.

Although most the revenues derived from offshore energy activity are deposited directly into the federal Treasury, these revenues are also the source of funds for the Land and Water Conservation Fund and the National Historic Preservation Fund. State and federal agencies use the Land and Water Conservation Fund Act to buy parks and recreation areas. Annually nearly $1 billion dollars in OCS revenues flow to this program.

Likewise, the National Trust for Historic Preservation has received more than $2.5 billion in offshore energy proceeds to help preserve historic legacies since 1982. Like the Land and Water Conservation Fund, money from the National Historic Preservation Fund is distributed to states whether or not they have any offshore leasing or production seaward of their coasts.

Coastal states in producing areas also have a direct claim on OCS revenues under Section 8(g) of the Outer Continental Shelf Lands Act. For leases on the submerged lands lying outside the 3-mile state zone and as far as 10 miles offshore, 27 percent of the royalty, rent and bonus revenues are paid directly to the adjacent states.

States have used these funds for a variety of programs. Alabama established the "Forever Wild Program" with offshore leasing and production money to acquire, maintain, and protect unique habitats. Mississippi has a similar "Gulf and Wildlife Protection Fund" and Louisiana uses its money for education.

Employment

The Gulf coast of Texas, Louisiana, Mississippi and Alabama is the birthplace of offshore prospecting for oil and natural gas, and the economic benefits of that development continues to accrue to that region to the present day. There are more than 85,000 jobs that are directly related to the industry, and an equal number of workers employed in supporting jobs indirectly related to OCS activity.

The average salary and benefits for workers of producing companies employed as a direct result of activity in the Gulf of Mexico was estimated to be $52,580 in 1992. (The last year for which statistics are available.) Since then, a shortage of skilled labor due to the recent boom in industry activity has pushed earnings even higher. In addition to payroll expenditures, producers pay several billion dollars each year to vendors and contractors who support OCS activities.

SAFETY AND ENVIRONMENTAL PERFORMANCE

The National Academy of Science's National Research Council recently released the results of a comprehensive study entitled, Oil in the Sea III: Inputs, Fates, and Effects. The report finds that although the amount of oil produced and transported on the sea continues to rise, improved production technology and safety training of personnel have significantly reduced both blowouts and daily operational spills. In fact, the report states, today, accidental spills from platforms represent only 2 percent of petroleum inputs in U.S. waters and about 4 percent worldwide. Furthermore, the MMS has found that most spills are quite small—with the median being three barrels or less. Between 1971 and 2000, 41 percent of all spills were less than three barrels in size, 81 percent were less than 10 barrels, and 96 percent were less than 100 barrels.

The industry remains under intense scrutiny by its two primary regulators—the MMS and the U.S. Coast Guard—as well as a host of other governmental agencies with oversight responsibilities such as the Environmental Protection Agency and the National Oceanic and Atmospheric Administration. However, it is the MMS that regulates all exploration, development, and production activities on about 8,000 active leases to ensure that these activities are conducted safely and in an environmentally sound manner. The MMS reviews and approves industry exploration and development plans before allowing any operations to commence, monitors all lease operations to ensure that industry is in compliance with relevant requirements, and conducts scheduled and unscheduled inspections. In 1997, MMS conducted over 12,000 inspections of OCS facilities.

INNOVATION BOOSTS U.S. ENERGY

The Deepwater

Between 1996 and 1999, technological advances coupled with economic incentives passed by Congress under the 1995 Deepwater Royalty Relief Act, encouraged energy companies to acquire more than 2,600 leases in waters 800 meters or greater pushing the total number of leases in the Gulf of Mexico to more than 7,000.

The number of deepwater exploratory wells drilled more than doubled from 1996 to 1998, despite the limited number of rigs that can work at such water depths and the decline in crude oil prices during this time period. During that same period, production from deepwater wells jumped 50 million barrels, bringing total Gulf of Mexico deepwater oil production to more than 570 million barrels in 2001—nearly a 535 percent increase from 1995. By 2002, deepwater activity contributed 959,000 barrels of oil and 3.6 billion cubic feet of natural gas per day to U.S. energy supplies—approximately 61 percent of the Gulf's total production.

Innovative technological leaps have enabled this thrust into ever-deeper waters. Floating drilling rigs and production platforms are now able to maintain position over top of a well thousands of feet below without the need to moor a fixed structure to the ground. Dynamic positioning systems using computer-controlled directional propellers compensate for wind, wave or current to keep the vessel stationary relative to the seabed, while innovative hull designs maintain stability even in "hundred-year" storms. As a result, drilling is now taking place in waters more than 10,000 feet deep, an accomplishment that would have been unimaginable just 20 years ago. Since 2001, industry has announced 11 major discoveries in waters exceeding 7,000 feet.

The Deep Shelf

Trapped more than 15,000 feet within the earth's crust, so-called "deep natural gas" represents a tremendous untapped domestic energy resource. Government studies estimate that there could be more than 20 trillion cubic feet of untapped deep natural gas deposits in the Gulf of Mexico—about as much as is currently being produced from all areas in North America on an annual basis!

Annual gas production from Federal waters of the Gulf of Mexico has exceeded additions to proved gas reserves every year since 1984, causing a decreasing trend in remaining proved gas reserves. New discoveries of deep gas on the OCS offer the best short-term opportunity for achieving the large reserve additions and necessary high flow rates to offset declining gas production, which has been falling since 1997. Recent deep gas discoveries on the OCS have shown these new completions can produce as much 20 to 80 million cubic feet per day.

Unfortunately, despite significant advances in deep gas technology, these prospects remain very challenging to find and develop successfully. Since 2001, Gulf natural gas production has decreased from 5,128 BCF to 4,175 BCF in 2003. Deep gas discoveries may help reverse this trend however; deep gas production increased from a relatively low 284 billion cubic feet in 2000 to 421 billion cubic feet in 2002.

New Life for the "Dead Sea"

As recently as the late 1980s, many experts agreed that oil reservoirs in the Gulf were drying up. With oil and natural gas output slackening, some dubbed the Gulf of Mexico the "Dead Sea". However, leading edge technologies breathed new life into the Gulf—technologies that have enabled more efficient exploration in deeper waters and production from the deepest recesses of the earth's crust. Now the Gulf is widely recognized to be among the most promising areas in the world and oil production levels have increased sharply every year since 1996.

Leading edge offshore technology helps the country to find and produce the energy to heat our homes, fuel our cars, run our computers and drive the economy in faster, safer, cleaner and more efficient ways than ever thought possible. These innovations began with the natural gas and oil industry but they enrich the lives of all Americans. As the leading technological laboratory in the oil industry, the Gulf's transformation provides an interesting snapshot of the advances that have reverberated around the world and helped to keep energy abundant, affordable and clean.

HONORING PPL ELECTRIC UTILITIES AND THE INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS LOCAL 1600

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. DENT) is recognized for 5 minutes.

Mr. DENT. Mr. Speaker, I rise today to speak in praise of the actions of PPL Electric Utilities and the International Brotherhood of Electrical Workers Local 1600 for the inspiring sacrifices they made in the aftermath of Hurricanes Katrina and Rita on behalf of citizens of the Gulf Coast.

Hurricane Katrina and Hurricane Rita were two of the most destructive natural disasters to ever strike the United States. In the wake of these catastrophic storms, utilities serving the gulf States reached out across the country for technical resources and skilled labor necessary to rebuild an electric infrastructure destroyed by the forces of nature.

PPL Electric Utilities is a great corporate citizen in my district that provides electricity needs for 1.3 million customers in eastern Pennsylvania. When the people of the gulf coast needed assistance, PPL true to form answered the call for help after both hurricanes. More than 180 of the company's employees willingly agreed to leave their homes and their families to help restore an essential basic service, to assist victims of the hurricanes in getting their lives back to normal.

Many of these employees were members of the International Brotherhood of Electrical Workers Local 1600, skilled, dedicated union members whose efforts were desperately needed in the fight to restore a functioning electrical grid in the devastated areas. These workers endured long hours of work, oppressive heat, uprooted trees, biting insects, and many other hazards to their personal safety.

In accomplishing their important task they earned respect and admiration of the people from Mississippi and Louisiana, as well as from those back home in Pennsylvania. Through their hard work, caring and professionalism they became true good will ambassadors of the Commonwealth of Pennsylvania and the 15th Congressional District. It is my intention today to make sure this distinguished body is fully cognizant of the dynamic deference of both PPL Electric Utilities and the International Brotherhood of Electrical Workers Local 1600 and of their exceptional work in the Nation's time of need following Hurricane Katrina and Hurricane Rita. By working hand-in-hand, these two organizations toiled long hours to ease the suffering of the many affected by these natural disasters.

☐ 1900

30-SOMETHING WORKING GROUP

The SPEAKER pro tempore (Mr. GOHMERT). Under the Speaker's announced policy of January 4, 2005, the gentleman from Florida (Mr. MEEK) is recognized for 60 minutes as the designee of the minority leader.

Mr. MEEK of Florida. Mr. Speaker, once again it is an honor to be here before the House, and I would like to thank the Democratic leader, the gentlewoman from California (Ms. PELOSI), and our elected leadership team, the gentleman from Maryland (Mr. HOYER), and also the gentleman from the great State of New Jersey (Mr. MENENDEZ) and the gentleman from South Carolina (Mr. CLYBURN).

We come to the floor, as you know, Mr. Speaker, almost every day to talk about issues that are facing Americans; some that we are working collectively on, others we are not working collectively on but should be working collectively on. Tonight, we are going to talk about some of the issues that we did not talk about last night, but I can tell you that the themes continue to run together.

I am here tonight with the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) and the gentleman from Ohio (Mr. RYAN). Youngstown, Ohio, and as the gentlewoman from Florida was not here, I can tell her that what we are hearing and what we were talking about last night was the fact that now we are looking at how are we going to move forward in the aftermath of Hurricanes Katrina and Rita, how are we going to respond to those Americans that have paid taxes all of their lives, and how are we going to correct past wrongs.

From the beginning, the majority side has come off the block saying, well, the story is kind of changing now, which is interesting, but I have a copy of yesterday's Washington Post where there is a lot of bold talk about, well, first we are going to start with Medicaid, which is a program that provides health care for financially challenged Americans throughout this country, and we are going to find this $500 million to offset some of the Katrina cost there; and then we are going to go to some folks who really cannot fend for themselves, we are going to pick on someone that is not our size and we are going to go and cut free and reduced lunches for financially challenged children, and then we are going to hit these small farming programs that we have out here so we can make sure they cannot compete with foreign agricultural interests, which are already cleaning our clock in many ways with the help of this majority that we have here now.

Now, this has kind of changed, but it has the same theme. Now we are going to go after young people, 30-somethings that are trying to educate themselves to compete against those kids coming from other countries here to the United States and that are taking their jobs, and I will let my colleague, the gentleman from Ohio (Mr. RYUN), talk about China and other countries. As a matter of fact, these days, they do not have to come to the United States. They can stay where they are and they will have good American jobs because the workforce is there. And they will definitely be educated. Yet we are willing to cut Pell grant opportunities and some other things.

So there are a number of issues still on the table, but I hope we can talk tonight about the lack of an independent commission. I understand that there are going to be some additional partisan hearings this week here, if that is what you want to call them, here in the Congress on the House side. I hope that we will have an opportunity to talk about the lack of a Hurricane Katrina independent commission that 81-plus percent of Americans have called for.

So, Mr. Speaker, I am glad to be here once again with my colleagues, and I look forward to some fruitful conversation with them. With that, I yield to the gentleman from Ohio (Mr. RYAN).

Mr. RYAN of Ohio. Mr. Speaker, I appreciate the comments of the gentleman, and I want to welcome back the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ), who we missed desperately last night.

Ms. WASSERMAN SCHULTZ. I was pining for you as well.

Mr. RYAN of Ohio. And I announced last night that my brother had a baby last week.

Ms. WASSERMAN SCHULTZ. Oh, congratulations. That is fantastic.

Mr. RYAN of Ohio. Yes, that was my big announcement. His name is Nicholas John. So I will probably be saying that to every 30-Something for the next 6 months.

But we had a great discussion last night on so many different issues, and the Katrina issue was one. I want to go back and sort of fill in the blanks here a little bit and let people know that the Democrats are proposing that we create an independent Katrina commission like we had an independent commission to oversee 9/11. And here is the bill, H.R. 3764.

We are asking for an independent commission, meaning Republicans or Democrats do not rule the commission. It is independent of this body. It is independent of the White House. It is like we had for 9/11. Because we feel, as Democrats, that what we all had to watch happen on TV was one of the great national tragedies, not only the natural disaster that happened but the response from a government that we have been promised over the last number of years would be adequately equipped to respond, would respond in a timely manner, and that they would have a coordinated response in order to save American lives if there was an emergency.

Because after 9/11, and since then, we have been told by this administration and by this Congress that we are protecting you. You are safe. It is okay. We are going to do it. We are the party that is strong with these kind of issues. Then we found out during Katrina that that just was not the case.

You throw that on top of what we are watching happen in Iraq, and we are losing our confidence. If you ask the American people, they are losing their confidence too. That is why over 80 percent of the American people in every poll that we have seen want this independent commission. But what the Republicans have set up is a real farce. They might as well put the Chair of the Republican National Committee in charge of the oversight committee of Katrina.

There are eleven Republicans and nine Democrats, which means the minority party is not allowed to subpoena witnesses. The Republican Chair of that committee and the other 10 Republicans on the committee will be the only ones who can subpoena people to come and testify before the committee and really give this thing a thorough overview and a good look-see and overturn every rock possible to figure out what the real problems were and what the real problems are.

This is not about politics. This is about making sure the United States post-September 11 has an adequate emergency response system in place regardless of where you live. Because that could very easily been New York, it could have been L.A., or it could have been Youngstown, it could have been Miami. It just so happened to be New Orleans and it happened to be a natural disaster instead of a terrorist attack.

But if it was a terrorist attack, we cannot explain how we would have responded any differently. It was about communication and coordination and all these other things that we need to ensure for the American people. And we believe that an independent commission that is free of politics is the only thing that is going to give us those answers. That is what the Democratic Party is asking for, that is what the gentlewoman from California (Ms. PELOSI) is asking for, and that is what 80 percent of the American people are asking for.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, if the gentleman will yield, I want to thank the gentleman from Ohio for his comments, and he is absolutely right.

Number one, I am sorry I was not able to participate with my colleagues last night. I was in my district. And when you are in the district, you really get a true sense of how people are feeling. The gentleman is absolutely right, there is a crisis of confidence out there in America. People really have had their confidence in their government's ability to deal with their everyday problems badly, badly shaken by one scandal after another, by one more bit of evidence of corruption and cronyism.

What all of this points to is and is emblematic of is a system that cries out for reform. We absolutely have to have some reform here in Washington, and one of the first reforms that needs to occur is to change this partisan committee that is stacked with Republicans and is currently not being participated in by Democrats and shift it to an independent bipartisan commission that is going to be able to be objective and review what really happened.

Every day that has gone by since Katrina's aftermath, a little bit more trickles out, a little bit more dribbles out, and if we are going to be able to restore the American people's confidence in their government's ability to respond to disasters like this, be they natural disasters or man-made disasters in the form of terrorism, we have to start by restoring their confidence and utilize a process that is going to be objective and that they know they can have confidence in in terms of the outcome, like the 9/11 Commission.

There is a never-ending possibility of more disaster looming over us. Even now, we have Wilma, the 21st storm looming out there in the ocean, potentially about to bear down on Florida and then the gulf coast again, nearing this weekend. If we do not get the American people answers as to how the aftermath of Katrina occurred and make sure it does not happen again, it is not like we have the luxury of time being on our side. We have storm after storm. We have the fact that you never know when a man-made disaster is going to occur. By their very nature, they are surprise attacks. It means it is ever more important we reform the system and make sure that our government is ready to respond, that we have a comprehensive ability to do that.

When we have people engaging in CYA, which is exactly what is occurring here, and when you look at the former Director of FEMA, who in today's paper it was revealed was more worried about his title in the aftermath of Katrina than getting the job done, that is deeply disturbing.

Mr. RYAN of Ohio. That is a joke.

Ms. WASSERMAN SCHULTZ. It speaks to the structure of their ability to respond to that disaster.

Mr. RYAN of Ohio. Does that not say a lot about what we are dealing with in the leadership today?

Ms. WASSERMAN SCHULTZ. It does.

Mr. RYAN of Ohio. It is all about what is my title. After the greatest natural disaster in the country and everything that is going on, you are talking about your title.

That just proves what we talk about a lot here with the 30-Somethings. It is more politics than it is policy. It is more politics than it is actually fixing the problems.

Ms. WASSERMAN SCHULTZ. Absolutely.

Mr. RYAN of Ohio. Evident by, my God, this guy is worried about his title after Katrina. Give me a break.

Ms. WASSERMAN SCHULTZ. Let us explain what we are talking about. In the press today there was an e-mail exchange revealed between the spokesperson of FEMA and then Under Secretary Brown where he was appalled that Secretary Chertoff had made him, I think it was the point person. I forgot the title he was given, in the aftermath of Katrina. But he looked at it as a slight, an insult, and somehow a demotion from his position as Under Secretary.

In the devastation and aftermath of Katrina, is that what we want the FEMA Director to be worried about, what he is called?

Mr. RYAN of Ohio. Right.

Ms. WASSERMAN SCHULTZ. And how he is perceived in terms of title?

Mr. RYAN of Ohio. Terrible.

Ms. WASSERMAN SCHULTZ. That is how out of touch this administration is. They are that badly out of touch, and that is why the system cries out for reform. We have to make sure we reform the system so that we can restore people's confidence and that they understand that the three C's are incredibly important: No more corruption, no more cronyism, and we have to restore people's confidence.

Mr. MEEK of Florida. Mr. Speaker, I think what the gentlewoman is saying is so very, very important. We talked last night and spent quite a bit of time on the culture of corruption and cronyism, and we know that it takes a while to get a culture. It is not like an incident here and an incident there. It is a culture.

Mr. RYAN of Ohio. It is not random.

Mr. MEEK of Florida. It is not random. It is a way of doing business here in Washington, D.C. Unfortunately, it is affecting the entire country and in some cases it affects some parts of the world that we are also concerned about, and there are also parts of the world we are concerned about outside of Iraq. I think that is important to point out.

I just want to mention something that the gentleman from Ohio (Mr. RYAN) talked about, this H.R. 3764, which is the House bill that will create this independent commission just like the 9/11 Commission. The only difference between the bill we see by the gentleman from Ohio, House Resolution 3764, and the 9/11 Commission is the fact that it says the independent Katrina commission versus the 9/11 Commission.

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So it is language that we all understand and eventually, like the 9/11 Commission, the majority side came around and voted for it. Some did.

I think it is also important for us to understand that independent commissions are not a new phenomenon to the way to deal with issues in correcting wrongs that took place or possible mistakes that could have happened.

For instance, I mention the 9/11 Commission, which is the most respected commission that came after 9/11. Also, if we look at the commission after the *Challenger* space accident in 1996, the Presidential commission that looked into the NASA program and things that we needed to look at.

And also in the aftermath of the accident at Three Mile Island in 1979 there was an independent commission; and numerous independent commissions established by the White House after plane accident tragedies to make sure that we do not make the same mistakes and correct issues that might have contributed to loss of life. After the attack on Pearl Harbor, there was another independent commission.

These independent commissions are given authority to go out and make sure that we do not continue to repeat some of the same issues that we are seeing right now. We are seeing a repeat on issues that are facing Americans time and time again.

Now, I want to say to the gentleman from Ohio (Mr. RYAN) on H.R. 3764, how many Republicans are on that bill?

Mr. RYAN of Ohio. Mr. Speaker, as far as I can see, there are not any.

Mr. MEEK of Florida. Mr. Speaker, I want to make sure that my Republican colleagues know, either in the leadership or the rank and file, that they know it is okay for you to call for an independent commission even though there is a Republican in the White House, even though there is an agency appointed by that Republican administration, because we are all Americans. We should have this independent commission to make sure that we are able to deal with the Federal response to natural disasters or terrorist attacks, whenever it may happen, or making sure that we can deal with some of the issues in the present.

There are still 100,000 individuals that were affected by Hurricane Katrina that are still in shelters or displaced in some Red Cross emergency housing. The deadline for shelters to be empty was a couple of days ago, but we have trailer parks that are sitting empty. The trailer park has been established, the asphalt has been laid, the trailers have been delivered; but the people cannot move in because of technical issues of getting them in, need it be someone did not hook the power up to the trailer or the sewage is not where it is supposed to be. So there is still a lot of work to be done and lessons to be learned.

Any American city, here in Maryland today, there was an alert about a possible tunnel attack. The week before last it was the New York subway station. So we see cities and counties and local communities finding themselves in harm's way, and Americans may have to leave with what they have in their pockets or on their backs.

If we do not learn from lessons learned, having an independent commission of people who do not have a vested interest, a political vested interest in the outcome of the report, then we are not going to get better as a country, and we are not going to be better prepared.

Two things that we learned under the scenario of Hurricane Katrina: one, we are not ready. How about that. All of these top-off programs that have been created, and when I say top-off, I want to make sure Members understand what I am saying. These are the programs where the Department of Homeland Security would go into a local community and go through an exercise in case a chemical weapon was actually detonated or a terrorist event was to take place here and how would you deal with it, how would hospitals deal with, how would first responders deal with it. Where would the people go. We did that with Hurricane Pat in New Orleans. We knew. When I say "we," the Federal Government knew that anything over a category 3 would bring about catastrophic damage to the area.

I have a little picture that too many Americans are all too familiar with. This is a neighborhood east of downtown New Orleans. Billions of gallons of water flooded 80 percent of the city of New Orleans. Now, that is not Hurricane Katrina by herself; this is a lack of governance. I want to know why the Corps of Engineers stopped their work. After 37 years of working on the levee, why did they stop working to make sure it is safe. Hurricane Katrina came through and the event was over, and it did not look like this. When the levee broke in several areas, all of the loss of life took place at that time. Pretty much all of the property damage for sure took place at that time. When you say it was an act of God, well, I am not going to put all of that on God. I am going to put some of it on this government that should have been there.

Let me just put this poster down because I want to make sure that this aerial picture that was taken, and I am going to put it down for a minute because the real issue, and this is the picture before or right after people were on those roofs waiting, living it out for 3 days, waiting on the cavalry, waiting on someone to come and say is it possible to get off the roof.

Here is another picture. There is concern about somebody looting a Walgreen's for food, and people had to improvise. People are jumping in a boat not with a paddle, but with a board. Here is a kid in a refrigerator trying to find safe haven. It took awhile for all of this ingenuity to come about because definitely they could not count on the government, whether it be State, Federal, local. We need to get to the bottom of this. We need to make sure that this is not coming to a city near all of us, and we are not standing and waiting and hoping and praying that the helicopter is going to come soon or the boat is going to come soon. I think it is important. We need to learn from our past mistakes.

So 81 percent of Americans support this independent commission. For people to talk about they do not quite understand, independent commission, why? We do it when we have a horrific event in our country, whether a plane crash or a natural disaster.

Mr. Speaker, I yield to the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ).

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I have mentioned this before and likened the lack of desire on the part of the Republican leadership here to establish an independent commission. For example, if the executives and CEO of Enron after the fiasco that corporation went through, it would be as if we said, Okay, Mr. CEO of Enron, you go ahead and investigate what happened at Enron and do a report and a full examination of the doings of your corporation and you get back to us and let us know what steps need to be taken to prevent it from happening again. We can do the same thing with Tyco.

I think the gentleman is smiling, and people who might hear this description would be sort of laughing to themselves saying of course we would not do that. This leadership is saying of course we would not have an internal partisan committee that would investigate. For some reason that is not ludicrous to the people who run this institution. It would be ludicrous to anybody who was a rational person who would actually want to get to the bottom of what happened. One would think given the information that has come out slowly over the last weeks now that there would be some more deep, abiding concern.

Let me go back to what I was saying earlier that came out today. Secretary Chertoff, according to The Washington Post, apparently belatedly named Brown the on-site disaster coordinator on the night of August 30 and declared Hurricane Katrina "an incident of national significance," which is the highest order catastrophe under their new national response plan.

This was the reaction of then-Under Secretary Brown and his assistants, "Demote the Under Secretary to PFO, principal Federal officer?" an outraged FEMA press secretary Sharon Worthy wrote Brown at 10:54 p.m., soon after Chertoff's decision.

"What about the precedent being set? What does this say about executive management and leadership in the agency?"

Brown's reply was, "Exactly."

Reading a little further, there are e-mails "that show that the government's response plan, 2 years in the making, began breaking down even before Katrina hit the gulf coast.

"Before the storm hit, Brown's deputy chief of staff, Brooks Altshuler, said White House pressure to form an interagency crisis management group was irrelevant even though a task force and principal Federal officer are key parts of the plan." He says this: "Let them play their 'Reindeer Games' as long as they are not turning around and tasking us with their stupid questions. None of them have a clue about emergency management."

Mr. Speaker, these are the people that were responsible for making sure that the people in that picture survived and actually got out and did not have to float in a refrigerator to save their own lives. This is what they were worried about, their own little title and the petty garbage that you would think is reserved for the smallest of issues.

Mr. MEEK of Florida. Mr. Speaker, during this time, they spent more time having press conferences thanking everyone and saying you are doing a wonderful job.

No, you are doing a better job.

No, I want to make sure you know that you were doing a good job.

Meanwhile, folks are still clinging onto life, people are running out of insulin. They need medical supplies and people are drowning in nursing homes. These are Americans. These are Americans. These are individuals that live in our communities. There were veterans caught up in this stuff. There were teachers caught up in this. There were individuals counting on their government for them to be there for them, be it State, local, or Federal. I am not here to protect anyone. I want to make sure that we have what we need from an independent commission to make things better.

I remember this time very vividly when these e-mails were going on. This was at the height of the rescue, and they were running around here talking about titles and respect.

Mr. RYAN of Ohio. Mr. Speaker, we can blame the FEMA people complaining about their title and all of that stuff, but who appoints these people? These people are appointed by the President of the United States. This goes to his judgment to hire a horse attorney, not a horse's attorney; but he is an attorney for equestrian activity, that is what this gets to.

This President appointed this person, and he appointed the other people. The top seven or eight people who were involved in the top FEMA flow chart were appointees from President Bush, and they were not qualified. They had no emergency management experience. We need change in the government today. We need to change the way the situation is. We need to change the leadership. We need to reform the way we do business. We need to change the way we do business, and you do that through an independent commission, not through politics.

Do Members think that the majority party here, the Republican Party, is going to somehow oversee this whole process and dig up and say, What were we thinking? This guy was asking about his title during the greatest natural disaster in the history of the country. They are not going to highlight that and say maybe that was a little bit of the problem. They are going to do their best to keep that out of the press. Fortunately, that stuff makes its way in. But why not have an independent commission, bipartisan, to figure out exactly what happened. If we do not implement this change, we are going to be in real trouble the next time this happens.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, one of the things that I wanted to highlight was one of the things we have been asking people to do. H.R. 3764 is the Democrats' bill that would establish an independent commission on the response to Hurricane Katrina. The way that the administration relented on the independent 9/11 Commission, as the gentleman from Florida (Mr. MEEK) referred to earlier, they initially opposed, was the groundswell of support, particularly from the families of the 9/11 victims.

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And we need a groundswell of support from the 81 percent of Americans that, when polled, say they think the only way to approach the response and the investigation of the response to the aftermath of Katrina is through an independent commission. We need people to contact us and become citizen cosponsors of H.R. 3764.

Mr. RYAN of Ohio. Mr. Speaker, if the gentleman will yield, they can e-mail us at 30SomethingDems@mail.house.gov. They can e-mail and be a citizen cosponsor, but call their Members of Congress, call their Senators. I mean that is what really needs to happen.

Mr. MEEK of Florida. Mr. Speaker, the gentleman has the website at the bottom.

Mr. RYAN of Ohio. Mr. Speaker, they can go to the website at www.housedemocrats.gov/Katrina or they can e-mail us. We will put them on either way. But I think it is important we also need to get ahold of the people who represent folks at home, who come down to Washington, D.C. for 3 and 4 days during the course of a week, and let those folks know that this is something they are interested in because it speaks to more than just this legislation. It speaks to the independence that we think needs to oversee this process. It also speaks to the kind of change that we need in government. We need this kind of independence. We cannot have people holding us back to make the proper decisions in government, and that is happening way too much down here.

Mr. MEEK of Florida. Mr. Speaker, reclaiming my time, I think it is important to note that everyone has some sort of inquiry going on. I mean we have this partisan commission here in the House that obviously we tried to push an independent commission. That is out of order. We cannot do that. We do not need to do it because we have control, and since we have control, we are going to keep control of this situation to make sure it does not get out of hand because there may be some political reasons that we do not want certain things to come out. Well, this happened in America. It did not happen somewhere across in some foreign third world land to a group of individuals who are not a part of our democracy. These are people that live within the borders of the United States of America, born here, and I think it is important that we do not leave any American behind because the whole country can learn. So why deny the whole country from that?

Someone may say, Congressman, Congresswoman, we got it covered. We are dealing with it here in the House. What are you talking about? We are all Republicans, but we got it. We will take care of it. As a matter of fact, the White House appointed someone inside the White House, a high-ranking Homeland Security adviser to the President. Well, that is interesting. We are going to keep the adviser who advises the President on the part of Homeland Security to do a report to let him know what went wrong. If something went wrong, then maybe the adviser did not do what she should have done in this case, maybe some of the conversations that we know that the President's Chief of Staff had with the folks on the ground and the Deputy Chief of Staff that happens to be the boss of the person who is doing the inquiry.

I always tell people, I come to the floor and say, listen, this 30-Something Working Group in looking at what is happening and what is not happening, this is not a game. This is serious, and we went on the White House website 2 weeks ago. This thorough review that they are doing, not a mumbling word about this review. Not anything where Americans can be reassured that our country is doing all that it can to make sure that we do not make the same mistakes, have the same kind of loss of life that took place.

Now, here is the front page, and our President is there and honors Buckley, the anniversary and all. It is good stuff. I mean this is stuff that the President does. And then we have the little thing that people can click on. I want to make sure that folks know that this is not the Wasserman Schultz-Ryan-Kendrick Meek report.

Mr. RYAN of Ohio. Third-party validators.

Mr. MEEK of Florida. Third party validators. Then they can go over to the Homeland Security responding to Katrina and Rita and the same picture that was there a couple of weeks ago, the President hugging an emergency worker, rightfully so. I think that is important. But it says nothing, not even a press release, about what we are doing and if what we find we are going to make corrections and these are the subject areas that we are concerned about. Nothing. Absolutely nothing. So we know under the drape of not only corruption, cronyism, but this culture that we have here that the majority does not have the ability to even have an inquiry on themselves.

I said this as a joke several weeks ago, and I am going to say it again because it is very real. It is like my coming to the floor saying, Listen, my name is KENDRICK MEEK, and I have made some possible mistakes, and to make sure that I do not make these mistakes ever again I am going to investigate myself and I will be back in a couple of weeks to let you know what the findings are. That is how off balance, I am just trying to find the right words, that this whole theory is of the fact that the White House can look into itself and that we are going to have some findings that are going to save American lives in the future and that the House is going to have a partisan commission that is going to look at the agency that we did not give proper oversight to and still do not. The Committee on Homeland Security right now, I am here and I am giving the report, I am on the committee, has not even had one, hear me, not even one hearing since Katrina, not one public hearing to talk about what has worked and what has not worked and why do we have this problem and why do we still have people in shelters. Not a mumbling word. Not one. I am telling my colleagues if I am lying, I am flying, and I am still well footed right here. Not one hearing. That is horrible for the Department of Homeland Security, for the committee that deals with it. And I told my colleagues we are here to take care of the Federal business.

I like some of my colleagues. We go and we talk about baseball games and all of these things, and they are nice people. I consider myself a pretty nice person. But let me tell the Members something. This is about business. It is not personal. It is about business. It is about the business of protecting the American people, and if we are going to sit here and act like nothing is really going on, something is really wrong, and that is the reason why we need this independent commission.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, will the gentleman yield?

Mr. MEEK of Florida. I yield to the gentlewoman from Florida.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, we have been talking about what they are not doing, that they are not establishing an independent commission. Let us mention what they are getting ready to do because we all can describe what we think the response to the aftermath of Katrina should be. Obviously, a pretty significant fiscal hit on our economy. No question about it. Between Katrina and Rita, we have refineries down. We have gas prices that have skyrocketed out of control. We have people having to dig deeper into their pockets. A dollar is not going as far as we would like it to or as it was previously before the storm hit. So one would think that the Republican leadership's response would be to ease up on the tax cuts. Let us pull back on making them permanent. Let us push back the reconciliation process, which is Washington speak for budget cuts. Let us make sure that we can ease some of the pain and dull the sharp point that has been the aftermath of Katrina.

So, instead, what is their response? Because it certainly is not any of that. This week on Thursday we expect what will be an extremely close vote on a rash of Republican spending cuts that will cut to the core, to the deepest heart of the people who need the help the most, the people who have truly been impacted by the aftermath of Katrina. They are actually going to ask us, force us, to vote on cuts in the Medicaid program, force us to vote on cuts in the Food Stamp program, force us to vote on cuts to higher education. This is a laundry list of items that they are going to propose now. A 2 percent across-the-board random set of cuts that are going to impact the people who were hurt the most by the aftermath of Katrina. It boggles the mind. How that could be a natural response to the needs of the people who are hurting the most is just so far beyond me. I feel like I am dealing with people who live on another planet sometimes.

Mr. RYAN of Ohio. Mr. Speaker, if the gentleman will continue to yield, there is no doubt about it, to be so far removed. And if we look back, we have got three wars going on right now and four tax cuts primarily to people who make hundreds and hundreds of thousands, 300, 400, 500, 600, 700, 800,000-plus, billionaires who are getting these kind of tax cuts, and then not only to do this. After Katrina we have got a $500 billion deficit. Now we are going to cut $10 billion out of the Medicaid program for low-income folks who need health care and their kids. $9 billion out of college students loans. What? It is so competitive out in the world today, and we are going to cut student loans? And throughout this whole process, through 9/11, the war, Katrina, natural disasters in the gulf coast, hurricanes last year, all this stuff that has been going on, not one time has the President asked those people who make more than $1 million can they maybe help us out a little bit? A novel idea. Please, somebody who makes more than $1 million, help us. And he is the President of the United States, for God sakes. He can call these people into his office and ask them for help. Ask them for assistance. We need to balance the budget. We need to make investments in education. We need to make sure that the poor folks and the middle class folks in our country have adequate health care coverage.

And then with the wounds wide open, to throw a little salt in it, he repeals the Davis-Bacon provision, which says that for the Federal money being spent to rebuild the gulf coast after Katrina that the people working would have to get prevailing wage in that area. And the prevailing wage in that area is 9 or 10 bucks an hour, and the President repealed that so the Federal money going to that area does not have to be prevailing wage. How much lower is he going to go? He is trying to help these people, and they want to go back and rebuild their community, and he is saying no. He is going to say we are going to pay them minimum wage. That is salt in the wound.

And those same people are going to be the same folks who will probably need Medicaid, who still want to send their kids to school and need the student loan and the Pell grant, which is being cut by $9 billion. Meanwhile, and I am going to just reiterate what the gentleman from Illinois (Mr. EMANUEL) said before we got here, all the while we are spending $20 billion in reconstruction in Iraq, building and renovating 110 primary health care centers, vaccinated 3.2 million children, rehabbed 2,700 schools and trained 36,000 secondary teachers, funded 3,100 community development projects, and provided housing for tens of thousands of Iraqis. Meanwhile, we are repealing the prevailing wage provision for our own people? We are cutting health care and student loans for our own people? This is outrageous. This is absolutely outrageous what is going on.

We need change in the government. We need reform. We need people to come down here who are not going to be so tied to the special interests to be independent and make independent decisions for the best interests of this country, not any other, and in the process hurt our country.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, if the gentleman from Florida will continue to yield, I was just going to say that all of this points to this culture that the gentleman from Florida (Mr. MEEK) referred to earlier, this culture of corruption and cronyism. And it has created this groundswell of need for reform. We cannot go on like this anymore. I mean I am raising young children. He is raising young children. The gentleman from Ohio's (Mr. RYAN) brother is raising a young child now. We need to make sure that the next generation that comes up does not inherit a badly damaged country that results from the policy decisions that are being made here. There is some deep harm that will reverberate for at least a generation as a result of these cuts and more and more tax cuts and an ever-burgeoning deficit and more and more reliance on foreign countries and more debt. There are consequences for these kinds of things.

When I go trick or treating with my kids on Halloween, that is when I most often get to see my neighbors and spend some really good time talking to them, and those are the times that they grab me by the wrist and say, "Debbie, what is going on here?" Every year that goes by with another year of this Republican leadership literally not having any ability to be in touch with the reality of the lives of real people is another year that we have shaken the confidence to the core of the American people.

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We have got to move in the direction. We have got to get some reform. We have got to get some leadership in America that understands what the basic needs are of the people.

Instead, we have an administration that appears to be of the wealthy, for the wealthy, and by the wealthy. It has, I think, actually reached historic proportions. We have never had a time where you have had the priorities of the leadership in the government so focused on the most elite set of people in the country.

Mr. RYAN of Ohio. We are not making this up.

Ms. WASSERMAN SCHULTZ. I wish I were making it up.

Mr. RYAN of Ohio. I really think if I was not here and coaching some football in high school in Ohio and I was flipping through and watching us, if I was not exactly plugged in as much as we are, I would think they have got to be making this up. I mean, they just cannot be serious about all of this stuff. They have got to be fudging the facts or misrepresenting them or putting a certain spin on it like they do in D.C.

We are not making this stuff up. I do not think you can, even if you wanted to.

Picture this, natural disaster in the U.S. In the U.S. years ago, they passed the Davis-Bacon provision, which two Republicans authored just by coincidence, that when Federal money is spent somewhere, including natural disasters, wherever the money's being spent, the workers have the right to be paid the wage in that area.

Then during the greatest natural disaster, the President repeals it for the very people who are going to go back in and rebuild their own community. What? You have got to be kidding me. Who would believe that?

At the same time, to pay for the rebuilding of the community, we are going to cut health care for the poor; we are going to cut student loans for middle-class people; and we are not going to ask the rich people to pay for anything, not even the rich people, people who make four or five, six, seven, eight. Even during this, you just wanted to ask millionaires to give a portion of their tax cut back to help us fund this. It is like you cannot believe it.

It is almost like when you play sports, did you ever have those moments where things kind of slow down a little bit? That is what it feels like down here. You are just slowly watching the unraveling happen. We come to the floor every night not for therapy, but we come here because we hope that we can convince the American people that the Democrats are for changing all this and making this better and reforming the way government works. Reform is not consistent necessarily with tax cuts for wealthy people. It is about fixing the way government executes its responsibilities, and this is what we are for, and that is what this independent commission is for.

Mr. MEEK of Florida. I did not want you to leave out, he raised the ceiling as it relates to small businesses to a quarter of a million dollars that an agency could spend on a credit card and not necessarily have to do business with the small businesses in the area. That was also suspended. These are small and the minority businesses, too. When we say small businesses, these are small businesses, period. This is not something where you say just women-owned businesses and minority businesses. These are small businesses, period.

So I think it is important we realize that any outrage in this Congress is not from the majority side as it relates to it. If you start talking about, well, first of all, I want to help you out, we are going to respond to the disasters, matter of fact we want businesses to move back, we are going to let the businesses back in before we let the residents back in, you have got to do more for our small businesses than give them a boon and say good luck. They have no employees.

In the meanwhile, we want the people to come back, but as it relates to the construction, to build the bridges and rebuild the schools and do all the things that need to happen to make this a functional community; but we do not want them to make too much money. We want them to make the minimum wage on these jobs, or whatever wage you want to pay them, but not a prevailing wage that is this Federal law.

Because this happens to be an emergency, and this is the President's thinking, since this is an emergency, I can just suspend Davis-Bacon. I could not do it under calm waters; let me do it now. Let me just hit you while you are down on all fours.

Mr. RYAN of Ohio. What is coming out of the conservative think tanks at this time, well, what is going to happen is these workers are going to get this extra money from the prevailing wage, and they are going to give it to the unions. Then it is just going to pad the union coffers.

I do not know if you have the chart there or not, union membership in the three hardest hit gulf States, the highest was 10. The lowest was four, and another one was like five. Five percent of the workers were union workers. It was just nonsense, and then you look how many union members are there, none basically. None.

Mr. MEEK of Florida. When you think about it, some people may say, well, what are they talking about? What are these three Members of Congress talking about that happen to be in the minority, a few votes shy from being in the majority, to be able to make what we are talking about reality?

This would not be a discussion about an independent commission to look at Katrina or what did happen or what did not happen in Katrina, best practices, so when another U.S. city goes through a situation where they have to evacuate the entire city, families being displaced, living with others, some people living in arenas, some folks living in gyms and church fellowship halls and synagogue fellowship halls throughout the country, how do we bring about the kind of organization that is needed to make sure that we can get Americans back into their normal lives so that hopefully it will not be a burden on the U.S. taxpayer for a very long time?

The way things are set up now, A, there is no oversight, especially in this House. There is no oversight about the urgency of making sure that we save as many dollars as possible through a functional government doing what it is supposed to do on the timelines. It is not there. Money is still going out for vouchers to stay in hotels. I mean, folks need to have shelter; but if there is a cheaper, better way that will get them back home and to get them helping them, being able to get the paycheck or even open their business, then let us do that to make them self-sufficient. That is not the conversation.

The conversation here is to say, well, let us make some budget cuts, and we do not want to talk about Iraq. We did want to talk about that. Oh, my goodness, if something comes out about Iraq, get out of the way; we have got to fund it. Matter of fact, can we add another billion to it, can we, because I want to make sure we give our commitment to the Iraqi people. Let us get another billion.

But when it comes down to the Americans, our people, once again, I will say we salute one flag. I do not know, we have to look at these student loans and grants, and we have to also look at Medicaid, additional cuts on top of cuts that we have already made.

Well, my colleague said something that I thought was very interesting, and I know our time is coming to an end shortly, about the fact that we have to ask millionaires. We are not talking about folks that make a hundred, not even $400,000 a year. People that make millions a year, the Congress has to ask if we can roll back some of the tax cuts that they are enjoying right now in the hundreds of thousands to help the country after it was hit by the biggest natural disaster that it has ever been hit with. We have got to ask.

But guess what, no one is asking folks on Medicaid, no one is asking kids that receive free and reduced lunch for the reason because they are poor. No one is asking them. No one is asking States as it relates to rolling back their Head Start money to make sure that kids are ready to perform in this working world and that they go to school ready and prepared. The gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) worked on that in the Florida legislature.

No one is walking around here asking about that. Folks just say, well, you know what, this is what we are going to do; tough talk for hard times. We are not going to pick on someone that can pick back. We are not going to hit a person that can knock us to the floor, because they will be able to give campaign contributions to my opponents. No, we are going to get the folks that we say we are trying to help. We are going to hit them. Matter of fact, we are going to floor them, and we are going to do it because we can. That is what makes this such a tragedy.

That is why we need this independent commission. That is the reason why we need H.R. 3838, an anti-fraud commission that will oversee all of the contracts that are going on in the present to be able to review it all, to make sure that it is not left up to some bureaucrat so that I am sitting somewhere in the Committee on Homeland Security and they are saying, well, you pick up The Washington Post or New York Times, whatever the hometown paper may be in someone's area, and say there were millions of dollars that were spent and someone charged $1,000 for a roll of toilet paper, and we do not know what happened, but we are looking into it.

No, that is after the taxpayers have already been raped of their money and the victims were made victims again because the money ran out. So we do not have time for an Iraq-Halliburton experience that we have an investigation going on, meanwhile thousands of dollars are going out the door.

If folks want to have tough talk about budget and fiscal responsibility, then we have to have management, and we have to have oversight. You just cannot let billions of dollars out the door and expect the people who have already made mistakes again and again and again say here is another $62 billion, see if you can do better this time. It is just not going to happen, and that is the reason why we have to have it.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, in our last few minutes, I want to just point out that the responsibility lies at the feet of the President. He has the bully pulpit to ask people who are among our wealthiest to make sacrifices.

I represent a community that has a lot of wealthy people, and I know they say to me all the time, you know what, I am willing. They understand what the needs are. They get it, and I know we have an hour tomorrow night, that we are going to have an opportunity to come out here again.

One of the things I think we should talk about, and I do not want to do a rush job on it, is there are steps we can take. There are things we can do to make people whole. There is a way that we can restore Americans' confidence in their government, and there are reforms that we can and must make. I hope we will have a chance to talk about that more tomorrow night because we have got to take this country in a new direction. It would be irresponsible for us to continue hurtling down the path of irresponsible public policy and harm that we are bringing on people who are already knocked to the ground, and now we are putting our boot on their neck to keep them that way.

Mr. RYAN of Ohio. I agree. We want to take the country in a new direction, in another direction.

Since 1994, the Republicans have held this Chamber. The President has been in for 5 years. They have controlled the Senate on and off for a good while over the past decade and a half. We want to take the country in another direction, because if you look at the leadership, I just believe that because of the lack of experience they just are not governing. They just do not know how to govern.

When you look at the increased poverty rates, when you look at wages, when you look at what is going on with companies like Delphi and General Motors, when you look at the health care crisis in this country, when you look at the poverty crisis, the cuts for school funding and local communities, libraries being cut, prisons and jails that cannot handle the load that is coming in, in every single aspect here, reducing our dependence on foreign oil, every single aspect here has been the ball has been dropped.

We want to take the country in a new direction, in a better place, with the changes that I think the Democratic Party wants to provide.

If you want to e-mail us, it is 30somethingdems@mail.house.gov, and let us know if you want to be a citizen cosponsor of the independent Katrina commission, which we think would be the best way in a nonpartisan, bipartisan way to try to address the issues, and I thank my good friend from Florida for the opportunity to join both my colleagues here tonight.

Mr. MEEK of Florida. I thank the gentleman from Ohio (Mr. RYAN). I am glad you were able to sum it up for us. The gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) is right to let us focus on things we are doing.

We mentioned the pieces of legislation the Democrats have offered to this Congress. The Congress and the majority side have not accepted that legislation. We are still willing to fight on behalf of the American people.

□ 2000

MEDICARE PART D

The SPEAKER pro tempore (Mr. JINDAL). Under the Speaker's announced policy of January 4, 2005, the gentleman from Georgia (Mr. GINGREY) is recognized for 60 minutes as the designee of the majority leader.

Mr. GINGREY. Mr. Speaker, we just heard from the other side, the 30-Something Democrats. I have been listening, as I know my colleagues have, to the 30-Something Democrats for about a year and a half now a couple or three times a week. It is the same old same old. Now they have pledged to come back tomorrow night with some positive information voice, and I look forward to that. In fact, I am going to listen very closely, because all I have heard from my three colleagues on the other side, the 30-Something Democrats, the two from Florida, the one from Ohio, very intelligent, very well spoken, very articulate, and very, very negative.

So before we get into our special hour talking about something positive, a Medicare prescription drug benefit for our needy seniors, I just want to suggest to my colleagues who spent the last hour talking negative we look forward to hearing from them tomorrow night maybe on something positive for a welcomed, welcomed change.

Mr. Speaker, it kind of reminds me of the fall of 2003, my first year in the 108th Congress, when we worked so very hard on trying to bring to our seniors finally, after almost 38 years, a prescription drug benefit under Medicare. What we heard from our colleagues on the other side of the aisle was very similar to what we just listened to in this Chamber over the last hour from the 30-Something Democrats. It was all negative. There was no plan, there was no alternative. It was just: Seniors in my Democratic district, you men and women who have supported me and let me represent you in the Congress, this is what I suggest that you do, you take out your AARP card and you cut it to shreds because that is what I, your Congressman or your Congresswoman on the Democratic side of the aisle, plan to do.

Yet, Mr. Speaker, what we did was an historic benefit. In fact, for 2 years now, and it will continue until January 1 of 2006 when the official Medicare Part D prescription benefit plan is available, we had an almost a 2-year transition plan of a Medicare prescription drug discount card which would allow our neediest seniors actually to have $600, a debit card if you will, not a credit card, but $600 each of those 2 years if they were at or near Federal poverty level low income, below about $11,000 a year for an individual or below $14,000, $15,000 a year for a couple, basically men and women, our seniors who are on Medicare and essentially living off of their Social Security benefit and very, very little else.

I think it was a tremendously compassionate thing for this Congress, this leadership, this Republican majority and this President, George W. Bush, to finally deliver on a promise that had been made by prior Congresses, prior Presidents. I will not get into naming names or saying who was in charge at what period of time.

The fact is Medicare was first passed in 1965. Medicare was a very good program then, it is a very good program now, but it desperately needed modernization when we have come to realize, especially over these last few years, how important it is to have an opportunity to have that prescription drug benefit to go along with Part A and Part B.

Part A of course, Mr. Speaker, you understand is a hospital part and the nursing home part. There is a pretty high deductible for that as well, today something like $850 out of pocket before there is any coverage for Part A. And Part B, if God forbid a person end up in a nursing home after 100 days, there are no benefits in any period or episode of illness. Everything else is out of pocket, and that is why so many of our seniors who do end up in a nursing home pretty quickly become dependent, wards of the State almost, and Medicaid, which is strapping our States so badly now across this country, pays about 85, 90 percent of all skilled nursing home bills, is paid by Medicaid because people literally are going broke and they cannot afford it.

So here again, as I waited of course to have this opportunity to speak on the Republican side, the aisle where we have dedicated, Mr. Speaker, to explain and talk about something positive. We are a positive party. We want to do things that are for the benefit of the people and not just stand around and criticize like we heard over this last hour.

I do not hear a plan from the other side, yet they voted almost overwhelmingly, thank goodness there were a few in a bipartisan fashion did vote in favor of the Medicare prescription drug modernization plan Part D, and it should not have been a partisan issue. It should have been not about the next election, but doing something that is going to help the most treasured part of our society, really, that being our senior citizens, and particularly those who are in greatest need. So, Mr. Speaker, it is a pleasure to be asked by the leadership tonight to lead this hour as a physician Member of the body.

There are actually 10 M.D. physicians in this congressional body of 435 Members. There are other Members who are health care professionals, be they psychologists or pharmacists or registered nurses and physical therapists, veterinarians, people that have worked in health care, and I think we all owe it to our colleagues and to the American people to get behind and to support this legislation which will in fact go into effect January 1, 2006.

Mr. Speaker, it is important for each one of us on both sides of the aisle not to discourage our constituents, our seniors from signing up for this prescription drug benefit, but to explain it to them and let them know and to particularly let those know who are at a low income level.

We mentioned just a few seconds ago about that amount, about $11,800 for an individual, a single person, a widow or a widower, or about $15,000, $16,000 for a couple, that they are eligible for supplemental help. We anticipate, Mr. Speaker, that the deductible for the Medicare Part D prescription drug benefit would be about $250 a year and that the monthly premium would be about $35 a year, $32 to $35 a year. That is what we predicted a year and a half ago. Now that these plans are rolling out and are being offered to our seniors, the marketplace is working. Competition, that competitive entrepreneurial spirit is working without government price controls, and many of these plans are going to be offered or are being offered right now to our seniors at as low as $20 a month premium, not $32, not $35, but $20 a month. So already the predicted cost is coming down, and as a result of that I think the number of seniors who sign up and take advantage, sure, there will be, Mr. Speaker, some seniors who will realize that they already have coverage. Maybe they are a retired State employee, possibly a teacher, maybe they are a retired Federal employee, possibly they work for a company like in the State of Georgia, Lockheed Martin or Coca-Cola or Home Depot, some of these strong companies that seniors have worked for 30 or 40 years, and that was not atypical with the great generation, they stuck with the job and with the company and they have been promised health care benefits and benefits that do include prescription drug coverage.

In this bill, by the way, we have done everything we could to make sure that companies do not drop those plans, that those promises made are promises kept. That is in addition part of this Medicare modernization. So some people, Mr. Speaker, some seniors will decline to sign up for Medicare Part D because they already have a plan and they have a good plan and they stick with it, and that is perfectly understandable. But for those seniors who do not have anything, who get to go to their doctor, maybe their family practitioner, their general internist for that annual physical, and lo and behold they find out that their cholesterol is elevated, their blood sugar is elevated, their blood pressure is elevated and they have that need to be on medication and they go to the drug store with a fistful, literally a fistful of prescriptions, maybe four or five. You talk about sticker shock. Currently our seniors in that situation, they are maybe not part of an HMO and they do not get any discount because of volume, it is just them trying to fill a prescription.

I know that recently I went to the drugstore and happen to be on a statin to lower my cholesterol and ordered a 3-month supply, and only to find out that my part of the prescription, I think 25 percent of the true cost, was going to be $110. When I asked the pharmacist what it really cost, the cost per pill, and I will not mention the pill in fairness to the company, but it was something like $5.25 for each pill, and it is necessary that I take that every day, and my health is pretty good. But you take a lot of our seniors, Mr. Speaker, they do not have one thing wrong, a lot of times it just almost like you might say is multi-system diseases. They may have three things that impact each other. What has happened in the past of course is this: They maybe were too embarrassed to say they could not afford the prescription, and maybe they turned around and walked out and said they would be back but never came back. Or possibly they asked the pharmacist, instead of a month's supply, just give me a 2-week supply, and then they would go home and they start breaking those pills and trying to stretch it just like we oftentimes have to stretch the budget when things are tight.

But the problem is, of course, that is when these diseases get out of control. That is when the elevated cholesterol results in plaque formation in the coronary arteries, or the blood sugar gets elevated and all of a sudden there is a problem with blindness and loss of limb or a patient ending up on renal dialysis.

I hope my colleagues would listen carefully to this. We heard at the outset a lot of Members, and very legitimately and honestly and sincerely, oppose this bill and the vote was a very close vote, and indeed it was. I am very proud that I voted yes, and I think most if not all of the physician Members as a body also voted yes on both sides of the aisle. But there were men and women of good faith who voted no. In some instances they were voting no because they did not think that we were doing enough. You even hear that today, the hole in the doughnut is too big and the plan is not good enough. It might be okay for some people, but for the typical average senior who is a Medicare beneficiary or someone who is on Medicare because of a disability, it is just not good enough. We want to do more, we want to close down, shrink down that hole in the doughnut, so they voted no. And I can understand that line of reasoning.

There were Members mostly on this side of the aisle who felt that we cannot do this because we cannot afford to do it. We have got a deficit, we have got a debt that is far too big by everybody's admission. Although we would like to do this, we cannot do it because we cannot afford really to do anything. We are in a war in the Middle East trying to bring democracy. I think we are succeeding there. I think the light at the end of the tunnel is beginning to shine brighter and brighter with the success and the 60 percent plus turnout here recently in the new constitution and then hopefully parliamentary elections a month from now.

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The point I wanted to make, Mr. Speaker, in regard to the cost, the cost was calculated based on the fact that you would continue to spend in the Medicare program in this country the same amount, maybe increasing depending on, as the population of seniors increased for part A, you would have the same situation for part B; it would increase because of an increase in population of seniors.

And then you would have this added expense. We were told initially that that was about $400 billion over 10 years, and then there was a recalculation and maybe it was going to be as much as $600 billion. The fact, Mr. Speaker and my colleagues, is this. We get no credit for the fact that taking prescription medications, when our seniors can go to the drug store and get those prescriptions filled, and they can in a very timely fashion lower that blood pressure, lower that blood sugar, lower that cholesterol, and guess what, we do not end up spending money on them for part A or part B, do we except maybe for an annual check-up on an outpatient basis by one of our wonderful primary care physicians who work so hard and such long hours? No. We keep them out of the hospital.

Before the Medicare modernization, before December of 2003, you could not even go to your doctor and get a routine thorough physical and have it paid for under Medicare. You could not get a blood test for cholesterol, you could not get a mammogram, you could not get a PSA blood test screening for prostate cancer, you could not get a colonoscopy.

In this bill, in addition to the prescription drug benefit, all of those things are now available and paid for. This is what we call, Mr. Speaker, preventative medicine. Not waiting until somebody is eligible for coverage under part B because they show up in the emergency room having had a stroke because their blood pressure could not be treated, or they ended up on the operating table getting the coronary bypass or even worse, having a leg amputated because they never had the money to treat their diabetes.

We save money, Mr. Speaker, on part B because of part B. And even if we did not, it is the compassionate thing to do. It is the compassionate thing to do. Who wants to end up spending the rest of their life in a nursing home after a stroke no matter who is paying for it?

But as I said earlier, those days are limited to 100, and then after that, mom or dad or grandmom or granddad exhausts every bit of their savings, everything that they have worked their whole lives for, maybe they wanted to send a grandchild to college, an opportunity that they never had when times were tougher, and all of a sudden they lose it all simply because we did not, Congress did not, give them this coverage, this Medicare prescription drug benefit.

So I say, Mr. Speaker, to my colleagues, to anybody who will listen, that this was the right thing to do. This is not something that we can afford to put off. You cannot. I have heard people say, well, gee, you know, the seniors have waited 3 years, surely because now we are in a bind, and we are trying to figure out a way to pay for the restoration of the gulf coast and rebuild that infrastructure, certainly we need to do that and we need to look for so-called offsets. And they are there.

We talk about maybe taking a little haircut and cutting 1 to 2 percent of the growth in every Department. I think we can find those cuts, and I think we can do that. But to ask the seniors to wait another year or two or three, that would be the cruelest of ironies on our part.

And I, Mr. Speaker, am not willing to do that. And I would beg my colleagues, let us not go down that road. We are about to do something that is really good for our seniors. It may be not unlike what we have done in the Middle East. We hear, whether it is from the 30-Something Democrats or in the editorial pages from our liberal newspapers in this country, the constant, constant negative criticism and naysayers, and this talk about what is your exit strategy.

I have been hearing that, Mr. Speaker, for 2 years. What is your exit strategy? I mean, you know, you are in the early part of the fourth quarter of a football game, and you are winning, but the going is getting a little tough. If you pull your team off the field, you do not win; you forfeit.

And all of those lives, 2,000 dead, and four times that many injured, are for naught. What a disgraceful thing that would be if we did not follow through. So the analogy then is the light is at the end of the tunnel, it is shining brightly, I think, as I stand here tonight, Mr. Speaker, in the Middle East.

And I think that is absolutely true in regard to health care for our seniors as we go forward. And to all of a sudden snuff out that light because we have this natural disaster, this catastrophe which nobody could prevent or predict, and we have to respond to it, but as Thomas Payne once said, when he was serving at Valley Forge with George Washington, these are the times that try men's souls.

But we, thank God, Mr. Speaker, can walk and chew gum at the same time. This Republican leadership can deal with both of these issues, and it would be a terrible mistake to turn our backs on our seniors at this critical time where we are seeing light at the end of the tunnel and providing for them a benefit that they well, well deserve and have needed for so long.

The thing about this bill that excites me, Mr. Speaker, I guess one of the things that I am the most excited about, is the fact that the benefit is the greatest for those with the greatest need. Yes, there is a hole in the donut, and it is true that for some people the benefit would not be great if they were not spending anything on prescription drugs.

And there are those in our society who are very fortunate. Sometimes in medical parlance we refer to this as having the Methuselah gene; they enjoy long life and good health, and other members of their family the same. And, you know, maybe they will go see the doctor every year or two; but everything is always fine, and so they are not spending any money on prescription drugs.

So they may look at it and say, gee, $250 deductible if I have to spend anything, that is out of my pocket. And if I am spending $30 a month, you know, that is another almost $400, and I am not currently spending that. So, you know, I look at that and I have spent $700 the first year of the prescription drug benefit that I have got, and last year I did not spend anything on prescription drugs, so I have lost $700. Well, that is true. That is true.

But what that individual needs to realize, and I hope that my colleagues in the Congress on both sides of the aisle will make sure that they in a very fair way explain this to their constituents, you beware that next year or next month or next week or even tomorrow, do not all of a sudden have a little chest pain and end up being that person that needs to be on four or five prescription drugs, and then your bill could be 3 or $4,000 or $6,000 or $8,000 dollars a year.

And it does not take long for that to put one in the poor house, if they can afford it at all. So for everybody, for every senior there is something that we call catastrophic coverage. So if they spend, an individual on Medicare, spends in any year up to $3,600 on prescription drugs out of their own pocket, that of course would include the deductible and the copay and then, yes, the gap or the hole in the doughnut; but beyond that, if there are still costs for prescription drugs, the Medicare part D insurance program pays 95 percent of everything above that.

That is a wonderful benefit, what we call catastrophic coverage. I hope most people will not get into that situation. But clearly they could. They could get into that situation. So what I am saying, Mr. Speaker, is this is a good benefit for everybody; and everybody is eligible, from the lowest income to the highest income. If they do not have coverage in some other way for prescription drugs, then they are eligible for this benefit.

Of course, those who are living off of Social Security and they have very little assets, not much stuff, we all, I think, Mr. Speaker, have too much of a desire for stuff, stuff that really in some instances is not very important. Certainly more stuff does not necessarily make you happier.

But a person can own their home, they can own it free and clear. They can own up to 50 acres of land that may have been in the family for some time and they do not want to sell. They can certainly own an automobile. But they cannot have much stuff beyond that. Much assets.

But if they meet that means test, then the deductible is covered. The monthly premium is covered. There is no copay up to the first $2,250 or 25 percent as it is to everybody else, and there are no holes in the donut, there is no gap in the coverage. Everything is catastrophic coverage almost from day one, maybe a dollar copay for a generic prescription, and up to a maximum of $5 for the most expensive.

Remember I talked, Mr. Speaker, earlier about that statin that I was taking that cost $5 a pill. For our needy seniors, a 3-month supply, 100 pills, you do the math, that is over $500. They might have a $5 copay for a prescription like that.

Mr. Speaker, I see that one of my physician colleagues has joined us, and I thank him for taking time out of his busy schedule to be with us during this leadership hour to talk about this Medicare part D prescription drug benefit that we talked about.

He was very much a part of that, Mr. Speaker, and he was in the 108th, my classmate, my friend. I yield to the gentleman from Texas (Mr. BURGESS).

Mr. BURGESS. Mr. Speaker, I thank the gentleman for yielding to me. I could not help but see as the leadership hour progressed you were doing an excellent job of covering all of the things that I think are so important to tell our constituents and our seniors about this plan.

Of course, it is an optional plan. There is no requirement that anyone take this plan. But still I think it is worthwhile for families to sit down, perhaps the day after Thanksgiving, while everyone is at home and thinking about things, to sit down and look at these plans and decide if it might not be a good idea for the Medicare beneficiary in your family.

I would stress that the first date that the benefits will be available will not be until January 1, but the first day that a senior can sign up for a plan is November 15. So that Friday after Thanksgiving or the Saturday after Thanksgiving after you have had enough leftover turkey and pumpkin pie and football, maybe it would be a good idea to sit down and decide if this is not worth a little closer scrutiny.

I took the liberty of going to the Medicare.gov Web site. If anybody has not been there recently, I would encourage them to do so. If you are unable to use a computer, ask your son or daughter or your grandchild to do it for you. I promise you they know how.

But looking on the Medicare.gov Web site for my State, Texas, there are some interesting figures available there. And perhaps one of the most interesting there, it is too small to show on the television, but there are a variety of plans that are available in the State of Texas.

Just going down the list here, we see one that has a monthly premium of $28, which is lower than the premium that was originally designated as $37, the premium that we originally designated on Medicare, and there is no deductible incurred with that expense. So that is a straight monthly expense.

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Mr. Speaker, I would argue that that is a heck of a deal. And again, there are several plans like this, and they are all available for you to see in your State at the Medicare.gov Web site. Furthermore, for people who want to look into using one of the Medicare HMOs or PPOs, one of the Medicare advantage plans that will be available, there are several in my State of Texas; there are several in the counties that I represent. There is a PPO plan with basically a zero drug premium, and there is an HMO plan with a zero drug premium and zero drug deductible, so these are significant savings for people who are on Medicare who do spend money on drugs.

I would stress, and I have had constituents call me, and they looked at the plan and they say particularly when looking at the concept of a $37-a-month premium with a $250 deductible, they will say this is of no benefit to me. That may be true, in which case do not do it, but look at some of the plans that are available in your State, in your county and see if there is not one there.

Have a family discussion. Involve your children or your grandchildren in the discussion, because doggone it, we take good health for granted. It is something, though, that can change year by year and that is, after all, why we buy insurance, not to save us money on our current expenditures, but to protect us from those very hefty expenditures that may be incurred in the future.

I must tell the gentleman from Georgia (Mr. GINGREY) he has done a very thorough job about discussing Medicare. I agree with him completely about the need for cutting the deficit this year. I think that is critical that we do so, but this plan is not the place to make that cut. And for anyone who has heard a story or a rumor that the Medicare prescription drug part D roll out may be delayed because of problems with the deficit, that is simply not true. This program will roll out on time. And as we always like to say, it is on time and under budget.

With that, I yield back to my good friend from Georgia.

Mr. GINGREY. Mr. Speaker, I thank the gentleman from Texas (Mr. BURGESS), and I thank him so much for being with us tonight. I would welcome, if time would permit, for him to stick around with us and possibly get into a little bit of a colloquy regarding some other salient points of this bill. Certainly, I appreciate him being here and giving us this time this evening.

I was earlier, Mr. Speaker, talking about that statin that I bought a 3-month supply of just last week and that the cost was going to be, the true cost, I paid 25 percent according to my plan, the prescription drug plan that I have, but the true cost was over $500. Well, a senior who maybe has no prescription drug coverage under any plan, they are not part of an HMO, they are not retired from a company or they are but the company is not providing prescription drug coverage as part of the health care benefit, if you multiplied 3 months times four which would give you 12, if my Georgia Tech math serves me well, then that cost would be $2,000 for that one prescription.

Well, that is getting pretty darn close, Mr. Speaker, to the $2,250 that we were talking about, that the gentleman from Texas (Mr. BURGESS) was talking about. And the savings on that you would not have to have too many more prescriptions, maybe an antihistamine or two or an antibiotic here or there during the course of a year to get up to at least $250, if you have got one very expensive drug like that statin I mentioned. The senior who was enrolled in that scenario, they would actually save about $1,100 a year. That is how much the coverage would give them.

Of course, if they had prescriptions above that and they got into the gap or the hole in the doughnut, certainly there would be more out-of-pocket expenses. But I think it is very important for people to understand when they hear these naysayers, some of whom we heard from earlier tonight during their leadership hour, that this is a waste of time and effort, and it is not any good. And now that you have torn up your AARP card, and by the way, the reason they made that recommendation when we came out with the transitional prescription drug discount card when we first passed this bill, knowing it would take almost 2 years to get the prescription drug part B insurance program part up and running, AARP had the audacity to support a Republican proposal, Mr. Speaker.

I think the other side must have felt that that organization was always their best friend or, as the saying goes, in their hip pocket. And they could not stand the fact that AARP, and I am a member, have been since age 50. I will not tell you how many years I have been a member. It is a wonderful organization of 37 million seniors in this country. AARP serves them very well. And AARP as far as partisan politics, we are blind to whether it was an R or a D proposal. When they saw a good thing they supported it, and that is what they should have done, and that is what our colleagues on the other side of the aisle should do.

When you see a good thing, do not constantly say no, no, no, just because you are afraid that the majority party or this President is going to get credit for a job well done and a promise made and a promise delivered. Get on board. Join the team for the benefit of our seniors and to support a good program when you see one.

It is a time now for all of us to work with our seniors to make sure that they understand the program, that they know how to contact Medicare, www.Medicare.gov or dial 1–800–Medicare. There are organizations in every State, the CMS, Committee on Medicare-Medicaid Services, has contracted with Medicare to explain this benefit.

I know in my own office, Mr. Speaker, we are going to put computer terminals in the main office and have someone there that can be online with seniors who just drop in and say, I have gotten the brochures; I have seen the public service spots on television, but I am still a little bit confused and would you help us out. I know that I am going to do that. I know that the gentleman from Texas (Mr. BURGESS) is going to do that.

I know that my physician colleagues and my health care provider colleagues in this body and hopefully all 435 of us will take that opportunity, because there is a wonderful program and as the gentleman said, and I am so glad that he reassured our colleagues and anybody who might be listening to us this evening during this leadership hour, that we are not going to delay this program. We cannot afford to do that to our seniors. They have waited too long. And as I said earlier, this is a compassionate program, and it would be cruel to pull that rug out from under them when they have waited so long for this opportunity.

With that, my colleague from Texas (Mr. BURGESS), if he would like to make a few more comments and possibly we can have a little bit of dialogue back and forth with the remaining time that we have this evening. And I will turn it back over to the gentleman from Texas at this point.

Mr. BURGESS. Again, I think you have done an excellent job of laying out the case for the prescription drug benefit. We have a saying back in Texas when something is a really good deal, we say it does not cost, it pays. I kind of feel that way about the part B Medicare benefit.

There are three ways that the Medicare part B benefit could, in fact, result in a costs savings for the Medicare program. One was by introducing competition. The second was by the more timely treatment of disease with appropriate medications. And the third way was by intervening far earlier in the disease process before it gets to the more costly end-state of the disease.

Well, guess what, we will not know about the latter two for some time, but we do know about the competition aspect. And competition works. Competition has driven down the cost of premiums. Competition has driven down the cost of the deductible for many of the plans that are going to be available in my State, in my congressional district, and many other areas across the country.

How soon will we know about whether or not the timely treatment of disease results in a lowered cost for treating the disease? I cannot tell you that. But the fact that the emphasis is going to be not only on the timely treatment of disease but on prevention, identifying those individuals who are at risk, using the disease management tools that are available in the Medicare program, how powerful is it that someone would have the knowledge that a patient's weight had gone up day over day so that they need to go to their doctor's office and get their congestive heart failure treated, get their medications adjusted on Friday morning rather than coming into the emergency room late on Sunday night and incurring 4 or 5 days in the intensive care unit at who knows the figure, 6, 7, 8, $9,000 a day.

That is the kind of cost difference we are talking about from the timely treatment of disease. As far as intervening early in the processes so perhaps that person never gets to the stage of heart disease where they develop congestive heart failure, incalculable the amount of dollars that could be saved. Just by increasing exercise, modifying the diet to reduce that risk of type 2 diabetes. Disease management will be a powerful tool for holding down costs in the future.

Again, the gentleman from Georgia (Mr. GINGREY) has done a great job in outlining the benefits of this plan, and I certainly thank him for taking time out of his schedule to come and explain this to his constituents and the American people at large.

I am happy to enter into a colloquy if there is any time left; but I honestly think, Mr. Speaker, that the gentleman from Georgia (Mr. GINGREY) has done a wonderful job, and I will yield to him for whatever his pleasure is at this point.

Mr. GINGREY. Mr. Speaker, I thank the gentleman so much. I appreciate his being with us in talking about this issue.

The gentleman and I are not only colleagues of course here in the Congress, but we are, as I said earlier, fellow physicians; but I think most of our Members realize we are both OB-GYN specialists so we share so much in common. And I would guess that the situation in Texas is very, very similar to the situation in Georgia. Maybe there are some figures that you would want to mention in regard to Texas; but, Mr. Speaker, in Georgia we have got a State maybe a little smaller than the State of Texas population-wise and certainly geography-wise, but we are a State of almost 9 million people now.

There are approximately 85,500 Medicare beneficiaries; 16,700 of those live below 135 percent of the Federal poverty level. These are the folks that are going to benefit the most, and that is why I felt so strongly and passionately about this compassionate program. It is those 16,710 who are at or below 135 percent of the Federal poverty level, Mr. Speaker. There are another 7,000 in Georgia, that brings it up to about 25,000 people in Georgia who are at or below 150 percent of the Federal poverty level. All of these individuals, all of these individuals will be eligible to receive supplemental benefit.

Earlier in the discussion in the hour we talked about the numbers, and I need to correct it a little bit. I think I may have given numbers that were a little bit on the low side. But you may qualify, listen to this, seniors may qualify if you are single and have income below $14,355 and resources are less than $11,500. That does not include your possibly paid-for home and homestead and your automobile. And married couples who have income below $19,200 and resources less than $23,000. Again, excluding their homestead their home and their automobiles.

These individuals and those at or about the Federal poverty level, again, no deductible, no co-pay, no monthly premium; and you get that prescription filled for $1 on generic or maybe as much as $3 or possibly $5 for one of those very expensive drugs that I talked about earlier.

□ 2045

And, Mr. Speaker, here again my colleague may want to talk about the situation in Texas, because I suspect it is very similar.

Mr. BURGESS. Well, Mr. Speaker, the gentleman has caught me without having done my homework as well as he has, so I do not have those figures at hand. But when my colleague was going through that it reminded me of the times we were on this floor over the last 18 months talking about the Medicare prescription drug discount card. And of course in the hour before us there were some individuals who were fairly negative about anything that might be offered from the Republican side of the aisle and they spoke very harshly against that prescription drug discount card for the past 18 months. And that was so pernicious, so pernicious to people who may have benefited from that prescription drug discount card; the $600 a year subsidy and the discount rates that were available on that card.

What a shame. What a shame that their constituents did not get to participate in that because their representatives came back and told them, no, this is a bad plan. It is a Republican plan and it is not good for you.

Well, this is a compassionate plan. This is a bipartisan plan, because there were Democrats who supported the bill, I am grateful to say, the night that we took that vote in November of 2003.

So I urge people, regardless of their party affiliation, to look at the benefits that are available to you in your State, in your area. Look at it with your loved ones. Look at it with your children or grandchildren because there may be some significant savings, some significant benefit to you.

There is also a benefit to the program at large. If you treat your disease more effectively, if you prevent disease effectively overall, that disease process is going to cost less, and that is good for the country as a whole.

I have to tell the gentleman from Georgia that I just cannot let this hour go by without asking one additional time for some type of sane liability reform in this country. We have had good liability reform in Texas, so why does it matter to me with the rest of the country? Why do I even care, since Texas is taken care of? The reason I care is because the cost of defensive medicine in this country in the Medicare program alone probably approaches $30 billion a year. That is almost the cost of this prescription drug program.

If we could reform our liability system, this program costs us nothing. It is the right thing to do and we should do that this year. And I yield back to the gentleman.

Mr. GINGREY. I thank the gentleman from Texas for his leadership not only on the Medicare Modernization and Prescription Drug Act, but also on medical liability. He has been a stalwart supporter of the Health Act that we have passed in this body so many times over the last few years.

Mr. Speaker, in the remaining time that we have I wanted to make a couple of additional comments. We got some good news here recently in regard to the COLA, the Social Security COLA, which is about a 4.6 percent increase next year because of the Consumer Price Index. That is good news for our seniors. That is about a $40 per month, typically, increase in that Social Security paycheck.

Now, it is true that the premium for Medicare part B, even though that premium only covers 25 percent of the true cost, will also have an increase next year of about $10. That $10 from $40 leaves $30 still remaining in that COLA. And even for the seniors who get no supplemental help, that $30 will pretty much cover the premiums for Medicare part B. In fact, it may more than cover them, because, as I said earlier, because of the marketplace, because of competitiveness, pharmacy benefit managers and companies that are going to offer the Medicare prescription drug discount program, we are hearing premiums as low as $20 a month.

And another thing, Mr. Speaker, that we need to say before we conclude the hour, because we have heard so much negative rhetoric about this tremendous gap in coverage, the hole in the donut and the program not being nearly good enough, is that we will have an opportunity to reduce those costs by some companies now with a slightly increased premium, maybe as much as $40, possibly $50 a month, so that there will be no gap in coverage. It will close that hole in the donut completely. So people will have the option of paying a little bit more and having coverage without any gap.

Mr. Speaker, in conclusion, I want to again remind our seniors and ask our colleagues to remind their constituents that beginning November 15 through May 15, 2006, a 6-month window of opportunity will be the time to sign up for the Medicare part D prescription drug benefit. Look at the program and compare. If you have something else, make a comparison, and then make a decision. And make that decision early. Because if you do, then that coverage starts January 1. If you wait until after the program starts there may be a month gap before that coverage kicks in. And if you wait beyond May 15, then there will be a surcharge. So it is very important to do it in a timely fashion.

I thank my colleagues for their attention, and I thank the leadership for giving me this opportunity to discuss something as vitally important as this Medicare prescription drug benefit for our needy seniors.

IRAQ WATCH

The SPEAKER pro tempore (Mr. JINDAL). Under the Speaker's announced policy of January 4, 2005, the gentleman from Washington (Mr. MCDERMOTT) is recognized for 60 minutes.

Mr. MCDERMOTT. Mr. Speaker, I come to the well tonight as part of our continuing Iraq watch to talk with the Members and the folks who are watching about the issues that face us in Iraq.

During the last few months, we have had everything sort of arranged so that we should not pay any attention to the chaos and the deaths and everything else. We were told again and again that the democracy train was on the track and it was going down the track. And a big date was on Sunday, this past weekend, when the Iraqis would vote on a referendum adopting a constitution.

Now, that constitution appears to have been ratified by the Iraqi people. But when I came to this House many years ago, there was an old Texan here who I came to know and respect a great deal. He was the ranking member and then was the second and then finally the chairman of the Committee on Banking and Financial Services. He once handled a very contentious committee of the House in a way that was very respectful and very understanding and gave everybody, Republicans and Democrats, a chance to say whatever they wanted. And, boy, it took forever, but he was always in control.

At the end of it, I congratulated him. I told him I thought I had never seen a committee handled more masterfully. The Committee on Banking and Financial Services at that point was the largest committee of the Congress. There were 50 Members. This man's name was Henry Gonzalez. He was from San Antonio. His son now serves here. Well, Mr. Gonzalez said to me, Jim, I learned two things from an old guy in San Antonio. One of them is, never try and lasso a cow running downhill. Let him run out until he is tired. And the second one is, it is always too soon to congratulate yourself.

I think it is useful for us tonight to think a little bit about that old Texas aphorism as we consider what happened in Iraq in the referendum for the new constitution. This is a constitution that was voted on by people and was created by people who were selected by us, basically. We put them together, molded them and talked to them and kept shaping what was going on inside the organization.

There are three groups of people basically in Iraq, although there are some others, but there are the Shi'a and the Sunnis. Those are two sects of the Muslim faith. And then there are the Kurds, who also happen to be Sunni believers in Mohammed. Now, those three groups of people have all different interests.

The Sunnis have been in charge of Iraq for many, many years. Going back to the end of the First World War, Sunnis have generally been the leadership. In fact they have been the leadership in the country during that entire period. And the Shi'a, although more numerous, have never been in charge because it has not been a democracy. It is very obvious that a minority people, the Sunnis, were running the country. And it was obviously something that was a real irritant to the Shi'a. And in the midst of this, the Kurds got totally forgotten. The Kurds simply were pushed aside.

So when it came time to write a constitution, the United States did something which I think you can understand the thinking that might have gone into it, and that is that if you want to control Iraq, pick the largest group. They are not a majority, but pick the largest group and add one of these other groups to them and that will give you a majority. And if you can get them to see things the way the United States wanted them to see it, we could then drive a constitution which would be acceptable and be voted on by the 18 provinces.

Now, they did that. The Shi'a and the Kurds together wrote a constitution, and it is an interesting constitution because it sets up this kind of a situation. It says that the Sunnis can make their own state and the Kurds can make their own state and the Shi'a can make their own state and they will be loosely connected at the center, in Baghdad, by a federation. So there will be a federal style of government like we have, except for the fact that states will have way more power than the federal government does. Each state can go its own way. If they want to use Muslim law, sharia law, in the Shi'a area, they can put that into place. If they do not want to use that in the Sunni area, then they do not have to put it in place. And if the Kurds want to do something entirely different, they can do something entirely different. So it is a very, very weak bringing together of this country.

Now, one of the issues that is a contentious issue, of course, is the control of their natural resources. Iraq is a very wealthy country. It has oil. One of our diplomats said, Iraq is important because it swims on a sea of oil. The oil is under the area where the Kurds live and where the Shi'a live, so they can pump the oil in their little area and have money to make a nice country. And the Kurds can pump oil and make a nice little country for themselves. But the Sunnis are left out in the cold, because there is no bringing all the money to Baghdad and deciding it should be distributed equally among the three. There is no requirement that that happen. They do not have to give anything to the federal government. They can make their own way.

So now you can begin to see why the Sunnis might be a little bit reluctant to get involved in this new Iraqi government, why they opposed the issue of the constitution, because there was no protection for the minority.

One of the things about our Constitution is that it is designed to protect the minority. That is why we have a Bill of Rights. The government, the President, the Speaker, the Senate cannot run over people in this country because every citizen has a Constitution with a Bill of Rights which says what they are entitled to.

☐ 2100

If you do not feel like you are getting it, you can go to court and exercise it in the courts and have the courts enforce your rights to free speech or ability to live without search and seizure, or your right to bear arms. All of these are rights in our Constitution.

This Iraqi Constitution has none of those rights for the minority. So there is nothing guaranteed to the Sunni or to the Shia or to the Kurds. In fact, the Constitution was written so that the 19 provinces in Iraq, if any three of them have a two-thirds "no" vote, the Constitution would have failed. It would not have been ratified. They would have had to have gone back and come up with another Constitution that made better sense or had more public support.

Now, in an election like this you would say, well, this is a free and fair election. We are going to let everybody vote. And we basically walled off the whole country. They walled off each province. They put a curfew on. They simply restricted the movement of people throughout the entire period and had some very interesting results.

Now, when Saddam Hussein was president of Iraq, he won with 100 percent of the vote and everybody kind of laughed; that is interesting. That must have been some election. Nobody believes 100 percent of the vote. In the Soviet Union when there was 100 percent, you knew the fix was in. There was no real opposition.

What has happened is now that the vote is over and we now look at this election through the eyes of some analysts, the first one is in Time magazine of October 18, today, and there are allegations of ballot stuffing that make this election tainted in the eyes of the Sunni. More than 90 percent of the voters in many Shiite and Kurdish provinces were reported to have voted for the proposed Constitution. In Anbar, a Sunni area, the numbers were equally high. In the swing provinces, the numbers simply look implausible. When you look at the number of votes that they say are there and how many people are supposed to be there, it does not look like things were as they might seem.

So from the eyes of the Sunnis, this is an illegitimate election. It did not ratify the Constitution as far as they are concerned. It is stolen.

Now, what do you think is going to be the reaction to that? What do you think the reaction will be to that? Well, one does not need to be a political analyst or read the New York Times or Washington Post to realize if people think the election has been stolen, they are not going to respect the results and they are very likely going to continue the insurrection.

I think everybody who looks at this situation from the very start said that if this passes, given the way it was put together and given the way the vote came out, there was no way a victory could be declared by the passage of this Constitution.

Now, I am sure the White House and others will come down and it will be in the press tomorrow about how wonderful it is, they have taken another step down the road toward democracy. Well, they have taken another step. I do not know if it is toward democracy. Other papers suggest what is coming is chaos. If you look at the San Francisco Chronicle of today, this says the government is facing a big challenge. Many questions are still to be resolved. Now why is that?

Well, this Constitution was a kind of a moving target. It was not like they wrote it and then they printed up a million or 5 million or 10 million copies and sent them out all over the country to people. They never got it finally written, so most people voted for something today that they had never had a chance to read. They might have heard about it in the mosque or in the street or somewhere, but they never saw and read a copy of it.

One of the things that was happening, one of the groups of Sunni people or politicians, they decided they would go with the Constitution. They were going to support it, but they had a meeting and they talked about some amendments. They needed six or eight or 12 or 14 amendments. Who knows what they wanted. Nobody knows. I do not know. Nobody knew in Iraq. Certainly the average person in the street who voted on this never knew what it was about. And so what this says is the Constitution, they put an amendment in at the last without meeting in body. They just stuck it in there that says they can have major changes in this Constitution before the next election, which is supposed to occur in December. This Constitution was supposed to set up the procedures for them to elect a real constitutional body, a real parliament in December. The one that they have now is called the interim. That is the one we kind of appointed. The fact is that no one knows what is going on.

Now, for PR purposes, our government will say we have taken a further step, we have now moved forward. No one should be surprised. No one in the United States should be surprised if we continue to have our young men and women die. Five of them died the day after the election. Almost 2,000 Americans have died already. We have spent somewhere in excess of $200 billion on this war.

When you think about it, and probably some Members have forgotten, remember when we were told we would not have to pay for this war. When they start pumping oil, the Iraqis will have enough money that they can do all of their own reconstruction. They do not have enough oil pumping to keep the lights on. Most cities do not have lights on but about 2 hours a day. Many do not have fresh water. This is after the United States, with all of our military power and all of our political clout and everything else, has been unable to bring order to this country.

Now, the President will tell you, and I can almost make the speech for him. Well, this election went off very well, and it is because the Iraqis that we trained as policemen and soldiers were out in the streets and things were quiet.

Mr. Speaker, there were Americans standing with machine guns standing prepared to back them up in every situation. This was not an Iraqi-run election; this was an American-run election.

The analysts do not see an end to this. There has been an average of 570 attacks per day, despite the apparent approval on Sunday. Think about it, is that country at peace? Are these people satisfied with what is going on if there are 570 attacks per day?

If we had one attack, we would think the sky was falling, much less having a bomb going off here and there and everywhere all over the place, 570 a day. If we had that going on in this country, we would probably be doing a whole lot different in this body than we are.

We had the mayor of New York who apparently did not want to go to a debate, and suddenly there is a big terror alert in New York and they are searching people's bags. And then it comes out people are not even sure about this information and where the information came from. You realize the use of fear continues in this country on a daily basis. That is what is going on in Iraq. They are creating fear everywhere.

I was over in Amman, Jordan, a few weeks ago. You come there and you realize that there are no hotel rooms. There are a million Iraqis living in Amman, the capital of Jordan. Anybody with money and the ability to get out of Iraq gets out because it is so unsafe. It is so unstable. It is hard to live there with no electricity, no water. It does not make any difference if you have money. If there is no water in the pipes, you do not have water. It does not make any difference if you have money, if there is no electricity. You may have your own generator, but that is a tough way to live with a generator; and then you have to worry about getting gasoline for it. They have a shortage of gasoline. They are importing gasoline into Iraq because their own refining capacity is not sufficient to meet the needs of the country.

When you look at that situation and say, we are going to have another election in 3 months and then we will have a duly elected parliament and then we can go away, folks, what is happening here is the American people are being taken along 1 week at a time. Wait one more week; I can see a light at the end of the tunnel. You are going to see and hear from people that somehow if we just last a little longer, we are going to make it. Some people have accused me of having a certain bias, and perhaps I do.

There are columnists, and this is in The Washington Post. This is George Will's column. George Will and I have one thing in common: we are both Cubs fans; otherwise I do not think we agree on very much. But George Will wrote a very interesting article today. His title is "Standing Up a Constitution." Like you bring in an 18-wheeler with a constitution on the back of it and you push it off and stand it up, now it is in place, we have had elections, and so we must now have a constitution.

He says the first civilian leader of the U.S. occupation, retired Army General Jay Garner, and you may remember General Garner only lasted a couple of months. Well, the reason was he laid out his timetable, reconstruct the utilities, stand up the ministries, appoint an interim government, write and ratify a constitution and hold elections. He said there would be a functioning government in Iraq within 90 days. Ninety days. This was just after Baghdad had fallen. He was the governor, and he was going to run the place. He made this prediction we would get out of there in 90 days.

That was never going to happen. We knew it was not going to happen. The people in the White House did not want it to happen that way. They immediately pulled him and put Bremer in there. The first thing that Bremer did was to disband the army. Think about this for a minute. You have 500,000 people in the army. Are all of those people evil? Are they all bad? Are they all members of the Baath Party? Probably not. The sergeants and the privates and the lieutenants. Yes, the generals and the colonels perhaps. But what Bremer did with one swipe of the pen, he wiped out the entire army so there is no pay. Everybody has to go home to their village disgraced. They cannot take care of their families, cannot pay their bills. What he did was put 500,000 Iraqis underground with a rifle and a grudge. This insurgency that we are seeing, this civil war that we are watching, actually, and it is going to get worse, is one that is simply being driven by decisions made by the United States.

Now what George Will says in this article is that we should not get too excited about a big turnout. He said the fact that people voted in tribal factions enmeshes them in the democratic process and its civilities. They voted, and so now they are stuck with it. Perhaps, but he says in 1929 through 1933, the turnout in German elections was especially high because so were the stakes. In Germany's turmoil, the issues included which mobs would control the streets and which groups would be persecuted. In Iraq's turmoil, the issues are exactly the same.

□ 2115

What followed that period when Hitler came to power was the same chaos that he came out of and put a hold on Germany.

What is going to happen here? We think this constitution is going to stand up? We think that somehow they are going to sit down there when members of the parliament are being killed, when members of the parliament cannot leave the country because they do not dare to leave because they do not know if they will be able to get back in? They simply are a nonfunctional government. This is a failed state.

And Mr. Will finishes by saying: "When America's Constitution was ratified in 1789, federalism was an unfinished fact. It still is but today's adjustments of States rights and responsibilities are" usually "minor matters" that are handled out here in the floor. We basically know what the Federal Government does and we know what the State Government, and it has taken us 200 years to work all that out.

"If the Federal Government of 1789 had not grown in strength," and it did not start strong but it gradually got stronger and stronger, "relative to the States, far more than most ratifiers of the Constitution anticipated or desired . . . " They never thought the Federal Government would be as strong in this country as it was when we started. But they had a mechanism by which that could happen. This constitution that we gave the Iraqis prevents that from happening. What we have done is basically we have divided the country up on a religious basis or ethnic basis. We have not done anything to create nationhood in Iraq. We say we have, but the acts, the things that we have forced down their throat as a constitution basically have not worked.

"So," he says, "the question today, which will be answered in coming years by the political process framed by Iraq's new constitution, is whether the constitution 'stands up' a Nation or presages the partitioning of it, perhaps by the serrated blade of civil war."

He is really saying this question is not over by any stretch of the imagination. There are many analysts, when we read the newspapers worldwide, particularly in the Middle East, who believe that we are going to have 18 separate states. All these states will have their own power, and they will fight war among themselves, and they will always be weak. Some people say that is exactly what the United States wanted. They did not want a strong Iraq. That is why we had to take out Saddam Hussein. We had to take out this strongman who had this country and he controlled it.

Nobody controls Iraq today. I do not care how many soldiers we put there now. We do not control it. We go and control this area, and then we walk and we go over to this area, and suddenly the place that we controlled a couple weeks ago is back right where it was when we went there in the first place. So what is now developing in this country is continued chaos.

Now, there are other articles in today's paper. Many of my colleagues are responsible for all kinds of things in this country, and it is not easy to have a full chance to read all the newspapers, so that is why I am coming out here to talk about this, to talk about what is in the newspaper.

This is a column written by a doctor who is the chief executive of the Iraqi National Movement, which is a Sunni political party. This is a Sunni political leader, in the New York Times in today's editorial page, and his name is Hatem Mukhlis. And the title of his article is that we are "Voting 'Yes' to Chaos." From the point of view of the Iraqi Sunni, this vote that happened a couple days ago, what he says is, "The Iraqi constitution, if it passes, will break the country apart." That is not it might break the country apart or I am fearful that it will break the country apart. It will break the country apart.

Now, when people are of this level of political understanding, we are not talking about a taxicab driver that somebody stopped and asked him. This guy is a political leader in the country, and he does not say that is what he wants. That is not what he wants. But what he is implying is that this is a situation that we have created, and he says, "Anyone who thinks that such a constitution would calm the insurgency has probably been spending more time than he should have reading Alice in Wonderland." The guy obviously knows a little bit about America. He probably was educated here. One would be surprised how many Iraqi leaders were educated in United States universities.

When I went to dinner in Amman, I was at a table with 12 people, of which seven had been educated in the United States and four had been educated in Great Britain. These people are not uneducated or unaware of the ways of the world. They simply know the place in which they live and the people with whom they live. They know the history. They know the way Iraqis think. They know Arab customs. They know what can happen, how people will think about a given situation, and they know that if we put this thing together and say, well, anybody can go off and run their own state, that some are going to go off and run their own state. There is just not any question about it.

And when the country starts coming apart, what is the United States going to do? Are we are going to stand back and say, well, okay, they can have Shi'a country over here and a Sunni country over here and a Kurdish country over here, it is all right with us? Is that what we set out to do when we went in there?

We certainly have not gotten what we thought we were going to get, although we now have passed a constitution. It got so bad, there was so much fear in our government that we were not going to be able to pass this constitution that they went in in the last couple of weeks trying to change the way the votes were going to be counted. They said it has to be two-thirds of those registered to vote. Not two-thirds of those who voted, but it has to be two-thirds of those registered. If they have got 100 people registered, two-thirds is 66. But if 54 of them vote, how do they get 66 against even if everybody voted no? It has to be two-thirds of those 54 who vote. And there was so much uproar over this change that we put through in the days just before the election, the United Nations came in and said if they do that that is not going to be a fair election. We were worried up to the very last minute whether or not we could control what was going on there and have it come out the way we wanted to have it come out.

Now, this Iraqi says: "Rather than unifying Iraqis, this constitution would only increase the rift between our ethnic and religious groups. It could also lead to the Balkanization of the nation, as the 18 states coalesce into three superstates, with the Sunnis trapped between the Shiites to the south and Kurds to the north. Hatred toward those Iraqis who return to Iraq on the backs of American tanks will be nurtured. Inevitably this would lead to more hatred towards the United States, since even though it is the American troops that are preserving Iraq's unity, it was the invasion that has led to this chaos."

We are in a no-win situation at this point. The President cannot win this. Unfortunately, and I think it is unfortunate for all of us, not just Democrats, it is unfortunate for Republicans, the President has said we are going to stay the course. This course has led into more and more and more problems. And it is almost impossible to imagine that the President is going to let this happen right on through the next election.

Images of the Americans leaving off the roof of a hotel in Saigon in 1975 are not out of the realm of believability for this particular situation in Iraq today because the American people want to have their own security taken care of. What they saw with all this money wasted in Iraq was that there was not enough money to take care of the problems of people of Louisiana, Alabama, and Mississippi.

Somebody said that the loans that they give in Iraq are free but the ones that are given in Mississippi for reconstruction have interest. So somebody down there said, What I am going to do, I am going to go over to Iraq and try to pay it off, get my money in Iraq and bring it home. The point being that the American people have realized that the wasting of our resources abroad is not what we elected the President to do. He promised us in 2004 he would protect us, and yet when a hurricane comes FEMA does not exist. He is reduced to telling some guy, when there is a mess everywhere, Gee, Brownie, you did a good job. Brownie did a terrible job. He did no job really. And this war is sapping our energy as well as sapping the goodwill that we have in the world. In fact, it is building more and more hatred out there.

Now, the solution, at least if people have been reading the newspapers, there are two other things the President can do to make things look better. One of them is to distract us. I mean anybody who has ever seen a magician operate knows that they put their fingers up here and snap their fingers so people will pay attention to what they are doing up there, but with this right hand they are doing something else somewhere. They are pulling something from someplace. The distraction in the political process that this government has used has been a very common one.

Last night I was watching a DVD about the Vietnam era, and one of the things that happened during the Vietnam era when things were not going well in this country, there began to be a message from the White House that this was not being caused by Vietnamese. This was being caused by fighters coming from outside. They were coming from the Ho Chi Minh Trail, and we had to attack Laos and we had to attack Cambodia because if we did not, the fighters would be coming from the outside.

When I was watching this DVD last night, I thought to myself we could take those lines and pick them up and put them into the mouths of the President and his advisers today around the issue of foreign fighters. Iraq, they tell us, is not caused by Iraqis. It is caused by those people who were coming from outside. They are the ones. If we could just stop them. Why do the Syrians not close their border?

I am sorry? They mean that if the Syrians would close the border, suddenly this would be all over? Is that what they are telling us? His own generals say that not more than 10 percent of the people fighting in Iraq are from outside. It may be as low as 4 or 5 percent. It is a very small number of people. This is not being caused from the outside. However, if we could start some kind of border fight, they had one, a short one, last weekend up on the border with Iraq, then maybe if we could get something going on on the border there, we could get people thinking that must be what it is. The President is right, there are too many people coming in from the outside.

It is not true. It is not true. There is no evidence of that. The people who really know and who tell us the truth say it is not happening.

□ 2130

They produced a letter the other day. They said we have got a letter from Osama bin Laden's second in command to the guy running al Qaeda in Iraq. If you read today's newspaper, there is all kind of doubts about whether that letter is even legitimate. It was picked up about 3 or 4 months ago. Certain parts of it do not make any sense. It is simply very, very unlikely that that is a legitimate letter from Osama bin Laden. He is asking for 100,000 American dollars in that letter. I mean, come on.

What are we talking about here? I mean, none of that holds together, but it did happen that that letter came up just at the time of the election. Days before the election, here comes a letter.

Every Member of the United States Congress who has been in a campaign in their life at any time has had the sort of Thursday surprise of election before Tuesday. It always happens. They come out with something about that you killed your favorite billy goat in the backyard with an axe or something. Then, after the election's over, it turns out it was not true. Well, here is another one of these things that is coming, and people have to say I wonder if we can believe anything that comes out of this administration.

They will not let us have hearings here. They will not let us get anybody in here to find out what is going on in Abu Ghraib prison. They will not let us have hearings on the issues that threaten our image in the world. We say that we care about human rights, but then you look at what we do at Guantanamo and what we do at Abu Ghraib, and you have to ask yourself why would the President even go to the point of saying we cannot see the caskets coming home? Some young man or some young woman goes out and dies for our country, and they come home and the parents would like to be there at Dover when the casket comes home. Is that too much to ask? I mean, is it really? Would it be that much trouble to make it possible for a family to go when their loved one's coming home? The President said we cannot have any pictures and it will just confuse the public; the public cannot handle it.

The United States population does not need to be hidden from the truth, and the truth is that the foreign fighter argument from Syria is phony, and they are going to use that. If they do not go into Syria or create some kind of a coup or something in the next few weeks, I will be very surprised.

On the other side of Iraq, you have Iran. I think I talked out here on the floor before, but Iran is primarily a Shiite country. It is not all Shiite, but it is primarily Shiite, as is the southern part of Iraq, which has been a back and forth flow of people for a long time. Many of the issues that arise out of this whole confederation idea are troublesome because the Arabs who live in Iraq say you are going to give the control of this country to the Persians, Iraqis and Persians.

We do not think in those terms. We do not know about that kind of stuff. We are such a hodgepodge in this country. We look at somebody and we think, well, maybe I can figure out if that person is Irish or Polish. If there is an African American, I do not know if they came from Africa or the West Indies. If we hear a Hispanic voice, we do not know where they came from. We have no idea. But in these countries, where for 1,000 years they have lived in the same place, they know where everybody is from, and they know who has responsibility for what and so forth.

We now have manufactured this business about nuclear weapons. This is the United States. We have more nuclear weapons than the whole world put together by a factor of 10, and we suddenly get up on our high horse and say you cannot have any nuclear power, because we know if you get nuclear power, you are going to go and make weapons. We have talked about that, and why do we not let the United Nations inspectors go in?

The United Nations inspector Mr. Al Baredei, he won the Nobel Peace Prize. He is the guy who went into Iraq and said I cannot find any weapons. We said we are going to have to go to war anyway. We would not accept the judgment of the United Nations that there were not weapons of mass destruction. The President had decided that the best way to confuse and scare the American people was with the threat that Iraq had weapons of mass destruction and was going to be an imminent danger to us within 24 hours. So he was going to drive that idea, whether the inspectors found it or not. In fact, he was not going to let the inspectors there long enough so that they could at some point give a clean bill of health on that particular issue. He simply would not allow it.

What we are facing now today is that we now have the possibility of going into Iran because we say they are developing nuclear power. We have nuclear power plants all over this country, all over this country. Why can they not make electricity out of nuclear power?

We do not want weapons. Sure, we can deal with the weapons part, but how about having a nuclear power industry? We are not saying people have to close down here in this country or that somehow the British cannot have it or the French and the German. Everybody else has nuclear power. Why can the Iranians not have it? Because we say they are going to use it to make weapons. Well, that may be true, but we have a mechanism by which we can monitor that, through the United Nations. Through the International Atomic Energy Agency, it can be monitored.

Where we stand today is that we have a situation, and I say this in summary, we have a situation where we have rammed through a Constitution in Iraq that both Iraqis and American conservatives are being convinced absolutely it will not work, to being very dubious about whether it will work. If that is where we are and we read in the newspaper, I bring this up because I want people to be thinking about when they read about Syria, why is Syria coming up? Why is Iran coming up? Why are we widening the war rather than pulling out and bringing our troops home?

I happen to be one of those who believes that we could be out of there by Christmas. There is no reason we could not. People say, oh, it will get worse. Get worse than what? Get worse than what is going on right now, where we are losing five Marines at a crack? I do not know how much worse you think it could be if we brought them home and let the Iraqis work it out themselves. They will find a way. They do not enjoy killing each other. That is not the Arab way.

The Arab way is to sit down and figure out a way that they can live in peace. They call it atwa. It is an arrangement that they establish between peoples, and they find ways to resolve these kinds of conflicts. It is foreign to us. We go to court. We are always going after somebody or we go militarily. The idea of sitting down and working it out, having a cease-fire and having a big peace conference in Iraq or in Jordan for that matter, with all the countries around, the Saudis do not want there to be a war. The Egyptians do not want a war. The Lebanese, the Syrians, the Turks, Iranians, none of the people around Iraq want this thing to continue to fester because the possibility of it boiling over into their people is very likely, and they are worried about that.

There is really a lot of cultural interests in bringing this thing to an end if the United States were to allow that to happen, but what is required? It is for the President to listen to what is going on in the world, and I take some hope.

The President has got one of his very trusted folks out. He has given her a new job at the State department, Ms. Karen Hughes. She went out on, I think they thought it was going to be a PR goodwill trip, and got an earful of what was going on out there. She came back with a wholly different view. She had been sitting in Washington, listening to all that goes on in the White House. Everybody's telling everybody, everything that is going is fine; everything's going wonderful; do not worry about a thing. Everything is going to get better tomorrow. She went out and find out how really bad it was.

When she came back, she brought a group of Arab negotiating women into the White House to meet with the President. That is how much things had changed. Imagine the President sitting down with a bunch of Arab women, talking about peace, about what is really going on out there?

This is not a situation that is going to be resolved with guns and military might. We have the best Armed Forces in the world. The people are the best. They are the best trained. They have the best equipment in most cases, if our military people pay attention and order stuff. We have the best and most powerful, but we cannot control the world that way. It will have to have a diplomatic aspect to it, which up to this point has not been there, and it is going to have to be there.

We cannot run Iraq as though it was a colony of the United States. There are 16 bases, which we have built, various sizes of installation. Why are we building permanent bases in Iraq if we want to get out?

It makes you wonder exactly what our plan for Iraq was. I do not think we have ever been told the truth about that, and I think that there are a lot of issues that will continue to come up and will lead us to have this Iraq Watch once a week on the Democratic side because we do not think that people on the other side really want to talk about the chaos and the problems it is causing us, both internally in the United States and externally, and the death and the cost. All of that needs to be discussed.

IRAQ

The SPEAKER pro tempore (Mr. GOHMERT). Under the Speaker's announced policy of January 4, 2005, the gentleman from Connecticut (Mr. SHAYS) is recognized for 60 minutes.

Mr. SHAYS. Mr. Speaker, I am motivated to come because of the comments made by the previous speaker, by an incident that happened today in my committee, and listening on TV to a previous speaker on Iraq.

All three of them, to the best of my knowledge, have not been to Iraq since the war, and yet, they profess to know so much about what is going on in Iraq. I have not quite understood why our colleague would go and meet with Saddam Hussein before the war and not seek to understand and meet with our people in Iraq and the Iraqis after the war.

I voted to remove Iraq out of Kuwait in 1991 because I believed we could not allow Iraq, and Saddam Hussein in particular, to control 19 percent of the world's oil, the 10 percent that was in Iraq and the 9 percent in Kuwait, and then threaten over 40 percent of the world's oil in Saudi Arabia, the Arab Emirate, Qatar and even Iran. So even more than 40 percent. It is almost like a James Bond movie that we would somehow think that we would want that to happen.

People say it is all about oil. No. It is about our being able to light a room, heat a room, provide power in a hospital, to be able to move. Basically, it is about our lifeblood.

So we went in and removed Saddam, and we had an agreement, which he did not abide with for 12 years. In fact, we encircled Iraq, hoping, I guess, that he would eventually comply.

□ 2145

We had inspections that we sought to have him comply to, and he did not. At the time, we did not think he had a nuclear program; in fact, our CIA did not think he had it, and then his 2 sons-in-law went to Jordan and told us exactly where we would find his nuclear program. And then we were able to get Hans Blix and others to go to those areas and we found that he did, in fact, have a nuclear program. So our faith in the CIA, at least mine, sure was impacted significantly, frankly, by the failure of our people to know that, in fact, he had not just chemicals which he used on his own people.

I have been to Iraq 10 times since the removal of Saddam in 2003. I have spoken to Kurdish families that lost loved ones. They described to me how those killings took place. The helicopters flying over, the mists that they saw, their families that collapsed in utter pain. I have also seen the killing fields that existed courtesy of Saddam Hussein. Regretfully, we almost gave him a playroom in which to do these things, because we encircled him with a no-fly zone.

I voted to remove Saddam Hussein from power in 2002, and we did that in 2003 because, like President Bush, former President Clinton, Senator CLINTON, my 2 democratic senators, Senators DODD and LIEBERMAN, I believed he had weapons of mass destruction. I went to Hans Blix and asked him in his own country why Saddam wanted us to believe he had weapons of mass destruction. And he said, he wanted his neighbors to fear him and he said, he never believed that we would come in. I thought, that is kind of hard to believe. But then, when I thought about it, it is not hard to believe. He never thought we would remove him from Kuwait. He never thought we would do that, which is a real lesson that a military power that you have, as powerful as it is, if your adversaries do not think you will use it, becomes a power you ultimately may use; whereas the threat of using it if they believe you will use it means that you can get a change in behavior.

But he also believed we would not attack because we learned that the Oil For Food program had enabled him basically, as the Dulfer Report says, yes, he said, no weapons of mass destruction, but then he said that in his interviews with Iraqi officials, that Saddam believed that he had the vote of France, Russia, and China because of the Oil For Food program, and because of the Oil For Food program, he figured that the Security Council would not allow the United States to go in. Well, they did not. And he figured if France and Russia and China would not vote for us to go in, we would not go in. The President kept telling Saddam, cooperate, or we will come in. My wife would say to me, why is the President saying that? She said, I know he is going to do that. I said honey, he is not speaking to you, he is speaking to Saddam, because we do not want him to go in; we want him to comply.

Now, the bottom line is, we went in. And, in April 2003, being a Peace Corps volunteer and someone who was not in Vietnam and yet, here I am, of Vietnam age sending other troops to Iraq, I thought, well, what could I bring to the table? I realized that what I could bring is what I was trained in the Peace Corps to do: it is to understand their culture, understand how we are able to appreciate them, an Arab Nation, and to see how we could help them have the opportunity to decide for themselves ultimately how to rule their own country. In Mukasa, I was there in April 2003, and I think I was the first Member of Congress to go into Iraq; in fact, I know I was, and I had conversations with a number of people, but one of them was with a gentleman named Mohammed Abdul Hassan, and I said to him, what do we do that makes you uncomfortable. He said, when you throw candy on the ground and our children pick it up as if they are chickens or dogs. He said, when an Arab woman puts her hand to her heart, a Muslim woman, and your soldier is offended, when really she is saying, thank your for honoring me, but Muslim women do not shake hands with men, but particularly with strangers, and you are offended. You should not be offended. She is honoring you by saying, "thank you, but." And, at one point, which seemed a little out of character, he put his hands on my shoulders and looked at me and said, you do not know us and we do not know you.

Well, I could not wait to get back home, because when I go to Iraq, I do it for 3 reasons. I want to see firsthand what is happening so I am not looking at it through the press. Because when you look at it through the press, it is like you look at it through a little scope. It is wherever they focus attention. I wanted to learn firsthand, because I had learned from my concern about his having weapons of mass destruction that I wanted to know firsthand, not through other sources. I wanted to see for myself. But I also wanted to come back home to be able to tell my own government things that I think they needed to do. One of them was very clear as soon as I came back. I said to our own government, we need Iraqi-Americans there, and we need Arabic speakers.

Now, at that time, Iraq was under the control of the military and Mr. Bremmer, and I think they were insensitive to the cultural differences. I think that they did not pay attention to what the State Department had said about looting, about the need for Arab speakers.

The second time I went there, I went outside the umbrella of the military. I want to make this point. I went on my own. Well, actually, I went with some nongovernment organizations that enabled me to stay in Basra, meet with Iraqis, stay in Al Gut, meet with folks in Al Gut, go to Hanacan, Sulaymania, Irbul, speak to every day Iraqis, spend the night, talk to them. The second time I went there, I started hearing, why are you putting my father and my brother and my uncle out of work? Why are you doing that? What did they do? They did not know I was a Member of Congress; they thought I was evaluating the programs provided by these nongovernment organizations, and it was honest, that is what I was doing. I just did not tell them I also happened to be a Member of Congress.

They made such a strong case. They said, why can't we at least guard the hospitals. That rings in my ear, because we have lost 3 American soldiers in my district, the first one guarding the hospital, which is to acknowledge to my colleague who just spoke that we did make mistakes, huge mistakes, and we dug a deep hole.

We basically created a void because we disbanded their Army, their police, their Border Patrol, and their government. We put over 400,000 people out of work and, in the process, all of their family members became a bit angry. So we are talking about nearly 2 million Iraqis who were basically told by our government, you have no future role in Iraq.

And I say that and I wish the administration would acknowledge it, because rather than making me more concerned about where we are today, it makes me appreciate where we are today. If we were up here in April 2003 and were a little ahead or a little behind; we dug ourselves a huge hole by disbanding their Army, their police, and their Border Patrol. But when you see how far we were down, you realize now that we have come a long way. We, the Iraqi people, and we, the United States, in the incredible dedication of our troops, we lost nearly 2,000 Americans, but we have had over 14,000 who have been injured, and some of them quite severely.

The bottom line is, though, if you appreciate that we have come a long way from the hole we dug, you do see the progress that my colleague does not seem to want to see or acknowledge, which I think has been quite significant.

Another time I went to Iraq, I had one of Mr. Bremmer's people pull me aside and say, we do not have any resources. I only have one person here: me. And it is all centrally controlled. And we need money. I need at least 50 people. The Marines are leaving and they did kind of the work I was doing, interacting with the populace and the polls are coming in and they are not going to do it the same way. We need resources.

I came back and said, we need resources. I was a little shocked to find a month later that we saw tens of billions of dollars being added. A little resources was a lot more than I thought. And I do feel that if I had it to do over again, I would have wanted to have a clearer picture of the potential costs. I still would have been very strongly an advocate of going into Iraq, but I would have liked to have known the costs better. And that is one area when I look back and I say, why did I not try to determine those better.

Another time I went in, I met with our folks who take the weapons, the IEDs, the improvised explosive devices and they break them down, and I went and saw a room filled with hundreds of these tiny mechanisms. And the people that were there, there were about 2 to 3 of them. I know 2 in particular, and they said, we only have a handful of people. We need 50 to 100 folks to help us break these down. They were key chains, the keys that would open the door, they were the car door openers, they were timers in washing machines. They said, if we had more people we could break down where they were made, because we could identify the type of unit that is made to make these bombs and we would know where to go in Iraq. When I came back, I frankly asked to meet with the President and had an opportunity to share my concerns with the President and other officials about the need to get people in that area, which is to say that, and then that happened. We got those individuals. And we were able to break down a lot more of these weapons.

I believe, as I point out in other criticism, before I talk about some of the amazing things that have happened, I believe that if the White House had been more open to legislative oversight, and we in Congress had been more aggressive on legislative oversight, Abu Ghraib never would have happened, because this is what would have happened. One of us would have been in Abu Ghraib, and a soldier would have come up to us and probably use stronger language than I am going to use, and he or she would have said, I do not know a darn thing about overseeing prisoners. I am a cook. I am in artillery. I do not know how to do it. By the way, Congressman, some pretty bad things are going on here by a few people. And we would have then raised questions, and it would have been looked into.

So one of the sad things from my standpoint is in summary, I wish that our military had listened more to what the State Department said would happen, which did: the looting, do not disband the Army, the police, or the military, or the government; I wish that we had done oversight in a stronger way.

But this is the amazing thing that has happened. It is absolutely amazing. Those who have voted against the war have been in strong criticism of the President. So almost everything he does, they are critical of. And yet, when they are critical of it and it turns out right, they just kind of fade into the woodwork. They said, do not transfer power to the Iraqis in June, do not rush them. And we did, and it was a huge success, the transfer of power in June of last year. Every critic of the President said do not do it, it will be a failure. When it succeeded, they just acted like nothing happened. Well, a huge thing happened. We transferred power.

I can tell my colleagues that it worked and it was significant because when I was there for one of my visits and I had met with the President and I had met with the Prime Minister and I had met with the foreign minister, the Foreign Minister Negroponte, and what was crucial about the transfer of power, besides giving the Iraqis the authority, was we took it away from Defense to run the government, Mr. Bremmer, and let them fight the war, and we gave it to State Department to be our liaison with a legitimate government, or at least a government that now was in Iraqi hands. I will say legitimate in parentheses since there was not any election.

So we went out on this press conference and there was all this Iraqi press, and I have to tell you, I thought, this is kind of a kick, I am going to have a press conference with Iraqis. The first thing I said was, "we made some mistakes, but." And there was nodding of heads by the Iraqis because I knew that they all agreed and knew that it was a mistake to disband the Army, the police, the Border Patrol and the government, at least most of them felt that way.

Well, the first question was to the Iraqi Foreign Minister, so I stepped aside and he answered the question. I asked, is there another question. The second was to the Foreign Minister. I stepped aside and he answered that. This went on for 3, 4, 5, 6, 7 times and I finally said to Mr. Negroponte, I said, Ambassador, what better proof do we have that the Iraqis believe, and with justification, that their own people are now in charge.

□ 2200

That was a huge, huge success, for which the President basically got no credit. Then there was the election in January 2005, and all of the critics said do not have this election, it is going to be a big failure. There is going to be violence. It is not going to work.

Well, I was there on election day. And it was one of my most thrilling moments as a Member of Congress, because I was getting affirmation that we were clearly on the right track. Clearly on the right track. I was in Irbil. And I met with the Democratic Institute, and the National Democratic Institute and the International Republican Institute that are funded to help countries all around the world understand democracy.

And in these institutes were not Americans; they were all of the people we had helped in different places, in Yugoslavia and South America. They were all there to help Iraqis. It was thrilling to see all of this world community to come to help.

But at any rate, I am going and witness the vote. And I had a badge on that gave me the privilege of serving, and in Irbil there was this school, and there were three classrooms on one side, and three classrooms on the other. And people were going in, and registration was running pretty well.

Under Saddam if you did not register, you were likely to get killed. So we had a pretty good registration list. But what was amazing was in every one of those rooms the furniture was the same; it was corrugated cardboard, but so firm it was like furniture.

And people were given their local, their state, and their Federal ballot. They went behind a protected area. They voted and then they came up to the person who was right there with the three ballot boxes.

The person took their ballots, folded them up and put them on top of each ballot. And then took their finger and stuck it in the ink jar. And I am thinking, well, this is interesting. You get killed, I am told if you vote, and yet those folks are putting their finger in an ink jar.

And I learned from some from South America, they use that system in South America in some of the countries. If you try to erase the ink it gets darker. The only way you can take it off is to take your finger off. You just have to wait until the skin dies. So it is there for many, many, many days.

And I am watching this. Give the ballot. Put your finger in the ink jar. And I wanted to bond with the Iraqis. I was in a Kurdish village. And I went up, I think somewhat meekly, and I said, would it be all right if I stuck my finger in that ink jar?

Well, the woman who was in charge of the election there looked up at me, looked down at the ink jar, looked up at me again, looked down, then looked up at me again and then she said, no, you are not an Iraqi. I was embarrassed.

Everybody looked at me. I sure was not an Iraqi. And then I welled up with this incredible emotion, for two reasons. The pride that she had, and I was not one of her. But she was a Kurd, and she said I was not an Iraqi. She did not say I was not a Kurd.

I saw Iraqis line up to vote. They were dressed up. And they brought their men with them, the Iraqi women, because they wanted to vote. And I saw them carry their children, just like we would do.

Later that day, I met with the President of Iraq. The election is in January. This was to elect an assembly which would then select people for a panel for the Constitution, that then had to be ready by September for a vote in October. And he told me he got there half an hour early. And they made him wait a half an hour.

And then he smiled, and he said, is that not terrific? But then he got angry, and he said, I was fined $1,000 for campaigning the day before the election.

And I said, well, Mr. President what did you do? He described to me what he did. And I am thinking to myself, it sure sounded like campaigning to me. And then he said, But, you know, they fined everybody else too.

And I thought, you know what, this is amazing. When I met with the election officials later that day, I learned there were 160,000 Iraqis who ran this election. Contrary to what my colleague said previously, this was not run by Americans. We taught them, Yugoslavians taught them, South Americans taught them, the English taught them, some in the eastern European nations, other Eastern European nations had come to tell them about democracy.

They set it up, and they ran it almost flawlessly. Frankly, better than happened in some of my own urban communities in my own district. There was immense pride, and there should have been pride. So it took them a while to get their government, but they did. And they were a few weeks late in getting their Constitution.

What did the press say? The press said, they are failing. That is what they said. All of the major newspapers on TV, they are failing. And I am thinking to myself, they have failed because they missed a deadline by a week or two? They failed? So I began to think. Let me think. 1776. Declaration of Independence. Articles of Confederation. Constitution of the United States. I think that was like 13 years.

And then as Condoleezza Rice pointed out to me, besides the failure of the Articles of Confederation, in our Constitution, if you were black you were three-fifths a person and a slave. Women did not have the right to vote. And there were a few other things. We punted on a few issues.

Now, the Iraqis have given women the right to vote. The Iraqis have even guaranteed 25 percent of their seats in their assembly will be women. That is what they have done. The Iraqis have said Sharia law exists if you declare under Shiia or Sunni, Sharia law. If you declare you are a Shiia or a Sunni. But if you choose to be under common law, then you are under common law.

They then have tried to draw in the Sunnis, who in the negotiations were allowed to participate even though they did not vote in the last election, they did not vote. But they were still there.

But the Sunnis would tell us that they did not have this authority to say, yes, we put our stamp of approval on this, because they said we were not elected like you were, Shiias and Kurds.

But they agreed with so much in private as to what was done. And the Shiias and the Kurds kept trying to say, well, if we do this, do this. And then we hear in the press that somehow this is a bad thing. And then I began to think about our Constitution. When we had the Constitution, it did not include the 10 Bill of Rights, and fortunately, Virginia, in particular, said we want the Bill of Rights.

And Jefferson said, we want the Bill of Rights. We had to change our Constitution 10 times in order to become these United States. We had to amend what had been already agreed to. And yet we are not even saying that the Iraqis can do the same thing? And we are saying they have to do it in 2½ to 3 years, when we took many, many years, and along the way had the Articles of Confederation.

So I look at the transfer of power in June of 2004 and say what a huge thing. Then the elections in 2005. So what about the election that just happened? I kept turning to the press to see what happened. And I did not hear what happened. And then it dawned on me: you know, it must have been a success, because the press was not talking about it. What a horrible thing to say and have to admit, but it is so true.

If it is a success, it is not going to be talked about, which is to say, frankly, if the press moves to al-Kut, that is where the bombing would be, not in Baghdad.

If the press moved to Basra, that is where all of the bombing would be. If the press moved to Kadhimain, that is where all of bombing would be because the bombing is not for domestic consumption; it is for international consumption.

The Iraqis are used to bombings. They have 400,000 people in the killing fields. They have the dead in the Kurdish areas because of the chemical weapons Saddam used. I met a woman who for 10 years was not allowed to go out of her house. I do not say out of her property, out of her house. Because her parents were so fearful, given her looks, she was attractive, that Udai and Qusay would choose her as their woman of pleasure some night, Saddam's two sons.

It was a horrific place to be. And now Iraqis are forming their government. When I asked Iraqis during any number of my 10 visits, what is your biggest fear, their biggest fear is, and it is hard to tell you how I feel when I say it, but they say that you will leave us. That you will have us taste what you have, give us an idea, give us a sense of how life could be without Saddam, give us a sense to have our own destiny determined by the majority, that you will leave us.

I say to them, we will not leave you. Now, you know what, I do not think we will. But when I hear the talk and I look at CNN and I look at other newscasts and I hear the blind, we are in a mess in Iraq, and I see the transfer of power, the election in January, the referendum now, and what I believe will be a huge participation in December, I am saying, I am in awe of what the Iraqis have done.

I am in awe of what our Americans have done. Because while we never should have disbanded the army, the police, the border patrol, their government, we did, and the Americans, the limited number of Americans had to fill in the void and pay a huge price.

But they also have done something else besides trying to maintain security, trying to teach about democracy, trying to build an economy. They have trained their army, their police, their border patrol, they are training their government officials.

Six months ago, I would have had to tell you honestly, and I would have been honest, that the police were not professionals, because they were not. They did not have enough training. They did not have enough experience. They did not have enough equipment. But now we are giving them the training, the equipment. They have the cars, the uniforms, the places, the weapons, the training clearly; and now they are getting the experience.

They are getting the experience. The military was able in the last town that we were able to free, the Iraqis went in. We followed. The Iraqis freed the town. We followed. The bottom line is, we followed and the Iraqis are now able to hold it.

Let me get toward the conclusion here and just say to you that we may fail or we may succeed, but we have a better chance. We have a better chance in Iraq than we had when we formed our own country.

Dave McCullough in "1776" said we needed lots of miracles. We needed the miracle to make sure the wind was blowing in the right way so George Washington could leave and escape the British in New York.

We needed a miracle to get Massachusetts and Virginia to agree. We did not have three parties. We did not have the Kurds, the Shiias and the Sunnis. We had 13 very independent States. We had large States; we had small States. How are you going to get them all to agree? Are Rhode Island and Delaware going to agree to let Virginia and New York or Pennsylvania govern? No. But we did it. They do not need a miracle. What they do need is a little more time.

What they do need is the possibility that they can have their elections, that they can refine their Constitution, and that they can make sure their military has the capability to provide the security.

So when people say, what is our exit strategy? I say it a hundred times, it is very simple. And when they say we do not have an exit strategy, that is simply not true. We have had an exit strategy from day one. It has been revised a few times, but we have had an exit strategy. It has been revised because we underestimated the strength of the insurgency. We underestimated the consequence of disbanding their army, their police and their border patrol; but our strategy is so basic, so simple, and it does not need to be doubted.

Our strategy is to train their police, to train their border patrol, to train their military so they have the capability to keep order. To train their government so that they not only know about majority rule, but minority rights. To give them more time to experience the government, to give them more time to have their military be engaged in a fight with help from the United States. Will we leave? We will leave probably sooner than we should.

□ 2215

In my judgment, Senator McCAIN and others have been right. We have been understaffed in Iraq. We will leave probably sooner than we should but we will not leave completely because Iraqis will still need logistical support. Their military will not have the cooks, the people who can do the transportation, and all the other things that they need besides that fighting force. They will not have the air power that they will need. And frankly, I do not think they are going to want us to leave from Iraq completely when they have neighbors like Syria, the Turks who fear the Kurds, the Iranians that fear the Kurds and are trying to wrap their arms around the Shias, and the Saudis who do not want democracy to succeed.

When my colleague, the previous speaker, talked about how people predicted bad things, I know darn well that the President of Egypt predicted the election in January would not succeed. He was wrong. He predicted the constitution would not pass and I think he is wrong. And I think it relates more to not the United States but more to the idea that Sunnis are having to give up power in Iraq to Shias, and that is of concern to many.

Have there been other benefits from our being there? I do not think that you would have seen Qadhafi and Libya do a 180 degree turn. It was around the time we captured Saddam Hussein that Qadhafi I think probably thought, you know, I have billions of dollars. Why would I want to end up like Saddam Hussein? Why in the world would I want that to happen? And in Syria even the Israelis were saying the Syrians will not leave Lebanon but they left Lebanon. I do not think they would have left Lebanon if we were not in Iraq. Fortunately, the Syrians fear we might do something in Syria.

Now to some in my district they think that would be the craziest thing in the world to do something in Syria. No, the craziest thing would be for the Syrians to fear that we would not do something. The craziest thing would be for us to say that we will not do something in Syria. The smartest thing is to keep the Syrians wondering so we can have a change of behavior without using military.

When I met with the Syrian ambassador he said, We want to be your friends. Just tell us what we are doing wrong and we will stop. And I said to the ambassador, Mr. Ambassador, we will not want to tell you the things we know you are doing wrong and then just have you stop the things we know you are doing wrong. We want to you stop even the things we do not know you are doing.

We want you to stop allowing insurgents to come into Damascus who are terrorist bombers who then come into Iraq to blow themselves up. When my colleague said only 10 percent of the insurgency are foreigners. I thought, yes, there are only 10 percent of them but 98 percent of them are bombers, people who blow themselves up. If we could get rid of that 10 percent, we would get rid of 98 percent of the suicide bombers. Most Iraqis do not have any interest in blowing themselves up.

So there is more I could say about Iraq. I am in awe of what our troops have done. I am in awe of the Iraqi men and women that I have met. I believe that most Iraqis who are involved in this government believe they are the Madisons, the Benjamin Franklins, the George Washingtons. They believe they are helping to create a new nation that not unlike its fledgling democracy in the United States, where you could have said, you know, tell me a country that has been a democracy, a country where there have been some States. Tell me a country. You could have used the same argument against the United States. Nobody has it. It is not a natural thing. We in this world have kings and queens and dictators.

Well, what I found at least with the Iraqis is they take to democracy. They love the debate, the dialogue. They love to barter. They love it. And there are a lot of things we could criticize what they have done, but I think in two and a half years they do not need a miracle, but they make me feel like they are doing something that will have unbelievable significance in the long run for peace and prosperity.

PROGRESS IN IRAQ

The SPEAKER pro tempore (Mr. SHAYS). Under the Speaker's announced policy of January 4, 2005, the gentleman from Texas (Mr. GOHMERT) is recognized for 60 minutes.

Mr. GOHMERT. Mr. Speaker, I have to indicate what an inspiring talk that was that the gentleman from Connecticut (Mr. SHAYS) has provided this body and those who all may be tuned in. It was very touching, extremely informative, and most helpful; and it was a pleasure to hear.

As I think about some of the comments that have been said in recent days regarding the Iraqis and the Iraqi government and those people who are trying to become a self-governing people, I am struck and I am brought back, as the gentleman from Connecticut (Mr. SHAYS) was, back to the days of this country's battle for independence, and all the naysayers that were around. It is estimated that perhaps less than a third were actually those who were actively involved in seeking independence and truly believed in the cause.

Having been in Iraq earlier this year, after the January elections, having seen what the Iraqis were getting a glimpse of, it is like being a teacher and seeing the light come on with a student. They get it. They understand. Make no mistake, there are corrupt people in Iraq just as there are in America. There have been elections stolen in America. There have been, I am sure, improper voters everywhere there has ever been a vote. But this is truly an awesome historic time.

Could it fail in Iraq? It sure could. Could it fail for sure if we abandon what has been done in the cause for which so many have already given their lives? It sure could. It could fail. And it is heartbreaking when people say, let us just get out before the job is done and let us just get out, meaning that those people who laid down their lives in service to this country, in helping to spread freedom and fighting insurgency and terrorists in other streets so we do not have those fights here in this country, we will, we have, but the major battles have been overseas because the terrorists get it.

They understand once the seed of democracy begins to bloom in the Middle East, then it grows and it spreads seeds that then grow up and democracy spreads because once people get that glimpse of self-government it is an incredible thing. Just like John Adams wrote his wife, Abigail, and explained, the thing that philosophers through the ages have talked about, this idea that people could govern themselves is just within our grasp. Oh, to be living in this time when it is so close within our grasp.

Well, we have been the beneficiaries of that. As I spoke to people in Iraq one gentleman, tears began to come as he talked about how brutal and barbaric it had been in Iraq under Saddam and how because of Saddam's spies that were everywhere, neighbors could no longer trust neighbors. They could not speak what they thought without worrying about somebody turning them in. They could not make anybody mad in the neighborhood because then somebody might enter a false report to get them arrested just out of spite. Even the spies had to be careful because they were spied on by others. And so it was a paranoid area.

He said neighbors for years had quit speaking to neighbors out of this kind of fear and paranoia, but it was not just paranoia. There were really people out to get them in order to move up. I know having spent a summer in the Soviet Union, it was the Soviet Union when I was there back in 1973. I had asked one of the Soviet students when somebody rushed out of a room, I said, Where is that person going? He said, She is going to tell on me because in your country maybe money helps advance you, but in my country the only way you get anywhere is to step on other people on the way up.

That is the way it was in Iraq. You stepped on other people to move forward, and it was a terrible time to live in. And this man, as tears welled up, he said on the day of the election neighbors that had not spoken for years, they came out, they held hands and they walked to the polls together to vote.

Now, anybody that would seek to demean the great things that have already been accomplished that has put the self-government within these people's grasp so that the seed of democracy might grow and flourish and develop and spread to the surrounding countries, is just intolerable. There are great things that have occurred. There are people who have laid down their lives so this could happen. There are people who have laid down their lives in service to this country. There are people that have been wounded and hurt. And as the speaker said, we have visited those people, we have been with families at funerals and it is heartbreaking. But there is a seed of freedom and democracy and the potential for self-government that has been granted.

Now, comparisons continue even tonight to be made by a colleague across the aisle who wants to compare this to Saigon. This is not Vietnam. Iraq is not Vietnam. It is completely different. That advisory action where we had advisors in Vietnam that was escalated by President Kennedy and then escalated further into a full war even though it was called police action by President Johnson, and then was ultimately, even though he is no hero of mine, President Nixon did get us out of Vietnam. I am not pleased with the way it was done, but people were made to die for nothing. But they did not die for nothing. They died for the ideal that man was created by their creator with God-given rights. They did not die for some wishy-washy government in Washington.

Now, this election in Iraq and what is going on over there is historic. It is awesome. It is being done by valiant people to demean what has been done and the lives that have been sacrificed, even by Iraqis, is simply inappropriate, excessive political exuberance at the cost of truth, honesty and dignity.

Now, the naysaying brutality that is being heard verbalizing this idea that we should have our head in the sand is simply inappropriate. I was grilled by some Al-Jazeera reporters. They said, You must have been upset by the January elections. Your candidate was not elected. I said, We were not here about a president. We were here about a process, that you would govern yourself, and you would select your own president.

□ 2230

It is not about a president. It is about a process. And they began to see.

And some of the Sunnis had said, you know, we were told by our leaders not to vote; that, for one thing, the vote would not come off because of all the violence, and we saw that did not happen. People did vote anyway. We were also told it would be a fraud, that the Americans would use this as a way to install their puppet government. But that did not happen. The guy that was most friendly to the United States got third place. We saw, wow, this was a real election and we missed it. We are not going to let that happen again.

And even though it may not have been a majority of the Sunnis, the Sunnis bravely came out and voted. And they voted knowing even still their religious leaders were speaking against it.

I was able to relate to the Al-Jazeera and some of the Iraqis present with a story that can be depicted in the beautiful huge portrait outside this very floor of the Constitutional Convention with Chairman Washington standing there. The story that was told was of Benjamin Franklin sitting there, as depicted in his chair at the Constitutional Convention after they had come up with a document, finally. And he said, you know, I have been looking at that half of a sun engraved on the back of your chair trying to decide through the process of this convention if that was a rising sun or that was a setting sun, and now I believe it is a rising sun. And I related to the Iraqi reporters, I believe what I am seeing in this country is a rising sun.

It is an incredible day in the history of mankind that in the area where many believe the cradle of mankind existed, where mankind started, for the first time in thousands of years that area is about to govern themselves. We have done a great thing.

There are things that I have heard right here on this floor that I might disagree with our President over, but I thank God that he has stayed the course. Because if the seed of freedom and self-government is allowed to grow and flourish in Iraq, it will spread with other seeds. We are already seeing that, as the gentleman from Connecticut pointed out, in surrounding areas, if we stay the course long enough to let them take over, let them govern. We have trained their policemen. We are training their soldiers, and they are nearly ready to take over. What a glorious day that will be for them. They are not going to agree with us on many things, but they will be a free people and they will understand that freedom.

I thank God that in the late 1700s, 1776 to 1789, that the naysayers that said how stupid this was, that those in France who were the naysayers to this gentleman, Lafayette, who really saw something in the potential for these colonies in America, I thank God, the very God we see inscribed above the Speaker's chair, where it says "In God we trust," I thank that God that the naysayers did not prevail; that the naysayers, those with their heads in the sand, the negative people, that they did not prevail. Thank goodness that freedom won out.

And I am praying to that same God that it prevails in the Middle East, despite the naysaying of those who would be heard even in this body itself. And, Mr. Speaker, I am grateful to have had the opportunity to have addressed this issue this evening.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BECERRA (at the request of Ms. PELOSI) for today.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Ms. KAPTUR, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

(The following Members (at the request of Mr. PAUL) to revise and extend their remarks and include extraneous material:)

Mr. SHUSTER, for 5 minutes, October 19.

Mr. GARRETT of New Jersey, for 5 minutes, October 19.

Mr. MARCHANT, for 5 minutes, October 19.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. DENT, for 5 minutes, today.

ENROLLED BILL SIGNED

Mr. Trandahl. Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 3765. An act to extend through March 31, 2006, the authority of the Secretary of the Army to accept and expend funds contributed by non-Federal public entities and to expedite the processing of permits.

ADJOURNMENT

Mr. GOHMERT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 35 minutes p.m.), the House adjourned until tomorrow, Wednesday, October 19, 2005, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

4526. A letter from the Secretary, Department of Defense, transmitting a letter on the approved retirement of General Kevin P. Byrnes, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

4527. A letter from the Director, International Cooperation, Department of Defense, transmitting pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, a copy of Transmittal No. 07-05 which informs of an intent to sign a Research, Development, Test and Evaluation Annex to the Memorandum of Understanding between the United States and Australia, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

4528. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 05-30, concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance to Chile for defense articles and services; to the Committee on International Relations.

4529. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of the State, transmitting a copy of the Memorandum of Justification under Section 610 of the Foreign Assistance Act of 1961 regarding the determination to transfer FY 2004 and FY 2005 funds to the FY 2005 International Narcotics Control and Law Enforcement Account for the Women's Justice and Empowerment Initiative; to the Committee on International Relations.

4530. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergency Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), section 505(c) of the International Security and Development Cooperation Act of 1985, 22 U.S.C. 2349aa-9(c),and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to Iran that was declared in Executive Order 12957 of March 15, 1995; to the Committee on International Relations.

4531. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting in accordance with Section 645(a) of Division F of the Consolidated Appropriations Act, FY 2004, Public Law 108-199, a report of the amount of acquisitions made by the Department from entities that manufacture articles, materials, or supplies outside the United States; to the Committee on International Relations.

4532. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of Presidential Determination No. 2005-34, Waiving Prohibition on United States Military Assistance with Respect to Benin, pursuant to Public Law 107-206, section 2007; to the Committee on International Relations.

4533. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting a report entitled "Report of U.S. Citizen Expropriation Claims and Certain Other Commercial and Investment Disputes," pursuant to Public Law 103-236, section 527(f); to the Committee on International Relations.

4534. A letter from the Secretary, Department of Agriculture, transmitting the semiannual report of the Inspector General for the period ending March 31, 2005, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

4535. A letter from the Under Secretary for Acquisition, Technology, and Logistics, Department of Defense, transmitting the Department's FY 2004 report entitled, "Performance of Commercial Activities," pursuant to 10 U.S.C. 2461; to the Committee on Government Reform.

4536. A letter from the Auditor, District of Columbia, transmitting a report entitled, "Audit of Advisory Neighborhood Commission 2D for Fiscal Years 2003 and 2004," pursuant to D.C. Code section 47-117(d); to the Committee on Government Reform.

4537. A letter from the Director of Finance and Administration, Delta Regional Authority, transmitting in compliance with the Accountability for Tax Dollars Act of 2002 (ATDA), a copy of the Authority's Audited Financial Statements for FY 2004, pursuant to Public Law 106-554, section 382L. (114 Stat. 2763A-280); to the Committee on Government Reform.

4538. A letter from the Assistant Secretary for Policy, Management, and Budget, Department of the Interior, transmitting the Department's Annual Report on grants streamlining and standardization, covering the period from May 2004 to May 2005, pursuant to Public Law 106-107, section 5 (113 Stat. 1488); to the Committee on Government Reform.

4539. A letter from the Assistant Secretary for Civil Rights, Department of Agriculture, transmitting in accordance with the requirements of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002, the Department's annual report for Fiscal Year 2004; to the Committee on Government Reform.

4540. A letter from the Acting Chairman, National Transportation Safety Board, transmitting the Board's 2005 FAIR Act inventory; to the Committee on Government Reform.

4541. A letter from the Chief Justice, Supreme Court of the United States, transmitting a copy of the Report of the Proceedings of the Judicial Conference of the United States for the March 15, 2005 session, pursuant to 28 U.S.C. 331; to the Committee on the Judiciary.

4542. A letter from the Secretary, Department of Health and Human Services, transmitting a copy of the Annual Report to Congress on the Refugee Resettlement Program as required by section 413(a) of the Immigration and Nationality Act; to the Committee on the Judiciary.

4543. A letter from the Assistant Attorney General, Department of Justice, transmitting the Department's report on the effects of Parental Kidnapping Laws in domestic violence cases, pursuant to Public Law 106-386, section 1303; to the Committee on the Judiciary.

4544. A letter from the Assistant Attorney General, Department of Justice, transmitting the Department's report on stalking and domestic violence for 2002 through 2004, pursuant to Public Law 106-386, section 40610; to the Committee on the Judiciary.

4545. A letter from the Assistant Attorney General, Department of Justice, transmitting the Department's report to Congress for 2004 on Safe Havens: Supervised Visitation and Safe Exchange Services and Programs, pursuant to 42 U.S.C. 10420(d); to the Committee on the Judiciary.

4546. A letter from the Chairman, Federal Trade Commission, transmitting the Commission's Twenty-Seventh Annual Report to Congress on the activities during Fiscal Year 2004 as pursuant to subsection (j) of section 7A of the Clayton Act, pursuant to 15 U.S.C. 18a(j); to the Committee on the Judiciary.

4547. A letter from the Chief Executive Officer, United States Olympic Committee, transmitting the 2004 Annual Report of the United States Olympic Committee; to the Committee on the Judiciary.

4548. A letter from the Interim Staff Director, United States Sentancing Commission, transmitting a copy of the 2003 Annual Report and Sourcebook of Federal Sentancing Statistics, pursuant to 28 U.S.C. 994(w)(3); to the Committee on the Judiciary.

4549. A letter from the Secretary, Department of Labor, transmitting the Department's report entitled, "2004 Findings on the Worst Forms of Child Labor," pursuant to 19 U.S.C. 2464; to the Committee on Ways and Means.

4550. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—Stock Held by Foreign Insurance Companies [TD 9226] (RIN: 1545-BD27) received October 4, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4551. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—Research Credit, Section 41 (b), Qualified Research Expenses. [U.I.L. 41.51-01] received October 4, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4552. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—Examination of returns and claims for refund, credit, or abatement; determination of correct tax liability. (Rev. Proc. 2005-67) received October 4, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4553. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—Reduction in Certain Deductions of Mutual Life Insurance Companies (Rev. Rul. 2005–58) received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4554. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property (Rev. Rul. 2005–57) received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4555. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—Sherwin-Williams Co. Employee Health Plan Trust v. Commisssioner, 330 F.3rd 449 (6th Cir. 2003), rev'g 115 T.C. 440 (2000)—received September 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4556. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—Treatment of Certain Amounts Paid to Section 170(c) Organizations under Certain Employer Leave-Based Donation Programs [Notice 2005–68] received September 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4557. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—Transfers of Excess Pension Assets to Retiree Health Accounts (Rev. Rul. 2005–60) received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4558. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—Last-in, first-out inventories. (Rev. Rul. 2005–63) received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4559. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—Administrative, Procedural, and Miscellaneous (Rev. Proc. 2005–61) received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4560. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—Collected Excise Taxes; Duties of Collector [TD 9221] (RIN: 1545–BB75) received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4561. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—Guidance under Section 951 for Determining Pro Rata Share [TD 9222] (RIN: 1545–BD49) received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4562. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—Examination of returns and claims for refund, credit, or abatement; determination of correct tax liability. (Rev. Proc. 2005–62) received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4563. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—Adjusted Gross Income Defined (Rev. Rul. 2005–52) received August 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4564. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—Weighted Average Interest Rates Update [Notice 2005–63] received August 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4565. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—Exclusions from Gross Income of Foreign Corporations [TD 9218] (RIN: 1545–BE16) received August 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4566. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—Capitalization and Inclusion in Inventory Costs of Certain Expenses (Rev. Rul. 2005–53) received August 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4567. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—Property Transferred in Connection with the Performance of Servcies (Rev. Rul. 2005–48) received August 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4568. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—2005 Section 43 Inflation Adjustment [Notice 2004–56] received August 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4569. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—Guidance Regarding the Simplified Service Cost Method and the Simplified Production Method [TD 9217] (RIN: 1545–BE61) received August 10, 2005, pursuant to U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4570. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—Modification of Notice 2005–4; biodiesel and aviation-grade kerosene [Notice 2005–62] received August 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4571. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—2005 Marginal Production Rates [Notice 2005–55] received August 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4572. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—Automatic Consent for an Eligible Educational Institution to Change Reporting Methods (Rev. Proc. 2005–50) received August 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4573. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—Information about additional criteria that will be applied in selecting proposals for the Internal Revenue Service's Industry Issue Resolution (IIR) program. [Notice 2005–59] received August 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4574. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—Foreign tax credit and other guidance under section 965 [Notice 2005–64] received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4575. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting a joint report on the counter-drug efforts in Afghanistan as required by the Intelligence Reform and Terrorism Prevention Act of 2004; jointly to the Committees on International Relations and Armed Services.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 1400. A bill to amend title 18, United States Code, to provide penalties for aiming laser pointers at airplanes, and for other purposes; with an amendment (Rept. 109–250). Referred to the Committee of the Whole House on the State of the Union.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 3647. A bill to render nationals of Denmark eligible to enter the United States as nonimmigrant traders and investors; with an amendment (Rept. 109–251). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. FALEOMAVAEGA (for himself, Mrs. CHRISTENSEN, Ms. BORDALLO, and Mr. FORTUÑO):

H.R. 4070. A bill to permit each of the territories of the United States to provide and furnish a statue honoring a citizen of the territory to be placed in Statuary Hall in the same manner as statues honoring citizens of the States are placed in Statuary Hall; to the Committee on House Administration.

By Mr. FLAKE:

H.R. 4071. A bill to amend Public Law 109-59 to provide additional transportation flexibility and to rescind certain amounts of Federal funding; to the Committee on Transportation and Infrastructure.

By Mr. GERLACH:

H.R. 4072. A bill to direct the Federal Trade Commission to revise the do-not-call telemarketing rules to prohibit calls from certain political organizations to persons on the national do-not-call registry; to the Committee on Energy and Commerce.

By Mr. AL GREEN of Texas (for himself, Mr. POE, Mr. CROWLEY, Mr. GRIJALVA, Ms. KILPATRICK of Michigan, Mr. MEEKS of New York, Ms. SCHAKOWSKY, and Ms. JACKSON-LEE of Texas):

H.R. 4073. A bill to designate Pakistan under section 244 of the Immigration and Nationality Act to permit nationals of Pakistan to be eligible for temporary protected status under such section; to the Committee on the Judiciary.

By Mrs. MCCARTHY:

H.R. 4074. A bill to provide student loan forgiveness to the surviving spouses and parents of victims who were Hurricane Katrina or Hurricane Rita first responders; to the Committee on Education and the Workforce.

By Mr. POMBO:

H.R. 4075. A bill to amend the Marine Mammal Protection Act of 1972 to provide for better understanding and protection of marine mammals, and for other purposes; to the Committee on Resources.

By Mr. YOUNG of Alaska:

H.R. 4076. A bill to authorize the Secretary of the Treasury to issue Disaster Recovery Bonds for disaster relief and recovery efforts; to the Committee on Ways and Means, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DOOLITTLE (for himself, Mr. BOUCHER, and Mr. GOODLATTE):

H. Con. Res. 268. Concurrent resolution expressing the sense of the Congress regarding oversight of the Internet Corporation for Assigned Names and Numbers; to the Committee on Energy and Commerce.

By Mr. DUNCAN:

H. Res. 498. A resolution supporting the goals and ideals of School Bus Safety Week; to the Committee on Government Reform.

By Mr. MCCOTTER:

H. Res. 499. A resolution condemning the murder of American journalist Paul Klebnikov on July 9, 2004, in Moscow and the murders of other members of the media in the Russian Federation; to the Committee on International Relations.

By Mr. SHAW:

H. Res. 500. A resolution recognizing the 60th anniversary of the disappearance of the 5 naval Avenger torpedo bombers of Flight 19 and the naval Mariner rescue aircraft sent to search for Flight 19; to the Committee on Armed Services.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 19: Mr. MILLER of Florida and Mr. BACHUS.

H.R. 23: Ms. PELOSI.

H.R. 25: Mr. DUNCAN and Mr. CARTER.

H.R. 97: Mr. ENGLISH of Pennsylvania and Mr. REYES.

H.R. 115: Mr. SHERMAN.

H.R. 147: Mr. SESSIONS, Mr. BROWN of South Carolina, and Mr. SCHWARZ of Michigan.

H.R. 224: Mr. MENENDEZ and Mr. HONDA.

H.R. 269: Mr. ENGLISH of Pennsylvania.

H.R. 282: Mrs. DAVIS of California.

H.R. 312: Ms. MILLENDER-MCDONALD.

H.R. 352: Mr. MCINTYRE.

H.R. 356: Mr. PEARCE and Mr. HULSHOF.

H.R. 363: Mr. HONDA, Mr. CUMMINGS, and Mr. ROSS.

H.R. 371: Mr. PRICE of Georgia.

H.R. 414: Ms. CORRINE BROWN of Florida, Mr. HOEKSTRA, Mr. NEAL of Massachusetts, and Mr. LEWIS of Georgia.

H.R. 415: Mr. ANDREWS.

H.R. 503: Mr. BROWN of South Carolina.

H.R. 515: Mr. MCCOTTER.

H.R. 552: Mr. BURTON of Indiana.

H.R. 558: Mr. ENGLISH of Pennsylvania.

H.R. 586: Mr. NUNES.

H.R. 602: Mr. TURNER and Mr. BISHOP of Utah.

H.R. 691: Mr. CAMP.

H.R. 697: Mr. MICHAUD.

H.R. 752: Mr. FATTAH.

H.R. 769: Mr. FOLEY.

H.R. 783: Mr. UDALL of New Mexico.

H.R. 791: Mr. UDALL of Colorado, Mr. BLUMENAUER, and Mr. NEAL of Massachusetts.

H.R. 827: Mr. SWEENEY and Mr. REYNOLDS.

H.R. 838: Ms. SCHWARTZ of Pennsylvania.

H.R. 839: Ms. MCCOLLUM of Minnesota and Mr. ABERCROMBIE.

H.R. 859: Mr. WELDON of Pennsylvania.

H.R. 891: Mr. NORWOOD.

H.R. 892: Mr. NORWOOD.

H.R. 896: Mr. UDALL of New Mexico.

H.R. 916: Mr. RYAN of Wisconsin, Mr. HINOJOSA, Mr. PETERSON of Pennsylvania, and Mr. REYNOLDS.

H.R. 923: Mr. SHUSTER.

H.R. 934: Mr. ALEXANDER, Mr. ANDREWS, and Mr. SIMMONS.

H.R. 960: Mrs. JO ANN DAVIS of Virginia, Mr. HOYER, Mr. FORD, and Ms. KILPATRICK of Michigan.

H.R. 968: Ms. CORRINE BROWN of Florida and Mr. HOLT.

H.R. 995: Mr. EMANUEL.

H.R. 1070: Mr. JINDAL.

H.R. 1106: Mr. DAVIS of Illinois.

H.R. 1120: Mr. WAXMAN, Mr. FORD, and Mr. MCGOVERN.

H.R. 1186: Mr. GARRETT of New Jersey, Mr. CONAWAY, Mr. FITZPATRICK of Pennsylvania, and Mr. MARCHANT.

H.R. 1188: Mr. AL GREEN of Texas, Mr. SOUDER, and Mr. HOLT.

H.R. 1190: Mr. ISSA.

H.R. 1222: Ms. WASSERMAN SCHULTZ.

H.R. 1239: Mr. ANDREWS.

H.R. 1241: Mr. WALSH.

H.R. 1246: Mr. CRAMER, Mr. SMITH of Texas, Ms. HARMAN, and Mrs. CAPPS.

H.R. 1306: Mr. KINGSTON, Ms. CORRINE BROWN of Florida, Mr. BILIRAKIS, Ms. MILLENDER-MCDONALD, Mr. HYDE, and Mr. TAYLOR of North Carolina.

H.R. 1353: Mr. SMITH of New Jersey.

H.R. 1376: Mrs. EMERSON.

H.R. 1380: Mr. PASTOR, Mr. TIBERI, Mr. KLINE, and Mr. HULSHOF.

H.R. 1388: Mr. DOOLITTLE.

H.R. 1402: Mr. DINGELL, Mr. SCOTT of Georgia, and Mr. KIND.

H.R. 1413: Mr. BERMAN, Mr. MEEKS of New York, Mr. HINCHEY, Ms. LEE, and Mr. GORDON.

H.R. 1426: Mr. JENKINS.

H.R. 1510: Mr. BONNER and Mr. MARCHANT.

H.R. 1549: Mr. HIGGINS, Mr. MEEKS of New York, Mr. SWEENEY, Mr. DAVIS of Illinois, and Mr. BURTON of Indiana.

H.R. 1558: Mr. BROWN of South Carolina.

H.R. 1588: Mr. MARKEY.

H.R. 1632: Mr. HALL.

H.R. 1671: Mr. OWENS and Ms. HERSETH.

H.R. 1704: Mr. DANIEL E. LUNGREN of California and Mr. KLINE.

H.R. 1744: Mr. EVANS.

H.R. 1749: Mr. MORAN of Kansas and Mr. LATHAM.

H.R. 1796: Mr. EVANS.

H.R. 1898: Mr. SIMPSON, Mrs. SCHMIDT, and Mr. CLAY.

H.R. 1956: Mr. ROGERS of Kentucky.

H.R. 2045: Ms. CARSON.

H.R. 2048: Mr. PRICE of North Carolina, Ms. ZOE LOFGREN of California, and Mr. RENZI.

H.R. 2061: Mr. LEWIS of Kentucky, Mr. AKIN, and Mr. SOUDER.

H.R. 2106: Mr. MCCOTTER.

H.R. 2112: Mr. LAHOOD.

H.R. 2134: Ms. WATSON, Mr. FORTUÑO, Mr. KIRK, Ms. CARSON, Mr. RENZI, and Mr. LANTOS.

H.R. 2176: Mr. MCHUGH.

H.R. 2231: Ms. VELÁZQUEZ, Ms. MILLENDER-MCDONALD, Mr. RANGEL, Mr. SERRANO, Mr. MATHESON, and Mr. TIERNEY.

H.R. 2238: Mr. DICKS.

H.R. 2294: Mr. SHAYS.

H.R. 2331: Mrs. MCCARTHY.

H.R. 2533: Mr. HONDA, Mr. HIGGINS, Mr. VAN HOLLEN, Mr. RAHALL, Mrs. NAPOLITANO, Mr. CUMMINGS, Mrs. EMERSON, and Mr. UDALL of Colorado.

H.R. 2666: Mr. POMEROY and Mr. LEWIS of Kentucky.

H.R. 2683: Mr. CONYERS and Mr. PRICE of North Carolina.

H.R. 2719: Mr. EVANS.

H.R. 2794: Mr. EVANS.

H.R. 2963: Mr. FRANK of Massachusetts, Ms. KAPTUR, Mr. OWENS, and Mr. KILDEE.

H.R. 3127: Ms. WASSERMAN SCHULTZ, Mr. ANDREWS, Mr. DOYLE, and Ms. ROS-LEHTINEN.

H.R. 3137: Mr. CAMP and Mr. MCCOTTER.

H.R. 3146: Mr. POMBO.

H.R. 3159: Mr. KILDEE and Ms. HART.

H.R. 3183: Mr. MCCAUL of Texas and Mr. UDALL of New Mexico.

H.R. 3187: Mr. MCINTYRE.

H.R. 3189: Mr. BURTON of Indiana, Mr. MCCOTTER, and Mr. MCINTYRE.

H.R. 3196: Mr. ACKERMAN.

H.R. 3256: Mr. BRADY of Pennsylvania, Mr. FATTAH, Mr. HOLDEN, Mr. KANJORSKI, Mr. PETERSON of Pennsylvania, and Mr. WELDON of Pennsylvania.

H.R. 3334: Ms. KAPTUR, Mr. ADERHOLT, Ms. JACKSON-LEE of Texas, Mr. TOWNS, and Mr. CLAY.

H.R. 3336: Mr. ROTHMAN.

H.R. 3358: Mrs. MALONEY.

H.R. 3369: Mr. HOLT and Mr. NADLER.

H.R. 3385: Mr. CALVERT and Mr. EMANUEL.

H.R. 3420: Mr. ENGEL.

H.R. 3559: Mr. BROWN of Ohio, Mr. GOODE, Mr. PORTER, Mr. NEUGEBAUER, Mr. HALL, Mr. TIERNEY, Ms. HERSETH, Mr. ANDREWS, Ms. DELAURO, Mr. BONNER, Mr. GIBBONS, and Mr. MCCOTTER.

H.R. 3561: Ms. BERKLEY and Mr. DOGGETT.

H.R. 3563: Ms. WASSERMAN SCHULTZ.

H.R. 3617: Mrs. CAPITO.

H.R. 3630: Mr. REGULA.

H.R. 3639: Mr. LANTOS, Ms. MATSUI, and Mr. JACKSON of Illinois.

H.R. 3698: Ms. WOOLSEY, Mr. MCDERMOTT, Mr. MCNULTY, Mr. SHERMAN, Ms. DEGETTE, Mr. OWENS, Ms. MATSUI, Mr. BACA, and Mr. WEXLER.

H.R. 3704: Mr. FORBES.

H.R. 3737: Mr. ROTHMAN, Ms. DEGETTE, Mr. INGLIS of South Carolina, and Mr. MCHUGH.

H.R. 3748: Mr. MCNULTY and Ms. BERKLEY.

H.R. 3764: Mr. MICHAUD.

H.R. 3800: Mr. CUMMINGS.

H.R. 3825: Mr. DOYLE, Mr. ENGLISH of Pennsylvania, Mr. FITZPATRICK of Pennsylvania, Mr. GERLACH, Ms. HART, Mr. MURTHA, Mr. PITTS, Ms. SCHWARTZ of Pennsylvania, Mr. SHERWOOD, Mr. SHUSTER, Mr. BRADY of Pennsylvania, Mr. FATTAH, Mr. PETERSON of Pennsylvania, Mr. WELDON of Pennsylvania, Mr. KANJORSKI, and Mr. HOLDEN.

H.R. 3838: Mr. KIND, Ms. DEGETTE, Mr. DOYLE, and Mr. LARSEN of Washington.

H.R. 3860: Mr. CONAWAY.

H.R. 3861: Ms. ROYBAL-ALLARD and Mr. MILLER of North Carolina.

H.R. 3867: Mr. PAYNE.

H.R. 3905: Mr. GONZALEZ.

H.R. 3916: Mr. EVANS.

H.R. 3925: Mr. MCNULTY and Mr. BROWN of Ohio.

H.R. 3933: Mr. CASE, Mr. GRIJALVA, and Mr. ISRAEL.

H.R. 3938: Mr. CULBERSON, Mr. WILSON of South Carolina, Mr. WELDON of Florida, Mr. SULLIVAN, and Mr. BURTON of Indiana.

H.R. 3940: Mr. Goode, Mr. Kingston, and Mr. Costa.

H.R. 3944: Mr. Michaud.

H.R. 3947: Mr. Forbes.

H.R. 3949: Mr. Rogers of Alabama and Mr. Owens.

H.R. 3954: Mr. Bishop of Georgia.

H.R. 3960: Mr. Bartlett of Maryland, Mr. Paul, Mr. McKeon, and Mr. Sam Johnson of Texas.

H.R. 3966: Mr. Cooper.

H.R. 3968: Mr. Udall of Colorado and Mr. Evans.

H.R. 3970: Mr. Forbes.

H.R. 4011: Mr. Cuellar, Mr. Cummings, Mr. Owens, Mr. Towns, Mr. Butterfield, Ms. Loretta Sanchez of California, and Mrs. Napolitano.

H.R. 4025: Mr. Lynch, Mr. Ross, Mr. Bishop of Georgia, Mr. Scott of Georgia, Mr. McIntyre, Mr. Bishop of New York, and Mr. Moore of Kansas.

H.R. 4030: Mr. Waxman and Ms. Hooley.

H.R. 4032: Mr. Tancredo.

H.R. 4033: Mr. Boehlert and Mr. Udall of Colorado.

H.R. 4045: Mr. McNulty, Mr. Saxton, and Mr. Gonzalez.

H.R. 4047: Mrs. Musgrave, Mr. Pence, Mr. Goode, and Mr. Rehberg.

H.R. 4048: Mr. Conyers and Mr. Kennedy of Rhode Island.

H.R. 4050: Ms. DeGette.

H.R. 4061: Ms. Herseth.

H.J. Res. 38: Mr. Menendez and Mr. Walsh.

H.J. Res. 60: Mr. Miller of Florida.

H. Con. Res. 172: Mr. Evans.

H. Con. Res. 173: Mr. Kirk, Mr. Higgins, Mr. Weldon of Pennsylvania, Mr. Price of North Carolina, and Mr. Wu.

H. Con. Res. 179: Mr. Chocola, Mr. Bishop of New York, Mrs. Johnson of Connecticut, Mr. Murtha, Mr. McGovern, Mr. Gillmor, and Mr. Shaw.

H. Con. Res. 231: Mr. Wu, Mr. Honda, Ms. Eddie Bernice Johnson of Texas, and Ms. Bordallo.

H. Con. Res. 260: Mr. King of New York, Ms. Harris, Mr. Fortenberry, Mr. Conyers, Mrs. Capps, Mr. Higgins, Mr. Burton of Indiana, Mr. Nadler, Ms. Wasserman Schultz, and Mr. Holden.

H. Res. 215: Mrs. Blackburn and Mr. Beauprez.

H. Res. 222: Mr. Smith of Washington.

H. Res. 335: Mr. McNulty, Mr. Beauprez, Mrs. Maloney, Mr. Wynn, Mr. Kuhl of New York, and Mr. Berman.

H. Res. 390: Mrs. Northup and Mr. Petri.

H. Res. 438: Mr. Hoyer, Mr. Al Green of Texas, Mr. Davis of Alabama, and Mr. Saxton.

H. Res. 447: Mr. Moran of Virginia and Mr. Clay.

H. Res. 453: Mr. Souder.

H. Res. 471: Mr. Dingell.

H. Res. 477: Mr. Stark, Mrs. McCarthy, Mr. Sanders, Ms. Norton, Mr. Inslee, Ms. Moore of Wisconsin, and Mr. Lantos.

H. Res. 487: Mr. McDermott, Mr. Case, Ms. Eddie Bernice Johnson of Texas, Ms. Roybal-Allard, Ms. Watson, Mr. Pomeroy, Mr. Van Hollen, Mr. Moran of Virginia, Ms. Bordallo, Mr. Weldon of Pennsylvania, and Mr. Gonzalez.

H. Res. 489: Mr. Cardoza, Mr. Case, Mr. McDermott, Mr. Moran of Virginia, Ms. Lee, Mr. Hinojosa, Mr. Van Hollen, Ms. McCollum of Minnesota, Mr. Payne, Mr. Peterson of Minnesota, and Mr. Walsh.

H. Res. 492: Ms. Jackson-Lee of Texas.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 2290: Mr. Smith of Texas.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 554

Offered By: Mr. Filner

Amendment No. 1. At the end of the bill, add the following new section:

SEC. ___. LIMITATION.

Notwithstanding any other provision of this Act, this Act does not apply to an action brought by, or on behalf of, a person injured at or before the age of 8, against a seller that, as part of a chain of outlets at least 20 of which do business under the same trade name (regardless of form of ownership of any outlet), markets qualified products to minors at or under the age of 8.

EXTENSIONS OF REMARKS

RECOGNIZING THE LIVES OF DOROTHY AND ROBERT LABEN FOR THEIR OUTSTANDING COMMUNITY SERVICE

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 18, 2005

Mr. THOMPSON of California. Mr. Speaker, I rise today to express my sadness regarding the recent passing of two leaders in the Davis, California community, Dorothy and Robert Laben.

The couple met at Cornell University during the World War II years. Dorothy was pursuing a doctorate in nutrition and Bob taught in the military science department following his recovery from injuries sustained in battle. They courted by motorcycle and sidecar, married in 1946 and moved first to Oklahoma and then to Missouri as Bob completed his doctorate in genetics. In 1950 Bob Laben accepted a professorship with the UC Davis Animal Science department where he spent the next 36 years in distinguished service as a teacher and mentor.

The Labens were active in organizations that provided much-needed food to the hungry, including the Short-Term Emergency Aid Committee, Davis Community Meals and the Food Bank of Yolo County that collects and distributes food to the hungry via nonprofit agencies and school programs. The Food Bank grew out of the Yolo County Coalition Against Hunger that was co-founded by Dorothy, who was known to all as "a dynamo, completely dedicated." Together the Labens logged thousands of miles on their vehicles—wearing out several of them—collecting food from sources such as grocery stores, bakeries, farms and the Davis Farmers' Market. Always working together, they were once profiled in a local news article as "The faces behind the food." The Labens' contributions earned them numerous awards and recognitions, but the couple always remained humble, redirecting the spotlight from themselves to the human need.

Mr. Speaker, Dorothy and Bob Laben's determination to feed the hungry of their community inspires us all. It is appropriate therefore that we celebrate and honor their lives of service today.

CELEBRATING 130 YEARS AT ST. JAMES A.M.E. CHURCH

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 18, 2005

Mr. BURGESS. Mr. Speaker, I rise today to congratulate St. James African Methodist Episcopal Church for celebrating its 130th Anniversary. This is a great accomplishment, and I am proud to have such a historical establishment in the 26th Congressional District of Texas.

Founded in 1875, St. James A.M.E. is one of the oldest African-American churches in Denton today. As the only African Methodist Episcopal church in Denton, members say that the church has survived 130 years because of its people—the friendships, marriages and families have been the glue that keeps the small congregation together.

St. James A.M.E. has dedicated itself to community service and involvement. Members help others by offering tutoring for students, help with credit establishment, and donations for those in need. Since the tragic event of Hurricane Katrina, the 83 member congregation of St. James A.M.E. reached out to support one relocated Louisiana family living in the parsonage. The church's value of submission is seen in this commitment to serving others in the community over the years.

As one of the city's oldest churches, St. James A.M.E. occupies an important place in the Denton community today as a symbol of endurance, stability and service.

Congratulations to the congregation at St. James African Methodist Episcopal Church on their anniversary. One hundred and thirty years of worship is a milestone to be celebrated.

YAHOO SHOULD BE ASHAMED

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 18, 2005

Mr. WOLF. Mr. Speaker, I recall with great irony the heated annual debates in Congress surrounding Most Favored Nation trade status and ultimately Permanent Normal Trade Relations for China. The coalition that battled granting China this privilege faced an almost certain perennial loss. Even so, it served as a valuable forum in which to highlight just what kind of a country we are dealing with in China. The list of egregious actions laid at the feet of the communist government of the People's Republic of China is long and spans decades—human rights abuses, religious persecution including torture and imprisonment, slave labor practices, forced sterilization, espionage operations against U.S. businesses, software piracy and intellectual property theft, military spying. At the time many argued with tremendous passion, business interests foremost among them, that trade with China would change China, not the other way around.

It strikes me that those may have been hollow promises—that little has changed in China. Rather it appears that some American companies are increasingly honoring repressive Chinese laws so that they might keep their seat at the table and with it the promise of great profit.

Shi Tao, a freelance journalist for Internet publications, was recently sentenced in China, to 10 years in prison for "leaking state secrets abroad."

Tao was arrested in November 2004 after Yahoo, an American company, cooperated with Chinese government authorities to grant them access to Tao's personal e-mail account. Tao simply e-mailed portions of a directive issued by China's Propaganda Department that instructed the Chinese media as to how to cover the 15th anniversary of the military crackdown in Tiananmen Square. Incidentally, even today it is still impermissible to use the term "4 June," the date of the brutal government crackdown on pro-democracy activists, student leaders and workers in Tiananmen Square, in the press or online.

Yahoo justified their actions by claiming that to do business in China, they had to follow Chinese laws—a morally bankrupt argument which excuses doing business with the worst actors on the world scene, under the guise of respect for the law. But even if one subscribed to that argument, it is noteworthy that the information that Yahoo turned over to government authorities was stored in Hong Kong, outside of the jurisdiction of the mainland police.

Yahoo's chairman and chief executive officer Terry Semel, after vigorously defending his company's decision, is reported to have said, "on a personal level, I wince." I would say to Mr. Semel, I too wince. And I would venture to guess that Mr. Tao's family winced when police grabbed him on a street, searched his house and confiscated his computer and other items, thus launching the ordeal that culminated his eventual prosecution and imprisonment.

During the dark days of the Cold War the vast majority of those living behind the Iron Curtain saw America as a friend—we represented their hopes and aspirations. But today in China some are complicity with the oppressors.

Mr. Semel and the company he leads is a beneficiary, as we all are, of this great experiment in self-governance, free enterprise and individual liberty that we call America. When faced with a choice between the bottom line, and betraying the very tenets that underpin this nation, Yahoo chose profit. They should be ashamed.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

TRIBUTE TO MRS. C. DELORES TUCKER

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 18, 2005

Mr. THOMPSON of Mississippi. Mr. Speaker, I would like to recognize the life and legacy of Mrs. C. Delores Tucker, who once was the highest-ranking African American woman in Pennsylvania state government.

In tribute to Mrs. Tucker, I would like to submit the following excerpt from the Washington Post Article, "C. Delores Tucker Dies at 78; Rights and Anti-Rap Activist", written by Yvonne Shinhoster Lamb on Thursday, October 13, 2005.

Mrs. C. Delores Tucker focused a spotlight on rap music in 1993, calling it "pornographic filth" and saying it was demeaning and offensive to black women. "You can't listen to all that language and filth without it affecting you," she said.

She passed out leaflets with lyrics from gangsta rap and urged people to read them aloud. She picketed stores that sold the music, handed out petitions and demanded congressional hearings. She also bought stock in Sony, Time Warner and other companies so she could protest at shareholders meetings.

Crossing political lines, Mrs. Tucker, a Democrat, joined forces with former secretary of education William Bennett, a Republican, as well as Senator JOSEPH LIEBERMAN (D-Conn.). Bennett called her at the time a "daunting figure."

"Usually I'm the noisy one, but she's ferocious," he said.

In 1994, Mrs. Tucker protested when the NAACP, on whose board of trustees she sat, nominated rapper Tupac Shakur for one of its Image Awards.

The Silver Spring-based organization she co-founded in 1984, now called the National Congress of Black Women, became the vehicle through which she waged her battle. She succeeded the late congresswoman Shirley Chisholm as national chair in 1992.

Mrs. Tucker, an elegant woman who spoke with a stirring cadence, had a long history in the civil rights movement and politics. Early on, she raised funds for the National Association for the Advancement of Colored People and joined the Rev. Martin Luther King Jr. in marches and demonstrations calling for equality and justice.

"I realized we always started at the church and marched to the political kingdom, whether the local or state or national," she told the Washington Post in 1995. "And I realized that's where we needed to go to make a difference. That's where the decisions are being made that affected our lives, but we weren't in those seats."

Cynthia Delores Nottage was born in Philadelphia on Oct. 4, 1927, the 10th of 11 children of a minister and a "Christian feminist mother." She played the organ and saxophone and directed the choir in church. She attended Temple University, Pennsylvania State University and the University of Pennsylvania.

In 1951, she married William Tucker, a construction company owner who grew prosperous in Philadelphia real estate. She later sold real estate and insurance in Philadelphia.

In the 1960s, after her experiences in the early civil rights movement, she delved deeper into the political arena, working on behalf of black candidates and serving on the Pennsylvania Democratic Committee. She came to be known as a master fund raiser.

In 1971, she was named secretary of the Commonwealth of Pennsylvania by then-Governor Milton Shapp (D), making her the highest-ranking African American woman in state government. In 1978, she ran for lieutenant governor; in 1980, for the U.S. Senate; and in 1992, for the U.S. House but was not elected to office. However, her political involvement continued. She was head of the minority caucus of the Democratic National Committee and a founding member of the National Women's Political Caucus. She chaired the Black Caucus of the Democratic National Committee for 11 years and spoke at five Democratic conventions.

Mrs. Tucker, the recipient of numerous awards, also founded the District-based Bethune-DuBois Institute to provide educational and training programs for black youths.

Survivors include her husband, William Tucker of Philadelphia.

He once said that she was "one of the most fearless individuals I have ever known. She will take on anyone, anything, if that is what she thinks is right. . . . I tell her there are times you have to compromise, but she is not one who will readily entertain the idea of compromise about anything."

I take great pride in commending Mrs. C. Delores Tucker for her outstanding contributions to Pennsylvania State Government, national politics and the African American community.

A TRIBUTE TO DR. JAMES P. McGEE

HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 18, 2005

Mr. RUPPERSBERGER. Mr. Speaker, I am pleased to rise before you today to recognize the dedication of one individual who continues to play a vital role in the prevention and development of innovative programs which address and combat Federal crime.

Dr. James P. McGee, the retired Director of Psychology and Director of Law Enforcement and Forensic Services at Sheppard Pratt Hospital located in Baltimore, Maryland, has served the law enforcement community in a variety of ways while remaining dedicated to improving and expanding existing crime prevention programs.

Most recently, Dr. McGee spent 30 days in the Gulf region to assist Hurricane Katrina's victims, spending the majority of his time counseling officers of the New Orleans Police Department. There, he spearheaded "Operation: Call a Cop," a program in which sports figures both current and retired, politicians, and celebrities call one of the police officers with encouraging words to express their belief of what a remarkable job the officers have done, and are continuing to do in Louisiana. This project has raised the spirits of the people we rely on most to rebuild communities, to reestablish a safe environment, and to restore hope to those affected by Katrina.

During my years as County Executive of Baltimore County, I worked closely with Dr. McGee. He provided over 15 years of service as Chief Psychologist of the Baltimore County Police Department. He also directed psychological service programs for Maryland and Delaware State Police.

He is known for being one of the country's leading sports psychologists having counseled amateur athletes, including Olympic Gold Medal winners. He was the team psychologist for the Baltimore Orioles for 8 years, receiving a World Series ring for his special contribution to the Orioles last World Series Championship season.

Dr. McGee's recent publication of "The Classroom Avenger," an article describing a hypothetical person, who potentially possesses tendencies of violence in a school setting, received national recognition. In addition to this acknowledgment, segments of the work he did on a UNABOMBER Profile submitted to the FBI were used in search warrants relating to that case.

Dr. McGee has stamped the law enforcement community with his commitment to Federal crime prevention. His passion for psychological counseling and his honed skills in this field have enabled him to thwart corruption and administer to the prevention of mayhem.

I ask that my colleagues in the House of Representatives please join with me today to recognize Dr. James McGee for the tremendous contributions he has made to not only the Federal law enforcement community, but also to the people of the United States.

RECOGNIZING THE LIFE OF J. ROBERT CHAPMAN FOR HIS OUTSTANDING PUBLIC SERVICE

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 18, 2005

Mr. THOMPSON of California. Mr. Speaker, I rise today to express my sadness at the recent passing of James Robert Chapman, city councilman and "Mayor Emeritus" of the City of Winters, California.

Born into a pioneering family, Bob Chapman was a lifelong resident of Winters. He served on the Winters City Council from 1980 to 1996, fourteen of those years as mayor. He more recently served as a City Council member since 2002. Prior to City Council, he served on the Winters Planning Commission for 6 years. During his tenures on the council, Mr. Chapman guided the city through numerous endeavors, including construction of the Winters Community Center, the 1992 General Plan and efforts to keep the city fiscally viable during economically daunting times.

During his recent tenure on the council, Mr. Chapman played a key role in the economic revitalization of the downtown and in numerous capital projects, including the rehabilitation of the historic trestle bridge and Putah Creek car bridge, construction of the amphitheater, traffic improvements and a downtown parking lot. He represented the city and Yolo County on regional boards including the Sacramento Area Council of Governments, Yolo County Local Agency Formation Commission and numerous boards and commissions.

In addition to his role with the City of Winters, Mr. Chapman served 30 years in the California National Guard, retiring at the rank of colonel in 1996. He was a member of two service clubs, the Lions Club and Rotary International, serving as Rotary Chapter President in 2004. In 2002, he was named Winters Citizen of the Year for his many contributions to the community. Chapman was an avid golfer and was employed as director of logistics for Con-Agra, formerly Hunt-Wesson.

Mr. Speaker, the passing of Bob Chapman is a huge loss to the Winters community. His leadership, humor and mentoring style will be greatly missed by his wife, Nicki, his daughter, Shelly, his mother, Dorothy, and all those whose lives he touched. It is appropriate therefore that we honor his life and contributions today.

CONGRATULATING MIRANDA ELKINS

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 18, 2005

Mr. BURGESS. Mr. Speaker, I rise today to congratulate Ms. Miranda Elkins of Gainesville, Texas on receiving the Carnegie Medal for extraordinary heroism.

The Carnegie Medals are selected and administered by a twenty-one member commission to recognize individuals who perform acts of heroism in civilian life in the United States and Canada. The Commission's definition of a hero is a civilian who voluntarily risks his or her life to an extraordinary degree while saving or attempting to save the life of another person. Since the Carnegie Hero Fund Commission's inception in 1904 by Andrew Carnegie, the Commission has recognized 8,943 heroes in the United States and Canada.

On August 20, 2004, Miranda Elkins courageously assisted in saving Hedilberto Martinez, Jr. from drowning and helped attempt to save Robert Diaz on South Padre Island, Texas. Martinez was swimming in the Gulf of Mexico when he was carried away from shore by a strong current. Unable to return against the current to shore, he called for help. On the beach, Diaz and Elkins were among those alerted to his plight. Diaz entered the water and swam to Martinez, then grasped him. Elkins also swam out to him. After Martinez grasped Elkins and submerged her, Elkins surfaced and talked to him, to calm him. On her direction, he then held to her as she swam toward shore. While they reached shore safely, Diaz encountered difficulty in the water and tragically drowned. Elkins and three others swam out to him and unsuccessfully attempted to revive him. However, Martinez was heroically rescued without injuries.

I extend my sincere congratulations to Ms. Miranda Elkins for receiving this commendable award. As Andrew Carnegie wrote in the opening lines of the Commission's 1904 founding Deed of Trust, "We live in a heroic age" and I am honored today to recognize Ms. Elkins' inspirational heroism.

FBI DIRECTOR EXPANDS SCIENCE AND TECHNOLOGY BOARD

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 18, 2005

Mr. WOLF. Mr. Speaker, two years ago, at the urging of the House Appropriations Committee, FBI Director Robert Mueller established the Director's Science and Technology Board made up of former senior-level intelligence and Department of Defense staff to provide independent advice to the director on emerging issues.

Among the members of the advisory board are: Arthur Money, former assistant secretary of defense for command, control, communications and intelligence and DOD's former chief information officer. Craig Fields, former chairman of the Defense Science Board, and John Hamre, president of CSIS and former deputy secretary of defense.

I want to congratulate Director Mueller for his recent announcement that he is expanding the membership of the board to include: Lee Hamilton, member of the President's Homeland Security Advisory Council, former vice chair of the 9/11 Commission, and former Congressman from Indiana. Charles Robb, former co-chair of the WMD Commission, former U.S. senator and former governor of Virginia. Richard Thornburgh, former U.S. attorney general, and former governor of Pennsylvania; and James Q. Wilson, who is the Ronald Reagan Professor of Public Policy at Pepperdine University in California, a professor emeritus at UCLA, and chairman of the Council of Academic Advisors of the American Enterprise Institute.

Along with expanding the membership of the board, Director Mueller has expanded its mission from focusing on science and technology to providing advice and counsel on overall management and the FBI's transformation since the September 11 terrorist attacks. I commend Director Mueller for establishing this board and seeking the input from these distinguished and experienced experts in order to improve the FBI.

FBI ADVISORY BOARD

ARTHUR L. MONEY, CHAIRMAN.

Arthur L. Money, a former U.S. Assistant Secretary of Defense and Defense Department CIO. Mr. Money was confirmed by the Senate and served as the Assistant Secretary of Defense for Command, Control, Communications and Intelligence from 1999 to 2001 and was also the Chief Information Officer for the Department of Defense from 1998 until 2001. He prior served as the Senior Civilian Official, Office of the Assistant Secretary of Defense, from 1998 to 1999 and was earlier confirmed by the Senate as Assistant Secretary of the Air Force for Research, Development and Acquisition and was their Chief Information Officer, from 1996 to 1998. Mr. Money, who has more than 40 years of management and engineering experience with the defense electronics and intelligence industry, currently serves as a member of the advisory board of several corporations including the Boeing Company (NYSE: BA). He also serves on the Board of Directors of numerous companies including Silicon Graphics, Inc. (NYSE: SGI) and CACI International (NYSE: CAI) and has been recognized for his vision, leadership and commitment to excellence in systems and process re-engineering.

Mr. Money, who holds a Master of Science Degree in Mechanical Engineering from the University of Santa Clara (California) and a Bachelor of Science Degree in Mechanical Engineering from San Jose (California) State University also currently serves on several U.S. Government Boards and Panels such as NIMA Advisory Board, Defense Science Board, US Air Force AC21SR Center Advisory Board and the US Navy "DSAP" Special Advisory Panel and is the recipient of numerous awards and honors including the Intelligence Community Seal Medallion and Defense Intelligence Agency Director's Award in 2001.

Mr. Money, prior to his government service, had a distinguished business career, having served as President of ESL Inc., a subsidiary of TRW, Inc., from 1990 to 1994 prior to its consolidation with its Avionics and Surveillance Group when he became Vice President and Deputy General Manager of the Group.

FLOYD I. CLARKE

Mr. Clarke was born in Phoenix, Arizona, and spent his early life there. After attending George Washington University, Mr. Clarke joined the FBI in 1964. As a Special Agent, Mr. Clarke worked in the Birmingham, Boston, Philadelphia, and Kansas City Divisions. He also served in many Headquarters Divisions as well. During his career in the Bureau, Mr. Clarke held the position of Supervisor, Assistant Special Agent in Charge, Special Agent in Charge, Assistant Director, Executive Assistant Director, Deputy Director and, last, Acting Director from July 19 through September 1, 1993. Mr. Clarke currently serves as a corporate vice president for a large holding company.

CRAIG I. FIELDS

Craig I. Fields is a former Chairman of the Defense Science Board and is a Director of a number of corporations. He received his B.S. degree from the Massachusetts Institute of Technology in 1966 and his Ph.D. from the Rockefeller University in 1970. After serving on the faculty of Harvard University, he joined the Defense Advanced Research Projects Agency (DARPA) in 1974, the research arm of the Office of the Secretary of Defense. DARPA performs high risk, high impact research in computers and communications, semiconductors and materials, manufacturing technology, aeronautics and astronautics, and weapons system technology.

From 1994 to 1997 he served as Vice Chairman of the Board of Alliance Gaming, a diversified gaming entertainment company. He is currently a member of the Board of MUZAK, a business music company; ENSCO, an energy services company; Perot Systems Corporation, a computer services company; Intertech, an INTERNET applications organization; Network Solutions, Inc., an Internet technology company; Firearms Training Systems, Inc., a training technology company; and Projectavision, a corporation focused on information display and storage.

From 1990 to 1994, Dr. Fields served as Chairman and Chief Executive Officer of the

Microelectronics and Computer Technology Corporation (MCC). MCC is a for-profit research and development consortium, whose membership includes over 80 North American companies active in information technology: semiconductors, computers, telecommunications, systems and software. He was Chairman of the Board of MCC Ventures, a venture capital subsidiary of MCC focused on commercializing information technology in entrepreneurial start-up companies. In 1988, Dr. Fields was awarded the President's Distinguished Executive Rank Award for outstanding service, and in 1990 the President's Meritorious Executive Rank Award. He was elected a fellow of the American Association for the Advancement of Science. In 1992 he received the IEEE A ward for Distinguished Contributions to Public Service, is a Principal of the Council for Excellence in Government, is a Member of the Council on Foreign Relations, and a Member of the Council on Competitiveness.

In addition to his Chairmanship of the Defense Science Board, an advisory board to the Secretary of Defense, Dr. Fields serves on the Science and Technology Advisory Panel (STAP), supporting the Director of Central Intelligence; the United States Advisory Council on the National Information Infrastructure; and the U.S.-Israel Science and Technology Commission. He is on the Advisory Boards of SRI International, United Technologies Corporation, and the Economic Strategy Institute. He is a member of the Carnegie-Mellon University Department of Computer Science; the UCLA Graduate School of Education & Information Studies; and the Massachusetts Institute of Technology School of Architecture.

Dr. Fields works with the Senate and the House of Representatives on technology activities of interest to members of the Congress. He is a frequently invited speaker at community organizations, professional societies and colleges and universities. He works closely with the venture capital community. Dr. Fields has been responsible for the implementation of joint technology development efforts with countries in Europe and the Pacific Rim.

LEE H. HAMILTON

Lee H. Hamilton is a member of the President's Homeland Security Advisory Council and served as Vice Chair of the National Commission on Terrorist Attacks Upon the United States. He is also President and Director of the Woodrow Wilson International Center for Scholars. Mr. Hamilton served for 34 years in Congress representing Indiana's 9th District. During his tenure, he served as chairman and ranking member of the House Committee on Foreign Affairs (now the Committee on International Relations), chaired the Subcommittee on Europe and the Middle East from the early 1970s until 1993, the Permanent Select Committee on Intelligence, and the Select Committee to Investigate Covert Arms Transactions with Iran, and chaired the Joint Economic Committee. He served as a commissioner on the United States Commission on National Security in the 21st Century (the Hart-Rudman Commission) and was co-chair with former Senator Howard Baker on the Baker-Hamilton Commission to Investigate Certain Security Issues at Los Alamos.

JOHN J. HAMRE

John Hamre was elected CSIS president and CEO in January 2000. Before joining CSIS, he served as U.S. deputy secretary of defense (1997–1999) and under secretary of defense (comptroller) (1993–1997). As comptroller, Dr. Hamre was the principal assistant to the secretary of defense for the preparation, presentation, and execution of the defense budget and management improvement programs.

Before serving in the Department of Defense, Dr. Hamre worked for ten years as a professional staff member of the Senate Armed Services Committee. During that time he was primarily responsible for the oversight and evaluation of procurement, research, and development programs; defense budget issues; and relations with the Senate Appropriations Committee. From 1978 to 1984, Dr. Hamre served in the Congressional Budget Office, where he became its deputy assistant director for national security and international affairs. In that position, he oversaw analysis and other support for committees in both the House of Representatives and the Senate.

Dr. Hamre received his Ph.D., with distinction, in 1978 from the School of Advanced International Studies, Johns Hopkins University. His studies focused on international politics and economics and U.S. foreign policy. He received a B.A., with high distinction, from Augustana College in Sioux Falls, South Dakota, in 1972, emphasizing political science and economics. He also studied as a Rockefeller Fellow at the Harvard Divinity School.

DARWIN A. JOHN

Mr. John recently was hired as the FBI's Chief Information Officer, coming to the organization as a senior executive with demonstrated capability to achieve broad-based business and enterprise results by leading change directly and through leveraging the use of information technology to create value, and recognized as a leader who advocates teamwork and the continual development of people within the context of teams, resulting in peak levels of performance and achievement. Prior to Mr. John entering-on-duty with the FBI, he worked for the Church of Jesus Christ of Latter-day Saints, where he was Managing Director, Information and Communications Systems Worldwide; the Scott Paper Company, Vice President (Elected Corporate Officer in 1985); General Mills, Minneapolis, Minnesota, where he was Director of Information and Communications Systems Development and Operations; Honeywell, Inc., Minneapolis, Minnesota, as Senior Systems Analyst; and, Thiokol Chemical Corporation, Brigham City, Utah.

He received an MBA from Utah State University in 1971 and a B.S. in Production Management from Utah State University in 1965. He also completed Executive Programs in Finance and Mergers and Acquisitions at Wharton School, University of Pennsylvania.

JAMES KALLSTROM

Mr. Kallstrom is a senior executive vice president for MBNA America Bank, Wilmington, Delaware. Mr. Kallstrom also serves as an adviser to Gov. George Pataki on homeland security and was formerly the state's Director of Public Security, a position he held while on a leave of absence from MBNA. Mr. Kallstrom also serves as a law enforcement consultant with CBS News.

Mr. Kallstrom served in the United States Marine Corps during the Vietnam War, reaching rank of captain. Mr. Kallstrom served as an FBI special agent in Baltimore (1970) and New York City (1971), becoming a supervisor in 1976. Between 1981 and 1990, he served as chief of special operations for the New York Division before being promoted to Chief of the Engineering Section, Technical Services Division at FBI Headquarters. In 1993, Mr. Kallstrom returned to New York City as the Special Agent in Charge overseeing technical and special operations. In 1995, Mr. Kallstrom was appointed Assistant Director in Charge, New York FBI Division, where he served until his retirement in 1997.

PAUL G. KAMINSKI

Paul G. Kaminski is Chairman and CEO of Technovation, Inc. He served as the Under Secretary of Defense for Acquisition and Technology from October 3, 1994, to May 16, 1997. During 1981–1984, he served as Director for Low Observables Technology, with responsibility for directing the development and fielding of stealth systems. Prior to that, he served as Special Assistant to the Under Secretary of Defense for Research and Engineering.

Dr. Kaminski is a member of the National Academy of Engineering, a Fellow of the Institute for Electrical and Electronic Engineering, an Associate Fellow of the American Institute of Aeronautics & Astronautics, and a member of the American Association for the Advancement of Science. He is a Director of Anteon Corporation, the Atlantic Council, the Charles Stark Draper Lab, DynCorp, Eagle-Picher Technologies, General Dynamics, and Pacific Sierra Research. He is an Honorary Trustee of American Technology Alliances. He is a member of the Senate Select Committee on Intelligence Technical Advisory Group, a member of the National Reconnaissance Office Advisory Council a member of the Procurement Roundtable, and a consultant to the Office of Secretary of Defense/Defense Science Board.

Dr. Kaminski has received the following awards: The Department of Defense Medal for Distinguished Public Service (3 awards), The Defense Distinguished Service Medal, The Defense Intelligence Agency Directoris Award, Legion of Merit with Oak Leaf Cluster, The International Strategic Studies Association Stefan T. Possony Medal for Outstanding Contributions to Strategic Progress through Science and Technology, The Netherlands Medal of Merit in Gold, and the Air Force Systems Command Scientific Achievement Award.

JOSEPH MARKOWITZ

Dr. Joseph Markowitz is the former Director of the Community Open Source Program Office (COSPO). As such, he was the DCI's Program Manager and Intelligence Community Principal for the open source information. Dr. Markowitz has held a number of high level positions in the Central Intelligence Agency since joining in 1975. Before the CIA, he taught at MIT and Northeastern University. Dr. Markowitz is no stranger to open sources or the Internet as he was a Group Manager at Bolt Beranek Newman, Inc., when the original ARPANET was being developed there in the late 1960's.

CHARLES ROBB

Charles "Chuck" Robb is a Professor of Law and Public Policy at George Mason University School of Law. He served as Co-Chair of the Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction (WMD Commission). He was Lieutenant Governor of Virginia from 1978 to 1982 and Governor from 1982 to 1986. He was a member of the U.S. Senate from 1989 to 2001 where he served on the Armed Services, Foreign Relations, and Intelligence Committees. He clerked on the U.S. Court of Appeals for the Fourth Circuit and practiced law with Williams and Connolly in the 1970s and Hunton and Williams in the 1980s. He also served as Marine Corps officer and commanded an infantry company in combat in Vietnam.

RICHARD THORNBURGH

Richard "Dick" Thornburgh is a fellow of the National Academy of Public Administration (NAPA) and currently chairs a NAPA panel convened at the request of Congress to assess the progress of the reorganization and transformation of the FBI. He is also Counsel at Kirkpatrick & Lockhart, Nicholson, Graham LLP. Mr. Thornburgh previously served as Under Secretary General, Department of Administration and Management, United Nations; Attorney General of the United States; Governor, State of Pennsylvania; U.S. Attorney for Western Pennsylvania; and Assistant Attorney General of the United States, Criminal Division.

JAMES Q. WILSON

James Q. Wilson is the Ronald Reagan Professor of Public Policy at Pepperdine University in California, a professor emeritus at UCLA, and chairman of the Council of Academic Advisors of the American Enterprise Institute. Mr. Wilson taught political science at Harvard University from 1961 to 1987. He is a former Chairman of the White House Task Force on Crime (1966), the National Advisory Commission on Drug Abuse Prevention (1972-73), the Attorney General's Task Force on Violent Crime (1981), and the President's Foreign Intelligence Advisory Board (1985-90). He previously served on the President's Council on Bioethics, and on the board of directors for the New England Electric System, Protection One, and State Farm Mutual Insurance.

TRIBUTE TO MRS. CONSTANCE B. MOTLEY

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 18, 2005

Mr. THOMPSON of Mississippi. Mr. Speaker, I would like to recognize the life and legacy of Mrs. Constance Baker Motley, Esq., a former civil rights lawyer who fought nearly every important civil rights case for 2 decades and then became the first black woman to serve as a New York State Senator and the first black woman to serve as a federal judge.

In tribute to Mrs. Motley, I would like to submit the following excerpt from the Washington Post Article, "Constance Motley Dies; Rights Lawyer, Judge", written by Joe Holley on Thursday, September 29, 2005.

Judge Constance Baker Motley, 84, the first African American woman appointed to the federal judiciary and the only woman on the NAACP legal team that won the epochal school desegregation decision Brown v. Board of Education, died Sept. 21 of congestive heart failure at New York University Downtown Hospital. At the time of her death, she was senior judge for the U.S. District Court for the Southern District of New York.

Long before she ascended to the federal bench, she was a key figure in many of the major legal battles of the civil rights era. She represented Martin Luther King Jr., Ralph Abernathy and other civil rights leaders when they were locked up in Southern jail cells. She stayed in Medgar Evers's home not long before an assassin killed him in his front yard, and she was on the podium at the Lincoln Memorial in 1963 when King delivered his "I Have a Dream" speech.

As a young lawyer with the NAACP Legal Defense and Education Fund, she helped Thurgood Marshall, then chief counsel of the fund, write the legal brief for the Brown case and then listened as he delivered his argument before the Supreme Court.

She and her colleagues did not anticipate the unanimous decision, she recalled. "We thought we might come out with five to four, but when it was unanimous, we were flabbergasted," she said in a 2003 interview with an American Bar Association magazine. "In fact, we thought we might even lose. . . . [Chief Justice] Earl Warren did that. He understood, having been a politician, that you had to have unanimity, because if you had a divided court, the Southerners would still be at it. . . . What we did not anticipate was the massive resistance to Brown in the South."

After the 1954 ruling, she threw herself into what she called "the second civil war." Writing hundreds of court papers and legal briefs to enforce Brown, she argued 10 school desegregation cases before the U.S. Supreme Court, winning nine of them.

In 1956, she represented Autherine Lucy, the daughter of a black tenant farmer who had applied to graduate school at the University of Alabama.

In 1961, she represented Charlayne Hunter (now Hunter-Gault) and Hamilton Holmes in their effort to enter the University of Georgia.

In 1962, she represented James H. Meredith in his arduous but ultimately successful battle to gain admission to the University of Mississippi. Marshall gave her the case, she said, because she was a woman. "Thurgood's theory was, in the South, they don't bother black women because they all have mammies," she once said.

Meredith was admitted after 16 months of legal wrangling, numerous court hearings and tortuous legal resistance on the part of Mississippi officials, including Gov. Ross Barnett, who eventually was held in contempt of court.

"She was indomitable," said Jack Greenberg, who succeeded Marshall as director-counsel of the NAACP Legal and Education Fund and is now a professor at Columbia University School of Law. "She would take on a project like opening up the University of Mississippi and just keep coming back again and again and again. She was like Grant at Vicksburg. She just dug in there and stayed there until they rolled over."

In 1963, she represented more than 1,000 black children in Birmingham who had been suspended from school for participating in civil rights demonstrations. The same year, she led the NAACP's successful effort to prevent Gov. George C. Wallace from blocking school desegregation in four Alabama counties.

Both in the courtroom and on the bench, she impressed those who knew her with what Greenberg called her presence. "That Motley woman," as her Southern antagonists often referred to her, was tall and always elegantly dressed. Always well prepared, deeply versed in the intricacies of the law, she was soft-spoken and reserved, Greenberg recalled, but formidable.

Her successor, Chief Judge Michael B. Mukasey, recalled appearing in her courtroom as an assistant U.S. attorney in the 1970s. "She was very calm," he said. "She was the kind of person who could control a courtroom because everyone knew who she was."

Constance Baker was born in New Haven, Conn., on Sept. 14, 1921, the ninth of 12 children born to parents who had migrated earlier in the century from the island of Nevis in the West Indies. Her father was a cook for Skull & Bones, one of Yale University's elite social clubs.

Attending New Haven's integrated public schools, she became a voracious reader at an early age. She learned about W.E.B. Du Bois and other black heroes from lectures she heard at the Episcopal church. Reading a book about Abraham Lincoln that she had checked out of the New Haven Public Library, she decided at age 15 that she wanted to be a lawyer. She was impressed by Lincoln's observation that the legal profession was the most difficult.

Her mother wanted her to be a hairdresser. "She had no conception of a woman wanting to be a lawyer," Judge Motley told the ABA magazine.

After graduating with honors from New Haven High School, she worked briefly as a maid before accepting a job with the New Haven branch of the National Youth Administration. She happened to give a speech one night at the Dixwell Community House, an African American social organization, urging that black members be given greater control over the facility. In the audience was Clarence Blakeslee, a wealthy white contractor and philanthropist who had built the community house. The grandson of Abolitionists, he was impressed with her energy, poise and eloquence and offered to pay for her education.

She enrolled at Fisk University in Nashville. On the train headed south, she experienced for the first time the reality of segregation when she was directed to ride in the Jim Crow car. On her first trip home, she brought her parents a souvenir of Southern life, a sign that read "Colored Only."

She stayed at Fisk for a year and then transferred in 1942 to New York University, where she received a bachelor's degree in economics.

In 1944, she became one of the first black women accepted at Columbia University Law School. During her first year, she met Marshall, who offered her a job as law clerk at the NAACP Legal Defense Fund office in New York. She received her law degree in 1946 and became a full-fledged member of the staff. Her early work focused on housing discrimination.

After passing the New York bar examination in 1948, she became assistant counsel of the Legal Defense Fund. She got her first courtroom experience in 1949 as Marshall's assistant on a Jackson, Miss., equal-pay case that an African American teacher had brought against the Jackson public school system.

"Woman lawyers were a joke in most courthouses and unheard of in virtually every place except New York City," Judge Motley wrote in Ms. Magazine years later. "The whole town turned out to see the Negro lawyers from New York, one of whom [was] a woman."

For the next 15 years, she served as a key attorney on dozens of school desegregation cases in 11 Southern states and the District. It was the best job she ever had, she recalled in the ABA interview. "Plus, we were like a family," she said. "I tried a lot of cases before I came on the bench, which is probably more exciting. But, you see, I coincided with history as I see it now."

After leaving the Legal Defense Fund in 1964, she became the first black woman elected to the New York State Senate. The next year, she was selected to fill the vacant post of Manhattan borough president and then was elected nine months later. Again, she was the first black woman to hold the office.

In January 1966, President Lyndon B. Johnson named her to the District Court for the Southern District of New York, a region that includes Manhattan, the Bronx and six counties north of the city. The first African American woman to serve as a Federal judge, she became chief judge in 1982. She took senior status, handling a reduced caseload, in 1986.

Several of her rulings stand out, including the 1978 case that allowed female reporters to enter the locker rooms of professional sports teams. In 1987, she ruled that, without exceptional circumstances, suspects cannot be detained more than 24 hours without a court ruling that sufficient evidence exists to justify the arrest.

In addition to numerous articles and essays, she was the author of "Equal Justice Under Law: The Life of a Pioneer for Black Civil Rights and Women's Rights" (1988). She was inducted into the National Women's Hall of Fame in 1993.

Survivors include her husband of 59 years, Joel Wilson Motley Jr. of New York; a son, Joel Wilson Motley III of Westchester County, N.Y.; three sisters; a brother; and three grandchildren.

I take great pride in commending Mrs. Constance Baker Motley for her work to curb racial segregation and to win social justice in this country.

RECOGNIZING MR. NICHOLAS A. KULIKOWSKI FOR HIS ACT OF HEROISM

HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 18, 2005

Mr. RUPPERSBERGER. Mr. Speaker, I proudly rise today to acknowledge the act of heroism displayed by Master Nicholas A. Kulikowski on August 30, 2004. The Weblos Scout of Cub Scout Pack 303 demonstrated both skill and heroism by saving the life of his four-year-old cousin, Dylan, at minimum risk to himself.

During a party at the Kulikowski home, Nicholas noticed that Dylan, who was not wearing proper swim protection jumped into the family's pool. After resurfacing from the jump he quickly began to sink as there was no flotation device in reach. Nicholas, showing true Boy Scout instincts, dove into the water and pulled Dylan to the surface.

Master Kulikowski's alertness and quick-reaction time prevented Dylan from any serious injury. The Boy Scouts of America upon recommendation of the National Court of Honor presented Nicholas with a Heroism Award.

Mr. Speaker, the Core Values of Cub Scouting include Compassion, Courage, and Perseverance. I ask that you join with me today in commending Nicholas A. Kulikoski for adhering to these values, a true testament to the principles of the Boy Scouts of America.

RECOGNIZING THE LIFE OF CHARLES S. WARNER, RENOWNED HIGH SCHOOL ART TEACHER

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 18, 2005

Mr. THOMPSON of California. Mr. Speaker, I rise today to express my sadness regarding the recent passing of Charles S. Warner of Woodland, California, a nationally recognized art teacher who inspired many students to pursue professional careers in the visual arts.

Chuck Warner was a teacher for 35 years. He served as chair of Woodland High School's art program since 1974. Under his leadership the program won numerous accolades, including 1997 recognition by Business Week magazine for an "outstanding arts driven curriculum," one of eight in the Nation. That same year Woodland High School was one of six high schools in the United States selected as a Getty/Annenberg arts grant recipient.

Mr. Warner possessed an uncanny ability to challenge his students in a variety of problem solving environments. He inspired them to produce inventive, independent, meaningful pieces that consistently demonstrated higher order thinking. In 2003 he was named "most inspirational teacher" by the California Assembly. Mr. Warner said of his students, "Our expectations for students are high but the students keep meeting our expectations." His students fondly remember him for his three favorite criticisms of their work: "Use more yellow. Get more detail. Increase the contrast." Mr. Warner was a champion of the Congressional Art Competition. A working artist himself, Mr. Warner specialized in acrylics and won numerous awards for his creations. He was a respected leader in his area of expertise—commercial art.

Mr. Speaker, Charles Warner dedicated more than three decades to teaching art. He influenced generations of students, some who have gone on to become well-known artists. He has been twice nominated to receive the National Medal of Arts award from the National Endowment for the Arts. It is appropriate therefore that today we honor his life, his passion for art and his outstanding dedication to his students.

CELEBRATING 50 YEARS AT COPPELL, TEXAS

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 18, 2005

Mr. BURGESS. Mr. Speaker, I rise today to honor the City of Coppell, Texas for its 50th anniversary. This is a great accomplishment, and I am proud to represent this city and the surrounding areas in the 26th Congressional District of Texas.

The area, known today as Coppell, lies on the Elm Fork of the Trinity River in Dallas County. The site was first settled in the mid-1800s, and was originally named Gibbs Station, after Texas lieutenant governor Barnett Gibbs. However, in 1890 the community was renamed Coppell, in honor of the engineer credited with bringing the railroad to the community, George A. Coppell.

Since the city's official incorporation in 1955, Coppell has maintained a strong community in North Texas. Programs such as "Keep Coppell Beautiful" and the annual "Family Fish" promote the spirit of community and family. Coppell also continues to strive for excellence in public education. This year, to honor these efforts, the city will host an anniversary celebration at the Andy Brown Community Park East.

Coppell is a beautiful city and one which I have visited many times during my time in Congress. I wanted to extend my sincerest congratulations to the citizens of Coppell and to Mayor Doug Stover.

Mr. Speaker, it is with great honor today that I congratulate the City of Coppell on their 50 year anniversary.

50TH ANNIVERSARY OF NATIONAL REVIEW

HON. CLIFF STEARNS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 18, 2005

Mr. STEARNS. Mr. Speaker, 50 years ago next month, a new periodical entered the marketplace and American history.

That publication was National Review, its founder and editor was 29-year-old William F. Buckley.

From the beginning, Buckley's magazine stood "athwart history, yelling 'Stop,' at a time when no one is inclined to do so, or to have much patience with those who so urge it."

And for five decades, it has bravely and effectively espoused conservative values and ideas, with both humor and intelligence.

Mr. Speaker, I would like to submit the inaugural Publisher's Statement of November 19, 1955, for the RECORD.

It is no surprise that since its inception, we've witnessed Republican victories in eight of eleven Presidential elections, the revolutionary Republican Class of 1994, America's victory in the Cold War, and widespread acceptance of conservative positions like economic freedom, limited government, individual responsibility and traditional values.

Obviously, Bill Buckley and National Review did much more than stand athwart history—they helped shape it. America and the world are the better for it.

There is no more influential and popular opinion journal in the United States than National Review, with 155,000 paid subscribers and a readership of over 310,000. The Internet version of National Review, NRO, is just as popular and well written.

It is well known that Ronald Reagan—who was a Democrat in 1955—started to read National Review when it first came out, and it played a significant role in his personal and political development.

This publication has influenced at least two generations of young conservatives, and will assuredly have a positive impact on many more lives in the future.

No doubt there are young men and women here on the Hill, and all across America, who are reading National Review, perhaps for the very first time, and whose lives will be transformed.

In addition to the 50th anniversary of National Review, William F. Buckley will also soon be celebrating his 80th birthday.

Buckley, who served in the U.S. Army, worked for the CIA, and graduated from Yale, has had a very busy and productive life.

In addition to editing National Review up until last year, he has written 47 books, including 18 novels, some 900 editorials or other articles in National Review, 350 articles in other periodicals, more than 4,000 newspaper columns, and for 34 years he hosted the tremendous talk-show "Firing Line," where he had over 1,400 televised debates with people ranging from Muhammed Ali to Margaret Thatcher to Noam Chomsky to Mother Theresa.

He famously ran for Mayor of New York City in 1965 as the Conservative Party candidate.

Although he predicted be would receive only one vote, Buckley in fact won 13 percent, and to this day his race is considered one of the City's most rollicking and interesting campaigns ever.

Buckley counted as his friends conservative and intellectual giants such as Russell Kirk, Whittaker Chambers, L. Brent Bozell and Claire Luce Booth. The conservative movement he helped nurture and flourish gave us Barry Goldwater and President Ronald Reagan.

Mr. Speaker, it was Buckley's younger brother Reid, I believe, who best summed up the philosophy that guided William F. Buckley and his life's work. He noted that:

"We learned from our parents to prefer the good man to the brilliant man. It is a sacred humanity in people we respect. Our compassion is earned in the quality of the human condition. People are surprised to realize that we, princelings of Dame Fortune, as they feel us to be, tread the same hard interior landscape. And it may be this that comes through, that fascinates, because we do not presume, 'Come, let us lead you,' but, instead, petition, 'Come, our philosophy is your way, the human way, and it is you who will and must lead yourselves . . .'"

I offer a most sincere "happy birthday" to Bill Buckley, and "thank you" for his wonderful creation, and I congratulate the family at National Review for 50 years of fine work, with hopefully many more yet to come.

[From National Review, January 03, 2005]

STANDING ATHWART HISTORY, YELLING STOP

(By William F. Buckley, Jr.)

There is, we like to think, solid reason for rejoicing. Prodigious efforts, by many people, are responsible for National Review. But since it will be the policy of this magazine to reject the hypodermic approach to world affairs, we may as well start out at once, and admit that the joy is not unconfined.

Let's face it: Unlike Vienna, it seems altogether possible that did National Review not exist, no one would have invented it. The launching of a conservative weekly journal of opinion in a country widely assumed to be a bastion of conservatism at first glance looks like a work of supererogation, rather like publishing a royalist weekly within the walls of Buckingham Palace. It is not that, of course; if National Review is superfluous, it is so for very different reasons: It stands athwart history, yelling Stop, at a time when no one is inclined to do so, or to have much patience with those who so urge it.

National Review is out of place, in the sense that the United Nations and the League of Women Voters and the New York Times and Henry Steele Commager are in place. It is out of place because, in its maturity, literate America rejected conservatism in favor of radical social experimentation. Instead of covetously consolidating its premises, the United States seems tormented by its tradition of fixed postulates having to do with the meaning of existence, with the relationship of the state to the individual, of the individual to his neighbor, so clearly enunciated in the enabling documents of our Republic.

"I happen to prefer champagne to ditchwater," said the benign old wrecker of the ordered society, Oliver Wendell Holmes, "but there is no reason to suppose that the cosmos does." We have come around to Mr. Holmes' view, so much that we feel gentlemanly doubts when asserting the superiority of capitalism to socialism, of republicanism to centralism, of champagne to ditchwater—of anything to anything. (How curious that one of the doubts one is not permitted is whether, at the margin, Mr. Holmes was a useful citizen!) The inroads that relativism has made on the American soul are not so easily evident. One must recently have lived on or close to a college campus to have a vivid intimation of what has happened. It is there that we see how a number of energetic social innovators, plugging their grand designs, succeeded over the years in capturing the liberal intellectual imagination. And since ideas rule the world, the ideologues, having won over the intellectual class, simply walked in and started to run things.

Run just about everything. There never was an age of conformity quite like this one, or a camaraderie quite like the Liberals'. Drop a little itching powder in Jimmy Wechsler's bath and before he has scratched himself for the third time, Arthur Schlesinger will have denounced you in a dozen books and speeches, Archibald MacLeish will have written ten heroic cantos about our age of terror. Harper's will have published them, and everyone in sight will have been nominated for a Freedom Award. Conservatives in this country—at least those who have not made their peace with the New Deal, and there is a serious question of whether there are others—are non-licensed nonconformists; and this is a dangerous business in a Liberal world, as every editor of this magazine can readily show by pointing to his scars. Radical conservatives in this country have an interesting time of it, for when they are not being suppressed or mutilated by Liberals, they are being ignored or humiliated by a great many of those of the well-fed Right, whose ignorance and amorality of never been exaggerated for the same reason that one cannot exaggerate infinity.

There are, thank Heaven, the exceptions. There are those of generous impulse and a sincere desire to encourage a responsible dissent from the Liberal orthodoxy. And there are those who recognize that when all is said and done, the market place depends for a license to operate freely on the men who issue licenses—on the politicians. They recognize, therefore, that efficient getting and spending is itself impossible except in an atmosphere that encourages efficient getting and spending. And back of all political institutions there are moral and philosophical concepts, implicit or defined. Our political economy and our high-energy industry run on large, general principles, on ideas—not by day-to-day guess work, expedients and improvisations. Ideas have to go into exchange to become or remain operative; and the medium of such exchange is the printed word. A vigorous and incorruptible journal of conservative opinion is—dare we say it?—as necessary to better living as Chemistry.

We begin publishing, then, with a considerable stock of experience with the irresponsible Right, and a despair of the intransigence of the Liberals, who run this country; and all this in a world dominated by the jubilant single-mindedness of the practicing Communist, with his inside track to History. All this would not appear to augur well for National Review. Yet we start with a considerable—and considered—optimism.

After all, we crashed through. More than one hundred and twenty investors made this magazine possible, and over 50 men and women of small means invested less than one thousand dollars apiece in it. Two men and one woman, all three with overwhelming personal and public commitments, worked round the clock to make publication possible. A score of professional writers pledged their devoted attention to its needs, and hundreds of thoughtful men and women gave evidence that the appearance of such a journal as we have in mind would profoundly affect their lives.

Our own views, as expressed in a memorandum drafted a year ago, and directed to our investors, are set forth in an adjacent column. We have nothing to offer but the best that is in us. That, a thousand Liberals who read this sentiment will say with relief, is clearly not enough! It isn't enough. But it is at this point that we steal the march. For we offer, besides ourselves, a position that has not grown old under the weight of a gigantic, parasitic bureaucracy, a position untempered by the doctoral dissertations of a generation of Ph.D's in social architecture, unattenuated by a thousand vulgar promises to a thousand different pressure groups uncorroded by a cynical contempt for human freedom. And that, ladies and gentlemen, leaves us just about the hottest thing in town.

PERSONAL EXPLANATION

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 18, 2005

Mr. GALLEGLY. Mr. Speaker, on Monday, September 11, 2005, I was unable to vote on the motion to approve the journal (rollcall No. 521); the motion to suspend the rules and agree to H. Res. 457, Recognizing the importance and positive contributions of chemistry to our everyday lives and supporting the goals and ideals of National Chemistry Week (rollcall No. 522); and the motion to suspend the rules and agree to H. Res. 491, Expressing the sense of the House with respect to raising awareness and enhancing the state of computer security in the U.S. and supporting the goals of National Cyber Security Awareness Month (rollcall No. 523). Had I been present, I would have voted "yea" on all three measures.

COMMEMORATING SPINA BIFIDA MONTH

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 18, 2005

Ms. ROS-LEHTINEN. Mr. Speaker, I rise today to commemorate National Spina Bifida Awareness Month and to pay tribute to the more than 250,000 Americans in the Spina Bifida Community. There are an estimated 70,000 people in the United States who are currently living with Spina Bifida, the most common permanently disabling birth defect.

The Spina Bifida Association of America (SBAA) is an organization that has helped those affected by this debilitating disease for over 30 years and is the Nation's only organization solely dedicated to advocating on behalf of the Spina Bifida community. With almost 60 chapters in more than 125 communities, the SBAA brings families together to answer questions, voice concerns, and lend support to one another.

Together the SBAA and various local SBA Florida chapters work tirelessly to help the families of those living with Spina Bifida meet the challenges and enjoy the rewards of raising their children. I would like to thank the local chapters of SBAA in my State of Florida for all they have done and all that they will continue to do. The chapters in my State are a partner in the SB Hurricane Emergency Life Support Program established by the SBAA to distribute vitally needed supplies and assistance to Spina Bifida victims of the hurricanes in the Gulf Coast.

The exact cause of Spina Bifida is not known, but research has shown that if a woman takes 400 mcg of folic acid every day before she becomes pregnant, she reduces her risk of having a baby with Spina Bifida or another neural tube defect by as much as 70%. Although the exact cause remains unknown, genetics and environment are believed to play a role. Spina Bifida is a neural tube defect that happens in the first month of pregnancy when the spinal column doesn't close completely. Every day, an average of 8 babies are affected by Spina Bifida or a similar birth defect of the brain and spine, contributing to the 3,000 babies born annually with the disease.

With proper medical and family care people affected by Spina Bifida can live productive lives with the help of braces and/or a wheelchair. The key to a better life for Americans who live with Spina Bifida is research. Our goals are to develop new mechanisms for treatment, understanding and the prevention of Spina Bifida.

I am proud to be a member of the Congressional Spina Bifida Caucus and hope that all of my colleagues will join me in working to spread awareness about this disease. I encourage you all to join the caucus so that together we can improve the quality of life of those living with Spina Bifida.

I again wish to thank the SBAA and its chapters for all of their hard work to prevent and reduce suffering for those individuals living with Spina Bifida throughout this Nation. We all owe a great debt to the SBAA for what they have done.

PERSONAL EXPLANATION

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 18, 2005

Mr. BECERRA. Mr. Speaker, on Monday, October 17, 2005, I was unable to cast my floor vote on rollcall Nos. 521, 522 and 523. The rollcalls I missed included a vote on approving the journal, a vote recognizing the importance and positive contributions of chemistry to our everyday lives and supporting the goals and ideals of National Chemistry Week, and a vote expressing the sense of the House of Representatives with respect to raising awareness and enhancing the state of computer security in the United States, and supporting the goals and ideals of National Cyber Security Awareness Month.

Had I been present for the votes, I would have voted "aye" on rollcall votes 521, 522 and 523.

PERSONAL EXPANATION

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 18, 2005

Mr. KENNEDY of Rhode Island. Mr. Speaker, on the evening of October 17, I missed three Rollcall votes. It was my intention to vote:

"Yes" on Recorded Vote 521 Journal Vote.

"Yes" on Recorded Vote 522 H. Res. 457. Recognizing the importance and positive contributions of chemistry to our everyday lives and supporting the goals and ideals of National Chemistry Week (Rep. HOLT—Science).

"Yes" on Recorded Vote 523 H. Res. 491. Expressing the sense of Congress with respect to raising awareness and enhancing the state of computer security in the United States, and supporting the goals and ideals of National Cyber Security Awareness Month.

BELLOWS FALLS ACADEMY CELEBRATES 75 YEARS OF ACCOMPLISHMENT

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 18, 2005

Mr. SANDERS. Mr. Speaker, I wish to extend congratulations to Bellows Free Academy of St. Albans, Vermont, on its 75th anniversary. Our democratic society depends for its very existence on an educated and informed population. In that respect, there is no task in our society more important than educating our youth. For three-quarters of a century, BFA has been doing just that for students in St. Albans and surrounding towns in Franklin County: educating area students academically and preparing them to fully participate in our American democracy.

So it is a particular pleasure for me to recognize the magnitude of this achievement: for 75 years Bellows Free Academy has taught the young citizens of St. Albans and its neighboring towns. Those seven and a half decades have seen the high school serve as a binding force in the community, bringing it together behind sports and drama and whole variety of activities. They have seen generation after generation of young people fully prepared by BFA for the challenges of the adult world, young people whom BFA has taught and trained so they can find satisfying work and take their place as active and concerned members of their communities.

Of course, any institution is really only a reflection of the dedication and commitment of all the people involved with it. So recognition of BFA's 75-year history is really a recognition of the administrators, teachers, and, of course, students—present and former—who themselves are a living testament to the important role that BFA has played and continues to play in the lives of so many since its founding.

At time of this celebration, let me offer the wish that many, many more decades of rich and productive accomplishment lay ahead for Bellows Free Academy, its students, its teachers and its support community.

PERSONAL EXPLANATION

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 18, 2005

Mr. GRAVES. Mr. Speaker, on Friday, October 7, 2005, I was unavoidably detained and thus missed rollcall vote No. 520. Had I been present, I would have voted "yea" on rollcall vote No. 520, H. Con. Res. 248, honoring the life and work of Simon Wiesenthal and reaffirming the commitment of Congress to the fight against anti-Semitism and intolerance in all forms, in all forums, and in all nations.

IN MEMORY OF OUR FALLEN DALLAS FIRE FIGHTERS

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 18, 2005

Mr. SESSIONS. Mr. Speaker, I rise today to honor the memory of the Dallas Fire Fighters who have laid down their lives in the line of duty while serving the citizens of the City of Dallas. They will be remembered at the Dallas Fire-Rescue Department Memorial Service at the Dodd J. Miller, Jr. Training Center on October 22. In addition, I honor the family, friends and fellow fire fighters who grieve their loss and carry out their legacies.

Many times it is only the fire fighters that stand between our communities and countless dangers. In times of need, they are the first to arrive and remain vigilant on the front lines. We have come to depend on their heroism, fortitude and bravery and they never falter.

I encourage the loved ones of these fallen heroes to reflect on the selflessness of their sacrifice and the glory of their actions. In the face of great danger, they did not waver in their commitment to help those who could not help themselves.

I am privileged to represent these true American heroes. They served with pride and died with honor and we will forever be grateful for their selfless service. May their loved ones and colleagues accept the many thanks of our grateful nation.

HONORING JACK C. SMITH AND FOOD CITY'S 50 YEARS OF BUSINESS

HON. WILLIAM L. JENKINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 18, 2005

Mr. JENKINS. Mr. Speaker, I rise today to honor the contributions of a man who has made a significant presence on the business landscape of Tennessee, Virginia, and Kentucky. In 1954, Jack C. Smith made a decision to get into the grocery business in his hometown of Grundy, Virginia. It is a simple story of a man at the age of 29 who saw a need for his community, worked with his family to find the necessary startup capital, and started a grocery store that has not only survived, but thrived and has become a fixture in the region. The following excerpt from the book The Grocer and his Dream—The Story of Jack Smith and KVAT Foods tells the story:

> Jack Curtis Smith was born August 21, 1925 in Grundy, VA, deep in the coal mining region of Buchanan County. He was the only child of Curtis and Elizabeth Belcher Smith.
>
> The nation was on the verge of World War II when Jack graduated from Grundy High School in 1942 and set his sights on a military career. Specifically, he wanted to be in the Navy and he wanted to become an officer.
>
> On Flag Day, June 14, 1944, Jack Smith was sworn in as a midshipman at the U.S. Naval Academy in Annapolis, Maryland. Jack graduated in June, 1947 as an electrical engineer.
>
> Jack and Judy Smith were married in a formal military ceremony at the Naval Academy Chapel, September 20, 1947. "We had the crossed swords, everything," Jack recalls.
>
> In Spring, 1954, Jack Smith was back in his picturesque hometown of Grundy, VA after 10 years in the Navy. Jack and his young family had just finished an exhausting trek from California to the mountains of southwest Virginia where he expected to help his cousin Ernest Smith open several new Ben Franklin variety stores.
>
> "When I got back to Grundy I went to see my cousin Ernest and said, "Well, I'm ready to go to work," Jack explains. "Then Ernest told me he didn't think his planned expansion was going to work out."
>
> Ernest Smith had operated a successful Ben Franklin store in Grundy for several years and was in the market to purchase several additional stores in the area. The deal, however, didn't pan out and Jack Smith suddenly found himself with a wife, two young daughters and no job.
>
> "As luck would have it, mother sent me to the store one day. It was just a little A&P with two checkouts and one of those never opened. I got the groceries I needed, and then had to stand in line for 45 minutes. I got back home and told my family, 'I think I've found me something to do. What this town needs is a good supermarket.' "
>
> The idea was sound. Grundy did, indeed, need a good supermarket. The question was how Jack could pull it off.
>
> He talked with his father, Curtis Smith, a successful local businessman; his uncle Earl Smith, who was Buchanan County treasurer; and his cousin Ernest and they agreed that opening a modern supermarket in Grundy made a lot of sense from a business standpoint.
>
> Earl Smith put up some land he owned as his part of the deal and the other three agreed to borrow $60,000 each to match the value of the land. Thus the original four stockholders of the budding grocery business were Jack Smith, his father, Curtis; his uncle, Earl Smith; and his cousin, Ernest.
>
> "So, here I am, 29 years old. I don't know a thing about the grocery business and we've all borrowed money to open a supermarket that I don't know a thing about running," Jack says.
>
> "Course, Ernest was thinking all the time," Jack continues. "He's heard of a company called Piggly Wiggly because there were Piggly Wiggly stores all around southwest Virginia. So he contacted the Piggly Wiggly Corporation while we started ground preparation on our store site. In a few days two representatives from Piggly Wiggly, field representative George Fox and Tommy Thompson, vice president in charge of the Piggly Wiggly factory that made store fixtures, came to Grundy and we showed them what we had in mind."
>
> "They said, 'This looks good. It looks real good. Now what we need is to have you fellows come down to our factory in Jackson, Tennessee and we'll design you a store.' "
>
> The partners quickly hammered out a franchise agreement with Piggly Wiggly and the grocery chain's design division laid out the new supermarket and supplied the fixtures. "Our fixtures were a little different," Jack recalls. "Everyone else had white in those days but ours were color coded for different departments. I had the most beautiful store anybody ever saw."
>
> The Grundy Piggly Wiggly, with 8,800 square feet of space, opened for business on November 17, 1955. It was located on Route 83 North.
>
> Although he had never dreamed of becoming a grocer, Jack Smith was now in the grocery business, an enterprise that would consume his energies for the next half century.

Mr. Speaker, KVAT Food Stores, Inc. will soon be opening its 92nd store in Vansant, Virginia. The date of the opening will be November 17, 2005, 50 years to the day of the opening of its store in Grundy. With 92 stores in Southeast Kentucky, Southwest Virginia, and Northeast Tennessee, the KVAT stores, operating under the name Food City, are pillars of their local communities. In addition, their success has been shared back with the communities they serve. Food City is well known with its programs like Apples for the Students, in which the company has donated over seven million dollars in equipment to schools in their three state service region. In addition, Food City also partners with farmers in Southwest VA and Northeast TN to bring local produce to its customers which helps local farmers and satisfies customer demand.

Finally, Food City shares its success with its employees. In fact, the company now has 16 percent of its ownership held by its associates, a number expected to continually rise with its profit sharing plans.

KVAT and Food City deserve recognition at their 50 years of service and success, and I know that the congressional delegation of this region join me in honoring the vision of Jack Smith and celebrating all of those who have worked so hard to see its success over the last 50 years.

IN MEMORIAM OF ROBERT HANSON, LAST "MEMPHIS BELLE" CREW MEMBER

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 18, 2005

Mr. UDALL of New Mexico. Mr. Speaker, I rise today to mourn the passing of Sergeant Robert J. Hanson, the last surviving crew member of the famed *Memphis Belle* B–17 that flew combat missions during World War II. Mr. Hanson was a man of character, capacity, compassion and courage. We are all saddened by his loss.

Robert was born in Walla Walla, WA, joined the military in 1941, and was assigned to the crew of the *Memphis Belle*.

Early in World War II, the United States 8th Air Force decided to use its heavy bombers in daytime attacks against occupied Europe. The British predicted horrible losses during daylight raids. It was not surprising that the first bomber crew to complete 25 missions would be regarded as heroes.

The crew of the *Memphis Belle* was the first to complete a combat tour. Between November 7, 1942 and May 17, 1943, the crew flew missions ranging from 4 to almost 10 hours in duration. For these missions Robert Hanson and his fellow airmen were awarded the Air Medal with three Oak Leaf Clusters and the Distinguished Flying Cross. The *Memphis Belle* and its crew were then returned to the United States on a morale-building tour of aircraft plants.

Sergeant Hanson served as the radio operator on the *Memphis Belle*. He put the name of his sweetheart, Irene, next to the window where he sat just in case someone needed to know who to contact if he died in combat.

During its missions, the *Memphis Belle* was hit by flak, cannon shells and machine gun bullets. The plane's major parts were replaced at least once, and four crew members died during combat.

Sergeant Hanson himself narrowly escaped serious injury or even death. He was writing in a log book one day and had to sneeze. As his head moved, a bullet missed him and put a hole through the book.

He regaled family and friends with his experiences about a chase involving several German planes, the bomber's tail being shot off and a nose dive that left the crew wondering if they should use their parachutes.

Upon leaving the service, he went on to work as a salesman for Nalley Fine Foods in Walla Walla, WA, and became a regional manager. He later worked for a candy company in Spokane, Wash. He and Irene recently moved to Albuquerque, NM, to be near their daughter.

In his later years, he enjoyed spending time with his grandchildren, and when he was able, he toured the country speaking about his experiences aboard the Memphis Belle.

Sergeant Hanson was a loving husband and father and a loyal friend. I extend my deepest sympathy during this time of bereavement to his wife of 63 years, Irene; his daughter, Mary Black; his son, Rick Hanson; and his six grandchildren.

Not only was Robert Hanson part of our Greatest Generation, he was a true hero, aptly defined as one who inspires through manners and actions, who leads through personal example and accomplishments requiring bravery, skill, and determination.

Mr. Speaker, when radio operators signed off using Morse code, they keyed Dit–Dit–Dit–Dah–Dit–Dah. And, Robert was fond of ending his phone conversations in this way. In honor to him, I ask my colleagues to rise with me and say Dit–Dit–Dit–Dah–Dit–Dah.

PERSONAL EXPLANATION

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 18, 2005

Mr. ROGERS of Kentucky. Mr. Speaker, on Monday, October 17, I was unavoidably detained in Kentucky and was not present for rollcall votes No. 521, 522 and 523. The votes were on approving the Journal, and House Resolutions 457 and 491. Had I been present, I would have voted "yea" on all measures.

HONORING NATIONAL HISPANIC HERITAGE MONTH

HON. MARTIN T. MEEHAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 18, 2005

Mr. MEEHAN. Mr. Speaker, I rise today to honor National Hispanic Heritage Month. Our nation's greatest strength is its heritage of diversity and this month is a tribute to the more than 35 million Americans who identify themselves as Hispanic or Latino and the many millions who came before them. We thank them for their contributions to America, from protecting the nation from its enemies, to representing it abroad and strengthening it from within.

Hispanic Americans have flourished in every field, from politics to business to academia to entertainment. From the first Hispanic U.S. Congressman in 1822 to David Farragut, the first four-star Navy Admiral and famed Civil War leader, Hispanic Americans have played an integral part of our nation's history at every turn.

That history of service and patriotism continues today with the more than 200,000 Hispanics currently in the Armed Services. We thank them, for every time they don the uniform they do it with honor. They have fought proudly and bravely and 41 men of Hispanic heritage have been honored with the Congressional Medal of Honor. There are countless more that go unthanked. They face danger every day in our streets and in our homes as first responders; as policemen, as firemen and as paramedics.

I was proud to join the Immigration Subcommittee of the House Judiciary Committee earlier this year. I will continue to fight for the rights of America's newest residents as they make the transition to citizens. America's immigrants become many of its most active participants in civic life and contributors to our vibrant culture.

Over the last decade, I have been privileged to work with the Latino community, particularly on immigration issues and voter registration with Isabel Melendez. Her hard work organizing the Latino community to register and to get out and vote exemplifies the political activism thriving in the community.

I am proud to say that Latinos in Lawrence are continually achieving a higher socioeconomic status and improving the quality of life for their families. As a natural result, more and more Latino candidates are running for, and being elected to, public office. In my own district, I am proud to honor Julia Silverio who became the first Dominican woman to win public office in New England when she was elected to the Lawrence City Council. She is a member of the Dominican American National Roundtable will receive its Leadership Award tomorrow on October 8th.

Mr. Speaker and Colleagues, please join me in celebrating National Hispanic Heritage Month. It honors a powerful and patriotic heritage that has made our nation stronger through its inclusion. Hispanic Americans have profoundly changed and improved this nation in every facet, from the international to the national to the local level. All Americans owe this group their gratitude and honor.

HONORING MERCER COUNTY

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 18, 2005

Mr. RAHALL. Mr. Speaker, today, I honor Mercer County, West Virginia, for being recognized by the America's Promise Organization as one of the best communities in the Nation for our youth. This is because of their successful efforts to provide a healthy, safe and caring environment. As Mercer County was the only county in West Virginia to be named in the report, their efforts set the benchmark very high for all of WV and beyond. Mercer County is also taking great strides to become an even better community with its innovative Mercer Drug Treatment Program. This innovative program provides services to nonviolent offenders with a history of drug use and minor possession.

The Mercer County Drug Treatment Program was recently awarded a grant of $27,282 from the Edward Byrne Memorial Justice Assistance Grant Program; I have seen the program in action first hand and my visit easily convinced me of the meritorious value inherent in this exemplary program. Treatment Programs such as the one in Mercer County play an important role in our community and their financial support certainly has merit, especially with the ongoing problems of methamphetamines throughout our state and nation. This funding is crucial in helping people get back on their feet and helping them to rectify past mistakes they have made. By providing cost-effective, pro-active, community-inclusive and community building solutions such as this, we show the compassion of our Nation, and live up to our West Virginia heritage of brotherhood and dedication to our fellow man. I am proud to have a county in my State and specifically my district that is taking such positive steps to actively engage all of its citizens, young and old, in working for a greater community.

PERSONAL EXPLANATION

HON. JIM RYUN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 18, 2005

Mr. RYUN of Kansas. On Monday, October 17, 2005, I was unable to be present for the following rollcall votes: Journal vote (rollcall 521), H. Res. 457 (rollcall 522), H. Res. 491 (rollcall 523).

Had I been present, I would have voted "yea" on rollcall 521.

Had I been present, I would have voted "yea" on rollcall 522.

Had I been present, I would have voted "yea" on rollcall 523.

TRIBUTE TO ROY FRIEDERSDORF

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 18, 2005

Mr. PENCE. Mr. Speaker, I rise today to ask that the members of the House of Representatives allow me to bring to their attention the good works of a man who has long been active in the rural electrification program in Indiana, and who is now approaching his well-deserved opportunity to step down from the pinnacle of his field. The end of his term will leave a void for rural electrics in Indiana that will not be easy to replace. Today's comments are meant to remind us all of the many people around our Nation whose unceasing efforts contribute to the betterment of our quality of life.

Indiana's rural electric cooperatives have been enhanced over the past two years by the leadership and commitment of Mr. Roy Friedersdorf. In December, Mr. Friedersdorf will complete his term as president of Indiana Statewide Association of Rural Electric Cooperatives, Inc., the service association for 37 of the State's electric cooperatives.

His dedication to the betterment of rural Indiana, and his efforts to make a difference in the lives of those in his community and throughout the State, make him an example of the American virtues that we should extol in this august body.

Mr. Friedersdorf, a Westport, Indiana native, is a second-generation electric cooperative leader. His father, Robert, was a member of the Decatur County REMC board of directors for 35 years, and he also served as board chairman from 1975 to 1981 and as the REMC's representative on the Hoosier Energy REC board.

In 1994, Mr. Friedersdorf was elected by REMC members in a six-county area to join the Decatur County REMC board. Just a few years later, his fellow REMC board members elected him to the Indiana Statewide REC board. From 2002 to 2004, he served as vice president of Indiana Statewide. Mr. Friedersdorf juggles his administrative duties on the statewide level with his responsibilities as president of the Decatur County REMC board.

Not only has Mr. Friedersdorf made his mark in the electric cooperative industry with his integrity and sense of purpose, he has been a leader in his community as well. A corn, soybean and wheat farmer and Pioneer sales representative, Mr. Friedersdorf is a former president of the county grain growers association. He supports the Westport Kiwanis and previously was a county fair board member.

As active as he is in setting policies that impact thousands in rural and suburban Indiana, Mr. Friedersdorf maintains a down-to-earth and altruistic attitude. "I don't have a desire just to build up my resume," he has said. "I'm here to do the job . . . I like giving back and helping others."

Mr. Friedersdorf keeps his perspective on the values that are important, as he devotes much of his time to his family roles. He and his wife Denise have been married for 24 years, and they keep busy actively raising their 3 sons, Anthony, Wyatt, and Jared, who are in college, middle school, and elementary school.

Roy Friedersdorf is the type of person who works hard every day at improving the basic foundations of American life: family, business, and civic. His term of office as president of Indiana Statewide has been evidence of that, and for his devotion, I salute him today.

ST. MARY'S CATHOLIC ELEMENTARY SCHOOL

HON. C.L. "BUTCH" OTTER

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 18, 2005

Mr. OTTER. Mr. Speaker, I rise today to draw the attention of the House to a school from my district that has received the No Child Left Behind-Blue Ribbon Schools award from the United States Department of Education.

St. Mary's Catholic Elementary School, in Moscow, Idaho, stands as the only school in the State of Idaho to receive this prestigious and important educational award. This award honors public and private K–12 schools that are either academically superior in their states or that demonstrate dramatic gains in student achievement.

St. Mary's School strives to encourage its students to grow spiritually; to develop a lifelong love of learning and to achieve their highest personal and academic potential. This mission represents and promotes the State of Idaho and the enormous potential of its people.

The children of America are our most valuable asset. St. Mary's school provides a successful K–6 academic program and exemplifies the high quality of education and emphasis on learning in my great State. I hope the House will join me in acknowledging St. Mary's Catholic Elementary School's achievement.

IN HONOR OF THE REVEREND JAY SCRIBNER

HON. ROY BLUNT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 18, 2005

Mr. BLUNT. Mr. Speaker, I rise today to honor the career of Jay Scribner, who distinguished himself by his 28 years of service and commitment to the people of Southwest Missouri.

After receiving his Master of Divinity from Southwestern Baptist Theological Seminary in 1977, Reverend Scribner began his service at the First Baptist Church in Branson, Missouri. This year, Jay and his wife Kay leave a much larger church at a different location and with an outreach around the world after 28 years of dedicated service.

During this time, Reverend Scribner has acted as a Guest Chaplain for this body, participated in the Presidential Prayer Breakfast, and was honored with an Honorary Doctorate of Theology.

Pastor Scribner has not only touched lives in Southwest Missouri, but has also served as President of the Missouri Baptist Convention and has been a leader in religious broadcasting and Christian education. His work has taken both he and his ministry to places such as Israel, Jordan, Egypt, Australia, Taiwan, and Iraq.

The contributions of Reverend Jay Scribner during his years of service have impacted thousands of people in Southwest Missouri and throughout the world.

WELCOMING FORMER TAIWANESE PRESIDENT LEE TENG-HUI TO WASHINGTON, DC

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 18, 2005

Mr. TOWNS. Mr. Speaker, I rise today to welcome former Taiwanese President Lee Teng-Hui to Washington, DC this week.

President Lee was born on January 15, 1923, in Sanchih, a rural community on the outskirts of Taipei. After graduating from Taipei High School, he was admitted into Kyoto Imperial University in Japan. After World War II, he returned home to continue his studies at National Taiwan University (NTU) , majoring in agricultural economics.

After being elected vice president in 1984, he helped engineer various political and economic reforms. On the sudden death of President Chiang Ching-kuo on January 13, 1988, Dr. Lee became President and completed the remainder of Chiang's. During his 2 years in office he greatly impressed the people of Taiwan with his able leadership. And, on March 21, 1990, Dr. Lee was elected in his own right by the National Assembly as president of Taiwan.

President Lee Teng-hui can rightfully called the founding father of Taiwan's democratic system. "The George Washington of Taiwan."

At the age of 82 today, he still seeks to learn and educate himself about our American democracy. He visited the National Archives to see the Constitution and the U.S. Declaration of Independence. He received a tour at the Jefferson Memorial; no doubt prompted by the fact that he himself stood at the cradle of democracy in Taiwan.

Mr. Speaker: We have an opportunity to meet with President Lee in person this Wednesday afternoon. I urge all my colleagues to participate in this historic occasion and join me in welcoming President Lee to Washington, DC.

We need more friends like President Lee. Yes, we need more friends like Taiwan.

I hope that soon all restrictions on high-level visits from Taiwan will be lifted including the President, the vice-President, the foreign minister and the defense minister. So that a balanced understanding of both sides of the Taiwan Strait will be directly available to Congress, the Administration and the American public.

After President Lee's visit, I look forward to welcoming Taiwan's current President—Mr. Chen Shui-bian—to Washington, DC as well. Sooner rather than later.

IN RECOGNITION OF THE MEADOWLANDS HOSPITAL MEDICAL CENTER

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 18, 2005

Mr. ROTHMAN. Mr. Speaker, I rise today in recognition of the Meadowlands Hospital Medical Center in Secaucus, New Jersey. I take great pride in knowing that my constituents have access to some of the best hospitals and health care in the country. I am delighted to announce that the Joint Commission on the Accreditation of Health Care Organizations has recently inspected the Meadowlands Hospital and found it to be in superb condition and in need of no improvements. This is an incredible accomplishment in the current age of medicine. This great achievement gives validation to what we in Northern New Jersey have always known—that the Meadowlands Hospital is in the top tier of hospitals nationally.

The Meadowlands Hospital has also received a "Five Star" rating for its Obstetrical

Services from Health Grades, an independent agency that rates the quality of programs in hospitals around the country. Health Grades shows that the obstetrical services at the Meadowlands Hospital ranks in the top 5 percent of programs nationally, when it comes to positive outcomes and lower complication rates. In addition, the hospital's acute inpatient rehabilitation unit, the Liberty Rehabilitation Institute, is rated among the highest in patient satisfaction in the Northeast, based on surveys of its patients performed by Press Ganey, Inc.

The Meadowlands Hospital will soon be celebrating its 30th anniversary. I'm sure that all of my constituents will join me in recognizing the great services that the hospital provides to our community and congratulating them on their recent accomplishments. We all look forward to celebrating their third decade of service and working to expand the hospital so it can continue providing superior health care to Secaucus and all of Northern New Jersey.

HONORING ALBERT GONZALEZ

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 18, 2005

Mr. UDALL of Colorado. Mr. Speaker, I rise today to honor a leader in Colorado's Latino community, Albert Gonzales. Mr. Gonzales is the president of Gonzales Consulting Services which he founded in 1990. After 15 years in business, Gonzales Consulting Services has 250 employees who provide financial management, support services, information technology, and emergency security communications to clients in nine States. Having realized extraordinary success in his own business endeavors, Albert finds time now to mentor small businesses with their growth and development.

By any measure, Albert Gonzales is a true American success story. He is not only a leading entrepreneur in Colorado, he is raising his family and contributing to the larger community.

In fact, he has focused much of his life to giving back to his community—particularly to the Latino community. In 1992, Albert Gonzales founded the Colorado Democratic Latino Initiative, the first initiative of its kind in Colorado. The Latino Initiative has given many Hispanic Coloradans a means for more effective participation in politics within the Democratic Party. The initiative has provided training and information on issues that affect the community and has been a model for political involvement across our region, including similar efforts by the Republican Party. As a result, there has been a tangible increase in the participation in the political process by Colorado Latinos. That participation shows itself in more than just Latinos exercising their right to vote. Many have been given the tools and encouragement necessary to run for public office.

Although Albert is a committed Democrat, his partisan affiliation is not why I rise to acknowledge his leadership. Albert's real contribution to Colorado is in his work as a businessman, as a mentor, and as a person of conscience and good will.

As a decision maker and political leader, Albert Gonzales has shown how important it is for Latinos to occupy positions of power in policy making—particularly as this community continues to grow and influence the culture, politics and economy of the West. Although Albert will retire from the Colorado Democratic Initiative Board this year, I have no doubt that he will continue to work in other ways and with the same passion, intelligence and commitment for this community.

Mr. Speaker, I ask my colleagues to join me in honoring Albert Gonzales for his commitment toward elevating the Latino community's influence in the public arena—a worthy objective that cuts across partisan lines and serves to strengthen our democratic process.

RECOGNIZING MASTER JOHN BACHKOSKY FOR HIS ACT OF HEROISM

HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 18, 2005

Mr. RUPPERSBERGER. Mr. Speaker, I rise before you today to acknowledge the act of heroism displayed by Master John Bachkosky on August 18, 2004. John, a Weblos Scout of Cub Scout Pack 688, demonstrated both determination and heroism by saving the lives of his sister Robin, and friend, Morgan at minimum risk to himself.

The 6-year-old girls were playing in the waves of Ocean City, Maryland, when they became caught in a riptide. John was nearby and had an opportunity to swim to shallow water. However, as a genuine Scout would, he acted courageously by swimming to where the girls were. He then held them up until help arrived.

John's vigilance and instincts prevented the girls from any serious injury. The Boy Scouts of America upon recommendation of the National Court of Honor presented John with a Heroism Award.

Mr. Speaker, I ask that you join with me today in commending Master John Bachkosky for adhering to the Core Values of Cub Scouting, displayed through his Courage, Perseverance, and Responsibility. His actions are evidence of the principles of the Boy Scouts of America.

CALLING ATTENTION TO CUSHING'S DISEASE

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 18, 2005

Mr. PASCRELL. Mr. Speaker, I rise today to draw both the House and the Nation's attention to Cushing's disease: a disease that debilitates, degenerates, and devastates the lives of 10 to 15 million people a year.

Yet despite the grievous nature of this disease, it has gained little attention from the general public as well as medical advocates across the country.

Cushing's disease is caused by the body's overproduction of cortisol, the hormone that serves a number of imperative functions such as sugar break down, metabolism regulation, inflammation reduction, maintenance of blood pressure and cardiovascular function, and regulation of the body's response to stress.

Unfortunately, the severity of the disease is also coupled with a high degree of unfamiliarity with its symptoms among victims and doctors alike. These circumstances prove highly dangerous as it is frequently misdiagnosed.

This illness comes in various yet equally grievous forms in which its myriad of symptoms are easily confused with other diseases, conditions, and disorders. Some of the most commonly experienced symptoms include rapid weight gain, central obesity, moon face, weakness, fatigue, backache, headache, increased urination, impotence, neuropsychological disorders, muscle atrophy, stretch marks, osteoporosis, high blood pressure, and uncontrolled diabetes.

Failure to properly and aggressively treat Cushing's disease quickly can lead to fatal consequences.

Recently, Ms. Stephanie Womack-Gilchrist, my constituent in the 8th District of New Jersey, shared with me the story of her excruciating battle with this rare and relatively unknown disease. She has endured a 7-year battle with the illness in which she subsequently experienced sporadic hospitalization, comas, seizures, and a miscarriage.

Additionally, she was diagnosed with diabetes, suffered from depression, broke both feet due to the severity of her osteoporosis, developed a tumor on her pituitary, and had to endure radiation treatment. Her symptoms baffled various doctors and specialists for 3 years before her original internist identified her affliction as Cushing's disease. Yet, despite this horrific ordeal, Stephanie has persevered.

This resilient woman contacted me in an effort to raise awareness about Cushing's Disease. And I stand here today to educate my colleagues on the severity of this disease in order to help her and others suffering from this disease to promote a wide-spread understanding of it.

After enduring the absolute havoc that Cushing's wreaked on her life, Ms. Womack-Gilchrest has allied herself with the organization, Cushing's Understanding Support Help (CUSH). This organization is leading the charge in raising the level of public awareness about this debilitating disease.

Their website provides comprehensive information about the causes, symptoms, and consequences of Cushing's Disease, and strives to promote a wide understanding of all the elements of this illness. It also provides information on ways to reach out to patients and their families and offers a Chat Night every Wednesday.

In addition, CUSH posts opportunities to participate in symptoms studies and various other medical research. They also have an interactive message board on which they post international events, recent news, biographies of CUSH founders and patients, and relevant web casts and video footage, among other things. Such efforts work to not only inform and support those with the affliction, but to globally implement a much needed, education campaign.

It is our duty as the legislative leaders of this Nation to respond to all those who are and who will be affected by Cushing's.

I urge Congress to recognize the detrimental effects of this agonizing illness and emphatically encourage my colleagues to help promote awareness and understanding of Cushing's Disease.

RECOGNIZING THE UNITED NATIONS ASSOCIATION-EAST BAY CHAPTER TRIBUTE CELEBRATION

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 18, 2005

Mr. STARK. Mr. Speaker, I rise with my colleague and neighbor Ms. BARBARA LEE to pay tribute to the celebrations planned by the United Nations Association, East Bay Chapter to commemorate the 60th Anniversary of the United Nations. Events have been planned in the city of Alameda, California and Jack London Square in Oakland, California.

At Jack London Square, there will be a Parade of Nations, a 60th Anniversary Ceremony, International Food Festival, Multi-Cultural Musical and Dance Performance as well as children's and family activities.

United Nations celebratory activities in Alameda will be held in Kofman Auditorium and will feature a participatory experience of song, dance and inspiration for Alameda's children, families and all who, as global citizens, dream of a better and united world. The event will be a springboard to think globally and act locally in the spirit of the United Nations.

The United Nations Association-East Bay Chapter describes membership in their organization as a personal investment in the world's future. Their members stay involved in some of the most important issues facing our world today.

We applaud these committed members as they plan and participate in the activities to celebrate the United Nations' 60th Anniversary in the East Bay. Their engagement and involvement to educate and involve the public in UN activities and their promotion of UN principles are exemplary.

HONORING MR. NORM SOOY

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 18, 2005

Mr. ANDREWS. Mr. Speaker, I rise today to commend and honor Norm Sooy, this year's recipient of the Excellence in Customer Service Award given by the New Jersey Department of Labor and Workforce Development. This award is given to providers of great customer service for veterans. Moreover, it identifies individuals who go above and beyond the scope of their normal duties. For sixteen years, Norm has managed a tremendous caseload as Director of the Camden County Department of Veterans Affairs, and repeatedly volunteers his own time on nights and weekends in order to better serve Camden County veterans.

Norm Sooy is a pillar in my community, an esteemed colleague, and above all a close friend. New Jersey is blessed to have such a selfless and hard working champion for veterans. I offer my sincere gratitude to him for his dedication, as I am sure veterans across Camden County do as well.

PERSONAL EXPLANATION

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 18, 2005

Mr. OXLEY. Mr. Speaker, I was absent from the floor during yesterday's rollcall votes on House Resolution 457, recognizing National Chemistry Week, and House Resolution 491, supporting National Cyber Security Awareness Month.

Had I been present, I would have voted in favor of both resolutions.

THE KEYCORP CAMPUS OF BROOKLYN, OHIO

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 18, 2005

Mr. KUCINICH. Mr. Speaker, I rise today in honor of the staff members of the KeyCorp Campus, located on Tiedeman Road in Brooklyn, Ohio, upon their recent designation as a certified Green Building by the U.S. Green Building Council, USGBC. KeyCorp is the first financial service institution in the Midwest to earn this prestigious certification.

KeyCorp has joined the ranks of premier corporations and manufacturers across the Nation that have invested their own resources to elevate the structural, operational and performance components of their facilities to the highest levels of environmental standards. The 2,000 plus staff at KeyCorp has worked diligently within the USGBC's new rating system, the Leadership in Energy and Environmental Design for Existing Buildings, LEED, to become an officially designated Green Building.

By adhering to LEED systems and standards, KeyCorp has restored their 750,000-square-foot technology and operations buildings and adjacent property to an environmentally sound haven for employees and surrounding flora and fauna. The campus was built on a brownfield site, which has been renewed with water-efficient, native landscaping. KeyCorp made the commitment to implement environmentally smart procedures which served as economically smart moves for the company. By installing low-mercury light bulbs, recycling paper and cardboard, greater usage of natural light, and using green-friendly housekeeping and maintenance products, the company is protecting their bottom line and protecting the environment as well.

Mr. Speaker and Colleagues, please join me in honor and recognition of the leadership and staff members of the KeyCorp Tiedeman Campus in Brooklyn, Ohio, whose united efforts in raising the entire Campus into the light of environmental restoration and protection has earned them the official designation as a Green Building. KeyCorp's unified mission has made a positive impact on our community and serves as a vital reminder and example of the ability of the human race to coexist in harmony with our natural world.

COURAGEOUS LEADERSHIP OF KYRGYZ PRESIDENT BAKIYEV IN EFFORTS TO FIGHT TERRORISM

HON. DANA ROHRABACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 18, 2005

Mr. ROHRABACHER. Mr. Speaker, I wish to bring to the attention of my colleagues the important contribution Kyrgyz Republic President Kurmanbek Bakiyev is making in supporting United States and Coalition Forces in our mission to fight terrorism in Afghanistan.

U.S. Secretary of State Condoleezza Rice has just concluded a visit with President Bakiyev in the Kyrgyz Republic's capitol of Bishkek. On October 11, 2005, Secretary Rice and President Bakiyev issued a "Joint Statement of the United States of America and the Kyrgyz Republic on the Presence of the U.S. Military in the Region." I ask that the full statement be placed in the CONGRESSIONAL RECORD.

Mr. Speaker, I applaud President Bakiyev's leadership in making this courageous commitment to provide the United States and Coalition Forces access to the Manas air base. This agreement provides certainty at a time when there is great uncertainty in the region. This new U.S.-Kyrgyz agreement follows a statement released July 5, 2005, by the Shanghai Cooperation Organization comprised of China, Russia, Kazakhstan, Kyrgyzstan, Uzbekistan and Tajikistan, requesting a timetable for U.S. troop withdrawal in the region due to the lessening of operations in Afghanistan. The U.S.-Kyrgyz agreement also comes at a critical time for our military presence in the region, in light of neighboring Uzbekistan's decision to deny the U.S. access to a key military base which has been used for counterterrorism, military and humanitarian missions.

The United States has a very real and expanding interest in Central Asia. The United States looks forward to working closely with our partner The Kyrgyz Republic to successfully eliminate global terrorism and bring peace and stability to the region.

DEPARTMENT OF STATE,
Washington, DC, October 11, 2005.

JOINT STATEMENT OF THE UNITED STATES OF AMERICA AND THE KYRGYZ REPUBLIC ON THE PRESENCE OF THE U.S. MILITARY IN THE REGION

Following is the text of a joint statement issued by the United States of America and the Kyrgyz Republic on the Presence of the U.S. Military in the Region.

Kyrgyzstan understands the need to resolve urgently the military and political situation in Afghanistan, to contain the sources of terrorism and to create peaceful conditions for the social, economic and democratic development of the country.

in this regard, the Government of the Kyrgyz Republic recognizes the important contribution of the international anti-terrorist Coalition, located at the Ganci Airbase, in strengthening regional stability. The Kyrgyz side will continue to take part in these and other joint efforts of the international community to contend with modern-day challenges and threats to security.

We support the presence of Coalition Forces in the Kyrgyz Republic until the mission of fighting terrorism in Afghanistan is completed, a mission supported by the United Nations.

The governments of the United States and the Kyrgyz Republic express their readiness to review the transparency of investments made for the use of the Manas Airport and at the same time to discuss other organizational and technical questions.

Regarding its domestic policy, Kyrgyzstan intends to continue its orientation toward strengthening democratic principles and carrying out a decisive battle against corruption in order to create the necessary conditions for sustainable development.

ADAM ERELI.
Deputy Spokesman.

FREEDOM FOR ORLANDO ZAPATA TAMAYO

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 18, 2005

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I rise today to speak about Orlando Zapata Tamayo, a political prisoner in totalitarian Cuba.

Mr. Zapata Tamayo is a member of the Alternative Republican Movement as well as a member of the National Civic Resistance Committee. Because of his belief in freedom and democracy, Mr. Zapata Tamayo has been a constant target of the tyrant's machinery of repression. According to Amnesty International, he was detained and harassed by the dictatorship's thugs on July 3, 2002 and October 28, 2002. In November 2002, after taking part in a workshop on human rights in the central Havana park, he and eight other dictatorship opponents were arrested again. He was also arrested and thrown into the totalitarian gulag in December 2002.

Mr. Zapata Tamayo, knowing full well the heinous repression that awaited him if he continued to advocate for freedom for the people of Cuba, never wavered in his convictions. Unfortunately, on May 20, 2003, he was arrested again for taking part in a hunger strike to demand the release of Dr. Oscar Elias Biscet. According to Information Bridge Cuba-Miami, in a sham trial, Mr. Zapata Tamayo was sentenced to 3 years in the totalitarian gulag for the supposed crimes of "public disorder, disobedience and resisting authority."

Brave men and women like Mr. Zapata Tamayo represent the best of mankind. He and other pro-democracy activists languish in abhorrent dungeons, defy the dictator's machinery of repression and, despite every threat and obstacle, relentlessly demand liberty for the people of Cuba. Because of their unwavering dedication and the hard work and commitment of countless other patriots, Cuba will be free again.

Mr. Speaker, it is categorically unacceptable that, while the world stands by in silence and acquiescence, Mr. Zapata Tamayo languishes in a grotesque gulag because of his belief in freedom, democracy, human rights and the rule of law. We cannot permit the brutal treatment by a demented and murderous tyrant of a man like Mr. Zapato Tamayo for simply supporting freedom for his people. My colleagues, we must demand the immediate and unconditional release of Orlando Zapato Tamayo and every political prisoner in totalitarian Cuba.

IN HONOR OF THE 2ND ANNUAL RAMADAN IFTAR DINNER IN CLEVELAND, OHIO

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 18, 2005

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of the 2nd Annual Ramadan Iftar Dinner, hosted once again by the Cleveland Office of the Ohio Chapter of the Council on American-Islamic Relations (CAIR). This joyous celebration reflects the significance of the Muslim holy month of Ramadan, a sacred event reflecting the core values of the Islamic religion: a steadfast devotion to faith, peace, family and heritage.

Ramadan is one of the Five Pillars of the religion of Islam and one of the central forms of Islamic worship. Throughout the entire ninth month of the Islamic Calendar year, Muslims show their devotion to God by fasting daily from daybreak until sundown. The sacred month of Ramadan is a time of giving, gratitude to God and sacrifice, which serves to unify Muslims around the world with a great sense of connection to all humanity.

Muslim Americans comprise a significant number of citizens in Greater Cleveland and across America. Moreover, the Muslim community greatly enriches the diverse fabric of our culture. Muslim Americans contribute immensely within all aspects of society, including premier achievements in science, medicine, business, religion, government service, education and art. The leaders and members of the Cleveland Office of the Ohio Chapter of CAIR remain focused on their vital mission: to enhance understanding of Islam, protect civil liberties and establish community coalitions to promote justice and mutual respect.

Mr. Speaker and Colleagues, please join me in honor and recognition of American Muslims of Greater Cleveland and Muslims around the world. We also stand in tribute to the leaders and members of CAIR, for celebrating the sacred month of Ramadan with our community, at the 2nd Annual Ramadan Iftar Dinner. This interfaith gathering is reflective of the freedoms of our democratic society and underscores a deep and abiding honor and respect for individuals of all cultures and faiths, thereby strengthening our entire Nation.

IN HONOR OF DOLORES ALFANO

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 18, 2005

Mr. CASTLE. Mr. Speaker, it is with great pleasure that I rise today to pay tribute to Dolores Alfano upon her receipt of the Sister Ann Marguerite Gildea Award given by the Ministry of Caring, Inc. Mrs. Alfano's dedication to community and charitable giving make her a more than worthy honoree.

Mrs. Alfano's community service and fund raising career stretches well over 30 years. She has managed the finances of presidential candidate, former congressman and governor Pete DuPont and directed charitable giving at MBNA of America, the largest independent credit card issuer in the United States. Additionally, Mrs. Alfano served as the head of the Republican State Committee throughout the 1980s. In addition to her meaningful contributions to the Delaware political system, Mrs. Alfano is on the United Way of Delaware Board.

Tonight, Mrs. Alfano will be honored by many distinguished friends and family at a function honoring her contributions to the city of Wilmington and the State of Delaware. Mrs. Alfano has served Delaware skillfully and diligently. Throughout her career, Mrs. Alfano has raised well over one-hundred million dollars for various Delaware charities.

Mrs. Alfano recently founded DV Alfano Consulting. Mrs. Alfano will continue to work in her field of expertise, raising money for worthwhile causes. It is truly a pleasure to know that such a motivated and altruistic individual calls Delaware her home.

I congratulate and thank Mrs. Alfano for all she has contributed to the City of Wilmington and the State of Delaware.

FOLLOW BLACK VOTERS TO NATIONAL SALVATION

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 18, 2005

Mr. OWENS. Mr. Speaker, the recently reported unprecedented two percent approval rating of President Bush's overall performance shows that the wisdom of African American voters is escalating. To save our republic, mainstream American voters should follow this enlightened leadership. The smoke and mirrors, Disney World fantasy of Bush policies is hypnotizing only two percent of the Black voters. This emperor has no clothes on and we'll all catch pneumonia if we follow him. Where, in domestic or international history, has any group reached more insightful political conclusions and made more sophisticated democratic choices?

In the street language of my youth, the "trick bags" and "okie doke" of every day living causes a lot of suffering in Black communities. Forced to be perpetual victims African

Americans have developed a greater immunity to the glitter of the phony and the fraudulent. Lessons like New Orleans are not forgotten after the media grows weary of spotlighting the truth. Blacks understand why Bush and the American majority that elected him refused to acknowledge the heroism of the thousands who spent several nights smothering under a blanket of heat and darkness in the dome and the convention center. To make the world understand better the credit these evacuees deserve for not going mad under those conditions, every basketball game this season should begin with a few minutes of silence after all of the lights in the arena have been shut off.

"Shoot to kill" was the earliest and strongest clear message to emerge ftom the babbling public officials responsible for the New Orleans debacle. Branding the hero victims as undesirable, provided the perfect setup for their later mistreatment by a "reformed" FEMA. The presidential executive order suspending the Davis-Bacon law and the nullification of all affirmative action regulations sent further messages informing the storm wracked Blacks that they had been permanently profiled as unworthy of the regular protections and benefits of their government.

Ninety-eight percent of Blacks understand what most Americans refuse to acknowledge: That the truly dangerous and costly corruption was not exposed by the looting of the New Orleans supermarkets. No, the massive, systematic no bidding contract process now underway on the Gulf Coast for Halliburton and other Bush crony entrepreneurs is crime running rampant. Third World citizens are not the only populations endangered by the corrupt behavior of their leaders. Decision making, driven by the criminal upward distribution of wealth by our greedy Republican rulers has made America a nation at great risk.

Massacres from General Nathan Bedford Forrest at Fort Pillow, to New York's "Black Monday," to the Charleston, South Carolina and the Tulsa, Oklahoma violent Black community destructions combined with the petty racism of everyday life; all of this never ending pressure has probably permanently altered the group political consciousness DNA of African-Americans. The new 98 percent disapproval rate for George Bush is a high point for a trend of consistent African-American voting for Presidents. Why can't more gullible mainstream Americans acquire similar insights? Why does the average American still want a President that they can feel comfortable with schmoozing over a beer in a bar? African-Americans want a President who through his policies will guarantee that they can afford to purchase that bottle of beer.

Using a label that is meant to be a demeaning slur, the media frequently refers to Blacks as "bread and butter voters". But in truth most voters are concerned first about economic issues. Certainly, the most influential and richest Republicans are concerned about tax cuts, insider trading opportunities, no bid contracts, earmarked legislative favors, etc. Concern for individual or group economic well-being is an appropriate position. But it is the obsession with maximizing advantages and the perks of "white privilege" that creates the venomous political poison threatening the survival of American democracy as it should be.

African Americans see a White House regime which maximizes already excessive "white privileges" at their expense. To force taxes lower the privileged have abandoned urban public schools all over America. The revenue starved New Orleans has produced the worst school system in America. The lack of arrangements for the transport of the poor out of the flood was just one of many examples of deadly public sector neglect. Is it absurd to ask the question; are we the only developed nation without a publicly financed universal health care program because whites don't want to see minorities getting more free services?

Is it possible that this drop of the President's approval among African Americans rating to two percent will become a bonus for the Republican Southern strategy advocates who have been recently overshadowed by moderate "apologizing" Republicans? Will there be a new right-wing battle cry to just write off the African American vote? This 98 percent disapproval rate is a landmark in polling statistics. Democrats must monitor the fallout diligently.

DISASTER RECOVERY ACT OF 2005

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 18, 2005

Mr. YOUNG of Alaska. Mr. Speaker, I rise today to offer legislation to help our nation and this body address the important task of disaster recovery.

We are engaged in significant efforts to mitigate future disasters like Hurricane Katrina, and efforts to improve the way in which the aftermath of such disasters are handled. The Committee I Chair, Transportation and Infrastructure, held a hearing today on rebuilding efforts in New Orleans. Other Committees are investigating and exploring other aspects of the situation. But we will never legislate disasters away, and we will never improve recovery to the point where disasters are painless. Or inexpensive.

Now, we can argue for months—and we probably will—about what causes the disasters this country faces regularly. Wild fires, hurricanes, floods, earthquakes: They all have some human component that does at least contribute to the scope of the damage, if not the cause. But here now I would like to move beyond that discussion, and instead focus on what we know that we must do in the aftermath: raise and distribute funds to rebuild lives, repair infrastructure, and reforge communities.

We have so far appropriated $62.3 billion for recovery efforts in the Gulf region. There was another $8.5 appropriated for the Disaster Relief Fund for Fiscal Year 2005. Hurricane Katrina was a major disaster, but we have had others—there have been 1,572 major disaster declarations in the last 50 years, an average of 31 a year—and there will be more.

We must find a way to meet the inevitable needs that will arise after future disasters. We cannot continue deficit spending. After numerous discussions with others, and based upon the successful program during WWII, I would today like to introduce legislation to begin a "Disaster Recovery Bond" program, similar to Savings Bonds, but with the income from the bonds dedicated to disaster recovery. This money would supplement funds in the Disaster Recovery Fund, providing an additional pool of funds to be used during large scale disasters like Hurricane Katrina.

When a natural disaster—be it a hurricane, earthquake, tornado, or flood—hits a particular region or State, the rest of us can often feel disconnected because it's happening to "them" and not "us." Buying bonds that are specifically designated for these types of disasters can help bring together Americans and create a sense of patriotism. This idea of individual Americans pitching in for the good of the Nation was instrumental in the success of the War Bonds during WWII.

As a Nation, we are great at reacting. This was evident in the days and weeks after Hurricanes Katrina and Rita when the American people contributed millions of dollars to countless nonprofit organizations to assist their efforts in the affected Gulf Coast region. However, we need to think of the future and be more proactive. Purchasing Disaster Recovery Bonds will offer Americans an opportunity to contribute towards recovery and reconstruction efforts for natural disasters that have not yet occurred but are inevitable.

BILL PERMITTING EACH OF THE TERRITORIES OF THE UNITED STATES TO PROVIDE A STATUE TO BE PLACED IN STATUARY HALL

HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 18, 2005

Mr. FALEOMAVAEGA. Mr. Speaker, I am proud today to introduce legislation to permit American Samoa, the Virgin Islands, Guam, and Puerto Rico to provide one statue to be placed with the state statues in the Statuary Hall collection here in the Capitol Building. I want to thank my colleagues, Mrs. CHRISTENSEN, Ms. BORDALLO, and Mr. FORTUÑO for joining me as original co-sponsors of this legislation.

On July 2, 1864, Congress enacted a law creating the National Statuary Hall. In the debate over what to do with the old House Chamber, Mr. Morrill in the House of Representatives proposed, "To what end more useful or grand, and at the same time simple and inexpensive, can we devote the Chamber than to ordain that it shall be set apart for the reception of such statuary as each State shall elect to be deserving of in this lasting commemoration?"

At the time of enactment, American Samoa, the Virgin Islands, Guam, and Puerto Rico were not a part of the U.S. and were not included in Mr. Morrill's proposal. For this reason we come before you today to introduce legislation that would extend this same courtesy to Americans who live in the outlying areas of our great country. Each of our outlying areas has a unique history and a unique relationship to the United States. The annals of our territorial histories are replete with examples of outstanding leaders. To allow this legislation would be to honor these great citizens' contributions.

Also, this legislation would symbolically acknowledge that our U.S. Territories are an important, integral part of our national heritage. Imagine the pride a young person would feel, traveling here to our nation's capital from American Samoa, or the Virgin Islands, or Guam, or Puerto Rico, and seeing a statue of a person from their own territory's history, side by side with many of America's other significant historical figures.

Mr. Speaker, the funding for the commissioning and transportation of the statues would be borne by the territories themselves in the same manner as the statues from the states, meaning there would be no cost to the American taxpayer. Because this legislation provides a simple and inexpensive method for us here in Congress to educate Capitol visitors about the contributions of our outlying areas to our great nation, I urge my colleagues to support this bill.

CHRISTA LEWIS MEMORIAL

HON. ALLYSON Y. SCHWARTZ

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 18, 2005

Ms. SCHWARTZ of Pennsylvania. Mr. Speaker, on May 3, 1996, 16-year-old Christa Lewis's life was cut tragically short after she was stabbed while attending a local carnival with her friends in the Philadelphia neighborhood of Tacony. The death of Christa Lewis stunned her family, friends and community.

At the time of her death, Christa Lewis was a sophomore honors student at St. Hubert's Catholic High School who excelled at soccer and lacrosse. Friends described Christa as fun-loving, popular and vivacious. Christa is survived by her parents, Joan and Greg Lewis, as well as two younger brothers, Bud and Evan and her younger sister, Cory.

Her sudden death shocked the close-knit community and shed light on the growing problem of youth violence. We all know how important it is that we address the overwhelming pressures that teenagers face during their developmental years. It is imperative that we do all we can to address violence done to and by teens that can lead to the tragic and untimely death of a young person.

In the aftermath of her murder Christa's entire community rallied around the Lewis family as well as worked to ensure the safety of area residents. Since her death nearly 10 years ago, many people have worked hard to keep Christa's memory alive. Members of the community organized sports tournaments and local dinners to benefit the Christa Lewis Memorial Fund, a non-profit organization that supports local children and schools. On October 3, 1997, the Historical Society of Tacony also dedicated the Christa Lewis Memorial Arboretum in Disson Park.

On October 15, I joined Christa's family at the unveiling of the seventh series of memorial stones at the Christa Lewis Memorial Arboretum. Christa's father said at the initial dedication of the arboretum that it was to be used by the community—including the Tacony and Mayfair sections of Northeast Philadelphia—to honor and reflect on the memory of their loved ones. It is now filled with stones and trees memorializing friends, family and loved ones from throughout the community.

Although Christa sadly lost her life at such a young age, the park serves as a place of love and remembrance. This past weekend, I was honored to join Christa's family in celebrating her life, spirit and the memory of so many others at the arboretum.

PERSONAL EXPLANATION

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 18, 2005

Mr. GERLACH. Mr. Speaker, on Monday, October 17, 2005, I was unable to be present on the floor to vote on rollcall votes Nos. 521, 522 and 523. If I had been present, on rollcall vote 521 I would have voted "yea," on rollcall vote 522 I would have voted "yea," and on rollcall vote 523 I would have voted "yea."

HOUSE OF REPRESENTATIVES—*Wednesday, October 19, 2005*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mrs. MILLER of Michigan).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
October 19, 2005.

I hereby appoint the Honorable CANDICE S. MILLER to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Reverend Joseph L. Logrip, Pastor, Immaculate Conception Church, Levittown, Pennsylvania, offered the following prayer:

Father, all-powerful and ever-living God, we do well always and everywhere to give You thanks and praise. You graciously share Your governance with us, a governance where life and freedom, worship and charity, justice and peace, work and ownership are foundational to Your eternal plan. How awesome this governance. How demanding this task.

Give us, we beseech You, the gift of wisdom, the great attendant at Your throne, for Your wisdom renders right judgment and integrity of heart.

Keep us safe and strong. Allow our governance to be pleasing in Your eyes and conformable to Your commands. So we recognize You as the God of this Nation and the Lord of this land.

As always, we ask this through Christ our Lord. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from New Jersey (Mr. GARRETT) come forward and lead the House in the Pledge of Allegiance.

Mr. GARRETT of New Jersey led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WELCOMING THE REVEREND JOSEPH L. LOGRIP

(Mr. FITZPATRICK of Pennsylvania asked and was given permission to address the House for 1 minute.)

Mr. FITZPATRICK of Pennsylvania. Madam Speaker, I rise today to welcome to our Nation's Capitol and to this House Chamber Father Joseph Logrip of Immaculate Conception Parish in Levittown, Pennsylvania, and to thank him for offering this morning's prayer, a custom dating back to the Continental Congress, and one that is deeply embedded in the history and tradition of this body.

Father Logrip is a teacher, a pastor, and a spiritual leader. He has been a friend and mentor for me and for thousands of others. Father Logrip's contributions both in Bucks County and throughout our Commonwealth have made him an invaluable spiritual leader for Pennsylvanians of all faiths. Under his guidance as pastor, the Church of Immaculate Conception in Levittown, Pennsylvania has grown in size and in faith, and it has enriched the lives of its parishioners and also the community around it. Father has devoted his life to the well-being of his church. He is a man of the people in a working-class community. He is a great communicator, and he is a spiritual man who conveys his spirituality in a very gentle and unassuming way. We thank him for his service and for traveling to the Nation's Capitol this morning and for offering the morning's prayer.

DOMESTIC VIOLENCE TAKES REAL LIVES

(Mr. POE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POE. Madam Speaker, people die because of domestic violence: Rocio Alvarado, 27, Houston. Ella Marie Broussard, 26, Houston. Ericka Cavazos, 28, Houston. Marivell Garcia, 22, Baytown. Ebony Johnson, 22, Houston. Keisha Joseph, 34, Houston. Florentina Matamoros, 31, Houston. Maria Navarro, 37, Houston. Gloria Ann Ozuna, 18, Houston. Ziba Poursheykhi, 44, Houston. Susan Soogrim, 44, Baytown. Amanda Terlouw, 25, Houston. Prudencia Vallejo, 62, Houston. Khadija Williams, 31, Humble. Sheila Marie Davis, 35, Beaumont. Joyce Volrie, 62, Beaumont.

Madam Speaker, these victims were murdered by their intimate partner, spouse, or boyfriend this very year. Domestic violence is not just a family issue but a criminal issue, a health issue, an American issue. Madam Speaker, America must be concerned about what takes place in our families and the murder of spouses in the domestic violence situation. That is just the way it is.

BUDGET AND IRAQ

(Mr. EMANUEL asked and was given permission to address the House for 1 minute.)

Mr. EMANUEL. Madam Speaker, after racking up nearly $3 trillion in new debt in the past 4 years, suddenly this Congress has decided to become budget hawks. Tomorrow we are set to slash up to $50 billion from essential investments in America in order to cut taxes for the wealthiest 1 percent. To pay for those tax cuts, we are cutting health care, education, community investments, heating assistance, and nutritional programs. American taxpayers all the while are being asked to carry $445 billion invested in Iraq's war. In Iraq we have built and renovated 110 primary health care centers, vaccinated 3.2 million children, but right here this budget by the Republicans is cutting $10 billion from Medicaid.

In Iraq we have rehabilitated 2,700 schools, trained 36,000 secondary school teachers. In America, we are cutting $806 million from public school funding and college assistance by billions of dollars. We have funded 3,100 community development projects in Iraq, but this Congress is cutting $250 million from community development block grants.

Madam Speaker, it is our duty to rebuild Iraq, but Iraq's future should not come at the expense of America's. This Congress should be working to leave America stronger in the future, not weaker.

REGULATING GOVERNMENT-SPONSORED ENTITIES

(Mr. GARRETT of New Jersey asked and was given permission to address the House for 1 minute.)

Mr. GARRETT of New Jersey. Madam Speaker, I rise today to discuss an issue that may come before the floor of this House next week. It is the regulations of GSEs, Fannie Mae and Freddie Mac. These were institutions that were created by Congress with the main purpose of providing liquidity in

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

the mortgage market and also to provide affordable housing for lower income families.

Unfortunately, over the years they have left their mark, and they have been plagued by multiple accounting scandals.

I commend the chairmen, Chairmen OXLEY and BAKER, for what they are doing, drafting legislation to address it; but unfortunately the bill does not go far enough. The crux of the problem is that there is no limit to the size of their portfolio, their balance sheets, the amount of debt they have. Right now it is around $1.5 trillion, $1.7 trillion in debt on their financial sheets. A failure in the system would mean that the savings and loan scandals of a few years ago would pale in comparison.

I will conclude by quoting Allen Greenspan who testified that without restrictions on the size of the GSE balance sheets, we put at risk our ability to preserve safe and sound financial markets in the United States. We must do more to regulate and rein in our GSEs.

PENTAGON'S SPIN MACHINE AND THE CANCELLATION OF ED SCHULTZ'S SHOW

(Ms. LEE asked and was given permission to address the House for 1 minute.)

Ms. LEE. Madam Speaker, according to its own mandate, the Armed Forces Network is supposed to provide political programming that is characterized by fairness and balance, and should provide "reasonable opportunities for the presentation of conflicting views on important controversial public issues."

Now, the Bush administration's Pentagon has ignored that mandate, choosing to air Rush Limbaugh as its only daily political programming. This is the same man who spent weeks condoning and trivializing the abuse, torture, and rape of Iraqi prisoners. Should this be the only political voice that our soldiers hear daily around the world?

On Monday, our soldiers were finally supposed to hear a differing voice, liberal radio talk show host Ed Schultz. However, the Pentagon called to inform Schultz minutes before his debut that they were pulling his show. Why? They did not give him an answer. Schultz tried to explain this decision to his listeners, saying on Monday that the Pentagon does not want dissenting voices or any other kind of speech unless it is going to be promotional for them.

Madam Speaker, perhaps more than anyone else our troops abroad deserve to hear all political opinions from home. Remember, this is a democracy.

DEMOCRATS AND THE $61 BILLION BARGAIN BUDGET

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Madam Speaker, if Democrats had their way, Americans would be forced to pay higher taxes to cover the billions of dollars of excessive government spending proposed by Democrats every year. Yesterday, while opposing tax cuts for hard-working American families, Democrat Leader NANCY PELOSI conveniently forgot that her party has proposed to increase the Federal budget by $61 billion in only 3 years. If $61 billion is a vision of fiscal restraint, this is an obvious misinterpretation of the facts.

As Democrats search for ways to spend more taxpayer money, House Republicans are working hard to decrease the deficit and eliminate frivolous government programs. Yesterday, we announced a plan to terminate 98 unnecessary programs and save taxpayers more than $4.3 billion. House Republicans will continue to work for fiscal discipline because, if left up to Minority Leader PELOSI, the budget would be at least $61 billion larger as Democrats continue their worn-out policies of tax and spend.

In conclusion, God bless our troops, and we will never forget September 11.

WATER OBJECTIVES

(Mr. BLUMENAUER asked and was given permission to address the House for 1 minute.)

Mr. BLUMENAUER. Madam Speaker, the turmoil surrounding the Katrina aftermath and some of the winds of change here in Washington, DC, obscures the fact that every 15 seconds a child dies needlessly and hundreds of millions of people worldwide are sick from waterborne diseases. But a small bright spot is emerging for the United States leadership potential on this issue. I commend Senator FRIST for his personal concern and leadership in the other body and bipartisan legislation co-sponsored by Democratic leader Senator REED. In the foreign ops bill there is $200 million in the Senate version dedicated for water objectives, a significant increase given that we are currently only spending $8 million in the entire continent of Africa.

We await floor action on our bill out of the House International Relations Committee, the Paul Simon Water for the Poor Act, where Congress can act to pull together the pieces for a global water strategy. It is easily within our power to meet our commitments to extend safe drinking water and sanitation to over a billion people in need.

SPENDING REDUCTIONS

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Madam Speaker, if House liberals had their way, last year we would have spent $7.4 billion more on social programs, and here we are in the middle of a war on terrorism. We are facing new expenses with that war. We are working to rebuild after hurricanes Katrina and Rita, and the Democrats are saying, spend more, spend more.

Madam Speaker, the American people need to know what that means. When they say spend more, it means the American people are going to turn over more of their hard-earned money. Republicans in this House, from our newest Members to our leadership, are talking about how to reduce spending. Democrats are either staying quiet and hoping to avoid this subject or simply ignoring the bottom line and calling for increases in their pet projects. Their leadership consistently fails to do anything but complain and is not endorsing spending reductions.

Enough is enough. If the liberals in this body had their way, right now we would be spending $60 billion more.

UNIVERSAL HEALTH CARE

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Madam Speaker, it is long past the time since this Congress should be passing legislation to create a universal single-payer system of health care in the United States. This past week we saw General Motors cut $1 billion a year in health care expenses for 750,000 auto workers and retirees. People who have worked every day of their lives and made a contribution to this society are suddenly finding their health care benefits drastically reduced.

Over 40 million Americans do not have health insurance. Millions more cannot afford to pay health insurance because they are finding premiums, copays, and deductibles rising. It is time that the government stepped in dramatically to create a single-payer system. It is time that we realize that health care is a basic right in our society. It is time that we saw that we are already paying for universal health care. We are not getting it. One out of every four dollars goes for the activities of the for-profit system, for corporate profits, advertising, marketing, the cost of paperwork, 20 to 30 percent.

It is time that we stood up for the American people and for the health of our people and passed H.R. 676, a universal single-payer health care system.

□ 1015

FISCAL SANITY

(Ms. FOXX asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FOXX. Madam Speaker, as a fiscal conservative, I rise today in relief that the Democrats have not been able to have their way with the Federal checkbook.

In fact, if they would have had their way with spending, a new report by the House Committee on Appropriations released yesterday shows they would have increased spending by more than $60 billion over the past 3 years.

Before our Nation faced the challenges of the recent hurricanes, our Nation was on track to produce more and our government was spending less. In fact, last year Congress held nonsecurity discretionary spending to a 1 percent growth rate, far below inflation and the previous 5-year average growth of 6 percent. And last year, Congress held nonsecurity discretionary spending to a 1.4 percent growth rate, less than inflation and a major reduction from previous years.

Democrats, on the other hand, have no plan to reduce the deficit. While they complain about budget deficits, they propose billions more in new spending. Their only answer is to raise taxes in order to have more money to spend. That is not good for the family checkbook or the American economy.

Madam Speaker, I ask my Democratic colleagues to join me in restoring fiscal sanity. In 1997 the House passed a deficit-reduction bill with 153 Democrat votes that saved billions. They should join us in a similar move now.

DISTORT THE TRUTH WEEK

(Ms. LINDA T. SÁNCHEZ of California asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LINDA T. SÁNCHEZ of California. Madam Speaker, it is Republican "tort reform week" in the House of Representatives. However, I think a more appropriate name would be "distort the truth week."

Two bills on this week's House calendar, the Personal Responsibility in Food Consumption Act and the Protection of Lawful Commerce in Arms Act unjustly slams the courthouse doors in the face of injured plaintiffs.

And why are we voting to shut the doors of courthouses to legitimate plaintiffs? So the Republican Party can give a gift to special interests and the fast food industry and the NRA. It is time to put a stop to this charade. If the goal is to prevent frivolous lawsuits, then punish the lawyers who file them. But if the goal is to give unscrupulous food companies and gun dealers free reign to make their products more dangerous, then by all means I urge my colleagues to support both bills.

However, my goal is to protect the American people, to ensure safe business practices in food production and in the gun industries and to preserve the integrity of our judicial system. That is why I am voting "no" on both the Personal Responsibility in Food Consumption Act and the Protection of Lawful Commerce in Arms Act. I urge my colleagues to do the same.

RESPONSIBLE SPENDING

(Mr. PRICE of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PRICE of Georgia. Madam Speaker, if the Democrats were in charge, as they would like, they would increase our spending this year by tens of billions of dollars. In fact, over the last 3 years Democrats have attempted to bust the discretionary budget by more than $60 billion.

Where would we find the money for their additions for this astronomical amount? You know the answer because it is their answer to every single problem, higher taxes.

However, Republicans are looking for savings from other programs, not raising taxes on hard-working Americans. Being fiscally responsible is the only answer, not just spending more money. We have an obligation to the American people to restrain spending. If my colleagues on the other side of the aisle had their way, they would spend billions of dollars on programs that sound perfectly wonderful; but, frankly, that is what would be fiscally irresponsible and immoral.

My Republican colleagues and I realize the importance of fiscal restraint and financial responsibility, and we are working to find a solution that will not bury our children and grandchildren under mounds of debt. I urge my colleagues from across the aisle to join us in this responsible and moral initiative.

APRIL FOOL'S DAY COMES EARLY TO HOUSE

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DEFAZIO. Madam Speaker, April Fool's Day has come early to the United States House of Representatives. The Republicans are in charge. They control everything, and in the last 5 years our debt has increased 60 percent to $8 trillion. That is $27,000 for every American. Well, not for every American, only for working Americans because the rich are exempt from taxes.

What they are talking about here, the hard-working Americans, the only people who got a pay raise last year, the people who earn over $1.3 million a year.

Madam Speaker, 99 percent of the people in this country had their real incomes go down last year, but not that group. That is who the Republicans want to protect here. It is trickle-down economics. They say we need it now more than ever. How else are we going to recover from Hurricane Katrina? They want to give the wealthiest among us, the top one-tenth of 1 percent, the millionaires, tax breaks, and they will trickle-down on America.

Well, the people of the Southeast have been trickled down upon. And, in fact, some of them drowned because of the incompetence of these people.

HONORING THE LIFE OF WILLIAM JENNINGS BRYAN DORN

(Mr. BARRETT of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARRETT of South Carolina. Madam Speaker, a great South Carolinian, in fact a great American, William Jennings Bryan Dorn, passed away at the age of 89 on August 13, 2005. He represented the citizens of my district from 1947 to 1974, 13 terms, 26 years.

His list of accomplishments is long and impressive. Before coming to DC, he served as the youngest member of both the South Carolina House and the Senate, and was a proud veteran of World War II. During his service here on Capitol Hill, Dorn became chairman of the House Committee on Veterans Affairs, and a strong advocate of military personnel. He worked on several pieces of legislation, primarily the GI bill, which has enabled countless veterans to get a college education.

On a more personal note, before he died I had an opportunity to spend some time with Representative Dorn and his family, a memory I will always cherish.

To the Dorn family, our prayers are with you as you grieve, and I thank you for sharing such a man of integrity with us.

WHAT IS PRESIDENT BUSH WAITING FOR?

(Mr. FILNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FILNER. Madam Speaker, what is President Bush waiting for? It is now blatantly clear that the President's main political adviser, Karl Rove, and the Vice President's Chief of Staff, Scooter Libby, leaked a CIA agent's identity to the press.

Madam Speaker, 2 years ago at the beginning of the investigation, the

President said, "If there is a leak out of my administration, I want to know who it is."

Today all the President will say is he will not comment on it until the investigation is over. If the President really wanted to know exactly how Rove and Libby were involved, he could walk down to their offices and demand that they answer him honestly.

There is simply no reason for President Bush to delay any longer. The American people and our CIA agents around the world need to be able to trust those with top security clearance. Let us not forget that both Rove and Libby continue to hold these clearances despite the ongoing investigation and all of the evidence pointing to their heavy involvement.

Madam Speaker, it is time for the President to take action. There is an ethical cloud hanging over the White House. It is unlikely that firing these two men will remove the cloud, but it is certainly a beginning. Instead of an administration of neo-cons, we apparently have an administration of just plain cons.

PREVENTING FISCAL DISASTER

(Mr. HENSARLING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HENSARLING. Madam Speaker, after Hurricane Katrina and Hurricane Rita, we must ensure that a great natural disaster of this generation does not turn into a great fiscal disaster for the next.

To pay for Federal hurricane relief, there are only one of three places that the money can come from: Raising taxes on the American people, passing even more debt on to our children, or to actually reduce the growth of Federal spending by reforming programs and prioritizing spending.

Democrats want to raise taxes and thus destroy jobs. They want to inflate the Federal budget and thus decimate the family budget.

They accuse us of being fiscally irresponsible, but every time we pass a budget, they offer a substitute that spends billions and billions more. They claim our budget policies hurt the poor, but we instead have reduced the ranks of the poor by helping create 4.1 million new jobs so families can increase spending on housing and health care. Compassion for the poor is measured by the number of jobs you create, not the number of government checks you write.

FLAWED REPUBLICAN BUDGET PRIORITIES

(Ms. SCHAKOWSKY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SCHAKOWSKY. Madam Speaker, it is obvious what the Republican talking points are today. If the Democrats were in charge, how we would increase spending and increase the debt. Well, guess what, Democrats were in charge and what happened, we ended up, after President Clinton left, with $5 trillion in surpluses, surpluses as far as the eye could see.

We had not the deficit, but actually a surplus in the yearly budget of $236 billion. And what has happened since? Madam Speaker, we are $8 trillion in debt. From $5 trillion surplus to $8 trillion in debt.

What happened to all those projected surpluses every year? Oh, the Republicans said that by 2005 we would have a $269 billion surplus in the budget. Forget it, it is $319 billion in debt.

So what are we talking about when we say fiscal responsibility? And how are they going to do it now, never mind the $200 billion for the war in Iraq, let us not charge for building Baghdad, let us cut spending so we can offset rebuilding Biloxi.

HISTORIC IRAQI ELECTIONS

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Madam Speaker, over the weekend an historic day occurred in Iraq. Millions of Iraqis took another step toward democracy and turned out to vote for a new constitution.

While the final results will not be known until the end of this week, the large turnout of voters and the significantly fewer security incidents are, therefore, a sign that Iraq is on the way to democracy.

Close to 63 percent of the country's 15 million registered voters cast ballots, which is significantly more than turn out in the U.S. presidential elections.

Violent incidences were far less this election than in January. Perhaps contributing to the low levels of violence was the presence of Iraqi security forces themselves. These forces were up 35 percent since January to almost 200,000.

Finally, after years of oppression under Saddam Hussein, Iraqis were able to hold a truly fair, open election. Saturday was indeed an historic day.

HELPING THE WEALTHIEST FEW

(Mr. PALLONE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PALLONE. Madam Speaker, 6 weeks ago all Americans saw the human face of poverty in the aftermath of Hurricane Katrina. President Bush vowed after the botched Federal response that the Federal Government would do everything it could to help those displaced in the gulf coast and to finally address the issue of poverty.

Well, 6 weeks later and the House Republican majority is already forgetting about America's most vulnerable. This week Republicans plan to cut Medicaid, higher education, food stamps, and possibly the earned income tax credit. These are programs that have helped the most vulnerable in our Nation.

Republicans will claim that their budget reconciliation bill is fiscally responsible and will cut the deficit, but that is simply not true. This budget actually raises the deficit, gives more tax breaks to the wealthy and makes matters worse for the victims of Hurricane Katrina. It only took Republicans 6 weeks to forget the images of Hurricane Katrina. They are once again putting the priorities of the wealthiest few ahead of working class Americans. It is now clear that Republicans learned absolutely nothing from Hurricane Katrina.

PROTECTING OUR BORDERS

(Mr. CULBERSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CULBERSON. Madam Speaker, I want to thank the President of the United States for speaking out so forcefully yesterday with Secretary Chertoff and reiterating that they are determined to protect our borders and to prevent or stop the uncontrolled flood of illegal immigration into this country.

This is a law-and-order issue. I just returned form a visit to the Rio Grande River, and you do not need to go to Baghdad to see the war on terror. Nuevo Laredo is essentially a ghost town. Laredo is under siege. The largest inland port in the United States, Laredo, is in a state of war. It is besieged by narcoterrorists who are equipped with the very best weapons and best equipment.

The sheriff and the local authorities are outgunned and overmatched. Our Border Patrol is outgunned and overmatched.

Mr. President, thank you, sir. We need you, with the stroke of a pen, please reinforce the Border Patrol. Help our local law enforcement authorities defend the peace and prosperity of the United States or our way of life may, indeed, change.

Thank you, Mr. President. The American people are way beyond the tipping point in frustration and outrage at the unprotected borders and this flood of illegal immigration, and we are very grateful to you, sir, for stepping up to protect our borders.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. MILLER of Michigan). Members are advised to address their comments to the Chair and not to the President.

A SIGNIFICANT STEP TOWARDS DEMOCRACY IN IRAQ

(Mr. KINGSTON asked and was given permission to address the House for 1 minute.)

Mr. KINGSTON. Madam Speaker, I want the previous speaker to know that I think I can get a Members tour for both of us to the White House if my friend wants to join me sometime. I will get back with the gentleman from Washington on that.

I want to say in Iraq this weekend, it was a historic and very significant day: over 60 percent voter turnout to adopt a new constitution; less violence than ever before on the election compared to June; greater participation by everybody, including the Sunni minority.

It is my hope that the constitution will pass and that in December we will have an election and the new government will take hold. And under that new government, their troops, of which we have trained 177,000, can start taking a bigger role in the war and then our troops can step back and draw down.

Last weekend was very significant. It is too bad the press is begrudgingly only covering good stuff when it comes to Iraq, but do not let the day go by without realizing its significance. A great election, great participation, less violence, a significant step towards democracy.

CANCELLATION OF LIBERAL RADIO SHARE ON AN UNBALANCED ARMED FORCES NETWORK

(Ms. WATSON asked and was given permission to address the House for 1 minute.)

Ms. WATSON. Madam Speaker, today our troops abroad have very few choices when they turn on their radios. If they are looking for political talk on the Armed Forces Network, all they get is the conservative spin machine from Rush Limbaugh. That was all supposed to change on Monday when liberal radio talk show host Ed Schultz's show was set to debut.

However, 15 minutes before our soldiers could finally hear a differing opinion, the Pentagon abruptly cancelled the show. Ed Schultz's producer received a call from a Pentagon official informing him that the show would not be debuting on AFN.

Why exactly is the Pentagon keeping our troops from hearing differing opinions? Could it be that the Pentagon is a little embarrassed by the staging of a Presidential teleconference last week? We see the same staffer that informed Schultz of his cancellation was the same woman seen coaching American troops last week in what was supposed to be an unscripted conversation with our troops in Iraq. Schultz was critical of that stage show.

President Bush says our troops are fighting to bring democracy to Iraq. It would be nice if our own troops could exercise some of that freedom.

ANTI-TERRORISM INSURANCE

(Mrs. MALONEY asked and was given permission to address the House for 1 minute.)

Mrs. MALONEY. Madam Speaker, our leaders are telling us on both sides of the aisle that terrorism is here to stay. If they believe that, if they know that, then why are we not preparing for it?

Anti-terrorism insurance passed this House after 9/11 and put this country on a stronger economic foundation, and it is set to expire this January. Businesses in my district are telling me that if their policies have expired since September, they cannot find coverage anywhere in the United States of America; they are seeking insurance in England.

Part of homeland security, part of being prepared or not is putting our economic policy in shape. And an important part of homeland security is anti-terrorism insurance. It is important to the economic foundation of this country. It is important to combating terrorism. We need to extend it. We need to do it now. The program expires in January.

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 554.

The SPEAKER pro tempore (Mr. CULBERSON). Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

PERSONAL RESPONSIBILITY IN FOOD CONSUMPTION ACT OF 2005

The SPEAKER pro tempore. Pursuant to House Resolution 494 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 554.

☐ 1036

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 554) to prevent legislative and regulatory functions from being usurped by civil liability actions brought or continued against food manufacturers, marketers, distributors, advertisers, sellers, and trade associations for claims of injury relating to a person's weight gain, obesity, or any health condition associated with weight gain or obesity, with Mrs. MILLER of Michigan in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

Under the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from North Carolina (Mr. WATT) each will control 30 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

Mr. SENSENBRENNER. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, I rise in support of H.R. 554, the Personal Responsibility in Food Consumption Act of 2005.

The food service industry employs some 12 million people, making it the Nation's largest private sector employer. This vital sector of our economy has recently come under attack by lawsuits alleging it should pay monetary damages based upon legal theories holding it liable for the overconsumption of its products.

H.R. 554, the Personal Responsibility in Food Consumption Act, would correct this disturbing trend. Introduced by the gentleman from Florida (Mr. KELLER), this legislation would generally prohibit frivolous obesity- or weight gain-related claims against the food industry. It would, however, allow obesity-related claims to go forward in several circumstances, including cases in which a State or Federal law was broken and as a result a person suffered harm. Under H.R. 554, cases could go forward in which a company violates an expressed contract or warranty.

Also, because H.R. 554 applies only to claims based on weight gain or obesity, lawsuits could still proceed if, for example, someone gets sick from consuming tainted food.

This legislation passed the House of Representatives during the 108th Congress in the form of H.R. 339 with a large bipartisan vote of 276 to 139.

According to a recent Gallup Poll, "Nearly nine in 10 Americans oppose holding the fast-food industry legally responsible for diet-related health problems of people who eat that kind of food on a regular basis . . . those who describe themselves as overweight are no more likely than others to blame the fast-food industry for obesity-related health problems or to favor lawsuits against the industry."

As one judge put it: "If a person knows or should know that eating copious orders of supersized McDonald's products is unhealthy and may result in weight gain, it is not the place of the law to protect them from their own excesses."

Even the Los Angeles Times has editorialized against such lawsuits, stating: "If kids are chowing down to excess on junk food, aren't their parents responsible for cracking down? And if parents or other grown-ups overindulge, isn't it their fault, not that of the purveyors of fast food? . . . Why boost their food bills just because of legal jousting? People shouldn't get stuffed, but this line of litigation should."

The threat posed to our national economy is clear. Personal injury attorney and obesity lawsuit litigator John Banzhaf said recently, "You may not like it . . . but we'll find a judge. And then we'll find a jury" that will find restaurants liable for their customers' overeating. According to news reports of a recent legal conference, a panel of four lawyers argued that the overweight lawsuit movement "would need to extend beyond the obvious targets like restaurants, fast-food chains, and food manufacturers to bring about substantial policy changes . . ."

Dr. Gerald Musante, a clinical psychologist who trained at Duke University Medical Center, has worked for more than 30 years with thousands of obese patients. He is the founder of the Structure House, a residential weight loss facility in Durham, North Carolina. Dr. Musante said the following at a hearing in the other body on this legislation: "Through working with obese patients, I have learned that the worst thing one can do is to blame an outside force to get themselves 'off the hook,' to say it's not their fault and that they are a victim . . . Congress has rightly recognized the danger of allowing Americans to continue blaming others for the obesity epidemic. It is imperative that we prevent lawsuits from being filed against any industry for answering consumer demands."

Even the chairman of the American Council for Fitness and Nutrition, Susan Finn, has written that "if you're obese, you don't need a lawyer; you need to see your doctor, a nutritionist, and a physical trainer. Playing the courtroom blame game won't make anyone thinner or healthier . . ."

Besides threatening to erode values of personal responsibility, the lawsuit campaign against the food industry threatens the separation of powers. Nationally coordinated lawsuits seek to accomplish through litigation what has not been achieved by legislation and the democratic process. As one mastermind behind the lawsuits against the food industry has stated, "If the legislatures won't legislate, then the trial lawyers will litigate."

Madam Chairman, the Personal Responsibility in Food Consumption Act will help preserve the separation of powers, support the principle of personal responsibility, and help protect the largest private sector employer in the United States. I urge all my colleagues to support this important legislation.

Madam Chairman, I reserve the balance of my time.

Mr. WATT. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, I rise in opposition to this legislation. And as I said the last time we debated it, I do not rise because I am a supporter of frivolous lawsuits or lawsuits even that some of the people have used the legal system to pursue. I rise in opposition to the bill because I think it is an overreaction; and, indeed, I think it is perhaps an ultimate attestation to the fact that many of my colleagues have lost confidence and faith in the legal system on the one hand or that, regardless of what the legal system does, if it does not yield for them the result that they are seeking, they are willing to compromise any principle that they have professed to stand for to achieve the result that they wish to achieve.

H.R. 554 goes much further than its stated purpose of banning the small handful of private suits brought against the food industry. It also bans suits for harm caused by dietary supplements and mislabeling, which have nothing to do with excess food consumption; and it would prevent State law enforcement officials from bringing legal claims to enforce their own consumer protection laws.

Simply look at the provisions of the bill. Section 4(5) would prevent any legal action related to any "health condition that is associated with a person's weight gain or obesity."

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As a result, the bill would prevent persons who develop heart disease and diabetes from dietary supplements such as Ephedra and Phen-fen from being able to obtain redress if they gained weight. Even worse, the bill bans these lawsuits in a retroactive way. So it would throw out dozens of Ephedra and Phen-fen cases currently pending before courts. This is a far cry from the concerns that led to this legislation originally, some of which I have the same concerns about.

H.R. 554 would also prevent State law enforcement officials from enforcing their own laws. Under section 4(3), the bill applies to legal actions brought by any "person," and the term "person" is defined to include any "governmental entity." That means States attorneys general will be prevented from pursuing actions for deceptive practices and false advertising and other practices that are illegal against the food industry.

Again, this is a vast departure from most of the so-called tort reform bills considered by the Congress, which are drafted to apply to private lawsuits, and is a vast departure from the original purpose of this bill and the problems it was designed to deal with.

Since the predecessor to H.R. 554 was first introduced last term, 18 State legislatures have enacted so-called cheeseburger laws to prohibit certain claims from their courts. While most of those enacted apply retroactively, others, that is, Kansas, Arizona, Colorado, do not. Some provide for a stay of discovery; others do not. Some establish affirmative defenses; others do not. That is our State law taking effect.

In short, in the considered judgment of each of these 18 State legislatures, laws have been enacted that best serve their States. The bill completely preempts those laws and brings to a screeching halt the work of 26 other States that have been working on pending legislation. It also disrupts the process in some States that have combined obesity bills with menu labeling requirements as part of their overall health enhancing legislative scheme.

What is the price that we are willing to pay to get the result that we are seeking? Have we lost confidence in our State and Federal court systems that have systematically thrown out most of the lawsuits that have been filed against the food industry using this "fat theory," as it is commonly referred to? Have we lost confidence in our whole federalist form of government in which tort law has been particularly the province of the States? Have we lost confidence in our State legislatures that are in the middle of responding in their particular States to any problems that may be on the horizon in this area?

We have instead cast ourselves as the imperial Congress because the same people who came to this Congress, saying that they believe in States rights, have now shown they do not care about States rights. What they want is a result that they can control and they can dictate.

That is really what this bill is about, and it is unfortunately not only this bill. There is another bill right behind this one that will be up today or tomorrow that does the same thing in the gun context.

So I do not think we are going to hear a lot of people out here talking about this bill today. I do not see many people on the floor. It will be like a tree falling in the forest. We do not know whether it is having any impact out there or not. We will pass it out of here. It will become a political vehicle to cozy up to the food industry, but at what price? At what price?

I would just say the people who maintain that H.R. 554 is necessary to make people responsible for their own choices and to thwart the unwarranted imposition of legal costs and fees on the food industry are just not being upfront with us about this one.

This bill insulates an entire industry from liability; and more importantly, it undermines our State judicial and legislative systems that should be and are in the process of dealing with this to the extent that they have identified it as a problem.

In that sense, the bill represents yet another arrogant attempt by this Congress to impose its will on the States, and I urge my colleagues to get a grip and understand what we are about to do here. There are some things that are more important, and our judicial system is working its way through these cases, is dismissing them where they need to be dismissed; and where that is not happening, our State legislatures are taking care of this problem. This is not a Federal issue, nor should it be.

I urge opposition to the bill.

Madam Chairman, I reserve the balance of my time.

Mr. SENSENBRENNER. Madam Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. CHABOT).

Mr. CHABOT. Madam Chairman, I am pleased to be a cosponsor of this legislation that will help curtail frivolous lawsuits. It is reassuring to see the Congress is taking measures to help rid our court system of lawsuits that are costly and hurt those consumers and businesses in our country. Twelve million people in this country are employed by businesses in the food industry, making it the Nation's largest private sector employer. This is an industry that has a direct impact on the Nation's economy, and these fast-food obesity lawsuits are opposed by nearly nine in 10 Americans.

The idea that holding the food industry liable for the excess of some individuals will combat obesity is unfounded. Individuals, not restaurants, are responsible for food choices that they make freely in their own daily lives.

In addition, the food addressed by this legislation is legal and unadulterated, and the rights of individuals to pursue lawsuits resulting from claims like the mislabeling of food or food safety issues is preserved. Our country has a history of providing its citizens with a safe and affordable food supply. It is unacceptable to make arguments that certain types of food that are sold in certain types of restaurants as a result of consumer demand are somehow dangerous and that the average consumer must bear the burden in higher food costs because of the overindulgence by some individuals who file these types of lawsuits.

This bill is not about whether fast food causes obesity. The bill is about self-responsibility.

Today, the Congress of the United States is saying to a select group of lawyers that laws are not intended to protect people from these types of excesses, from essentially eating too much, and the courtrooms were never meant for that reason. It is really pretty simple. If you eat too much, you get fat. It is your fault. Do not try to blame somebody else.

Mr. WATT. Madam Chairman, I yield 5 minutes to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. Madam Chairman, I thank the gentleman for yielding me time.

Madam Chairman, in addition to the violation of principles of federalism outlined by my colleague from North Carolina, this piece of legislation is another piece in which we are taking upon ourselves the right to try a case in the legislative branch instead of respecting the separation of powers by allowing cases to be tried in the judicial branch where they belong.

Instead of respecting separation of powers and honoring the rule of law and standing behind the principle that laws should be applied equally to all, we are once again giving special treatment to special cases.

The majority in Congress has apparently already decided the proper outcome of these cases and is adjusting the law accordingly just for these cases, rather than trusting our laws and our courts to hear evidence from both sides and decide the cases on their merits. If these are losing cases, then let the judicial process make that decision. Even if they are frivolous cases, the judicial branch has ways to sanction people for bringing frivolous cases; but once again, special interests are receiving, in these cases, special treatment.

Instead of having to go through the courts like everybody else, where they do not know the outcome of the case until evidence is presented and the law is applied, these defendants will get to try their cases in the legislative branch, where popularity and politics prevail. Even financial contributions are allowed.

Meanwhile, everyone else without special privileges is stuck trying their cases in the courts, where they have an unbiased judge and jury, instead of favorable politicians, and they are stuck with the same law that applies to everybody else.

This is not the only recent example of special treatment. Just a few months ago, we changed the law for Terri Schiavo because her parents knew how to reach someone in Congress; and we ignored the multitude of judicial decisions that had already been decided, and we changed the law for that case, not cases like that, just for that case.

A few years ago, in a child custody case in the Washington, DC, area that case was decided by special legislative language in a transportation appropriations bill. The Committee on Education and the Workforce likewise considered a case on appeal between the Department of Labor and a bank and voted to retroactively change the law to fix the result on behalf of the bank. Later today, as my colleague from North Carolina has pointed out, the House will probably pass legislation to fix the result in firearms legislation so that the firearms industry will get to try their cases and their issues in the legislative branch, rather than being stuck with the law that applies to everybody else.

Mr. Chairman, trying cases in the legislative branch is bad policy. We should honor the rule of law and apply the law in all cases. There will always be special interests, but we should not make special laws for those who can get to a Congressman to introduce a bill on their behalf. Let us honor and respect the rule of law to be applied equally to all and reject this legislation.

Mr. SENSENBRENNER. Mr. Chairman, I yield 3 minutes to the gentleman from Utah (Mr. CANNON).

Mr. CANNON. Mr. Chairman, I thank the gentleman from Wisconsin for the time.

Unfortunately, the food industry has been targeted by a variety of unfounded legal claims which allege businesses should pay monetary damages and be subject to equitable remedies based on novel legal theories of liability for the overconsumption of its legal products.

Obesity is a problem in America, but it is not evident that the availability of high-fat food or restaurants are the sole cause. A number of studies have shown that a lack of physical activity, that is, not exercising, has contributed to the rise of obesity and not solely one's caloric intake.

In the Subcommittee on Commercial and Administrative Law, which I chaired last Congress, we explored the threat the food industry and its workers face from frivolous litigation, the threat to personal responsibility posed by the proliferation of such litigation, and the need for passage of the Personal Responsibility in Food Consumption Act.

□ 1100

Since the gentleman from Florida (Mr. KELLER) introduced a similar bill last year, 21 States have passed laws banning these so-called obesity lawsuits.

The opponents of this bill will claim that this shows that Congress should not intervene. In reality, it means we must. Without a complete ban on these frivolous lawsuits, rogue trial lawyers, and I have many trial lawyers who are friends and who work very hard to get the appropriate kind of compensation for people who are injured, but many of these rogue trial lawyers will forum shop until they find a State and a district that gets them the exorbitant payday that they seek.

I would remind my colleagues that John Banzhaf, an attorney who testified last year against this bill, stated in 2003, "Somewhere, there is going to be a judge and a jury that will buy this, and once we get the first verdict, as we did with tobacco, it will open the floodgates."

It is unlikely that lawsuits against food establishments over their menus will make us healthier. Such lawsuits will threaten thousands of jobs and, more importantly, such lawsuits send the wrong message regarding personal choices and personal responsibility. Do we want our kids growing up believing it is always someone else's fault?

Mr. Chairman, it is not only important, but also fundamental that Americans have access to courts to address their legitimate wrongs and the harms that they cause. The trial bar serves an invaluable purpose in helping average Americans gain rightful and proportionate compensation when harm is done. However, frivolous lawsuits such as the ones this legislation seeks to prevent serve only to undermine our legal system and those who truly need its protections and the moral fiber of Americans who should be self-reliant and responsible for their choices.

Mr. Chairman, I urge my colleagues to support the underlying bill, H.R. 554.

Mr. WATT. Mr. Chairman, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Chairman, I yield 3 minutes to the gentleman from Virginia (Mr. GOODLATTE), the chairman of the Committee on Agriculture.

Mr. GOODLATTE. Mr. Chairman, I rise in strong support of H.R. 554, the Personal Responsibility in Food Consumption Act, and I thank the gentleman from Wisconsin for moving this legislation to the floor. This legislation will help prevent frivolous lawsuits that allege that the consumption of lawful food products caused injuries resulting from obesity or weight gain.

The food service industry employs some 11.7 million people, making it the Nation's largest employer outside of the government. However, this vital industry has recently come under attack by waves of lawsuits arguing that it should be liable for the misuse or "over-consumption" of its legal food products by others.

It is common sense that individuals should take responsibility for their own dietary and eating habits. Unfortunately, trial lawyers have ulterior motives for these lawsuits. They have made their intentions quite clear, calling the fast food industry the next tobacco. They estimate potential profits of $40 billion from obesity-related lawsuits. It is crucial that something be done to guard against these aggressive attacks.

These ill-conceived lawsuits require businesses to devote hard-earned dollars to litigate unmerited claims. In order to help ensure that America continues to be a good place to do business, and to help create and maintain American jobs, it is important that we not allow opportunistic trial lawyers to extort money from legitimate companies.

This bill also protects our Nation's farmers and ranchers from the potentially far-reaching effects of these lawsuits. American agriculture produces the safest, most affordable and abundant food supply in the world and should be protected from trial lawyers' attempts to reach as far up the food chain as possible with unfounded claims seeking unjust enrichment.

While preventing frivolous claims, this legislation would protect legitimate lawsuits. It would allow claims to go forward in several circumstances, including cases in which a State or Federal law was broken. Other types of food-related lawsuits not dealing with obesity would also be protected.

The American public understands the importance of this effort. According to a recent Gallup poll, almost 90 percent of Americans oppose holding restaurant owners responsible for the diet-related health problems of regular fast food consumers.

H.R. 554 is a common sense bill that will protect legitimate businesses from frivolous lawsuits, and I urge my colleagues to support this important legislation.

Mr. WATT. Mr. Chairman, I yield 5 minutes to the gentleman from Arkansas (Mr. SNYDER).

Mr. SNYDER. Mr. Chairman, I appreciate this discussion today. The points I want to make are really more in the spirit of questions. I come out of a State legislative body where the proponents of a bill such as the gentleman from Wisconsin would have to undergo a rigorous, almost cross-examination. We function here differently. But I do have some questions, and I think I will just present them in my comments and if somebody wants to comment on them they can.

I heard one of the previous speakers say, well, this is a simple bill. If you eat something and get fat, you should be responsible for it. I think that is the attitude of the great majority of Americans, that you should be responsible for what you eat. But I want to make two broad points.

First of all, I want to read the definition of food, and it refers to another section of code. It is very short. This is from section 201(f), 21 U.S.C. 301, section 201(f). "The term 'food' means (1) articles used for food or drink for man or other animals, (2), chewing gum, and (3) articles used for components of any such article."

So we are having a discussion here today about the fact, as the previous speaker had said, it is simple, you eat, you get fat, you should be responsible.

The problem is, this bill language makes no reference to only the caloric containing components of food. It is very deliberately written I believe to include all food additives, no matter how small amounts, and the fact that the great majority of food additives have zero caloric intake and would have no relationship to obesity, I think that is a flaw in the bill. That leads to the second point.

The bill specifically mentions weight gain and obesity. Well, I think most of us have a sense of what obesity is. Weight gain is a whole different issue, and weight gain may occur not from obesity, not from getting fat, not from putting on too many calories; weight gain can occur for a variety of medical reasons related to a variety of different causes.

For example, I mean probably all of us have had a mom or a grandmom or an uncle to whom we say, hey, I noticed your legs are swelling again. Fluid retention. Fluid retention. Now, that can be from a variety of causes. That is not from increased caloric intake. That could have been, for example, from a food additive, maybe a cause that was not known to the public of some kind of additive in something that they had eaten or drank. It may have been something that interfered with one of their medications and led to fluid retention. I am just making up hypotheticals here. Or, the hypothetical, perhaps you have something that is actually a heart poison from some food additive that has no calories in it, zero calories in it, but over a period of time does bad things to the ability of your heart to function. The pump does not work so well, you start having fluid retention. What happens? You put on weight. As a family doctor, one of the reasons when you go in, I would weigh people, as you want to see what is going on with their fluid status. That is weight gain.

Under this bill, which I believe is so broadly written, it would include those kinds of situations. The word "calorie" or "caloric intake" or "caloric content" is nowhere in this bill, and I again refer my colleagues, it is not in the bill itself, you have to go to the code, the term "food" means, articles used for food or drink for man or other animals, chewing gum, and articles used for components of any such article.

Anything you drink, anything in it, regardless of caloric intake, is covered by this bill. Anything that leads to weight gain is covered by this bill, even if it has nothing to do with caloric intake. I think that is far abroad. I think this is probably one of the reasons why it died in the Senate and will die again, but I would encourage people to look at these kinds of details if there is intent to move this bill forward.

Mr. SENSENBRENNER. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. MURPHY).

Mr. MURPHY. Mr. Chairman, I thank the chairman for yielding me this time.

Mr. Chairman, opponents of this legislation have said we do not need this bill. They said, we need a debate on health care, and I am pleased to engage in that debate. I am reminded of the book that talks about everything I need to know in life I learned in kindergarten. I have learned a few things here.

Lawsuits do not lower obesity rates. Lawsuits do not improve the nutrition habits of children. Lawsuits do not reduce the $127 million annual medical costs that our Nation incurs on obesity-related conditions in children and the increase in obesity rates.

Mr. Chairman, parents need to teach their children at early ages to eat healthy meals and to establish exercise routines for their families. School districts need to make sure they have gym classes and serve the right kinds of food as an option. Proper diet and exercise will help reduce medical complications that are increasingly common in children, such as hypertension, diabetes, high cholesterol, and heart disease which were once found almost exclusively in adults.

In my years working as a psychologist and oftentimes consulting with courts, I have yet to find a court that can replace a parent. When will we learn we cannot litigate compassion, we cannot mandate common sense, and we certainly cannot legislate personal responsibility.

H.R. 554 will do more than restrict lawsuits against food and manufacturers for weight-related cases. It forces us to take personal responsibility for ourselves and our families and put a priority on establishing healthy lifestyles.

Here are the facts. If you touch a flame, you are going to get burned. If you eat a lot and do not exercise, you are going to gain weight. We need to take personal responsibility for that.

The bill before us directly protects individual freedoms of all Americans from a tiny minority who try to exploit the legal system for personal gain. I strongly support H.R. 554, and I commend the chairman for his work.

Mr. WATT. Mr. Chairman, I yield myself such time as I may consume.

This is where I think we are. Some of us are frustrated by some of the litigation that has taken place in this area. I said it when we debated this bill the last time on the floor. I am not a fan of fat litigation either, but sometimes we have to be patient enough in a legislative body to let the institutions that are supposed to work, work. They are working. Most of the lawsuits that have been filed in this area have been dismissed. Most of them have been dismissed. That is what the courts are for. We do not always get the result we want, but the courts are there to make a determination of what results are appropriate and not under the laws that exist.

The State legislatures are responding. Mr. Chairman, there are 26 pending laws out there in the States. A number of them have different components, different nuances. Some of them are retroactive, some of them are not. Whatever happened to our belief that the State legislatures, the States are a laboratory of good legislation? I thought that is what my colleagues who are supporting this bill believed in more heartily than anything else they came to Congress to talk about. When it is convenient for them, when it is convenient for them, there is no more important mantra to them than the mantra of States rights. What are we doing to States rights here, in an area that throughout history has been the province of the States?

I do not understand. We cannot be so intent on getting a particular result, so results-oriented that we disregard everything that we have set up in place to deal with problems of this kind: Our judiciary, our State legislatures, our common sense.

Mr. SCHWARZ of Michigan. Mr. Chairman, I rise today in strong support of H.R. 554, the Personal Responsibility in Food Consumption Act.

As a physician, and just as someone who can read the data, I can tell you that we have an epidemic of obesity in this country. Obesity is a serious health problem, with very serious consequences.

The most important step we can take to curb obesity is to impart to everyone in this country that obesity can be controlled when we take personal responsibility. A healthy and consistent diet, with an adequate amount of exercise, will work wonders. That's the simple truth.

We must get away from the notion there is anything remotely approaching a quick fix to obesity. Maintaining a healthy lifestyle requires a life-long dedication to one's own well-being. A lawsuit will not help anyone lose weight. Allowing consumers to sue their local restaurant, to sue half the food industry, means that we are telling our citizens, "It's not your fault that you are obese."

Mr. Chairman, that's the wrong tack to take. I support this legislation because it sends the message to everyone in the United States, young and old, that taking control of your weight is your responsibility, and taking personal responsibility is the only way that weight control can be achieved.

I commend the gentleman from Florida, Mr. KELLER, and Chairman SENSENBRENNER, for their work on this legislation, and I urge passage of the bill.

Mr. PAUL. Mr. Chairman, Congress is once again using abusive litigation at the State level as a justification nationalizing tort law. In this case, the Personal Responsibility in Food Consumption Act (H.R. 554) usurps State jurisdiction over lawsuits related to obesity against food manufacturers.

Of course, I share the outrage at the obesity lawsuits. The idea that a fast food restaurant should be held legally liable because some of its customers over indulged in the restaurant's products, and thus are suffering from obesity-related health problems, is the latest blow to the ethos of personal responsibility that is fundamental in a free society. After all, McDonalds does not force anyone to eat at its restaurants. Whether to make Big Macs or salads the staple of one's diet is totally up to the individual. Furthermore, it is common knowledge that a diet centering on super-sized cheeseburgers, French fries, and sugar-filled colas is not healthy. Therefore, there is no rational basis for these suits. Some proponents of lawsuits claim that the fast food industry is "preying" on children. But isn't making sure that children limit their consumption of fast foods the responsibility of parents, not trial lawyers? Will trial lawyers next try to blame the manufacturers of cars that go above 65 miles per hour for speeding tickets?

Congress bears some responsibility for the decline of personal responsibility that led to the obesity lawsuits. After all, Congress created the welfare state that popularized the notion that people should not bear the costs of their mistakes. Thanks to the welfare state, too many Americans believe they are entitled to pass the costs of their mistakes on to a third party—such as the taxpayers or a corporation with "deep pockets."

While I oppose the idea of holding food manufacturers responsible for their customers' misuse of their products, I cannot support addressing this problem by nationalizing tort law. It is long past time for Congress to recognize that not every problem requires a Federal solution. This country's founders recognized the genius of separating power among Federal, State, and local governments as a means to maximize individual liberty and make government most responsive to those persons who might most responsibly influence it. This separation of powers strictly limits the role of the Federal Government in dealing with civil liability matters; and reserves jurisdiction over matters of civil tort, such as food related negligence suits, to the State legislatures.

Finally, Mr. Chairman, I would remind the food industry that using unconstitutional Federal powers to restrict State lawsuits makes it more likely those same powers will be used to impose additional Federal control over the food industry. Despite these lawsuits, the number one threat to business remains a Federal government freed of its Constitutional restraints. After all, the Federal government imposes numerous taxes and regulations on the food industry, often using the same phony "pro-consumer" justifications used by the trial lawyers. Furthermore, while small business, such as fast-food franchises, can move to another State to escape flawed State tax, regulatory, or legal policies, they cannot as easily escape destructive Federal regulations. Unconstitutional expansions of Federal power, no matter how just the cause may seem, are not in the interests of the food industry or of lovers of liberty.

In conclusion, while I share the concern over the lawsuits against the food industry that inspired H.R. 554, this bill continues the disturbing trend of federalizing tort law. Enhancing the power of the Federal government is in no way in the long-term interests of defenders of the free market and Constitutional liberties. Therefore, I must oppose this bill.

Mr. HENSARLING. Mr. Chairman, I rise today in support of H.R. 554, the Personal Responsibility in Food Consumption Act.

You may have heard about the overweight maintenance worker from New York, who sued McDonald's, Wendy's, Burger King, and KFC for causing his two heart attacks and diabetes. Or the class-action lawsuit against McDonald's where the lawyers named children as the defendants.

These stories may sound funny, but the facts show these types of frivolous lawsuits bankrupt businesses, deplete pensions, gouge consumers and deprive Americans with real complaints access to their day in court.

American consumers actually pay $1,200 more for goods and services every year because of lawsuit abuse. Studies also found that the cost of litigation accounts for one-third of the price of an 8-foot aluminum ladder, it doubles the price of a football helmet, it adds $500 to the sticker price of a new car, and increases the cost of a pacemaker by $3,000. We all end up paying a huge price for lawsuit abuse.

But perhaps the most potentially disastrous effect of frivolous lawsuits is the cost of American jobs. American businesses are a consistent target of frivolous claims, which bleed the essential capital they need to create jobs. And with such a lawsuit happy nation, many companies simply choose to pack up shop and move overseas.

At what point will we say enough is enough? At what point will we start supporting personal responsibility and stop supporting personal injury lawyers?

Options on a menu do not lead to obesity, but unhealthy habits do. At what point are we going to stop the frivolous lawsuits from personal injury trial lawyers that are simply trying to make an easy buck off of overweight Americans?

Mr. Chairman, I urge all my colleagues to pass H.R. 554. Let's take a stand for personal responsibility and freedom. Let's stamp out frivolous lawsuits. Let's preserve the integrity of our judicial system, and let's stop personal injury trial lawyers from ripping off American consumers.

Mr. HONDA. Mr. Chairman, I rise today to express my concern that we are again dealing with a notion that there is a crisis in our courts with obesity lawsuits. H.R. 554, the so-called "Personal Responsibility in Food Consumption Act" is a measure that seeks to give federal immunity to food manufacturers, sellers, and advertisers for obesity-related claims. The reality is there is only one such pending suit in the entire country, so I am hard pressed to see why we need to take up this measure today, especially since there are so many other important issues we need to address.

I do not think it is the role of the United States Congress to intervene in every individual and private issue in America. Our Nation is plagued by childhood obesity and heart disease, and we should be looking into real solutions to this problem, we should not be focusing our efforts on getting rid of one lawsuit currently pending against a fast food outlet.

Furthermore, the language in H.R. 554 is so broad it would cut off legitimate claims against the food industry, even where the industry acted to deceive the public and even where it violated State or Federal law. For instance, those in the food industry who fraudulently or deceptively market or sell low-fat products that are not really low-fat should be held accountable but this measure would let them off the hook. Lawsuits aimed at unscrupulous tactics help to change the behavior of the bad actors in the industry we should allow our legal system to process these legitimate cases.

Mr. Chairman, our legal system has multiple procedural safeguards to ensure that frivolous litigation is thrown out and that meritorious claims are preserved. That is why I oppose H.R. 554.

Mr. STARK. Mr. Chairman, I rise in opposition to the Personal Responsibility in Food Consumption Act because I don't think that any industry should have the right to conduct its business without the oversight of the judicial system. What the lawyer-bashers don't want you to know is that frivolous lawsuits, by definition, get thrown out of court. In other words, the much-feared million-dollar settlement for someone who eats 12 Big Macs a day is not going to happen.

That's why there are only a few obesity cases in court right now and why the only reason we're considering this bill today is because the well-heeled McDonald's Corporation doesn't want to face a legitimate lawsuit for false advertising. Many of the pending cases are for false advertising, claiming food is low fat when it's really not, and this bill is so broadly worded that it would preclude such cases from going forward.

The threat of legitimate lawsuits against fast-food corporations is as much a part of creating social change as is the threat of a Congressional investigation. I believe that both are equally legitimate and democratic. We wouldn't want judges to ban us from holding hearings and nor should we ban them from hearing cases

Even more important than the issue of obesity or Congressional meddling in the judicial branch is the fundamental right of every American to have their day in court. Even if you eat 12 Big Macs a day, you have a right to plead your case before a judge. And the judge has the right to throw the case out, but Congress has no business preemptively closing the courthouse doors to a particular group of Americans.

Ms. DELAURO. Mr. Chairman, encouraging personal responsibility is something we all support in this institution—particularly with respect to rising rates of obesity. With two-thirds of premature deaths in the U.S. due to poor nutrition, physical inactivity and tobacco use, Americans do need to be more mindful of what they put in their bodies.

But with only 12 percent of Americans eating a healthy diet and diabetes rates having risen 61 percent in the last decade alone, it is becoming increasingly clear that Congress is abdicating a responsibility of its own—we are failing to fashion policies that support Americans' efforts to adopt healthier lifestyles.

Instead of shielding companies from litigation, we should be giving people the information they need to make the informed choices that exercise that personal responsibility. Today, Americans are eating out more frequently, spending about half of their food dollars at restaurants—a figure that has doubled since 1970. And everyone knows how much harder it is to eat healthily when they eat out. Little wonder children eat almost twice as many calories when they eat at a restaurant as they do when they eat at home—studies have shown that even trained nutritionists cannot estimate the calorie and fat content in a meal they do not prepare themselves.

We need to be creative. For instance, I will be reintroducing legislation shortly, The Meal Education and Labeling Act, that would extend the kind of nutrition labeling you find on packaged foods at the store to include foods at fast food and other chain restaurants. It would require these chain restaurants to list calories, saturated plus trans fat and sodium on printed menus and calories on menu boards, giving consumers the necessary nutritional information to make healthy choices for themselves.

That is the kind of balanced, innovative approach this body should be considering today to address obesity—that would be a real step toward helping encourage personal responsibility in food consumption while protecting industry and our Mom n' Pop restaurants. Instead, as we have seen countless times before, this majority has again chosen to use a very important public health issue to pursue a narrow and completely unrelated political agenda.

Mr. Chairman, we should do something about obesity in this country by empowering people to make informed decisions for themselves. But this bill is not the way to go about it.

Mr. WATT. Mr. Chairman, I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN (Mr. PUTNAM). All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule, and shall be considered read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 554

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Personal Responsibility in Food Consumption Act of 2005".

SEC. 2. FINDINGS; PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) the food and beverage industries are a significant part of our national economy;

(2) the activities of manufacturers and sellers of foods and beverages substantially affect interstate and foreign commerce;

(3) a person's weight gain, obesity, or a health condition associated with a person's weight gain or obesity is based on a multitude of factors, including genetic factors and the lifestyle and physical fitness decisions of individuals, such that a person's weight gain, obesity, or a health condition associated with a person's weight gain or obesity cannot be attributed to the consumption of any specific food or beverage; and

(4) because fostering a culture of acceptance of personal responsibility is one of the most important ways to promote a healthier society,

lawsuits seeking to blame individual food and beverage providers for a person's weight gain, obesity, or a health condition associated with a person's weight gain or obesity are not only legally frivolous and economically damaging, but also harmful to a healthy America.

(b) PURPOSE.—The purpose of this Act is to allow Congress and regulatory agencies to determine appropriate laws, rules, and regulations to address the problems of weight gain, obesity, and health conditions associated with weight gain or obesity.

SEC. 3. PRESERVATION OF SEPARATION OF POWERS.

(a) IN GENERAL.—A qualified civil liability action may not be brought in any Federal or State court.

(b) DISMISSAL OF PENDING ACTIONS.—A qualified civil liability action that is pending on the date of the enactment of this Act shall be dismissed immediately by the court in which the action was brought or is currently pending.

(c) DISCOVERY.—

(1) STAY.—In any action that is allegedly of the type described in section 4(5)(B) seeking to impose liability of any kind based on accumulative acts of consumption of a qualified product, the obligation of any party or non-party to make disclosures of any kind under any applicable rule or order, or to respond to discovery requests of any kind, as well as all proceedings unrelated to a motion to dismiss, shall be stayed prior to the time for filing a motion to dismiss and during the pendency of any such motion, unless the court finds upon motion of any party that a response to a particularized discovery request is necessary to preserve evidence or to prevent undue prejudice to that party.

(2) RESPONSIBILITY OF PARTIES.—During the pendency of any stay of discovery under paragraph (1), the responsibilities of the parties with regard to the treatment of all documents, data compilations (including electronically recorded or stored data), and tangible objects shall be governed by applicable Federal or State rules of civil procedure. A party aggrieved by the failure of an opposing party to comply with this paragraph shall have the applicable remedies made available by such applicable rules, provided that no remedy shall be afforded that conflicts with the terms of paragraph (1).

(d) PLEADINGS.—In any action that is allegedly of the type described in section 4(5)(B) seeking to impose liability of any kind based on accumulative acts of consumption of a qualified product, the complaint initiating such action shall state with particularity—

(1) each element of the cause of action;

(2) the Federal and State statutes or other laws that were allegedly violated;

(3) the specific facts alleged to constitute the claimed violation of law; and

(4) the specific facts alleged to have caused the claimed injury.

(e) RULE OF CONSTRUCTION.—No provision of this Act shall be construed to create a public or private cause of action or remedy.

SEC. 4. DEFINITIONS.

In this Act:

(1) ENGAGED IN THE BUSINESS.—The term "engaged in the business" means a person who manufactures, markets, distributes, advertises, or sells a qualified product in the person's regular course of trade or business.

(2) MANUFACTURER.—The term "manufacturer" means, with respect to a qualified product, a person who is lawfully engaged in the business of manufacturing the product.

(3) PERSON.—The term "person" means any individual, corporation, company, association, firm, partnership, society, joint stock company, or any other entity, including any governmental entity.

(4) QUALIFIED PRODUCT.—The term "qualified product" means a food (as defined in section 201(f) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(f))).

(5) QUALIFIED CIVIL LIABILITY ACTION.—

(A) IN GENERAL.—Subject to subparagraph (B), the term "qualified civil liability action" means a civil action brought by any person against a manufacturer, marketer, distributor, advertiser, or seller of a qualified product, or a trade association, for damages, penalties, declaratory judgment, injunctive or declaratory relief, restitution, or other relief arising out of, or related to a person's accumulated acts of consumption of a qualified product and weight gain, obesity, or a health condition that is associated with a person's weight gain or obesity, including an action brought by a person other than the person on whose weight gain, obesity, or health condition the action is based, and any derivative action brought by or on behalf of any person or any representative, spouse, parent, child, or other relative of that person.

(B) EXCEPTION.—A qualified civil liability action shall not include—

(i) an action based on allegations of breach of express contract or express warranty, provided that the grounds for recovery being alleged in such action are unrelated to a person's weight gain, obesity, or a health condition associated with a person's weight gain or obesity;

(ii) an action based on allegations that—

(I) a manufacturer or seller of a qualified product knowingly violated a Federal or State statute applicable to the marketing, advertisement, or labeling of the qualified product with intent for a person to rely on that violation;

(II) such person individually and justifiably relied on that violation; and

(III) such reliance was the proximate cause of injury related to that person's weight gain, obesity, or a health condition associated with that person's weight gain or obesity; or

(iii) an action brought by the Federal Trade Commission under the Federal Trade Commission Act (15 U.S.C. 41 et seq.) or by the Federal Food and Drug Administration under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.).

(6) SELLER.—The term "seller" means, with respect to a qualified product, a person lawfully engaged in the business of marketing, distributing, advertising, or selling a qualified product.

(7) STATE.—The term "State" includes each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, and any other territory or possession of the United States, and any political subdivision of any such place.

(8) TRADE ASSOCIATION.—The term "trade association" means any association or business organization (whether or not incorporated under Federal or State law) that is not operated for profit, and 2 or more members of which are manufacturers, marketers, distributors, advertisers, or sellers of a qualified product.

The Acting CHAIRMAN. No amendment to the committee amendment is in order except those printed in House Report 109–249. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified, equally divided and controlled by the proponent and an opponent of the amendment, shall not be subject to amendment and shall not be subject to a demand for division of the question.

It is now in order to consider amendment No. 1 printed in House Report 109–249.

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AMENDMENT NO. 1 OFFERED BY MR. SENSENBRENNER

Mr. SENSENBRENNER. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN (Mr. PUTNAM). The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. SENSENBRENNER:

Page 4, line 8, strike "(B)".

Page 5, line 9, strike "(B)".

Page 5, line 12, insert "for each defendant and cause of action" before the dash.

Page 5, line 13, insert "and the specific facts alleged to satisfy each element of the cause of action" before the semicolon.

Page 5, line 15, strike "were allegedly violated;" and insert "allegedly create the cause of action; and".

Page 5, line 16, strike "the specific facts" and all that follows through the end of line 19 and insert "the section 4(5)(B) exception being relied upon and the specific facts that allegedly satisfy the requirements of that exception.".

The Acting CHAIRMAN. Pursuant to House Resolution 494, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from North Carolina (Mr. WATT) each will control 5 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

Mr. SENSENBRENNER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this manager's amendment makes technical changes to the section of the bill that sets forth the information plaintiffs must provide in order for a judge to determine whether the lawsuit is banned by the bill or allowed to go forward under one of the bill's exceptions.

These minor changes are meant to provide a judge with a clear understanding of the type of information the judge is to consider in deciding a motion to dismiss under H.R. 554.

The pleading provision in H.R. 554 is meant to apply to any action claiming obesity-related damages, and this amendment makes clear that the pleading requirements will apply to all cases seeking obesity-related damages.

Also adding the phrase "for each defendant and cause of action" clarifies that a judge must apply H.R. 554's pleading requirements to each specific claim. This prevents a plaintiff from improperly using a claim that is not barred by H.R. 554 as a means of pursuing obesity-related claims that are barred by the bill against the same or other defendants. This change would prevent entire industries from being ensnared in lawsuits where the relevant facts relate to only one company.

Finally, other technical changes would simply ensure consistency by using the same terms in the pleading sections as are used elsewhere in the bill.

I would ask all of my colleagues to support these common sense, technical amendments.

Mr. Chairman, I reserve the balance of my time.

Mr. WATT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, normally when we see a manager's amendment come to the floor, it is an improving amendment. Unfortunately this one makes a bad bill actually worse than it was originally drawn, and it does so in this way. There are already pleading requirements in every State, and basically what this amendment does is make those pleading requirements higher for the food industry than for anybody else in America. And, in essence, where you end up is that lawyers who represent people who are claiming to have a cause of action are not only now, under this language, called upon to represent their clients and make a reasonable effort to determine whether there is a basis for their claim, they have to be the jury also. They have to go out and decide, are there enough facts here on each and every cause of action against each and every defendant to win this case and win it profoundly. They have to allege specific facts.

I mean, that is the kind of stuff that normally gets done at a trial if a case even gets that far. Most of these cases are being dismissed really. So most of them are not going to get that far anyway.

But I am not sure what role discovery or any other aspect of our legal process is playing anymore if we pass this manager's amendment. This is much, much more than a technical amendment. This is a very substantive amendment. And, unfortunately, I think it makes a bill that is already a very, very bad bill, it makes it a very, very, very bad bill. I oppose this amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin (Mr. SENSENBRENNER).

The amendment was agreed to.

The Acting CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 109-249.

AMENDMENT NO. 2 OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Ms. JACKSON-LEE of Texas:

Page 6, line 24, insert after "trade association," the following: "or a civil action brought by a manufacturer or seller of a qualified product, or a trade association, against any person,".

The Acting CHAIRMAN. Pursuant to House Resolution 494, the gentlewoman from Texas (Ms. JACKSON-LEE) and the gentleman from Utah (Mr. CANNON) each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me thank my distinguished ranking member of the subcommittee, the gentleman from North Carolina (Mr. WATT) both for his kindliness and his astuteness.

Let me thank the chairman of the full committee, the gentleman from Wisconsin (Mr. SENSENBRENNER), and the ranking member of the full committee, the gentleman from Michigan (Mr. CONYERS), which gives me a chance to catch my breath.

We were in a Homeland Security hearing which is going on, as many of my colleagues know, assessing the circumstances with Hurricane Rita and Hurricane Katrina.

I know the gentleman from Wisconsin (Mr. SENSENBRENNER) is well aware of great intention in our committee to always work together, and so I offer this amendment recognizing that my colleagues will consider this as an opportunity to work together.

One could argue that in the backdrop of Hurricane Wilma now reaching a Category 5, that this Congress should be addressing many, many other issues, particularly enhanced funding for homeland security, and, of course, how we can do things better.

This legislation that is before us needs to be improved. My amendment would prohibit the food industry, which enjoys broad immunity under this bill, from initiating lawsuits against any person for damages or other relief due to injury or potential injury based on a person's consumption of a qualified product, and weight gain, obesity, or any health condition that is associated with a person's weight gain or obesity.

In essence, this is an amendment to protect against consumer retaliation. My colleagues realize that this particular bill, whether or not it rises to the level of a national crisis or even needs fixing, really immunes, if you will, the vast fast food industry.

Now, those of us who have raised children during this timeframe will never know until the final tests are in, studies are done 10 and 20 years from now, as to whether or not the eating of fast food that many of us took our young children to for play and excitement, is going to be long-lasting in its damage.

But yet we believe that this industry now needs a blanket protection from those who may be negatively impacted, obesity, weight gain or any other health problems. Yet there is no similar protection against consumers who may desire to petition these grievances.

It allows the industry to willy-nilly and randomly sue consumers. This amendment is necessary to ensure that the public debate on the health and nutritious effects of mass-marketed food and products is not completely quelched by this bill.

In 1996, Oprah Winfrey was sued under my home State's food disparagement laws by the beef industry for comments she made following the first mad cow scare this country witnessed, albeit she was denied her first amendment rights.

After years of litigation in my State, transfer of her television show to Texas and expenditure of over $1 million, Ms. Winfrey prevailed at trial and on appeal. Proponents of this bill assert that the food industry will incur significant costs defending frivolous lawsuits.

They took Ms. Winfrey to court, the trial lawyers, but neglect the straggering costs that may be borne by private citizens should they dare question the health effects of any qualified food product under this bill. Where are the first amendment rights and consumer rights? My amendment ensures that what is good for the geese is good for the gander. Those advancing healthy diets by discouraging the consumption of certain foods, their right, their constitutional right, even though I come from a beef State, because of their adverse effects perceived on a person's health and weight gain, should not be subjected to litigation from the food industry while it stands immunized from any accountability under this bill.

Again, I wish we were on the floor talking about restoring the drastic cuts in the budget reconciliation bill that deal with health care and deal with housing and deal with the various issues of education and special grants to help the least of those, but we are on the floor talking about McDonald's and Burger King, certainly friends of young parents who, through their professions and other responsibilities did a lot of eating at Burger King and McDonald's, but it does not in any way give them the privilege of denying consumer rights and the rights of consumers not to be retaliated against because they have expressed their viewpoint and the rights of the first amendment.

I do not recall any hue and cry in this body during or in the aftermath against Ms. Winfrey to ban food liability suits. The system worked. But if we are to end the public's right to a jury trial on issues of food safety, we cannot end the public's right to freedom of speech by leaving food critics, who play an important role in educating the public, as I close, stimulating positive change on good sound eating habits.

I ask my colleagues to support this amendment.

Mr. Chairman, this amendment would prohibit the food industry—which enjoys broad immunity under this bill—from initiating lawsuits against any person for damages or other relief due to injury or potential injury based on a person's consumption of a qualified product and weight gain, obesity, or any health condition that is associated with a person's weight gain or obesity.

This amendment is necessary to insure that the public debate on the health and nutritious effects of mass marketed food products is not completely squelched by this bill.

In 1996, Oprah Winfrey was sued under my home State's "food disparagement" laws by the beef industry for comments she made following the first "Mad cow" scare this country witnessed. After years of litigation, transfer of her television show to Texas, and an expenditure of over one million dollars, Ms. Winfrey prevailed at trial and on appeal.

Proponents of this bill assert that the food industry will incur significant cost defending "frivolous" lawsuits by the trial lawyers, but neglect the staggering costs that may be borne by private citizens should they dare question the health effects of any "qualified food product" under this bill.

My amendment insures that what's good for the geese is good for the gander. Those advancing healthy diets by discouraging the consumption of certain foods because of their adverse effects on a person's health and weight gain should not be subject to litigation from the food industry while it stands immunized from any accountability under this bill.

I don't recall any hue and cry in this body during or in the aftermath of the lawsuit against Ms. Winfrey to ban food libel laws. The system worked. But if we are to end the public's right to a jury trial on issues of food safety, we cannot end the public's right to freedom of speech by leaving food critic who play an important role in educating the public, stimulating positive change, and promoting sound eating habits open to lawsuits from an immunized industry.

This amendment addresses this concern and insures that every American can engage in or has access to an open and honest debate on matters of public health.

Once again, Mr. Chairman, I urge my colleagues to support my amendment.

Mr. CANNON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the amendment was defeated last year on the floor by voice vote. It should be defeated again this year. This amendment would add to the list of qualified civil liability actions that cannot be brought under the bill, civil actions brought by a manufacturer or seller of a qualified product or trade association against any person for obesity-related claims.

Whatever the rhetorical purpose the sponsor of this amendment seeks to accomplish, it should be defeated because it is badly drafted, and in the context of the bill, its application would be nonsensical. The bill only operates to prohibit lawsuits brought by people because they ate too much and got fat.

The amendment would add corporations to the list of those who cannot sue because they got fat. But whatever the intent of the amendment is, the fundamental problem is that corporations cannot gain weight and suffer from obesity, which is the term used in the bill. A corporation, for example, cannot eat too much and a trade association cannot gain weight over the holidays.

For all of these reasons this amendment should be defeated.

Mr. Chairman, I yield the balance of my time to the gentleman from Texas (Mr. SMITH).

Mr. SMITH of Texas. Mr. Chairman, I oppose this amendment but support the underlying bill, H.R. 554, the Personal Responsibility in Food Consumption Act.

It is an important piece of legislation that continues a series of tort reform measures considered in Congress this year. We passed this bill during the 108th Congress, and we should pass it again today. I am an original cosponsor of H.R. 554, which will prevent a few lawyers from seeking to destroy another industry that employs millions of people and provides a welcome service to individuals who choose to use it.

In general, the bill prohibits weight gain related claims against the food industry. It allows such claims only where a person gained weight as a result of the food industry breaking a State or Federal law. I remember in 2002, when individuals filed a lawsuit against McDonald's alleging that the fast food chain had made them overweight and unhealthy.

I remember thinking that people should take responsibility for their own eating habits. But it is no longer just one suit against one company. Now there are suits against all types of the 900,000 restaurants in the food industry from small local eateries to giant fast food chains.

We must set a limit as to what litigation is allowed. A nonfrivolous claim should proceed, but a suit dictating the food choices of Americans should be stopped before it is even filed.

The reality is that restaurant meals will change according to what people prefer to eat. In recent years we have seen fast food chains add more healthy choices, like salad and fruit, to their menus, but people should have the freedom to eat what they want.

□ 1130

Mr. Chairman, we should encourage personal responsibility and healthy eating in our society, but we should not encourage lawsuits that blame others for our own choices and that could bankrupt entire industries. Because Americans should have the freedom to eat what they want and because we should take responsibility for our own actions, I support the passage of the Personal Responsibility in Food Consumption Act.

Mr. CANNON. Mr. Chairman, how much time remains?

The Acting CHAIRMAN (Mr. PUTNAM). The gentleman from Utah has 2 minutes remaining.

Mr. CANNON. Mr. Chairman, I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I simply ask the question, in this bill consumers are left vulnerable, and I would ask the gentleman would he not work with me in this amendment to ensure that they are not left vulnerable as we are protecting our fast-food industry?

Mr. CANNON. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Utah.

Mr. CANNON. I am not sure when we would work together on the amendment. I suppose perhaps in conference we could work on the issue, but I am loath to commit the chairman to that process.

Ms. JACKSON-LEE of Texas. I thank the gentleman. I just want to acknowledge that the bill does not protect consumers, and I ask Members to support my amendment.

Mr. CANNON. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE) will be postponed.

The Acting CHAIRMAN. The Committee will rise informally.

The SPEAKER pro tempore (Mr. TERRY) assumed the Chair.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 1886. An act to authorize the transfer of naval vessels to certain foreign recipients.

The SPEAKER pro tempore. The Committee will resume its sitting.

PERSONAL RESPONSIBILITY IN FOOD CONSUMPTION ACT OF 2005

The Committee resumed its sitting.

The Acting CHAIRMAN (Mr. PUTNAM). It is now in order to consider amendment No. 3 printed in House Report 109-249.

AMENDMENT NO. 3 OFFERED BY MR. FILNER

Mr. FILNER. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. FILNER:

At the end of the bill, add the following new section:

SEC. . LIMITATION.

Notwithstanding any other provision of this Act, this Act does not apply to an action brought by, or on behalf of, a person injured at or before the age of 8, against a seller that, as part of a chain of outlets at least 20 of which do business under the same trade name (regardless of form of ownership of any outlet), markets qualified products to minors at or under the age of 8.

The Acting CHAIRMAN. Pursuant to House Resolution 494, the gentleman from California (Mr. FILNER) and the gentleman from Utah (Mr. CANNON) each will control 5 minutes.

The Chair recognizes the gentleman from California (Mr. FILNER).

Mr. FILNER. Mr. Chairman, the purpose of this amendment today is twofold: one, to protect young children and, two, to force better accountability from the fast food industry.

My amendment exempts those 8 years of age and under from the provisions of this bill as it relates to fast food restaurants.

Mr. Chairman, in 2001 the U.S. Surgeon General proclaimed childhood obesity a health issue rivaling cigarette smoking. The Surgeon General further stated that the rate of overweight children in America doubled in the past 20 years and tripled among its adolescents. But apparently few here in Washington seem to have taken notice or cared, and predictably rates have continued to rise across the country.

Today, one in three children is overweight. Yes, Mr. Chairman, I said one in three, almost 35 percent. And what has been Congress's response to the growing epidemic? Has it provided more funding for obesity awareness or tried to implement programs to improve nutrition in schools? No. Instead, Congress brings forwards a bill to immunize fast food companies. Where is the logic?

Those supporting the bill talk about choice, the freedom to eat. Well, we are talking about young children and, of course, we want them to eat correctly, healthy, and that is not the primary responsibility of the fast food industry. Childhood obesity is best tackled at home through improved parental involvement, increased physical exercise, better diet and restraint from eating.

However, as a parent, as a grandparent, as a former educator, I know that these practices alone when we are dealing with young children are insufficient. We will never control this rising epidemic without greater accountability from the food industry.

Congress is headed in the wrong direction with this bill which removes any and all incentives from the food industry to improve their products for children. Congress has allowed the greed of big corporations to come before the need of our children. Today, the younger generation faces a litany of health issues that generations before just never did. Heart disease, high blood pressure, hypertension, joint problems, asthma, diabetes and cancer are on the increase with these young children; and a steady diet of fast food is the last thing they need. Unfortunately, fast food restaurants are bombarding our children with advertisements that encourage overconsumption of unhealthy eating choices.

The average child views 20,000 television commercials every year. That is about 55 a day. More disturbingly, the commercials for candy, snacks, sugared cereals and other food with poor nutritional content far out-number commercials for more healthy food choices. So it is not just a matter of individual responsibility, of individual choice when we are talking about young children under 8.

Studies indicate that these children are more susceptible to advertising and even less likely to understand the purpose of this advertising. So why is so much advertising at home done during the cartoon hours? It is no coincidence that major fast food chains routinely run their advertisements during this time. Experts in this field unequivocally state that the fear of litigation and regulation prompts the industry to rethink how it markets and sells food to children. This has been evidenced by some of the recent changes made within the industry.

Unfortunately, the bill as presently written forecloses the opportunity to hold the industry accountable and thus puts any future improvements in jeopardy, assuring continued high rates of childhood obesity, leaving me to wonder whether we in Congress are here to represent the people or big business.

The bill is entitled Personal Responsibility in Food Consumption Act. Personal responsibility is a two-way street: both the consumer and the executives of the industry, both should act in a personally responsible manner. So I ask my colleagues to join me in supporting this amendment to hold fast food companies accountable and to protect our young children.

Mr. Chairman, I reserve the balance of my time.

Mr. CANNON. Mr. Chairman, I yield myself such time as I may consume.

The gentleman makes a valid point that we have a lot of obese children. I think it is actually more like 40 percent in some recent studies I have seen. This is a terrible problem, but I urge the Members to defeat this amendment. It was defeated by voice vote last year, and it should be defeated again this year.

The gentleman from California (Mr. FILNER) also talks about the accountability of the food industry; but this amendment tells parents that if they are not responsible for their children's eating, they can become millionaires. This amendment manages to exploit children and discourages parents from exercising parental responsibility all at the same time. It literally would hold food companies liable when parents buy their kids a six-pack of kid meals every day for 8 years. Adopting this amendment would turn the Personal Responsibility in Food Consumption Act into the Parent Irresponsibility Act.

Even the ultra-liberal Los Angeles Times has stated this is wrong, saying in an editorial: "If kids are chowing down to excess on junk food, aren't their parents responsible for cracking down? And if parents and other grown-ups overindulge, isn't it their problem, not that of the purveyors of fast food? Why boost their food bills because of illegal jousting? People shouldn't get stuffed, but this line of litigation should."

Even our best obesity doctors realize that this amendment is another sad assault on the concept of parental responsibility. As Dr. Jana Klauer, a fellow at the New York City Obesity Research Center of St. Luke's Roosevelt Hospital has said, "I just wonder where were the parents when kids were having these McDonald's breakfasts every morning. Were they incapable of pouring a bowl of cereal and some milk?"

Let us do what we did last year and defeat this parental irresponsibility amendment by voice vote.

Mr. Chairman, I reserve the balance of my time.

Mr. FILNER. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, my friend from Utah (Mr. CANNON) should be writing advertisements for the fast food industry. Throwing out red herrings, probably which would not give us obesity, about families becoming millionaires and all this stuff. It is just a side show.

We are talking about young children. Sure, they ought to make the right choice and, sure, their parents ought to make the right choices; but the pressure is on them through television. Parents cannot always be there. The schools are bringing in the fast food restaurants so they can make some more money and they encourage it. And lastly and most importantly, the advertising that is aimed at these children: Where is the responsibility for the adults who are running these advertisements? They are aimed at our children.

Mr. CANNON. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I urge my colleagues to defeat this amendment. There is a problem in America. There is no question but that there is a problem. We do not solve that problem by shifting responsibility to corporations. It would be good if corporations did perfect things, but we live in an imperfect world where parents have the ability to turn off the television, parents have the ability to teach their children what to eat and how to eat well. And, interestingly, food that is better for you actually costs less.

Parents have the ability to deal with these issues in ways that this Congress and industry cannot do. I urge my colleagues to reject this amendment.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. FILNER).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. FILNER. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California (Mr. FILNER) will be postponed.

It is now in order to consider amendment No. 4 printed in House Report 109–249.

AMENDMENT NO. 4 OFFERED BY MR. SCOTT OF VIRGINIA

Mr. SCOTT of Virginia. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. SCOTT of Virginia:

At the end of the bill, add the following new section:

SEC. ___. STATE CONSUMER PROTECTION ACTIONS.

Notwithstanding any other provision to the contrary in this Act, this Act does not apply to an action brought by a State agency to enforce a State consumer protection law concerning mislabeling or other unfair and deceptive trade practices.

The Acting CHAIRMAN. Pursuant to House Resolution 494, the gentleman from Virginia (Mr. SCOTT) and the gentleman from Utah (Mr. CANNON) each will control 5 minutes.

The Chair recognizes the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we have apparently decided to try these kinds of cases on the floor of the House where politics and popularity will be considered, even financial contributions will be allowed, rather than have those cases and special interests relegated to the judicial branch where they will be facing unbiased judges and juries and relegated to the same laws that apply to everybody else. But if we are going to try the cases, we ought to at least limit the impact of the bill to the fast food rhetoric that we have heard.

This bill, unfortunately, covers not only fast food lawsuits but also litigation involving consumer protection when obesity or weight gain may be one of the elements of the case.

Now, every single State has laws on the books to protect its consumers. Every State has laws to protect consumers from misleading practices and each attorney general has the power to enforce these laws. But unfortunately as written, the bill will prevent State attorneys general from enforcing those laws. It will not just stop the individual fast food lawsuits that my colleagues have been discussing, but because a person who may be a plaintiff is defined in the bill to include governmental agencies, it will prevent States from getting injunctions, cease and desist orders, or imposing fines against those who endanger consumers.

It is important to note that not only money damages are precluded by the bill. Rather, the bill refers to damages, penalties, injunctive or declaratory relief, restitution or other relief, all are prohibited forms of relief that will no longer be available to State attorneys general if this bill passes without my amendment.

The exception for a "knowing" violation is not enough. State deceptive practices are just like the Federal Trade Commission Act. They allow civil enforcement actions whether or not the defendant willfully or knowingly violated the law. In fact, food labeling and deceptive practices have often exacted strict liability, that is, if the government can get an injunction whether the person was intentionally or knowingly in violation.

Mr. Chairman, my State of Virginia has the Consumer Protection Act. It prohibits misrepresenting that goods or services have certain qualities, characteristics, ingredients, uses or benefits that they do not have, and any other conduct which similarly creates a likelihood of confusion or misunderstanding. A court may order an injunction or restitution to injured parties even if the violation was unintentional.

In fact, Virginia is not alone. At least 12 other States have specifically adopted the Uniform Deceptive Trade Practices Act, section 3, which says that intentional deceptive action is not necessary to get injunctive relief.

□ 1145

At least 23 other States have similar standards.

So, Mr. Chairman, my amendment that I present today will address that problem in the bill. It will ensure that attorneys general and State agencies can put an end to mislabeling, to deceptive practices, to false advertising, and other consumer fraud within the borders of the State. Whatever we think of the individual fast food lawsuits, we should not prohibit State attorneys general from enforcing States laws and protecting their citizens.

Mr. Chairman, I reserve the balance of my time.

Mr. CANNON. Mr. Chairman, I yield myself such time as I may consume.

This gutting amendment was defeated on the House floor last year by a vote of 241 to 177, and it should be defeated again this year.

Lawsuits relating to obesity and weight gain are wrong no matter who brings them. If private claims are frivolous and should be blocked, then we should not encourage States to bring them either. This bill only applies to lawsuits arising out of or related to obesity and weight gain.

State consumer protection statutes are not intended to cover these kinds of claims. In fact, not a single State consumer protection law allows a State agency to sue for damages because someone got fat from eating too much. However, because the amendment implies State consumer protection laws do allow lawsuits in which the claim is obesity or weight gain, courts may well read it to grant all State agencies new powers to use their State consumer protection laws to seek damages against the food industry for obesity-related claims. That is directly contrary to the purpose of this bill. It would not be right to allow States to use their consumer protection laws in ways they cannot use them now, namely, to sue the food industry for obesity-related claims. Consequently, this amendment should be defeated.

In any case, section 4(5)(b) of H.R. 544 makes it clear that obesity-related lawsuits can be brought by anyone who can prove he suffered harm as a result of a violation of State or Federal law, including laws that prohibit deceptive or misleading advertising, by showing he individually and justifiably relied on such deceptive or misleading advertising and that such reliance was the proximate cause of the injury.

So the bill itself already allows lawsuits against bad actors while preserving the concept of personal responsibility. The amendment does not do that, it should be defeated, and I urge my colleagues to vote against this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Chairman, in closing let me just say that, as the gentleman from Arkansas, who is a physician, indicated, weight gain can be caused by contamination or other problems, even if that contamination was unknowing. Under this bill, the attorney general would not be able to get an injunction. We should trust our States attorneys general and consumer protection agencies to do the right thing and not prohibit them from protecting our citizens.

Mr. Chairman, I would hope the amendment would be adopted.

Mr. Chairman, I yield back the balance of my time.

Mr. CANNON. Mr. Chairman, in closing, let me just say that we have consumer protection laws. This bill is not intended to expand those laws. It is not intended to put restaurants out of business. It is not intended to shift responsibility from individuals and from parents. It is about personal responsibility, and I urge opposition to this amendment.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN (Mr. PUTNAM). The question is on the amendment offered by the gentleman from Virginia (Mr. SCOTT).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Mr. SENSENBRENNER. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Virginia (Mr. SCOTT) will be postponed.

It is now in order to consider amendment No. 5 printed in House Report 109-249.

AMENDMENT NO. 5 OFFERED BY MR. WAXMAN

Mr. WAXMAN. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. WAXMAN:

At the end of the bill, add the following new section:

SECTION ___. NOT APPLICABLE TO DIETARY SUPPLEMENTS.

Notwithstanding any other provision of this Act, this Act does not apply to a claim of injury involving a dietary supplement relating to a person's weight gain, obesity or any health condition associated with weight gain or obesity.

The Acting CHAIRMAN. Pursuant to House Resolution 494, the gentleman from California (Mr. WAXMAN) and the gentleman from Utah (Mr. CANNON) each will control 5 minutes.

The Chair recognizes the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, those who support this bill argue that food manufacturers should be sheltered from lawsuits claiming that their products cause someone to become obese. I can understand their reasoning, because there is a sense of personal responsibility involved. But what my amendment would do is to limit that language so it is not so broad as to include what are called "dietary supplements," because some of these products are not like food. They are not reviewed by the FDA. They are not even subject to FDA intervention, unless they can show real harm being done, and we have had examples of ephedra and andro that have been withdrawn from the market because they caused serious injury, or DHEA, which is a steroid precursor.

The bill authors would say that they want to protect from lawsuits when people say they have gained weight or there is obesity or health conditions associated with a person's weight gain or obesity. Imagine you are overweight and suffer from high blood pressure because you are overweight, and you decide to try losing weight by taking a dietary supplement product. But what you do not know is that the product you are taking contains a potentially dangerous stimulant; and instead of helping you lose weight, the product causes your blood pressure to go even higher and makes you really sick. If this bill passed, you could not sue the dietary supplement company even if the product did not have a warning label; even if the companies received thousands of adverse event reports that they have kept hidden; even if a professional medical society and experts have concluded that the product is dangerous; and even if the company has never tested the product to see if it is safe.

Removing the threat of liability for dangerous dietary supplements would be a grave mistake. Despite evidence that supplements containing ephedra are dangerous and have caused heart attacks or strokes or death, it took the FDA years to act to take higher-dose ephedra supplements off the market. In the meantime, some dietary supplement companies stopped making ephedra products because of the mounting litigation. Without having to take responsibility for their products, manufacturers could be free to sell dangerous substances to the public. The threat of a lawsuit could have a real impact here, and it is not one simply of personal responsibility.

We are seeing now a new generation of weight-loss products marketed as dietary supplements that have stimulant ingredients that may be similar to ephedra. According to a recent study, these new products may raise blood pressure and heart rate, making them potentially dangerous particularly to those people who already have heart disease. However, it is perfectly legal for a dietary supplement manufacturer to sell these products without testing to see if they are safe and without warning consumers of potential adverse effects.

This bill, as it is drafted, is a license for reckless behavior by dietary supplement manufacturers. I do not know if that is what the authors intended; I tend to think they probably did not look at that issue. It allows them to sell dangerous products to Americans without ever having to take responsibility in a court of law, and our amendment would close the dietary supplement loophole. I urge my colleagues to support it.

Mr. Chairman, I reserve the balance of my time.

Mr. CANNON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the amendment is substantially the same as the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE), which was defeated on the House floor last year by a vote of 166 to 250, and it should be defeated again this year.

This amendment must be defeated because it would gut the bill. This amendment, if adopted, would allow anyone to eat as many health bars and drink as many diet shakes as they wanted and then sue the makers of the health bars and the diet shakes for millions of dollars for making them fat when the health bar and diet shake manufacturers had done absolutely nothing wrong.

The term "dietary supplement," as defined in 21 U.S.C. can include just about any food imaginable. It is defined in 21 U.S.C. 321(ff) as "a product intended to supplement the diet that bears or contains one or more of the following ingredients," including "a vitamin or mineral." Do we really want to encourage lawsuits by people who get fat because they choose to eat too much food that happens to meet this definition? Of course not. And that is why this amendment must be defeated.

The same concept of personal responsibility should apply to anyone who chooses to eat too many health bars or diet shakes, or other similar products, just as it should be applied to anyone else.

If you want to destroy every company that sells products that help keep our waistlines trim by allowing them to be sued out of existence, then vote for this amendment. But if you want to help combat the obesity problem in America, vote down this gutting amendment and preserve the concept of personal responsibility.

Allowing the types of lawsuits this amendment would allow flatly contradicts the advice of our Nation's leading nutritionists. Listen to the insightful words of Dr. Gerard Musante, a clinical psychologist with training at Duke University Medical Center, who has worked for more than 30 years with thousands of obese people. He is the founder of Structure House, a residential weight-loss facility in Durham, North Carolina. He said the following at a Senate hearing on this legislation:

"Lawsuits are pointing fingers at the food industry in an attempt to curb the Nation's obesity epidemic. These lawsuits do nothing but enable consumers to feel powerless in a battle for maintaining one's own personal health. The truth is, we as consumers have control over the food choices we make, and we must issue our better judgment when making these decisions. Negative lifestyle choices cause obesity, not a trip to the fast food restaurant or a cookie high in trans fat.

"Through working with obese patients, I have learned that the worst thing one can do is blame an outside force to get themselves 'off the hook,' to say it is not their fault and that they are a victim. Congress has rightly recognized the danger of allowing Americans to continue blaming others for the obesity epidemic. It is imperative that we prevent lawsuits from being filed against any industry for answering consumer demands. The fact that we are addressing the issue here today is a step in the right direction."

Even the chairman of the American Council For Fitness and Nutrition, Susan Finn, has written that "Although obesity is a serious health threat to millions of Americans, lawsuits and fingerpointing are not realistic solutions. If you are obese, you don't need a lawyer, you need to see your doctor, a nutritionist and a physical trainer. Playing the courtroom blame game won't make anyone thinner or healthier."

Section 4(5)(b) of H.R. 554 makes it clear that obesity-related lawsuits can be brought by anyone who can prove he has suffered harm as a result of a violation of State or Federal law, including laws that prohibit deceptive or misleading advertising, by showing they individually and justifiably relied on such deceptive or misleading advertising and such reliance was the proximate cause of their injury. So if a manufacturer of a health bar or a diet shake lies concerning the calorie content of the food, and someone relies on that false statement and suffers injury, the person can sue the manufacturer under this legislation.

But let us not encourage people to sue makers of health bars and diet shakes because they choose to eat too many of them and get fat. I urge my colleagues to defeat this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. WAXMAN. Mr. Chairman, I yield myself such time as I may consume.

I know that the argument on the other side is that we want people to take personal responsibility, but is it fair to say that there is personal responsibility when a company hides thousands of serious adverse effects, as was the case with a company that had a product with ephedra in it; or when a company does not warn about its risks; when companies know about dangers and do not market their product responsibly?

We are not talking about in this situation a food product that may be heavy in fat or may have cholesterol or whatever. People should expect in eating foods generally recognized as safe that if they abuse their eating habits they are responsible for it. But with a dietary supplement, if the manufacturer withholds this information about the risks, and there is no warning whatsoever when the manufacturer knows there should be, then it seems to me we are giving up the responsibility of the manufacturer to warn and taking people who are harmed not because they did not act responsibly and then saying to them they are out of luck.

I would think this is not a good argument that we have heard on the other side, and I would hope Members would make this exception. A food supplement, a dietary supplement in the form of a pill or some other process is like a drug, and I do not think we would want people to be subjected to no lawsuit that is legitimate if the drug has never been approved and never warned about by the manufacturer. So I ask support of the amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. CANNON. Mr. Chairman, I yield myself such time as I may consume.

The gentleman is talking about various kinds of supplements. He mentioned ephedra and other supplements to help people lose weight. That is a substantial distinction here. If a person buys a supplement and there has been misleading advertising or the manufacturer knows of adverse effects and does not communicate those, and if that constitutes a violation of law, a lawsuit is not prohibited by this legislation. This legislation is going the other way and saying you cannot sue people if you get fat because you make wrong choices, as opposed to you have had some kind of injury or illness because of a misadvertised or otherwise inappropriate utilization of a supplement.

□ 1200

Mr. WAXMAN. Mr. Chairman, will the gentleman yield?

Mr. CANNON. I yield to the gentleman from California.

Mr. WAXMAN. Mr. Chairman, the gentleman raises an interesting point that it would be a violation of law. A lot of times these are not violations of law because there are no laws that pertain.

Mr. CANNON. Reclaiming my time, we are not trying to change the whole world of consumer law here, we are only trying to change one aspect of it. If the gentleman is concerned about, and I know the gentleman has great concern about the effect of supplements like Ephedra which have largely been abandoned by the industry, that is something we ought to be considering, but not in the context of this legislation. I urge my colleagues to reject this amendment.

The Acting CHAIRMAN (Mr. TERRY). The question is on the amendment offered by the gentleman from California (Mr. WAXMAN).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. WAXMAN. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California (Mr. WAXMAN) will be postponed.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed in the following order:

Amendment No. 2 by Ms. JACKSON-LEE OF TEXAS.

Amendment No. 3 by Mr. FILNER of California.

Amendment No. 4 by Mr. SCOTT of Virginia.

Amendment No. 5 by Mr. WAXMAN of California.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 2 OFFERED BY MS. JACKSON-LEE OF TEXAS

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 67, noes 357, not voting 9, as follows:

[Roll No. 529]

AYES—67

Berkley
Brady (PA)
Brown (OH)
Butterfield
Capuano
Carnahan
Carson
Clay
Cleaver
Crowley
Cummings
DeFazio
Delahunt
Doggett
Farr
Fattah
Filner
Green, Al
Green, Gene
Grijalva
Gutierrez
Higgins
Hinchey
Hinojosa
Honda
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Jones (OH)
Kilpatrick (MI)
Kucinich
Langevin
Larson (CT)
Lee
Markey
McDermott
McKinney
McNulty
Meehan
Millender-McDonald
Moore (WI)
Nadler
Napolitano
Obey
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Rush
Sánchez, Linda T.
Sanders
Schakowsky
Scott (VA)
Serrano
Slaughter
Stark
Thompson (MS)
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Wexler
Woolsey
Wynn

NOES—357

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boucher
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carter
Case
Castle
Chabot
Chandler
Chocola
Clyburn
Coble
Cole (OK)

Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Cunningham
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeGette
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doolittle
Doyle
Drake
Dreier
Duncan
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hobson
Hoekstra
Holden
Holt
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Lantos
Larsen (WA)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Olver
Ortiz
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sanchez, Loretta
Saxton
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Walden (OR)
Walsh
Wamp
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Young (AK)
Young (FL)

NOT VOTING—9

Boswell
Davis (FL)
Dingell
Edwards
Feeney
Keller
Lewis (GA)
Myrick
Roybal-Allard

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (Mr. TERRY) (during the vote). Members are advised there are 2 minutes left in this vote.

☐ 1228

Messrs. BARRETT of South Carolina, KINGSTON, WAXMAN, Ms. SOLIS, Mrs. NORTHUP, Messrs. NEAL of Massachusetts, LEVIN, RANGEL, SMITH of Texas, GEORGE MILLER of California, HOLT, Ms. SCHWARTZ of Pennsylvania, Mrs. McCARTHY, Mr. CONYERS, and Mr. HASTINGS of Florida changed their vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 3 OFFERED BY MR. FILNER

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. FILNER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 129, noes 298, not voting 6, as follows:

[Roll No. 530]

AYES—129

Abercrombie
Ackerman
Andrews
Baldwin
Becerra
Berman
Bishop (NY)
Blumenauer
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Chandler
Clay
Cleaver
Conyers
Costello
Crowley
Cuellar
Cummings
Davis (CA)
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Emanuel
Engel
Etheridge
Evans
Farr
Fattah
Filner
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hastings (FL)
Higgins
Hinchey
Holt
Honda
Hoyer
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kucinich
Lantos
Larson (CT)
Lee
Levin
Lipinski
Lofgren, Zoe
Lowey
Maloney
Markey
Matsui
McCarthy
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Miller (NC)
Miller, George
Mollohan
Moore (WI)
Moran (VA)
Musgrave
Nadler
Napolitano
Oberstar
Obey
Olver
Owens
Pallone
Pastor
Payne
Pelosi
Price (NC)
Rahall
Rangel
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (VA)
Serrano
Sherman
Slaughter
Solis
Stark
Stupak
Thompson (MS)
Tierney
Udall (NM)
Van Hollen
Velázquez
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu

NOES—298

Aderholt
Akin
Alexander
Allen
Baca
Bachus
Baird
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Berkley
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boucher
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Case
Castle
Chabot
Chocola
Clyburn
Coble
Cole (OK)
Conaway
Cooper
Costa
Cramer
Crenshaw
Cubin
Culberson
Cunningham
Davis (AL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Emerson
English (PA)
Eshoo
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kelly
Kennedy (MN)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Langevin
Larsen (WA)
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Lynch
Mack
Manzullo
Marchant
Marshall
Matheson
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller, Gary
Moore (KS)
Moran (KS)
Murphy
Murtha
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Otter
Oxley
Pascrell
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Royce
Ruppersberger
Ryan (WI)
Ryun (KS)
Salazar
Sanchez, Loretta
Saxton
Schmidt
Schwarz (MI)

Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Souder
Spratt
Stearns
Strickland
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Towns
Turner
Udall (CO)
Upton
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wynn
Young (AK)
Young (FL)

NOT VOTING—6

Boswell
Davis (FL)
Keller
Lewis (GA)
Myrick
Roybal-Allard

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (Mr. TERRY) (during the vote). Members are advised there are 2 minutes remaining in this vote.

☐ 1236

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 4 OFFERED BY MR. SCOTT OF VIRGINIA

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Virginia (Mr. SCOTT) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 192, noes 234, not voting 7, as follows:

[Roll No. 531]

AYES—192

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Crowley
Cuellar
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Duncan
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Fitzpatrick (PA)
Ford
Frank (MA)
Gerlach
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rohrabacher
Ross
Rothman
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tauscher
Taylor (MS)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—234

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardoza
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Cramer
Crenshaw
Cubin
Culberson
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Edwards
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tanner
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—7

Boswell
Davis (FL)
Keller
Lewis (GA)
Myrick
Roybal-Allard
Simpson

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised there are 2 minutes remaining in this vote.

☐ 1246

Mr. CARDOZA changed his vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 5 OFFERED BY MR. WAXMAN

The Acting CHAIRMAN (Mr. TERRY). The pending business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. WAXMAN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 177, noes 247, not voting 9, as follows:

[Roll No. 532]

AYES—177

Abercrombie
Ackerman
Allen
Andrews
Baca
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Brown-Waite, Ginny
Butterfield
Capps
Capuano
Cardin
Carnahan
Carson
Chandler
Clay
Cleaver
Clyburn
Conyers
Costa
Costello
Crowley
Cummings
Davis (CA)
Davis (IL)
Davis, Tom
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Fitzpatrick (PA)
Ford
Frank (MA)
Gonzalez
Green, Al
Green, Gene
Grijalva

Gutierrez
Harman
Hastings (FL)
Higgins
Hinchey
Hinojosa
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jefferson
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lipinski
Lofgren, Zoe
Lowey
Lynch
Markey
Marshall
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Stark
Strickland
Stupak
Sweeney
Tauscher
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wolf
Woolsey
Wu
Wynn

NOES—247

Aderholt
Akin
Alexander
Bachus
Baird
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardoza
Carter
Case
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Cooper
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Cunningham
Davis (AL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Deal (GA)
DeFazio
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jackson-Lee (TX)
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Murtha
Musgrave
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Smith (NJ)
Smith (TX)
Sodrel
Souder
Spratt
Stearns
Sullivan
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Young (AK)
Young (FL)

NOT VOTING—9

Boswell
Davis (FL)
Keller
Lewis (GA)
Maloney
Marchant
Myrick
Roybal-Allard
Simpson

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised there are 2 minutes left in this vote.

☐ 1253

So the amendment was rejected.

The result of the vote was announced as above recorded.

The Acting CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The Acting CHAIRMAN. Under the rule, the committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LATHAM) having assumed the chair, Mr. TERRY, Acting Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 554) to prevent legislative and regulatory functions from being usurped by civil liability actions brought or continued against food manufacturers, marketers, distributors, advertisers, sellers, and trade associations for claims of injury relating to a person's weight gain, obesity, or any health condition associated with weight gain or obesity, pursuant to House Resolution 494, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on the amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SENSENBRENNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 306, nays 120, not voting 7, as follows:

[Roll No. 533]

YEAS—306

Aderholt
Akin
Alexander
Baca
Bachus
Baird
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Berkley
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boucher
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardoza
Carter
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole (OK)
Conaway
Cooper
Costa
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Cunningham
Davis (AL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Gene
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kelly
Kennedy (MN)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas
Lungren, Daniel E.
Lynch
Mack
Manzullo
Marchant
Marshall
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
McNulty
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud

Millender-McDonald
Miller (FL)
Miller (MI)
Miller, Gary
Moore (KS)
Moran (KS)
Moran (VA)
Murphy
Musgrave
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Obey
Ortiz
Osborne
Otter
Oxley
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Salazar
Sanchez, Loretta
Saxton
Schmidt
Schwarz (MI)
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Sodrel
Souder
Spratt
Stearns
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Towns
Turner
Udall (CO)
Upton
Velázquez
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NAYS—120

Abercrombie
Ackerman
Allen
Andrews
Baldwin
Becerra
Berman
Bishop (NY)
Blumenauer
Brady (PA)
Brown (OH)
Butterfield
Capps
Capuano
Cardin
Carnahan
Carson
Case
Chandler
Cleaver
Conyers
Costello
Crowley
Cummings
Davis (CA)
DeGette
Delahunt
DeLauro
Doggett
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Frank (MA)
Gonzalez
Green, Al
Grijalva
Gutierrez
Hastings (FL)
Hinchey
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kucinich
Lantos
Lee
Levin
Lofgren, Zoe
Lowey
Maloney
Markey
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McKinney
Meehan
Miller (NC)
Miller, George
Mollohan
Moore (WI)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Olver
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Price (NC)
Rahall
Rangel
Rothman
Rush
Sabo
Sánchez, Linda T.
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (VA)
Serrano
Sherman
Snyder
Solis
Stark
Strickland
Thompson (MS)
Tierney
Udall (NM)
Van Hollen
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey

NOT VOTING—7

Boswell
Davis (FL)
Keller
Lewis (GA)
Myrick
Pryce (OH)
Roybal-Allard

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LATHAM) (during the vote). Members are advised that 2 minutes remain in this vote.

☐ 1314

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MOTION TO GO TO CONFERENCE ON H.R. 2744, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2006

Mr. BONILLA. Mr. Speaker, pursuant to clause 1 of rule XXII, and by direction of the Committee on Appropriations, I move to take from the Speaker's table the bill (H.R. 2744) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore (Mr. TERRY). The question is on the motion offered by the gentleman from Texas (Mr. BONILLA).

The motion was agreed to.

MOTION TO INSTRUCT OFFERED BY MS. DELAURO

Ms. DELAURO. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

> Ms. DELAURO of Connecticut moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill, H.R. 2744, be instructed to:
>
> 1. Recede to the Senate on Section 785 of the Senate amendment, and
>
> 2. Agree to a provision that restricts, within the scope of conference, the availability of funds to reimburse administrative costs under the Food Stamp Act of 1977 to a State agency based on the percentage of the costs (other than costs for issuance of benefits or nutrition education) obtained under contract.

☐ 1315

The SPEAKER pro tempore (Mr. TERRY). Pursuant to clause 7 of rule XXII, the gentlewoman from Connecticut (Ms. DELAURO) and the gentleman from Texas (Mr. BONILLA) each will control 30 minutes.

The Chair recognizes the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise to offer this motion to instruct. This motion will instruct House conferees for the fiscal year 2006 agricultural appropriations bill to insist that none of the funds made available by this or any other act be used to close or relocate a county or local Farm Service Agency office until the Secretary of Agriculture has determined the cost effectiveness of such closures.

It would also set a limit on the funds available for States to contract out work being carried out under the Food Stamp Act of 1977.

I want to first say that it has been a pleasure working with the gentleman from Texas (Mr. BONILLA) and his talented staff to put together the fiscal year 2006 agricultural appropriations bill, doing the best we could with very limited resources.

Under the circumstances, it is a bill that I was proud of, my first as ranking minority member of this subcommittee. I also want to thank the gentleman from Wisconsin (Mr. OBEY).

Mr. Speaker, I join with my colleagues to offer a motion that would in essence codify the decision announced yesterday by the U.S. Department of Agriculture to shelve its so-called FSA Tomorrow Plan, a plan that would have closed 713 of the Farm Service Agency's 2,351 offices across America, including two in my State of Connecticut. Had the plan gone into effect, more than a quarter of FSA's total field offices would have closed at a time when rural America is battling drought, the aftermath of Hurricane Katrina, and skyrocketing energy costs, all leading to what has been a steady deterioration of its economic base.

For those unfamiliar with FSA, the Farm Service Agency administers 45 different programs designed to meet the demands of our increasingly diverse agricultural landscape. It provides critical services to America's farmer, services such as assistance to specialty crop producers, disbursal of payments for programs such as the tobacco and peanut buyout, and the handling of disaster assistance payments.

But perhaps more importantly, FSA offices provide that critical link between the farmer and the Federal Government. In that respect, FSA still retains its roots in FDR's New Deal which established that the Federal Government had an appropriate role to play in ensuring a healthy rural economy, a critical component to managing the national economy.

Over the years, the agency that became the FSA managed programs such as the standard Rural Rehabilitation Loan Program, which provided credit, farm, home management planning and technical supervision to farms. It helped farmers and their debtors arbitrate agreements and head off foreclosure. Indeed, FSA's focus has changed as the need has.

After Pearl Harbor the War Food Administration was organized to meet the increased needs of a country at war. And in 1994 USDA reorganized what is now the Farm Service Agency, which included the Agricultural Stabilization and Conservation Service, the Risk Management Agency, and the Farm Credit portion of the Farmers Home Administration.

In recent years, FSA has become part of USDA's one-stop concept, a clearinghouse for the delivery for farm programs, where farmers can go for programs that help them stabilize farm income, conserve land and water resources, provide credit to new or disadvantaged farmers and ranchers, and help farm operations recover from the effects of disaster.

In recent months, however, USDA was planning what was called FSA Tomorrow, which ostensibly was designed to provide better staff, better equipped and trained offices to improve flexibility and efficiency and to modernize technology. These were all laudable goals, despite real challenges posed by that digital divide and lack of Internet access in rural America.

But central to FSA Tomorrow was its proposal to close over 700 FSA offices. The effect would have been clear and immediate, making it more difficult for producers to participate in USDA programs. Closing these offices would have fragmented the one-stop concept, forcing many farmers to drive hundreds of miles to the nearest FSA office where some of the closings are occurring in areas with an already high concentration of underserved minority and small-operation farms.

This was all happening at a time when FSA services were as critical as ever in modern memory. Even before Katrina there was extensive work going on for hurricane and flood relief for the Southeast and mid-South, as well as work around drought problem in the Midwest; and we know the havoc Katrina wrecked on the gulf coast.

What was most worrisome about the FSA Tomorrow Plan was its formulation by USDA without any cost analysis to show why it was necessary, nor was there any input from Congress. Thankfully, in the wake of Senate action, USDA announced yesterday that it would set aside FSA Tomorrow and its timetable for implementation.

As such, we offer this motion today to codify that decision, protecting Congress' jurisdiction in the formulation of policy so vital to American farmers' interest. We all support improving FSA efficiency, streamlining the program so that our farmers can get the best services possible. But I think yesterday's decision confirmed that ensuring FSA field offices remain open and within reach of our farmers is a critical piece of making that happen.

Mr. Speaker, the second component of this motion would instruct conferees to limit the availability of food stamp funds that can be contracted out by States. Specifically, such language would prohibit a State agency from using Federal funds if they privatize a certain percentage of their food stamp program operations.

What this is about is ensuring the integrity of the Food Stamp Program, which, Mr. Speaker, is one of the most effective, well-run Federal programs that we have. If you have any doubt about that, I point you to the program's remarkable response to Hurricane Katrina.

Today, in Louisiana nearly 300,000 households are already receiving food stamps. In Texas there are another 125,000 households receiving emergency food stamp assistance. Altogether, nearly a million citizens affected or displaced by Hurricane Katrina, children, seniors, are receiving emergency food stamp benefits, 25 million Americans in all, reminding us once again that good and decent societies take care of their most vulnerable.

But as we speak, at least one State is planning on delegating an unprecedented billion dollar privatization contract. Texas is hoping to delegate certification and enrollment of recipients for food stamps to a private firm, Accenture, LLP. Its plan is disturbing, to say the least, as its Health and Human Services Department would lay off at least 1,200 stamp workers, closing more than a third of State-run eligibility offices around the State, 99 in all. Texas is planning to replace staff at low hourly rates.

The responsibility for screening applicants, filling out web-based forms and driving clients to the remaining offices for certification, that would fall to community organizations. Much like with farmers in the proposed FSA office closing, clients, including their children, seniors and many who do not speak English, would be forced to travel long distances for these services.

There are a host of problems with the Texas plan. For one, it appears illegal, conflicting with Federal statutes governing the Food Stamp Program, which requires States to seek a waiver from the USDA.

In a letter to the ranking member on the Senate side, the USDA said the following: We do not have enough information to ascertain whether or not Texas' proposal is in compliance with the act in regard to the certification of recipients. States are required to seek a waiver from the USDA, and Texas sought no such waiver. Indeed, USDA has raised questions directly to the Texas Health and Human Services Commission for over a year, asking it for information demonstrating this contract is in compliance with Federal law, and has received no real response.

Secondly, there are several worrisome conflicts of interest. The Houston Chronicle reports that the HHS Chief Information Officer involved in contract negotiation was once an employee of a firm that partnered with Accenture. Additionally, the former HHS Deputy Commissioner who helped develop the bidding procedures subsequently went to work for Accenture.

What makes this so unfortunate is that it is so unnecessary. The Food Stamp Program right now is operating with the lowest error rate it has ever had, the result of years of work by USDA and by State and local employees all over the country. Texas itself has a very well-operated program. Why take the risk that a well-run program will, even with the best intentions, be put at risk?

Let me just say, of all the companies with which the government can do business with, I have serious concerns about the company that has been awarded this particular food stamp contract. Accenture is a corporate expatriate, a company that has set up paper offices overseas to avoid paying American taxes, yet comes back to feed at the Federal trough by way of government contracts when it is convenient.

One need only to look at the Department of Homeland Security's $10 billion US–VISIT Program which Accenture oversees to understand such concerns. That contract is over budget, behind schedule, and falling well short of its goals.

Mr. Speaker, this is not simply about an isolated issue in Texas. The taxpayers all over the country pay half of the costs of running the Food Stamp Program. We have an obligation to ensure that that program is run effectively and efficiently and in compliance with the law. Moreover, before other States go down the same path as Texas, we need to be sure we understand what the implications are first.

That is what this motion would accomplish. Protecting vital services and benefits offered through the Food Stamp Program is something all of us share, which is why we need to ensure that those charged with administering and carrying out these programs are by and large public employees. They are the ones with the expertise. They are the ones with the experience on the front lines. And, Mr. Speaker, they were the ones who made it possible for the victims of Hurricane Katrina to put food on the table, who showed us that even in the face of all those failings of leadership government can make a difference in people's lives.

Making sure that continues is what this motion accomplishes.

Mr. Speaker, I reserve the balance of my time.

Mr. BONILLA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in opposition to the motion but first I would like to say, Mr. Speaker, that it is a pleasure to work with my ranking member from Connecticut, a person who comes to work every day wanting to see some serious work done and a colleague who has always been very direct about what she wants to accomplish even when we do have disagreements.

On this particular motion I do agree with a portion, in the principle of what the FSA portion says in this motion. The gentlewoman is correct the Department of Agriculture went about there the wrong way in terms of trying to select offices around the country without any input, without any input from the House or the Senate or, if they did choose to listen to input, completely ignored what we had to say.

When I had conversations with those in charge at USDA, I pointed out initially that if there are going to be cuts, we understand that cuts need to be made. Everybody understands that, but we wanted to make sure that if cuts were made and designated positions were listed that they had to have an equal number of positions here at USDA, at the big conglomerate that we have here in Washington.

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Do not just cut the field staff that serves farmers and ranchers around the country; but, again, let us make it fair and let us talk about it. First and foremost, we wanted to talk about it openly and have input because we are the legislative body that has oversight on what the executive branch does.

So I do agree with what the gentlewoman has to say. However, the administration has already acknowledged and listened to these remarks that many of us have made in the House and Senate and has chosen to backtrack and withdraw the list of proposed cuts, offices to be closed that was put out just a few days ago.

On the other part of the motion, I would differ greatly with the gentlewoman from Connecticut on the food stamp outsourcing, because as the gentlewoman understands, I support the food stamp program wholeheartedly and it has been historically supported wholeheartedly in a bipartisan way. We have never run short on the program, and everyone who needs to take part in this program has always had a meal and had the food products they needed in their homes regardless of where they live or their ethnic background or what part of the country they come from. But this language, in my view, would tie the hands of some States that are implementing the program and distributing the benefits effectively, including my home State of Texas. But this motion to instruct would also encompass Florida, Pennsylvania, New York, and California.

Now, in terms of outsourcing, it is my very strong belief that if a State is administering the program effectively and they have no outsourcing, that is wonderful. That is fine. But if another State decides, as we do in the State of Texas do it, and I believe the statistic now is about 14 percent of the program is now outsourced, and it works well, then we ought to be allowed to do that. So all I am saying is that the language in this motion to recommit would inappropriately indicate that Congress does not feel like the States ought to be able to administer this program the way they see fit in their community to effectively get the product to the people truly in need. So that is my reason for opposing this motion to instruct.

Mr. Speaker, I reserve the balance of my time.

Ms. DELAURO. Mr. Speaker, I yield 1 minute to the gentleman from Missouri (Mr. SKELTON).

Mr. SKELTON. Mr. Speaker, today I rise in support of the motion to instruct the conferees regarding the USDA spending bill offered by the gentlewoman from Connecticut (Ms. DELAURO). The gentlewoman from Connecticut has been a diligent advocate for the Nation's farmers during her first year as ranking member on the Subcommittee on Agriculture, Rural Development, Food and Drug of the Committee on Appropriations, and I am proud to have watched her work successfully on behalf of the agricultural interests of my home State of Missouri.

Mr. Speaker, this motion asks the conferees to recede to the Senate language that stops the United States Department of Agriculture from going forward with its plans to close the Farm Service Agency offices, an initiative they call FSA Tomorrow, during fiscal year 2006.

Now, while I join most of my colleagues from rural America in applauding the USDA for backing away from this proposal yesterday, Congress must make it crystal clear that the administration's plan is bad, bad for farmers, and that we will not fund FSA office-closings whatsoever. This is especially true since there has been nothing written in the law to prevent USDA from having a sudden change of heart and within the next 12 months closing the offices.

Ms. DELAURO. Mr. Speaker, I yield 6 minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, I thank the gentlewoman for yielding me this time.

Mr. Speaker, this motion is really meant to do two things: it is meant to rein in bureaucratic arrogance on the part of USDA, and it is meant to rein in bureaucratic arrogance on the part of the State government of Texas. With respect to USDA, this motion would prevent the arbitrary and secret closing of almost one-third of Farm Service Agencies around the country.

In the agriculture appropriation subcommittee hearing this year, the subcommittee chairman asked the USDA witnesses if their budget was based in any way on an assumption that there would be a closure of Agriculture Department offices. The agency responded in the negative.

And yet The Washington Post has now revealed in a September article that FSA had plans afoot to close 713 Farm Service Agencies around the country. When that was discovered, the Agriculture Department indicated, ''Oh, this was just a draft. It was just a draft.'' But in fact USDA had pulled all 50 State FSA directors into Washington to give them instructions about how to go about selecting which offices would be closed.

So it seems to me that USDA was disingenuous in their response to the Congress of the United States and that any self-respecting Congress would pull that agency's chain until we get straight answers to straight questions.

The second issue that this motion deals with is the question of whether or not Texas ought to be able to go off on its own, in violation of Federal law, by privatizing the administration of the food stamp program.

In June of 2004, Texas asked USDA to approve their request to privatize the administration of that program. The USDA sent them numerous letters requesting information that would enable USDA to determine whether or not the plan that Texas was providing was rational or not and whether it was consistent with law or not; and Texas has, frankly, stiffed the agency.

If you take a look at the letters sent by the agencies, you will see for instance that in a letter from USDA to Senator HARKIN, USDA said: ''We do not yet have enough information to ascertain whether or not Texas's proposal is in compliance with the act in regard to the certification of recipients.'' It also then went on to say: ''We are concerned with the State's aggressive schedule for rolling out this project, especially with regard to contingency planning.''

In another letter from USDA to the Texas Health and Human Services Commission, USDA stated: ''FMS needs to have clear and coherent narrative explanations of the food stamp certification process that are grounded in the contract and its supporting documents.'' USDA then went on to tell Texas: ''We must ensure that your new system is in full compliance with food stamp rules, regulations, and policy and that service to our program clients is not compromised.''

Nonetheless, despite that, the Texas State government has yet to respond and provide the kind of information that is needed by USDA if USDA is to consider approval of their plan.

The problem with the Texas plan is that while recipients are guaranteed under the law that they will have an opportunity to have their eligibility determined by a State employee, in fact, what Texas is trying to do is to circumvent Federal law and allow eligibility to be determined by a private party. The problem with that is that if you have a public servant who denies you a right, you are entitled under the law and you have a somewhat more direct redress than you do if you have a private citizen working for a private company who has no long-term commitment to the government and who can simply stiff the recipients and does not have to answer questions from the government.

The government is supposed to be active in protecting the rights of each and every individual citizen of this country. Texas is interposing itself to prevent that right from actually being delivered: and in the process, in my view, Texas is clearly in violation of the law because they have proceeded with a plan that has not yet been approved by USDA.

Again, any self-respecting Congress, in defense of what is existing law, would pass this motion so that Texas cannot unilaterally obviate State law.

Ms. DELAURO. Mr. Speaker, I yield 8½ minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, I applaud the gentlewoman for her very important motion to instruct. It is a motion to instruct that is designed to prevent an ideological experiment being conducted on some of the most vulnerable people in our society. It is about what has gone wrong in Texas, but it is much more than that because we are about to have a very bad precedent established that will spread across this country affecting the old, the poor, the hungry, the victims of Katrina, and the victims who are left behind.

As all the Nation saw in the disaster that was the Federal response to Katrina, a hurricane is not the only time that working poor people in this country get left behind. The Texas experiment on poor people suggests that the answer to food security that food stamps provide is to close one out of every four offices that people go to to assess their food stamp needs, to fire a significant number of public employees who have expertise in this area, and to suggest to old and poor and hungry people that what they need to do instead of turning to a public servant is to log on the Internet.

Yes, that is actually what the State of Texas is suggesting. And they offer to these poor people, not all of whom are literate in English or Spanish much less literate in the language of e-commerce, they offer them an alternative, which is the one that so many American families have faced, to dial in and be put on hold, much as the victims of Katrina were put on hold. You punch in a number and then you get referred to another number and you get to wait and wait and wait; and maybe eventually this company, Accenture, which chose to establish its base not in America but in Bermuda so it could dodge as much of its tax responsibility as it possibly could, that this company will substitute for a face-to-face evaluation.

I represent the poorest county in the United States, Starr County, Texas, the poorest statistical metropolitan area, McAllen-Mission; and a lot of people along the way through the Mesquite trees up to Austin, Texans, who depend on food stamps for enough nourishment to get their kids to school, or to be able to survive as a senior. These folks are going to be directly affected.

Currently, they are able to go in, and certainly along the border area if they feel more comfortable in Spanish, to talk face-to-face with someone who has expertise in this area, to talk with them and have that experienced public servant assess what their needs are and ensure that taxpayers are protected, and that there is not fraud, and ensure that their needs are fully satisfied.

Now those folks in Hebbronville, San Diego, George West, and Lockhart are being told go to the Internet or go to some long-distance number because you will no longer be able to assess your needs on the local level. And in McAllen, Mission, and Austin, staff will be cut by 50 percent.

That is why, Mr. Speaker, I have been joined by 10 of my Texas colleagues in questioning this scheme and raising questions to the U.S. Department of Agriculture. And I will provide for the RECORD a report from the Center on Public Policy Priorities in Austin, an excellent report, under its director, Judge F. Scott McCown, and with the able participation of Celia C. Hagert, analyzing this, as well as an editorial that is on point in today's Houston Chronicle.

[From the Houston Chronicle, Oct. 19, 2005]

AN UNTESTED PLAN

Texas Health and Human Services officials continue to discuss with their federal counterparts at the Department of Agriculture an unprecedented billion dollar welfare privatization contract. It delegates certification and enrollment of recipients for programs including food stamps, Medicaid and the Children's Health Insurance Program known as CHIP to a private firm, Accenture LLP.

There are a number of troubling features in this deal that justify delaying its implementation while it is tested on a small scale around the state.

The pact allows Accenture to set up a handful of calling centers in Texas where operators would help applicants navigate the federal and state aid bureaucracy. Meanwhile, Texas Health and Human Services will lay off thousands of food stamp workers and close more than a quarter of state-run eligibility offices around the state. In their place, Accenture plans to hire staff at low hourly rates while depending on community organizations for volunteers to screen applicants, fill out Web-based forms and drive clients to the remaining offices for certification.

Six Texas Democratic members of Congress have written Eric Bost, U.S. undersecretary for food, nutrition and consumer services, to express concerns. They point out that closing state offices would require longer travel distances for clients, primarily the elderly, children and the working poor, many of whom do not speak English. They charge that the expectation of a million hours of volunteer service to make the plan work is unrealistic and "would place an unacceptable and perhaps impossible burden on these organizations, many of whom are volunteer-run themselves."

According to the lawmakers, including Chet Edwards of Waco, Eddie Bernice Johnson of Dallas, and Lloyd Doggett of Austin, the current plan to launch the new system statewide in 11 months "is a reckless timetable that does not allow time to test or evaluate the new technology or its impact on food stamp recipients."

The U.S. Senate already has banned such mass privatizations of food stamp programs. Similar legislation is pending in the House. Texas stands to lose federal food assistance funding if it goes forward with the Accenture contract and the privatization prohibition becomes law.

The issue of conflict of interest by state officials in the awarding of the contract has been raised in the past year in Houston Chronicle reports. The HHS chief information officer involved in pre-award negotiations was a former employee of a firm partnering with Accenture, and the former HHS deputy commissioner who helped develop the bidding procedures subsequently went to work for Accenture. IBM, which also sought the contract, has sued the state agency alleging bias in the awarding of the pact.

The Austin-based Center for Public Policy Priorities is urging Texas lawmakers to support a pilot program to test the Accenture system before putting it into effect statewide. As staffer Celia Hagert points out, the issue involves access to life supporting benefits for the most vulnerable Texans and is particularly important for Harris County where 13 percent of Texas food stamp recipients reside.

There are plenty of unanswered questions about the awarding of the Accenture contract and its feasibility to justify a delay in implementing this radical revamping of the way Texas administers social services. Nothing is put at risk by testing the company's ability to adequately fulfill its contract on a small scale. There's plenty to be lost in liquidating a state-run system that has worked well in the past and in potentially imperiling the health and welfare of tens of thousands of people.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, September 2, 2005.

Re Texas's misguided plan to privatize the eligibility determination process for the Food Stamp Program.

ERIC M. BOST,
Under Secretary for Food, Nutrition, and Consumer Services, Department of Agriculture, Alexandria, VA.

DEAR SECRETARY BOST: We are writing to express our deep concerns about the State of Texas's efforts to privatize the eligibility determination process for the Food Stamp Program. As Members of Congress from Texas, we are apprehensive about the impact the State's proposal could have on low-income Texans who rely on this assistance, as well as the precedent this effort sets for such practices to be adopted throughout the Nation.

Texas proposes to replace half of the State's eligibility workers with privately contracted employees at four call centers. The State would close 99 of its 380 eligibility offices, which would mean longer travel distances for many clients, most of whom would still be required to go to an office to complete their application and be finger-imaged. The State has called on community- and faith-based organizations to donate over one million volunteer hours to assist clients in navigating the more automated system to make up for reductions in the State workforce. This would place an unacceptable and perhaps impossible burden on these organizations, many of which are volunteer-run themselves.

We believe that privatizing the Food Stamp Program offers little advantage and may put our most vulnerable citizens at risk. We are deeply concerned about the impact the proposal could have on hard-to-reach populations, in particular children, people with disabilities, and seniors seeking food assistance who may have trouble with the more automated approach to enrollment.

No state has ever privatized the determination of eligibility for Food Stamps, and the wisdom of abandoning the collective knowledge and experience of so my current eligibility workers is uncertain at best. It is impossible to estimate the number of eligible persons likely to lose Food Stamp benefits as they lose access to local offices and face-to-face interviews. Therefore, we are very concerned about the enormous consequences of this proposal. There are still many unanswered questions about the impact of such an approach on the Food Stamp program.

We know of no plan to evaluate this new approach even though the State has already signed a five-year contract that calls for an 11-month statewide rollout. We believe this is a reckless timetable that does not allow enough time to test or evaluate the new technology or its impact on Food Stamp recipients. A more thoughtful approach would be to test the system in one area for 12 months, followed by an independent evaluation. Since the contract was signed before the Food and Nutrition Service reviewed and granted approval for the plan, we urge you to adopt this more thoughtful approach as a condition of continuing receipt of federal funds.

We urge you to require the State to submit a request for a waiver of the Food Stamp law related to merit system employees conducting eligibility determinations. Should the United States Department of Agriculture decide to approve such a waiver, we urge you, at a minimum, to require Texas to pilot test the new system in a limited geographic environment for at least 12 months and to engage an independent entity to produce a formal evaluation of the pilot program before the program is permitted to expand. The geographic areas selected should be representative of Texas's diverse ethnic and linguistic population, and should encompass rural areas to determine the challenges rural residents will face in a system with such drastically reduced local services.

Should you decide to grant such a waiver, we request that you not do so before a detailed background briefing for our offices and a public hearing before Congress. The public needs to understand the implications of privatizing such a critical and basic part of the Food Stamp Programs.

We appreciate your attention to this important matter and request that you contact us regarding the actions you plan to take in this matter. Should you have any questions or concerns regarding this issue, please do not hesitate to contact us.

Sincerely,

Hon. Lloyd Doggett, Hon. Henry Cuellar, Hon. Ruben Hinojosa, Hon. Sheila Jackson Lee, Hon. Al Green, Hon Silvestre Reyes, Hon. Eddie Bernice Johnson, Hon. Charles Gonzalez, Hon. Chet Edwards, Hon. Solomon Ortiz, Hon. Gene Green.

[From the Policy Page, July 7, 2005]

HHSC AWARDS CALL CENTER CONTRACT

On June 30, the Health and Human Services Commission announced a 5-year, $899 million contract with Accenture, LLP to revamp and take over operation of the state's eligibility and enrollment systems for Medicaid, CHIP, Food Stamps, and TANF cash assistance. The contract includes maintenance of TIERS (the computer system that will support eligibility determination) and an enrollment broker program for Medicaid managed care and CHIP clients. The contract is the latest development in the state's plans to move to a more automated system for enrolling people in these benefits and will lead to the use of four call centers and an Internet application, with fewer eligibility staff and local offices. Many important details about the contract and the new system have not been released yet, including the location of office closures, whether necessary federal approvals have been granted, and the timeline for employee lay-offs and call center implementation. This Policy Page shares what we know so far about these latest developments in the state's plans to use private call centers to enroll people in public benefits.

Nuts and Bolts: Four call centers will be established to help people apply for and recertify for public benefits. Staffed primarily by Accenture employees, the call centers will be open from 8 a.m. to 8 p.m., Monday through Friday, with the ability for callers to leave a recorded message after hours. The 2–1–1 system, the state's information and referral network for social services, will be the portal to the call centers. One call center will be located in Austin, where the CHIP call center is now (this call center's duties will be folded into the new call center). The location of the other three has not been announced, although San Antonio, Tyler, and Odessa are rumored to be candidates.

In the new system people will be able to apply for benefits over the Internet or via a call center, as well as to check the status of their application through an automated phone system. Some clients will still be required to appear in person at a local office to complete their application. HHSC staff have said previously that only those clients with a finger imaging requirement (the majority of the 900,000 households on Food Stamps) will have to go to a local office. In addition, clients who request an in-person interview with a caseworker will be granted one. Emergency requests for Food Stamps (state law requires benefits to be delivered within 24 hours) are expected to be processed at local offices, rather than through the call center. The local workforce centers that assist HHSC clients with employment services (administered by the Texas Workforce Commission through a system of locally run regional workforce development boards) will still provide these services and monitor whether clients are complying with program work requirements.

One hundred (100) offices will be closed, leaving 281 open. HHSC had originally proposed closing 217 offices. An announcement about office closures is expected this month.

Role of Community-Based Organizations: When the state's plans to use call centers were first announced in March 2004, HHSC proposed using 600 volunteers and relying on over one million volunteer hours per year from nonprofit and faith-based organizations, prompting an outcry from nonprofits about their inability to take on this responsibility without compensation.

Savings: With the contract announcement, HHSC also issued a one-page summary of its cost comparison of the estimated savings possible through a state-operated integrated eligibility system versus a contracted system. HB 2292, the 2003 law that directed the state to evaluate the cost-effectiveness of using call centers, also required HHSC to determine whether the state or a private company could offer the greatest savings. HHSC's analysis claims that the contracted system offers the state 8.6% more in savings, or roughly $210 million over five years. The cost comparison attributes 1.5% of these additional savings to the difference in the cost of employee benefits under a contracted system. The source of the remaining additional savings is not identified in the summary.

The savings identified HHSC last week when the contract was announced are higher than originally projected in the March 2004 business case, which claimed $389 million in savings. At the same time, the total number of staff proposed for the new system has risen from 3,377 (proposed in March 2004) to 5,398. There are other inconsistencies between last year's business case analysis and the documents HHSC released last week when the contract was announced, including differences in the "baseline" budget (the cost if we stuck with the current system) projections for 2006–2010. We anticipate HHSC will release information shortly to clarify these differences.

Staff Reductions: According to an HHSC presentation to eligibility staff last month, the total number of staff in the new system—including public and private employees—will drop from 5,824 current employees (as of June 1, 2005) to 5,398. The schedule for laying off state workers and achieving the overall reduction in force has not been announced. Out of the 5,398 remaining staff, 2,500 jobs will be held private call center employees, which means the same number of state staff will lose their jobs (HHSC is committed to finding these employees different jobs within the HHS system; Accenture also has indicated a hiring preference at the call centers for former state workers). In addition to the private sector employees, there will be 2,898 state staff: 298 will be assigned to the call centers, 1,800 to the remaining field offices, 600 outstationed at hospitals and clinics, and 200 assigned to traveling "SWAT" teams that will respond to fluctuations in staffing needs throughout the state.

The total number of workers in the new system will be 37% higher than originally projected in HHSC's March 2004 cost-effectiveness study, which proposed staffing the new system with only 3,377 employees.

Although the proposed staffing levels are far higher than originally anticipated, the number may still be inadequate to deal with the growing workload in the system, even if the improvements anticipated from better technology and a more automated enrollment process are actually realized. Staff reductions over the last eight years have caused disruptions in services to clients and breaches in customer service, resulting in lawsuits. These cuts were made despite growing caseloads and workload and have badly damaged the foundation for the current eligibility system. Inadequate resources have been compounded by complicated eligibility rules that vary across programs, a hard-to-serve clientele, and a constantly changing policy environment. All told, the proposed renovation faces a great deal of major repairs. While the new system may resolve some of these shortcomings, no system, no matter how efficient or modern, can make up for shortages in the workforce.

Timeline: The first call center is expected to begin operations in Austin in November 2005, with remaining call center operations and system changes phased in beginning in

January 2006. The statewide roll-out is estimated to be complete by the end of 2006. This 14-month timeline may not allow adequate time to test the new technology needed to support the system or to assess clients' ability to grapple with a more automated approach to enrollment. Although pressure from the legislature—the final state budget for 2006–2007 assumed a reduction of more than 4,000 HHSC eligibility staff—may be driving such an aggressive timeline, a slower, more rational approach to such drastic changes would produce a better system in the long run while mitigating the risks of going too fast.

The Pros and Cons of Privatization: CPPP acknowledges that private companies may offer innovations and savings the state could not achieve on its own. However, although the additional 15-year savings of $210 million achievable through privatization (versus a state-run, revamped system) sounds impressive, much of these projected additional savings are likely the result of reductions in salary, health benefits, and pension plans. To make room for these savings, thousands of well-paying state jobs with family-supporting health, vacation, and retirement benefits will be replaced with lower-paying private sector jobs with fewer benefits. Most notably, according to HHSC's presentation to eligibility staff, Accenture will not contribute to dependent health benefits such as the state does for its employees, opting instead for a flexible spending account option that allows employees to set aside their own pre-tax income to pay for dependent health premiums and other out-of-pocket medical costs. The loss of employer-sponsored dependent health coverage may lead to an increase in need for publicly funded health insurance—increasing these costs for the state—or more uncompensated care that will be borne by local governments and taxpayers. With privatization also comes increased risk, which may outweigh the savings associated with outsourcing.

Other Issues and Concerns: It is also unclear whether HHSC has received the necessary approvals from the federal agencies that administer these programs and share the cost of the benefits they provide. These agencies will have to approve the cost-reimbursement methodology in the contract, the allocation of costs to the federal agencies that administer these programs, and the decision to privatize the eligibility system, which could require a waiver of federal law that HHSC has not requested. Both the Federal Food Stamp and Medicaid statutes require public employees to determine eligibility for these benefits.

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Mr. Speaker, the idea of ensuring as much efficiency in this program, as will all, is one that I applaud. But the way that the State of Texas has gone about it is very troubling. Indeed, today's vote on this motion to instruct is a vote for food security, a vote for health security, and a vote against cronyism.

As noted in a series of reports that the Houston Chronicle undertook on this proposal, and in today's editorial, the former Texas Health and Human Services Deputy Commissioner who helped develop the bidding procedures to close down these offices and substitute the Internet and Accenture's telephone lines to who knows where then went to work for Accenture, surprisingly enough. It sounds a lot like the cronyism in Washington we have been hearing so much about lately. The situation was so bad that IBM, International Business Machines, which also bid on this contract, after this person set the procedures and then went off to work for the people who were awarded the contract, has sued the State of Texas alleging bias in the award.

My concern is that we not shift to an impersonal system that does not meet the needs of poor people in our State and at the same time, as the Houston Chronicle points out today, it is "an unprecedented billion-dollar privatization contract," that the taxpayers do not end up losing even as the most vulnerable people in our society lose.

This privatization scheme relies not on experienced public servants, but it will shift more of the burden to community volunteers, to churches, and to local nonprofits. And while it is great to have those people and organizations as part of our social safety network, they cannot substitute for the experienced backup, as we found in the Hurricane Katrina disaster, of a public safety net. That is what this motion to instruct preserves.

Mr. Speaker, if you do not have access to the Internet, do not want to be put on hold indefinitely to some unknown line across the world to wherever Accenture locates its phone center, the only other alternative is to get in the car and drive. We all know if we are going to have to drive with all of the nearby offices closed to one far away, that also because of the policies of this administration the price of gasoline has gone out the roof.

I think as a practical matter, putting this scheme on hold, it is clear that the administration, the response that I got only within the last few days from an Under Secretary of Agriculture, indicating that there were concerns with the speedy nature of the way the State had gone about this proposal, concerned the Department of Agriculture. They raised a number of questions. I think this is consistent with their concerns to not rush into this.

In the event we are to move to such an insensitive system, it ought to at least be market tested. No business—and we are always hearing about the importance of running government as a business—would go off with this kind of scheme if it were introducing a new product without at least testing it. That is what we have been calling for. Before you do an experiment on all of the poor and hungry people of Texas that could spread across the country, at least do some limited testing on that proposal and see if it works or it creates more cost to the taxpayer and more pain to the hungry.

I believe that the editorial in today's Houston Chronicle sums up the problems in talking about the difficulties of relying on a handful of calling centers, closing more than a fourth of the State-run eligibility offices, not allowing time to test or evaluate the new technology or its actual impact on food stamp recipients, the conflict of interest by State officials in awarding the contract, and the call of the Center for Public Policy Priorities to support a pilot program. I also find it indeed ironic, and I agree with the chairman on the importance of not prematurely closing these Farm Service Agencies because this is what this motion to instruct also is about. I represent a number of those rural producer areas. If we are not going to close those offices, why is it again that the poor people who are applying for food stamps, that their offices get closed. That is what will happen if this motion to instruct which has been ably worded by the gentlewoman from Connecticut (Ms. DELAURO) is not adopted.

I hope my colleagues in a bipartisan way will join with the expressions of concern from the U.S. Department of Agriculture and put a stop to this until it is market tested and before this faulty experiment is foisted off on both the taxpayer and the hungry people of America.

Mr. BONILLA. Mr. Speaker, I yield back the balance of my time.

Ms. DELAURO. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I want to say to the gentleman from Texas (Mr. BONILLA), his opening comments and his conversations with USDA with regard to the Farm Service Agency field offices, it sounds like we had very, very similar conversations. I think we both agree, even in light of yesterday's letter, it is good to trust but it is also good to verify.

With regard to the second portion of the motion to instruct with which the chairman has concerns, I would say that the Food Stamp Program is a Federal program. Fifty percent of the administrative costs are Federal, 100 percent of the benefits are Federal. In our bill there is $40 billion that we are about to appropriate for this program; and, in fact, I think we cannot willy-nilly make changes in the program without coming back to the Federal Government for waivers as such.

In closing, let me say this motion is the right thing to do. I would repeat it is twofold, codifying USDA's decision yesterday to keep open more than 700 FSA offices, returning jurisdiction of the issue to the hands of Congress where it belongs, and ensuring that our food stamp programs are not privatized.

With respect to FSA, I would repeat this motion is needed because even though the FSA Tomorrow Plan has been shelved for the time being, we are already hearing reports that USDA is contemplating reviving this plan, perhaps under a new name, and Congress needs to ensure that the people impacted most directly by this plan, our farmers, have a say in how that modernization plan is carried out.

On the latter point with respect to food stamps, I would repeat, this is not just a Texas issue. The Federal Government and taxpayers all over the country pay half the cost of running the Food Stamp Program. That means that we, the Congress, have an obligation to ensure that the program is run effectively, efficiently and in compliance with the law.

The Food Stamp Program is operating with the lowest error rate it has ever had, the results of years of work by USDA, State and local employees, and bipartisan support from this institution. We do not want to see a repeat of what happened in Colorado where the State spent millions of Federal funds on a computer system that not only did not work, but prevented thousands of needy people from getting government benefits like food assistance and health insurance. Particularly with many believing the State of Texas is counting on the White House to override any efforts by USDA officials to rein in this plan, we know Congress must address this issue and do it immediately.

In all these instances, we are reminded of the same thing, that government has an obligation to people, whether it is ensuring our most needy citizens receive food stamps or our farmers receive the services they need to keep planting, harvesting, and selling crops. This is about the Congress, this institution, its role in ensuring that the American people tackle their toughest challenges together. That is our responsibility to the American people, and fulfilling that obligation is what this motion would accomplish.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. TERRY). Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentlewoman from Connecticut (Ms. DELAURO).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. DELAURO. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later today.

PROVIDING FOR CONCURRENCE BY HOUSE WITH AMENDMENTS IN SENATE AMENDMENT TO H.R. 3971, QI, TMA, AND ABSTINENCE PROGRAMS EXTENSION AND HURRICANE KATRINA UNEMPLOYMENT RELIEF ACT OF 2005

Mr. MCCRERY. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 501) providing for the concurrence by the House with amendments in the amendment of the Senate to H.R. 3971.

The Clerk read as follows:

H. RES. 501

Resolved, That, upon the adoption of this resolution, the House shall be considered to have taken from the Speaker's table the bill H.R. 3971, with the Senate amendment thereto, and to have concurred in the Senate amendment to the bill with the following amendments:

In lieu of the matter proposed to be inserted by the amendment of the Senate to the bill, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "QI, TMA, and Abstinence Programs Extension and Hurricane Katrina Unemployment Relief Act of 2005".

TITLE I—HEALTH PROVISIONS

SEC. 101. EXTENSION OF QUALIFIED INDIVIDUAL (QI) PROGRAM.

(a) THROUGH SEPTEMBER 2007.—Section 1902(a)(10)(E)(iv) of the Social Security Act (42 U.S.C. 1396a(a)(10)(E)(iv)) is amended by striking "September 2005" and inserting "September 2007".

(b) EXTENDING TOTAL AMOUNT AVAILABLE FOR ALLOCATION.—Section 1933(g) of such Act (42 U.S.C. 1396u-3(g)) is amended—

(1) in paragraph (2)—

(A) by striking "and" at the end of subparagraph (B);

(B) by striking the period at the end of subparagraph (C) and inserting a semicolon; and

(C) by adding at the end the following new subparagraphs:

"(D) for the period that begins on October 1, 2005, and ends on December 31, 2005, the total allocation amount is $100,000,000;

"(E) for the period that begins on January 1, 2006, and ends on September 30, 2006, the total allocation amount is $300,000,000;

"(F) for the period that begins on October 1, 2006, and ends on December 31, 2006, the total allocation amount is $100,000,000; and

"(G) for the period that begins on January 1, 2007, and ends on September 30, 2007, the total allocation amount is $300,000,000."; and

(2) in paragraph (3), in the matter preceding subparagraph (A), by inserting ", (D), or (F)" after "subparagraph (B)".

(c) EFFECTIVE DATE.—The amendments made by this section shall be effective as of September 30, 2005.

SEC. 102. EXTENSION OF TRANSITIONAL MEDICAL ASSISTANCE (TMA) AND ABSTINENCE EDUCATION PROGRAM.

Effective as if enacted on September 30, 2005, activities authorized by sections 510 and 1925 of the Social Security Act shall continue through December 31, 2005, in the manner authorized for fiscal year 2005, notwithstanding section 1902(e)(1)(A) of such Act, and out of any money in the Treasury of the United States not otherwise appropriated, there are hereby appropriated such sums as may be necessary for such purpose. Grants and payments may be made pursuant to this authority through the first quarter of fiscal year 2006 at the level provided for such activities through the first quarter of fiscal year 2005.

SEC. 103. ELIMINATION OF MEDICARE COVERAGE OF DRUGS USED FOR TREATMENT OF SEXUAL OR ERECTILE DYSFUNCTION.

(a) IN GENERAL.—Section 1860D–2(e)(2)(A) of the Social Security Act (42 U.S.C. 1395w–102(e)(2)(A)) is amended—

(1) by striking the period at the end and inserting ", as such sections were in effect on the date of the enactment of this part."; and

(2) by adding at the end the following: "Such term also does not include a drug when used for the treatment of sexual or erectile dysfunction, unless such drug were used to treat a condition, other than sexual or erectile dysfunction, for which the drug has been approved by the Food and Drug Administration.".

(b) CONSTRUCTION.—Nothing in this section shall be construed as preventing a prescription drug plan or an MA–PD plan from providing coverage of drugs for the treatment of sexual or erectile dysfunction as supplemental prescription drug coverage under section 1860D–2(a)(2)(A)(ii) of the Social Security Act (42 U.S.C. 1395w–102(a)(2)(A)(ii)).

(c) EFFECTIVE DATES.—The amendment made by subsection (a)(1) shall take effect as if included in the enactment of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173) and the amendment made by subsection (a)(2) shall apply to coverage for drugs dispensed on or after January 1, 2007.

SEC. 104. ELIMINATION OF MEDICAID COVERAGE OF DRUGS USED FOR TREATMENT OF SEXUAL OR ERECTILE DYSFUNCTION.

(a) IN GENERAL.—Section 1927(d)(2) of the Social Security Act (42 U.S.C. 1396r–8(d)(2)) is amended by adding at the end the following new subparagraph:

"(K) Agents when used for the treatment of sexual or erectile dysfunction, unless such agents are used to treat a condition, other than sexual or erectile dysfunction, for which the agents have been approved by the Food and Drug Administration.".

(b) ELIMINATION OF FEDERAL PAYMENT UNDER MEDICAID PROGRAM.—Section 1903(i) of such Act (42 U.S.C. 1396b(i)) is amended—

(1) by striking "or" at the end of paragraph (19);

(2) by striking the period at the end of paragraph (20) and inserting "; or"; and

(3) by inserting after paragraph (20) the following new paragraph:

"(21) with respect to amounts expended for covered outpatient drugs described in section 1927(d)(2)(K) (relating to drugs when used for treatment of sexual or erectile dysfunction).".

(c) CLARIFICATION OF NO EFFECT ON DETERMINATION OF BASE EXPENDITURES.—Section 1935(c)(3)(B)(ii)(II) of such Act (42 U.S.C. 1396v(c)(3)(B)(ii)(II)) is amended by inserting ", including drugs described in subparagraph (K) of section 1927(d)(2)" after "1860D–2(e)".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to drugs dispensed on or after January 1, 2006.

TITLE II—ASSISTANCE RELATING TO UNEMPLOYMENT

SEC. 201. SPECIAL TRANSFER IN FISCAL YEAR 2006.

Section 903 of the Social Security Act (42 U.S.C. 1103) is amended by adding at the end the following:

"(e) SPECIAL TRANSFER IN FISCAL YEAR 2006.—Not later than 10 days after the date of the enactment of this subsection, the Secretary of the Treasury shall transfer from the Federal unemployment account—

"(1) $15,000,000 to the account of Alabama in the Unemployment Trust Fund;

"(2) $400,000,000 to the account of Louisiana in the Unemployment Trust Fund; and

"(3) $85,000,000 to the account of Mississippi in the Unemployment Trust Fund.".

SEC. 202. FLEXIBILITY IN UNEMPLOYMENT COMPENSATION ADMINISTRATION TO ADDRESS HURRICANE KATRINA.

Notwithstanding any provision of section 302(a) or 303(a)(8) of the Social Security Act, any State may, on or after August 28, 2005, use any amounts received by such State pursuant to title III of the Social Security Act to assist in the administration of claims for compensation on behalf of any other State if a major disaster was declared with respect to such other State or any area within such other State under the Robert T. Stafford Disaster Relief and Emergency Assistance Act by reason of Hurricane Katrina.

SEC. 203. REGULATIONS.

The Secretary of Labor may prescribe any operating instructions or regulations necessary to carry out this title and any amendment made by this title.

Amend the title so as to read: "To extend medicare cost-sharing for qualifying individuals through September 2007, to extend transitional medical assistance and the program for abstinence education through December 2005, to provide unemployment relief for States and individuals affected by Hurricane Katrina, and for other purposes.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Louisiana (Mr. MCCRERY) and the gentleman from Washington (Mr. MCDERMOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Louisiana (Mr. MCCRERY).

Mr. MCCRERY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the bill before us today is a compromise between a bill that the House has previously passed dealing with unemployment insurance benefits for the affected States on the gulf coast that were devastated by Hurricane Katrina and the Senate bill which addressed the same issue.

There were other matters included in one or other of the bills, including the extension of the Transitional Medical Assistance Program, which continues Medicaid for families leaving welfare for work, the Abstinence Education Program, and the QI–1 program through which State Medicaid programs help low-income seniors pay Medicare part B premiums.

Also, this bill is completely paid for, and the pay-for in this bill is the same as it was in the House bill when it passed the House floor a couple of weeks ago, and that is to prohibit Medicare and Medicaid coverage of drugs for treatment of erectile dysfunction.

Mr. Speaker, the compromise bill today includes the very same unemployment insurance benefits that were included in the previously passed House bill. We make a few changes in the effective days of some of the programs I referred to earlier. For example, the QI–1 program in the bill before us today is extended through September 30, 2007, instead of the date of December 2006 which was included in the previously passed House bill.

In addition, the bill before us includes the Senate-passed extension of the Abstinence Education Program which was not included in our earlier-passed version of this bill.

Mr. Speaker, I would urge all Members today to do the same thing they did 2 weeks ago and support this bill and pass it to give badly needed assistance to those States along the gulf coast who are experiencing very much increased unemployment due to Hurricane Katrina.

Mr. Speaker, I reserve the balance of my time.

Mr. MCDERMOTT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to begin by giving a weather report. In the Caribbean there is another hurricane developing called Wilma. It is a stage 5 and it is headed toward the Florida keys. So I think Members ought to be listening if they live in the State of Florida because 13 days ago we stood right here and called for an appropriate Federal response for the people in the gulf coast.

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One that would rise to the same level of responsibility as the waters that rose and flooded the homes, hopes, and communities along the gulf coast. Our response was inadequate then, and it is only worse today. I certainly want to exempt the gentleman from Louisiana from what I say here because I know that this is not a bill that he produced. He is being sent out here by his leadership to put this bill on the floor, and it is not what he would do for the people of Louisiana.

Tens of thousands of Americans are without housing, health coverage, protection of children, and without unemployment benefits or their employment. Tens of thousands are filing for unemployment benefits; benefits are running out for thousands more. The magnitude of the disaster is unmistakable, and the Republican response has been unconscionable. This is a continuing disaster. The storm was weeks ago, but this continues.

In this time of domestic crisis, the Republican survival kit has been to give people in the gulf a teaspoon to empty the ocean out of their lives, and here we are 13 days later doing what we did 2 weeks ago. It is unlucky 13, because the Republicans have redefined the Federal response to a natural disaster to include a legislative disaster, this bill. Republicans wring their hands and they exude political concern for people affected by the hurricane, but they do not walk the talk.

Mr. Speaker, I think you can tell the President he can go to the gulf coast as many times as he wants. He has been there six already. It will not do any good, because all those people down there read the Bible and go to church on Sunday, and they know that Bible verse that says: By your deeds you shall know them. It is not the fact that you go down there and stand around for photo ops; it is what you do when you come back to Washington, D.C.

Now, there is not enough of anything, most especially the strong shoulders of the Federal Government, in this bill. This legislation offers no real relief to jobless disaster victims. It did not 13 days ago, and it does not today. We continue to ignore three major problems:

First of all, 6,000 people have already exhausted unemployment benefits in Alabama, Louisiana, and Mississippi. There is no extension for them. Another 20,000 jobless workers in these States are projected to run out of benefits by Christmas. Nothing is done for them. These workers need a federally funded extension of their benefits while they put their lives back together and search for employment.

Secondly, Mississippi, Alabama, and Louisiana had the three lowest levels of average weekly unemployment benefits in the entire Nation. In all three States, the average benefit is less than $200 a week. That is about half the poverty level for a family of four. Now, ask yourself, is that the best we can do? I mean, after we spent all that money in Iraq, is that the best we can do for the gulf coast, offer people half of poverty? The Federal Government should step in and help people get up on their feet, not down on their knees.

The third problem with this bill is the disaster-affected States are seeing an enormous surge in unemployment claims. In Louisiana alone, new claims for unemployment benefits have surged 10 times the normal level, 10 times the normal level; and State officials expect Katrina-related unemployment benefits to exceed $800 million. That money is supposed to come from a State economy that has been devastated by the loss and dislocation of 70,000 businesses. It just does not work. If you do not have people working paying unemployment insurance, you are not going to have the money to pay benefits.

Under Louisiana law, once their unemployment trust fund slips below a certain level, automatic benefit cuts for jobless workers and tax increases for employers are triggered into effect. This bill does nothing about that. That means people receiving unemployment benefits in Louisiana of less than $200 a week will see their benefits slashed by as much as $37 a week starting in January, the way things are right now.

From the beginning, the Federal response to this national disaster has been bungled, inept, and very suspect. We owe the people of the gulf coast something more than our sympathies. We know the problems, and the Federal Government can solve these problems; but we are not going to do that again today. Instead, again, the Republicans want to pass a bill that sends a lump sum of money to these hard-hit States to bear yet another burden.

The lump sum is not enough, because it covers less than half the cost of regular unemployment claims caused by the disaster. If you are going to do a lump sum, at least do a lump sum that meets what you know is happening. Do not give them half. Where are they supposed to get the other half, give them a tin cup and stand on the corner? There is no money at all to extend expiring benefits or to supplement the meager benefits currently available. With an effort like this, the Republican House is using Michael Brown's FEMA as a model, that is, Way to go, Brownie.

Ask people in the shelters, ask people with no place to call home, ask Americans on any street corner, and they would be embarrassed all over again. We are giving $500 million. It sounds like a lot of money, right? We have $25 billion in the fund that we could use for this purpose. We are out of touch, and the people in Louisiana and Alabama and Mississippi are running out of time.

As things stand, it is really getting worse every day for disadvantaged Americans, and we are making them pay for the folly. The majority will locate the storm directly over the heads of every disadvantaged and disenfranchised American. Fiscal offsets did not concern Republicans when they gave every millionaire a $100,000 tax break or charged the people of the United States $215 billion for an illegal war in Iraq. We could put that on future generations, but not this bill. This one we have to put on the backs of the people. We had to find offsets; we had to cut something to meet the needs of Americans affected by one natural disaster.

Republicans demanded that the disadvantaged pay the price. Their response is to put food on the table of one American family by making it harder on the folks next door. Share the pain? No, no, no. Republicans shift the blame and the pain to the least able to fight back.

Mr. Speaker, President Bush went down and promised that we would do whatever it took to help these people get back on their feet. Well, it takes more than going down and standing in front of a mike and giving a photo op and then coming home and doing nothing. You have to come up here and insist that the Congress respond. The President has not done that. The people in Louisiana, Mississippi, and Alabama are waiting for the President to make good on his promise. My advice to those folks is do not hold your breath.

People across America are watching and hoping for the President to say something other than, Brownie, you have done a heck of a job.

Denial is not an appropriate response to this natural disaster, and that is what this House is doing. Responsibility and relief are what is needed and required by the Federal Government. The Republicans are in charge from top to bottom. It is time they lead with their heart and their head and not their chin. Meager is the only word that I could use here to describe what their response to Hurricane Katrina is, but that is where the Republicans are heading, another meager response.

There is still time to change the course. There is still time for the Federal Government to be an agent of good that it is supposed to be. Mr. Speaker, domestic security includes a roof over your head, a hot meal, and a helping hand to rebuild the life lost through no fault of your own. What the Republicans continue to provide is a tarp and a can and a good luck sign. We do not need thumbs up. We need wheels down, and bring the help.

Mr. Speaker, I reserve the balance of my time.

Mr. McCRERY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first of all, I want to thank the gentleman from California (Mr. THOMAS) and the gentleman from New York (Mr. RANGEL), chairman and ranking member of the Ways and Means Committee. I also want to thank the gentleman from Louisiana (Mr. JEFFERSON) and the gentleman from Washington (Mr. McDERMOTT), my distinguished colleagues on the committee. A lot of people have worked hard on this issue of unemployment insurance. I also want to thank the staff of the Ways and Means Committee on both sides of the aisle, Democrat and Republican, for jumping in very early after Katrina hit to start dealing with all of these issues within our jurisdiction that affect the victims of this disaster. Thanks to the hard work of members of the committee and staff, we have been able to pass already a number of bills that the President has signed to help mitigate the disaster.

This bill before us today is one that I can assure the Members of this House and the gentleman from Washington that my State very badly wants right now; it is very badly needed. They are in fact spending money from their unemployment trust fund at a very fast clip, and their part of this $500 million will give them a badly needed infusion of cash to stop the bleeding in their own unemployment trust fund.

So although the gentleman from Washington may be right in saying that this is not enough to cover everything that the State will lose as a result of this disaster, nonetheless, it is a very, very important infusion of cash right now to my State and to Mississippi and to Alabama to help them in this very bad time shortly after the storm when unemployment is reaching its peak.

So, again, just as I did 2 weeks ago, I would urge the gentleman from Washington and others in this House not to stop this bill from passing. Work with us later to perfect other bills which may be needed when we get more evidence in as to the financial effects on these States because of the effects of the disaster, and we will certainly work with them to provide additional assistance.

Mr. Speaker, I must add that this House and indeed this Congress has passed and the President has signed over $62 billion of relief for the disaster stricken States along the gulf coast. I do not know of anyone who would call that a meager response. That is indeed a very robust response. Yes, we are experiencing some difficulties in getting that money out the door, on the ground, to the purposes for which it was intended; but those are bureaucratic problems that we have with any large government program. But the money has been appropriated. Congress has taken action, the President has signed those bills, and the money is there waiting to be spent. So I do not call that a meager response. I call that a robust response, a very quick response; and today's bill is just another step in providing an immediate response to the problems.

Again, I can assure this House that my State very badly needs the provisions of this bill today and very badly wants this bill to be passed and signed by the President. Then, if there is more needed down the road, we can come back and address that at the appropriate time; but today I believe this is an appropriate response of this House and this Congress to help these States with their immediate unemployment insurance needs to keep the taxes on their employers in those States from going up at the very time when we need to encourage businesses to restart, to reinvest, and to retire employees.

Mr. Speaker, again, I would urge passage of this very badly needed legislation today.

Mr. Speaker, I reserve the balance of my time.

Mr. McDERMOTT. Mr. Speaker, I yield 4 minutes to the gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Mr. Speaker, today the House of Representatives is doing the right thing about health care. The QI program helps low-income beneficiaries cover the cost of the Medicare premium. Without this program, many elderly Americans would sink below poverty as they attempt to pay for doctors' visits out of pocket. That not only places the elderly at risk; it is wasteful from a fiscal perspective. When Medicare eligibles cannot afford the premium associated with doctors' visits and other outpatient services, Medicaid becomes their insurer of last resort. Absent QI, this program, more elderly Americans and individuals with disabilities would need Federal and State assistance through Medicaid in addition to their Medicare hospital coverage.

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Investing in premium assistance now saves both Federal dollars and State dollars.

This bill also extends the Transitional Medical Assistance Program, TMA. It provides health insurance to families as they move from welfare to the workforce. It is both a public health imperative and a jobs initiative.

Similar to the QI, it is an investment to the Federal budget in the long run, in this case by promoting workforce participation.

Ideally, today's legislation would make QI and TMA programs permanent so that these all-too-frequent reauthorizations would no longer be necessary. I hope we can work on a bipartisan basis to secure a permanent authorization.

At the beginning of my remarks I said today the House of Representatives is doing the right thing about health care. Unfortunately, yesterday they were not, this body was not. The day before this body was not doing the right thing about health care, and week before, week before, week before this they were not doing the right thing about health care.

Now, as we talk about Katrina, paying for this terrible tragedy that happened along the gulf coast, some Republicans want to cut Medicaid by $12 billion, $15 billion cut, cut other kinds of programs, increase Medicare premiums, cut out all kinds of programs that serve the working poor. Other Republicans simply want to add this cost of Katrina, as they add the $1 billion a week for the Iraq War, to the national deficit so that our kids and our grandkids can pay the cost.

Unfortunately, no Republican, to my knowledge, is standing up and saying maybe we ought to cancel the tax cuts that are for the wealthiest 1 percent of Americans. So the choice has become this. My friends on the other side of the aisle say let us give tax cuts to the wealthy, and then we have to cut Medicaid. Then we have to raise Medicare premiums. Medicare premiums already having gone up 50 percent in the last 4 years, 50 percent in the last 4 years. Seniors were just notified they are going to pay almost $90 a month for their Medicare premium, and do my colleagues know why? It is because my friends on the other side of the aisle are slavish devotees to tax cuts for the wealthiest Americans.

So, as wealthy Americans see their incomes go up and up and up, as the minimum wage has stayed flat for 5 years, as wages for 95 percent of the American people have been stagnant, we have got to give tax cuts for the wealthiest people in this country, to the richest people making over $250,000, $300,000 a year, and then we have to cut Medicaid. Then we have to increase Medicare premiums. Then we have to take from the middle class and the working poor.

It is immoral, it is wrong, and my colleagues should listen to what the gentleman from Washington (Mr. McDERMOTT) said when he quoted from the New Testament and talked about we will be judged by our deeds. We also should think about our faith in terms of social justice. We also should think about our faith in doing to the least of these among us.

We ought to think about our faith in making this country a better place, and frankly, my friends on the other side of the aisle have failed miserably on that account.

Mr. McCRERY. Mr. Speaker, I yield myself so much time as I may consume.

Mr. Speaker, again, I want to thank the gentleman from Ohio for his contributions to perfecting the part of this legislation that concerns the QI program and the extension of that program. His input, as well as many others in this House, were very valuable in allowing us to reach a compromise and get this bill to the floor. So I thank him for that.

With respect to Medicare premiums, we are all concerned about that. The gentleman makes a valid point. He, of course, knows very well that the Medicare premiums are simply a function of the cost of the Medicare part B program and have nothing to do with taxes of any sort in this country. We are all concerned about trying to hold down the increases in medical costs, not only for Medicare beneficiaries but for everybody in our society.

I would urge the gentleman from Ohio and others to join us in trying to attack the root causes of those cost increases, such as medical malpractice reform, which we passed through this House but we cannot quite get through the Senate. Maybe with the gentleman's help, we can get those things passed and get those costs under control so we can control the increases of the Medicare part B premium.

Mr. Speaker, I reserve the balance of my time.

Mr. McDERMOTT. Mr. Speaker, I yield myself such time as I may consume.

I think the gentleman from Louisiana should hear our comments as being supportive of the problems. It is not that we do not think they have done something. It just needs to be more, and I say it for two reasons.

One is that I think that the people of the gulf coast really are going to need more. I can predict almost without any fear at all that we will be back out here in 3 months or 2 months or 1 month or whatever asking for more money to fill up the problems. I think this paying a little at a time is just not the best way to do it, but if my colleagues have to do it that way, they have to do it that way.

The second reason I stand up here and respond in this way is that I know I come from a place where we have earthquakes, and there are Members on this floor from California who come from earthquake areas. There are places all over this country where tornadoes are a real problem, and I think we have to think of ourselves as a Federal Government that deals with the problems of any part of the United States that needs it. It may be the gulf coast right now, and we can find all kinds of problems with whatever the gulf coast did or did not do, but the people deserve our best effort here in this House.

For that reason, I intend to support this bill, and the gentleman from Ohio (Mr. BROWN) will, I am sure, and I think the gentleman has a unanimous vote here, but we took this time because we wanted to say that we thought it was necessary to think much more broadly and comprehensively about this than I think the leadership on the Republican side was willing to look at at this time. They are going to have to face it soon.

Mr. Speaker, I yield back the balance of my time.

Mr. McCRERY. Mr. Speaker, I yield myself so much time as I may consume.

Mr. Speaker, just in closing, again I would like to thank the gentleman from Washington (Mr. McDERMOTT), my colleague on the Committee on Ways and Means, for being so constructive throughout this process. He has tried to offer constructive suggestions for inclusion in this legislation. Unfortunately, we have not been able to accommodate all of his requests, but we have included, for example, the flexibility with the use of this money for the States to increase benefits if they so choose on a temporary basis, to do some of things that the gentleman from Washington (Mr. McDERMOTT) was so rightly concerned about.

So, again, I appreciate his input, as I do the input of other members of the committee on this issue, and urge all of us to continue to work together to try to appropriately respond to this disaster, as well as any others that we unfortunately experience in this country.

With that, Mr. Speaker, I would urge passage of H. Res. 501.

Mr. CUMMINGS. Mr. Speaker, I rise today to support the reauthorization of the Qualified Individual (QI–1) program, which helps over 161,000 low-income elderly and disabled Medicare beneficiaries with incomes between 120 and 135 percent of poverty to pay their Medicare Part B premiums. This critical program expired on September 30, 2005.

The Qualified Individual program saves eligible participants approximately $1,000 per year. We're talking about individuals who usually pay for most of their living expenses out of checks that range in amount from $1,097 to $1,464 per month. Just to emphasize, that equates to a meager $13,164 to $17,568 in total income per year. Needless to say, this assistance serves as a vital resource for a very vulnerable sector of our population.

Mr. Speaker, both the House and the Senate have passed bills to reinstate the program. Today, I am happy to see that the Social Services Emergency Relief and Recovery Act of 2005, H.R. 3971, a bill designed primarily to provide relief to the Hurricane victims, includes an extension of the QI–1 program, an essential subsidy for some of our neediest Medicare beneficiaries. This program comes with a comparably meager $300 million price tag and the benefit it delivers is priceless. I urge my colleagues to support passage of this bill.

In fact, Mr. Speaker, if Congress does not act soon on reauthorizing the QI program, in December of this year, over 161,000 beneficiaries will receive a Social Security check that is reduced by a whopping $234.60 for the month. That is why over thirty-five senior organizations, including the AARP, the Gray Panthers, Alliance for Retired Americans, National Caucus and Center on Black Aged, National Council on Aging and the United Jewish Communities to name a few, have contacted Members of Congress urging immediate action on reauthorizing this program.

As many of my colleagues know, the Qualified Individual program has suffered from uncertain reauthorization and funding since it expired in 2002. Since its expiration, it has hobbled along on a series of Continuing Resolutions—falling on the mercies of our oft-hurried appropriations process. I firmly believe that this program is of utmost importance—that costs us so little when we consider its impact. We should reauthorize it with all due speed, not subject it to the hurricane relief tennis match between the House and Senate leadership.

In the alternative, H.R. 3800, a bill introduced last month by Representatives KUCINICH and LATOURETTE, of which I am a cosponsor, is a straightforward bipartisan bill to extend the Qualified Individual program for one year. I applaud these Members for their leadership on its introduction.

If we cannot wrest the QI–1 program out of the political volley surrounding hurricane funding, I urge the House leadership to bring H.R. 3800 to the floor for immediate consideration and passage. We have the power to fix this and I urge my colleagues to reauthorize the QI–1 program now.

Mr. GENE GREEN of Texas. Mr. Speaker, I rise today in support of H. Res. 501, legislation that will extend the important Transitional Medical Assistance and Qualified Individuals programs. Over the past few years, these programs have been reauthorized by short-term extensions that offer low-income beneficiaries of the programs few assurances that they will be able to depend on the benefits in the future. While I support this extension bill, Congress should be acting I today to make these programs permanent.

The TMA program provides an important incentive for low-income individuals to move off of welfare and into employment by ensuring continued access to health care. Health insurance is a critical factor in everyone's employment decisions. Without TMA, many families would have little incentive to move off of welfare and leave behind the Medicaid benefits that TANF beneficiaries often receive. TMA allows for extended health care coverage when low-income families lose traditional Medicaid benefits due to an increase in income. While four months of TMA coverage is assured under current law, the six-to-twelve month extension that families so often need falls under a legislative sunset. While our action today will extend this coverage, we should be making this extension permanent.

Likewise, we should be acting today to make Medicare's QI-1 program permanent. This program is critical for Medicare beneficiaries whose income is between 120% and 135% of the federal poverty level, as it provides these individuals with assistance with their Medicare Part B premiums. Since Qualified Individuals are not otherwise eligible for Medicaid, the QI-1 program is critical in ensuring low-income seniors' access to physician care.

Mr. Speaker, I support the efforts of the bill sponsor to swiftly enact this important legislation. However, I regret that it includes extraneous provisions that would limit Medicaid and Medicare beneficiaries' access to certain classes of prescription drugs. Physicians, not Congress, know best when a prescription drug is medically necessary, and the government should not interject in decisions between a patient and his doctor I about the proper course of treatment.

Despite those reservations, this bill offers important benefits to low-income individuals' access to health care, and I urge my colleagues to join me in supporting it.

Mr. DINGELL. Mr. Speaker, I am pleased to see that the House and Senate have finally worked out their differences to extend two programs that provide important health care assistance for low-income elderly and working families.

The Qualified Individual, QI, program provides assistance with the cost of Medicare premiums for certain low-income individuals. The Transitional Medicaid Program, TMA, provides temporary Medicaid coverage to families moving off of welfare to the workforce.

This legislation considered today merely provides a short-term extension. I continue to believe, however, that these programs should be made permanent. First, they are good programs that provide much needed assistance. Second, we should avoid the situation we find ourselves in now, particularly with respect to the QI program, where States and CMS were unsure whether or how to continue the program as funding expired on September 30.

We must also consider making program improvements to both programs that would simplify enrollment and retention of eligible individuals. I recently reintroduced legislation, H.R. 3980, the Medicare Beneficiary Assistance Improvement Act, to address this matter in the QI program. And I have also included such provisions for the TMA program in H.R. 2071, the Family Care Act of 2005, which I reintroduced earlier this year.

Finally, I have concerns about the provision we are using to pay for these extensions. This provision strikes Medicare and Medicaid coverage of particular drugs that had been previously covered. The provision, in the out years, raises more revenue than is needed for these short-term program extensions. We should have saved the remainder to use for another day. But despite these reservations, there is great urgency in extending the QI and TMA programs, so I am supporting the package.

Mr. McCRERY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LATHAM). The question is on the motion offered by the gentleman from Louisiana (Mr. McCRERY) that the House suspend the rules and agree to the resolution, H. Res. 501.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 2 o'clock and 23 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1615

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SIMPSON) at 4 o'clock and 15 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair announces that further proceedings on the motion to instruct conferees on H.R. 2744 will resume tomorrow.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

FISCAL RESPONSIBILITY IN KATRINA'S WAKE

(Mrs. SCHMIDT asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHMIDT. Mr. Speaker, yesterday I attended a Committee on Transportation and Infrastructure subcommittee meeting entitled "A Vision and Strategy For Rebuilding New Orleans." I found it to be interesting, and I am excited for the opportunity to help rebuild one of America's great cities. It is an undertaking that we must take seriously.

Amid the allegations that Katrina evacuees' relief supplies were found in the garages of government officials, it is obvious that there is a lot of potential abuse for misspending $100 billion of Federal money. It is with this in mind that I felt the need to urge my colleagues to exercise discretion when authorizing additional funding.

Following yesterday's subcommittee meeting, I knew that I had a duty to speak on behalf of the American taxpayers. Only after intense scrutiny and with due diligence should we appropriate additional funds, making sure that government is doing its job, rebuilding the schools and infrastructure.

There were two statements given in testimony that were particularly troubling to me. First was the mayor, who wants now to have a light rail system to facilitate future evacuations. Now, I am all for rebuilding New Orleans, but this is not an opportunity to get your Christmas list out and go fishing on pet projects.

The other was the statement from the Governor. Someone on the committee asked how much money Louisiana had spent to date. She had no idea. No idea of how much money her State has spent? How can we trust this government with our money when it cannot account for its own?

We have limited resources. This is the American taxpayers' money. We need to spend it prudently and wisely. I ask for caution in spending American taxpayer dollars.

CONTINUATION OF NATIONAL EMERGENCY WITH RESPECT TO SIGNIFICANT NARCOTICS TRAFFICKERS CENTERED IN COLOMBIA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 109-61)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act, 50 U.S.C. 1622(d), provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the *Federal Register* for publication, stating that the emergency declared with respect to significant narcotics traffickers centered in Colombia is to continue in effect beyond October 21, 2005. The most recent notice continuing this emergency was published in the *Federal Register* on October 20, 2004 (69 Fed. Reg. 61733).

The circumstances that led to the declaration on October 21, 1995, of a national emergency have not been resolved. The actions of significant narcotics traffickers centered in Colombia continue to pose an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States and to cause unparalleled violence, corruption, and harm in the United States and abroad. For these reasons, I have determined that it is necessary to maintain economic pressure on significant narcotics traffickers centered in Colombia by blocking their property and interests in property that are in the United States or within the possession or control of United States persons and by depriving them of access to the U.S. market and financial system.

GEORGE W. BUSH.

THE WHITE HOUSE, *October 19, 2005.*

CULTURAL SENSITIVITY

(Mr. MCDERMOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks, and include extraneous material.)

Mr. MCDERMOTT. Mr. Speaker, I do not know how to get to the White House, but maybe you do. Could you please tell the President they need some cultural sensitivity training up there?

When he sends out his ambassador, his good friend, Karen Hughes, and tells the Saudi women that she sees the day when they will drive cars and they laugh at her and tell her they like the way things are, there is something amiss. We are running this war on terror as though it was a war on Islam. We must change that.

This morning's Sydney Morning Herald carries a story about our troops in Afghanistan which is very disturbing. It talks about our troops burning bodies and then saying in the villages where this happened, "You allowed your fighters to be laid down facing west and be burnt. You are too scared to retrieve their bodies. This just proves you are the lady boys we always believed you to be. You attack and run away like women."

Now, when one talks like that to an Arab, they are asking for it. That is not leading to peace. That is not done by culturally sensitive people who are bringing American democracy. That is the language of people who ran Abu Ghraib. That is the kind of thing that brings us down, not raises us up. No elections, no trials of Saddam will change that.

[From the Sidney Morning Herald, Oct. 19, 2005]

FILM ROLLS AS TROOPS BURN DEAD

(By Tom Allard)

U.S. soldiers in Afghanistan burnt the bodies of dead Taliban and taunted their opponents about the corpses, in an act deeply offensive to Muslims and in breach of the Geneva conventions.

An investigation by SBS's Dateline program, to be aired tonight, filmed the burning of the bodies.

It also filmed a U.S. Army psychological operations unit broadcasting a message boasting of the burnt corpses into a village believed to be harbouring Taliban.

According to an SBS translation of the message, delivered in the local language, the soldiers accused Taliban fighters near Kandahar of being "cowardly dogs". "You allowed your fighters to be laid down facing west and burnt. You are too scared to retrieve their bodies. This just proves you are the lady boys we always believed you to be," the message reportedly said.

"You attack and run away like women. You call yourself Taliban but you are a disgrace to the Muslim religion, and you bring shame upon your family. Come and fight like men instead of the cowardly dogs you are."

The burning of a body is a deep insult to Muslims. Islam requires burial within 24 hours.

Under the Geneva conventions the burial of war dead "should be honourable, and, if possible, according to the rites of the religion to which the deceased belonged".

U.S. soldiers said they burnt the bodies for hygiene reasons but two reporters, Stephen Dupont and John Martinkus, said the explanation was unbelievable, given they were in an isolated area.

SBS said Australian special forces in Afghanistan were operating from the same base as the U.S. soldiers involved in the incident, although no Australians took part in the action.

The incident is reminiscent of the psychological techniques used in Iraq's Abu Ghraib prison.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

EDUCATION FUNDING SOLUTIONS FOR THE WEST

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Utah (Mr. BISHOP) is recognized for 5 minutes.

Mr. BISHOP of Utah. Mr. Speaker, a couple of weeks ago I had the opportunity of addressing this body and illustrating a problem that we have, especially in the West. I think that problem can be illustrated best by two charts that we have here.

The first chart, everything that is in blue in this chart is the amount of land that is owned by the Federal Government in each State. The second one is everything that is in red are the States that are having the difficult time of actually funding their own education systems. Those are the States having the slowest growth in education.

Now, I do not think it takes a rocket scientist to realize there is a correlation between the red States having problems funding education and the blue States that are controlled by the Federal Government with all their land. It is not because these red States do not have high taxes. In fact, they have a higher tax than the yellow States. It is not because they do not have a commitment to education; they actually spend a greater percentage of their budget on education than the yellow States. The difference is, we have a cavalier attitude about public lands that we should realize hurts kids and it hurts their education in the West.

Now, there is a solution to it; and it comes with a simple fruit, it is an apple, which stands for the Action Plan For Public Lands and Education. I wish I could say I was smart enough to have thought of it, but it was actually designed by some State legislators working the Council State Governments West that recognized this problem and came up with a solution to it.

There are two bills that we have which can deal with those solutions. The first one would say, all right, take all this blue land and allow the Federal Government to pay property tax on it. If the Federal Government paid the lowest rate of property tax on the land that is owned and controlled by them in the West, in fact, in the entire Nation, they would add another $4 billion every year to the funding of public education. That is a whole lot of money for us to come up with, although you could also look at it as the fact that the Federal Government prohibits States from raising $4 billion to solve their own problems and fund their own education processes with the way we control public lands.

Now, since that is going to have a difficult time, there is a second bill. This bill is number 3463, which says that this map was never intended to be the way it was supposed to be forever. When the western States, those from Montana down to New Mexico that have all the blue space in there, the Federal land, when they were originally admitted as States, everyone except one had in their enabling act the idea that the land should go to the Federal Government until such time as the Federal Government shall, not might or if or may, but shall dispose of the land, and 5 percent of all of the proceeds were to go back to the States for a permanent education fund to fund their education. To be honest, actually three States did not have that. They said their 5 percent was supposed to go for infrastructure and roads. But everyone was supposed to get something back from the Federal Government.

In the mid-1970s, this Congress changed the rules of the game without consulting these States and passed legislation that said our official policy will now be to keep the land and not pay the 5 percent. What bill 3463 intends to do is say, okay, fine, let them keep the land, except have the States choose 5 percent of the land that is available, and we will take some things off the table, like national parks, monuments, reservations, military installations, things that are not valuable to the States anyway. But of the remaining land that is there, let them choose 5 percent of that land for their own to put it in for the purpose of building education funds in each of those western States.

If these western States could take the 5 percent of their land that is available and couple it with the school trust lands already open to them, they could create amazing economic zones, especially in rural parts of their States, which would not only build the economy, but which would also pay for the education of their kids. Since we are in an energy crisis, much of this land would be dealing with the growth and energy and potential for that growth.

One of the things we have is a cavalier and sometimes a flippant attitude about these lands in the West. I had an administrative official say, Why are you worried about all this land? It is a bunch of useless land where nobody lives anyway, or it is all our land, so we recreate on it. What we have to realize is that this policy has actually hurt kids. The educational ability of kids growing up in the West is depressed because of this land policy.

What we need now to do is to realize that and take constructive efforts to try and change that. Allow the States in the West to have the vehicle and the ability to raise the money to fund their education system in the way they wish to do it, and House bill 3463 would actually do that.

U.S. DEBT CONTINUES TO RISE UNDER BUSH ADMINISTRATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

Mr. DEFAZIO. Mr. Speaker, well, congratulations are yet again in order to the Bush administration. They hit another milestone just last week. They ran up the 8 trillionth, trillionth dollar of debt in the name of the American people.

The U.S. debt is up 60 percent under the Bush-Cheney watch with the Republicans in charge of Congress, a 60 percent increase in the Federal debt in 5 years. That took some doing. That means every American, from the tiniest baby to the oldest senior citizen, today owes about $27,000. That is a heck of a burden to carry.

And then this year, they are touting the fact that they only have the third largest deficit in history at $312 billion. They are saying, big progress. Of course, they forget to tell you that that does not include borrowing every penny of this year's Social Security surplus of $180 billion, which is only paid for by working people, not the rich who are favored by the tax cuts. Only people who earn less than $94,000 pay Social Security taxes. They are paying $180 billion more than is necessary for the program, with the idea it is being saved.

It is not being saved. This administration is taking that money and spending it, part of it to finance tax cuts for rich people who do not pay Social Security taxes. A great noose on the taxpayers' money.

But now they are born again, right here on the floor in front of us this week, as fiscal conservatives. They say they want to pay for the Katrina disaster, but there is only one way to do it. Cut the tax cuts for the rich people? Oh, no, no, no. Wasteful spending? No. How about, let us go to the programs that are important to average Americans. Health care for seniors: they want to cut Medicare and Medicaid for seniors. Education: kids are already struggling to go to school, but cut education. They would hit at food stamps so they will be more hungry, and maybe cut back on energy assistance in a time of huge price gouging by their friends in the oil, coal, and gas industries.

Now, this is born again fiscal prudence on that side of the aisle. But what they are not telling people is not a penny of those cuts would go to pay for the Katrina disaster. No. In fact, they would, by implementing those cuts, still increase the deficit next year by a quarter of a billion dollars. Now, how can that be? I thought that money was going to pay for Katrina. No. They are going to borrow all the money to pay for Katrina. They are using those cuts to finance, guess what, more tax cuts for the richest among us. They want to make permanent the cuts in capital gains, dividends taxes, and a permanent exemption of all estates from all estate tax. That costs a lot of money.

Now, why should we do this? Well, because they believe in trickle-down economics. The way to stimulate our economy, the way to rebuild our economy is more trickle-down economics.

They even, one conservative over there had the gall to say poor people do not put people to work. No, that is right. Poor people and working people do the work. But they are saying we need to shower more money on the richest among us.

During the last 2 years, 99 percent, this is from the Internal Revenue Service controlled by George Bush, their statistics, 99 percent of Americans saw real income reductions after inflation. One percent, those over $311,000, saw an increase; and one-tenth of 1 percent, those over $1.3 million, saw a huge increase in their income, mostly due to tax cuts paid for by working people and borrowing against our future. And now they have the gall to come to the floor of the House and say, if only the Republicans were in charge, this fiscal irresponsibility would stop. Excuse me. You control the White House, the House, the Senate, and the judiciary. You control everything. It is within your power. You want to pay for Katrina? Let us cut wasteful spending.

□ 1630

The President wants to borrow $1 trillion to go to Mars. They are already beginning to borrow $100 billion to go back to the Moon. Hey, JFK took us to the Moon for a fraction of the cost. Why do we need to borrow $100 billion to go back? That would pay for half of the Katrina disaster. Then we can talk about, guess what? Tax cuts for the wealthy.

If we just did not make those tax cuts permanent, we could pay for Katrina a number of times over. But oh, that would mean that rich people would pay income taxes at the same rate as working people, and that does not fit into their trickle-down theories.

There is a few other things that we could cut, agriculture subsidies. Let us say any farmer who earns over $100,000 a year will not get a taxpayer-financed subsidy where the money was borrowed, sometimes from Social Security, to subsidize that farm. That is pretty simple.

But no, they cannot go there. Or maybe we can get rid of the silly star wars fiasco. The general in charge of Star Wars has spent $100 billion on it so far, borrowed, taxpayer money, says it has a better than zero percent chance of working.

Now is that not heartening? Let us have real fiscal responsibility, not more phony baloney.

ORDER OF BUSINESS

Mr. SHUSTER. Mr. Speaker, I ask unanimous consent to speak out of order for 5 minutes.

The SPEAKER pro tempore (Mr. SIMPSON). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

LITIGATION REFORM FOR RESPIRATOR MANUFACTURERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. SHUSTER) is recognized for 5 minutes.

Mr. SHUSTER. Mr. Speaker, I want to talk about a special aspect of a subject that has been in our news a great deal lately, emergency preparedness.

As a member of the Select Katrina Committee and as chairman of the subcommittee overseeing FEMA, I know that it is absolutely critical to prepare our Nation for natural disasters, terrorist attacks, or any other catastrophe and the spread of disease that could come with it.

When disasters strike, the most effective method of prevention depends, in part, on effective respiratory protection for millions who may be exposed. This protection is available through careful use of respirators, the masks, mostly disposable, that we see in pictures of first responders, emergency personnel and health care workers who are treating the sick.

The World Health Organization, for example, specifies certain respirators for use in avian flu treatments. The United States has a number of companies that manufacture respirators that are in a number of States around this country. One, Mine Safety Appliances, is headquartered in Pennsylvania and manufactures respirators in the State.

These are high quality products, recognized by industry, health care authorities and other experts as efficient, cost effective. More importantly, these products are 100 percent regulated by an agency of the U.S. Government, the National Institute for Occupational Safety and health, or NIOSH, which is part of the Centers for Disease Control in the Department of Health and Human Services.

NIOSH prescribes design standards for respirators, tests respirators in its own labs by its own professionals and monitors respirator manufacturers to ensure their products consistently meet the standards for which they are approved.

It also approves the warning labels that go on respirators to indicate what uses are and are not appropriate to emphasize the need for users to be sure that these respirators fit well.

It regulates the respirator manufacturers, but the Occupational Safety and Health Administration, or OSHA, regulates employers and prescribes what level of approved respirators should be used to protect against a particular workplace hazard.

Respirator manufacturers do not interact with respirator users. They make their products according to government standards for their uses approved by NIOSH and described on the label, but employers make the decision about whether to provide a respirator and which one to provide based on OSHA rules.

Unfortunately, in our litigation-obsessed society that separation of responsibility has not protected our respirator manufacturers from being sued in literally thousands of cases. Workers allege that a respirator was defectively designed or contained an inadequate warning label, and they got sick, and that somehow it is partly the fault of the manufacturer.

As absurd as this may sound, it is the premise for up to 30,000 individual claims brought against each major respirator manufacturer in the United States. There has been much controversy over many of these claims, since they involve workers who claim to be sick with asbestosis or silicosis.

In one situation, a Federal judge in Texas, a former nurse, found that thousands of claims were essentially without any legal or medical merit. They were produced by collusion between plaintiffs lawyers, doctors paid by the claim, and the x-ray mills that produced the diagnosis that could not survive medical review.

This corrupts the legal system and hurts most those few who are truly ill. It also threatens otherwise strong American industries like respirator manufacturing.

Our American respirator manufacturers are faced with the cost of administering and processing tens of thousands of claims. Some of these will be thrown out and some will be settled for a few hundred dollars, but each one requires thousands of dollars of research and process.

None of these cases has resulted in a trial and a judgment against a respirator manufacturer. It is the administrative cost of millions of dollars each year that are now about to exceed the net income of many companies from making respirators.

In short, we are in danger of losing a vital American industry that we are going to need desperately if disaster strikes. Whether the spread of a virus or biological terrorist attack, we already need respirators for countless industrial applications and routine medical and other health-related needs. Respirators are already providing protection from the airborne hazards that are everywhere in the recovery efforts from Hurricanes Katrina and Rita.

They also served thousands in the aftermath of September 11th. We cannot afford to have this vital industry torn down by inadequate claims with dollar signs at their hubs. That is why I am pleased to be the author, along with my original cosponsors, the gentlewoman from Pennsylvania (Ms. HART) and the gentleman from Pennsylvania (Mr. DOYLE) as well as the gentleman from Texas (Mr. SMITH), of H.R. 2357, the Respirator Access Assurance Act of 2005.

This is a very simple bill. It says that if a manufacturer has the NIOSH approval for the design and labeling of a respirator, a manufacturer cannot be sued on the basis of the detective design or failure to warn.

It would apply to any case that has not gone to trial as of the enactment and to future cases. We need this legislation, and I am working with my colleagues and the House leadership to find an appropriate opportunity to bring it to the House floor for a vote soon.

I hope my colleagues will share my concern over the need to ensure that this American industry continues to produce these vital products for emergency preparedness, and will approve this and make it the law of the land.

ORDER OF BUSINESS

Ms. SOLIS. Mr. Speaker, I ask unanimous consent to speak out of order for 5 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

MEDICAID CUTS AND THEIR IMPACT ON WOMEN

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. SOLIS) is recognized for 5 minutes.

Ms. SOLIS. Mr. Speaker, today I rise in strong opposition to the Republican plan to cut billions of dollars to critically needed Federal programs like the Medicaid program.

In proposing offsets for the $70 billion cost of hurricane relief, Republicans claim that they are increasing spending cuts from $35 billion to $50 billion in order to pay for the expenses recently incurred by the devastation of recent hurricanes in the gulf coast.

However, Republicans have targeted Medicaid and other important programs that serve our Nation's most vulnerable populations like women and children. The reckless Republican budget imposes painful sacrifices on low and moderate income women and their families in the name of deficit reduction.

Republicans claim that offsetting the cost of hurricane relief is fiscally responsible. However, in my opinion it is inconsistent with the decision in recent years not to offset tax cuts that cost $106 billion or supplemental funding for Iraq that has cost the U.S. nearly $251 billion, four times the cost of Hurricane Katrina.

These cuts will not go to offset the cost of the hurricane. These cuts will only be used to facilitate additional tax cuts to our Nation's wealthiest Americans, those who make well over $200,000 a year and up.

Republicans are cutting services for hard working families in my district and, instead, giving away $70 billion in new tax cuts to the wealthiest Americans. These cuts are reckless, in my opinion, and unfair to the middle and lower income families and reflect the Republican-led Congress' double standards.

Cuts to Medicaid, an already underfunded program, would have a devastating impact on women and their families by cutting vital services especially important to them. Medicaid is an important health insurance program for millions of low income elderly and disabled Americans.

State and Federal Governments have ensured that more than 53 million people, including 14 percent of low income Americans, have access to health care services through the Medicaid program. This includes 25 million children. More than 1 in every 4 children in the U.S. is covered by this program.

This also includes more than 30 percent of children with disabilities who rely on Medicaid for health coverage and services. Medicaid, as you know, provides essential care, such as family planning, breast and cervical cancer treatment, care for disabled women, to more than 16 million women, including approximately 10 million women of child-bearing age.

Nearly 1 in 10 women in the U.S. receives health care coverage through Medicaid. One-third of all poor women are covered by Medicaid, including 40 percent of single women. Mothers are twice as likely as men to qualify for Medicaid, because they are poor and in lower paying jobs that are less likely to have employer-sponsored insurance.

Health insurance, as you know, is critical to women, because mothers with health insurance are more likely to stay employed and get health care for their children than those lacking insurance. And women, as you know, of reproductive age are in a vulnerable position, because they are more likely to lack health insurance.

Medicaid accounts, as you know, for two-thirds of all of the Federal and State family planning funding nationwide. And, by the way, low income pregnant women can receive critical prenatal care when they need it without being turned away from the program.

Medicaid ensures that women receive a full spectrum of maternity coverage, including prenatal, labor and delivery and postpartum care. Medicaid, as you know, is important to the health of women of all ages, and Medicaid is the largest source of funding for women over the age of 80 living in nursing homes.

This program covers high-cost nursing homes and long-term care services.

In my State of California, the Medicaid program is run jointly by the Federal, State and local county governments. The Federal share cost in California is about 50 percent.

Medicaid in California provides vital health services to low income women who comprise right now 74 percent of the beneficiaries ages 19 and older. And in my State of California, 42 percent of all births in the State are paid for by Medicaid.

These facts demonstrate, in my opinion, that Medicaid is a significant health safety net for women and their children. The cuts in Medicaid would shut the neediest individuals out of the public health system and put the health of millions of women and children at risk. Proposing reductions without ensuring the preservation of coverage for those in need simply transfers the burden to the States that are already overstretched.

Medicaid cuts will shift costs to the States, impose higher costs to beneficiaries, and health care providers. States would be forced to reduce coverage and benefits. Despite the national tragedy, the proposed Republican budget would cut billions of dollars from Medicaid while doing nothing to make sure that we have affordable health care for Americans.

Democrats believe in strengthening and not undermining Medicaid. The Federal Government should fulfill its promise of being a reliable partner. We must protect Medicaid and maintain the current Federal commitment to this fundamental public health insurance system.

I am in strong opposition to the Republican budget, because it does not keep the best interests of women and their children in mind. I urge my colleagues to provide full funding for Medicaid, and preserve the health care safety net program that many women and children rely on currently.

ORDER OF BUSINESS

Mr. MORAN of Kansas. Mr. Speaker, I ask unanimous consent to speak out of order for 5 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kansas?

There was no objection.

WHERE IS THE U.S. BEEF IN JAPAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. MORAN) is recognized for 5 minutes.

Mr. MORAN of Kansas. Mr. Speaker, I rise this afternoon to discuss the economic harm that U.S. farmers and ranchers have experienced as a result of the Japanese embargo of U.S. beef. This issue has gone on far too long, and we in Kansas have lost our patience.

Mr. Speaker, Japan has prohibited the imports of beef from the United States since December 2003 when a single case of BSE was found in a Canadian-born animal.

Since that time, the United States has undergone rigorous and thorough surveillance programs for BSE testing and has implemented safeguards to protect human and animal health. These safeguards have far exceeded internationally recognized standards promoted by the World Organization for Animal Health, of which Japan is a member.

While the Sanitary and Phytosanitary Agreement provides that members of the WTO have the right to take measures to protect human, animal and plant health under principles of sound science, the SPS Agreement does not allow WTO members the right to discriminate and restrict trade arbitrarily.

☐ 1645

The U.S. State Department, the Office of the United States Trade Representative, and the United States Department of Agriculture have worked tirelessly to reopen this market for U.S. beef, and I commend them for their efforts.

On October 23, 2004, nearly a year ago, the United States and Japan concluded an understanding that established a process to lead to the resumption of beef imports from the United States. Despite this agreement a year ago, the Government of Japan continues to delay imports of beef from the U.S. on a basis and factors not grounded in science or consumer safety.

Losing the export market to Japan is having a significant impact upon our entire industry, and it also puts at risk a well-established bilateral trading relationship. This 2-year delay has now almost totaled $3.4 billion in losses to American agriculture. Whether you are a farmer or a rancher, a beef processor or a retailer, this loss of market is having a detrimental effect upon that business, upon our rural communities, and upon the agriculture economy. The U.S. cattle and beef industries are losing $100 million each month that Japan remains closed to U.S. beef markets. Since December 2003, the U.S. meat industry has lost 10,000 jobs, mostly attributed to a loss of the export markets.

In March this year, Mr. Speaker, I introduced House Resolution 137, which currently has more than 80 co-sponsors. I encourage my colleagues to join me in sponsoring this legislation. The resolution is a sense of the House of Representatives that if the Government of Japan continues to delay in meeting its obligations under the understanding reached last October, then the United States trade representative should immediately impose retaliatory trade sanctions against Japan.

While I do not wish for the U.S. and Japan to enter into a drawn out trade dispute, the reality is that Japan cannot have it both ways, and they must be required to uphold their agreement. The United States works to promote free trade agreements throughout the world, and it is important for our trading partners to honor the current agreements and international standards; and without those assurances, support for trade agreements will clearly erode.

Recently, I was joined by over a hundred Members of Congress in writing President Bush asking him to make restoring this market of U.S. beef to Japan his highest economic priority in his discussions with the Japanese Prime Minister. I support our government's efforts to reopen our beef exports to Japan; but, again, Japan continues to unjustifiably delay the process.

Last month I testified before the House Committee on Ways and Means and urged the committee to bring this resolution to the floor and show Japan the serious nature of this trade issue. I appreciate very much the gentleman from California (Mr. THOMAS) for holding the hearing and for allowing me to testify.

Many members of that committee during the hearing agreed that this action needs to be taken to address this issue.

Mr. Speaker, Japan cannot have it both ways. They cannot benefit from exports to the U.S. while denying our imports such as beef with no scientific evidence to support their actions. Congressional patience has been exhausted. It is time that House Resolution 137 be brought to the floor and a clear message be delivered to Japan. Let us allow the will of the House to be heard. Patience is a virtue no longer.

EXCHANGE OF SPECIAL ORDER TIME

Mr. EMANUEL. Mr. Speaker, I ask unanimous consent to claim the time of the gentlewoman from California (Ms. WOOLSEY).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

BUILDING A STRONG AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. EMANUEL) is recognized for 5 minutes.

Mr. EMANUEL. Mr. Speaker, since the year 2000 this Congress has racked up more than $3 trillion in new debt. How did that happen? They tried to do what no other President has tried to do and no other Congress, to fund two wars with four tax cuts.

This Congress has served as an ATM to special interests, showering them with billions in tax breaks and handouts. Suddenly our Republican friends have become born-again budget hawks. In fact, tomorrow we may have to vote on a resolution to slash more than $50 billion from education, health care, nutritional investments important to millions of Americans and families and their future. All for what? So we can fund $70 billion in tax cuts just for the wealthy Americans.

That is what this budget package is, $70 billion in tax cuts. At the same time that these so-called new-born fiscal conservatives are complaining about the deficit, they are going to push through yet another round of tax cuts on top, close to $20 billion added to our deficit.

I ask my colleagues, are these the choices the American people asked us to do? To date, the American taxpayer has funded $445 billion in the effort in Iraq, $20 billion going to rebuild Iraq. We have built and renovated 110 primary health care centers in Iraq, vaccinated 3.2 million Iraqi children; all the while here in the United States the Republican budget has cut $10 billion from Medicaid. We have also cut community health care clinics.

In Iraq we have rehabilitated 2,700 schools, trained 36,000 secondary education school teachers. What is their budget doing for America? They cut $806 million from America's public schools, Leave No Child Behind. They have also proposed nearly $9 billion in cuts to college student aid. We funded nearly 3,100 community development projects in Iraq alone. Yet the President's budget is cutting the community development grants here for the United States by $250 million.

The Corps of Engineers in the United States has been cut by over $300 million. Yet we built a new light rail system in Iraq. We have also rebuilt their dam with a levee in it. All the while their budget cuts from America's future and American families' future while literally loading up close to $445 billion for the effort in Iraq, of which $20 billion goes to rebuilding their schools, their health care, their nutritional programs, things that we are cutting from the United States and from American families.

Every President going to war has thought about America's future. During the Civil War, Abraham Lincoln thought of the Land Grant College system. President Roosevelt in the middle of the World War II thought of the G.I. Bill. President Eisenhower at the tail end of the Korean War built the interstate highway system for the United States. During the height of the Cold War and Vietnam War, President Kennedy envisioned a man on the Moon.

What does this President propose? Eliminating Amtrak, cutting $9 billion from student aid, and cutting veterans benefits. Why? Because he has tried to do something that no other President has thought of doing, which is to cut taxes in the middle of two wars. Where has it left America? $3 trillion in debt, cuts in our future for American families.

Now Americans are faced not only with these cuts in its investments. Gas prices are nearly $3 a gallon, home heating costs are up by 50 percent this winter, inflation has increased at the fastest rate in 15 years, hundreds and thousands have lost everything in the gulf coast, and our brave men and women are fighting and dying in Iraq with no end in sight.

Yet what are we proposing to America? Cuts in their educational investments, cuts in health care investments, cuts in nutritional investments. All the while we are making those same types of investments in Iraq. That is not the choice the American people want.

I have no problem if we are going to make a commitment to Iraq and Iraq's future and the future of their children. I have a problem when we are not going to leave America stronger, but weaker, at the end of that effort, and we are not willing to make that same investment in American children's future.

We cannot afford those types of choices. Those are the false choices. All the while what we are trying to do is wall off and protect tax cuts for the wealthiest 1 percent, people making $300,000 a year, while the rest of America gets cuts in Amtrak, student aid, nutritional programs, veterans get cut from their health care benefits. That is not what the American people think of as an investment in their future. It is clearly not the one you are willing to make in Iraq where we now have a $445 billion bill due to the American people. It will get close to $600 billion before it is all over. The American people are going to be asked to pay for it.

How are they going to pay for it? With cuts in their education college loans, cuts in their communities' health care clinics, cuts in Medicaid, cuts in Medicare, cuts in their programs that have guaranteed them a middle-class future. We should find ways to balance the budget, but we should not do it on the backs of our children.

The American people expect their leaders to make the right choices. Mr. Speaker, it is time Congress changes its tune. We can do better. Building a strong America begins by building a good America here at home.

EXCHANGE OF SPECIAL ORDER TIME

Mr. McDERMOTT. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from California (Mr. GEORGE MILLER).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

THE TRIAL OF THE CENTURY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. McDERMOTT) is recognized for 5 minutes.

Mr. McDERMOTT. Mr. Speaker, if this were a sermon, I would use as the text Romans 12:19 which says, and I want to remind the House that we are a Christian Nation, that says, Avenge not yourselves, for it is written, vengeance is mine. I will repay, saith the Lord.

Now we are in the process of beginning a trial which is going to be the trial of the century. I think the United States people and the Congress should think about what it is we are setting out to do. On Wednesday, the trial of the century will begin. It will start at a secret Green Zone location by an anonymous court and under extreme U.S. military-imposed security measures.

It is a made-in-the-USA affair in administrative and financial terms. The court and the training and the whole proceedings cost us $75 million of our taxes. About 300 people, all hired by the Americans, are working on the trial. The five secret Iraq judges, Shiites and Kurds, no Sunnis, are paid by the Americans, are living inside the Green Zone and are protected by the Americans from being either kidnapped or killed. They have received special training from U.S. and British and Australian legal experts, and they have even staged a mock trial.

If the defendant in this case is convicted, he will be able to file appeals and then will, within 30 days of those appeals being denied, be hung in that country in which he lives.

Now, this special Iraq tribunal was substituted by former American proconsul, Mr. Bremer, in December 2003, curiously almost 3 days before Saddam was captured, supposedly. Now, that is the view of this case from the Arab world. That comes from an article in the Asia Times by a reporter named Pepe Escobar, and it is called "The Occupiers' Trial." This is how it is seen from the Arab world.

Now, you say, well, you know, that is just those Arabs. Pick up today's New York Times and there is the story on the editorial pages of the New York Times: "Saddam and Iraq on Trial," and here is what it says: "The opportunity created by the trial of Saddam Hussein to introduce the rule of law and the ideal of national reconciliation into Iraq has been largely squandered . . . At almost every turn, ill-conceived decisions by the United States and Iraqi-dominated Shiite religious and Kurdish nationalist parties have put politics and score-settling first."

Remember that quote about vengeance:

"The cost has been an indifference to legal scrupulousness and they are waging a costly vendetta by Kurdish and Shiite victims against Sunni Arabs who were once their oppressors."

That is the New York Times talking to our President who insists on doing this.

Now, the question you might ask yourself is, Why did they do it this way? I mean, any reasonable person might ask that. Well, this trial was set up this way for a variety of reasons. It should have been a scrupulously fair trial where you would have at least one Sunni among the judges. I mean, Saddam Hussein is a Sunni. We insist on a jury of your peers, and we have gone to a lot of trouble in this country to make sure there are peers on the juries, but not in this case.

We are looking to prove him personally accountable. Now, in the case in Iraq where legal training and appointments have been bent for decades to the political whims of the political, they should have called for enlisting help from international legal experts and used relevant precedents in international criminal law.

Why did they not do that? Why did they not call in an international tribunal like they did at Nuremberg at the end of the Second World War? This is the New York Times talking. Bush administration and its Iraq allies strongly oppose that step because it would have precluded the death penalty. They want a public hanging.

Now, once that decision was made, Iraq lawyers and American lawyers were the ones they were going to rely on. They were not going to get anybody national. They should have been well insulated, those people who were doing, this from political pressures. Instead, this special tribunal who organized the trial has been subject to constant manipulation and intimidation by Ahmad Chalabi. Remember him? The ceaselessly conspiring emigre politician who wants to make anti-Baathist vendettas his latest political platform.

We are setting ourselves up for a serious problem.

[From the New York Times]

SADDAM AND IRAQ ON TRIAL

The opportunity created by the trial of Saddam Hussein to introduce the rule of law and the idea of national reconciliation into Iraq has been largely squandered even before the courtroom proceedings begin. At almost every turn, ill-considered decisions by the United States and Iraq's dominant Shiite-religious and Kurdish-nationalist parties have put politics and score-settling first. The cost has been an indfference to legal scrupulousness, as well as a failure to distinguish between pursuing the specific crimes of a dictator that must be punished in a court and waging a collective vendetta by Kurdish and Shiite victims against the Sunni Arabs who were once their oppressors.

There is still time to shift this exercise in victor's Justice to a more constructive course because the trial will adjourn for several weeks after today's televised opening. For that to happen, the Iraqi lawyers and judges will have to stand-up to intense and continuing pressures from their political masters for a choreographed proceeding that seems timed to gain short-term advantages at the expense of national healing and an airing of recent Iraqi history.

When invading United States forces drove Mr. Hussein from power two and a half years ago, Americans naively expected rejoicing throughout Iraq and rapid efforts at democratic reconstruction. One main reason that did not happen, apart from the well-known mistakes by the American occupation authorities, was the arbitrary, violent and fragmented nature of the society left behind by the dictator, who had ruled through murder, fear and persecution.

One of the best ways to repair such a damaged society is a systematic judicial investigation of the regime's crimes. That should be followed by a scrupulously fair trial of those found personally accountable. In the case of Iraq, where legal training and appointments had been bent for decades to the political whims of the dictatorship, that should have called for enlisting help from international legal experts and using relevant precedents in international criminal law. The Bush administration and its Iraqi allies strongly opposed that step because it would have excluded the death penalty.

Once the decision was made to rely on Iraqi lawyers and American Advisers, they should have been well insulated from political pressures. Instead, the special tribunal organizing the trial has been subjected to constant manipulation and intimidation by Ahmad Chalabi, the ceaselessly conspiring emigré politician who has made anti-Baathist vendettas the latest political platform.

Finally, this prosecution would have been conducted differently if it were a serious attempt to uncover the murky lines of authority and responsibility within the Baathist regime and establish Mr. Hussein's clear personal responsibility for at least some of the roughly 300,000 murders committed in his name. It would have built up its case methodically, from the field operatives carrying out the killings to the officials who gave them their orders and on up the chain of command to Mr. Hussein himself.

Instead, today's trial will begin with what prosecutors and politicians decided was the easiest case to prove, a mass execution in a Shiite town that followed a failed 1982 assassination attempt against Mr. Hussein. These killings ought to be prosecuted. But if the aim is to uncover the broader criminal conspiracy in order to punish the truly guilty and absolve those guilty only by association, other trials should have come first.

What we have is a narrow sectarian government, still struggling to come up with a nationally inclusive constitution, that is conducting what looks like a show trial, borrowing noxious elements of Baathist law to speed the way toward an early and politically popular execution.

THE OCCUPIERS' TRIAL

(By Pepe Escobar)

Occupied Iraq has virtually no security, electricity, water or jobs. Last Saturday, instead of basic necessities for a decent life, Iraqis had a referendum—already suspected of massive fraud—on a constitution few have even seen.

Starting on Wednesday, Iraqis, and the rest of the world for that matter, get a running soap opera—the trial of Saddam Hussein, under whose regime, for all its terror, and then 12 years of economic sanctions, Iraqis at least had security, electricity, water and jobs.

This "trial of the century"—or at least the early 21st century—starts at a secret Green Zone location, by an anonymous court, and under extreme, U.S. military-imposed security measures. It's a made in U.S.A. affair—in administrative and financial terms.

The court, the training and the whole proceedings cost U.S. $75 million—courtesy of U.S. taxpayers (the budget was allocated in May 2004). About 300 people—paid by the Americans—work on the trial machinery. The five "secret" Iraqi judges—Shi'ites and Kurds, no Sunnis—are paid by the Americans, live inside the Green Zone and are protected by the Americans from, being kidnapped or killed.

They have received special training from U.S., British and Australian legal experts and have even staged a mock trial in London. They are supposed to be "independent" in a country on which "the United States continues to wield vast influence", according to the understated Associated Press. Human Rights Watch has warned on the record that the trial may be "violating international standards for fair trials".

The initial charges against Saddam will focus on the killing of 143 Shi'ites in the village Dujail, north of Baghdad, in 1982, after an assassination attempt against him. Recently disclosed images from Iraqi TV at the time show Saddam touring Dujail in triumph—but not the hostility of the crowd.

The assassination attempt was claimed by the Shi'ite Da'wa Party. Current Prime Minister Ibrahim Jaafari happens to be a leader of the Da'wa Party. As far as he's concerned, Saddam should be pronounced guilty in no time. "We are not trying to land on the moon here . . . It's enough [to try Saddam] on Dujail and Anfal. The tribunal is just and open, he has a defense lawyer and the verdict will match the crime . . . I don't want to intervene in judicial proceedings, but why do we say now that more time is needed?"

Six other people are being tried alongside Saddam. They include his half-brother Barzan al-Tikriti—who was the head of the terror-inflicting Mukhabarat intelligence services; his notorious henchman Taha Yassin Ramadan; Awad Hamed al-Bander, the judge who sentenced many in Dujail to death; and four Ba'ath Party officials. The prosecution charges that Saddam himself, as head of state, certified the executions pronounced by an Iraqi special tribunal presided by Bander.

This won't be an American-style courtroom drama. There's no jury. The chief judge will question a number of witnesses. Many have already been interviewed before the trial. The five judges decide whether Saddam and his six co-defendants are innocent or guilty. Saddam will have the right to call witnesses.

If he is convicted, his defense team will be able to file a number of appeals before the sentence—expected to be death—is applied. If it's death row, Saddam must be executed—in fact hanged—within 30 days of the ruling on his last appeal. The description of the trial procedures is provided, once again, not by Iraqis, but by Americans—at the National Security Council and the State Department.

This special Iraqi tribunal was instituted by former American proconsull Paul Bremer in December 2003—curiously only three days before Saddam, according to the official Pentagon version, was captured in his hole on the ground. The tribunal is supposed to judge crimes committed by Iraqis—inside and outside the country—between July 17, 1968 (when the Ba'ath Party took power) and May 1, 2003, as well as war crimes perpetrated during the Iran-Iraq War (1980–1988) and the invasion of Kuwait (1990–1991).

So a string of trials may be in the offing—concerning, for starters, the Anfal campaign of 1987–1988 which killed at least 5,000 Kurds, the invasion of Kuwait in 1990, the suppression of the Shi'ite uprising of 1991 (which may have killed 200,000 people) and the widespread assassination of Shi'ite religious leaders, like the Grand Ayatollah Baqr al-Sadr.

□ 1700

TRIBUTE TO COAST GUARD IN EFFORTS DURING HURRICANES KATRINA AND RITA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. BUTTERFIELD) is recognized for 5 minutes.

Mr. BUTTERFIELD. Mr. Speaker, I rise today to recognize the extraordinary efforts of our Coast Guard in the aftermath of hurricanes Katrina and Rita. The Coast Guard again demonstrated just how well they live up to their Latin motto, which means: "Always Ready."

Several days before Katrina made landfall, the Coast Guard activated emergency response plans, while maintaining communications with both the Atlantic and Pacific commands and headquarters in Washington. As the disaster drew near, if something did not work, the Coast Guard modified its plans to meet the needs.

The first images we as Americans saw on television depicting this disaster were those of Coast Guard helicopters rescuing stranded citizens from rooftops amid rising flood waters. In the face of high winds and flying debris, daytime temperatures nearing 100 degrees and downed utility lines, our brave men and women heeded the call of duty to perform selfless acts of courage.

During around-the-clock flight operations over a 7-day period, our Coast Guard helicopters operating over New Orleans saved an astonishing 6,470 lives. They also helped to save thousands of other victims by delivering tons of food and water to those who could not be evacuated immediately. In all, the Coast Guard rescued 33,500 people in its response to Katrina, six times the number of people it rescued in all of 2004.

Mr. Speaker, I am extremely proud of the Coast Guard air crew rescue swimmers, many of whom trained at the Coast Guard Aquatic Training Facility, located in my congressional district at the Coast Guard station in Elizabeth City, North Carolina. The Coast Guard rescue swimmers faced some very adverse conditions, including flooded houses and buildings, steep slippery roofs, foul and contaminated water, and the need to hack through attics with axes or break out windows to free the survivors. Despite these obstacles, these brave men and women saved many American lives.

The Coast Guard's responses to Katrina and Rita should serve as a model for our governmental agencies and our first responders in the face of future disasters. These brave men and women succeeded in keeping these devastating events from becoming even greater tragedies. I thank the Coast Guard for their dedicated service, and I ask my colleagues to join me in congratulating them and supporting my future efforts to upgrade their training facility in my congressional district.

THE BUDGET

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. MARKEY) is recognized for 5 minutes.

Mr. MARKEY. Mr. Speaker, Catholics have a sacrament, the sacrament of penance, which they call reconciliation. It is a time when you revisit your own life to take a close look at how your daily actions square with what you believe. As a Catholic, looking at this budget, I cannot square the moral values of our country, opportunity, equality and justice, with the practical impact that this budget proposal will have on the lives of working American families.

This year, thanks to President Bush's tax-cutting program, the U.S. Government will deliver up to $106 billion to the multiple bank accounts of some of the wealthiest Americans. This government program to help wealthy Americans spend more money now forces a false crunch on our resources, a $50 billion cut that Republicans believe should come from Medicaid, food stamps, and student loans. Who will feel the impact of these cuts? Well, almost 60 percent of all people in nursing homes who are on Medicaid, and one-third of all babies who are born on Medicaid, and 8 million Americans with disabilities who depend on Medicaid, and 36 million Americans who have to worry about going hungry.

How do we, as a Congress, reconcile the fact that these cuts will disproportionately affect low-income Americans, the elderly, and the poor? The answer is we should not reconcile ourselves to such an action, not for 1 minute, not for a nanosecond. If we are going to dramatically change for the worse the lives of millions of children and families and senior citizens across the country, it had better be because we had to, not because we chose to. And there is no doubt that Republicans have now chosen to rob the poor to maintain and create new tax breaks for the rich.

We are not simply robbing the poor of resources. The proposed cuts are robbing the poor of opportunity. The reconciliation budget targets programs that work to bridge the gap between rich and poor, Medicaid, food stamps, and student loans, that strive to even the playing field for all American families.

Eight weeks ago, across the United States, Americans saw the faces of other Americans staring up at them from television screens scratching out desperate signs on rooftops. Help us, the signs said. Grandmothers, brothers, nieces, nephews, newborns, the faces of families who could be our families, neighbors who could be our neighbors, but desperate, alone, and calling out to the world to see. Across the country, Americans answered with one voice: we are better than this. This is wrong. This is immoral. This must not be allowed to continue. We must take care of our own. It is our responsibility. It is our duty. It is who we are as a people.

As a country, we saw that 100,000 people were trapped in New Orleans because they did not have automobiles to escape the flood waters. We found that 50 percent of all children in Louisiana live in poverty. In response to this national revelation, Republicans have revisited our national budget and made a decision to cut programs from the poorest of the poor while protecting a new tax cut giveaway to the richest of the rich. Instead of limiting these tax cuts to millionaires, the Republicans have decided to rebuild New Orleans on the backs of the poorest people from the rest of the country.

This is a moral question, not a budget matter. The Republicans are building the high levees around their threatened tax cuts, while letting the flood swamp the programs that matter for the rest of Americans. This is what the debate is really all about. It is about our values as a Nation and how they are reflected in how we govern, how America should treat its neighbors, our fellow Americans, who by an accident of birth came into this world unable to see or who were born into a family without the means to put food on the table, or who had the misfortune to develop Alzheimer's. Should we let them starve? Should we tell their children they will never go to college because their parents cannot pay the tuition? Shall we turn them away from the hospitals because they cannot afford the care and do not have the insurance? Or should we as a country decide that in this land of plenty no one should go without basic human dignity?

As a Catholic, I was brought up to believe that character is judged by how we treat the least amongst us. This budget does not pass that test, and my hope is that tomorrow we as a Congress will rise up to defeat it.

Poverty is on the rise in our country, 37 million Americans are now in poverty.

A family of two in poverty—a single mother with her child—is living on $1,069 a month.

About 14 million Americans are living on half of poverty. A single mother with her child living at half of poverty is trying to survive on $535 a month.

That is two people living on $123.37 a week.

And each day in America 2,385 more babies are born into poverty.

The Republicans will say that society has little obligation to help the poor because they fail to take personal responsibility for their lives.

The United States has highest GDP in the world. We are first in military technology; first in military exports; first in Gross Domestic Product; first in the number of millionaires and billionaires; and first in health technology. But we rank 12th in living standards among our poorest one-fifth; 13th in the gap between rich and poor; 14th in efforts to lift children out of poverty; 18th in the percent of children in poverty; and 37th in the health status of our citizens.

We should be working to close these gaps and ensure that all Americans have a fair chance at life and are treated with basic human dignity.

Instead, this reconciliation plan will take away food, health care, education and the ability to live in dignity in old age from people who have no other options. This budget will proliferate existing inequalities.

I simply cannot reconcile this budget with my values because this budget does not reflect who we are as a nation and what we believe our responsibility is to other Americans.

We will be judged by how we take care of the least of our people.

We will be judged by our decision to turn our backs on those Americans who were driven to cry out HELP—We are your neighbors, your grandmothers, your children.

I urge my colleagues to vote "no" on this shortsighted, fiscally, irresponsible and immoral budget.

REPUBLICANS WORKING HARD TO KEEP DEFICIT SPENDING UNDER CONTROL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GOHMERT) is recognized for 5 minutes.

Mr. GOHMERT. Mr. Speaker, it is very difficult to listen to people come up and talk and talk and demagogue that, gee, the Republicans are letting the deficit grow so big, when the people that are talking about it keep promoting one giveaway after another giveaway after another giveaway. It seems to some of us that we spend half our time trying to fight off the incredible giveaway and deficit spending of those who are accusing the Republicans of letting the deficit get too big.

You bet, it is too big for me. I do not like it. I do not want to saddle my children with indebtedness, so we are working and fighting to keep some of those who are complaining across the aisle from giving away even more. So thank goodness there are some conservatives who are trying to keep the deficit down. Thank goodness we are making headway. Thank goodness the deficit is going to be $200 billion less than what was expected. We are making progress.

I cannot apologize for having tax cuts that go to those who pay taxes, because to give tax cuts to those who do not pay taxes is not a tax cut, it is a giveaway, yet another giveaway. After 9/11 we should have had another 1929-type depression, it was that devastating to this country. Yet because we had a President who pushed forward with a tax cut to those who pay taxes, we ended up having a mild recession and came charging back, as we continue to do.

So in closing, it just seems to me that people who are pushing for giveaway after giveaway, or runaway spending, and who then come in and complain about the deficit is a bit, it seems to me, like a herd of cattle standing around a lake complaining that the water does not taste all that fresh. For those of us who are fish that are trying to have clean water, it is just a little difficult to have people plopping stuff in the water that is just tough to swallow.

WTO NEGOTIATIONS ON U.S. AGRICULTURE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska (Mr. OSBORNE) is recognized for 5 minutes.

Mr. OSBORNE. Mr. Speaker, at the present time we are conducting some talks, WTO negotiations, involving the European Union. I would like to call attention to some figures that I think most people are not totally aware of.

First of all, if you compare the United States economy with the European Union, the United States economy is $11.7 trillion annually and the European Union is $9.4 trillion. So they are pretty comparable. The import tariffs we have on goods coming from the European Union into the U.S. are 12 percent, and tariffs on U.S. goods going into the European Union are 30 percent.

So we have comparable economies and yet a tremendous disparity in tariffs. This led to an agricultural trade deficit of minus $6.3 billion last year, which was the biggest deficit that we had with any entity that we were trading with for agriculture.

On export subsidies, the European Union provides $3 billion and we provide $31.5 million, so they are roughly 100 to 1 on money they spend on subsidizing their exports to other countries. As far as farm subsidies per acre are concerned, the United States subsidizes agriculture at $38 per acre with the European Union at $295 an acre. So this is a tremendous discrepancy.

One other set of data I wish to point out is that we have had two cases of BSE, or mad cow disease, in the United States. The European Union has had 189,102 in the European Union in the last 10, 15 years. Yet the European Union excludes our exports of beef into the European Union, our pork, our genetically modified crops, such as corn, and also poultry. So we are really having a very difficult time with the European Union when you look at all these figures.

Currently, we are having some preliminary WTO talks where we are looking at some ways to try to fix world trade, and I want to point out a couple of things.

□ 1715

First of all, we are proposing that the United States reduce farm subsidies 60 percent, which would mean that we would drop our subsidies from $19 billion a year to roughly $17.5 billion a year, and at the same time we are proposing that the European Union reduce agricultural subsidies to 83 percent, which would be a decrease from $80 billion down to $15 billion. That is a big drop, but still the European Union would be subsidizing double what the United States does. The European Union has rejected this offer at the present time.

I think it is important that people realize what happens in the next round of WTO talks will have great implications for the next farm bill which will be written in 2007 and go into effect in 2008. We are apt to see a move toward conservation types of payments, away from traditional types of payment.

We will have to be concerned about developing countries like Brazil. Brazil has land valued at $250 to $500 an acre. They have enough rain and topsoil to produce two crops a year. Their labor is 50 cents an hour. They can pretty well bury us if we do not provide some subsidy for our agriculture.

Lastly, I would like to issue a warning. We saw what happened to our petroleum industry. We found we could buy a barrel of oil from OPEC a few years ago for $10 a barrel. We began to get more and more from OPEC. Finally, we are pretty well dependent on foreign sources of oil. We cannot afford to let this happen to our agricultural economy. Certainly changes are in order, but I think it is important we proceed cautiously because we do not lose our food supply to foreign sources, which would be even more devastating than losing our oil supply to sources abroad.

CHILDREN'S HEALTH MONTH

The SPEAKER pro tempore (Mr. KUHL of New York). Under the Speaker's announced policy of January 4, 2005, the gentleman from Pennsylvania (Mr. MURPHY) is recognized for 60 minutes as the designee of the majority leader.

Mr. MURPHY. Mr. Speaker, I am joined by my colleagues this evening to talk about Children's Health Month. It is very important for all families in our Nation, and certainly an issue that concerns all of us on both sides of the aisle.

While the rhetoric of the House often echoes through these walls about cuts and people being harmed, it seems to me that is the only part of the discussion that we are taking away. Little offers are made in terms of what is needed.

What we do often hear is discussions of who is paying. Should individuals pay, insurance companies be taxed more, businesses be given tax cuts, perhaps health savings accounts, association health plans, or just have the Federal Government take over? But this should not just be an issue of who is paying, for although that is important, and how much we are paying is important, really much of this comes down to what we need to have is an open discussion of what we are paying for.

According to the National Center of Health Statistics, 83 percent of children in this country under 18 years of age have excellent to very good health. That is good news.

Now 17 percent of America's children are in less than favorable health, either to mild or severe levels. We have to make sure we do all we can to help these children have a better health future and help the rest remain healthy. According to the American Academy of Pediatrics, 6.3 million uninsured children, over two-thirds of all uninsured children in America, are currently eligible either for Medicaid or for the State health insurance programs, but they are not enrolled. There are many opportunities. I know the State of Pennsylvania, where I represent the 18th Congressional District, really has very good services and insurance for children of a low income level but we need to make sure that we expand enrollment and get those kids beyond. For those who are uninsured or underinsured but beyond the level of Medicaid, there are several things that we should be looking at to make sure that they get the health care they need to maintain their health to prevent higher expenses for emergency care.

But what this means is not just more discussions on we are cutting money out of Medicaid or other aspects. Look at what has happened to the growth of Medicaid. In 1995, and this is for all ages, Medicaid spent $150 billion. We are now up to $300 billion. About half of Americans are covered by some level of Federal insurance or health care. But the system is growing, and the concern is it is growing out of control.

While we are looking at such things as how do we pay for Hurricane Katrina's outcome in this devastated gulf region, how do we take care of so many needs, is it fair to just continue to say to the American people we are going to continue to spend more without finding ways of eliminating waste and fraud and abuse?

Let me give an example. The New York Times wrote recently about an amount of some $4.4 billion in Medicaid fraud in that State. One dentist billed for over 980 procedures in one day.

Clearly these were patients that were actually being seen. Another company used van rides for supposedly disabled people, billing those rides to the government. But these people when followed by a reporter clearly were not disabled. They walked around just fine. There is example after example after example.

I believe the American taxpayer wants to make sure that this waste, this fraud, this abuse is removed from the health care system. But it is not just a matter of that. When it comes to our children, we also have to make sure the system works with these programs in ways that optimize the health and outcome.

One of the things that I want to talk about today, along with the gentleman from Georgia (Mr. GINGREY), is transforming our health care system. We oftentimes use a tongue-in-cheek quote around here that says one of the definitions of insanity is doing the same thing over and over again and expecting different results. Indeed, in the health care system where so much money is used inappropriately and wastefully, we ought to have some changes.

From the Center of Health Transformation, they say we have this current health care system and we are trying to come up with some reforms within the network. We try things like so much money is going to pay for diagnoses. We ask for some procedures to be done inpatient and outpatient, all within that system. What happens is if this system does not change, it will lead to some decay. The system cannot continue to go the way it is. Anyone who owns a small business or a household cannot continue to operate the way our health care system operates. When we go into hospitals, inpatient/outpatient, you will see the latest equipment, the greatest skilled personnel, MRIs, PT scans, CT scans, but very often we also see that data is kept on patients on pieces of paper. We have 21st century health technology kept on 16th century monitors. What happens, people slip through the cracks. The wrong prescriptions are ordered. Tests that are done have to be repeated because someone cannot get them.

I was talking to one of our colleagues today and he was telling me how a sonogram was done of his wife who is pregnant, but he cannot get it from here back home to his wife because he has to carry it manually. It cannot be e-mailed. We take e-mails for granted, but doctors have to wait for papers to transfer locations.

What happens? Can we come up with some real changes to really help our children? Yes, if we switch to an intelligent health system that uses electronic prescribing, electronic medical records, real patient care management for our children rather than having a system that gets bogged down and collapses of its own expense and weight, we can come up with success for our children and no longer be mired in failure.

Let me describe a little bit about what we mean by managing the whole patient. A lot of what people think happens when they have an individual or chronic disease is something common, like diabetes or asthma in a child, the doctor will examine and make sure that the child has the right medications, watches their diet and the environment around them, and hope all goes well. As long as the parents are monitoring that carefully and there is communication between doctor, nurse, patient and child, you can have a pretty good system. What happens if the information does not get to the parents, the patient education is not quite there? Maybe they skip a prescription, maybe they did not pick it up on time, maybe they do not fully understand all the elements of diet and medications for complicated diseases. What does that mean? You can end up with chronic diseases, repeat tests, many hospitalizations, emergency care may be required, increasing medications, going from doctor to doctor who may not know the other medications the child is on, leading to further risks, and all of this costs unnecessary money, unnecessary time in hospitals, increases the risk for harm, and what happens, we end up paying for it.

About 10 percent of the cases that show up in an emergency room are someone who has no ability to pay, but it is estimated that 60 percent or more, 60 percent or more of patients who show up in emergency departments are nonemergencies. If in such cases the care was given ahead of time, whether it is through a community health center, a clinic, direct patient care with a physician, if we monitored and kept a careful eye on those children with chronic conditions, we could save massive amounts of money.

This is not cutting care, it is improving care. Emergency care can cost five to eight times more than outpatient care, and we can actually save billions of dollars in the system. This is where we can find savings, and in so doing we save lives as well as money. But this means we use a chronic care model and not the inefficient going to a doctor, another disease, go to another doctor.

What this involves is not just the health system, it really involves the community, the resources. What takes place, the support systems, the families, the individuals helping to make sure they are watching their children, they are educated and they know what to do. It is making sure we have a delivery system involved with making sure doctors are notified if someone does not pick up their prescriptions. A lot of this can be done with electronic prescribing notification. It is making sure that clinical information systems are there so that if X-rays are done, procedures and tests are done, that information is communicated back to the doctor.

One study I looked at said something like 14 percent of the charts reviewed the physician found that they were missing some important data. Perhaps the physician referred the patient on to have some testing done, and it was never done. In the majority of these cases, the doctor said it would affect what diagnosis they had and future tests called for.

This is not a matter of just saying we are going to cut care, this is improving care. But this also means that clinical information systems must be there. They are a critical component of health care, of having the physician and nurse and family work together. What does that do? It is a matter of having productive interaction between everybody involved. You have an informed, active patient and you have a prepared, proactive practice team.

No longer the passive system, the doctor says here is your diagnosis, here is your prescription, good luck, call me if there is a problem. If that prescription is not filled, there is a call from the doctor. It is a system of interaction between the patient and doctor to make sure they are going back and forth.

Mr. Speaker, I am not talking about things that take place only in families that have access to computers and finances to do this. A lot of this is done in areas of low income levels, of high risk populations where we really find it is much more affordable. What we need to be looking at here as Congress is when we are reviewing such things as the Medicaid system, it is not just saying we are going to lop off $8 billion or $10 billion and see what happens. It is a matter of doing more effective work.

Much like a household that says our spending is going out of control, they do not just say let us not spend any more. Every small business and family does this. They look at what they are spending, but you have to change some of your habits and make habits more effective.

The system that seems to be adapting the slowest is our health care system, perhaps because we just keep doing the same thing over and over again and expecting different results.

What the Federal Government is going to do and what we are doing here in the Republican Conference is asking those questions and demanding some answers of changing some of that system.

What I would like to do is call upon the gentleman from Georgia (Mr. GINGREY), who as an obstetrician has worked with many families, particularly in the area of prenatal care. One of the critical areas in cutting costs and being more effective in health care is dealing with prenatal care in an effective and positive way.

Mr. Speaker, I yield to the gentleman from Georgia (Mr. GINGREY) to talk about these aspects of prenatal care, and he can tell us about some of the elements of saving money by doing more effective patient care management.

Mr. GINGREY. Mr. Speaker, I thank the gentleman from Pennsylvania (Mr. MURPHY) for leading this hour during this week of Children's Health Care Initiative and calling attention to the health of our children. The gentleman from Pennsylvania (Mr. MURPHY) has worked extensively in the field of psychology, particularly child psychology. He has actually written a book and has another coming out soon on the subject. I think as we get further into the hour, we probably will discuss a little about bit about how important a child's not only physical health but their mental health is.

☐ 1730

But I do appreciate the opportunity that the gentleman has given me, Mr. Speaker, to share some of this time with him.

My background in a prior life, my professional experience was for 30 years in the practice of medicine, and the specialty that I enjoyed practicing was obstetrics and gynecology; and we have that opportunity in that field of medicine to see a child at the very beginnings of life and know how critically important a good start is. We talk about some of the things that this Republican majority has done, some of the very good programs since President Bush has been in office, certainly not the least of which is No Child Left Behind regarding our K-12 education program. But it is so important from the health care perspective that no child is left behind from the moment of conception.

So I do want to talk a little bit about the importance of prenatal care and actually call my colleagues' attention to this one poster that I have here regarding prenatal care, entitled "Proper Prenatal Care Leads to Healthy Children." No question about it. Some of the bullet points, these may be a little bit difficult to see, Mr. Speaker, but hopefully we can focus the camera in on the bullet points.

First of all, 1 million, 1 million, American women deliver babies annually without receiving prenatal care. Secondly, in the United States, more than 250,000 low birth weight infants are born each year. More than 250,000. Now, for my colleagues' understanding, a low birth weight infant is one that weighs less than 2,500 grams. That is about 5½ pounds. Those children are not all premature. In some instances they are unhealthy children who are near term, but low birth weight. But most of them, most of these 250,000 low birth weight infants are actually born premature as well.

And the third bullet point, low birth weight infants are more likely to suffer from disabilities, things like heart defects and respiratory illnesses. They are four times more likely to prematurely die than infants with a normal birth weight.

I have had many situations, Mr. Speaker, as an obstetrician having delivered over 5,000 children, where women come into the emergency room having had no prenatal care. And they are clearly the ones who are more likely to deliver these low birth weight babies and deliver them prematurely. That is why I think it is so important, and I know the gentleman from Pennsylvania (Mr. MURPHY) would agree with me, that when we emphasize the issue, the immigration issue, of securing our borders and want to make sure that every immigrant that comes into this country comes here legally and has an opportunity to get prenatal care, as, of course, many of those who come in an illegal manner are afraid or do not now how or where to get prenatal care and will just show up in the emergency room having delivered an unhealthy premature low birth weight infant, the cost of taking care of a child in that situation in the very expensive setting of an intensive care nursery, a 2-month stay, and that would not be uncommon for a very small infant, could approach easily $750,000 to $1 million worth of health care. And that, Mr. Speaker, is really just the beginning.

That is just the beginning of the cost, because if there is a disability that is long lasting or maybe even lasting a lifetime, and that is often the case, whether it is a heart defect or a musculoskeletal deformity or a mental defect as a result of lack of oxygen, sometimes even blindness, the cost is just astronomical. So it is so important, it is so important, that we do things in this Congress at the Federal level to encourage that women get prenatal care and that children are born healthy and that, indeed, no infant, not just no child left behind, but no infant is left behind.

So I just wanted to go over with my colleagues some of the things in regard to prenatal care that are so important that I always stress to my patients: of course, encouraging immunizations and vitamin supplements, monitoring of diet, increased physical activity, clearly to avoid smoking and alcohol use during pregnancy and drug use. Certainly any drug use that is nonprescription or not under the jurisdiction and guidance of a physician is to be discouraged. Environmental factors are hugely important. As I say, a healthy diet, a regular weight check, physical activity, all of these things are so important. And then to come see the physician on a regular basis during the pregnancy. This is how we avoid, Mr. Speaker, these 1 million American women delivering babies annually either without receiving prenatal care or ending up with premature deliveries.

I want to, if the gentleman would allow me, to expand on this a bit. It is not just being born healthy and well; but the first 5 years of life, what happens to the child after that is tremendously important as well. I have a grandson, little Grey Collins. He will be a year old soon. And it is so much fun to see him, and I often have that opportunity to see him, watching the little Baby Einstein tapes, that he is hugged many times a day and loved by his parents and grandparents and his aunts and uncles and how important it is to provide that love and affection to a child and let them know that they are loved, and we will get into that. I am sure the gentleman from Pennsylvania (Mr. MURPHY) will talk about that later in the hour as he discusses things like childhood obesity and childhood mental health.

But I wanted to speak a little bit about a program that we just reauthorized in the last couple of weeks here in this 109th Congress, and what I am talking about is the Head Start program. Sometimes we get criticized, we, the Republican majority, that we do not care enough about social programs and we do not care enough about the poor and underprivileged and people that do not maybe have the same opportunity that the upper middle class society has.

But let me tell the Members we do care. We do care. And this reauthorization is proof of the pudding.

Just a little historical perspective on that. Head Start and its cousin, Early Head Start or comprehensive child development programs, serving children from birth to age 5, as I stated, as well as pregnant women and their families, the critical component of the Head Start program is that it is child focused with the overall goal to increase school readiness of young children in low-income families, Mr. Speaker. The Head Start program has a long tradition of delivering comprehensive and high-quality services designed to foster healthy development in children that need our help the most.

The program provides a range of individualized services in areas of education, early childhood development, but not stopping there. It also offers medical, dental, and mental health services to these children and to their families. It even goes a step further by providing nutritional counseling and encouraging parental involvement in their child's development. It is a rich program. I have got a lot of statistics, and as we continue the hour, I will relate some of those specifics, particularly in regard to the reauthorization and how much we are doing in that program.

But I just wanted to point out, as I know the gentleman from Pennsylvania (Mr. MURPHY) agrees, how important it is that we do everything we can to make sure that our children get a good start in life. And as I have stated at the outset, the prenatal care aspect is hugely important. Programs like the Early Head Start and Head Start program so that the children, all children, when they get to that 5-year-old kindergarten class or get to the first grade, that they have an equal opportunity with their peers and they are not starting school with one hand tied behind their back. So it is hugely important that they are healthy, that they are happy, that they are loved and they have an opportunity, as we all want, in life.

At this point I will continue to be here with the gentleman from Pennsylvania (Mr. MURPHY) during this hour.

Mr. MURPHY. Mr. Speaker, reclaiming my time, I thank the gentleman for his learned information for our colleagues to be aware of not only Head Start but about prenatal care.

One program I want to mention, the National Nurse-Family Partnership, is a great example of success. It is a public-private nonprofit center. I believe it is centered in Colorado, with over 700 nurses delivering in-home prenatal care and early infant care to more than 13,000 low-income families throughout the Nation. Interestingly enough, they were able to demonstrate they could return $4 savings for every $1 invested in these services by the time the children reach age 15 by reducing expenditures for such things as special education, emergency room visits. Again, when we use a more comprehensive patient care model, we look at the whole family and not just the individual disease, we can save money and provide care.

Secondly, I also applaud my colleague for bringing up those aspects about Head Start and Early Head Start, so critically important for families who are struggling to make ends meet to have this system that really puts the parent at the center of the child's care, making sure they are involved in all the decisions, making sure they have the information they need to have, making sure that they are, in essence, put into the role of parent and not government in the role of parent; and that makes all the difference in the world.

Let me shift into another area here, however, that is also critically important and something we dealt with today. At any point if my colleague has comments he wants to make, I certainly would encourage him to do so. But this is the area of childhood obesity. Today, we passed a bill out of the House that said that we cannot just be blaming restaurants and fast-food companies and food manufacturers when someone has obesity problems. Indeed, it is something we all have to work on and have responsibility for because whether they are healthy snacks that a person eats too much of or unhealthy snacks, whatever that is, we have to make sure that we watch our diet and have proper exercise.

Unfortunately, what has happened in this Nation, I believe it may only be the State of Illinois that still requires gym class in school, and as such, children spend much more sedentary time at home, playing video games or in front of the television, less active, and eating more during that time. This is a major contributor to childhood obesity. And what has happened in the last 10 years, and look here, the proportion of obese children has tripled since 1970. It has doubled in the last 10 years, tripled among teenagers actually during this time period, and increased incidences of disease associated with that, including such things as now we see adult onset diabetes showing up in our children. We also see heart problems showing up. We see the risks that take place with blood pressures that are showing up in children who really did not have these problems before.

This is an estimated annual cost of obesity-related diseases in the United States: $100 billion. $100 billion annual cost of obesity-related diseases. This is not something that is cured by simply having government come in and tell people what they can and cannot eat. Something has broken down in our families and our communities where we are no longer telling kids they have had enough to eat or they are not going to eat any more of that or they need to get out and play.

The annual hospital costs for obesity-related disorders in children ages 6 to 17 years of age increased from $35 million to $127 million between 1979 and 2000. It is a lack of physical exercise; 38.6 percent of United States adults report they have no leisure-time physical activity at all. The annual estimated cost for diseases associated with this physical activity in 2000 was $76 million, but we know that daily participation in physical ed classes by high school students has dropped from 42 percent in 1991 to 29 percent in 1999 and continues to decline.

□ 1745

Even though we have data that continues to tell us physical exercise is critical and important, not just for a child's physical health, but really, as we are looking at ways of managing this, we cannot continue to just pump money into the Medicaid system and into our insurance systems to cover the costs of the outcome at the end of the line.

We need to go upstream and work on some basic prevention, and that means, quite frankly, mothers and fathers across America have to work on these issues of teaching their children to be responsible for their own bodies, making sure that we, as Members of Congress, are talking about these issues, but making sure as we monitor how money is spent we are much better off looking at ways that funding could be given to communities, programs, to schools, to hospitals to help make sure we are working on prevention of obesity rather than paying the high costs at the end of the line for so much of the increases in health care because obesity has continued to climb.

Now, with obesity often comes behavioral disorders as a matter of fact. Many a child I saw in my clinical practice as a psychologist oftentimes came in a child who was well overweight, teased by their peers, struggled with this on top of their other physical problems. They oftentimes got in this downward spiral, less activity, more socially isolated. Perhaps they were teased by other kids, the butt of jokes, a sad condition, and many of these children also suffered problems with mental health.

What happens in the area of mental health is sometimes in this Chamber and our Nation, we look down upon it from a couple of different angles. We see perhaps mental health problems are some sign of softness, that perhaps people should be a little tougher, take it on the chin, not be so sensitive. Sometimes I am not sure we have advanced from the days of the Salem witch trials, and blame those who suffer from mental illness and say somehow you should have done more.

Sometimes we ridicule those who are on medication. Jokes still abound on television calling people crazy, loony, out of control, retarded, in derogatory terms, for something that we continue to see in this Nation as a sign of weakness instead of a real disease.

Again, if we are going to deal with things in the health care area, to truly reduce costs and deal with patients, we have to understand in the area of children's mental health psychological disorders are real. They are not made up. They are not indications where someone is weaker and ineffective.

There is a very strong and consistent scientific basis to say that the myth of psychological disorders and psychiatric disorders has to be debunked. Kids do have real problems. Adolescents have more problems. Adults have even more problems, and all these grow when we do not deal with these problems at an early level.

There are biological and environmental causes. It is interesting, you can have some children face tremendous difficulties in their life and they do not seem to show problems in mental outcomes, but that does not mean that those who do have problems are simply weak. Just like some of us may be exposed to the flu, some of us may eat different, and be around those who smoke and never develop any symptoms at all, where others are susceptible to them as part of their own biological genetic makeup.

Again, it does not mean they are weak or ineffective. It means a combination of the biological and environmental factors that caused this. You cannot simply say if we take care of these environmental causes it will never occur. Sometimes people say, well, maybe it is poverty that causes some of these difficulties with mental illness, and that is not the case at all. Depression, bipolar disorders, attention disorders, anxiety disorders occur at all lines of children. Boys sometimes have more than others, but there is this link between biological and environmental causes. Boys have more problems, for example, with attention disorders. Girls may have different symptoms with depression, but in all cases we also see there is a commonality between parents and grandparents having some of these diagnoses that I mentioned for anxiety, bipolar disorder, attention disorder, depression and their children. Not always children, but certainly some where you have significant environmental stresses and reactions which interact.

We may see, for example, as the outcome of the hurricanes in the gulf coast that there will be some children who live through tremendous trauma, and they may have some post-traumatic stress reactions, but it may never reach the level of post-traumatic stress disorder. It becomes a longer term debilitating factor, exhibited, for example, as such things as depression, trouble concentrating, nightmares, et cetera. It may never reach that level because they may in their own biological factors have resilience, but their family may be there to support.

The other things here is to understand that psychological disorders do respond to treatment. This may be pharmaceutical; that is, medication, and it certainly is also matters of counseling and therapy. This is not just a matter of talking to someone, giving common-sense ideas. This is a matter of very strategic, scientifically based things such as cognitive behavioral therapy to work with patients.

We know, for example, that children with depression respond fairly well, pretty well, to some of the talk therapy or counseling to help them understand strategies to deal with problems in their life, recognize the symptoms and do their own intervention themselves to change those symptoms.

But we also know when people move from moderate to more severe levels of depression, medication, it is pretty darn helpful and sometimes almost necessary for them to have that. It does not help when we have movie stars out there saying there is no such thing as mental illness, an irresponsible statement. It does not make things go away just because you wish it to be so. I do not want situations put upon our country where we see that, again, people from Hollywood are saying, well, there is no such thing as mental illness, and therefore, we do not treat it. That is wrong. We do know that they can respond to treatment, and it is important we continue to fund in areas of Medicaid and everywhere else, Medicare, psychological, psychiatric treatment because it is helpful.

We also need to, however, carefully evaluate the treatment, the planning and follow-up assessment of these. I will give you a couple of examples.

Last year, there was a lot of discussion about some anti-depressant medication, and when some children took it, there was a higher risk for suicidal thinking, suicidal ideations we call it. What did not come up in those discussions are a couple of important factors. One, 75 percent of psychiatric medications are prescribed by nonpsychiatrists. They may be highly qualified physicians. In many cases, they may be general practitioners, pediatricians, family doctors, obstetricians. Seventy-five percent, however, and they may or may not be doing the other follow-up that is necessary.

What anti-depressant medications do is they can change a person's mood. They can help change the chemical, biological reaction that a person's central nervous system and brain of how they process stresses that can lead to the debilitation of depression, but it does not change the way a person thinks. That is why it is so important that we make sure we are funding programs that also provide the psychological therapy for children to help them understand what these thoughts are, to help them change the way they are thinking about the world so as they start to feel better they do not have more suicidal risks.

Interestingly enough, one of the things we oftentimes taught medical students in medical schools is once patients start getting better with symptoms of depression, the risk for suicide may increase because the support systems back off and they say Johnny's feeling better, we do not need to have him in the hospital or do not need to be around him as much. Perhaps people are no longer monitoring the person 24 hours a day. They start to go back to school, face more stresses.

As they are getting their energy up, as they are back in the world and thinking if we do not change the way they think with depressive thought patterns, if we do not interrupt that and change it, you can actually increase the risk for suicide. That being the case, we have to make sure that as we are looking for more effective ways of spending money, the taxpayer dollars in Medicaid and Medicare and Head Start that we are working comprehensive care with the patient, with mental illness as well, such problems as I said before about bipolar; that is, manic depressive illness, attention deficit disorder, anxiety disorders, all of these with a strong genetic component and elements where we can make huge changes in people's lives.

It is something that we need to make sure we are no longer just criticizing about overprescribing or perhaps saying that too many kids are getting stimulant medication with attention disorder; we should or should not do this.

Here is the crux of this. It really is a matter of having accurate diagnosis and treatment and making sure that we are not overmedicating or undermedicating our children. Somehow in this Chamber we politicize this to somehow think we are doing something wrong in both areas of the conservative far right, the liberal far left, somehow accuse maybe there is some conspiracies involved in this, and there is not. It is a matter of making sure the physicians have the training to deal with this. They are interacting a comprehensive care model, a patient care model, disease management model, together with people of various professions and working closely with the families.

We see this in the area of children's health when you start to look at so many aspects here that you really can make some huge differences.

I would like to point to a couple of things here and then call upon the gentleman from Georgia (Mr. GINGREY), my colleague, on a couple of questions. But one of the things to keep in mind about depression, which is one of the most common mental illnesses affecting more than 19 million Americans each year, that it can cause longer lasting forms. You can lose pleasure in life, complicate other medical conditions, can lead to suicide, but it is also associated with many other medical issues.

For example, cancer has a higher incidence of depression, stroke. Diabetes, people with diabetes have a 25 percent chance of having depression. That is higher than the rest of the population. Depression also affects as many as 70 percent of patients with chronic diabetic complications. People with heart disease, 40 to 65 percent of them will have depression, and what is interesting is untreated depression in these patients can lead to complications, such as the health care costs can double.

Now, I ask the gentleman from Georgia (Mr. GINGREY) on this, he certainly treated many a patient who had medical complications as well as some of the psychological ones, and I would like to ask him, in looking at some of these more comprehensive chronic care models, of how we need to be moving forward in a modern system of health care and not be just looking at individual disease, but how looking at more advanced forms of bringing technology and changing the system, how he sees that affecting the patient in a cost-effective way.

Mr. GINGREY. Mr. Speaker, as the gentleman pointed out, and he is so right, we need to move into the 21st century in regard to our health care system and modeling. Just trying to come up with better drugs and the latest surgery techniques to treat complicated illness is not enough. We really need to focus on preventive care.

You are talking about in the last few minutes, of course, your specialty, in talking about mental illness, and as it relates also to childhood obesity, and I could not help but think as I was listening to your discussion, and as you know, this week we just passed H.R. 554. H.R. 554 is the Personal Responsibility in Food Consumption Act of 2005. This is a bill my colleagues are aware of the fact it would not allow someone to sue a fast food manufacturer because they have gorged themselves with a multiple number of Big Macs or any other kind of fast food, or sometimes what we refer to as junk food. It is not the fault of the food industry.

I used a little analogy when I was talking about this on the floor yesterday in discussing the rule of my belt, which is a size 36. That is, I hate to admit, the size of my waist, but if I wanted really out of blind pride to suggest that I had a 24-inch waist and I cinched that belt down a couple of notches, in doing so, I put pressure, compression on something referred to as the lateral femoral cutaneous nerve, it would result in a condition of numbness and lack of feeling on the anterior thigh. Then should I go out and sue the belt company because they are at fault because I misused a product?

This is what this bill, of course, is all about, a common-sense type bill.

Parenthetically, Mr. Speaker, I also want to mention the gentleman from Florida (Mr. KELLER), the author of the bill, our good friend and colleague, is actually in the hospital now and recovering hopefully from a fairly minor condition, but we want to pay tribute to him. I know he is proud that we passed this bill this week.

The comment that I wanted to make is this issue of personal responsibility, and parents should have that personal responsibility obviously in the way they conduct themselves in regard to how they eat and a healthy diet and exercise, but even more importantly is the responsibility that they have to give a good example and instruction to their children.

I think it is probably the worst form of child abuse to let these youngsters that at a very early age overeat and become obese. You have talked about the issue of poor mental image, self-image, and of course, I also see you talked about Hollywood and, of course, this issue of there is no such thing as mental illness. I think probably they might predominate in some of those diseases, which we categorize as mental illness.

But quite honestly, when a child goes to school and there is this emphasis on thinness and you see these youngsters wearing these Britney Spears' jeans and that sort of thing, a child even a little bit overweight and certainly one that is significantly obese, of course they are going to have a poor image of themselves. They are going to withdraw, and they are going to become shy. It is very likely they are going to be picked on. How in the world can they grow and develop with a healthy self-image? No wonder they end up needing to be counseled and treated by the gentleman from Pennsylvania (Mr. MURPHY) and other mental health care specialists.

Yes, unfortunately, some even go on to harm themselves and possibly even commit suicide. So I guess the most important thing that I would want to say as a physician Member is that we need to prevent this.

□ 1800

We need to make sure that parents get the message that they have an obligation, not just to take care of themselves, but first and foremost to take care of these precious children that they bring into the world. It is their responsibility to make sure that they are from the very beginning, when they start eating at the table, to make sure that they are healthy and stay healthy so you do not have to have them ending up in your office treating them for not only mental illness but also the many complications of obesity.

You mentioned them. You mentioned diabetes, high blood pressure, so many things. And talk about the cost to this health care system of ours. We always talk about waste, fraud, and abuse in the Medicare and the Medicaid programs and wanting to eliminate that, and we are very diligent and will continue to be so. But this is almost a no-brainer. It is like we heard former Speaker Newt Gingrich say to a group of us earlier today, and the gentleman from Pennsylvania was a part of that as we had him come to speak to Members of the House. We are not talking about low-hanging fruit here in regard to saving money and saving lives. We are talking about fruit that is lying on the ground sitting there rotting waiting for us to pick it up. So clearly that is what my message would be in regard to that.

Mr. MURPHY. I thank the gentleman. I asked about another issue, too, which is one that is so critically important for children. My colleague from Georgia had mentioned before, during pregnancy, smoking being one of the risk factors. I believe that the sad statistic is that the Pittsburgh region has some of the highest maternal smoking rates during pregnancy in the Nation. My understanding is a lot of complications can come when you have a mother who smokes during pregnancy. Certainly an important part of prenatal care for our children is understanding the importance of helping a mother to stop smoking during that time.

I wonder if the gentleman can comment on some of the complications that might come for that mother and that baby not only during labor and delivery but the long-term effects for that child when the mother smokes during pregnancy.

Mr. GINGREY. Without question probably the most common condition that we see in smoking moms is something called toxemia of pregnancy. Toxemia, by the very word, it is a poison. We do not know exactly what that poison is, but something occurs in those moms that develop toxemia. It is not always because of smoking, but frequently it is. And also so often that condition will lead also to pre-term labor and delivery and one of these low birth weight infants.

In the extreme, toxemia of pregnancy before birth results in a very, very high blood pressure. It can cause a stroke, a deep coma, one from which sometimes the mother never recovers and the child is lost. So we are talking about one of the worst complications of pregnancy other than just out and out exsanguination from bleeding, which is also a possibility in any pregnancy.

But smoking, we see that condition more often. And then, of course, childhood asthma, which I am sure the gentleman has seen plenty of cases of that, youngsters that come in because there is that secondary smoke situation. Not only do they have to suffer with it during the 9 months of pregnancy of their mom; but once they are born, that smoking continues in the household. So it is a huge complication, no question about that.

Mr. MURPHY. Also, it is related to, my understanding is yet so many other aspects come from this that you may find in such children also eating disorders and diabetes and cancer risks even if that child never themselves smoked cigarettes. But the risks are huge. I believe a direct and indirect medical cost of smoking in this Nation is about $138 billion per year.

Of course, another reason why I believe it is so important not only for the government but really for individuals and businesses to focus so much on helping to change that is the State of California, for example, estimates that their statewide tobacco prevention program during the 1990s resulted in overall cost savings of $8.4 billion in health care. That is pretty remarkable.

Again, unfortunately, the way the Congress scores things with the Congressional Budget Office, when we talk about starting programs that would actually save money, my colleagues are aware of this, we never can get an accurate measure of what it actually saved because of the way the CBO, the Congressional Budget Office, scores things. It is not how much you save, but how much you spend. So if we would do similar things that would lead to a smoking cessation during pregnancy, and it might cost X number of dollars, the CBO would score that but never tell us how much money it would save over time. That is something that frustrates all of us because the things we are talking here tonight really require some expenditures to get these savings.

Businesses are picking up on this. A recent review of health promotion and disease and management programs in businesses that provided health education to their employees, including exercise, health-risk screening, weight control, nutrition information, stress management, disease screening, and smoking cessation, found a significant return in investment, saved about $1.50 to about $5 for every dollar spent in the program.

For example, Motorola, their wellness program saved the company about $4 for every dollar invested. Northeast Utilities' program in its first 24 months reduced some of the claims by about $1.4 billion. Caterpillar Company, they had a program that saved about $700 million. Johnson and Johnson's health and wellness program saved about a couple hundred dollars per employee per year.

What is interesting here is how much we can save and what we have to look at here. And I call upon my colleagues, we need to make some fundamental changes in how CBO scores these things. We have got to stop just looking at how much it costs up front and look at how much it saves in the long run. Again, I look at such things as if we are able to have more people go to federally approved health centers, community health centers in their community instead of showing up in the emergency departments, yes, it may cost money; the President called for a couple billion dollars to put into those community health centers. But if it is one-fifth of the cost of going there rather than the cost of going to the emergency departments, that is a massive cost savings.

Certainly I call upon my colleague, too, it is one of those things you have seen as well, how do we get these prevention issues begin to be scored. It is of fundamental importance to health care.

Mr. GINGREY. The gentleman is so right, and I appreciate the opportunity to weigh in on this issue.

This issue of scoring, as the gentleman is talking about, it reminds me of course of the debate during the Medicare Modernization and Prescription Drug Act that we passed in December of 2003. Of course, that part D will go into effect and the modernization piece is already in effect for Medicare, but part D, the prescription drug part, will start January 1. But all we heard and continue to hear, particularly from the other side and for those nay-sayers who keep wanting to talk negative about really a very good program that is going to be a Godsend for our neediest seniors, I talked about this on the floor, my colleagues I know heard me last night. But the talk, the emphasis is on the cost of part D, and the cost estimate is based on the number of seniors that participate ultimately.

I do not think anybody really knows, Mr. Speaker, what that number will be; but at one point it looked like the CBO said, well, it is going to be $400 billion additional Medicare cost over a 5-year period of time. Then those numbers were revised, and then we were hearing as much maybe as $750 billion. That is the scoring that the gentleman from Pennsylvania is talking about, and my colleagues understand what he means. You get no credit for the fact that many people who sign up and, yes, there will be an additional Medicare cost for them on this part D program, but the fact that they are able to take those medications, they can finally afford to take that statin to lower their cholesterol and that medication, that insulin to lower their blood sugar or whatever antihypertensive to lower their blood pressure, guess what, we get less spending on part A, the hospital part, when you end up in the emergency room with a stroke because you could not take your medicine, or you end up on the operating table for your coronary bypass or maybe even worse an amputation or a kidney transplant, and then you have this huge cost to the physician under part B.

The truth of the matter is, and what the gentleman was emphasizing, is that you get no credit for saving those costs, not to mention the fact that it is so much more compassionate to spend money on prevention rather than treatment, particularly when the treatment sometimes is not very successful and a person could ultimately be in a nursing home for years and disabled for the rest of their lives.

I will take it a step further before turning it back over to my colleague. It is the same thing, this scoring issue, in regard to the tax cuts that this Republican leadership has effected over these past 3 years. The scorers, the CBO, the number crunchers say, well, these tax cuts, the elimination of the marriage tax penalty, increasing the child tax credit from $600 an infant to $1,000 a child, giving small business men and women an opportunity to more rapidly depreciate investment in bricks and mortar and creating new jobs, all of these things, elimination of the death tax, no taxation without respiration I firmly believe in, the scorers said that was going to cost us $1.3 trillion.

My colleague remembers that. And a lot of people said, oh, we cannot afford that. What are we doing cutting taxes? Well, after about a year and a half, when we looked at our revenue stream, what was the result? We had about 225 billion more dollars, which on the scoring side we get no credit for.

So the gentleman is so right. So many of these things that we are talking about tonight in this hour, these innovations, these community health centers that the President has funded, recommended, and feels so strongly about, on the scoring side you get no credit for; but we do save money, as the gentleman points out. And just think, also, it is the compassionate, conservative thing to do for the American people.

Mr. MURPHY. I am reminded of the story of the fellow who was on his hands and knees late at night under a streetlight in the city, probably had too much to drink, and a police officer sees him and says: Excuse me, sir, what are you doing? The gentleman says: I am looking for my car keys. And the police officer says to him: Well, where did you lose them? He said: I lost them down at the end of that dark ally down there. And the policeman says: Well, why are you not looking for your keys at the end of that dark ally over there? And the gentleman says: Because there is more light over here.

Sometimes I think the way we look at these medical issues, instead of looking at the cost savings involved with prevention, we simply are able to look at how much it costs us up front because it is easier to find that data. It is tougher to pay attention to prevention.

My colleague brought up some great points. Prenatal care, Early Head Start, Head Start, what that contributes to in helping save problems. We talked about community health centers and spending money. I like the President's plan of a community health center in every county in America where there is poverty and an uninsured, can help reduce emergency visits by four-fifths, the cost of the emergency visits. It is an incredible amount of savings, but not one that we can get those scores for. And it is one of those things where, unfortunately, the political rhetoric comes through in this Chamber, and I do not know of anybody who has ever been cured by a floor speech, but it certainly is one where there is just so much talk that continues on, spending too much here, spending too much there. We need to pay attention to spending too much.

The problem is not what we are spending, but what we are spending it on. And if we are continuing to spend on wasteful or fraudulent or abusive or simply health care issues that are not taking care of the disparity of outcomes between, for example, low socioeconomic families, families that are struggling to make ends meet and feel they do not have the money to pay for their doctor visits, and those that may be in poverty, we need to work on those disparities of outcomes and make sure that we take care of those children early on; and that is why the issue of community health centers for our kids is so critically important. But, again, some will say we are spending too much, causing the budget to go up, and we cannot get the proper numbers.

Now, some of the public that may be listening is wondering why we are even talking about the CBO. But that is, unfortunately, the way this Chamber operates now and that people oftentimes look at those numbers. We have seen tremendous inaccuracies in those numbers. My colleague from Georgia spoke about those inaccuracies when it came to looking at things such as the death tax and them being off over $1 trillion in their estimates. But also it is one of those things in health care, too.

Think about this: if you take a medication that costs you $50, but it may prevent you from having a heart attack and further hospitalizations, surgery, disability, workers comp, losing your job, having the family require other care, that is a massive amount of cost savings. But, instead, we may focus on only that aspect of the cost of that medication, instead of all the other costs that are saved there. When we look at what we are doing with children's health, it is so critically important that we look at the big picture here as well.

Now, I am going to see if my colleague has any final comments to make in this area of health care. Barring that, I just want to mention a couple of final comments here.

□ 1815

We are certainly the stewards of the people's money, and although we are not here to take the place of the family, we are here to do sometimes what Abe Lincoln said. President Lincoln said, "Governments should do that which the people cannot do for themselves."

Now, in the areas of such things as food and consumption, people and parents ought to be watching what they eat. Well, what we also ought to be doing ourselves is working along with physicians and schoolteachers and people in the community to make sure our kids are healthy and safe and exercise and eat right.

But we also have to make sure we are working at comprehensive care, real patient care models, that involves nutrition and exercise and prevention and mental health, and integrated care of all of those things together. If we are truly going to do what is right and decent and honorable for the next generation, it is a matter of doing what is right in health care.

It is a matter of pooling our resources together and looking at the answers, to be science-based and not emotion-based on this. The science tells us we have things we can do, but we are not yet doing. The science tells us when it comes to managing the disease it is not appropriate to just look at that individual disease, but to see how it operates in the context of the child and their family.

This is true compassion. This is where we will save lives. This is where we will save money. This is where if we do things like looking at electronic medical records, and make sure that every hospital around the Nation has this, and providers and pharmacists have these, you can find out these things and work on them together.

That is what takes place in States like Nebraska and other hospitals around the Nation. We have here an opportunity to make a huge difference, to save lives by the hundreds of thousands, and to save money by the hundreds of billions of dollars. We have that opportunity before us.

The question is, will we have the courage to work together in a bipartisan manner to do it? My hope is that our colleagues drop the gloves on this, put down the swords, stop looking for opportunities to send out sound bytes and to have people make phone calls and use it as political fodder, but instead to be able to look our constituents in the eye and say when we were all here, when we were all granted the authority to do something about America, we took an opportunity to save lives and save money, and we ought to start with our children.

I thank my colleagues.

DEMOCRATIC ALTERNATIVE TO CUTTING THE BUDGET

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from South Carolina (Mr. SPRATT) is recognized for 60 minutes as the designee of the minority leader.

Mr. SPRATT. Madam Speaker, as we gather here tonight to talk over the problems of the budget, our colleagues on this side of the aisle, the Republicans, are locked in a dispute over how to pay for Hurricane Katrina, the cost of which could fall between $100 and $200 billion, maybe even more, for the Federal Government alone.

Some, for the most part their most conservative Members, have proposed big cuts in programs that range from student loans, to Medicaid, to food stamps, about $50 billion in spending cuts spread over 5 years.

They present these spending cuts as a way to offset, partially at least, offset the spending increases that the response to Katrina and Rita are going to require. But in actuality these spending cuts will not go to offset Katrina, because the Republican budget, the budget resolution operative for the year 2006, the resolution to be brought to the floor to be amended, already calls for $106 billion in additional tax cuts, $106 billion in new tax cuts.

And when these new tax cuts are passed, the spending cuts proposed, ostensibly to offset the cost of Katrina, will instead go to make up for the loss of revenues due to the $106 billion in tax cuts. Since the spending cuts are $50 billion and the tax cuts are $106 billion, none of the spending cuts will ever make it to the bottom line where they might otherwise be available to offset the cost of Katrina.

So the first problem that we as Democrats have with what our Republican colleagues are pushing is that it is not what it purports to be. It is not a plan to pay for Katrina. It is a plan to facilitate $106 billion in additional tax cuts.

The second problem that we as Democrats have with their plan is that we believe the cost of helping one State sustain the catastrophic loss and cost of a natural disaster, a disaster like Katrina, Hurricane Rita, should be borne by all of us, by all of the States, should be a matter of shared sacrifice, has been in the past should be in future, it works and it is right.

But we do not believe that those least able to bear the costs should be saddled with the lion's share of the load. And yet that is exactly what their plan will do, because they are pushing a plan that will pay for the cost of Katrina by coming down hard and heavy on the backs of students borrowing to pay for their college education, on the sick whose only access to care is through Medicaid, and on the very poor who depend upon food stamps to feed their families.

This is just some of those on whom the cuts they are proposing will fall, and the reason we are proposing alternatives and opposing the plan that they are bringing to the House floor. What we have coming before the House is a plan for spending cuts that basically and simply does not achieve its stated purpose, because it does not go to cover the cost of Hurricane Katrina, and the spending cuts it does select, whether they are used to offset tax cuts or offset the costs of Katrina, as I have said, come down on some of these who are the least able to sustain and bear them.

It is fair to ask, I think, as we begin to consider such a program, why is it we are insisting upon offsets for rebuilding Biloxi or Bay St. Louis or New Orleans, but not insisting on offsets to pay for rebuilding Baghdad or Mosul or Basra.

Well, one of the reasons I believe that we are experiencing this newfound interest in offsets that might diminish the deficit is that the evidence of a swelling deficit that is not going away, it is a structural deficit, built into the budget, not a cyclical deficit deficit based on the ups and downs of the economy, one that is going to be with us for a long time to come because of fiscal decisions that were made in 2001, 2002, 2003 and 2004, is becoming so obvious, so widespread, so obvious, so significant that it simply cannot be denied.

I mean, after all the basics are apparent and they are well known. As Yogi Berra used to love to say, you can look it up, it is a matter of record. Back in the year 2000, we had a surplus of $236 billion. Matter of record. The budget was in the black by $236 billion, unprecedented. That was a budget that was inherited by Mr. Bush.

Today, just a few weeks ago as a matter of fact, the administration closed the books on fiscal year 2005, and when they closed the books they finally declared the balance at $320 billion. And they took some credit because that deficit is actually smaller than the deficit in 2004, which was $412 billion. But a $320 billion deficit is nothing to crow about.

Look at what has happened over the last four fiscal years. The simplest way to show it to you on the back of an envelope is to look at how many times our Republican colleagues have had to vote to increase the debt ceiling of the United States, and what those total increases come to since 2002.

This chart shows it to you very, very clearly. It shows that in June of 2002, despite the administration's assurance that we would not have to increase the debt ceiling, the legal limit to which the United States can borrow for another 8 years, they were back a year later saying we need an increase this year of $450 billion.

Then in May of 2003 they came back and asked for an incredible amount, $984 billion. You would think that big an increase would take you at least several years. This request was approved on May 26, 2003. By the summer of 2004 the Bush administration was back. Secretary Snow came back hat in hand saying we have just about run through the $984 billion increase you allowed us last year, we need another $800 billion increase, and before we could leave for the winter break, last November, that had to be passed.

Finally this year, we had a budget resolution on the House floor, passed the Senate, has now been passed as a concurrent budget resolution. It calls for an increase of $781 billion in the year 2006.

If you add all of these debt ceiling increases together, you will see that to accommodate, to make room for the budgets of the Bush administration over the last four fiscal years, we have had to raise the debt ceiling of the United States by $3 trillion, 15 billion.

So why do we have this newfound interest in offsets? It is because the budget is becoming undeniably unsustainable.

I yield to the gentleman from Wisconsin.

Mr. KIND. Madam Speaker, I thank the gentleman for yielding to me, and also thank him for the leadership that he has provided on the Budget Committee and highlighting this very important issue.

I know people back home hear a lot of these numbers and figures about debt ceiling and the growth of the Federal budget deficit every year. But what is different this time I think is the most disconcerting aspect of what you are talking about this evening, and that is this new debt that is being created is not owned by ourselves any more. We are dependent on foreign entities; namely, China and Japan, as the number one and number two purchasers of this government debt that we are racking up.

These are IOUs that are going to those countries rather than to our own citizens or to our own investors in this country, and we are becoming more and more beholden to those interests, especially China, in order to help us finance these deficits.

From my perspective, I think it is incredibly dangerous and not in our best long-term economic or security interests to be so dependent on China to be financing the deficits of this magnitude, which have been taking place in recent years.

Mr. SPRATT. Madam Speaker, the gentleman is absolutely right. First of all, foreigners are picking up the lion's share of our debt for now. It cannot go on forever. We know that. No borrower can go back to his creditors continually and endlessly and ask to borrow more and more.

But it has had an effect. It has kept interest rates low, because foreigners are borrowing our debt. When they quit buying it in large shares, we are going to see a rise in interest rates, it is going to have a significant effect on our economy.

Let me just show you the path we are on right now, to illustrate why the word not on a "sustainable" path has become commonplace in Washington today. Our trade deficit, our budget deficit are simply not sustainable paths.

This September, just a month or so ago, CBO, by law, presented a budget update, economic update which they are required to present. We asked them to take this projection of the economy and the budget over the next 10 years and adjust it for assumptions that would capture the essence of the Bush budget.

For example, we said assume that the tax cuts passed in 2001, 2002 and 2003 will be extended when they expire in 2009, 2009 and 2010. We asked them to assume that we fix somehow the alternative minimum tax so it only affects the same number of taxpayers as it affects presently.

We asked them to assume that there will be a drawdown beginning next year, this year, in the troop levels in Afghanistan and Iraq to the point where there are about 20,000 in each theater, and there will be a steady state like that.

And we asked them to assume that the President's proposal for Social Security privatization is enacted. Factor all of these into the budget. Extend the budget out 10 years. And CBO, we said, tell us what the results are. And here are the results on this chart, and they are very stark.

The budget deficit for last year, 2005, was $319 billion. Under the assumptions I have just outlined, that deficit will go to $640 billion. It will double over the next 10 years. The debt of the United States held by the public and held by foreigners will increase from $4.6 trillion to $9.2 trillion. It too will double.

And debt service, the interest we pay on the national debt, net interest that we pay on the national debt held by the public will increase almost threefold, going from $182 billion to $458 billion.

That is why we say there is a debt tax implicit in this budget. There may be tax cuts today, but tomorrow if there is one thing obligatory in the budget, it is interest on the national debt.

□ 1830

It has to be paid or the credit of the United States will collapse. And look at what we are leaving our children, the burden we are leaving them to bear and the increase in debt service which buys nothing for the government, breeds cynicism of our government because when the citizens are paying $458 billion in interest on the national debt and seeing nothing in return for it except for the fact that the bond holders of America are getting interest payments, they get cynical for what government can do for them for charging such high taxes and doing so little in return.

The debt of the United States will increase from 37 percent to 46 percent of the GDP. That is the path we are on now, and that is the path everyone knows is not sustainable.

Mr. ETHERIDGE. Madam Speaker, I think what the gentleman has pointed out, if our colleague were taking in context of where we were on 9/11 when New York was hit, we had a surplus, and when that hit we had the resources of this government, as bad as it was, to help put this thing back together.

Mr. SPRATT. We had some resilience.

Mr. ETHERIDGE. We had some resilience. We had balance. We did not have to say we are going to look for offsets to help the people of New York get back on their feet. They are still recovering, but we did the right thing.

I was down in Louisiana last weekend with members of the Committee on Agriculture. That is what makes this such an important night in what we are doing.

We went to the food bank, the food bank in New Orleans, and really for Louisiana and the larger area the food they handed out last month was half what they had given out in one month the whole year last year. And we are looking at folks who have lost their jobs, who have lost their homes, who have lost everything they have, and we are saying that in this budget that we are going to offset against those folks?

The gentleman has pointed out so many times we in this country help one another. It is not about taking from one group to fix another group. And as we look at these numbers, we literally are taking from our children and our grandchildren so folks today can live the high life. That is wrong.

In the budget cuts we are going to be seeing coming down the road, the result of some of the policies that have been put in place over the last several years, we are going to see children denied an opportunity for education, a higher education. We are going to see heating bills for folks going up this year because of energy prices going through the roof, and they will not have money to pay those bills because we will not have the resources to help. These are the consequences of bad policy decisions that have been made in this body.

Mr. SPRATT. They are becoming so abundantly evidenced that they cannot be overlooked or denied any longer. That is the point I am trying to make.

Mr. ETHERIDGE. Absolutely. The gentleman is right on target.

I saw that this weekend firsthand and I am sure others have as they have been there. This is important that we share this with our colleagues and folks tonight so they will understand that budgets are things that you do not pay much attention to sometimes until, as we say back on the farm, the chickens come home to roost, and they are not coming home to roost.

Mr. SCOTT of Virginia. Madam Speaker, I would like to thank the gentleman from South Carolina for his comments. I want to get back to the chart where he has debt service in 10 years of $458 billion. When you use big numbers like that, sometimes I like to put them into perspective. At $45,000 each with that money which is just going down the drain, you could hire over 10 million Americans for $458 billion, at $45,000 each, 10 million. There are less than 9 million unemployed today, drawing unemployment. So that is just money right down the drain.

You can hire everybody that is on unemployment, have money left over, and a $45,000 a year job for the money that we are going to waste on debt service because we have let this deficit get out of control.

In the deficit for 2015, the gentleman has listed $640 billion. We need to put that number in perspective. The entire revenue from the individual income tax, what everybody pays in individual income tax, is approximately $800 billion. They have overspent, gone in the hole $640 billion. You just wonder how bad it would have to get before they realized that this just is unsustainable.

Mr. SPRATT. Let me make two points before I yield again.

First of all, we all believe that disaster relief should be a program of shared sacrifice. We should all want to pitch in and help the people of New Orleans and Bay St. Louis and the gulf coast. No question about it. But when you spread that burden across our whole country, and that is the way we should do it, it should be spread equitably and evenly and fairly.

The second problem we have with what is being proposed and pushed right now, is that the costs would not come down evenly and equitably, but they would come down heavily on, in many cases, those least able to bear the burden. We do not think that is the way it should be done. We are not saying it should not be paid for in some respect or stretched out over time. We are simply saying, when and if it is paid for it ought to be equitably distributed.

Let me make one other final point by saying that if you look at our charts here you will see that in the year 2015, way down here in the corner of this particular chart, the deficit will be $640 billion. That does not assume anything for Hurricane Katrina because it had not happened when these numbers were run.

If you factor Hurricane Katrina in at today's level expenditure in that year the deficit will be about $645 billion. So the problem in the outyears here is not Hurricane Katrina. It is budget and fiscal decisions that were made in 2001, 2002, 2003, 2004 and are still being made today through 2010 with the insistence that all the tax cuts passed then have to be renewed. That is what is yielding you these outyear deficits. This budget that gets worse and worse by the year.

Mr. KIND. Madam Speaker, what is equally troubling and if not more so is that the gentleman is talking about the prime retirement years of the baby boom generation. We all know we have an aging population in this country and that is when that demographic time bomb is about to go off. Unless or until this Congress, working with the administration, can turn this fiscal scenario around, it will be virtually impossible for our children and grandchildren to meet the burdens that are piling up on them today because of the demographics in this country. That is why it is important that we have this discussion tonight so hopefully we can bring some fiscal sanity back into the economic decision of this body before it is too late.

Mr. SCOTT of Virginia. I would ask the gentleman from South Carolina (Mr. SPRATT) to explain this.

Mr. SPRATT. That is essentially on a linear graph, what we have here in a simple table. It shows a blip for Katrina but basically it adds very little to the outyear deficit.

Mr. SCOTT of Virginia. So the outyear deficit is essentially the same whether you pay for Katrina or not. That it is really a blip on the screen. So whatever our fiscal problems are, Katrina is absolutely irrelevant because that is only a blip on the screen.

This is the size of the deficit, the solid line without Katrina, the dotted line with Katrina. And after a couple years, you do not notice the distance.

Ms. McKINNEY. I will not take much time but I want to change the thrust just a little bit because I want to talk for a half minute about our education President.

Now, it is my understanding, and I hope the gentleman will correct me where I am wrong and you will amplify what needs to be amplified where we are right, but our education President has underfunded No Child Left Behind by $39 billion. Now, he has also cut technical education, cut student loans, cut the grants available to students who want to go to college. And so basically they, the people who are making public policy in the Congress these days, are a bit out of touch with the way the rest of us live. We, our children, and those of us who are still students, rely on the funding that is available in the budget so that we can have the workforce for tomorrow being prepared today, and that is not the case.

But the one thing I just want to say is, it is my understanding that all of these cuts in education can be likened to a student tax, and so I would like for the gentleman to amplify on that but I would just like to say that we had a minor, modest victory in the State of Georgia just yesterday because the courts in the State of Georgia turn back a legislative initiative put forward by the Republican controlled legislature and our Republican Governor. That was the much maligned the Voter ID bill.

This Voter ID bill would have put a two-tiered structure in place for people being able to vote. That was a poll tax and the poll tax was turned back. Now we have got a student tax, a learning tax.

Could the gentleman please talk to us about the impact of these cuts on the ability of us to prepare our young people for tomorrow's jobs but also how this becomes a learning tax on young people?

Mr. SPRATT. Madam Speaker, I think the gentlewoman will agree that the essence of America's opportunity and the essence of opportunity is a good education, and what we are seeing in this budget is diminishing money every year for education. For example, the signature program of the Bush administration was No Child Left Behind and many voted for it on the assumption that there would be, yes, more accountability, higher standards but there would also be more money.

And now, 2006, the difference between what was authorized and expected to be committed to this program and what is actually being made available in this budget is about 8, $9 billion. The number the gentlewoman gave was a cumulative number since the adoption of the bill. In addition, in order to make what is provided for the additional Title I funding available, the Bush administration has proposed to cut or kill about 48 educational programs. A lot of them are small programs, but they are the Eisenhower Science and Math Program.

We just had a blue ribbon commission say we need to be investing more in science and math education if we are going to make it to the future and sustain our style of living.

So we see a faint hearted commitment in name, in slogan, No Child Left Behind, but the dollars do not follow the children to the extent that we all expected when we voted for the bill in the first place, no question about it.

Mr. KIND. Madam Speaker, I thank the gentlewoman for Georgia for raising this issue. I am a member of the Committee on Education and the Workforce along with the Committee on the Budget, and we are looking at under the majority party's budget reconciliation proposal of having to come up with close to $15 billion worth of cuts out of the education and workforce authorization budget at a time when, as the gentleman from South Carolina (Mr. SPRATT) has just indicated, we need to be ramping up our investment in the workforce development of this century with our students and with the youth so that they have the skills and the tools that they need to compete successfully in what is a rapidly shrinking world and an incredibly competitive global marketplace.

The reports are coming out almost daily in regards to how we are underfunding or not supporting programs to encourage more math and science and engineering students in this country.

Earlier this year I spent 2 weeks in China doing a higher education tour there. They are investing heavily in their education infrastructure. They are graduating more English speaking engineers from their own Chinese schools than we are here in the United States. And if this trend continues, if we continue to sleepwalk through all this, there will be serious consequences that we will be paying in short order as we move forward, and this is where fiscal mismanagement and the misplacement of priorities come back to haunt the future prosperity but also the security of our country.

We know what works. It worked in the 1990s with basic budget rules such as pay as you go, and the Democratic Party has been united in reinstituting those budget disciplinary rules. It did work in the nineties. That gave us 4 years of balanced budgets and surpluses and an opportunity to download our debt, so we were not dependent on countries like China to be financing the deficit. So we were in a better position to be dealing with a 9/11 catastrophe or a Katrina catastrophe or making the important investments for the future of our country.

Because of the economic policies pursued by the majority in recent years, those options have been taken away, and they will continue to diminish our opportunities in the future unless we bring back some sense of responsibility to this Chamber again, and that is why I think special orders like this this evening are very important times to discuss the various choices that we face today.

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Mr. SPRATT. Madam Speaker, I thank the gentleman for his insight, and I now yield to the gentleman from Arkansas (Mr. ROSS).

Mr. ROSS. Madam Speaker, I want to thank the gentleman from South Carolina for taking this Special Order this evening; and as whip of the fiscally conservative Blue Dog Coalition, I rise this evening to share in the dialogue and to talk about the financial condition of our Nation's government. The Blue Dog Coalition aims to restore common sense and fiscal discipline to the way we operate our government.

Madam Speaker, our Nation today is $7.990 trillion, nearly $8 trillion, in debt. Put that another way, our Nation today is spending $160 billion a year simply paying interest on the national debt. That is about $500 million a day. In fact, it is $13 billion per month, it is $444 million per day, it is $18 million an hour, it is $308,000 a minute. Or put another way, our Nation is spending $5,100 every second simply paying interest on the national debt. In fact, if every person in America wrote a check to pay off the national debt, the amount each person would owe, including the children born today, would be $26,000.

It is hard to believe now that we had a balanced budget from 1998 to 2001, because now this administration, this Republican Congress, has given us the largest budget deficit ever in our Nation's history for a fifth year in a row. In 2001, the deficit was $128 billion; in 2002, it was $157 billion; in 2003, $377 billion; 2004, $412 billion; and in 2005, it went to $427 billion.

That does not include the money that is borrowed from Social Security. No wonder this Republican Congress would not give me a hearing or a vote on my bill that basically said that politicians in Washington should keep their hands off the Social Security Trust Fund. In fact, if it were not for the money being borrowed from the Social Security Trust Fund, the deficit would have been $567 billion last year.

Many American citizens, I know the citizens in Arkansas' Fourth Congressional District, are asking me where all this money is coming from that we are borrowing. We have borrowed $700 billion from Japan, $250 billion from China, and $76.2 billion from the Caribbean Banking Center. I had never heard of such. In fact, 45 percent of our deficit is being funded by foreign investors.

In the aftermath of hurricanes Katrina and Rita, we are faced with the very important question of how are we going to pay for the rebuilding efforts. I find it interesting that these questions are not asked when we talk about paying for the war in Iraq. Just a few short months ago, $82 billion was passed in emergency supplemental appropriations. In fact, we spend $188 million every day in Iraq and $33 million every day in Afghanistan.

In a time of war, in the aftermath of our Nation's most costly natural disaster in our history, the Republican majority in Congress and this administration are still proposing another $106 billion in new tax cuts. That is wrong. It is morally wrong. There is a lot of talk these days about values. I can tell you that those are not the kinds of values that I was raised on and still believe in.

This Republican-controlled Congress claims these additional budget cuts are to pay for Katrina. Over $62.3 billion has been allocated for hurricane relief efforts. However, budget reconciliation is not applicable to emergency supplemental funding. We recently passed $82 billion in emergency supplemental appropriations for Iraq. Where was the talk of reconciling the budget then? It is clear these budget cuts are not aimed at offsetting the cost of the devastating hurricanes, but rather at partially offsetting $106 billion in new tax cuts.

The Republican-controlled Congress is proposing to slash programs such as Medicaid, food stamps, student loans and other programs that would directly and adversely impact the poor, the disabled, and the elderly. And those cuts, Madam Speaker, are wrong. It is about priorities. And this Republican Congress believes it is more important to fund tax cuts for those earning over $400,000 a year than to fund programs that benefit the poor, the disabled, and the elderly.

I would like to wrap up my remarks by sharing with you a paragraph from a letter that I received just today from the National Council of Churches of

Christ in the USA. It is signed by a number of organizations. Some of them you will recognize, like the National Baptist Convention USA, the National Missionary Baptist Convention of America, the Presbyterian Church, and the United Methodist Church. If I may read from that letter as my closing:

"The role of government is to protect its people and work for the common good. This is not the time for the budget reconciliation process to create greater hardships for those who are already experiencing greater suffering. To do so is not only unjust; it is a sin. It violates all the fundamental Christian principles of loving thy neighbor, caring for the poor, and showing mercy. As religious leaders, this violation is unacceptable to us."

And to the gentleman from South Carolina, I would say that this violation is unacceptable to me as well.

Mr. SPRATT. Madam Speaker, I thank the gentleman for his comments, and I yield now to the gentleman from North Carolina (Mr. PRICE).

Mr. PRICE of North Carolina. Madam speaker, I want to thank the gentleman from South Carolina for taking out this Special Order. We are having this discussion tonight as yet another potentially catastrophic hurricane turns toward the U.S. mainland, and once again we are not prepared. This time I am not talking about FEMA or the Department of Homeland Security; I am talking about being unprepared fiscally.

Our former National Economic Adviser, Gene Sperling, put it best when he said that when the congressional leadership all of a sudden starts asking how are we going to pay for Katrina, they are asking a very narrow question. The question should be, How did this country get into such a fiscal mess in the first place? I tell you, the answer was not Katrina, and the answer was not Rita, and the answer is not going to be Wilma.

These natural disasters do cost a great deal, and we are going to do what it takes to respond to the affected areas. But they are not the cause of our problems. What these hurricanes have done is lay bare this country's troubling racial and economic divides and the sorry state of our disaster preparedness. But they have also laid bare the dangerous deterioration of our fiscal health.

Now, in the wake of Katrina, our colleagues on the other side of the aisle seem to have gotten religion on fiscal responsibility. Mind you, this is after they engineered an unprecedented fiscal reversal of some $9 trillion from budget surpluses and paying down debt in the Clinton administration to record deficits and deepening debt under George W. Bush. But our Republican friends are suddenly wringing their hands over the deficit. They are using Katrina as a pretext for doing what they wanted to do all along, and that is to cut the very safety net programs on which the victims of Katrina depend.

All you have to do is take one look at this proposed reconciliation package and you will see how much they care about the budget deficit. And I appreciate the gentleman from South Carolina pointing this out earlier this evening. This reconciliation bill would not reduce the deficit; it would increase the deficit by more than $100 billion over 5 years.

This reconciliation process, we all know, was intended to facilitate the passage of deficit reduction measures. But the Republican leadership has now turned the process on its head and is using it to push through measures that will drive us further into debt. The spending cuts called for in this bill will do absolutely nothing to offset hurricane recovery. Let us be very clear about that.

From the beginning, the $35 billion in cuts contained in the reconciliation package were intended to partially offset not the hurricane but $107 billion in tax cuts included in this budget resolution. And now, if you add $15 billion, that is not going to make up the difference. What those cuts will do is threaten vital services that the victims of Katrina are counting on to help rebuild their lives: foods stamps, Medicare and Medicaid, student loans, and low-income energy assistance. These could all be cut, just to name a few.

What about wealthy Americans? They are going to get off without sacrificing a dime of the Bush tax cuts. Quite the contrary. The reconciliation bill is going to be used to fast-track new and extended tax cuts for those who need them least. Maybe that is the Republican idea of shared sacrifice.

The very notion that we should offset the $200 billion it could cost to help millions of Americans and their families and communities get back on their feet after a tragic disaster and not offset the nearly $2 trillion cost for the Bush tax cuts, or the $250 billion we are spending in Iraq and Afghanistan, well, that reeks of hypocrisy. And it actually worsens the fiscal meltdown of the last 4 years.

Why should we offset the cost of rebuilding Biloxi, but not the cost of rebuilding Baghdad? And even worse, why should we make the very people we are claiming to help bear the lion's share of the cost? I am afraid you are not going to find very many honest answers from the leadership of this Chamber. You are going to find some deception and deficits as far as the eye can see. I think it is disgraceful.

Anybody who votes for that reconciliation should be ashamed of themselves for what they are doing to the most vulnerable among us and what they are doing also to this entire country's future.

This is a powerful message, Madam Speaker; and I appreciate the gentleman from South Carolina's leadership in blowing the whistle on these budget follies and also showing that the kinds of things we have been saying all along are laid bare by Hurricane Katrina. And the best response we can make is to not whack at the meager budgets that these victims already depend on, but to get serious about getting our fiscal house in order long term. So I thank the gentleman for his Special Order.

Mr. SPRATT. Madam speaker, I thank the gentleman for his comments, and I now yield to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. Madam Speaker, I thank the gentleman for yielding to me, and the gentleman from North Carolina (Mr. PRICE) mentioned the question of whether the wealthy would be sacrificing in this budget. I just want to point out as we consider how to pay for the $200 billion potential cost of Katrina that there are two particular tax cuts that have not gone into effect yet, but will go into effect January 1. They are nicknamed PEP and Pease, the Personal Exemption Phaseout and the standard deduction phaseout. And as the gentleman has inferred, they only help the wealthy.

Now, we have to show a chart, because no one will believe it unless you show a chart. This shows how that cost of PEP and Pease will be distributed. If you make under $75,000 a year, you will get zero from this tax cut. If you make $75,000 to $100,000, you might get a dollar. If you make $100,000 to $200,000, you might get $25. You can hardly see the bar. Take my word for it, there is a little bar there to show the $25 you might get. At $200,000 to $500,000, you get $558, on average; and at $.5 million to $1 million, you get over $4,000. But if you make over $1 million, this tax cut that has not even started yet but will start next year, you will get about a $19,000 benefit from that.

To implement this tax cut, the 5-year cost is $200 billion. We wonder how to pay for Katrina? How about not letting this tax cut go into effect. That would cover the entire potential cost of a Katrina right there. But instead we are going to ask Medicare and Medicaid, possibly veterans health care, certainly student loans and school lunches, food stamps, and those who are most in need, those programs that the Katrina victims would actually be using, those are the programs that will be cut and not a tax cut for millionaires.

I think our priorities are wrong, and I appreciate the gentleman giving us the opportunity to bring this kind of chart to show what kind of tax cuts have not even gone into effect yet, but will go into effect beginning next year. And when we say it is a tax cut skewed to the wealthy, this chart shows exactly how that takes place.

Mr. PRICE of North Carolina. Madam Speaker, if my colleague will yield for just a moment.

Mr. SPRATT. Madam speaker, I yield to the gentleman from North Carolina.

Mr. PRICE of North Carolina. You know, our friends over at the Center for Budget and Policy Priorities have asked the rather obvious question, where did that $9 trillion go? Remember that fiscal reversal? And the answer to that is that the biggest chunk of it did go to those Bush tax cuts. A good portion of it has gone to increased defense and security spending after 9/11. Some of it comes from the bad economy and the fact that we have had a very sluggish recovery.

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But you know what is not on the list is the sort of cuts that are being proposed by our Republican friends in this reconciliation bill, and that is domestic discretionary spending or for that matter domestic nondiscretionary spending.

The country is not going broke because we are spending too much on food stamps, and the country is not going broke because we are doing too much cancer research or having too many after school programs, and yet that is where the Republicans choose to get religion on fiscal responsibility, in the very areas where the blame does not lie. So this Hurricane Katrina exercise is just more of the same. They are saying that the offsets for Hurricane Katrina are going to come from these areas that people desperately need, while leaving the main culprits in our budget meltdown untouched. That is simply unacceptable.

Mr. SPRATT. Mr. Speaker, I yield to the gentleman from North Dakota (Mr. POMEROY).

Mr. POMEROY. Mr. Speaker, I am pleased to join the gentleman's special order and participate in the discussion with my colleagues.

We are watching something extremely unserious unfold with respect to the Nation's balance sheet. We have to understand, as we deal with the budget of this country, we are dealing not just with the matters that are presently before us and will affect the upcoming year, we are literally talking about the future of this country. To the extent we do not pay our way, our kids pick up the difference.

Many of us were terribly concerned when we saw the pre-Hurricane Katrina budget forced through the House, forced through the Senate, yet to be reconciled and passed finally, but it proposed to drive the deficit deeper and in fact that was from a position where the deficit position was the third worst in our Nation's history.

Now the difference in the deficit, and we talk deficit around here, deficit is our annual shortfall. The national debt is what it all amounts to. When we run deficits, we add to the debt. And while we are third worst in the Nation's history in terms of annual deficit, we are absolutely on unchartered ground with the kind of debt we now have, debt approaching $8 trillion.

This would be I believe very alarming by any measure, but a further look shows who owns the debt. The debt held by the public is increasingly owned by central banks of Asian nations. I have heard some Members, some friends of mine from the other side of the aisle say look, I know that is a scary deficit number, but we have had, relative to the size of our economy which is now bigger, we have been worse than this before. I do not think we ought to have the very worst in our country's history as the benchmark against which we compare, but how about the very best in our Nation's history. They try to excuse the scary state we are in by saying it has been worse in terms of real dollar terms compared to GDP.

It has never been this bad. We have never had so much debt owned by foreigners. I am not just talking about Ole and Sven and whomever else across the world, I am talking about central banks controlled by central governments, especially Asia, Japan, and even more by China.

This morning I visited with a former member of the Office of Management and Budget and asked her whether or not we were losing control potentially in the future of our monetary policy as a country, giving up essentially sovereignty of our ability to set interest rates in light of the level of debt owned by foreign governments. She indicated we are heading down that path.

So anything that we talk about in this Chamber that adds to the deficit, increases the holdings of foreign governments of our national debt and diminishes the sovereignty we have over our own country, this is an extremely alarming situation and that is why I was so adamant against the budget reconciliation proposal being advanced in Congress.

Recently we have had a new chapter in the debate. Majority Members have said my gosh, that Hurricane Katrina was expensive, we have to offset every dollar of relief we are spending on that hurricane. Look, I welcome very much some concerns about spending and deficits and the notion that we might offset some of this stuff, but if we are going to offset, let us look at the total picture. There is nothing about a Nation's balance sheet that treats hurricane debt different from other debt. So if we are going to offset for Hurricane Katrina, let us offset for the war in Iraq, let us offset for tax cuts which deprive the government of revenue and throws us further out of balance. That is not what they are talking about.

In other words, this is window dressing on a scheme that ultimately drives us further into debt. Look at this chart. This chart shows the small bar which is the amount of spending they want to cut while the tall bar shows the depth to which the tax cuts they are including in this package would drive us further into deficit, further into the hands of more Chinese bonds residing in the Chinese government.

We need to do something about this, and it does not start with basically this window dressing on cutting many of the programs so vital to those displaced by the hurricane as an excuse to offset hurricane relief. We need to get serious about getting back to a balanced budget. There are a couple of ideas that I would advance in the concluding part of my remarks.

First, we need to reinstate a requirement given the deficits that we are in that we pay as we go from here. If we are going to take a step that adds further to the deficit, we have to find a way to offset that payment. If we spend more, we have to find a way to offset so we do not drive that deficit deeper. If we pass some tax cuts, we lose some revenue, we have to cut spending so we hold that deficit in balance.

Mr. SCOTT of Virginia. Mr. Speaker, if the gentleman would yield, have we ever had PAYGO?

Mr. POMEROY. Mr. Speaker, we have had these pay-as-we-go requirements, known as PAYGO, throughout the entire 1990s, and I will tell Members what brought it about. What brought it about was divided government. President Bush won, and the Democratic controlled Congress arrived at pay-as-you-go requirements to bring the budget into balance. President Clinton, dealing with a Republican controlled Congress, had pay-as-you-go requirements to get us to a balanced budget.

Something very, very problematic has happened under united Republican control of the White House, the House and the Senate: They blew away the PAYGO requirements and have added to the deficit like there is no tomorrow, giving us such deep debt problems with the Chinese.

Mr. SCOTT of Virginia. Mr. Speaker, if the gentleman would continue to yield, if you have a tax cut without PAYGO, you do not have to pay for it; and what happens when you cut taxes and increase spending without paying for it?

Mr. POMEROY. What happens is you get yourself into the deepest deficits you have ever had in the history of the country, which is precisely the problem. What the gentleman means is you do not have to pay for it in this year's budget because your children are going to pay for it down the road as they retire the national debt.

I would just cite a couple of other spending areas that might be cut, and it relates right back to the administration's handling of the hurricane. Just listen to this. You want to cut food stamps, Medicaid, programs that are going to be so vitally important to getting displaced people from the hurricane back on their feet again, but before we go there let us take a look at some of the ways the Republican administration has spent money for hurricane disaster relief: $1,275 per person for a cruise ship that costs only $599 for an actual cruise. What kind of deal is that? Or $15,000 paid for a load of ice that was worth $5,000; $88,000 for mobile classrooms that normally cause $42,000; $59 per hotel room per night for months on end.

And that is not all. The Federal Government paid full retail for trucks, laptop computers, clothing and sleeping bags. Firms have been awarded contracts for millions without competition. Contracts have gone to construction companies that do not even have building licenses.

If we look at how this administration has administered the relief of the hurricane to date, we are going to find all kinds of places to cut spending before starting after programs which are so vitally needed like food stamps, helping displaced families get the groceries they need to feed their children.

The thought that the other side of the aisle would cut these programs while trying to ram through a budget reconciliation package that drives up the national debt because it funds those tax cuts to the most affluent, even while you leave this shameful, wasteful spending totally untouched, this is a package of shame.

I have just learned in the course of our hour that the budget reconciliation amendment will not be brought to the floor tomorrow. Apparently the disarray on the majority side found them short of votes to bring it up tonight. If something fundamentally does not add up, I would hope, and it is high time, there is a debate within the majority conference about it. We need to get serious about controlling the spending. We need to get serious about controlling the deficits. We need to get back on a path that brings us to fiscal sanity.

Mr. SPRATT. Mr. Speaker, I thank the gentleman for his statement, and I yield to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I cannot thank the gentleman from South Carolina (Mr. SPRATT) enough for what I think is vital to the discussion on the proposed debate on the budget reconciliation. The reason I say that is because, and both of us have had experiences with hurricanes, but I have now been in a region for the last 2 months, or more, with the impact of Hurricane Katrina and now certainly Hurricane Rita. You know that Texas was not in the eye of the storm of Hurricane Katrina but experienced an infusion of almost a quarter of a million persons who were evacuated from that region. Now with the evacuation of those from Hurricane Rita, specifically in west Louisiana and of course east Texas, we have added to our family.

As I looked at the distribution of funds and the local needs, I was struck by the fact that these dollars that are going to be needed for recovery are not going to materialize. I think it is important for us to realize that the budget that is being presented or proposed by the majority will not save money. It will not address some of the very stark realities of those who are experiencing the devastation of hurricanes.

The idea that dollars dealing with health care and the fragileness of Medicare and Medicaid, which will be made even more fragile with this budget, the argument of transferring Medicaid dollars from Louisiana to Texas was a separate argument, but it was under the premise that we would have the money to take care of those on Medicaid.

The idea that we would be cutting education dollars in contrast to cutting tax cuts, the idea that we would not have enough housing, which we do not have in the State of Texas, housing to supplement the hotel rooms, all of that requires a Federal infusion of an investment of dollars. That is not wasteful spending. Those are not the kinds of cuts we should be having when we are talking about the most vulnerable, individuals who do not have flood insurance, individuals who are trying to go back into Louisiana and rebuild.

We know that the private sector will be a component, but the Federal Government, because of the major devastation, will have to help rebuild the States of Louisiana, Mississippi and elsewhere. But, this is what we have intended to do with our dollars, and I thank the gentleman from Virginia (Mr. SCOTT) on the Committee on the Budget because he has talked about this over and over again. That is that we will have two tax cuts that our good friends, in this instance my good friend, Mr. Pease, has offered that will take effect next year, and over a 5-year period will cost us $2 billion.

We have discussed this many times, and some people believe this is a frivolous discussion. Why are the Democrats talking about not wanting tax cuts?

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We are talking about investment, and what we are suggesting is that these tax cuts are misplaced. They have nothing to do with increasing the minimum wage, which might be something we would want to consider. It has nothing to do with strengthening the middle class. And even as we looked at poverty in Hurricane Katrina, let me tell the Members there are middle-class working families that have been totally devastated. They are in our city. They had businesses. They had incomes. They had homes. Mr. Speaker, they do not have any of that now. And these tax cuts, taking away from giving them an opportunity to rebuild, SBA loans, fixing the infrastructure, which I have heard the gentleman from South Carolina (Mr. SPRATT) and the gentleman from Minnesota (Mr. OBERSTAR) speak of eloquently, this is going to be the choice being made by our good friends in the budget reconciliation.

They are willing to take tax cuts for the top 1 percent and prioritize that over health care, education, Social Security, Medicare, Medicaid, housing. But most importantly, the most vulnerable now in our Nation, not only the impoverished but almost 2 million people that are evacuated that are scattered across 44 States who may want to come home to the gulf region are going to need a little help from their friends in the Federal Government. Hardworking taxpayers now with this budget will not be able to finally support that this Federal Government can provide for them. And I hope that, as we look at this problem, we will be able to find some compassion for those who are in need.

Mr. SCOTT of Virginia. Mr. Speaker, will the gentleman yield?

Mr. SPRATT. I yield to the gentleman from Virginia.

Mr. SCOTT of Virginia. Mr. Speaker, I believe the gentleman has some charts that he wanted to discuss about some of the choices that we are making.

Mr. SPRATT. Mr. Speaker, these charts were compiled by the gentleman from Illinois (Mr. EMANUEL), and basically what he is trying to show here is that we have a robust program of rebuilding and restoration ongoing in Iraq to the extent they can maintain anything there in the midst of that insurgency.

For example, in terms of infrastructure, we have rehabilitated the Sweetwater Canal System, including repairs to the levees on the Tigris and Euphrates. On the other hand, we have cut $336 million from the Army Corps of Engineers, including funding for the levees on the Mississippi. We have rebuilt the Iraqi republican railway line. But in the United States there have been $2.5 billion in cuts in Amtrak, and the high-speed rail funding program has been eliminated. Community development, 3,120 community action projects completed in Iraq; $320 million cut from community services block grants in the United States.

$470 million for the construction of housing and public buildings and civic centers for Iraqi citizens; in this country $250 million has been cut from community development block grants; and the President's budget cuts for public housing, the capital fund, have been cut by 10 percent even though it is now already deficient to meet the needs of the program.

This chart shows the same thing. In Iraq, 110 primary health care centers built or renovated. In this country $10 billion has been cut or is being proposed to being cut from Medicaid.

I could go down the list, but the example is stark. We are not saying this should not be done in Iraq. We have got to help get that country back on its feet, and the sooner we can get out, the better. But in the meantime, we need to stabilize the country, and this is part of it, part of the economic reconstruction. But it stands in stark contrast to what we are willing to do in this country for infrastructure that we all acknowledge we need and see we need in a case like New Orleans when the levees break.

Ms. JACKSON-LEE of Texas. Mr. Speaker, will the gentleman yield?

Mr. SPRATT. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I want to say one sentence to that because what he just highlighted are two-pronged: one, we have to take care of all America, including those not so impacted by hurricanes Katrina and Rita, all of the folks who are vulnerable no matter what their station in life; hurricanes Katrina and Rita survivors but also the Americans who are hard-working taxpayers. This budget that they are putting before us does not do any of those.

Mr. SPRATT. Mr. Speaker, reclaiming my time, I made the point earlier that the cost of catastrophes like Katrina and Rita should be spread over the whole country, the whole population, but spread equitably. And it is not right to saddle that heavy burden on those least able to bear.

I thank our participants for their participation.

THE BUDGET RECONCILIATION

The SPEAKER pro tempore (Mr. REICHERT). Under the Speaker's announced policy of January 4, 2005, the gentleman from New Jersey (Mr. PALLONE) is recognized for 60 minutes.

Mr. PALLONE. Mr. Speaker, 6 weeks ago all Americans saw the human face of poverty in the aftermath of Hurricane Katrina. President Bush vowed that after the botched Federal response to the hurricane that the Federal Government would do everything it could to help those displaced in the gulf and to finally address the issue of poverty. Six weeks later, the House Republican majority is already forgetting about America's most vulnerable. This week, Republicans had planned to cut Medicaid, higher education, food stamps, and possibly the earned income tax credit in order to achieve budget reconciliation.

We heard today that the budget reconciliation has been postponed. We are not going to vote on it tomorrow, and that is certainly good news. I think it is a strong indication that this budget plan was a bad plan for America and that it was, in fact, going to be used as a method of basically hurting the poor and might have had a direct impact on those hurricane victims.

But it does not mean that the Republican leadership is not going to try to bring it up again next week when we come back. And the problem is that it just is not fair, it really is not fair. It is un-American, in my opinion, to say that we are going to try to pass this budget reconciliation by making cuts in the very programs that impact the people who suffered during the hurricane.

The Republicans are claiming that their budget reconciliation bill is fiscally responsible and will cut the deficit. But, obviously, we could tell from the last Special Order that is simply not true. The budget actually raises the deficit, gives more tax breaks to the wealthiest, and makes matters worse, obviously, for the victims of Katrina.

Essentially, this is a way of trying to build in, if you will, the Republican tax breaks that primarily go to the wealthy, to the special interests, to corporate interests that the Republicans would try to pass further down the road this year. And it is amazing to me, Mr. Speaker, that it only took Republicans 6 weeks to forget the images of Hurricane Katrina. They are once again putting the priorities of the wealthiest few ahead of the working-class Americans. It is now clear that the Republicans learned absolutely nothing from Hurricane Katrina.

I could go on myself, but I have to say that my ideas and my concerns with this budget bill were very much set forth in a Washington Post article or op ed that appeared today by Harold Meyerson called "Gunning for the Poor." And I am not going to read the whole thing, Mr. Speaker, or put it in the RECORD, but I wanted to highlight some of the things that Harold Meyerson said because it basically says in probably better language what I just indicated and how I feel.

And Harold Meyerson said in this op ed today in the Washington Post: "Congress is back in session and it's gunning for the American poor.

"A revolt of House conservatives has persuaded that body's Republican leadership to offset the increased Federal spending going to rebuild the Hurricane Katrina-devastated gulf coast by reductions in Medicaid, food stamps, and other programs for the indigent. If things go according to plan, this week the House will begin to cut $50 billion from those efforts.

"The emerging Republican response to Katrina, apparently, is to comfort the drenched poor and afflict the dry.

"For a moment last week, it looked as though the Republicans were going to enact across-the-board spending cuts.

"That, however, would have meant less money for defense contractors and the highway industry and other contributors to congressional Republicans' campaigns. GOP committee chairmen made that point so forcefully that the idea was scrapped.

"The beauty of taking the cuts out of Medicaid and student loan programs, by happy contrast, is that it does not reduce the flow of funds to the Republican campaign committees by a single dime.

"Even before the right-wing House leadership capitulated to the even further right-wing House rank and file, the government's response to Katrina already appeared to be driven more by laissez-faire ideology than by need or common sense. The administration has opposed efforts by Senate Finance Committee Chairman CHARLES GRASSLEY to extend Medicaid coverage to those Katrina survivors who lost their jobs and health insurance in the flood. And by suspending the requirements of the Davis-Bacon Act that construction workers on federally funded reconstruction efforts be paid the prevailing wage, President Bush has ensured that much of that work will be done by illegal immigrants, as one New York Times report on the Mexican workers rebuilding Gulfport, Mississippi made abundantly clear."

The article goes on, Mr. Speaker; but the bottom line is, and this is what Meyerson says at the end: "The same Republican zealots who demand fiscal responsibility by cutting $50 billion for the indigent sick are now also demanding a new $70 billion in tax cuts, including the permanent repeal of the estate tax, that would chiefly benefit the rich."

So Meyerson basically explains, and I think it is abundantly clear, the Republicans are not trying to make these cuts in programs for the indigent that would essentially help the hurricane victims because they want to balance the budget. Because, no, the deficit is still going to be huge. They are basically doing it because they want to build into the budget the opportunity to come back with permanent tax cuts for the wealthy, for the corporate interests; and this is their way of cutting programs that essentially are crucial for the hurricane victims in order to accomplish that.

And the amazing thing to me, Mr. Speaker, is that we heard President Bush just a few days or a week or so after the hurricane struck say that the hurricane showed that there were a lot of poor people, a lot of people that were unemployed, a lot of people that did not have basic necessities; and rather than trying to help them in some way by extending Medicaid benefits to them so that if they lost their health insurance, they will still have some health insurance, or rather than giving them an opportunity to have a job so that they can help rebuild New Orleans or the various towns along the gulf that were impacted by Hurricane Katrina, this administration and this Republican Congress are just cutting the legs out of any kind of help that those hurricane victims would receive and basically saying we do not care about them; all we care about is giving tax cuts to the very wealthy.

I think it is scandalous, frankly, and it is another reason why we need an independent investigation of what happened with Hurricane Katrina.

A number of my colleagues and I have been coming down here for the last few nights as well as before the congressional break that we had last week and have been saying, and so have the media been saying, that a bipartisan Katrina investigation is needed because the Washington Republicans, the ones who have set up their own committee or investigation on a partisan basis, are the same people who are responsible for the problems that we faced in the aftermath of Hurricane Katrina. In other words, the Bush administration botched what happened in the aftermath of the hurricane. And they continue to do things that are primarily for special interests, for the people who contribute to their campaign coffers, without worrying about the people, the victims, that are suffering in New Orleans and other cities along the gulf.

So why in the world would we let these Washington Republicans who control the White House, control the Senate, control the House investigate themselves? It makes no sense.

The only way that we are going to get a true analysis of what is really happening in the aftermath of Katrina, including what was discussed today in terms of the unwillingness of the Republicans to help the victims in the aftermath of the hurricane, is by having a bipartisan commission so that Democrats and Republicans are both involved in the investigation, both can look at what is happening and not have this fake Katrina inquiry that would just essentially be a whitewash, if you will, for what happened in the aftermath of the hurricane.

I notice that I am being joined now by some of my colleagues who have been here every night making this point; but we are particularly upset with the fact that, in addition to not having this bipartisan investigation, this bipartisan commission, we now face a situation where the Republicans want to bring up a budget plan that actually is going to cut the very programs that these hurricane victims need.

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I would like to point out the other night I read a part of an editorial in the New York Times which I think says it all about this fake Katrina inquiry, and I am not going to read the whole thing, but I just wanted to read the very beginning and the very end.

This was in the New York Times on September 26. It is called, "Faking the Katrina Inquiry," and it says: As the Nation reels from Rita's devastation along the Gulf Coast, any hope for a thorough investigation of government's gross mismanagement of Katrina is quietly ebbing away behind the political levees of Washington. The White House and the Republican-controlled Congress, resisting popular support for an independent, nonpartisan commission, remain determined to run self-serving, bogus investigations. There is no way to whitewash a hurricane. The government dominated by one party should be disqualified from investigating itself. Just as President Bush repeatedly fought the creation of the 9/11 Commission till public pressure forced him to yield, so should the public now demand that the administration and Congress get real about Katrina."

I feel even more strongly about this in the light of this budget reconciliation bill that we understand now has been postponed because the Republicans do not have the votes. Thank God they do not have the votes, and hopefully, they will never have the vote for this scandal.

I would yield now to my colleague the gentleman from Florida (Mr. MEEK) who has been here practically every night making this point.

Mr. MEEK of Florida. Mr. Speaker, I can tell the gentleman from New Jersey (Mr. PALLONE) I am just so glad to be here with you tonight, and I know that the gentleman from South Carolina (Mr. SPRATT) was here a little earlier, our good friend from South Carolina and the ranking member on the Committee on the Budget, to point out some of the variations you have been talking about now.

I can tell you also that I was concerned. I think it takes more than a press conference that the majority did today down in the basement of the Capitol here saying we are fiscal conservatives. All of the sudden, after all of this time, after all of this borrow and spend money, no one said a mumbling word. Now we have Americans that are displaced, Americans that are looking for assistance from its government, Americans that are still in shelters, and now we want to be fiscal conservatives. We want to all of the sudden say, oh, well, you know, the American people know the Republican majority here in the House, that we are fiscal conservatives.

Let me just say something. The budget does not reflect the highest deficit in the history of the republic or one of the highest. Definitely when it comes down to the war in Iraq, there is no real accountability as it relates to corporate greed and corruption and cronyism of companies that have stolen the taxpayers' money under the lights, and they are still getting contracts from some of those very same companies that got contracts in Hurricane Katrina to make the taxpayer victims all over again.

Now folks over there want to get religion about being fiscal conservatives, saying we are going to find some, what, $55 million or whatever the figure is, off the backs of poor people. So I think it is important that we talk about this.

I think that I just want to do this again. Maybe the folks over here on the other side forgot about this. Maybe they forgot about this community. This is the before picture of the Category 3 levee, and this is the after picture. Maybe they forgot about those Americans that lost their homes. All under this we are going to be fiscal conservative. Maybe they forgot about this lady here with her children, finally getting out from the water after 4 days right here in New Orleans. She is carrying her kids out when 30,000 people were trapped there. Maybe we forgot about that. Maybe we forgot about these folks here that had to improvise and find their way back to safety, and these kids stroking here on the refrigerator with a board, maybe they forgot about that. Maybe they forgot about this, too.

Let me just say that I want to make sure we do not get confused on the reason why we are having this debate in the first place. This is all about helping Americans and making sure that local government and the Federal Government is able to respond in a way that it is supposed to respond, appropriately, to taxpayers when this happens.

Now we are going to make the country pay even more of the 67 percent cut that took place under regular order under the last budget that the majority held the clock on once again, open a little bit longer, the Republicans on the majority side did, and now we are going to go back on top of the 69 percent, and the goal is to do an additional 50 percent cut, okay, 50 percent more going into cutting these programs like Medicaid and Medicare and free and reduced lunch for children.

What was so disturbing and I think the Members should be aware of, I watched this on C–SPAN. It was down in the basement. There were about six Members, the temporary majority leader and all of that stuff. They were down there talking, beating chests and all.

In closing my opening statement, I am so happy that there is a God, and I am also happy that there are some folks in this Congress that are willing to put the pressure on the majority side on this issue.

As you know, today we were supposed to do some voting on this, on the budget, and tomorrow we were supposed to do some voting. That vote has been pulled now, and it is not going to happen. I do not think that it is not going to happen because the staff could not necessarily get the paperwork together. It is not going to happen because it was the wrong thing to do on the backs of the wrong people.

You do not go to a family saying we are here to help you, but first of all we are going to take back at least $1,000 of the services that you had coming to you due to the fact that Federal-mandated law, as it relates to health care, we are going to take it back from you. Matter of fact, take that cookie out of the kid's mouth. Did he get that in the free and reduced lunch program? Take it back from him because we are going to cut that, too.

What they did that I think is important and I think the Members in their offices that are watching now needs to know, what they did, they said, well, we are definitely not going to deal with the billionaires. We are having this press conference to send a code to let them know that you are safe.

I want to make it clear we have a Republican majority here in the House, and it has been that way for 10 years. We have a Republican majority over in the Senate and definitely a Republican White House. So anyone that would come and say anything publicly on this floor about, oh, the Democrats are stopping us from governing in a compassionate way, that is not true.

Mr. RYAN of Ohio. Mr. Speaker, will the gentleman yield?

Mr. PALLONE. I yield to the gentleman from Ohio.

Mr. RYAN of Ohio. I appreciate that. That is the distinction that we need to make here. The Republican Party controls all the levels of government, the committees, the House, the Senate, the White House. What they say goes. We are an opposition party at this point, and they are the governing party. They are taking the country off the cliff is basically what is happening here.

The point I want to make to my friends in the 30-Something Group and to the Members who are watching and the American people is this. When this body was originally trying to figure out a way to pay for Katrina, all those pictures that you show, when they were originally trying to figure out a way to pay for this, you know what came up? Across-the-board cuts in all programs, 2 percent, in order to pay for this, across the board. Then, when the extreme right wing Republicans in the caucus came over and those corporate interests here in Washington, D.C., came over to the Hill and they started exerting their influence here, it changed because we cannot cut programs that the big-time lobbyists want. That would be wrong in Washington, D.C.

Notice what is being cut, notice. Look at the list: Medicaid, Head Start, college loans. There is not a program that is getting cut where the people can actually donate money to Congress. We cannot cut programs where people have to donate and they make big profits. Is that not a coincidence? Of all the programs we have, not one program is going to be cut in which a special interest would be hurt. What a shame. What a sham. It is a joke that we are going to ask Medicaid recipients, Head Start, free and reduced lunch, college loans. Those people are going to take the brunt of the hit to pay for a natural disaster.

I heard a columnist today say we are going to take from the dry poor and give to the wet poor, and is that not something?

Mr. BOREN. Mr. Speaker, will the gentleman yield?

Mr. PALLONE. I yield to the gentleman from Oklahoma.

Mr. BOREN. Mr. Speaker, the last few nights I have been watching this 30-Something crowd up speaking at night, and it really inspired me to come down to the floor.

This is my first Special Order as a freshman Member of Congress. I hail from the great State of Oklahoma, and this is very, very important. I think the American people need to know about what is going on here in Washington, D.C. It is hurting my district. It is hurting all of us.

I want to talk about some of these programs that you are talking about that affect everyone from Broken Arrow and Idabel, if you are listening tonight; to Muskogee, Oklahoma; to Miami, Oklahoma; to Durant. Let us talk about the community health centers that the funding has been slashed.

The President's budget asked for a 64 percent reduction. We talk about Medicaid and the COPS program. We have talked about economic development in the rural part of America that is being cut. Even Start, which you talked about earlier tonight, is very, very important. Head Start funding, TRIO and Gear Up are so important.

Let me tell you, in my district we have a lot of young people and their families. No one's been to college, and these programs are vital for creating jobs in a district like mine. Because of some kind of offset for, as you said, a billionaire or someone else like that, people in my district are getting cut, people in Oklahoma.

I am one of the more conservative Members of our caucus. I come from a red State. I am the only Democrat in our delegation. The President carried my district with 59 percent of the vote, but I want to tell you, this resonates with all Americans, both Democrats and Republicans.

We are running up a huge national debt. We are paying interest payments, and it gets larger and larger every day. As we pay those interest payments, it squeezes out all those programs that are so vital to us, not to a Democrat or a Republican, but all Americans, especially in rural parts of the United States.

I want to tell my colleague from Ohio, my colleague from Florida and New Jersey, and now another Member from Florida has joined us, I thank you for allowing me to be a part of this team tonight and to speak on these issues.

Mr. RYAN of Ohio. Mr. Speaker, let me just say that it is great to have you here, and I think it shows that it does not matter whether I am a red State, Florida's a red State, Oklahoma unfortunately is a red State. You are the only blue Stater here, but I think what the gentleman from Oklahoma (Mr. BOREN) brings here is that there is this idea that we are trying to promote the Democratic agenda. This is about America. This is not a partisan issue.

I mean, help us out here. The kid who is getting Head Start or the kid that wants to go to college or the parents that are trying to pay for the school or whatever it may be, this is not a red State-blue State issue. I think the 30 Something Group is all about talking about what is best for the United States of America, and that means making sure that those people in your district have an opportunity to go to college, that they have a healthy start.

I think we have talked about that, and that is not a partisan issue. This is about what is doing what is best for the country.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, will the gentleman yield?

Mr. PALLONE. I yield to the gentlewoman from Florida.

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Ms. WASSERMAN SCHULTZ. Mr. Speaker, I thank the gentleman from Ohio. I feel a little odd over here. But, Mr. Speaker, if more of the people on this side of the chamber thought like me, then we would be improving things really significantly here. So I think maybe if I stand here long enough, maybe the philosophical brain waves will travel over here.

It is wonderful to have our colleague from Ohio join us in the 30-Something group. We have been trying to encourage our fellow 30-Something Members to join us down here to talk about the things that resonate universally across this country. The gentleman is absolutely right, both gentlemen are. It does not matter whether you are in New Jersey, Ohio, Oklahoma, Florida, Idaho, California, the things that we talk about on this floor during our hour are resonating and run deep in terms of their impact on Americans, whether you are from the right wing of the spectrum or the left wing of the spectrum.

Let us take the cost of college. Obviously, people in our generation, whether they are raising children that are about to go to college, or whether they, in the case of people who are maybe closer to the ages of the gentleman from Oklahoma (Mr. BOREN) and the gentleman from Ohio (Mr. RYAN), who are closer to having been in college than perhaps the gentleman from Florida (Mr. MEEK) and I are, the rising costs of college are just really getting out of control. The gentleman from Florida (Mr. MEEK) and I just turned 39 a couple of weeks ago, so we are in our last year of eligibility here. So listen, I am a woman, and I am acknowledging that.

But there was an article in my paper today in the South Florida Sun Sentinel that talked about the cost of college having risen by one-third over the last 5 years. One-third. Parents have been preparing every year for yet another hit in their pocketbook. The average college costs today at a private college are $21,000, and almost $5,500 at a public university. It does not matter whether you are in a red State or a blue State, and I am going to claim Florida as a purple State. We are 50-50 right down the line when it comes to those elections, so I am not willing to cede that we are a red State just yet.

We cannot have our college students face the double-digit tuition increases that have been rained down upon them, coupled with the deep financial aid cuts that have been proposed. That is what is coming out of this Congress right now.

One of the things that we mentioned last night was that while we are very critical of the actions that are being proposed here by this Republican leadership, we do have our own set of plans, particularly in terms of how we would approach higher education and making college less expensive.

We would make college more affordable in several ways. Our proposal would guarantee a $500 boost to the maximum Pell grant scholarship. We would give students the choice between either a fixed or a variable interest rate when they consolidate their student loans, and we would do so without raising costs for students. We would keep Congress's promise that was made in 2002 on the Republican watch, which still has not been fulfilled, to lower the interest rate cap on student loans at 6.8 percent. The Republican bill reverses that bipartisan agreement and raises student interest rate caps to 8.25 percent.

We absolutely have to do not just right by our students, but we have to at least do what we say we are going to do. You cannot just talk about lowering the cost and expanding access to higher education; you actually have to follow up with action on it. And this Republican Congress and their leadership has been dropping themselves into a full-scale reversal and literally closing off access do higher education to Americans across this country.

Mr. BOREN. Mr. Speaker, that building block that we talk about, education, being ready for the work force is very, very important. Let us talk about going into the work force. This Republican Congress has talked about creating jobs, has talked about growing the economy and, at the same time, they are cutting programs that are very vital to creating jobs. Let me talk about them right now.

The small business 7(a) loan program is very important to my constituents. These loans are the most basic and most used types of loans of SBA's business loan programs. Under this budget, for the second year in a row, the budget eliminates appropriations for small business 7(a) loans and proposes to run the program solely through fee increases, substantially raising the costs for small business and lenders.

We talk about these rural communities again. They get out of college like at Southeastern in Durant or they are at NSU in Kulaqua, they have that degree, they are going for that seed capital. They want to start a new business. We have always been the party of small business. We have always been the party of Main Street, going out and striking out on your own. This budget slashes those programs.

Another thing, SBA business information centers, joint ventures between the U.S. Small Business Administration and private partners, they provide the latest in high-tech hardware, software, and telecommunications to help start-up and expanding businesses. They also offer a wide array of counseling services. Under this budget, that program is eliminated.

One more. Micro loan program. This program provides very small loans to start-ups and targets mainly low-income entrepreneurs. In 2003, this vital program provided $26.5 million in loans and an additional $15 million in technical assistance. The micro loan program enables individuals to become self-sufficient while creating jobs and contributing to economic development in local communities.

Under this budget, every single dollar is eliminated. Think about that. We are talking about growing the economy, we are talking about creating jobs. Right now, we are creating inflation, because we have such high energy costs.

Mr. RYAN of Ohio. That one program was for low-income folks?

Mr. BOREN. Absolutely.

Mr. RYAN of Ohio. This is almost hysterical, in a bad sense hysterical. We were in the Committee on Education and the Workforce today marking up the TANF bill. We offered an amendment to raise the minimum wage to a living wage. Shot down. We offered an amendment that we wanted to give more money for people who were going from welfare to work, we were going to step in and provide them with child care, more money for child care. We have a study that says you need about $8 billion for these people to have adequate child care so they will actually get off the welfare rolls and get to work. That got shot down.

Mr. MEEK of Florida. Mr. Speaker, if the gentleman will yield, we need to clarify who we are and they are.

Mr. RYAN of Ohio. I appreciate that. I thank the gentleman. I thank the gentleman. The Republicans on the committee who have a majority of the folks on the committee shot all of those democratic amendments down. The Democrats offered to have a living wage. The Democrats offered to increase money for child care so that you can go out into the work force and contribute to the economy and pay taxes. Now, our friend from Oklahoma says, well, even the program where low-income people want to strike out on their own and they want to start their own business, that program is getting cut.

What do you propose these people do? Is there an answer on that side? They are talking about this long and distinguished record of helping people. How? What do you mean? The poverty rate is going up, wages are stagnant, and it is harder to get into school, and tuition has doubled.

Mr. PALLONE. Mr. Speaker, if the gentleman will yield, the gentleman from Ohio is absolutely correct. I want to go back to what he said before, because we are talking about all of these terrible things that the Republicans are doing and are proposing to do, and I am sure a lot of the people say, well, why would they do those awful things. I think it is important for us to go back to what the gentleman from Ohio said before, which is why is this happening?

I mean, obviously, it is not happening because they want to reduce the deficit, because my understanding is that this budget that they were going to bring up tomorrow, this budget resolution actually increases the deficit by more than $100 billion, so it is not for deficit reduction. Any spending cuts, in my opinion, are being used primarily for 2 things. One is because they want to offset the tax cuts; again, these are tax cuts primarily for the wealthy, for the special interests that are coming down the road.

The other thing that I think we need to point out, and that is why I asked the previous Democrats from the previous Special Order to leave this chart up. Also what is happening here is that the Republicans want to continue to pay for these infrastructure and other improvements in Iraq. Now, I am not saying that it is bad to do all of this reconstruction work in Iraq. I mean, I strongly believe that it needs to be looked at, because a lot of times it is going to Halliburton and other companies that are skimming the money and not necessarily delivering the services. But I think it is very interesting to see that almost every one of the programs that were mentioned here tonight by each of my colleagues, well, to the extent it is being cut in the United States, it is being done in Iraq. I just do not think that is fair.

I want to just read this again briefly, because it is just amazing to me. Again, this comes from the gentleman from Illinois (Mr. EMANUEL), our democratic colleagues: health care, because the gentleman from Oklahoma mentioned the community health programs. Health care in America, $10 billion in medicaid cuts through reconciliation, $252 million in cuts for health care professionals, $94 million in cuts to community health care centers that the gentleman from Oklahoma mentioned. In Iraq, 110 primary health care centers built and renovated, 2,000 health care professionals trained, 3.2 million children vaccinated. We are spending the money in Iraq rather than here.

Education, the gentleman from Florida talked about education. The Republican budget cuts in the United States, $9 billion in cuts to student loans through reconciliation, $806 million in cuts to No Child Left Behind. In Iraq, 2,717 schools rehabilitated, 36,000 teachers and administrators trained. I am not going to go through the whole thing because it was gone through before and I do not want to repeat it.

But I will just never forget, within a couple of months after the invasion of Iraq, a couple of my Republican colleagues came down here one night on the Floor and they had just come back from Iraq and it was the first day of school and they had all of the books and the pencils and the papers that were being provided to the students in Iraq. I had just come back from New Jersey and was hearing complaints from the schools about how they did not have pencils and paper and supplies. There is nothing wrong with helping the people in Iraq, I am not trying to take away from them. But for them to say to us that we have to cut similar type programs for people who are really in need, including the hurricane victims, it is just not right. An the reason they are doing it is because they do not want to cut the programs for their special interest friends and, at the same time, I believe they are trying to build in money that they can use for these additional tax cuts that primarily benefit the wealthy.

I just want to also say, again, I am showing my age here because I know this is the 30-Something club, but I am going to digress for one minute. I am so pleased that the gentleman from Oklahoma joined us tonight. I followed his election last year and I was so happy that he won, because we certainly need Democrats in Oklahoma. I know you are in a long tradition of people that the rest of my colleagues probably do not even remember, and that is your father, who was the Senator; Brad Carson, your predecessor; Mike Synar. Oklahoma always had conservative populace, I guess I call them, who were conservative but, at the same time, understood the needs of the people. So I am very pleased that you are with us here tonight.

Mr. BOREN. Mr. Speaker, if the gentleman will yield, I want to add one more person to that list, and that was my grandfather, who served in this body from 1937 until 1947 and actually represented the southern portion of my district. So we share a bond that we both serve in the House. Dad was in the other chamber.

But I talked a little bit about programs that are traditionally Republican programs, like what you would think of as economic development, creating jobs, these are really programs that I believe that Democrats support more than Republicans. Another one that Republicans try to talk about that they have the upper hand on is law enforcement programs. Let me just give a few statistics about law enforcement.

The COPS program, a very, very successful program. It stands for the Community-Oriented Policing Services program. It provides grants to help communities hire, train, and retain police officers and improve law enforcement technologies. Under this budget, it is slashed by $477 million or 96 percent.

Another program which is very vital to my district is the firefighter grants program. It affects all of our communities I know that are here in this chamber tonight. This program provides local firefighters with everything from trucks and equipment to the ability to pay salaries for trained professional firefighters, despite the fact that police departments nationwide do not have the protective gear to safely secure a site after the detonation of a weapon of mass destruction, and fire departments have only enough radios for half of the firefighters on a shift.

□ 2000

Under the Republican budget it has slashed the fire fighter grant program by $215 million or 30 percent.

We talk a lot about Homeland Security. I am on the Armed Services Committee in this body. We talk a lot about Homeland Security, we talk about being prepared for the next threat. Obviously with Katrina, that is a new threat that most of us probably did not even think about just a few months ago. How are we going to be prepared for the next disaster if we are cutting programs like these?

A budget here in Washington, when we craft a budget it is a statement of our priorities, and unfortunately the priorities of some Members in this Chamber have been for those who have, and have left those in areas like my district in eastern Oklahoma who do not have the funding to make sure that they can talk on these radios.

I can tell you a perfect example. Greg Walters, if you are listening tonight, he is a first responder in Sequoyah County, somebody I talk to every day, talks to me about his fire trucks. The Nicut Fire Department, they are having trouble getting funding for their trucks, they are having problems getting funding for their radios. If there is a fire or something that happens, and terrorist attacks can happen anywhere, they happened in my home State of Oklahoma. It is not just in the urban areas. We have got to be prepared. Again, we have got to refocus our priorities.

Ms. WASSERMAN SCHULTZ. The gentleman just mentioned that if we are going to make sure that we are ready for the next natural disaster, often when you talk about events like epic proportions like natural disasters, you think of them in terms of their rarity. Since myself and Mr. MEEK are both from Florida, and in the next 2 days we will face what is no longer considered a rarity in our State in the name of Hurricane Wilma that has now reached the point in history that it is the strongest storm on record with the lowest barometric pressure ever to be recorded in the Atlantic Basin and is expected to make landfall in our home State, possibly crossing over either mine or Mr. MEEK's district over the weekend.

One of the things that we have been emphasizing over the last several days and weeks is that the confidence of the American people in their government has been badly shaken. The gentleman from Oklahoma mentioned that we are not sure how people are expected to be able to have that confidence restored and know that the next natural disaster, or man-made disaster for that matter, that their government is going to be prepared both in terms of getting them ready to deal with that disaster or in the aftermath of that disaster.

If you look at the results of Katrina and the aftermath of Katrina, certainly their confidence was not restored. If you look at the revelations that have come from the independent 9/11 Commission's Report, and now yet another report is about to come out from the independent 9/11 Commission that through their private educational foundation they are about to release a report that blasts the FBI for not implementing much of their recommendations.

When is this administration, this Republican administration and the leadership here going to listen to the priorities of the American people and make sure that, in terms of disaster preparedness, whether it is man-made or natural, that we not add insult to injury in the aftermath of those disasters by cutting services and badly needed health care and badly needed higher education and assistance for the very people that were victims? And when are they going to make sure that they have adequate preparation to deal with those, the aftermath of those disasters? Right now we have not seen anything other than the development of a partisan committee in this institution to supposedly investigate what happened. Well, if you cannot even know that the FBI and that the administration is going to respond to the report that was issued from the independent 9/11 Commission, then certainly we would have little to no confidence that anything is going to come from a partisan investigation like the one that is going on here.

Mr. MEEK of Florida. Mr. Speaker, I just want to tell my colleague from Oklahoma that he is supposed to do exactly what he is doing. We are doing exactly what we are supposed to be doing, and that is represent our constituents. That is why we are up here. We are not up here to be friends, buddies, and pals. We are here to make sure that folks who woke up early one morning, whether they be Democrat, Republican, Independent, no party affiliation whatsoever, an individual that was in a nursing home could not make it, did not have an absentee ballot, they deserve our representation. And the reason why this bill did not come up and hopefully will not come up in the form that it is in now, and some folks ask what do Democrats do in the minority? What do you do because you do not have the ability, not we do not have the physical ability or the mental ability to do it, but by rule we cannot bring certain things to the floor. We cannot agenda bills here on the floor. There are a lot of things that we cannot do because we are in the minority. But what we can do is propose.

Now, this very bad budget amendment that is coming up that is going to cut the opportunity for families who want to work to be able to have child care and to be able to, like the gentleman from Ohio, provide for their families. And so I think it is important that we realize that this is not a partisan conversation. The only thing partisan about it is the fact that the majority, which is the Republican leadership here, will not do what they are supposed to do.

The last point. This whole issue on this we are going to cut, this exercise as it relates to looking at the budget has gone off the focus of helping the victims of Hurricane Katrina and Rita to we have got to prove to America that we can govern. That is what it has turned into. It has turned into that by saying, well, we can govern because we know how to cut. We know how to cut. Well, who are we cutting? We are cutting those that cannot fight back. You might as well just answer the question the way it really is. Let us talk, let us, like they say in some places, let us put the cookie on the bottom shelf so that we can all reach it and understand what is going on.

So I think it is important, need it be if someone has a bus pass in their hand, they carpool to work, they have to go out and do certain things in their car before they turn it over because they cannot afford to buy a new car. I have been there before, I put my hand up. Those that are running around here know that they can only put $20 in their tanks and some of them have to shut their car off at certain times because they know they just cannot spend that money because they do not have it. These are individuals that we are standing for. These are the individuals that we are leading on their behalf.

So it is important that we put these things out there. It is important that we come to this floor, and not let Democrats in the House or America know what is going on, to let Americans know what is going on. But this stuff does not just happen. It happens because we want them engaged, we want Members engaged in representing their constituents.

Mr. BOREN. Mr. Speaker, I will just give my colleagues an example in my district. We have a terrible problem with methamphetamine. It is happening everywhere, it is not just happening in rural areas, it is happening in urban areas. We have places in Le Flore County in Oklahoma where literally this is infiltrating not based on socioeconomics, the rich and the poor, it is affecting everyone. And one of the only tools that we have to fight this scourge of methamphetamine is the Byrne Grant Program. Under this budget, it was slashed. Once again, when we have the tools, we have the necessary tools, it is taken away.

And I can think of the district attorneys and the drug task forces in my district that I have met with, the first responders who say, damn, we desperately need it. We need it in places like Heavener. And we are saying to them, no, we cannot do it because we are going to spend it somewhere else. I just wanted to give that example.

Mr. PALLONE. I am so glad that the gentleman used that example and the other examples that he has been using. Tomorrow in the Energy and Commerce Committee we are going to have a hearing on the health and social costs associated with drug use, particularly methamphetamine use. And I just have the statistics because I am getting ready for the hearing. In 2000, researchers estimate the annual health and social costs associated with drug use, particularly methamphetamine use, was approximately $116 billion, $15 billion of which was attributed to health care costs.

A lot of the things that we talk about here, particularly health care, are actually preventative. And so the Republicans think that somehow they are saving money. They are not saving anything because they are going to drive people, as the gentleman says, he is talking about methamphetamine, they are going to create a situation where the problem is going to even get worse and it is going to cost us more in the long run because the people that are impacted are going to get sick.

I was thinking of the gentleman's dad again, and I do not want to keep bringing it up. But one of the things that the Republicans are talking about doing, this $10 billion in Medicaid cuts through reconciliation, the gentleman from Oklahoma pointed out that we are not just talking about poor people and indigent people here, we are talking about working people. Maybe you call them the working poor or middle class, I do not know what the word is, lower middle class. The Medicaid cuts that the Republicans are talking about mostly impact senior citizens who go to nursing homes, because what they are proposing to do is to make it more difficult for the spouse who is left behind to keep their home or to keep their car. They want to make the guidelines so that they take the money from those very people in order for them to be able to continue to stay in a nursing home.

And I remember, I was thinking again about the gentleman's dad, because one of the things that he did was the so-called Boren Amendment. I do not even know if my colleague remembers that, but that was the one that said that the nursing homes had the ability to seek redress if the Federal Government was not providing enough funding for nursing home care, because what happened is that the quality of that care decreased and people became sicker, and so he wanted to have some enforcement mechanism to make sure that the quality of care in the nursing homes was still good. When the Republicans came in, they wanted to repeal that, of course, and they did repeal it ultimately.

So these cuts, they directly impact people, not just indigent people. I am not saying we should not be worried about the poor, we obviously do. But a lot of the people who may not necessarily be aware of the fact that they are going to be directly impacted, middle class people, senior citizens, they are going to be impacted by these health care cuts. Even the student loan programs. These are not just student loan programs for poor people, these are middle class kids that are struggling. These cuts impact the majority of Americans. I mean, that is a fact. And I appreciate the fact that all of you are bringing that out, because I think it is very important.

I yield to the gentleman from Ohio.

Mr. RYAN of Ohio. I thank the gentleman for yielding. I think that is a tremendous point. The Democrats are offering up amendment after amendment on the floor, in committees. We have an agenda that we are trying to move forward here, and our agenda is pro taxpayer, and it is pro taxpayer because we make investments, just like you do in your home with your family. The best investment you can make with your kids long term: Education. It is going to save you money in the long run. That is what the Democrats want to do. We want to invest into health care and pay up front so that we do not have to pay more in the long run.

The Democrats are for preventative care with the community health centers, with clinics, so that people go to a clinic and get the antibiotics that they need or the basic care that they need, the preventive care that they need so they do not wander into an emergency room 2 weeks later with pneumonia and the taxpayer still has to pay for it. That is smart use of the taxpayer money. Investing in the student loans, I have said this a million times on this floor. We had a study in Ohio, University of Akron. For every dollar the State of Ohio invested into higher education, the State got $2 back in tax money. That is the investment the Democrats want to make. We are playing offense. We have an agenda here. We are not here just to criticize, although we could spend a lot of time making the proper criticisms.

Providing health care for young kids. If you do not get these kids health care at a young age on the Medicaid program, SCHIP, the programs that we want to fund, these kids are going to develop long-term diseases, illnesses that will cost us a lot more money. And not only that, if you have kids in the classroom and only half the kids have health care, they are going to get the kids that do have health care sick.

Ms. WASSERMAN SCHULTZ. Do you know what else we are for? We are for honesty. We are for honesty in government. We are for ridding this institution of the culture of corruption that has consumed it in recent weeks and months.

Mr. MEEK of Florida. Do not forget cronyism, please.

Ms. WASSERMAN SCHULTZ. I was getting to cronyism, because there are a lot of Cs that are flying around this Chamber, including the first letter of the word Chamber. The gentleman from Oklahoma and I are freshmen, we just got here, we have been here 10 months. We have conversations on the floor all the time about how astonishing it is that this institution has a pall cast over it, that there is a shadow cast over this place by the culture of corruption, the cronyism, the ethical challenges that some of our Members face, the cronyism in the administration, the appointments of people who are not qualified for the job that they were hired to do.

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It is time to return this government back to the honest people, back to the people who are in it for right reasons, back to the people who went into public service to make the world a better place, not to line their supporters' pockets, with all due respect. That is literally what I have watched this place become both as an outsider and now as someone who has become a Member of this body.

Mr. RYAN of Ohio. Let us reiterate that point right before we go. We have about 5 minutes left.

Every cut that is being made to fund the Katrina relief is being made to a group of people who do not donate to the Republican majority. They are Medicaid recipients. They are food stamp recipients, and they are college students and middle-class parents who do not have a big lobby group here.

Mr. MEEK of Florida. I just want a point of clarification. The folks that are going to suffer under these cuts, they do not make political contributions. Their only contribution is their vote to send a Member of Congress up here. I do not know when I go to these health care centers and they say, well, we had to cut 10 employees, we cannot even meet the people from the community that are coming in and need our help because the budget has been cut.

It is the evolution of taxation. We make the cuts up here and then the States, they return the favor to the local folks, and they cannot do what they are supposed to do. The folks that are being cut and dealt with and manhandled by the majority on this, they do not make contributions to anyone. They cannot afford to. These are the people that are punching in and punching out every day.

I think it is important that everyone understand the proposal that the majority is talking about now will do nothing but weaken the country. That is the bottom line. That is what it does. I want to make that point of clarification because even when I check my campaign reports, there are not a lot of Medicaid recipients there saying, we are writing a fat check to the Congressman. They cannot write $10 to the Congressman because they are too busy trying to pay for gas and the heating oil.

Mr. BOREN. Mr. Speaker, actually, something that we are not talking about also, we are seeing all of these cuts, but at the same time there is a State tax increase there because you have cuts at the Federal level and guess who has got to bear the brunt?

I served in the State legislature in Oklahoma before I came to Congress. And we had all these things called unfunded mandates that the other side talked a lot about, these unfunded mandates. Guess who is sending these unfunded mandates right now? It is the other side. They are sending them back to State legislatures like my home State of Oklahoma. And they are not only going to the States. They are going to the counties, they are going to the municipalities, and it is going to be a tax increase for the American people.

Mr. PALLONE. The gentleman mentioned before Medicaid. Medicaid is a matching program, 50 percent Federal, 50 percent State. So if the States do not get the 50 percent from the Federal Government, they have to make it up themselves or drop the people completely.

I know we are almost done so I would like to yield to the gentleman from Ohio (Mr. RYAN) because he is going to give us the 30-Something information.

Mr. RYAN of Ohio. Before I give the e-mail address, the cuts at the Federal level, it goes down to the States. The State has to make a decision to raise taxes; and then it goes from the State, the State is pushing it down to the counties, as was said; and many of us represent districts, the local communities which are some of the poorest in the country. So those people are choosing between raising their own taxes that they do not have, the person who does not have $10 because of the energy costs and everything else, versus funding for their local school because No Child Left Behind is not paid for or hiring more cops because the COPS grant has been cut. And that is the end line.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I would suggest the Web site.

Mr. RYAN of Ohio. Our Web site is 30somethingdemocrats@mail.house.gov. We have been getting a ton of e-mails. Keep sending them. We love to get them.

I appreciate the strong cast we have here and maybe tomorrow or next week we will be able to fill the whole Chamber up. Let us keep rolling.

Mr. PALLONE. Mr. Speaker, I thank everybody for joining us tonight for a very important Special Order.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate agreed to the amendments of the House to the amendment of the Senate to the text of the bill (H.R. 3971) "An Act to provide assistance to individuals and States affected by Hurricane Katrina."

ABLE DANGER FAILURE

The SPEAKER pro tempore (Mr. REICHERT). Under the Speaker's announced policy of January 4, 2005, the gentleman from Pennsylvania (Mr. WELDON) is recognized for 60 minutes.

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise tonight to talk to our colleagues and through our colleagues to the American people about an issue that troubles me greatly.

I have been in this institution 19 years, and during those 19 years I have been on the Committee on Armed Services. Currently, I am the vice chairman of that committee and chairman of the subcommittee that oversees the purchase of our weapons systems. In the past I have chaired the research subcommittee. I have chaired the readiness subcommittee, and I have spent every available hour of my time working to make sure that our military troops were properly protected and have the proper equipment and training.

I am a strong supporter of our military. Whether it was in the last 2 years of the Reagan administration, the four years of the Bush administration, the 8 years of the Clinton administration, or the current administration of President George W. Bush, I have been a strong supporter of our military. I am a strong supporter of President Bush. I campaigned for him. I am a strong supporter of Secretary Rumsfeld. I say all of that, Mr. Speaker, because tonight I rise to express my absolute outrage and disgust with what is happening in our defense intelligence agencies.

Mr. Speaker, back in 1999 when I was Chair of the defense research subcommittee, the Army was doing cutting-edge work on a new type of technology to allow us to understand and predict emerging transnational terrorist threats. That technology was being done at several locations, but was being led by our Special Forces Command. The work that they were doing was unprecedented. And because of what I saw there, I supported the development of a national capability of a collaborative center that the CIA would just not accept.

In fact, in November 4 of 1999, 2 years before 9/11, in a meeting in my office with the Deputy Secretary of Defense, Deputy Director of the CIA, Deputy Director of the FBI, we presented a nine-page proposal to create a national collaborative center. When we finished the brief, the CIA said we did not need that capability, and so before 9/11 we did not have it.

When President Bush came in after a year of research, he announced the formation of the Terrorism Threat Integration Center, exactly what I had proposed in 1999. Today it is known as the NCTC, the National Counterterrorism Center. But, Mr. Speaker, what troubles me is not the fact that we did not take those steps.

What troubles me is that I now have learned in the last 4 months that one of the tasks that was being done in 1999 and 2000 was a top-secret program organized at the request of the Chairman of the Joint Chiefs of Staff, carried out by the general in charge of our Special Forces Command, a very elite unit focusing on information regarding al Qaeda. It was a military language effort to allow us to identify the key cells of al Qaeda around the world and to give the military the capability to plan actions against those cells so they could not attack us as they did in 1993 at the Trade Center, at the Khobar Towers, the U.S.S. *Cole* attack, and the African embassy bombings.

What I did not know, Mr. Speaker, up until June of this year, was that that secret program called Able Danger actually identified the Brooklyn cell of al Qaeda in January and February of 2000, over 1 year before 9/11 every happened. In addition, I learned that not only did we identify the Brooklyn cell of al Qaeda, but we identified Mohamed Atta as one of the members of that Brooklyn cell along with three other terrorists who were the leadership of the 9/11 attack.

I have also learned, Mr. Speaker, that in September of 2000, again, over 1 year before 9/11, that Able Danger team attempted on three separate occasions to provide information to the FBI about the Brooklyn cell of al Qaeda, and on three separate occasions they were denied by lawyers in the previous administration to transfer that information.

Mr. Speaker, this past Sunday on "Meet the Press," Louis Freeh, FBI Director at the time, was interviewed by Tim Russert. The first question to Louis Freeh was in regard to the FBI's ability to ferret out the terrorists. Louis Freeh's response, which can be obtained by anyone in this country as a part of the official record, was, Well, Tim, we are now finding out that a top-secret program of the military called Able Danger actually identified the Brooklyn cell of al Qaeda and Mohammed Atta over a year before 9/11.

And what Louis Freeh said, Mr. Speaker, is that that kind of actionable data could have allowed us to prevent the hijackings that occurred on September 11.

So now we know, Mr. Speaker, that military intelligence officers working in a program authorized by the Chairman of the Joint Chiefs of Staff, the general in charge of Special Forces Command, identified Mohammed Atta and three terrorists a year before 9/11, tried to transfer that information to the FBI were denied; and the FBI Director has now said publicly if he would have had that information, the FBI could have used it to perhaps prevent the hijackings that struck the World Trade Center, the Pentagon, and the plane that landed in Pennsylvania and perhaps saved 3,000 lives and changed the course of world history.

Mr. Speaker, I rise tonight because we have been trying to get the story out about Able Danger and what really happened. Unfortunately, Mr. Speaker, I have to rise tonight to tell you that as bad as this story is, and as bad as it is that the data was not transferred to the FBI, and as bad as it is that the 9/11 Commission totally ignored this entire story and referred to it as historically insignificant even though it was authorized by the Chairman of the Joint Chiefs of Staff, even though Louis Freeh has now said it could have provided information to prevent the attack against us, the 9/11 Commission ignored it. Not because the commissioners ignored it, but because someone at the staff level on the 9/11 Commission staff decided for whatever reason that they did not want to pursue the Abel Danger story.

Mr. Speaker, in August and September I met with the military officials involved with Abel Danger and one by one they told their story, until, Mr. Speaker, leaders in the Defense Intelligence Agency, including the deputy director, decided they do not want the story told. I think because they perhaps are fearful of being embarrassed and humiliated.

So what direction had they taken, Mr. Speaker?

They have gagged the military officers. They have prevented them from talking to any Member of Congress. They have prevented them from talking to the media. And the Defense Intelligence Agency has began a process to destroy the career and the life of Lieutenant Colonel Anthony Shaffer.

Now, it might be easy for us to ignore this, Mr. Speaker. We all have busy careers and worry about reelections every 2 years and worry about our own families and our jobs. But I cannot do that in this case and neither can this body, and neither can the other body. You see, Lieutenant Colonel Shaffer took an oath to defend our Constitution. He took the words "duty, honor, country" seriously and devoted 23 years of his life in four deployed intelligence operations of our military to protect America.

During the time he served our country, he has received the Bronze Star, an award that does not come easily, for showing acts of courage, leadership, and bravery in the course of his activities.

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He has received public commendations from previous directors of the Defense Intelligence Agency, including General Patrick Hughes, including generals at Special Forces Command, and including Admiral Wilson of the Defense Intelligence Agency. He has received dozens of letters and commendations for his work. The laudatory comments I reviewed in his files are unbelievable.

But, you see, Mr. Speaker, there is a problem. The Deputy Director of the Defense Intelligence Agency was in a meeting with Lieutenant Colonel Shaffer almost a year before 9/11, and Lieutenant Colonel Shaffer showed him a disk in his office with information about al Qaeda and Mohammed Atta, and the Deputy Director of the Defense

Intelligence Agency stopped the briefing and said, you cannot show me that. I do not want to see it. It might contain information I cannot look at.

Now, Tony Shaffer was not in the room alone, Mr. Speaker. There were other people, and we know their names. So we have witnesses. Now, the Deputy Director has denied that meeting and denied he was there and denied this particular story, but the fact is he knows that we are going to pursue it.

So what has happened to Lieutenant Colonel Shaffer, Mr. Speaker? The Defense Intelligence Agency has lifted his security clearance. One day before he was to testify before the Senate Committee on the Judiciary, in uniform, they permanently removed his security clearance. And now our Defense Intelligence Agency has told Colonel Shaffer's lawyer that they plan to seek a permanent removal of his pay and his health care benefits for him and his two children. Why, Mr. Speaker? Because Lieutenant Colonel Shaffer, like Commander Scott Philpot of the Navy, like J. D. Smith, and like a host of other Able Danger employees, has told the truth.

Now, Mr. Speaker, I sat here in the 1990s and I sat here during the 9/11 investigation and watched a ridiculous situation develop with Sandy Berger, the National Security Adviser under President Clinton. He walked into the National Archives before he was to testify before the 9/11 Commission looking through documents. He took documents out of the archives and stuffed them in his socks and pants so that no one would see them as he left the National Archives. Now, that is a felony, tampering with Federal documents and removing classified information regarding our security and information that the 9/11 commission needed to see.

Sandy Berger initially lied about it. He said he did not do it. Then he admitted it, and he was given a punishment. And, oh, by the way, his security clearance was temporarily lifted, but he will get it back again, for lying, for stealing, and for committing an act of outrage against our country's security. Lieutenant Colonel Shaffer, a Bronze Star 23-year military veteran, simply told the truth and now his life is being ruined.

His career is ended. He is no longer in military intelligence. They have taken his security clearance, and they are about to destroy him as a person. They are about to deny him the basic health care and the salary that he has earned, and they are doing it in this way. This is outrageous. It is evil. They do not want to fire Tony because they also do not want him to talk to the media. So by suspending him and removing his pay and his health care, they hurt him bad, but he cannot talk because he is under suspension and his lawyer has advised him that to talk to the media, to talk to Members of Congress, even when he is not being paid, would cause him further problems and totally prevent him from ever having this gross problem reversed. Mr. Speaker, this is outrageous. Mr. Speaker, this is not America.

Over my 19 years in Congress, I have led 40 delegations to the former Soviet Union. I have sat in the face of the Soviet Communists and confronted them on full transparency. I sat at the table with President Lukashenko of Belarus, who has been called by our Secretary of State the last dictator in Europe. I took both delegations to North Korea, Mr. Speaker, and sat across the table from Kim Gye Gwan and I told him we abhor the way they treat their people, the way they lie about what is happening, and the way they distort information.

Mr. Speaker, I took three delegations to Libya to meet with Qadhafi, and I told him that we are absolutely outraged at what Libya did in helping complete the Lockerbie bombing and the bombing of the Berlin nightclub.

You know, Mr. Speaker, I never thought I would have to take the floor of this Chamber and make the same statements about the Defense Intelligence Agency. As a supporter of the President, as a supporter of the military, Mr. Speaker, if we allow this to go forward, then we send the signal to every man and woman wearing a uniform that if you tell the truth, you will be destroyed if a career bureaucrat above you does not like what you are saying. If you tell the truth, we will take your health care benefits away from your kids. If you tell the truth, we will ruin you.

Mr. Speaker, this is not America. Mr. Speaker, this is not what I have been told by Secretary Rumsfeld that we are doing with our troops in protecting them, in giving them the best equipment and the best training. This is not what I spend hours in committee hearings on. This sends the wrong signal to America's troops. It tells them, do not be honest. Do not respect the fact that you have to be truthful. If there is somebody that the truth offends, then you better be silent.

Mr. Speaker, I have today asked for an independent investigation of the Defense Intelligence Agency and their efforts at destroying Tony Shaffer's life. This is outrageous, Mr. Speaker. They trumped up charges against him. They said while he was overseas in Afghanistan, forward deployed, that he forwarded cell phone calls from his official phone to his personal phone; and when they checked that out, it ran up a cost to the taxpayers of about $60. The second verbal charge they gave him was that he went to a course at the Army War College and he got reimbursed for his travel, his mileage and tolls, 100-some dollars. And they said he received a commendation for which he was not entitled, even though it was signed by his commanding officer and the acting Secretary of the Army.

But they went beyond that, Mr. Speaker. They went beyond that with this man. They said he had $2,000 of debt, personal debt. Well, I would like to have every Pentagon employee tomorrow, I would like to have the senior leadership show us what debt they have in the Defense Intelligence Agency so we can make that public.

They even went to this length, Mr. Speaker: the Defense Intelligence Agency wrote in an official document that Lieutenant Colonel Shaffer stole public property. A serious charge. Well, when you check what that public property was, it was an assortment of pens, government pens. But what they did not say in the Defense Intelligence report was that he took those pens when he was 15 years of age and was with his father when he was on assignment at one of our embassy outposts. He took the pens to give to other students at the school when he was 15 years of age. And by the way, Mr. Speaker, it was Tony Shaffer himself who admitted to that thievery when he applied for his security clearance. So the Defense Intelligence Agency knew that during his entire career of 23 years, but they put that in the document against him.

This is a scandal, Mr. Speaker. It is an outrage. It is a travesty. Everyone that worked with Tony Shaffer, the Navy officers, the private citizens have all said the same thing. This is a scandal to get Tony Shaffer because he has told the truth.

Now, this Defense Intelligence Agency and this Deputy Director had the audacity to have their legal counsel send Tony Shaffer's lawyer a letter on September 23. I cannot put that letter in the RECORD because it is privileged information, but it will eventually come out. But in that letter, in the second to last paragraph, the legal counsel for the Defense Intelligence Agency says to Mr. Shaffer's lawyer, he cannot receive any more classified information from the Defense Intelligence Agency because I checked and his security clearances have all been removed. Therefore, he is not allowed to look at anything that is secret or confidential.

Now, that is a letter sent by the general counsel of the DIA on September 23 of this year. Two weeks later, Mr. Speaker, to show the stupidity of the Defense Intelligence Agency, they send seven packages to Mr. Shaffer's lawyer of his personal belongings, which the Deputy Director of the DIA told my staff 3 months ago did not exist any more. And in those seven boxes, Mr. Speaker, were five classified memos. The Defense Intelligence Agency sent five classified memos to Lieutenant Colonel Shaffer, which they told him on September 23 he was not allowed to have access to.

Mr. Speaker, that is a felony; and I have asked the Inspector General and the legal officials to investigate and prosecute the Defense Intelligence officials who sent five classified documents through the mail or by hand delivery to Tony Shaffer.

In addition, Mr. Speaker, the Defense Intelligence Agency, in its absolute total stupidity, included in those boxes $500 worth of Federal property, including a multi-hundred dollar GPS system owned by the Federal Government, which they sent to Tony Shaffer, I guess to keep. They also sent, Mr. Speaker, 25 pens, brand new, and marked on them is "Property of the U.S. Government." The Defense Intelligence Agency, in its absolute utter stupidity, sent Tony Shaffer Federal property which they accused him of taking when he was 15 years of age.

Mr. Speaker, there is something desperately wrong here. There is a bureaucracy in the Defense Intelligence Agency that is out of control. They want to destroy the reputation of a 23-year military officer, Bronze Star recipient, hero of our country, with two kids because people in defense intelligence are embarrassed at what is going to come out.

And what is going to come out, Mr. Speaker? Well, we are going to find out, Mr. Speaker, that that unit, Able Danger, not only identified Mohammed Atta before 9/11, not only did they try to pass that information to the FBI, not only was that large data destroyed in the summer of 2000, but now, Mr. Speaker, I can add a new dimension to this whole story. Yesterday, Mr. Speaker, I met with another Able Danger official. I was not aware of this official's knowledge because he does not live within the Beltway.

This official, Mr. Speaker, has impeccable credentials. I cannot reveal his name today. I will to any Member of this body, any of our colleagues that want to come to me, I will tell you privately who this official is, and you will agree with me when I tell you his name that he has impeccable credentials. This official yesterday, Mr. Speaker, in a meeting in my office, told me that he has never been talked to by the Pentagon. He has never been talked to by the Defense Intelligence Agency in their supposed investigation. He has never been talked to by the 9/11 Commission staff in their investigation; yet this official had a leadership position in Able Danger.

This official told me that there is a separate cache of information collected from over 20 Federal agencies in 1999 and 2000 on Able Danger that still may exist. Now, the Pentagon has told us all this material was destroyed, and now I have a senior official telling me there is a second pot of information that may well still exist.

Furthermore, at the hearing over in the Senate Committee on the Judiciary, when Senator SPECTER asked why this data was destroyed, the witness who destroyed the data said, well, I was told that we could not keep this data for more than 90 days because it might involve information that contains U.S. persons, so we had to destroy it.

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Well, I found out that is not the story. The reason the data was destroyed was because Special Forces Command asked the Army for that data and within a matter of days, that data was destroyed so the Army would not pass it to Special Forces Command. Yet there still is, was and I hope still is a massive pot of data.

But furthermore, that official that I talked to yesterday will also say that there was no 90-day requirement, as was testified before the Senate Committee on the Judiciary. He said on a regular basis they kept information from Able Danger data mining for months and months and months. In fact, he will say he had a discussion with a lawyer in DOD named Schiffren who told him do not worry about it, just fill out a document, sign your name that you need it, put it in the box, and you can keep it as long as you want.

Mr. Speaker, that is entirely contradictory to what the Defense Intelligence Agency has been telling us, to what DOD has been telling us. Now we have someone who is willing to come forward and say that 90-day period is not real, they kept Able Danger information for months and months and months.

Mr. Speaker, there is something desperately wrong here. A sitting President of the United States resigned his position because he tried to cover up a third-rate burglary when some low-level operatives from the Republican committee to reelect him broke into the Democrat headquarters in Washington, D.C. No one was killed. No money was stolen. No State secrets were stolen. It was a third-rate burglary, but it caused the resignation of President Richard Nixon.

Mr. Speaker, we are talking about the deaths of 3,000 Americans.

Mr. Speaker, we are talking about 2.5 terabytes of data about al Qaeda. That is equal to one-fourth of all of the printed material in the Library of Congress.

Mr. Speaker, we are talking about Mohammed Atta and three of the terrorists that attacked us on 9/11.

Mr. Speaker, we are talking about military intelligence officers, including an Annapolis graduate who will command one of our destroyers in January of 2006 who risked his entire career to state on the record I will swear until I die that I saw Mohammed Atta's face every day starting in January of 2000, a year and a half before 9/11.

Mr. Speaker, this is not somebody off the street, this is a graduate of Annapolis, a 23-year Naval officer who will command one of our destroyers in January who is agreeing with Lieutenant Shaffer. We have three other people who have testified under oath that they saw the same photograph, and the person I met yesterday will testify that he had the name of a Mohammed Atta before 9/11 but not the face.

Mr. Speaker, this is not some third-rate burglary coverup. This is not some Watergate incident. This is an attempt to prevent the American people from knowing the facts about how we could have prevented 9/11 and people are covering it up today. They are ruining the career of a military officer to do it and we cannot let it stand. I do not care whether you are Democrat or Republican, you cannot let a lieutenant colonel's career be ruined because of some bureaucrat in the Defense Intelligence Agency. If we let that happen, then no one who wears the uniform will ever feel protected because we will have let them down. Anyone who wears the uniform of this country who is serving today expects us to back him or her up and that is not happening. We are seeing lying, distortion.

Mr. Speaker, do you know, Wolf Blitzer on CNN told my staff that a Department of Defense employee told him that Lieutenant Colonel Shaffer was having an affair with one of my employees. How low can we go, Mr. Speaker? How low can we go to allow this Defense Department to try to ruin the reputation and the personal life of a lieutenant colonel with a Bronze Star? To Wolf Blitzer, Mr. Speaker.

We need to know the name of that defense official who told Wolf Blitzer who told my staff, and he is not the only one. I have other media people who will come forward in this grand effort to destroy the reputation of a uniformed military officer, to create scandalous accusations. He does not even know my staff, to accuse him of stealing pens when he was 15, to take away his health care benefits for his two kids because he is telling the truth.

What do we stand for if not the truth? Is it more important that we be politically correct? Is it more important that I not rock the boat because my party is in the White House, because I campaigned for Bush, and support Don Rumsfeld. Is that more important? If that is more important, I do not want to be here. I will leave. I will leave my post, but I will not do it until we get justice for this man and for these people who the 9/11 Commission called historically insignificant.

Mr. Speaker, there is something wrong inside the Beltway.

Mr. Speaker, there is something desperately wrong when a military officer risks his life in Afghanistan time and again, embedded with our troops under an assumed name with a false beard and a false identity, forward deployed with our troops, gets castigated, gets ridiculed, gets some low life scum at the Pentagon spreading malicious lies about this individual, and then say to his lawyer, we are going to take away his health care benefits, we are going to take away his salary.

Mr. Speaker, if we allow this to stand as Democrats and Republicans, then none of us deserve to be here. When we all go overseas and meet the troops, we tell them how proud we are of them. We provide funding for them. We give them training and take care of their families. What we are allowing to happen right now is the Defense Intelligence Agency to ruin the career and the life of a man who spent 23 years protecting his Nation. If Lieutenant Colonel Shaffer was telling this story alone in a vacuum, that would be one thing. But he has been corroborated over and over again. I have met with at least 10 people who fully corroborate what Tony Shaffer says. Those meetings with the FBI, the FBI employee still works there and she told the Senate Committee on the Judiciary, I set those meetings up with the FBI to transfer information about al Qaeda and Able Danger. So she is still there and she testified.

What we have here, I am convinced of this now, is an aggressive attempt by CIA management to cover up their own shortcomings in not being able to do what the Able Danger team did: They identified Mohammed Atta and the al Qaeda cell of Brooklyn 1 year before 9/11. But even before that, as the story unfolds, you are going to hear the story that they also identified the threat to the USS *Cole* 2 weeks before the attack, and 2 days before the attack were screaming not to let the USS *Cole* come into the harbor at Yemen because they knew something was about to happen.

Mr. Speaker, bad news never comes easy; but in a democracy, the bad news has to come out so we can make sure it does not happen again.

Mr. Speaker, this whole thing started, not to embarrass anyone, this whole thing started because none of us knew that Mohammed Atta was identified before 9/11. It started because this Congress, this body in particular, tried to establish what is now in place back in 1999, a national collaborative center, but the CIA said we did not need it. The American people deserve to have the answers here. They deserve to know why 3,000 people died. They deserve to know what we could have done and should have done to better prepare ourselves and to work to prepare for the next incident. The American people need to know where those multiple terabytes of data is. Is it still being used? We know in January of 2001, General Shelton was given a 3-hour briefing on Able Danger. So even if they destroyed the data back in the summer of 2000, in January of 2001 there was enough material to give General Shelton, Commander of the Joint Chiefs, a 3-hour briefing.

Mr. Speaker, there is something here. I am not a conspiracy theorist, but there is something desperately wrong, Mr. Speaker. There is something outrageous at work here. This is not a third-rate burglary of a political campaign headquarters. This involved what is right now the covering up of information that led to the deaths of 3,000 people, changed the course of history, led to the invasion of Iraq and Afghanistan, and has disrupted our country, our economy and people's lives.

Mr. Speaker, we could ignore this. I cannot. If it means I have to resign from this body, I will resign. I will not allow, after 19 years in this body and as a vice chairman of the Committee on Armed Services, bureaucrats in the Defense Intelligence Agency to concoct stories, to talk about the theft of pens when this lieutenant colonel was 15 years old, to talk about this man's personal debt of $2,000. I would hate to check the indebtedness of Members of Congress. I know mine is more than $2,000.

Mr. Speaker, this is not America. I had a group of college students down from Drexel University. There were about 20 of them, including representative students from eight other nations. We talked about this. Of course we have talked about all of the problem countries in the world. We talk about our values as a Nation, the need for a democracy to have people involved, to have transparency, to have people who respect the rule of law and the Constitution.

How do I tell them that is what is working here, Mr. Speaker, when the Pentagon says that these people who simply want to tell the truth are not allowed? They are saying it is for classified purposes, yet the DOD lawyer on the Senate side there is nothing classified about any of the information. It is not about classified programs. I would be the last to want to see anything classified revealed. I have seen many, many instances where I have been given sensitive information that only a few people in the Congress and the country had. I would never reveal it. It is not about that. This is not about the DIA, this is not about the CIA, this is about CYA. It is about CYA by bureaucrats in the Defense Intelligence Agency and possibly some political operatives that do not want the facts to come out about Able Danger and the information that the Able Danger team put together. And in the process, they are going to destroy a man, a man who has been recognized by his country, who has a family, and who simply wants to do the right thing.

Mr. Speaker, I hated to take the floor tonight, but I did not know what else to do. We have committees of Congress working on this. I want to thank the gentleman from Virginia (Mr. WOLF), chairman of the FBI Appropriation Committee on Oversight. He is as outraged as I am. I want to thank the gentleman from Wisconsin (Mr. SENSENBRENNER), who is looking at this, and the gentleman from California (Chairman HUNTER). The Committee on Armed Services has a full-time staffer assigned to get to the facts of this. I want to thank the gentleman from New York (Mr. KING), chairman of the Committee on Homeland Security, because he is looking at this. I want to thank the gentleman from Michigan (Chairman HOEKSTRA) and the Permanent Select Committee on Intelligence. He has met with Tony Shaffer and has offered to get more information. I want to thank my colleagues on the other side of the aisle for standing up and beginning to ask questions, and I want to thank Senator SPECTER and Senator BIDEN, who attended a Committee on the Judiciary hearing and expressed their outrage. I want to thank Senator SESSIONS, Senator KYL, and Senator GRASSLEY, who were all there. In fact, Senator GRASSLEY called it a coverup.

Mr. Speaker, I cannot tell you the number of Members who have come to me and said this is unacceptable. I would hope that as a result of what we have heard tonight every Member of Congress will ask for an inquiry. The gentlewoman from Georgia (Ms. MCKINNEY) wrote a letter to the chairman of the Committee on Armed Services asking for an investigation. We have from Republicans to Democrats, left to right, conservatives to liberals. What is happening here is unacceptable. It is unimaginable. It is un-American. All over the world tonight, young Americans are wearing our uniforms. They are doing a great job. They make us all proud when we travel overseas. They make us proud because of the pride they have. When I talk to them, they say I am glad to be doing what I am doing. I am doing the right thing for our country. I will go any place the Commander in Chief sends me. Whether I am in Afghanistan or Iraq, they will tell me that.

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Whether we are in Kosovo or Somalia, they will tell us that. Whether we are at Hurricane Katrina, whether we are at Hurricane Andrew, or whether we are out in California, the earthquake, or the Midwestern floods, our troops are all the same. They respect our country. They respect our Constitution. If we allow this travesty to continue, Mr. Speaker, then we have let all of those people down for some nameless, faceless bureaucrat who is fearful that the information will finally come to light, that the DIA just did not get it.

Back in 1999 and 2000, they did not have a clue. They had millions of dollars, hundreds of millions of dollars, and could not do what a 20-member team did in being able to identify Mohammed Atta before the 9/11 attacks.

DIA does not want that to come out, Mr. Speaker. They do not want that to come out. Heaven forbid the Defense Intelligence Agency, with hundreds of millions of dollars, would have a 20-member team do what they could not do because they were using new technology and new software. They do not want that to come out. That is why that Deputy Director, when he was at that meeting, said, I do not want to see this. Do not show it to me. And that is why today that Deputy Director is trying to ruin the career of Lieutenant Colonel Shaffer.

The only way to resolve this, Mr. Speaker, is to have a full independent investigation by the Inspector General of the Pentagon. I have asked Secretary Rumsfeld today to do that. I would ask my colleagues on both sides of the aisle to join me in that request. Let the independent inspector for the Pentagon go in, not DIA. DIA cannot investigate itself. It does not have the capability to do that. It does not have the integrity to do that. Let the Inspector General do the investigation and while that is being done, protect Lieutenant Colonel Shaffer. He does not deserve to have his career ruined or destroyed for telling the truth.

And while we are at it, Mr. Speaker, if DIA is going to continue to press this ridiculous set of facts, then as I said earlier, I want DIA prosecuted for the five felonies they committed in sending classified documents to a person that 2 weeks earlier they said was incapable of receiving classified information. And if this continues, I want DIA held responsible for illegally transferring $500 of public assets to a person, that in the process of sending that stuff to him, DIA committed fraud against the taxpayers. I want them held accountable: DIA's stupidity; DIA's incompetence.

We have a new nominee for the head of DIA, and I am going to ask every Senator to fully explore each of these issues before that person is confirmed. I will meet with every Senator personally and go over all of this information. And I would encourage the Senators and the House Members to interview the other people who worked with Lieutenant Colonel Shaffer and to get their assessments of what is going on there. They will all tell them the same thing: Shaffer is being abused and used as a scapegoat. If they can ruin Shaffer, they can silence the story.

It cannot happen, Mr. Speaker. We cannot let it. That is not what America is about. That is not what we say to our enlisted personnel when they sign up for duty. That is not what we say when we pass our defense bills every year.

This man is being maligned and mistreated. He is being harassed. The most scurrilous accusations, totally unfounded, have been given to the American media; and I will name names, and I will ask for an investigation of the people who made those statements to these media people because it all needs to be put on the record.

And as someone tomorrow who will chair another hearing on our defense oversight to try to get the best value for the dollars for our military, I ask all of our colleagues, Mr. Speaker, on both sides of the aisle to join us. This is not Republicans or Democrats. It is about what is fundamental to this country. I would ask our constituents across America we represent to join us, to express their outrage, to e-mail, make phone calls, write letters to the Secretary of Defense, the President of the United States, to Members of Congress to simply let the story be told. Let the Able Danger story finally come out to the American people. Let them understand what really happened. Let Scott Philpott talk. Let Tony Shaffer talk. Let the others who have been silenced have a chance to tell their story to Congress and openly to the American people. In the end, the country will be stronger.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCDERMOTT) to revise and extend their remarks and include extraneous material:)

Mr. DEFAZIO, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Ms. SOLIS, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

Mr. STUPAK, for 5 minutes, today.

Mr. RYAN of Ohio, for 5 minutes, today.

Mr. MARKEY, for 5 minutes, today.

Mr. MEEHAN, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Mr. BUTTERFIELD, for 5 minutes, today.

Ms. HERSETH, for 5 minutes, today.

(The following Members (at the request of Mr. YOUNG of Florida) to revise and extend their remarks and include extraneous material:)

Mr. BURTON of Indiana, for 5 minutes, today.

Mr. MORAN of Kansas, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. GOHMERT, for 5 minutes, today.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1886. An act to authorize the transfer of naval vessels to certain foreign recipients; to the Committee on International Relations.

ENROLLED BILL SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 3971. An act to extend medicare cost-sharing for qualifying individuals through September 2007, to extend transitional medical assistance and the program for abstinence education through December 2005, to provide unemployment relief for States and individuals affected by Hurricane Katrina, and for other purposes.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 155. An act to adjust the boundary of Rocky Mountain National Park in the State of Colorado.

S. 156. An act to designate the Ojito Wilderness Study Area as wilderness, to take certain land into trust for the Pueblo of Zia, and for other purposes.

BILL PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that an October 14, 2005, he represented to the President of the United States, for his approval, the following bill.

H.R. 2360. Department of Homeland Security Appropriations Act, 2006.

ADJOURNMENT

Mr. WELDON of Pennsylvania. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 5 minutes p.m.), the House adjourned until tomorrow, Thursday, October 20, 2005, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

4576. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—West Indian Fruit Fly; Regulated Articles [Docket No. 04-127-2] received October 4, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4577. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Mexican Fruit Fly; Quarantined Areas and Treatments for Regulated Articles [Docket No. 02-129-5] received October 4, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4578. A letter from the Under Secretary, Food, Nutrition, and Consumer Services, Department of Agriculture, transmitting the Department's final rule — Commodity Supplemental Food Program — Plain Language, Program Accountability, and Program Flexibility (RIN: 0584-AC84) received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4579. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Asian Longhorned Beetle; Removal of Regulated Areas [Docket No. 05-011-2] received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4580. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Brucellosis in Swine; Add Florida to List of Validated Brucellosis-Free States [Docket No. 05-009-2] received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4581. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Noxious Weed Control and Eradication Act; Delegation of Authority [Docket No. 05-012-1] received September 27, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4582. A letter from the Administrator, Agricultural Marketing Service, Fruit and Vegtable Programs, Department of Agriculture, transmitting the Department's final rule—Marketing Order Regulating the Handling of Spearmint Oil Produced in the Far West; Revision of the Salable Quantity and Allotment Percentage for Class 1 (Scotch) and Class 3 (Native) Spearmint Oil for 2005-2006 Marketing Year [Docket No. FV05-985-2 IFR] received September 27, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4583. A letter from the Administrator, Agricultural Marketing Service, Fruit and Vegtable Programs, Department of Agriculture, transmitting the Department's final rule—Nectarines and Peaches Grown in California; Increased Assessment Rates [Docket No. FV05-916-3 FR] received September 27, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4584. A letter from the Administrator, Agricultural Marketing Service, Fruit and Vegtable Programs, Department of Agriculture, transmitting the Department's final rule—Amendment to the Peanut Promotion, Research, and Information Order [FV-05-701-IFR] received September 27, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4585. A letter from the Administrator, Agricultural Marketing Services, Department of Agriculture, transmitting the Department's final rule—Milk in the Mideast Marketing Area; Interim Order Amending the Order [Docket No. AO-166-A39; DA-05-01-A] received September 27, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4586. A letter from the Agricultural Marketing Agency, Science and Technology Programs, Department of Agriculture, transmitting the Department's final rule—Plant Variety Protection Office, Fee Increase [Doc. No. ST-05-02] (RIN: 0581-AC42) received September 27, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4587. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Navy, Case Number 04-06, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

4588. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Navy, Case Number 04-05, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

4589. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Navy, Case Number 04-02, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

4590. A letter from the Under Secretary for Acquisition, Technologyand Logistics, Department of Defense, transmitting revisions to the National Defense Stockpile Annual Materials Plan (AMP) for fiscal year 2006, pursuant to 50 U.S.C. 98d; to the Committee on Armed Services.

4591. A letter from the Assistant to the Secretary, Nuclear and Chemical and Biological Defense Programs, Department of Defense, transmitting revisions to the Counterproliferation Program Review Committee report entitled, “Report on Activities and Programs for Countering Proliferation and NBC Terrorism”; to the Committee on Armed Services.

4592. A letter from the Assistant General Counsel, Division of Regulatory Services, Department of Education, transmitting the Department's final rule—Safe and Drug-Free Schools Programs, Final Priority and Other Application Requirements—received August 11, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

4593. A letter from the Assistant General Counsel, Division of Regulatory Services, Department of Education, transmitting the Department's final rule—Innovation for Teacher Quality (RIN: 1855-AA04) received July 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

4594. A letter from the Assistant General Counsel, Division of Regulatory Services, Department of Education, transmitting the Department's final rule—Alcohol and Other Drug Prevention Models on College Campuses—received August 11, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

4595. A letter from the Assistant Secretary, Office of Vocational and Adult Education, Department of Education, transmitting the Department's final rule—Community Technology Centers Program—September 20, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

4596. A letter from the Secretary, Department of Energy, transmitting the Department's Annual Report on Federal Government Energy Management and Conservation Programs during Fiscal Year 2003, pursuant to 42 U.S.C. 6361(c); to the Committee on Energy and Commerce.

4597. A letter from the Secretary, Federal Trade Commission, transmitting the Report to Congress for 2003 pursuant to the Federal Cigarette Labeling and Advertising Act, pursuant to 15 U.S.C. 1337(b); to the Committee on Energy and Commerce.

4598. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting the President's determination and certification for Fiscal Year 2006 under Section 102(a)(2) of the Arms Export Control Act, pursuant to 22 U.S.C. 2799aa–2; to the Committee on International Relations.

4599. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of an Accountability Review Board to examine the facts and the circumstances of the loss of life at a U.S. mission abroad and to report and make recommendations, pursuant to 22 U.S.C. 4834(d)(1); to the Committee on International Relations.

4600. A letter from the NSPS Senior Executive, Department of Defense, transmitting comments on proposed regulations for the National Security Personnel System from unions representing Department of Defense employees; to the Committee on Government Reform.

4601. A letter from the Executive Director, Commission on Federal Election Reform, transmitting the Commission's report entitled, “Building Confidence in U.S. Election: The Report of the Commission on Federal Election Reform”; to the Committee on House Administration.

4602. A letter from the Secretary, Department of the Interior, transmitting a progress report on the Department's continuing effort to provide an historical accounting for individual Indian monies; to the Committee on Resources.

4603. A letter from the Under Secretary for Emergency Preparedness and Response, Department of Homeland Security, transmitting notification that funding under Title V, subsection 503(b)(3) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, has exceeded $5 million for the response to the emergency declared as a result the influx of evacuees from areas struck by Hurricane Katrina beginning on August 29, 2005 in the State of Texas, pursuant to 42 U.S.C. 5193; to the Committee on Transportation and Infrastructure.

4604. A letter from the Assistant Secretary of the Army, Civil Works, Department of the Army, transmitting a legislative proposal regarding the Civil Works program of the Army Corps of Engineers; to the Committee on Transportation and Infrastructure.

4605. A letter from the Assistant Secretary, Civil Works, Department of the Army, transmitting the Department's status report on the Great Lakes Tributary Model required by Section 516(e-g) of the Water Resources Development Act; to the Committee on Transportation and Infrastructure.

4606. A letter from the Secretary, Department of Transportation, transmitting the Administration's March 2005 report to Congress entitled, “Use of Dedicated Trains for Transportation of High-Level Radioactive Waste and Spent Nuclear Fuel,” pursuant to Public Law 101–615, section 15; to the Committee on Transportation and Infrastructure.

4607. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Determination of Amount of Original Issue Discount (Rev. Rul. 2005-47) received August 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4608. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Changes in accounting periods and in methods of accounting. (Rev. Proc. 2005-47) received August 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4609. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Value of Life Insurance Contracts when Distributed from a Qualified Retirement Plan [TD 9223] (RIN: 1545-BC20) received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4610. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—Returns Prepared For or Executed by Secretary (Rev. Rul. 2005-59) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4611. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—Determination of Interest Rate (Rev. Rul. 2005-62) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4612. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—Additional Relief for Certain Employee Benefit Plans as a Result of Hurricane Katrina [Notice 2005-60] received September 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4613. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—Last-in, first-out inventories. (Rev. Rul. 2005-45) received August 11, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4614. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—Converting an IRA Annuity to a ROTH IRA [TD 9220] (RIN: 1545-BE66) received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4615. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—Examination of returns and claims for refund, credit or abatement; determination of tax liability (Rev. Proc. 2005-64) received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4616. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—Administrative, Procedural, and Miscellaneous (Rev. Proc. 2005-66) received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4617. A letter from the Chairman, International Trade Commission, transmitting the Commission's report on investigation No. TA-204-12, entitled, "Steel: Evaluation of the Effectiveness of Import Relief," pursuant to 19 U.S.C. 2254(d)(3); to the Committee on Ways and Means.

4618. A letter from the Chairman, United States International Trade Commission, transmitting the eleventh annual report on the Andean Trade Preference Act (ATPA) entitled "Impact on U.S. Industries and Consumers and on Drug Crop Eradication and Crop Substitution," pursuant to 19 U.S.C. 3204; to the Committee on Ways and Means.

4619. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting the Department's notification to Congress of determinations that institutions of higher education have a policy or practice of denying military recruiting personnel entry to campuses, access to students on campus, or access to student recruiting information, pursuant to 10 U.S.C. 983; jointly to the Committees on Armed Services and Education and the Workforce.

4620. A letter from the Inspector General, Department of Health and Human Services, transmitting a report on the adequacy of reimbursement rate under the new methodology for Medicare reimbursement of drugs and biologicals, pursuant to 42 U.S.C. 1395w-3a note Public Law 108-173, section 303(c)(3)(B); jointly to the Committees on Energy and Commerce and Ways and Means.

4621. A letter from the Secretary, Department of Health and Human Services, transmitting the Administration's draft proposal that would protect and strengthen the financing of the Medicare program, as described in the President's fiscal year 2006 Budget; jointly to the Committees on Energy and Commerce and Ways and Means.

4622. A letter from the Secretary, Department of Health and Human Services, transmitting a waiver of certain Medicare, Medicaid, and State Children's Health Insurance Program Requirements, pursuant to 42 U.S.C. 1320b-5 Public Law 107-188, section 143(a)(1135)(f); jointly to the Committees on Ways and Means and Energy and Commerce.

4623. A letter from the Fiscal Assistant Secretary, Department of the Treasury, transmitting the Department's March 2005 "Treasury Bulletin," pursuant to 26 U.S.C. 9602(a); jointly to the Committees on Ways and Means, Transportation and Infrastructure, Resources, Energy and Commerce, Education and the Workforce, and Agriculture.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mrs. MALONEY:

H.R. 4077. A bill to provide additional funding to prevent sexual assaults in the military; to the Committee on Armed Services.

By Mr. NORWOOD (for himself and Mr. Whitfield):

H.R. 4078. A bill to amend part B of title XVIII of the Social Security Act to establish a floor for Medicare physician payment rates for 2006 at the level for 2005; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SULLIVAN (for himself, Mr. Burton of Indiana, Mr. Tancredo, Mr. Hayworth, Mr. Goode, Mr. Jones of North Carolina, Mr. Hefley, and Mr. Garrett of New Jersey):

H.R. 4079. A bill to reduce the number of visa overstays and to ensure that illegal aliens are apprehended, detained, and removed as rapidly as possible; to the Committee on the Judiciary, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. CUBIN (for herself, Mr. Osborne, Mr. Fortenberry, and Mr. Terry):

H.R. 4080. A bill to extend the contract for the Glendo Unit of the Missouri River Basin Project in the State of Wyoming; to the Committee on Resources.

By Mr. GARRETT of New Jersey:

H.R. 4081. A bill to ensure that emergency appropriation funds for hurricane assistance relief are used only for individuals in affected areas; to the Committee on Transportation and Infrastructure.

By Ms. HART (for herself, Mr. Neal of Massachusetts, Mr. Reynolds, Mr. English of Pennsylvania, Mr. Hayworth, and Mr. Gerlach):

H.R. 4082. A bill to permit biomedical research corporations to engage in certain financings and other transactions without incurring limitations on net operating loss carryforwards and certain built-in losses, and for other purposes; to the Committee on Ways and Means.

By Mr. GOODE (for himself, Mr. Hunter, Mr. Gingrey, Mr. Hayworth, Mr. Rogers of Alabama, Ms. Foxx, Mr. Barrett of South Carolina, Mr. Jones of North Carolina, Mr. Garrett of New Jersey, Mr. Tancredo, Mr. Norwood, Mr. Deal of Georgia, Mr. Davis of Kentucky, Mr. Sullivan, Mr. Brown of South Carolina, Mr. Wilson of South Carolina, Mr. Sam Johnson of Texas, Mr. Culberson, Mr. Poe, Mr. Carter, Mr. Rohrabacher, Mr. Radanovich, Mr. Hostettler, Mr. Sessions, and Mr. King of Iowa):

H.R. 4083. A bill to direct the Secretary of Homeland Security to construct a fence along the southern border of the United States; to the Committee on Homeland Security.

By Mr. HERGER:

H.R. 4084. A bill to amend the Forest Service use and occupancy permit program to restore the authority of the Secretary of Agriculture to utilize the special use permit fees collected by the Secretary in connection with the establishment and operation of marinas in units of the National Forest System derived from the public domain, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. HOOLEY:

H.R. 4085. A bill to amend the Elementary and Secondary Education Act of 1965 to improve certain accountability and assessment provisions; to the Committee on Education and the Workforce.

By Mr. JINDAL:

H.R. 4086. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit for health insurance costs of eligible disaster relief recipients; to the Committee on Ways and Means.

By Ms. NORTON (for herself and Mr. Tom Davis of Virginia):

H.R. 4087. A bill to permit nonjudicial employees of the District of Columbia courts, employees transferred to the Pretrial Services, Parole, Adult Probation, and Offender Supervision Trustee, and employees of the District of Columbia Public Defender Service to have periods of service performed prior to the enactment of the Balanced Budget Act of 1997 included as part of the years of service used to determine the time at which such employees are eligible to retire under chapter 84 of title 5, United States Code, and for other purposes; to the Committee on Government Reform.

By Mr. PALLONE:

H.R. 4088. A bill to impose limitations on the use of eminent domain for purposes of economic development; to the Committee on the Judiciary, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. POE (for himself, Mr. SIMMONS, Mr. MCCOTTER, Mr. GOODE, Mr. TERRY, Mr. PETRI, Mr. SAM JOHNSON of Texas, Mr. MCHENRY, Mr. WAMP, Mr. FEENEY, Mr. CHABOT, Mr. GUTKNECHT, Mr. RYAN of Wisconsin, Mr. NEUGEBAUER, Mr. SODREL, Mr. CULBERSON, Mr. PITTS, Mr. AKIN, Mr. FORTUÑO, Mr. FLAKE, Mr. PENCE, Mr. HENSARLING, and Mr. WELDON of Florida):

H.R. 4089. A bill to require Government credit card bills to be made available to the public, and for other purposes; to the Committee on Government Reform.

By Mr. MCCRERY:

H. Res. 501. A resolution providing for the concurrence by the House with amendments in the amendment of the Senate to H.R. 3971; considered and agreed to.

By Mr. LATOURETTE (for himself and Mr. RYAN of Ohio):

H. Res. 502. A resolution expressing the sense of the House of Representatives with respect to the senseless and unwarranted criminal prosecution of 2nd Lt. Erick J. Anderson, United States Army; to the Committee on Armed Services.

By Mr. MCCOTTER:

H. Res. 503. A resolution condemning the actions taken by the Government of Cameroon against Henry Fossung and others, and for other purposes; to the Committee on International Relations.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

180. The SPEAKER presented a memorial of the Legislature of the State of Texas, relative to House Concurrent Resolution No. 15, urging the Congress of the United States to support the American Veterans Home Ownership Act of 2005; to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 37: Mr. FITZPATRICK of Pennsylvania.

H.R. 278: Mr. FEENEY.

H.R. 303: Mr. RENZI.

H.R. 475: Mr. SHAYS.

H.R. 503: Mr. AL GREEN of Texas.

H.R. 515: Mr. ENGLISH of Pennsylvania.

H.R. 551: Mr. DAVIS of Illinois.

H.R. 567: Mr. LIPINSKI.

H.R. 596: Mrs. SCHMIDT.

H.R. 698: Mr. BARRETT of South Carolina, Mrs. MUSGRAVE, and Mr. MCHUGH.

H.R. 756: Mr. FITZPATRICK of Pennsylvania.

H.R. 856: Mr. PLATTS.

H.R. 874: Mr. PUTNAM.

H.R. 896: Mr. BUTTERFIELD.

H.R. 923: Mr. MARCHANT, Mr. HALL, Mr. FORD, Mr. MILLER of Florida, and Mr. BISHOP of Georgia.

H.R. 949: Mr. CASTLE.

H.R. 983: Mr. BLUMENAUER.

H.R. 1059: Mr. DINGELL.

H.R. 1227: Mr. SCHWARZ of Michigan, Mr. GILCHREST, and Mr. KING of New York.

H.R. 1245: Mr. FRELINGHUYSEN.

H.R. 1298: Mr. DOYLE.

H.R. 1498: Mr. SALAZAR, Mr. CLAY, Mr. WOLF, Mr. BISHOP of New York, and Mr. LOBIONDO.

H.R. 1597: Mr. ANDREWS.

H.R. 1615: Ms. LINDA T. SÁNCHEZ of California.

H.R. 1631: Mr. COSTA.

H.R. 1688: Mr. MILLER of North Carolina.

H.R. 1736: Mrs. KELLY.

H.R. 1951: Mr. PORTER, Mr. MARKEY, Mr. SESSIONS, and Mr. OBERSTAR.

H.R. 1952: Mrs. MALONEY.

H.R. 1973: Mr. FARR.

H.R. 2045: Mr. UPTON.

H.R. 2051: Mr. BURGESS, Ms. JACKSON-LEE of Texas, Mr. MCHUGH, and Mr. LEVIN.

H.R. 2259: Ms. BERKLEY.

H.R. 2335: Mr. TANNER and Mr. SOUDER.

H.R. 2337: Mr. RENZI.

H.R. 2357: Mr. SCHWARZ of Michigan.

H.R. 2391: Mr. CONYERS and Mr. BLUMENAUER.

H.R. 2410: Mr. NEAL of Massachusetts.

H.R. 2567: Mr. FRELINGHUYSEN and Mr. ROTHMAN.

H.R. 2646: Mr. BASS.

H.R. 2694: Mr. THOMPSON of Mississippi.

H.R. 2717: Mr. LANGEVIN, Mr. GENE GREEN of Texas, Ms. MILLENDER-MCDONALD, Mr. TOWNS, Mr. SERRANO, and Mrs. EMERSON.

H.R. 2793: Mr. PETERSON of Minnesota, Mr. LARSEN of Washington, Mr. FILNER, and Mr. THORNBERRY.

H.R. 2803: Mr. WILSON of South Carolina.

H.R. 2842: Mr. WELDON of Florida.

H.R. 2892: Mr. DAVIS of Kentucky and Mr. FILNER.

H.R. 2989: Ms. BERKLEY.

H.R. 3096: Mr. BAIRD and Mr. MCGOVERN.

H.R. 3137: Mr. BLUNT, Mr. SHIMKUS, Mrs. BLACKBURN, Mr. BRADY of Texas, Mr. MCCRERY, Mr. ROHRABACHER, and Mr. WICKER.

H.R. 3146: Mr. LANGEVIN.

H.R. 3147: Mr. MILLER of Florida.

H.R. 3174: Mr. REYES.

H.R. 3273: Mr. GILCHREST.

H.R. 3301: Mr. POMBO.

H.R. 3333: Mr. BEAUPREZ.

H.R. 3361: Mr. BERMAN.

H.R. 3505: Mr. SOUDER.

H.R. 3520: Ms. GINNY BROWN-WAITE of Florida and Ms. CARSON.

H.R. 3555: Mr. CROWLEY and Mr. SCOTT of Virginia.

H.R. 3561: Mr. FALEOMAVAEGA, Ms. HERSETH, Ms. NORTON, Ms. MILLENDER-MCDONALD, Mr. FILNER, and Mrs. MALONEY.

H.R. 3630: Mr. SCHWARZ of Michigan.

H.R. 3664: Mr. THOMPSON of Mississippi.

H.R. 3684: Mrs. BLACKBURN.

H.R. 3698: Ms. BERKLEY, Ms. ROYBAL-ALLARD, Mr. BISHOP of Georgia, and Mr. HONDA.

H.R. 3711: Ms. WASSERMAN SCHULTZ and Ms. LEE.

H.R. 3717: Mr. RUPPERSBERGER, Mr. BARTLETT of Maryland, Mrs. SCHMIDT, Mr. MCKEON, and Mr. JINDAL.

H.R. 3752: Mr. THOMPSON of Mississippi.

H.R. 3774: Ms. CORRINE BROWN of Florida, Mr. EVANS, and Mr. BERMAN.

H.R. 3776: Mr. SHADEGG and Mr. GOODE.

H.R. 3806: Mr. SHADEGG.

H. R. 3858: Mr. WU, Mr. TIERNEY, Mr. LEWIS of Georgia, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. EVANS, Mr. SCHWARZ of Michigan, Mrs. LOWEY, and Ms. WATSON.

H.R. 3870: Mr. INGLIS of South Carolina.

H.R. 3889: Mrs. CUBIN, Mr. CHABOT, Mr. SIMMONS, and Mr. SHADEGG.

H.R. 3910: Mr. AKIN.

H.R. 3931: Mr. DAVIS of Florida, Mr. ENGEL, Mr. PRICE of North Carolina, Mr. CLYBURN, Mr. CLAY, and Mr. LOBIONDO.

H.R. 3938: Mr. ROYCE and Mr. MARCHANT.

H.R. 3943: Mr. MILLER of Florida, Mr. ISTOOK, Mr. COBLE, and Mr. DENT.

H.R. 3944: Mr. BOEHLERT.

H.R. 3947: Mr. UPTON.

H.R. 3957: Mr. DICKS and Mr. GREEN of Wisconsin.

H.R. 3974: Mr. BERRY, Mr. BARROW, and Mr. MCCAUL of Texas.

H.R. 3979: Mr. GIBBONS.

H.R. 3985: Mr. PAUL and Mr. FORTUÑO.

H.R. 4008: Mr. DUNCAN, Mr. SALAZAR, Mr. ABERCROMBIE, and Mr. BURTON of Indiana.

H.R. 4023: Mr. BURTON of Indiana, Mrs. EMERSON, Mr. ENGLISH of Pennsylvania, Mr. Gonzalez, Mr. HALL, Mr. HINOJOSA, Mr. KUCINICH, Mr. MEEKS of New York, Mr. MICHAUD, Mr. SANDERS, Ms. LINDA T. SÁNCHEZ of California, Mr. STRICKLAND, Mr. WYNN, Mr. LEVIN, Mr. BACA, Mr. PAYNE, Ms. LEE, Mr. SKELTON, and Ms. VELÁZQUEZ.

H.R. 4049: Mr. HONDA.

H.J. Res. 54: Mr. GARRETT of New Jersey.

H.J. Res. 55: Mr. MEEKS of New York.

H. Con. Res. 10: Mr. FRANK of Massachusetts.

H. Con. Res. 174: Mr. PICKERING.

H. Con. Res. 190: Mr. PENCE, Ms. ROS-LEHTINEN, and Mr. ISSA.

H. Con. Res. 231: Mr. UDALL of Colorado and Mr. DEFAZIO.

H. Con. Res. 251: Mr. SCHWARZ of Michigan, Mr. PASTOR, Mr. MILLER of Florida, and Mr. CONAWAY.

H. Con. Res. 252: Mr. DREIER, Mr. OXLEY, and Mr. KOLBE.

H. Res. 85: Mr. DUNCAN and Mr. WHITFIELD.

H. Res. 447: Mr. CONYERS.

H. Res. 477: Ms. DELAURO and Mr. KILDEE.

H. Res. 485: Mr. SNYDER, Mr. ORTIZ, Mr. PETERSON of Minnesota, and Mr. CONYERS.

H. Res. 499: Mr. EVANS.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

73. The SPEAKER presented a petition of the City of Evanston, Illinois, relative to Resolution No. 50-R-05, urging the return of United States Troops from Iraq; which was referred to the Committee on International Relations.

SENATE—*Wednesday, October 19, 2005*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Spirit, who seeks and finds us, let Your light shine on us today. May its bright beams provide us with answers to our questions, assurances for our doubts, strength for our weakness, and vision for our duty.

Illuminate the path of our Senators with the clarity of Your wisdom, so that whatever they say or do will bring honor to You.

Make our lives shining lights of Your goodness that people will see our faithful labors and glorify Your name. Help us to live to bless others.

We pray in the Spirit of Him who is the light of the world. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business for up to 60 minutes, with the first half of the time under the control of the Democratic leader or his designee and the second half of the time under the control of the Republican leader or his designee.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning we will start with a 60-minute period for morning business. Following that time, at approximately 10:45 or so, we will return to the pending business, which is the Transportation-Treasury-HUD appropriations bill. We expect to have two votes in relation to the minimum wage issue today. I hope we can schedule those votes early.

We need to make substantial progress on the underlying bill today, and I hope we can get back to amendments pertaining to matters within the scope of the bill. The two managers have been on the floor since Monday, and I know they are prepared to bring this bill to a close as soon as possible. I would reiterate again that we will finish this bill this week, with votes on Friday if necessary.

In addition to the Transportation-Treasury appropriations bill, we continue to move forward with resolve to meet our overall governing responsibilities. Given the significant, unexpected expenditures for Katrina, the Senate will meet the challenge of making tough choices about spending priorities. Most of my days, and the days of my leadership colleagues, have been spent in helping pull people together, in making those tough choices which are focused on restraining Government spending.

That does start at home in this body. Thus, yesterday the Senate overwhelmingly voted to eliminate congressional pay raises. I believe that was an appropriate action. It shows we are serious as we look for savings throughout the Government, and it starts at home in this body.

Eight committees of the Senate are hard at work doing the exact same thing, and that is prioritizing. I thank and commend the committees and their chairs and ranking members—the HELP Committee, the Banking Committee, the Environment and Public Works Committee—for their success yesterday in meeting those goals set out in the budget. I thank the chairmen and the committee members for their tremendous progress to date.

SADDAM HUSSEIN TRIAL

Mr. FRIST. Mr. President, today begins what is no less than the trial of the century, the trial of Saddam Hussein.

For the first time in recent history, a former leader will stand before his own people to be judged and tried for his crimes against humanity. For the first time, the Iraqi people will hear and watch the "Butcher of Baghdad" answer for 23 years of terror.

Saddam's crimes are surpassed only by the Rwandan genocide, Pol Pot's killing fields, and the tyrannies of Hitler, Mao, Stalin, and Kim Jong Il.

Egyptians, Kuwaitis, and Iranians were put to death simply because he decreed so. Saddam killed Kurds because of their ethnicity. And he killed Shiites because of their religion, Sunnis for their political views. Even babies and toddlers fell victim to the firing squad.

As Prime Minister al-Jafari said yesterday, there will be no tears for Saddam Hussein. But most surely, there will be tears for the hundreds of thousands of lives he crushed and destroyed with utter ruthlessness.

The trial of Saddam will reveal to the Iraqis and to the world the full extent of his brutality. And as the crimes are tallied and recorded, he will face the full judgment of the people and the uncompromising judgment of history.

I am confident justice will be served and that Saddam and his henchmen will be treated fairly and appropriately. And I am hopeful the process will be an opportunity for the Iraqi people to experience some measure of catharsis and closure on a dark and terrible chapter in their history.

I commend them for their courage to restrain the desire for vengeance and to commit to the rule of law. It cannot be easy. Saddam's abuse ran deep and ran wide. But by granting him a fair trial—an opportunity to answer the charges—the Iraqi people are showing that Saddam's brutality was born of his nature and not theirs.

Cicero once said:

> Let us remember that justice must be observed even to the lowest.

Today, let it be said that justice will be observed even by the once mighty.

Mr. President, I yield the floor.

RECOGNITION OF THE ACTING MINORITY LEADER

The PRESIDENT pro tempore. The acting Democratic leader is recognized.

Mr. DURBIN. Thank you, Mr. President.

IRAQ AND THE INTERNATIONAL STRATEGIC ENVIRONMENT

Mr. DURBIN. Mr. President, Secretary of State Condoleezza Rice is testifying today at the Senate Foreign Relations Committee. She will be meeting with the full Senate later for a classified briefing.

I am sure one of the topics that will be discussed at length will be the Iraqi constitutional referendum of this last Saturday. That vote was an important milestone. The voting by so many Iraqis was again a demonstrable act of courage. It is my most sincere hope that in the months to come, the political process in Iraq moves forward,

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

that a stable government takes control in Iraq, and that Iraq takes control of its own future.

But similar to many of my colleagues, and a growing majority of Americans, we will not be satisfied with the status quo or the stay-the-course answers that we hear over and over from the White House when it comes to the situation in Iraq. The most fundamental questions we have to ask of this President and this administration are, What is your plan for victory? What is your plan for success? What is your plan to bring American troops home from Iraq?

It now seems evident that the constitution will pass. It also seems evident that despite substantial opposition from the Sunni minority, no province will reject this constitution or, if any do, there will not be enough to, in fact, reject the whole document.

Sunnis make up 20 percent of the population but 90 percent of the insurgency in Iraq. Sectarian violence is claiming the lives of thousands of Iraqis. We can't even calculate how many. Some are fearful that this country could still fall apart.

Saturday's election is no guarantee of long-term democracy in Iraq, but it was an important step forward and one that I applaud. The government that may now emerge needs to build legitimacy in Iraq and with its neighbors. It needs to take back control of its country from insurgency, chaos, and lawlessness so that American troops can come home.

Iraq cannot succeed if the Sunnis—one in five of the Iraqis—feel disenfranchised and alienated. It is a challenge to their leaders to put together a government now that truly reflects their country, to build not just a coalition of tribes but a nation. This must happen because the cost of destroying and now replacing the governing regime in Iraq has been so costly.

Saturday was a good day in Iraq, for sure. But the elections last January 30 also represented a good day for Iraq, and 543 Americans have lost their lives in Iraq since that election last January. Mr. President, 15,063 American service men and women have been wounded in Iraq, and 1,979 Americans have been killed. We are closing in on that awesome figure of 2,000 of our best and bravest soldiers having given their lives in Iraq.

Iraq passed an important milestone Saturday with the constitutional referendum. The process was a refreshing demonstration of democracy at work in a region unaccustomed to such a display of civic participation. But the product, some have argued, is flawed. Nonetheless, Iraqis, with their vote, have taken a step in this political process forward. This opportunity for Iraq has come at a high cost for America.

As the number of Americans killed continues to grow, and the number of injured increases as well, do we have a clear plan in place? At what moment in time will the Iraqi Army battalions be prepared to step forward so that Americans can step back? At what point in time will the Iraqi police force, the Iraqi security forces, say, "We can now control our own country and now Americans can go home"?

This administration gives us the vaguest notion that it is somehow wrong to think about when that date may come. Perhaps it is wrong to announce it but not to have a plan to reach it. It is something that concerns me.

A few weeks ago, Generals Casey and Abizaid told a meeting in Congress that only one battalion was prepared to stand and fight by itself in Iraq today—only one battalion of the Iraqi Army. It is a far cry from 150,000-plus American soldiers who stand and fight today, who risk their lives today.

Today, the trial of Saddam Hussein is beginning. We were greeted this morning with all the major news organizations showing the closed-circuit videotape and film of the trial. It is a good thing that he is standing trial because he is a vicious murderer, a thug, and a monster of a human being.

However, Americans are questioning, still, whether or not we have paid too heavy a price for this day to have arrived and asking of this administration, now that he is standing trial: How much longer will we be standing trial in Iraq as we wait for the outcome each day of the bloody fighting?

What has changed since May of 2003 is that the costs of the war have risen, are still climbing; the trust the American people have placed in the President has been shaken. What has also changed is, while the cost of war continues to grow, the alleged justifications for the war have multiplied, and the clarity of our purpose has diminished dramatically. This is a terrible and tragic combination.

Saddam was a monster. That is true. But we must never forget that of all the many reasons given to us by this administration to invade Iraq, the evil nature of Saddam was the only one that has proven true. Except for the brutality of Saddam Hussein—as bad as it was, as horrible as it was—all the other reasons for going to war the administration put forth turned out not to be accurate. There were no weapons of mass destruction. We still, many years later, have found no evidence of that claim, made over and over and over again at the highest levels of this administration.

The 9/11 Commission showed us there was no support for al-Qaida in Iraq. Yet as recently as last Sunday, Secretary of State Condoleezza Rice tried to again link al-Qaida and 9/11 with Saddam Hussein.

The 9/11 Commission made it clear, there is no linkage. The war has not increased our own security. Some can argue—and I think convincingly—that it has made the world a more dangerous place. It has created a training ground for terrorism in Iraq where insurgents come from surrounding countries to train themselves in killing American soldiers, to go out and do even worse to Americans and others all around the world.

The only reason left for this war was the removal of Saddam Hussein. Two-thirds of Americans, when they measure that benefit against the enormous cost in blood and treasure, conclude it may not have been worth that price. Nearly $200 billion has been spent, nearly 2,000 Americans have been killed, and the pricetag goes up every day in terms of American lives and American treasure.

Our national interest has suffered in other ways as well. The war has altered the international strategic environment to our disadvantage. Let's begin with Iran. Iran gives every sign that it is determined to acquire nuclear weapons. Such a development threatens regional stability and our own national security. It is not in our interest or the world's interest. In August, the Bush administration went to the diplomats of more than a dozen countries and presented an hour-long slide show on Iran's nuclear program. This PowerPoint briefing incorporated satellite imagery and other data to try to convince other nations that Iran's nuclear program is aimed at producing weapons, not energy. But who could look at such a slide show and not think back to February 2003, when Secretary of State Colin Powell made a similar case to the United Nations about the existence of weapons of mass destruction in Iraq? An embarrassing moment. That was, in my opinion, the low point in a very distinguished and noble public career of national service of Secretary of State Colin Powell. Indeed, it was the stature of Secretary Powell alone that lent such force to that argument. To learn later that the facts were not there had to be a crushing blow to this man who has given so much to America.

Two years later we found no weapons of mass destruction. Mohamed ElBaradei and the International Atomic Energy Agency told us there were no weapons of mass destruction. We ignored them. They asked for more time to prove their point; we rejected it. The Bush administration decided we had to invade. We couldn't wait for allies. We couldn't wait for proof. We couldn't wait. Now ElBaradei and the IAEA have been proven right and recently were awarded the Nobel Peace Prize.

The damage to our national credibility by presenting a distorted case for the war has been severe. Our ability to persuade the international community is now diminished. So is our ability to draw in allies to join us in this effort. And the beneficiaries of our policies sadly have been many rogue nations. Like the boy who cried wolf, America now must overcome the damage done to our credibility by false claims that we laid before the world as the justification for the invasion of Iraq. At the same time, the dangers of terrorism to our Nation, our personnel, and citizens abroad, and our friends and allies have grown. The war in Iraq drained away financial resources, military forces, and intelligence experts from the war on terror. Osama bin Laden still remains at large, over 4 years after September 11. Where terrorists once had training camps to hone their skills, they now have a war itself in Iraq. Sadly, our soldiers are their targets.

Recently, the Director of National Intelligence released a letter apparently from Ayman al-Zawahiri, the No. 2 leader in al-Qaida, to Mr. al-Zarqawi, the group's top agent in Iraq. The letter provides a chilling portrait of a cold-blooded terrorist. I know many people will try to use this letter to solidify their arguments of why we need to stay in Iraq. I don't advocate a precipitous tomorrow-like withdrawal from Iraq. I think that would be disastrous. But the Zawahiri letter is one more piece of evidence that Iraq has now become a center of terrorist activity, whereas before the war it was not. The horrible irony of this war is that President Bush's invasion has created more energy behind terrorism in the Middle East.

The President is offering America a false choice when he says we have to decide between resolve and retreat in Iraq. We must not just withdraw, but we cannot simply stay the same course that has brought us to this place in time. If we simply withdraw now, the current instability in Iraq would balloon into a full civil war, and we will have produced another failed state, owned and operated by terrorists like the Taliban in Afghanistan. If we just keep doing what we have been doing, we will continue to spend American tax dollars and, more importantly, sacrifice the lives of our brave soldiers. We must take positive action to try to alter the strategic equation that has fueled terrorism and placed a heavy strain on our Army, National Guard, and Reserves, constrained our options toward Iran and North Korea, and cost us nearly 2,000 American lives in Iraq.

Diplomacy has to be part of this new campaign. Our military leaders make it clear, they cannot defeat the insurgency. The way to defeat insurgency is politically and economically and diplomatically. Right now there are almost no troops from Muslim nations who are fighting at the side of the Iraqi government. There are almost no Arab diplomats in Iraq. Secretary of State Condoleezza Rice must reach out to the Arab gulf states and others and convince them that a secure and stable Iraq is in their interest as well as ours and that they must assume some of the risk and burden of this enterprise. That is no easy sell, given the way we have approached this war to date. But it is an effort that we must undertake, along with the Iraqis themselves.

The President needs to let the Iraqi people know that we will not remain indefinitely in Iraq, and communicate that message to the rest of the world as well. The Iraqi government and its security forces need to prepare for assuming all the functions expected of them by a free and sovereign Iraqi people to defend their own nation so American troops can come home. The administration's admission, however, that only one battalion of the Iraqi army is capable of operating on its own does not really bring us any closer to meeting this goal. It is the responsibility of the administration to make it clear why we have not done better in training and preparing Iraqi soldiers to replace American soldiers, and it is the responsibility of this administration to train Iraqi security forces so that, in fact, our soldiers can come home. It is time for the people and leaders of Iraq to take control of their own country and their own destiny.

We are not abandoning Iraq. Indeed, we and Iraqis themselves must reach out to other partners, especially the predominantly Muslim countries, to collaborate in the consolidation of Iraqi security and democracy. We are not setting a date for departure. We are simply letting the Iraqis know, in the clearest possible terms, that we intend to bring our forces home. Reminding all concerned that we will not stay refutes the assertion that we intend to establish permanent military bases in Iraq, an allegation that, unfortunately, fuels the insurgency.

We should do nothing that would mislead the Iraqis into thinking they have unlimited time to take control of their own destiny. An unending American occupation is neither in Iraq's interest nor in ours. If the Iraqis made progress on Saturday, moving toward a constitution, moving toward a government, moving toward a nation, we must tell them that there is a responsibility of nationhood that goes beyond the obvious establishment of government. The most important responsibility is to secure your own borders, to protect your own people, to provide for the common defense of your own nation. Now that is a responsibility that must be shouldered by the Iraqis. If we are uncertain in speaking to this new Iraqi government about our plans and our timetable in Iraq, then I think they will count on American soldiers to be there risking their lives indefinitely. That is unacceptable.

This administration has to make it clear that Iraqi army soldiers are prepared to shoulder that burden and to give relief to American soldiers so that they can return home to a hero's welcome and to their families who wait anxiously for that day.

I yield the floor.

The PRESIDING OFFICER (Mr. VITTER). The Senator from Delaware.

HURRICANE KATRINA RESPONSE

Mr. CARPER. Mr. President, today I rise to discuss how we could be doing better in our response to Hurricane Katrina. I just spoke with one of Louisiana's Senators coming over to the Chamber to speak, and the word that I heard with respect to the situation on the ground, particularly the response of FEMA to the ongoing crisis, was discouraging. We can do better. We have to be able to do better for the people there and for those who are footing the bill, the taxpayers.

Hurricane Katrina was truly an unprecedented event. It was in all likelihood the worst natural disaster in our Nation's history. It was certainly the worst natural disaster I have witnessed in my lifetime. I can understand then that there might be some mistakes made, that there might not be easy solutions to some of the problems faced by millions of Americans directly affected by this storm. But I believe there are too many key areas where we have experienced clear failures that just cannot be shrugged off. We have all heard about the slow initial response to the storm. We have also heard about the no-bid contracts that probably weren't necessary. But I am going to speak for a few minutes today about a truly distressing failure that is leading to hardship among Katrina evacuees and is also wasting a lot of Federal taxpayer dollars.

As my colleagues are aware, hundreds of thousands of gulf coast residents have seen their homes severely damaged. Too many have seen them completely destroyed. Many of these people are still living far away from home, with little or no hope of returning to their communities any time soon, if ever. FEMA has moved swiftly in recent weeks to move Katrina evacuees out of temporary mass shelters that we saw in places such as the Astrodome in Houston. The problem is that many evacuees are still living in hotels today, waiting for FEMA to move them to longer term temporary housing. There have been a number of media reports recently that FEMA is currently spending millions of dollars every day to house hundreds of thousands of these evacuees in hotels around our country. The total cost of this program, according to the Washington Post this morning, will likely approach $200 million by the end of this month alone. Worse yet, FEMA has apparently not even been keeping track of the number of evacuees in hotels.

I ask unanimous consent that several articles on this subject be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Oct. 19, 2005]

A BIG CUT IN KATRINA'S HOTEL BILL

(By Jacqueline L. Salmon and Spencer S. Hsu)

PROGRAM EVACUEES WERE MISCOUNTED, RED CROSS SAYS

The American Red Cross said yesterday that it has vastly overstated the number—and potential cost—of Hurricane Katrina evacuees staying in hotel rooms because of errors in how it interpreted its data.

Embarrassed officials from the charity acknowledged that instead of housing 600,000 displaced people, the hotel program—paid for by the federal government—is housing 200,000 storm evacuees.

Red Cross officials attributed the error to the misreading of daily reports from a consultant handling the hotel placements: Staff members mistook a cumulative tally of people who had lived in hotels to date for the daily hotel population.

"Clearly, somewhere we went off the track," said Armond Mascelli, Red Cross vice president for domestic response operations.

Compounding the error, the Federal Emergency Management Agency kept no independent count of the program's beneficiaries or its costs, said FEMA spokeswoman Mary-Margaret Walker. She said FEMA apparently was relying on the erroneous numbers as it searched frantically for other housing options for evacuees.

The revision in the number of people in hotels could cut in half the $425 million estimate for the program. It is also prompting FEMA to reevaluate long-term housing needs for storm evacuees, said spokeswoman Frances Marine. This month, FEMA's acting director, R. David Paulison, estimated that 400,000 to 600,000 households will require mid- to long-term housing.

The Red Cross said yesterday that it now expects the program to cost about $220 million. FEMA does not pay for hotel rooms until it gets receipts, so the error has not cost the agency, Marine said.

FEMA officials said 1.6 million people have registered for assistance because of Hurricane Katrina and 700,000 people have sought help for damage caused by Hurricane Rita.

The hotel program, conceived by the Red Cross as shelters overflowed immediately after Katrina ravaged the Gulf Coast, has become the main housing program for evacuees.

This week, FEMA told housing industry representatives that it plans to move storm evacuees out of hotels and into a less costly rental-assistance program as soon as Dec. 1.

FEMA officials have concluded "that it's going to be quite a while before a lot of people can actually go back. Therefore, keeping people in hotels and motels for any extended period of time doesn't make sense," said Jim Arbury, a senior vice president for the National Apartment Association and National Multi Housing Council.

Red Cross officials said they learned of the error after a New York Times reporter alerted them to it Monday night. It comes as the charity tries to raise $2 billion in private donations to cover its costs of caring for Katrina victims, a figure that does not include the hotel program.

The blunder is a black eye for the Red Cross that could taint the entire nonprofit sector, warned Paul Light, a New York University professor of public service.

"It's hugely embarrassing for the sector," Light said. "I don't believe there is any malfeasance here. But . . . the notion that the Red Cross simply cannot track where the money is going feeds into this growing concern that charities cannot be trusted to spend their money wisely."

[From the New York Times, Oct. 13, 2005]

$11 MILLION A DAY SPENT ON HOTELS FOR STORM RELIEF

(By Eric Lipton)

WASHINGTON, Oct. 12.—Straining to meet President Bush's mid-October deadline to clear out shelters, the federal government has moved hundreds of thousands of evacuees from Hurricane Katrina into hotel rooms at a cost of about $11 million a night, a strategy local officials and some members of Congress criticize as incoherent and wasteful.

The number of people in hotels has grown by 60 percent in the past two weeks as some shelters closed, reaching nearly 600,000 as of Tuesday. Even so, relief officials say they cannot meet the deadline, as more than 22,000 people were still in shelters in 14 states on Wednesday.

The reliance on hotels has been necessary, housing advocates say, because the Federal Emergency and Management Agency has had problems installing mobile homes and travel trailers for evacuees and has been slow to place victims in apartments that real estate executives say are available throughout the southeast.

Hotel costs are expected to grow to as much as $425 million by Oct. 24, a large expense never anticipated by the FEMA, which is footing the bill. While the agency cannot say how that number will affect overall spending for storm relief, critics point out that hotel rooms, at an average cost of $59 a night, are significantly more expensive than apartments and are not suitable for months-long stays.

Officials in cities from Dallas to Atlanta, which are accommodating thousands of evacuees, give credit for getting 90 percent of the victims out of shelters. But they say they are frustrated by FEMA's record in helping place people in more adequate housing.

"Deplorable. Disappointing. Outrageous. That is how I feel about it," said the Atlanta mayor, Shirley Franklin, a Democrat, in a telephone interview on Wednesday. "The federal response has just been unacceptable. It is like talking to a brick wall."

Even conservative housing experts have criticized the Bush administration's handling of the temporary housing response. "I am baffled," said Ronald D. Utt, a former senior official at the Department of Housing and Urban Development and Reagan administration aide who is now a senior fellow at the Heritage Foundation, the conservative research organization. "This is not incompetence. This is willful. That is the only way I can explain it."

Nicol Andrews, a FEMA spokeswoman, said the federal government was moving as quickly as it could to find temporary housing. But the scale of the catastrophe has made it difficult, she said.

"Clearly we have never encountered the size and scope of a disaster like Hurricane Katrina," she said. "Housing half a million people is a challenge by any standard."

The American Red Cross started the hotel program days after Hurricane Katrina struck, when it became clear that the shelters it had opened were not adequate to deal with the 600,000 to 700,000 families displaced by the storm, a spokeswoman, Carrie Martin, said.

The hotel program was intended to last a couple of weeks but has twice been extended by FEMA. Now Red Cross officials are saying there is no end to the initiative, which pays for 192,424 rooms in 9,606 hotels across the United States, in a range of cities as diverse as Casper, Wyo., and Anchorage, Alaska.

Congress last month appropriated a $62.3 billion for the relief effort, most of it designated for FEMA. The agency had told Congress that it expected to spend more than $2 billion to buy up to 300,000 travel trailers and mobile homes to house displaced residents. The agency also planned to give out $23.2 billion in assistance to victims for emergency needs and for temporary housing and housing repairs.

But the temporary housing program has been troubled since the start, observers say. Instead of setting up as many as 30,000 trailers and mobile homes every two weeks, as of Tuesday, just 7,308 were occupied. Even counting berths on the four ships that FEMA has leased and rooms on military bases and elsewhere, the agency has provided only 10,940 occupied housing units for victims in the three Gulf states.

FEMA, reacting to criticism that it might create super-concentrated slums, has scaled back plans to build so-called FEMA villes with up to 25,000 trailers.

Even a less ambitious plan—complexes with 200 or so units—has been slow to unfold. FEMA officials cite the reluctance by some rural parishes or landowners to welcome evacuees.

But landowners and some state officials in Louisiana blame bureaucratic fumbles by FEMA. Bill Bacque, co-owner of a trailer park in Lafayette, La., said he offered property for 45 trailers within days of the storm. Negotiations with FEMA were still under way this week, he said. "Things do not move fast," Mr. Bacque said.

Late last month, FEMA began handing out $2,358 for three months so that families in shelters or hotels could rent apartments.

To date, more than 415,000 households have been approved for that aid, totaling $979 million. But FEMA officials cannot say how many families have used the money for apartments, or simply spent it on expenses while also living in a government-financed hotel room.

David Degruy, his wife, Debra, and their six children, of New Orleans, have done just that while staying in two rooms paid for by FEMA at the Greenway Inn and Suites in Houston.

"We're trying to save the money so that when do get in a house we'll be able to buy things," Mr. Degruy said. "We eat out sometimes, we buy clothes, personal hygiene things."

Some officials criticize FEMA for a passive approach in dealing with cities and hurricane evacuees.

Representative Barney Frank, Democrat of Massachusetts, who sits on a House panel that helps oversee the housing effort, complained that it was unreasonable for the federal government to expect that a family led by jobless parents, with no car, little savings and little familiarity with a new city could independently find an apartment.

"The administration's policy is incoherent and socially seriously flawed," he said in an interview.

Real estate officials say that although there are few available apartments in Louisiana, there are many vacancies in apartment buildings across the South, including perhaps 300,000 in Texas alone.

"What are these guys doing?" Jim Arbury, an official with the National Multi Housing Council, a group of building owners and managers, said of FEMA. "All of this housing is available now."

Some housing experts say the Bush administration should follow the approach taken after the 1994 Northridge earthquake in Los Angeles, when displaced residents were given prepaid housing vouchers instead of having to negotiate and pay a lease on their own.

"We are wasting money hand over fist because we did not deploy the right policy tools," said Bruce Katz, a vice president at the Brookings Institution, a liberal research group in Washington. "We could have thousands, if not tens of thousands of families, in stable permanent housing right now. And we would not have to turn to these costly measures, like hotels, motels and cruise ships."

Ms. Andrews, the FEMA spokeswoman, defended the housing policy. "The program is designed to give those who it affects the most the control over their own lives," she said.

Some cities, including Houston and San Antonio, have taken an active role in helping families find housing by creating their own voucher program, identifying vacant units, paying for six-month leases and then turning over the unit to the evacuees. FEMA has promised to reimburse the cities for the housing costs.

"You can't just give people a check and say, 'Good luck, we will see you,'" said San Antonio's assistant city manager, Christopher J. Brady. "It would not be a sufficient solution."

FEMA officials said other cities can set up similar programs. But Mayor Franklin of Atlanta and Mayor Laura Miller of Dallas have said they cannot do so without being paid in advance by the federal government.

Expressing frustration that she could not offer more help to the 39,000 displaced people who have come to Georgia, Mayor Franklin said FEMA's expectations that her city could advance housing money were unrealistic.

"Our government is not large enough to do that," she said. "We can't absorb the costs."

[From the Washington Post, Oct. 12, 2005]

Housing Aid Called Too Much, Too Little

(By Spencer S. Hsu)

FEMA CRITICS CITE WASTE AS EVACUEES STRAN TO PAY RENT

The Federal Emergency Management Agency's evolving efforts to shelter Hurricane Katrina victims continue to waste huge amounts of taxpayer dollars and could soon leave many evacuees short of money and facing eviction, according to renter advocates and housing industry officials.

The concerns focus on FEMA's extension of an $8.3 million-a-day program to house 549,000 people in hotel rooms beyond an Oct. 15 deadline and its handling of a new rental assstance program, which offers displaced families a lump sum of $2,358 for three months' rent. The disaster agency has previously drawn criticism for its troubled $1 billion-plus effort to house hurricane evacuees in 125,000 trailers.

The National Low Income Housing Coalition, an advocacy group, said that ecause the rent program is based on the $786-per-month national median rent for a two-bedroom apartment—rather than city-by-city rates used by the Department of Housing and Urban Development—many evacuees taken to more costly cities are already short on cash. Typically, the coalition said, renters must pay a deposit and first month's rent; it cited Washington as an example, where the average rent is about $1,100 and where about 5,000 people have been resettled.

Apartment owners say they also are encountering problems collecting rents because FEMA hands money directly to storm victims, instead of using housing vouchers or payments to landlords as HUD does for some low-income renters. Some families that left their homes with only what they could carry have used FEMA's cash for food, clothing and transportation.

"We felt if we did the right thing, FEMA would step up and provide housing assistance for all these folks. Here we are four weeks later, and a lot of these folks simply do not have rent money to pay," said Kirk H. Tate, a member of Houston's Katrina housing task force and a parter at Orion Real Estate Services Inc., which manages 12,000 apartments in the city.

Houston authorities welcomed 20,000 Katrina households into rental units in as few as three or four days, mostly waiving deposit and rent requirements, Tate said. "The last thihg we want to have to do is ask for them to move out when they can't pay the rent," he said, but property owners have mortgages, utilities and expenses to pay and may need to start eviction proceedings by month's end.

Benicha McCraney, 49, left New Orleans two days before Hurricane Katrina with two children and a suitcase holding three days' worth of clothes. Now the family lives in a $1,096-per-month two-bedroom apartment in a suburban Houston complex called Tranquility Bay.

She received $2,358 for three months from FEMA but estimates her monthly expenses at about $1,700.

With $1,500 in savings and her husband, a police officer, fearing he will be laid off in New Orleans, McCraney is worried about paying for children's clothes when the weather cools.

McCraney is not facing eviction yet, but having lost her home to floodwaters, she is postponing replacing the worn tires on her car. "I would like to stay here as long as I can," she said. "I don't have anywhere else in the world to go."

The warnings come as a wide range of players in the nation's housing and lodging industries express mounting exasperation with FEMA's shifting efforts to cope with the evacuee crisis. Although the administration has proposed cruise ships, trailers, President Bush's nascent "urban homesteading" initiative, hotels and now apartment grants, they say FEMA is ignoring advice from experts inside and outside the government.

"The normal FEMA programs just aren't working. They may be good for 1,500, 2,000 people, but when you're talking a half a million, they do not work," said Douglas S. Culkin, executive vice president of the National Apartment Association.

Culkin said 1 million rental units are vacant in the southeastern United States at half the rate of FEMA's $1,770-a-month hotel program. He called the current spending rate of $250 million a month "a horrendous waste of tax dollars."

Linda Couch, deputy director of the low-income housing coalition, agreed that taxpayer money could be saved by using vacant apartment units. "If the federal government made a choice to subsidize them at the rents they are available at, it looks like it still would be less than having them live in a hotel," she said.

FEMA spokeswoman Nicol Andrews said that the agency's rental aid program can be extended to 18 months. If renters keep receipts and show that their housing costs exceed $786 a month, FEMA will allow them to spend more on rent, Andrews said. But Congress has set a $26,200 limit per family for FEMA aid of all kinds, including home repairs, for Katrina victims.

Andrews acknowledged that the trailer process is not moving as fast as the agency would like. She declined to comment on criticism from the housing sector but noted that FEMA is establishing huge new programs and that shelter populations have dropped 75 percent in two weeks.

The scale of Katrina's exodus is immense and growing. On Thursday, FEMA's acting director, R. David Paulison, increased the agency's estimate of the number of families expected to need housing for up to several months, from 300,000 to between 400,000 and 600,000.

FEMA said Friday that the number of people in temporary shelters, which Bush has pledged to clear by mid-October, has fallen to 31,500 from a peak of more than 300,000. FEMA is providing rental assistance to 412,000 displaced households and has registered 2 million storm victims.

"The recovery process for Hurricane Katrina will be neither fast nor easy," Paulison said. "Many . . . rightfully are concerned about the cost, as we all are."

Critics in Congress and elsewhere have focused on large trailer contracts and the difficulty FEMA has encountered in acquiring trailers and sites for trailer parks. So far about 6,800 FEMA trailers are occupied by emergency workers and evacuees across the Gulf Coast. Some also have criticized spending $236 million to house 7,000 people on three Carnival Cruise Lines ships.

Last week, three major national apartment owner associations criticized FEMA for ignoring their offers of help and expressed bewilderment over why the agency extended the hotel program. The average room rate of $59 per day is more than twice the cost of rental vouchers in HUD's low-income Section 8 housing program and the rental aid provided by FEMA and HUD to Katrina victims. It also exceeds the median monthly rent in some of the nation's most expensive cities.

The groups cited 50,000 vacant apartments in Dallas-Fort Worth alone and 1 million in the southeastern United States at rents that range from $700 to $1,200 a month— vacancy totals confirmed by others outside the industry.

"Our message is simple. There are currently tens of thousands of available rental units that would offer evacuees the opportunity to more quickly recover from their devastating losses," the National Multi Housing Council, the National Apartment Association and the National Leased Housing Association wrote to HUD Secretary Alphonso Jackson and Homeland Security Secretary Michael Chertoff. "To extend the hotel program indefinitely prolongs homelessness and makes no sense," they said.

Housing officials point to the city of Dallas's Project Exodus as an example of better planning. It has placed about 1,000 people in 481 apartments using $2.5 million raised through contributions by individuals and large companies. The units rent for HUD market rates, including utilities. Although city funds are set to expire after 60 days, Dallas expects FEMA to pick up costs after that.

Houston also has agreed to pay up to 12 months of housing assistance for Katrina victims, hoping for FEMA reimbursement, Tate said.

About 37,000 evacuees are in Dallas area hotel rooms, said Miller, and more than 150,000 evacuees are in rooms across Texas.

"We said, We can't wait for FEMA,'" said Dallas Mayor Laura Miller. "What worries me is reading about all these other cities who are waiting for trailer homes to show up so they can re-create these trailer villages. That would be the worst thing you can do."

Mr. CARPER. While it is certainly reasonable to house evacuees in hotels on a short-term basis, this situation is simply unacceptable nearly 2 months after Katrina struck the coast. I am told that real estate and housing experts have pointed out that perhaps hundreds of thousands of suitable and likely much more affordable apartments could be had throughout the gulf coast region. I am certain that they could probably be had for significantly less than the cost of a hotel room. In addition, the Washington Post recently reported that a joint FEMA-HUD rental assistance program is likely wasting millions of dollars. In at least some cases, the program is not doing much to help evacuees in some parts of the country find suitable housing.

Each evacuee participating in the voucher program, according to the Post, initially receives a subsidy amount based on the national median rent for 3 months. In some parts of the country, such as Houston, the national median rent probably isn't enough to find suitable housing. In other communities, it might be more than enough. This means that Katrina evacuees in some parts of the country may be getting more assistance than they need, and those in higher cost areas might not be getting what they need to provide for their families.

It has been suggested that the solution to the housing crisis in the gulf might be to place evacuees in trailers or some other form of manufactured housing. But I have heard reports that FEMA is buying many of its trailers straight off the lot at retail prices. I have also heard that there are thousands of trailers just sitting around unoccupied in vacant lots. We have all heard stories about how miserable some of the trailer camps are to live in that FEMA has set up in places like Florida.

We can do better than this. FEMA owes it to Katrina victims and to the American taxpayers to find a more comfortable, less expensive way to house our fellow Americans who are going through such a difficult time right now. That is why I am sending a letter today to Acting FEMA Director David Paulison to ask him to tell us exactly what FEMA's plan is to get Katrina evacuees out of hotels and into more stable living environments so that they can begin the process of bringing their lives as close to normal as possible.

The problems and the waste we are seeing in FEMA's Katrina housing program remind me yet again that we need to do some work to ensure that the money we are spending to help Katrina victims is spent wisely and effectively. To date we have approved in the Congress $62 billion for Katrina. More money will probably be needed, but given the number of stories we see almost on a daily basis now about financial mismanagement, about confusion at FEMA, and the Department of Homeland Security, we should not be writing a blank check.

A recovery effort this large needs additional oversight to make sure the money we are spending is going to the people who need it most, to make sure we eliminate wasteful spending and get the most bang for our buck, and to make sure we reduce the potential for fraud.

It is my understanding that we are not sure what legislation is coming to the floor next week. I have a suggestion. The Homeland Security and Governmental Affairs Committee, of which I am a member, approved two bills a couple of weeks ago that I believe are desperately needed to make sure Katrina recovery funds are spent properly and go to the people who are most in need.

One of the bills we passed would appoint a chief financial officer to oversee the day-to-day use of Federal funds in the cleanup and reconstruction efforts underway in the gulf. I cosponsored this legislation with Senator COBURN of Oklahoma and Senator OBAMA of Illinois. It enjoys bipartisan support, including the cosponsorship, I believe, of both the Republican leader and Democratic leader of the Senate.

The chief financial officer would oversee the various Federal agencies involved in the recovery efforts and hold them financially accountable. The CFO would be Congress's personal watchdog, issuing periodic financial reports about whether the money is going to the people who need it the most and whether it is being used to hire local workers who need jobs.

The second bill would expand the authority of the inspector general assigned to Iraq reconstruction to oversee the Katrina recovery efforts. The expanded office would audit recovery operations and investigate allegations of waste, fraud, and inefficiency.

Together, these two bills would better protect American taxpayers and bring some much-needed accountability to the recovery efforts.

We shouldn't settle for the stories we see in the papers every day about the lack of decent housing for Katrina victims or the lack of competition for Federal contracts. We shouldn't read stories about waste and resign ourselves to the fact that waste is just something that happens in the Federal Government. We can do better, and we must. We owe it to the American taxpayers to do better, and we owe it to Katrina's victims to do better.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRAHAM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAHAM. Mr. President, I ask permission to speak in morning business until Senator BROWNBACK arrives.

The PRESIDING OFFICER. Without objection, it is so ordered.

IRAQ

Mr. GRAHAM. Mr. President, I think it is appropriate this morning that those of us in elected office, and every American, show some appreciation for what is going on in Iraq this morning.

I turned on the television and saw a new face of Iraq. I saw a judge schooled in the law, loyal to the law, presiding over a trial of Saddam Hussein, a person who was schooled in thuggery, loyal to himself and his agenda, one of the most brutal murderers the Middle East has known. And I saw an attorney general laying out the case against Saddam Hussein.

How did that all happen? It happened through sheer will. First, violence had to replace diplomacy because diplomacy was failing. The effort to contain Saddam Hussein's regime, to rein it in, to clearly understand what his purposes were about weapons of mass destruction, to get him to stay out of the upheaval of the Middle East, to be a productive member of the Middle East society, the world community, in my opinion, failed miserably and we had to resort to force and violence to oust a man who had perpetuated many crimes against his own people and his neighbors.

How did it happen, at the end of the day? It happened through the bravery, commitment, and sacrifice of the American military, their coalition partners, and the Iraqi people themselves.

We have lost around 2,000 troops since the war began. To those families who have lost loved ones, there is nothing I can say other than I am sorry and, in my opinion, for what it is worth, your loved ones have advanced the cause of freedom by participating in a military operation to take Saddam Hussein off the throne and into the dock as a defendant.

To those coalition members who have stood with us and who have sacrificed, thank you. Because of your sacrifice, the cause of freedom has been advanced.

We do not appreciate enough, in my opinion, the sacrifice of the Iraqi people. I believe it is the judge or one member of the court whose brother was assassinated. To sit in judgment of Saddam Hussein is no easy thing to do. They are literally risking their lives to be a prosecutor, a policeman, or member of the army. They wear a target on their back. Their families are at risk because the terrorists see it as a risk to their way of life. Those who take up arms against the terrorists in Iraq are literally changing the course of history.

To those men and women who have served in the American military, those who have lost life and limb, I hope you take pride in what is happening today. To the families of the loved ones who have been lost, those who have been injured, and those who are still serving, because of your sacrifice and commitment, your willingness to leave your comfort zones, to leave your family and friends, Guard members and Reservists leaving their businesses and loved ones behind, you have changed the course of Middle East history.

At the end of the day, we can't kill enough terrorists to win. Terrorism is about hijacking of a great religion. There is no place in the terrorist world for a different faith, people of moderation in the Islamic community, and there is no role for a woman. For that to change, it is going to have to be deeper than force of arms. It is going to have to be a transformation of a culture.

The culture of the rule of the gun versus the rule of law is happening before our eyes. What is going on today in Iraq is a sea change in the Middle East. It is about time a dictator in that region answers for his crimes. It is about time people in that region be allowed to live their lives in a normal fashion and raise their kids in peace.

That day is still far away, but we are closer than we have ever been. So to those men and women serving in our American military and those who have suffered, congratulations and God bless. Because of your sacrifice and those sacrifices of our coalition partners and the Iraqi people, there has been a sea change in the Middle East and you deserve all the credit.

I hope the American people will be patient to see this thing through because what happens in Iraq is directly related to our own security.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. BROWNBACK. Mr. President, I have come to the floor to make a statement about the situation taking place in Darfur and to update my colleagues. But I wish to speak briefly to my colleagues and to others about the amazing trial of Saddam Hussein that has started.

This is a trial that is going to reveal a great deal about what took place, the carnage that happened under his rule, and what he did to the people of Iraq. I worked with a number of Iraqi dissidents over a period of time. The things they reported—the mass graves, the persecutions, the intimidation by this Government of Saddam Hussein—is something that has not been well revealed. Hopefully, that is going to come out in this trial. We will see change as it progresses.

DARFUR

Mr. BROWNBACK. Mr. President, I wish to update my colleagues on what is taking place in Sudan in the Darfur region. This is something about which I spoke several times in this Chamber. It is a genocide as the Senate, the House, and the President declared it a genocide. Others at the U.N. call it crimes against humanity. Under either definition, it is a horrific set of circumstances that has occurred in that region. Yet the response to date has still not been effective. People are continuing to be killed and slaughtered and run out of their villages, and the African Union troops have not succeeded in securing peace in that region. I want to update my colleagues about what is taking place.

The mandate of the African Union troops—and this is the African countries that have formed the African Union force—is simply to monitor and report on the current cease-fire. That is insufficient. I am going to detail why it is insufficient and what has happened because of their insufficient mandate and rules of engagement not being appropriate for the circumstances.

To date, they have largely written and filed away reports. Without a mandate robust enough to protect the civilians or prevent violence or assistance robust enough to provide a well-sized and equipped force, there is not much hope for the people seeking safety in Darfur.

A few weeks ago, the African Union came out with their strongest statement regarding the violence. This was a clear call for the international community to shine the spotlight on this crisis and to realize the implications it will have on the entire region.

While the parties are engaged in the sixth round of peace talks—and that is progress; we do have peace talks engaged in by the people in Darfur, the Government in Sudan, the jingaweit militia that has been given equipment by the Government in Sudan—violence continues to take place even as these peace talks move forward.

In the last few weeks, attacks have been carried out by the jingaweit militia, the Government forces, and the rebel movement—all three. The African Union announced:

> You would recall that in the past one month, we witnessed a series of violations in Darfur, with widespread violence against villages, commercial and humanitarian conveys, and even IDP camps.

These are camps where individual citizens are going to get away from the raids and carnage.

> This rendered the work of the humanitarian agencies and NGOs in the area difficult and, in some cases, they were forced to suspend their activities.

There was an unprecedented move against IDP camps and the first reports of the Government of Sudan's use of helicopters since January. A number of coordinated attacks has been reported since mid-September involving hundreds of jingaweit militia—this is the militia armed by the Government of Sudan—and Government forces working together killing and injuring many and displacing thousands more. Just this week, a number of civilians were killed in fighting that took place in the town of Kutum after a rebel and Government force clashed.

The African Union articulates:

> A clearly premeditated and well rehearsed combined operation was carried out by the Government of Sudan military and police at approximately 11 a.m. in the town of Tawilla and its IDP camps in North Darfur. The Government of Sudan forces used approximately 41 trucks, 7 land cruisers in the operation which resulted in a number of deaths, massive displacement of civilians and the destruction of several houses in the surrounding areas, as well as some tents in the IDP camp.

In addition to these violations, there are reports that the Government of Sudan has painted their military trucks in the African Union colors, making it extremely difficult for civilians to distinguish between monitors or attackers. All parties have violated the cease-fire agreement on several occasions since it was established in 2004. Conditions for humanitarian organizations remain extremely difficult. This week, the United Nations announced its plan to withdraw all nonessential staff from Darfur.

In addition to an upsurge in violence by the Government and the government-backed jingaweit militia, I am very troubled by the recent violence aimed at the African Union by rebel groups. In particular, the recent kidnappings and killings of African Union troops should be strongly condemned and swift justice should be brought to the perpetrators of these crimes. The African Union has called for these events to be brought to the attention of the Security Council in their communique of October 10 of this year.

The New York Times reported yesterday that some of the once-government-backed militia groups are fracturing and targeting government-run entities, such as police stations. Infighting amongst the rebels is another common hurdle to achieving peace. This is the chaos that has plagued Darfur.

Ambassador John Bolton's recent decision to block the UN Envoy on Genocide from testifying before the Security Council has undoubtedly raised some eyebrows. However, if he means what he says—that actions speak louder than words—then I urge the Congress, the administration, the United

Nations, and the international community to do something. I applaud Ambassador Bolton's recognition of the fact that the current arms embargo is not adequate, it must be expanded, and there must be compliance.

I urge my colleagues to consider these recent events and to redouble our efforts to bring an end to the genocide that is happening as I speak. I urge my colleagues and the chairman of the Foreign Relations Committee to quickly report out the Darfur Peace and Accountability Act. I have not spoken directly to it, but I will speak about getting this act passed. We need to get it put into law.

This legislation increases pressure on Khartoum, provides greater support for the African Union mission in Darfur to help protect civilians and impose sanctions on individuals who are responsible for the atrocities, and encourages the appointment of a U.S. special envoy to help advance a comprehensive peace process for Darfur and all of Sudan. It also calls for the United States to push for a strong Security Council resolution, amongst other things, that expands the arms embargo.

We can no longer remain indifferent to the suffering Africans of Darfur. We must move beyond the politics and agree on the fundamentals that will help save lives immediately. It is quite simple. When the "never" is removed from "never again," it will happen—again and again and again. We cannot be silent and inactive on Darfur as people die.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

CONGRATULATING THE PEOPLE OF IRAQ

Mr. ALLARD. Mr. President, I rise to congratulate the people of Iraq on writing another chapter in the history of their nation. After the coalition forces toppled Saddam's oppressive regime, many believed it would take years until the Iraqis would be in control of their government apparatus. They were wrong. On June 28, 2004, the transfer of power took place and Iraqis became the rulers of their nation. On January 20, 2005, millions of people, including women, risked their lives to choose the members of a temporary Parliament responsible for drafting the new constitution. This past weekend, millions of Iraqis lined up to cast their ballots in more than 6,000 polling places across Iraq.

The Iraqi people's vision of a free and stable Iraq led them to an important milestone—voting on a democratic Iraqi-written constitution. Last weekend, through will and determination, more than 60 percent of the eligible voters in Iraq chose to speak up against tyranny and oppression—a higher percentage of voter turnout than in the 2004 U.S. Presidential election.

What we saw in Iraq on October 15, 2005, proved that even those oppressed for decades will peacefully choose their own future when given a chance to participate in a fair and open electoral process.

There had been much speculation that a majority of Sunnis would boycott the referendum. However, until the last few days before the vote, leaders of the Shi'a and the Kurds worked relentlessly to convince their Sunni countrymen and women to vote either for or against the constitution. Their work came to fruition when millions of Sunnis lined up to cast their ballots and decide the future of their country.

While many Sunnis voted against the proposed constitution, the referendum sent a clear message that all Iraqis are willing to invest in the democratic process.

By casting their ballots, millions of Iraqis also sent a strong message against terrorism. Ideology of hate has no place in the world, no place in Islam, and most certainly no place in Iraq. Terrorists' tactics of striking innocent men and women and children are despicable and cowardly. Terror has not derailed the political process, nor the establishment of the rule of law. Despite fears of retaliation by al-Qaida and other terrorists, millions of Iraqis chose to participate in the process that will decide the future of their nation.

The Iraqi security forces have also started to make a significant difference. According to our military leaders and officials on the ground, the Iraqi security forces were clearly in the lead in securing polling sites around the country. Backed by the coalition forces, the Iraqi military presence was increased by 35 percent since January. Press reports indicated that scattered instances of violence were quickly suppressed by the Iraqis.

This accomplishment indicates the willingness of the Iraqi security forces to stand up to insurgents and protect their fellow countrymen. With each Iraqi soldier trained and equipped to carry out the mission, Iraq draws closer to be able to stand on its own and protect Iraq's freedom.

As they have learned the power of the ballot box, Iraqis will soon be experiencing the strength of the rule of law during the trial of Saddam Hussein that convenes today. Only a couple thousand years ago, thousands of Iraqis—including women and children—were killed, tortured, and wrongfully imprisoned. Nevertheless, the current Iraqi Government fully understands the importance of a fair trial and the precedents it will establish. As a result of these advancements in Iraq, the country's most brutal dictator will face trial by a jury of his peers, a trial that thousands of Saddam's victims never received. The world will pay close attention as the Iraqi judicial system moves forward with this challenge. I am confident the Iraqis will adhere to the highest standard of the rule of law to reach a proper conclusion.

Today, the successful referendum in Iraq would not have been possible without our brave men and women in uniform who were called by our Nation's leaders to perform a noble but difficult task. Their commitment and dedication to peace and prosperity around the globe has never been more evident. Nearly 150,000 soldiers, sailors, airmen, and marines are deployed in Iraq, doing their duty with pride, patriotism, and perseverance. Our success in Iraq and Afghanistan has not come without cost. Those who have fallen have served a cause greater than themselves and deserve a very special honor. My heart goes out to the families whose sons and daughters have made the ultimate sacrifice.

The people of Iraq have clearly spoken of their desire for a free and democratic Iraq. The terrorists understand that their only chance is to break the will of the American people and force us to retreat. We will not waver in our support of the Iraqi people. We will not waver in our support of the democratic process and the rule of law. And we will not waver in our cause for freedom in a land that has known nothing but oppression. The lessons learned in previous world conflicts have proven that when the stakes are so high, we must remain firm, resist the enemy, and fight until the war is won.

Mr. President, our Nation has a leader who has made it clear that winning the war on terror is a defining moment for the civilized world. Since September 11, 2001, President Bush has taken bold steps to ensure the safety and the security of the United States, especially against terrorist organizations and the nation states that support them.

Specifically, since President Bush has taken office, the United States, under his leadership, has—and I would like to list a number of successes against terrorist organizations—overtaken two terrorist regimes, rescued two nations and liberated some 50 million people; captured or killed close to two-thirds of known senior al-Qaida operatives; captured or killed 45 of the 55 most wanted in Iraq, including Iraq's deposed dictator, Saddam Hussein; hunted down thousands of terrorists and regime remnants in Afghanistan and Iraq; disrupted terrorist cells on most continents and likely prevented a number of planned attacks.

This is an astounding record of accomplishment for our Commander in Chief, his national security staff, and the phenomenal men and women of our military services. The United States went to war in Afghanistan and Iraq, risking significant loss of life and treasure to protect our way of life. Our goals are clear and twofold: Destroy the nexus of terrorism and weapons of mass destruction that personified the two ousted regimes and create in their stead stable, democratic states able to participate in the modern world today. And we see the results of that successful effort in both Afghanistan and Iraq. We succeeded in our first goal, having killed or captured perpetrators and supporters of the enemy terrorists.

As I discussed previously, the courageous people of Afghanistan and Iraq are making remarkable progress toward adoption of constitutional reforms to secure momentum for a lasting democratic independence. Our Commander in Chief deserves recognition for these achievements. America is safer because he took action, and the world will be a better place when the foes of freedom are defeated. We must stay the course and follow through with determination and perseverance. We must turn to those who doubt our mission and speak of the tremendous courage being shown by the Iraqi and Afghan people who are just beginning to enjoy the fruits of freedom. We must constantly thank our men and women in our Armed Forces who have so valiantly served our Nation, and we must remind ourselves that the global war on terrorism is not about religion or ethnicity; it is about freedom and whether we will allow others to dictate our freedom. We must not give in to the ideology of terror, and we must remain committed to those who need our assistance so much.

As we review the history of Saddam Hussein as he begins standing trial today, I view with optimism the ability of the Iraqi people to conduct a fair and just trial. They face a history of continued inhumane actions by a ruthless dictator in Saddam Hussein for thousands upon thousands of people who were massacred and killed for no real, apparent reason other than the fact that they disagreed with Saddam, who was the ruthless dictator in charge.

History takes us back many years. Saddam came into power a number of decades ago, and during that time we saw a record number of injustices that occurred to the Iraqi people. We saw, in 1980, the persecution of the Faylee Kurds. We saw, in 1983, the Kurdish massacres targeted against Barzanis and the KDP. In 1988, we saw the Anfal campaign. As many as 182,000 people disappeared during this time period.

In 1988, we saw in Halabja the Saddam regime launched chemical attacks against more than 40 of its own villagers. On March 16, 1988, the regime dropped sarin and VX on the town of Halabja, killing more than 5,000 people and injuring thousands more. Many of the survivors suffered long-term medical complications, and thousands died. There have been significant instances of birth defects in children born to parents of Halabja, and many are still suffering from the effects of the attack.

In 1991, during the Shi'a uprising in the south, the regime brutally massacred tens of thousands of soldiers and civilians. Also in 1991, once Kurdish autonomy was declared, many Kurds living below the green line were massacred, leaving mass gravesites in the Kirkuk region. In 1991, with an uprising in Najaf, we saw again the demonstrated brutality of this regime. As it put down the uprising, many of the perpetrators were rounded up, were arrested, and many of the participants who were placed in jails were tortured.

The Marsh Arabs, whose people had lived for thousands of years in the longstanding Marsh Arab area, were forced to leave the land after it was no longer cultivable and habitable because the regime decided to divert their waters to other sources.

All Iraqis who opposed or questioned the leadership of Saddam Hussein, whether Shi'a, Sunni, Christian, Kurd, Turkoman, or other, were systematically intimidated, tortured, and executed during the regime.

We are now in a new chapter of the trial of Saddam Hussein. Many of these atrocities will come to light. As I mentioned earlier, I have a lot of faith in the Iraqi people, that they will conduct the trial in a responsible way following international law and also, in some instances, applying their local law.

The credit for freeing the Iraqi people I think goes to the men and women in the Armed Forces, it goes to the American people who have shown perseverance through this period of time, and also to our President, our great leader, who has demonstrated strong leadership not only in America but across the world in this fight for freedom. The real beneficiaries are going to be the Iraqi and the Afghani people.

I, along with many other Americans, will be watching as the trial runs its course. This is not going to be an American trial or any kind of world trial, although international procedures will be followed. But it will be a trial that will reflect the freedoms of the Iraqi people and reflect their form of justice.

I wish the Iraqi people well. I commend our President for a job very well done. Again, I want to recognize the sacrifice and commitment of our men and women in the military who have been so brave and forthright, and have done overall a great job in representing America on the battlefield in their fight for freedom.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, parliamentary inquiry: My understanding is the time at this point had been reserved for statements regarding the elections in Iraq. Am I correct? What is the time remaining?

The PRESIDING OFFICER. Morning business time has now expired.

Mr. WARNER. I ask unanimous consent the time be extended for a period not to exceed 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, my distinguished colleague from Colorado has spoken very eloquently with regard to the elections in Iraq. I would like to add a few thoughts of my own, for it was truly a momentous event in the sense that a nation which had not had any government since 1920 was given the opportunity to begin its course toward joining the nations of the free world to have some form of democracy of their own choosing—and I underline that: Of their own choosing. They thereby take a place in the world with a responsibility for securing the basic freedoms people worldwide desire.

On Saturday, October 15, 2005, the Iraqi people, once again, following their historic election in January of this year, took another significant step forward in Iraq. We saw millions of Iraqis indicate their willingness to embrace the democratic process by virtue of their voting. There was a strong turnout nationwide, a significantly higher turnout than we anticipated in certain areas. This turnout, particularly in the Sunni regions, is more remarkable because it was often in the face of insurgent intimidation.

We all observed three important signs of Iraqi progress in the events of October 15th. First, the electoral process proceeded as planned. Insurgent efforts to disrupt the elections that were attempted throughout the summer and right up to the elections simply did not succeed.

Second, Iraqi Government's outreach to Sunni leaders during the constitutional drafting process is having an effect. Prime Minister al-Jafari said, "The victory for Iraq is that Iraqis are voting."

Third, the Iraqi security forces provided protection to more than 6,000 polling sites. I cannot overstate the importance of that. The United States, together with its coalition partners, worked hard for some 2 years now to establish a military and a police force. I would say, having followed this very carefully in the Armed Services Committee, that significant progress has been made in the last 120 days. We have established criteria to assess the quality and the professional level attained by these individuals, and how best to integrate them in the overall security framework needed to preserve and protect the Iraqi people and preserve their sovereignty. Real progress has been made. The voting day was an example of how they perform. At the polling sites, security was primarily the responsibility of either the Iraqi police or the national forces. It was clear and visible that the Iraqis took the lead in this effort. No security incident appeared to affect voting. The level of security breaches was far below the high of some 300 breaches during the January election of this year. I believe there was less than 20 incidents total that tried to disrupt the election, but all failed to affect the casting of votes at these polling places.

We have no confirmed figures on the results yet. We, the world, await the outcome. Newspapers throughout the world carry reports of the importance of the election and saluting those who made it possible—not just the security forces but also the United Nations and other international organizations which came in and supervised this historic day. Basically the streets were calm. In some places there were mild celebrations.

Last month, for example, in Tall Afar in northern Iraq, coalition and Iraqi forces were engaged with insurgents for control of that city—a bitter battle. It is interesting that on Saturday the Independent Election Committee of Iraq estimated that 80 percent of the registered voters in that community voted. Therefore we must praise the efforts of the Iraqis, the U.S. civilian and military personnel, all those of our coalition partners and those of international organizations for planning and executing an electoral referendum in such a challenging environment. The United Nations chief electoral adviser in Iraq said:

> The process has gone so smoothly and well, from a technical point of view.

The Vice Chairman of the International Mission for Iraqi Elections, a coalition of electoral monitoring bodies, praised the referendum for its legal framework, planning, and logistics. Now the world will await the final result, due hopefully later this week. The Independent Electoral Commission in Iraq is supervising this process and will announce an official tally after votes are counted at a central location overseen by the United Nations election advisory team to ensure that international standards are being met.

There are, no doubt, difficult days remaining ahead. Generals Abizaid and Casey told the Congress, the American people, and indeed the whole world, just that in appearances throughout the United States last month. Both men were confident that we are moving in the right direction. We saw that progress this Saturday and we salute them for their leadership and their participation and their responsibility in achieving the results that came about on Saturday.

If the constitution is ratified, Iraqis will vote again on December 15. This time they will vote for a permanent government to take office on December 31. That leaves 60 days, basically, between now and December 15. It will be a very unusual period in the history of Iraq, in that many of those in this current government, the interim government, will be seeking office in that election. So we have to exercise a degree of patience as we watch them, as they pursue their political campaigns at the same time they have official duties to maintain a government and serve the needs of the people of Iraq—whether it is the power, whether it is the water, whether it is the security. All of those things must be maintained during this interregnum until the election takes place.

Then, following December 15 there is basically a 60-day period as established under the law that they have adopted. There is a 60-day period in which that government must replace the existing one and take the reins of authority and govern Iraq for a period of 4 years—truly a permanent government.

As this political situation matures, so too will the Iraqi security forces, and I am confident we will see a continued strong pace to obtain the needed numbers of trained police, border security, internal security, national guard, and a standing army to provide that nation with protection for its sovereignty and internal protection from the insurgents. With an Iraqi permanent government in place and steady progress in these security forces, I see—and I want to say with great caution—an opportunity, following the first of the year, to begin to review our present force structure and to consider such options as will hopefully be available to lessen the size of our overall troop presence.

Watching Iraqis vote, we as Americans should be especially proud of the contributions of those men and women who proudly wear the uniform of the United States. When I speak with them in Iraq, as I did weeks go on my sixth trip, and in Afghanistan, they know the importance of what they are doing.

I would like to underline that. Individually, they know and understand the importance of the mission which they, as members of the all-volunteer force of our military, have undertaken. Together with the commitments in support of their families back home, they are performing brilliantly in Iraq, Afghanistan, and all across the world, protecting the security of this Nation and the security of our principal allies.

We will continue to demand from these people as we always have, but they are like generations before them, answering a call to duty to defend the values and freedoms we cherish. We wish them well. We wish the blessings of the Almighty on them and their families. We have taken heavy casualties in this conflict, both in terms of lost lives and wounded. Not a day goes by that those who are privileged to serve in this Chamber do not have that foremost in their minds, as do most Americans.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Journal clerk proceeded to call the roll.

Mr. BOND. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

TRANSPORTATION, TREASURY, HOUSING AND URBAN DEVELOPMENT, THE JUDICIARY, THE DISTRICT OF COLUMBIA, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2006

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 3058, which the clerk will report.

The assistant legislative clerk read as follows:

> A bill (H.R. 3058) making appropriations for the Department of Transportation, Treasury, and Housing and Urban Development, the Judiciary, the District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes.

Pending:

> Kennedy modified amendment No. 2063, to provide for an increase in the Federal minimum wage.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I thank the Chair. I note that my partner and comanager of the bill, the Senator from Washington, and I are here and ready to do business. We were ready to do business yesterday. We had one rollcall vote. There were more than 40 amendments filed yesterday. I know there are many others who have or are thinking about amendments. But we have enough work to do now if Members will come forward and offer their amendments that are filed or talk with us to see if they can be accepted.

We would like very much to move forward on this bill today, and perhaps complete work on it by 8 o'clock tonight when the baseball game is on television. But hope springs eternal. We would love to see Members come forward. I think more are ready to go.

Mr. President, I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2113

Mr. BOND. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Missouri [Mr. BOND] proposes an amendment numbered 2113.

Mr. BOND. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: Limits the availability of funds under this Act for use in paying for eminent domain activities)

Insert the following on page 348, after line 5, and renumber accordingly:

"SEC. 321. No funds in this Act may be used to support any federal, state, or local projects that seek to use the power of eminent domain, unless eminent domain is employed only for a public use: Provided, That for purposes of this section, public use shall not be construed to include economic development that primarily benefits private entities: Provided further, That any use of funds for mass transit, railroad, airport, seaport or highway projects as well as utility projects which benefit or serve the general public (including energy-related, communication-related, water-related and wastewater-related infrastructure), other structures designated for use by the general public or which have other common-carrier or public-utility functions that serve the general public and are subject to regulation and oversight by the government, and projects for the removal of blight (including areas identified by units of local government for recovery from natural disasters) or brownfields as defined in the Small Business Liability Relief and Brownfields Revitalization Act (Pub. Law 107-118) shall be considered a public use for purposes of eminent domain: Provided further, That the Government Accountability Office, in consultation with the National Academy for Public Administration, organizations representing state and local governments, and property rights organizations, shall conduct a study to be submitted to the Congress within 12 months of the enactment of this Act on the nationwide use of eminent domain, including the procedures used and the results accomplished on a state-by-state basis as well as the impact on individual property owners and on the affected communities.".

Mr. BOND. Mr. President, there has been much discussion with many Members who are interested in this. I am filing it now, and I will ask unanimous consent that others who wish to be added as original cosponsors add their names. But I wanted to get it here on the floor so everybody could have a chance to look at it. We will shortly set it aside because I think we are perhaps ready to go forward with the minimum wage amendments.

At this point, permit me to explain what the amendment is about.

This amendment is in response to the U.S. Supreme Court case, Kelo, et al. v. City of New London, et al., in which the Court upheld by a 5-to-4 majority decision the use of eminent domain by the city of New London, CT. The Court noted that New London utilized a comprehensive plan that seeks to revitalize the city by using the land occupied by some 115 privately owned properties as well as 32 acres of land formally occupied by a naval facility to accommodate a $300 million Pfizer research facility, a waterfront conference hotel, a "small urban village," as well as 80 new residences. The opinion seems to rely on "affording legislatures broad latitude in determining what public needs justify the use of the takings power."

The opinion also notes that nothing precludes any State from placing further restrictions on its exercise of the takings power.

As discussed by the four-Justice dissenting opinion, this majority opinion goes much farther than the facts of the case and would essentially allow the use of eminent domain in virtually any circumstance where the locality believes some benefit could be derived.

In particular, the four-Justice dissenting opinion concludes that "under the banner of economic development, all private property is now vulnerable to being taken and transferred to another private owner so long as it might be upgraded—i.e., given to a owner who will use it in a way that the legislature deems more beneficial to the public—in the process."

There are a number of problems that have already been raised in the eminent domain field. I say none are more striking than the proposal by a developer to condemn the land on which the home of one of the Justices in the majority opinion sits to put a new hotel and the Lost Freedom Bar on his property.

In my State of Missouri, we have seen the use of eminent domain for a private purpose having tremendously harmful impacts in the Sunset Hills community in St. Louis County. Eminent domain was used by a private developer to condemn a large number of homes, forcing the residents out of their homes. The residents, in expectation of being forced out of their homes, purchased other houses. They began to move into other houses. The private developer went broke. Now these people are stuck with two mortgages, and the place they left is being declared a blighted area because everybody has left.

This has had a double impact, not only on the homeowners who were forced to take out a second mortgage but on a community which now is blighted, and some enterprising developers are seeking tax subsidies and other help to renovate a blighted property.

I believe most of us—and certainly the people I listen to in my home State of Missouri—believe this is absolutely wrong.

When you look at the New London case, you see how a tragic result can occur under the Kelo decision if legislatures do not act. The Governor of Missouri has called for a task force to study eminent domain.

I believe we have responsibility here to make sure that Federal funds are not used in the taking of property for a private use and utilizing Federal funds to bolster that effort.

In the Kelo case, the dissenting opinion notes that the petitioners are nine resident or investment owners of 15 homes in one of the neighborhoods subject to eminent domain. One of the petitioners lived in the house that has been in her family for over 100 years. She was born in the house in 1918. Her husband has lived there since their marriage in 1946, and their petitioner son lives next door with his family. Moreover, the record makes no claim that these are anything but well-maintained houses that do not pose any source of social harm, unlike the circumstances of several earlier cases cited in the majority opinion.

The opinion warns that despite the majority opinion's reliance on the city's comprehensive plan, there is nothing in the majority opinion that prohibits property transfers generated with less care, that are less comprehensive, that happen to result from a less elaborate process, where the only projected advantage is the incidence of higher taxes or the hope to transform an already prosperous city into an even more prosperous one.

Despite my misgivings about the Kelo case and its implications, this amendment today is very narrow and merely limits the availability of Federal funds from within this act for the year for which it is applicable for use in funding eminent domain activities. The key issue in this amendment is that these funds should not be used to provide Federal support for eminent domain activities that primarily benefit private entities. The amendment recognizes the importance of supporting eminent domain activities in support of transportation projects, utility projects, and projects to remedy blight. Funds may still be used from the Federal sources in this act for these projects.

Moreover, the amendment requires the GAO to conduct a study that analyzes the use of eminent domain throughout the Nation, as well as the results accomplished by these uses of eminent domain.

I know some of my colleagues are proposing significant substantive authorizing legislation which would have a much broader band. This objective is worthwhile. I hope to join them at a later stage. This is just a starting step. It is a starting point to make sure eminent domain for private purposes is not funded in the coming year from funds from the Transportation, Treasury, the Judiciary, Housing and Urban Development, and related agencies bill.

I hope my colleagues will join me in support of this amendment. It establishes a very important principle. I hope to have a very solid vote for this amendment when it comes to the Senate.

I yield the floor.

The PRESIDING OFFICER (Mr. GRAHAM). The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, I thank the chairman for offering this amendment. The Kelo v. New London decision by the Supreme Court came as a great shock to many. The amendment being offered seeks to impose some meaningful limitations on the potential use of eminent domain with the funds provided in this act. I emphasize this provision is limited to the funds in this act and does not seek to overturn the Kelo decision. It merely ensures that funds appropriated for 2006 for the Department of Transportation and Housing are not to use eminent domain for projects that primarily benefit private interests.

I urge my colleagues to support this amendment. I thank the chairman of the committee for offering this critical amendment at this time.

I yield the floor.

Mr. BOND. Mr. President, I thank my friend, the Senator from Washington. There are other amendments that are going to be offered, and at the appropriate time I will ask this be set aside so further amendments can be offered.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

AMENDMENT NO. 2078

Mr. DORGAN. Mr. President, I intend to offer two amendments to this legislation. I take a moment now to offer the first of those amendments. While I do that, I thank my colleague from Missouri and my colleague from the State of Washington for their work on this piece of legislation. This is an appropriations subcommittee bill on which they have done an excellent job. I appreciate that.

I will offer an amendment at the completion of my comments. The amendment deals with the issue of contracting, particularly contracting in Iraq, and also now contracting in this country for reconstruction of the Gulf States that were hit so hard by Hurricane Katrina and then Rita. I will talk about the reason I am offering this and point out I have offered it previously, and I lost in the vote that was conducted in the Senate. However, I have previously indicated I do not intend to be discouraged by losing a vote. I will ask the Congress to reconsider by having another vote, and I will do it again following this if I am not successful.

Let me describe the circumstances that bring me to the conclusion we need a special committee of the type that Harry S. Truman led when he was a Senator. Incidentally, he was a Democrat Senator who had the Senate establish what was called the Truman Committee to investigate waste, fraud, and abuse in defense spending back in the middle of what became World War II, the middle of the Second World War. With a Democrat President, a Democrat Senator was doing investigative hearings about waste, fraud, and abuse with respect to spending in the area of defense. He uncovered billions and billions and billions of dollars of waste. Good for him. I am sure it was not pleasant for the White House because Senator Truman was a member of the party of the President at that point. Nonetheless, he did what he believed was important and right for this country. It was very important to have done.

These days we have something happening with respect to the country of Iraq. We have a war in Iraq. We also have reconstruction programs for the country of Iraq paid for by the American taxpayers. We have contracts that are sole-source, no-bid contracts given to some very large corporations. We have tales of horror about the waste of the taxpayers' money, and nobody seems to care very much.

We also now have similar tales with respect to contracting—again, no-bid, sole-source contracting—with respect to the reconstruction and the response to Hurricane Katrina and Rita.

Let me describe just a few of these, if I might. First, let me talk about contracting in Iraq. We have a substantial amount of contracting in Iraq, no-bid contracts, that are worth billions of dollars. I have held six or seven hearings on this subject. It ranges from the small, a fellow holding up a towel, a hand towel, because he worked for Halliburton Corporation, which was suppose to buy towels for our troops in Iraq. He holds up a hand towel and says: I was the purchasing agent and was supposed to buy towels for the troops. But the company wanted their logo imprinted on the towels, which nearly doubled the price.

So the American taxpayer paid twice the price, or nearly twice the price, for these towels because the company wanted the logo on the towel.

He said they were paying $7,500 a month lease on SUVs in Iraq; $85,000 brand new trucks were left by the side of the road because they had a flat tire and torched; $85,000 trucks discontinued to be used and left by the side of the road because they had a plugged fuel pump, and therefore torched. These purchasing agents were told it didn't matter, these are cost-plus contracts. It does not matter that money is wasted, they could spend what they wanted to spend. They were told the good old American taxpayer will pick up the tab.

We had a man named Rory in charge of food service, a supervisor at a food service area in Iraq. Rory described what his instructions were from Halliburton. His instructions were: If a government auditor comes by, you get out of there. You refuse to talk to a government auditor. If you talk to an auditor that comes by to try to evaluate what is going on, one of two things will happen to you. You will either be fired, or you will be moved to an area in Iraq that is under active hostile action. Those are your choices.

Rory decided to tell what was going on. He said they were feeding soldiers who did not exist. We have read the headlines, charging for 42,000 soldiers to be fed every day; 42,000 meals, three times a day. It turns out there are only 14,000 soldiers. A big error? Maybe. Rory says it was happening in his area, about 4,000 or 5,000 soldiers in his area. He said: By the way, we had expired food. The date stamp had long since expired, and we were told by the supervisors, it does not matter, just feed the food to the troops. Convoys come through in hostile action, with lead in the meat and lead in the food in the back of the truck, and they were told to separate out the lead from the food, and by the way, for the bullets, give them to the supervisors as souvenirs and feed the food to the troops.

That is on the record from a guy who worked there, came back to the country, and became a whistleblower. He says here is what is going on. We are being stolen blind.

Let me show a picture of another fellow who testified at a hearing I held. Incidentally, I am doing the hearings not because I enjoy holding hearings. We are holding hearings because there is no oversight in the Congress. My intention is not to embarrass anybody but to represent the taxpayer.

This represents hundred-dollar bills wrapped in Saran Wrap. This fellow testified at a hearing I held. He said: In our area, we wrapped up hundred-dollar bills like this in Saran Wrap and told contractors—this is contracting in Iraq—bring a bag because we pay in cash. If we owe you some money, bring a bag, we pay in cash. He said they actually played football in this office by passing back and forth these batches of hundred-dollar bills wrapped in Saran Wrap. He said it was like the Old West. Just bring a bag; if we owe you money, we fill it with cash.

When we hear these stories—and we pass emergency legislation for nearly $20 billion for reconstruction of Iraq; we spend $4 billion, $5 billion, or $6 billion a month now in Iraq and Afghanistan—we push a massive amount of money out there with some of it, a fair amount of it, going, particularly in the reconstruction, to no-bid contracts, to big companies, and then we hear stories such as, OK, here is the task: We will put air conditioning in this building. So the big company gets money for air conditioning, subcontracts it, the subcontractor contracts it, and when the work is all done you have ceiling fans—and we paid for air conditioners. Who cares? Who is watching over this massive amount of waste, fraud, and abuse? I will not go through it all, but it is unbelievable what is going on. Nobody seems to care.

What is happening with respect to reconstruction down in the gulf as a result of Hurricane Katrina and Rita? We hear people talking about $200 billion. This Congress has appropriated slightly more than $60 billion already. We have seen, once again, some of the same companies performing no-bid contracts in Iraq now with no-bid contracts in the gulf.

First, we start with waste, fraud, and abuse with FEMA, an organization that used to be something really special. I remember when my colleague, Fritz Hollings, sat in the chair behind me. Fritz Hollings, back in another era, said: We had two natural disasters down in our part of the country. The first disaster was a hurricane; the second disaster was FEMA.

But then FEMA changed. All of a sudden James Lee Witt came in from a background that was unusual. The guy had experience. He came from a background of disaster preparedness, disaster emergency services. And all of a sudden, FEMA became something very special.

I know that because my State had a community of 50,000 in the flood of 1997 in Grand Forks, ND, that required the evacuation of almost an entire city. It was a massive evacuation and flood response. Guess who was there at the lead. FEMA. Everybody there would say: What a remarkable organization. It worked. It knew what it was doing. It was sharp, on the ball, had plans, and it made things happen.

Now what has happened to FEMA? Let me describe it. I will not go into great length about FEMA because everybody knows some of the top positions of FEMA were filled with cronies who had no experience at all in disaster preparedness or emergency services and that then it was subsumed into the Homeland Security Department. I do not need to go into great length about that.

As shown in this picture, this is a truckdriver. We had a hearing the other day and he testified. This truckdriver, by the way, was contracted for by a company that was doing work for FEMA. He was asked to haul ice. You can see all these trucks in the picture. There were hundreds of trucks where he was sitting. He was asked to haul ice to the victims of Hurricane Katrina.

He picked up a load of ice with his 18-wheeler in New York, and away he went. They said: We want you to go to Carthage, MO, so he drove his 18-wheel truck, with a refrigerated trailer, to Carthage, MO. He got there, and they said: Well, but now you need to go to Maxwell Air Force Base in Alabama. He said: Well, it would have been good to know that when I left New York. I would have saved about 700 miles. But that was the way it was, so he headed off with his truck to Maxwell Air Force Base, AL.

He got to Alabama with a load of ice, and was parked at the Air Force base with many others, hundreds of other trucks, we are told, that had food, blankets, clothing, ice—all the things the victims of Hurricanes Katrina and Rita were begging for on television. He was sitting there, watching the little television in his truck, hearing the victims of these hurricanes describing what their needs were—and the needs were in the back of these trucks.

He sat there 12 days—12 days—and he finally went up to them and said: What is going on? They said: We have changed our mind. We want you to drive your truck with ice to Idaho. He said: I didn't know there was a hurricane in Idaho, and I don't intend to haul this ice to Idaho. They said to him: You have a bad attitude. We are thinking of having the National Guard escort you off this base.

It cannot be funny because it is so unbelievably inept. But about 2 hours after they told him that, they said: OK, we have changed our mind; you won't go to Idaho. You haul this ice to Massachusetts. This is like that television program, "Where in the World is Carmen San Diego?" If I had a map, I would show you where these ice cubes went. To help the victims of the hurricane, directed apparently by FEMA and its contractor, they went from New York City, to Carthage, MO, to Maxwell Air Force Base, AL, to storage, now being paid for by the U.S. Government, in Massachusetts.

We paid $15,000 for this one truck to haul ice cubes between New York and Massachusetts—destined for victims of the hurricane. What unbelievable—unbelievable—ineptness by a Federal agency. This truckdriver could have run FEMA better than that.

When he testified, he said: It would have been easy. All they would have had to have is some sort of transportation system by which everybody calls in there and then you are directed. No such thing.

He finally said to them, as he sat 12 days on the base before they sent him to Massachusetts with his ice cubes: I'll tell you what I'll do; I will pay for the ice cubes in my truck. I will pay you $1,500. They said: What are you going to do with them? He said: I'm going to haul them to Biloxi, MS, and give them away to victims who want them. They said: Who is going to sign for them? He said: It shouldn't matter to you. Once I have paid for them, you're out of the picture. They said: We can't do that. You haul them up to Massachusetts. We are going to store them.

I told this story and somebody, the other day, said: Yeah. That's just one trucker. Oh, yeah, don't let the facts get in the way of good theories, right? This is one trucker, but he said there were hundreds of truckers in exactly the same situation.

This was chaotic bungling. And who gets paid for this? Well, I assume the contractor FEMA had who directed these truckers to haul ice cubes from New York to Massachusetts or, incidentally, a trucker who hauls ice cubes from Canada down to Maxwell Air Force Base and back to Canada. What unbelievable waste.

So now here is the second piece of all of this and why there needs to be investigations. This is a dormitory, by the way, as shown in this picture. It does not look much like a dormitory. It looks like a bunch of two-by-fours with blankets on top. This picture was taken last Saturday in Louisiana.

These people are not from Louisiana. These people were brought in to replace some people from Louisiana who had jobs—qualified electricians who had jobs—to begin doing some work under a contract. Those workers from Louisiana are displaced now by workers, most of whom, incidentally, are expected to be undocumented workers, who will come in and work for a fraction of the wage you would pay the people from Louisiana who need the jobs.

Why? Because Davis-Bacon is waived. What is Davis-Bacon? It is a foreign language to a lot of people, perhaps. The Davis-Bacon provision, in law for some long while, says when you are going to have the Federal Government come in and do contracting work, the Federal Government must pay the prevailing wage. The contractors who work for the Federal Government must pay the prevailing wage. They cannot try and ratchet up a contract for themselves by abusing their workers and deciding to pay them a tenth or a half of what they should be paid. You have to pay the prevailing wage.

Well, the minute that happened in this area, the people who had the jobs these people now have—the people, by the way, who were from Louisiana, skilled electricians, who needed the work in the shadow of Hurricanes Katrina and Rita—lost their jobs. The foreman who was on the jobsite with them was here and talked to me about it. They lost their jobs because they were replaced by these folks: largely undocumented workers willing to work for a fraction of the cost—not from Louisiana. The folks from Louisiana who had those jobs lost them with reconstruction. That is what is happening.

My point is this: There needs to be some investigation. I am not suggesting that it is an investigation to tarnish anybody. It is an investigation to evaluate what on Earth is wrong with the oversight for this waste and fraud and corruption that exists in these contracts.

In the newspaper this morning, in the Style section, there is a picture of a woman named Bunny Greenhouse, who was the highest ranking official in the Corps of Engineers in the U.S. Government working in the Pentagon. She lost her job. What a remarkable woman. She has three masters degrees.

As an aside, I did not know this, but the story says she comes from a dirt-poor background. Her parents were uneducated. Her sister became a professor. Her brother, incidentally, scored 27,000 points in the National Basketball Association, and was rated one of the 50 best basketball players to ever play the game—Elvin Hayes.

Bunny Greenhouse, this woman, rose to become the highest ranking civilian official in the Corps of Engineers. She just lost her job. Do you know why? All of her references, all of her evaluations were outstanding—outstanding. What a terrific person—until she started telling the "old boys network": You can't do what you are doing here. You can't give Halliburton big no-bid contracts and even have them sitting in on the meetings about the scope of the work. You cannot do that. It violates all of the rules and procedures. The minute she started interrupting the little playground that exists with these favorite no-bid contracts, all of a sudden she was persona non grata.

You can read the story in this morning's Washington Post. She has been here twice to talk to us on Capitol Hill. Not many seem to care about that. But it is a symptom of something much more than her; it is a symptom of a culture about corruption, about waste, and, yes, fraud. If you wonder whether that is justified, I will be happy to give you, and anyone in the Senate who wants, the written testimony of a good many witnesses who have testified on these very issues.

So my proposition is simple. My proposition is Congress should establish a type of Truman committee. I describe it as a Truman committee because we have done it before—a special committee that takes a hard look at all of this contracting that is going on and tries to shut down the waste, fraud, and abuse the taxpayers in this country should not have to be accepting and this Congress should not allow. This committee would not be necessary if we had aggressive oversight committees.

Let me say that the chairman from Missouri and the ranking member from the State of Washington—this is an appropriations committee. I just described the job they have done. They have done a great job. This amendment has nothing to do with them. They are good appropriators. I am proud of their work. This appropriations subcommittee, is awfully good, and I am here to support the subcommittee work. So my amendment does not have anything to do with them.

But I would say this: Almost everyone who watches this Congress work understands there is virtually no oversight and no accountability after we do appropriate that money. The American taxpayers deserve better than that. We have had a previous vote, and we had more than a majority of the Members of the Senate say no, they do not want to have anything to do with a special committee to take a look at investigating this waste, fraud, and abuse. I hope others will change their mind. This is not about Democrats and Republicans; it is about protecting the American taxpayers. And it is about making sure we root out the waste, fraud, and abuse that exists in these sole-source contracts. What is happening is almost unbelievable to me. Yet this Senate seems nearly asleep on these issues.

Mr. President, I call up amendment No. 2078 and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendment will be set aside. The clerk will report.

The legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN] proposes an amendment numbered 2078.

Mr. DORGAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in the RECORD of Tuesday, October 18, 2005, under "Text of Amendments.")

Mr. DORGAN. Mr. President, let me make the point that this amendment differs from one we have considered previously in that the scope of the evaluation and investigation of expenditures and contracting would include not just with respect to Iraq but also the contracting and reconstruction in the gulf in relation to Hurricanes Katrina and Rita damages.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I thank my colleague for bringing this forward. As I mentioned, this is an appropriations bill. It is a very important subject he has raised, but I raise a point of order under rule XVI that this is legislation on an appropriations bill.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, pursuant to rule V, I have offered proper notice to suspend the rules. My expectation would be we would have a vote on suspension of the rules. As the Senator knows, I referenced that in the Senate Journal last evening.

The PRESIDING OFFICER. The motion to suspend is debatable.

The Senator from Missouri.

Mr. BOND. Mr. President, I ask unanimous consent that this measure be set aside so we can work out a time for a vote on the measure.

The PRESIDING OFFICER. Is there objection?

Mr. DORGAN. Mr. President, I, in fact, will agree to a time agreement at some point. I have no intention of extending debate. I do want to make some additional comments at some point when we set up a vote, but I understand there are others who wish to offer an amendment, so I will be happy to allow this to be set aside, after which I will consult with the Senator from Missouri and the Senator from Washington about a time for the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOND. Mr. President, I thank my colleague. I believe there are some on this side who will want to respond. I hope we can get a tight timeframe because we are going to be very busy this week. We have to finish this measure.

AMENDMENT NO. 2113

Mr. President, now, since it appears we are going to be having some action today, I ask unanimous consent that we bring up the amendment filed this morning, amendment No. 2113. I believe it can be adopted by a voice vote, with Senators who wish to speak on it permitted to speak during time later on today.

The PRESIDING OFFICER. Without objection, the amendment is pending.

Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 2113) was agreed to.

Mr. BOND. Mr. President, I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BOND. Mr. President, I thank my colleagues and I look forward to action on the bill.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I ask unanimous consent to be added as a cosponsor on the amendment offered by the Senator from Missouri.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Wyoming is recognized.

AMENDMENT NO. 2115

Mr. ENZI. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wyoming [Mr. ENZI] proposes an amendment numbered 2115.

Mr. ENZI. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with, since copies have been given to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. ENZI. Mr. President, I rise in opposition to the amendment offered by Senator KENNEDY that would increase the Federal minimum wage. I have offered an amendment myself. Although both of the amendments would raise the minimum wage by the same amount, $1.10 over 18 months, only my amendment recognizes the enormous burden mandates such as this one have on American's small business and works to alleviate that. We probably ought to be in agreement on this since the numbers are the same. All I do is add some things that will offset those burdens that have been placed with the minimum wage.

When Senator KENNEDY offered his original amendment, he referred to its economic effect as "a drop in the bucket in the national payroll." A drop in the bucket in the national payroll? Comments like this are precisely why small business owners across the Nation feel that Washington, DC, politicians do not understand their needs.

We must also bear in mind that these are the people who create jobs, who provide an increasing percentage of employment for all workers, including those with minimum skills. It is usually the small business that takes a person who has minimum skills and trains them to a higher level. Quite often, they train them to a higher level where they even start their own business or they go to work for somebody else, taking the skills from where they are to an even higher level.

A lot of the problem with employment in the United States is that we don't have the people in the right places for the employment. They could be making more at what they are doing if they were in a different place. But sometimes they are not willing to move. They need more training, too. We have provisions for more training.

I would like to mention a little facility we have in Casper, WY, that will train people to work on oil rigs, and placement is 100 percent. The minimum is $16, and depending on what part of it you do, how long you are there, and what other skills you pick up, it goes considerably higher than that.

The mines in Campbell County, WY, are looking for additional employees. There are some requirements. You have to have a clean drug record. You have to be able to pass a drug test because when you are working around heavy equipment, if you don't have all of your capacities, you can hurt people, including yourself. That should not happen. So they do have requirements about having to have drug tests. But if you can pass the drug test, they will train you for the heavy equipment you need to operate in the mine. We are talking $50,000, $60,000, $70,000 without overtime, and then you have the right on both of those to have overtime as well, probably to the extent of whatever you are willing to put in and the law allows. There are some constraints on it since you are handling heavy equipment, but those are also nontraditional jobs.

We had a marvelous hearing in the HELP Committee. We had a person from New York City. The young lady was talking about the training she had received in nontraditional jobs and the way her wages had increased. Quite frankly, at the present time she makes more than a U.S. Senator. What she is doing is putting rock trim on skyscrapers in New York. But there are some tremendous things out there, if a person gets the opportunity and takes the opportunity to increase their skills. If you are a minimum-skill person, if you are just doing the job and getting by and not learning anything, you are going to get minimum-skill wages.

I mentioned just getting by, just putting in the time. There is a difference. I know when my dad was interviewing people for the shoe business, he sometimes said, after he had interviewed them: That person told me they had 5 years' experience. I asked them a few questions, and what they had is 1 month's experience 60 times because they never learned anything from the first day they were on the job. They didn't have basic skills. He believed in training people and making sure they had, in 5 years, actually 5 years' worth experience. I can guarantee you, after the very first short training time, they never had minimum wage. But it is tied to the skills.

So to suggest that this is a drop in the bucket in the national payroll is a little bit offensive and does not recognize the job that small business is doing at getting people into the workforce and actually training them. It is particularly offensive to employers to suggest that a 41-percent increase in their labor cost, which is what is being proposed at this time, amounts to a drop in the bucket. A 41-percent increase in labor costs forces a small businessperson to face choices such as whether to increase prices, which often is not a choice, or face a potential loss of customers from lack of service or whether to reduce spending on health insurance coverage or other benefits to employees or to terminate employees. These choices are far more significant than a drop in the bucket, particularly if you are the employee who got terminated. It is a 100-percent problem to you.

Apart from its failure to mitigate the cost of this mandate for small businesses, the Kennedy amendment also fails to address the root of the problem for our lowest paid workers. I have touched on that a little bit. Congress, by simply imposing an artificial wage increase, will not meaningfully address the real issues of our lowest paid workers. Regardless of the size of any wage increase Congress might impose, the reality is that yesterday's lowest paid worker, assuming he still has a job, will continue to be tomorrow's lowest paid worker as well. That is not advancement. Advancement on the job and earned wage growth cannot be legislated. We do a disservice to all concerned, most especially the chronic low wage worker, to suggest that a Federal wage mandate is the answer.

What we need to focus on is not an artificially imposed number but on the acquisition and improvement of job and job-related skills. In this context, we should recognize that only 68 percent of the students entering the ninth grade 4 years ago are expected to graduate this year. And for minority students, that hovers right around 50 percent. In addition, we continue to experience a dropout rate of 11 percent per year. These noncompletions and dropout rates and the poor earnings capacities that come with them can't be fixed by a Federal wage policy. We have to get the kids to stay in school, to get the education. We have to make sure the education is relevant and that when they graduate at whatever level, there is a job out there for them and that the job is transportable, that they can take their skills other places in the country, as those areas open up, with a higher wage for those skills, and that they have the knowledge to be able to learn, to continue to advance their skills so that when they move, they get more.

What we want are the best jobs kept in America for the people who live in America. That is an opportunity we have but not with an artificially mandated minimum wage. I would hope that nobody in the United States would work at the minimum wage. I know for a fact that most of the people who start at minimum wage, if they pay attention to their job, are not in minimum wage very long. If they pick up the skills, they get paid for those skills. That is so that they don't go somewhere else and work. But if they don't have the skills, they are lucky to get a job at all. I have people I have hired before who couldn't read. What kind of opportunities do they have if they can't read? We have them in literacy programs. We moved them into GED programs and trained them in something they could do and be proud of, and that is a higher wage.

We must keep this in mind. The phrase "minimum wage worker" is an arbitrary designation. A more accurate description and one that should always be at the center of the debate is that we are seeking to address those workers who have few, if any, skills they need to compete for better jobs—that is what we are doing in the United States, competing—and then command higher wages. The effect may be low wages, but the cause is low skills. In short, the problem is not the minimum wage, the problem is minimum skills.

If we are to approach this debate in a constructive and candid way, we need to acknowledge certain basic principles of economics. Wages do not cause sales. Sales are needed to provide revenue to pay wages. Revenue drives wages. Wages can cause productivity, but the productivity has to come first to be able to afford the wages. When we raise the minimum wage, we are raising the price somehow. The people who get the minimum wage have to buy stuff just like everybody else. If the price goes up because a phony minimum wage went in, then their buying ability did not increase at all. How pleased can you be if you get more money and you can't buy anything more? What we are trying to do is set up a system where people will make more true wages and, with the true wages, be able to purchase more than they could before. Some of that is basic need, but we are hoping they all get past the basic need level and can get into the wants and desires as well, that they can be part of the American dream.

Skills, however, operate differently than wages. Skills do create sales, and sales produce revenue. Skills do create productivity. Skills get compensated with higher wages or people find another job. The employee simply goes elsewhere for higher wages. Wage increases without increased sales or higher productivity have to be paid for with higher prices. Higher prices wipe out wage increases. Skills, not artificial wage increases, produce true net gains in income for the individual and for the business. When it increases for the business, it increases their likelihood of keeping their job and getting to advance. The minimum wage should be for all workers what it is for most—a starting point in an individual's lifelong working career, their lifelong learning career. Those who advance in any jobs are the ones who look at it and say: How can I do this better? If they come up with a way to do it better, they will get more compensation. Their business will make more money or they will go start their own business, which is also a dream of mine, to get people to do that. I hold an inventors conference every year. The purpose of that conference is to get people to invent about their surroundings and their jobs and to find some product that they can make in Wyoming and ship around the world. I have found that anybody who has figured out a way to make a living in Wyoming lives in Wyoming. We are a little short on jobs out there. That is why we only have 494,612—that is last week's number—living in Wyoming. We hope to get past that half-million mark, but it does require jobs. The way to get jobs is to have the skills to be able to improve what you do.

The minimum wage should be for workers what it is for most; that is, a starting point in an individual's lifelong working career, their lifelong learning time. Viewed as a starting point, it becomes clear that the focus needs to be less on where an individual begins his or her working career. Instead, more emphasis should be placed on how an individual can best progress. Real wage growth happens every day, and it is not a function of Government mandate. It is the direct result of an individual becoming more skilled and, therefore, more valuable to his or her employer. As a former small business owner, I know that these entry-level jobs are a gateway into the workforce for people without skills or experience. These minimum-skill jobs can open the door to better jobs and better lives for low-skilled workers because they get more skills if we give them the tools they need to succeed.

We have a great example in Cheyenne, WY, of minimum-skilled workers who were given the tools and the opportunity to reach the American dream. Mr. Jack Price, who is the owner of 8 McDonald's in Wyoming—and we use McDonald's as kind of a derogatory thing with people as being a minimum wage establishment; I assure you that people who start there, who learn something, are not at the minimum wage very long—has had 3 employees who started working at McDonald's at the minimum wage, and those 3 employees now own a total of 20 restaurants. They learned something. They started at minimum wage. They didn't like it, I am sure. They learned. They got experience. They delved into it and found out all they could about the business and wound up owning the business. That is what we want for people. It requires some individual initiative, and it does require starting at the bottom. With almost every job, you have to start at the bottom. If you learn it, you can progress in it. Three employees at McDonald's who started at the minimum wage now own 20 restaurants.

It is a great success story. That is where I would like people to go. This type of wage progression and success should be the norm for workers across the country. However, there are some minimum-skilled workers for whom stagnation at the lower tier wage is a longer term proposition.

The answer for these workers, however, is not to simply raise the lowest wage rung. Rather, these individuals must acquire the training and skills that result in meaningful and lasting wage growth. We must equip our workers with the skills they need to compete in technology-driven global economies.

It is estimated that 60 percent of tomorrow's jobs will require skills that only 20 percent of today's workers possess. Let me say that again. It is estimated that 60 percent of tomorrow's jobs will require skills that only 20 percent of today's workers possess.

Here is another interesting point. It is also estimated that the graduating student will likely change careers some 14 times in their life. There are a lot of people in America whose parents went to work for one company, worked there 30 years and retired. I am talking about a different world. It is estimated that the graduating students will likely change careers some 14 times in their life.

Here is the part that is even more stunning, and I am not talking about changing employers. I am talking about changing careers. Of those 14 careers, 10 of them have not even been invented yet. We don't even know what this change in technology is going to bring about, but we do know that people better be able to change to get those jobs, and they are going to have to change pretty dramatically. It is going to be based on the education they get and then the skills they acquire in the workforce after they get out of school. School is never out; learning is never over.

To support these needs, we do need a system in place that can support a lifetime of education, a lifetime of training and retraining for our workers. The end result will be the attainment of skills that provide meaningful wage growth and competition—successful competition—in the international marketplace.

As legislators, our efforts are better focused on ensuring that the tools and opportunities for training and enhancing skills over a worker's lifetime are available and fully utilized than they are on imposing an artificial wage increase that fails to address the real issues and, in the process, does more harm than good.

Skills and experience, not an artificial Federal wage hike, will lead to lasting wage security for American workers. We have to compete. It is an international competition. Skills count.

As chairman of the Health, Education, Labor, and Pensions Committee, one of my priorities is reauthorizing and improving the Nation's job training system that was created by the Workforce Investment Act. This law will help provide American workers with the skills they need to compete in the global economy. That will lead to real, not artificial, wage increases.

Last year, I was denied a conference committee being appointed to resolve the differences with the House on this important bill by the very people proposing this increase. This year, we reported it out of the HELP Committee by a unanimous voice vote again. It was unanimous coming out of committee 2 years ago, it was unanimous passing the floor of this body, it was unanimous passing out of committee again this year, and it is waiting to come to the floor. I am hoping we can get consent to get it over to a conference committee with the House.

This bill will start an estimated 900,000 people a year on a better career path. You can't tell me that some of the same people who are denied the opportunity in the last Congress now think a magic redetermination of the lowest wage for the lowest skills will change people's lives.

Outside the glare of election year politics, I hope we can quickly pass a job training bill that will truly improve the wages and lives of workers in this country.

Let's be clear about what a minimum wage hike will and will not do. First, we must realize that large increases in the minimum wage will hurt low-income, low-skilled individuals. Mandated hikes in the minimum wage do not cure poverty, and they clearly do not create jobs. The Congressional Budget Office has said:

> Most economists would agree that an increase in the minimum wage rate would cause firms to employ fewer low-wage workers or employ them for fewer hours.

That is a CBO estimate, October 18, 1999.

What every student who has ever taken an economics course knows is if you increase the cost of something—in this case a minimum wage job—you decrease the demand for those jobs. Misleading political rhetoric cannot change the basic principle of supply and demand. The majority of economists continue to affirm the job-killing nature of mandated wage increases. A recent poll concluded that 77 percent—that is nearly 17,000 economists; that is scary, isn't it?—but 77 percent, nearly 17,000 economists believe that a minimum wage hike causes job loss.

We simply cannot assume that a business that employs 50 minimum wage workers before this wage increase is enacted will still employ 50 minimum wage workers afterwards. Whether a business is in Washington or Wyoming, employers cannot absorb an increase in their costs without a corresponding decrease in the number of jobs or benefits they can provide workers. So we know there are losers when we raise the minimum wage, but who are the individuals who will benefit?

Minimum wage earners who support a family solely based on wage are actually few and far between. Fully 85 percent—85 percent—of the minimum wage earners live with their parents, have a working spouse or are living alone without children—85 percent; 41 percent live with a parent or relative; 23 percent are single or are the sole breadwinner in a house with no children; and 21 percent live with another wage earner.

Our research shows that poor targeting and other unintended consequences of the minimum wage make it terribly ineffective at reducing poverty in America, the intended purpose of the policy. In fact, two Stanford University economists concluded that a minimum wage increase is paid for by higher prices that hurt poor families the most.

A 2001 study conducted by Stanford University economists found that only 1 in 4 of the poorest 20 percent of families would benefit from an increase in the minimum wage. The way to improve—truly improve—the wages and salaries of these American workers is through education and training, not an artificial wage increase.

With these realities in mind, I am offering an amendment that recognizes the true cost of a minimum wage increase on American workers and businesses, particularly small businesses. My amendment includes a minimum wage increase of $1.10, which is just like Senator KENNEDY's amendment right now. So we are really not talking about the minimum wage amount.

My amendment addresses other needs for reform and the needs of small businesses that create most of the jobs in this country. That is where the two amendments differ. I have added some things beyond the $1.10 minimum wage increase, and that is to smooth out the bump a little bit for these small businesses that are creating these jobs, that are providing the training, that are helping people get better skills so they can get better jobs.

So my amendment addresses other needs for reform and the needs of small businesses that create most of the jobs in this country. Therefore, my amendment is protective of economic growth and job creation. I think if we had worked this out in committee, probably the other side would have accepted what I am about to do in additional pieces to this bill, and a lot of this discussion would not have been necessary.

Let me briefly review the provisions contained in my amendment. In doing so, we must bear in mind that small businesses continue to be the engine of our economy and the greatest single source of job creation. Any wage increase that is imposed on small businesses poses difficulties for that business, the owner, and his or her employees. I will tell you, in small business, the employees recognize how tenuous their job is. There are not a whole lot of layers that can be laid off before they get to them because there is the owner and a couple of employees. And because there are just a few in the business, they know how the business operates. They know what the dollars coming in are and what the ability is to change that unless they can increase productivity or sales.

Any wage increase that is imposed on small businesses poses difficulties for that employer and his or her employees. My amendment recognizes that reality and provides a necessary measure of relief for those employers. My amendment would make the following changes that are critical, particularly for small business.

First, we would update the small business exemption. Having owned a small business in Wyoming, I can speak from personal experience about how difficult any minimum wage increase is for small business and job growth, particularly for the entry-level people during the first couple of months they are on the job.

Small businesses generate 70 percent of new jobs. Let me say that again. Small businesses generate 70 percent of new jobs. Since a negative impact of a minimum wage increase will affect small business most directly, we have proposed addressing the small business threshold which is set under current law at half a million dollars. If the original small business threshold, which was enacted in the 1960s, were to be adjusted for inflation, it would be over $1.5 million.

The small business threshold was last updated 15 years ago. In those ensuing years, the national minimum wage has been hiked, the economy has undergone dramatic shifts, and the way work is done in this country has changed forever. The pending amendment raises that threshold to $1 million to reflect those changes. It ought to be at $1.5 million. That is what inflation shows. But we are being reasonable. I like to be reasonable on any of the proposals I put forward. So instead of going from a half a million dollars to $1.5 million, this bill only raises it to $1 million to reflect part of those changes.

My amendment also incorporates bipartisan technical corrections that were originally proposed in 1990 by then-Small Business Committee Chairman Dale Bumpers, who used to serve on that side of the aisle when I was first here. It was cosponsored over the years by Senators REID of Nevada, HARKIN, PRYOR, MIKULSKI, BAUCUS, KOHL, and many others.

As those Senators can attest, the Department of Labor disregarded the will of Congress and interpreted the existing small business threshold to have little or no meaning. The Labor Department would make a Federal case out of the most trivial paperwork infraction by the smallest businesses because of what it interpreted as a loophole in the law. Some would say that the 1989 bill to hike the minimum wage and small business threshold was unartfully drafted and permitted this result. Others say the Department is misreading the clear language of the statute.

Regardless, the fact is that a threshold enacted by Congress is not providing the balance and fairness that was intended. This amendment corrects that problem by stating clearly that the wage and overtime provisions of the Fair Labor Standards Act apply to employees working for enterprises engaged in commerce or engaged in the production of goods for commerce. My amendment also applies those wage-

and-hour worker safeguards to home work solutions.

The second change: ensuring procedural fairness for small business. This next provision is commonsense, good Government legislation. Surely, we can all agree that small business owners, the individuals who do the most to drive our economy forward, deserve a break the first time they make an honest paperwork mistake when no one is hurt and the mistake is corrected.

Small business owners have told me over and over how hard they try to comply with all the rules and regulations imposed on them, mostly by the Federal Government. As a former owner of a small business myself, I know what they mean. Yet for all that work, a Government inspector can fine a small business owner for paperwork violations alone, even if the business has a completely spotless record and the employer immediately corrects the unintentional mistake. Who is hurt? Nobody is hurt, but it is an extra burden on small business.

I have to tell you a little bit about small business. They don't have a lot of employees. They don't have any specialists out there. Big business can hire people to take a look at the paperwork, and small business has to stay as lean and mean as they can to make a profit. Look at the difference between profits in your small businesses and your big businesses, and you will see they are staying pretty lean and mean.

I remember the first hearing I held in Wyoming after I became a Senator was on small business issues.

One has to remember, Wyoming has kind of a small population. So I was thrilled when people from about 100 businesses showed up for this hearing.

Afterwards, one of the reporters came up to me and said: Were you not kind of disappointed in the turnout?

I said, no, I was not disappointed in the turnout. These are small businesses we are talking about, and if they had an extra person to spend half a day at a hearing, they would fire them, as they have, to stay mean and lean, to stay in business.

So there is a whole world of difference in trying to meet some of the Federal paperwork mandates that are fineable. They are hard enough to learn about, so the first mistake that does not affect anybody and is corrected immediately ought not to be a fine. Even the best intentioned employer can get caught in the myriad of burdensome paperwork requirements imposed on them by the Federal Government.

The owners of small businesses are not asking to be excused from the obligations or regulations, but they do believe they deserve a break if they have previously complied perfectly with the law.

As Jack Gold, the owner of a small family business in New Jersey, told Congress a few years ago at one of our hearings:

> No matter how hard you try to make your business safe for your employees, customers, neighbors and family members, in the end, if a government inspector wants to get you, they can get you. The government cannot tell me that they care more for my family's safety and my company's reputation than I do.

When one has a small business, the people who work there are part of a family. Small business men and women who are first-time violators of paperwork regulations deserve our protection.

The third change: Providing regulatory relief for small businesses. As any increase in the minimum wage places burdens on small employers, it is only fair that we simultaneously address the ongoing problem of agencies not fully complying with congressional directives contained within the Small Business Regulatory Enforcement Fairness Act.

I will say that again: The Small Business Regulatory Enforcement Fairness Act. The titles are long to read, let alone the bills that go with them.

Under the law, agencies are required to publish small entity compliance guides for those rules that require a regulatory flexibility analysis. Unfortunately, agencies have either ignored this requirement, or when they tried to comply have not done so fully or carefully. Now, the previous issue I talked about was small businesses having a little imperfection in a regulation for the first time and correcting it immediately. Now we are talking about the Federal Government having problems and ignoring requirements.

We do not have a penalty for that, but it is something to which the Federal agencies have to pay attention, and my amendment does this by including specific provisions that the Government Accounting Office has suggested to improve the clarity of the requirements. People ought to be able to read the rules and know what they say without having to hire a specialist or a lawyer.

The fourth change: Removing the barriers to a flexible time arrangement. My amendment includes legislation that could have a monumental impact on the lives of thousands of working men, women, and families in America. This legislation could give employees greater flexibility in meeting and balancing the demands of work and family. The demand for family time is evident.

Let me give some of the latest statistics. Seventy percent of employees do not think there is a healthy balance between their work and their personal life. Seventy percent of the employees say that family is their most important priority.

The family time provision in my amendment addresses these concerns head on. It gives employees the option of flexing their schedules over a 2-week period. In other words, employees would have 10 flexible hours they could work in 1 week in order to take 10 hours off in the next week.

We are not shifting pay periods or anything. We are making arrangements that if the employer and the employee agree, there can be a shift in their work schedule. Here is a really important part. Flexible work arrangements have been available in the Federal Government for over two decades. We are not asking for anything that the Federal Government does not already allow for Federal employees.

I have to say, one of the problems and one of the reasons this came to my attention is that Cheyenne, WY—that is our biggest city in Wyoming—has a little over 53,000 people. That is the capital. We have a lot of Government workers there because it is the capital. The Government workers are allowed to take flextime.

The private businesses that are there are not allowed to give flextime. So we have one spouse who works for the Government who can shift their schedule around to take an afternoon off to go watch their child play soccer in another town—and we have to drive some long distances in Wyoming to get to the other towns to watch the soccer games—but the other parent cannot because the other parent is working for a private company.

Why would we discriminate that way? Why would we allow Government workers to do some things that the private ones cannot do under the same law?

Flexible work arrangements have been available in the Federal Government for over two decades. This program has been so successful that in 1994 President Clinton issued an Executive order extending it to parts of the Federal Government that had not yet had the benefits of the program. President Clinton then stated:

> The broad use of flexible arrangements to enable Federal employees to better balance their work and family responsibilities can increase employee effectiveness and job satisfaction while decreasing turnover rates and absenteeism.

Now, why would we not want that to be in the private sector, too? I mean, the private sector ought to have broad use of flexible arrangements to enable their employees to better balance their work and family responsibilities, which would increase employee effectiveness and job satisfaction while decreasing turnover rates and absenteeism.

That sounds reasonable to me, that what we said the Government could benefit from that the private sector could benefit from, too. Why are we not allowing the private sector to do that?

I could not agree more with President Clinton, but we now need to go further and extend this privilege to private-sector workers. We know this legislation is not a total solution. We know there are many other provisions under the 65-year-old Fair Labor Standards Act that need our attention, but the flexible time provision is an important part of the solution. It gives employees a choice, the same choice as Federal workers.

I want to give a little bit of a summary on that flextime proposal because this is a key part of it. I have heard some flak before and, again, I think if we were debating this in the committee situation and working it out when we were not in front of the TV cameras that we would probably come up with this as a reasonable solution. It would be included in a bill, and we would probably pass it through by unanimous consent. But it gets mixed in with the minimum wage debate, and needs to be, so I want to make sure people understand this.

The flextime proposal would provide employees with the option of choosing time paid off for working overtime hours through a voluntary agreement with their employer. It will do this by allowing them the option of flexing their schedule over a 2-week period. In other words, employees would have up to 10 flexible hours they could work in 1 week in order to take paid time off during the following week.

I do not want anybody confusing this with a comp time provision that was put in before. This does not include the comp time provision. So any accusations that this is taking overtime away from anybody, I would contend, even under the comp time solution is not valid. Under a flextime proposal, it is not valid. Again, it is the same thing that we decided that Federal employees could have, and if we would put any extra strain on a Federal employee I am sure that would be illegal under wage and labor laws. So what we are proposing is the same thing as Federal workers.

Now, as I mentioned, this provision will allow them the option of flexing their schedules over a 2-week period, give them up to 10 flexible hours they could work in 1 week in order to take paid time off during the following week. This program would be strictly voluntary. No employer and no employee can be forced to enter into a flextime agreement. However, this legislation prohibits intimidation, threats, and coercion by the employers and would provide penalties for violations of the prohibition. The flextime legislation will not take away anyone's right to overtime pay.

The authority to allow employees flextime also sunsets 5 years after enactment of the bill. I am that confident that it will be proven to be a necessity for the employees, so much so that in all 50 States they will be demanding that their Senator keep flextime for them. The only reason it is not being demanded in all 50 States at the present time is because there are a bunch of employees who have not heard about it. Employees in Government areas such as Cheyenne, WY, have heard about it because, as I mentioned, one spouse has the right because they work for the Government. The other spouse does not have the right because they work for private business.

I have to say, both of those spouses are really upset that we have not changed the law. We need to do that.

Sometimes there is some criticism of this so I have to repeat again the flextime proposal does not affect the sanctity of the 40-hour week. The 40-hour week remains the law. Under the flextime proposal an employee would earn overtime in the very same way he or she currently does, by working more than 40 hours in the same 7-day period. This proposal does not impact any worker who prefers to receive monetary overtime compensation. It will not require employees to take compensatory time—I should say flextime. I do not even want that word "compensatory" in there because I do not want any confusion, as has been stated previously. Previously, we have offered flextime and comp time. This is a flextime proposal.

It will not require employees to take flextime, nor will it require employers to offer it. The bill contains numerous safeguards to protect the employee and to ensure the choice and selection of flextime. It is truly voluntary on the part of the employee.

The proposal does not prevent an employee from changing his or her mind after he or she chooses time off in lieu of monetary compensation. An employee can choose at any time to cash out any and all time off. The employer must make the payoff.

The fifth change I am making: extending the restaurant employee tip credit. A major employer of entry-level workers is the food service industry. The industry relies on what is known as the tip credit, which allows an employer to apply a portion of the employee's tip income against the employer's obligation to pay the minimum wage.

Currently, the Federal law requires a cash wage of at least $2.13 an hour for tipped employees, and it allows an employer to take a tip credit of up to $3.02 of the current minimum wage. To protect tipped employees, current law provides that a tip credit cannot reduce an employee's wages below the required minimum wage. Employees report tips to the employers, ensuring that an adequate amount of tips are earned.

The facts are that seven States—Alaska, California, Minnesota, Montana, Nevada, Oregon, and Washington—do not allow a tip credit, however, requiring raises for an hourly employee when States increase their minimum wage. The lack of a tip credit requires these employers to give raises to their most highly compensated employees, the tipped staff, under State minimum wage laws. Non-tipped employees in these States, in these businesses, are negatively impacted by the mandated flow of scarce labor dollars to the tipped positions. In addition, employers in these States are put at a competitive disadvantage with their colleagues in the rest of the country who can allocate employee compensation in a more equitable manner.

My amendment expands the tip credit to non-tip credit States, consistent with the initial establishment of the credit under the Fair Labor Standards Act.

I can probably give a little better and more detailed explanation. What is the tip credit? The tip credit allows an employer to apply a portion of an employee's tip income against the employer's obligation to pay the minimum wage. Federal law requires a cash wage of at least $2.13 an hour, and it allows an employer to take a tip credit of up to $3.02 of the current minimum wage.

Seven States do not allow a tip credit, instead requiring the tipped employees receive the same minimum wage as other employees. Non-tipped employees are negatively impacted by the flow of scarce labor dollars. This amendment expands the tip credit to non-tip credit States, consistent with the initial establishment of the credit under the Fair Labor Standards Act. Therefore, States which do not currently recognize the tip credit will be allowed to take a credit for tips of up to $3.02 of the minimum wage, which will be $6.25. For other current law, this calculation will be based on employees' own reporting of tips to their employers.

There is a false accusation out there, and it happened in previous debates. The Democrats misconstrued the effect of this change and alleged it would nullify all State wage-and-hour statutes in States that do not have a tip credit. This was never the intent of the provision, and additional language has been added to clarify that only affects the minimum wage rate provisions. Furthermore, the provision will only affect States that currently lack a tip credit. So we have added language to clarify it so it is only the minimum wage rate provisions. That is a very important part of that.

The sixth provision is a small business tax relief. I apologize for having to explain all of these on the floor. Again, this would be much better as committee work, but that has not been the opportunity.

If we are to impose greater burdens on small businesses, we should give them tax relief at the same time. My amendment would extend small business expensing, simplify the cash accounting methods, and provide depreciation relief for restaurants. All these tax provisions are fully offset; they are paid for. But they, again, smooth the bumps on those businesses that will be most impacted by an increase in the minimum wage, which gives them a way to be able to pay the increase in the minimum wage. Remember, that has to be paid for, too. Otherwise it drives them out of business, which means fewer jobs or it requires them to reduce other benefits, and often there are not other benefits.

In total, the additional provisions of my amendment are intended to mitigate the small business impact of a $1.10 increase in the minimum wage. I share the view of my colleagues, if we are going to impose such a mandate on the Federal level, we must do our best to soften its blow. This may be the best we can do today, but I entreat all of my colleagues to look at the true root of the problem for minimum wage workers, and that is minimum skills. We all share the same goals, to help American workers find and keep well-paying jobs. Minimum skills, not minimum wages, are the problem. Education and training will solve that problem and lead to the kind of increased wages and better jobs we all want to create for our Nation's workers.

Let's work together to get the Workforce Investment Act passed and conferenced—conferenced this time—so the President can sign it and get higher skills training accelerated.

Let me run through quickly what those six proposals are: raise the minimum wage by $1.10 over 18 months—we agree on that; permit family flextime for workers so that workers in private business have the same opportunity as workers in the public sector; increase the small business exemption from the Fair Labor Standards Act so that the small business level changes from $500,000 to $1 million; the small business one-time paperwork errors relief, when it is for the first time and corrected immediately; the small business regulatory relief actually being operated to protect small businesses; the minimum wage tip credit for restaurant workers; and then some other small business tax relief mainly aimed at those businesses that will be most affected by what we are doing.

I urge my colleagues to oppose the amendment offered by Senator KENNEDY and urge all Senators to support my amendment so we get the whole process taken care of. Again, I thank my colleagues for their patience. I needed to explain this in some detail since it has not been handled in committee.

I yield the floor.

The PRESIDING OFFICER (Ms. MURKOWSKI). The Senator from Rhode Island.

AMENDMENT NO. 2077

Mr. REED. Madam President, I ask unanimous consent the pending amendment be set aside and further ask unanimous consent to call up amendment No. 2077, pending at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Rhode Island [Mr. REED], for himself, Ms. COLLINS, Mr. KERRY, Mr. KENNEDY, Ms. SNOWE, Ms. CANTWELL, Mrs. CLINTON, Mr. COLEMAN, Mr. HARKIN, Mr. DORGAN, Mr. SCHUMER, Ms. STABENOW, Mr. SMITH, Mr. LAUTENBERG, Mr. BAUCUS, Mr. BINGAMAN, Mr. KOHL, Mr. DURBIN, Mr. JEFFORDS, Mr. SALAZAR, Mrs. LINCOLN, Ms. MIKULSKI, Mr. LEAHY, Mr. ROCKEFELLER, Mr. LIEBERMAN, Mr. JOHNSON, Mr. REID, Mr. CORZINE, Mr. LEVIN, and Mr. DODD proposes an amendment numbered 2077.

Mr. REED. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide for appropriations for the Low-Income Home Energy Assistance Program)

At the end of title VI, insert the following:

ADMINISTRATION FOR CHILDREN AND FAMILIES

LOW INCOME HOME ENERGY ASSISTANCE

For making payments under title XXVI of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 8621 et seq.), $3,100,000,000, for the unanticipated home energy assistance needs of 1 or more States, as authorized by section 2604(e) of the Act (42 U.S.C. 8623(e)), which amount shall be made available for obligation in fiscal year 2006 and which amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Mr. REED. I also ask unanimous consent Senator DODD be added as a cosponsor to the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REED. I further ask unanimous consent that Senator NELSON of Florida be added as an original cosponsor of amendment No. 2113.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REED. Madam President, the topic of this amendment is increasing the funds available for the Low-Income Home Energy Assistance Program, LIHEAP. We are about to see a second tidal surge from Katrina and Rita; it is not rising waters, it is rising energy prices, and those rising prices are going to break with ferocity on people all over this country, particularly those individuals who live in States that are going to see a cold winter, which is beginning shortly. Low-income Americans are going to be faced with extraordinary challenges in meeting their energy bills this winter.

We have already seen huge increases in prices of heating oil, natural gas, and propane. We understand, without some further assistance, we will be in a very precarious position, and these families will be in a distressed position. I particularly thank Senator COLLINS, Senator SNOWE, Senator COLEMAN, and Senator SMITH for their bipartisan leadership on this amendment—particularly Senator COLLINS—for joining me in this effort. She has been a stalwart over several Congresses with respect to supporting the Low-Income Home Energy Assistance Program.

We are reaching across the aisle and across the country to provide more assistance to the LIHEAP program. We offer this amendment with 30 cosponsors. It is bipartisan, stretching across the length and breadth of this country. It seeks to add $3.1 billion to the HUD appropriations bill in emergency energy assistance.

Energy costs for the average family using heating oil are estimated to hit $1,577 this winter, an increase of $378 over last winter's heating season. For families using natural gas, prices could hit $1,099 this winter heating season, an increase of $354. Families using propane can see heating costs on average this heating season to be approximately $1,400. That is another increase of $300. For families living in poverty, energy bills now are approximately 20 percent of their income compared to 5 percent for other households. Unless we take action now, we are going to see families in this country, low-income working families, families struggling with the issue of poverty, seniors who are living on fixed incomes being devastated.

Mr. REID. Will the Senator yield?

Mr. REED. I yield to the Democratic leader.

Mr. REID. I would state Senator BAUCUS has a unanimous consent request and would like to make a few remarks prior to that. Will the Senator yield to Senator BAUCUS?

Mr. REED. I am prepared to yield. My colleague from Maine is here to speak.

Mr. REID. I ask you to yield to your colleague from Montana first.

Mr. REED. If I could do so and then, with the order being that at the conclusion of Senator BAUCUS, Senator COLLINS be recognized to speak.

Mr. REID. We, of course, have no objection if you get the floor following Senator BAUCUS.

The PRESIDING OFFICER. Is there objection?

Mr. BROWNBACK. Let me make sure I understand this.

Mr. REID. I asked the Senator from Rhode Island to yield to the Senator from Montana. He has a brief statement and unanimous consent request he is going to make. Then I have no problem.

Mr. REED. Reclaiming the floor, I ask how long the Senator from Montana might speak?

Mr. BAUCUS. I expect maybe 4 or 5 or 6 minutes.

Ms. COLLINS. Madam President, the Senator from Rhode Island and I have been waiting for some time to give our comments. I expect that my comments are only going to be 5 minutes.

Mr. REID. We will be happy to wait until the Senator from Rhode Island and the Senator from Maine finish their statements.

Mr. REED. Madam President, I think probably the most efficient way to do this is let me yield the floor to the Senator from Maine. When she concludes, I ask the Senator from Montana be recognized. At the conclusion of the comments of the Senator from Montana, if I can be recognized again, I will finish my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Maine.

Ms. COLLINS. Madam President, first, let me thank my colleague and friend from Rhode Island for accommodating my schedule and for his usual graciousness. It has been a great pleasure to work with him on an initiative that is so important to low-income families in our country and that is increasing the funding for the Low-Income Home Energy Assistance Program. We are proposing to increase the funding to the amount authorized by the energy legislation that was signed into law a couple of months ago, so we are proposing to bring it to the fully authorized level of $5.1 billion.

Madam President, I am sure it is very similar in your State. When I go home to Maine, as I do every weekend, the No. 1 issue that people talk to me about is the high cost of energy. They have expressed over and over their fear that they simply will not be able to afford the cost of heating oil for their homes this winter. The cost increases have been enormous. They are, in part, attributable to the two hurricanes that we have endured, and that is why I view this as part of the emergency response to Hurricane Katrina and Rita.

Right now in Maine, we have already had some nights that have plunged below freezing. In Maine, 78 percent of all households use home heating oil to heat their homes. Currently, the cost of home heating oil is more than $2.50 per gallon. I actually paid $2.72 per gallon recently. That is a considerable increase, 60 cents or more a gallon, over last year's already high prices.

These high prices greatly increase the need for assistance. More low-income families are going to be in dire straits. Moreover, as it increases, it has an impact on the amount of money that can be given out, so we have a pot of money that is going to have to be spread over a larger population at a time when prices are soaring.

Last year, there was an average benefit in Maine of $480. This year it is expected that the benefit would have to be cut to $440. That would purchase only 173 gallons of oil, far below last year's equivalent benefit of 251 gallons, and not nearly enough, of course, to go through a Maine winter. To purchase the same amount of oil this year as last, Maine would need an additional $10.8 million in LIHEAP funds.

This really is a choice, for many low-income families in our country, of buying the home heating oil or natural gas that they need to keep warm or putting adequate food on the table or buying much-needed prescription drugs. Surely, in a country as prosperous as ours, no low-income family should be forced to make those kinds of choices.

I urge support for the amendment offered by the Senator from Rhode Island and myself, and again I thank the Senator for his courtesy in yielding to me.

The PRESIDING OFFICER. The Senator from Montana is recognized.

UNANIMOUS-CONSENT REQUEST—S. 1716

Mr. BAUCUS. Madam President, it has been more than 7 weeks since Hurricane Katrina hit the gulf coast—7 weeks. Nearly 1.5 million Americans have been displaced. Tens of thousands of these survivors have no health care coverage and no money to pay for care. It is high time for passage of the Grassley-Baucus Emergency Health Care Relief Act, S. 1716.

On Monday, the Los Angeles Times ran a story on a 52-year-old schoolbus driver from New Orleans, Emanuel Wilson. Mr. Wilson survived Katrina, but his life is still at risk. Why? Because he has intestinal cancer and he has no health insurance.

Mr. Wilson was getting monthly chemotherapy injections before the storm, but now he cannot get any health care.

He lost his job and his health coverage because of Katrina, and he is ineligible to receive Medicaid.

According to the New Orleans Times-Picayune, more than half of all hurricane evacuees still in Louisiana who sought Medicaid coverage since Katrina have been turned away. More than half were turned away. These are poor people. They aren't people with a lot of money. They are poor people. They can't get coverage because they do not meet the rigid eligibility guidelines under Federal Medicaid law.

We need to relax those guidelines on a temporary basis, on an emergency basis, to help those survivors desperately in need.

This morning, my staff met with Secretary Cerise, secretary of Louisiana's Department of Health and Hospitals. And Dr. Cerise reported that Louisiana's Medicaid Program has enrolled 60,000 new individuals because of Katrina, which would cost the State about $83 million if they were to pay for the care.

Louisiana has just lost about one-seventh of its total expected State revenue this year, and they cannot bear these additional costs. They are likely to need to make dramatic cuts to the Medicaid Program if they don't get help soon.

Dr. Cerise reports that Louisiana will have to cut all optional services to beneficiaries if they do not get help.

What does that mean? That means ending their hospice programs, ending their pharmacy benefits, ending their institutional care for the mentally retarded, ending their dialysis and other benefits, cutting off care for their medically needy, breast and cervical cancer patients, as well as thousands of low-income children.

We have spent far too long talking about this bill. Far too many times have we been asking unanimous consent to get this bill passed—far too long. These are temporary provisions.

America can do better. America can help its people in need in times of emergency.

Where is America? Where is the Senate?

My colleagues, Senator GRASSLEY, Senator LANDRIEU, Senator LINCOLN, and Senator REID have all spoken passionately supporting moving this bill forward and moving it forward immediately.

I hope we can get this bill passed and enacted into law without delay. We owe at least this much to our fellow Americans hit by Katrina and its aftermath.

It ties in very much with the latest dialog on the floor with the Senator from Rhode Island about the need for LIHEAP money. Energy costs are going up around the country. They are going up so quickly, so high, and it is the kind of problem facing the people down on the gulf coast.

I urgently ask our colleagues to support this bill.

I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 214, S. 1716, a bill to provide emergency health care relief for survivors of Hurricane Katrina; that the bill be read a third time and passed, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mr. SUNUNU. Madam President, if I might reserve the right to object, we had this conversation on the floor before. The bill has been brought to the floor, and attempts have been made to pass it by unanimous consent.

This bill includes provisions that change the reimbursement rates under Medicaid for 29 States, regardless of how many evacuees they might have in that State, regardless of whether they were affected by Hurricane Katrina or Hurricane Rita. It is completely inappropriate to try to make adjustments in Medicaid under the umbrella or the cover of hurricane relief.

There are legitimate questions about whether and how we can provide assistance to those under Medicaid affected by Hurricane Katrina or Hurricane Rita.

Eight States have already been granted waivers to modify eligibility to help provide that coverage. But in an effort to deal with some of the concerns I have—and other Senators have concerns about this bill—this $9 billion bill to support a statute that gives the Secretary of Health and Human Services the power to change reimbursement rates to compensate States for additional costs incurred under Medicaid as a result of the hurricane, we would put into law the uncompensated care pool that is part of this legislation to help deal with some of the costs outside of Medicaid. We have even proposed providing some support and assistance to community health centers, something that is not even in this legislation—community health centers being so critical to providing assistance not just to Medicaid beneficiaries but to those who are underinsured or those who are without any health insurance for whatever reason. I think these are very reasonable proposals.

I think this is a good-faith effort to address some of the concerns that have been presented, but even in the absence of legislation through the State waiver process, through the efforts of Secretary Leavitt of Health and Human Services, I think every good-faith effort is being made to provide assistance, to provide coverage to those in need.

Given that fact, I will object at this time to the unanimous-consent request.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Madam President, with all due respect, we have heard these lamentations before. We have heard it all, with due respect, before.

Let me just clear the record a little bit. The Senator mentioned waivers. The Secretary has admitted that he does not have authority under the waiver system to do what needs to be done. He does not have authority to make these hospitals—not whole but to get some uncompensated care for these hospitals. He does not have authority to do so. He does not have authority to make other provisions that are necessary in this bill.

I must say this is a temporary bill. It is only on an emergency basis.

I am willing to—and I think a lot of my colleagues are willing and concerned about the costs—take it out of the unspent FEMA money. We appropriated in this body about $60 billion for FEMA. I understand that maybe roughly $40 billion of that has not been spent.

If the Senator is concerned about the costs, we could take it out of FEMA and help people who really need help. The Secretary does not have the authority to do what needs to be done. And, second, the administration has not come up with any real plan to say where the money is going to come from. It is all just talk, words.

If the Senator from New Hampshire is willing to take the money out of FEMA, or if he is willing to say trim back a little bit to come up with a deal with 29 States to immediately pass a bill that may be trimmed down a little bit and paid for out of FEMA, then we would be doing the country a great deal of service.

But to stand here day in and day out for 27 weeks, for a Senator to stand on the floor and say we can't help people in Louisiana and the Gulf States, we could sure help New Yorkers after 9/11. We can help them, but we can't help the people on the gulf coast.

These are the same Medicaid provisions that we gave the people in New York City as a consequence of 9/11—the same eligibility standards, the same.

In other words, let us do it for the gulf coast people, if we can do it for New Yorkers. It is great for New Yorkers. We are all for it. Let us figure out a way to help the people in the Gulf States—help them a little bit. This administration does not want to do so, and the other side doesn't want to do so. I cannot believe it when the big rush right now is to cut Medicaid—cut Medicaid, cut Medicaid. We want to help the people.

Mr. DURBIN. Madam President, will the Senator yield for a question?

Mr. BAUCUS. I would love to yield to the Senator.

Mr. DURBIN. If the Senator from Montana will yield for a question, I would like to ask him about New York City. Isn't it a fact that after the 9/11 disaster, within 2 weeks we expanded Medicaid coverage under a disaster relief Medicaid assistance program so that 340,000 New Yorkers were able to start receiving Medicaid for 4 months? We spent $670 million on that assistance. We did that within 2 weeks. And now 7 weeks have passed, and this administration has not come forward with any help for Hurricane Katrina victims when it comes to Medicaid.

Mr. BAUCUS. In answer to the question of my colleague, it is absolutely true. We came to the aid of people who needed aid in New York within a couple of weeks. That was the right thing to do. We are a passionate people, a country willing to help people in need, particularly when it is an emergency need.

Mr. DURBIN. If the Senator will yield for a further question, this is a bipartisan amendment which the Senator just offered, along with Senator GRASSLEY, Republican of Iowa, Senator BAUCUS, of course, of Montana, and many other colleagues to come forward to try to help the victims of this hurricane. Have we turned the page now? Are we not thinking about what happened down there? I hope we haven't.

Let me ask the Senator from Montana, is it a fact, No. 1, that the relief that he is proposing is temporary and short term? It is 5 months of Medicaid relief for these people who are in the worst circumstances. And, second, it would help States like mine and many others that have brought in evacuees. In our case, we brought 5,000 evacuees into our State to help them out. We have incurred more expenses in Medicaid expenditures to help these families so that these caring people in States around the gulf coast area who are really trying to help will not be ignored by the Federal Government.

Is that the intent of the amendment?

Mr. BAUCUS. The Senator is correct. That is the intent of the amendment. I thank the Senator for raising that point.

This is not a partisan effort at all. This is just a compassionate effort on the part of both Republicans and Democrats. I might say that all Senators—Republicans and Democrats—in the States affected would like to see this bill passed. All the Governors in the States affected—Republicans and Democrats—would like to see this bill passed. The House delegations from the States affected would like to see this bill passed. It is very much bipartisan.

The second point the Senator made is a very good one. A lot of evacuees have gone to a lot of States across the country—many in Illinois. Some have come to my State in Montana from New Orleans. We are very gracious and want to do all we can to help the people who are so dislocated.

If we stop and think for a moment, the Senators lead pretty comfortable lives. For these people, it is incredible hardships they are going through. We forget all they have to go through. They don't have houses, anyplace to live, no way to pay bills, no job, their kids are out of school, or where they can go to school, health care needs—they are incredibly affected.

I do not know how many Members have gone down to the gulf coast. Raise your hand if you have gone down to the gulf coast and have seen it all. There are two. We have seen it. It is Biblical. There is not a word for it. It is a tragedy that is affecting people on the gulf coast. It is Biblical. My Lord, my God, why can't the Senate do something about it?

Why are we here, Senators? To say no? That is not why we are here. We are here to do the right thing. We are not asking for the Moon. We are just asking for a little bit of help.

Mr. DURBIN. If I can ask one more question, so those who are following this debate understand, the Senator asked unanimous consent to go to this temporary measure—a 5-month measure, a bipartisan measure—to help the victims of Hurricane Katrina, and because one Senator from one State on the other side of the aisle objected, we cannot move to consider this issue at this time. Is that true?

Mr. BAUCUS. The Senator is correct. That is the situation we are in.

Mr. DORGAN. Madam President, if the Senator will yield for a question, I think I heard those who object to the unanimous consent request of the Senator from Montana suggest that somehow he is trying to solve a problem that doesn't exist; that this can be handled in other ways. Could the Senator from Montana describe to me the circumstances of people who are affected? If this legislation is not made available on an emergency basis in human terms, isn't it a fact that we have people, particularly low-income people, who have lost everything?

Incidentally, I went to the Armory here in Washington DC and talked to those folks who have come here, left home with nothing to escape the ravages of the flood waters and are there with their children and the clothes on their back and nothing else.

What are the real consequences for people who are in that situation if the Senator's legislation is not adopted? We did this for 9/11 victims. We did it for a good reason, I assume. If we don't do it here, and now weeks have marched by with no action, what are the human consequences of our deciding not to do this?

Mr. BAUCUS. I appreciate the Senator's question. People are not going to get health care. The diabetics will be scrambling wondering where they are going to get their insulin shots. People getting chemotherapy will be wondering where in the world they are going to get their chemotherapy. For mentally affected people, where are they going to get their assistance? Particularly those who have lost their jobs and don't have any insurance anymore, where are they going to get their insurance? If they lost their jobs and they do not have money to even pay for basics, let alone health care, how are they going to pay for food? Where are they going to live? It is incredible.

I wish all Members in this Senate would go to the gulf coast and walk around New Orleans, walk around the gulf coast of Mississippi, and feel, see, smell, taste how devastating this tragedy is. We would be rushing to pass this legislation if Senators would go down there to see what is going on.

Mr. DORGAN. If I might ask an additional question, this is about health care. Health care is not a luxury. When you or your kids are sick, particularly in the circumstances where you have been the victim of a significant disaster, you have been displaced and lost everything, health care ought not be a function of whether you have money in your billfold.

I ask the Senator from Montana, is it the case that your legislation will not break the bank? You have suggested other ways to pay for it. It is bipartisan. You are coming to talk about something that is an essential for people. This is not some luxury. We are talking about health care. When we talk about the five most important things for people here, there, or wherever, health care is right near the top. If you do not have health care, if you do not have your health, you do not have much.

The Senator from Montana has been here a number of times. My hope would be that our colleagues would not object and that the Grassley-Baucus proposal would be accepted and we would move on. This ought not be a point of contention at all. This ought to be easy for this Congress.

Mr. BAUCUS. Madam President, I might also add, the primary sponsor of this legislation is the chairman of the Committee on Finance, Senator CHUCK GRASSLEY from Iowa. Senator GRASSLEY is known in this Senate, probably more than any Member for doing the right thing. He is not a partisan. He is not political. He does what he thinks is right. It is clear to the chairman of the Senate Committee on Finance that this is right. I join with him to do something that is right.

We have talked this out with all members of the committee, both sides, how to tailor this, modify it, make it work or not work, and I am quite confidence it would be agreed to unanimously by all members of the committee.

I mentioned the States affected. The Senators of the States affected all want this. The Governors all want this—and there are more Republican than Democrat. And the mayors want it because they know it is the right thing to do.

Again I make the request.

Mr. SUNUNU. Madam President, reserving the right to object, and I apologize for taking additional time. I know Senator REED is due to be recognized by consent as soon as this lengthy and, in my opinion, unnecessary discussion is complete. It is important to note this bill does not take the funding out of FEMA as has been represented. We suggested that.

Mr. BAUCUS. If the Senator is willing to take it out of FEMA, we are willing to do that.

The PRESIDING OFFICER. Is there objection?

Mr. SUNUNU. Madam President, I object.

The PRESIDING OFFICER. The objection is heard.

The Senator from Rhode Island is recognized under the previous agreement.

Mr. REED. Madam President, I will continue my remarks about the LIHEAP program. I certainly salute the Senator from Montana for his passion, his eloquence, and his sense of decency. We should be moving on this legislation. It is a bipartisan effort, just as this LIHEAP legislation is a bipartisan effort. They are both linked by the devastation in the gulf. So many families have been displaced from their homes, their homes destroyed. They are looking for health care. Other families in the Northeast, in the Midwest, in the Far West, and in the Mountain States where this winter will be cold and difficult to bear will also see the effects of Katrina. They have seen them already in rising energy prices.

As I indicated in my prior remarks, this is the second wave, the second surge. The first was waters through the gulf. The second is increased energy prices for the rest of the country.

No family should be forced to make choices between heating or eating. That is precisely what many families will be faced with this winter unless we adopt this proposal and increase LIHEAP funding by $3.1 billion.

The RAND Corporation found in a study that low-income households reduced food expenditures by roughly the same amount as their increases in fuel expenditures. They cut back on food to pay for heat. That is not something any American wants to see or wants us to tolerate.

It is particularly difficult for seniors. Recently, I visited the home of Mr. Ohanian in Cranston, RI. Mr. Ohanian is an 88-year-old veteran of our military service. He served this country. Now he lives on a Social Security check of $779 a month. One does not have to have advanced training in economics to figure out that with these energy prices this year in the Northeast—Senator COLLINS indicated she was paying $2.70 a gallon for heating oil—that adds up quite quickly, and it wipes out a monthly income of $779. As a result, Mr. Ohanian has to go to his daughter's house sometimes for food, goes to soup kitchens to get help. He deserves it. He served this country in a most difficult time, in uniform. What we have is a situation where last year Mr. Ohanian received $600 in LIHEAP payments. It helped. It did not pay for all the fuel costs, but it helped. Unless we put this money in, his costs will be way out of proportion to what he can bear.

Recently, the Social Security COLA was announced. It is $65 a month. Any increase is appreciated, but that is already wiped out more or less by increased contributions to health care programs that are required. When you put on top of that for a senior this huge spike in energy prices—be it natural gas, heating oil, or propane—they are losing ground rapidly, unless, of course, we act to at least bring them up to the level of last year's program.

We need to fully fund the LIHEAP program at the $5.1 billion authorized in the Energy bill. This amendment would do that. It would add $3.1 billion in emergency spending to the $2 billion the President has requested. That is roughly what we had last year, just a little bit below. Do the math. If we have just $2 billion and we have increased energy prices—just take heating oil. Last year, heating oil was roughly $1.92. Expensive? Yes. Now it is $2.70. The same amount of monthly income, huge increases in energy costs. How can we provide that assistance we provided just last year?

As Senator COLLINS indicated, look at the poverty numbers. Poverty has increased every year for the last several years. There are more people qualified for this program. This is an anticipated disaster—in some respects, the same way Katrina was anticipated.

I hope we can learn from Katrina, not just sit back and watch idly, watch the impact, watch poor people suffer. Not just poor people who were caught up in the tumult and terror of New Orleans—but poor people in Portland, ME; New Haven, CT; in Cleveland, OH; in Seattle, WA; in Butte, MT. I expect it gets cold out there in the winter. They will be caught up.

I thought after Katrina we had a coming together, led by the President, to recognize we are failing people who are poor, that we are not doing what we have to do to keep faith with them. I can remember his words at the Washington National Cathedral. Have those words evaporated already? Are those words not operative now? I hope they are. I hope we take them to heart. If we do, we will pass this amendment, and we will pass the legislation of Senator BAUCUS and Senator GRASSLEY. That is what I thought the President was telling us to do at the Cathedral speech.

Now, even if we do have funding of an additional $3.1 billion, we are still only serving about one-seventh of the 35 million households poor enough to qualify for assistance. So we are not talking about a program that has so much money that they do not know what to do with it. What they have is so many customers and clients that they do not know what to do with them. And what happens, is these people will apply to the community action agencies across the country, and they will be put on waiting lists. They will try to help some. We can do much better. I hope we can start by passing this legislation.

We also need Presidential leadership. What has happened from the speech on the pulpit of the National Cathedral until today when it comes to LIHEAP? Nothing. Those were very powerful words, but they require powerful actions. We have not seen, in this respect, those actions.

We have to do other things to get our energy house in order. In fact, this is not just an issue of domestic politics. It is probably the single most important thing we can do over the next several years to improve our strategic position in the world vis-a-vis those who would be our adversaries or those who compete with us. From a national security standpoint, we have to take steps to make our energy future more independent, more sensible. But we have to do things today that will help Americans.

I am very proud Senator CANTWELL is a cosponsor of this particular amendment. She is also the sponsor of the Energy Emergency Consumer Protection Act to bring prices down at the gas pump in the wake of natural disasters such as Hurricane Katrina.

In addition, we have to pass Senator DORGAN's Windfall Profit Rebate Act which imposes a temporary windfall profit tax on big oil companies and uses the revenue to bring a rebate to American consumers to help offset the higher cost of oil and gasoline products. I am told the oil companies—the energy companies—will be reporting their quarterly earnings in the next few days, and most estimates are they could be the most profitable reports ever issued by companies in this country because of this extraordinary runup in pricing. Some of that money should come back to Americans.

Total energy spending in this Nation this year will approach $1 trillion—24 percent higher than in 2004. It will claim the largest share of U.S. output since the end of the oil crisis 20 years ago. Oil and natural gas companies make huge profits while workers' salaries are declining in real terms. This is wrong. We have to fix it.

We have to pass Senator CANTWELL's legislation, Senator DORGAN's legislation, and, of course, immediately, we have to help restore funding and increase funding for LIHEAP program. The President and Secretary Bodman have called on Americans to reduce their energy use. They have to lead by example. One way to lead is to support, articulate, and advocate, for sensible energy programs and this LIHEAP proposal to increase that funding.

We have to do much more. I hope we begin, with respect to energy, by recognizing the pending crisis that will face so many families in this country, so many seniors. They will be cold this winter. They will give up eating so they can heat their homes. They will miss mortgage payments and rent payments because they have to at least stay warm.

We can do much better. America can do better. I hope we do.

I yield the floor.

Mr. BOND. Pursuant to section 402 of H. Con. Res. 95 of the 109th Congress, the fiscal year 2006 concurrent resolution on the budget, I make a point of order against the emergency designation contained in this amendment.

Mr. REED. Madam President, I move to waive the applicable sections of the act referenced by the Senator and at the appropriate time would ask for the yeas and nays.

Mr. BOND. Madam President, I ask unanimous consent that this measure be set aside to be set for a vote at a time determined by the leaders on both sides.

The PRESIDING OFFICER. Is there objection?

Ms. CANTWELL. I object.

The PRESIDING OFFICER. The objection is heard.

Ms. CANTWELL. Reserving the right to object, Madam President, I would like to enter into a time agreement to speak on this amendment.

The PRESIDING OFFICER. Does the Senator object to the request?

Mr. BOND. Madam President, there is time to speak. We would be happy to find the time for the distinguished Senator from Washington to speak. We are just asking this be set aside. If the objection is sustained, we will go immediately to a vote and get it out of the way.

Mr. REED. Madam President, parliamentary inquiry: I believe what happened, the floor manager raised a budget point of order. I have requested a waiver of that act. We have agreed at some time in the future we will have a vote on that. Now it is in order to have further discussion of the amendment, and Senator CANTWELL can discuss her amendment.

Mr. BOND. Madam President, I believe that is correct.

The PRESIDING OFFICER. The Senators are correct.

Mr. BOND. Madam President, before I yield the floor to the other Senators who wish to speak, first, let me point out that while LIHEAP is a very important subject, it has nothing to do with this bill. There will be the Labor-HHS appropriations bill on the floor next week. There will also be a supplemental bill which will deal with it. While I am a big supporter of LIHEAP, this measure should be appropriately discussed in the forum where LIHEAP is handled. Either one of those two vehicles is appropriate.

Now, Madam President, I ask unanimous consent that at 4:30 today, the Senate proceed to a vote in relation to the Kennedy amendment No. 2063, to be followed by a vote in relation to the Enzi amendment No. 2115. I further ask consent that prior to those votes there be 3 hours for debate equally divided between Senators ENZI and KENNEDY to run concurrently on both the Enzi and Kennedy amendments; provided further that no second-degree amendments be in order to either amendment prior to the votes. I further ask consent that if either amendment does not have 60 votes in the affirmative, that amendment then be automatically withdrawn or fall to the point of order, if applicable. I further ask consent that there be 2 minutes equally divided prior to each vote.

The PRESIDING OFFICER. Is there objection?

The Senator from North Dakota.

Mr. DORGAN. Madam President, reserving the right to object—I do not think I will object—but in order to expedite consideration of amendments on the floor, I was wanting to offer the remaining amendment I have, with very brief comments, so that at least I have offered the amendment on behalf of myself and Senator CRAIG. I was hoping to be able to do that following the remarks of the Senator from Washington, who I believe is going to comment on the legislation she is cosponsoring with Senator REED. So if it would be acceptable to the chairman and ranking member, following the remarks of the Senator from Washington, if I would be recognized simply to lay the amendment down. I ask unanimous consent to do that.

Mr. BOND. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Is there objection to the initial request?

Without objection, it is so ordered.

The Senator from Washington.

Ms. CANTWELL. Thank you.

AMENDMENT NO. 2077

Madam President, I do rise to support the Reed-Collins amendment to further make a down payment on the low-income energy assistance program known as LIHEAP.

This is a program the State of Washington knows all too well. I say that because our State was hard hit by an energy crisis in the last several years that left many low-income people suffering the consequences of high energy costs. If anything, the Northwest is a poster child for what is about to happen to the rest of the country. Those results were devastating. In one county alone, Snohomish County, where I live, we had a 44-percent increase in disconnect rates in 1 year. That meant 14,000 people lost power to their homes because of high energy costs.

Those high energy costs were also passed on to school districts, which had to choose between hiring teachers and getting books and paying the high cost of energy. It also had an impact on economic development. Businesses decided that perhaps they did not want to move to that county if they were energy-intensive users and businesses on low margins until the energy rates come down again. We saw people who actually lost their jobs and lost their pensions because of those high energy costs.

What this amendment does, added to this bill, is to give the consumers in America who are the most hard hit by energy costs some relief. If you think about it, we are talking about the elderly, the disabled, those who are on low incomes. We are talking about an individual who may make less than $12,000 a year or a couple who may make less than $16,000 a year. Now they are faced with anywhere from a 30- to 50-percent increase in energy costs. It is a question as to whether they are going to be able to keep the lights on and the heat in the home or whether they are going to be left out in the cold by this administration and by this Congress.

I hope my colleagues will do the right thing in adopting the Reed-Collins amendment and being serious about LIHEAP, knowing the devastating consequences of the high cost of energy to our economy and people on the margins. It is heartless to think we would continue to adopt resolution after resolution dealing with other impacts to our economy and leave those most vulnerable out in the cold.

The LIHEAP Program serves a very small percentage of the people who actually qualify. Last year, 72,000 Washington State residents received assistance from the LIHEAP Program, but many more could actually qualify. That is, there are many more who are living on the margins who need that kind of help and assistance to stay in their home.

Last week, I met with a woman who has lung cancer, the mother of five, who is disabled, who needs the LIHEAP Program to continue to remain in her home. Yet 76 percent of those who qualify who will not get aid. This piece of legislation will not help all of them, but it will help a small percent. It will help a small percent of Northwest residents who will be battling the high cost of energy again for another year in a row, to get some assistance from the low-energy income program.

This amendment should be a top priority for the Members of this body. I say that because, having fought to get these LIHEAP Programs from the contingency fund in the past when my State was greatly impacted, I know how important it was to the residents who actually received them. Now the rest of the country is going to be impacted by those same dynamics of very high energy costs. The question is whether we will, as a body, approve the Reed-Collins amendment to actually take the appropriations level up to the level that has been in the authorizing bill. I think it is the prudent thing to do. I think it is the wise thing to do to help the residents of this country, who are going to suffer from a very tough winter and high energy costs.

I, like my colleague Senator REED, want to fight for other legislation that will help us reduce the high cost of energy and certainly look at the practices of predatory pricing. We need to give consumers the confidence that there is competition in the marketplace, that there are Federal agencies that will protect consumers from price gouging, and that those who participate in price-gouging activities will spend time in jail. But in the meantime, as we are continuing to push and fight for that legislation, we need to make sure those who are most vulnerable in our society get the help and support they deserve. So I hope my colleagues will take the Reed-Collins amendment this afternoon and realize we cannot give tax breaks to others and leave those most vulnerable in our society without the hope of a warm, secure winter.

America can do better. We can take care of the elderly, the disabled, and the low income when it means they are going to have to pay exorbitant energy costs.

I yield the floor.

The PRESIDING OFFICER (Mr. THUNE). The Senator from North Dakota.

AMENDMENT NO. 2133

Mr. DORGAN. Mr. President, I send an amendment to the desk on behalf of myself, Senator CRAIG from Idaho, Senator ENZI from Wyoming, and Senator BAUCUS from Montana, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from North Dakota [Mr. DORGAN], for himself, Mr. CRAIG, Mr. ENZI, and Mr. BAUCUS, proposes an amendment numbered 2133.

Mr. DORGAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To restrict enforcement of the Cuban Assets Control Regulations with respect to travel to Cuba)

At the appropriate place in the bill, insert the following:

SEC. . (a) None of the funds made available in this Act may be used to administer or enforce part 515 of title 31, Code of Federal Regulations (the Cuban Assets Control Regulations) with respect to any travel or travel-related transaction.

(b) The limitation established in subsection (a) shall not apply to—

(1) the administration of general or specific licenses for travel or travel-related transactions;

(2) section 515.204, 515.206, 515.332, 515.536, 515.544, 515.547, 515.560(c)(3), 515.569, 515.571, or 515.803 of such part 515; or

(3) transactions in relation to any business travel covered by section 515.560(g) of such part 515.

Mr. DORGAN. Mr. President, I offer this bipartisan amendment on behalf of myself, Senator CRAIG, Senator ENZI, and Senator BAUCUS. It is an amendment that has been considered previously, and considered successfully by the Senate, but it has not made it into law because of problems in conference committees. It deals with the issue of restricting the rights of the American people to travel to Cuba.

As you know, we now have a situation where the American people are not free to travel to Cuba. We are free to travel to China, a Communist country. We are free to travel to Vietnam, a Communist country. We are free to travel to North Korea, a Communist country. We are not free to travel to Cuba, however. The reason for that is Fidel Castro has been sticking his finger in America's eye for a long while. It is a Communist country, a government that causes a lot of problems for our country, and the decision was made some long while ago that we are going to somehow punish Fidel Castro by restricting the American people's right to travel to Cuba.

We also, for 40-some years now, have had an embargo with respect to the country of Cuba. For most of that time, we also prevented American farmers from selling food to the country of Cuba. I have always felt it is basically immoral to use food as a weapon and to prevent the selling of food to the Cubans. Canadians sell food to the Cubans. European farmers sell food to the Cubans. But we could not; that is, until then-Senator Ashcroft from Missouri and I offered an amendment on the floor of the Senate that opened, just a crack, that embargo so that we are now able to sell some food into the country of Cuba.

We have sold about $1 billion worth of food since that amendment of ours became law. Even now, the administration is trying to shut down that ability of farmers to sell food into Cuba, by dramatically changing the legal definition of the term "payment of cash in advance" that is in the law, something the Congressional Research Service believes is inappropriate for the administration to do. With this change of definition they are actually requiring the payment for the food products our farmers would sell into Cuba to be made before the food is even shipped. That is not the way commerce works, and yet they are doing that to try to shut down the ability of American farmers to sell food into Cuba.

Nonetheless, we have sold $1 billion worth of food to the Cubans. It is the right thing to do. Withholding food and medicine as a part of any embargo is the wrong thing to do. Fidel Castro has never missed breakfast, lunch, or dinner because of our embargo. He has eaten just fine, thank you. It is poor, sick, and hungry people who get hurt with these kinds of public policies.

I put in this appropriations bill at the subcommittee level a provision that trips the administration's attempt to inhibit farmers from selling into Cuba. So I fixed that problem. That is in the bill as it comes to the floor. We had kind of a contentious discussion about that in the subcommittee, but I won. And again, on a bipartisan basis, we stuck that in the bill. It says to this administration: You cannot be doing these things that we believe are not legal to impede the ability of American farmers to sell food into the Cuban marketplace.

We have not, however, dealt with the issue of restricting the American people's right to travel to Cuba. Are we hurting Fidel Castro by prohibiting Americans from traveling to Cuba? I do not think so. All that does is slap the American people around by restricting their right to travel.

Let me show you a couple of examples, if I might. This young woman in this picture was in my office. This young woman's name is Joni Scott, a wonderful young woman. She went to Cuba. She went to Cuba to distribute free Bibles on the streets of Cuban cities. Joni Scott went to distribute free Bibles in Cuba. Why? She is a person of great faith, with a missionary spirit, and she wanted to take that faith and talk about that faith with the people of Cuba.

Well, guess what happened to Joni Scott. The U.S. government says you can't distribute free Bibles to the people of Cuba. You have to get a license from the State Department to go to Cuba, and they are not going to give you a license. She did not know that, of course. She simply went to Cuba to distribute free Bibles. The U.S. government slapped her with a big fine. Do you know who did that? The folks who are being funded in the bill, OFAC, the Office of Foreign Assets Control, deep in the bowels of the Treasury Department.

The people in OFAC are supposed to be tracking the financing of terrorism. They are the folks who ought to be looking at the arteries that control the money that finances Osama bin Laden, for example, and other terrorist organizations. But guess what. Those folks down in OFAC, the Office of Foreign Assets Control, have been spending their time tracking down American citizens who are suspected of taking vacations in Cuba—American citizens under suspicion of taking vacations in Cuba.

Well, they tracked Joni Scott down and slapped a big fine on Joni Scott, an American citizen, for trying to distribute free Bibles in Cuba. Apparently, they are not even embarrassed about it.

This is a picture of Sergeant Lazo, U.S. Army National Guard. He won the Bronze Star for bravery in the country of Iraq, fighting for this country. His children are in Cuba. One of his kids was very ill. After he finished his tour of duty in Iraq and was back in this country, he wanted to go visit his sick son. This United States soldier, a hero, having fought and won a Bronze Star in Iraq for his country, was told by his country: You might have been fighting for freedom in Iraq, but you don't have the freedom as an American soldier—you don't have the freedom as an American citizen—to go visit your sick child in Cuba. Unbelievable.

We voted on that here on the floor of the Senate. The only way I could get that up for a vote was to require suspension of the rules, which takes 66 votes. I got 60 votes. It fell short. So this man has never been allowed to go to Cuba to visit his child.

There is an epilog to this. His children are going to come here for a brief visit. The Cuban Government has approved that. But the U.S. Government won't give him the freedom to travel to Cuba to visit his children.

I could talk about Joan Slote. Joan Slote answered an ad in a bicycling magazine to take a cycling trip to Cuba. Joan was 75 years old. She was a cyclist and she wanted to go on a bicycling tour with a Canadian bicycling group. She did. She came back and found out her son had brain cancer. She didn't get her mail on time and didn't see that the Federal Government was trying to fine her $10,000 for having traveled to Cuba to ride a bike. Because she was attending to her son, she didn't get the letter from the Treasury Department, so they decided they were going to try to slap an attachment on her Social Security check.

This is America? I don't think so. We should restrict the freedom of the American people because we want to slap around Fidel Castro? How about deciding we are not going to restrict the freedom of the American people. If you want to bring a different kind of government to Cuba, you do it through trade and travel. That is what we argue in regard to other countries. This administration and past administrations have said that the way to advance the interests toward democracy and greater human rights in Communist China is through trade and travel. The way to advance the interests toward greater human rights and democracy in Communist Vietnam is through trade and travel. Cuba? No, we have to restrict the right of the American people to travel to Cuba. And if they do, track them down. There is a little agency, this arthritic agency in the Department of Treasury, called OFAC. They have more people in that agency tracking American citizens who are suspected of going to Cuba than they have searching for the financial links that are supporting Osama bin Laden's terrorism. Isn't that unbelievable? I have half a notion to offer an amendment to get rid of OFAC. We have all these acronyms around here. All I know is, these are people sitting someplace in the basement of the Treasury Department trying to figure out, through lists of names, whether somebody might have gone to Cuba. And God forbid they brought a cigar back. Let's double the fine.

In fact, even more Byzantine, last year OFAC sent people to airports around the country to train Border Patrol and Homeland Security agents on how to intercept Americans who were suspected of visiting Cuba. I looked through the list of what they recovered. The most ominous thing they recovered was carbon dioxide used to make seltzer water. They did pick up a couple cigars and some ordinary cold medicine. But they certainly took some resources away from Homeland Security that probably ought to have been looking at terrorist threats so they could track down Joni Scott who wants to deliver Bibles on the streets of a city in Cuba.

There was also the disabled sports team that participates in marathons using artificial legs and in wheelchairs.

They planned to participate in the Havana Marathon and then distribute racing wheelchairs and handcycles to Cuba's disabled athletes. Except OFAC said that our team couldn't go. These disabled Americans were told, no, you can't go. That is unbelievable.

We will have a vote on this. The President will threaten a veto of the bill if it is in the bill, and we will have people around here scratching their heads and thumbing their suspenders and saying: How should I vote on this?

How about a simple vote that represents a little bit of common sense, just a smidgeon. Go to any café in America, have a cup of coffee and ask somebody, do you think it is a good idea that we ought to slap around the American people and go investigate them and chase them down and slap them with a $10,000 fine because they joined a Canadian bicycle tour of Cuba? Or do you think we ought to say to a veteran who earned the Bronze Star for heroism in Iraq that when you come back to this country, you have all the freedoms of an American except you don't have the freedom to travel to Cuba to see your sick son? We know what the answer is. If we have enough people around here with the courage to vote the right way, to use a smidgeon of common sense—I am not asking everybody to use all the common sense, just a smidgeon, this just requires a blink—to vote the right way, maybe we will get something done.

This isn't about Democrats or Republicans. It is about public policy that makes sense for this country. If something is happening that is basically "dumb," we ought to fix it. This makes no sense. This policy is at odds with our entire foreign policy with respect to other Communist countries. Can you imagine today if I proposed having the Cuba policy with respect to China and Vietnam? We would say to those Americans, you can't travel to China. Why? Because we don't like the Chinese Government, so you can't go there. Does that make any sense? Do you think that would be in our best interest? Would that represent good foreign policy? The answer is no.

We have advocated that the best way to move these countries toward greater human rights and greater democracy is through trade and travel. It would be nice if the only voice Cubans are hearing would not be Fidel Castro but, in fact, Joni Scott or Joan Slote or a couple from Dubuque who might be vacationing in Havana. It would be nice if the Cuban people would hear those voices as well. They do not now because they are prohibited as a result of American law. It is a law I aim to change.

I offer this amendment with my colleagues, Senators CRAIG, ENZI, and BAUCUS—two Republicans, two Democrats. This is not about partisanship. It is about doing the right thing. My hope is this amendment will see a successful vote. I understand there will be some sumo wrestling between now and when we get a vote, because no one ever wants to have a vote on this. There will be all kinds of contortions going on to find a way to avoid having a vote on this. But it is perfectly germane and relevant. It is a restriction on funding. My expectation would be before the bill gets off the floor, we would have a vote on this. I hope a sufficient number of colleagues on both sides of the aisle will decide to vote for it and we can get this done finally.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I support the amendment offered by my friend from North Dakota. He has made an excellent case for this amendment. I want to note that I am a cosponsor of bipartisan legislation introduced earlier this year that would allow this travel between the United States and Cuba.

Current policy with regard to Cuba, as enforced by the Treasury Department's Office of Foreign Assets Control, permits travel to Cuba today only with permission in the form of a license from the Treasury office for certain reasons such as visits to relatives or journalism or religious or humanitarian purposes. According to Treasury documents, between 1996 and 2003, about a third of Cuba travel cases opened for investigation were referred for civil penalty enforcement action.

As the Senator from North Dakota said, these typical penalty assessments for unauthorized travel range from $3,000 to $7,500. That is preposterous. For the last 40 years, the United States has maintained this isolationist position toward Cuba, and the current regime has been there the entire time. I believe, as the Senator from North Dakota so eloquently stated, that permitting travel to Cuba will help demonstrate to Cuba's citizens what a democracy is all about.

I tell my colleague that I had a young group of baseball players who went through the entire rigmarole as a young team to go to Cuba a number of years back. They had to go through an entire process. It was amazing what they had to go through to go down and participate in a Little League team playoff with a number of players from Cuba. I had them come back and visit with me when they returned. They wanted to thank me for helping them get through this process. I sat there and listened to them as they told me that they actually lost every single game. Finally, it was so lopsided that the Cuban young boys and they got together and decided, this is ridiculous. We are just losing. So they intermixed their teams, half Cuban and half American, and finished the playoffs that way. What a great thing for democracy. These young people showed to all of us exactly what we want happening in Cuba, that we can sit down, a group of 12-year-old boys, and learn how to get along and to be able to promote some real important values.

Mr. DORGAN. Will the Senator yield for a question?

Mrs. MURRAY. I am happy to yield.

Mr. DORGAN. I am wondering if that wasn't under the old rules. The new rules have been tightened up dramatically by administration edict. Under the new rules, teams such as that in most cases would not be able to visit Cuba.

Mrs. MURRAY. The Senator is absolutely correct. This was about 10 years ago. Since that time, if these young kids were to come today to my office to ask for help, they would not be able to go and do it. What a way to dampen the enthusiasm of young boys in our country. It is telling them that democracy is not about conversations and learning and education and participation. I think that is a negative message. I appreciate the Senator's offering the amendment. I know the administration has issued a veto threat on this bill if this provision is allowed to be included. I say that veto threats have been made on other provisions in this bill. I don't see any reason why the Senate should not go on record and state its view. It is time to lift the travel restrictions on Cuba for all the reasons the Senator from North Dakota has outlined today. I hope we will get to a vote and be able to move forward on this legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, let me finally show the chart I mentioned. I have many others. OFAC, Office of Foreign Assets Control, down in the bowels of the Treasury Department, is supposed to be tracking terrorists. Here is what OFAC did. These are disabled marathoners. They trained and trained. In fact, as I understand it, these folks even had airline tickets, and they had everything all set. But were they allowed to go to the international meet in Havana? No. No, they were turned down by our country because you don't have the freedom to do that. To say that these folks were disappointed is an understatement. They might wonder about whether we have freedom in this country, when we don't have the freedom to travel to this Cuba. Why? Because we don't like its leaders.

Look, there are many countries that have leaders I am not particularly fond of. I don't want to restrict the right of the American people to travel there. In addition to Joni Scott and disabled athletes and so many others, the stories now are unbelievable. In the last 3 years, this has been laced up tight, even for folks with close relatives. I can tell you of people whose parents were dying, on their deathbed, 3 days away from dying, and their children in this country were not allowed to go see their mother or father in Cuba.

I won't put up the picture of the guy from the State of Washington whose father died, and his last wishes were that his ashes be dispersed on the grounds of the church he served as a pastor in Cuba. So a compliant son, after the death of his father, said: I want to do that. It was his last wish. He took his dad's ashes and went to Cuba and went to the church and distributed his father's ashes on the grounds of the church his father had ministered at for many years. Then this country's Government tracked him down and tried to slap a big fine on him for doing it. Unbelievable. We can do better than that. Our country doesn't deserve this sort of nonsense.

I appreciate the support of the Senator from Washington. As I indicated, this is bipartisan. It is not about Republicans or Democrats. It is about what is thoughtful and what is thoughtless. Let's choose the thoughtful approach for a change.

Mrs. MURRAY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2063, AS MODIFIED

Mr. KENNEDY. Mr. President, as I understand it, there is a general agreement among the leadership that the time between 1:30 p.m. and 4:30 p.m. be equally divided between myself, who offered an increase in the minimum wage, and the Senator from Wyoming, Mr. ENZI, who has offered a different approach. We will have an opportunity to control the time in that way.

Mr. President, I yield myself what time I might use.

At 4:30 p.m., we will have an opportunity to vote in this body on whether there ought to be an increase in the minimum wage, a minimum wage that has not been increased over the last 9 years. I am very hopeful that we will vote in this body in support of the proposal I have before the Senate which will increase the minimum wage by $1.10. This is the figure that was included in the Republican alternative of over a year ago. The Republican alternative had additional provisions, and we will have an opportunity to talk about those proposals.

For the information of those people who might be listening to the debate, here is our amendment. It is 2 pages long, and it provides an increase in the minimum wage of $1.10. This is the Republican proposal, which is 87 pages long, which will change the whole concept of the minimum wage and effectively eliminate coverage of the minimum wage for up to 10 million Americans.

The increase in the minimum wage is not complicated. We increase it $1.10. We do it over a 2-year period. It is all in the 2-page amendment I have offered.

There is an alternative, which is the Republican alternative, which basically undermines, in a very significant and important way, the coverage for minimum wage workers and effectively eliminates coverage and protection, even for minimum wage workers.

We will have a chance for this body to make a decision as to whether they want to see those workers in this country, who have been left out and left behind, get a modest bump in their income.

I offered this measure on this legislation because this is the vehicle which carried the increase in the cost of living for Members of the Congress and Senate. It seems to me, if we were going to vote on that, we ought to vote on an increase in the minimum wage. It is the judgment—and one I support—that Members of Congress will not take a cost-of-living increase in their pay this year. We defer that increase.

The fact remains that over the last 9 years, the Congress has increased its pay by $28,000 on seven different occasions. On seven different occasions, it has raised its salary, but we have not increased the pay for those who are at the lower end of the economic ladder who are making minimum wage. I think that is absolutely unconscionable. We will have an opportunity this afternoon to find out whether we are going to do that. In the institution that has raised its salary $28,000 over the last 9 years, we will have an opportunity to see whether we are going to increase annual income by $2,300.

This chart is an indication of the tradition of the Senate since the increase in the minimum wage.

This demonstrates very clearly the increase in the minimum wage. The initiation was by President Roosevelt back in the 1930s and then Harry Truman increased it and then Dwight Eisenhower, a Republican, increased it. The history of the increase in the minimum wage has been bipartisan. Dwight Eisenhower increased it. President Kennedy increased it; President Johnson; President Ford, a Republican, increased it; President Carter increased it; President Bush 1 increased it and President Clinton. So this has been bipartisan.

It is difficult for me to understand how the increase in the minimum wage has ended up as a partisan issue. It has been bipartisan. The reason it has been bipartisan is because of whom the minimum wage affects. The fact is minimum wage workers are men and women of dignity. They are hard workers. They are the men and women who clean out the buildings for American commerce. They help and assist our schoolteachers in schools all over this country. They work in our nursing homes to provide help and assistance for the frail elderly, the elderly who have sacrificed so much for their own children and have done so much to make this a great nation. Many of them are served by the minimum wage.

First, these are men and women of dignity, working hard, more often than not having two or even three jobs, trying to provide for their families and having an increasingly difficult time to make any ends meet, and we will get to that.

This issue primarily affects women because about 65 percent of all minimum wage workers are women. The majority of the women who earn the minimum wage have children. So it is a women's issue, it is a children's issue, and it is a family issue because we have families, heads of household in many instances, single moms or single dads, trying to provide for their children, working one or two or even three jobs, trying to make ends meet. So it is a women's issue because so many of the minimum wage workers are women and a children's issue because those children's lives are affected by obviously the circumstance of the one who is providing for them. It is a civil rights issue because so many of these jobs are open to men and women of color. So it is a civil rights issue, a family issue, a women's issue, a children's issue, but most of all it is a fairness issue.

The American people understand fairness. They understand if someone is going to work 40 hours a week, 52 weeks of the year, they should not have to live in poverty. Republicans have understood that, Democratic Presidents have understood it, and I cannot for the life of me understand why our Republican friends on the other side of the aisle, when we have changed our increase in the minimum wage from $2.10 down to $1.10 over the next 2 years, refuse to be willing to accept it.

What is it that they have against working poor people, men and women who are trying to get the first rung on the economic ladder? What is it about it that is so offensive to this body that we do not give them an increase in the minimum wage and we give ourselves repeated increases? That is the issue. And at 4:30 this afternoon, this institution will have a chance to express itself.

The American people understand this. The American people understand the minimum wage. There are a lot of complex issues, and men and women across this country are working hard every single day. They have little time to spend trying to figure out a lot of different kinds of challenges, but they understand an increase in the minimum wage. They understand what difference this makes. They will have an opportunity to hear about it because this issue is not going away. No matter how this turns out this afternoon, the Senate, and most importantly the workers at the minimum wage, can be confident that I am going to continue to raise this as long as I am in the Senate. We will have an opportunity to vote on this repeatedly.

So we can find those of our colleagues who want to try and confuse the issue all they want with 87 pages, but this is an increase in the minimum wage which consists of 2 pages. That is what the vote is for this afternoon. Some of my colleagues want to rewrite the labor laws on this. Fine, let us get to it. But why are we doing that on this particular bill? Increase in the minimum wage, one can ask, why on this bill? Very simply, it was a good enough vehicle to increase the salary of the Members of Congress until yesterday when we neutralized it and it ought to be a good enough vehicle to provide some assistance to those on the first rung of the economic ladder. That certainly makes sense to me. That is not what the Republican alternative is about.

So we have seen that this has been historically something Republicans and Democrats, when they are at their best, have supported. Over a period of years, we have seen what has happened on the issues of productivity. We hear frequently that we cannot afford an increase in the minimum wage unless we are going to have an increase of productivity. It is an old economic argument we do not want to add to inflation, but if we have an increase in productivity, of course, then we can consider an increase in the minimum wage because it will not have an inflationary impact in terms of the economy.

All right. Let us take that argument and see what has happened in terms of productivity over the period of recent years. We have seen now, over the period of the last 40 years, productivity has gone up 115 percent. Notice that going back into the 1950s, the 1960s, the 1970s, the minimum wage and productivity lines were always intersecting because we kept the increase in the minimum wage and productivity together. That was an argument that was made. There is plausibility to it.

If that argument was good enough for the 30 or 40 years that we first had the minimum wage, look what has happened in recent times. Workers have increased their productivity 115 percent, but the minimum wage has declined some 31 percent. So one cannot say we cannot increase the minimum wage because we have not had an increase in productivity. So this is certainly one of the factors.

This chart is enormously interesting because it shows that Americans' work hours have increased more than any other industrial country in the world. Look at this chart. This is an indication of the changes in hours worked per person over the period of 1970 to the year 2002. Actually, in a number of the countries in Western Europe, the percent has gone down, but we have seen in Australia, Canada, and most of all in the United States, it has gone up. Americans are working longer, they are working harder, they are producing more, and one would think that their paychecks would reflect it, at least at the lower economic end, or in all areas it ought to reflect it, but, no, it does not work that way. We refuse to give that kind of a recognition.

Unfortunately, when the President was asked about the challenges that people working for the minimum wage face, the individual conversation between the President and Ms. Mornin, who is a single mother of three, one of whom is disabled, Ms. Mornin said this was on February 4, 2005, in the Omaha Arena in Omaha, NE—I work three jobs and I feel like I contribute.

President Bush: You work three jobs?

Ms. Mornin: Three jobs.

President Bush: Uniquely American, isn't it? I mean, that is fantastic that you're doing that. Get any sleep? (Laughter.)

That is an indication that there are people in this city who just do not understand what is happening to people who are earning the minimum wage level. They are not getting any kind of recognition. People do not understand what their particular challenge is, but they ought to. I think more Americans do today than they did several months ago.

One of the most moving covers of any magazine was this September 19 cover of Newsweek. It shows a child with tears on her face: Poverty, race, Katrina, lessons of a national shame.

In this rather extensive article about the enormous tragedy that took place in the gulf and in New Orleans, it talks about the other America: An enduring shame Katrina reminded us, but the problem is not new. Why a rising tide of people live in poverty, who they are, and what we can do about it.

There are the striking photos of people who were left out and left behind. The whole article is about hard-working individuals in that region of the country down in Mississippi, Alabama, and Louisiana. Suddenly, the Nation was focused on their particular plight because when the floods came to New Orleans, we saw the tragic circumstances that they were subject to, the lack of preparation, the lack of organization, and the lack of outreach to them for so many days. These people are still struggling. Along the gulf coast, many of those communities were absolutely obliterated.

I had the opportunity, with several of my colleagues, to visit those areas 3 weeks ago or so and to meet a number of the individuals, not the particular persons who are outlined in this article but individuals whose lives were absolutely the same. We find so many of our fellow Americans who are living in poverty. We find increasing numbers of Americans living in poverty. There are 5 million more people living in poverty. I have a chart that shows it, but it certainly does not tell the story that one sees when they visit the gulf area and visit New Orleans and meet some of these families or even visit with them.

In my own State of Massachusetts at the Otis Base, where we had several hundred of the evacuees who came there, many of them rescued very late in the whole process because they had remained in their homes, some of them trying to help elderly and disabled people, and more than half of whom had arrived at Otis still in their damp and wet clothes, and they received an enormously generous and warm welcome, which they have expressed to our fellow citizens in Massachusetts.

Their stories and their lives are stories of lost hope, lost homes, lost jobs, lost health insurance, lost every aspect, tangible aspects of their lives, separated families, and lost everything but their faith and a sense of hope, a desire to try and get back on their feet. I ask, How in the world is someone going to get back on their feet when they are getting paid $5.15 an hour? How are they going to get back on their feet?

All they have to do is read through this magazine and read the life stories of these individuals who work and struggle in two and three different jobs. There is the case of Delores Ellis: Before Katrina turned her world upside down, this 51-year-old resident of New Orleans' Ninth Ward was earning the highest salary of her life as a school janitor, $6.50 an hour, no health insurance, no pension, and then she bounced around minimum wage jobs.

Ellis said: I worked hard all my life. I cannot afford nothing. I am not saying that I want to keep up with the Joneses, but I just want to live better.

Well, one of the ways that she can live better is an increase in the minimum wage. We cannot solve all of her problems, but we sure can provide some assistance by increasing her minimum wage. It is as simple as that.

Americans can understand that. "What can we do?" they say. Well, there are a lot of things that have to be done. We cannot solve all of the problems, but we have to start someplace, and we are starting with an increase in the minimum wage.

Here are the figures: 5.4 million more Americans in poverty over the period of the last 4 years. This is a fierce indictment, and we are going to see these figures have even expanded as a result of the terrible effects from Katrina.

This is what has happened. As we look over history, we see at other times and other Congresses, when Congresses were controlled by Republicans and Democrats—look here, from 1960 all the way through 1980, we have the minimum wage effectively at the poverty level. This is in constant dollars. This was over a period of some 30 years, Republicans and Democrats alike. We say if you work hard, want to work and work hard, you are not going to have to live in poverty here in the United States.

Look what has happened in recent years. Here were the last two increases we had in the minimum wage and here is the collapse again of the minimum wage in terms of its purchasing power.

What did our brothers and sisters in the Congress, what did Republicans and Democrats know then, over a 30- or 40-year period, that we do not understand now? What is it, so that we are so unwilling to see a bump, a small bump of an increase in the minimum wage?

Oh, no, we have an 85-page alternative, they will call it. This is an alternative filled with what we call poison pills, filled with taking people out of coverage, filled with new changes in overtime legislation to limit people from receiving any overtime.

We know the importance of overtime to workers. Many of them use that overtime pay they receive to put away to educate a child. Here we have an attempt to undermine overtime for workers.

An argument is sometimes made that we cannot afford a minimum wage because it will be an inflator in terms of our overall economy. Our economy is somewhat uncertain at the present time, and therefore we cannot afford to have an increase in the minimum wage because it will have an adverse impact in terms of our economy.

This is an interesting chart: Increasing the minimum wage to $6.25 is vital to workers but a drop in the bucket of the national payroll. All Americans combined earn $5.7 trillion a year. A minimum wage increase to $6.25 would be less than one-tenth of 1 percent of the national payroll; one-tenth of 1 percent.

You say this is an inflator; if we increase this to $6.25, this is going to add to the problems of inflation we are facing. Here it is, it is less than one-tenth of 1 percent.

Look at what these working people are faced with. There is an increase in cost of gas of 74 percent. You ask so many of those people down in New Orleans why they were left trapped in New Orleans, and so many will tell you they were trapped because they couldn't afford a car or they couldn't afford the gasoline to get out, and therefore they were trapped. A number of them lost their lives. Others lost everything, because we have seen the increase in the cost of gasoline, 74 percent; health insurance is out of sight for any of these families, up 59 percent; housing and rental gone up through the roof, and college tuition—it has gone up 35 percent, effectively eliminating those possibilities to so many.

Now over this coming winter here, we have now at the end of October a chance to raise the minimum wage $1.10, the figure the Republicans had suggested last year. Here we have what is going to happen in our region of the country. In the colder region—not only the Northeast but in many of the colder regions—we are going to see a 50-percent increase in the cost of natural gas for heating, we are going to get about a 27 to 30-percent increase in the cost of home heating oil, and about an increase of 5 to 7 percent in the cost of electricity. Our part of the country uses 40 percent natural gas, 40 percent heating oil, and this is the rest. We see what is happening in the home heating oil.

Now we can say at least Congress is going to help some of these families because they are going to recognize the explosion of these costs of heating and keeping warm in these homes. In many instances it is as important as their prescription drugs and the food they eat. They are going to have to make some hard choices. This is the reality. We are saying at least give them $1.10. You are going to find out if any of the minimum wage workers, maybe working a couple of jobs and maybe with a home up in New England—their heating bills are going to go up $600 or $800 or $900 over the course of the winter.

What is Congress doing? Basically it authorized the $5 billion to try to help provide some relief. We hear the explanation for the increase in these costs is because of what has happened to refineries in the gulf. That is an act of God. We couldn't control it. So those refineries are down. Now we find out that the gas and heating oil have gone up and it is going to be particularly harmful to needy people, to poor people, to people earning the minimum wage.

Are we giving them any help and assistance? The answer is no to that. We are not seeing any increase in the home heating oil program, the LIHEAP Program. We are not seeing any increase in that.

They are getting the short shrift every single way: No help and assistance in facing a cold winter, no help and assistance we can provide by approving a $1.10 increase.

I see my friend from Iowa here on the floor. I want to point out to him, as someone who has been such a strong supporter on these issues, here is a two-page increase for the minimum wage in $1.10. Here is the Republican alternative, 85 pages. It rewrites the whole of labor laws, 85 pages. If you are going to be against it, why don't you just be courageous enough to say no?

No, no, they want to say: Oh, no, we have a real alternative in here. We are going to exclude a number of people who are covered with the minimum wage. That is where we are going to start, so they are not even going to get the $5.15 an hour. And we are going to make many people work overtime and not get overtime pay. Oh, yes, we will do that.

You know what else, I say to Senator HARKIN. There are provisions in here that say if you are an employer and you effectively violate what they call a paper report in here, you will get a nonmonetary fine. You will get no monetary fine, even though that might be an oil spill, that may be contaminated food. Why are we pulling that here in the Senate this afternoon? What is it about it that we suddenly know so much about that particular issue here on this particular legislation?

If you are going to be against $1.10, be against $1.10. But they have all of the other shenanigans in that legislation that are going to provide additional short shrift for the neediest people.

I will be glad to yield some time to my friend and colleague from Iowa.

The PRESIDING OFFICER (Mr. SUNUNU). The Senator from Iowa is recognized.

Mr. HARKIN. Mr. President, I thank the ranking member for his leadership on this issue and so many issues that affect working families in America. Senator KENNEDY has been trying for years to get some measure of justice for the working poor in this country, trying to get the minimum wage raised. Senator KENNEDY has been out here each of the last 7 or 8 years trying to get this done. Every year the other side turns him back. But this year we cannot turn him back. We have to adopt this increase, this modest increase in the minimum wage.

We debated this amendment by Senator KENNEDY last March on the bankruptcy bill, to raise the minimum wage. It failed on a largely party-line vote 46 to 49.

We are back at it again. You would think after what we saw with Hurricane Katrina, where the mask was ripped off of George Bush's America, an America where the poor are out of sight and out of mind, you would think that Katrina brought home to us that they are very much present all over this country. By the poor, we don't mean those who are just not working, who are loafing or sloughing off; these are people who work. They go to work every day. They work hard. They try to raise their families. Yet, our minimum wage law says they are only worth $5.15 an hour, the same wage it was over 8 years ago. We have not raised it in 8 years.

Thirteen percent of our people are living in poverty. I say to my friend from Massachusetts, there is always this talk about all the people who got off of welfare in the last decade. They may have gotten off of welfare but they didn't get out of poverty. They are the working poor. They are working every day but they are not out of poverty. They may be off of welfare but they are not out of poverty.

You would think those of us here in the Senate who have had our pay increased several times over the last 8 years to adjust for the increased cost of living would at least raise theirs. Right now minimum wage workers are earning $10,712 a year. I don't know if any of you have ever read the book by Barbara Ehrenreich called "Nickel and Dimed," where she went out and tried to live on minimum wage jobs and what it was like. I commend it for your reading. It will give you an idea of what people go through as they try to work and raise their families.

We keep hearing the age-old argument. I have heard it every time in the last 30 years I have served in both the House and Senate every time the minimum wage comes up: These are teenagers flipping hamburgers; nobody else makes that.

But we know what the facts are. Facts are stubborn things. We have a lot of doubt—don't trust me, trust your own Department of Labor. Trust the one that is run downtown right now. Here is what they will tell you: 35 percent of those earning the minimum wage are their family's sole breadwinner—35 percent. It doesn't sound like a teenager flipping burgers to me.

Sixty-one percent are women and one-third of those are raising children—61 percent of those are women. This is a women's issue, too, when you think about it. Most of them are stuck. Many of them are single parents. Many of them are not receiving child support, and they are doing their darnedest to raise their kids. They are working and they are making $5.15 an hour.

Last March, when we voted on the Kennedy minimum wage increase, there was talk that the Senate Finance Committee would move a markup of a welfare reauthorization bill. I heard the words on the other side of the aisle—let's not do it now; we will wait for welfare reauthorization. We have been waiting. There is no welfare reauthorization bill. There is none.

So now is the time to do it. We cannot wait any longer and neither can the working poor. The minimum wage needs to be raised to a level that is not just a subsistence wage but a wage that respects work, honors work, and rewards work at a reasonable level.

Listen to this: Franklin Roosevelt, when we passed the first minimum wage law in the 1930s and Republicans were opposed to it—I assume that comes as no surprise to anyone here—President Franklin Roosevelt said:

> No business which depends for existence on paying less than the living wages to its workers has any right to continue in this country.

He went on to say:

> By living wages I mean more than a bare subsistence level. I mean the wages of a decent living.

President Franklin Roosevelt had it right. America can do better than what we are doing right now, a poverty wage of $5.15 an hour.

Senator KENNEDY went over some things I think bear repeating when you look at what is happening.

I was in Iowa this weekend. What I am hearing more than anything else is the cost of natural gas prices, heating oil prices double. I heard testimony from a man that his heating oil prices have doubled.

Low-income people have to go pay their heating bills.

There is another little quirk in the law. The Senator from Massachusetts mentioned the LIHEAP program. We need to put money in the LIHEAP program. There is a little quirk in the law that even I didn't know about, and I have been working and supporting LIHEAP for all these years. If you are cut off of your supply, you are then ineligible for LIHEAP. Imagine that.

Let us say you get heating oil. It is a deliverable commodity. It is not like a natural gas pipeline. Let us say you can't pay your bills. You have some bills left over, you can't pay them, and they refuse to deliver heating oil to your home. You are not now eligible for LIHEAP. That is right. You have to get the money upfront.

That is what we are trying to get, more money for LIHEAP. Yet the other side will not allow us to do so. I had testimony from a young mother who got LIHEAP in this past year. You hear these stories. They tear your heart out. She is a single mother with a small baby. She said because they ran out of money, she put her baby in the bathtub in the small bathroom with a space heater during the day. Then at night, she puts her baby in two snowsuits and covers her up hoping that they would be warm all night as she put her in bed next to her.

Real people live this way. It is hard for some of us to imagine. Real people live that way. They are making the minimum wage. That is what she was making, minimum wage.

If you look at the price of gas, up 74 percent; health insurance, up 59 percent; housing, up 44 percent; college tuition, up 35 percent, yet the minimum wage is stuck where it was 8 years ago. Who can afford to pay all of these increases? Obviously, if you are one of these big corporate CEOs, here is where you are, up here. Here is where workers' wages and benefits are, down here.

Listen to this. I don't mean to pick on any one person. Mark Hurd took over as CEO of Hewlett-Packard in March of this year. He may be a fine, decent person. I do not know. I am casting no aspersions on him. I am just talking about what he got: an employment agreement worth $20 million in cash, stock, and perks. Included in his pay package was a $2 million signing bonus, a $2.7 million cash relocation allowance, free housing for a year, and a 4-year mortgage interest subsidy.

With housing costs up 44 percent in the last 4 years, imagine what it would mean to a low-income family to have a year's worth of rent or mortgage-free housing. Imagine that. But Mr. Hurd, who got $20 million, got that.

In 1999, Mercer Human Resources Consulting began tracking the proxy statements of 100 major U.S. corporations. In 2004, according to Mercer's survey, CEO bonuses rose 46.4 percent to a median of $1.14 million, the largest percentage gain and the highest level in the last 5 years. CEOs in this study enjoyed median total direct compensation of $4,419,300 per year. That CEO compensation figure in excess of $4 million is 160 times the income of the average U.S. production worker last year.

All we are asking for is a paltry $1.10 increase in the minimum wage. You would think this would be adopted unanimously in the Senate.

So you can see the "suits" are taking care of themselves in our society. But the working poor, forget about it. They are left on the side of the road in the shadows.

President Bush in New Orleans after Katrina said: "We should confront poverty with bold action."

Where is the bold action? Where is the strong voice in the White House asking this Congress to step up to the plate to increase the minimum wage and do what is right. You have just the opposite. We have the White House supporting the Republicans in the Senate saying no to this small increase in the minimum wage.

I think it is unconscionable. Have we in the Senate finally joined the Neiman Marcus crowd? Have we become so totally insulated from real families who shop at Wal-Mart and Kmart? Have we become so insulated from families who struggle to get by day after day that we can't even see the necessity of raising the minimum wage $1.10 an hour? Is that what we have become? I certainly hope not.

I am sorry that somehow it becomes a partisan issue. It should not be a partisan issue. I would have thought the other side would join and say, yes, we have to do this together. We wouldn't be standing here having this debate.

I urge my colleagues to support the Kennedy amendment. It is the right thing to do. It is long overdue. I hope when people come to vote they think of those families out there who have nowhere else to turn.

If we don't increase the minimum wage, they are going to be colder this winter, they are going to be sicker, they are going to go to the emergency rooms, and we will pick up that tab, too. Their kids are going to be less healthy. They will not learn as well in school. Anxiety levels will rise and families will disintegrate.

To me, raising the minimum wage is a small price to pay for domestic tranquility, to say to those 37 million Americans out there—as I said, most of whom are women, many of whom raise families on the minimum wage—we can do better, and we have to do better.

I urge my colleagues to support this amendment. I thank my leader and my colleague from Massachusetts, not only for today but for all of the battles he has waged for so many years on behalf of basic justice and fairness for America's working families.

I thank the Senator from Massachusetts for yielding me this time. I thank him for his great leadership on this and many other issues of basic justice.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, I yield such time as the Senator from New York may use.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mrs. CLINTON. Thank you, Mr. President.

Mr. President, I find it almost hard to believe that we are on the floor of the Senate arguing over the necessity for an increase in the minimum wage.

I am strongly supportive of Senator KENNEDY's amendment, and proud to cosponsor it. I urge my colleagues on both sides of the aisle to vote in favor of it and to oppose the second-degree amendment.

This amendment does not go as far as I or Senator KENNEDY and others would have preferred. It raises the minimum wage to $6.25 an hour, far short of the $7.25 an hour that Senator KENNEDY and I and 48 other Senators proposed in March. But we could never get a vote on that. This amendment, however, should have even greater support than the 50 cosponsors we had last March. It should pass unanimously out of this body. Fifty Senators just last March supported an increase to $7.25. And now we have to cut the increase with a hope that we can get, No. 1, the vote we are hoping to get on this appropriations bill, and, No. 2, an overwhelmingly bipartisan passage.

Since March, we have seen even more evidence as to why this is critical. At a time when working families are struggling to make ends meet, it is critically important that we do something.

Senator KENNEDY has called this amendment a downpayment on what is truly needed. Today, the Federal minimum wage is $5.15 an hour, an amount that has not been increased since 1997.

Unfortunately, the same cannot be said of the cost of living. Over the past 3 months, according to the Federal Department of Labor, inflation has increased more rapidly than any time since early in 1990.

We also know the poverty rate is going back up. The fact is, there has not been one net new private-sector job created in the last 4½ years.

This chart, which should be a rebuke to all of us, shows that we now have increased the number of people living in poverty. In 2000, we had 31.6 million people, which was far too many. Now we are up 5.4 million. Why? Because the economy is not creating jobs, and many of the jobs that are in the economy are no longer paying wages that families can live on and can work their way out of poverty.

We know everything else has gone up. Across America, people are spending 74 percent more on gas than they did at the beginning of 2001. Heating oil prices are expected to rise by more than 50 percent this winter. Such rapid price increases will force consumers, especially poor working people, to cut spending on clothing, health care, and food so they can get to work and keep warm this winter.

These rising costs and falling wages are illustrated in this chart. Where heating oil is going up dramatically, the buying power of the minimum wage is going down. Of course, we are in the post-Katrina phase, which, lest we forget, demonstrated in stark terms how so many Americans live every day on the brink of economic disaster. Any setback becomes a major obstacle to being able to pay for gas, pay for food, pay for health care and prescription drugs, pay for tuition, pay for all of the necessities of life.

It is hard to stand with this amendment before the Senate and not wonder, when will the majority stop giving privileges to the already privileged? At what point is it too much? Never has a political party given so much to so few who needed it so little. And it never ends. We are more than happy to continue to provide tax breaks for the wealthiest among us while we cut the social safety net, while we refuse to raise the minimum wage. Shame on us. At some point, there has to be a recognition that we are tilting the scales dramatically against average Americans. The middle-class wages are stagnant. Health care costs are going up. The number of the uninsured is going up because people who work hard for a living are no longer offered insurance or cannot afford to pay what it costs. Pensions and retirement security are at risk. There is something wrong with this picture.

With all due respect to those who have a different economic philosophy, rich people did not make America great. I am all for rich people. Ever since my husband got out of office and got into the private sector, I think it is great. I never knew how much the President really liked us; he cannot give us enough tax cuts. I have nothing against rich people; that is part of the American dream. But with all due respect, it is not rich people who made America great. It is the vast American middle class. It is the upward mobility of people who thought they could do better than their parents.

For more than 100 years, we have worked very hard to make sure the deck was not stacked against the average American. Teddy Roosevelt understood that if we did not have a fair playing field, if people were permitted to monopolize capital and abuse labor, a lot of people would get rich, but the vast majority of Americans would never get ahead. So he began to agitate for and accomplish making sure we had a fair economic system.

As we moved through the 20th century, we saw adjustments made. Franklin Roosevelt understood that the hazards and vicissitudes of life strike any of us and that a fair and just society tries to provide a little help so that people overwhelmed by circumstances often beyond their control would be able to keep going, raise their children, and plan for the future. We put in a lot of Government programs to make sure we had a balance of power, a balance of power between capital and labor, between management and employees. And it worked very well.

The history of the economic prosperity of the American middle class in the 20th century is the greatest example of what can happen in a democracy where people's energies are freed so they can compete for themselves but within a framework of rules. I am very proud of the progress we made in the 20th century, and I am particularly proud of the last 8 years of the 20th century where 22 million people were lifted out of poverty, where we raised the minimum wage, where we said to people: You have to work, but if you work, we will make sure you and your children have a fair chance.

We have reversed that progress. It appears as though people are just sleepwalking through this Chamber and the Chamber on the other side of the Capitol. Don't we see what is happening before our very eyes? We are undermining the American dream. We are making it nearly impossible for people to believe that tomorrow will be better than today and yesterday.

These numbers speak for themselves. Look at this. The minimum wage no longer even lifts a family out of poverty. You can go to work 40 hours a week, you can clean the rooms and the toilets in a motel, you can serve the food in a restaurant, you can work in a small factory, you can make that minimum wage, and you cannot even get your family out of poverty. What kind of message does that send? The whole idea of America is if you work hard and you play by the rules, you will be successful, you will have a chance to do better.

Look at that chart. It speaks for itself. We have been on a steady slow decline. Even when we got a bipartisan agreement to raise it in 1997, we still did not get above the Federal poverty line.

What message are we sending to millions of hard-working Americans? I represent a lot of them. I represent people who are working hard for a living. You see them on bicycles in Manhattan delivering food. You see them doing all the hard work, the janitorial services at night. In upstate New York, I see them as they get up every day and go to work and believe that they are doing what they should do. What message are we sending them? Too bad, keep working. Don't expect anything from us. We are too busy giving tax cuts to the wealthiest of Americans.

That is a choice that will be made by this Senate. As far as I can tell, it will be a choice to vote against the minimum wage and to vote instead for the second-degree amendment which is designed not only to defeat Senator Kennedy's amendment but to do even more harm to the paychecks of working Americans.

This is what I don't understand. The second-degree amendment denies more than 10 million workers the minimum wage, overtime, and equal pay rights by ending individual fair labor standards coverage and raising the threshold for which a business would be held accountable to 1 million from 500,000. In short, and let's make no mistake about this, the second-degree amendment would be the end of the 40-hour workweek. So we can go right back to the end of the 19th century because that is where we are heading. There are those, bless their hearts, who believe America was better off at the end of the 19th century, when you were told what to do, and you had to do it, and you did not have much of a choice about it. I don't agree with that. I am proud of the progress we made in the 20th century, but I am absolutely convinced some people are trying to head us right back there.

If it is the end of the 40-hour workweek and the end of the American weekend because there are no rules on overtime, that means a pay cut of $3,000 a year for the median-income earner and an $800 pay cut for those earning minimum wage. Now employees are already free to offer more flexible schedules under current law, but today if they come in and they tell an employee, "Guess what, I need you this weekend, you are going to have to work", they have to offer overtime when the work is more than 40 hours a week. The second-degree amendment would undermine that basic protection. So instead of making it easier for families to spend time together, we basically are going to tell workers that they have to do whatever they are told at risk of losing their job without any overtime pay or any other compensation.

The second-degree amendment also prohibits States from providing stronger wage protections than the Federal standard for employees such as waiters and waitresses who rely on tips. The amendment removes agency discretion and creates a safe haven for violators of a broad range of consumer, environmental, and labor protections by prohibiting Federal agencies from assessing civil fines for most first-time reporting violations and preempts States' abilities to enforce these laws.

In my State, we happen to think that some of those rules need to be enforced. James Madison said in the Federalist: If men were angels, there would be no need for a government. But we aren't, and we never will be, not on this Earth. The job of government is to help level that playing field, help right that balance. Otherwise, people are powerless to defend themselves, especially when they have to get up every day and go to work to keep body and soul together and food on the table, particularly if they are single parents trying to make do on minimum wage.

It is disheartening. We could have had an up-or-down vote on the minimum wage. If you want to vote against the minimum wage, vote against the minimum wage. But to introduce a second-degree amendment loaded with poison pills that are against workers, that are against fairness, that speaks louder than any words I could say in this Senate.

There will be a day of reckoning. We cannot continue to tilt the scales against the vast majority of Americans and not be held accountable in the political process. The mask has been ripped off of compassionate conservatism, and people see it for what it is—partisan politics to favor the rich. If that is what we are going to be fighting against in this Senate, I guess bring it on, because on that fight the vast majority of Americans, regardless of what party they claim, are on the same side. They want to make sure the deck is not stacked against them, that they have a fair chance to compete, and that their labor gets a fair return.

I hope our colleagues will rally in support of Senator KENNEDY's amendment and vote against the second-degree amendment. We should pass an increase in the minimum wage, and it should not come at the cost of denying basic rights to millions of Americans and turning the clock back to the 19th century, which is what it would do.

I yield the floor.

Mr. ENZI. I yield the Senator such time as he may consume.

The PRESIDING OFFICER (Mr. ALEXANDER). The Senator from New Hampshire.

Mr. GREGG. Mr. President, as we speak in the Senate, sometimes we are caught up in hyperbole. I am certainly afraid that has been the case on the other side as they try to describe flextime. To say this is a return to the 19th century is a unique view of something which all Federal employees have the right to do today, which is to exercise flextime.

Why is flextime allowed for Federal employees? Because there are a lot of people who work in the Federal Government who would like to have the opportunity, if somebody in their family, for example, is getting married, to be able to restructure their workweek so that one week they will work more hours, and the next week, maybe the week their daughter or son is getting married, they work fewer hours so they can participate in the excitement of planning for that wedding.

There are a lot of people in the Federal Government who, when one of their family members, unfortunately, gets very sick and has to go in for an operation, want to be able to be with that loved one during that time of tremendous trauma. They want to be able to get to that hospital and not worry about not doing their job correctly at the same time. So they seek the opportunity of flextime, too.

Then there are other people who work for the Federal Government who have children who do exciting things. Maybe they are in plays. Maybe they are in bands. Maybe they are good athletes and in sports. Maybe they are not good athletes but sit on the bench, but they like to go to those games, they like to go to those plays, they like to go to those band recitals. Maybe they are a fair distance away, so they want to drive them, they want to take that extra Friday afternoon and take them out to that event because it is a big part of their life, a big part of their family, and they take advantage of flextime to do that so they do not undermine their ability to do their job.

Is that the 19th century way we deal with employees? What an outrage to make a statement like that. Maybe the Senator from New York has some unique view of the 19th century that says that when you give a family more time off to deal with family issues, that is counterproductive to having a strong family. Maybe we are not raising a village when we do that, but I sure think we are encouraging the strength of the family when we do that for our Federal employees.

What are we suggesting here? We are suggesting the employer and employee in the private sector have the right to reach the same agreement that the Federal employee has with the Federal Government: that over a 2-week period, an employer and an employee, only with the consent of the employee, only under a voluntary condition, without any mandate, and with significant safeguards so there cannot be any coercion, that employee and that employer, if they decide it is to the benefit of both of them to allow the employee to shift their workweek from a 40-hour week one week and a 40-hour workweek the next week to a 50- or 45-hour week one week and a 30- or 35-hour week the next week or something in between, they will have the right to do that. It does not undermine the 40-hour workweek. It encourages more productivity, and it gives people more opportunity to be home, in most instances, to participate in important events, some of them unasked for, some undesired such as health issues, and some very exciting such as weddings or children doing special things in school. Or it may simply be a young couple who wants to get away a little early some week in order to enjoy the fact they are newly married. Or it could be any other multiple of personal events that might occur that causes somebody to say: I would like to work longer one week and less the next week so I can take advantage of that.

How can the other side of the aisle, in good conscience, and with a straight face, come to this floor and say that is some sort of coercive event, that is some sort of event that undermines the right of individuals and the labor force of America, especially when that right is given to all Federal employees and many State employees? The exaggeration is extraordinary. The hyperbole is excessive. The policy they are suggesting is 19th century. They are saying: You are going to work 40 hours this week, and you have to work 40 hours next week, and no matter how much you might not want to work under that structure, you cannot change because we know better than you know. I, the Senator from New York, know better what the employees' workweek in New Hampshire should be like. Or the Senator from New York knows better about the workweek than the people of New York.

Well, I happen to think that allowing people to develop some opportunities to structure their workweek so they can better care for their family, better assist their family's lifestyle, have a better quality of life—doing it all in the context of protecting the rights of the worker so they are not asked to work any more hours, doing it all in the context of a voluntary program, doing it all in the context of allowing the employee to make the decision, not the employer—I happen to think that is a pretty appropriate way to deal with somebody's work in relation to their lifestyle. I think that is a 21st century approach.

I think the other side's proposal is a 19th century approach. Or maybe that is too much hyperbole. Let me just say the other side's approach is misguided. I think our approach gives people the type of flexibility—that is why it is called flextime—in which most people would like to have the opportunity to participate. This is a good proposal.

It is especially good because it comes in the context of being the essence of the debate now. The Senator from Massachusetts has adjusted his amendment so the amount of increase in the minimum wage is essentially the same as the amount of the increase in Senator ENZI's bill. The issue of dollars relative to the wage increase is no longer a factor. That is no longer a factor. The only thing we are really debating about right now is giving small businesses some relief and allowing people flexibility in their workweek, which we give to all Federal employees, but for some reason the other side resists giving to people who do not work for the Federal Government and who are subject to the 40-hour work rules.

So I must say, with respect to the other side, I find it disingenuous for them to argue that it becomes a 19th century approach to say we would like people who are in the private sector to have the same rights as people in the Federal sector. People in the private sector should have the same rights as people in the State sectors. People in the private sector should have the right of their own volition, of their own initiative, protected by significant laws which avoid coercion, to choose to work longer one week and less the next week so they can do things such as participate in their family's lifestyle, whether it is a soccer game, a wedding, or whether it would be, unfortunately, some medical event, or anything else that is appropriate.

Mr. President, this amendment by the Senator from Wyoming is an excellent amendment, and in the context of the debate, it is especially excellent because, essentially, we are not fighting over increasing the minimum wage any longer in the two amendments. All we are fighting over is whether we are going to give small business a little more protection, a little more right to be productive and therefore create more jobs, whether we are going to give individuals the opportunity to have more flexibility and a better lifestyle.

Mr. President, I yield the floor and yield back the remainder of my time, to the extent I have any, to the Senator from Wyoming.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, I have a question on time. How much time remains on either side?

The PRESIDING OFFICER. The minority has 24 minutes. The majority has 76 minutes.

Mr. KENNEDY. We have 24 minutes; is that correct?

The PRESIDING OFFICER. Twenty-four minutes.

Mr. KENNEDY. Mr. President, I yield 8 minutes to the Senator from Illinois.

Mr. DURBIN. Mr. President, I thank the Senator.

Mr. DODD. Mr. President, may I ask unanimous consent that I be allowed to follow the Senator from Illinois? I ask unanimous consent that I can speak for 7 or 8 minutes following the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Massachusetts controls the time.

Mr. KENNEDY. Mr. President, I yield such time to the Senator from Connecticut as he has requested in his request, following the Senator from Illinois.

The PRESIDING OFFICER. The Senator will be so recognized.

The Senator from Illinois.

Mr. DURBIN. Mr. President, America will not soon forget the images of Hurricane Katrina, some of the poorest people in our country exposed to the worst natural disaster in current memory. We watched that television screen 24/7 and saw our fellow Americans struggling to survive, fighting the floodwaters, trying to keep their children and their families together.

America may not soon forget that image, but, sadly, many politicians in Washington have already forgotten. The poor people of New Orleans who suffered—as those who did in Mississippi and Alabama—those poor people were underwater long before Hurricane Katrina arrived. They were underwater because they were submerged by poverty. They were submerged by a health care system that denies them basic health care protection. And, yes, they were underwater because if they got up and went to work every single day, and worked 8 hours a day, the most they could hope for under Federal law is $5.15 an hour.

It has been 8 years since we have raised the minimum wage. Senator KENNEDY of Massachusetts has valiantly raised this issue every year, begging the President to come forward and stand up for those poor, vulnerable people in America. Today he asks for what is a modest increase in the Federal minimum wage: 55 cents an hour within 6 months of enactment, and another 55 cents an hour 1 year later.

Not a single family with this increased minimum wage will really get out from under the burden of poverty. We know it. Take a look at what families face today. Since 2001, the price of gasoline has gone up 74 percent. I think it is even higher. Health insurance has gone up 59 percent, if you are lucky enough to have it. Housing has gone up 44 percent. College tuition has gone up 35 percent.

Yet when we come to the floor and ask for the most basic minimum wage increase for the hardest working people in this country, we are told by the Republican side of the aisle, no. No. They have forgotten the images of Hurricane Katrina. If they ever experienced them, they have forgotten what it is like to have a limited amount of money to try to feed and clothe and shelter a family. Mr. President, $5.15 an hour in the United States of America? Why in the world are we even debating this? For Senators to come to the floor and say: Well, we want to give employers more flexibility on overtime—do you know what that means? It means denying workers overtime pay.

Do you know what their proposal is? If your employer comes to you and says, "Listen, the boss says you are going to work 50 hours this week and 30 hours next week," you put them together and it is 80 hours. No overtime. "I hope you enjoy a little more time with your family." Really? Fifty hours this week, 10 hours of overtime but not an extra penny in overtime pay. That is the Republican proposal. Great "flexibility."

One of the Senators said that gives you more time to go to soccer matches with your kids. Well, assuming you can afford the gasoline for your car to get to that soccer match, you realize in your heart of hearts you are making less money than you would have made trying to make ends meet and keep your family together.

Let me tell you something else that troubles me, too. How many people are standing up on the Senate floor and talking about what is happening to corporate profits while workers' wages are suffering? Corporate profits have gone up 105 percent, while basic workers' wages have gone up 3.2 percent. It just tells you that when it comes to providing some opportunity in this country, there is plenty of opportunity for those with the highest levels of income. We give them the tax breaks and ignore the working families struggling every single day to keep it together.

Senator ENZI of Wyoming is a good colleague. He and I have worked together on many good things, and I am happy to work with him in the future. I have to tell you, his amendment is a very bad idea. The Enzi amendment would deny to more than 10 million workers across America the minimum wage, overtime pay, and equal pay rights. And, sadly, it would be the death of the 40-hour workweek.

In the home I grew up in, we knew that the Good Lord gave us the Sabbath. We knew that organized labor gave us the weekend, understanding that families would work hard Monday through Friday, and they could spend time together on Saturday and Sunday. You will see the end of that weekend with the Enzi amendment. You will see workers plunged into extra hours of work without overtime pay, for a whole week, and fewer hours the following week, and no overtime benefits.

That really cuts the heart out of opportunities for families across America. We have to understand something very basic in this country. We are going to make some important decisions in the closing weeks of this session. Will we remember the vulnerable people who were the victims of Hurricane Katrina? Will we understand how many other families across America are underwater today because they do not have health insurance, they cannot afford gasoline? They are working 40 hours a week and cannot make ends meet. They are deep in credit card debt and cannot get out of it.

For once, wouldn't it be great if the Senate came together on a bipartisan basis to stand up for working families? The way to do that is to vote for the Kennedy amendment and to oppose the Enzi amendment.

Mr. President, I reserve the remainder of my time and yield the floor.

The PRESIDING OFFICER (Mr. MARTINEZ). The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, let me begin by thanking our colleague from Massachusetts for, once again, offering this amendment. As he has pointed out already, this is a pared-down version of what was offered before. It is hard to comprehend how anyone, let alone a family can make ends meet on $5.15 an hour. How do you pay for housing, food, clothes and other staples?

I have often said—and it has been repeated by others—the best social program ever created was not by an act of Congress. It was not created by a regulation or rule. The best social program ever created was a job. Think of all the benefits, the intangibles, that accrue as a result of having a good-paying job.

Here we are saying to people: Work hard and make only $5.15 per hour. You cannot even begin to provide for the basic needs of your own family.

What bothers me a great deal is how things have changed here in the Senate. In my 24 years in the Senate, I recall with great vividness the real discussions we had. I won't bore my colleagues going back to the Roosevelt administration, although it is not insignificant to talk about it. But just in more recent years, the minimum wage battles were not battles. They were resolved in a bipartisan way. My colleague from Massachusetts can tell you chapter and verse how it was done.

What has happened to us? What is wrong with this Congress, in these days, that we are incapable of raising the minimum wage to meet even the level of inflation for poor people in this country? Increasing the minimum wage was never a divisive battle. That was done by almost unanimous consent. We would work it out, come up with an amount that we could afford that made sense for people, and enact it.

These are familiar examples, as shown on this chart, going back to the Roosevelt administration, when the minimum wage was enacted, going through the Clinton administration, where we were actually able to get those kinds of agreements between Republicans and Democrats. And here we are now, for the last 5 years, still battling over whether we can get a modest increase in the minimum wage.

I am really stunned by it. This increase of $1.10, gets you to $6.25. It provides for some additional groceries and rent, 1 year of childcare. That would be an additional $2,288 if we adopted the Kennedy amendment.

There are so many examples that can be cited about what this means and what people are going through. The Senator from New York raised this earlier. Senator KENNEDY has, as well. This is that chart that shows where the minimum wage is. As shown here, this is the poverty line. The black line is the poverty line. We have been without these increases in the minimum wage. People are literally staggering at the bottom with a little more than $12,000 a year. Here is the poverty line.

How do you explain to people, good people, what we are doing in this Congress when we cannot even get this number up even close to the poverty line for people to make ends meet? What has happened? This never was a debate that caused great friction—to talk about making sure people out there working hard would be able to provide for their family. Now, we would turn around and say: You are not even going to get the kind of level of support that makes it possible to make ends meet.

I would hope that, No. 1, we would adopt this amendment. Let's get back to the days when we were able to come to agreement on something that would take people who are struggling and give them a chance to make ends meet.

I have one more chart that highlights the importance of all of this. Consider what is going to happen as heating oil prices go up by more than 30 percent. We are talking about the minimum wage actually going down in excess of 8 percent in terms of its ability to help people make ends meet. We have the Bush economic plan that is going to have rising energy costs with a declining minimum wage. What in the world do we think people are going to do? How are they going to make ends meet? How does that get done? What happened to compassionate conservatism? What happened to the days of the first Bush administration, and the Reagan administration as well, when we were able to come to agreement about the minimum wage?

Mr. KENNEDY. Will the Senator yield for a question?

Mr. DODD. I am happy to yield.

Mr. KENNEDY. The Senator very eloquently pointed out the fact that we haven't seen an increase in the minimum wage in 9 years. Inflation has eaten away from that $5.15 as costs and prices have gone up. Is the Senator aware of the increase in the minimum wage that has taken place, for example, in Great Britain? They have the second most successful economy in Europe; Ireland being No. 1. They were at $8.56 an hour. This year they have gone to $8.85 an hour. Next year, in October, they will likely go to $9.44 an hour. From 1999 to 2003, Great Britain has brought more than 1.8 million children out of poverty. That is what has happened in another economy that says that the increase in the minimum wage and providing at least a living wage for individuals is not adverse to the economy. It is important to an economy. And most importantly, it has been crucial to lifting children out of poverty and avoiding the kinds of circumstance that we have seen after Katrina.

Why is it that they can understand this and be so successful, and we, 9 years later, are still on the floor of the Senate for an hour and a half, and I bet we will still be unwilling to provide an increase of $1.10 for some of the hardest working Americans?

Mr. DODD. In response, the Senator makes a very good point. We have a tendency to think about raising the minimum wage as being a cost to society. What the Senator from Massachusetts is pointing out is quite the contrary. Raising the minimum wage is an overall benefit. In fact, the Senator is absolutely correct. In Great Britain, in fact, in no small measure because they have actually raised the minimum wage, the economy of that nation has improved. In the years since we have not increased the minimum wage in this country, we have watched millions more of our fellow citizens fall into poverty. There is a direct correlation. We now have some 13 million children in America living in poverty. What is the 21st century going to offer if we are raising a generation of so many of our children living in poverty? Overall, 37 million Americans are living below the poverty level. In fact, more than 5 million Americans have fallen into poverty in the last 5 years. In Great Britain, as the Senator points out, as a result of increasing the minimum wage, people have actually been lifted out of poverty and the economy of their country has improved.

What the Senator from Massachusetts is offering today is substantially less than proposals he made earlier. This increase would be to $6.25, if we can get it approved. We ought to come together around this. What a great day it would be in America for the Senate, on a bipartisan basis, to support this modest increase in the minimum wage.

With all due respect to my good friend from Wyoming, his amendment is some 80 pages long. I suggest to my colleagues, in the hour you have left before we vote, that you read this amendment carefully. I think you will be stunned to discover the impact of this amendment.

I ask my friend from Massachusetts, on page 17 of the Enzi amendment, correct me if I am wrong, as I read line 7, subsection 5 of this amendment, it says:

> Notwithstanding any other provision of law, no State may impose a civil penalty on a small business concern, in the case of a first-time violation by the small business concern of a requirement regarding collection of information under Federal law, in a manner inconsistent with the provisions of this subsection.

That is a license, in my view, to go off and do anything, notwithstanding any other provision of law. It could wipe out all other Federal laws. Do my colleagues know which laws are being eliminated, notwithstanding any other provision of law? You could lie and cheat and steal. Am I reading this correctly?

Mr. KENNEDY. The Senator is correct. Effectively, what this does is preempt all 50 States from being able to enforce any of the Federal laws which they are mandated to enforce. I don't know where we get this idea. That could be on safe water, environmental, toxic substances. It could be on oilspills. It could be on any other matter. They preempt the States. Where is this idea coming from? Where did this idea come from? Preempt the States from any kind of enforcement, what in the world has that to do with an increase in the minimum wage?

Mr. DODD. Again, we are looking at an 80 page amendment. This is only one provision that I happened to read quickly. Do my colleagues know what they are voting for? It literally could wipe out all the Federal laws that a State would have to protect its people. That is ridiculous. With all due respect, this amendment ought to be defeated.

I know very little time remains. I urge my colleagues to consider this modest request to increase the minimum wage and reject the Enzi amendment. That amendment goes beyond raising the minimum wage and requires far more work than we can do in a 1-hour debate. Its implications may only be discovered weeks or months from now.

This ought to be rejected if for no other reason than I don't think we even know all that is in it.

I urge adoption of the Kennedy amendment and the rejection of the Enzi amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I yield myself such time as I need. I probably need quite a bit because the problem with debate on the floor of the Senate is that we don't listen to each other. I have said a lot of times that in committee, we are a much more informal group when we are marking up things. Consequently, if there is a misunderstanding or a disparity, we can get together and we can talk about it and we can find out how people were wrong.

I am disappointed that we haven't talked about this. A lot of these have been available before. But what the American people get to see is the 20 percent of the stuff that we will not agree on and, worse than that, probably 40 percent of the stuff that we don't want to listen to.

There have been some gross misstatements here. I want to start with just the last one, talking about allowing people to do whatever they want without a fine. That is such a gross misstatement that I am really disappointed in the opposition. I even heard the opposition say that that would allow people to have oilspills. I don't know how oilspills fall in the category of a first-time paperwork collection. That is all it applies to. If a small business makes a mistake sending data to the Government, just data, just a form—they miss a little bit on the form or they miss the deadline slightly and they immediately correct it and it doesn't hurt anybody—that is all that provision does.

If you are a small businessman out there trying to comply with the thousands of pages we have in a whole bunch of different areas, and you miss one paperwork deadline, you can be fined pretty severely. That is paperwork. That is not oilspills. That is not EPA. That is not any of the other things. It is data collection. That is what the amendment says, data collection. Read the whole amendment. If a small businessman misses a deadline or makes a mistake on paperwork and it is correctable and it is corrected immediately and it doesn't harm any employee, then they are not subject to the fine that time. That is a small concession to the small businessman, a very small concession.

On this whole bill, I am absolutely amazed. We are talking about the same $1.10 increase on the Democratic side that we are talking about in my amendment. There is no difference. Both of them provide for a $1.10 increase over the same period of time. We are not talking about which side is going to put people in poverty. Obviously, there is no listening from that side.

I have to be upset when it is claimed that apparently the minimum wage is the reason for Katrina. You can't go that far, folks. You can't. There isn't a connection between the minimum wage and Katrina happening. There isn't. Yes, there were people involved in that tragedy who were at the minimum wage, just as there are people under the minimum wage across the whole United States. But there isn't a connection with Katrina. It makes nice rhetoric. That is what we tend to do on the floor, make rhetoric. We ought to be making policy. What I have here is good policy for small business.

I also heard some statements about how all the small businessmen are wealthy, and they do that on the backs of employees. First, they are not all wealthy. Secondly, the implication that they are unethical to get that money is also not correct. There are small businesses out there that wind up paying their employees more than they get, even if the employee is on the minimum wage. There is no guarantee for the small business owner. We have to remember that.

I was surprised that the other side didn't say: Here is the chance to get the minimum wage increase and to help small business, not to harm employees. There is nothing in here that harms employees.

Part of the rhetoric was, we are taking away the 40-hour workweek. No, we are not. We are matching Federal employees' benefits to private employee benefits. That is it. What the Federal employees are allowed to do, we say that all employees ought to be able to do. How is that taking away overtime? Because it doesn't take away overtime from the Federal employees, so it also wouldn't take away overtime from the private employees. There is a provision in this amendment that says there cannot be coercion. They talk about forcing people to work on the weekend. That provision says that it has to be in an agreement between the employer and the employee. It truly is designed to be able to get them in a position where, without losing any money, they can have some extra time at the time that they want to have it.

I mentioned before—obviously, nobody was listening—that where this comes up the most is where there are Federal employees married to private employees. The Federal employee gets this special break where he or she can rearrange their schedule so that they work a little more one week and then they can get time off the next week without any penalty. But the spouse who works in the same town but for a private employer is told by Federal law: You can't have that benefit.

That is wrong. Why can't we, after two decades of seeing that it works for the Federal Government, believe that it might work for private business? If it doesn't work, I would be one of the first ones to move to get it out of there, but it is going to work. There is no indication it would not work.

I think if we sat down and talked about these proposals, there would be some agreement on both sides of the aisle. It has become one of those rhetoric things where we can appeal to the base by blasting the Republicans for having any kind of a proposal, such as this, that would help small businessmen.

There are a lot of statements I ought to correct. One of them is 2 pages versus 85 pages. Clearly, 85 pages versus 2 pages, but that is like me trying to imply they have a Federal Tax Code idea and it is just send your money to the Federal Government. That would not be true. That is what they are saying when they say 2 pages versus 85 pages.

I have additional pages because of the provisions I have talked with the Democrats about and tried to nail down in a very clarified way so there could not be those objections. It is a few pages to do six different things for small business. That is not a lot. Small business is the one that takes the bump on this proposal. I am trying to smooth out the bump, not at the cost of the employee, but as a little bit of help to an employer. And it is offset. It is paid for. We are not driving up the deficit by doing any of these things, but we are providing a way for them to stay in business and provide an increased minimum wage for their employees.

I heard a comment that there were no net new jobs in the private sector in the last 4½ years. Overall, it could be a true statement. I don't know; I have not checked it. But I do know that in the small business sector, there have been some huge net job increases.

Unemployment in the United States is about the same as it was. There has been an increase in population. Those people have been employed. Where have they been employed? In small businesses. We know that big business lost employees. They keep downsizing. They call it rightsizing; I call it losing jobs. But the small business sector has picked up those jobs.

There are people out there generating ideas willing to take risk. Anybody out there who thinks if you have a small business all you do is open the doors and make a lot of money is wrong. Talk to the small businessmen in your community. See how many of them in the middle of the night sit straight up in bed and say: How do I meet payroll tomorrow? But they do, and they solve it, and one of the ways they usually do that is they don't pay themselves. Later, when they make some more money, they may make up for what they lost in that period of time. But talk about no flexibility, they do not have any flexibility; they have to pay their employees. A lot of people who go into business find out it is not the cakewalk they thought it would be.

When I was a small businessman we used to employ some extra people during the slow time so we would have them during the time when we needed them, during the back-to-school rush and the Christmas rush. We were always a little bit disappointed after we paid them through the slow times, when we were not making the money, to then have them leave at the busy times or be sick at the busy times. We understand sick. People get sick. Sometimes as an owner we were sick, but that did not mean we could not come to work because we had to keep the business running.

Small business is different than big business. It runs on fewer people. That is why we call it small business. The small business people have to compensate different ways for themselves, meaning if they are short an employee, the trip they were going to take, the meeting they were going to go to, which could be to buy products for the store, is canceled because somebody has to be there to run the store to provide the customer service. That is how small business works.

I can tell you, too, when you have a small business, the employees are more like family, and so they have insight into more of what is happening in the company than they would in a big company. In a big company, if they know about their own department, it is probably a big deal. In a small company, they know about the whole business. They probably do things in the whole business and they know how tentative the whole business is.

Talk to some of the small businessmen in your own community. Find out what kind of a "wealthy" life they live. You will find out most of what they earn they have to put back into the business to keep it growing.

Another significant part of what they earn they have to pay in taxes because the tax structure is set up so that most of what they make looks as though it is personal wage, and that puts them in a very high tax bracket and they wind up paying that out.

Being in small business is not a cakewalk. When the Federal Government forces on them any new regulation, that causes problems.

I also heard a statement that the minimum wage increase only applied to one-tenth of 1 percent of the national payroll. That is another myth I need to address, because, again, having been in business, I know that when the minimum wage rises, it raises all wages. If you have somebody else who is in a tier above the minimum wage, and you raise the minimum wage, you eliminate part of the tier. Nobody can do that in small business because everybody knows what everybody makes. So you raise that one and then you raise the one above that, and then you raise the one above that.

We are not talking about an impact on one-tenth of 1 percent of the national payroll. We are not just talking about those people at the bottom of the ladder; we are talking about most of the people in the United States.

I would like to give all of the people in the United States a pay raise. The problem with giving everybody a pay raise is that it has to be paid for. Somebody has to pay that bill. It is not like the Federal Government. The employer out there, particularly the small businessman—well, even the big businessman—cannot print their own money, so they cannot run deficits very long or they are out of business.

How will businesses go about paying for a raise in the minimum wage? Let's see, you can do it by having less people; but, that is people losing jobs, and I don't know of a single small businessman out there who likes to get rid of people. They feel for these people who work for them. They know these people who work for them. And when they lay them off, they see the hurt in their eyes. In small businesses, it is the little guy who has to look them in the eye and say: I have to have one less employee because I am paying others more. In some businesses, when there is a tight spot and the boss goes to them and says: "Look, I have this problem, I am not going to be able to make wages so I am going to have to let somebody go", the people in the business will often say: "In the short term, we will take a little less because we understand the problem: we don't want you to be forced to lay off anybody."

That is not the option when the higher wage is mandated, there is no slack to get through a particularly hard time, even if it is a short one. We are talking about the prospect of people losing jobs. That is, unfortunately, one way mandated, increased wages can be paid for. For every businessman I know this would be the least preferable way to meet increased cost, but it is certainly one of the possibilities.

Another possibility is that they can raise their prices. This almost certainly will happen. Essentially, if we raise most of the wages in the country, we are also going to raise most of the prices in the country just to cover the increase in the wage. If what I buy increases in cost, did I get a raise? Not really. So we can create these phony, feel-good pay increases, but if they do not increase buying power, they do not do anything.

What is another way that increases in the minimum wage can be for ? I certainly don't like either of the two options I just noted. Another way to pay for wage increases is to have more productivity. We had one chart that showed that productivity has gone up. Some of those productivity gains have arisen partly because we have mechanized more. Unfortunately such productivity gains do not employ more people. It switches the way products are made and drives up productivity per person. But increases in productivity will help keep people around at higher wages.

The employees who are out there and are being creative and are looking at their job and saying: "There has to be a better way of doing this", and are coming up with improved ways of doing business usually get rewarded. They get more money.

I remember when I was going to college, I was taking a course in Fortran. One of my friends worked at the May D & F Company. He did some inventory work for them. This is in the old days when you had to write your program out by hand and then take it to a card punch operator. They punched the cards for you, and then you would go over the huge mainframe, and run cards through that. When you got them back, you had a bug list and you could rewrite lines so it would work. And the next day you get cards punched again. Eventually you get through the bugs and get this little simple thing done that today a child on a home computer could probably do in about, oh, 20 minutes. But we were amazed at the capacity, the productivity that this provided.

One of my fellow students figured out in doing inventory, that instead of the 40-hour week he was putting in to accomplish the work, that he could write a program, run it through the university computer on class time, and do the same amount of work in 1 hour. Now here is where I was pleased with the company he worked for. They let him do that and they paid him for 40 hours. He was thrilled. He is now a programmer.

What he did was increase his skill level and get paid more for it. That is what we are talking about here. There are a lot of people who start at minimum wage jobs. If they pay attention to the job, I bet they are not at the minimum wage, for most of them, for more than a month, and then they get promoted. They get a pay raise, a real pay raise because they did not force the price up, they increased their productivity.

I mentioned this morning that there is a fellow in Cheyenne, WY, who owns eight McDonald's. Some people try to suggest that working in food service is a bad job, and we kind of run them down. We should never run down any job that people do with their hands.

If you are like that small businessman—and I contend most small businessmen are that way—not trying to take advantage of their employees, but trying to help their employees, these employees can go through a program and get not only a lot of increases in position, but they can actually own a McDonald's—that's right, own it. The McDonald's owner I referred to this morning has had three employees who started at minimum wage and who today own 20 McDonald's. That is the achievement of the American dream.

They did not achieve what they did because of the minimum wage. They achieved this success and advancement because they increased their skill level. That is the key. We have programs that help people increase their skill level. I would be willing to bet that the Federal programs to increase skill level are minimal compared to the business efforts to increase the skill level of their employees. That is how employers increase and improve their business. They help their employees. They do not beat up on their employees. They help their employees.

The smaller the business, I am willing to bet, the more they help their employees. That is what we are talking about here—helping the employees, helping them get higher skill levels.

We do have a Federal program—and I am hoping we can get it through the Senate by unanimous consent or even with some limited debate, whatever it takes and whatever will fit in this packed schedule between now and Thanksgiving . There is some important legislation we need to do. One of them is passing the Workforce Investment Act.

The Workforce Investment Act will provide for about 900,000 people a year—a year—to be trained in higher skilled jobs.

That can be people who are unemployed or people who are employed but trained to higher skilled jobs. I also would like to put in a little plug for Wyoming at this point. We are short of people. We are the least populated State in the Nation. Previously, one of the reasons has been we did not have jobs. Now we have jobs. We do not have people to operate them. So we have started some special training programs in my state so people can work in some of the mines. One might say, Oh, I do not want to be in a mine. Mines are dirty and unsafe places. I want everyone to take a look at the record because there are rules with which they have to comply.

I once had a fellow from Japan, who worked for a newspaper, who was fascinated that I did not do national media, I guess, and he wondered if he could follow me for a day. I said he could follow me for a day if he came to Wyoming and followed me for a day. His paper let him do that. I also invited him to visit a mine.

He came, and we did one of our normal weekend things my wife and I do in Wyoming. We go back to Wyoming most weekends and we travel a different part of Wyoming. We hit all the towns, no matter what size. On that particular trip, we went to Wright, WY, Midwest, Edgerton, Kaycee, and Buffalo, and we held town meetings. I met with schoolkids and businessmen in those places.

I remember the first town that we were in. I think I got to talk to 115 kids at the school. I talked to about 30 businessmen. I had about 40 people show up for a town meeting.

He said: You do not get to meet with many people.

I said: Take a look at the little brochure I gave you that outlined where we were going today and what the populations were.

He said: My goodness, you got to talk to 90 percent of the people.

I said: What size building would that take in Tokyo?

One advantage of being in Wyoming is we get to talk to most of the citizens.

The next day, I did not go with him, but he went to one of our coal mines. We have 14 coal mines in Campbell County. I hope people will come out and take a look at them. If you are using electricity, there is a good chance that you are using electricity from the coal mined in Campbell County, WY. It supplies a third of the coal in the Nation because it is considered clean coal. It does not have a lot of the chemicals in it. We send some to West Virginia. We send some to Kentucky. We send it to most States. In those States, they mix it with their coal, and they meet the clean air standards. That is one of the reasons we mine so much coal.

He went through the mine, took a look at it, and looked at their safety record. I was very pleased when I saw what he had written, which was that he believed Wyoming had participatory democracy. Most States cannot do that because of the bigger populations. On the coal mining, he said he expected it to be dirty and unsafe. He found that it was clean and safe.

Now, here is the real telling part of this story. The next year, he brought his family to Wyoming. In Wyoming, we have Yellowstone Park, the Grand Tetons National Park. We have the first national forest. We have the first national monument, Devil's Tower. He brought his family to see the little towns he had visited and how far apart they were. He brought them to a coal mine because he was impressed.

So come out and work in our coal mines. You can make $50,000 $60,000, $70,000, $80,000 a year.

For women, that would probably be a nontraditional job, but there are a lot of women working in the mines. One of the reasons they can is because it is all huge heavy equipment that has all kinds of things on it that are ergonomic and that make it easy to operate. A woman can drive a coal truck that I guess two of these trucks might fit in this chamber, but I doubt it. The wheels on those things are about 18 feet tall, which means they are 18 feet in diameter. It might fit in the room this way. It is huge equipment. One would be fascinated to see it. Women drive those, and they make the same wage as men. Of course, that is a Federal law, and it ought to be. That helps to get rid of some of those disparities we have between what women make and men make. Sometimes it is taking nontraditional jobs like that. These are good-paying jobs.

They used to be able to put out an application and then select from those people who had experience on that kind of heavy equipment. They could select the best operator for that piece of equipment. The world is changing. There are fewer people out there to take those jobs, so they now will train someone to run this heavy equipment with no experience.

There is one little catch for some people, and that is that they have to have a clean drug record. They have to be able to pass a drug test because they do not want people running over somebody with this huge piece of equipment.

We have some of those mines that have gone 2, 3, 4 years without a lost-time accident. No lost-time accident, let alone a death. How safe is that? Safer than most of the businesses in the United States.

Like I say, this equipment is designed so that it is easy to operate, it is air-conditioned. The person is inside the whole day. And they are having trouble getting employees at $50,000, $60,000, $70,000, $80,000 a year.

We have a special training center in Casper, WY, for people who want to work in the oil industry. They will take completely untrained people and train them to work in the oil fields and have 100 percent placement on the people who graduate from there. Again, the only catch is a clean drug record, they must be able to pass a drug test. It is a good living.

I am making the point that skills are important. If one does not have the skills, there are ways to get the skills.

The only people who are poor are the people who do not have hope. Now, that is a quote from "The World Is Flat" by Thomas Friedman. The only people who are poor are the people who do not have hope. In the United States, everyone should have hope. Everyone should be able to find some way to increase their skill level and get a better job.

When I make those trips around Wyoming, I go to a lot of schools. I talk to a lot of kids. They are making choices down in first and second grade about what is going to happen to their employment capability. I am very pleased with the Wyoming kids. I believe they do an outstanding job. I have had an opportunity to work with some of the kids in the District. The first year I was here, the school board learned when the first day of school opened that the roofs leaked. I do not think that was a good time for the school board to figure that out, but that is what happened. They decided that since the high school students did not have anyplace to go to school, that maybe we could take them as interns on the Hill.

I agreed to take some. The first young lady I talked to, I said: What do you want to be? She said: I want to be a doctor. I was pleased. This is a ninth grader. She has her goal set on being a doctor. I found out later that day that she could not read. Now, what does one think the chances are of a ninth grader ever being a doctor if they can't read? It is not going to happen probably. Well, instead of her working in my office, I sent her to a literacy class. When we finished the internship, I offered to pay her to go to the literacy class. She never showed up. So I am pretty sure she is not a doctor anywhere.

Kids are making choices about what they can do with the decisions they make. I am hoping they make good decisions. I am hoping they get into science and math and work those skills through and make some good decisions as they get into high school to learn where their talents lie.

I have had a person on my staff ever since I got here. Her name is Katherine McGuire. She used to be my legislative director. Now she directs a committee I am on. Her college degree was in agriculture. Her parents did not have a ranch, so I was not sure about that. Then she went on to get a master's degree in agricultural economics. I asked her how that happened. She said: I got some really good advice when I was early in high school from a teacher who said, Every one of you kids ought to have something you can do with your hands because you can always fall back on that. She took that advice. She looked at the agricultural field. She got a degree in that, and then she got an agricultural economics degree. She still has that fallback position. It is important for kids in the country to be thinking about things like that.

There is not any job in the United States that is not needed. Some of the ones that are hands-on are going to be the most needed. The way the economy should work, those should be some of the highest paid.

I am reminded of a fellow who came to solve a little problem in a house where they were having a pipe leak. He climbed under the sink and worked for about 5 minutes and had it fixed.

When he got ready to leave, he said: That will be $75.

The owner of the home said: Seventy-five dollars? You only worked on that for 5 minutes.

He said: Actually, for my time, I only charged you a nickel. The rest of that is for the knowledge I had of how to change that pipe.

So knowledge is worth something. Skills are worth something. Skills are the way one gets higher wages. We can impose any kind of a minimum wage, and what we do is drive up wages so that there has to be more money to cover that wage, which will probably come from higher prices, which wipe out the benefit of the wage.

Another argument that has been made, which I will refute, is that this amendment is taking away overtime. There is no overtime taken away in this. We have flextime in it. Again, I want to repeat, that is the same benefit the Federal Government employees get, and we are just extending exactly the same thing to private employees. If there is anybody in this place who thinks we are taking away from overtime, we should not have given the Federal employees that disadvantage. Of course it is not a disadvantage. They do not get overtime taken away from them. They get to rearrange their schedule so that it helps them in times they want to take off.

It does have to be done in conjunction with the employer. The employee and the employer have to agree. Right now, even if the employee and the employer agree, in the private sector, it is illegal. In the public sector, it is fine. So why would we object to extending to those small businessmen and particularly the people who work for them the same opportunity a Federal employee has?

That covers a few of the misconceptions that I think we got from listening to the last hour and a half of rhetoric about this issue. I am kind of surprised that they have not adopted this amendment and taken credit with the small business community for helping out small businesses while they get the $1.10 increase in minimum wage that both of us are talking about. Both bills have the $1.10, the same amount of raise, the same time period. So all we are talking about is whether, in addition to giving small businesses help, we also help the small businesses to be able to afford it, be able to put some cushion in there so they can pay this increase in the minimum wage and the increase that will go to all of their other employees because one does not just raise the bottom wage; it forces the next tier up to get a raise and the tier above that to get a raise. So virtually everybody is getting a raise. I know I always had to do that when I was in business. I do not know of any other employer who is not faced with the same situation. So we are not just talking about that minimum wage earner, we are talking about many more people.

Let me run through the six basic things we are providing. The first one is updating the small business exemption. Small business generates 70 percent of new jobs. Right now, the small business exemption covers businesses that gross less than half a million dollars. When was that law put into effect? It was in 1960. There has been no update or change since that time. Has there been any inflation during that amount of time? I think so. In fact, if we were doing the adjustment according to wages, that would be over $1.5 million—not half a million but $1.5 million. So what did I do? I compromised on that one. I should have gone for the whole $1.5 million. If I hadn't thought the other side of the aisle was going to be upset over adjusting to inflation, I would have gone the whole $1.5 million, but I did not. I tried to be reasonable on this one. I went in between the two. Like I say, it has been awhile since we readjusted that threshold and the economy has undergone some dramatic shifts and the way work has been done in this country has changed forever.

My amendment also incorporates some bipartisan technical corrections that were originally proposed in 1990 by the then Small Business Committee chairman. This is very important. The Senate at that time had a majority of Democrats, so the Small Business Committee chairman was a Democrat. That chairman was Dale Bumpers, who was in the Senate when I got here.

The same thing was cosponsored over the years by Senator REID of Nevada, Senator HARKIN of Iowa, Senator PRYOR of Arkansas, Senator MIKULSKI of Maryland, Senator BAUCUS of Montana, and Senator KOHL of Wisconsin.

There were many others, too. All that I named were the Democrats who thought that these technical corrections could be useful to small business. So I hope those Senators who are still here would vote for that.

As those Senators can attest, the Department of Labor disregarded the will of Congress and interpreted the existing small business threshold to have little or no meaning. The Department is misreading the clear language of the statute. This amendment corrects the problem by stating clearly that the wage and overtime provisions of the Fair Labor Standards Act apply to employees working for enterprises engaged in commerce or engaged in production of goods for commerce.

My amendment also applies these wage-and-hour worker safeguards to homework situations. That is very important.

The second thing it does is ensure procedural fairness for small business. That is just commonsense, good Government legislation. Surely, we can all agree that small business owners, the individuals who do the most to drive the economy forward, deserve a break the first time they make an honest paperwork mistake; a first-time, honest, paperwork mistake, where no one is hurt and the mistake is corrected. That is very limited.

The paperwork small businesses face is certainly not limited. Paperwork is practically unlimited for a small businessman. But this amendment is very limited. Small business owners have told me over and over again how hard they try to comply with all the rules and regulations imposed on them, mostly by the Federal Government. As a former owner of a small business, I know what they mean. Because I did accounting for small businesses, I know what they mean. I filled out a lot of that paperwork. I want you to know I got it right. I didn't have any first-time violations. But that is because I was supposed to know about the kind of paperwork that I was doing, and I was being paid for taking care of that. It is one way a small businessman can have a specialist—they can hire an accountant to do some of the paperwork for them. But for the most part, they do their own paperwork.

Yet for all that work, a Government inspector can fine a small business owner for paperwork violations alone, even if the business has a completely spotless record and the employer immediately corrects the unintentional mistake. Even the best intentioned employer can get caught in the myriad of burdensome paperwork requirements imposed on them by the Federal Government. The owners of small businesses are not asking to be excused from any obligations or regulations—although they would probably like for us to do that, and it wouldn't hurt for us to have a commission that would review all those things and see if anybody actually uses the paperwork that is required.

One of the forms I used to get to work on was an annual OSHA report. Annually, they had to fill out a form that showed what accidents had occurred—lost-time accidents—and they had to post that in the break room and they had to file it with the Federal Government.

Any time you have an accident or a near miss, it is good to sit down and talk to your employees about it, have them sit down and figure out how it could have been avoided. That will save accidents and lives. It isn't the paperwork that saves the accidents and lives, it is actually talking about it, timely talking about it, not a report that is filled out at the end of the year and stuck up on the bulletin board where people may or may not read it.

Incidentally, I hope everybody will take a look at that form because it is not that readable. It is not that useful. It could be a lot more useful. It actually could help prevent accidents. It doesn't.

It gets sent to the Federal Government. What do you think happens to that form? Nothing useful. There could be a good use for it. We actually could compile that and find out, in the different industries, what sorts of things were happening and share that with those industries. We do not do that. That is a wasted piece of paper. But if you do not send it the first year you are in business and you have been working like crazy to meet payroll and January 31 comes around and it is about the third of February and somebody says, Did you send in that OSHA report? Actually, I think that one goes the end of February, so it is the 1st or 2nd of March. They say, Did you send that in?

Oh, no, I didn't.

He can be fined for that, even though on the 4th of March he fills out the paperwork, posts it in the break room and sends it in and has, during this whole year, been recording all of the accidents in a readable form, talking to his employees about it, and solving the problem.

Why should he be fined for that? Nobody is going to use it. But that is the kind of paperwork violations we are talking about. Remember, it is a Government inspector fining a small business owner for paperwork violations alone—paperwork violations alone, not the oilspills that you heard about earlier. That would not be a paperwork violation. That would be a most definite violation, outside of paperwork. So they have to have a paperwork violation alone and the business has to have a completely spotless record and the employer has to immediately correct the unintentional mistake.

Surely we ought to be able to give small business owners who are trying their best a break on mistakes that don't hurt anyone. Even the best intentioned employer can get caught in that myriad of paperwork requirements.

They are not asking to be excused. What they are asking for is a break, if they have previously complied, they didn't hurt anybody, have a completely spotless record, and they correct for the unintentional mistake.

One small businessman who I had testify before my committee a few years ago when I was working on some of the OSHA things and I was a subcommittee chairman of the Workforce Safety and Training Subcommittee of this same committee, he told Congress:

> No matter how hard you try to make your business safe for your employees, customers, neighbors and family members, in the end, if a Government inspector wants you they can get you. The Government cannot tell me that they care more for my family's safety and my company's reputation than I do.

Small businessmen and women who are the first-time violators of paperwork regulations that don't hurt anyone deserve a break.

Let's talk about providing some regulatory relief for small business. You can see these are not costly things I am talking about here. They should not be controversial. They are pretty common sense. I think we could sit down and draft a bill and probably agree on a lot of this still if we had not polarized ourselves on the floor of the Senate first. It is one of the worst things we do, polarize things instead of work them out. If we try to work them out, we can probably come to agreement on 80 percent of the issues. That is usually what we can do when we work things out together.

The third thing my amendment would do is provide regulatory relief for small businesses. Any increase in the minimum wage places burdens on small employers. It is only fair that we simultaneously address the ongoing problem of agencies not fully complying with the congressional directive that is contained within the Small Business Regulatory Enforcement Fairness Act. Under the law, agencies are required to publish Small Entity Compliance Guides for those rules that require a regulatory flexibility analysis. Unfortunately, agencies have either ignored this requirement or, when they try to comply, they have not done so fully or carefully. My amendment addresses this lapse by including specific revisions that the Government Accountability Office has suggested to improve the clarity of the Compliance Guides.

The Government Accountability Office suggested that we should clarify the requirements; not change them, clarify them. It would force the Federal agencies to take into consideration the ways that they are harming small business by placing non-commonsense, confusing rules and regulations on them. It is a chance for the small businessman to say: If you impose that, I don't see where it goes anywhere. I don't see where it does anything. Why would you impose that on me?

It is an opportunity for small businesses to respond when the Federal Government is about to change the way they do their business. And it is a law that we passed. Congress said: You have to do this. You cannot affect small businesses without listening to them.

I ought to rephrase that. You can't affect small business unless you present them an opportunity to speak. There is no requirement that the Federal Government listen. No matter what the small businessman says, the agency that is affecting small business does not have to listen. They have to accept the comments. But, currently, that law is not clear enough that they even accept the comments.

I have seen some documents that small business people have sent in to the Federal Government about a problem with a law or regulation that they were trying to comply with. The response they got was, "No response necessary."

I have no idea why "no response necessary" is a response. That doesn't answer the question. Of course one of our problems is one-size-fits-all Government. We think we can sit in Washington and figure out a rule that will apply to the whole country and to every kind of a business out there and every kind of a job that is out there. That is egotism at its highest, I think. The businesses that are out there have constructive comments to offer about ways to do things better. But you know what? We don't let them contribute.

We vote on a lot of legislation that affects small businesses, and it is only right that they have some opportunity to express their thoughts on how that is going to affect them and in many cases to suggest a better idea.

One of the reasons I go back to Wyoming most weekends is so that I can go around and talk to those people who are doing real jobs. Often, when I talk to them, they say: "I have got this little Federal requirement that I have to meet and I don't understand it." Often, I don't understand it either. But what I like to say is: "What do you think we ought to do about that?" By golly, you wouldn't believe some of the commonsense, simple things they suggest that would achieve the same Federal principle in a less complicated, straightforward way. Often, the problem arises because we don't talk about the issue with the people who are actually doing the work out there. There are a lot of people out there doing a good job, working hard, and trying to figure out what in the heck it is we did in Washington. This is one small place where they are supposed to have input. We said: "You are supposed to get input." Actually, I would like for them to say not only that you get input, but that the Federal Government has to listen as well. That should be the goal.

Let me move on to another one of the six small things that my amendment calls for.

My amendment seeks removal of the barriers to flexible time arrangements in the workplace. I have covered this a couple of times. I need to cover it a couple more times because obviously the other side of the aisle doesn't understand what I am talking about yet. I will try it yet a different way.

What we are talking about is legislation that could have a monumental impact on the lives of thousands of working men and women and families in America. The legislation would give employees greater flexibility in meeting and balancing the demands of working families. The demand for family time is evident. Let me share with you some of the latest statistics: Seventy percent of employees do not think there is a healthy balance between their work and their personal life. Seventy percent of employees say the family is their most important priority. The family time provision in my amendment addresses these concerns head on. It gives the employee the option of flexing their schedules over a 2-week period. In other words, employees would have 10 flexible hours they could work in 1 week in order to take 10 hours off in the next week.

Flexible work arrangements have long been available for employees of the Federal Government. Government employees have been able to do this for two decades, and no one has said: "You took away the overtime right of Federal employees".

The flex time program was so successful that in 1994 President Clinton issued an Executive Order extending it to the parts of the Federal Government that had not yet had the benefit for the program. That wasn't a Republican idea then. It might have been in the beginning. But none of these things matter whether they are Republican ideas or Democratic ideas.

It was a Democratic President who extended that benefit to all of the Federal Government and said:

> Broad use of the flexible arrangement enables Federal employees to better balance their work and family responsibilities and increase employee effectiveness and job satisfaction while decreasing turnover rates and absenteeism.

That sounds pretty good to me. However, while employees in the Federal Government have these rights, employees working for a small company in Wyoming don't have the same rights. They may be married to somebody in the Federal Government who has these rights and can rearrange their schedule to do things. But the spouse in the private sector and the employer in the private sector are not allowed to make a similar arrangement. That shouldn't ever happen in America. For years, Federal government employees have had these rights—rights that were extended by a Democrat President of the United States who noted: These arrangements work, reduce turnover, and reduce absenteeism. How can you provide these rights to Federal employees and not allow other people the very same right?

I have heard some arguments that with flexible time arrangements employees in the private sector would be forced to do things such as work on a weekend. That is not correct. The bill specifically prohibits any coercion in making these flex time agreements. It has to be a mutual agreement between the employee and the employer.

Unlike the Federal Government, there are businesses out there that do work on weekends. There are people out there who would like to be able to shift their schedule one week to the next without losing their pay, without having to take a day off, and they are willing to do that by working a little bit more in one week and a little less in the next week and having the funds they anticipated, similar to Federal employees.

I don't understand how we can say that is wrong.

I couldn't agree more with former President Clinton. I did not agree with him a lot, but that is one of the things he had right. Now we need to go further and extend this privilege to the private sector workers.

We know this legislation is not a total solution. We know there are many other provisions under this 65-year-old Fair Labor Standards Act that need our attention. But the flexible time provision is an important part of the solution. It gives employees a choice, the same choice as Federal workers. If we are going to keep that from applying to the private sector, maybe we ought to take that away from the Federal employees so they can get their full rights.

Does anyone on the other side of the aisle really want to do that? Do you want to see a revolution? It is the kind of revolution that small business employees may soon provide as well, as they become aware that they have been denied this benefit.

Mr. President, what is the remaining time?

The PRESIDING OFFICER (Mr. COBURN). The Senator from Wyoming has 18 minutes; the Senator from Massachusetts has 6 minutes.

Mr. ENZI. Thank you. I still have two provisions that I need to run through, and I wanted to make sure I got underway on that before my time expires.

The fifth provision in my amendment is extending the restaurant employee tip credit. The food service industry relies on what is called a tip credit, which allows an employer to apply a portion of an employee's tip income—income they are getting on the job—against the employer's obligation to pay the minimum wage.

To protect the tipped employees, current law requires that a tip credit cannot reduce an employee's wages below the required minimum wage. Employees report tips to the employer because the employer has to report it. Tips that are earned are reported.

We have a few States that do not allow a tip credit. Increases in the Federal minimum wage would require raises for all affected employees in all States. Lack of a tip credit in some States could result in employers having to give raises to what are often are their most highly compensated employees—the tipped staff. As a result the nontipped employees are negatively impacted by the mandated flow of scarce labor dollars to the tip positions. In addition, the employers in these States are put at a competitive disadvantage with their colleagues and the rest of the country that can allocate employee compensation in a more equitable manner.

I must also note that my amendment clarifies that the tip credit provision does not apply all parts of a State wage law. That argument that was used the last time the tip credit was brought up. That is clarified in this amendment. That should not be an argument anymore. The tip credit provision applies only in States that do not have a tip credit; and, only to the minimum wage portion of that State's overall wage hour law.

The sixth and final provision in my amendment is one which provides small business tax relief. As I noted before, some of the people who pay the most taxes in the United States are small business owners. Even the money that business owners put back into the business to reinvest has to have the taxes paid on it. That is at the highest tax rate in the country. If we are going to impose even greater burdens on small businesses, we should give them some tax relief at the same time.

My amendment would extend small business expensing. It would simplify cash accounting methods that make it a little easier for them to do their accounting, and it would provide restaurant depreciation relief.

All of these tax provisions are fully offset. In total, the additional provisions of my amendment are intended to mitigate the small business impact of a $1.10 increase in the minimum wage.

These steps are a partial way in which the cost of a minimum wage increase can be addressed. They will help the businesses that must absorb these increased costs. I share the view of many of my colleagues regarding such an increase on the Federal level. We must do our best to soften the blow. This may be the best means to that end.

I would also encourage all of my colleagues to look at the true root of the problem of minimum wage workers, and that is minimum skills. We all share the same goal—I don't think anybody can deny that—and that is to help American workers find and keep well-paying jobs. I am even going beyond that. I hope they get to own their own businesses. We must, however, realize that minimum skills—not minimum wages—is the problem. Education and training will solve that problem and lead to the kind of increased wages and better jobs we all want to create for the Nation's workers.

Let us work together to get that Workforce Investment Act passed, and go to conference. We didn't get that done 2 years ago. Without the conference, those 900,000 people a year that could be getting paid a higher amount are not. We need to get it passed and get it conferenced. We need to get the President to sign it, and as a result, higher skills and training will be accelerated, and wages in this country will go up.

I urge my colleagues to oppose the amendment offered by Senator KENNEDY and support my amendment that raises the wage by the same amount, but then has additional provisions, that provides small business benefits and soften the impact of the increases on the businesses that will have to pay them. If you are interested in small business, you need to support my amendment.

I yield the floor. I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I understand we have 8 minutes.

The PRESIDING OFFICER. Six minutes.

Mr. KENNEDY. I will use 3 minutes now.

I have listened to my good friend talk about the fact that Government workers have some flextime and small businesses don't. Of course, the principal answer is that many of the Government employees have protections. They have the Federation of Government Employees, they have the Treasury Employees Union. AFSCME protects a great number of them. They have different collective bargaining benefits. Their interests can be protected. That is completely different from the current situation.

Second. the Senator from Wyoming points out the pressures on small business.

Look at this. States with higher minimum wages have more jobs in small businesses. This is the Commerce Department. This isn't just general rhetoric. This is the Commerce Department. From 1998 to 2001, 10 States and Washington, DC, with minimum wages higher than $5.15, had an employment rate of 4.8 percent. In the 40 States with minimum wage at $5.15, it was 3.3 percent.

This is the answer. We have seen it with the employment growth, that is, with the small businesses, which responds to the Senator's point with regard to small business. States with higher minimum wages add more retail jobs. Employment growth between January 1998 to 2004: 11 States and Washington, DC, with minimum wages higher than $5.15, a growth of 6.1 percent: 39 States with $5.15, 1.9 percent.

The fact is we are talking about fairness. We had a wonderful exposition. I am always delighted to hear from my friend from Wyoming. I always value it and I always learn something. But I didn't learn much about the minimum wage today. We are talking about the fact that every other time we have had a successful increase in the minimum wage. we have expanded the coverage, except with the proposal we will have on the floor of the Senate this afternoon with the Enzi proposal, which will actually reduce the total numbers of people who are covered.

Let's get back to what this issue is all about. This issue is about fairness, about the fact in 9 years we have not increased the minimum wage. We have increased Members' salaries in here. I didn't hear those who are opposed to our increase in the minimum wage out here speaking against the increase in Members' salaries. We have increased them 8 times for a total of $28.000. We have not hesitated to increase our salaries, but now we are not going to increase the minimum wage for working men and women who have not seen an increase in 9 years?

The PRESIDING OFFICER. The Senator has 3 minutes remaining.

Mr. KENNEDY. I withhold my remaining 3 minutes.

The PRESIDING OFFICER. Who yields time?

Mr. ENZI. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Wyoming has 12 minutes 30 seconds.

Mr. ENZI. Notify me when I have 3 minutes remaining.

The PRESIDING OFFICER. The Chair will so notify the Senator.

Mr. ENZI. I will go through the GOP alternatives again. They ought to be bipartisan alternatives. I am afraid in previous discussions they got polarized in spite of changes to the extent that some god policy initiatives that deserve bipartisan support will never have support from the other side. That would be a tragedy.

When the opposition says that my amendment does not have a minimum wage increase, I wonder what bill he is looking at. My bill has a $1.10 increase over the same period of time as his, although I think he is going to make a small change to his bill because there is a slight paperwork problem—but since it is the first-time paperwork problem it probably ought to be forgiven, just like my proposal would forgive small business first-time paperwork errors.

What we are talking about is six provisions that soften the blow of the increased mandate on small businesses. First, permit family flextime for workers. Employees have the option of flexing their schedules over a 2-week period so they can work more hours 1 week and take hours off the next. The argument we have heard is that we are cutting overtime pay.

If flextime is a pay cut, then Senator KENNEDY and many of the Senate Democrats have voted to inflict pay cuts on workers. If flextime is wrong, then so was former President Clinton in 1994 when he extended it to all Federal employees because it increased effectiveness and job satisfaction and decreased turnover rates and absenteeism, the same thing it will do in the private sector. Why cannot somebody married to a Federal employee have the same advantage the Federal employee has?

Second, it would increase small business exemptions from the Fair Labor Standards Act. We have had, since the 1960s, the small business exemption has applied to businesses with $500,000 in receipts. This exemption amount has lagged behind inflation. The small business exemption should be at about $1.5 million. We are only raising it to $1 million.

Every Federal labor law has a small business threshold. To the Civil Rights Act of 1964, it was 15 employees. For the Family and Medical Leave Act, the threshold is 50 employees. Proponents minimum wage increases assert it is necessary to adjust the minimum wage to account for inflation. For the same reason, it only makes sense to adjust a small business threshold as well.

The real value adjusted for inflation of the small business exemption established in the 1960s exceeds $1.5 million. Senator KENNEDY uses his benchmark as the minimum wage rate for the same era. The Republican proposal is restrained and reasonable.

The third issue is relief for small business, one-time paperwork errors. Small business people making paperwork errors would receive an automatic forgiveness for the first mistake in paperwork matters. It applies only to routine administrative paperwork requirements imposed on small business by the Federal Government. This is commonsense protection for small businesses from the otherwise "gotcha" mentality of Government inspectors and only applies to businesses with spotless records who immediately correct the unintentional mistakes. My amendment also gives small businesses regulatory relief by increasing federal agencies compliance, review, and enforcement of the Small Business Regulatory Enforcement Fairness Act. It requires better compliance assistance for small businesses. Federal Government officials have given too often short shrift to the existing requirement to solicit public compliance guidelines. The Republican package includes specific provisions that the Government Accounting Office suggested to improve the clarity of these requirements.

Another provision of my amendment relates to the minimum wage tip credit for restaurant workers. This is so the restaurant can be sure all employees are being treated fairly, not just the high tip employees.

We also have small business tax relief in the form of simplified cash accounting methods for small businesses. It will mean they do not have to see accountants as often. As an accountant, I think that is a good idea.

It gives quicker depreciation for restaurants, who are a major employer for low skilled workers, and all of the tax provisions are fully offset.

The very modest tax cuts were targeted directly to businesses most likely to have minimum wage workers. Remember that in spite of the rhetoric, this amendment increases the minimum wage in the same amount and on the same dates that Senator KENNEDY's two-page proposal does. The difference is that my amendment attempts to smooth some of the bumps for those employers who will be most adversely affected by the increase.

These tax benefits will help small businesses that employ low-skills workers survive without drastic cuts in employment. We are trying to help the small business so that they will be able to afford the increase in the minimum wage. It is not an easy thing to come to the Senate and ask for a minimum wage increase. I am sure Senator KENNEDY knows that. He has been working on it a long time. I appreciate he dropped it back to what the Republicans were asking for earlier and what we have in my proposal at the present time.

I yield the floor and reserve the remainder of my time.

Mr. KENNEDY. I yield myself the remaining time.

Mr. President, we have had a good discussion. We did not have a chance to go through this excellent book, "Raising the Floor," with these heartrending stories happening in America every single day. Their recommendation? Increasing the minimum wage, ending poverty as we know it. It talks about increasing the minimum wage.

I didn't have the chance to go through "Communities in Crisis," the excellent survey about the increase in hunger in the United States of America. The one thing we know how to do in this country is grow crops. The second thing we know how to do is deliver them. We know how to deliver product. But the explosion in the numbers of hungry in this country, particularly among children—there is an increasing number of homeless in our society, in all parts of our society. Talk to the various church groups about what is happening in every part of our Nation.

This is not going to be the sole answer to it, but we have not increased the minimum wage in 9 years. We have reached out to the Republicans. We have accepted their figure of $1.10 over 2 years. Our amendment is two pages long. Senator ENZI's amendment, with all respect, is 87 pages and includes all kinds of things.

We believe this is the time. Fairness demands this. The American people understand fairness. We are talking about men and women who work 40 hours a week, 52 weeks of the year. These are hard-working men and women who have a sense of pride and dignity in their work. They work hard, they try to provide for their children, they work one, two, or three jobs. We have not increased the minimum wage now for 9 years. Prior to that time—the 50 years before this—it was bipartisan. President Bush 1 signed an increase in the minimum wage, Jerry Ford, President Nixon, Dwight Eisenhower, and now we have been 9 years without this kind of increase.

This demands fairness. It demands we give hard-working Americans, those at the lower end of the economic ladder, on the first rung of the economic ladder, working hard, an increase.

I remind all of our colleagues of that extraordinary Newsweek cover talking about the other America. It talks about the problems of hunger, the problems of homelessness, and the problems of people being left out and left behind. We can make a downpayment with an increase in the minimum wage. I hope we will do it this afternoon.

The PRESIDING OFFICER. The Senator from Wyoming.

AMENDMENT NO. 2063, AS FURTHER MODIFIED

Mr. KENNEDY. I have a consent request for a technical modification.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2063), as further modified, is as follows:

At the appropriate place, insert the following:

SEC. ___. MINIMUM WAGE.

(a) INCREASE IN THE MINIMUM WAGE.—

(1) IN GENERAL.—Section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) is amended to read as follows:

"(1) except as otherwise provided in this section, not less than—

"(A) $5.70 an hour, beginning 6 months after the date of enactment of the Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia and Independent Agencies Appropriations Act, 2006.

"(B) $6.25 an hour, beginning 12 months after that date.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect 60 days after the date of enactment of this Act.

Mr. ENZI. I rise to summarize my comments regarding the amendments and to urge my colleagues to cast a vote against the Kennedy amendment and in favor of the minimum wage amendment I have offered.

What is before the Senate are two amendments that raise the minimum wage by the same amount, $1.10 over 18 months. The difference between the bills is that the Kennedy amendment, while raising the minimum wage the same amount as my amendment, fails to acknowledge that any raise in the minimum wage has some negative consequences on the employers, particularly small employers, who must find the means to pay for the increase. The fact is that a negative economic impact on a small employer will probably result in a negative impact on that small employer's employees. This is an important aspect. When you give a pay increase, you have to find a way to pay for it.

My amendment recognizes that reality and provides some relief for those employers. It should be borne in mind these employers, particularly small employers, are the source of the vast majority of jobs that are held by minimum wage workers. We have to continue to keep these businesses viable and growing as a source of job creation. As I said before, I wish for the people working in those places to be the ones owning the business, and I have shared some examples of how that happens.

I ask that everyone bear in mind it is little solace to an individual earning minimum wage to learn that the minimum wage is increased but that he or she no longer has a job at which she can now earn the higher wage, or that it is not worth anything anymore because inflation took it away.

It is for this reason my amendment contains not only the same increase as Senator KENNEDY's amendment but includes provisions designed to soften the blow and ensure that those most-affected businesses continue to create jobs and entry-level, low-skilled employment opportunities.

I urge my colleagues to reject the amendment offered by Senator KENNEDY and to vote in favor of the more balanced and comprehensive approach to the minimum wage which is represented by my amendment.

I ask for a unanimous consent request that following the scheduled votes at 4:30 the Senate proceed to the vote in relation to the motion to suspend the rules in relation to the Dorgan amendment No. 2078, with no amendment in order to the amendment prior to the vote; provided there be 2 minutes equally divided prior to the vote. I further ask that Senator DORGAN be recognized for up to 5 minutes prior to the start of the scheduled votes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator has 3 minutes 17 seconds remaining on his allotted time.

Mr. ENZI. I yield back my remaining time.

The PRESIDING OFFICER. The time is yielded back.

The Senator from North Dakota is recognized for 5 minutes.

AMENDMENT NO. 2078

Mr. DORGAN. I understand my amendment has been ordered in a group of three amendments to be voted on. I will take 5 minutes to explain this amendment.

This amendment deals with the establishment of the creation of a committee in the Congress to investigate the waste, corruption, and abuse in contracting in Iraq and also contracting, in most cases, sole-source contracts, no-bid contracts, by companies that have gotten billions of dollars for reconstruction in Iraq, and now for reconstruction on the gulf coast.

Let me go through some headlines to explain my concerns. In 5 minutes I cannot do much more than headlines, but I have held seven hearings on this subject now in the Policy Committee. "No-bid contracts win Katrina work." That is the most recent one. "White House uses practices criticized in Iraq rebuilding for hurricane-related jobs."

"Ex-Halliburton workers allege rampant waste." "They say the firm makes no effort to control costs, overspending taxpayer money in its contract with the United States in Iraq and Kuwait."

"Halliburton faces criminal investigation." "Pentagon probing alleged overcharges for Iraq fuel."

"Audit questions $1.4 billion in Halliburton bills."

I mention Halliburton. It has nothing to do with the Vice President. Everyone says, Well, you are attacking the Vice President. He used to be president of Halliburton, yes, but this is long after he was involved in Halliburton. The fact is this is about contracting abuse.

Let me go through a couple of the specific examples: New $85,000 trucks paid for by the American taxpayers abandoned or torched by the side of the road in Iraq if they have a flat tire or a plugged fuel pump. A case of Coca-Cola, $45.

They had gasoline delivered for twice the price that the folks who used to do the work in the Defense Energy Support Center said that gasoline could have been delivered for. Halliburton charged for 42,000 meals served to soldiers every day, when they were serving 14,000 meals to soldiers. They missed it by 28,000—overcharging 28,000 meals a day.

There was the loss of $18.6 million worth of Government equipment in Iraq that Halliburton was given to manage. There is also the leasing of SUVs. Listen to this, the leasing of SUVs for $7,500 a month. They ordered 50,000 pounds of nails, and they came in the wrong size. They are laying in the sands of Iraq. It does not matter. The taxpayer picks up the cost. This is all cost-plus.

Do you want to buy some hand towels for the troops? The Halliburton buyer who was to order the hand towels was told by his superiors, "You have to order hand towels with the company logo on them," which more than doubled the price. It does not matter. The taxpayer is picking up the tab for all of this. It is unbelievable waste, fraud, and abuse.

Let me show one additional chart. This fellow shown in this picture testified at one of our hearings. These are $100 bills, batched together with Saran Wrap. He said: We used to play football with them. He said it was like the Old West. This is in Iraq. He said: We told people, subcontractors and contractors, we pay by cash. Bring a bag. Bring a bag. Here is the cash.

Now, for Hurricane Katrina, no-bid contracts once again. By the way, the top civilian official at the Army Corps of Engineers said this: I can unequivocally state that the abuse related to contracts awarded to Halliburton represents the most blatant and improper contract abuse I have ever witnessed during the course of my professional career.

Do you know what happened to her? She lost her job. Why? For speaking out. You don't dare say these kinds of things.

I spoke this morning about contracting abuse with respect to Hurricanes Katrina and Rita, the contracts down in the Gulf of Mexico. I will not go into that again except to say this: When the Government and FEMA pay a truck driver $15,000 to haul ice cubes from New York to Massachusetts—yes, New York to Massachusetts—where they are now in storage, to provide relief to hurricane victims in Louisiana, somebody ought to have their head examined.

Oh, the truck did go from New York, to Missouri, by mistake. FEMA directed them to Missouri. Then they said: Oh, we want you to go to Maxwell Air Force Base in Alabama. He took those ice cubes to Alabama. He sat there for 12 days, with hundreds of other trucks with food and clothing and ice and other things for victims—he sat there for 12 days—and then they said: We want you to put this back in storage in Massachusetts. So the taxpayers paid this trucker—and there were hundreds of them—$15,000 for hauling ice for the relief of hurricane victims in Louisiana, hauling that ice from New York to Massachusetts. Once again, somebody ought to have their head examined.

My point is, I would like to see a congressional committee examine this. This amendment would create a special committee. I hope my colleagues will believe, as I do, this waste, fraud, and abuse is intolerable, and we ought to deal with it by investigative committee.

Mr. President, I yield the floor.

AMENDMENT NO. 2063, AS FURTHER MODIFIED

The PRESIDING OFFICER. There is now 2 minutes equally divided before a vote in relation to the amendment offered by the Senator from Massachusetts.

The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, minimum wage workers are men and women of dignity. They are predominantly women. They are women with children. So it is a children's issue, a women's issue. These people who earn the minimum wage are men and women of color. It is a civil rights issue. But most of all, it is a fairness issue.

Over the period of these last 5 months, we have passed class action legislation to provide special help and assistance to many of the largest corporations in this country. We have passed bankruptcy legislation to take care of the credit card companies. We passed an energy bill that will provide enormous bonuses to the oil companies.

We have an opportunity this afternoon to pass an increase in the minimum wage for workers who have not seen an increase in the minimum wage over the last 9 years. This is about fairness. Americans understand it. They have seen it on the cover of their magazines with Hurricane Katrina. They know our fellow Americans need a helping hand. This can be enormously helpful to those Americans.

Let's go ahead and pass it this afternoon.

Mr. FEINGOLD. Mr. President, I rise to lend my strong support to the amendment offered by the Senator from Massachusetts, Mr. KENNEDY, of which I am proud to be an original cosponsor.

It is far past time that we increase the Federal minimum wage. The last time Congress voted to increase the minimum wage was 9 years ago in 1996, and the last portion of this increase went into effect 8 years ago, in 1997. Since that time, consumers have faced increased prices for everything from food to clothing to housing to childcare. And in recent months, gas prices have skyrocketed, and home heating costs are expected to follow suit this winter.

And while prices have increased, the purchasing power of the current Federal minimum wage of $5.15 has decreased by nearly 20 percent. A minimum wage employee working 40 hours per week can expect to earn $10,712 per year—this is $4,500 below the poverty line for a family of three.

Many minimum wage earners are struggling to provide for the basic needs of themselves and their families. They cannot make ends meet on $10,712 per year. These are hard-working Americans who deserve a fair shake and who deserve a raise. Many work more than one job, sacrificing time with their children just to scrape by. Without an increase, these workers will continue to work long hours to support their families with little hope of saving for the future when they are barely able to afford the basic necessities of the present.

According to a recent report by the Center on Budget and Policy Priorities and the Economic Policy Institute, "[t]he minimum wage now equals only 32 percent of the average wage for private sector, non-supervisory workers. This is the lowest share since 1949." In other words, the average minimum wage worker makes less than one-third of the average nonsupervisory private sector worker.

I am concerned about the argument made by some who oppose this amendment that most minimum wage workers are entry-level workers in first jobs who will advance their way out of these jobs and move on to better paying jobs. While that is certainly true for some workers, about two-thirds of those who would benefit from this increase are adults, and one-third of them are the sole breadwinners for their families.

I was proud to vote for the 1996–1997 increase that brought the minimum wage to its current $5.15, and I am pleased to be a cosponsor of legislation introduced by the Senator from Massachusetts, Mr. KENNEDY, that would increase the minimum wage to $7.25. The Economic Policy Institute notes that such an increase would directly help more than 7.3 million American workers. This increase will also help the children and other dependents of these workers potentially more than 15 million people.

Congress's inaction on this issue over the past several years has led to a growing grass-roots movement to increase the minimum wage at the state level. A number of States have enacted increases over the past few years, including Wisconsin. On June 1, 2005, the minimum wage for most workers in my State was increased to $5.70 per hour. The Wisconsin Department of Workforce Development estimated that this increase would help between 100,000–150,000 workers in my State. While this increase represents a step forward for Wisconsin workers, more work still needs to be done to boost the purchasing power of these and other workers around our country.

The amendment that we are considering today would increase the minimum wage by $1.10 to $6.25 over the next 18 months. While this modest increase will not go as far as I and many others in this body would in supporting the hard-working Americans who badly need a raise, it is a long-overdue step in the right direction.

The amendment offered by the Senator from Wyoming, Mr. ENZI, would also provide a $1.10 per hour increase in the Federal minimum wage. However, this amendment would also undermine low-income workers' struggle to break the cycle of poverty by allowing employers to deny these workers badly needed overtime pay through a so-called flex time scheme. This amendment, which is a total of 87 pages, also includes a number of other incentives for businesses that are intended to dampen the opposition of business groups to even this modest $1.10 increase in the Federal minimum wage. However, what these proposals would really do is continue the process of dismantling the 40-hour work week that was initiated with the implementation of the administration's ill-conceived overtime rule changes last year.

By the Senator from Wyoming's, Mr. ENZI, own admission, the committee which he chairs, the Committee on Health, Education, Labor, and Pensions, has not even considered many of these provisions. These provisions should not be rolled into a proposal to increase the minimum wage. The need to increase the Federal minimum wage stands on its own merit. And while I am certainly willing to consider a package of reforms for business, this is not the way to do it. Passage of such antiworker proposals should not be a condition of providing a much-needed wage increase for the lowest income Americans.

I urge my colleagues to oppose the Enzi amendment and to support American workers by voting for the Kennedy amendment.

Mr. KERRY. Mr. President, I want to voice my strong support for an amendment offered by Senator KENNEDY to raise the Federal minimum wage from its current, astonishingly low, rate of $5.15 an hour to $6.25 an hour.

An increase in the minimum wage is long overdue. Today, the real value of the minimum wage is more than $3.00 below what it was in 1968—and at the lowest real rate in half a century. Since Congress last acted to raise the minimum wage in 1996, its value has eroded by 17 percent. This indifference is simply unacceptable. To have the same purchasing power it had in 1968, the minimum wage would have to be more than $8.50 an hour. Yet nothing has been done, and the consequences of our inaction are very real and very painful to millions of Americans.

Since President Bush took office, the number of Americans living in poverty has increased by 5.3 million. Today, 37 million people live in poverty, including 13 million children.

Yet, despite the damage we do to our citizens and to our economy, this body has been unwilling to increase the Federal minimum wage. We had no problem passing a budget that gives tax cuts to millionaires and trillion-dollar companies. Yet we have had tremendous problems ensuring that hard-working Americans, Americans who work full time jobs and play by all the rules, won't have to live below the poverty line, won't have to decide between educating their children and feeding their family, won't have to chose between heating their home and buying prescription drugs.

It is time for us to get our priorities straight. Seven and a half million workers will directly benefit from a minimum wage increase. Raising the minimum wage to $6.25 an hour would give minimum wage earners an additional $2,288 a year—enough to pay for a community college degree. Congress should act now to pass a minimum wage increase that makes up for our inexcusable failure to act in the past. I support Senator KENNEDY's amendment to increase the Federal minimum wage, and I urge my colleagues to do the same.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. ENZI. Thank you, Mr. President.

Mr. President, I urge my colleagues to oppose the Kennedy amendment. Both amendments have the $1.10 minimum wage increase in them. But only my amendment provides for some way to offset that mandate so that small businesses which employ minimum wage workers can afford the minimum wage.

My colleague's amendment will harm small businesses' economic growth and job creation. It would raise the cost for small businesses without providing any relief to soften the blow, forcing employers to make difficult choices, such as raising prices, reducing employee benefits, or terminating employees.

I urge my colleagues to support my amendment. My amendment protects small businesses' economic growth and job creation. As I said, they both raise the minimum wage by $1.10, to $6.25, in two steps of 55 cents over 18 months.

My amendment recognizes and addresses the fact that all minimum wage increases have certain costs. My amendment protects against the negative impact of this wage hike on small businesses, the biggest source of job creation. This proposal is responsible and reasonable and designed not to dislocate or unintentionally harm workers.

I ask you to support my amendment.

The PRESIDING OFFICER. The Senator's time has expired.

The question now occurs on amendment No. 2063, as further modified, offered by the Senator from Massachusetts.

The Senator from Missouri is recognized.

Mr. BOND. Mr. President, I raise a point of order under section 425(a)(2) of the Congressional Budget Act that the amendment is an unfunded mandate.

Mr. KENNEDY. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive the applicable sections of that act for purposes of the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE) and the Senator from Hawaii (Mr. INOUYE) are necessarily absent.

I further announce that, if present and voting, the Senator from New Jersey (Mr. CORZINE) would vote "aye."

The yeas and nays resulted—yeas 47, nays 51, as follows:

[Rollcall Vote No. 257 Leg.]

YEAS—47

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carper
Chafee
Clinton
Conrad
Dayton
DeWine
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Santorum
Sarbanes
Schumer
Specter
Stabenow
Wyden

NAYS—51

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Burr
Chambliss
Coburn
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Roberts
Sessions
Shelby
Smith
Snowe
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner

NOT VOTING—2

Corzine
Inouye

The PRESIDING OFFICER. On this vote there are 47 yeas, the nays are 51. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is not agreed to. The point of order is sustained and the amendment falls.

Mr. CORZINE. Mr. President, I rise today to speak in support of Senator

KENNEDY's amendment to increase the Federal minimum wage to $6.25 an hour. I strongly support this amendment. Unfortunately, I was delayed in arriving in Washington, DC, this afternoon. Had I been here, I would have voted yes.

An increase in the Federal minimum wage is long overdue.

It has now been over 8 year since the minimum wage was increased to its current level of $5.15 per hour. Since that last increase, Congress's failure to adjust the wage for inflation has reduced the purchasing power of the minimum wage to record low levels. In fact, after accounting for the loss of real value due to inflation, the purchasing power of the minimum wage has not been this low since the wage increase of 1945.

When Congress acted to raise the minimum wage in 1996, the wage was raised from $4.75 to its current $5.15. At the time, this modest increase had real results for American families. The adjustment increased the take-home pay of nearly 10 million hard-working Americans. But with inflation, the real dollar value of that increase is long gone.

So that we are clear, raising the minimum wage is a family issue. So often in this body we talk about family issues. This is our chance to act.

No family gets rich from earning the minimum wage. In fact, the current minimum wage does not even lift a family out of poverty. A person earning the current minimum wage, working 40 hours a week, 52 weeks a year, earns only $10,700—nearly $4,000 below the poverty line for a family of three.

Seven out of every 10 minimum wage workers are adults, and 40 percent of minimum wage workers are the sole breadwinners of their families. Moreover, a disproportionate number of minimum wage workers are women. Sixty percent of minimum wage workers are women, and many are single mothers who must put food on the table, make rent payments, and provide childcare. Increasing the minimum wage by a mere $1.10 per hour would provide tangible help to these families in the form of groceries, rent, and the ability to pay rising energy costs.

I am proud that lawmakers in my State have recognized that the Federal minimum wage level simply is not adequate for a decent standard of living in high-cost States such as New Jersey. On October 1, the minimum wage in my State increased to $6.15, and on October 1, 2006, it will increase again to $7.15. I know that this increase will have a meaningful effect on people's lives: it means on average 15 months of child care; over a year of tuition at a community college; 10 months of heat and electricity; 6 months of groceries; and 5 months of rent. It is estimated that the increase will directly benefit some 200,000 workers.

But fair wages should not be guaranteed only to workers in a few States. I support Senator KENNEDY's amendment because I believe that all Americans should be entitled to a decent standard of living. Unfortunately, neither the current minimum wage, nor Senator ENZI's amendment, can relieve the problems of low-income families in this country.

I support the Kennedy amendment because it seeks to provide a real-wage increase to workers that will help them keep up with the rising cost of living in our Nation. I strongly oppose the Enzi amendment offered by my Republican colleagues, because it is a cruel hoax on hard-working Americans.

It is politics over policy, and it is just plain wrong.

All of our hard-working families nationwide need and deserve a minimum wage that reflects the increased cost of living in America. It is the least we can do for people who work hard and make a positive contribution to our great Nation.

I strongly support a raise in the minimum wage for the millions of Americans who work so hard to support their families. We as Americans can do better. We must act now.

AMENDMENT NO. 2115

The PRESIDING OFFICER. There are now 2 minutes equally divided prior to a vote in relation to amendment No. 2115 offered by the Senator from Wyoming.

Who seeks recognition?

Mr. ENZI addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming is recognized for 1 minute.

Mr. ENZI. I thank the Chair.

Mr. KENNEDY. Mr. President, I make a point of order. The Senator is entitled to be heard and I think the Senate is not in order.

The PRESIDING OFFICER. The Senate will be in order.

The Senator from Wyoming.

Mr. ENZI. Mr. President, I ask my colleagues to vote for my amendment, which raises the minimum wage level by the same amount as the previous amendment. The reason this amendment deserves your support whereas the last one did not is that my amendment has some small business offsets that will actually give them a chance to be able to pay the minimum wage increase without having to lay people off, without having to accept some other alternatives that would be very detrimental to employees. This amendment helps the small business people that employ minimum wage workers by giving them some tax breaks which are all offset. This amendment also includes five other good policy initiatives which I have mentioned previously in great detail.

I would ask that you vote for this amendment and provide small businesses with the help they need to be able to afford a minimum wage increase.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, if you are interested in an increase in the minimum wage, this is not the way to go. We offered an increase in the minimum wage which was two pages. His amendment is 87 pages, and in that 87 pages includes 3, at least, very important items that are going to shortchange American workers.

First, it changes the eligibility of those who are going to be covered and eliminates 10 million workers who are covered today.

Secondly, it eliminates overtime. It is called flextime, but the decision whether it is going to be flexible will be decided by the employer, and therefore you are going to find that for the average worker in this country earning $44,000, $3,000 in overtime will be eliminated.

Finally, this legislation effectively preempts 31 States that have a tip credit program. On page 21: Any State may not establish or enforce their tip credit.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. KENNEDY. That will disadvantage workers in 31 States. This is the wrong amendment for American workers and it should be defeated.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. KENNEDY. Mr. President, I make a point of order that the pending amendment violates section 425 of the Congressional Budget Act of 1974.

Mr. ENZI. Mr. President, I move to waive the applicable section of the Budget Act and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Hawaii (Mr. INOUYE) is necessarily absent.

The yeas and nays resulted—yeas 42, nays 57, as follows:

[Rollcall Vote No. 258 Leg.]

YEAS—42

Alexander
Allen
Bennett
Bond
Brownback
Bunning
Burns
Cochran
Coleman
Collins
Craig
Crapo
DeWine
Dole
Domenici
Ensign
Enzi
Frist
Graham
Grassley
Hagel
Hatch
Hutchison
Kyl
Lugar
Martinez
McCain
McConnell
Murkowski
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Talent
Thomas
Thune
Voinovich
Warner

NAYS—57

Akaka
Allard
Baucus
Bayh
Biden
Bingaman
Boxer
Burr
Byrd

Cantwell
Carper
Chafee
Chambliss
Clinton
Coburn
Conrad
Cornyn
Corzine
Dayton
DeMint
Dodd
Dorgan
Durbin
Feingold
Feinstein
Gregg
Harkin
Inhofe
Isakson
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sarbanes
Schumer
Stabenow
Sununu
Vitter
Wyden

NOT VOTING—1

Inouye

The PRESIDING OFFICER. On this vote, the ayes are 42, the nays are 57. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The point of order is sustained. The amendment falls.

The PRESIDING OFFICER. The Democratic leader is recognized.

Mr. REID. Mr. President, on vote No. 257, the Kennedy minimum wage amendment, Senator CORZINE was absent because of a plane delay. If he were present, he would have voted "aye".

AMENDMENT NO. 2078

The PRESIDING OFFICER. There is now 2 minutes equally divided prior to the vote on the motion to suspend.

Who seeks recognition?

The Senator from North Dakota.

Mr. DORGAN. The motion to suspend is my amendment. It deals with an underlying amendment that would establish an investigative committee to deal with waste, fraud, and abuse dealing both with the country of Iraq and the reconstruction in Iraq, as well as reconstruction in Louisiana, Mississippi, and in the gulf region following Hurricanes Katrina and Rita.

I will not recite all of the examples of substantial abuse from sole-source contracts, but it is dramatic. I believe very strongly, just as Harry Truman did back in the 1940s in uncovering substantial waste, fraud, and abuse in the Department of Defense at a time when a member of his own party occupied the White House. I believe this Congress deserves good, strong oversight. We will get that with a special committee looking into this massive waste, fraud, and abuse.

I would hope very much my colleagues would agree with me. If they believe we are spending too much, that there is waste, fraud, and abuse that we ought to get after, they ought to be voting for this amendment and vote to suspend the rules.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I appreciate the concern of my friend from North Dakota, who is a vigilant guardian of taxpayer dollars. I point out that the Armed Services Committee is doing work literally every day and every week on this issue. We also have Appropriations Committee oversight on much of this, and I believe that under the existing structure we have today, including the excellent leadership of our chairman and vice chairman of the Homeland Security Committee, that this amendment is not necessary.

I understand the concern of the Senator from North Dakota. I just do not believe it is necessary at this time.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I also point out that there is a special inspector general overseeing all of these contracts. His name is Stuart Bowen. He does an excellent job. He has been very aggressive in his audits and investigations. He regularly briefs all Members who are interested, and he issues a report every quarter on his findings. So I do believe we have an adequate structure in place, a needed structure to be sure.

The PRESIDING OFFICER. The Senator's time has expired.

The question is on agreeing to the motion to suspend rule XVI, paragraph 4, for the consideration of amendment No. 2078 offered by the Senator from North Dakota.

Mr. BOND. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. McCONNELL. The following Senator was necessarily absent: the Senator from Montana (Mr. BURNS).

Mr. DURBIN. I announce that the Senator from Hawaii (Mr. INOUYE) is necessarily absent.

The yeas and nays resulted—yeas 44, nays 54, as follows:

[Rollcall Vote No. 259 Leg.]

YEAS—44

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carper
Clinton
Conrad
Corzine
Dayton
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sarbanes
Schumer
Stabenow
Wyden

NAYS—54

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burr
Chafee
Chambliss
Coburn
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeMint
DeWine
Dole
Domenici
Ensign
Enzi
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner

NOT VOTING—2

Burns
Inouye

The PRESIDING OFFICER. On this vote, the yeas are 44, the nays are 54. Two-thirds of the Senators voting not having voted in the affirmative, the motion is not agreed to. The point of order is sustained, and the amendment falls.

Mr. BOND. Mr. President, I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, we are going to clear a number of amendments, including the amendment by the Senator from Iowa. The ranking member and I were going to clear a number of amendments and agree to them one at a time. Did the Senator have a very brief statement which he wants to make on that or does he want to speak for a longer time?

Mr. HARKIN. Mr. President, I have about 5 minutes at the most.

Mr. BOND. Mr. President, on that assumption, we will defer to the Senator from Iowa.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I thank the managers of the bill. I have an amendment to send to the desk.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

AMENDMENT NO. 2076

Mr. HARKIN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN] proposes an amendment numbered 2076.

Mr. HARKIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide that no funds may be used to provide assistance under section 8 of the United States Housing Act of 1937, to certain students at institutions of higher education, and for other purposes)

At the appropriate place insert the following:

SEC. 1 . (a) No assistance shall be provided under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) to any individual who—

(1) is enrolled as a student at an institution of higher education (as defined under section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002));

(2) is under 24 years of age;

(3) is not a veteran;

(4) is unmarried;

(5) does not have a dependent child; and

(6) is not otherwise individually eligible, or has parents who, individually or jointly, are not eligible, to receive assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f).

(b) For purposes of determining the eligibility of a person to receive assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f), any financial assistance (in excess of amounts received for tuition) that an individual receives under the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), from private sources, or an institution of higher education (as defined under the Higher Education Act of 1965 (20 U.S.C. 1002), shall be considered income to that individual.

(c) Not later than 30 days after the date of enactment of this Act, the Secretary of Housing and Urban Development shall issue final regulations to carry out the provisions of this section.

Mr. HARKIN. Mr. President, in June of 2004, an article appeared in the Des Moines Register outlining serious systemic abuses of the section 8 program by a number of wealthy athletes at the University of Iowa. For example, Brian Ferentz, a Hawkeye football player, was found to be living in subsidized housing despite the fact that his father, Kirk Ferentz, lives in a million-dollar mansion in the same town and is paid $2 million a year to coach his team. To add insult to injury, Brian's scholarship actually included a $700-per-month stipend for housing, yet he was living in section 8 housing.

After reading about this abuse, I immediately wrote to the Secretary of Housing and Urban Development, urging him to close this loophole, which was the unintended consequence of a 1995 regulation allowing students to qualify for section 8, in order to help people of modest means have a chance at an education and to better themselves. Unfortunately, HUD's response was far from adequate. HUD's solution allowed students who live away from home for just a year into the program, if their parents stopped claiming them on their taxes. It is a pretty easy calculation to see that a simple deduction is worth less than a year's rent, so it is easy for parents to decide to stop claiming their otherwise dependant children in order to save money.

Fortunately, language was included in the final omnibus appropriations bill last year closing a little more of this loophole. It said that if you get an athletic scholarship, anything above tuition should be counted as income. Unfortunately, this doesn't go far enough. This doesn't address people who are getting housing stipends from other kinds of scholarships, and doesn't address students whose millionaire parents decided not to claim them on their taxes, but have those kinds of resources available to them.

Recently, the Des Moines Register took another look at who is living in the notorious housing project that has housed so many student athletes in the past. The problem is still there, in full force, well over a year after my first letter to HUD. The Register's Lee Rood reported the following:

> While other students foraged this month for new apartments, at least three dozen Hawkeye athletes—many of whom receive $6,560 annually for room and board as well as free tuition—returned to one of the best low-rent housing deals in this notoriously high-rent city: Pheasant Ridge Apartments.

It is time to solve this problem once and for all. These students are taking up housing that is meant for truly needy people—people who typically have to wait 2 years for housing assistance, despite the fact that they may have the means to pay rent.

My amendment would simply require students' parental income to be considered in determining their eligibility unless they are independent students under the same qualifications that the Department of Education uses in their Free Application for Student Financial Aid. That is to say, students' parental income would count against them unless they are over age 24, married, have kids, or are veterans. Further, it would require a student's scholarship above the cost of tuition to be counted as income.

Clearly, students who are truly needy should have access to section 8. Help with housing often makes the difference between being able to get an education and not being able to make ends meet. However, kids whose parents have the means to help them should not be living in this housing. And if they are getting a housing stipend, some of it should actually be spent on housing. That's all I ask.

We cannot allow our system to be abused by people who take taxpayer dollars inappropriately, and then go off to sign multimillion-dollar NFL contracts. People who do need the help—including our most frail elderly, people with disabilities, and genuinely disadvantaged folks—are getting displaced. This has been going on for well over a year, and despite pleas to HUD to fix this, the abuse has not stopped. There is no other way to put a quick end to this fraud. My amendment will end it with the stroke of the President's pen.

This amendment will finally close all those loopholes.

I thank the manager of the bill and the ranking member for their consideration. I urge acceptance of this amendment.

Mr. BOND. Mr. President, we believe the amendment of the Senator from Iowa makes good sense. It has been cleared on both sides. I believe it can be agreed to by voice vote.

The PRESIDING OFFICER. Is there further debate on amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 2076) was agreed to.

Mr. BOND. Mr. President, I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BOND. Mr. President, I have a number of amendments which have been cleared on both sides. We propose to bring them up individually and ask for their immediate consideration and a voice vote.

I ask unanimous consent to set aside any pending amendments in order to offer those amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2070

Mr. BOND. First, I call up amendment 2070 on behalf of Senator COLLINS. This amendment would repeal the increased limit on the micropurchase threshold on Government credit cards.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Missouri [Mr. BOND], for Ms. COLLINS, Mr. LIEBERMAN, Mr. AKAKA, Mr. WARNER, Mr. LEVIN, Mr. COLEMAN, Mr. DORGAN, and Mr. WYDEN, proposes an amendment numbered 2070.

Mr. BOND. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To repeal the increased micropurchase threshold)

On page 406, between lines 7 and 8, insert the following:

SEC. 724. REPEAL OF INCREASE IN MICRO-PURCHASE THRESHOLD.

Section 101 of the Second Emergency Supplemental Appropriations Act to Meet Immediate Needs Arising From the Consequences of Hurricane Katrina, 2005 (Public Law 109–62; 119 Stat. 1992) is repealed.

Mrs. MURRAY. Mr. President, I ask unanimous consent that Senators Dorgan and Wyden be added as cosponsors to this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 2070) was agreed to.

Mr. BOND. Mr. President, I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2101, AS MODIFIED

Mr. BOND. Mr. President, I send an amendment to the desk on behalf of Senator AKAKA.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Missouri [Mr. BOND], for Mr. AKAKA, and Mr. BINGAMAN, proposes an amendment numbered 2101, as modified.

Mr. BOND. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide for an Internal Revenue Service report regarding tax refund procedures and practices)

On page 293, after line 25, add the following:

SEC.   . By not later than June 30, 2006, the Internal Revenue Service, in consultation with the National Taxpayer Advocate, shall report on the uses of the Debt Indicator tool, the debt collection offset practice, and recommendations that could reduce the amount of time required to deliver tax refunds. In addition, the report shall study whether the Debt Indicator facilitates the use of refund anticipation loan (RALs), evaluate alternatives to RALs, and examine the feasibility of debit cards being used to distribute refunds.

Mr. BOND. Mr. President, this amendment requires the IRS to submit a report on the debt indicator program which is currently used by the IRS to assist in tax filing and speeding up tax refunds where applicable. Senator AKAKA has raised legitimate concerns on whether the debt indicator has led to the abuse of certain refund loans. While there are legitimate and appropriate refund loans, there is, unfortunately, some abuse of them. We need to address this problem.

This amendment has been modified after discussion with our staff and the IRS.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 2101), as modified, was agreed to.

Mr. BOND. Mr. President, I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2139

Mr. BOND. Mr. President, I send to the desk an amendment on behalf of Senator BOXER.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Missouri [Mr. BOND], for Mrs. BOXER, proposes an amendment numbered 2139.

Mr. BOND. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To ensure that proper precautions are taken by airports and air carriers to recognize and prevent the spread of avian flu, and for other purposes)

On page 219, line 5, strike the period and insert the following: ": *Provided further*, That the Secretary of Transportation, in consultation with the Secretary of Health and Human Services and the Administrator of the Federal Aviation Administration, not later than 60 days after the date of enactment of this Act, shall establish procedures with airport directors located at United States airports that have incoming flights from any country that has had cases of avian flu and with air carriers that provide such flights to deal with situations where a passenger on one of the flights has symptoms of avian flu .".

Mr. BOND. Mr. President, this amendment has been cleared on both sides. It requires the Secretary of Transportation, in consultation with the Secretary of Health and Human Services and FAA, to establish procedures to deal with airline passengers who have avian flu symptoms.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 2139) was agreed to.

Mr. BOND. Mr. President, I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BOND. Mr. President, on a lighter note, I understand that David Letterman last night said there had been an instance of avian flu being transmitted to human beings. He also noted that several Astros had come into contact with the Cardinals on Monday night and suffered greatly. Fortunately, I hope that epidemic only returns tonight and tomorrow night.

AMENDMENT NO. 2073, AS MODIFIED

Mr. BOND. Mr. President, I call up amendment No. 2073, and I send a modification to the desk on behalf of Senator INHOFE.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Missouri [Mr. BOND], for Mr. INHOFE, proposes an amendment numbered 2073, as modified.

Mr. BOND. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To allocate funds for improvement to Lawton-Fort Sill Regional Airport, and for other purposes)

At the appropriate place, insert the following:

SEC. ___. None of the funds appropriated or otherwise made available in this Act may be used by the Federal Aviation Administration for ARAC consolidation of Fort Sill, Oklahoma into OKC TRACON: *Provided*, That $3,000,000 of the fund appropriated under the heading "Facilities and Equipment" shall be available for ARAC operation and maintenance at Fort Sill, Oklahoma.

Mr. BOND. Mr. President, as a result of BRAC decisions, the military is considering closing the Army Radar Approach Control at Fort Sill, OK. This amendment prohibits the FAA from moving air traffic control over the area to the TRACON at Oklahoma City.

The amendment has been cleared on both sides.

The PRESIDING OFFICER. Is there any further debate on the amendment? If not, the question is on agreeing to the amendment, as modified.

The amendment (No. 2073), as modified, was agreed to.

Mr. BOND. Mr. President, I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BOND. Mr. President, I send an amendment to the desk on behalf of Senator STABENOW and ask it be considered.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Missouri [Mr. BOND], for Ms. STABENOW, proposes an amendment numbered 2140.

The amendment is as follows:

(Purpose: To provide additional funds to support programs established under the LEGACY Act of 2003)

On page 316, line 26, after "Provided," insert "That of the amount made available under this heading, $10,000,000 shall be made available to carry out section 203 of Public Law 108-186,

Mr. BOND. Mr. President, this amendment deals with the HUD elderly demonstration program. It provides a set-aside out of HUD's 202 elderly housing program to fund the legacy housing program which provides for intergenerational housing units to assist low-income grandparents who are heads of households. This program was enacted in 2003. It seems to make eminent good sense to me.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2140) was agreed to.

Mr. BOND. I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2072, AS MODIFIED

Mr. BOND. Mr. President, I call up amendment numbered 2072 on behalf of Senator CRAIG, and I send a modification of the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Missouri [Mr. BOND], for Mr. CRAIG, Mr. CRAPO and Mrs. MURRAY, proposes an amendment numbered 2072, as modified.

The PRESIDING OFFICER. The amendment will be so modified.

The amendment (No. 2072), as modified, is as follows:

(Purpose: To require the use of a sliding scale match ratio for certain transportation projects in the State of Idaho)

On page 276, after line 24, insert the following:

SEC. . Subsection (a) of section 1964 of Public Law 109-59 is amended by inserting "Idaho, Washington," after "Oregon,".

Mr. BOND. I ask that Senator MURRAY be added as a cosponsor.

The amendment clarifies the non-Federal share for certain funding. It has been cleared on both sides of the aisle.

I ask my colleague if she wishes to make any comments.

Mrs. MURRAY. Mr. President, this amendment is an important step for both of our States. I appreciate the Senator from Missouri bringing it forward tonight.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2072), as modified, was agreed to.

Mr. BOND. I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BOND. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

AMENDMENT NO. 2123

Mr. DAYTON. Mr. President, I call up amendment numbered 2123 for immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendments are set aside.

The clerk will report.

The bill clerk read as follows:

The Senator from Minnesota [Mr. DAYTON] proposes an amendment numbered 2123.

Mr. DAYTON. Mr. President, I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prevent gas and oil gouging during natural disasters)

At the end of the bill, add the following:

TITLE ___—NATURAL DISASTER OIL AND GAS PRICE GOUGING PREVENTION ACT OF 2005

SEC. _01. SHORT TITLE.

This title may be cited as the "Natural Disaster Oil and Gas Price Gouging Prevention Act of 2005".

SEC. _02. DEFINITIONS.

In this title:

(1) COMMISSION.—The term "Commission" means the Federal Trade Commission.

(2) QUALIFYING NATURAL DISASTER DECLARATION.—The term "qualifying natural disaster declaration" means—

(A) a natural disaster declared by the Secretary under section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)); or

(B) a major disaster or emergency designated by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

SEC. 03. RESTRICTION ON PRICE GOUGING.

(a) RESTRICTIONS.—It shall be unlawful in the United States during the period of a qualifying natural disaster declaration in the United States to increase the price of any oil or gas product more than 15 percent above the price of that product immediately prior to the declaration unless the increase in the amount charged is attributable to additional costs incurred by the seller or national or international market trends.

(b) ENFORCEMENT.—

(1) ENFORCEMENT POWERS.—

(A) IN GENERAL.—The Commission shall enforce this section as part of its duties under the Federal Trade Commission Act (15 U.S.C. 41 et seq.).

(B) REPORTING OF VIOLATIONS.—For purposes of the enforcement of this section, the Commission shall establish procedures to permit the reporting of violations of this section to the Commission, including appropriate links on the Internet website of the Commission and the use of a toll-free telephone number for such purposes.

(2) PENALTY.—

(A) CRIMINAL PENALTY.—A violation of this section shall be deemed a felony and a person, upon conviction of a violation of this section, shall be punished by fine not exceeding $10,000,000 if a corporation, or, if any other person, $350,000, or by imprisonment not exceeding 3 years, or both.

(B) CIVIL PENALTY.—The Commission may impose a civil penalty not to exceed $5,000 for each violation of this section. For purposes of this subparagraph, each day of violation shall constitute a separate offense. Civil penalties under this subparagraph shall not exceed amounts provided in subparagraph (A).

(c) ACTION BY STATE ATTORNEY GENERAL.—The attorney general of a State may bring a civil action for a violation of this section pursuant to section 4C of the Clayton Act (15 U.S.C. 15c).

Mr. DAYTON. This makes it a felony to raise oil or gas prices more than 15 percent during a natural disaster and other emergencies, and gives the U.S. Trade Commission, U.S. Department of Justice, and State Attorneys General the authority to prosecute violators. This creates an exception for cases in which a price increase is directly attributable to additional costs incurred by the seller.

Currently, no Federal laws exist to address gasoline price gouging. Only 13 States have such laws to prosecute those who raise prices arbitrarily during times of emergency.

On September 1, in the immediate aftermath of Hurricane Katrina, President Bush said in response to the price gouging that was underway:

> There ought to be zero tolerance of people breaking the law during an emergency such as this, whether it be looting or price gouging at the gasoline pump, or taking advantage of charitable giving or insurance fraud.

On September 6th of this year, I wrote a letter to the U.S. Attorney General in which I said, in part:

> I respectfully urge the Justice Department to follow through on the President's warning and to investigate the sudden spike in gas prices nationwide, following Hurricane Katrina.

I further wrote:

> I am deeply concerned that oil suppliers have used Hurricane Katrina as an excuse to grossly overcharge consumers, regardless of whether fuel is in short supply. The Administration has a responsibility to protect consumers from anyone who would exploit catastrophic circumstances for outrageous profit, and I respectfully urge you to investigate this matter.

I ask unanimous consent my letter be printed at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1)

Mr. DAYTON. Almost 7 weeks later, I have not received even the courtesy of a reply from the U.S. Attorney General. More importantly, I am not aware of anything that he has done to investigate collusion among the oil companies, the refiners, and the gasoline distributors whose post-Hurricane Katrina price escalations parallel one another.

Gasoline prices nationwide are 36 percent higher than 1 year ago. Natural gas prices are 145 percent higher. That means that current natural gas prices are almost 2½ times what they were a year ago.

The price of home heating oil in my home State of Minnesota now is 63 percent above a year ago. Americans everywhere are being ravaged economically by energy companies, as the citizens in Louisiana and Mississippi were ravaged by Katrina—although, obviously, their physical and economic devastation was even worse.

While we have properly come to the aid of hurricane victims, Congress has done nothing to help the victims of this energy price disaster. Apparently, the Bush administration has failed them, also.

My amendment is an opportunity to do something to stop energy price exploitation, to make price gouging as illegal as it is immoral.

Actions speak louder than words. Now is the time to act against exorbitant energy prices, not just talk about them. The vote on my amendment will show who is serious about driving energy costs down for all Americans, and who is not.

EXHIBIT 1

SEPTEMBER 6, 2005.

Hon. ALBERTO GONZALES,
Attorney General, U.S. Department of Justice,
Washington, DC.

DEAR MR. ATTORNEY GENERAL: On September 1st, President Bush said, with respect to price gouging following Hurricane Katrina, "There ought to be zero tolerance of people breaking the law during an emergency such as this, whether it be looting, or price-gouging at the gasoline pump, or taking advantage of charitable giving, or insurance fraud."

I respectfully urge the Justice Department to follow through on the President's warning and to investigate the sudden spike in gas prices nationwide, following Hurricane Katrina.

In my home state of Minnesota, gas prices rose by 52 percent—from $1.97 to $3.01 per gallon—in the three-month period from June 1st to September 1st. In three days alone, from August 29th to September 1st, Minnesota gas prices surged 45 cents per gallon. I understand that storm damage to oil operations off the Gulf Coast has caused part of the problem. However, most of Minnesota's oil supply originates from Canada.

I am deeply concerned that oil suppliers have used Hurricane Katrina as an excuse to grossly overcharge consumers, regardless of whether fuel is in short supply. The Administration has a responsibility to protect consumers from anyone who would exploit catastrophic circumstances for outrageous profit, and I respectfully urge you to investigate this matter.

Thank you for your consideration of my request.

Sincerely,

MARK DAYTON.

Mr. BOND. Mr. President, not having had a chance to review the entire workings of the amendment, this is a very serious legislative amendment. Unfortunately, this is not the appropriate place to raise this legislation. It is more appropriately concerned with the Energy Committee or other committees. I, therefore, raise a point of order that this is legislation on an appropriations bill. I believe now the Chair has a copy of the amendment. I raise an objection under rule XVI that this is legislation on an appropriations bill.

The PRESIDING OFFICER. In the opinion of the Chair, the point is well-taken. This is legislating on an appropriations bill and the amendment falls.

Mr. BOND. I thank the Chair.

The PRESIDING OFFICER. The Senator from Washington.

AMENDMENT NO. 2141

Mrs. MURRAY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Washington, [Mrs. MURRAY], proposes an amendment numbered 2141.

Mrs. MURRAY. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require the U.S. Interagency Council on Homelessness to conduct an assessment of guidance disseminated by agencies for grantees of homeless assistance programs)

At the appropriate place, insert the following: Page 406, line 8 insert a new paragraph.

SEC. 724. The United States Interagency Council on Homelessness shall conduct an assessment of the guidance disseminated by the Department of Education, the Department of Housing and Urban Development, and other related federal agencies for grantees of homeless assistance programs on whether such guidance is consistent with and does not restrict the exercise of education rights provided to parents, youth, and children under subtitle B of title VII of the McKinney-Vento Act: *Provided*, That such assessment shall address whether the practices, outreach, and training efforts of said agencies serve to protect and advance such rights: *Provided further*, That the Council shall submit to the House and Senate Committees on Appropriations an interim report by May 1, 2006, and a final report by September 1, 2006.

Mrs. MURRAY. This amendment has been cleared on both sides. It simply requires the U.S. Interagency Council on Homelessness to make sure that all of the appropriate agencies take into consideration the homeless assistance programs. This is especially important for kids today who are homeless, to make sure their rights are protected.

I ask for its immediate consideration.

Mr. BOND. Mr. President, I understand this amendment is necessary because in some homeless shelters, children are being sent to schools where they have not been going. It has caused a great deal of confusion. This is an appropriate measure and we accept it on this side.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2141) was agreed to.

Mr. BOND. I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Ms. SNOWE. Mr. President, I rise today for one very simple reason, the days are relentlessly marching toward winter . . . the clock is ticking as the thermometer edges ever downward . . . and it would be unconscionable for Congress to adjourn for the year without providing critical, additional assistance for LIHEAP, the Low Income Home Energy Assistance Program, at a time of skyrocketing fuel prices.

There should be no mistake, this is an emergency and a crisis we know is coming, and it would be an abrogation of our responsibility to stand by and allow it to occur. It does not take a crystal ball to predict the dire consequences when home heating oil in Maine is $2.52 per gallon, up 59 cents from a year ago . . . kerosene prices average $2.95 a gallon, 75 cents higher than this time last year, and it is not even winter yet. Some projections have a gallon of heating oil reaching $3.00.

So understandably, we are already hearing the mounting concern "how will I pay for home heating oil when it's 30 percent more than last year, and I struggled to make ends meet then?" "How will I afford to pay half again as much for natural gas?" People need to know now that they can count on us for assistance.

This is a necessity of life—so much so that 73 percent of households in a recent survey reported they would cut back on, and even go without, other necessities such as food, prescription drugs, and mortgage and rent payments. Churches, food pantries, local service organizations—they are all hearing the cry, and all the leaves aren't even yet off of the trees. The fact is, countless American's don't have room in their budget, many on fixed incomes, for this sudden surge in home heating prices but surely, in looking at our national priorities, we can find room in our budget to help Americans stay warm this winter.

Because of the supply disruptions caused by the hurricanes at a time when prices were already spiraling up, prices have been driven even higher and are directly affecting low income Mainers and how they will be able to pay for their home heating oil, propane and kerosene this winter. A recent Wall Street Journal quoted Jo-Ann Choate, who heads up Maine's LIHEAP program. Ms. Choate said, "This year we've got a very good chance of running out." Eighty-four percent of the applicants for the LIHEAP program in the State use oil heat. Over 46,000 applied for and received State LIHEAP funds last winter. Each household received $480, which covered the cost of 275 gallons of heating oil.

The problem this winter is that the same $480 will buy only 172 gallons, which a household will use up in the first 3 to 4 weeks in Maine. What will these people do to stay warm for the four or five months left of winter? The water pipes will freeze and then break, damaging homes. People will start using their stoves to get heat. The Mortgage Bankers Association expects that the steep energy costs could increase the number of missed payments and lost homes beginning later this year. My State is expecting at least 48,000 applicants this winter, so there will be less money distributed to each household unless we can obtain higher funding for the LIHEAP program.

Ms. Choate says that Maine plans to focus on the elderly, disabled, and families with small children, and is studying how to move others to heated shelters. This is why our efforts are so very important. And it isn't just Maine, it is happening in all of the Nation's cold weather States. Quite simply, without increased funding, we are forcing the managers of State LIHEAP programs to make a Solomon's choice. I request that the Wall Street Journal article of October 6, 2005 be printed for the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Oct. 6, 2005]

Fearing Shortfall Linked to Hurricanes, States Scramble to Stretch Federal Aid Among the Needy

(By John J. Fialka)

WASHINGTON.—State managers of the $2 billion federal program that helps poor people pay their heating bills say that price increases following hurricanes Katrina and Rita could mean some homes will run out of fuel this winter.

The Low-Income Home Energy Assistance Program has helped consumers pay about half of the average $600 home heating bill in recent years. But this winter will be different. The Department of Energy estimates that the cost of heating an average home with oil will rise to $1,666 and to $1,568 for natural gas, but the federal money budgeted for the program remains the same.

"We're looking at a situation we've never really faced before," says Mark Wolfe, executive director of the National Energy Assistance Directors' Association, state agencies that funnel the federal money to people who meet state criteria for fuel help.

The problem will be most acute in Northern states, where running out of fuel poses health risks, particularly to the elderly, and could damage homes if water pipes freeze and then break. "This year we've got a very good chance of running out," says Jo-Ann Choate, who manages the program for Maine's Housing Authority.

Her state's program has already received a host of new applications, but its buying power has shrunk. Last year, the program paid $480 for each household it assisted, covering the cost of 275 gallons of heating oil. This year, $480 will buy only 172 gallons. She figures that in a normal winter, "That will go in the first three or four weeks."

If there is a funding shortfall, Maine plans to focus the money it has on the elderly, disabled and families with small children. It is studying how to move others to heated shelters. "We'll need to get people who know how to drain the pipes if people are moved out of their homes," Ms. Choate says. "They'll have to be volunteers, though, because we'll have no money to pay them."

In Wisconsin, Susan Brown, director of the state's energy-assistance program, says the program "will pay less of a given heating bill." The number of clients—70% of whom use natural gas—has traditionally grown by 2% a year. This year, she worries that number could increase by as much as 30%. "If that's the case," she warns, "we will simply have to shut the program down."

According to the Department of Health and Human Services, which provides the money to states, heating-bill increases are felt more acutely by the poor. In 2002, for example, the average household spent 5.9% of its income on heating compared with 12.6% spent by low-income households.

Additional help may be on the way as Congress and the Bush administration weigh proposals to increase funding. Senate Democrats led by Sen. John Kerry of Massachusetts are trying to add $3.1 billion to the program by attaching the money to a Defense Department spending bill.

"It is unthinkable that this administration would fail to have the emergency funds available to help families who need it the most," Sen. Kerry said in a statement, suggesting that Democrats will have a powerful issue for next year's elections if there is a shortfall of heating funds this winter.

A spokesman for the HHS, which added some emergency funds to the program during last year's heating season, said an increase in funding this year would be for Congress to decide. Paul Scofield, a spokesman for the House Appropriations Committee, said that "we've always tried to keep this program funded," but added that, so far, it hasn't received any proposal to add money from the Bush administration.

"We've had a very mild winter in the last five or six years. If we get a real Montana winter this year, that's what's really got us spooked," says Jim Nolan, the heating program's director in Montana. Last year his program served 21,000 households, but about 85,000 are potentially eligible this year. With rising energy costs, he says, "we could reach a tipping point and drive the number of applicants much higher."

His department is lobbying for more assistance money from state electricity and gas utilities, which have a "public purpose fund" that earmarks 25 percent for energy assistance for the poor. This year, Mr. Nolan wants 70 percent of the money, which would take funding away from renewable-energy projects, such as solar and wind power.

Mr. Wolfe, who represents the state directors in Washington, says that without substantially more help from the federal government, the states and utilities will have to use a "triage" system to get families through the winter. In some states that will mean shifting more money to homes that use heating oil because oil distributors customarily won't deliver unless they are paid in advance, Mr. Wolfe says.

That means less money for utilities that supply natural gas. Those companies, on the other hand, are reluctant to cut off homes in the dead of winter. "They'll get paid later," says Mr. Wolfe, who said legislatures in several states including Massachusetts, New York and some in the Midwest are pondering ways to supplement the federal funding.

The effects of a federal program stretched thin will be uneven, since some utilities have a much higher percentage of low-income customers than others. About three-fourths of the nation's home heating-oil customers are in New England.

In Montana, a state law forbids natural-gas companies from shutting off fuel to customers in the winter. But users of propane, a gas commonly used in rural areas, aren't protected.

Chemical companies and manufacturers that produce products using natural gas often have "interruptible contracts," which means that if supplies run short, utilities will cut them off and send the gas to homeowners.

If there are frequent interruptions this winter, "it's going to wash its way through the entire economy," predicts Charles Van Vlack, vice president of the American Chemistry Council, which represents 130 companies. "Just saying industrial users are going to drop off of the [supply] system is a poor outcome. It's going to knock out jobs."

The Federal Department of Energy has predicted that homeowners who use oil for heat and propane will spend 30 percent more this year than last, and natural gas users will spend 48 percent more. According to the National Energy Assistance Directors Association, heating costs for the average family using heating oil are projected to hit $1,666 for the upcoming winter. This represents an increase of $403 over last winter's prices and $714 over the winter heating season of 2003–2004.

For families using natural gas, prices are projected to hit $1,568, which is an increase of $611 over last year's price and $643 over 2003–2004. This is the largest increase in home heating prices in over 30 years. This is why our amendment is so very important.

Congress recently passed an Energy bill which is now law. In that bill, we authorized $5.1 billion for the LIHEAP program. My goal is to see that this is totally funded. We simply have to show that we meant what we asked for and totally fund the LIHEAP program. A total of $5.1 billion has already been authorized. All we are asking with this measure is to provide an additional $3.1 billion in emergency LIHEAP funding in additional to the $2 billion already requested by the President. Passage of this amendment to the Transportation/Treasury/Housing Appropriations bill is vital.

The facts are that LIHEAP is projected to help 5 million households nationwide this winter. But that's only about one-sixth of households across the country that qualify for the assistance. So this is a perennial fight we wage even when prices aren't as high as today. And now, that battle becomes all the more pivotal.

I want to thank Senators REED and COLLINS for their leadership on this amendment and I am proud to stand shoulder to shoulder with them to secure what is, in essence, literally life-or-death funding for our most vulnerable Americans. The cold weather won't wait and neither should we when it comes to helping citizens survive through the winter.

Mr. KENNEDY. Mr. President, with temperatures dropping, there are few more important duties than keeping our citizens safe and warm for the winter. Rising fuel prices give added urgency to our efforts to lend a hand to those who can't afford their heating bills.

Sadly, the gap between rich and poor has been widening in our society, especially in recent years. The number of persons living in poverty in the Nation has risen from 31 million in 2000 to 37 million today, a 19 percent increase during the Bush administration. Thirteen million children now live in poverty. Wages remain stagnant, while inflation inexorably sinks more and more families below the poverty line. The long-term unemployment rate is at historic highs. There is no excuse for America to continue to look the other way. Hurricane Katrina demonstrated the plight of minorities for all of us to see, for all the world to see. The "silent slavery of poverty" is not so silent any more.

For those in poverty, the American dream is a nightmare. Families stay awake at night worrying how to make ends meet. Parents wonder how they will feed their children and pay their bills.

Rising energy costs are a huge part of the problem. Significant numbers of citizens live with the constant threat of power shut-offs, because they can't pay their energy bills, and there's no relief in sight.

According to a recent report by the Energy Information Administration, the outlook for the coming winter is bleak. Home heating bills are likely to soar. Hurricanes Katrina and Rita have strained already-tight oil and natural gas production. According to the American Petroleum Institute, 20 percent of the Nation's refinery capacity is down or is restarting as a result of damage by both hurricanes.

On average, households heating primarily with natural gas will pay $350 more this winter for heat, an increase of an incredible 48 percent over last year. Those relying primarily on oil will pay $378 more, an increase of 32 percent.

These are not just abstract numbers. They represent huge burdens on real people. Just last week, Mayor Menino and I met with low-income seniors at the Curtis Hall Community Center in Massachusetts. They are scared that they won't be able to make ends meet this winter. They are worried about how they'll pay their high home heating bills. Predictions of a cold winter and sky-high fuel costs mean that the elderly, the disabled, and many others will be forced to make impossible choices between heating their homes and paying for food, or health care, or rent.

A Federal program is supposed to be available to help the poorest of the poor to avoid these unacceptable tradeoffs. LIHEAP, the Low Income Home Energy Assistance Program, grants aid to low-income families who can't afford the steep cost of energy.

The number of households receiving this assistance has increased from 4 million in 2002 to 5 million this year, the highest level in ten years.

Ninety-four percent of LIHEAP households have at least one family member who is elderly, disabled, a child under the age of 18, or a single parent with a young child. 77 percent of LIHEAP recipients report an annual income at or below $20,000 and 61 percent of recipients have annual incomes at or below the poverty line.

Shameful, however, LIHEAP is not being given the funds needed to meet today's responsibilities. In fact, the President's budget funds the program at $2 billion which is almost the same today as when the program was created in 1981, the first year of the administration of President Ronald Reagan. Since then, heating oil prices have gone up 265 percent.

Meanwhile, demand for LIHEAP funding has increased. In Massachusetts, it serves 130,000 households, including 15,000 in Boston.

Eight thousand of the 12,000 fuel assistance applications sent out for this winter have already been returned, 1,500 more than this time last year.

With current funding, even those receiving LIHEAP assistance won't receive enough to last the entire winter.

In Massachusetts, one 71-year-old woman lives alone and keeps her thermostat set at 60 degrees to save money. She hopes the Federal Government will come through with more LIHEAP money before she runs out of ways to pay her heating bill. She says, "I turn down the thermostat as low as I can and sometimes I turn it off and put on extra sweaters. I don't know how much longer I can keep doing this."

Many families will struggle just to get their heat turned back on for the winter because they still owe money from last winter's bills.

Another example is a single mother who lives with her baby daughter. She's a nurse, but she lost her job in August 2004 has been relying on temporary jobs since then.

Her pay doesn't cover her bills, and her electricity has been cut off. She worries about how she can pay off her bills this winter.

It is wrong for us to let people like this suffer. So how does the Republican leadership in Congress respond? By cutting funds for essential low income programs.

In spite of Katrina, the administration and the House of Representatives continue to close their eyes to the long-term needs of the poor. Emergency aid was impossible for even the most hard-hearted Members of Congress to refuse. But as the spotlight fades it is back to poverty as usual. The House sent the Senate a continuing resolution which freezes funding for the LIHEAP program. But that funding obviously isn't enough. Nineteen percent of current LIHEAP recipients say they keep their home at a temperature they feel is unsafe or unhealthy. Eight percent report that their electricity or gas was shut off in the past year for nonpayment.

The continuing resolution also cut the Community Services Block Grant by 50 percent. These funds are used by many community action agencies to administer the LIHEAP assistance.

According to ABCD, a community action agency in Massachusetts whose neighborhood network handles the outreach and application process for LIHEAP, the cut in funding means that access to this critical survival resource will shrink by more than 70 percent. Up to 10,500 households, out of a current total of 15,000 recipients, may not get their benefits.

Those of us in Congress who care about this issue sent an urgent request to the President to increase the funds, but our request has gone unanswered.

We are here today to say that LIHEAP may not be on the administration's agenda, but it is on our agenda. That is why we are fighting so hard to increase LIHEAP funding. Senator KERRY and I offered an amendment on the DOD Appropriations bill to increase LIHEAP funding by $3.1 billion.

Almost every Democratic Senator voted for it, but the Republican Senators overwhelmingly opposed it and it was defeated. We will continue to raise this issue again and again and again, until our Nation's neediest families are fully protected this winter.

So I strongly support Senator REED's and Senator COLLINS' amendment to this appropriations bill, and I hope the Republican leadership will allow us to have an up or down vote on this amendment at some point during this debate.

Congress needs to stand up for the millions of Americans struggling to make ends meet. We need to tell low-income families across the country that we heard them, we care about them, and we don't intend to leave them shivering in the cold this winter.

LIHEAP is indispensable in filling that need. It is wrong for Congress to shortchange LIHEAP and the millions of families who need our help the most. Until every parent has a warm place to come home to every day, and every child has a warm bed to sleep in every night, our job is not done.

Mr. ENSIGN. Mr. President, I rise to speak to the amendment to enhance the Free File Alliance. The Free File Alliance is a partnership between the Internal Revenue Service and the private technology industry.

This voluntary program was created in 2002 after the IRS tried to create its own tax preparation software and e-filing program at the taxpayers' expense. Such a program would have needlessly duplicated the resources and investments of the private sector. Instead, the Free File Alliance came into being, helping preserve voluntary compliance.

This Alliance provides free electronic tax preparation and e-filing services to lower income, disadvantaged and underserved taxpayers. In its first 3 years of existence, the Free File Alliance has donated some 10 million tax returns to American taxpayers and has helped significantly increase the number of e-filed tax returns. The success of this unique public-private partnership has been achieved at no cost to the taxpayers.

This alliance has benefited the American public. It has allowed the IRS to focus its resources and efforts on its congressionally authorized mission and objectives. The budget simply does not have room for waste or duplication, and the Free File public-private partnership has met an urgent need in the most cost-effective way possible.

There are long-standing program management issues that need to be corrected in the IRS oversight of the Free File program. For the first 3 years, the Service failed to make necessary management reforms. Congress has provided specific direction in terms of taxpayer protections, but the needed reforms have still not been put in place.

This amendment is fully consistent with all of the previous Congressional direction. It provides that the IRS and the Department of Treasury do not waiver from this direction. It will also ensure that the IRS does not provide all aspects of tax functions, including tax preparation services. That kind of conflict of interest cannot ever be permitted. The American people expect us to look out for their interests in such matters, to ensure fairness and balance in the system, and to protect their rights to voluntary compliance.

This amendment and accompanying report language should get the Free File program on track to achieve its intended purposes and objectives, and ensure that the IRS keeps its energies and resources focused on critical core missions, rather than spending precious public funds to try to expand them.

This is a basic good government, taxpayer-focused measure, and I ask my colleagues to join me in supporting this amendment.

NOTICE OF INTENT

Mr. DAYTON. Mr. President, in accordance with rule V of the standing rules of the Senate, I hereby give notice in writing of my intention to move to suspend Paragraph 4 of Rule XVI for the purpose of proposing to the Bill, H.R. 3058, the Transportation, Treasury, and Housing and Urban Development Appropriations Bill, the following amendment: No. 2143.

(The amendment is printed in today's RECORD under "Text of Amendments.")

MORNING BUSINESS

Mr. BOND. Mr. President, I ask unanimous consent the Senate turn to a period of morning business, with Senators permitted to speak therein for up to no more than 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

BREAST CANCER AWARENESS MONTH

Mr. REID. Mr. President, as we pause to observe Breast Cancer Awareness Month, I would like to focus on the need to study the causes of this frightening disease, including the possible link between breast cancer and the environment.

Women diagnosed with breast cancer inevitably all ask the same question: Why me?

The unfortunate truth in all too many instances is, we don't know. Less than 30 percent of breast cancers are explained by known risk factors.

We don't know if the environment plays a role in the development of breast cancer. Studies have explored the effect of isolated environmental factors such as diet, pesticides, and even electromagnetic fields. In most cases, the results have been inconclusive. Furthermore, there are many other factors that are suspected to play a role that have yet to be studied.

We must find answers. While there is much we don't know, it is clear that a better understanding of the role the environment plays in the development of breast cancer could help to improve our understanding of the causes of breast cancer and could lead to prevention strategies.

For several years now, I have worked to pass bipartisan legislation. The Breast Cancer and Environmental Research Act, which would give scientists the tools they need to better understand any link between breast cancer and the environment. The Breast Cancer and Environmental Research Act would dedicate $30 million a year for 5 years for the National Institute of Environmental Health Sciences, NIEHS, to award grants to study the relationship between environmental factors and breast cancer. Under a competitive, peer-reviewed grant-making process that involves patient advocates, the NIEHS Director would award grants for the development and operation of up to eight centers for the purpose of conducting multi-disciplinary research.

To date, there has been only a limited research investment to study the role of the environment in the development of breast cancer—but we are making progress. Over the past several years, I have worked with my colleagues on the Senate Appropriations Committee to include appropriations language that has allowed the NIEHS to award grants to four research centers to begin to study the prenatal-to-adult environmental exposures that may predispose a woman to breast cancer.

This is a promising step in the right direction, but it is only a down payment on the task at hand. Moreover, the research strategy for these grants does not follow the nationally focused, collaborative, and comprehensive model as outlined in the Breast Cancer and Environmental Research Act.

More research must be done to determine the impact of the environment on breast cancer. If we miss promising research opportunities because Congress has failed to act, millions of women and their families will face difficult questions about breast cancer . . . and we won't have the answers.

These women and their families deserve answers. That's why we must work together to pass this bill, which enjoys broad bipartisan support. I urge my colleagues to observe Breast Cancer Awareness Month and to support the quest for answers about this deadly disease by supporting the Breast Cancer and Environmental Research Act.

Mr. KOHL. Mr. President, I rise today, as Breast Cancer Awareness Month comes to a close, to urge my colleagues to join me in cosponsoring S. 757, the Breast Cancer Environmental Research Act.

It has long been believed that the environment plays some role in the development of breast cancer, but the extent of that role is not understood. Today, less than 30 percent of breast cancers are explained by known risk factors. There are studies exploring the effect of things like diet, pesticides, and electromagnetic fields on breast cancer incidence, but in most cases, these and many other environmental factors that are also suspected to play a role have not been fully investigated. We need a collaborative, comprehensive, national strategy to explore these issues.

The Breast Cancer Environmental Research Act would create a uniquely targeted research plan, similar in design to the incredibly efficient Department of Defense Peer Reviewed Breast Cancer Research Program. This bill would authorize $30 million a year for 5 years for the National Institute of Environmental Health Sciences, NIEHS, to award grants to study the relationship between environmental factors and breast cancer. Under a competitive, peer-reviewed grantmaking process that involves patient advocates, the NIEHS Director would award grants for the development and operation of up to eight centers for the purpose of conducting multidisciplinary research. It would require collaboration with community organizations in the area, including those that represent women with breast cancer, as an integral component of the centers. Inherent in its structure would be the kind of efficiency, and public accountability that has made an overwhelming number of my colleagues, as well as scientists and consumers, so supportive of the Department of Defense Breast Cancer Research Program.

In honor of Breast Cancer Awareness Month, I urge my colleagues to join me and continue to fight the war on breast cancer, and invest in getting the answers to eradicating this disease.

Mr. CORZINE. Mr. President, I rise today in observance of National Breast Cancer Awareness Month. Today, 3 million American women are living with this disease. In 2005, an additional 200,000 women are expected to be diagnosed with invasive breast cancer and over 40,000 will die from this disease. While in recent years we have seen significant advances in breast cancer research, scientists are still researching many questions that remain unanswered regarding the causes and prevention of this disease.

I am particularly concerned about the likely impact that environmental factors have in contributing to the prevalence of breast cancer. That is why I support the bipartisan Breast Cancer Environmental Research Act, S. 757, which would provide $30 million a year for 5 years for the development and operation of multi-institutional, multi-disciplinary research centers to study environmental factors potentially linked to breast cancer. There is a clear need for research. We owe it to breast cancer survivors and victims to pass this legislation.

Over the past several years, New Jersey has consistently ranked in the top 10 states in the Nation for breast cancer incidence and mortality. That is why I feel especially strongly about supporting further progress and future advancements in the fight against this awful disease that will only continue to cause suffering among American women if we fail to act.

In addition to passing S. 757, we must also increase funding for the National Institutes of Health, NIH, the National Cancer Institute, NCI, and the Centers for Disease Control, CDC, all of which have played a major role in the development of improved treatment. Despite the critical role these agencies play in developing tools to fight and prevent cancer, the President and Republican-led Congress have significantly underfunded breast cancer initiatives at NIH, NCI, and CDC. We need to do more.

We need a collaborative, comprehensive, national strategy to study the etiology of breast cancer. The Breast Cancer Environmental Research Act would accomplish this. I urge all of my colleagues to observe National Breast Cancer Awareness month by supporting this critical piece of legislation.

LOCAL LAW ENFORCEMENT ENHANCEMENT ACT OF 2005

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

John Solis was attacked and beaten after a gay-pride event in Brooklyn, NY on June 29, 2004. A dozen people shouted anti-gay slurs at Solis. When he turned to confront them they attacked him with baseball bats. Solis's wrist was broken and he was hit in the head. The police were slow to respond and ineffective.

I believe that the government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

ADDITIONAL STATEMENTS

TRIBUTE TO BOB SPARBOE

• Mr. COLEMAN. Mr. President, I would like to pay tribute to a Minnesota hero and an American hero, Robert Sparboe, who passed away last week. If anyone around the world wanted to know why this is the greatest country in the world, I would tell them: Take a look at the life of Bob Sparboe. He is proof positive that the surest path to success is working hard in a free society.

Bob Sparboe found his success in the egg business. He went from a $5,000 investment after the Korean war to a $260 million operation employing 600 people in four States. If anyone in the sound of my voice has ever eaten an egg in a Midwestern restaurant, you are one of his customers. He has presided over 10 million hens laying over 2 billion eggs a year.

I often wonder from where Americans are getting their values. I sure hope it is not from overhyped rock stars, movie stars, and media creations. One of the values of our State of Minnesota is people are usually only one generation or one set of relations removed from the farm. We learn what farmers know; there are four seasons to life: planting, growing, harvesting, and resting. Not much of value is produced by people who cram. There are seasons and rhythms to life that must be understood and respected.

Bob was a wealth of wisdom. Here are a few of his gems collected from an article written honoring him last year:

> The smartest thing you can do is hire someone who is more capable than you are.
>
> It's better to have an average plan with superior execution than a superior plan with average execution.
>
> A good leader creates leaders out of his followers. And a really good leader creates moral agents.
>
> Leadership is about coping with change. Management is about coping with complexity.
>
> You need to adopt the attitude that "I will succeed, not only in spite of my limitations, but because of them."

We get pretty full of ourselves in this city, imagining that we are running the world. But all the success our Nation achieves comes from the hard work, risk taking, and character of regular folks like Bob Sparboe, who achieve beyond their wildest dreams. His life was the American dream incarnate. We offer our condolences to his family and friends. And we are grateful to have had the privilege to know a person of such great character, drive and wisdom.

Mr. President, I ask that the following statement from former United States Senator Rudolph E. Boschwitz be printed in the RECORD.

The statement follows:

Picture a young Bob Sparboe, just back from the Army, his head full of dreams, eager to start his own business eager to make his first deal, and there he was young Bob sitting across the desk from the banker in Litchfield, Minnesota. Bankers always appear in this kind of story as a scowling, unfriendly, bunch of fellows. Bob never commented about that, but he needed $1,400 for just 21 days. Scowl or not, the banker must have had some doubts. The normal borrower didn't come in for a 21-day loan.

Bob eventually solved the problem by buying the bank—something he never would have believed that day many years ago. He got the loan. He made the deal. And he paid the banker back on time.

His head was full of dreams. And one of the endearing and enduring elements of Bob's life was that he never stopped dreaming. Ambition didn't fade as he aged. And he lived his ever-enlarging dreams to their fullest. Not only with regard to his business, but with his wonderful family as well.

Not everybody knew Bob and I would occasionally introduce him as a man who had six million chickens laying eggs and doing so with regularity. Not too long ago, Bob corrected me to say with quiet pride, "It is now twelve million, Rudy."

Bob and I both admired Ronald Reagan and Reagan would often say, "If you give people enough freedom and opportunity, ordinary people will achieve extraordinary things."

Bob was such a person Bob proved Reagan right. Bob recognized what the promise of America had given him and it filled his heart with a deep and abiding love for this great country. It was in that way—through the political process—that I met Bob and Deanna and other members of their family and the Sparboe Farms family as well.

Some may believe that our country's greatness was achieved by politicians sitting in Washington or St. Paul and indeed it is their names that fill the history books. But they were not the builders. Their actions preserved and enhanced the opportunities and freedoms, but the builders of democracy are and were the Bob Sparboes of our country.

People who had dreams. People who were willing to take risks—even for 21 days—and then never stopped dreaming and working full time to achieve those ever-enlarging dreams.

So Bob will be missed not only by a very loving family, but America will miss Bob as well.

We have lost not only a friend, a father, a husband and grandfather, but America has lost one of the finest builders of its greatness. One of its proudest sons.

Bob Sparboe—an extraordinary life, an extraordinary example of the wonders of democracy.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT RELATIVE TO THE CONTINUATION OF THE NATIONAL EMERGENCY DECLARED IN EXECUTIVE ORDER 12978 WITH RESPECT TO SIGNIFICANT NARCOTICS TRAFFICKERS CENTERED IN COLOMBIA—PM 27

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

Section 202(d) of the National Emergencies Act, 50 U.S.C. 1622(d), provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the *Federal Register* for publication, stating that the emergency declared with respect to significant narcotics traffickers centered in Colombia is to continue in effect beyond October 21, 2005. The most recent notice continuing this emergency was published in the *Federal Register* on October 20, 2004 (69 Fed. Reg. 61733).

The circumstances that led to the declaration on October 21, 1995, of a national emergency have not been resolved. The actions of significant narcotics traffickers centered in Colombia continue to pose an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States and to cause unparalleled violence, corruption, and harm in the United States and abroad. For these reasons, I have determined that it is necessary to maintain economic pressure on significant narcotics traffickers centered in Colombia by blocking their property and interests in property that are in the United States or within the possession or control of United States persons and by depriving them of access to the U.S. market and financial system.

GEORGE W. BUSH.

THE WHITE HOUSE, *October 19, 2005.*

MESSAGE FROM THE HOUSE

At 2:42 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 177. An act to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Prado Basin Natural Treatment System Project, to authorize the Secretary to carry out a program to assist agencies in projects to construct regional brine lines in California, to authorize the Secretary to participate in the Lower Chino Dairy Area desalination demonstration and reclamation project, and for other purposes.

H.R. 1409. An act to amend the Foreign Assistance Act of 1961 to provide assistance for orphans and other vulnerable children in developing countries, and for other purposes.

H.R. 3549. An act to designate the facility of the United States Postal Service located at 210 West 3rd Avenue in Warren, Pennsylvania, as the "William F. Clinger, Jr. Post Office Building".

H.R. 3830. An act to designate the facility of the United States Postal Service located at 130 East Marion Avenue in Punta Gorda, Florida, as the "U.S. Cleveland Post Office Building".

H.R. 3853. An act to designate the facility of the United States Postal Service located at 208 South Main Street in Parkdale, Arkansas, as the Willie Vaughn Post Office.

The message also announced that the House agree to the amendment of the Senate to the bill H.R. 3971, an act to provide assistance to individuals and States affected by Hurricane Katrina, with amendments, in which it requests the concurrence of the Senate.

ENROLLED BILL SIGNED

The message further announced that the Speaker of the House of Representatives has signed the following enrolled bills:

S. 156. An act to designate the Ojito Wilderness Study Area as wilderness, to take certain land into trust for the Pueblo of Zia, and for other purposes.

S. 55. An act to adjust the boundary of Rocky Mountain National Park in the State of Colorado.

The enrolled bills were signed subsequently by the President pro tempore (Mr. STEVENS).

The following enrolled bill, previously signed by the Speaker of the House, was signed today, October 19, 2005, by the President pro tempore (Mr. STEVENS).

H.R. 3765. An act to extend through March 31, 2006, the authority of the Secretary of the Army to accept and expend funds contributed by non-Federal public entities and to expedite the processing of permits.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 177. An act to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Prado Basin Natural Treatment System Project, to authorize the Secretary to carry out a program to assist agencies in projects to construct regional brine lines in California, to authorize the Secretary to participate in the Lower Chino Dairy Area desalination demonstration and reclamation project, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 3549. An act to designate the facility of the United States Postal Service located at 210 West 3rd Avenue in Warren, Pennsylvania, as the "William F. Clinger, Jr. Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 3830. An act to designate the facility of the United States Postal Service located at 130 East Marion Avenue in Punta Gorda, Florida, as the "U.S. Cleveland Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 3853. An act to designate the facility of the United States Postal Service located at 208 South Main Street in Parkdale Arkansas, as the Willie Vaughn Post Office; to the Committee on Homeland Security and Governmental Affairs.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, October 19, 2005, she had presented to the President of the United States the following enrolled bills:

S. 55. An act to adjust the boundary of Rocky Mountain National Park in the State of Colorado.

S. 156. An act to designate the Ojito Wilderness Study Area as wilderness, to take certain land into trust for the Pueblo of Zia, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–4271. A communication from the Chairman, U.S. Merit Systems Protection Board, transmitting, pursuant to law, a report entitled "The Probationary Period: A Critical Assessment Opportunity"; to the Committee on Homeland Security and Governmental Affairs.

EC–4272. A communication from the Chairman, Federal Housing Finance Board, transmitting, pursuant to law, the Board's 2006 Annual Performance Budget; to the Committee on Homeland Security and Governmental Affairs.

EC–4273. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Retirement Credit for Certain Government Service Performed Abroad" (RIN3206–AK84) received on October 11, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–4274. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–170, "Walter Reed Property Tax Exemption Reconfirmation Act of 2005"; to the Committee on Homeland Security and Governmental Affairs.

EC–4275. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–171, "Prescription Drug Excessive Pricing Act of 2005"; to the Committee on Homeland Security and Governmental Affairs.

EC–4276. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–172, "Brentwood Retail Center Real Property Tax Exemption Temporary Act of 2005"; to the Committee on Homeland Security and Governmental Affairs.

EC–4277. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–173, "District of Columbia Bus Shelter Temporary Amendment Act of 2005"; to the Committee on Homeland Security and Governmental Affairs.

EC–4278. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–182, "Dog Park Establishment Amendment Act of 2005"; to the Committee on Homeland Security and Governmental Affairs.

EC–4279. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–183, "District of Columbia Emancipation Day Alternate Date Temporary Amendment Act of 2005"; to the Committee on Homeland Security and Governmental Affairs.

EC–4280. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–184, "Income Withholding Transfer and Revision Temporary Amendment Act of 2005"; to the Committee on Homeland Security and Governmental Affairs.

EC–4281. A communication from the Assistant Secretary, Policy Management and Budget, Department of the Interior, transmitting, pursuant to law, the Department's annual report on grants streamlining and standardization; to the Committee on Energy and Natural Resources.

EC–4282. A communication from the Attorney, Office of Assistant General Counsel for Legislation and Regulatory Law, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Guidelines for Voluntary Greenhouse Gas Reporting" (RIN1901–AB11) received on October 11, 2005; to the Committee on Energy and Natural Resources.

EC–4283. A communication from the Acting Assistant Secretary of the Interior, transmitting, pursuant to law, the report of a rule entitled "Oil And Gas Leasing; Geothermal Resources Leasing; Coal Management; Management of Solid Minerals Other than Coal; Mineral Materials Disposal; and Mining Claims Under the General Mining Laws (Cost Recovery)" (RIN1004–AC64) received on October 11, 2005; to the Committee on Energy and Natural Resources.

EC–4284. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report describing the efforts undertaken by the Department of Justice (DOJ), Office of Victims of Crime (OVC) during Fiscal Years 2003 and 2004; to the Committee on the Judiciary.

EC–4285. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, the Office of Justice Programs (OJP) Annual Report for Fiscal Years 2003 and 2004; to the Committee on the Judiciary.

EC–4286. A communication from the Chairman, United States Commission on Civil Rights, transmitting, pursuant to law, a report entitled "Federal Procurement After Adarand"; to the Committee on the Judiciary.

EC–4287. A communication from the White House Liaison, Department of Justice, transmitting, pursuant to law, the report of the designation of an acting officer for the position of United States Attorney/Western District of Oklahoma, received on October 11, 2005; to the Committee on the Judiciary.

EC–4288. A communication from the White House Liaison, Department of Justice, transmitting, pursuant to law, the report of the designation of an acting officer for the position of United States Attorney/Western District of Tennessee, received on October 11, 2005; to the Committee on the Judiciary.

EC–4289. A communication from the White House Liaison, Department of Justice, transmitting, pursuant to law, the report of the designation of an acting officer for the position of United States Attorney/Southern District of West Virginia, received on October 11, 2005; to the Committee on the Judiciary.

EC–4290. A communication from the White House Liaison, Department of Justice, transmitting, pursuant to law, the report of the designation of an acting officer for the position of First Assistant, received on October 11, 2005; to the Committee on the Judiciary.

EC–4291. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency declared in Executive Order 12978 of October 21, 1995, with respect to significant narcotics traffickers centered in Colombia; to the Committee on Banking, Housing, and Urban Affairs.

EC–4292. A communication from the President, Southwestern Indian Polytechnic Institute, Bureau of Indian Affairs, Department of the Interior, transmitting, pursuant to law, a report relative to the extension of the Personnel Demonstration Project timeline expiration (October 31, 2005) for a period of two years; to the Committee on Indian Affairs.

EC–4293. A communication from the Secretary of Defense, transmitting, pursuant to law, a report in response to the Electromagnetic Pulse (EMP) Commission's Report; to the Committee on Armed Services.

EC–4294. A communication from the Under Secretary of Defense for Personnel and Readiness, transmitting, a report on the approved retirement of Vice Admiral Gerald L. Hoewing, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

EC–4295. A communication from the Under Secretary of Defense for Personnel and Readiness, transmitting, a report on the approved retirement of Lieutenant General Michael A. Hough, United States Marine Corps, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–4296. A communication from the Under Secretary of Defense for Personnel and Readiness, transmitting, a report on the approved retirement of General Kevin P. Byrnes, United States Army, and the grade of lieutenant general on the retired list; to the Committee on Armed Services.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. DOMENICI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 206. A bill to designate the Ice Age Floods National Geologic Trail, and for other purposes (Rept. No 109–144).

By Mr. DOMENICI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute and an amendment to the title:

S. 242. A bill to establish 4 memorials to the Space Shuttle Columbia in the State of Texas (Rept. No. 109–145).

By Mr. DOMENICI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 584. A bill to require the Secretary of the Interior to allow the continued occupancy and use of certain land and improvements within Rocky Mountain National Park (Rept. No. 109–146).

By Mr. DOMENICI, from the Committee on Energy and Natural Resources, without amendment:

S. 652. A bill to provide financial assistance for the rehabilitation of the Benjamin Franklin National Memorial in Philadelphia, Pennsylvania, and the development of an exhibit to commemorate the 300th anniversary of the birth of Benjamin Franklin (Rept. No. 109–147).

By Mr. DOMENICI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 895. A bill to direct the Secretary of the Interior to establish a rural water supply program in the Reclamation States to provide a clean, safe affordable, and reliable water supply to rural residents (Rept. No. 109–148).

By Mr. DOMENICI, from the Committee on Energy and Natural Resources, with an amendment:

S. 955. A bill to direct the Secretary of the Interior to conduct a special resource study to determine the suitability and feasibility of including in the National Park System certain sites in Williamson County, Tennessee, relating to the Battle of Franklin (Rept. No. 109–149).

By Mr. DOMENICI, from the Committee on Energy and Natural Resources, with amendments:

S. 958. A bill to amend the National Trails System Act to designate the Star–Spangled Banner Trail in the States of Maryland and Virginia and the District of Columbia as a National Historic Trail (Rept. No. 109–150).

S. 1154. A bill to extend the Acadia National Park Advisory Commission, to provide improved visitor services at the park, and for other purposes (Rept. No. 109–151).

S. 1238. A bill to amend the Public Lands Corps Act of 1993 to provide for the conduct of projects that protect forests, and for other purposes (Rept. No. 109–152).

By Mr. DOMENICI, from the Committee on Energy and Natural Resources, without amendment:

S. 1627. A bill to authorize the Secretary of the Interior to conduct a special resources study to evaluate resources along the coastal region of the State of Delaware and to determine the suitability and feasibility of establishing a unit of the National Park System in Delaware (Rept. No. 109–153).

H.R. 126. A bill to amend Public Law 89–366 to allow for an adjustment in the number of free roaming horses permitted in Cape Lookout National Seashore (Rept. No. 109–154).

H.R. 539. A bill to designate certain National Forest System land in the Commonwealth of Puerto Rico as components of the National Wilderness Preservation System (Rept. No. 109–155).

H.R. 584. A bill to authorize the Secretary of the Interior to recruit volunteers to assist with, or facilitate, the activities of various agencies and offices of the Department of the Interior (Rept. No. 109–156).

H.R. 606. A bill to authorize appropriations to the Secretary of the Interior for the restoration of the Angel Island Immigration Station in the State of California (Rept. No. 109–157).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. ENZI for the Committee on Health, Education, Labor, and Pensions.

*John O. Agwunobi, of Florida, to be an Assistant Secretary of Health and Human Services.

*Mark S. Schneider, of the District of Columbia, to be Commissioner of Education Statistics for a term expiring June 21, 2009.

*Bertha K. Madras, of Massachusetts, to be Deputy Director for Demand Reduction, Office of National Drug Control Policy.

*Diane Rivers, of Arkansas, to be a Member of the National Commission on Libraries and Information Science for a term expiring July 19, 2009.

*Sandra Frances Ashworth, of Idaho, to be a Member of the National Commission on Libraries and Information Science for a term expiring July 19, 2009.

*Jan Cellucci, of Massachusetts, to be a Member of the National Commission on Libraries and Information Science for a term expiring July 19, 2009.

*Christine M. Griffin, of Massachusetts, to be a Member of the Equal Employment Opportunity Commission for a term expiring July 1, 2009.

*Naomi Churchill Earp, of Virginia, to be a Member of the Equal Employment Opportunity Commission for a term expiring July 1, 2010.

*Mark Hofflund, of Idaho, to be a Member of the National Council on the Arts for the remainder of the term expiring September 3, 2008.

*John O. Agwunobi, of Florida, to be Medical Director in the Regular Corps of the Public Health Service, subject to the qualifications therefore as provided by law and regulations.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. KERRY (for himself, Mr. KENNEDY, and Mr. JEFFORDS):

S. 1887. A bill to authorize the conduct of small projects for the rehabilitation or removal of dams; to the Committee on Environment and Public Works.

By Mr. JEFFORDS (for himself and Mr. FEINGOLD):

S. 1888. A bill to provide for 2 programs to authorize the use of leave by caregivers for family members of certain individuals performing military service, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. HAGEL:

S. 1889. A bill to establish the Comprehensive Entitlement Reform Commission; to the Committee on Finance.

By Mr. BAUCUS (for himself, Mr. GRASSLEY, and Mr. MCCAIN):

S. 1890. A bill to amend the Internal Revenue Code of 1986 to deny a deduction for certain fines, penalties, and other amounts; to the Committee on Finance.

By Ms. MURKOWSKI (for herself, Mr. STEVENS, Mr. AKAKA, and Mr. INOUYE):

S. 1891. A bill to authorize the leasing, development, production, and economically feasible and prudent transportation of oil and gas in and from the Coastal Plain, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. MCCAIN (for himself and Mr. DORGAN):

S. 1892. A bill to amend Public Law 107–153 to modify a certain date; to the Committee on Indian Affairs.

By Mr. SANTORUM:

S. 1893. A bill to permit biomedical research corporations to engage in certain financings and other transactions without incurring limitations on net operating loss carryforwards and certain built-in losses, and for other purposes; to the Committee on Finance.

By Mr. INHOFE (for himself, Mr. ROCKEFELLER, Ms. LANDRIEU, and Mr. CRAIG):

S. 1894. A bill to amend part E of title IV of the Social Security Act to provide for the making of foster care maintenance payments to private for-profit agencies; considered and passed.

By Mr. ENSIGN (for himself, Mr. INHOFE, and Mr. DEMINT):

S. 1895. A bill to return meaning to the Fifth Amendment by limiting the power of eminent domain; to the Committee on Finance.

By Mr. SANTORUM:

S. 1896. A bill to permit access to Federal crime information databases by educational agencies for certain purposes; to the Committee on the Judiciary.

By Mr. CORZINE (for himself and Mr. DODD):

S. 1897. A bill to amend the Forest and Rangeland Renewable Resources Planning Act of 1974 and related laws to strengthen the protection of native biodiversity and ban clearcutting on Federal land, and to designate certain Federal land as Ancient forests, roadless areas, watershed protection areas, and special areas where logging and other intrusive activities are prohibited; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DODD (for himself, Mr. ENSIGN, Mr. AKAKA, Mrs. BOXER, Mr. BURNS, Mr. BURR, Ms. CANTWELL, Mr. CARPER, Mrs. CLINTON, Mr. COCHRAN, Ms. COLLINS, Mr. CORNYN, Mr. CORZINE, Mr. DAYTON, Mr. DURBIN, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. INOUYE, Mr. KERRY, Mr. KOHL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEVIN, Mr. LIEBERMAN, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. REID, Mr. SALAZAR, Ms. SNOWE, Mr. SPECTER, and Ms. STABENOW):

S. Res. 280. A resolution supporting "Lights On Afterschool", a national celebration of after school programs; considered and agreed to.

By Mr. FRIST (for himself and Mr. REID):

S. Res. 281. A resolution honoring and thanking James Patrick Rohan; considered and agreed to.

By Mr. BROWNBACK:

S. Con. Res. 59. A concurrent resolution recognizing the 40th anniversary of the White House Fellows Program; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 385

At the request of Mr. FEINGOLD, his name was added as a cosponsor of S. 385, a bill to amend the Food Security Act of 1985 to restore integrity to and strengthen payment limitation rules for commodity payments and benefits.

S. 513

At the request of Mr. GREGG, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 513, a bill to provide collective bargaining rights for public safety officers employed by States or their political subdivisions.

S. 769

At the request of Ms. SNOWE, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 769, a bill to enhance compliance assistance for small businesses.

S. 859

At the request of Mr. SANTORUM, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 859, a bill to amend the Internal Revenue Code of 1986 to allow an income tax credit for the provision of homeownership and community development, and for other purposes.

S. 1016

At the request of Mr. MARTINEZ, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1016, a bill to direct the Secretary of Energy to make incentive payments to the owners or operators of qualified desalination facilities to partially offset the cost of electrical energy required to operate the facilities, and for other purposes.

S. 1038

At the request of Mr. LUGAR, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1038, a bill to amend the Farm Security and Rural Investment Act of 2002 to enhance the ability to produce fruits and vegetables on covered commodity base acres.

S. 1081

At the request of Mr. KYL, the name of the Senator from South Carolina (Mr. DEMINT) was added as a cosponsor of S. 1081, a bill to amend title XVIII of the Social Security Act to provide for a minimum update for physicians' services for 2006 and 2007.

S. 1120

At the request of Mr. DURBIN, the names of the Senator from Massachusetts (Mr. KENNEDY) and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors of S. 1120, a bill to reduce hunger in the United States by half by 2010, and for other purposes.

S. 1139

At the request of Mr. SANTORUM, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1139, a bill to amend the Animal Welfare Act to strengthen the ability of the Secretary of Agriculture to regulate the pet industry.

S. 1272

At the request of Mr. NELSON of Nebraska, the names of the Senator from Minnesota (Mr. COLEMAN) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 1272, a bill to amend title 46, United States Code, and title II of the Social Security Act to provide benefits to certain individuals who served in the United States merchant marine (including the Army Transport Service and the Naval Transport Service) during World War II.

S. 1353

At the request of Mr. REID, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1353, a bill to amend the Public Health Service Act to provide for the establishment of an Amyotrophic Lateral Sclerosis Registry.

S. 1405

At the request of Mr. NELSON of Nebraska, the names of the Senator from Massachusetts (Mr. KERRY), the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from Montana (Mr. BURNS) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 1405, a bill to extend the 50 percent compliance threshold used to determine whether a hospital or unit of a hospital is an inpatient rehabilitation facility and to establish the National Advisory Council on Medical Rehabilitation.

S. 1597

At the request of Mrs. CLINTON, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 1597, a bill to award posthumously a Congressional gold medal to Constantino Brumidi.

S. 1700

At the request of Mr. COBURN, the name of the Senator from Missouri (Mr. TALENT) was added as a cosponsor of S. 1700, a bill to establish an Office of the Hurricane Katrina Recovery Chief Financial Officer, and for other purposes.

S. 1706

At the request of Mr. ALLEN, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1706, a bill to amend the Internal Revenue Code of 1986 to provide that distributions from a section 401(k) plan or a section 403(b) contract shall not be includible in gross income to the extent used to pay long-term care insurance premiums.

S. 1735

At the request of Ms. CANTWELL, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1735, a bill to improve the Federal Trade Commissions's ability to protect consumers from price-gouging during energy emergencies, and for other purposes.

S. 1740

At the request of Mr. CRAPO, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 1740, a bill to amend the Internal Revenue Code of 1986 to allow individuals to defer recognition of reinvested capital gains distributions from regulated investment companies.

S. 1793

At the request of Mr. BINGAMAN, the names of the Senator from Kansas (Mr. BROWNBACK) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 1793, a bill to extend certain apportionments to primary airports.

S. 1795

At the request of Mr. JOHNSON, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1795, a bill to amend the Social Security Act to protect Social Security cost-of-living adjustments (COLA).

S. 1813

At the request of Mr. CRAIG, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1813, a bill to amend titles 10 and 38 of the United States Code, to modify the circumstances under which a person who has committed a capital offense is denied certain burial-related benefits and funeral honors.

S. 1841

At the request of Mr. NELSON of Florida, the names of the Senator from Illinois (Mr. DURBIN), the Senator from New York (Mrs. CLINTON) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 1841, a bill to amend title XVIII of the Social Security Act to provide extended and additional protection to Medicare beneficiaries who enroll for the Medicare prescription drug benefit during 2006.

S. 1860

At the request of Mr. DOMENICI, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1860, a bill to amend the Energy Policy Act of 2005 to improve energy production and reduce energy demand through improved use of reclaimed waters, and for other purposes.

S. 1873

At the request of Mr. BURR, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. 1873, a bill to prepare and strengthen the biodefenses of the United States against deliberate, accidental, and natural outbreaks of illness, and for other purposes.

S. 1880

At the request of Mr. KENNEDY, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Rhode Island (Mr. REED) were added as cosponsors of S. 1880, a bill to amend the Public Health Service Act to enhance biodefense and pandemic preparedness activities, and for other purposes.

S. CON. RES. 46

At the request of Mr. BROWNBACK, the name of the Senator from South Carolina (Mr. DEMINT) was added as a cosponsor of S. Con. Res. 46, a concurrent resolution expressing the sense of the Congress that the Russian Federation should fully protect the freedoms of all religious communities without distinction, whether registered and unregistered, as stipulated by the Russian Constitution and international standards.

S. RES. 180

At the request of Mr. SCHUMER, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. Res. 180, a resolution supporting the goals and ideals of a National Epidermolysis Bullosa Awareness Week to raise public awareness and understanding of the disease and to foster understanding of the impact of the disease on patients and their families.

S. RES. 273

At the request of Mr. COLEMAN, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of S. Res. 273, a resolution expressing the sense of the Senate that the United Nations and other international organizations shall not be allowed to exercise control over the Internet.

AMENDMENT NO. 2063

At the request of Mr. KENNEDY, the names of the Senator from Maryland (Ms. MIKULSKI) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of amendment No. 2063 proposed to H.R. 3058, a bill making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes.

At the request of Mr. DURBIN, his name was added as a cosponsor of amendment No. 2063 proposed to H.R. 3058, supra.

AMENDMENT NO. 2065

At the request of Mr. BINGAMAN, the names of the Senator from Pennsylvania (Mr. SPECTER), the Senator from West Virginia (Mr. ROCKEFELLER) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of amendment No. 2065 intended to be proposed to H.R. 3058, a bill making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 2070

At the request of Ms. COLLINS, the names of the Senator from North Dakota (Mr. DORGAN) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of amendment No. 2070 proposed to H.R. 3058, a bill making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 2072

At the request of Mr. BOND, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of amendment No. 2072 proposed to H.R. 3058, a bill making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 2074

At the request of Mr. SANTORUM, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of amendment No. 2074 intended to be proposed to H.R. 3058, a bill making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 2075

At the request of Mr. FRIST, the names of the Senator from North Carolina (Mrs. DOLE), the Senator from Michigan (Ms. STABENOW) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of amendment No. 2075 intended to be proposed to H.R. 3058, a bill making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 2077

At the request of Mr. REED, the names of the Senator from Connecticut (Mr. DODD), the Senator from Illinois (Mr. OBAMA), the Senator from Rhode Island (Mr. CHAFEE) and the Senator from Maryland (Mr. SARBANES) were added as cosponsors of amendment No. 2077 proposed to H.R. 3058, a bill making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 2078

At the request of Mr. DORGAN, the names of the Senator from Minnesota (Mr. DAYTON) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of amendment No. 2078 proposed to H.R. 3058, a bill making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 2108

At the request of Mr. VOINOVICH, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of amendment No. 2108 intended to be proposed to H.R. 3058, a bill making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KERRY (for himself, Mr. KENNEDY, and Mr. JEFFORDS):

S. 1887. A bill to authorize the conduct of small projects for the rehabilitation or removal of dams; to the Committee on Environment and Public Works.

Mr. KERRY. Mr. President, today I joined Senator KENNEDY, Representative FRANK, Governor Romney and Mayor Robert Nunes on a tour of the deteriorating dam in Taunton, MA. The dam buckled earlier this week under the pressure of heavy rain. Since the beginning of this month, Taunton has received 11½ inches of rain, with more than 7 inches of that from Friday through Sunday.

As of this morning, the city remained under a state of emergency and there was still a significant amount of water behind the Whittenton Pond Dam on the Mill River. In speaking with local officials, they expressed fear that a major break in the dam could send 6 feet of water surging through downtown Taunton, flooding businesses and destroying homes.

For now, the situation is under control but still extremely volatile. It appears we may have gotten lucky—but just because the waters are receding doesn't mean our work is through. Doing everything possible means the Federal Government has to give mayors and governors every tool they need to protect their communities.

Today, the Army Corps of Engineers can help in Taunton only because it's an emergency—and everyone who has been praying that the dam doesn't break knows just what an emergency this has been. But according to the law, it's only at that point of no return that the Corps can step in. The Army Corps of Engineers has no authority to try to prevent a situation like this. Before the water came pouring through and 2,000 people were evacuated from their homes, the Corps was powerless to fix this dam.

But it's not just on the Mill River—we have 3,000 privately-owned dams in Massachusetts. The Army Corps of Engineers shouldn't be handcuffed by bureaucratic red tape until we reach the point of a make-it-or-break-it crisis. If Hurricane Katrina taught us anything, it's that we can't let bureaucracy get in the way of preventing a pending disaster or responding to a looming threat.

For that reason, I am introducing a bill to give the Army Corps of Engineers the ability to intervene to repair privately-owned dams for the sake of public safety. That way, the Corps can help in the kind of effort Governor Romney is now undertaking to inspect and strengthen dams across the State. Senator KENNEDY is co-sponsoring this bill, and we will work together to make it law.

By Mr. JEFFORDS (for himself and Mr. FEINGOLD):

S. 1888. A bill to provide for 2 programs to authorize the use of leave by caregivers for family members of certain individuals performing military service, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. JEFFORDS. Mr. President, today I am pleased to introduce the Military Family Support Act of 2005 with my colleague and friend from Wisconsin, Senator RUSS FEINGOLD. Our bill will help military families ease the stress caused by long-term absences due to deployments overseas.

I was contacted a few months back by a group of Vermonters looking for a way to help their coworkers with family in the Vermont National Guard. When a member of the armed forces is activated and deployed, family structures and daily functioning are severely affected. The day-to-day life of families is, in many cases, more than a one-person job. Any absence, especially absences of several months due to a deployment overseas, can be debilitating to family life. The stories of soldiers and their families from Enosburg Falls, VT, were told very poignantly in a piece reported by the Los Angeles Times. Enosburg and neighboring communities have contributed a disproportionately high number of National Guard troops to Operation Iraqi Freedom. Because of this, Enosburg's men and women have felt the pains of separation and long deployments more than most. Enosburg and surrounding towns and villages should be proud of the sacrifices made by their men and women in uniform and by those employers and family members who remained at home. Vermont is a place where neighbors help neighbors and I am proud of all the people throughout the state who have given so much support to Guard families.

The Military Family Support Act of 2005 is a straightforward bill that proposes two pilot programs. The first pilot program, administered by the Office of Personnel Management, OPM, would authorize Federal employees, who have been designated by a member of the Armed Forces as "caregivers", as defined by the Department of Defense, DOD, to use their leave in a more flexible manner. No new leave would be conferred to any employees. This bill simply makes leave already available more useful during stressful times for military families. The second pilot program would be established by the Department of Labor, DOL, to solicit businesses to voluntarily take part in a program to offer more accommodating leave to their employees. This bill does not include in its scope the Family Medical Leave Act, FMLA, and it does not require any private sector entity to participate. The goal of the Military Family Support Act is to make life a little easier for those who are already giving so much to our country and to their communities.

I ask unanimous consent that a May 2, 2005, article from the Los Angeles Times be printed in the RECORD. I also ask unanimous consent that the text of the Military Family Support Act of 2005 be printed in RECORD.

There being no objection, the materials were printed in the RECORD, as follows:

[From the Los Angeles Times, May 2, 2005]

A TOWN CALLED TO DUTY

(By Elizabeth Mehren)

FOR A RURAL VERMONT COMMUNITY, THE CONFLICT IN IRAQ HITS HOME. WITH ITS GUARDSMEN DEPLOYED, LOCALS BAND TOGETHER TO COVER THEIR ABSENCE

For four years, Matt Tracy spent his days pumping gas and repairing car engines at Mark LaRose's Texaco on Main Street. At night, the 33-year-old father of two studied law. He fended off frequent entreaties from military recruiters and held fast to his dream of becoming a litigator.

Then in December, LaRose was called up for active duty, along with the entire National Guard unit in this remote, rural town of 1,473. The deployment of 88 men in Company B, 1st Battalion, 172nd Armor Regiment, 42nd Infantry Division—better known as Bravo Company—has touched just about everyone in the area.

For Tracy, it meant his plans to exchange his wrench for an attache case went on hold.

"Right now I am just going to be a well-educated mechanic," he said, his voice devoid of any emotion beyond simple resignation. "There is a point where you just have to accept it. What Mark has to do over there is much worse and much more of a sacrifice than whatever I have to give up here."

Two years into the war, many Americans have become numb to the conflict in Iraq. Though the war is a nightly news event, it is far away and is beyond any individual's control. But in this small Vermont town, the war could not be more personal.

Town meetings now take place without Selectman Brian Westcom, who also is the road commissioner. Chris Beaudry, who works for the state highway department, was not around to clear the roads during an especially snowy winter. Firefighter Shawn Blake is gone along with LaRose, the service station owner who also is the volunteer fire chief.

Dennis Sheridan will not be coaching soccer at the junior high his son Tyler attends, and the school does not know who will replace him. Jimmy Gleason, a school bus driver who also maintained the fleet, is absent. The hunter safety class held twice a year by Eric Chates—who also works as the mechanic for the Enosburg Armory—has been canceled.

Each day brings new evidence of the men's absence: Wives attend social functions alone. Children send sports scores by e-mail to fathers who never missed a game until now. Elderly parents arrange rides to doctors' appointments because their sons are not there to drive them.

Businesses are stretched thin. Matt Tracy says his workload at LaRose Texaco has tripled. Tammie Randall, hired strictly to pump gas, keeps the books, handles the payroll and washes the service vehicles.

Five of the 98 employees at Blue Seal Feeds are gone. An electric candle glows in their honor at the main entrance to the grain and animal feed company, and five enormous yellow ribbons hang from a six-story silo.

"Everyone is working extra hard, and we have gone to a temp agency to try to fill the vacancies," said plant manager Paul Adamczak. "It affects us because we have lost people with years of experience. You can't replace that. We have lost skill, not just employees."

Adamczak's son, Mike, 33, was among the plant workers deployed.

Like the town, the father remains stoic. "We're Vermonters," Adamczak said. "We're not the great vocal communicators. This is something you think about, something you feel every day—but something you don't say anything about."

Quietly, neighbors pitch in to help the families of those who have left. Donna Magnant, a first-grade teacher's aide whose husband, Raymond, and son Jon were deployed, said the snow on her driveway and walkway seemed to magically disappear all winter, as friends dropped by to shovel and plow.

The Magnants were engaged to be married when Raymond went to Vietnam with the Army almost 40 years ago, right out of high school. Both have lived in Enosburg Falls their entire lives.

"Neither one of us, I am sure, thought we would have to face something like this again," said Magnant, 58.

All 63 assigned members of Bravo Company are in Iraq. Of the 25 support soldiers attached to the unit, most are training at Camp Shelby, Miss., and will head to the Middle East soon; a handful found they had medical conditions that prevented them from serving overseas. The unit is scheduled to be gone for 18 months. Though women have belonged to the unit in the past, Bravo Company is all male at this time.

Bravo Company joined about 1,400 other members of the Vermont Guard who had been called up in recent months, nearly half the state's roster—making Vermont second only to Hawaii in the per capita call-up of guardsmen. The Hawaiian units, however, include people from other states. The Vermont guardsmen come from their home state.

The average age of the men deployed from Bravo Company is 40, but some are old enough to have grandchildren. At least a third have served in the Guard for 20 years or more.

Answering the call of their country is something people in Enosburg Falls do, not something they question. If there is opposition to the war, people keep it to themselves, deferring to the prevailing sentiment of patriotism.

"Most people around here would go if they were asked," said Steve Tracy, who works at Blue Seal Feeds. "Basically, it is how we were brought up."

Tracy, 55—no relation to Matt Tracy—has five family members in the Guard: two sons, a nephew, a son-in-law and a brother-in-law.

"It has just become our community's price for the way we live," said Adamczak, his boss. "If you look at it any other way, you are kidding yourself. Nobody is going to protect our lifestyle if we don't do it. This is a necessary, continuing commitment."

As teller Jeannie West cashes paychecks and processes mortgage payments at Merchants Bank on Main Street, she glances at a snapshot thumbtacked to her work station. It shows four men in camouflage—all family members who have been called up. The last to be summoned was her son Joshua, 22, who left college in nearby Burlington when he was sent to Iraq in January.

West, 49, considers it an honor when customers ask about her son, and tell her they are proud that a boy from Enosburg Falls is representing the United States in Iraq.

"I could not imagine living somewhere where people did not feel like this," she said.

Still, West said: "The town seems sadder because everybody talks about the guys who are gone. Everyone here went to school with somebody in the Guard. Everybody knows someone. Everyone is connected, somehow, to someone who is over there."

As, their fathers and grandfathers did, many young people here enlist in the military straight out of high school. When they return home, they often join the Guard—signing up for extra income, and for an opportunity to continue to serve.

Edward Grossman, principal of Enosburg Falls High School, said support for the military effort was so strong that when he surveyed his 375 students about starting an ROTC program, half said they wanted one. The program will begin in the fall.

When Bravo Company was deployed from St. Albans in December, the students pressed so hard to see the ceremony that Grossman arranged for a live broadcast in the school auditorium. As cameras panned on the unit, Grossman, 55, heard squeals of recognition: "There's my cousin!" "There's my brother!" "There's my dad!"

Enosburg Falls nestles in low hills in northwestern Vermont, 10 miles from the Canadian border. Most of the town was built in the 19th century, starting when the first dairy farm was settled in 1806. In a quarter-mile commercial district, Radio Shack and the Family Dollar store stand out as franchises among locally owned enterprises like Leon's Kitchen.

There is almost 100% employment. Three-quarters of the population graduates from high school, going on to earn an average annual income of $32,000. They are laborers at the feed company and a pulp mill. They drive trucks. They are mechanics, cashiers and office workers. Many work on dairy farms. Some have jobs at an IBM plant 45 minutes away.

Enosburg Falls is surrounded by villages, bringing the population of the region residents refer to as Enosburg to about 2,500.

The area's uncommon stability has helped it withstand the loss of the guardsmen. But there are signs everywhere that the men are not forgotten.

Yellow ribbons cling to door knockers, lampposts and bay windows. Nine houses on Duffy Hill, a 1½-mile road, are draped with blue-star banners, indicating a soldier on active duty. A nearby trailer boasts a sign: "Gone to Iraq, Be Back in 18 Months."

Jars filled with pennies, nickels and dimes sit on office counters. The coins pay for postage to send goodie boxes to the guardsmen. Cars and pickups sport magnets honoring Bravo Company. A busy local restaurant, the Abbey, offers 50% discounts to Guard families.

Every other Saturday, Lise Gates, 50, turns her arcade and bowling alley over to children of the guardsmen so their mothers can have a break. Gates, who has no relatives in Bravo Company, e-mails photographs of the kids at play to their dads.

They thank her and she wonders why.

"Why thank me, when they're the ones putting their lives on the line so we can be safe?" Gates said. "I think a majority of them wanted to go because they felt if they didn't, a war was going to happen right here. A lot of us here feel that way."

The elementary school started its own support group for Guard children. An English teacher at Enosburg Falls High assigned her students to write an essay comparing a recent graduate—who has served twice in Iraq—to Beowulf, a great Scandinavian warrior from the 6th century. The graduate, Ben Pathode, has two brothers at the school.

School secretary Debbie Shover's 22-year-old nephew is in Iraq. Shover, 50, said that since the guardsmen shipped out townspeople thought in terms of days, not months or years.

Enosburg Falls, she said, has unofficially adopted a new way of telling time. "Now, today, another day we can mark off. And then, when they come home. Nothing in between."

When a fire broke out on Main Street one cold night in February, the guardsmen's absence seemed more glaring than usual. The blaze demolished an entire block of eight apartments and five businesses—among them, a furniture company.

Firefighters converged from as far as Quebec. But LaRose, the volunteer fire captain, was missing. LaRose, 49, Bravo Company's command sergeant major, is known for his ability to take charge in an emergency. He joined the Guard almost 30 years ago.

"We put the fire out," said Town Administrator Harold Foote. "But we really missed him."

Foote, 49, said he was worried about what would happen when the spring floods started. In the past, the Guard unit stacked sandbags to halt onrushing waters. The June Dairy Festival—the town's biggest event of the year—also concerns him, because guardsmen traditionally manage the crowds and traffic.

"It sounds like small things, but it really confuses a community when you are used to relying on a group of guys like this," Foote said. "And we haven't gone through a whole year's cycle yet."

LaRose's gas station, with its big red Texaco star sign, is a local landmark—the only service station for miles where customers can still get their gas pumped and their windshields cleaned without getting out of their cars.

"Mark kept it like that, religiously," Matt Tracy said. He has vowed to maintain his boss' high service standards: "It is our responsibility to keep it like that until he gets back."

Tracy said he and his boss used to confer on minor problems and emergencies alike. Now he has no one to turn to. "Mark was a leader," he said, "not just with the National Guard or the fire department. He was my leader too."

As he tries to make the right decisions, Tracy asks himself: What would Mark do?

Until now, Tracy said, he never realized how one man's absence could make such a difference.

S. 1888

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Military Family Support Act of 2005".

SEC. 2. PROGRAMS FOR USE OF LEAVE BY CAREGIVERS FOR FAMILY MEMBERS OF INDIVIDUALS PERFORMING CERTAIN MILITARY SERVICE.

(a) Federal Employees Program.—

(1) Definitions.—In this subsection:

(A) Caregiver.—The term "caregiver" means an individual who—

(i) is an employee;

(ii) is at least 21 years of age; and

(iii) is capable of self care and care of children or other dependent family members of a qualified member of the Armed Forces.

(B) Covered period of service.—The term "covered period of service" means any period of service performed by an employee as a caregiver while the individual who designated the caregiver under paragraph (3) remains a qualified member of the Armed Forces.

(C) Employee.—The term "employee" has the meaning given under section 6331 of title 5, United States Code.

(D) Family member.—The term "family member" includes—

(i) individuals for whom the qualified member of the Armed Forces provides medical, financial, and logistical support (such as housing, food, clothing, or transportation); and

(ii) children under the age of 19 years, elderly adults, persons with disabilities, and other persons who are unable to care for themselves in the absence of the qualified member of the Armed Forces.

(E) Qualified member of the armed forces.—The term "qualified member of the Armed Forces" means—

(i) a member of a reserve component of the Armed Forces as described under section 10101 of title 10, United States Code, who has received notice to report to, or is serving on, active duty in the Armed Forces in support of a contingency operation as defined under section 101(a)(13) of title 10, United States Code; or

(ii) a member of the Armed Forces on active duty who is eligible for hostile fire or imminent danger special pay under section 310 of title 37, United States Code.

(2) Establishment of program.—The Office of Personnel Management shall establish a program to authorize a caregiver to—

(A) use any sick leave of that caregiver during a covered period of service in the same manner and to the same extent as annual leave is used; and

(B) use any leave available to that caregiver under subchapter III or IV of chapter 63 of title 5, United States Code, during a covered period of service as though that covered period of service is a medical emergency.

(3) Designation of caregiver.—

(A) In general.—A qualified member of the Armed Forces shall submit a written designation of the individual who is the caregiver for any family member of that member of the Armed Forces during a covered period of service to the employing agency and the Office of Personnel Management.

(B) Designation of spouse.—Notwithstanding paragraph (1)(A)(ii), an individual less than 21 years of age may be designated as a caregiver if that individual is the spouse of the qualified member of the Armed Forces making the designation.

(4) Use of caregiver leave.—Leave may only be used under this subsection for purposes directly relating to, or resulting from, the designation of an employee as a caregiver.

(5) Regulations.—Not later than 120 days after the date of enactment of this Act, the Office of Personnel Management shall prescribe regulations to carry out this subsection.

(6) Termination.—The program under this subsection shall terminate on December 31, 2007.

(b) Voluntary Private Sector Leave Program.—

(1) Definitions.—

(A) Caregiver.—The term "caregiver" means an individual who—

(i) is an employee;

(ii) is at least 21 years of age; and

(iii) is capable of self care and care of children or other dependent family members of a qualified member of the Armed Forces.

(B) Covered period of service.—The term "covered period of service" means any period of service performed by an employee as a caregiver while the individual who designated the caregiver under paragraph (4) remains a qualified member of the Armed Forces.

(C) Employee.—The term "employee" means an employee of a business entity participating in the program under this subsection.

(D) Family member.—The term "family member" includes—

(i) individuals for whom the qualified member of the Armed Forces provides medical, financial, and logistical support (such as housing, food, clothing, or transportation); and

(ii) children under the age of 19 years, elderly adults, persons with disabilities, and other persons who are unable to care for themselves in the absence of the qualified member of the Armed Forces.

(E) Qualified member of the armed forces.—The term "qualified member of the Armed Forces" means—

(i) a member of a reserve component of the Armed Forces as described under section 10101 of title 10, United States Code, who has received notice to report to, or is serving on, active duty in the Armed Forces in support of a contingency operation as defined under section 101(a)(13) of title 10, United States Code; or

(ii) a member of the Armed Forces on active duty who is eligible for hostile fire or imminent danger special pay under section 310 of title 37, United States Code.

(2) Establishment of program.—

(A) In general.—The Secretary of Labor shall establish a program to authorize employees of business entities described under paragraph (3) to use sick leave, or any other leave available to an employee, during a covered period of service in the same manner and to the same extent as annual leave (or its equivalent) is used.

(B) Exception.—Subparagraph (A) shall not apply to leave made available under the Family and Medical Leave Act of 1993 (29 U.S.C. 2601 et seq.).

(3) Voluntary business participation.—The Secretary of Labor shall solicit business entities to voluntarily participate in the program under this subsection.

(4) Designation of caregiver.—

(A) In general.—A qualified member of the Armed Forces shall submit a written designation of the individual who is the caregiver for any family member of that member of the Armed Forces during a covered period of service to the employing business entity.

(B) Designation of spouse.—Notwithstanding paragraph (1)(A)(ii), an individual less than 21 years of age may be designated as a caregiver if that individual is the spouse of the qualified member of the Armed Forces making the designation.

(5) USE OF CAREGIVER LEAVE.—Leave may only be used under this subsection for purposes directly relating to, or resulting from, the designation of an employee as a caregiver.

(6) REGULATIONS.—Not later than 120 days after the date of enactment of this Act, the Secretary of Labor shall prescribe regulations to carry out this subsection.

(7) TERMINATION.—The program under this subsection shall terminate on December 31, 2007.

(c) GAO REPORT.—Not later than June 30, 2007, the Government Accountability Office shall submit a report to Congress on the programs under subsections (a) and (b) that includes—

(1) an evaluation of the success of each program; and

(2) recommendations for the continuance or termination of each program.

Mr. FEINGOLD. Mr. President, today I am pleased to join with the Senator from Vermont, Mr. JEFFORDS, in introducing legislation that would bring a small measure of relief to the families of our men and women in uniform as they seek to maintain a sense of normalcy here at home while their loved ones are deployed in service to our country. Our ongoing large-scale deployments in Iraq continue to demand so much from our men and women in uniform and their families. Passing this measure is the least we can do.

As part of the pre-deployment process, military personnel with dependent children or other dependent family members, such as elderly parents who require care, designate a caregiver for their dependents. This person will act in the deployed personnel's place to provide care for these family members during the period of deployment. The caregiver could be a spouse, parent, sibling, or other responsible adult who is capable of caring for, and willing to care for, the dependents in question.

The bill that we are introducing today, the Military Family Support Act, would create two programs to provide additional leave options for persons who have been designated as caregivers. The first program would require the Office of Personnel Management, OPM, to create a program under which Federal employees who are designated as caregivers could use accrued annual or sick leave, leave bank benefits, and other leave available to them under Title 5 for purposes directly relating to or resulting from their designation as a caregiver.

This bill would also require the Secretary of Labor to establish a voluntary program under which private sector companies would create similar programs for their employees and to solicit participation from private sector companies. I commend the many employers around the country for their understanding and support when an employee or a family member of an employee is called to active duty, and I hope that companies in Wisconsin and around the country will participate in this voluntary program.

In addition, our bill would require the Government Accountability Office to report to Congress with an evaluation of both the OPM program and the voluntary Department of Labor program. It is my hope that this evaluation will demonstrate the utility of such a leave program for designated caregivers and that these pilot programs could then be expanded to the designated caregivers of additional deployed military personnel.

This legislation builds on a measure that I introduced earlier this year, S. 798, the Military Families Leave Act. This bill would provide a similar benefit to military families by allowing eligible employees whose spouses, parents, sons, or daughters are military personnel who are serving on or called to active duty in support of a contingency operation to use their Family and Medical Leave Act, FMLA, benefits for issues directly relating to or resulting from that deployment. These instances could include preparation for deployment or additional responsibilities that family members take on as a result of a loved one's deployment, such as child care. I also introduced this bill during the 108th Congress.

Let me be clear, that the legislation we are introducing today does not amend the FMLA in any way. In fact, FMLA benefits are specifically exempted from the types of leave that can be used by designated caregivers for purposes directly related to or resulting from their caregiver responsibilities. While I believe that the FMLA could serve as the basis for providing additional leave opportunities for designated caregivers, opposition in some quarters to the original FMLA makes this a difficult proposition. I am proud to have been a cosponsor of this landmark law, and I believe that the FMLA continues to provide much-needed assistance to millions of workers around the country as they seek to care for their own serious health condition or that of a family member or as they welcome the birth or adoption of a child. I will continue to support this law and efforts to ensure that the vital benefits that it provides are not eroded.

I thank the Senator from Vermont, Mr. JEFFORDS, for his work on this important measure, and I urge all of our colleagues to support it.

By Mr. HAGEL:

S. 1889. A bill to establish the Comprehensive Entitlement Reform Commission; to the Committee on Finance.

Mr. HAGEL. Mr. President, today I introduce legislation to create a bi-partisan Entitlement Reform Commission. The Commission will review America's three major entitlement programs, Social Security, Medicare and Medicaid, and make comprehensive recommendations to Congress and the President that would sustain the solvency and stability of these three programs for future generations. Representative JOHN TANNER, D-TN, has joined me by introducing this legislation in the House of Representatives.

Social Security, Medicare and Medicaid have played a vital role for millions of Americans to cope with the financial burdens of retirement and health care costs. However, over the next 75 years these three programs represent a 42 trillion dollar unfunded commitment are on a trajectory that cannot be sustained. The Social Security Trust Fund faces a four trillion dollar unfunded commitment and will pay out more money than it takes in beginning in 2017; it will be exhausted in 2041. The Medicare Part A Trust Fund, hospital insurance, faces an 8.6 trillion dollar unfunded commitment and will be exhausted even sooner in 2020. The remainder of the 42 trillion dollar unfunded commitment includes 12.4 trillion dollars for Medicare Part B, supplementary medical insurance; 8.7 trillion dollars for Medicare Part D, prescription drugs; and 8.4 trillion dollars for Medicaid.

We have no idea where we are going to get the money to pay for these commitments. We must deal with these challenges today while we still have options so that our children will not be severely burdened with paying for huge entitlement commitments when they are competing in a far more competitive world than exists today. To leave future generations in this predicament would be an irresponsible and colossal failure of our generation.

Eight members will sit on the Commission established in my legislation. The House Speaker, House Minority Leader, Senate Majority Leader and Senate Minority Leader will each appoint two members. Members cannot be elected officials. The Commission will select two Co-Chairmen from among its members and hire an Executive Director.

The Commission must submit its final report to the President and Congress one year after the selection of the two Co-Chairmen of the Commission and the Executive Director. Congress will hold Committee hearings to review the Commission's recommendations. The bill authorizes 1.5 million dollars to carry out the Commission's tasks.

In March 2005, Federal Reserve Chairman Alan Greenspan urged Congress to act on modernizing entitlement programs, "sooner rather than later." He warned that unless we act now to meet the huge unfunded commitments of our entitlement programs, there will be significant economic consequences for our nation. Dealing with this problem now means facing less dramatic and difficult choices down the road. The earlier we confront this reality, the more options we will have to pursue a wise and sustainable course of action.

I am 59 years old. I am at the front end of the "baby boom" generation. My daughter is 15 years old and my son is 13 years old. I don't want to fail their generation. That means addressing these entitlement programs now while we have time to do it in a responsible way. This is a defining debate for today's leaders. Doing nothing is irresponsible and cowardly. It is in every American's interest to deal with this challenge now. We have it in us to do what needs to be done. I invite my colleagues to cosponsor this legislation.

By Mr. BAUCUS (for himself, Mr. GRASSLEY, and Mr. MCCAIN):

S. 1890. A bill to amend the Internal Revenue Code of 1986 to deny a deduction for certain fines, penalties, and other amounts; to the Committee on Finance.

Mr. BAUCUS. Mr. President, today my good friends Senators GRASSLEY and MCCAIN and I are introducing the "Government Settlement Transparency Act of 2005", a bill that will put a stop to tax deductions for fines and penalties paid by companies to government agencies in connection with civil settlements. Over the past several years, we have become increasingly concerned about the approval of various settlements that allow penalty payments made to the government in settlement of a violation or potential violation of the law to be tax deductible. Our concerns were heightened this week upon the release of a Government Accountability Office Report that confirmed many companies deduct these settlements notwithstanding the tax code's prohibition against deducting fines and penalties. This abuse shifts the tax burden from the wrongdoer onto the backs of the American people. This is unacceptable.

Many government agencies enter into these settlement agreements after investigating companies for violations of the law. Every year thousands of violations are resolved with settlements totaling tens of billions of dollars paid to the Federal Government. Civil settlements serve to punish past wrongdoing and to deter future wrongdoing without protracted court proceedings. For example, in the past several years settlements of various SEC investigations into violations or potential violations of the securities laws have been front and center in the news. Through civil investigations, Federal and State regulators are working hard to hold these firms responsible for their actions. With these efforts to achieve greater accountability in the business community and ensure the integrity of our financial markets, it is important that the rules governing the appropriate tax treatment of settlements be clear and adhered to by taxpayers.

Section 162(f) of the Internal Revenue Code provides that no deduction is allowed as a trade or business expense under section 162(a) for the payment of a fine or penalty to a government for violation of any law. The enactment of section 162(f) in 1969 codified existing case law that denied the deductibility of fines and penalties as ordinary and necessary business expenses on the grounds that "allowance of the deduction would frustrate sharply defined national or state policies proscribing the particular types of conduct evidenced by some governmental declaration thereof." Treasury regulations provide that a fine or penalty includes an amount paid in settlement of the taxpayer's actual or potential liability for a fine or penalty.

The legislation introduced today modifies the rules regarding the determination of whether payments are nondeductible payments of fines or penalties under section 162(f). In particular, the bill generally provides that amounts paid or incurred whether by suit, agreement, or otherwise, to, or at the direction of, a government in relation to the violation of any law or the investigation or inquiry in the potential violation of any law are nondeductible. The bill applies to deny a deduction for any such payments, including those where there is no admission of guilt or liability and those made for the purpose of avoiding further investigation or litigation.

An exception applies to payments that the taxpayer establishes are either restitution, including remediation of property, or amounts required to come into compliance with any law that was violated, and that are so identified in the settlement agreement. It is intended that a payment will be treated as restitution only if the payment is required to be paid to the specific persons, or in relation to the specific property, actually harmed by the conduct of the taxpayer that resulted in the payment. Restitution does not include reimbursement of government investigative or litigation costs, or payments to whistleblowers. It is intended that a payment will be treated as an amount required to come into compliance only if it directly corrects a violation with respect to a particular requirement of law that was under investigation. Amounts paid to educate consumers or customers about the risks of doing business with the taxpayer or about the field in which the taxpayer generally does business, and which are not specifically required under the law, are not deductible if required under a settlement agreement.

To ensure that companies do not take unallowable tax deductions for settlement payments, the bill requires government agencies to report to the IRS and to the taxpayer within thirty days of the settlement the amount of each settlement agreement, and to identify whether the payment is for fines, restitution, remediation or compliance, where the aggregate amount of the settlement is at least six hundred dollars, the Secretary of the Treasury will have the authority to adjust the amount and deadline for filing. Further, the IRS is encouraged to require taxpayers to separately identify such settlements on their tax returns.

The bill would be effective for amounts paid or incurred on or after the date of enactment unless the amounts were under binding order or agreement before such date.

I ask unanimous consent that the Joint Committee on Taxation Technical Description and the text of the bill be printed in the RECORD.

There being no objection, the materials were ordered to be printed in the RECORD, as follows:

DENIAL OF DEDUCTION FOR CERTAIN FINES, PENALTIES, AND OTHER AMOUNTS

PRESENT LAW

Under present law, no deduction is allowed as a trade or business expense under section 162(a) for the payment of a fine or similar penalty to a government for the violation of any law (sec. 162(f)). The enactment of section 162(f) in 1969 codified existing case law that denied the deductibility of fines as ordinary and necessary business expenses on the grounds that "allowance of the deduction would frustrate sharply defined national or State policies proscribing the particular types of conduct evidenced by some governmental declaration thereof."

Treasury regulation section 1.162-21(b)(1) provides that a fine or similar penalty includes an amount: (1) Paid pursuant to conviction or a plea of guilty or nolo contendere for a crime (felony or misdemeanor) in a criminal proceeding; (2) paid as a civil penalty imposed by Federal, State, or local law, including additions to tax and additional amounts and assessable penalties imposed by chapter 68 of the Code; (3) paid in settlement of the taxpayer's actual or potential liability for a fine or penalty (civil or criminal); or (4) forfeited as collateral posted in connection with a proceeding which could result in imposition of such a fine or penalty. Treasury regulation section 1.162–21(b)(2) provides, among other things, that compensatory damages (including damages under section 4A of the Clayton Act (15 U.S.C. 15a), as amended) paid to a government do not constitute a fine or penalty.

REASONS FOR CHANEE

There is a lack of clarity and consistency under present law regarding when taxpayers may deduct payments made in settlement of government investigations of potential wrongdoing, as well as in situations where there has been a final determination of wrongdoing. If a taxpayer deducts payments made in settlement of an investigation of potential wrongdoing or as a result of a finding of wrongdoing, the publicly announced amount of the settlement payment does not reflect the true after-tax penalty on the taxpayer. Allowing a deduction for such payments in effect shifts a portion of the penalty to the Federal government and to the public.

DESCRIPTION OF PROPOSAL

The bill modifies the rules regarding the determination whether payments are nondeductible payments of fines or penalties under section 162(f). In particular, the bill generally provides that amounts paid or incurred (whether by suit, agreement, or otherwise) to, or at the direction of, a government in relation to the violation of any law or the investigation or inquiry into the potential violation of any law are nondeductible under any provision of the income tax provisions. The bill applies to deny a deduction for any such payments, including those where there is no admission of guilt or liability and those made for the purpose of avoiding further investigation or litigation. An exception applies to payments that the taxpayer establishes are either restitution (including remediation of property), or amounts required to come into compliance with any law that was violated or involved in the investigation or inquiry, and that are identified in the court order or settlement as restitution, remediation, or required to come into compliance. The IRS remains free to challenge the characterization of an amount so identified; however, no deduction is allowed unless the identification is made.

An exception also applies to any amount paid or incurred as taxes due.

The bill is intended to apply only where a government (or other entity treated in a manner similar to a government under the amendment) is a complainant or investigator with respect to the violation or potential violation of any law.

It is intended that a payment will be treated as restitution (including remediation of property) only if substantially all of the payment is required to be paid to the specific persons, or in relation to the specific property, actually harmed by the conduct of the taxpayer that resulted in the payment. Thus, a payment to or with respect to a class substantially broader than the specific persons or property that were actually harmed (e.g., to a class including similarly situated persons or property) does not qualify as restitution or included remediation of property. Restitution and included remediation of property is limited to the amount that bears a substantial quantitative relationship to the harm caused by the past conduct or actions of the taxpayer that resulted in the payment in question. If the party harmed is a government or other entity, then restitution and included remediation of property includes payment to such harmed government or entity, provided the payment bears a substantial quantitative relationship to the harm. However, restitution or included remediation of property does not include reimbursement of government investigative or litigation costs, or payments to whistleblowers.

It is intended that a payment will be treated as an amount required to come into compliance only if it directly corrects a violation with respect to a particular requirement of law that was under investigation. For example, if the law requires a particular emission standard to be met or particular machinery to be used, amounts required to be paid under a settlement agreement to meet the required standard or install the machinery are deductible to the extent otherwise allowed. Similarly, if the law requires certain practices and procedures to be followed and a settlement agreement requires the taxpayer to pay to establish such practices or procedures, such amounts would be deductible. However, amounts paid for other purposes not directly correcting a violation of law are not deductible. For example, amounts paid to bring other machinery that is already in compliance up to a standard higher than required by the law, or to create other benefits (such as a park or other action not previously required by law), are not deductible if required under a settlement agreement. Similarly, amounts paid to educate consumers or customers about the risks of doing business with the taxpayer or about the field in which the taxpayer does business generally, which education efforts are not specifically required under the law, are not deductible if required under a settlement agreement.

The bill requires government agencies to report to the IRS and to the taxpayer the amount of each settlement agreement or order entered where the aggregate amount required to be paid or incurred to or at the direction of the government under such settlement agreements and orders with respect to the violation, investigation, or inquiry is least $600 (or such other amount as may be specified by the Secretary of the Treasury as necessary to ensure the efficient administration of the Internal Revenue laws). The reports must be made within 30 days of entering the settlement agreement, or such other time as may be required by Secretary. The report must separately identify any amounts that are restitution or remediation of property, or correction of noncompliance.

The IRS is encouraged in addition to require taxpayers to identify separately on their tax returns the amounts of any such settlements with respect to which reporting is required under the bill, including separate identification of the nondeductible amount and of any amount deductible as restitution, remediation, or required to correct noncompliance.

Amounts paid or incurred (whether by suit, agreement, or otherwise) to, or at the direction of, any self-regulatory entity that regulates a financial market or other market that is a qualified board or exchange under section 1256(g)(7), and that is authorized to impose sanctions (e.g., the National Association of Securities Dealers) are likewise subject to the provision if paid in relation to a violation, or investigation or inquiry into a potential violation, of any law (or any rule or other requirement of such entity). To the extent provided in regulations, amounts paid or incurred to, or at the direction of, any other nongovernmental entity that exercises self-regulatory powers as part of performing an essential governmental function are similarly subject to the provision. The exception for payments that the taxpayer establishes are paid or incurred for restitution, remediation of property, or coming into compliance and that are identified as such in the order or settlement agreement likewise applies in these cases. The requirement of reporting to the IRS and the taxpayer also applies in these cases.

No inference is intended as to the treatment of payments as nondeductible fines or penalties under present law. In particular, the bill is not intended to limit the scope of present-law section 162(f) or the regulations thereunder.

EFFECTIVE DATE

The bill is effective for amounts paid or incurred on or after the date of enactment; however the bill does not apply to amounts paid or incurred under any binding order or agreement entered into before such date. Any order or agreement requiring court approval is not a binding order or agreement for this purpose unless such approval was obtained before the date of enactment.

S. 1890

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Government Settlement Transparency Act of 2005".

SEC. 2. DENIAL OF DEDUCTION FOR CERTAIN FINES, PENALTIES, AND OTHER AMOUNTS.

(a) IN GENERAL.—Subsection (f) of section 162 of the Internal Revenue Code of 1986 (relating to trade or business expenses) is amended to read as follows:

"(f) FINES, PENALTIES, AND OTHER AMOUNTS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), no deduction otherwise allowable shall be allowed under this chapter for any amount paid or incurred (whether by suit, agreement, or otherwise) to, or at the direction of, a government or entity described in paragraph (4) in relation to the violation of any law or the investigation or inquiry by such government or entity into the potential violation of any law.

"(2) EXCEPTION FOR AMOUNTS CONSTITUTING RESTITUTION OR PAID TO COME INTO COMPLIANCE WITH LAW.—Paragraph (1) shall not apply to any amount which—

"(A) the taxpayer establishes—

"(i) constitutes restitution (including remediation of property) for damage or harm caused by or which may be caused by the violation of any law or the potential violation of any law, or

"(ii) is paid to come into compliance with any law which was violated or involved in the investigation or inquiry, and

"(B) is identified as restitution or as an amount paid to come into compliance with the law, as the case may be, in the court order or settlement agreement.

Identification pursuant to subparagraph (B) alone shall not satisfy the requirement under subparagraph (A). This paragraph shall not apply to any amount paid or incurred as reimbursement to the government or entity for the costs of any investigation or litigation.

"(3) EXCEPTION FOR AMOUNTS PAID OR INCURRED AS THE RESULT OF CERTAIN COURT ORDERS.—Paragraph (1) shall not apply to any amount paid or incurred by order of a court in a suit in which no government or entity described in paragraph (4) is a party.

"(4) CERTAIN NONGOVERNMENTAL REGULATORY ENTITIES.—An entity is described in this paragraph if it is—

"(A) a nongovernmental entity which exercises self-regulatory powers (including imposing sanctions) in connection with a qualified board or exchange (as defined in section 1256(g)(7)), or

"(B) to the extent provided in regulations, a nongovernmental entity which exercises self-regulatory powers (including imposing sanctions) as part of performing an essential governmental function.

"(5) EXCEPTION FOR TAXES DUE.—Paragraph (1) shall not apply to any amount paid or incurred as taxes due.".

(b) REPORTING OF DEDUCTIBLE AMOUNTS.—

(1) IN GENERAL.—Subpart B of part III of subchapter A of chapter 61 of the Internal Revenue Code of 1986 is amended by inserting after section 6050T the following new section:

"SEC. 6050U. INFORMATION WITH RESPECT TO CERTAIN FINES, PENALTIES, AND OTHER AMOUNTS.

"(a) REQUIREMENT OF REPORTING.—

"(1) IN GENERAL.—The appropriate official of any government or entity which is described in section 162(f)(4) which is involved in a suit or agreement described in paragraph (2) shall make a return in such form as determined by the Secretary setting forth—

"(A) the amount required to be paid as a result of the suit or agreement to which paragraph (1) of section 162(f) applies, "(B) any amount required to be paid as a result of the suit or agreement which constitutes restitution or remediation of property, and

"(C) any amount required to be paid as a result of the suit or agreement for the purpose of coming into compliance with any law which was violated or involved in the investigation or inquiry.

"(2) SUIT OR AGREEMENT DESCRIBED.—

"(A) IN GENERAL.—A suit or agreement is described in this paragraph if—

"(i) it is—

"(I) a suit with respect to a violation of any law over which the government or entity has authority and with respect to which there has been a court order, or

"(II) an agreement which is entered into with respect to a violation of any law over which the government or entity has authority, or with respect to an investigation or inquiry by the government or entity into the potential violation of any law over which such government or entity has authority, and

"(ii) the aggregate amount involved in all court orders and agreements with respect to the violation, investigation, or inquiry is $600 or more.

"(B) ADJUSTMENT OF REPORTING THRESHOLD.—The Secretary may adjust the $600 amount in subparagraph (A)(ii) as necessary in order to ensure the efficient administration of the internal revenue laws.

"(3) TIME OF FILING.—The return required under this subsection shall be filed not later than—

"(A) 30 days after the date on which a court order is issued with respect to the suit or the date the agreement is entered into, as the case may be, or

"(B) the date specified Secretary.

"(b) STATEMENTS TO BE FURNISHED TO INDIVIDUALS INVOLVED IN THE SETTLEMENT.—Every person required to make a return under subsection (a) shall furnish to each person who is a party to the suit or agreement a written statement showing—

"(1) the name of the government or entity, and

"(2) the information supplied to the Secretary under subsection (a)(1).

The written statement required under the preceding sentence shall be furnished to the person at the same time the government or entity provides the Secretary with the information required under subsection (a).

"(c) APPROPRIATE OFFICIAL DEFINED.—For purposes of this section, the term 'appropriate official' means the officer or employee having control of the suit, investigation, or inquiry or the person appropriately designated for purposes of this section.".

(2) CONFORMING AMENDMENT.—The table of sections for subpart B of part III of subchapter A of chapter 61 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 6050T the following new item:

"Sec. 6050U. Information with respect to certain fines, penalties, and other amounts.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred on or after the date of the enactment of this Act, except that such amendments shall not apply to amounts paid or incurred under any binding order or agreement entered into before such date. Such exception shall not apply to an order or agreement requiring court approval unless the approval was obtained before such date.

By Mr. MCCAIN (for himself and Mr. DORGAN):

S. 1892. A bill to amend Public Law 107–153 to modify a certain date; to the Committee on Indian Affairs.

Mr. MCCAIN. Mr. President, today I am introducing a measure with Senator DORGAN to amend P.L. 107-153, which deems that certain reports prepared for the Department of the Interior relating to Indian tribal trust accounts were received by the tribes no earlier than December 31, 1999. The intent of this law was to eliminate contentions that the tribes received notice of potential claims against the United States prior to that date for purposes of the statute of limitations. This amendment changes the date set forth in P.L. 107-153 to December 31, 2005, in order to facilitate discussions and negotiations between the Indian tribes and the United States regarding potential claims without pressure on the tribes to file lawsuits out of concern that the statute of limitations will run out on their claims. It is my understanding that this measure has support both among the Indian tribes and the administration.

By Mr. SANTORUM:

S. 1893. A bill to permit biomedical research corporations to engage in certain financings and other transactions without incurring limitations on net operating loss carryforwards and certain built-in losses, and for other purposes; to the Committee on Finance.

Mr. SANTORUM. Mr. President, today I rise to introduce the Biotechnology Future Investment Expansion Act of 2005.

Biotechnology has resulted in some of the most important innovations of our time. Substantive research in agriculture, bioengineering, and medicine have given Americans a better life. From the discovery of DNA to the creation of synthetic insulin, biotechnology has improved the standard of living and has saved many lives. It is important that we encourage continued research to further advances in the biotech field.

The biotech industry is one of the most research-intensive industries in the world. The industry spent $17.9 billion on research and development in 2003 alone. The overwhelming majority of biotech companies engaged in this research are not profitable in the early years of development. Such companies may accumulate net operating losses NOLs, without earning income, for a decade or more. Unfortunately, a provision of the tax code, (Section 382), operates to severely limit the utilization of NOLs by many such biotech companies. Often, these limitations cause NOLs to expire before they can be used by these companies.

This legislation will modify the application of Section 382 to the biotech industry, with the goal of increasing that important sector's ability to leverage capital into high-tech, high-risk cutting-edge research. Specifically, the legislation will ensure that neither new investment into biotech companies nor a business-driven merger of two biotech loss companies will trigger the section 382 NOL limitation. Neither of these changes runs counter to the longstanding tax policy behind Section 382 of preventing corporations, from NOL trafficking.

My home State of Pennsylvania is a national leader in biotechnology innovation, and the biosciences are a significant economic driver in Pennsylvania's economy. Pennsylvania's support of the industry has made it a policy leader for the biosciences. More than 125 biopharmaceutical companies and 2,000 bioscience-related companies make Pennsylvania their home. For example, Philadelphia's BioAdvance focuses on bioinformatics, bio-pharmaceuticals and medical devices, and clinical trials. The Pittsburgh Life Sciences Greenhouse focuses on drug discovery tools, tissue and organ research, medical devices, and therapeutic strategies for neuropsychiatric disorders. The Central Pennsylvania Life Sciences Greenhouse is pursuing drug design and delivery systems, biomedical devices, and bio-nanotechnology. These and many other companies in Pennsylvania are developing ground-breaking therapies, devices, diagnostics and vaccines for once untreatable diseases and debilitating conditions, providing hope for millions of patients.

Additionally, top-of-the-line bioscience research takes place in Pennsylvania's academic institutions. Pennsylvania researchers garnered $1.3 billion in funding through the I.— National Institutes of Health in 2003, making the Commonwealth fourth in the Nation. And the University of Pennsylvania and the University of Pittsburgh are in the top 10 nationally for NIH funding.

We must encourage continued research and the funding that supports it. Biotech companies are pursuing high-risk research projects to find cures for many deadly and debilitating diseases that afflict humanity. From cancer to AIDS, and from Alzheimer's Disease to Parkinson' Disease, the biotechnology industry will be in the center of finding cures to these life-ending illnesses. My legislation offers a little more support to an industry we depend upon. I encourage my colleagues to join me in supporting this legislation and ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1893

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Biotechnology Future Investment Expansion Act of 2005".

SEC. 2. RESTORING THE BENEFIT OF TAX INCENTIVES FOR BIOMEDICAL RESEARCH AND CLINICAL TRIALS.

(a) In General.—Subsection (l) of section 382 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

"(9) Certain financing transactions of biomedical research corporations.—

"(A) General rule.—In the case of a biomedical research corporation, any owner shift involving a 5-percent shareholder which occurs as the result of a qualified investment or qualified transaction during the testing period shall be treated for purposes of this section (other than this paragraph) as occurring before the testing period.

"(B) Biomedical research corporation.—For purposes of this paragraph, the term 'biomedical research corporation' means, with respect to any qualified investment, any domestic corporation subject to tax under this subchapter which is not in bankruptcy and which, as of the time of the closing on such investment—

"(i) holds the rights to a drug or biologic for which an investigational new drug application is in effect under section 505 of the Federal Food, Drug, and Cosmetic Act, and

"(ii) certifies that, as of the time of such closing, the drug or biologic is, or in the 3 month period before and after such closing has been, under study pursuant to an investigational use exemption under section 505(i) of the Federal Food, Drug, and Cosmetic Act.

"(C) Qualified investment.—For purposes of this paragraph, the term 'qualified investment' means any acquisition of stock by a shareholder (who after such acquisition is a less than 50 percent shareholder) in a biomedical research corporation if such stock is acquired at its original issue (directly or through an underwriter) solely in exchange for cash.

"(D) Qualified transaction.—For purposes of this paragraph, the term 'qualified transaction' means any acquisition of stock in a biomedical research corporation if such stock is acquired as part of a merger or acquisition by another biomedical research corporation that is a loss corporation. If the acquiring loss corporation is a member of a controlled group of corporations under section 1563(a), the group must be a loss group.

"(E) Stock issued in exchange for convertible debt.—For purposes of this paragraph, stock issued by a biomedical research corporation in exchange for its convertible debt (or stock deemed under this section to be so issued) shall be treated as stock acquired by the debt holder at its original issue and solely in exchange for cash if the debt holder previously acquired the convertible debt at its original issue and solely in exchange for cash. In the case of an acquisition of stock in exchange for convertible debt, the requirements of this paragraph shall be applied separately as of the time of closing on the investment in convertible debt, and as of the time of actual conversion (or deemed conversion under this section) of the convertible debt for stock.

"(F) Biomedical research corporation must meet 3-year expenditure and continuity of business tests with respect to any qualified investment.—

"(i) In general.—This paragraph shall not apply to a qualified investment or transaction in a biomedical research corporation unless such corporation meets the expenditure test for each year of the measuring period and the continuity of business test.

"(ii) Measuring period.—For purposes of this subparagraph, the term 'measuring period' means, with respect to any qualified investment or transaction, the taxable year of the biomedical research corporation in which the closing on the investment occurs, and the 2 preceding taxable years.

"(iii) Expenditure test.—A biomedical research corporation meets the expenditure test of this subparagraph for a taxable year if at least 35 percent of its expenditures for the taxable year (including, for purposes of this clause, payments in redemption of its stock) are expenditures described in section 41(b) or clinical and preclinical expenditures.

"(iv) Continuity of business test.—A biomedical research corporation meets the continuity of business test if, at all times during the 2-year period following a qualified investment or transaction, such corporation continues the business enterprise of such corporation.

"(G) Effect of corporate redemptions on qualified investments.—Rules similar to the rules of section 1202(c)(3) shall apply to qualified investments under this paragraph except that 'stock acquired in a qualified investment' shall be substituted for 'qualified small business stock' each place it appears therein.

"(H) Effect of other transactions between biomedical research corporations and investors making qualified investments.—

"(i) In general.—If, during the 2-year period beginning 1 year before any qualified investment, the biomedical research corporation engages in another transaction with a member of its qualified investment group and such biomedical research corporation receives any consideration other than cash in such transaction, there shall be a presumption that stock received in the otherwise qualified investment transaction was not received solely in exchange for cash.

"(ii) Qualified investment group.—For purposes of this subparagraph, the term 'qualified investment group' means, with respect to any qualified investment, one or more persons who receive stock issued in exchange for the qualified investment, and any person related to such persons within the meaning of section 267(b) or section 707(b).

"(iii) Regulations.—The Secretary shall promulgate regulations exempting from this subparagraph transactions which are customary in the bioscience research industry and are of minor value relative to the amount of the qualified investment.

"(I) Regulations.—The Secretary may issue such regulations as may be appropriate to achieve the purposes of this paragraph, to prevent abuse, and to provide for treatment of biomedical research corporations under sections 383 and 384 that is consistent with the purposes of this paragraph.".

(b) Effective Date.—The amendment made by this section shall apply to taxable years beginning after the date of enactment of this Act.

By Mr. ENSIGN (for himself, Mr. Inhofe, and Mr. DeMint):

S. 1895. A bill to return meaning to the fifth amendment by limiting the power of eminent domain; to the Committee on Finance.

Mr. ENSIGN. Mr. President, I rise today on behalf of every person in America who owns property and to speak on behalf of everyone working toward the American dream of homeownership. That dream is being threatened today, and that threat comes from our own government and court system. Since the birth of our Nation, property ownership has been a fundamental and guarded right. The Founding Fathers went to great lengths to protect citizens from the heavy and greedy hand of government. This is why the Bill of Rights includes the fifth amendment's "takings clause."

Unfortunately, 200 years of upholding property rights was not enough to protect some Americans from the excessive use of government power. In Kelo v. City of New London, the U.S. Supreme Court ruled 5 to 4 that economic development was a sufficient reason to take a person's property. In this case, the city of New London, CT wanted to tear down private homes and redevelop private property into an industrial complex. It is important to understand that the city did not want to tear down these homes because the neighborhood was blighted. The city did not want to redevelop the property because the homes were being used by drug dealers. The homeowners were middle-class families living in a middle-class neighborhood. So why would the city want to redevelop these properties? City officials believed this would create jobs and increase the city's tax revenue. When the homeowners refused to sell to the city, the city began condemnation proceedings. The homeowners sued the city and argued that this "taking" violated their fifth amendment rights.

The fifth amendment states that private property cannot be taken except for a "public use" and only then if the owners are justly compensated. The owners believed, as I do, that creating jobs and increasing tax revenue is not a public use. The Supreme Court, despite the plain meaning of the fifth amendment, ruled against the homeowners. As bad as that is, it gets worse for these homeowners. The city of New London is demanding that the homeowners, those who fought to protect their fifth amendment rights, must now pay back rent. For the Kelo family, that means $57,000 in rent owed to the city.

This cannot be what the Founding Fathers intended when they adopted the Bill of Rights. The Kelo decision has highlighted a serious problem with how government has taken more power at the expense of the people. The Supreme Court's decision favors big corporations and persons with political clout over homeowners and regular people.

Congress is partly to blame. Congress has created incentives for government to redevelop property in a never-ending quest for more and more tax dollars. New London, CT is the perfect example of these incentives. To Americans, the Kelo decision means that no matter how hard you work and no matter how hard you save, government can come in and take it all away from you. No person's home will be safe if Congress does not act to restore the fifth amendment. The property owners who lost their homes as a result of the Kelo decision paid their Federal taxes, paid their State taxes, and paid their local taxes. They played by the rules. Ironically, it was these taxes that made it possible for their government to steal their homes. As a result, Congress must step in to limit the use of Federal dollars.

Just as our country's Founders sought to protect private property by amending the Constitution, I feel Congress must act to protect those rights. That is why I am introducing the Private Property Rights Protection Act, legislation to protect and preserve the American dream. This bill will curb government power and return it where it belongs, to the people.

By Mr. CORZINE (for himself and Mr. DODD):

S. 1897. A bill to amend the Forest and Rangeland Renewable Resources Planning Act of 1974 and related laws to strengthen the protection of native biodiversity and ban clearcutting on Federal land, and to designate certain Federal land as Ancient forests, roadless areas, watershed protection areas, and special areas where logging and other intrusive activities are prohibited; to the Committee on Energy and Natural Resources.

Mr. CORZINE. Mr. President, today I am introducing the Act to Save America's Forests. The purpose of this legislation is to protect our national forests from needless clearcutting, safeguard our roadless areas, and preserve the last remaining stands of ancient forests in this country.

At one time there was approximately billions of acres of forest on the land that is now the United States. Sadly, less than 10 percent of the original unlogged forests of the United States remain, and in the lower 48 States only 1 percent is in a form large enough to support all the native plants and animals. The 1 percent left is under constant threat, so we must act as soon as possible to keep us from losing these precious forest lands forever.

Our national forests also are under attack from clearcutting. The process of clearcutting, or removing huge groups of trees at once, devastates wildlife habitats, creates a blighted landscape, increases soil erosion, and degrades water quality. Over a quarter-million acres of our national forests were clearcut in the past decade alone. The process of clearcutting annihilates vibrant, ecologically diverse forests are usually replaced, if at all, with a single species tree farm. This is irresponsible forest management that ignores ecology and concentrates solely on flawed economics.

This bill utilizes a scientific approach to forest management. By banning all logging operations in roadless areas, ancient forests, and forests that have extraordinary biological, scenic, or recreational values, this bill seeks to protect our Nation's most precious and fragile ecosystems. In addition, this bill bans clearcutting in our national forests except in specific cases where complete removal of nonnative invasive tree species is ecologically necessary.

While the bill bans certain logging, it does not ban all logging in our national forests. Instead, it allows a method of logging called selection management, which cuts individual trees instead of the whole forest, leaving a healthy, biologically diverse forest ecosystem. This method reduces the devastation to the environment because it retains natural forest structure and function, focuses on long-term rather than short-term management, and allows new growth without completely destroying old growth. It is also less disturbing to people who enjoy the scenic beauty of our forests. Not only is selection management more environmentally friendly, but it also can be sustainable and even profitable, as demonstrated by a number of private forests around the country.

This legislation emphasizes biodiversity and sustainable management, allowing ecologically sound logging practices in some of our national forestland and fully protecting the rest. I am proud to reintroduce this legislation in the 109th Congress, which will be a major step in the protection of America's forests. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1897

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Act to Save America's Forests".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings and purposes.

TITLE I—LAND MANAGEMENT

Sec. 101. Committee of scientists.
Sec. 102. Continuous forest inventory.
Sec. 103. Administration and management.
Sec. 104. Conforming amendments.

TITLE II—PROTECTION FOR ANCIENT FORESTS, ROADLESS AREAS, WATERSHED PROTECTION AREAS, AND SPECIAL AREAS

Sec. 201. Findings.
Sec. 202. Definitions.
Sec. 203. Designation of special areas.
Sec. 204. Restrictions on management activities in Ancient forests, roadless areas, watershed protection areas, and special areas.

TITLE III—EFFECTIVE DATE

Sec. 301. Effective date.
Sec. 302. Effect on existing contracts.
Sec. 303. Wilderness Act exclusion.

TITLE IV—GIANT SEQUOIA NATIONAL MONUMENT

Sec. 401. Findings.
Sec. 402. Definitions.
Sec. 403. Additions to Giant Sequoia National Monument.
Sec. 404. Transfer of administrative jurisdiction over the Giant Sequoia National Monument.
Sec. 405. Additions to the Sierra National Forest and Inyo National Forest.
Sec. 406. Authorization of appropriations.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) Federal agencies that permit clearcutting and other forms of even-age logging operations include the Forest Service, the United States Fish and Wildlife Service, and the Bureau of Land Management;

(2) clearcutting and other forms of even-age logging operations cause substantial alterations in native biodiversity by—

(A) emphasizing the production of a limited number of commercial species, and often only a single species, of trees on each site;

(B) manipulating the vegetation toward greater relative density of the commercial species;

(C) suppressing competing species; and

(D) requiring the planting, on numerous sites, of a commercial strain of the species that reduces the relative diversity of other genetic strains of the species that were traditionally located on the same sites;

(3) clearcutting and other forms of even-age logging operations—

(A) frequently lead to the death of immobile species and the very young of mobile species of wildlife; and

(B) deplete the habitat of deep-forest species of animals, including endangered species and threatened species;

(4)(A) clearcutting and other forms of even-age logging operations—

(i) expose the soil to direct sunlight and the impact of precipitation;

(ii) disrupt the soil surface;

(iii) compact organic layers; and

(iv) disrupt the run-off restraining capabilities of roots and low-lying vegetation, resulting in soil erosion, the leaching of nutrients, a reduction in the biological content of soil, and the impoverishment of soil; and

(B) all of the consequences described in subparagraph (A) have a long-range deleterious effect on all land resources, including timber production;

(5) clearcutting and other forms of even-age logging operations aggravate global climate change by—

(A) decreasing the capability of the soil to retain carbon; and

(B) during the critical periods of felling and site preparation, reducing the capacity of the biomass to process and to store carbon, with a resultant loss of stored carbon to the atmosphere;

(6) clearcutting and other forms of even-age logging operations render soil increasingly sensitive to acid deposits by causing a decline of soil wood and coarse woody debris;

(7) a decline of solid wood and coarse woody debris reduces the capacity of soil to retain water and nutrients, which in turn increases soil heat and impairs soil's ability to maintain protective carbon compounds on the soil surface;

(8) clearcutting and other forms of even-age logging operations result in—

(A) increased stream sedimentation and the silting of stream bottoms;

(B) a decline in water quality;

(C) the impairment of life cycles and spawning processes of aquatic life from benthic organisms to large fish; and

(D) as a result of the effects described in subparagraphs (A) through (C), a depletion of the sport and commercial fisheries of the United States;

(9) clearcutting and other forms of even-age management of Federal forests disrupt natural disturbance regimes that are critical to ecosystem function;

(10) clearcutting and other forms of even-age logging operations increase harmful edge effects, including—

(A) blowdowns;

(B) invasions by weed species; and

(C) heavier losses to predators and competitors;

(11) by reducing the number of deep, canopied, variegated, permanent forests, clearcutting and other forms of even-age logging operations—

(A) limit areas where the public can satisfy an expanding need for recreation; and

(B) decrease the recreational value of land;

(12) clearcutting and other forms of even-age logging operations replace forests described in paragraph (11) with a surplus of clearings that grow into relatively impenetrable thickets of saplings, and then into monoculture tree plantations;

(13) because of the harmful and, in many cases, irreversible, damage to forest species and forest ecosystems caused by logging of Ancient and roadless forests, clearcutting, and other forms of even-age management, it is important that these practices be halted based on the precautionary principle;

(14) human beings depend on native biological resources, including plants, animals, and micro-organisms—

(A) for food, medicine, shelter, and other important products; and

(B) as a source of intellectual and scientific knowledge, recreation, and aesthetic pleasure;

(15) alteration of native biodiversity has serious consequences for human welfare, as the United States irretrievably loses resources for research and agricultural, medicinal, and industrial development;

(16) alteration of biodiversity in Federal forests adversely affects the functions of ecosystems and critical ecosystem processes that—

(A) moderate climate;

(B) govern nutrient cycles and soil conservation and production;

(C) control pests and diseases; and

(D) degrade wastes and pollutants;

(17)(A) clearcutting and other forms of even-age management operations have significant deleterious effects on native biodiversity, by reducing habitat and food for cavity-nesting birds and insectivores such as the 3-toed woodpecker and hairy woodpecker and for neotropical migratory bird species; and

(B) the reduction in habitat and food supply could disrupt the lines of dependency among species and their food resources and thereby jeopardize critical ecosystem function, including limiting outbreaks of destructive insect populations; for example—

(i) the 3-toed woodpecker requires clumped snags in spruce-fir forests, and 99 percent of its winter diet is composed of insects, primarily spruce beetles; and

(ii) a 3-toed woodpecker can consume as much as 26 percent of the brood of an endemic population of spruce bark beetle and reduce brood survival of the population by 70 to 79 percent;

(18) the harm of clearcutting and other forms of even-age logging operations on the natural resources of the United States and the quality of life of the people of the United States is substantial, severe, and avoidable;

(19) by substituting selection management, as required by this Act, for clearcutting and other forms of even-age logging operations, the Federal agencies involved with those logging operations would substantially reduce devastation to the environment and improve the quality of life of the people of the United States;

(20) selection management—

(A) retains natural forest structure and function;

(B) focuses on long-term rather than short-term management;

(C) works with, rather than against, the checks and balances inherent in natural processes; and

(D) permits the normal, natural processes in a forest to allow the forest to go through the natural stages of succession to develop a forest with old growth ecological functions;

(21) by protecting native biodiversity, as required by this Act, Federal agencies would maintain vital native ecosystems and improve the quality of life of the people of the United States;

(22) selection logging—

(A) is more job intensive, and therefore provides more employment than clearcutting and other forms of even-age logging operations to manage the same quantity of timber production; and

(B) produces higher quality sawlogs than clearcutting and other forms of even-age logging operations; and

(23) the judicial remedies available to enforce Federal forest laws are inadequate, and should be strengthened by providing for injunctions, declaratory judgments, statutory damages, and reasonable costs of suit.

(b) PURPOSE.—The purpose of this Act is to conserve native biodiversity and protect all native ecosystems on all Federal land against losses that result from—

(1) clearcutting and other forms of even-age logging operations; and

(2) logging in Ancient forests, roadless areas, watershed protection areas, and special areas.

TITLE I—LAND MANAGEMENT

SEC. 101. COMMITTEE OF SCIENTISTS.

Section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604) is amended by striking subsection (h) and inserting the following:

"(h) COMMITTEE OF SCIENTISTS.—

"(1) IN GENERAL.—To carry out subsection (g), the Secretary shall appoint a committee composed of scientists—

"(A) who are not officers or employees of the Forest Service, of any other public entity, or of any entity engaged in whole or in part in the production of wood or wood products;

"(B) not more than one-third of whom have contracted with or represented any entity described in subparagraph (A) during the 5-year period ending on the date of the proposed appointment to the committee; and

"(C) not more than one-third of whom are foresters.

"(2) QUALIFICATIONS OF FORESTERS.—A forester appointed to the committee shall be an individual with—

"(A) extensive training in conservation biology; and

"(B) field experience in selection management.

"(3) DUTIES.—The committee shall provide scientific and technical advice and counsel on proposed guidelines and procedures and all other issues involving forestry and native biodiversity to promote an effective interdisciplinary approach to forestry and native biodiversity.

"(4) TERMINATION.—The committee shall terminate on the date that is 10 years after the date of enactment of the Act to Save America's Forests."

SEC. 102. CONTINUOUS FOREST INVENTORY.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, each of the Chief of the Forest Service, the Director of the United States Fish and Wildlife Service, and the Director of the Bureau of Land Management (referred to individually as an "agency head") shall prepare a continuous inventory of forest land administered by those agency heads, respectively.

(b) REQUIREMENTS.—A continuous forest inventory shall constitute a long-term monitoring and inventory system that—

(1) is contiguous throughout affected Federal forest land; and

(2) is based on a set of permanent plots that are inventoried every 10 years to—

(A) assess the impacts that human activities are having on management of the ecosystem;

(B) gauge—

(i) floristic and faunistic diversity, abundance, and dominance; and

(ii) economic and social value; and

(C) monitor changes in the age, structure, and diversity of species of trees and other vegetation.

(c) DECENNIAL INVENTORIES.—Each decennial inventory under subsection (b)(2) shall be completed not more than 60 days after the date on which the inventory is begun.

(d) NATIONAL ACADEMY OF SCIENCES.—In preparing a continuous forest inventory, an agency head may use the services of the National Academy of Sciences to—

(1) develop a system for the continuous forest inventory by which certain guilds or indicator species are measured; and

(2) identify any changes to the continuous forest inventory that are necessary to ensure that the continuous forest inventory is consistent with the most accurate scientific methods.

(e) WHOLE-SYSTEM MEASURES.—At the end of each forest planning period, an agency head shall document whole-system measures that will be taken as a result of a decennial inventory.

(f) PUBLIC AVAILABILITY.—Results of a continuous forest inventory shall be made available to the public without charge.

SEC. 103. ADMINISTRATION AND MANAGEMENT.

The Forest and Rangeland Renewable Resources Planning Act of 1974 is amended by adding after section 6 (16 U.S.C. 1604) the following:

"SEC. 6A. CONSERVATION OF NATIVE BIODIVERSITY; SELECTION LOGGING; PROHIBITION OF CLEARCUTTING.

"(a) APPLICABILITY.—This section applies to the administration and management of—

"(1) National Forest System land, under this Act;

"(2) Federal land, under the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

"(3) National Wildlife Refuge System land, under the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.).

"(b) NATIVE BIODIVERSITY IN FORESTED AREAS.—The Secretary shall provide for the conservation or restoration of native biodiversity in each stand and each watershed throughout each forested area, except during the extraction stage of authorized mineral development or during authorized construction projects, in which cases the Secretary shall conserve native biodiversity to the maximum extent practicable.

"(c) Restriction on Use of Certain Logging Practices.—

"(1) Definitions.—In this subsection:

"(A) Age diversity.—The term 'age diversity' means the naturally occurring range and distribution of age classes within a given species.

"(B) Basal area.—The term 'basal area' means the area of the cross section of a tree stem, including the bark, at 4.5 feet above the ground.

"(C) Clearcutting.—The term 'clearcutting' means an even-age logging operation that removes all of the trees over a considerable portion of a stand at 1 time.

"(D) Conservation.—The term 'conservation' means protective measures for maintaining native biodiversity and active and passive measures for restoring diversity through management efforts, in order to protect, restore, and enhance as much of the variety of species and communities as practicable in abundances and distributions that provide for their continued existence and normal functioning, including the viability of populations throughout their natural geographic distributions.

"(E) Even-age logging operation.—

"(i) In general.—The term 'even-age logging operation' means a logging activity that—

"(I) creates a clearing or opening that exceeds ⅕ acre;

"(II) creates a stand in which the majority of trees are within 10 years of the same age; or

"(III) within a period of 30 years, cuts or removes more than the lesser of—

"(aa) the growth of the basal area of all tree species (not including a tree of a non-native invasive tree species or an invasive plantation species) in a stand; or

"(bb) 20 percent of the basal area of a stand.

"(ii) Inclusion.—The term 'even-age logging operation' includes the application of clearcutting, high grading, seed-tree cutting, shelterwood cutting, or any other logging method in a manner inconsistent with selection management.

"(iii) Exclusion.—The term 'even-age logging operation' does not include the cutting or removal of—

"(I) a tree of a non-native invasive tree species; or

"(II) an invasive plantation species, if native longleaf pine are planted in place of the removed invasive plantation species.

"(F) Genetic diversity.—The term 'genetic diversity' means the differences in genetic composition within and among populations of a species.

"(G) High grading.—The term 'high grading' means the removal of only the larger or more commercially valuable trees in a stand, resulting in an alteration in the natural range of age diversity or species diversity in the stand.

"(H) Invasive plantation species.—The term 'invasive plantation species' means a loblolly pine or slash pine that was planted or managed by the Forest Service or any other Federal agency as part of an even-aged monoculture tree plantation.

"(I) Native biodiversity.—

"(i) In general.—The term 'native biodiversity' means—

"(I) the full range of variety and variability within and among living organisms; and

"(II) the ecological complexes in which the living organisms would have occurred (including naturally occurring disturbance regimes) in the absence of significant human impact.

"(ii) Inclusions.—The term 'native biodiversity' includes diversity—

"(I) within a species (including genetic diversity, species diversity, and age diversity);

"(II) within a community of species;

"(III) between communities of species;

"(IV) within a discrete area, such as a watershed;

"(V) along a vertical plane from ground to sky, including application of the plane to all the other types of diversity; and

"(VI) along the horizontal plane of the land surface, including application of the plane to all the other types of diversity.

"(J) Non-native invasive tree species.—

"(i) In general.—The term 'non-native invasive tree species' means a species of tree not native to North America.

"(ii) Inclusions.—The term 'non-native invasive tree species' includes—

"(I) Australian pine (Casaurina equisetifolia);

"(II) Brazilian pepper (Schinus terebinthifolius);

"(III) Common buckthorn (Rhamnus cathartica);

"(IV) Eucalyptus (Eucalyptus globulus);

"(V) Glossy buckthorn (Rhamnus frangula);

"(VI) Melaleuca (Melaleuca quinquenervia);

"(VII) Norway maple (Acer platanoides);

"(VIII) Princess tree (Paulownia tomentosa);

"(IX) Salt cedar (Tamarix species);

"(X) Silk tree (Albizia julibrissin);

"(XI) Strawberry guava (Psidium cattleianum);

"(XII) Tree-of-heaven (Ailanthus altissima);

"(XIII) Velvet tree (Miconia calvescens); and

"(XIV) White poplar (Populus alba).

"(K) Seed-tree cut.—The term 'seed-tree cut' means an even-age logging operation that leaves a small minority of seed trees in a stand for any period of time.

"(L) Selection management.—

"(i) In general.—The term 'selection management' means a method of logging that emphasizes the periodic, individual selection and removal of varying size and age classes of the weaker, nondominant cull trees in a stand and leaves uncut the stronger dominant trees to survive and reproduce, in a manner that works with natural forest processes and—

"(I) ensures the maintenance of continuous high forest cover where high forest cover naturally occurs;

"(II) ensures the maintenance or natural regeneration of all native species in a stand;

"(III) ensures the growth and development of trees through a range of diameter or age classes to provide a sustained yield of forest products including clean water, rich soil, and native plants and wildlife; and

"(IV) ensures that some dead trees, standing and downed, shall be left in each stand where selection logging occurs, to fulfill their necessary ecological functions in the forest ecosystem, including providing elemental and organic nutrients to the soil, water retention, and habitat for endemic insect species that provide the primary food source for predators (including various species of amphibians and birds, such as cavity nesting woodpeckers).

"(ii) Exclusion.—

"(I) In general.—Subject to subclause (II), the term 'selection management' does not include an even-age logging operation.

"(II) Felling age; native biodiversity.—Subclause (I) does not—

"(aa) establish a 150-year projected felling age as the standard at which individual trees in a stand are to be cut; or

"(bb) limit native biodiversity to that which occurs within the context of a 150-year projected felling age.

"(M) Shelterwood cut.—The term 'shelterwood cut' means an even-age logging operation that leaves—

"(i) a minority of the stand (larger than a seed-tree cut) as a seed source; or

"(ii) a protection cover remaining standing for any period of time.

"(N) Species diversity.—The term 'species diversity' means the richness and variety of native species in a particular location.

"(O) Stand.—The term 'stand' means a biological community of trees on land described in subsection (a), comprised of not more than 100 contiguous acres with sufficient identity of 1 or more characteristics (including location, topography, and dominant species) to be managed as a unit.

"(P) Timber purpose.—

"(i) In general.—The term 'timber purpose' means the use, sale, lease, or distribution of trees, including the felling of trees or portions of trees.

"(ii) Exception.—The term 'timber purpose' does not include the felling of trees or portions of trees to create land space for a Federal administrative structure.

"(Q) Within-community diversity.—The term 'within-community diversity' means the distinctive assemblages of species and ecological processes that occur in various physical settings of the biosphere and distinct locations.

"(2) Prohibition of clearcutting and other forms of even-age logging operations.—No clearcutting or other form of even-age logging operation shall be permitted in any stand or watershed.

"(3) Management of native biodiversity.—On each stand on which an even-age logging operation has been conducted on or before the date of enactment of this section, and on each deforested area managed for timber purposes on or before the date of enactment of this section, excluding areas occupied by existing buildings, the Secretary shall—

"(A) prescribe a shift to selection management; or

"(B) cease managing the stand for timber purposes, in which case the Secretary shall—

"(i) undertake an active restoration of the native biodiversity of the stand; or

"(ii) permit the stand to regain native biodiversity.

"(4) Enforcement.—

"(A) Finding.—Congress finds that all people of the United States are injured by actions on land to which subsection (g)(3)(B) and this subsection applies.

"(B) Purpose.—The purpose of this paragraph is to foster the widest and most effective possible enforcement of subsection (g)(3)(B) and this subsection.

"(C) Federal enforcement.—The Secretary of Agriculture, the Secretary of the Interior, and the Attorney General shall enforce subsection (g)(3)(B) and this subsection against any person that violates 1 or more of those provisions.

"(D) Citizen suits.—

"(i) In general.—A citizen harmed by a violation of subsection (g)(3)(B) or this subsection may bring a civil action in United

States district court for a declaratory judgment, a temporary restraining order, an injunction, statutory damages, or other remedy against any alleged violator, including the United States.

"(ii) JUDICIAL RELIEF.—If a district court of the United States determines that a violation of subsection (g)(3)(B) or this subsection has occurred, the district court—

"(I) shall impose a damage award of not less than $5,000;

"(II) may issue 1 or more injunctions or other forms of equitable relief; and

"(III) shall award to the plaintiffs reasonable costs of bringing the action, including attorney's fees, witness fees, and other necessary expenses.

"(iii) STANDARD OF PROOF.—The standard of proof in all actions under this subparagraph shall be the preponderance of the evidence.

"(iv) TRIAL.—A trial for any action under this subsection shall be de novo.

"(E) PAYMENT OF DAMAGES.—

"(i) NON-FEDERAL VIOLATOR.—A damage award under subparagraph (D)(ii) shall be paid to the Treasury by a non-Federal violator or violators designated by the court.

"(ii) FEDERAL VIOLATOR.—

"(I) IN GENERAL.—Not later than 40 days after the date on which judgment is rendered, a damage award under subparagraph (D)(ii) for which the United States is determined to be liable shall be paid from the Treasury, as provided under section 1304 of title 31, United States Code, to the person or persons designated to receive the damage award.

"(II) USE OF DAMAGE AWARD.—A damage award described under subclause (I) shall be used by the recipient to protect or restore native biodiversity on Federal land or on land adjoining Federal land.

"(III) COURT COSTS.—Any award of costs of litigation and any award of attorney fees shall be paid by a Federal violator not later than 40 days after the date on which judgment is rendered.

"(F) WAIVER OF SOVEREIGN IMMUNITY.—

"(i) IN GENERAL.—The United States (including agents and employees of the United States) waives its sovereign immunity in all respects in all actions under subsection (g)(3)(B) and this subsection.

"(ii) NOTICE.—No notice is required to enforce this subsection.".

SEC. 104. CONFORMING AMENDMENTS.

Section 6(g)(3) of the Forest and Rangeland Renewable Resource Planning Act of 1974 (16 U.S.C. 1604(g)(3)) is amended—

(1) in subparagraph (D), by inserting "and" after the semicolon at the end;

(2) in subparagraph (E), by striking "; and" and inserting a period; and

(3) by striking subparagraph (F).

TITLE II—PROTECTION FOR ANCIENT FORESTS, ROADLESS AREAS, WATERSHED PROTECTION AREAS, AND SPECIAL AREAS

SEC. 201. FINDINGS.

Congress finds that—

(1) unfragmented forests on Federal land, unique and valuable assets to the general public, are damaged by extractive logging;

(2) less than 10 percent of the original unlogged forests of the United States remain, and the vast majority of the remnants of the original forests of the United States are located on Federal land;

(3) large, unfragmented forest watersheds provide high-quality water supplies for drinking, agriculture, industry, and fisheries across the United States;

(4) the most recent scientific studies indicate that several thousand species of plants and animals are dependent on large, unfragmented forest areas;

(5) many neotropical migratory songbird species are experiencing documented broad-scale population declines and require large, unfragmented forests to ensure their survival;

(6) destruction of large-scale natural forests has resulted in a tremendous loss of jobs in the fishing, hunting, tourism, recreation, and guiding industries, and has adversely affected sustainable nontimber forest products industries such as the collection of mushrooms and herbs;

(7) extractive logging programs on Federal land are carried out at enormous financial costs to the Treasury and taxpayers of the United States;

(8) Ancient forests continue to be threatened by logging and deforestation and are rapidly disappearing;

(9) Ancient forests help regulate atmospheric balance, maintain biodiversity, and provide valuable scientific opportunity for monitoring the health of the planet;

(10) prohibiting extractive logging in the Ancient forests would create the best conditions for ensuring stable, well distributed, and viable populations of the northern spotted owl, marbled murrelet, American marten, and other vertebrates, invertebrates, vascular plants, and nonvascular plants associated with those forests;

(11) prohibiting extractive logging in the Ancient forests would create the best conditions for ensuring stable, well distributed, and viable populations of anadromous salmonids, resident salmonids, and bull trout;

(12) roadless areas are de facto wilderness that provide wildlife habitat and recreation;

(13) large unfragmented forests, contained in large part on roadless areas on Federal land, are among the last refuges for native animal and plant biodiversity, and are vital to maintaining viable populations of threatened, endangered, sensitive, and rare species;

(14) roads cause soil erosion, disrupt wildlife migration, and allow nonnative species of plants and animals to invade native forests;

(15) the mortality and reproduction patterns of forest dwelling animal populations are adversely affected by traffic-related fatalities that accompany roads;

(16) the exceptional recreational, biological, scientific, or economic assets of certain special forested areas on Federal land are valuable to the public of the United States and are damaged by extractive logging;

(17) in order to gauge the effectiveness and appropriateness of current and future resource management activities, and to continue to broaden and develop our understanding of silvicultural practices, many special forested areas need to remain in a natural, unmanaged state to serve as scientifically established baseline control forests;

(18) certain special forested areas provide habitat for the survival and recovery of endangered and threatened plant and wildlife species, such as grizzly bears, spotted owls, Pacific salmon, and Pacific yew, that are harmed by extractive logging;

(19) many special forested areas on Federal land are considered sacred sites by native peoples; and

(20) as a legacy for the enjoyment, knowledge, and well-being of future generations, provisions must be made for the protection and perpetuation of the Ancient forests, roadless areas, watershed protection areas, and special areas of the United States.

SEC. 202. DEFINITIONS.

In this title:

(1) ANCIENT FOREST.—The term "Ancient forest" means—

(A) the northwest Ancient forests, including—

(i) Federal land identified as late-successional reserves, riparian reserves, and key watersheds under the heading "Alternative 1" of the report entitled "Final Supplemental Environmental Impact Statement on Management of Habitat for Late-Successional and Old-Growth Forest Related Species Within the Range of the Northern Spotted Owl, Vol. I.", and dated February 1994; and

(ii) Federal land identified by the term "medium and large conifer multi-storied, canopied forests" as defined in the report described in clause (i);

(B) the eastside Cascade Ancient forests, including—

(i) Federal land identified as "Late-Succession/Old-growth Forest (LS/OG)" depicted on maps for the Colville National Forest, Fremont National Forest, Malheur National Forest, Ochoco National Forest, Umatilla National Forest, Wallowa-Whitman National Forest, and Winema National Forest in the report entitled "Interim Protection for Late-Successional Forests, Fisheries, and Watersheds: National Forests East of the Cascade Crest, Oregon, and Washington", prepared by the Eastside Forests Scientific Society Panel (The Wildlife Society, Technical Review 94-2, August 1994);

(ii) Federal land east of the Cascade crest in the States of Oregon and Washington, defined as "late successional and old-growth forests" in the general definition on page 28 of the report described in clause (i); and

(iii) Federal land classified as "Oregon Aquatic Diversity Areas", as defined in the report described in clause (i); and

(C) the Sierra Nevada Ancient forests, including—

(i) Federal land identified as "Areas of Late-Successional Emphasis (ALSE)" in the report entitled, "Final Report to Congress: Status of the Sierra Nevada", prepared by the Sierra Nevada Ecosystem Project (Wildland Resources Center Report #40, University of California, Davis, 1996/97);

(ii) Federal land identified as "Late-Succession/Old-Growth Forests Rank 3, 4 or 5" in the report described in clause (i); and

(iii) Federal land identified as "Potential Aquatic Diversity Management Areas" on the map on page 1497 of Volume II of the report described in clause (i).

(2) EXTRACTIVE LOGGING.—The term "extractive logging" means the felling or removal of any trees from Federal forest land for any purpose.

(3) IMPROVED ROAD.—The term "improved road" means any road maintained for travel by standard passenger type vehicles.

(4) ROADLESS AREA.—The term "roadless area" means a contiguous parcel of Federal land that is—

(A) devoid of improved roads, except as provided in subparagraph (B); and

(B) composed of—

(i) at least 1,000 acres west of the 100th meridian (with up to ½ mile of improved roads per 1,000 acres);

(ii) at least 1,000 acres east of the 100th meridian (with up to ½ mile of improved roads per 1,000 acres); or

(iii) less than 1,000 acres, but share a border that is not an improved road with a wilderness area, primitive area, or wilderness study area.

(5) SECRETARY.—The term "Secretary", with respect to any Federal land in an Ancient forest, roadless area, watershed protection area, or special area, means the head of the Federal agency having jurisdiction over the Federal land.

(6) SPECIAL AREA.—The term "special area" means an area of Federal forest land designated under section 3 that may not meet the definition of an Ancient forest, roadless area, or watershed protection area, but that—

(A) possesses outstanding biological, scenic, recreational, or cultural values; and

(B) is exemplary on a regional, national, or international level.

(7) WATERSHED PROTECTION AREA.—The term "watershed protection area" means Federal land that extends—

(A) 300 feet from both sides of the active stream channel of any permanently flowing stream or river;

(B) 100 feet from both sides of the active channel of any intermittent, ephemeral, or seasonal stream, or any other nonpermanently flowing drainage feature having a definable channel and evidence of annual scour or deposition of flow-related debris;

(C) 300 feet from the edge of the maximum level of any natural lake or pond; or

(D) 150 feet from the edge of the maximum level of a constructed lake, pond, or reservoir, or a natural or constructed wetland.

SEC. 203. DESIGNATION OF SPECIAL AREAS.

(a) IN GENERAL.—

(1) FINDING.—A special area shall possess at least 1 of the values described in paragraphs (2) through (5).

(2) BIOLOGICAL VALUES.—The biological values of a special area may include the presence of—

(A) threatened species or endangered species of plants or animals;

(B) rare or endangered ecosystems;

(C) key habitats necessary for the recovery of endangered species or threatened species;

(D) recovery or restoration areas of rare or underrepresented forest ecosystems;

(E) migration corridors;

(F) areas of outstanding biodiversity;

(G) old growth forests;

(H) commercial fisheries; and

(I) sources of clean water such as key watersheds.

(3) SCENIC VALUES.—The scenic values of a special area may include the presence of—

(A) unusual geological formations;

(B) designated wild and scenic rivers;

(C) unique biota; and

(D) vistas.

(4) RECREATIONAL VALUES.—The recreational values of a special area may include the presence of—

(A) designated national recreational trails or recreational areas;

(B) areas that are popular for such recreation and sporting activities as—

(i) hunting;

(ii) fishing;

(iii) camping;

(iv) hiking;

(v) aquatic recreation; and

(vi) winter recreation;

(C) Federal land in regions that are underserved in terms of recreation;

(D) land adjacent to designated wilderness areas; and

(E) solitude.

(5) CULTURAL VALUES.—The cultural values of a special area may include the presence of—

(A) sites with Native American religious significance; and

(B) historic or prehistoric archaeological sites eligible for listing on the national historic register.

(b) SIZE VARIATION.—A special area may vary in size to encompass the outstanding biological, scenic, recreational, or cultural value or values to be protected.

(c) DESIGNATION OF SPECIAL AREAS.—There are designated the following special areas, which shall be subject to the management restrictions specified in section 204:

(1) ALABAMA.—

(A) SIPSEY WILDERNESS HEADWATERS.—Certain land in the Bankhead National Forest, Bankhead Ranger District, in Lawrence County, totaling approximately 22,000 acres, located directly north and upstream of the Sipsey Wilderness, and directly south of Forest Road 213.

(B) BRUSHY FORK.—Certain land in the Bankhead National Forest, Bankhead Ranger District, in Lawrence County, totaling approximately 6,200 acres, bounded by Forest Roads 249, 254, and 246 and Alabama Highway 33.

(C) REBECCA MOUNTAIN.—Certain land in the Talladega National Forest, Talladega Ranger District, Talladega County and Clay County, totaling approximately 9,000 acres, comprised of all Talladega National Forest lands south of Forest Roads 621 and 621 B, east of Alabama Highway 48/77 and County Highway 308, and north of the power transmission line.

(D) AUGUSTA MINE RIDGE.—Certain land in the Talladega National Forest, Shoal Creek Ranger District, Cherokee County and Cleburn County, totaling approximately 6,000 acres, and comprised of all Talladega National Forest land north of the Chief Ladiga Rail Trail.

(E) MAYFIELD CREEK.—Certain land in the Talladega National Forest, Oakmulgee Ranger District, in Rail County, totaling approximately 4,000 acres, and bounded by Forest Roads 731, 723, 718, and 718A.

(F) BEAR BAY.—Certain land in the Conecuh National Forest, Conecuh District, in Covington County, totaling approximately 3,000 acres, bounded by County Road 11, Forest Road 305, County Road 3, and the County Road connecting County Roads 3 and 11.

(2) ALASKA.—

(A) TURNAGAIN ARM.—Certain land in the Chugach National Forest, on the Kenai Peninsula, totaling approximately 100,000 acres, extending from sea level to ridgetop surrounding the inlet of Turnagain Arm, known as "Turnagain Arm".

(B) HONKER DIVIDE.—Certain land in the Tongass National Forest, totaling approximately 75,000 acres, located on north central Prince of Wales Island, comprising the Thorne River and Hatchery Creek watersheds, stretching approximately 40 miles northwest from the vicinity of the town of Thorne Bay to the vicinity of the town of Coffman Cove, generally known as the "Honker Divide".

(3) ARIZONA: NORTH RIM OF THE GRAND CANYON.—Certain land in the Kaibab National Forest that is included in the Grand Canyon Game Preserve, totaling approximately 500,000 acres, abutting the northern side of the Grand Canyon in the area generally known as the "North Rim of the Grand Canyon".

(4) ARKANSAS.—

(A) COW CREEK DRAINAGE, ARKANSAS.—Certain land in the Ouachita National Forest, Mena Ranger District, in Polk County, totaling approximately 7,000 acres, known as "Cow Creek Drainage, Arkansas", and bounded approximately—

(i) on the north, by County Road 95;

(ii) on the south, by County Road 157;

(iii) on the east, by County Road 48; and

(iv) on the west, by the Arkansas-Oklahoma border.

(B) LEADER AND BRUSH MOUNTAINS.—Certain land in the Ouachita National Forest, Montgomery County and Polk County, totaling approximately 120,000 acres, known as "Leader Mountain" and "Brush Mountain", located in the vicinity of the Blaylock Creek Watershed between Long Creek and the South Fork of the Saline River.

(C) POLK CREEK AREA.—Certain land in the Ouachita National Forest, Mena Ranger District, totaling approximately 20,000 acres, bounded by Arkansas Highway 4 and Forest Roads 73 and 43, known as the "Polk Creek area".

(D) LOWER BUFFALO RIVER WATERSHED.—Certain land in the Ozark National Forest, Sylamore Ranger District, totaling approximately 6,000 acres, including Forest Service land that has not been designated as a wilderness area before the date of enactment of this Act, located in the watershed of Big Creek southwest of the Leatherwood Wilderness Area, Searcy County and Marion County, and known as the "Lower Buffalo River Watershed".

(E) UPPER BUFFALO RIVER WATERSHED.—Certain land in the Ozark National Forest, Buffalo Ranger District, totaling approximately 220,000 acres, comprised of Forest Service that has not been designated as a wilderness area before the date of enactment of this Act, known as the "Upper Buffalo River Watershed", located approximately 35 miles from the town of Harrison, Madison County, Newton County, and Searcy County, upstream of the confluence of the Buffalo River and Richland Creek in the watersheds of—

(i) the Buffalo River;

(ii) the various streams comprising the Headwaters of the Buffalo River;

(iii) Richland Creek;

(iv) Little Buffalo Headwaters;

(v) Edgmon Creek;

(vi) Big Creek; and

(vii) Cane Creek.

(5) COLORADO: COCHETOPA HILLS.—Certain land in the Gunnison Basin area, known as the "Cochetopa Hills", administered by the Gunnison National Forest, Grand Mesa National Forest, Uncompahgre National Forest, and Rio Grand National Forest, totaling approximately 500,000 acres, spanning the continental divide south and east of the city of Gunnison, in Saguache County, and including—

(A) Elk Mountain and West Elk Mountain;

(B) the Grand Mesa;

(C) the Uncompahgre Plateau;

(D) the northern San Juan Mountains;

(E) the La Garitas Mountains; and

(F) the Cochetopa Hills.

(6) GEORGIA.—

(A) ARMUCHEE CLUSTER.—Certain land in the Chattahoochee National Forest, Armuchee Ranger District, known as the "Armuchee Cluster", totaling approximately 19,700 acres, comprised of 3 parcels known as "Rocky Face", "Johns Mountain", and "Hidden Creek", located approximately 10 miles southwest of Dalton and 14 miles north of Rome, in Whitfield County, Walker County, Chattooga County, Floyd County, and Gordon County.

(B) BLUE RIDGE CORRIDOR CLUSTER, GEORGIA AREAS.—Certain land in the Chattahoochee

National Forest, Chestatee Ranger District, totaling approximately 15,000 acres, known as the "Blue Ridge Corridor Cluster, Georgia Areas", comprised of 5 parcels known as "Horse Gap", "Hogback Mountain", "Blackwell Creek", "Little Cedar Mountain", and "Black Mountain", located approximately 15 to 20 miles north of the town of Dahlonega, in Union County and Lumpkin County.

(C) CHATTOOGA WATERSHED CLUSTER, GEORGIA AREAS.—Certain land in the Chattahoochee National Forest, Tallulah Ranger District, totaling 63,500 acres, known as the "Chattooga Watershed Cluster, Georgia Areas", comprised of 7 areas known as "Rabun Bald", "Three Forks", "Ellicott Rock Extension", "Rock Gorge", "Big Shoals", "Thrift's Ferry", and "Five Falls", in Rabun County, near the towns of Clayton, Georgia, and Dillard, South Carolina.

(D) COHUTTA CLUSTER.—Certain land in the Chattahoochee National Forest, Cohutta Ranger District, totaling approximately 28,000 acres, known as the "Cohutta Cluster", comprised of 4 parcels known as "Cohutta Extensions", "Grassy Mountain", "Emery Creek", and "Mountaintown", near the towns of Chatsworth and Ellijay, in Murray County, Fannin County, and Gilmer County.

(E) DUNCAN RIDGE CLUSTER.—Certain land in the Chattahoochee National Forest, Brasstown and Toccoa Ranger Districts, totaling approximately 17,000 acres, known as the "Duncan Ridge Cluster", comprised of the parcels known as "Licklog Mountain", "Duncan Ridge", "Board Camp", and "Cooper Creek Scenic Area Extension", approximately 10 to 15 miles south of the town of Blairsville, in Union County and Fannin County.

(F) ED JENKINS NATIONAL RECREATION AREA CLUSTER.—Certain land in the Chattahoochee National Forest, Toccoa and Chestatee Ranger Districts, totaling approximately 19,300 acres, known as the "Ed Jenkins National Recreation Area Cluster", comprised of the Springer Mountain, Mill Creek, and Toonowee parcels, 30 miles north of the town of Dahlonega, in Fannin County, Dawson County, and Lumpkin County.

(G) GAINESVILLE RIDGES CLUSTER.—Certain land in the Chattahoochee National Forest, Chattooga Ranger District, totaling approximately 14,200 acres, known as the "Gainesville Ridges Cluster", comprised of 3 parcels known as "Panther Creek", "Tugaloo Uplands", and "Middle Fork Broad River", approximately 10 miles from the town of Toccoa, in Habersham County and Stephens County.

(H) NORTHERN BLUE RIDGE CLUSTER, GEORGIA AREAS.—Certain land in the Chattahoochee National Forest, Brasstown and Tallulah Ranger Districts, totaling approximately 46,000 acres, known as the "Northern Blue Ridge Cluster, Georgia Areas", comprised of 8 areas known as "Andrews Cove", "Anna Ruby Falls Scenic Area Extension", "High Shoals", "Tray Mountain Extension", "Kelly Ridge-Moccasin Creek", "Buzzard Knob", "Southern Nantahala Extension", and "Patterson Gap", approximately 5 to 15 miles north of Helen, 5 to 15 miles southeast of Hiawassee, north of Clayton, and west of Dillard, in White County, Towns County, and Rabun County.

(I) RICH MOUNTAIN CLUSTER.—Certain land in the Chattahoochee National Forest, Toccoa Ranger District, totaling approximately 9,500 acres, known as the "Rich Mountain Cluster", comprised of the parcels known as "Rich Mountain Extension" and "Rocky Mountain", located 10 to 15 miles northeast of the town of Ellijay, in Gilmer County and Fannin County.

(J) WILDERNESS HEARTLANDS CLUSTER, GEORGIA AREAS.—Certain land in the Chattahoochee National Forest, Chestatee, Brasstown and Chattooga Ranger Districts, totaling approximately 16,500 acres, known as the "Wilderness Heartlands Cluster, Georgia Areas", comprised of 4 parcels known as the "Blood Mountain Extensions", "Raven Cliffs Extensions", "Mark Trail Extensions", and "Brasstown Extensions", near the towns of Dahlonega, Cleveland, Helen, and Blairsville, in Lumpkin County, Union County, White County, and Towns County.

(7) IDAHO.—

(A) COVE/MALLARD.—Certain land in the Nez Perce National Forest, totaling approximately 94,000 acres, located approximately 30 miles southwest of the town of Elk City, and west of the town of Dixie, in the area generally known as "Cove/Mallard".

(B) MEADOW CREEK.—Certain land in the Nez Perce National Forest, totaling approximately 180,000 acres, located approximately 8 miles east of the town of Elk City in the area generally known as "Meadow Creek".

(C) FRENCH CREEK/PATRICK BUTTE.—Certain land in the Payette National Forest, totaling approximately 141,000 acres, located approximately 20 miles north of the town of McCall in the area generally known as "French Creek/Patrick Butte".

(8) ILLINOIS.—

(A) CRIPPS BEND.—Certain land in the Shawnee National Forest, totaling approximately 39 acres, located in Jackson County in the Big Muddy River watershed, in the area generally known as "Cripps Bend".

(B) OPPORTUNITY AREA 6.—Certain land in the Shawnee National Forest, totaling approximately 50,000 acres, located in northern Pope County surrounding Bell Smith Springs Natural Area, in the area generally known as "Opportunity Area 6".

(C) QUARREL CREEK.—Certain land in the Shawnee National Forest, totaling approximately 490 acres, located in northern Pope County in the Quarrel Creek watershed, in the area generally known as "Quarrel Creek".

(9) MICHIGAN: TRAP HILLS.—Certain land in the Ottawa National Forest, Bergland Ranger District, totaling approximately 37,120 acres, known as the "Trap Hills", located approximately 5 miles from the town of Bergland, in Ontonagon County.

(10) MINNESOTA.—

(A) TROUT LAKE AND SUOMI HILLS.—Certain land in the Chippewa National Forest, totaling approximately 12,000 acres, known as "Trout Lake/Suomi Hills" in Itasca County.

(B) LULLABY WHITE PINE RESERVE.—Certain land in the Superior National Forest, Gunflint Ranger District, totaling approximately 2,518 acres, in the South Brule Opportunity Area, northwest of Grand Marais in Cook County, known as the "Lullaby White Pine Reserve".

(11) MISSOURI: ELEVEN POINT-BIG SPRINGS AREA.—Certain land in the Mark Twain National Forest, Eleven Point Ranger District, totaling approximately 200,000 acres, comprised of the administrative area of the Eleven Point Ranger District, known as the "Eleven Point-Big Springs Area".

(12) MONTANA: MOUNT BUSHNELL.—Certain land in the Lolo National Forest, totaling approximately 41,000 acres, located approximately 5 miles southwest of the town of Thompson Falls in the area generally known as "Mount Bushnell".

(13) NEW MEXICO.—

(A) ANGOSTURA.—Certain land in the eastern half of the Carson National Forest, Camino Real Ranger District, totaling approximately 10,000 acres, located in Township 21, Ranges 12 and 13, known as "Angostura", and bounded—

(i) on the northeast, by Highway 518;

(ii) on the southeast, by the Angostura Creek watershed boundary;

(iii) on the southern side, by Trail 19 and the Pecos Wilderness; and

(iv) on the west, by the Agua Piedra Creek watershed.

(B) LA MANGA.—Certain land in the western half of the Carson National Forest, El Rito Ranger District, at the Vallecitos Sustained Yield Unit, totaling approximately 5,400 acres, known as "La Manga", in Township 27, Range 6, and bounded—

(i) on the north, by the Tierra Amarilla Land Grant;

(ii) on the south, by Canada Escondida;

(iii) on the west, by the Sustained Yield Unit boundary and the Tierra Amarilla Land Grant; and

(iv) on the east, by the Rio Vallecitos.

(C) ELK MOUNTAIN.—Certain land in the Santa Fe National Forest, totaling approximately 7,220 acres, known as "Elk Mountain" located in Townships 17 and 18 and Ranges 12 and 13, and bounded—

(i) on the north, by the Pecos Wilderness;

(ii) on the east, by the Cow Creek Watershed;

(iii) on the west, by the Cow Creek; and

(iv) on the south, by Rito de la Osha.

(D) JEMEZ HIGHLANDS.—Certain land in the Jemez Ranger District of the Santa Fe National Forest, totaling approximately 54,400 acres, known as the "Jemez Highlands", located primarily in Sandoval County.

(14) NORTH CAROLINA.—

(A) CENTRAL NANTAHALA CLUSTER, NORTH CAROLINA AREAS.—Certain land in the Nantahala National Forest, Tusquitee, Cheoah, and Wayah Ranger Districts, totaling approximately 107,000 acres, known as the "Central Nantahala Cluster, North Carolina Areas", comprised of 9 parcels known as "Tusquitee Bald", "Shooting Creek Bald", "Cheoah Bald", "Piercy Bald", "Wesser Bald", "Tellico Bald", "Split White Oak", "Siler Bald", and "Southern Nantahala Extensions", near the towns of Murphy, Franklin, Bryson City, Andrews, and Beechertown, in Cherokee County, Macon County, Clay County, and Swain County.

(B) CHATTOOGA WATERSHED CLUSTER, NORTH CAROLINA AREAS.—Certain land in the Nantahala National Forest, Highlands Ranger District, totaling approximately 8,000 acres, known as the "Chattooga Watershed Cluster, North Carolina Areas", comprised of the Overflow (Blue Valley) and Terrapin Mountain parcels, 5 miles from the town of Highlands, in Macon County and Jackson County.

(C) TENNESSEE BORDER CLUSTER, NORTH CAROLINA AREAS.—Certain land in the Nantahala National Forest, Tusquitee and Cheoah Ranger Districts, totaling approximately 28,000 acres, known as the "Tennessee Border Cluster, North Carolina Areas", comprised of the 4 parcels known as the "Unicoi Mountains", "Deaden Tree", "Snowbird", and "Joyce Kilmer-Slickrock Extension", near the towns of Murphy and Robbinsville, in Cherokee County and Graham County.

(D) BALD MOUNTAINS.—Certain land in the Pisgah National Forest, French Broad Ranger District, totaling approximately 13,000 acres known as the "Bald Mountains", located 12 miles northeast of the town of Hot Springs, in Madison County.

(E) BIG IVY TRACT.—Certain land in the Pisgah National Forest, totaling approximately 14,000 acres, located approximately 15 miles west of Mount Mitchell in the area generally known as the "Big Ivy Tract".

(F) BLACK MOUNTAINS CLUSTER, NORTH CAROLINA AREAS.—Certain land in the Pisgah National Forest, Toecane and Grandfather Ranger Districts, totaling approximately 62,000 acres, known as the "Black Mountains Cluster, North Carolina Areas", comprised of 5 parcels known as "Craggy Mountains", "Black Mountains", "Jarrett Creek", "Mackey Mountain", and "Woods Mountain", near the towns of Burnsville, Montreat and Marion, in Buncombe County, Yancey County, and McDowell County.

(G) LINVILLE CLUSTER.—Certain land in the Pisgah National Forest, Grandfather District, totaling approximately 42,000 acres, known as the "Linville Cluster", comprised of 7 parcels known as "Dobson Knob", "Linville Gorge Extension", "Steels Creek", "Sugar Knob", "Harper Creek", "Lost Cove", and "Upper Wilson Creek", near the towns of Marion, Morgantown, Spruce Pine, Linville, and Blowing Rock, in Burke County, McDowell County, Avery County, and Caldwell County.

(H) NOLICHUCKY, NORTH CAROLINA AREA.—Certain land in the Pisgah National Forest, Toecane Ranger District, totaling approximately 4,000 acres, known as the "Nolichucky, North Carolina Area", located 25 miles northwest of Burnsville, in Mitchell County and Yancey County.

(I) PISGAH CLUSTER, NORTH CAROLINA AREAS.—Certain land in the Pisgah National Forest, Pisgah Ranger District, totaling approximately 52,000 acres, known as the "Pisgah Cluster, North Carolina Areas", comprised of 5 parcels known as "Shining Rock and Middle Prong Extensions", "Daniel Ridge", "Cedar Rock Mountain", "South Mills River", and "Laurel Mountain", 5 to 12 miles north of the town of Brevard and southwest of the city of Asheville, in Haywood County, Transylvania County, and Henderson County.

(J) WILDCAT.—Certain land in the Pisgah National Forest, French Broad Ranger District, totaling approximately 6,500 acres, known as "Wildcat", located 20 miles northwest of the town of Canton, in Haywood County.

(15) OHIO.—

(A) ARCHERS FORK COMPLEX.—Certain land in the Marietta Unit of the Athens Ranger District, in the Wayne National Forest, in Washington County, known as "Archers Fork Complex", totaling approximately 18,350 acres, located northeast of Newport and bounded—

(i) on the northwest, by State Highway 26;

(ii) on the northeast, by State Highway 260;

(iii) on the southeast, by the Ohio River; and

(iv) on the southwest, by Bear Run and Danas Creek.

(B) BLUEGRASS RIDGE.—Certain land in the Ironton Ranger District on the Wayne National Forest, in Lawrence County, known as "Bluegrass Ridge", totaling approximately 4,000 acres, located 3 miles east of Etna in Township 4 North, Range 17 West, Sections 19 through 23 and 27 through 30.

(C) BUFFALO CREEK.—Certain land in the Ironton Ranger District of the Wayne National Forest, Lawrence County, Ohio, known as "Buffalo Creek", totaling approximately 6500 acres, located 4 miles northwest of Waterloo in Township 5 North, Ranger 17 West, sections 3 through 10 and 15 through 18.

(D) LAKE VESUVIUS.—Certain land in the Ironton Ranger District of the Wayne National Forest, in Lawrence County, totaling approximately 4,900 acres, generally known as "Lake Vesuvius", located to the east of Etna in Township 2 North, Range 18 West, and bounded—

(i) on the southwest, by State Highway 93; and

(ii) on the northwest, by State Highway 4.

(E) MORGAN SISTERS.—Certain land in the Ironton Ranger District of the Wayne National Forest, in Lawrence County, known as "Morgan Sisters", totaling approximately 2,500 acres, located 1 mile east of Gallia and bounded by State Highway 233 in Township 6 North, Range 17 West, sections 13, 14, 23 and 24 and Township 5 North, Range 16 West, sections 18 and 19.

(F) UTAH RIDGE.—Certain land in the Athens Ranger District of the Wayne National Forest, in Athens County, known as "Utah Ridge", totaling approximately 9,000 acres, located 1 mile northwest of Chauncey and bounded—

(i) on the southeast, by State Highway 682 and State Highway 13;

(ii) on the southwest, by US Highway 33 and State Highway 216; and

(iii) on the north, by State Highway 665.

(G) WILDCAT HOLLOW.—Certain land in the Athens Ranger District of the Wayne National Forest, in Perry County and Morgan County, known as "Wildcat Hollow", totaling approximately 4,500 acres, located 1 mile east of Corning in Township 12 North, Range 14 West, sections 1, 2, 11-14, 23 and 24 and Township 8 North, Range 13 West, sections 7, 18, and 19.

(16) OKLAHOMA: COW CREEK DRAINAGE, OKLAHOMA.—Certain land in the Ouachita National Forest, Mena Ranger District, in Le Flore County, totaling approximately 3,000 acres, known as "Cow Creek Drainage, Oklahoma", and bounded approximately—

(A) on the west, by the Beech Creek National Scenic Area;

(B) on the north, by State Highway 63;

(C) on the east, by the Arkansas-Oklahoma border; and

(D) on the south, by County Road 9038 on the south.

(17) OREGON: APPLEGATE WILDERNESS.—Certain land in the Siskiyou National Forest and Rogue River National Forest, totaling approximately 20,000 acres, approximately 20 miles southwest of the town of Grants Pass and 10 miles south of the town of Williams, in the area generally known as the "Applegate Wilderness".

(18) PENNSYLVANIA.—

(A) THE BEAR CREEK SPECIAL AREA.—Certain land in the Allegheny National Forest, Marienville Ranger District, Elk County, totaling approximately 7,800 acres, and comprised of Allegheny National Forest land bounded—

(i) on the west, by Forest Service Road 136;

(ii) on the north, by Forest Service Roads 339 and 237;

(iii) on the east, by Forest Service Road 143; and

(iv) on the south, by Forest Service Road 135.

(B) THE BOGUS ROCKS SPECIAL AREA.—Certain land in the Allegheny National Forest, Marienville Ranger District, Forest County, totaling approximately 1,015 acres, and comprised of Allegheny National Forest land in compartment 714 bounded—

(i) on the northeast and east, by State Route 948;

(ii) on the south, by State Route 66;

(iii) On the southwest and west, by Township Road 370;

(iv) on the northwest, by Forest Service Road 632; and

(v) on the north, by a pipeline.

(C) THE CHAPPEL FORK SPECIAL AREA.—Certain land in the Allegheny National Forest, Bradford Ranger District, McKean County, totaling approximately 10,000 acres, and comprised of Allegheny National Forest land bounded—

(i) on the south and southeast, by State Road 321;

(ii) on the south, by Chappel Bay;

(iii) on the west, by the Allegheny Reservoir;

(iv) on the north, by State Route 59; and

(v) on the east, by private land.

(D) THE FOOLS CREEK SPECIAL AREA.—Certain land in the Allegheny National Forest, Bradford Ranger District, Warren County, totaling approximately 1,500 acres, and comprised of Allegheny National Forest land south and west of Forest Service Road 255 and west of FR 255A, bounded—

(i) on the west, by Minister Road; and

(ii) on the south, by private land.

(E) THE HICKORY CREEK SPECIAL AREA.—Certain land in the Allegheny National Forest, Bradford Ranger District, Warren County, totaling approximately 2,000 acres, and comprised of Allegheny National Forest land bounded—

(i) on the east and northeast, by Heart's Content Road;

(ii) on the south, by Hickory Creek Wilderness Area;

(iii) on the northwest, by private land; and

(iv) on the north, by Allegheny Front National Recreation Area.

(F) THE LAMENTATION RUN SPECIAL AREA.—Certain land in the Allegheny National Forest, Marienville Ranger District, Forest County, totaling approximately 4,500 acres, and—

(i) comprised of Allegheny National Forest land bounded—

(I) on the north, by Tionesta Creek;

(II) on the east, by Salmon Creek;

(III) on the southeast and southwest, by private land; and

(IV) on the south, by Forest Service Road 210; and

(ii) including the lower reaches of Bear Creek.

(G) THE LEWIS RUN SPECIAL AREA.—Certain land in the Allegheny National Forest, Bradford Ranger District, McKean County, totaling approximately 500 acres, and comprised of Allegheny National Forest land north and east of Forest Service Road 312.3, including land known as the "Lewis Run Natural Area" and consisting of land within Compartment 466, Stands 1-3, 5-8, 10-14, and 18-27.

(H) THE MILL CREEK SPECIAL AREA.—Certain land in the Allegheny National Forest, Marienville Ranger District, Elk County, totaling approximately 2,000 acres, and comprised of Allegheny National Forest land within a 1-mile radius of the confluence of Red Mill Run and Big Mill Creek and known as the "Mill Creek Natural Area".

(I) THE MILLSTONE CREEK SPECIAL AREA.—Certain land in the Allegheny National Forest, Marienville Ranger District, Forest County, totaling approximately 30,000 acres, and comprised of Allegheny National Forest land bounded—

(i) on the north, by State Route 66;

(ii) on the northeast, by Forest Service Road 226;

(iii) on the east, by Forest Service Roads 130, 774, and 228;

(iv) on the southeast, by State Road 3002 and Forest Service Road 189;

(v) on the south, by the Clarion River; and

(vi) on the southwest, west, and northwest, by private land.

(J) THE MINISTER CREEK SPECIAL AREA.—Certain land in the Allegheny National Forest, Bradford Ranger District, Warren County, totalling approximately 6,600 acres, and comprised of Allegheny National Forest land bounded—

(i) on the north, by a snowmobile trail;

(ii) on the east, by Minister Road;

(iii) on the south, by State Route 666 and private land;

(iv) on the southwest, by Forest Service Road 420; and

(v) on the west, by warrants 3109 and 3014.

(K) THE MUZETTE SPECIAL AREA.—Certain land in the Allegheny National Forest, Marienville Ranger District, Forest County, totaling approximately 325 acres, and comprised of Allegheny National Forest land bounded—

(i) on the west, by 79°16′ longitude, approximately;

(ii) on the north, by Forest Service Road 561;

(iii) on the east, by Forest Service Road 212; and

(iv) on the south, by private land.

(L) THE SUGAR RUN SPECIAL AREA.—Certain land in the Allegheny National Forest, Bradford Ranger District, McKean County, totaling approximately 8,800 acres, and comprised of Allegheny National Forest land bounded—

(i) on the north, by State Route 346 and private land;

(ii) on the east, by Forest Service Road 137; and

(iii) on the south and west, by State Route 321.

(M) THE TIONESTA SPECIAL AREA.—Certain land in the Allegheny National Forest, Bradford and Marienville Ranger Districts, Elk, Forest, McKean, and Warren Counties, totalling approximately 27,000 acres, and comprised of Allegheny National Forest land bounded—

(i) on the west, by private land and State Route 948;

(ii) on the northwest, by Forest Service Road 258;

(iii) on the north, by Hoffman Farm Recreation Area and Forest Service Road 486;

(iv) on the northeast, by private land and State Route 6;

(v) on the east, by private land south to Forest Road 133, then by snowmobile trail from Forest Road 133 to Windy City, then by private land and Forest Road 327 to Russell City; and

(vi) on the southwest, by State Routes 66 and 948.

(19) SOUTH CAROLINA.—

(A) BIG SHOALS, SOUTH CAROLINA AREA.—Certain land in the Sumter National Forest, Andrew Pickens Ranger District, in Oconee County, totaling approximately 2,000 acres, known as "Big Shoals, South Carolina Area", 15 miles south of Highlands, North Carolina.

(B) BRASSTOWN CREEK, SOUTH CAROLINA AREA.—Certain land in the Sumter National Forest, Andrew Pickens Ranger District, in Oconee County, totaling approximately 3,500 acres, known as "Brasstown Creek, South Carolina Area", approximately 15 miles west of Westminster, South Carolina.

(C) CHAUGA.—Certain land in the Sumter National Forest, Andrew Pickens Ranger District, in Oconee County, totaling approximately 16,000 acres, known as "Chauga", approximately 10 miles west of Walhalla, South Carolina.

(D) DARK BOTTOMS.—Certain land in the Sumter National Forest, Andrew Pickens Ranger District, in Oconee County, totaling approximately 4,000 acres, known as "Dark Bottoms", approximately 10 miles northwest of Westminster, South Carolina.

(E) ELLICOTT ROCK EXTENSION, SOUTH CAROLINA AREA.—Certain land in the Sumter National Forest, Andrew Pickens Ranger District, in Oconee County, totaling approximately 2,000 acres, known as "Ellicott Rock Extension, South Carolina Area", located approximately 10 miles south of Cashiers, North Carolina.

(F) FIVE FALLS, SOUTH CAROLINA AREA.—Certain land in the Sumter National Forest, Andrew Pickens Ranger District, in Oconee County, totaling approximately 3,500 acres, known as "Five Falls, South Carolina Area", approximately 10 miles southeast of Clayton, Georgia.

(G) PERSIMMON MOUNTAIN.—Certain land in the Sumter National Forest, Andrew Pickens Ranger District, in Oconee County, totaling approximately 7,000 acres, known as "Persimmon Mountain", approximately 12 miles south of Cashiers, North Carolina.

(H) ROCK GORGE, SOUTH CAROLINA AREA.—Certain land in the Sumter National Forest, Andrew Pickens Ranger District, in Oconee County, totaling approximately 2,000 acres, known as "Rock Gorge, South Carolina Area", 12 miles southeast of Highlands, North Carolina.

(I) TAMASSEE.—Certain land in the Sumter National Forest, Andrew Pickens Ranger District, in Oconee County, totaling approximately 5,500 acres, known as "Tamassee", approximately 10 miles north of Walhalla, South Carolina.

(J) THRIFT'S FERRY, SOUTH CAROLINA AREA.—Certain land in the Sumter National Forest, Andrew Pickens Ranger District, in Oconee County, totaling approximately 5,000 acres, known as "Thrift's Ferry, South Carolina Area", 10 miles east of Clayton, Georgia.

(20) SOUTH DAKOTA.—

(A) BLACK FOX AREA.—Certain land in the Black Hills National Forest, totaling approximately 12,400 acres, located in the upper reaches of the Rapid Creek watershed, known as the "Black Fox Area", and roughly bounded—

(i) on the north, by FDR 206;

(ii) on the south, by the steep slopes north of Forest Road 231; and

(iii) on the west, by a fork of Rapid Creek.

(B) BREAKNECK AREA.—Certain land in the Black Hills National Forest, totaling 6,700 acres, located along the northeast edge of the Black Hills in the vicinity of the Black Hills National Cemetery and the Bureau of Land Management's Fort Meade Recreation Area, known as the "Breakneck Area", and generally—

(i) bounded by Forest Roads 139 and 169 on the north, west, and south; and

(ii) demarcated along the eastern and western boundaries by the ridge-crests dividing the watershed.

(C) NORBECK PRESERVE.—Certain land in the Black Hills National Forest, totaling approximately 27,766 acres, known as the "Norbeck Preserve", and encompassed approximately by a boundary that, starting at the southeast corner—

(i) runs north along FDR 753 and United States Highway Alt. 16, then along SD 244 to the junction of Palmer Creek Road, which serves generally as a northwest limit;

(ii) heads south from the junction of Highways 87 and 89;

(iii) runs southeast along Highway 87; and

(iv) runs east back to FDR 753, excluding a corridor of private land along FDR 345.

(D) PILGER MOUNTAIN AREA.—Certain land in the Black Hills National Forest, totaling approximately 12,600 acres, known as the "Pilger Mountain Area", located in the Elk Mountains on the southwest edge of the Black Hills, and roughly bounded—

(i) on the east and northeast, by Forest Roads 318 and 319;

(ii) on the north and northwest, by Road 312; and

(iii) on the southwest, by private land.

(E) STAGEBARN CANYONS.—Certain land in the Black Hills National Forest, known as "Stagebarn Canyons", totaling approximately 7,300 acres, approximately 10 miles west of Rapid City, South Dakota.

(21) TENNESSEE.—

(A) BALD MOUNTAINS CLUSTER, TENNESSEE AREAS.—Certain land in the Nolichucky and Unaka Ranger Districts of the Cherokee National Forest, in Cocke County, Green County, Washington County, and Unicoi County, totaling approximately 46,133 acres, known as the "Bald Mountains Cluster, Tennessee Areas", and comprised of 10 parcels known as "Laurel Hollow Mountain", "Devil's Backbone", "Laurel Mountain", "Walnut Mountain", "Wolf Creek", "Meadow Creek Mountain", "Brush Creek Mountain", "Paint Creek", "Bald Mountain", and "Sampson Mountain Extension", located near the towns of Newport, Hot Springs, Greeneville, and Erwin.

(B) BIG FROG/COHUTTA CLUSTER.—Certain land in the Cherokee National Forest, in Polk County, Ocoee Ranger District, Hiwassee Ranger District, and Tennessee Ranger District, totaling approximately 28,800 acres, known as the "Big Frog/Cohutta Cluster", comprised of 4 parcels known as "Big Frog Extensions", "Little Frog Extensions", "Smith Mountain", and "Rock Creek", located near the towns of Copperhill, Ducktown, Turtletown, and Benton.

(C) CITICO CREEK WATERSHED CLUSTER TENNESSEE AREAS.—Certain land in the Tellico Ranger District of the Cherokee National Forest, in Monroe County, totaling approximately 14,256 acres, known as the "Citico Creek Watershed Cluster, Tennessee Areas", comprised of 4 parcels known as "Flats Mountain", "Miller Ridge", "Cowcamp Ridge", and "Joyce Kilmer-Slickrock Extension", near the town of Tellico Plains.

(D) IRON MOUNTAINS CLUSTER.—Certain land in the Cherokee National Forest, Watauga Ranger District, totaling approximately 58,090 acres, known as the "Iron Mountains Cluster", comprised of 8 parcels known as "Big Laurel Branch Addition", "Hickory Flat Branch", "Flint Mill", "Lower Iron Mountain", "Upper Iron Mountain", "London Bridge", "Beaverdam Creek", and "Rodgers Ridge", located near the towns of Bristol and Elizabethton, in Sullivan County and Johnson County.

(E) NORTHERN UNICOI MOUNTAINS CLUSTER.—Certain land in the Tellico Ranger District of the Cherokee National Forest, in Monroe County, totaling approximately 30,453 acres, known as the "Northern Unicoi Mountain Cluster", comprised of 4 parcels known as "Bald River Gorge Extension", "Upper Bald River", "Sycamore Creek", and "Brushy Ridge", near the town of Tellico Plains.

(F) ROAN MOUNTAIN CLUSTER.—Certain land in the Cherokee National Forest, Unaka and Watauga Ranger Districts, totaling approximately 23,725 acres known as the "Roan Mountain Cluster", comprised of 7 parcels known as "Strawberry Mountain", "Highlands of Roan", "Ripshin Ridge", "Doe River Gorge Scenic Area", "White Rocks Mountain", "Slide Hollow" and "Watauga Reserve", approximately 8 to 20 miles south of the town of Elizabethton, in Unicoi County, Carter County, and Johnson County.

(G) SOUTHERN UNICOI MOUNTAINS CLUSTER.—Certain land in the Hiwassee Ranger District of the Cherokee National Forest, in Polk County, Monroe County, and McMinn County, totaling approximately 11,251 acres, known as the ``Southern Unicoi Mountains Cluster'', comprised of 3 parcels known as ``Gee Creek Extension'', ``Coker Creek'', and ``Buck Bald'', near the towns of Etowah, Benton, and Turtletown.

(H) UNAKA MOUNTAINS CLUSTER, TENNESSEE AREAS.—Certain land in the Cherokee National Forest, Unaka Ranger District, totaling approximately 15,669 acres, known as the ``Unaka Mountains Cluster, Tennessee Areas'', comprised of 3 parcels known as ``Nolichucky'', ``Unaka Mountain Extension'', and ``Stone Mountain'', approximately 8 miles from Erwin, in Unicoi County and Carter County.

(22) TEXAS: LONGLEAF RIDGE.—Certain land in the Angelina National Forest, in Jasper County and Angelina County, totaling approximately 30,000 acres, generally known as ``Longleaf Ridge'', and bounded—

(A) on the west, by Upland Island Wilderness Area;

(B) on the south, by the Neches River; and

(C) on the northeast, by Sam Rayburn Reservoir.

(23) VERMONT.—

(A) GLASTENBURY AREA.—Certain land in the Green Mountain National Forest, totaling approximately 35,000 acres, located 3 miles northeast of Bennington, generally known as the ``Glastenbury Area'', and bounded—

(i) on the north, by Kelly Stand Road;

(ii) on the east, by Forest Road 71;

(iii) on the south, by Route 9; and

(iv) on the west, by Route 7.

(B) LAMB BROOK.—Certain land in the Green Mountain National Forest, totaling approximately 5,500 acres, located 3 miles southwest of Wilmington, generally known as ``Lamb Brook'', and bounded—

(i) on the west, by Route 8;

(ii) on the south, by Route 100;

(iii) on the north, by Route 9; and

(iv) on the east, by land owned by New England Power Company.

(C) ROBERT FROST MOUNTAIN AREA.—Certain land in the Green Mountain National Forest, totaling approximately 8,500 acres, known as ``Robert Frost Mountain Area'', located northeast of Middlebury, consisting of the Forest Service land bounded—

(i) on the west, by Route 116;

(ii) on the north, by Bristol Notch Road;

(iii) on the east, by Lincoln/Ripton Road; and

(iv) on the south, by Route 125.

(24) VIRGINIA.—

(A) BEAR CREEK.—Certain land in the Jefferson National Forest, Wythe Ranger District, known as ``Bear Creek'', north of Rural Retreat, in Smyth County and Wythe County.

(B) CAVE SPRINGS.—Certain land in the Jefferson National Forest, Clinch Ranger District, totaling approximately 3,000 acres, known as ``Cave Springs'', between State Route 621 and the North Fork of the Powell River, in Lee County.

(C) DISMAL CREEK.—Certain land totaling approximately 6,000 acres, in the Jefferson National Forest, Blacksburg Ranger District, known as ``Dismal Creek'', north of State Route 42, in Giles County and Bland County.

(D) STONE COAL CREEK.—Certain land in the Jefferson National Forest, New Castle Ranger District, totaling approximately 2,000 acres, known as ``Stone Coal Creek'', in Craig County and Botentourt County.

(E) WHITE OAK RIDGE: TERRAPIN MOUNTAIN.—Certain land in the Glenwood Ranger District of the Jefferson National Forest, known as ``White Oak Ridge—Terrapin Mountain'', totaling approximately 8,000 acres, east of the Blue Ridge Parkway, in Botentourt County and Rockbridge County.

(F) WHITETOP MOUNTAIN.—Certain land in the Jefferson National Forest, Mt. Rodgers Recreation Area, totaling 3,500 acres, known as ``Whitetop Mountain'', in Washington County, Smyth County, and Grayson County.

(G) WILSON MOUNTAIN.—Certain land known as ``Wilson Mountain'', in the Jefferson National Forest, Glenwood Ranger District, totaling approximately 5,100 acres, east of Interstate 81, in Botentourt County and Rockbridge County.

(H) FEATHERCAMP.—Certain land in the Mt. Rodgers Recreation Area of the Jefferson National Forest, totaling 4,974 acres, known as ``Feathercamp'', located northeast of the town of Damascus and north of State Route 58 on the Feathercamp ridge, in Washington County.

(25) WISCONSIN.—

(A) FLYNN LAKE.—Certain land in the Chequamegon-Nicolet National Forest, Washburn Ranger District, totaling approximately 5,700 acres, known as ``Flynn Lake'', in the Flynn Lake semi-primitive nonmotorized area, in Bayfield County.

(B) GHOST LAKE CLUSTER.—Certain land in the Chequamegon-Nicolet National Forest, Great Divide Ranger District, totaling approximately 6,000 acres, known as ``Ghost Lake Cluster'', including 5 parcels known as ``Ghost Lake'', ``Perch Lake'', ``Lower Teal River'', ``Foo Lake'', and ``Bulldog Springs'', in Sawyer County.

(C) LAKE OWENS CLUSTER.—Certain land in the Chequamegon-Nicolet National Forest, Great Divide and Washburn Ranger Districts, totaling approximately 3,600 acres, known as ``Lake Owens Cluster'', comprised of parcels known as ``Lake Owens'', ``Eighteenmile Creek'', ``Northeast Lake'', and ``Sugarbush Lake'', in Bayfield County.

(D) MEDFORD CLUSTER.—Certain land in the Chequamegon-Nicolet National Forest, Medford-Park Falls Ranger District, totaling approximately 23,000 acres, known as the ``Medford Cluster'', comprised of 12 parcels known as ``County E Hardwoods'', ``Silver Creek/Mondeaux River Bottoms'', ``Lost Lake Esker'', ``North and South Fork Yellow Rivers'', ``Bear Creek'', ``Brush Creek'', ``Chequamegon Waters'', ``John's and Joseph Creeks'', ``Hay Creek Pine-Flatwoods'', ``558 Hardwoods'', ``Richter Lake'', and ``Lower Yellow River'', in Taylor County.

(E) PARK FALLS CLUSTER.—Certain land in the Chequamegon-Nicolet National Forest, Medford-Park Falls Ranger District, totaling approximately 23,000 acres, known as ``Park Falls Cluster'', comprised of 11 parcels known as ``Sixteen Lakes'', ``Chippewa Trail'', ``Tucker and Amik Lakes'', ``Lower Rice Creek'', ``Doering Tract'', ``Foulds Creek'', ``Bootjack Conifers'', ``Pond'', ``Mud and Riley Lake Peatlands'', ``Little Willow Drumlin'', and ``Elk River'', in Price County and Vilas County.

(F) PENOKEE MOUNTAIN CLUSTER.—Certain land in the Chequamegon-Nicolet National Forest, Great Divide Ranger District, totaling approximately 23,000 acres, known as ``Penokee Mountain Cluster'', comprised of—

(i) the Marengo River and Brunsweiler River semi-primitive nonmotorized areas; and

(ii) parcels known as ``St. Peters Dome'', ``Brunsweiler River Gorge'', ``Lake Three'', ``Hell Hole Creek'', and ``North Country Trail Hardwoods'', in Ashland County and Bayfield County.

(G) SOUTHEAST GREAT DIVIDE CLUSTER.—Certain land in the Chequamegon-Nicolet National Forest, Medford Park Falls Ranger District, totaling approximately 25,000 acres, known as the ``Southeast Great Divide Cluster'', comprised of parcels known as ``Snoose Lake'', ``Cub Lake'', ``Springbrook Hardwoods'', ``Upper Moose River'', ``East Fork Chippewa River'', ``Upper Torch River'', ``Venison Creek'', ``Upper Brunet River'', ``Bear Lake Slough'', and ``Noname Lake'', in Ashland County and Sawyer County.

(H) DIAMOND ROOF CLUSTER.—Certain land in the Chequamegon-Nicolet National Forest, Lakewood-Laona Ranger District, totaling approximately 6,000 acres, known as ``Diamond Roof Cluster'', comprised of 4 parcels known as ``McCaslin Creek'', ``Ada Lake'', ``Section 10 Lake'', and ``Diamond Roof'', in Forest County, Langlade County, and Oconto County.

(I) ARGONNE FOREST CLUSTER.—Certain land in the Chequamegon-Nicolet National Forest, Eagle River-Florence Ranger District, totaling approximately 12,000 acres, known as ``Argonne Forest Cluster'', comprised of parcels known as ``Argonne Experimental Forest'', ``Scott Creek'', ``Atkins Lake'', and ``Island Swamp'', in Forest County.

(J) BONITA GRADE.—Certain land in the Chequamegon-Nicolet National Forest, Lakewood-Laona Ranger District, totaling approximately 1,200 acres, known as ``Bonita Grade'', comprised of parcels known as ``Mountain Lakes'', ``Temple Lake'', ``Second South Branch'', ``First South Branch'', and ``South Branch Oconto River'', in Langlade County.

(K) FRANKLIN AND BUTTERNUT LAKES CLUSTER.—Certain land in the Chequamegon-Nicolet National Forest, Eagle River-Florence Ranger District, totaling approximately 12,000 acres, known as ``Franklin and Butternut Lakes Cluster'', comprised of 8 parcels known as ``Bose Lake Hemlocks'', ``Luna White Deer'', ``Echo Lake'', ``Franklin and Butternut Lakes'', ``Wolf Lake'', ``Upper Ninemile'', ``Meadow'', and ``Bailey Creeks'', in Forest County and Oneida County.

(L) LAUTERMAN LAKE AND KIEPER CREEK.—Certain land in the Chequamegon-Nicolet National Forest, Eagle River-Florence Ranger District, totaling approximately 2,500 acres, known as ``Lauterman Lake and Kieper Creek'', in Florence County.

(26) WYOMING: SAND CREEK AREA.—

(A) IN GENERAL.—Certain land in the Black Hills National Forest, totaling approximately 8,300 acres known as the ``Sand Creek area'', located in Crook County, in the far northwest corner of the Black Hills.

(B) BOUNDARY.—Beginning in the northwest corner and proceeding counterclockwise, the boundary for the Sand Creek Area roughly follows—

(i) forest Roads 863, 866, 866.1B;

(ii) a line linking forest roads 866.1B and 802.1B;

(iii) forest road 802.1B;

(iv) forest road 802.1;

(v) an unnamed road;

(vi) Spotted Tail Creek (excluding all private land);

(vii) forest road 829.1;

(viii) a line connecting forest roads 829.1 and 864;

(ix) forest road 852.1; and

(x) a line connecting forest roads 852.1 and 863.

(d) COMMITTEE OF SCIENTISTS.—

(1) ESTABLISHMENT.—The Secretaries concerned shall appoint a committee consisting of scientists who—

(A) are not officers or employees of the Federal Government;

(B) are not officers or employees of any entity engaged in whole or in part in the production of wood or wood products; and

(C) have not contracted with or represented any entity described in subparagraph (A) or (B) in a period beginning 5 years before the date on which the scientist is appointed to the committee.

(2) RECOMMENDATIONS FOR ADDITIONAL SPECIAL AREAS.—Not later than 2 years of the date of the enactment of this Act, the committee shall provide Congress with recommendations for additional special areas.

(3) CANDIDATE AREAS.—Candidate areas for recommendation as additional special areas shall have outstanding biological values that are exemplary on a local, regional, and national level, including the presence of—

(A) threatened or endangered species of plants or animals;

(B) rare or endangered ecosystems;

(C) key habitats necessary for the recovery of endangered or threatened species;

(D) recovery or restoration areas of rare or underrepresented forest ecosystems;

(E) migration corridors;

(F) areas of outstanding biodiversity;

(G) old growth forests;

(H) commercial fisheries; and

(I) sources of clean water such as key watersheds.

(4) GOVERNING PRINCIPLE.—The committee shall adhere to the principles of conservation biology in identifying special areas based on biological values.

SEC. 204. RESTRICTIONS ON MANAGEMENT ACTIVITIES IN ANCIENT FORESTS, ROADLESS AREAS, WATERSHED PROTECTION AREAS, AND SPECIAL AREAS.

(a) RESTRICTION OF MANAGEMENT ACTIVITIES IN ANCIENT FORESTS.—On Federal land located in Ancient forests—

(1) no roads shall be constructed or reconstructed;

(2) no extractive logging shall be permitted; and

(3) no improvements for the purpose of extractive logging shall be permitted.

(b) RESTRICTION OF MANAGEMENT ACTIVITIES IN ROADLESS AREAS.—On Federal land located in roadless areas (except military installations)—

(1) no roads shall be constructed or reconstructed;

(2) no extractive logging shall be permitted except of non-native invasive tree species, in which case the limitations on logging in title I shall apply; and

(3) no improvements for the purpose of extractive logging shall be permitted.

(c) RESTRICTION OF MANAGEMENT ACTIVITIES IN WATERSHED PROTECTION AREAS.—On Federal land located in watershed protection areas—

(1) no roads shall be constructed or reconstructed;

(2) no extractive logging shall be permitted except of non-native invasive tree species, in which case the limitations on logging in title I shall apply; and

(3) no improvements for the purpose of extractive logging shall be permitted.

(d) RESTRICTION OF MANAGEMENT ACTIVITIES IN SPECIAL AREAS.—On Federal land located in special areas—

(1) no roads shall be constructed or reconstructed;

(2) no extractive logging shall be permitted except of non-native invasive tree species, in which case the limitations on logging in title I shall apply; and

(3) no improvements for the purpose of extractive logging shall be permitted.

(e) MAINTENANCE OF EXISTING ROADS.—

(1) IN GENERAL.—Except as provided in paragraph (2), the restrictions described in subsection (a) shall not prohibit the maintenance of an improved road, or any road accessing private inholdings.

(2) ABANDONED ROADS.—Any road that the Secretary determines to have been abandoned before the date of enactment of this Act shall not be maintained or reconstructed.

(f) ENFORCEMENT.—

(1) FINDING.—Congress finds that all people of the United States are injured by actions on land to which this section applies.

(2) PURPOSE.—The purpose of this subsection is to foster the widest possible enforcement of this section.

(3) FEDERAL ENFORCEMENT.—The Secretary and the Attorney General of the United States shall enforce this section against any person that violates this section.

(4) CITIZEN SUITS.—

(A) IN GENERAL.—A citizen harmed by a violation of this section may enforce this section by bringing a civil action for a declaratory judgment, a temporary restraining order, an injunction, statutory damages, or other remedy against any alleged violator, including the United States, in any district court of the United States.

(B) JUDICIAL RELIEF.—If a district court of the United States determines that a violation of this section has occurred, the district court—

(i) shall impose a damage award of not less than $5,000;

(ii) may issue 1 or more injunctions or other forms of equitable relief; and

(iii) shall award to each prevailing party the reasonable costs of bringing the action, including attorney's fees, witness fees, and other necessary expenses.

(C) STANDARD OF PROOF.—The standard of proof in all actions under this paragraph shall be the preponderance of the evidence.

(D) TRIAL.—A trial for any action under this section shall be de novo.

(E) PAYMENT OF DAMAGES.—

(i) NON-FEDERAL VIOLATOR.—A damage award under subparagraph (B)(i) shall be paid by a non-Federal violator or violators designated by the court to the Treasury.

(ii) FEDERAL VIOLATOR.—

(I) IN GENERAL.—Not later than 40 days after the date on which judgment is rendered, a damage award under subparagraph (B)(i) for which the United States is determined to be liable shall be paid from the Treasury, as provided under section 1304 of title 31, United States Code, to the person or persons designated to receive the damage award.

(II) USE OF DAMAGE AWARD.—A damage award described under subclause (I) shall be used by the recipient to protect or restore native biodiversity on Federal land or on land adjoining Federal land.

(III) COURT COSTS.—Any award of costs of litigation and any award of attorney fees shall be paid by a Federal violator not later than 40 days after the date on which judgment is rendered.

(5) WAIVER OF SOVEREIGN IMMUNITY.—

(A) IN GENERAL.—The United States (including agents and employees of the United States) waives its sovereign immunity in all respects in all actions under this section.

(B) NOTICE.—No notice is required to enforce this subsection.

TITLE III—EFFECTIVE DATE

SEC. 301. EFFECTIVE DATE.

This Act and the amendments made by this Act take effect on the date of enactment of this Act.

SEC. 302. EFFECT ON EXISTING CONTRACTS.

This Act and the amendments made by this Act shall not apply to any contract for the sale of timber that was entered into on or before the date of enactment of this Act.

SEC. 303. WILDERNESS ACT EXCLUSION.

This Act and the amendments made by this Act shall not apply to any Federal wilderness area designated under the Wilderness Act (16 U.S.C. 1131 et seq.).

TITLE IV—GIANT SEQUOIA NATIONAL MONUMENT

SEC. 401. FINDINGS.

Congress finds that—

(1) in accordance with the Act of June 8, 1906 (16 U.S.C. 431 et seq.), the Giant Sequoia National Monument was created by presidential proclamation on April 15, 2000;

(2) the Proclamation accurately states the following: "The rich and varied landscape of the Giant Sequoia National Monument holds a diverse array of scientific and historic resources. Magnificent groves of towering giant sequoias, the world's largest trees, are interspersed within a great belt of coniferous forest, jeweled with mountain meadows. Bold granitic domes and spires, and plunging gorges, texture the landscape. The area's elevation climbs from about 2,500 to 9,700 feet over a distance of only a few miles, capturing an extraordinary number of habitats within a relatively small area. This spectrum of ecosystems is home to a diverse array of plants and animals, many of which are rare or endemic to the southern Sierra Nevada. The monument embraces limestone caverns and holds unique paleological resources documenting tens of thousands of years of ecosystem change. The monument also has many archaeological sites recording Native American occupation and adaptations to this complex landscape, and historic remnants of early Euroamerican settlement as well as the commercial exploitation of the giant sequoias. The monument provides exemplary opportunities for biologists, geologists, paleontologists, archaeologists, and historians to study these objects." ;

(3) the various ecosystems cited as the basis for establishment of the Monument—

(A) extend beyond the existing boundaries of the Monument; and

(B) encompass the fragile and extremely diverse southern Sierra Nevada bioregion and the overlapping Mohave ecosystem;

(4) to protect all the ecosystems and objects described in the Proclamation, the boundaries of the Monument must be extended to provide for watershed integrity, seasonal wildlife migrations, and other benefits;

(5) even though the primary reason for establishing the Monument was to rescue the area from the effects of road building and severe logging implemented by the Forest Service, the Proclamation left the Monument under the jurisdiction of the Chief of the Forest Service;

(6) the Proclamation provides the following: "No portion of the Monument shall be considered to be suited for timber production, and no part of the Monument shall be used in a calculation or provision of a sustained yield of timber from the Sequoia National Forest.";

(7) the Proclamation provided that "[t]hese forests [in the Monument] need restoration

to counteract the effects of a century of fire suppression and logging";

(8) throughout the history of the Forest Service, the Forest Service has been focused on the logging of Federal land for the purpose of selling timber;

(9) because of this emphasis on logging and for other reasons, the National Park Service would be better able to manage the Monument than the Forest Service;

(10) the National Park Service manages 73 national monuments, many of which were originally under the jurisdiction of the Forest Service and were later transferred to the National Park System by an Act of Congress or by Executive Order;

(11) national monuments were managed by different Federal agencies, including the Department of Agriculture, until 1933, when President Franklin D. Roosevelt consolidated the management of national monuments in the National Park Service through Executive Order 6166 of June 10, 1933, and Executive Order 6228 of July 28, 1933;

(12) in most cases, national monuments established by presidential proclamation and assigned to the Forest Service or other Federal agencies have been ultimately transferred to the Secretary of the Interior, to be managed by the National Park Service;

(13) in a number of cases, Congress has eventually converted national monuments under the jurisdiction of the National Park Service into national parks;

(14) national monuments that were converted into national parks include the Grand Canyon National Park, Olympic National Park, and Death Valley National Park;

(15) Congress has converted large areas of national forests into some of the national parks and national monuments most cherished by the people of the United States;

(16) prominent examples of conversions in the region of the Monument are—

(A) Kings Canyon National Park, which was created out of the Sierra National Forest and Sequoia National Forest in 1940;

(B) the major eastward extension doubling the size of Sequoia National Park in 1926, with land for the addition being taken from the Sequoia National Forest; and

(C) the Mineral King addition to the Sequoia National Park in 1978, with land for the addition being taken from Sequoia National Forest;

(17) the Monument has more acres of sequoia groves than are contained in Sequoia, Kings Canyon, Yosemite, and Calaveras Big Tree, which are the only national parks and State parks in which sequoias occur;

(18) the largest tree in the world may still await discovery in some remote area of the Monument;

(19) to save the ecological integrity of the Monument, it is essential that the approximately 40,640 acres of land between the Western Divide (commonly known as the "Greenhorn Mountains") and the center line of the Kern River, south to the boundary line between Tulare and Kern counties, be included in the monument;

(20) Sequoia National Forest land, north of Sequoia National Park, should be added to the Sierra National Forest, which adjoins the Sierra National Forest on the north;

(21) for reasons of accessibility, economy, and general efficiency of operation, the remaining Sequoia National Forest territory south of Sequoia National Park belongs in the Inyo National Forest, which already shares the Golden Trout Wilderness with the Sequoia National Forest; and

(22) the overlapping jurisdiction with respect to the Sequoia National Forest territory results in needlessly wasteful management procedures.

SEC. 402. DEFINITIONS.

In this title:

(1) ADVISORY BOARD.—The term "Advisory Board" means the Giant Sequoia National Monument Advisory Board established under section 404(d)(1).

(2) MANAGEMENT PLAN.—The term "management plan" means the management plan for the Monument required by the Proclamation.

(3) MONUMENT.—The term "Monument" means the Giant Sequoia National Monument established by the Proclamation.

(4) PROCLAMATION.—The term "Proclamation" means the Presidential Proclamation number 7295, dated April 15, 2000 (65 Fed. Reg. 24095).

(5) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Director of the National Park Service.

(6) SUPERINTENDENT.—The term "Superintendent" means the Superintendent of the Monument appointed under section 404(c).

SEC. 403. ADDITIONS TO GIANT SEQUOIA NATIONAL MONUMENT.

(a) IN GENERAL.—There is added to the Monument—

(1) the approximately 40,640 acres of land between the Western Divide (commonly known as the "Greenhorn Mountains") and the center line of the Kern River, south to the boundary line between Tulare and Kern counties; and

(2) the Jenny Lakes Wilderness.

(b) BOUNDARY REVISION.—The boundary of the Monument is revised to reflect the addition of the land to the Monument under subsection (a).

SEC. 404. TRANSFER OF ADMINISTRATIVE JURISDICTION OVER THE GIANT SEQUOIA NATIONAL MONUMENT.

(a) IN GENERAL.—Administrative jurisdiction over the Monument is transferred from the Secretary of Agriculture to the Secretary.

(b) APPLICABLE LAW.—The Monument shall be administered in accordance with the Proclamation, except that any deliberations of the Chief of the Forest Service with respect to management of the Monument shall be set aside.

(c) SUPERINTENDENT.—The Secretary shall appoint a Superintendent for the Monument to administer the Monument.

(d) ADVISORY BOARD.—

(1) IN GENERAL.—The Superintendent shall establish an advisory board, to be known as the "Giant Sequoia National Monument Advisory Board", comprised of 9 members, to be appointed by the Superintendent.

(2) PROHIBITION ON FEDERAL GOVERNMENT EMPLOYMENT.—Members of the Advisory Board shall not be employees of the Federal Government.

(3) TERMS.—

(A) IN GENERAL.—A member of the Advisory Board shall serve for a term of not more than 4 years.

(B) INTERVALS.—The Superintendent shall appoint members of the Advisory Board in a manner that allows the terms of the members to expire at staggered intervals.

(4) DUTIES.—The Advisory Board shall—

(A) assist in the preparation of the management plan; and

(B) provide recommendations with respect to the management of the Monument.

(5) PROCEDURES.—The Superintendent shall establish procedures and standards for the Advisory Board.

(6) OPEN MEETINGS.—Meetings of the Advisory Board shall be open to the public.

(e) HEADQUARTERS.—The headquarters for the Monument shall be located at the National Park Service facility at Three Rivers, California, which is the headquarters of Sequoia National Park and Kings Canyon National Park.

(f) VISITOR CENTERS.—Visitors centers for the Monument shall be located at—

(1) Grant Grove Visitor Center in Kings Canyon National Park;

(2) Springville, the principal entrance to the west side of the southern unit of the Monument; and

(3) Kernville.

SEC. 405. ADDITIONS TO THE SIERRA NATIONAL FOREST AND INYO NATIONAL FOREST.

(a) SIERRA NATIONAL FOREST.—

(1) IN GENERAL.—The portion of the Sequoia National Forest located north of Sequoia National Park that is not included in the Monument is added to the Sierra National Forest.

(2) BOUNDARY REVISION.—The boundary of the Sequoia National Forest is adjusted to include the land added by paragraph (1).

(b) INYO NATIONAL FOREST.—

(1) IN GENERAL.—The portion of the Sequoia National Forest south of Sequoia National Park that is not included in the Monument is added to the Inyo National Forest.

(2) BOUNDARY REVISION.—The boundary of the Inyo National Forest is adjusted to include the land added by paragraph (1).

SEC. 406. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out sections 404 and 405.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 280—SUPPORTING "LIGHTS ON AFTERSCHOOL", A NATIONAL CELEBRATION OF AFTER SCHOOL PROGRAMS

Mr. DODD (for himself, Mr. ENSIGN, Mr. AKAKA, Mrs. BOXER, Mr. BURNS, Mr. BURR, Ms. CANTWELL, Mr. CARPER, Mrs. CLINTON, Mr. COCHRAN, Ms. COLLINS, Mr. CORNYN, Mr. CORZINE, Mr. DAYTON, Mr. DURBIN, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. INOUYE, Mr. KERRY, Mr. KOHL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEVIN, Mr. LIEBERMAN, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. REID, Mr. SALAZAR, Ms. SNOWE, Mr. SPECTER, and Ms. STABENOW) submitted the following resolution; which was considered and agreed to:

S. RES. 280

Whereas high quality after school programs provide safe, challenging, engaging, and fun learning experiences to help children and youth develop their social, emotional, physical, cultural, and academic skills;

Whereas high quality after school programs support working families by ensuring that the children in such families are safe and productive after the regular school day ends;

Whereas high quality after school programs build stronger communities by involving the Nation's students, parents, business leaders, and adult volunteers in the lives of the Nation's youth, thereby promoting positive relationships among children, youth, families, and adults;

Whereas high quality after school programs engage families, schools, and diverse community partners in advancing the well-being of the Nation's children;

Whereas "Lights On Afterschool!", a national celebration of after school programs held on October 20, 2005, promotes the critical importance of high quality after school programs in the lives of children, their families, and their communities;

Whereas more than 28,000,000 children in the United States have parents who work outside the home and 14,300,000 children in the United States have no place to go after school; and

Whereas many after school programs across the United States are struggling to keep their doors open and their lights on: Now, therefore, be it

Resolved, That the Senate supports the goals and ideals of "Lights On Afterschool!" a national celebration of after school programs.

SENATE RESOLUTION 281—HONORING AND THANKING JAMES PATRICK ROHAN

Mr. FRIST (for himself and Mr. REID) submitted the following resolution; which was considered and agreed to:

S. RES. 281

Whereas Assistant Chief of Police James Patrick Rohan, a native of the State of Maryland, has served the United States Capitol Police for thirty (30) years with distinction having been appointed as a Private on December 8, 1975;

Whereas Assistant Chief Rohan, haven risen through the ranks to his current position over his longstanding career, has been instrumental in a variety of initiatives designed to enhance the security of the Congress;

Whereas Assistant Chief Rohan, who holds a Master of Science Degree in Justice/Law Enforcement from the American University and a Bachelor of Arts Degree in Law Enforcement from the University of Maryland, as well as numerous specialized law enforcement and security training accomplishments and honors: Now, therefore, be it

Resolved, That the Senate hereby honors and thanks James Patrick Rohan and his wife, Cecilia, and children, Ben, Natalie, Eric and David, and his entire family, for a lifelong professional commitment of service to the United States Capitol Police and the United States Congress.

SENATE CONCURRENT RESOLUTION 59—RECOGNIZING THE 40TH ANNIVERSARY OF THE WHITE HOUSE FELLOWS PROGRAM

Mr. BROWNBACK submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

Whereas in 1964, John D. Gardner presented the idea of selecting a handful of outstanding men and women to come to Washington to participate as Fellows and learn the workings of the highest levels of the Federal Government to learn about leadership as they observed the Nation's officials in action and met with these officials and other leaders of society, thereby strengthening the Fellows' abilities and desires to contribute to their communities, their professions, and their country;

Whereas President Lyndon B. Johnson established the President's Commission on White House Fellowships, through Executive Order 11183, to create a program that would select between 11 and 19 outstanding young Americans every year and bring them to Washington for "first hand, high-level experience in the workings of the Federal Government, to establish an era when the young men and women of America and their government belonged to each other—belonged to each other in fact and in spirit";

Whereas the White House Fellows Program has steadfastly remained a nonpartisan program that has served 8 Presidents exceptionally well;

Whereas the nearly 600 White House Fellows that have served, have established a legacy of leadership in every aspect of American society that includes appointments as Cabinet officials and senior White House staff, election to the House of Representatives, Senate, and State and local Government, appointments to the Federal, State, and local judiciary, appointments as United States Attorneys, leadership in many of the Nation's largest corporations and law firms, service as presidents of colleges and universities, deans of our most distinguished graduate schools, officials in nonprofit organizations, distinguished scholars and historians, and service as senior leaders in every branch of the United States Armed Forces;

Whereas this legacy of leadership is a national resource that has been used by the Nation in major challenges including organizing resettlement operations following the Vietnam War, assisting with the national response to terrorist attacks, managing the aftermath of natural disasters such as Hurricanes Katrina and Rita, and reforming and innovating in national and international securities and capital markets;

Whereas the nearly 600 White House Fellows have characterized their post-Fellowship years with a lifetime commitment to public service through continuing personal and professional renewal and association, creating a Fellows community of mutual support for leadership at every level of government and in every element of our national life; and

Whereas September 1, 2005, marked the 40th anniversary of the first class of White House Fellows to serve this Nation: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) recognizes the 40th anniversary of the White House Fellows program and commends the White House Fellows for their continuing lifetime commitment to public service;

(2) acknowledges the legacy of leadership provided by White House Fellows over the years in their local communities, the Nation, and the world; and

(3) expresses appreciation and support for the continuing leadership of White House Fellows in all aspects of our national life in the years ahead.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2112. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table.

SA 2113. Mr. BOND (for himself, Mr. DORGAN, Mr. NELSON, of Florida, Mr. CORZINE, and Mr. TALENT) proposed an amendment to the bill H.R. 3058, supra.

SA 2114. Mrs. BOXER (for herself and Mr. SCHUMER) submitted an amendment intended to be proposed by her to the bill H.R. 3058, supra; which was ordered to lie on the table.

SA 2115. Mr. ENZI proposed an amendment to the bill H.R. 3058, supra.

SA 2116. Mr. LUGAR submitted an amendment intended to be proposed by him to the bill H.R. 3058, supra; which was ordered to lie on the table.

SA 2117. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill H.R. 3058, supra; which was ordered to lie on the table.

SA 2118. Mr. DORGAN submitted an amendment intended to be proposed by him to the bill H.R. 3058, supra; which was ordered to lie on the table.

SA 2119. Mr. ENSIGN (for himself and Mr. REID) submitted an amendment intended to be proposed by him to the bill H.R. 3058, supra; which was ordered to lie on the table.

SA 2120. Mr. VOINOVICH (for himself and Mr. DEWINE) submitted an amendment intended to be proposed by him to the bill H.R. 3058, supra; which was ordered to lie on the table.

SA 2121. Mr. SCHUMER (for himself and Mrs. CLINTON) submitted an amendment intended to be proposed by him to the bill H.R. 3058, supra; which was ordered to lie on the table.

SA 2122. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 3058, supra; which was ordered to lie on the table.

SA 2123. Mr. DAYTON submitted an amendment intended to be proposed by him to the bill H.R. 3058, supra.

SA 2124. Mr. SCHUMER (for himself, Ms. SNOWE, Mrs. CLINTON, Mr. JEFFORDS, and Mr. LEAHY) submitted an amendment intended to be proposed by him to the bill H.R. 3058, supra; which was ordered to lie on the table.

SA 2125. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 3058, supra; which was ordered to lie on the table.

SA 2126. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 3058, supra; which was ordered to lie on the table.

SA 2127. Mr. FRIST (for himself, Mrs. DOLE, Ms. STABENOW, and Mrs. CLINTON) submitted an amendment intended to be proposed by him to the bill H.R. 3058, supra; which was ordered to lie on the table.

SA 2128. Mr. FRIST (for himself, Mrs. DOLE, Ms. STABENOW, and Mrs. CLINTON) submitted an amendment intended to be proposed by him to the bill H.R. 3058, supra; which was ordered to lie on the table.

SA 2129. Mr. WARNER submitted an amendment intended to be proposed by him to the bill H.R. 3058, supra; which was ordered to lie on the table.

SA 2130. Mr. WARNER submitted an amendment intended to be proposed by him to the bill H.R. 3058, supra; which was ordered to lie on the table.

SA 2131. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 3058, supra; which was ordered to lie on the table.

SA 2132. Mr. REID submitted an amendment intended to be proposed by him to the bill H.R. 3058, supra; which was ordered to lie on the table.

SA 2133. Mr. DORGAN (for himself, Mr. CRAIG, Mr. ENZI, and Mr. BAUCUS) proposed an amendment to the bill H.R. 3058, supra.

SA 2134. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 3058, supra; which was ordered to lie on the table.

SA 2135. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 3058, supra; which was ordered to lie on the table.

SA 2136. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3058, supra; which was ordered to lie on the table.

SA 2137. Mr. COLEMAN (for himself, Mr. LEVIN, and Mr. AKAKA) submitted an amendment intended to be proposed by him to the bill H.R. 3058, supra; which was ordered to lie on the table.

SA 2138. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 3058, supra; which was ordered to lie on the table.

SA 2139. Mr. BOND (for Mrs. BOXER) proposed an amendment to the bill H.R. 3058, supra.

SA 2140. Mr. BOND (for Ms. STABENOW) submitted an amendment intended to be proposed by Mr. BOND to the bill H.R. 3058, supra.

SA 2141. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill H.R. 3058, supra.

SA 2142. Mr. MCCONNELL (for Mr. ENZI) proposed an amendment to the bill H.R. 3204, to amend title XXVII of the Public Health Service Act to extend Federal funding for the establishment and operation of State high risk health insurance pools.

SA 2143. Mr. DAYTON submitted an amendment intended to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table.

SA 2144. Mr. CORZINE submitted an amendment intended to be proposed by him to the bill H.R. 3058, supra; which was ordered to lie on the table.

SA 2145. Mr. LAUTENBERG (for himself and Mr. LOTT) submitted an amendment intended to be proposed by him to the bill H.R. 3058, supra; which was ordered to lie on the table.

SA 2146. Mr. ENSIGN (for himself, Mr. ALLEN, and Mr. DEMINT) submitted an amendment intended to be proposed by him to the bill H.R. 3058, supra; which was ordered to lie on the table.

SA 2147. Mr. DEWINE submitted an amendment intended to be proposed by him to the bill H.R. 3058, supra; which was ordered to lie on the table.

SA 2148. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill H.R. 3058, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2112. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 276, after line 24, insert the following:

SEC. 1___.(a) Item number 14 of the table contained in section 1302 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59; 119 Stat. 1144) is amended—

(1) by striking "AK" and inserting "LA"; and

(2) by striking "Planning, design, and construction of Knik Arm Bridge" and inserting "Reconstruction of Twin Spans Bridge connecting New Orleans and Slidell, Louisiana".

(b) The table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59; 119 Stat. 1144) is amended—

(1) in item number 2465—

(A) by striking "AK" and inserting "LA"; and

(B) by striking "Planning, design, and construction of Knik Arm Bridge" and inserting "Reconstruction of Twin Spans Bridge connecting New Orleans and Slidell, Louisiana"; and

(2) in item number 3677—

(A) by striking "AK" and inserting "LA"; and

(B) by striking "Planning, design, and construction of Knik Arm Bridge" and inserting "Reconstruction of Twin Spans Bridge connecting New Orleans and Slidell, Louisiana".

(c) Item number 2 of the table contained in section 1934 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59; 119 Stat. 1144) is amended—

(1) by striking "AK" and inserting "LA"; and

(2) by striking "Improvements to the Knik Arm Bridge" and inserting "Reconstruction of Twin Spans Bridge connecting New Orleans and Slidell, Louisiana".

(d) Sections 1949 and 4411 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59; 119 Stat. 1144) are repealed.

(e) Nothing in this section or an amendment made by this section affects the allocation of funds to any State other than the States of Alaska and Louisiana.

SA 2113. Mr. BOND (for himself, Mr. DORGAN, Mr. NELSON of Florida, Mr. CORZINE, and Mr. TALENT) proposed an amendment to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

Insert the following on page 348, after line 5, and renumber accordingly:

"SEC. 321. No funds in this Act may be used to support any federal, state, or local projects that seek to use the power of eminent domain, unless eminent domain is employed only for a public use: Provided, That for purposes of this section, public use shall not be construed to include economic development that primarily benefits private entities: Provided further, That any use of funds for mass transit, railroad, airport, seaport or highway projects as well as utility projects which benefit or serve the general public (including energy-related, communication-related, water-related and wastewater-related infrastructure), other sructures designated for use by the general public or which have other common-carrier or public-utility functions that serve the general public and are subject to regulation and oversight by the government, and projects for the removal of blight (including areas identified by units of local government for recovery from natural disasters) or brownsfields as defined in the Small Business Liability Relief and Brownsfields Revitalization Act (Pub. Law 107–118) shall be considered a public use for purposes of eminent domain: Provided further, That the Government Accountability Office, in consultation with the National Academy for Public Administration, organizations representing state and local governments, and property rights organizations, shall conduct a study to be submitted to the Congress within 12 months of the enactment of this Act on the nationwide use of eminent domain, including the procedures used and the results accomplished on a state-by-state basis as well as the impact on individual property owners and on the affected communities."

SA 2114. Mrs. BOXER (for herself and Mr. SCHUMER) submitted an amendment intended to be proposed by her to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 310, line 16, insert ", and of which $4,500,000 shall be for capacity building activities administered by Habitat for Humanity International" after "tribal areas".

SA 2115. Mr. ENZI proposed an amendment to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

At the appropriate place add the following:

—ASSISTANCE FOR WORKERS AND SMALL BUSINESSES

Subtitle A—Minimum Wage Adjustment

SEC. ___01. MINIMUM WAGE.

(a) IN GENERAL.—Section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) is amended to read as follows:

"(1) except as otherwise provided in this section, not less than—

"(A) $5.70 an hour, beginning 6 months after the date of enactment of the Transportation, Treasury, the Judiciary, Housing and Urban Development, and Related Agencies Appropriations Act, 2006; and

"(B) $6.25 an hour, beginning 18 months after such date of enactment;".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 6 months after the date of enactment of the Transportation, Treasury, the Judiciary, Housing and Urban Development, and Related Agencies Appropriations Act, 2006.

Subtitle B—Workplace Flexibility

SEC. ___11. SHORT TITLE.

This subtitle may be cited as the "Workplace Flexibility Act".

SEC. ___12. BIWEEKLY WORK PROGRAMS.

(a) IN GENERAL.—The Fair Labor Standards Act of 1938 is amended by inserting after section 13 (29 U.S.C. 213) the following:

"SEC. 13A. BIWEEKLY WORK PROGRAMS.

"(a) VOLUNTARY PARTICIPATION.—

"(1) IN GENERAL.—Except as provided in paragraph (2), no employee may be required to participate in a program described in this section. Participation in a program described in this section may not be a condition of employment.

"(2) COLLECTIVE BARGAINING AGREEMENT.—In a case in which a valid collective bargaining agreement exists between an employer and the labor organization that has been certified or recognized as the representative of the employees of the employer under applicable law, an employee may only be required to participate in such a program in accordance with the agreement.

"(b) BIWEEKLY WORK PROGRAMS.—

"(1) IN GENERAL.—Notwithstanding section 7, an employer may establish biweekly work programs that allow the use of a biweekly work schedule—

"(A) that consists of a basic work requirement of not more than 80 hours, over a 2-week period; and

"(B) in which more than 40 hours of the work requirement may occur in a week of the period, except that no more than 10 hours may be shifted between the 2 weeks involved.

"(2) CONDITIONS.—An employer may carry out a biweekly work program described in paragraph (1) for employees only pursuant to the following:

"(A) AGREEMENT.—The program may be carried out only in accordance with—

"(i) applicable provisions of a collective bargaining agreement between the employer and the labor organization that has been certified or recognized as the representative of the employees under applicable law; or

"(ii) in the case of an employee who is not represented by a labor organization described in clause (i), a written agreement arrived at between the employer and employee before the performance of the work involved if the agreement was entered into knowingly and voluntarily by such employee and was not a condition of employment.

"(B) STATEMENT.—The program shall apply to an employee described in subparagraph (A)(ii) if such employee has affirmed, in a written statement that is made, kept, and preserved in accordance with section 11(c), that the employee has chosen to participate in the program.

"(C) MINIMUM SERVICE.—No employee may participate, or agree to participate, in the program unless the employee has been employed for at least 12 months by the employer, and for at least 1,250 hours of service with the employer during the previous 12-month period.

"(3) COMPENSATION FOR HOURS IN SCHEDULE.—Notwithstanding section 7, in the case of an employee participating in such a biweekly work program, the employee shall be compensated for each hour in such a biweekly work schedule at a rate not less than the regular rate at which the employee is employed.

"(4) COMPUTATION OF OVERTIME.—All hours worked by the employee in excess of such a biweekly work schedule or in excess of 80 hours in the 2-week period, that are requested in advance by the employer, shall be overtime hours.

"(5) OVERTIME COMPENSATION PROVISION.—The employee shall be compensated for each such overtime hour at a rate not less than one and one-half times the regular rate at which the employee is employed, in accordance with section 7(a)(1), or receive compensatory time off in accordance with section 7(r) for each such overtime hour.

"(6) DISCONTINUANCE OF PROGRAM OR WITHDRAWAL.—

"(A) DISCONTINUANCE OF PROGRAM.—An employer that has established a biweekly work program under paragraph (1) may discontinue the program for employees described in paragraph (2)(A)(ii) after providing 30 days' written notice to the employees who are subject to an agreement described in paragraph (2)(A)(ii).

"(B) WITHDRAWAL.—An employee may withdraw an agreement described in paragraph (2)(A)(ii) at the end of any 2-week period described in paragraph (1)(A), by submitting a written notice of withdrawal to the employer of the employee.

"(c) PROHIBITION OF COERCION.—

"(1) IN GENERAL.—An employer shall not directly or indirectly intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce, any employee for the purpose of interfering with the rights of the employee under this section to elect or not to elect to work a biweekly work schedule.

"(2) DEFINITION.—In paragraph (1), the term 'intimidate, threaten, or coerce' includes promising to confer or conferring any benefit (such as appointment, promotion, or compensation) or effecting or threatening to effect any reprisal (such as deprivation of appointment, promotion, or compensation).

"(d) DEFINITIONS.—In this section:

"(1) BASIC WORK REQUIREMENT.—The term 'basic work requirement' means the number of hours, excluding overtime hours, that an employee is required to work or is required to account for by leave or otherwise.

"(2) COLLECTIVE BARGAINING.—The term 'collective bargaining' means the performance of the mutual obligation of the representative of an employer and the labor organization that has been certified or recognized as the representative of the employees of the employer under applicable law to meet at reasonable times and to consult and bargain in a good-faith effort to reach agreement with respect to the conditions of employment affecting such employees and to execute, if requested by either party, a written document incorporating any collective bargaining agreement reached, but the obligation referred to in this paragraph shall not compel either party to agree to a proposal or to make a concession.

"(3) COLLECTIVE BARGAINING AGREEMENT.—The term 'collective bargaining agreement' means an agreement entered into as a result of collective bargaining.

"(4) ELECTION.—The term 'at the election of', used with respect to an employee, means at the initiative of, and at the request of, the employee.

"(5) EMPLOYEE.—The term 'employee' means an individual—

"(A) who is an employee (as defined in section 3);

"(B) who is not an employee of a public agency; and

"(C) to whom section 7(a) applies.

"(6) EMPLOYER.—The term 'employer' does not include a public agency.

"(7) OVERTIME HOURS.—The term 'overtime hours' when used with respect to biweekly work programs under subsection (b), means all hours worked in excess of the biweekly work schedule involved or in excess of 80 hours in the 2-week period involved, that are requested in advance by an employer.

"(8) REGULAR RATE.—The term 'regular rate' has the meaning given the term in section 7(e).".

(b) REMEDIES.—

(1) PROHIBITIONS.—Section 15(a)(3) of the Fair Labor Standards Act of 1938 (29 U.S.C. 215(a)(3)) is amended—

(A) by inserting "(A)" after "(3)";

(B) by adding "or" after the semicolon; and

(C) by adding at the end the following:

"(B) to violate any of the provisions of section 13A;".

(2) REMEDIES AND SANCTIONS.—Section 16 of the Fair Labor Standards Act of 1938 (29 U.S.C. 216) is amended—

(A) in subsection (c)—

(i) in the first sentence—

(I) by inserting after "7 of this Act" the following: ", or of the appropriate legal or monetary equitable relief owing to any employee or employees under section 13A"; and

(II) by striking "wages or unpaid overtime compensation and" and inserting "wages, unpaid overtime compensation, or legal or monetary equitable relief, as appropriate, and";

(ii) in the second sentence, by striking "wages or overtime compensation and" and inserting "wages, unpaid overtime compensation, or legal or monetary equitable relief, as appropriate, and"; and

(iii) in the third sentence—

(I) by inserting after "first sentence of such subsection" the following: ", or the second sentence of such subsection in the event of a violation of section 13A,"; and

(II) by striking "wages or unpaid overtime compensation under sections 6 and 7 or" and inserting "wages, unpaid overtime compensation, or legal or monetary equitable relief, as appropriate, or"; and

(B) in subsection (e)—

(i) in the second sentence, by striking "section 6 or 7" and inserting "section 6, 7, or 13A"; and

(ii) in the fourth sentence, in paragraph (3), by striking "15(a)(4) or" and inserting "15(a)(4), a violation of section 15(a)(3)(B), or".

(c) NOTICE TO EMPLOYEES.—Not later than 30 days after the date of enactment of this Act, the Secretary of Labor shall revise the materials the Secretary provides, under regulations contained in section 516.4 of title 29, Code of Federal Regulations, to employers for purposes of a notice explaining the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.) to employees so that the notice reflects the amendments made to the Act by this section.

SEC. ___13. CONGRESSIONAL COVERAGE.

Section 203 of the Congressional Accountability Act of 1995 (2 U.S.C. 1313) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking "and section 12(c)" and inserting "section 12(c), and section 13A"; and

(B) by striking paragraph (3);

(2) in subsection (b)—

(A) by striking "The remedy" and inserting the following:

"(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the remedy"; and

(B) by adding at the end the following:

"(2) BIWEEKLY WORK PROGRAMS AND FLEXIBLE CREDIT HOURS PROGRAMS.—The remedy for a violation of subsection (a) relating to the requirements of section 13A of the Fair Labor Standards Act of 1938 shall be such remedy as would be appropriate if awarded under sections 16 and 17 of such Act (29 U.S.C. 216, 217) for such a violation."; and

(3) in subsection (c), by striking paragraph (4).

SEC. ___14. TERMINATION.

The authority provided by this subtitle and the amendments made by this subtitle terminates 5 years after the date of enactment of this Act.

Subtitle C—Small Business Fair Labor Standards Act Exemption

SEC. ___21. ENHANCED SMALL BUSINESS EXEMPTION.

(a) IN GENERAL.—Section 3(s)(1)(A)(ii) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(s)(1)(A)(ii)) is amended by striking "$500,000" and inserting "$1,000,000".

(b) EFFECT OF AMENDMENT.—The amendment made by subsection (a) shall not apply in any State that does not have in effect, or that does not subsequently enact after the date of enactment of the Transportation, Treasury, the Judiciary, Housing and Urban Development, and Related Agencies Appropriations Act, 2006, legislation applying minimum wage and hours of work protections to workers covered by the Fair Labor Standards Act of 1938 as of the day before the date of enactment of the Transportation, Treasury, the Judiciary, Housing and Urban Development, and Related Agencies Appropriations Act, 2006.

SEC. 22. SCOPE OF EMPLOYMENT.

Section 6(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)), in the matter preceding paragraph (1), and section 7(a)(1) of such Act (29 U.S.C. 207(a)(1)), are amended by striking "who in any workweek is engaged in commerce or in the production of goods for commerce, or is employed in an enterprise engaged in commerce or in the production of goods for commerce," and inserting "who in any workweek is engaged in industrial homework subject to section 11(d) and engaged in commerce or in the production of goods for commerce, or who in any workweek is employed in an enterprise engaged in commerce or in the production of goods for commerce,".

Subtitle D—Small Business Paperwork Reduction

SEC. 31. SMALL BUSINESS PAPERWORK REDUCTION.

(a) IN GENERAL.—Section 3506 of title 44, United States Code (commonly referred to as the "Paperwork Reduction Act"), is amended by adding at the end the following:

"(j)(1) In the case of a first-time violation by a small business concern of a requirement regarding the collection of information by an agency, the head of such agency shall provide that no civil fine shall be imposed on the small business concern unless, based on the particular facts and circumstances regarding the violation—

"(A) the head of the agency determines that the violation has the potential to cause serious harm to the public interest;

"(B) the head of the agency determines that failure to impose a civil fine would impede or interfere with the detection of criminal activity;

"(C) the violation is a violation of an internal revenue law or a law concerning the assessment or collection of any tax, debt, revenue, or receipt;

"(D) the violation is not corrected on or before the date that is 6 months after the date of receipt by the small business concern of notification of the violation in writing from the agency; or

"(E) except as provided in paragraph (2), the head of the agency determines that the violation presents a danger to the public health or safety.

"(2)(A) In any case in which the head of an agency determines under paragraph (1)(E) that a violation presents a danger to the public health or safety, the head of the agency may, notwithstanding paragraph (1)(E), determine that a civil fine should not be imposed on the small business concern if the violation is corrected within 24 hours of receipt of notice in writing by the small business concern of the violation.

"(B) In determining whether to provide a small business concern with 24 hours to correct a violation under subparagraph (A), the head of the agency shall take into account all of the facts and circumstances regarding the violation, including—

"(i) the nature and seriousness of the violation, including whether the violation is technical or inadvertent or involves willful or criminal conduct;

"(ii) whether the small business concern has made a good faith effort to comply with applicable laws, and to remedy the violation within the shortest practicable period of time; and

"(iii) whether the small business concern has obtained a significant economic benefit from the violation.

"(C) In any case in which the head of the agency imposes a civil fine on a small business concern for a violation with respect to which this paragraph applies and does not provide the small business concern with 24 hours to correct the violation, the head of the agency shall notify Congress regarding such determination not later than 60 days after the date that the civil fine is imposed by the agency.

"(3) With respect to any agency, this subsection shall not apply to any violation by a small business concern of a requirement regarding collection of information by such agency if such small business concern previously violated any requirement regarding collection of information by such agency.

"(4) In determining if a violation is a first-time violation for purposes of this subsection, the head of an agency shall not take into account any violation of a requirement regarding collection of information by another agency.

"(5) Notwithstanding any other provision of law, no State may impose a civil penalty on a small business concern, in the case of a first-time violation by the small-business concern of a requirement regarding collection of information under Federal law, in a manner inconsistent with the provisions of this subsection.

"(6) For purposes of this subsection, the term 'small business concern' means a business concern that meets the requirements of section 3(a) of the Small Business Act (15 U.S.C. 632(a)) and the regulations promulgated pursuant to such section.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to any violation occurring on or after January 1, 2006.

Subtitle E—Small Business Regulatory Relief

SEC. ___41. ENHANCED COMPLIANCE ASSISTANCE FOR SMALL BUSINESSES.

(a) IN GENERAL.—Section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C. 601 note) is amended by striking subsection (a) and inserting the following:

"(a) COMPLIANCE GUIDE.—

"(1) IN GENERAL.—For each rule for which an agency head does not make a certification under section 605(b) of title 5, United States Code, the agency shall publish 1 or more guides to assist small entities in complying with the rule, and shall entitle such publications 'small entity compliance guides'.

"(2) PUBLICATION OF GUIDES.—The publication of each guide under this subsection shall include—

"(A) the posting of the guide in an easily identified location on the website of the agency; and

"(B) distribution of the guide to known industry contacts, such as small entities, associations, or industry leaders affected by the rule.

"(3) PUBLICATION DATE.—An agency shall publish each guide (including the posting and distribution of the guide as described under paragraph (2))—

"(A) on the same date as the date of publication of the final rule (or as soon as possible after that date); and

"(B) not later than the date on which the requirements of that rule become effective.

"(4) COMPLIANCE ACTIONS.—

"(A) IN GENERAL.—Each guide shall explain the actions a small entity is required to take to comply with a rule.

"(B) EXPLANATION.—The explanation under subparagraph (A)—

"(i) shall include a description of actions needed to meet requirements to enable a small entity to know when such requirements are met; and

"(ii) if determined appropriate by the agency, may include a description of possible procedures, such as conducting tests, that assist a small entity in meeting such requirements.

"(C) PROCEDURES.—Procedures described under subparagraph (B)(ii)—

"(i) shall be suggestions to assist small entities; and

"(ii) shall not be additional requirements relating to the rule.

"(5) AGENCY PREPARATION OF GUIDES.—The agency shall, in its sole discretion, taking into account the subject matter of the rule and the language of relevant statutes, ensure that the guide is written using sufficiently plain language likely to be understood by affected small entities. Agencies may prepare separate guides covering groups or classes of similarly affected small entities, and may cooperate with associations of small entities to develop and distribute such guides. An agency may prepare guides and apply this section with respect to a rule or a group of related rules.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 211(3) of the Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C. 601 note) is amended by inserting "and entitled" after "designated".

Subtitle F—Minimum Wage Tip Credit

SEC. 51. TIPPED WAGE FAIRNESS.

Section 3(m) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(m)) is amended—

(1) in paragraph (2), by inserting before the period the following: ": *Provided*, That the tips shall not be included as part of the wage paid to an employee to the extent they are excluded therefrom under the terms of a bona fide collective bargaining agreement applicable to the particular employee"; and

(2) adding at the end the following: "Notwithstanding any other provision of this Act, any State or political subdivision of a State which, on and after the date of enactment of the Transportation, Treasury, the Judiciary, Housing and Urban Development, and Related Agencies Appropriations Act, 2006, excludes all of a tipped employee's tips from being considered as wages in determining if such tipped employee has been paid the applicable minimum wage rate, may not establish or enforce the minimum wage rate provisions of such law, ordinance, regulation, or order in such State or political subdivision thereof with respect to tipped employees unless such law, ordinance, regulation, or order is revised or amended to permit a tip credit

in an amount not less than an amount equal to—

"(A) the cash wage paid such employee which is required under such law, ordinance, regulation, or order on the date of enactment of such Act; and

"(B) an additional amount on account of tips received by such employee which amount is equal to the difference between such cash wage and the minimum wage rate in effect under such law, ordinance, regulation, or order or the minimum wage rate in effect under section 6, whichever is higher.".

Subtitle G—Small Business Tax Relief

SEC. ___60. AMENDMENT OF 1986 CODE.

Except as otherwise expressly provided, whenever in this subtitle an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

CHAPTER 1—PROVISIONS RELATING TO ECONOMIC STIMULUS FOR SMALL BUSINESSES

SEC. ___61. EXTENSION OF INCREASED EXPENSING FOR SMALL BUSINESS.

(a) IN GENERAL.—Section 179 (relating to election to expense certain depreciable business assets) is amended by striking "2008" each place it appears and inserting "2009".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. ___62. CLARIFICATION OF CASH ACCOUNTING RULES FOR SMALL BUSINESS.

(a) CASH ACCOUNTING PERMITTED.—Section 446 (relating to general rule for methods of accounting) is amended by adding at the end the following new subsection:

"(g) CERTAIN SMALL BUSINESS TAXPAYERS PERMITTED TO USE CASH ACCOUNTING METHOD WITHOUT LIMITATION.—

"(1) IN GENERAL.—An eligible taxpayer shall not be required to use an accrual method of accounting for any taxable year.

"(2) ELIGIBLE TAXPAYER.—For purposes of this subsection—

"(A) IN GENERAL.—A taxpayer is an eligible taxpayer with respect to any taxable year if—

"(i) for all prior taxable years beginning after December 31, 2004, the taxpayer (or any predecessor) met the gross receipts test of subparagraph (B), and

"(ii) the taxpayer is not subject to section 447 or 448.

"(B) GROSS RECEIPTS TEST.—A taxpayer meets the gross receipts test of this subparagraph for any prior taxable year if the average annual gross receipts of the taxpayer for the 3-taxable-year period ending with such prior taxable year does not exceed $10,000,000. The rules of paragraphs (2) and (3) of section 448(c) shall apply for purposes of the preceding sentence.

"(C) INFLATION ADJUSTMENT.—In the case of any taxable year beginning in a calendar year after 2006, the dollar amount contained in subparagraph (B) shall be increased by an amount equal to—

"(i) such dollar amount, multiplied by

"(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, by substituting 'calendar year 2005' for 'calendar year 1992' in subparagraph (B) thereof.

If any amount as adjusted under this subparagraph is not a multiple of $100,000, such amount shall be rounded to the nearest multiple of $100,000.".

(b) CLARIFICATION OF INVENTORY RULES FOR SMALL BUSINESS.—Section 471 (relating to general rule for inventories) is amended by redesignating subsection (c) as subsection (d) and by inserting after subsection (b) the following new subsection:

"(c) SMALL BUSINESS TAXPAYERS NOT REQUIRED TO USE INVENTORIES.—

"(1) IN GENERAL.—An eligible taxpayer shall not be required to use inventories under this section for a taxable year.

"(2) TREATMENT OF TAXPAYERS NOT USING INVENTORIES.—If an eligible taxpayer does not use inventories with respect to any property for any taxable year beginning after December 31, 2004, such property shall be treated as a material or supply which is not incidental.

"(3) ELIGIBLE TAXPAYER.—For purposes of this subsection, the term 'eligible taxpayer' has the meaning given such term by section 446(g)(2).".

(c) EFFECTIVE DATE AND SPECIAL RULES.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxable years beginning after December 31, 2004.

(2) CHANGE IN METHOD OF ACCOUNTING.—In the case of any taxpayer changing the taxpayer's method of accounting for any taxable year under the amendments made by this section—

(A) such change shall be treated as initiated by the taxpayer;

(B) such change shall be treated as made with the consent of the Secretary of the Treasury; and

(C) the net amount of the adjustments required to be taken into account by the taxpayer under section 481 of the Internal Revenue Code of 1986 shall be taken into account over a period (not greater than 4 taxable years) beginning with such taxable year.

SEC. ___63. RECOVERY PERIOD FOR DEPRECIATION OF RESTAURANT BUILDINGS.

(a) 15-YEAR RECOVERY PERIOD.—Subparagraph (E) of section 168(e)(3) (relating to 15-year property) is amended by striking "and" at the end of clause (ii), by striking the period at the end of clause (iii) and inserting ", and", and by adding at the end the following new clause:

"(iv) any section 1250 property which is a retail restaurant facility.".

(b) RETAIL RESTAURANT FACILITY.—Subsection (e) of section 168 is amended by adding at the end the following new paragraph:

"(6) RETAIL RESTAURANT FACILITY.—The term 'retail restaurant facility' means any building if more than 50 percent of the building's square footage is devoted to preparation of, and seating for on-premises consumption of, prepared meals.".

(c) ALTERNATIVE SYSTEM.—The table contained in section 168(g)(3)(B) is amended by inserting after the item relating to subparagraph (E)(iii) the following new item:

"(E)(iv) .... 39".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to retail restaurant buildings placed in service, and to all improvements made, after September 30, 2004, and before October 1, 2009.

CHAPTER 2—REVENUE PROVISIONS

SEC. ___71. FRIVOLOUS TAX SUBMISSIONS.

(a) CIVIL PENALTIES.—Section 6702 is amended to read as follows:

"SEC. 6702. FRIVOLOUS TAX SUBMISSIONS.

"(a) CIVIL PENALTY FOR FRIVOLOUS TAX RETURNS.—A person shall pay a penalty of $5,000 if—

"(1) such person files what purports to be a return of a tax imposed by this title but which—

"(A) does not contain information on which the substantial correctness of the self-assessment may be judged, or

"(B) contains information that on its face indicates that the self-assessment is substantially incorrect; and

"(2) the conduct referred to in paragraph (1)—

"(A) is based on a position which the Secretary has identified as frivolous under subsection (c), or

"(B) reflects a desire to delay or impede the administration of Federal tax laws.

"(b) CIVIL PENALTY FOR SPECIFIED FRIVOLOUS SUBMISSIONS.—

"(1) IMPOSITION OF PENALTY.—Except as provided in paragraph (3), any person who submits a specified frivolous submission shall pay a penalty of $5,000.

"(2) SPECIFIED FRIVOLOUS SUBMISSION.—For purposes of this section—

"(A) SPECIFIED FRIVOLOUS SUBMISSION.—The term 'specified frivolous submission' means a specified submission if any portion of such submission—

"(i) is based on a position which the Secretary has identified as frivolous under subsection (c), or

"(ii) reflects a desire to delay or impede the administration of Federal tax laws.

"(B) SPECIFIED SUBMISSION.—The term 'specified submission' means—

"(i) a request for a hearing under—

"(I) section 6320 (relating to notice and opportunity for hearing upon filing of notice of lien), or

"(II) section 6330 (relating to notice and opportunity for hearing before levy), and

"(ii) an application under—

"(I) section 6159 (relating to agreements for payment of tax liability in installments),

"(II) section 7122 (relating to compromises), or

"(III) section 7811 (relating to taxpayer assistance orders).

"(3) OPPORTUNITY TO WITHDRAW SUBMISSION.—If the Secretary provides a person with notice that a submission is a specified frivolous submission and such person withdraws such submission within 30 days after such notice, the penalty imposed under paragraph (1) shall not apply with respect to such submission.

"(c) LISTING OF FRIVOLOUS POSITIONS.—The Secretary shall prescribe (and periodically revise) a list of positions which the Secretary has identified as being frivolous for purposes of this subsection. The Secretary shall not include in such list any position that the Secretary determines meets the requirement of section 6662(d)(2)(B)(ii)(II).

"(d) REDUCTION OF PENALTY.—The Secretary may reduce the amount of any penalty imposed under this section if the Secretary determines that such reduction would promote compliance with and administration of the Federal tax laws.

"(e) PENALTIES IN ADDITION TO OTHER PENALTIES.—The penalties imposed by this section shall be in addition to any other penalty provided by law.".

(b) TREATMENT OF FRIVOLOUS REQUESTS FOR HEARINGS BEFORE LEVY.—

(1) FRIVOLOUS REQUESTS DISREGARDED.—Section 6330 (relating to notice and opportunity for hearing before levy) is amended by adding at the end the following new subsection:

"(g) FRIVOLOUS REQUESTS FOR HEARING, ETC.—Notwithstanding any other provision of this section, if the Secretary determines that any portion of a request for a hearing under this section or section 6320 meets the requirement of clause (i) or (ii) of section 6702(b)(2)(A), then the Secretary may treat such portion as if it were never submitted and such portion shall not be subject to any further administrative or judicial review.".

(2) PRECLUSION FROM RAISING FRIVOLOUS ISSUES AT HEARING.—Section 6330(c)(4) is amended—

(A) by striking "(A)" and inserting "(A)(i)";

(B) by striking "(B)" and inserting "(ii)";

(C) by striking the period at the end of the first sentence and inserting "; or"; and

(D) by inserting after subparagraph (A)(ii) (as so redesignated) the following:

"(B) the issue meets the requirement of clause (i) or (ii) of section 6702(b)(2)(A).".

(3) STATEMENT OF GROUNDS.—Section 6330(b)(1) is amended by striking "under subsection (a)(3)(B)" and inserting "in writing under subsection (a)(3)(B) and states the grounds for the requested hearing".

(c) TREATMENT OF FRIVOLOUS REQUESTS FOR HEARINGS UPON FILING OF NOTICE OF LIEN.—Section 6320 is amended—

(1) in subsection (b)(1), by striking "under subsection (a)(3)(B)" and inserting "in writing under subsection (a)(3)(B) and states the grounds for the requested hearing", and

(2) in subsection (c), by striking "and (e)" and inserting "(e), and (g)".

(d) TREATMENT OF FRIVOLOUS APPLICATIONS FOR OFFERS-IN-COMPROMISE AND INSTALLMENT AGREEMENTS.—Section 7122 is amended by adding at the end the following new subsection:

"(e) FRIVOLOUS SUBMISSIONS, ETC.—Notwithstanding any other provision of this section, if the Secretary determines that any portion of an application for an offer-in-compromise or installment agreement submitted under this section or section 6159 meets the requirement of clause (i) or (ii) of section 6702(b)(2)(A), then the Secretary may treat such portion as if it were never submitted and such portion shall not be subject to any further administrative or judicial review.".

(e) CLERICAL AMENDMENT.—The table of sections for part I of subchapter B of chapter 68 is amended by striking the item relating to section 6702 and inserting the following new item:

"Sec. 6702. Frivolous tax submissions.".

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to submissions made and issues raised after the date on which the Secretary first prescribes a list under section 6702(c) of the Internal Revenue Code of 1986, as amended by subsection (a).

SEC. 72. INCREASE IN CRIMINAL MONETARY PENALTY LIMITATION FOR THE UNDERPAYMENT OR OVERPAYMENT OF TAX DUE TO FRAUD.

(a) IN GENERAL.—Section 7206 (relating to fraud and false statements) is amended—

(1) by striking "Any person who—" and inserting "(a) IN GENERAL.—Any person who—", and

(2) by adding at the end the following new subsection:

"(b) INCREASE IN MONETARY LIMITATION FOR UNDERPAYMENT OR OVERPAYMENT OF TAX DUE TO FRAUD.—If any portion of any underpayment (as defined in section 6664(a)) or overpayment (as defined in section 6401(a)) of tax required to be shown on a return is attributable to fraudulent action described in subsection (a), the applicable dollar amount under subsection (a) shall in no event be less than an amount equal to such portion. A rule similar to the rule under section 6663(b) shall apply for purposes of determining the portion so attributable.".

(b) INCREASE IN PENALTIES.—

(1) ATTEMPT TO EVADE OR DEFEAT TAX.—Section 7201 is amended—

(A) by striking "$100,000" and inserting "$250,000",

(B) by striking "$500,000" and inserting "$1,000,000", and

(C) by striking "5 years" and inserting "10 years".

(2) WILLFUL FAILURE TO FILE RETURN, SUPPLY INFORMATION, OR PAY TAX.—Section 7203 is amended—

(A) in the first sentence—

(i) by striking "misdemeanor" and inserting "felony", and

(ii) by striking "1 year" and inserting "10 years", and

(B) by striking the third sentence.

(3) FRAUD AND FALSE STATEMENTS.—Section 7206(a) (as redesignated by subsection (a)) is amended—

(A) by striking "$100,000" and inserting "$250,000",

(B) by striking "$500,000" and inserting "$1,000,000", and

(C) by striking "3 years" and inserting "5 years".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to underpayments and overpayments attributable to actions occurring after the date of the enactment of this Act.

SEC. ___73. MODIFICATION OF INTERACTION BETWEEN SUBPART F AND PASSIVE FOREIGN INVESTMENT COMPANY RULES.

(a) LIMITATION ON EXCEPTION FROM PFIC RULES FOR UNITED STATES SHAREHOLDERS OF CONTROLLED FOREIGN CORPORATIONS.—Paragraph (2) of section 1297(e) (relating to passive foreign investment company) is amended by adding at the end the following flush sentence:

"Such term shall not include any period if the earning of subpart F income by such corporation during such period would result in only a remote likelihood of an inclusion in gross income under section 951(a)(1)(A)(i).".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years of controlled foreign corporations beginning after March 2, 2005, and to taxable years of United States shareholders with or within which such taxable years of controlled foreign corporations end.

SEC. 74. TAX TREATMENT OF INVERTED CORPORATE ENTITIES.

(a) IN GENERAL.—Subchapter C of chapter 80 (relating to provisions affecting more than one subtitle) is amended by striking section 7874 and inserting the following:

"SEC. 7874. RULES RELATING TO INVERTED CORPORATE ENTITIES.

"(a) INVERTED CORPORATIONS TREATED AS DOMESTIC CORPORATIONS.—

"(1) IN GENERAL.—If a foreign incorporated entity is treated as an inverted domestic corporation, then, notwithstanding section 7701(a)(4), such entity shall be treated for purposes of this title as a domestic corporation.

"(2) INVERTED DOMESTIC CORPORATION.—For purposes of this section, a foreign incorporated entity shall be treated as an inverted domestic corporation if, pursuant to a plan (or a series of related transactions)—

"(A) the entity completes after March 20, 2002, the direct or indirect acquisition of substantially all of the properties held directly or indirectly by a domestic corporation or substantially all of the properties constituting a trade or business of a domestic partnership,

"(B) after the acquisition at least 80 percent of the stock (by vote or value) of the entity is held—

"(i) in the case of an acquisition with respect to a domestic corporation, by former shareholders of the domestic corporation by reason of holding stock in the domestic corporation, or

"(ii) in the case of an acquisition with respect to a domestic partnership, by former partners of the domestic partnership by reason of holding a capital or profits interest in the domestic partnership, and

"(C) the expanded affiliated group which after the acquisition includes the entity does not have substantial business activities in the foreign country in which or under the law of which the entity is created or organized when compared to the total business activities of such expanded affiliated group.

Except as provided in regulations, an acquisition of properties of a domestic corporation shall not be treated as described in subparagraph (A) if none of the corporation's stock was readily tradeable on an established securities market at any time during the 4-year period ending on the date of the acquisition.

"(b) PRESERVATION OF DOMESTIC TAX BASE IN CERTAIN INVERSION TRANSACTIONS TO WHICH SUBSECTION (a) DOES NOT APPLY.—

"(1) IN GENERAL.—If a foreign incorporated entity would be treated as an inverted domestic corporation with respect to an acquired entity if either—

"(A) subsection (a)(2)(A) were applied by substituting 'after December 31, 1996, and on or before March 20, 2002' for 'after March 20, 2002' and subsection (a)(2)(B) were applied by substituting 'more than 50 percent' for 'at least 80 percent', or

"(B) subsection (a)(2)(B) were applied by substituting 'more than 50 percent' for 'at least 80 percent',

then the rules of subsection (c) shall apply to any inversion gain of the acquired entity during the applicable period and the rules of subsection (d) shall apply to any related party transaction of the acquired entity during the applicable period. This subsection shall not apply for any taxable year if subsection (a) applies to such foreign incorporated entity for such taxable year.

"(2) ACQUIRED ENTITY.—For purposes of this section—

"(A) IN GENERAL.—The term 'acquired entity' means the domestic corporation or partnership substantially all of the properties of which are directly or indirectly acquired in an acquisition described in subsection (a)(2)(A) to which this subsection applies.

"(B) AGGREGATION RULES.—Any domestic person bearing a relationship described in section 267(b) or 707(b) to an acquired entity shall be treated as an acquired entity with respect to the acquisition described in subparagraph (A).

"(3) APPLICABLE PERIOD.—For purposes of this section—

"(A) IN GENERAL.—The term 'applicable period' means the period—

"(i) beginning on the first date properties are acquired as part of the acquisition described in subsection (a)(2)(A) to which this subsection applies, and

"(ii) ending on the date which is 10 years after the last date properties are acquired as part of such acquisition.

"(B) SPECIAL RULE FOR INVERSIONS OCCURRING BEFORE MARCH 21, 2002.—In the case of any acquired entity to which paragraph (1)(A) applies, the applicable period shall be the 10-year period beginning on January 1, 2003.

"(c) TAX ON INVERSION GAINS MAY NOT BE OFFSET.—If subsection (b) applies—

"(1) IN GENERAL.—The taxable income of an acquired entity (or any expanded affiliated group which includes such entity) for any taxable year which includes any portion of the applicable period shall in no event be less than the inversion gain of the entity for the taxable year.

"(2) CREDITS NOT ALLOWED AGAINST TAX ON INVERSION GAIN.—Credits shall be allowed against the tax imposed by this chapter on an acquired entity for any taxable year described in paragraph (1) only to the extent such tax exceeds the product of—

"(A) the amount of the inversion gain for the taxable year, and

"(B) the highest rate of tax specified in section 11(b)(1).

For purposes of determining the credit allowed by section 901 inversion gain shall be treated as from sources within the United States.

"(3) SPECIAL RULES FOR PARTNERSHIPS.—In the case of an acquired entity which is a partnership—

"(A) the limitations of this subsection shall apply at the partner rather than the partnership level,

"(B) the inversion gain of any partner for any taxable year shall be equal to the sum of—

"(i) the partner's distributive share of inversion gain of the partnership for such taxable year, plus

"(ii) income or gain required to be recognized for the taxable year by the partner under section 367(a), 741, or 1001, or under any other provision of chapter 1, by reason of the transfer during the applicable period of any partnership interest of the partner in such partnership to the foreign incorporated entity, and

"(C) the highest rate of tax specified in the rate schedule applicable to the partner under chapter 1 shall be substituted for the rate of tax under paragraph (2)(B).

"(4) INVERSION GAIN.—For purposes of this section, the term 'inversion gain' means any income or gain required to be recognized under section 304, 311(b), 367, 1001, or 1248, or under any other provision of chapter 1, by reason of the transfer during the applicable period of stock or other properties by an acquired entity—

"(A) as part of the acquisition described in subsection (a)(2)(A) to which subsection (b) applies, or

"(B) after such acquisition to a foreign related person.

The Secretary may provide that income or gain from the sale of inventories or other transactions in the ordinary course of a trade or business shall not be treated as inversion gain under subparagraph (B) to the extent the Secretary determines such treatment would not be inconsistent with the purposes of this section.

"(5) COORDINATION WITH SECTION 172 AND MINIMUM TAX.—Rules similar to the rules of paragraphs (3) and (4) of section 860E(a) shall apply for purposes of this section.

"(6) STATUTE OF LIMITATIONS.—

"(A) IN GENERAL.—The statutory period for the assessment of any deficiency attributable to the inversion gain of any taxpayer for any pre-inversion year shall not expire before the expiration of 3 years from the date the Secretary is notified by the taxpayer (in such manner as the Secretary may prescribe) of the acquisition described in subsection (a)(2)(A) to which such gain relates and such deficiency may be assessed before the expiration of such 3-year period notwithstanding the provisions of any other law or rule of law which would otherwise prevent such assessment.

"(B) PRE-INVERSION YEAR.—For purposes of subparagraph (A), the term 'pre-inversion year' means any taxable year if—

"(i) any portion of the applicable period is included in such taxable year, and

"(ii) such year ends before the taxable year in which the acquisition described in subsection (a)(2)(A) is completed.

"(d) SPECIAL RULES APPLICABLE TO ACQUIRED ENTITIES TO WHICH SUBSECTION (b) APPLIES.—

"(1) INCREASES IN ACCURACY-RELATED PENALTIES.—In the case of any underpayment of tax of an acquired entity to which subsection (b) applies—

"(A) section 6662(a) shall be applied with respect to such underpayment by substituting '30 percent' for '20 percent', and

"(B) if such underpayment is attributable to one or more gross valuation understatements, the increase in the rate of penalty under section 6662(h) shall be to 50 percent rather than 40 percent.

"(2) MODIFICATIONS OF LIMITATION ON INTEREST DEDUCTION.—In the case of an acquired entity to which subsection (b) applies, section 163(j) shall be applied—

"(A) without regard to paragraph (2)(A)(ii) thereof, and

"(B) by substituting '25 percent' for '50 percent' each place it appears in paragraph (2)(B) thereof.

"(e) OTHER DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

"(1) RULES FOR APPLICATION OF SUBSECTION (a)(2).—In applying subsection (a)(2) for purposes of subsections (a) and (b), the following rules shall apply:

"(A) CERTAIN STOCK DISREGARDED.—There shall not be taken into account in determining ownership for purposes of subsection (a)(2)(B)—

"(i) stock held by members of the expanded affiliated group which includes the foreign incorporated entity, or

"(ii) stock of such entity which is sold in a public offering or private placement related to the acquisition described in subsection (a)(2)(A).

"(B) PLAN DEEMED IN CERTAIN CASES.—If a foreign incorporated entity acquires directly or indirectly substantially all of the properties of a domestic corporation or partnership during the 4-year period beginning on the date which is 2 years before the ownership requirements of subsection (a)(2)(B) are met with respect to such domestic corporation or partnership, such actions shall be treated as pursuant to a plan.

"(C) CERTAIN TRANSFERS DISREGARDED.—The transfer of properties or liabilities (including by contribution or distribution) shall be disregarded if such transfers are part of a plan a principal purpose of which is to avoid the purposes of this section.

"(D) SPECIAL RULE FOR RELATED PARTNERSHIPS.—For purposes of applying subsection (a)(2) to the acquisition of a domestic partnership, except as provided in regulations, all partnerships which are under common control (within the meaning of section 482) shall be treated as 1 partnership.

"(E) TREATMENT OF CERTAIN RIGHTS.—The Secretary shall prescribe such regulations as may be necessary—

"(i) to treat warrants, options, contracts to acquire stock, convertible debt instruments, and other similar interests as stock, and

"(ii) to treat stock as not stock.

"(2) EXPANDED AFFILIATED GROUP.—The term 'expanded affiliated group' means an affiliated group as defined in section 1504(a) but without regard to section 1504(b)(3), except that section 1504(a) shall be applied by substituting 'more than 50 percent' for 'at least 80 percent' each place it appears.

"(3) FOREIGN INCORPORATED ENTITY.—The term 'foreign incorporated entity' means any entity which is, or but for subsection (a)(1) would be, treated as a foreign corporation for purposes of this title.

"(4) FOREIGN RELATED PERSON.—The term 'foreign related person' means, with respect to any acquired entity, a foreign person which—

"(A) bears a relationship to such entity described in section 267(b) or 707(b), or

"(B) is under the same common control (within the meaning of section 482) as such entity.

"(5) SUBSEQUENT ACQUISITIONS BY UNRELATED DOMESTIC CORPORATIONS.—

"(A) IN GENERAL.—Subject to such conditions, limitations, and exceptions as the Secretary may prescribe, if, after an acquisition described in subsection (a)(2)(A) to which subsection (b) applies, a domestic corporation stock of which is traded on an established securities market acquires directly or indirectly any properties of one or more acquired entities in a transaction with respect to which the requirements of subparagraph (B) are met, this section shall cease to apply to any such acquired entity with respect to which such requirements are met.

"(B) REQUIREMENTS.—The requirements of the subparagraph are met with respect to a transaction involving any acquisition described in subparagraph (A) if—

"(i) before such transaction the domestic corporation did not have a relationship described in section 267(b) or 707(b), and was not under common control (within the meaning of section 482), with the acquired entity, or any member of an expanded affiliated group including such entity, and

"(ii) after such transaction, such acquired entity—

"(I) is a member of the same expanded affiliated group which includes the domestic corporation or has such a relationship or is under such common control with any member of such group, and

"(II) is not a member of, and does not have such a relationship and is not under such common control with any member of, the expanded affiliated group which before such acquisition included such entity.

"(f) REGULATIONS.—The Secretary shall provide such regulations as are necessary to carry out this section, including regulations providing for such adjustments to the application of this section as are necessary to prevent the avoidance of the purposes of this section, including the avoidance of such purposes through—

"(1) the use of related persons, pass-thru or other noncorporate entities, or other intermediaries, or

"(2) transactions designed to have persons cease to be (or not become) members of expanded affiliated groups or related persons.".

(b) INFORMATION REPORTING.—The Secretary of the Treasury shall exercise the Secretary's authority under the Internal Revenue Code of 1986 to require entities involved in transactions to which section 7874 of such Code (as added by subsection (a)) applies to report to the Secretary, shareholders, partners, and such other persons as the Secretary may prescribe such information as is necessary to ensure the proper tax treatment of such transactions.

(c) CONFORMING AMENDMENT.—The table of sections for subchapter C of chapter 80 is amended by striking the item relating to section 7874 and inserting the following:

"Sec. 7874. Rules relating to inverted corporate entities.".

(d) TRANSITION RULE FOR CERTAIN REGULATED INVESTMENT COMPANIES AND UNIT INVESTMENT TRUSTS.—Notwithstanding section

7874 of the Internal Revenue Code of 1986 (as added by subsection (a)), a regulated investment company, or other pooled fund or trust specified by the Secretary of the Treasury, may elect to recognize gain by reason of section 367(a) of such Code with respect to a transaction under which a foreign incorporated entity is treated as an inverted domestic corporation under section 7874(a) of such Code by reason of an acquisition completed after March 20, 2002, and before January 1, 2004.

(e) DISCLOSURE OF CORPORATE EXPATRIATION TRANSACTIONS.—

(1) IN GENERAL.—Section 14 of the Securities Exchange Act of 1934 (15 U.S.C. 78n) is amended by adding at the end the following new subsection:

"(i) PROXY SOLICITATIONS IN CONNECTION WITH CORPORATE EXPATRIATION TRANSACTIONS.—

"(1) DISCLOSURE TO SHAREHOLDERS OF EFFECTS OF CORPORATE EXPATRIATION TRANSACTION.—The Commission shall, by rule, require that each domestic issuer shall prominently disclose, not later than 5 business days before any shareholder vote relating to a corporate expatriation transaction, as a separate and distinct document accompanying each proxy statement relating to the transaction—

"(A) the number of employees of the domestic issuer that would be located in the new foreign jurisdiction of incorporation or organization of that issuer upon completion of the corporate expatriation transaction;

"(B) how the rights of holders of the securities of the domestic issuer would be impacted by a completed corporate expatriation transaction, and any differences in such rights before and after a completed corporate expatriation transaction; and

"(C) that, as a result of a completed corporate expatriation transaction, any taxable holder of the securities of the domestic issuer shall be subject to the taxation of any capital gains realized with respect to such securities, and the amount of any such capital gains tax that would apply as a result of the transaction.

"(2) DEFINITIONS.—In this subsection, the following definitions shall apply:

"(A) CORPORATE EXPATRIATION TRANSACTION.—The term 'corporate expatriation transaction' means any transaction, or series of related transactions, described in subsection (a) or (b) of section 7874 of the Internal Revenue Code of 1986.

"(A) DOMESTIC ISSUER.—The term 'domestic issuer' means an issuer created or organized in the United States or under the law of the United States or of any State."

(2) EFFECTIVE DATE.—Section 14(i) of the Securities Exchange Act of 1934 (as added by this subsection) shall apply with respect to corporate expatriation transactions (as defined in that section 14(i)) proposed on and after the date of enactment of this Act.

(f) EFFECTIVE DATE.—Except as provided in subsection (e)(2), the amendments made by this section shall take effect as if included in the American Jobs Creation Act of 2004.

SEC. ___75. IMPOSITION OF MARK-TO-MARKET TAX ON INDIVIDUALS WHO EXPATRIATE.

(a) IN GENERAL.—Subpart A of part II of subchapter N of chapter 1 is amended by inserting after section 877 the following new section:

"SEC. 877A. TAX RESPONSIBILITIES OF EXPATRIATION.

"(a) GENERAL RULES.—For purposes of this subtitle—

"(1) MARK TO MARKET.—Except as provided in subsections (d) and (f), all property of a covered expatriate to whom this section applies shall be treated as sold on the day before the expatriation date for its fair market value.

"(2) RECOGNITION OF GAIN OR LOSS.—In the case of any sale under paragraph (1)—

"(A) notwithstanding any other provision of this title, any gain arising from such sale shall be taken into account for the taxable year of the sale, and

"(B) any loss arising from such sale shall be taken into account for the taxable year of the sale to the extent otherwise provided by this title, except that section 1091 shall not apply to any such loss.

Proper adjustment shall be made in the amount of any gain or loss subsequently realized for gain or loss taken into account under the preceding sentence.

"(3) EXCLUSION FOR CERTAIN GAIN.—

"(A) IN GENERAL.—The amount which, but for this paragraph, would be includible in the gross income of any individual by reason of this section shall be reduced (but not below zero) by $600,000. For purposes of this paragraph, allocable expatriation gain taken into account under subsection (f)(2) shall be treated in the same manner as an amount required to be includible in gross income.

"(B) COST-OF-LIVING ADJUSTMENT.—

"(i) IN GENERAL.—In the case of an expatriation date occurring in any calendar year after 2004, the $600,000 amount under subparagraph (A) shall be increased by an amount equal to—

"(I) such dollar amount, multiplied by

"(II) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year, determined by substituting 'calendar year 2003' for 'calendar year 1992' in subparagraph (B) thereof.

"(ii) ROUNDING RULES.—If any amount after adjustment under clause (i) is not a multiple of $1,000, such amount shall be rounded to the next lower multiple of $1,000.

"(4) ELECTION TO CONTINUE TO BE TAXED AS UNITED STATES CITIZEN.—

"(A) IN GENERAL.—If a covered expatriate elects the application of this paragraph—

"(i) this section (other than this paragraph and subsection (i)) shall not apply to the expatriate, but

"(ii) in the case of property to which this section would apply but for such election, the expatriate shall be subject to tax under this title in the same manner as if the individual were a United States citizen.

"(B) REQUIREMENTS.—Subparagraph (A) shall not apply to an individual unless the individual—

"(i) provides security for payment of tax in such form and manner, and in such amount, as the Secretary may require,

"(ii) consents to the waiver of any right of the individual under any treaty of the United States which would preclude assessment or collection of any tax which may be imposed by reason of this paragraph, and

"(iii) complies with such other requirements as the Secretary may prescribe.

"(C) ELECTION.—An election under subparagraph (A) shall apply to all property to which this section would apply but for the election and, once made, shall be irrevocable. Such election shall also apply to property the basis of which is determined in whole or in part by reference to the property with respect to which the election was made.

"(b) ELECTION TO DEFER TAX.—

"(1) IN GENERAL.—If the taxpayer elects the application of this subsection with respect to any property treated as sold by reason of subsection (a), the payment of the additional tax attributable to such property shall be postponed until the due date of the return for the taxable year in which such property is disposed of (or, in the case of property disposed of in a transaction in which gain is not recognized in whole or in part, until such other date as the Secretary may prescribe).

"(2) DETERMINATION OF TAX WITH RESPECT TO PROPERTY.—For purposes of paragraph (1), the additional tax attributable to any property is an amount which bears the same ratio to the additional tax imposed by this chapter for the taxable year solely by reason of subsection (a) as the gain taken into account under subsection (a) with respect to such property bears to the total gain taken into account under subsection (a) with respect to all property to which subsection (a) applies.

"(3) TERMINATION OF POSTPONEMENT.—No tax may be postponed under this subsection later than the due date for the return of tax imposed by this chapter for the taxable year which includes the date of death of the expatriate (or, if earlier, the time that the security provided with respect to the property fails to meet the requirements of paragraph (4), unless the taxpayer corrects such failure within the time specified by the Secretary).

"(4) SECURITY.—

"(A) IN GENERAL.—No election may be made under paragraph (1) with respect to any property unless adequate security is provided to the Secretary with respect to such property.

"(B) ADEQUATE SECURITY.—For purposes of subparagraph (A), security with respect to any property shall be treated as adequate security if—

"(i) it is a bond in an amount equal to the deferred tax amount under paragraph (2) for the property, or

"(ii) the taxpayer otherwise establishes to the satisfaction of the Secretary that the security is adequate.

"(5) WAIVER OF CERTAIN RIGHTS.—No election may be made under paragraph (1) unless the taxpayer consents to the waiver of any right under any treaty of the United States which would preclude assessment or collection of any tax imposed by reason of this section.

"(6) ELECTIONS.—An election under paragraph (1) shall only apply to property described in the election and, once made, is irrevocable. An election may be made under paragraph (1) with respect to an interest in a trust with respect to which gain is required to be recognized under subsection (f)(1).

"(7) INTEREST.—For purposes of section 6601—

"(A) the last date for the payment of tax shall be determined without regard to the election under this subsection, and

"(B) section 6621(a)(2) shall be applied by substituting '5 percentage points' for '3 percentage points' in subparagraph (B) thereof.

"(c) COVERED EXPATRIATE.—For purposes of this section—

"(1) IN GENERAL.—Except as provided in paragraph (2), the term 'covered expatriate' means an expatriate.

"(2) EXCEPTIONS.—An individual shall not be treated as a covered expatriate if—

"(A) the individual—

"(i) became at birth a citizen of the United States and a citizen of another country and, as of the expatriation date, continues to be a citizen of, and is taxed as a resident of, such other country, and

"(ii) has not been a resident of the United States (as defined in section 7701(b)(1)(A)(ii)) during the 5 taxable years ending with the taxable year during which the expatriation date occurs, or

"(B)(i) the individual's relinquishment of United States citizenship occurs before such individual attains age 18½, and

"(ii) the individual has been a resident of the United States (as so defined) for not more than 5 taxable years before the date of relinquishment.

"(d) EXEMPT PROPERTY; SPECIAL RULES FOR PENSION PLANS.—

"(1) EXEMPT PROPERTY.—This section shall not apply to the following:

"(A) UNITED STATES REAL PROPERTY INTERESTS.—Any United States real property interest (as defined in section 897(c)(1)), other than stock of a United States real property holding corporation which does not, on the day before the expatriation date, meet the requirements of section 897(c)(2).

"(B) SPECIFIED PROPERTY.—Any property or interest in property not described in subparagraph (A) which the Secretary specifies in regulations.

"(2) SPECIAL RULES FOR CERTAIN RETIREMENT PLANS.—

"(A) IN GENERAL.—If a covered expatriate holds on the day before the expatriation date any interest in a retirement plan to which this paragraph applies—

"(i) such interest shall not be treated as sold for purposes of subsection (a)(1), but

"(ii) an amount equal to the present value of the expatriate's nonforfeitable accrued benefit shall be treated as having been received by such individual on such date as a distribution under the plan.

"(B) TREATMENT OF SUBSEQUENT DISTRIBUTIONS.—In the case of any distribution on or after the expatriation date to or on behalf of the covered expatriate from a plan from which the expatriate was treated as receiving a distribution under subparagraph (A), the amount otherwise includible in gross income by reason of the subsequent distribution shall be reduced by the excess of the amount includible in gross income under subparagraph (A) over any portion of such amount to which this subparagraph previously applied.

"(C) TREATMENT OF SUBSEQUENT DISTRIBUTIONS BY PLAN.—For purposes of this title, a retirement plan to which this paragraph applies, and any person acting on the plan's behalf, shall treat any subsequent distribution described in subparagraph (B) in the same manner as such distribution would be treated without regard to this paragraph.

"(D) APPLICABLE PLANS.—This paragraph shall apply to—

"(i) any qualified retirement plan (as defined in section 4974(c)),

"(ii) an eligible deferred compensation plan (as defined in section 457(b)) of an eligible employer described in section 457(e)(1)(A), and

"(iii) to the extent provided in regulations, any foreign pension plan or similar retirement arrangements or programs.

"(e) DEFINITIONS.—For purposes of this section—

"(1) EXPATRIATE.—The term 'expatriate' means—

"(A) any United States citizen who relinquishes citizenship, and

"(B) any long-term resident of the United States who—

"(i) ceases to be a lawful permanent resident of the United States (within the meaning of section 7701(b)(6)), or

"(ii) commences to be treated as a resident of a foreign country under the provisions of a tax treaty between the United States and the foreign country and who does not waive the benefits of such treaty applicable to residents of the foreign country.

"(2) EXPATRIATION DATE.—The term 'expatriation date' means—

"(A) the date an individual relinquishes United States citizenship, or

"(B) in the case of a long-term resident of the United States, the date of the event described in clause (i) or (ii) of paragraph (1)(B).

"(3) RELINQUISHMENT OF CITIZENSHIP.—A citizen shall be treated as relinquishing United States citizenship on the earliest of—

"(A) the date the individual renounces such individual's United States nationality before a diplomatic or consular officer of the United States pursuant to paragraph (5) of section 349(a) of the Immigration and Nationality Act (8 U.S.C. 1481(a)(5)),

"(B) the date the individual furnishes to the United States Department of State a signed statement of voluntary relinquishment of United States nationality confirming the performance of an act of expatriation specified in paragraph (1), (2), (3), or (4) of section 349(a) of the Immigration and Nationality Act (8 U.S.C. 1481(a)(1)-(4)),

"(C) the date the United States Department of State issues to the individual a certificate of loss of nationality, or

"(D) the date a court of the United States cancels a naturalized citizen's certificate of naturalization.

Subparagraph (A) or (B) shall not apply to any individual unless the renunciation or voluntary relinquishment is subsequently approved by the issuance to the individual of a certificate of loss of nationality by the United States Department of State.

"(4) LONG-TERM RESIDENT.—The term 'long-term resident' has the meaning given to such term by section 877(e)(2).

"(f) SPECIAL RULES APPLICABLE TO BENEFICIARIES' INTERESTS IN TRUST.—

"(1) IN GENERAL.—Except as provided in paragraph (2), if an individual is determined under paragraph (3) to hold an interest in a trust on the day before the expatriation date—

"(A) the individual shall not be treated as having sold such interest,

"(B) such interest shall be treated as a separate share in the trust, and

"(C)(i) such separate share shall be treated as a separate trust consisting of the assets allocable to such share,

"(ii) the separate trust shall be treated as having sold its assets on the day before the expatriation date for their fair market value and as having distributed all of its assets to the individual as of such time, and

"(iii) the individual shall be treated as having recontributed the assets to the separate trust.

Subsection (a)(2) shall apply to any income, gain, or loss of the individual arising from a distribution described in subparagraph (C)(ii). In determining the amount of such distribution, proper adjustments shall be made for liabilities of the trust allocable to an individual's share in the trust.

"(2) SPECIAL RULES FOR INTERESTS IN QUALIFIED TRUSTS.—

"(A) IN GENERAL.—If the trust interest described in paragraph (1) is an interest in a qualified trust—

"(i) paragraph (1) and subsection (a) shall not apply, and

"(ii) in addition to any other tax imposed by this title, there is hereby imposed on each distribution with respect to such interest a tax in the amount determined under subparagraph (B).

"(B) AMOUNT OF TAX.—The amount of tax under subparagraph (A)(ii) shall be equal to the lesser of—

"(i) the highest rate of tax imposed by section 1(e) for the taxable year which includes the day before the expatriation date, multiplied by the amount of the distribution, or

"(ii) the balance in the deferred tax account immediately before the distribution determined without regard to any increases under subparagraph (C)(ii) after the 30th day preceding the distribution.

"(C) DEFERRED TAX ACCOUNT.—For purposes of subparagraph (B)(ii)—

"(i) OPENING BALANCE.—The opening balance in a deferred tax account with respect to any trust interest is an amount equal to the tax which would have been imposed on the allocable expatriation gain with respect to the trust interest if such gain had been included in gross income under subsection (a).

"(ii) INCREASE FOR INTEREST.—The balance in the deferred tax account shall be increased by the amount of interest determined (on the balance in the account at the time the interest accrues), for periods after the 90th day after the expatriation date, by using the rates and method applicable under section 6621 for underpayments of tax for such periods, except that section 6621(a)(2) shall be applied by substituting '5 percentage points' for '3 percentage points' in subparagraph (B) thereof.

"(iii) DECREASE FOR TAXES PREVIOUSLY PAID.—The balance in the tax deferred account shall be reduced—

"(I) by the amount of taxes imposed by subparagraph (A) on any distribution to the person holding the trust interest, and

"(II) in the case of a person holding a nonvested interest, to the extent provided in regulations, by the amount of taxes imposed by subparagraph (A) on distributions from the trust with respect to nonvested interests not held by such person.

"(D) ALLOCABLE EXPATRIATION GAIN.—For purposes of this paragraph, the allocable expatriation gain with respect to any beneficiary's interest in a trust is the amount of gain which would be allocable to such beneficiary's vested and nonvested interests in the trust if the beneficiary held directly all assets allocable to such interests.

"(E) TAX DEDUCTED AND WITHHELD.—

"(i) IN GENERAL.—The tax imposed by subparagraph (A)(ii) shall be deducted and withheld by the trustees from the distribution to which it relates.

"(ii) EXCEPTION WHERE FAILURE TO WAIVE TREATY RIGHTS.—If an amount may not be deducted and withheld under clause (i) by reason of the distributee failing to waive any treaty right with respect to such distribution—

"(I) the tax imposed by subparagraph (A)(ii) shall be imposed on the trust and each trustee shall be personally liable for the amount of such tax, and

"(II) any other beneficiary of the trust shall be entitled to recover from the distributee the amount of such tax imposed on the other beneficiary.

"(F) DISPOSITION.—If a trust ceases to be a qualified trust at any time, a covered expatriate disposes of an interest in a qualified trust, or a covered expatriate holding an interest in a qualified trust dies, then, in lieu of the tax imposed by subparagraph (A)(ii), there is hereby imposed a tax equal to the lesser of—

"(i) the tax determined under paragraph (1) as if the day before the expatriation date were the date of such cessation, disposition, or death, whichever is applicable, or

"(ii) the balance in the tax deferred account immediately before such date.

Such tax shall be imposed on the trust and each trustee shall be personally liable for the amount of such tax and any other beneficiary of the trust shall be entitled to recover from the covered expatriate or the estate the amount of such tax imposed on the other beneficiary.

"(G) DEFINITIONS AND SPECIAL RULES.—For purposes of this paragraph—

"(i) QUALIFIED TRUST.—The term 'qualified trust' means a trust which is described in section 7701(a)(30)(E).

"(ii) VESTED INTEREST.—The term 'vested interest' means any interest which, as of the day before the expatriation date, is vested in the beneficiary.

"(iii) NONVESTED INTEREST.—The term 'nonvested interest' means, with respect to any beneficiary, any interest in a trust which is not a vested interest. Such interest shall be determined by assuming the maximum exercise of discretion in favor of the beneficiary and the occurrence of all contingencies in favor of the beneficiary.

"(iv) ADJUSTMENTS.—The Secretary may provide for such adjustments to the bases of assets in a trust or a deferred tax account, and the timing of such adjustments, in order to ensure that gain is taxed only once.

"(v) COORDINATION WITH RETIREMENT PLAN RULES.—This subsection shall not apply to an interest in a trust which is part of a retirement plan to which subsection (d)(2) applies.

"(3) DETERMINATION OF BENEFICIARIES' INTEREST IN TRUST.—

"(A) DETERMINATIONS UNDER PARAGRAPH (1).—For purposes of paragraph (1), a beneficiary's interest in a trust shall be based upon all relevant facts and circumstances, including the terms of the trust instrument and any letter of wishes or similar document, historical patterns of trust distributions, and the existence of and functions performed by a trust protector or any similar adviser.

"(B) OTHER DETERMINATIONS.—For purposes of this section—

"(i) CONSTRUCTIVE OWNERSHIP.—If a beneficiary of a trust is a corporation, partnership, trust, or estate, the shareholders, partners, or beneficiaries shall be deemed to be the trust beneficiaries for purposes of this section.

"(ii) TAXPAYER RETURN POSITION.—A taxpayer shall clearly indicate on its income tax return—

"(I) the methodology used to determine that taxpayer's trust interest under this section, and

"(II) if the taxpayer knows (or has reason to know) that any other beneficiary of such trust is using a different methodology to determine such beneficiary's trust interest under this section.

"(g) TERMINATION OF DEFERRALS, ETC.—In the case of any covered expatriate, notwithstanding any other provision of this title—

"(1) any period during which recognition of income or gain is deferred shall terminate on the day before the expatriation date, and

"(2) any extension of time for payment of tax shall cease to apply on the day before the expatriation date and the unpaid portion of such tax shall be due and payable at the time and in the manner prescribed by the Secretary.

"(h) IMPOSITION OF TENTATIVE TAX.—

"(1) IN GENERAL.—If an individual is required to include any amount in gross income under subsection (a) for any taxable year, there is hereby imposed, immediately before the expatriation date, a tax in an amount equal to the amount of tax which would be imposed if the taxable year were a short taxable year ending on the expatriation date.

"(2) DUE DATE.—The due date for any tax imposed by paragraph (1) shall be the 90th day after the expatriation date.

"(3) TREATMENT OF TAX.—Any tax paid under paragraph (1) shall be treated as a payment of the tax imposed by this chapter for the taxable year to which subsection (a) applies.

"(4) DEFERRAL OF TAX.—The provisions of subsection (b) shall apply to the tax imposed by this subsection to the extent attributable to gain includible in gross income by reason of this section.

"(i) SPECIAL LIENS FOR DEFERRED TAX AMOUNTS.—

"(1) IMPOSITION OF LIEN.—

"(A) IN GENERAL.—If a covered expatriate makes an election under subsection (a)(4) or (b) which results in the deferral of any tax imposed by reason of subsection (a), the deferred amount (including any interest, additional amount, addition to tax, assessable penalty, and costs attributable to the deferred amount) shall be a lien in favor of the United States on all property of the expatriate located in the United States (without regard to whether this section applies to the property).

"(B) DEFERRED AMOUNT.—For purposes of this subsection, the deferred amount is the amount of the increase in the covered expatriate's income tax which, but for the election under subsection (a)(4) or (b), would have occurred by reason of this section for the taxable year including the expatriation date.

"(2) PERIOD OF LIEN.—The lien imposed by this subsection shall arise on the expatriation date and continue until—

"(A) the liability for tax by reason of this section is satisfied or has become unenforceable by reason of lapse of time, or

"(B) it is established to the satisfaction of the Secretary that no further tax liability may arise by reason of this section.

"(3) CERTAIN RULES APPLY.—The rules set forth in paragraphs (1), (3), and (4) of section 6324A(d) shall apply with respect to the lien imposed by this subsection as if it were a lien imposed by section 6324A.

"(j) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section.".

(b) INCLUSION IN INCOME OF GIFTS AND BEQUESTS RECEIVED BY UNITED STATES CITIZENS AND RESIDENTS FROM EXPATRIATES.—Section 102 (relating to gifts, etc. not included in gross income) is amended by adding at the end the following new subsection:

"(d) GIFTS AND INHERITANCES FROM COVERED EXPATRIATES.—

"(1) IN GENERAL.—Subsection (a) shall not exclude from gross income the value of any property acquired by gift, bequest, devise, or inheritance from a covered expatriate after the expatriation date. For purposes of this subsection, any term used in this subsection which is also used in section 877A shall have the same meaning as when used in section 877A.

"(2) EXCEPTIONS FOR TRANSFERS OTHERWISE SUBJECT TO ESTATE OR GIFT TAX.—Paragraph (1) shall not apply to any property if either—

"(A) the gift, bequest, devise, or inheritance is—

"(i) shown on a timely filed return of tax imposed by chapter 12 as a taxable gift by the covered expatriate, or

"(ii) included in the gross estate of the covered expatriate for purposes of chapter 11 and shown on a timely filed return of tax imposed by chapter 11 of the estate of the covered expatriate, or

"(B) no such return was timely filed but no such return would have been required to be filed even if the covered expatriate were a citizen or long-term resident of the United States.".

(c) DEFINITION OF TERMINATION OF UNITED STATES CITIZENSHIP.—Section 7701(a) is amended by adding at the end the following new paragraph:

"(48) TERMINATION OF UNITED STATES CITIZENSHIP.—

"(A) IN GENERAL.—An individual shall not cease to be treated as a United States citizen before the date on which the individual's citizenship is treated as relinquished under section 877A(e)(3).

"(B) DUAL CITIZENS.—Under regulations prescribed by the Secretary, subparagraph (A) shall not apply to an individual who became at birth a citizen of the United States and a citizen of another country.".

(d) INELIGIBILITY FOR VISA OR ADMISSION TO UNITED STATES.—

(1) IN GENERAL.—Section 212(a)(10)(E) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(10)(E)) is amended to read as follows:

"(E) FORMER CITIZENS NOT IN COMPLIANCE WITH EXPATRIATION REVENUE PROVISIONS.—Any alien who is a former citizen of the United States who relinquishes United States citizenship (within the meaning of section 877A(e)(3) of the Internal Revenue Code of 1986) and who is not in compliance with section 877A of such Code (relating to expatriation).".

(2) AVAILABILITY OF INFORMATION.—

(A) IN GENERAL.—Section 6103(l) (relating to disclosure of returns and return information for purposes other than tax administration) is amended by adding at the end the following new paragraph:

"(19) DISCLOSURE TO DENY VISA OR ADMISSION TO CERTAIN EXPATRIATES.—Upon written request of the Attorney General or the Attorney General's delegate, the Secretary shall disclose whether an individual is in compliance with section 877A (and if not in compliance, any items of noncompliance) to officers and employees of the Federal agency responsible for administering section 212(a)(10)(E) of the Immigration and Nationality Act solely for the purpose of, and to the extent necessary in, administering such section 212(a)(10)(E).".

(B) SAFEGUARDS.—

(i) TECHNICAL AMENDMENTS.—Paragraph (4) of section 6103(p) of the Internal Revenue Code of 1986, as amended by section 202(b)(2)(B) of the Trade Act of 2002 (Public Law 107-210; 116 Stat. 961), is amended by striking "or (17)" after "any other person described in subsection (l)(16)" each place it appears and inserting "or (18)".

(ii) CONFORMING AMENDMENTS.—Section 6103(p)(4) (relating to safeguards), as amended by clause (i), is amended by striking "or (18)" after "any other person described in subsection (l)(16)" each place it appears and inserting "(18), or (19)".

(3) EFFECTIVE DATES.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the amendments made by this subsection shall apply to individuals who relinquish United States citizenship on or after the date of the enactment of this Act.

(B) TECHNICAL AMENDMENTS.—The amendments made by paragraph (2)(B)(i) shall take effect as if included in the amendments made by section 202(b)(2)(B) of the Trade Act of 2002 (Public Law 107-210; 116 Stat. 961).

(e) CONFORMING AMENDMENTS.—

(1) Section 877 is amended by adding at the end the following new subsection:

"(g) APPLICATION.—This section shall not apply to an expatriate (as defined in section 877A(e)) whose expatriation date (as so defined) occurs on or after April 1, 2005.".

(2) Section 2107 is amended by adding at the end the following new subsection:

"(f) APPLICATION.—This section shall not apply to any expatriate subject to section 877A.".

(3) Section 2501(a)(3) is amended by adding at the end the following new subparagraph:

"(F) APPLICATION.—This paragraph shall not apply to any expatriate subject to section 877A.".

(4)(A) Paragraph (1) of section 6039G(d) is amended by inserting "or 877A" after "section 877".

(B) The second sentence of section 6039G(e) is amended by inserting "or who relinquishes United States citizenship (within the meaning of section 877A(e)(3))" after "877(a))".

(C) Section 6039G(f) is amended by inserting "or 877A(e)(2)(B)" after "877(e)(1)".

(f) CLERICAL AMENDMENT.—The table of sections for subpart A of part II of subchapter N of chapter 1 is amended by inserting after the item relating to section 877 the following new item:

"Sec. 877A. Tax responsibilities of expatriation.".

(g) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in this subsection, the amendments made by this section shall apply to expatriates (within the meaning of section 877A(e) of the Internal Revenue Code of 1986, as added by this section) whose expatriation date (as so defined) occurs on or after April 1, 2005.

(2) GIFTS AND BEQUESTS.—Section 102(d) of the Internal Revenue Code of 1986 (as added by subsection (b)) shall apply to gifts and bequests received on or after April 1, 2005, from an individual or the estate of an individual whose expatriation date (as so defined) occurs after such date.

(3) DUE DATE FOR TENTATIVE TAX.—The due date under section 877A(h)(2) of the Internal Revenue Code of 1986, as added by this section, shall in no event occur before the 90th day after the date of the enactment of this Act.

SEC. ___76. DOUBLING OF CERTAIN PENALTIES, FINES, AND INTEREST ON UNDERPAYMENTS RELATED TO CERTAIN OFFSHORE FINANCIAL ARRANGEMENT.

(a) DETERMINATION OF PENALTY.—

(1) IN GENERAL.—Notwithstanding any other provision of law, in the case of an applicable taxpayer—

(A) the determination as to whether any interest or applicable penalty is to be imposed with respect to any arrangement to which any initiative described in paragraph (2) applied, or to any underpayment of Federal income tax attributable to items arising in connection with any arrangement described in paragraph (2), shall be made without regard to section 6664 of the Internal Revenue Code of 1986, and

(B) if any such interest or applicable penalty is imposed, the amount of such interest or penalty shall be equal to twice that determined without regard to this section.

(2) APPLICABLE TAXPAYER.—For purposes of this subsection, the term "applicable taxpayer" means a taxpayer eligible to participate in—

(A) the Department of the Treasury's Offshore Voluntary Compliance Initiative, or

(B) the Department of the Treasury's voluntary disclosure initiative which applies to the taxpayer by reason of the taxpayer's underreporting of United States income tax liability through financial arrangements which rely on the use of offshore arrangements which were the subject of the initiative described in subparagraph (A).

(b) DEFINITIONS AND RULES.—For purposes of this section—

(1) APPLICABLE PENALTY.—The term "applicable penalty" means any penalty, addition to tax, or fine imposed under chapter 68 of the Internal Revenue Code of 1986.

(2) VOLUNTARY OFFSHORE COMPLIANCE INITIATIVE.—The term "Voluntary Offshore Compliance Initiative" means the program established by the Department of the Treasury in January of 2003 under which any taxpayer was eligible to voluntarily disclose previously undisclosed income on assets placed in offshore accounts and accessed through credit card and other financial arrangements.

(3) PARTICIPATION.—A taxpayer shall be treated as having participated in the Voluntary Offshore Compliance Initiative if the taxpayer submitted the request in a timely manner and all information requested by the Secretary of the Treasury or his delegate within a reasonable period of time following the request.

(c) EFFECTIVE DATE.—The provisions of this section shall apply to interest, penalties, additions to tax, and fines with respect to any taxable year if as of the date of the enactment of this Act, the assessment of any tax, penalty, or interest with respect to such taxable year is not prevented by the operation of any law or rule of law.

SEC. 77. TREASURY REGULATIONS ON FOREIGN TAX CREDIT.

Section 901 is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following new subsection:

"(m) REGULATIONS.—The Secretary may prescribe regulations disallowing a credit under subsection (a) for all or a portion of any foreign tax, or allocating a foreign tax among 2 or more persons, in cases where the foreign tax is imposed on any person in respect of income of another person or in other cases involving the inappropriate separation of the foreign tax from the related foreign income.".

SEC. 78. TREATMENT OF CONTINGENT PAYMENT CONVERTIBLE DEBT INSTRUMENTS.

(a) IN GENERAL.—Section 1275(d) (relating to regulation authority) is amended—

(1) by striking "The Secretary" and inserting the following:

"(1) IN GENERAL.—The Secretary", and

(2) by adding at the end the following new paragraph:

"(2) TREATMENT OF CONTINGENT PAYMENT CONVERTIBLE DEBT.—

"(A) IN GENERAL.—In the case of a debt instrument which—

"(i) is convertible into stock of the issuing corporation, into stock or debt of a related party (within the meaning of section 267(b) or 707(b)(1)), or into cash or other property in an amount equal to the approximate value of such stock or debt, and

"(ii) provides for contingent payments,

any regulations which require original issue discount to be determined by reference to the comparable yield of a noncontingent fixed rate debt instrument shall be applied as requiring that such comparable yield be determined by reference to a noncontingent fixed rate debt instrument which is convertible into stock.

"(B) SPECIAL RULE.—For purposes of subparagraph (A), the comparable yield shall be determined without taking into account the yield resulting from the conversion of a debt instrument into stock.".

(b) CROSS REFERENCE.—Section 163(e)(6) (relating to cross references) is amended by adding at the end the following:

"For the treatment of contingent payment convertible debt, see section 1275(d)(2).".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to debt instruments issued on or after the date of the enactment of this Act.

SA 2116. Mr. LUGAR submitted an amendment intended to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 311, line 19, strike the period and insert ": Provided further, That of the funds provided under this paragraph $250,000 shall be available for the Learning Collaborative, to implement the Web Portal Technology Development Initiative in Daviess County schools (not for Daviess County generally).".

SA 2117. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 244, line 17, insert ", of which $5,000,000 shall be made available to carry out the grant program authorized under section 158(b) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 942(b)) and not more than 10 percent of this amount may be used for administrative purposes:" after "Highway Trust Fund:".

SA 2118. Mr. DORGAN submitted an amendment intended to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 276, after line 24, add the following:

SEC. 18___. Notwithstanding any other provision of law, a vehicle that, with respect to weight or weight distribution characteristics, could lawfully operate in the State of North Dakota as of January 1, 2004, on United States Highway 52 (including the United States Highway 52 bypass of Jamestown, North Dakota) or on United States Highway 281 may operate on Interstate Route 94 in North Dakota between the intersection of Interstate Route 94 and United States Route 281 and the intersection of Interstate Route 94 and the United States Highway 52 bypass (including interchanges), under the same conditions as the vehicle may operate in that State on those United States highways (including that bypass).

SA 2119. Mr. ENSIGN (for himself and Mr. REID) submitted an amendment intended to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 230, after line 22, insert the following:

SEC. 109. Section 40128(e) of title 49, United States Code, is amended by adding at the end the following: "For purposes of this subsection, an air tour operator flying over the Hoover Dam in the Lake Mead National Recreation Area en route to the Grand Canyon National Park shall be deemed to be flying solely as a transportation route.".

SA 2120. Mr. VOINOVICH (for himself and Mr. DEWINE) submitted an amendment intended to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 436, between lines 10 and 11, insert the following:

SEC. 8 .(a) The table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109-59; 119 Stat. 1144) is amended in item number 4632 by striking "Construct 1,100 foot bulkhead/riverwalk connecting Front and Maine Ave. public rights-of-way" and inserting "For roadway improvements and construction of 1,100 foot bulkhead/riverwalk connecting Front and Maine Ave. public rights-of-way".

(b) The table contained in section 3044 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109-59; 119 Stat. 1144) is amended in item number 516 by striking "Dayton Wright Stop Plaza" and inserting "Downtown Dayton Transit Enhancements".

SA 2121. Mr. SCHUMER (for himself and Mrs. CLINTON) submitted an amendment intended to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 348, between lines 5 and 6, insert the following:

SEC. 321. OPERATING FUND PROGRAM FINAL RULE.

(a) IN GENERAL.—Notwithstanding any other provision of law, or of the Operating Fund program final rule published by the Department of Housing and Urban Development on September 19, 2005, 79 Fed. Reg. 54984, the 5 year schedule set out in the table appearing in §990.230(e) of the final rule shall commence 1 year from the Secretary's publication of guidance in a Federal Register notice defining specifically the manner in which public housing authorities shall comply with the provisions of §990.275 (Project-Based Management) and §990.280 (Project-Based Accounting and Budgeting).

(b) COMPLIANCE.—Each public housing authority shall be deemed in compliance with Subpart H of the final rule described in subsection (a), pending completion of the Secretary's review of the asset management demonstration submitted by the housing authority based on the guidance issued by the Secretary or the review conducted by the Secretary's independent assessor.

SA 2122. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 338, line 15, strike "and is occupied primarily by elderly or disabled families".

On page 338, line 19, insert ", and the contract for such payments shall be renewable by the owner under the provisions of section 524 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note)" after "in the property".

SA 2123. Mr. DAYTON submitted an amendment intended to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

At the end of the bill, add the following:

TITLE —NATURAL DISASTER OIL AND GAS PRICE GOUGING PREVENTION ACT OF 2005

SEC. 01. SHORT TITLE.

This title may be cited as the "Natural Disaster Oil and Gas Price Gouging Prevention Act of 2005".

SEC. 02. DEFINITIONS.

In this title:

(1) COMMISSION.—The term "Commission" means the Federal Trade Commission.

(2) QUALIFYING NATURAL DISASTER DECLARATION.—The term "qualifying natural disaster declaration" means—

(A) a natural disaster declared by the Secretary under section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)); or

(B) a major disaster or emergency designated by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

SEC. 03. RESTRICTION ON PRICE GOUGING.

(a) RESTRICTIONS.—It shall be unlawful in the United States during the period of a qualifying natural disaster declaration in the United States to increase the price of any oil or gas product more than 15 percent above the price of that product immediately prior to the declaration unless the increase in the amount charged is attributable to additional costs incurred by the seller or national or international market trends.

(b) ENFORCEMENT.—

(1) ENFORCEMENT POWERS.—

(A) IN GENERAL.—The Commission shall enforce this section as part of its duties under the Federal Trade Commission Act (15 U.S.C. 41 et seq.).

(B) REPORTING OF VIOLATIONS.—For purposes of the enforcement of this section, the Commission shall establish procedures to permit the reporting of violations of this section to the Commission, including appropriate links on the Internet website of the Commission and the use of a toll-free telephone number for such purposes.

(2) PENALTY.—

(A) CRIMINAL PENALTY.—A violation of this section shall be deemed a felony and a person, upon conviction of a violation of this section, shall be punished by fine not exceeding $10,000,000 if a corporation, or, if any other person, $350,000, or by imprisonment not exceeding 3 years, or both.

(B) CIVIL PENALTY.—The Commission may impose a civil penalty not to exceed $5,000 for each violation of this section. For purposes of this subparagraph, each day of violation shall constitute a separate offense. Civil penalties under this subparagraph shall not exceed amounts provided in subparagraph (A).

(c) ACTION BY STATE ATTORNEY GENERAL.—The attorney general of a State may bring a civil action for a violation of this section pursuant to section 4C of the Clayton Act (15 U.S.C. 15c).

SA 2124. Mr. SCHUMER (for himself, Ms. SNOWE, Mrs. CLINTON, Mr. JEFFORDS, and Mr. LEAHY) submitted an amendment intended to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 220, line 26, strike "$60,000,000" and all that follows through the period on page 221, line 2, and insert the following: "$77,000,000, to be derived from the Airport and Airway Trust Fund, to remain available until expended: *Provided*, That not to exceed $17,000,000 for fiscal year 2006 shall be used for adjustments to account for significantly increased costs as provided for in section 41737(e)(1) of title 49, United States Code: *Provided further*, That amounts provided in this Act for salaries and expenses for the Department of Transportation, the Department of the Treasury, the Department of Housing and Urban Development, the Judiciary, and the Executive Office of the President are reduced by an aggregate of $17,000,000 on a pro rata basis.".

SA 2125. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes;

which was ordered to lie on the table; as follows:

On page 220, line 26, strike "$60,000,000" and all that follows through the period on page 221, line 2, and insert the following: "$170,000,000, to be derived from the Airport and Airway Trust Fund, to remain available until expended: *Provided*, That not to exceed $17,000,000 for fiscal year 2006 shall be used for adjustments to account for significantly increased costs as provided for in section 41737(e)(1) of title 49, United States Code.".

SA 2126. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 226, line 17, strike "$3,390,000,000" and insert "$3,468,904,000".

On page 227, line 3, strike "$71,096,000" and insert "$150,000,000".

SA 2127. Mr. FRIST (for himself, Mrs. Dole, Ms. Stabenow, and Mrs. Clinton) submitted an amendment intended to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 310 line 11, strike the word "and" after the word "LISC" and insert "," and on page 310 on line 12 after the words "Enterprise Foundation" insert ", and the Habitat for Humanity"; and on page 319 line 17 after the word "Foundation" insert the following "Habitat for Humanity,".

SA 2128. Mr. FRIST (for himself, Mrs. Dole, Ms. Stabenow, and Mrs. Clinton) submitted an amendment intended to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 310 line 11, strike the word "and" after the word "LISC" and insert "," and on page 310 on line 12 after the words "Enterprise Foundation" insert ", and the Habitat for Humanity".

SA 2129. Mr. WARNER submitted an amendment intended to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 276, after line 24, add the following:

Sec.   . The item numbered 1832 in the table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59; 119 Stat. 1144) is amended by inserting ", in fiscal year 2006" after "Virginia".

SA 2130. Mr. WARNER submitted an amendment intended to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 276, after line 24, add the following:

Sec.   . The item numbered 2551 in the table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59; 119 Stat. 1144) is amended by inserting "in fiscal year 2006" after "2007".

SA 2131. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 436, between lines 10 and 11, insert the following:

SEC. 844. EMINENT DOMAIN.

None of the funds made available in this Act may be used by any state, county, municipality, city, town or other political subdivision that engages or participates in the taking of private property by eminent domain without the consent of the owner and conveys or leases such property to another private person or entity for commercial, financial or retail enterprise, or to increase tax revenue, tax base, employment, or general economic health, unless the taking involves (a) conveying private property for the occupation and enjoyment of the land by the general public, or by public agencies, such as for a roadway, waterway, airport, school, hospital, military base, prison, public park, or a government building; or (b) conveying private property to an entity, such as a state or federally regulated public utility or common carrier, for the creation or functioning of public service infrastructure, such as for public utilities, waste treatment facilities, railroads, or transportation of natural gas, crude oil or refined petroleum products; or (c) condemning property that constitutes a severe threat to public health and safety, such as structures that are beyond repair or otherwise unfit for human habitation or use; or (d) leasing property to a private person or entity that occupies an incidental part of public property or a public facility, such as a retail establishment on the ground floor of a public building; or (e) acquiring abandoned property.

SA 2132. Mr. REID submitted an amendment intended to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 290, between lines 14 and 15, insert the following:

Sec. 209A.(a) The Senate makes the following findings:

(1) For a voluntary, self-reporting tax system to work, taxpayers must believe that all taxpayers pay their fair share of taxes.

(2) Many States base State income tax liability on amounts reported with respect to Federal income taxes, with the result that amounts not collected with respect to Federal income taxes are also not collected with respect to State income taxes at a time when many States are hard-pressed to meet their many financial demands.

(3) A study conducted by the National Research Program of the Internal Revenue Service determined that taxpayer non-compliance costs the Federal Government over $300,000,000,000 each year in uncollected taxes.

(4) The National Research Program study estimates that the tax shortfall attributable to individual income taxes is as high as $100,000,000,000 with respect to business income and more than $50,000,000,000 with respect to non-business income.

(5) An analysis published in 2005 by tax law Professors Joseph Dodge and Jay Soled estimated that the loss of Federal income tax revenue associated with the under reporting of capital gains is $250,000,000,000 over the coming decade.

(6) Non-compliance places an unfair burden on all taxpayers.

(7) Prior to launching the National Research Program, the Internal Revenue Service did not have in place an automated system to verify and audit capital gains information reported on Schedule D of Federal income tax returns, and now only examines Schedule D information when it is part of a larger tax audit.

(8) The reliance on random audits has created an impression in the investment community that enforcement of capital gains is limited or, worse, non-existent, and has also created an environment of inaccuracy and non-compliance with respect to Schedule D.

(9) Internal Revenue Service efforts to reduce the tax gap focus on increasing field examinations and audits, particularly of high-income taxpayers.

(10) One of the key components of National Research Program was the introduction, on a pilot basis, of a "smart" process to assist with the determination of the correct cost basis of capital gains and losses reported on Schedule D.

(b) It is the sense of the Senate that the Internal Revenue Service should utilize processes and technological tools that assist with the independent verification of taxpayer data, including the cost basis information of capital gains and losses reported on Schedule D, that will comply with all of the applicable rules and methods of the Internal Revenue Code of 1986 to ensure that all taxpayers pay their fair share of Federal income tax and to decrease the shortfall in tax revenues to the benefit of all taxpayers.

SA 2133. Mr. DORGAN (for himself, Mr. Craig, Mr. Enzi, and Mr. Baucus) proposed an amendment to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

At the appropriate place in the bill, insert the following:

SEC. ____. (a) None of the funds made available in this Act may be used to administer or enforce part 515 of title 31, Code of Federal Regulations (the Cuban Assets Control Regulations) with respect to any travel or travel-related transaction.

(b) The limitation established in subsection (a) shall not apply to—

(1) the administration of general or specific licenses for travel or travel-related transactions;

(2) section 515.204, 515.206, 515.332, 515.536, 515.544, 515.547, 515.560(c)(3), 515.569, 515.571, or 515.803 of such part 515; or

(3) transactions in relation to any business travel covered by section 515.560(g) of such part 515.

SA 2134. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 356, between lines 4 and 5, insert the following:

SEC. 408.(a) The division of the court shall release to the Congress and to the public not later than 60 days after the date of enactment of this Act all portions of the final report of the independent counsel of the investigation of Henry Cisneros made under section 594(h) of title 28, United States Code, except for any such portions that contain information of a personal nature that the division of the court determines the disclosure of which would cause a clearly unwarranted invasion of privacy that outweighs the public interest in a full accounting of this investigation. Upon the release of the final report, the final report shall be published pursuant to section 594(h)(3) of title 28, United States Code.

(b)(1) After the release and publication of the final report referred to in subsection (a), the independent counsel shall continue his office only to the extent necessary and appropriate to perform the noninvestigative and nonprosecutorial tasks remaining of his statutory duties as required to conclude the functions of his office.

(2) The duties referred to in paragraph (1) shall specifically include—

(A) the evaluation of claims for attorney fees, pursuant to section 593(l) of title 28, United States Code;

(B) the transfer of records to the Archivist of the United States pursuant to section 594(k) of title 28, United States Code;

(C) compliance with oversight obligations pursuant to section 595(a) of title 28, United States Code; and

(D) preparation of statements of expenditures pursuant to section 595(c) of title 28, United States Code.

(3) Upon completion of his remaining statutory duties, the independent counsel shall move the division of the court to terminate his office.

SA 2135. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 244, between lines 8 and 9, insert the following:

SEC. 122.(a) The Secretary of Transportation shall conduct a study regarding—

(1) Federal and State efforts to waive or relax truck weight and length requirements on highways within the Eisenhower Interstate System, including the timing of such waivers, during the response to Hurricane Katrina and other emergencies;

(2) the extent to which differing regulatory responses by States confused first responders and other aid providers during the response to Hurricane Katrina and other emergencies;

(3) the extent of the Secretary of Transportation's authority to waive or relax truck weight and length requirements on highways in the Eisenhower Interstate System; and

(4) the need for the authority described in paragraph (3) in the event of an emergency.

(b) Not later than 90 days after the date of enactment of this Act, the Secretary of Transportation shall submit a report to Congress that contains—

(1) the results of the study conducted under subsection (a);

(2) recommendations regarding the appropriate extent and form of the waiver authority described in subsection (a)(3) in the event of an emergency; and

(3) proposed legislation to provide such authority.

SA 2136. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 436, between lines 10 and 11, insert the following:

SEC. ____. None of the funds made available by this Act shall be used to enter into any lease for a facility under the jurisdiction of the General Services Administration unless the Administrator of General Services first submits to Congress a report demonstrating that the life of the lease would cost less than the full and total costs of each considered option.

SA 2137. Mr. COLEMAN (for himself, Mr. LEVIN, and Mr. AKAKA) submitted an amendment intended to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 406, between lines 7 and 8, insert the following:

SEC. 724. PAYMENTS TO FEDERAL CONTRACTORS WITH FEDERAL TAX DEBT.

The General Services Administration, in conjunction with the Financial Management Service, shall develop procedures to subject purchase card payments to Federal contractors to the Federal Payment Levy Program.

SEC. 520. REPORTING OF AIR TRAVEL BY FEDERAL GOVERNMENT EMPLOYEES.

(a) ANNUAL REPORTS REQUIRED.—The Administrator of General Services shall submit annually to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives a report on all first class and business class travel by employees of each agency undertaken at the expense of the Federal Government.

(b) CONTENT.—The reports submitted pursuant to subsection (a) shall include, at a minimum, with respect to each travel by first class or business class—

(1) the names of each traveler;

(2) the date of travel;

(3) the points of origination and destination;

(4) the cost of the first class or business class travel; and

(5) the cost difference between such travel and travel by coach class fare available under contract with the General Services Administration or, if no contract is available, the lowest coach class fare available.

(c) AGENCY DEFINED.—In this section, the term "agency" has the meaning given such term in section 5701(1) of title 5, United States Code.

SA 2138. Mr. McCAIN submitted an amendment intended to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 311, line 15, strike "in accordance" and all that follows through "Act" on line 17.

SA 2139. Mr. BOND (for Mrs. BOXER) proposed an amendment to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 219, line 5, strike the period and insert the following: ": *Provided further*, That the Secretary of Transportation, in consultation with the Secretary of Health and Human Services and the Administrator of the Federal Aviation Administration, not later than 60 days after the date of enactment of this Act, shall establish procedures with airport directors located at United States airports that have incoming flights from any country that has had cases of avian flu and with air carriers that provide such flights to deal with situations where a passenger on one of the flights has symptoms of avian flu .".

SA 2140. Mr. BOND (for Ms. STABENOW) submitted an amendment intended to be proposed by Mr. BOND to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 316, line 26, after "Provided," insert "That of the amount made available under this heading, $10,000,000 shall be made available to carry out section 203 of Public Law 108-186,".

SA 2141. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

At the appropriate place, insert the following: Page 406, line 8 insert a new paragraph.

Sec. 724. The United States Interagency Council on Homelessness shall conduct an assessment of the guidance disseminated by the Department of Education, the Department of Housing and Urban Development, and other related federal agencies for grantees of homeless assistance programs on whether such guidance is consistent with and does not restrict the exercise of education rights provided to parents, youth, and children under subtitle B of title VII of the McKinney-Vento Act: *Provided*, That such assessment shall address whether the practices, outreach, and training efforts of said agencies serve to protect and advance such rights: *Provided further*, That the Council shall submit to the House and Senate Committees on Appropriations an interim report by May 1, 2006, and a final report by September 1, 2006.

SA 2142. Mr. MCCONNELL (for Mr. ENZI) proposed an amendment to the bill H.R. 3204, to amend title XXVII of the Public Health Service Act to extend Federal funding for the establishment and operation of State high risk health insurance pools; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "State High Risk Pool Funding Extension Act of 2005".

SEC. 2. EXTENSION OF FUNDING FOR OPERATION OF STATE HIGH RISK HEALTH INSURANCE POOLS.

Section 2745 of the Public Health Service Act (42 U.S.C. 300gg-45) is amended to read as follows:

"SEC. 2745. RELIEF FOR HIGH RISK POOLS.

"(a) SEED GRANTS TO STATES.—The Secretary shall provide from the funds appropriated under subsection (d)(1)(A) a grant of up to $1,000,000 to each State that has not created a qualified high risk pool as of the date of enactment of the State High Risk Pool Funding Extension Act of 2005 for the State's costs of creation and initial operation of such a pool.

"(b) GRANTS FOR OPERATIONAL LOSSES.—

"(1) IN GENERAL.—In the case of a State that has established a qualified high risk pool that—

"(A) restricts premiums charged under the pool to no more than 200 percent of the premium for applicable standard risk rates;

"(B) offers a choice of two or more coverage options through the pool; and

"(C) has in effect a mechanism reasonably designed to ensure continued funding of losses incurred by the State in connection with operation of the pool after the end of the last fiscal year for which a grant is provided under this paragraph;

the Secretary shall provide, from the funds appropriated under paragraphs (1)(B)(i) and (2)(A) of subsection (d) and allotted to the State under paragraph (2), a grant for the losses incurred by the State in connection with the operation of the pool.

"(2) ALLOTMENT.—Subject to paragraph (4), the amounts appropriated under paragraphs (1)(B)(i) and (2)(A) of subsection (d) for a fiscal year shall be allotted and made available to the States (or the entities that operate the high risk pool under applicable State law) that qualify for a grant under paragraph (1) as follows:

"(A) An amount equal to 40 percent of such appropriated amount for the fiscal year shall be allotted in equal amounts to each qualifying State that is one of the 50 States or the District of Columbia and that applies for a grant under this subsection.

"(B) An amount equal to 30 percent of such appropriated amount for the fiscal year shall be allotted among qualifying States that apply for such a grant so that the amount allotted to such a State bears the same ratio to such appropriated amount as the number of uninsured individuals in the State bears to the total number of uninsured individuals (as determined by the Secretary) in all qualifying States that so apply.

"(C) An amount equal to 30 percent of such appropriated amount for the fiscal year shall be allotted among qualifying States that apply for such a grant so that the amount allotted to a State bears the same ratio to such appropriated amount as the number of individuals enrolled in health care coverage through the qualified high risk pool of the State bears to the total number of individuals so enrolled through qualified high risk pools (as determined by the Secretary) in all qualifying States that so apply.

"(3) SPECIAL RULE FOR POOLS CHARGING HIGHER PREMIUMS.—In the case of a qualified high risk pool of a State which charges premiums that exceed 150 percent of the premium for applicable standard risks, the State shall use at least 50 percent of the amount of the grant provided to the State to carry out this subsection to reduce premiums for enrollees.

"(4) LIMITATION FOR TERRITORIES.—In no case shall the aggregate amount allotted and made available under paragraph (2) for a fiscal year to States that are not the 50 States or the District of Columbia exceed $1,000,000.

"(c) BONUS GRANTS FOR SUPPLEMENTAL CONSUMER BENEFITS.—

"(1) IN GENERAL.—In the case of a State that is one of the 50 States or the District of Columbia, that has established a qualified high risk pool, and that is receiving a grant under subsection (b)(1), the Secretary shall provide, from the funds appropriated under paragraphs (1)(B)(ii) and (2)(B) of subsection (d) and allotted to the State under paragraph (3), a grant to be used to provide supplemental consumer benefits to enrollees or potential enrollees (or defined subsets of such enrollees or potential enrollees) in qualified high risk pools.

"(2) BENEFITS.—A State shall use amounts received under a grant under this subsection to provide one or more of the following benefits:

"(A) Low-income premium subsidies.

"(B) A reduction in premium trends, actual premiums, or other cost-sharing requirements.

"(C) An expansion or broadening of the pool of individuals eligible for coverage, such as through eliminating waiting lists, increasing enrollment caps, or providing flexibility in enrollment rules.

"(D) Less stringent rules, or additional waiver authority, with respect to coverage of pre-existing conditions.

"(E) Increased benefits.

"(F) The establishment of disease management programs.

"(3) ALLOTMENT; LIMITATION.—The Secretary shall allot funds appropriated under paragraphs (1)(B)(ii) and (2)(B) of subsection (d) among States qualifying for a grant under paragraph (1) in a manner specified by the Secretary, but in no case shall the amount so allotted to a State for a fiscal year exceed 10 percent of the funds so appropriated for the fiscal year.

"(4) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to prohibit a State that, on the date of the enactment of the State High Risk Pool Funding Extension Act of 2005, is in the process of implementing a program to provide benefits of the type described in paragraph (2), from being eligible for a grant under this subsection.

"(d) FUNDING.—

"(1) APPROPRIATION FOR FISCAL YEAR 2006.—There are authorized to be appropriated and there are appropriated for fiscal year 2006—

"(A) $15,000,000 to carry out subsection (a); and

"(B) $75,000,000, of which, subject to paragraph (4)—

"(i) two-thirds of the amount appropriated shall be made available for allotments under subsection (b)(2); and

"(ii) one-third of the amount appropriated shall be made available for allotments under subsection (c)(3).

"(2) AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEARS 2007 THROUGH 2010.—There are authorized to be appropriated $75,000,000 for each of fiscal years 2007 through 2010, of which, subject to paragraph (4)—

"(A) two-thirds of the amount appropriated for a fiscal year shall be made available for allotments under subsection (b)(2); and

"(B) one-third of the amount appropriated for a fiscal year shall be made available for allotments under subsection (c)(3).

"(3) AVAILABILITY.—Funds appropriated for purposes of carrying out this section for a fiscal year shall remain available for obligation through the end of the following fiscal year.

"(4) REALLOTMENT.—If, on June 30 of each fiscal year for which funds are appropriated under paragraph (1)(B) or (2), the Secretary determines that all the amounts so appropriated are not allotted or otherwise made available to States, such remaining amounts shall be allotted and made available under subsection (b) among States receiving grants under subsection (b) for the fiscal year based upon the allotment formula specified in such subsection.

"(5) NO ENTITLEMENT.—Nothing in this section shall be construed as providing a State with an entitlement to a grant under this section.

"(e) APPLICATIONS.—To be eligible for a grant under this section, a State shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

"(f) ANNUAL REPORT.—The Secretary shall submit to Congress an annual report on grants provided under this section. Each such report shall include information on the distribution of such grants among States and the use of grant funds by States.

"(g) DEFINITIONS.—In this section:

"(1) QUALIFIED HIGH RISK POOL.—

"(A) IN GENERAL.—The term 'qualified high risk pool' has the meaning given such term in section 2744(c)(2), except that a State may elect to meet the requirement of subparagraph (A) of such section (insofar as it requires the provision of coverage to all eligible individuals) through providing for the enrollment of eligible individuals through an acceptable alternative mechanism (as defined for purposes of section 2744) that includes a high risk pool as a component.

"(2) STANDARD RISK RATE.—The term 'standard risk rate' means a rate—

"(A) determined under the State high risk pool by considering the premium rates charged by other health insurers offering health insurance coverage to individuals in the insurance market served;

"(B) that is established using reasonable actuarial techniques; and

"(C) that reflects anticipated claims experience and expenses for the coverage involved.

"(3) STATE.—The term 'State' means any of the 50 States and the District of Columbia and includes Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands.".

SA 2143. Mr. DAYTON submitted an amendment intended to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

TITLE XX___—NATURAL DISASTER OIL AND GAS PRICE GOUGING PREVENTION ACT OF 2005

SEC. __01. SHORT TITLE.

This title may be cited as the "Natural Disaster Oil and Gas Price Gouging Prevention Act of 2005".

SEC. __02. DEFINITIONS.

In this title:

(1) COMMISSION.—The term "Commission" means the Federal Trade Commission.

(2) QUALIFYING NATURAL DISASTER DECLARATION.—The term "qualifying natural disaster declaration" means—

(A) a natural disaster declared by the Secretary under section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)); or

(B) a major disaster or emergency designated by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

SEC. __03. RESTRICTION ON PRICE GOUGING.

(a) RESTRICTIONS.—It shall be unlawful in the United States during the period of a qualifying natural disaster declaration in the United States to increase the price of any oil or gas product more than 15 percent above the price of that product immediately prior to the declaration unless the increase in the amount charged is attributable to additional costs incurred by the seller or national or international market trends.

(b) ENFORCEMENT.—

(1) ENFORCEMENT POWERS.—

(A) IN GENERAL.—The Commission shall enforce this section as part of its duties under the Federal Trade Commission Act (15 U.S.C. 41 et seq.).

(B) REPORTING OF VIOLATIONS.—For purposes of the enforcement of this section, the Commission shall establish procedures to permit the reporting of violations of this section to the Commission, including appropriate links on the Internet website of the Commission and the use of a toll-free telephone number for such purposes.

(2) PENALTY.—

(A) CRIMINAL PENALTY.—A violation of this section shall be deemed a felony and a person, upon conviction of a violation of this section, shall be punished by fine not exceeding $10,000,000 if a corporation, or, if any other person, $350,000, or by imprisonment not exceeding 3 years, or both.

(B) CIVIL PENALTY.—The Commission may impose a civil penalty not to exceed $5,000 for each violation of this section. For purposes of this subparagraph, each day of violation shall constitute a separate offense. Civil penalties under this subparagraph shall not exceed amounts provided in subparagraph (A).

(c) ACTION BY STATE ATTORNEY GENERAL.—The attorney general of a State may bring a civil action for a violation of this section pursuant to section 4C of the Clayton Act (15 U.S.C. 15c).

(d) This section becomes effective 1 day after enactment.

SA 2144. Mr. CORZINE submitted an amendment intended to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 252, between lines 11 and 12, insert the following: "*Provided further,* That the Corporation shall not create a wholly owned Northeast Corridor subsidiary or transfer the Northeast Corridor infrastructure into such subsidiary unless such activities are specifically authorized by an Act of Congress:".

SA 2145. Mr. LAUTENBERG (for himself and Mr. LOTT) submitted an amendment intended to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 250, line 9, beginning with "expended:" strike through line 17 on page 252 and insert "expended.".

SA 2146. Mr. ENSIGN (for himself, Mr. ALLEN, and Mr. DEMINT) submitted an amendment intended to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 293, after line 25, add the following:

SEC. ________. The Internal Revenue Service shall provide taxpayers with free individual tax electronic preparation and filing services only through the Free File program and the Internal Revenue Service's Taxpayer Assistance Centers and Volunteer Income Tax Assistance program.

SA 2147. Mr. DEWINE submitted an amendment intended to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 244, line 17, insert "of which $13,679,000 shall be for the 'New Car Assessment Program' (including $6,000,000, which shall remain available until September 30, 2007) and $1,000,000 shall be for the 'Vehicle Crash Causation Study':" after "Highway Trust Fund".

SA 2148. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 276, after line 24, insert the following:

SEC. 1___. Section 127(a) of title 23, United States Code, is amended by adding at the end the following:

"(13) ARKANSAS.—During the period beginning on the date of enactment of this paragraph and ending on September 30, 2009, the State of Arkansas may allow the operation of vehicles with a gross vehicle weight of up to 80,000 pounds for the hauling of cotton seed on Interstate Route 555 during the months of August through December to cross the St. Francis Floodway from Marked Tree to Payneway, when that route is open to traffic.".

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will be held on Thursday, October 27, 2005 at 10 a.m. in room

SD-366 of the Dirksen Senate Office Building.

The purpose of this hearing is to receive testimony from the Administration on hurricane recovery efforts related to energy and to discuss energy policy.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150.

For further information, please contact Lisa Epifani 202-224-5269 or Shannon Ewan at 202-224-7555.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will be held on Thursday, November 3, 2005 at 10 a.m. in Room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to evaluate and receive a status report on the Environmental Management Programs of the Department of Energy.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150.

For further information, please contact Clint Williamson 202-224-7556 or Steve Waskiewicz at 202-228-6195.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. BOND. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition and Forestry be authorized to conduct a business meeting during the session of the Senate on Wednesday, October 19, 2005 at 10 a.m. in SR-328A, Russell Senate Office Building. The purpose of this meeting will be to consider an original bill to comply with the Committee's reconciliation instructions as contained in H. Con. Res. 95.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BOND. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Wednesday, October 19 at 10 a.m.

The purpose of this meeting is to consider reconciliation legislation and any other pending calendar business which may be ready for consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. BOND. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, October 19, 2005, at 10 a.m. to hold a hearing on Iraq in U.S. Foreign Policy.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. BOND. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, October 19, 2005, at 2:30 p.m. to hold a hearing on Nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. BOND. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions, Subcommittee on Employment and Workplace Safety, be authorized to hold a hearing during the session of the Senate on Wednesday, October 19th, at 2 p.m. in SD-430.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. BOND. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on "Reporters' Privilege Legislation: An Additional Investigation of Issues and Implications" on Wednesday, October 19, 2005 at 10:30 a.m. in the Dirksen Senate Office Building Room 226.

Witness List

Panel I: Chuck Rosenberg, United States Attorney for the Southern District of Texas, on behalf of the United States Department of Justice Houston, TX.

Panel II: Judith Miller, Investigative Reporter and Senior Writer, The New York Times, New York, NY; David Westin, President, ABC News, New York, NY; Joseph E. diGenova, Founding Partner, diGenova & Toensing LLP, Washington, DC; Anne Gordon, Managing Editor, Philadelphia Inquirer, Philadelphia, PA; Dale Davenport, Editorial Page Editor, The Patriot-News, Harrisburg, PA; and Steven D. Clymer, Professor of Law, Cornell Law School Myron Taylor Hall, Ithaca, NY.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. BOND. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on October 19, 2005, at 2:30 p.m. to hold a closed briefing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ANTITRUST, COMPETITION POLICY AND CONSUMER RIGHTS

Mr. BOND. Mr. President, I ask unanimous consent that the Subcommittee on Antitrust, Competition Policy and Consumer Rights be authorized to meet on Wednesday, October 19, 2005, to conduct a hearing on "Video Competition in 2005—More Consolidation, or New Choices for Consumers?" at 2 p.m. in Room 226 of the Dirksen Senate Office Building.

Witness List

Mr. Glenn Britt, Chairman and CEO, Time Warner Cable, Stamford; CT; Mr. Kyle McSlarrow, President and CEO, NCTA, Washington, DC; Mr. Walter McCormick, Jr., President and CEO, United States Telecom Association, Washington, DC; Mr. Doron Gorshein, President and CEO, The America Channel, LLC, Heathrow, FL; Mr. Peter Aquino, President and CEO, RCN Corporation, Herndon, VA; Mr. Scott Cleland, Chief Executive Officer, Precursor, Washington, DC; and Dr. Mark Cooper, Director of Research, Consumer Federation of America, Washington, DC.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. ALLARD. Mr. President, I ask unanimous consent that Sam Tatevosyan of my staff be given floor privileges for the duration of morning business today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. I ask unanimous consent that Cathy Poon of my staff be granted the privilege of the floor for the duration of this debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. CLINTON. Mr. President, I ask unanimous consent for floor privileges for a fellow in my office, Chelsea Maughan.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORITY TO SIGN ENROLLED BILLS

Mr. McCONNELL. Mr. President, I ask unanimous consent that during the adjournment of the Senate, the majority leader and the junior Senator from Oklahoma be authorized to sign duly enrolled bills.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEDICARE COST SHARING AND WELFARE EXTENSION ACT OF 2005

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Chair now lay before the Senate the House message to accompany H.R. 3971.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

H.R. 3971

Resolved, That the House agree to the amendment of the Senate to the bill (H.R. 3971) entitled "An Act to provide assistance to individuals and States affected by Hurricane Katrina", with House amendments to Senate amendments.

Mr. McCONNELL. I ask unanimous consent that the Senate concur in the House amendments, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the Democratic Leader, pursuant to Public Law 109–59, Sec. 1909(b)(2)(A)(vi), appoints the following individuals to serve as members of the National Surface Transportation Policy and Revenue Study Commission: Francis McArdle of New York and Tom R. Shancke of Nevada.

PARTICIPATION OF JUDICIAL BRANCH EMPLOYEES IN FEDERAL LEAVE TRANSFER PROGRAM

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 227, S. 1736.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1736) to provide for the participation of employees in the judicial branch in the Federal leave transfer program for disasters and emergencies.

There being no objection, the Senate proceeded to consider the bill.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1736) was read the third time and passed, as follows:

S. 1736

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LEAVE TRANSFER PROGRAM IN DISASTERS AND EMERGENCIES.

Section 6391 of title 5, United States Code, is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following:

"(f) After consultation with the Administrative Office of the United States Courts, the Office of Personnel Management shall provide for the participation of employees in the judicial branch in any emergency leave transfer program under this section.".

SUPPORTING THE GOALS AND IDEALS OF LIGHTS ON AFTERSCHOOL

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 280 which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 280) supporting "Lights on Afterschool," a national celebration of after school programs.

There being no objection, the Senate proceeded to consider the resolution.

Mr. McCONNELL. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 280) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 280

Whereas high quality after school programs provide safe, challenging, engaging, and fun learning experiences to help children and youth develop their social, emotional, physical, cultural, and academic skills;

Whereas high quality after school programs support working families by ensuring that the children in such families are safe and productive after the regular school day ends;

Whereas high quality after school programs build stronger communities by involving the Nation's students, parents, business leaders, and adult volunteers in the lives of the Nation's youth, thereby promoting positive relationships among children, youth, families, and adults;

Whereas high quality after school programs engage families, schools, and diverse community partners in advancing the well-being of the Nation's children;

Whereas "Lights On Afterschool!", a national celebration of after school programs held on October 20, 2005, promotes the critical importance of high quality after school programs in the lives of children, their families, and their communities;

Whereas more than 28,000,000 children in the United States have parents who work outside the home and 14,300,000 children in the United States have no place to go after school; and

Whereas many after school programs across the United States are struggling to keep their doors open and their lights on: Now, therefore, be it

Resolved That the Senate supports the goals and ideals of "Lights On Afterschool!" a national celebration of after school programs.

HONORING AND THANKING JAMES PATRICK ROHAN

Mr. McCONNELL. Mr. President, I ask unanimous consent the Senate now proceed to the consideration of S. Res. 281 which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 281) honoring and thanking James Patrick Rohan.

There being no objection, the Senate proceeded to consider the resolution.

Mr. McCONNELL. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 281) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

Whereas Assistant Chief of Police James Patrick Rohan, a native of the State of Maryland, has served the United States Capitol Police for thirty (30) years with distinction, having been appointed as a Private on December 8, 1975;

Whereas Assistant Chief Rohan, having risen through the ranks to his current position over his longstanding career, has been instrumental in a variety of initiatives designed to enhance the security of the Congress;

Whereas Assistant Chief Rohan, who holds a Master of Science Degree in Justice/Law Enforcement from the American University and a Bachelor of Arts Degree in Law Enforcement from the University of Maryland, as well as numerous specialized law enforcement and security training accomplishments and honors: Now, therefore, be it

Resolved, That the Senate hereby honors and thanks James Patrick Rohan and his wife, Cecilia, and children, Ben, Natalie, Eric and David, and his entire family, for a lifelong professional commitment of service to the United States Capitol Police and the United States Congress.

FAIR ACCESS FOSTER CARE ACT OF 2005

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 1894 introduced earlier today.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1894) to amend part E of title IV of the Social Security Act to provide for the making of foster care maintenance payments to private for-profit agencies.

There being no objection, the Senate proceeded to consider the bill.

Mr. INHOFE. Mr. President, I rise today in support of the Fair Access Foster Care Act of 2005.

Therapeutic foster care is foster care for children with special medical, psychological, emotional, and social needs. These children need comprehensive support and attention, requiring a great deal of commitment and sacrifice from foster care parents.

Prior to the placement of a child, a potential therapeutic foster care parent must complete a certification process that involves a background check, a training program, and at least two home studies.

At Choices for Life Foster Care, Inc., a for-profit provider in Oklahoma City, counselors are in the home a minimum of 2 hours every other week once a child has been placed.

Generally therapeutic foster care children are not permitted to attend daycare and require "line of sight" supervision. That is, therapeutic foster care children must be in view of the foster parents at all times, except when attending school and other approved activities.

Recruiting parents to provide therapeutic foster care is a never-ending job. There are always children waiting for a match to be found. Therapeutic foster care children stay in crisis shelters for the transition period, adding a great deal of stress to their lives.

Each State has a different standard for determining whether children need therapeutic foster care. Once a child is identified, most State governments contract with private agencies to place the child in a home.

In my State of Oklahoma, fifteen agencies contract with the State government to provide therapeutic foster care services. Of those 15 agencies, 5 operate under a for-profit status, 10 operate under a nonprofit status. The bottom line is that 62 percent of therapeutic foster care children are managed by for-profit agencies, and we must maintain the availability of care for these children.

Therapeutic foster care agencies receive funding from Medicaid and Title IV-E maintenance payments from the United States Department of Health and Human Service, HHS. The 1996 Welfare Reauthorization Act attempted to correct a discrepancy between treatment of children managed by for-profit agencies and by nonprofit agencies via removing the word "nonprofit" from title 42 of the United States Social Security Code. Unfortunately, the deletion was only made in one of the three sections addressing this issue, thus causing therapeutic foster care agencies to remain subjected to arbitrary regulation.

Only recently was it brought to the attention of Oklahoma's Department of Human Services that additional legal changes were needed. Most State governments face the same problem.

My bill amends the United States Code to allow all therapeutic foster care agencies to receive maintenance payments from the United States Department of Health and Human Services.

The Congressional Budget Office has indicated that any costs associated with this legislation would be insignificant.

There are over 500,000 children in foster care today. A large number of these children require therapeutic care. The business model of for-profit agencies should not prohibit Title IV-E maintenance cost reimbursement. Now is not the time to prevent highly qualified agencies from placing these children in safe homes.

I have long been dedicated to quality care for my constituents in Oklahoma and across America. My bill to help alleviate the flu vaccine shortage, my work to expand access to life-saving cardiac defibrillators, and my bill to freeze the Federal medical assistance percentage for 10 years to ensure that States continue to receive adequate Federal funding highlight this commitment.

I thank Mr. ROCKEFELLER, Mr. CRAIG, and Ms. LANDRIEU for cosponsoring this bill.

Please join me in supporting this bill to assist on out States in the endeavor to serve these five-hundred-thousand-plus vulnerable children.

Mr. MCCONNELL. I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1894) was read the third time and passed, as follows:

S. 1894

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fair Access Foster Care Act of 2005".

SEC. 2. FOSTER CARE MAINTENANCE PAYMENTS TO PRIVATE FOR-PROFIT AGENCIES.

Section 472(b) of the Social Security Act (42 U.S.C. 672(b)) is amended by striking "nonprofit" each place it appears.

STATE HIGH RISK POOL FUNDING EXTENSION ACT OF 2005

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 181, H. R. 3204.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H. R. 3204) to amend title XXVII of the Public Health Service Act to extend Federal funding for the establishment and operation of State high risk health insurance pools.

There being no objection, the Senate proceeded to consider the bill.

Mr. ENZI. Mr. President, I am pleased today to bring to the floor an amendment to H.R. 3204, The State High Risk Pool Funding Extension Act of 2005. The Senate companion, S. 288, sponsored by Senators GREGG and BAUCUS, was approved unanimously in February by the Health, Education, Labor, and Pensions Committee. A similar bill also unanimously passed the full Senate in the last Congress.

The amendment to H. R. 3204 that I bring before us today reflects much careful and bipartisan work, not only within the Senate, but with the House as well. After we pass this amendment and send it to the House, I expect our colleagues in that Chamber will approve it quickly, thus paving the way for a swift trip to the President's desk and into law.

This legislation extends and makes improvements in the Federal Health Insurance High Risk Pool Grant Program originally enacted in 2002 as part of the Trade Adjustment Assistance Reform Act, TAA. This grant program provides critical assistance States both for the start-up of new risk pools and for the continued operation of existing ones.

State high risk pools are State-created nonprofit entities that provide access to health insurance for persons who are not covered under an employer plan or a government program, and whose medical profile makes it very difficult or impossible for them to find coverage in the individual insurance market.

These individuals are often the sickest and most vulnerable among us, and who, without access to high risk pools would otherwise fall through the cracks and be forced to bankrupt themselves onto the Medicaid rolls.

Nearly 200,000 people have purchased health insurance policies through high risk pools nationwide. In my home State of Wyoming more than 650 people have comprehensive health insurance thanks to the Wyoming Health Insurance Pool.

This insurance covers doctor visits, prescription drugs, home health visits, rehabilitation services, mental health, physical therapy, and maternity care. It is meaningful insurance coverage for people who would otherwise be uninsurable.

Under these programs, individuals pay capped premiums for their coverage, but such premiums generally cover only 50 to 60 percent of the total cost of their care. The rest of the expense must be made up by other revenues, typically through an annual assessment of insurance companies.

The current Federal Risk Pool Grant Program authorized up to $40 million annually to help existing State high risk pools ease the steep losses requiring subsidies that they incur in these programs each year. Last year alone, total combined losses in State risk pools was more than $539 billion, an increase of 12 percent over the previous year.

The legislation before us today would increase authorization for grants to existing risk pool programs from $40 million to $75 million per year through 2009. It would also extend through 2006 authorization for $15 million annually for seed grants to States without risk pools that wish to establish them. Under this program. States would be eligible for grants of up to $1 million for the creation and initial operation of a risk pool.

It is critical that Congress act swiftly on this important bill. Authorization for the current grant program expired at the end of fiscal year 2004, and all remaining funds will be exhausted upon the expiration of fiscal year 2005. Moreover, many State legislatures are assessing whether or not to move ahead with risk pool programs. Passage of this legislation would send to the States a strong signal of continued and renewed Federal commitment to such programs.

In addition to extending and increasing authorization for Federal grant assistance, our legislation also makes a certain targeted improvements in how the Federal risk pool grants operate. For example, the bill would allow States a greater degree of flexibility in how they apply Federal grant dollars to their risk pool programs, and in the requirements for qualifying for grants. In part, this greater flexibility is an acknowledgement that State programs do vary and that a number of States are experimenting with new and innovative approaches in how they set up and administer their risk pool programs—approaches that in some cases may not fit easily into the Federal grant parameters as they are currently drafted.

The legislation also makes some adjustments in the way grant funds are allocated, such that each State will now receive a sufficient incentive to establish or improve its high risk pool. At the same time, the revised allocation system recognizes that some states have greater numbers of uninsured than others, and provides extra assistance to States that operate the largest risk pools.

The bill also includes a new bonus pool that can be tapped by States to offer lower premiums or improved benefits in connection with their high-risk pool, rather than requiring that all funds go to help defray operational losses. Up to one third of State's annual grant award could be used for this purpose.

The legislation before us today is the same as that which drew unanimous and bipartisan support in our committee, both in this Congress and the last. It would extend and improve a program that has helped thousands of medically vulnerable Americans maintain lifesaving health coverage and avoid potentially devastating financial ruin. It is an important part of this Congress's comprehensive efforts to make health care and health insurance more affordable and accessible for everyone.

I commend Senators GREGG and BAUCUS for their effective leadership on this important legislation, and to our committee's ranking member, Senator KENNEDY, for his hard work and commitment. I urge all of my colleagues to join me in giving this much needed legislation our full support.

Finally, credit should go as well to a number of current and past Senate staff, some of whom have worked for several years to bring this bill to fruition. We greatly appreciate the work of many, including David Bowen, David Fisher, Kim Monk, Stephen Northrup, Andrew Patzman, Stacey Sachs, Conwell Smith, and Vince Ventimiglia.

I urge the Senate to give this much needed legislation the strong support it deserves.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Enzi amendment at the desk be agreed to, the bill, as amended, be read a third time and passed, the motions to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2142) was agreed to, as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "State High Risk Pool Funding Extension Act of 2005".

SEC. 2. EXTENSION OF FUNDING FOR OPERATION OF STATE HIGH RISK HEALTH INSURANCE POOLS.

Section 2745 of the Public Health Service Act (42 U.S.C. 300gg-45) is amended to read as follows:

"SEC. 2745. RELIEF FOR HIGH RISK POOLS.

"(a) SEED GRANTS TO STATES.—The Secretary shall provide from the funds appropriated under subsection (d)(1)(A) a grant of up to $1,000,000 to each State that has not created a qualified high risk pool as of the date of enactment of the State High Risk Pool Funding Extension Act of 2005 for the State's costs of creation and initial operation of such a pool.

"(b) GRANTS FOR OPERATIONAL LOSSES.—

"(1) IN GENERAL.—In the case of a State that has established a qualified high risk pool that—

"(A) restricts premiums charged under the pool to no more than 200 percent of the premium for applicable standard risk rates;

"(B) offers a choice of two or more coverage options through the pool; and

"(C) has in effect a mechanism reasonably designed to ensure continued funding of losses incurred by the State in connection with operation of the pool after the end of the last fiscal year for which a grant is provided under this paragraph;

the Secretary shall provide, from the funds appropriated under paragraphs (1)(B)(i) and (2)(A) of subsection (d) and allotted to the State under paragraph (2), a grant for the losses incurred by the State in connection with the operation of the pool.

"(2) ALLOTMENT.—Subject to paragraph (4), the amounts appropriated under paragraphs (1)(B)(i) and (2)(A) of subsection (d) for a fiscal year shall be allotted and made available to the States (or the entities that operate the high risk pool under applicable State law) that qualify for a grant under paragraph (1) as follows:

"(A) An amount equal to 40 percent of such appropriated amount for the fiscal year shall be allotted in equal amounts to each qualifying State that is one of the 50 States or the District of Columbia and that applies for a grant under this subsection.

"(B) An amount equal to 30 percent of such appropriated amount for the fiscal year shall be allotted among qualifying States that apply for such a grant so that the amount allotted to such a State bears the same ratio to such appropriated amount as the number of uninsured individuals in the State bears to the total number of uninsured individuals (as determined by the Secretary) in all qualifying States that so apply.

"(C) An amount equal to 30 percent of such appropriated amount for the fiscal year shall be allotted among qualifying States that apply for such a grant so that the amount allotted to a State bears the same ratio to such appropriated amount as the number of individuals enrolled in health care coverage through the qualified high risk pool of the State bears to the total number of individuals so enrolled through qualified high risk pools (as determined by the Secretary) in all qualifying States that so apply.

"(3) SPECIAL RULE FOR POOLS CHARGING HIGHER PREMIUMS.—In the case of a qualified high risk pool of a State which charges premiums that exceed 150 percent of the premium for applicable standard risks, the State shall use at least 50 percent of the amount of the grant provided to the State to carry out this subsection to reduce premiums for enrollees.

"(4) LIMITATION FOR TERRITORIES.—In no case shall the aggregate amount allotted and made available under paragraph (2) for a fiscal year to States that are not the 50 States or the District of Columbia exceed $1,000,000.

"(c) BONUS GRANTS FOR SUPPLEMENTAL CONSUMER BENEFITS.—

"(1) IN GENERAL.—In the case of a State that is one of the 50 States or the District of Columbia, that has established a qualified high risk pool, and that is receiving a grant under subsection (b)(1), the Secretary shall provide, from the funds appropriated under paragraphs (1)(B)(ii) and (2)(B) of subsection (d) and allotted to the State under paragraph (3), a grant to be used to provide supplemental consumer benefits to enrollees or potential enrollees (or defined subsets of such enrollees or potential enrollees) in qualified high risk pools.

"(2) BENEFITS.—A State shall use amounts received under a grant under this subsection to provide one or more of the following benefits:

"(A) Low-income premium subsidies.

"(B) A reduction in premium trends, actual premiums, or other cost-sharing requirements.

"(C) An expansion or broadening of the pool of individuals eligible for coverage, such as through eliminating waiting lists, increasing enrollment caps, or providing flexibility in enrollment rules.

"(D) Less stringent rules, or additional waiver authority, with respect to coverage of pre-existing conditions.

"(E) Increased benefits.

"(F) The establishment of disease management programs.

"(3) ALLOTMENT; LIMITATION.—The Secretary shall allot funds appropriated under paragraphs (1)(B)(ii) and (2)(B) of subsection (d) among States qualifying for a grant under paragraph (1) in a manner specified by the Secretary, but in no case shall the amount so allotted to a State for a fiscal year exceed 10 percent of the funds so appropriated for the fiscal year.

"(4) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to prohibit a State that, on the date of the enactment of the State High Risk Pool Funding Extension Act of 2005, is in the process of implementing a program to provide benefits of the type described in paragraph (2), from being eligible for a grant under this subsection.

"(d) FUNDING.—

"(1) APPROPRIATION FOR FISCAL YEAR 2006.—There are authorized to be appropriated and there are appropriated for fiscal year 2006—

"(A) $15,000,000 to carry out subsection (a); and

"(B) $75,000,000, of which, subject to paragraph (4)—

"(i) two-thirds of the amount appropriated shall be made available for allotments under subsection (b)(2); and

"(ii) one-third of the amount appropriated shall be made available for allotments under subsection (c)(3).

"(2) AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEARS 2007 THROUGH 2010.—There are authorized to be appropriated $75,000,000 for each of fiscal years 2007 through 2010, of which, subject to paragraph (4)—

"(A) two-thirds of the amount appropriated for a fiscal year shall be made available for allotments under subsection (b)(2); and

"(B) one-third of the amount appropriated for a fiscal year shall be made available for allotments under subsection (c)(3).

"(3) AVAILABILITY.—Funds appropriated for purposes of carrying out this section for a fiscal year shall remain available for obligation through the end of the following fiscal year.

"(4) REALLOTMENT.—If, on June 30 of each fiscal year for which funds are appropriated under paragraph (1)(B) or (2), the Secretary determines that all the amounts so appropriated are not allotted or otherwise made available to States, such remaining amounts shall be allotted and made available under subsection (b) among States receiving grants under subsection (b) for the fiscal year based upon the allotment formula specified in such subsection.

"(5) NO ENTITLEMENT.—Nothing in this section shall be construed as providing a State with an entitlement to a grant under this section.

"(e) APPLICATIONS.—To be eligible for a grant under this section, a State shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

"(f) ANNUAL REPORT.—The Secretary shall submit to Congress an annual report on grants provided under this section. Each such report shall include information on the distribution of such grants among States and the use of grant funds by States.

"(g) DEFINITIONS.—In this section:

"(1) QUALIFIED HIGH RISK POOL.—

"(A) IN GENERAL.—The term 'qualified high risk pool' has the meaning given such term in section 2744(c)(2), except that a State may elect to meet the requirement of subparagraph (A) of such section (insofar as it requires the provision of coverage to all eligible individuals) through providing for the enrollment of eligible individuals through an acceptable alternative mechanism (as defined for purposes of section 2744) that includes a high risk pool as a component.

"(2) STANDARD RISK RATE.—The term 'standard risk rate' means a rate—

"(A) determined under the State high risk pool by considering the premium rates charged by other health insurers offering health insurance coverage to individuals in the insurance market served;

"(B) that is established using reasonable actuarial techniques; and

"(C) that reflects anticipated claims experience and expenses for the coverage involved.

"(3) STATE.—The term 'State' means any of the 50 States and the District of Columbia and includes Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands.".

The bill (H. R. 3204), as amended, was read the third time and passed.

ORDERS FOR THURSDAY, OCTOBER 20, 2005

Mr. McCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Thursday, October 20. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate then resume consideration of H.R. 3058, the Transportation-Treasury appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. McCONNELL. Mr. President, we have made substantial progress on the bill today. Tomorrow morning, when we return to the bill, we have several Senators prepared to offer amendments. I hope that we can debate and vote on those amendments with reasonable time agreements. There is a chance we can finish this bill tomorrow night, and the majority leader has indicated that if we wrap up the Transportation-Treasury bill tomorrow evening, we will not be voting on Friday. If we are able to do that, he will move on Friday to another bill, and we will not be having votes that day. Hopefully, that will be adequate incentive for all of us to finish our work on this particular bill no later than tomorrow night.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. McCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:55 p.m., adjourned until Thursday, October 20, 2005, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate October 19, 2005:

DEPARTMENT OF STATE

ANNE W. PATTERSON, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AN ASSISTANT SECRETARY OF STATE (INTERNATIONAL NARCOTICS AND LAW ENFORCEMENT AFFAIRS), VICE ROBERT B. CHARLES.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. LANCE L. SMITH, 7660

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADES INDICATED AS CHAPLAINS IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be colonel

GARY L. GROSS, 8676

To be lieutenant colonel

NEAL J. BUCKON, 8297
MICHAEL J. CERRONE, 7838
FRANK R. SPENCER, 6046
VALERIE B. STJOHN, 4165
GARY R. STUDNIEWSKI, 3714
AVI S. WEIS, 1490

To be major

MARK N. AWDYKOWYZ, 7102
RICHARD J. BENDORF, 0129
JAMES R. BOULWARE, 4868
GARY W. BRAGG, 2780
JOEY T. BYRD, 7482
JOHN L. CONGDON, 9262
DOUGLAS C. FENTON, 5423
MICHAEL L. FRAILEY, 6405
RICHARD P. GRAVES, 9813
DAVID S. HARSDORF, 4070
JOSE G. HERRERA, 7276
TIMOTHY L. HUBBS, 3648
CARLOS C. HUERTA, 5992
PAUL K. HURLEY, 8535
DANIEL C. HUSSEY, 0731
JERALD P. JACOBS, 1669
STEVEN R. JERLES, 2687
EDWARD D. NORTHROP, 4777
JAMES E. ONEAL, 8125
MATTHEW P. PAWLIKOWSKI, 3222
PEKOLA F. ROBERTS, 1643
ADGER S. TURNER, 3411

EXTENSIONS OF REMARKS

CONGRATULATING CURT AND JUDY WIGGINS FOR WINNING THE MERITORIOUS SERVICE AWARD

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 19, 2005

Mr. NEY. Mr. Speaker:

Whereas, Curt and Judy Wiggins have, without thought of reward, given of themselves to help the citizens of Jackson County on countless occasions; and

Whereas, Curt and Judy Wiggins have worked tirelessly with the American Cancer Society—Jackson County Unit; and

Whereas, Curt and Judy Wiggins have dedicated themselves to Jackson County through organizations too numerous to name here and through their work have uplifted all those whom they have come in contact.

Therefore, I join with family, friends and the entire 18th Congressional District of Ohio in congratulating Curt and Judy Wiggins for winning this prestigious award.

IN LASTING MEMORY OF PERRY CAMPBELL

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 19, 2005

Mr. ROSS. Mr. Speaker, I rise today to honor the memory of a close personal friend of mine, Perry Campbell, the most prominent figure in the hospitality business in Hope, Arkansas for more than 50 years. He passed away on October 10, 2005 at a Texarkana hospital at the age of 77.

Perry led a life committed to public service. He was the namesake, a founding member, and eventually the mayor of Perrytown. He was founding member of Providence Memorial Baptist Church in Perrytown, a member of the Board of Directors of Hope-Hempstead County Chamber of Commerce and its 1994 Citizen of the Year, one of the founders of Hempstead County Ambulance Service and Perrytown Volunteer Fire Department. He also served on the Life Word Board and the Clinton Birthplace Foundation Board.

A successful entrepreneur, Perry began his business career as the proprietor of a single truck stop and eventually became the owner of Western Sizzlin' Restaurant, Dos Locos Gringos Restaurant, Best Western Motel and a Holiday Inn Express in Hope. Perry understood more than most the importance of changing with the times and his adaptability placed him in a league of his own. Western Sizzlin' Restaurant recently celebrated its 20th anniversary on Perry's 77th birthday, a day declared 'Perry Campbell Day!' by the City of Hope.

Some of my earliest and fondest memories growing up just outside of Hope are going to Perry's truck stop for dinner on Saturday nights with my parents. It was a genuine weekend treat. Back then, and up until a few months before Perry's death, part of the dining experience was seeing Perry at Western Sizzlin' as he would always make it a point to visit your table to ensure you were pleased with your meal. Perry understood the importance of the personal touch in the restaurant business.

For many people, Perry was the embodiment of the hospitality industry. Perhaps his most shining moment was when Perry was inducted into the Arkansas Hospitality Association Hall of Fame in 1996, after serving on the Arkansas Lodging Association Board and as its President from 1993–1994. He also received the Golden Key Award in 1995.

Perry was an exceptionally driven man with an entrepreneurial spirit second to none. He had an extraordinarily generous spirit, but never desired public recognition for his many contributions to the community. My heartfelt condolences go out to Perry's family, business associates, and the many people who join me in counting him as a friend. I have lost a true friend and will miss him, but his legacy will live on in Perrytown, Hope, and Arkansas for generations to come.

PAYING TRIBUTE TO DALE SHERWIN OF LANSING, MICHIGAN

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 19, 2005

Mr. ROGERS of Michigan. Mr. Speaker, I rise to honor the accomplishments of Dale Sherwin of Lansing, Michigan, who is retiring this month as the Michigan State Director for U.S. Department of Agriculture Rural Development.

Dale Sherwin has dedicated his career to improving the quality of life for America through its agricultural community and the citizens who work to feed America and the world.

Prior to starting his successful service with USDA Rural Development in April 2003, Dale worked six years for the Michigan Department of Agriculture, serving as director of agriculture policy and guiding policy on National Association of State Departments of Agriculture issues.

During the administrations of Presidents Nixon and Ford, Dale served in the U.S. Department of Agriculture: as chief legislative liaison to former Secretary Earl Butz; Deputy Assistant Secretary for International Affairs and Commodity Programs; and as assistant director of legislative affairs for the Foreign Agricultural Service. Dale also worked as a staff director for the U.S. Senate Committee on Agriculture, Nutrition and Forestry.

Prior to service in the U.S. Senate and USDA, Dale spent more than a decade working with the American Farm Bureau Federation and the Michigan Farm Bureau. His career in agriculture began as a farmer in Michigan's Genesee County. His degree in animal husbandry was earned at Michigan State University.

Dale's service at USDA Rural Development has proven to be a shining capstone for a career focused on the very mission the agency embodies: supporting increased economic opportunity and improved quality of life for rural American citizens. Across Michigan's counties and communities, his legacy will be realized long into the future. I am pleased to have worked with Dale, to call him friend, and to share his story with my Congressional colleagues.

Mr. Speaker, I ask my colleagues to join me in honoring this very special person, Dale Sherwin, a citizen and leader who is truly deserving of our respect and admiration.

HONORING DEPUTY ANTHONY ROBERT III

HON. CHARLES W. BOUSTANY, JR.

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 19, 2005

Mr. BOUSTANY. Mr. Speaker, I rise today to recognize the great achievements of Deputy Anthony Robert III, of Opelousas, Louisiana.

In addition to his distinguished service as a Deputy Sheriff in Baton Rouge, Louisiana, Deputy Robert has also displayed an extraordinary athletic talent in track and field competition.

At the 2005 Louisiana Police and Fire Summer Games in Lafayette, Louisiana, Deputy Robert won three gold medals in the 100 meter dash, 200 meter dash, and javelin; as well as two silver medals in the shot put and the discus. His success continued this June during the Southeastern Police and Fire Championships, which took place in Birmingham, Alabama. There, Deputy Robert won a total of five gold medals in the following events: 100 meter dash, 200 meter dash, 400 meter dash, 4 x 100 meter relay, and the 110 meter hurdles.

Additionally, at the recent World Police and Fire Games, which took place this past summer in Quebec, Canada, Deputy Robert was awarded the bronze medal in the 110 meter high hurdles as well as a ranking of 4th in the world in the 400 meter hurdles.

I applaud Deputy Robert's achievements, not only as a dedicated law enforcement officer, but also as a great representative of the citizens of Louisiana on the field of competition.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

CONGRATULATING THE JACKSON HIGH SCHOOL BAND FOR WINNING THE COMMUNITY PRIDE AWARD

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 19, 2005

Mr. NEY. Mr. Speaker:

Whereas, the Jackson High School Band, with nearly 200 members, has for many years been the pride of Jackson County when they perform; and

Whereas, the Jackson High School Band represented Jackson in front of an international audience in Orlando, Florida and performed exceptionally; and

Whereas, Band Director Dick Berry had for 36 years helped to shape boys and girls into young men and women for the betterment of Jackson High School and Jackson County.

Therefore, I join with family, friends and the entire 18th Congressional District of Ohio in congratulating the Jackson High School Band for winning this prestigious award.

IN LASTING MEMORY OF JUDGE PAUL X. WILLIAMS, JR.

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 19, 2005

Mr. ROSS. Mr. Speaker, I rise today to honor the memory of Judge Paul X. Williams, Jr. Judge Williams passed away after a tragic struggle with cancer on October 3, 2005 in Booneville, Arkansas at the age of 67.

After graduating from the University of Arkansas Law School, Judge Williams moved to Booneville and carried on the legacy of his father, dedicating his life to the law. Shortly after moving to Booneville, he was appointed Deputy Prosecuting Attorney for South Logan County. In 1975, he was elected to his first of two terms as the Prosecuting Attorney for the 15th Judicial District.

In 1979, Judge Williams was named the City Attorney of Booneville and continued to serve in this capacity until 1990, when he was elected to the District Bench, a post he served until his death.

Judge Williams was a member of the First Baptist Church in Booneville, and well known throughout the community as a man deeply dedicated to his family, an avid golfer, and a terrific chef.

My condolences go out to his wife, Dottie; their daughters Jane, Charlotte and Natalie; his mother Elizabeth; his two sisters, two brothers and his grandson, Rane. Judge Williams will be deeply missed in Logan County and throughout Arkansas.

HONORING ERNEST DUNCAN

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 19, 2005

Mr. BURGESS. Mr. Speaker, I rise today to honor the service and commitment of Mr. Ernest Duncan of Pilot Point, Texas. Mr. Duncan's zealous and passionate spirit towards community service warrants recognition.

As a 90 year old gentleman, Mr. Duncan dedicates much of his time to those in need, whether near or far away. Since the tragic event of Hurricane Rita, Mr. Duncan has voluntarily made two trips to Beaumont, Texas to help the victims. He and others from the Southern Baptist Disaster Relief helped the effort by serving food, cooking and picking up trash for twelve hours everyday. During their first four-day tour in Beaumont, Mr. Duncan and his colleagues slept on cots and functioned without electricity or water.

In addition to his recent involvement in the Hurricane Rita relief effort, Mr. Duncan is a committed volunteer for the Texas Baptist Men's bricking crew, which travels across the country building churches. This effort helps minimize costs for churches and allows them to use their money towards other expenses and community projects.

Mr. Speaker, It is with great honor that I stand here today to recognize Mr. Ernest Duncan, who has dedicated his time to community service, and who has reached out to assist those outside the North Texas area. Mr. Duncan's admirable commitment to helping others is an inspiration to all generations.

PERSONAL EXPLANATION

HON. JIM GIBBONS

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 19, 2005

Mr. GIBBONS. Mr. Speaker, I rise today to explain how I would have voted on October 17, 2005 during Roll Call votes #521, #522, and #523 during the first session of the 109th Congress. The first vote was for approving the Journal, the second was H. Res. 457—Recognizing the importance and positive contributions of chemistry and supporting the goals and ideals of National Chemistry Week, and the third was H. Res. 491—Expressing the sense of the House with respect to raising awareness and enhancing the state of computer security in the United States, and supporting the goals and ideals of National Cyber Security Awareness Month.

If present, I would have voted yes on these roll call votes.

RECOGNIZING KYLE JONES

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 19, 2005

Mr. NEY. Mr. Speaker:

Whereas, Kyle Jones has achieved the rank of Eagle Scout; and

Whereas, Kyle Jones shall be recognized as the first Eagle Scout in the Barnesville Boy Scout Troop 71; and

Whereas, Kyle Jones should be commended for his dedication and perseverance.

Therefore, I join with the residents of the entire 18th Congressional District of Ohio in honoring and congratulating Kyle Jones for his outstanding accomplishment.

WORLD FOOD PRIZE DAY

HON. MARTIN OLAV SABO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 19, 2005

Mr. SABO. Mr. Speaker, as people around the globe observe World Food Prize Day, I am honored to recognize Norman E. Borlaug, a man who worked wonders to boost agricultural production and helped reverse widespread hunger in many countries.

A former University of Minnesota instructor, Borlaug is also an alumnus, having earned his bachelor's, master's and Ph.D. there. Borlaug grew up on a farm, and became impassioned about the prospect of combating a wheat disease called rust late into his studies for his bachelor's degree. After 10 years of research, Borlaug developed a semidwarf variety of wheat that resisted rust and other diseases, was insensitive to light so that it could grow in a variety of climates, and was short and stalky enough to be heavily fertilized.

In time, he would become known as the Father of the Green Revolution.

By taking his wheat variety to Mexico in 1944, the country became self-sufficient in wheat production by 1956. By 1963, more than 95% of Mexico's wheat lands grew Borlaug's variety.

He took his success to other countries, notably India and Pakistan, reversing food shortages and helping to feed millions of people. He went on to train agronomists from every part of the world.

Borlaug was often warned that small farmers would never accept new technology. But he did not accept that judgment and worked tirelessly in the fields to earn trust, make doubters into believers, and change agriculture practices.

Borlaug also clearly understood that small peasant farmers needed more than improved farming production to be successful. Helpful economic policy had to exist to support the new technology, make the needed products available, and ensure fair grain prices. He has focused much time and energy to improve food distribution within countries, as well.

"If you don't do anything, you'll never have critics," Borlaug was known to have said. Although people questioned his technology or criticized it, it is believed that he saved more lives than any other person who has ever lived. He has also been called a "peaceful revolutionary" and a "consultant to governments of every political ideology."

Borlaug won the esteemed Nobel Peace Prize in 1970. In 2002, he received the National Academy of Science's highest honor, the Public Welfare Medal, for his work to fight hunger. He is the recipient of more than 49 honorary doctoral degree and many scientific and civic awards from around the globe. Because there was no similar award recognizing advancement in food production, Borlaug helped found the World Food Prize, celebrated yearly in October.

Mr. Speaker, as my home state celebrates Norman Borlaug Day and World Food Prize

Day on October 16, I wish to extend my most humble gratitude and congratulations to this tireless and dedicated public servant. Norman Borlaug saw an opportunity to better lives, and he fought for it. He has spent a lifetime working to help countries adapt practices and policies to help them feed their people.

Thank you, Norman Borlaug. This nation—and many nations—thank you.

TRIBUTE TO THE MASSEY AGENCY—30TH ANNIVERSARY

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 19, 2005

Mr. PAYNE. Mr. Speaker, I ask my colleagues here in the House of Representatives to join me as I rise to acknowledge the Massey Agency as this Newark firm celebrates its 30th anniversary. With Emma and Ramelle Massey at the helm of this woman/minority-owned insurance and brokerage firm, they offer services that are important to residents and businesses in the area.

Fortunately, for the City of Newark, the Massey Agency has always been committed to the needs of the community. Beginning with the late Raymond J. Massey who opened the agency's doors and continuing with his wife, Emma and daughter, Ramelle, the Massey Agency has been providing job opportunities and internship programs for local residents. In addition to the employment opportunities the Massey Agency has offered, they have also contributed financially to local community organizations which have assisted many young people and programs to achieve success for themselves and others in the community. Along the way, the agency has earned a standing as one of the predominant Minority Business Enterprise/Women's Business Enterprise in the Northeast. The agency has also received proclamations from the Mayor of Newark and the Independent Insurance Agents of New Jersey, which recognized the agency's longevity, dedication to the City of Newark and the quality of its insurance products and services.

Educated in some of the finest schools and universities, the Massey women are true professionals and exemplary role models. They are both multiple licensed insurance brokers offering a wide array of services. One of their goals is to expand their reach beyond the local community. With the tenacity, energy, intelligence and willpower of Emma and Ramelle, there is no doubt they will meet this self imposed challenge.

Mr. Speaker, I know my colleagues agree that the Massey Agency and the Newark community have every right to be proud of the lasting contributions the agency has made to the Greater Newark Community. I am pleased to congratulate Emma and Ramelle Massey along with their employees on their 30th anniversary.

RECOGNIZING SUE MAXWELL

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 19, 2005

Mr. NEY. Mr. Speaker:

Whereas, Sue Maxwell has been named as the 2005 Vinton County Southeastern Ohio Regional Council Person of the Year; and

Whereas, Sue Maxwell has been acknowledged for her success in operating Ravenwood Castle; and

Whereas, Sue Maxwell should be commended for her business savvy and her dedication to Hocking Hills and Vinton County.

Therefore, I join with the residents of the entire 18th Congressional District of Ohio in honoring and congratulating Sue Maxwell for her outstanding accomplishment.

THE 80TH ANNIVERSARY OF THE GRAND OLE OPRY, NASHVILLE, TN

HON. JIM COOPER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 19, 2005

Mr. COOPER. Mr. Speaker, I rise today to recognize the 80th anniversary of the Grand Ole Opry in Nashville, TN. As one of the most renowned traditions in American music and broadcasting, the Grand Ole Opry continues to entertain and delight music lovers around the globe every week. Broadcast live from the Opry stage every Friday and Saturday night, the Grand Ole Opry is the Nation's longest-running radio show and the beloved home of our Nation's most celebrated music.

The show's original host, George D. Hay, introduced the first performance in 1925: 77-year-old Uncle Jimmy Thompson, who could "fiddle the taters off the vine," played "Tennessee Waggoner." Since then its audience has grown from a group of local Nashville listeners to the millions of music fans who tune in through satellite radio, television, and the internet.

The Ryman Auditorium's original well-worn oak wood Opry stage has moved with the show's changing venues through the years and has hosted some of America's most legendary country musicians—Patsy Cline, Roy Acuff, the Carter Family, Willie Nelson, Loretta Lynn, Johnny Cash, Dolly Parton, and Bill Monroe. For many generations of Americans, Minnie Pearl's cheerful shout of "How-dee! I'm just so proud to be here!" will forever signify the start of another memorable and captivating Grand Ole Opry show.

My own personal connection to the Grand Ole Opry began when I met the legendary Opry duo Earl Scruggs and Lester Flatt during my father's 1950s political campaigns throughout Tennessee. Like so many others, I tuned in every week to listen to the gifted musicianship of the performers. And in a visit I shared with Earl Scruggs not too long ago, he told me that growing up in Shelby, North Carolina, he would walk across the hollow to a neighbor's house just to listen to the show every week because his family didn't have a radio. Both accomplished musicians and fans alike continue to hold the Grand Ole Opry in the highest esteem among America's musical traditions.

While the Opry has always stayed true to the musical roots upon which it was founded, it continues to evolve with the latest country sounds. The Grand Ole Opry's elite membership now includes accomplished artists like Martina McBride, Garth Brooks, Alan Jackson, Vince Gill, Brad Paisley, Patty Loveless, and Dierks Bentley who continue to entertain fans on the same oak wood stage every week.

In its 80 years, the Grand Ole Opry has come to mean something more than a weekly country show. In addition to extending Nashville and America's musical traditions throughout the country and world, it is a way to connect with and pay tribute to America's musical influences and heritage. I ask my colleagues to join me in recognizing the importance of this beloved American musical institution and to celebrate the 80th anniversary of the Grand Ole Opry.

CONGRATULATING IRON CITY PIPE AND SUPPLY FOR WINNING THE ENTREPRENEUR OF THE YEAR AWARD

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 19, 2005

Mr. NEY. Mr. Speaker:

Whereas, owners Ray Brewer, Rick Smith and Eric Massie in true entrepreneurial spirit recognized a market opening in southern Ohio and capitalized on it; and

Whereas, Iron City Pipe and Supply has been able to adapt and grow and now serves the needs of businesses in a tri-state area; and

Whereas, Iron City Pipe and Supply is looking forward to continued growth and diversification to further benefit the Jackson area.

Therefore, I join with family, friends and the entire 18th Congressional District of Ohio in congratulating Iron City Pipe and Supply for winning this prestigious award.

BETTY LEE STRECKFUSS, DELEGATE TO THE 2005 WHITE HOUSE CONFERENCE ON AGING

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 19, 2005

Mr. POE. Mr. Speaker, during the second week of December, the 2005 White House Conference on Aging will take place in Washington, D.C. This is a once in a decade event where delegates from across the United States gather to make policy recommendations to the President and Congress on issues of importance to aging generations.

I had the privilege of nominating Betty Lee Streckfuss, RN, as a delegate to the 2005 White House Conference on Aging, and I am proud to say that she will be in attendance as the delegate from the Second Congressional District of Texas.

Betty has a long and distinguished background in healthcare. A former Head Nurse of the Acute Care Pediatric Unit at Ben Taub Hospital in Houston, TX, Betty is currently serving as founder and associate partner of Streckfuss and Associates, a Texas based medical consulting endeavor specializing in clinical policies, procedures and regulatory issues. She is also secretary of the Houston/Harris County Area Agency on Aging Advisory Council and a member of the Texas Silver Haired Legislature.

I commend Betty's commitment to healthcare. I have no doubt that her experience, insight, and sincere desire to advocate on behalf of our aging Americans will serve our community well at the 2005 White House Conference on Aging.

A TRIBUTE TO REAR ADMIRAL KATHLEEN K. PAIGE

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 19, 2005

Mr. LEWIS of California. Mr. Speaker, I come to the floor today to recognize the service of an outstanding leader in our Nation's Armed Forces. After more than 34 years in uniform, Rear Admiral Kathleen K. Paige will soon retire from the United States Navy and move on to private life.

Admiral Paige's sustained, superb service culminated in a series of highly challenging senior assignments where she demonstrated dedication to one primary goal: providing highly effective military capabilities to warfighters.

Her first Flag assignment was as Commander, Naval Surface Warfare Center in July 1996. Two years later, she assumed duties as Director, Theater Air and Missile Defense and Systems Engineering in the Program Executive Office for Theater Surface Combatants. Then, in April 1999, she was given the additional concurrent assignment as the first Assistant Secretary of the Navy (Research, Development & Acquisition) Chief Engineer—the Navy's senior technical authority for development of system and technical architectures. Because of her extraordinary talent and expertise in complex systems, in July 2001, the Missile Defense Agency selected her to be the first Ballistic Missile Defense System Technical Director in charge of integrating the engineering development of all the systems comprising the missile defense program.

Since August 2002, Admiral Paige has also served as the Navy's senior Engineering Duty Officer—nurturing the engineering community's rich heritage of scientific fact-finding and integrated, top-down engineering to ensure continuous innovation. At the same time, she made certain that the Navy remained anchored to fundamental operational realities.

TRIBUTE TO THE PEOPLE OF THE REPUBLIC OF AZERBAIJAN

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 19, 2005

Mr. ORTIZ. Mr. Speaker, I rise today to offer my sincere congratulations to the people of the Republic of Azerbaijan as they celebrate the 14th anniversary of their Independence from the Soviet Union. On October 18, 1991, Azerbaijan adopted its Constitutional Act on Independence declaring their independence as a sovereign state.

Having lived under Soviet rule, the people of Azerbaijan have a great appreciation of living in a democratic civil society and understand that they need to continue to democratize and hold free and fair elections in order to develop and integrate into western structures.

On November 6, 2005, Azerbaijan will hold important parliamentary elections. As a sign of his commitment to ensuring free and fair elections, President Ilham Aliyev issued an Executive Order earlier this year outlining important steps that will be taken prior to the election. Since then great progress has been made to: allow all political parties to organize rallies free from violence and intimidation, welcome domestic and international election observers, provide appropriate access to media, and ensure central and regional authorities create the necessary conditions for exit polls.

Azerbaijan has come forward as a strong strategic partner and ally not only to the United States but also among the democratic societies in our world. I congratulate Azerbaijan on this important day and look forward to them having free and fair elections next month.

IN RECOGNITION OF FORMER TAIWANESE PRESIDENT LEE TENG-HUI

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 19, 2005

Ms. SOLIS. Mr. Speaker, I rise today to welcome former Taiwanese President Lee Teng-Hui to Washington, DC.

President Lee Teng-Hui is truly a founding father of democracy. As president of Taiwan from 1988 to 2000, Mr. Lee Teng-Hui helped Taiwan develop into the strong democracy it is today. Today, Taiwan is a vital, growing democracy committed to the universal principles of human freedom and dignity. I am certain that President Lee Teng-Hui's visits to the Liberty Bell and Independence Hall and his viewing of the United States Constitution and the Declaration of Independence has only deepened his appreciation of America's struggle for democracy.

It is my hope that one day there will be open dialogue between high level officials in the United States and in Taiwan for the development of democracy beyond our two countries and around the world.

CONGRATULATING RANDY EVANS AND RANDY EVANS CONSTRUCTION FOR WINNING THE SEORC BUSINESS OF THE YEAR AWARD

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 19, 2005

Mr. NEY. Mr. Speaker:

Whereas, Randy Evans, with effort and desire, started Randy Evans Construction and has made it a significant competitor in the Jackson area construction business; and

Whereas, Randy Evans and Randy Evans Construction have helped shape the Jackson area community; and

Whereas, Randy Evans' commitment to perfection, perseverance and fortitude are an inspiration to everyone in Jackson County and beyond.

Therefore, I join with family, friends and the entire 18th Congressional District of Ohio in congratulating Randy Evans and Randy Evans Construction for winning this prestigious award.

THE DISTRICT OF COLUMBIA COURT, OFFENDER SUPERVISION, PAROLE AND PUBLIC DEFENDER EMPLOYEES EQUITY ACT OF 2005

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 19, 2005

Ms. NORTON. Mr. Speaker, today Chairman TOM DAVIS and I introduce a bill that will correct a long overdue oversight affecting the non-judicial employees of the D.C. Courts, the Court Services and Offender Supervision Agency (CSOSA), and the D.C. Public Defender Service (PDS).

Under the 1997 National Capital Revitalization and Self-Government Improvement Act of 1997, the federal government took over the operation of the District of Columbia Courts and related services making the non-judicial employees of the D.C. Courts and the employees of CSOSA federal employees. In 1998, employees of PDS were similarly transferred as part of the District of Columbia Courts and Justice Technical Collections Act. As federal employees, these Court, CSOSA and PDS employees were brought under the federal retirement program (FERS). However, for the employees transferred in 1997 and in 1998, "creditable service" for the purposes of determining when they would be eligible to retire and the amount of annuity they would be entitled to under FERS only began from the date of the transfer. That is, the 1997 and 1998 laws made no provision for treating their year of service as Court and related services employees prior to these laws as creditable service for retirement.

Accordingly, the bill we introduced today will amend these laws to require that the time served by these employees before 1997 will count towards their overall federal retirement eligibility as "creditable service". So for example, if an employee is 60 years old today and has worked 20 years (i.e. since 1985) for the D.C. Courts under our bill he would be eligible for federal retirement today (whereas without our bill he would have to work another twelve years).

I should also note that to avoid the problem of "double dipping," since the employees are still entitled to their D.C. retirement benefits (based upon their work status up until 1997), our bill does not count the pre-1997 years spent as D.C. government employees towards the amount of federal retirement annuity an employee is eligible to receive.

However, it is only fair and just that the Court and related services employees who started their jobs with the expectation that would be able to retire without penalty after 20 years of service or more should be allowed to do so. Our bill today does just that, it restores their "lost time."

PERSONAL EXPLANATION

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 19, 2005

Mr. BLUMENAUER. Mr. Speaker, had I been present for the following votes on Monday, October 17th, I would have voted as follows:

Rollcall vote No. 521: I would have voted "aye" on approving the Journal.

Rollcall vote No. 522: I would have voted "aye" on H. Res. 457, recognizing the importance and positive contributions of chemistry to our everyday lives and supporting the goals and ideas of National Chemistry Week.

Rollcall vote No. 523: I would have voted "aye" on H. Res. 491, expressing the sense of the House of Representatives with respect to raising awareness and enhancing the state of computer security in the United States and supporting the goals and ideas of National Cyber Security Awareness Month.

INTRODUCTION OF "PREVENTING SEXUAL ASSAULTS IN THE MILITARY ACT OF 2005"

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 19, 2005

Mrs. MALONEY. Mr. Speaker, today, I introduce legislation, the "Preventing Sexual Assaults in the Military Act of 2005," which would appropriate such funds as are necessary for fiscal years 2006 through 2008 to eliminate the backlog in processing DNA evidence, to ensure that testing takes place in a timely manner, to provide an adequate supply of forensic evidence collection kits at all domestic and overseas U.S. military installations, military academies, and theaters of operation, and to ensure that at least one military medical personnel member, who is trained as a Sexual Assault Nurse Examiner (SANE) or Sexual Assault Forensic Examiner (SAFE), is on duty at all times in the health care facility at a military academy, domestic military base, overseas military base, and theaters of operation, except where a memorandum of understanding is issued between the military installation and a local civilian hospital.

Rapes and sexual assaults are far too common in both civilian life and in the military. As the April 2004 report issued by the Pentagon states, among other findings, current DoD policies and standards do not focus on sexual assault and "the military services' policies lack integration for effective prevention and response."

This legislation will help bring justice to the victims and survivors of sexual assault by ensuring that DNA evidence is used to identify perpetrators and bring them to justice. Additionally, it will provide servicemembers who are raped with the necessary medical care.

As our soldiers are fighting for those who have long been denied basic rights, we should do everything possible to ensure that we are protecting their rights, too.

HONORING CLARENCE S. HAINES

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 19, 2005

Mr. KILDEE. Mr. Speaker, I rise before you today on behalf of C.S. Mott Community College located in my hometown of Flint, Michigan. On October 24, members of Mott's administration, faculty, staff, and student body will gather to pay tribute to the contributions made by Clarence S. Haines, a true pioneer in the fields of Applied Sciences and Technical Education at the college. Mr. Haines, who died in 1995, will be honored with a plaque honoring his life and legacy, to be displayed in Mott's Regional Technology Center.

Born in 1905, Clarence "Mike" Haines was the first chairman of Mott Community College's Trades and Industry Department. In 1955, he was awarded the Ballenger Chair of Learning in that area. He created specialized curricula that helped usher the school into the technology age, and facilitated the planning, coordination, and implementation of these programs. Clarence also assisted with designing the school's Mott and Gorman Buildings to simulate workplace environments and provide practical experiences for students. Mott's Applied Sciences program was created largely as a result of his influence.

Mr. Speaker, as a former teacher, I applaud Clarence Haines' dedication and commitment to education. His insight and vision have helped create many opportunities for our young people, past, present, and future. I ask my colleagues in the 109th Congress to please join me in acknowledging his memorable achievements.

CONGRATULATING BEAR VILLAGE AND KEITH AND LYNN DENNY FOR WINNING THE BEAUTIFICATION AWARD

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 19, 2005

Mr. NEY. Mr. Speaker:

Whereas, Keith and Lynn Denny have built one of the premier gift shops in Jackson County; and

Whereas, Bear Village has grown to be a impeccable illustration of what Jackson County has to offer and what great potential the community has; and

Whereas, Keith and Lynn Denny's vision has added greatly to the beauty of Jackson County and is further enhancing the attractiveness of Water Street.

Therefore, I join with family, friends and the entire 18th Congressional District of Ohio in congratulating Bear Village and Keith and Lynn Denny for winning this prestigious award.

RECOGNIZING THE DISTINGUISHED SERVICE OF CHARLES W. PERKINS

HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 19, 2005

Mr. ISSA. Mr. Speaker, I rise today to honor Firefighter Charles W. "Chuck" Perkins for his twenty-three years of dedicated service to the North County Fire Protection District and his commitment to serving his community.

Chuck Perkins and his fellow firefighters from the North County Fire Protection District have served the Fallbrook, Bonsall and Rainbow areas with honor since the district was chartered in 1925. Classified an "all-risk" fire, rescue and hazard mitigation agency, it serves over 150 square miles in the northern-most portion of San Diego County.

Chuck Perkins' service to his community began in 1982, as a Reserve Firefighter. On July 20, 1987, he was hired as a full-time Fire/EMS Dispatcher. His hard work and dedication were recognized on April 5, 1988, when he was hired as a full-time Firefighter. His contributions to the agency led to his promotion to the rank of Engineer on March 15, 1999.

Engineer Perkins was actively involved in fire, rescue, emergency services and fire prevention programs. He managed the Engine Company's Fire Inspection Program for over ten years. The Fire Inspection Program, along with Engineer Perkins' skilled management resulted in a significant reduction in fire loss to the business community of the greater Fallbrook, Bonsall and Rainbow areas.

Engineer Perkins is regarded as a humble and generous man by his fellow San Diegans. His involvement in the community is not limited to his work as an Engineer in the North County Fire Protection District. For the last fifteen years, Engineer Perkins has volunteered his time as a leader in the district's public education efforts. He demonstrated his passion for fire prevention and safety education by portraying "Smokey the Bear," performing for thousands of school children during his career, promoting Smokey's fire prevention message, "Only you can prevent forest fires." Engineer Perkins continues to share his time as a "Partner in Prevention," by traveling to local schools, teaching kids to "Stop, Drop and Roll" as well as the "Exit Drill in the Home" (EDITH) exercise. In addition to his portrayal of Smokey the Bear, he also warns school children about the dangers of fire and smoke as "Evil Mr. Smoke."

Engineer Chuck Perkins will retire from the North County Fire Protection District on October 28, 2005, after more than 23 years of esteemed service, though he will continue to remain a leader in fire safety education. Chuck Perkins is due our respect and gratitude for his tireless service and genuine commitment to his community now, and in the future.

CONGRATULATING DFW INTERNATIONAL AIRPORT FOR RECEIVING "STAR OF ENERGY EFFICIENCY" AWARD

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 19, 2005

Mr. BURGESS. Mr. Speaker, I rise today to congratulate the Dallas/Ft. Worth International Airport for receiving a "Star of Energy Efficiency" Award from the Alliance to Save Energy. DFW won the award for its aggressive pursuit and corporate commitment to the efficient and environmentally friendly use of energy.

Dallas/Ft. Worth International Airport currently serves more than 59 million passengers and offers 2,300 flights a day to 152 domestic and international destinations. DFW has faced daunting challenges since 2001, including a catastrophic business downturn in the airlines precipitated by terrorist attacks in New York, Pennsylvania and Washington, DC, and the Environmental Protection Agency's introduction of stringent national ambient clean air ozone standards that require DFW to reduce its emissions by 70 percent. Throughout this period, and long before, DFW officials have campaigned aggressively to reduce operating expenses for all its tenants through reduced energy use while adhering to new EPA guidelines.

From building commissioning and energy retrofits, to more efficient building design and adherence to strict energy codes, DFW has reduced its energy use at the central plant by over one fourth, and is energy use per square foot by almost 40 percent. This has resulted in a total avoided energy use of 25 million MMBtus. In addition, nitrous oxide emissions are expected to be reduced by 86 percent, far exceeding the EPA mandate.

Mr. Speaker, it is with great honor that I stand here today to congratulate Dallas/Ft. Worth International Airport, my home airport, for setting an unprecedented example as a world leader in energy and environmental stewardship within the airline transportation industry.

TAIWAN NATIONAL DAY

HON. JOHN ABNEY CULBERSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 19, 2005

Mr. CULBERSON. Mr. Speaker, today I want to congratulate the people of Taiwan on the occasion of their National Day.

Taiwan serves as a prosperous and democratic model to countries around the world and I would like to personally congratulate Taiwan for its dedication to democracy and the rule of law. Its 23 million people enjoy the privileges of a balanced judicial system, free speech, and fair elections. Its vibrant free market system continues to thrive and supports a strong and healthy economy. Taiwan is a strong regional ally and a close friend of the United States and is committed to maintaining peace and stability.

To help us celebrate the momentous accomplishments of our friends in Taiwan, I urge my colleagues here in Congress to support Taiwan's bid to return to the United Nations. It is truly shameful that Taiwan has been denied its proper international role and presence. There is no better way to show our respect for Taiwan's democratic ideals than to support its bid to return to the international community. It is an objective fact that Taiwan is a free and independent nation, and therefore meets all the criteria for admission to the United Nations.

I am confident Taiwan will continue to serve as a model to its neighbors and I praise its commitment to democracy, the rule of law, and regional stability. Congratulations Taiwan on your National Day.

CONGRATULATING PAUL AND SHARON BOCZEK FOR WINNING THE 2005 PEACEKEEPER'S AWARD

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 19, 2005

Mr. NEY. Mr. Speaker:

Whereas, Paul and Sharon Boczek have selflessly given to support Peg's House, the Tri-County Help Center's emergency domestic violence shelter; and

Whereas, Paul and Sharon Boczek and their staff have conducted themselves with professionalism in maintaining the confidentiality of the shelter and managing the upkeep of Peg's House; and

Whereas, Paul and Sharon Boczek pursue this noble labor without expectation of thanks or reward, but out of the pure kindness of their hearts.

Therefore, I join with family, friends and the entire 18th Congressional District of Ohio in congratulating Paul and Sharon Boczek for winning this prestigious award.

PETROLEUM REFINERIES: WILL RECORD PROFITS SPUR INVESTMENT IN NEW DOMESTIC CAPACITY?

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 19, 2005

Mr. KUCINICH. Mr. Speaker, I would like to submit the following statement for the RECORD.

"Will Record Profits spur investment in new domestic capacity?" That is the title of this hearing. In a competitive market, the question would not be worth asking in Congress. There would be no doubt about the answer.

But the petroleum refining industry is not a competitive market. Ten companies control 80 percent of the refining capacity, and just 5 companies control half of the Nation's capacity all by themselves.

Since 1981, the concentration of refining capacity supply in fewer and fewer hands has increased. Mergers and acquisitions have fueled industry concentration. The result is astonishing:

Operable capacity stopped rising in 1981, as it had for the previous 30 years.

Instead, it went into decline, before it plateauing. For the past 20 years, capacity has been held relatively constant.

Economics 101 teaches that rising demand meets constant supply at higher and higher prices. We can be confident that the industry is familiar with that economics lesson, and they have profited handsomely as a result.

The question we should address is why should the U.S. Government continue to permit an anti-competitive environment that enables a few companies to rein in supply and drive up record profits?

I am sure that we will hear from the industry a lot about onerous environmental regulations. They want the public to believe that they would have built more refineries if only they'd been allowed to do it.

Not only is that not true, but it is a smokescreen. The industry hasn't tried but once in 25 years to build a new refinery. Yet, between 1994 and 2004, they closed 30 refineries. On balance, they have been closing refineries, not trying to open new ones. Closing refineries tightens supply, driving up prices when demand is rising. That is exactly what has happened, and they've made record profits.

If there were no environmental regulations, the industry would have to invent them or something equivalent in order to disguise a corporate strategy to hold down supply. That is the real issue and Americans are paying mightily for it. Since 2001, according to Public Citizen, the largest 5 oil companies operating in the United States enjoyed after-tax profits of $254 billion.

There are things Congress can do. One would be to pass H.R. 2070, the Gas Price Spike Act of 2005. This bill, which I introduced with 39 cosponsors, would implement a windfall profit tax on gasoline and diesel. Such a tax would be imposed on key oil industry profits above a reasonable rate of return. If oil companies are collecting excessive profits on the backs of consumers, they should be subject to a stiff tax on those excessive profits. The threat of heavy taxation will send a clear signal to oil companies that price gouging, and shorting supply, will not pay.

In addition, H.R. 2070 will direct the revenue from the windfall profits tax to Americans who buy ultra efficient cars made in America. These individuals would receive a $6000 tax credit. The credit would be phased in, and cars that achieved 65 miles per gallon would receive a full tax credit. Today average cars get less than 30 miles per gallon. This tax credit will stimulate the market in ultra efficient vehicles.

Lastly, the bill makes funding available to regional transit authorities to offset significantly reduced mass transit fares during times of gas price spikes. Providing low-cost mass transit will slow demand for gas and ease the price of gasoline, benefiting all Americans.

CONGRATULATING FORMER CONGRESSMAN JOSEPH HOEFFEL

HON. ALLYSON Y. SCHWARTZ

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 19, 2005

Ms. SCHWARTZ of Pennsylvania. Mr. Speaker, Joseph Hoeffel honorably represented Pennsylvania's 13th Congressional district for 6 years. And, on October 16, I proudly joined with area Democrats in naming Joe the "Montgomery County Democrat of the Year."

As a lifelong resident of Montgomery County, Joe was elected in 1976 to the first of four terms in the Pennsylvania State House, representing the Abington area until 1984, where he worked on budget and government reform, economic development and programs for seniors. In 1991, Joe was elected to the first of two terms as Montgomery County Commissioner where he fought for open space preservation, community revitalization and reforms of patronage and pay-to-play abuses in the courthouse.

In 1996, Joe ran for the U.S. House of Representatives, challenging a freshman incumbent and losing by just 84 votes. However, he returned to the campaign trail in 1998 and was successful—earning the opportunity to represent the 13th district in the 106th, 107th, and 108th Congresses. Joe campaigned on a platform of creating jobs, bettering our public school system, expanding access to health care, balancing the Federal budget, and ensuring that we have a robust foreign policy.

During his tenure, Joe fulfilled many campaign promises. He authored various pieces of legislation to better the 13th district and the Nation, including bills to create a veterans' cemetery at Valley Forge, to eliminate wasteful corporate welfare, to reform Federal support for public schools and to establish a patients' bill of rights.

At home, Joe was a constant figure throughout the community. He was intimately involved in bringing a public health center to Norristown and establishing the Center for Sustainable Communities at Temple University-Ambler. Additionally, he secured Federal funds for the Schuylkill Valley Metro, Title I education, riverfront development in Norristown and Northeast Philadelphia, the Montgomery County Community College and the Abington Arts Center.

From his seat on the International Relations Committee, Joe also advocated for the United States to play an active role in international efforts to bring peace to the Middle East and throughout the world.

Joe's reputation as a hard-working legislator and an outspoken, progressive Democrat will not be forgotten. I know many of my colleagues continue to rely on Joe's guidance and advice and wish him well in his new endeavors.

Mr. Speaker, on behalf of all of my colleagues here in Congress I again want to congratulate Joe Hoeffel on being recognized as Montgomery County's Democrat of the Year. Although his service in Congress has come to an end, I know Joe will continue to work on behalf of the people of Montgomery County, Pennsylvania, and our Nation for many years to come.

CELEBRATING THE LIFE OF VIVIAN MALONE JONES

HON. ARTUR DAVIS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 19, 2005

Mr. DAVIS of Alabama. Mr. Speaker, I rise today to offer a tribute to Vivian Malone Jones.

It is my generation's tragedy that so few of us knew the name of Vivian Malone Jones. It is a cruel twist of history that George Wallace's "stand in the schoolhouse door" is itself a vivid memory but that the protagonists of the event—the ones being stood against—were off site and out of view.

Vivian Malone Jones died too young last week at age 63. In prose, she was the first black American to earn a degree from the University of Alabama. In poetry, she was proof of the power of dignified commitment, and was a trailblazer to young black women my mother's age, whose own dreams seemed more attainable when they contemplated her boldness.

Part of Jones' current anonymity was based on the choice she made to forge a conventional career as a government employee, rather than as a traveling icon of the civil rights era. She did not frequent the reenactments, the marches, or the annual seminars revisiting the sixties, and I never recall her weighing in on whether the war in Iraq was unjust or whether a Supreme Court nominee should be confirmed.

But these choices of when and where to cast her influence were hers, and they were noble and worthy of respect. And the value Vivian Malone Jones put on respecting choices meant that I never heard her offer those facile denigrations of the caliber of this generation's African American leaders.

My last memory of Jones is the Newsweek cover the week she registered at the University of Alabama. The cover featured the unattributed quote, "We owe them—and we owe ourselves—a better country." It was so true, for Jones and her cohorts, and it is so true, for the children of poverty and depressed schools, for the working poor who are losing ground, and for the anonymous challengers to glass ceilings who are themselves broken for trying to climb to higher altitudes. Blessed are those whose courage moves us to make the ultimate commitments.

CONGRATULATING CHIEF MARTIN KENDZORA FOR WINNING THE 2005 PEACEKEEPER'S AWARD

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 19, 2005

Mr. NEY. Mr. Speaker:

Whereas, Martin Kendzora and the St. Clairsville Police Department continue to assist the Tri-County Help Center combat domestic violence; and

Whereas, Martin Kendzora supports the Family Visitation Center and worked with the staff there to develop safety plans; and

Whereas, Martin Kendzora has been the consummate professional in dealing with the staff and clients of the Tri-County Help Center.

Therefore, I join with family, friends and the entire 18th Congressional District of Ohio in congratulating Chief Martin Kendzora for winning this prestigious award.

IN RECOGNITION OF THE SERVICE OF MR. M.J. "MIKE" ARTS

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 19, 2005

Mr. SHAW. Mr. Speaker, I rise today to pay tribute to a friend and a fixture within the Greater Boca Raton Chamber of Commerce. On Friday, October 21, 2005, after twenty years at the helm, Mike Arts retires as President of the Greater Boca Raton Chamber of Commerce. Throughout his tenure, Mike's leadership cut a path of economic growth and prosperity transforming his home community, Boca Raton.

In 1985, Mike took the reigns of the Chamber and faced an daunting task. The Greater Boca Raton Chamber of Commerce was dealing with the loss of 10,000 IBM jobs, an inactive membership and a fledgling downtown development plan.

Today, thanks to Mike's leadership, the Chamber enjoys a membership of 1,800 members, the largest business organization in Palm Beach and Broward counties. The success of the Boca Raton Chamber has been at the center of making the City of Boca Raton, the envy of municipalities throughout Florida.

Mike's involvement reaches far beyond Boca Raton. Mike has served as President of the Florida Chamber of Commerce Executives and as a member of the United States Chamber of Commerce. Mike has also supported a regional business approach that has led South Florida to become a national and international leader in transportation and international trade. As a result of this progressive vision, Mike has been called one of Palm Beach County's "movers and shakers."

I have had the privilege of representing the residents of Boca Raton and Palm Beach County since 1992. As a Member of Congress representing a new area, it was an easy transition the day I first met Mike. Mike took precious time introducing me around the Boca Raton business community.

The many relationships and support I have today is a direct result of Mike's support.

Every two years constituents of Florida's 22nd Congressional District travel to Washington and participate in my District Fly-In. The Fly-In provides my constituents with a first-hand look at the inner workings of the Congress and our federal government. I appreciate Mike's longstanding support of these events during the planning and implementation process. His assistance has made these Fly-In events a tremendous success.

Although Mike will step aside from leading the Boca Raton Chamber, we know his activities and commitment to Boca Raton and the South Florida business community remain a top priority.

I Mr. Speaker, it gives me great pleasure to call Mike Arts my friend. I wish Mike and his lovely wife, Catherine, much happiness and good health as they complete this chapter in their partnership and look for new challenges and opportunities in the future. I thank my colleagues for allowing me to bring to the attention of the House the outstanding service of Mike Arts.

HONORING THE ACCOMPLISHMENTS OF JO ANN MITTENBERG, NEW YORK STATE'S AMERICAN STAR OF TEACHING HONOREE

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 19, 2005

Mr. ISRAEL. Mr. Speaker, I rise today to celebrate the accomplishments of Jo Ann Mittenberg, who was recognized in September by the U.S. Department of Education as the American Star of Teaching honoree from New York State. This exceptional honor goes annually to one exemplary teacher from each state.

Ms. Mittenberg has taught math for over 27 years and has been a teacher in the Farmingdale Union Free School district for over 14 years. Her colleagues describe her as a "gifted, caring, tireless, dedicated person with a superb mathematical background and extraordinary teaching skills."

Over the years, Ms. Mittenberg has taught Sequential I, II and III Mathematics, Grade 8 Math, Grade 8 Remedial Math, Regents Competency Math, Pre-Calculus Syracuse University Calculus Program and C.W. Post SCALE Calculus for college credit. Additionally, she has taught computer programming, computer literacy, SAT preparation, and GED preparation courses. One of Ms. Mittenberg's most impressive successes in the classroom has been helping ninth graders with disabilities pass state Regents exams with a 90 percent success rate.

Ms. Mittenberg's dedication to providing Long Island students with a strong math education doesn't end in the classroom. She works hard to ensure that her colleagues are trained in the most innovative teaching techniques. As a certified Texas Instruments T-Fast (Technology for All Students) instructor, Ms. Mittenberg trains other teachers to use the newest, most advanced calculators. Over the years, she has taught almost 200 hours of in-service and professional development workshops.

I am proud to have nominated Ms. Mittenberg for this prestigious and well-deserved honor. We have heard time and again the importance of math and science in the classroom. Long Islanders can be proud that teachers like Jo Ann Mittenberg are teaching their children skills they need to be successful in tomorrow's world.

IN CELEBRATION OF THE OPENING OF THE MALTZ MUSEUM OF JEWISH HERITAGE

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 19, 2005

Mrs. JONES of Ohio. Mr. Speaker, I rise to commemorate the newly opened Maltz Museum of Jewish Heritage. I was truly honored to be a part of this legendary event in my Congressional District. The Maltz Museum will serve as an extension of the highly prized collection of religious objects in the Temple-Tifereth in Beachwood, Ohio.

The creation of the museum was made possible through the efforts of Milton and Tamar Maltz, the creators of the International Spy Museum in Washington, DC. They convinced the Temple-Tifereth that they needed a museum to showcase their religious antiques, and provide a better accessible building for a more diverse array of people.

The Maltz Museum tells the history of the Jewish people of Cleveland and of those abroad. The museum uses photographic exhibits to tell their stories on religion, immigration, the Jewish contribution to Broadway, and the unforgettable events of the Holocaust. Videos and interactive computers along with audio tapes bring the past to reality.

On behalf of the people of the 11th Congressional District I celebrate the opening of the Maltz Museum of Jewish Heritage. This museum will serve as a link to connect all people of all religions in the pursuit of knowledge of Jewish religious history and its impact on our community.

CONGRATULATING MARY GRAHAM FOR WINNING THE 2005 PEACEKEEPER'S AWARD

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 19, 2005

Mr. NEY. Mr. Speaker:

Whereas, Mary Graham founded the Belmont County Domestic Violence Taskforce while working for the Belmont County Sheriff's Office; and

Whereas, Mary Graham was a significant asset in developing new protocols for local law enforcement when responding to domestic violence; and

Whereas, Mary Graham has continued in her steadfast devotion to fighting domestic violence after her retirement by serving on the Board of Directors of the Tri-County Help Center and remaining with the Sheriff's Office on retainer.

Therefore, I join with family, friends and the entire 18th Congressional District of Ohio in congratulating Mary Graham for winning this prestigious award.

TRIBUTE TO MAJOR GENERAL FREDERICK E. MORRIS

HON. JOHN L. MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 19, 2005

Mr. MICA. Mr. Speaker, it is my honor to pay tribute to Major General Frederick E. Morris, a veteran of World War II and distinguished Air Force pilot. I would also like to extend my deepest sympathies to his family and friends for their loss. General Morris passed away on August 22, 2005, and will be interred at Arlington National Cemetery on October 21, 2005.

General Morris joined the U.S. Army Air Corps as an aviation cadet and was commissioned as a Second Lieutenant in 1942. During the war, he served as a combat pilot in both the European and Pacific Theaters. He flew 66 missions flying B–26, B–25 and A–26 aircraft supporting Allied Forces over North Africa, Europe, China and Japan.

Following World War II he transferred to the newly formed U.S. Air Force and soon became a jet pilot with certification to fly the F–111. Throughout the rest of his 30-year career, General Morris served in various overseas commands as well as at home with the Joint Chiefs of Staff. He retired in a military service at the Pentagon in 1971.

Although he retired from service over three decades ago, his contributions to the defense of our Nation are still evident. In the 1960's, he worked on the Air Force's initial efforts at mass computer record keeping and data processing. Though primitive, those early programs fostered the technology revolution that has forever changed our Nation.

General Morris was the recipient of numerous decorations including the Distinguished Flying Cross, Air Medal and the Joint Service Commendation Medal. He will be greatly missed by his friends and family and today I want to honor his contributions to our entire Nation.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily

Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, October 20, 2005 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

OCTOBER 25

9 a.m.

Judiciary

To hold hearings to examine U.S.-Saudi Arabia relations relating to the war on terror.

SD–226

9:30 a.m.

Armed Services

To hold hearings to examine the nominations of John J. Young, Jr., of Virginia, to be Director of Defense Research and Engineering, Department of Defense, Dorrance Smith, of Virginia, to be Assistant Secretary of Defense for Public Affairs, Delores M. Etter, of Maryland, to be Assistant Secretary of the Navy for Research, Development and Acquisition, General Burwell B. Bell, III, USA, for reappointment to the grade of general and to be Commander, United Nations Command/Combined Forces Command, and Commander, United States Forces Korea, and Lieutenant General Lance L. Smith, USAF, for appointment to the grade of general and to be Commander, United States Joint Forces Command and Supreme Allied Commander Transformation.

SD–106

Foreign Relations

To hold hearings to examine the nominations of Ellen R. Sauerbrey, of Maryland, to be Assistant Secretary of State for Population, Refugees, and Migration, and Jeffrey Thomas Bergner, of Virginia, to be Assistant Secretary of State for Legislative Affairs.

SD–419

10 a.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine the nominations of Matthew Slaughter, of New Hampshire, and Katherine Baicker, of New Hampshire, each to be a Member of the Council of Economic Advisers, Orlando J. Cabrera, of Florida, to be an Assistant Secretary of Housing and Urban Development, and Gigi Hyland, of Virginia, and Rodney E. Hood, of North Carolina, each to be a Member of the National Credit Union Administration Board.

SD–538

Energy and Natural Resources

To hold hearings to examine S. 1829, to repeal certain sections of the Act of May 26, 1936, pertaining to the Virgin Islands, S. 1830, to amend the Compact of Free Association Amendments Act of 2003, and S. 1831, to convey certain submerged land to the Commonwealth of the Northern Mariana Islands.

SD–366

Appropriations

Interior and Related Agencies Subcommittee

To hold hearings to examine oil and gas activities by the Bureau of Land Management including impact of recently passed energy legislation.

SD–124

2:30 p.m.

Homeland Security and Governmental Affairs

Federal Financial Management, Government Information, and International Security Subcommittee

To hold hearings to examine setting priorities in Federal spending in the context of natural disaster, deficits and war, focusing on funding wasteful and ineffective programs.

SD–342

OCTOBER 26

9 a.m.

Judiciary

To hold hearings to examine the Streamlined Procedures Act relating to Habeas Reform.

SD–226

9:30 a.m.

Indian Affairs

To hold an oversight hearing to examine In Re Tribal Lobbying Matters, Et Al.

SH–216

10:30 a.m.

Judiciary

Terrorism, Technology and Homeland Security Subcommittee

To hold hearings to examine emergency preparedness relating to terrorism.

SD–226

2 p.m.

Energy and Natural Resources

Public Lands and Forests Subcommittee

To hold hearings to examine the implementation of the Federal Lands Recreation Enhancement Act (P.L. 108–447), by the Forest Service and the Department of the Interior.

SD–366

2:30 p.m.

Judiciary

Administrative Oversight and the Courts Subcommittee

To hold hearings to examine proposals to split the Ninth Circuit.

SD–226

OCTOBER 27

9:30 a.m.

Indian Affairs

Business meeting to consider S. 1057, to amend the Indian Health Care Improvement Act to revise and extend that Act, S. 1003, to amend the Act of December 22, 1974, S. 692, to provide for the conveyance of certain public land in northwestern New Mexico by resolving a dispute associated with coal preference right lease interests on the land, a proposed bill to extend the statute of limitations for breach of trust claims, and S. 1219, to authorize certain tribes in the State of Montana to enter into a lease or other temporary conveyance of water rights to meet the water needs of the Dry Prairie Rural Water Association, Inc.

SR–485

10 a.m.

Energy and Natural Resources

To hold hearings to examine Administration's response to hurricane recovery efforts related to energy and to discuss energy policy.

SD–366

Agriculture, Nutrition, and Forestry

Forestry, Conservation, and Rural Revitalization Subcommittee

To hold an oversight hearing to examine the Forest and Rangeland Research Program of the USDA Forest Service.

SR–328A

NOVEMBER 1

2:30 p.m.

Judiciary

To hold hearings to examine pending nominations.

SD–226

NOVEMBER 2

2 p.m.

Energy and Natural Resources

Public Lands and Forests Subcommittee

To hold hearings to examine S. 1541, to protect, conserve, and restore public land administered by the Department of the Interior or the Forest Service and adjacent land through cooperative cost-shared grants to control and mitigate the spread of invasive species, S. 1548, to provide for the conveyance of certain Forest Service land to the city of Coffman Cove, Alaska, S. 1552, to amend Public Law 97–435 to extend the authorization for the Secretary of the Interior to release certain conditions contained in a patent concerning certain land conveyed by the United States to Eastern Washington University until December 31, 2009, and H.R. 482, to provide for a land exchange involving Federal lands in the Lincoln National Forest in the State of New Mexico.

SD–366

NOVEMBER 3

10 a.m.

Energy and Natural Resources

To hold hearings to examine a status report on the Environmental Protection Management programs of the Department of Energy.

SD–366

NOVEMBER 8

10 a.m.

Energy and Natural Resources

To hold hearings to examine the progress made on the development of interim and long-term plans for use of fire retardant aircraft in Federal wildfire suppression operations.

SD–366

2:30 p.m.

Agriculture, Nutrition, and Forestry

Research, Nutrition, and General Legislation Subcommittee

To hold hearings to examine the Pet Animal Welfare Statute.

SR–328A

CANCELLATIONS

OCTOBER 25

9:30 a.m.

Environment and Public Works

Superfund and Waste Management Subcommittee

To hold an oversight hearing on the impact of certain government contractor liability proposals on environmental laws.

SD–406

10:30 a.m.

Judiciary

To hold hearings to examine grand jury reform.

SD–226

NOVEMBER 1

9:30 a.m.
Judiciary
To hold hearings to examine Department of Justice and the Weapons of Mass Destruction Commission Recommendations.
SD-226

HOUSE OF REPRESENTATIVES—*Thursday, October 20, 2005*

The House met at 10 a.m.

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God, all the times and seasons are in Your hands because all is fixed by You in the laws of nature.

But through natural disasters, Lord, many people have recently suffered great losses due to hurricanes and earthquakes. Have mercy on them all. Even as we continue to pray and assist those already afflicted and in great need, we now are aware of another approaching storm named Wilma.

Lord, help all those who prepare for the worst. In their fear and anxiety keep them safe, law abiding, and compassionately concerned for others.

Lord, steer this storm away from our shores, and let Your powerful Word calm the sea and bring to Your people a sigh of relief.

This we hope and pray by calling upon Your Holy Name. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Texas (Mr. GENE GREEN) come forward and lead the House in the Pledge of Allegiance.

Mr. GENE GREEN of Texas led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 3204. An act to amend title XXVII of the Public Health Service Act to extent Federal funding for the establishment and operation of State high risk health insurance pools.

The message also announced that the Senate has passed bills of the following titles in which concurrence of the House is requested:

S. 1736. An act to provide for the participation of employees in the judicial branch in the Federal leave transfer program for disasters and emergencies.

S. 1894. An act to amend part E of title IV of the Social Security Act to provide for the making of foster care maintenance payments to private for-profit agencies.

The message also announced that pursuant to Public Law 109–59, section 1909(b)(2)(A)(vi), the Chair, on behalf of the Democratic Leader, appoints the following individuals to serve as members of the National Surface Transportation Policy and Revenue Study Commission:

Francis McArdle of New York.

Tom R. Skancke of Nevada.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will recognize up to 10 one-minutes on each side.

REDUCING COSTS IN MEDICARE AND MEDICAID SPENDING

(Mr. MURPHY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MURPHY. Mr. Speaker, 80 percent of the Nation's total medical care costs, including Medicaid expenditures, are spent in the treatment of chronic conditions such as diabetes, arthritis, and cardiovascular disease. Chronic disease often involves multiple diagnoses, hospitalizations, tests, and treatments. All of this is expensive and complex, and as health care costs soar we can save lives and money using better patient management.

Under patient care management plans, patients are monitored by nurses to coordinate their complex care, monitor prescription use, watch out for problems, and empower patients to get involved in their own care. Money spent up front dramatically lowers health care costs and, most importantly, improves patient outcome.

A patient management program at the Washington Hospital in southwestern Pennsylvania taught patients to self-manage their disease through diet, lifestyle changes, medication monitoring, and depression screening. The result has been a remarkable 50 percent decrease in hospital readmission rates.

I urge my colleagues to learn more about reducing costs in Federal Medicare and Medicaid spending through better patient care management programs by visiting my Web site at murphy.house.gov.

CONGRATULATING NATIONAL LEAGUE CHAMPION HOUSTON ASTROS

(Mr. GENE GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GENE GREEN of Texas. Mr. Speaker, I rise this morning to congratulate the Houston Astros, the major league baseball team which last night defeated the St. Louis Cardinals to earn the right to go to the 2005 World Series. This is the first World Series for the City of Houston and the first World Series for the State of Texas. The Astros and the Texas Rangers were founded in 1962 and 1961 respectively.

Also, first congratulating the team for its hard work and dedication. I want to express thanks to our owner Drayton McLane, who has been a tremendous asset to the City of Houston. It was an honor to work closely with him on the Harris County Sports Authority to build what is now Minute Maid Park to replace the historic Houston Astrodome.

I want to salute Tal Smith, who is a great part of the Astros' organization since the beginning when they were the Colt 45's. As the President of Baseball Operations, he has been an integral part of the entire organization.

The Houston Astros do not have one of the highest payrolls in baseball, so the fact that they are now in the World Championship is a tribute to our general manager Tim Purpura and also our manager Phil "Scrap Iron" Garner, who actually played for the Astros years ago. It is good to have him back home.

Many of the 2005 National League Champion Houston Astros are products of our minor league farm system, not high-priced free agents, including the winner of last night's game, Roy Oswalt. The Astros were the best team in baseball for the month of July and never looked back. Now they are the best team in the National League and look forward to taking on the White Sox in the 2005 World Series, Mr. Speaker.

In addition we have a lot of homegrown talent. Craig Biggio, Jeff Bagwell, Roger Clemens and Andy Pettitte, again, are some of our great players along with the whole team. Again, congratulations, and I yield back my time Mr. Speaker.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

ANNOUNCING PREMIER OF "HUMAN TRAFFICKING" ON LIFETIME TV NETWORK

(Mr. SMITH of New Jersey asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of New Jersey. "Do you think it is possible when you have lost your humanity to ever find it again?"

So asks Helena, a fictitious but all too real human trafficking victim from Prague after describing how she was raped and abused to ICE law enforcement agent Kate Morozov, played brilliantly by Academy Award-winning actress Mira Sorvino in Lifetime TV Network's mini series Human Trafficking, to be aired next week.

My wife Marie and I have watched the entire trafficking movie last night, and we were moved to tears by this extraordinarily accurate portrayal of sex slavery from the eyes of victims, and the dedicated law enforcement agents trying to effectuate their rescue.

My wife and I and my staff have been fighting sex trafficking, Mr. Speaker, since the late 1990s, when there was utter disbelief about whether or not it even existed. Sadly, it does. I would note parenthetically that I am the prime sponsor of the Trafficking Victims Protection Act of 2000, a comprehensive landmark law that provides for prevention, protection or victims, and prosecution and incarceration of the traffickers. I also sponsored the TPVA Reauthorization Act of 2003 as well as pending Legislation—H.R. 972.

The movie tells the individual stories of exploited young women and girls from the Czech Republic, Ukraine, Philippines, Romania, Russia, and a 12-year-old girl, an American girl, Annie Gray, who was abducted by traffickers in Manila. ICE agent in charge Donald Sutherland joins Sorvino in bringing down a powerful but clever sex trafficking boss and others who use force, fraud, coercion, and even murder to enslave women.

It is time, Mr. Speaker, that the ignorance, the indifference and complicity in human trafficking came to an end. Every year 800,000 people are trafficked around the world. Millions more are trafficked intra-country. And up to 18,000 are trafficked into the U.S. each year. Watch this powerful movie next week, Lifetime TV, 9 p.m., Monday and Tuesday.

CONGRATULATING NATIONAL LEAGUE CHAMPION HOUSTON ASTROS

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, there are days that we can come to this floor and obviously raise issues of great concern to America and Americans. But I would like to think that we can also come to this floor and celebrate a joyous family of great ball players in a city that has longed for a winner in American baseball history. And, yes, founded in 1962, the Houston Astros have won the place to play in the World Series. And so I say: Go Astros. And I say thank you to a great city of fans, Houston, Texas, to the Drayton McLane family. Mr. and Mrs. McLane and their children have been a wonderful addition to Houston. They love their team, they love their city. To their staff, to the pitching staff like Clemens and Pettite and Oswalt. To Bagwell and Biggio. And, of course, to all the old players, or they will not want to be called old but to Enos Cabell and many others.

We know that we have got a tough road ahead to go to the World Series, but who can beat a team who was down on Monday night and came back and won 5-1. All we can say is it is about family values. And when I say family values, it is about a family of players who are committed and dedicated to their tasks and who never gave up. Houstonians did not give up, Mr. Speaker, and so I am here this morning to say: Go Astros. Go Astros.

HONORING THE LIFE OF MS. BETTY LYNN REAGAN

(Mr. BOOZMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOOZMAN. Mr. Speaker, I rise today to honor the life of a dedicated educator, Ms. Betty Lynn Reagan, who passed away earlier this month. For 47 years, Ms. Reagan taught school in Rogers, Arkansas. As a former member of the Rogers School Board and the father of three daughters who attended public schools there, I can personally attest to the impact Ms. Reagan had on the lives of her students. She was greatly respected in the classroom, in the education community and the community at large.

Throughout her career, Ms. Reagan received a number of awards and commendations, including induction into the Education Hall of Fame in 1995. However, the most notable came in 1989, when the community renamed a school for her and her sister Mary Sue, also a long time teacher and outstanding educator. Reagan Elementary will serve as a reminder for future generations of the impact that Betty Lynn and Mary Sue Reagan have had on our community.

Mr. Speaker, Betty Lynn Reagan will certainly be missed. However, her legacy will live on for generations to come. Rogers School District Superintendent Janie Darr summed it up best when she said: Because of Betty Lynn, the School District and the City of Rogers is a much, much better place.

I thank my colleagues for the opportunity to honor and celebrate the life of this wonderful woman.

REPUBLICAN BUDGET CUTS

(Ms. KILPATRICK of Michigan asked and was given permission to address the House for 1 minute.)

Ms. KILPATRICK of Michigan. Mr. Speaker, this week we were to take up the Republican leadership budget bill that would have cut student loans, rural and agricultural programs, LIHEAP low energy assistance programs, and other major programs in our Federal budget that the American people depend on. I am happy to report at this moment they have postponed that legislation just for today.

We want Americans all over to speak up and to contact your Congresspeople. This is not the time to cut vital human family programs like student aid, like rural and agricultural development, like food stamps, and like low energy assistance programs. Do we have problems in America? Yes, we do. But we hope our Republican leadership will not bring a budget resolution forward that will further decimate and hurt families. At a time when many manufacturing jobs have been lost in America, in my own State of Michigan, the highest unemployment State in the country, this is not the time to cut vital programs. It is time, though, not to have a $1.7 trillion cost for a tax cut for the wealthiest of Americans.

Speak up, America. Let your voice be heard.

SPENDING REDUCTIONS

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Mr. Speaker, if House liberals had their way, last year we would have spent billions more. I want every taxpayer across America to know that it is this Republican leadership and Republican majority that is talking about spending cuts, spending less, not the Democrats. It is this Republican majority that is talking about continued tax relief for hardworking American families, not the Democrats.

You are going to hear the Democrats say, well, those Republicans, they didn't invite us to come participate in talking about spending cuts, to talk about reducing Federal spending. Mr. Speaker, I hope they will consider this the invitation: Come join us. We would love to have all your input and ideas.

So from this point on, they can stop talking about how we need to spend more and help us find ways to be better stewards and spend less. Let us be frank. The Democrat solution, raising taxes, is not a solution. This government does not have a revenue problem. This government has a spending problem. Mr. Speaker, we invite them to join us.

NEED FOR A CHANGE IN WASHINGTON (CULTURE OF CORRUPTION CANNOT CONTINUE)

(Ms. WATSON asked and was given permission to address the House for 1 minute.)

Ms. WATSON. Mr. Speaker, the American people want change here in Washington, DC. Over the last couple of months, they have seen the headlines of scandal in the ranks of the House and Senate Republican leadership. They have seen the continuing scandal at the White House that should lead to the firing of Karl Rove and Scooter Libby. They have seen that the President's cronies are now entrenched in important government agencies and some of them are as unprepared for their jobs as Michael Brown was at FEMA.

The American people want to know when Republicans here in Washington are finally going to stop doing the bidding of the wealthiest elite and start focusing on issues more important to them. They are concerned about an economy where their paychecks are not rising as high or as fast as the cost of living. They are also wondering how they are going to continue to afford their health care premiums, gas for their cars, and heat for their homes in the winter.

They look to Washington and correctly see that House Republicans refuse to even consider their concerns. Republicans are simply too busy helping their friends. It is time for a change all right, and Democrats are ready to lead by providing creative solutions to our Nation's needs.

☐ 1015

STEALING THE FEDERAL WAY

(Mr. POE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POE. Mr. Speaker, tattoos, lingerie, Ozzie Osbourne concert tickets, gambling, cruises, exotic dance clubs, prostitutes, and new sports cars. Members may ask what this list is. No, it is not Larry Flynt's Christmas wish list. These are examples of purchases made on Federal credit cards by Federal employees for which American taxpayers picked up the bill; they always do.

Today I have introduced the Government Credit Card Sunshine Act. This act is simple. It requires every government credit card bill to be posted on the government Inspector General's Web site within 15 days of its use. It also states that Federal employees whose credit card abuse is more than $500 shall face immediate dismissal, be forced to repay the bill, and sometimes return the items. This serious scandal is stealing and is unacceptable behavior. We are now going to hold Federal employees accountable for ripping off America. So no more abusing the Federal credit card at the taxpayers' expense; otherwise, pack your toothbrush, you are out of here.

H.R. 3966, SLICE ACT

(Mr. UDALL of Colorado asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. UDALL of Colorado. Mr. Speaker, we need to change our budget policies. We should use the better, the fairer, and the more bipartisan approach to spending cuts that would come from passing H.R. 3966. That is a bill I introduced with the gentleman from Ohio (Mr. CHABOT), the gentleman from Arizona (Mr. FLAKE), and the gentlewoman from Colorado (Mrs. MUSGRAVE).

It is called the Stimulating Leadership and Cutting Expenditures Act, or SLICE for short. SLICE would require an up-or-down vote on each specific cut the President proposes in the recently passed transportation bill and current appropriations bills. It is a workable and constitutional alternative to the line item veto designed to enable Presidential leadership and require congressional accountability.

Mr. Speaker, before we cut critical health care, education and other programs that help working Americans, let us work in a bipartisan way to consider other cuts. Let us pass H.R. 3966 and slice the budget the right way.

INCREASED FUNDING FOR LIHEAP NEEDED

(Mr. BRADLEY of New Hampshire asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BRADLEY of New Hampshire. Mr. Speaker, I rise today to bring attention to a problem that many Americans are facing as we approach winter: the cost of heating their homes.

The U.S. Energy Information Administration recently projected that the cost of heating a home this winter, regardless of the type of fuel, will increase dramatically from last year. In order to counteract this dramatic spike in energy costs, we need to increase funding for the Low Income Home Energy Assistance Program, or LIHEAP. It is a tremendously successful program that enables States to provide low-income families with energy assistance.

In my State of New Hampshire, LIHEAP funding helps people afford to heat their homes and not have to make the difficult choices of paying their rent, of buying food and medications, or keeping their homes warm.

In order to simply meet last year's purchasing power, we must increase LIHEAP funding by $1.276 billion. This is an issue that crosses State and party lines and one that needs to be addressed immediately.

Mr. Speaker, let us act today to increase this funding before Hurricane Katrina claims more victims this winter.

HELPING MOTHERS SUFFERING FROM POSTPARTUM DEPRESSION

(Mr. RUSH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RUSH. Mr. Speaker, this morning we learned that a 23-year-old mother threw her three children off a pier in San Francisco killing them all. Apparently she heard voices that told her to commit this unthinkable act.

Mr. Speaker, we do not know yet whether this woman suffered from a most severe form of postpartum disorder known as postpartum psychosis. We do know that postpartum depression and psychosis can emerge even a year after a child's birth.

That is why for the last three Congresses I have introduced the Melanie Blocker Stokes Postpartum Depression Research and Care Act, H.R. 1940. My bill would direct funds to researching this misunderstood disorder, and it would also provide grants for services and care for mothers who suffer from postpartum depression.

I urge all of my colleagues in the House to cosponsor this important bill. What happened in San Francisco happens way too often in this Nation, and we must do what we can to prevent similar tragedies in the future. The mothers of America desperately need this Congress to recognize this deadly malady and pass H.R. 1940.

JUSTICE FOR SADDAM HUSSEIN

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, the war on terror is slow going. In Iraq, suicide bombers and terrorists continue to spread fear across the Sunni provinces in the center of the country. Many of our soldiers have made the ultimate sacrifice. Some folks here at home wonder where the war is going.

It is important to step back and look at the big picture. Just this week, millions of Iraqis have once again exercised the right to vote, a right denied them for decades. And yesterday, the Tyrant of Baghdad was brought to trial.

Two things we take for granted here at home: the right to choose our own government and the guarantee of real justice in a court of law. Saddam Hussein is at long last standing trial for his crimes against humanity. The chickens are coming home to roost for those who have painted the past with blood, and the people of Iraq with their ink-stained fingers are creating a new tomorrow according to popular will.

No matter how difficult life remains in Baghdad and the Anbar Province, the future is now full of hope.

Mr. Speaker, we are the good guys in this war. We are helping create a better world. God bless our troops and the citizens of the new Iraq.

ASSISTANCE FOR AMERICA'S POOR

(Mr. MARKEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MARKEY. Mr. Speaker, the Republicans have decided not to bring the bill to the House floor today which would slash Medicaid, slash programs for student loans, slash programs for poor people because many conservatives say they are not cutting enough programs for poor people, all to protect tax breaks for the wealthiest Americans. All to protect tax breaks for the wealthiest Americans. And what is the excuse they have used? Hurricane Katrina.

That is why they must cut more programs for poor people, because they do not want to cut the tax cuts, and now they want to delay because Hurricane Wilma is on the way, and the Republicans are saying, Let us wait until the weekend is over and see how big that hurricane is, and then we will be able to cut more programs for poor people, more programs for those most in need in our society, rather than touching those tax breaks for the wealthiest in our country.

Mr. Speaker, hurricanes are the greatest friend conservative Republicans ever had to hurt the poorest people in the country and protect the wealthiest.

COMMENDING CENTURY COUNCIL

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, I rise on behalf of the Congressional Hispanic Conference to recognize the Century Council and Nickelodeon for their creation of an innovative new program to educate middle school kids about underaged drinking.

The Century Council is a national not-for-profit organization funded by America's leading distillers to develop and implement programs designed to combat drunk driving and underaged drinking.

The Congressional Hispanic Conference has teamed up with Century Council and Nickelodeon to launch Ask, Listen, Learn: Kids and Alcohol Do Not Mix. The program helps adults and children communicate early and often about this important issue in a format and a language designed specifically for them.

I commend the Century Council and Nickelodeon for giving Hispanic parents and children across the Nation such a valuable communications tool to initiate these critically important discussions regarding the dangers of alcohol.

NO NEW TAX ON HOMEOWNERSHIP

(Mr. GARRETT of New Jersey asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GARRETT of New Jersey. Mr. Speaker, the cost to buy a new home is about to go up in America. Why is that? Because as soon as next week, Congress is about to vote on placing a new tax on homeownership, a tax that may well raise the cost for the average American who wants to buy their new home.

Years ago, Congress set up Fannie Mae and Freddie Mac with the noble intent to add liquidity to the marketplace and help home buyers. But in an about-face, Congress is about to impose a new tax and at the same time fail to address an inherent flaw in the current system.

Mr. Speaker, legislation before the House would allow Fannie Mae and Freddie Mac to continue to rack up debt on their balance sheets with no limits. These are the same organizations that have been wracked with financial accounting scandals, may have 1.5 to $1.7 trillion on their balance sheets right now. I say "may" because no one can get a clear financial picture from these entities.

Alan Greenspan has testified to this problem repeatedly, noting that without restriction on the size of the GSE balance sheets, we put at risk our ability to preserve safe and sound financial markets in the United States. American homeowners deserve better. We need to help them and not hurt them.

DEMOCRATS NEED A NEW PLAY

(Ms. FOXX asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FOXX. Mr. Speaker, I rise today as a fiscal conservative to set the record straight that Republicans are the party of fiscal discipline. Earlier this year, Republicans passed the budget that cut $100 billion from the deficit. What did Democrats do? They refused to vote for the budget, another act in their play of obstruction.

Republicans have recommended 98 programs be terminated for a total savings of more than $4.3 billion. And under Republican leadership, domestic discretionary spending is currently on track to be below last year's levels. What have the Democrats done? Over the last 3 years they have attempted to bust the discretionary budget in the appropriations process by more than $60 billion. They hope to finance this by raising taxes on small businesses.

So it is not surprising at a time when we must be watchful of taxpayer dollars the Democrats have turned to their playbook and called up one of their favorites, the old tax and spend.

It is time for the Democrats to come up with a new play. In 1997, 51 Democrats had the courage to help Republicans pass the last major entitlement reform bill. I hope they can find that courage again.

PROTECTION OF LAWFUL COMMERCE IN ARMS ACT

Mr. SENSENBRENNER. Mr. Speaker, pursuant to House Resolution 493, I call up the Senate bill (S. 397) to prohibit civil liability actions from being brought or continued against manufacturers, distributors, dealers, or importers of firearms or ammunition for damages, injunctive or other relief resulting from the misuse of their products by others, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 397

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Protection of Lawful Commerce in Arms Act".

SEC. 2. FINDINGS; PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) The Second Amendment to the United States Constitution provides that the right of the people to keep and bear arms shall not be infringed.

(2) The Second Amendment to the United States Constitution protects the rights of individuals, including those who are not members of a militia or engaged in military service or training, to keep and bear arms.

(3) Lawsuits have been commenced against manufacturers, distributors, dealers, and importers of firearms that operate as designed and intended, which seek money damages and other relief for the harm caused by the misuse of firearms by third parties, including criminals.

(4) The manufacture, importation, possession, sale, and use of firearms and ammunition in the United States are heavily regulated by Federal, State, and local laws. Such Federal laws include the Gun Control Act of 1968, the National Firearms Act, and the Arms Export Control Act.

(5) Businesses in the United States that are engaged in interstate and foreign commerce through the lawful design, manufacture, marketing, distribution, importation, or sale to the public of firearms or ammunition products that have been shipped or transported in interstate or foreign commerce are not, and should not, be liable for the harm

caused by those who criminally or unlawfully misuse firearm products or ammunition products that function as designed and intended.

(6) The possibility of imposing liability on an entire industry for harm that is solely caused by others is an abuse of the legal system, erodes public confidence in our Nation's laws, threatens the diminution of a basic constitutional right and civil liberty, invites the disassembly and destabilization of other industries and economic sectors lawfully competing in the free enterprise system of the United States, and constitutes an unreasonable burden on interstate and foreign commerce of the United States.

(7) The liability actions commenced or contemplated by the Federal Government, States, municipalities, and private interest groups and others are based on theories without foundation in hundreds of years of the common law and jurisprudence of the United States and do not represent a bona fide expansion of the common law. The possible sustaining of these actions by a maverick judicial officer or petit jury would expand civil liability in a manner never contemplated by the framers of the Constitution, by Congress, or by the legislatures of the several States. Such an expansion of liability would constitute a deprivation of the rights, privileges, and immunities guaranteed to a citizen of the United States under the Fourteenth Amendment to the United States Constitution.

(8) The liability actions commenced or contemplated by the Federal Government, States, municipalities, private interest groups and others attempt to use the judicial branch to circumvent the Legislative branch of government to regulate interstate and foreign commerce through judgments and judicial decrees thereby threatening the Separation of Powers doctrine and weakening and undermining important principles of federalism, State sovereignty and comity between the sister States.

(b) PURPOSES.—The purposes of this Act are as follows:

(1) To prohibit causes of action against manufacturers, distributors, dealers, and importers of firearms or ammunition products, and their trade associations, for the harm solely caused by the criminal or unlawful misuse of firearm products or ammunition products by others when the product functioned as designed and intended.

(2) To preserve a citizen's access to a supply of firearms and ammunition for all lawful purposes, including hunting, self-defense, collecting, and competitive or recreational shooting.

(3) To guarantee a citizen's rights, privileges, and immunities, as applied to the States, under the Fourteenth Amendment to the United States Constitution, pursuant to section 5 of that Amendment.

(4) To prevent the use of such lawsuits to impose unreasonable burdens on interstate and foreign commerce.

(5) To protect the right, under the First Amendment to the Constitution, of manufacturers, distributors, dealers, and importers of firearms or ammunition products, and trade associations, to speak freely, to assemble peaceably, and to petition the Government for a redress of their grievances.

(6) To preserve and protect the Separation of Powers doctrine and important principles of federalism, State sovereignty and comity between sister States.

(7) To exercise congressional power under art. IV, section 1 (the Full Faith and Credit Clause) of the United States Constitution.

SEC. 3. PROHIBITION ON BRINGING OF QUALIFIED CIVIL LIABILITY ACTIONS IN FEDERAL OR STATE COURT.

(a) IN GENERAL.—A qualified civil liability action may not be brought in any Federal or State court.

(b) DISMISSAL OF PENDING ACTIONS.—A qualified civil liability action that is pending on the date of enactment of this Act shall be immediately dismissed by the court in which the action was brought or is currently pending.

SEC. 4. DEFINITIONS.

In this Act:

(1) ENGAGED IN THE BUSINESS.—The term "engaged in the business" has the meaning given that term in section 921(a)(21) of title 18, United States Code, and, as applied to a seller of ammunition, means a person who devotes, time, attention, and labor to the sale of ammunition as a regular course of trade or business with the principal objective of livelihood and profit through the sale or distribution of ammunition.

(2) MANUFACTURER.—The term "manufacturer" means, with respect to a qualified product, a person who is engaged in the business of manufacturing the product in interstate or foreign commerce and who is licensed to engage in business as such a manufacturer under chapter 44 of title 18, United States Code.

(3) PERSON.—The term "person" means any individual, corporation, company, association, firm, partnership, society, joint stock company, or any other entity, including any governmental entity.

(4) QUALIFIED PRODUCT.—The term "qualified product" means a firearm (as defined in subparagraph (A) or (B) of section 921(a)(3) of title 18, United States Code), including any antique firearm (as defined in section 921(a)(16) of such title), or ammunition (as defined in section 921(a)(17)(A) of such title), or a component part of a firearm or ammunition, that has been shipped or transported in interstate or foreign commerce.

(5) QUALIFIED CIVIL LIABILITY ACTION.—

(A) IN GENERAL.—The term "qualified civil liability action" means a civil action or proceeding or an administrative proceeding brought by any person against a manufacturer or seller of a qualified product, or a trade association, for damages, punitive damages, injunctive or declaratory relief, abatement, restitution, fines, or penalties, or other relief" resulting from the criminal or unlawful misuse of a qualified product by the person or a third party, but shall not include—

(i) an action brought against a transferor convicted under section 924(h) of title 18, United States Code, or a comparable or identical State felony law, by a party directly harmed by the conduct of which the transferee is so convicted;

(ii) an action brought against a seller for negligent entrustment or negligence per se;

(iii) an action in which a manufacturer or seller of a qualified product knowingly violated a State or Federal statute applicable to the sale or marketing of the product, and the violation was a proximate cause of the harm for which relief is sought, including—

(I) any case in which the manufacturer or seller knowingly made any false entry in, or failed to make appropriate entry in, any record required to be kept under Federal or State law with respect to the qualified product, or aided, abetted, or conspired with any person in making any false or fictitious oral or written statement with respect to any fact material to the lawfulness of the sale or other disposition of a qualified product; or

(II) any case in which the manufacturer or seller aided, abetted, or conspired with any other person to sell or otherwise dispose of a qualified product, knowing, or having reasonable cause to believe, that the actual buyer of the qualified product was prohibited from possessing or receiving a firearm or ammunition under subsection (g) or (n) of section 922 of title 18, United States Code;

(iv) an action for breach of contract or warranty in connection with the purchase of the product;

(v) an action for death, physical injuries or property damage resulting directly from a defect in design or manufacture of the product, when used as intended or in a reasonably foreseeable manner, except that where the discharge of the product was caused by a volitional act that constituted a criminal offense then such act shall be considered the sole proximate cause of any resulting death, personal injuries or property damage; or

(vi) and action or proceeding commenced by the Attorney General to enforce the provisions of chapter 44 of title 18 or chapter 53 of title 26, United States Code.

(B) NEGLIGENT ENTRUSTMENT.—As used in subparagraph (A)(ii), the term 'negligent entrustment' means the supplying of a qualified product by a seller for use by another person when the seller knows, or reasonably should know, the person to whom the product is supplied is likely to, and does, use the product in a manner involving unreasonable risk of physical injury to the person or others.

(C) RULE OF CONSTRUCTION.—The exceptions enumerated under clauses (i) through (v) of subparagraph (A) shall be construed so as not to be in conflict, and no provision of this Act shall be construed to create a public or private cause of action or remedy.

(D) MINOR CHILD EXCEPTION.—Nothing in this Act shall be construed to limit the right of a person under 17 years of age to recover damages authorized under Federal or State law in a civil action that meets 1 of the requirements under clauses (i) through (v) of subparagraph (A).

(6) SELLER.—The term "seller" means, with respect to a qualified product—

(A) an importer (as defined in section 921(a)(9) of title 18, United States Code) who is engaged in the business as such an importer in interstate or foreign commerce and who is licensed to engage in business as such an importer under chapter 44 of title 18, United States Code;

(B) a dealer (as defined in section 921(a)(11) of title 18, United States Code) who is engaged in the business as such a dealer in interstate or foreign commerce and who is licensed to engage in business as such a dealer under chapter 44 of title 18, United States Code; or

(C) a person engaged in the business of selling ammunition (as defined in section 921(a)(17)(A) of title 18, United States Code) in interstate or foreign commerce at the wholesale or retail level.

(7) STATE.—The term "State" includes each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, and any other territory or possession of the United States, and any political subdivision of any such place.

(8) TRADE ASSOCIATION.—The term "trade association" means—

(A) any corporation, unincorporated association, federation, business league, professional or business organization not organized or operated for profit and no part of the net earnings of which inures to the benefit of any private shareholder or individual;

(B) that is an organization described in section 501(c)(6) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code; and

(C) 2 or more members of which are manufacturers or sellers of a qualified product.

(9) Unlawful misuse.—The term "unlawful misuse" means conduct that violates a statute, ordinance, or regulation as it relates to the use of a qualified product.

SEC. 5. CHILD SAFETY LOCKS.

(a) Short Title.—This section may be cited as the "Child Safety Lock Act of 2005".

(b) Purposes.—The purposes of this section are—

(1) to promote the safe storage and use of handguns by consumers;

(2) to prevent unauthorized persons from gaining access to or use of a handgun, including children who may not be in possession of a handgun; and

(3) to avoid hindering industry from supplying firearms to law abiding citizens for all lawful purposes, including hunting, self-defense, collecting, and competitive or recreational shooting.

(c) Firearms Safety.—

(1) Mandatory transfer of secure gun storage or safety device.—Section 922 of title 18, United States Code, is amended by inserting at the end the following:

"(z) Secure Gun Storage or Safety Device.—

"(1) In general.—Except as provided under paragraph (2), it shall be unlawful for any licensed importer, licensed manufacturer, or licensed dealer to sell, deliver, or transfer any handgun to any person other than any person licensed under this chapter, unless the transferee is provided with a secure gun storage or safety device (as defined in section 921(a)(34)) for that handgun.

"(2) Exceptions.—Paragraph (1) shall not apply to—

"(A)(i) the manufacture for, transfer to, or possession by, the United States, a department or agency of the United States, a State, or a department, agency, or political subdivision of a State, of a handgun; or

"(ii) the transfer to, or possession by, a law enforcement officer employed by an entity referred to in clause (i) of a handgun for law enforcement purposes (whether on or off duty); or

"(B) the transfer to, or possession by, a rail police officer employed by a rail carrier and certified or commissioned as a police officer under the laws of a State of a handgun for purposes of law enforcement (whether on or off duty);

"(C) the transfer to any person of a handgun listed as a curio or relic by the Secretary pursuant to section 921(a)(13); or

"(D) the transfer to any person of a handgun for which a secure gun storage or safety device is temporarily unavailable for the reasons described in the exceptions stated in section 923(e), if the licensed manufacturer, licensed importer, or licensed dealer delivers to the transferee within 10 calendar days from the date of the delivery of the handgun to the transferee a secure gun storage or safety device for the handgun.

"(3) Liability for use.—

"(A) In general.—Notwithstanding any other provision of law, a person who has lawful possession and control of a handgun, and who uses a secure gun storage or safety device with the handgun, shall be entitled to immunity from a qualified civil liability action.

"(B) Prospective actions.—A qualified civil liability action may not be brought in any Federal or State court.

"(C) Defined term.—As used in this paragraph, the term 'qualified civil liability action'—

"(i) means a civil action brought by any person against a person described in subparagraph (A) for damages resulting from the criminal or unlawful misuse of the handgun by a third party, if—

"(I) the handgun was accessed by another person who did not have the permission or authorization of the person having lawful possession and control of the handgun to have access to it; and

"(II) at the time access was gained by the person not so authorized, the handgun had been made inoperable by use of a secure gun storage or safety device; and

"(ii) shall not include an action brought against the person having lawful possession and control of the handgun for negligent entrustment or negligence per se.".

(2) Civil penalties.—Section 924 of title 18, United States Code, is amended—

(A) in subsection (a)(1), by striking "or (f)" and inserting "(f), or (p)"; and

(B) by adding at the end the following:

"(p) Penalties Relating To Secure Gun Storage or Safety Device.—

"(1) In general.—

"(A) Suspension or revocation of license; civil penalties.—With respect to each violation of section 922(z)(1) by a licensed manufacturer, licensed importer, or licensed dealer, the Secretary may, after notice and opportunity for hearing—

"(i) suspend for not more than 6 months, or revoke, the license issued to the licensee under this chapter that was used to conduct the firearms transfer; or

"(ii) subject the licensee to a civil penalty in an amount equal to not more than $2,500.

"(B) Review.—An action of the Secretary under this paragraph may be reviewed only as provided under section 923(f).

"(2) Administrative remedies.—The suspension or revocation of a license or the imposition of a civil penalty under paragraph (1) shall not preclude any administrative remedy that is otherwise available to the Secretary.".

(3) Liability; evidence.—

(A) Liability.—Nothing in this section shall be construed to—

(i) create a cause of action against any Federal firearms licensee or any other person for any civil liability; or

(ii) establish any standard of care.

(B) Evidence.—Notwithstanding any other provision of law, evidence regarding compliance or noncompliance with the amendments made by this section shall not be admissible as evidence in any proceeding of any court, agency, board, or other entity, except with respect to an action relating to section 922(z) of title 18, United States Code, as added by this subsection.

(C) Rule of construction.—Nothing in this paragraph shall be construed to bar a governmental action to impose a penalty under section 924(p) of title 18, United States Code, for a failure to comply with section 922(z) of that title.

(d) Effective Date.—This section and the amendments made by this section shall take effect 180 days after the date of enactment of this Act.

SEC. 6. ARMOR PIERCING AMMUNITION.

(a) Unlawful Acts.—Section 922(a) of title 18, United States Code, is amended by striking paragraphs (7) and (8) and inserting the following:

"(7) for any person to manufacture or import armor piercing ammunition, unless—

"(A) the manufacture of such ammunition is for the use of the United States, any department or agency of the United States, any State, or any department, agency, or political subdivision of a State;

"(B) the manufacture of such ammunition is for the purpose of exportation; or

"(C) the manufacture or importation of such ammunition is for the purpose of testing or experimentation and has been authorized by the Attorney General;

"(8) for any manufacturer or importer to sell or deliver armor piercing ammunition, unless such sale or delivery—

"(A) is for the use of the United States, any department or agency of the United States, any State, or any department, agency, or political subdivision of a State;

"(B) is for the purpose of exportation; or

"(C) is for the purpose of testing or experimentation and has been authorized by the Attorney General;".

(b) Penalties.—Section 924(c) of title 18, United States Code, is amended by adding at the end the following:

"(5) Except to the extent that a greater minimum sentence is otherwise provided under this subsection, or by any other provision of law, any person who, during and in relation to any crime of violence or drug trafficking crime (including a crime of violence or drug trafficking crime that provides for an enhanced punishment if committed by the use of a deadly or dangerous weapon or device) for which the person may be prosecuted in a court of the United States, uses or carries armor piercing ammunition, or who, in furtherance of any such crime, possesses armor piercing ammunition, shall, in addition to the punishment provided for such crime of violence or drug trafficking crime or conviction under this section—

"(A) be sentenced to a term of imprisonment of not less than 15 years; and

"(B) if death results from the use of such ammunition—

"(i) if the killing is murder (as defined in section 1111), be punished by death or sentenced to a term of imprisonment for any term of years or for life; and

"(ii) if the killing is manslaughter (as defined in section 1112), be punished as provided in section 1112.".

(c) Study and Report.—

(1) Study.—The Attorney General shall conduct a study to determine whether a uniform standard for the testing of projectiles against Body Armor is feasible.

(2) Issues to be studied.—The study conducted under paragraph (1) shall include—

(A) variations in performance that are related to the length of the barrel of the handgun or center-fire rifle from which the projectile is fired; and

(B) the amount of powder used to propel the projectile.

(3) Report.—Not later than 2 years after the date of enactment of this Act, the Attorney General shall submit a report containing the results of the study conducted under this subsection to—

(A) the chairman and ranking member of the Committee on the Judiciary of the Senate; and

(B) the chairman and ranking member of the Committee on the Judiciary of the House of Representatives.

The SPEAKER pro tempore (Mr. Simpson). Pursuant to House Resolution 493, the gentleman from Wisconsin

(Mr. SENSENBRENNER) and the gentleman from Maryland (Mr. VAN HOLLEN) each will control 30 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on S. 397, the bill currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S. 397, the Protection of Lawful Commerce in Arms Act. This legislation passed the Senate by more than a two-thirds vote this summer and contains the same legal reform provisions of H.R. 800 sponsored by the gentleman from Florida (Mr. STEARNS). The Committee on the Judiciary considered and favorably reported H.R. 800 in May of this year.

Just like H.R. 800 and similar legislation that passed the House by more than a two-thirds majority during the last Congress, S. 397 will stop frivolous and abusive lawsuits against manufacturers and sellers of firearms or ammunition by prohibiting lawsuits resulting from the criminal and unlawful misuse of their products from being filed in Federal and State courts.

It is important to stress at the outset what this legislation does not do. First, the legislation does not preclude lawsuits against a person who transfers a firearm or ammunition knowing it will be used to commit a crime of violence or drug-trafficking crime.

Second, it does not prevent lawsuits against a seller for negligent entrustment or negligence per se.

Third, the bill includes several additional exceptions, including an exception for actions in which a manufacturer or seller of a qualified product knowingly violates any State or Federal statute applicable to sales or marketing when such violation was the proximate cause of the harm for which relief is sought.

Finally, the bill contains additional exceptions for breach of contract or warranty in connection with the purchase of a firearm or ammunition, and an exception for actions for damages resulting directly from a defect in design or manufacture of a firearm or ammunition.

Recent trends in abusive litigation have inspired lawsuits against the firearms industry on the theory of liability that would hold it financially responsible for the actions of those who use their products in a criminal or unlawful manner. Such lawsuits threaten to rip tort law from its moorings in personal responsibility and may force firearms manufacturers into bankruptcy.

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While some of these lawsuits have been dismissed and some States have acted to address them, the fact remains that these lawsuits continue to be aggressively pursued. The intended consequences of these frivolous lawsuits could not be more clear: the financial ruin of the firearms industry. As one of the personal injury lawyers suing American firearms companies told the Washington Post, "The legal fees alone are enough to bankrupt the industry."

Lawsuits seeking to hold the firearms industry responsible for the criminal and unlawful use of its products are brazen attempts to accomplish through litigation what has not been achieved by legislation and the democratic process. Various courts have correctly described such suits as "improper attempts to have the court substitute its judgment for that of the legislature." As explained by another Federal judge, "the plaintiff's attorneys simply want to eliminate handguns."

Personal injury lawyers are seeking to obtain through the courts stringent limits on the sale and distribution of firearms beyond the court's jurisdictional boundaries. A New York appeals court stated recently that "courts are the least suited, least equipped, and thus the least appropriate branch of government to regulate and micromanage the manufacturing, marketing, distribution, and sale of handguns."

Law enforcement, military personnel rely on the domestic firearms industry to supply them with reliable and accurate weapons that can best protect them in the line of fire. The best and most reliable guns will not be those designed under the requirements personal injury attorneys seek to impose through firearms lawsuits. Rather, these lawsuits threaten to injure the domestic firearms industry, endanger the jobs of thousands of hard-working Americans, and provide to foreign manufacturers an unfair advantage.

One abusive lawsuit filed in a single county could destroy a national industry and deny citizens nationwide the right to keep and bear arms guaranteed by the Constitution. Insofar as these lawsuits have the practical effect of burdening interstate commerce in firearms, Congress has the authority to act under the commerce clause of the Constitution. The Lawful Commerce in Arms Act, by prohibiting abusive lawsuits against the firearms industry, supports core federalism principles articulated by the United States Supreme Court, which has made it clear that "one State's power to impose burdens on the interstate market . . . is not only subordinate to the Federal power over interstate commerce but is also constrained by the need to respect the interests of other States . . . "

Before closing, I think it is important to set the record straight on one item. Some news outlets have claimed that this legislation would have barred a lawsuit involving the D.C. sniper and the gun the sniper obtained after it was stolen from a Washington State gun shop that did not keep track of its inventory and did not realize that the guns were stolen.

Anyone who actually reads this bill will immediately realize that that claim is patently false, and it is important to note that some of the editorial pundits apparently do not believe in reading the bills before they write and publish. Under S. 397 a plaintiff would be permitted to conduct discovery to establish the facts and circumstances surrounding what happened to the firearm while in the possession, custody, and control of the dealer and how it came into the possession of the criminal shooters. A plaintiff would be permitted to have his or her day in court to try to establish whether the dealer knowingly violated or made any false entry in, or failed to make an appropriate entry in, his records, which he is required to keep pursuant to Federal law.

I have here a report of violations filed by the Bureau of Alcohol, Tobacco, and Firearms regarding the Washington State gun dealer. It contains a record of dozens of violations of Federal law and quoting the following: "The licensee's," that is, the dealer's, "bound books were examined and compared to the physical inventory. It was initially determined that there were approximately 300 unaccounted for firearms. These initial 300-plus unaccounted for firearms are considered instances of failure to timely record disposition information in the bound record book."

So under S. 397 a lawsuit against that dealer could go forward, and I include this report in the RECORD at this point.

DEPARTMENT OF THE TREASURY, BUREAU OF ALCOHOL, TOBACCO, AND FIREARMS

REPORT OF VIOLATIONS

Name and Address of Proprietor: Borgelt, Brian & Carr, Charles N, Bulls Eye Shooters Supply, 114 Puyallup Ave., Tacoma, WA 98421.

License/Permit Registry Number (if any): 991053013E38708.

County (F&E only): Pierce.

Expiration Date (if any): 5/12/2003.

Date(s) or Period of Inspection: 10/25/2002 through 11/02/2002.

INSTRUCTIONS

Please write firmly with a ball point pen when completing this form. AFT officers will prepare this form in quadruplicate. The original copy and the suspense copy (where required) will be given to the proprietor or a responsible person representative. The remaining copies will be submitted with the completed inspection report. Supervisors will detach one copy from the completed report for their files. Where corrective action cannot be taken during inspection, proprietors will submit the suspense copy to the Area Supervisor as soon as the required corrections have been made.

INSPECTION RESULTS

An examination of your premises, records and operations has disclosed the following violations which have been explained to you:

Reference Number: 1.

Nature of Violation: 27 CFR section 178.124(a). Failure to maintain ATF F4473s recording firearm transfers to non-licensees.

Information obtained from the Washington Department of Licensing indicates 25 handgun transfers to nonlicensed individuals for which you had no completed ATF F4473s. Additionally, 5 firearms transfers to nonlicensed individuals were located in your computer sales records for which you had no ATF Form 4473s.

Citation: 27 CFR 178.

Date Planned Correction:

Corrective Action: The licensee shall endeavor to locate the required disposition records, such as ATF F4473s, in order to show evidence that a proper transfer occurred.

Reference Number: 2.

Nature of Violation: 27 CFR section 178.124(b). Failure to keep ATF F4473s in alphabetical, chronological, or numerical order.

The inspection uncovered an area behind the store register where ATF F4473s were kept. The area comprised of one lateral file cabinet drawer and a stack of forms. There were 1257 unfiled ATF F4473s. Filing by stock # is not an acceptable method of filing ATF F4473s.

Citation: 27 CFR 178.

Date Planned Correction:

Corrective Action: The licensee shall immediately file ATF F4473s that were found unfiled during the inspection, including any future completed ATF F4473s.

Reference Number: 3

Nature Of Violation: 27 CFR section 178.124(c)(3)(iii). Failure to properly record on ATF F 4473 the date on which the licensee contacted the NICS, response provided by the system, and/or any identification number provided by the system.

There were 14 ATF F 4473s that did not record this information.

Citation: 27 CFR 178.

Date Planned Correction:

Corrective Action: The licensee shall ensure that the complete background check information is properly entered in the designated area on the ATF F 4473.

Reference Number: 4

Nature Of Violation: 27 CFR 178.125(e). Failure to record dispositions made in the bound books.

The licensee's bound books were examined and compared to the physical inventory. It was initially determined that there were approximately 300 unaccounted for firearms. These initial 300+ unaccounted for firearms are considered instances of failure to timely record disposition information in the bound record book.

Some ways of locating proper disposition of these missing firearms included: 70 ATF Forms 4473 filed that did not get properly entered as bound book dispositions; 25 handgun transactions determined through the State of Washington Dept. of Licensing with no bound book entries; at least 10 dispositions to other licensees unrecorded; and at least 6 dispositions to nonlicensees located in computer sales records that have no proper disposition.

Even after using various sources, 78 firearms remain missing at the close of this inspection with no idea of where they went. List provided to licensee.

Citation: 27 CFR 178.

Date Planned Correction:

Corrective Action: The licensee shall research and resolve all unaccounted open dispositions, and properly record the 70 ATF F 4473 dispositions into the bound books.

See attached list of 78 firearms unaccounted for and report them on an ATF F 3310.11, Licensee Theft/Loss Report.

See list of firearms that no ATF F 4473s have been located on but other records of transfer have been: such as 25 firearms identified by the Washington Department of Licensing and computer records indicating a sale but no other information in regards to the transfer.

In addition, the licensee will annotate the bound book disposition entries with date, name, and address and note that no ATF F 4473 exists.

Report Bushmaster rifle, model PCWA3X, Serial number L284320 on an ATF F F3310.11, Licensee Theft/Loss Report, and make note in the bound book.

I Have Received a Copy of This Report of Violations (Proprietor's signature and title):

Date:

Signature and Title of Inspection Officer: Sandra Y. Sherlock, ATF Inspector.

Date: 11/04/2002

PROPRIETOR'S CERTIFICATION

Note: Proprietors must notify the ATF official below when corrective actions required as a result of this inspection have been completed. Failure to notify ATF may subject proprietors to a recall inspection or to other administrative action.

Mail or Delivery to (Address): Area Supervisor, Bureau of Alcohol, Tobacco, and Firearms, 915 2nd Avenue, Room 790, Seattle, WA 98174.

CERTIFICATION

I certify that the corrective actions required as a result of this inspection have been completed.

Signature and Title of Proprietor:

Other Remarks

Mr. SENSENBRENNER. Mr. Speaker, this commonsense legislation is long overdue. Congress must fulfill its constitutional duty, then exercise its authority under the commerce clause to deny a few State courts the power to bankrupt the national firearms industry and deny all Americans their fundamental constitutionally guaranteed right to bear arms. I urge the passage of this critical legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. VAN HOLLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong opposition to this dangerous and misguided bill that would exempt gun dealers from liability even when they negligently sell weapons to criminals.

It is particularly distressing that we are taking up this bill at this particular time. It was just 3 years ago this month, in October, when the community that I represent right outside here of Washington, DC was terrorized by two snipers, who left 10 people dead and three people injured. The snipers obtained their weapons from a negligent gun dealer in Washington State.

Mr. Speaker, I have been struck by how some people in this institution and other places believe that the name given to a bill will somehow fool the American people as to what the bill actually does. This bill has the title on it Protection of Lawful Commerce in Arms Act. In fact, what the bill does is to make lawful many negligent actions that today are unlawful. What it actually does is protect those gun dealers who are engaged in wrongful, negligent sales of weapons to criminals. How does it do it? Very simple. It lowers the legal standard of care that gun dealers must today exercise to prevent guns from falling into the hands of criminals.

As a result, the passage of this bill will make it easier, easier, for criminals to get weapons and it will ensure that those gun dealers who negligently, negligently, put guns in the hands of criminals will not be held responsible for their wrongful actions. And it is a sad day, Mr. Speaker, in this body when special interests and the gun industry exert such influence that they are able to convince the Congress to strip innocent victims of crimes of their rights and instead extend protections to those unscrupulous dealers who put guns into the hands of criminals.

Now, proponents of this legislation will tell us that most gun dealers in our Nation are honest and law abiding. I agree. That is true. In fact, the Bureau of Alcohol, Firearms, and Tobacco has found that about 1 percent, about 1 percent, of gun dealers are responsible for nearly 60 percent of the guns that are traced to crimes. So if most gun dealers are honorable and responsible citizens, why do they need protection? They do not. The real beneficiaries of this legislation are those small handful of dealers who are negligently putting guns in the hands of criminals. It is protecting the bad apples. It is giving them a green light to go ahead and say I see nothing when they are engaged in sales to wrongdoers.

The proponents of this bill, as we have heard, will tell us it is only intended to stop so-called "frivolous lawsuits." That notion has been soundly rejected by victim advocates across this country, and it is an insult to the victims who seek redress against those dealers who profit from negligently selling to violent predators.

Let us focus for a minute on the victims of gun crimes in our country. Should we not be protecting them? Why do we not have a bill entitled the "Protection of Gun Violence Victims" on the floor today? Let us look at some cases. We have talked about the sniper case. I differ strongly with the chairman of the committee, and the bill, as the testimony has made clear, would not have allowed that suit to go forward. I represent that area where so many people lost their lives 3 years ago this month. On many sunny days when the snipers gunned down people who were going about their ordinary business, filling up their gas at gas stations, shopping at grocery stores, cutting their grass, a child who was going to school. Before those snipers were caught, they killed 10 people and wounded three. The snipers have been caught, convicted, and they are behind bars.

The snipers carried out those attacks with a Bushmaster XM–15 semiautomatic .223 caliber rifle. The rifle came from Bull's Eye Shooter Supply in Tacoma, Washington, which had an extensive history of firearms violations and had not reported the rifle as missing as required by Federal law because they said they did not know the rifle was missing. According to the ATF, this store and its owner had a long history of firearms sales and records violations.

On January 16, 2003, the families of many of the victims of the sniper attacks who were killed brought a lawsuit against that gun store for their losses and injuries. The victims of that heinous crime spree received a $2.5 million settlement. Let us be clear. If this law had been in effect at that time, those victims and their families would have received nothing. In fact, this bill was being debated on the floor of this House 3 years ago this month when those killings were going on, and this House realized how bad it would look to victimize those people twice, to have them victimized once by the snipers and again by the United States Congress by denying their day in court, and that is why this House decided to withdraw the bill at that time from consideration from the floor of the House. Here we are 3 years later coming back and passing legislation that would have denied them their right. Shame on us.

Let us talk about another case. In New Jersey, June, 2004, two former New Jersey police officers, Ken McGuire and Dave Lemongello, were shot in the line of duty with a trafficked gun that had been negligently sold by a West Virginia dealer. Those two officers received a $1 million settlement for the negligence of this dealer. The dealer had sold the gun along with 11 other handguns in a cash sale to a straw buyer, a trafficker, someone who got the guns because he could legally obtain them but then turned around and sold them to a criminal who committed the crimes. If this bill had been in effect then, that case would have been dismissed and justice for those police officers would have been denied. And because of that, many law enforcement officers and organizations have written a letter opposing this bill, a copy, Mr. Speaker, which I will insert in the RECORD.

Should we not be trying to create additional incentives to improve the business practices of these gun dealers, not give them a green light to be negligent? What happened to protecting the victims? This bill does just the opposite. It provides a shield to an industry that should be providing a standard of care at least equal to other industries and businesses. Why do we want to make the gun industry the most protected industry in America?

It is inconceivable that we are here today at the behest of the gun industry to provide immunity that no other industry enjoys and at the expense of the victims of gun violence. This bill will shut the courthouse doors on many victims who have legitimate claims.

In the interest of truth in advertising, the real name of this bill should be the "Protection of Negligent Gun Dealers Act."

I urge my colleagues to oppose this.

OCTOBER 19, 2005.

Re: Law Enforcement Opposition to S. 397.

U.S. CONGRESS,
U.S. SENATE,
Washington, DC.

DEAR SENATOR: As active and retired law enforcement officers, we are writing to urge your strong opposition to any legislation granting the gun industry special legal immunity. S. 397 would strip away the legal rights of gun violence victims, including law enforcement officers and their families, to seek redress against irresponsible gun dealers and manufacturers.

The impact of this bill on the law enforcement community is well illustrated by the lawsuit brought by former Orange, New Jersey police officers Ken McGuire and David Lemongello. On January 12, 2001, McGuire and Lemongello were shot in the line of duty with a trafficked gun negligently sold by a West Virginia dealer. The dealer had sold the gun, along with 11 other handguns, in a cash sale to a straw buyer for a gun trafficker. In June 2004, the officers obtained a $1 million settlement from the dealer. The dealer, as well as two other area pawnshops, also have implemented safer practices to prevent sales to traffickers, including a new policy of ending large-volume sales of handguns. These reforms go beyond the requirements of current law and are not imposed by any manufacturers or distributors.

If immunity for the gun industry had been enacted, the officers' case would have been thrown out of court and justice would have been denied. Police officers like Ken McGuire and Dave Lemongello put their lives on the line every day to protect the public. Instead of honoring them for their service, legislation granting immunity to the gun industry would deprive them of their basic rights as American citizens to prove their case in a court of law. We stand with officers McGuire and Lemongello in urging you to oppose such legislation.

Sincerely,

International Brotherhood of Police Officers (AFL–CIO Police union).

Major Cities Chiefs Association (Represents our nation's largest police departments).

National Black Police Association (Nationwide organization with more than 35,000 members).

Hispanic American Police Command Officers Association (Serving command level staff and federal agents).

National Latino Peace Officers Association.

The Police Foundation (A private, nonprofit research institution).

Michigan Association of Chiefs of Police.

Rhode Island State Association of Chiefs of Police.

Maine Chiefs of Police Association.

Departments listed for identification purposes only: Sergeant Moises Agosto, Pompton Lakes Police Dept. (NJ); Sheriff Drew Alexander, Summit County Sheriff's Office (OH); Sheriff Thomas L. Altiere, Trumbull County Sheriff's Office (OH); Director Anthony F. Ambrose III, Newark Police Dept. (NJ); Chief Jon J. Arcaro, Conneaut Police Dept. (OH); Officer Robert C. Arnold, Rutherford Police Dept. (NJ); Chief Ron Atstupenas, Blackstone Police Dept. (MA); Sheriff Kevin A. Beck, Williams County Sheriff's Office (OH); Detective Sean Burke, Lawrence Police Dept. (MA); Chief William Bratton, Los Angeles Police Dept. (CA); Special Agent (Ret) Ronald J. Brogan, Drug Enforcement Agency; and Chief Thomas V. Brownell, Amsterdam Police Dept. (NY).

Chief (Ret) John H. Cease, Wilmington Police Dept. (NC); Chief Michael Chitwood, Portland Police Dept. (ME); Chief William Citty, Oklahoma Police Dept. (OK); Chief Kenneth V. Collins, Maplewood Police Dept. (MN); Chief Daniel G. Davidson, New Franklin Police Dept. (OH); Asst. Director Jim Deal, US Dept. Homeland Security, Reno/Lake Tahoe Airport (NV); Chief Gregory A. Duber, Bedford Police Dept. (OH); Captain George Egbert, Rutherford Police Dept. (NJ); Sterling Epps, President, Association of Former Customs Agents, Northwest Chapter (WA); Chief Dean Esserman, Providence Police Dept. (RI); and Captain Mark Folsom, Kansas City Police Dept. (MO).

Chief Charles J. Glorioso, Trinidad Police Dept. (CO); Superintendent Jerry G. Gregory (ret), Radnor Township Police Dept. (PA); Chief Jack F. Harris, Phoenix Police Dept. (AZ); Chief (Ret.) Thomas K. Hayselden, Shawnee Police Dept. (KS); Terry G. Hillard, Retired Superintendent, Chicago Police Dept. (IL); Steven Higgins, Director (Ret.) ATF; Chief Ken James, Emeryville Police Dept. (CA); Chief Calvin Johnson, Dumfries Police Dept. (VA); Chief Gil Kerlikowske, Seattle Police Dept. (WA); Deputy Chief Jeffrey A. Kumorek, Gary Police Dept. (IN); Detective John Kotnour, Overland Park Police Dept. (KS); Detective Curt Lavarello, Sarasota County Sheriffs Office (FL); Chief Michael T. Lazor, Willowick Police Dept. (OH); Sheriff Simon L. Leis, Jr., Hamilton County Sheriffs Dept. (OH); and Sheriff Ralph Lopez, Bexar County Sheriff (TX).

Chief Cory Lyman, Ketchum Police Dept. (ID); Chief David A. Maine, Euclid Police Dept. (OH); Chief J. Thomas Manger, Montgomery County Police Dept. (MD); Chief Burnham E. Matthews, Alameda Police Dept. (CA); Chief Michael T. Matulavich, Akron Police Dept. (OH); Chief Randall C. McCoy, Ravenna Police Dept. (OH); Sergeant Michael McGuire, Essex County Sheriff's Dept. (NJ); Chief William P. McManus, Minneapolis Police Dept. (MN); Chief Roy Meisner, Berkley Police Dept. (CA); Sheriff Al Myers; Delaware County Sheriff's Office (OH); Chief Albert Najera, Sacramento Police Dept. (CA); Chief Mark S. Paresi, North Las Vegas Police Dept. (NV); Sheriff Charles C. Plummer, Alameda County Sheriffs Department (CA); Chief Edward Reines, Yavapat-Prescott Tribal Police Dept. (AZ); Chief Cel Rivera, Lorain Police Dept. (OH).

Officer Kevin J. Scanell, Rutherford Police Dept. (NJ); Robert M. Schwartz, Executive Director, Maine Police Dept. (ME); Chief

Ronald C. Sloan, Arvada Police Dept. (CO); Chief William Taylor, Rice University Police Dept. (TX); Asst. Chief Lee Roy Villareal, Bexar County Sheriffs Dept. (TX); Chief (Ret) Joseph J. Vince, Jr., Crime Gun Analysis Branch, ATF (VA); Chief Garnett F. Watson, Jr., Gary Police Dept. (IN); and Hubert Williams, President, The Police Foundation (DC).

Mr. VAN HOLLEN. Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. SMITH).

Mr. SMITH of Texas. Mr. Speaker, I thank the gentleman from Wisconsin (Mr. SENSENBRENNER), the chairman of the Committee on the Judiciary, for yielding me this time.

Mr. Speaker, my home State of Texas is well known for the number of residents who enjoy hunting and value their right to own a gun. Today firearms are found in half of all Texas households. A State law similar to S. 397 which protects the gun industry from frivolous lawsuits, in fact, is already in effect.

Texans, like most Americans, use guns for recreation, hunting, and personal protection. Unfortunately, there are some people who want to make gun manufacturers liable for what other others do with their firearms.

Our courts are already overloaded with frivolous lawsuits designed to topple industries that manufacture products a few individuals in our society have decided are not safe or appropriate for Americans to have.

□ 1045

It is the typical liberal mindset. They know better than other people what is best for them.

If this bill does not pass, Texans and other Americans will be less able to protect themselves from burglars, rapists, and murderers.

The Department of Justice estimates that 1.5 million Americans every year defend themselves using a firearm.

The Constitution protects all Americans' right to bear arms. The second amendment states, "The right of the people to keep and bear arms shall not be infringed."

Mr. Speaker, to allow frivolous lawsuits to constrain the right of Americans to lawfully use guns is both irresponsible and unconstitutional.

I urge my colleagues to support this legislation.

Mr. VAN HOLLEN. Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I really wish that today we could exercise our conscience and vote without the interference of the National Rifle Association.

I do believe in the second amendment, the Bill of Rights, that indicates that you are allowed to bear arms; but this legislation has nothing to do with the first or the second amendments, freedom of expression or the right to bear arms.

More than 10 years ago, as a member of the Houston City Council, I passed the first gun safety legislation that held parents responsible for guns in their homes, that children were then able to take and cause a tragedy. I remember the physician of the Texas Medical Center, Texas Children's Hospital Emergency Room, coming and testifying. I remember a parent coming and holding a very limp child, a paraplegic. They stood before us and they said this is the result of a shooting by a gun by a child who got the gun because of an irresponsible parent. That has not stopped the State of Texas and hunters from going to hunt. In fact, it has been noted that it saved lives and saved dollars.

Here we now have legislation with a blocked rule that suggests that no one can sue, no one can bring a suit of liability against gun manufacturers, and we are now suggesting that this is embedded in the likes and the hearts of the second amendment.

Is it the second amendment that says to a Philadelphia mother who won a settlement of only $850,000 from a gun dealer who negligently sold multiple guns to a gun trafficker, a child found one of the guns on a street in Philadelphia and accidently shot the mother's 7-year-old son, is there some reason, Mr. Speaker, we should not have these kinds of lawsuits? Is there some reason, Mr. Speaker, that this now putting forward only a negligence per se exception will, in fact, disallow States like Arkansas, Louisiana, Maine, Massachusetts, Nebraska, North Dakota, Rhode Island, Vermont, Washington, West Virginia, the citizens in those particular States cannot sue at all because they cannot meet the standard because there is no such standard as negligence per se?

It is unfortunate that the amendments that we were prepared to offer were not accepted; and as presently written, H.R. 800 makes individuals who sell machine guns, semiautomatic weapons, and large capacity ammunition feeding devices immune from that lawsuit, the same kind of bill that we have here before us.

In my own State of Texas, a San Antonio police officer named Hector Garza was brutally murdered when he responded to a family violence call. His assailant was armed with a MAC–10 semiautomatic pistol and AK–47 assault rifle. The shooter also murdered his wife and shot his uncle in the leg. Police Chief Al Phillips said that with the fire power the shooter possessed, the incident might have turned into a bloodbath and he could have killed multiple officers.

This is wrong-headed and misdirected. It is time now for us to vote this legislation down. What a shame for the NRA to buy this Congress.

Mr. Speaker, I oppose this legislation, S. 397, the Protection of Lawful Commerce in Arms Act, just as I did with my colleagues in the case of H.R. 800 in the Judiciary Committee and H.R. 1036 during the 108th Congress. Just as in the case of the malignant Bankruptcy legislation, S. 256, that finessed itself to the House floor for consideration and then to passage into law, H.R. 1036 passed in Committee body last Congress without having given many members the opportunity to have very substantive amendments considered—shielded by "parliamentary inquiry."

So too did Members have very important proposals to improve this very troubled piece of legislation. S. 397, like its predecessor and House companion in the 108th Congress, seeks to shield irresponsible gun manufacturers, vendors, dealers, distributors, and importers from liability under the guise of protection from "frivolous lawsuits."

As the Democrats of this Committee stated quite eloquently in its "Dissenting Views" (108–59), courts around the country have recognized that precisely the types of cases that would be barred by this bill are grounded in well-accepted legal principles, including negligence, products liability, and public nuisance. These courts have held that those who make and sell guns—like all others in society—are obligated to use reasonable care in selling and designing their product, and that they may be liable for the foreseeable injurious consequences of their failure to do so even if those foreseeable consequences include unlawful conduct by third parties. This bill, if enacted, would nullify these decisions, rewriting and subverting the common law of those States, and then, only with respect to a particular industry.

In the past iteration of this legislation, I offered an amendment that would exempt from the scope of the bill any lawsuit brought by a plaintiff who was harmed as the result of an unlawful transfer of a machine gun, semi-automatic assault weapon, or large capacity ammunition feeding device.

The U.S. Code, in Section 922 of Title 18, makes it unlawful for a person from transfer or possess a machine gun, semi-automatic assault weapon, or large capacity ammunition feeding device.

In addition, before the Committee on Rules earlier this week, I joined my colleague from California, Ms. LOFGREN in offering an amendment captioned "Lofgre_044," that proposes an additional exception to the definition of "qualified civil liability action" for law enforcement officers acting in that capacity. This legislation creates very overbroad prohibitions for civil lawsuits against manufacturers, distributors, dealers, or importers of firearms, and this amendment seeks to protect one of many classes of parties that might be aggrieved as a result of firearm use.

While I do sit on the Committee on Homeland Security, one does not have to sit on this body to know that our first responders need and deserve protection from unintended situations. These men and women sit at the front line and are the first to act when our Nation is threatened. The de minimis effort that we as legislators can give is to protect legitimate claims filed by them in connection with the use of firearms.

The amendment did not say that gun dealers should be liable simply because they sold a gun that was used in a crime, nor does it say that the families of all 297 officers shot to death between 1997 and 2001 should be able to recover. It simply stated that when a gun dealer sells 12 or 50 or 100 guns to a person who is clearly going to turn around and sell those guns on the street, that dealer should be held accountable. Now, the proponents of this bill may argue that the negligence per se exception protects police officers because it allows suits against dealers who violate other statutes, like the Brady Act. But that is simply not true. It would not have protected Mr. Lemongello, who brought his suit in a State that does not recognize the doctrine of negligence per se. I would also point out that this bill steps all over States' rights. As we've seen, with the Schiavo case and other tort reform efforts, the leadership of the House is all too eager to ignore principles of federalism when it suits their ideological needs. I believe that this bill is just another example of that principle.

More than 30,000 gun deaths occur each year, so the almost blanket immunization from suit proposed in this legislation represents nothing more than an unwarranted and unjust special interest giveaway to the powerful gun lobby and a shameful attack on the legal rights of countless innocent victims of gun violence. Never before has a class of persons harmed by the dangerous conduct of others been wholly deprived of the right to legal recourse.

The Lofgren-Jackson Lee amendment would have protected the right to sue for members of the law enforcement community along with their spouses or next of kin in the event of their wrongful death. I urge my colleagues to support this important amendment.

As presently written, H.R. 800 makes those individuals who sell machine guns, semi-automatic weapons, and large capacity ammunition feeding devices immune from suit. It makes no sense that the sellers of weapons that have been banned by Congress can avoid civil liability when the guns they sell are used in crimes.

Congress has enacted this ban on machine guns, semi-automatic assault weapons, and large capacity ammunition feeding devices for an obvious reason—these assault weapons are dangerous.

The deadly characteristics of semi-automatic weapons and assault rifles was tragically illustrated in my home state of Texas. A San Antonio police officer named Hector Garza was brutally murdered when he responded to a family violence call. His assailant was armed with a Mac–10 semi-automatic pistol and an AK–47 assault rifle. The shooter also murdered his wife and shot his uncle in the leg. Police Chief Al Phillipus said that with the firepower the shooter possessed the incident "might have turned into a bloodbath" and he "could have killed multiple officers."

I will offer this amendment because the exceptions to the general ban on lawsuits against gun manufacturers and merchants is too narrow. One such narrow exception allows the victims of gun violence to sue a gun seller only if the gun purchaser is subsequently convicted of the gun-related crime.

This exception is insulting to the victims of gun violence. It prioritizes the rights of negligent gun sellers and criminals before the rights of the victims of gun violence.

H.R. 800 should be amended to allow the victims of gun violence to seek civil damages when there are allegations of wrongdoing. Under this amendment, the victims of gun violence will not have to wait for a criminal conviction in order to seek justice.

To make those individuals who sell Congressionally banned machine guns, semi-automatic assault weapons, and large capacity ammunition feeding devices liable for their negligent acts. I also offer this amendment so that the victims of gun violence can seek civil damages prior to the conviction of the gun purchaser.

In addition, I will offer an amendment that will exempt from the scope of the bill those lawsuits involving injury or death to minors under the age of 16.

As presently written, S. 397 prohibits all civil lawsuits against gun manufacturers, dealers, distributors, and trade associations for damages resulting from the criminal or unlawful gun use by the injured person or a third party.

There are a few limited exceptions to the overall ban. However, none of the exceptions in the bill protects the rights of minors, or the parents of minors, to sue for civil damages when a minor is injured or killed by a gun that is negligently or recklessly manufactured or distributed.

As it is presently written, a gun merchant could negligently or recklessly sell a gun to a criminal. That gun could then be used to seriously injure or kill a minor. Under S. 397, the negligent gun seller would be immune from any civil liability.

It is absurd to deny the families of children killed or injured by the negligence or recklessness of gun distributors an opportunity to sue. At the very least, the victims of gun violence and their families deserve an opportunity to have their claims heard by a judge and jury.

It is certainly foreseeable that some guns will accidentally fall into the hands of children and serious injuries or tragic deaths may result. Those gun distributors and sellers who fail to conduct adequate background checks, or fail to take other measures to ensure that guns to do not fall into criminal hands should not be free from liability. Gun merchants have a responsibility to conduct their business safely and protect the lives of children. When they fail to do so they should be held accountable in a court of law.

Gun manufacturers and merchants should be liable in courts of law when their negligent acts result in the death or injury to a minor.

Mr. Speaker, this is a bad bill, and the amendments that strive to make some improvements that will provide relief to parties that need protection were closed out without consideration. For the reasons above stated, I reject this legislation and I urge my colleagues to join me.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. BOUCHER), my Democratic colleague on the Committee on the Judiciary.

Mr. BOUCHER. Mr. Speaker, I thank the gentleman for yielding me time.

I rise in support of S. 397, the Protection of Lawful Commerce in Firearms Act.

It will prohibit lawsuits against firearms manufacturers, legal distributors, dealers or importers for damages resulting from the misuse of a firearm by a third party.

The bill is very similar to a House bill that I joined with the gentleman from Florida (Mr. STEARNS) in sponsoring earlier this year. Our House bill achieves the same objectives as the Senate bill now before us, and the House bill has been cosponsored by 257 Members of this body.

The lawsuits against the firearms industry are nothing more than thinly veiled attempts to circumvent the legislative process and achieve gun control through litigation.

Frustrated that Congress and most State legislatures have rejected repeated attempts to have gun control imposed, some have now turned to the courts in their effort to limit the legal availability of firearms.

I want for my constituents and for all Americans to be able to purchase guns for lawful purposes. The vast majority of gun owners use their firearms responsibly. They should not be restricted in their future purchases because the threat of lawsuits has rendered the American market economically unattractive for the manufacturers.

While the bill before us will prohibit lawsuits against manufacturers and others in the chain of distribution based upon misuse of the firearm, it does not interfere with traditional remedies for damages resulting from defects or design in the manufacture of products.

The bill provides no shelter to those who would sell firearms illegally. It does not affect suits against anyone who has violated other State or Federal laws.

This bill is a commonsense measure to eliminate lawsuits which unjustly interrupt the legal sale of a legal product.

A majority of States, including my home State of Virginia, enacted similar laws prohibiting these suits.

With our votes today, we will provide a much-needed additional response. I urge approval of the measure.

Mr. VAN HOLLEN. Mr. Speaker, I wish my colleague from Virginia would come meet with 10 families from the Washington area who had victims killed during the sniper attacks 3 years ago, as well as the police officers from New Jersey, and tell them that those lawsuits were frivolous lawsuits.

Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. FARR).

Mr. FARR. Mr. Speaker, I rise in strong opposition to this bill.

I would first like to say that I support the rights of gun owners and hunters, but this bill makes it clear this is not about the second amendment. This bill is about a direct assault on our civil justice system that endorses unscrupulous corporate behavior.

Once again, with this bill, democracy has been thwarted by bringing this bill to the floor. Very reasonable amendments were offered, but the majority adopted a restrictive rule that prevented them from being heard on the floor today.

One of those amendments would have expanded the ban on armor-piercing bullets also. For God's sake, who in this country needs to own armor-piercing bullets?

We are not legislating via the intended democratic process. The people of this country want and deserve an open and participatory government, not law by fiat.

I urge a strong "no" vote on this bill.

Mr. SENSENBRENNER. Mr. Speaker, I yield 5 minutes to the gentleman from Florida (Mr. STEARNS), the principal author of the bill.

Mr. STEARNS. Mr. Speaker, I thank the distinguished chairman of the Committee on the Judiciary for his help in bringing this bill to the floor. He has been a leader on this bill in shepherding it through the Committee on the Judiciary time and time again.

I also want to thank my colleague from Virginia (Mr. BOUCHER) for introducing this bill with me through the last three sessions of Congress and all the other Members who have strongly supported the Protection of Lawful Commerce in Arms Act over the years.

Mr. Speaker, this is a bipartisan bill. Almost the same bill passed this House on this floor 285 to 140. Over 60 Democrats supported it.

This legislation will stop baseless lawsuits against gun manufacturers or dealers based on the criminal or unlawful third-party misuse of firearms.

This may seem like an obvious idea. After all, would we hold a car company responsible if a driver gets drunk or reckless and hits somebody with a vehicle? Of course not. This is the United States of America where we are responsible for our own actions; but yet these frivolous lawsuits against a vital, legitimate and perfectly lawful industry have continued unabated for the last several years in the simple hope of bankrupting this industry.

This is a commonsense, logical piece of legislation whose time has come. The States, the courts and the American people have decided again and again that these harmful and baseless lawsuits are unfair and must be done away with.

If anyone does not believe me, let us take a look at this map. It shows that 33 States, or two-thirds of the United States, have laws prohibiting these same frivolous lawsuits. These States consider it fair and just to prevent these junk lawsuits. I am proud to say my home State of Florida is one of those States. The bill we are considering today is designed to simply mirror these States and what they have done to provide a unified system of laws United States-wide.

There have also been dozens and dozens of lawsuits at the local, State, and Federal levels which have rejected this theory that gun manufacturers should be held liable for what violent criminals do with their lawful products.

I have three charts here which list in detail these cases. It is really quite impressive the number of these frivolous lawsuits that have been rejected out of hand.

If my colleagues would bear with me, I would like to focus on a recent case in this last chart which is circled. This case took place in the County of Los Angeles, California. The cities of Los Angeles, San Francisco, and 12 other California municipalities filed lawsuits against 28 manufacturers, six distributors and three associations. This was a mammoth case and they lost. They appealed it, and it was unanimously upheld by a lower court and the appellate court.

I would remind my colleagues that this is an idea that has been enormously popular with the public, also. A March 2005 poll conducted by the Moore Information Public Information Research Company showed that a remarkable 79 percent of the American people believe that firearm manufacturers should not be held legally responsible for violence committed by armed criminals.

The fact of the matter is that there are several pending lawsuits which continue to abuse the judicial system and would threaten legitimate, lawful businesses, including in New York City and right here in the District of Columbia.

We must also consider that just the mere threat of these suits or taking the first couple of legal steps to defend these suits simply can be enough to force some of the smaller companies out of business. As one proponent of this tactic once bragged, we are going to make the gun industry die a "death by a thousand cuts."

This legislation will end these coercive and undemocratic lawsuits.

I remind my colleagues and those who are watching at home that this legislation is very narrowly tailored to allow suits against any bad actors to proceed. It includes carefully crafted exceptions to allow legitimate victims their day in court for cases involving defective firearms, breaches of contract, criminal behavior by a gun maker or seller, or the negligent entrustment of a firearm to an irresponsible person.

In conclusion, Mr. Speaker, I am pleased that we are voting on this bill. It has been a 6-year effort. It is with a great deal of satisfaction to the 257 bipartisan cosponsors that this bill, H.R. 800, as amended by the Senate and passed by the Senate two to one, 65 to 31, is poised to pass in this Congress as a bipartisan law.

I urge my colleagues to join with us in voting for this piece of legislation.

Mr. VAN HOLLEN. Mr. Speaker, it seems that the charts that my colleague showed listing all the lawsuits actually make the case for how the system is working because, as he knows, many of those cases have been dismissed by the court. The court looked at them; and those cases that were frivolous, it decided to dismiss.

So why are we trying to change the rules? It is because there are some cases that have merit, like the sniper cases and others, that would continue to go through, and under this legislation, they will not. Why change the rules to deny legitimate victims their day in court?

Mr. Speaker, I yield 3 minutes to my colleague from New York (Mrs. MCCARTHY) who has been such a leader on this important issue in protecting the victims of gun violence.

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Mrs. MCCARTHY. Mr. Speaker, I thank my colleague from Maryland for doing such a wonderful job on handling this issue.

Let me first say something. The legislation in front of us, as far as I am concerned, is frivolous. When we think about the millions and millions of lawsuits that have been filed over the last 10 years, only 57 have actually involved the gun industry, 57, and for that we are taking time up here in Congress.

We hear constantly that this is a good bipartisan bill, that over 200 of our Members, Republicans and Democrats, basically support this legislation. May I remind many of my colleagues that the NRA has put extraordinary pressure on Members, and certainly even in the States.

With that being said, there are people out there that need to protect our victims, and they should be protecting our victims. My family went through a terrible tragedy years ago, and it was because of gun violence.

Now, they are saying that the gun industry has nothing to do with the person that buys the gun. Well, I say they do have a purpose. We know that the gun industry, when they ship the guns to gun dealers, and then a gun is used in the commission of a crime, through the tracing it goes back to the gun dealer to say that this store bought the gun from here. They keep statistics on this. In New York State, over 60 percent of the guns used in crime are traced back to the manufacturers.

With that being said, the majority of our gun stores are legitimate owners. But again, 1 percent is causing over 60 percent of the harm in this Nation. With this bill that is going to be passed today, and it will be passed today and will be signed by the President, is not doing any favor for the citizens of the United States.

Our courts are working, and they should continue to work. But again, it comes down to where the victims should be allowed to have their day in court. What we are doing to the gun industry is allowing them to have a blanket, a blanket. My colleagues say that we can have our day in court. The hoops that they will have to go through will make it near impossible.

The States that have the right, through their attorneys general, to sue the gun manufacturers should have their day in court. We are not looking to put anyone out of business. We are not looking to take the right of someone to own a gun, but the gun industry and these bad dealers are costing this country over $100 billion in health care every single year, and here we are going to give them blanket immunity.

I do not understand this. This is not common sense. This is not protecting the American people. And when the American people and my gun owners hear exactly what should be done, they agree with us. It is up to the American people to have their voices heard.

I urge my colleagues to defeat this legislation. It is not good for the American people, it is not good for the health care system.

Mr. SENSENBRENNER. Mr. Speaker, I yield 1 minute to the gentleman from Indiana (Mr. PENCE).

Mr. PENCE. Mr. Speaker, I thank the chairman for yielding me this time and I thank him and the gentleman from Florida (Mr. STEARNS) for their visionary leadership on this bipartisan legislation.

The right to keep and bear arms is enshrined in the second amendment of the Constitution of the United States, and the Protection of Lawful Commerce in Arms Act today will reaffirm our Nation's ability to keep, bear, and manufacture lawful firearms in the United States of America. By passing this bill, Congress will prevent one or a few State courts from bankrupting the national firearms industry with baseless lawsuits.

Mr. Speaker, a gun, by its very nature, is dangerous. But throughout the history of tort law in this Nation, we have built on the principle of individual responsibility in which a product may not be defined as defective unless there is something wrong with the product, not with the way that it is used. The progeny of cases that have emerged in recent years against gun manufacturers flies in the face of both our Constitution as well as the history of common law and its tradition.

It is time for Congress to fulfill its congressional duty, exercise its authority under the commerce clause, and prevent a few State courts from bankrupting our national firearms industry that has as its foundation our constitutional right to keep and bear arms.

Mr. VAN HOLLEN. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. MEEHAN).

Mr. MEEHAN. Mr. Speaker, the gun industry would like to see this legislation passed today so that they can protect their profits. But I would like to talk about the real people who will be affected by this bill, people who have suffered enough.

I would like to talk about a 26-year-old father of two from my home State of Massachusetts whose death was a direct result of negligence by a gun maker. Five years ago, Danny Guzman was leaving a holiday party to go home to see his daughters, Tammy and Selena, but he never made it home. Standing on the street, Danny Guzman was struck down by a stray bullet fired from a 9 millimeter handgun. That gun that killed him made its way into criminal hands because a gun factory employee had stolen it from his workplace and sold it on the black market.

But this is no isolated incident. In that same year, over 25,000 guns hit America's streets after being stolen or lost under suspicious circumstances. And, according to court testimony in the case, stealing guns happened at the plant "all the time," and it happened all the time because no system was in place to prevent theft. It happened all the time because the gun company was negligent. And, in this particular case, the employee got his job at the gun plant despite a criminal record that included a history of drug abuse, theft, and violence.

Mr. Speaker, when big tobacco lied about the dangers of smoking, we held them accountable. When the pharmaceutical industry markets dangerous drugs, we hold them accountable, too. But what do we do when gun makers and dealers ruin countless lives through their reckless behavior, through their negligence? This House considers legislation to provide them special protection and to deny gun victims and their families the justice they deserve.

If this bill becomes law, the Guzman family in Massachusetts, in addition to losing a husband, a son, and a father, will lose their right of legal recourse and justice. It would be an unspeakably cruel case of justice denied.

I strongly oppose this legislation and I urge my colleagues to do the same. Businesses in the firearms industry do not deserve special treatment under the law.

Mr. SENSENBRENNER. Mr. Speaker, I yield 1 minute to the gentleman from Colorado (Mr. SALAZAR) who is always welcome on this side of the aisle.

Mr. SALAZAR. Mr. Speaker, I thank the gentleman for yielding me this time. I rise today in support of Senate bill 397, the Protection of Lawful Commerce in Arms Act. I would like to thank the gentleman from Florida (Mr. STEARNS) and the gentleman from Wisconsin (Mr. SENSENBRENNER) and the Committee on the Judiciary for all their hard work on this much-needed piece of legislation.

Mr. Speaker, I consider myself a strong supporter of the second amendment to our Constitution and truly believe in the rights of Americans to keep and bear arms.

For a long time, I have been very dismayed at the anti-gun lobby's effort to litigate the gun industry to death. Taking gun manufacturers, wholesalers, and distributors to court for the actions of criminals is ludicrous. These are mostly small to medium-sized business owners who cannot afford to pay lawyer fees to avoid lawsuits.

Senate bill 397 is a bipartisan effort to reform the civil liability system to ensure that those who lawfully make and sell firearms cannot be held liable for the misuse and criminal use of those firearms.

The current system is equivalent to someone stealing my Chevrolet truck, committing a crime with it, and then GM being sued for millions of dollars for their misdeeds. Now this, to me, is ridiculous. It is time for Congress to derail the efforts of certain organizations whose aim is to bankrupt the firearms industry through litigation.

I urge my colleagues on both sides of the aisle to join me in supporting Senate bill 397, a commonsense measure to protect small businesses and preserve the second amendment rights of American citizens.

Mr. VAN HOLLEN. Mr. Speaker, I yield myself such time as I may consume.

I want to address an issue we have not covered this morning, which deals with the question of terrorists trying to get their hands on guns in this country. We know from our reports and records that Osama bin Laden and other terrorists have said to their terrorist network that they can easily obtain weapons in the United States, and we know from a government accountability study from January of this year that between February 3 and June 20 of 2004, 35 known or suspected terrorists, those are people who are on the terrorist watch list, purchased guns in the United States, and that from July 1 through October 31 of last year 12 additional people on the terrorist watch list purchased guns in the United States.

Now, I think many Americans would be surprised to know that you can be on the terrorist watch list and you can go to the airport and try and board an airplane, and because you are on the terrorist watch list, we say no, we want to protect the public, we are not going to let you board this airplane and compromise the safety of other passengers on that plane. But that person can then get in their car at the airport, go to their local gun store and buy as many semiautomatic weapons as that terrorist wants. What is more, that person can walk into that gun store and say, hey, guess what? I am on the terrorist watch list, and I want 12 semiautomatic assault weapons, and under this bill, if we pass it today, we could not hold that gun store owner liable in any way for a wrongful sale.

How do I know that? We offered an amendment in committee. Very simple. Let me read the language of the amendment. We said, we do not want to except from lawsuits and liability a seller who knows that the name of the person appears in the violent gang and terrorist organization file maintained by the Attorney General and the person subsequently used the qualified product, the weapon, in the commission of a crime.

We had a vote in committee on this amendment. Every Republican member of the committee voted no, every Democratic member of the committee voted yes. The gentleman from California (Mr. WAXMAN) and I tried to get through the Committee on Rules an amendment so the whole House could consider this proposition. What did the Committee on Rules say? No.

It seems to me outrageous that we would pass a bill that would allow someone to walk into that gun store, the gun store owner knows that person is on the terrorist watch list, they sell the person a gun, the person goes out and murders people and, under this legislation, guess what? You can no longer hold them liable. That is a shame.

Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, the plain language of the bill says that the hypothetical the gentleman from Maryland just talked about falls under the negligent entrustment exemption from the bill, so a lawsuit could proceed. Read the bill.

Mr. Speaker, I yield 2 minutes to the gentleman from Kentucky (Mr. DAVIS).

Mr. DAVIS of Kentucky. Mr. Speaker, I am a lifetime member of the National Rifle Association and a life-long shooting sports enthusiast. I have been an outspoken supporter of second amendment rights and strongly support the original intent of this bill.

I regret the legislation we are voting on today contains the Kohl-Reed storage device amendment. We need to protect the firearms industry, an industry I would like to remind my colleagues on the other side of the aisle is responsible for arming our troops, our law enforcement professionals, including the Capitol Police. But responsible gun owners should not have further limits placed on their second amendment rights. Unfortunately, it has become necessary to enact legislation to protect responsible owners, manufacturers, and sellers from frivolous liability lawsuits and criminals and others who irresponsibly handle firearms.

The original legislation from the House had 257 cosponsors and the original bill in the Senate, which did not contain the Kohl-Reed amendment, had 62 cosponsors. I do not understand why then we are about to pass a measure that is a compromise of the two bills that were overwhelmingly supported by both Chambers.

Among the provisions of this amendment is a requirement of using devices like a trigger lock to protect an individual from a release of liability if a criminal should take their weapon. For example, trigger locks can violate a fundamental safety rule of keeping everything out of the trigger guard until ready to shoot. The very real safety hazard is that the lock could actually depress the trigger as it enters the trigger guard if the weapon is not cleared.

Having said that, though, I think it is very important and I urge my colleagues to support the Protection of Lawful Commerce in Arms Act, because we need to take immediate steps to protect the firearms industry and manufacturers and responsible gun owners from the liberal left's culture of frivolous litigation and to legislate by lawsuit.

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Mr. VAN HOLLEN. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, let me mention that the gentleman from Maryland (Mr. VAN HOLLEN) has a long and prominent history in knowing the laws of this Nation in his earlier life, and as well rendering them in the proper manner.

And I want to follow the comments that you made about the amendments offered in the committee, and as well make mention of the fact of the kind of complete reckless, if you will, lacking of sensitivity, to putting forward real balanced legislation.

In our dissenting views, the Democrats of this committee mentioned courts around the country, and by the way, there are views about gun safety across the aisle. But courts around the country have recognized that precisely the types of cases that would be barred by this bill are grounded in well-accepted legal principles, including negligence, products liability and public nuisance.

These courts have held that those who make and sell guns, like all others in society, are obligated to use reasonable care in selling and designing their products and that they may be liable for foreseeable injurious consequences.

The courts have answered this question. They have rejected frivolous lawsuits. And those that have merit they have accepted. I offered an amendment that would exempt from the scope of the bill any lawsuit brought by a plaintiff who was harmed as a result of an unlawful transfer of a machine gun, semi-automatic assault weapon, or large-capacity ammunition feeding device.

These particular arms, illegal. And therefore the manufacturer does have some liability in it. And this latest offering of the bill, the gentlewoman from California (Ms. ZOE LOFGREN) and myself offered a bill that would exempt law enforcement officers.

This bill does not even exempt law enforcement officers. And even in this climate of homeland security, it is well known that our first responders need to be protected by the reckless use of machine guns and AK-47s. And this legislation turns a blind eye to reality. It turns a blind eye to the shooting of children. It turns a blind eye to the sniper in Washington, to the Philadelphia mother.

I ask my colleagues to vote against this legislation. This is not the second amendment. This is the NRA free legislation.

Mr. SENSENBRENNER. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Mr. Speaker, I rise in strong support of S. 397, the Protection of Lawful Commerce in Arms Act, and thank the chairman of the Judiciary Committee, the gentleman from Wisconsin, for bringing this legislation forward.

The second amendment to the U.S. Constitution clearly declares that the rights of citizens to keep and bear arms shall not be infringed. Despite this fundamental protection, an extreme minority determined to restrict the supply of firearms and firearms ownership has discovered a new tool, frivolous lawsuits.

Recently, more than 30 cities and counties have filed lawsuits against the firearms industry alleging that the industry is liable for the actions of third parties, including those that use lawful firearms in a criminal manner. Many legitimate firearms manufacturers could be forced to go out of business due to the prohibitive costs of defending these targeted lawsuits.

If the courts are so allowed to decide the fate of gun manufacturers, then the trial lawyers and the courts will effectively be regulating the supply of firearms and thus the right of citizens to bear arms.

However, legislatures, not courts, are the proper forums for deciding the scope of regulation for the firearms industry. S. 397 would prevent plaintiffs from bringing civil actions against firearm manufacturers and sellers for the criminal or unlawful misuse of third parties of properly made firearms. This bill will help to put an end to the judiciary legislating in the firearms field.

It will also serve as an important statement that responsibility for wrongdoing should rest with the wrongdoer. As Oliver Wendall Holmes stated in an 1894 Harvard Law Review article: "Why is not a man who sells firearms answerable for assaults committed with pistols bought of him since he must be taken to know the probability that sooner or later someone will buy a pistol of him for some unlawful end?"

The principle seems to be pretty well established in this country, at least, that everyone has a right to rely upon his fellow man acting lawfully. Over 30 States have enacted legislation to prevent junk lawsuits against the firearms industry based on the criminal behavior of others. These States have thus declared that the responsibility for wrongdoing should rest with wrongdoers. Congress should follow the States' lead and pass S. 397.

The House has passed the Protection of Lawful Commerce in Arms Act on several occasions. Now the Senate has passed it. We have a chance to send this bill to the President of the United States.

I urge my colleagues to support this important legislation.

Mr. VAN HOLLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I will include in the RECORD the following letters in opposition to S. 397. Letters from the ABA, letters from two former directors of the ATF, a letter from a number of nationally recognized organizations, and letters from a number of law professors.

Mr. Speaker, a moment ago, I raised the scenario of a terrorist getting denied access to an airplane because they are on the terrorist watch list going down to a local gun shop and saying, You know, I am on that watch list, can I get some guns? And under this legislation, that individual would be allowed to purchase those guns.

I have read the bill, and that is why I offered the amendment in committee. And what the bill says very clearly under negligent entrustment is essentially if the gun dealer knows or should know that the person to whom the product is supplied is likely to use the product in a manner involving unreasonable risk of physical injury.

Now, we all might say common sense tells us that that would cover a person on the terrorist watch list. But you know what, that is not what the explanation was in committee. In fact, I have the committee transcript here, and the gentleman from Utah (Mr. CANNON) stated that the reason that they did not want to adopt the amendment was not because the bill already covered that scenario. The real reason was they have questions about the reliability of the terrorist watch list and whether or not someone who is on the terrorist watch list is legitimately put there.

Well, here is the question. If the terrorist watch list is good enough to deny someone access to an airplane because that will put the public safety at risk, why is it not good enough to deny someone a firearm who goes down to the local gun store?

We have tried to make it a condition that people who are on the terrorist watch list cannot purchase weapons at gun stores. The Attorney General in testimony before our committee said maybe we should think about that. We have not passed that as a Congress.

And so for the chairman of the committee to say that the gun store owner will be assumed to know that person is a danger, when the United States Congress and the Judiciary Committee have refused to make that decision, it is just plain wrong. The Congress has not gone on record saying that someone on the terrorist watch list should not get a gun. Why should we expect a gun dealer and seller to do that?

So this does open a loophole that would allow exactly the scenario I talked about.

It would close the door on lawsuits by the victims of the snipers in this area. The letters I submitted for the RECORD from law professors and others make it absolutely clear that that is what this does.

Look, we have got a system for bringing lawsuits. We heard from the author of the bill, the gentleman from Florida (Mr. STEARNS), a number of cases that were filed that he said were frivolous. Most of those cases were in fact dismissed from the courts.

The system is working. Frivolous lawsuits were dismissed. But what this legislation would do is to change the rules. It does not have to change the rules to protect the ones that were dismissed; they have been dismissed under the existing rules. So why are we changing them? Because we want to deny people who bring legitimate suits today, people like the families of the sniper victims, people like the officers from New Jersey, the police officers, who I must point out, again, and emphasize obtained settlements in those lawsuits.

We want to close the courthouse door on them. I would just ask a very simple question, Mr. Speaker, my colleagues. We have a bill here saying we are going to protect the Lawful Commerce in Arms Act, which in fact changes the rules to make what is today unlawful, lawful.

Why do we not go about the business of passing legislation to protect the victims of gun violence rather than that small handful of bad-apple gun dealers who wrongfully and negligently help put the guns in the hands of killers in this country and allow them to go on the kind of rampage that leads to the death of so many people.

The killers are in jail. Thank God for that. But why should someone who is known to be negligent, who the ATF found to be negligent and later closed the gun shop, why should that person not be liable for their contribution to the negligence and to the deaths and sufferings that were faced by those families? Let us get about protecting the victims.

Mr. Speaker, the material I previously referred to is as follows:

AMERICAN BAR ASSOCIATION,
GOVERNMENTAL AFFAIRS OFFICE,
Washington, DC, April 4, 2005.

DEAR SENATOR: I am writing on behalf of the American Bar Association to express our strong opposition to S.397, the Protection of Lawful Commerce in Arms Act, and to similar legislation to enact special tort laws for the firearms industry. The ABA opposes S.397, and has opposed similar legislation in the past two Congresses, because we believe the proposed legislation is overbroad and would unwisely and unnecessarily intrude into an area of traditional state responsibility.

The responsibility for setting substantive legal standards for tort actions in each state's courts, including standards for negligence and product liability actions, has been the province of state legislatures and an integral function of state common law since our nation was founded. S.397 would preempt state substantive law standards for most negligence and product liability actions for this one industry, abrogating state law in cases in which the defendant is a gun manufacturer, gun seller or gun trade association, and would insulate this new class of protected defendants from almost all ordinary civil liability actions. In our view, the legitimate concerns of some about the reach of a number of suits filed by cities and state governmental units several years ago have since been answered by the deliberative, competent action of state courts and within the traditions of state responsibility for administering tort law.

There is no evidence that federal legislation is needed or justified. There is no hearing record in Congress or other evidence to contradict the fact that the state courts are handling their responsibilities competently in this area of law. There is no data of any kind to support claims made by the industry that it is incurring extraordinary costs due to litigation, that it faces a significant number of suits, or that current state law is in any way inadequate. The Senate has not examined the underlying claims of the industry about state tort cases, choosing not to hold a single hearing on S.397 or its predecessor bills in the two previous Congresses. Proponents of this legislation cannot, in fact, point to a single court decision, final judgment or award that has been paid out that supports their claims of a "crisis". All evidence points to the conclusion that state legislatures and state courts have been and are actively exercising their responsibilities in this area of law with little apparent difficulty.

S. 397 proposes to exempt his one industry from state negligence law. The proposed federal negligence law standard will unfairly exempt firearms industry defendants from the oldest principle of civil liability law: that persons, or companies who act negligently should be accountable to victims harmed by this failure of responsibility. Negligence laws in all 50 states traditionally impose civil liability when individuals or businesses fail to use reasonable care to minimize the foreseeable risk that others will be injured and injury results. But this proposed legislation would preempt the laws of the 50 states to create a special, higher standard for negligence actions for this one protected class, different than for any other industry, protecting them from liability for their own negligence in all but extremely narrow specified exceptions. The ABA believes that state law standards for negligence and its legal bedrock duty of reasonable care should remain the standard for gun industry accountability in state civil courts, as these state standards for the rest of our nation's individuals, businesses and industries.

The proposed federal product liability standards will unfairly insulate firearm industry defendants from accountability in state courts for design defects in their products. The proposed new federal standard would preempt the product liability laws in all 50 states with a new, higher standard that would protect this industry even for failing to implement safety devices that would prevent common, foreseeable injuries, so long as any injury or death suffered by victims resulted when the gun was not "used as intended".

Under existing product liability laws in most states, manufacturers must adopt feasible safety devices that would prevent injuries caused when their products are foreseeably misused, regardless of whether the uses are "intended" by the manufacturer, or whether the product "fails" or "improperly" functions. Thus automakers have been held civilly liable for not making cars crashworthy, even though the "intended use" is not to crash the car. Manufacturers of cigarette lighters must make them childproof, even though children are not "intended" to use them. Under this proposed legislation, however, state laws would be preempted so that gun manufacturers would enjoy a special immunity.

Enactment of S. 397 would also undermine responsible federal oversight of consumer safety. The broad and, we believe, unprecedented immunity from civil liability that would result from enactment of S. 397 must be viewed against the existing legal backdrop of the present, unparalleled immunity the firearms industry enjoys from any federal safety regulation. Unlike other consumer products, there is no federal law or regulatory authority that sets minimum safety standards for domestically manufactured firearms. This is because the firearms industry was able to gain an exemption for firearms from the 1972-enacted Consumer Product Safety Act, the primary federal law that protects consumers from products that present unreasonable risk of injury. Over the last 30 years, an average of 200 children under the age of 14 and over a thousand adults each year have died in gun accidents which might have been prevented by existing but unused safety technologies. A 1991 Government Accounting Office report estimated that 31 percent of U.S. children's accidental firearm deaths could have been prevented by the addition of two simple existing devices to firearms: trigger locks and load-indicator devices. Sadly, these minimal safety features are still not required.

This bill, if enacted, would insulate the firearms industry from almost all civil actions, in addition to its existing protection from any consumer product safety regulations. Such special status for this single industry raises serious concerns about its constitutionality; victims of gun violence have the right—as do persons injured through negligence of any party—to the equal protection of the law.

The risk that states may at some future date fail to appropriately resolve their tort responsibilities in an area of law—where there is no evidence of any failure to date—cannot justify the unprecedented federal preemption of state responsibilities proposed in this legislation. The ABA believes that the states will continue to sort out these issues capably without a federal rewriting of state substantive tort law standards. The wiser course for Congress, we believe, is to respect the ability of states to continue to administer their historic responsibility to define the negligence and product liability standards to be used in their state courts. For these reasons, we urge you to reject S. 397.

Sincerely,

ROBERT D. EVANS.

DEAR SENATORS AND REPRESENTATIVES: The undersigned former Directors of the Bureau of Alcohol, Tobacco, and Firearms ("ATF") write to express our grave concern over pending legislation that the Congress is now considering. S. 397 and H.R. 800 would provide sweeping immunity to members of the gun industry in numerous cases. While there are many disturbing aspects to this bill from a policy perspective, this letter concerns one that is especially disturbing to us, as it threatens ATF's ability to fully and effectively enforce our nation's gun laws.

Supporters of gun industry immunity have added language to S. 397 and H.R. 800 that was not included in the gun immunity bills considered by the last Congress (H.R. 2037, S. 659, S. 1805, and S. 1806). This new language includes provisions that threaten to block law enforcement efforts by the ATF, as well as state governments. Specifically, the legislation would now prohibit certain law enforcement "administrative proceeding(s)." §4(5)(A). This goes well beyond barring civil damages suits, and is apparently intended to curtail law enforcement proceedings against gun sellers who violate the law. Given the serious and persistent danger posed to society by irresponsible gun sellers who supply the criminal gun market and other prohibited purchasers, we find it outrageous that Congress would contemplate tying the hands of law enforcement to protect scofflaw dealers.

This broad new language threatens to block any ATF "administrative proceeding" that seeks "fines, or penalties, or other relief" resulting from unlawful use of firearms by third parties. §4(5)(A). The bill would likely prohibit ATF from initiating enforcement proceedings including those to:

Prohibit ATF from initiating proceedings to revoke a gun dealer's federal firearm license if the dealer supplies guns to criminals or other prohibited buyers. Current law enables ATF to initiate proceedings to revoke a federal firearm license if a gun dealer willfully violates federal law, such as by transferring a gun to a criminal. 18 U.S.C. §923(e).

Limit ATF's ability to prevent the importation of non-sporting firearms used frequently in crimes. Current law enables ATF to initiate proceedings to prohibit the importation of firearms that do not have a "sporting purpose." 18 U.S.C. §925(d)(3).

We know from experience how important it is that ATF be able to enforce our nation's gun laws to prevent firearms from being obtained by terrorists, other criminals, and the gun traffickers who supply them. To protect our citizens from the scourge of gun violence Congress should be strengthening our laws and increasing ATF's resources and ability to enforce those laws. To handcuff ATF, as this bill does, will only serve to shield corrupt gun sellers, and facilitate criminals and terrorists who seek to wreak havoc with deadly weapons. To take such anti-law enforcement actions in the post-9/11 age, when we know that suspected terrorists are obtaining firearms, and may well seek them from irresponsible gun dealers, is nothing short of madness.

The bill also would likely limit the ability of state attorneys general to bring actions against gun sellers who violate state law, such as those who engage in "straw sales" to someone who illegally buys guns on behalf of prohibited buyers. Had this bill been the law, California may not have been able to levy the $14.5 million fines Wal-Mart recently paid to settle a civil suit brought by the California Attorney General concerning numerous violations of state law, including sales to straw buyers. The bill would also jeopardize state and local law enforcement proceedings to shut down "kitchen table" dealers who sell guns out of their homes to criminals.

In closing, we would note that many of us have other reservations as well about substantive aspects of S. 397/H.R. 800. But even without those troublesome aspects, the restrictions placed on law enforcement should be reason enough for Congress to reject this dangerous legislation. We urge Congress to reject S. 397 and H.R. 800.

STEPHEN HIGGINS,
Director (Ret.) ATF, 1982–1995.
REX DAVIS,
Director (Ret.) ATF, 1970–1978.

DEAR MEMBER OF CONGRESS: Please oppose any legislation that would limit the legal rights of gun violence victims.

The National Rifle Association and others in the gun lobby are pushing legislation that would deprive gun violence victims of their legal rights and give special legal privileges to the gun industry (House bill H.R. 800 and Senate bill S. 397).

Similar legislation was defeated in the last Congress, and it must be stopped again in the 109th Congress.

Recently, gun violence victims have exercised their legal rights and held reckless and irresponsible gun sellers accountable:

Families of victims of the 2002 D.C.-area sniper attacks won a $2.5 million settlement from Bull's Eye Shooter Supply, the dealer who "lost" the snipers' assault rifle, and Bushmaster Firearms, the assault weapon maker who supplied Bull's Eye, while turning a blind eye to its disgraceful record of missing guns and regulatory violations. Further, as part of the settlement, Bushmaster agreed to inform its dealers of safer sales practices that will prevent other criminals from obtaining guns—something Bushmaster had never done before.

Two former New Jersey police officers, Ken McGuire and Dave Lemongello, shot in the line of duty with a trafficked gun negligently sold by a West Virginia dealer, won a $1 million settlement. The dealer had sold the gun, along with 11 other handguns, in a cash sale to what turned out to be a straw purchasing team. After the lawsuit, the dealer, as well as two other area pawnshops, implemented safer practices to prevent sales to traffickers, including a new policy of ending large-volume sales of handguns. These reforms go beyond the law and are not imposed by any manufacturers or distributors.

If the NRA's special interest legislation had passed Congress, these victims would never have obtained justice and it would be business as usual for these dangerous gun sellers.

Instead of trying to close the courthouse doors to victims, Congress should be investigating the gun industry, cracking down on the corrupt dealers who arm drug gangs and other criminals, and passing stronger laws to stop gun deaths.

Please protect gun violence victims and OPPOSE any Immunity legislation (H.R. 800/S. 397) that would deprive them of their legal rights.

Sincerely,

NATIONAL GROUPS

Alliance for Justice.
American Association of School Psychologists.
American Association of Suicidology.
Americans for Democratic Action.
American Humanist Association.
American Public Health Association.
Brady Campaign To Prevent Gun Violence United With the Million Mom March.
Child Welfare League of America.
Children's Defense Fund.
Church Women United.
Coalition To Stop Gun Violence.
Common Cause.
Congregation of Sisters of St. Agnes Leadership Team.
Consumer Federation of America.
Consumers for Auto Reliability and Safety.
Disciples Justice Action Network.
Equal Partners in Faith.
Evangelical Lutheran Church in America.
Hadassah The Women's Zionist Organization Of America.
HELP Network.
League of Women Voters of the U.S.
Legal Community Against Violence.
National Council of Jewish Women.
National Council of Women's Organization.
National Research Center for Women & Families.
Physicians for Social Responsibility.
Presbyterian Church (USA).
Public Citizen.
Religious Action Center of Reform Judaism.
States United to Prevent Gun Violence.
The American Jewish Committee.
The Ms. Foundation for Women.
The Society of Public Health Education (SOPHE).
The United States Conference of Mayors.
Unitarian Universalist Association of Congregations.
Veteran Feminists of America.
Women's Institute for Freedom of the Press.

STATE/LOCAL ORGANIZATIONS

Arizona

Physicians for Social Responsibility—Arizona Chapter

Arkansas

Arkansas Coalition Against Domestic Violence.

California

Khadafy Foundation for Non-Violence.
Concerned Citizens of Leisure World.
Sisters of Saint Joseph of Orange.
Physicians for Social Responsibility.
Marin Friends Meeting.
Orange County Substance Abuse Prevention Network.
Youth Alive.
Gray Panthers.
Society of Public Health Education.
Physicians for Social Responsibility—Sacramento.
Orange County Citizens for the Prevention Of Gun Violence.
Violence Prevention Coalition of Orange County.
Women Against Gun Violence.
Long Beach Coalition for the Prevention of Gun Violence.
Alameda County Million Mom March Chapter.
Contra Costa County Million Mom March Chapter.
Los Angeles County West Million Mom March Chapter.
Marin County Million Mom March Chapter Napa.
Solano County Million Mom March Chapter.
Nevada County Million Mom March Chapter.
Orange County Million Mom March Chapter.
Sacramento Valley Million Mom March Chapter.
San Diego County Million Mom March Chapter.
San Fernando Valley Million Mom March Chapter.
Santa Clarita Million Mom March Chapter.
Silicon Valley/Santa Clara County Million Mom March Chapter.
Sonoma County Million Mom March Chapter.
South Bay/Long Beach Million Mom March Chapter.

Colorado

Colorado Progressive Coalition.
Physicians for Social Responsibility—Colorado Chapter.
Colorado Ceasefire Capitol Fund.
Denver Million Mom March Chapter.

Connecticut

Hog River Music, LLC.
Society of Public Health Education.
Greater New Haven N.O.W.
New England Coalition To Prevent Gun Violence.
Central Connecticut Million Mom March Chapter.
Fairfield County Million Mom March Chapter.

District of Columbia

STARS.
R.O.O.T.
Life After Homicide.
Society of Public Health Education—National Capitol Area Chapter.
District of Columbia Million Mom March Chapter.

Florida

IRC Coalition Against Gun Violence.
Florida Coalition to Stop Gun Violence.
Vero Beach Coalition against Gun Violence.
Central Florida Million Mom March Chapter.
Northeast Florida Million Mom March Chapter.
South Florida Million Mom March Chapter.
Tampa Bay Million Mom March Chapter.

Georgia

American Public Health Association.
Georgia Federation of Professional Health Education.
Metro Atlanta Million Mom March Chapter.

Illinois

Citizens Resource for Children.
Episcopal Peace Fellowship Chicago Consumer Coalition.
Chicago Survivors Million Mom March Chapter.
North Suburban Chicagoland Million Mom March Chapter.
Southwest Chicagoland Million Mom March Chapter.
Springfield Million Mom March Chapter.

Indiana

Hispanic/African American Public Policy Institute.
Infinite Inc.
Hoosiers Concerned About Gun Violence.

Iowa

University of Iowa CPH/CBH.
Iowans for the Prevention of Gun Violence.

Kentucky

Lexington and Central Kentucky Million Mom March Chapter.

Maine

Action Committee of Peace Action.
Maine Citizens Against Handgun Violence.
New England Coalition To Prevent Gun Violence.
Southern Maine Million Mom March Chapter.

Maryland

Life After Homicide.
Maryland Consumer Rights Coalition, Inc.
Ceasefire Maryland.
Montgomery County Million Mom March Chapter.

Massachusetts

The Sandbox Foundation.
Stop Handgun Violence.
Greater Boston Million Mom March Chapter.
Massachusetts's Consumers' Coalition.
New England Coalition To Prevent Gun Violence.

Michigan

League of Women Voters of Michigan.
Michigan Partnership to Prevent Gun Violence.
Detroit Million Mom March Chapter.
East Metro Detroit Million Mom March Chapter.
Mid-Michigan/Lansing Million Mom March Chapter.
Novi Million Mom March Chapter.
Southwest Michigan Million Mom March Chapter.
West Metro Detroit/Washtenaw County Million Mom March Chapter.

Minnesota

Citizens for a Safer Minnesota.
The Healing Circle.
League Of Women Voters of Duluth.
Northland Minnesota Million Mom March Chapter.
Twin Cities Million Mom March Chapter.

Missouri

Missouri Society for Public Health Education.

Nevada

XPOZ.

New Hampshire

New Hampshire Million Mom March Chapter.
New England Coalition To Prevent Gun Violence.

New Jersey

Union for Reform Judaism, NJWHVC.
Woodbridge Homeowners for Quality of Life.
Coalition For Peace Action.
Society of Public Health Education.
Ceasefire NJ.
Bergen/Passaic County Million Mom March Chapter.
Essex County Million Mom March Chapter.
Mercer County Million Mom March Chapter.
Shore County Million Mom March Chapter.

New York

Men Elevating Leadership.
Mothers Against Guns, Inc.
NY Chapter of the Society for Public Health Education.

New Yorkers Against Gun Violence (NAYGV).

Lenox Hill School Based Primary Care Program.

New York Public Interest Research Group.

Brooklyn King's Million Mom March Chapter.

Broome County Million Mom March Chapter.

Capitol Region Million Mom March Chapter.

Manhattan Million Mom March Chapter.

Nassau County Million Mom March Chapter.

Queens Million Mom March Chapter.

Suffolk County Million Mom March Chapter.

Westchester County Million Mom March Chapter.

North Carolina

North Carolinians Against Gun Violence.

Forsyth Mothers And Others Million Mom March Chapter.

Wake County Million Mom March Chapter.

West Triangle Million Mom March Chapter.

Ohio

Women Against Gun Violence.

Inter-religious Partners in Action of Greater Cleveland.

Diocesan Social Action Office of Cleveland.

Ohio Coalition Against Gun Violence.

Cleveland Million Mom March Chapter.

Greater Cincinnati Million Mom March Chapter.

Oklahoma

Oklahomans For Gun Safety Million Mom March Chapter.

University of Oklahoma.

Oregon

Oregon Consumer League.

Ceasefire Oregon.

Physicians for Social Responsibility—Oregon.

Lane County (Eugene) Million Mom March Chapter.

Multnomah County (Portland) Million Mom March Chapter.

Pennsylvania

Not Fair!

Ceasefire Pennsylvania.

Allegheny County Million Mom March Chapter.

Center County Million Mom March Chapter.

Montgomery and Delaware County Million Mom March Chapter.

Philadelphia Million Mom March Chapter.

Rhode Island

Rhode Island Million Mom March Chapter.

New England Coalition To Prevent Gun Violence.

Texas

Austin Physicians for Social Responsibility.

Central Texas (Austin) Million Mom March Chapter.

Dallas Million Mom March Chapter.

South Texas Million Mom March Chapter.

Utah

Peace and Justice Commission of Salt Lake Catholic Diocese.

Gun Violence Prevention Campaign of Utah.

Salt Lake City Million Mom March Chapter.

Vermont

New England Coalition To Prevent Gun Violence.

Virginia

VA Interfaith Center for Public Policy.

Charlottesville Million Mom March Chapter.

Hampton Roads Million Mom March Chapter.

Northern Virginia Million Mom March Chapter.

Richmond Million Mom March Chapter.

Roanoke Million Mom March Chapter.

Washington

Clark County (Vancouver) Million Mom March Chapter.

Wisconsin

Mothers Against Gun Violence.

Peace and Justice Committee of the ELCA of Greater Milwaukee.

Milwaukee Million Mom March Chapter.

Wisconsin Anti-Violence Effort.

THE UNIVERSITY OF MICHIGAN
LAW SCHOOL,
Ann Arbor, MI.

DEAR SENATORS AND REPRESENTATIVES: As a professor of law at the University of Michigan Law School, I write to alert you to the legal implications of S. 397 and H.R. 800, the "Protection of Lawful Commerce in Arms Act." My colleagues, who join me in signing this letter, are professors at law schools around the country. This bill would represent a substantial and radical departure from traditional principles of American tort law. Though described as an effort to limit the unwarranted expansion of tort liability, the bill would in fact represent a dramatic narrowing of traditional tort principles by providing one industry with a literally unprecedented immunity from liability for the foreseeable consequences of negligent conduct.

S. 397 and H.R. 800, described as "a bill to prohibit civil liability actions from being brought or continued against manufacturers, distributors, dealers, or importers of firearms or ammunition for damages resulting from the misuse of their products by others," would largely immunize those in the firearms industry from liability for negligence. This would represent a sharp break with traditional principles of tort liability. No other industry enjoys or has ever enjoyed such a blanket freedom from responsibility for the foreseeable and preventable consequences of negligent conduct.

It might be suggested that the bill would merely preclude what traditional tort law ought to be understood to preclude in any event—lawsuits for damages resulting from third party misconduct, and in particular from the criminal misuse of firearms. This argument, however, rests on a fundamental misunderstanding of American tort law. American law has never embraced a rule freeing defendants from liability for the foreseeable consequences of their negligence merely because those consequences may include the criminal conduct of third parties. Numerous cases from every American jurisdiction could be cited here, but let the Restatement (Second) of Torts suffice:

"449. TORTIOUS OR CRIMINAL ACTS THE PROBABILITY OF WHICH MAKES ACTOR'S CONDUCT NEGLIGENT

"If the likelihood that a third person may act in a particular manner is the hazard or one of the hazards which makes the actor negligent, such an act whether innocent, negligent, intentionally tortious, *or criminal* does not prevent the actor from being liable for harm caused thereby." (emphasis supplied)

Similarly, actors may be liable if their negligence enables or facilitates foreseeable third party criminal conduct.

Thus, car dealers who negligently leave vehicles unattended, railroads who negligently manage trains, hotel operators who negligently fail to secure rooms, and contractors who negligently leave dangerous equipment unguarded are all potentially liable if their conduct creates an unreasonable and foreseeable risk of third party misconduct, including illegal behavior, leading to harm. In keeping with these principles, cases have found that sellers of firearms and other products (whether manufacturers, distributors or dealers) may be liable for negligently supplying customers or downstream sellers whose negligence, in turn, results in injuries caused by third party criminal or negligent conduct. In other words, if the very reason one's conduct is negligent is because it creates a foreseeable risk of illegal third party conduct, that illegal conduct does not sever the causal connection between the negligence and the consequent harm. Of course, defendants are not automatically liable for illegal third party conduct, but are liable only if—given the foreseeable risk and the available precautions—they were unreasonable (negligent) in failing to guard against the danger. In most cases, moreover, the third party wrongdoer will also be liable. But, again, the bottom line is that under traditional tort principles a failure to take reasonable precautions against foreseeable dangerous illegal conduct by others is treated no differently from a failure to guard against any other risk.

S. 397 and H.R. 800 would abrogate this firmly established principle of tort law. Under this bill, the firearms industry would be the one and only business in which actors would be free utterly to disregard the risk, no matter how high or foreseeable, that their conduct might be creating or exacerbating a potentially preventable risk of third party misconduct. Gun and ammunition makers, distributors, importers, and sellers would, unlike any other business or individual, be free to take no precautions against even the most foreseeable and easily preventable harms resulting from the illegal actions of third parties. And they could engage in this negligent conduct persistently, even with the specific intent of profiting from sales of guns that are foreseeably headed to criminal hands. Under this bill, a firearms dealer, distributor, or manufacturer could park an unguarded open pickup truck full of loaded assault rifles on a city street corner, leave it there for a week, and yet be free from any negligence liability if and when the guns were stolen and used to do harm. A firearms dealer, in most states, could sell 100 guns to the same individual every day, even after the dealer is informed that these guns are being used in crime—even, say, by the same violent street gang.

It might appear from the face of the bill that S. 397 and H.R. 800 would leave open the possibility of tort liability for truly egregious misconduct, by virtue of several exceptions set forth in Section 4(5)(i). Those exceptions, however, are in fact quite narrow, and would give those in the firearm industry little incentive to attend to the risks of foreseeable third party misconduct.

One exception, for example would purport to permit certain actions for "negligent entrustment." The bill goes on, however, to define "negligent entrustment" extremely narrowly. The exception applies only to sellers, for example, and would not apply to distributors or manufacturers, no matter how egregious their conduct. Even as to sellers, the exception would apply only where the particular person to whom a seller supplies a firearm is one whom the seller knows or ought to know will use it to cause harm. The "negligent entrustment" exception would, therefore, not permit any action based on reckless distribution practices, negligent sales to gun traffickers who supply criminals (as in the above example), careless handling of firearms, lack of security, or any of a myriad potentially negligent acts.

Another exception would leave open the possibility of liability for certain statutory violations, variously defined, including those described under the heading of negligence per se. Statutory violations, however, represent just a narrow special case of negligence liability. No jurisdiction attempts to legislate standards of care as to every detail of life, even in a regulated industry; and there is no need. Why is there no need? Because general principles of tort law make clear that the mere absence of a specific statutory prohibition is not carte blanche for unreasonable or dangerous behavior. S. 397 and H.R. 800 would turn this traditional framework on its head; and free those in the firearms industry to behave as carelessly as they would like, so long as the conduct has not been specifically prohibited. If there is no statute against leaving an open truckload of assault rifles on a street corner, or against selling 100s of guns to the same individual, under this bill there could be no tort liability. Again, this represents radical departure from traditional tort principles.

My aim here is simply to provide information, and insure that you are not inadvertently misled about the meaning and scope of S. 397 and H.R. 800. As currently drafted, this Bill would not simply protect against the expansion of tort liability, as has been suggested, but would in fact dramatically limit the application of longstanding and otherwise universally applicable tort principles. It provides to firearms makers and distributors a literally unprecedented form of tort immunity not enjoyed or even dreamed of by any other industry.

Professor Sherman J. Clark, University of Michigan Law School; Professor Richard L. Abel, UCLA Law School; Professor Barbara Bader Aldave, University of Oregon School of Law; Professor Mark F. Anderson, Temple University Beasley School of Law; Professor Emeritus James Francis Bailey, III Indiana University School of Law; Professor Elizabeth Bartholet, Harvard Law School; Professor Peter A Bell, Syracuse University College of Law; Professor Margaret Berger, Brooklyn Law School; Professor M. Gregg Bloche, Georgetown University Law Center; Professor Michael C. Blumm, Lewis and Clark Law School; Professor Carl T. Bogus, Roger Williams University School of Law; Professor Cynthia Grant Bowman, Northwestern University School of Law; Director of the MacArthur Justice Center and Lecturer in Law, Locke Bowman, University of Chicago Law School; Professor Scott Burris, Temple University Beasley School of Law; Professor Donna Byrne, William Mitchell College of Law; Professor Emily Calhoun, University of Colorado School of Law.

Professor Erwin Chemerinsky, Duke Law School; Associate Clinical Professor Kenneth D. Chestek, Indiana University School of Law; Associate Professor Stephen Clark, Albany Law School; Professor Marsha N. Cohen, University of California Hastings College of the Law; Professor Anthony D'Amato, Northwestern University School of Law; Professor John L. Diamond, University of California Hastings College of Law; Professor David R. Dow, University of Houston Law Center; Professor Jean M. Eggen, Widener University School of Law; Associate Professor Christine Haight Farley, American University, Washington College of Law; Associate Professor Ann E. Freedman, Rutgers Law School—Camden; Professor Gerald Frug, Harvard Law School; Professor Barry R. Furrow, Widener University School of Law; Associate Clinical Professor Craig Futterman, University of Chicago Law School; Professor David Gelfand, Tulane University Law School; Professor Phyllis Goldfarb, Boston College Law School; Professor Lawrence Gostin, Georgetown University Law Center; Professor Michael Gottesman, Georgetown University Law Center.

Professor Stephen E. Gottlieb, Albany Law School; Professor Phoebe Haddon, Temple University Beasley School of Law; Professor Jon D. Hanson, Harvard Law School; Professor Douglas R. Heidenreich, William Mitchell College of Law; Professor Kathy Hessler, Case Western Reserve University School of Law; Professor Eric S. Janus, William Mitchell College of Law; Professor Sheri Lynn Johnson, Cornell Law School; Professor David J. Jung, University of California Hastings College of Law; Associate Professor Ken Katkin, Salmon P. Chase College of Law, Northern Kentucky Univ.; Professor David Kairys, Temple University Beasley School of Law; Professor Kit Kinports, University of Illinois School of Law; Professor Martin A. Kotler, Widener University School of Law; Professor Baily Kuklin, Brooklyn Law School; Professor Arthur B. LiFrance, Lewis and Clark Law School; Professor Sylvia A. Law, NYU School of Law.

Professor Ronald Lasing, Lewis and Clark Law School; Professor Robert Justin Lipkin, Widener University School of Law; Professor Hugh C. Macgill, University of Connecticut School of Law; Professor Mari J. Matsuda, Georgetown University Law Center; Associate Professor Finbarr McCarthy, University Beasley School of Law; Director (Retired Professor) Christine M. McDermott, Randolph County Family Crisis Center, North Carolina; Professor Joan S. Meier, George Washington University Law School; Professor Naomi Mezey, Georgetown University Law Center; Professor Eben Moglen, Columbia Law School; Professor Dawn C. Nunziato, George Washington University Law School; Professor Michael S. Perlin, New York Law School; Clinical Professor Mark A. Peters, Northwestern School of Law, Lewis and Clark College; Professor Mark C. Rahdert, Temple University Beasley School of Law; Professor Denise Roy, William Mitchell College of Law.

Professor Joyce Saltalamachia, New York Law School; Clinical Assistant Professor David A. Santacroce, University of Michigan School of Law; Professor Niels Schaumanm, William Mitchell College of Law; Professor Margo Schlanger, Washington University School of Law; Professor Marjorie M. Shultz, University of California Boalt School of Law; Senior Lecturer Stephen E. Smith, Northwestern University School of Law; Professor Peter J. Smith, George Washington University Law School; Professor Norman Stein, University of Alabama School of Law; Professor Duncan Kennedy, Harvard Law School; Professor Frank J. Vandall, Emory University School of Law; Professor Kelly Weisberg, University of California Hastings College of the Law; Professor Robin L. West, Georgetown University Law Center; Professor Christina B. Whitman, University of Michigan School of Law; Professor William M. Wiecek, Syracuse University College of Law; Professor Bruce Winick, University of Miami School of Law; Professor Stephen Wizner, Yale Law School; Professor William Woodward, Temple University Beasley School of Law.

Mr. Speaker, I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, a gun by its very nature must be dangerous. So may an automobile or a knife, or a piece of machinery that does not work properly. There are a lot of dangerous things that we as human beings utilize; and if they work properly, they can be utilized for something that is good and something that is lawful.

Tort law, however, rests upon a foundation of individual responsibility, in which the product may not be defined as defective unless there is something wrong with the product, rather than with the product's user.

And what this bill attempts to do is to get tort law back to its original moorings where the manufacturer of the product that is not defective in its nature is not legally liable for the criminal misuse of that product by its user.

That is what the issue is before the House today in consideration of S. 397. Now, S. 397 while preventing frivolous and abusive lawsuits also ensures that bad actors can continue to be sued.

The bill allows the following types of lawsuits to be filed: first, an action against a person who transfers a firearm or ammunition knowing that it will be used to commit a crime of violence or drug-trafficking crime or a comparable or identical State felony law;

Second, an action brought against the seller for negligent entrustment or negligence, per se;

Third, actions in which a manufacturer or seller of a qualified product violates a State or Federal statute applicable to the sales or marketing when such violation was the proximate cause of the harm for which the relief is sought. And this exception would specifically allow lawsuits against firearms dealers such as the dealer whose firearm ended up in the hands of the D.C. snipers and those who fail to maintain the required inventory lists necessary to ensure they are alerted to any firearms theft;

Fourth, actions for breach of contact or warranty in connection with the purchase of a firearm or ammunition, and actions for damages resulting directly from a defect in design or manufacture of a firearm or ammunition.

This is a carefully crafted bill. It provides immunity for people who have not done anything wrong, even thought their products may be used in a criminal nature; but it does allow lawsuits to proceed against the bad actors.

It ought to be passed. I am sure it will be passed, and finally we can lay this issue to rest after 6 years of debate. I urge the Members to support this legislation, to send it to the President for his signature, and then we can move on.

Mr. HONDA. Mr. Speaker, I rise today to express my concern over S. 397, the Protection of Lawful Commerce in Arms Act. The safe and lawful use of firearms is very important to me. When I was in the California State Assembly, I chaired the Public Safety Committee where I worked to pass sensible gun safety legislation and I have voted to ban assault weapons. I firmly believe we must pass sensible gun laws for the safety of all.

The measure on the House floor today is intended to protect a manufacturer or seller of a firearm, from any legal liability stemming from the criminal or unlawful misuse of that firearm. The legislation also requires the immediate dismissal of pending lawsuits, even cases in which a court has found the suit to be meritorious. I fear this bill will deny justice to innocent victims of gun violence, and therefore I will oppose it.

In recent years, dozens of individuals and municipalities have filed lawsuits against gun manufacturers for damages caused by gun violence. Such suits typically contend that gun makers knowingly provide weapons to irresponsible gun dealers, who then take advantage of gun sale loopholes to sell weapons to criminals. Some of these lawsuits by victims of gun violence have begun to expose how the gun industry's reckless, though not always technically criminal, sales tactics supply criminals with weapons.

The gun lobby argues that S. 397 prohibits "frivolous" lawsuits, while allowing "legitimate" cases to proceed through the legal system. However, many legal experts confirm that this bill would give the gun industry sweeping immunity that no other industry has, and would bar many meritorious cases brought by victims of gun violence injured or killed by negligent gun sellers and manufacturers. The bill would even restrict many cases in which a product defect is at issue.

S. 397 seeks to provide sweeping legal immunity to an industry that already enjoys exemptions from Federal health and safety regulations. It would dramatically re-write liability law for the direct benefit of a single industry.

Furthermore, lawsuits brought on behalf of officers injured or killed in the line of duty by guns negligently sold by dealers, would be barred. If immunity for the gun industry is enacted, police officers who put their lives on the line every day to protect the public would have no legal recourse when they are harmed due to another's negligence.

Mr. Speaker, we should not be providing this blanket immunity to the gun industry and I therefore oppose this measure.

Mr. HOYER. Mr. Speaker, I do not believe that manufacturers or sellers of weapons should be liable for injuries, which result from the use of their products in criminal ways, simply because they produce and distribute their products.

The manufacture, distribution and sale of firearms is legal in our Nation. And unless a manufacturer or seller of arms acts in some wrongful or criminal way, holding them liable effectively as insurers—I believe is inappropriate and probably a violator of the Constitution's Commerce Clause.

For example, I believe that the lawsuit pending in Federal court between the District of Columbia and Beretta and other gun manufacturers is an example of a claim that would effectively make gun manufacturers insurers for wrongful conduct. I expect the manufacturers to prevail in that case.

However, the bill before us goes beyond this premise, and overreaches in key respects.

First, I oppose the "look back" provision in this bill that requires the immediate dismissal of civil liability lawsuits against gun manufacturers that are pending on the date of enactment.

As a matter of principle and as a matter of policy, I do not believe that Congress should pass legislation that interferes with on-going civil lawsuits. This is tantamount to changing the rules in the middle of the game, and I generally believe this approach is inappropriate.

And second, I am troubled that, as the American Bar Association has pointed out, the legislation would preempt State product liability laws with a new, higher standard that would protect the gun industry even if it failed to implement safety devices that would prevent foreseeable injuries, so long as an injury or death suffered by a victim resulted when the gun was not "used as intended."

Today, manufacturers must adopt feasible safety devices that would prevent injuries caused when their products are foreseeably misused, regardless of whether the uses are "intended" by the manufacturer, or whether the product "fails" or "improperly" functions.

If perfected, I might well have voted for this bill. However, no amendments were allowed by the Republican Majority to answer the concerns I have expressed. Therefore, I will vote "no."

Mr. PAUL. Mr. Speaker, while I sympathize with the original objective of S. 397, the Protection of Lawful Commerce in Arms Act, I am forced to oppose this legislation primarily because of unconstitutional gun control amendments added to the bill in the Senate.

As a firm believer in the Second Amendment to the United States Constitution and an opponent of all Federal gun laws, I cannot support a bill that imposes new, unconstitutional gun controls on Americans. I believe that the Second Amendment is one of the foundations of our constitutional liberties. In fact, I have introduced legislation, the Second Amendment Protection Act (H.R. 1703), which repeals misguided Federal gun control laws such as the Brady Bill.

Senate amendments added two sections to S. 397 that impose unconstitutional controls on American gun owners and sellers.

First, a section was added to the bill to outlaw any licensed gun importer, manufacturer, or dealer from selling, delivering, or transferring a handgun without a "secure gun storage or safety device." Each and any violation of this requirement can result in a person being fined up to $2,500 or having his license revoked. This gun lock requirement amounts to the imposition of a new Federal tax on each handgun sale because gun buyers will be forced to pay the cost of the "secure gun storage or safety device" that is required with a handgun, irrespective of if that device is desired. Further, the severe penalties for non-compliance—whether intentional or accidental—add yet more weight to the crippling regulations that hang over gun transactions in the United States.

Second, a section was added to the bill to create draconian penalties for people who possess "armor piercing" bullets. Just like the Democratic Congress before it that passed the "assault weapons" ban, the Republican Congress is poised to give in to anti-gun rights scare tactics by selectively banning bullets. Instead of each gun owner being able to decide what ammunition he uses in his gun, Federal bureaucrats will make that decision. To recognize the threat such regulation places on gun owners, just consider that a gun without ammunition is nothing more than an expensive club. Regulating ammunition is the back door path to gun regulation.

The "armor piercing" bullets restriction imposes a 15 years mandatory minimum sentence for just carrying or possessing such bullets—even without a gun—during or in "relation to" a crime of violence or drug trafficking. Given the wide scope of criminal laws and the fact that people are on occasion accused of crimes they did not commit, this provision promises to discourage many non-violent, law-abiding individuals from possessing ammunition protected under the Second Amendment. Further, it does not take much imagination to see how such a provision could be used by an anti-gun prosecutor in the prosecution of an individual who used a gun in self defense, especially considering that use of such bullets to murder can result in a death sentence. In such instances, a defendant who exercised self defense may well accept a guilty plea bargain to avoid the severe enhanced penalties imposed under S. 397.

I am particularly disturbed that the House of Representatives' leadership has taken the unusual step of bringing S. 397 to the floor for a vote without House members at least having an opportunity to vote on removing the gun control amendments. Instead of voting on a bill that contains the new gun control provisions, we should be considering H.R. 800, the House version of S. 397 prior to its perversion by gun control amendments. Notably, Gun Owners of America has written to House members to request that they oppose S. 397 and, instead, support H.R. 800. Last month, I wrote to House Speaker DENNIS HASTERT, Majority Leader TOM DELAY, and Committee on the Judiciary Chairman JAMES SENSENBRENNER of my opposition to these anti-gun rights provisions in S. 397. While I am concerned about some of the federalism implications of H.R. 800, it is a far superior bill because it neither requires gun locks nor restricts gun owners' ammunition choices.

With 258 sponsors and cosponsors, H.R. 800 would easily pass the House. The House voting for H.R. 800 would allow the differences between H.R. 800 and S. 397 to be reconciled in conference committee. In conference, every expectation would be that the new gun control provisions would be stripped from the legislation given that the original, unamended S. 397 had 62 Senate sponsors and cosponsors—a filibuster proof majority—in the Senate.

I regret that, under the guise of helping gun owners, the House of Representatives is today considering imposing new unconstitutional gun controls. I, thus, must oppose S. 397.

Mrs. CUBIN. Mr. Speaker, I hail from a State that respects the fundamental, individual right to own firearms granted to all Americans by the Second Amendment. This right, so essential to our liberty, is under assault by legal teams bent on destroying the firearms industry.

They have tried and failed to accomplish this in the People's House and in State legislatures. Now they are using our courts, filing lawsuits with no legal merit, yet still incurring tremendous legal expense.

These lawsuits rest on the misguided notion that those in the firearm industry are liable for the criminal misuse of their products. This is a dangerous precedent. It makes as much sense as suing car manufacturers for damage, injury or death caused by car thieves or joy riders.

It is important to every firearm owner in the State of Wyoming that these lawsuits stop. If allowed to continue, firearms could become unavailable and unaffordable to the law-abiding citizen. The Protection of Lawful Commerce in Arms Act will stop these lawsuits, while protecting causes of action based on negligence, defective product and other valid claims.

I ask my colleagues to pass this legislation. By doing so, we stand up for the constitutional right of law-abiding Americans to protect themselves, their homes, and their families.

Ms. KILPATRICK of Michigan. Mr. Speaker, I rise in opposition to S. 397, the Protection of Lawful Commerce in Arms Act. My opposition to the measure is based on my belief that it is overly expansive and overarching. This bill prohibits civil liability lawsuits against gun manufacturers from being brought in Federal or State court.

My congressional district is beset by gun violence. I believe that gun owners, manufacturers and dealers must assume responsibility for the wanton gun violence that is being perpetrated as result of the willful neglect of gun dealers who cast blind eyes to illegal and irresponsible gun sales to minors, felons and potential terrorists. It appears to me that we are unwisely and gratuitously insulating gun manufacturers from bona fide civil lawsuits.

This bill protects gun manufacturers but does absolutely nothing to protect innocent victims of gun violence. I am also concerned that we have prohibited suits from being brought in both Federal and State courts and that police officers shot in the line of duty are barred from filing lawsuits. For the families of fallen offices, their only recourse to obtain compensation for the loss of their loved one is through the civil lawsuit process.

I contend that it is vital to preserve the right of citizens to seek redress through civil lawsuits for any harm they experience by virtue of the neglect and irresponsibility of gun manufacturers and dealers. I urge my colleagues to vote, "no" on S. 397, and to support the rights of potential victims of gun violence.

Mr. BRADLEY of New Hampshire. Mr. Speaker, I rise today in support of The Protection of Lawful Commerce in Arms Act. It is critical that the House once again pass this legislation in order to reduce the burden of unsubstantiated lawsuits and the infringement on our Second Amendment rights.

When crimes are committed by a person using a firearm, I support tough sentencing guidelines as well as full and vigorous enforcement of all applicable laws. We must focus on the perpetrators of the crime, rather than frivolous lawsuits directed at gun manufacturers which will only restrict the rights of lawabiding citizens.

The State of New Hampshire has a long history of protecting individual rights and liberties. For millions of Americans, and the many citizens of New Hampshire, firearms provide protection for individuals and their families. I stand in support of this legislation and I will work to see that the Second Amendment right of our citizens to protect themselves will not be infringed upon.

Mr. GRAVES. Mr. Speaker, I rise today in support of the Protection of Lawful Commerce in Arms Act.

Over the last few years, trial lawyers have filed suit against firearms manufacturers across the country in the hopes of bankrupting the industry. These frivolous lawsuits are often based on the dubious premise that gun manufacturers should be held liable for the actions of others who use their products in a criminal or unlawful manner.

This abuse of the legal process demands strong Congressional action, and we are responding with this legislation. This bill will protect the firearms industry from lawsuits based on the criminal or unlawful third-party misuse of their products. This law is necessary to prevent a few state courts from undermining our Second Amendment rights guaranteed by the Constitution. Contrary to many rumors, this bill will not prevent legitimate victims from having their day in court for cases involving defective firearms, breaches of contract, criminal behavior by a gun maker or dealer, or the negligent entrustment of a firearm to an irresponsible person.

Mr. Speaker, while I have serious concerns about the trigger lock language added to this bill in the Senate, the Protection of Lawful Commerce in Arms Act is an important step in the right direction. The reality is that we need a bill to be signed into law, and this is our greatest opportunity to accomplish meaningful reform which benefits all lawful gun owners and enthusiasts. These irresponsible lawsuits seriously threaten the supply of guns and ammunition available for hunting, self-defense, collecting, competitive or recreational shooting, and other lawful activities, and it is time to put a stop to them.

Mr. STARK. Mr. Speaker, I rise in opposition to the so-called Protection of Lawful Commerce in Arms Act because I don't believe that giving gun makers, gun dealers, and gun trade associations special exemption from lawsuits makes our streets any safer.

If this law had been in place, the families of victims of the DC-area sniper could never have held negligent suppliers accountable. In September 2004, eight victims received a settlement from the dealer that "lost" the snipers' assault rifle from its inventory, along with at least 238 other guns. The victims' families also received a settlement from the manufacturer who negligently supplied the dealer despite its record of missing guns and regulatory violations. Most importantly, as part of the settlement, the manufacturer agreed to instruct its dealers of safer sales practices that should prevent other criminals from obtaining guns.

Since the National Rifle Association owns about two-thirds of the Congress, guns have fewer safety regulations than teddy bears. The American people can't look to Congress to protect them, so they have no choice but to turn to the courts. It's no surprise that this last resort will now be shut down out of deference to the almighty gun industry.

As if this blatant pandering to an industry responsible for widespread violence and mayhem isn't bad enough, this bill also violates the fundamental right of every American to have their day in court. As soon as the President signs this bill into law, Americans will be able to sue the manufacturer of any product except for guns for death, injury, and any other kind of negligence. Congress, at the behest of the NRA, will close the courthouse doors to gun victims.

I vote "no" on this bill because no industry, certainly not the gun industry, should have the right to conduct their business without the oversight of the judicial system.

Mr. DAVIS of Illinois. Mr. Speaker, I rise today in opposition to S. 397, the Protection of Lawful Commerce in Arms Act. This resolution immunizes the gun industry—including manufacturers, distributors, dealers, or importers of firearms and ammunitions—from civil liability arising from the criminal and unlawful misuse of their products. Advocates of this bill believe that it is necessary to pass in order to prevent the rise of "frivolous" lawsuits against companies that manufacture and distribute firearms. Advocates say, the Second Amendment of the Constitution protects the rights of these companies to irresponsibly sell their products without any repercussions for the misuse of their product. I believe there is a delicate balance between the right to bear arms, a right provided by the Constitution, and the need to prevent gun violence. This bill, if passed into law, will unfairly shift the balance. Through the laws vested in the Constitution, every American has been given the responsibility to keep and bear arms, but this resolution will dismantle all progress that has been made toward the fight against crime.

Each year more than 30,000 gun-related deaths occur; a third of these 30,000 deaths are committed with malicious "intent by customers of the arms industry who exploit their Second Amendment Right. Since 2000, we have witnessed a 9 percent increase in gun-related homicides. In 2003, firearms were used in over 365,000 cases of violent crime. Fifty percent of all the African American youngsters between the ages of 15 and 19, who die, die from gun violence. When guns and ammunitions reach the wrong hands, we must be able to hold accountable the companies that put destructive weapons in the hands of these criminals.

My dissent for this bill focuses around the lack of responsibility required by arms dealers. When the desired intent of a product is to fatally wound an object through legal or illegal means, there will always be the need of a high demand of accountability. For cases of gun violence in which the firearms industry should be held responsible, this resolution does not protect its victims. In past years, State and Federal Courts have found these types of cases to be grounded in such credible legal principles as negligence, product liability, and public nuisance. If this legislation passes, the high demand of accountability and liability required by firearms companies will drastically decrease. For these reasons, I cannot support the bill.

Mr. UDALL of Colorado. Mr. Speaker, some of my constituents have let me know they disagreed with my past vote against similar legislation. They asked me to take a closer look and consider voting for this bill today, and I promised to do so.

However, after careful review of the bill and consideration of points raised by its supporters and opponents, I have concluded that I cannot in good conscience vote for it.

I voted against similar legislation in the past because I was not convinced there was a need for Congress to take such action to restrict certain lawsuits against the manufacturers and sellers of firearms. And I still am not convinced that the potential adverse consequences of those lawsuits are so great that Congress should close the courthouse door to people who think they have valid claims.

And, as in the past, I am particularly reluctant to support legislation that would go further than barring future lawsuits by requiring the immediate dismissal of cases under active consideration by the courts. It seems to me that this is a dangerous precedent for the legislative branch to undertake, and the courts are in a much better position than Congress to decide whether the people who have brought those pending cases have valid claims or whether their complaints are frivolous or malicious.

It happens that this bill deals with lawsuits against firearms manufacturers. But this concern about changing the legal rules to prohibit further consideration of active cases (as opposed to pending ones) would be the same for similar lawsuits against the makers or sellers of other consumer products that are inherently dangerous, if not lethal, when misused—for example, automobiles and electronic devices.

And, while the bill before us—which has already passed the Senate—differs in some respects from versions we have considered before, it too would apply to pending cases.

At the very least the House should have been able to debate and decide on possible changes to the bill. But that did not happen, because the Republican leadership insisted on bringing the bill to the floor under restrictive procedures that essentially barred any amendments from being offered. I strongly object to this way of considering such legislation.

Most of the debate about this bill has been about its significance for firearms manufacturers—and, if the bill dealt only with manufacturers, I might have come to a different conclusion about the need for liability protection. But the provisions related to sellers or other distributors—provisions that are equally or more important—are another matter.

I also think we should at least debate and consider whether reducing the deterrent effect of potential liability might increase the chance that firearms could knowingly or negligently be transferred to criminals or terrorists. I think the seriousness of this is illustrated by the report of the Government Accountability Office (GAO) indicating that last year alone there were at last 56 times when people the federal government considered known or suspected terrorists attempted to purchase firearms.

It's true that under current law, even actual—let alone suspected—membership in a terrorist organization, by itself, is enough to bar someone from purchasing a firearm. But instead of considering a possible change to this part of current law, today we are debating whether the law should be changed to reduce, not strengthen, the legal deterrents to such purchases.

Mr. Speaker, I know that litigation can be costly, and I am not in favor of frivolous lawsuits. Nor am I in favor of banning gun ownership or abolishing the domestic gun manufacturing industry. Earlier this year, for example, I voted against an amendment that would have banned the export of certain American firearms overseas. And since the House last considered similar legislation I have also undertaken a deeper review of Second Amendment concerns and my staff and I have met with thoughtful and enthusiastic Coloradans (like my good friend Rick Reeser) who feel differently about the implications and desirability of this legislation. I have also had many informative conversations with many Colorado sportsmen and women, including some of my staff who make a compelling case that gun ownership is not just a question of legal rights but also about respecting and preserving a critical component of individual liberty. I embrace this view and respect their concerns and acknowledge the need for a less divisive debate about the preserving Second Amendment rights.

But, after a careful reading of the provisions of this legislation and the most objective review that I can make of the arguments for and against its enactment, I still think we in the Congress should leave it to the courts to decide which of the lawsuits covered by this bill are frivolous and which are not. For all these reasons, and especially because we were not even permitted to consider any changes, I cannot support this legislation.

Mr. OTTER. Mr. Speaker, I rise today to add my support to S. 397, the Protection of Lawful Commerce in Arms Act.

I also commend Senator LARRY CRAIG from Idaho on his leadership on this legislation, defending Americans' Second Amendment right to bear arms.

The Protection of Lawful Commerce in Arms Act, S. 397, is bipartisan, common-sense legislation that takes an important step toward preventing reckless lawsuits targeting the firearms industry. Such misguided claims against the legal manufacture and sale of firearms and ammunition are akin to suing the Postal Service or an envelope manufacturer over someone committing the crime of mail fraud—it just doesn't make sense. The bill provides protection for those in the firearms industry from lawsuits arising from the acts of people who criminally or unlawfully misuse their products. The bill preserves citizen access to firearms and ammunition for all lawful purposes, including hunting, self-defense, collecting and competitive or recreational shooting.

I believe that manufacturers and sellers of firearms and ammunition must be protected from restrictions on interstate or foreign commerce. In light of the concerted efforts by opponents of the Second Amendment to destroy the gun industry through frivolous lawsuits, it has become imperative that we protect the jobs and economic well-being of the thousands of people who work for manufacturers and sellers of firearms and ammunition. I find the idea of holding an industry liable for the criminal misuse of their legal products deplorable. Our nation cannot allow the innocent to pay for the dealings of the guilty, or we circumvent the very foundation of the rule of law. It is the individuals who commit violent crimes, not the makers of the means, who must take personal responsibility for their actions through the restitution and civil penalties affirmed by law. This should be the case whether or not a firearm was used to commit the crime.

Without this legislation, further unfounded lawsuits against the gun industry will lead inevitably to an encroachment upon our Second Amendment rights. Congress must work diligently to reduce the level of political rhetoric surrounding gun control, protect the Second Amendment, and promote the role of personal responsibility in society.

This bill is a key element of our effort to bring some sanity to what's become a thriving personal injury industry in this country. Americans understand that suing legitimate firearms manufacturers and dealers out of existence won't stop criminal gun violence. But trial lawyers are eager to cash in on the pain of victims, and criminals rarely have deep pockets. This puts the responsibility where it belongs.

I joined my colleagues in the House in passing similar legislation during the 108th Congress. That unfortunately got held up in the Senate. I am hopeful we will take the opportunity today to pass this bill with no changes so it can go to the President's desk for a signature. This legislation is long overdue.

Mr. SCOTT of Virginia. Mr. Speaker, once again we find ourselves here debating the scope of the Second Amendment and whether its purpose is to protect the sanctity of state militias or provide a fundamental right to individuals, irrespective of their relationship to state militias, to possess firearms. While this bill cites in its findings that the Second Amendment protects the right of individuals to bear arms, there has been a definitive resolution by the courts of just what right the Second Amendment protects.

In United States v. Miller, the Supreme Court wrote in 1939 that the "obvious purpose" of the right to keep and bear arms in the Second Amendment was "to assure the continuation and render possible the effectiveness" of state militias and that the guarantee of that right "must be interpreted and applied with that end in view." This language was a clear indication that the Second Amendment right to "bear arms" guarantees the right of the people to maintain effective state militias, but does not provide any type of individual right to own or possess weapons.

Mr. Speaker, for more than sixty years following the Supreme Court's decision in Miller, there was little judicial debate regarding the scope of the Second amendment. In fact, virtually every federal appeals court has decided this issue and only one, the Fifth Circuit in United States v. Emerson, has endorsed the individual rights view. Since the Emerson opinion in 2001—which was joined by only two circuit court judges and actually upheld the gun law at issue—the individual rights view has been rejected by the Fourth, Sixth, Seventh, Ninth and Tenth Circuits. The First, Second, Third and Eighth Circuits also have issued definitive rulings rejecting the individual rights view.

The First Circuit held that the second amendment applies only to firearms having a "reasonable relationship to the preservation or efficiency of a well-regulated militia." 1939 Miller case.

In 1984, in the Second Circuit, the court cited Miller for the proposition that the right to possess a gun was "not a fundamental right" because the Second Amendment did not guarantee the right to keep and bear a weapon unless the evidence showed the firearm had some "reasonable relationship" to the preservation or efficiency of a well regulated militia—U.S. v. Toner.

In 1996, in the Third Circuit, defendant's possession of machine guns did not have a connection with militia-related activity required for second amendment protections to apply—U.S. v. Rybar.

The Fourth Circuit, a 1995 case, stated that courts have consistently held that the second amendment only confers a collective right of keeping and bearing arms which bear a reasonable relationship to the preservation or efficiency of a well-regulated militia—Love v. Pepersack.

The Sixth Circuit, in 2000, held that the lower courts have uniformly held that the second amendment preserves a collective rather than an individual right—U.S. v. Napier.

The Seventh Circuit, the second amendment establishes no right to possess a firearm apart from the role possession of the gun might play in maintaining a State militia. That is a 1999 case—Gillespie v. City of Indianapolis.

The Eighth Circuit stated that the purpose of the second amendment is to restrain the Federal Government from regulating the possession of arms where such regulation would interfere with the preservation or efficiency of the militia. That is a 1992 case—U.S. v. Hale.

The Ninth Circuit in 2003 stated that it is this collective rights model which provides the best interpretation of the second amendment—Silveira v. Lockyer.

The Tenth Circuit, a 1977 case, to apply the amendment so as to guarantee an appellant's right to keep an unregistered firearm which has not been shown to have any connection with the militia, merely because he is technically a member of the Kansas militia, would be unjustifiable in terms of either logic or policy—U.S. v. Oakes.

The Eleventh Circuit, a 1997 case concerning motivating the creation of the second amendment, convinces us that the amendment was intended to protect only the use or protection of weapons reasonably related to a militia actively maintained and trained by the States—U.S. v. Wright. I believe these cases are evidence of the remarkable degree of judicial consensus on the meaning of the Second Amendment.

Mr. Speaker, I suggest that if my colleagues across the aisle want to amend the Constitution, they should do it by amendment rather than attempting to do it through findings.

Mr, Speaker, this bill also contains a provision requiring a conviction before a defendant who has violated 18 U.S.C. 924(h) can be sued. Requiring a conviction before an offender can be sued for the civil consequences of his unlawful acts would constitute an extraordinary change in traditional civil liability standards. The public will remember that O.J. Simpson was found civilly liable for damages, even though he had been acquitted in criminal court. Moreover, such a requirement would create absurd results, based on what a prosecutor may decide to do in a particular case, and when he decides to do it. The prosecutor may choose not to prosecute a particular case at all, for various reasons. This would preclude a claim, regardless of how egregious the injuries or clear the liability. Or, even where the case is prosecuted, the prosecutor may decide to plea bargain by allowing a defendant who has unlawfully transferred a number guns to plead guilty to one transfer and drop the remainder. It would be absurd to allow one case to go forward and not others, depending on which case was technically pleaded. Of course, it is always possible that a case will be thrown out because of an unlawful search or seizure because of a coerced confession, or simply because the prosecutor is unable to obtain a conviction. And even where there is a conviction, the timing of the conviction, alone, may be dispositive of the claim, because there is nothing in the bill or the law which tolls the statute of limitations on a civil claim, pending a conviction. And there is nothing in the bill to deal with what happens if the conviction is reversed or appeal.

Absent a conviction, the unlawful transfer still must be proven in order to pursue the case. This should be protection enough for someone who causes another harm by criminal conduct.

Mr. Speaker, this bill is an unprecedented attack on the due process rights of victims injured by the misconduct of an industry that seeks to escape the legal rules that govern the rest of us and I urge my colleagues to oppose this bill.

I submit the following list of cases supporting collective view for the RECORD.

A Sampling of Court Decisions that Support the Militia Interpretation of the Second Amendment from The Legal Action Project.

U.S. SUPREME COURT

U.S. v. *Miller*, 307 U.S. 174 (1939).

Lewis v. *United States*, 445 U.S. 55 (1980).

U.S. COURTS OF APPEALS

U.S. v. *Parker*, 362 F.3d 1279 (10th Cir. 2004).

U.S. v. *Lippman*, 369 F.3d 1039 (8th Cir. 2004).

U.S. v. *Price*, 328 F.3d 958 (7th Cir. 2003).

U.S. v. *Graham*, 305 F.3d 1094 (10th Cir. 2002).

U.S. v. *Lucero*, 43 Fed. Appx. 299 (10th Cir. 2002).

U.S. v. *Bayles*, 310 F.3d 1302 (10th Cir. 2002).

Silveira v. *Lockyer*, 312 F.3d 1052, *rehearing en banc denied*, 328 F.3d 567 (9th Cir. 2003).

Olympic Arms v. *Buckles*, 301 F.3d 384 (6th Cir. 2002).

U.S. v. *Twenty-Two Various Firearms*, 38 Fed. Appx. 229 (6th Cir. 2002).

U.S. v. *Hancock*, 231 F.3d 557 (9th Cir. 2000), *cert. denied*, 121 S. Ct. 1641 (2001).

U.S. v. *Finitz*, 234 F.3d 1278 (9th Cir. 2000), *cert. denied*, 121 S. Ct. 833 (2001).

U.S. v. *Lewis*, 236 F.3d 948 (8th Cir. 2001).

U.S. v. *Hemmings*, 258 F. 3d 587 (7th Cir. 2001).

U.S. v. *Hager*, 22 Fed. Appx. 130 (4th Cir. 2001).

Gillespie v. *City of Indianapolis*, 185 F.3d 693 (7th Cir. 1999), *cert. denied*, 528 U.S. 1116 (2000).

U.S. v. *Napier*, 233 F.3d 394 (6th Cir. 2000).

U.S. v. *Baer*, 235 F.3d 561 (10th Cir. 2000).

U.S. v. *Wright*, 117 F.3d 1265 (11th Cir.), *cert. denied*, 522 U.S. 1007 (1997).

U.S. v. *Rybar*, 103 F.3d 273 (3rd Cir. 1996), *cert. denied*, 522 U.S. 807 (1997).

Hickman v. *Block*, 81 F.3d 98 (9th Cir.), *cert. denied*, 519 U.S. 912 (1996).

U.S. v. *Farrell*, 69 F.3d 891 (8th Cir. 1995).

Love v. *Pepersack*, 47 F.3d 120 (4th Cir.), *cert. denied*, 516 U.S. 813 (1995).

U.S. v. *Friel*, 1 F.3d 1231 (1st Cir.1993).

U.S. v. *Hale*, 978 F.2d 1016 (8th Cir. 1992), *cert. denied*, 507 U.S. 997 (1993).

U.S. v. *Nelsen*, 859 F.2d 1318 (8th Cir. 1988).

U.S. v. *Toner*, 728 F.2d 115 (2d Cir. 1984).

Thomas v. *City Council of Portland*, 730 F.2d 41 (1st Cir. 1984).

Quilici v. *Village of Morton Grove*, 695 F.2d 261 (7th Cir. 1982), *cert. denied*, 464 U.S. 863 (1983).

U.S. v. *Oakes*, 564 F.2d 384 (10th Cir. 1977), *cert. denied*, 435 U.S. 926 (1978).

U.S. v. *Graves*, 554 F.2d 65 (3rd Cir. 1977).

U.S. v. *Swinton*, 521 F.2d 1255 (10th Cir. 1975), *cert. denied*, 424 U.S. 918 (1976).

U.S. v. *Warin*, 530 F.2d 103 (6th Cir.), *cert. denied*, 426 U.S. 948 (1976).

U.S. v. *Johnson*, 497 F.2d 548 (4th Cir. 1974).

Eckert v. *City of Philadelphia*, 477 F.2d 610 (3rd Cir.), *cert. denied*, 414 U.S. 839 (1973).

U.S. v. *Day*, 476 F.2d 562 (6th Cir. 1973).

Cody v. *U.S.*, 460 F.2d 34 (8th Cir.), *cert. denied*, 409 U.S. 1010 (1972).

U.S. v. *Decker*, 446 F.2d 164 (8th Cir. 1971).

U.S. v. *Synnes*, 438 F.2d 764 (8th Cir. 1971), *vacated on other grounds*, 404 U.S. 1009 (1972).

U.S. v. *McCutcheon*, 446 F.2d 133 (7th Cir. 1971).

Stevens v. *U.S.*, 440 F.2d 144 (6th Cir. 1971).

U.S. v. *Tot*, 131 F.2d 261 (3rd Cir. 1942), *rev'd on other grounds*, 319 U.S. 463 (1943).

U.S. v. *Cases*, 131 F.2d 916 (1st Cir. 1942), *cert. denied* sub nom., *Velazquez* v. *U.S.*, 319 U.S. 770 (1943).

U.S. FEDERAL DISTRICT COURTS

Parker v. *District of Columbia*, 311 F. Supp. 2d 103 (D.D.C. 2004).

Blackburn v. *Jansen*, 241 F. Supp. 2d 1047 (D. Neb. 2003).

Golt v. *City of Signal Hill*, 132 F. Supp. 2d 1271 (C.D. Cal. 2001).

Olympic Arms v. *Magaw*, 91 F. Supp. 2d 1061 (E.D. Mich. 2000).

U.S. v. *Willbern*, 2000 WL 554134 (D. Kan. Apr. 12, 2000).

U.S. v. *Bournes*, 105 F. Supp. 2d 736 (E.D. Mich. 2000).

U.S. v. *Boyd*, 52 F. Supp. 2d 1233 (D. Kan. 1999), *aff'd*, 211 F.3d 1279 (10th Cir. 2000).

U.S. v. *Henson*, 55 F. Supp. 2d 528 (S.D. W. Va. 1999).

U.S. v. *Visnich*, 65 F. Supp. 2d 669 (N.D. Ohio 1999).

U.S. v. *Caron*, 941 F. Supp. 238 (D. Mass. 1996).

Moscowitz v. *Brown*, 850 F. Supp. 1185 (S.D.N.Y. 1994).

U.S. v. *Kruckel*, 1993 WL 765648 (D.N.J. Aug. 13, 1993).

Krisko v. *Oswald*, 655 F. Supp. 147 (E.D. Pa. 1987).

U.S. v. *Kozerski*, 518 F. Supp. 1082 (D.N.H. 1981), *cert. denied*, 496 U.S. 842 (1984).

Vietnamese Fishermen's Association v. *KKK*, 543 F. Supp. 198 (S.D. Tex. 1982).

Thompson v. *Dereta*, 549 F. Supp. 297 (D. Utah 1982).

U.S. v. *Kraase*, 340 F. Supp. 147 (E.D. Wis. 1972).

U.S. v. *Gross*, 313 F. Supp. 1330. (S.D. Ind. 1970), *aff'd* on other grounds, 451 F.2d 1355 (7th Cir. 1971).

STATE COURTS

Arnold v. *Cleveland*, 616 N.E.2d 163 (Ohio 1993).

State v. *Fennell*, 382 S.E.2d 231 (N.C. 1989).

U.S. v. *Sandidge*, 520 A.2d 1057 (D.C.), *cert. denied*, 108 S.Ct. 193 (1987).

Kalodimos v. *Village of Morton Grove*, 470 N.E.2d 266 (Ill. 1984).

Masters v. *State*, 653 S.W.2d 944 (Tex.App. 1983).

City of East Cleveland v. *Scales*, 460 N.E.2d 1126 (Ohio App. 1983).

State v. *Vlacil*, 645 P.2d 677 (Utah 1982).

In Re Atkinson, 291 N.W.2d 396 (Minn. 1980).

State v. *Rupp*, 282 N.W.2d 125 (Iowa 1979).

Commonwealth v. *Davis*, 343 N.E.2d 847 (Mass. 1976).

Burton v. *Sills*, 248 A.2d 521 (N.J. 1968), *appeal dismissed*, 394 U.S. 812 (1969).

Harris v. *State*, 432 P.2d 929 (Nev. 1967).

Mr. GENE GREEN of Texas. Mr. Speaker, I rise in support of the Protection of Lawful Commerce in Arms Act. I am an original cosponsor of the House version of this legislation, H.R. 800.

A lawsuit against a gun manufacturer simply for being a gun manufacturer has no business in American courts.

I am proud that every court in our judicial system has agreed with that and has thrown out these frivolous lawsuits.

However, in U.S. courts we have the American rule, where each side pays their own legal fees under normal circumstances, instead of the English rule, where the loser usually pays.

Generally, I support the American rule because it is fairer to individuals seeking relief from large firms.

Unfortunately the American rule can mean that frivolous lawsuits which have no chance of going anywhere still impose a terrible burden on parties.

Some people in this country are politically opposed to the firearm industry and believe most firearms should be illegal or hard to obtain.

So these folks do not have a problem spending non-profit money and public money on a losing lawsuit in pursuit of ideology.

However, that is not fair to the firearm industry, which is not only completely legal, but has the right to own their product enshrined in the U.S. Constitution.

Therefore, it is particularly bad that the firearm industry has had to pay $200 million to defend themselves from frivolous lawsuits that have never, ever succeeded in court.

S. 397 only protects legitimate businesses that comply with Federal, State and local firearm laws.

The bill does not waive liability for actually defective products, breach of contract or warranty, or other causes that are not related to third-party criminal misuse of firearms.

If we are going to sue firearm makers for armed robberies, why not go on and sue the auto maker who made the get-away car?

The idea is absurd, but some groups and politicians want to punish firearm manufacturers for their very existence.

As a result, we must pass S. 397 and send it to the President.

Mr. MORAN of Virginia. Mr. Speaker, I rise today in strong opposition to the "Protection of Lawful Commerce in Arms Act."

This bill is an attempt to carve out an exclusive liability exemption, and its vote on the floor today is a giveback to the gun industry at a significant cost to the American people.

Under this bill, manufacturers and sellers of firearms or ammunition will not be held accountable for even the most irresponsible distribution of weapons that kill innocent people, including police officers, children and bystanders of gang violence.

While the wholesale prohibition against lawsuits may allow several exemptions, these exclusions overhaul years of legal negligence standards.

I'm concerned that this bill for the gun industry sets an impractical legal standard for even the most reasonable litigation.

In the Washington-area, we are particularly sensitive to gun violence. You may not all remember, but our nation was held captive for three weeks in October 2002 while two men systematically killed ten people and wounded three others with a sniper rifle obtained from an irresponsible gun dealer that "lost" over 200 other unaccounted for guns.

The language in this bill is so restrictive that survivors of the victims would not have had any legal recourse against the company whose negligent business practices led to the deaths of their family.

Under the bill, we are eliminating a powerful incentive for gun dealers to value accountability and keep guns out of the wrong hands. We are implicitly condoning their irresponsible behavior.

I understand the desire to protect the American judicial system from what some people perceive as frivolous lawsuits. But gun manufacturers and sellers should not be able to write their own liability standard into law.

We aren't debating a product that has an inconsequential impact on our nation.

Almost 30,000 people in our country die from firearm injuries, murders, and suicides each year.

According to the National Center for Injury Prevention and Control, as recently as 2002, 2,893 young people were murdered by firearms. That accounts for the second leading cause of death for young people under 19 in the United States.

Our economy even suffers from this senseless violence. From the loss of productivity, medical treatment and rehabilitation and legal costs, gun violence costs the U.S. at least $100 billion annually.

Instead of putting forth a national plan to end this futile cycle of death, extending the ban on assault weapons, or even prohibiting people we know are on our own terrorist list from obtaining weapons, we are debating how to best shield the gun industry from accountability and responsibility.

Mr. Speaker, it is unfortunate today that we are sending the wrong message to gun manufacturers and the worst of all possible messages to the public: We are not willing to put special interests aside to protect the American people.

Mr. SCHWARZ of Michigan. Mr. Speaker, I rise today in strong support of S. 397, the Protection of Lawful Commerce in Arms Act.

As a gun owner, it troubles me that many interest groups and local municipalities have decided that the way to reduce gun violence is to put the manufacturers of firearms and firearm parts out of business through lawsuits and the fear of lawsuits. Their actions run counter to the main purpose of gun ownership: protection.

The Second Amendment was not written as a mere exercise in constitutional thought. It had a practical purpose: First, to ensure that citizens would have the tools to protect their families and their homes and, second, to ensure that an armed militia could be called up to defend the country in emergencies.

But these lawsuits, Mr. Speaker, have the potential of crippling the American firearms industry, in the same manner as the threat of medical liability has crippled the medical industry. Why would we want to go down that route? Why would we want to put firearms out of the reach of law-abiding citizens.

S. 397, and H.R. 800, the companion legislation of which I was proud to be an original co-sponsor, would prohibit state and Federal lawsuits against the gun industry for deaths resulting from unlawful actions of the user.

In my estimation, Mr. Speaker, these lawsuits are a threat to our hard-earned Second Amendment rights. It is entirely proper that we should prevent such unconstitutional actions. I commend the gentleman from Florida, Mr. STEARNS, and Chairman SENSENBRENNER for their hard work on this legislation, and I urge passage of the bill.

Mr. EMANUEL. Mr. Speaker, I rise in strong opposition to S. 397, the Gun Manufacturers Liability Protection Act. Shielding gun manufacturers, dealers and distributors from liability is one of the most egregious forms of corporate welfare we've considered in this House all year.

This is George Orwell legislation at its finest—all industries are equal, but some are more equal than others. If you sell beer to a 17-year-old and he causes an accident, you can be held liable. But if you allow a 17-year-old to walk out of your store with a high powered rifle, don't worry. Congress has your back.

Mr. Speaker, this is not a hypothetical case. Last year the families of DC sniper victims settled for $2.5 million with Bull's Eye Shooter Supply and Bushmaster Firearms, because Bull's Eye allowed Lee Boyd Malvo to shoplift a military quality rifle—one of 233 guns they could not account for when investigated by the ATF. Some of my colleagues call this a frivolous lawsuit. I don't think there is anything frivolous about 233 missing guns.

In July of this year we gift wrapped a provision in the Medical Malpractice Bill that shielded the pharmaceutical industry from liability on any drug that made it through the regular FDA approval process. Coincidentally, Merck Pharmaceuticals was at the same time facing multiple lawsuits tied to its misrepresentation of the dangers of the prescription drug Vioxx.

Thanks to this Congress, Americans can continue to exercise their Constitutional right to seek redress in the court system, unless it involves guns or drugs.

I am gratified to see that this bill does include certain common-sense provisions such as child safety locks and a ban on armor-piercing bullets. We fought hard for these ideas in the Clinton Administration and I urge my colleagues to resist any pressure to have them removed.

Despite my support for these ideas I must vote no on the overall bill. Mr. Speaker, this bill denies Americans one of their most basic rights in order to provide special protections for a very special interest. I urge my colleagues to resist the gun lobby and defeat this bill.

Mr. BLUMENAUER. Mr. Speaker, I am opposed to S. 397, the Gun Manufacturers Liability Protection Act. It is hard to imagine how people who have lived through the sniper experience in Washington, DC, and those who deal with potential terrorist acts in the United States would want to specifically weaken potential sanctions against people who abuse their business of selling firearms.

This legislation would have given a pass for the infamous Tacoma, WA, gun dealer who "lost" more than 200 weapons, one of which ended up in the hands of the sniper who killed 11 people in Washington, DC. Why anyone would want to shield people for that sort of reckless and illegal behavior is mystifying and it is certainly not worthy of passage by the House of Representatives. Were it not for gun politics, this legislation would never have seen the light of day.

Mr. STEARNS. Mr. Speaker, as the sponsor of H.R. 800, the virtually identical House version of this legislation, I rise today to clear up any questions that might arise when trying to understand the intent of S. 397 and what its enactment would accomplish. The Protection of Lawful Coerce in Arms Act will eliminate predatory lawsuits that would otherwise cripple an entire industry.

First, let me make two points about what the bill will not do. Nothing in the bill is intended to allow "leap-frogging" over the gun dealer to the manufacturer. The negligent entrustment provision applies specifically to the situation where a dealer knows or reasonably should know that a dangerous person is purchasing a firearm. When the manufacturer has done nothing but sell a legal, non-defective product according to the law, the negligent entrustment provision would not allow a plaintiff bypass of the gun dealer to get to the deeper pockets of the distributor or manufacturer.

The amendment in the Senate offered by Senators Frist and Craig regarding "administrative proceedings" removed any confusion or misinformed rhetoric regarding the "administrative proceedings" section. This legislation will have no effect on the ability of the Bureau of Alcohol, Tobacco, and Firearms or any administrative agency to revoke licenses or otherwise engage in administrative proceedings to punish bad acting manufacturers, distributors, or dealers, or otherwise enforce the laws and regulations that apply to them. While I do not think the amendment was necessary because neither my bill nor S. 397 as introduced by Senator Craig did so, now there can be no question. ATF is authorized to begin enforcement proceedings when a violation of our Nation's Federal gun laws has occurred.

I want the Congressional Record to clearly reflect some specific examples of the type of predatory lawsuits this bill will immediately stop. The bill was drafted to require courts where these cases are pending or filed to dismiss them on their own motions, what the lawyers call sua sponte. One of the primary purposes of this legislation is to not force defendants to incur the additional costs and delay of filing motions and arguing, and certainly not to go through costly trials and appeals of cases that the bill requires be dismissed forthwith. The predatory lawsuits that this bill will stop are an abuse of courts and law-abiding businesses and individuals.

A clear cut example is the case of the City of New York v. Beretta USA Corp. et al, currently set for trial on November 27 in Federal court in Brooklyn, NY. The plaintiff has asserted that industry members have created a "public nuisance." The lawful sale of a highly regulated product later misused by criminals is not a public nuisance, and has never been considered a public nuisance in American jurisprudence.

One such suit that S. 397 will stop is the suit by the District of Columbia and nine individual plaintiffs who have sued members of the firearms industry under a District statute that, unbelievably, imposes automatic and absolute liability. The statute in question says a manufacturer is liable "without regard to fault or proof of defect." There is also a case pending in Federal court in the District of Columbia in which a gun manufacturer is being sued under this very same statute—Charlot v. Bushmaster. The companies being sued under the District "automatic" liability law have no defense.

Another example is the case of Ileto v. Glock, in Federal court in Los Angeles, CA, against a manufacturer and a distributor who are being sued over a criminal shooting. The facts, if you can believe it, are that the manufacturer, Glock, sold the pistol later criminally misused, to a Washington State police department and the distributor being sued never owned, sold, nor possessed the firearm that was criminally misused.

Yet another example is the cases of Hernandez v. Kahr Arms and Maisonet v. Kahr Arms pending in State court in Massachusetts. Here a manufacturer, Kahr Arms, whose products are used by law enforcement across America, is being sued for a criminal shooting at a well-known gang hangout with a long history of drug use, drug dealing and violence. The criminal shooting was committed with an unfinished, but functioning firearm assembled from individual parts that were stolen from the factory over time by an ex-employee. Following the incident, James A. McNally of the ATF Boston Field Office told the local newspaper that theft from reputable gun manufacturers such as Kahr Arms is relatively rare. He went on to say, "[Kahr Arms] is the victim. They're not the problem."—Worcester Telegraph & Gazette at p. 1, March 18, 2000.

There is also a pending suit against members of the firearms industry by the city of Gary, IN, even though the State of Indiana has itself passed a State law similar in purpose and intent to S. 397.

In the days leading up to the Senate debate this summer lawyers from antigun interest groups rushed to the courthouse to file at least three such lawsuits, one in New York and two in Pennsylvania. There are reports that still more baseless lawsuits have been filed just this week.

Congress is properly acting here under its Commerce Clause powers, as we have done many times in the past. We are also rightly concerned, as is the Department of Defense, that if these lawsuits succeed in driving gun manufacturers out of business, the national defense will be harmed. The same is true for our homeland security, as these same companies make the firearms used by law enforcement. It is our obligation to take steps to protect a vital component of our national defense infrastructure—America's "Arsenal for Democracy."

The Constitution imposes upon Congress the duty to protect the second amendment and the right it provides to individuals to "keep and bear arms." This right will be a mere illusion if firearms manufacturers are driven out of business by predatory lawsuits.

Mr. Speaker, let me continue to be clear here as to the purpose and intent of this bill so that creative lawyers cannot later try to come up with a creative argument to wiggle around this bill.

For instance, the intent of Congress and this bill cannot be evaded or avoided by, for example, claiming that a public nuisance suit against manufacturers or sellers is based on criminals who unlawfully or criminally possess firearms but who may have not discharged them in the commission of a crime. In other words, as the author of this legislation, I want my colleagues and our fellow Americans to understand that, under the Protection of Lawful Commerce in Arms Act, a "Qualified Civil Liability Action" covers criminal/unlawful possession, that includes, as used in the act, "misuse means and includes possession".

I would also like to use this opportunity to clear up some other concerns and misunderstandings. Some have asked, "Does the language in section 5 create new civil liability for a gun owner, if the person does not use a 'secure gun storage or safety device' and the person's gun is stolen and misused?" I would say quite forcefully that the answer is a resounding "No." The fact is, there are almost no cases finding gun owners liable for misuse of stolen guns. Both the theft and the later crime are "superseding acts" that "break the chain" of causation under traditional tort law.

I would tell my colleagues that the only way section 5 could create liability would be if a court thought it created a new duty or a new standard of care for gun owners. However, the language specifically states that it does not "create a cause of action against any Federal firearms licensee or any other person for any civil liability [or] establish any standard of care."

Finally, compliance or noncompliance could not even be used as evidence, except against a dealer who failed to sell the required locks, or by a gun owner who wanted to present his use of a safety device as a defense against a civil suit. On that point, section 5 provides a new defense, not a new line of attack.

The purpose of the liability protection language in section 5 is to address gun owners' concern that the "secure gun storage or safety device" requirement would expose them to a new kind of lawsuits. The language neither creates nor eliminates liability for gun owners who use safety devices; in effect, it leaves the common law rules unchanged for those gun owners.

If individual gun owners' liability for stolen guns becomes a major national issue like the suits against the industry, it could be the subject of additional legislation. The Indiana legislature changed Indiana law to prevent exactly this type of lawsuit after a court decision opened that door.

Mr. Speaker, I have made these remarks to ensure that anyone trying to evade the letter and spirit of this legislation will have as little "wiggle room" as possible. It is my hope that I have done just that.

Mr. SULLIVAN. Mr. Speaker, today, I rise in support of S. 397, the Protection of Lawful Commerce in Arms Act.

I am an original cosponsor of the House version of this legislation because I do not believe that licensed gun manufacturers and merchants should be held legally responsible for the unlawful use of their lawful products. Continuing to allow these frivolous lawsuits could set a dangerous precedent for future lawsuits affecting many other industries across the nation. By passing this similar Senate bill, we will prevent state courts from bankrupting the national firearms industry and undermining all citizens' constitutional right to bear arms.

Tort law rests upon a foundation of individual responsibility where a product may not be defined as defective unless there is something wrong with the product, rather than with the product's user. It is ridiculous to allow such lawsuits to clog our courtrooms and hinder those with valid claims from receiving justice.

Today, this Congress has the opportunity to address unfounded lawsuits and guard a legal and law-abiding industry. We should pass this legislation to protect the rights of citizens who own and operate firearms in a legal manner, and to free up our courtrooms for those legitimately harmed by defective products.

I urge my colleagues to vote for this sensible legislation and set a precedent of respect for an industry which has done nothing wrong. We should hold individuals responsible for their crime, not the product manufacturer.

Ms. DEGETTE. Mr. Speaker, I rise in strong opposition to S. 397, the "Protection of Lawful Commerce in Arms Act."

This bill denies for all Americans the right to bring civil suits against gun manufacturers and dealers for negligence or gross negligence in all but a very limited number of cases.

As an example of what this means, say a gun store owner left his shop unlocked and unattended, even just briefly, with guns available for anyone to take. If someone took one of these guns and used it to injure or kill, the victim would have no recourse.

Imagine if I changed my example to one involving a store selling other lethal items, like chemicals. Would people not want to see owner pay for the victim's injuries? Of course.

In fact, the victim in my second example would be able to sue. That's because the immunity S. 397 grants is unique—no other group has such broad and sweeping legal protections. What makes this industry so entitled but others not so?

And, the lawsuits blocked by this bill have in the past, and would in the future, force the industry to change its behavior and protect our safety (such as in the case of the DC sniper).

Don't take my word for it. Mr. Robert Ricker, a former gun industry lobbyist for almost twenty years, in a sworn statement said the following: "Leaders in the industry have long known that greater industry action to prevent illegal transactions is possible and would curb the supply of firearms to the illegal market. However, until faced with a serious threat of civil liability for past conduct, leaders in the industry have consistently resisted taking constructive voluntary action to prevent firearms from ending up in the illegal gun market. . . ."

I know its not a popular viewpoint today, but I believe in our American judicial system. I believe that generally cases without merit are dismissed, cases with merit are properly adjudicated, and sometimes parties will settle for their mutual benefit. As such, Congress need not step in and make decisions on liability, as in this case, for judges, juries, and states across the nation. Let's let our system work as intended.

I urge my colleagues to reject this unnecessary and unwise piece of legislation.

Mr. ETHERIDGE. Mr. Speaker, I voted against S. 397, the Protection of Lawful Commerce in Arms Act. After careful consideration off the bill and its impact on the citizens of North Carolina and the United States, I determined that it would unacceptably infringe on their constitutional right to legal redress in our Nation's courts, as well as subvert North Carolina law, which already prohibits frivolous lawsuits against the firearms industry.

Although I voted in favor of similar legislation in the 108th Congress, S. 397 is a much different bill. This bill extends unprecedented immunity to many groups beyond federally licensed firearms dealers and manufacturers, and it sets the bar of proof so high as to prohibit meritorious suits against unscrupulous dealers and manufacturers. This bill allows the firearms industry to put profits ahead of safety; under this bill manufacturers do not have to ensure that the dealers and wholesalers to whom they sell weapons are acting in good faith and within the parameters of the law. Law-abiding gun owners do not want more gun control laws. What we need is more vigorous enforcement of the gun laws that are already on the books.

As a lifelong gun owner, I take seriously my commitment to upholding the Constitution and our Second Amendment right to bear arms. I am also committed to the right of individuals to freedom and safety, as well as their day in court, and this bill would subvert those rights.

Ms. SCHAKOWSKY. Mr. Speaker, I rise in opposition to S. 397, the Protection of Lawful Commerce in Arms Act. I believe this bill unfairly grants the gun industry immunity and takes away an individual's or state's ability to hold gun manufacturers, gun dealers, and gun trade associations accountable for negligence and product liability standards that apply to other industries. The bill perpetuates the gun industry's disregard for public safety and holds up their "see-no-evil, hear-no-evil, speak-no-evil" approach to gun manufacturing and distribution.

My opposition to S. 397 is an effort to crack down on negligent gun companies whose sole interest is making money even when it is at the expense of innocent lives and law enforcement. This bill would void a number of pending cases around the country which seek to hold the gun industry accountable for its actions. That includes cases brought against the gun industry by the City of Chicago and Cook County on behalf of victims of a shooting rampage a few years ago. That one tragic incident killed Ricky Byrdsong and injured others in our community. Those cases charge that the gun industry causes a public nuisance by being negligent in gun sales practices, particularly by making them available to minors and others who are banned from owning guns. This bill takes us backwards and gives immunity to the very industry that has the power to regulate the manufacturing and distribution of its products. One death by a handgun is too many. But when 647 people are murdered by guns in one year in just one city, as was the case in Chicago in 2002, now is not the time to give immunity to the gun industry.

Although I oppose S. 397, I support an amendment that was added to this bill before it passed in the Senate. The amendment offered by Senator KOHL draws its provisions from the Child Safety Lock Act. It would prohibit the sale, delivery, or transfer by a licensed importer, manufacturer, or dealer of a handgun to anyone who does not have a secure gun storage or safety device. Child-safety locks cost as little as $10 and could save lives if sold with firearm. In fact, the Illinois House of Representatives passed a bill this year that will require gun dealers to sell child-safety locks with every handgun, to help prevent children from shooting themselves or others. This is important because our children possess the physical strength to accidentally fire a gun. According to the Illinois Council against Handgun Violence, 25 percent of 3- to 4-year-olds, 70 percent of 5- to 6-year-olds, and 90 percent of 7- to 8-year-olds can fire most handguns. The American Bar association believes that a locking device to prevent accidental firing should be a standard for the gun industry as seat belts are for the car industry. I support this amendment, and I hope it is enacted.

S. 397 would strip away the legal rights of gun violence victims, including law enforcement officers and their families, to seek redress against irresponsible gun dealers and manufacturers. That is why the American Trial Lawyers Association, the American Bar Association, as well as law enforcement officers oppose this bill. As it is, guns are one of the few consumer products that are exempt from health and safety regulations. Therefore, litigation is the last opportunity for victims of firearm violence to hold the gun industry accountable when it acts negligently or recklessly. This bill would protect the gun industry at the expense of gun violence victims. We must not let the gun industry off the hook. I urge my colleagues to vote "no" on S. 397.

Mr. SENSENBRENNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SIMPSON). All time for debate has expired.

Pursuant to House Resolution 493, the Senate bill is considered read and the previous question is ordered.

The question is on the third reading of the Senate bill.

The Senate bill was ordered to be read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the Senate bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SENSENBRENNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on passage of S. 397 will be followed by a 5-minute vote on the motion to instruct on H.R. 2744.

The vote was taken by electronic device, and there were—yeas 283, nays 144, not voting 6, as follows:

[Roll No. 534]

YEAS—283

Aderholt
Akin
Alexander
Baca
Bachus
Baird
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Berkley
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boucher
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardoza
Carter
Chabot
Chandler
Chocola
Coble
Cole (OK)
Conaway
Cooper
Costa
Costello
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Cunningham
Davis (AL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Gene
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinojosa
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Kelly
Kennedy (MN)
Kind
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Larsen (WA)
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Murtha
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Obey
Ortiz
Osborne
Otter
Oxley
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ryan (OH)
Ryan (WI)
Ryun (KS)
Salazar
Sanchez, Loretta
Sanders
Saxton
Schmidt
Schwarz (MI)
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Sodrel
Souder
Spratt
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—144

Abercrombie
Ackerman
Allen
Andrews
Baldwin
Becerra
Berman
Bishop (NY)
Blumenauer
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Carnahan
Carson
Case
Castle
Clay
Cleaver
Clyburn
Conyers
Crowley
Cummings
Davis (CA)
Davis (IL)
DeGette
Delahunt
DeLauro
Dicks
Doggett
Doyle
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Frank (MA)
Gonzalez
Green, Al
Grijalva
Gutierrez
Harman
Hastings (FL)
Hinchey
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kirk
Kucinich
Langevin
Lantos
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (NC)
Miller, George
Moore (KS)
Moore (WI)
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Olver
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Price (NC)
Rangel
Rothman
Ruppersberger
Rush
Sabo
Sánchez, Linda T.
Schakowsky
Schiff
Schwartz (PA)
Scott (VA)
Serrano
Shays
Sherman
Slaughter
Smith (WA)
Snyder
Solis
Stark
Tauscher
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—6

Boswell
Davis (FL)
DeLay
Keller
Musgrave
Roybal-Allard

□ 1153

Ms. EDDIE BERNICE JOHNSON of Texas, Ms. SCHAKOWSKY, and Mr. DICKS changed their vote from "yea" to "nay."

Ms. LORETTA SANCHEZ of California, Mrs. EMERSON, Mr. MORAN of Kansas, and Mr. JONES of North Carolina changed their vote from "nay" to "yea."

So the Senate bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mrs. MUSGRAVE. Mr. Speaker, on rollcall No. 534 I was unavoidably detained. Had I been present, I would have voted "yea."

MOMENT OF SILENCE IN MEMORY OF VICTIMS OF RECENT EARTHQUAKE IN PAKISTAN, INDIA AND AFGHANISTAN

The SPEAKER. The Chair would ask all Members to stand and observe a moment of silence in memory of the victims of the recent earthquake in Pakistan, India and Afghanistan.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Without objection, proceedings will resume with a 5-minute vote.

There was no objection.

MOTION TO GO TO CONFERENCE ON H.R. 2744, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2006

MOTION TO INSTRUCT OFFERED BY MS. DELAURO

The SPEAKER. The unfinished business is the vote on the motion to instruct on H.R. 2744 offered by the gentlewoman from Connecticut (Ms. DELAURO) on which the yeas and nays are ordered.

The Clerk will redesignate the motion.

The Clerk redesignated the motion.

The SPEAKER. The question is on the motion to instruct.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 209, nays 216, not voting 8, as follows:

[Roll No. 535]

YEAS—209

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Camp
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon

Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey

Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Pryce (OH)
Rahall
Rangel
Reyes
Ross
Rothman
Ruppersberger
Rush

Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Simmons
Skelton
Slaughter
Snyder
Solis
Spratt
Strickland
Stupak
Sullivan
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Whitfield
Woolsey
Wu
Wynn

NAYS—216

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)

Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth

Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson, Sam
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Lewis (CA)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica

Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Putnam

Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Smith (NJ)
Smith (TX)

Smith (WA)
Sodrel
Souder
Stearns
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—8

Boswell
Davis (FL)
DeLay

Keller
Moran (VA)
Myrick

Roybal-Allard
Stark

□ 1204

Mr. DAVIS of Kentucky changed his vote from "yea" to "nay."

Mrs. McCARTHY changed her vote from "nay" to "yea."

So the motion to instruct was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES

The SPEAKER pro tempore (Mr. SIMPSON). Without objection, the Chair appoints the following conferees on H.R. 2744: Messrs. BONILLA, KINGSTON, LATHAM, Mrs. EMERSON, Messrs. GOODE, LAHOOD, DOOLITTLE, ALEXANDER, LEWIS of California, Ms. DELAURO, Messrs. HINCHEY, FARR, BOYD, Ms. KAPTUR, and Mr. OBEY.

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 551

Mr. HONDA. Mr. Speaker, I ask unanimous consent to have the name of my colleague from Arizona (Mr. FRANKS) removed as a cosponsor of H.R. 551. His name was added in error.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

AMENDMENT PROCESS FOR H.R. 1461, FEDERAL HOUSING FINANCE REFORM ACT OF 2005

Mr. SESSIONS. Mr. Speaker, the Rules Committee may meet next week to grant a rule which could limit the amendment process for floor consideration of H.R. 1461, the Federal Housing Finance Reform Act of 2005. The bill was introduced on April 5 and referred to the Committee on Financial Services which ordered the bill reported out by a vote of 65–5 on May 25 and filed in the House on July 14.

Any Member wishing to offer an amendment should submit 55 copies of the amendment and one copy of a brief explanation of the amendment to the Rules Committee in room H-312 of the Capitol by noon on Tuesday, October 25, 2005. Members should draft their amendments to the text of the bill as reported by the Committee on Financial Services on July 14. Members should use the Office of Legislative Counsel to ensure that their amendments are drafted in the most appropriate format. Members are advised to check with the Office of the Parliamentarian to be certain their amendments comply with the rules of the House.

Mr. HOYER. Mr. Speaker, will the gentleman yield?

Mr. SESSIONS. I yield to the gentleman from Maryland.

Mr. HOYER. I thank the gentleman for yielding.

Mr. Speaker, I would ask the gentleman: the bill which you just indicated would be on the floor next week and you asked for amendments to be filed in a timely fashion is a very important bill. It came out, as you pointed out, with overwhelming bipartisan support. I think you said 65–7. Since that time, it is my understanding that there has been some change in the bill. In particular, I refer to the provision which deals with the ability of those who may receive dollars under the provisions of the bill for the purposes of constructing affordable housing, that if they receive Federal funds that they will be unable to thereafter participate in encouraging voter registration drives or getting more people on the rolls to vote. That is something that I think the whole House ought to address.

I believe the ranking member is going to ask that that be struck from the bill so that there not be a preclusion on voter registration drives or participation. The Catholic Conference is very concerned about that. I would presume a number of faith-based organizations are very concerned about that provision. I may have a discussion briefly with the acting majority leader on that issue as well.

But can the gentleman tell me whether or not he believes the Rules Committee will allow the gentleman from Massachusetts (Mr. FRANK) to offer an amendment which would put the bill back in the position which 65 people in the committee supported at the time it was reported out.

I thank my colleague for yielding and would ask him if he can give us some thought on that issue, which we feel very strongly about, and hope that that amendment can be protected and made in order by the committee and that we will have a full and fair debate on the floor of the House with reference to that amendment.

Mr. SESSIONS. Reclaiming my time, I appreciate the gentleman not only asking these questions but bringing up and talking about some important issues.

First of all, I would be the first one to admit that we have for the last few weeks been dealing with issues related to Katrina and other important matters as it relates to housing.

To answer the gentleman most directly, I must say that the instructions that I have given are that we are going back to the bill of July 14. There have been no changes made at this time to that. That will be the text that will be considered by the Rules Committee. The Rules Committee, as we deliberate, we take into consideration amendments of how people would wish for the bill to be changed, new thoughts and ideas; and that will be just as current as the filing date that we have set. So it is my hope that you would have the opportunity to work with Members of your party, and that this announcement would be available for Members of my party to say that we are open to any amendment, any thought process that people would like to come to the Rules Committee.

It is not unusual for us to hold hearings and take testimony that may take hours and hours and we hear from people. That thought process will be considered next week. The chairman of the Rules Committee, the gentleman from California, has instructed me to advise Members that we will be ready to do business next week and be open to the amendment process as Members choose.

Mr. HOYER. I thank the gentleman for that information. There has been some suggestion, I understand, however, that although the bill may be in the same shape now, that there is a manager's amendment proposed and that the vote on the manager's amendment, which we presume, we have not seen it, would cover a multitude of subjects that are in the bill; that the vote on the issue that I have raised could be made on that manager's amendment. Therefore, you would have to vote against the manager's amendment if it changes the provision to which I referred.

I would hope, and this is not a question, just an expression, that the majority would make in order an amendment so that we could have a debate on that issue if in fact the manager's amendment does what we are concerned about and some people are proposing undermining the ability of some groups, faith-based groups. That is why the Catholic Conference is so concerned about it, faith-based groups or other groups who would build affordable housing, get money under the bill and then be precluded from participating in any efforts, not partisan efforts but nonpartisan efforts to get people on the rolls.

I would just urge the gentleman, who is a distinguished member of the Rules Committee, to consider, very hopefully, favorably the request of Ranking Member FRANK to have made in order an amendment to deal with that subject. I thank the gentleman for yielding.

Mr. SESSIONS. I would say to the gentleman, reclaiming my time, that the Rules Committee has been visited by the gentleman from Massachusetts. He is no stranger to the Rules Committee. You also in your leadership capacities and otherwise as a Member of Congress representing your constituents from Maryland have been very vigorous in your support of the things which you believe, the ideas which you choose to press to the Rules Committee. The Rules Committee is very open, and our esteemed chairman will make available that time.

We do not know the content of that manager's amendment that you are talking about at this time. We once again encourage all Members, including the process that will be followed for the manager's amendment, to be filed on that date, October 25.

Mr. HOYER. I thank the gentleman.

LEGISLATIVE PROGRAM

(Mr. HOYER asked and was given permission to address the House for 1 minute.)

Mr. HOYER. Mr. Speaker, I yield to my friend from Missouri (Mr. BLUNT), the distinguished acting majority leader, for the purpose of inquiring about the schedule for the week to come.

Mr. BLUNT. Mr. Speaker, I thank my good friend for yielding and would say that we intend to convene the House next Tuesday at 12:30 p.m. for morning hour and 2 p.m. for legislative business. We will consider several measures under suspension of the rules. A final list of those bills will be sent to Members' offices by the end of the week. Any vote called on these measures on Tuesday will be rolled until 6:30 p.m.

For Wednesday and the balance of the week, the House will consider additional legislation under suspension of the rules, as well as several measures under a rule. One will be the Federal Housing Finance Reform Act of 2005 that has just been discussed; two, the Lawsuit Abuse Reduction Act of 2005. The third bill that we would expect to see under a rule would be House Joint Resolution 65, which would be a resolution necessary under the Defense Base Closure Commission for the House to have a disapproval vote on the work of that commission, a vote that is required by the structure itself.

□ 1215

In addition to that we plan to consider an amendment to the fiscal year 2006 budget resolution that would outline plans for budgeting for the expenses associated with Hurricane Katrina.

I would also like to announce at this time that the following Monday, while we have scheduled that as a workday, the following Monday, October 31, will be a day that we will not be in session. That allows Members to spend that day with their families, and for Members who want to take their children or their grandchildren trick or treating, that day is available for them to do that.

Mr. HOYER. Mr. Speaker, reclaiming my time, on behalf of all the parents and grandparents, the acting majority leader and I had a brief conversation about my 3-year-old granddaughter, who this past weekend had the opportunity to show me the costume she is going to be wearing on trick or treat night, and she said, Hey, Pop, can you go with me? And I appreciate the gentleman's making that time available on behalf of his side and my side for all of us who might be doing that. That is a treat early, not a trick, and we appreciate that very much.

First of all, Mr. Speaker, the leader heard me have the discussion with the gentleman from Texas (Mr. SESSIONS) of the Committee on Rules. I wonder if perhaps you could comment. We do not know the status of the manager's amendment, as the gentleman from Texas (Mr. SESSIONS) indicates. The acting majority leader does not know the status of the amendment, and I presume that is being worked on. But we have concerns that a very critically important provision of the bill, an overwhelming bipartisan bill, 65 to 7, might be changed and might have added to it a condition for the receipt of money by faith-based charitable organizations, nonprofit organizations to receive money to build housing; that if they received such money that a condition of the receipt of that money would be that they could not participate in voter registration efforts.

We have a letter from Catholic bishops very concerned about that. Other faith-based organizations are very concerned about that. I am sure nonfaith-based organizations are concerned about that. And, obviously, if the position is left in place as it now exists or as it existed when it passed out of the House, we would think that, without that preclusion, without that condition attached, we would be obviously not offering an amendment because we all agree with that. On the other hand, if the manager's amendment somehow changes that and puts that condition into the bill, then we would very much hope, Mr. Speaker, that the majority would allow all the Members who think perhaps that condition should not be attached to the bill to have a free shot at making that policy judgment on a separate amendment rather than just as a vote against the manager's amendment, which seems like somewhat not only a clumsy vehicle but very conflicted because there will be some issues in the manager's amendment, most of which I am sure the gentleman from Massachusetts (Mr. FRANK) and the gentleman from Ohio (Mr. OXLEY) will probably agree on, but I would hope that the acting majority leader could work with the gentleman from California (Mr. DREIER), with his leadership to ensure that we have a freestanding debate on that issue. It is an important issue, and I think it will serve the House well if we do that.

I would be glad to yield to my friend for any comments he might have.

Mr. BLUNT. Mr. Speaker, I appreciate my friend yielding to me.

I listened particularly carefully to the gentleman from Texas' answer after the gentleman from Maryland said he might ask me the same question. I am not sure I can improve on his answer to any extent. I think that is the purpose for the Committee on Rules hearing to make that case.

I believe there will be amendments allowed. I know there is a wide discussion that this new fund, a fund we have never had before, if we do create that fund, can be part of the solution to the impact of Hurricane Katrina and Rita and maybe even Wilma. So, assuming that Wilma creates a housing problem as well, for that to be included there would have to be some amendment, as the gentleman suggested, even though the bill, when it came out of the Committee on Financial Services weeks, I believe now even perhaps months ago, with a large vote, does need some adjustment because of circumstances that have occurred since then that both the ranking member and the chairman would be supporting.

But that is the purpose of that hearing, and I thought that the gentleman from Texas (Mr. SESSIONS) made the case well, that the Committee on Rules will listen to those arguments and make that determination.

Mr. HOYER. Mr. Speaker, reclaiming my time, I think he made the case that they would listen and make a determination. We are hopeful that they will make a determination that if they are going to change the bill by the manager's amendment they will allow the full House to consider whether that change is appropriate. But I thank the gentleman for his information.

Secondly, Mr. Speaker, if I can, we appreciate very much the action on Halloween, on that Monday, October 31. I think that was appropriate. As the gentleman knows, the following week, November 8 is election day for a lot of people: New York City, the State of California, obviously very large jurisdictions; Virginia, a major election going on there. All of us are watching that election go on. New Jersey gubernatorial, as is Virginia and Ohio. So a very large number of people in America will be confronting elections and, therefore, a large number of our Members.

Has the majority considered the possibility of making sure that we do not have votes until later on in the day, Tuesday, so that we can free up our Members in those jurisdictions, A, to vote and, B, to participate to the extent that they feel it necessary to do so?

I yield to the gentleman.

Mr. BLUNT. Mr. Speaker, I appreciate the gentleman yielding to me.

The week that is in question there has, of course, been on the calendar for a while as a workweek. We would intend at this point to have the reconciliation items on the floor that week. It will be a very full week of work if we hope to get out of here by Thanksgiving, by November 18, as is still our principal goal if we find cooperation in the Senate on that. I think it is likely that we would stay with the regular schedule. We have elections in Missouri too on that day, and while I hope to be there part of the day on Monday, I have already voted absentee, and I assume many of our other Members have already taken that action as well.

Mr. HOYER. Mr. Speaker, reclaiming my time, I thank the gentleman for his information. Perhaps we can talk about that further. I understand the problem. We are running out of time. We have got to use the days that are available. That is a very practical problem. I did not have Missouri on my list, but obviously a large number of States. Maryland does not. Maryland does not have elections this Tuesday other than municipal elections, so that is not a real problem for our State. But I understand the time problem, and perhaps we can discuss it a little further and see if there are some other times that we might utilize.

Finally, I would like to inquire further on the schedule for the balance of the year. Our target adjournment date, as I understand it, is November 18. I hope we can make that. As the gentleman pointed out, we do not have total control. The other body has to do things as well for us to get there.

If we do not make November 18, am I correct that the week of Thanksgiving, the Members can be assured that they will not be here the week of Thanksgiving, and am I correct that the probability is that the week after Thanksgiving, which I think starts either the 28th or 29th, that Monday, would not be weeks that we would be here but that, if need be, the week after that and perhaps the week after that in December would be weeks that we would be utilizing?

I yield to the gentleman.

Mr. BLUNT. Mr. Speaker, I thank the gentleman for yielding to me.

We still are hopeful that November 18 could be the date. Our friends in the other body did indicate this week that they had work on schedule that would allow them to keep that date. I think it is reasonable to assume that some of the work we have to do jointly will stretch out to meet the time frame that they are here rather than the time frame that we are here, and we need to be aware of that. We are still hoping for November 18.

The week after Thanksgiving, the week that starts on November 28 and ends on December 2, if we are still in session at the end of the month of November, we would not plan to work that week. Clearly, we do not plan to work Thanksgiving or the day after. If, in finishing this process up, November 19, November 20, November 21 would finish the process up, I would hate to suggest that we would not finish and get our work done, but certainly the November 28 to December 2 would be a date that I think he and I could right now announce to the Members that if they are planning family activities after Thanksgiving that even if we are still in session, we would not intend for that week to be a workweek.

Mr. HOYER. Mr. Speaker, I thank the gentleman for his answer. I think that is very helpful for Members who are trying to plan.

Mr. Speaker, the PATRIOT Act, we were told that we might go to conference on that bill this week. That did not happen. Does the gentleman know when we anticipate perhaps going to conference on the PATRIOT Act?

Mr. BLUNT. Mr. Speaker, if the gentleman will continue to yield, we are continuing to do work on getting ready for that conference. I would hope that that conference would occur at any time. I am confident that we will appoint conferees and have that conference completed before the law expires. So I think that in itself sets a fairly short deadline but would expect to see that happen in the near future as we thought it might even happen this week.

Mr. HOYER. Mr. Speaker, I appreciate his answer.

Reclaiming my time, on appropriations conference reports, prior to the Thanksgiving recess, can he tell us how many he anticipates might be ready, obviously realizing that the other body's actions are difficult to determine, but does he have any thoughts on what appropriations conference reports we might be considering prior to the November 18 date?

Mr. BLUNT. Mr. Speaker, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Missouri.

Mr. BLUNT. Mr. Speaker, I thank the gentleman for yielding and would say that it is still our goal to get out of here, to get the session completed by the Thanksgiving recess. In that case we would have all the bills completed.

The Senate seems to have really gotten their appropriations process energized in a way that means a number of bills will soon be ready for conference. As the gentleman knows, three of the bills have already been signed into law by the President. It is possible that we would have other additional conference reports next week.

I am not trying to anticipate too much here, but I think the most likely conference that might be completed next week would be the conference that we just appointed conferees to, the agriculture conference, and have that bill as a fourth bill that was completed. But the Senate work that allows us to address these bills one at a time, which I know we all believe is the best way to do this work, has finally reached a point that bears some likelihood that all of that could happen and hopefully will happen by November 18.

Mr. HOYER. Mr. Speaker, I thank the gentleman for his answer.

Lastly, we were expecting today to have a budget amendment, or an amended budget, on the floor today. That did not happen. He referenced it in his opening discussion of the schedule.

Does he expect that bill to come to the floor next week, and if so, does he expect it to call for reconciliation cuts above and beyond the $35 billion that was in the original budget?

I yield to the gentleman.

Mr. BLUNT. Mr. Speaker, I thank the gentleman for yielding.

I think I announced earlier that I did expect that bill to be on the floor next week. And in addition, the change in the approach to that measure would be that it would include not only a higher goal for savings in the mandatory programs, an issue we do not take up very often in the House. I think this would be the second time in 10 years we have looked at mandatory savings, but also to include a commitment to revisit the discretionary part of the budget sometime between now and the end of the process and to work with the administration on reconciliation as well as looking at the authority for programs that we did not fund in this Congress and in several cases have not funded for some time and eliminate the authority for perhaps as many as 95 or more programs that are receiving no funding.

□ 1230

All four of those items would be in the budget resolution that the Committee on the Budget would bring to the floor.

Mr. HOYER. Mr. Speaker, I thank the gentleman for that information.

ADJOURNMENT TO MONDAY, OCTOBER 24, 2005, AND HOUR OF MEETING ON TUESDAY, OCTOBER 25, 2005

Mr. HULSHOF. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon on Monday next; and further, when the House adjourns on that day, it adjourn to meet at 12:30 p.m. on Tuesday, October 25, 2005, for morning hour debates.

The SPEAKER pro tempore (Mr. SIMPSON). Is there objection to the request of the gentleman from Missouri?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. HULSHOF. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

DEMOCRAT IRRESPONSIBILITY

(Mr. PRICE of Georgia asked and was given permission to address the House for 1 minute.)

Mr. PRICE of Georgia. Mr. Speaker, with the recent hurricanes on the gulf coast, it is heartwarming to witness the unity and the outpouring of support from all Americans.

It is a unity of purpose from all, except one group: Democrats in the House of Representatives. That is right.

Our Republican leadership is working valiantly to find resources to provide help for the displaced residents. The way to do that is to reopen the budget and identify savings elsewhere to pay for those new costs, and the Democrat leadership says, They won't get one Democrat vote.

Now, that is leadership. How sad.

Mr. Speaker, the American people expect us to work together to solve problems. Democrats are stuck practicing the tired, old, petty, partisan politics of the past; and this is disappointing and irresponsible. America deserves more than obstruction from a once-proud party.

BUDGET AMENDMENT

(Ms. WOOLSEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WOOLSEY. Mr. Speaker, the Republicans' misplaced budget priorities are actually shameful. They continue to be a reverse Robin Hood, slashing funds to safety net programs only to give more tax cuts to the wealthiest of Americans.

The budget reconciliation that we will talk about next week or the next week, whenever you guys can get your stuff together, proposes huge cuts in important programs that the poor and the working poor depend on day in and day out, such as $15 billion in cuts in Medicaid programs; $12.5 billion for student loans; and almost $1 billion in cuts for food stamps. All of this while, and you would allow the richer to get even richer at the expense of helping those who need it the most, doing nothing to offset Katrina expenses or to reduce our Nation's deficit.

Using Hurricane Katrina as an excuse to extend tax cuts, while taking from the programs that the victims of the hurricane need most, is an embarrassment. I hope you will fix it.

REPUBLICANS OFFER A COMMONSENSE BUDGET PROPOSAL

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, when American families face financial crises, they make important sacrifices and responsible decisions to get their family budget back on track.

As the Federal Government continues to pay for the rising cost of hurricanes Katrina and Rita, Congress must also make necessary sacrifices and follow a strict budget. House Republicans are leading the effort to reduce spending and have recently proposed commonsense reforms to eliminate 98 Federal programs, saving more than $4.3 billion.

Democrats' opposition to this proposal is, unfortunately, not surprising. Led by the gentlewoman from California (Ms. PELOSI), Democratic leader, they have tried to increase Federal spending by tens of billions of dollars at every stage of the legislative process. Earlier this year, not a single Democratic House Member supported the lean budget that passed the Congress. Democrats seem to view the budget as a credit card, and when the bill gets too high, they pay for the bill by simply raising taxes on the American people.

In conclusion, God bless our troops, and we will never forget September 11.

CUTS IN THE BUDGET AMENDMENT

(Mr. McDERMOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McDERMOTT. Mr. Speaker, there was a phrase they used to use around here during the Reagan years called "take from the needy and give to the greedy." Well, we are back in session with that same thought going.

These cuts in this budget amendment we just heard about, the gentleman from South Carolina said we were not willing to make the cuts. Let me tell my colleagues just what one of those cuts was so we get a feeling for what they are up to.

There was a rule in many States that if you were from a poor family and you went to a rich family as a foster kid you did not get any money. If you went to a poor family, you would get some money. They went into court, and the court said it did not make any difference what kind of a family you were living in; it was what the child had access to and every child ought to receive foster child payments in the United States, no matter where they were or what situation they were in.

What the Republicans want to do in this bill is repeal a court decision. They do not like what the courts did. The same thing is true about kinship care. If a child is picked up by a foster home, they get money; but if they are picked up by their grandmother, they are not entitled to it, no matter what the circumstances are. That is the family friendly Republican budget cuts.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. KUHL of New York). Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

EXCHANGE OF SPECIAL ORDER TIME

Mr. DEFAZIO. Mr. Speaker, I ask unanimous consent to take the time of the gentleman from California (Mr. SCHIFF).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

TAXING AND SPENDING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

Mr. DEFAZIO. Mr. Speaker, we heard some earlier interesting statements from the Republican side of the aisle, and one gentleman talked about a once-proud party. I guess he was referring to the Republicans and the fact that they used to have a commitment to protecting Federal taxpayers and for fiscal responsibility, but no longer.

Now, they keep talking about the Democrats taxing and spending. Excuse me? Who runs the White House, the United States House of Representatives with an iron hand, and the United States Senate? The Republicans. They are in charge of everything. It is the President who is submitting budgets that are being approved by Republicans that are running up huge and growing deficits.

They are trying to say, oh, this year was great; it was only $312 billion, only the third largest deficit in history. Except they forget to tell people they borrowed the whole $180 billion surplus out of Social Security and spent that, too; and, in fact, some of it went to tax cuts for rich people that was paid for by working people with their Social Security money that is supposed to pay for the future of that program.

They say, well, it is the darn Democrats. No, it is not the darn Democrats. It is the Republicans who control everything who have brought up $8 trillion of debt, a 60 percent increase in the 5 years George Bush has been in the White House; and, no, it was not all spent on the war in Iraq and homeland security. A lot of it came from huge tax cuts to the wealthiest among us, immensely expensive tax cuts that go predominantly to people who earn over $311,000 a year; and they want to give permanent exemption of estate tax to estates over $6 million. They consider $100 million, $200 million, that is a small family farm or small business in Republicanland over here.

Unfortunately, those tax cuts are immensely expensive, and they are borrowing the money to finance them and the government.

The entire general fund of government of the United States, everything that government does outside of the military is paid for with borrowed money, $1.2 billion a day, some of it from Social Security. Yeah, we are borrowing some of it from ourselves. We are borrowing a heck of a lot of it from China, Japan, and other foreign interests; and we are adding this mountain of debt and we are pushing it forward to our kids and our grandkids. In their vision, the wealthy would not share in the burden. They will not help pay that debt because they will be the beneficiary of massive tax cuts.

What they were going to bring to the floor today was so embarrassing they could not quite do it. They were actually going to increase the deficit. Under the guise of paying for Katrina, they were going to cut programs like student loans, $9 billion; Medicare for seniors; Medicaid for needy people and seniors and other essential programs. But they were actually going to cut those programs to pay for more, guess what, tax cuts for the wealthiest among us.

Are the wealthy really hurting that much? Well, actually no. IRS data that came out last week say that 99 percent of the people in America saw their real incomes decline last year; but 1 percent, those who earned over $311,000, saw a real increase. But that is not even the real thing.

The real thing was one-tenth of 1 percent, those who earned over $1.3 million a year, saw a phenomenal increase in their incomes, mostly due to tax cuts that are being paid for by borrowing on the backs of working people and Social Security. They have the gall to come to the floor and say it is the Democrats who want to tax working people.

The only working people they are concerned about are people who earn over $311,000 a year, the investor class; but the investor class also happens to be the contributor class, the people who can write out those $2,100 checks twice a year to their campaign accounts or the even bigger checks to their party accounts or to the Presidential campaigns. That is who they are taking care of.

They are borrowing money from working people. They are bankrupting the country. They are undermining the future of Social Security; and now they want to pull the rug out from under kids who want to get a higher education and from seniors who need a little bit of help with medical care in their old age. They are going to pretend that they are fiscally responsible.

April Fools has come early to Congress if anybody believes that malarkey. It is just extraordinary to me, and the boys keep turning the volume up and keep listening to a little too much Rush Limbaugh over there. We are going to counter them with the facts.

The facts are they have run $8 trillion of debt, $27,000 for every American. They are borrowing $1.2 billion a day to run the government; and now they want to cut essential programs, student loans, Medicare, Medicaid and other programs, to finance more tax cuts for the wealthy, more trickle down.

Our people have been trickled down on long enough, and more than enough. It is time to change the priorities around here, and that is what we are fighting to do.

ORDER OF BUSINESS

Mr. GARRETT of New Jersey. Mr. Speaker, I ask unanimous consent to claim my time at this point.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

REGULATION OF GSEs

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. GARRETT) is recognized for 5 minutes.

Mr. GARRETT of New Jersey. Mr. Speaker, I rise tonight to discuss an important issue that could, as we know, come before the House as early as next week, and that is, the regulation of GSEs, specifically Fannie Mae and Freddie Mac, and the impact they have on homeowners or people who want to buy a new home, and a tax that it may place upon them and the risk that places to the mortgage market in this country.

Fannie Mae and Freddie Mac were chartered by Congress with the main purpose of creating a liquid secondary mortgage market in this country and also providing essential affordable housing for lower-income families. To help them in this effort, the GSEs have a number of benefits, including exemption from State and local taxes and an ability to borrow at a discounted rate due to the implied government backing they have.

Beginning in the early 1990s, Fannie and Freddie held a combined $12 billion, that is, 5 percent, of the single-family home mortgage market in their portfolio; but over the last 15 years, this number has grown to over $1.5 trillion, about.

□ 1245

I say "about" because I cannot give you a more specific number, because it has been years, if not longer, since anyone has known precisely what is in their books.

Fannie and Freddie realized that by keeping a portfolio of the larger portion of the mortgages they purchased and by buying back much of the MBS they issued, they could make five times as much spread as they could by simply securitizing the mortgages that they bought and selling the resulting MBS to third parties. However, by keeping a large amount of mortgages and MBS on their portfolio, Fannie and Freddie are greatly increasing their interest rate and prepayment risk, which leaves them very susceptible to interest rate changes.

To hedge against these possible interest rate changes, Fannie and Freddie use various types of derivatives to shift much of the interest rates to derivative counterparties. Hedging of this nature greatly concentrates interest-rate risk in Fannie and Freddie and a handful of large banks and investment firms, and this concentration has created what is known as a systemic risk, which Chairman Greenspan has warned about.

The best way to reduce the systemic risk for the economy is by limiting the amount of mortgages that Fannie and Freddie can hold in their own portfolio.

Now, I commend the chairmen of the committee, the gentleman from Ohio (Chairman OXLEY) and the gentleman from Louisiana (Chairman BAKER), in working to draft legislation to create a new world class regulator to oversee Fannie and Freddie. However, I believe that the House bill does not go far enough.

See, the House bill gives a new regulator the authority to dispose of any new assets or liabilities of the enterprises if the Director determines such action is consistent with safe purposes. Now, while this is a step in the right direction, I believe that stronger language is definitely necessary. I worry that a new regulator, without specific congressional direction to reduce the size of portfolios of the GSEs, will face constant political pressures from the GSEs, thus putting the possible problems that result on the backs of American taxpayers.

Now, some argue that if Fannie and Freddie portfolios are curtailed, they will not be able to meet their affordable housing goals. But this is not the case.

As the former head of OFHEO noted just last week, "The amount of time and resources that the enterprises must dedicate to managing the risks associated with their portfolios is very substantial, and it dwarfs any marginal benefit to their affordable housing mission. In addition, the recent scandals at both companies illustrate the problems they can get themselves into as they try to manage this volatility associated with very large portfolios."

Limiting the portfolio growth is the number one priority of the administration in addressing GSE reform. Chairman Greenspan, Secretary Snow, Secretary Jackson and others have all spoken out on the need to rein in these large portfolios that exist solely to increase the profits for Fannie and Freddie executives and their shareholders.

In a speech last spring to the Federal Reserve Bank of Atlanta, Chairman Greenspan discussed the GSEs' ability to securitize mortgages and the benefits that it would have on the housing market and the health of the entire economy. He stated, "The method of GSE financing most consistent with our mission is to securitize assets first and to hold in their portfolios only those assets that are very difficult or unduly expensive to securitize." And here is the key part: "Without the needed restrictions on the size of the GSE balance sheets, we put at risk our ability to preserve safe and sound financial markets in the United States, a key ingredient of support for housing."

So in conclusion, Mr. Speaker, legislation that is coming before the House next week dealing with GSE, Fannie and Freddie reform is a good first step, but is not in the current format something that we should support. It will result in a tax on the American taxpayer, it will result in a tax on the American who is trying to buy his first house, and it will add risk to the already risky mortgage market in this country.

ORDER OF BUSINESS

Ms. WOOLSEY. Mr. Speaker, I ask unanimous consent to speak out of order.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

IRAQ AND SMART SECURITY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, yesterday Saddam Hussein faced a panel of Iraqi judges where he will finally stand trial for the crimes against humanity that were committed under his regime. Saddam Hussein is an evil person. He ordered thousands of his own people to death, and it is time that he is brought to justice for these crimes.

But anyone who suggests that Iraq is more stable or less of a threat to the United States now than it was before the war is fooling themselves. Iraq has never been less stable, and it has never posed a greater threat to the United States than it does today.

The war in Iraq has not combated terrorism as President Bush and his administration have repeatedly claimed. It has actually encouraged terrorism by providing a unified target and rallying point for those angry with our Mideast policies.

Since we invaded Iraq in March of 2003, hundreds of terrorist attacks have killed thousands of innocent people, both American soldiers and Iraqi civilians.

Most people assume that suicide terrorism of the sort that plagues Iraq on a daily basis stems from opposition to democracy in general or hatred of the United States in particular. But Dr. Robert Pape, a University of Chicago professor, reaches a different conclusion based on a comprehensive study on every act of suicide terrorism that has occurred over the last 10 years. Dr. Pape found that the common element linking all suicide attacks around the world is not religion. Rather, suicide terrorism is about pressuring another country to withdraw its military forces from the lands that the terrorists view as their homeland.

This helps to explain the intensity of the Iraqi insurgency. The insurgents resent the continued United States occupation of their land and want control over it.

If the folks in the Bush administration truly want to end the war, they must honestly convince the Iraqi people that the United States has no long-term objectives in Iraq. But to do that would require a sea change, because we currently maintain over 100 military bases in Iraq, with what certainly appears to be intentions to maintain some of them permanently.

Mr. Speaker, we all know that President Bush loves those prime time speeches to our Nation. Maybe it is time for him to eat a little crow and ask the international community to help. He needs to face the fact that the so-called Bush doctrine of preemptive war and unilateral military action just is not working. He should tell the Iraqi people that the United States has no plans to maintain permanent bases in Iraq, nor do we have any designs on controlling Iraqi oil. You could call this speech the "anti-Bush doctrine."

Mr. Speaker, there were plenty of mistakes made in Iraq, mistakes that could easily have been avoided. But now, the best thing for the President to do is cut his losses, admit he made mistakes, and change his course. He needs to seek the cooperation of our allies around the world to help Iraq get back on its feet, because we cannot do it by ourselves in the United States. The President should do that by going back to those countries we have spurned in the past like France and Germany, as well as influential bodies like the United Nations and NATO, and ask them to assist.

A true multilateral coalition could and would enable us to bring thousands of our troops hope. To borrow a phrase from the President, as our allies stand up, we will stand down.

ORDER OF BUSINESS

Mr. GEORGE MILLER of California. Mr. Speaker, I ask unanimous consent to speak out of order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

RISING COLLEGE COSTS AND REPUBLICAN RAID ON STUDENT AID

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. MILLER) is recognized for 5 minutes.

Mr. GEORGE MILLER of California. Mr. Speaker, this week new reports from the College Board showed how much harder it is getting for families to pay for college. Since 2001, tuition and fees at a 4-year public college have risen by 46 percent. Today the maximum Pell grant is worth $900 less when adjusted for inflation than it was in 1975 and 1976. This year, students attending 2 and 4-year public colleges are already $10 billion short for paying for college, even after grants, work study, savings, and Federal loans are taken into account. As a result, millions of students will be forced to work long hours to take on additional debt from other sources or forgo college altogether.

What has been the Republicans' response? To make American students and families who are already struggling to pay for college, pay even more.

In July, during the committee consideration of the Higher Education Act, Republicans voted to cut nearly $9 billion from the student aid programs and raise interest rates and fees on student borrowers. This raid on student aid represents the largest cut to the Federal student aid programs ever, ever. As a result of these cuts, the typical borrower with $17,500 in loan debt when they graduate will be forced to pay an additional $5,800 more for his or her college loans. That is $5,800 additional that they will have to pay over the life of those loans for the college education that they are seeking.

While many of the cuts were on excessive subsidies paid to student lenders, such as the 9.5 percent loan boondoggle, the Republicans only agreed to reduce some of these excessive subsidies to large lending institutions after widespread criticism from Democrats, students, and editorial writers.

But instead of reinvesting these dollars into low-interest loans and additional grants, the majority plans to use nearly $9 billion in cuts for the alleged deficit reduction, or to pay for their tax cuts to the wealthiest people in this Nation. They are going to take $9 billion out of the student loan account to pay for the tax cuts to the wealthiest 5 percent of the people in this country. That is their idea of economic justice.

But it gets worse. Next week, the majority plans to cut an additional $7.5 billion from the Nation's student aid programs, the second largest cuts ever. The first largest cuts were several weeks ago. Now they are back. They are back for $7.5 billion to take out of student loans to again pay for the $1 trillion in tax cuts that they gave to the top 5 percent of the people in this country.

To make matters even worse, the Republican leadership has failed to provide real relief for college tuition. In fact, in their higher education bill, they would do nothing to make tuition more affordable for the first 5 years after it is enacted into law. Even after 5 years, the bill only requires colleges and universities with rapidly rising tuition to increase their reporting and disclosures.

Mr. Speaker, the public already knows how much it costs. They struggle with it every spring as they try to figure out how to pay for their children's education. What the Republicans are doing, it is not lowering the cost of tuition, not lowering the rate or the increase in the cost of tuitions; they are adding thousands of dollars, thousands of dollars in additional costs to students and to their families.

This is unacceptable. What the Democrats had was a better idea that we would cut those outlandish subsidies to the lending institutions, to the banks, and to others, and we would take that money and we would recycle it into the student loan programs so that we could increase the Pell grant by some $500. We could take care of low and middle-income students who fall short in being able to finance their education. We would lower the cost of that debt to those students. We would make the repayment easier.

But the Republicans did not do that. They chose to take now what is almost $16 billion when they are done next week out of the student loan program, to raid this student aid and take that and transfer that to the wealthiest people in this country through the tax cuts that they have already enacted.

It is a shameful day, and it is a sad day, when we are being told that it is more important now than ever that students in America complete a college education for the sake of their economic well-being and for the sake of the competitiveness of our economy, and the Republicans have decided to make it more and more expensive for millions of American students and their families. It is a tragic day for these students and their families.

CONGRESS GOES HOME WITHOUT COMPLETING ITS WORK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. MCDERMOTT) is recognized for 5 minutes.

Mr. MCDERMOTT. Mr. Speaker, the American people might wonder why we have gone home today at 1 o'clock on a Thursday. Are there no problems facing this country? Have we rebuilt the gulf coast? Have we dealt with the problems in Iraq? Have we dealt with everything that is troubling in this society? You have to ask yourself, where did the Congress go? Why did they go home? Why does the Republican leadership declare that no, we are not going to be here, we are not going to be here on Monday. I think this Congress is pretty much having trouble here doing their job.

□ 1300

The reason we are not here on the floor dealing with the issues today is that the issues are tough. And the Republicans do not want to go into Thanksgiving with everybody saying, well, they did it again. They took more from the needy and they gave it to the greedy.

But that is what the debate was about this week. It is about what kind of amendments, what kind of cuts. Amendments is a fancy congressional word for the fact that we are going to cut the budget.

Now, where are those cuts coming from and why can the Republicans not make up their minds what they want to cut? Well, they are looking at the Medicaid program. They want to cut $10 billion there. They want to just raise it; now, just 1 more billion would not be very much. Just a nick out of some people.

Student loans. You just heard the gentleman from California (Mr. GEORGE MILLER) give the facts about that issue. You are talking about a $7 or $8 billion cut in student loans. You know, those sick people, what can they do for themselves? Right. Take it away from them. What about the students? Take it away from them.

How about agriculture? Now you say, well, rich farmers. No. No. No. Half of the money spent in the agriculture budget is spent on the food stamp program. Buying the surpluses of our farmers and giving them to the poor of this country.

Now, why would we talk about cutting another $4 or $5 billion? No, they only want $1.5 billion. Excuse me. $1.5 billion out of food stamps. So we are taking away health care and food and ability to go to college, and then they come to the Ways and Means Committee that I sit on. Those are not even mandatory. Those are just things that that Congress said that we would do.

But when you get to the Ways and Means Committee, you come to things that are written in law, and they are called entitlements. If you are an American, you are entitled. It does not make any difference where you live, how much you have: you are entitled. And they are now going to go after those entitlements.

Now, I spoke a little bit before about a couple of them. One of the things they want to do is go after people who have had unemployment payments, unemployment insurance overpayments. They figure that they can get that back out of their taxes. That is at a very time when we have rising unemployment in this country. We are going to try and save $1 billion going back and squeezing workers that have been out of work for 3 months or 6 months or whatever.

Anybody who is at the bottom of the pile should watch out for these guys, because they are coming after them with a sharp stick. They are going to take it away, and why are they taking it away? I mean, you have got to ask yourself, why would they cut food stamps? Why would they cut health care? Why would they cut school loans? Why would they go after the unemployed? Why would they go after grandparents who are taking care of foster kids? Why would they do that?

Did you know that we had to give tax cuts to the rich? If we do not give tax cuts to the rich, why, the rich will not be rich. Well, they will be less rich, I mean. If we do not finish those tax cuts that are before this Congress, somehow they are not going to get that $100,000 tax cut if they make more than $1 million.

Now, think about the tears. Think about the tears up in those apartments and those houses where those people have been expecting that $100,000 tax cut that they were going to get. Who knows what they are going to do with it. I am sure that they are going to run out and give it to the poor.

But these decisions that are being made in this body are being made by people who stand out here and beat their chests and talk about how much they care about family values. Is it a family values budget that cuts food and medical care and student aid? I do not think so. And they are going to find out at the next election.

ORDER OF BUSINESS

Ms. HERSETH. Mr. Speaker, I ask unanimous consent to speak out of order.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from South Dakota?

There was no objection.

CHEYENNE RIVER SIOUX TRIBE EQUITABLE COMPENSATION ACT OF 2005

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from South Dakota (Ms. HERSETH) is recognized for 5 minutes.

Ms. HERSETH. Mr. Speaker, I rise today in support of the Cheyenne River Sioux Tribe Equitable Compensation Act of 2005.

Over 50 years ago, the Pick-Sloan Act initiated a major flood control and reclamation project along the Missouri River Basin. The construction of dams and reservoirs flooded hundreds of thousands of acres in South Dakota, dramatically altering the basin's landscape and the river's flow.

The American Indian communities in South Dakota were some of the most severely affected by this project. Five of the nine, Lakota, Dakota, and Nakota reservations in South Dakota, border the Missouri River.

The Cheyenne River Sioux Indian Reservation is in north central South Dakota and among the largest reservations in terms of land base. For generations the Lakota bands which comprised the Cheyenne River Sioux tribe camped in the river valley and shaped their way of life to match the contours of the land and the flow of the river.

This was no less true after the Plains Indians were confined to the reservations in the late 19th century. The fertile river bottomlands remained at the center of their society, providing the tribe's best crop land, pastures and wildlife habitat, as well as an important source of timber.

Perhaps even more significantly, the fertile bottomlands remained central to many of the tribe's cultural and spiritual practices. At the outset of the Pick-Sloan Project, the United States Government used its eminent domain power to seize large tracts of the fertile Indian bottomlands. Payment for these takings was typically haphazard and piecemeal. Time and again, the government failed to fairly compensate both tribal and individual land owners for the loss of their property.

One such landowner is Freddy LeBeau. Freddy was born and raised on the Cheyenne River Sioux Indian Reservation. While serving 4 years in the U.S. Navy in the South Pacific during World War II, he arranged to purchase 200 acres of land along the Missouri River.

In Freddy's own words he explains, "We live in a poor county, and if I can pay taxes on that land and help the county in that small manner, I would be glad to do that. I thought I was an asset there fighting for my country, and I would remain an asset when I came home in a small way and pay taxes on my land."

Following his service, Freddy returned home and for a time he was able to work his land, raise horses and cattle and start a family. The Pick-Sloan Act changed all that.

The Ohio dam and reservoir flooded over 100,000 acres of Cheyenne River Sioux lands, including Freddy's home. He and many other tribal members were forced to move their families to higher ground and begin again. Like many others, he did not receive a fair price for his loss. And at 83 years old, this World War II veteran says, "I am still looking for a place as good as the place that I lost."

Congress has already acknowledged this injustice and only a few years ago passed legislation to provide just compensation by creating the Cheyenne River Sioux Tribal Recovery Trust Fund. While this action was commendable, it left one important group behind, tribal members who lost privately owned land, elders now, who owned deeded land at the time it was taken by the U.S. Army Corps of Engineers. Current law actually prohibits the tribe from using existing funds to compensate these individuals.

The tribe has recognized this shortcoming and has worked to craft a solution that requires no new expenditures, no new expenditures, and guarantees that the affected tribal elders and their families can be justly compensated for lands taken over a generation ago.

The leadership of the Cheyenne River Sioux Tribe, a united South Dakota congressional delegation, and the moving testimony of private landowners like Freddy LeBeau have all contributed to the introduction of the Cheyenne River Sioux Tribe Equitable Compensation Act. This bill would correct a historic wrong and compensate tribal members who have been left behind and treated unjustly for many years.

At 83 years old, Freddy and 33 other tribal elders are still waiting for just compensation. I urge this swift consideration and passage of this bill.

ORDER OF BUSINESS

Ms. WATSON. Mr. Speaker, I ask unanimous consent to speak out of order.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

THE PROBLEM WITH THE PROPOSED BUDGET CUTS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WATSON) is recognized for 5 minutes.

Ms. WATSON. Mr. Speaker, I stand to oppose the misguided budget amendments that are being presented to us. These amendments will not help a post-Katrina plan, but would only add to the deficit. It would require spending cuts and new tax cuts that would mount up to $70 billion, cuts that mostly benefit the wealthiest Americans at the expense of the poorest Americans.

If these spending cuts were approved, they would probably do what I would consider to be Draconian cutting. They would cut Medicaid, food stamps, child care support, the earned income tax credit, and supplemental security income.

I have a problem in my City of Los Angeles, and it is a homeless problem. There are over 80,000 homeless individuals that are on our streets, mostly in the evenings. They have problems with alcohol abuse, drug abuse, and mental illness. Over 33 percent of the homeless are mentally ill. And they are homeless. And why?

Because we have cut out the programs that address this population; and not only did we do that, but under the Reagan administration we closed mental health hospitals. Money was to follow the patients into the community, and it never did.

So if we are trying to be fiscally responsible, that means we are being irresponsible to the poorest of Americans. As Americans we cannot allow this to happen. If we are spreading democracy around the world, then we must live up to the principles and the tenets of its provisions. And its provisions say that every American has a right to be a recipient of the social services programs.

Mr. Speaker, we cannot accept the amendments to the budget that are being proposed. They will weaken our homeland, its people, and our security.

30-SOMETHING WORKING GROUP

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Florida (Mr. MEEK) is recognized for 60 minutes as the designee of the minority leader.

Mr. MEEK of Florida. Mr. Speaker, once again it is an honor to address the House. I can tell you that this week has been quite eventful. As you know, Mr. Speaker, we come every day to the floor to share not only with the Members but the American people what is actually going on in this House, and what is not going on in this House and what should be going on in this House, and it is the House of Representatives.

And there has been a lot going on this week as it relates to the budget. As you know, many Members came to the floor to speak pro and con of this. I will not use the Washington language, but I will use it in a way that everyone can understand: our relooking at the budget and making more cuts from the budget that have already been made.

And when I have been coming to the floor recently, Mr. Speaker, I have been bringing the local publication, the Washington Post to the floor, just to serve as a third-party validator to the arguments that have been made here on the floor. I am proud that our leadership on this side of the aisle, the Democratic leader, the gentlewoman from California (Ms. PELOSI), has stood against the winds of power in saying that there are certain things that we will not do. We who are Democrats on this side, we will not turn our backs on the American people.

We will not turn our backs on the survivors of hurricanes Katrina or Rita. We will not stand idly by and watch this country continue legislatively to go down the tubes because certain people and certain individuals in power would like to see their priorities and their projects and their special interest breaks or opportunities prevail on the backs of the American people.

☐ 1315

I am proud that we have the leadership on this side of the gentleman from Maryland (Mr. HOYER) and the gentleman from New Jersey (Mr. MENENDEZ) and also the gentleman from South Carolina (Mr. CLYBURN) to say no. I am proud of the fact that we have men and women in this Congress that are willing to stand up and say no to the majority. I must add, on the majority side who want to see their goals and objectives carried out on behalf of individuals that have suffered.

Now, I have to commend some of my colleagues here and some of my colleagues even on the other side of the aisle for standing up to the leadership and saying no, we will not cut Medicaid. We will not cut free and reduced lunch. That did not just come about because folks thought, well, it is okay to stand up. That did not come about within the Republican Conference. But I will tell you how it came about, Mr. Speaker. It came about because Members came to this floor mainly on the Democratic side and said, if you are going to do it we are going to turn the lights up. We are going to raise our voices, and we are going to let our constituents and your constituents especially know that you are allowing this to happen.

Mr. Speaker, this is not a victory lap in any way. I do not want anyone to feel that the tide has changed because as far as I am concerned individuals that are fighting on behalf of billionaires in this Congress to make sure that their tax cut is not touched and that we take away from those that cannot fight for themselves, they are sleeping in shifts. They are sleeping in shifts because they know that that is what they have to do to prevail.

I will tell you on this side, even though we are in the minority, even though we are not in the majority, even though we cannot bring a bill to a committee and expect for it to pass with the majority vote because everything is on partisan lines here as of recently, unfortunately, but I can tell you that even though we cannot agenda some of the things that we would like to agenda that will help this country move to the next level and will put us in the right direction, we are willing to fight with what we have. And what we have is the opportunity to come to this floor to share not only with the Members, let the Members know exactly what they are doing so we are not around here hugging and smiling and cheesing and grinning and scratching where we do not itch, saying "that was a leadership call."

Well, I can tell you right now, Mr. Speaker, as we look at third party validators, I just want to make sure that folks do not believe that this is the Kendrick Meek Report and that I just sit in the office and come up with whatever we want to say. I want folks. I want the Members to go to the WashingtonPost.com editorial page just today. Like I said once before, I do not have to go back and pull publications or pull Time from 2 weeks ago or pull Newsweek from a month ago about something they wrote about and say that was a great story from the Sioux City, Iowa Journal about a month ago and I want to bring it to the attention of the Members. You pick up the paper any day and it is filled with what this Congress is doing to a certain group of Americans.

Now, like I said, there has been a lot of discussion about the budget. It is truly, truly beyond me of all the power and influence of Members of Congress, you have all kinds of leadership on the other side of the aisle that has the opportunity to shine in the aftermath of Hurricanes Katrina and Rita and some of the biggest natural disasters that have hit this country in recent days. Do they take the opportunity to lean on behalf of those that are suffering right now and displaced? No.

Do they take the opportunity to go in and deal with these Federal agencies who do not even want us to talk to them directly because they feel that they are protected by the White House and why do they have to listen to Congress? We take this opportunity to say that you had the opportunity to perform and you did not. And because you did not perform, we are here as the elected people representing the people of the United States, be if from the affected area or from an area outside of the affected area, your constituents have federalized you to lead.

No. We are not doing that. The majority side is not doing that. No. They are seizing the opportunity to carry out the motives of the special interests. So, Mr. Speaker, when we talk about this issue of a culture of corruption and cronyism, this is a perfect example here in the Washington Post editorial number two, entitled "Katrina's Costs to the Poor."

What it is saying here basically is that the Congress voted earlier this year here on this floor, I must add that I did not vote for it but the majority did on party line, vote a $35 billion cut in spending for the next 5 years as it relates to the issue of entitlement programs, Medicaid, Title I. All of these programs that help financially challenged Americans that are federally mandated were cut.

Now, we have forces on the other side saying that we will not even get it up to $50 billion to help the Katrina victims. Well, I can tell you right now that has nothing to do about health. It has everything to do about the priorities that the majority side leadership has picked that they are going to represent. $70 billion in tax cuts mainly, in this editorial, this is not what I am saying, I am reading verbatim from this editorial, mainly for the most wealthy, the most wealthy Americans in this country. They are fighting on their behalf. They are saying it is okay.

I do not blame the top half. I do not blame the billionaires in America for what the majority is doing on their behalf on the backs of the suffering of the American people. I do not blame those individuals. I blame the people that are saying that they want to save our country money by cutting entitlement programs to the very people who have sent us here to protect them. They do not have, the average American does not have a million dollar lobbyist to walk into the office and represent them. They have a Congressman that they sent or a Congresswoman that they sent to this floor to represent them. And if we fail in that duty, then it is beyond personal responsibility, it lies on the majority.

I want to make it clear that you have to make the decision on if you want to lead or you want to follow. And I will tell you there are some folks in this House that are winning right now because we are not having a debate. We are just straight out saying that we are going to cut again the very programs that we just finished, that the majority just finished cutting, that are supposed to be helping the very people that we are trying to help. Better yet, we have asked billionaires to do nothing. We have given them tax cut after tax cut. We have men and women with sand in their teeth over in Iraq and Afghanistan and we are asking everyday punch-in and punch-out, retired, on Medicare Americans to suffer and to pay a price and to take a cut. We are not asking the most able Americans to do the same.

Now, I can tell you that this editorial goes on to say, Mr. Speaker, that the individuals that are being protected in this are the high-priced lobbyists and enriched constituencies. What it means by that by saying if you can pay to play in this House, then you are in good shape. You do not have anything to worry about. We have you, or they have you. And so I am glad that we are coming to the floor to be able to let not only the Members know but the American people know that this is an unacceptable practice, that I am glad that we are prepared on this side of the aisle to be able to put forth an amendment when you come to the floor with your budget that is going to not only move Americans forward but decrease the deficit.

This editorial goes on to say, You are saying that you are going to cut the budget and you are going to be fiscally responsible in managing the money of this country, but better yet, it does nothing to reduce the deficit. It increases the deficit.

Mr. Speaker, it is almost laughable if it was not true. And this is not just Democrats or Independents or some study group out there. You have the Washington Post, you have a number of other publications out there that are saying, wait a minute. You are doing this in the light of being fiscally responsible, but you are not. You are increasing the deficit. You are finding your money for your tax cuts for billionaires on the backs of working Americans, and I guess we are just supposed to sit here because it is in the light of trying to help Katrina victims.

Now I have a personal problem with that and I know the American people are going to have a problem with that also. We talk about this issue of a culture of corruption and cronyism, and I think it is important that we have an opportunity to talk about this a little bit more. This whole cronyism and individuals that are not qualified to lead is prevalent here in Washington, D.C., and it is continuing to happen, and I can tell you right now that it is truly unacceptable.

You want to talk about saving money on behalf of the American people? According to the AP, four out of five companies that won the largest Katrina contracts are being reviewed for possible waste and abuse. Four of the top 10 companies. So what we are doing here is we are saying, hey, listen, it is okay for you to mismanage the taxpayers' money. Not only is it okay, we will reward you again with a no-bid contract.

That is almost like saying, I have a bad contractor working on my house. I have already given him $200,000 to fix my house. Let me run out and get another loan and see if I give him $500,000 to see if they can really mess that up.

But the sad part about that is I would be doing it with my own money. But the majority and this administration is doing it with the American people's money, and so it is very disheartening.

Mr. Speaker, I am so glad to see my good colleague from New York. We are not in the race for the World Series Championship this year like we were a couple years ago, being from Miami and New York. But the gentleman from New York (Mr. SERRANO), I am so glad he came down here today to share in this hour with me.

Mr. SERRANO. Mr. Speaker, let me thank the gentleman that he brought this week this issue up again and again. I think it is very courageous on his part and very profound.

Secondly, as far as the World Series goes, it is true that the Yankees and the Marlins are not in it. I also noted that you took our bench coach, our assistant coach, as your new manager so you will do better in the future.

One of the issues that come to mind as I was watching the gentleman, as we know, this is transmitted live on television, I am wondering if the folks who are watching us today were also the same folks perhaps that watched the victims of Hurricane Katrina as that national tragedy hit us. Regardless of whether you felt it was a State or local responsibility or a joint responsibility with the Federal Government or whether you think we as a Nation failed or not, those images are in your head.

Now you see this discussion. What is this discussion about and how do I see it? We all tend to come have the same feeling but we come to the table with perhaps slightly different views. My concern is, as a member of the Committee on Appropriations, is that in the appropriations process we have the ability to declare an emergency. An emergency means just that. That while we try to balance a budget and while we try to have expenditures that meet both the needs and our ability to pay, that there comes every so often a situation that requires us to spend the money and deal with the fact that we are spending that money rather than try to make somebody pay a major price for it.

Of course, my biggest example is the war in Iraq. Now, whether you support the war or you oppose the war; and, incidentally, one of the things that we always need to clarify is that opposition to the war is not opposition to the men and women fighting the war. In fact, I could argue that you really support them by bringing them home tomorrow and ending the war. But that is a discussion for another time.

What is a discussion today is that the American people need to know that the way we pay for the war is by paying for the war. Whatever amount needs to be spent on the war in Iraq, we spend it. And it has gone close to or above $300 billion that we have spent.

Now, if I was to be sarcastic up here I would say that basically what we have done is print the money. We have not taken it out of anybody's budget. We have not taken it out of anybody's pain. We basically printed the budget.

Now there is a word in the English language that I try very rarely to use and that is immoral immorality. The reason for that is who the heck am I to determine what is immoral and who is involved in an immoral act, when in fact we are all guilty of a lot of things in the way we behave in this society. But if there is anything that resembles legislative immorality it is the suggestion that for you to get whole again, for you to be helped after Katrina, the way to do this is by taking money away from the programs that in fact affect the very same communities in many ways that are being hurt while slipping in, slipping in permanently this gigantic tax cut for people who did not need it and some of them who publicly said we do not want it.

□ 1330

You recall some very wealthy people in this country saying we do not want that tax cut. We do not need it.

So that what the American people need to understand is that I cannot imagine, nor have we ever heard of one American who watched the videos, the scenes of Katrina, and said, good for them. Everyone was heartbroken and wanted to do something. Our country came together in the aftermath to try to help. But what I think most people do not know is that the majority party is trying to slip in all of a sudden a new legislative morality that says when you pay for certain emergencies, you have to take it out of somewhere.

Now, where do you take it out of? Well, if you take it out of people and places that can afford it, then perhaps that is balanced. But to suggest you are going to take and pay for Katrina relief by cutting out certain amounts of student loans or certain housing programs or what may be left of the Food Stamp Program in this country, which is now down to practically nothing, or to help children in our country, to suggest that you would pay for that by taking out of there is, in my opinion, totally improper. It is not in the best interest of who we are as a country and it does not make us look good.

So we saw many in the last couple of days allow perhaps a momentary slight retreat on bringing that approach to the House floor. But the importance of the gentleman's comments and his being here today, and the reason why I joined him for a few minutes, is the fact that we have to keep mentioning the issue and the fact that that idea is still out there: that, again, if we cut the taxes of billionaire, that is okay; that if we put forth a war that half the country is still questioning why we are in it to begin with, that is okay to pay the $300 billion; that it is okay to build schools, hospitals, playgrounds, temples, churches, and any kind of structure for the people of Iraq. But to rebuild New Orleans, we have to take it out of a social program or an educational program. That is what the people need to understand, and I know that is what we are trying to do here today.

Let me repeat that just one last time, not to be repetitious but to simply make the point and to drive it home. In Iraq it is not just a war. The American people need to know that we are rebuilding Iraq. Incidentally, not necessarily rebuilding anything the former government destroyed but maybe we destroyed in the process. So we are putting in new schools, new homes, new temples, new churches, new community centers, an infrastructure, and new transportation systems. We are rebuilding a country. But if you were caught up in Katrina, you are on your own. And if we help you, we are going to take it out of another part of your life or another part of your suffering.

That is wrong. That is where we have to wake up and say who are we, what are we, and I believe that we are much better than that. So I thank the gentleman for his time, and I really hope that we can wake up soon, in the next week or so, and stop this madness from going forth.

Mr. MEEK of Florida. Mr. Speaker, I thank the gentleman for his comments, and I am glad the gentleman came down to the floor. I think it is very, very important to have as many voices as possible from different parts of the country sharing with not only the Members but the American people what is actually going on right now. Because by the time the American people find out what we do here, it is too late. It has already happened to them and they are saying, how did this happen. Many times they cannot follow the paper trail back to the source.

The gentleman mentioned the war in Iraq. Well, we have to remind ourselves that Republicans are in control of the House, Republicans are in control of the Senate, and the Republicans are in control of the White House, so it is not just the agencies that respond to the White House. They are the Federal agencies that are out there that are appointed by the President of the United States. So it is not our fault that things are going the way that they are going as it relates to dealing with Americans.

And what we are doing in Iraq is at top dollar. I must add that it is not like building a school in your neighborhood. It is top dollar, because you have to pay those contractors big money. And a lot of that money goes towards these special contracts. Four of the contractors that are carrying out Katrina work in a no-bid contract are under investigation by this government for mishandling taxpayers' dollars. So we are going to reward them for wasteful spending and possibly stealing.

People get all teary-eyed when they come to the floor and they start talking about the troops and how they support the troops; and some say, well, I support the troops more than you. Well, I support the troops. Who does not support the troops? We all support the troops. I want to meet the caucus that does not support the troops. It does not exist. So let us take that away and start looking at the realities of governing and oversight and not rewarding corruption and cronyism.

The gentleman talks about the money that it is costing. It is borrow and spend. The Republican majority is borrowing and spending at the highest interest rate possible. A lot of Americans receive mail, I do, and I open it and there you might find a free credit card. You can just sign right here. And then you read the fine print and you see that after the first 6 weeks it jumps up to a 21 percent interest rate APR. It is not a deal. So we are chest beating and talking about how we have to help these poor Iraqis, but, meanwhile, when it comes down to Americans here on our soil, suddenly we want to become fiscally responsible on the backs of those very same people.

There is a lot of hypocrisy in the democracy within this Congress when it comes down to looking at that. And that is not just because I am saying it, that is what is actually happening, and that is the unfortunate part about this whole argument. If we could wait until the next round of elections and the American people could have their way with some of the individuals that are running to the floor and cutting the very things that are helping their own local communities in the light of being seen as fiscal conservatives, it would be fine. But guess what, there is too much out there for us to wait that long. It has to happen now and we have to fight now.

Mr. SERRANO. If the gentleman will yield for just a moment. In this profession of ours, we like to make predictions and, of course, we like to be right. I will make a prediction now, one that we have discussed before, and I hope I am wrong. I hope I am totally wrong. News flash: Making a prediction; I hope I am wrong.

When this war settles down to something other than it is, because we are going to be there for at least 10 or 12 years, but when it settles to something less or different than what it is now, there will be many of us coming to the House floor putting in legislation to say those folks coming back need special medical attention, psychological, physical, all kinds of things. They need special housing and job training. They need all kinds of help. Well, the very people who are now saying we support the troops and are jumping all over the place spending all kinds of money on that ill-conceived war will be the ones saying we are fiscally irresponsible in trying to take care of the troops coming back home.

The best way to take care of the troops is, one, bring them home now, right away; and the second thing is to make sure they are rewarded and cared for for the pain they went through.

We know, sadly enough and unfortunately, that of the close to 2,000 Americans who have died we all know some personally. What we do not know, because this government will not tell us, is what is the total number of thousands of wounded, wounded who will come back, and are here already, with pain that needs to be dealt with. And the wounded in a war, as you know, could be getting shot in the hand to losing your eyesight or losing a leg or an arm. There are serious injuries coming back, but nobody is talking about that.

So I think the gentleman is right to continue to drive this home so that the American people can just get a wider look and then make their own decision, and I thank the gentleman once more so very much.

Mr. MEEK of Florida. Mr. Speaker, once again I want to thank the gentleman for taking the time to come and join us here this afternoon.

Mr. Speaker, I am also joined here by our great local delegate, the gentlewoman from the District of Columbia (Ms. NORTON), who has been in the Congress quite some time and who has seen quite a bit, so I am so glad she is here and I yield now to her.

Ms. NORTON. Well, I want to thank the gentleman from Florida (Mr. MEEK) very much for taking out this hour and taking the leadership on this vital issue.

Mr. Speaker, I was on my way to a markup. I got there and I thought I saw that there were a few minutes yet, and I said, I have to go down. Because I want my colleague to know that I heard from some of my friends on the other side get up and say words to the effect that our side did not want to see any budget resolution that had any cuts; and that, see, there go the Democrats again, they think you can just spend money. And comments like, even though they see the problem, they do not want any cuts to be made because they say that nobody will be for the budget resolution changes that are coming down now.

So I said to myself, my goodness, what is coming down now? The American people need to know that it is a perversion of what is required, a perversion of what they even say it is, which is an attempt to do the cuts so that there will be money for the Katrina victims. I did not think I could let them get away with that when three or four of them got up with the same message.

I think the first thing to understand, because we have the credibility to say it, is that the Democrats stand for a balanced budget, including making some cuts at this time given this emergency. We have the credibility to say it because we have proposed a budget that would put us in balance by the year 2012. We have done it. It is balanced. It is there for all to see on our Web site.

This is the moment. It is a magic moment, and the American people should look for this moment. This is the moment when the Congress should reinstate PAYGO. That is the pay-as-you-go notion that in the 1990s brought us to surplus, the surplus that the Republican White House inherited of almost $250 billion, a surplus as far as the eye could see, and in the snap of a finger it was gone.

We have pressed this Congress ever since the last administration left office to keep PAYGO. They have, in fact, said the only thing we are going to use PAYGO for are for spending other than tax cuts. So, we have had a perversion of PAYGO. We can do as many tax cuts, and they have been overwhelmingly for the most advantaged and wealthy people in our society, and you do not have to pay for those. But if in fact you are trying to help the poorest people in this society, such as those who were exposed for the world to see from the Katrina hurricane, then you better pay for those.

I do not think you could find any substantial number of the American people who would say, I am right there with you, and so we say, let us go with PAYGO right now. You will find that there will be Americans, those who are most concerned with the deficit, those who are most concerned with helping the poor saying, yes, now is the moment and we are for it.

Instead, what we see is amazing and brazen in how the resolution that appears to be coming down would operate. Since tax cuts cannot be touched, we have been told that, still, over and over again, the spending cuts are, in effect, going to take from services of the kind that the Katrina victims need. Do understand that. If you are a Katrina victim, even if you are middle class now, you need Medicaid when you did not need it before, you will need food stamps when you did not need them before.

I saw a woman on television who said, and this is a woman in her fifties, who said the very notion of food stamps and my family asking for them is so laughable that I did not even know how to do it. She had to have her daughter, who had also never been on food stamps, help her to find out how you apply for food stamps. So we are talking about of course the poor, the poor to our shame that we all saw but who somehow we had not seen before, but now we are also talking about hundreds of thousands of the new poor, or the temporarily poor, and those are the victims of Katrina who simply will not be able to get from one day to the next unless they have access to the services that have only been available to the poor, like Medicaid and like food stamps.

☐ 1345

If that is not enough under the topic of perversion, here is another one. This is supposed to be about cutting the deficit. We still leave the deficit at more than $100 billion. We do not make any real inroads into the deficit, so what are we doing? Do we really think the American people are fooled? I do not think so. I think as technical as this stuff can get, they are beginning to understand it. We see it in the polls.

I must say to the gentleman from Florida (Mr. MEEK), I was here with his mother before him; and in my 15 years in Congress, I have never seen such a gap in the generic poll between Democrats and Republicans. That tells me our message of who believes in balance and who believes in making cuts but doing them in the right way is getting across.

I say to the gentleman from Florida (Mr. MEEK), the Republicans started with $35 billion in entitlement spending, no tax-cut spending. That was cruel, but that is where they were, and that is what we had to take with all of our protestations. They said, no, that is not enough. After Hurricane Katrina, they said we need more. We need $50 billion. They say to the American people with a straight face, we need to do this for the Hurricane Katrina victims. These are the very victims who are now having their Medicaid and food stamps cut.

As if there are no offsets on tax cuts, we are looking to the spending cuts paying for tax cuts and new tax cuts, as much as $70 billion in tax cuts. We have been in the Congress long enough with Republicans in charge to know they believe in the reverse Robin Hood notion, take from the poor and give to the rich, but after Hurricane Katrina, how shameful, on the backs of poor give more in tax cuts.

The gentleman from New York (Mr. SERRANO) was clear when he says he knows where the rich would be. He said he cannot think of the rich in New York who would say this is the way to do it after Hurricane Katrina. We know and we want everybody to know we know where the money is, and it is in mandatory spending. We know there have to be cuts in the entitlement spending, and there have to be cuts where they hurt most, in Medicaid and Medicare. We hate that. But if there is a balanced budget resolution, we are prepared to eat that pain along with the rest of the country. What we are not prepared to do, what we are not prepared to do, after $35 billion in cuts that have already been on the backs of the poor, to break their backs by, in fact, more cuts to them.

The House has already cut low-income energy assistance, 8 percent. There was an 8 percent cut below last year's level. Middle-class people in our country are pulling their hair out trying to figure out how to heat their homes this winter, and we are going to cut even further the Low Income Home Energy Assistance Program for the poor. We could shout it from the hilltops because I do not think there are any Americans anywhere that would sanction that.

Every single winter we have left it at level funding; and to cut it this year when we know what has happened to energy, we know what has happened to oil and to gas, and everybody has informed everybody what they have to get ready for. They are telling middle-class people now is the time to shore up your houses, put in storm windows, and do the extras that will save you in your heating bills. Tell that to the poor people. They do not own the premises. They are the renters of this country. They are having a hard time finding enough money to pay the rent. They cannot fix the premises; and if they did, because they are so poor, they could not buy the storm windows. This is so cruel that you will not find Americans in any number who will sanction this if we tell it.

Mr. Speaker, we are going to tell it. We are going to tell it in the rich and the poor neighbors. We do not have the same access to the media the other side has, but just wait until we finish telling America about how you are taking money for Hurricane Katrina victims supposedly, from other poor people to supposedly pay for them when the money will in fact go to pay for tax cuts for wealthy Americans.

Let me give one more example that I think will get to the heart of the problem, and that is the possibility of a 2 percent across-the-board cut that will cut special education funding below the 2005 level, further reducing special education.

There is not a Member here who does not hear his school board, his local officials screaming about special education drinking up the lion's share of the education dollar. As it is now, we are down to covering only about 17.5 percent of special education. That is 17.5 percent out of the storied 40 percent we pledged the States we would cover when we passed the IDEA bill.

Mr. Speaker, who has the nerve to say to States, take from the traditional children if you have to, because the IDEA bill says you have to give to your special education children. So this time I say to my friend, we are not taking from the poor to the rich, we are taking from our traditional children and giving to our most needy children, and that is a trade-off nobody in America wants us to make.

Mr. Speaker, I say to my friend before I return to my markup, the gentleman has done us a service. I do not know how many Americans are watching, but I do say whatever happens here, we do not have the majority. The gentleman from Florida took this hour so we could make it clear that the other side of the aisle cannot come on the floor and say whatever they want to say, even if what they say are patent untruths, without understanding that lie for lie, you will find us talking to the American people to try to set the record straight.

Mr. Speaker, I thank the gentleman for his leadership.

Mr. MEEK of Florida. Mr. Speaker, I thank the gentlewoman from the District of Columbia (Ms. NORTON) for her leadership. As I said at the top of this hour, we thank the Democratic Caucus of this Congress for standing up on behalf of the American people. When we start talking about issues, these issues we are all talking about, these issues are affecting the American people. It is up to us to be able to share this information. I am glad that the gentlewoman went further into the budget.

Mr. Speaker, we need to balance the budget. We are the only Members of the body that can actually say we balanced the budget and we had a surplus. The majority side cannot make that claim. I was not here, but the gentlewoman was here. They passed the budget that gave us a surplus. The other side cannot even say it because they all voted against it.

Ms. NORTON. Mr. Speaker, I thank the gentleman.

Mr. MEEK of Florida. Mr. Speaker, it is almost like we need to have an opportunity to come to this floor like every 3 hours. There is so much going on here, the Members need to know that we are watching them. The American people need to know and the Members need to know that we have alternatives, and we are going to present those alternatives legislatively in committee, we are going to present those alternatives here on this floor, and we are going to present those alternatives in Special Orders to let it be known that we are not going to sit by and watch this country start to slide, not because of the American people, but because of the majority who are willing to stand on behalf of the most able Americans as it relates to finances on the backs of everyday Americans.

Mr. RYAN of Ohio. Mr. Speaker, there is no doubt about it. I think there are so many issues we need to address as a Congress that are going either unaddressed or the actions of the Congress are hurting the average American people. That is why the Democratic Party is presenting proposals that will take us in a new direction. I think the country needs to go in a new direction. I do not need to go back to Ohio to figure that out. I think it is all over the country. We had a gentleman here last night from Oklahoma. We had a woman here from Florida. We had a man from New Jersey and a man from Ohio. From all over the country people are saying, Democrats, please take us in a new direction, in a direction that will change the country, and those are the kinds of proposals that we are offering.

As we look back as to what has been happening here for the past 5 years, it has been nothing but appointing crony friends to positions that are key in executing the game plan for emergency management, and then the job not getting done, hiding information on the true cost of the Medicare bill so we have a corrupted system here.

The Democrats want some transparency, and we want the opportunity to lead so we can take this country into another direction. I found it very interesting today in The Washington Post there was an article about a speech that Colin Powell's chief of staff for 16 years, Colonel Larry Wilkerson, gave. During the course of the speech, he talked a lot about what has been going on. This is one of the third-party validators that we like to have at the 30-something group. We like to validate our thoughts with someone who is independent of us. This is not the Meek Report or the Ryan Report. This is a 16-year chief of staff with Colin Powell, and he is a veteran. He was the director of the Marine Corps War College for quite some time. And what he had to say I found unbelievable.

He talks about him seeing a cabal between the Vice President of the United States, DICK CHENEY, and the Secretary of Defense, Donald Rumsfeld, by cutting out the bureaucracy that had to carry out the decisions: "We have courted disaster in Iraq, in North Korea, in Iran, and generally with regard to domestic crises like Katrina."

If there is a nuclear terrorist attack or major pandemic, "you are going to see the ineptitude of this government in a way that will take you back to the Declaration of Independence."

This is a guy who has been in the Department of State for 16 years. This is a 16-year chief of staff, worked at the State Department, ran the Marine War College. This is a guy who has been around the block. He is saying if we have a terrorist attack of significant magnitude, we are going to see the ineptitude of our government.

What the Democrats are saying with our independent commission that we want to oversee what happened with Hurricane Katrina, we had better figure out what the answers are here. We had better figure out what we did wrong because the next time it may not just be New Orleans, it may not just be the gulf coast and then people are going to come to us and say in 2005, where was the United States Congress? Where were they in their oversight duties? Article I, section 1 of the Constitution, the people of this country govern in the House of Representatives and we have oversight over everything, over every executive function, including FEMA and the Department of Homeland Security.

The concern is when a man of this magnitude who has been around the block as many times as he has been, who has watched up close the misinformation with the war in Iraq, Hurricane Katrina, all this other stuff, says to us you will not even believe the ineptitude if there is a major nuclear attack in the United States, the ineptitude of the government. Now, our job is we should not have to wait.

□ 1400

And that is why the Democrats want an independent Katrina commission just like we had an independent 9/11 Commission, bipartisan. And the committee that is set up right now might as well be chaired by Mr. Gillespie, the chair of the Republican National Committee, because it is a partisan committee. The Democrats do not have subpoena power, it is 11 to 9 Republican to Democrat. And I just feel that that is an unfair way to go about solving the problems, because it is about CYA, it is not about getting the facts. And that is a real problem.

And meeting our constitutional obligation, we stand here and we raise our hand and we swear to uphold the Constitution so help us God. Part of that responsibility is the oversight that I think we have been derelict of our duty. And the Republican Congress has been derelict of their duty, and that is why the Democrats want to take this in a new direction and change what is going on down here and do that by having an independent commission that will get to the facts, not to the politics.

Mr. MEEK of Florida. Mr. Speaker, my colleague from Ohio could not say it better because that exactly goes to the marrow of this whole issue, of making sure that we engage not only the Members but also the American people. If it was something dealing with total politics, you could say, well, you know, in 2006 it will be dealt with. But there are so many things that are happening to Americans versus for Americans that we need change now.

Mr. RYAN of Ohio. The last part of this article about the Colonel, he says what my colleague just said, what he was just saying: You and I and every other citizen like us is paying the consequence. Whether it was a response to Katrina that was less than adequate certainly, or the situation in Iraq which still goes unexplained, we are paying the consequences.

Mr. MEEK of Florida. Like I said, he is right and we are going to see.

Mr. RYAN of Ohio. You are right.

Mr. MEEK of Florida. I will take some of that, too. Because those of us that are here in the Beltway, and when I say Beltway we are talking about here in Washington, D.C. there is a Beltway that goes around this entire city. Those of us that are drinking the water, breathing the air, and eating the food here understand exactly what is going on, and it is our duty as Americans to make sure that we put light where light is not. And even where you have light, like here under the lights here in this Chamber, that we illuminate it even more as it relates to making sure that every Member knows exactly what he or she is doing or not doing as it pertains to issues that are going to blanket, blanket and increase cronyism and corruption and going to increase the whole, or going to promote the whole theory of borrow and spend.

Folks, it is interesting, and the thing about being in Congress is that it is important that you understand that we all must tolerate one another. It is not personal, it is just business. And the bottom line is, is that if you want to talk about the business and you want to talk about spending, you want to talk about fiscal responsibility, you cannot just have a backdrop in the back of you at a press conference and say fiscal responsibility, and fiscal responsibility, that makes you a conservative. That does not make you a conservative. What makes you a policy maker and what shows that you have the ability to lead is being able to march down to the White House and tell the President: We are concerned about spending. Why don't you veto a bill for once?

Mr. RYAN of Ohio. Yeah.

Mr. MEEK of Florida. The President of these United States, our President, you want to talk about being a conservative, has not even vetoed one spending bill. As a matter of fact, of the transportation bill that has more fat, pork, everything else, a couple of raccoons in there, he did not even have the nerve to stop that. We have bridges going to nowhere. Meanwhile, we have got folks around here in shelters, and we are asking no one to sacrifice. No. As a matter of fact, the majority side, the Republican side, they are asking poor people to sacrifice. They are asking people that their kids are in Iraq right now and Afghanistan to sacrifice.

Meanwhile, you have billionaires saying: Do not worry, you do not have to say anything. This is what the majority is saying. You do not have to say anything, we will protect you. We will protect you, Republican majority.

So I think it is important that we continue every time that we get the opportunity, need it be out in the hall, in our office talking to our constituents, or on this floor talking to our colleagues, that we know and the American people will know exactly what you are doing to them, and it will not be something where that: I do not know, I did not understand what I was doing on that vote. And, if I would have had that opportunity. Do not come creeping in here under the doorjamb writing something into the CONGRESSIONAL RECORD saying, well, I know I voted for this budget, to cut the budget of a lot of my constituents, but I really feel this way.

Do not do that. We do not want to have to pick up the CONGRESSIONAL RECORD to find that you have a conscience about the vote that someone told you to do, a twist your arm.

The gentleman from Ohio and I talked the other day about violating the spirit of the rules of the House of Representatives. The so-called energy bill that went and passed this floor just a couple of weeks ago, held this board open, the voting board here in this House open for 90 minutes, 90 minutes on a 15-minute vote. We came up to these mikes and called: Mr. Speaker, point of order. What is going on here? Did we not have a vote? Oh, wait, I am sorry. You mean to tell me you are not winning and the special interests are not winning on allowing them to stick the drill anywhere they want to drill, and you mean to tell me you are not winning because this is not a true energy bill that is going to talk about conservation and independence and go against price gouging? You mean to tell me until you are able to twist enough arms, or I must add, hammer people, okay, to the point where they are going to change their vote based on their thoughts of coming in here and based on the information that they have on this bill that it does nothing, you are going to hold the voting clock open until you have your way.

It is almost saying that we are at a little league football game and I happen to be the guy that bought the jerseys for one team and my cousin happens to be the ref that has the stop clock. I am going to tell him to stop the clock because we are behind by 7 points and I have got to go over and try to twist some arms and try to change the rules so that we can come up by 8 points, and then I want him to start the clock all over again. That is breaking the spirit and that is violating the rules. They are doing things because they can.

But I can tell you one thing, Mr. RYAN. Just like you talked about that decorated veteran that has worked in the State Department and worked with Colin Powell, the American spirit will prevail over politics, and that is what we have to bank on as it relates to this.

So those individuals that have a problem with us coming to the floor and sharing exactly what is going on.

this is fact, not fiction, then they have a problem with the spirit of America. They have a problem with the blood, sweat, and tears. They have a problem with folks that are sitting in Walter Reed right now that laid it down on behalf of this country that we would come here and represent them. They are white, they are black, they are Republican, they are Independent, they are Native American, they are Hispanic, they are Americans. And we are charged with the duty of coming to this floor and making sure that they are represented. Even if the majority does not want to represent them, even if we are in the minority, we do not have the option to say we were bigger, they were smaller. They had the majority, we had the minority. Oh, we could not do anything. We are doing everything. As I speak now, we have Democratic members fighting in committee to make sure that they can get amendments on to bills to be able to help Americans. As we speak right now we are preparing to come to the floor to fight the battle with what we have.

What my colleague from Ohio is saying is 110 percent right. That bill that you have there, we have over 40,000 citizen cosponsors on it right now.

Mr. RYAN of Ohio. 40,000? Wow. H.R. 3764, you can come to www.housedemocrats.gov/katrina. We are trying to get a grassroots movement together, and it sounds like we are well on our way. 40,000 citizen cosponsors for this bill to form an independent commission so we can go back and review and actually fix problems. Would that not be novel, for government to go back and actually have an independent commission, remove the politics, and fix the problem? That is what the Democrats want.

And all that you said there, I want to make one final point because we only have a couple minutes left. If you do not believe us and you do not believe our third party validators, Mr. Speaker, let us just use good common sense here. Every single cut that is being made to supposedly pay for Katrina is being cut in a program that does not have lobbyists. Can you believe that? Medicaid, after-school, free and reduced lunch, student loans, no lobby groups down here for those people. So we are going to pick on the little kids, we are going to pick on the people who cannot defend themselves. But meanwhile, the guys who are raising millions and millions of dollars for the Republican majority, we are not going to touch you. We could not possibly ask in this time of great national crisis, three wars, we have a natural disaster and high gas prices, we could not possibly go ask the wealthiest in this country to pay their fair share.

And I say this, and I do not say this lightly. This administration does not have the guts, the guts, to go and ask the wealthiest people in this country to help out. It is easy to cut programs for poor people. It is easy, because you know why? None of those people associate with the poor Americans. They are not sitting on the White House lawn drinking champagne and eating caviar.

But show the proper leadership and ask the hard questions and ask all Americans, including the ones making a billion dollars a year, to pay their fair share.

Our Web site is www.housedemocrats.gov/katrina for our citizen cosponsorship, and you can e-mail us at 30somethingdems@mail.house.gov.

Mr. MEEK of Florida. I thank my colleague from Ohio for joining me. Mr. Speaker, I also would like to thank the Democratic leader for allowing us to have this first Democratic hour.

HEALTH CARE AND FISCAL ISSUES

The SPEAKER pro tempore (Mr. KUHL of New York). Under the Speaker's announced policy of January 4, 2005, the gentleman from Georgia (Mr. PRICE) is recognized for 60 minutes as the designee of the majority leader.

Mr. PRICE of Georgia. Mr. Speaker, I appreciate the leadership allowing me the opportunity to speak this hour and talk about a number of issues. We are going to discuss an important issue of health care. But before we do, I thought it would be appropriate to correct some of the misinformation that we have heard over the past hour. And the misinformation is truly remarkable, and so I have been joined by one of my colleagues here to address a couple issues and I will do the same as well, and then we will get into the discussion about health care. But I am pleased to be joined by my colleague from Tennessee (Mrs. BLACKBURN), who is going to tell the rest of the story.

Mrs. BLACKBURN. I thank the gentleman from Georgia who is doing such an extraordinarily wonderful job, Mr. Speaker, as he represents the positions that our party holds on so many issues that are important to the American people.

I am going to be heading to my district for the weekend, as most Members are, spending some time there, having the opportunity to talk with them. But as the gentleman from Georgia was saying, we wanted the opportunity to just address and maybe do a little bit of correcting on some of the points that our colleagues from across the aisle have been saying and stating. Sometimes I think that they are just sadly misinformed on some of these issues.

They said that Republicans are not looking to cut spending. I just find that extraordinary. They said that Democrats are the ones that are wanting to cut spending. Mr. Speaker, the level of hypocrisy in that statement is absolutely astounding. We have a Democratic Party in this House whose message, and I honestly believe many days is the only message that they have, that message is: Spend more. Whatever it is, spend more. Whatever they are wanting to do, if they do not think the outcome is right, go spend more. And for years they have held this thought that if you just put more money in the pot, then the outcome is going to be what they want. Spend more. Spend more.

And what holds them together? Mr. Speaker, I think that is something that is a curiosity to many people, because they are not united on foreign policy, they are not united on winning in Iraq, they are not united on border control issues, they are not united behind working families who tell us repeatedly that what they want is lower taxes, lighter regulation, preserving individual freedom, and having their shot at hope and opportunity.

Our colleagues across the aisle are not united on that. The one thing that they repeatedly seem to be united on is spending more of the taxpayers' money, spending more of your hard-earned money. And it is amazing to me, government never gets enough of the taxpayer money. Government has this huge, voracious appetite for the taxpayers' money. They just cannot get enough of it. There is always another program. Many of them are great programs, but one of the truths that we all see here in this body: If government moves in to solve a problem, generally neither the private nor not-for-profit sector will move in and address that problem.

□ 1415

So you have additional costs that come about. Every time we talk about winning in Iraq, our friends across the aisle seem to say let us get out, regardless of the sacrifices that are made. Every time we talk about controlling the border, they are over there saying no way.

Mr. Speaker, yesterday, I was on a CNBC program; and a Democrat Member of the House said that their party had never been invited to offer spending cuts. There are 435 Members of this body, and Mr. Speaker, they are waiting for an invitation to come in and participate in how to reduce the size of government. This morning, I was on the floor and I said please consider this the invitation, come on. Everybody needs to work on this. It should be a bipartisan effort. It should involve every single Member of this House, how we go about reducing what the Federal Government spends.

I have three bills that would enact across-the-board cuts, 1 percent, 2 percent and 5 percent cuts; and for all of their talk today about how they want to cut spending, Mr. Speaker, not one single Democrat is on those bills, not one. We have got 14 Republicans who are on those bills, and not one Democrat has signed on to commit to finding 1, 2 or 5 percent of waste, fraud and abuse in government spending.

Mr. Speaker, I ask my colleagues, who is really leading on this issue? I hear plenty of accusations from the left. I hear plenty of complaining, and I see zero action. A lot of talk, no action. They controlled this body for 40 years; and in that 40 years, they built layer after layer after layer after layer of government. They cooked them a big old government cake, layer upon layer.

We have got programs out there that do nothing but waste our money. We have got 342 different economic development programs. There is a lot of work that we can do. Everyone is invited to come in and work on these issues; and anytime we even try to restrain spending, look at the rhetoric that we hear.

Mr. Speaker, it is our party in this House, it is our leader, the gentleman from Illinois (Speaker HASTERT), who truly is leading on this issue, not the minority leader. It is our leaders who are pushing this. It is our party who would like to reduce government spending by billions of dollars, billions more in next year's budget. It is our party that would like to see across-the-board spending reductions.

Their solution that they offer is repealing tax relief that is well deserved by hardworking American families, repealing that relief and raising taxes, period. That is the only thing that unites their party.

I hope that they will work with us on reducing the spending of the Federal Government. I thank the gentleman from Georgia for yielding.

Mr. PRICE of Georgia. Mr. Speaker, I thank the gentlewoman from Tennessee for her leadership and really stalwart stance on the issue of budgetary reform and fiscal responsibility. She is one of the champions here as it relates to that.

I just wanted to mention a few other items that we have had presented by the other side of the aisle over the last hour; and again, I think the misinformation that is being presented is truly astonishing. It does a disservice to the American people. It does a disservice to the debate because if folks are not interested in being honest and open about the debate, then you cannot have a real debate; and when you are dealing with folks really who want to distort things so incredibly, it is phenomenal.

My colleague from Tennessee mentioned that the Democrats were concerned because they had not been invited to participate. Let me tell you what their leadership said when we discussed the possibility of opening up the budget that we agreed to in the spring in order to find savings to cover the costs for the displaced citizens down in the gulf coast after the hurricanes. What the Democrat leadership said, well, you may do that but you will not get a single Democrat vote. Now, there is leadership for you. There is leadership for you.

We also heard from the other side recently, just earlier today, that they looked for third-party validators, some objective body that would say, yes, what you are saying is absolutely correct. As an example of the third-party validator, they brought an editorial from the Washington Post. Folks in my district, if you had a microphone in their living rooms right now, you would hear them guffawing. To consider that the Washington Post editorial is a third-party objective body is just phenomenal, but it is the backdrop for all of the discussion that they have, and that is, to distort and to give a lack of credibility to those things that are truly occurring here in Washington.

I want to point out this chart right here because this is a chart that talks about the percentage of Federal personal income tax paid by different sectors of our society. All the time you hear the other side talking about the wealthy are not paying their fair share and it is all on the backs of the poor and on and on and on. Sometimes the picture is worth a thousand words.

What this chart shows is that the top 1 percent, this column right here is the top 1 percent of our population in terms of income. The top 1 percent of our population in the United States today pays 34.27 percent of the total taxes, 34.27 percent by the top 1 percent. So you tell me whether you think that is the right amount or the wrong amount. I do not know. All I do know is they are certainly paying their fair share.

The column way over on the other side, way over on the other side is the lower 50 percent of income individuals in this Nation, and the amount that those individuals are contributing to the total revenue is 3.46 percent. You see the difference, the lower 50 percent, that is half, 50 percent, that is half, compared to the top 1 percent, 3.46 percent, 34.27 percent, 10 times as much by the top 1 percent as the lower 50 percent.

As I say, you may say that that is not the right amount, but you certainly cannot say with a straight face that the individuals who are in the top 1 percent are not paying their fair share. That is just nonsense, and really, makes it so that you have to be suspect about every other word that comes out of their mouths, especially when it is talking about budgets.

So I would hope that what they would do is to engage productively, to engage in the process and come with positive solutions and positive discussions and not just a just-say-no attitude, which is what their leadership has told them as it relates to budgetary issues.

Let me shift gears a little bit because I did want to thank, once again, the leadership for allowing me to participate in this hour and wanted to talk about one of the most important aspects and areas of every single citizen's life, and that is the area of health care.

Few things are more important to any individual's life than health care; and certainly, the decisions that an individual makes about health care are some of the most personal ones that one will make. I am joined today by one of the gentleman from Texas (Mr. CONAWAY), my good friends and colleague, who is going to discuss a little bit about individual responsibility as it relates to health care; and then we will talk about some other items as they relate to Medicare and other issues and health care.

Mr. Speaker, I yield to the gentleman from Texas (Mr. CONAWAY) and ask my colleague to talk a little bit about individual responsibility in health care.

Mr. CONAWAY. Mr. Speaker, I thank the gentleman from Georgia (Mr. PRICE) for yielding.

Let me make one comment about your chart. I am a CPA. I have spent 30-plus years assisting clients in dealing with our very complicated, very convoluted Federal income tax code, whether it is individually or corporations or other businesses. Any system that is based on a "fair concept" is flawed because what is fair to one person's view is not necessarily fair to somebody else's point of view. When you base a public policy this broad and expansive and quite frankly invasive on "fairness," then you set yourself up for a constant argument and constant battle about what is and is not fair.

Clearly, your chart shows a differential between the wealthiest folks in this country and the folks that are on their way up to, hopefully, becoming the wealthiest in this country. Certainly, they have got that opportunity with hard work and applying themselves to that.

So I would just like to point out that maybe we need a different system. Maybe sometime next year let us have this conversation about a different way to collect the minimum amount of money needed to fund this Federal Government, and we will have that conversation.

I would like to comment, though, on health care and individual responsibility.

I think it is universally recognized, and that is a hard thing to state with a straight face, but I think it is universally recognized that Americans enjoy the finest health care delivery system in the world. You yourself have been an integral part of that as an orthopedic surgeon, and your wife, I believe, is an anesthesiologist, members of the delivery system that this country enjoys.

We have got a flawed payment system, and I am not sure how we got to this point and place, but we are here. We have got a system that if you ran your car insurance program the same way we run health insurance, then each time you needed to change the oil in your car or new tires, you would file an insurance claim. That is not how we work our cars. We figure out a way to operate our automobiles out of our normal monthly budget. We budget for that and take care of those incidentals. We do have car insurance for the catastrophes, for wrecks, for destruction and theft, those kinds of things, those catastrophic deals.

Our health care system is flawed in that, quite frankly, I get the services, you provide me the services, and someone else pays for those services. In that scheme, I am not as concerned about the cost of those services as I ought to be because I am not writing a check to help out with that. So I have no incentives, so to speak, to ask you are there alternatives to what you have proposed, is there another way to do this or cheaper way. Can we do it at some other hospital that can be a little less expensive than the one you typically practice at, because I am writing those checks.

Getting personal responsibility back into the health care system, getting a system in which I have a viable interest in asking that question. We may ask that question on every other single thing that we do, how much is that going to cost. We may not ask it out loud, but we make a cost-benefit analysis each time in our head each time we make a purchase on something such as how do I want to pay for that. We do not do that in medicine, and it needs to be communicated to all of us that that is okay to do in medicine.

There are some things in medicine you do not ask: emergency or catastrophic kinds of things. You go get that thing. There is an awful lot of medicine that I think is subject to a circumstance where we can ask what that costs, and I think just doing that would begin to drive down those costs.

As the example, I went for an annual checkup a year or so ago and had an issue. The physician said, well, I can prescribe a course of antibiotics that is about $300 a month and 3 months from now that condition will clear up. I have got a prescription drug card so it was going to cost me $15 or whatever. I said $900? He said, yeah. I said, well, what happens if I do not do that? He said in about 3 months it will clear up.

I made a cost-benefit analysis and decided that I would forgo the antibiotic treatment and go with the professional judgment. It was my decision. I need to stand behind that decision, and if 3 months later my condition had gotten worse and I had other problems that may have been fixed if I had taken a different tack, I cannot go back on the doctor or should not and sue the doctor or the pharmacy or whatever, sue anybody that is still breathing because of a decision that I made.

Personal responsibility is not only taking responsibility for paying for health care but also reclaiming your health care decisions because those are yours. You are responsible for that, and you yourself know there will be the occasional bad outcome to any procedure, to any field, and that is just nature. Doctors are not perfect or hospitals. None of us are. Those legitimate just bad outcomes is just the system, and we ought to take personal responsibility for that.

I had several doctor clients, and to a person, if they did something wrong, if they created an issue or made something that aggravated something with a patient, they were going to fix it, period, no matter what it was.

□ 1430

But in many instances, they used their absolute best professional judgment to treat a patient and they just got a bad outcome. That is life. So this personal responsibility issue that I am talking about is decisions for what health care you do get or you do not get, and the costs.

I think the health savings accounts that we have instituted in certain instances will help us do that, so that putting away money in a health savings account; if you have a normal monthly kind of an expense come up, I have to decide do I take that money out of my health savings account that is growing, or do I figure out a way to do it out of this month's budget or my normal operating budget. So bringing that personal discipline back to the table in the arena of health care is not the absolute overall magic bullet, but it is a piece of the fix that is health care costs.

I appreciate this opportunity to share this hour with the gentleman, and I look forward to hearing the remainder of the gentleman's comments from a learned colleague in an arena that is obviously of vital importance to all of Americans.

Mr. PRICE of Georgia. Madam Speaker, I appreciate the gentleman's comments, because they are just so appropriate, and I think it is a shame, but they are visionary, that it ought to be the system that we currently have in terms of personal responsibility and an opportunity to select the kind of health care that we have. But, sadly, that is not the case. We will talk a little bit about that and how we got to where we are today in our health care system.

But let me mention, once again, why I think it is so incredibly important that we discuss health care. It is a significant portion of the Federal budget but, more importantly, it is without a doubt the area where the most personal decisions are made. And as we talk about health care, I think it is important that we always try to remember who is making those decisions, or who should be making those decisions may be a better question. Who should be making those personal decisions as they relate to health care?

My passion for this is, as the gentleman from Texas (Mr. CONAWAY) mentioned, I am a physician, I am a third generation physician. My grandfather and father were physicians as well. My grandfather graduated from medical school in 1908, so he saw a transformation in the field of medicine that was absolutely incredible. He practiced for over 30 years nearly without any antibiotics at all. When you think about that as being a different kind of world, it really was a different kind of world, a different kind of health care. He practiced medicine until he was 94 years old. So I remember well when I was a young boy, some of my first memories are of visiting my grandfather and going on what were rounds with him, and rounds at that time meant house calls. Some people remember those, but we would get in his car or walk through the neighborhood and visit patients. And one of the things that I remember so well is the love that was poured out when he would come to a house, because it was a very personal relationship, the relationship that the patients had with their physician, then my grandfather.

My father was a physician as well and came and practiced during the 1960s and the 1970s, and it was a different time then also. It was a time of great transformation for health care, in a direction that has kind of led us to where we are right now. He initially practiced internal medicine and then moved into becoming one of the first professional physician groups of emergency care. He worked in an emergency room in a hospital, and that was part of the transformation that medicine was going through, to try to answer some of the real challenges of caring for people with new technology and a new society that was having challenges in the way that people were accessing health care. Many suffered from trauma, which had not been the case in the past, primarily related to the automobile and the kind of traffic that began sprouting up in so many urban areas across our Nation.

In the 1960s, we saw the changes that came about with the institution of Medicaid and Medicare. And when we talk about health care in the United States, it is impossible to talk about health care without talking about Medicare, because Medicare has truly transformed, for better or worse, the whole method of how we deliver health care in our Nation. The vast majority of private insurance products today as they relate to health care are tied in some way to Medicare. Most folks do not talk about that, many do not know that, but it is why the discussion about Medicare is so incredibly important.

There are a couple charts that I have here that I would like to share with the body that kind of bring some of that into perspective. This first one comes from the Center for Health Transformation, and that is an organization that has come about in the past couple of years. It is headed by some wonderful people. Speaker Gingrich is leading this charge. He recognizes that the aspects of health and health care and the costs of health care to our Nation must be transformed in the way that they are being delivered right now. And this information comes and demonstrates the national health care expenditures as a percent of gross domestic product.

So how much are we in this Nation spending on health care as it relates to the entire domestic product that we have? How much money do we have and how much are we spending on health care?

In 1965, that amount was about 6 percent. In 1965, that amount about was about 6 percent. It happens that 1965 was the year that Medicare began. And there are a variety of reasons for why we see the curve go up the way it does, but suffice it to say that we have significantly increased the amount of our domestic product that we are spending on health care, now to about 13 percent, and the projections are that in the relatively near future, we will be at 17 percent. Some of that is, I would suggest to the Members of the House and folks who are watching, some of that is as a result of governmental involvement, and we will talk about that some. Some of that is a result of technology, no doubt about it. But the trend is disturbing. The trend is disturbing, because we cannot go too much further, and we may be at that point now, where we are not able to provide for other priorities that the Nation has. So we have gone from about 6 to 13 percent as a percent of gross domestic product.

Now, it is also important to look at who is paying. I often talk about the golden rule. Most folks know the golden rule. There are a couple golden rules. The finest one is the golden rule that says do unto others as you would have them do unto you, but in Washington the golden rule is he who has the gold makes the rules. And this chart demonstrates clearly one of the challenges that we have as it relates to health care.

This chart shows the percentage of health care expenditures that are privately paid or paid for by the government. And one of the dirty little secrets that is not really a secret is that whenever the government pays for anything, whenever Washington pays for anything, there are all sorts of rules and regulations and requirements that are in place that go along with that. Sometimes they are good and sometimes they are not, but they have to be complied with. Otherwise, you do not get the money.

Now, in 1965, remember that other chart that we had, which showed the amount of money that we were spending on health care. This chart shows in 1965 that government paid for about 25 percent of all of health care expenditures in our Nation. And the private sector, individuals and the private insurance, paid for about 75 percent. So about 3-to-1 private sector to government.

Over a relatively short period of time, we are seeing a significant change in who is paying for what. Right now we are in a situation where the government is paying for about 45 percent, and it continues to tick up, of health care expenditures, and the private sector or the private market is paying for about 55 percent. That is important not just because this side is oftentimes on the backs of hard-working Americans, but it is important because remember that golden rule, he who has the gold makes the rules.

Washington, when they are paying for health care, make rules that may and oftentimes may not be to the benefit of the system: When I say "the system," I do not mean the folks providing the care; I mean the folks receiving the care. This system is set up not to serve patients, and that is the problem. This type of graph demonstrates that those individuals who are most, remember, the most personal decisions that we make are health care decisions, and this system is set up to not be one that is the most helpful to patients.

My colleagues may say, well, can you give an example of that? Well, there are all sorts of examples of that, but what I would like to talk about briefly is an example that clearly points out why Washington is not the place to make these decisions. We are about to begin a new part of the Medicare program on January 1 of 2006, it is part D Medicare program which will start January 1, and that program is a program that for the first time since 1965 when the program was instituted, for the first time will cover prescription drugs, will cover medicines.

Now, one thinks of a health care system that has incredible ramifications for the entire health care system of our Nation, and it has been in place for 40 years, and it has not covered a single medicine, not one antibiotic, not one drug for diabetes, not one drug for hypertension or high blood pressure, not one drug for cancer; it has not covered any of them. That is the way that Washington works; that is, slowly and with a lack of perspective on who is being affected by the decisions.

Remember, patients are the ones that are affected by the decisions that we make here in Washington as it relates to health care all across the spectrum. And we have a system in place that is not changing; that is, the structure of the bureaucracy in the government, that is not nimble, it is not nimble like the private sector. So we have a Medicare program that for 40 years has not covered a single drug.

Now, thank goodness we are moving in that direction. There are some challenges I think we have in that program. But we have a system of government in Washington that cannot respond to the remarkable changes that we have had in the area of progress in science and technology. The private sector is so much more adaptable, so much more flexible, so much more nimble. So when patients need improvements, they ought to be able to look to the private sector for those improvements, because they come about so much more rapidly. But the sad story is, they have to look to Washington.

So I think what we need is a transformation of our health care system so that patients can make those kinds of decisions.

The health care model that we have right now really harms people, because it is not responsive to the needs of patients. It is responsive to a bottom line. It is responsive to a bottom line. In fact, the individuals way back in 1965 who wrote Medicare, the Medicare law, in this body knew that. They knew that Washington could not be responsive. They knew that it ought not be in charge of health care. And how do I know that? I know that because what they wrote in the law at that time, and this is a quote from the changes to the Social Security Act which put in place the Medicare program: "Nothing in this title shall be construed to authorize any Federal officer or employee to exercise any, any supervision or control over the practice of medicine or the manner in which medical services are provided."

Did you hear that? Nothing shall be construed to authorize anybody in the Federal Government to exercise any supervision or control over the practice of medicine or the manner in which medical services are provided.

Well, I say to my colleagues, I will tell you, and you know this, that all sorts of things that Medicare does and all sorts of things that we do specifically, specifically, either supervise or control the practice of medicine or the manner in which medical services are provided. We violate this law all the time, all the time. And why do we do it? We do it because we are not patient-sensitive or quality-sensitive as it relates to health care. Washington, by its very nature and by its very being is bottom line sensitive, it is bottom line sensitive.

So we have a model that is in place that cannot, I would suggest cannot provide the kind of services that are needed for the patients.

Think of the contrast. If you think about the ways that our society has changed over just the past 20 or 30 years, the way that we do so many everyday things, and if you compare that to how health care is provided now and how it has changed or not changed, then you have a very clear idea I think about the challenges that we have in the area of health care.

Some common, everyday things: buying gasoline at the gas station. Now, regardless of what it costs, the way that we used to purchase gasoline is that you would pull up at the pump and you would roll down your window and somebody would come out, and they would say, would you like us to fill it up? And then they would go ahead and put the amount of gasoline that you wanted in your car, and you would pull out a dollar or two or more and you would pay for that gasoline. Now, how do we put gas in our car? We pull up to a pump, we never see anybody, we take our credit card out of our pocket or purses and we put it in the pump, we select the gasoline, we pump the gasoline, and many of us, I am told almost half of us, do not even ask for a receipt any more because we trust the system.

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Because we trust the system. It is easy. It is more efficient. It is a system that has changed drastically over the past 20 or 30 years. And if you compare that to health care, that is stuck in a paper society that is no longer existent in so many aspects of our society.

The same is true of travel right now. If you want to purchase an airline ticket, an increasing number, in terms of percentage of folks, are now going online. They can go to their home computer 24 hours a day, 7 days a week. They pull up the site of the airline that they want to utilize, or they can go to something like Travelocity and it will pick the different airlines for you.

You plunk in the starting city where you are going to leave from; you plunk in the designation city. It will send back to you, in a matter of seconds, seconds, what kind of flights there are, how much it costs, whether there is a seat, and then you can purchase your ticket right there.

And you can, within 24 hours of your travel date, you can sit at your home computer or at your office and print out your boarding pass. The efficiency of that, if you think about it, is mind-boggling. It is incredible.

You as an individual are interacting with the entity that can provide a service that allows you to do what it is you want to do in terms of travel.

Now, why is it that in health care we do not have any of those things? We do not have any of those things. Think about what happens when you go to your doctor. What happens is that you walk in the door, and what are you met with?

You are met with a pile of paper. You are met with a pile of paper. And you read through that paper, or most folks go right to the back end of that paper, and you sign. And you wait and you get into the clinic room or the exam room, and your doctor comes in, and he or she has what in their hand? A chart. A paper chart.

That may have the last notes from your office visit. It may not. It is a system that is antiquated. It is a system that is inefficient. It is a system that is unresponsive to the needs of patients in a way that the rest of our society has transformed completely.

So health care is stuck in the past. It is stuck in the past century. It will take a significant length of time to just catch up to where we are, not get into the 21st century, but to catch up to where we are.

Now, how do we progress from here? What do we need to do to move forward and transform health care? I want to talk about some principles, and I want to talk about a resolution that I have introduced, H. Res 215. It is kind of a 30,000-foot view of health care.

What it says is that we ought to move as a matter of national policy from a system as it relates to health care of defined benefits to a system of defined contribution. Now, what does that mean?

Right now most individuals get their insurance through their employer, or their previous employer, or through the government, though Medicare or through Medicaid. And all of those systems, by and large, have what is called a defined benefit plan.

That means that somebody, in the case of Medicare and Medicaid, some government employee, bureaucrat, has gone through and decided what ought to be included in that insurance plan, in that package, and what you can be treated for and where you are treated and by whom you are treated and how are you treated, often times.

What diseases are covered, what diseases are not covered. Somebody else has decided all of those. That is a defined benefit. There is a defined package of benefits that are provided to the patient. This is true for individuals receiving their health care through Medicare and Medicaid. It is also true for most employer-provided health insurance.

Someone else, the human resources officer or someone in the company is deciding what ought to be covered in terms of health care. And what that does is remove the patient from that decision-making process. It also sets up a system whereby the patient, if the patient is frustrated, oftentimes that is the case.

I heard a statistic the other day that I found fascinating. Four percent of the public is accessing the health care system at any point in time. Four percent of the population is accessing the health care system, having some interaction with the health care system.

Half of those folks are frustrated in some way. So you say, well, why has the system not changed? Well, if only 2 percent of the population is mad at any point in time, it is a small amount. It is a small amount.

But what that defined benefit system has in place is a system where patients cannot be the ones who are affecting insurance plans easily. Because, you know, my colleagues know and patients around the Nation know that when they dial up the insurance company and say, hey, this plan is not working for me, I cannot get this disease treated, or I cannot go to the doctor that I want to go to, or I cannot get the medicine that I want, the insurance company says, well, you will have to talk to your boss. Right? Talk to your human resources officer. Or if you are a Medicare patient, you cannot even get through on the phone most of the time. But what happens is that the patient is removed from that decision-making process.

Now, that is not right. These are the most personal decisions that people make in their lives, the most personal decisions; and they are removed from that process. So moving from a defined benefit system to a defined contribution system says that whoever is paying the cost for the health insurance, whether it is the Federal Government through the Medicare program or the State government through Medicaid, or the employer through employer-provided health insurance, or the individuals, regardless of who is paying for the insurance policy, the patient owns the policy.

The patient owns the policy. And that is a sea change, because what that means then is that patients can vote with their feet. If they do not like what one insurance company is doing because they own the policy, they can change to another insurance company. And if they do not like what that company is doing, they can change to another. It also makes it easy so that when the patient gets on the phone with the insurance company, the insurance company has to be responsive to the patient. Why? Because the patient has power. The patient has control and ownership of the insurance policy. It changes the whole dynamic for health care.

It will not change anything overnight; but over a period of time, what it will do, if we are bold enough to transform health care in this way, it will allow patients to have the power over the kind of insurance policy that they have.

Now, this Center for Health Transformation is really doing some incredible, incredible work. And what they have done, I think in a very succinct and appropriate way, is to identify kind of the principles of our current system of health care, and compare them to what a 21st-century health care system would be.

And I would like to just touch on a few of these. The current system is provider-centered, or I would say more correctly, it is insurance- or government-centered. Remember that the patient is outside of the control process, outside of the power process for this. The system is price-driven.

What that means is that it is more interested in the bottom line than it is interested in quality, or, said another way, it is more interested in money than it is in patients. And that ought not be a system that we tolerate. That ought not be a system that we tolerate.

Medicare is a classic example. Remember, I mentioned that Medicare is important to talk about as it relates to health care, because so much of our entire health care system, even in the private sector, is driven by the decisions that are made in Medicare. Medicare has a system that they compensate or pay physicians and other providers with. It is called an RBRVS, or a Resource Based Relative Value Scale, RBRVS. And what that means is that Washington, the Federal Government, decides how much money it is going to spend on health care for seniors.

It decides what that pot of money is going to be. And it may or may not bear any resemblance to the amount of health care that needs to be provided, so that when patients go to their doctor, they may or may not be able to get at what they need because the decision-making is all based on cost; it is not based on need. It is not based on quality of care. It is based on how much money we have.

That is a model that is fraught with problems and, frankly, fraught with extreme difficulties for patients. So a price-driven system just does not work. It ought to be something completely different. That has been defined by the Center For Health Transformation as values-driven. We will talk about that in just a minute.

The current system is knowledge-disconnected. There is not a good way to get knowledge between those folks providing the care, slow diffusion of innovation. It takes years, literally, for a new drug that is out to come on the market, to get to the market. It takes an average of 5 to 7 years, 5 to 7 years from the time when a new procedure or a new type of treatment for a specific disease is described in the literature, in the medical literature, to get to be used in the clinic or exam room or in the operating room. Five to 7 years.

That means that the kind of health care that we are receiving right now the individual who described the new innovation did so 5 to 7 years ago. That is not a system that is responsive to patients. It is a system again that is not patient-oriented. The current system is dysfocused, instead of being focused on prevention and on health.

The current system as we talked about is paper-based instead of utilizing the technology that is available today. The current system is a third-party controlled market, and that is a fancy way to say that the patient is out of the loop.

Remember, the Federal Government or the State government or the employer, by and large, is making decisions about what kind of health care is being provided, not the patient. The process is focused on government. As I mentioned, it is the government that is making these decisions has limited choices.

You know this, Members of the House and all of our citizens know this, that often times if you get sick, what is the first thing you do if you have not been to a doctor in a while? Well, you do not do what you ought to do, what you ought to be able to do, and that is find the highest quality physician you can.

You open up your book and see who you can see. Someone else is making that decision about who you can see. That is not a system that provides the greatest amount of choices appropriately for patients.

The current system is a predatory trial lawyer litigation system. The lawsuit system, the lottery system of the courts that we have as it relates to health care right now is driving up the cost of medicine. It is making it so that folks are receiving all sorts of tests and the like that they frankly do not need.

And the problem with this is not the malpractice insurance costs that doctors are having to pay, although that is a minor portion. The bigger problem is what is called defensive medicine. That means that your doctor, when you go see your doctor, he or she often times is ordering a test or doing a procedure or something in order to make it so that they are less likely to be sued and cover themselves, not necessarily because you need them. And you say, well, that is crazy.

But it happens all of the time. I am an orthopedic surgeon. When someone comes into my office with back pain, almost regardless of their complaint, if I have not seen them before, every one of them gets an x-ray. Now, they get an x-ray because if I did not do an x-ray and they went out of the office, and they went to another physician and that individual took an x-ray and on that x-ray was found to be something astronomically wrong, then I could have been sued for not picking that up at that very first office visit.

You say that is probably the right thing to do. Well, 90 percent, 90 percent of individuals with back pain, standard back pain, will get well within a period of 3 weeks. They did not need an x-ray. But everybody gets one. Everybody gets one. So you make it so that that 3 weeks is not lost for the minimal percentage of individuals who have a significant problem.

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The legal system is just phenomenal as it relates to health care, and it drives this practice of defensive medicine to an incredible degree.

Overall cost increases. We have not seen the kind of savings in health care we ought to see. You remember the graph that showed the increase in percent of GDP that we are spending on health care? It was 6 percent in 1965. Now it is 13 percent, soon to go to 17 percent. We have not seen any of the savings in health care that we have seen throughout all other sectors of our society.

What is a 21st-century system? It is centered on the patient. It is values-driven, knowledge-intense. It allows for a free flow of information between physicians and other providers. It is prevention- and health-focused. Electronically based. It gets away from that paper system that frankly results in more errors and more problems because it is a paper system.

The Center for Health Transformation calls it a binary mediated market. What does that mean? It means that the patient is in charge, the patient and the provider are the ones making decisions.

Outcomes focused on government. Increased choice. That is exactly what needs to happen. The patient needs to be in charge. And a new system of health justice. All of these things would result in a significant decrease in the cost of the health care and making it so that the quality of care and quality of life is increased all across the Nation for all, frankly, because of a transformation in our health care system.

So what we need is a new vision for health care, one that has more choices, more control by patients resulting in higher quality and lower costs. And I look forward to working with so many of my colleagues in the House on both sides of the aisle who are interested in positive solutions, productive solutions, making it so that those personal decisions as they relate to health care are able to be made by patients and individuals.

Mr. Speaker, I am honored to be joined now by one of my colleagues, the gentleman from Nebraska (Mr. FORTENBERRY). We thank the gentleman so much for coming, and I look forward to the gentleman's comments as they relate to health care.

Mr. FORTENBERRY. Mr. Speaker, I thank the gentleman for the opportunity to be here and participate in this important discussion of health care in our country. I thank the gentleman so much for his leadership today in coordinating this important discussion.

Mr. Speaker, I believe we have an important opportunity today to both save lives and save money. Health care is a pervasive part of American society. As we have heard, a major portion of our Federal budget is devoted to health care costs, and total health care expenditures are a significant portion of our gross domestic product.

The good news is people are living longer with better technology and better drugs. That is excellent news. America has one of the best health care systems in the world. Yet everyone knows, because everyone is affected, that rising health care costs are a growing challenge to families, to businesses, and to the government. We need to look at this system, and I believe that simple new approaches can make a huge difference, as the gentleman has pointed out.

It is estimated that improvements in health information technology, quality patient management and wellness programs themselves promise to save up to 20 to 40 percent of costs. Personal ownership of health care decisions may minimize the wasteful overutilization of services. Incentives to medical providers, as well, to better target expensive and excessive testing are all areas that we need to aggressively explore in order to appropriately use our public and private health dollars.

Mr. Speaker, today I wish to focus on one aspect of how the rising cost of health insurance prevents entrepreneurial individuals from pursuing good opportunities. I think we must take the opportunity to think creatively, to update outdated approaches, and put consumers and families in charge. I have a keen interest in reducing barriers for small entrepreneurs. The vast majority of new jobs in our country are created by small business. This is where most people are working hard to get a little ahead in life and secure their own long-term economic well-being.

I have seen how the lack of available health insurance and rising health care costs decreases productivity and distorts social and economic decisions. For instance, in my district it is not unusual for a spouse in a farm family to drive very long distances to have a job simply for health care coverage. The rising cost of providing health care coverage for employees is a growing obstacle for small business owners or those who may wish to join their ranks.

It is not surprising that only 63 percent of smaller companies can afford to offer health care insurance. This is a primary reason why three out of five uninsured persons in our Nation are small business owners, their employees or their families.

Recently, the Committee on Small Business held a field hearing in my district. It was an extraordinary turnout. One of the reasons was because it was on the issue of small business and health care costs. During this forum, we examined the increasing cost of health insurance and possible solutions. The hearing emphasized one important aspect, the underutilized tool for small businesses known as health savings accounts, which were established as a part of Medicare prescription drug law.

These tax preferred accounts, coupled with high-deductible health insurance, help alleviate the ever-increasing cost of traditional health insurance premiums and empower families to take better control over their own health care dollars.

While the number of individuals using these accounts is increasing, I believe we need to do more to give small business owners and entrepreneurs the ability to take advantage of this very important policy innovation. In fact, of the new policies, 37 percent were taken out by individuals who were previously uninsured, and 27 percent were taken out by employers who previously did not offer health care insurance to their employees.

Now, one concern regarding health savings accounts is the initial funding. I have introduced legislation that will allow individuals to roll over portions of their retirement accounts into health savings accounts. This rollover would not subject the retirement account to the usual 10 percent penalty for early distribution. Moreover, all individuals with retirement accounts would be eligible to take advantage of this opportunity.

I believe this will help meet important public policy objectives of increasing access to health care coverage and overcoming a major barrier that small businesses face.

HSAs, as they are known, are just one of the many simple new approaches that can make a huge difference in our health care system by providing positive incentives for those who use the system.

Again, I would like to thank the gentleman from Georgia (Mr. PRICE) for undertaking this important discussion about health care and health care costs in our country; and I look forward to continuing our dialogue about innovative approaches to both save lives and save money.

Mr. PRICE of Georgia. I thank my good friend from Nebraska for joining us today. I want to thank him for pointing out health savings accounts and also the incredible importance of this discussion to small business.

When I go back to the district and I visit businesses all across the district, one of the things that they say, Whatever you do up there in Washington, please, please, make it so that we can afford to provide health insurance for our employees.

So many of the things that we are doing right now as it relates to the model in which we are delivering health care make it more difficult for them to be able to provide that. So I thank the gentleman for his perspective and for joining us today.

Mr. Speaker, I want to take a very, very short period of time and just close by saying that the model that we currently deliver health care under in this Nation is one that is not patient friendly; it is not efficient; and it does not spend anybody's money, be it tax money or personal money, wisely.

We need a new model, a new model for health care. A transformation of our health care system is what is needed: more choices, more control by patients, higher quality and lower costs. What that does is make it so that we would have better care, more patients in power, and more responsibility and opportunity for patients to receive the kind of care that they so richly deserve.

Again, I would like to say that I look forward to working with Members on both sides of the aisle who want to work positively and productively to bring about a system of health care in our Nation that allows patients, that allows patients to be the ones making decisions that give the highest quality of health care that they need and that they deserve.

WORKING-CLASS FAMILIES BETRAYED

The SPEAKER pro tempore (Mr. GOHMERT). Under the Speaker's announced policy of January 4, 2005, the gentleman from New York (Mr. OWENS) is recognized for 60 minutes.

Mr. OWENS. Mr. Speaker, I would like to talk about the betrayal of working-class families and the people on the bottom who need the safety net most. In this year of disaster, in this time of disaster, the people who need the help the most and who are the weakest in our society have been betrayed by the leadership.

Involved in this matter is the recent set of decisions made by the President to suspend Davis-Bacon in Louisiana where on the gulf coast we have a tremendous amount of construction work going on, opportunities for jobs to be created for those people who have been thrown out of work and have no income, no homes, no reasonable future. It is an opportunity for them to be employed. And yet interference by the White House has cut the wages there by suspending Davis-Bacon. And I will explain more about Davis-Bacon in a few minutes.

They have also suspended any Federal regulations on affirmative action. And that, of course, will hit hard because evacuees, the people who had to leave New Orleans and who are expecting to come back, 60 percent of them were African Americans; and their opportunities to get those jobs that are going to be created in the process of rebuilding the reconstruction are lessened by the fact that the contractors are not required to follow Federal regulations and affirmative action.

Those are just two of the things I would like to discuss. There is a broader range of issues related to leadership, competency in leadership, preparedness in terms of the huge amount of money we have invested in our armed services and our military apparatus and why we cannot have the dual preparation of the same body of people who are prepared to fight wars also be trained to take care of natural disasters of any kind.

However, before I commence to discuss this betrayal of the people on the bottom, people from working families by our leadership, I would like to yield to the gentleman from Detroit, Michigan (Mr. CONYERS), who has a set of items that he would like to discuss on his own.

Mr. CONYERS. Mr. Speaker, I want to thank the gentleman from New York (Mr. OWENS) for his discussion, a very important one that I am very pleased to associate myself with.

I rise to use this part of the Special Order to discuss the health care crisis in America, the uninsured, and the need for universal health care. It strikes me as unacceptable that America remains the only country among the developed nations that still does not have a universal health care system. It is time for this body, the Congress, to pass a universal health care bill now.

The biggest problem in this country is that our health care is run like a business; and the profits of private health insurance companies, health maintenance organizations, and pharmaceutical companies are more important than whether or not working families and senior citizens and small businesses in this country and their employees have access to affordable and high-quality health care.

So I rise to discuss this serious health care crisis and the fact that it can no longer be ignored. It is my belief that the time has come now for bold and decisive leadership by the Congress to address the growing crisis of the uninsured, the skyrocketing costs of private health insurance which is hurting working families, and nonworking families all over this country.

How many more horror stories must we read in the newspapers across the country, day after day, that painfully describe the plight of the uninsured and the underinsured before we act to pass universal health care legislation that guarantees once and for all that all of us, all Americans, regardless of income, employment, regional demographics, or race have access to the highest quality health care possible.

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Recently, in The New York Times, op-ed writers are reminding us and calling for national health insurance that covers everybody, everybody in, nobody out, as the best way to solve the crisis of the uninsured. In an October 17 New York time op-ed, which highlighted the plight of uninsured workers in America, that article pointed out that 9,000 Wal-Mart workers needed public insurance in Wisconsin alone. And the op-ed concluded with the notion that the problem of uninsured cries out for a Federal solution and that Washington lawmakers have done nothing to solve the larger problem, the crying need for national health insurance.

Polls reveal that the majority of the American people support the concept of universal health care. The majority of American people support universal health care, yet we have failed to pass health care legislation. According to a recent Kaiser Foundation poll, 64 percent of Americans favor expanding Medicare to all Americans. A Pew Research Center for the People and the Press survey was conducted by Princeton Survey Research Associates on July 14 through August 5 of 2003 nationwide. And cities across the country, Boston, Pittsburgh, New York, and Detroit, have sponsored universal health care hearings where hundreds of citizens are demanding from their Members of Congress that they fight for passage of universal health care legislation because they are tired of the high cost of private health insurance, and being uninsured, sick, or broke due to our profit health care system is no longer something that they can deal with.

So on behalf of the 49 other Members of the House of Representatives, the gentleman from New York included, I am proud to say, we are happy to propose and set forth for examination and discussion House Resolution 676 that supports the idea and how we get to a national universal health insurance that allows everyone to be covered no matter where they are from, no matter what their illness. We want to put an end to a system which really is so threadbare that we cannot fix it up any more. There is no more mending that we can do. There are no more ways we can patch it up.

We have now come to the point in time where not only the people but a number of our friends in the labor movement are supporting universal health care. Twelve international labor unions and individual local unions across the country now support single-payer universal health insurance. This includes the United Automobile Workers, the American Federation of State, County and Municipal Employees, the United Steelworkers of America, Service Employees International Union, SCIU, and the National Education Association.

Mr. OWENS. Mr. Speaker, if the gentleman will yield, I would just like to note that on today's front page of The New York Times, today, Thursday, October 20, there is an article which talks about, and the gentleman mentioned patching up, we should no longer try to patch up the system. There is an article which says that Jeb Bush, the President's brother, who is the Governor of Florida, has been given a waiver to revamp the Florida health care system, the Medicaid system.

The essence of what Jeb Bush is proposing is that they will establish a certain amount of money to be spent on each Medicaid patient, and when that runs out, that is it. They die. By implication, they will spend that amount of money on the health care of that person and when that amount of money runs out, then they are on their own. And if it is some procedure, of course, which they cannot afford, they would have died.

Would the gentleman care to comment on that?

Mr. CONYERS. Well, it is this cold-blooded bottom-line economic business approach to health care that makes us rank number 37 among the nations in the world when they examine how this health care is being delivered. The fact of the matter is that you cannot ration health care if you want a strong nation.

If you really need to go to the doctor, if you really need treatment now before it becomes worse or uncorrectable or fatal, as the gentleman suggests, we cannot send out an arbitrary amount of money because we are doing other things in the world or we are building new weapons of mass destruction or we are doing anything else. We have to have a health insurance system that is flexible to the needs of the people.

And one of the first things that we would come to, I say to the gentleman, is that we are catching up to people who have needed ample health care for a long time. One of the great things about health insurance, at least our program, is that health insurance would be working in a preventive mode; that when you get sick and get well, you will then be treated and you will come back for annual checkups and you will actually reduce the cost of providing the American citizens with health care.

So it is incredibly important that this debate start here and now. And I have been told that other Members of the Congress were talking about this subject today, so I will be anxiously reviewing their comments so that we can continue a broad discussion of this matter.

Right now there are 45.8 million people with no insurance. They are not underinsured, they have none whatsoever. And then there are any number of million who have insurance but they are underinsured. They do not know that what they may go to see their doctor about is not covered in their plan until they find out the hard way.

So I want everyone in our body to know that this is the beginning of a discussion that I am prepared to deal with on every issue, every aspect, because we want to make it clear that this is not just something for some group of people. This is going to benefit our economy. Goodness knows General Motors and Ford and Daimler Chrysler in Detroit all are struggling with the legacy costs that they have to carry because we have an employer-based system. And many of our automotive competitors have national health insurance systems, so they do not have to carry those additional costs.

So this is the beginning of a discussion that we will welcome as many as would join in as we sort these issues out and move toward the time when America will enjoy a universal health coverage system that cares for everybody in this country, from shore to shore. And I want to thank the gentleman for participating in this discussion, and I yield back to him.

Mr. OWENS. I thank the gentleman and would like to say that the remarks I am going to continue making are very much in concert with the general theme of what the gentleman has said.

Every American, every human being, certainly every American citizen deserves to have the entire society involved and engaged in trying to guarantee that they get the best health care possible. There can be no second class, bargain basement health care.

Our leaders have failed us by making us believe that it is impossible, and these proposals that are being made today on the front page of The New York Times about Jeb Bush in the State of Florida are just beginning, but Kentucky is in line and a couple of other States want to do the same thing, which is to put a price on health care. You get $1,000 a year for your medication, for your examination, or for whatever, and after that you are on your own. Now, the $1,000 is hypothetical. They do not quote a figure. But they are saying there should be a figure for each individual, and after you run out of money in your account you are on your own, that the State will only go so far and that is it.

I think that is cruel and unnecessary. We are the richest Nation that ever existed in the history of the world. If Canada, Germany, Spain, France, and all kinds of nations can have a decent health care system with a volume of income much less than that of the United States, we certainly can afford to provide health care for every individual.

The attitude regarding people on the bottom is what I am talking about. The attitude about the folks left in New Orleans to float and drown in the water, that attitude, and I know some people are saying we are beating that to death and let us get off of it, but it is so symbolic. It was visual. You could see it. When a set of leaders and a Nation decides that people are expendable, that they are not worth it anymore, they are not important, you can lead to that kind of cruel and inhuman neglect.

Too much of that mindset of cruel and inhuman neglect permeates the present administration. It manifests itself in so many different ways. Not that it is only this administration. There are other parts of the world where you have cruel and inhuman treatment by leaders also. Pakistan now has a serious problem with an earthquake. And I am going to try to limit my remarks because I want to go to a meeting with the ambassador from Pakistan to talk about what we can do to help deal with the suffering that is going on there. But one of their big worries in Pakistan, the worries of ordinary people, is that their leaders are so corrupt that they will never get the money that is being donated. It will not be used properly. They will never buy the medicines or buy the cots and the equipment. Large parts of it will be drained off.

The great fear there is corruption. And, of course, Third World countries, developing countries have a major problem with corruption. We talk about it here in the United States all the time. We talk about denying the World Bank resources to certain nations because of the fact that they have corrupt governments, corrupt leaders. But the corruption goes on here also. In Katrina we have a graphic example of how that corruption can be cruel and inhuman and get out of hand.

Just two quick actions by the White House show the point that I am trying to drive home. They failed to properly provide for the people of New Orleans, and large numbers have suffered needlessly. Large numbers have died needlessly. Large numbers were trapped in a situation which was quite inhuman. They were in a dome, a huge dome, a sports dome with 20,000, 30,000 people. Imagine being in a convention center, a huge convention center and to have the lights out for two or three nights. Remember, it is summertime and it is smoldering in the heat, plus the darkness. The fact that those people did not go mad, that more of them just did not go out of their minds is a miracle unto itself. They all deserve to be awarded medals as heroes. Anybody who could come out of there and just keep their sanity deserves to be saluted as a hero.

And if you doubt that, why not experiment at the next basketball game we go to. Ask the managers and those in charge of the arena to turn off the lights for 2 or 3 minutes and have a moment of silence to meditate on what it would feel like if you were in the dark with people you do not know, in large numbers, for a whole night, say for three or four nights. What would it feel like? I think we ought to experiment with that and let Americans across the country have the lights turned off at the next basketball game and just sit there. Of course, they would know there is no flood outside, that nature is not running wild, but that you are just in the dark. You are in the dark with strangers for 2 or 3 minutes. Now try to project that on spending two or three nights in the dark like that.

Those people, the fact they did not lose their minds shows that they were quite strong and deserve to be awarded medals and not be looked upon as some people have chosen now already to look upon them; that they are now problems; that they are unworthy; that they should have known how to get out of the city and out of the flood on their own.

□ 1530

They are now a burden on the government because they have nowhere to go. They have been housed in shelters, and now we need to find trailers and shelter for them.

Our leaders let them down because the flood should never have happened in New Orleans. The flood was not a natural disaster. The hurricane was over when the levees broke. The fact that those levees had not been taken care of is just one more example of how the leadership of this Nation, people on the top, are corrupted where they do not deal with problems as they should, and therefore they make the people on the bottom suffer unnecessarily.

As I have said on several occasions, the Netherlands, the Dutch, are a whole nation below sea level. As a nation, they have been contending with the same problem New Orleans has. They know how to hold the sea back; they know how to manage floods. They know how to deal with water. They have never been called upon to revamp the levees and deal with the situation in New Orleans.

It would have been easy to get that kind of expertise. If you cared about the people of Louisiana, they could have solved the problem. The technology and the know-how is there. They had scenarios in New Orleans which showed that terrible things would happen if the problem was not taken care of. Nevertheless, our leadership refused to appropriate the money. Our leadership refused to allow the engineers to deal with the problem or come up with people competent to deal with it. Or they could have called upon the Netherlands to provide experts. That is one solution. We lean on other nations when we need their technology in other areas, so why not call upon the people of the Netherlands to help New Orleans protect itself from the sea.

But getting back to the most outrageous actions by the White House, once we have gone through the problem of failing to protect the people of New Orleans from the flood, failing to protect a large portion of the population from unnecessary suffering and in some cases death, senior citizens dying in large numbers in hospitals and nursing homes, we have all heard the litany of personal disasters and family disasters that were suffered as a result of our failed leadership.

The Congress of the United States appropriates. It stands up and shows it is up to the task. It does not hesitate. It appropriates $60 billion to deal with the problem right away. We are into removing the rubbish, cleaning up the problem of the floods, providing the necessary temporary shelters, and preparing to reconstruct. All of that will require money and we are spending the money. It requires the money to be utilized to hire contractors. We have hired the contractors. The private sector will make some profits. That is the way it is in capitalism. We do not want to see anybody gouging and making unnecessary profits, but they probably will. That is a fact of the way the world operates.

In the meantime, work that has to be done, that work should be done by the people who need to earn an income rebuilding the place destroyed because of the failure of our leadership. But they get right away a terrible blow from the White House. Right away the White House acts with great speed, and we know there was no great speed with respect to meeting the rescue needs of the people of New Orleans; but in the process of granting contracts and beginning the cleanup and the restoration, the White House orders that Davis-Bacon should be suspended. Davis-Bacon is a regulation in existence since 1933, which requires whenever Federal money is utilized in any project, that project must pay wages to the people who are carrying out that task, pay wages which are consistent with the wages of that area.

If you are in New Orleans, whatever they used to pay plumbers in New Orleans, pay the plumber that amount. Whatever they pay the electricians, the bricklayers, in the process of cleaning up and restoring, they should pay the same wages.

Having looked at the amounts, they were not high at all compared to average wages across the country. Electricians, bricklayers, plumbers, everybody in New Orleans is at the lower end of the scale in terms of prevailing wages. The average wage for most people in construction jobs is higher in the rest of the country than it is in the southern part of the country and in New Orleans.

So why the President rushed to remove Davis-Bacon cannot be explained rationally because they already had a situation where wages were very low. But once you remove the requirement of Davis-Bacon, then contractors can pay less than prevailing wages. If the wages are low already, where are you going to find people who will work for less than they do in the average situation across the country.

You find them among illegal immigrants; you find them among people who must have a job and cannot complain if the working and safety conditions are bad. You find them among people who are frightened, can be pushed around, not paid when they are supposed to be paid, and jilted out of part of their paycheck. People who will never have any vacation leave or fringe benefits, any health care. That is what the contractors will find once Davis-Bacon is removed, you do not have to pay prevailing wages; you can go under that scale and get the cheapest people and make the biggest possible profit off the misery of people who suffered in this natural disaster.

President Bush and key cabinet members were all excruciatingly slow in responding to Hurricane Katrina and its devastating effects. The televised images of thousands of African Americans marooned without food or water in the New Orleans Convention Center and Superdome shocked the world, yet the President was slow to return to Washington, D.C. and was slow to respond to take charge in response to the disaster.

The one fast action taken by President Bush was when he moved to suspend Davis-Bacon. In other words, the President acted as speedily as possible to cut workers' wages on all federally funded recovery and reconstruction projects throughout the gulf coast States. The President himself said in New Orleans that rebuilding the city of New Orleans alone will constitute the biggest reconstruction project in the history of the Nation. It will cost many billions of dollars. Congress has already appropriated some $60 billion towards this end.

And in the corrupt tradition exploited by the Bush administration already in the Iraq war, the President then proceeded to no-bid and cost-plus contracts for billions of dollars, and they have been granted to a favorite set of contractors, which includes Vice President CHENEY's former employer, Halliburton, and its branch subsidiaries such as Kellogg, Brown & Root. Halliburton has not been told to watch its spending carefully or restrain its profiteering because in a cost-plus contract, it is designed to give the contractor every leeway and maximizes opportunities for making extraordinary profits.

But the Bush administration, hiding behind a fig leaf, asserts they had to suspend Davis-Bacon, which provides a modicum of protection for workers on these Federal projects. They said they had to suspend it because it requires paperwork and that will cost the contractor money and waste time. But the people on the bottom, the people cleaning up the rubbish and the hard carriers and the bricklayers and those folks, their income and protection for them, the provision of decent wages for them was of no concern.

Now the prevailing wages in the Hurricane Katrina-affected regions are lower than ever before. They were never that high by national standards. Under Davis-Bacon, a pipe layer in Mississippi would earn $7.45 an hour. I cannot imagine, given what a pipe layer earns in New York City, how you could find anybody to do that job for $7.45. A pipe layer in Alabama would earn $8.21 an hour. A pipe layer in Louisiana would earn $9.84. All of those are very low wages for those jobs if you know anything about plumbing and the high cost of it across the Nation.

Such wage rates are hardly earth-shattering by anyone's standards; but under the Bush plan, skilled workers, many of whom lost their homes and all their belongings in Hurricane Katrina, will only be paid the Federal minimum wage of $5.15 an hour. We hope that they will be paid the Federal minimum wage, because as I said before, the only workers that you are going to get to work for such low salaries are usually illegal immigrants, people who cannot fight back, who cannot report you when you fail to live up to the requirements of the wage and hour act, and who are at your mercy. That is the pattern where we are finding large numbers of illegal immigrants are being used.

The question of illegal immigrants is certainly one that I do not want to be recorded as being backwards and not sympathetic on. I favor what was proposed by the AFL–CIO last year. Let us look at all of the immigrants who are in the country now who are undocumented and who have been here for a while, who pay their taxes and are working, and through an amnesty create a situation where they may begin the process of becoming citizens. They can then begin the process to become citizens. They can join unions or associations. Or if they want to stand as an individual, they know they have rights and cannot be intimidated or cowed by an employer. They will help to raise the standards by working for decent wages, wages consistent with the cost of living in this country.

I do not like the exploitation of illegal immigrants. I do not blame the illegal immigrants for being exploited, and we can get out of this situation and allow them the opportunity to work without being exploited if we will act on amnesty as soon as possible.

As we have discussed at length on this side of the aisle, certainly with Democrats' policies, the Federal minimum wage also at present will not allow anyone to climb out of poverty. That $5.15 an hour, assuming that the contractors will at least pay that and that they will not go below the national minimum wage, that Federal wage will not allow anyone to climb out of poverty.

A person working full time year-round at the rate of $5.15 an hour will merely earn $10,400 a year. If that is a parent with two children, he or she will earn $4,500 below the poverty line designated for a family of four. This suspension of Davis-Bacon protections, especially for those who have lost everything in the wake of Katrina, is an utter disgrace.

The White House is not through with the people on the bottom. They are not through with working families. They decided to go further; and through the Department of Labor, they also suspended the affirmative action guidelines. The affirmative action requirements are quite simple. They do not have much enforcement mechanism in terms of making employers or contractors hire a diverse group of workers. They do require that they report what efforts they make toward diversity.

There are a few pieces of papers that say in the process of hiring people, you should take certain steps. But even that, the Bush administration decided that should be thrown overboard. And as I mentioned earlier, in the process of doing that, large numbers of people who lived in New Orleans, 60 percent of whom were African American, were denied priority in seeking the jobs that would allow them to return and start rebuilding their lives since they, as minorities, would have had to have some consideration made by the contractors; they would have a greater possibility of getting a job if they returned to New Orleans and tried to work there.

□ 1545

The message that was sent by that affirmative action suspension was do not come home. Go somewhere else and look for a job because you do not even have the protection of the simple weak affirmative action laws of the Federal Government that we had before. It was a message that sets up a situation which I hope is not true. Many of us, a lot of people, fear that we may have what was called in the 1960s Negro removal on a massive scale and that New Orleans will never be the same. The black population, the African American population, will never be allowed to return to New Orleans. They are spread throughout the whole Nation now in shelters. Most soon will be out of shelters, but they will not be in one place anywhere. There are 2,500 in New York City. I think another 2,500 are coming in to be put up in hotels and various places. There are some in Utah, some in Idaho, lots in Texas. All over they are spread. They have been removed.

During the 1960s, there were accusations that the big developers, the people who wanted to make a lot of money in the middle of the cities would come in with plans to redevelop the city, and the oldest parts of the city, although they were centrally located, would be the poorest parts in terms of buildings, so they would have tenants in them who were very poor tenants. In many cases in many cities, these people were people who were minorities, and the process of removing them made great profits for the developers. If they got them out, the new buildings that they built would not be for them. It would be for people with high incomes who could afford the kind of higher priced housing that was being built.

Here we have a situation where an act of nature is the beginning of the process. I said the flood in New Orleans was not caused by nature, by the hurricane. It was caused by poor leadership which had not maintained the levees and the dikes and the pumping stations, and that is the problem there. But, anyway, by that act we have had massive removal of people and now with the policies of this administration suspending Davis-Bacon, suspending affirmative action, making it clear that people are not welcome back, we will have permanent removal of a whole population.

Unprecedented in the history of the Nation. Of about 400,000 people, at least 200,000 of those people lived in the section that was heavily flooded. They will be there no more. It will change the politics of New Orleans. It will change the culture of New Orleans. Some people say, well, Disney can move in and they do not want to rebuild houses in the places that were flooded before because there may be another flood, but if they built an amusement park and they built it high up off the ground, it would not matter if it was flooded or not. And some folks said that is probably what is going to happen, that Disney will come in and try to take over.

Well, Disney did not come in and try to take over. The Mayor of New Orleans announced that we have got to move our casinos off the river and move them inland. Where are they going to put the casinos? I guess they were going put them in the same places where the poor people lived before. It would not be Disney, but it would be "casinoland."

So it is not exaggerating to talk about massive Negro removal, black removal, African American removal, massive removal of a population that was considered undesirable in order to give the marketplace the opportunity to really make tremendous profits.

One can imagine how the ancient Israelites felt when the Romans decided to do one of the most brutal and cruel things ever done. That is, they took the whole nation and moved them out, spread them out over the world, and there were 12 tribes. They broke it up into 12 tribes and moved them off their homeland, massive removal. We have something similar to that taking place in New Orleans. A whole mass of people is now in a situation spread out over the entire United States and not ever likely to be back in their home unless we have different policies by a different kind of leadership.

I want to yield to the gentlewoman from California (Ms. WATSON) for her comments.

I want to point out, while she is taking the mike, that we had a massive earthquake in California during the Clinton administration. Nine billion dollars was appropriated by the Federal Government to rebuild the bridges and the highways that were destroyed by that earthquake. The President did not suspend Davis-Bacon. He did not suspend affirmative action, and the contractors completed that job 3 months ahead of time. We do not need to do those cruel things that have been done by this administration in order to guarantee that we are going to have the most effective production.

I yield to the gentlewoman from California (Ms. WATSON).

Ms. WATSON. Mr. Speaker, I thank the gentleman from New York (Mr. OWENS) for yielding to me.

Mr. Speaker, I would like to address the health care crisis in America that relates to the presentation that the gentleman from New York (Mr. OWENS) is giving now.

The United States Census Bureau reports that in 2004, 45.8 million people were without health insurance coverage and several estimates double that amount to include the underinsured. Moreover, the percentage of people covered by employer-based insurance declined to 59.8 percent of the workforce. Shamefully, there are over 8 million uninsured children in this country who do not even have the opportunity for employer-based coverage.

On the other hand, health insurance premiums have increased astronomically since the beginning of the Bush administration. According to Families USA, workers' costs for health insurance have risen by 36 percent since the year 2000, far surpassing the miniscule 12.4 percent increase in earnings since the President took office. In 2005 it is unbelievable that over 50 percent of insured Americans spent more than 10 percent of their income on health care. Over 10 million insured Americans spent more than 25 percent of their income on health care. And embarrassingly, over 6 million Americans spent more than 33 percent of their income on health care.

According to the World Health Organization, the United States ranks 37th in the world in overall health care quality. Thirty-seventh. This administration and this Congress must pay attention to the health of our Nation in order to improve on the wealth of our Nation. And when we talk about homeland security, we are not talking about the land alone. We are talking about the people who live in this land. Rising health care costs are forcing American businesses to lose their competitive edge and to consider relocating overseas. It is time for Congress to pass universal health care legislation now.

American humanitarian outreach dictates that we consider health care programs around the world. According to the Institute of Medicine, 18,000 Americans die each year because of being uninsured. America is the only country among developed nations that still does not have universal health care.

In a related matter, minority groups often encounter major obstacles in obtaining health care. Minority groups are less likely to have health insurance and are less likely to receive appropriate health care services. In the year 2004, the uninsured rate was 19.7 percent for African Americans, 32.7 percent for Hispanics, and 11.3 percent for non-Hispanic whites.

The "Healthcare Equality and Accountability Act of 2005" would go far in lifting the shadow of health disparities that fall not only on minority communities but on all Americans. H.R. 3561, sponsored by the gentleman from California (Mr. HONDA), would make quality health care more affordable, providing coverage for parents and young adults who are currently uninsured.

Mr. Speaker, I urge my colleagues on both sides of the aisle to act in a responsible way, to look seriously at health care reform, and we must, for our own prosperity, insure all Americans and ensure quality health care for all of us.

Mr. OWENS. Mr. Speaker, reclaiming my time, I thank the gentlewoman from California for her comments.

The broad, overarching message today is the betrayal. We are protesting the betrayal of working families and poor people on the bottom by our leadership, and the health care crisis that was cited by the gentleman from Michigan (Mr. CONYERS) and the gentlewoman from California (Ms. WATSON) is part of that whole process. I want to thank the gentleman from Michigan (Mr. CONYERS) for sharing this Special Order that he had reserved for a discussion of health care with me in making the broader case that working families, people on the bottom, are being betrayed.

At this very moment, as I said before, there is a meeting of the Pakistani Caucus of the House of Representatives to discuss the disaster in Pakistan, the earthquake there which killed more than 40,000 people already and millions have been left homeless, and they are homeless in the mountainous region where the snow and the ice is now beginning; so millions will die as a result of not having the equipment and the materials that they need as fast as possible.

One of the big fears there is that their leadership has let them down and they are not prepared for this. Another big problem, of course, is the rest of the world, nations like the United States of America, should rally to their defense and provide faster and more aid.

But disasters, natural disasters, are not quite as frequent in most years as they are this year. We have another hurricane on the Florida coast right now. They seem to have gotten suddenly stronger, the hurricanes and storms, earthquakes, tsunamis. This has been a very disastrous year. As I said previously on this floor, these disasters are not so great that we do not have the capacity to deal with them as the world. Certainly this Nation could do so much more to help. If they really care about the people who are suffering, if our leadership really cared, these disasters can be handled rapidly with minimum loss of life. We have $500 billion we spend on our military apparatus. That is without adding the extra money to fight the war in Iraq. A military of that size should be capable of dealing with disasters of any kind as well as fighting wars. The same is true of the army in Pakistan.

One of the things that some Pakistani citizens were complaining about was that army people arrived and were standing around doing nothing and, when they were questioned about why do they not help more, they said, We are waiting for our orders. They need specific orders how to help out in a disaster. They have been trained to aim, ready, fire, shoot and kill. Why can all the armies in the world not be trained to take care of these natural disasters as well as to provide defense for nations? Why can we not have leadership which ahead of time assumes that it is going to be our responsibility? It is the duty of a government, the duty of leadership, to take care of people in times of natural disasters. And our government apparatus in its entirety, including the military, should be available to do that.

Certainly, that did not happen in New Orleans, and we are very much aware of what the consequences can be when we have this huge rich nation with all of these possibilities and all the material and personnel available but we have no leadership at the top that can do the job. Our leadership let us down.

The gentlewoman from California, I said before she spoke, is from a State which suffered a huge earthquake a little more than 10 years ago, in 1994. The Northridge earthquake in Los Angeles caused a tremendous amount of damage. Congress appropriated money, and as I said before, there are some lessons to be learned from what happened in that disaster.

□ 1600

I am talking about a government in power, a regime in power, a White House leadership that seems to persecute those at the bottom at a time like this. Or, as this particular paper which is called: Lessons for Post Katrina Reconstruction, A high-road versus a low-road recovery, this paper talks about what happened in California at the time of the Northridge earthquake. It is written by Peter Philips and was published by the Economic Policy Institute.

Foremost among those lessons is that competitive bidding and enforcement of labor standards such as the Davis-Bacon prevailing wage law can help ensure that work is done expeditiously, safely, cost effectively, and with maximum benefit to the local population. That is one of the lessons that this study points out that we learned at the time of that huge earthquake in California.

President Bill Clinton refused to suspend the Davis-Bacon Act in 1994, yet the Los Angeles highways were rebuilt at lightning speed. In particular, the Santa Monica Freeway was rebuilt in only 66 days, less than half the time that had been stipulated by the State of California.

The need to rebuild quickly is no excuse for suspending the Davis-Bacon Act or affirmative action requirements as President Bush has done. The lessons we have already learned are not being applied by this White House regime, because this White House regime governs for a few and cares very little about those on the very bottom. The few at the top are the preoccupation of the present administration, and that leads to great cruel and inhuman treatment to the people at the bottom.

We had a resolution that we proposed in the House Education and Workforce Committee this morning. It was a resolution requesting that the President transmit to the House of Representatives information in his possession relating to contracts for services or construction relating to Hurricane Katrina recovery that relate to wages and benefits to be paid to workers. We want the President to explain why he suspended Davis-Bacon. One of the explanations that was given by people in the committee who supported the President was that it had been suspended before by other Presidents. President Roosevelt once suspended, I think it was for about 30 days that President Roosevelt suspended it on the conditions which are very different.

We are requesting that the President transmit to the House this information. And of course we had a lengthy discussion in the committee, and then the majority Republicans took a vote that they would report it to the House only with a recommendation that the House consider it unfavorably, and they voted to do that. So the report comes to the House with a recommendation that the majority, the Republican majority, the President's party considers the request that he provide information to Congress about why he suspended Davis-Bacon, they consider that report, that request to be a nuisance request.

It is most unfortunate that we cannot have information, simple information provided to the Members of Congress. After all, we are all elected under the same conditions and we come here. We want to do a job for our constituency. Why can we not at least have information?

We gather information from other sources. Immigrant workers exploited in the gulf coast are talking to newspapers. I have a report here which says that Gulfport, Mississippi you had a report from several immigrant workers that, first, of all, you have 32 immigrants housed in three mobile homes and they were being paid $8 an hour to tear sheet rock for 10 hours a day. They were among hundreds of illegal immigrants who entered the United States hoping to find work in the aftermath of the hurricane. One of the big complaints that they have is that they were promised $8 an hour, but they were not paid. They were not paid on time. And they were not paid in some cases at all, and other conditions in terms of they were told that they would get food and shelter but the food is quite sparse and, as I said before, shelter means they are putting 32 immigrants in three mobile homes in one case. And on and on it goes with respect to the kinds of conditions that contractors are taking advantage of in the gulf coast reconstruction.

Many of the same contractors in the gulf coast reconstruction are also the American contractors who operate in Iraq. In Iraq, they found that they could make high profits on the no-bid contracts, billions of dollars have been spent that we cannot even tell where it went. There is a $9 billion question around money that was appropriated to reconstruct, and nobody is even asking questions in this administration about where the money went. We know it is missing, but nobody wants to deal with a hearing or an investigation to tell us exactly where that money went. So they certainly have made a lot of money in Iraq, but even with the tremendous profits they were making the security question is such that they made less than they perhaps wanted to, less than they agreed, told them they should be making. So the same contractors have come back, and in the domestic situation of the gulf coast, of course, they do not have to pay for security. They do not have to worry about contractors being shot, bombs blowing up. So now they are poised to make all the money they could not make in Iraq in the gulf coast area by taking the contracts, hiring illegal immigrants at the lowest possible rates, and making off with the taxpayers' money.

One of the side products of this process is that experience has shown and several studies have shown that when you do not use Davis-Bacon you get workers who are less skilled, you get workers who care less about what they are doing, and you get an inferior product. Buildings have collapsed that have been built by workers who were not workers who were Davis-Bacon workers because they were not the usual workers that did that kind of construction in that locale. Buildings have collapsed and all kinds of projects have suffered as a result of shoddy work done by people who were being exploited by the contractors.

We would like to see not only Davis-Bacon, the President should restore Davis-Bacon requirements so that we have prevailing wages throughout the gulf coast region. We would also like to see that the President say that: Look, even when you have Davis-Bacon, you have low wages which are very difficult for people to live on, and beyond that you have a minimum wage which is the Federal Government's minimum wage which is also almost impossible for people to live on.

So along with restoring Davis-Bacon, along with restoring affirmative action regulations, we would like to see the President allow us and encourage his party to let us bring to the floor of the House the proposal that we have to increase the minimum wage. We want to increase the minimum wage as a way of demonstrating to the people who are on the bottom, to the working families of America that they have a leadership that cares about them. This leadership does not hesitate to demand that the sons and daughters of working families leave their last full measure of devotion on the battlefields in Afghanistan, in Iraq, or wherever else they may be needed.

Next, we demand that they do that, and they are doing that, and yet we do not want to give them a piece of our prosperity in our economy, not even $5.15 an hour worth.

Despite huge improvements in the average educational level of our workforce, most American workers today still do not have jobs that pay decent wages and provide health care as we were talking about before and a pension. Only 25.2 percent of American workers have a job that pays at least $16 per hour and provides health insurance and a pension, according to a new study done by the Center for Economic and Policy Research. That is the level. $16 an hour is the level you need in order to have a decent wage, and you must have that accompanied by a health insurance benefits program and a pension if you want to be called a person of sharing in the American economy as would be appropriate.

So I close with my opening statement: We need leadership at the top, in the White House, in this Congress that cares about working families, leadership that cares about the people at the bottom. Disasters come as a result of a plan by God that none of us may understand, and we should not trying to spend time trying to figure out what God is doing. What we should do is do what man does best, and that is have the most competent and most caring and compassionate people that we can in the leadership to take care of the needs of the people who are suffering on the bottom.

IMMIGRATION

The SPEAKER pro tempore (Mr. BOUSTANY). Under the Speaker's announced policy of January 4, 2005, the Chair recognizes the gentleman from Texas (Mr. POE) for 60 minutes.

Mr. POE. Mr. Speaker, as a former judge and prosecutor in Texas, I spent most of my life enforcing the law. I know firsthand the cost of having laws on the books that are not enforced. To make law, whether it is on the State level or the Federal level, and then wink and ignore those who break the law is to live a lie. A government that tolerates law breaking surrenders its integrity, it surrenders its credibility, and it surrenders its self-respect. And right now, Mr. Speaker, America's immigration laws are not working. They are not even enforced.

We must secure the borders and reduce the number of people residing in the Nation illegally. And, of course, amnesty is not the answer to this. Those people here illegally have violated the law, and giving them amnesty is rewarding them for breaking the law. As a judge for 22 years, I never once gave a person amnesty because they got away with breaking the law for a long time. Those who have broken our laws must find themselves penalized, not rewarded, for the disregard for the rule of law.

Mr. Speaker, we have anywhere between 11 and 14 million people here in the United States that are here illegally, and we cannot reward them for breaking the law. Many of them are here because several years ago this country adopted a plan, a plan that has not worked, and that is the plan of amnesty: Tell those people that are here it is okay, you can stay. And now we have encouraged people from all over the world to come to the United States illegally.

Mr. Speaker, I want to make it clear that I am a supporter of immigration, a supporter of legal immigration. I am proud of the fact that my heritage is from Scotland and from Germany. But in this country we have now taken the policy of discriminating against people who want to come here legally to the benefit of lawless illegals. I will give you an example.

In my southeast district in Texas I represent numerous individuals who have come to the United States legally, obtained citizenship, and I recently talked to an individual who was from the nation of Mexico and became a citizen of the United States, and he has been trying to bring the rest of his family to the United States legally. He has a son that he has been trying to bring to this country legally for the last 15 years, Mr. Speaker. And yet because of bureaucracy, red tape, and incompetence, that has not been granted. He wants to do the things the right way, the legal way, and he has discouraged his son from just merely crossing the border illegally like 5,000 people a day do on the southern Texas border, come into the United States illegally by walking across our border.

We have developed a policy that is no policy. We expect our border agents to patrol the vast thousands of miles from Texas to California. And when they actually capture someone coming into the United States, here is what happens, Mr. Speaker: They are arrested, they are taken to a Federal magistrate, they are told that they are going to have a deportation hearing eventually. But the detention facilities are so crowded that over 90 percent of them are released on their word to show up for their deportation hearing 6 months away.

This defies common sense, the idea of this catch and release policy. Capture the people illegally coming into the United States, take them to court, and tell them: If you promise to come back for your deportation hearing, we will have a hearing in 6 months to determine whether you get to stay or you must leave. Are we not surprised that most of them do not come back for their hearings? This defies common sense, it wastes time, and it does not work to solve any problem with our immigration, or, shall I say, our lack of immigration policy.

And just so it is clear, Mr. Speaker, we now know that over 50 percent of the people illegally coming into the United States from the southern borders are not from Mexico. They are from all over the world. They are from China, they are from South America, they are from Europe, but they are not from Mexico. And the reason? Every country in the world knows the United States has open borders, that we do not protect our dignity, we do not protect our sovereignty. So people are coming into the United States illegally, over half of which are from other countries other than Mexico.

I will give you an example. Recently we had an individual arrested by the name of Samir Abdoun from Algeria. He was caught entering California from Mexico with a French passport. He was released with that summons to appear in court for his deportation hearing, and of course he never showed up for that hearing. He, like many thousands of other people in the same situation, assimilated into the United States.

☐ 1615

Three years later, he was arrested on September 22, 2001, when it was learned that he had met for coffee several times with two of the hijackers that took part in the attacks on our country on September 11. Finally, Somar was deported last year.

This catch-and-release policy, where we spend the time to catch those few people that come across illegally and release them on their word to come back to court, simply does not work. We obviously need detention facilities for these people. We obviously need quicker hearings. It should not take 6 months to have a deportation hearing. They should happen within that week.

Then, Mr. Speaker, we have other policies that defy common sense in our immigration lack of policy. One of those is the sanctuary policy where many cities in the United States have taken the position that they will not arrest people in their city that are there illegally. They will not help the Federal Government arrest those individuals. Let me give my colleagues an example.

Many police agencies cannot inquire as to the status, the legal status of an individual that they arrest. One of those cities unfortunately is the City of Houston. In the City of Houston, if a police officer arrests somebody for let us say jaywalking, that individual can be fined for jaywalking, but the police officer cannot inquire as to the legal status of that individual and turn them over to the Federal authorities if they are here illegally in the United States. Why do we enforce the jaywalking laws, why do we enforce the traffic laws around the Capitol with all of the cameras and the red lights, why do we enforce those laws, but yet we do not enforce the basic rule of law protecting the dignity of the United States? And we do not deport those individuals that police officers know are here illegally because they cannot even turn them over to the Federal authorities.

Mr. Speaker, there are ways to beat the United States and the United States system. What I mean by that is a policy apparently perpetrated on this country by the country of Mexico. I have here a pamphlet that is published by the government of Mexico that explains to people who want to come to the United States from Mexico illegally how to come to the United States. Part of this I have blown up on this chart. It explains, this pamphlet explains to Mexican nationals where to cross into Texas so they are not caught, what to do if they are confronted by a border agent, how to deal with coyotes, those are the people for money that illegally bring people into the United States; and where is the best place to cross into the United States. Mr. Speaker, the country of Mexico is exporting its problem and making it our problem, and this is something that ought not to be.

Of course, there are other ways to defy the law, the rule of law. Before a person illegally comes into the United States, before they cross the border, there are flea markets, places where an individual can obtain illegal, forged American Social Security cards, obtain other forged documents such as green cards to come into the United States, and assimilate among the rest of us.

We have to remember, by the way, Mr. Speaker, that Social Security cards are not identification. They serve the purpose of retirement. They do not serve the purpose of identification, but yet that is what it is used for.

The problem continues on the southern Texas border, the other borders that border Mexico, where individuals come across to receive health care, not at their expense, but we pay for it. One way is many individuals come across the border, the individual is pregnant, goes to one of our emergency hospitals, our emergency care is tremendous, and then grants that individual of course permission to come in. A baby is born, that baby becomes a United States citizen, and then the whole family then becomes the problem of the United States. Individuals come here to receive that free health care because we do not turn anybody away. So maybe the United States needs to start sending a bill back to those countries and expecting them to pay for the health care that we pay for that they refuse to pay for in their own country.

We have heard a lot, Mr. Speaker, today on this floor on both sides talking about two important issues that are expensive to Americans. One of those is health care. Oh, we heard on and on and on today about the costs of health care, what we are going to do about it. But one thing we do not want to talk about, Mr. Speaker, is part of the reason health care costs are going up in this country for Americans is because we have people that are receiving health care at the expense of the rest of us. And those are people who are in the United States illegally that go and receive at our hospitals that free health care; free to them, expensive to us. We now know that approximately $2,700 a year each American has to spend for the health care of people who are illegally in the United States. I will repeat that again. It costs each American taxpayer about $2,700 a year of their money to pay for the health care of somebody else that is illegally in the United States. Those Americans, as we heard tonight from that side and this side, may not even have health care benefits. This ought not to be.

Mr. Speaker, we also now know that on the southern border of Texas, that there are reports that individuals who wish to do us harm, we call those people terrorists, are assuming the identities of Hispanic individuals. They are learning Spanish, they sneak into the United States as the downtrodden, illegal immigrants, and they set up cells, networking cells to eventually do us harm. Because, you see, terrorists understand, like everybody else in the world, that we have open borders, that you can sneak into the United States and, once you are here, you can assimilate into the entire population.

So it is a cost factor for Americans, illegal immigration. It is also an illegal issue. But, more importantly, Mr. Speaker, it is an issue regarding homeland security. The next terrorist that does us harm is probably not going to fly into the United States, land over here at Reagan National Airport, and come do us harm. They are probably going to just walk across the border, either the Canadian-American border, or the Mexican-American border. We know that most of the 9/11 hijackers that did us harm, that is exactly what they did. They came across the Canadian border and assimilated into the United States.

Mr. Speaker, as the battle for Iraq races on, the battle for Laredo has begun. I say that because Laredo, Texas, the largest inland port in the United States, is across the Rio Grande River from Nuevo Laredo, a city of 400,000 individuals in Mexico. This weekend I plan on going down to the border of Texas, Laredo, Zapata County, I will be there with a Texas Ranger and some of the local sheriffs and eventually with the border agents to view that situation.

We know what is taking place in the battle for Laredo and Nuevo Laredo. We know this year that 135 people were murdered, 44 Americans were kidnapped in Nuevo Laredo; 7 policemen were murdered. The police chief, the new police chief that was recently made police chief, lasted about 6 hours after he was sworn in, and then he was gunned down with 35 bullets shot into his body. Nuevo Laredo has become a haven for drug traffickers, a haven for gun-running, and a haven for human trafficking into the United States. Because this is an example of where failure to protect the integrity of our borders encourages illegal conduct. That illegal conduct includes those people that wish to make money off the weaknesses of other individuals, and I am talking about those drug dealers. They are bringing that cocaine, that marijuana into the United States from our southern borders. It disseminates throughout the United States. We know that it is a location for gun-running, people who wish to bring firearms illegally into the United States. And we also know that that is where those coyotes, those individuals for money charge other individuals from other nations to come into the United States illegally.

Mr. Speaker, many times we hear from people who think they know about the problem of illegal immigration. Some of those people are, for lack of a better phrase, those northeastern elites who think they have the answers to all the problems. I would like to invite those people who spend their time out on their yachts near Cape Cod to come down to Texas with me this weekend and go to Laredo and see the problem, the real problem of what illegal immigration does to our country.

The border security is an issue that affects all Americans. I have discussed with many of the property owners that live along our Texas border how illegal immigration affects it. One rancher in Zapata County told me that it was like Sherman's march to the sea, that Union general who invaded the South and burned everything in his path. He said, that is what it is like. They are coming onto my land, destroying all the land, all the property, stealing everything they can get their hands on, because this is the path into the United States.

Property rights are something that maybe we ought to talk more about, how our Federal Government has the responsibility to protect the dignity of property rights of all Americans. Recently, we had an individual by the name of Luis Posada Carriles, he was a Cuban anti-Castro militant who was taken into custody in my home State of Texas for immigrant violations. He is wanted in Venezuela for allegedly blowing up a Cuban plane and killing 70 people on that airplane. This alleged terrorist told American authorities he easily crossed the U.S.-Mexican border in the car of a smuggler, hopped the bus to Miami, and even evaded arrest by U.S. immigration agents by claiming he was a forgetful old man and lost his identification. This is typical, this is scary. It is also proof, Mr. Speaker, how easily it is for a terrorist with plans to harm others can get into the United States. This is a serious matter of homeland security, and it must be fixed.

Our borders are out of control, and securing our borders is the first step in any serious immigration reform policy. So what are we going to do? Well, just today, I have introduced a bill called the Passport Security bill. It is a simple bill that requires all persons entering the United States that try to come here legally to have a passport.

Mr. Speaker, if you come to the United States and you are from Canada or from Mexico or from one of the Caribbean islands, you do not have to have a passport to get in. You can use any type of document that is acceptable; everything from a birth certificate to a baptismal certificate. Some of our border agents have to be so versed in up to 500 documents from foreign countries before they can let a person come into the United States. It makes it very easy to forge those documents, to come in here illegally when you are trying and pretending to come in here in a legal manner.

So all nations in the world basically require passports to enter their country. We do not do so, with the exceptions that I mentioned. So it is time for us to require a passport. A passport does not discriminate. It is the same document used for every individual. I have talked to numerous individuals who are concerned about border security, and they tell me, let us go to passports. Passports do not discriminate. It has a bar code that is in a passport, and it is a universal form of entry into any country. It even could be used by our businesses who have to now become policemen to determine whether or not the person coming into their business that wants a job is here legally, and they check the Social Security card, they try to check their birth certificates, all the documents they have; they do not have to check any of that any more. All they have to have is a passport. If they enter the United States legally, they will have that passport when they go and seek employment as a person trying to legally come into the United States. A passport is the gold standard for entry into all countries, and it is time that we require passports.

Mr. Speaker, the 9/11 Commission, in its extensive report, stated that passports are necessary for entry into the United States. But here we are, we still do not have passport requirements. Why is that? It is because of bureaucracy at the Federal level that does not implement the 9/11 Commission's report. So that is why I have filed this bill, to require a person to show a passport when coming into the United States.

In some cases, Mr. Speaker, people who wish to come into the United States, for example, from Canada, do not even have to show documentation. All they have to do is profess that they are a citizen of that nation. The same is true of Americans who wish to reenter the United States. For example, one of my staff members recently went to Mexico over the August recess, and when she entered Mexico, she was waved through. She was not even asked for identification.

□ 1630

But more importantly, when she reentered the United States, the border agent simply looked into the vehicle which had several passengers and asked, Well, are all of you all American citizens?

Someone replied yes and they were passed into the United States without any search, without any identification. So our borders at border crossings must be protected, and the border between border crossings must be protected. It is a homeland security issue.

Some people have discussed the issue of having a fence to protect the southern border. That is at least worthy of debate on this House floor. If we are going to get serious about protecting our borders, we should at least discuss the issue.

Earlier I mentioned one of the costs that is imposed upon Americans for illegal immigration, and that is health care. Some say that health care costs in the United States, 20 percent of health care costs are because people are in the system, illegally in the United States.

Now, let us go to the second topic most talked about on this House floor regarding costs, and that is education. Almost every day on this House floor we hear the talk about, oh, the expense of education in the United States. And it is expensive. It is expensive when your kids are in public school all the way through high school.

And you want to talk about expensive, wait until they try to go to college and see how expensive it is. I have four kids in college, and one of them is still in college. It is expensive, education is in the United States.

But all of the talk that we hear about the cost of education, no one wants to talk about the fact that there are people in the system getting an education and Americans are paying for it, once again the people who are illegally in the United States.

Some experts say it is up to 22 percent of education costs re because people are in the system that are benefiting from it, but not paying for it. You know, we have a policy in this country. If you are here, however you got here, legally or illegally, you are going to get an education at the expense of the rest of us. And not only that, you are going to be educated in your own language.

Now, think about that. If we went to a foreign country like France illegally, sneaked into the country, would we have the nerve to go to one of their public schools and demand to be educated not only for free, but in our own language? Of course not. That is absurd.

But yet we do this in our country because it is the policy of this country. Regardless of whether it should be or should not be, it is costing Americans; and Americans have to pay for this expensive education for those who are in the system and do not contribute to it.

Let me give you some examples of that that go to higher education. Let us say a person from Texas wants to go to Kansas to school. Well, Kansas charges that Texas student out-of-state tuition. Why? Because they are not from Kansas. Well, that is all right. Most States have that law.

Let us say a person from a foreign country legally comes to the United States, legally wants to go to Kansas and get an education. And they are admitted on an education visa. They go to Kansas. They pay out-of-state tuition because they are not from Kansas. Makes sense.

But take the third example of a person illegally in the United States in Kansas. They get admitted, first of all, to one of their universities and they pay in-state tuition. That ought not to be. We discriminate against American students. We discriminate against people legally coming into the United States to get an education, to the benefit of people who are illegally here; and in some States people illegally in the state that go to colleges get admitted into colleges, receive State grants. Maybe those grants ought to go to American citizens.

And now with the competition of higher education so stiff, in some cases Americans are denied entry into a university to the benefit of someone who is admitted because they are illegally in the United States. Once again, this defies common sense. So the two examples, health care costs, education costs. Part of the reason is because there are people here who have benefited from it and not contributed to it.

And the third example that I would like to use is the cost of the criminal justice system. I was a judge for 22 years in Houston, Texas. Heard about 25,000 felony cases, that is serious crime, everything from stealing to killing.

About 20 percent of the people that I saw were in the United States illegally now. Think about that. First of all, they are here illegally. They commit another crime. When convicted, they are sent off to one of our State penitentiaries. Of course, Americans pay for that system. Americans pay for the criminal justice system. We pay for their incarceration. Then when the person serves their time for whatever, robbery or murder, you would think that the law in this country would say that person illegally in the United States that commits a felony and goes to the penitentiary, we would deport them back where they came from.

But that is not what we do. We bring them right back to the county in which they were convicted, and we release them. Why do we do that? Because there is no cooperation by law with the State authorities and Federal authorities on people illegally in the United States and whether they should be deported after they have served their criminal sentence.

So that costs us as well. And some likewise estimate is 18 to 19 percent of our criminal justice costs are because we have people in the United States illegally here committing crimes and having to serve their time. And we pay for that. So these are some examples of issues that the American public has to deal with and deal with immediately.

It is necessary that we as a people come to grips with the issue of illegal immigration and decide what position we are going to take, whether we are going to take a stand for the rule of law or whether we are going to ignore the law.

It would seem to me that the first duty of government is to protect the sovereignty of the Nation, protect the identity of the borders of our Nation. It just seems to me that is what most countries do.

But we have chosen not to do that, for whatever reason. I do not know the reason. But now the time has come for us to enforce the rule of law, enforce border security. It is the right thing to do. It is not the right thing to do to tell people who come here illegally, that is okay. That is the wrong thing to do.

Mr. Speaker, it is a national security issue. We know that there are terrorists among us. We know they wish to do us harm. Why do we encourage that conduct by having no national policy that enforces the rule of law on our borders? Everybody wants to come to the United States. I do not blame them for that.

I mean, everybody wants to come here, but everybody cannot come to the United States. Everybody cannot live in the United States. So what are we going to do about that? Well, let us have a policy. Let us have a plan. Let us have a plan that works. Let us have a plan that encourages people to come here legally so it does not take 15 years to come into the United States legally as in the example I mentioned to you.

And let us have also a plan that enforces the rule of law and does not encourage illegal conduct, but tells people if you want to come to the United States, do it the right way, do it the legal way or stay home.

You know, we all took oaths as public officials to uphold the Constitution, to protect this country from all enemies, foreign and domestic. And I think part of our obligation is to enforce the rule of law and the sovereignty of the United States.

We call this place the land of the free and the home of the brave, and rightfully so. This very day, we have some of our bravest Americans halfway across the world protecting another country called Iraq. It is important that we in this country care more about Americans than we do about people who are illegally from foreign countries who come into the United States.

So the line is drawn in the sand, Mr. Speaker. And as I mentioned, the battle for Laredo has begun. The battle for our sovereignty is upon us. We will either protect our country or we will not. We will either surrender or we will refuse to surrender. And we cannot surrender our borders to those people who invade our country illegally. It is an invasion. It is a colonization of the United States, and it is illegally being done right under our eyes.

That is just the way it is, Mr. Speaker.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DEFAZIO) to revise and extend their remarks and include extraneous material:)

Mr. SCHIFF, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Ms. HERSETH, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

Mr. MARKEY, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Ms. WATSON, for 5 minutes, today.

(The following Member (at the request of Mr. GARRETT of New Jersey) to revise and extend his remarks and include extraneous material:)

Mr. GARRETT of New Jersey, for 5 minutes, today.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1736. An act to provide for the participation of employees in the judicial branch in the Federal leave transfer program for disasters and emergencies; to the Committee on Government Reform.

S. 1894. An act to amend part E of title IV of the Social Security Act to provide for the making of foster care maintenance payments to private for-profit agencies; to the Committee on Ways and Means.

BILLS PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on October 20, 2005, he presented to the President of the United States, for his approval, the following bills.

H.R. 3765. A bill to extend through March 31, 2006, the authority of the Secretary of the Army to accept and expend funds contributed by non-Federal public entities and to expedite the processing of permits.

H.R. 3971. Medicare Cost Sharing and Welfare Extension Act of 2005.

ADJOURNMENT

Mr. POE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 40 minutes p.m.), under its previous order, the House adjourned until Monday, October 24, 2005, at noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

4624. A letter from the Chief, Regulatory Review Group, Department of Agriculture, transmitting the Department's final rule — Collection of State Commodity Assessments (RIN: 0560-AH35) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4625. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule — Imported Fire Ant; Additions to Quarantined Areas in Arkansas and Tennessee [Docket No. 05-030-1] received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4626. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Listing of Color Additives Exempt From Certification; Tomato Lycopene Extract and Tomato Lycopene Concentrate [Docket No. 2001C-0486] (formerly Docket No. 01C-0486) received August 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4627. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Servcies, transmitting the Department's final rule — Change of Address; Technical Amendment— received July 29, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4628. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Definition of Primary Mode of Action of a Combination Product [Docket No. 2004-N-0194] received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4629. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Listing of Color Additives Exempt from Certification; Mica-Based Pearlescent Pigments [Docket No. 1998C-0431] (formelry 98C-0431) received August 4, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4630. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Change of Name and Address; Technical Amendment [Docket No. 2005N-0201] received August 2, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4631. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Irradiation in the Production, Processing, and Handling of Food [Docket No. 1999F-4372] received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4632. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Medical Devices; Immunology and Microbiology Devices; Classification of Ribonucleic Acid Preanalytical Systems [Docket No. 2005N-0263] received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4633. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Medical Devices; Dental Devices; Classification of Oral Rinse to Reduce the Adhesion of Dental Plaque [Docket No. 2005N-0338] received September 30, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4634. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Use of Materials Derived From Cattle in Human Food and Cosmetics [Docket No. 2004N-0081] received September 26, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4635. A letter from the Director, Contract Policy Division, National Aeronautics and Space Administration, transmitting the Administration's final rule — Federal Acquisition Circular 2005-05; Introduction — received August 4, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

4636. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmoshpheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Action #6 — Adjustment from the U.S.-Canada Border to Cape Alava, Washington [Docket No. 050426117-5117-01; I.D. 082605A] received September 30, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4637. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel Lottery in Areas 542 and 543 [Docket No. 041126332-5039-02; I.D. 081605D] received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4638. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Yellowfin Sole in the Bering Sea and Aleutian Islands Management Area [Docket No. 041126332-5039-02; I.D. 072105A] received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4639. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Atlantic Sea Scallop Fishery; Closure of the Closed Area I Scallop Access Area to General Category Scallop Vessels [Docket No. 040809233-4363-03; I.D. 083105A] received September 26, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4640. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Economic Exclusive Zone Off Alaska; Deep-water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska [Docket No. 041126333-5040-02; I.D. 090705D] received September 26, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4641. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States and in the Western Pacific; Coastal Pelagic Species Fisheries: Reallocation of Pacific Sardine [Docket No. 041130335-5154-02; I.D. 091305E] received September 30, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4642. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Action #8 — Adjustment of the Recreational Fishery from the U.S.-Canada Border to Cape Alava, Washington [Docket No. 050426117-5117-01; I.D. 091405H] received September 30, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4643. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Action #7 — Closure of the Commercial Salmon Fishery from the U.S.-Canada Border to Cape Falcon, Oregon [Docket No. 050426117-5117-01; I.D. 091405G] received September 30, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4644. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Northeastern Multispecies Fishery; Modification of Access to the Eastern U.S./Canada Area [Docket No. 040112010-4114-02; I.D. 063005A] received August 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4645. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska Pelagic Shelf Rockfish in the West Yakutat District of the Gulf of Alaska [Docket No. 041126333-5040-02; I.D. 072005B] received August 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A): to the Committee on Resources.

4646. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska, "Other Rockfish" in the Central Regulatory Area of the Gulf of Alaska [Docket No. 041126333-5040-02; I.D. 072905A] received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4647. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the West Yakutat District of the Gulf of Alaska [Docket No. 041126333-5040-02; I.D. 080305B] received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4648. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Arrowtooth Flounder in the Bering Sea and Aleutian Islands Management Area [Docket No. 041126332-5039-02; I.D. 080805B] received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4649. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries [I.D. 080405B] received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4650. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Non-Community Development Quota Pollock with Trawl Gear in the Chinook Salmon Savings Areas of the Bering Sea and Aleutian Islands Manamgement Area [Docket No. 041126332-5039-02; I.D. 080805D] received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4651. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Economic Exclusive Zone Off Alaska; Deep-water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska [Docket No. 041126333-5040-02; I.D. 082905C] received September 20, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4652. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — International Fisheries; Pacific Tuna Fisheries; Restrictions for 2005 Longline Fisheries in the Eastern Tropical Pacific Ocean [Docket No. 050719189-5231-05; I.D. 081105E] received September 20, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4653. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackeral in the Bering Sea and Aleutian Islands Management Area [Docket No. 041126332-5039-02; I.D. 082305C] received September 20, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4654. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Stastical Area 610 of the Gulf of Alaska [Docket No. 041126333-5040-02; I.D. 090205A] received September 20, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4655. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Eastern Aleutian District of the Bering Sea and Aleutian Islands Management Area [Docket No. 041126332-5039-02; I.D. 070805A] received August 2, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4656. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Central Regulatory Area of the Gulf of Alaska [Docket No. 041126333-5040-02; I.D. 071305A] received August 2, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4657. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Pacific Halibut Fisheries; Subsistence Fishing; Correction [Docket No. 050627169-5169-01; I.D. 051804C] received August 2, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4658. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmpspheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Gulf Grouper Recreational Management Measures [Docket No. 050708183-5183-01; I.D. 070505D] (RIN: 0648-AT45) received August 4, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4659. A letter from the Administrator, Office of National Programs, Department of Labor, transmitting the Department's final rule — Labor Condition Applications and Requirements for Employers Using Nonimmigrants on H-1B Visas in Specialty Occupations and as Fashion Models; Labor Attestations Regarding H-1B1 Visas; — received October 11, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4660. A letter from the Administrator, Office of National Programs, Department of Labor, transmitting the Department's final rule — Labor Certification for the Permanent Employment of Aliens in the United States; Backlog Reduction (RIN: 1205-AB37) received October 11, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4661. A letter from the Regulations Coordinator, CMS, Department of Health and Human Services, transmitting the Department's final rule — Medicare Program; Health Care Infrastructure Improvement Program; Selection Criteria of Loan Program for Qualifying Hospitals Engaged in Cancer-Related Health Care [CMS-1287-IFC] (RIN: 0938-AO03) received September 30,2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4662. A letter from the Regulations Coordinator, Center for Medicare Management, Department of Health and Human Services, transmitting the Department's final rule — Medicare Program; Competitive Acquisition of Outpatient Drugs and Biologicals Under Part B: Interpretation and Correction [CMS-1325-IFC2] (RIN: 0938-AN58) received September 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

4663. A letter from the Regulations Coordinator, CBC, Department of Health and Human Services, transmitting the Department's final rule — Medicare Program; Medicare Prescription Drug Discount Card; Revision of Marketing Rules for Endorsed Drug Card Sponsors [CMS-4063-F] (RIN: 0938-AN97) received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mrs. MALONEY (for herself, Mr. Melancon, and Mr. Jefferson):

H.R. 4090. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to modify the terms of the community disaster loan program, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. POMBO (for himself and Mr. Goodlatte):

H.R. 4091. A bill to permit certain projects and activities to resume on National Forest System lands by ratifying part 215 of title 36, Code of Federal Regulations, relating to notice, comment, and appeal procedures for such projects and activities; to the Committee on Agriculture.

By Ms. BEAN (for herself and Ms. Hart):

H.R. 4092. A bill to amend the Internal Revenue Code of 1986 to allow an additional credit against income tax for the adoption of an older child; to the Committee on Ways and Means.

By Mr. SENSENBRENNER (for himself and Mr. Simpson):

H.R. 4093. A bill to provide for the appointment of additional Federal circuit and district judges, to improve the administration of justice, and for other purposes; to the Committee on the Judiciary.

By Ms. ZOE LOFGREN of California:

H.R. 4094. A bill to prohibit States from carrying out more than one Congressional redistricting after a decennial census and apportionment, to require States to conduct such redistricting through independent commissions, and for other purposes; to the Committee on the Judiciary.

By Mr. FILNER:

H.R. 4095. A bill to amend titles II and XVI of the Social Security Act to provide for equitable treatment of disability beneficiaries with waxing and waning medical conditions; to the Committee on Ways and Means.

By Mr. REYNOLDS (for himself, Mr. Simmons, Mr. Shaw, Mr. Herger, Mr. English of Pennsylvania, Mr. Foley, Mr. Lincoln Diaz-Balart of Florida, Mr. Walden of Oregon, Mr. Hunter, Mr. McHugh, Mr. King of New York, Mr. McCotter, Mr. Kuhl of New York, Mr. Paul, Mr. Sessions, Mr. Fortuño, Mrs. Capito, Mr. Hostettler, Mr. Murphy, Mrs. Kelly, Mr. Bishop of Utah, Mr. Gary G. Miller of California, Mr. Garrett of New Jersey, and Mr. Linder):

H.R. 4096. A bill to amend the Internal Revenue Code of 1986 to extend to 2006 the alternative minimum tax relief available in 2005 and to index such relief for inflation; to the Committee on Ways and Means.

By Mr. BOEHNER (for himself, Mr. Blunt, Mr. Jindal, Mr. Sam Johnson of Texas, Mr. Wilson of South Carolina, Mr. Kline, Mrs. Musgrave, Miss McMorris, Mr. Marchant, Mr. Fortuño, Mr. Boustany, Ms. Foxx, Mrs. Drake, Mr. Bartlett of Maryland, Mr. Hoekstra, Mr. Weldon of Florida, Mr. Wicker, Mr. Brady of Texas, Mr. Pitts, Mr. Sessions, Mr. Culberson, Mr. Burgess, Mr. Cole of Oklahoma, Mr. Franks of Arizona, Mr. Gingrey, Mr. McHenry, Mr. Poe, and Mr. DeLay):

H.R. 4097. A bill to direct the Secretary of Education to establish a Family Education Reimbursement Account Program to assist hurricane displaced students during the 2005-2006 school year, and for other purposes; to the Committee on Education and the Workforce.

By Mr. RAMSTAD:

H.R. 4098. A bill to amend title XVIII of the Social Security Act to preserve access to community cancer care by Medicare beneficiaries; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. McCAUL of Texas (for himself, Mr. Boren, Mrs. Drake, Mr. Smith of Texas, and Mr. Culberson):

H.R. 4099. A bill to amend the Homeland Security Act of 2002 to authorize the Citizen Corps and establish the Border Corps, and for other purposes; to the Committee on Homeland Security.

By Mr. BAKER:

H.R. 4100. A bill to establish the Louisiana Recovery Corporation for purposes of economic stabilization and redevelopment of devastated areas in Louisiana, and for other purposes; to the Committee on Financial Services.

By Mr. BISHOP of New York (for himself, Mr. Ackerman, Mrs. McCarthy, Mr. Israel, Mr. McNulty, Mr. Crowley, Mr. Engel, Mr. Kuhl of New York, Mr. Serrano, Mr. Boehlert, Mr. King of New York, Mr. Fossella, Mr. Higgins, Mr. Walsh, Mr. Hinchey, Mr. Nadler, Mr. Weiner, Mr. Owens, Ms. Velázquez, Mrs. Maloney, Mrs. Lowey, Mr. Reynolds, Ms. Slaughter, Mr. Towns, Mr. Rangel, Mr. Sweeney, Mr. McHugh, Mr. Meeks of New York, and Mrs. Kelly):

H.R. 4101. A bill to designate the facility of the United States Postal Service located at 170 East Main Street in Patchogue, New York, as the "Lieutenant Michael P. Murphy Post Office Building"; to the Committee on Government Reform.

By Mr. BROWN of Ohio:

H.R. 4102. A bill to amend title 35, United States Code, to provide for compulsory licensing of certain patented inventions relating to health care emergencies; to the Committee on the Judiciary.

By Mr. BROWN of Ohio (for himself, Mr. Dingell, Mr. Rangel, Mr. Waxman, Mr. Stark, and Ms. Schakowsky):

H.R. 4103. A bill to amend title XVIII of the Social Security Act to provide for improved accountability in the Medicare Advantage and prescription drug programs; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. GINNY BROWN-WAITE of Florida:

H.R. 4104. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for qualified long-term care services in computing adjusted gross income; to the Committee on Ways and Means.

By Mr. BUTTERFIELD:

H.R. 4105. A bill to amend the Wild and Scenic Rivers Act to designate the Perquimans River and its tributaries in Perquimans County, North Carolina, for study for potential addition to the National Wild and Scenic Rivers System, and for other purposes; to the Committee on Resources.

By Mr. CASTLE (for himself, Mr. Platts, Mr. Bachus, Mr. Weldon of Pennsylvania, Mr. Kirk, and Mr. Fitzpatrick of Pennsylvania):

H.R. 4106. A bill to provide for the security and safety of rail transportation systems in the United States, and for other purposes; to the Committee on Homeland Security.

By Mr. CUMMINGS (for himself, Mr. Hoyer, Mr. Cardin, Mr. Gilchrest, Mr. Bartlett of Maryland, Mr. Wynn, Mr. Van Hollen, and Mr. Ruppersberger):

H.R. 4107. A bill to designate the facility of the United States Postal Service located at 1826 Pennsylvania Avenue in Baltimore, Maryland, as the "Maryland State Delegate Lena K. Lee Post Office Building"; to the Committee on Government Reform.

By Mr. CUMMINGS (for himself, Mr. Wynn, Mr. Van Hollen, Mr. Hoyer, Mr. Cardin, Mr. Gilchrest, Mr. Bartlett of Maryland, and Mr. Ruppersberger):

H.R. 4108. A bill to designate the facility of the United States Postal Service located at 3000 Homewood Avenue in Baltimore, Maryland, as the "State Senator Verda Welcome and Dr. Henry Welcome Post Office Building"; to the Committee on Government Reform.

By Mr. CUMMINGS (for himself, Mr. Hoyer, Mr. Cardin, Mr. Gilchrest, Mr. Bartlett of Maryland, Mr. Wynn, Mr. Van Hollen, and Mr. Ruppersberger):

H.R. 4109. A bill to designate the facility of the United States Postal Service located at 6101 Liberty Road in Baltimore, Maryland, as the "United States Representative Parren J. Mitchell Post Office"; to the Committee on Government Reform.

By Mr. EMANUEL (for himself, Mr. DeFazio, Mr. Delahunt, Mr. Bishop of New York, Mr. Allen, Mr. Boucher, Mr. Clay, Mr. Costello, Mr. Etheridge, Mr. Frank of Massachusetts, Mr. Grijalva, Mr. Hastings of Florida, Mr. Holt, Mr. Kildee, Mr. Larson of Connecticut, Ms. Lee, Mr. McGovern, Mrs. Maloney, Mr. Meehan, Mr. George Miller of California, Ms. McCollum of Minnesota, Mr. Nadler, Mr. Owens, Mr. Pallone, Mr. Payne, Mr. Ryan of Ohio, Ms. Schakowsky, Ms. Slaughter, Mr. Stark, Mr. Taylor of Mississippi, Mr. Thompson of Mississippi, and Mr. Wexler):

H.R. 4110. A bill to require grants to State and local governments for infrastructure and social services needs in the same amount as the amount of relief and reconstruction funds provided to Iraq; to the Committee on Government Reform.

By Mr. FORTUÑO:

H.R. 4111. A bill to redesignate the Caribbean National Forest in the Commonwealth of Puerto Rico as the El Yunque National Forest; to the Committee on Resources.

By Mr. HASTINGS of Florida (for himself, Mr. Owens, and Ms. Wasserman Schultz):

H.R. 4112. A bill to direct the Secretary of Homeland Security to establish national emergency centers on military installations; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HAYES:

H.R. 4113. A bill to provide for a reduction in pay for Members of Congress; to the Committee on House Administration, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LoBIONDO (for himself, Mr. Smith of New Jersey, and Mrs. Emerson):

H.R. 4114. A bill to prohibit the sale of crude oil, gasoline, diesel fuel, natural gas, or petroleum distillates at an unjust or unreasonable price; to the Committee on Energy and Commerce.

By Mr. MARSHALL:

H.R. 4115. A bill to designate the facility of the United States Postal Service located at 118 East Hancock Street in Milledgeville, Georgia, as the "Boddie Davis Simmons Post Office Building"; to the Committee on Government Reform.

By Mrs. McCARTHY:

H.R. 4116. A bill to prohibit the Secretary of Transportation from requiring the sounding of a locomotive horn in suburban areas in nonpeak traffic hours; to the Committee on Transportation and Infrastructure.

By Mr. MELANCON (for himself, Mr. Jefferson, Mr. Jindal, Mr. Baker, Mr. Boustany, Mr. Alexander, and Mrs. Maloney):

H.R. 4117. A bill to permit the cancellation of certain loans under the Robert T. Stafford Disaster Relief and Emergency Assistance Act; to the Committee on Transportation and Infrastructure.

By Mr. PAUL:

H.R. 4118. A bill to prohibit Federal payments to any individual, business, institution, or organization that engages in human cloning; to the Committee on Energy and Commerce.

By Mr. PAUL:

H.R. 4119. A bill to strengthen Federal leadership, provide grants, enhance outreach and guidance, and provide other support to State and local officials to achieve communications interoperability, to foster improved regional collaboration and coordination, to promote more efficient utilization of funding devoted to public safety communications, to promote research and development for first responder communications, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. POE:

H.R. 4120. A bill to eliminate the Western Hemisphere travel exception by requiring a passport for all travel into and out of the United States and to require the Secretary of State to endeavor to persuade all countries to issue machine-readable passports that comply with a uniform document identifying standard; to the Committee on the Judiciary, and in addition to the Committees on Homeland Security, and International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SODREL:

H.R. 4121. A bill to amend title 10, United States Code, to extend military commissary and exchange store privileges to veterans with a compensable service-connected disability and to their dependents; to the Committee on Armed Services.

By Mr. TANNER:

H.R. 4122. A bill to establish the Comprehensive Entitlement Reform Commission; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WELDON of Pennsylvania (for himself, Mr. Wilson of South Carolina, and Mr. Brown of South Carolina):

H.R. 4123. A bill to amend section 44706 of title 49, United States Code, to require operating certificates for airports at which large cargo operations are conducted; to the Committee on Transportation and Infrastructure.

By Mr. GEORGE MILLER of California:

H.J. Res. 69. A joint resolution relating to a national emergency declared by the President on September 8, 2005; to the Committee on Transportation and Infrastructure.

By Mr. BARTON of Texas (for himself, Mr. Burgess, Mr. Gonzalez, Mr. Conaway, Mr. Carter, Mr. Sessions, Mr. Radanovich, Mr. Whitfield, Mr. Upton, Mrs. Cubin, Mr. Bass, Mr. Smith of Texas, Mr. Shadegg, Mr. Boustany, Mr. Pickering, Mr. Towns, Mr. Lewis of California, Mr. Bilirakis, Mr. Markey, Mr. McGovern, Mr. Hensarling, Mr. Ortiz, Ms. Kilpatrick of Michigan, Mr. Lincoln Diaz-Balart of Florida, Mr. Otter, Mr. Marchant, Mr. Gene Green of Texas, Mr. Edwards, Mr. McCaul of Texas, Mr. Hall, Mr. Calvert, Mr. Sullivan, Mrs. Capps, Mr. Bachus, Mr. Murphy, Mr. Fitzpatrick of Pennsylvania, Mr. Cantor, Ms. Jackson-Lee of Texas, Mr. Norwood, Mrs. Bono, Mr. Walden of Oregon, Mr. Gillmor, Ms. Eddie Bernice Johnson of Texas, Ms. Bordallo, Mr. Rush, Mr. Buyer, Mr. Castle, Mr. Boehlert, Mr. Stearns, and Mr. Terry):

H. Con. Res. 269. Concurrent resolution recognizing the 40th anniversary of the White House Fellows Program; to the Committee on Government Reform.

By Ms. JACKSON-LEE of Texas (for herself and Mr. Meeks of New York):

H. Con. Res. 270. Concurrent resolution expressing the sense of the Congress to honor those in Pakistan who lost their lives as a result of the earthquake that affected South Asia on October 8, 2005; to the Committee on International Relations.

By Mr. MEEKS of New York (for himself, Mr. Rangel, Mrs. Jones of Ohio, Ms. Eddie Bernice Johnson of Texas, Ms. Norton, Ms. Millender-McDonald, Mr. Conyers, Mr. Scott of Virginia, Mr. Watt, Mr. Abercrombie, Mr. Scott of Georgia, Mr. Filner, Mr. McDermott, Mr. McNulty, Mr. Lewis of Georgia, Mr. Bishop of Georgia, and Ms. Wasserman Schultz):

H. Con. Res. 271. Concurrent resolution honoring the life and accomplishments of Judge Constance Baker Motley and recognizing her as a symbol of hope and inspiration for all men and women; to the Committee on the Judiciary.

By Mr. WEXLER (for himself and Ms. Harris):

H. Con. Res. 272. Concurrent resolution expressing support for the current standards of the Federal mortgage interest tax deduction; to the Committee on Ways and Means.

By Ms. GINNY BROWN-WAITE of Florida:

H. Res. 504. A resolution commending the people of the Republic of Iraq for holding a successful referendum on a new constitution for Iraq; to the Committee on International Relations.

By Mr. KUCINICH:

H. Res. 505. A resolution requesting the President of the United States and directing the Secretary of State to provide to the House of Representatives certain documents in their possession relating to the White House Iraq Group; to the Committee on International Relations.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 21: Ms. Matsui.

H.R. 500: Mr. Bonilla.

H.R. 558: Ms. DeLauro.

H.R. 583: Mr. Stark.

H.R. 602: Mr. Meeks of New York.

H.R. 759: Ms. Schwartz of Pennsylvania.

H.R. 772: Mr. Fortuño, Mr. English of Pennsylvania, Mr. Hall, and Mr. Simmons.

H.R. 809: Mr. Goode.

H.R. 827: Mr. Weller and Mr. English of Pennsylvania.

H.R. 839: Ms. Hooley, Mr. Rangel, and Mr. Udall of New Mexico.

H.R. 896: Mr. Farr.

H.R. 923: Mr. Rahall, Mr. Moran of Virginia, Mr. Boehlert, Mr. Berry, Ms. Millender-McDonald, and Mr. Reynolds.

H.R. 952: Mr. Jackson of Illinois.

H.R. 983: Mr. Stark.

H.R. 1130: Mrs. Capps and Mr. Doyle.

H.R. 1131: Mr. Fattah and Mr. Jackson of Illinois.

H.R. 1241: Mr. Marchant.

H.R. 1243: Mr. Brown of South Carolina.

H.R. 1246: Mrs. Schmidt.

H.R. 1249: Mr. Michaud.

H.R. 1262: Mr. Rothman.

H.R. 1298: Mr. Whitfield.

H.R. 1366: Mrs. Jo Ann Davis of Virginia.

H.R. 1431: Mrs. Davis of California and Mr. Thompson of California.

H.R. 1443: Mr. Cummings.

H.R. 1471: Mr. Larson of Connecticut and Mr. Stark.

H.R. 1510: Mrs. Northup.

H.R. 1561: Mr. Larsen of Washington, Mr. Peterson of Minnesota, and Mr. Souder.

H.R. 1591: Mr. Evans.

H.R. 1592: Mr. Evans.

H.R. 1633: Mr. Platts.

H.R. 1723: Mr. Conyers.

H.R. 1736: Mr. Shays.

H.R. 1973: Mr. Hyde.

H.R. 1994: Mr. Markey and Ms. Carson.

H.R. 2012: Mr. Shimkus.

H.R. 2014: Mr. Gary G. Miller of California, Ms. Berkley, and Mrs. Bono.

H.R. 2112: Mr. Burton of Indiana and Mr. Hulshof.

H.R. 2134: Mr. McGovern, Mr. Larsen of Washington, and Mr. Thompson of Mississippi.

H.R. 2177: Mr. Strickland, Mr. Michaud, and Mr. Sweeney.

H.R. 2211: Mr. Inglis of South Carolina and Mr. Pitts.

H.R. 2231: Mr. Allen, Mr. Lynch, Mr. Rush, Ms. Corrine Brown of Florida, Mrs. Davis of California, Mr. Hefley, Mr. Honda, Mr. Michaud, Mr. Burton of Indiana, Mr. Hinojosa, Ms. Lee, and Mr. Simmons.

H.R. 2257: Mr. WEXLER and Mr. BRADY of Texas.

H.R. 2317: Mr. WELDON of Pennsylvania and Mrs. DAVIS of California.

H.R. 2327: Mr. ENGEL.

H.R. 2356: Mr. WALSH, Mr. NADLER, Mrs. NAPOLITANO, Mr. BROWN of South Carolina, and Mr. WILSON of South Carolina.

H.R. 2359: Mr. OWENS.

H.R. 2389: Ms. GRANGER.

H.R. 2412: Mr. CONYERS.

H.R. 2471: Mr. SIMPSON.

H.R. 2669: Mr. ALLEN, Mr. BRADY of Pennsylvania, Mr. CLYBURN, and Mr. RYAN of Ohio.

H.R. 2679: Mr. JINDAL.

H.R. 2727: Mr. BRADY of Pennsylvania.

H.R. 2835: Mr. THOMPSON of Mississippi and Mr. ALLEN.

H.R. 2861: Mr. DUNCAN.

H.R. 2872: Mr. CONYERS, Mr. SOUDER, Mr. DOYLE, Mr. FOSSELLA, Mr. ROSS, and Mr. LIPINSKI.

H.R. 2926: Mr. PRICE of North Carolina.

H.R. 2928: Mr. ETHERIDGE.

H.R. 3063: Mr. SCOTT of Virginia, Mr. BRADY of Pennsylvania, Ms. SCHWARTZ of Pennsylvania, Mr. BERMAN, and Mr. DOGGETT.

H.R. 3127: Mr. OWENS, Mr. TAYLOR of North Carolina, Mr. ROTHMAN, Mr. LYNCH, and Ms. ESHOO.

H.R. 3137: Mr. HALL, Mr. ROGERS of Alabama, Mr. FEENEY, Mr. GERLACH, Mr. THORNBERRY, and Mr. SOUDER.

H.R. 3151: Mr. STARK, Ms. WASSERMAN SCHULTZ, and Mr. RUPPERSBERGER.

H.R. 3157: Ms. KILPATRIK of Michigan.

H.R. 3296: Mr. FATTAH.

H.R. 3312: Mr. UDALL of Colorado.

H.R. 3334: Mr. PUTNAM, Mr. BUTTERFIELD, Mr. JACKSON of Illinois, and Ms. ZOE LOFGREN of California.

H.R. 3369: Mr. BRADY of Pennsylvania, Mr. ABERCROMBIE, and Ms. SCHWARTZ of Pennsylvania.

H.R. 3373: Ms. WASSERMAN SCHULTZ, Mr. PRICE of North Carolina, Mr. THORNBERRY, Mr. CUMMINGS, and Mr. WYNN.

H.R. 3427: Mr. SHAYS.

H.R. 3436: Mr. CONAWAY.

H.R. 3459: Mr. MCINTYRE.

H.R. 3476: Mr. GILCHREST.

H.R. 3478: Mr. HOLT.

H.R. 3532: Mr. MCCOTTER.

H.R. 3546: Mr. WEXLER.

H.R. 3561: Mr. MEEK of Florida and Ms. DELAURO.

H.R. 3604: Mr. BERMAN.

H.R. 3617: Mr. SESSIONS.

H.R. 3638: Mr. KUHL of New York.

H.R. 3644: Mr. JOHNSON of Illinois.

H.R. 3662: Mr. OLVER.

H.R. 3698: Mr. BRADY of Pennsylvania and Mrs. JONES of Ohio.

H.R. 3758: Mr. CONYERS.

H.R. 3778: Mr. MILLER of Florida, Mr. GRIJALVA, Ms. HARRIS, and Mr. HONDA.

H.R. 3796: Mr. FATTAH and Mr. LYNCH.

H.R. 3810: Mr. SOUDER.

H.R. 3860: Mrs. MYRICK.

H.R. 3870: Mr. PAUL.

H.R. 3889: Mrs. WILSON of New Mexico and Mr. CAMP.

H.R. 3903: Mr. BEAUPREZ and Mr. AKIN.

H.R. 3904: Mr. BEAUPREZ and Mr. AKIN.

H.R. 3906: Mr. BEAUPREZ and Mr. AKIN.

H.R. 3922: Mr. JINDAL, Mr. SKELTON, Mr. ABERCROMBIE, and Mr. CLEAVER.

H.R. 3940: Mr. BRADY of Pennsylvania.

H.R. 3949: Mr. HALL, Mr. MCNULTY, and Mr. HEFLEY.

H.R. 3952: Mr. SCOTT of Georgia.

H.R. 3960: Mr. PUTNAM, Mr. BOEHNER, and Mr. HERGER.

H.R. 3966: Mr. MOORE of Kansas.

H.R. 4011: Mr. CLAY and Mr. LEWIS of Georgia.

H.R. 4015: Mr. PETERSON of Minnesota and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 4032: Mr. CARTER, Mr. ADERHOLT, Mr. GARRETT of New Jersey, and Mr. GOODE.

H.R. 4033: Mrs. DAVIS of California and Mr. NORWOOD.

H.R. 4034: Mr. BURTON of Indiana and Mr. HOEKSTRA.

H.R. 4035: Mr. MILLER of Florida.

H.R. 4044: Mr. REYES.

H.R. 4047: Mr. LOBIONDO.

H.R. 4048: Mr. MENENDEZ.

H.R. 4062: Mr. BOUCHER, Ms. SCHAKOWSKY, Mr. HONDA, Mr. LANTOS, Mr. RANGEL, Mr. MCDERMOTT, Mr. FRANK of Massachusetts, Ms. CARSON, Mr. HINCHEY, Mrs. DAVIS of California, Ms. WASSERMAN SCHULTZ, Ms. KILPATRICK of Michigan, Mr. SERRANO, Mr. ABERCROMBIE, Mr. FILNER, and Mr. KENNEDY of Rhode Island.

H.R. 4063: Mrs. BLACKBURN, Mr. CLAY, Mr. VAN HOLLEN, Mr. COOPER, Mr. MCNULTY, Mr. ISRAEL, Mr. RANGEL, Mr. LAHOOD, Mr. PRICE of North Carolina, Mr. HIGGINS, Mr. BOSWELL, Mr. DUNCAN, Mr. MENENDEZ, Mr. KING of New York, and Mr. WHITFIELD.

H.R. 4079: Mr. BEAUPREZ and Mr. GINGREY.

H. Con. Res. 172: Mr. LEVIN.

H. Con. Res. 179: Mr. LIPINSKI.

H. Con. Res. 210: Mr. POMBO, Mr. BLUMENAUER, Mr. BOUCHER, Mr. LINCOLN DIAZ-BALART of Florida, Mr. PICKERING, Mr. RADANOVICH, Mr. GOHMERT, Ms. JACKSON-LEE of Texas, and Mrs. BLACKBURN.

H. Con. Res. 228: Mrs. JO ANN DAVIS of Virginia and Mr. HINOJOSA.

H. Con. Res. 230: Mr. HALL.

H. Con. Res. 231: Mr. LAHOOD.

H. Con. Res. 254: Mr. ROTHMAN and Ms. WASSERMAN SCHULTZ.

H. Con. Res. 260: Mr. SMITH of New Jersey, Mr. RANGEL, Mr. ISRAEL, Mr. SHERMAN, and Mr. WEXLER.

H. Con. Res. 265: Mr. KOLBE.

H. Res. 137: Mr. BEAUPREZ, Mr. BRADY of Texas, Mr. MCINTYRE, Mr. AKIN, and Mr. GOHMERT.

H. Res. 215: Mrs. MUSGRAVE.

H. Res. 458: Mr. HOLT and Mr. CASE.

H. Res. 479: Mr. BERMAN, Mr. CONYERS, Mr. ENGEL, Mr. MCGOVERN, Mr. MCNULTY, Mrs. MALONEY, Mr. PALLONE, Mr. KIRK, and Mr. SMITH of New Jersey.

H. Res. 483: Mr. MCGOVERN.

H. Res. 485: Mr. LEVIN and Mr. BERRY.

H. Res. 488: Mr. SIMMONS.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 551: Mr. FRANKS of Arizona.

SENATE—*Thursday, October 20, 2005*

The Senate met at 9:30 a.m. and was called to order by the Honorable John Ensign, a Senator from the State of Nevada.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God, most Holy, how precious and steadfast is Your love. We take refuge in the shadow of Your wings and find peace in the blessing of being Your children.

Your love has given us this day and the opportunities to serve. Your love has provided us with challenges that test us and make us stronger. Your love enables us to find freedom from guilt and hope for our future. Help us not to miss Your precious presence or forget to abide in Your peace.

Give the Members of this body strength for today's journey. May they approach challenges and opportunities with reverence and respect.

Help us all to comprehend more fully what it means to rest in Your love. We pray in Your loving Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable John Ensign led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. Stevens).

The legislative clerk read the following letter:

> U.S. Senate,
> President pro tempore,
> *Washington, DC, October 20, 2005.*
>
> *To the Senate:*
>
> Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable John Ensign, a Senator from the State of Nevada, to perform the duties of the Chair.
>
> Ted Stevens,
> *President pro tempore.*

Mr. ENSIGN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, in a few minutes we will resume debate on the Transportation, Treasury, and HUD appropriations bill. We had a full day yesterday, with amendments being offered and voted on and, therefore, we made very good progress. I believe the two managers are looking to wrap up the bill soon, and it is possible we could complete action on the bill during today's session. I strongly believe we can do just that.

We have several Senators coming to the floor this morning to discuss their amendments, and I hope the two managers can work with the amendment sponsors or schedule those amendments for votes. Senators should expect votes throughout the course of the day. As I mentioned all week, if we cannot finish the bill today, we will be voting on the bill tomorrow. But I would encourage people to allow us to finish today.

We will have done, after we complete this bill, 11 appropriations bills. I thank once again Chairman Thad Cochran for his tremendous leadership, as well as his entire committee, in leading forth on these appropriations bills. We do have one remaining bill, the Labor-HHS appropriations bill, and I plan on going to that bill following the completion of the Transportation-Treasury bill. I thank my colleagues for the progress we have made over the course of the week, and on all these appropriations bills.

PRESIDENT MAHMOUD ABBAS

Mr. FRIST. Mr. President, on a separate issue, today, several of my Senate colleagues and I will be hosting Palestinian President Mahmoud Abbas and members of his Cabinet here in the United States Capitol.

I have met with President Abbas on several occasions, most recently during my trip to the Middle East in May and his visit to Washington later that month a few weeks after our visit there.

President Abbas is here to discuss ways to move the Middle East peace process forward, and how both sides can fulfill their obligations under the roadmap.

Less than 2 months ago, Israel completed its disengagement of settlers and soldiers from all 21 settlements in the Gaza Strip and four settlements in the northern West Bank. The disengagement was conducted in a smooth and generally peaceful manner. This was a bold and courageous move by Prime Minister Ariel Sharon.

Now President Abbas and the Palestinian Authority face the challenge of creating a secure and stable environment in Gaza. It is vital, it is critical that they succeed. The Palestinian people need to feel tangible improvements in their everyday lives, in their daily welfare, and they need to see that only peaceful dialog and negotiation can lead to a more prosperous future.

While coordination between the Israelis and Palestinians during the disengagement was not ideal, it did exist. Prior to the withdrawal, Israeli and Palestinian security officials worked to ensure a peaceful disengagement and to establish a basis for returning to the roadmap.

Recently, however, events in the West Bank and the Gaza Strip have taken a turn for the worse. Rocket attacks on Israel continued to be launched from the Gaza Strip. In the last 9 months, 219 Palestinians have died in internecine clashes. In the West Bank city of Ramallah, Hamas has claimed responsibility for abducting and killing an Israeli settler after issuing demands for the release of Palestinian prisoners. This past weekend, three Jewish settlers were killed and five were wounded in shootings in the West Bank. The Al Aqsa Martyr's Brigade has claimed responsibility for these attacks.

These events threaten to derail the peace process and to move both sides backward. We have reached a critical juncture in the Middle East peace process. The Israeli disengagement from Gaza offers a tremendous opportunity to get the peace process and the roadmap back on track. To succeed, both sides must fulfill their responsibilities, but this requires a secure environment in order to act.

For the Palestinians, this means ending incitement, dismantling the terrorist groups, and disarming the militias. This is what I will impress on President Abbas when I meet with him later today. The violence must be renounced, and it must end. Making progress on these issues can set the stage for Israel to move forward on the release of Palestinian prisoners and relieving restrictions on travel.

I commend President Abbas for his leadership. He has made measurable progress in advancing internal reforms in the Palestinian Authority. More is clearly needed, though, and more must be done.

For example, the PA security forces must be reformed, unified, and given the mandate to enforce the rule of law and establish order in the West Bank and Gaza. President Abbas needs and

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

deserves our continued support, and the Congress has provided the funding to help the Palestinian people and make reform a reality.

The United States remains committed to President Bush's vision of two democratic states, Israel and Palestine, living side by side in peace and security. We will continue to work with both parties to fulfill their obligations under the roadmap toward a true and lasting peace.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I ask unanimous consent to proceed as in morning business for 5 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. GREGG. Mr. President, I appreciate the courtesy of the Senator from Michigan.

SECURING OUR BORDERS

Mr. GREGG. Mr. President, I rise to speak briefly to highlight again the Homeland Security bill, which this body passed and the House passed and the President signed this week. I think it is important when we do something that is substantive and addresses what I see—and I think most people see—as a very significant issue for our Nation, which is controlling our borders, we should talk about it a little bit so the people understand what we did because in the activities that so dominate the daily news—whether it is a hurricane or the issues in relation to a Supreme Court nominee—things that are moving in the right direction tend to get lost. But what is moving in the right direction right now is our attempts as a nation, with the President's leadership and this Congress's aggressiveness, in the area of trying to control our borders.

The Homeland Security appropriations bill—and I have the good fortune to chair the Homeland Security Subcommittee and the ranking member is Senator BYRD—I do not think of him as the ranking member; quite honestly, I think of him as the senior member—is a bill that is structured around the theory that we should address threat.

It was a unique approach to an appropriations bill because it is a unique issue. Most appropriations bills take on a variety of different questions and the management of the Government and how the Government is functioning. But we decided to do the bill based on a theme, to be quite honest. The theme we tried to address was: What is the threat? And how can we best address it?

We concluded that the prime threats are, No. 1, the use of a weapon of mass destruction against our Nation. I intend to talk about that issue later on as we move into the new BioShield bill, which has been put together by Senator BURR from North Carolina. He has done such an extraordinary job. This bill did make major initiatives in the area of trying to fight the use of a weapon of mass destruction and getting prepared to deal with that type of a threat.

The second major threat we determined was the porousness of our borders. The simple fact is too many people are coming into this country today whom we don't know, and they are coming in illegally. Not only that, but we don't know, when people come across the border legally, who they are and what their purposes are and whether they may be wanting to cause us harm.

We have two major problems. We have the problem relative to people. In addition, we have the problem relative to cargo. The fact is, our ports of entry are basically open to allowing in cargo that may be a threat to us, cargo which might have in it a weapon which might be used against us.

So this bill reallocated resources, and we made some very difficult decisions. We took significant resources from other accounts, where it could arguably be claimed they were needed, but we decided, in the elements of priority, it was more important to move the funds into the border issues and move those dollars to the border.

We expanded—working in the context of a continuum because we had done a supplemental earlier which attempted to address the same issues as part of a package—working as a theme, the issue of protecting our borders and making them more secure. We did this by significantly expanding the number of feet on the ground because when you come right down to it, it is how many people you have on the borders looking for people who are trying to come across the borders illegally which determines whether you are going to be successful in stopping those people.

So we expanded by 15 percent, approximately, the number of Border Patrol agents. Now, this is only a step in the right direction, but it is a fairly significant step. Some would say: Why didn't you put even more Border Patrol agents into the system? Well, quite honestly, the system cannot handle it. We do not have the training capacity to train more than about 1,500 Border Patrol agents every year. Unfortunately, it is very hard to find people to do this job who meet the qualifications we have because the qualifications are very high and the people who do this job of serving in our Border Patrol agency are individuals who are highly sought after by other agencies and they are people who have other opportunities. To attract them into the Border Patrol agency is a challenge. Finding people is a challenge. But we have put in the pipeline now the dollars necessary to add 1,500 new agents.

In addition, we are expanding the training facilities so that as we move into the later years, we will be able to train more than 1,500 agents a year. My goal—and I believe the goal of other members of the committee, some of whom are in the Chamber today—is to be training approximately 2,000 new agents every year, until we get to 10,000 new agents from the baseline of about 10,000. So we will have essentially a force we have doubled.

But as you double the force of agents, you also have to double the infrastructure that supports them, or dramatically increase it, anyway. So this bill also addresses that. It builds new facilities. And especially it addresses the issue of detention, which is a critical issue for us because we simply know today that as we catch people who come into our country who are not Mexican and whose purposes we don't know but who we know are here illegally, we are not able to detain them.

We are not able to send them back to their country of origin because we do not have the capacity to do so. This bill, again, tries to address that issue and does so in a fairly aggressive way, adding, when coupled with the supplemental, approximately 2,000 new beds to detention capability, getting us over 20,000 beds in detention capability. Our goal—and we are on this path now—is to be sure that we can detain everybody who comes into this country illegally and we catch who is not Mexican and be able to send those people back to where they came from because those people may be a significant threat to us as a nation.

We are making progress. The Congress and the President have made a commitment to significantly increase our capacity to protect our borders. We recognize that there is a porousness among our borders, and we have stepped up, in an attempt to try to address that, by dramatically expanding the resources we are putting on the borders and dramatically expanding the support facilities for those border agents who are there.

There are other issues that we still need to address: Specifically, our computer capability as to how we track legal people who come into the country and our capacity to have the various computer systems which are able to track people—the FBI system at IAFIS and the US-VISIT system set up by Customs and Immigration—be able to communicate in a way which makes it possible for us to identify somebody coming into this country who might have a criminal record or for purposes which we believe could harm our Nation or individuals in our Nation.

There is a long way to go in that area. We intend to continue to focus a great deal of energy and resources on that also. I intend to hold hearings specifically on that point because I am very concerned about it. This bill, which passed the Senate and passed the House and was signed by the President this week, called the Homeland Security appropriations bill, was a significant step in the right direction toward making our borders more secure. It is a step which should be acknowledged and, therefore, I wanted to come to the floor to note it again.

I thank the Chair and the Senator from Michigan for her courtesy.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Ms. MURKOWSKI). Under the previous order, the leadership time is reserved.

TRANSPORTATION, TREASURY, THE JUDICIARY, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2006

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 3058, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 3058) making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes.

Pending:

Reed amendment No. 2077, to provide for appropriations for the Low-Income Home Energy Assistance Program.

Dorgan amendment No. 2133, to restrict enforcement of the Cuban Assets Control Regulations with respect to travel to Cuba.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Madam President, my colleague from Michigan has an amendment that is a good amendment. Let me say that my colleague from Washington, Senator MURRAY, and I are hoping to finish business today. I know there are a number of amendments out there that people wish to bring up. We have been able to accept a significant number of them. If you have an amendment pending, please come down this morning and talk to us. I hope we will stay around however long it takes to finish up all of these matters and have a final vote. This bill has to go to conference, if we are to provide 2006 appropriations for the very important agencies covered by this legislation. This is going to be a difficult bill to conference, and we must have this bill finished, ready for the floor, I would hope before the end of this month so that they can get out from under a continuing resolution. But we must get it finished before Thanksgiving. It is vitally important. I urge Members to come to the floor. If they don't want to act on all of their amendments, that will be fine with us. We need to get this bill finished.

CONGRATULATIONS TO THE HOUSTON ASTROS

On a personal note, I conclude by saying our congratulations to the Houston Astros, who are a magnificent team. They did well. We are looking forward to a great battle between them and the White Sox, a central time zone World Series which many of us in the heartland think is going to be good. The St. Louis Cardinals were magnificent for over 100 games. But Busch Stadium, twice now, has failed us in October. We are going forward today, blowing up the stadium, and I wish I were there to participate. But I wish my colleagues the best, and we are ready to go.

The PRESIDING OFFICER. The Senator from Michigan.

AMENDMENT NO. 2149

Ms. STABENOW. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendments are set aside. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Ms. STABENOW] proposes an amendment numbered 2149.

Ms. STABENOW. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide resources to the Administration so that the Administration can enforce existing trade agreements and obligations related to trade violations involving currency manipulation, counterfeiting of manufactured products, and pirating of intellectual property)

On page 277, line 18, strike "activities;" and insert the following: "activities; pursuant to section 3004(b) of the Exchange Rates and International Economic Policy Coordination Act of 1988 (22 U.S.C. 5304(b)), not to exceed $1,000,000 is for the Secretary of the Treasury, in conjunction with the President, to implement said subsection as it pertains to Governments and trade violations involving currency manipulation and other trade violations;".

Ms. STABENOW. Madam President, I rise to thank both our distinguished chairman of this subcommittee, Senator BOND, and distinguished ranking member, Senator MURRAY, for their leadership on this important bill and for their words of support for my amendment.

This amendment addresses the need to make sure that we are enforcing our trade laws so that we have a level playing field for businesses and workers in America with all of our trading partners. It designates and authorizes a specific amount of money that would allow us to do that.

In my home State of Michigan, this is absolutely critical for us right now, as we see all of the challenges in the international marketplace. We need to make sure that we are giving every business, every worker, a level playing field, and we are doing everything we can to enforce our trade laws so that we have the opportunity to be exporting our products and not our jobs.

That should be the goal of all of us. I appreciate the fact that there is a willingness to support my amendment.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Madam President, I thank my colleague from Michigan. We worked with her on her original amendment. I think this amendment is now a good amendment. Obviously, the objective is one that we all share, and I believe with this modification, the concept that my colleague has put forth is a good one. We are willing to accept it on this side.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Madam President, this amendment is acceptable on our side as well. We are ready to go forward at this time.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 2149.

The amendment (No. 2149) was agreed to.

Mr. BOND. Madam President, I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Ms. STABENOW. Madam President, if there is not someone else wishing to speak, I will expand on what is happening as it relates to Michigan now and why this is so important as an amendment.

I thank colleagues for working with us and helping us to modify the amendment and to accept it today.

What is important for all of us, but particularly in Michigan now, as we are the heart and soul of manufacturing, is, as we see our President, our Secretary of Treasury, moving forward in discussions with China and Japan—the President is going next month to China and Japan—that we send with him the strongest possible support, which this amendment does, for us saying we need to enforce all of our trade laws. We need to make sure we are leveling the playing field, and we are giving every possible fair advantage to American workers and to businesses.

Unfortunately, we have our trading partners—some of our trading partners right now—who are, in fact, violating our trade laws which is costing us jobs at home, especially in the great State of Michigan. This amendment will send a very important message that we want things like illegal trade practices regarding currency manipulation to stop.

The President's upcoming trip is a very important time. Currently, Chinese and Japanese trade policies are costing us jobs, including our middle-class families, because of the fact that they peg their currency in a way that means it costs us more to sell to them than it costs them to sell to us. In my State, I have heard from so many businesses saying that the cost differential has made a huge difference in their being able to successfully compete on bids for contracts or to sell their products. We know that has been happening, and we need to stop it. We need to enforce our trade laws.

We also need to crack down on the counterfeiting of American manufactured goods. We need to stop the pirating of intellectual property. We have the great brainpower. We are developing all the new ideas and the new patents. It is not right—in fact, it is illegal—for other countries to be able to take that information and make products that compete and undercut us and cost us jobs.

Last week, Delphi, which is our Nation's largest autoparts supplier, declared bankruptcy, threatening 15,000 jobs in Michigan and more than 33,000 across the country. In terms of assets, this bankruptcy is the largest ever in the United States, surpassing the reorganizations of Kmart and WorldCom. The Delphi bankruptcy should serve as a wake-up call to all of us in the Congress, in the administration, and in the country, to the fact that we can no longer tolerate unfair trade practices and that we need to tackle the cost of health care and what is happening on pensions and make sure our workers do not lose their pensions in the process of all of this happening.

Unless we put a stop to the unfair trade practices, our economy will continue to spiral downward, and I believe we are in jeopardy of losing our way of life. I don't say that lightly. I don't say that to be melodramatic. But when we have people working at Delphi being told that now in order to compete internationally, they have to take possibly a 63-percent pay cut—that has been in the news, possibly a 63-percent pay cut—we are not talking about just cutting back on wages. We are talking about changing one's entire way of life. In the great State of Michigan we make things and we grow things, and we do it very well. We have been at the forefront of the economic engine of our country, just as all manufacturing has been. But if we are going to say it is acceptable now for people to make $10 an hour and that somehow we can't help it, we are going to lose manufacturing in this country, and we are not looking at what we can do to save our way of life.

We have to say that every trade agreement is one that creates a race up, not a race down, and that we are going to enforce every trade agreement. We are going to make sure other countries are not stealing our patents, are not creating counterfeit parts, are not manipulating their currency or doing other things that cause us to have a disadvantage in the marketplace and to lose jobs.

I believe so strongly about what needs to happen as it relates to manufacturers. I have concerns when I hear comments such as: We are not going to be able to manufacture anymore. We will have to do something else.

An economy has to be based on making things, creating things, not just a service economy. We have to have a foundation based on manufacturing. Has manufacturing changed? Of course, it has. I invite any colleague to come join me on any plant floor, and they will see something that is clean and quiet and computerized, with highly skilled workers. Of course, it has changed. Of course, it is high tech. But it is still there, and it needs to be there. If we are not serious about enforcing our trade laws, creating the right kind of trade laws, we are going to lose it and our way of life. That is not acceptable. That is why there is nothing more important to me than fighting for our jobs and our manufacturers and making sure that we maintain the high standard of living that has created this great country. That is what this is all about.

Let me mention one area that is so important to Delphi. That is the area of counterfeit autoparts. We know that right now, according to our auto suppliers nationally, we are losing $12 billion every year to counterfeit autoparts. That equates to about 200,000 jobs. We need to say in the strongest possible terms that we expect that to stop. It is a jobs issue. It is a safety issue. It needs to stop. We can do that. We are not in a weak or hopeless situation. We have the ability to stand up, to say to our trading partners: It is not acceptable. We will use every tool possible to stop counterfeit autoparts. We will use every tool possible to stop currency manipulation, to stop the stealing of our patents.

That is what my amendment addresses, sending that word and—not just a word—creating an action. We are beyond just talk. We have to have action because every day we do not have action, the great people in my State are under the threat of losing their jobs, their pension, and their way of life.

I thank my colleagues again for supporting this amendment. We are at a place in time, in the history of the country where we have to take very seriously what is happening to our great industries that have created the ability for folks to have a good standard of living, to have the home and the car, in my great State the cottage up north, the boat, to send the kids to college, and pay into a pension all their life and know it is going to be there.

That is what is threatened today in our country by policies that don't get it. We have to have trade policies that work for American jobs and American workers. We have to have enforcement of those trade policies. We have to tackle the cost of health care and change the way we do it to get it off the backs of our businesses. And we have to make sure that people who have worked all their lives and pay into a pension will be able to have that when they retire.

I thank my colleagues, again, and I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

GLOBAL WAR ON TERRORISM

Mr. BOND. Madam President, I will take a few minutes to talk about some events that are extremely important—not on this bill—but I think it is important to follow up some excellent remarks made by my colleagues from Colorado and South Carolina yesterday—I have a great professional and personal interest in it—and that is to recognize a milestone in a very significant event in the global war on terror, the war against Islamofascism.

This is extremely significant, and yet I do not believe the media has given it the attention it deserves. The milestone is an achievement that the world would not have thought possible 2 years ago, and it occurred this past Saturday, on October 15, as the people of a free Iraq voted in a national referendum on their national constitution.

This is a significant milestone no matter the outcome of the vote, the people of a free Iraq have voted on a framework of a nation. That is a significant milestone against tyranny in our time.

It is my hope that the constitution will pass, and years from now the people of Iraq and their children and grandchildren will know that this was a time when the nation was founded in freedom, similar to our forefathers, who were children in 1776, told their children and grandchildren after them.

The vote on the referendum occurred with surprisingly little violence. It drew an encouraging voter turnout. This proves that the Iraqi people and U.S. forces continue to make great strides toward peace and toward defeating both terrorists and insurgents in Iraq. I say terrorists and insurgents because both are active in Iraq, and they are distinct groups. While there remains some Sunni Baathists who would like to bring back Saddam and who could generally be called insurgents, there is an ever-growing number of terrorists flooding into Iraq to fight what they see as the ultimate jihad, legitimated by their extremist interpretation of Islam. Iraq has become their Armageddon, as will become evident from my remarks in a few moments, and they are simply terrorists.

With regard to the referendum, I commend U.S. Ambassador Khalilzad for his tenacity and efforts in the constitutional process in his final days leading up to the referendum that enabled Sunni, Shi'a, and Kurds to come together for a vote. Early reporting indicates the constitution will pass, but we have to wait until all the votes are counted to make the final call. I believe the constitution's passage will deal a heavy blow to the Sunni Baathist insurgents who are waging an "all or nothing" fight to regain control of Iraq. It now seems more clear than ever that the insurgents have to join in the political process if they are going to have any hope of a future in mainstream Iraqi civil and political society.

While I am pleased to see some moderate Sunni elements joining the political process, we must be watchful of violent groups that may try to expand their sphere of influence by establishing political platforms in order to legitimize their sinister ideologies. We have seen this happen before in other areas of the world, such as Sinn Fein in the Irish Republican Army. As the saying goes: Fool me once, shame on you; fool me twice, shame on me.

Let us not be shamed by militants who momentarily trade in black handkerchiefs that hide their faces for fine suits simply to gain a stake in the political power of their nation.

Critics of this administration, along with other naysayers, are convinced that several of the constitution's provisions are politically divisive because they grant the Kurds and Shi'a unfair advantages over the Sunnis regarding Iraq's oil and other resources. I note that our very own United States operated under the Articles of Confederation for about 7 years, until we were able to draft and ratify a constitution, and that Constitution has been modified, and significantly so, over the years.

We are often too impatient in our fast-paced, modern world, but let us not forget that democracy takes time and requires patient, deliberate action. Until Iraq's liberation in April 2003, Iraq suffered under a ruthless dictator whose kleptocratic regime offered its people little more than fear and terror. Now, for the first time in over 30 years, we can say that the Iraqi people are courageously embarking on their own journey toward political self-determination and individual freedom, and for that I applaud them and am greatly satisfied.

On Tuesday of this week, the Wall Street Journal had an op-ed piece by Michael Rubin of the American Enterprise Institute. It is titled, "With Freedom Comes Politics."

> Iraqis now see the fruit of foreign investment. A year ago in Baghdad, Iraqis drank water and soft drinks imported from neighboring countries. Now they drink water bottled in plants scattered across Iraq. . . .
>
> Cameras and reporters do not lie, but they do not always give a full perspective. Political brinkmanship devoid of context breeds panic. Beheadings and blood sell copy, but do not accurately reflect Iraq. Political milestones give a glimpse of the often-unreported determination that Iraqis and longtime visitors see daily. Bombings and body bags are tragic. But they do not reflect failure. Rather, they represent the sacrifice that both Iraqis and Americans have made for security and democracy. The referendum, refugee return, real estate and investment show much more accurately—and objectively—Iraq's slow and steady progress.

Madam President, I will insert that article in the RECORD because that exactly reflects the views of the young men and women I know who are serving in Iraq. They see our national television too often focuses on "if it bleeds, it leads." If there is a tragic loss of an American life, that is the only headline, nothing about the progress. But there is progress being made, and this election showed it.

My satisfaction with the progress in Iraq is not without reservation. I bring to my colleagues' attention a significant event with positive and negative implications. This is the intercept of a letter written on July 9 by Osama bin Laden's principal deputy, Ayman al-Zawahiri, to al-Qaida's foremost lieutenant on the ground in Iraq, Abu Mus'ab al-Zarqawi. The letter was obtained by U.S. forces in a raid in Iraq this summer but only released by the Government on October 11 in order to avoid the compromise of ongoing operations.

The letter provides a broad look at al-Qaida's global strategy and plans for operation Iraq. The letter underscores that al-Qaida will not relent in pursuing its Sunni extremist agenda and reveals that al-Qaida views its jihad in Iraq as the focal point in its efforts to create an extremist global "caliphate."

President Bush has rightly called this Islamofascism. This is a war that will go on even after Iraq is stable.

Zawahiri writes to Zarqawi:

> God has blessed you and your brothers, while many of the Muslim mujahedin have longed for that blessing . . . and that (blessing) is Jihad in the heart of the Islamic world . . . he has blessed you with the splendor of the spearhead of Jihad.

Zawahiri's recipe for creating this Sunni extremist state is in this order: evict the Americans from Iraq, create an Islamic extremist state in Iraq, swallow up Iraq's neighbors, and then destroy Israel. It goes on and on from there.

The letter reads like a Sunni extremist epistle written by a father figure to a young leader among the faithful. Zawahiri applauds Zarqawi's enthusiasm and acts of terror that have advanced their jihad. Yet he cautions Zarqawi to remember the power of world opinion and the subtleties of political influence and media persuasion. Similar to an expert teacher, Zawahiri commends Zarqawi for his enthusiasm and past deeds. Yet he gently persuades him to alter his tactics toward a better way.

Zawahiri asserts in his letter that while Zarqawi's violent tactics are justified, they do not play well in the media. And while he doesn't object to beheadings on any moral grounds, he notes "a bullet to the head" is more efficient and doesn't invite such negative press. He references Algerian brethren who are with him who worry that the war in Iraq could go the way of the Algerian jihad in the late nineties when the radicals lost their support among the general Muslim population due to their brutal acts of torture.

In addition, although Zawahiri describes the Shi'a as "cooperating with the enemies of Islam," he criticizes Zarqawi for attacking the Iraqi Shi'a in ways that will hurt al-Qaida in the media, and he recommends Zarqawi avoid opening too many fronts in the jihad.

He also stresses that political warfare is needed in order to draw in the social elites to support their push for an Islamic extremist state.

In effect, Zawahiri recommends that the wolf put on sheep's clothing in order to mask the wolf's true brutality. To me this is troubling because it illustrates that we are at war with an enemy who is astute, deceptive, and wise in the ways of the world and the American media and its ability to influence American public opinion. It underscores that this enemy cannot be negotiated with and will never reform its way or be deterred from its path of violence. The only option we have with such an enemy, according to what we have seen, who want to slaughter American women, men, and children, is to eliminate it. There is no other choice. That is why we must flush the terrorists out and hunt them down.

There are some notable positives in Zawahiri's letter. The letter demonstrates that America's efforts in the war on terrorism have been effective in hurting al-Qaida and in disrupting its ability to attack the United States and its interests. Zawahiri's statements reveal that due to the pressure he feels in areas around him, he cannot depart his remote location, a location so remote that he complains of a lack of access to contemporary news reporting on Iraq. He also reveals that he is running out of funds and asked Zarqawi for $100,000 in order to open up new communications lines that have been shut down due to the apprehension of al-Qaida operatives this past summer.

Finally, he also expresses concern over Pakistani military operations in the tribal area and references the current Pakistani Army offensive in northern Waziristan.

Well, Allah be praised. We are at a crossroads in the war on terror because we are at the point where our enemy believes we are about to tuck tail and run in Iraq. But we must press on. Al-Qaida is convinced that America will abandon Iraq. Zawahiri writes that al-Qaida must begin preparing now for what he likens to "the collapse of American power in Vietnam—they ran and left their agents."

Running is no option. We must fight on. So I ask today that we continue our support for our troops who are in harm's way, for the intelligence officials and aid workers deployed throughout the globe in the frontlines on the war on terror, and I ask that we forget not that our struggle is a fight to the death, for that is how our enemy sees it. And with every suicide bomber who takes more innocent life provides, they prove to us that they are prepared to die. May we recommit ourselves to this fight to show the world that we are prepared to fight so that we, our allies, and peace-loving peoples of the world may live.

Madam President, I ask unanimous consent that the article I referenced called "With Freedom Comes Politics" be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

WITH FREEDOM COMES POLITICS

(By Michael Rubin)

[From the Wall Street Journal, Oct. 18, 2005.]

On Oct. 15, Iraqis demonstrated that their desire to determine the future through the ballot box was the rule rather than the exception. Arabs, Kurds and Turkmen; Sunnis, Shiites and Christians—all braved threats of violence to vote. The vast majority voted in favor of the constitution. But whatever their positions, Iraqis considered their decision carefully. The referendum campaign was active. Dueling commercials and newscasts sought to sway the Iraqi vote. Such is the nature of politics in a country no longer subject to state-controlled media.

Some read the constitution. They voted for or against federalism. Some marked their ballot on the basis of how closely they wished religion to be mixed with government. Others did not read the document but learned about it on television, in newspapers and even by text messaging, the latest medium employed by Iraqi politicians to reach constituents. Security, rather than content, was a determinant for some. They voted "yes" to avoid the chaos of failure and the prolongation of occupation.

The referendum capped a constitutional drafting process over which Western commentators and diplomats had been quick to panic. They misunderstand that with freedom comes politics. The same U.S. senators who debated the "nuclear option" for judicial nominees failed to recognize political brinkmanship among their Iraqi counterparts.

Many U.S. policy makers worry that disgruntled Sunnis may turn to violence if their demands aren't met. But there is no evidence to support the conventional wisdom that insurgent violence is tied to the political process. Insurgents have not put forward any platform. By denying the legitimacy of the state, pan-Islamic rhetoric is a greater affront to Iraqi nationalism than the presence of foreign troops on Iraqi soil. It is no accident that Iraqi Sunnis have started killing foreign jihadists.

Nevertheless, implying violence to be the result of demands not met is an old Middle East game. And in this game, Iraqi factions have played the Western media and policy makers like a fiddle. White House pressure, for example, led U.S. officials to amend the political process in order to augment the Sunni presence in the Constitutional Drafting Commission. Acceding to such demands is not without cost. Because Iraq's Sunni leaders are more Islamist than their Shiite counterparts, the increased Sunni presence eroded the rights of Iraqi women in the constitution's final draft.

Some critics still maintain that the "yes" vote may exacerbate conflict. What is needed is consensus, they say. On Sept. 26, for example, the International Crisis Group released a statement criticizing "a rushed constitutional process [that] has deepened rifts and hardened feelings. Without a strong U.S.-led initiative to assuage Sunni Arab concerns, the constitution is likely to fuel rather than dampen the insurgency." This NGO bemoaned the referendum as little more than an opportunity for Iraqis "to embrace a weak document that lacks consensus."

But consensus is not always possible. Though Sunnis are perhaps 15% of Iraq's population, they believe themselves to be 50%. Any agreement acceding to their inflated sense of power would automatically disenfranchise the remainder of the population. With the collapse of apartheid in 1994, white South Africans had to confront their minority status. Iraqi Sunnis must face the same reality. The process may be painful, but justice, democracy and long-term stability demand it continue.

Even without consensus, the constitution represents the type of social and political compromise lacking through the Arab world. Members of the Constitutional Drafting Commission and Iraqi power brokers spent months debating and canvassing constituents. Any politician living outside the U.S.-controlled Green Zone—Jalal Talabani, Abdul Aziz Hakim and Ahmad Chalabi, for example—had his parlor filled with Iraqis from different cities and of various ethnic and sectarian backgrounds until the early hours of morning. These Iraqi petitioners voiced interests and demands diametrically opposed to each other. Consensus was not always possible, but compromise was. As with the constitution, the nature of compromise is a result ideal to none but fair to all.

The referendum result again demonstrates that American policy- and opinion-makers are more pessimistic than are Iraqis. Part of the problem is that Pentagon officials and journalists alike chart Iraq's success through misguided metrics. Counting car bombs does not demonstrate progress or lack thereof in Iraq. Objective indicators show that Iraqis have confidence that did not exist prior to liberation.

According to an Aug. 16, 2002, commentary in the Guardian—a British newspaper that often opposes U.S. foreign policy—one in six Iraqis had fled their country under Saddam. Millions left because of war, dictatorship and sanctions. Today, several hundred thousand have returned; only the Christians still leave. If Iraq were as chaotic as the media implies, it would export refugees, not resettle them.

Other indicators suggest Iraqis have confidence in their future. The Iraqi dinar, freely traded in international currency markets, is stable.

When people fear for their future, they invest in gold; jewelry and coins can be sewn into clothes and smuggled out of the country. When people feel confident about the future, they buy real estate. Property prices have skyrocketed across Iraq. Decrepit houses in Sadr City, a Shiite slum on the outskirts of Baghdad, can easily cost $45,000. Houses in upper-middle-class districts of Mansour and Karrada can cost more than 20 times that. Restaurant owners spend $50,000 on top-of-the-line generators to keep open despite the frequent blackouts. In September 2005, there were 40 buildings nine stories or higher under construction in the Kurdish city of Sulaymani. Five years ago, there were none. Iraqis would not spend hundreds of thousands of dollars on real estate if they weren't confident that the law would protect their investment.

Iraqis now see the fruit of foreign investment. A year ago in Baghdad, Iraqis drank water and soft drinks imported from neighboring countries. Now they drink water bottled in plants scattered across Iraq. When I visited a Baghdad computer shop last spring, my hosts handed me a can of Pepsi. An Arabic banner across the can announced, "The only soft drink manufactured in Iraq." In August, a Coca-Cola executive in Istanbul told me their Baghdad operation is not far behind. Turkish investors in partnership with local Iraqis have built modern hotels in Basra.

Cameras and reporters do not lie, but they do not always give a full perspective. Political brinkmanship devoid of context breeds panic. Beheadings and blood sell copy, but do not accurately reflect Iraq. Political milestones give a glimpse of the often-unreported determination that Iraqis and longtime visitors see daily. Bombings and body bags are tragic. But they do not reflect failure. Rather, they represent the sacrifice that both Iraqis and Americans have made for security and democracy. The referendum, refugee return, real estate and investment show much more accurately—and objectively—Iraq's slow but steady progress.

Mr. BOND. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COBURN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COBURN. I would like recognition to speak.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. First of all, let me align my words with the words from the Senator from Missouri on the war on terror. He is absolutely right. This is a war for our survival. It is focused in three or four areas in the world today, but if we don't win, it will be in many more areas throughout the rest of the world.

The sacrifices are great for our men and women who are serving our country and those in ancillary roles, but that is what our country has been made of—of sacrifice to preserve freedom.

I wish to speak first before I offer some amendments to this bill about something that has been troubling me and the people from Oklahoma and many of the people across this country for a long time. The question is, Why should we be troubled? Because all change starts with a distant rumble, a rumble at the grassroots level, and if you stop and listen today, you will hear such a rumble right now. That rumble is the sound of hard-working Americans who are getting increasingly angry with out-of-control Government spending, waste, fraud, and abuse. It is the sound of growing disillusionment and frustration of the American people. It is the sense of increasing disgust about blatant overspending and our ability to make the tough choices people on budgets have to make each and every day, our inability to make priorities the No. 1 priority rather than spending our children and grandchildren's future. That is a rumble of frustration that is getting louder. In fact, I hear it right now. That is because I am listening for it. We should all listen for it. If we don't, the voters will decide the changes that will come. And I can't say that I blame them.

Politicians have been trying to buy reelection by sanctioning more and more spending for years. Since 2000, discretionary spending in this country outside of defense and outside of homeland security has grown by 33 percent, and that does not include any of the $400 billion in emergency designations that have been passed by the Congress and signed by this President. We have the very great prospect that the spending over the last 5 years and the next 3 years will be the greatest growth in Federal spending ever in our history in terms of percentage increase and speed and velocity of spending increases. And we will have made it possible when we should have been fighting it every step of the way.

I am not here to remind us about the Alaska bridge to nowhere, although I will have an amendment on that later, or the countless earmarks and pork projects that sail through this Chamber every year. Everybody knows about that. Many of them are great projects, they are needed, they are necessary. They just may not be in the best priority for our Nation at this time.

That is what I am hearing. What I am here to tell you is that the rumble against spending is getting louder. People are fed up. All across the country, Americans are rising up against Government overspending. They are tired of hearing about perpetual budget crises when tax revenues keep rising faster and faster. They are tired of the dishonesty of the budget process where we say we have a $320 billion deficit, and yet the debt to our children and grandchildren rises by $600 billion because everything is done in an emergency and does not follow the appropriations and budget process.

They know that for every dollar of increasing tax revenues, we have, both Republicans and Democrats, found a way to spend another $1.25. That is the crisis. It is a spending crisis. It is a lack of oversight crisis. It is a crisis of our will. Do we have the willpower to stop overspending, to make the hard choices about priorities that the American people expect of us? If we don't, the people certainly do. That is why there is a rumble building across this country. The people are tired of waiting for us to do the right thing. They know it will not happen, so they are working at the grassroots level to get the job done themselves.

People are working to change the rules in States all across this country. A group called Americans for Limited Government is one of the groups leading that charge. In my home State, they are working with the local group called Oklahomans in Action to put the stop overspending initiative on the ballot. There are similar efforts in the works in Nebraska, Nevada, Maine, Michigan, and dozens of other States. And committees full of outraged citizens are forming as we speak because of our inability to control the ever-growing appetite of the Federal Government and the State governments. The stop overspending initiative is simple but powerful. It puts a cap on how fast governments can grow. It holds the elected representatives accountable to the same budgeting standards that work in the real world, the standards that families, businesses, and individuals have to live by every day. And most importantly, the stop overspending initiative is a tool for American citizens to regain control of their State governments. I personally applaud this initiative.

In the coming year, millions of people in a dozen States will be using these initiatives to change the rules of their State government and to show their State representatives and State senators and assembly men and women who is really in charge. These groups are getting an incredible response, and the reason why is simple: The American people are absolutely furious at the waste, fraud, abuse, and out-of-control spending they see every day, not just here in Washington but in their own State government.

We need to wake up. I say let us change first. Let us find our will. No more low-priority projects in the face of half-trillion-dollar deficits, no more exorbitant bridges to nowhere. Speaking of bridges, that is where this Congress will be, on a bridge to nowhere if we do not gain control of ourselves. And if the voters finally rise up and reject us as the Congress that spends too much, we will have gotten what we deserve. You don't need to take my word for it. Just take a minute and listen to the voices of the people we represent. They are ready to rumble. They are getting louder. Are we listening?

AMENDMENT NO. 2084

(Purpose: To require that any limitation, directive, or earmarking contained in either the House of Representatives or Senate report accompanying this bill be included in the conference report or joint statement accompanying the bill in order to be considered as having been approved by both Houses of Congress)

Madam President, I call up amendment No. 2084.

The PRESIDING OFFICER. Without objection, the pending amendments are set aside. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 2084.

At the appropriate place, insert the following:

SEC.   . Any limitation, directive, or earmarking contained in either the House of Representatives or Senate report accompanying H.R. 3058 shall also be included in the conference report or joint statement accompanying H.R. 3058 in order to be considered as having been approved by both Houses of Congress.

Mr. COBURN. Madam President, this amendment has been voted on twice in the Senate. It has been accepted by two other subcommittee chairmen. It is a very simple amendment that the American people want. It says we ought to know what we are voting on. When a bill comes from the House, it has certain earmarks and special things in it. The Senate produces a bill based on that bill that goes to conference, and earmarks and additional things are placed in that bill as well as the House original earmarks.

It comes back out in a conference report for us to vote on, but there is no clarity to list in that conference report where the earmarks, the actual items that have been directed by Members of Congress, are going.They are in there. Can you dig them out? It takes about 4 days to dig them out.

This is a very simple amendment. All it says is we ought to know what we are voting on. It is not to say the earmarks are bad or good, it is to say they ought to be out there so we can discuss them. If somebody has an earmark, that Senator ought to be proud enough to stand up and defend it if there is criticism of it. It is about good government, about shining a light on government so we know in fact what we are voting on when we vote on a conference report on an appropriations bill.

I have been told by the chairman that this is probably acceptable. I await his response. At the last vote on this amendment it passed by 55 to 39 on the Agriculture appropriations bill. It was accepted by unanimous consent to the Military Construction bill, as well as the Department of Defense appropriations bill. This amendment has been endorsed by several outside groups, and it is included in ratings of Congress by the American Taxpayers Union.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Madam President, we would like to consider this amendment. I ask it be set aside until we see how the operations work with the rest of the amendments. This may be relevant to the others. I ask unanimous consent we set this amendment aside temporarily.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Oklahoma.

AMENDMENT NO. 2087

(Purpose: To limit the Department of Housing and Urban Development's funding for conferences)

Mr. COBURN. I call up amendment No. 2087 and ask the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 2087.

On page 348, between lines 5 and 6, insert the following:

SEC. 321. LIMITATION ON FUNDING FOR CONFERENCES.

Of the funds made available for the Department of Housing and Development under the heading "Management and Administration, Salaries and Expenses" in this title, not to exceed $3,000,000 shall be available for expenses related to conferences, including for conference programs, staff time, travel costs, and related expenses.

Mr. COBURN. Madam President, this is a very simple amendment. In the history of HUD, in 2001 they spent $3 million on conferencing. Last year they spent $13.9 million on conferences around the country.

I ask unanimous consent to have printed in the RECORD a table showing the dollar amounts spent on HUD conferences from 2002–2006.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF HOUSING
AND URBAN DEVELOPMENT,
Washington, DC, September 29, 2005.

Hon. TOM A. COBURN, MD,
Chairman, Subcommittee on Federal Financial Management, Government Information, and International Security, Committee on Homeland Security and Governmental Affairs, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: On behalf of Secretary Jackson, thank you for your letter requesting information on conferences sponsored by the Department of Housing and Urban Development and other conferences in which HUD has participated.

Enclosed is a report providing the amount of funding HUD has spent on conferences; a listing of conferences HUD has participated in; and an estimate of what the Department expects to be expended on conferences in Fiscal Year 2006.

The Department appreciates the opportunity to provide this material to you. Thank you for your interest in HUD.

Sincerely,

STEVEN B. NESMITH,
Assistant Secretary for Congressional and Intergovernmental Relations.

HUD SPONSORED AND PAID CONFERENCES

[Dollars in millions]

Categories	Estimate	Actual				
	2005	2005	2004	2003	2002	2001
Salaries & Overtime (1100)	$6,360,929	$6,855,877	$6,329,342	$5,517,003	$1,892,353	$837,878
Travel (2100)	1,465,925	829,800	1,082,860	849,493	707,924	371,972
Rent & Communication (2300)	23,930	12,819	27,007	4,340	107	4,073
Printing (2400)	177,250	58,577	164,466	36,320	45,040	13,464
Contractual Services (2500)	2,092,211	1,786,362	2,361,454	2,223,791	1,852,935	198,213
Office Supplies (2600)	34,479	3,430	65,712	1,528	3,818	826
Equipment (3100)	5,000	3,750	3,000			4,045
S&E Totals	10,159,724	9,550,615	10,034,141	8,632,475	4,502,177	1,430,471
Program Funds	2,200,286	4,357,678	2,636,826	292,077	1,201,532	1,730,274
Total	12,360,010	13,908,293	12,670,967	8,924,967	5,703,709	3,160,745

Mr. COBURN. I also note, with the advent of modern technology and video conferencing, 90 percent of these conferences could have occurred without travel costs, without hotel costs, without face-to-face meetings. In fact, we didn't use the technology available. We spent tons of money traveling around the country holding conferences, not necessarily that were bad in their content or their intent but which were wasteful in the way they were arranged. Also, I suggest that a 400-percent increase in conferences in one area, one agency of the Federal Government, shows that either they were doing a very poor job in 2001, or it is out of control.

This is a very simple, straightforward amendment. Before Hurricanes Katrina and Rita struck, 737,000 Americans were identified as being homeless as reported by HUD. Earlier this month, the Acting Director of FEMA told the Senate committee that between 400,000 and 600,000 displaced households in Louisiana and Mississippi alone will need long-term housing.

With the problems before us today, certainly we can use the latest technology and trim back the excessive growth in conferencing that is used by the Housing and Urban Development Department.

I urge the adoption of the amendment by unanimous consent.

Mr. BOND. Madam President, we share the concerns of the Senator from Oklahoma. I think there are more efficient ways for HUD to conduct its conferences. Therefore, on our side we accept the amendment.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Madam President, we are able to accept this amendment on our side as well.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2087) was agreed to.

Mr. BOND. Madam President, I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. COBURN. I thank the ranking member, the Senator from Washington, for that.

AMENDMENT NO. 2091

(Purpose: To prohibit any funds under the Act from being used for the Seattle Art Museum in Seattle, Washington for the construction of the Olympic Sculpture Park)

I have an amendment numbered 2091. I know this is important to the Senator from Washington. I call it up and ask unanimous consent to set aside the pending amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 2091.

On page 348, between lines 5 and 6, insert the following:

SEC. 321. SEATTLE ART MUSEUM.

None of the funds made available for the Department of Housing and Urban Development under the heading "Community Development Fund" in this title, shall be available for the Seattle Art Museum in Seattle, Washington for the construction of the Olympic Sculpture Park.

Mr. COBURN. Madam President, in our country today we face the largest natural disaster we have ever seen. We have already allocated $62 billion for that—which we did not pay for. It is totally going to be paid for by our children and our grandchildren. We will not pay a penny of that.

We have a war going on for which we are going to have to provide additional supplemental spending, of which we will pay for none in terms of the supplemental, which debt we will transfer to our children.

This is probably a very worthwhile project, but this is about priorities. I think it is probably a great project. In the State of Washington alone there are 17.590 homeless people, and we are going to take money from Housing and Urban Development and we are going to build a sculpture park. I think that is not the right priority. It may be a good idea, but the priority is certainly out of line with what the fiscal needs are, and certainly out of line with the expectations of the American people on how we are spending their money.

A little background: The Seattle Art Museum just received a $300,000 grant from the Getty Museum in Los Angeles. It is a well-established museum, well-funded, with good assets. The question is not whether we should be building a sculpture park. The question is, Is the time to do it today? In a time of war, in a time of deep, true budget crisis, $600 billion—that is what our real increase in Federal debt was ending September 30. It increased $600 billion—should we spend half a million dollars on a sculpture park? I think not. I think most Americans would say not. I think some people who are very closely aligned with this museum, the Seattle Art Museum, would agree with that, but I think the vast number of Americans would say now is not the time to do that.

I also remind our fellow Members that if you read the Constitution, there are great difficulties—regardless of what our history has been—justifying, looking at the Constitution and saying this is a role for the Federal Government. That rumble I spoke about—these are the types of things the American people see that we do not need to spend money on, when we are asking them and their children and their grandchildren to have a lower standard of living in the future because we are not responsible today.

It is probably a great project, but not now, not at this time, and not with Federal money. When we have so many people hurting in Mississippi, so many people hurting in Louisiana, so many people hurting in Alabama, we are going to take funds from them? That is where it is going to come from. It is going to come from them because we are going to spend more to pay for those problems that we are encountering in those three States from Hurricanes Katrina and Rita, and we are going to take it away and say we are going to charge it to our grandchildren.

We have a credit card going right now. We need to stand up and say certain things we cannot do right now. They are not bad ideas. It is just that now is not the time.

I ask unanimous consent this amendment be agreed to. If not, I ask for a vote on this amendment at the proper time.

One other thing I would like to say. Seattle, WA, is ranked No. 2 in the Nation for food insecurity. What is more important, feeding people and housing people, or building a sculpture park? It is hard to figure out how in the world we can say that is a more important priority and take a half million dollars out of HUD and spend it on something that is such a low priority.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Madam President, I see the Senator from Oklahoma has essentially proposed five amendments which all seek to do the same thing, amendments Nos. 2089, 2090, 2091, 2092, 2093. These essentially are targeted at economic development initiatives.

I wonder if we might have a full debate on all of them and combine them into one amendment so we could spare our colleagues having to have rollcall votes on five? Through the Chair, I ask if the Senator from Oklahoma would voluntarily agree to that.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Missouri does have the floor at this time.

Mr. BOND. Madam President, I will be happy to talk with the Senator later about that. Let me continue with some of the comments that I have in general, that are applicable to all these amendments.

Within this budget, in our committee and other committees, we have identified at the request of many Senators in the States, including the State of Oklahoma, including the States of Alaska, Washington, Missouri—priorities in the report to be eligible for funds under the Economic Development Initiatives Account, subject to Department review. My colleague, who is the author of this amendment, proposes that these are necessarily bad. I suspect, if we looked State by State, we would have 100 different definitions of how precisely to prioritize these initiatives.

The suggestion here is that Senators should not have any say in what is important in their States. My profession is serving the people of Missouri. I have been doing it for 27 years now. I do not have the skills or the expertise that the author of this amendment does. He, as I understand it, is a fine obstetrician. His commitment is to a high humanitarian calling, serving people in the obstetrics field. Certainly that is a fine profession.

I envy his ability to deliver assistance and deliver babies. We need professionals of this type. That is his profession. My profession is very different. I don't have the skills of a physician or an engineer or a physical scientist. My job, my profession, is serving the people of Missouri. And as I have said, I do it proudly, this being my 27th year, I believe. In that time, I have found that if you listen to the people of Missouri you learn a lot. You learn about the needs of veterans. We have done things nationwide to serve veterans. I have been honored to be recognized by the Veterans of Foreign Wars.

We have found out how important children's hospitals are, and we have worked to help children's hospitals. I am very grateful for the recognition from children's hospitals, and from in-home health care, which is very important, and from early childhood education, for which my initiatives have won national acclaim.

In addition to these matters that affect the entire Nation, I have committed myself to trying to build strong communities throughout Missouri.

I know the distinguished Senator from Oklahoma practices medicine, which is a wonderful practice, and does so with skill and provides a tremendous benefit. But do you know what I do when we have time off? I travel around the State. I meet with community leaders, local elected officials, concerned citizens, people who are trying to build a stronger community. Do they need a community health center? I have helped them get community health centers. Do they need something to help create jobs? Do they have projects which are properly supported by Federal funds that we make available through the Economic Development Initiative? Yes, in many instances they are. Do they have projects which require ground transportation which are properly funded by the rail transportation funds we have in this bill? Do they need water and sewers? I have been through many small communities. I hate to tell you that you can in the summer tell by the smell that they do not have an effective wastewater treatment system. They have waited in long lines for public health treatment, and we have helped them get the water treatment systems they need. This, I believe, is a legitimate function of the Federal Government—deciding where the highest priorities are.

When I am up here working, I have a dedicated staff back home who visits every county in the State at least once, and many others several times a year. I visit every county in my State and every city in my State every term I serve in office. I hear from them—leaders in the community, the people who are concerned about the particular problems and how best to solve those.

That is where I come back and say that from the EDI funds, from a portion roughly about 5 percent of the community development block grants, we will designate some of these high-priority needs which must be met for the good of the community and where we can help meet them through the addition of Federal funds targeted to those areas.

I believe it has been successful. The people of Missouri think it is successful. I know the Senator from Washington does the same thing. The Senator from Washington listens to her people. She knows how to build a strong community in the State of Washington. I believe that is her job. I wouldn't propose to go in and tell her what is a good use of the Economic Development Initiative or community development block grants in Washington. She has to answer to the people of Washington. Far be it for me to tell her what is good for the State of Washington.

When the Senator from Oklahoma asked me for something that is a high-priority project in his State, if it fits within the guidelines, I am happy to help that Senator determine what is best in Oklahoma. But I don't need a Senator from Oklahoma telling me what is good in Missouri or telling the Senator from Washington what is good for the State of Washington. We believe our job is to serve and represent and listen to the people of our States. I believe a vast majority of the Senators in this body know their job is to serve their States, whether it is a vote on national legislation, whether it is a vote on something that is very important to their people, whether it is national, or whether it has to do with a specific activity within their State that they want to support. I think that is our job. That is our profession. We stand for reelection based on how well we serve our people. I am grateful for the tremendous honor and privilege I have been given by the people of Missouri. They know I am not a physician; they know I am not a physical scientist, but they know I am here to serve and represent them.

The suggestion appears to be that none of us as Members, those of us who work through our State and who listen to the people of our State, should have any say in what their priorities are. That suggests that the Senators are not in touch with the priorities of their own State. I don't believe that is true generally. I know it is not true in Missouri. I believe it is not true in Washington. My colleague can speak to that.

It might be that some Senators are too busy to understand or consult with their communities. But I understand what my State's needs are. I aggressively consult with leaders in my State. It might be some Senators believe that maybe the bureaucrats at the agencies understand their States better than the Senators themselves. I do not believe that should be the case because I spend more time in the State than I do here. I travel as many miles as I can squeeze into a schedule.

The amendments from the Senator from Oklahoma don't save money. They just say that a Senator shall not be able to determine what is a priority need in his or her State. Do you know something? I happen to think a Senator who is doing his or her job probably has as good an idea and should have a better idea of what is an important priority than some bureaucrat in HUD who will otherwise be spending that money.

Mr. COBURN. Madam President, will the Senator yield?

Mr. BOND. I will finish shortly and then I will be happy to answer questions.

Again, I am not afraid to say that I know more about the needs of my State than the "U.S. Department of Anything." I will be happy to be judged on that.

I know we ought to be reducing budget spending. According to the Budget Committee, we have defeated attempts to waive the Budget Act and have achieved reductions and savings of some $170 billion this year alone. I have provided recommendations to our Budget chairman for making significant reductions. We are waiting for the leadership and the reconciliation bill to decide how we save money.

But this amendment and the others like it makes excellent headlines and they will be welcomed by some newspaper editorials, some talk radio show hosts, but it would be a better headline if the Senator were actually attacking a project in his State. If he thinks that appropriations for museums is so bad, what about the money in there for the Ponca City Indian Museum? Does he feel that is an appropriate priority for the State of Oklahoma? He can answer that. I think that would make an even better headline.

But I am not interested in getting headlines for something that doesn't save money in the budget. I am more interested in what people say, what the Cape Giradeaux Southeast Missourian or the Joplin Globe or the St. Joe News Press say about what the needs are in their State—not what somebody in New York or in California says about the projects. I know my colleague from Washington surely will have something to say about that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Madam President, I ask the Senator from Missouri a couple of questions.

Has he or any of his staff ever received requests from me for any earmark or any project whatsoever?

Mr. BOND. No.

Mr. COBURN. Has any other appropriations chairman ever received an appropriations request or earmark from me from any other area?

Mr. BOND. I have no knowledge.

Mr. COBURN. The answer to that is no.

The Senator said earlier to me privately that this is a battle about philosophy. I agree; it is. The oath we take has no mention of our State. The oath we take is to defend the Constitution and do what is in the best interests of the country as a whole. It is a philosophical difference.

I am somewhat hurt by the inference that I don't listen and I don't travel. I traveled 4,500 miles, I have done 67 townhall meetings, and the biggest criticism anybody ever has of me is that I work too much—not too little. I listen to the people of Oklahoma. The campaign promise I made to the people of Oklahoma who sent me here by a 12-point advantage was that I will bring nothing home to Oklahoma until the budget is balanced. That is the philosophy the American people are looking for. There is no priority if we continue to steal the future of our children.

I had no idea the Ponca City Indian Museum was in there. You will get an amendment quickly to get that out. I had no knowledge it was there. My senior Senator must have put that in there. I have no problems with the same standard being applied to Oklahoma as it is to everyone else.

This isn't a water treatment program. This is a sculpture park. All I am saying is it may be a good idea. There are hundreds of other things I would love to take the time to discuss on the Senate floor—and I will if you all insist on having a debate about every earmark in the appropriations bill. I will be happy to afford the Senator that courtesy, and we will spend a lot more time on appropriations bills. But what we need to talk about is the priorities in this country of how we get out of the financial mess we are in.

Mr. BOND. Will the Senator yield?

Mr. COBURN. I will be happy to yield in a moment.

I understand the importance of Senators directing the bureaucracy. The problem is the bureaucracy is too big. Instead of us doing the oversight we need to be doing to control the bureaucracy so they have a priority, we supersede it because we don't want to do the hard work of oversight, of holding them accountable. We need to be doing oversight. We need to be looking at every individual.

I will match my service as Senator, both for my constituency and my service in terms of my field representatives and the work they do. I will match my service in terms of traveling and listening in Oklahoma. I have been in every area of Oklahoma the first 9 months of this year—every area. I have missed four counties.

The implication that I don't listen, the implication that I don't work in my Senate position I take offense to. I will tell that to the Senator from Missouri. Nobody will outwork me in my job; nobody. I will do what is necessary to do what I believe the people of Oklahoma sent me here to do, which is to help turn around the ship that is going to drown our grandchildren financially.

We can try to relate the sculpture park to a water treatment plant, but everybody in the country knows there is no connection between those two. There are necessities of life, there are priorities, and actually the debate is about priorities. It is not about whether a Senator should be directing things. I haven't said don't direct anything. I said there are earmarks that should not be in this bill because they are not proper at a time when we have such financial difficulties. If we were in surplus, I wouldn't be here mentioning even one of these projects, not one. But we are not in surplus.

We can deny the fact that the true add to the debt was $.6 trillion—$600 billion. That is $2,000 per man, woman, and child this year that we added to their debt; $2,000 for every little baby I might deliver, or every grandmother I might care for.

To correct the Senator, I am an obstetrician but I am also an old-time GP. I care for Medicare, I care for little kids, I care for old people, nursing home people, and I listen. I tell you that when I practice medicine on Monday mornings before I come up here, I get an earful. What I am hearing is, shape up, start doing the priorities we want you to do. Make the tough decisions.

It is easy for me to earmark something in Oklahoma, isn't it? If I come to the Senator—maybe not after this discussion this morning, but normally—this may have something to do with the St. Louis Cardinals last night. I don't know. My condolences. They are the best team in baseball. I give my condolences to the Senator. I am sorry the Cardinals aren't there. I hope that will impact his collegiality today as we go through all these amendments.

However, the American people expect Congress to start doing a better job about priorities. I didn't say anything about cutting out all community development block grants. I haven't said anything about that.

The amendments I will have today are very specific amendments. I try to run from the press. I am not trying to get in the press. What I am trying to do is start down a road that says if we want to be here and govern, we ought to start listening to the overall trend of the American people and our oath of office. What is that oath? That oath is to follow the Constitution and follow that Constitution to represent this country in its best long-term—not short-term, not for me to get reelected, but what is in the best long-term interest of our country.

How can anyone say today, with $600 billion added to our grandchildren in terms of debt, with a war going on, with Katrina going on, with a hurricane coming to Florida, that we ought to spend half a million building a sculpture park in Washington State? I can't see that anybody would agree to that. It is a wonderful idea, but not now. There are other ways to build this—contributions, State funds. There is a potential that this will still get built even if we do not send money, but that ought to be a priority the people of Washington State make, not that we make, to take the Federal taxpayer dollars from the rest of the country and say we are going to do that.

I yield to the Senator from Missouri.

Mr. BOND. Madam President, before I turn it over to the Senator from Washington, as I said to the Senator, we have a difference in philosophy. I commended him publicly for his tremendous service to Oklahoma—specifically the fact that he continues his practice of obstetrics. However, we have very different philosophies on how we serve our people.

If he has told the people of Oklahoma how he is going to serve Oklahoma, that is fine. I have told the people of Missouri how I am going to serve Missouri. I believe I am living up to that. Now, I don't say that he isn't living up in any stretch of the imagination to the pledge he made to the people of Oklahoma. What I am saying is, I am not going to tell the people of Oklahoma how their Senator should behave. I expect the Senator from Oklahoma would not be telling the Senator from Missouri how to behave.

If he is talking about saving money, this does not cut the budget. The CDBG pot is 8 percent lower. The Senator may or may not have been in private sessions when I proposed a major means of reducing the budget to be considered by the Committee on the Budget. We are staying in line with what the Committee on the Budget has proposed. The Committee on the Budget may come back with a recommendation, which I will be for if it cuts everything fairly.

We are talking about how money is actually spent, economic development initiatives. Yes, they can go to things like parks if they have them in communities. And the question is, Who makes those decisions? Well, for those decisions in Missouri, I spend enough time and my people spend enough time that I want a say in how funds are spent because I talk to and listen to those people. I hear what their requests are. It is a small fraction of the Federal money that goes to the State.

But I am proud of the progress we have been able to make by supporting local initiatives through EDI funds. HUD bureaucrats make some good decisions. If we cut all these out, they will make all the decisions. They may make some good ones, they may make some bad ones, but in Missouri, I can make those better than a bureaucrat. That is what we are talking about. We are not going to save a nickel. If any of these are agreed to, we will distinguish between the philosophies of service.

The Senator from Oklahoma has eloquently stated his philosophy. He believes we ought to restrain spending. And I agree: we ought to restrain spending. The question is, How do you prioritize the spending in the budget? That is where we have a disagreement.

We will have an opportunity for our colleagues to determine which philosophy they agree with. Do you want the bureaucrats solely to make the decisions, or should Senators be able to influence a small portion of those? That is the question, quite simply. It is not about saving money it is about who makes those decisions. We have two very different philosophies.

I have great respect for my colleague from Oklahoma. He has offered a different philosophy to his people in being elected than I have offered to my people in Missouri who have elected me.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. COBURN. Mr. President, I agree with the Senator that we ought to be involved in where the money is spent. As a matter of fact, we ought to be so involved that we ought to write the bills much more specifically, all the way down to the job and the title. One of the things we do not do—we leave too much open to bureaucrats.

In contrast for a minute, I agree this will not reduce the spending. But $500,000 that is going to go for a sculpture park means $500,000 that will not go for a water treatment plant or will not go for housing for somebody who has a need for housing. It will not accomplish the positive benefits the HUD bill is designed to accomplish in the first place.

I thank the Senator from Missouri for his debate. I again request a vote on this amendment. I am willing to allow the Senator from Washington to debate this with me as well, and after that, I will suggest the absence of a quorum so we can discuss the other amendments.

The ACTING PRESIDENT pro tempore. The Senator from Washington.

Mrs. MURRAY. Mr. President, I rise today to join Senator BOND in strongly opposing the Coburn amendment and the numerous other amendments he has filed with the same type of philosophy, as he calls it, in the Senate.

I join with my colleague from Missouri, the chairman of this committee. I, like him, go home every single weekend to Washington State, which is 2,500 miles away from the Nation's Capital. I, like the Senator from Missouri, do not believe the bureaucrats sitting in Washington, DC, know what is happening on the ground in my home

State 2,500 miles away from here. I am out there. I am out in every community, talking to people, listening to them, knowing what their concerns are, knowing what they are developing within their own communities, within their own cities, within their own capabilities, to help stimulate the economy and to do good things. It is my job to be their partner in that. I tell them that all the time. You get it going on the ground here, you develop the projects, you get the consensus within your own communities, and I will do what I can to get some small part of help from the Federal Government. That is how I, like most Senators in the Senate, am sent projects.

Last year, I was in Yakima Valley and talked to our farmers out there. This is a remote community. They are struggling with putting together a clinic. I talked to them. They developed the ideas at the local level and put together a building, a job training center, to assist our State's large farmworker community to help further their education and acquire some critical new skills. This was an important project for them. I was able to come back here and partner with $500,000 from the Federal Government to help stimulate that project to make sure it was going to succeed.

Another time, I was traveling in King County, talking to community leaders there who were working to fund a Greenbridge community center in the heart of an exciting Hope VI project that is bringing affordable housing and economic development to one of the poorest communities in King County. I came back here. It is my job to represent a State that is thousands of miles away from here, and I flew back and said I will do my part to help with this important project. And we were able to get $500,000.

Today, the Senator from Oklahoma has targeted another project that I sat down and discussed with local community leaders. I didn't come up with this. This came from the heart of my local community because they are working very hard in an urban core in the city of Seattle to turn a brownfield into a hub of activity. It is a project that is stimulating jobs and investments. That is exactly what this EDI program is intended to do. We didn't need to cut investments to clean up brownfields to produce jobs. We need more projects like this.

If the Senator from Oklahoma wants to look for a culprit for the fiscal situation in this country, he should look into the billions and billions of dollars in tax cuts that have been granted to multimillionaires in this country, and he should look at additional tax cuts his party wants to implement in future years if he wants to find incredible savings.

To take apart a Senator's projects, who worked very hard, as I have and as the Senator from Missouri has, the Senator from Rhode Island, the Senator from Mississippi, and the Senator from Nebraska have done with their projects and numerous other Senators who have gone home like we have, listened to the leadership in their communities, heard their projects, filtered through them as we have had to because we do not have a lot of money in these accounts, and said these are the ones we will partner with you at the Federal level and put into this bill.

The Subcommittee on Transportation, Treasury, the Judiciary, Housing and Urban Development, and Related Agencies, under the leadership of my capable colleague from Missouri, Senator BOND, has been respectful and responsive to requests of Senators who have come up with projects. Contrary to the representation that some Members have made in the Senate, these EDI projects we are talking about are not the centerpiece of our efforts of community development in this bill. In fact, they are far from it. The funding for these EDI projects that the Senator from Oklahoma is targeting amounts to less than 8 percent of the overall funding we provide in this bill for HUD's community development fund.

In fact, my colleagues should remember that President Bush's budget looked to take the Community Development Block Grant Program out of this bill and fund it in the Department of Commerce while cutting its funding by more than a third. Senator BOND and I fought to continue the funding for the CDBG Program in our bill because we all heard from our local communities how important these funds were for development across the country.

The Senator from Oklahoma now comes to the Senate with a series of amendments targeting a few States to pick out individually named projects and eliminate those projects' funding. We are not going to go down that road. There are criteria that pertain to the funding for the project that I have, for the project the Senator from Oklahoma has, the project from Nebraska, the project from Missouri, the project from Mississippi, the project from Rhode Island, and the other projects on which he has amendments. There are criteria for these. They are not random. These funds have to be used for capital expenses rather than operating costs. None of the funds are dedicated to for-profit entities. The vast majority are dedicated to projects in underprivileged communities.

I don't care if it is my project, Senator BOND's project, Senator NELSON's project, Senator CHAFEE's project, or the other projects that the Senator from Oklahoma has randomly picked to target, the Senators that have EDI projects in this bill—and that, by the way, is almost every Senator in this Senate—are going to have to stand together. We are not going to watch the Senator pick out one project and make it into a whipping boy.

Now, it is true that Senator BOND and I allow Senators to allocate EDI funds to those projects in their States that they think make best use of the funds. We do not make any apology for that practice.

As the Senator from Missouri has said—which I agree with, I do not think the bureaucrats at the Department of Housing and Urban Development know better than I do—a Senator from a State thousands of miles away from here, who goes home every single weekend and is on the ground talking to community leaders in every county and every city in my State, and hearing from them what they think is important.

We do not choose these projects randomly sitting on high from back here. We go out and talk to our community leaders. They tell us this project, the one the Senator has decided to target, is a project, as I said, that is turning a brownfield into a hub of an urban center, into a center of activity, and it is critical for their economic development.

When the community leaders come together, and they have a consensus for it, and they have built the funding for it in the State, it is my job, I believe, to represent my State, which is thousands of miles away from here, and to come back and be an advocate for them.

I don't know that the bureaucrats at the Department of Housing and Urban Development ever take the opportunity to go out and sit on the ground in my State. It is my job to do that. I take it seriously. And I am happy to come back here and fight for them, such as most of the other Senators have done who have given us EDI projects in this bill this year—next year or the following year.

There is not a lot of money in these accounts. We allocate them correctly. I sat across the table from the Senator from Missouri in the Budget Committee for many years, and I can vouch for him that he is not someone who spends money randomly. He and I have disagreed, in fact, on budgets and spending over the years, but I do know that he takes his job seriously, to make sure we spend the taxpayers' dollars wisely. He votes, every time, for a budget where most of the time I say I am willing to spend more than he does. He cuts those budgets. And we have done so this year.

It is a very tight budget year. Our committee is operating within the confines of that budget. I commend my colleague from Missouri for doing so because I know how many requests we got for funding within this bill. It was a tough year. I watched him work his way through a bill, telling Members of the Senate that he could not fund all their projects. But he has moved this bill forward under the confines of that budget.

It is our job to make sure that every Senator has the ability we have to go home to their States, listen to their community leaders, and then be their partner in the Senate for this small amount of EDI funding that is available. These projects in this bill have to fall under the criteria that the EDI funds do so, and we make sure they do.

I hope the Senate will not go down the road of cherry-picking individual projects that Senators have come to us and have championed on behalf of their constituents who do not live here in Washington, DC. I hope we do not go down the road deciding we know better than home State Senators about the merits of the projects they bring to us.

As the old saying goes: What is good for the goose is good for the gander. And I tell my colleagues, if we start cutting funding for individual projects, your project may be next.

So, Mr. President, when Members come down to the floor to vote on this amendment, they need to know if they support stripping out this project, Senator BOND and I are likely to be taking a long, serious look at their projects to determine whether they should be preserved during our upcoming conference negotiations.

We must not and we will not go down the road of picking on one Senator or another on the floor of the Senate. I urge a no vote on this amendment.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. COBURN. Mr. President, what we heard was a cultural difference. What we heard is: If you vote for this amendment, anything that you have in this bill may not be preserved in conference. Now think about that. I want the American people to hear that. If we tend to think that a sculpture park is not as high a priority as housing people who are homeless, and we vote to take that out, the threat has now been made that if you vote that way, then you will not be able to do something that may be a higher or lower priority.

I have the greatest respect for the Senator from Washington. I know she travels hard. I know she works well into the night to represent the constituency of the State of Washington.

This is a start to forcing us to make priorities. I am happy she is here to defend this. She believes it is more important than housing. I think that is fine. She does not believe the guidelines of the CDBG are appropriate to give the State of Washington what it needs.

But I believe it is important we start putting in front of the American people what we are doing. I believe, with a $600 billion addition to the debt for this last year alone—being passed on to our grandchildren—which is $2,000 per man, woman, and child, it is time we changed. There is nothing personal about it. There is nothing about anything intended toward the Senator from Washington. It is about a real assessment the American people need to know. Is this more important than housing the 17,590 people who are homeless in the State of Washington? That is the kind of priority I think we need to make.

The other thing I would say is, if we have a problem with the bureaucracy, we have all the power in the world to change that. We have the power right here to change that. So we can either change the bureaucracy so it reflects the views of the people of this country or we can go about it the wrong way and have to control it by taking a very small percentage of the budget. We get two bad results from that. We get poor priorities. And, No. 2, we are not doing our job in controlling the bureaucracy.

So I am prepared to ask that this amendment be set aside and continue with another amendment in a moment. But at this time, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BOND. Mr. President, we have spoken with the parties, and we believe we have come to an agreement to have a vote at 12:20, with the time equally divided between the Senator from Oklahoma and—how much time does the Senator from Oklahoma want?

Mr. COBURN. Ten minutes.

Mr. BOND. Ten minutes for the Senator from Oklahoma, 10 minutes for the Senator from Nebraska, and I will reserve 5 minutes for the Senator from Rhode Island. I will take that time on his behalf if he is not able to make it. So that will make a vote at 12:15 in relation to the amendment or the amendment, as modified.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BOND. I thank my colleagues.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma is recognized.

AMENDMENT NO. 2093

(Purpose: To prohibit any funds under the Act from being used for a parking facility as part of the Joslyn Art Museum Master Plan, in Omaha, Nebraska)

Mr. COBURN. Mr. President, I call up amendment No. 2093 and ask that it be considered and read.

The ACTING PRESIDENT pro tempore. Without objection, the pending amendment will be set aside. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 2093.

On page 348, between lines 5 and 6, insert the following:

SEC. 321. JOSLYN ART MUSEUM.

None of the funds made available for the Department of Housing and Urban Development under the heading "Community Development Fund" in this title, shall be available for a parking facility as part of the Joslyn Art Museum Master Plan, in Omaha, Nebraska.

Mr. COBURN. Mr. President, again, this is not an amendment about this being a bad idea. I am sure this is a parking lot that is needed. The purpose of this amendment is to talk about priorities.

The number of homeless people in Nebraska is 3,268. This is an amendment that spends, I believe, $950,000 to build assets for a private museum that was started in 1931. Again, no doubt this is needed. In this time of $600 billion that we added this last year to our grandchildren's debt, in this time of war, in this time of hurricanes times two in the gulf and one coming to Florida again, the fact that we would spend close to $1 million on a parking facility instead of putting that to the area where we meet more human needs, to me, seems to be the wrong priority.

Fiscal year 2004 reports by the Joslyn Art Museum showed they had a net surplus that year alone of $1,998,000. They have assets of $66 million and working capital of $6.5 million.

The question I am raising with this amendment is, Is this the right priority at this time? It is not whether this is a legitimate effort on the part of those who are associated with the Joslyn Art Museum master plan in Omaha, NE, to expand. They spent $3.5 million purchasing an additional football field so they would have additional expansion. But at a time when we are at war, at a time when we have the greatest natural catastrophe that has ever hit this country, and at a time when we have fiscal deficits that are as far as we can see, and an oil crisis, an energy crisis affecting us, the question is whether this is the right place to spend our money.

I understand if this money is not spent on this, it will be spent on something else. And I know this does not cut the money from the overall appropriations bill. But there is a grant process for this. We control the grant process. We control the requirements for the grant process. We can, as a legislative body, direct that the grant process is open, competitive, and fair.

I reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. NELSON of Nebraska. Mr. President, apparently the Nebraska-Oklahoma game, which is to be played later this month, is occurring today.

I have a great deal of respect for my colleague from Oklahoma and his desire to watch the Treasury and to establish priorities, but I will put up my credentials for watching the priorities and for watching the spending as well.

The Community Development Fund Program has been put in place to deal with this priority. In Washington, DC, there can be many priorities. The business of the Senate, the business of government runs on numerous tracks, not a single priority. There are many priorities, and it is up to us to balance those priorities. But in balancing the priorities, we must keep in mind that the community development funds are designed so that Members of the Senate can go home and listen to the communities as to what they need and what will work best for their development, for their particular needs. It is an opportunity to get away from what happens in Washington so very often: nameless, faceless, hired bureaucrats who make a decision about what a community needs rather than the elected officials who, in consultation with the communities, are then able to help establish those priorities.

There are many priorities, and this is a priority as well, a priority for one of the crown jewels of the plains, the Jocelyn Museum, an art museum that is largely funded by private funds, as my colleague has suggested. But I think that partnerships between public and private entities are not only commonplace but necessary in order to continue to have the fabric of life that this represents.

This is not choosing against other priorities. I think my colleague knows that the Katrina victims will be taken care of. I think he knows that other priorities will be met, but that we must, in fact, balance all the priorities that we are faced with in deciding here in Washington, DC.

In assisting communities with their development, these funds were made available for projects just like this one and the other ones that are in question in Washington and Rhode Island. So to suggest there is something inappropriate about this in terms of priorities is unfortunate. It is unfortunate for a number of reasons.

No. 1, we are not here challenging decisions made for grants that might be established by the bureaucracy which, on their face, seem to have more credibility even though, in my opinion, they have less credibility.

In addition, we have to recognize that this priority has met the test of what is necessary to help this private institution in dealing with a public school to make available for that public school athletic facilities and an exchange—once again, a public-private partnership that was created.

That public-private partnership preceded this public-private partnership, and this is an opportunity to continue those kinds of relationships.

I go to Nebraska and I listen to my communities. I listen to the leaders. And based on what they tell me their needs are, I am able to come back and try to establish these kinds of funds available, then make them available for those needs.

I object to singling out one or two or three of these projects as though there is something inappropriate about their priority. There is nothing inappropriate about their priority.

I reserve what remains of my time.

The PRESIDING OFFICER (Mr. CHAMBLISS). The Senator from Oklahoma.

Mr. COBURN. Mr. President, I have the greatest respect for my colleague from Nebraska. As a matter of fact, I am worried about his football team hurting the Oklahoma football team this year. But I will say, we view priorities differently. What about the priority of our grandchildren? I will say it again. This last year, through our leadership, $2,000 per man, woman, and child was added to the debt of this country. That is a loadstone around a 2-year-old child. Last year we added $1,700.

The reason for these amendments is to get us to start thinking about choosing priorities. The Senator from Nebraska was not here when I gave my opening statement. I am not trying to pick on Nebraska. I am trying to pick on our process. The fact is we can change every aspect of how the grant-writing process goes if we want to and we can make it work.

The reason we do not trust bureaucrats is we do not hold them accountable because we do not do the work we need to do to create the change in the bureaucracy. So first I would offer no personal offense to my friend from Nebraska. He does have my respect. But when a private institution is worth $66 million, has a cash working capital of $6.5 million and has $1.998 million in the bank, we are going to take a priority that says this money we are going to spend here rather than on something that has a better priority. That is all I am saying. I am not saying this is bad. I am saying there should be a better priority for our spending.

My hope is by going through this process we will all start looking. I believe this is a sincere effort on the part of the Senator from Nebraska to do what he thinks is great for Nebraska. My feeling is—and there is lots I would like to challenge in the spending that goes through our earmarks—and I have said before the Senator came on the floor, if we were in surplus I would not be talking about any of these. I think the difference is we are not. So when we direct programs for institutions that have the assets to pay for it themselves, our grandchildren do not get great value. That is my only point.

I yield back the remainder of my time.

The PRESIDING OFFICER. Who seeks time?

The Senator from Nebraska.

Mr. NELSON of Nebraska. Point of inquiry: How much time remains?

The PRESIDING OFFICER. The Senator has 5½ minutes.

Mr. NELSON of Nebraska. Mr. President, I rise again to deal with the question about priorities. There are many priorities we must face as a country. We do have priorities to deal with Katrina. We have priorities to deal with the cost of the war. We also have to deal with the priorities that deal with the fabric of life for Americans wherever we live and whatever we do.

One of the ways in which we try to establish those priorities is by talking to the people who send us here, the people who pay the taxes that are sometimes redistributed in ways that will raise questions about priorities.

I do not think there is any question but what the priority this raises is an important priority as part of the community development funds. It has been a long-established practice to set aside these funds for similar situations as the ones that are called into question today by my colleague from Oklahoma.

There is nothing wrong with calling these priorities into question, but to single them out with respect to all the other priorities he may have in mind is unfortunate because it only draws attention to one, two, or three of these projects as though these are all by themselves the priorities that are being dealt with.

These community development funds are broad based. They apply to virtually every State. I have not checked to see what Oklahoma might get or what my other colleagues might get, but I do believe it is far better for the Members of the Senate to go home and listen to their communities and listen to their leaders and come back with this type of an approach, rather than continuing to see the grant process that the bureaucracy continues to provide and is not held accountable in the same way this is being held accountable. I will be held accountable and my colleagues will be held accountable for trying to do the right things for our States, for the people and for the fabric of life in those communities and in those States.

I say today that I hope our colleagues will recognize the importance of these community development funds and the grants they represent because a good part of why we are here is to take care of responsibilities back home. That is why we go home on weekends, to find out what is necessary in those communities.

Others will always have some question about whether it is this priority or that priority. We have to make those choices. In my opinion, this has been a good choice.

I yield back the time.

The PRESIDING OFFICER. Who seeks time?

The Senator from Oklahoma.

AMENDMENT NO. 2093, AS MODIFIED

Mr. COBURN. Mr. President, I ask unanimous consent to modify my EDI amendment to include the three projects, Washington, Nebraska, and Rhode Island.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2093), as modified, is as follows:

At the appropriate place insert the following:

JOSLYN ART MUSEUM.

None of the funds made available for the Department of Housing and Urban Development under the heading "Community Development Fund" in this title, shall be available for a parking facility as part of the Joslyn Art Museum Master Plan, in Omaha, Nebraska.

STAND UP FOR ANIMALS.

None of the funds made available for the Department of Housing and Urban Development under the heading "Community Development Fund" in this title, shall be available for Stand Up for Animals in Westerly, Rhode Island for building construction.

SEATTLE ART MUSEUM.

None of the funds made available for the Department of Housing and Urban Development under the heading "Community Development Fund" in this title, shall be available for the Seattle Art Museum in Seattle, Washington for the construction of the Olympic Sculpture Park.

Mr. COBURN. Mr. President, I will spend a few moments talking about the last of these three that are going to be considered. This is another project where we are spending $200,000 for the construction of an animal shelter when we cannot even shelter the people properly in Louisiana, Alabama, and Mississippi.

Now, $200,000 could go a long way to provide temporary housing right now for the people in Louisiana, Mississippi, and Alabama. This is $200,000 toward a $2.2 million facility to house 120 cats and 45 dogs, with a dog obedience school and classroom settings for youth.

If one looks at HUD's Web site, the mission is to increase homeownership, support community development, and increase access to affordable housing free from discrimination. It does not say anything about animals in it and, at best, it is a satirical exaggeration of the goal.

This funding has been proposed for this organization despite the fact that this is a 501(c)(3) organization that has already received $900,000 in charitable contributions.

I remind the Senate there are 7,814 people in Rhode Island who do not have homes at this time.

The PRESIDING OFFICER. Who yields time?

The Senator from Missouri.

Mr. BOND. Unfortunately, Senator CHAFEE is tied up. We are expecting momentarily to get a full explanation. Our debate has focused on the difference in philosophy. The Senator from Nebraska, the Senator from Washington, the Senator from Rhode Island, and I all have the ability to establish priorities in the economic development initiatives. They are important initiatives and important priorities that can be set by Senators.

In the case of the provision for the Senator from Rhode Island, this happens to be construction of a building that is very important for the quality of life in the town of Westerly, RI. Many people have different needs and one of the beauties of that is the people from those communities can talk directly to their Senator and tell their Senator what is important.

In this instance, the Senator from Rhode Island listened to the people. He listened to his constituents. He determined this was a priority. There is going to be a lot of other money that is going to be handed out by HUD bureaucrats under the economic development initiative for construction. What is wrong with the Senator from Rhode Island saying here is one pressing need that is very important for the Senator from Rhode Island because it is important to his constituents?

I reserve the balance of the time.

The PRESIDING OFFICER. Who yields time?

If no one yields time, the time will be charged equally to all sides.

Mr. BOND. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ENSIGN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2158 TO AMENDMENT NO. 2133

Mr. ENSIGN. I ask unanimous consent that we return to the consideration of Dorgan amendment No. 2133 for a moment.

The PRESIDING OFFICER. Without objection, the amendment is pending.

Mr. ENSIGN. Mr. President, I send a second-degree amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. ENSIGN] proposes an amendment numbered 2158 to amendment No. 2133.

Mr. ENSIGN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions)

Strike all after the first word and insert the following:

(a) SHORT TITLE.—This section may be cited as the "Child Custody Protection Act".

(b) TRANSPORTATION OF MINORS IN CIRCUMVENTION OF CERTAIN LAWS RELATING TO ABORTION.—

(1) IN GENERAL.—Title 18, United States Code, is amended by inserting after chapter 117 the following:

"CHAPTER 117A—TRANSPORTATION OF MINORS IN CIRCUMVENTION OF CERTAIN LAWS RELATING TO ABORTION

"Sec

"2431. Transportation of minors in circumvention of certain laws relating to abortion

"§ 2431. Transportation of minors in circumvention of certain laws relating to abortion

"(a) OFFENSE.—

"(1) GENERALLY.—Except as provided in subsection (b), whoever knowingly transports a minor across a State line, with the intent that such minor obtain an abortion, and thereby in fact abridges the right of a parent under a law requiring parental involvement in a minor's abortion decision, in force in the State where the minor resides, shall be fined under this title or imprisoned not more than one year, or both.

"(2) DEFINITION.—For the purposes of this subsection, an abridgement of the right of a parent occurs if an abortion is performed on the minor, in a State other than the State where the minor resides, without the parental consent or notification, or the judicial authorization, that would have been required by that law had the abortion been performed in the State where the minor resides.

"(b) EXCEPTIONS.—

"(1) The prohibition of subsection (a) does not apply if the abortion was necessary to save the life of the minor because her life was endangered by a physical disorder, physical injury, or physical illness, including a life endangering physical condition caused by or arising from the pregnancy itself.

"(2) A minor transported in violation of this section, and any parent of that minor, may not be prosecuted or sued for a violation of this section, a conspiracy to violate this section, or an offense under section 2 or 3 based on a violation of this section.

"(c) AFFIRMATIVE DEFENSE.—It is an affirmative defense to a prosecution for an offense, or to a civil action, based on a violation of this section that the defendant reasonably believed, based on information the defendant obtained directly from a parent of the minor or other compelling facts, that before the minor obtained the abortion, the parental consent or notification, or judicial authorization took place that would have been required by the law requiring parental involvement in a minor's abortion decision, had the abortion been performed in the State where the minor resides.

"(d) CIVIL ACTION.—Any parent who suffers harm from a violation of subsection (a) may obtain appropriate relief in a civil action.

"(e) DEFINITIONS.—For the purposes of this section—

"(1) a 'law requiring parental involvement in a minor's abortion decision' means a law—

"(A) requiring, before an abortion is performed on a minor, either—

"(i) the notification to, or consent of, a parent of that minor; or

"(ii) proceedings in a State court; and

"(B) that does not provide as an alternative to the requirements described in subparagraph (A) notification to or consent of any person or entity who is not described in that subparagraph;

"(2) the term 'parent' means—

"(A) a parent or guardian;

"(B) a legal custodian; or

"(C) a person standing in loco parentis who has care and control of the minor, and with whom the minor regularly resides, who is designated by the law requiring parental involvement in the minor's abortion decision as a person to whom notification, or from whom consent, is required;

"(3) the term 'minor' means an individual who is not older than the maximum age requiring parental notification or consent, or proceedings in a State court, under the law requiring parental involvement in a minor's abortion decision; and

"(4) the term 'State' includes the District of Columbia and any commonwealth, possession, or other territory of the United States.".

(2) CLERICAL AMENDMENT.—The table of chapters for part I of title 18, United States Code, is amended by inserting after the item relating to chapter 117 the following new item:

"117A. Transportation of minors in circumvention of certain laws related to abortion .... 2431".

Mr. ENSIGN. I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2093, AS MODIFIED

Mr. BOND. Mr. President, I understand the distinguished Senator from Oklahoma has modified his amendment to include the provisions dealing with the States of Washington, Nebraska, and Rhode Island. Is this correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. BOND. Mr. President, on behalf of the Senator from Washington and myself, I move to table the amendment as modified and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE) is necessarily absent.

The PRESIDING OFFICER (Mr. GRAHAM). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 86, nays 13, as follows:

[Rollcall Vote No. 260 Leg.]

YEAS—86

Akaka
Alexander
Allard
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Brownback
Bunning
Burns
Byrd
Cantwell
Carper
Chafee
Chambliss
Clinton
Cochran
Coleman
Collins
Conrad
Cornyn
Craig
Crapo
Dayton
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Enzi
Feinstein
Frist
Grassley
Gregg
Harkin
Hatch
Hutchison
Inhofe
Inouye
Isakson
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McConnell
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Santorum
Sarbanes
Schumer
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Thomas
Thune
Vitter
Voinovich
Warner
Wyden

NAYS—13

Allen
Burr
Coburn
DeMint
Ensign
Feingold
Graham
Hagel
Kyl
McCain
Sessions
Sununu
Talent

NOT VOTING—1

Corzine

The motion was agreed to.

Mr. BOND. I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BOND. Mr. President, we thank our colleagues.

Mr. President, as far as procedure, there are a number of issues that will be debated. There may be additional amendments offered, but for the convenience of our colleagues, there are not going to be any votes until 2:30. I propound a unanimous consent request that at 2 p.m. there be 30 minutes equally divided in relation to Reed amendment No. 2077; provided further that the Senate then proceed to a vote in relation to the amendment, with no second degrees in order to it prior to the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOND. I thank the Chair. The floor is now open for debate and further amendment as requested.

The PRESIDING OFFICER. The Senator from Massachusetts.

AMENDMENT NO. 2077

Mr. KENNEDY. Mr. President, I take a moment of the Senate's time to reiterate my very strong support for the amendment offered by my colleague and friend, Senator REED of Rhode Island, and my colleague, Senator KERRY, and myself on increasing emergency funding for the LIHEAP program. This program is a lifeline to many poor individuals on fixed incomes in my state of Massachusetts and across the nation. It is the help and assistance that is provided to low-income, elderly and disabled households to defray the steep costs of home heating. The average LIHEAP household has an income of less than $10 thousand. These individuals are trying to make ends meet.

According to the Energy Information Administration of the Energy Department, this year natural gas prices for heating one's home will increase by almost 50 percent over last year, home heating oil will increase 32 percent, electricity will increase 5 percent. In Massachusetts, the current average price per gallon of heating oil is $2.51. This is an increase of 30 percent over the average price per gallon last October.

These aren't just abstract numbers. They represent huge burdens on real people. Just last week, Mayor Menino and I met with low-income seniors at the Curtis Hall Community Center in Massachusetts. These families are caught between a rock and a hard place about how they are going to pay their heating bills. Are they going to cut back on food? Are they going to cut back on prescription drugs which are so necessary? Are they going to try and continue to put the temperature level down to such a low degree that it threatens their health and well-being? Those are the cruel choices they are faced with today.

So many senior citizens are looking into the future, they are looking at the impact of sky-rocketing heating bills over the course of the winter, and they are frightened and scared. They are wondering who is going to give them some help and assistance.

Our amendment increases emergency funding for the LIHEAP program by $3.1 billion. This funding on top of the President's budget request for $2 billion would bring the program to $5.1 billion -the level authorized in the Energy Policy Act of 2005.

Funding for LIHEAP has been stagnant for more than a decade. It has seen significant loss in terms of purchasing power. We have a program that has been stagnant for over 10 years, the program has lost purchasing power, and absolutely dramatic increases in heating bills. We need to provide help and assistance to low income families. This amendment provides that much needed assistance.

I hope we have broad support. This is an essential amendment. We can talk about food; we can talk about medicines. We ought to put heat right in that same category.

I will mention some of the low income individuals struggling to survive: Wilhelmina Mathis of Dorchester. Wilhelmina is 71 years old and lives alone. She keeps her thermostat set at 60 degrees to save money. She hopes the Federal Government will come through with more LIHEAP money before she runs out of a way to pay her heating bill. She says:

> I turn down the thermostat as low as I can and sometimes I turn it off and put on extra sweaters. I don't know now much longer I can keep doing this."

Jacqueline Arroyo of Roxbury, MA, is a single mom who lives in Roxbury with her baby daughter Jessica. She is a nurse who lost her job in August 2004 and has been working temporary jobs ever since. Her salary has not been enough to cover all of her bills. Her electricity bill is now $4,000, and she worries about how she will pay off the debt before this winter.

Emory Baily has MS, and it is hard for him to get around. Now the comfort of his home is in jeopardy. Any day the heating oil will run out. The assistance he receives from LIHEAP has run out as temperatures begin to fall.

In Boston, a 79-year-old man lives with a sick wife. He worked hard on a loading dock most of his life and retired with a pension, but he has a hard time paying all the bills. He receives LIHEAP benefits, but the fuel oil assistance has been exhausted. We are not even halfway through the winter.

In Haverhill, MA, a single mother lives with her 18-year-old son, who is handicapped, her 19-year-old daughter, and her daughter's child, who has a medical condition. Both mother and daughter are employed as school bus monitors. They have little or no income over the summer. Their rent is $950 a month. Their last gas bill was $1,729. Because they could not pay their gas bill, their gas was shut off. Even if they qualify for $600 in LIHEAP assistance, the gas company may refuse to reconnect the service unless the family comes up with another $400 to $800 toward the back pay.

These are typical families. This is the issue we have before the Senate. It is truly a life-and-death situation. It certainly deserves the support of our colleagues in the Senate. I hope that will be reflected in the vote at 2:30.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, what is the business before the Senate?

The PRESIDING OFFICER. The pending amendment is Coburn amendment No. 2091.

AMENDMENT NO. 2065

Mr. BINGAMAN. Mr. President, I ask unanimous consent that amendment be set aside and that I be allowed to call up amendment No. 2065.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN], for himself, Mr. NELSON of Nebraska, Mr. LEVIN, Ms. STABENOW, Mr. SPECTER, Mr. BROWNBACK, Mr. ROCKEFELLER, Mr. HARKIN, Mr. DURBIN, Mr. HAGEL, and Mr. SANTORUM, proposes an amendment numbered 2065.

Mr. BINGAMAN. Mr. President, I ask unanimous consent to dispense with the reading of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To extend certain apportionments to primary airports)

On page 229, between lines 12 and 13, insert the following:

(c) Section 47114(c)(1)(F) of title 49, United States Code, is amended by striking "and 2005" each place it appears in the text and in the heading and inserting ", 2005, and 2006".

Mr. BINGAMAN. Mr. President, this is an amendment I offer on behalf of myself, Senator SPECTER, Senator NELSON of Nebraska, Senator LEVIN, Senator STABENOW, Senator BROWNBACK, Senator ROCKEFELLER, Senator HARKIN, Senator DURBIN, Senator HAGEL, and Senator SANTORUM. This is a bipartisan amendment which tries to assist many of our smaller airports around the country.

Under the current formula in the statute, airports that have at least 10,000 boardings each year are called primary airports. Those airports receive entitlement of $1 million per year from the FAA's Airport Improvement Program. The nonprimary airports—those that do not have the 10,000 annual boardings—receive only $150,000.

In the wake of September 11, many airports saw their annual boardings plummet. There were a number of these smaller primary airports, many in rural areas, that faced the temporary loss of their $1 million annual entitlement.

Vision 100, which is Public Law 108–176, gave certain primary airports 2 years—fiscal year 2004 and 2005—to regain that minimum 10,000 boarding level. During that time, they retained the annual $1 million entitlement they had been receiving. These airports are designated as virtual primary airports in the statute. The 2-year grace period in Vision 100 for the virtual primary airports expired on September 30, just a few weeks ago.

The amendment I am offering today to the legislation before the Senate gives the virtual primary airports 1 additional year—fiscal year 2006—to regain a level of 10,000 boarding. Many of the virtual primary airports saw substantial increases in their boardings in fiscal year 2004. There are 10 fewer airports that need this extension for fiscal year 2006 than would have needed it or that did need it in fiscal year 2005.

This is the right thing to do. This is important to many of our States. I have a list of all the airports that will be adversely affected if we do not agree to this provision. One of those airports is in my home State in Roswell, NM, that is in danger of losing this funding if we do not extend this for 1 additional year.

This is a bipartisan bill. We have 11 cosponsors of the legislation. It is good legislation. The policy is good. We have gone to the Congressional Budget Office and they have indicated there is no score attached to this bill. This is not a money issue. There is not going to be an increased burden on the taxpayer. I very much urge my colleagues to support this amendment.

I yield the floor.

The PRESIDING OFFICER (Mr. MARTINEZ). The Senator from New Jersey.

AMENDMENT NO. 2077

Mr. LAUTENBERG. Mr. President, I want to take a couple minutes to talk about the amendment to fully fund the Low Income Home Energy Assistance Program, what we call LIHEAP.

Americans have already been slammed by outrageously high gas prices. The average price for a gallon of regular unleaded gas in New Jersey is now $2.65. That is 37 percent higher than a year ago.

For an average New Jersey motorist, a tank of gas now costs about $46, which is $12.50 more than a year ago. That extra $12.50 for every tank of gas adds up to a cost of more than $400 a year for the average motorist—a new cost for their transportation needs with their cars.

It is affecting our quality of life. Driving to work or taking your children to school is not a luxury, nor is a visit to the doctor, nor is a visit to a shop. These things are all necessities. That is a terrible mistake because we have to make sure we do not misunderstand or misquote the importance of this extra cost to the average family. It is particularly onerous for those who do not have the choice of using transit.

Families have sacrificed substantially. They have cut back on lots of things. According to a new survey by AARP, almost 40 percent of Americans over the age of 50 have had to reduce their visits with family and friends because of high gas prices.

I have even spoken to people who run businesses that are not on a transit route or a bus route of any kind. They tell me their business has fallen off substantially. And people who work there—a lot of people with very modest jobs—have been very seriously affected.

Forty-one percent of the people the AARP was talking about have cut back on spending. That includes food and medicine.

Gas price increases have been a heavy blow, and now we are about to get hit again by higher home heating costs. According to all predictions, heating oil and natural gas prices will increase more than gasoline prices have increased.

Now, some people can lower their thermostats by a few degrees; and those who can, should. But heating a family home is not a luxury. It is a necessity, like putting food on the table. It is a level of comfort that is required to be met that cannot be ignored. That is why we have to support LIHEAP.

Last week, Energy Secretary Samuel Bodman said increasing the support for LIHEAP is "not on the agenda." Not on the agenda? That is hard to understand. Maybe someone with a lofty position such as the Secretary can discard it as a noncritical situation. But if a child shivers at home while he or she tries to study or while they sit there with their families to have some conversation—maybe what this Government of ours ought to do is ship out blankets to everybody, or shawls they can wrap around their shoulders. You tell the senior citizen who has to choose between buying medicine or paying the heating bill that the Government is not going to help them through this crisis.

Helping families heat their homes should be near the top of our agenda. The Secretary's statement is outrageous. It is a sad commentary on the priorities of this administration. I don't think any Member of this body would walk into a modest-income family home and turn off their heat in the middle of winter. But voting against this amendment is going to have the same effect for thousands of low-income families.

We cannot leave American families out in the cold. We have to support the Reed-Collins LIHEAP amendment and give families a helping hand through what some suggest is going to be a fairly cold winter. With weather as erratic as it is, we cannot tell what is going to happen.

So, Mr. President, I hope we will be able to adopt this amendment.

With that, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, I ask unanimous consent to speak as in morning business for as much time as I shall consume.

The PRESIDING OFFICER. Without objection, it is so ordered.

FISCAL CONDITION OF THE COUNTRY

Mr. CONRAD. Mr. President, I come to the floor today to talk about a recent report in the Washington Post about the fiscal condition of the country. This was an article that appeared Saturday in the Washington Post, reporting on the budget deficit. It had this very hopeful headline: "Federal Deficit Fell in Past Year." While that is true, I think it is largely misleading as to the financial condition of the country.

When I went into the article, I read this paragraph:

> The 2005 deficit was the third-largest ever. But it was not only markedly smaller than the record $412.85 billion [deficit] for 2004, it was also well below the forecasts for the year issued in February. As a proportion of the economy—it equaled about 2.6 percent of gross domestic product—the deficit was within bounds that most economists consider manageable, and far from the levels of the 1980s, when the deficit reached nearly 6 percent of GDP.

I think if the average person were to read that, they would think: Gee, things are headed in the right direction. The deficit is down. The deficit is, as a share of GDP, gross domestic product, well below where it was in the 1980s.

The problem with this report is, I think it is completely misleading to the American people as to our true fiscal condition. Why? Well, first, because the deficit calculation that is used so broadly by the press—and I am not singling out the Washington Post here. I would also point the finger at almost all of the mainstream media that continually refer to the deficit and never talk about the debt.

Here is the difference. While it is true the deficit last year was $319 billion, that is not the amount by which the debt increased. This is a critically important difference people need to understand. The debt last year did not increase by $319 billion, the advertised deficit. The debt increased by $551 billion.

I find repeatedly, when I go around my home State of North Dakota, there is great confusion about the deficit and the debt. Most people believe the increase in the deficit matches the increase in the debt. But that is not the case. The debt is increasing by much more than the reported deficit.

Here is the biggest reason why: Social Security funds that are being used to pay for other things. In effect, the Social Security trust funds are being raided consistently, repeatedly, in order to pay other bills. If any private sector entity tried to do what is being done here, they would be on their way to a Federal institution, but it would not be the Congress. It would not be the White House. They would be on their way to a Federal penitentiary because it is a violation of Federal law to take the retirement funds of employees and use them to pay operating expenses. That is exactly what is going on here.

It happened last year to the tune of $173 billion. It is not included in the deficit calculation. Why not? Because that is borrowing of one Government entity from another Government entity. So they don't include it in the deficit, but it is included in the increase in the debt. Every penny of this has to be paid back.

What is happening is, the general fund of the United States is, in effect, borrowing money from the Social Security trust fund. It is using that money to pay other bills—not using it to pay down debt, not using it to prepay the liability, it is using it to pay other bills. It is adding to the debt. So last year the debt increased not by $319 billion, which we read in every press report. You didn't read in any press report that I can find, not one, that the debt increased by $551 billion last year.

When you then correct for what has been left out, instead of an operating deficit of 2.6 percent of GDP, which was reported in the story by the Washington Post on Saturday, which is, they say, within acceptable bounds of most economists—most economists say about 2.5 percent of GDP is the danger point—when you make an adjustment for what the debt increased by, what you see is an operating hole in the United States of 4.5 percent of GDP, far beyond what most economists say is acceptable. In fact, in the European Union, to become a member, you have to have an operating deficit of 3 percent of GDP or less. The United States wouldn't qualify under that standard because in truth our operating deficit is now well in excess of 4 percent of GDP.

The other thing that is important to understand, the article referenced the deficit as a share of GDP was higher back in the 1980s, not much higher, and in most years not higher when you put in the calculation of the money being taken from Social Security. Here is the pattern of Social Security surpluses that are being used. You can see back in the 1980s there was almost no money being used from the Social Security trust fund. Back in those days, you can see we were running very small surpluses. In fact, until 1983, we weren't running any surpluses in Social Security. Then they were very modest, but most of this time well below $50 billion. Look at where we are now. We are up here now, $170 billion a year. That is a profound difference in the calculation. Nobody seems to pay any attention to it. This gives you a very different look at the true fiscal condition of the country.

In addition to that, back in the 1980s, you had time to get well because the baby boomers were not going to retire for over 20 years. Now there is no time to get well because the baby boomers are poised to retire. That is not a projection. The baby boomers are alive today. They have been born. They are living. They are going to retire. They are going to be eligible for Social Security and Medicare. We are headed for a train wreck.

What we get from the mainstream media are these happy talk reports that the deficit is down. No attention is paid to the increase in the debt. No attention is paid to where this is all headed. This is serious business.

This chart shows, going back to 1980, the relationship between spending and revenue. The red line is the spending line as a percent of GDP in the United States. The green line is the revenue line as a percent of GDP. Let's stop there and ask, Why do we use that calculation? Why aren't we showing in dollar terms the relationship between spending and revenue over a long period of time? The reason is very simple: Economists tell us, if you use gross domestic product, you then take out the effects of inflation and real growth, so you are comparing apples to apples.

That is what we are trying to do here, get a sense of what is happening to our spending, what has happened to our revenue over an extended period of time.

This chart shows that the spending level of the United States, back in the 1980s and for much of the 1990s, was significantly higher than it is today. You can see the spending line back here. This goes back to 1980. Through the 1980s, the spending line—and much of the 1990s—was well above where it is today, even though in the 1990s spending came down each and every year as a share of gross domestic product. Now we have had this uptick in spending, quite a substantial increase as a share of gross domestic product, but still we are well below where spending was in the 1980s and for much of the 1990s.

Ninety-one percent of the increase in discretionary spending was from three factors: Defense, homeland security, and rebuilding New York. So the spending line has had a substantial increase but still well below where Federal spending was as a share of our national income going back to the 1980s and 1990s.

Look at the revenue line. The revenue line back in the 1980s was approaching 20 percent of GDP. Then there were the tax cuts, and it went down to just over 17 percent of GDP. Then it kind of jiggled and jagged around here. And then in the 1990s, as the spending line came down each and every year, the revenue line went up each and every year. So that in the year 2000, revenue was at a historic high, about 20.9 percent of GDP.

Look what has happened to the revenue line since 2000. The revenue line has collapsed. Revenue last year was the lowest as a share of gross domestic product since 1959. Anybody who is serious about doing something about the deficit has to address both the spending line and the revenue line. Very often our colleagues on the other side of the aisle only want to talk about the spending line. They vote for all the spending, but they don't want to address the revenue side of the equation. They don't want to cut the spending to meet the revenue line, and they don't want to raise the revenue to meet the spending line.

What we have here is a complete lack of responsibility. There are a lot of speeches about fiscal responsibility, but there is no reality of responsibility. Our Republican friends want to focus on the spending side, and indeed we need to focus on the spending side, although they voted for this increase in spending. These have not been Democratic budgets. These are not Democratic spending bills. Our Republican friends are in charge of the Senate and the House and the White House. They are responsible for every dollar of increase in spending. Every dollar they voted for. But they don't want to be responsible to match their spending with revenue. They don't want to cut the spending to match the revenue line, and they sure don't want to raise the revenue to match the spending line. They are happy passing it off to our kids, just tack it on to the debt. They say they are fiscally responsible. No. This is not fiscal responsibility.

What is most alarming is where all this heads. While it is true we have had an uptick in revenue in the last year—very welcome—we see that we are still way below the spending line. This is before the baby boomers retire.

Somebody may be listening and will say: Well, Senator CONRAD is giving a passionate speech to raise taxes. No, don't misunderstand me. I am giving a speech about making this all add up. We either have to cut the spending down to the revenue line or we have to raise the revenue line to our spending appetite or some combination. That means we either have to cut spending down to the revenue that we are willing to levy or we have to be willing to raise the revenue line or some combination.

By the way, the first thing we ought to do on revenue is not a tax increase on anybody. The first thing we ought to do is focus on the tax gap. That is the difference between what is owed and what is being paid. That tax gap now is over $350 billion a year. The fact is, the vast majority of Americans pay what they owe. But increasingly, individuals and companies aren't paying what they owe. The Revenue Service says that has now reached $350 billion a year, money that is owed that is not being paid. There has been precious little being done about it.

The hard reality, what is so different from the 1980s and now, is this demographic tsunami that is coming at us. This is a representation of the increase of people eligible for Social Security and Medicare. We are under 40 million now eligible for Social Security and Medicare. We are headed for 81 million. It profoundly changes everything. The President's budget that claims it is going to reduce the deficit over the next 5 years misses the point. The only way he gets to cutting the deficit in half is he leaves out some items—war costs past September 30, the cost to fix the alternative minimum tax. A 5-year budget hides the larger truth. The larger truth is the President's long-term plan makes this whole situation much worse. Why? Because the President's tax cuts absolutely explode right beyond the 5-year budget window.

We used to do 10-year budgets. Then the President changed to a 5-year budget. I believe the key reason for that change was he knows what these numbers show, just as I do. He and his people know exactly what is going to happen beyond the 5-year budget window. The cost of his tax cuts explode. This is going to happen. The 10-year cost of the President's tax cuts are $1.8 trillion. Here is what happens right beyond—the dotted line is the end of the 5-year budget window. Here is what happens to the President's tax cut proposal right beyond the 5 years. It explodes. It is not just that cost that explodes; it is also the cost to fix the alternative minimum tax which, by the way, there is not a penny in the President's budget to deal with. The alternative minimum tax, the old millionaire's tax, now is becoming very rapidly a middle class tax trap. Three million people were affected last year. It is going to be 30 million people affected 10 years from now, if we don't do something.

It costs $774 billion to fix, and not a penny of it is in the President's budget. Again, the same pattern, right beyond the 5-year budget window, this dotted line, the cost of fixing the alternative minimum tax skyrockets.

What is the answer that we get on the budget? We get what is called reconciliation, and we are told this is a deficit reduction plan. No, it is not. There is no deficit reduction in this plan.

This increases the deficit. Why? Because while it is true it has $35 billion of spending cuts, it also has $70 billion of tax cuts. And so the combined effect is to actually increase the deficit. What sense does this make when we have a debt crisis looming? The debt increased $551 billion last year. The forecasters are telling us it is going to increase $600 billion this year—or more. And the answer is a reconciliation package cloaked as deficit reduction that actually increases the deficit.

I don't know how anybody can, with a straight face, claim this is what the country needs.

This is the increase in the debt over the next 5 years of the President's budget plan. You take the President's budget plan. You adjust it for the war costs he has left out—not KENT CONRAD's projection of the war costs, the projection of the Congressional Budget Office—you put in the cost to fix the alternative minimum tax and the President's budget policy, the debt of the country is going to go up $3.4 trillion over the next 5 years. And our colleagues are out here talking about cutting spending $35 billion. It is farcical. It is farcical.

They talk about fiscal responsibility. They are sending off a plan to increase the debt $3 trillion, and they run out here with a plan to cut $35 billion of spending. And by the way, that is not deficit reduction because they are also going to cut taxes $70 billion, so they are actually going to make the deficit worse, in the face of $3 trillion of additional debt before the baby boomers retire. Come on. This is what is happening to the debt under this plan—this budget plan that was passed in the

Senate before Katrina. This is what it is going to do to the debt. These are not KENT CONRAD's numbers. This is what's going to happen to the debt. It is going to go up $600 billion a year each and every year for the next 5 years—more than $600 billion. It went up $550 billion last year. You talk about building a wall of debt—and all at the worst possible time before the baby boomers retire.

Now, the Comptroller General of the United States has come to us and said, You have an utterly unsustainable situation on your hands. You are running these massive deficits, huge explosion of debt before the baby boomers retire and guess what. You have a shortfall in Medicare alone of $29.6 trillion. You have a Social Security shortfall that is projected at $4 trillion. In those two alone, that is $33 trillion of unfunded liabilities.

Is anybody paying attention? Does anybody understand where this is all headed? This is a train wreck. That is where we are headed—a train wreck. And what is the answer? To come out here with a package that increases the deficit some more? They have got to be kidding. They have got to be kidding.

Mr. President, I do not believe this $4 trillion of shortfall in Social Security. I think that is a very bad estimate. I think the shortfall in Social Security is much less. Why? Because the assumption behind this projection is that the economy is only going to grow 1.9 percent a year for the next 75 years. Over the previous 75 years, the economy grew at 3.4 percent a year. If the economy were to grow in the future as it has in the past, 80 percent of the Social Security shortfall would disappear. Eighty percent would disappear. If the economy grows in the future as it has in the past, 80 percent of the Social Security projected shortfall would disappear. So I think it is a very pessimistic forecast.

On the other hand, the shortfall in Medicare that is seven times, more than seven times the projected shortfall in Social Security, I think that is, unfortunately, realistic because it is based on two basic assumptions. No. 1, the retirement of the baby boom generation. And that is no projection. They have been born. They are alive today. They are going to retire. They are going to be eligible. And No. 2, medical inflation is running well ahead of the underlying rate of inflation, and all of us know that is true. So the Medicare shortfall is much more likely to come true than the Social Security shortfall. And the hard reality is we already can't pay our bills. The hard reality is we are already mushrooming the debt in a way that is utterly unsustainable. Senator, when you say the increase in the debt is unsustainable, what do you mean? Here is what I mean. Foreign holdings of our debt have gone up 104 percent in the last 4 years.

It took over 200 years of American history to run up an external debt of $1 trillion. In the last 4 years, we have managed to more than double it.

Is anybody listening? Is anybody paying attention? Is there anybody who is writing these news columns who is connecting the dots? Is anybody paying attention to what is going on here with the fiscal condition of the country? Does anybody care? And what do we get from the mainstream media? Happy talk; the deficit went down. Debt went up, the deficit went down.

Yes, it went down to the third biggest ever. And the size of the deficit completely masks the true seriousness of our fiscal condition because it misses how much the debt increased. The debt increased by $551 billion. The result is—here it is—we are borrowing more and more from abroad—more than a 100-percent increase in the foreign holdings of our debt in 4 years.

Does anybody believe that is a sustainable course? I do not. And here it is. Here is the result. We owe Japan $684 billion. We owe China almost $250 billion. We owe the United Kingdom over $170 billion. And here is my favorite, the Caribbean Banking Centers—the Caribbean Banking Centers. We owe them over $100 billion. Where do they get their money? We owe them over $100 billion. We owe South Korea almost $60 billion.

Mr. President, it is an utterly unsustainable course. The Comptroller General of the United States has told us it is unsustainable. The head of the Congressional Budget Office has told us it is unsustainable. Alan Greenspan, chairman of the Federal Reserve, has told us it is unsustainable. We are building up massive debt before the baby boomers retire, and the mainstream media run their stories saying the deficits have improved.

There is no attention to what has happened to debt, no attention to the train wreck that is coming. It is really a disconnection from reality that does not serve our country well. The American people deserve better. The American people deserve to be told honestly how deep this ditch is and how much it is going to take to fill it in because we cannot continue to run around the world with a tin cup asking more and more countries to loan us more and more money. To have foreign countries increase their holdings of our debt by over 100 percent in 4 years is utterly unsustainable. It is reckless and it is wrong. It has to be stopped. To have our colleagues come out on this floor with a reconciliation package that makes it all worse is profoundly irresponsible, profoundly.

I thank the Chair and yield the floor.

I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. DURBIN are printed in today's RECORD under "Morning Business.")

Mr. DURBIN. Mr. President, I yield the floor and suggest the absence of a quorum.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, are we under a time limit right now?

The PRESIDING OFFICER. The debate will begin at 2 o'clock on the Reed amendment.

Mr. HARKIN. Mr. President, I am going to speak on the Reed amendment, and I ask to be recognized to speak at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2077

Mr. HARKIN. Mr. President, I rise to speak in support of the amendment offered by Senators COLLINS and REED to add $3.1 billion in emergency funding for the Low-Income Home Energy Assistance Program. I emphasize this is, indeed, emergency funding, not to come out of something else but emergency funding because it really is a crisis.

During the cold winter months, LIHEAP is indispensable for low-income families, people with disabilities, and seniors on fixed incomes. Last Friday, I held a roundtable discussion in Hiawatha, IA, to hear firsthand from some of these citizens. They are not just concerned about high home heating costs this winter, they are right now almost in a state of panic. They told me they face a choice between staying warm and cutting back on necessities, such as medical care and prescription drugs.

Their testimony is backed up by hard data. According to a statewide Iowa survey, more than 20 percent of households receiving LIHEAP report going without medical care or prescription drugs. More than 10 percent reported going without food in order to pay their heating bills, and those numbers are going to skyrocket this winter.

Last winter, about 86,000 Iowa households received an average of $317 in LIHEAP assistance. Most years, everyone who applies gets some level of assistance, but this year we are headed for big problems. As I learned in Hiawatha, the applications for home heating assistance have jumped by 50 to 70 percent this year. The director of the local Community Assistance Program that administers LIHEAP in that part of Iowa told me that LIHEAP funds are likely to be exhausted by mid-January, right in the dead of winter. Community services agencies all across America are being deluged with calls from panicked senior citizens and others who don't know how they are going to pay their bills or heating bills. Many have had their utilities cut off and cannot make past-due payments to get them turned back on. Others are being threatened with cutoffs just as we head into winter. This is something I learned in Hiawatha, but not too many people here know. The Catch-22 situation is this: If your gas or electricity has been cut off, then you do not qualify for LIHEAP. Let's say you are someone who has a past bill that you have not paid; they say, We are not going to deliver your home heating oil, you cannot qualify for LIHEAP.

So we are facing a real crisis. We know what the price of fuel oil has done and what the price of natural gas has done. In Iowa, I heard that heating oil has doubled since last year, and natural gas has gone up by almost 50 percent. It will not be unusual to have a $400 or $500 increase in an average heating bill this winter. For an elderly person, a low-income family, and people with disabilities, that is not a problem, it is a catastrophe. It boggles my mind that in the face of this overwhelming need, President Bush's budget proposed to cut LIHEAP funding by nearly 10 percent.

We have been given abundant warning that local LIHEAP funding will be running out, as I said, as early as the middle of January. But earlier this month, we voted down an amendment to provide a boost in emergency funding. Last week, a reporter asked the Secretary of Energy, Mr. Bodman, if the administration plans to ask Congress for more funding for LIHEAP, given the big runup in energy costs. Secretary Bodman answered:

> At least at this point in time, that's not on the agenda.

LIHEAP may not be on Secretary Bodman's agenda, and it may not be on the President's agenda, but it is on the Senate's agenda. We have an obligation to do the right thing, to make sure our senior citizens and those with disabilities are not left out in the cold.

Again, we have to do the right thing. We have to do what is fair. We know what has happened to the price of heating oil and natural gas and electricity. We know from the past how many people use LIHEAP and depend on it. It does not take a genius to calculate that we have to come up with more money this year or people are going to get cut off. What are we going to do? Are we going to wait until January when all of a sudden we get reports about people being cut off? And we will not even be here; we will be out of session. I suppose we will come back the third week of January.

We can do better than this. We have to do better. America can do better than this. We are a better people than that. We need to support this amendment to provide this emergency funding so those who need the help the most are not left out in the cold. People are concerned. They are worried. They don't know what they are going to do. The least we can do today is say: Don't worry, we are going to put the money in for LIHEAP; you are going to be able to buy your gas, pay your electricity bills, and stay warm this winter.

Mr. President, I yield the floor.

The PRESIDING OFFICER. There is now 30 minutes of debate equally divided on the Reed amendment.

The Senator from Rhode Island.

Mr. REED. Mr. President, I thank the Senator from Iowa for his eloquent and, to me, very persuasive remarks about the need for supporting this amendment. This is something we know is going to happen. Everyone understands energy prices are soaring out of sight. Last year, we did not have sufficient resources for LIHEAP with prices that were much cheaper. This year we know we are not going to have sufficient resources.

So we have come together on a bipartisan basis. Senator COLLINS, Senator SNOWE, Senator SMITH, Senator COLEMAN—many of my Democratic colleagues have come together to do what should be obvious to all of us: raise the level of LIHEAP funding to accommodate these huge increases in prices. It is very simple, I think—I hope.

I hope we are in a process of beginning to understand all of the demands that are being placed on low-income Americans, and particularly seniors. They received the Social Security increase of about $65 a month. Most of that was taken up automatically by increased payments to their Medicare Program, and whatever little is left is going to be swallowed up by these rising energy prices.

The Low-Income Home Energy Assistance Program needs $5.1 billion just to maintain the status quo. The appropriation to date, what the President supports, is $2 billion. Now, $2 billion was inadequate last year; it is grossly inadequate this year.

I understand our colleague, the Senator from Missouri, has indicated in terms of concept of the program he supports it, and I appreciate those remarks. We might have a debate about whether this is the appropriate vehicle to place this amendment, but, frankly, time is running out; floor time is running out, and unless we are able to appropriate these funds immediately, we are going to have a real issue of getting them to deserving people throughout this country.

Last winter Congress provided $2.2 billion. Again this year they have already cut that in the budget to $2 billion. That is the administration's request. It was insufficient last year. In Rhode Island, 12,146 households, including the elderly, received utility termination notices. The average balance of those who were disconnected was over $1,000.

Today, my State and other States are struggling to get these people reconnected using LIHEAP funds to get them back on the utility grid. That is even before we have had the first cold days of winter.

A Rhode Islander receiving $400 from LIHEAP last year could buy approximately 235 gallons of heating oil, almost a full tank, but at $2.60 a gallon, which is the price that is being paid today—in fact, in many cases that is a pretty good price; in fact, it is much higher—$400 will only buy 150 gallons of oil. That is a little over half a tank and may last in a very cold New England winter about 2½ weeks.

This year, with even higher energy prices facing Americans and more Americans living in poverty, the administration and the House have simply come forward with $2 billion. It is absolutely inadequate. We know it. We have an opportunity today to make it so that at least it will buy as much this year as it did last winter.

The average price for heating oil is $2.65 per gallon. That is 65 cents higher than it was last year this time. The average price of propane is $1.95 per gallon. That is 32 cents higher than last year. The average price for natural gas is $15.25 per million cubic feet. That is $2.32 higher than last year.

What we have seen consistently, what we all recognize, what we see every day when we pass the gasoline station, is extraordinarily high energy prices. How can we reasonably fund this program with less dollars than we did last year with these soaring prices? We are just trying to maintain what we have.

Frankly, last year a significant number of households that would qualify because of income could not receive assistance because those funds were insufficient.

I believe we have to increase the LIHEAP funding to its fully authorized level of $5.1 billion. This bipartisan amendment would do that by increasing the appropriation by the sum of $3.1 billion. I hope my colleagues will join us and support this amendment.

I reserve the remainder of my time.

The PRESIDING OFFICER (Mr. ALEXANDER). Who yields time?

The time will be deducted equally from each side.

The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I ask unanimous consent to set aside the Reed amendment for the purposes of my offering an amendment, and I will speak for about 6 or 7 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. REED. Mr. President, who would that time be charged to?

The PRESIDING OFFICER. That time will be charged to the majority side.

Mr. REED. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Iowa is recognized.

AMENDMENT NO. 2160

Mr. GRASSLEY. Mr. President, I am going to offer an amendment to this bill regarding the report of the independent counsel on Mr. Cisneros. I know there has been much talk about the need to bring to a close the independent counsel's work, and I agree.

I tell my colleagues, as a radio announcer would say, about the rest of the story. The independent counsel completed his investigative activities February 2003. The counsel completed and filed his report under seal to the Special Division August 2004. That is very important for every one of us to understand as we consider this amendment. The investigative work is completed. The report is completed.

So what is the holdup in getting this report out to the Congress and to the public? It is not the independent counsel; rather it is the lawyers of the individuals named in the report who have been engaged in one sole pursuit: to foot-drag every inch of the way filing every motion they can to delay, delay, delay. This foot-dragging by the lawyers has been going on for months. It is because of this foot-dragging that the independent counsel has had to continue its work. It has to respond to the mountains of pleas and motions that are filed by these lawyers.

I would like to make another point, and that is that the amendment does two things: It provides that the report will be released and published in 60 days, and by extension that the independent counsel will close up and wind down his office within 90 days of publication of the report and can only be extended by a finding of the court and the publication by that court of an exact time of when it will be shut down.

In addition, under my amendment it makes it clear that the independent counsel shall not perform any investigative or prosecutorial task in the remaining time period after the report is published.

I have had some discussions with my friend, Senator DORGAN from North Dakota, on this subject on the side as I was preparing this amendment, and he has also spoken very eloquently on this subject in a previous day's debate a few weeks back. I want him to know I agree with the concerns that he has that we must see the end of the independent counsel.

My first amendment reflected the same sentiment for closing the office once the report is published. But, unfortunately, as I was looking into the matter more closely, it is not straightforward to just shut down the independent counsel's office. The independent counsel, after publication, needs a short period of time to evaluate claims for attorney's fees, transfer records to the archivist, respond to congressional inquiries and possible litigation.

My hope, and I believe the hope of the independent counsel, is that barring the unforeseen, this all can be accomplished within the 90 days I have within my amendment.

So I want to assure my friend from North Dakota I share his concerns about runaway and unnecessary spending, and would join him in watching this matter closely and will be with him if we are not moving forward at a reasonable pace to bring this operation to an end.

Setting aside the matter of closure, I want to focus on one last point: The contents of this report and why they are so vital. I hope I have a good reputation among my colleagues for doing the constitutional job of oversight that each one of us has been assigned, to make sure that the laws are faithfully executed. I hope I have a reputation of doing oversight work regardless of what political party might be in charge of the executive branch of Government.

While Mr. Cisneros' name is there, and it is natural to see this through a partisan lens, let me assure my colleagues that is not the case. The media reports are giving very credible commentary that the independent counsel's report discusses problems at the Office of Criminal Investigation in the Internal Revenue Service and the Department of Justice. These matters do not involve Mr. Cisneros but raise extremely important questions about the administration of the Tax Code.

As chairman of the Senate Finance Committee, I take with great seriousness accusations of inappropriate activity at the Internal Revenue Service, and also as a senior member of the Judiciary Committee, similar accusations at the Department of Justice. However, as my colleagues know, I cannot legislate or conduct oversight based on whispers or rumors. I need the final report. The American taxpayers have a lot of money in this report. We are talking about millions of dollars. They deserve a right to see this investigation and what their tax money was spent for. More importantly, they deserve for there to be sunshine exposing problems in our Government and for legislators to be informed so that we can take appropriate action, in my case, within the Senate Finance Committee that I chair, or within the Judiciary Committee on which I serve.

In conclusion, this is a vitally important amendment. It will give Congress a report that will provide tremendous insight into problems in the administration of the Tax Code and other governmental misconduct. The amendment will also bring closure to the work of the independent counsel, a matter of concern to many and expressed eloquently, as I have said before, by the Senator from North Dakota. I think we provide a reasonable timeframe of 90 days after the report is published to wind down this office, with only the court allowed to continue the office. Further, the amendment also limits the work of the independent counsel to the clerical work of closing the office. My amendment, then, prohibits those things that tend to make things go on and on and never stop—investigations and prosecution.

This may not be a perfect solution to getting this report out that has cost millions of dollars, but it is a fair compromise and one that I think will get the job done. Ideally, the report would just be released, but there are people who maybe do not want this report released—consequently all the legal action that has been holding it up for the last several—now, let's say at least 14 months.

I send the amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Iowa [Mr. GRASSLEY] proposes an amendment numbered 2160.

Mr. GRASSLEY. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 356, between lines 4 and 5, insert the following:

SEC. 408.(a) The division of the court shall release to the Congress and to the public not later than 60 days after the date of enactment of this Act all portions of the final report of the independent counsel of the investigation of Henry Cisneros made under section 594(h) of title 28, United States Code, except for any such portions that contain information of a personal nature that the division of the court determines the disclosure of which would cause a clearly unwarranted invasion of privacy that outweighs the public interest in a full accounting of this investigation. Upon the release of the final report, the final report shall be published pursuant to section 594(h)(3) of title 28, United States Code.

(b)(1) After the release and publication of the final report referred to in subsection (a), the independent counsel shall continue his office only to the extent necessary and appropriate to perform the noninvestigative and nonprosecutorial tasks remaining of his statutory duties as required to conclude the functions of his office.

(2) The duties referred to in paragraph (1) shall specifically include—

(A) the evaluation of claims for attorney fees, pursuant to section 593(l) of title 28, United States Code;

(B) the transfer of records to the Archivist of the United States pursuant to section 594(k) of title 28, United States Code;

(C) compliance with oversight obligations pursuant to section 595(a) of title 28, United States Code; and

(D) preparation of statements of expenditures pursuant to section 595(c) of title 28, United States Code.

(c)(1) The independent counsel shall have not more than 90 days after the release and publication of the final report referred to in subsection (a) to complete his remaining statutory duties unless the division of the court determines that it is necessary for the independent counsel to have additional time to complete his remaining statutory duties.

(2) If the division of the court finds that the independent counsel needs additional time under paragraph (1), the division of the court shall issue a public report stating the grounds for the extension and a proposed date for completion of all aspects of the investigation of Henry Cisneros and termination of the office of the independent counsel.

Mr. GRASSLEY. I yield the floor. I suggest the absence of a quorum.

Mr. REED. Mr. President, I ask the time be charged to each side.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REED. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REED. Mr. President. I ask how much remains of my time.

The PRESIDING OFFICER. The Senator has 7½ minutes.

Mr. REED. Mr. President, I will make a few additional comments in the remaining time with respect to the LIHEAP program and this legislation.

This is a very simple amendment. It adds $3.1 billion. It would bring it up to the level that was authorized in the Energy bill which we considered on this floor several weeks ago, recognizing the authorization levels had to be raised given the increase in prices, given the need for more Americans to access the LIHEAP program.

The energy costs to the average family using heating oil this winter are estimated to hit about $1,500. and that is a significant increase, about $400 over last year. Natural gas could hit over $1,000, an increase of $350. Propane prices are projected to hit $1,400 for the average prices for the whole year of heating, an increase of about $325.

This is particularly burdensome for low-income families and families in poverty. In fact, families who live in poverty spend over 20 percent of their income on heat. That is in contrast to other families, middle- and upper-income families who spend about 5 percent during a heating season. So this is a huge impact, in fact, a more aggravated impact, on low-income Americans.

Frankly, the choice for many seniors is very stark: to heat or to eat. A RAND study pointed out that low-income households reduce their food expenditures by roughly the same amount as their increases in fuel expenditures. They cut back on eating to heat their homes. It doesn't take a RAND study to suggest why that is the case. It is hard for a senior or for anyone who lives in a home where the temperature is 50 or 45 degrees. You can put on sweaters and extra blankets but at some point you have to keep the energy flowing as best you can. They will, in fact, as the studies indicate, avoid eating to heat their homes.

Our LIHEAP program in Rhode Island, as so many programs across the country, is under tremendous stress and strain. Last year they served 26,000 families, but if the President's proposal goes through with $2 billion, they will only be able to service about 21,000 families. So 5,000 families will not get anything; 21,000 families lucky enough to qualify will receive resources, but it will be not as adequate as it was last year to buy heating oil, particularly because the price has gone up so much. So it is again a situation I find difficult to understand, why we cannot summon the will to do something which is so obviously necessary.

This is no innovative program. This is no controversial program. I dare say everyone on this floor would say it is a good program, it makes sense, it helps people who need help, particularly at a time when prices are surging as they are. Yet I hope we can come together and recognize we need something more than words. We actually need the appropriations to help keep these people whole, keep them, literally, warm this winter.

We have all been out to our communities. We have all visited with seniors. I visited with a senior from Rhode Island, a veteran of the U.S. military who is 88 years old—part of that great generation of World War II. He receives LIHEAP support. Frankly, this year even if he receives the same amount of money, it will not buy the same amount of fuel oil and it will be colder in his home. As has been said so often on this floor, and it has to be repeated, we can do much better. We could do much better for an 88-year-old veteran of the U.S. military forces who last year got a little help and this year will get less help. We can do better and we should do better.

We need to fully fund LIHEAP up to the authorized level of $5.1 billion. I think we have to do more, going forward on other energy projects. But let's at least begin with adequately funding the LIHEAP Program.

I hope my colleagues will join my cosponsors, Senator COLLINS, Senator SNOWE, Senator SMITH, Senator COLEMAN on the Republican side, and many others on the Democratic side to ensure that this amendment is passed and we can at least guarantee minimum warmth for our seniors and low-income families across this country.

With that, I reserve the remainder of my time.

Mr. President, I suggest the absence of a quorum. I ask unanimous consent the time be divided equally between both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REED. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REED. Mr. President, I understand that the Senator from Missouri made a motion under the Congressional Budget Act 1974. I move to waive the applicable sections of the act, for the consideration of the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is sufficient second.

The question is on agreeing to the motion to waive section 402(b)(5) of the House Concurrent Resolution No. 95 with respect to the Reed amendment No. 2077.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE) is necessarily absent.

The PRESIDING OFFICER (Mr. COLEMAN). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 53, nays 46, as follows:

[Rollcall Vote No. 261 Leg.]

YEAS—53

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Chafee
Clinton
Coleman
Collins
Conrad
Dayton
DeWine
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
Mikulski
Murray
Nelson (FL)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Santorum
Sarbanes
Schumer
Smith
Snowe
Specter
Stabenow
Sununu
Talent
Wyden

NAYS—46

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Burr
Carper
Chambliss
Coburn
Cochran
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Martinez
McCain
McConnell
Murkowski
Nelson (NE)
Roberts
Sessions
Shelby
Stevens
Thomas
Thune
Vitter
Voinovich
Warner

NOT VOTING—1

Corzine

The PRESIDING OFFICER. On this vote, the yeas are 53, the nays are 46. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained. The emergency designation is removed.

Mr. BOND. I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BOND. Mr. President, I formally raise a point of order that the amendment violates section 302(f) of the Congressional Budget Act.

The PRESIDING OFFICER. The point of order is sustained. The amendment falls.

Mr. BOND. Mr. President, I would inquire if the Senator from North Dakota is prepared to move forward with his amendment?

Seeing no other Senators seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll. The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2133

Mr. DORGAN. Mr. President, I take the floor to withdraw an amendment, but I will not withdraw it for the moment. I will say a few words and then ask that the amendment be withdrawn. I do not need consent to do that as sponsor of the amendment because the yeas and nays have not yet been ordered.

If there were a high school or college student listening, I think it would be a good lesson for them, particularly if they are interested in political science, to understand where we are at this moment from a parliamentary standpoint and why I am withdrawing the amendment I offered yesterday.

Incidentally, this will not be the last my colleagues see of this amendment. We have had it on the floor before. It has been passed by the Senate before, as a matter of fact, dropped in conference. We will not have an opportunity to vote on it now because of the parliamentary circumstances.

So let me describe what it is. First of all, the amendment is germane and relevant to this appropriations bill. I have the right and did offer an amendment yesterday that prohibits the expenditure of funds in this appropriations bill by an organization called OFAC, the Office of Foreign Assets Control, which is a relatively small Federal office deep in the bowels of the catacombs of the Treasury Department. The job of the Office of Foreign Assets Control is to try to track down and intercept the money that supports terrorism, to go find the money that supports Osama bin Laden, to go find the money that supports terrorism.

Well, the Office of Foreign Assets Control does more than that now. In fact, my understanding is they have more people in the Office of Foreign Assets Control tracking Americans who travel to Cuba to take a vacation than they do tracking the money that goes to support terrorism for Osama bin Laden's network.

So let me describe what they do because, as you know, in this country's zeal to punish Fidel Castro—we are going to slap around Fidel Castro; we don't like him; it is a communist country; he is a communist leader; we don't like him; he sticks his finger in our eye repeatedly—we have slapped an embargo for 40 years on Cuba. We also decided if American people travel to Cuba, they shall be fined. So we have restricted the freedom of the American people to travel in order to slap around Fidel Castro.

If you get on a plane today someplace and travel to Cuba, and you do not have a license, here is what is going to happen to you. By the way, you won't be able to get a license because they are offered down at the Office of Foreign Asset Control and over at the State Department, and if you apply for a license to travel to Cuba, they will say no.

But I will give you an example. Kurt Foster went to Cuba. He was under suspicion of having taken a vacation in Cuba. And be darned if he didn't take a vacation in Cuba. He didn't know it was illegal. But he got back to this country and, boy, they tracked him down.

Those folks at the Office of Foreign Assets Control, they have that magnifying glass and the cap with brims on both sides, and they scour around to figure out if there is an American who has gone to Cuba.

They found this guy, Kurt Foster. All right. He purchased an airline ticket to Cuba and failed to declare Cuba as a country visited, and they fined him $7,500. Then he used a credit card while in Cuba, and they fined him $1,000. Then he paid for lodging, food, and drinks while in Cuba—he spent $175 there—and they fined him $10,000 for that. Then he brought back a box of cigars and 27 other Cuban goods at $10 each, and that was a $520 fine.

So Mr. Kurt Foster was fined $19,020 by our U.S. Government. Why? What was the transgression? He visited Cuba. God forbid this man should visit Cuba. But Kurt Foster, that is a man without a face.

Let me just put a face on this issue, as I did yesterday. This is a picture of Joni Scott. I met Joni Scott. She came to my office. She is a wonderful young woman, a missionary, someone with great zeal in her faith.

She went to Cuba to distribute free Bibles on the streets of Havana, Cuba. This wonderful young American woman wanted to distribute free Bibles in Cuba. She did not know you had to have a license. She came back. Our Government tracked her down. They are going to slap a big fine on her for distributing free Bibles in Cuba. That is Joni Scott.

Here is Mrs. Slote. I have also met Mrs. Slote. As you can see, she is about 76, 77 years old in this picture. She is a senior Olympian. She is wearing a bicycling outfit because she likes to bicycle. Joan Slote actually answered an advertisement in a Canadian cycling magazine. So she joined a Canadian cycling group on a tour of Cuba on bicycles. She didn't know it was illegal for an American to travel to Cuba. She came back. Her son had brain cancer, was dying, and she was attending to her son.

In the meantime, our sleuths down at the Treasury Department tracked her down. They were going to slap a $10,000 fine on her, but she didn't get it because she was not home. She was attending to her son who was dying of brain cancer.

So then, the next effort by the U.S. Government was to attach her Social Security. They were going to take her Social Security away. Why? Because she bicycled in Cuba.

These folks in this picture are disabled marathoners, folks in wheelchairs, folks with lost limbs. They are people with the kind of spirit that is in the Special Olympics, who are disabled marathoners. Their big deal was going to be done in Havana, Cuba, the international event. They raised the money. They trained. They looked forward, with great hope, to go to this international event. Guess what. This country denied the opportunity for them to travel to their international event. Why? Because it was in Cuba.

I have no brief for the Castro government. That is not my purpose.

This man, as shown in this picture, by the way, is a Cuban. He came to this country legally. He is an American citizen. He joined the Marines. He went to Iraq and is a hero. This man has a Bronze Star for serving this country. Both his sons are still in Cuba. One of them was desperately ill. He came back from fighting in Iraq, where he earned a Bronze Star because of his heroism. Then he wanted to visit his sick son in Cuba, and his Government said: You don't have the freedom to do that. You can't see your son.

That is what his Government said. You fought for freedom in Iraq, but you don't have the freedom here to travel to Cuba to see your son.

I offered a bipartisan amendment yesterday for myself, Senators CRAIG, BAUCUS, and ENZI, two Democrats, two Republicans. That amendment has passed the Senate previously. The amendment simply said: No funds may be used in this appropriations bill to enforce the travel limitations on the American people traveling to Cuba. Once again, what we have done is, we have decided to restrict the freedom of the American people in order to slap around Fidel Castro—not much of a bargain in a democracy.

Senator MURRAY is from the State of Washington. I know a man from the

State of Washington who, after his father was cremated, took his father's ashes to Cuba because his father wanted his ashes dispersed on the grass in the church where he had ministered in Cuba before coming to this country. When his father died, his compliant son did what he was requested to do. He went to Cuba to distribute his father's ashes.

Our Government—God bless those folks in OFAC with those tiny little glasses and that magnifying glass tracking American citizens—tracked him down and levied a fine for taking his father's ashes to Cuba.

Now I offer the amendment. The Senate has previously agreed to the amendment. Sufficient votes exist in the Senate to agree to the amendment. Yesterday a colleague, following the rules of the Senate, came and offered a second-degree amendment. What is the second-degree? It is about abortion. So the reason I say this is an interesting lesson for people involved in political science is, we now have an amendment that deals with the issue of the freedom of the American people to travel to Cuba second-degreed with an amendment dealing with abortion.

My colleague Senator ENSIGN offered this second-degree amendment, the Child Custody Protection Act, related to the transportation of minors and circumvention of certain laws relating to abortion. It is an interesting lesson in how our system works around here.

We will offer this again. One of my colleagues was intending to offer a second-degree so we wouldn't have this mischief, but that second-degree didn't get offered. So the result is, another colleague comes over and offers an abortion amendment on a very simple, germane, and relevant amendment dealing with the subject of travel to Cuba.

One of the things that makes the American people a little less than ecstatic about the way we work here is things that ought not use any brainpower at all, such as deciding to penalize Americans, taking away the freedom of the American people to travel because we don't like the Cuban government. We don't do that with China. China is a communist government. We say the best way to move people toward better human rights and democracy is through trade and travel. So we encourage people to go to China. Vietnam is a Communist country. We do the same—engagement, trade, and travel. But we say with respect to Cuba, what we have to do is restrict the freedom of the American people. That is unbelievably ignorant as a public policy.

We will change it one day, and there are sufficient votes in the Senate to change it. But because there is now a second-degree amendment dealing with abortion attached to the amendment, I will withdraw the amendment this afternoon and simply tell my colleague who offered this that he will have delayed this a bit. But inevitably, I and my colleagues will come to the floor. We will have a sufficient opportunity to prohibit this kind of legitimate but certainly strange mischief with a second-degree amendment on abortion attached to a Cuba travel amendment. It is going to happen. We are going to vote on this and we will, as we have in the past, vote to eliminate the restriction of the American people's right to travel.

I know why this is happening. This is all about politics. It is about politics in Florida and politics in New Jersey and perhaps a couple other areas, but mostly Florida and New Jersey. It is reaching out to those people who block the vote because the tougher you sound on Cuba, the better for them. So the President, about 3 years ago, decided to tighten it up even further, shut it down. Family vacations, family opportunities to interact, to send money home, he has tightened it all down.

Incidentally, there is an amendment that was passed that is now law offered by myself and then-Senator John Ashcroft. Talk about odd fellows; Senator Ashcroft and I together offered an amendment that became law that finally opened up a bit the ability of our country to sell food into Cuba. We had been unable to even move food into Cuba. Senator Ashcroft and I offered the amendment. It is now law. We can do that. The administration is now trying to shut that down. I fixed that in this subcommittee at the subcommittee level. I have a provision in this bill that shuts down the administration's opportunity to play mischief with the opportunity for our farmers to sell food into Cuba. It is immoral to use food as a weapon. We know that. This isn't rocket science.

I wanted to explain as I withdraw this amendment for the moment why I am forced to withdraw it: because the majority slaps an abortion amendment on an amendment dealing with the American people's right to travel. It is unbelievable. It is within the rules, but still unbelievable.

Those who have gained a few days respite on this will not apparently have to vote today when I withdraw the amendment, but they will vote. When they vote, the Senate will approve the underlying amendment that I, Senator CRAIG, Senator ENZI, and Senator BAUCUS have offered.

AMENDMENT NO. 2133, WITHDRAWN

With that, I withdraw the amendment No. 2133.

The PRESIDING OFFICER. The amendment is withdrawn.

Mrs. MURRAY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COBURN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2165 TO AMENDMENT NO. 2065

Mr. COBURN. Mr. President, I call for the regular order with respect to amendment No. 2065, and I send a second-degree amendment to the desk.

The PRESIDING OFFICER. The amendment is now pending.

The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 2165 to amendment No. 2065.

Mr. COBURN. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To make a perfecting amendment)

At the appropriate place, add the following:

Section 144(g)(1) of title 23, United States Code, is amended—

(1) in subparagraph (A)(ii), by striking "for the construction of a bridge joining the Island of Gravina to the community of Ketchikan in Alaska" and inserting "for the reconstruction of the Twin Spans Bridge connecting New Orleans, Louisiana, and Slidell, Louisiana";

(2) by striking subparagraph (B); and

(3) by redesignating subparagraph (C) as subparagraph (B).

(b) Item number 14 of the table contained in section 1302 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59; 119 Stat. 1144) is amended—

(1) by striking "AK" and inserting "LA"; and

(2) by striking "Planning, design, and construction of Knik Arm Bridge" and inserting "Reconstruction of Twin Spans Bridge connecting New Orleans and Slidell, Louisiana".

(c) The table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59; 119 Stat. 1144) is amended—

(1) in item number 406—

(A) by striking "AK" and inserting "LA"; and

(B) by striking "Planning, design, and construction of a bridge joining the Island of Gravina to the Community of Ketchikan" and inserting "Reconstruction of Twin Spans Bridge connecting New Orleans and Slidell, Louisiana";

(2) in item number 2465—

(A) by striking "AK" and inserting "LA"; and

(B) by striking "Planning, design, and construction of Knik Arm Bridge" and inserting "Reconstruction of Twin Spans Bridge connecting New Orleans and Slidell, Louisiana";

(3) in item number 3323—

(A) by striking "AK" and inserting "LA"; and

(B) by striking "Earthwork and roadway construction Gravina Access Project" and inserting "Reconstruction of Twin Spans Bridge connecting New Orleans and Slidell, Louisiana"; and

(4) in item number 3677—

(A) by striking "AK" and inserting "LA"; and

(B) by striking "Planning, design, and construction of Knik Arm Bridge" and inserting "Reconstruction of Twin Spans Bridge connecting New Orleans and Slidell, Louisiana".

(d) Item number 2 of the table contained in section 1934 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109-59; 119 Stat. 1144) is amended—

(1) by striking "AK" and inserting "LA"; and

(2) by striking "Improvements to the Knik Arm Bridge" and inserting "Reconstruction of Twin Spans Bridge connecting New Orleans and Slidell, Louisiana".

(e) Sections 1949, 4410, and 4411 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109-59; 119 Stat. 1144) are repealed.

(f) No funds made available under this Act shall be used to plan, design, or construct, in the State of Alaska—

(1) the Knik Arm Bridge; or

(2) a bridge joining the Island of Gravina to the community of Ketchikan.

(g) Nothing in this section or an amendment made by this section affects the allocation of funds to any State other than the States of Alaska and Louisiana.

Mr. COBURN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COBURN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COBURN. Mr. President, I have offered a second-degree amendment that deals with a subject that has been on everyone's mind. It has been in every newspaper in the country. It is about almost $500 million for bridges in the State of Alaska that, although they may be needed, are priorities, as we have discussed today, that are very low on the totem pole in terms of the needs of the country.

I would also state, as I have earlier today, that we find ourselves in a significant difficulty as a nation. We had the worst natural disaster to hit our country we have ever experienced. We are in a war. We added $600 billion to our national debt this last year. That is not our national debt. That is our children's and our grandchildren's national debt. That is over $2,000 per man, woman, and child. In this country this year we added to what they are going to have to pay back, compounded at 6 percent over the next 30 years, $30,000 to $40,000.

I think it is important for us to look back at history a little bit to help us get redirected in terms of our priorities. There was a President who faced tremendous difficulties in our Nation. His name was Franklin Delano Roosevelt. He made a lot of great decisions for our country—enabled us to win World War II through his leadership. But less well known is FDR's decision to slash nondefense spending by over 40 percent between 1942 and 1944. Among the programs that were eliminated entirely were FDR's own prized creations. By 1944, such pillars of the New Deal as the Civilian Conservation Corps, the National Youth Administration, and the Work Projects Administration had been abolished. In 1939, those three programs had represented one-eighth of the Federal budget. Roosevelt and the Congress of his day knew what to do in an emergency. Indeed, he chose to begin the reordering of budget priorities long before Pearl Harbor.

In October 1939, 1 month after Hitler invaded Poland, Roosevelt wrote Harold Smith, his budget director, ordering him to hold budgets for all Government programs at the present level and below if at all possible. The next month he told him the administration would not undertake any new projects, even laudable ones. He told reporters that the next year his policy would be to cut nonmilitary programs to the bone. He kept his word. Between 1939 and 1942 spending for nondefense programs was cut by 22 percent. Everyone realized that no matter how popular or deeply entrenched the program, the Nation's priorities had to change.

I believe we find ourselves as a nation at that point in time again. With the catastrophe we have seen to our gulf coast, with the war in Iraq, with the energy crisis, and with the budget deficit, it is time for us to change our priorities.

The second-degree amendment does not save the amount of money I wanted it to save, but it does save $75 million, and it takes that $75 million and sends it to the Lake Pontchartrain Bridge. It eliminates two bridges that should be very low priority in terms of the infrastructure of this country. All the money that is not taken from those bridges can be reprogrammed, portions of it can be reprogrammed to the State of Alaska for things they and their elected representatives would deem might be more important.

I think it is important also to know what the people of Alaska think. I ask unanimous consent to submit for the RECORD quotes from letters to the editor and editorial opinions from the major newspaper in Alaska on the status of these two bridges.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LETTERS TO THE EDITOR FROM ALASKANS—ALASKANS CALL TO GIVE BRIDGES MONEY TO HURRICANE VICTIMS

"Thinking about the immense disaster in the Gulf states, it occurred to me that the most effective thing that Ketchikan residents could do to help would be to return the money earmarked for our Gravina Bridge."—Dave Person, Ketchikan, Stories in the News, Sept. 3, 2005.

"We must all seriously demand that our Alaska congressional delegation take immediate steps to recall and to redistribute the millions of dollars now earmarked for nonessential and highly questionable and controversial new Alaska bridges, which include a Lynn Canal road."—Alan Munro, Juneau, Juneau Empire Letters, Sept. 7, 2005.

There is no free federal money; what we Alaskans get is money that some other state—and its people—don't get. Even those many of us who've recognized that our congressional delegation has brought in more than our fair share have found it easy to turn our heads and let it be. But now we have a vivid picture of the devastation that can come to others when we "win" the funds for nonessential and even controversial projects that others desperately needed for survival."—Doreen Ransom, Anchorage, Anchorage Daily News Letters, Sept. 25, 2005.

"I'm embarrassed to see the town of Ketchikan become synonymous with a $300 million bridge," . . . Troll said he believes that, if there were an election right now on using the money for the bridge or for building up the New Orleans levees, almost everyone in town would say no to the bridge.—Ketchikan artist Ray Troll, in "Bridge to Nowhere? National spotlight has Ketchikan uncomfortable", Sean Cockerham, Anchorage Daily News, Sept. 18, 2005.

"The decent thing—that is, the American thing—for Alaskans and our congressional delegation to do would be to send these ill-gotten half-billion dollars south to address the real needs of millions, rather than squandering them here on corporate welfare "legacy" projects that line the pockets of a few."—John Doyle, Anchorage, Anchorage Daily News, October 7, 2005.

"This money, a gift from the people of Alaska, will represent more than just material aid; it will be a symbol for our beleaguered democracy."—Art Weirner, Anchorage Daily News Letter, Sept. 13, 2005.

"Alaska's lone congressman can take some gut satisfaction in telling critics of his transportation bill plums for Alaska to "kiss my ear." But he'd be wise to lend an ear to what the rest of the country is grumbling about Alaska.

A touch of grace may do more for Alaska than a crude invitation. After all, the state just announced that Permanent Fund dividend checks of $845.76 will be going to every Alaskan this fall. That's $510 million, about $60 million more than the federal money assigned to the Knik Arm Crossing and the Ketchikan Bridge to Gravina Island."—"Kiss what? Did he mean, kiss my earmark,", Anchorage Daily News Editorial, Sept. 24, 2005.

"Amen . . . send our bridge money to New Orleans."—Bobbie McCreary, Ketchikan, Stories in the News, Sept. 6, 2005.

[From the Anchorage Daily News]

ALASKANS WHO SENT DELEGATION TO D.C. OWE HURRICANE SURVIVORS AN APOLOGY

As Alaskans view from afar the physical destruction and social devastation caused by Hurricane Katrina, we should be mindful of the distorted priorities promoted by Rep. Don Young and Sen. Ted Stevens. While they pork-barreled hundreds of millions of dollars to build boondoggle bridges in Anchorage and Ketchikan to benefit their friends and political contributors, they and their partners in the Bush administration repeatedly cut the funds requested by the Army Corps of Engineers, Federal Emergency Management Agency and state and local governments for projects that could have prevented the New Orleans disaster.

Sen. Stevens and Congressman Young should be ashamed of their greed and corruption that has harmed so many and brought disgrace on our nation. Our entire congressional delegation has also argued on behalf of their energy-industry friends against overwhelming scientific evidence of the human-caused global warming that is exacerbating the destructiveness of storms and destroying our fragile Alaska ecosystems.

Alaskans owe an apology to the people of New Orleans, to Alaska Native people and to the nation for their selfish shortsightedness in sending these scoundrels to Washington and voting to keep them there.

Let's Donate a Bridge to Victims of Katrina

September 3, 2005.

Thinking about the immense disaster in the Gulf states, it occurred to me that the most effective thing that Ketchikan residents could do to help would be to return the money earmarked for our Gravina bridge. I would assume that most Ketchikan residents would agree that thousands of suffering fellow citizens and billions of dollars of destroyed economic and social infrastructure are of higher priority than our ability to drive to the airport.

Dave Person,
Ketchikan, AK—USA.

[From the Anchorage Daily News, Sept. 13, 2005]

Just Say No to Pork, Alaska—Vote Ted Stevens, His Pals Out of Office

If we are to control federal spending, we must get a handle on local, parochial interests. People keep telling me that Alaska is a very conservative place as far as fiscal issues go. Well, to me that means keeping governmental spending under control.

Do your part, Alaska, and vote Ted Stevens and his pigsty of friends out, and say no to pork. Quit being selfish and expecting your politicians to bring home the bacon.

Joe Hardin.

Mr. COBURN. I will quote a few of those, if I might. The first is from Dave Person, Ketchikan, the very place where 50 people live and a $230 million-plus bridge is going to go to service them. So you can get perspective on this, $230 million for 50 people, where there is a ferry service already running every 15 to 20 minutes that takes 7 minutes to cross, is enough money to buy each one of them a Learjet. Think about that for a minute—a bridge longer than the Golden Gate for 50 people to a small area in Alaska. That is enough money to buy every one of the inhabitants a speedboat to cross any time they wanted. They could cross and leave the speedboat for somebody else to pick up and buy a new one the very next day and still not spend this much money.

So the fact is, it is the priorities we have in our country that are askew today. The priority of spending almost one-half billion dollars on bridges to a very small section of the population needs to be addressed.

What this amendment does is prohibit and directs no money to be spent on these bridges. That does not mean Alaska will not get the same amount of money. It will get the same amount of money less $75 million, and it directs $75 million to go to the twin span bridges of I–10 that were knocked out during Hurricane Katrina.

My hope was that I could move all the money, but under the technical ways we run bills and under the formula of the Transportation Department, that is not possible. I believe the American people would like to see all of that. But let me quote Dave Person from Ketchikan: Thinking about the immense disaster in the Gulf States, it occurred to me the most effective thing we can do as residents of our island would be to return the money earmarked for our Gravina Bridge.

This is the people of Alaska, with compassion. They know what is right. They know what we should be doing.

Here is another citizen from Alaska: I am embarrassed to see the town of Ketchikan become synonymous with a $300 million bridge. If there were an election right now on using the money for the bridge or building up the New Orleans levees or repairing a bridge in New Orleans, almost everyone in town would say no to the bridge. Anchorage Daily News.

And: The decent—that is, the American thing—for Alaskans and our congressional delegation to do would be to send these one-half billion dollars south to the real needs of millions, rather than spending them here in Alaska on legacy projects that benefit a few.

Anchorage Daily News, September 13, 2005:

> This money, a gift from the people of Alaska, will represent more than just material aid; it will be a symbol for our beleaguered democracy . . .
>
> I would assume that most Ketchikan residents would agree that thousands of suffering fellow citizens and billions of dollars of destroyed economic and social infrastructure are of higher priority than our ability to drive to the airport.

The I–10 twin span bridge in Louisiana is a 5.4-mile stretch of Interstate 10 over Lake Pontchartrain. It connects New Orleans with the city of Slidell. The twin span serves as the major route into New Orleans for interstate commerce, resident mobility, and working commuters. Storm surge from Hurricane Katrina caused extensive damage to both spans of the bridge, knocking 435 concrete segments out of alignment. Each segment weighs 309 tons. The eastbound span was repaired with several undamaged segments from the westbound span and was just opened to two-way traffic. The westbound span is not scheduled to be open until at least January. The Louisiana Department of Transportation plans to solicit bids on replacement of the twin-spin bridge in the spring of 2006. Each three-lane span will be elevated to a height to avoid the type of damage that Katrina caused. The preliminary estimate of construction cost is $500 million and it will take 3 years to build. The recently enacted Transportation bill included the $223 million for the Ketchikan Bridge and to Gravina Island, a total of $229 million, or $452 million for two bridges. The merits of both these projects have been questioned, wildly questioned, including by citizens of Alaska. The Ketchikan Bridge has been called the bridge to nowhere—$4,460,000 per resident to build a bridge that already has an adequate, safe, effective, and efficient ferry service. This bridge will be nearly as long as the Golden Gate Bridge and taller than the Brooklyn Bridge. The Gravina Bridge would replace the 7-minute ferry, as I have mentioned.

The second Alaska bridge, the Knik Arm Bridge, is designed as a 2-mile toll bridge across the Knik Arm Waterway in Anchorage to Fort McKenzie, and the Matanuska Valley.

No more than a few dozen individuals live in the area the bridge will serve. According to the Knik Arm Bridge and Toll Authority, the project will cost $400 to $600 million. Using the estimates from a decade ago, the project would cost $1.5 billion when adjusted for inflation.

Before it is said and done, this bridge will probably require another $1 billion of taxpayer money—well within the massive transportation bills we will be passing over the next years. But the question I ask is if repairing a vital interstate bridge in Louisiana, used by thousands and thousands and thousands of drivers every year, hundreds of thousands of drivers, should be a higher priority than constructing two massive bridges of dubious value and little merit. We are now at $8 trillion in debt as a nation, and $600 billion of that came this last year. It is time we think about priorities.

It is my understanding this amendment is going to be vigorously opposed by the home State Senators. This has nothing to do with my respect for them but has everything to do with my respect for our country and our desire to change the way we put our priorities on spending. If you think about the unfunded liabilities that are coming, $37 trillion on Medicaid and Medicare, another $8 or $9 trillion on Social Security, a debt that is soon to reach, by 2009, 2010, $12 trillion, how much more can we give to our kids, our grandchildren?

Is it not a time when we at this point, in consideration of everything that is in front of us, the problems, the magnitude of the problems, the structural deficit we have, make the hard choices about picking winners and losers that affect the most people? But more importantly, isn't it about time we change the whole attitude about how we operate in terms of cutting spending? The American people want to help the people of Louisiana, Mississippi, and Alabama. There is no question. They also want to help the people of Alaska, but the Alaskan people have already said they are willing to help with this. We ought to do this. It is only $75 million that will go toward the cost, but that is $75 million that won't get transferred in emergency spending for our children and our grandchildren. It is something that is the right thing to do. It is something that is the timely thing to do. And it is something we ought to do not for right now but for our children and our grandchildren.

I also would note that this still gives tons of flexibility to the State of Alaska. There are two types of money in the highway bill, discretionary money and program money. This only takes away discretionary money and limits the program money on these two bridges, for anything that comes out of discretionary will be than more than paid for by this elimination.

With that, I will yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I believe before long, when they complete a markup, that the Senator from Alaska—probably both Senators will be here. They will have an opportunity to speak, and I am confident we will hear a very different side of that story. I do not presuppose to speak for the Senators from Alaska, but let me tell you my own personal observations on the situation.

No. 1, it certainly would not have been my priority. Right now, there are about 50 people on the island to which Ketchikan would be connected. The island has an airport on it. They view this as a major economic development area for the community of Ketchikan.

The town has been devastated because of the Federal cutoff of timber sales which used to be the major industry in Ketchikan, so they are looking to develop alternative sites. Ketchikan is right on the side of a very steep mountain. It is essentially one long narrow main street. Once you go off the main street, you are going up the hill. Not a great place for economic development.

I was there, and I spoke with the leaders in the town. They view this as their salvation. They think this is extremely important to their continued economic development. Nevertheless, I see some real problems with it because that bridge would go across an inlet which is a major floatplane landing area for floatplanes coming in and out of Ketchikan. In addition, large cruise ships 250 feet tall come through there. They would have to build a bridge over that.

I am not sure this would make sense. But the fact remains, this is not a decision which is being made by people from Missouri and Washington and other places. I did not like it, but I am an outsider.

The chairman of the House Transportation and Infrastructure Subcommittee made it a top priority. It is telling the people of Alaska that we are going to take away highway money, which was paid into the highway user trust fund, and put it into obviously a badly needed reconstruction project in Louisiana, which is going to be funded by the emergency appropriations bills that will be coming before us.

Secondly, I happen to believe that the money is not going to be spent unless the people of all of Alaska and their leaders are convinced it is the right place to spend it. Why do I know that? When I first came to Washington, I thought it would be a great idea to build a small road someplace. I put an earmark, a modest amount, in a bill for work on a little highway. The department of transportation in Missouri did not agree with it. That money never got spent. Roads get built, bridges get built in areas where the State transportation authority, whether it be the commissioner or the Governor, wants them to be built.

There is a study ongoing as to whether this bridge is needed, whether a tunnel would be more efficient, or whether a speedier ferry system would work out. The ferry is charming—not really fast going across from the airport to Ketchikan, but it will get you there. What is the best way to handle it? My own personal view is that the people of Alaska will make that decision. I question whether they would move to go ahead with that bridge. We will have an amendment, which is being prepared, that will say the bridge should not be built until the badly needed bridge between New Orleans and Slidell is built, during which time I believe the Alaska transportation authority is studying it before it would even begin to be built. I believe that is a more appropriate way to deal with this question.

I have heard lots of people complaining about this bridge, but, again, most of them do not know the situation in Ketchikan. While I question it, it is not my job to say what the transportation priorities of Minnesota are or Alaska or Washington or other States. It raises a question in my mind, and I understand why my colleague raised it.

I think before we move on this amendment, we will want to hear from the Senators from Alaska and look at an alternative amendment which I believe would satisfy most people's questions to make sure a badly needed bridge in Louisiana is completed and also that nothing goes forward on the Alaska bridge until there is a study completed and the transportation authority in Alaska makes a decision.

The PRESIDING OFFICER. The Senator from Iowa.

AMENDMENT NO. 2160, AS MODIFIED

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Grassley amendment be taken up. We can handle it in about 2 or 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, I send a modification to the desk and ask that my amendment be modified, which I have the right to do.

The PRESIDING OFFICER. The Senator does have a right to modify his amendment. The amendment is so modified.

The amendment, as modified, is as follows:

On page 356, between lines 4 and 5, insert the following:

SEC. 408.(a) The division of the court shall release to the Congress and to the public not later than 60 days after the date of enactment of this Act all portions of the final report of the independent counsel of the investigation of Henry Cisneros made under section 594(h) of title 28, United States Code, except for any such portions that contain information of a personal nature that the division of the court determines the disclosure of which would cause a clearly unwarranted invasion of privacy that outweighs the public interest in a full accounting of this investigation. Upon the release of the final report, the final report shall be published pursuant to section 594(h)(3) of title 28, United States Code.

(b)(1) After the release and publication of the final report referred to in subsection (a), the independent counsel shall continue his office only to the extent necessary and appropriate to perform the noninvestigative and nonprosecutorial tasks remaining of his statutory duties as required to conclude the functions of his office.

(2) The duties referred to in paragraph (1) shall specifically include—

(A) the evaluation of claims for attorney fees, pursuant to section 593(l) of title 28, United States Code;

(B) the transfer of records to the Archivist of the United States pursuant to section 594(k) of title 28, United States Code;

(C) compliance with oversight obligations pursuant to section 595(a) of title 28, United States Code; and

(D) preparation of statements of expenditures pursuant to section 595(c) of title 28, United States Code.

(c)(1) The independent counsel shall have not more than 45 days after the release and publication of the final report referred to in subsection (a) to complete his remaining statutory duties unless the division of the court determines that it is necessary for the independent counsel to have additional time to complete his remaining statutory duties.

(2) If the division of the court finds that the independent counsel needs additional time under paragraph (1), the division of the court shall issue a public report stating the grounds for the extension and a proposed date for completion of all aspects of the investigation of Henry Cisneros and termination of the office of the independent counsel.

Mr. GRASSLEY. Mr. President, I also ask unanimous consent that Senator DORGAN be added as my only cosponsor on this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, in 15 seconds I wish to say that I appreciate very much the accommodations Mr. DORGAN has made and the fine dialog we had in bringing a compromise to my amendment. I compliment him on the work he did on this issue 2 or 3 months ago on a similar amendment. I appreciate very much the cooperation we have had.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I am pleased to have worked with my colleague from Iowa. He offered a similar amendment to the one I offered some months ago. We have worked out a modification of that amendment. I believe it advances the right interest here.

Let me describe what this does. It deals with an independent counsel and the funding for an independent counsel and the report that should be published by that independent counsel. This independent counsel was for investigating former Secretary Cisneros where some money allegedly had been paid to someone else, lying to the FBI, et cetera. So an independent counsel was created. That was nearly 11 years ago. That independent counsel is still working, spending at the rate of about $2 million a year.

In 1995, the charge existed which caused the independent counsel to be created. In 1999, Mr. Cisneros pled guilty. In 2001, Mr. Cisneros was given a Presidential pardon. It is all gone, but the independent counsel is still working nearly 11 years later.

I previously offered an amendment that had passed the Senate but then died in conference that would just shut off the money. My colleague from Iowa has perhaps even a more thoughtful amendment, but it is one I fully support and am pleased to join him on today.

The reason I am is that the columnist, Mr. Novak, wrote that the purpose of the original amendment was to prevent a report from being filed. Mr. Novak is never in doubt but not always right. My interest was not in a report at all. The report, I understand, is with the three-judge panel. I think everybody ought to see the report.

This amendment says 60 days from enactment, the report must be made public with proper safeguards, as the Senator from Iowa has outlined in his amendment, and 45 days after that, the funding stops for the independent counsel.

It is the right thing to do. My colleague from Iowa is someone who looks out after the taxpayers' dollars on a range of issues, and I have joined him on many of them. I am pleased to stop the funding for an independent counsel that has been in business 11 years and seems to be able to do everything except stop spending money.

Let's get the report. The subject of the report pled guilty 6 years ago and was the recipient of a pardon 4 years ago. It is time to stop the funding. That is what the amendment does.

I am pleased to be a cosponsor with my colleague from the State of Iowa, Mr. GRASSLEY.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, we have followed this discussion for a long time. This independent counsel has been working on this investigation since I was a very junior Member of the U.S. Senate. Not only has my hair gotten gray, but I think the independent counsel has gotten a lot grayer as well. Not only does the clock keep running, but the expense keeps running.

At the same time, there were very serious allegations raised to the independent counsel, and those, I gather, have had findings attached to them, whether they were accurate or not, and it is time we brought this to a close and find out what the independent counsel found because it goes to the operation of the Department of Treasury and other agencies in the Federal Government. If he found a problem, it is time we go about fixing the problem.

I know the Judiciary Committee and the Finance Committee are very much interested in this. Our committee is interested in it.

I thank my colleague from Iowa and my colleague from North Dakota. I ask to be added as a cosponsor because all good things come to an end, and even independent counsel investigations come to an end.

The PRESIDING OFFICER (Mr. CORNYN). Without objection, it is so ordered.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to amendment No. 2160, as modified.

The amendment (No. 2160), as modified, was agreed to.

Mr. BOND. I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, I want to thank the chairman and ranking member of the subcommittee for the work they have done on this bill and one thing in particular that is of concern to me and my constituents, which is Amtrak funding. I would like to, in particular, thank the two leaders for their outstanding support of Amtrak. It is a vital and important part of the transportation infrastructure of the Commonwealth of Pennsylvania. Philadelphia, in particular, and southeastern Pennsylvania benefit greatly from the relief of congestion off our highways which are incredibly congested. Amtrak provides great service up and down the Northeast corridor. We happen to be right in the middle of that corridor in Philadelphia. Philadelphia is now the second busiest station, second only to New York, on that corridor, and it is vitally important that sufficient funds are available. The $1.45 billion that is in this bill is $250 million more than last year, which we appreciate, and almost $300 million more than what the House has appropriated in their bill.

I wished to come and thank the chairman and ranking member of the committee. I think the fact that we have not seen any Amtrak amendments to increase the funding shows we have worked very hard together to get a good, solid number to go into conference, with the hope that we can get good, strong support for this vitally important part of southeastern Pennsylvania's transportation network.

I want to again thank the chairman and ranking member for their excellent work.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, the highway reauthorization bill recently passed the Congress. It was several years in the making and the result of a compromise. Now one of our colleagues feels it is his responsibility to rewrite portions of that bill to achieve his goals, not those that are expressed in the law itself.

Unfortunately, the manner in which the Senator wishes to do this has no impact on his constituency or any other constituency except Alaska. I fought for statehood as a member of the Eisenhower administration. I have been here now almost 37 years. This is the first time I have seen any attempt by any Senator to treat my State in a way differently from any other State. It will not happen. It will not happen.

I can remember many times when other Senators have stood on the floor and used parliamentary devices that kept people up for 2 to 3 days. This is not the way to treat a State. We are a sovereign State. If the Senate wishes to take part of the highway money and share it with New Orleans, we would be happy to join any other State. We would be happy to make a fair contribution in any other program. We have already notified our State that many of the things we have been able to get funding for in the past may not be available now for a period of time until we build the area affected by Katrina or Rita.

Our State suffered the largest disaster in America preceding Katrina, the 1964 earthquake. I remember it well. I remember being a young lawyer and being forced to borrow money to keep the doors of our law firm open; to borrow money to repair my home that was destroyed by that earthquake partially; to borrow other money to help in terms of the concepts of rebuilding in that area.

Our State faced that recovery, and I think we understand what the people of New Orleans and the Katrina and Rita areas face. We now have another such storm coming upon us.

The amendment that is before us now will affect only Alaska. It will help Louisiana. We want to help Louisiana but not solely at the expense of Alaska. That is not a way to treat a sovereign State. This is something on which I think every Senator must examine his or her own conscience. What would they do if they were faced with the proposition that only their State's allocation of funds under a protective program would be taken and given to another State at the time of disaster?

This is not the way to meet a disaster need, to turn to the smallest—we have the smallest allocation per area of any State in the Union for roads. We only have a very small road system. The reason is that so much of our State has been withdrawn, and it is not possible to build roads through the Federal lands that are set aside for parks, wildlife refuges, wild and scenic rivers, wilderness areas. We are limited, and we must build bridges so that we can tie together two areas that are inaccessible otherwise.

That is because of withdrawals and set-asides of lands in our State that are owned by the Federal Government.

I ask my friend—and he is my friend—from Oklahoma, how would he explain to his people at home, if he went home after the Senate had taken money away from his State previously authorized by law and signed by the President?

That is not the way to treat a sovereign State. These funds that are necessary for bridges in Louisiana must be provided. That is a given. After the disaster in Florida, when I was the chairman of the Appropriations Committee, notwithstanding the opposition of the administration, I assisted the delegation from Florida to obtain money to rebuild their bridges and roads. That was from the General Treasury. That may have caused a deficit. We tried our best to offset it, and I think to a major extent we did offset it.

The request that has been made now to offset gulf coast spending using the highway bill money, only that allocated to the State of Alaska, is unacceptable to this Senator.

I am now President pro tempore of the Senate, the second oldest Member of the Senate, the fourth in service in the Senate, and I again say to my friend from Oklahoma I have never seen it suggested to single out one State and say, You pay for a disaster that happened 5,000 miles away.

We want to shoulder our fair share of the burden. We will do so. Those who want to look at this amendment as some sort of amendment that should be adopted because of misleading stories in the press, I warn you, it could happen to you, too. These bridges are necessary. Just take the one across the Knik Arm near our largest city of Anchorage. Anchorage is surrounded by water on two sides and by a military reservation on one side and a national forest on the other. There is no way to expand. Across this Knik Arm is land owned by the State and by private people that we could expand to. We have been trying to get a bridge across there for as long as I can remember. But because we are a small State, it is hard to do.

The time came when one of the Members of our delegation was chairman and he kept pressing and pressing and finally convinced his colleagues that bridge should be funded in a way that takes a sizable portion of our State's funding under formula money, and a portion of the so-called above-the-line money, money for grants for special projects, and made it possible that the Knik Arm bridge could be built.

The other bridge is in the southeastern area. It is the largest forest in the United States and is practically all withdrawn, practically all owned by the Federal Government and set aside for wilderness areas or nonpublic uses. There is one portion available to us, but it takes a bridge to get to it. That is State land and private land, the only land, really, in that kind of area that can be developed because all the rest of it is owned by the Federal Government and set aside, with the exception of some Native lands that are a little bit farther away.

We can argue about the needs. That argument should have been made at the time the highway bill passed. The highway bill allocated money for those. It comes out, not from the Treasury, but out of funds paid by people who buy gasoline and people who buy parts for cars, people who buy various things that require them to contribute to the highway fund.

I have come quite often to the floor and described my State to the Senate. I remind the Senate, we have half the coastline of the United States. We are one-fifth the size of the whole United States. We have more withdrawings for parks, wildlife refuges, wild and scenic areas, wilderness areas than all the rest of the States put together. We need bridges because we need to get from one private area to another private area.

When I first came to the Senate, funds were allocated to a State based on the amount of land that was Federal land in a State that was withdrawn. That was dropped after Congress, in its wisdom, withdrew so much of Alaska. If we had the old formula, I can tell you, the Senator from Oklahoma wouldn't even understand the money we would get because more than half of the Federal land in Alaska is withdrawn, and the Federal Government will own, in any event, almost two-thirds of Alaska no matter what happens in the future.

To have a representative of the Federal Government say Alaska doesn't need bridges, take them away from them and repair those bridges that went down in the disaster is absolutely wrong. Absolutely wrong.

I remember as a young man in California when someone suggested there ought to be a bridge, what we call the Golden Gate, over the San Francisco Harbor. People said: You can't do that. That is a bridge to nowhere. I remember those words, "a bridge to nowhere," a bridge up in Marin County where hardly anybody lived. It was a place for cows and ranchers. Today what is it? It is a thriving part of the great State of California.

How about the bridge from New Orleans to Baton Rouge—absolutely going into wilderness. No one ever expected it to develop. That is part of the area that suffered from the disaster because it was so heavily developed.

How about the bridges that cross island to island going down the Keys in Florida? I remember as a young man going overseas, going to the edge of that area. You couldn't travel by road. You had to have a boat like you do in Alaska. You still have to do that in Alaska. There are no bridges between Alaskan islands. But go to Florida and where are they? It is a beautiful drive. Every one of those bridges was paid for by highway money.

There were those who said at the time: That is a waste of taxpayers' money. It wasn't taxpayers' money anyway. It is highway-user money, and highway-user money should be used for disasters only on the basis considering what the impact is on the highway system itself.

I have a unique role in my State because I not only served in the Eisenhower administration, trying to urge the admission of Alaska to enter the Union, but it was my honor to come here after Alaska had only been a State for 10 years. In December I will have been here 37 years, as I said.

I come to warn the Senate, if you want a wounded bull on the floor of the Senate, pass this amendment. I stood here and watched Senator ALLEN teach the Senate lesson after lesson after something was done to Alabama that he didn't like.

I don't threaten people; I promise people. I came here and swore to uphold the Constitution of the United States. I came here to represent a State that is an equal member of this Union. Notwithstanding how many people are there, we are to be treated the same as any other State. On the floor of the Senate we are equal to any other Senators, my colleague and I. This amendment is an offense to me. It is not only an offense to me, it is a threat to every person in my State. We came here to have the same rights, the same privileges that were made available to any other State and to the people who live in those States. While we are one-fifth the size of the United States, we only have 13,485 miles of road. That is less than King County, WA. Why? Because the Congress, in its wisdom, has withdrawn so much of our land, as I said, that you can't build roads.

Oklahoma is one-eighth the size of Alaska. It has almost 10 times as many roads.

If the concepts involved in this bill were applied to States as the Nation moved westward, we would still have wilderness beyond the Mississippi. I really cannot understand this. Roads are the lifeblood of this country. That is what made us free, having the ability to move, having the ability to use individual transportation, having the ability to drive from Oklahoma to Alaska if you want to. I urge the Senator from Oklahoma to try to do that. When I first came here I drove home when I went home every year because I couldn't afford to fly. In those days we got about seven trips, I think, annually. That didn't apply to our families at all.

The problem I want to leave with you is this: 70 percent of our State is accessible only by air or by sea. Within our State we have to have different types of transportation. My colleague, Senator MURKOWSKI, has pioneered now a concept of trying to build some rural roads to connect villages so we will reduce some of the Federal costs of supporting those individual villages. Each has an airport, each has a school, each has a clinic. These are redundant facilities. We can build better ones. One could have a good school, one could have a good airport, one could have a good fire department. We could do better for them and save money if we had more road money. But we do not get it.

We do not get it because of the donor theory that came to this Senate about 15 years ago, which says for the people who pay in these taxes, it goes back to the States in which they paid the money—not where they live, but where they paid the money. So the States that are fortunate enough to be on interstate highways where people stop to buy gasoline, they get more money than the States where they don't stop for gasoline. It makes less sense than anything I have ever known.

In any event, we live under that system. We have needs. We are still a developing area. We are the last frontier of the United States. These bridges may go nowhere, as far as some people here are concerned, but they are very important to our future.

I think it was the Memorial Bridge in Milwaukee that was first called the bridge to nowhere, the Daniel Webster Hoan Bridge. That now serves as a major north-south connector between downtown Milwaukee and the neighborhoods in that city.

The Astoria Bridge on the Columbia River was referred to as a bridge to nowhere. It connects Astoria, OR, to what was once an empty shore. It now carries 6,000 cars a day, over 2 million people a year. We deserve the same right to grow.

Currently, the bridge will serve military families who live in the Anchorage area and pay very high costs. Because of the cost of land, the rent is very high. That is because of the lack of land to expand. They will go across to the Matanuska Valley and have a better place to live.

All I want to do is put the Senate on notice. I have been asked several times today if I will agree to this version or that version of the amendment of the Senator from Oklahoma. No. No, I will not, unless it treats all States the same way.

We are here to ask you, those of us from Alaska, to believe that fairness is fairness; equality is equality. Being a member of the 50 States is being a State with the right to be treated equally to any other State. That is why the two of us are here, to assure that happens. Praise God I have the energy to do what I may have to do, to prove to the Senator from Oklahoma I mean what I say. This amendment is not going to pass.

The Senate is warned. It is wrong to do this to any State. It is wrong to put colleagues in a position where we have to go home and explain why we couldn't prevent an amendment in which what is being done to our State has never been done to another State—never.

This is not the time to start this process. I urge my friend from Oklahoma to reconsider this, reconsider what he is getting us into. The amendment may pass, but if it does the bill will never be passed. If it does, I will be taken out of here on a stretcher.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Ms. MURKOWSKI. Mr. President, I want to start by thanking my colleague, the senior Senator from Alaska. He has delivered, obviously, a very passionate statement on behalf of the issue in front of us. But even more than that, he gives us the historical perspective of what we in Alaska have been fighting for since statehood, what we in Alaska have continued to fight for almost 50 years after the fact of statehood, and that is a simple recognition that we are part of the United States and that we deserve to be treated with the same level of respect accorded to all of the other 49 States.

We are told not to take this amendment personally, but it is very difficult to stand here as an Alaskan and not take this personally. So I rise with my colleague to speak very strongly in opposition to a measure that is going to isolate us, that is going to pinpoint one State above everybody else to say: You are responsible; it is dollars directed to your State that we will now redirect to the devastation in the gulf area.

Alaskans are not hesitant to step up to the plate and help. We do it day in, we do it day out. We want to continue to be able to do that. But when we are singled out as one State, saying, Your project is not worthy; of all the other projects out there we are going to go after yours, it is not the time to be sitting back and saying we can compromise on this, we can make a deal.

There has been a great deal of discussion about this bridge. Let us speak first to the bridge in Ketchikan. It has been referred to on this floor as a bridge to nowhere. There have been references to media accounts about the community of Ketchikan and the project they have been working on for years and years. What I am hearing repeated in the Chamber and what I have seen in letters to us as Senate colleagues is a repetition of what we hear in the media, the same tired, worn-out facts that quite honestly aren't true, don't hold water, and yet get repeated. And the inaccuracies and the misrepresentations just make our job that much more difficult. It is as if we are legislating by the media, and we are better than that. It is our obligation to know and understand the facts that are real and to know and understand the implications and the impact of our actions.

I wish to talk about a couple of the facts that Members of this body need to know. If, in fact, what we intend to do here, if, in fact, this amendment is intended to provide for reconstruction of the twin-span bridge, it is eligible for emergency repair funds. Negotiations for its repair are already underway between the State of Louisiana and the Federal agency. I am confident that this bridge will be repaired without needless damage to the project from any other State. And if, in fact, there is a funding mechanism that we need to resolve to help make this happen, I am certainly willing to participate in that. I think all of us would be willing to participate. If we need to do something to make this project move forward with the funding mechanism, we can help with that.

The second fact, if this is being proposed as an amendment that is going to save money, people need to know that it swaps an earmark for our project in Alaska—the two bridges—to an earmark for a project in Louisiana. The project is going to be completed anyway whether or not this amendment is going to be considered. What we are essentially doing is taking the money from the Alaska project, we are directing it to allow the project, but we are reducing Louisiana's ability to have any kind of spending flexibility at a time when they need it the most. Let us make sure that what we are proposing here is actually going to meet the needs of those in Louisiana.

The third fact—this is where we need to get into the discussion about the bridges and what they are because the reference to the bridge in Ketchikan as being a bridge to nowhere is offensive. It is a bridge to the future for the people of Ketchikan, AK.

I was born in Ketchikan. I spend a fair amount of time going back and forth between Anchorage and Ketchikan and have done so for years. I was in Ketchikan this past weekend. I wasn't guided by occasional letters to the editor; I was guided by talking to the people in Ketchikan who ask: Where are we on the bridge? They are asking me: Lisa, where are we on the bridge? We put the money in the transportation bill finally, after so many years of waiting, how are we going to move forward on it? They are concerned because they are getting copies of the articles that are in the New York Times and in other publications around the country calling it a bridge to nowhere, and they are saying: Don't these people understand who we are and what we need? That is the problem. Most of you don't understand who we are up there and what we need.

We need basic infrastructure. Senator STEVENS has spoken to that. If we had a terrible disaster hit us in Alaska, we would not face a lot of the repairs to the infrastructure because we don't have the infrastructure in the first place to repair.

The arguments that have been made or the statements that have been made about a bridge that will connect to 50 people do not acknowledge any understanding about Ketchikan and what it is and what kind of a community it is and what it has to respond to.

Those of you who have been to Alaska because you have been up on a cruise ship enter through Ketchikan. We call it Alaska's First City. You enter into the Tongass Narrows. As you come in, you see a community that is smashed up literally against a rocky terrain, a long, stretched-out community with islands dotted all around you. People ask: Why do you need this bridge? We need the bridge because on the other side of Ketchikan is the potential for this community to grow and thrive, despite some of the actions of the Federal Government, and the policies that have been made over the years, whether they relate to timber or farm fishing, have practically shut down the community. But we are coming back. We have a thriving maritime industry we are helping to grow and to cultivate. But we have a community of some 13,000 to 14,000 people in Ketchikan. It is 6 blocks deep and 16 miles wide.

We can't expand to the south and the east because we are bordered in by the Misty Fjords National Monument on the north, and we are hemmed in by the Behm Canal. The only place that Ketchikan has an opportunity to expand is right across the Tongass Narrows on Gravina Island. Gravina Island has a sloping area. It is wide open. But the best thing that Gravina Island has is some 20,000 acres of private, municipal, and State lands that can make a huge difference in providing economic opportunities for this area. We can't grow in any other direction in Ketchikan. We have to go across the narrows.

Right now, across the narrows, we have the airport. This is an airport that doesn't just serve the 13,000 or 14,000 residents of Ketchikan; this airport is the cargo hub for southeastern Alaska. You have FedEx and UPS coming in there. You have all of the aircargo coming into the southeastern part of the State.

You also have a small logging operation, one of the few that is hanging on after the policies we have implemented here in Congress. But we have a business that employs 50 to 100 people. Every day, those people are not able to get into their car and drive to work. They take a ferry to work and have to figure out how to do it on the other end.

The airport is also incredibly important to our military over there. Every nuclear sub that goes on Pacific patrol is tested for stealth at the Navy facility in Behm Canal. We have technicians coming into the airport. We have our Ketchikan Coast Guard base. It is at this base that they maintain most of the aid to navigation in the State of Alaska. The Forest Service certainly has a very large presence there. Ketchikan's hospital is a regional center. We get many of the patients visiting Ketchikan from the surrounding areas.

On top of that, we have a tourist industry where this summer the city of Ketchikan welcomed some 800,000 passengers into that community—800-some-odd thousand passengers that occasionally need to get off those cruise ships. Some of them have medical issues. Some of them need to use our airport.

We have an airport that is serviced by a ferry. But that ferry isn't the answer to everything we need. When we have some extreme tides, they can't utilize that ferry. What does that mean if you have a Medivac going out to the airport when you can't get the ambulance over there? You can't get to the other side with the vehicles we need. In fact, we have a ferry service, but is it what we need? Is it what we were promised when the airport was put back there in 1973? The promise at that time was, we will connect you across the very narrow channel of water to the community of Ketchikan. The people of Ketchikan have been waiting for 30 years.

Some people are making the assumption that just because we happen to have a chairman on the House side chairing the Transportation Committee, that all of a sudden any great idea, any project that we want as a delegation we were going to be able to snap our fingers and get. This is something that has been in the works for 30 years. Ask the people of Ketchikan how much money, time, and energy they have spent in the various studies, discussing dialog, debating, fighting. It is not something that just came up because we could have it; it is something that we as a community have been working together and pulling together for a long time.

Now to have a colleague come in and say that because there is something that has happened in another part of the country and because we need to find ways to pay for it, we are going to make a determination that we are going to pluck this money and we are going to take this project and anything that the community has put into it, anything the State has put into it, is now thrown out the window, that is not it.

The local government in Ketchikan has been working on a balanced plan—a use development plan—where we are talking about private homes over there, businesses, industrial facilities, harbors, green spaces to enhance the environmental value. We are trying to plan for our growth and development, but you can't have the growth and you can't have the development if you do not have access. Access is our State's biggest challenge.

As Senator STEVENS has mentioned, the biggest State in the Union has the smallest number of roads. People look at it and say, It just doesn't make sense in Alaska where you have a limited number of people, and yet we spend so much money on Alaska. It must be wrong, you must be taking too much. The sad fact is, folks, we are a long way from the rest of the country, and it costs more. That is a reality. That is a reality of doing business up there. But because our transportation costs might be more, might be higher, might be greater, does that mean our projects are worth any less, have any less value?

There was a statement made by my colleague from Oklahoma. He said it is important to know what the people of Alaska are thinking, and he read a couple of letters to the editor that were published in the Ketchikan Daily News and a couple of letters which were published in the Anchorage Daily News. I do not know about the rest of my Senate colleagues, but I do not make my policy decisions based on a couple of letters to the editor.

I will ask at the appropriate time to have printed in the RECORD a copy of a letter that the Ketchikan Chamber of Commerce has posted on their Web site speaking about Ketchikan's "bridge to the future," refuting many of the allegations that have been out there. I wish to read one quick passage because it kind of sums up the position of the people from Ketchikan.

> Statements like "The Bridge to No Where", and "serves only 50 people" simply are not supported by the facts. The bridge will provide road access to Ketchikan's International Airport which serves approximately 130,000 passengers annually and employs 180 people daily. In August, the shuttle ferry ride required between the airport and Ketchikan serviced 31,000 passengers. In addition to the airport, there is a viable sawmill employing 50–100 people who will not have to take a daily boat ride back and forth to Gravina Island for work. During extreme ocean tide levels, the ferry is incapable of transporting vehicles, including typical safety vehicles such as fire trucks! The Alaska Department of Transportation evaluation indicates over the long run the bridge is cheaper to build and maintain than providing inadequate ferry service.

Mr. President, I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the Record, as follows:

KETCHIKAN CHAMBER OF COMMERCE,
Ketchikan, Alaska.

Re Ketchikan's Bridge to the Future.

It is quite heartening to see how quickly American citizens, businesses, and communities pull together to help others when a natural disaster strikes such as the recent hurricanes in the Gulf Zone. Ketchikan, Alaska's future home of the now famous Bridge to the Future, and home to over 13,000 real people, held a Katrina hurricane relief fund raiser and netted over $18,000. This contribution is only from the fundraiser, and does not include many more donations given by and through our local businesses and churches. This has demonstrated the community's giving and compassionate nature despite of the Ketchikan's loss of thousands of family jobs, loss of small support businesses, and a 20 percent drop in school enrollment, due to the needless reduction of a wood fiber supply from the nation's largest Federal forest and its resultant closure of our local pulp mill, historically Ketchikan's largest employer.

It is equally disheartening to see how quickly anti-development and fiscal conservative groups are jumping on the bandwagon to use the hurricane disasters to attack federal funding of transportation projects, feathering their desire to stop modern-day development in Alaska. The continual spreading of misleading and false statements to gain emotional and/or political support for their objectives seems to be normal practice for these anti development groups and the news media. Whether seeking to stop the construction of a bridge and ultimately any economic development within the community of Ketchikan or for grasping for an audience, the use of misleading and false statements is not only wrong, but just plain destructive.

Statements like "The Bridge to No Where", and "serves only 50 people" simply are not supported by the facts. The bridge will provide road access to Ketchikan's International Airport which serves approximately 130,000 passengers annually and employees 180 people daily. In August, the shuttle ferry ride required between the airport and Ketchikan—serviced 31,000 passengers. In addition to the airport, there is a viable sawmill employing 50–100 people who will not have to take a daily boat ride back and forth to Gravina Island for work. During extreme ocean tide levels, the ferry is incapable of transporting vehicles, including typical safety vehicles such as fire trucks! The Alaska Department of Transportation evaluation indicates over the long run the bridge is cheaper to build and maintain than providing inadequate ferry service.

Beyond the existing international airport, there are 20,195 acres of private, borough, and state-owned land to be served by the bridge access road. The Ketchikan Gateway Borough has an approved balanced land use development plan that provides for private homes, commercial businesses, industrial complexes, harbors, and green space. In a state where there is only 1 percent private land and 99 percent untaxable federal, state, and native corporation land, it is challenging for local governments to fund local needs. As every State developed "Bridges to No Where" were built, seen by those States as Bridges to the Future. Today, those bridges are merely seen as normal transportation infrastructure. As the final frontier, Alaska is stuck in the time warp of the mid-1900's, where infrastructure deemed normal in the continental U.S. is viewed as extravagant for Alaska. Ketchikan, Alaska, has worked for over 30 years to achieve funding of a bridge similar in many respects to the hundreds of bridges in the Gulf Coast that connect communities to surrounding small islands filled with residential homes and businesses.

Ketchikan has been promised a bridge to the airport since it went into operation in 1973. How much longer do we have to wait?

The statement "It's pretty obvious that, at least on the grass-roots, everyday-citizen level, there's a consensus that the money could be better spent on the Gulf" made by the coordinator for the Alaska Transportation Priorities Project (a group hatched and coordinated by the anti-development environmental groups in Alaska) is clearly untrue, inaccurate, and not the feeling of the citizens of Ketchikan who supported the Gravina Bridge in a referendum vote by a margin 2 to 1. There may be consensus among the anti-development groups, but we are grass-roots, everyday-citizens also. The majority of our community continues to support our "Bridge to the Future".

I applaud the Alaska Congressional Delegation and the others in the Nation's Congress for recognizing that Alaska is a developing State, and their ability to help Alaska's delayed infrastructure development through the Federal Transportation Bill.

Sincerely,

BLAINE ASHCRAFT,
Business Manager, Greater Ketchikan Chamber of Commerce.

Ms. MURKOWSKI. Mr. President, in addition to the airport, we have the sawmill.

My point is, at some point in time, those back here who do not know and understand Alaska need to listen to those of us who live in Alaska, who work in Alaska, and who raise our families in Alaska, to know and understand what the priorities are of Alaskans and allow us to address those. That is what we are trying to do with the 12 projects that are the subjects of this amendment. I have been speaking about the Ketchikan project, and I want to stick with this for a few more minutes until I turn to the Knik Arm Crossing. We in Alaska are willing to do our share. I made that statement earlier. The citizens in Ketchikan, when they saw the aftermath in Katrina, didn't sit back and say, Well, we got ours. We are a long way away from the gulf, we don't need to worry about it. Private people have been dipping into their pockets, as they have all across the country, but we had a fundraiser in Ketchikan a couple weeks ago. We had fishermen, businessmen, housewives, teachers, shipfitters, booksellers, doctors, and clerks, raised almost $20,000 out of this little community of about 14,000 people.

We are willing to step up. Alaskans are willing to step up. Believe me, this week we have had an opportunity to talk about that as we dealt with the issue of ANWR in the Committee on Energy and Natural Resources yesterday. We want to help out. We are prepared to do it. But let us prioritize those projects within the State of Alaska that have the support and that will allow our State to develop as every other State in the Union has been allowed to develop. Ketchikan is asking for nothing more than exactly the same type of bridge connection that other communities all across the country have. However, Ketchikan and most of the other communities in my State are stuck in this time warp, a mid-1900s time warp, where transportation systems that are old hat or accepted and part of the landscape in the rest of the country are still the future to the State of Alaska. What we are trying to do is to bridge into the future.

Now I turn, for a minute, to the Knik Arm Crossing because we have not given as much attention to that. Maybe it is because the media hasn't dubbed it or given it a catchy little name such as "Bridge to Nowhere." As Senator STEVENS has indicated, again, we are a victim of our own geography. We are hemmed in by the mountains, the ocean, Cook Inlet, military land, and national forest lands. We don't have any place to grow. This is Alaska's largest community. We need to be able to go across the water so we can have the opportunity, as a community, as a State, and as a regional hub, to further our growth and development.

The comment was made on the Point MacKenzie—one side is Anchorage and the other side is Point MacKenzie—we have about 12 residents there; again, making us look like we are just going to build bridges because we have the ability to build bridges and we do not care where we are placing them. People that make statements such as this need to look at the facts. First, look at a map. Look at what we have over there. We have a community, the fastest growing part of the State is up there in the Mat-Su Valley. We have tens of thousands of commuters coming into Anchorage from the Mat-Su Valley every day that could be aided by a bridge across the water. To suggest we have 12 families that we are somehow helping out and connecting defies the facts. It is offensive to me. There has been some suggestion this is a project that we are taking up because we can. People need to understand this is something we have been looking at and studying for a good 30 years.

I cannot tell the number of projects—actually, I can tell the number of projects, and I am going to. We have, over the past, probably 10, 20 years, so studied this bridge, so evaluated this bridge, that the people in south central are asking, What's wrong? Why can't we get the bridge moving? We had the Point MacKenzie Area Which Merits Special Attention Plan in 1993; the Point MacKenzie Port Master Plan in 1998; the Regional Port of Anchorage Master Plan in 1999; the Anchorage 2020 Plan in 2001; the Anchorage Metropolitan Area Transportation Solutions Freight Mobility Study in 2001; the Matanuska Susitna Borough Economic Development Plan in 2002; the Anchorage Metropolitan Area Transportation Solutions Long Range Transportation Plan Amendment in 2002; the Regional Transportation Planning Organization Resolution Supporting the Knik Arm Crossing as a Regional Transportation Priority Project in 2003; the Matanuska-Susitna Borough Assembly Resolution Adopting the Knik Arm Crossing as the Number One Regional Transportation Priority, 2003; and then the Matanuska-Susitna Borough Rail Corridor Study, June 2003. And there have been more updates since then.

This is something we have been working on for a long time. To suggest this is pork, this is fluff, this is servicing 12 families or 50 homes, we need to have everyone look at the factories and understand that Alaska will never achieve its full potential as a State unless we have access.

Taking away these two projects from the State of Alaska and saying this is what we are going to do to help with the reconstruction efforts in the gulf, to single out one State, we start taking it very personally.

If the suggestion were made to our colleagues that everybody gives a little bit, everybody gives a little bit on your transportation projects, that is okay. As one of the 50 States, we can deal with that. We can certainly accept that. But to see we are looking at one State—first it was one project, now it is two projects—this Senator cannot accept, will not accept a proposal like that.

I appreciate the efforts of so many that have been working so hard as we try to find offsets, as we try to do the work necessary to rebuild the gulf region. But we need to recognize, again, we worked on a transportation authorization bill, a 6-year plan. This bill was 6 years in the making. What went into it, went into it with thought and study and the support of those people who would benefit from it. And the people that will benefit from the bridges in Ketchikan and the bridge in south-central are not only the people of Alaska but all of the tourists we serve, all of the military we serve, all of the people that rely on Alaska for your energy needs, for your commerce needs. It is not about providing service and assistance to a few. Let Alaska come into this century when it comes to transportation infrastructure. Don't take from us our ability to grow, as all of the other States in the lower 48 have been allowed to do, having been provided the Federal funding. Don't deny Alaska.

I yield the floor.

Mr. STEVENS. I find myself in a strange position, as I indicated to the Senator from Oklahoma. Earlier today, I indicated to the Senator that I would suggest a series of second-degree amendments. I had under consideration second-degree amendments. It is my understanding now the amendment of the Senator from Oklahoma is filed as a second-degree amendment to the Bingaman amendment, am I correct?

The PRESIDING OFFICER. That is correct. It is a second-degree amendment.

Mr. STEVENS. Mr. President, I have a small Bible to start reading, a few editorials from my State concerning this bridge and some of the comments that have been made in other States. I am willing to try to work out a system so that all States contribute to assisting our sister State in Louisiana and recognize their prior need for money, but I am entirely unwilling to take money from Alaska only. I think the Senate ought to have that on notice. I will suggest the absence of a quorum, and I will object to taking it off until we have some way that the Senate might consider an alternative to the Senator from Oklahoma or until a quorum is present and the Senate decides otherwise than what I have decided.

I will put the Senate on notice—and I don't kid people—if the Senate decides to discriminate against our State and take money only from our State, I will resign from this body. This is not the Senate I came to. This is not the Senate I devoted 37 years to. If one Senator can decide he will take all the money from one State to solve a problem of another, that is not a union. That is not equality and is not treating my State the way I have seen it treated for 37 years.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CHAFEE). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOND. Mr. President, I ask the pending amendment to be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2162

Mr. BOND. Mr. President, I have 12 amendments that have been cleared on both sides of the aisle. We thank the sponsors of these amendments for working with our staff and the relevant committees for clearing these amendments. I call up on behalf of Senator REED of Rhode Island amendment No. 2162. This amendment has been cleared on both sides. It requires the Department of the Treasury to submit a report on the application of Treasury regulations on arbitrage bonds to the reserve funds held by EPA clean water and safe drinking water State revolving funds.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Missouri [Mr. BOND], for Mr. REED of Rhode Island, proposes an amendment numbered 2162.

The amendment is as follows:

(Purpose: To require a legal basis for the application of arbitrage bond regulations to reserve funds held by the Clean Water and Safe Drinking Water State revolving funds)

On page 293, after line 25, add the following:

SEC. . APPLICATION OF ARBITRAGE BOND REGULATIONS TO CERTAIN STATE REVOLVING FUNDS.

Not later than 90 days after the date of the enactment of this Act, the Secretary of the Treasury shall submit a report to the Committees on Appropriations of the House of Representatives and the Senate to provide a legal basis for the application of section 1.148-1(c) of the United States Treasury Regulations (regarding arbitrage bond regulations) to the reserve funds held by the Clean Water and Safe Drinking Water State revolving funds which generally contain replacement proceeds but not bond proceeds.

Mr. BOND. It has been cleared on both sides.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2162) was agreed to.

Mr. BOND. I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2174

Mr. BOND. Mr. President, I send to the desk an amendment on behalf of myself and Senator MURRAY and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Missouri [Mr. BOND], for himself and Mrs. MURRAY, proposes an amendment numbered 2174.

Mr. BOND. I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 384, after line 13, insert the following:

SEC. ____. The Administrator of General Services shall require that all credible sustainable building rating systems that award credits for certified wood products in the rating system be included in the published building design criteria or specifications of any solicitation for offers issued by the General Services Administration (GSA) for construction of a Federal building or courthouse: *Provided*, That the Administrator may only consider sustainable forest management certification programs that are currently in use in the United States and consistent with the Federal Government's goals of environmental stewardship: *Provided further*, That not later than 90 days after enactment of this Act, the Administrator shall report to the relevant congressional committees of jurisdiction on the appropriateness of individual forest management certification programs for use within GSA's sustainable building program, including a schedule for incorporating any additional such programs into the system through regulations.

Mr. BOND. Mr. President, this amendment relates to the GSA's rating system. I urge its adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2174) was agreed to.

Mr. BOND. I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2146, AS MODIFIED

Mr. BOND. Next, I call up amendment No. 2146 with a modification on behalf of Senator ENSIGN.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Missouri [Mr. BOND], for Mr. ENSIGN, proposes an amendment numbered 2146, as modified.

The amendment is as follows:

(Purpose: To provide for free individual tax electronic preparation and filing services by the Internal Revenue Service)

On page 293, after line 25, add the following:

SEC. . The Internal Revenue Service shall provide taxpayers with free individual tax electronic preparation and filing services only through the Free File program and the Internal Revenue Service's Taxpayer Assistance Centers, Tax Counseling for the Elderly, and volunteer income Tax Assistance Programs.

Mr. BOND. Under the Ensign-Allen-DeMint amendment, the language requires the IRS to continue the Free File Program, which was created in 2002 as a public/private partnership between the IRS and a group of tax software companies called the Free File Alliance. This partnership has increased electronic tax filing by improving access to filing and making tax preparation and filing easier for taxpayers.

This language is not meant to disrupt or override current negotiations or the new agreement.

It is critical that the Free File Program and other IRS taxpayer services continue to evolve to meet the needs of taxpayers across the Nation.

I ask unanimous consent that I be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOND. I ask for its immediate consideration.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2146) was agreed to.

Mr. BOND. Mr. President, I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENTS NOS. 2105, 2106, 2108, AS MODIFIED, AND 2120 EN BLOC

Mr. BOND. Mr. President, I call up amendments Nos. 2105, 2106, 2108, and 2120. I send up a modification to amendment No. 2108 on behalf of Senator VOINOVICH. I ask that they be considered en bloc.

The PRESIDING OFFICER. Without objection, the amendments will be considered en bloc.

The question is on agreeing to the amendments.

The amendments were agreed to en bloc, as follows:

AMENDMENT NO. 2105

(Purpose: To modify the designation relating to a certain project in the State of New York)

On page 276, after line 24, insert the following:

SEC. 1____. Item number 4596 of the table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59; 119 Stat. 1144) is amended by striking "Corning Preserve improvements Phase II" and inserting "Transportation Center, Corning, NY".

AMENDMENT NO. 2106

(Purpose: To modify the designation relating to a certain project in the State of New York)

On page 276, after line 24, insert the following:

SEC. 1 . Item number 512 of the table contained in section 3044 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59; 119 Stat. 1144) is amended by striking "Corning, NY, Phase II Corning Preserve Transportation Enhancement Project" and inserting "Transportation Center Enhancements, Corning, NY".

AMENDMENT NO. 2108 AS MODIFIED

(Purpose: To modify certain projects relating to highways in the State of Ohio)

On page 436, between lines 10 and 11, insert the following:

SEC. 8_____. The table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59; 119 Stat. 1144) is amended—in item number 4620, by striking "Grading, paving, roads, and the transfer of rail-to-truck for the intermodal facility at Rickenbacker Airport Columbus, OH" and inserting "Grading, paving, roads, and construction of an intermodal freight facility at Rickenbacker Airport, Columbus, Ohio"; and

(2) in item number 4651, by striking "Grading, paving, roads for the transfer of rail to truck for the intermodal facility at Rickenbacker Airport" and inserting "Grading, paving, roads, and construction of an intermodal freight facility at Rickenbacker Airport, Columbus, Ohio".

AMENDMENT NO. 2120

(Purpose: To make technical corrections to the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users)

On page 436, between lines 10 and 11, insert the following:

SEC. 8 .(a) The table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59; 119 Stat. 1144) is amended in item number 4632 by striking "Construct 1,100 foot bulkhead/riverwalk connecting Front and Maine Ave. public rights-of-way" and inserting "For roadway improvements and construction of 1,100 foot bulkhead/riverwalk connecting Front and Maine Ave. public rights-of-way".

(b) The table contained in section 3044 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59; 119 Stat. 1144) is amended in item number 516 by striking "Dayton Wright Stop Plaza" and inserting "Downtown Dayton Transit Enhancements".

Mr. BOND. I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENTS NOS. 2175 AND 2176 EN BLOC

Mr. BOND. Mr. President, I have amendments on behalf of myself and the Senator from Washington making technical corrections, having a division A and division B in this bill. I send to the desk two amendments and ask for their consideration en bloc. These are technical changes to the bill, and I believe both of them are agreeable on both sides.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Missouri [Mr. BOND], for himself and Mrs. MURRAY, proposes amendments numbered 2175 and 2176 en bloc.

The amendments are as follows:

AMENDMENT NO. 2175

On page 216, after line 23, insert the following:

DIVISION A—TRANSPORTATION, TREASURY, THE JUDICIARY, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2006

AMENDMENT NO. 2176

On page 436, line 11, strike "Act" and insert in lieu thereof "division".

Mr. BOND. They have been cleared on both sides. I ask for their immediate consideration.

The PRESIDING OFFICER. Without objection, the amendments will be considered en bloc.

The question is on agreeing to the amendments.

The amendments (Nos. 2175 and 2176) were agreed to en bloc.

Mr. BOND. I thank the Chair. I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENTS NOS. 2177 AND 2178 EN BLOC

Mr. BOND. Mr. President, I send to the desk two amendments, one on behalf of myself and one on behalf of Senator Reid of Nevada. Mine is technical in nature; the other deals with a heliport. I ask for their immediate consideration en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Missouri [Mr. Bond] proposes an amendment No. 2177.

The Senator from Missouri [Mr. Bond], for Mr. Reid, proposes an amendment numbered 2178.

The amendments are as follows:

AMENDMENT NO. 2177

(Purpose: To improve the bill)

At the appropriate place in the bill, insert the following:

SEC. ____. Section 14711(c) of title 49, United States Code, is amended by—

(1) striking "; and" at the end of paragraph (1) and inserting ";";

(2) striking the period at the end of paragraph (2) and inserting "; and"; and

(3) inserting the following after paragraph (2):

"(3) be substituted, upon the filing of a motion with the court, for the State as parens patriae in the action.".

AMENDMENT NO. 2178

(Purpose: To provide for the conveyance of certain public land in Clark County, Nevada, for use as a heliport)

At the appropriate place, insert the following:

SEC. .(a) In this section:

(1) The term "Conservation Area" means the Sloan Canyon National Conservation Area established by section 604(a) of the Clark County Conservation of Public Land and Natural Resources Act of 2002 (116 Stat. 2010).

(2) The term "County" means Clark County, Nevada.

(3)(A) The term "helicopter tour" means a commercial helicopter tour operated for profit.

(B) The term "helicopter tour" does not include a helicopter tour that is carried out to assist a Federal, State, or local agency.

(4) The term "Secretary" means the Secretary of the Interior.

(5) The term "Wilderness" means the North McCullough Mountains Wilderness established by section 202(a)(13) of the Clark County Conservation of Public Land and Natural Resources Act of 2002 (116 Stat. 2000).

(b) As soon as practicable after the date of enactment of this Act, the Secretary shall convey to the County, subject to valid existing rights, for no consideration, all right, title, and interest of the United States in and to the parcel of land described in subsection (c).

(c) The parcel of land to be conveyed under subsection (b) is the parcel of approximately 229 acres of land depicted as tract A on the map entitled "Clark County Public Heliport Facility" and dated May 3, 2004.

(d)(1) The parcel of land conveyed under subsection (b)—

(A) shall be used by the County for the operation of a heliport facility under the conditions stated in paragraphs (2), (3), and (4); and

(B) shall not be disposed of by the County.

(2)(A) Any operator of a helicopter tour originating from or concluding at the parcel of land described in subsection (c) shall pay to the Clark County Department of Aviation a $3 conservation fee for each passenger on the helicopter tour if any portion of the helicopter tour occurs over the Conservation Area.

(B)(i) Not earlier than 10 years after the date of enactment of this Act and every 10 years thereafter, the Secretary shall conduct a review to determine whether to raise the amount of the conservation fee.

(ii) After conducting a review under clause (i) and providing an opportunity for public comment, the Secretary may raise the amount of the conservation fee in an amount determined to be appropriate by the Secretary, but by not more than 50 percent of the amount of the conservation fee in effect on the day before the date of the increase.

(3)(A) The amounts collected under paragraph (2) shall be deposited in a special account in the Treasury of the United States.

(B) Of the amounts deposited under subparagraph (A)—

(i) ⅔ of the amounts shall be available to the Secretary, without further appropriation, for the management of cultural, wildlife, and wilderness resources on public land in the State of Nevada; and

(ii) ⅓ of the amounts shall be available to the Director of the Bureau of Land Management, without further appropriation, for the conduct of Bureau of Land Management operations for the Conservation Area and the Red Rock Canyon National Conservation Area.

(4)(A) Except for safety reasons, any helicopter tour originating or concluding at the parcel of land described in subsection (c) that flies over the Conservation Area shall not fly—

(i) over any area in the Conservation Area except the area that is between 3 and 5 miles north of the latitude of the southernmost boundary of the Conservation Area;

(ii) lower than 1,000 feet over the eastern segments of the boundary of the Conservation Area; or

(iii) lower than 500 feet over the western segments of the boundary of the Conservation Area.

(B) The Administrator of the Federal Aviation Administration shall establish a special flight rules area and any operating procedures that the Administrator determines to be necessary to implement subparagraph (A).

(5) If the County ceases to use any of the land described in subsection (c) for the purpose described in paragraph (1)(A) and under the conditions stated in paragraph (2)—

(A) title to the parcel shall revert to the United States, at the option of the United States; and

(B) the County shall be responsible for any reclamation necessary to revert the parcel to the United States.

(e) The Secretary shall require, as a condition of the conveyance under subsection (b), that the County pay the administrative costs of the conveyance, including survey costs and any other costs associated with the transfer of title.

Mr. BOND. I ask for their immediate consideration.

The PRESIDING OFFICER. The question is on agreeing to the amendments.

The amendments (Nos. 2177 and 2178) were agreed to.

Mr. BOND. I move to reconsider the votes.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2179

Mr. BOND. Mr. President, I send to the desk an amendment on behalf of Senators Durbin and Obama and ask its immediate consideration. This amendment requires the Secretary of HUD to report on a housing project in the State of Illinois.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Missouri [Mr. Bond], for Mr. Durbin, for himself and Mr. Obama, proposes an amendment numbered 2179.

Mr. BOND. I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require the Secretary of Housing and Urban Development to report to Congress on certain properties in Joliet, Illinois)

On page 406, between lines 7 and 8, insert the following:

SEC. 724. REPORT ON EVERGREEN TERRACE.

(a) In General.—The Secretary of Housing and Urban Development shall conduct a study and prepare a report that describes the progress, if any, in improving the living conditions of the tenants of the Evergreen Terrace I and Evergreen Terrace II housing complexes located in Joliet, Illinois, by the owners of such complexes.

(b) Interim Report.—Not later than 6 months after the date of enactment of this Act, the Secretary of Housing and Urban Development shall submit to Congress an interim report on the findings of the study required under subsection (a).

(c) Final Report.—Not later than 12 months after the date of enactment of this Act, the Secretary of Housing and Urban Development shall submit to Congress a final report that describes—

(1) the findings of the study required under subsection (a); and

(2) any conclusions and recommendations of such study.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2179) was agreed to.

Mr. BOND. I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2180

Mr. BOND. Mr. President, I send to the desk on behalf of Senator MURRAY an amendment on Midway Atoll and ask that it be considered immediately.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

Senator from Missouri [Mr. BOND], for Mrs. MURRAY, proposes an amendment numbered 2180.

The amendment is as follows:

On page 432, line 22, strike "2006." and insert "2007."

On page 433, line 5, strike "$6,000,000" and insert "$10,000,000".

On page 433, line 9, insert after "upgrades" the following: ", including the replacement of the fuel farm facility".

Mrs. MURRAY. Mr. President, this amendment makes small revisions to the provision in the bill mandating the continued operation of the emergency landing field at Midway Island Atoll in the Pacific.

The bill before us, for the third consecutive year, requires a cost-sharing agreement between the appropriate Federal agencies for the continued operation of this critical airfield.

This amendment would clarify that among the costs that must be covered by the Federal agencies are the necessary capital costs for the replacement of the aged fuel farm on the island.

I am not aware of any objection on either side. I ask for adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2180) was agreed to.

Mr. BOND. I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BOND. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. Mr. President, I ask unanimous consent that Senator STEVENS now be recognized to offer a first-degree amendment which is relevant to the Coburn amendment No. 2165; provided further, that the Coburn amendment No. 2165 be further modified to be drafted as a first-degree amendment; I further ask consent that there be 5 minutes equally divided in the usual form, and that following that time, the Senate proceed to a vote in relation to the Coburn amendment No. 2165, to be followed by a vote in relation to the Stevens amendment; provided, that no second-degree amendments be in order to either amendment prior to the votes. I finally ask unanimous consent that if either of the amendments does not achieve 60 votes in the affirmative, that amendment be automatically withdrawn; provided further, that following these votes, the Bingaman amendment No. 2065 be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2181

(Purpose: To ensure reconstruction of the Twin Spans Bridge)

Mr. STEVENS. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for himself, Ms. MURKOWSKI, and Mr. FRIST, proposes an amendment numbered 2181.

At the appropriate place, insert the following:

SEC.____. No funds provided under Section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59; 119 Stat. 1144) for the construction or reconstruction of any bridge shall be expended until nonemergency funds have been made available for the repair of the Twin Spans Bridge connecting New Orleans and Slidell, Louisiana.

Mr. STEVENS. Mr. President, it is my understanding the first amendment offered by the Senator from Oklahoma will be considered first.

I yield the floor.

AMENDMENT NO. 2165, AS MODIFIED

Mr. COBURN. Mr. President, the purpose of my amendment does not have that much to do with Alaska as it does with priorities in our country. We put forward $600 billion of debt to our children last year ending September 30. We have a war going on. We have the largest natural catastrophe we have ever seen in our history. We have a hurricane coming on Florida. We are at war. It is time we reassess the priorities we utilize in this body as we think about our obligations at home.

The purpose of my amendment is to move $125 million out of above-the-line money—not program money, not formula money—to be used for this. I understand there is going to be another amendment. My hope is the American public will see how we are spending money and encourage us to spend it in a way that is more frugal and consistent with the heritage we have in the country, and that is making sacrifices today for the future of our country and for the next generation.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I do not have a better friend than my colleague from Oklahoma, but it does not mean we always agree with each other. I have had a policy in voting for amendments on bills that I have adhered to for a long time, and it is if a Senator has a bill or an amendment that takes authority from an elected official and places it in the hands of an unelected bureaucrat and it does not save money, then I think it is not good policy. Unfortunately, I think that is what this does.

My good friend Senator COBURN and I have talked about this. I know it is a difficult thing for a lot of people to understand. Many people are watching this. I happen to be the person with the No. 1 most conservative rating in the Senate and yet I am not about to put myself in a position where I am going to take authority away from someone who has to stand for election in a particular State and give it to someone who does not have to stand for election, period.

I do not think that is a good idea. If it were something that saved money, I would have a different position on it, but in that respect I will oppose this.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. How much time do I have remaining?

The PRESIDING OFFICER. One minute 11 seconds.

Mr. COBURN. Was Senator INHOFE's time taken from my time?

The PRESIDING OFFICER. It was not.

Mr. COBURN. I would say to my friend, whom I love dearly as a friend and a brother, this amendment is about changing the priorities in this country. We can reject that or we can accept it. I gave a speech this morning about the rumble that is out there in this country. We need to listen to that rumble. The rumble is the American people want us to start doing a better job of prioritizing how we spend money. I respect his position on this. I have no ill feelings that he will oppose me on this amendment.

This is an amendment that is good for the country.

The PRESIDING OFFICER. Who yields time?

The Senator from Alaska.

Ms. MURKOWSKI. Mr. President, the Senator from Oklahoma who has just spoken, who is the author of this amendment, has indicated we need to be making sacrifices. I do not think anyone in the State of Alaska feels we should not be contributing, but we do not feel in the State of Alaska that it should be coming entirely from one State. This amendment puts the sacrifice on one State.

I urge rejection of this amendment.

The PRESIDING OFFICER. Who yields time?

Mr. STEVENS. How much time remains?

The PRESIDING OFFICER. The Senator from Alaska has 1 minute remaining.

Mr. STEVENS. Mr. President, I would add to my colleague's comment to say this concept is a concept that every State should think about because if it can be done on a bridge, why not do it on any type of event where a Senator would like to have money for their State, but they say take it from another State because they do not need it. I made a statement earlier today that in my 37 years I have never seen this. I have never seen a request that money for a disaster be taken solely from a project in one State to help a disaster in other States.

We are a disaster-prone State. We have more disasters than any other State in the Union. Remember our 1964 earthquake. We have tsunamis. We have all types of disasters. But we have never tried to take moneys from other States to meet our costs.

I urge the Senate not to start this process.

I yield back the time.

Mr. BOND. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to Coburn amendment No. 2165, as modified.

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. The following Senator was necessarily absent: the Senator from Arizona (Mr. McCAIN).

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE) and the Senator from New York (Mr. SCHUMER) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 15, nays 82, as follows:

[Rollcall Vote No. 262 Leg.]

YEAS—15

Allard
Allen
Bayh
Burr
Coburn
Conrad
DeMint
DeWine
Feingold
Graham
Kyl
Landrieu
Sessions
Sununu
Vitter

NAYS—82

Akaka
Alexander
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Brownback
Bunning
Burns
Byrd
Cantwell
Carper
Chafee
Chambliss
Clinton
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
Dayton
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feinstein
Frist
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inhofe
Inouye
Isakson
Jeffords
Johnson
Kennedy
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McConnell
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Santorum
Sarbanes
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Talent
Thomas
Thune
Voinovich
Warner
Wyden

NOT VOTING—3

Corzine
McCain
Schumer

The amendment (No. 2165), as modified, was rejected.

Mr. STEVENS. Mr. President, I move to reconsider the vote.

Mrs. MURRAY. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, my colleagues, Senator MURKOWSKI, Senator FRIST, and I offered the second amendment establishing the principle that if this type of money is to be made available to an area of disaster, it would come equally from the projects that are authorized under the highway bill and above the line area for bridges.

In view of this vote taken, I would be willing to withdraw this amendment. I understand there is objection to that. There is already a unanimous consent request that the amendment be presented.

I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. STEVENS. Again, I say some Members voted the way they did on the Coburn amendment because of the presence of this amendment and wish to be recorded in favor of this amendment.

I yield my time.

Mr. SPECTER. Mr. President, if I could have the attention of my colleagues, tomorrow we are starting on the appropriations bill of Labor, Health and Human Services, and Education. It is a very complex bill. We are advised preliminarily that there will be many amendments offered. Senator HARKIN and I sent out a "Dear Colleague" letter urging all Members who have amendments to have them ready to file.

I have consulted with the majority leader. I have long advocated that if we have quorum calls and amendments not ready to go, that we go to third reading and final passage. I am not sure how effective that approach will be, but I am going to try it. I have been talking about it for a long time. The majority leader is encouraging on it.

But I want to put everybody on notice that we are going to press very hard and also on the vote on 15 and 5.

Again, I am not the majority leader. I know that. Whether it will be enforced is another matter. But this is a tough bill, and there are many people who are working on it who need to go back to the confirmation process of Harriet Miers.

We have a lot of work to do. I want to be as emphatic as I can—that if you have amendments, get them ready because I will press for third reading.

Thank you.

The PRESIDING OFFICER (Mr. DEMINT). The Senator from Illinois.

Mr. DURBIN. Mr. President, has there been time set aside to speak in opposition to the pending amendment?

The PRESIDING OFFICER. No.

Mr. DURBIN. I ask unanimous consent to speak for 2 minutes in opposition to the pending amendment.

Mr. BAUCUS. Objection.

The PRESIDING OFFICER. Objection is heard.

Mr. DURBIN. I ask unanimous consent to speak for 1 minute.

Mr. BAUCUS. Objection.

Mr. STEVENS. The time hasn't expired yet.

Mr. DURBIN. Mr. President, I suggest the absence of a quorum.

Mr. STEVENS. Mr. President, parliamentary inquiry: Wasn't there time on both sides for that amendment?

The PRESIDING OFFICER. There was prior to the first vote.

Mr. DURBIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President. I ask unanimous consent that there be equal time for anyone to speak for 2 minutes, at least. I have 2 minutes on my side.

I ask unanimous consent to allow 2 minutes for the Senator from Illinois on my amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I will be very brief.

Understand what this amendment says: No bridge in the highway bill can be built until this bridge in Louisiana is built from non-emergency funds, financed from non-emergency funds. If they take any part of the $60 billion that we have already put in FEMA to put into construction of this bridge, it doesn't count. It has to be non-emergency funds.

So understand that it is slowing down the construction of bridges everywhere until we appropriate more money for financing this bridge in Louisiana.

I yield the floor.

Mr. STEVENS. Mr. President. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the amendment, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. McCONNELL. The following Senators were necessarily absent: the Senator from Wyoming (Mr. ENZI), the Senator from Arizona (Mr. McCAIN), and the Senator from Wyoming (Mr. THOMAS).

Mr. DURBIN. I announce that the Senator from Montana (Mr. BAUCUS), the Senator from New Jersey (Mr. CORZINE), and the Senator from New York (Mr. SCHUMER) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 33, nays 61, as follows:

[Rollcall Vote No. 263 Leg.]

YEAS—33

Allard
Allen
Bayh
Bennett
Brownback
Bunning
Burr
Chafee
Chambliss
Coburn
Coleman
Cornyn
DeMint
Dole
Feingold
Frist
Graham
Hatch
Inhofe
Isakson
Kyl
Landrieu
Martinez
McConnell
Murkowski
Santorum
Sessions
Shelby
Specter
Stevens
Sununu
Vitter
Warner

NAYS—61

Akaka
Alexander
Biden
Bingaman
Bond
Boxer
Burns
Byrd
Cantwell
Carper
Clinton
Cochran
Collins
Conrad
Craig
Crapo
Dayton
DeWine
Dodd
Domenici
Dorgan
Durbin
Ensign
Feinstein
Grassley
Gregg
Hagel
Harkin
Hutchison
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sarbanes
Smith
Snowe
Stabenow
Talent
Thune
Voinovich
Wyden

NOT VOTING—6

Baucus
Corzine
Enzi
McCain
Schumer
Thomas

The amendment (No. 2181) was rejected.

Mr. BOND. Mr. President, I move to reconsider the vote.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2065

The PRESIDING OFFICER. Under the previous order, amendment No. 2065 is agreed to.

The amendment (No. 2065) was agreed to.

Mr. BOND. Mr. President, I ask unanimous consent that the only amendments in order will be those that are accepted to be in the managers' package. There is a Leahy-Coleman amendment, two amendments from Senator LANDRIEU. We have two amendments we are going to accept from Senator COBURN. We have an amendment we are accepting from Senator BILL NELSON.

Is there objection?

Mrs. MURRAY. And Bingaman.

Mr. BOND. And Senator BINGAMAN's amendment. It is done?

Mr. REID. Bingaman is done.

Mr. LEAHY. Leahy-Coleman.

Mr. BOND. The Leahy-Coleman amendment will be one of them.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BOND. Mr. President, we are going to try to resolve these amendments as quickly as possible. I know everyone wants to get out of here.

I suggest that perhaps Senator LANDRIEU can address her amendments very quickly. I am going to talk with Senator LEAHY and Senator COLEMAN, and see if we can resolve those.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I know the Senator from Louisiana wants to speak in a moment. I want to make an inquiry of the majority leader, if I could. It will only take a moment.

I don't know where Senator SNOWE is. We were talking a moment ago. She is the chairperson of the Small Business Committee. I am the ranking member. We have been making a bona fide, bipartisan effort to try to get the Small Business Hurricane Relief and Reconstruction Act into law. It has been sitting up in the conference and is sort of stuck at the moment.

The problem is that—Mr. President, could we have order.

The PRESIDING OFFICER. Could we have order, please. Will Senators take their conversations off the floor.

Mr. KERRY. Mr. President, the administration has set up two major pieces of relief for Hurricanes Katrina and Rita, totaling $62 billion, but not one penny of that $62 billion is designated for small business, even though there are several hundred thousand small businesses that are in need of relief in the region.

Only 84 out of some 20,000-plus requests—only 84 requests—for loans or grants have been approved by the Small Business Administration. So this is becoming an incredibly backed-up, serious restraint on the ability of small businesses to get back on their feet in the injured areas.

I know Senator SNOWE is deeply concerned about it. I know a lot of colleagues are very deeply concerned about this. Is there a way we could try next week to break this out? It has passed 96 to 0 here in the Senate. We desperately need to get this help to those businesses in the communities.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, to my distinguished colleague from Massachusetts, are you talking about the small business reauthorization or the Katrina-focused legislation?

Mr. KERRY. This is the Katrina small business hurricane relief and reconstruction bill. What is it? It is S. 1807.

Mr. FRIST. The Senator's question, that it has passed the Senate or is being considered?

Mr. KERRY. It passed the Senate 96 to 0.

Mr. FRIST. The question to me is what, again?

Mr. KERRY. The question is whether—I know the chairman wants to make this happen—if we could try to break this out and pass it separately, pass it in the House, and get this immediate assistance into the hands of the small businesses. It would make an enormous difference, obviously.

Mr. FRIST. Obviously, we need to focus on small business. We know how important that is in terms of both the flexibility and the release of regulations. The focus on small business is part of that rebuilding and renewal in a smarter way. I would be happy to talk to the Senators who are involved to see how we could address it.

I am not going to make any commitment at this point in time, but the Senate has spoken in terms of a very significant vote on the floor. I will be happy to talk to my colleagues about how we can, in some way, accelerate that next week.

Ms. LANDRIEU. Mr. President, if I could, will the majority leader yield for a question?

I ask the majority leader and the Senator from Massachusetts, did they know that today the report came out from the Small Business Administration, which the chairman knows, the Senator from Maine, Ms. SNOWE, that 53,900 businesses have applied for help, and that only 58 businesses have received checks to date?

Let me repeat, 53,900 businesses have asked for help, and, to date, 58 in the whole region—from Louisiana, Mississippi, Texas, and Alabama—have received help—58 businesses. So I think the Senator from Massachusetts raises a good point.

Did you know there is some urgency, Mr. Leader, about this situation?

Mr. KERRY. Mr. President, I thank the Senator from Louisiana. She is right about the number that received checks. I think it was a total of 84 that received approval. But that is out of tens of thousands, as we have heard.

The problem is, if you are going to bring the communities back, you are going to have to get these small businesses up on their feet because they are the heart of that kind of recovery.

So again, I think it is a bipartisan initiative. And my hope is—I look forward to talking with the leader and seeing how we can expedite this.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, again, we are absolutely committed to addressing the concerns of both of the Senators in a bipartisan way. I will make it very clear, the legislation and the amendment the distinguished Senator from Massachusetts is talking about did pass in a bipartisan way here. We need to continue to address the problem—a very real problem—to promote small business as a big part—a big part, a huge part—of the rebuilding and renewal that we all know needs to be accelerated.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, while the managers are making final decisions about the package, could I have 4 minutes to speak about an amendment I am going to offer but not ask for a vote on?

The PRESIDING OFFICER. Is there objection?

Mr. BOND. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. LANDRIEU. Thank you, Mr. President. I would like to ask for order, if I could. I have an amendment I am going to speak about but not ask for a vote on. I would appreciate my colleagues' focus for a moment.

The PRESIDING OFFICER. The Senate is not in order.

Ms. LANDRIEU. The amendment I was going to offer to the underlying HUD appropriations bill is part of a blueprint for action that our delegation—Republicans and Democrats—from Louisiana has asked the Congress to consider. Not only would this work for Louisiana, Mississippi, Alabama, and Texas today, but if something like this were in law, it could work for every city and every State in the event that some catastrophic event occurred, where hundreds of thousands of homes were destroyed and people were displaced.

My amendment, which I am not going to ask for a vote on but will offer at some time, would provide for a 6-month deferral from mortgages—not a waiver of mortgages, not a forgiveness of mortgages, but 6 months for Americans, for families to get their legs underneath them, until they can figure out what their insurance is going to cover and not cover, where their children might go to school, where they might find a job. These are Americans who have worked hard, played by the rules, invested in their home—which is their largest asset—and, in the blink of an eye, it is gone.

In the United States of America, in the year 2005, we do not have in place a system to give them a break—not for a month, not for 2 months, not for 3 months.

The average savings on a mortgage would be $4,317 in Louisiana, $4,740 in Alabama, $4,131 in Mississippi, and $4,875 would be a 6-month average mortgage. The families in my State could use this extra money. No administrative costs, no contractors, no fraud, no waste, no abuse, simple, 6-month deferment on mortgages, put 6 months at the end of your mortgage, give people some cash and breathing room.

It is a sound amendment. Our delegation thinks it is good. We cannot pass it tonight, but I think we have to have a better system of help for Americans who get caught in storms, tornadoes, earthquakes, or, for heaven's sake, a terrorist attack. The system we have in place is not working: $62 billion to FEMA, $43 billion sits in a bank. Nobody is getting money. Nobody is getting help. People are stuck in hotels. There is no plan for housing. I could go on and on.

We need to do better. I will withdraw this amendment at this time, but we will offer it again to give people hope, 6 months of a break until they can figure out whether they can rebuild, come back, or move to another place.

I thank my colleagues for their patience.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOND. Mr. President, we need to see the amendments from Senator LANDRIEU. I believe with modifications we can accept them. If she would share them with us, we would be happy to do that.

I would ask my colleagues, the Senator from Vermont and the Senator from Minnesota, about the time they will need. They have an amendment I would love to be able to accept, providing more money for CDBG and other worthwhile activities. Unfortunately, there is not money to rescind. We were presented with a major rescission package by the administration, but neither the Department of Housing and Urban Development nor the Office of Management and Budget could justify any of those rescissions. We have taken the maximum rescissions we believe are feasible. This additional funding for CDBG is predicated on providing more offsets, plus it is $200 million above the budget. I regret that I will have to raise a Budget Act point of order. I ask what time limit they would need to speak on this amendment. I regret I must tell them that I will have to raise a Budget Act point of order.

May I inquire through the Chair?

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I will tell the distinguished senior Senator from Missouri, first off, that he and the distinguished senior Senator from Washington State have been doing a wonderful job in moving this bill. It is a difficult bill. I know. I have watched it being put together in the Appropriations Committee. I know the two of them have worked extraordinarily hard. I mean to commend them, whether the distinguished Senator supports me and the Senator from Minnesota or not in our bipartisan amendment, number 2157, to restore funding to the Community Development Block Grants, Section 8 Housing Vouchers, and Public Housing Capital and Operating Funds. I think all of us should commend them for the work they have done and want to work with them to look for alternatives that will make our amendment acceptable to them. I suggest the absence of a quorum. I think the chairman will probably be pleased that I do.

Mr. BOND. If the Senator will withhold, the Senator from Louisiana is prepared to offer another amendment.

Ms. LANDRIEU. I am not going to offer another amendment. I just wanted to offer the amendment to be placed in the RECORD and withdraw it because I have already spoken about it. I thank the managers.

The PRESIDING OFFICER. The amendment has been printed in the RECORD.

Mr. LEAHY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, while we have the distinguished senior Senator from Missouri and the distinguished senior Senator from Washington and the distinguished Senator from Minnesota on the floor, let me propose this: We could spend the next several hours on our bipartisan amendment to restore funding to the Community Development Block Grants, Section 8 Housing Vouchers, and Public Housing Capital and Operating Funds, and there are enough of our 40 bipartisan cosponsors willing to speak that it would take several hours to do it. We would then end up on a 60-vote point of order, which may or may not go through. I know from nearly 30 years on the Appropriations Committee how it works. I have watched for decades the work of the distinguished Senator from Missouri and the distinguished Senator from Washington State. I know how hard both of them have worked to accommodate the needs of Senators from both sides of the aisle, and certainly in this case, when the key cosponsors are both Republican and Democrat. I see my friend from Minnesota on the floor. I have truly appreciated all the work Senator COLEMAN, Senator SARBANES, Senator GRAHAM and Senator REED have put into crafting this amendment with me. I also thank our 35 other cosponsors, who strike a broad swath of the political spectrum. Might I suggest this, though: That we withhold our amendment and work to ensure that in conference we increase funds for these important community development and housing programs. I am on Appropriations. The Senator from Missouri is as well, of course, as is the Senator from Washington State. With Senator COLEMAN, we are all agreed on the need for Community Development Block Grant Programs, Section 8. HUD public housing. Between now and the time of conference, we will work closely together with the leaders of the Transportation-Treasury-HUD Appropriations subcommittee to see if we can increase these various areas. Would that make sense to the distinguished chairman?

Mr. BOND. Mr. President, the suggestion of my friend from Vermont is a very good one. I think he knows—and he serves on our committee—that trying to fund these very vital programs is a top priority of my ranking member and of mine. We are in a position where we have not been able to identify any more dollars. We will look forward to working with them and their staffs. We will work in conference with the House to try to add money because these are high-priority programs. Community development block grants, public housing, Section 8, these are vitally important. Right now we can't find them. I would be put in a very awkward spot of having to raise a Budget Act point of order. I would appreciate the opportunity to work with the Senator from Vermont, the Senator from Minnesota, and other Senators. I know I speak for my colleague from Washington. We will work with the other original cosponsors of this amendment to try to accomplish that. I thank him very much for his understanding and willingness to work with us.

Mr. LEAHY. Mr. President, I have worked with both the Senators from Missouri and Washington State for years. I know they have commitments to all these programs and have always worked in a bipartisan way. I would be willing to accept those assurances. I ask my chief cosponsor, the Senator from Minnesota, how he feels about this commitment from the chairman and ranking member of the TTHUD Appropriations subcommittee?

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. COLEMAN. Mr. President, the champions of CDBG and Section 8 are the ranking member and chairman of the committee. We are in an awkward position. We are all trying to get to the same place. I accept those assurances. These programs are vitally important. We had over 68 votes for supporting full funding for CDBG when it first came up this year. We are all marching down the same path. I appreciate the work that the chairman and the ranking member have done and their commitment to look for more money when we get to conference.

Mr. LEAHY. Mr. President, we will withdraw the amendment. If it is at the desk, we withdraw it.

The PRESIDING OFFICER. The amendment is not pending.

The PRESIDING OFFICER. The Senator from Missouri.

AMENDMENTS NOS. 2182; 2080; 2122; 2083, AS MODIFIED; 2183; 2184; 2185; 2186; 2187; 2188; 2167, AS MODIFIED; 2168, AS MODIFIED; 2189; 2084; 2103; 2119, AS MODIFIED; 2190; 2150, AND 2173 EN BLOC

Mr. BOND. Mr. President, as part of a managers' package, I send to the desk amendment No. 2182 from Senator LEVIN on the use of funds for Federal contracts with expatriate agencies; amendment No. 2080, Senator SANTORUM, to modify provisions relating to certain Federal contracts; amendment No. 2122, to allow disabled and nondisabled tenants to keep their Section 8 contracts for properties postforeclosure by Senator SCHUMER, as modified; amendment No. 2083, as modified, by Senator DEWINE, to appropriate $6 million for the new car assessment program; an amendment on behalf of Senators FRIST, DOLE, and BOXER to provide funding for Habitat for Humanity; an amendment on behalf of Senator MURRAY relating to the Spokane region high-speed rail corridor study; an amendment on behalf of myself to eliminate the GSA authority to retain proceeds from the sale or other conveyance of real and personal property; an amendment on behalf of Senator NELSON making appropriations for the Department of Treasury for the Financial Crimes Unit; an amendment on behalf of Senator LOTT and Senator LAUTENBERG relating to Amtrak; an amendment on behalf of Senator LAUTENBERG on the owners and operators of airports certified under section 44476; two amendments on behalf of Senator LANDRIEU, one to make funds available for conducting a study and submission of a report relating to catastrophic hurricane evacuation plans and another amendment to set aside funds to provide grants to local governments to address increased transportation demands in communities that have experienced significant population growth; an amendment on behalf of Senator COLEMAN to improve the safety of all-terrain vehicles; and on behalf of Senator COBURN, we wish to include amendment No. 2084. Senator COBURN has an amendment on improper payments, and I would ask that he or his staff provide us copies of those amendments and that they be included in the managers' package.

The PRESIDING OFFICER. The Senator from Missouri should note that both of those amendments are already pending.

AMENDMENT NO. 2091 WITHDRAWN

Mr. BOND. I ask that amendment 2091 be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

Is there objection to considering the specified amendments en bloc?

Without objection, it is so ordered.

The Senator from Washington.

Mrs. MURRAY. Mr. President, we are working our way quickly toward final passage. I just wanted to take a minute and thank our chairman, Senator BOND, from Missouri, who has done a remarkable job with a very complex bill that has numerous agencies with it, the first time the Senate has considered a bill with Transportation and HUD and Judiciary. I wish to compliment him and his staff and thank all of our staffs for the tremendous work they did in moving this bill forward.

I thank the Chair.

Mr. BOND. Mr. President, I thank my colleague from Washington. Her cooperation and her very active involvement have made all of this possible. We appreciate it. We will talk about our staff later.

I call up amendment 2103 on behalf of Senator BURNS requiring air carriers to honor tickets for suspended air passenger service, and I call up modified amendment No. 2119 on behalf of Senator STEVENS and Senator ENSIGN and ask that be considered and adopted.

We have the Coburn amendment, improper payments. I call up amendment 2150 on behalf of Senator SNOWE relating to certified service station employees, the Federal Aviation amendment, and ask that be included in the managers' package, and amendment 2173 on behalf of Senator COLEMAN relating to purchase card payments to Federal contractors and ask that be included.

The PRESIDING OFFICER. Without objection, it is so ordered.

Without objection, the amendments are agreed to en bloc.

The amendments were agreed to en bloc, as follows:

AMENDMENT NO. 2182

(Purpose: To prohibit the use of funds for Federal contracts with expatriated entities)

On page 293, after line 25, add the following:

SEC. ___. PROHIBITION ON FUNDING OF FEDERAL CONTRACTS WITH EXPATRIATED ENTITIES.

(a) IN GENERAL.—None of the funds appropriated or otherwise made available by this Act may be used for any Federal Government contract with any foreign incorporated entity which is treated as an inverted domestic corporation under section 835(b) of the Homeland Security Act of 2002 (6 U.S.C. 395(b)) or any subsidiary of such an entity.

(b) WAIVERS.—

(1) IN GENERAL.—Any Secretary shall waive subsection (a) with respect to any Federal Government contract under the authority of such Secretary if the Secretary determines that the waiver is required in the interest of national security.

(2) REPORT TO CONGRESS.—Any Secretary issuing a waiver under paragraph (1) shall report such issuance to Congress.

(c) EXCEPTION.—This section shall not apply to any Federal Government contract entered into before the date of the enactment of this Act, or to any task order issued pursuant to such contract.

AMENDMENT NO. 2080

(Purpose: To modify provisions relating to certain Federal contracts)

On page 276, after line 24, add the following:

SEC. 18 . Section 112(b)(2) of title 23, United States Code, is amended—

(1) in subparagraph (A), by striking "title 40" and all that follows through the period and inserting "title 40.";

(2) by striking subparagraph (B);

(3) by redesignating subparagraphs (C) through (F) as subparagraphs (B) through (E), respectively;

(4) in subparagraph (E) (as redesignated by paragraph (3)), in the first sentence, by striking "subparagraph (E)" and inserting "subparagraph (D)"; and

(5) by striking subparagraph (G).

AMENDMENT NO. 2122

(Purpose: To allow disabled and non-disabled tenant to keep their section 8 contracts on their properties post foreclosure)

On page 338, line 15, strike "and is occupied primarily by elderly or disabled families".

On page 338, line 19, insert ", and the contract for such payments shall be renewable by the owner under the provisions of section 524 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note)" after "in the property".

AMENDMENT NO. 2083, AS MODIFIED

(Purpose: To appropriate an additional $6,000,000 for the New Car Assessment Program with a corresponding off-set in Department of Transportation salaries and expenses)

On page 248, between lines 20 and 21, insert the following:

SEC. 133. For an additional amount for the National Highway Traffic Safety Administration under the heading "Operations and Research" $6,000,000, to carry out the provisions of section 10307(c) of Public Law 109–59.

AMENDMENT NO. 2183

(Purpose: To fund Habitat for Humanity)

On page 310, line 16, after "tribal area", insert the following: ", and of which $5,000,000 shall be for capacity building activities administered by Habitat for Humanity International".

AMENDMENT NO. 2184

On page 253, after line 22, insert the following:

"SEC. Notwithstanding any other provision of law, funds made available to the Federal Railroad Administration for the Spokane Region High Speed Rail Corridor Study on page 1420 of the Joint Explanatory Statement of the Committee of Conference for Public Law 108–447 (House Report 108–792) shall be made available to the Washington State Department of Transportation for track and grade crossing improvements under the Bridging the Valley project between Spokane County, Washington and Kootenai County, Idaho."

AMENDMENT NO. 2185

(Purpose: Eliminate GSA authority to retain proceeds from sale or other conveyance of real and personal property)

On page 383, state line 21 and all that follows through line 6 on page 384.

AMENDMENT NO. 2186

(Purpose: To provide the sense of Congress that the Secretary of the Treasury should place al-Manar on the Specially Designated Global Terrorist list)

On page 293, after line 25, insert the following:

SEC. 221. It is the sense of Congress that the Secretary of the Treaury should place al-Manar, a global satellite television operation, on the Specially Designated Global Terrorist list.

AMENDMENT NO. 2187

(Purpose: To modify the provisions on grants to the National Passenger Rail Corporation)

On page 250, line 9, strike "*Provided*, That," and all that follows through page 252, line 17, and insert "*Provided*, That the Corporation may impose a passenger service surcharge on each ticket issued equivalent to 5 percent of the value of said ticket for all tickets issued for travel in the Northeast Corridor, or route segment, between Washington, DC and Boston, MA and equivalent to 2 percent of the value of said ticket price for all tickets issued for travel on a route outside the Northeast Corridor, the proceeds of which shall be used for capital investments: *Provided further*, That the Corporation shall not impose said surcharge if it finds that such a surcharge shall have a deleterious impact on ridership and revenues: *Provided further*, That of the funds provided under this section, not less than $5,000,000 shall be expended for the development and implementation of a managerial cost accounting system, which includes average and marginal unit cost capability: *Provided further*, That within 30 days of development of the managerial cost accounting system, the Department of Transportation Inspector General shall review and comment to the Secretary of Transportation and the House and Senate Committees on Appropriations, upon the strengths and weaknesses of the system and how it best can be implemented to improve decision making by the Board of Directors and management of the Corporation.".

AMENDMENT NO. 2188

(Purpose: To ensure that airports improve their runway safety areas, and for other purposes)

On page 227, line 7, strike the period and insert the following: "*Provided further*, That not later than December 31, 2015, the owner or operator of an airport certificated under 49 U.S.C. 44706 shall improve the airport's runway safety areas to comply with the Federal Aviation Administration design standards required by 14 CFR part 139: *Provided further*, That the Federal Aviation Administration shall report annually to the Congress on the agency's progress toward improving the runway safety areas at 49 U.S.C. 44706 airports."

AMENDMENT NO. 2168, AS MODIFIED

On page 276, after line 24, add the following:

SEC. 1____.(a) In addition to amounts available to carry out section 10204 of the Safe, Accountable, Flexible, and Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59) as of the date of enactment of this Act, of the amounts made available by this Act, $1,000,000 may be used by the Secretary of Transportation and the Secretary of Homeland Security to jointly—

(1) complete the review and assessment of catastrophic hurricane evacuation plans under that section; and

(2) submit to Congress, not later than June 1, 2006, the report described in subsection (d) of that section.

(b) Section 10204 of the Safe, Accountable, Flexible, and Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59) is amended—

(1) in subsection (a)—

(A) by inserting after "evacuation plans" the following: "(including the costs of the plans)"; and

(B) by inserting "and other catastrophic events" before "impacting";

(2) in subsection (b), by striking "and local" and inserting "parish, county, and municipal"; and

(3) in subsection (c)—

(A) in paragraph (1), by inserting "safe and" before "practical";

(B) in paragraph (2), by inserting after "States" the following: "and adjoining jurisdictions";

(C) in paragraph (3), by striking "and" after the semicolon at the end;

(D) in paragraph (4), by striking the period at the end and inserting a semicolon; and

(E) by adding at the end the following:

"(5) the availability of food, water, restrooms, fueling stations, and shelter opportunities along the evacuation routes;

"(6) the time required to evacuate under the plan; and

"(7) the physical and mental strains associated with the evacuation.".

AMENDMENT NO. 2167, AS MODIFIED

On page 219, line 14, insert after "$15,000,000" the following: ", of which $2,000,000 may be made available to provide a grant to the Louisiana Department of Transportation and Development to establish a program under which the Louisiana Department of Transportation and Development shall provide grants to parish and municipal governments in the State of Louisiana that experience a significant spike in population because of an unexpected influx of hurricane evacuees, as determined by the Louisiana Department of Transportation and Development, to quickly implement smart and innovative plans to alleviate traffic congestion and to address increased transportation demands in the affected communities".

AMENDMENT NO. 2189

(Purpose: To improve the safety of all-terrain vehicles in the United States)

At the appropriate place, insert the following:

SEC. ___. ALL-TERRAIN VEHICLES.

(a) IN GENERAL.—Notwithstanding any other provision of law, it is unlawful for any manufacturer or wholesale distributor to distribute in commerce in the United States any new assembled or unassembled ATV unless—

(1)(A) with respect to an ATV designed for use by single operator only, such ATV complies with any applicable provision of—

(i) the American National Standard for Four Wheel All-Terrain Vehicles - Equipment, Configuration, and Performance Requirements developed by the Specialty Vehicle Institute of America (American National Standard ANSI/SVIA-1-2001);

(ii) a revision of such Standard; or

(iii) a mandatory rule promulgated by the Consumer Product Safety Commission; or

(iv) such alternative standard that may be accepted by the commission; or

(B) with respect to an ATV designed for use by an operator and passengers, such ATV complies with any applicable provisions of any future American National Standard developed for such vehicles or such alternative standard that may be accepted by the commission;

(2) with respect to an ATV, it is subject to or covered by a letter of undertaking or an ATV action plan that is sent not more than 30 days after the date of enactment of this Act—

(A) applies to such ATV;

(B) includes actions to promote ATV safety; and

(C) has been approved by the Commission and is substantially implemented at the time of the distribution in commerce of such ATV; and

(3) such ATV bears a permanent label certifying that it complies with the provisions of paragraphs (1) and (2).

(b) DEFINITIONS.—In this section:

(1) ATV.—The term "ATV" means any motorized, off-highway, all-terrain vehicle designed to travel on 4 wheels, having a seat designed to be straddled by the operator and handlebars for steering control and does not include a prototype of an motorized, off-highway, all-terrain vehicle or other off-highway, all-terrain vehicle that is intended exclusively for research and development purposes.

(2) COMMISSION, DISTRIBUTION IN COMMERCE, TO DISTRIBUTE IN COMMERCE, UNITED STATES.—The terms "Commission", "distribution in commerce", "to distribute in commerce", and "United States" have the meaning given those terms in section 3(a) of the Consumer Product Safety Act (15 U.S.C. 2052(a)).

(c) VIOLATION OF CPSA.—Any violation of subsection (a) shall be considered to be a prohibited act within the meaning of section 19 of the Consumer Product Safety Act (15 U.S.C. 2068) and shall be subject to the penalties and remedies available for prohibited acts under the Consumer Product Safety Act.

(d) EFFECTIVE DATE.—This section shall become effective 90 days after the date of the enactment of this Act.

AMENDMENT NO. 2103

(Purpose: To extend the suspended service ticket honor requirement)

At the appropriate place, insert the following:

SEC. ——. EXTENSION OF REQUIREMENT FOR AIR CARRIERS TO HONOR TICKETS FOR SUSPENDED AIR PASSENGER SERVICE.

Section 145(c) of the Aviation and Transportation Security Act (49 U.S.C. 40101 note) is amended by striking "November 19, 2005." and inserting "November 30, 2006.".

AMENDMENT NO. 2119, AS MODIFIED

(Purpose: To amend section 40128(e) of title 49, United States Code, to clarify the Lake Mead exemption to the prohibition of commercial air tour operations over national parks)

On page 230, after line 22, insert the following:

SEC. 109. Section 40128(e) of title 49, United States Code, is amended by adding at the end the following: "For purposes of this subsection, an air tour operator flying over the Hoover Dam in the Lake Mead National Recreation Area en route to the Grand Canyon National Park shall be deemed to be flying solely as a transportation route.".

Nothing in this provision shall allow exemption from overflight rules for the Grand Canyon.

AMENDMENT NO. 2190

(Purpose: To ensure fiscal integrity of the payments made by Federal agencies and to prohibit the use of funds until the Department of Housing and Urban Development has reported specific actions taken to estimate improper payments in the community development block grant program as required under the Improper Payments Information Act of 2002)

On page 406, between lines 7 and 8, insert the following:

SEC. 724. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT RISK ASSESSMENT.

(a) ESTIMATE.—The Secretary of Housing and Urban Development shall estimate improper payments for the community development block grant program under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.) pursuant to section 2 of the Improper Payments Information Act of 2002 (Public Law 107–300).

(b) REPORT.—Not later than 60 days after the date of enactment of this section, the Secretary shall report to Congress on specific actions taken to estimate improper payments in the community development block grant program to comply with section 2 of the Improper Payments Information Act of 2002, including a schedule for full compliance with such Act within fiscal year 2006.

(c) FAILURE TO REPORT.—If the Secretary fails to report to Congress on specific actions taken to estimate improper payments as required under subsection (b), funds for the community development block grant program shall be halted until such report is submitted.

AMENDMENT NO. 2150

(Purpose: To assist certain flight service station employees of the Federal Aviation Administration)

At the appropriate place, insert the following:

SEC. ___ .(a)(1) This section shall apply to an employee of the Federal Aviation Administration, who—

(A) would be involuntarily separated as a result of the reorganization of the Flight Services Unit following the outsourcing of flight service duties to a contractor;

(B) was not eligible by October 3, 2005 for an immediate annuity under a Federal retirement system; and

(C) assuming continued Federal employment, would attain eligibility for an immediate annuity under section 8336(d) or 8414(b) of title 5, United States Code, not later than October 4, 2007.

(2) Notwithstanding any other provision of law, during the period beginning on the date of enactment of this Act and ending October 4, 2007, an employee described under paragraph (1) may, with the approval of the Administrator of the Federal Aviation Administration or the designee of the Administrator, accept an assignment to such contractor within 14 days after the date of enactment of this section.

(3) Except as provided in subsection (c), an employee appointed under paragraph (1)—

(A) shall be a temporary Federal employee for the duration of the assignment;

(B) notwithstanding such temporary status, shall retain previous enrollment or participation in Federal employee benefits programs under chapters 83, 84, 87, and 89 of title 5, United States Code; and

(C) shall be considered to have not had a break in service for purposes of chapters 83, 84, and sections 8706(b) and 8905(b) of title 5, United States Code, except no service credit or benefits shall be extended retroactively.

(4) An assignment and temporary appointment under this section shall terminate on the earlier of—

(A) October 4, 2007; or

(B) the date on which the employee first becomes eligibility for an immediate annuity under section 8336(d) or 8414(b) of title 5, United States Code.

(5) Such funds as may be necessary are authorized for the Federal Aviation Administration to pay the salary and benefits of an employee assigned under this section, but no funds are authorized to reimburse the employing contractor for the salary and benefits of an employee so assigned.

(b) An employee who is being involuntarily separated as a result of the reorganization of the Flight Services Unit following the outsourcing of flight service duties to a contractor, and is eligible to use annual leave under the conditions of section 6302(g) of title 5, United States Code, may use such leave to—

(1) qualify for an immediate annuity or to meet the age or service requirements for an enhanced annuity that the employee could qualify for under sections 8336, 8412, or 8414; or

(2) to meet the requirements under section 8905(b) of title 5, United States Code, to qualify to continue health benefits coverage after retirement from service.

(c)(1) Nothing in this section shall—

(A) affect the validity or legality of the reduction-in-force actions of the Federal Aviation Administration effective October 3, 2005; or

(B) create any individual rights of actions regarding such reduction-in-force or any other actions related to or arising under the competitive sourcing of flight services.

(2) An employee subject to this section shall not be—

(A) covered by chapter 71 of title 5, United States Code, while on the assignment authorized by this section; or

(B) subject to section 208 of title 18, United States Code.

(3) Temporary employees assigned under this section shall not be Federal employees for purposes of chapter 171 of title 28, United States Code (commonly referred to as the Federal Tort Claims Act). Chapter 171 of title 28, United States Code (commonly referred to as the Federal Tort Claims Act) and any other Federal tort liability statute shall not apply to an employee who is assigned to a contractor under subsection (a).

AMENDMENT NO. 2173

(Purpose: To require that purchase card payments to Federal contractors be subjected to the Federal Payment Levy Program and to require improved reporting of air travel by Federal Government employees)

On page 406, between lines 7 and 8, insert the following:

SEC. 724. PAYMENTS TO FEDERAL CONTRACTORS WITH FEDERAL TAX DEBT.

The General Services Administration, in conjunction with the Financial Management Service, shall develop procedures to subject purchase card payments to Federal contractors to the Federal Payment Levy Program.

SEC. 520. REPORTING OF AIR TRAVEL BY FEDERAL GOVERNMENT EMPLOYEES.

(a) ANNUAL REPORTS REQUIRED.—The Administrator of General Services shall submit annually to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives a report on all first class and business class travel by employees of each agency undertaken at the expense of the Federal Government.

(b) CONTENTS.—The reports submitted pursuant to subsection (a) shall include, at a minimum, with respect to each travel by first class or business class—

(1) the names of each traveler;

(2) the date of travel;

(3) the points of origination and destination;

(4) the cost of the first class or business class travel; and

(5) the cost difference between such travel and travel by coach class fare available under contract with the General Services Administration or, if no contract is available, the lowest coach class fare available.

(c) AGENCY DEFINED.—(1) Except as provided in paragraph (2), in this section, the term "agency" has the meaning given such term in section 5701(1) of title 5, United States Code.

(2) The term does not include any element of the intelligence community as set forth in or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

DISABLED VETERANS AND OTHER PERSONS WITH DISABILITIES

Mr. NELSON of Nebraska. Mr. President, I rise to enter into a colloquy with Senator DEWINE to discuss an amendment that we were going to offer on behalf of our Nation's disabled veterans and other persons with disabilities.

I know that we are all concerned about taking care of our returning service men and women, especially those who were wounded in action and are now disabled, some severely. The amendment that was to be offered today would have immediately increased employment of the disabled while potentially saving taxpayer money.

In October 2004, Congress enacted the American Jobs Creation Act of 2004, providing for outsourcing by the IRS of collection of unpaid and past due Federal income taxes. The administrative process for issuing contracts to qualified private sector debt collection companies is about to be completed. It is estimated that these contracts will create up to 4,000, well paying private sector jobs.

If the same tax collection activities were conducted by Federal employees, provisions of current law would give preferences in employment to disabled veterans in filling those Federal jobs. In addition, if other persons with disabilities were employed by the Federal Government in those jobs, those disabled persons would benefit from the Federal Government's long history of nondiscrimination and policies of promoting job opportunities for the disabled. By enacting legislation to improve the IRS's tax collection efforts and placing those efforts on a sound commercial footing by outsourcing or privatizing the initiative, Congress certainly did not intend to curtail the national commitment to creating meaningful job opportunities for disabled veterans and other persons with disabilities. Indeed, the contracts which the IRS will soon execute with private sector debt collection companies provide a unique opportunity for the Federal Government to stimulate creation of well paying jobs for disabled veterans and other persons with disabilities.

To realize this opportunity, however, Congress must act to assure that existing Federal employment preferences for disabled veterans and Federal policies promoting opportunities for other disabled persons are carried forward as a part of the IRS's contracting criteria.

The language in the proposed amendment would have established a preference under the debt collection contracting program for contractors who meet certain threshold criteria relating to employment of disabled veterans and other disabled persons. Furthermore, the amendment would have required that at least a specified percentage of the individuals employed by the contractor to provide debt collection services under the contract with the IRS qualify as disabled veterans or disabled persons.

Some have expressed concern over this proposed amendment because they believe this could possibly derail the selection process currently underway.

It is not my intention to stall this process, but rather to make it better. As such, I have chosen not to offer the language at this time. But it is my intention to find the appropriate legislative vehicle for language mandating the hiring of persons with disabilities prospectively.

I wish to ask the Senator from Ohio to work with me on this very important matter.

Mr. DEWINE. Mr. President, I am happy to join my friend from Nebraska in bringing this very important issue to the attention of the Senate.

As my good friend has mentioned, the provisions contained in the American Jobs Creation Act of 2004 have created a unique opportunity to advance the futures of returning patriots and other persons with disabilities, while improving the fiscal outlook of our country.

A little over a year ago, the U.S. Army established the Disabled Soldiers Support System, or DS3, to provide its "disabled Soldiers and their families with a system of advocacy and follow-up to provide personal support that assists them in their transition from military service into the civilian community." The program has been combined with the Recovery and Employment Assistance Lifelines, or REALifelines, initiative as a joint project of the U.S. Department of Labor, the Bethesda Naval Medical Center, and the Walter Reed Army Medical Center. The joint effort aims to create a seamless, personalized assistance network to ensure that seriously wounded and injured servicemembers who cannot return to active duty are trained for rewarding new careers in the private sector.

In employing the new private debt collection provisions of the American Jobs Creation Act, private collection agencies would be in the unique position of being able to provide these veterans with well-paying and challenging jobs. Studies in the Worker's Compensation industry point to heightened degrees of vocational success when return to work efforts occur early. It is important that our returning disabled servicemembers be reincorporated into a stable work environment as soon as possible so that they do not become depressed and develop feelings of uselessness.

As the Senator has stated, some have expressed concern due to the selection process currently underway. Therefore, I agree with him that it is best not to offer this language at this time.

But notwithstanding, Senator NELSON of Nebraska and I plan to work to find the appropriate legislative vehicle to attach language that will mandate the hiring of persons with disabilities prospectively. I urge my fellow Senators to join me in supporting this effort. This is an innovative and cost-effective plan for increasing employment of disabled veterans and other disabled citizens. We owe it to our service men and women to improve their futures any way we can.

SETASIDE FUNDING FOR PUBLIC HOUSING AGENCIES

Ms. STABENOW. Mr. President, I rise to engage in a colloquy with the chairman and ranking member of the Transportation-HUD Appropriations Subcommittee. There has already been much discussion about the critical role of the section 8 program in providing millions of Americans with affordable, safe housing. As my colleagues know, the 2005 funding year budget is based on a "snapshot" of verified VMS leasing and cost data averaged for the months of May, June, and July of 2004. I commend the chairman and ranking member for including a setaside of $45 million in the Senate bill to adjust the allocations of the housing agencies whose snapshot did not accurately reflect the real leasing levels and costs for 2004.

Unfortunately, the provision as drafted does not take into account reduced leasing levels resulting from the public housing agency: One, following HUD directives to not reissue turnover vouchers, two, accepting 1,000 or more additional vouchers through Housing Conversion Actions or enhanced vouchers, or three, accepting assigned vouchers/voucher portfolios from other public housing authorities. Without these additional criteria, many public housing agencies, including the Michigan State Housing Development Authority, will be unfairly denied any of the setaside funding that is provided under this bill to make them whole. I urge the chairman and ranking member to improve this provision in conference to provide for a fairer distribution of this setaside funding.

Mr. BOND. Mr. President, I thank the distinguished Senator from Michigan and concur with her that this is a problem that must be addressed in conference. I will work with the Senator from Michigan to ensure that the final conference report includes a fair distribution of this setaside funding for public housing agencies. As you know, we included a provision to protect the use of project-based vouchers in the distribution formula.

Mrs. MURRAY. Mr. President, I appreciate the Senator bringing this issue to our attention and she can be sure that her concerns will be given every consideration in conference.

Ms. STABENOW. I thank the distinguished chairman and ranking member of the subcommittee.

JUDICIAL RESOURCES FOR THE U.S. DISTRICT COURT FOR THE DISTRICT OF NEW MEXICO

Mr. DOMENICI. Mr. President, I rise to speak on the pending Transportation, Treasury, Judiciary and HUD Appropriations bill for fiscal year 2006. I would like to discuss the special needs of the U.S. District Court for the District of New Mexico due to its disproportionately heavy caseload.

I thank the distinguished chairman of the Transportation, Treasury, Judiciary and HUD Appropriations Subcommittee, Senator BOND, and the distinguished ranking member, Senator MURRAY, for their willingness to address the difficulties faced by courts on the United States-Mexico Border due to lack of resources. This issue is one of great importance to the citizens of New Mexico.

The District Courts along the United States-Mexico border face particularly pressing needs as they must deal with many immigration issues in addition to the typical cases filed in federal court. For example, for the 12-month period ending September 30, 2004, 364 felony cases per judge were filed in the District of New Mexico, compared to the national average of 88 cases per judge. The Las Cruces, NM division, which deals with a significant number of Spanish speakers, currently has only one staff interpreter to support five judges and magistrates. District judges from across the state travel to Las Cruces weekly to help manage the over-crowded docket in the southern part of the State, so they need additional travel funds. Finally, courtroom technology, such as video conferencing equipment, is needed to allow judges to hear motions without traveling across the State.

May I inquire of the distinguished chairman if it is the intention of the subcommittee to encourage the Administrative Office of the Courts, as they prepare their funding formula for the distribution of fiscal year 2006 funds, to take into account the above mentioned special needs of the U.S. District Court for the District of New Mexico?

Mr. BOND. Mr. President, the Senator from New Mexico is correct. The U.S. Court for the District of New Mexico faces an extraordinary need for interpreters, travel funds for judges, and improved courtroom technology, and I ask the Administrative Office of the Courts to consider these necessities in their allocation of fiscal year 2006 funds.

Mrs. MURRAY. I agree with the distinguished Senator from Missouri and request that the needs of the U.S. Court for the District of New Mexico be considered by the Administrative Office of the Courts. I have also been made aware of these concerns earlier in the year by the other Senator from New Mexico, Mr. BINGAMAN.

Mr. DOMENICI. I thank my colleagues for their concurrence regarding the special circumstances and requirements of the U.S. District Court for the District of New Mexico. I also thank the chairman for his willingness to attempt to address this issue in conference.

FEDERAL FUNDS FOR DISTRICT OF COLUMBIA RESIDENT TUITION ASSISTANCE

Mr. DURBIN. Mr. President, I would like to speak briefly about a particular Federal funding provision in the appropriations measure for the District of Columbia, which has been fully incorporated as part of this bill. The bill provides $33.2 million in Federal funds for the District of Columbia Resident Tuition Assistance Program, also known as DC TAG.

The District of Columbia Resident Tuition Assistance Program provides funds which allow eligible District students to attend out-of-State public colleges and universities at in-State tuition rates. It also provides stipends for District students to attend private Historically Black Colleges and Universities, HBCUs, across the country and private colleges in the District of Columbia metropolitan region.

I have had a long-standing interest in this program. I recall a meeting in my office in early 1999 with Donald Graham of The Washington Post. He was spearheading an effort to involve the Congress in creating and funding a program to work in tandem with a successful program that local business leaders established in the local schools to provide guidance to students exploring post-secondary educational opportunities. I was impressed with the concept and pledged to help get it done.

As ranking member of the District of Columbia oversight subcommittee, I worked closely with Senator VOINOVICH in shepherding through to enactment the legislation that initially established this program, the District of Columbia College Access Act of 1999. Then as subcommittee chairman in 2001, I worked to ensure that the District of Columbia College Access Improvement Act of 2002 to expand and strengthen the program was signed into law. More recently, I was an original cosponsor of bipartisan legislation last year to reauthorize the program.

This unique program has enjoyed remarkable success. District officials are to be commended for their efforts to quickly launch and implement the program within a short period following its authorization. The fact that the Federal funds have enabled over 8,000 District residents to achieve their dream of attending college at some institutions in 46 states is extraordinary.

Yet despite my long-standing, ongoing support for the TAG program and its continued viability, I do have significant concerns. These are not new.

First, this Program's source of revenue for its operation is strictly and wholly a Federal contribution. There are—and have been—no non-Federal funds invested in the Program. While the Mayor can be proud of how much it has accomplished in the past six years, there is no demonstrated financial commitment to it on the part of the local District government.

Secondly, in the past 2 fiscal years, this program has enjoyed a significant boost in annual funding. In FY 2005, the President requested $17 million, the equivalent level Congress provided in each of the previous five years. However, the District sought $25.6 million. The fact that the District at the time appeared to also have some $9 million in unspent reserve funds prompted me to amend the Senate bill in committee to provide for $21.2 million, with a directive that the District use the reserve funds to fully fund the program in fiscal year 2005 and work with the Senate and House authorizing and appropriations Committees to develop a plan involving Federal/non-Federal cost sharing for DC TAG for future fiscal years. The conference ultimately approved the full $25.6 million.

Now this year, the proposed funding level for fiscal year 2006 of $33.2 million represents a 30 percent increase over the $25.6 million allowed for fiscal year 2005, which itself represented a 52 percent hike over the $17 million appropriated for fiscal year 2004. In response to questions I raised seeking further explanation and justification for this increase, Mayor Anthony Williams sent me his written assurance that "the last two years' requests for significant appropriations increase will not occur again." I ask unaminous consent that a copy of the Mayor's letter of July 20, 2005 be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1)

Mr. DURBIN. Mr. President, I also note that 2 years ago, the Congress directed the Government Accountability Office to evaluate the DC TAG program to determine whether adequate controls are in place to protect the Federal interest, such as those pertaining to student eligibility, cash management, and administrative expenses, as well as assess relevant performance and demographic information.

I understand that the GAO's work on this mandated study may be in its final stages, and that a written report is anticipated soon. To the extent that GAO identifies any particular concerns which may put the DC TAG program and the Federal taxpayer dollars it receives at risk, I would urge that in response, the Mayor take immediate steps to promptly correct any identified weaknesses in the operations and financial management of the program, and advise the Congress of the District's plans and outcomes.

Additionally, to the extent that the GAO findings and recommendations are available in advance of the conference on this bill, I would recommend that the conference agreement include explicit directives to the Mayor and other appropriate District officials to address the GAO findings in order to help bolster the future fiscal management of this program without inordinate delay.

Furthermore, it would be prudent, prior to our consideration of the FY 2007 funding request for this program, that the District of Columbia appropriations subcommittee conduct a comprehensive oversight hearing on the DC TAG program. This could provide a forum to not only showcase the program's accomplishments and strengths, but to identify any weaknesses in the fiscal operations, program policies, and managerial structure which affect the efficient and effective use of Federal funds. It may afford an opportunity to collaborate with the authorizing committee to ensure that any necessary legislative and administrative reforms can be instituted. Any efforts we can take to improve this program as it matures and continues to benefit District residents in their educational pursuits will be time well spent.

EXHIBIT 1

JULY 20, 2005.

Hon. RICHARD J. DURBIN,
Subcommittee on the District of Columbia, Senate Committee on Appropriations, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR DURBIN: I would like to thank you for your long history of support for the District of Columbia Tuition Assistance Grant Program (DCTAG). As a result of your leadership for both the authorization and significant appropriations for this most beneficial program, DCTAG has helped more than 8,000 students throughout the District of Columbia attend college.

The program's success has necessarily and predictably resulted in rising costs and I acknowledge your concerns about the rate of growth in program costs over the last two years. Moreover, I acknowledge your concerns about our current out-year cost projections. I can assure you that the last two years' requests for significant appropriations increase will not occur again. These increases were largely the result of two factors: 1) the program's annual carryover is virtually depleted meaning that we must request the actual operating costs (rather than relying, in part, on carryover surpluses) and 2) the program has been adding entire classes of students during its implementation phase (and we no longer will be adding new cohorts or categories of newly eligible persons.)

As Mayor, I am committed to undertaking measures to reduce the current cost projections in FY 07 and beyond, including: Negotiating tuition decreases based upon volume of students; aligning program requirements in line with those of the U.S. Department of Education; and revising maximum award calculations based on type of school.

Program officials have already discussed these scenarios with the authorizers and after appropriate consultation with you and others, we will begin to implement a range of cost containment measures. Attached is a copy of my testimony last month before the DC appropriations subcommittee which reiterates this commitment.

I once again thank you for support of the DCTAG program. This program has had a demonstrable impact on the quality of life for thousands of District families. Were it not for this program, the dream of a college education would not be a reality for many of these families. My staff and I are eager to continue our partnership with you and your staff in the management of this program to the benefit of the citizens of the District of Columbia.

Sincerely,

ANTHONY A. WILLIAMS,
Mayor.

Ms. LANDRIEU. Mr. President, I like to thank the Senator from Illinois, Mr. DURBIN, for his concerted oversight of the DC Tuition Assistance Grant Program. This program is an important aspect of Congress's investment in educational opportunities for DC students. I appreciate Senator DURBIN's insight into the management of the program as he brings to our appropriations subcommittee on the District the perspective of the authorizing committee on which he served as well.

As Senator DURBIN noted, Congress engaged the Government Accountability Office to conduct a comprehensive review of the Tuition Assistance Grant Program—TAG—in 2004. We understand this report is forthcoming and are eager to review these findings with our colleagues. This unique program was created to fit the unique need that the District of Columbia does not have a public university system similar to states across the country. TAG supports the opportunity for DC students to have choices to further their education in small or large universities around the country. The program has been lauded as a significant tool for increasing college attendance, but I am particularly interested to learn from the GAO the college graduation rates of TAG recipients. This, and answers many other questions, will enable the authorizers and appropriators to continually examine this program for performance.

As a unique program, tailored to the needs of the District, we also must ensure the program is meeting the goals set out by the Congress and the needs of the community. We understand the GAO has found that several management and financial controls are lacking. Because we have limited resources every program must be responsive to the community and operate in an accountable and rigorous manner. I am encouraged by the recent management improvements Mayor Williams has made, but as Senator DURBIN noted, there is still work to be done.

I appreciate Senator DURBIN raising these important concerns to Chairman BROWNBACK and me. I will work with the other conferees to ensure that funding for the TAG program meets the current need in the community, and that proper controls are in place for strict management of these funds. In addition, I welcome an opportunity for the Committee to examine the TAG program in our hearings next spring. I hope we are able to collaborate with the authorization committee so we may continue to manage and fund this program to generate the best benefit for all DC students attending college.

Senator DURBIN, I thank you for bringing these recommendations to our attention.

Mr. GREGG. Mr. President, the pending Departments of Transportation, Treasury, HUD, the Judiciary and Related Agencies appropriations bill for fiscal year 2006, H.R. 3058, as reported by the Senate Committee on Appropriations provides $84.806 billion in budget authority and $141.037 billion in outlays in fiscal year 2006. Of these totals, $18.987 billion in budget authority and $18.973 billion in outlays are for mandatory programs in fiscal year 2006.

The bill provides total discretionary budget authority in fiscal yer 2006 of $65.819 billion. This amount is $5.689 billion more than the President's request, equal to the 302(b) allocations adopted by the Senate and $47 million less than fiscal year 2005 enacted levels. This legislation is also equal to the 302(b) outlay allocation.

For the information of my colleagues, I must note that this legislation contains several provisions that will result in spending in 2007 and subsequent years. I must inform my colleagues that the provisions creating these advance appropriations would be subject to a budget point of order under section 401(b) of the 2006 budget resolution. It is my hope that these problems can be addressed by the bill managers so that we will not have to consider points of order against this bill.

Mr. President, I ask unanimous consent that a table displaying the Budget Committee scoring of the bill be inserted in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

H.R. 3058, 2006 TRANSPORTATION, TREASURY, JUDICIARY, AND HUD APPROPRIATIONS—SPENDING COMPARISONS—SENATE-REPORTED BILL

[Fiscal Year 2006, $ millions]

	General purpose	Mandatory	Total
Senate-reported bill:			
Budget authority	65,819	18,987	84,806
Outlays	122,064	18,973	141,037
Senate 302(b) allocation:			
Budget authority	65,819	18,987	84,806
Outlays	122,064	18,973	141,037
2005 Enacted:			
Budget authority	65,866	18,580	84,446
Outlays	116,866	18,532	135,398
President's request:			
Budget authority	60,130	18,987	79,117
Outlays	119,218	18,973	138,191
House-passed bill:[1]			
Budget authority	66,934	18,987	85,921
Outlays	120,949	18,973	139,922
Senate-Reported Bill Compared To:			
Senate 302(b) allocation:			
Budget authority	0	0	0
Outlays	0	0	0
2005 Enacted:			
Budget authority	−47	407	360
Outlays	5,198	441	5,639
President's request:			
Budget authority	5,689	0	5,689
Outlays	2,846	0	2,846

[1] House and Senate bills having different jurisdictions.

Note: Details may not add to totals due to rounding. Totals adjusted for consistency with scorekeeping conventions.

Ms. STABENOW. Mr. President, I rise today in support of the Transportation/Treasury/HUD appropriations bill and my trade amendment that was adopted by unanimous consent this morning. This amendment will send a strong signal to our major Asian trading partners that we are no longer going to tolerate their trade violations that are costing us jobs here at home—especially in my State of Michigan.

As my colleagues may know, Treasury Secretary Snow has been traveling in China for the last week to advance a trip that President Bush is taking to China and Japan in November. Unfortunately, he seems to be making little progress in our attempt to get China to stop its illegal trade practices like currency manipulation.

The President's upcoming trip could not come at a more important time. Currently, Chinese and Japanese trade policies are literally destroying U.S. industries, costing us jobs and hurting our middle-class families.

In order to help President Bush as he pushes China and Japan to stop their currency manipulation, to crack down on the counterfeiting of American manufactured goods, and to cease the pirating of intellectual property, I believe the Senate should go on record to show that our Government is united in opposition to these illegal trade practices.

Just last week, Delphi, our Nation's largest auto parts supplier, declared bankruptcy, threatening 15,000 jobs in Michigan and more than 33,000 across the country.

In terms of assets, this bankruptcy is the largest ever in the United States, surpassing the reorganizations of K-Mart and Worldcom.

The Delphi bankruptcy should serve as a wake up call to the Congress and the administration that we can no longer tolerate unfair trade practices. Unless we put a stop to them, our economic spiral downward will continue and the American middle class way of life will be in jeopardy.

In Michigan, we are experts at many things, but we excel at making things and growing things.

Whether it is cars or office furniture, apples or cherries, we lead the way in manufacturing innovation and efficiency.

And manufacturing jobs are the life blood of almost every community in Michigan.

Even though Michigan has growing, cutting-edge industries, such as biotechnology and nanotechnology, it still has one of the highest unemployment rates in the country because of our troubled manufacturing sector.

Our current economy is moving through a period of great uncertainty. It would be easy to blame this on a particularly bad business cycle—a business cycle that will eventually correct itself. But, to do so would require us to overlook a very real threat to our economy and our way of life.

That threat is the lack of a level playing field for American businesses and workers in the global marketplace.

As my colleagues know, China currently exports to the United States some $160 billion more than it takes in.

A significant portion of this deficit is driven by consumer demand here in the United States, but a shockingly large portion of it is due to illegal trade practices, namely currency manipulation, counterfeiting and the theft of intellectual property.

Since 1995 China has pegged its currency and has not allowed it to "float."

The impact of this illegal action is clear. It gives a distinct advantage to Chinese companies that export into the United States and diminishes our ability to export to the Chinese market—therefore, China is effectively giving its exporters an exchange rate subsidy.

This manipulation increases the price of our goods while making their goods appear cheaper here at home.

For example, a mid-sized American car sold in China or Japan is $2,000 more expensive than it should be because of currency manipulation. This really hurts our automobile industry.

Earlier this year, I spoke with employees of a large auto parts supplier who told me they had recently lost a parts contract to a Chinese company despite the fact that they were the lowest bidder.

The reason: when you factored in the impact of the artificially low yuan, the Chinese company had a cheaper bid.

As we all know, such currency manipulation is illegal under the terms of China's International Monetary Fund and World Trade Organization membership.

Some economists have calculated that this price differential may amount to as much as 40 percent. It is simply devastating our manufacturers in Michigan and it is costing us jobs everyday.

In July, China announced that it would stop pegging its currency, but after rising 2 percent on July 21, the yuan has barely budged.

This is an unacceptable situation that calls for immediate action.

I think it is important to note, though, this is not just a China problem. This is a pan-Asian problem that includes Japan among the offenders.

Unfortunately, currency manipulation is not the only illegal trade practice we need to address.

Chinese counterfeiting and Intellectual property theft are enormous problems for manufacturing in my home State of Michigan.

Let me give two examples of the problem that we in Michigan currently face with regard to this unfair competition.

Counterfeit automotive products not only kill American jobs, they have the potential to kill American families—when shoddy counterfeit automotive products replace legitimate ones of higher-quality our manufacturers lose, and our consumers are put at risk.

The Federal Trade Commission estimates that the automotive parts and components industry loses an estimated $12 billion annually in sales on a global basis to counterfeiting.

It is estimated that if these losses were eliminated, and those sales were brought into legitimate companies, the automotive industry could hire 200,000 additional workers.

And we don't even keep statistics on the potential loss of life—when shoddy counterfeit auto parts fail and cause car accidents.

We should understand that, if left unchecked, penetration by counterfeit automotive products, as well as other manufactured goods, has the potential to undermine the public's confidence and trust in what they are buying. We can't let that happen.

The second example I want to share involves a small manufacturer located in western Michigan.

Peter Perez is the president of Carter Products Company located in Grand Rapids. He is also the national president of the Wood Machinery Manufacturers of America.

Carter Products employs 15 people and holds numerous patents—one of which belongs to this small piece of equipment—the Carter Stabilizer Guide.

It is used to support a band saw blade in such a way as to allow for a wood worker to make nearly any type of angled cut.

Shortly after introducing the Stabilizer—the product, its installation instructions, and instruction photos were copied by a Chinese company and resold into the American market.

Under normal circumstances, the Stabilizer would cost a retail customer about $70. The pirated product was being sold for less than $10—which is far below the cost of the raw materials necessary to create the product.

Carter Products had to launch a case at its own expense to stop this illegal trade violation. After spending more than $20,000 the company was able to keep the illegal product out of the U.S. market by stopping its distribution in markets covered by the company's patents.

But what company can ever be sure that they have achieved victory against this type of illegal behavior if the country of origin—in this case China—is not going to abide by their obligations under the WTO?

Second only to our human resources, intellectual property is our Nation's most valuable asset. As the United States freely trades with the world's nations, we are discovering new opportunities and new challenges.

International rules and institutions have been set up to protect intellectual property, but China falls short when it comes to following those rules and keeping their commitments.

They are seeking to gain an advantage over American companies and American workers by breaking the rules. In April, I proposed bipartisan legislation to strengthen our Government's ability to protect the rights of American companies and American workers in world markets; that includes protection of our intellectual property rights. The Chief Trade Prosecutor Act should be passed into law immediately so we may defend our companies and workers from those who seek to gain an advantage by breaking the rules.

It is time to send a message to the Chinese and Japanese governments. It is time to say we are fed up and we will not take it anymore. Let's give them a shot across the bow. Let's make it loud and clear that they will have to change now—not later—or we will take real action against them.

Workers across the country are losing their job. For their sake and for those who are clinging to their jobs, let's stand up to the Chinese and Japanese governments and stand up for our working families.

Mr. KENNEDY. Mr. President, as this bill now moves to conference with the House, I strongly urge our Senate conferees to reject an unfortunate amendment adopted by the House prohibiting the allocation of any funds for the District of Columbia to enforce its firearms registration law and its requirement for DC residents to keep their firearms unloaded and disassembled, or bound by a trigger lock. In effect, the House amendment would repeal the DC Government's longstanding ban on firearms and would be a disastrous blow to gun safety in the District. For almost three decades, DC's ban on handguns and assault weapons bans have helped reduce the risk of deadly handgun violence. City residents and public officials overwhelmingly support the ban, and the courts have upheld it. Representative ELEANOR HOLMES NORTON, Mayor Anthony Williams, and Police Chief Charles Ramsey all strongly oppose the House amendment.

Mayor Williams has called this effort to repeal the city's gun ban "a slap in the face." Chief Ramsey has said that a repeal of DC's gun ban would have a "scary" impact. Without question, more guns mean more violence. More than half of the robberies and 20 percent of the aggravated assaults in the city are committed with a firearm. In 2004, nearly 80 percent of District homicides were committed with firearms. The youngest victim was only 7 years old.

It is difficult to understand how weaker gun safety laws will make residents and visitors safer. This effort by Congress to prevent the enforcement of the DC gun laws will only serve to increase the number of homicides, suicides and accidental shootings. Greater availability of firearms will make it more likely that deadly handgun violence will erupt in public buildings, offices, and public spaces. Over 20 million visitors come to Washington each year, and this amendment puts the safety of all of them at needless risk.

The amendment is also an attack upon the well-established principle of home rule for the District. It tramples the rights of the city's elected leaders and local residents to govern their homes, streets, neighborhoods, and workplaces. It is an insult to the 600,000 citizens of the District of Columbia.

Statistics show that crime prevention is working in the District. Crime decreased 18 percent last year and homicides went down 17 percent. In the first 5 months of 2005, the Metropolitan Police Department confiscated more than 1,000 firearms on city streets. Only a tiny percentage of recovered firearms are registered in the District. The city continues to face serious concerns about firearms illegally brought into the city from other jurisdictions, and the House amendment would unfairly limit the ability of DC officials to combat this problem.

Congress should respect the public safety efforts of this city's leaders and let the District decide what firearm regulations are best for its citizens. I urge my colleagues to oppose this reckless, special-interest amendment that will endanger the safety of all who live or work or visit here.

Ms. SNOWE. Mr. President, I rise today, along with my colleagues Senators THUNE and COLLINS, in support of an amendment to the Transportation, Treasury and Housing and Urban Development appropriations bill. I would like to commend the managers on both sides of the aisle for their efforts to shepherd along this extremely vital legislation to passage in the Senate. They have shown a great eagerness to work with Senators to improve the overall legislation, and have done so in a sincerely bipartisan way that is so rarely seen in the Senate nowadays.

This amendment will offer some small measure of protection to employees at our flight service stations scattered across the country. In Bangor, ME, our flight service station, highly skilled workers decipher flight plans and help pilots navigate the tricky summer fog of coastal Maine and the constantly changing winter weather.

As many of you know, our Nation's flight service stations have been contracted to Lockheed-Martin. While some may dispute the wisdom of such a decision, I do not come to the floor to discuss that issue. I do, however, wish to prevent unforeseen and serious damage to the financial future of many of our employees who have so diligently and skillfully protected our pilots and aviators for so many years.

Hundreds of flight service station employees who are years, months, or in some cases weeks away from a well-deserved retirement would be, if not protected, stripped of their Federal pensions and benefits as the stations are transferred over to Lockheed-Martin. The aerospace company has operated in good faith, there can be no disputing that, but many of these individuals have been counting the days until their retirement, complete with the Federal benefits they have so rightly earned. To take those away from them, with but a few weeks to spare, is quite obviously cruel and uncalled for.

This amendment would allow those workers who are eligible for retirement in 2 years or less to remain on the Federal Aviation Administration's payroll, to retire at the end of those 2 years, and receive the Federal retirement benefits they have worked so long to earn. This cost will be offset by reducing the payout of the contract to Lockheed-Martin.

For years, pilots have been clamoring for better technology in our flight service stations, and Lockheed will do an excellent job providing that. What will be missing will be the local knowledge and eyes on the ground that those same pilots have come to rely on. This amendment, in its own small way, attempts to honor those individuals who have proven so reliable over the years.

I urge my colleagues to support this very simple amendment, and would like to thank Senators COLLINS, THUNE, JOHNSON, SANTORUM, and SPECTER for their steadfast efforts on this amendment as well.

Mr. OBAMA. Mr. President, I am proud to cosponsor the amendment that Senators LEAHY, COLEMAN, SARBANES, GRAHAM and REED have offered to protect funding for three programs critical to working families and low-income communities: the Community Development Block Grant, the Section 8 Voucher Program, and the Public Housing Operating and Capital Funds.

These programs expand opportunities to home ownership for working class families and help communities across the country pursue growth that develops poor communities without pushing out the poor themselves.

Let me talk about how each of these programs supports communities of hope and opportunity.

The Community Development Block Grant, CDBG, program makes it possible for our communities to improve their infrastructure, develop new businesses, provide important social services, and rehabilitate homes—all of which translates into expanded opportunity for people.

This year, Illinois will receive more than $196 million in CDBG funds. The State-level CDBG program alone has invested more than $33 million in projects around the State. As a result, 66,000 of my constituents received improved water, sanitary and storm water systems; small businesses were assisted in creating or retaining more than 1,000 jobs; and 313 homes in 27 communities were rehabilitated to address health and safety issues.

Cities throughout Illinois also leverage CDBG funds for 2,500 affordable housing units, economic development in 70 communities, job training and placement for nearly 900 low-income residents, and health care services for more than 235,000 people.

And beyond being good policy, these programs are fiscally responsible. For the State-level CDBG program, every dollar invested in Illinois infrastructure and housing yielded over three additional dollars in other private or public investment. That translates into $109 million in additional dollars for communities across Illinois. If only all government investments could yield that kind of return.

The other economic development programs this amendment would protect are funding for the Section 8 Voucher Program and the Public Housing Operating and Capital Funds. These two programs form the foundation of housing support in this country for low-income individuals and families.

Over a million households in Illinois spend more than 30 percent of their income on rent. The Section 8 program addresses this problem by making more than 76,000 Housing Choice Vouchers available to Illinois residents each year. But that still leaves 56,000 households in Illinois on Section 8 waiting lists, and the lists are getting longer. Families waiting on Section 8 vouchers are either paying too much of their income on housing—and too little on food and healthcare—or they are joining the ranks of the more than 8 percent of Illinoisans who have experienced homelessness at some point in their lives. This situation is unacceptable, and this amendment begins to address it.

The amendment also shores up funding for the Public Housing Operating and Capital Funds. Millions of Americans call public housing "home," and more than 62 percent of public housing residents are families with children or elderly households. The operating fund helps these residents by making money available for building maintenance, utilities, and the salaries of Public Housing Authority employees. And the capital fund is a critical tool for maintaining housing infrastructure. It helps local housing authorities modernize, rehabilitate or replace aging units, thereby assuring that families live in safe homes.

Communities and families across my State, and indeed across the country, depend on these programs to help them move forward. As housing stock and infrastructure continues to age, and voucher waiting lists continue to grow, we cannot afford to take money away from the working class folks who need it most. I urge my colleagues to support this amendment.

Mr. GRAHAM. Mr. President, I am expressing my support of an amendment to provide additional funding for the Community Development Block Grants, CDBG, Program.

I share the concerns of many of my colleagues that some government programs are overreaching and duplicative. I remain committed to goals of limiting the size and scope of the Federal Government, but as we fulfill this mission, Congress must work to ensure that we continue to support programs that truly serve the needs of our constituents.

CDBG grants have benefited almost 130,000 people in South Carolina alone. Further, over ten thousand jobs have been created through CDBG projects. The CDBG program is one of HUD's most successful programs. It should be held up as an example of local communities, coordinating with their state, to using Federal dollars to foster growth and encourage citizen participation.

In listening to community leaders across the state of South Carolina, the CDBG program gives them flexibility to execute plans that accurately address their situational needs, which in turn pay great dividends for the community. To put it simply, the CDBG program works and I am a proud to be an original cosponsor of this amendment.

Mr. KOHL. Mr. President, we are staring at an approaching disaster. Again, we face a disaster that will largely affect the poor, underprivileged, elderly, and handicapped. Again, it is a disaster that will threaten lives and drive people into bankruptcy. But this time Congress can take action to avoid this disaster. The question is will we act?

Today the approaching disaster is not a hurricane but high energy prices. Estimates are that the costs of heating the average home with natural gas will skyrocket 70 percent over last year in the Midwest. This is on top of the double-digit increases between 2003 and 2004. Utility companies in the State of Wisconsin believe that the homeowners will face heating bills in my State that are 40 percent higher than last year. For working families, these dramatic increases come on top of several months of increasing prices at the gas pump.

These high prices will force many to make difficult choices about how to spend their money, which bills to pay, and which to avoid. For many, the thermostat will be turned down to dangerous levels, prescriptions will go unfilled, and groceries will not be bought. For many elderly folks, the choice to stay warm will be dangerous, even fatal. Many disabled Americans will endanger their own health in an effort to keep their bills low.

The Federal Low-Income Home Heating Assistance, or LIHEAP, can help make some of these choices easier. LIHEAP is an extremely effective program that allows low-income people around the country to avoid being delinquent on their heating bills. The problem is that there has not been a significant increase in the funding of this program for many years, and now the rising prices have made the current funding levels unacceptably low. In past years LIHEAP has only been able to help roughly 17 percent of the eligible households, but now with rapidly rising prices the $2 billion in funding will not even be able to meet that level.

Adding $3.1 billion to LIHEAP will allow us to head off this impending catastrophe. I have voted for this amendment before, and I am glad to have the opportunity to support it again today. This money is absolutely necessary to keep my constituents safe and warm through the long Wisconsin winter. Without this money more working class people in my State will face high utility bills this winter and utility shutoffs come spring. Until Congress and the administration can figure out some way to bring energy prices down, relieving the pressure on low-income Americans should be a top priority.

Mr. KERRY. Mr. President, families all over this country are going to pay more to heat their homes this winter than they ever have before. The average heating bill may climb more than $600, and that comes on top of a record increase last winter. This is going to be one of the most expensive winters on record.

Last week, the Energy Information Administration, EIA, released its Short-Term Energy Outlook. The report shows that families—particularly low-income families and seniors—are facing an increasingly more expensive heating season. According to the EIA, this winter, residential space-heating expenditures are projected to increase for all fuel types compared to last year. On average, households heating primarily with natural gas are expected to spend about $350—48 percent—more this winter in fuel expenditures. Households heating primarily with heating oil are expected to pay $378—32 percent—more this winter. Households heating primarily with propane can expect to pay $325—30 percent—more this winter. If our weather is colder than usual, expenditures will be significantly higher.

Millions of families who simply need to heat their homes are going to face prices they cannot afford. They will choose between medicine, food, and warmth. It is a tough choice to make. The National Energy Assistance Directors' Association, NEADA, just found that 32 percent of families sacrificed medical care; 24 percent failed to make a rent or mortgage payment; and 20 percent went without food for at least a day.

We must act now.

Just 2 weeks ago, I offered a bipartisan amendment with more than 20 cosponsors to fully fund the LIHEAP program at $5.1 billion. The amendment had support from across the country. It was endorsed by community groups, Governors, and national organizations, such as the AARP, which knows rising energy prices are especially tough on seniors living on a fixed income. And the amount of funding we are seeking is equal to the amount authorized in the Energy bill the President has signed into law. That amendment got 50 votes, enough to win, but in the end it was defeated on procedural grounds.

Senators REED, COLLINS, KENNEDY, myself and others are back again this week offering the amendment to the Transportation appropriations bill. I understand that the leadership can block this amendment procedurally like they did before. I hope they do not. It is bipartisan. It is not our preference to attach it to the Transportation appropriations bill, but it is our only option for now.

I do not want this issue to be political. And so it bothered me when I read this week that the White House, which has opposed more funding for LIHEAP, is worried not about high energy prices but about the politics of high energy prices. To the White House this is a political problem—not a problem for working families, seniors, the disabled, and millions of others who will need help during this cold winter. A Republican strategist who works closely with the White House has reportedly called winter heating costs "a sleeper issue." Well, it is time the White House wakes up.

I urge my colleagues to vote in favor of the bipartisan Reed-Collins-Kerry amendment and ensure the total $5.1 billion in emergency funding is available for LIHEAP.

Mr. AKAKA. Mr. President, I originally filed an amendment that would prohibit the use of funds within this appropriations bill for the Debt Indicator program. The Debt Indicator program is an acknowledgment from the Internal Revenue Service, IRS, to tax preparers stating whether the taxpayer's refund will be paid or intercepted for Government debts. I continue to be outraged that the IRS provides the service of the Debt Indicator program to predatory refund anticipation loan, RAL, originators while cutting essential services to low-income taxpayers.

The Earned Income Tax Credit, EITC, is a refundable Federal income tax credit that is of great benefit to low-income working individuals and families. Many taxpayers who earn the EITC receive their tax refunds through predatory RALs. The excessive interest rates and fees charged on RALs are not justified because of the short duration of these loans and the minimal risk of repayment that they present. The IRS Debt Indicator program further reduces risk by assuring RAL lenders that the taxpayer's refund be issued and thus the loan will be repaid. The EITC was diminished by an estimated $1.75 billion in 1999. I am concerned about the aggressive marketing of RALs in low-income neighborhoods where EITC recipients often live. These loans take money away from the day-to-day needs of lower-income families.

RALs carry little risk because the Debt Indicator program informs the lender whether or not an applicant owes Federal, State taxes, child support, student loans, or other government obligations. This service assists the tax preparer in ascertaining applicant ability to obtain their full refund. In 1995, the use of the debt indicator was suspended because of massive fraud in e-filed returns with RALs. This suspension caused RAL participation to decline. RAL prices were expected go down as a result of the reinstatement of the debt indicator in 1999. However, this has not occurred. The debt indicator should once again be stopped. The IRS should not be facilitating these predatory loans that allow tax preparers to reap outrageous profits by exploiting working families.

H & R Block Chief Executive Officer Frank L. Salizzoni remarked, upon the reinstatement of the debt indicator, that it "is good news for many of our clients who opt to receive the amount of their refund through RALs. The IRS program will likely result in substantially lower fees for this service." This has not happened. According to the National Consumer Law Center's report entitled, "Corporate Welfare for the RAL Industry: The Debt Indicator, IRS Subsidy, and Tax Fraud," prices for RALs dipped in 2000, but since then have gone up beyond pre-debt indicator levels. The report also points out that the "main effect of the debt indicator appears to be, not in lowering RAL fees, but in higher RAL profits."

The NCLC report also indicates that the reinstatement of the debt indicator "generates more fraud related to RALs, which the IRS must spend enforcement dollars to address."

The debt indicator serves only to facilitate the exploitation of taxpayers. The reinstatement of the debt indicator has not helped consumers to access cheaper RALs nor has it reduced RAL related fraud. If the debt indicator is removed, then the loans become riskier and the tax preparers may not aggressively market them among EITC filers. The IRS should not be aiding efforts that take the earned benefits away from low-income families.

RALs are extremely short term loans that unnecessarily diminish the EITC. There are alternatives to speeding up refunds such as filing electronically or having the refund directly deposited into a bank or credit union account. Using these methods, taxpayers can receive their returns in about 7 to 10 days without paying the high fees associated with RALs.

Instead of offering my amendment to prevent the use of funds for the DI, I chose to modify my amendment to have the Internal Revenue Service, along with the National Taxpayer Advocate, study the use of the debt indicator, the debt collection offset practice, and recommendations that could reduce the amount of time required to deliver tax refunds. In addition, the report shall study whether the debt indicator facilitates the use of RALs, evaluate alternatives to RALs, and examine the feasibility of debit cards being used to distribute refunds.

I look forward to reviewing the results of the study. I welcome the opportunity to work with the Internal Revenue Service, the National Taxpayer Advocate, and my colleagues to reduce the use of RALs and to expand access to alternative methods of obtaining timely tax refunds. I want to thank Senator BOND and Senator MURRAY for working with me to incorporate this language into the legislation and hope it will be maintained in the conference report through conference negotiations with the other body.

I ask unanimous consent to print the above-referenced report in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the National Consumer Law Center, June, 2005]

CORPORATE WELFARE FOR THE RAL INDUSTRY: THE DEBT INDICATOR, IRS SUBSIDY, AND TAX FRAUD

(BY CHI CHI WU)

EXECUTIVE SUMMARY

The debt indicator is an acknowledgement from the IRS telling tax preparers whether a taxpayer's refund will be paid versus intercepted for government debts. The debt indicator has proven to be a substantial benefit to the refund anticipation loan (RAL) industry, as it about doubles the number of RALs made by the industry.

The debt indicator has helped boost RAL profitability. The IRS terminated the debt indicator in 1994 due to RAL fraud, and the price of RALs rose significantly, from $29–$35 to $29–$89. The IRS reinstated the debt indicator in 1999 partly to lower RAL prices. RAL prices dipped for a year in 2000, but have gone back up to pre-indicator levels. Meanwhile, the amount of RAL fraud has multiplied since the debt indicator was reinstated.

The debt indicator raises significant privacy issues. It is unclear whether taxpayers realize they are allowing the IRS to provide sensitive personal information to tax preparers about debts owed to the federal government, such as child support and student loan debts.

A. HISTORY OF THE DEBT INDICATOR

The debt indicator is a service provided by the Internal Revenue Service that screens electronically filed tax returns for any claims against a taxpayer's refund. The debt indicator informs the preparer whether a taxpayer's full refund amount will be paid and not offset by other obligations collectible by the federal government, such as prior tax debt, child support arrears, or delinquent student loan debt.

When the IRS first provided the debt indicator in the early 1990s, it was called the "direct deposit indicator." In 1994, the IRS terminated the debt indicator due to concerns over massive fraud in e-filed returns that involved refund anticipation loans (RALs). The elimination of the debt indicator elicited "screams of rage" by the RAL industry. In addition to cutting into their profits, the RAL industry claimed there would be multitudes of disappointed clients who could not get their RALs. Two of the four major RAL lenders, Mellon Bank and Greenwood Trust, stopped making RALs and left the market.

Over the next few years, the RAL industry pressed for reinstatement of the debt indicator. Then, in 1998, Congress imposed a goal on the IRS to have 80 percent of returns electronically filed. Not coincidentally, a year later, the IRS announced it was re-instating the Debt Indicator. However, note that the Congressional 80 percent e-file goal is not mandatory, but merely exhortatory, in that the statutory language actually states "it should be the goal of the Internal Revenue Service to have at least 80 percent of all such returns filed electronically by the year 2007."

The first year of the reinstatement of the debt indicator was a pilot. Subsequently, the IRS decided to make the debt indicator permanent and provide it for all e-filed returns, not just returns associated with a RAL application.

B. THE DEBT INDICATOR INCREASES RAL VOLUME

The debt indicator has had a dramatic effect on the volume of RALs and electronically filed returns. In 1994, prior to the elimination of the debt indicator, the number of RALs had risen to 9.5 million. After the termination of the debt indicator, RAL volume dropped and by 1999, the number of RALs had fallen to 6 million. When the debt indicator was reinstated effective the 2000 tax season, the number of RALs rose sharply to 10.8 million. The number of RALs continued to increase to 12.1 million in 2001 and 12.7 million in 2002.

Data from individual companies in the RAL industry showed similar trends. In 1994, the nation's largest commercial preparation chain, H&R Block, processed 5.5 million RAL applications. After the debt indicator was eliminated, that number dropped to less than half, 2.35 million in 1995. By 1999, that number was at 2.8 million. When the debt indicator was reinstated, RAL volume rose to 4.8 million for Block.

(In millions)

Year	Overall # of RALs	H&R Block # of RAL applications
1994	9.5	5.5
1995	NA	2.3
1996		2.4
1997		2.6
1998		2.4
1999	6	2.8
2000	10.8	4.8
2001	12.1	4.5
2002	12.7	5.2

Other industry player reported similar trends. In 1994, all but 10,630 of the returns prepared by Jackson Hewitt were associated with RALs. After the debt indicator was dropped, the number of returns without RALs at Jackson Hewitt rose to 138,000 by late February 1995. RAL lender Santa Barbara Bank & Trust reported a sharp increase in loans versus non-loan refund anticipation checks following reinstatement of the debt indicator.

The debt indicator also had similar effects on the volume of electronically-filed returns in general. The IRS reported there were 14 million e-filed returns in 1994, but only 12 million in 1995. H&R Block reported that its e-filed returns declined 22 percent in 1995. This decrease reflects the close link between e-filed returns and RALs that existed in the mid-1990s.

When the IRS reinstated the debt indicator, it publicly acknowledged that it expected the program to produce 2 million more e-filed returns than if it were not reinstated. With the close link between e-filing and RALs, the IRS surely must have been aware that there would be a corresponding increase in the number of RALs. Indeed, RAL issuers predicted that the reinstatement of the debt indicator would increase RAL demand by 50 percent. These predictions proved correct, as Block alone nearly doubled its RAL volume and made 2 million more loans (and thus e-filed returns) in 2000. Thus, much of the expected increase in e-filed returns was actually an increase in the number of RALs.

C. THE DEBT INDICATOR AND RAL APPROVAL RATES: THE IRS SECURITY BLANKET

The debt indicator promotes RALs by assuring lenders that the taxpayer's refund will be issued and thus the loan will be repaid. For the pre–1995 debt indicator, if the indicator came back showing there was no federal offset, there was an over 99 percent chance the IRS would issue the refund. At that time, the approval rate for RALs was 92 percent—and all but 0.5 percent of loan denials were turned down based on the debt indicator. As one IRS employee stated, the debt indicator was a "federally supplied security blanket" and "we were doing their credit check for them."

The elimination of the debt indicator in 1995 significantly lowered RAL approval rates. The approval rate for Beneficial (which became Household) dropped from 92 percent to 78 percent. This 78 percent rate includes partial approvals; the approval rate for a RAL of the taxpayer's full refund was only 40–50 percent. Banc One's approval rate for RALs also dropped by 25–30 percent. Even with the decrease in approval rates, Beneficial ended up with significant losses on RALs in 1995.

With the reinstatement of the debt indicator, RAL approval rates appear to be back around 90 percent. Thus, the debt indicator helps increase RAL approval rates and RAL profits. Of course, this service is not without its cost. One question is how much does it cost IRS to provide the debt indicator? While we do not have definitive information, note that in 1994, the IRS suggested imposing a fee for the debt indicator of $8 per return.

D. REINSTATEMENT OF THE DEBT INDICATOR HAS NOT LOWERED RAL FEES

The existence of the debt indicator has had an impact on RAL fees as well, although in the end it appears to be more of a profitability boost for RAL lenders. Prior to the elimination of the debt indicator, the loan fee for RALs was approximately $29 to $35. The largest RAL lender, Beneficial, charged a flat fee of $29 per RAL. Bank One charged a flat fee of $31, while the lender for Jackson Hewitt charged $29 to $35.

After the debt indicator was eliminated, RAL fees jumped dramatically. Beneficial began using a tiered fee structure, with fees of $29 to $89, depending on the size of the loan. Banc One began charging $41 to $69 and Jackson Hewitt charged $69 to $100. By 1999, Beneficial loans made through H&R Block cost $40 to $90.

One of the benefits that the IRS and industry touted for reinstating the debt indicator was lower RAL fees. In fact, lower RAL fees constituted one of four measures by which the success of the pilot program for reinstatement was to be judged. The IRS Assistant Commissioner for Electronic Tax Administration, Bob Barr, threatened to end the debt indicator if RAL prices did not decrease. Industry expressed its agreement that fees would decrease, with one RAL issuer claimed that its fees would be reduced 30 to 40 percent.

When the debt indicator was reinstated, RAL fees did go down. However, this decrease turned out to be temporary. For example, RAL fees at H&R Block and Household Bank dropped for one year, but then shot back to pre-Debt Indicator levels. After the IRS reinstated the debt indicator, Household and Block's fees went from $40-$90 to $20-$60 for the 2000 tax season. Both the IRS and industry touted this decrease in RAL fees. However, fees went back up in 2001, with Block/Household charging $30 to $87—close to the fees charged prior to reinstatement of the debt indicator.

Also, part of the decrease in RAL fees in 2000 occurred because Block offered a "no fee" RAL in six markets, including entire state of California. However, Block and Beneficial appear not to have offered this "no fee RAL" after the 2000 tax season. One reason was probably that the "no fee RAL" program was subject of a lawsuit for deception by a competitor.

RAL fees never went down again after 2001, but RAL profits have increased. The increase in RAL fees from 2000 to 2001 for H&R Block/Beneficial resulted in Block's RAL revenues increasing by 49 percent from 2000 to 2001. Most of the revenue increase appears to be the result of the higher RAL fees, because per-RAL-revenue rose by 43.9 percent, while sales volume only increased by 2.7 percent.

Thus, the main effect of the debt indicator appears to be, not in lowering RAL fees, but in higher RAL profits. If the reinstatement of the debt indicator had really lowered RAL fees back to pre-1995 prices, a RAL would only cost a flat fee of $37.53 or $45.91 in 2005 (the equivalent of $29 or $35 in 1994 adjusted for inflation). Instead, they currently cost about $35 to $115, with Block and its lending partner charging a fee of $100 for RALs for the average refund of slightly over $2,000. These fees translate into effective annual interest rates (APR) ranging from about 40 percent to over 700 percent.

(In dollars)

Year	RAL Price—Beneficial/Household & Block	RAL price—Bank One	RAL Price—Jackson Hewitt
1994	$29	$31	$29 to 35
1995	29 to 89	41 to 69	69 to 100
1996	29 to 89		
1997	40 to 90.		
1998	40 to 90		
1999	40 to 90		49 to 80
2000	20 to 60.		
2001	30 to 87.		
2002	30 to 90	34 to 87.	
2003	30 to 90	34 to 89	34 to 89
2004	30 to 100	34 to 89	29 to 94 (& 5 for EITC)
2005	30 to 110	34 to 99	29 to 99 (& 5 for EITC)

It appears the debt indicator is an IRS subsidy that increases profits for the RAL industry. The debt indicator has made each individual RAL more profitable, encouraging RAL lenders to aggressively promote RALs and increase RAL volume.

E. PRIVACY ISSUES

In addition to being a taxpayer-funded subsidy to the RAL industry, the debt indicator program raises significant privacy concerns. In fact, the IRS may be violating its own privacy law in providing the service to tax preparers. The IRS Code contains broad and strong privacy protections for taxpayer information. Section 6103 of the IRS Code states that all "[r]eturn and return information shall be confidential" and shall not be disclosed. "Return information" is broadly defined and includes the taxpayer's "nature, source, or amount of his . . . liabilities . . ." Therefore, information as to whether a taxpayer is subject to a refund offset would be information about the nature or amount of a taxpayer's liabilities.

It would seem that the information disclosed by the IRS to a RAL provider would constitute a violation of the IRS privacy statute, unless there is an exemption. One possible exemption would be the provision that allows the IRS to disclose return information with a taxpayer's consent. However, the IRS regulations set forth clear and definite requirements for such consent, including that the consent be set forth in a separate written document pertaining to the disclosure, and that the document reference the particular data item of return information to be disclosed.

A document that conceivably grants such consent is IRS Form 8453, which is used to authenticate an e-filed return. Yet the consent to disclose information in Form 8453 is not a separate, stand-alone document pertaining solely to the disclosure. Furthermore, the consent is buried in small print inadequate to clearly inform taxpayers that they are permitting the IRS to disclose personal financial information to their tax preparers about whether they owe a child support or student loan debt.

Another exemption allows the IRS to send an acknowledgement to an e-file provider without the need for a stand-alone consent form, along with "such other information as the [IRS] determines is necessary to the operation of the electronic filing program." Because RALs increase the number of e-filed returns, the IRS may argue that this language permits it to send the debt indicator in the e-file acknowledgement (as it currently does) without a stand-alone consent form. However, while it increases the number of e-filed returns, that is not a factor that is "necessary" to the operation of the e-file program.

Even if IRS can legally provide the debt indicator, there still remain significant privacy issues regarding the program. With the debt indicator, the IRS is providing an indicator that communicates personal and potentially embarrassing financial tax information to the tax preparer. Indeed, when the IRS proposed requiring a similar indicator on tax returns filed through the Free File Alliance, commercial preparers objected strongly, citing privacy concerns. National Taxpayer Advocate Nina Olson noted ironically "These businesses already rely heavily on returns flagged with an indicator to tell them that this return has other outstanding refund offsets" and "Let's use the same argument to say the debt indicator should be eliminated."

Given the lack of prominence of the consent in Form 8453, it is unclear whether most taxpayers actually realize they are giving permission for IRS to reveal the presence of government debts to their preparer. It is even unclear whether they know about the debt indicator itself or understand what it is.

F. RE-EMERGENCE OF FRAUD

The debt indicator represents an IRS subsidy in another respect, that is, in the amount of fraud it promotes and the taxpayer dollars spent combating that fraud. As discussed above, the IRS dropped the debt indicator in 1994 due to concerns over mounting fraud in refund claims. IRS data had indicated that 92 percent of fraudulent returns filed electronically involved RALs. It was believed that the debt indicator led to tax fraud because of its role in supporting RALs, whose quick turnaround period makes fraud detection difficult.

The elimination of the debt indicator seems to have had its intended effect. According to the Assistant Attorney General in charge of the Tax Division at the Department of Justice, eliminating the debt indicator, along with other fraud prevention measures, successfully reduced the number of fraudulent claims.

When IRS reinstated the debt indicator in 1999, it attempted to address the fraud issue by requiring tax preparers to institute fraud prevention measures. The first year of the debt indicator was termed a pilot, and only certain tax preparers who entered into memoranda of agreement with the IRS were eligible to receive the debt indicator. As a condition of the agreement, tax preparers were required to actively screen returns for potential fraud and abuse, using measure such as requiring two valid forms of identification and verifying questionable W-2s. However, after the 2000 tax season, the debt indicator is no longer a pilot and is provided to all taxpayers who e-file. Thus, it is unclear whether these fraud prevention measures are still mandatory.

Whether or not these fraud prevention measures are in effect, fraud is still a significant issue with respect to RALs. Gary Bell, Director of the IRS Criminal Investigation Division's Refund Crimes Unit, noted that currently 80 percent of fraudulent e-filed returns are tied to a RAL or other refund financial product. Furthermore, fraud appears to have increased since the debt indicator was reinstated. Bell noted that e-file fraud had increased by more than 1,400 percent since 1999 (when the debt indicator was reinstated), and that approximately 1 in every 1,200 e-filed returns was phony, compared with a rate of about 1 in every 5,000 four years ago.

The Treasury Department's Financial Crimes Enforcement Network (FinCEN) has raised similar concerns about the role of RALs in promoting tax fraud. FinCEN issued a warning to banks in August 2004, regarding RAL fraud. In this report, FinCEN also noted that RAL fraud had multiplied between 2000 and 2003. FinCEN noted that "To make this type of loan appealing to the public, funds are made immediately available, leaving little time for the lender to perform due diligence to prevent fraud." As one commentator noted, the IRS has a fraud detection system, but "it may take the IRS three or more weeks to process the return, especially in the peak of the spring filing season. Meanwhile, the RAL lenders have processed the loan within a couple of days of the return being filed, the money is in the hands of the bad guys, and they can disappear without a trace, ..."

G. CONCLUSION

As it did in 1994, the IRS should terminate the debt indicator. The program represents a form of corporate welfare and government subsidy of an industry already rolling in profits from making usurious loans to low-income taxpayers. It has increased profits for the RAL industry, while resulting in no permanent price decreases for consumers. Not only does the RAL industry siphon off hundreds of millions of tax dollars by skimming the Earned Income Tax Credit from working poor families, the IRS abets this drain and makes it more profitable by conducting part of the RAL lenders' credit checks using taxpayer-funded resources. Furthermore, the debt indicator represents even more of a subsidy, in that it generates more fraud related to RALs, which the IRS must spend enforcement dollars to address.

Mr. DODD. Mr President, I speak on the subject of full funding for the payments to State governments in order to comply with the requirements mandated on January 1, 2006, under the Help America Vote Act of 2002, HAVA.

On October 16, 2002, over 3 years ago, the Senate overwhelmingly adopted the conference report for this bipartisan landmark legislation by a vote of 98-2. The House of Representatives adopted the conference report by a vote of 357–48 on October 10, 2002. President Bush signed HAVA into law on Oct. 29, 2002. At the White House signing ceremony, surrounded by a bipartisan group of congressional members, President Bush said in a brief speech:

> When problems arise in the administration of elections, we have a responsibility to fix them. . . . Every registered voter deserves to have confidence that the system is fair and elections are honest, that every vote is recorded and that the rules are consistently applied. The legislation I sign today will add to the nation's confidence.

I agree with the President. We must follow the American tradition of fixing problems that occur in our national elections system. HAVA began a new era in election law—one where the Federal Government works with State and local governments, in conjunction with civil rights, voting rights and disability organizations, to conduct fair, free and transparent elections in our Nation. HAVA is our colective promise to the American people to fix the problems in our Federal elections. After the 2000 November elections, Americans recognized that real election reform changes must be made to ensure the integrity and security of our democracy. Congress made a commitment to the States, and to the voters of this Nation, that we would be a full partner in the conduct of Federal elections. Congress accomplished much with the passage of HAVA; but two years later in the November 2004 general election, some voters faced both old barriers to ballot access that HAVA promised to remove and new ones. We can do better and we must do better. Full funding of HAVA will ensure America does better in conducting Federal elections by ensuring both ballot access and ballot integrity.

Building democracy and freedom for every American must begin at home in the United States. In the wake of the October 15, 2005 province-by-province election on the Constitution in Iraq, it is critical that Americans take stock of our own decentralized elections systems. In light of the continuing barriers and irregularities that Americans faced at polling places across this Nation in 2004, we cannot fail to fully fund HAVA to fix these problems. Our ability to successfully do so goes directly to ensuring the integrity of elections and ensuring the confidence of the American people in the final results of those elections. America's ability to promote free societies abroad is inextricably linked to our ability to expand and secure transparent elections at home. At a time when we are spending billions of dollars to ensure the spread of democracy across the globe, we must ensure the primary right to vote for all eligible voters, regardless of race, ethnicity, age, disability, or resources.

For the first time in our Nation's history, Congress acknowledged the responsibility of the Federal Government to provide leadership and funding to States and local governments in the administration of Federal elections. First, Congress codified the Federal role in HAVA by entering into a partnership with States to restore the public's confidence in the final results of Federal elections and to ensure that every eligible American had an equal opportunity to cast a vote and have that vote counted. Next, Congress required States to conduct Federal elections according to minimum Federal requirements for voting system standards, provisional balloting and Statewide voter registration lists, including new requirements to prevent voter fraud. Finally, Congress refused to impose unfunded mandate on States and authorize nearly $4 billion in payments to States over 3 fiscal years to implememt the HAVA requirements and disability access grants and services.

January 1, 2006, is the effective date for two of the most important Federal requirements mandated by HAVA: the voluntary voting system standards and the Statewide computerized voter registration list. Both requirements are expected to make it easier to vote and harder to cheat by providing an equal opportunity for every eligible voter to cast a vote and have that vote counted, as well as providing important antifraud requirements to protect and preserve the integrity of our decentralized elections systems. In order to comply with HAVA, States must timely implement both requirements, which are expected to cost millions in both Federal dollars for the 95 percent portion and State dollars for the 5 percent portion of the expenditures.

To date, the President's budget, for the second year in a row, while providing millions in funding for democratic elections in foreign countries, such as Afghanistan and Iraq, assumes no funding for requirements or disability access payments to the States.

Congress also failed to fully fund HAVA 2 years in a row. HAVA is underfunded by a total of $822 million. In addition to the $600 million authorized in fiscal year 2005, but not appropriated Congress underfunded HAVA by $222 million over the last 3 fiscal years, from fiscal year 2003 to fiscal year 2005. As a result, HAVA currently has a total funding shortfall of $822 million in federal funds, $727 million for election administration requirements and $95 million for disability grant payments.

The absence of the $727 million for requirements payments will likely impede the Statewide implementation of the two most critical election reforms, the voting system standards and the Statewide voter registration lists in time for the 2006 congressional elections.

No civil right is more fundamental to the vitality and endurance of a democracy of the people, by the people, and for the people, than the people's right to vote. HAVA has been acknowledged as the "first civil rights law of the 21st century." Full funding of HAVA enjoys the support of a broad coalition of organizations representing the civil rights communities, voting rights groups, disabilities groups, and State and local governments, spearheaded by the Leadership Conference on Civil Rights and the National Association of Secretaries of State.

I am grateful to LCCR and NASS for their consistent leadership in ensuring that Congress fulfills our commitment to fully fund the HAVA reforms. I applaud the nonpartisan work of the LCCR/NASS Coalition and look forward to continuing to work with them to see this commitment come to fruition.

The organizations have submitted a letter, dated October 20, 2005, in support of full funding in the amount of $727 million for HAVA implementation in fiscal year 2006. The letter, and I quote, states that:

> The states and localities need the remaining authorized funding to implement the requirements of HAVA and the federal EAC needs to be fully funded to carry out its responsibilities as well.

I ask unanimous consent that the letter be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1)

Mr. DODD. If we fail to honor commitment now and only appropriate partial funding, we may jeopardize the ability of the States to implement these historic and comprehensive election reforms. We will also miss an opportunity to ensure the integrity and security of Federal elections and the confidence of the American people in the final results of those elections.

While I will not offer an amendment today to provide for this additional funding, I am serving notice that as the States proceed to complete implementation of the HAVA requirements, I will continue to monitor this situation and as the needs of the States become more clear. I will come back to my colleagues for prompt action to ensure that the States do not face an unfunded mandate.

EXHIBIT 1

MAKE ELECTION REFORM A REALITY—FULLY FUND THE HELP AMERICA VOTE ACT

OCTOBER 20, 2005.

DEAR SENATORS: We, the undersigned organizations, urge you to support full funding for the Help America Vote Act of 2002 (HAVA) and include $727 million in the Transportation, Treasury, Housing and Urban Development, the Judiciary, the District of Columbia, and Independent Agencies Appropriations Act of 2006. This figure represents the authorized HAVA funds for federal requirements that remain unappropriated.

HAVA, which passed with overwhelming bipartisan support, includes an important list of reforms that states must implement for federal elections. State and local governments have been working on such reforms as improving disability access to polling places, updating voting equipment, implementing new provisional balloting procedures, developing and implementing a new statewide voter registration database system, training poll workers and educating voters on new procedures and new equipment.

To help state and local governments pay for these reforms, HAVA authorized $3.9 billion over three fiscal years. To date, Congress has generously appropriated $3 billion between FY03 and FY04. Unfortunately, while HAVA authorized funding for states for FY05, none was appropriated. The states and localities need the remaining authorized funding to implement the requirements of HAVA, and the federal EAC needs to be fully funded to carry out its responsibilities as well.

States and localities are laboring to implement the requirements of HAVA based on a federal commitment that HAVA would not be an unfunded mandate. State officials have incorporated the federal amounts Congress promised when developing their HAVA implementation budgets and plans. Without the full federal funding, state and local governments will encounter serious fiscal shortfalls and will not be able to afford complete implementation of important HAVA mandates. According to a state survey, lack of federal funding for HAVA implementation will result in many states scaling back their voter and poll worker education initiatives and on voting equipment purchase plans, both of which are vital components to making every vote count in America.

We are thankful that you have seen the importance of funding the work of the Election Assistance Commission in FY06. States, localities and civic organizations look forward to the work products from the EAC that will aid them in their implementation of HAVA i.e., the voting system standards, the statewide database guidance, and the studies on provisional voting, voter education, poll worker training, and voter fraud and voter intimidation.

We thank you for your support of funding for the Help America Vote Act, and we look forward to working with you on this critical issue. Should you have any questions, please contact Leslie Reynolds of the National Association of Secretaries of State or Rob Randhava of the Leadership Conference on Civil Rights, or any of the individual organizations listed below.

Sincerely,

Organizations Representing State and Local Election Officials

Council of State Governments
Election Center
International Association of Clerks, Recorders, Election Officials and Treasurers
National Association of Counties
National Association of County Recorders, Election Officials and Clerks
National Association of Latino Elected and Appointed Officials (NALEO) Educational Fund
National Association of Secretaries of State
National Conference of State Legislatures

Civil and Disability Rights Organizations

Alliance for Retired Americans
American Association of People with Disabilities
American Federation of Labor—Congress of Industrial Organizations
Americans for Democratic Action
APIA Vote
Asian American Justice Center
Asian American Legal Defense and Education Fund
Common Cause
FairVote—The Center for Voting and Democracy
Lawyers' Committee for Civil Rights Under Law
Leadership Conference on Civil Rights
League of Women Voters of the United States
Mexican American Legal Defense and Educational Fund
National Association for the Advancement of Colored People
National Council of La Raza
National Disability Rights Network
National Federation of the Blind
National Voting Rights Institute
Project Vote
The Arc of the United States
United Cerebral Palsy
United Church of Christ, Justice and Witness Ministries
USAction

Mr. NELSON of Florida. Today the Senate adopted unanimously the Nelson-Smith amendment which puts the Senate on record supporting the placement of al-Manar on the Specially Designated Global Terrorist list. Al-Manar is a global satellite television operation dedicated to broadcasting inflammatory and radical Islamic propaganda.

Al-Manar, a television station funded by Hezbollah, promotes hatred, anti-Semitism, and glorifies suicide bombing. The actions of this network are truly appalling and frightening.

Viewed via satellite throughout the Muslim world, al-Manar promotes suicide attacks against American and Israeli targets and encourages Iraqi insurgents to attack U.S. troops. It includes particularly shocking children's programming, aimed at shaping the beliefs and values of the next generation of Muslim youth.

The station broadcasts programs that spread anti-Semitic material, perpetuating myths about Jewish history, which resulted in the station's recent ban from French airwaves. This is not a media outlet sharing the news; it is a propaganda tool used by a terrorist organization to spread its message of violence and hatred.

The U.S. Government placed al-Manar on the Terror Exclusion List which prevents persons associated with the channel from traveling to the U.S. There is a much stricter list, the Specially Designated Global Terrorist list, which allows much harsher penalties, including financial sanctions against individuals, groups, and banks that do business with al-Manar. So far, the Government has not placed al-Manar on this list.

The case is clear and obvious: al-Manar is supporting and promoting terrorism. This warrants placement on the list of Specially Designated Global Terrorists.

In August, 51 Senators sent a letter to the President, urging him to place al-Manar on the Specially Designated Global Terrorist list. I ask unanimous consent that a copy of the letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESS OF THE UNITED STATES,
Washington, DC, August 2, 2005.

President GEORGE W. BUSH,
The White House,
Washington, DC.

DEAR PRESIDENT BUSH: We write to urge you to place al-Manar, the official television station of Hezbollah on the Treasury Department's Specially Designated Global Terrorist Entity list (SDGT) and to aggressively target the organizations that aid in its broadcast. Hezbollah, a known terrorist organization, funds al-Manar, calling it a 'station of resistance.' Viewed via satellite throughout the Muslim world, al-Manar promotes suicide attacks against American and Israeli targets and encourages Iraqi insurgents to attack U.S. troops.

Al-Manar is a mouthpiece of hatred and violence. In addition, the station broadcasts programs that spread anti-Semitic material, perpetuating myths about Jewish history, which resulted in the station's recent ban from French airwaves. This is not a media outlet sharing the news; it is a propaganda tool used by a terrorist organization to spread its message of violence and hatred.

We welcome your December 2004 decision to place al-Manar on the Terror Exclusion List (TEL), which allows the U.S. Government to deport or deny admission to aliens involved with al-Manar's support or endorsement of terrorist activities. But further acknowledgment of al-Manar's role in spreading violence and hatred is warranted and should be shown through its placement on the SDGT list. This step would allow the U.S. government to sanction foreign banks and freeze the financial assets of individuals or organizations that associate with the station. This would cause many telecommunications corporations and financial institutions to reconsider their decision to work with al-Manar.

The United States must use all available means to stop the transmission of al-Manar's programs. Placing al-Manar and the Lebanese Communications Group S.A.L., its parent company, on the SDGT will send a clear message that the United States is serious about confronting any organization that supports the violence carried out by terrorist groups.

We strongly support the global war on terrorism and continuing efforts to stop terrorists wherever they may be. Stopping al-Manar's broadcast of hatred and violence is an integral part of the global war on terrorism. Thank you for your time and consideration. We look forward to your response.

Sincerely,

Gordon Smith, Evan Bayh, John F. Kerry, Mark Dayton, Mitch McConnell, Richard Durbin, Wayne Allard, Frank Lautenberg, Charles Schumer, Bill Nelson, Hillary Rodham Clinton, George Allen, Jon Kyl, Conrad Burns, Ron Wyden, Byron L. Dorgan, Norm Coleman, Mel Martinez, Dianne Feinstein, John Corzine, Russell D. Feingold, Joe Lieberman, Ben Nelson, Barack Obama, Barbara Boxer, Deborah Stabenow, Olympia Snowe, Herb Kohl, Barbara A. Mikulski, David Vitter, Ken Salazar, Jack Reed, Lisa Murkowski, Richard Shelby, Tim Johnson, Arlen Specter, Johnny Isakson, Tom Coburn, Susan Collins, Sam Brownback, John Ensign, James M. Talent, Jeff Sessions, Orrin Hatch, Rick Santorum, Kent Conrad, Mary L. Landrieu, Daniel K. Akaka, Chuck E. Grassley, Jeff Bingaman, Saxby Chambliss.

Mr. NELSON of Florida. Today, the entire Senate is on record. This amendment affirms the Senate's concerns over the free dissemination of radical and violent ideology and calls on the administration to add al-Manar to the Specially Designated Global Terrorist list.

Mr. BOND. Mr. President, are there any others? I believe we have now covered all of the amendments we have agreed to accept. I think it is time to go to third reading, and I ask for the yeas and nays on final passage.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill, as amended, pass?

The yeas and nays have been ordered. The clerk will call the roll.

Mr. McCONNELL. The following Senators were necessarily absent: The Senator from Arizona (Mr. McCAIN) and the Senator from New Hampshire (Mr. SUNUNU).

Mr. DURBIN. I announce that the Senator from Montana (Mr. BAUCUS), the Senator from New Jersey (Mr. CORZINE), the Senator from Hawaii (Mr. INOUYE); and the Senator from New York (Mr. SCHUMER) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 93, nays 1, as follows:

[Rollcall Vote No. 264 Leg.]

YEAS—93

Akaka
Alexander
Allard
Allen
Bennett
Biden
Bingaman
Bond
Boxer
Brownback
Bunning
Burns
Burr
Byrd
Cantwell
Carper
Chafee
Chambliss
Clinton
Coburn
Cochran
Coleman
Collins
Conrad
Cornyn
Craig
Crapo
Dayton
DeMint
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Frist
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inhofe
Isakson
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McConnell
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Santorum
Sarbanes
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Talent
Thomas
Thune
Vitter
Voinovich
Warner
Wyden

NAYS—1

Bayh

NOT VOTING—6

Baucus
Corzine
Inouye
McCain
Schumer
Sununu

The bill (H.R. 3058), as amended, was passed.

(The bill will be printed in a future edition of the RECORD.)

Mr. BOND. Mr. President, I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BOND. I ask unanimous consent that the Senate insist upon its amendment, request a conference with the House, and the Chair be authorized to appoint conferees.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, I wanted to take a minute, as we finish this bill, to again thank my colleague from Missouri for his tremendous work on this bill. I know he has been under personal duress today and had a late night last night, but his team won despite what it appears to be. I think he has done a tremendous job and I wish to thank him.

I also wish to thank all of the majority staff, John Kamarck Paul Doerrer, Cheh Kim, Lula Edwards, Josh Manley, and Matt McCardle for their help in working with us for many months along the way, and also our minority staff, Peter Rogoff, Kate Hallahan, Diana Hamilton, Bill Simpson, Meaghan McCarthy, as well as my personal staff, especially Casey Sixkiller. I also want to thank all of the floor staff who have been diligent in working with us as we have moved this bill through and again thanks to my colleague from Missouri for his tremendous work on this bill.

Mr. BOND. I continue to be grateful for the cooperation of the Senator from Washington and her staff. I was going to go down the list of the staff members on both sides. I will incorporate by reference and say once again our staff worked very well together. This is the first time anybody had dealt with a TTHUD bill. It has many interesting moving parts, and some of them move in different directions at the same time. We could not have done it without the tremendous assistance of all of the staff, plus the floor staff.

I want to say a special thanks to Lula Davis, Dave Schiappa, and all the people in front here for their unfailing willingness to sit and help us through all of these things. This was more exciting than I wanted it to be, and their help enabled us to get through.

We would also like to put in a special thanks to Mike Solon in the Whip's office for helping us work on a number of things and both the Appropriations Committee leaders, Chairman COCHRAN and Senator BYRD. Also, the majority leader and minority leader were a great help.

So we are most grateful, and we are delighted to be out of the way now, and we will go to conference. We look forward to coming back with perhaps an even better process and a good product.

MORNING BUSINESS

Mr. BOND. I ask unanimous consent that there now be a period for morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Iowa.

Mr. GRASSLEY. I ask unanimous consent to speak for roughly 15 minutes instead of the 10 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

BUDGET RECONCILIATION

Mr. GRASSLEY. Mr. President, because I am chairman of the Senate Finance Committee and we have jurisdiction over taxes, I want to respond to some of the comments that have been made over the last 2 or 3 days, both on the floor as well as in news conferences, by the Senate Democratic leadership on the reconciliation tax relief bill that will be before Congress sometime between now and Thanksgiving. Quite frankly, it is necessary to pass because if we do not, then taxes are automatically going to go up without a vote of Congress. It is not necessarily the biggest tax increase that Congress has ever voted but a very sizable tax increase.

Obviously, if we are going to increase taxes, it ought to be done by a vote of the Congress and not done automatically. So we have to take action before we adjourn this fall, and that is what the reconciliation tax relief bill is all about.

It is quite obvious from these news conferences that the Democrats have been having, in statements on the floor, that they do not seem to understand that this is going to happen, and if it does happen, it is going to hurt middle income taxpayers as well as lower income taxpayers.

In press reports for several weeks now, the distinguished Democratic leader suggested that we cease all efforts to address expiring tax relief provisions. The senior Senator from Nevada stated as follows: I think we need to revisit this budget and reconciliation. Is it really the time to have $70 billion more in tax cuts?

Well, we are not going to have $70 billion more in tax cuts if we pass this reconciliation tax relief package. We are going to continue the tax policy we have had for the last several years, and if we do not pass it, we are going to have a $70 billion tax increase, and that is what inaction is going to bring about. I see the Senator suggesting that that happen. I am going to say why that is bad not only for taxpayers, but that is bad for the economy of our country.

Then we also had the assistant Democratic leader, the senior Senator from Illinois, likewise attack the notion of tax relief. This very afternoon, the ranking Democratic member of the Budget Committee, the senior Senator from North Dakota, attacked the idea of further tax relief.

Those words again. They want people to believe that we are going to cut taxes further, but if we do not take action, taxes are going up, not down. If we pass a bill, they are going to stay where they have been for the last several years.

Clearly, this line of attack is being coordinated by the leadership team on the other side of the aisle. As is usual with the question of tax relief, the East Coast media tend to be echoing the line of attack from the leadership of the opposition.

Yesterday, October 19, the Democratic leadership held a press conference to criticize further tax relief efforts. The purpose of the press conference was opposition to Republicans' attempt to spend billions on tax breaks for special interests while cutting health care, student loans, and other crucial assistance through their—meaning Republicans—immoral budget.

Now, understand, morality is brought into this. That kind of incendiary language is what makes folks outside of the Washington Beltway angry. Not only is it patently false, it is also over the top. Anybody with an ounce of common sense knows it.

Immoral? Give me a break. What is immoral is wasting taxpayer money to gin up this kind of partisan "attack dog" language because it diverts legislative resources from what this Congress needs to be doing and that is solving problems.

I have heard from my friend and ranking member, Senator BAUCUS, that the Democratic leadership may now be supporting an extension of some of these provisions that they seem to be attacking at the same time. Be that as it may, we have to look at a lot of other things besides the largely business tax relief that is included in what we call extenders, extending from one year to the next or the next several years things that automatically expire, that if we do not extend them, taxes go up rather than staying level.

I want to put all this debate in context, because until now, what I have set in motion here is what is coming from the other side so you have a context for the points I wish to make.

First off, let's take a look at the Democratic leadership's point on the budget. Why is the budget important, some people ought to ask and legitimately ask. The budget—we call it the budget resolution—is a blueprint or kind of an outline that sets the overall level of spending and the revenue of the Federal Government. The budget, then, sets the ground rules for all the other spending and revenue legislation that will be considered by the Senate over the course of a year. So we pass the budget resolution in the spring, and all the appropriations bills and the tax bills and everything else have to fit into that budget resolution.

Under the Senate rules, then, a bill that exceeds the levels set in the budget resolution could possibly be, and often is, subject to a 60-vote point of order; in other words, taking 60 votes to go beyond the budget, which is very difficult to get in this body. That is why you get a lot more fiscal discipline with a budget resolution. By imposing this supermajority requirement, the budget encourages the Senate to stay within the overall limits we set in our resolution while at the same time providing opportunities to exceed those limits if there are extenuating circumstances.

Chairman JUDD GREGG of the Budget Committee has used this tool of a point of order to keep spending under control. On this appropriation bill that was just completed after 2 or 3 days' work, that has proved effective, in three or four instances, to keep a lot of additional spending from happening—spending that, if we just had a simple majority without a budget resolution, could possibly not have been prevented.

By the way, despite all the posturing about fiscal responsibility coming from the Democratic side, I am still waiting for spending cuts, ideas on how we can save money on expenditures, coming from the other side. I have asked my colleagues on the other side of the aisle over the years to put their money where their mouth is. The Finance Committee that I chair produced $180 billion in revenue raisers and got $135 billion of that enacted. So we have produced on the revenue side. I am going to be showing with that chart here in just a little bit where we have also had other tremendous advantages from the tax policy of the last 4 years. But where are the critics, then, who seem to always want to raise revenue? Where are they when there is an opportunity to come up with ideas to save money on the spending side of the ledger?

I have always said it would be one thing to raise taxes, and I might be willing to consider doing that if I could ever come to the conclusion that you could raise taxes high enough to satisfy the appetite of a lot of big spenders in this Congress to spend money. If I would ever see a limit, I might be willing to settle for something if that was the end of it. But you never have the end, it seems. You never have enough revenue for the people who want to spend money.

Budget reconciliation, as has been the point of the news conference I already referred to, is often the subject of much controversy. So I would like to take a moment and focus on the reconciliation bill my committee is going to have to consider between now and adjournment in order to retain the present level of taxation. If we do not take action, which is what the Democrats are asking us not to do, taxes are going to go up.

As chairman of this tax writing committee that we call the Finance Committee in the Congress, I have a responsibility for all of the legislation that affects Medicaid, Medicare, Social Security, the income tax code. The budget resolution we passed earlier this year provides reconciliation instructions for my committee to achieve $150 billion in program savings. And by the way, we finally have a package put together that will do this, a package that I believe we will be able to vote out of committee next Tuesday. We have set our committee there so we will meet our savings on the expenditure side—we will meet those goals.

Of course, then the other part of my work is the $70 billion of tax relief that is not a tax reduction but maintaining the existing level of taxation.

While these instructions from the Budget Committee—or you might say now it is policy, by the full Senate—do not actually require the Finance Committee to enact any specific policy, there are numbers and policies that are assumed within the numbers that the Senate has given me. Today, I will focus on the tax relief portion of the budget. After all, that is where the attacks have come from the Democratic leadership through their news conferences and statements here on the floor of the Senate.

Start with a basic number. When the Senate Budget Committee considered the resolution over a half year ago this year, Republicans laid out a plan to reconcile tax relief—in other words, to keep the taxes from automatically going up, not to cut taxes from where they are today. This plan was the product of discussion with members of the Republican caucus. Although the process was driven by Republican members, the substance of the proposal is bipartisan. Our objective, then as now, is to preserve current law levels of tax relief. The plan centers on a seamless extension of tax relief provisions that began in President Bush's first term, in 2001. It is critical that these provisions be rationalized with a common sunset date. Assuring taxpayers of the continuity of promised tax relief should be our highest priority. Predictability of tax policy, in other words, is essential to a vibrant, growing economy. Taxpayers should not face the reversal of the level of tax relief we have delivered. It is going to have terrible economic consequences if we do.

Let me repeat. Reconciliation is about preventing automatic tax increases, it is not about new tax relief proposals.

Some on the other side have been critical of the $70 billion in reconciled tax relief from the day we passed the budget resolution. Where, let me ask, is the Democrat leadership's plan for tax relief? Or do they propose that we start taxing middle-income Americans by letting these things sunset and have an automatic increase in taxes? Has anyone seen a Democratic proposal for maintaining existing tax policy so we do not have an automatic tax increase? All we seem to hear, based upon these news conferences and statements, happens to be criticism. How many times have we heard about the alternative minimum tax or what we call AMT? We heard about it plenty of times. We even heard incorrect assertions that this budget does not address alternative minimum tax problems.

Guess what. The reconciliation bill has room for extending the current patch, or "hold harmless" for millions of families who, if we do nothing, are going to face the alternative minimum tax. These are not the wealthy people that the alternative minimum tax was intended to hit. These are going to be 5 million more middle-income tax-paying people who presently are not hit by it. So where is the Democratic leadership plan for AMT relief? When they say we ought to rethink this budget resolution, are they saying we are going to tax these 5 million people who have not been hit by this by doing nothing between now and the end of the year? Where is the response for the current period? I have been looking for it. I can't find it, from the other side. All we are hearing is another excuse to make the American taxpayers second-class citizens. In this case, spending for the hurricane might be the excuse. There always seems to be a reason to deny tax relief or automatically increase taxes on middle-income Americans.

Likewise, there always seems to be an excuse for dodging spending restraint. Let taxes go up automatically, don't do anything to reduce spending. In short, it seems that the Democratic leadership cares more about spending taxpayers' money than keeping the tax burden low. The American taxpayer has done his or her part. Receipts are way ahead of last year—way ahead of where even we predicted they would be. According to Treasury data, receipts last year were $1.880 billion. This year, receipts are $2.154 billion. So this is an increase of $274 billion coming in this year, more than last year without increasing taxes, with no rates of tax increase.

Even taking into consideration that level of taxation, in a news conference the Democratic leadership said we ought to rethink our tax policy. According to the Congressional Budget Office—and I might refer to that occasionally as CBO—the CBO receipts are up for this fiscal year alone by $97 billion over what CBO guessed they would be earlier this year—$97 billion more coming in than the official estimators said just a few months ago would be coming in.

Whichever figure you might use, either that $274 billion more coming in in 2005 than in 2004 or the $97 billion more that is coming in, more than the CBO estimated, this is very definitely an impressive improvement on the revenue side of the budget. That amount exceeds the amount of reconciled tax relief over 5 years by $70 billion that we provided in this budget resolution that will be the subject of legislation on this floor in the next 4 weeks.

As a percentage of the economy, which is known as the gross domestic product, Federal receipts are up to about 17.5 percent of GDP. The historical average is right about 18 percent. When I say historical average, I mean over a period of time from the late 1950s until today averaging about 18 percent of taxes coming into the Federal Government as a share of the gross domestic product. So we are getting back to historical averages, but you wouldn't know that by listening to some of the alarmist claims for more revenue that you hear in speeches on the floor of this Senate.

Where is the extra money coming from? It is coming across-the-board. A good chunk of it is coming from non-withheld income taxes, and that would be from capital gains dividends, higher than expected small business income. No one should be surprised by these developments. They are consistent with economic and fiscal history. The bottom line is that when the economy grows, the Federal Treasury benefits as well.

That is shown very clearly on this chart. Over 40 years, up until now—and beyond that, guessing what the economy might do for another 10 years—we see the green line here, the gross domestic product, the measure of it on a yearly average. That is the green line. It is fairly constant, not so erratic.

The revenues coming in are the red lines. That tends to be much more dramatically different from year to year than what the GDP measurement is. You can see here, going back 40 years, when the GDP goes down, you have a very dramatic drop in taxes coming into the Federal Treasury.

When they go up, you have a much more dramatic increase in taxes coming into the Federal Treasury. You can see that several times—quite a drop here in the gross domestic product but a very dramatic drop in income coming in.

More recently, we had the Clinton recession that we inherited, plus 9/11. So you find a dip in the gross domestic product here, but, boy, you see a very dramatic drop in the income coming in at this point.

We passed the tax bill of 2001, and we passed the tax bill of 2003. You know that Greenspan said the growth in the economy is very related to those tax reductions we had at that particular time. You can see that we have a rise since then in the gross domestic product. You have a rise in income. But this chart was made before we had some more recent figures.

This red line, the point right here, would be about right here, reflecting that $274 billion more coming in in 2005 over 2004. You see a little rise in the gross domestic product, a very dramatic rise for the most recent figures at this point here instead of this point here—a more dramatic rise in the income coming into the Federal Treasury from our taxes because there was a little bit of an increase in the economy.

People are saying here we have to increase taxes, whether it is automatically or whether you vote them. You don't have to do that. You can see we are projecting a very good income coming into the Federal Treasury just when there is a slight increase in economic growth of our country as reflected in what we call the gross domestic product.

Some people here have it backwards. They think Federal revenue drives the economy. It is almost as though they believe raising taxes will lead to more growth. Growing economic activity, as shown by this chart, is fueling the good news on the receipt side of the Federal budget. In this environment, it is a wonderment why the Democratic leadership would want to send such a negative message to the financial markets.

Why does the Democratic leadership want to raise capital gains tax by 33 percent and double the tax on dividends? In these uncertain times, why would the Democratic leadership want to drive a stake in the heart of this growing economy, not only a growing economy but a more vastly growing amount of money coming into the Federal Treasury?

A cynical person might feel that the Democratic leadership is only looking at political gain by driving down our economy. I can't believe my friends in the Democratic leadership would want to cause economic pain for short-term political gain. But with all these speeches that are going on around here and all these news conferences about rethinking the budget, you have to wonder, don't you?

To sum up on my first point, the taxpayer is not the problem. The taxpayer is sending plenty of money to Washington, DC by $274 billion more in 2005 over 2004 with these lower levels of taxation we have. The revenue side of the budget is coming in fine, way beyond expectation.

I will turn to the specific plan we are going to present to the Senate when we have this reconciled tax package out here.

Again, this is a tax relief plan expressed in these news conferences that the Democratic leadership wants to kill. The reconciliation instruction gives us the resources to maintain current law tax relief. Put another way, the reconciliation instructions to my committee are our best means to protect against tax hikes on millions of American taxpayers.

Let us take a look at the tax increases the Democratic leadership would put on the American people by inaction by this Congress—an automatic tax increase. That is the Christmas present we would be giving the taxpayers, if we adjourn by Thanksgiving. What a Christmas present.

First and foremost, the tax relief plan continues to hold harmless for the alternative minimum tax. This piece of the plan—the largest, I might add—is worth $30 billion to 14 million American families.

Does the Democratic leadership want to push millions of middle-income families into the alternative minimum tax? If the answer is no, then they ought to support our reconciliation bill.

Second, the plan extends the progrowth piece of the 2003 tax relief bill, specifically lower capital gains and dividend rates.

As the Finance Committee hearing showed earlier this year, we got testimony about how these incentives have helped the stock market recover. A lot of folks on Wall Street tell us they have assumed continuation of these progrowth tax relief measures in the pricing of stocks. Does the Democrat leadership want to play games with stock prices? If the answer is no, then they ought to support our reconciliation bill.

A third point: Other widely applicable tax relief benefits are addressed in our bill. I am talking about these middle-income tax benefits we already have on the books that would expire. The deductibility of college tuition, the small savers tax credit, the small business expensing—all of these provisions are bipartisan. Millions of taxpayers are already relying on them. Does the Democratic leadership want to take away the deductible for college tuition from families who send their kids to college? Does the Democratic leadership want to eliminate the small savers credit? Does the Democratic leadership want to take away expensing of equipment from our small business folks and farmers? If the answer is no, then they should support our reconciliation bill.

The fourth example is our plan is going to address expiring business and individual provisions that we call extenders because we extend them from year to year or maybe 2 or 3 years at a time. But they eventually run out. These provisions include the research and development tax credit, the State sales tax deductibility from the Federal income tax, and the deduction of teachers' out-of-pocket expenses.

As I noted, the Democratic leader did not come out and say he would support taking a look at some of these regular extenders, but they are a small part of the picture. I note that the ranking member of the Budget Committee hasn't come that direction yet.

The Democratic leadership is not singing with one voice on this subset of expiring provisions. But if we do what the Democrats said they wanted to do in their news conference, these could possibly expire.

Does the Democratic leadership then want to eliminate the research and development tax credit? Does the Democratic leadership want to eliminate the sales tax deduction from the Federal income tax? Does the Democratic leadership want to eliminate the deduction for teachers' out-of-pocket expenses? If the answer is no, then they ought to help us get this budget tax reconciliation bill passed. These are all about growth of the economy.

In the Midwest, farmers—and I am one of them—have a saying: Don't eat your seed corn. Keep planting seed corn. That makes the economy strong. The tax relief seeds we planted a few years ago are yielding, as you can see here, a good harvest of revenue to the Federal Treasury.

What it comes down to is this: We need to take care of legislative business. We need to continue the tax relief promised to the American people and not let it expire, not let there be an automatic tax increase. If there is going to be an automatic tax increase, it ought to be voted by Congress. We ought to have guts enough to increase the taxes.

But we are better off with a plan that stops this automatic tax increase. The revenue side of the budget is performing fine, as you can see here. The American taxpayer is doing his or her share by the tune of $274 billion more coming in this year, 2005, over 2004. Now is not the time to shortchange the American taxpayers by raising their tax burden, particularly on middle-income taxpayers.

I ask my friends in the Democratic leadership to please refrain from raising taxes on millions of middle-income Americans. It is simple: Maintain existing levels of taxation. You do that by supporting the reconciliation bill that will be coming before this Congress shortly.

CHICAGO WHITE SOX ADVANCE TO THE WORLD SERIES

Mr. DURBIN. Mr. President, I rise to speak about a matter of great importance to the people of the State of Illinois. For the first time since 1959, the era of the "Go-Go Sox," the Chicago White Sox are headed to the World Series. The White Sox will face the Houston Astros, who last night beat the St. Louis Cardinals and clinched the National League pennant. We are disappointed: an I-55 World Series would have been great. But the Cards are a great team, Tony La Russa is a great manager, and they will be back.

I didn't grow up in Chicago, I grew up in east St. Louis, but one of the first things I learned about Chicago is that the people of that city are absolutely passionate about baseball. I have also learned that Chicagoans don't ask you which team you love. They want to know which team you hate—except this time. Today, we are all White Sox fans. As long-time Sox fans are painfully aware, the White Sox have not won a World Series since 1917. Their three-game sweep in the playoffs against the defending World Series champion Boston Red Sox was the first step in exorcising the ghost of Shoeless Joe Jackson and that controversial 1919 White Sox team that was branded the "Black Sox."

It was clutch hitting and pitching that helped this year's White Sox beat the Los Angeles Angels of Anaheim, four games to one, to advance to the World Series. In four consecutive playoff games this year, White Sox pitchers threw complete games, a record not matched since the 1956 Yankees.

Speaking of outstanding pitchers, I congratulate my colleague, Senator BARACK OBAMA. He threw out the opening pitch in game 2 of the playoffs. Before that pitch, the White Sox were trailing the Angels one game to nothing. But after Senator OBAMA's blazing pitch, the Sox came back to win four games in a row and clinch the American League pennant. Rumor has it that if the going gets rough in the World Series, the Sox are going to turn to BARACK OBAMA if they need a strong southpaw.

White Sox players will be among the first to tell you: The upcoming World Series is not just a tribute to their outstanding performance. This historic event is a tribute to great White Sox players of the past who came so close only to fall short. They include Ozzie Guillen, who is now the White Sox manager, and, of course, Frank Thomas, their injured star—both White Sox stalwarts in the 1980s and 1990s.

Most of all, this historic World Series is a reward to the millions of White Sox fans who have stood by their team year after year, decade after decade, during seasons of 90-plus wins and 90-plus losses.

I applaud especially general manager Kenny Williams for helping to put this great team together; my personal friends, the owners of the White Sox, Jerry Reinsdorf and Eddie Einhorn, for their undying commitment to building a championship team on the South Side of Chicago. They orchestrated strategic moves to bring improved speed, defense, and pitching to the daily lineup in the form of players such as Scott Podsednik and Jose Contreras whose outstanding performance complemented veteran Sox such as American League playoff MVP Paul Konerko and All-Star Game starting pitcher Mark Buehrle.

When spring training opens next spring, Illinoisans will once again be divided between Cubs fans, White Sox fans, and Cardinal fans, too. But today, we are all pulling for the White Sox as they fight to bring to Chicago the city's first baseball World Series championship in 88 years. For Cardinal red and Cubby blue, the choice is black and white. Go Sox.

COMMITTEE ON ARMED SERVICES EXTENSION

Mr. FRIST. Mr. President, I ask unanimous consent that a letter dated October 20, 2005, from myself to Senator STEVENS be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
OFFICE OF THE MAJORITY LEADER,
Washington, DC, October 20, 2005.

Hon. TED STEVENS,
President pro tempore,
Washington, DC.

DEAR TED: At the request of Senator John Warner, Chairman of the Committee on Armed Services, and Senator Carl Levin, Ranking Member of the Committee, and pursuant to section 3(b) of Senate Resolution 400 of the 94th Congress, as amended by Senate Resolution 445 of the 108th Congress, I request an additional five session days, ending October 28, 2005, on their behalf, to enable the Committee on Armed Services to complete its review of S. 1803, the Intelligence Authorization Act for Fiscal Year 2006.

Sincerely yours,
WILLIAM H. FRIST, M.D.,
Majority Leader.

HONORING WILLIAM A. KOCH

Mr. DURBIN. Mr. President, I rise today to honor the late William A. Koch for his contributions to preserving the memory and legacy of President Abraham Lincoln's early life.

Mr. Koch was a man of vision, integrity, and generosity. Born in Santa Claus, IN, Mr. Koch worked throughout his life to establish the Lincoln Boyhood National Memorial in order to secure a place to preserve the legacy of Lincoln's years in Indiana.

William Koch headed the effort to incorporate the Nancy Hanks State Memorial into the National Park Service and led a campaign for the passage of a bill to establish the Lincoln Boyhood National Memorial. Mr. Koch's efforts were so integral to the passage of the bill that he was invited to witness its signing by President Kennedy on February 19, 1962.

Today, visitors from across the country travel to Indiana where the Visitor Center and Living History Farm reveal the importance of Lincoln's Indiana years in his development from boyhood to the man he became. Without the dedication of William Koch, the preservation of Lincoln's early life would have been greatly diminished. Mr. Koch is survived by his wife Patricia Koch and his children, who now carry on his mission.

I am grateful for the achievements of Mr. William A. Koch and his contributions to this Nation. Through his relentless dedication, Mr. Koch has helped preserve the legacy of President Abraham Lincoln for future generations.

PREGUNTE, ESCUCHE, APRENDA UNDERAGE DRINKING PROGRAM

Mr. SALAZAR. Mr. President, I rise today to highlight the issue of underage drinking. The statistics are startling. According to the National Institute on Drug Abuse, on average, children first use alcohol around age 12, and research tells us that the majority of kids are obtaining the alcohol they drink from family and friends. According to Teenage Research Unlimited, 51 percent of 13- to 15-year-olds say they will face a decision regarding alcohol in the next 3 months.

In my State of Colorado, the most recent data we have available reveals that underage drinking is on the rise. In 2003, 21 percent of children ages 12 to 17 reported having consumed alcohol in the past month—an increase of 3 percent from the previous year.

In addition, Colorado's Youth Risk Behavior Survey, completed by over 700 Colorado high school students, found that only 19 percent of students have never tried alcohol. Conversely, 29 percent reported binge drinking, defined as having consumed five or more alcoholic drinks on one or more occasions during the 30 days preceding the survey. Tragically, five college students died in Colorado last year due to binge drinking.

As policy makers but more importantly, as parents—these statistics should alarm us all. As the father of two teenage daughters, I worry because I know alcohol abuse is frequently a precursor to use and abuse of illegal drugs and other dangerous behavior. The good news is that parents are the leading influence on a child's decision not to drink alcohol. It is critical that parents and other trusted adults initiate conversations with children about underage drinking well in advance of the first time they are faced with a decision regarding alcohol.

Earlier this week, my colleagues from Congressional Hispanic Caucus teamed up with The Century Council and Nickelodeon to cast a spotlight on underage drinking in the Hispanic community.

We all know that the Hispanic population is growing in the United States. In Colorado, Hispanics represent almost 20 percent of the total population. Because the Hispanic community is a younger community, we have the ability and the obligation to influence the lives of these and all children, and to prevent them from engaging in dangerous activities such as underage drinking.

With the launch of Pregunte, Escuche, Aprenda: Los niños y el alcohol no mezclan!, Hispanic parents and their middle-school-aged children will have access to critical information on the negative consequences of underage drinking. The program is designed to reduce underage drinking, particularly among children ages 9 to 13. The information is useful for parents, other trusted adults and kids, and includes strategies to help facilitate conversations about the dangers of underage drinking.

It was developed in collaboration with several national Hispanic organizations, including the League of United Latin American Citizens, LULAC, the Aspira Association, the National Latino Children's Institute, the National Hispanic Medical Association and MANA, among others, and is a culturally and linguistically adapted version of their Ask, Listen, Learn: Kids and Alcohol Don't Mix program.

I commend The Century Council and Nickelodeon for giving Hispanic parents and children across the Nation such a valuable communications tool to initiate those critically important discussions regarding alcohol.

LOCAL LAW ENFORCEMENT ENHANCEMENT ACT OF 2005

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

While leaving a bar on March 1, 2004, in Morgantown, WV, three men were attacked, two of whom are gay. Christopher Barnhart and his friends heard someone use homophobic language toward them. Barnhart was subsequently attacked and knocked to the ground, suffering two facial fractures. When Barnhart's friend tried to come to his assistance, he was attacked and suffered bruised ribs and a cut ear as a result.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

HONORING OUR ARMED FORCES

LARRY W. PANKEY, JR.

Mr. SALAZAR. Mr. President, I rise today to remember the life and sacrifice of a Coloradan who has made us all proud: SGT Larry W. Pankey, Jr., of Morrison, CO. Sergeant Pankey was a member of the 467th Engineer Battalion, U.S. Army Reserve, based out of Mississippi.

Sergeant Pankey died earlier this month in support of Operation Iraqi Freedom. He was only 34. He died serving this country with courage, self sacrifice and dignity, gifts which we as a nation are profoundly grateful to receive.

Sergeant Pankey is not alone in this sacrifice. Across Colorado and America, men and women have answered the call and risen on our behalf. They have not done so for glory or recognition, but because they share the fundamental belief that freedom and liberty are worth fighting for. They have come from farms and ranches in places like Colorado's eastern plains and apartment buildings in cities like Denver, from living rooms and bedrooms and classrooms across this country.

The sons and daughters of America have stood united to defend our way of life and the values that we all share. The call to a service greater than their own self interest has motivated them to risk their lives. All too often, we are unable to repay them for the sacrifices that they make.

Next month we will recognize Veterans Day. It will be marked by patriotic speeches and parades, a solemn recognition of those veterans who are still with us and those servicemembers who have been lost. And rightfully so. But we should not lose sight of the fact that every day there are still families grieving and remembering.

To Sergeant Pankey's wife and daughter in Morrison and his mother in Louisiana, and all of the families and friends left behind in the wake of a soldier's death, we can only offer our humble thanks on behalf of this Nation. We are forever in your debt and will always remember the extraordinary price you have paid on our behalf by offering up your sons and daughters. We will keep you in our thoughts and prayers.

With that in mind, I want to end with a quote from the Bible upon which I sometimes reflect when I am thinking about our men and women in uniform. Matthew 5:9 reminds us: "Blessed are the peacemakers: for they shall be called the children of God."

Right now across the world, the members of our Armed Forces like Sergeant Pankey stand watch on our behalf. They are these very peacemakers, and their place will always be reserved in our hearts.

ARCTIC REFUGE PROVISIONS IN BUDGET RECONCILIATION LEGISLATION

Mr. FEINGOLD. Mr. President, last month people from across the country converged on Washington to send a clear message to Congress in opposition to drilling for oil in the Arctic National Wildlife Refuge. Sadly, yesterday's action by the Energy and Natural Resources Committee flies in the face of that grassroots movement. And on top of this, the committee failed to accept commonsense amendments that would have required that drilling in the Arctic follow the same rules as drilling in all other wildlife refuges, insisted that oil taken from the refuge stay in the hands of Americans, and guaranteed what Senators have been told all along—that 50 percent of the revenues from leases would go to the Federal Treasury, despite public suggestions by Members of the Alaska delegation that the State would sue to get 90 percent of all revenues.

There is no doubt that as a nation, we face tough questions about our energy policy. Sacrificing one of America's greatest natural treasures, however, to access a supply of oil that may not last more than a year, wouldn't be available for many years to come, and would decrease gas prices by only a penny at its highest production, is simply not the answer. A responsible, well-thought-out national energy policy that moves us away from our dependence on a finite resource such as oil is the answer, and I regret that we don't have such a policy. To support our energy needs, care for our citizens, encourage a vibrant economy, and meet our stewardship responsibilities to future generations, we must take a variety of steps, including investing in American ingenuity, advancing our commitment to conservation, and increasing our use of renewable sources of fuel.

As we now move from the committee's reconciliation recommendation to floor debate of the larger budget reconciliation package, I will work to make sure that we do not discard the legacy of protecting the Arctic Refuge that dates back to President Eisenhower in 1960.

NATIONAL SAFE SCHOOLS WEEK

Mr. LEVIN. Mr. President, October 16–22 is National Safe Schools Week. School violence, or even the threat of school violence, in too many of our schools instills fear in our students, and limits their ability to learn. It also can threaten and intimidate teachers and make instruction more difficult.

National Safe Schools Week is intended to raise awareness of school safety issues and empower students, parents, teachers, and parents to do what they can to prevent violence in their schools. Congress should also do its part by passing common sense gun safety legislation and by funding important programs that help to reduce school violence.

According to 2003 statistics from the Centers for Disease Control and Prevention, more than 950,000 students take a weapon to school each month, resulting in more than 1,400,000 students being injured or threatened with a weapon during the school year. In addition, every month, an estimated 840,000 students feel too unsafe to go to school. This is a problem which left unaddressed will continue to hold children back from reaching their full educational potential.

Statistics cited by the PAX organization, one of the organizers of National Safe Schools Week, indicate that in 81 percent of the school shootings in our country, the attackers told other students of their plans prior to the attack. Further, students are responsible for tipping off school authorities in 93 percent of the cases where weapons are confiscated from students at school. To strengthen this fact, PAX created the Speak Up Campaign. The centerpiece of the campaign is a national hotline, 1–866–SPEAK-UP, where children and teenagers can call to anonymously report threats involving weapons at their school. Since the creation of the hotline in 2002, the Speak Up Campaign has received more than 7,000 calls which were then passed along to appropriate law enforcement officials.

School violence threatens to put our children's safety and ability to learn in jeopardy. Our Nation's schools need our help to combat this ongoing problem. To start, we should adequately fund Federal grant programs like COPS. COPS hiring grants have been used to hire more than 6,500 school resource officers since 1999. These officers help ensure a safe environment in and around our schools and collaborate with the school community to more effectively deal with school violence issues.

We should also support common sense gun storage requirements to make it more difficult for children and teenagers to access guns and ammunition. Recently, I joined with 69 of my colleagues in voting for an amendment offered by Senator KOHL that would require licensed dealers, manufacturers, and importers to include a safe gun storage or gun safety device with every handgun they sell. Use of such storage devices could help prevent a child or teenager from acquiring a gun that they might use to injure or kill another student at school. Hopefully, Senator KOHL's amendment will become law.

School violence has always posed a threat to students and teachers, but lethal and easily concealable guns have escalated the problem. Gun violence, not only affects students at a particular school, it has a rippling effect on students at schools in the same county, State, and in some cases, the entire country. I urge my colleagues to join me in supporting efforts to reduce the threat of violence, especially gun violence, to our schools.

CONTINUED JAPANESE BAN ON U.S. BEEF

Mr. BAUCUS. Mr. President, I rise today to express deep frustration over Japan's unwillingness to lift its ban on U.S. beef. My patience—and the patience of many of colleagues in this chamber—has run out. The time for talk and empty promises is over.

I have long been, and remain, a friend of Japan. I first visited that country many years ago as a student and was deeply touched by the kindness extended to me by the people of Japan. In over 30 years in Congress, I have worked hard to strengthen our trade and economic ties. I have watched proudly as the U.S.-Japan economic relationship has grown and prospered.

Times have not always been easy. I have engaged closely on U.S.-Japan issues through good times and through periods of great strain. But even in the most difficult times, I have made every effort to roll up my sleeves and work through problems in order to ensure that our trade relationship with Japan works for the people of Montana and the United States.

By and large, that relationship works, and it works well. In trade, one of our crowning achievements together has been the construction of a rules-based multilateral trading system—first through the General Agreement on Tariffs and Trade, and now through the World Trade Organization. Without Japan's leadership and cooperation during the Tokyo Round, the Uruguay Round, and now in the Doha Round, it would have been difficult—if not impossible—to craft the important rules that govern world trade.

It is therefore with bitter disappointment that I stand here today on the Senate floor to draw attention to Japan's failure to play by the rules that it helped to create. Japan has banned U.S. beef from its market since December 2003. That ban—almost 2 years old—costs the U.S. cattle and beef industries hundreds of millions of dollars each month. That ban puts at risk jobs in American ranches. And that ban—with absolutely no basis in science—is unsustainable under international trade law.

In the 2 years since the ban was put in place, I have traveled to Japan to meet personally with Japan's trade and agriculture ministers to argue for lifting the ban on U.S. beef. I have met with the Japanese ambassador to press Japan to lift its ban. I have taken senior officials from Japan and other countries that ban U.S. beef to Montana, and fed them Montana beef on a Montana ranch, to encourage them to lift the ban. And I have urged President Bush, Agriculture Secretary Johanns, U.S. Trade Representative Portman, and other senior administration officials to make lifting the Japanese ban on U.S. beef a top priority.

At first, I was encouraged by what appeared to be steps that Japan was taking to lift this ban. The United States and Japan even signed an agreement in October 2004 to remove the ban. At that time and since, I was repeatedly assured by Japanese officials that, under this agreement, the Japanese government would set up a "scientific" process to determine when and how to resume imports of U.S. beef products.

It is now one year later, and still nothing. Instead, it now looks to me like that Japan's administrative process has become an exercise of smoke and mirrors. Japan says the right things. But its action—or actually inaction—has been far more telling.

Let me assure my Japanese counterparts, there is no higher quality, safer, or better tasting beef in the world. I eat it. My family eats it. Japanese visitors to the United States eat it. Japanese students living in the United States eat it. Many beef eaters around the world prefer and consume U.S. beef. Yet, despite scientific proof of the safety of U.S. beef, there has been no quality Montanan or other American beef imported into Japan in almost 2 years.

I can no longer accept assurances from the Japanese government that it will lift the ban. Montana's ranchers have heard enough vague promises during the last two years. We're fed up. The time for idle promises is over. It is now time for action.

I therefore call upon the United States Trade Representative to sanction Japan for maintaining its ban on U.S. beef. The United States should impose sanctions on Japanese products imported into the United States in an amount equal to the losses suffered by the U.S. beef and cattle industries.

This is a blunt instrument. But it appears to be the only recourse left. I will no longer sit by and watch Japan flout its international trade obligations behind the smokescreen that it is engaged in a lengthy "process" to lift the ban.

Sanctioning Japan without resort to WTO dispute settlement is not ideal. It's not how the WTO is supposed to work. But U.S. beef producers should not be forced to wait the years it would take to complete a WTO case. They have waited long enough. I will not wring my hands over legal niceties when the livelihoods of ranchers in Montana and across the United States are at stake.

In my experience, the only thing that will get the Japanese to act is leverage. And sanctions are leverage.

We have been here before. In the late 1980s, Japan kept its market almost entirely closed to U.S. beef. U.S. beef producers were permitted to export only six ounces per Japanese citizen per year, a piddling amount. The excuse then was that Japanese intestines were somehow "different" and therefore unsuitable to digesting American beef.

I didn't accept that ridiculous excuse. Instead, I pushed hard for legislation that would penalize Japanese imports. Soon thereafter, the Japanese opened their market to U.S. beef.

And I don't accept this excuse.

THE 15TH ANNUAL WALLENBERG MEDAL

Mr. LEVIN. Mr. President, last Tuesday evening, the University of Michigan presented Paul Rusesabagina with its 15th Annual Wallenberg Medal. As my colleagues may remember, Mr. Rusesabagina was the subject of the movie "Hotel Rwanda."

The Wallenberg Medal is named for University of Michigan alumnus and humanitarian Raoul Wallenberg. After receiving his degree in architecture in 1935, he spent time in several jobs in South Africa and Palestine before moving to Sweden in 1941 to work for a Jewish Hungarian businessman named Kalman Lauer. Lauer operated an export-import firm which did business in Central Europe, a large portion of which took place in Hungary. As the Nazis continued to gain power in Europe, Lauer found it increasingly difficult to travel and turned over control of his foreign division to Wallenberg. In 1944, Wallenberg was approached by the American War Refugee Board to take part in a plan to assist Jews in Budapest who were in danger of falling victim to the holocaust.

Wallenberg agreed to take part in the project and was sent to Budapest as a representative of the Swedish Government. In Budapest, Wallenberg hired several hundred Jews to staff his office, bringing them under the diplomatic protection of Sweden. Additionally, he created a new official looking Swedish passport, known as the "Schutzpass." Wallenberg gave the Schutzpass to thousands of Hungarian Jews and said that it granted the holder immunity from Nazi deportation. The Schutzpass deceived the Nazis and may have saved the lives of as many as 20,000 Jews.

Wallenberg is also known to have rented 32 buildings in Budapest, which he declared to be under the diplomatic protection of the Swedish Government. Using his architectural education from the University of Michigan, he took space designed to hold no more than 5,000 people and turned it into housing for more than 35,000 Jews. These "safe houses" provided a refuge of last resort for thousands who would have otherwise disappeared into Nazi death camps.

There are numerous stories of Wallenberg's courage and heroism throughout the last few years of World War II.

Despite repeated threats and attempts on his life, he persevered and continued his work to save as many Jews as possible. Wallenberg is best known for skillful negotiation and fearless confrontation of Nazi soldiers who threatened the safety of those he was working to protect. Tragically, Wallenberg disappeared soon after Soviet soldiers took control of Budapest.

While the circumstances surrounding Wallenberg's disappearance are still unclear, the tens of thousands of Jews he saved from certain death will never forget his brave actions. The University of Michigan created the Wallenberg Medal in 1990 to honor his memory and recognize other outstanding humanitarian leaders. Each year the Wallenberg Medal is presented to an individual who has exhibited extraordinary respect for human rights on behalf of those subjected to persecution. Medal recipients are chosen to honor their self-sacrifice, integrity, and courage in standing up to an oppressive majority. Following the presentation, the Wallenberg Medal recipient is invited to address an audience of students, faculty, and members of the community regarding their experiences and humanitarian work. Past Wallenberg Medal recipients include the Dalai Lama, Nobel-laureate and holocaust survivor Elie Wiesel, civil rights leader and Congressman John Lewis, and other extraordinary humanitarians.

This year's Wallenberg Medal recipient Paul Rusesabagina has certainly exhibited qualities worthy of such a high honor. Rusesabagina was the manager of the Hotel des Mille Collines in Kigali, Rwanda in 1994 when the assassination of Rwandan President Juvenal Habyarimana pushed an already tense situation in the country over the edge. Radical ethnic Hutus began rounding up and murdering their Tutsi rivals as well as other moderate Hutus who did not support their actions. It is estimated that nearly one million people were killed in the violence in only 100 days.

Paul Rusesabagina did not stand by and watch as his countrymen were murdered. As a well-connected Hutu, Rusesabagina was spared persecution. However, his wife, a Tutsi, and his children were not safe. He moved them from his home to the Hotel des Mille Collines where he believed they would be safer. As the violence intensified, he opened the hotel to hundreds of other Rwandans, Hutu and Tutsi alike, who were seeking to escape the violence outside. In the following months, there were numerous attempts to force those at the hotel out into the streets of Kigali. Each time, Rusesabagina used his international connections through the hotel or with the Rwandan military in combination with keen negotiation skills to spare the lives of those he was caring for. Amazingly, no one who took shelter inside the hotel was killed in the violence. In all, Paul Rusesabagina and the Hotel des Mille Collines protected the lives of more than 1,200 people during the genocide.

Prior to the award ceremony last Tuesday, Paul Rusesabagina was reunited with one of the many who took shelter at the Hotel des Mille Collines. According to reports, Thomas Kamilindi was working as a journalist in Kigali when violence broke out in 1994. Kamilindi, his pregnant wife and young daughter stayed at the hotel for a month and a half until they were evacuated. Kamilindi credits Paul Rusesabagina with saving his life and the lives of his family. The meeting last Tuesday was the first since Kamilindi and his family were evacuated more than 10 years ago. Following their meeting, Kamilindi said, "It was very emotional for him and for me. I am still alive because Paul was there." Kamilindi is currently a Knight-Wallace Journalism Fellow at the University of Michigan where he is studying representations of violence in the media.

Paul Rusesabagina's courageous actions closely resemble those of Raoul Wallenberg 50 years before. Both men stood in the face of great adversity to protect those who were not able to protect themselves. Like Wallenberg, Rusesabagina provided a shelter of last resort to innocent civilians facing persecution, many of whom he did not know personally prior to the violence. In addition, both men fought off potential violence not by meeting force with force, but by using persuasion, influence, and negotiation instead.

I thank the University of Michigan for adding to the legacy of Raoul Wallenberg by recognizing the contributions of other great humanitarians like Paul Rusesabagina. I know my colleagues will join me in congratulating Paul Rusesabagina on this great honor.

ADDITIONAL STATEMENTS

CONGRATULATING HAWAII'S NATIONAL SOCCER CHAMPIONS

• Mr. AKAKA. Mr. President, I rise to congratulate our National Championship soccer team from Hawaii, the Honolulu Bulls Soccer Club ('88 Girls) team which won the U17–Girls U.S. Club National Cup in Stony Brook, NY, on August 8, 2005. In an exciting final match, the Bulls defeated the Boston Renegades, 1–0 at the Stony Brook Soccer Complex.

The Bulls advanced to the national championship tournament by winning a regional tournament in Las Vegas earlier this year. At the national tournament, the Bulls earned a spot in the championship game by going undefeated in pool play, beating teams from Georgia and Pennsylvania and tying with a team from California.

In the final match, the Bulls' precision game denied the opposing Boston team any serious scoring opportunities. Katrina Chong's goal in the first half off an assist by Alana Wall would be the game's only score.

The Honolulu Bulls Soccer Club ('88 Girls) team members are: Lucy Caires, CiAnna Chun-Ming, Kelsi Chan, Katrina Chong, Devin Council, Caycie Gusman, Allison Haines, Jaymie Honold, Ashley Kanda, Lauren Kanda, Sophia Merrifield, Marisa Schoen, Carly Wachi, Alana Wall, Lindsey Watanabe, Jordan Weeks, Jenna Wong, Kiani Wong, and Marie Yempuku. The team is coached by Phil Neddo, Craig Nosse, and Robin McCullough.

I congratulate the Honolulu Bulls Soccer Club ('88 Girls) on their thrilling run to the top of their sport, and I wish all of them the best in their future endeavors, in life and on the playing field. And I extend the same congratulations to all players and coaches who participated in this year's U.S. Club Soccer National Cup IV Finals on a job well done.•

LEVI LEIPHEIMER APPRECIATION DAY

• Mr. BAUCUS. Mr. President, I rise today to honor an outstanding Montanan. Today in the city of Butte, MT, citizens are taking to the streets in honor of Levi Leipheimer. In fact, October 20 is officially Levi Leipheimer Appreciation Day in Montana.

To say that Levi Leipheimer is a competitive cyclist is an understatement. Levi is an established leader in the world of cycling. Under his belt, he has three top ten finishes in the world's biggest cycling race, the Tour de France. This year, he placed sixth in the Tour, and also won the Tour de Germany. This is an incredible accomplishment. I am proud that Levi grew up riding on the hills of Montana.

Today, Levi is returning to Butte for the first time in roughly 4 years. The people of Butte are honoring him with a bike parade and street festival.

Levi is an inspiration to the next generation of Montanans, and today by riding alongside in the streets of Butte, he will show them that through dedication and hard work, anything is possible.

I am very proud of Levi Leipheimer and all that he has achieved. He has made both myself and the State of Montana very proud. We look forward to watching him compete in the years to come.•

IN MEMORY OF CORA GAY

• Mr. CHAMBLISS. Mr. President, I rise today to honor Mrs. Cora Gay, a resident of Albany, GA, who passed away on September 25, 2005. Mrs. Gay was a devoted wife and mother who touched many lives with her positive and compassionate personality. She married the love of her life, Quincy Gay, on December 1, 1929, and they celebrated their 75th anniversary this past December. During their marriage, they raised three sons and a daughter. They also have 17 grandchildren, 18 great-grandchildren, and 2 great-great-grandchildren.

Mrs. Gay graduated from Albany State University in 1948 with a degree in elementary education. She then spent the next 25 years of her career inspiring and bringing out the best in her students in the Miller and Dougherty County school systems. She was a member of many organizations while teaching, including: Dougherty County Teachers League; president of the Dougherty County 2nd Grade Educators; Georgia Association of Educators; National Education Association; Association of Classroom Teachers and the National Council of English Teachers. In 1962, she was named "River Road Elementary Teacher of the Year" and was named as an "Outstanding Elementary Teacher of America" in 1972. She retired from teaching in 1973 and had a youth award named after her in 1991.

Cora's passions were cooking, sewing, reading, playing scrabble, and helping others. She was always there to provide comfort and strength to members of her family and others in her community when they were in need. On September 25 we lost a truly fine Georgian and great American. I commend her to her family, friends, and colleagues as an example of a life fully and successfully lived.•

HONORING MARY BOURDETTE

• Mrs. CLINTON. Mr. President, I am delighted today to honor Mary Bourdette, a woman who has dedicated her working life to improving the lives of disadvantaged children and families.

Over the past three decades, Mary has served as a tireless and extremely effective advocate for our Nation's most vulnerable children. Our country is in her debt, and for her passion, commitment, service, and good humor, she will be dearly missed when she retires.

Early in her career, Mary worked in Washington, DC, with the Legal Services Corporation, an organization that provides high quality legal services to low-income people throughout the United States. She then went to work for the Child Welfare League of America, CWLA, as the director of public policy. In this role, Mary was a committed champion as she worked masterfully and persistently to seek and implement policy improvements for abused and neglected children.

Mary then took her passion and talent to the Children's Defense Fund, CDF, where she served as a powerful ally to children for 8 years. I first got to know Mary at CDF where she worked to improve the Head Start program by increasing funds dedicated to strengthening the quality of Head Start and maintaining its comprehensive approach to helping our poorest children and families. Mary was the driving force behind the Act for Better Child Care and worked overtime to help build support for the Family and Medical Leave Act.

I had the pleasure of continuing to work with Mary when she became Deputy Assistant Secretary for Legislation with the Health and Human Services office under Secretary Shalala. Mary was endlessly positive and always on the search for solutions. As she was always upbeat, it was a genuine pleasure to work with her. Mary seemed to wake up every day believing that it held an opportunity to make the world better for children.

She played a critically important role in the enactment of the Adoption and Safe Families Act, which helped to realize the goals of safety, permanence and well-being for tens of thousands of children in the child welfare system. During the negotiation of this bill at the very end of the congressional session in 1996, Mary was the Clinton administration's lead diplomat on Capitol Hill. I was keenly interested in the passage of this legislation, and Mary worked diligently, keeping me informed every step of the way and late into the night, as was her usual style, to forge a bipartisan compromise.

While serving as Deputy Assistant Secretary, Mary help lead the extraordinary effort to expand the child care and development block grant, CCDBG, ensuring that this bill included adequate funding for low-income families. She was also deeply involved in the dramatic expansion of the earned income tax credit, EITC, a credit that provides crucial income support to millions of low-income individuals and families. Since its inception, the EITC has been hailed as one of the most effective antipoverty policies ever created, and Mary was integral to its success.

Most recently, I had the pleasure of partnering with Mary in her capacity as director of government relations for Parents Action for Children. Together we sought to highlight the dangers of exposure to violent and explicit video games to children. As she has been throughout her career, Mary was acutely focused on protecting children and empowering parents. I knew from working with Mary in the past that her involvement in this endeavor would not only ensure that it was done well but that working with her would be a real joy.

Any one who has had the pleasure of working with her would agree that Mary is not only consistently creative but also proactive and determined to improve the lives of our Nation's young people. Mary has always been a pleasure to work with; her wonderful sense of humor and a reassuring smile encourages everyone in her presence. After she retires, those of us fortunate enough to have known and worked closely with Mary will dearly miss her keen understanding of policy, her gentle manner and, most importantly, her deep commitment to children. Millions more whose her work she has touched—though they may never know her name—will miss the rare combination of caring and talent that Mary brought to her hard work on their behalf.

Long after her retirement, Mary will remain an inspiration for our efforts as we continue the fight for America's most vulnerable children.•

RECOGNIZING DR. WILLIAM T. SMITH

• Mrs. CLINTON. Mr. President, I would like to take this opportunity to recognize an outstanding leader in the field of long-term care and aging services. Dr. William T. Smith is the outgoing chair of the American Association of Homes and Services for the Aging, AAHSA, and I congratulate him on what has been accomplished during his 2-year term.

AAHSA serves 2 million people every day through mission-driven, not-for-profit organizations dedicated to providing the services people need, when they need them, in the place they call home. AAHSA provides a continuum of aging services ranging from assisted living residences, continuing care retirement communities, and nursing homes to home and community based programs, and senior housing. AAHSA is committed to creating the future of aging services through high-quality people can trust.

Under Dr. Smith's chairmanship, AAHSA has taken a leadership role in changing the culture of long-term care toward providing consumer oriented services in the most appropriate settings. An important element has been the Quality First Initiative, under which AAHSA members commit to continuous quality improvement in clinical care, leadership, governance, accountability, and several other elements of quality care. Dr. Smith has overseen the appointment of an independent National Commission on Quality Long-Term Care, which will evaluate the quality of long-term care, identify factors influencing the ability to improve quality of care nationally, and make recommendations about national efforts for sustainable quality improvement.

Dr. Smith's term as chair has also seen the development of the Center for Aging Services Technology, a major new initiative bringing together researchers from universities, technology companies, facility administrators and government representatives. The center focuses on the application of technology to provide aging services more effectively and affordably and to enable older Americans to maintain maximum independence, regardless of the setting in which they live.

In addition to serving as AAHSA's chair, Dr. Smith is the president and chief executive officer of Aging in America, Inc., in Bronx, NY. Aging in America is the parent corporation of Aging in America Community Services, AIA Supportive Services, Hertlin House, Morningside at Home, and Morningside House Nursing Home, whose roots date back to the 1850s. Together, these facilities provide nursing, social services, adult day services, rehabilitation, pharmaceuticals, recreation, and pastoral care annually to over 5,000 seniors and their families. All are nonprofit, nonsectarian agencies. Aging in America is another example of the way in which the field of long-term care and aging services must both diversify and integrate to provide a seamless continuum of options to tomorrow's seniors.

Dr. Smith has been in the field of social work since 1971, with the last 27 years dedicated to the field of gerontology. He is a licensed nursing home administrator, a certified social worker, and a certified retirement housing professional. He clearly has been recognized both locally and nationally as an expert on gerontological issues.

Within the next decade, the baby boom generation will move into retirement and approach the ages at which older adults generally come to need assistance with health care, housing, and supportive services. Many baby boomers already face these issues as their parents age. Dr. Smith's years of experience and his leadership in and vision for the field of aging services will continue to serve seniors and policymakers well as we prepare for the future of aging in America. Again, I congratulate him on his many accomplishments as outgoing chair of the AAHSA.•

TRIBUTE TO MS. JEAN GRUBB

• Mr. LUGAR. Mr. President, I rise today to congratulate a distinguished Hoosier and mentor of mine, Ms. Jean Grubb, on being honored with a Lifetime Achievement Award from the Indiana High School Press Association on October 21, 2005. Ms. Grubb, an algebra teacher and publications advisor for 46 years, touched hundreds of lives with her kindness and concern for the well being of her students. I fondly remember the time we spent working closely together on The Shortridge Daily Echo. While I hold those memories dear, I am only one of the many students that benefited from her wise counsel and generous nature.

After graduating from Shortridge High School in 1920, where she also served on the staff of The Echo as a student, Ms. Grubb went on to earn a Bachelor of Arts degree in Mathematics from Indiana University and a Master of Science degree in Journalism from Northwestern University. Ms. Grubb began her teaching career in Sanborn, IN, before moving on to teach in Crawfordsville for 17 years and then finally settling at our alma mater where she taught until her retirement in 1970.

Ms. Grubb has always been an active member of the Shortridge High School alumni community. As publications advisor, Ms. Grubb organized the 50th anniversary celebration of The Echo. She also has worked to gather names and contact information for the Shortridge High School Alumni Association so that each of us can stay closely in touch with our friends and classmates. Following her retirement, Ms. Grubb worked with the Indiana Historical Society to compile a complete history of our alma mater.

I know that each of our fellow alumni and I are thankful for the remarkable impact Ms. Grubb has had as a member of the Shortridge community and we look forward to many more opportunities to benefit from her experience as she begins her 103rd year and continues to bring joy to those around her.

I appreciate this opportunity to congratulate Ms. Jean Grubb on this signal honor and wish her continuing good health and happiness among her many friends in the Indianapolis community.•

HONORING BILL T. TEAGUE

• Mrs. HUTCHISON. Mr. President, I wish to pay tribute to Bill T. Teague upon his retirement as president and chief executive officer of Gulf Coast Regional Blood Center in Houston, TX.

Mr. Teague is a State, national, and international leader in blood banking and transfusion medicine management. During his 31-year tenure, the nonprofit Gulf Coast Regional Blood Center has become one of the most respected blood banking facilities in the country, currently serving more than 220 healthcare institutions in the 24-county Texas gulf coast and east Texas regions. Prior to this position, he served as director of the Community Blood Bank in St. Petersburg, FL, and director of the Travis County Medical Society Blood Bank in Austin, TX. A past president of both the South Central Association of Blood Banks and the American Association of Blood Banks, and a former treasurer of the American Blood Commission, Mr. Teague is also active in a number of professional organizations. He has received numerous honors throughout his career and has been recognized, due to his involvement and service, as a leader in the Houston community.

Mr. Teague has dedicated both his professional career and personal time to generating blood donations and encouraging others to give the gift of life. I ask my colleagues to join me in honoring his accomplishments and wishing Mr. Teague well in all his future endeavors.•

DON OVERMAN: RURAL AIRPORT CHAMPION

• Mr. NELSON of Nebraska. Mr. President, I am here today to honor a fellow Nebraskan, Don Overman, who has made a significant contribution to maintaining commercial airline service in rural Nebraska.

Mr. Overman is a former mayor of Scottsbluff, NE and currently serves as Chair of the Western Nebraska Regional Airport Authority Board in Scottsbluff. For nearly two decades in his various roles Mr. Overman has dedicated himself to assuring that Nebraskans are not deprived of having access to passenger airline service.

It can be hard for those who have never lived in sparsely populated areas of this country to understand just how difficult it is to provide services that people in large urban areas take for granted, such as airline service.

In large urban areas, there is never a question whether citizens will have ready access to airline service because of the economies of scale where expenses are offset by a large number of users. In lightly populated areas where there are fewer customers, the economy of scale can be nonexistent.

For instance, at the Western Nebraska Regional Airport in Scottsbluff, NE, they struggle to board 10,000 airline passengers per year. Compare that to Hartsfield-Jackson Atlanta International Airport in Atlanta, GA, which is the busiest airport in the world and boards, on average, nearly 10,000 passengers per hour. Even with 10,000 passengers per year, the Western Nebraska Regional Airport is the third busiest airport in Nebraska.

Residents of the Nebraska Panhandle who use Scottsbluff's Western Nebraska Regional Airport are taxpayers, just as certain as those who use Atlanta's Hartsfield-Jackson and, as such, deserve to have convenient access to an airport.

The economy of scale makes convenient access a challenge. It is a challenge that Don Overman has accepted. As Chair of the Airport Authority Board, he has worked tirelessly to increase boardings so Western Nebraska Regional Airport can be considered a primary airport and remain eligible for Federal funding. I have worked personally with him and can attest to his perseverance and dedication.

Under his leadership, Western Nebraska Regional Airport will exceed 10,000 boardings this year for the first time since 2001. This is a significant achievement which is not only important to the flying public but to economic development in lesser populated areas of Nebraska. Airports provide a vital link for business to ensure that those Nebraska communities remain competitive in attracting new opportunities.

Among other achievements of Don Overman and the Western Nebraska Regional Airport Authority Board is the construction of a new $4.2 million terminal of which $2.7 million was funded through the Federal Airport Improvement Program and $1.5 million was secured through local funding. This is a new facility to replace the current terminal which dates back to World War II. As Mr. Overman has observed in the past, the first image people see when they arrive in a community is the airport. That first impression creates their feelings about the community. Thanks to Mr. Overman's hard work, that first impression will be a positive one which will help attract economic development and growth to the area.

Mr. Overman, who is often referred to fondly as Mr. Scottsbluff or Mr. Airport, will be recognized Saturday, October 29, 2005, when the new terminal is dedicated and named the "Donald E. Overman Terminal." It is a well-deserved honor for a man whose achievements in the past have earned him recognition as the Scottsbluff Star-Herald Newspaper's Citizen of the Year and Citizen of the Century in Government.

I would like to extend my sincere congratulations to Don Overman on this historic occasion. Thanks to him and the Western Nebraska Regional Airport Authority Board, citizens of the Nebraska Panhandle and surrounding States will have a modern new building and continued access to commercial airline service.●

RECOGNIZING GRANDPARENTS AND OTHER KIN RAISING RELATIVES' CHILDREN

● Mr. SALAZAR. Mr. President, I rise today to discuss an issue of great importance that receives far too little attention. Across the country, more than 6 million children live in households headed by either a grandparent or another relative. About 2.5 million of these children live in homes without either parent present. Regardless of the myriad reasons children enter relative care whether it is the death of a parent, neglect, or substance abuse it is never the fault of the child. I commend grandparents and other relatives who step forward to care for these children, keeping them out of foster care while providing safe, stable homes, often at great personal and financial sacrifice.

Jackie Hope of Denver, CO, is one such grandmother. She became a second-time mother at the age of 53 when she quit her job to be a full-time parent to her newborn grandson. Jackie's daughter became addicted to crack cocaine and left Jackie to care for her four children.

Times got even harder for Jackie when her husband of 38 years died and his retirement benefits ceased. Jackie was left to care for her four grandchildren's growing needs with even less money.

Today, Jackie is well known in the Denver community as a strong advocate for grandparents and other kin raising relatives' children. She was a leader in advocating for more financial and emotional support for the thousands of other people who find themselves in the same situation. Although it has been physically, emotionally, and financially taxing, Jackie never complains—she simply continues to work hard to provide a better life for herself and her grandchildren.

Grandparents and other relative caregivers such as Jackie often provide the children in their care the best chance for a loving and stable childhood. Unfortunately, their hard work and dedication often goes unnoticed. Today I offer my formal acknowledgement and deepest appreciation for the ongoing service of these caregivers to our country and to our Nation's most valuable asset, our children.●

MESSAGE FROM THE HOUSE DURING ADJOURNMENT

ENROLLED BILL SIGNED

Under authority of the order of the Senate of January 4, 2005, the Secretary of the Senate, on October 19, 2005, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bill:

H.R. 3971. An act to extend medicare cost-sharing for qualifying individuals through September 2007, to extend transitional medical assistance and the program for abstinence education through December 2005, to provide unemployment relief for States and individuals affected by Hurricane Katrina, and for other purposes.

Under authority of the order of the Senate of October 19, 2005, the enrolled bill was signed subsequently on yesterday, October 19, 2005, by the Majority Leader (Mr. FRIST).

MESSAGE FROM THE HOUSE

At 3:57 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 397. An act to prohibit civil liability actions from being brought or continued against manufacturers, distributors, dealers, or importers of firearms or ammunition for damages, injunctive or other relief resulting from the misuse of their products by others.

The message also announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 554. An act to prevent legislative and regulatory functions from being usurped by civil liability actions brought or continued against food manufacturers, marketers, distributors, advertisers, sellers, and trade associations for claims of injury relating to a person's weight gain, obesity, or any health condition associated with weight gain or obesity.

The message further announced that the House disagree to the amendment of the Senate to the bill H.R. 2744 making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes, and agree to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints the following Members as the managers of the conference on the part of the House: Mr. BONILLA, Mr. KINGSTON, Mr. LATHAM, Mrs. EMERSON, Mr. GOODE, Mr. LAHOOD, Mr. DOOLITTLE, Mr. ALEXANDER, Mr. LEWIS of California, Ms. DELAURO, Mr. HINCHEY, Mr. FARR, Mr. BOYD, Ms. KAPTUR, and Mr. OBEY.

MEASURES READ THE FIRST TIME

The following bills were read the first time:

H.R. 554. An act to prevent legislative and regulatory functions from being usurped by civil liability actions brought or continued against food manufacturers, marketers, distributors, advertisers, sellers, and trade associations for claims of injury relating to a person's weight gain, obesity, or any health condition associated with weight gain or obesity.

S. 1904. A bill to provide elementary and secondary education assistance to students and schools impacted by Hurricane Katrina.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–4297. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the Accountability Review Board's report relative to the December 6, 2004 attack by armed terrorists on the U.S. Consulate in Jeddah, Saudi Arabia; to the Committee on Foreign Relations.

EC–4298. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the Accountability Review Board's report relative to the January 29, 2005 rocket attack on the Interim U.S. Embassy Annex in Baghdad, Iraq; to the Committee on Foreign Relations.

EC–4299. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, reports on vacancies in the positions of: Under Secretary of State for Management;

Under Secretary of State for Public Diplomacy; Coordinator for Counterterrorism w/ Rank of Ambassador at Large; Assistant Secretary of State for Administration; Assistant Secretary of State for Democracy, Human Rights and Labor; Assistant Secretary of State for Diplomatic Security; Assistant Secretary of State (Educational and Cultural Affairs); Assistant Secretary of State for European and Eurasian Affairs; Inspector General; Assistant Secretary of State for Intelligence and Research; Assistant Secretary for Oceans, International Environmental Affairs; Assistant Secretary for International Narcotics and Law Enforcement Affairs; Assistant Secretary of State (International Organization Affairs); Assistant Secretary of State for Legislative Affairs; Assistant Secretary of State for Political-Military Affairs; and Assistant Secretary of State for Resource Management; to the Committee on Foreign Relations.

EC–4300. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of Presidential Determination 2005-34 relative to waiving prohibition on United States Military assistance with respect to Benin; to the Committee on Foreign Relations.

EC–4301. A communication from the Chair, United States Commission on International Religious Freedom, transmitting, pursuant to law, the Commission's 2005 Annual Report; to the Committee on Foreign Relations.

EC–4302. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 05-236 - 05-246); to the Committee on Foreign Relations.

EC–4303. A communication from the Acting Chairman, National Transportation Safety Board, transmitting, pursuant to law, the Board's 2005 FAIR Act Inventory; to the Committee on Commerce, Science, and Transportation.

EC–4304. A communication from the Secretary of Transportation transmitting, pursuant to law, a report entitled "State Practices on Specific Services Signing; to the Committee on Commerce, Science, and Transportation.

EC–4305. A communication from the Secretary of Transportation transmitting, pursuant to law, a report entitled "Section 816 [Vision-100] Recommendations Concerning Travel Agents"; to the Committee on Commerce, Science, and Transportation.

EC–4306. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Big Pine Key, Florida)" (MB Docket No. 04-248) received on October 11, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4307. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Cheyenne and Thomas, Oklahoma)" (MB Docket No 05-130) received on October 11, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4308. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Cridersville, OH)" (MB Docket No. 04-343) received on October 11, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4309. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Clinton and Mayfield, Kentucky)" (MB Docket No. 05-152) received on October 11, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4310. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Fisher and Thief River Falls, Minnesota)" (MB Docket No. 05-116) received on October 11, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4311. A communication from the Regulatory Ombudsman, Federal Motor Carrier Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Commercial Driver's License (CDL) Standards: School Bus Endorsement" (RIN2126-AA94) received on October 11, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4312. A communication from the Regulatory Ombudsman, Federal Motor Carrier Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Title VI Regulations for Federal Motor Carrier Safety Administration Financial Assistance Recipients" ((RIN2126-AA79) (2005-1)) received on October 11, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4313. A communication from the Attorney, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Importation of Nonconforming Vehicles by Registered Importers" (RIN2127-AJ63) received on October 11, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4314. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Action #7—Closure of the Commercial Salmon Fishery from the U.S.-Canada Border to Cape Falcon, Oregon" (I.D. No. 091405G) received on October 11, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4315. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Action #8—Adjustment of the Recreational Fishery from the U.S.-Canada Border to Cape Alava, Washington" (I D. No. 091405H) received on October 11, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4316. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States and in the Western Pacific; Coastal Pelagic Species Fisheries; Reallocation of Pacific Sardine" (I.D. No. 091305E) received on October 11, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4317. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Action #5—Adjustments of the Recreational Fishery from Cape Alava, Washington, to Cape Falcon, Oregon" (I.D No. 082605A) received on October 11, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4318. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Improved Seats in Air Carrier Transport Category Airplanes" ((RIN2120-AC84) (2005-0001)) received on October 11, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4319. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "IFR Altitudes; Miscellaneous Amendments (43); Amdt. No. 457" ((RIN2120-AA63) (2005-0007)) received on October 11, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4320. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (102); Amdt. No. 3133" ((RIN2120-AA65) (2005-0026)) received on October 11, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4321. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (52); Amdt. No. 3134" ((RIN2120-AA65) (2005-0027)) received on October 11, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4322. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (10); Amdt. No. 3135" ((RIN2120-AA65) (2005-0028)) received on October 11, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4323. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Domestic VOR Federal Airway V-19; OH" ((RIN2120-AA66) (2005-0221)) received on October 11, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4324. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Using Agency for

Restricted Areas R-2510 A and B; El Centro, CA" ((RIN2120-AA66) (2005-0220)) received on October 11 2005; to the Committee on Commerce, Science, and Transportation.

EC-4325. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Advanced Qualification Program" (RIN2120-AI59) received on October 11, 2005; to the Committee on Commerce, Science, and Transportation.

EC-4326. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "False and Misleading Statements Regarding Aircraft Parts" ((RIN2120-AG08) (2005-0001)) received on October 11, 2005; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Ms. COLLINS, from the Committee on Homeland Security and Governmental Affairs:

Report to accompany S. 1736, a bill to provide for the participation of employees in the judicial branch in the Federal leave transfer program for disasters and emergencies (Rept. No. 109-158).

By Mr. SPECTER, from the Committee on the Judiciary, without amendment:

S. 443. A bill to improve the investigation of criminal antitrust offenses.

By Mr. SPECTER, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 1086. A bill to improve the national program to register and monitor individuals who commit crimes against children or sex offenses.

By Mr. SPECTER, from the Committee on the Judiciary, without amendment:

S. 1326. A bill to require agencies and persons in possession of computerized data containing sensitive personal information, to disclose security breaches where such breach poses a significant risk of identity theft.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. SPECTER for the Committee on the Judiciary.

Susan Bieke Neilson, of Michigan, to be United States Circuit Judge for the Sixth Circuit.

Brian Edward Sandoval, of Nevada, to be United States District Judge for the District of Nevada.

John Richard Smoak, of Florida, to be United States District Judge for the Northern District of Florida.

Harry Sandlin Mattice, Jr., of Tennessee, to be United States District Judge for the Eastern District of Tennessee.

Thomas Craig Wheeler, of Maryland, to be a Judge of the United States Court of Federal Claims for a term of fifteen years.

Margaret Mary Sweeney, of Virginia, to be a Judge of the United States Court of Federal Claims for a term of fifteen years.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. KERRY (for himself, Mr. Kennedy, Mr. Gregg, and Mr. Sununu):

S. 1898. A bill to establish the Freedom's Way National Heritage Area in the States of Massachusetts and New Hampshire, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. McCAIN (for himself, Mr. Dorgan, Mr. Crapo, and Mr. Inouye):

S. 1899. A bill to amend the Indian Child Protection and Family Violence Prevention Act to identify and remove barriers to reducing child abuse, to provide for examinations of certain children, and for other purposes; to the Committee on Indian Affairs.

By Ms. STABENOW (for herself, Mr. Harkin, Mr. Dayton, Mr. Lautenberg, and Mr. Corzine):

S. 1900. A bill to amend title XVIII of the Social Security Act to stabilize the amount of the medicare part B premium; to the Committee on Finance.

By Mr. SCHUMER (for himself and Mrs. Clinton):

S. 1901. A bill to designate the facility of the United States Postal Service located at 567 Tompkins Avenue in Staten Island, New York, as the "Vincent Palladino Post Office"; to the Committee on Homeland Security and Governmental Affairs.

By Mr. LIEBERMAN (for himself, Mr. Brownback, Mrs. Clinton, Mr. Santorum, and Mr. Durbin):

S. 1902. A bill to amend the Public Health Service Act to authorize funding for the establishment of a program on children and the media within the Centers for Disease Control and Prevention to study the role and impact of electronic media in the development of children; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ROCKEFELLER (for himself, Mr. Specter, Mr. Schumer, and Mr. McCain):

S. 1903. A bill to amend title XIX of the Social Security Act to require drug manufacturers to report the average manufacturer price and the best price of authorized generic drugs and any other drugs sold under a new drug application approved under section 505(c) of the Federal Food, Drug, and Cosmetic Act to the Secretary of Health and Human Services; to the Committee on Finance.

By Mr. ALEXANDER (for himself, Mr. Kennedy, Mr. Enzi, and Mr. Dodd):

S. 1904. A bill to provide elementary and secondary education assistance to students and schools impacted by Hurricane Katrina; read the first time.

By Mr. LUGAR (for himself and Mr. Biden):

S. 1905. A bill to clarify Foreign Service Grievance Board procedures; considered and passed.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BIDEN (for himself, Mr. Rockefeller, Mr. Johnson, Mrs. Murray, Ms. Cantwell, Mr. Lautenberg, Mr. Bayh, Mr. Kohl, Mrs. Clinton, Ms. Stabenow, Mr. Corzine, Mr. Akaka, Mrs. Boxer, Ms. Mikulski, Mr. Dayton, Mr. Cornyn, Mr. Sarbanes, Mr. Stevens, Mr. Specter, Mr. Leahy, Mr. Talent, Mr. Kerry, Mr. Byrd, Mr. Nelson of Florida, Mr. Kennedy, Mr. Feingold, and Mr. Salazar):

S. Res. 282. A resolution supporting the goals and ideals of National Domestic Violence Awareness Month and expressing the sense of the Senate that Congress should raise awareness of domestic violence in the United States and its devastating effects on families; to the Committee on the Judiciary.

By Mr. ALLEN (for himself and Mr. Durbin):

S. Res. 283. A resolution recognizing the contributions of Korean Americans to the United States and encouraging the celebration of "Korean American Day"; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 132

At the request of Mrs. Lincoln, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 132, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for premiums on mortgage insurance.

S. 390

At the request of Mr. Bunning, the name of the Senator from Indiana (Mr. Lugar) was added as a cosponsor of S. 390, a bill to amend title XVIII of the Social Security Act to provide for coverage of ultrasound screening for abdominal aortic aneurysms under part B of the medicare program.

S. 408

At the request of Mr. DeWine, the name of the Senator from Utah (Mr. Bennett) was added as a cosponsor of S. 408, a bill to provide for programs and activities with respect to the prevention of underage drinking.

S. 440

At the request of Mr. Bunning, the name of the Senator from New Jersey (Mr. Corzine) was added as a cosponsor of S. 440, a bill to amend title XIX of the Social Security Act to include podiatrists as physicians for purposes of covering physicians services under the medicaid program.

S. 757

At the request of Mr. Chafee, the names of the Senator from Louisiana (Ms. Landrieu), the Senator from Connecticut (Mr. Dodd), the Senator from Arkansas (Mrs. Lincoln), the Senator from California (Mrs. Boxer) and the Senator from Indiana (Mr. Bayh) were added as cosponsors of S. 757, a bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

S. 828

At the request of Mr. Harkin, the name of the Senator from Minnesota

(Mr. DAYTON) was added as a cosponsor of S. 828, a bill to enhance and further research into paralysis and to improve rehabilitation and the quality of life for persons living with paralysis and other physical disabilities, and for other purposes.

S. 969

At the request of Mr. OBAMA, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 969, a bill to amend the Public Health Service Act with respect to preparation for an influenza pandemic, including an avian influenza pandemic, and for other purposes.

S. 985

At the request of Mrs. CLINTON, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 985, a bill to establish kinship navigator programs, to establish kinship guardianship assistance payments for children, and for other purposes.

S. 1086

At the request of Mr. HATCH, the name of the Senator from New Hampshire (Mr. SUNUNU) was added as a cosponsor of S. 1086, a bill to improve the national program to register and monitor individuals who commit crimes against children or sex offenses.

S. 1401

At the request of Mr. GREGG, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1401, a bill to amend the Internal Revenue Code of 1986 to clarify the proper treatment of differential wage payments made to employees called to active duty in the uniformed services, and for other purposes.

S. 1405

At the request of Mr. SANTORUM, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 1405, a bill to extend the 50 percent compliance threshold used to determine whether a hospital or unit of a hospital is an inpatient rehabilitation facility and to establish the National Advisory Council on Medical Rehabilitation.

S. 1462

At the request of Mr. LEVIN, his name was added as a cosponsor of S. 1462, a bill to promote peace and accountability in Sudan, and for other purposes.

At the request of Mr. BROWNBACK, the names of the Senator from California (Mrs. BOXER) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. 1462, supra.

S. 1515

At the request of Mr. INOUYE, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 1515, a bill to amend title XIX of the Social Security Act to improve access to advanced practice nurses and physician assistants under the Medicaid Program.

S. 1516

At the request of Mr. LOTT, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 1516, a bill to reauthorize Amtrak, and for other purposes.

S. 1524

At the request of Mr. CRAPO, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 1524, a bill to repeal the sunset on the reduction of capital gains rates for individuals and on the taxation of dividends of individuals at capital gain rates.

S. 1706

At the request of Mr. ALLEN, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 1706, a bill to amend the Internal Revenue Code of 1986 to provide that distributions from a section 401(k) plan or a section 403(b) contract shall not be includible in gross income to the extent used to pay long-term care insurance premiums.

S. 1779

At the request of Mr. AKAKA, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1779, a bill to amend the Humane Methods of Livestock Slaughter Act of 1958 to ensure the humane slaughter of nonambulatory livestock, and for other purposes.

S. 1866

At the request of Ms. COLLINS, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 1866, a bill to establish an Under Secretary for Policy in the Department of Homeland Security, and for other purposes.

AMENDMENT NO. 2065

At the request of Mr. BINGAMAN, the names of the Senator from Nebraska (Mr. HAGEL), the Senator from Pennsylvania (Mr. SANTORUM), the Senator from New Mexico (Mr. DOMENICI) and the Senator from Tennessee (Mr. ALEXANDER) were added as cosponsors of amendment No. 2065 proposed to H.R. 3058, a bill making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 2067

At the request of Mr. BROWNBACK, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of amendment No. 2067 intended to be proposed to H.R. 3058, a bill making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 2077

At the request of Mr. REED, the name of the Senator from North Dakota (Mr. CONRAD) was withdrawn as a cosponsor of amendment No. 2077 proposed to H.R. 3058, a bill making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 2118

At the request of Mr. DORGAN, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of amendment No. 2118 intended to be proposed to H.R. 3058, a bill making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 2144

At the request of Mr. SCHUMER, his name was added as a cosponsor of amendment No. 2144 intended to be proposed to H.R. 3058, a bill making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 2146

At the request of Mr. BOND, his name was added as a cosponsor of amendment No. 2146 proposed to H.R. 3058, a bill making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KERRY (for himself, Mr. KENNEDY, Mr. GREGG, and Mr. SUNUNU):

S. 1898. A bill to establish the Freedom's Way National Heritage Area in the States of Massachusetts and New Hampshire, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. KERRY. Mr. President, I rise to introduce legislation to establish the Freedom's Way National Heritage Area in New Hampshire and Massachusetts. The bill is cosponsored by Senator KENNEDY, Senator GREGG and Senator SUNUNU.

The bill proposes to establish a national heritage area including 36 communities in Massachusetts and six communities in New Hampshire. The area has important cultural and natural legacies that are important to New England and the entire Nation. I want to highlight just a few of the reasons I believe this designation makes sense.

The Freedom's Way is an ideal candidate because it is rich in historic sites, trails, landscapes and views. The land and the area's resources are pieces of American history and culture. The entire region, and especially places like Lexington and Concord, is important to our country's founding and our political and philosophical principles. Within the 42 communities are truly special places. These include the Minuteman National Historic Park, more than 40 National Register Districts and National Historic Landmarks, the Great Meadows National Wildlife Refuge, Walden Pond State Reservation, Gardener State Park, Harvard Shaker Village and the Shirley Shaker Village.

In addition, there is strong grassroots support for this designation. The people of these communities organized themselves in this effort and have now turned to us for assistance. I hope we can provide it. Supporters include elected officials, people dedicated to preserving a small piece of American and New England history, and local business leaders. It is an honor to help their cause.

Finally, I am very pleased that Senators from both Massachusetts and New Hampshire have embraced this proposal. I thank Senators KENNEDY, GREGG and SUNUNU.

By Mr. McCAIN (for himself, Mr. DORGAN, Mr. CRAPO, and Mr. INOUYE):

S. 1899. A bill to amend the Indian Child Protection and Family Violence Prevention Act to identify and remove barriers to reducing child abuse, to provide for examinations of certain children, and for other purposes; to the Committee on Indian Affairs.

Mr. McCAIN. Mr. President, today I am introducing a bill to reauthorize the Indian Child Protection and Family Violence Prevention Act. This bill is intended to reauthorize appropriations for child sexual abuse prevention and treatment grants, to identify the scope of child abuse and family violence in Indian country by requiring annual comprehensive data gathering, to encourage inter-agency coordination between the Indian Health Service and public and private medical or treatment organizations in the treatment and examination of children through the use of telemedicine, and to conform the Act to other Federal child abuse reporting and confidentiality laws. The bill provides a 4-year reauthorization of appropriations for the Act.

The Indian Child Protection and Family Violence Prevention Act was enacted in 1990 to address findings of the Senate Select Committee on Indian Affairs and the Special Committee on Investigations as it examined the Federal trust relationship with Indian tribes. Through public hearings, these Committees found that, at the time, Indian country was a safe haven for child abuse perpetrators. I will not forget the testimony of parents whose children fell prey to the notorious cases of multiple child sexual abuse that occurred on the Hopi, Navajo, and Cherokee reservations over the course of many years. The Federal investigation and prosecution of these crimes revealed that child abuse perpetrators were aware that the conditions of reporting, investigating, and preventing crimes upon children were in such a sorry state that their crimes would rarely be detected. Needless to say, the consequences proved tragic to hundreds of child victims, their families and their communities.

We enacted this law to give the Federal Government an opportunity to meet its responsibility to Indian children and families by establishing policies and programs to prevent child abuse and family violence. To accomplish this, appropriations were authorized to establish prevention and treatment programs within the BIA and IHS. The Act also authorized the BIA and IHS to assist tribes in establishing on-reservation child abuse prevention and treatment programs. The Act also provided criminal sanctions for professionals who failed to report acts of abuse or suspected abuse and prescribed a child abuse reporting process for law enforcement.

I don't believe that the possible benefits of the Act have been fully realized. Neither the BIA nor the IHS have successfully requested or received appropriations to fully implement the programs envisioned by the Act. Today, tribal governments rely on special appropriations, congressional earmarks and piecemeal grants. And, we still do not have a firm idea of the extent to which child sexual or physical abuse is occurring in Indian communities or the degree of success that we are having in treating victims of child abuse. Surely, we can do better than this.

This bill provides for a comprehensive approach to gathering this information on child abuse in Indian country. Under current law, the FBI is responsible for gathering this data. At the time, the FBI was primarily responsible for investigating acts of felony child abuse in Indian country. Today, we know that many Indian tribal police agencies, operating under Indian Self-Determination and Educational Assistance Act compacts and contracts, jointly investigate these felony crimes and that they are also responsible for responding to and investigating tribal offenses. The bill requires a comprehensive sharing of numerical data by all Federal, tribal and State law enforcement agencies.

In addition, the Act requires all local law enforcement agencies to document incidents of child abuse and to submit this documentation to the Federal Bureau of Investigation. The Act, however, does not provide for use of this valuable information. This bill permits the FBI to continue to gather conviction data and to make this information available, on a limited basis, to specific agencies requiring such information in the course of their professional duties. It permits agencies to access information in the course of conducting background checks on those who seek employment in an area involving children.

Finally, the bill authorizes the Indian Health Service to use advances in telemedicine to bring expert advice and training to the examination and diagnosis of child abuse. This new provision recognizes that children, when victimized, require immediate and expert diagnosis and treatment. This section will help supplement stretched or unavailable IHS resources in the most isolated Indian communities.

This body recently sent a clear message on domestic violence and sexual predators. This bill furthers that message by continuing to protect Indian children and families and ensuring that they continue to receive prevention and treatment resources to address the impact of these crimes in their own communities. I look forward to receiving the comments from the Administration and working with my colleagues toward final passage of this bill.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1899

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Indian Child Protection and Family Violence Prevention Act Amendments of 2005".

SEC. 2. FINDINGS AND PURPOSE.

Section 402 of the Indian Child Protection and Family Violence Prevention Act (25 U.S.C. 3201) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by redesignating subparagraphs (E) and (F) as subparagraphs (F) and (G), respectively; and

(ii) by inserting after subparagraph (D) the following:

"(E) the Federal Government and certain State governments are responsible for investigating and prosecuting certain felony crimes, including child abuse, in Indian country, pursuant to chapter 53 of title 18, United States Code;"; and

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by striking "two" and inserting "the";

(ii) in subparagraph (A), by striking "and" at the end;

(iii) in subparagraph (B), by striking the period at the end and inserting "; and"; and

(iv) by adding at the end the following:

"(C) identify and remove any impediment to the immediate investigation of incidents of child abuse in Indian country."; and

(2) in subsection (b)—

(A) by striking paragraph (3) and inserting the following:

“(3) provide for a background investigation for any employee that has access to children;”; and

(B) in paragraph (6), by striking “Area Office” and inserting “Regional Office”.

SEC. 3. DEFINITIONS.

Section 403 of the Indian Child Protection and Family Violence Prevention Act (25 U.S.C. 3202) is amended—

(1) by striking paragraph (14);

(2) by redesignating paragraphs (5) through (13) as paragraphs (6) through (14), respectively;

(3) by inserting after paragraph (4) the following:

“(5) ‘conviction’, with respect to an offense, means a final judgment of guilty through a verdict by a judge or jury or a plea of guilty or no contest, but does not include any final judgment that has been expunged by pardon, reversed, set aside, or otherwise voided;”;

(4) in paragraph (13) (as redesignated by paragraph (2)), by striking “that agency” and all that follows through “Indian tribe” and inserting “the Federal, State, or tribal agency”;

(5) in paragraph (14) (as redesignated by paragraph (2)), by inserting “(including a tribal law enforcement agency operating pursuant to a grant, contract, or compact under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.))” after “State law enforcement agency”;

(6) in paragraph (17), by striking “and” at the end;

(7) in paragraph (18), by striking the period at the end and inserting “; and”; and

(8) by adding at the end the following:

“(19) ‘telemedicine’ means a telecommunications link to an end user through the use of eligible equipment that electronically links health professionals or patients and health professionals at separate sites in order to exchange health care information in audio, video, graphic, or other format for the purpose of providing improved health care diagnosis and treatment.”.

SEC. 4. REPORTING PROCEDURES.

Section 404 of the Indian Child Protection and Family Violence Prevention Act (25 U.S.C. 3203) is amended—

(1) in subsection (c)—

(A) in paragraph (1), by striking “(1) Within” and inserting the following:

“(1) IN GENERAL.—Not later than”; and

(B) in paragraph (2)—

(i) by striking “(2)(A) Any” and inserting the following:

“(2) INVESTIGATION OF REPORTS.—

“(A) IN GENERAL.—Any”;

(ii) in subparagraph (B)—

(I) by striking “(B) Upon” and inserting the following:

“(B) FINAL WRITTEN REPORT.—On”; and

(II) by inserting “including any Federal, State, or tribal conviction resulting from the allegation” before the period at the end; and

(iii) by adding at the end the following:

“(C) MAINTENANCE OF FINAL REPORTS.—The Federal Bureau of Investigation shall maintain a record of each written report submitted under subsection (b) in a manner in which the report is accessible to—

“(i) a local law enforcement agency that requires the information to carry out an official duty; and

“(ii) any agency requesting the information under section 408.

“(D) COLLECTION OF DATA.—Not less frequently than once each year, the Secretary, in consultation with the Attorney General and any appropriate Indian tribe, shall collect any information not otherwise reported under subsection (b), including information relating to, during the preceding calendar year—

“(i) the number of child abuse allegations and investigations in Indian country;

“(ii) the number of child abuse prosecutions declined or deferred in Indian country; and

“(iii) the number of acquittals of charges of child abuse in Indian country.”; and

(2) by adding at the end the following:

“(e) CONFIDENTIALITY OF CHILDREN.—No local law enforcement agency or local child protective services agency shall disclose the name of or information concerning the child to anyone other than any person who, by reason of their participation in the treatment of the child, the investigation, or the adjudication of the allegation, needs to know the information in the performance of the duties of the individual.

“(f) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this subsection, and annually thereafter, the Director of the Federal Bureau of Investigation, in coordination with the Secretary and the Attorney General, shall submit to the Committees on Indian Affairs and the Judiciary of the Senate, and the Committees on Resources and the Judiciary of the House of Representatives, a report on child abuse in Indian country during the preceding year.”.

SEC. 5. REMOVAL OF IMPEDIMENTS TO REDUCING CHILD ABUSE.

Section 405 of the Indian Child Protection and Family Violence Prevention Act (25 U.S.C. 3204) is amended to read as follows:

“SEC. 405. REMOVAL OF IMPEDIMENTS TO REDUCING CHILD ABUSE.

“(a) STUDY.—The Secretary, in consultation with the Attorney General and the Service, shall conduct a study under which the Secretary shall identify any impediment to the reduction of child abuse in Indian country and on Indian reservations.

“(b) INCLUSIONS.—The study under subsection (a) shall include a description of—

“(1) any impediment to reporting child abuse in Indian country and on Indian reservations;

“(2) any impediment to, or advance in, Federal, State, and tribal investigations and prosecutions of allegations of child abuse in Indian country and on Indian reservations; and

“(3) any impediment to, or advance in, the treatment of child abuse in Indian country and on Indian reservations.

“(c) REPORT.—Not later than 18 months after the date of enactment of the Indian Child Protection and Family Violence Prevention Act Amendments of 2005, the Secretary shall submit to the Committees on Indian Affairs and the Judiciary of the Senate, and the Committees on Resources and the Judiciary of the House of Representatives, a report describing—

“(1) the findings of the study under this section; and

“(2) recommendations for legislative actions to reduce instances of child abuse in Indian country and on Indian reservations, if any.”.

SEC. 6. CONFIDENTIALITY.

Section 406 of the Indian Child Protection and Family Violence Prevention Act (25 U.S.C. 3205) is amended to read as follows:

“SEC. 406. CONFIDENTIALITY.

“Any Federal, State, or tribal government agency that treats or investigates incidents of child abuse may provide information and records to an officer of any other Federal, State, or tribal government agency that requires the information to carry out the duties of the officer, in accordance with section 552a of title 5, United States Code, section 361 of the Public Health Service Act (42 U.S.C. 264), the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. 1232g), part C of title XI of the Social Security Act (42 U.S.C. 1320d et seq.), and other applicable Federal law.”.

SEC. 7. WAIVER OF PARENTAL CONSENT.

Section 407 of the Indian Child Protection and Family Violence Prevention Act (25 U.S.C. 3206) is amended—

(1) in subsection (a), by inserting “or forensic” after “psychological”; and

(2) in subsection (c), by striking “advise” and inserting “advice”.

SEC. 8. CHARACTER INVESTIGATIONS.

Section 408(b) of the Indian Child Protection and Family Violence Prevention Act (25 U.S.C. 3207(b)) is amended by striking “guilty to” and all that follows and inserting the following: “guilty to, any offense under Federal, State, or tribal law involving—

“(1) a crime of violence;

“(2) sexual assault;

“(3) child abuse;

“(4) exploitation; or

“(5) sexual contact or prostitution.”.

SEC. 9. INDIAN CHILD ABUSE TREATMENT GRANT PROGRAM.

Section 409 of the Indian Child Protection and Family Violence Prevention Act (25 U.S.C. 3208) is amended by striking subsection (e) and inserting the following:

“(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2006 through 2010.”.

SEC. 10. INDIAN CHILD RESOURCE AND FAMILY SERVICES CENTERS.

Section 410 of the Indian Child Protection and Family Violence Prevention Act (25 U.S.C. 3209) is amended—

(1) in subsection (a), by striking “area office” and inserting “Regional Office”;

(2) in subsection (b), by striking “The Secretary” and all that follows through “Human Services” and inserting “The Secretary, the Secretary of Health and Human Services, and the Attorney General”;

(3) in subsection (d)—

(A) in paragraph (4), by inserting “, State,” after “Federal”; and

(B) in paragraph (5), by striking “agency office” and inserting “Regional Office”;

(4) in subsection (e)—

(A) in paragraphs (1) and (2), by striking the commas at the ends of the paragraphs and inserting semicolons;

(B) by striking paragraph (3) and inserting the following:

“(3) adolescent mental and behavioral health (including suicide prevention and treatment);”;

(C) in paragraph (4), by striking the period at the end and inserting a semicolon; and

(D) by adding at the end the following:

“(5) criminal prosecution; and

“(6) medicine.”;

(5) in subsection (f)—

(A) in the first sentence, by striking “The Secretary” and all that follows through “Human Services” and inserting the following:

“(1) ESTABLISHMENT.—The Secretary, in consultation with the Service and the Attorney General”;

(B) in the second sentence—

(i) by striking “Each” and inserting the following

“(2) MEMBERSHIP.—Each”; and

(ii) by striking "shall consist of 7 members" and inserting "shall be";

(C) in the third sentence, by striking "Members" and inserting the following:

"(3) COMPENSATION.—Members"; and

(D) in the fourth sentence, by striking "The advisory" and inserting the following:

"(4) DUTIES.—Each advisory";

(6) in subsection (g)—

(A) in the first sentence—

(i) by striking "Indian Child" and inserting the following:

"(1) IN GENERAL.—Indian Child"; and

(ii) by adding before the period at the end the following: "(25 U.S.C. 450 et seq.)";

(B) by striking the second sentence and inserting the following:

"(2) CERTAIN REGIONAL OFFICES.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), if a Center is located in a Regional Office of the Bureau that serves more than 1 Indian tribe, an application to enter into a grant, contract, or compact under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) to operate the Center shall contain a consent form signed by an official of each Indian tribe to be served under the grant, contract, or compact.

"(B) ALASKA REGION.—Notwithstanding subparagraph (A), for Centers located in the Alaska Region, an application to enter into a grant, contract, or compact described in that subparagraph shall contain a consent form signed by an official of each Indian tribe or tribal consortium that is a member of a grant, contract, or compact relating to an Indian child protection and family violence prevention program under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.)."; and

(C) in the third sentence, by striking "This section" and inserting the following:

"(3) EFFECT OF SECTION.—This section"; and

(7) by striking subsection (h) and inserting the following:

"(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2006 through 2010.".

SEC. 11. INDIAN CHILD PROTECTION AND FAMILY VIOLENCE PREVENTION PROGRAM.

Section 411 of the Indian Child Protection and Family Violence Prevention Act (25 U.S.C. 3210) is amended—

(1) in subsection (c), by striking the subsection heading and inserting "COORDINATING INVESTIGATION, TREATMENT, AND PREVENTION OF CHILD ABUSE AND FAMILY VIOLENCE";

(2) by redesignating subsections (f) through (i) as subsections (e) through (h), respectively; and

(3) by striking subsection (h) (as redesignated by paragraph (2)) and inserting the following:

"(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2006 through 2010.".

SEC. 12. USE OF TELEMEDICINE.

The Indian Child Protection and Family Violence Prevention Act (25 U.S.C. 3201 et seq.) is amended by adding at the end the following:

"SEC. 412. USE OF TELEMEDICINE.

"(a) CONTRACTS AND AGREEMENTS.—The Service is authorized to enter into any contract or agreement for the use of telemedicine with a public or private medical university or facility, or any private practitioner, with experience relating to pediatrics, including the diagnosis and treatment of child abuse, to assist the Service with respect to—

"(1) the diagnosis and treatment of child abuse; or

"(2) methods of training Service personnel in diagnosing and treating child abuse.

"(b) ADMINISTRATION.—In carrying out subsection (a), the Service shall, to the maximum extent practicable—

"(1) use existing telemedicine infrastructure; and

"(2) give priority to Service units and medical facilities operated pursuant to grants, contracts, or compacts under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) that are located in, or providing service to, remote areas of Indian country or Indian reservations.

"(c) INFORMATION AND CONSULTATION.—On receipt of a request, the Service may provide to public and private medical universities, facilities, and practitioners any information or consultation on the treatment of Indian children who have, or may have, been subject to abuse or neglect.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2006 through 2010.".

SEC. 13. CONFORMING AMENDMENTS.

Section 1169 of title 18, United States Code, is amended—

(1) in subsection (a)(1)—

(A) in subparagraph (B), by inserting "or volunteering for" after "employed by";

(B) in subparagraph (D)—

(i) by inserting "or volunteer" after "child day care worker"; and

(ii) by striking "worker in a group home" and inserting "worker or volunteer in a group home";

(C) in subparagraph (E), by striking "or psychological assistant," and inserting "psychological or psychiatric assistant, or mental or behavioral health professional;";

(D) in subparagraph (F), by striking "child" and inserting "individual";

(E) by striking subparagraph (G), and inserting the following:

"(G) foster parent; or"; and

(F) in subparagraph (H), by striking "law enforcement officer, probation officer" and inserting "law enforcement personnel, probation officer, criminal prosecutor"; and

(2) in subsection (c), by striking paragraphs (3) and (4) and inserting the following:

"(3) 'local child protective services agency' has the meaning given the term in section 403 of the Indian Child Protection and Family Violence Prevention Act (25 U.S.C. 3202); and

"(4) 'local law enforcement agency' has the meaning given the term in section 403 of that Act.".

Mr. DORGAN. Mr. President, I am pleased to join the chairman of the Senate Indian Affairs Committee as original sponsor of the Indian Child Protection and Family Violence Prevention Act Amendments of 2005. The primary goals of the Indian Child Protection and Family Violence Prevention Act of 1990, which the legislation we introduce today would reauthorize, were to reduce the incidence of child abuse, and mandate the reporting and tracking of child abuse in Indian Country.

The Indian Child Protection and Family Violence Prevention Act Amendments would provide additional safeguards for the privacy of information about a child; provide more involvement by the FBI and the Attorney General in documenting incidents of child abuse; direct a study to identify impediments to the reduction of child abuse in Indian Country, as well as require data collection and annual reporting to Congress on child abuse in Indian Country; and authorize the Indian Health Service to use telemedicine in connection with examinations of abused Indian children.

I particularly appreciate that this reauthorization legislation addresses a related issue about which I have deep concern—the epidemic of youth suicide in many reservation communities. Indian Country has higher rates of youth suicide, as well as of child abuse, than other American population groups. Often, children who attempt suicide have been abused by a family or community member. This bill would authorize professionals trained in behavioral health, including suicide prevention and treatment, to be included on the staff of regional Indian Child Resource and Family Services Centers.

Chairman MCCAIN and I are committed to providing these additional protections for Native American children. I urge my colleagues to support passage of this reauthorization bill, along with adoption of provisions for child abuse prevention and child protective services that are contained in legislation also under consideration to reauthorize the Indian Health Care Improvement Act.

By Ms. STABENOW (for herself, Mr. HARKIN, Mr. DAYTON, Mr. LAUTENBERG, and Mr. CORZINE):

S. 1900. A bill to amend title XVIII of the Social Security Act to stabilize the amount of the medicare part B premium; to the Committee on Finance.

Ms. STABENOW. Mr. President, today I am introducing the "Keep the Promise of Medicare Act" of 2006, and am pleased to be joined by my colleagues Senators KENNEDY, HARKIN, LAUTENBERG, DAYTON, and CORZINE.

Retirees will see an average monthly cost-of-living-adjustment increase of $39 in their Social Security checks next year. Although this increase is welcome news, one-fourth of the COLA will be eaten up by rising Medicare Part B premiums, which will increase yet again by double-digits. And the premium for Medicare's new prescription drug benefit could eat up the remainder of the Social Security increase.

As William D. Novelli, chief executive of AARP, said: "A record increase would usually be welcome news for America's Social Security beneficiaries. But this cost-of-living adjustment is being eaten up by rising gasoline and heating costs, another double-digit increase in the monthly Medicare

Part B premium and escalating health care bills."

This dramatic increase could have been avoided. CMS Administrator McClellan has acknowledged after last year's record 17.5 percent increase that provisions included in the 2003 Medicare law designed to privatize the program directly contributed to the premium increase.

My legislation will limit the 2006 Part B premium increase to the same level as the Social Security COLA. Without this legislation, the Medicare Part B premium will rise by 13 percent to more than $10, to $88.50 a month, in 2006.

"Social Security's COLA will simply not be enough to cover the increasing costs of living as an older person in America," said George J. Kourpias, president of the Alliance for Retired Americans.

Adjusting the current premium is a first step, and one we must take immediately. Older Americans have been struggling for too long under the relentless increases in the cost of their health care and prescription drugs. Additionally, we should use this year to revise an outdated law that has led to record increase in Medicare premiums in the last four years. The promise of Medicare must include protection from dramatic increases in the Part B premium.

I urge my colleagues to join me on this important piece of legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1900

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Keep the Promise of Medicare Act of 2006".

SEC. 2. STABILIZATION OF MEDICARE PART B PREMIUM.

Section 1839(a)(3) of the Social Security Act (42 U.S.C. 1395r(a)(3)) is amended by adding at the end the following new sentence: "Notwithstanding the preceding sentences, the monthly premium rate determined under this paragraph for each month in 2006 may not exceed an amount equal to the monthly premium rate determined under this paragraph for each month in 2005 adjusted by the percentage change in the average Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI-W) for the third quarter of 2004 to the third quarter of 2005.".

By Mr. LIEBERMAN (for himself, Mr. BROWNBACK, Mrs. CLINTON, Mr. SANTORUM, and Mr. DURBIN):

S. 1902. A bill to amend the Public Health Service Act to authorize funding for the establishment of a program on children and the media within the Centers for Disease Control and Prevention to study the role and impact of electronic media in the development of children; to the Committee on Health, Education, Labor, and Pensions.

Mr. LIEBERMAN. Mr. President, I rise today to introduce, along with Senators BROWNBACK, CLINTON, SANTORUM, and DURBIN, the Children and Media Research Advancement Act, or CAMRA Act. This bill is essentially identical to S. 579, which we introduced earlier this year, except that it houses our program within the Centers for Disease Control (CDC) rather than in the National Institute of Child Health and Human Development. We have reviewed the programs and activities within CDC that address issues relating to media's impact on children, and we believe that CDC is a logical home for our legislation.

There is an urgent need to establish a Federal role for targeting research on the impact of media on children. From the cradle to the grave, our children now live and develop in a world of media—a world that is increasingly digital, and a world where access is at their fingertips. This emerging digital world is well known to our children, but its effects on their development are not well understood. Young people today are spending an average of 6 and a half hours with media each day. For those who are under age 6, two hours of exposure to screen media each day is common, even for those who are under age two. That is about as much time as children under age 6 spend playing outdoors, and it is much more time than they spend reading or being read to by their parents. How does this investment of time affect children's physical development, their cognitive development, or their moral values? Unfortunately, we still have very limited information about how media, particularly the newer interactive media, affect children's development. In fact, we have not charged any Federal agency with ensuring an ongoing funding base to establish a coherent research agenda about the impact of media on children's lives. This lack of a coordinated government-sponsored effort to understand the effects of media on children's development is truly an oversight on our part as the potential payoffs for this kind of knowledge are enormous.

Consider our current national health crisis of childhood obesity. The number of U.S. children and teenagers who are overweight has more than tripled from the 1960's through 2002. We think that media exposure is partly the cause of this epidemic. Is it? Is time spent viewing screens and its accompanying sedentary life styles contributing to childhood and adolescent obesity? Or is the constant bombardment of advertisements for sugar-coated cereals, snack foods, and candy that pervade children's television advertisements the culprit? How do the newer online forms of "stealth marketing", such as advergaming where food products are embedded in computer games, affect children's and adolescents' purchasing patterns? What will happen when pop-up advertisements begin to appear on children's cell phones that specifically target them for the junk food that they like best at a place where that food is easily obtainable? The answer to the obesity and media question is complex. A committee at the National Academy of Sciences is currently charged with studying the link between media advertising and childhood obesity. Will the National Academy of Sciences panel have the data they need to answer this important question? A definitive answer has the potential to save a considerable amount of money in other areas of our budget. For example, child health care costs that are linked to childhood obesity issues could be reduced by understanding and altering media diets.

Or take the Columbine incident. After two adolescent boys shot and killed some of their teachers, classmates, and then turned their guns on themselves at Columbine High School, we asked ourselves if media played some role in this tragedy. Did these boys learn to kill in part from playing first-person shooter video games like Doom where they acted as a killer? Were they rehearsing criminal activities when playing this game? We looked to the research community for an answer. In the violence and media area, Congress had passed legislation in the past so that research was conducted about the relationship between media violence and childhood aggression, and as a result, we knew more. Even though much of this data base was older and involved the link between exposure to violent television programs and childhood aggression, some answers were forthcoming about how the Columbine tragedy could have taken place. Even so, there is still a considerable amount of speculation about the more complex questions. Why did these particular boys, for example, pull the trigger in real life while others who played Doom confine their aggressive acts to the gaming context? We need to be able to answer questions about which children under what circumstances will translate game playing into real-life lethal actions. Investing in media research could potentially reduce our budgets associated with adolescent crime and delinquency as well as reduce real-life human misery and suffering.

Many of us believe that our children are becoming increasingly materialistic. Does exposure to commercial advertising and the "good life" experienced by media characters partly explain materialistic attitudes? We're not sure. Recent research using brain-mapping techniques finds that an adult who sees images of desired products demonstrates patterns of brain activation that are typically associated with reaching out with a hand. How does repeatedly seeing attractive products affect our children and their developing brains? What will happen when our children will be able to click on their television screen and go directly to sites that advertise the products that they see in their favorite programs? Or use their cell phones to pay for products that they want in the immediate environment? Exactly what kind of values are we cultivating in our children, and what role does exposure to media content play in the development of those values?

A report linked very early television viewing with later symptoms that are common in children who have attention deficit disorders. However, we don't know the direction of the relationship. Does television viewing cause attention deficits, or do children who have attention deficits find television viewing experiences more engaging than children who don't have attention problems? Or do parents whose children have difficulty sustaining attention let them watch more television to encourage more sitting and less hyperactive behavior? How will Internet experiences, particularly those where children move rapidly across different windows, influence attention patterns and attention problems? Once again, we don't know the answer. If early television exposure does disrupt the development of children's attention patterns, resulting in their placement in special education programs, actions taken to reduce screen exposure during the early years could lead to subsequent reductions in children's need for special education classes, thereby saving money while fostering children's development in positive ways.

We want no child left behind in the 21st century. Many of us believe that time spent with computers is good for our children, teaching them the skills that they will need for success in the 21st century. Are we right? How is time spent with computers different from time spent with television? What are the underlying mechanisms that facilitate or disrupt children's learning from these varying media? Can academic development be fostered by the use interactive online programs designed to teach as they entertain? In the first six years of life, Caucasian more so than African American or Latino children have Internet access from their homes. Can our newer interactive media help ensure that no child is left behind or will disparities in access result in leaving some behind and not others?

The questions bout how media affect the development of our children are clearly important, abundant, and complex. Unfortunately, the answers to these questions are in short supply. Such gaps in our knowledge base limit our ability to make informed decisions about media policy.

We know that media are important. Over the years, we have held numerous hearings in these chambers about how exposure to media violence affects childhood aggression. We passed legislation to maximize the documented benefits of exposure to educational media, such as the Children's Television Act which requires broadcasters to provide educational and informational television programs for children. Can we foster children's moral values when they are exposed to prosocial programs that foster helping, sharing, and cooperating like those that have come into being as a result of the Children's Television Act? We acted to protect our children from unfair commercial practices by passing the Children Online Privacy Protection Act which provides safeguards from exploitation for our youth as they explore the Internet, a popular pastime for them. Yet the Internet has provided new ways to reach children with marketing that we barely know is taking place, making our ability to protect our children all the more difficult. We worry about our children's inadvertent exposure to online pornography—about how that kind of exposure may undermine their moral values and standards of decency. In these halls of Congress, we acted to protect our children by passing the Communications Decency Act, the Child Online Protection Act, and the Children's Internet Protection Act to shield children from exposure to sexually-explicit online content that is deemed harmful to minors. While we all agree that we need to protect our children from online pornography, we know very little about how to address even the most practical of questions such as how to prevent children from falling prey to adult strangers who approach them online. There are so many areas in which our understanding is preliminary at best, particularly in those areas that involve the effects of our newer digital media

In order to ensure that we are doing our very best for our children, the behavioral and health recommendations and public policy decisions we make should be based on objective behavioral, social, and scientific research. Yet no Federal research agency has responsibility for oveseeing and setting a coherent media research agenda that can guide these policy decisions. Instead, federal agencies fund media research in a piecemeal fashion, resulting in a patch work quilt of findings. We can do better than that.

The bill we are introducing today would remedy this problem. The CAMRA Act will provide an overarching view of media effects by establishing a program devoted to Children and Media within the Centers for Disease Control. This program of research, to be vetted by the National Academy of Sciences, will fund and energize a coherent program of research that illuminates the role of media in children's cognitive, social, emotional, physical, and behavioral development. The research will cover all forms of electronic media, including television, movies, DVDs, interactive video games, cell phones, and the Internet, and will encourage research involving children of all ages—even babies and toddlers. The bill also calls for a report to Congress about the effectiveness of this research program in filling this void in our knowledge base. In order to accomplish these goals, we are authorizing $90 million dollars to be phased in gradually across the next five years. The cost to our budget is minimal and can well result in significant savings in other budget areas.

Our Nation values the positive, healthy development of our children. Our children live in the information age, and our country has one of the most powerful and sophisticated information technology systems in the world. While this system entertains them, it is not harmless entertainment. Media have the potential to facilitate the healthy growth of our children. They also have the potential to harm. We have a stake in finding out exactly what that role is. We have a responsibility to take action. Access to the knowledge that we need for informed decision-making requires us to make an investment: an investment in research, an investment in and for our children, an investment in our collective future. The benefits to our youth and our nation's families are immeasurable.

By passing the Children and Media Research Advancement Act, we can advance knowledge and enhance the constructive effects of media while minimizing the negative ones. We can make future media policies that are grounded in a solid knowledge base. We can be proactive, rather than reactive. In so doing, we build a better nation for our youth, fostering the kinds of values that are the backbone of this great nation of ours, and we create a better foundation to guide future media policies about the digital experiences that pervade our children's daily lives.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1902

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Children and Media Research Advancement Act" or the "CAMRA Act".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress makes the following findings:

(1) Congress has recognized the important role of electronic media in children's lives when it passed the Children's Television Act of 1990 (Public Law 101–437) and the Telecommunications Act of 1996 (Public Law 104–

104), both of which documented public concerns about how electronic media products influence children's development.

(2) Congress has held hearings over the past several decades to examine the impact of specific types of media products such as violent television, movies, and video games on children's and adolescents' health and development. These hearings and other public discussions about the role of media in children's and adolescents' development require behavioral and social science research to inform the policy deliberations.

(3) There are important gaps in our knowledge about the role of electronic media and in particular, the newer interactive digital media, in children's and adolescents' healthy development. The consequences of very early screen usage by babies and toddlers on children's cognitive growth are not yet understood, nor has a research base been established on the psychological consequences of high definition interactive media and other format differences for child and adolescent viewers.

(4) Studies have shown that children who primarily watch educational shows on television during their preschool years are significantly more successful in school 10 years later even when critical contributors to the child's environment are factored in, including their household income, parent's education, and intelligence.

(5) The early stages of childhood are a critical formative period for development. Virtually every aspect of human development is affected by the environments and experiences that one encounters during his or her early childhood years, and media exposure is an increasing part of every child's social and physical environment.

(6) As of the late 1990's, just before the National Institute of Child Health and Human Development funded 5 studies on the role of sexual messages in the media on children's and adolescents' sexual attitudes and sexual practices, a review of research in this area found only 15 studies ever conducted in the United States on this topic, even during a time of growing concerns about HIV infection.

(7) In 2001, a National Academy of Sciences study group charged with studying Internet pornography exposure on youth found virtually no literature about how much children and adolescents were exposed to Internet pornography or how such content impacts their development.

(8) In order to develop strategies that maximize the positive and minimize the negative effects of each medium on children's physical, cognitive, social, and emotional development, it would be beneficial to develop a research program that can track the media habits of young children and their families over time using valid and reliable research methods.

(9) Research about the impact of the media on children and adolescents is not presently supported through one primary programmatic effort. The responsibility for directing the research is distributed across disparate agencies in an uncoordinated fashion, or is overlooked entirely. The lack of any centralized organization for research minimizes the value of the knowledge produced by individual studies. A more productive approach for generating valuable findings about the impact of the media on children and adolescents would be to establish a single, well-coordinated research effort with primary responsibility for directing the research agenda.

(10) Due to the paucity of research about electronic media, educators and others interested in implementing electronic media literacy initiatives do not have the evidence needed to design, implement, or assess the value of these efforts.

(b) Purpose.—It is the purpose of this Act to enable the Centers for Disease Control and Prevention to—

(1) examine the role and impact of electronic media in children's and adolescents' cognitive, social, emotional, physical, and behavioral development; and

(2) provide for a report to Congress containing the empirical evidence and other results produced by the research funded through grants under this Act.

SEC. 3. RESEARCH ON THE ROLE AND IMPACT OF ELECTRONIC MEDIA IN THE DEVELOPMENT OF CHILDREN AND ADOLESCENTS.

Part P of title III of the Public Health Service Act (42 U.S.C. 280g et seq.) is amended by adding at the end the following:

"SEC. 399O. RESEARCH ON THE ROLE AND IMPACT OF ELECTRONIC MEDIA IN THE DEVELOPMENT OF CHILDREN AND ADOLESCENTS.

"(a) In General.—The Director of the Centers for Disease Control and Prevention (referred to in this section as the 'Director') shall enter into appropriate arrangements with the National Academy of Science in collaboration with the Institute of Medicine to establish an independent panel of experts to review, synthesize and report on research, theory, and applications in the social, behavioral, and biological sciences and to establish research priorities regarding the positive and negative roles and impact of electronic media use, including television, motion pictures, DVD's, interactive video games, and the Internet, and exposure to that content and medium on youth in the following core areas of child and adolescent development:

"(1) Cognitive.—The role and impact of media use and exposure in the development of children and adolescents within such cognitive areas as language development, attention span, problem solving skills (such as the ability to conduct multiple tasks or 'multitask'), visual and spatial skills, reading, and other learning abilities.

"(2) Physical.—The role and impact of media use and exposure on children's and adolescents' physical coordination, diet, exercise, sleeping and eating routines, and other areas of physical development.

"(3) Socio-behavioral.—The influence of interactive media on children's and adolescents' family activities and peer relationships, including indoor and outdoor play time, interaction with parents, consumption habits, social relationships, aggression, prosocial behavior, and other patterns of development.

"(b) Pilot Projects.—During the first year in which the National Academy of Sciences panel is summarizing the data and creating a comprehensive research agenda in the children and adolescents and media area under subsection (a), the Secretary shall provide for the conduct of initial pilot projects to supplement and inform the panel in its work. Such pilot projects shall consider the role of media exposure on—

"(1) cognitive and social development during infancy and early childhood; and

"(2) the development of childhood and adolescent obesity, particularly as a function of media advertising and sedentary lifestyles that may co-occur with heavy media diets.

"(c) Research Program.—Upon completion of the review under subsection (a), the Director of the Centers for Disease Control and Prevention shall develop and implement a program that funds additional research determined to be necessary by the panel under subsection (a) concerning the role and impact of electronic media in the cognitive, physical, and socio-behavioral development of children and adolescents with a particular focus on the impact of factors such as media content, format, length of exposure, age of child or adolescent, and nature of parental involvement. Such program shall include extramural and intramural research and shall support collaborative efforts to link such research to other Department of Health and Human Services research investigations on early child health and development.

"(d) Eligible Entities.—To be eligible to receive a grant under this section, an entity shall—

"(1) prepare and submit to the Director an application at such time, in such manner, and containing such information as the Director may require; and

"(2) agree to use amounts received under the grant to carry out activities that establish or implement a research program relating to the effects of media on children and adolescents pursuant to guidelines developed by the Director relating to consultations with experts in the area of study.

"(e) Use of Funds Relating to the Media's Role in the Life of a Child or Adolescent.—An entity shall use amounts received under a grant under this section to conduct research concerning the social, cognitive, emotional, physical, and behavioral development of children or adolescents as related to electronic mass media, including the areas of—

"(1) television;

"(2) motion pictures;

"(3) DVD's;

"(4) interactive video games;

"(5) the Internet; and

"(6) cell phones.

"(f) Reports.—

"(1) Report to director.—Not later than 12 months after the date of enactment of this section, the panel under subsection (a) shall submit the report required under such subsection to the Director.

"(2) Report to congress.—Not later than December 31, 2011, the Director shall prepare and submit to the Committee on Health, Education, Labor, and Pensions of the Senate, and Committee on Education and the Workforce of the House of Representatives a report that—

"(A) summarizes the empirical evidence and other results produced by the research under this section in a manner that can be understood by the general public;

"(B) places the evidence in context with other evidence and knowledge generated by the scientific community that address the same or related topics; and

"(C) discusses the implications of the collective body of scientific evidence and knowledge regarding the role and impact of the media on children and adolescents, and makes recommendations on how scientific evidence and knowledge may be used to improve the healthy developmental and learning capacities of children and adolescents.

"(g) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section—

"(1) $10,000,000 for fiscal year 2006;

"(2) $15,000,000 for fiscal year 2007;

"(3) $15,000,000 for fiscal year 2008;

"(4) $25,000,000 for fiscal year 2009; and

"(5) $25,000,000 for fiscal year 2010.".

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 282—SUPPORTING THE GOALS AND IDEALS OF NATIONAL DOMESTIC VIOLENCE AWARENESS MONTH AND EXPRESSING THE SENSE OF THE SENATE THAT CONGRESS SHOULD RAISE AWARENESS OF DOMESTIC VIOLENCE IN THE UNITED STATES AND ITS DEVASTATING EFFECTS OF FAMILIES

Mr. BIDEN (for himself, Mr. ROCKEFELLER, Mr. JOHNSON, Mrs. MURRAY, Ms. CANTWELL, Mr. LAUTENBERG, Mr. BAYH, Mr. KOHL, Mrs. CLINTON, Ms. STABENOW, Mr. CORZINE, Mr. AKAKA, Mrs. BOXER, Ms. MIKULSKI, Mr. DAYTON, Mr. CORNYN, Mr. SARBANES, Mr. STEVENS, Mr. SPECTER, Mr. LEAHY, Mr. TALENT, Mr. KERRY, Mr. BYRD, Mr. NELSON of Florida, Mr. KENNEDY, Mr. FEINGOLD, and Mr. SALAZAR) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 282

Whereas 2005 marks the 11th anniversary of the enactment of the Violence Against Women Act of 1994 (Public Law 103-322, 108 Stat. 1902);

Whereas since the passage of the Violence Against Women Act of 1994, communities have made significant progress in reducing domestic violence such that between 1993 and 2001, the incidents of nonfatal domestic violence fell 49 percent;

Whereas the Violence Against Women Act of 1994 cost $15.50 per woman to implement, and has been estimated to save $159 per woman, totaling a savings of nearly $14,800,000,000 since its creation in averted costs of victimization;

Whereas since it was created by the Violence Against Women Act of 1994, the National Domestic Violence Hotline has been used to answer over 1,000,000 calls;

Whereas States have passed over 660 State laws pertaining to domestic violence, stalking, and sexual assault;

Whereas the Violence Against Women Act of 1994 has helped make strides toward breaking the cycle of violence, but there remains much work to be done;

Whereas the Senate recently passed the Violence Against Women Act of 2005 which reauthorized critical components of the original Act and established additional protections for battered immigrants and victims of human trafficking in order to further combat domestic violence and sexual assault;

Whereas domestic violence affects women, men, and children of all racial, social, religious, ethnic, and economic groups in the United States;

Whereas protecting the economic security of victims can help break the cycle of domestic violence;

Whereas abusers frequently seek to control their partners by actively interfering with the ability of their partners to work, including by preventing their partners from going to work and harassing their partners at work;

Whereas only 28 States and the District of Columbia have laws that explicitly provide unemployment insurance to victims of domestic violence under certain circumstances;

Whereas, on average, more than 3 women are murdered by their husbands or boyfriends in the United States every day;

Whereas women who have been abused are much more likely to suffer from chronic pain, diabetes, depression, unintended pregnancies, substance abuse, and sexually transmitted infections, including HIV/AIDS;

Whereas only about 10 percent of primary care physicians routinely screen for domestic violence during new patient visits, and 9 percent routinely screen during periodic checkups;

Whereas each year, about 324,000 pregnant women in the United States are battered by the men in their lives, leading to pregnancy complications, such as low-weight gain, anemia, infections, and first and second trimester bleeding;

Whereas every 2 minutes, someone in the United States is sexually assaulted;

Whereas almost 25 percent of women surveyed had been raped or physically assaulted by a spouse or boyfriend at some point in their lives;

Whereas in 2002 alone, 250,000 women and girls older than the age of 12 were raped or sexually assaulted;

Whereas 64 percent of women have reported being raped, physically assaulted, or stalked since age 18 by their current or former intimate partner;

Whereas 1 out of every 12 women has been stalked in her lifetime;

Whereas approximately 503,000 women are stalked by an intimate partner annually in the United States;

Whereas the influence of cultural norms, economics, language barriers, and limited access to legal services and information may render some immigrant women particularly vulnerable to abuse;

Whereas 1 in 5 adolescent girls in the United States becomes a victim of physical or sexual abuse, or both, in a dating relationship;

Whereas 40 percent of girls ages 14 to 17 report knowing someone their age who has been hit or beaten by a boyfriend;

Whereas approximately 8,800,000 children in the United States witness domestic violence each year;

Whereas witnessing domestic violence increases the risk of developing long-term physical and mental health problems, future struggles with substance abuse, and experiencing domestic abuse as a victim;

Whereas a boy who witnesses his father's domestic violence is 10 times more likely to engage in domestic violence than a boy from a nonviolent home;

Whereas almost 37 percent of all women who sought care in hospital emergency rooms for violence-related injuries were injured by a current or former spouse, boyfriend, or girlfriend;

Whereas the cost of domestic violence, including rape, physical assault, and stalking, exceeds $5,800,000,000 each year, of which $4,100,000,000 is spent on direct medical and mental health care services;

Whereas 44 percent of the mayors of the United States have identified domestic violence as a primary cause of homelessness;

Whereas over 50 percent of abused women lose at least 3 days of work per month due to domestic violence, 60 percent of battered women endure reprimands for arriving late to work and displaying other work-related problems associated with abuse, and 70 percent report difficulties in performing their work due to the effects of domestic violence;

Whereas existing statistical data suggests that forced prostitution, trafficking for sex, and sex tourism has increased throughout the world;

Whereas the need to increase the public awareness and understanding of domestic violence and the needs of battered women and their children continues to exist;

Whereas the month of October 2005 has been recognized as National Domestic Violence Awareness Month, a month for activities furthering awareness of domestic violence; and

Whereas the dedication and successes of those working tirelessly to end domestic violence and the strength of the survivors of domestic violence should be recognized: Now, therefore, be it

Resolved, That the Senate

(1) supports the goals and ideals of National Domestic Violence Awareness Month; and

(2) expresses the sense of the Senate that Congress should continue to raise awareness of domestic violence in the United States and its devastating impact on families.

SENATE RESOLUTION 283—RECOGNIZING THE CONTRIBUTIONS OF KOREAN AMERICANS TO THE UNITED STATES AND ENCOURAGING THE CELEBRATION OF "KOREAN AMERICAN DAY"

Mr. ALLEN (for himself and Mr. DURBIN) submitted the following resolution; which was referred to the Committee on the Judiciary.

S. RES. 283

Whereas on January 13, 1903, the arrival of 102 pioneer immigrants to the United States initiated the first chapter of Korean immigration to the United States;

Whereas members of the early Korean American community served with distinction in the Armed Forces of the United States during World War I, World War II, and the conflict in Korea;

Whereas in the early 1950s, thousands of Koreans, fleeing from war, poverty, and desolation, came to the United States seeking opportunities;

Whereas Korean Americans, like waves of immigrants to the United States before them, have taken root and thrived as a result of strong family ties, robust community support, and countless hours of hard work;

Whereas the contributions of Korean Americans to the United States include the invention of the first beating heart operation for coronary artery heart disease, development of the nectarine, a 4-time Olympic gold medalist, and achievements in engineering, architecture, medicine, acting, singing, sculpture, and writing;

Whereas Korean Americans play a crucial role in maintaining the strength and vitality of the United States-Korean partnership;

Whereas the centennial year of 2003 marked an important milestone in the now more than 100-year history of Korean immigration; and

Whereas the Centennial Committees of Korean Immigration and Korean Americans have designated January 13th of each year as "Korean American Day" to memorialize the more than 100-year journey of Korean Americans in the United States: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of a "Korean American Day";

(2) commemorates the 103rd anniversary of the arrival of the first Korean immigrants to the United States; and

(3) encourages the people of the United States to—

(A) share in such commemoration in order to greater appreciate the valuable contributions Korean Americans have made to the United States; and

(B) to observe "Korean American Day" with appropriate programs, ceremonies, and activities.

Mr. DURBIN. Mr. President, I am pleased to join Senator ALLEN as an original cosponsor in submitting a resolution recognizing the contributions of Korean Americans and encouraging the celebration of "Korean American Day."

On January 13, 1903, a group of 102 men, women and children arrived on the shores of Honolulu, HI, after a long journey across the Pacific Ocean from Korea. The story of these pioneers is a familiar one to all of us who trace our roots to a foreign nation.

Like countless other immigrant groups before them, Koreans came to America in search of a better future. Others came to flee a devastating war, repressive government, and poverty. They traded in their sweat equity and homesickness for the priceless opportunity to achieve better economic and educational opportunities and freedom for themselves and for their families in America.

During the past century, the Korean American population has grown to over one million, and Korean Americans now live in every single State of our union. Today, they represent one of the largest Asian American populations in the Nation. I am proud to note that my State of Illinois is home to over 50,000 Korean Americans, making it the fourth most populated State for Korean Americans, according to the 2000 census data.

The contributions made by Korean Americans to our Nation include numerous achievements in the fields of economics, education, science, architecture, medicine, athletics, religion, and the arts. Their entrepreneurial spirit and dedication to hard work have allowed Korean American-owned businesses to become the commercial and economic foundations in countless American cities and counties. The unique traditional customs, cultures, and the foods of the "Land of the Morning Calm" have enhanced the mosaic of our society.

Thousands of Korean Americans have served in our Armed Services, from the two World Wars to the current wars in Iraq and Afghanistan. They have also served in public and private ways to enhance the long standing relationship between the United States and Korea that is based on our shared economic and security interests.

The 102 pioneers who made that fateful decision to leave their home country in 1902 for Hawaii probably wished for not much more than a chance to live on the rich American soil. Never in their wildest imagination could they have known that, a century later, and just a few miles from where they landed in Honolulu, a sixteen-year-old Korean American girl would announce to an eagerly awaiting world that she would become a professional golfer.

Michelle Wie's announcement from earlier this month instantly places her among the most recognizable American celebrities, and makes her the third highest-paid female athlete in any sport, based on commercial endorsement deals she has accepted. Yet, in her very first act as a professional golfer, Michelle donated $500,000 to the hurricane relief effort. And, she will continue to attend high school where she is an honors student.

Korean Americans have indeed come a long way in their rich one hundred year history. In January 2003, Korean Americans all across the Nation celebrated this centennial anniversary. Leading up to that significant milestone, the United States Senate unanimously adopted a resolution during the 107th Congress.

To continue recognizing this history of Korean Americans, I believe it is appropriate to celebrate the 13th day of each January as "Korean American Day." The Allen-Durbin resolution would encourage such a tradition.

I ask my colleagues to support this resolution honoring the continuing contributions of Korean Americans to our great Nation.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2149. Ms. STABENOW proposed an amendment to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes.

SA 2150. Ms. SNOWE (for herself, Mr. THUNE, Ms. COLLINS, and Mr. JOHNSON) submitted an amendment intended to be proposed by her to the bill H.R. 3058, supra.

SA 2151. Mr. LOTT submitted an amendment intended to be proposed by him to the bill H.R. 3058, supra; which was ordered to lie on the table.

SA 2152. Mr. COLEMAN (for himself, Mr. DAYTON, and Mr. DEWINE) submitted an amendment intended to be proposed by him to the bill H.R. 3058, supra; which was ordered to lie on the table.

SA 2153. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3058, supra; which was ordered to lie on the table.

SA 2154. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3058, supra; which was ordered to lie on the table.

SA 2155. Mr. LAUTENBERG (for himself and Mr. CORZINE) submitted an amendment intended to be proposed by him to the bill H.R. 3058, supra; which was ordered to lie on the table.

SA 2156. Mr. LAUTENBERG (for himself and Mr. CORZINE) submitted an amendment intended to be proposed by him to the bill H.R. 3058, supra; which was ordered to lie on the table.

SA 2157. Mr. LEAHY (for himself, Mr. COLEMAN, Mr. SARBANES, Mr. GRAHAM, Mr. REED, Ms. SNOWE, Mr. SCHUMER, Mr. OBAMA, Mr. KOHL, Mr. DORGAN, Mr. NELSON, of Florida, Mr. LAUTENBERG, Mr. LEVIN, Mr. KERRY, Mr. JEFFORDS, Mr. DODD, Ms. STABENOW, Mr. CORZINE, Mr. SALAZAR, Mrs. CLINTON, Mr. DURBIN, Ms. COLLINS, Mrs. FEINSTEIN, Mr. VOINOVICH, Mr. KENNEDY, Mr. DEWINE, Mr. SANTORUM, Mr. HARKIN, Mr. ROCKEFELLER, Mr. LIEBERMAN, Mr. DAYTON, Ms. CANTWELL, Mr. SPECTER, Mr. BINGAMAN, Ms. LANDRIEU, Mr. GRASSLEY, Mr. BAYH, Ms. MIKULSKI, Mr. JOHNSON, Mr. CHAFEE, and Mr. TALENT) submitted an amendment intended to be proposed by him to the bill H.R. 3058, supra; which was ordered to lie on the table.

SA 2158. Mr. ENSIGN (for himself and Mr. VITTER) proposed an amendment to amendment SA 2133 proposed by Mr. DORGAN (for himself, Mr. CRAIG, Mr. ENZI, and Mr. BAUCUS) to the bill H. R. 3058, supra.

SA 2159. Mr. NELSON, of Florida (for himself and Mr. SMITH) submitted an amendment intended to be proposed by him to the bill H.R. 3058, supra; which was ordered to lie on the table.

SA 2160. Mr. GRASSLEY (for himself, Mr. DORGAN, and Mr. BOND) proposed an amendment to the bill H.R. 3058, supra.

SA 2161. Ms. CANTWELL (for herself, Mr. COLEMAN, Mr. HARKIN, Mr. BAYH, Mr. LUGAR, and Mr. DAYTON) submitted an amendment intended to be proposed by her to the bill H.R. 3058, supra; which was ordered to lie on the table.

SA 2162. Mr. REED submitted an amendment intended to be proposed by him to the bill H.R. 3058, supra.

SA 2163. Mr. HAGEL submitted an amendment intended to be proposed by him to the bill H.R. 3058, supra; which was ordered to lie on the table.

SA 2164. Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill H.R. 3058, supra; which was ordered to lie on the table.

SA 2165. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3058, supra.

SA 2166. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 3058, supra; which was ordered to lie on the table.

SA 2167. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 3058, supra.

SA 2168. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 3058, supra.

SA 2169. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill H.R. 3058, supra; which was ordered to lie on the table.

SA 2170. Mr. CARPER submitted an amendment intended to be proposed by him to the bill H.R. 3058, supra; which was ordered to lie on the table.

SA 2171. Mr. CARPER submitted an amendment intended to be proposed by him to the bill H.R. 3058, supra; which was ordered to lie on the table.

SA 2172. Mr. CARPER submitted an amendment intended to be proposed by him to the bill H.R. 3058, supra; which was ordered to lie on the table.

SA 2173. Mr. COLEMAN (for himself, Mr. LEVIN, Mr. AKAKA, and Mr. CARPER) submitted an amendment intended to be proposed by him to the bill H.R. 3058, supra.

SA 2174. Mr. BOND (for himself and Mrs. MURRAY) proposed an amendment to the bill H.R. 3058, supra.

SA 2175. Mr. BOND (for himself and Mrs. MURRAY) proposed an amendment to the bill H.R. 3058, supra.

SA 2176. Mr. BOND (for himself and Mrs. MURRAY) proposed an amendment to the bill H.R. 3058, supra.

SA 2177. Mr. BOND proposed an amendment to the bill H.R. 3058, supra.

SA 2178. Mr. BOND (for Mr. REID) proposed an amendment to the bill H.R. 3058, supra.

SA 2179. Mr. BOND (for Mr. DURBIN (for himself and Mr. OBAMA)) proposed an amendment to the bill H.R. 3058, supra.

SA 2180. Mr. BOND (for Mrs. MURRAY) proposed an amendment to the bill H.R. 3058, supra.

SA 2181. Mr. STEVENS (for himself, Ms. MURKOWSKI, and Mr. FRIST) submitted an amendment intended to be proposed by him to the bill H.R. 3058, supra.

SA 2182. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill H.R. 3058, supra.

SA 2183. Mr. BOND (for Mr. FRIST (for himself, Mrs. DOLE, and Mrs. BOXER)) proposed an amendment to the bill H.R. 3058, supra.

SA 2184. Mr. BOND (for Mrs. MURRAY) proposed an amendment to the bill H.R. 3058, supra.

SA 2185. Mr. BOND proposed an amendment to the bill H.R. 3058, supra.

SA 2186. Mr. BOND (for Mr. NELSON, OF FLORIDA (for himself and Mr. SMITH)) proposed an amendment to the bill H.R. 3058, supra.

SA 2187. Mr. BOND (for Mr. LOTT (for himself and Mr. LAUTENBERG)) proposed an amendment to the bill H.R. 3058, supra.

SA 2188. Mr. BOND (for Mr. LAUTENBERG) proposed an amendment to the bill H.R. 3058, supra.

SA 2189. Mr. BOND (for Mr. COLEMAN (for himself, Mr. DAYTON, and Mr. DEWINE)) proposed an amendment to the bill H.R. 3058, supra.

SA 2190. Mr. BOND (for Mr. COBURN) proposed an amendment to the bill H.R. 3058, supra.

SA 2191. Mr. REED submitted an amendment intended to be proposed by him to the bill H.R. 3058, supra; which was ordered to lie on the table.

SA 2192. Mr. BINGAMAN (for himself and Mr. AKAKA) submitted an amendment intended to be proposed by him to the bill H.R. 3058, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2149. Ms. STABENOW proposed an amendment to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 277, line 18, "strike activities;" and insert the following: "activities; pursuant to section 3004(b) of the Exchange Rates and International Economic Policy Coordination Act of 1988 (22 U.S.C. 5304(b)), not to exceed $1,000,000 is for the Secretary of the Treasury, in conjunction with the President, to implement said subsection as it pertains to governments and trade violations involving currency manipulation and other trade violations;".

SA 2150. Ms. SNOWE (for herself, Mr. THUNE, Ms. COLLINS, and Mr. JOHNSON) submitted an amendment intended to be proposed by her to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ___.(a)(1) This section shall apply to an employee of the Federal Aviation Administration, who—

(A) would be involuntarily separated as a result of the reorganization of the Flight Services Unit following the outsourcing of flight service duties to a contractor;

(B) was not eligible by October 3, 2005 for an immediate annuity under a Federal retirement system; and

(C) assuming continued Federal employment, would attain eligibility for an immediate annuity under section 8336(d) or 8414(b) of title 5, United States Code, not later than October 4, 2007.

(2) Notwithstanding any other provision of law, during the period beginning on the date of enactment of this Act and ending October 4, 2007, an employee described under paragraph (1) may, with the approval of the Administrator of the Federal Aviation Administration or the designee of the Administrator, accept an assignment to such contractor within 14 days after the date of enactment of this section.

(3) Except as provided in subsection (c), an employee appointed under paragraph (1)—

(A) shall be a temporary Federal employee for the duration of the assignment;

(B) notwithstanding such temporary status, shall retain previous enrollment or participation in Federal employee benefits programs under chapters 83, 84, 87, and 89 of title 5, United States Code; and

(C) shall be considered to have not had a break in service for purposes of chapters 83, 84, and sections 8706(b) and 8905(b) of title 5, United States Code, except no service credit or benefits shall be extended retroactively.

(4) An assignment and temporary appointment under this section shall terminate on the earlier of—

(A) October 4, 2007; or

(B) the date on which the employee first becomes eligibility for an immediate annuity under section 8336(d) or 8414(b) of title 5, United States Code.

(5) Such funds as may be necessary are authorized for the Federal Aviation Administration to pay the salary and benefits of an employee assigned under this section, but no funds are authorized to reimburse the employing contractor for the salary and benefits of an employee so assigned.

(b) An employee who is being involuntarily separated as a result of the reorganization of the Flight Services Unit following the outsourcing of flight service duties to a contractor, and is eligible to use annual leave under the conditions of section 6302(g) of title 5, United States Code, may use such leave to—

(1) qualify for an immediate annuity or to meet the age or service requirements for an enhanced annuity that the employee could qualify for under sections 8336, 8412, or 8414; or

(2) to meet the requirements under section 8905(b) of title 5, United States Code, to qualify to continue health benefits coverage after retirement from service.

(c)(1) Nothing in this section shall—

(A) affect the validity or legality of the reduction-in-force actions of the Federal Aviation Administration effective October 3, 2005; or

(B) create any individual rights of actions regarding such reduction-in-force or any other actions related to or arising under the competitive sourcing of flight services.

(2) An employee subject to this section shall not be—

(A) covered by chapter 71 of title 5, United States Code, while on the assignment authorized by this section; or

(B) subject to section 208 of title 18, United States Code.

(3) Temporary employees assigned under this section shall not be Federal employees for purposes of chapter 171 of title 28, United States Code (commonly referred to as the Federal Tort Claims Act). Chapter 171 of title 28, United States Code (commonly referred to as the Federal Tort Claims Act) and any other Federal tort liability statute shall not apply to an employee who is assigned to a contractor under subsection (a).

SA 2151. Mr. LOTT submitted an amendment intended to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 250, line 9, strike the colon, and all through line 17 on page 252 and insert the following: ".

DIVISION—AMTRAK

SECTION 1. SHORT TITLE.

This division may be cited as the "Passenger Rail Investment and Improvement Act of 2005".

SEC. 2. AMENDMENT OF TITLE 49, UNITED STATES CODE.

Except as otherwise specifically provided, whenever in this division an amendment is expressed in terms of an amendment to a section or other provision of law, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

SEC. 3. TABLE OF CONTENTS.

The table of contents for this division is as follows:

Sec. 1. Short title.
Sec. 2. Amendment of title 49, United States Code.
Sec. 3. Table of contents.

TITLE I—AUTHORIZATIONS

Sec. 101. Authorization for Amtrak capital and operating expenses and State capital grants.
Sec. 102. Authorization for the Federal Railroad Administration.
Sec. 103. Repayment of long-term debt and capital leases.
Sec. 104. Excess railroad retirement.
Sec. 105. Other authorizations.

TITLE II—AMTRAK REFORM AND OPERATIONAL IMPROVEMENTS

Sec. 201. National railroad passenger transportation system defined.
Sec. 202. Amtrak Board of Directors.
Sec. 203. Establishment of improved financial accounting system.
Sec. 204. Development of 5-year financial plan.
Sec. 205. Establishment of grant process.
Sec. 206. State-supported routes.
Sec. 207. Independent auditor to establish methodologies for Amtrak route and service planning decisions.

Sec. 208. Metrics and standards.
Sec. 209. Passenger train performance.
Sec. 210. Long distance routes.
Sec. 211. Alternate passenger rail service program.
Sec. 212. Employee transition assistance.
Sec. 213. Northeast Corridor state-of-good-repair plan.
Sec. 214. Northeast Corridor infrastructure and operations improvements.
Sec. 215. Restructuring long-term debt and capital leases.
Sec. 216. Study of compliance requirements at existing intercity rail stations.
Sec. 217. Incentive pay.
Sec. 218. Access to Amtrak equipment and services.
Sec. 219. General Amtrak provisions.
Sec. 220. Private sector funding of passenger trains.
Sec. 221. On-board service improvements.
Sec. 222. Management accountability.

Title III—Intercity Passenger Rail Policy

Sec. 301. Capital assistance for intercity passenger rail service.
Sec. 302. State rail plans.
Sec. 303. Next generation corridor train equipment pool.
Sec. 304. Federal rail policy.
Sec. 305. Rail cooperative research program.

Title IV—Passenger Rail Security and Safety

Sec. 401. Systemwide Amtrak security upgrades.
Sec. 402. Fire and life-safety improvements.
Sec. 403. Amtrak plan to assist families of passengers involved in rail passenger accidents.
Sec. 404. Northern border rail passenger report.
Sec. 405. Passenger, baggage, and cargo screening.

Title V—Rail Bond Authority

Sec. 501. Intercity rail facility bonds.

TITLE I—AUTHORIZATIONS

SEC. 101. AUTHORIZATION FOR AMTRAK CAPITAL AND OPERATING EXPENSES AND STATE CAPITAL GRANTS.

(a) OPERATING GRANTS.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for operating costs the following amounts:

(1) For fiscal year 2006, $580,000,000.

(2) For fiscal year 2007, $590,000,000.

(3) For fiscal year 2008, $600,000,000.

(4) For fiscal year 2009, $575,000,000.

(5) For fiscal year 2010, $535,000,000.

(6) For fiscal year 2011, $455,000,000.

(b) CAPITAL GRANTS.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak to bring the Northeast Corridor as defined in section 24102(a) to a state-of-good-repair, for capital expenses of the national railroad passenger transportation system, and for purposes of making capital grants to states under section 301 of this Act, the following amounts:

(1) For fiscal year 2006, $813,000,000.

(2) For fiscal year 2007, $910,000,000.

(3) For fiscal year 2008, $1,071,000,000.

(4) For fiscal year 2009, $1,096,000,000.

(5) For fiscal year 2010, $1,191,000,000.

(6) For fiscal year 2011, $1,231,000,000.

(c) AMOUNTS FOR STATE GRANTS.—Out of the amounts authorized under subsection (b), the following percentage shall be available each fiscal year for capital grants to States under section 301 of this Act, to be administered by the Secretary of Transportation:

(1) 3 percent for fiscal year 2006.

(2) 11 percent for fiscal year 2007.

(3) 23 percent for fiscal year 2008.

(4) 25 percent for fiscal year 2009.

(5) 31 percent for fiscal year 2010.

(6) 33 percent for fiscal year 2011.

(d) PROJECT MANAGEMENT OVERSIGHT.—The Secretary may withhold up to ½ of 1 percent of amounts appropriated pursuant to subsection (b) for the costs of project management oversight of capital projects carried out by Amtrak.

SEC. 102. AUTHORIZATION FOR THE FEDERAL RAILROAD ADMINISTRATION.

There are authorized to be appropriated to the Secretary of Transportation for the use of the Federal Railroad Administration such sums as necessary to implement the provisions required under this division for fiscal years 2006 through 2011.

SEC. 103. REPAYMENT OF LONG-TERM DEBT AND CAPITAL LEASES.

(a) AMTRAK PRINCIPAL AND INTEREST PAYMENTS.—

(1) PRINCIPAL ON DEBT SERVICE.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for retirement of principal on loans for capital equipment, or capital leases, not more than the following amounts:

(A) For fiscal year 2006, $130,200,000.

(B) For fiscal year 2007, $140,700,000.

(C) For fiscal year 2008, $156,000,000.

(D) For fiscal year 2009, $183,800,000.

(E) For fiscal year 2010, $156,100,000.

(F) For fiscal year 2011, $193,500,000.

(2) INTEREST ON DEBT.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for the payment of interest on loans for capital equipment, or capital leases, the following amounts:

(A) For fiscal year 2006, $148,100,000.

(B) For fiscal year 2007, $141,500,000.

(C) For fiscal year 2008, $133,800,000.

(D) For fiscal year 2009, $124,000,000.

(E) For fiscal year 2010, $113,900,000.

(F) For fiscal year 2011, $103,800,000.

(3) EARLY BUYOUT OPTION.—There are authorized to be appropriated to the Secretary of Transportation such sums as may be necessary for the use of Amtrak for the payment of costs associated with early buyout options if the exercise of those options is determined to be advantageous to Amtrak.

(4) LEGAL EFFECT OF PAYMENTS UNDER THIS SECTION.—The payment of principal and interest on secured debt, with the proceeds of grants authorized by this section shall not—

(A) modify the extent or nature of any indebtedness of the National Railroad Passenger Corporation to the United States in existence of the date of enactment of this Act;

(B) change the private nature of Amtrak's or its successors' liabilities; or

(C) imply any Federal guarantee or commitment to amortize Amtrak's outstanding indebtedness.

SEC. 104. EXCESS RAILROAD RETIREMENT.

There are authorized to be appropriated to the Secretary of Transportation, beginning with fiscal year 2006, such sums as may be necessary to pay to the Railroad Retirement Account an amount equal to the amount Amtrak must pay under section 3221 of the Internal Revenue Code of 1986 in such fiscal years that is more than the amount needed for benefits for individuals who retire from Amtrak and for their beneficiaries. For each fiscal year in which the Secretary makes such a payment, the amounts authorized by section 101(a) shall be reduced by an amount equal to such payment.

SEC. 105. OTHER AUTHORIZATIONS.

There are authorized to be appropriated to the Secretary of Transportation—

(1) $5,000,000 for each of fiscal years 2006 through 2011 to carry out the rail cooperative research program under section 24910 of title 49, United States Code;

(2) $5,000,000 for fiscal year 2006, to remain available until expended, for grants to Amtrak and States participating in the Next Generation Corridor Train Equipment Pool Committee established under section 303 of this Act for the purpose of designing, developing specifications for, and initiating the procurement of an initial order of 1 or more types of standardized next-generation corridor train equipment and establishing a jointly-owned corporation to manage that equipment; and

(3) $2,000,000 for fiscal year 2007, for the use of Amtrak in conducting the evaluation required by section 216 of this Act.

TITLE II—AMTRAK REFORM AND OPERATIONAL IMPROVEMENTS

SEC. 201. NATIONAL RAILROAD PASSENGER TRANSPORTATION SYSTEM DEFINED.

(a) IN GENERAL.—Section 24102 is amended—

(1) by striking paragraph (2);

(2) by redesignating paragraphs (3) , (4) , and (5) as paragraphs (2), (3), and (4), respectively; and

(3) by inserting after paragraph (4) as so redesignated the following:

"(5) 'national rail passenger transportation systems' means—

"(A) the segment of the Northeast Corridor between Boston, Massachusetts, and Washington, D.C.;

"(B) rail corridors that have been designated by the Secretary of Transportation as high-speed corridors (other than corridors described in subparagraph (A)), but only after they have been improved to permit operation of high-speed service;

"(C) long-distance routes of more than 750 miles between endpoints operated by Amtrak as of the date of enactment of the Passenger Rail Investment and Improvement Act of 2005; and

"(D) short-distance corridors, or routes of not more than 750 miles between endpoints, operated by—

"(i) Amtrak; or

"(ii) another rail carrier that receives funds under chapter 244.".

(b) AMTRAK ROUTES WITH STATE FUNDING.—

(1) IN GENERAL.—Chapter 247 is amended by inserting after section 24701 the following:

"§ 24702. Transportation requested by States, authorities, and other persons

"(a) CONTRACTS FOR TRANSPORTATION.—Amtrak may enter into a contract with a State, a regional or local authority, or another person for Amtrak to operate an intercity rail service or route not included in the national rail passenger transportation system upon such terms as the parties thereto my agree.

"(b) DISCONTINUANCE.—Upon termination of a contract entered into under this section, or the cessation of financial support under such a contract by either party, Amtrak may discontinue such service or route, notwithstanding any other provision of law.".

(2) CONFORMING AMENDMENT.—The chapter analysis for chapter 247 is amended by inserting after the item relating to section 24701 the following:

"24702. Transportation requested by States, authorities, and other persons".

(c) AMTRAK TO CONTINUE TO PROVIDE NON-HIGH-SPEED SERVICES.—Nothing in this division is intended to preclude Amtrak from restoring, improving, or developing non-high-speed intercity passenger rail service.

(d) Applicability of Section 24706.—Section 24706 is amended by adding at the end the following:

"(c) Applicability.—This section applies to all service over routes provided by Amtrak, notwithstanding any provision of section 24701 of this title or any other provision of this title except section 24702(b).".

SEC. 202. AMTRAK BOARD OF DIRECTORS.

(a) In General.—Section 24302 is amended to read as follows:

"§ 24302. Board of directors

"(a) Composition and Terms.—

(1) The Board of Directors of Amtrak is composed of the following 9 directors, each of whom must be a citizen of the United States:

"(A) The Secretary of Transportation.

"(B) The President of Amtrak, who shall serve ex officio, as a non-voting member.

"(C) 7 individuals appointed by the President of the United States, by and with the advice and consent of the Senate, with general business and financial experience, experience or qualifications in transportation, freight and passenger rail transportation, travel, hospitality, cruise line, and passenger air transportation businesses, or representatives of employees or users of passenger rail transportation or State government.

"(2) In selecting individuals described in paragraph (1) for nominations for appointments to the Board, the President shall consult with the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, the Majority Leader of the Senate, and the Minority Leader of the Senate and try to provide adequate and balanced representation of the major geographic regions of the United States served by Amtrak.

"(3) An individual appointed under paragraph (1)(C) of this subsection serves for 5 years or until the individual's successor is appointed and qualified. Not more than 4 individuals appointed under paragraph (1)(C) may be members of the same political party.

"(4) The Board shall elect a chairman and a vice chairman from among its membership. The vice chairman shall serve as chairman in the absence of the chairman.

"(5) The Secretary may be represented at board meetings by the Secretary's designee.

"(6) The voting privileges of the President can be changed by a unanimous decision of the Board.

"(b) Pay and Expenses.—Each director not employed by the United States Government is entitled to $300 a day when performing Board duties. Each Director is entitled to reimbursement for necessary travel, reasonable secretarial and professional staff support, and subsistence expenses incurred in attending Board meetings.

"(c) Vacancies.—A vacancy on the Board is filled in the same way as the original selection, except that an individual appointed by the President of the United States under subsection (a)(1)(C) of this section to fill a vacancy occurring before the end of the term for which the predecessor of that individual was appointed is appointed for the remainder of that term. A vacancy required to be filled by appointment under subsection (a) (1)(C) must be filled not later than 120 days after the vacancy occurs.

"(d) Quorum.—A majority of the members serving shall constitute a quorum for doing business.

"(e) Bylaws.—The Board may adopt and amend bylaws governing the operation of Amtrak. The bylaws shall be consistent with this part and the articles of incorporation.".

(b) Effective Date for Directors' Provision.—The amendment made by subsection (a) shall take effect on January 1, 2006. The members of the Amtrak Board serving on the date of enactment of this Act may continue to serve for the remainder of the term to which they were appointed.

SEC. 203. ESTABLISHMENT OF IMPROVED FINANCIAL ACCOUNTING SYSTEM.

(a) In General.—The Amtrak Board of Directors—

(1) may employ an independent financial consultant with experience in railroad accounting to assist Amtrak in improving Amtrak's financial accounting and reporting system and practices; and

(2) shall implement a modern financial accounting and reporting system that will produce accurate and timely financial information in sufficient detail—

(A) to enable Amtrak to assign revenues and expenses appropriately to each of its lines of business and to each major activity within each line of business activity, including train operations, equipment maintenance, ticketing, and reservations;

(B) to aggregate expenses and revenues related to infrastructure and distinguish them from expenses and revenues related to rail operations;

(C) to allow the analysis of ticketing and reservation information on a real-time basis;

(D) to provide Amtrak cost accounting data; and

(E) to allow financial analysis by route and service.

(b) Verification of System; Report.—The Inspector General of the Department of Transportation shall review the accounting system designed and implemented under subsection (a) to ensure that it accomplishes the purposes for which it is intended. The Inspector General shall report his findings and conclusions, together with any recommendations, to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure.

SEC. 204. DEVELOPMENT OF 5-YEAR FINANCIAL PLAN.

(a) Development of 5-Year Financial Plan.—The Amtrak Board of Directors shall submit an annual budget and business plan for Amtrak, and a 5-year financial plan for the fiscal year to which that budget and business plan relate and the subsequent 4 years, prepared in accordance with this section, to the Secretary of Transportation and the Inspector General of the Department of Transportation no later than—

(1) the first day of each fiscal year beginning after the date of enactment of this Act; or

(2) the date that is 60 days after the date of enactment of an appropriation Act for the fiscal year, if later.

(b) Contents of 5-Year Financial Plan.—The 5-year financial plan for Amtrak shall include, at a minimum—

(1) all projected revenues and expenditures for Amtrak, including governmental funding sources;

(2) projected ridership levels for all Amtrak passenger operations;

(3) revenue and expenditure forecasts for non-passenger operations;

(4) capital funding requirements and expenditures necessary to maintain passenger service which will accommodate predicted ridership levels and predicted sources of capital funding;

(5) operational funding needs, if any, to maintain current and projected levels of passenger service, including state-supported routes and predicted funding sources;

(6) projected capital and operating requirements, ridership, and revenue for any new passenger service operations or service expansions;

(7) an assessment of the continuing financial stability of Amtrak, as indicated by factors such as the ability of the Federal government to fund capital and operating requirements adequately, Amtrak's ability to efficiently manage its workforce, and Amtrak's ability to effectively provide passenger train service;

(8) estimates of long-term and short-term debt and associated principle and interest payments (both current and anticipated);

(9) annual cash flow forecasts;

(10) a statement describing methods of estimation and significant assumptions;

(11) specific measures that demonstrate measurable improvement year over year in Amtrak's ability to operate with reduced Federal operating assistance; and

(12) capital and operating expenditures for anticipated security needs.

(c) Standards To Promote Financial Stability.—In meeting the requirements of subsection (b), Amtrak shall—

(1) apply sound budgetary practices, including reducing costs and other expenditures, improving productivity, increasing revenues, or combinations of such practices;

(2) use the categories specified in the financial accounting and reporting system developed under section 203 when preparing its 5-year financial plan; and

(3) ensure that the plan is consistent with the authorizations of appropriations under title I of this division.

(d) Assessment by DOT Inspector General.—

(1) In general.—The Inspector General of the Department of Transportation shall assess the 5-year financial plans prepared by Amtrak under this section to determine whether they meet the requirements of subsection (b), and may suggest revisions to any components thereof that do not meet those requirements.

(2) Assessment to be furnished to the Congress.—The Inspector General shall furnish to the House of Representatives Committee on Appropriations, the Senate Committee on Appropriations, the House of Representatives Committee on Transportation and Infrastructure, and the Senate Committee on Commerce, Science, and Transportation—

(A) an assessment of the annual budget within 90 days after receiving it from Amtrak; and

(B) an assessment of the remaining 4 years of the 5-year financial plan within 180 days after receiving it from Amtrak.

SEC. 205. ESTABLISHMENT OF GRANT PROCESS.

(a) Grant Requests.—Amtrak shall submit grant requests (including a schedule for the disbursement of funds), consistent with the requirements of this division, to the Secretary of Transportation for funds authorized to be appropriated to the Secretary for the use of Amtrak under sections 101(a) and (b), 103, and 105.

(b) Procedures for Grant Requests.—The Secretary shall establish substantive and procedural requirements, including schedules, for grant requests under this section not later than 30 days after the date of enactment of this Act and shall transmit copies to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure.

(c) Review and Approval.

(1) 30-day approval process.—The Secretary shall complete the review of a complete grant request (including the disbursement schedule) and approve or disapprove

the request within 30 days after the date on which Amtrak submits the grant request. If the Secretary disapproves the request or determines that the request is incomplete or deficient, the Secretary shall include the reason for disapproval or the incomplete items or deficiencies in the notice to Amtrak.

(2) 15-Day Modification Period.—Within 15 days after receiving notification from the Secretary under the preceding sentence, Amtrak shall submit a modified request for the Secretary's review.

(3) Revised Requests.—Within 15 days after receiving a modified request from Amtrak, the Secretary shall either approve the modified request, or, if the Secretary finds that the request is still incomplete or deficient, the Secretary shall identify in writing to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure the remaining deficiencies and recommend a process for resolving the outstanding portions of the request.

SEC. 206. STATE-SUPPORTED ROUTES.

(a) In General.—Within 2 years after the date of enactment of this Act, the Board of Directors of Amtrak, in consultation with the Secretary of Transportation and the governors of each State and the Mayor of the District of Columbia or groups representing those officials, shall develop and implement a standardized methodology for establishing and allocating the operating and capital costs among the States and Amtrak associated with trains operated on routes described in section 24102(5)(B) or (D) or section 24702 that—

(1) ensures, within 5 years after the date of enactment of this Act, equal treatment in the provision of like services of all States and groups of States (including the District of Columbia); and

(2) allocates to each route the costs incurred only for the benefit of that route and a proportionate share, based upon factors that reasonably reflect relative use, of costs incurred for the common benefit of more than 1 route.

(b) Review.—If Amtrak and the States (including the District of Columbia) in which Amtrak operates such routes do not voluntarily adopt and implement the methodology developed under subsection (a) in allocating costs and determining compensation for the provision of service in accordance with the date established therein, the Surface Transportation Board shall determine the appropriate methodology required under subsection (a) for such services in accordance with the procedures and procedural schedule applicable to a proceeding under section 24904(c) of title 49, United States Code, and require the full implementation of this methodology with regards to the provision of such service within 1 year after the Board's determination of the appropriate methodology.

(c) Use of Chapter 244 Funds.—Funds provided to a State under chapter 244 of title 49, United States Code, may be used, as provided in that chapter, to pay capital costs determined in accordance with this section.

SEC. 207. INDEPENDENT AUDITOR TO ESTABLISH METHODOLOGIES FOR AMTRAK ROUTE AND SERVICE PLANNING DECISIONS.

(a) Methodology Development.—The Federal Railroad Administration shall obtain the services of an independent auditor or consultant to develop and recommend objective methodologies for determining intercity passenger routes and services, including the establishment of new routes, the elimination of existing routes, and the contraction or expansion of services or frequencies over such routes. In developing such methodologies, the auditor or consultant shall consider—

(1) the current or expected performance and service quality of intercity train operations, including cost recovery, on-time performance and minutes of delay, ridership, on-board services, stations, facilities, equipment, and other services;

(2) connectivity of a route with other routes;

(3) the transportation needs of communities and populations that are not well served by other forms of public transportation;

(4) Amtrak's and other major intercity passenger rail service providers in other countries' methodologies for determining intercity passenger rail routes and services; and

(5) the views of the States and other interested parties.

(b) Submittal to Congress.—The auditor or consultant shall submit recommendations developed under subsection (a) to Amtrak, the House of Representatives Committee on Transportation and Infrastructure, and the Senate Committee on Commerce, Science, and Transportation.

(c) Consideration of Recommendations.—Within 90 days after receiving the recommendations developed under subsection (a) by the independent auditor or consultant, the Amtrak Board shall consider the adoption of those recommendations. The Board shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure explaining its action in adopting or failing to adopt any of the recommendations.

(d) Authorization of Appropriations.—There are authorized to be made available to the Secretary of Transportation, out of any amounts authorized by this division to be appropriated for the benefit of Amtrak and not otherwise obligated or expended, such sums as may be necessary to carry out this section.

(e) Pioneer Route.—Within 2 years after the date of enactment of this Act, Amtrak shall conduct a 1-time evaluation of the Pioneer Route formerly operated by Amtrak to determine, using methodologies adopted under subsection (c), whether a level of passenger demand exists that would warrant consideration of reinstating the entire Pioneer Route service or segments of that service.

SEC. 208. METRICS AND STANDARDS.

(a) In General.—Within 180 days after the date of enactment of this Act, the Administrator of the Federal Railroad Administration and Amtrak shall jointly, in consultation with the Surface Transportation Board, rail carriers over whose rail lines Amtrak trains operate, States, and Amtrak employees, as appropriate, develop new or improve existing metrics and minimum standards for measring the performance and service quality of intercity train operations, including cost recovery, on-time performance and minutes of delay, ridership, on-board services, stations, facilities, equipment, and other services. Such metrics, at a minimum, shall include the percentage of avoidable and fully allocated operating costs covered by passenger revenues on each route, ridership per train mile operated, measures of on-time performance and delays incurred by intercity trains on the rail lines of each rail carrier and, for long distance routes, measures of connectivity with other routes in all regions currently receiving Amtrak service and the transportation needs of communities and populations that are not well-served by other forms of public transportation. Amtrak shall provide reasonable access to the Federal Railroad Administration in order to enable the Administration to carry out its duty under this section.

(b) Quarterly Reports.—The Administrator of the Federal Railroad Administration shall collect the necessary data and publish a quarterly report on the performance and service quality of intercity train operations, including cost recovery, ridership, on-time performance and minutes of delay, causes of delay, on-board services, stations, facilities, equipment, and other services.

(c) Contract With Host Rail Carriers.—To the extent practicable, Amtrak and its host rail carriers shall incorporate the metrics and standards developed under subsection (a) into their access and service agreements.

SEC. 209. PASSENGER TRAIN PERFORMANCE.

(a) In General.—Section 24308 is amended by adding at the end the following:

"(f) Passenger Train Performance and Other Standards.—

"(1) Investigation of Substandard Performance.—If the on-time performance of any intercity passenger train averages less than 80 percent for any 2 consecutive calendar quarters, or the service quality of intercity train operations for which minimum standards are established under section 208 of the Passenger Rail Investment and Improvement Act of 2005 fails to meet those standards for 2 consecutive calendar quarters, the Surface Transportation Board shall investigate whether, and to what extent, delays or failure to achieve minimum standards are due to causes that could reasonably be, addressed by a rail carrier over the tracks of which the intercity passenger train operates or reasonably addressed by the intercity passenger rail operator. In carrying out such an investigation, the Board shall obtain information from all parties involved and make recommendations regarding reasonable measures to improve the service, quality,' and on-time performance of the train.

"(2) Problems Caused by Host Rail Carrier.—If the Board determines that delays or failures to achieve minimum standards investigated under paragraph (1) are attributable to a rail carrier's failure to provide preference to Amtrak over freight transportation under subsection (c), then the Board shall enforce its recommendations for relief under this section.

"(3) Penalties.—

"(A) In General.—The Board shall publish a schedule of penalties which will—

"(A) fairly reflect the extent to which Amtrak suffers financial loss as a result of host rail carrier delays or failure to achieve minimum standards; and

"(B) will adequately deter future actions which may reasonably be expected to be likely to result in delays to Amtrak.

"(B) Assessment.—The Board may assess these penalties upon a host rail carrier.

"(C) Use.—The Board shall make any amounts received as penalties under this paragraph available to Amtrak or a State contracting with Amtrak, as applicable, for capital or operating expenditures on such routes.".

(b) Change of Reference.—Section 24308 is amended—

(1) by striking "Interstate Commerce Commission" in subsection (a)(2)(A) and inserting "Surface Transportation Board";

(2) by striking "Commission" each place it appears and inserting "Board";

(3) by striking "Secretary" the last 3 places it appears in subsection (c) and each place it appears in subsections (d) and (e) and inserting "Board".

SEC. 210. LONG DISTANCE ROUTES.

(a) IN GENERAL.—Chapter 247 is amended by adding at the end thereof the following:

§24710. Long distance routes

"(a) ANNUAL EVALUATION.—Using the financial and performance metrics developed under section 208 of the Passenger Rail Investment and Improvement Act of 2005, Amtrak shall—

"(1) evaluate annually the performance of each long distance passenger rail route operated by Amtrak; and

"(2) rank the overall performance of such routes for 2006 and identify each long distance passenger rail route operated by Amtrak in 2006 according to its overall performance as belonging to the best performing third of such routes, the second best performing third of such routes, or the worst performing third of such routes.

"(b) PERFORMANCE IMPROVEMENT PLAN.—Amtrak shall develop a performance improvement plan for its long distance passenger rail routes based on the data collected through the application of the financial and performance 29 metrics developed under section 208 of that Act. The plan shall address—

"(1) on-time performance;

"(2) scheduling, frequency, routes, and stops;

"(3) the feasibility of restructuring service into connected corridor service;

"(4) performance-related equipment changes and capital improvements;

"(5) on-board amenities and service, including food, first class, and sleeping car service;

"(6) State or other non-Federal financial contributions; and

"(7) other aspects of Amtrak's long distance passenger rail routes that affect the financial, competitive, and functional performance of service on Amtrak's long distance passenger rail routes.

"(c) IMPLEMENTATION.—Amtrak shall implement the performance improvement plan developed under subsection (b)—

"(1) beginning in fiscal year 2007 for those routes identified as being in the worst performing third under subsection (a)(3);

"(2) beginning in fiscal year 2008 for those routes identified as being in the second best performing third under subsection (a)(3); and

"(3) beginning in fiscal year 2009 for those routes identified as being in the best performing third under subsection (a) (3).

"(d) ENFORCEMENT.—The Federal Railroad Administration shall monitor the development, implementation, and outcome of improvement plans under this section. If, for any year, it determines that Amtrak is not making reasonable progress in implementing its performance improvement plan or in achieving the expected outcome of the plan for any calendar year, the Federal Railroad Administration—

"(1) shall notify Amtrak of its determination under this subsection;

"(2) shall provide an opportunity for a hearing with respect to that determination; and

"(3) may withhold any appropriated funds otherwise available to Amtrak for the operation of a route or routes on which it is not making progress, other than funds made available for passenger safety or security measures.".

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 247 is amended by inserting after the item relating to section 24709 the following:

"24710. Long distance routes".

SEC. 211. ALTERNATE PASSENGER RAIL SERVICE PROGRAM.

(a) IN GENERAL.—Chapter 247, as amended by section 209, is amended by adding at the end thereof the following:

§24711. Alternate passenger rail service program

"(a) IN GENERAL.—Within 1 year after the date of enactment of the Passenger Rail Investment and Improvement Act of 2005, the Federal Railroad Administration shall initiate a rulemaking proceeding to develop a program under which—

"(1) a rail carrier or rail carriers that own infrastructure over which Amtrak operates a passenger rail service route described in subparagraph (B), (C), or (D) of section 24102(5) or in section 24702 of title 49, United States Code may petition the Federal Railroad Administration to be considered as a passenger rail service provider over that route in lieu of Amtrak;

"(2) the Administration would notify Amtrak within 30 days after receiving a petition under paragraph (1) and establish a deadline by which both the pètitioner and Amtrak would be required to submit a bid to provide passenger rail service over the route to which the petition relates;

"(3) each bid would describe how the bidder would operate the route, what Amtrak passenger equipment would be needed, if any, what sources of non-Federal funding the bidder would use, including any State subsidy, among other things;

"(4) the Administration would make a decision and execute a contract within a specified, limited time after that deadline awarding to the winning bidder—

"(A) the right and obligation to provide passenger rail service over that route subject to such performance standards as the Administration may require, consistent with the standards developed under section 208 of this Act; and

"(B) an operating subsidy—

"(i) for the first year at a level not in excess of the level in effect during the fiscal year preceding the fiscal year in which the petition was received, adjusted for inflation;

"(ii) for any subsequent years at such level, adjusted for inflation; and

"(5) each bid would contain a staffing plan describing the number of employees needed to operate the service, the job assignments and requirements, and the terms of work for prospective and current employees of the bidder for the service outlined in the bid, and such staffing plan would be made available by the winning bidder to the public after the bid award.

"(b) IMPLEMENTATION.—

"(1) INITIAL PETITIONS.—Pursuant to any rules or regulations promulgated under subsection (A), the Administration shall establish a deadline for the submission of a petition under subsection (a)—

"(A) during fiscal year 2007 for operations commencing in fiscal year 2008; and

"(B) during the immediately preceding fiscal year for operations commencing in subsequent fiscal years.

"(2) ROUTE LIMITATIONS.—The Administration may not make the program available with respect to more than 1 Amtrak passenger rail route for operations beginning in fiscal year 2008 nor to more than 2 such routes for operations beginning in fiscal year 2010 and subsequent fiscal years.

"(c) PERFORMANCE STANDARDS; ACCESS TO FACILITIES; EMPLOYEES.—If the Administration awards the right and obligation to provide passenger rail service over a route under the program to a rail carrier or rail carriers—

"(1) it shall execute a contract with the rail carrier or rail carriers for rail passenger operations on that route that conditions the operating and subsidy rights upon—

"(A) the service provider continuing to provide passenger rail service on the route that is no less frequent, nor over a shorter distance, than Amtrak provided on that route before the award; and

"(B) the service provider's compliance with the minimum standards established under section 208 of the Passenger Rail Investment and Improvement Act of 2005 and such additional performance standards as the Administration may establish;

"(2) it shall, if the award is made to a rail carrier other than Amtrak, require Amtrak to provide access to its reservation system, stations, and facilities to any rail carrier or rail carriers awarded a contract under this section, in accordance with section 218 of that Act, necessary to carry out the purposes of this section;

"(3) the employees of any person used by a rail carrier or rail carriers (as defined in section 10102(5) of this title) in the operation of a route under this section shall be considered an employee of that carrier or carriers and subject to the applicable Federal laws and regulations governing similar crafts or classes of employees of Amtrak, including provisions under section 121 of the Amtrak Reform and Accountability Act of 1997 relating to employees that provide food and beverage service; and

"(4) the winning bidder shall provide preference in hiring to qualified Amtrak employees displaced by the award of the bid, consistent with the staffing plan submitted by the bidder.

"(d) CESSATION OF SERVICE.—If a rail carrier or rail carriers awarded a route under this section cease to operate the service or fail to fulfill their obligations under the contract required under subsection (c), the Administrator, in collaboration with the Surface Transportation Board shall take any necessary action consistent with this title to enforce the contract and ensure the continued provision of service, including the installment of an interim service provider and re-bidding the contract to operate the service. The entity providing service shall either be Amtrak or a rail carrier defined in section 24711(a)(1).

"(e) ADEQUATE RESOURCES.—Before taking any action allowed under this section, the Secretary shall certify that the Administrator has sufficient resources that are adequate to undertake the program established under this section.".

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 247, as amended by section 209, is amended by inserting after the item relating to section 24710 the following:

"24711. Alternate passenger rail service program".

SEC. 212. EMPLOYEE TRANSITION ASSISTANCE.

(a) PROVISION OF FINANCIAL INCENTIVES.—For Amtrak employees who are adversely affected by the cessation of the operation of a long distance route or any other route under section 24711 of title 49, United States Code, previously operated by Amtrak, the Secretary shall develop a program under which the Secretary may, in the Secretary's discretion, provide grants for financial incentives to be provided to employees of the National Railroad Passenger Corporation who voluntarily terminate their employment with the Corporation and relinquish any legal rights to receive termination-related payments under any contractual agreement with the Corporation.

(b) CONDITIONS FOR FINANCIAL INCENTIVES.—As a condition for receiving financial assistance grants under this section, the Corporation must certify that—

(1) a reasonable attempt was made to reassign an employee adversely affected under section 24711 of title 49, United States Code, or by the elimination of any route, to other positions within the Corporation in accordance with any contractual agreements;

(2) the financial assistance results in a net reduction in the total number of employees equal to the number receiving financial incentives;

(3) the financial assistance results in a net reduction in total employment expense equivalent to the total employment expenses associated with the employees receiving financial incentives; and

(4) the total number of employees eligible for termination-related payments will not be increased without the express written consent of the Secretary.

(c) AMOUNT OF FINANCIAL INCENTIVES.—The financial incentives authorized under this section may be no greater than $50,000 per employee.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are hereby authorized to be appropriated to the Secretary such sums as may be necessary to make grants to the National Railroad Passenger Corporation to provide financial incentives under subsection (a).

(e) TERMINATION-RELATED PAYMENTS.—If Amtrak employees adversely affected by the cessation of Amtrak service resulting from the awarding of a grant to an operator other than Amtrak for the operation of a route under section 24711 of title 49, United States Code, or any other route, previously operated by Amtrak do not receive financial incentives under subsection (a), then the Secretary shall make grants to the National Railroad Passenger Corporation from funds authorized by section 102 of this Act for termination-related payments to employees under existing contractual agreements.

SEC. 213. NORTHEAST CORRIDOR STATE-OF-GOOD-REPAIR PLAN.

(a) IN GENERAL.—Within 6 months after the date of enactment of this Act, the National Railroad Passenger Corporation, in consultation with the Secretary and the States (including the District of Columbia) that make up the Northeast Corridor (as defined in section 24102 of title 49, United States Code), shall prepare a capital spending plan for capital projects required to return the Northeast Corridor to a state of good repair by the end of fiscal year 2011, consistent with the funding levels au- thorized in this division and shall submit the plan to the Secretary.

(b) APPROVAL BY THE SECRETARY.—

(1) The Corporation shall submit the capital spending plan prepared under this section to the Secretary of Transportation for review and approval pursuant to the procedures developed under section 205 of this Act.

(2) The Secretary of Transportation shall require that the plan be updated at least annually and shall review and approve such updates. During review, the Secretary shall seek comments and review from the commission established under section 24905 of title 49, United States Code, and other Northeast Corridor users regarding the plan.

(3) The Secretary shall make grants to the Corporation with funds authorized by section 101(b) for Northeast Corridor capital investments contained within the capital spending plan prepared by the Corporation and approved by the Secretary.

(4) Using the funds authorized by section 101(d), the Secretary shall review Amtrak's capital expenditures funded by this section to ensure that such expenditures are consistent with the capital spending plan and that Amtrak is providing adequate project management oversight and fiscal controls.

(c) ELIGIBILITY OF EXPENDITURES.—The Federal share of expenditures for capital improvements under this section may not exceed 100 percent.

SEC. 214. NORTHEAST CORRIDOR INFRASTRUCTURE AND OPERATIONS IMPROVEMENTS.

(a) IN GENERAL.—Section 24905 is amended to read as follows:

"§ 24905. Northeast Corridor Infrastructure and Operations Advisory Commission; Safety and Security Committee.

"(a) NORTHEAST CORRIDOR INFRASTRUCTURE AND OPERATIONS ADVISORY COMMISSION.—

"(1) Within 180 days after the date of enactment of the Passenger Rail Investment and Improvement Act of 2005, the Secretary of Transportation shall establish a Northeast Corridor Infrastructure and Operations Advisory Commission (hereinafter referred to in this section as the 'Commission') to promote mutual cooperation and planning pertaining to the rail operations and related activities of the Northeast Corridor. The Commission shall be made up of—

"(A) members representing the National Railroad Passenger Corporation;

"(B) members representing the Secretary of Transportation and the Federal Railroad Administration;

"(C) 1 member from each of the States (including the District of Columbia) that constitute the Northeast Corridor as defined in section 24102, designated by, and serving at the pleasure of, the chief executive officer thereof; and

"(D) non-voting representatives of freight railroad carriers using the Northeast Corridor selected by the Secretary.

"(2) The Secretary shall ensure that the membership belonging to any of the groups enumerated under subparagraph (1) shall not constitute a majority of the commission's memberships.

"(3) The commission shall establish a schedule and location for convening meetings, but shall meet no less than four times per fiscal year, and the commission shall develop rules and procedures to govern the commission's proceedings.

"(4) A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

"(5) Members shall serve without pay but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

"(6) The Chairman of the Commission shall be elected by the members.

"(7) The Commission may appoint and fix the pay of such personnel as it considers appropriate.

"(8) Upon request of the Commission, the head of any department or agency of the United States may detail, on a reimbursable basis, any of the personnel of that department or agency to the Commission to assist it in carrying out its duties under this section.

"(9) Upon the request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services necessary for the Commission to carry out its responsibilities under this section.

"(10) The commission shall consult with other entities as appropriate.

"(b) GENERAL RECOMMENDATIONS.—The Commission shall develop recommendations concerning northeast corridor rail infrastructure and operations including proposals addressing, as appropriate—

"(1) short-term and long term capital investment needs beyond the state-of-good-repair under section 213;

"(2) future funding requirements for capital improvements and maintenance;

"(3) operational improvements of intercity passenger rail, commuter rail, and freight rail services;

"(4) opportunities for additional non-rail uses of the Northeast Corridor;

"(5) scheduling and dispatching;

"(6) safety and security enhancements;

"(7) equipment design;

"(8) marketing of rail services; and

"(9) future capacity requirements.

"(c) ACCESS COSTS.—

"(1) DEVELOPMENT OF FORMULA.—Within 1 year after verification of Amtrak's new financial accounting system pursuant to section 203(b) of the Passenger Rail Investment and Improvement Act of 2005, the Commission shall—

"(A) develop a standardized formula for determining and allocating costs, revenues, and compensation for northeast corridor commuter rail passenger transportation, as defined in section 24102 of this title, that use National Railroad Passenger Corporation facilities or services or that provide such facilities or services to the National Railroad Passenger Corporation that ensure that—

"(i) there is no cross-subsidization of commuter rail passenger, intercity rail passenger, or freight rail transportation; and

"(ii) each service is assigned the costs incurred only for the benefit of that service, and a proportionate share, based upon factors that reasonably reflect relative use, of costs incurred for the common benefit of more than 1 service;

"(B) develop a proposed timetable for implementing the formula before the end of the 6th year following the date of enactment of that Act;

"(C) transmit the proposed timetable to the Surface Transportation Board; and

"(D) at the party's request, petition the Surface Transportation Board to appoint a mediator to assist the parties through nonbinding mediation to reach an agreement under this section.

"(2) IMPLEMENTATION.—The National Railroad Passenger Corporation and the commuter authorities providing commuter rail passenger transportation on the northeast corridor shall implement new agreements for usage of facilities or services based on the formula proposed in paragraph (1) in accordance with the timetable established therein. If the parties fail to implement such new agreements in accordance with the timetable, the parties shall petition the Surface Transportation Board to determine the appropriate compensation amounts for such services in accordance with section 24904(c) of this title.

"(d) TRANSMISSION OF RECOMMENDATIONS.—The commission shall annually transmit the recommendations developed under subsection (b) and the formula and timetable developed under subsection (c)(1) to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure.

"(e) NORTHEAST CORRIDOR SAFETY AND SECURITY COMMITTEE.—

"(1) IN GENERAL.—The Secretary shall establish a Northeast Corridor Safety and Security Committee composed of members appointed by the Secretary. The members shall be representatives of—

"(A) the Secretary;

"(B) Amtrak;

"(C) freight carriers operating more than 150,000 train miles a year on the main line of the Northeast Corridor;

"(D) commuter agencies;

"(E) rail passengers;

"(F) rail labor;

"(G) the Transportation Security Administration; and

"(H) other individuals and organizations the Secretary decides have a significant interest in rail safety.

"(2) FUNCTION; MEETINGS.—The Secretary shall consult with the Committee about safety and security improvements on the Northeast Corridor main line. The Committee shall meet at least once every 2 years to consider safety matters on the main line.

"(3) REPORT.—At the beginning of the first session of each Congress, the Secretary shall submit a report to the Commission and to Congress on the status of efforts to improve safety and security on the Northeast Corridor main line. The report shall include the safety recommendations of the Committee and the comments of the Secretary on those recommendations."

(3) CONFORMING AMENDMENTS.—Section 24904(c)(2) is amended by—

(A) inserting "commuter rail passenger" after "between"; and

(B) striking "freight" in the second sentence.

SEC. 215. RESTRUCTURING LONG-TERM DEBT AND CAPITAL LEASES.

(a) IN GENERAL.—The Secretary of the Treasury, in consultation with the Secretary of Transportation and Amtrak, may make agreements to restructure Amtrak's indebtedness as of the date of enactment of this Act. This authorization expires on January 1, 2007.

(b) DEBT RESTRUCTURING.—The Secretary of Treasury, in consultation with the Secretary of the Transportation and Amtrak, shall enter into negotiations with the holders of Amtrak debt, including leases, outstanding on the date of enactment of this Act for the purpose of restructuring (including repayment) and repaying that debt. The Secretary of the Treasury may secure agreements for restructuring or repayment on such terms as the Secretary of the Treasury deems favorable to the interests of the Government.

(c) CRITERIA.—In restructuring Amtrak's indebtedness, the Secretary and Amtrak—

(1) shall take into consideration repayment costs, the term of any loan or loans, and market conditions; and

(2) shall ensure that the restructuring results in significant savings to Amtrak and the United States Government.

(d) PAYMENT OF RENEGOTIATED DEBT.—If the criteria under subsection (c) are met, the Secretary of Treasury shall assume or repay the restructured debt, as appropriate.

(e) AMTRAK PRINCIPAL AND INTEREST PAYMENTS.—

(1) PRINCIPAL ON DEBT SERVICE.—Unless the Secretary of Treasury makes sufficient payments to creditors under subsection (d) so that Amtrak is required to make no payments to creditors in a fiscal year, the Secretary of Transportation shall use funds authorized by section 103(a)(1) for the use of Amtrak for retirement of principal on loans for capital equipment, or capital leases.

(2) INTEREST ON DEBT.—Unless the Secretary of Treasury makes sufficient payments to creditors under subsection (d) so that Amtrak is required to make no payments to creditors in a fiscal year, the Secretary of Transportation shall use funds authorized by section 103(a)(2) for the use of Amtrak for the payment of interest on loans for capital equipment, or capital leases.

(3) REDUCTIONS IN AUTHORIZATION LEVELS.—Whenever action taken by the Secretary of the Treasury under subsection (a) results in reductions in amounts of principal or interest that Amtrak must service on existing debt, the corresponding amounts authorized by section 103(a)(1) or (2) shall be reduced accordingly.

(f) LEGAL EFFECT OF PAYMENTS UNDER THIS SECTION.—The payment of principal and interest on secured debt, other than debt assumed under subsection (d), with the proceeds of grants under subsection (e) shall not—

(1) modify the extent or nature of any indebtedness of the National Railroad Passenger Corporation to the United States in existence of the date of enactment of this Act;

(2) change the private nature of Amtrak's or its successors' liabilities; or

(3) imply any Federal guarantee or commitment to amortize Amtrak's outstanding indebtedness.

(g) SECRETARY APPROVAL.—Amtrak may not incur more debt after the date of enactment of this Act without the express advance approval of the Secretary of Transportation.

(h) REPORT.—The Secretary of the Treasury shall transmit a report to the Senate Committee on Commerce, Science, and Transportation, the Senate Committee on Appropriations, the House of Representatives Committee on Transportation and Infrastructure, and the House of Representatives Committee on Appropriations by June 1, 2007—

(1) describing in detail any agreements to restructure the Amtrak debt; and

(2) providing an estimate of the savings to Amtrak and the United States Government.

SEC. 216. STUDY OF COMPLIANCE REQUIREMENTS AT EXISTING INTERCITY RAIL STATIONS.

Amtrak, in consultation with station owners, shall evaluate the improvements necessary to make all existing stations it serves readily accessible to and usable by individuals with disabilities, as required by section 242(e)(2) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12162(e)(2)). The evaluation shall include the estimated cost of the improvements necessary, the identification of the responsible person (as defined in section 241(5) of that Act (42 U.S.C. 12161(5))), and the earliest practicable date when such improvements can be made. Amtrak shall submit the evaluation to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the National Council on Disability by September 30, 2007, along with recommendations for funding the necessary improvements.

SEC. 217. INCENTIVE PAY.

The Amtrak Board of Directors is encouraged to develop an incentive pay program for Amtrak management employees.

SEC. 218. ACCESS TO AMTRAK EQUIPMENT AND SERVICES.

If a State desires to select or selects an entity other than Amtrak to provide services required for the operation of an intercity passenger train route described in section 24102(5)(D) or 24702 of title 49, United States Code, the State may make an agreement with Amtrak to use facilities and equipment of, or have services provided by, Amtrak under terms agreed to by the State and Amtrak to enable the State to utilize an entity other than Amtrak to provide services required for operation of the route. If the parties cannot agree upon terms, and the Surface Transportation Board finds that access to Amtrak's facilities or equipment, or the provision of services by Amtrak, is necessary to carry out this provision and that the operation of Amtrak's other services will not be impaired thereby, the Surface Transportation Board shall, within 120 days after submission of the dispute, issue an order that the facilities and equipment be made available, and that services be provided, by Amtrak, and shall determine reasonable compensation, liability and other terms for use of the facilities and equipment and provision of the services. Compensation shall be determined in accord with the methodology established pursuant to section 206 of this Act.

SEC. 219. GENERAL AMTRAK PROVISIONS.

(a) REPEAL OF SELF-SUFFICIENCY REQUIREMENTS.

(1) TITLE 49 AMENDMENTS.—Chapter 241 is amended—

(A) by striking the last sentence of section 24101(d); and

(B) by striking the last sentence of section 24104(a).

(2) AMTRAK REFORM AND ACCOUNTABILITY ACT AMENDMENTS.—Title II of the Amtrak Reform and Accountability Act of 1997 (49 U.S.C. 24101 nt) is amended by striking sections 204 and 205.

(3) COMMON STOCK REDEMPTION DATE.—Section 415 of the Amtrak Reform and Accountability Act of 1997 (49 U.S.C. 24304 nt) is amended by striking subsection (b).

(b) LEASE ARRANGEMENTS.—Amtrak may obtain services from the Administrator of General Services, and the Administrator may provide services to Amtrak, under section 201(b) and 211(b) of the Federal Property and Administrative Service Act of 1949 (40 U.S.C. 481(b) and 491(b)) for each of fiscal years 2006 through 2011.

SEC. 220. PRIVATE SECTOR FUNDING OF PASSENGER TRAINS.

Amtrak is encouraged to increase its operation of trains funded by the private sector in order to minimize its need for Federal subsidies. Amtrak shall utilize the provisions of section 24308 of title 49, United States Code, when necessary to obtain access to facilities, train and engine crews, or services of a rail carrier or regional transportation authority that are required to operate such trains.

SEC. 221. ON-BOARD SERVICE IMPROVEMENTS.

(a) IN GENERAL.—Within 1 year after metrics and standards are established under section 208 of this Act, Amtrak shall develop and implement a plan to improve on-board service pursuant to the metrics and standards for such service developed under that section.

(b) REPORT.—Amtrak shall provide a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on the on-board service improvements proscribed in the plan and the timeline for implementing such improvements.

SEC. 222. AMTRAK MANAGEMENT ACCOUNTABILITY.

(a) IN GENERAL.—Chapter 243 is amended by inserting after section 24309 the following:

§"24310. Management accountability

"(a) IN GENERAL.—Three years after the date of enactment of the Passenger Rail Investment and Improvement Act of 2005, and two years thereafter, the Inspector General of the Department of Transportation shall complete an overall assessment of the progress made by Amtrak management and the Department of Transportation in implementing the provisions of that Act.

"(b) ASSESSMENT.—The management assessment undertaken by the Inspector General may include a review of—

"(1) effectiveness improving annual financial planning;

"(2) effectiveness in implementing improved financial accounting;

"(3) efforts to implement minimum train performance standards;

"(4) progress maximizing revenues and minimizing Federal subsidies; and

"(5) any other aspect of Amtrak operations the Inspector General finds appropriate to review.".

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 243 is amended by inserting after the item relating to section 24309 the following:

"24310. Management accountability".

TITLE III—INTERCITY PASSENGER RAIL POLICY

SEC. 301. CAPITAL ASSISTANCE FOR INTERCITY PASSENGER RAIL SERVICE; STATE RAIL PLANS.

(a) IN GENERAL.—Part C of subtitle V is amended by inserting the following after chapter 243:

"CHAPTER 244. INTERCITY PASSENGER RAIL SERVICE CORRIDOR CAPITAL ASSISTANCE

"Sec.
"24401. Definitions.
"24402. Capital investment grants to support intercity passenger rail service.
"24403. Project management oversight.
"24404. Use of capital grants to finance first-dollar liability of grant project.
"24405. Grant conditions.

§"24401. Definitions

"In this subchapter:

"(1) APPLICANT.—The term 'applicant' means a State (including the District of Columbia), a group of States, an Interstate Compact, or a public agency established by one or more States and having responsibility for providing intercity passenger rail service.

"(2) CAPITAL PROJECT.—The term 'capital project' means a project or program in a State rail plan developed under chapter 225 of this title for—

"(A) acquiring, constructing, improving, or inspecting equipment, track and track structures, or a facility for use in or for the primary benefit of intercity passenger rail service, expenses incidental to the acquisition or construction (including designing, engineering, location surveying, mapping, environmental studies, and acquiring rights-of-way), payments for the capital portions of rail trackage rights agreements, highway-rail grade crossing improvements related to intercity passenger rail service, security, mitigating environmental impacts, communication and signalization improvements, relocation assistance, acquiring replacement housing sites, and acquiring, constructing, relocating, and rehabilitating replacement housing;

"(B) rehabilitating, remanufacturing or overhauling rail rolling stock and facilities used primarily in intercity passenger rail service;

"(C) costs associated with developing State rail plans; and

"(D) the first-dollar liability costs for insurance related to the provision of intercity passenger rail service under section 24404.

"(3) INTERCITY PASSENGER RAIL SERVICE.—The term 'intercity passenger rail service' means transportation services with the primary purpose of passenger transportation between towns, cities and metropolitan areas by rail, including high-speed rail, as defined in section 24102 of title 49, United States Code.

"§24402. Capital investment grants to support intercity passenger rail service.

"(a) GENERAL AUTHORITY.—

"(1) The Secretary of Transportation may make grants under this section to an applicant to assist in financing the capital costs of facilities and equipment necessary to provide or improve intercity passenger rail transportation.

"(2) The Secretary shall require that a grant under this section be subject to the terms, conditions, requirements, and provisions the Secretary decides are necessary or appropriate for the purposes of this section, including requirements for the disposition of net increases in value of real property resulting from the project assisted under this section and shall prescribe procedures and schedules for the awarding of grants under this title, including application and qualification procedures and a record of decision on applicant eligibility. The Secretary shall issue a final rule establishing such procedures not later than 90 days after the date of enactment of the Passenger Rail Investment and Improvement Act of 2005.

"(b) PROJECT AS PART OF STATE RAIL PLAN.—

"(1) The Secretary may not approve a grant for a project under this section unless the Secretary finds that the project is part of a State rail plan developed under chapter 225 of this title and that the applicant or recipient has or will have the legal, financial, and technical capacity to carry out the project, satisfactory continuing control over the use of the equipment or facilities, and the capability and willingness to maintain the equipment or facilities.

"(2) An applicant shall provide sufficient information upon which the Secretary can make the findings required by this subsection.

"(3) If an applicant has not selected the pro- posed operator of its service competitively, the applicant shall provide written justification to the Secretary showing why the proposed operator is the best, taking into account price and other factors, and that use of the proposed operator will not unnecessarily increase the cost of the project.

"(c) PROJECT SELECTION CRITERIA.—The Secretary, in selecting the recipients of financial assistance to be provided under subsection (a), shall—

"(1) require that each proposed project meet all safety and security requirements that are applicable to the project under law;

"(2) give preference to projects with high levels of estimated ridership, increased on-time performance, reduced trip time, additional service frequency to meet anticipated or existing demand, or other significant service enhancements as measured against minimum standards developed under section 208 of the Passenger Rail Investment and Improvement Act of 2005;

"(3) encourage intermodal connectivity through projects that provide direct connections between train stations, airports, bus terminals, subway stations, ferry ports, and other modes of transportation;

"(4) ensure that each project is compatible with, and is operated in conformance with—

"(A) plans developed pursuant to the requirements of section 135 of title 23, United States Code; and

"(B) the national rail plan (if it is available); and

"(5) favor the following kinds of projects:

"(A) Projects that are expected to have a significant favorable impact on air or highway traffic congestion, capacity, or safety.

"(B) Projects that also improve freight or commuter rail operations.

"(C) Projects that have significant environmental benefits.

"(D) Projects that are—

"(i) at a stage of preparation that all pre-commencement compliance with environmental protection requirements has already been completed; and

"(ii) ready to be commenced.

"(E) Projects with positive economic and employment impacts.

"(F) Projects that encourage the use of positive train control technologies.

"(G) Projects that have commitments of funding from non-Federal Government sources in a total amount that exceeds the minimum amount of the non-Federal contribution required for the project.

"(H) Projects that involve donated property interests or services.

"(I) Projects that are identified by the Surface Transportation Board as necessary to improve the on time performance and reliability of intercity passenger rail under section 24308(f).

"(d) AMTRAK ELIGIBILITY.—To receive a grant under this section, the National Railroad Passenger Corporation may enter into a cooperative agreement with 1 or more States to carry out 1 or more projects on a State rail plan's ranked list of rail capital projects developed under section 22504(a)(5) of this title.

"(e) LETTERS OF INTENT, FULL FUNDING GRANT AGREEMENTS, AND EARLY SYSTEMS WORK AGREEMENTS.—

"(1)(A) The Secretary may issue a letter of intent to an applicant announcing an intention to obligate, for a major capital project under this section, an amount from future available budget authority specified in law that is not more than the amount stipulated as the financial participation of the Secretary in the project.

"(B) At least 30 days before issuing a letter under subparagraph (A) of this paragraph or entering into a full funding grant agreement, the Secretary shall notify in writing the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate and the House and Senate Committees on Appropriations of the proposed letter or agreement. The Secretary shall include with the notification a copy of the proposed letter or agreement as well as the evaluations and ratings for the project.

"(C) An obligation or administrative commitment may be made only when amounts are appropriated.

"(2)(A) The Secretary may make a full funding grant agreement with an applicant. The agreement shall—

"(i) establish the terms of participation by the United States Government in a project under this section;

"(ii) establish the maximum amount of Government financial assistance for the project;

"(iii) cover the period of time for completing the project, including a period extending beyond the period of an authorization; and

"(iv) make timely and efficient management of the project easier according to the law of the United States.

"(B) An agreement under this paragraph obligates an amount of available budget authority specified in law and may include a commitment, contingent on amounts to be specified in law in advance for commitments under this paragraph, to obligate an additional amount from future available budget authority specified in law. The agreement shall state that the contingent commitment is not an obligation of the Government and is subject to the availability of appropriations made by Federal law and to Federal laws in force on or enacted after the date of the contingent commitment. Interest and other financing costs of efficiently carrying out a part of the project within a reasonable time are a cost of carrying out the project under a full funding grant agreement, except that eligible costs may not be more than the cost of the most favorable financing terms reasonably available for the project at the time of borrowing. The applicant shall certify, in a way satisfactory to the Secretary, that the applicant has shown reasonable diligence in seeking the most favorable financing terms.

"(3)(A) The Secretary may make an early systems work agreement with an applicant if a record of decision under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) has been issued on the project and the Secretary finds there is reason to believe—

"(i) a full funding grant agreement for the project will be made; and

"(ii) the terms of the work agreement will promote ultimate completion of the project more rapidly and at less cost.

"(B) A work agreement under this paragraph obligates an amount of available budget authority specified in law and shall provide for reimbursement of preliminary costs of carrying out the project, including land acquisition, timely procurement of system elements for which specifications are decided, and other activities the Secretary decides are appropriate to make efficient, long-term project management easier. A work agreement shall cover the period of time the Secretary considers appropriate. The period may extend beyond the period of current authorization. Interest and other financing costs of efficiently carrying out the work agreement within a reasonable time are a cost of carrying out the agreement, except that eligible costs may not be more than the cost of the most favorable financing terms reasonably available for the project at the time of borrowing. The applicant shall certify, in a way satisfactory to the Secretary, that the applicant has shown reasonable diligence in seeking the most favorable financing terms. If an applicant does not carry out the project for reasons within the control of the applicant, the applicant shall repay all Government payments made under the work agreement plus reasonable interest and penalty charges the Secretary establishes in the agreement.

"(4) The total estimated amount of future obligations of the Government and contingent commitments to incur obligations covered by all outstanding letters of intent, full funding grant agreements, and early systems work agreements may be not more than the amount authorized under section 101(c) of Passenger Rail Investment and Improvement Act of 2005, less an amount the Secretary reasonably estimates is necessary for grants under this section not covered by a letter. The total amount covered by new letters and contingent commitments included in full funding grant agreements and early systems work agreements may be not more than a limitation specified in law.

"(f) FEDERAL SHARE OF NET PROJECT COST.—

"(1)(A) Based on engineering studies, studies of economic feasibility, and information on the expected use of equipment or facilities, the Secretary shall estimate the net project cost.

"(B) A grant for the project shall not exceed 80 percent of the project net capital cost.

"(C) The Secretary shall give priority in allocating future obligations and contingent commitments to incur obligations to grant requests seeking a lower Federal share of the project net capital cost.

"(2) Up to an additional 20 percent of the required non-Federal funds may be funded from amounts appropriated to or made available to a department or agency of the Federal Government that are eligible to be expended for transportation.

"(3) 50 percent of the average amounts expended by a State or group of States (including the District of Columbia) for capital projects to benefit intercity passenger rail service in fiscal years 2004 and 2005 shall be credited towards the matching requirements for grants awarded under this section. The Secretary may require such information as necessary to verify such expenditures.

"(4) 50 percent of the average amounts expended by a State or group of States (including the District of Columbia) in a fiscal year beginning in 2006 for capital projects to benefit intercity passenger rail service or for the operating costs of such service above the average of expenditures made for such service in fiscal years 2004 and 2005 shall be credited towards the matching requirements for grants awarded under this section. The Secretary may require such information as necessary to verify such expenditures.

"(g) UNDERTAKING PROJECTS IN ADVANCE.—

"(1) The Secretary may pay the Federal share of the net capital project cost to an applicant that carries out any part of a project described in this section according to all applicable procedures and requirements if—

"(A) the applicant applies for the payment;

"(B) the Secretary approves the payment; and

"(C) before carrying out the part of the project, the Secretary approves the plans and specifications for the part in the same way as other projects under this section.

"(2) The cost of carrying out part of a project includes the amount of interest earned and payable on bonds issued by the applicant to the extent proceeds of the bonds are expended in carrying out the part. However, the amount of interest under this paragraph may not be more than the most favorable interest terms reasonably available for the project at the time of borrowing. The applicant shall certify, in a manner satisfactory to the Secretary, that the applicant has shown reasonable diligence in seeking the most favorable financial terms.

"(3) The Secretary shall consider changes in capital project cost indices when determining the estimated cost under paragraph (2) of this subsection.

"(h) 2-YEAR AVAILABILITY.—Funds appropriated under this section shall remain available until expended. If any amount provided as a grant under this section is not obligated or expended for the purposes described in subsection (a) within 2 years after the date on which the State received the grant, such sums shall be returned to the Secretary for other intercity passenger rail development projects under this section at the discretion of the Secretary.

"(i) PUBLIC-PRIVATE PARTNERSHIPS."—

"(1) IN GENERAL.—A metropolitan planning organization, State transportation department, or other project sponsor may enter into an agreement with any public, private, or nonprofit entity to cooperatively implement any project funded with a grant under this title.

"(2) FORMS OF PARTICIPATION.—Participation by an entity under paragraph (1) may consist of—

"(A) ownership or operation of any land, facility, locomotive, rail car, vehicle, or other physical asset associated with the project;

"(B) cost-sharing of any project expense;

"(C) carrying out administration, construction management, project management, project operation, or any other management or operational duty associated with the project; and

"(D) any other form of participation approved by the Secretary.

"(3) SUB-ALLOCATION.—A State may allocate funds under this section to any entity described in paragraph (1).

"(j) SPECIAL TRANSPORTATION CIRCUMSTANCES.—In carrying out this section, the Secretary shall allocate an appropriate portion of the amounts available under this section to provide grants to States—

"(1) in which there is no intercity passenger rail service for the purpose of funding freight rail capital projects that are on a State rail plan developed under chapter 225 of this title that provide public benefits (as defined in chapter 225) as determined by the Secretary; or

"(2) in which the rail transportation system is not physically connected to rail systems in the continental United States or may not otherwise qualify for a grant under this section due to the unique characteristics of the geography of that State or other relevant considerations, for the purpose of funding transportation-related capital projects.

"(k) SMALL CAPITAL PROJECTS.—The Secretary shall make available $10,000,000 annually from the amounts authorized under section 101(c) of the Passenger Rail Investment and Improvement Act of 2005 beginning in fiscal year 2007 for grants for capital projects eligible under this section not exceeding $2,000,000, including costs eligible under section 206(c) of that Act. The Secretary may wave requirements of this section, including state rail plan requirements, as appropriate.

"§ 24403. Project management oversight

"(a) PROJECT MANAGEMENT PLAN REQUIREMENTS.—To receive Federal financial assistance for a major capital project under this subchapter, an applicant must prepare and carry out a project management plan approved by the Secretary of Transportation. The plan shall provide for—

"(1) adequate recipient staff organization with well-defined reporting relationships, statements of functional responsibilities, job descriptions, and job qualifications;

"(2) a budget covering the project management organization, appropriate consultants, property acquisition, utility relocation, systems demonstration staff, audits, and miscellaneous payments the recipient may be prepared to justify;

"(3) a construction schedule for the project;

"(4) a document control procedure and recordkeeping system;

"(5) a change order procedure that includes a documented, systematic approach to handling the construction change orders;

"(6) organizational structures, management skills, and staffing levels required throughout the construction phase;

"(7) quality control and quality assurance functions, procedures, and responsibilities for construction, system installation, and integration of system components;

"(8) material testing policies and procedures;

"(9) internal plan implementation and reporting requirements;

"(10) criteria and procedures to be used for testing the operational system or its major components;

"(11) periodic updates of the plan, especially related to project budget and project schedule, financing, and ridership estimates; and

"(12) the recipient's commitment to submit a project budget and project schedule to the Secretary each month.

"(b) Secretarial Oversight.—

"(1) The Secretary may use no more than 0.5 percent of amounts made available in a fiscal year for capital projects under this subchapter to enter into contracts to oversee the construction of such projects.

"(2) The Secretary may use amounts available under paragraph (1) of this subsection to make contracts for safety, procurement, management, and financial compliance reviews and audits of a recipient of amounts under paragraph (1).

"(3) The Federal Government shall pay the entire cost of carrying out a contract under this subsection.

"(c) Access to Sites and Records.—Each recipient of assistance under this subchapter shall provide the Secretary and a contractor the Secretary chooses under subsection (c) of this section with access to the construction sites and records of the recipient when reasonably necessary.

"§ 24404. Use of capital grants to finance first-dollar liability of grant project

"Notwithstanding the requirements of section 24402 of this subchapter, the Secretary of Transportation may approve the use of capital assistance under this subchapter to fund self-insured retention of risk for the first tier of liability insurance coverage for rail passenger service associated with the capital assistance grant, but the coverage may not exceed $20,000,000 per occurrence or $20,000,000 in aggregate per year.

"§ 24405. Grant conditions

"(a) Domestic Buying Preference.—

"(1) Requirement.—

"(A) In General.—In carrying out a project funded in whole or in part with a grant under this title, the grant recipient shall purchase only—

"(i) unmanufactured articles, material, and supplies mined or produced in the United States; or

"(ii) manufactured articles, material, and supplies manufactured in the United States substantially from articles, material, and supplies mined, produced, or manufactured in the United States.

"(B) De minimis amount.—Subparagraph (1) applies only to a purchase in an total amount that is not less than $1,000,000.

"(2) Exemptions.—On application of a recipient, the Secretary may exempt a recipient from the requirements of this subsection if the Secretary decides that, for particular articles, material, or supplies—

"(A) such requirements are inconsistent with the public interest;

"(B) the cost of imposing the requirements is unreasonable; or

"(C) the articles, material, or supplies, or the articles, material, or supplies from which they are manufactured, are not mined, produced, or manufactured in the United States in sufficient and reasonably available commercial quantities and are not of a satisfactory quality.

"(3) United states defined.—In this subsection, the term 'the United States' means the States, territories, and possessions of the United States and the District of Columbia.

"(b) Operators Deemed Rail Carriers and Employers for Certain Purposes.—A person that conducts rail operations over rail infrastructure constructed or improved with funding provided in whole or in part in a grant made under this title shall be considered a rail carrier as defined in section 10102(5) of this title for purposes of this title and any other statute that adopts that definition or in which that definition applies, including—

"(1) the Railroad Retirement Act of 1974 (45 U.S.C. 231 et seq.); and

"(2) the Railway Labor Act (43 U.S.C. 151 et seq.).

"(c) Grant Conditions.—The Secretary shall require as a condition of making any grant under this title for a project that uses rights-of-way owned by a railroad that—

"(1) a written agreement exist between the applicant and the railroad regarding such use and ownership, including—

"(A) any compensation for such use;

"(B) assurances regarding the adequacy of infrastructure capacity to accommodate both existing and future freight and passenger operations; and

"(C) an assurance by the railroad that collective bargaining agreements with the railroad's employees (including terms regulating the contracting of work) will remain in full force and effect according to their terms for work performed by the railroad on the railroad transportation corridor;

"(D) an assurance that an applicant complies with liability requirements consistent with section 28103 of this title; and

"(2) the applicant agrees to comply with—

"(A) the standards of section 24312 of this title, as such section was in effect on September 1, 2003, with respect to the project in the same manner that the National Railroad Passenger Corporation is required to comply with those standards for construction work financed under an agreement made under section 24308(a) of this title; and

"(B) the protective arrangements established under section 504 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 836) with respect to employees affected by actions taken in connection with the project to be financed in whole or in part by grants under this subchapter.

"(d) Replacement of Existing Intercity Passenger Rail Service.—

"(1) Collective bargaining agreement for intercity passenger rail projects.—Any entity providing intercity passenger railroad transportation that begins operations after the date of enactment of this Act on a project funded in whole or in part by grants made under this title and replaces intercity rail passenger service that was provided by Amtrak, unless such service was provided solely by Amtrak to another entity, as of such date shall enter into an agreement with the authorized bargaining agent or agents for adversely affected employees of the predecessor provider that—

"(A) gives each such qualified employee of the predecessor provider priority in hiring according to the employee's seniority on the predecessor provider for each position with the replacing entity that is in the employee's craft or class and is available within 3 years after the termination of the service being replaced;

"(B) establishes a procedure for notifying such an employee of such positions;

"(C) establishes a procedure for such an employee to apply for such positions; and

"(D) establishes rates of pay, rules, and working conditions.

"(2) Immediate replacement service.—

"(A) Negotiations.—If the replacement of preexisting intercity rail passenger service occurs concurrent with or within a reasonable time before the commencement of the replacing entity's rail passenger service, the replacing entity shall give written notice of its plan to replace existing rail passenger service to the authorized collective bargaining agent or agents for the potentially adversely affected employees of the predecessor provider at least 90 days before the date on which it plans to commence service. Within 5 days after the date of receipt of such written notice, negotiations between the replacing entity and the collective bargaining agent or agents for the employees of the predecessor provider shall commence for the purpose of reaching agreement with respect to all matters set forth in subparagraphs (A) through (D) of paragraph (1). The negotiations shall continue for 30 days or until an agreement is reached, whichever is sooner. If at the end of 30 days the parties have not entered into an agreement with respect to all such matters, the unresolved issues shall be submitted for arbitration in accordance with the procedure set forth in subparagraph (B).

"(B) Arbitration.—If an agreement has not been entered into with respect to all matters set forth in subparagraphs (A) through (D) of paragraph (1) as described in subparagraph (A) of this paragraph, the parties shall select an arbitrator. If the parties are unable to agree upon the selection of such arbitrator within 5 days, either or both parties shall notify the National Mediation Board, which shall provide a list of seven arbitrators with experience in arbitrating rail labor protection disputes. Within 5 days after such notification, the parties shall alternately strike names from the list until only 1 name remains, and that person shall serve as the neutral arbitrator. Within 45 days after selection of the arbitrator, the arbitrator shall conduct a hearing on the dispute and shall render a decision with respect to the unresolved issues among the matters set forth in subparagraphs (A) through (D) of paragraph (1). This decision shall be final, binding, and conclusive upon the parties. The salary and expenses of the arbitrator shall be borne equally by the parties; all other expenses shall be paid by the party incurring them.

"(3) Service commencement.—A replacing entity under this subsection shall commence service only after an agreement is entered into with respect to the matters set forth in subparagraphs (A) through (D) of paragraph (1) or the decision of the arbitrator has been rendered.

"(4) Subsequent replacement of service.—If the replacement of existing rail passenger service takes place within 3 years after the replacing entity commences intercity passenger rail service, the replacing entity and the collective bargaining agent or agents for the adversely affected employees of the predecessor provider shall enter into an agreement with respect to the matters set forth in subparagraphs (A) through (D) of paragraph (1). If the parties have not entered into an agreement with respect to all such matters within 60 days after the date on which the replacing entity replaces the predecessor provider, the parties shall select an arbitrator using the procedures set forth in paragraph (2)(B), who shall, within 20 days after the commencement of the arbitration, conduct a hearing and decide all unresolved issues. This decision shall be final, binding, and conclusive upon the parties.

"(e) INAPPLICABILITY TO CERTAIN RAIL OPERATIONS.—Nothing in this section applies to—

"(1) commuter rail passenger transportation (as defined in section 24102(4) of this title) operations of a State or local government authority (as those terms are defined in section 5302(11) and (6), respectively, of this title) eligible to receive financial assistance under section 5307 of this title, or to its contractor performing services in connection with commuter rail passenger operations (as so defined);

"(2) the Alaska Railroad or its contractors; or

"(3) the National Railroad Passenger Corporation's access rights to railroad rights of way and facilities under current law.".

(b) CONFORMING AMENDMENTS.—

(1) The table of chapters for the title is amended by inserting the following after the item relating to chapter 243:

"244. Intercity passenger rail service capital assistance .... 24401".

"(2) The chapter analysis for subtitle V is amended by inserting the following after the item relating to chapter 243:

"244. Intercity passenger rail service capital assistance .... 24401".

SEC. 302. STATE RAIL PLANS.

(a) IN GENERAL.—Part B of subtitle V is amended by adding at the end the following:

"CHAPTER 225. STATE RAIL PLANS AND HIGH PRIORITY PROJECTS

"Sec.
"22501. Definitions
"22502. Authority
"22503. Purposes
"22504. Transparency; coordination; review
"22505. Content
"22506. Review

"§ 22501. Definitions

"In this subchapter:

"(1) PRIVATE BENEFIT.—

" (A) IN GENERAL.—The term 'private benefit'—

"(i) means a benefit accrued to a person or private entity, other than the National Railroad Passenger Corporation, that directly improves the economic and competitive condition of that person or entity through improved assets, cost reductions, service improvements, or any other means as defined by the Secretary; and

"(ii) shall be determined on a project-by-project basis, based upon an agreement between the parties.

"(B) CONSULTATION.—The Secretary may seek the advice of the States and rail carriers in further defining this term.

"(2) PUBLIC BENEFIT.—

"(A) IN GENERAL.—The term 'public benefit'—

"(i) means a benefit accrued to the public in the form of enhanced mobility of people or goods, environmental protection or enhancement, congestion mitigation, enhanced trade and economic development, improved air quality or land use, more efficient energy use, enhanced public safety or security, reduction of public expenditures due to improved transportation efficiency or infrastructure preservation, and any other positive community effects as defined by the Secretary; and

"(ii) shall be determined on a project-by-project basis, based upon an agreement between the parties.

"(B) CONSULTATION.—The Secretary may seek the advice of the States and rail carriers in further defining this term.

"(3) STATE.—The term 'State' means any of the 50 States and the District of Columbia.

"(4) STATE RAIL TRANSPORTATION AUTHORITY.—The term 'State rail transportation authority' means the State agency or official responsible under the direction of the Governor of the State or a State law for preparation, maintenance, coordination, and administration of the State rail plan.".

"§ 22502. Authority

"(a) IN GENERAL.—Each State may prepare and maintain a State rail plan in accordance with the provisions of this subchapter.

"(b) REQUIREMENTS.—For the preparation and periodic revision of a State rail plan, a State shall—

"(1) establish or designate a State rail transportation authority to prepare, maintain, coordinate, and administer the plan;

"(2) establish or designate a State rail plan approval authority to approve the plan;

"(3) submit the State's approved plan to the Secretary of Transportation for review; and

"(4) revise and resubmit a State-approved plan no less frequently than once every 5 years for reapproval by the Secretary.

"§ 22503. Purposes

"(a) PURPOSES.—The purposes of a State rail plan are as follows:

"(1) To set forth State policy involving freight and passenger rail transportation, including commuter rail operations, in the State.

"(2) To establish the period covered by the State rail plan.

"(3) To present priorities and strategies to enhance rail service in the State that benefits the public.

"(4) To serve as the basis for Federal and State rail investments within the State.

"(b) COORDINATION.—A State rail plan shall be coordinated with other State transportation planning goals and programs and set forth rail transportation's role within the State transportation system.

"§ 22504. Transparency; coordination; review

"(a) PREPARATION.—A State shall provide adequate and reasonable notice and opportunity for comment and other input to the public, rail carriers, commuter and transit authorities operating in, or affected by rail operations within the State, units of local government, and other interested parties in the preparation and review of its State rail plan.

"(b) INTERGOVERNMENTAL COORDINATION.—A State shall review the freight and passenger rail service activities and initiatives by regional planning agencies, regional transportation authorities, and municipalities within the State, or in the region in which the State is located, while preparing the plan, and shall include any recommendations made by such agencies, authorities, and municipalities as deemed appropriate by the State.

"§ 22505. Content

"(a) IN GENERAL.—Each State rail plan shall contain the following:

"(1) An inventory of the existing overall rail transportation system and rail services and facilities within the State and an analysis of the role of rail transportation within the State's surface transportation system.

"(2) A review of all rail lines within the State, including proposed high speed rail corridors and significant rail line segments not currently in service.

"(3) A statement of the State's passenger rail service objectives, including minimum service levels, for rail transportation routes in the State.

"(4) A general analysis of rail's transportation, economic, and environmental impacts in the State, including congestion mitigation, trade and economic development, air quality, land use, energy use, and community impacts.

"(5) A long-range rail investment program for current and future freight and passenger infrastructure in the State that meets the requirements of subsection (b).

"(6) A statement of public financing issues for rail projects and service in the State, including a list of current and prospective public capital and operating funding resources, public subsidies, State taxation, and other financial policies relating to rail infrastructure development.

"(7) An identification of rail infrastructure issues within the State that reflects consultation with all relevant stake holders.

"(8) A review of major passenger and freight intermodal rail connections and facilities within the State, including seaports, and prioritized options to maximize service integration and efficiency between rail and other modes of transportation within the State.

"(9) A review of publicly funded projects within the State to improve rail transportation safety and security, including all major projects funded under section 130 of title 23.

"(10) A performance evaluation of passenger rail services operating in the State, including possible improvements in those services, and a description of strategies to achieve those improvements.

"(11) A compilation of studies and reports on high-speed rail corridor development within the State not included in a previous plan under this subchapter, and a plan for funding any recommended development of such corridors in the State.

"(12) A statement that the State is in compliance with the requirements of section 22102.

"(b) LONG-RANGE SERVICE AND INVESTMENT PROGRAM.—

"(1) PROGRAM CONTENT.—A long-range rail investment program included in a State rail plan under subsection (a)(5) shall include the following matters:

"(A) A list of any rail capital projects expected to be undertaken or supported in whole or in part by the State.

"(B) A detailed funding plan for those projects.

"(2) PROJECT LIST CONTENT.—The list of rail capital projects shall contain—

"(A) a description of the anticipated public and private benefits of each such project; and

"(B) a statement of the correlation between—

"(i) public funding contributions for the projects; and

"(ii) the public benefits.

"(3) CONSIDERATIONS FOR PROJECT LIST.—In preparing the list of freight and intercity passenger rail capital projects, a State rail transportation authority should take into consideration the following matters:

“(A) Contributions made by non-Federal and non-State sources through user fees, matching funds, or other private capital involvement.

“(B) Rail capacity and congestion effects.

“(C) Effects on highway, aviation, and maritime capacity, congestion, or safety.

“(D) Regional balance.

“(E) Environmental impact.

“(F) Economic and employment impacts.

“(G) Projected ridership and other service measures for passenger rail projects.

“§ 22506. Review

The Secretary shall prescribe procedures for States to submit State rail plans for review under this title, including standardized format and data requirements. State rail plans completed before the date of enactment of the Passenger Rail Investment and Improvement Act of 2005 that substantially meet the requirements of this chapter, as determined by the Secretary, shall be deemed by the Secretary to have met the requirements of this chapter”.

(b) CONFORMING AMENDMENTS.—

(1) The table of chapters for the title is amended by inserting the following after the item relating to chapter 223:

“225. State rail plans .... 22501”.

“(2) The chapter analysis for subtitle V is amended by inserting the following after the item relating to chapter 223:

“225. State rail plans .... 24401”.

SEC. 303. NEXT GENERATION CORRIDOR TRAIN EQUIPMENT POOL.

(a) IN GENERAL.—Within 180 days after the date of enactment of this Act, Amtrak shall establish a Next Generation Corridor Equipment Pool Committee, comprised of representatives of Amtrak, the Federal Railroad Administration, and interested States. The purpose of the Committee shall be to design, develop specifications for, and procure standardized next-generation corridor equipment.

(b) FUNCTIONS.—The Committee may—

(1) determine the number of different types of equipment required, taking into account variations in operational needs and corridor infrastructure;

(2) establish a pool of equipment to be used on corridor routes funded by participating States; and

(3) subject to agreements between Amtrak and States, utilize services provided by Amtrak to design, maintain and remanufacture equipment.

(c) COOPERATIVE AGREEMENTS.—Amtrak and States participating in the Committee may enter into agreements for the funding, procurement, remanufacture, ownership and management of corridor equipment, including equipment currently owned or leased by Amtrak and next-generation corridor equipment acquired as a result of the Committee's actions, and may establish a corporation, which may be owned or jointly-owned by Amtrak, participating States or other entities, to perform these functions.

(d) FUNDING.—In addition to the authorization provided in section 105 of this Act, capital projects to carry out the purposes of this section shall be eligible for grants made pursuant to chapter 244 of title 49, United States Code.

SEC. 304. FEDERAL RAIL POLICY.

Section 103 is amended—

(1) by inserting “IN GENERAL.—” before “The Federal” in subsection (a);

(2) by striking the second and third sentences of subsection (a);

(3) by inserting “ADMINISTRATOR.—” before “The head” in subsection (b);

(4) by redesignating subsections (c), (d), and (e) as subsections (d), (e), and (f), respectively and by inserting after subsection (b) the following:

“(c) SAFETY.—To carry out all railroad safety laws of the United States, the Administration is divided on a geographical basis into at least 8 safety offices. The Secretary of Transportation is responsible for all acts taken under those laws and for ensuring that the laws are uniformly administered and enforced among the safety offices.”;

(5) by inserting “POWERS AND DUTIES.—” before “The” in subsection (d), as redesignated;

(6) by striking “and” after the semicolon in paragraph (1) of subsection (d), as redesignated;

(7) by redesignating paragraph (2) of subsection (d), as redesignated, as paragraph (3) and inserting after paragraph (1) the following:

“(2) the duties and powers related to railroad policy and development under subsection (e); and”;

(8) by inserting “TRANSFERS OF DUTY.—” before “A duty” in subsection (e), as redesignated;

(9) by inserting “CONTRACTS, GRANTS, LEASES, COOPERATIVE AGREEMENTS, AND SIMILAR TRANSACTIONS.—” before “Subject” in subsection (f), as redesignated;

(10) by striking the last sentence in subsection (f), as redesignated; and

(11) by adding at the end the following:

“(g) ADDITIONAL DUTIES OF THE ADMINISTRATOR.—The Administrator shall—

“(1) provide assistance to States in developing State rail plans prepared under chapter 225 and review all State rail plans submitted under that section;

“(2) develop a long range national rail plan that is consistent with approved State rail plans and the rail needs of the Nation, as determined by the Secretary in order to promote an integrated, cohesive, efficient, and optimized national rail system for the movement of goods and people;

“(3) develop a preliminary national rail plan within a year after the date of enactment of the Passenger Rail Investment and Improvement Act of 2005;

“(4) develop and enhance partnerships with the freight and passenger railroad industry, States, and the public concerning rail development;

“(5) support rail intermodal development and high-speed rail development, including high speed rail planning;

“(6) ensure that programs and initiatives developed under this section benefit the public and work toward achieving regional and national transportation goals; and

“(7) facilitate and coordinate efforts to assist freight and passenger rail carriers, transit agencies and authorities, municipalities, and States in passenger-freight service integration on shared rights of way by providing neutral assistance at the joint request of affected rail service providers and infrastructure owners relating to operations and capacity analysis, capital requirements, operating costs, and other research and planning related to corridors shared by passenger or commuter rail service and freight rail operations.

“(h) PERFORMANCE GOALS AND REPORTS.—

“(1) PERFORMANCE GOALS.—In conjunction with the objectives established and activities under-taken under section 103(e) of this title, the Administrator shall develop a schedule for achieving specific, measurable performance goals.

“(2) RESOURCE NEEDS.—The strategy and annual plans shall include estimates of the funds and staff resources needed to accomplish each goal and the additional duties required under section 103(e).

“(3) SUBMISSION WITH PRESIDENT'S BUDGET.—Beginning with fiscal year 2007 and each fiscal year thereafter, the Secretary shall submit to Congress, at the Isame time as the President's budget submission, the Administration's performance goals and schedule developed under paragraph (1), including an assessment of the progress of the Administration toward achieving its performance goals.” .

SEC. 305. RAIL COOPERATIVE RESEARCH PROGRAM.

(a) ESTABLISHMNT AND CONTENT.—Chapter 249 is amended by adding at the end the following:

“24910. Rail cooperative research program

“(a) IN GENERAL.—The Secretary shall establish and carry out a rail cooperative research program. The program shall—

“(1) address, among other matters, intercity rail passenger and freight rail services, including existing rail passenger and freight technologies and speeds, incrementally enhanced rail systems and infrastructure, and new highspeed wheel-on-rail systems and rail security;

“(2) address ways to expand the transportation of international trade traffic by rail, enhance the efficiency of intermodal interchange at ports and other intermodal terminals, and increase capacity and availability of rail service for seasonal freight needs;

“(3) consider research on the interconnectedness of commuter rail, passenger rail, freight rail, and other rail networks; and

“(4) give consideration to regional concerns regarding rail passenger and freight transportation, including meeting research needs common to desgnated high-speed corridors, long-distance rail services, and regional intercity rail corridors, projects, and entities.

“(b) CONTENT.—The program to be carried out under this section shall include research designed—

“(1) to identify the unique aspects and attributes of rail passenger and freight service;

“(2) to develop more accurate models for evaluating the impact of rail passenger and freight service, including the effects on highway and airport and airway congestion, environmental quality, and energy consumption;

“(3) to develop a better understanding of modal choice as it affects rail passenger and freight transportation, including development of better models to predict utilization;

“(4) to recommend priorities for technology demonstration and development;

“(5) to meet additional priorities as determined by the advisory board established under subsection (c), including any recommendations made by the National Research Council;

“(6) to explore improvements in management, financing, and institutional structures;

“(7) to address rail capacity constraints that affect passenger and freight rail service through a wide variety of options, ranging from operating improvements to dedicated new infrastructure, taking into account thei impact of such options on operations;

“(8) to improve maintenance, operations, customer service, or other aspects of intercity rail passenger and freight service;

“(9) to recommend objective methodologies for determining intercity passenger rail routes and services, including the establishment of new routes, the elimination of existing routes, and the contraction or expansion of services or frequencies over such routes;

“(10) to review the impact of equipment and operational safety standards on the further development of high speed passenger rail operations connected to or integrated with non-high speed freight or passenger rail operations; and

"(11) to recommend any legislative or regulatory changes necessary to foster further development and implementation of high speed passenger rail operations while ensuring the safety of such operations that are connected to or integrated with non-high speed freight or passenger rail operations.

"(c) ADVISORY BOARD.—

"(1) ESTABLISHMENT.—In consultation with the heads of appropriate Federal departments and agencies, the Secretary shall establish an advisory board to recommend research, technology, and technology transfer activities related to rail passenger and freight transportation.

"(2) MEMBERSHIP.—The advisory board shall include—

"(A) representatives of State transportation agencies;

"(B) transportation and environmental economists, scientists, and engineers; and

"(C) representatives of Amtrak, the Alaska Railroad, freight railroads, transit operating agencies, intercity rail passenger agencies, railway labor organizations, and environmental organizations.

"(d) NATIONAL ACADEMY OF SCIENCES.—The Secretary may make grants to, and enter into cooperative agreements with, the National Academy of Sciences to carry out such activities relating to the research, technology, and technology transfer activities described in subsection (b) as the Secretary deems appropriate."

(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 249 is amended by adding at the end the following:

"24910. Rail cooperative research program".

TITLE IV—PASSENGER RAIL SECURITY AND SAFETY

SEC. 401. SYSTEMWIDE AMTRAK SECURITY UPGRADES.

(a) IN GENERAL—Subject to subsection (c) the Secretary of Homeland Security, in consultation with the Secretary of Transportation, is authorized to make grants to Amtrak—

(1) to secure major tunnel access points and ensure tunnel integrity in New York, Baltimore, and Washington, DC;

(2) to secure Amtrak trains;

(3) to secure Amtrak stations;

(4) to obtain a watch list identification system approved by the Secretary;

(5) to obtain train tracking and interoperable communications systems that are coordinated to the maximum extent possible;

(6) to hire additional police and security officers, including canine units;

(7) to expand emergency preparedness efforts; and (8) for employee security training.

(b) CONDITIONS.—The Secretary of Transportation shall disburse funds to Amtrak provided under subsection (a) for projects contained in a systemwide security plan approved by the Secretary of Homeland Security. The plan shall include appropriate measures to address security awareness, emergency response, and passenger evacuation training.

(c) EQUITABLE GEOGRAPHIC ALLOCATION.—The Secretary shall ensure that, subject to meeting the highest security needs on Amtrak's entire system, stations and facilities located outside of the Northeast Corridor receive an equitable share of the security funds authorized by this section.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Homeland Security to carry out this section—

(1) $63,500,000 for fiscal year 2006;

(2) $30,000,000 for fiscal year 2007; and

(3) $30,000,000 for fiscal year 2008.

Amounts appropriated pursuant to this subsection shall remain available until expended.

SEC. 402. FIRE AND LIFE-SAFETY IMPROVEMENTS.

(a) LIFE-SAFETY NEEDS.—The Secretary of Transportation is authorized to make grants to Amtrak for the purpose of making fire and life-safety improvements to Amtrak tunnels on the Northeast Corridor in New York, NY, Baltimore, MD, and Washington, DC.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Transportation for the purposes of carrying out subsection (a) the following amounts:

(1) For the 6 New York tunnels to provide ventilation, electrical, and fire safety technology upgrades, emergency communication and lighting systems, and emergency access and egress for passengers—

(A) $190,000,000 for fiscal year 2006;

(B) $190,000,000 for fiscal year 2007;

(C) $190,000,000 for fiscal year 2008;

(2) For the Baltimore & Potomac tunnel and the Union tunnel, together, to provide adequate drainage, ventilation, communication, lighting, and passenger egress upgrades—

(A) $19,000,000 for fiscal year 2006;

(B) $19,000,000 for fiscal year 2007;

(C) $19,000,000 for fiscal year 2008;

(3) For the Washington, DC, Union Station tunnels to improve ventilation, communication, lighting, and passenger egress upgrades—

(A) $13,333,000 for fiscal year 2006;

(B) $13,333,000 for fiscal year 2007;

(C) $13,333,000 for fiscal year 2008;

(c) INFRASTRUCTURE UPGRADES.—There are authorized to be appropriated to the Secretary of Transportation for fiscal year 2006 $3,000,000 for the preliminary design of options for a new tunnel on a different alignment to augment the capacity of the existing Baltimore tunnels.

(d) AVAILABILITY OF APPROPRIATED FUNDS.—Amounts made available pursuant to this section shall remain available until expended.

(e) PLANS REQUIRED.—The Secretary may not make amounts available to Amtrak for obligation or expenditure under subsection (a)—

(1) until Amtrak has submitted to the Secretary, and the Secretary has approved, an engineering and financial plan for such projects; and

(2) unless, for each project funded pursuant to this section, the Secretary has approved a project management plan prepared by Amtrak addressing appropriate project budget, construction schedule, recipient staff organization, document control and record keeping, change order procedure, quality control and assurance, periodic plan updates, and periodic status reports.

(f) REVIEW OF PLANS.—The Secretary of Transportation shall complete the review of the plans required by paragraphs (1) and (2) of subsection (e) and approve or disapprove the plans within 45 days after the date on which each such plan is submitted by Amtrak. If the Secretary determines that a plan is incomplete or deficient, the Secretary shall notify Amtrak of the incomplete items or deficiencies and Amtrak shall, within 30 days after receiving the Secretary's notification, submit a modified plan for the Secretary's review. Within 15 days after receiving additional information on items previously included in the plan, and within 45 days after receiving items newly included in a modified plan, the Secretary shall either approve the modified plan, or, if the Secretary finds the plan is still incomplete or deficient, the Secretary shall identify in writing to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure the portions of the plan the Secretary finds incomplete or deficient, approve all other portions of the plan, obligate the funds associated with those other portions, and execute an agreement with Amtrak within 15 days thereafter on a process for resolving the remaining portions of the plan.

(g) FINANCIAL CONTRIBUTION FROM OTHER TUNNEL USERS.—The Secretary shall, taking into account the need for the timely completion of all portions of the tunnel projects described in subsection (a)—

(1) consider the extent to which rail carriers other than Amtrak use or plan to use the tunnels;

(2) consider the feasibility of seeking a financial contribution from those other rail carriers toward the costs of the projects; and

(3) obtain financial contributions or commitments from such other rail carriers at levels reflecting the extent of their use or planned use of the tunnels, if feasible.

SEC. 403. AMTRAK PLAN TO ASSIST FAMILIES OF PASSENGERS INVOLVED IN RAIL PASSENGER ACCIDENTS.

(a) IN GENERAL.—Chapter 243 of title 49, United States Code, is amended by adding at the end the following:

"§ 24316. Plans to address needs of families of passengers involved in rail passenger accidents

"(a) SUBMISSION OF PLAN.—Not later than 6 months after the date of the enactment of the Passenger Rail Investment and Improvement Act of 2005, Amtrak shall submit to the Chairman of the National Transportation Safety Board and the Secretary of Transportation a plan for addressing the needs of the families of passengers involved in any rail passenger accident involving an Amtrak intercity train and resulting in a loss of life.

"(b) CONTENTS OF PLANS.—The plan to be submitted by Amtrak under subsection (a) shall include, at a minimum, the following:

"(1) A process by which Amtrak will maintain and provide to the National Transportation Safety Board and the Secretary of Transportation, immediately upon request, a list (which is based on the best available information at the time of the request) of the names of the passengers aboard the train (whether or not such names have been verified), and will periodically update the list. The plan shall include a procedure, with respect to unreserved trains and passengers not holding reservations on other trains, for Amtrak to use reasonable efforts to ascertain the number and names of passengers aboard a train involved in an accident.

"(2) A plan for creating and publicizing a reliable, toll-free telephone number within 4 hours after such an accident occurs, and for providing staff, to handle calls from the families of the passengers.

"(3) A process for notifying the families of the passengers, before providing any public notice of the names of the passengers, by suitably trained individuals.

"(4) A process for providing the notice described in paragraph (2) to the family of a passenger as soon as Amtrak has verified that the passenger was aboard the train (whether or not the names of all of the passengers have been verified).

"(5) A process by which the family of each passenger will be consulted about the disposition of all remains and personal effects of the passenger within Amtrak's control; that any possession of the passenger within Amtrak's control will be returned to the family unless the possession is needed for the accident investigation or any criminal investigation; and that any unclaimed possession of a passenger within Amtrak's control will be retained by the rail passenger carrier for at least 18 months.

"(6) A process by which the treatment of the families of nonrevenue passengers will be the same as the treatment of the families of revenue passengers.

"(7) An assurance that Amtrak will provide adequate training to its employees and agents to meet the needs of survivors and family members following an accident.

"(c) USE OF INFORMATION.—The National Transportation Safety Board, the Secretary of Transportation, and Amtrak may not release to any person information on a list obtained under subsection (b)(1) but may provide information on the list about a passenger to the family of the passenger to the extent that the Board or Amtrak considers appropriate.

"(d) LIMITATION ON LIABILITY.—Amtrak shall not be liable for damages in any action brought in a Federal or State court arising out of the performance of Amtrak in preparing or providing a passenger list, or in providing information concerning a train reservation, pursuant to a plan submitted by Amtrak under subsection (b), unless such liability was caused by Amtrak's conduct.

"(e) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section may be construed as limiting the actions that Amtrak may take, or the obligations that Amtrak may have, in providing assistance to the families of passengers involved in a rail passenger accident.

"(f) FUNDING.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak $500,000 for fiscal year 2006 to carry out this section. Amounts made available pursuant to this subsection shall remain available until expended.".

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 243 of title 49, United States Code, is amended by adding at the end the following:

"24316. Plan to assist families of passengers involved in rail passenger accidents.".

SEC. 404. NORTHERN BORDER RAIL PASSENGER REPORT.

Within 180 days after the date of enactment of this Act, the Secretary of Transportation, in consultation with the Secretary of Homeland Security, the Assistant Secretary of Homeland Security (Transportation Security Administration), heads of other appropriate Federal departments, and agencies and the National Railroad Passenger Corporation, shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure that contains—

(1) a description of the current system for screening passengers and baggage on passenger rail service between the United States and Canada;

(2) an assessment of the current program to provide preclearance of airline passengers between the United States and Canada as outlined in "The Agreement on Air Transport Preclearance between the Government of Canada and the Government of the United States of America", dated January 18, 2001;

(3) an assessment of the current program to provide preclearance of freight railroad traffic between the United States and Canada as outlined in the "Declaration of Principle for the Improved Security of Rail Shipments by Canadian National Railway and Canadian Pacific Railway from Canada to the United States", dated April 2, 2003;

(4) information on progress by the Department of Homeland Security and other Federal agencies towards finalizing a bilateral protocol with Canada that would provide for preclearance of passengers on trains operating between the United States and Canada;

(5) a description of legislative, regulatory, budgetary, or policy barriers within the United States Government to providing prescreened passenger lists for rail passengers traveling between the United States and Canada to the Department of Homeland Security;

(6) a description of the position of the Government of Canada and relevant Canadian agencies with respect to preclearance of such passengers;

(7) a draft of any changes in existing Federal law necessary to provide for pre-screening of such passengers and providing prescreened passenger lists to the Department of Homeland Security; and

(8) an analysis of the feasibility of reinstating United States Customs and Border Patrol rolling inspections onboard international Amtrak trains.

SEC. 405. PASSENGER, BAGGAGE, AND CARGO SCREENING.

(a) REQUIREMENT FOR STUDY AND REPORT.—The Secretary of Homeland Security, in cooperation with the Secretary of Transportation through the Assistant Secretary of Homeland Security (Transportation Security Administration) and other appropriate agencies, shall—

(1) study the cost and feasibility of requiring security screening for passengers, baggage, and cargo on passenger trains including an analysis of any passenger train screening pilot programs undertaken by the Department of Homeland Security; and

(2) report the results of the study, together with any recommendations that the Secretary of Homeland Security may have for implementing a rail security screening program to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure within 1 year after the date of enactment of this Act.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Homeland Security $1,000,000 for fiscal year 2006 to carry out this section.

TITLE V—RAIL BOND AUTHORITY

SEC. 501. INTERCITY RAIL FACILITY BONDS.

(a) IN GENERAL.—Chapter 261 is amended by adding at the end the following:

"§ 26106. Rail infrastructure bonds

"(a) DESIGNATION.—The Secretary may designate bonds for purposes of section 54A of the Internal Revenue Code of 1986 if—

"(1) the bonds are to be issued by—

"(A) a State, if the entire railroad passenger transportation corridor containing the infrastructure project to be financed is within the State;

"(B) 1 or more of the States that have entered into an agreement or an interstate compact consented to by Congress under section 410(a) of Public Law 105-134 (49 U.S.C. 24101 note);

"(C) an agreement or an interstate compact described in subparagraph (B); or

"(D) Amtrak, for capital projects under its 5-year plan;

"(2) the bonds are for the purpose of financing projects that make a substantial contribution to providing the infrastructure and equipment required to complete or improve a rail transportation corridor (including projects for the acquisition, financing, or refinancing of equipment and other capital improvements, including the introduction of new high-speed technologies such as magnetic levitation systems, track or signal improvements, the elimination of grade crossings, development of intermodal facilities, improvement of train speeds or safety, or both, and station rehabilitation or construction), but only if the Secretary determines that the projects are part of a viable and comprehensive rail transportation corridor design for intercity passenger service included in a State rail plan under chapter 225 (except for bonds issued under paragraph (1)(D)); and

"(3) for a railroad passenger transportation corridor not operated by Amtrak that includes the use of rights-of-way owned by a freight railroad, a written agreement exists between the applicant and the freight railroad regarding such use and ownership, including compensation for such use and assurances regarding the adequacy of infrastructure capacity to accommodate both existing and future freight and passenger operations, and including an assurance by the freight railroad that collective bargaining agreements with the freight railroad's employees (including terms regulating the contracting of work) shall remain in full force and effect according to their terms for work performed by the freight railroad on such railroad passenger transportation corridor.

"(b) PROJECT SELECTION CRITERIA.—The Secretary shall give preference to the designation under this section of bonds for projects selected using the criteria in chapter 244.

"(c) TIMELY DISPOSITION OF APPLICATION.—The Secretary shall grant or deny a requested designation within 9 months after receipt of an application.

"(d) REFINANCING RULES.—Bonds designated by the Secretary under subsection (a) may be issued for refinancing projects only if the indebtedness being refinanced (including any obligation directly or indirectly refinanced by such indebtedness) was originally incurred by the issuer—

"(1) after the date of the enactment of this section;

"(2) for a term of not more than 3 years;

"(3) to finance projects described in subsection (a)(2); and

"(4) in anticipation of being refinanced with proceeds of a bond designated under subsection (a).

"(e) APPLICATION OF CONDITIONS.—Any entity providing railroad transportation (within the meaning of section 20102) that begins operations after the date of the enactment of this section and that uses property acquired pursuant to this section (except as provided in subsection (a)(2)(B)), shall be subject to the conditions under section 24405.

"(f) ISSUANCE OF REGULATIONS.—Not later than 6 months after the date of the enactment of the Passenger Rail Investment and Improvement Act of 2005, the Secretary shall issue regulations for carrying out this section.

"(g) SECTION 54A BOND DEFINED.—In this section, the term 'section 54A bond' means a bond designated by the Secretary under subsection (a) for purposes of section 54A of the Internal Revenue Code of 1986 (relating to credit to holders of qualified rail infrastructure bonds).".

(b) CONFORMING AMENDMENT.—The table of sections for chapter 261 is amended by adding after the item relating to section 26105 the following new item:

"26106. Rail infrastructure bonds."

SA 2152. Mr. COLEMAN (for himself, Mr. DAYTON, and Mr. DEWINE) submitted an amendment intended to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. ALL-TERRAIN VEHICLES.

(a) IN GENERAL.—Notwithstanding any other provision of law, it is unlawful for any person to import into the United States or any manufacturer or wholesale distributor to distribute in commerce any new assembled or unassembled ATV unless—

(1)(A) with respect to an ATV designed for use by single operator only, such ATV complies with any applicable provision of the American National Standard for Four Wheel All-Terrain Vehicles—Equipment, Configuration, and Performance Requirements developed by the Specialty Vehicle Institute of America (American National Standard ANSI/SVIA-1-2001) or any applicable provision of a revision of such Standard; or

(B) with respect to an ATV designed for use by an operator and passengers, such ATV complies with any applicable provisions of any future American National Standard developed for such vehicles;

(2) with respect to an ATV, it is subject to or covered by a letter of undertaking or an ATV action plan that—

(A) applies to such ATV;

(B) includes actions to promote ATV safety; and

(C)(i) was submitted to the Commission and implemented prior to September 23, 2005; or

(ii) is approved by the Commission and is substantially implemented at the time of the import into the United States or the distribution in commerce of such ATV; and

(3) such ATV bears a permanent label certifying that it complies with the provisions of paragraphs (1) and (2).

(b) DEFINITIONS.—In this section:

(1) ATV.—The term "ATV" means any motorized, off-highway, all-terrain vehicle designed to travel on 4 wheels, having a seat designed to be straddled by the operator and handlebars for steering control and does not include a prototype of an motorized, off-highway, all-terrain vehicle or other off-highway, all-terrain vehicle that is intended exclusively for research and development purposes.

(2) COMMISSION, DISTRIBUTION IN COMMERCE, TO DISTRIBUTE IN COMMERCE, IMPORT, UNITED STATES.—The terms "Commission", "distribution in commerce", "to distribute in commerce", "import", and "United States" have the meaning given those terms in section 3(a) of the Consumer Product Safety Act (15 U.S.C. 2052(a)).

(c) VIOLATION OF CPSA.—Any violation of subsection (a) shall be considered to be a prohibited act within the meaning of section 19 of the Consumer Product Safety Act (15 U.S.C. 2068) and shall be subject to the penalties and remedies available for prohibited acts under the Consumer Product Safety Act.

(d) VIOLATION OF CUSTOMS LAWS.—The importation of an ATV into the United States in violation of subsection (a) shall be a violation of the customs laws of the United States and any applicable provisions thereof.

(e) EFFECTIVE DATE.—This section shall become effective 90 days after the date of the enactment of this Act.

SA 2153. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 436, between lines 10 and 11, insert the following:

SEC. 8___. No funds made available under this Act shall be used to plan, design, or construct, in the State of Alaska—

(1) the Knik Arm Bridge; or

(2) a bridge joining the Island of Gravina to the community of Ketchikan.

SA 2154. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 406, between lines 7 and 8, insert the following:

SEC. 724. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT RISK ASSESSMENT.

None of the funds made available in this Act shall be used by the Department of Housing and Urban Development for programs and activities not in compliance with section 2 of the Improper Payments Information Act of 2002 (Public Law 107–300), including any programs under the community development block grant program under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.).

SA 2155. Mr. LAUTENBERG (for himself and Mr. CORZINE) submitted an amendment intended to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 227, line 7, strike the period and insert the following: ": *Provided further*, That not later than December 31, 2015, public-use airports shall improve their runway safety areas to comply with the Federal Aviation Administration design standards.".

SA 2156. Mr. LAUTENBERG (for himself and Mr. CORZINE) submitted an amendment intended to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 276, after line 24, add the following:

SEC. ___. AMENDMENTS TO EXCLUDE SOLID WASTE DISPOSAL FROM THE JURISDICTION OF THE BOARD.

Section 10501 of title 49, United States Code, is amended—

(1) in subsection (b)(2), by inserting "except solid waste management facilities (as defined in section 1004 of the Solid Waste Disposal Act (42 U.S.C. 6903))," after "facilities,"; and

(2) in subsection (c)(2)—

(A) by striking "over mass" and inserting the following: "over—

"(A) mass"; and

(B) by striking the period at the end and inserting the following: "; or

"(B) the processing or sorting of solid waste.".

SA 2157. Mr. LEAHY (for himself, Mr. COLEMAN, Mr. SARBANES, Mr. GRAHAM, Mr. REED, Ms. SNOWE, Mr. SCHUMER, Mr. OBAMA, Mr. KOHL, Mr. DORGAN, Mr. NELSON of Florida, Mr. LAUTENBERG, Mr. LEVIN, Mr. KERRY, Mr. JEFFORDS, Mr. DODD, Ms. STABENOW, Mr. CORZINE, Mr. SALAZAR, Mrs. CLINTON, Mr. DURBIN, Ms. COLLINS, Mrs. FEINSTEIN, Mr. VOINOVICH, Mr. KENNEDY, Mr. DEWINE, Mr. SANTORUM, Mr. HARKIN, Mr. ROCKEFELLER, Mr. LIEBERMAN, Mr. DAYTON, Ms. CANTWELL, Mr. SPECTER, Mr. BINGAMAN, Ms. LANDRIEU, Mr. GRASSLEY, Mr. BAYH, Ms. MIKULSKI, Mr. JOHNSON, Mr. CHAFEE, and Mr. TALENT) submitted an amendment intended to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 298, on line 13 strike "$1,500,000,000" and insert "$2,100,000,000".

On page 299, line 14 strike the period and insert the following: ": Provided further, That notwithstanding the foregoing provisos, of the amounts recaptured from amounts appropriated in prior years under this heading, such amounts are provided as follows:

"(1) $200,000,000 for activities provided for under the heading 'Tenant-based rental assistance', including $130,000,000 for the renewal of expiring section 8 contracts under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f), and not to exceed $70,000,000 for the conversion of section 811 vouchers to tenant-based rental assistance vouchers.

"(2) $200,000,000 to be equally divided for activities provided for under the headings 'Public Housing Capital Fund' and 'Public Housing Operating Fund'.

"(3) $200,000,000 for activities provided for under the heading 'Community Development

Fund' to carry out the community development block grant program under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.).".

SA 2158. Mr. ENSIGN (for himself and Mr. Vitter) proposed an amendment to amendment S. 2133 proposed by Mr. Dorgan (for himself, Mr. Craig, Mr. Enzi, and Mr. Baucus) to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

Strike all after the first word and insert the following:

. (a) Short Title.—This section may be cited as the "Child Custody Protection Act".

(b) Transportation of Minors in Circumvention of Certain Laws Relating to Abortion.—

(1) In General.—Title 18, United States Code, is amended by inserting after chapter 117 the following:

"CHAPTER 117A—TRANSPORTATION OF MINORS IN CIRCUMVENTION OF CERTAIN LAWS RELATING TO ABORTION

"Sec.
"2431. Transportation of minors in circumvention of certain laws relating to abortion

"§2431. Transportation of minors in circumvention of certain laws relating to abortion

"(a) Offense.—

"(1) Generally.—Except as provided in subsection (b), whoever knowingly transports a minor across a State line, with the intent that such minor obtain an abortion, and thereby in fact abridges the right of a parent under a law requiring parental involvement in a minor's abortion decision, in force in the State where the minor resides, shall be fined under this title or imprisoned not more than one year, or both.

"(2) Definition.—For the purposes of this subsection, an abridgement of the right of a parent occurs if an abortion is performed on the minor, in a State other than the State where the minor resides, without the parental consent or notification, or the judicial authorization, that would have been required by that law had the abortion been performed in the State where the minor resides.

"(b) Exceptions.—

"(1) The prohibition of subsection (a) does not apply if the abortion was necessary to save the life of the minor because her life was endangered by a physical disorder, physical injury, or physical illness, including a life endangering physical condition caused by or arising from the pregnancy itself.

"(2) A minor transported in violation of this section, and any parent of that minor, may not be prosecuted or sued for a violation of this section, a conspiracy to violate this section, or an offense under section 2 or 3 based on a violation of this section.

"(c) Affirmative Defense.—It is an affirmative defense to a prosecution for an offense, or to a civil action, based on a violation of this section that the defendant reasonably believed, based on information the defendant obtained directly from a parent of the minor or other compelling facts, that before the minor obtained the abortion, the parental consent or notification, or judicial authorization took place that would have been required by the law requiring parental involvement in a minor's abortion decision, had the abortion been performed in the State where the minor resides.

"(d) Civil Action.—Any parent who suffers harm from a violation of subsection (a) may obtain appropriate relief in a civil action.

"(e) Definitions.—For the purposes of this section—

"(1) a 'law requiring parental involvement in a minor's abortion decision' means a law—

"(A) requiring, before an abortion is performed on a minor, either—

"(i) the notification to, or consent of, a parent of that minor; or

"(ii) proceedings in a State court; and

"(B) that does not provide as an alternative to the requirements described in subparagraph (A) notification to or consent of any person or entity who is not described in that subparagraph;

"(2) the term 'parent' means—

"(A) a parent or guardian;

"(B) a legal custodian; or

"(C) a person standing in loco parentis who has care and control of the minor, and with whom the minor regularly resides, who is designated by the law requiring parental involvement in the minor's abortion decision as a person to whom notification, or from whom consent, is required;

"(3) the term 'minor' means an individual who is not older than the maximum age requiring parental notification or consent, or proceedings in a State court, under the law requiring parental involvement in a minor's abortion decision; and

"(4) the term 'State' includes the District of Columbia and any commonwealth, possession, or other territory of the United States.".

(2) Clerical Amendment.—The table of chapters for part I of title 18, United States Code, is amended by inserting after the item relating to chapter 117 the following new item:

"117A. Transportation of minors in circumvention of certain laws relating to abortion .... 2431".

SA 2159. Mr. NELSON of Florida (for himself and Mr. Smith) submitted an amendment intended to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 293, after line 25, insert the following:

Sec. 221. It is the sense of Congress that the Secretary of the Treasury should place al-Manar, a global satellite television operation, on the Specially Designated Global Terrorist list.

SA 2160. Mr. GRASSLEY (for himself, Mr. Dorgan, and Mr. Bond) proposed an amendment to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 356, between lines 4 and 5, insert the following:

Sec. 408. (a) The division of the court shall release to the Congress and to the public not later than 60 days after the date of enactment of this Act all portions of the final report of the independent counsel of the investigation of Henry Cisneros made under section 594(h) of title 28, United States Code, except for any such portions that contain information of a personal nature that the division of the court determines the disclosure of which would cause a clearly unwarranted invasion of privacy that outweighs the public interest in a full accounting of this investigation. Upon the release of the final report, the final report shall be published pursuant to section 594(h)(3) of title 28, United States Code.

(b)(1) After the release and publication of the final report referred to in subsection (a), the independent counsel shall continue his office only to the extent necessary and appropriate to perform the noninvestigative and nonprosecutorial tasks remaining of his statutory duties as required to conclude the functions of his office.

(2) The duties referred to in paragraph (1) shall specifically include—

(A) the evaluation of claims for attorney fees, pursuant to section 593(l) of title 28, United States Code;

(B) the transfer of records to the Archivist of the United States pursuant to section 594(k) of title 28, United States Code;

(C) compliance with oversight obligations pursuant to section 595(a) of title 28, United States Code; and

(D) preparation of statements of expenditures pursuant to section 595(c) of title 28, United States Code.

(c)(1) The independent counsel shall have not more than 90 days after the release and publication of the final report referred to in subsection (a) to complete his remaining statutory duties unless the division of the court determines that it is necessary for the independent counsel to have additional time to complete his remaining statutory duties.

(2) If the division of the court finds that the independent counsel needs additional time under paragraph (1), the division of the court shall issue a public report stating the grounds for the extension and a proposed date for completion of all aspects of the investigation of Henry Cisneros and termination of the office of the independent counsel.

SA 2161. Ms. CANTWELL (for herself, Mr. Coleman, Mr. Harkin, Mr. Bayh, Mr. Lugar, and Mr. Dayton) submitted an amendment intended to be proposed by her to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 276, after line 24, insert the following:

Sec. 1 . (a) In this section:

(1) The term "flexible fuel mixture" means any mixture of gasoline and ethanol up to 85 percent of which is ethanol, or any mixture of diesel and biodiesel of which 85 percent is biodiesel, as measured by volume.

(2) The term "light truck" has the meaning given that term in section 523.5 of title 49, Code of Federal Regulations (or a successor regulation).

(b) Not later than 90 days after the date of enactment of this Act, using funds made available to the National Highway Traffic Safety Administration, the Secretary of Transportation shall prepare and submit to Congress a report describing the feasibility and marginal production costs of making all new passenger automobiles and light trucks sold in the United States capable of using a flexible fuel mixture.

SA 2162. Mr. REED submitted an amendment intended to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 293, after line 25, add the following:

SEC. . APPLICATION OF ARBITRAGE BOND REGULATIONS TO CERTAIN STATE REVOLVING FUNDS.

Not later than 90 days after the date of the enactment of this Act, the Secretary of the Treasury shall submit a report to the Committees on Appropriations of the House of Representatives and the Senate to provide a legal basis for the application of section 1.148-1(c) of the United States Treasury Regulations (regarding arbitrage bond regulations) to the reserve funds held by the Clean Water and Safe Drinking Water State revolving funds which generally contain replacement proceeds but not bond proceeds.

SA 2163. Mr. HAGEL submitted an amendment intended to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SECTION 1. DISTRICT JUDGESHIP FOR THE DISTRICT OF NEBRASKA.

(a) IN GENERAL.—The President shall appoint, by and with the advice and consent of the Senate, 1 additional district judge for the district of Nebraska.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table under section 133(a) of title 28, United States Code, is amended by striking the item relating to Nebraska and inserting the following:

"Nebraska .... 4".

SA 2164. Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 276, after line 24, add the following:

SEC. 1 . Section 543 of the National Energy Conservation Policy Act (42 U.S.C. 8253) (as amended by section 103 of the Energy Policy Act of 2005 (Public Law 109–58)) is amended by adding at the end the following:

"(f) REDUCTION OF EMPLOYEE VEHICLE FUEL CONSUMPTION BY CERTAIN FEDERAL AGENCIES.—

"(1) DEFINITION OF AFFECTED AGENCY.—In this subsection, the term 'affected agency' means—

"(A) the Department of Transportation;

"(B) the Department of the Treasury;

"(C) the Department of Housing and Urban Development; and

"(D) any agency of the judicial branch of the Federal Government.

"(2) REDUCTION OF EMPLOYEE VEHICLE FUEL CONSUMPTION.—Each affected agency shall take such actions as are necessary to reduce the level of fuel consumed by vehicles of employees of the affected agency (other than fuel used for military purposes), in connection with the employment of the employees, by (to the maximum extent practicable) at least 10 percent during the 1-year period beginning on the date of enactment of this subsection.

"(3) METHODS.—An affected agency may use such methods as the agency determines are appropriate to achieve the target established by paragraph (2), including—

"(A) telework;

"(B) carpooling;

"(C) bicycling and walking to work;

"(D) fuel-efficient trip planning;

"(E) public transportation use; and

"(F) limiting travel days for vehicle travel outside the office.

"(4) MEASUREMENT.—An affected agency may use such measures as the affected agency determines are appropriate to determine whether the affected agency has achieved the target established by paragraph (2), including certification of the methods described in paragraph (3).".

SA 2165. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

At the appropriate place, add the following: Section 144(g)(1) of title 23, United States Code, is amended—

(1) in subparagraph (A)(ii), by striking "for the construction of a bridge joining the Island of Gravina to the community of Ketchikan in Alaska" and inserting "for the reconstruction of the Twin Spans Bridge connecting New Orleans, Louisiana, and Slidell, Louisiana";

(2) by striking subparagraph (B); and

(3) by redesignating subparagraph (C) as subparagraph (B).

(b) Item number 14 of the table contained in section 1302 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59; 119 Stat. 1144) is amended—

(1) by striking "AK" and inserting "LA"; and

(2) by striking "Planning, design, and construction of Knik Arm Bridge" and inserting "Reconstruction of Twin Spans Bridge connecting New Orleans and Slidell, Louisiana".

(c) The table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59; 119 Stat. 1144) is amended—

(1) in item number 406—

(A) by striking "AK" and inserting "LA"; and

(B) by striking "Planning, design, and construction of a bridge joining the Island of Gravina to the Community of Ketchikan" and inserting "Reconstruction of Twin Spans Bridge connecting New Orleans and Slidell, Louisiana";

(2) in item number 2465—

(A) by striking "AK" and inserting "LA"; and

(B) by striking "Planning, design, and construction of Knik Arm Bridge" and inserting "Reconstruction of Twin Spans Bridge connecting New Orleans and Slidell, Louisiana";

(3) in item number 3323—

(A) by striking "AK" and inserting "LA"; and

(B) by striking "Earthwork and roadway construction Gravina Access Project" and inserting "Reconstruction of Twin Spans Bridge connecting New Orleans and Slidell, Louisiana"; and

(4) in item number 3677—

(A) by striking "AK" and inserting "LA"; and

(B) by striking "Planning, design, and construction of Knik Arm Bridge" and inserting "Reconstruction of Twin Spans Bridge connecting New Orleans and Slidell, Louisiana".

(d) Item number 2 of the table contained in section 1934 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59; 119 Stat. 1144) is amended—

(1) by striking "AK" and inserting "LA"; and

(2) by striking "Improvements to the Knik Arm Bridge" and inserting "Reconstruction of Twin Spans Bridge connecting New Orleans and Slidell, Louisiana".

(e) Sections 1949, 4410, and 4411 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59; 119 Stat. 1144) are repealed.

(f) No funds made available under this Act shall be used to plan, design, or construct, in the State of Alaska—

(1) the Knik Arm Bridge; or

(2) a bridge joining the Island of Gravina to the community of Ketchikan.

(g) Nothing in this section or an amendment made by this section affects the allocation of funds to any State other than the States of Alaska and Louisiana.

SA 2166. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 348, between lines 5 and 6, insert the following:

SEC. 321. HOME MORTGAGE PROTECTION REVOLVING LOAN FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States the Home Mortgage Protection Revolving Loan Fund (hereafter referred to in this section as the "Fund") to carry out the lending and guarantee functions authorized under this section.

(b) CAPITAL.—Except as provided under subsection (j), the capital of the Fund shall remain available until expended.

(c) AUTHORITIES, SCOPE, AND PURPOSES; CONDITIONS; INTEREST RATE; REPAYMENT.—

(1) Loans authorized.—The Secretary is authorized to make or guarantee loans, either directly or in cooperation with banks or other organizations through agreements to participate on an immediate or deferred basis, to eligible financial institutions, for the purposes described in subsection (e).

(2) Conditions.—No loans, guarantees, or other financial assistance shall be provided under this section unless the Secretary determines that—

(A) there is reasonable assurance of repayment of the loan;

(B) the loan is not otherwise available on reasonable terms from private sources or other Federal, State, or local programs; and

(C) the amount of the loan, together with other funds available, is adequate to assure completion or achievement of the purposes for which the loan is made.

(3) Limitations.—

(A) In general.—The Secretary may not loan amounts out of the Fund to an eligible financial institution for mortgage payments deferred under subsection (g) in an amount in excess of the sum of 6 deferred mortgage payments.

(B) Exclusion.—The amount calculated under subparagraph (A) shall not include any deferrals that an eligible financial institution granted to a mortgagor prior to the date of enactment of this section.

(C) Outstanding loan amount.—The total amount of outstanding loan amounts under this section may not exceed $2,000,000,000.

(4) Interest rate.—Loans made by the Secretary pursuant to this section shall bear interest at a rate equal to not less than a rate determined by the Secretary of the Treasury, taking into consideration the average market yield on outstanding Treasury obligations of comparable maturity, plus such additional charge, if any, toward covering other costs of the program, as the Secretary may determine to be consistent with its purposes.

(5) Repayment.—All loans made under this section shall be repayable within a period of not more than 30 years.

(6) Adjustment of interest rates, moratorium on principal and interest.—The Secretary is authorized to adjust interest rates, grant moratoriums on repayment of principal and interest, collect or compromise any obligations held by the Secretary, and to take such other actions in respect to such loans as the Secretary shall determine to be necessary or appropriate, consistent with the purposes of this section.

(d) Application.—An eligible financial institution seeking a loan under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require, including providing proper documentation to the Secretary that—

(1) such financial institution is the holder of a mortgage;

(2) mortgage payments have been deferred for 6 months under subsection (g);

(3) the property secured by the mortgage is located in an affected area;

(4) the property secured by mortgage was rendered unusable or uninhabitable, or was completely destroyed, as a result of Hurricane Katrina or Hurricane Rita; and

(5) such financial institution has not initiated any foreclosure proceeding against any property held by a mortgagor for which the financial institution is seeking a loan.

(e) Use of Funds.—Amounts in the Fund may only be used to provide loans to eligible financial institutions to reimburse such financial institutions for mortgage payments deferred under subsection (g).

(f) Foreclosures.—

(1) In general.—An eligible financial institution that does not seek a loan under this section, may not foreclose on property held by a mortgagor in an affected area, if the mortgagor can demonstrate that the property meets the requirements listed under subsection (d).

(2) Reimbursement from fund.—If an eligible financial institution is unable to foreclose under paragraph (1), such financial institution may seek a loan under this section in accordance with the provisions of this section.

(3) Limitation.—An eligible financial institution may not receive a loan under this section for mortgage payments deferred under subsection (g) for any foreclosure proceeding initiated prior to August 26, 2005.

(4) Repayment for any property seized.—If an eligible financial institution forecloses, or otherwise seizes or disposes of, property held by a mortgagor in an affected area, such financial institution shall repay to the Fund any loan amounts received under this section.

(g) Deferral of Mortgage Payments.—

(1) In general.—An eligible financial institution shall extend for an additional 6 months any deferral of mortgage payments of a mortgagor initiated prior to August 26, 2005.

(2) Reimbursement for extension.—An eligible financial institution that extends the deferral of any mortgage payments under paragraph (1) may seek a loan under this section for reimbursement for the deferral of such mortgage payments.

(3) Refinance, reamortization, or restructuring of mortgages.—An eligible financial institution may refinance, reamortize, or restructure any mortgage deferred under paragraph (1) to extend the term of such mortgage to cover any mortgage payments missed or deferred under that paragraph.

(4) Limitation on refinancing.—If an eligible financial institution exercises its authority to refinance, reamortize, or restructure a mortgage under paragraph (3), such institution shall repay to the Fund any amounts received under paragraph (2).

(5) Ineligibility of certain mortgagors.—An eligible financial institution shall not extend the deferral of any mortgage payments under paragraph (1), if the mortgagor has a homeowners or other insurance policy that includes coverage of mortgage payments.

(h) Credit Protection.—A failure by a mortgagor to make a mortgage payment on any property located in an affected area shall not be reported to any consumer reporting agency, as such term is defined under section 603 of the Fair Credit Reporting Act (15 U.S.C. 1681a).

(i) Deposits.—

(1) Investment.—To the extent that amounts in the Fund at any time exceed the immediate needs of the Fund, the excess shall be invested in short-term obligations of the United States.

(2) Interest.—To the extent that interest accrues on any funds invested under paragraph (1), that interest shall remain in the fund and shall be made available for the purposes of this section.

(j) Reversion of Funds To the Treasury.—Any amounts in the Fund that are unexpended and unobligated after March 30, 2007, shall be covered into the General Fund of the Treasury as miscellaneous receipts, and the Fund shall be terminated.

(k) Regulations.—Not later than 15 days after the date of enactment of this section, the Secretary shall issue regulations necessary to carry out the administration of this section and to ensure that the purposes of this section are accomplished.

(l) Definitions.—In this section, the following definitions shall apply:

(1) Affected area.—The term "affected area" means any area—

(A) with respect to which the President has declared a major disaster pursuant to title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) as a result of Hurricane Katrina or Hurricane Rita; or

(B) that is determined to be eligible for disaster relief under other Federal law by reason of damage related to Hurricane Katrina or Hurricane Rita.

(2) Eligible financial institution.—The term "eligible financial institution" means any—

(A) commercial bank;

(B) community bank;

(C) mortgage bank;

(D) credit union;

(E) enterprise, as that term is defined in section 1303 of the Housing and Community Development Act of 1992 (12 U.S.C. 4502);

(F) Bank, as that term is used in the Housing and Community Development Act of 1992 (12 U.S.C. 4501 et seq.); or

(G) other lender approved by the Secretary as eligible for insurance under section 2 of the National Housing Act (12 U.S.C. 1703).

(3) Secretary.—The term "Secretary" means the Secretary of Housing and Urban Development.

(m) Funding.—The Fund shall consist of the remaining amounts provided for in the Disaster Relief Fund under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), as in effect on the date of enactment of this section, and includes such funds as may be deposited in the Disaster Relief Fund from funds made available by this or any other Act.

SA 2167. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 219, line 14, insert after "$15,000,000" the following: ", of which $5,000,000 shall be made available to provide a grant to the Louisiana Department of Transportation and Development to establish a program under which the Louisiana Department of Transportation and Development shall provide grants to parish and municipal governments in the State of Louisiana that experience a significant spike in population because of an unexpected influx of hurricane evacuees, as determined by the Louisiana Department of Transportation and Development, to quickly implement smart and innovative plans to alleviate traffic congestion and to address increased transportation demands in the affected communities".

SA 2168. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 276, after line 24, add the following:

SEC. 1___. (a) In addition to amounts available to carry out section 10204 of the Safe, Accountable, Flexible, and Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59) as of the date of enactment of this Act, of the amounts made available by this Act, $1,000,000 shall be used by the Secretary of Transportation and the Secretary of Homeland Security to jointly—

(1) complete the review and assessment of catastrophic hurricane evacuation plans under that section; and

(2) submit to Congress, not later than June 1, 2006, the report described in subsection (d) of that section.

(b) Section 10204 of the Safe, Accountable, Flexible, and Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59) is amended—

(1) in subsection (a)—

(A) by inserting after "evacuation plans" the following: "(including the costs of the plans)"; and

(B) by inserting "and other catastrophic events" before "impacting";

(2) in subsection (b), by striking "and local" and inserting "parish, county, and municipal"; and

(3) in subsection (c)—

(A) in paragraph (1), by inserting "safe and" before "practical";

(B) in paragraph (2), by inserting after "States" the following: "and adjoining jurisdictions";

(C) in paragraph (3), by striking "and" after the semicolon at the end;

(D) in paragraph (4), by striking the period at the end and inserting a semicolon; and

(E) by adding at the end the following:

"(5) the availability of food, water, restrooms, fueling stations, and shelter opportunities along the evacuation routes;

"(6) the time required to evacuate under the plan; and

"(7) the physical and mental strains associated with the evacuation.".

SA 2169. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . UPDATED FUEL ECONOMY LABELING PROCEDURES.

(a) IN GENERAL.—The Administrator of the Environmental Protection Agency shall, as appropriate and in consultation with the Administrator of the National Highway Traffic Safety Administration, update and revise the process used to determine fuel economy values for labeling purposes as set forth in sections 600.209–85 and 600.209.95 of title 40, Code of Federal Regulations, to take into consideration current factors such as speed limits, acceleration rates, braking, variations in weather and temperature, vehicle load, use of air conditioning, driving patterns, and the use of other fuel consuming features. The Administrator shall use existing emissions test cycles and, or, updated adjustment factors to implement the requirements of this subsection.

(b) DEADLINE.—The Administrator of the Environmental Protection Agency shall—

(1) publish a notice of proposed rulemaking not later than March 31, 2006, to carry out subsection (a); and

(2) promulgate a final rule not later than 18 months after the date on which the Administrator issues the notice under paragraph (1).

(c) REPORT.—Three years after issuing the final rule required by subsection (b), and every 3 years thereafter, the Administrator of the Environmental Protection Agency shall reconsider the fuel economy labeling procedures required under subsection (a) to determine if the changes in the factors require revisiting the process. The Administrator shall report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives on the outcome of the reconsideration process.

SA 2170. Mr. CARPER submitted an amendment intended to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 252, between lines 11 and 12, insert the following: "*Provided further*, That the Comptroller General shall submit a report to Congress that describes the potential liabilities, operational and capital costs, tax implications, administrative costs, and other costs associated with the Corporation creating a wholly owned Northeast Corridor subsidiary and transferring the Northeast Corridor infrastructure to such subsidiary before the Corporation takes further steps toward creating such a subsidiary:".

SA 2171. Mr. CARPER submitted an amendment intended to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 252, between lines 11 and 12, insert the following: "*Provided further*, That the Corporation shall submit a report to Congress that describes the costs, including staffing costs, associated with creating a wholly owned Northeast Corridor subsidiary and transferring the Northeast Corridor infrastructure into such subsidiary before the Corporation takes any further steps toward creating such a subsidiary:".

SA 2172. Mr. CARPER submitted an amendment intended to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 253, after line 22, insert the following:

SEC. 143. (a) The Senate finds the following:

(1) Only 1 member of the Board of Directors of the Corporation has been confirmed by the Senate.

(2) Two other members of the Board were recess appointments whose terms expire at the end of the first session of the 109th Congress.

(3) Three seats on the Board are vacant and no nominations have been submitted to the Senate to fill these vacancies.

(4) The Corporation's ability to take major actions is compromised by having only 1 member of the Board who has been confirmed by the Senate.

(b) It is the sense of the Senate that—

(1) the President should appoint sufficient new members to the Board of Directors of the Corporation to fill all existing and anticipated vacancies and submit such appointments to the Senate not later than December 31, 2005; and

(2) the Senate should act on such nominations as quickly as possible.

SA 2173. Mr. COLEMAN (for himself, Mr. LEVIN, Mr. AKAKA, and Mr. CARPER) submitted an amendment intended to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 406, between lines 7 and 8, insert the following:

SEC. 724. PAYMENTS TO FEDERAL CONTRACTORS WITH FEDERAL TAX DEBT.

The General Services Administration, in conjunction with the Financial Management Service, shall develop procedures to subject purchase card payments to Federal contractors to the Federal Payment Levy Program.

SEC. 520. REPORTING OF AIR TRAVEL BY FEDERAL GOVERNMENT EMPLOYEES.

(a) ANNUAL REPORTS REQUIRED.—The Administrator of General Services shall submit annually to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives a report on all first class and business class travel by employees of each agency undertaken at the expense of the Federal Government.

(b) CONTENTS.—The reports submitted pursuant to subsection (a) shall include, at a minimum, with respect to each travel by first class or business class—

(1) the names of each traveler;

(2) the date of travel;

(3) the points of origination and destination;

(4) the cost of the first class or business class travel; and

(5) the cost difference between such travel and travel by coach class fare available under contract with the General Services Administration or, if no contract is available, the lowest coach class fare available.

(c) AGENCY DEFINED.—(1) Except as provided in paragraph (2), in this section, the term "agency" has the meaning given such term in section 5701(1) of title 5, United States Code.

(2) The term does not include any element of the intelligence community as set forth in or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

SA 2174. Mr. BOND (for himself and Mrs. MURRAY) proposed an amendment to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 384, after line 13, insert the following:

SEC. ___. The Administrator of General Services shall require that all credible sustainable building rating systems that award credits for certified wood products in the rating system be included in the published building design criteria or specifications of any solicitation for offers issued by the General Services Administration (GSA) for construction of a Federal building or courthouse: *Provided*, That the Administrator may only consider sustainable forest management certification programs that are currently in use in the United States and consistent with the Federal government's goals of environmental stewardship: *Provided further*, That not later than 90 days after enactment of this Act, the Administrator shall report to the relevant congressional committees of jurisdiction on the appropriateness of individual forest management certification programs for use within GSA's sustainable building program, including a schedule for incorporating any additional such programs into the system through regulations.

SA 2175. Mr. BOND (for himself and Mrs. MURRAY) proposed an amendment to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 216, after line 23, insert the following:

DIVISION A—TRANSPORTATION, TREASURY, THE JUDICIARY, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2006

SA 2176. Mr. BOND (for himself and Mrs. MURRAY) proposed an amendment to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 436, line 11, strike "Act" and insert in lieu thereof "division".

SA 2177. Mr. BOND proposed an amendment to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

At the appropriate place in the bill, insert the following:

SEC.   . Section 14711(c) of title 49, United States Code, is amended by—

(1) striking "; and" at the end of paragraph (1) and inserting ";";

(2) striking the period at the end of paragraph (2) and inserting "; and"; and

(3) inserting the following after paragraph (2):

"(3) be substituted, upon the filing of a motion with the court, for the State as parens patriae in the action.".

SA 2178. Mr. BOND (for Mr. REID) proposed an amendment to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ___. (a) In this section:

(1) The term "Conservation Area" means the Sloan Canyon National Conservation Area established by section 604(a) of the Clark County Conservation of Public Land and Natural Resources Act of 2002 (116 Stat. 2010).

(2) The term "County" means Clark County, Nevada.

(3)(A) The term "helicopter tour" means a commercial helicopter tour operated for profit.

(B) The term "helicopter tour" does not include a helicopter tour that is carried out to assist a Federal, State, or local agency.

(4) The term "Secretary" means the Secretary of the Interior.

(5) The term "Wilderness" means the North McCullough Mountains Wilderness established by section 202(a)(13) of the Clark County Conservation of Public Land and Natural Resources Act of 2002 (116 Stat. 2000).

(b) As soon as practicable after the date of enactment of this Act, the Secretary shall convey to the County, subject to valid existing rights, for no consideration, all right, title, and interest of the United States in and to the parcel of land described in subsection (c).

(c) The parcel of land to be conveyed under subsection (b) is the parcel of approximately 229 acres of land depicted as tract A on the map entitled "Clark County Public Heliport Facility" and dated May 3, 2004.

(d)(1) The parcel of land conveyed under subsection (b)—

(A) shall be used by the County for the operation of a heliport facility under the conditions stated in paragraphs (2), (3), and (4); and

(B) shall not be disposed of by the County.

(2)(A) Any operator of a helicopter tour originating from or concluding at the parcel of land described in subsection (c) shall pay to the Clark County Department of Aviation a $3 conservation fee for each passenger on the helicopter tour if any portion of the helicopter tour occurs over the Conservation Area.

(B)(i) Not earlier than 10 years after the date of enactment of this Act and every 10 years thereafter, the Secretary shall conduct a review to determine whether to raise the amount of the conservation fee.

(ii) After conducting a review under clause (i) and providing an opportunity for public comment, the Secretary may raise the amount of the conservation fee in an amount determined to be appropriate by the Secretary, but by not more than 50 percent of the amount of the conservation fee in effect on the day before the date of the increase.

(3)(A) The amounts collected under paragraph (2) shall be deposited in a special account in the Treasury of the United States.

(B) Of the amounts deposited under subparagraph (A)—

(i) ⅔ of the amounts shall be available to the Secretary, without further appropriation, for the management of cultural, wildlife, and wilderness resources on public land in the State of Nevada; and

(ii) ⅓ of the amounts shall be available to the Director of the Bureau of Land Management, without further appropriation, for the conduct of Bureau of Land Management operations for the Conservation Area and the Red Rock Canyon National Conservation Area.

(4)(A) Except for safety reasons, any helicopter tour originating or concluding at the parcel of land described in subsection (c) that flies over the Conservation Area shall not fly—

(i) over any area in the Conservation Area except the area that is between 3 and 5 miles north of the latitude of the southernmost boundary of the Conservation Area;

(ii) lower than 1,000 feet over the eastern segments of the boundary of the Conservation Area; or

(iii) lower than 500 feet over the western segments of the boundary of the Conservation Area.

(B) The Administrator of the Federal Aviation Administration shall establish a special flight rules area and any operating procedures that the Administrator determines to be necessary to implement subparagraph (A).

(5) If the County ceases to use any of the land described in subsection (c) for the purpose described in paragraph (1)(A) and under the conditions stated in paragraph (2)—

(A) title to the parcel shall revert to the United States, at the option of the United States; and

(B) the County shall be responsible for any reclamation necessary to revert the parcel to the United States.

(e) The Secretary shall require, as a condition of the conveyance under subsection (b), that the County pay the administrative costs of the conveyance, including survey costs and any other costs associated with the transfer of title.

SA 2179. Mr. BOND (for Mr. DURBIN (for himself and Mr. OBAMA)) proposed an amendment to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 406, between lines 7 and 8, insert the following:

SEC. 724. REPORT ON EVERGREEN TERRACE.

(a) IN GENERAL.—The Secretary of Housing and Urban Development shall conduct a study and prepare a report that describes the progress, if any, in improving the living conditions of the tenants of the Evergreen Terrace I and Evergreen Terrace II housing complexes located in Joliet, Illinois, by the owners of such complexes.

(b) INTERIM REPORT.—Not later than 6 months after the date of enactment of this

Act, the Secretary of Housing and Urban Development shall submit to Congress an interim report on the findings of the study required under subsection (a).

(c) FINAL REPORT.—Not later than 12 months after the date of enactment of this Act, the Secretary of Housing and Urban Development shall submit to Congress a final report that describes—

(1) the findings of the study required under subsection (a); and

(2) any conclusions and recommendations of such study.

SA 2180. Mr. BOND (for Mrs. MURRAY) proposed an amendment to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 432, line 22, strike "2006." and insert "2007."

On page 433, line 5, strike "$6,000,000" and insert "$10,000,000"

On page 433, line 9, insert after "upgrades" the following: ", including the replacement of the fuel farm facility"

SA 2181. Mr. STEVENS (for himself, Ms. MURKOWSKI, and Mr. FRIST) submitted an amendment intended to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. . No funds provided under Section 1702 of the Safe Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59; 119 Stat. 1144) for the construction or reconstruction of any bridge shall be expended until nonemerging funds have been made available for the repair of the Twin Spans Bridge connecting New Orleans and Slidell, Louisiana.

SA 2182. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 293, after line 25, add the following:

SEC. ___. PROHIBITION ON FUNDING OF FEDERAL CONTRACTS WITH EXPATRIATED ENTITIES.

(a) IN GENERAL.—None of the funds appropriated or otherwise made available by this Act may be used for any Federal Government contract with any foreign incorporated entity which is treated as an inverted domestic corporation under section 835(b) of the Homeland Security Act of 2002 (6 U.S.C. 395(b)) or any subsidiary of such an entity.

(b) WAIVERS.—

(1) IN GENERAL.—Any Secretary shall waive subsection (a) with respect to any Federal Government contract under the authority of such Secretary if the Secretary determines that the waiver is required in the interest of national security.

(2) REPORT TO CONGRESS.—Any Secretary issuing a waiver under paragraph (1) shall report such issuance to Congress.

(c) EXCEPTION.—This section shall not apply to any Federal Government contract entered into before the date of the enactment of this Act, or to any task order issued pursuant to such contract.

SA 2183. Mr. BOND (for Mr. FRIST (for himself, Mrs. DOLE, and Mrs. BOXER)) proposed an amendment to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 310, line 16, after "tribal areas", insert the following: ", and of which $5,000,000 shall be for capacity building activities administered by Habitat for Humanity International".

SA 2184. Mr. BOND (for Mrs. MURRAY) proposed an amendment to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 253, after line 22, insert the following:

"SEC. . Notwithstanding any other provision of law, funds made available to the Federal Railroad Administration for the Spokane Region High Speed Rail Corridor Study on page 1420 of the Joint Explanatory Statement of the Committee of Conference for Public Law 108–447 (House Report 108–792) shall be made available to the Washington State Department of Transportation for track and grade crossing improvements under the Bridging the Valley project between Spokane County, Washington and Kootenai County, Idaho."

SA 2185. Mr. BOND proposed an amendment to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 383, strike line 21 and all that follows through line 6 on page 384.

SA 2186. Mr. BOND (for Mr. NELSON of Florida (for himself and Mr. SMITH)) proposed an amendment to bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 293, after line 25, insert the following:

SEC. 221. It is the sense of Congress that the Secretary of the Treasury should place al-Manar, a global satellite television operation, on the Specially Designated Global Terrorist list.

SA 2187. Mr. BOND (for Mr. LOTT (for himself and Mr. LAUTENBERG)) proposed an amendment to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 250, line 9, strike "*Provided*, That," and all that follows through page 252, line 17, and insert "*Provided*, That the Corporation may impose a passenger service surcharge on each ticket issued equivalent to 5 percent of the value of said ticket for all tickets issued for travel in the Northeast Corridor, or route segment, between Washington, DC and Boston, MA and equivalent to 2 percent of the value of said ticket price for all tickets issued for travel on a route outside the Northeast Corridor, the proceeds of which shall be used for capital investments: *Provided further*, That the Corporation shall not impose said surcharge if it finds that such a surcharge shall have a deleterious impact on ridership and revenues: *Provided further*, That of the funds provided under this section, not less than $5,000,000 shall be expended for the development and implementation of a managerial cost accounting system, which includes average and marginal unit cost capability: *Provided further*, That within 30 days of development of the managerial cost accounting system, the Department of Transportation Inspector General shall review and comment to the Secretary of Transportation and the House and Senate Committees on Appropriations, upon the strengths and weaknesses of the system and how it best can be implemented to improve decision making by the Board of Directors and management of the Corporation.".

SA 2188. Mr. BOND (for Mr. LAUTENBERG) proposed an amendment to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 227, line 7, strike the period and insert the following: ": *Provided further*, That not later than December 31, 2015, the owner or operator of an airport certificated under 49 U.S.C. 44706 shall improve the airport's runway safety areas to comply with the Federal Aviation Administration design standards required by 14 CFR part 139: *Provided further*, That the Federal Aviation Administration shall report annually to the Congress on the agency's progress toward improving the runway safety areas at 49 U.S.C. 44706 airports."

SA 2189. Mr. BOND (for Mr. COLEMAN (for himself, Mr. DAYTON, and Mr. DEWINE)) proposed an amendment to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ___. ALL-TERRAIN VEHICLES.

(a) In General.—Notwithstanding any other provision of law, it is unlawful for any manufacturer or wholesale distributor to distribute in commerce in the United States any new assembled or unassembled ATV unless—

(1)(A) with respect to an ATV designed for use by single operator only, such ATV complies with any applicable provision of—

(i) the American National Standard for Four Wheel All-Terrain Vehicles - Equipment, Configuration, and Performance Requirements developed by the Specialty Vehicle Institute of America (American National Standard ANSI/SVIA-1-2001);

(ii) a revision of such Standard; or

(iii) a mandatory rule promulgated by the Consumer Product Safety Commission; or

(iv) such alternative standard that may be accepted by the Commission;

(B) with respect to an ATV designed for use by an operator and passengers, such ATV complies with any applicable provisions of any future American National Standard developed for such vehicles or such alternative standard that may be accepted by the Commission;

(2) with respect to an ATV, it is subject to or covered by a letter of undertaking or an ATV action plan that is sent not more than 30 days after the date of enactment of this Act—

(A) applies to such ATV;

(B) includes actions to promote ATV safety; and

(C) has been approved by the Commission and is substantially implemented at the time of the distribution in commerce of such ATV; and

(3) such ATV bears a permanent label certifying that it complies with the provisions of paragraphs (1) and (2).

(b) Definitions.—In this section:

(1) ATV.—The term "ATV" means any motorized, off-highway, all-terrain vehicle designed to travel on 4 wheels, having a seat designed to be straddled by the operator and handlebars for steering control and does not include a prototype of an motorized, off-highway, all-terrain vehicle or other off-highway, all-terrain vehicle that is intended exclusively for research and development purposes.

(2) Commission, distribution in commerce, to distribute in commerce, United States.—The terms "Commission", "distribution in commerce", "to distribute in commerce", and "United States" have the meaning given those terms in section 3(a) of the Consumer Product Safety Act (15 U.S.C. 2052(a)).

(c) Violation of CPSA.—Any violation of subsection (a) shall be considered to be a prohibited act within the meaning of section 19 of the Consumer Product Safety Act (15 U.S.C. 2068) and shall be subject to the penalties and remedies available for prohibited acts under the Consumer Product Safety Act.

(d) Effective Date.—This section shall become effective 90 days after the date of the enactment of this Act.

SA 2190. Mr. BOND (for Mr. Coburn) proposed an amendment to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 406, between lines 7 and 8, insert the following:

SEC. 724. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT RISK ASSESSMENT.

(a) Estimate.—The Secretary of Housing and Urban Development shall estimate improper payments for the community development block grant program under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.) pursuant to section 2 of the Improper Payments Information Act of 2002 (Public Law 107-300).

(b) Report.—Not later than 60 days after the date of enactment of this section, the Secretary shall report to Congress on specific actions taken to estimate improper payments in the community development block grant program to comply with section 2 of the Improper Payments Information Act of 2002, including a schedule for full compliance with such Act within fiscal year 2006.

(c) Failure to Report.—If the Secretary fails to report to Congress on specific actions taken to estimate improper payments as required under subsection (b), funds for the community development block grant program shall be halted until such report is submitted.

SA 2191. Mr. REED submitted an amendment intended to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 348, between lines 5 and 6, insert the following:

SEC. 321. EMERGENCY ASSISTANCE FOR UNANTICIPATED INCREASES IN UTILITY RATES.

(a) Public Housing Agencies.—

(1) In general.—To address unanticipated increases in utility rates, there are appropriated $362,000,000, to public housing agencies for the operation and management of public housing, as authorized under section 9(e) of the United States Housing Act of 1937 (42 U.S.C. 1437g(e)).

(2) Distribution of funds.—Public housing agencies shall be entitled to reimbursement for utility cost increases from funds made available under paragraph (1), upon submission of proof to the Secretary of such increases.

(b) Section 8 Residents.—

(1) In general.—To address unanticipated increases in utility rates, there are appropriated $498,000,000, to be available to residents receiving tenant-based rental assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f).

(2) Distribution of funds.—Public housing agencies administering tenant-based rental assistance under section 8 shall be entitled to additional funds made available under paragraph (1) to provide for utility allowance increases for section 8 participants upon submission of proof to the Secretary of such utility allowance cost increases.

(3) Payment standard.—The payment standard limitation under section 8(o)(1) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(1)) may be exceeded without prior approval by the Secretary in instances where an increase in the utility allowance of a resident under paragraph (1) causes the assistance needs of that resident to rise above such limit.

(c) Emergency Designation.—The amounts appropriated under subsections (a) and (b) are designated as an emergency requirement under section 402 of H. Con. Res. 95 (109th Congress).

SA 2192. Mr. BINGAMAN (for himself and Mr. Akaka) submitted an amendment intended to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 290, between lines 14 and 15, insert the following:

Sec. . Of the funds made available by this Act to the Internal Revenue Service, not less than $10,000,000 shall be available for grants to provide matching funds for the development, expansion, or continuation of not-for-profit and volunteer tax return preparation clinics serving low-income taxpayers under a program similar to the low-income taxpayer clinics program under section 7526 of the Internal Revenue Code of 1986.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. BOND. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on October 20, 2005, at 10 a.m. to conduct a hearing on "Implementation of the Exon-Florio Amendment and the Committee on Foreign Investment in the United States."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. BOND. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, October 20, 2005, at 10 a.m., on Domestic Passenger and Freight Rail Safety.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. BOND. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, October 20, 2005, at 2 p.m., on pending Committee business. Senate Commerce Committee Chairman Ted Stevens, R-Alaska, and Co-Chairman Daniel Inouye, D-Hawaii, have rescheduled this week's Full Committee markup for Thursday, October 20, 2005 at 2 p.m., previously scheduled for Wednesday, October 19, 2005, at 2:30 p.m. The mark-up is open to the public. A location for this mark-up will be announced when available. Following is the agenda, not necessarily in order of consideration: S. ____, The DTV bill; S. 1753, The Warning, Alert, and Response Network Act; S. 967, The Truth in Broadcasting Act of 2005; and S. 1063, The IP—Enabled Voice Communications and Public Safety Act of 2005.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BOND. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, October 20 at 2:30 p.m. The purpose of this hearing is to receive testimony on S. 1016, to direct the Secretary of Energy to make incentive payments to the owners or operators of qualified desalination facilities to partially offset the cost of electrical energy required to operate the facilities, and for other purposes; and S. 1860, to amend the Energy Policy Act of 2005 to improve energy production and reduce energy demand through improved use of reclaimed waters, and for other purposes.

COMMITTEE ON FOREIGN RELATIONS

Mr. BOND. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, October 20, 2005, at 9:30 a.m. to hold a hearing on Nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. BOND. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to hold a hearing during the session of the Senate on Thursday, October 20, 2005 at 2 p.m. in SD-430.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. BOND. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet on Thursday, October 20, 2005, at 9:30 a.m. for a hearing titled, "Hurricane Katrina in New Orleans: A Flooded City, a Chaotic Response."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. BOND. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, October 20, 2005, at 9:30 a.m. in Senate Dirksen Office Building Room 226.

Agenda

I. Nominations

Susan Neilson to be U.S. Circuit Judge for the Sixth Circuit;

John Richard Smoak to be U.S. District Judge for the Northern District of Florida;

Brian Edward Sandoval to be U.S. District Judge for the District of Nevada.

Harry Sandlin Mattice, Jr. to be U.S. District Judge for the Eastern District of Tennessee;

Margaret Mary Sweeney to be a Judge of the United States Court of Federal Claims;

Thomas Craig Wheeler to be a Judge of the United States Court of Federal Claims;

Wan Kim to be an Assistant Attorney General, Civil Rights Division;

Steven G. Bradbury to be an Assistant Attorney General for the Office of Legal Counsel;

Sue Ellen Wooldridge to be an Assistant Attorney General, Environment and Natural Resources Division; and

Thomas O. Barnett to be an Assistant Attorney General, Antitrust Division.

II. Bills

S. 1088, Streamlined Procedures Act of 2005, Kyl, Cornyn, Grassley, Hatch;

S. 1789, Personal Data Privacy and Security Act of 2005, Specter, Leahy, Feinstein, Feingold;

S. 751, Notification of Risk to Personal Data Act, Feinstein, Kyl;

S. 1326, Notification of Risk to Personal Data Act, Sessions;

S. 1086, A Bill to Improve the National Program to Register and Monitor Individuals Who Commit Crimes Against Children or Sex Offenses, Hatch, Biden, Schumer;

S. 956, Jetseta Gage Prevention and Deterrence of Crimes Against Children Act of 2005, Grassley, Kyl, Cornyn;

S. 1699, Stop Counterfeiting in Manufactured Goods Act, Specter, Leahy, Hatch, DeWine, Cornyn, Brownback, Feingold;

S. 1095, Protecting American Goods and Services Act of 2005, Cornyn, Leahy;

H.R. 683, Trademark Dilution Revision Act of 2005, Smith—TX;

S. 443, Antitrust Criminal Investigative Improvements Act of 2005, DeWine, Kohl, Leahy;

S. 1787, Relief to Victims of Hurricane Katrina and Other Natural Disasters Act of 2005, Vitter, Grassley, Cornyn, DeWine;

S. 1647, Hurricane Katrina Bankruptcy Relief and Community Protection Act of 2005, Feingold, Leahy, Durbin, Kennedy, Feinstein; and

S. , Budget Reconciliation [Chairman's Mark].

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. BOND. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Thursday, October 20, 2005, for a committee hearing titled "IT Management by the VA: Is it Ready for the 21st Century?"

The hearing will take place in room 418 of the Russell Senate Office Building at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. BOND. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on October 20, 2005 at 2:30 p.m. to hold a closed briefing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON NEAR EASTERN AND SOUTH ASIAN AFFAIRS

Mr. BOND. Mr. President, I ask unanimous consent that the Subcommittee on Near Eastern and South Asian Affairs be authorized to meeting during the session of the Senate on Thursday, October 20, 2005, at 2:30 p.m. to hold a hearing on U.S. Foreign Policy, Petroleum, and the Middle East.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON THE CONSTITUTION, CIVIL RIGHTS AND PROPERTY RIGHTS

Mr. BOND. Mr. President, I ask unanimous consent that the Subcommittee on the Constitution, Civil Rights and Property Rights be authorized to meet to conduct a hearing on "An Examination of the Constitutional Amendment on Marriage" on Thursday, October 20, 2005 at 2 p.m. in SD226.

Witness List:

Panel I: Scott FitzGibbon, Professor of Law, Boston College, Boston, MA; Christopher E. Harris, M.D., Assistant Professor of Pediatrics, Vanderbilt University School of Medicine, Nashville, TN; Louis Michael Seidman, John Carroll Research Professor of Law, Georgetown University Law Center, Washington, DC; Richard Wilkins, Professor of Law, Brigham Young University, Provo, UT; Christopher Wolfe, Professor of Political Science, Marquette University, Milwaukee, WI.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENT OF CONFEREES—H.R. 3058

The PRESIDING OFFICER. The Chair appoints Mr. Bond, Mr. Shelby, Mr. Specter, Mr. Bennett, Mrs. Hutchison, Mr. DeWine, Mr. Brownback, Mr. Stevens, Mr. Domenici, Mr. Burns, Mr. Allard, Mr. Cochran, Mrs. Murray, Mr. Byrd, Ms. Mikulski, Mr. Reid of Nevada, Mr. Kohl, Mr. Durbin, Mr. Dorgan, Mr. Leahy, Mr. Harkin, Ms. Landrieu, and Mr. Inouye conferees on the part of the Senate.

Mr. FRIST. For the purposes of the Transportation, Treasury appropriations, I ask consent that the following Members be considered as conferees for Division A of the bill: Mr. Bond, Mr.

SHELBY, Mr. SPECTER, Mr. BENNETT, Mrs. HUTCHISON, Mr. DEWINE, Mr. BROWNBACK, Mr. STEVENS, Mr. DOMENICI, Mr. BURNS, Mr. COCHRAN, Mrs. MURRAY, Mr. BYRD, Ms. MIKULSKI, Mr. REID, Mr. KOHL, Mr. DURBIN, Mr. DORGAN, Mr. LEAHY, Mr. HARKIN, and Mr. INOUYE.

I further ask consent that the following members be considered as conferees for Division B of the bill: Mr. BROWNBACK, Mr. DEWINE, Mr. ALLARD, Mr. COCHRAN, Ms. LANDRIEU, Mr. DURBIN, Mr. INOUYE.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURES READ THE FIRST TIME—S. 1904, H.R. 554

Mr. FRIST. I understand there are two bills at the desk and I ask for their first reading, en bloc.

The PRESIDING OFFICER. The clerk will read the bills by title.

The legislative clerk read as follows:

A bill (S. 1904) to provide elementary and secondary education assistance to students in schools impacted by Hurricane Katrina.

A bill (H.R. 554) to prevent legislative and regulatory functions from being usurped by civil liability actions brought or continued against food manufacturers, marketers, distributors, advertisers, sellers, and trade associations for claims of injury relating to a person's weight gain, obesity, or any health condition associated with weight gain or obesity.

Mr. FRIST. I now ask for a second reading in order to place the bills on the calendar, and under the provisions of rule XIV, I object to my own request en bloc.

The PRESIDING OFFICER. The bills will be read a second time on the next legislative day.

RELIEF FOR DISPLACED STUDENTS

Mr. ENZI. Mr. President, I join my colleagues in the introduction of a bill to continue our efforts to provide relief for the school children whose lives have been uprooted by Hurricane Katrina and for the all of the schools that were affected by the storm—those along the gulf coast and those who have generously taken in displaced students across the country.

I would first like to thank my colleagues, Senator ALEXANDER, Senator KENNEDY, and Senator DODD, who have joined me today to explain our intent in crafting this legislation.

I am pleased that we were able to work together to develop and introduce this bipartisan compromise. The bill provides relief for displaced students in a time of crisis, without opening political or ideological battles.

Mr. KENNEDY. Will the distinguished Senator yield?

Mr. ENZI. Of course.

Mr. KENNEDY. Mr. President, I commend our Chairman, Senator ENZI, for his leadership throughout this process. The hearings and meetings he convened to enable us to hear directly from the persons most affected by the devastation of Hurricane Katrina have been invaluable to the development of this bipartisan legislation.

I also commend Senator ALEXANDER and Senator DODD for their leadership in working with us to draft this one-time, temporary impact aid for displaced students attending public and nonpublic schools. We all agree that all displaced students deserve help in continuing their education, and we all agree on the extraordinary circumstances and unprecedented scope of this disaster.

The aid provided by this bill flows through the public school system to ensure greater accountability for the money. It enables these schools to make payments to accounts set up for displaced students in nonpublic schools, as well, which can then use those funds to provide services to the displaced students enrolled in their schools.

Mr. ALEXANDER. Will the Senator yield?

Mr. KENNEDY. Certainly.

Mr. ALEXANDER. Mr. President, I would also like to thank my colleagues for working together to craft this temporary emergency program to provide one-time assistance to all displaced school children in public and nonpublic schools. I am also pleased that we were able to develop this legislation in a way that provides financial assistance for all displaced school children without getting into ideological battles.

Mr. DODD. Will the Senator yield?

Mr. ALEXANDER. Of course.

Mr. DODD. Mr. President, I cannot underscore enough what my colleagues have already stated—that this is a one-time, emergency aid program. All of the authors of the bill have agreed that next school year, in terms of assistance to nonpublic schools, we will go back to the way things are done today. We are reaching out to all of the students affected by Katrina here, no matter what type of school they attend, because it makes sense under these extraordinary conditions, because it gets kids back on their feet as quickly as possible. In no way is this bill meant to undermine or amend current law or set any type of precedent for future legislation.

Mr. ENZI. Will the Senator yield?

Mr. DODD. Of course.

Mr. ENZI. Mr. President, I would just like to echo the sentiments of the senior Senator from Connecticut. We have all agreed and have explicitly stated in the bill, that the level and type of assistance we are providing to both public and nonpublic schools is being authorized solely because of the unprecedented nature of the crisis, the massive dislocation of students, and the short duration of the assistance.

Mr. ALEXANDER. Will the Senator yield?

Mr. ENZI. Certainly.

Mr. ALEXANDER. Mr. President, as you know, Hurricane Katrina had a devastating and unprecedented impact on students and schools not only in the disaster areas, but across the country. There are over 45,000 displaced students enrolled in Texas schools and over 3,900 enrolled in schools in my home State of Tennessee. This is an unprecedented situation, and it requires an appropriate response for students in public and nonpublic schools. But that response must be a temporary, one-time only program to address the particular needs of this situation, and that is what this bill accomplishes. It is not intended to set a precedent for anything except another disaster in which over 370,000 school children are displaced. Katrina did not discriminate among schoolchildren, and neither should we.

Mr. KENNEDY. Would the Senator yield for a question?

Mr. ALEXANDER. Of course.

Mr. KENNEDY. Mr. President, I agree with the sentiments of my colleagues and want to point out that we have clearly stated in the bill our intentions with regard to the temporary nature of this program. Would the Senator from Tennessee please explain the provisions we have included to ensure that the program is not extended?

Mr. ALEXANDER. Certainly. The bill creates one-time only emergency aid for the 2005–2006 school year. The bill explicitly states that the funds provided can only be used for expenses incurred during the current school year, and the entire bill sunsets on August 1, 2006.

Mr. KENNEDY. I thank the Senator from Tennessee. Would the Senator yield for a follow-up question?

Mr. ALEXANDER. Yes.

Mr. KENNEDY. Isn't it true that in addition to these provisions in the bill, we have all agreed to stand together against attempts to extend this program beyond this school year or beyond this context?

Mr. ALEXANDER. Yes, that is true.

Mr. ENZI. Will the Senator yield?

Mr. ALEXANDER. Yes.

Mr. ENZI. Mr. President, as my colleagues and I have made clear, we have come together in a spirit of bipartisan compromise to accomplish a common goal. This bill will provide the relief necessary to support the instruction and services that students displaced by this terrible storm need in order to continue their education, regardless of whether it was a public school or a nonpublic school that opened its doors to a given student. Mr. President, we hope that our colleagues in the Senate will work quickly with us to pass this bill and put these to work providing an education to our children as soon as possible.

Mr. President, today I join my colleagues Senators ALEXANDER, KENNEDY and DODD in the introduction of the

Hurricane Katrina Elementary and Secondary Education Recovery Act.

This bill is a comprehensive legislative approach to address the needs of the hundreds of thousands of students who have been displaced by Hurricane Katrina. We have developed a bill that includes strategies to meet the immediate needs of those students, families and communities that have been affected by the heavy toll that Hurricane Katrina exacted from the gulf region, and the States that have responded with help.

My top concern was to make sure that all the displaced students get back into school so that they can continue their education. Returning to school gives children a sense of routine that is important in assuring them that things will return to normal. School provides them with access to a support system of friends and teachers, which is invaluable as they and their families continue to come to grips with the aftereffects of the storm.

With this bill we have attempted to address the needs that have been identified by the impacted communities directly affected by the storm as well as by those communities across the country that received the displaced students. The bill provides support for all displaced students, ensures accountability, and is fiscally responsible.

In addition to the support for displaced students in both public and nonpublic schools, the bill includes provisions for supplemental services, restart services for schools in the most heavily impacted states, teacher and paraprofessional reciprocity, and assistance for homeless youth and displaced adolescent students. This bill is a bipartisan product that reflects what we heard from over 100 representatives of the education community and what we saw firsthand in the areas devastated by the storm.

This is a daunting task as we have limited resources, but are faced with an almost unlimited need. We must focus our efforts on ensuring that the educational needs of the children affected by this unprecedented emergency are addressed. I believe that this legislation achieves that goal.

Mr. KENNEDY. Mr. President, we need to address the urgent school needs of the hundreds of thousands of children affected by the deadly storm that hit the gulf coast, and the bill that Senator ALEXANDER, Senator DODD, Chairman ENZI and I have introduced will begin to do so.

As we continue to see images of Hurricane Katrina and Hurricane Rita and the troubled process of rebuilding along the gulf coast, we are reminded that we are all part of the American family, and we have a responsibility to help members of that family when they are in need.

Part of that responsibility is to do all we can to see that children and youth do not lose a year of their education. Hundreds of thousands of school children attended classes in buildings that have been damaged or destroyed. In Mississippi, 271 schools have been damaged; and in Louisiana over 130,000 students have been affected. Hurricane Katrina alone displaced 372,000 children, and damaged or destroyed 700 schools. Our legislation will provide urgently needed resources to help these schools get back on track and help these displaced students to resume their education, wherever they've temporarily landed.

People across the country have opened their homes. Communities have opened their schools. We owe a great debt of gratitude to all the principals and superintendents who stepped up to the plate so quickly.

But they need realistic help from Congress as they struggle to accommodate these students. We need to do all we can to assist already hard-pressed schools as they attempt to meet the massive new challenge of including hundreds or thousands of new students in their local schools.

This bill will provide the relief necessary to support the instruction, after-school programs, and other school services the students need, when everything in their lives has been turned upside-down. It provides needed funding to help schools on the gulf coast to reopen soon, so that these children can return to their own schools as quickly as possible.

The bill provides $900 million for special school reopening grants for affected districts. These grants will supplement FEMA funding to assure effective use of Federal funds. They can be used to re-purchase textbooks and instructional materials, establish temporary facilities while repairs are being made, help reestablish the data that was destroyed, and pay the salaries of teachers and other personnel who are working to reopen these schools.

The bill also provides $2.4 billion to help ease the temporary transition of students into new school districts and relieve the financial burden on these schools through one-time emergency impact aid for receiving districts. Districts will report the number of affected public and private school students they have enrolled, including students with special needs, and receive supplemental aid in quarterly payments, for a maximum of $6,000 a pupil, or $7,500 a pupil for those with disabilities.

These funds will be used to help the districts cover the additional costs they have incurred as a result of enrolling displaced students, and can be used for purposes such as supporting basic instruction, purchasing educational materials and supplies, and helping schools temporarily expand facilities to avoid overcrowding.

Given the extraordinary circumstances and unprecedented scope of this disaster, we need to support the families whose lives have been destroyed by this storm by helping them to continue their children's education. We should do so even if their children ended up in a private school. But we must do so in a way that is non-ideological and responsible.

Our bill is a bipartisan compromise to support children who enrolled in the private schools that opened their doors to students displaced by Katrina. Through this temporary, one-time emergency impact aid, funds will go to public school districts, which will make payments on behalf of dislocated children enrolled in private schools in their area.

Under current law, Federal funding is available in certain circumstances to support the education of disadvantaged and disabled students in private schools. Our bill follows that model, which will expedite relief to affected families and provide accountability for public funds.

The aid provided by the bill flows through the public school system, not to parents. States must establish income eligibility criteria for aid to students enrolled in private schools. Under the bill, the public school makes payments to an account set up for displaced students in a private school. The private schools can then access those funds to provide services on behalf of the displaced students enrolled in their schools.

Our bill contains strong civil rights protections. Schools that participate in the program are not allowed to discriminate in enrollment on the basis of race, color, national origin, disability, or sex. The bill explicitly states that existing civil rights laws apply to recipients of these funds, and it prohibit Federal funds from being used for religious purposes.

The bill explicitly states that this type and level of aid to public and private schools is being provided only because of the unprecedented circumstances and massive dislocation of students caused by the hurricanes. As sponsors of the bill, we agree that this will be a temporary program, and that it is not intended to be a precedent for anything except another disaster in which over 370,000 school children are displaced.

The bill sunsets at the end of the school year, and funds provided can be used only for expenses incurred during the 2005–2006 school year.

The bill also includes $100 million for after-school programs and supplemental services for displaced children, and $50 million to help children who are newly homeless as a result of the hurricane.

In addition, the bill creates a new one-year authority for a program for high school juniors and seniors. Grants will go to state and local education agencies alone, or in partnership with colleges and community-based organizations, to offer alternative programs that provide instruction, test preparation and assistance with college applications, and job readiness skills.

Our bill will relieve the immediate and short term needs of these schools and children. But we may need to do more to help the communities along the gulf coast rebuild. We must ensure that schools and communities have adequate resources to meet their construction needs, and we must ensure that communities are able to bring their quality teachers and workforce back home. As the process of rebuilding moves forward, we will continue to look for ways the Federal Government can help make these communities better than ever.

Our bill is a bipartisan, compromise that will give relief to schools and children as soon as possible. I urge Congress and the administration to enact this legislation as soon as possible, so that these funds can do their job. The children and schools affected by the hurricanes cannot wait any longer.

Mr. ALEXANDER. Mr. President, Hurricane Katrina displaced more than 1 million people, at least 20 times more than in any other disaster handled by the Federal Emergency Management Agency, and 372,000 of those displaced by Katrina are school-aged children, in kindergarten through the 12th grade. According to the U.S. Department of Education, schools in 49 States and the District of Columbia have opened their doors to help these children.

The legislation that Senators ENZI, KENNEDY, DODD and I introduce today will help all of Katrina's 372,000 displaced school children. Katrina did not discriminate among school children, and neither do we. We propose providing up to $6,000 per student during this school year to help States, school districts and schools defray the costs of receiving any child displaced by Katrina. In the case of children with disabilities, the maximum amount will be $7,500 per student. This legislation will help children attending both public and nonpublic schools. Our bill is temporary, one time impact aid, makes no permanent change Federal education laws and will not be extended after this school year. It minimizes costs by making payments quarterly, taking into account the fact that during the year many children are returning to their home communities.

It also requires the Secretary of Education to verify head counts of students eligible for aid, and the States must return to the U.S. Treasury any unused funds. States, as part of their application process, will be able to look at the income of families attending nonpublic schools when determining what aid should be available, although it is my strong hope that in doing this, the States will remember that almost any displaced family is suffering hardship and that burdensome means testing requirements could slow down much needed humanitarian help.

Nine States have received more than a thousand of these displaced students, with the largest number being in Louisiana and Mississippi, the two States most heavily damaged by Katrina. In addition, Texas has enrolled as many as 60,000 students. Houston Independent School District, which has enrolled roughly 4,700 displaced students, has hired 180 new teachers, added 37 new bus routes and ordered about 10,000 new textbooks to accommodate the students. Georgia has accepted more than 9,000 students, Alabama almost 5,400 students, and my home State of Tennessee has enrolled almost 4,000 students.

While most of these children are in public schools, private schools have also been essential to this humanitarian effort. This should not surprise us because in the four Louisiana parishes hit the hardest by Katrina nearly one third or 61,000 of the 187,000 students attended nonpublic schools. According to the Department of Education, immediately after the hurricane, 50,000 students from the Catholic Archdiocese of Greater New Orleans were displaced. In Texas 4,000 of the 60,000 displaced students enrolled in private schools. In Tennessee, about 3,500 were in public schools and 500 in nonpublic schools.

In Baton Rouge according to a report on National Public Radio, immediately after the hurricane there were suddenly 5,000 to 10,000 displaced private school students who had no school to attend. To accommodate them, the Catholic Diocese in Baton Rouge struggled to establish satellite schools—some located great distances away—which these students attended at night.

In Memphis, where so many displaced students have gone, the willingness of private schools to accept these students is an enormous help to overcrowded public schools. The Memphis City schools have enrolled over 650 students and the adjacent Shelby County Public School District has enrolled over 600 new children, a difficult burden in a school system already growing by 1,000 students and one new school building each year. The Memphis Catholic Diocese has enrolled over 250 students to help share the load.

During the last 6 weeks, some of these children are returning home as schools reopen. But severe problems of displacement remain. For example, school officials in Baton Rouge and Livingston, LA, expect to receive a new influx of children moving to shelters in Houston and other locations. The schools in the three hardest hit parishes—Orleans, St. Bernard and Plaquemines—enrolled 81,196 public and 27,886 private and religious school students. Many of these schools are expected to remain closed for the entire school year.

In additional to helping all of Katrina's displaced school children, in fashioning this proposal we have sought to respect traditional State and local education prerogatives, to meet Federal constitutional requirements, to make the provisions simple enough that this aid could be administered quickly, and to avoid spending more taxpayer dollars than absolutely necessary.

This is how our proposal would work. To begin with, a State would submit to the U.S. Department of Education an application identifying the number of Katrina displaced students attending public schools, Bureau of Indian Affairs—BIA—schools, and nonpublic schools in that State. The application will also describe the process for establishing and providing payments to student accounts for displaced students at nonpublic schools. After receiving Federal dollars, States would in turn make payments to school districts based upon the number of displaced students temporarily enrolled in public schools or nonpublic schools in that district. These payments would be up to $6,000 annually for each displaced student, except that for students receiving IDEA services the total payment would be as much as $7,500.

In the case of students enrolled in nonpublic schools, school districts would make payments to student accounts on behalf of each such displaced student. The amount of the payment to each of these student accounts would be the same as that for each student enrolled at a public school unless the tuition, fees, or transportation expenses for the nonpublic student are less than $6,000, or $7,500 in the case of a student receiving IDEA services.

This has not been an easy piece of legislation to write because the four of us do not agree on whether or how Federal dollars should follow children to private schools, including religious schools. But we do agree that there must be a one-time, temporary solution to help all of Katrina's displaced children. Therefore, we have found a way to create this one-time temporary impact aid that makes no permanent change in Federal education law and, insofar as we are concerned establishes no precedent—except perhaps for some other hurricane that displaces 372,000 children.

In other words, we have set aside disputing our ideological differences for another day and hope that our colleagues will do the same. We have done this in the spirit suggested by a Washington Post editorial last month which appeared shortly after the hurricane:

> Just as it's important not to sneak in an enormous new federal program for ideological reasons, it's also important that neither Democrats, teachers unions nor anyone else

> rule out for ideological reasons what could be a useful tool for distributing relief funds. There could be pragmatic reasons to put displaced students in private or parochial schools: if, say, school districts are overcrowded, if students have special needs or if that happens to be where they ended up. So it might make sense to attach a sum to each student—whether it's called a voucher or something else—as long as that sum is given out in a limited number of places and for a limited time, certainly not longer than the current school year.
>
> . . . any solution that would allow students to finish the year with a minimum of fuss and disruption to themselves and their families, and that would prevent school districts in Texas and elsewhere from unduly burdened, should be welcomed.

If each of us maintains our traditional positions, there would be no way to help all of Katrina's displaced children. There was nothing traditional about what happened in Hurricane Katrina. We urgently need to help all children on a one-time, emergency basis.

Mr. DODD. Mr. President, I support the Hurricane Katrina Elementary and Secondary Education Recovery Act introduced by myself, Senator ENZI, Senator KENNEDY and Senator ALEXANDER. This bill will provide much needed relief to the children, families and schools devastated by Hurricane Katrina.

Hundreds of thousand of children have been displaced by this disaster. Schools across the country are taking students in offering them some sense of normalcy in an otherwise abnormal situation. We have heard stories of schools all over the country that have opened their doors to new students, including schools in Connecticut. These collective examples point to our education system as an integral part of our communities. Better than any other entity, schools know that children need a safe place to develop and learn in the wake of disaster.

Among the provisions today, is one that will provide financial assistance for displaced students regardless of where they go to school. Public and nonpublic schools will receive assistance that can be used to pay for additional personnel, curricular materials, portable classrooms and even health and mental health services as long as the services provided are secular and neutral in nature and are not used for religious instruction, indoctrination or worship.

This is not a voucher bill. Through a number of mechanisms, this bill maintains public control of public dollars. This bill prohibits Federal dollars from going to religious instruction. And, this bill preserves civil rights protections.

Most important, this bill is temporary in nature. The bill provides temporary emergency impact aid for displaced students. It is temporary in that it sunsets at the end of the current school year, emergency in that it is necessary because of the extraordinary circumstances that we have been presented with, and impact aid as it is assistance for those schools that have been impacted as thousands of children and their families have left the devastated areas.

I cannot underscore this enongh—the provisions in this bill are a departure from Federal law but they are a temporary departure in light of extraordinary events. Next school year, in terms of assistance to nonpublic schools, we will go back to the ways things are. We are reaching out to all students here, today, because it makes sense, because it gets kids back on their feet as quickly as possible. We are not changing the generic laws. As we explicitly state in the bill, the level of assistance we are providing to nonpublic schools is being authorized solely because of the unprecedented nature of the crisis, the massive dislocation of students, and the short duration of the assistance.

FOREIGN SERVICE GRIEVANCE BOARD PROCEDURES

Mr. FRIST. I ask unanimous consent that the Senate proceed to the immediate consideration of S. 1905, introduced earlier today.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1905) to clarify Foreign Service Grievance Board procedures.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. Mr. President, I ask unanimous consent the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1905) was read the third time and passed, as follows:

S. 1905

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION. 1. CLARIFICATION OF FOREIGN SERVICE GRIEVANCE BOARD PROCEDURES.

Section 1106(8) of the Foreign Service Act of 1980 (22 U.S.C. 4136(8)) is amended in the first sentence—

(1) by inserting "the involuntary separation of the grievant (other than an involuntary separation for cause under section 610(a))," after "considering"; and

(2) by striking "the grievant or" and inserting "the grievant, or".

CALLING FOR FREE AND FAIR PARLIAMENTARY ELECTIONS IN THE REPUBLIC OF AZERBAIJAN

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be discharged from further consideration of S. Res. 260 and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 260) calling for free and fair parliamentary elections in the Republic of Azerbaijan.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, I further ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to this measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 260) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 260

Whereas the Republic of Azerbaijan is scheduled to hold elections for its parliament, the Milli Majlis, in November 2005;

Whereas Azerbaijan has enjoyed a strong relationship with the United States since its independence from the former Soviet Union in 1991;

Whereas international observers monitoring Azerbaijan's October 2003 presidential election found that the pre-election, election day, and post-election environments fell short of international standards;

Whereas the International Election Observation Mission (IEOM) in Baku, Azerbaijan, deployed by the Organization for Security and Cooperation in Europe (OSCE) and the Council of Europe, found that there were numerous instances of violence by both members of the opposition and government forces;

Whereas the international election observers also found inequality and irregularities in campaign and election conditions, including intimidation against opposition supporters, restrictions on political rallies by opposition candidates, and voting fraud;

Whereas Azerbaijan freely accepted a series of commitments on democracy, human rights, and the rule of law when that country joined the OSCE as a participating State in 1992;

Whereas, following the 2003 presidential election, the Council of Europe adopted Resolution 1358 (2004) demanding that the Government of Azerbaijan immediately implement a series of steps that included the release of political prisoners, investigation of election fraud, and the creation of public service television to allow all political parties to better communicate with the people of Azerbaijan;

Whereas, since the 2003 presidential election, the Government of Azerbaijan has taken some positive steps by releasing some political prisoners and working to create public service television;

Whereas the United States supports the promotion of democracy and transparent, free, and fair elections consistent with the commitments of Azerbaijan as a participating State of the OSCE;

Whereas the United States is working with the Government of Azerbaijan, the political opposition, civil society, the OSCE, the

Council of Europe, and other countries to strengthen the electoral process of Azerbaijan through diplomatic efforts and nonpartisan assistance programs, including support for international and domestic election observers, voter education and election information initiatives, training for candidates and political parties, and training for judges and lawyers on the adjudication of election disputes;

Whereas the Government of the United States has awarded a contract to conduct exit polling throughout Azerbaijan;

Whereas a genuinely free and fair election requires that citizens be guaranteed the right and opportunity to exercise their civil and political rights, free from intimidation, undue influence, threats of political retribution, or other forms of coercion by national or local authorities or others;

Whereas a genuinely free and fair election requires government and public authorities to ensure that candidates and political parties enjoy equal treatment before the law and that government resources are not employed to the advantage of individual candidates or political parties; and

Whereas the establishment of a transparent, free and fair election process for the 2005 parliamentary elections is an important step in Azerbaijan's progress toward full integration into the democratic community of nations: Now, therefore, be it

Resolved, That the Senate—

(1) calls on the Government of the Republic of Azerbaijan to hold orderly, peaceful, and free and fair parliamentary elections in November 2005 in order to ensure the long-term growth and stability of the country;

(2) calls upon the Government of Azerbaijan to guarantee the full participation of opposition parties in the upcoming elections, including members of opposition parties arrested in the months leading up to the November 2005 parliamentary elections;

(3) calls upon the opposition parties to fully and peacefully participate in the November 2005 parliamentary elections, and calls upon the Government of Azerbaijan to create the conditions for the participation on equal grounds of all viable candidates;

(4) believes it is critical that the November 2005 parliamentary elections be viewed by the people of Azerbaijan as free and fair, and that all sides refrain from violence during the campaign, on election day, and following the election;

(5) calls upon the Government of Azerbaijan to guarantee election monitors from the Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe (OSCE), Azeri political parties, representatives of candidates, nongovernmental organizations, and other private institutions and organizations, both foreign and domestic, unimpeded access to all aspects of the election process;

(6) supports recommendations made by the Council of Europe on amendments to the Unified Election Code of Azerbaijan, specifically to ensure equitable representation of opposition and pro-government forces in all election commissions;

(7) urges the international community and domestic nongovernmental organizations to provide a sufficient number of election observers to ensure credible monitoring and reporting of the November 2005 parliamentary elections;

(8) recognizes the need for the establishment of an independent media and assurances by the Government of Azerbaijan that freedom of the press will be guaranteed; and

(9) calls upon the Government of Azerbaijan to guarantee freedom of speech and freedom of assembly.

ORDERS FOR FRIDAY, OCTOBER 21, 2005

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Friday, October 21. I further ask consent that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate proceed to the immediate consideration of H.R. 3010, the Labor-HHS appropriations bill. I further ask consent that the committee-reported amendment be agreed to as original text for the purpose of further amendment, that no points of order be waived by virtue of this agreement, and that during tomorrow's session the bill be considered for debate only.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. Mr. President, tomorrow the Senate will begin consideration of our final—our final—appropriations bill for this fiscal year. We will not have any rollcall votes during tomorrow's session, and the next vote will occur Monday evening at approximately 5:30. I do want to congratulate Senators BOND and MURRAY for getting the Transportation-Treasury appropriations bill completed today. And I thank all of my colleagues for allowing the Senate to make orderly, steady progress during today's session.

I encourage all Senators to notify the bill managers if they do have amendments to the Labor-HHS appropriations bill as quickly as possible so that we can finish that bill in a timely manner next week.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 9:01 p.m., adjourned until Friday, October 21, 2005, at 9:30 a.m.

EXTENSIONS OF REMARKS

A TRIBUTE TO EUGENE R. McGRATH

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 2005

Mr. TOWNS. Mr. Speaker, I rise today in recognition of Eugene R. McGrath, a distinguished member of the business community.

Mr. Speaker, Eugene R. McGrath is Chairman of the Board and Chief Executive Officer of Consolidated Edison, Inc., the holding company; and Chairman and Chief Executive Officer of its largest subsidiary, Con Edison of New York, the regulated utility. It behooves us to pay tribute to this outstanding leader and I hope my colleagues will join me in recognizing his impressive accomplishments.

Mr. McGrath joined Con Edison of New York as an engineer following college graduation in 1963. He eventually held key executive positions in the utility's major operating and customer service areas and managed fossil-fired and nuclear generating plants. He was elected Vice President in 1978, Executive Vice President in 1982, and President and Chief Operating Officer in 1989. He became Chairman and Chief Executive Officer in September 1990.

Mr. McGrath serves on the board of directors of many organizations that advance economic development, human services, culture and education. He is chairman of the Union Square Partnership; director of AEGIS Insurance Services, Atlantic Mutual Insurance Company, Barnard College, the Business Council of New York State, the Fresh Air Fund, the Hudson River Foundation for Science and Environmental Research, Inc., Manhattan College, the Partnership for New York City, Schering-Plough Corporation, and the Wildlife Conservation Society. He is a member of the Council on Foreign Relations, the Economic Club of New York, the Development Advisory Council for the Lower Manhattan Development Corporation, the National Academy of Engineering, and the Mayor's Fund to Advance New York City.

Within the energy industry, Mr. McGrath is a director of the Edison Electric Institute and a member of the Energy committee of the New York Building Congress.

A native New Yorker, Mr. McGrath earned a mechanical engineering degree from Manhattan College in 1963, a Masters in Business Administration from Iowa College in 1980 and completed the Advanced Management Program at Harvard University in 1989.

Consolidated Edison, Inc., one of the nation's largest investor-owned energy companies, with approximately $10 billion in annual revenues and $24 billion in assets, provides a wide range of energy-related products and services to its customers. Its subsidiaries include Consolidated Edison Company of New York, Inc., Orange and Rockland Utilities, Inc., Con Edison Solutions, Con Edison Energy, Con Edison Development, and Con Edison Communications.

Mr. Speaker, I believe that it is incumbent on this body to recognize the accomplishments and selfless service of Eugene R. McGrath, as he is more than worthy of our recognition today.

RECOGNIZING THE SERVICE OF WESTMINSTER CITY COUNCILMAN DAVE DAVIA

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 2005

Mr. UDALL of Colorado. Mr. Speaker, I rise today to acknowledge the service of out-going Westminster City Councilman Dave Davia.

Although Dave has been on the Council only since 2004, his involvement in the Westminster community began long before then. He has served on the Westminster Human Services Board since December 2002 and became the chair in 2004. Dave also takes part in the Westminster Rotary, Adams County Inter-faith Hospitality Network, Adams County District 50 Community Education Foundation, and the CedarBridge Homeowners Association,

Currently, Dave is employed as a business systems consultant at Wells Fargo. In addition to this he has also served on the Wells Fargo Education Committee and the Wells Fargo Bank Cup Committee.

As a Westminster City Councilman, Dave's focus has been on diversifying the city's tax base, redeveloping blighted areas, monitoring water supply and responding to growth through participation in transportation projects for the city. He has been vigilant in his quest for these projects and has gained a well-deserved reputation for expertise and thoughtfulness.

Mr. Speaker, in addition to recognizing the ethic of public service among other Westminster City Council members, I ask my colleagues to join with me in acknowledging Mr. Dave Davia.

We often debate and pass legislation at the Federal level that has far-reaching, significant, and sometimes unintended consequences, for local governments. That is one reason I believe it is so important to recognize and honor the men and women who work hard by holding office at the county and municipal level. Many of these individuals are among the best and brightest public policy advocates in our country, but they are not always recognized for the long hours, minimal pay, and difficult work they undertake.

Dave Davia is one of these people. He has worked hard on behalf of the people in his community and I wish him every success in the future.

RECOGNIZING BRANDON K. SNEED

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 2005

Mr. ROGERS of Alabama. Mr. Speaker, Sergeant First Class Brandon K. Sneed, 33, originally of Norman, Oklahoma, died on October 10, 2005, in Iraq. Sergeant First Class Sneed was assigned to B Company, 1st Battalion, 30th Infantry Regiment, 3rd Infantry Division, at Fort Benning, Georgia. According to initial reports, Sergeant First Class Sneed died when an improvised explosive device detonated near his military vehicle. His survivors include his wife, children, and parents.

Brandon Sneed was a devoted husband and father and was eager to serve his country, Mr. Speaker. Like every other soldier, he dutifully left behind his family and loved ones to serve our country overseas.

Words cannot express the sense of sadness we have for his family, and the gratitude our country feels for his service. Sergeant First Class Sneed died serving not just the United States, but the entire cause of liberty, on a noble mission to help spread the cause of freedom in Iraq and liberate an oppressed people from tyrannical rule. He was a true American.

We will forever hold him closely in our hearts, and remember his sacrifice and that of his family as a remembrance of his bravery and willingness to serve. Thank you, Mr. Speaker, for the House's remembrance on this mournful day.

IN REMEMBRANCE OF JOHN TUCKER

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 2005

Mr. GENE GREEN of Texas. Mr. Speaker, I rise today to extend my deepest sympathies to the family, friends, and colleagues of John Tucker, a constituent and citizen of Baytown, Texas, who passed away September 25, 2005, at the age of 83.

Born in Victoria County, Mr. Tucker served in the Army Air Corps as a gunnery instructor during World War II. He also served in Japan during the Korean War. After the war, he went to work for ExxonMobil, where he stayed for 33 years, retiring in 1980.

But it is not only his distinguished careers in the Armed Forces and at ExxonMobil that I wish to honor today. John Tucker's service to

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

the community of Baytown as one of its greatest philanthropists is also worthy of our recognition. Mr. Tucker established and chaired the "Friends of Lee College" organization with 14 of his friends in 1986. In 2000, he raised over a million dollars for the college for an admirable purpose: to establish a childcare center at the college so that single mothers could attend classes and finish their educations. These are just two examples of the many acts of generosity and kindness he performed for the citizens of Baytown. He also served as board chair for the Baytown Museum and served on the boards of the American Diabetes Association, the Lee College Foundation, the Hospice Advisory, and the Texas Exes of Baytown, receiving several awards from these organizations in recognition of his service.

Honored as the 1999 Baytown Sun Citizen of the Year and the 2001 ExxonMobil Refiner of the Year, Mr. Tucker was best known for his uncanny fundraising abilities, his exceptionally happy demeanor, and his dedication to his family, especially his wife Jane.

He will be greatly missed by the citizens of Baytown and all those who knew him, and I ask that you remember the Tucker family in your thoughts and prayers.

RECOGNIZING WORLD WAR II AND KOREAN WAR VETERAN ARTHUR NIELSON

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 2005

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to recognize Arthur Neilson, a proud veteran who served during both World War II and the Korean War.

Within two days of the Japanese bombing of Pearl Harbor, Mr. Neilson volunteered to serve and defend America. During his eight years in the Marines, Mr. Neilson served in the Solomons, Bismarck Island and the Philippines.

Following his retirement from the Marines in 1949, Mr. Neilson once again answered the call to duty and volunteered to join the Army in 1950. Deployed to Korea, Mr. Neilson was wounded by North Korean soldiers during a gun battle. Hiding in a foxhole and covered only by a tarp, Mr. Neilson hid from the approaching North Korean troops and the massive snowfall that enveloped his hiding spot.

Suffering from the gunshot wound and frostbite, Mr. Neilson was eventually saved by passing American troops. For his sacrifices over his twenty-five year military career, some of Mr. Neilson's awards include the Purple Heart, three Bronze Stars and the Combat Infantryman Badge.

I know that Mr. Neilson's wife of more than 50 years, Joyce, and their four children are extremely proud of the career and accomplishments of Mr. Neilson. They have traveled throughout the world with him and have been at his side when he has been recognized with many awards for a job well done.

Mr. Speaker, true American heroes like Arthur Neilson should be honored for their service to our Nation and for their commitment and sacrifices in battle. They are truly part of America's greatest generation.

A TRIBUTE TO BERNARD B. BEAL

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 2005

Mr. TOWNS. Mr. Speaker, I rise today in recognition of Bernard B. Beal, a distinguished member of the business community. It behooves us to pay tribute to this outstanding leader and hope my colleagues will join me in recognizing his impressive accomplishments.

Mr. Speaker, Bernard B. Beal is Chief Executive Officer of M.R. Beal & Company, a nationally recognized investment banking firm. Mr. Beal founded the minority-owned firm in 1988 following a successful career in municipal and corporate finance at Shearson Lehman Hutton. The oldest continuously operating African-American investment bank in the United States, the firm offers investment banking, financial advisory and broker-dealer services to municipalities, state governments and numerous corporations in the telecommunications, media, technology, energy and financial services industries.

M.R. Beal & Company is headquartered in New York City, with offices in Sacramento, Chicago, Dallas, Baltimore, New Orleans and Washington, DC. Through the end of 2004, the firm has co-managed municipal financings exceeding $450 billion, senior-managed over $7 billion and has served as an underwriter in over 3,200 municipal transactions. For the past decade, M.R. Beal & Company has been ranked as one of the top twenty underwriters of municipal securities nationwide. In addition, the firm has consistently been a member of the Black Enterprise 100 List and was named BE's Finance Company of the Year in June of 2001.

Mr. Beal serves on several boards. He is the Chairman of the A Better Chance Foundation whose mission is to increase the number of well-educated minority youth capable of assuming positions of responsibility and leadership in American society. Mr. Beal serves on the Municipal Executive Committee of the Bond Market Association and is a Trustee of the National Foundation for Affordable Housing.

Mr. Beal has received numerous professional and civic awards. He has the distinction of being one of only three people listed on both the Black Enterprise list of the 25 Hottest Blacks on Wall Street in 1992 and the Top 50 Blacks on Wall Street in 2003.

A graduate of Carleton College, Northfield, Minnesota with a Bachelor of Arts degree in Economics, Mr. Beal also received a Masters of Business Administration with a concentration in Finance from the Stanford University School of Business. He was recently awarded an Honorary Doctorate of Humane Letters from the Sacred Heart University.

Mr. Beal is married to Valerie Lancaster Beal and is the proud father of two children, Michael, a senior at Harvard University and Erica, a senior at Horace Mann High School.

Mr. Speaker, I believe that it is incumbent on this body to recognize the accomplishments of Bernard B. Beal as he offers his talents and philanthropic services for the betterment of our local and national communities.

Mr. Speaker, Bernard B. Beal's selfless service has continuously demonstrated a level of altruistic dedication that makes him most worthy of our recognition today.

HONORING SAMANTHA "SAM" DIXION

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 2005

Mr. UDALL of Colorado. Mr. Speaker, I rise today to express my thanks and appreciation to Ms. Samantha "Sam" Dixion for her exemplary public service as Westminster City Councilwoman for the past sixteen years. Her tireless efforts have made a positive difference in the lives of many people in Westminster and the surrounding communities. Although she is stepping down from the Westminster City Council, I know that she will continue to stay involved in important community matters.

Ms. Dixion began serving on the Westminster City Council in 1989 and has served as mayor pro tem twice, from 1995 to 1997 and again from 2000 to 2002. In addition to serving on the City Council, she has been involved in a variety of community boards and councils. Among these include the Economic Development and Private Industry Councils of both Adams and Jefferson Counties, Arvada High School's Cooperative Occupational Education Program, Westminster Community Artist Series, Colorado Municipal League's Policy Committee, and the Westminster Human Services Board. She is also a founding member of Front Range Foundation for Educational Excellence and Westminster DARE Foundation. She served as a council liaison to the city Human Services Board and the City's representative to the Adams County Economic Development Board, which she chaired in 1997.

Ms. Dixion's passion for her community extends to important issues affecting the entire region, especially the cleanup and closure—and future use—of the former U.S. Department of Energy's (DOE) Rocky Flats nuclear weapons production facility west of Westminster. She has been an early and active voice on addressing the environmental issues at this site, and has been working with her colleagues in the surrounding communities to make sure the cleanup and closure of this site is thorough, safe and effective. The expertise she developed on this issue resulted in her being selected as the City's primary liaison on Rocky Flats issues. In that capacity, she has been a member of the Rocky Flats Coalition of Local Governments (Coalition) since its creation and also served on many predecessor community oversight groups and committees.

Her work at Rocky Flats lead to her selection as Chair of the Energy Communities Alliance (Alliance) in 1999 after having served as vice-Chair from 1998 to 1999. The Alliance is composed of local governmental officials and others from across the country to advise DOE on the environmental aspects and other issues associated with nuclear weapons production facilities. Her work on the Alliance is a testament to her dedication to making sure that the public's health and safety is protected around these facilities.

Ms. Dixion also finds time to be a teacher-tutor with the Cooperative Occupational Education Program at Arvada High School. Her commitment to quality education can be observed through her participation in the Arvada Senior High School's Drop-Out Program and the Jefferson County District 1 Judicial Review Committee where she is a past chair.

Ms. Dixion is a well-recognized leader in the Westminster community. Her honors and awards include Jefferson County Mother of the Year, Metro North Chamber Volunteer of the Year and several marketing achievement awards.

Mr. Speaker, I ask my colleagues to join with me in expressing my gratitude to Ms. Dixion for her tireless work. Although her work and the issues she has championed are serious and important, she brought a refreshing, positive outlook that was infectious. Through all of this work—at times difficult and controversial—she maintained a sense of humor and humility in her interactions with others, without compromising professionalism or respect of others and their views. In a time when faith in our political system is faltering, we should recognize and acknowledge people like Ms. Dixion who have an innate devotion to enhancing the quality of life in our communities. I am proud to offer my appreciation for her work and wish her continued success in all her future endeavors.

IN RECOGNITION OF THE AUBURN EARLY EDUCATION CENTER

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 2005

Mr. ROGERS of Alabama. Mr. Speaker, on behalf of myself and Congressman BACHUS, we would like to extend our sincerest congratulations to the Auburn Early Education Center in Auburn, Alabama, for its receipt of the prestigious Intel Corporation and Scholastic "School of Distinction" Award. This school, through the hard work of its faculty and staff, has set a national standard in literacy achievement through innovation. We are proud to commend its laudable accomplishments.

The Auburn Early Education Center serves the needs of all kindergarten students enrolled in Auburn City Schools. This school, in developing its curriculum, focuses on a child-centered approach to learning. It is this focus, along with the integration of reading in all subject areas, that led Intel and Scholastic to recognize the Auburn Early Education Center from among 3,000 excellent competitors as one of twenty schools worthy of being designated as a "School of Distinction."

Mr. Speaker, because of the Auburn Early Education Center's success in the area literacy achievement, they will receive a grant of $10,000 and will share in a host of technological prizes designed to further improve learning opportunities at the school. It is our sincere belief that this institution will continue to serve as a guiding example to primary schools across the United States of what is possible in literacy education when faculty, staff and parents come together with the common purpose of providing the best education to students. We are honored to recognize the Auburn Early Education Center before this body and this nation for their devotion and commitment to quality education. Congratulations on your well deserved recognition as a "School of Distinction."

HONORING CHANNEL INDUSTRIES MUTUAL AID ON THEIR 50TH ANNIVERSARY

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 2005

Mr. GENE GREEN of Texas. Mr. Speaker, I rise today to recognize one of the largest mutual aid organizations in the world, Channel Industries Mutual Aid, for their 50 years of service to Houston and the surrounding areas.

Formed in 1955 under the name of the "Houston Ship Channel Industries Disaster Aid Organization," in 1960 it became the non-profit corporation "Channel Industries Mutual Aid." Its objective remained the same: to provide mutual assistance in case of emergency situations, whether natural or man-made.

With over 100 industrial, municipal, and governmental members such as Shell Oil, Celanese, the City of Houston Fire Dept., and the U.S. Coast Guard, CIMA joins these together to respond to fire, hazardous material, rescue and medical emergencies along the Houston Ship Channel.

CIMA provides disaster assistance not only to the Houston Ship Channel, but cooperates with mutual aid organizations all along the Texas and Louisiana coastlines, and has shared its response readiness procedures with international organizations such as the International Red Cross, and countries such as Germany, Switzerland, and Austria.

For its invaluable service to the City of Houston, the 29th District of Texas, the Gulf Coast, and the rest of the world, I extend CIMA my deepest gratitude, and my heartfelt congratulations on 50 years of excellence.

RECOGNIZING WORLD WAR II VETERANS OF POLK COUNTY, FLORIDA

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 2005

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to recognize the brave soldiers of Polk County, Florida who served during World War II.

At a ceremony to be held Saturday, October 22, 2005, Congressman ADAM PUTNAM and I will present representatives from each of the five United States Armed Forces with commemorative coins honoring their service during World War II.

As General George Patton once said, "Wars may be fought with weapons, but they are won by men. It is the spirit of the men who follow and of the man who leads that gains the victory."

The Polk County veterans we are honoring this weekend clearly met General Patton's description above. They proved themselves in battle in Europe, Africa and the Far East. Their sacrifices on the battlefield preserved liberty and freedom for millions throughout the world.

Mr. Speaker, true American heroes like these Polk County World War II veterans should be honored for their service to our Nation and for their commitment and sacrifices in battle. They are truly part of America's Greatest Generation.

A TRIBUTE TO DR. ATUL B. CHOKSHI

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 2005

Mr. TOWNS. Mr. Speaker, I rise today in recognition of a member of the Brooklyn community and distinguished member of the healthcare profession, Dr. Atul B. Chokshi. It is an honor to represent Dr. Chokshi in the House of Representatives and it behooves us to pay tribute to this outstanding leader in American Medicine.

Mr. Speaker, on Dr. Atul B. Chokshi's resume he states that his life's goals are to "be as complete a cardiologist as possible" and "to be as nice and loving a human being as possible." To the thousands of people of the Interfaith Medical Center community who have been touched by Dr. Chokshi's gentleness and caring nature, he has already met his life's goals.

Born and trained in India, with an 18-month stint in England, Dr. Chokshi has been with Interfaith Medical Center for nearly his entire medical career. Joining one of Interfaith Medical Center's predecessor hospitals, Jewish Hospital and Medical Center of Brooklyn, or "Brooklyn Jewish" in the summer of 1978 as an Intern in Internal Medicine. Dr. Chokshi has served in a variety of positions leading up to his being named the Director of the Cardiac Catheterization Lab.

As head of Interfaith Medical Center's Cardiac Cath Lab since 1993, Dr. Chokshi has pioneered thoughtful and gentle cardiology care. In November 2004, Dr. Chokshi launched the City's first Walk-in-Walk-out transradial cardiac catheterization program. Virtually painless and allowing the patient to go home to resume normal activity within an hour, Interfaith Medical Center's Walk-in-Walk-out service involves inserting the catheter into the radial artery at the wrist for complete cardiac evaluation and even a peripheral angiogram can be done at the same time without the use of the femoral artery.

In addition to being a brilliant physician, Dr. Chokshi is an ardent student of the Bhagawad Gita, which inspired him to combine his devotion to the teachings of Lord Krishna with his cardiology expertise to help establish The Krishna Heart Institute in Ahmedabad, India. Since its opening in 2000, The Krishna Heart

Institute has performed more than 4,000 open heart surgeries and 25,000 other life-saving procedures.

Dr. Chokshi is married to Dr. Vandana Chokshi, a radiologist with a subspecialty in Nuclear Medicine and Chief of both Radiology and Nuclear Medicine at Interfaith Medical Center. Drs. Atul and Vandana Chokshi have a daughter, Krishna.

Mr. Speaker, I believe that it is incumbent on this body to recognize the accomplishments and selfless service of Dr. Chokshi as he offers his talents and philanthropic services for the betterment of our local and national communities.

Mr. Speaker, Dr. Chokshi has continuously demonstrated a level of altruistic dedication that makes this kind gentleman and master scientist most worthy of our recognition today.

HONORING BUTCH HICKS FOR YEARS OF PUBLIC SERVICE

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 2005

Mr. UDALL of Colorado. Mr. Speaker, I rise today to acknowledge Westminster City Councilman Butch Hicks. Butch's efforts have greatly helped Adams County Coloradans and he deserves recognition for the many contributions he has made to public service.

Butch and Julia Hicks have been activist citizens. They exemplify what it means for people to participate in democracy, and although they are active Democrats, it is not Butch's partisan work that causes me to acknowledge him, but rather, his boundless enthusiasm for community service.

I am proud to know Butch and have counted him as a friend and advisor on many issues. His official duties as a member of the Westminster City Council have included many projects that we care about, including improving watersheds, parks and recreational opportunities in Colorado's Second Congressional District.

Butch was appointed to the Westminster City Council in 1999 and was elected to serve a 2-year term. He was then re-elected in November 2001 to serve a 4-year term. In addition to the City Council, Butch also serves in the Adams County Democrats as treasurer and on the Permanent Organization Committee, the Colorado State Democrats and the State Outreach Committee. Civil rights is a very important issue to Butch and drives him to monitor civil rights problems in Colorado and Westminster. He is a member of the NAACP and the Southern Poverty Law Center.

Butch's career in home improvement retail allowed him to travel across the United States and finally settle in Colorado. Once in Westminster, Butch became the department manager for Home Depot and now works for the Regional Transportation District. In his spare time Butch promotes youth awareness and volunteers for battered women shelters.

Mr. Speaker, I ask my colleagues to join in acknowledging Mr. Butch Hicks for touching the community in far-reaching ways. In a time when public faith in our political system is faltering, we should recognize that there are people like Butch who have an innate devotion to furthering the progress of their communities. I'm proud to offer warm congratulations to Butch, to honor his achievements, and wish him continued success in all his future endeavors. He stands out as a symbol of hope, optimism and generosity in public service.

TRIBUTE TO LANCE CORPORAL DANIEL McVICKER

HON. RALPH REGULA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 2005

Mr. REGULA. Mr. Speaker, I rise today to pay tribute to Lance Corporal Daniel McVicker, a constituent from my district who died on October 6th when the humvee he was driving was hit by a roadside bomb. Daniel joined the Marines in 2003 and was serving in Iraq by providing security for convoys.

Daniel was a graduate of West Branch High School where he was active in chorale and many of the school's plays. The community fondly remembers him as always smiling and as having the ability to brighten everyone's day.

He showed true courage and the ultimate sacrifice by giving his life in the pursuit for freedom and security. He is a hero and through his memory, continues to brighten the lives of those who had the privilege of knowing him.

I would like to extend my deepest sympathy to his parents and all of his family and friends who are mourning the loss of his life.

I pray for the safe return of all of our servicemen and women and thank them for the sacrifice they make every day defending our country.

HONORING CITIGROUP

HON. MICHAEL K. SIMPSON

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 2005

Mr. SIMPSON. Mr. Speaker, I rise today to recognize Citigroup and commend them on their leadership in aiding Hurricane Katrina and Rita relief efforts during the recovery and rebuilding of the affected area.

Citigroup and Citigroup Foundation donated $2 million to Habitat for Humanity International in support of "Operation Home Delivery." In addition to a $1 million immediate donation, the Citigroup Foundation is matching eligible Citigroup employee donations dollar for dollar to the American Red Cross up to $3 million, for a potential total of $7 million.

Hundreds of Citigroup volunteers are building and helping to organize the Habitat for Humanity build in Humanity Plaza where NBC News' "Today" show hosted the construction of Habitat homes as part of Make a Difference Today. In addition, to help the Red Cross in its nationwide telethon on September 9th, calls were routed to Citigroup call centers in St. Louis, Dallas and Jacksonville. Over 900 Citigroup employees answered more than 8,500 calls and helped to raise over $900,000.

Citigroup is committed to working with affected customers to alleviate the temporary financial impact of this disaster. They are implementing business-specific initiatives for customers in FEMA designated Individual Assistance Areas including deferred and eliminated interest and payments, elimination of interest and fees on current and delinquent accounts, suspension of collection calls and negative credit bureau reporting, implementation of disaster credit line increases, no foreclosures on mortgages, and other solutions as appropriate.

At the Citi Cards site in Boise, Idaho, where I recently visited, employees donated more than $139,000 to the United Way of Treasure Valley during their 2006 pacesetter campaign in July. Site President Tod Wingfield said, "The strength of an organization comes from the people within it. The same holds true for the health of a community. We are so proud to have employees who demonstrate their passion and generosity for others by contributing to programs that benefit so many people in our valley. This sense of community and sincere desire to help others is part of what makes Citi a great place to work." Citi Cards presented a check to United Way and recognized employees at the United Way Community Campaign Kick-off event in August.

I want to thank and congratulate Citigroup and employees for their commitment to building strong communities.

HEALTH CARE FOR ALL

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 2005

Mr. TOWNS. Mr. Speaker, over $1.6 trillion is spent on health care annually in the U.S., which is over 13% of the GDP. According to the National Coalition on Health Care, U.S. health care spending increased to $1.7 trillion in 2003 and was projected to reach $1.8 trillion in 2004. Furthermore, our country spent 15.3% of the GDP on health care in 2003 and a projected increase of 18.7% is expected within the next 10 years.

Even though the U.S. spends more on health care than any other industrialized nation, and those countries provide universal health coverage to all of their citizens, approximately 45 million Americans are uninsured. Nevertheless, the U.S. remains the only industrialized nation that does not guarantee health care for all of its citizens.

Clearly, universal health care is needed for all American citizens and a universal health care plan is certainly in the best economic interest of our country.

When one considers that health care spending accounted for only 9.7% of the GDP in our sister nation Canada, it becomes apparent that we are not best managing our resources and serving the interest of our Nation as a whole.

As members of Congress we are entrusted with the responsibility of protecting and advancing the Nation's health. It is a given that health care costs are rising for all American citizens. Let us not deceive ourselves. We are all interconnected as human beings and the health status of one impacts the health status of all regardless of one's ability to pay for health services or not.

Disease, especially communicable and infectious, has no boundaries. The current health disparities and unnecessary suffering experienced by vulnerable populations such as the poor, elderly, uninsured, women and children and racial and ethnic minorities is outright immoral. It is a national disgrace and international embarrassment that America, a country with astounding wealth and means, chooses not to provide universal health care to her citizens while her sister country Canada does so for her citizens, as does the country of Cuba whose wealth is not even comparable to that of the U.S. and other industrialized nations.

I urge Congress today to fully assume its responsibility as the defender of our Nation's health, and exercise its political will and sincerely work towards the implementation of a universal health care system and guarantee universal health care as a right for all American citizens.

RECOGNIZING THE ACCOMPLISHMENTS OF THE UNIVERSITY OF COLORADO SOLAR DECATHLON TEAM

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 2005

Mr. UDALL of Colorado. Mr. Speaker, I rise today to recognize the accomplishments of a talented group of students from the University of Colorado who designed and built the winning entry at the Department of Energy's Second Solar Decathlon. CU's win is all the more notable because it is their second, after also winning the first Solar Decathlon competition in 2002. I am submitting for the RECORD a recent article from the Daily Camera describing the team's achievement.

The Solar Decathlon is a competition organized by the Department of Energy that gives college students an opportunity to demonstrate practical uses of solar power. This October, 18 university teams from around the country and the world competed in the second Solar Decathlon to build the most energy-efficient, solar-powered house. Each team was required to use solar energy to power the entire house, and was judged on how well its house was able to produce energy for heating, cooling, hot water, lighting, appliances, computers, and charging an electric car. The houses were also critiqued on their overall aesthetic design.

As a "zero energy home," CU's house combines advanced solar energy systems and energy efficient appliances and thus produces more energy than it consumes over the course of a year. In addition, as CU's official Decathlon handout stated, "The CU home is one that you can truly "sink your teeth into. Materials used in the home's construction and furnishings read like a health food menu," including such natural "ingredients" as soy, corn, sunflower, canola, coconut, wheat, citrus oil, and even chocolate. Using these natural materials was one of the team's five design goals, along with modularity, accessibility, innovation, and energy efficiency.

Colorado's core team consists of about 20 engineering and architecture students, among them Jeff Lyng, Frank Burkholder, Kristin Field, Mark Cruz, Drew Bailey, Jacob Uhl, Jon Previtali, Bryce Colwell, Jimmy Chambers, James Dixon, Ryan Drumm, Kathy Clegg, Geoffrey Berlin, Koki Hashimoto, Isaac Oaks, Greg Shoukas, Adam Courtney, Seth Kassels, Abby Watrous, Tim Guiterman, and Scott Horowitz. Many more students contributed in other ways. The students were assisted by faculty advisers Julee Herdt, Mike Brandemuehl, and Rick Sommerfeld.

CU's team had a challenge—to take advanced architectural and engineering concepts, put them together in a design, and build a house that could be a model of our energy future. These students met that challenge—and met it better than any of the other teams. I'm proud of these students and I'm proud that the University of Colorado produced such a talented team. Most of all, I am proud to represent these young people who are working so hard to make our way of life a sustainable one.

[From the Daily Camera, Oct. 15, 2005]

CU TEAM CLINCHES SECOND SOLAR WIN

(By Todd Neff)

The University of Colorado repeated as international Solar Decathlon champ on Friday, thanks to a combination of stubborn cloud cover in Washington, DC, and a bold decision when the outlook was particularly gray.

The CU team's 800-square-foot, solar-powered BioS(h)IP mobile home won over entries by teams from 17 universities in the United States and Puerto Rico, Canada and Spain.

"I'm shocked," winning project manager Jeff Lyng, a master's student in CU's civil engineering school, said by cell phone. "The weather held, and it was really just dumb luck that our strategy worked."

The team made its own luck. The second-ever Solar Decathlon—CU won the first title in 2002—was dogged by clouds. The CU team's energy-saving house, capable of socking away 36 kilowatt hours a day in the Colorado sunshine, could manage only about 5 kilowatt hours a day on the shadowed National Mall.

That was less than CU's and other teams needed to boil water, launder towels, refrigerate food and fuel the electric car, among other things.

The competition, sponsored by the U.S. Department of Energy, was fierce.

"There are some spectacular houses here," said Michael Brandemuehl, who with architecture professor Julee Herdt served as CU faculty advisers in both competitions. "No disrespect to the 2002 competitors, but the architectural quality is head and shoulders above what we had in 2002."

As of Tuesday morning, CU stood in eighth place. The team decided on a risky strategy: participate in a variety of competitions—where small numbers of points can be won for doing such things as boiling water and cooking meals—and run down the house's batteries.

Battery level mattered because the last of the Solar Decathlon's 10 competitions offered 100 points—of a total of 1,100 possible points—to those who generated as much energy as they used. Had the sun begun to shine, more conservative teams could have refueled and leapt past CU in the standings.

CU team ended up with 853 points, followed by Cornell University's 826 and California State Polytechnic University's 809 points.

CU won three categories: documentation, communication and "getting around," which involved team members Scott Horowitz and Isaac Oaks driving the team's electric car up to eight hours a day. They racked up 319 miles in five days at a speed of about 15 miles per hour.

"It was totally grueling," said project manager Lyng.

CU's documentation effort was bolstered by three-dimensional computer renderings showing the operation of the CU house's removable roof, done by undergraduate architecture student Mark Cruz.

The home is bio-friendly to its core, built with a raft of natural materials including everything from corn to coconut. Its defining innovation were Bio-SIPs, for which CU has applied for a patent. These structurally insulated panels are made of soybean-oil-based polyurethane, sandwiched between hard sheets of recycled paper.

Frank Burkholder, one of 20 core team members and among the dozen who made the trip to the nation's capital, said the Bio-SIPs held heat so well that the house lost just four degrees overnight.

"It saved us a lot of energy," he said.

Team faculty adviser Herdt said the home's strong "branding" as a bastion of bio-based materials probably helped in the eyes of judges. But it was a strong student squad that made the difference, she said.

"I always ask them if they are athletes," she said. "You have to be a long-distance runner. You have to be consistent in your work and conserve energy. That's what helped this time—strategizing and staying strong all the way through."

The team's efforts got attention in high places. Lyng said Energy Secretary Samuel Bodman quipped, "I could see myself living here," when walking through the CU home.

The Department of Energy is increasing support to individual teams from $5,000 this year to $100,000 for the 2007 competition.

The CU solar home will host tours through Sunday on the National Mall. Its doors also will be open for tours on the CU campus following a 2,500 mile, biodiesel-fueled trek back to the Front Range. Its final destination is Prospect New Town in Longmont.

TRIBUTE TO LANCE CORPORAL CARL L. RAINES

HON. TERRY EVERETT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 2005

Mr. EVERETT. Mr. Speaker, I rise today to pay tribute to an American hero from my congressional district who recently gave his life in defense of freedom.

Lance Corporal Carl L. Raines II, age 20, of Enterprise, Alabama, died October 6 from an improvised explosive device while conducting combat operations against enemy forces near Al Qaim, Iraq.

He was assigned to Combat Service Support Detachment 21, 2nd Force Service Support Group, II Marine Expeditionary Force, Cherry Point, North Carolina. As part of Operation Iraqi Freedom he was attached to Regimental Combat Team 2, 2nd Marine Division, II Marine Expeditionary Force.

I am very sorry to hear about the loss of Lance Corporal Raines and I pass along my condolences to his family, Mr. and Mrs. Carl Raines of Enterprise.

Lance Corporal Raines' courage and selfless service will be an inspiration, to all who treasure freedom. May our grateful Nation always honor the memory of his brave service and sacrifice.

TRIBUTE TO IRENE P. DELOS SANTOS GONZALEZ

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 2005

Mr. ORTIZ. Mr. Speaker, I rise today to pay tribute to a true American patriot: Irene De Los Santos from Brownsville, Texas. On October 22, 2005, Ms. De Los Santos will be 99 years young. She has seen the greater part of the 20th century and has been at the forefront of numerous historical events while serving as an outstanding example for her community.

Since she had a profound understanding of what the early 20th Century was like, before women were finally given citizenship in this great Nation, and allowed to vote. As. De Los Santos cherishes this precious right and never lets an election pass her by.

She has voted in every Brownsville election since 1929 and remembers her $1.75 poll tax vividly. What is most amazing and admirable is the fact that Ms. De Los Santos is still an active member of the community and encourages everyone to participate fully in our democracy by both voting and working at the polls. Her daughter remembers riding along in the back of the car as they went from house to house encouraging members of the community to vote when she was only 8 years old.

Ms. De Los Santos is a powerhouse of politics in the South Texas community, and her support for various candidates is sought and cherished. I am so proud that she has been one of my strongest supporters throughout my 23 years in Congress.

Irene has lived a long and rewarding life, and watched our most important national events unfold: the passage of the 19th Amendment, the rise and fall of dictators around the world, the passage of the Civil Rights Act, and countless other memorable events in our Nation's history. Through it all, Ms. De Los Santos says she has enjoyed her life and would not change anything.

Her extended family includes three sons and two daughters, 16 grandchildren, 29 great-grandchildren, 11 great-great grandchildren, and 10 great-great-great grandchildren. Everyone, that totals to 71 potential votes, and we all know that elections have been won or lost by fewer votes. Even now, Ms. De Los Santos encourages her entire family to vote and continues to look on as her fellow voters come in and out of the polls.

Today I ask my colleagues to join me in recognizing this extraordinary woman for her contributions to her community and our Nation, and for her active participation our Nation's history. May the next century be as wonderful for her as the past 99 years.

HONORING LIEUTENANT MICHAEL P. MURPHY

HON. TIMOTHY H. BISHOP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 2005

Mr. BISHOP of New York. Mr. Speaker, it is an honor to rise with the New York Congressional Delegation to recognize an American hero. Today I am introducing legislation to name a post office in my district—in Patchogue, New York—in honor of Lieutenant Michael P. Murphy.

Lieutenant Murphy, U.S. Navy, was killed in Afghanistan when he and three other SEALs were ambushed by Taliban insurgents. Many of you may recall the reports during the week of June 27 about the heroic rescue attempt of Lt. Murphy's unit, when an Army MH–47 Chinook helicopter was shot down by a rifle-propelled grenade in the Kunar province with 16 special operations troops aboard.

Lt. Murphy was only 29 years old when he died. Already having achieved his dreams of attending Penn State University and becoming a Navy SEAL, he had deferred another dream of attending law school until his tour had ended. He was also engaged to be married upon his return in November.

Lt. Murphy was universally admired and loved. His parents, teachers, and commanding officers all praise his intelligence, dedication and kindness. Perhaps the commanding officer of the Navy's SEAL Recruiting program who mentored Lt. Murphy and prepared him for SEAL training best summed up this young hero's essence when he said:

> He achieved something most of us don't have the courage to attempt . . . He was a very focused young man with a terrific attitude, quiet intensity and determination.

After learning of his tragic loss, Lt. Murphy's father reflected on what the memory of his son left behind:

> We were just honored to have him as a son for 29 years. He's our hero, and I think he is everybody else's hero . . . He squeezed more life in 29 years than I will ever see."

This past summer, my district lost a beloved friend and our nation lost one of its bravest sons to the War on Terror.

Mr. Speaker, on behalf of all Americans, I thank the House for honoring Lt. Murphy's service, valor and ultimate sacrifice for this Nation by renaming the post office located at 170 East Main Street in Patchogue, New York as the "Lieutenant Michael P. Murphy Post Office."

HOT JAZZ SATURDAY NIGHT

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 2005

Mr. MORAN of Virginia. Mr. Speaker, over 25 years, jazz enthusiasts in the Washington region have tuned to one program for their weekly jazz entertainment. Musicians such as Duke Ellington, Ina Ray Hutton, and the Boswell Sisters fill the radio waves every Saturday evening thanks to Rob Bamberger, creator, producer, and host of Hot Jazz Saturday Night.

Rob Bamberger began as a volunteer for WAMU in 1978, where he presented the first of several features on jazz performers during the news show, Morning Line. Two years later, in 1980, he created his own show, Hot Jazz Saturday Night, which he has hosted ever since. Rob's passion and dedication goes on display every Saturday night for three hours as he shares his love for jazz, swing, and big band music with WAMU listeners.

Rob's interest in vintage jazz and swing came at an early age. While at an elementary school book fair in 1963, he purchased, for a dime, a two-record set featuring broadcast performances by the Tommy Dorsey Orchestra. This seminal moment in young Rob's life sparked a consuming and scholarly fascination with American music from the '20s, '30s, and '40s and became the cornerstone of a record collection which fills the basement of his Arlington, Virginia home.

By day, Rob Bamberger serves Congress as a senior policy analyst with the Congressional Research Service. While Rob takes great pride in his work with CRS, his true love becomes evident to listeners both locally and abroad through broadcasts on WAMU, NPR, and the Armed Forces Network.

Over the years, Rob's passion for music has led him to give talks before audiences at the Library of Congress, the Smithsonian, and the Cosmos, Maryland and University Clubs. When discussing topics ranging from, the history of repertory jazz, to the meeting of jazz and third stream of Hoagy Carmichael and Bix Beiderbecke, he clearly demonstrates not only his mastery of jazz history, but also his deep passion for this uniquely American art form.

I would like to thank Rob for his efforts to keep jazz alive in the hearts of enthusiasts and casual listeners alike who find too few options today when they turn on the radio. As Rob states, and I quote, "There are virtually no places left on radio where someone like me is given three hours weekly to program music free of focus-group driven playlists and to present it as I hope works best for listeners and artists who might otherwise be totally forgotten."

Mr. Speaker, I wish to take this opportunity to congratulate Rob for spending these past 25 years sharing his passion with us through the radio. Hot Jazz Saturday Night is the highlight of the week for many local and international jazz aficionados. With a large and loyal listener ship, I am confident that we will continue to hear Hot Jazz Saturday Night for many years to come.

THE 60TH ANNIVERSARY OF THE HANDLEY-MEADOWBROOK LIONS CLUB

HON. KAY GRANGER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 2005

Ms. GRANGER. Mr. Speaker, I rise today to recognize an outstanding civic organization in Fort Worth, Texas on its 60th anniversary, the Handley-Meadowbrook Lions Club.

The Handley-Meadowbrook Lions Club was chartered on November 8, 1945 by Marlow C. Fisher. The club had 44 charter members. Since its founding, the Handley-Meadowbrook Lions Club has been associated with Lions Clubs International, the world's largest service organization.

Over the last 60 years, the Handley-Meadowbrook Lions Club has been a vital part of the Fort Worth and Tarrant County community. Club members have been involved continually in humanitarian efforts and public service projects that not only have improved the community but also the lives of an untold number of people.

The work of the Handley-Meadowbrook Lions Club has resulted in direct financial contributions to such outstanding programs as the Texas Lions Camp for Handicapped and Diabetic Children, the Texas Lions Foundation and the Lions Club International Foundations. These foundations provide humanitarian and disaster aid in Texas and worldwide. In addition the club's work supports the Texas Eyeglass Recycling Center, the Leader Dog for the Blind and the Lions World Services for the Blind programs that provide blind persons with a guide dog, the Lions Organ and Eye Bank, the Lions Drug Awareness Council and the Julian C. Hyder Youth Camp for youth.

Members of the Handley-Meadowbrook Lions Clubs today continue to be committed to involvement in the community through a wide array of activities that make Fort Worth and Tarrant County a great place to live and work.

Fort Worth and Tarrant County have been fortunate to have the Handley-Meadowbrook Lions Clubs in its midst for the last six decades.

Mr. Speaker, it is my honor to recognize Handley-Meadowbrook Lions Club on its 60th Anniversary and to offer appreciation for the excellent work it has rendered to Fort Worth, Texas, the United States and around the globe.

TRIBUTE TO DR. JULIUS PERR

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 2005

Mr. PENCE. Mr. Speaker, the State of Indiana lost a giant of the engineering community last month. On Sunday, September 25, Dr. Julius Perr passed away in his home country of Hungary where he revolted against a Soviet-led communist regime before coming to the United States as a refugee of the 1956 Hungarian Revolution.

Julius Perr and his wife Elizabeth, made Columbus, Indiana their home and found peace from the unrest in Eastern Europe. It was also in Columbus where Julius began a 41-year career as a mechanical engineer for Cummins Engine Company. In this time, he distinguished himself by submitting more than 300 patents on engine technology improvements, 80 of which are still in use today.

Cummins recognized Julius's extraordinary accomplishments by establishing an award in his honor. Each year, Cummins presents the Dr. Julius P. Perr Innovation Award to acknowledge innovative contributions of Cummins personnel.

Mr. Speaker, on behalf of the State of Indiana, I extend heartfelt sympathies to the family of Dr. Julius Perr, specifically his wife Elizabeth; his sons Andrew and Victor Perr; his daughters Maria Garrison, Elisabeth Perr-McColm and Karolina Perr; and his eight beloved grandchildren.

Julius Perr was commended by the U.S. Patent Office for setting an example for future generations of inventors. But it is his love of culture and allegiance to his community that will be most missed by those who know him the best. The State of Indiana was fortunate to call him one of its own.

WHATEVER IT TAKES TO REBUILD ACT, PART II

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 2005

Mrs. MALONEY. Mr. Speaker, today Representatives CHARLIE MELANCON, WILLIAM JEFFERSON and I are introducing the Whatever It Takes to Rebuild Act, Part II.

On September 15, 2005, President Bush addressed the nation from Jackson Square in New Orleans, LA and offered the following pledge on behalf of the American people:

> Tonight I also offer this pledge of the American people: Throughout the area hit by the hurricane, we will do what it takes, we will stay as long as it takes, to help citizens rebuild their communities and their lives.—President Bush, September 15, 2005, New Orleans, LA.

Just three weeks later, on October 7, 2005, Congress and the President broke this pledge by adding a clause to Public Law 109–88, the Community Disaster Loan Act of 2005, that requires Gulf Coast Communities who receive assistance from the federal government for lost tax revenues (to assist in the payment for police officers, firefighters, school teachers and other essential services) to pay back the aid with interest. Never before has Congress or the President required the repayment of this aid. That is why we are introducing the "Whatever It Takes to Rebuild Act, Part II."

The "Whatever It Takes to Rebuild Act, Part II" would repeal the provision in Public Law 109–88 that requires Gulf Coast Communities to repay the assistance they receive under the Community Disaster Loan Program. This legislation would permanently repeal the $5 million cap on these loans, would make states eligible for this assistance, repeal the cap that limits loans to 25 percent of a municipalities operating expenses, and would provide this assistance as grants when a disaster has been declared an "Incident of National Significance" under the National Response plan (Hurricanes Katrina and Rita were both declared "Incidents of National Significance").

This legislation is similar to H.R. 1795, the "Whatever it Takes to Rebuild Act", which would provide federal assistance for lost tax revenues to New York following the terrorist attacks of 9/11. Following 9/11, President Bush also promised New York and the country that we will do whatever it takes to rebuild.

I urge all of my colleagues to support this important legislation to provide real relief to the Gulf Coast and let's do what it takes to rebuild.

TRIBUTE TO MARY BOURDETTE

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 2005

Mr. GEORGE MILLER of California. Mr. Speaker, earlier this month, Mary Bourdette, a great champion for America's children and families took a leave from her job advocating for parents, and it is important that we take the time to mark her extraordinary career. In her 30 year career, Mary has been an ever-present voice and an unyielding force, reminding everyone around her that we must do much more for children—especially for the most disadvantaged children in our country.

I first met Mary back in California when she was working on improving education in the state. My wife Cynthia and I have long valued Mary for her friendship as well as for her passion for her work. Mary and I worked closely together when I chaired the Select Committee on Children, Youth and Families in the 1980's. She is a skilled lobbyist and negotiator and her vision and persistence were critical to my efforts on child welfare policy in addition to numerous other issues.

One of the reasons Mary is so effective in fighting for children is that she is an idealistic pragmatist. She would always fight to the end for what she knew was right. But she was just as committed to getting the different sides together and fostering communication—particularly when the situation was at its most polarized.

Mary advocated for children and families in many capacities here in Washington, DC over the past 30 years. She first fought for the Legal Services Corp. to help ensure that our poorest citizens have access to the legal system that our Constitution promises. She later worked tirelessly at the Children Defense Fund on the first major expansion of the Earned Income Credit and the original enactment of Child Care and Development Block Grant—programs that have made an enormous difference for America's poorest families. Her work with the Child Welfare League of America as Director of Public Policy also proved vital for the well-being of America's children and families. And her 8 years with the Clinton Administration allowed Mary to play a central and critical role in the many federal policies that affect children.

So I commend Mary for her impressive career and thank her both for the assistance she has provided to me over the years and on behalf of the millions of children who have benefited from her intelligence and passion.

TRIBUTE TO SERGEANT LARRY W. PANKEY

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 2005

Mr. TANCREDO. Mr. Speaker, I rise today to pay tribute to Sergeant Larry W. Pankey of Morrison, Colorado. Sergeant Pankey died October 3 at Walter Reed Army Medical center here in the Washington, D.C. area, in support of Operation Iraqi Freedom.

Sergeant Pankey was assigned to the 467th U.S. Army Reserve Engineer Battalion, Greenwood, Mississippi. He is survived by his wife and daughter in Morrison, Colorado, and his mother in Louisiana.

Mr. Speaker, we owe Sergeant Pankey a great debt of gratitude for his service to America. My heartfelt sympathy goes out to friends and family of Sergeant Pankey.

He will be missed by all who knew and loved him.

FORMER TAIWANESE PRESIDENT LEE'S VISIT TO D.C.

HON. SHERROD BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 2005

Mr. BROWN of Ohio. Mr. Speaker, I would join all Americans in welcoming President Lee, during his historic visit to our Nation's capital from Taiwan.

I am pleased to know he will have the opportunity to meet with Members of Congress.

Taiwan is a beacon of democracy and freedom in the Pacific.

It is my hope Taiwan will continue to shine despite the continued threats across the Strait from China.

I hope in the near future all restrictions on high-level visits from Taiwan would be lifted, so that Members of Congress will be able to welcome the current president of Taiwan to DC as well.

It is important these visits take place so that a balanced understanding of both sides of the Taiwan Strait will be directly available to Congress, the Administration, and the American public.

Congress and the American people remain unequivocally committed in their support for the people of Taiwan.

The Taiwanese should be praised for their continued commitment to freedom, human rights and democracy.

Through the tireless efforts of President Lee, Taiwan will continue to shine as a beacon of democracy and freedom.

Again, we welcome President Lee to Washington, DC during this historic visit.

INTRODUCING THE IMPROVE INTEROPERABLE COMMUNICATIONS FOR FIRST RESPONDERS ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 2005

Mr. PAUL. Mr. Speaker, I rise to introduce the Improve Interoperable Communications for First Responders Act of 2005. This act provides Federal assistance to local first responders for developing an interoperable means of communications. Ensuring first responders at the local, state, and Federal level have the ability to effectively communicate with each other should be one of the Federal Government's top priorities. The ability of first responders to effectively communicate with each other, and with their counterparts at different levels of governments, is key to their ability to save lives in the crucial time immediately after a natural disaster or a terrorist attack.

My bill helps first responders by establishing a Director of Interoperability and Compatibility to help develop a national strategy and architecture for an interoperable system, as well as to bring together Federal, State, local, and tribal officials to work on a coordinated effort to develop and coordinate efforts to implement an interoperable communications system. The bill also provides a grant program so state and local governments can receive Federal assistance for planning and designing an interoperable system, as well as in training first responders how to use the system.

Rather than simply further burdening taxpayers, or increasing the already skyrocketing national debt, my legislation is financed through cuts in corporate welfare and foreign aid programs, which subsidize large corporations and even American businesses' overseas competitors such as the Export-Import Bank use of taxpayer money to underwrite trade with countries such as Communist China. It is time for the Federal Government to begin prioritizing spending by cutting unnecessary programs that benefit powerful special interests in order to met our constitutional responsibilities to ensure America's first responders can effectively respond to terrorists' attacks.

Mr. Speaker, reducing spending on corporate welfare and foreign aid to strengthen first responders' interoperable capability is a win-win for the American people. I hope my colleagues will help strengthen America's first responders' ability to help the American people in times of terrorists attacks and natural disasters by cosponsoring the Improve Interoperable Communications for First Responders Act.

TRIBUTE TO DR. EDMOND YUNIS

HON. JIM DAVIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 2005

Mr. DAVIS of Florida. Mr. Speaker, I rise today to recognize and to pay tribute to Dr. Edmond Yunis, a professor of pathology at Harvard Medical School, who was recently named the 2005 National Hispanic Scientist of the Year by the Museum of Science and Industry, MOSI, in Tampa, FL.

Dr. Yunis is well-deserving of this prestigious national award as he has made significant contributions in scientific and medical research. This research includes the genetic mapping of human major histocompatibility complex, MHC, genes and their role in immune responses, aging, and autoimmune diseases. Dr. Yunis' laboratory work identifying genes also has been especially important for matching donors and recipients for organ and stem cell transplants.

Dr. Yunis was born in Sincelejo, Colombia, and he received his M.D. from the Universidad Nacional de Colombia in 1954. Dr. Yunis received his postdoctoral training in pathology at the University of Kansas, the University of Minnesota, and the Children's Hospital in Boston. He joined Harvard Medical School in 1976 as Professor of Pathology, and he became Chief of the Division of Immunogenetics of the Dana Farber Cancer Institute that same year. Along with being a professor of pathology at Harvard, Dr. Yunis currently is a member of the Department of Cancer, Immunology and AIDS at Dana Faber. Dr. Yunis has received numerous medical awards throughout his career for this outstanding work, and he and his wife, Borghild, have four children.

The National Hispanic Scientist of the Year award was established 5 years ago to recognize an outstanding national Hispanic scientist who promotes a greater public understanding of science and who also encourages increased interest in science education by Hispanic youth.

I'm also pleased to know the proceeds from MOSI's National Hispanic Scientist of the Year Award Gala on October 22, 2005, go toward scholarships for Hispanic boys and girls to participate in MOSI's Youth Enriched by Science program, known as the "YES! Team." Established in 1991, the YES! Team program is designed to help at-risk youth develop self esteem and to encourage them to study science and consider science-related careers.

In conjunction with the weekend gala celebration, MOSI also is hosting a "Meet the Hispanic Scientist Day" where approximately 1,000 Hispanic students from the Tampa Bay area will get a chance to hear a presentation by this year's award winner and to get access to MOSI's hands-on science exhibits. Again, I want to congratulate Dr. Yunis for receiving the 2005 National Hispanic Scientist of the Year award. He serves as an outstanding role model for students in the Tampa Bay area and his visit will help motivate them to stay in school and to realize their dreams.

H.R. 4093, THE "FEDERAL JUDGESHIP AND ADMINISTRATIVE EFFICIENCY ACT OF 2005"

HON. F. JAMES SENSENBRENNER, JR.

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 2005

Mr. SENSENBRENNER. Mr. Speaker, today I am Introducing the "Federal Judgeship and

Administrative Efficiency Act of 2005." I urge the House to pass the legislation expeditiously.

The purpose of this bill is to provide the President with the necessary authority to appoint needed circuit and district court judges and to increase the number of authorized bankruptcy judgeships.

A further purpose is to make changes in the structure of the court of appeals system, which are required to modernize, streamline, and improve the administration of justice for nearly one in five Americans.

Mr. Speaker, the last comprehensive judgeship bill that was passed by Congress was enacted in 1990. Since that time, the volume of cases handled by the judiciary has increased substantially.

The Federal Judgeship and Administrative Efficiency Act authorizes the creation of 68 new judgeships—12 at the circuit court level and 56 at the district courts. In addition, the bill contains authority to create 24 new permanent or temporary bankruptcy judgeships.

These new judgeships will benefit districts across America. When confirmed, these new judges will be in a position to help address a growing backlog of cases that threatens to clog our courts and imposes substantial human and economic costs on our citizens.

A judiciary that fails in its basic obligation to dispense justice in a timely, fair, and dispassionate manner compromises its own credibility. A court that is too far removed from those whose disputes it is responsible for adjudicating impose severe costs on those who must appear before it. The bill before us speaks to these concerns by providing for the realignment of the Ninth Circuit Court of Appeals and the establishment of a new Twelfth Circuit Court of Appeals.

The Ninth has become so big—in geographic size, in workload, in number of active and senior judges—that it can no longer appropriately discharge its civic functions on behalf of the American people.

Consider: The Ninth has 47 judges, a figure that approaches twice the number of total judges of the next largest circuit. The Ninth represents 56 million people, or roughly one-fifth of our Nation's population. This is 25 million more people than the second largest circuit. The Ninth encompasses nearly 40 percent of the geographic area of the United States.

The Ninth Circuit also has the most number of appeals filed and the highest percentage increase in appeals filed over the past 4 years. It is the circuit-wide leader in the number of appeals still pending and ranks a close second in the longest median time until disposition.

Given these and other problems created by the mammoth breadth and size of the Ninth, I believe the responsible action is to modernize and streamline the structure of the Courts of Appeals.

Briefly, H.R. 4093 creates a new Ninth that will feature California, Guam, Hawaii, and the Northern Mariana Islands. The new Twelfth will consist of the States of Alaska, Arizona, Idaho, Montana, Nevada, Oregon, and Washington.

Importantly in this regard, H.R. 4093 authorizes the President to appoint five new judges to permanent Ninth Circuit seats along with two other judges who will fill temporary seats. My bill provides that the official duty station for these newly authorized judges will be in California.

These additions are consistent with requests made by the Judicial Conference and will ensure that future caseload demands on the new Ninth will more closely mirror its judgeship resources. California is not being singled out or punished by this legislation. Quite the contrary, the district and circuit courts that affect the rights of the citizens of California are being provided with their proportionate share of resources and being liberated to become more productive.

Mr. Speaker, bigger does not always mean better. The constant expansion of the size of a court without also adopting commensurate reforms will, most assuredly, not result in improving the performance of the judiciary.

The allocation of judicial resources must be made with an eye toward achieving structural coherence within each circuit.

H.R. 4093 accomplishes that purpose and I urge its adoption.

IN SPECIAL RECOGNITION OF SHAWN BARRINGTON SILVERA

HON. MARK R. KENNEDY

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 2005

Mr. KENNEDY of Minnesota. Mr. Speaker, I rise today to honor the bravery and service of Officer Shawn Barrington Silvera of the Lino Lakes Police Department.

Officer Silvera was killed in the line of duty on September 6th, 2005, when he was struck by a stolen car driven by a convicted felon attempting to evade arrest.

Officer Silvera was a Minnesota family man in the truest sense of the words. He married his high school sweetheart, Jennifer, to whom he sent flowers every month to mark their anniversary, even after five years of marriage.

Together, Shawn and Jennifer had two children, eighteen-month-old Jordan and five-month old Madelynn.

Mr. Speaker, Officer Silvera loved giving back to his community and to society as a whole.

He joined the Lino Lakes Police Department in 1997, but took a leave of absence to work for two years with the Peace Corps in Honduras, where he helped build a community library.

Outside of police work, Officer Silvera worked with the Explorers program, to get teenagers interested in careers in law enforcement. He also served in the D.A.R.E. drug awareness program, and worked as a counselor at the local Safety Camp.

Even after all this volunteer work, Officer Silvera would often join the kids he worked with for lunch or a game of football or basketball.

Mr. Speaker, Officer Silvera knew the dangers of his profession, but he also knew of its importance. He genuinely loved helping people, and he touched countless lives before his tragic death.

Officer Silvera was a true American hero, and I extend my deepest sympathies to his family for their loss.

RECOGNIZING THE ACCOMPLISHMENT OF THE AASU TENNIS TEAM

HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 2005

Mr. KINGSTON. Mr. Speaker, I come forth today with the honor of recognizing Georgia's Armstrong Atlantic State University women's NCAA National Champion tennis team. The Armstrong Atlantic women's tennis team did an outstanding job capturing the school's third NCAA Division II National Championship in 2005, defeating BYU—Hawaii by a score of 5–3 to win the title.

The No. 2-ranked Lady Pirates ended BYU—Hawaii's NCAA record of 130-match winning streak with the victory and finished a hard undefeated season of their own at 30–0.

One of only 10 teams across every sport and division of the NCAA put together an undefeated campaign.

AASU, who's other National Championships came in 1995 and 1996, accomplished the feat with unprecedented team depth as all six starters on the squad earned All-America honors from the Intercollegiate Tennis Association (ITA).

Junior Luisa Cowper (Sutton Coldfield, England) finished the year as the No. 3-ranked singles player in the Nation and was named the Peach Belt Conference's Player of the Year.

Sophomore Dziyana Nazaruk (Minsk, Belarus) was the No. 8-ranked singles player and was named the ITA's "Player to Watch" in 2005.

Freshman Johanna Dahlback (Hasselby, Sweden) won the clinching match in the national championship victory and was the No. 9-ranked singles player in the Nation.

Juniors Caroline Grage (Hamburg, Germany) and Manuela Emmrich (Magdeburg, Germany) teamed together to make up the No. 8-ranked doubles team in the Nation, while senior Laura Peaty (Loughborough, England) teamed with Cowper to make up the No. 3-ranked doubles team in the Nation.

The man who provided guidance for the women's success is Head coach Simon Earnshaw. He was named the Peach Belt Conference Coach of the Year for his efforts in earning his first National Championship.

I am very proud of this team for displaying such hard work and sportsmanship throughout the season and can only hope that they might bring the National Championship title back to Georgia in 2006.

SAN BERNARDINO COUNTY FIRE MARSHALL PETER BRIERTY IS A TRUE NATIONAL FORESTRY HERO

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 2005

Mr. LEWIS of California. Mr. Speaker, it is my pleasure today to honor San Bernardino County Fire Marshall Peter Brierty, who has been recognized this month as a National Forestry Hero. I know from personal experience that this award is justly deserved, for Peter Brierty is widely regarded among my constituents as one of the heroes who saved thousands of people and their homes from the terrible fires of 2003 in the San Bernardino Mountains.

Many of my colleagues have heard me speak on the urgent need to get rid of millions of trees killed by a drought and insect attacks in and around the San Bernardino National Forest in my district. The fire danger from these trees jeopardizes the lives and homes of tens of thousands of people and homes that make this one of the most urbanized forests in the Nation.

One of the first people to understand the potential danger from this situation was Peter Brierty. More importantly, Peter Brierty realized the need to act quickly and bring the whole community together to reduce the danger and be ready to evacuate if fires struck. For most of the past three years, Fire Marshall Brierty has worked tirelessly, pushing his staff and other public officials to develop these plans. He has become a well-known figure at countless meetings with residents, convincing them of the need to cooperate to save lives and property.

Under Fire Marshall Brierty's direction, San Bernardino County launched an ambitious effort to eliminate dead and dying trees on private and public lands outside of the national forest. The operation he created has been highly praised by the Natural Resources Conservation Service, which has funded the effort, as extremely cost-efficient and effective.

But the danger was too great in 2003, and the "Old Fire" struck before we could even begin to cut enough trees to stop it. Nearly 70,000 people were in danger, but the plan devised by Fire Marshall Brierty and other county, state and federal officials safely evacuated all of them. Not one life was lost in the fire, even though 350 structures and more than 800,000 acres were ravaged by the blaze.

Mr. Speaker, many people have devoted countless hours and unlimited energy to reducing the fire danger and restoring the forest in the San Bernardino Mountains. The task is far from finished, but we have seen two fire seasons now in which no major blaze has threatened homes to the extent of the Old Fire.

In recognition of the role he played in confronting this threat to whole communities, Fire Marshall Peter Brierty was presented the 2005 National Forestry Heroism Award by the STIHL Incorporated this month. I would ask you and my colleagues to join me in congratulating him for this recognition, and thanking him for his unswerving devotion to public service.

HONORING CHIEF WARRANT OFFICER PAUL PILLEN

HON. STEPHANIE HERSETH

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 2005

Ms. HERSETH. Mr. Speaker, I am saddened to report the passing of Chief Warrant Officer Paul Pillen. He was killed while serving in Operation Iraqi Freedom.

The lives of countless people were enormously enhanced by Paul's goodwill and service. He inspired all those who knew him. Our Nation is a far better place because of his life. All Americans owe Paul, and the other soldiers who have made the ultimate sacrifice in defense of freedom, a tremendous debt of gratitude for their service.

Every member of the House of Representatives has taken a solemn oath to defend the Constitution against all enemies, foreign and domestic. While we certainly understand the gravity of the issues facing this legislative body, Chief Warrant Officer Paul Pillen lived that commitment to our country. Today, we remember and honor his noble service to the United States and the ultimate sacrifice he has paid with his life to defend our freedoms and foster liberty for others.

Mr. Speaker, I express my sympathies to the family and friends of Chief Warrant Officer Paul Pillen. I believe the best way to honor him is to emulate his commitment to our country. I know he will always be missed, but his service to our Nation will never be forgotten.

RECOGNIZING THOMAS SCHELLING'S NOBEL PRIZE

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 2005

Mr. HOYER. Mr. Speaker, I often talk with great pride about the University of Maryland, both as an outstanding academic institution and as my alma mater. Today is no different. While this latest achievement revolves around the concept of games, it is not Gary Williams or Ralph Friedgen who are bringing home the hardware. Instead, it's Thomas Schelling, a University of Maryland professor and 50-year expert in the concept known as "game theory," who was awarded the Nobel Prize in Economic Sciences last week.

The Fifth Congressional District congratulates Professor Schelling, whose contributions to economics will influence generations of policy-makers, diplomats, and strategic thinkers. Schelling is best known for his book, "The Strategy of Conflict," a groundbreaking effort to deter the use of nuclear weapons. Schelling used his "game theory" to explain how the Cold War could effectively be prevented from turning into a nuclear holocaust. As Michael Kinsley recently noted in the Washington Post, Schelling's theory was born to deal with interdependence. "The other side had to be confident that it could survive and retaliate if you went first," he said. "Otherwise, in a crisis, it would be sorely tempted to go first."

Fortunately, the world averted disaster in the case of the Cold War, but many modem day security threats remain. With nuclear terrorism the most glaring and preventable homeland security challenge of our time, world leaders would be wise to consider Professor Schelling's theory wherever possible.

Professor Schelling has spent the majority of his adult life championing the most patriotic of causes: applying behavioral and economic sciences for the promotion of peace. The Nobel Academy rightly recognized his distinguished career, and the Nation should be proud of his accomplishments. As a native of Maryland and an alumnus of the place Schelling calls home, I take special pride in saluting his success.

CONGRATULATING CITIZENS FINANCIAL GROUP ON THEIR RECEIPT OF THE 2005 SECRETARY OF DEFENSE EMPLOYER SUPPORT FREEDOM AWARD

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 2005

Mr. LANGEVIN. Mr. Speaker, today I rise to congratulate Citizens Financial Group, recently chosen as a recipient of the 2005 Secretary of Defense Employer Support Freedom Award. The award recognizes employers that were nominated by their employees who voluntarily serve in the National Guard and Reserve, for exceptional support above the requirements of the Uniformed Services Employment and Reemployment Rights Act of 1994. This is the highest national award a company can receive for its support of the National Guard and Reserve.

Citizens is the first Rhode Island employer to win the highest national award for their outstanding support of colleagues serving in the National Guard and Reserve and their families. Citizens is one of only 15 employers in the United States to receive this prestigious award from among 1,492 nominees.

The Secretary of Defense Employer Support Freedom Award reflects the exceptional support, leadership, and devotion provided by employers to our brave men and women of the Reserve Forces. The importance of employers who are supportive of our enlisted men and women should never be underestimated, and Rhode Island is proud to have employers like Citizens Financial Group hard at work in our community. On behalf of my home state, I would like to thank Citizens Financial Group for their dedication, and I wish them much success in the future.

ENCOURAGE INITIATIVE AND SELF-ESTEEM

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 2005

Mr. FILNER. Mr. Speaker, I rise today to urge support for a bill I have just introduced, H.R. 4095, the Encourage Initiative and Promote Self-Esteem Act of 2005.

There are many people in our country who receive Social Security Disability benefits (SSD) because they have a "waxing and waning" disease—Behcet's Disease, Multiple Sclerosis, Lupus, Parkinson's, Cancer, AIDS and Arthritis are examples of "waxing and waning" diseases. Eric Peterson, who lives in my Congressional District, has taught me a great deal about these diseases and the need for a better way for people to seek and keep SSD.

This process of seeking SSD and keeping it is often times an adversarial one. The climate of suspicion that applicants and recipients say they feel leaves many to view the Social Security Administration, SSA, with a jaundiced eye. Everyone who actually gains disability benefits remembers the hoops of fire they had to jump through during the application process. As a result, many people often do not consider a try at working, fearing that the SSA will use that against them to deny future benefits. With concerns over fraudulent claims, I can understand how this environment came to be. But that doesn't make it right.

For people with "waxing and waning" diseases and conditions, they know that they will have good days and bad. They know that, barring a cure, they will always be sick, but that does not diminish their spirit. There needs to be a program that encourage people in this situation to secure temporary employment when they feel they can work without placing their SSD at risk for the times they cannot work.

Currently, if a person makes more than $810 a month, disability benefits will stop. If one makes $810 but then has less money than his SSD, there is no incentive to work. H.R. 4095 would install a system based on a sliding scale. The more money one earns, the fewer benefits he or she receives. But there will be a built-in incentive to stay the course because the total monthly income when working will be more than either the work income or SSD.

In addition, if a person makes $300 or more a month, their review is put aside. This incentive will further encourage people to push themselves to continue working if at all possible.

Imagine a situation where those on SSD who have diseases that "wax and wane" could work, without fear, when able. That would be a lot of money put back into the Treasury in payroll withholdings and taxes—and more money put into the economy in increased purchasing, not to mention the contribution to society and elevated self-esteem of the workers. Think about the faith these people would have in a system of government that treats its people with dignity and respect instead of suspicion and contempt.

I urge my colleagues to support H.R. 4095 improve the lives of thousands of Americans.

HONORING SHELDON LATZ

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 2005

Mr. WELLER. Mr. Speaker, I rise today to honor Sheldon Latz who was named the 2004 Urban County Engineer of the Year award from the National Association of County Engineers during its annual conference. Sheldon was recently named Urban Engineer of the Year by the Illinois Association of County Engineers. That nomination put him in the running for the national award.

Sheldon has been employed by Will County since June 11, 1961 and has been the County Engineer since 1996. When Sheldon first started working for the County, Interstate 55 was new and Interstate 80 did not even exist. A lot of the local roads were graveled and less than two lanes wide. Today, those same roads are paved and are four or five lanes wide. Will County has gone from a quiet rural area to one of the fastest growing counties in the United States. According to Sheldon, he is most proud of the CenterPoint development in Elwood which is located on the former Joliet Arsenal property. Bringing roads into the development has been a highlight of his career.

Sheldon's dream as a child was to be an engineer. He has a passion for road work that has never left his system. His love for the profession has prompted Sheldon to become a Joliet Junior College Adjunct Professor in 1974 where he has taught several courses in architecture, engineering and construction. Sheldon served in the United States Army as an Army medic and a Preventive Medicine Specialist teaching sewage and water treatment process and prevention of water borne diseases.

Not content to stay on the sidelines, Sheldon also serves on several local boards which includes Howell Shooting Club and the Howell Youth Shooting Camp. The camp gives girls and boys an opportunity to come together under a formal program to experience and grow in their appreciation of shooting sports. Sheldon and his wife Janice have four children and seven grandchildren.

Mr. Speaker, I urge this body to identify and recognize other individuals in their own districts whose actions have so greatly benefitted and strengthened America's families and communities.

HONORING PROFESSOR RICHARD P. BERG

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 2005

Ms. ZOE LOFGREN of California. Mr. Speaker, I rise to honor Professor Richard P. Berg for 31 years of teaching, scholarship and service to the Santa Clara University School of Law.

Professor Berg has served as a Professor of Law at the Santa Clara University School of Law for 31 years. Throughout his tenure, Professor Berg has dedicated himself to serving the public and working for social justice. He was chair of the Santa Clara University School of Law Public Interest and Social Justice Endowment, which funds financial assistance programs for volunteers and attorneys working in public interest and social justice fields. Last year alone, the Endowment provided $66,750 in summer grants for 23 students working as volunteers with public interest and social justice programs, and $17,000 in Income Supplement Grants for attorneys working with similar organizations.

Professor Berg also has served on the board of directors of several public interest organizations, and has been active in international issues, particularly in the Asia-Pacific region. He has been the director of the Singapore-Bangkok summer law program since 1984 and is active in dispute resolution organizations such as the American Arbitration Association and Asia Pacific Organization for Mediation.

Prior to coming to Santa Clara University School of Law, Professor Berg earned his B.A. in Economics from the University of Michigan in 1965, and received his J.D. from the University of Michigan School of Law in 1968. He graduated Magna Cum Laude from law school, was inducted into the Order of the Coif and served on the Editorial Board of the Michigan Law Review.

After earning his J.D., Professor Berg was an Associate in Law at the University of California, Berkeley School of Law, Boalt Hall, a Reginald Heber Smith Fellow in Poverty Law, and Staff Counsel and Economic Development Specialist, at the National Housing and Economic Development Law Center in Berkeley, California. He also published an article in the San Diego Law Review on a major class action case, Zahn v. International Paper in 1974, and a short article on Prisoners' Rights and Jail Conditions in the et al Magazine in 1970.

On a personal level, I played a key role in helping Richard to marry his wonderful wife of many years, Mare, and we meet every year at the SCCS graduation to enjoy the past and plot the future of our wonderful law school as well as our wonderful country.

As an alumna of the Law School, it is an honor to recognize Professor Berg's contributions to the legal community and the Santa Clara University School of Law. Professor Berg instilled in thousands of students an awareness of social justice, and inspired countless attorneys to dedicate their careers to making "Equal Justice Under Law" a reality.

INTRODUCING THE NATIONAL EMERGENCY CENTERS ESTABLISHMENT ACT

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 2005

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to introduce the National Emergency Centers Establishment Act. Many of us share the belief that the Federal Government's response to Hurricane Katrina was disorganized and inadequate. FEMA was far too slow to arrive, and evacuees were left stranded in massive shelters with egregious standard of living violations. Victims of the storm are now spread all over the country, costing the government $11 million per day just to house only a portion of evacuees in hotels. Tens of thousands are still living in inadequate shelters and even tents—months after the storm—with little assurances for their safety and security.

These two problems—increasing the availability of temporary housing in times of national emergencies and improving training and preparedness for national emergencies—must be resolved to ensure that the humanitarian catastrophe that occurred in the gulf coast and continues to happen today will never occur again.

I come to the floor today to introduce the National Emergency Centers Establishment Act. My bill establishes no fewer than six National Emergency Centers spread throughout the United States. The Centers would be used, first and foremost, to provide temporary housing, medical and humanitarian assistance, including education, for individuals and families displaced due to an emergency. The Centers would also serve as a centralized location for the training and coordination of first responders in the instance of an emergency. In turn, the Centers will improve the coordination of preparedness, response and recovery efforts between government, private, not-for-profit entities and faith-based organizations.

The National Emergency Centers would be located on military bases, with a preference wherever possible for those installations closed during the most recent BRAC round. I am proposing these sites because the necessary infrastructure to house, feed, educate and care for evacuees over an extended period of time is already in place, thus limiting the cost and time needed to construct these facilities.

Mr. Speaker, our Nation was not prepared for the disastrous hurricanes that struck the gulf coast last month. The establishment of National Emergency Centers will go a long way to ensuring that our response to national emergencies are not as disastrous as the disasters that created the emergencies in the first place.

I ask for my colleagues' support and urge the House Leadership to bring this legislation to the floor for its swift consideration.

TRIBUTE TO ROSETTA JAMES

HON. ROBERT E. (BUD) CRAMER, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 2005

Mr. CRAMER. Mr. Speaker, I would like to take this opportunity to recognize one North Alabama's most compassionate citizens, Mrs. Rosetta James. Mrs. James, who is celebrating her 80th birthday in Huntsville, Alabama has done a great deal to help further the quality of life for all individuals in our community.

Mrs. James was born in Akron, Alabama After 27 years in the State of New York, she returned to her home State in 1973, and has spent the last 32 years serving in various community, church, and civic roles.

Among her many accomplishments, Mrs. James has served her community and her State as the Alabama Democratic Conference Chairperson from 1992 to 1996. Additionally, she was appointed by Governor Fob James as the first volunteer Deputy Registrar in Madison County, has served on the Huntsville City Schools Advisory Council, the Family Service Center Board, and has volunteered with the Madison County Board of Volunteers and Corrections, the NAACP, and many more.

Furthermore Mr. Speaker, Mrs. James continues her extraordinary work throughout the community today. Currently, she volunteers at two community schools to help children learn to read. Mrs. James also continues to inspire others to take an active role in the community. In addition, she works to organize voter registration drives and absentee ballots for people who cannot go to the polls.

Mr. Speaker, Mrs. James has had a tremendous positive impact on our community in Huntsville. On October 21st, Mrs. James' family and friends are gathering to celebrate her 80th birthday with a surprise party. I rise, on behalf of everyone in North Alabama to thank her for everything she has done for the area and to wish her a happy and healthy 80th year.

THE 9/11 COMMISSION FINAL REPORT ONE YEAR LATER

HON. CYNTHIA McKINNEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 2005

Ms. MCKINNEY. Mr. Speaker, I wish to enter the following into the CONGRESSIONAL RECORD:

THE 9/11 COMMISSION REPORT ONE YEAR LATER

A CITIZENS' RESPONSE: DID THE COMMISSION GET IT RIGHT?

A Congressional Briefing Convened on the First Anniversary of the Release of the 9/11 Commission Report, Friday, July 22, 2005

EXCERPTS FROM THE TESTIMONY

Opening Remarks

Rep. CYNTHIA MCKINNEY: Last year, we got the final report, an extensive, prosaically impressive report, but as some of us sat down to read it, the errors and omissions immediately jumped out at us. How was it that it took over an hour after the first transponder went off before planes were scrambled to meet the threat, all of them too late? What happened to those reports that surfaced within months of September 11th stating that seven or more of the alleged hijackers had come forward and claimed they were victims of stolen identities and were alive and well, living in Saudi Arabia, Morocco, and Tunisia? Why did the Commission choose not even to address this? What about Osama bin Laden and his role in the Mujahedin backed by the CIA in the 1980s to fight the Soviets? The Commission didn't go there . . . We cannot afford to shy away from inconvenient truths. Many of you may find what you hear today to be inconvenient information. Dr. Martin Luther King, Jr. said the ultimate measure of a man is not where he stands in moments of comfort and convenience, but times of challenge and controversy. I encourage you to engage with the issues that are raised. If you don't agree or don't like what you hear, challenge it. I believe that we should take in what every reasonable person has to say, to inform our decisions, because that is the best way to find the truth. In our pursuit of the truth, I encourage you to emulate the courage and the determination of the September 11th families in their struggle to know what really happened.

9/11 Families Report

Ms. LORIE VAN AUKEN: A thorough and definitive investigation by the Commission . . . would have subpoenaed for the information it required and examined the plethora of information that other citizens and groups responsibly provided. . . . it would have reported all of its findings with its redactions blacked out and submitted to the American people. In essence, the Commission could have produced a final product where the resulting conclusions and recommendations could be trusted. Instead, at the end of the day, what we got were some statements that truly insulted the intelligence of the American people, violated our loved ones' memories, and might end up hurting us one day soon.

One such statement was that 9/11 was a failure of imagination: a failure of whose imagination? What exactly does that mean? When you have a CIA Director with his hair on fire, a system blinking red, 52 FAA warnings, an August 6, 2001 PDB entitled "Bin Laden Determined to Strike in the United States," leads on several 9/11 hijackers . . . warnings from many foreign governments, a Phoenix memo, warning of Islamic extremists taking flying lessons, the arrest of would be terrorists Zacarias Moussaoui, facts imparted to one agent, Agent Frasca, at the RFU of the FBI, 9/11 was truly a failure, all right, but I would certainly not call it a failure of imagination. Another outrageous statement made at the time of the release of the 9/11 final report that got a fair amount of media coverage was the one "Everyone's to blame, therefore, no one's to blame." The problem with that assumption is that it creates a no fault Government, and a no fault Government does nothing to ensure that things will be different or better in the future. When you hold people accountable, it serves as a deterrent for those that would repeat that same behavior in the future. For the record, I would like to see that assumption restated to read "Everyone's to blame, therefore, everyone's to blame." In fact, the fact that there has been no accountability for the failures that led to the deaths of almost 3,000 people is truly unconscionable and irresponsible on the part of all of our nation's leaders. The tools of democracy available to the citizens of America to address these issues are incredibly limited. We asked for an independent commission to investigate 9/11 because that was the only tool that we, as American citizens, had access to, and hoped that our leaders, the members of Congress and the American public, would ensure its validity and that its ensuing recommendations would make us all safer, as safe as we could reasonably expect to be in the event of another attack. Sadly, as Americans, we have all been let down.

Behind the 9/11 Commission: Flaws in the Process

Mr. JOHN JUDGE: This Commission's report is not a rush to judgment. It's rather a rush to exoneration. It fails to really hold people to accountability . . . By approaching the whole matter as an intelligence failure in the report, it obscured the evidence that what was normally a standard operating procedure in the period prior to 9/11 fell apart, apparently, in the months around and on that day. It led to them pursuing leads and suspects, basically accepting earlier reports without doing further follow up, blaming certain suspects, even though the evidence is we don't yet clearly know who the suspects were that got onto the plane, and that's because several people have come forward saying that their identity was stolen, basically, by these people. We are left with a story that comes from people that we can't get to, and we are left with a story that perhaps is giving us the wrong direction in terms of how we are looking. Until we open up the report and until we can look at the actual evidence and compare it, and begin to actually investigate further on many of the areas that the Commission ignored, then we have a report that doesn't eventually serve the mandate that this Commission was required to take care of, looking at the truth of terrorist acts upon the United States.

Mr. MELVIN GOODMAN: The most important individual to me, other than a commissioner, was the staff director, Philip Zelikow. His conflicts of interest were so great that you do have to wonder why this individual was appointed to head this important staff of over 80 people. He had very strong ties to the George Herbert Walker Bush Administration. Very strong personal and political and policy ties to Condoleezza Rice. More importantly, Philip Zelikow was running the case study program at Harvard which took millions of dollars from the Central Intelligence Agency over a ten year period to write case studies on the CIA, to establish a record that was essentially untrue with the facts about the work of the CIA. Of course, the classic case study that Philip Zelikow chaired, along with Ernest May, who was his patron at the Harvard Kennedy School, was the case on the Soviet Union, how the CIA got it right. You know, the politics of getting it right. Of course, as we all know, one of the greatest disasters of politicization of intelligence that occurred even before the Iraq war was over the politicization of intelligence on the Soviet Union. Who did Philip Zelikow bring into the staff structure as a team leader on his staff? None other than Douglas MacEachin, who was serving a tour up at the Harvard Kennedy School. Who was Douglas MacEachin? Douglas MacEachin was the head of the Soviet analysis job during the 1980s . . . responsible for most of the politicization of intelligence. Here you have Philip Zelikow from Harvard and the case study program, and Douglas MacEachin, as a team leader on Zelikow's staff, making serious decisions about the need for change within the intelligence community.

Omissions and Errors in the Commission's Final Report

Mr. PAUL THOMPSON: The 9/11 Commission claims it wasn't until 9:20 when Indianapolis communicated with the FAA command center and notified them that Flight 77 was missing, and then the information started to get out to other command centers, but still, NORAD wasn't notified. We are talking over half an hour later, the plane has been missing, still no one notifies NORAD, until finally 9:34, three minutes before the plane crashes, and then it was only mentioned inadvertently in passing when talked about with something else.

In order for this to be true, the 9/11 Commission is making the claim essentially that the Indianapolis flight control center and the local FAA center that they contacted were in complete lack of contact with the outside world during this time, that they were unaware, unlike the tens of millions of people who had been watching CNN, that there was an ongoing crisis, that planes had crashed into the World Trade Center, two planes. They are saying that all the way until 9:20, there has been over half an hour now where this has been the breaking news, that nobody in this entire Indianapolis flight control center or the FAA center had any idea that any of this had been happening.

We know that just isn't true. In fact, there was one news report saying that other centers such as theirs had been notified of the crisis long before the first plane even crashed into the World Trade Center. What we see is an account coming from the 9/11 Commission that in my opinion is just frankly impossible.

Mr. JOHN NEWMAN: An FBI team working with cell phone numbers provided by Indian intelligence uncovered a new smoking gun. They learned that the chief of the ISI, Mahmood Ahmed, had ordered Saeed Sheikh to send $100,000 of the kidnapping ransom to Mohamed Atta a month before the 9/11 attacks. This ugly detail emerged when the FBI team ran traces on Saeed Sheikh's cell phone number beginning in July; the ISI chiefs number was among the regular people that Saeed Sheikh communicated with. On October 7th, President Musharraf sacked Ahmed for this notorious act. This story was widely covered in the press around the world, not covered here in the United States . . . It's hard to imagine a revelation more damaging than the fact that Pakistan's intelligence service and most powerful Army commanders were behind the 9/11 attacks and the paymaster, a known terrorist who had been able to carry out his mission because the U.S. and U.K. had set aside justice for his crimes . . . that a sovereign government and supposed ally was so directly involved in the 9/11 atrocity must have stunned and deeply embarrassed the American Administration . . . The story of Saeed Sheikh and the generals are only lightly covered in western media, and only one American newspaper, the Wall Street Journal, carried it on October 10th.

The 9/11 Commission report which carries Mustafa al-Hawsawi as the paymaster and Sheikh Saeed as the al-Qaeda CFO, has dodged the issue, and does not say if the two are the same or not. Thus, technically, even if the Commission staff knew the truth, they have not told a bald lie. The Administration officials speak on terms of anonymity and were told that the Justice Department had pressed the National Security Council to have Saeed Sheikh extradited. One might be justified in asking the question why would the National Security Council have to be pressed to extradite a murderer of U.S. citizens? By late February [2002], the issue was moot. Pearl was murdered, and Musharraf swore he would personally hang him [for Pearl's murder] before turning him over to the Americans, unlike Khalid Shaikh Mohammed and Ramzi bin al-Shibh, whom he did turn over. Of course, they had not been western penetrators of al-Qaeda . . . We can no longer say we are protecting sources and methods about a story known to the rest of this planet. We are now mocked for our ignorance about this story, and even members of Britain's Parliament poke fun at us. It is long past time to come clean about Saeed Sheikh.

9/11 in Historical Perspective: Flawed Assumptions

Ms. LORETTA NAPOLIONE: . . . we need to implement a forward looking anti-terrorist policy, one which predicts the enemy's next move. . . . a forward looking anti terrorist financing policy should look at the situation in Congo, isolated as a potential area where terrorist financing could take place. In order to prevent that, it should dismantle this business of smuggling gold . . . Of course, a forward looking approach in the fight against terrorism will require the full participation of the private sector, and a multilateral policy. One country alone, not even if it is the United States, can actually fight this war on terror alone. Among other things, this policy, if implemented, will then cut the link between crime and terror. Terror will not any longer be a very profitable partner for crime. Breaking the link between crime and terror would already be a step forward, which you have not yet made.

Ms. ANNE NORTON: Neoconservative foreign policy centers on a fear of world government and the international institutions that might lead to it, most notably, the United Nations, a rejection of multilateralism, and as they say, above all, the ability to distinguish friends from enemies . . . Europeans regard neoconservatism with special skepticism, and they do so, as you might have already realized, because they know its progenitors all too well, the desire for the combination of traditional values, the desire for an expansion of executive power, the ambition to create a new world order, and the identification of a providential enemy are all parts of a very familiar past, the shadows of German national socialism and 19th Century European empires fall very heavily on the neo conservative project. As the Administration responded to 9/11, this influence became increasingly evident.

Mr. PETER DALE SCOTT: The 9/11 report describes Ali Mohamed as "a former Egyptian Army officer who had moved to the United States in the mid 1980s, enlisted in the U.S. Army, and became an instructor at Ft. Bragg, as well as helping to plan the bombing of the U.S. Embassy in Kenya." In fact, Ali Mohamed was a very important al Qaeda agent who, as the 9/11 Commission was told, "trained most of the al Qaeda's top leadership, including persons who would later carry out the 1993 World Trade Center bombing." Ali Mohamed clearly enjoyed U.S. protection. In 1993, he was detained by the RCMP in Canada, and a single phone call to the United States secured his release. This enabled him to play a role in the same year in planning the bombing of the U.S. Embassy in Kenya in 1998. Eventually, he was allowed to plea bargain and receive a secret sentence. We don't know what the sentence is . . . The amazing thing, although he was named as a conspirator in that bombing, he was not an indicted conspirator, which itself is evidence of something going on behind the scene. Congress should determine the true relationship of the U.S. Government to Ali Mohamed, who was close to Bin Laden and above all, al Zawahiri, who has been called the main player in 9/11. This is very important, I think, whereas the report focuses almost uniquely on Khalid Shaikh Mohammed and Ramzi bin Al Shibh. Many other sources independently say the main figure and the top brains in al Qaeda was al Zawahiri, who Ali Mohamed was clearly close to.

Mr. NAFEEZ AHMED: In April 1991, according to a classified U.S. intelligence report, then head of Saudi Intelligence Services, Prince Turki al Faisel, struck a secret deal with Bin Laden, despite his being under house arrest for his opposition to the presence of U.S. soldiers. Under this deal, although the regime would publicly disown him, Bin Laden was permitted to leave Saudi Arabia with his funding and supporters. Moreover, the regime would continue to fund his activities on the condition that he does not target the Saudi kingdom himself. Posner's accounts of a secret agreement between Bin Laden and Saudi intelligence is significant because he argues this was known to U.S. intelligence, this wasn't something that we didn't know. Levivier also interviewed a CIA analyst about the role of the Mujahedin. This CIA agent said "The policy of guiding the evolution of Islam and of helping them against our adversaries worked marvelously well in Afghanistan against the Red army. The same doctrines can still be used to destabilize what remains of Russian power, and especially to counter the Chinese influence in Central Asia." When I read this, I was quite surprised. Could this really be possible?

Suffice it to say in conclusion, this is a phenomenon I have discovered to be paraded throughout many regions in the Middle East and Central Asia. It is a very worrying phenomenon. It fundamentally challenges the whole paradigm of the war on terror. If we are allying ourselves in some manner with al Qaeda in this rather direct way, how can we fight a war and win? It just doesn't make any sense.

Foreign Policy: Immediate Response and Recommendations

Mr. WAYNE SMITH: The 9/11 Commission report says that the United States should engage its friends to develop a common coalition approach toward the detention and humane treatment of captured terrorists. New principles might draw upon Article 3 of the Geneva Conventions on the law of armed conflict. That article was specifically designed for those cases in which the usual laws of war did not apply. In other words, these cases in which our Government tells us the Geneva Conventions don't apply. The minimum standards are generally accepted throughout the world as customary international law. What does Article 3 call for? Well, among other things, it prohibits outrages . . . upon personal dignity, in particular, humiliating and degrading treatment. All these practices of stripping the prisoners naked, putting women's underwear or perhaps even men's underwear on their heads, is degrading treatment. It is prohibited by international law. . . . I'm not ageless, but I have lived a long time, and I don't remember ever having been ashamed of what we were doing to foreign prisoners. In World War II, we treated prisoners well, let's say soldiers. Even German spies arrested in the United States were not treated in a degrading manner . . . This is not an intelligent way to proceed in our struggle against terrorism. We ought to get back to full respect for international law, and fully humane treatment of all prisoners, without any exception.

Mr. ROBERT McILVAINE: I had an unbelievable opportunity to go to Bogota. I haven't flown since 9/11. Not that I'm necessarily afraid, but I just won't fly. I've learned too much about the shoe bomber. I'm just not going to leave the country. Bogota, they have an international conference on violence and terrorism, and they called me to speak down there. I decided to do it. There were probably about 2,000 people in the auditorium, the first two rows were all victims. 13 year olds with legs missing. Burn victims. I had dinner with one burn victim, 75 percent of her body, an African/Columbian. She lost her three children and her husband. I said, I feel sorry for myself sometimes. That woman could sit there and laugh with me, because you have a bond with people who have suffered. That is what we have to think about. It's the civilians, the 25,000 civilians in Iraq that have died, and 500,000 people in Iraq that have died in the 1990s. What is this foreign policy that we have? We talk about Pax Americana. In Latin, does that not mean American peace? Have we perpetrated peace in this world? Have we, since 1945? I think not.

Domestic Policy: Immediate Response and Recommendations

Ms. ELAINE CASSEL: Four years since September 11th, almost four years, and one year since the 9/11 Commission's report, critical infrastructures and resources are unprotected, and protections are unplanned, as far as I know. Co-Chair of the panel, Lee Hamilton, mentioned that this morning in a press briefing. He was very frustrated by that, and he mentioned these are difficult tasks to take on. Yes . . . it's hard to try to assess the risk to our critical infrastructure and to intervene and prevention . . . It's easy to open a file on demonstrators against the Administration's policies and conduct surveillance on the ACLU and Greenpeace, as the Washington Post reported last week. I seriously doubt that the ACLU and Greenpeace are terrorist organizations. In fact, if they were, the Government would have shut them down. Why are we paying the FBI's counterterrorism unit to amass thousands of files on these organizations and individuals?

Mr. C. WILLIAM MICHAELS: I still do not think the case has been made that civil liberties of any sort must be compromised so we can get to the bottom of what terrorist conspiracies may or may not be operating within the United States. All of this plus the scope and approach of the 9/11 Commission recommendations, which deal with everything from the FBI, passports, driver's licenses, airline passengers, brings me to the final points. And that is the effect we may be seeing as these varied parallel developments, including, of course, the conflicts in Iraq and Afghanistan, the situation in military commissions in Camp Delta, Guantanamo Bay, which continue to unfold as we dispense with the legal preliminaries, and U.S. citizens held as enemy combatants, come to a single point, which should be considered as we continue with this national debate as what might be on the horizon at that point. Here they are, 12 common characteristics of a national security state:

1. Visible increase in uniformed security personnel.
2. Lack of civil accountability for the actions of law enforcement and security personnel.
3. Reduced role of the judiciary and executive treatment of suspects.
4. Secrecy of ruling authority and momentum of the threat.
5. Media in the service of the state.
6. Public and national resources called to service against security threat.
7. Patriotism moving to nationalism.
8. Lack of critical response by religious denominations.
9. War time mentality and permanent war economy.
10. Targeted individuals or groups.
11. Direct attack against dissent.
12. Increased surveillance of citizenry.

Intelligence Reform: Immediate Response and Recommendations

Mr. DAVID MacMICHAEL: the quote I want to give you is from a book written by a very interesting man, now deceased, Arthur Macy Cox, who was George Kennan's principal assistant when George Kennan, post World War II, was head of the State Department's Planning Office . . . His book is called The Myths of National Security, the Peril of Secret Government . . . published by Beacon Press in 1975:

"The drafters of the Constitution provided us with an ingenious system of Government based on machinery to check and balance the use of power, but they did not anticipate the problem of secret Government, nor has that problem been dealt with in subsequent constitutional amendments. Despite a lack of safeguards, a large consensus of the American public since World War II, has granted to succeeding presidents extraordinary secret powers to protect the security of the nation. The people felt that in matters of national survival, the President should be given total trust. He should be allowed to make decisions in secret to protect our national security, but democracy and secrecy are incompatible and it has now become clear that secret powers should never have been delegated without guarantees of accountability to the people's representatives in the Congress."

Mr. JOHN NUTTER: As I listened to David, I was struck by the various documents that I've read in my scholarship, documents like the Tower Commission report on Iran Contra, the Church Committee, the Pike Committee, and its recommendations, the Taylor Committee, which some of you may recognize as the postmortem on the Bay of Pigs . . . One could very easily take the recommendations from any of those reports, cut and paste them into the 9/11 Commission, and you wouldn't be able to tell the difference.

Closing Remarks

Rep. CYNTHIA McKINNEY: I would just like to say after we have heard all of the testimony that has been presented to us today, there is one thing that is very clear, and that is that we must know what our Government is doing in our name. The American people have to inform themselves, despite the failure of the corporate press, to investigate the information in the public domain that provides answers to our questions. Today is a very special day because we have brought truth to Capitol Hill.

PERSONAL EXPLANATION

HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 2005

Mrs. MYRICK. Mr. Speaker, I was unable to participate in the following votes on October 19, 2005. If I had been present, I would have voted as follows:

On rollcall vote No. 529, on agreeing to Jackson-Lee of Texas amendment to H.R. 554—the "Personal Responsibility in Food Consumption Act of 2005," I would have voted "no."

On rollcall vote No. 530, on agreeing to Filner of California amendment to H.R. 554—the "Personal Responsibility in Food Consumption Act of 2005," I would have voted "no."

On rollcall vote No. 531 on agreeing to Scott of Virginia amendment to H.R. 554—the "Personal Responsibility in Food Consumption Act of 2005," I would have voted "no."

On rollcall vote No. 532, on agreeing to Waxman of California amendment to H.R. 554—the "Personal Responsibility in Food Consumption Act of 2005," I would have voted "no."

On rollcall vote No. 533, on passage of H.R. 554—the "Personal Responsibility in Food Consumption Act of 2005," I would have voted "yes."

THE ERITREA-ETHIOPIA BORDER DISPUTE NEEDS AMERICAN LEADERSHIP

HON. DANA ROHRABACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 2005

Mr. ROHRABACHER. Mr. Speaker, the United States and Ethiopia have a long diplomatic history. It is a place that many Americans are familiar with.

Next door to Ethiopia spreading out along the strategic Red Sea coastline is Eritrea, a relatively new country, and a place that few Americans seem to fully understand.

The United States wants to have a good relationship with both Ethiopia and Eritrea. However, bilateral ties with both are weak and deteriorating.

This situation can be corrected, but it will take more interest and involvement by senior leaders in the U.S. government.

Congress is doing its part.

Chairman CHRIS SMITH and Representative DON PAYNE of the Africa subcommittee have held hearings on the border dispute earlier this year and have recently traveled to the region.

Last year Congress passed Senate-originated legislation, which became law, restricting assistance to Ethiopia or Eritrea for noncompliance to the Eritrea-Ethiopia Border Commission findings. Unfortunately, in January 2005, the executive branch waived this provision on national security grounds. I say "unfortunately" because it is because of our national security interest that the provision should have been kept in place. Uncertainty on the border issue creates uncertainty in the region.

Members have written letters to Secretary Rice and President Bush. We have urged them to clarify our policy and to become engaged in this increasingly volatile part of the world. The responses from the State Department have been unhelpful and lead us to believe that either there is no policy, or the policy is to apply political pressure on Eritrea until there is war—and then blame Eritrea for not compromising with Ethiopia—or continuously pressure Eritrea until they agree to renegotiate the final and binding decision of the EEBC.

From Eritrea's perspective, everything depends on full implementation of the EEBC decisions. The U.S. supposedly supports the EEBC decisions, but if it does, then its support appears to be very weak.

The U.S. policy, whatever it is, has one clear result: the status quo remains in place.

Unfortunately, the status quo is untenable and will ultimately result in a renewal of hostilities. The current stalemate is clearly driving the region towards war.

The border demarcation crisis is an existential threat to the security of Eritrea. The dialogue and discussion now being requested by Ethiopia has already occurred and is articulated by the EEBC. This fact underlies Eritrea's unwillingness to dialogue further with Ethiopia or with U.N. Special Envoy Lloyd Axworthy on border demarcation. The failure to resolve the border impacts all aspects of thinking in Eritrea. Eritrea believes that protecting the security and sovereignty of the nation is the first responsibility of the government.

Let me make one thing perfectly clear: Ethiopian troops are occupying sovereign Eritrean territory today and have done so for years.

Because Eritrea is a small developing country the current situation puts into effect enormous internal pressures. But Eritrea will not compromise its national sovereignty, and will instead invoke the right to self-defense as articulated in Article 51 of the U.N. Charter and move to secure its territory by force as the international community fails to implement and enforce the rule of law and U.N. Security Council resolutions.

I am confident that if President Bush knew the details of this situation personally, that he would be very disappointed in the officials responsible for this weak policy. It does not reflect the President's love for freedom and justice. Our policy leads nowhere but to war. That is unacceptable.

Someone has this problem figured out wrong. Today's approach mirrors the thinking of the Clinton Administration. One wonders where the Republican appointees are in the policy-making process concerning this part of the world.

There is active discussion among Members about potential solutions. One common aspect of all potential courses of action is that more U.S. leadership is needed.

U.S. leadership makes a difference. Clear policy statements by President Bush and other senior officials preceded Charles Taylor leaving Liberia, Syrian troops leaving Lebanon, Israeli settlements leaving Gaza, Viktor Yuschenko's election as President in Ukraine and so many other recent developments.

China is paying attention to this region. Sudan has thousands of PRC advisors working in the oil and gas business as well as military advisors. China is rapidly expanding its relationship with Ethiopia and Eritrea. These relationships with China will falter over time, but right now Beijing seems to be paying attention to the Horn of Africa and we appear to be asleep at the switch. Someone at the State Department needs to wake up before it is too late.

Mr. Speaker, the Congress is calling on the Administration to make a clear statement of our policy on the Eritrea-Ethiopia border demarcation issue. A clear statement urging Ethiopia to unconditionally and swiftly implement the EEBC's final and binding decision will set in motion positive forces that enable success. Further, such clarity would go a long way to starting a process that would very likely resolve this knotty border matter through a peaceful and diplomatic process rather than by more bloodshed.

INTRODUCTION OF THE ENERGY PRICE DISCIPLINE ACT OF 2005

HON. FRANK A. LoBIONDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 2005

Mr. LOBIONDO. Mr. Speaker, I rise today in support of the "Energy Price Discipline Act of 2005." This timely and important piece of legislation will ensure that the Federal Trade Commission (FTC) has the tools to investigate and strongly prosecute price gouging across the nation by those refining, selling, or shipping crude oil, gasoline, diesel fuel, natural gas, or petroleum distillates.

Today, Americans are paying more than ever before for the fuel they need to run their cars and heat their homes. Even before the devastation of Hurricane Katrina, consumers were paying almost a dollar more than they were a year ago for a gallon of gas. And in the days following this disaster, average gas price rose an additional 45 cents per gallon—with reported prices of nearly $6.00 at some stations in the affected areas.

And, as the days get shorter and the air gets colder, more and more people are worrying about how they are going to be able to heat their homes this winter. According to figures released last week by the U.S. Energy Information Administration, households heating their homes with natural gas can expect to spend about 48 percent more, or an additional $350, on fuel this winter. Those with heating oil can expect a 32 percent increase, or on average about $378 more.

But as Americans look deeper into their wallets to put gas in their cars to get to work or to heat their homes, both oil companies and U.S. refineries are on track for record profits. I believe that consumers across the country should have the right to know that the prices they are struggling to pay are legitimate and that no one is profiting unjustly at their expense.

For this reason, I am introducing the "Energy Price Discipline Act of 2005." This bill will give the FTC broad discretion to investigate and, if necessary, strongly prosecute whoever—whether it is a gas station owner, a petroleum company, or a refiner—is guilty of manipulating the price of crude oil, gasoline, diesel fuel, natural gas, or petroleum distillates.

The "Energy Price Discipline Act of 2005" recognizes that in today's global economy consumers in states far removed from a tragedy like Hurricane Katrina may see the results of it in their energy prices—often for legitimate reasons, but sadly also as a result of price gouging. In my home State of New Jersey, residents voiced concerns over fair and honest treatment when purchasing gasoline for weeks before a federal emergency declaration was declared and state price gouging statutes were triggered.

For these reasons, the bill does not require a federal emergency declaration to be issued before the FTC could begin an investigation. Instead, the bill sets out specific factors for the FTC to use to determine whether the commodity is being sold at an unjust or unreasonable price. If the FTC makes the determination that price gouging exists, the bill ensures that the violator, whether an individual or a corporation, is subject to strong civil and criminal penalties.

Americans in every corner of the country are today being faced with unprecedented energy costs. We owe it to our constituents to ensure that no one is profiting unjustly at their expense. I urge my colleagues to speak for them and to support the "Energy Price Discipline Act of 2005."

HISPANIC HERITAGE MONTH

HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 2005

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, I rise today in recognition of Hispanic Heritage Month and pay special tribute to the extraordinary contributions of Hispanics towards our great nation. Hispanic Heritage Month, which began on September 15th, commemorates the anniversary of independence for five Latin American countries—Costa Rica, El Salvador, Guatemala, Honduras, and Nicaragua. In addition, Mexico and Chile both declared their independence in the month of September. This anniversary celebrates the day these countries declared their independence from Spanish colonial rule, and continues to represent the shared heritage of all Hispanics in our hemisphere.

This month-long commemoration allows us to celebrate the diversity within the Hispanic community in the United States. America's cultural diversity has always been one of our nation's greatest strengths. Although Hispanics share a common language, their history is rooted throughout the Americas and the Iberian Peninsula. Hispanics represent a mixture of several ethnic backgrounds, including European, American Indian, and African.

Throughout our history, Hispanic Americans have contributed to the greatness of America. From the earliest settlers in the New World to the most recent arrivals seeking greater opportunities and freedoms, Hispanics continue to add to America's unique culture.

According to the Census Bureau, in 2002, there were 37.4 million Hispanics residing in the U.S., representing 13.3 percent of the total population. More than 2.7 million Hispanics reside in my home State of Florida, and comprise almost 17 percent of the population. As a relatively young and rapidly growing population, Hispanics are poised to make their mark on our nation for generations to come. Through their hard work, commitment to faith and close-knit families, Hispanics have the potential to have a significant impact on society.

Furthermore, beyond this data, the reality is that Hispanics are an integral part of America's social fabric. More than one in eight people in the U.S. are of Hispanic origin. During this month-long celebration, we recognize the millions of Hispanic Americans who value a strong commitment to family, hard work, and community. In various aspects of society, from the world of sports, music, and literature and to the entrepreneurial sector, Hispanics continue to live and pursue the American dream. As legislators, we must continue to work for the advancement of initiatives that support and provide opportunity for all.

During Hispanic Heritage Month, I urge all of my colleagues to join with our fellow citizens in celebrating this rich and diverse culture, and I encourage all Americans to recognize the significant role Hispanics play in creating and building this great country.

HONORING CERRITOS COLLEGE

HON. LINDA T. SÁNCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 2005

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, Cerritos College celebrates its 50 years of dedication, tradition, and influence in the 39th Congressional District and southeast Los Angeles County. It stands as an honored institution within the surrounding communities and continues to provide excellent education and training to thousands of students year after year.

A community's dream to extend the educational opportunities of local youth resulted in the birth of Cerritos College. Established in 1955, Cerritos College began with a humble 195 students, 10 teachers, and 15 subjects. Today, the College enrolls more than 22,000 students and offers over 180 areas of study.

Cerritos College's dedication to quality education has made the College an asset to both career-oriented students as well as life-long learners. From political science to business, culinary arts to computers, Cerritos College's programs are invaluable in providing the knowledge and skills needed to succeed in today's dynamic world.

Cerritos College has embraced and utilized technology in providing quality education and services to its students and faculty. The College boasts an open-access lab of 600 high-speed computers dedicated to student use, a modern teleconferencing center, online courses, and "wiring" of the entire campus. As a result, Cerritos College has been dubbed "the most technologically advanced community college" in California for teaching and learning.

Perhaps Cerritos College's greatest asset is its diversity. It is the fourth largest Latino serving community college in the nation and is home to more than 300 international students. Cerritos College's commitment to serving the community's needs has empowered local students and given them a chance to pursue their dreams and become engaged with the rest of the world.

I proudly celebrate with Cerritos College its fiftieth anniversary and look forward to working with the College and its students for many more years to come.

IN RECOGNITION AND REMEMBRANCE OF LIFE OF REVEREND MONSIGNOR ROBERT D. GOODILL

HON. PHIL ENGLISH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 2005

Mr. ENGLISH. Mr. Speaker, I rise today in recognition and remembrance of the life of Reverend Monsignor Robert D. Goodill, who tragically died on April 1, 2005 from injuries sustained in a car accident while in Mexico. For nearly seven decades, Reverend Monsignor Goodill selflessly served the citizens of northwestern Pennsylvania, acting as both a community leader and spiritual counselor for countless individuals. He was a man deeply devoted to his church and his community, dedicating the entirety of his life to the betterment of both.

Reverend Monsignor Robert D. Goodill was born in Erie, Pennsylvania on October 23, 1912. He attended St. Patrick grade school and later attended Cathedral Preparatory School. In 1935, Reverend Monsignor graduated from Catholic University of America with an M.A. in Philosophy. Following his ordainment as a priest at Our Lady of Humility Church in Rome, Goodill was assigned as a parochial vicar at St. Brigid Parish in Meadville, PA. Rev. Monsignor Goodill entered military service in 1943. He served as a chaplain in the U.S. Navy during World War II and again from 1952 to 1954 during the Korean Conflict, being named Naval Chaplain of the year in 1953. In 1954, Goodill was appointed as the founding pastor of Erie, Pennsylvania's St. Luke Church, a position he held until his retirement in 1985. In 1994, after five decades of loyal service to the church, Pope John Paul II named him a prelate of Honor with the title of Monsignor.

The dedication Reverend Monsignor continually demonstrated for his church, community, and nation warrant this body's recognition. As a community leader, spiritual counselor, and war veteran, Reverend Monsignor Goodill's life embodied the American ideals of service, commitment, and sacrifice. With his unfortunate passing, the people of my district, the Commonwealth of Pennsylvania, and the nation have lost a truly exceptional and beloved man.

RECOGNIZING PRINCIPAL CHERRY FITCH

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 2005

Mr. MILLER of Florida. Mr. Speaker, it is a great honor for me to rise today to recognize Cherry Fitch, Florida's High School Principal of the Year. For over 30 years Mrs. Fitch has served Gulf Breeze High School, improving students' lives working as both a teacher and an administrator.

She began her career at Gulf Breeze High School in 1970 as an English teacher and 27 years of dedication later she became the principal. She is an excellent principal, concerned not only with the academic wellbeing of her students but their social success as well. Although Mrs. Fitch left the classroom, she remained deeply involved in her students' lives.

There is no doubt that Cherry Fitch has positively influenced thousands of students during her time at Gulf Breeze High School. Her love of community and school has been apparent throughout her career. It is fitting that in her last year at Gulf Breeze High School that Mrs. Fitch is recognized with this great honor for all her dedication. Under her leadership, Gulf Breeze High School has been the recipient of numerous accolades including being named an A+ school for the past 4 years.

Mr. Speaker, on behalf of the United States Congress, I would like to offer my sincere congratulations to an educator who could serve as a role model to us all. Over three decades of service to education is something to truly be admired, and I am thankful for her commitment to Gulf Breeze High School.

PERSONAL EXPLANATION

HON. STEVE KING

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 2005

Mr. KING of Iowa. Mr. Speaker, I was unavoidably absent due to illness during rollcall votes 521 and 522.

Had I been present, I would have voted "yea" on 521 and 522.

RECOGNIZING THE MILITARY AND COMMUNITY CONTRIBUTIONS OF COLONEL JAMES DOTY AS COMMANDER OF FORT HUNTER LIGGETT AND PARKS RESERVE FORCES TRAINING AREA

HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 2005

Mrs. TAUSCHER. Mr. Speaker, I rise today to honor Colonel James Doty for exceptional service to the military and to our community in forming the U.S. Army Combat Support Training Center in northern California.

Between June 2003 and October 2005, Colonel Doty led an ambitious, successful effort to create a free-standing installation that supports training for both Active and Reserve Components.

Colonel Doty unified four individual sites under one command in creating the Training Center, a truly remarkable feat. At the Parks Training Area, he managed a historic Army Real Property Exchange to permit replacement of aging structures decades beyond their useful life with over $200 million worth of critical support facilities. He prepared Fort Hunter Liggett for implementation of Defense Secretary recommendations to make it the Training Support Headquarters for the 91st Division. Furthermore, he overcame significant obstacles to preside over the development of more than 300 housing units at the Parks site and at Moffett Federal Airfield across the San Francisco Bay in Sunnyvale.

No less remarkably, Colonel Doty accomplished these achievements in a characteristically affable, engaging, and sincere manner. His intelligence, tireless energy, and commitment to success are enhanced by his personal integrity and genuine regard for those in his command and in the larger community affected by his leadership.

Mr. Speaker, I wish much satisfaction and success to Colonel Doty in his well-earned, exciting new assignment. He, his wife Charlotte, and their family have endeared themselves to everyone who knows them in the Tri-Valley region. They will be remembered fondly and sorely missed.

UNDERAGE DRINKING

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 2005

Mr. BECERRA. Mr. Speaker, I rise today on behalf of the Congressional Hispanic Caucus to highlight the issue of underage drinking.

According to the National Institute on Drug Abuse, the first use of alcohol typically begins at age 12. Additionally, research tells us that the majority of kids are accessing the alcohol they drink from family and friends. According to Teenage Research Unlimited, 51 percent of 13–15 year olds say they will be faced with making a decision regarding alcohol in the next three months.

The good news is that parents are the leading influence on kids' decision not to drink alcohol. It is critical that parents and other trusted adults initiate conversations with kids about underage drinking well in advance of the first time they are faced with a decision regarding alcohol.

Yesterday, the Congressional Hispanic Caucus teamed up with The Century Council and Nickelodeon to launch Pregunte, Escuche, Aprenda: ¡Los niños y el alcohol no mezclan! The program was developed in collaboration with LULAC, Aspira Association, the National Latino Children's Institute, National Hispanic Medical Association and MANA, among others and is an adaptation of the English program, Ask, Listen, Learn: Kids and Alcohol Don't Mix.

The program is designed to reduce underage drinking, particularly among children ages 9–13. The information is useful for parents, other trusted adults and kids and includes strategies to help facilitate conversations about the dangers of underage drinking.

I commend The Century Council and Nickelodeon for giving Latino parents and children across the Nation such a valuable communications tool to initiate those critically important discussions regarding alcohol.

EULOGY OF THE COMMON SOLDIER

HON. RALPH REGULA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 2005

Mr. REGULA. Mr. Speaker, I would like to submit the following poem "Eulogy of the Common Soldier" for inclusion in the CONGRESSIONAL RECORD. The poem was written by U.S. Army First Lieutenant Aaron Seesan when he was in his senior year at Washington High School in Massillon, Ohio. Aaron was killed in Iraq on May 22, 2005 while serving his country.

All mortal beings, which God brought forth, die the same, man is not exempt.
All will inevitably end as the dust from whence we came, it matters not of age.
Do not mourn me if I should fall in a foreign land, think this of my passing.
In a far off field a finer soil mixed with the foreign sand, a dust that is American.
A dust that laughed, cried, and loved as an American, on this plot there shall be.
A little piece of America, a patch for the free man, which no oppressor can take.
From this soil grows grass shimmering a little greener, brilliant emerald ramparts.
A Breeze whisping White Poppies with a scent a little sweeter, flowers towards Heaven.
Mourn not my terrible death but celebrate my cause in life, viewed noble or not.
I would have sacrificed and gave all that I had to give, not to make man good, but only to let the good man live.

MOURNING THE LOSS OF ANTHONY A. LEON GUERRERO

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 2005

Ms. BORDALLO. Mr. Speaker, I rise today to express my deepest sympathies and condolences to the family of Mr. Anthony A. Leon Guerrero who passed away on October 10, 2005. He was born on Guam on June 19, 1952 Throughout his life, Mr. Leon Guerrero made numerous contributions to the island of Guam, most notably serving as the president, the chief executive officer, CEO, and chairman of the Bank of Guam. He attended the London School of Economics at the University of London, majoring in Monetary Economics in 1976. He earned his masters of Business Administration at Stanford University's Sloan Program in 1985. At the Bank of Guam, which was founded by his father, the late Jesus S. Leon Guerrero, Tony served with a professionalism that sets a standard for senior executives on our island. Mr. Leon Guerrero served in various positions at the Bank of Guam, rising from commercial loan officer in 1974 to chairman of the board, president and CEO in 2002. Under his stewardship, the Bank of Guam and its 14 branches strengthened its position as the leading financial institution in the Western Pacific region. He was a true visionary in Guam's business community, launching online banking services for the island. Through his leadership, the Bank of Guam became the first local company to go public when its stock was offered for trading on the Pacific Exchange in August of 2000.

Mr. Leon Guerrero's public service includes tenures as chairman of the Guam Economic Development Authority and the Guam Council on the Humanities. He served on various government boards and commissions including the University of Guam Board of Regents, the Guam Political Status Commission, the Guam Waterworks Authority, the Hagatna Restoration and Redevelopment Authority, the Pacific Islands Development Bank Board of Governors and the Micronesian Regional Tourism Council. He served on civic boards and organizations including the Guam Chamber of Commerce, the Guam Bankers' Association, the Catholic Education Council Board of Trustees, the American Cancer Society, Goodwill Industries, the Agana Restoration and Redevelopment Corporation, the Congressional Hispanic Caucus Institute, Pacific Islanders in Communication, the Young Presidents' Organization and the Financial Services and Information Technology Committee, Saipan.

Tony Leon Guerrero was truly a leader in the business community. Although he was an innovator and consummate entrepreneur, the island spirit in him never changed. Despite his many accomplishments, he was still just "Tony" to those who knew him best. The respect that people felt for him in his professional life was equaled only by the love they felt for him in his personal life. He was dedicated to the island in which he lived and worked. The Bank of Guam is often referred to as "The People's Bank," and Tony was a leader in the business community and a conscience for social activism. He understood that with great talent comes great expectations, and he exceeded the expectations of his father and his business associates as the Bank of Guam grew and prospered under his watch. Tony was an advocate in the community for the revival of pride in the Chamorro culture and the cultures of the indigenous peoples throughout Micronesia. His bank invested in indigenous arts and crafts and the bank's branches are themselves centers for the display of Pacific cultures. As chairman of the board and CEO, Tony ensured that the Bank of Guam lived up to its commitment to our island's development and steered the bank through the difficult years of an economic recession. The bank's solid performance and success is a testament to his business acumen and his vision. The sense of loss in our island and throughout our Pacific region is a testament to a great humanitarian and community leader.

I am deeply saddened by this loss and know that the many people on Guam and throughout the Pacific are mourning as well. My thoughts and prayers are with his mother Eugenia A. Leon Guerrero, his wife Mari Flor Herrero, and his three children, Maria Eugenia, Alexandra and Jesus. My condolences also go to his brother Jesse A. Leon Guerrero and his wife Deirdre, his sister Senator Lou Leon Guerrero and her husband Jeff Cook, their families, and the entire Leon Guerrero extended family. Although he will be missed by his family, friends and business associates throughout the Pacific, his legacy of service will live on in our community.

ON THE RETIREMENT OF MRS. CHRISTINE KENNEDY

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 2005

Mr. YOUNG of Alaska. Mr. Speaker, I rise today to honor Christine Kennedy, the Administrator and Chief Clerk of the House of Representatives Committee on Transportation and Infrastructure. Mrs. Kennedy has served the House of Representatives with distinction since 1972. Unfortunately, Mrs. Kennedy will be retiring at the end of this year and will be starting a new and I am sure equally rewarding private life. I know that she is looking forward to spending more time with her daughter, Lauren.

I have known Chris since I came to Congress. Chris started her career with the Federal Government in 1972 as a clerk at NASA. She joined the staff of the Committee on Interior and Insular Affairs in 1974 becoming the Administrator and Chief Clerk in 1995 of the Committee on Resources which was the successor Committee to the Committee on Interior and Insular Affairs.

When I moved from the Chairmanship of the Committee on Resources to the Chairmanship of the Committee on Transportation and Infrastructure, I asked Chris to take the position of Administrator and Chief Clerk of the Committee on Transportation and Infrastructure. Thank goodness, she agreed to do so.

Chris is one of those people who often is unheralded and unseen but who is essential to the workings of this institution. She is one of the most organized and efficient people I know. You know that if Chris is on the job, the job will get done and will be done well. She is thorough and has a detailed knowledge of the procedures and processes that keep the Committee operating.

In addition, she is loyal and generous to her colleagues, her friends, and to myself and my wife, Lu. We have relied on her in so many ways over the years to insure that our work with Committee, including the many codels and field hearings conducted by the Committee have been done in full accordance with the Rules.

I want to express to her my deep appreciation for her hard work and for her support of my efforts as Chairman of two Committees. Without her efforts, our Committees would not have a record of accomplishment that is unmatched by any Committee.

I know that I speak for my wife, Lu and for the Members and Staff of the Committee and for the many friends that she has made as a member of this Congressional family in wishing her all the best and many years of happiness in her new life.

She will be missed in so many ways, but we expect that she will continue to be a member of our Congressional family in the years to come. Best wishes to a good friend and an outstanding staff member.

TRIBUTE TO THE 75 YEARS OF SERVICE THE DEPARTMENT OF VETERANS AFFAIRS HAS PROVIDED

HON. JIM GIBBONS

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 2005

Mr. GIBBONS. Mr. Speaker, it is an honor to commemorate the 75 years of service the Department of Veterans Affairs has provided to the servicemen and women of this great Nation.

May we never forget, and continue to honor, those who made a commitment to protecting the security of our Nation by joining the Armed Forces. We owe our veterans a tremendous debt of gratitude for this commitment, and commend the VA for their pledge to ensure that they continue to receive support and assistance.

The men and women of the VA are dedicated each and every day to meeting the needs of the millions of veterans who have defended our Nation's freedom.

Nearly a quarter of a million veterans reside in our great State; a number that continues to grow. The VA ensures that these men and women, who were dedicated to defending our Nation, receive the services they rightly deserve. As a nation, we owe these great Americans a debt of gratitude for their sacrifice for our Nation's freedom and security.

With an ever growing population of veterans, may we always be reminded of Abraham Lincoln's philosophy and principles that guide the Department of Veterans Affairs: "To care for him shall have borne the battle and for his widow and his orphan."

I join in thanking the Department of Veterans Affairs for their continued work and service for 75 years to our Nation's heroes.

May God bless Nevada, America, and our veterans.

RECOGNIZING THREE FALLEN SOLDIERS SERVING IN IRAQ

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 2005

Mr. CUMMINGS. Mr. Speaker, I rise today to pay tribute to three fallen American soldiers who sacrificed their lives while serving our country.

On October 14, 2005, while conducting convoy operations in the Al Taji area in Iraq, three Maryland Army National Guardsmen, 20-year-old Specialist Samuel M. Boswell, 23-year-old Specialist Bernard L. Ceo, and 36-year-old Sergeant Brian R. Connor, were tragically killed when their Humvee was accidentally hit and caught fire.

Assigned to the 243rd Engineer Company based in my district of West Baltimore, these remarkable young men had only been stationed in Iraq since mid-August. They were the first Maryland National Guardsman to be killed while serving their country overseas since World War II.

Words cannot express the sense of loss felt by the Maryland community when not one, but three of our own is taken from us in an instant. I offer my deepest condolences to the Boswell, Ceo, and Connor families during their difficult time.

Although each of these brave soldiers took different paths to arrive in the Army, they all shared great intellect, vigor, and a true commitment to serve their country. These attributes coupled with their youth makes it even more difficult to accept each soldier's fate. We all must now face the burden of uncertainty—never knowing what the future would have held for them.

Specialist Samuel Boswell of Elkridge, graduated from the technology magnet program at River Hill High School in Clarksville, Md. in 2003. He was a computer whiz with aspirations of receiving his college degree. However, as the violence in Iraq escalated, Spc. Boswell was compelled to volunteer his service and join the Army shortly after his high school graduation. On the day of his death, Spc. Boswell was on his way to meet his brother Michael, who was a civilian contract worker based in Baghdad. That reunion never took place.

Specialist Bernard Ceo of Baltimore was raised in a military family. His ambition was to become a teacher. In fact, before joining the Army, he worked one-on-one with special needs students at the Kennedy Krieger High School Career and Technology Center in Baltimore. One of his colleagues at the school said that Spc. Ceo was a thoughtful, introspective young man who was an excellent employee, and would have made an outstanding teacher. Spc. Ceo joined the Army to help pay for college and alleviate financial strain on his family.

Along with his professional goals, Spc. Ceo was also making plans to marry his longtime girlfriend, Dajae Overton. The two had been together for years, and Spc. Ceo even took on the responsibility of caring for her two children as if they were his own. This selfless act demonstrated that Spc. Ceo was a man of integrity and honor.

Sergeant Brian Conner of Gwynn Oak was a single father of three daughters. Before joining the Army, he worked as a fireman for the Baltimore City Fire Department for 12 years. His sense of humor and clever banter were admired by all who knew him. His older brother, Paul said he was good at everything he did and that joining the Army was Sergeant Conner's mission.

These tragic deaths and these mourning families are a personal reality that we, as a people, must have the humanity to confront. These deaths remind us that sacrifice is never truly "shared."

There is nothing that any of us can say that will return these brave young men to their families.

We can only reach out to them—and to all who have lost loved ones in Iraq.

We can only stand with these neighbors in their darkest hours—and offer whatever comfort and support that we can.

As the families and loved ones of Samuel Boswell, Bernard Ceo and Brian Conner attempt to endure losses and suffering that no family should have to confront, we must all recommit ourselves to finding a way out of this conflict in Iraq.

We must find a way to bring our troops home on a timetable that is consistent with our nation's commitments to the Iraqi people.

By the end of this year, the Iraqis should have their constitution and government in operation.

That is not the reason that we went to war—but, nevertheless, it would give some meaning to our soldiers' sacrifice.

Equally important, the deaths that we mourn this week remind us that it is time for a clear and reasoned strategy to begin bringing our brave young people home.

Then, perhaps, all of the families who have sacrificed so much because of the war in Iraq can begin to heal the wounds that they have been forced to endure.

HONORING THE LIFE OF PENN KEMBLE

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 2005

Mr. LANTOS. Mr. Speaker, friends of freedom today are mourning the death of Penn Kemble, who was one of its most ardent, eloquent, and effective defenders. Although he died at the relatively young age of 64, after a year-long struggle with brain cancer, Penn was an activist on behalf of social causes for more than 40 years. Whether arguing on behalf of civil rights, supporting organized labor, which he considered the "balance wheel of democracy," or advocating on behalf of democratic movements around the world, Penn brought an unparalleled passion combined with a hardheaded realism to every cause he adopted.

Penn through his close affiliation with Senators Henry Jackson and Daniel Patrick Moynihan, worked to move the Democratic Party in the direction of strong and "muscular" internationalism in its foreign policy. As Deputy Director—and later Acting Director—of the United States Information Agency under President Clinton, he played a strong role in the creation of an international network on civic education and in the establishment of the Community of Democracies. Even as the end of his life drew near, he was busy working to develop a transatlantic democracy network, collaborating with colleagues at the National Endowment for Democracy and Freedom House, where he served as a senior scholar after leaving government service.

Mr. Speaker, I ask unanimous consent to place in the RECORD a Washington Post obituary that chronicles the life of this remarkable American. Let me take this opportunity to express my condolences to Penn's wife Mal and the other members of his family.

[From the Washington Post, Oct. 19, 2005]

POLITICAL ACTIVIST PENN KEMBLE DIES AT 64

(By Joe Holley)

Penn Kemble, 64, a political activist who considered himself a "muscular Democrat" and who kept himself in intellectual fighting trim by engaging in policy tilts with adversaries on both the left and the right, died Oct. 16 of brain cancer at his home in Washington. A former acting director of the U.S. Information Agency, he was in recent years senior scholar at Freedom House, a nonpartisan, pro-democracy think tank.

Mr. Kemble believed in a robust internationalism in the tradition of former senator Henry M. "Scoop" Jackson (D-Wash.). He also had an affinity for organized labor, which was, in his words, "the balance wheel of democracy."

During his career, he helped found or lead a number of advocacy groups, including the Coalition for a Democratic Majority.

A friend and former colleague, Joshua Muravchik, resident scholar at the American Enterprise Institute, noted that Mr. Kemble's political and intellectual journey traversed a path from democratic socialist to social democrat. It was a journey similar in its rightward arc to that of many prominent neoconservatives. Although he occasionally took such positions, Mr. Kemble stopped short of leaving the Democratic Party and never considered himself a neoconservative.

He believed, for example, in building a democratic Iraq but sharply criticized the Bush administration's approach on the country. "The distinction between liberation and democratization, which requires a strategy and instruments, was an idea never understood by the administration," he told the New Republic last year.

Richard Penn Kemble was born in Worcester, Mass., and grew up in Lancaster, Pa., where he was a small but feisty football player in high school. His political activism began at the University of Colorado, where he helped establish the Colorado chapter of the Young People's Socialist League.

After receiving a bachelor's degree in 1962, he moved to New York and took a job as a copy boy at the New York Times. His journalism career ended shortly afterward, when the typesetters went out on strike and he refused to cross the picket line.

He stayed in New York and immersed himself in socialist politics, seeking to resurrect the youth section of the Socialist Party, famously led earlier in the century by Eugene V. Debs and Norman Thomas.

Muravchik, who also was part of the movement, recalled that Mr. Kemble stood out as a "good-looking, neatly dressed WASP" in what was otherwise "a scruffy-looking crowd" made up primarily of young Jewish intellectuals.

He was one of the few whites among the leadership of the East River chapter of the Congress of Racial Equality, once staging a sit-in that blocked the eastbound lanes of the Triborough Bridge during rush hour. The aim was to force commuters to ponder the plight of Harlem residents before arriving back at their comfortable homes in the suburbs.

In 1967, he founded Negotiation Now!, which demanded an end to the bombing of North Vietnam and a negotiated end to the war.

In the early 1970s, Mr. Kemble moved to the District and plunged into Democratic Party politics. After the party's 1972 presidential debacle, he helped found the Coalition for a Democratic Majority. Associated primarily with Sens. Jackson and Hubert H. Humphrey (D–Minn.), the group sought to move the party back toward the center and refocus its reliance on a traditional blue-collar base.

Mr. Kemble served as executive director of the group from 1972 to 1976, when he joined the New York senatorial campaign of Daniel Patrick Moynihan. He was Moynihan's special assistant and speechwriter until 1979.

During the Reagan administration, he founded a group called PRODEMCA, or the Committee for Democracy in Central America. He caused consternation among many fellow Democrats by advocating support for the anti-communist contra rebels in Nicaragua. He sought a democratic middle way between communist Sandinistas and former supporters of rightist dictator Anastasio Somoza.

He worked in the Clinton presidential campaign in 1992 and was appointed deputy director of the USIA in 1993. He became USIA's acting director in 1999.

In recent years, Mr. Kemble sought to maintain a network of American social democrats. From his sickbed, he conceived and helped organize a conference dedicated to the thought of philosopher Sydney Hook, an intellectual model for Mr. Kemble of the politically engaged social democrat. The event took place October, 1.

His marriage to Charlotte Rowe ended in divorce.

Survivors include his wife of 22 years, Marie-Louise "Mal" Caravatti of Washington; two sisters, Sara Kemble of Columbia and Eugenia Kemble of Washington; and a brother, Grover Kemble of Morristown, N.J.

Mr. Kemble was in many ways still a socialist, his wife said. "He believed in the public sector as a civilizing force," she added. "He believed in a role for government."

REDUCING THE POTENTIAL FOR CONFLICT IN THE HORN OF AFRICA

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 2005

Mr. WILSON of South Carolina. Mr. Speaker, five years ago a border war between Eritrea and Ethiopia that killed approximately 100,000 people seemed to have ended. Hope for peace emerged as both countries agreed to resolve their dispute through international arbitration. After two years of debate and discussion, the Ethiopia-Eritrea Border Commission, EEBC, issued its final and binding decision in 2002 to resolve the long-standing border dispute.

Ethiopia did not agree with the EEBC's decision, which was meant to be final and binding on both countries. For the past three years since arbitration ended, Ethiopia has refused to implement the EEBC decision, and the border between the two countries has not been demarcated.

Both countries should abide by the decision. I believe our new Assistant Secretary of State for African Affairs, Dr. Jendayi Frazer, can assist Ethiopia and Eritrea in working together toward implementing the EEBC decision.

The time to address this issue is now, and not after hostilities begin again. The EEBC decision needs to be fully implemented without any precondition. Eritrea is ready to implement it, and Ethiopia must be urged to do so.

As a Member of the Armed Services Committee and the International Relations Committee, I see this issue as the kind of challenge that America can no longer afford to ignore. The Horn of Africa is a strategic location with strong implications to our success in the Global War on Terrorism. Another border war in the Horn of Africa would undermine the hope for peace in Sudan and weaken American influence with other border disputes in Africa.

American leadership should not pressure both sides to renegotiate the final and binding decision. Eritrea is unwilling to renegotiate the EEBC findings, while Ethiopia is calling for "dialogue." The EEBC articulated the demarcation process and directives needed to determine the exact locations on the ground for border markers. Eritrea supports full implementation of the EEBC decision and demarcation directives and is therefore ready to work out these technical issues of exact placement of border markers as stipulated in the EEBC decision. Ethiopia's calls for more dialogue are superfluous. The claim that the EEBC used a map that was too great a scale to permit clarity of intent is unfounded.

Eritrea is a society almost evenly divided between Muslims and Christians. Eritrea has long been a target of al Qaeda and renewed fighting in the Horn would produce opportunities for it to further undermine America's interests.

Many of the fundamental political decisions made by the United States on resolving the border matter were a product of the previous Administration. It is time for our diplomats who agree with President Bush when he says that the spread of democracy, respecting the rule of law and freedom are key to future security, to focus on this issue.

Mr. Speaker, I respectfully urge the Administration to convince the Ethiopian government to abide by the EEBC's final decision on the border to be mutually beneficial for Eritrea and Ethiopia.

HONORING THE SENIOR COMPANION PROGRAM OF MONTGOMERY COUNTY, PENNSYLVANIA

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 2005

Mr. GERLACH. Mr. Speaker, I rise today to honor the Senior Companion Program, SCP, of Montgomery County, Pennsylvania.

The SCP of Montgomery County, Pennsylvania provides an innovative service for senior citizens in need of additional home care, but who are not yet ready to enter a nursing home. The Montgomery County SCP is the sixth of its kind in Pennsylvania and the 250th SCP in the United States.

The SCP of Montgomery County has been in existence since September 2003. Since that time, the SCP of Montgomery County has worked diligently to help senior citizens remain independent at home as long as possible by having their volunteers, or "Companions," make visits to the seniors' homes and provide care and companionship.

The Companions of the SCP are usually low-income senior citizens, committing 20 to 40 hours a week to help other seniors who are frail and in need of additional help. The Companions receive a small, tax-free stipend for their time spent volunteering. During the visits, the Companions engage in all sorts of daily activities from helping seniors with correspondence, monitoring medications, playing games, exercising, helping with errands and appointments, and sharing meals. These activities help seniors continue to lead a regular, active life. The Companions of SCP can also provide much-needed relief for the caregiver in the seniors' home.

Mr. Speaker, I ask that my colleagues join me in honoring the Senior Companion Program of Montgomery County. The SCP Companions play a significant role in the Montgomery County community by giving back to its citizens in very important ways. They have worked to improve the overall quality of life for over 200 senior citizens by giving them the extra help they need in order to remain self-sufficient in their homes.

SENATE—*Friday, October 21, 2005*

The Senate met at 9:30 a.m. and was called to order by the Honorable JOHNNY ISAKSON, a Senator from the State of Georgia.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God of mercy and love, we come to You to open ourselves to Your endless patience and power. You forgive us when we disappoint You and when we fail others. You refresh us for each day's challenges. You protect us from seen and unseen dangers and continue to shower our lives with blessings. Fill us with Your Spirit so that we will touch the lives of those who feel the winds of despair.

Use our Senators today as Your ambassadors of hope. Give them the power of unity and the gift of wisdom.

Empower us all to live lives worthy of Your goodness. We pray this in the Name of Him who lives and reigns forever and ever. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JOHNNY ISAKSON led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, October 21, 2005.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOHNNY ISAKSON, a Senator from the State of Georgia, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. ISAKSON thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning, we will begin consideration of the Labor-HHS appropriations bill, which is our final appropriations bill for the year. Chairman SPECTER will begin with an opening statement, and other Members are welcome to come to the floor to open the debate on the bill.

I mentioned last night that we would not have any votes today and that the next vote will begin at 5:30 p.m. on Monday. Senator SPECTER is eager to begin the bill, and we ask Senators who have amendments to contact the two managers. Amendments may be offered during Monday's session, and we expect Senators to come forward at that time with their amendments.

I also congratulate Senators BOND and MURRAY for their tremendous work on the Transportation-Treasury appropriations bill over this past week. That bill, which passed last night by a vote of 93 to 1, was completed this week because of the two managers' patience and persistence and determination.

We do not have many weeks left in this first session and, therefore, I remind Senators that we need to use each day wisely. I hope we will be able to move quickly next week on our final appropriations bill, as we wrap up our budget and appropriations process for the year.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2006

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to the immediate consideration of H.R. 3010, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 3010) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

Thereupon, the Senate proceeded to consider the bill, which had been reported from the Committee on Appropriations with an amendment.

(Strike the part shown in black brackets and insert the part shown in italic.)

H.R. 3010

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

[That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2006, and for other purposes, namely:

[TITLE I—DEPARTMENT OF LABOR

[EMPLOYMENT AND TRAINING ADMINISTRATION

[TRAINING AND EMPLOYMENT SERVICES

[(INCLUDING RESCISSIONS)

[For necessary expenses of the Workforce Investment Act of 1998, including the purchase and hire of passenger motor vehicles, the construction, alteration, and repair of buildings and other facilities, and the purchase of real property for training centers as authorized by such Act; $2,658,792,000 (increased by $58,000,000) plus reimbursements, of which $1,708,792,000 is available for obligation for the period July 1, 2006, through June 30, 2007; except that amounts determined by the Secretary of Labor to be necessary pursuant to sections 173(a)(4)(A) and 174(c) of such Act shall be available from October 1, 2005, until expended: and of which $950,000,000 is available for obligation for the period April 1, 2006, through June 30, 2007, to carry out chapter 4 of such Act: *Provided*, That notwithstanding any other provision of law, of the funds provided herein under section 137(c) of such Act of 1998, $212,000,000 shall be for activities described in section 132(a)(2)(A) of such Act and $1,193,264,000 shall be for activities described in section 132(a)(2)(B) of such Act: *Provided further*, That $125,000,000 shall be available for Community-Based Job Training Grants: *Provided further*, That $7,936,000 shall be for carrying out section 172 of such Act: *Provided further*, That, notwithstanding any other provision of law or related regulation, $75,759,000 shall be for carrying out section 167 of such Act, including $71,213,000 for formula grants, $4,546,000 for migrant and seasonal housing (of which not less than 70 percent shall be for permanent housing), and $500,000 for other discretionary purposes: *Provided further*, That notwithstanding the transfer limitation under section 133(b)(4) of such Act, up to 30 percent of such funds may be transferred by a local board if approved by the Governor: *Provided further*, That funds provided to carry out section 171(d) of such Act may be used for demonstration projects that provide assistance to new entrants in the workforce and incumbent workers: *Provided further*, That no funds from any other appropriation shall be used

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

to provide meal services at or for Job Corps centers.

[For necessary expenses of the Workforce Investment Act of 1998, including the purchase and hire of passenger motor vehicles, the construction, alteration, and repair of buildings and other facilities, and the purchase of real property for training centers as authorized by the Act; $2,463,000,000 plus reimbursements, of which $2,363,000,000 is available for obligation for the period October 1, 2006, through June 30, 2007, and of which $100,000,000 is available for the period October 1, 2006, through June 30, 2009, for necessary expenses of construction, rehabilitation, and acquisition of Job Corps centers.

[Of the funds provided under this heading in division G of Public Law 108–7 to carry out section 173(a)(4)(A) of the Workforce Investment Act of 1998, $20,000,000 is rescinded.

[Of the funds provided under this heading in division B of Public Law 107–117, $5,000,000 is rescinded.

[Of the funds provided under this heading in division F of Public Law 108–447 for Community-Based Job Training Grants, $125,000,000 is rescinded.

[The Secretary of Labor shall take no action to amend, through regulatory or administration action, the definition established in 20 CFR 667.220 for functions and activities under title I of the Workforce Investment Act of 1998 until such time as legislation reauthorizing the Act is enacted.

[COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

[To carry out title V of the Older Americans Act of 1965, as amended, $436,678,000.

[Federal Unemployment Benefits and Allowances

[For payments during the current fiscal year of trade adjustment benefit payments and allowances under part I and section 246; and for training, allowances for job search and relocation, and related State administrative expenses under part II of chapter 2, title II of the Trade Act of 1974 (including the benefits and services described under sections 123(c)(2) and 151 (b) and (c) of the Trade Adjustment Assistance Reform Act of 2002, Public Law 107–210), $966,400,000, together with such amounts as may be necessary to be charged to the subsequent appropriation for payments for any period subsequent to September 15 of the current year.

[State Unemployment Insurance and Employment Service Operations

[For authorized administrative expenses, $130,985,000, together with not to exceed $3,299,381,000 (including not to exceed $1,228,000 which may be used for amortization payments to States which had independent retirement plans in their State employment service agencies prior to 1980 and including $10,000,000 which may be used to conduct in-person reemployment and eligibility assessments of unemployment insurance beneficiaries in one-stop career centers), which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund including the cost of administering section 51 of the Internal Revenue Code of 1986, as amended, section 7(d) of the Wagner-Peyser Act, as amended, the Trade Act of 1974, as amended, the Immigration Act of 1990, and the Immigration and Nationality Act, as amended, and of which the sums available in the allocation for activities authorized by title III of the Social Security Act, as amended (42 U.S.C. 502–504), and the sums available in the allocation for necessary administrative expenses for carrying out 5 U.S.C. 8501–8523, shall be available for obligation by the States through December 31, 2006, except that funds used for automation acquisitions shall be available for obligation by the States through September 30, 2008; of which $130,985,000, together with not to exceed $672,700,000 of the amount which may be expended from said trust fund, shall be available for obligation for the period July 1, 2006, through June 30, 2007, to fund activities under the Act of June 6, 1933, as amended, including the cost of penalty mail authorized under 39 U.S.C. 3202(a)(1)(E) made available to States in lieu of allotments for such purpose: *Provided*, That to the extent that the Average Weekly Insured Unemployment (AWIU) for fiscal year 2006 is projected by the Department of Labor to exceed 2,984,000, an additional $28,600,000 shall be available for obligation for every 100,000 increase in the AWIU level (including a pro rata amount for any increment less than 100,000) from the Employment Security Administration Account of the Unemployment Trust Fund: *Provided further*, That funds appropriated in this Act which are used to establish a national one-stop career center system, or which are used to support the national activities of the Federal-State unemployment insurance or immigration programs, may be obligated in contracts, grants or agreements with non-State entities: *Provided further*, That funds appropriated under this Act for activities authorized under the Wagner-Peyser Act, as amended, and title III of the Social Security Act, may be used by the States to fund integrated Employment Service and Unemployment Insurance automation efforts, notwithstanding cost allocation principles prescribed under Office of Management and Budget Circular A–87.

[In addition to amounts made available above, and subject to the same terms and conditions, $10,000,000 to conduct in-person reemployment and eligibility assessments of unemployment insurance beneficiaries in one-stop career centers, and $30,000,000 to prevent and detect fraudulent unemployment benefits claims filed using personal information stolen from unsuspecting workers: *Provided*, That not later than 180 days following the end of fiscal year 2006, the Secretary shall provide a report to the Congress which includes:

[(1) the amount spent for in-person reemployment and eligibility assessments of UI beneficiaries in One-Stop Career Centers, as well as funds made available and expended to prevent and detect fraudulent claims for unemployment benefits filed using workers' stolen personal information;

[(2) the number of scheduled in-person reemployment and eligibility assessments, the number of individuals who failed to appear for scheduled assessments, actions taken as a result of individuals not appearing for an assessment (e.g., benefits terminated), results of assessments (e.g., referred to reemployment services, found in compliance with program requirements), estimated savings resulting from cessation of benefits, and estimated savings as a result of accelerated reemployment; and

[(3) the estimated number of UI benefit claims filed using stolen identification that are discovered at the time of initial filing, with an estimate of the resulting savings; and the estimated number of ID theft-related continued claims stopped, with an estimate of the amount paid on such fraudulent claims and an estimate of the resulting savings from their termination.

[Advances to the Unemployment Trust Fund and Other Funds

[For repayable advances to the Unemployment Trust Fund as authorized by sections 905(d) and 1203 of the Social Security Act, as amended, and to the Black Lung Disability Trust Fund as authorized by section 9501(c)(1) of the Internal Revenue Code of 1954, as amended; and for nonrepayable advances to the Unemployment Trust Fund as authorized by section 8509 of title 5, United States Code, and to the "Federal unemployment benefits and allowances" account, to remain available until September 30, 2007, $465,000,000.

[In addition, for making repayable advances to the Black Lung Disability Trust Fund in the current fiscal year after September 15, 2006, for costs incurred by the Black Lung Disability Trust Fund in the current fiscal year, such sums as may be necessary.

[Program Administration

[For expenses of administering employment and training programs, $118,123,000, together with not to exceed $87,988,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund: *Provided*, That not to exceed $3,000,000 shall be available for contracts that are not competitively bid.

[Workers Compensation Programs

[(RESCISSION)

[Of the funds provided under this heading in the Emergency Supplemental Act, 2002 (Public Law 107–117, division B), $120,000,000 is rescinded.

[Employee Benefits Security Administration

[SALARIES AND EXPENSES

[For necessary expenses for the Employee Benefits Security Administration, $137,000,000.

[Pension Benefit Guaranty Corporation

[Pension Benefit Guaranty Corporation Fund

[The Pension Benefit Guaranty Corporation is authorized to make such expenditures, including financial assistance authorized by section 104 of Public Law 96–364, within limits of funds and borrowing authority available to such Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 9104), as may be necessary in carrying out the program, including associated administrative expenses, through September 30, 2006, for such Corporation: *Provided*, That none of the funds available to the Corporation for fiscal year 2006 shall be available for obligations for administrative expenses in excess of $296,977,728: *Provided further*, That obligations in excess of such amount may be incurred after approval by the Office of Management and Budget and the Committees on Appropriations of the House and Senate.

[Employment Standards Administration

[SALARIES AND EXPENSES

[For necessary expenses for the Employment Standards Administration, including reimbursement to State, Federal, and local agencies and their employees for inspection services rendered, $414,284,000, together with $2,048,000 which may be expended from the Special Fund in accordance with sections 39(c), 44(d) and 44(j) of the Longshore and Harbor Workers' Compensation Act: *Provided*, That the Secretary of Labor is authorized to establish and, in accordance with 31

U.S.C. 3302, collect and deposit in the Treasury fees for processing applications and issuing certificates under sections 11(d) and 14 of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 211(d) and 214) and for processing applications and issuing registrations under title I of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1801 et seq.).

[Special Benefits

[(INCLUDING TRANSFER OF FUNDS)

[For the payment of compensation, benefits, and expenses (except administrative expenses) accruing during the current or any prior fiscal year authorized by title 5, chapter 81 of the United States Code; continuation of benefits as provided for under the heading "Civilian War Benefits" in the Federal Security Agency Appropriation Act, 1947; the Employees' Compensation Commission Appropriation Act, 1944; sections 4(c) and 5(f) of the War Claims Act of 1948 (50 U.S.C. App. 2012); and 50 percent of the additional compensation and benefits required by section 10(h) of the Longshore and Harbor Workers' Compensation Act, as amended, $237,000,000, together with such amounts as may be necessary to be charged to the subsequent year appropriation for the payment of compensation and other benefits for any period subsequent to August 15 of the current year: *Provided*, That amounts appropriated may be used under section 8104 of title 5, United States Code, by the Secretary of Labor to reimburse an employer, who is not the employer at the time of injury, for portions of the salary of a reemployed, disabled beneficiary: *Provided further*, That balances of reimbursements unobligated on September 30, 2005, shall remain available until expended for the payment of compensation, benefits, and expenses: *Provided further*, That in addition there shall be transferred to this appropriation from the Postal Service and from any other corporation or instrumentality required under section 8147(c) of title 5, United States Code, to pay an amount for its fair share of the cost of administration, such sums as the Secretary determines to be the cost of administration for employees of such fair share entities through September 30, 2006: *Provided further*, That of those funds transferred to this account from the fair share entities to pay the cost of administration of the Federal Employees' Compensation Act, $45,001,000 shall be made available to the Secretary as follows:

[(1) for enhancement and maintenance of automated data processing systems and telecommunications systems, $13,305,000;

[(2) for automated workload processing operations, including document imaging, centralized mail intake and medical bill processing, $18,454,000;

[(3) for periodic roll management and medical review, $13,242,000; and

[(4) the remaining funds shall be paid into the Treasury as miscellaneous receipts:

Provided further, That the Secretary may require that any person filing a notice of injury or a claim for benefits under chapter 81 of title 5, United States Code, or 33 U.S.C. 901 et seq., provide as part of such notice and claim, such identifying information (including Social Security account number) as such regulations may prescribe.

[Special Benefits for Disabled Coal Miners

[For carrying out title IV of the Federal Mine Safety and Health Act of 1977, as amended by Public Law 107–275, (the "Act"), $232,250,000, to remain available until expended.

[For making after July 31 of the current fiscal year, benefit payments to individuals under title IV of the Act, for costs incurred in the current fiscal year, such amounts as may be necessary.

[For making benefit payments under title IV for the first quarter of fiscal year 2007, $74,000,000, to remain available until expended.

[ADMINISTRATIVE EXPENSES, ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION FUND

[(INCLUDING TRANSFER OF FUNDS)

[For necessary expenses to administer the Energy Employees Occupational Illness Compensation Act, $96,081,000, to remain available until expended: *Provided*, That the Secretary of Labor is authorized to transfer to any executive agency with authority under the Energy Employees Occupational Illness Compensation Act, including within the Department of Labor, such sums as may be necessary in fiscal year 2006 to carry out those authorities: *Provided further*, That the Secretary may require that any person filing a claim for benefits under the Act provide as part of such claim, such identifying information (including Social Security account number) as may be prescribed.

[Black Lung Disability Trust Fund

[(INCLUDING TRANSFER OF FUNDS)

[In fiscal year 2006 and thereafter, such sums as may be necessary from the Black Lung Disability Trust Fund, to remain available until expended, for payment of all benefits authorized by section 9501(d) (1), (2), (4), and (7) of the Internal Revenue Code of 1954, as amended; and interest on advances, as authorized by section 9501(c)(2) of that Act. In addition, the following amounts shall be available from the Fund for fiscal year 2006 for expenses of operation and administration of the Black Lung Benefits program, as authorized by section 9501(d)(5): $33,050,000 for transfer to the Employment Standards Administration "Salaries and Expenses"; $24,239,000 for transfer to Departmental Management, "Salaries and Expenses"; $344,000 for transfer to Departmental Management, "Office of Inspector General"; and $356,000 for payments into miscellaneous receipts for the expenses of the Department of the Treasury.

[Occupational Safety and Health Administration

[SALARIES AND EXPENSES

[For necessary expenses for the Occupational Safety and Health Administration, $477,199,000, including not to exceed $92,013,000 which shall be the maximum amount available for grants to States under section 23(g) of the Occupational Safety and Health Act (the "Act"), which grants shall be no less than 50 percent of the costs of State occupational safety and health programs required to be incurred under plans approved by the Secretary under section 18 of the Act; and, in addition, notwithstanding 31 U.S.C. 3302, the Occupational Safety and Health Administration may retain up to $750,000 per fiscal year of training institute course tuition fees, otherwise authorized by law to be collected, and may utilize such sums for occupational safety and health training and education grants: *Provided*, That, notwithstanding 31 U.S.C. 3302, the Secretary of Labor is authorized, during the fiscal year ending September 30, 2006, to collect and retain fees for services provided to Nationally Recognized Testing Laboratories, and may utilize such sums, in accordance with the provisions of 29 U.S.C. 9a, to administer national and international laboratory recognition programs that ensure the safety of equipment and products used by workers in the workplace: *Provided further*, That none of the funds appropriated under this paragraph shall be obligated or expended to prescribe, issue, administer, or enforce any standard, rule, regulation, or order under the Act which is applicable to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees: *Provided further*, That no funds appropriated under this paragraph shall be obligated or expended to administer or enforce any standard, rule, regulation, or order under the Act with respect to any employer of 10 or fewer employees who is included within a category having a Days Away, Restricted, or Transferred (DART) occupational injury and illness rate, at the most precise industrial classification code for which such data are published, less than the national average rate as such rates are most recently published by the Secretary, acting through the Bureau of Labor Statistics, in accordance with section 24 of that Act (29 U.S.C. 673), except—

[(1) to provide, as authorized by such Act, consultation, technical assistance, educational and training services, and to conduct surveys and studies;

[(2) to conduct an inspection or investigation in response to an employee complaint, to issue a citation for violations found during such inspection, and to assess a penalty for violations which are not corrected within a reasonable abatement period and for any willful violations found;

[(3) to take any action authorized by such Act with respect to imminent dangers;

[(4) to take any action authorized by such Act with respect to health hazards;

[(5) to take any action authorized by such Act with respect to a report of an employment accident which is fatal to one or more employees or which results in hospitalization of two or more employees, and to take any action pursuant to such investigation authorized by such Act; and

[(6) to take any action authorized by such Act with respect to complaints of discrimination against employees for exercising rights under such Act:

Provided further, That the foregoing proviso shall not apply to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees: *Provided further*, That not less than $3,200,000 shall be used to extend funding for the Institutional Competency Building training grants which commenced in September 2000, for program activities for the period of September 30, 2006, to September 30, 2007, provided that a grantee has demonstrated satisfactory performance: *Provided further*, That none of the funds appropriated under this paragraph shall be obligated or expended to administer or enforce the provisions of 29 CFR 1910.134(f)(2) (General Industry Respiratory Protection Standard) to the extent that such provisions require the annual fit testing (after the initial fit testing) of respirators for occupational exposure to tuberculosis.

[Mine Safety and Health Administration

[SALARIES AND EXPENSES

[For necessary expenses for the Mine Safety and Health Administration, $280,490,000, including purchase and bestowal of certificates and trophies in connection with mine rescue and first-aid work, and the hire of passenger motor vehicles, including up to $2,000,000 for mine rescue and recovery activities; in addition, not to exceed $750,000 may be collected by the National Mine Health and Safety Academy for room, board, tuition, and the sale of training materials, otherwise authorized by law to be collected, to be available for mine safety and health education and training activities, notwithstanding 31 U.S.C. 3302; and, in addition, the Mine Safety and Health Administration may retain up to $1,000,000 from fees collected for the approval and certification of equipment, materials, and explosives for use in mines, and may utilize such sums for such activities; the Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, or private; the Mine Safety and Health Administration is authorized to promote health and safety education and training in the mining community through cooperative programs with States, industry, and safety associations; the Secretary is authorized to recognize the Joseph A. Holmes Safety Association as a principal safety association and, notwithstanding any other provision of law, may provide funds and, with or without reimbursement, personnel, including service of Mine Safety and Health Administration officials as officers in local chapters or in the national organization; and any funds available to the department may be used, with the approval of the Secretary, to provide for the costs of mine rescue and survival operations in the event of a major disaster.

[BUREAU OF LABOR STATISTICS

[SALARIES AND EXPENSES

[For necessary expenses for the Bureau of Labor Statistics, including advances or reimbursements to State, Federal, and local agencies and their employees for services rendered, $464,678,000, together with not to exceed $77,845,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund, of which $5,000,000 may be used to fund the mass layoff statistics program under section 15 of the Wagner-Peyser Act (29 U.S.C. 491–2).

[OFFICE OF DISABILITY EMPLOYMENT POLICY

[SALARIES AND EXPENSES

[For necessary expenses for the Office of Disability Employment Policy to provide leadership, develop policy and initiatives, and award grants furthering the objective of eliminating barriers to the training and employment of people with disabilities, $27,934,000.

[DEPARTMENTAL MANAGEMENT

[SALARIES AND EXPENSES

[For necessary expenses for Departmental Management, including the hire of three sedans, $244,112,000 of which $6,944,000 to remain available until September 30, 2007, is for Frances Perkins Building Security Enhancements, and $29,760,000 is for the acquisition of Departmental information technology, architecture, infrastructure, equipment, software and related needs, which will be allocated by the Department's Chief Information Officer in accordance with the Department's capital investment management process to assure a sound investment strategy; together with not to exceed $311,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund.

[VETERANS EMPLOYMENT AND TRAINING

[Not to exceed $194,834,000 (increased by $5,000,000) may be derived from the Employment Security Administration Account in the Unemployment Trust Fund to carry out the provisions of 38 U.S.C. 4100–4113, 4211–4215, and 4321–4327, and Public Law 103–353, and which shall be available for obligation by the States through December 31, 2006, of which $1,984,000 (increased by $500,000) is for the National Veterans' Employment and Training Services Institute. To carry out the Homeless Veterans Reintegration Programs (38 U.S.C. 2021) and the Veterans Workforce Investment Programs (29 U.S.C. 2913), $29,500,000 (increased by $3,000,000), of which $7,500,000 shall be available for obligation for the period July 1, 2006, through June 30, 2007.

[OFFICE OF INSPECTOR GENERAL

[For salaries and expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $65,211,000, together with not to exceed $5,608,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund.

[WORKING CAPITAL FUND

[For the acquisition of a new core accounting system for the Department of Labor, including hardware and software infrastructure and the costs associated with implementation thereof, $6,230,000.

[GENERAL PROVISIONS

[SEC. 101. None of the funds appropriated in this title for the Job Corps shall be used to pay the compensation of an individual, either as direct costs or any proration as an indirect cost, at a rate in excess of Executive Level II.

[(TRANSFER OF FUNDS)

[SEC. 102. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended) which are appropriated for the current fiscal year for the Department of Labor in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: *Provided*, That an appropriation may be increased by up to an additional 2 percent subject to approval by the House and Senate Committees on Appropriations: *Provided further*, That the transfer authority granted by this section shall be available only to meet emergency needs and shall not be used to create any new program or to fund any project or activity for which no funds are provided in this Act: *Provided further*, That the Appropriations Committees of both Houses of Congress are notified at least 15 days in advance of any transfer.

[SEC. 103. In accordance with Executive Order No. 13126, none of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended for the procurement of goods mined, produced, manufactured, or harvested or services rendered, whole or in part, by forced or indentured child labor in industries and host countries already identified by the United States Department of Labor prior to enactment of this Act.

[SEC. 104. For purposes of chapter 8 of division B of the Department of Defense and Emergency Supplemental Appropriations for Recovery from and Response to Terrorist Attacks on the United States Act, 2002 (Public Law 107–117), payments made by the New York Workers' Compensation Board to the New York Crime Victims Board and the New York State Insurance Fund before the date of the enactment of this Act shall be deemed to have been made for workers compensation programs.

[This title may be cited as the "Department of Labor Appropriations Act, 2006".

[TITLE II—DEPARTMENT OF HEALTH AND HUMAN SERVICES

[HEALTH RESOURCES AND SERVICES ADMINISTRATION

[HEALTH RESOURCES AND SERVICES

[For carrying out titles II, III, IV, VII, VIII, X, XII, XIX, and XXVI of the Public Health Service Act, section 427(a) of the Federal Coal Mine Health and Safety Act, title V and sections 1128E, 711, and 1820 of the Social Security Act, the Health Care Quality Improvement Act of 1986, as amended, the Native Hawaiian Health Care Act of 1988, as amended, the Cardiac Arrest Survival Act of 2000, and the Poison Control Center Enhancement and Awareness Act, as amended, and for expenses necessary to support activities related to countering potential biological, disease, nuclear, radiological and chemical threats to civilian populations, $6,446,357,000, of which $39,180,000 from general revenues, notwithstanding section 1820(j) of the Social Security Act, shall be available for carrying out the Medicare rural hospital flexibility grants program under section 1820 of such Act: *Provided*, That of the funds made available under this heading, $222,000 shall be available until expended for facilities renovations at the Gillis W. Long Hansen's Disease Center: *Provided further*, That in addition to fees authorized by section 427(b) of the Health Care Quality Improvement Act of 1986, fees shall be collected for the full disclosure of information under the Act sufficient to recover the full costs of operating the National Practitioner Data Bank, and shall remain available until expended to carry out that Act: *Provided further*, That fees collected for the full disclosure of information under the "Health Care Fraud and Abuse Data Collection Program", authorized by section 1128E(d)(2) of the Social Security Act, shall be sufficient to recover the full costs of operating the program, and shall remain available until expended to carry out that Act: *Provided further*, That $26,000,000 of the funding provided for Health Centers shall be used for high-need counties, notwithstanding section 330(s)(2)(B) of the Public Health Service Act: *Provided further*, That no more than $45,000,000 is available until expended for carrying out the provisions of Public Law 104–73: *Provided further*, That of the funds made available under this heading, $285,963,000 shall be for the program under title X of the Public Health Service Act to provide for voluntary family planning projects: *Provided further*, That amounts provided to said projects under such title shall not be expended for abortions, that all pregnancy counseling shall be nondirective, and that such amounts shall not be expended for any activity (including the publication or distribution of literature) that in any way tends to promote public support or opposition to any legislative proposal or candidate for public office: *Provided further*, That $797,521,000 shall be for State AIDS Drug Assistance Programs authorized by section 2616 of the Public Health Service Act: *Provided further*, That in addition to amounts provided herein, $25,000,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out Parts A, B, C, and D of title XXVI of the Public Health Service Act to fund section 2691 Special Projects of National Significance: *Provided further*, That, notwithstanding section 502(a)(1) of the Social Security Act, not to exceed $116,124,000 is available for carrying out special projects of regional and national significance pursuant to section 501(a)(2) of such Act.

[Health Education Assistance Loans Program Account

[Such sums as may be necessary to carry out the purpose of the program, as authorized by title VII of the Public Health Service Act, as amended. For administrative expenses to carry out the guaranteed loan program, including section 709 of the Public Health Service Act, $2,916,000.

[Vaccine Injury Compensation Program Trust Fund

[For payments from the Vaccine Injury Compensation Program Trust Fund, such sums as may be necessary for claims associated with vaccine-related injury or death with respect to vaccines administered after September 30, 1988, pursuant to subtitle 2 of title XXI of the Public Health Service Act, to remain available until expended: *Provided*, That for necessary administrative expenses, not to exceed $3,500,000 shall be available from the Trust Fund to the Secretary of Health and Human Services.

[Centers for Disease Control and Prevention

[Disease Control, Research, and Training

[To carry out titles II, III, VII, XI, XV, XVII, XIX, XXI, and XXVI of the Public Health Service Act, sections 101, 102, 103, 201, 202, 203, 301, and 501 of the Federal Mine Safety and Health Act of 1977, sections 20, 21, and 22 of the Occupational Safety and Health Act of 1970, title IV of the Immigration and Nationality Act, and section 501 of the Refugee Education Assistance Act of 1980, and for expenses necessary to support activities related to countering potential biological, disease, nuclear, radiological and chemical threats to civilian populations; including purchase and insurance of official motor vehicles in foreign countries; and purchase, hire, maintenance, and operation of aircraft, $5,945,991,000, of which $30,000,000 shall remain available until expended for equipment, and construction and renovation of facilities; of which $30,000,000 of the amounts available for immunization activities shall remain available until expended; of which $530,000,000 shall remain available until expended for the Strategic National Stockpile; and of which $123,883,000 for international HIV/AIDS shall remain available until September 30, 2007. In addition, such sums as may be derived from authorized user fees, which shall be credited to this account: *Provided*, That in addition to amounts provided herein, the following amounts shall be available from amounts available under section 241 of the Public Health Service Act:

[(1) $12,794,000 to carry out the National Immunization Surveys;

[(2) $3,516,000 to carry out the National Center for Health Statistics surveys;

[(3) $24,751,000 to carry out information systems standards development and architecture and applications-based research used at local public health levels;

[(4) $463,000 for Health Marketing evaluations;

[(5) $31,000,000 to carry out Public Health Research; and

[(6) $87,071,000 to carry out research activities within the National Occupational Research Agenda:

Provided further, That none of the funds made available for injury prevention and control at the Centers for Disease Control and Prevention may be used, in whole or in part, to advocate or promote gun control: *Provided further*, That up to $30,000,000 shall be made available until expended for Individual Learning Accounts for full-time equivalent employees of the Centers for Disease Control and Prevention: *Provided further*, That the Director may redirect the total amount made available under authority of Public Law 101-502, section 3, dated November 3, 1990, to activities the Director may so designate: *Provided further*, That the Congress is to be notified promptly of any such transfer: *Provided further*, That not to exceed $12,500,000 may be available for making grants under section 1509 of the Public Health Service Act to not more than 15 States, tribes, or tribal organizations: *Provided further*, That without regard to existing statute, funds appropriated may be used to proceed, at the discretion of the Centers for Disease Control and Prevention, with property acquisition, including a long-term ground lease for construction on non-Federal land, to support the construction of a replacement laboratory in the Fort Collins, Colorado area: *Provided further*, That of the funds appropriated, $10,000 is for official reception and representation expenses when specifically approved by the Director of the Centers for Disease Control and Prevention: *Provided further*, That employees of the Centers for Disease Control and Prevention or the Public Health Service, both civilian and Commissioned Officers, detailed to States, municipalities, or other organizations under authority of section 214 of the Public Health Service Act for purposes related to homeland security, shall be treated as non-Federal employees for reporting purposes only and shall not be included within any personnel ceiling applicable to the Agency, Service, or the Department of Health and Human Services during the period of detail or assignment.

[National Institutes of Health

[National Cancer Institute

[For carrying out section 301 and title IV of the Public Health Service Act with respect to cancer, $4,841,774,000, of which up to $8,000,000 may be used for facilities repairs and improvements at the NCI-Frederick Federally Funded Research and Development Center in Frederick, Maryland.

[National Heart, Lung, and Blood Institute

[For carrying out section 301 and title IV of the Public Health Service Act with respect to cardiovascular, lung, and blood diseases, and blood and blood products, $2,951,270,000.

[National Institute of Dental and Craniofacial Research

[For carrying out section 301 and title IV of the Public Health Service Act with respect to dental disease, $393,269,000.

[National Institute of Diabetes and Digestive and Kidney Diseases

[For carrying out section 301 and title IV of the Public Health Service Act with respect to diabetes and digestive and kidney disease, $1,722,146,000.

[National Institute of Neurological Disorders and Stroke

[For carrying out section 301 and title IV of the Public Health Service Act with respect to neurological disorders and stroke, $1,550,260,000.

[National Institute of Allergy and Infectious Diseases

[For carrying out section 301 and title IV of the Public Health Service Act with respect to allergy and infectious diseases, $4,359,395,000: *Provided*, That up to $30,000,000 shall be for extramural facilities construction grants to enhance the Nation's capability to do research on biological and other agents.

[National Institute of General Medical Sciences

[For carrying out section 301 and title IV of the Public Health Service Act with respect to general medical sciences, $1,955,170,000.

[National Institute of Child Health and Human Development

[For carrying out section 301 and title IV of the Public Health Service Act with respect to child health and human development, $1,277,544,000.

[National Eye Institute

[For carrying out section 301 and title IV of the Public Health Service Act with respect to eye diseases and visual disorders, $673,491,000.

[National Institute of Environmental Health Sciences

[For carrying out sections 301 and 311 and title IV of the Public Health Service Act with respect to environmental health sciences, $647,608,000.

[National Institute on Aging

[For carrying out section 301 and title IV of the Public Health Service Act with respect to aging, $1,057,203,000.

[National Institute of Arthritis and Musculoskeletal and Skin Diseases

[For carrying out section 301 and title IV of the Public Health Service Act with respect to arthritis and musculoskeletal and skin diseases, $513,063,000.

[National Institute on Deafness and Other Communication Disorders

[For carrying out section 301 and title IV of the Public Health Service Act with respect to deafness and other communication disorders, $397,432,000.

[National Institute of Nursing Research

[For carrying out section 301 and title IV of the Public Health Service Act with respect to nursing research, $138,729,000.

[National Institute on Alcohol Abuse and Alcoholism

[For carrying out section 301 and title IV of the Public Health Service Act with respect to alcohol abuse and alcoholism, $440,333,000.

[National Institute on Drug Abuse

[For carrying out section 301 and title IV of the Public Health Service Act with respect to drug abuse, $1,010,130,000.

[National Institute of Mental Health

[For carrying out section 301 and title IV of the Public Health Service Act with respect to mental health, $1,417,692,000.

[National Human Genome Research Institute

[For carrying out section 301 and title IV of the Public Health Service Act with respect to human genome research, $490,959,000.

[National Institute of Biomedical Imaging and Bioengineering

[For carrying out section 301 and title IV of the Public Health Service Act with respect to biomedical imaging and bioengineering research, $299,808,000.

[National Center for Research Resources

[For carrying out section 301 and title IV of the Public Health Service Act with respect to research resources and general research support grants, $1,100,203,000: *Provided*, That none of these funds shall be used to pay recipients of the general research support grants program any amount for indirect expenses in connection with such grants.

[National Center for Complementary and Alternative Medicine

[For carrying out section 301 and title IV of the Public Health Service Act with respect to complementary and alternative medicine, $122,692,000.

[National Center on Minority Health and Health Disparities

[For carrying out section 301 and title IV of the Public Health Service Act with respect to minority health and health disparities research, $197,379,000.

[John E. Fogarty International Center

[For carrying out the activities at the John E. Fogarty International Center, $67,048,000.

[National Library of Medicine

[For carrying out section 301 and title IV of the Public Health Service Act with respect to health information communications, $318,091,000, of which $4,000,000 shall be available until expended for improvement of information systems: *Provided*, That in fiscal year 2006, the Library may enter into personal services contracts for the provision of services in facilities owned, operated, or constructed under the jurisdiction of the National Institutes of Health: *Provided further*, That in addition to amounts provided herein, $8,200,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out National Information Center on Health Services Research and Health Care Technology and related health services.

[Office of the Director

[(INCLUDING TRANSFER OF FUNDS)

[For carrying out the responsibilities of the Office of the Director, National Institutes of Health, $482,216,000, of which up to $10,000,000 shall be used to carry out section 217 of this Act: *Provided*, That funding shall be available for the purchase of not to exceed 29 passenger motor vehicles for replacement only: *Provided further*, That the Director may direct up to 1 percent of the total amount made available in this or any other Act to all National Institutes of Health appropriations to activities the Director may so designate: *Provided further*, That no such appropriation shall be decreased by more than 1 percent by any such transfers and that the Congress is promptly notified of the transfer: *Provided further*, That the National Institutes of Health is authorized to collect third party payments for the cost of clinical services that are incurred in National Institutes of Health research facilities and that such payments shall be credited to the National Institutes of Health Management Fund: *Provided further*, That all funds credited to the National Institutes of Health Management Fund shall remain available for 1 fiscal year after the fiscal year in which they are deposited: *Provided further*, That up to $500,000 shall be available to carry out section 499 of the Public Health Service Act: *Provided further*, That in addition to the transfer authority provided above, a uniform percentage of the amounts appropriated in this Act to each Institute and Center may be transferred and utilized for the National Institutes of Health Roadmap for Medical Research: *Provided further*, That the amount utilized under the preceding proviso shall not exceed $250,000,000 without prior notification to the Committees on Appropriations of the House of Representatives and the Senate: *Provided further*, That amounts transferred and utilized under the preceding two provisos shall be in addition to amounts made available for the Roadmap for Medical Research from the Director's Discretionary Fund and to any amounts allocated to activities related to the Roadmap through the normal research priority-setting process of individual Institutes and Centers: *Provided further*, That of the funds provided $10,000 shall be for official reception and representation expenses when specifically approved by the Director of NIH.

[BUILDINGS AND FACILITIES

[For the study of, construction of, renovation of, and acquisition of equipment for, facilities of or used by the National Institutes of Health, including the acquisition of real property, $81,900,000, to remain available until expended.

[Substance Abuse and Mental Health Services Administration

[Substance Abuse and Mental Health Services

[For carrying out titles V and XIX of the Public Health Service Act ("PHS Act") with respect to substance abuse and mental health services, the Protection and Advocacy for Individuals with Mental Illness Act, and section 301 of the PHS Act with respect to program management, $3,230,744,000: *Provided*, That notwithstanding section 520A(f)(2) of the PHS Act, no funds appropriated for carrying out section 520A are available for carrying out section 1971 of the PHS Act: *Provided further*, That in addition to amounts provided herein, the following amounts shall be available under section 241 of the PHS Act:

[(1) $79,200,000 to carry out subpart II of part B of title XIX of the PHS Act to fund section 1935(b) technical assistance, national data, data collection and evaluation activities, and further that the total available under this Act for section 1935(b) activities shall not exceed 5 percent of the amounts appropriated for subpart II of part B of title XIX;

[(2) $21,803,000 to carry out subpart I of part B of title XIX of the PHS Act to fund section 1920(b) technical assistance, national data, data collection and evaluation activities, and further that the total available under this Act for section 1920(b) activities shall not exceed 5 percent of the amounts appropriated for subpart I of part B of title XIX;

[(3) $16,000,000 to carry out national surveys on drug abuse; and

[(4) $4,300,000 to evaluate substance abuse treatment programs.

[Agency for Healthcare Research and Quality

[Healthcare Research and Quality

[For carrying out titles III and IX of the Public Health Service Act, and part A of title XI of the Social Security Act, $318,695,000; and in addition, amounts received from Freedom of Information Act fees, reimbursable and interagency agreements, and the sale of data shall be credited to this appropriation and shall remain available until expended: *Provided*, That no amount shall be made available pursuant to section 927(c) of the Public Health Service Act for fiscal year 2006.

[Centers for Medicare and Medicaid Services

[Grants to States for Medicaid

[For carrying out, except as otherwise provided, titles XI and XIX of the Social Security Act, $156,954,419,000, to remain available until expended.

[For making, after May 31, 2006, payments to States under title XIX of the Social Security Act for the last quarter of fiscal year 2006 for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

[For making payments to States or in the case of section 1928 on behalf of States under title XIX of the Social Security Act for the first quarter of fiscal year 2007, $62,783,825,000, to remain available until expended.

[Payment under title XIX may be made for any quarter with respect to a State plan or plan amendment in effect during such quarter, if submitted in or prior to such quarter and approved in that or any subsequent quarter.

[Payments to Health Care Trust Funds

[For payment to the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as provided under section 1844, 1860D–16, and 1860D–31 of the Social Security Act, sections 103(c) and 111(d) of the Social Security Amendments of 1965, section 278(d) of Public Law 97–248, and for administrative expenses incurred pursuant to section 201(g) of the Social Security Act, $177,742,200,000.

[In addition, for making matching payments under section 1844, and benefit payments under 1860D–16 and 1860D–31 of the Social Security Act, not anticipated in budget estimates, such sums as may be necessary.

[Program Management

[For carrying out, except as otherwise provided, titles XI, XVIII, XIX, and XXI of the Social Security Act, titles XIII and XXVII of the Public Health Service Act, and the Clinical Laboratory Improvement Amendments of 1988, not to exceed $3,180,284,000, to be transferred from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as authorized by section 201(g) of the Social Security Act; together with all funds collected in accordance with section 353 of the Public Health Service Act and section 1857(e)(2) of the Social Security Act, and such sums as may be collected from authorized user fees and the sale of data, which shall remain available until expended: *Provided*, That all funds derived in accordance with 31 U.S.C. 9701 from organizations established under title XIII of the Public Health Service Act shall be credited to and available for carrying out the purposes of this appropriation: *Provided further*, That $24,205,000, to remain available until September 30, 2007, is for contract costs for CMS's Systems Revitalization Plan: *Provided further*, That $79,934,000, to remain available until September 30, 2007, is for contract costs for the Healthcare Integrated General Ledger Accounting System: *Provided further*, That funds appropriated under this heading are available for the Healthy Start, Grow Smart program under which the Centers for Medicare and Medicaid Services may, directly or through grants, contracts, or cooperative agreements, produce and distribute informational materials including, but not limited to, pamphlets and brochures on infant and toddler health care to expectant parents enrolled in the Medicaid program and to parents and guardians enrolled in such program with infants and children: *Provided further*, That the Secretary of Health and Human Services is directed to collect fees in fiscal year 2006 from Medicare Advantage organizations pursuant to section 1857(e)(2) of the Social Security Act and from eligible organizations with risk-sharing contracts under section 1876 of that Act pursuant to section 1876(k)(4)(D) of that Act.

[Health Maintenance Organization Loan and Loan Guarantee Fund

[For carrying out subsections (d) and (e) of section 1308 of the Public Health Service Act, any amounts received by the Secretary in connection with loans and loan guarantees under title XIII of the Public Health Service Act, to be available without fiscal year limitation for the payment of outstanding obligations. During fiscal year 2006, no commitments for direct loans or loan guarantees shall be made.

[Administration for Children and Families

[Payments to States for Child Support Enforcement and Family Support Programs

[For making payments to States or other non-Federal entities under titles I, IV–D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960 (24 U.S.C. ch. 9), $2,121,643,000, to remain available until expended: and for such purposes for the first quarter of fiscal year 2007, $1,200,000,000, to remain available until expended.

[For making payments to each State for carrying out the program of Aid to Families with Dependent Children under title IV–A of the Social Security Act before the effective date of the program of Temporary Assistance for Needy Families (TANF) with respect to such State, such sums as may be necessary: *Provided*, That the sum of the amounts available to a State with respect to expenditures under such title IV–A in fiscal year 1997 under this appropriation and under such title IV–A as amended by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 shall not exceed the limitations under section 116(b) of such Act.

[For making, after May 31 of the current fiscal year, payments to States or other non-Federal entities under titles I, IV–D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960 (24 U.S.C. ch. 9), for the last 3 months of the current fiscal year for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

[Low-Income Home Energy Assistance

[For making payments under title XXVI of the Omnibus Budget Reconciliation Act of 1981, $1,984,799,000 (increased by $22,000,000).

[Refugee and Entrant Assistance

[For necessary expenses for refugee and entrant assistance activities and for costs associated with the care and placement of unaccompanied alien children authorized by title IV of the Immigration and Nationality Act and section 501 of the Refugee Education Assistance Act of 1980 (Public Law 96–422), for carrying out section 462 of the Homeland Security Act of 2002 (Public Law 107–296), and for carrying out the Torture Victims Relief Act of 2003 (Public Law 108–179), $560,919,000, of which up to $9,915,000 shall be available to carry out the Trafficking Victims Protection Act of 2003 (Public Law 108–193): *Provided*, That funds appropriated under this heading pursuant to section 414(a) of the Immigration and Nationality Act and section 462 of the Homeland Security Act of 2002 for fiscal year 2006 shall be available for the costs of assistance provided and other activities to remain available through September 30, 2008.

[Payments to States for the Child Care and Development Block Grant

[For carrying out sections 658A through 658R of the Omnibus Budget Reconciliation Act of 1981 (The Child Care and Development Block Grant Act of 1990), $2,082,910,000 shall be used to supplement, not supplant State general revenue funds for child care assistance for low-income families: *Provided*, That $18,967,040 shall be available for child care resource and referral and school-aged child care activities, of which $992,000 shall be for the Child Care Aware toll-free hotline: *Provided further*, That, in addition to the amounts required to be reserved by the States under section 658G, $270,490,624 shall be reserved by the States for activities authorized under section 658G, of which $99,200,000 shall be for activities that improve the quality of infant and toddler care: *Provided further*, That $9,920,000 shall be for use by the Secretary for child care research, demonstration, and evaluation activities.

[Social Services Block Grant

[For making grants to States pursuant to section 2002 of the Social Security Act, $1,700,000,000: *Provided*, That notwithstanding subparagraph (B) of section 404(d)(2) of such Act, the applicable percent specified under such subparagraph for a State to carry out State programs pursuant to title XX of such Act shall be 10 percent.

[Children and Families Services Programs

[For carrying out, except as otherwise provided, the Runaway and Homeless Youth Act, the Developmental Disabilities Assistance and Bill of Rights Act, the Head Start Act, the Child Abuse Prevention and Treatment Act, sections 310 and 316 of the Family Violence Prevention and Services Act, as amended, the Native American Programs Act of 1974, title II of Public Law 95–266 (adoption opportunities), the Adoption and Safe Families Act of 1997 (Public Law 105–89), sections 1201 and 1211 of the Children's Health Act of 2000, the Abandoned Infants Assistance Act of 1988, sections 261 and 291 of the Help America Vote Act of 2002, part B(1) of title IV and sections 413, 429A, 1110, and 1115 of the Social Security Act, and sections 40155, 40211, and 40241 of Public Law 103–322; for making payments under the Community Services Block Grant Act, sections 439(h), 473A, and 477(i) of the Social Security Act, and title IV of Public Law 105–285, and for necessary administrative expenses to carry out said Acts and titles I, IV, V, X, XI, XIV, XVI, and XX of the Social Security Act, the Act of July 5, 1960 (24 U.S.C. ch. 9), the Omnibus Budget Reconciliation Act of 1981, title IV of the Immigration and Nationality Act, section 501 of the Refugee Education Assistance Act of 1980, sections 40155, 40211, and 40241 of Public Law 103–322, and section 126 and titles IV and V of Public Law 100–485, $8,688,707,000, of which $31,846,000, to remain available until September 30, 2007, shall be for grants to States for adoption incentive payments, as authorized by section 473A of title IV of the Social Security Act (42 U.S.C. 670–679) and may be made for adoptions completed before September 30, 2006: *Provided*, That $6,899,000,000 shall be for making payments under the Head Start Act, of which $1,400,000,000 shall become available October 1, 2006, and remain available through September 30, 2007: *Provided further*, That $384,672,000 shall be for making payments under the Community Services Block Grant Act: *Provided further*, That not less than $7,242,000 shall be for section 680(3)(B) of the Community Services Block Grant Act: *Provided further*, That in addition to amounts provided herein, $8,000,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out the provisions of section 1110 of the Social Security Act: *Provided further*, That to the extent Community Services Block Grant funds are distributed as grant funds by a State to an eligible entity as provided under the Act, and have not been expended by such entity, they shall remain with such entity for carryover into the next fiscal year for expenditure by such entity consistent with program purposes: *Provided further*, That the Secretary shall establish procedures regarding the disposition of intangible property which permits grant funds, or intangible assets acquired with funds authorized under section 680 of the Community Services Block Grant Act, as amended, to become the sole property of such grantees after a period of not more than 12 years after the end of the grant for purposes and uses consistent with the original grant: *Provided further*, That funds appropriated for section 680(a)(2) of the Community Services Block Grant Act, as amended, shall be available for financing construction and rehabilitation and loans or investments in private business enterprises owned by community development corporations: *Provided further*, That $75,000,000 is for a compassion capital fund to provide grants to charitable organizations to emulate model social service programs and to encourage research on the best practices of social service organizations: *Provided further*, That $14,879,000 shall be for activities authorized by the Help America Vote Act of 2002, of which $9,919,000 shall be for payments to States to promote access for voters with disabilities, and of which $4,960,000 shall be for payments to States for protection and advocacy systems for voters with disabilities: *Provided further*, That $110,000,000 shall be for making competitive grants to provide abstinence education (as defined by section 510(b)(2) of the Social Security Act) to adolescents, and for Federal costs of administering the grant: *Provided further*, That grants under the immediately preceding proviso shall be made only to public and private entities which agree that, with respect to an adolescent to whom the entities provide abstinence education under such grant, the entities will not provide to that adolescent any other education regarding sexual conduct, except that, in the case of an entity expressly required by law to provide health information or services the adolescent shall not be precluded from seeking health information or services from the entity in a different setting than the setting in which abstinence education was provided: *Provided further*, That within amounts provided herein for abstinence education for adolescents, up to $10,000,000 may be available for a national abstinence education campaign: *Provided further*, That in addition to amounts provided herein for abstinence education for adolescents, $4,500,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out evaluations (including longitudinal evaluations) of adolescent pregnancy prevention approaches: *Provided further*, That $2,000,000 shall be for improving the Public Assistance Reporting Information System, including grants to States to support data collection for a study of the system's effectiveness.

[Promoting Safe and Stable Families

[For carrying out section 436 of the Social Security Act, $305,000,000 and for section 437, $99,000,000.

[Payments to States for Foster Care and Adoption Assistance

[For making payments to States or other non-Federal entities under title IV–E of the Social Security Act, $4,852,800,000.

[For making payments to States or other non-Federal entities under title IV–E of the Act, for the first quarter of fiscal year 2007, $1,730,000,000.

[For making, after May 31 of the current fiscal year, payments to States or other non-Federal entities under section 474 of title IV–

E, for the last 3 months of the current fiscal year for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

[ADMINISTRATION ON AGING

[AGING SERVICES PROGRAMS

[For carrying out, to the extent not otherwise provided, the Older Americans Act of 1965, as amended, and section 398 of the Public Health Service Act, $1,376,217,000, of which $5,500,000 shall be available for activities regarding medication management, screening, and education to prevent incorrect medication and adverse drug reactions.

[OFFICE OF THE SECRETARY

[GENERAL DEPARTMENTAL MANAGEMENT

[For necessary expenses, not otherwise provided, for general departmental management, including hire of six sedans, and for carrying out titles III, XVII, XX, and XXI of the Public Health Service Act, the United States-Mexico Border Health Commission Act, and research studies under section 1110 of the Social Security Act $338,695,000, together with $5,851,000 to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Hospital Insurance Trust Fund and the Supplemental Medical Insurance Trust Fund, and $39,552,000 from the amounts available under section 241 of the Public Health Service Act to carry out national health or human services research and evaluation activities: *Provided*, That of the funds made available under this heading for carrying out title XX of the Public Health Service Act, $13,120,000 shall be for activities specified under section 2003(b)(2), all of which shall be for prevention service demonstration grants under section 510(b)(2) of title V of the Social Security Act, as amended, without application of the limitation of section 2010(c) of said title XX: *Provided further*, That of this amount, $52,415,000 shall be for minority AIDS prevention and treatment activities; and $5,952,000 shall be to assist Afghanistan in the development of maternal and child health clinics, consistent with section 103(a)(4)(H) of the Afghanistan Freedom Support Act of 2002.

[MEDICARE APPEALS

[For expenses necessary for administrative law judges responsible for hearing cases under title XVIII of the Social Security Act (and related provisions of title XI of such Act), $60,000,000, to be transferred in appropriate part from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Funds.

[HEALTH INFORMATION TECHNOLOGY

[For expenses necessary for the Office of the National Coordinator for Health Information Technology, including grants, contracts and cooperative agreements for the development and advancement of an interoperable national health information technology infrastructure, $58,100,000 (reduced by $12,000,000): *Provided*, That in addition to amounts provided herein, $16,900,000 (increased by $12,000,000) shall be available from amounts under section 241 of the Public Health Service Act to carry out health information technology network development.

[OFFICE OF INSPECTOR GENERAL

[For expenses necessary for the Office of Inspector General, including the hire of passenger motor vehicles for investigations, in carrying out the provisions of the Inspector General Act of 1978, as amended, $39,813,000: *Provided*, That of such amount, necessary sums are available for providing protective services to the Secretary and investigating non-payment of child support cases for which non-payment is a Federal offense under 18 U.S.C. 228.

[OFFICE FOR CIVIL RIGHTS

[For expenses necessary for the Office for Civil Rights, $31,682,000, together with not to exceed $3,314,000 to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Hospital Insurance Trust Fund and the Supplemental Medical Insurance Trust Fund.

[RETIREMENT PAY AND MEDICAL BENEFITS FOR COMMISSIONED OFFICERS

[For retirement pay and medical benefits of Public Health Service Commissioned Officers as authorized by law, for payments under the Retired Serviceman's Family Protection Plan and Survivor Benefit Plan, and for medical care of dependents and retired personnel under the Dependents' Medical Care Act (10 U.S.C. ch. 55), such amounts as may be required during the current fiscal year.

[PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

[(INCLUDING TRANSFER OF FUNDS)

[For expenses necessary to support activities related to countering potential biological, disease, nuclear, radiological and chemical threats to civilian populations, and to ensure a year-round influenza vaccine production capacity, the development and implementation of rapidly expandable influenza vaccine production technologies, and if determined necessary by the Secretary, the purchase of influenza vaccine, $183,589,000: *Provided*, That $120,000,000 of amounts available for influenza preparedness shall remain available until expended: *Provided further*, That, in addition to the amount above, $8,589,000 shall be transferred from amounts appropriated under the head "Disease Control, Research, and Training" for activities authorized by section 319F-2(a) of the Public Health Service Act to be utilized consistent with section 319F-2(c)(7)(B)(ii) of such Act.

[GENERAL PROVISIONS

[SEC. 201. Funds appropriated in this title shall be available for not to exceed $50,000 for official reception and representation expenses when specifically approved by the Secretary.

[SEC. 202. The Secretary shall make available through assignment not more than 60 employees of the Public Health Service to assist in child survival activities and to work in AIDS programs through and with funds provided by the Agency for International Development, the United Nations International Children's Emergency Fund or the World Health Organization.

[SEC. 203. None of the funds appropriated under this Act may be used to implement section 399F(b) of the Public Health Service Act or section 1503 of the National Institutes of Health Revitalization Act of 1993, Public Law 103-43.

[SEC. 204. None of the funds appropriated in this Act for the National Institutes of Health, the Agency for Healthcare Research and Quality, and the Substance Abuse and Mental Health Services Administration shall be used to pay the salary of an individual, through a grant or other extramural mechanism, at a rate in excess of Executive Level I.

[SEC. 205. None of the funds appropriated in this title for Head Start shall be used to pay the compensation of an individual, either as direct costs or any proration as an indirect cost, at a rate in excess of Executive Level II.

[SEC. 206. None of the funds appropriated in this Act may be expended pursuant to section 241 of the Public Health Service Act, except for funds specifically provided for in this Act, or for other taps and assessments made by any office located in the Department of Health and Human Services, prior to the Secretary's preparation and submission of a report to the Committee on Appropriations of the Senate and of the House detailing the planned uses of such funds.

[SEC. 207. Notwithstanding section 241(a) of the Public Health Service Act, such portion as the Secretary shall determine, but not more than 1.3 percent, of any amounts appropriated for programs authorized under said Act shall be made available for the evaluation (directly, or by grants or contracts) of the implementation and effectiveness of such programs.

[(TRANSFER OF FUNDS)

[SEC. 208. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended) which are appropriated for the current fiscal year for the Department of Health and Human Services in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: *Provided*, That an appropriation may be increased by up to an additional 2 percent subject to approval by the House and Senate Committees on Appropriations: *Provided further*, That the transfer authority granted by this section shall be available only to meet emergency needs and shall not be used to create any new program or to fund any project or activity for which no funds are provided in this Act: *Provided further*, That the Appropriations Committees of both Houses of Congress are notified at least 15 days in advance of any transfer.

[(TRANSFER OF FUNDS)

[SEC. 209. The Director of the National Institutes of Health, jointly with the Director of the Office of AIDS Research, may transfer up to 3 percent among institutes and centers from the total amounts identified by these two Directors as funding for research pertaining to the human immunodeficiency virus: *Provided*, That the Congress is promptly notified of the transfer.

[(TRANSFER OF FUNDS)

[SEC. 210. Of the amounts made available in this Act for the National Institutes of Health, the amount for research related to the human immunodeficiency virus, as jointly determined by the Director of the National Institutes of Health and the Director of the Office of AIDS Research, shall be made available to the "Office of AIDS Research" account. The Director of the Office of AIDS Research shall transfer from such account amounts necessary to carry out section 2353(d)(3) of the Public Health Service Act.

[SEC. 211. None of the funds appropriated in this Act may be made available to any entity under title X of the Public Health Service Act unless the applicant for the award certifies to the Secretary that it encourages family participation in the decision of minors to seek family planning services and that it provides counseling to minors on how to resist attempts to coerce minors into engaging in sexual activities.

[SEC. 212. None of the funds appropriated by this Act (including funds appropriated to any trust fund) may be used to carry out the Medicare Advantage program if the Secretary denies participation in such program to an otherwise eligible entity (including a Provider Sponsored Organization) because the entity informs the Secretary that it will not provide, pay for, provide coverage of, or provide referrals for abortions: *Provided*, That the Secretary shall make appropriate prospective adjustments to the capitation payment to such an entity (based on an actuarially sound estimate of the expected costs of providing the service to such entity's enrollees): *Provided further*, That nothing in this section shall be construed to change the Medicare program's coverage for such services and a Medicare Advantage organization described in this section shall be responsible for informing enrollees where to obtain information about all Medicare covered services.

[Sec. 213. Notwithstanding any other provision of law, no provider of services under title X of the Public Health Service Act shall be exempt from any State law requiring notification or the reporting of child abuse, child molestation, sexual abuse, rape, or incest.

[Sec. 214. (a) Except as provided by subsection (e) none of the funds appropriated by this Act may be used to withhold substance abuse funding from a State pursuant to section 1926 of the Public Health Service Act (42 U.S.C. 300x-26) if such State certifies to the Secretary of Health and Human Services by May 1, 2006, that the State will commit additional State funds, in accordance with subsection (b), to ensure compliance with State laws prohibiting the sale of tobacco products to individuals under 18 years of age.

[(b) The amount of funds to be committed by a State under subsection (a) shall be equal to 1 percent of such State's substance abuse block grant allocation for each percentage point by which the State misses the retailer compliance rate goal established by the Secretary of Health and Human Services under section 1926 of such Act.

[(c) The State is to maintain State expenditures in fiscal year 2006 for tobacco prevention programs and for compliance activities at a level that is not less than the level of such expenditures maintained by the State for fiscal year 2005, and adding to that level the additional funds for tobacco compliance activities required under subsection (a). The State is to submit a report to the Secretary on all fiscal year 2005 State expenditures and all fiscal year 2006 obligations for tobacco prevention and compliance activities by program activity by July 31, 2006.

[(d) The Secretary shall exercise discretion in enforcing the timing of the State obligation of the additional funds required by the certification described in subsection (a) as late as July 31, 2006.

[(e) None of the funds appropriated by this Act may be used to withhold substance abuse funding pursuant to section 1926 from a territory that receives less than $1,000,000.

[Sec. 215. In order for the Centers for Disease Control and Prevention to carry out international health activities, including HIV/AIDS and other infectious disease, chronic and environmental disease, and other health activities abroad during fiscal year 2006, the Secretary of Health and Human Services—

[(1) may exercise authority equivalent to that available to the Secretary of State in section 2(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2669(c)). The Secretary of Health and Human Services shall consult with the Secretary of State and relevant Chief of Mission to ensure that the authority provided in this section is exercised in a manner consistent with section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927) and other applicable statutes administered by the Department of State, and

[(2) is authorized to provide such funds by advance or reimbursement to the Secretary of State as may be necessary to pay the costs of acquisition, lease, alteration, renovation, and management of facilities outside of the United States for the use of the Department of Health and Human Services. The Department of State shall cooperate fully with the Secretary of Health and Human Services to ensure that the Department of Health and Human Services has secure, safe, functional facilities that comply with applicable regulation governing location, setback, and other facilities requirements and serve the purposes established by this Act. The Secretary of Health and Human Services is authorized, in consultation with the Secretary of State, through grant or cooperative agreement, to make available to public or nonprofit private institutions or agencies in participating foreign countries, funds to acquire, lease, alter, or renovate facilities in those countries as necessary to conduct programs of assistance for international health activities, including activities relating to HIV/AIDS and other infectious diseases, chronic and environmental diseases, and other health activities abroad.

[Sec. 216. The Division of Federal Occupational Health hereafter may utilize personal services contracting to employ professional management/administrative and occupational health professionals.

[Sec. 217. (a) Authority.—Notwithstanding any other provision of law, the Director of the National Institutes of Health may use funds available under section 402(i) of the Public Health Service Act (42 U.S.C. 282(i)) to enter into transactions (other than contracts, cooperative agreements, or grants) to carry out research in support of the NIH Roadmap for Medical Research.

[(b) Peer Review.—In entering into transactions under subsection (a), the Director of the National Institutes of Health may utilize such peer review procedures (including consultation with appropriate scientific experts) as the Director determines to be appropriate to obtain assessments of scientific and technical merit. Such procedures shall apply to such transactions in lieu of the peer review and advisory council review procedures that would otherwise be required under sections 301(a)(3), 405(b)(1)(B), 405(b)(2), 406(a)(3)(A), 492, and 494 of the Public Health Service Act (42 U.S.C. 241, 284(b)(1)(B), 284(b)(2), 284a(a)(3)(A), 289a, and 289c).

[Sec. 218. Funds which are available for Individual Learning Accounts for employees of the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry may be transferred to "Disease Control, Research, and Training," to be available only for Individual Learning Accounts: *Provided*, That such funds may be used for any individual full-time equivalent employee while such employee is employed either by CDC or ATSDR.

[Sec. 219. $15,912,000 of the unobligated balance of the Health Professions Student Loan program authorized in subpart II, Federally-Supported Student Loan Funds, of title VII of the Public Health Service Act is rescinded.

[This title may be cited as the "Department of Health and Human Services Appropriations Act, 2006".

[TITLE III—DEPARTMENT OF EDUCATION

[Education for the Disadvantaged

[For carrying out title I of the Elementary and Secondary Education Act of 1965 ("ESEA") and section 418A of the Higher Education Act of 1965, $14,728,735,000, of which $7,144,426,000 shall become available on July 1, 2006, and shall remain available through September 30, 2007, and of which $7,383,301,000 shall become available on October 1, 2006, and shall remain available through September 30, 2007, for academic year 2006–2007: *Provided*, That $6,934,854,000 shall be available for basic grants under section 1124: *Provided further*, That up to $3,472,000 of these funds shall be available to the Secretary of Education on October 1, 2005, to obtain annually updated educational-agency-level census poverty data from the Bureau of the Census: *Provided further*, That $1,365,031,000 shall be available for concentration grants under section 1124A: *Provided further*, That $2,269,843,000 shall be available for targeted grants under section 1125: *Provided further*, That $2,269,843,000 shall be available for education finance incentive grants under section 1125A: *Provided further*, That $9,424,000 shall be available to carry out part E of title I: *Provided further*, That $10,000,000 shall be available for comprehensive school reform grants under part F of the ESEA.

[Impact Aid

[For carrying out programs of financial assistance to federally affected schools authorized by title VIII of the Elementary and Secondary Education Act of 1965, $1,240,862,000, of which $1,102,896,000 shall be for basic support payments under section 8003(b), $49,966,000 shall be for payments for children with disabilities under section 8003(d), $18,000,000 shall be for construction under section 8007 and shall remain available through September 30, 2007, $65,000,000 shall be for Federal property payments under section 8002, and $5,000,000, to remain available until expended, shall be for facilities maintenance under section 8008: *Provided*, That for purposes of computing the amount of a payment for an eligible local educational agency under section 8003(a) of the Elementary and Secondary Education Act (20 U.S.C. 7703(a)) for school year 2005–2006, children enrolled in a school of such agency that would otherwise be eligible for payment under section 8003(a)(1)(B) of such Act, but due to the deployment of both parents or legal guardians, or a parent or legal guardian having sole custody of such children, or due to the death of a military parent or legal guardian while on active duty (so long as such children reside on Federal property as described in section 8003(a)(1)(B)), are no longer eligible under such section, shall be considered as eligible students under such section, provided such students remain in average daily attendance at a school in the same local educational agency they attended prior to their change in eligibility status.

[School Improvement Programs

[For carrying out school improvement activities authorized by titles II, part B of title IV, part A of title V, parts A and B of title VI, and parts B and C of title VII of the Elementary and Secondary Education Act of 1965 ("ESEA"); the McKinney-Vento Homeless Assistance Act; section 203 of the Educational Technical Assistance Act of 2002; the Compact of Free Association Amendments Act of 2003; and the Civil Rights Act of 1964, $5,393,765,000, of which $3,805,882,000 shall become available on July 1, 2006, and remain available through September 30, 2007, and of which $1,435,000,000 shall become available on October 1, 2006, and shall remain available through September 30, 2007, for academic year 2006–2007: *Provided*, That $411,680,000 shall be for State assessments and related activities authorized under sections 6111 and 6112 of the ESEA: *Provided further*, That $56,825,000 shall be available to carry out section 203 of the Educational Technical Assistance Act of 2002: *Provided further*, That $12,132,000 shall be available to carry out the Supplemental Education Grants program for the Federated States of Micronesia, and $6,051,000 shall be available to carry out the Supplemental Education Grants program for the Republic of the Marshall Islands: *Provided further*, That up to 5 percent of these amounts may be reserved by the Federated States of Micronesia and the Republic of the Marshall Islands to administer the Supplemental Education Grants programs and to obtain technical assistance, oversight and consultancy services in the administration of these grants and to reimburse the United States Departments of Labor, Health and Human Services, and Education for such services.

[INDIAN EDUCATION

[For expenses necessary to carry out, to the extent not otherwise provided, title VII, part A of the Elementary and Secondary Education Act of 1965, $119,889,000.

[INNOVATION AND IMPROVEMENT

[For carrying out activities authorized by part G of title I, subpart 5 of part A and parts C and D of title II, parts B, C, and D of title V, and section 1504 of the Elementary and Secondary Education Act of 1965 ("ESEA"), $708,522,000: *Provided*, That $36,981,000 shall be for subpart 2 of part B of title V: *Provided further*, That $127,000,000 shall be available to carry out part D of title V of the ESEA, of which $100,000,000 of the funds for subpart 1 shall be for competitive grants to local educational agencies, including charter schools that are local educational agencies, or States, or partnerships of (1) a local educational agency, a State, or both and (2) at least one non-profit organization to develop and implement performance-based teacher and principal compensation systems in high-need areas: *Provided further*, That such performance-based compensation systems must consider gains in student achievement, among other factors, and may reward educators who choose to work in hard-to-staff schools: *Provided further*, That up to $700,000 of the funds available under title V, part D, subpart 1 of the ESEA may be used for evaluation of the program carried out under the DC School Choice Incentive Act of 2003.

[SAFE SCHOOLS AND CITIZENSHIP EDUCATION

[For carrying out activities authorized by subpart 3 of part C of title II, part A of title IV, and subparts 2, 3, and 10 of part D of title V of the Elementary and Secondary Education Act of 1965 ("ESEA"), $763,870,000, of which $400,000,000, shall become available on July 1, 2006, and remain available through September 30, 2007: *Provided*, That $400,000,000 shall be available for subpart 1 of part A of title IV and $152,537,000 shall be available for subpart 2 of part A of title IV: *Provided further*, That $132,621,000 shall be available to carry out part D of title V of the ESEA: *Provided further*, That of the funds available to carry out subpart 3 of part C of title II, up to $12,193,000 may be used to carry out section 2345 and $3,035,000 shall be used by the Center for Civic Education to implement a comprehensive program to improve public knowledge, understanding, and support of the Congress and the State legislatures.

[ENGLISH LANGUAGE ACQUISITION

[For carrying out part A of title III of the ESEA, $675,765,000, which shall become available on July 1, 2006, and shall remain available through September 30, 2007, except that 6.5 percent of such amount shall be available on October 1, 2005, and shall remain available through September 30, 2007, to carry out activities under section 3111(c)(1)(C).

[SPECIAL EDUCATION

[For carrying out the Individuals with Disabilities Education Act, $11,813,783,000, of which $6,202,804,000 shall become available for obligation on July 1, 2006, and shall remain available through September 30, 2007, and of which $5,413,000,000 shall become available on October 1, 2006, and shall remain available through September 30, 2007, for academic year 2006–2007: *Provided*, That $11,400,000 shall be for Recording for the Blind and Dyslexic, Inc., to support the development, production, and circulation of recorded educational materials: *Provided further*, That the amount for section 611(b)(2) of the Act shall be equal to the amount available for that activity during fiscal year 2005, increased by the amount of inflation as specified in section 619(d)(2)(B) of the Act.

[REHABILITATION SERVICES AND DISABILITY RESEARCH

[For carrying out, to the extent not otherwise provided, the Rehabilitation Act of 1973, the Assistive Technology Act of 1998 ("the AT Act"), and the Helen Keller National Center Act, $3,128,638,000: *Provided*, That $29,760,000 shall be used for carrying out the AT Act, including $4,385,000 for State grants for protection and advocacy under section 5 of the AT Act and $5,086,000 shall be for alternative financing programs under section 4(b)(2)(D) of the AT Act: *Provided further*, That the Federal share of grants for alternative financing programs shall not exceed 75 percent, and the requirements in section 301(c)(2) and section 302 of the AT Act (as in effect on the day before the date of enactment of the Assistive Technology Act of 2004) shall not apply to such grants.

[SPECIAL INSTITUTIONS FOR PERSONS WITH DISABILITIES

[AMERICAN PRINTING HOUSE FOR THE BLIND

[For carrying out the Act of March 3, 1879, as amended (20 U.S.C. 101 et seq.), $17,000,000.

[NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

[For the National Technical Institute for the Deaf under titles I and II of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.), $56,137,000, of which $800,000 shall be for construction and shall remain available until expended: *Provided*, That from the total amount available, the Institute may at its discretion use funds for the endowment program as authorized under section 207.

[GALLAUDET UNIVERSITY

[For the Kendall Demonstration Elementary School, the Model Secondary School for the Deaf, and the partial support of Gallaudet University under titles I and II of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.), $107,657,000: *Provided*, That from the total amount available, the University may at its discretion use funds for the endowment program as authorized under section 207.

[VOCATIONAL AND ADULT EDUCATION

[For carrying out, to the extent not otherwise provided, the Carl D. Perkins Vocational and Technical Education Act of 1998, the Adult Education and Family Literacy Act, and subparts 4 and 11 of part D of title V of the Elementary and Secondary Education Act of 1965 ("ESEA"), $1,991,782,000, of which $1,196,058,000 shall become available on July 1, 2006, and shall remain available through September 30, 2007, and of which $791,000,000 shall become available on October 1, 2006, and shall remain available through September 30, 2007: *Provided*, That of the amount provided for Adult Education State Grants, $68,581,000 shall be made available for integrated English literacy and civics education services to immigrants and other limited English proficient populations: *Provided further*, That of the amount reserved for integrated English literacy and civics education, notwithstanding section 211 of the Adult Education and Family Literacy Act, 65 percent shall be allocated to States based on a State's absolute need as determined by calculating each State's share of a 10-year average of the Immigration and Naturalization Service data for immigrants admitted for legal permanent residence for the 10 most recent years, and 35 percent allocated to States that experienced growth as measured by the average of the 3 most recent years for which Immigration and Naturalization Service data for immigrants admitted for legal permanent residence are available, except that no State shall be allocated an amount less than $60,000: *Provided further*, That of the amounts made available for the Adult Education and Family Literacy Act, $9,096,000 shall be for national leadership activities under section 243 and $6,638,000 shall be for the National Institute for Literacy under section 242: *Provided further*, That $94,476,000 shall be available to support the activities authorized under subpart 4 of part D of title V of the Elementary and Secondary Education Act of 1965, of which up to 5 percent shall become available October 1, 2005, and shall remain available through September 30, 2007, for evaluation, technical assistance, school networking, peer review of applications, and program outreach activities, and of which not less than 95 percent shall become available on July 1, 2006, and remain available through September 30, 2007, for grants to local educational agencies: *Provided further*, That funds made available to local education agencies under this subpart shall be used only for activities related to establishing smaller learning communities in high schools.

[STUDENT FINANCIAL ASSISTANCE

[For carrying out subparts 1, 3, and 4 of part A, part C and part E of title IV of the Higher Education Act of 1965, as amended, $15,283,752,000, which shall remain available through September 30, 2007.

[The maximum Pell Grant for which a student shall be eligible during award year 2006-2007 shall be $4,100.

[STUDENT AID ADMINISTRATION

[For Federal administrative expenses (in addition to funds made available under section 458), to carry out part D of title I, and subparts 1, 3, and 4 of part A, and parts B, C, D, and E of title IV of the Higher Education Act of 1965, as amended, $124,084,000.

[HIGHER EDUCATION

[For carrying out, to the extent not otherwise provided, section 121 and titles II, III, IV, V, VI, and VII of the Higher Education Act of 1965 ("HEA"), as amended, section 1543 of the Higher Education Amendments of 1992, the Mutual Educational and Cultural Exchange Act of 1961, and section 117 of the Carl D. Perkins Vocational and Technical Education Act, $1,936,936,000 (increased by $27,000,000): *Provided*, That $9,797,000, to remain available through September 30, 2007, shall be available to fund fellowships for academic year 2007-2008 under part A, subpart 1 of title VII of said Act, under the terms and conditions of part A, subpart 1: *Provided further*, That notwithstanding any other provision of law or any regulation, the Secretary of Education shall not require the use of a restricted indirect cost rate for grants issued pursuant to section 117 of the Carl D. Perkins Vocational and Technical Education Act of 1998: *Provided further*, That $980,000 is for data collection and evaluation activities for programs under the HEA, including such activities needed to comply with the Government Performance and Results Act of 1993: *Provided further*, That notwithstanding any other provision of law, funds made available in this Act to carry out title VI of the HEA and section 102(b)(6) of the Mutual Educational and Cultural Exchange Act of 1961 may be used to support visits and study in foreign countries by individuals who are participating in advanced foreign language training and international studies in areas that are vital to United States national security and who plan to apply their language skills and knowledge of these countries in the fields of government, the professions, or international development: *Provided further*, That of the funds referred to in the preceding proviso up to 1 percent may be used for program evaluation, national outreach, and information dissemination activities: *Provided further*, That the funds provided for title II of the HEA shall be allocated notwithstanding section 210 of such Act.

[Howard University

[For partial support of Howard University (20 U.S.C. 121 et seq.), $240,790,000, of which not less than $3,524,000 shall be for a matching endowment grant pursuant to the Howard University Endowment Act (Public Law 98–480) and shall remain available until expended.

[College Housing and Academic Facilities Loans Program

[For Federal administrative expenses to carry out activities related to existing facility loans pursuant to section 121 of the Higher Education Act of 1965, as amended $573,000.

[Historically Black College and University Capital Financing Program Account

[The aggregate principal amount of outstanding bonds insured pursuant to section 344 of title III, part D of the Higher Education Act of 1965, shall not exceed $357,000,000, and the cost, as defined in section 502 of the Congressional Budget Act of 1974, of such bonds shall not exceed zero.

[For administrative expenses to carry out the Historically Black College and University Capital Financing Program entered into pursuant to title III, part D of the Higher Education Act of 1965, as amended, $210,000.

[Institute of Education Sciences

[For carrying out activities authorized by the Education Sciences Reform Act of 2002, as amended, the National Assessment of Educational Progress Authorization Act, section 208 of the Educational Technical Assistance Act of 2002, and section 664 of the Individuals with Disabilities Education Act, $522,696,000, of which $271,560,000 shall be available until September 30, 2007.

[Departmental Management

[Program Administration

[For carrying out, to the extent not otherwise provided, the Department of Education Organization Act, including rental of conference rooms in the District of Columbia and hire of three passenger motor vehicles, $418,992,000.

[Office for Civil Rights

[For expenses necessary for the Office for Civil Rights, as authorized by section 203 of the Department of Education Organization Act, $91,526,000.

[Office of the Inspector General

[For expenses necessary for the Office of the Inspector General, as authorized by section 212 of the Department of Education Organization Act, $49,000,000.

[GENERAL PROVISIONS

[Sec. 301. No funds appropriated in this Act may be used for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to overcome racial imbalance in any school or school system, or for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to carry out a plan of racial desegregation of any school or school system.

[Sec. 302. None of the funds contained in this Act shall be used to require, directly or indirectly, the transportation of any student to a school other than the school which is nearest the student's home, except for a student requiring special education, to the school offering such special education, in order to comply with title VI of the Civil Rights Act of 1964. For the purpose of this section an indirect requirement of transportation of students includes the transportation of students to carry out a plan involving the reorganization of the grade structure of schools, the pairing of schools, or the clustering of schools, or any combination of grade restructuring, pairing or clustering. The prohibition described in this section does not include the establishment of magnet schools.

[Sec. 303. No funds appropriated under this Act may be used to prevent the implementation of programs of voluntary prayer and meditation in the public schools.

[(TRANSFER OF FUNDS)

[Sec. 304. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended) which are appropriated for the Department of Education in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: *Provided*, That the Appropriations Committees of both Houses of Congress are notified at least 15 days in advance of any transfer.

[Sec. 305. In addition, for carrying out subpart 1 of part A of title IV of the Higher Education Act of 1965, $4,300,000,000 for the purpose of eliminating the estimated accumulated shortfall of budget authority for such subpart for awards made through the award year 2005-2006, pursuant to section 303 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

[This title may be cited as the "Department of Education Appropriations Act, 2006".

[TITLE IV—RELATED AGENCIES

[Committee for Purchase From People Who Are Blind or Severely Disabled

[SALARIES AND EXPENSES

[For expenses necessary of the Committee for Purchase From People Who Are Blind or Severely Disabled established by Public Law 92–28, $4,669,000.

[Corporation for National and Community Service

[Domestic Volunteer Service Programs, Operating Expenses

[For expenses necessary for the Corporation for National and Community Service to carry out the provisions of the Domestic Volunteer Service Act of 1973, as amended, $357,962,000: *Provided*, That none of the funds made available to the Corporation for National and Community Service in this Act for activities authorized by section 122 of part C of title I and part E of title II of the Domestic Volunteer Service Act of 1973 shall be used to provide stipends or other monetary incentives to volunteers or volunteer leaders whose incomes exceed 125 percent of the national poverty level: *Provided further*, That notwithstanding section 122(c) of the Act, the Corporation shall make available up to $2,000,000 under part C of title I of the Act in a grant to support Teach for America's efforts to address educational inequity in low-income rural and urban communities.

[National and Community Service Programs, Operating Expenses

[(INCLUDING TRANSFER OF FUNDS)

[For necessary expenses for the Corporation for National and Community Service (the "Corporation") in carrying out programs, activities, and initiatives under the National and Community Service Act of 1990 (the "Act") (42 U.S.C. 12501 et seq.), $523,087,000 (reduced by $5,000,000), to remain available until September 30, 2007: *Provided*, That not more than $270,000,000 (reduced by $2,500,000) of the amount provided under this heading shall be available for grants under the National Service Trust Program authorized under subtitle C of title I of the Act (42 U.S.C. 12571 et seq.) (relating to activities of the AmeriCorps program), including grants to organizations operating projects under the AmeriCorps Education Awards Program (without regard to the requirements of sections 121 (d) and (e), section 131(e), section 132, and sections 140 (a), (d), and (e) of the Act): *Provided further*, That not less than $146,000,000 of the amount provided under this heading, to remain available without fiscal year limitation, shall be transferred to the National Service Trust for educational awards authorized under subtitle D of title I of the Act (42 U.S.C. 12601), of which up to $4,000,000 shall be available to support national service scholarships for high school students performing community service, and of which $10,000,000 shall be held in reserve as defined in Public Law 108–45: *Provided further*, That in addition to amounts otherwise provided to the National Service Trust under the second proviso, the Corporation may transfer funds from the amount provided under the first proviso, to the National Service Trust authorized under subtitle D of title I of the Act (42 U.S.C. 12601) upon determination that such transfer is necessary to support the activities of national service participants and after notice is transmitted to Congress: *Provided further*, That of the amount provided under this heading for grants under the National Service Trust program authorized under subtitle C of title I of the Act, not more than $55,000,000 may be used to administer, reimburse, or support any national service program authorized under section 121(d)(2) of such Act (42 U.S.C. 12581(d)(2)): *Provided further*, That not more than $9,945,000 shall be available for quality and innovation activities authorized under subtitle H of title I of the Act (42 U.S.C. 12853 et seq.), of which $4,000,000 shall be available for challenge grants to non-profit organizations: *Provided further*, That notwithstanding subtitle H of title I of the Act (42 U.S.C. 12853), none of the funds provided under the previous proviso shall be used to support salaries and related expenses (including travel) attributable to Corporation employees: *Provided further*, That to the maximum extent feasible, funds appropriated under subtitle C of title I of the Act shall be provided in a manner that is consistent with the recommendations of peer review panels in order to ensure that priority is given to programs that demonstrate quality, innovation, replicability, and sustainability: *Provided further*, That $25,500,000 of the funds made available under this heading shall be available for the Civilian Community Corps authorized under subtitle E of title I of the Act (42 U.S.C. 12611 et seq.): *Provided further*, That $40,000,000 (reduced by $2,500,000) shall be available for school-based and community-based service-learning programs authorized under subtitle B of title I of the Act (42 U.S.C. 12521 et seq.): *Provided further*, That $4,000,000 shall be available for audits and other evaluations authorized under section 179 of the Act (42 U.S.C. 12639): *Provided further*, That $10,000,000 of the funds made available under this heading shall be made available for the Points of Light Foundation for activities authorized under title III of the Act (42 U.S.C. 12661 et seq.), of which not more than $2,500,000 may be used to support an endowment fund, the corpus of which shall remain intact and the interest income from which shall be used to support activities described in title III of the Act, provided that the Foundation may invest the corpus and income in federally insured bank savings accounts or comparable interest bearing accounts, certificates of deposit, money market funds, mutual funds, obligations of the United States, and other market instruments and securities but not in real estate investments: *Provided further*, That no funds shall be available for national service programs run by Federal agencies authorized under section 121(b) of such Act (42 U.S.C. 12571(b)): *Provided further*, That $5,000,000 of the funds made available under this heading shall be made available to America's Promise—The Alliance for Youth, Inc.: *Provided further*, That to the maximum extent practicable, the Corporation shall increase significantly the level of matching funds and in-kind contributions provided by the private sector, and shall reduce the total Federal costs per participant in all programs: *Provided further*, That notwithstanding section 501(a)(4) of the Act, of the funds provided under this heading, not more than $12,642,000 shall be made available to provide assistance to state commissions on national and community service under section 126(a) of the Act: *Provided further*, That the Corporation may use up to one percent of program grant funds made available under this heading to defray its costs of conducting grant application reviews, including the use of outside peer reviewers.

[NATIONAL AND COMMUNITY SERVICE PROGRAMS SALARIES AND EXPENSES

[For necessary expenses of administration as provided under section 501(a)(4) of the National and Community Service Act of 1990 (42 U.S.C. 12501 et seq.) including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms in the District of Columbia, the employment of experts and consultants authorized under 5 U.S.C. 3109, and not to exceed $2,500 for official reception and representation expenses, $27,000,000.

[OFFICE OF INSPECTOR GENERAL

[For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $6,000,000, to remain available until September 30, 2007.

[ADMINISTRATIVE PROVISIONS

[Notwithstanding any other provision of law, the term "qualified student loan" with respect to national service education awards shall mean any loan determined by an institution of higher education to be necessary to cover a student's cost of attendance at such institution and made, insured, or guaranteed directly to a student by a State agency, in addition to other meanings under section 148(b)(7) of the National and Community Service Act.

[Notwithstanding any other provision of law, funds made available under section 129(d)(5)(B) of the National and Community Service Act to assist entities in placing applicants who are individuals with disabilities may be provided to any entity that receives a grant under section 121 of the Act.

[The Inspector General of the Corporation for National and Community Service shall conduct random audits of the grantees that administer activities under the AmeriCorps programs and shall levy sanctions in accordance with standard Inspector General audit resolution procedures which include, but are not limited to, debarment of any grantee (or successor in interest or any entity with substantially the same person or persons in control) that has been determined to have committed any substantial violations of the requirements of the AmeriCorps programs, including any grantee that has been determined to have violated the prohibition of using Federal funds to lobby the Congress: *Provided*, That the Inspector General shall obtain reimbursements in the amount of any misused funds from any grantee that has been determined to have committed any substantial violations of the requirements of the AmeriCorps programs.

[For fiscal year 2006, the Corporation shall make any significant changes to program requirements or policy only through public notice and comment rulemaking. For fiscal year 2006, during any grant selection process, no officer or employee of the Corporation shall knowingly disclose any covered grant selection information regarding such selection, directly or indirectly, to any person other than an officer or employee of the Corporation that is authorized by the Corporation to receive such information.

[CORPORATION FOR PUBLIC BROADCASTING

[(INCLUDING RESCISSION)

[Of the amounts made available to the Corporation for Public Broadcasting for fiscal year 2006 by Public Law 108–199, $100,000,000 is rescinded; up to $30,000,000 is available for grants associated with the transition of public television to digital broadcasting including costs related to transmission equipment and program production, development, and distribution, to be awarded as determined by the Corporation in consultation with public television licensees or permittees, or their designated representatives, and up to $52,000,000 is available pursuant to section 396(k)(10) of the Communications Act of 1934, as amended, for replacement and upgrade of the public television interconnection system: *Provided*, That section 396(k)(3) shall apply only to amounts remaining after the allocations made herein.

[For payment to the Corporation for Public Broadcasting, as authorized by the Communications Act of 1934, an amount which shall be available within limitations specified by that Act, for fiscal year 2008, $400,000,000: *Provided*, That no funds made available to the Corporation for Public Broadcasting by this Act shall be used to pay for receptions, parties, or similar forms of entertainment for Government officials or employees: *Provided further*, That none of the funds contained in this paragraph shall be available or used to aid or support any program or activity from which any person is excluded, or is denied benefits, or is discriminated against, on the basis of race, color, national origin, religion, or sex.

[FEDERAL MEDIATION AND CONCILIATION SERVICE

[SALARIES AND EXPENSES

[For expenses necessary for the Federal Mediation and Conciliation Service to carry out the functions vested in it by the Labor Management Relations Act, 1947 (29 U.S.C. 171–180, 182–183), including hire of passenger motor vehicles; for expenses necessary for the Labor-Management Cooperation Act of 1978 (29 U.S.C. 175a); and for expenses necessary for the Service to carry out the functions vested in it by the Civil Service Reform Act, Public Law 95–454 (5 U.S.C. ch. 71), $42,331,000: *Provided*, That notwithstanding 31 U.S.C. 3302, fees charged, up to full-cost recovery, for special training activities and other conflict resolution services and technical assistance, including those provided to foreign governments and international organizations, and for arbitration services shall be credited to and merged with this account, and shall remain available until expended: *Provided further*, That fees for arbitration services shall be available only for education, training, and professional development of the agency workforce: *Provided further*, That the Director of the Service is authorized to accept and use on behalf of the United States gifts of services and real, personal, or other property in the aid of any projects or functions within the Director's jurisdiction.

[FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

[SALARIES AND EXPENSES

[For expenses necessary for the Federal Mine Safety and Health Review Commission (30 U.S.C. 801 et seq.), $7,809,000.

[INSTITUTE OF MUSEUM AND LIBRARY SERVICES

[OFFICE OF MUSEUM AND LIBRARY SERVICES: GRANTS AND ADMINISTRATION

[For carrying out the Museum and Library Services Act of 1996, $249,640,000, to remain available until expended.

[MEDICARE PAYMENT ADVISORY COMMISSION

[SALARIES AND EXPENSES

[For expenses necessary to carry out section 1805 of the Social Security Act, $10,168,000, to be transferred to this appropriation from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds.

[NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

[SALARIES AND EXPENSES

[For necessary expenses for the National Commission on Libraries and Information Science, established by the Act of July 20, 1970 (Public Law 91–345, as amended), $993,000.

[NATIONAL COUNCIL ON DISABILITY

[SALARIES AND EXPENSES

[For expenses necessary for the National Council on Disability as authorized by title IV of the Rehabilitation Act of 1973, as amended, $2,800,000.

[NATIONAL LABOR RELATIONS BOARD

[SALARIES AND EXPENSES

[For expenses necessary for the National Labor Relations Board to carry out the functions vested in it by the Labor-Management Relations Act, 1947, as amended (29 U.S.C. 141–167), and other laws, $252,268,000: *Provided*, That no part of this appropriation shall be available to organize or assist in organizing agricultural laborers or used in connection with investigations, hearings, directives, or orders concerning bargaining units composed of agricultural laborers as referred to in section 2(3) of the Act of July 5, 1935 (29 U.S.C. 152), and as amended by the Labor-Management Relations Act, 1947, as amended, and as defined in section 3(f) of the Act of June 25, 1938 (29 U.S.C. 203), and including in said definition employees engaged in the maintenance and operation of ditches, canals, reservoirs, and waterways when maintained or operated on a mutual, nonprofit basis and at least 95 percent of the water stored or supplied thereby is used for farming purposes.

[NATIONAL MEDIATION BOARD

[SALARIES AND EXPENSES

[For expenses necessary to carry out the provisions of the Railway Labor Act, as amended (45 U.S.C. 151–188), including emergency boards appointed by the President, $11,628,000.

[OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

[SALARIES AND EXPENSES

[For expenses necessary for the Occupational Safety and Health Review Commission (29 U.S.C. 661), $10,510,000.

[RAILROAD RETIREMENT BOARD

[DUAL BENEFITS PAYMENTS ACCOUNT

[For payment to the Dual Benefits Payments Account, authorized under section 15(d) of the Railroad Retirement Act of 1974, $97,000,000, which shall include amounts becoming available in fiscal year 2006 pursuant to section 224(c)(1)(B) of Public Law 98–76; and in addition, an amount, not to exceed 2 percent of the amount provided herein, shall be available proportional to the amount by which the product of recipients and the average benefit received exceeds $97,000,000: *Provided*, That the total amount provided herein shall be credited in 12 approximately equal amounts on the first day of each month in the fiscal year.

[FEDERAL PAYMENTS TO THE RAILROAD RETIREMENT ACCOUNTS

[For payment to the accounts established in the Treasury for the payment of benefits under the Railroad Retirement Act for interest earned on unnegotiated checks, $150,000, to remain available through September 30, 2007, which shall be the maximum amount available for payment pursuant to section 417 of Public Law 98–76.

[LIMITATION ON ADMINISTRATION

[For necessary expenses for the Railroad Retirement Board for administration of the Railroad Retirement Act and the Railroad Unemployment Insurance Act, $102,543,000, to be derived in such amounts as determined by the Board from the railroad retirement accounts and from moneys credited to the railroad unemployment insurance administration fund.

[LIMITATION ON THE OFFICE OF INSPECTOR GENERAL

[For expenses necessary for the Office of Inspector General for audit, investigatory and review activities, as authorized by the Inspector General Act of 1978, as amended, not more than $7,196,000, to be derived from the railroad retirement accounts and railroad unemployment insurance account: *Provided*, That none of the funds made available in any other paragraph of this Act may be transferred to the Office; used to carry out any such transfer; used to provide any office space, equipment, office supplies, communications facilities or services, maintenance services, or administrative services for the Office; used to pay any salary, benefit, or award for any personnel of the Office; used to pay any other operating expense of the Office; or used to reimburse the Office for any service provided, or expense incurred, by the Office.

[SOCIAL SECURITY ADMINISTRATION

[PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

[For payment to the Federal Old-Age and Survivors Insurance and the Federal Disability Insurance trust funds, as provided under sections 201(m), 228(g), and 1131(b)(2) of the Social Security Act, $20,470,000.

[SUPPLEMENTAL SECURITY INCOME PROGRAM

[For carrying out titles XI and XVI of the Social Security Act, section 401 of Public Law 92–603, section 212 of Public Law 93–66, as amended, and section 405 of Public Law 95–216, including payment to the Social Security trust funds for administrative expenses incurred pursuant to section 201(g)(1) of the Social Security Act, $29,533,174,000, to remain available until expended: *Provided*, That any portion of the funds provided to a State in the current fiscal year and not obligated by the State during that year shall be returned to the Treasury.

[For making, after June 15 of the current fiscal year, benefit payments to individuals under title XVI of the Social Security Act, for unanticipated costs incurred for the current fiscal year, such sums as may be necessary.

[For making benefit payments under title XVI of the Social Security Act for the first quarter of fiscal year 2007, $11,110,000,000, to remain available until expended.

[LIMITATION ON ADMINISTRATIVE EXPENSES

[For necessary expenses, including the hire of two passenger motor vehicles, and not to exceed $15,000 for official reception and representation expenses, not more than $9,159,700,000 may be expended, as authorized by section 201(g)(1) of the Social Security Act, from any one or all of the trust funds referred to therein: *Provided*, That not less than $2,000,000 shall be for the Social Security Advisory Board: *Provided further*, That unobligated balances of funds provided under this paragraph at the end of fiscal year 2006 not needed for fiscal year 2006 shall remain available until expended to invest in the Social Security Administration information technology and telecommunications hardware and software infrastructure, including related equipment and non-payroll administrative expenses associated solely with this information technology and telecommunications infrastructure: *Provided further*, That reimbursement to the trust funds under this heading for expenditures for official time for employees of the Social Security Administration pursuant to section 7131 of title 5, United States Code, and for facilities or support services for labor organizations pursuant to policies, regulations, or procedures referred to in section 7135(b) of such title shall be made by the Secretary of the Treasury, with interest, from amounts in the general fund not otherwise appropriated, as soon as possible after such expenditures are made.

[In addition, $119,000,000 to be derived from administration fees in excess of $5.00 per supplementary payment collected pursuant to section 1616(d) of the Social Security Act or section 212(b)(3) of Public Law 93–66, which shall remain available until expended. To the extent that the amounts collected pursuant to such section 1616(d) or 212(b)(3) in fiscal year 2006 exceed $119,000,000, the amounts shall be available in fiscal year 2007 only to the extent provided in advance in appropriations Acts.

[In addition, up to $1,000,000 to be derived from fees collected pursuant to section 303(c) of the Social Security Protection Act (Public Law 108–203), which shall remain available until expended.

[OFFICE OF INSPECTOR GENERAL

[(INCLUDING TRANSFER OF FUNDS)

[For expenses necessary for the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $26,000,000, together with not to exceed $66,805,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

[In addition, an amount not to exceed 3 percent of the total provided in this appropriation may be transferred from the "Limitation on Administrative Expenses", Social Security Administration, to be merged with this account, to be available for the time and purposes for which this account is available: *Provided*, That notice of such transfers shall be transmitted promptly to the Committees on Appropriations of the House and Senate.

[TITLE V—GENERAL PROVISIONS

[SEC. 501. The Secretaries of Labor, Health and Human Services, and Education are authorized to transfer unexpended balances of prior appropriations to accounts corresponding to current appropriations provided in this Act: *Provided*, That such transferred balances are used for the same purpose, and for the same periods of time, for which they were originally appropriated.

[SEC. 502. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

[SEC. 503. (a) No part of any appropriation contained in this Act shall be used directly or indirectly, including by private contractor, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television, or video presentation designed to support or defeat legislation pending before the Congress or any State legislature, except in presentation to the Congress or any State legislature itself.

[(b) No part of any appropriation contained in this Act shall be used to pay the salary or expenses of any grant or contract recipient, or agent acting for such recipient, related to any activity designed to influence legislation or appropriations pending before the Congress or any State legislature.

[SEC. 504. The Secretaries of Labor and Education are authorized to make available not to exceed $28,000 and $20,000, respectively, from funds available for salaries and expenses under titles I and III, respectively, for official reception and representation expenses; the Director of the Federal Mediation and Conciliation Service is authorized to make available for official reception and representation expenses not to exceed $5,000 from the funds available for "Salaries and expenses, Federal Mediation and Conciliation Service"; and the Chairman of the National Mediation Board is authorized to make available for official reception and representation expenses not to exceed $5,000 from funds available for "Salaries and expenses, National Mediation Board".

[SEC. 505. Notwithstanding any other provision of this Act, no funds appropriated under this Act shall be used to carry out any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug.

[SEC. 506. When issuing statements, press releases, requests for proposals, bid solicitations and other documents describing projects or programs funded in whole or in part with Federal money, all grantees receiving Federal funds included in this Act, including but not limited to State and local governments and recipients of Federal research grants, shall clearly state—

[(1) the percentage of the total costs of the program or project which will be financed with Federal money;

[(2) the dollar amount of Federal funds for the project or program; and

[(3) percentage and dollar amount of the total costs of the project or program that will be financed by non-governmental sources.

[SEC. 507. (a) None of the funds appropriated under this Act, and none of the funds in any trust fund to which funds are appropriated under this Act, shall be expended for any abortion.

[(b) None of the funds appropriated under this Act, and none of the funds in any trust fund to which funds are appropriated under this Act, shall be expended for health benefits coverage that includes coverage of abortion.

[(c) The term "health benefits coverage" means the package of services covered by a managed care provider or organization pursuant to a contract or other arrangement.

[SEC. 508. (a) The limitations established in the preceding section shall not apply to an abortion—

[(1) if the pregnancy is the result of an act of rape or incest; or

[(2) in the case where a woman suffers from a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy itself, that would, as certified by a physician, place the woman in danger of death unless an abortion is performed.

[(b) Nothing in the preceding section shall be construed as prohibiting the expenditure by a State, locality, entity, or private person of State, local, or private funds (other than a State's or locality's contribution of Medicaid matching funds).

[(c) Nothing in the preceding section shall be construed as restricting the ability of any managed care provider from offering abortion coverage or the ability of a State or locality to contract separately with such a provider for such coverage with State funds (other than a State's or locality's contribution of Medicaid matching funds).

[(d)(1) None of the funds made available in this Act may be made available to a Federal agency or program, or to a State or local government, if such agency, program, or government subjects any institutional or individual health care entity to discrimination on the basis that the health care entity does not provide, pay for, provide coverage of, or refer for abortions.

[(2) In this subsection, the term "health care entity" includes an individual physician or other health care professional, a hospital, a provider-sponsored organization, a health maintenance organization, a health insurance plan, or any other kind of health care facility, organization, or plan.

[SEC. 509. (a) None of the funds made available in this Act may be used for—

[(1) the creation of a human embryo or embryos for research purposes; or

[(2) research in which a human embryo or embryos are destroyed, discarded, or knowingly subjected to risk of injury or death greater than that allowed for research on fetuses in utero under 45 CFR 46.208(a)(2) and section 498(b) of the Public Health Service Act (42 U.S.C. 289g(b)).

[(b) For purposes of this section, the term "human embryo or embryos" includes any organism, not protected as a human subject under 45 CFR 46 as of the date of the enactment of this Act, that is derived by fertilization, parthenogenesis, cloning, or any other means from one or more human gametes or human diploid cells.

[SEC. 510. (a) None of the funds made available in this Act may be used for any activity that promotes the legalization of any drug or other substance included in schedule I of the schedules of controlled substances established by section 202 of the Controlled Substances Act (21 U.S.C. 812).

[(b) The limitation in subsection (a) shall not apply when there is significant medical evidence of a therapeutic advantage to the use of such drug or other substance or that federally sponsored clinical trials are being conducted to determine therapeutic advantage.

[SEC. 511. None of the funds made available in this Act may be used to promulgate or adopt any final standard under section 1173(b) of the Social Security Act (42 U.S.C. 1320d-2(b)) providing for, or providing for the assignment of, a unique health identifier for an individual (except in an individual's capacity as an employer or a health care provider), until legislation is enacted specifically approving the standard.

[SEC. 512. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

[SEC. 513. None of the funds made available by this Act to carry out the Library Services and Technology Act may be made available to any library covered by paragraph (1) of section 224(f) of such Act (20 U.S.C. 9134(f)), as amended by the Children's Internet Protections Act, unless such library has made the certifications required by paragraph (4) of such section.

[SEC. 514. None of the funds made available by this Act to carry out part D of title II of the Elementary and Secondary Education Act of 1965 may be made available to any elementary or secondary school covered by paragraph (1) of section 2441(a) of such Act (20 U.S.C. 6777(a)), as amended by the Children's Internet Protections Act and the No Child Left Behind Act, unless the local educational agency with responsibility for such covered school has made the certifications required by paragraph (2) of such section.

[SEC. 515. None of the funds appropriated in this Act may be used to enter into an arrangement under section 7(b)(4) of the Railroad Retirement Act of 1974 (45 U.S.C. 231f(b)(4)) with a nongovernmental financial institution to serve as disbursing agent for benefits payable under the Railroad Retirement Act of 1974.

[SEC. 516. (a) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2006, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that—

[(1) creates new programs;

[(2) eliminates a program, project, or activity;

[(3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted;

[(4) relocates an office or employees;

[(5) reorganizes or renames offices;

[(6) reorganizes programs or activities; or

[(7) contracts out or privatizes any functions or activities presently performed by Federal employees;

unless the Appropriations Committees of both Houses of Congress are notified 15 days in advance of such reprogramming or of an announcement of intent relating to such reprogramming, whichever occurs earlier.

[(b) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2006, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds in excess of $500,000 or 10 percent, whichever is less, that—

[(1) augments existing programs, projects (including construction projects), or activities;

[(2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or

[(3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress;

unless the Appropriations Committees of both Houses of Congress are notified 15 days in advance of such reprogramming or of an announcement of intent relating to such reprogramming, whichever occurs earlier.

[SEC. 517. Section 1015(b) of Public Law 108–173 is amended by striking "2005" and inserting "2006".

[SEC. 518. (a) None of the funds made available in this Act may be used for the payment or reimbursement, including payment or reimbursement under the programs described in subsection (b), of a drug that is prescribed to an individual described in subsection (c) for the treatment of sexual or erectile dysfunction.

[(b) The programs described in this subsection are the medicaid program, the medicare program, and health related programs funded under the Public Health Service Act.

[(c) An individual described in this subsection is an individual who has a conviction for sexual abuse, sexual assault, or any other sexual offense, and includes any individual who is registered (or who is a person required to register) under section 170101 or 170102 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071, 14072).

[SEC. 519. The amounts otherwise provided in this Act for the following accounts and activities are hereby reduced by the following amounts, and none of the funds made available in this Act may be used to carry out the rescission specified in this Act under the heading "Corporation for Public Broadcasting":

[(1) "Department of Labor, Employment and Training Administration, Training and Employment Services", $58,000,000.

[(2) "Department of Labor, Departmental Management, Salaries and Expenses", $4,640,000.

[(3) "Department of Health and Human Services, Health Resources and Services Administration, Health Resources and Services", $2,920,000.

[(4) "Department of Education, Higher Education", $27,000,000.

[(5) "Department of Education, Departmental Management, Program Administration", $8,380,000.

[SEC. 520. None of the funds made available in this Act may be used to enforce Determination ED-OIG/A05-D0008 of the Department of Education.

[SEC. 521. None of the funds appropriated by this Act may be used by the Pension Benefit Guaranty Corporation to enforce or implement the "Settlement Agreement By and Among UAL Corporation and all Direct and Indirect Subsidiaries and Pension Benefit Guaranty Corporation", dated April 22, 2005.

[SEC. 522. None of the funds made available in this Act may be used to place social security account numbers on identification cards issued to beneficiaries under the medicare program under title XVIII of the Social Security Act.

[SEC. 523. None of the funds made available in this Act may be used to reimburse, or provide reimbursement, for Viagra, Levitra, or Cialis.

[SEC. 524. None of the funds made available under this Act to the Department of Education may be expended in contravention of section 505 of the Illegal Immigration Reform and Responsibility Act of 1996 (8 U.S.C. 1623).

[SEC. 525. None of the funds made available in this Act may be used by the National Institute of Mental Health for any of the following grants:

[(1) Grant number MH060105 (Perceived Regard and Relationship Resilience in Newlyweds).

[(2) Grant number MH047313 (Perceptual Bases of Visual Concepts in Pigeons).

[SEC. 526. None of the funds made available in this Act may be used to implement any strategic plan under section 3 of Executive Order No. 13335 (regarding interoperable health information technology) that does not require the Department of Health and Human Services to give notice to any patient whose information maintained by the Department under the strategic plan is lost, stolen, or used for a purpose other than the purpose for which the information was collected.

[SEC. 527. None of the funds made available in this Act may be used by the Department of Health and Human Services to appoint an individual to a Federal advisory committee on the basis of political affiliation, unless required by Federal statute.

[SEC. 528. None of the funds appropriated by this Act may be used by the Commissioner of Social Security or the Social Security Administration to pay the compensation of employees of the Social Security Administration to administer Social Security benefit payments under a totalization agreement with Mexico which are inconsistent with Federal law.

[SEC. 529. None of the funds made available in this Act may be used to administer or pay any special allowance under section 438(b)(2)(B) of the Higher Education Act of 1965 (20 U.S.C. 1087–1(b)(2)(B)) with respect to—

[(1) any loan made or purchased after the date of enactment of this Act;

[(2) any loan that had not qualified before such date of enactment for receipt of a special allowance payment determined under section 438(b)(2)(B) of the Higher Education Act of 1965; or

[(3) any loan made or purchased before such date of enactment with funds described in the first or second sentence of section 438(b)(2)(B)(i) of such Act if—

[(A) the obligation described in the first such sentence has, after such date of enactment, matured, or been retired or defeased; or

[(B) the maturity date or the date of retirement of the obligation described in the first such sentence has, after such date of enactment, been extended.

[This Act may be cited as the "Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2006".]

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2006, and for other purposes, namely:

TITLE I—DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

(INCLUDING RESCISSION)

For necessary expenses of the Workforce Investment Act of 1998, the Denali Commission Act of 1998, and the Women in Apprenticeship and Non-Traditional Occupations Act of 1992, including the purchase and hire of passenger motor vehicles, the construction, alteration, and repair of buildings and other facilities, and the purchase of real property for training centers as authorized by the Workforce Investment Act of 1998; $2,787,806,000 plus reimbursements, of which $1,791,518,000 is available for obligation for the period July 1, 2006 through June 30, 2007; except that amounts determined by the Secretary of Labor to be necessary pursuant to sections 173(a)(4)(A) and 174(c) of the Workforce Investment Act of 1998 shall be available from October 1, 2005 until expended; and of which $986,288,000 is available for obligation for the period April 1, 2006 through June 30, 2007, to carry out chapter 4 of the Workforce Investment Act of 1998; and of which $10,000,000 is available for the period July 1, 2006 through June 30, 2007 for necessary expenses of construction, rehabilitation, and acquisition of Job Corps centers: Provided, That notwithstanding any other provision of law, of the funds provided herein under section 137(c) of the Workforce Investment Act of 1998, $282,800,000 shall be for activities described in section 132(a)(2)(A) of such Act and $1,193,264,000 shall be for activities described in section 132(a)(2)(B) of such Act: Provided further, That $125,000,000 shall be available for Community-Based Job Training Grants, which shall be from funds reserved under section 132(a)(2)(A) of the Workforce Investment Act of 1998 and shall be used to carry out such grants under section 171(d) of such Act, except that the 10 percent limitation otherwise applicable to the amount of funds that may be used to carry out section 171(d) shall not be applicable to funds used for Community-Based Job Training grants: Provided further, That funds provided to carry out section 132(a)(2)(A) of the Workforce Investment Act of 1998 may be used to provide assistance to a State for State-wide or local use in order to address cases where there have been worker dislocations across multiple sectors or across multiple local areas and such workers remain dislocated; coordinate the State workforce development plan with emerging economic development needs; and train such eligible dislocated workers: Provided further, That $7,936,000 shall be for carrying out section 172 of the Workforce Investment Act of 1998: Provided further, That $982,000 shall be for carrying out Public Law 102–530: Provided further, That, notwithstanding any other provision of law or related regulation, $80,557,000 shall be for carrying out section 167 of the Workforce Investment Act of 1998, including $75,053,000 for formula grants, $5,000,000 for migrant and seasonal housing (of which not less than 70 percent shall be for permanent housing), and $504,000 for other discretionary purposes: Provided further, That notwithstanding the transfer limitation under section 133(b)(4) of such Act, up to 30 percent of such funds may be transferred by a local board if approved by the Governor: Provided further, That funds provided to carry out section 171(d) of the Workforce Investment Act of 1998 may be used for demonstration projects that provide assistance to new entrants in the workforce and incumbent workers: Provided further, That no funds from any other appropriation shall be used to provide meal services at or for Job Corps centers.

For necessary expenses of the Workforce Investment Act of 1998, including the purchase and hire of passenger motor vehicles, the construction, alteration, and repair of buildings and other facilities, and the purchase of real property for training centers as authorized by the Act; $2,463,000,000 plus reimbursements, of which $2,363,000,000 is available for obligation for the period October 1, 2006 through June 30, 2007, and of which $100,000,000 is available for the period October 1, 2006 through June 30, 2009, for necessary expenses of construction, rehabilitation, and acquisition of Job Corps centers.

Of the funds provided under this heading in Public Law 108–7 to carry out section 173(a)(4)(A) of the Workforce Investment Act of 1998, $20,000,000 are rescinded.

Of the funds provided under this heading in Public Law 107–38, $5,000,000 are rescinded.

The Secretary of Labor shall take no action to amend, through regulatory or administration action, the definition established in 20 CFR 667.220 for functions and activities under title I of the Workforce Investment Act of 1998 until such time as legislation reauthorizing the Act is enacted.

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

To carry out title V of the Older Americans Act of 1965, as amended, $436,678,000.

FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

For payments during the current fiscal year of trade adjustment benefit payments and allowances under part I and section 246; and for training, allowances for job search and relocation, and related State administrative expenses under part II of chapter 2, title II of the Trade Act of 1974 (including the benefits and services described under sections 123(c)(2) and 151(b) and (c) of the Trade Adjustment Assistance Reform Act of 2002, Public Law 107–210), $966,400,000, together with such amounts as may be necessary to be charged to the subsequent appropriation for payments for any period subsequent to September 15 of the current year.

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

For authorized administrative expenses, $132,825,000, together with not to exceed $3,326,954,000 (including not to exceed $1,228,000 which may be used for amortization payments to States which had independent retirement plans in their State employment service agencies prior to 1980, and including $10,000,000 which may be used to conduct in-person reemployment and eligibility assessments of unemployment insurance beneficiaries by State unemployment insurance employees in one-stop career centers), which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund including the cost of administering section 51 of the Internal Revenue Code of 1986, as amended, section 7(d) of the Wagner-Peyser Act, as amended, the Trade Act of 1974, as amended, the Immigration Act of 1990, and the Immigration and Nationality Act, as amended, and of which the sums available in the allocation for activities authorized by title III of the Social Security Act, as amended (42 U.S.C. 502–

504), and the sums available in the allocation for necessary administrative expenses for carrying out 5 U.S.C. 8501–8523, shall be available for obligation by the States through December 31, 2006, except that funds used for automation acquisitions shall be available for obligation by the States through September 30, 2008; of which $132,825,000, together with not to exceed $723,188,000 of the amount which may be expended from said trust fund, shall be available for obligation for the period July 1, 2006 through June 30, 2007, to fund activities under the Act of June 6, 1933, as amended, including the cost of penalty mail authorized under 39 U.S.C. 3202(a)(1)(E) made available to States in lieu of allotments for such purpose: Provided, That to the extent that the Average Weekly Insured Unemployment (AWIU) for fiscal year 2006 is projected by the Department of Labor to exceed 2,800,000, an additional $28,600,000 shall be available for obligation for every 100,000 increase in the AWIU level (including a pro rata amount for any increment less than 100,000) from the Employment Security Administration Account of the Unemployment Trust Fund: Provided further, That funds appropriated in this Act which are used to establish a national one-stop career center system, or which are used to support the national activities of the Federal-State unemployment insurance or immigration programs, may be obligated in contracts, grants or agreements with non-State entities: Provided further, That funds appropriated in this Act for activities authorized under the Wagner-Peyser Act, as amended, and title III of the Social Security Act, may be used by the States to fund integrated Employment Service and Unemployment Insurance automation efforts, notwithstanding cost allocation principles prescribed under Office of Management and Budget Circular A–87.

In addition to amounts made available above, and subject to the same terms and conditions, $10,000,000 to conduct in-person reemployment and eligibility assessments of unemployment insurance beneficiaries by State unemployment insurance employees in one-stop career centers, and $30,000,000 to prevent and detect fraudulent unemployment benefits claims filed using personal information stolen from unsuspecting workers: Provided, That not later than 180 days following the end of fiscal year 2006, the Secretary shall provide a report to the Congress which includes:

(1) the amount spent for in-person reemployment and eligibility assessments of UI beneficiaries in One-Stop Career Centers, as well as funds made available and expended to prevent and detect fraudulent claims for unemployment benefits filed using workers' stolen personal information;

(2) the number of scheduled in-person reemployment and eligibility assessments, the number of individuals who failed to appear for scheduled assessments, actions taken as a result of individuals not appearing for an assessment (e.g., benefits terminated), results of assessments (e.g., referred to reemployment services, found in compliance with program requirements), estimated savings resulting from cessation of benefits, and estimated savings as a result of accelerated reemployment; and

(3) the estimated number of UI benefit claims filed using stolen identification that are discovered at the time of initial filing, with an estimate of the resulting savings; and the estimated number of ID theft-related continued claims stopped, with an estimate of the amount paid on such fraudulent claims and an estimate of the resulting savings from their termination.

ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS

For repayable advances to the Unemployment Trust Fund as authorized by sections 905(d) and 1203 of the Social Security Act, as amended, and to the Black Lung Disability Trust Fund as authorized by section 9501(c)(1) of the Internal Revenue Code of 1954, as amended; and for nonrepayable advances to the Unemployment Trust Fund as authorized by section 8509 of title 5, United States Code, and to the "Federal unemployment benefits and allowances" account, to remain available until September 30, 2007, $465,000,000.

In addition, for making repayable advances to the Black Lung Disability Trust Fund in the current fiscal year after September 15, 2006, for costs incurred by the Black Lung Disability Trust Fund in the current fiscal year, such sums as may be necessary.

PROGRAM ADMINISTRATION

For expenses of administering employment and training programs, $117,123,000, together with not to exceed $82,877,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund.

WORKERS COMPENSATION PROGRAMS

(RESCISSION)

Of funds provided under this heading in the Emergency Supplemental Appropriations Act, 2002 (Public Law 107–117, division B), $120,000,000 are rescinded.

EMPLOYEE BENEFITS SECURITY ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Employee Benefits Security Administration, $134,900,000.

PENSION BENEFIT GUARANTY CORPORATION

PENSION BENEFIT GUARANTY CORPORATION FUND

The Pension Benefit Guaranty Corporation is authorized to make such expenditures, including financial assistance authorized by section 104 of Public Law 96–364, within limits of funds and borrowing authority available to such Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 9104), as may be necessary in carrying out the program, including associated administrative expenses, through September 30, 2006 for such Corporation: Provided, That none of the funds available to the Corporation for fiscal year 2006 shall be available for obligations for administrative expenses in excess of $296,978,000: Provided further, That obligations in excess of such amount may be incurred after approval by the Office of Management and Budget and the Committees on Appropriations of the House and Senate.

EMPLOYMENT STANDARDS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Employment Standards Administration, including reimbursement to State, Federal, and local agencies and their employees for inspection services rendered, $410,568,000, together with $2,048,000 which may be expended from the Special Fund in accordance with sections 39(c), 44(d) and 44(j) of the Longshore and Harbor Workers' Compensation Act: Provided, That the Secretary of Labor is authorized to accept, retain, and spend, until expended, in the name of the Department of Labor, all sums of money ordered to be paid to the Secretary of Labor, in accordance with the terms of the Consent Judgment in Civil Action No. 91–0027 of the United States District Court for the District of the Northern Mariana Islands (May 21, 1992): Provided further, That the Secretary of Labor is authorized to establish and, in accordance with 31 U.S.C. 3302, collect and deposit in the Treasury fees for processing applications and issuing certificates under sections 11(d) and 14 of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 211(d) and 214) and for processing applications and issuing registrations under title I of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1801 et seq.).

SPECIAL BENEFITS

(INCLUDING TRANSFER OF FUNDS)

For the payment of compensation, benefits, and expenses (except administrative expenses) accruing during the current or any prior fiscal year authorized by title 5, chapter 81 of the United States Code; continuation of benefits as provided for under the heading "Civilian War Benefits" in the Federal Security Agency Appropriation Act, 1947; the Employees' Compensation Commission Appropriation Act, 1944; sections 4(c) and 5(f) of the War Claims Act of 1948 (50 U.S.C. App. 2012); and 50 percent of the additional compensation and benefits required by section 10(h) of the Longshore and Harbor Workers' Compensation Act, as amended, $237,000,000, together with such amounts as may be necessary to be charged to the subsequent year appropriation for the payment of compensation and other benefits for any period subsequent to August 15 of the current year: Provided, That amounts appropriated may be used under section 8104 of title 5, United States Code, by the Secretary of Labor to reimburse an employer, who is not the employer at the time of injury, for portions of the salary of a reemployed, disabled beneficiary: Provided further, That balances of reimbursements unobligated on September 30, 2005, shall remain available until expended for the payment of compensation, benefits, and expenses: Provided further, That in addition there shall be transferred to this appropriation from the Postal Service and from any other corporation or instrumentality required under section 8147(c) of title 5, United States Code, to pay an amount for its fair share of the cost of administration, such sums as the Secretary determines to be the cost of administration for employees of such fair share entities through September 30, 2006: Provided further, That of those funds transferred to this account from the fair share entities to pay the cost of administration of the Federal Employees' Compensation Act, $53,695,000 shall be made available to the Secretary as follows:

(1) for enhancement and maintenance of automated data processing systems and telecommunications systems, $13,305,000;

(2) for automated workload processing operations, including document imaging, centralized mail intake and medical bill processing, $27,148,000;

(3) for periodic roll management and medical review, $13,242,000; and

(4) the remaining funds shall be paid into the Treasury as miscellaneous receipts:

Provided further, That the Secretary may require that any person filing a notice of injury or a claim for benefits under chapter 81 of title 5, United States Code, or 33 U.S.C. 901 et seq., provide as part of such notice and claim, such identifying information (including Social Security account number) as such regulations may prescribe.

SPECIAL BENEFITS FOR DISABLED COAL MINERS

For carrying out title IV of the Federal Mine Safety and Health Act of 1977, as amended by Public Law 107–275, (the "Act"), $232,250,000, to remain available until expended.

For making after July 31 of the current fiscal year, benefit payments to individuals under title IV of the Act, for costs incurred in the current fiscal year, such amounts as may be necessary.

For making benefit payments under title IV for the first quarter of fiscal year 2007, $74,000,000, to remain available until expended.

ADMINISTRATIVE EXPENSES, ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION FUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to administer the Energy Employees Occupational Illness Compensation Act, $96,081,000, to remain available until *expended: Provided, That the Secretary of Labor is authorized to transfer to any executive agency with authority under the Energy Employees Occupational Illness Compensation Act, including within the Department of Labor, such sums as may be necessary in fiscal year 2006 to carry out those authorities: Provided further, That the Secretary may require that any person filing a claim for benefits under the Act provide as part of such claim, such identifying information (including Social Security account number) as may be prescribed: Provided further, That not later than 30 days after enactment, in addition to other sums transferred by the Secretary of Labor to the National Institute for Occupational Safety and Health ("NIOSH") for the administration of the Energy Employees Occupational Illness Compensation Program ("EEOICPA"), the Secretary of Labor shall transfer $4,500,000 to NIOSH from the funds appropriated to the Energy Employees Occupational Illness Compensation Fund (42 U.S.C. 7384e), for use by or in support of the Advisory Board on Radiation and Worker Health ("the Board") to carry out its statutory responsibilities under EEOICPA (42 U.S.C. 7384n–q), including obtaining audits, technical assistance and other support from the Board's audit contractor with regard to radiation dose estimation and reconstruction efforts, site profiles, procedures, and review of Special Exposure Cohort petitions and evaluation reports.*

BLACK LUNG DISABILITY TRUST FUND

(INCLUDING TRANSFER OF FUNDS)

In fiscal year 2006 and thereafter, such sums as may be necessary from the Black Lung Disability Trust Fund, to remain available until expended, for payment of all benefits authorized by section 9501(d)(1), (2), (4), and (7) of the Internal Revenue Code of 1954, as amended; and interest on advances, as authorized by section 9501(c)(2) of that Act. In addition, the following amounts shall be available from the Fund for fiscal year 2006 for expenses of operation and administration of the Black Lung Benefits program, as authorized by section 9501(d)(5): $33,050,000 for transfer to the Employment Standards Administration "Salaries and Expenses"; $24,239,000 for transfer to Departmental Management, "Salaries and Expenses"; $344,000 for transfer to Departmental Management, "Office of Inspector General"; and $356,000 for payments into miscellaneous receipts for the expenses of the Department of the Treasury.

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Occupational Safety and Health Administration, $477,491,000, including not to exceed $92,013,000 which shall be the maximum amount available for grants to States under section 23(g) of the Occupational Safety and Health Act (the "Act"), which grants shall be no less than 50 percent of the costs of State occupational safety and health programs required to be incurred under plans approved by the Secretary under section 18 of the Act; and, in addition, notwithstanding 31 U.S.C. 3302, the Occupational Safety and Health Administration may retain up to $750,000 per fiscal year of training institute course tuition fees, otherwise authorized by law to be collected, and may utilize such sums for occupational safety and health training and education grants: Provided, That, notwithstanding 31 U.S.C. 3302, the Secretary of Labor is authorized, during the fiscal year ending September 30, 2006, to collect and retain fees for services provided to Nationally Recognized Testing Laboratories, and may utilize such sums, in accordance with the provisions of 29 U.S.C. 9a, to administer national and international laboratory recognition programs that ensure the safety of equipment and products used by workers in the workplace: Provided further, That none of the funds appropriated under this paragraph shall be obligated or expended to prescribe, issue, administer, or enforce any standard, rule, regulation, or order under the Act which is applicable to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees: Provided further, That no funds appropriated under this paragraph shall be obligated or expended to administer or enforce any standard, rule, regulation, or order under the Act with respect to any employer of 10 or fewer employees who is included within a category having a Days Away, Restricted, or Transferred (DART) occupational injury and illness rate, at the most precise industrial classification code for which such data are published, less than the national average rate as such rates are most recently published by the Secretary, acting through the Bureau of Labor Statistics, in accordance with section 24 of that Act (29 U.S.C. 673), except—

(1) to provide, as authorized by such Act, consultation, technical assistance, educational and training services, and to conduct surveys and studies;

(2) to conduct an inspection or investigation in response to an employee complaint, to issue a citation for violations found during such inspection, and to assess a penalty for violations which are not corrected within a reasonable abatement period and for any willful violations found;

(3) to take any action authorized by such Act with respect to imminent dangers;

(4) to take any action authorized by such Act with respect to health hazards;

(5) to take any action authorized by such Act with respect to a report of an employment accident which is fatal to one or more employees or which results in hospitalization of two or more employees, and to take any action pursuant to such investigation authorized by such Act; and

(6) to take any action authorized by such Act with respect to complaints of discrimination against employees for exercising rights under such Act:

Provided further, That the foregoing proviso shall not apply to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees: Provided further, That not less than $3,200,000 shall be used to extend funding for the Institutional Competency Building training grants which commenced in September 2000, for program activities for the period of September 30, 2006 to September 30, 2007, provided that a grantee has demonstrated satisfactory performance.

MINE SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Mine Safety and Health Administration, $280,490,000, including purchase and bestowal of certificates and trophies in connection with mine rescue and first-aid work, and the hire of passenger motor vehicles, including up to $2,000,000 for mine rescue and recovery activities; in addition, not to exceed $750,000 may be collected by the National Mine Health and Safety Academy for room, board, tuition, and the sale of training materials, otherwise authorized by law to be collected, to be available for mine safety and health education and training activities, notwithstanding 31 U.S.C. 3302; and, in addition, the Mine Safety and Health Administration may retain up to $1,000,000 from fees collected for the approval and certification of equipment, materials, and explosives for use in mines, and may utilize such sums for such activities; the Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, or private; the Mine Safety and Health Administration is authorized to promote health and safety education and training in the mining community through cooperative programs with States, industry, and safety associations; and any funds available to the department may be used, with the approval of the Secretary, to provide for the costs of mine rescue and survival operations in the event of a major disaster.

BUREAU OF LABOR STATISTICS

SALARIES AND EXPENSES

For necessary expenses for the Bureau of Labor Statistics, including advances or reimbursements to State, Federal, and local agencies and their employees for services rendered, $464,678,000, together with not to exceed $77,845,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund, of which $5,000,000 may be used to fund the mass layoff statistics program under section 15 of the Wagner-Peyser Act (29 U.S.C. 49l–2).

OFFICE OF DISABILITY EMPLOYMENT POLICY

SALARIES AND EXPENSES

For necessary expenses for the Office of Disability Employment Policy to provide leadership, develop policy and initiatives, and award grants furthering the objective of eliminating barriers to the training and employment of people with disabilities, $47,164,000.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For necessary expenses for Departmental Management, including the hire of three sedans, and including the management or operation, through contracts, grants or other arrangements of Departmental activities conducted by or through the Bureau of International Labor Affairs, including bilateral and multilateral technical assistance and other international labor activities, $320,250,000, of which $6,944,000, to remain available until September 30, 2007, is for Frances Perkins Building Security Enhancements, and $29,760,000 is for the acquisition of Departmental information technology, architecture, infrastructure, equipment, software and related needs, which will be allocated by the Department's Chief Information Officer in accordance with the Department's capital investment management process to assure a sound investment strategy; together with not to exceed $311,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund: Provided, That no funds made available by this Act may be used by the Solicitor of Labor to participate in a review in any United States court of appeals of any decision made by the Benefits Review Board under section 21 of the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 921) where such participation is precluded by the decision of the United States Supreme Court in Director, Office of Workers' Compensation Programs v. Newport News Shipbuilding, 115 S. Ct. 1278 (1995), notwithstanding any provisions to the contrary contained in Rule 15 of the Federal Rules of Appellate Procedure: Provided further, That no funds made available by this Act may be used by the Secretary of Labor to review a decision under the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 901 et seq.) that has been appealed and that has been pending before the Benefits Review Board for more than 12 months: Provided further, That any such decision pending a review by the Benefits Review Board for more than 1 year shall be considered affirmed by the Benefits Review Board on the 1-year anniversary of the filing of the appeal, and shall be considered the final order of the Board for purposes of obtaining a review in the United States courts of appeals:

Provided further, That these provisions shall not be applicable to the review or appeal of any decision issued under the Black Lung Benefits Act (30 U.S.C. 901 et seq.).

VETERANS EMPLOYMENT AND TRAINING

Not to exceed $194,834,000 may be derived from the Employment Security Administration Account in the Unemployment Trust Fund to carry out the provisions of 38 U.S.C. 4100–4113, 4211–4215, and 4321–4327, and Public Law 103–353, and which shall be available for obligation by the States through December 31, 2006, of which $1,984,000 is for the National Veterans' Employment and Training Services Institute. To carry out the Homeless Veterans Reintegration Programs (38 U.S.C. 2021) and the Veterans Workforce Investment Programs (29 U.S.C. 2913), $29,500,000, of which $7,500,000 shall be available for obligation for the period July 1, 2006 through June 30, 2007.

OFFICE OF INSPECTOR GENERAL

For salaries and expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $67,211,000, together with not to exceed $5,608,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund.

WORKING CAPITAL FUND

For the acquisition of a new core accounting system for the Department of Labor, including hardware and software infrastructure and the costs associated with implementation thereof, $6,230,000.

GENERAL PROVISIONS

(TRANSFER OF FUNDS)

SEC. 101. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended) which are appropriated for the current fiscal year for the Department of Labor in this Act may be transferred between a program, project, or activity, but no such program, project, or activity shall be increased by more than 3 percent by any such transfer: Provided, That a program, project, or activity may be increased by up to an additional 2 percent subject to approval by the House and Senate Committees on Appropriations: Provided further, That the transfer authority granted by this section shall be available only to meet emergency needs and shall not be used to create any new program or to fund any project or activity for which no funds are provided in this Act: Provided further, That the Appropriations Committees of both Houses of Congress are notified at least 15 days in advance of any transfer.

SEC. 102. In accordance with Executive Order No. 13126, none of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended for the procurement of goods mined, produced, manufactured, or harvested or services rendered, whole or in part, by forced or indentured child labor in industries and host countries already identified by the United States Department of Labor prior to enactment of this Act.

SEC. 103. There is authorized to be appropriated such sums as may be necessary to the Denali Commission through the Department of Labor to conduct job training of the local workforce where Denali Commission projects will be constructed.

SEC. 104. For purposes of chapter 8 of division B of the Department of Defense and Emergency Supplemental Appropriations for Recovery from and Response to Terrorist Attacks on the United States Act, 2002 (Public Law 107–117), payments made by the New York Workers' Compensation Board to the New York Crime Victims Board and the New York State Insurance Fund before the date of the enactment of this Act shall be deemed to have been made for workers compensation programs.

SEC. 105. The Department of Labor shall submit its fiscal year 2007 congressional budget justifications to the Committees on Appropriations of the House of Representatives and the Senate in the format and level of detail used by the Department of Education in its fiscal year 2006 congressional budget justifications.

This title may be cited as the "Department of Labor Appropriations Act, 2006".

TITLE II—DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH RESOURCES AND SERVICES

For carrying out titles II, III, IV, VII, VIII, X, XII, XIX, and XXVI of the Public Health Service Act, section 427(a) of the Federal Coal Mine Health and Safety Act, title V and sections 1128E, and 711, and 1820 of the Social Security Act, the Health Care Quality Improvement Act of 1986, as amended, the Native Hawaiian Health Care Act of 1988, as amended, the Cardiac Arrest Survival Act of 2000, section 712 of the American Jobs Creation Act of 2004, the Poison Control Center Enhancement and Awareness Act, as amended, and for expenses necessary to support activities related to countering potential biological, disease, nuclear, radiological and chemical threats to civilian populations, $7,398,434,000, of which $480,751,000 shall be available for construction and renovation (including equipment) of health care and other facilities and other health-related activities, and of which $64,180,000 from general revenues, notwithstanding section 1820(j) of the Social Security Act, shall be available for carrying out the Medicare rural hospital flexibility grants program under section 1820 of such Act (of which $25,000,000 is for a Rural Health, Education, and Workforce Infrastructure Demonstration Program which shall solicit and fund proposals from local governments, hospitals, universities, and rural public health-related entities and organizations for research development, educational programs, job training, and construction of public health-related facilities): Provided, That of the funds made available under this heading, $222,000 shall be available until expended for facilities renovations at the Gillis W. Long Hansen's Disease Center: Provided further, That in addition to fees authorized by section 427(b) of the Health Care Quality Improvement Act of 1986, fees shall be collected for the full disclosure of information under the Act sufficient to recover the full costs of operating the National Practitioner Data Bank, and shall remain available until expended to carry out that Act: Provided further, That fees collected for the full disclosure of information under the "Health Care Fraud and Abuse Data Collection Program", authorized by section 1128E(d)(2) of the Social Security Act, shall be sufficient to recover the full costs of operating the program, and shall remain available until expended to carry out that Act: Provided further, That $20,000,000 of the funding provided for community health centers shall be used for base grant adjustments for existing centers: Provided further, That no more than $99,000 is available until expended for carrying out the provisions of 42 U.S.C. 233(o) including associated administrative expenses: Provided further, That $13,000,000 of the funding provided for Health Centers shall be used for high-need counties, notwithstanding section 330(r)(2)(B) of the Public Health Service Act: Provided further, That no more than $45,000,000 is available until expended for carrying out the provisions of Public Law 104–73 and for expenses incurred by the Department of Health and Human Services pertaining to administrative claims made under such law: Provided further, That $9,859,000 is available until expended for the National Cord Blood Stem Cell Bank Program as described in House Report 108–401: Provided further, That of the funds made available under this heading, $285,963,000 shall be for the program under title X of the Public Health Service Act to provide for voluntary family planning projects: Provided further, That amounts provided to said projects under such title shall not be expended for abortions, that all pregnancy counseling shall be nondirective, and that such amounts shall not be expended for any activity (including the publication or distribution of literature) that in any way tends to promote public support or opposition to any legislative proposal or candidate for public office: Provided further, That $797,521,000 shall be for State AIDS Drug Assistance Programs authorized by section 2616 of the Public Health Service Act: Provided further, That in addition to amounts provided herein, $25,000,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out Parts A, B, C, and D of title XXVI of the Public Health Service Act to fund section 2691 Special Projects of National Significance: Provided further, That, notwithstanding section 502(a)(1) of the Social Security Act, not to exceed $121,396,250 is available for carrying out special projects of regional and national significance pursuant to section 501(a)(2) of such Act: Provided further, That of the funds provided, $39,680,000 shall be provided to the Denali Commission as a direct lump payment pursuant to Public Law 106–113.

HEALTH EDUCATION ASSISTANCE LOANS PROGRAM ACCOUNT

Such sums as may be necessary to carry out the purpose of the program, as authorized by title VII of the Public Health Service Act, as amended. For administrative expenses to carry out the guaranteed loan program, including section 709 of the Public Health Service Act, $2,916,000.

VACCINE INJURY COMPENSATION PROGRAM TRUST FUND

For payments from the Vaccine Injury Compensation Program Trust Fund, such sums as may be necessary for claims associated with vaccine-related injury or death with respect to vaccines administered after September 30, 1988, pursuant to subtitle 2 of title XXI of the Public Health Service Act, to remain available until expended: Provided, That for necessary administrative expenses, not to exceed $3,600,000 shall be available from the Trust Fund to the Secretary of Health and Human Services.

CENTERS FOR DISEASE CONTROL AND PREVENTION

DISEASE CONTROL, RESEARCH, AND TRAINING

To carry out titles II, III, VII, XI, XV, XVII, XIX, XXI, and XXVI of the Public Health Service Act, sections 101, 102, 103, 201, 202, 203, 301, and 501 of the Federal Mine Safety and Health Act of 1977, sections 20, 21, and 22 of the Occupational Safety and Health Act of 1970, title IV of the Immigration and Nationality Act, section 501 of the Refugee Education Assistance Act of 1980, and for expenses necessary to support activities related to countering potential biological, disease, nuclear, radiological, and chemical threats to civilian populations; including purchase and insurance of official motor vehicles in foreign countries; and purchase, hire, maintenance, and operation of aircraft, $5,989,115,000, of which $225,000,000 shall remain available until expended for equipment, and construction and renovation of facilities; of which $30,000,000 of the amounts available for immunization activities shall remain available until expended; of which $542,000,000 shall remain available until expended for the Strategic National Stockpile; and of which $123,883,000 for international HIV/AIDS shall remain available until September 30, 2007. In addition, such sums as may be derived from authorized user fees, which shall be credited to this account: Provided, That in addition *to amounts provided herein, the following amounts shall be available from amounts available under section 241 of the Public Health Service Act: (1) $12,794,000 to carry out the National Immunization Surveys; (2) $109,021,000 to carry out the National Center for Health Statistics surveys; (3) $24,751,000 to carry out information systems standards development and architecture and applications-based research used at local public health levels; (4) $463,000 for Health Marketing evaluations; (5) $31,000,000 to carry out Public Health Research; and (6) $87,071,000 to carry out research activities within the National Occupational Research Agenda: Provided further, That none of the funds made available for injury prevention and control at the Centers for Disease Control and Prevention may be used, in whole or in part, to advocate or promote gun control: Provided further, That up to $31,800,000 shall be made available until expended for Individual Learning Accounts for full-time equivalent employees of the Centers for Disease Control and Prevention: Provided further, That the Director may redirect the total amount made available under authority of Public Law 101-502, section 3, dated November 3, 1990, to activities the Director may so designate: Provided further, That the Congress is to be notified promptly of any such transfer: Provided further, That not to exceed $12,500,000 may be available for making grants under section 1509 of the Public Health Service Act to not more than 15 States, tribes, or tribal organizations: Provided further, That without regard to existing statute, funds appropriated may be used to proceed, at the discretion of the Centers for Disease Control and Prevention, with property acquisition, including a long-term ground lease for construction on non-Federal land, to support the construction of a replacement laboratory in the Fort Collins, Colorado area: Provided further, That notwithstanding any other provision of law, a single contract or related contracts for development and construction of facilities may be employed which collectively include the full scope of the project: Provided further, That the solicitation and contract shall contain the clause "availability of funds" found at 48 CFR 52.232-18: Provided further, That of the funds appropriated, $10,000 is for official reception and representation expenses when specifically approved by the Director of the Centers for Disease Control and Prevention: Provided further, That employees of the Centers for Disease Control and Prevention or the Public Health Service, both civilian and Commissioned Officers, detailed to States, municipalities, or other organizations under authority of section 214 of the Public Health Service Act, shall be treated as non-Federal employees for reporting purposes only and shall not be included within any personnel ceiling applicable to the Agency, Service, or the Department of Health and Human Services during the period of detail or assignment.*

NATIONAL INSTITUTES OF HEALTH

NATIONAL CANCER INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to cancer, $4,960,828,000, of which up to $8,000,000 may be used for facilities repairs and improvements at the NCI-Frederick Federally Funded Research and Development Center in Frederick, Maryland.

NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to cardiovascular, lung, and blood diseases, and blood and blood products, $3,023,381,000.

NATIONAL INSTITUTE OF DENTAL AND CRANIOFACIAL RESEARCH

For carrying out section 301 and title IV of the Public Health Service Act with respect to dental disease, $405,269,000.

NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND KIDNEY DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to diabetes and digestive and kidney disease, $1,767,919,000.

NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS AND STROKE

For carrying out section 301 and title IV of the Public Health Service Act with respect to neurological disorders and stroke, $1,591,924,000.

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

(INCLUDING TRANSFER OF FUNDS)

For carrying out section 301 and title IV of the Public Health Service Act with respect to allergy and infectious diseases, $4,547,136,000: Provided, That $100,000,000 may be made available to International Assistance Programs "Global Fund to Fight HIV/AIDS, Malaria, and Tuberculosis", to remain available until expended: Provided further, That up to $30,000,000 shall be for extramural facilities construction grants to enhance the Nation's capability to do research on biological and other agents.

NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

For carrying out section 301 and title IV of the Public Health Service Act with respect to general medical sciences, $2,002,622,000.

NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

For carrying out section 301 and title IV of the Public Health Service Act with respect to child health and human development, $1,310,989,000.

NATIONAL EYE INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to eye diseases and visual disorders, $693,559,000.

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For carrying out sections 301 and 311 and title IV of the Public Health Service Act with respect to environmental health sciences, $667,372,000.

NATIONAL INSTITUTE ON AGING

For carrying out section 301 and title IV of the Public Health Service Act with respect to aging, $1,090,600,000.

NATIONAL INSTITUTE OF ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to arthritis and musculoskeletal and skin diseases, $525,758,000.

NATIONAL INSTITUTE ON DEAFNESS AND OTHER COMMUNICATION DISORDERS

For carrying out section 301 and title IV of the Public Health Service Act with respect to deafness and other communication disorders, $409,432,000.

NATIONAL INSTITUTE OF NURSING RESEARCH

For carrying out section 301 and title IV of the Public Health Service Act with respect to nursing research, $142,549,000.

NATIONAL INSTITUTE ON ALCOHOL ABUSE AND ALCOHOLISM

For carrying out section 301 and title IV of the Public Health Service Act with respect to alcohol abuse and alcoholism, $452,271,000.

NATIONAL INSTITUTE ON DRUG ABUSE

For carrying out section 301 and title IV of the Public Health Service Act with respect to drug abuse, $1,035,167,000.

NATIONAL INSTITUTE OF MENTAL HEALTH

For carrying out section 301 and title IV of the Public Health Service Act with respect to mental health, $1,460,393,000.

NATIONAL HUMAN GENOME RESEARCH INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to human genome research, $502,804,000.

NATIONAL INSTITUTE OF BIOMEDICAL IMAGING AND BIOENGINEERING

For carrying out section 301 and title IV of the Public Health Service Act with respect to biomedical imaging and bioengineering research, $309,091,000.

NATIONAL CENTER FOR RESEARCH RESOURCES

For carrying out section 301 and title IV of the Public Health Service Act with respect to research resources and general research support grants, $1,188,079,000: Provided, That none of these funds shall be used to pay recipients of the general research support grants program any amount for indirect expenses in connection with such grants: Provided further, That $30,000,000 shall be for extramural facilities construction grants.

NATIONAL CENTER FOR COMPLEMENTARY AND ALTERNATIVE MEDICINE

For carrying out section 301 and title IV of the Public Health Service Act with respect to complementary and alternative medicine, $126,978,000.

NATIONAL CENTER ON MINORITY HEALTH AND HEALTH DISPARITIES

For carrying out section 301 and title IV of the Public Health Service Act with respect to minority health and health disparities research, $203,367,000.

JOHN E. FOGARTY INTERNATIONAL CENTER

For carrying out the activities at the John E. Fogarty International Center, $68,745,000.

NATIONAL LIBRARY OF MEDICINE

For carrying out section 301 and title IV of the Public Health Service Act with respect to health information communications, $327,222,000, of which $4,000,000 shall be available until expended for improvement of information systems: Provided, That in fiscal year 2006, the Library may enter into personal services contracts for the provision of services in facilities owned, operated, or constructed under the jurisdiction of the National Institutes of Health: Provided further, That in addition to amounts provided herein, $8,200,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out National Information Center on Health Services Research and Health Care Technology and related health services.

OFFICE OF THE DIRECTOR

(INCLUDING TRANSFER OF FUNDS)

For carrying out the responsibilities of the Office of the Director, National Institutes of Health, $487,434,000, of which up to $10,000,000 shall be used to carry out section 216 of this Act: Provided, That funding shall be available for the purchase of not to exceed 29 passenger motor vehicles for replacement only: Provided further, That the Director may direct up to 1 percent of the total amount made available in this or any other Act to all National Institutes of Health appropriations to activities the Director may so designate: Provided further, That no such appropriation shall be decreased by more than 1 percent by any such transfers and that the Congress is promptly notified of the transfer: Provided further, That the National Institutes of Health is authorized to collect third party payments for the cost of clinical services that are incurred in National Institutes of Health research facilities and that such payments shall be credited to the National Institutes of Health Management Fund: Provided further, That all funds credited to the National Institutes of Health Management Fund shall remain available for one fiscal year after the fiscal year in which they are deposited: Provided further, That up to $500,000 shall be available to carry out section 499 of the Public Health Service Act: Provided further, That in addition to the transfer authority provided above, a uniform percentage of the amounts appropriated in this Act to *each Institute and Center may be transferred and utilized for the National Institutes of Health Roadmap for Medical Research: Provided further, That the amount utilized under the preceding proviso shall not exceed $250,000,000 without prior notification to the Committees on Appropriations of the House of Representatives and the Senate: Provided further, That amounts transferred and utilized under the preceding two provisos shall be in addition to amounts made available for the Roadmap for Medical Research from the Director's Discretionary Fund and to any amounts allocated to activities related to the Roadmap through the normal research priority-setting process of individual Institutes and Centers: Provided further, That of the funds provided $10,000 shall be for official reception and representation expenses when specifically approved by the Director of NIH.*

BUILDINGS AND FACILITIES

For the study of, construction of, renovation of, and acquisition of equipment for, facilities of or used by the National Institutes of Health, including the acquisition of real property, $113,626,000, to remain available until expended: Provided, That notwithstanding any other provision of law, single contracts or related contracts, which collectively include the full scope of the project, may be employed for the development and construction of the first and second phases of the John Edward Porter Neuroscience Research Center: Provided further, That the solicitations and contracts shall contain the clause "availability of funds" found at 48 CFR 52.232–18.

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

For carrying out titles V and XIX of the Public Health Service Act ("PHS Act") with respect to substance abuse and mental health services, the Protection and Advocacy for Individuals with Mental Illness Act, and section 301 of the PHS Act with respect to program management, $3,261,783,000: Provided, That in addition to amounts provided herein, the following amounts shall be available from amounts available under section 241 of the PHS Act: (1) $79,200,000 to carry out subpart II of part B of title XIX of the PHS Act to fund section 1935(b) technical assistance, national data, data collection and evaluation activities, and further that the total available in this Act for section 1935(b) activities shall not exceed 5 percent of the amounts appropriated for subpart II of part B of title XIX; (2) $21,803,000 to carry out subpart I of Part B of title XIX of the PHS Act to fund section 1920(b) technical assistance, national data, data collection and evaluation activities, and further that the total available in this Act for section 1920(b) activities shall not exceed 5 percent of the amounts appropriated for subpart I of Part B of title XIX; (3) $16,000,000 to carry out national surveys on drug abuse; (4) $2,000,000 for mental health data collection; and (5) $4,300,000 to evaluate substance abuse treatment programs.

AGENCY FOR HEALTHCARE RESEARCH AND QUALITY

HEALTHCARE RESEARCH AND QUALITY

For carrying out titles III and IX of the Public Health Service Act, and part A of title XI of the Social Security Act, amounts received from Freedom of Information Act fees, reimbursable and interagency agreements, and the sale of data shall be credited to this appropriation and shall remain available until expended: Provided, That the amount made available pursuant to section 927(c) of the Public Health Service Act shall not exceed $323,695,000: Provided further, That not more than $50,000,000 of these funds shall be for the development of scientific evidence that supports the implementation and evaluation of health care information technology systems.

CENTERS FOR MEDICARE AND MEDICAID SERVICES

GRANTS TO STATES FOR MEDICAID

For carrying out, except as otherwise provided, titles XI and XIX of the Social Security Act, $156,954,419,000, to remain available until expended.

For making, after May 31, 2006, payments to States under title XIX of the Social Security Act for the last quarter of fiscal year 2006 for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

For making payments to States or in the case of section 1928 on behalf of States under title XIX of the Social Security Act for the first quarter of fiscal year 2007, $62,783,825,000, to remain available until expended.

Payment under title XIX may be made for any quarter with respect to a State plan or plan amendment in effect during such quarter, if submitted in or prior to such quarter and approved in that or any subsequent quarter.

PAYMENTS TO HEALTH CARE TRUST FUNDS

For payment to the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as provided under section 1844, 1860D–16, and 1860D–31 of the Social Security Act, sections 103(c) and 111(d) of the Social Security Amendments of 1965, section 278(d) of Public Law 97–248, and for administrative expenses incurred pursuant to section 201(g) of the Social Security Act, $177,822,200,000.

In addition, for making matching payments under section 1844, and benefit payments under 1860D–16 and 1860D–31, of the Social Security Act, not anticipated in budget estimates, such sums as may be necessary.

PROGRAM MANAGEMENT

For carrying out, except as otherwise provided, titles XI, XVIII, XIX, and XXI of the Social Security Act, titles XIII and XXVII of the Public Health Service Act, and the Clinical Laboratory Improvement Amendments of 1988, not to exceed $3,203,418,000, to be transferred from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as authorized by section 201(g) of the Social Security Act; together with all funds collected in accordance with section 353 of the Public Health Service Act and section 1857(e)(2) of the Social Security Act, and such sums as may be collected from authorized user fees and the sale of data, which shall remain available until expended: Provided, That all funds derived in accordance with 31 U.S.C. 9701 from organizations established under title XIII of the Public Health Service Act shall be credited to and available for carrying out the purposes of this appropriation: Provided further, That $24,205,000, to remain available until September 30, 2007, is for contract costs for the Centers for Medicare and Medicaid Services Systems Revitalization Plan: Provided further, That $79,934,000, to remain available until September 30, 2007, is for contract costs for the Healthcare Integrated General Ledger Accounting System: Provided further, That funds appropriated under this heading are available for the Healthy Start, Grow Smart program under which the Centers for Medicare and Medicaid Services may, directly or through grants, contracts, or cooperative agreements, produce and distribute informational materials including, but not limited to, pamphlets and brochures on infant and toddler health care to expectant parents enrolled in the Medicaid program and to parents and guardians enrolled in such program with infants and children: Provided further, That the Secretary of Health and Human Services is directed to collect fees in fiscal year 2006 from Medicare Advantage organizations pursuant to section 1857(e)(2) of the Social Security Act and from eligible organizations with risk-sharing contracts under section 1876 of that Act pursuant to section 1876(k)(4)(D) of that Act: Provided further, That to the extent Medicare claims volume is projected by the Centers for Medicare and Medicaid Services (CMS) to exceed 200,000,000 Part A claims and/or 1,022,100,000 Part B claims, an additional $32,500,000 shall be available for obligation for every 50,000,000 increase in Medicare claims volume (including a pro rata amount for any increment less than 50,000,000) from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds.

HEALTH MAINTENANCE ORGANIZATION LOAN AND LOAN GUARANTEE FUND

For carrying out subsections (d) and (e) of section 1308 of the Public Health Service Act, any amounts received by the Secretary in connection with loans and loan guarantees under title XIII of the Public Health Service Act, to be available without fiscal year limitation for the payment of outstanding obligations. During fiscal year 2006, no commitments for direct loans or loan guarantees shall be made.

HEALTH CARE FRAUD AND ABUSE CONTROL ACCOUNT

In addition to amounts otherwise available for program integrity and program management, $80,000,000, to be transferred from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as authorized by section 201(g) of the Social Security Act, of which $75,000,000 is for the Medicare Integrity Program at the Centers for Medicare and Medicaid Services ("CMS") to conduct oversight of activities authorized in Titles I and II of Public Law 108–173, with oversight activities including those activities listed in 18 U.S.C. 1893(b), and of which $5,000,000 is for the Medicaid program integrity activities, together with not less than $20,000,000 made available to the Secretary by section 1817(k)(3) of the Social Security Act: Provided, That the report required by 18 U.S.C. 1817(k)(5) for fiscal year 2006 shall include measures of the operational efficiency and impact on fraud, waste and abuse in the Medicare and Medicaid programs for the funds provided by this appropriation.

ADMINISTRATION FOR CHILDREN AND FAMILIES

PAYMENTS TO STATES FOR CHILD SUPPORT ENFORCEMENT AND FAMILY SUPPORT PROGRAMS

For making payments to States or other non-Federal entities under titles I, IV–D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960 (24 U.S.C. ch. 9), $2,121,643,000, to remain available until expended; and for such purposes for the first quarter of fiscal year 2007, $1,200,000,000, to remain available until expended.

For making payments to each State for carrying out the program of Aid to Families with Dependent Children under title IV–A of the Social Security Act before the effective date of the program of Temporary Assistance for Needy Families (TANF) with respect to such State, such sums as may be necessary: Provided, That the sum of the amounts available to a State with respect to expenditures under such title IV–A in fiscal year 1997 under this appropriation and under such title IV–A as amended by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 shall not exceed the limitations under section 116(b) of such Act.

For making, after May 31 of the current fiscal year, payments to States or other non-Federal entities under titles I, IV–D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960 (24 U.S.C. ch. 9), for the last 3 months of the current fiscal year for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

LOW-INCOME HOME ENERGY ASSISTANCE

For making payments under title XXVI of the Omnibus Budget Reconciliation Act of 1981, $1,883,000,000.

For making payments under title XXVI of the Omnibus Budget Reconciliation Act of 1981, $300,000,000, to remain available until expended: Provided, That these funds are for the unanticipated home energy assistance needs of one or more States, as authorized by section 2604(e) of the Act: Provided further, That the entire amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

REFUGEE AND ENTRANT ASSISTANCE

For necessary expenses for refugee and entrant assistance activities and for costs associated with the care and placement of unaccompanied alien children authorized by title IV of the Immigration and Nationality Act and section 501 of the Refugee Education Assistance Act of 1980 (Public Law 96–422), for carrying out section 462 of the Homeland Security Act of 2002 (Public Law 107–296), and for carrying out the Torture Victims Relief Act of 2003 (Public Law 108–179), $552,040,000, of which up to $9,915,000 shall be available to carry out the Trafficking Victims Protection Act of 2003 (Public Law 108–193): Provided, That funds appropriated under this heading pursuant to section 414(a) of the Immigration and Nationality Act and section 462 of the Homeland Security Act of 2002 for fiscal year 2006 shall be available for the costs of assistance provided and other activities to remain available through September 30, 2008.

For an additional amount for the necessary expenses for refugee and entrant assistance activities and for costs associated with the care and placement of unaccompanied children authorized by title IV of the Immigration and Nationality Act, section 501 of the Refugee Education Assistance Act of 1980, and for carrying out section 462 of the Homeland Security Act of 2002, $19,100,000: Provided, That the entire amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

PAYMENTS TO STATES FOR THE CHILD CARE AND DEVELOPMENT BLOCK GRANT

For carrying out sections 658A through 658R of the Omnibus Budget Reconciliation Act of 1981 (The Child Care and Development Block Grant Act of 1990), $2,082,910,000 shall be used to supplement, not supplant State general revenue funds for child care assistance for low-income families: Provided, That $19,120,000 shall be available for child care resource and referral and school-aged child care activities, of which $1,000,000 shall be for the Child Care Aware toll free hotline: Provided further, That, in addition to the amounts required to be reserved by the States under section 658G, $272,672,000 shall be reserved by the States for activities authorized under section 658G, of which $100,000,000 shall be for activities that improve the quality of infant and toddler care: Provided further, That $10,000,000 shall be for use by the Secretary for child care research, demonstration, and evaluation activities.

SOCIAL SERVICES BLOCK GRANT

For making grants to States pursuant to section 2002 of the Social Security Act, $1,700,000,000: Provided, That notwithstanding subparagraph (B) of section 404(d)(2) of such Act, the applicable percent specified under such subparagraph for a State to carry out State programs pursuant to title XX of such Act shall be 10 percent.

CHILDREN AND FAMILIES SERVICES PROGRAMS

For carrying out, except as otherwise provided, the Runaway and Homeless Youth Act, the Developmental Disabilities Assistance and Bill of Rights Act, the Head Start Act, the Child Abuse Prevention and Treatment Act, sections 310 and 316 of the Family Violence Prevention and Services Act, as amended, the Native American Programs Act of 1974, title II of Public Law 95–266 (adoption opportunities), the Adoption and Safe Families Act of 1997 (Public Law 105–89), sections 1201 and 1211 of the Children's Health Act of 2000, the Abandoned Infants Assistance Act of 1988, sections 261 and 291 of the Help America Vote Act of 2002, part B(1) of title IV and sections 413, 429A, 1110, 1115 of the Social Security Act, and sections 40155, 40211, and 40241 of Public Law 103–322; for making payments under the Community Services Block Grant Act, sections 439(h), 473A, and 477(i) of the Social Security Act, and title IV of Public Law 105–285, and for necessary administrative expenses to carry out said Acts and titles I, IV, V, X, XI, XIV, XVI, and XX of the Social Security Act, the Act of July 5, 1960 (24 U.S.C. ch. 9), the Omnibus Budget Reconciliation Act of 1981, title IV of the Immigration and Nationality Act, section 501 of the Refugee Education Assistance Act of 1980, sections 40155, 40211, and 40241 of Public Law 103–322, and section 126 and titles IV and V of Public Law 100–485, $9,000,832,000, of which $22,846,000, to remain available until September 30, 2007, shall be for grants to States for adoption incentive payments, as authorized by section 473A of title IV of the Social Security Act (42 U.S.C. 670–679) ,and may be made for adoptions completed before September 30, 2006: Provided, That $6,874,314,000 shall be for making payments under the Head Start Act, of which $1,388,800,000 shall become available October 1, 2006 and remain available through September 30, 2007: Provided further, That $708,895,000 shall be for making payments under the Community Services Block Grant Act: Provided further, That not less than $7,492,000 shall be for section 680(3)(B) of the Community Services Block Grant Act: Provided further, That within amounts provided herein for abstinence education for adolescents, up to $10,000,000 may be available for a national abstinence education campaign: Provided further, That in addition to amounts provided herein, $6,000,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out the provisions of section 1110 of the Social Security Act: Provided further, That to the extent Community Services Block Grant funds are distributed as grant funds by a State to an eligible entity as provided under the Act, and have not been expended by such entity, they shall remain with such entity for carryover into the next fiscal year for expenditure by such entity consistent with program purposes: Provided further, That the Secretary shall establish procedures regarding the disposition of intangible property which permits grant funds, or intangible assets acquired with funds authorized under section 680 of the Community Services Block Grant Act, as amended, to become the sole property of such grantees after a period of not more than 12 years after the end of the grant for purposes and uses consistent with the original grant: Provided further, That funds appropriated for section 680(a)(2) of the Community Services Block Grant Act, as amended, shall be available for financing construction and rehabilitation and loans or investments in private business enterprises owned by community development corporations: Provided further, That $95,000,000 is for a compassion capital fund to provide grants to charitable organizations to emulate model social service programs and to encourage research on the best practices of social service organizations: Provided further, That $14,879,000 shall be for activities authorized by the Help America Vote Act of 2002, of which $10,000,000 shall be for payments to States to promote access for voters with disabilities, and of which $4,879,000 shall be for payments to States for protection and advocacy systems for voters with disabilities: Provided further, That $101,000,000 shall be for making competitive grants to provide abstinence education (as defined by section 510(b)(2) of the Social Security Act) to adolescents, and for Federal costs of administering the grant: Provided further, That grants under the immediately preceding proviso shall be made only to public and private entities which agree that, with respect to an adolescent to whom the entities provide abstinence education under such grant, the entities will not provide to that adolescent any other education regarding sexual conduct, except that, in the case of an entity expressly required by law to provide health information or services the adolescent shall not be precluded from seeking health information or services from the entity in a different setting than the setting in which abstinence education was provided: Provided further, That within amounts provided herein for abstinence education for adolescents, up to $10,000,000 may be available for a national abstinence education campaign: Provided further, That in addition to amounts provided herein for abstinence education for adolescents, $4,500,000 shall be available from amounts available under section 241 of the Public Health Services Act to carry out evaluations (including longitudinal evaluations) of adolescent pregnancy prevention approaches: Provided further, That $2,000,000 shall be for improving the Public Assistance Reporting Information System, including grants to States to support data collection for a study of the system's effectiveness.

PROMOTING SAFE AND STABLE FAMILIES

For carrying out section 436 of the Social Security Act, $305,000,000 and for section 437, $90,000,000.

PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION ASSISTANCE

For making payments to States or other non-Federal entities under title IV–E of the Social Security Act, $4,852,800,000.

For making payments to States or other non-Federal entities under title IV–E of the Act, for the first quarter of fiscal year 2007, $1,730,000,000.

For making, after May 31 of the current fiscal year, payments to States or other non-Federal entities under section 474 of title IV–E, for the last 3 months of the current fiscal year for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

ADMINISTRATION ON AGING

AGING SERVICES PROGRAMS

For carrying out, to the extent not otherwise provided, the Older Americans Act of 1965, as amended, and section 398 of the Public Health Service Act, $1,391,699,000, of which $5,500,000 shall be available for activities regarding medication management, screening, and education to prevent incorrect medication and adverse drug reactions.

OFFICE OF THE SECRETARY

GENERAL DEPARTMENTAL MANAGEMENT

For necessary expenses, not otherwise provided, for general departmental management, including hire of six sedans, and for carrying out titles III, XVII, XX, and XXI of the Public Health Service Act, the United States-Mexico Border Health Commission Act, and research studies under section 1110 of the Social Security Act, $353,614,000, together with $5,851,000 to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Hospital Insurance Trust Fund and the Supplemental Medical Insurance Trust Fund, and $39,552,000 from the amounts available under section 241 of the Public Health Service Act to carry out national health or human services research and evaluation activities: Provided, That *of the funds made available under this heading for carrying out title XX of the Public Health Service Act, $13,120,000 shall be for activities specified under section 2003(b)(2), all of which shall be for prevention service demonstration grants under section 510(b)(2) of title V of the Social Security Act, as amended, without application of the limitation of section 2010(c) of said title XX: Provided further, That of this amount, $52,415,000 shall be for minority AIDS prevention and treatment activities; and $5,952,000 shall be to assist Afghanistan in the development of maternal and child health clinics, consistent with section 103(a)(4)(H) of the Afghanistan Freedom Support Act of 2002: Provided further, That specific information requests from the chairmen and ranking members of the Subcommittees on Labor, Health and Human Services, and Education, and Related Agencies, on scientific research or any other matter, shall be transmitted to the Committees on Appropriations in a prompt professional manner and within the time frame specified in the request: Provided further, That scientific information requested by the Committees on Appropriations and prepared by government researchers and scientists shall be transmitted to the Committees on Appropriations, uncensored and without delay.*

OFFICE OF MEDICARE HEARINGS AND APPEALS

For expenses necessary for administrative law judges responsible for hearing cases under title XVIII of the Social Security Act (and related provisiosn of title XI of such Act), $75,000,000, to be transferred in appropriate part from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds.

OFFICE OF THE NATIONAL COORDINATOR FOR HEALTH INFORMATION TECHNOLOGY

For expenses necessary for the Office of the National Coordinator for Health Information Technology, including grants, contracts and cooperative agreements for the development and advancement of an interoperable national health information technology infrastructure, $32,800,000: Provided, That in addition to amounts provided herein, $12,350,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out health information technology network development.

OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General, including the hire of passenger motor vehicles for investigations, in carrying out the provisions of the Inspector General Act of 1978, as amended, $39,813,000: Provided, That of such amount, necessary sums are available for providing protective services to the Secretary and investigating non-payment of child support cases for which non-payment is a Federal offense under 18 U.S.C. 228: Provided further, That funds transferred to this heading pursuant to section 220 of the Department of Health and Human Services Appropriations Act, 2005, shall remain available until September 30, 2006.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, $31,682,000, together with not to exceed $3,314,000 to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Hospital Insurance Trust Fund and the Supplemental Medical Insurance Trust Fund.

RETIREMENT PAY AND MEDICAL BENEFITS FOR COMMISSIONED OFFICERS

For retirement pay and medical benefits of Public Health Service Commissioned Officers as authorized by law, for payments under the Retired Serviceman's Family Protection Plan and Survivor Benefit Plan, for medical care of dependents and retired personnel under the Dependents' Medical Care Act (10 U.S.C. chapter 55), such amounts as may be required during the current fiscal year.

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

For expenses necessary to support activities related to countering potential biological, disease, nuclear, radiological and chemical threats to civilian populations, and to ensure a year-round influenza vaccine production capacity, the development and implementation of rapidly expandable influenza vaccine production technologies, and if determined necessary by the Secretary, the purchase of influenza vaccine, $183,589,000: Provided, That $120,000,000 of amounts available for influenza preparedness shall remain available until expended.

GENERAL PROVISIONS

SEC. 201. Funds appropriated in this title shall be available for not to exceed $50,000 for official reception and representation expenses when specifically approved by the Secretary.

SEC. 202. The Secretary shall make available through assignment not more than 60 employees of the Public Health Service to assist in child survival activities and to work in AIDS programs through and with funds provided by the Agency for International Development, the United Nations International Children's Emergency Fund or the World Health Organization.

SEC. 203. None of the funds appropriated in this Act may be used to implement section 399F(b) of the Public Health Service Act or section 1503 of the National Institutes of Health Revitalization Act of 1993, Public Law 103–43.

SEC. 204. None of the funds appropriated in this Act for the National Institutes of Health, the Agency for Healthcare Research and Quality, and the Substance Abuse and Mental Health Services Administration shall be used to pay the salary of an individual, through a grant or other extramural mechanism, at a rate in excess of Executive Level I.

SEC. 205. None of the funds appropriated in this Act may be expended pursuant to section 241 of the Public Health Service Act, except for funds specifically provided for in this Act, or for other taps and assessments made by any office located in the Department of Health and Human Services, prior to the Secretary's preparation and submission of a report to the Committee on Appropriations of the Senate and of the House detailing the planned uses of such funds.

SEC. 206. Notwithstanding section 241(a) of the Public Health Service Act, such portion as the Secretary shall determine, but not more than 2.5 percent, of any amounts appropriated for programs authorized under said Act shall be made available for the evaluation (directly, or by grants or contracts) of the implementation and effectiveness of such programs.

(TRANSFER OF FUNDS)

SEC. 207. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended) which are appropriated for the current fiscal year for the Department of Health and Human Services in this Act may be transferred between a program, project, or activity, but no such program, project, or activity shall be increased by more than 3 percent by any such transfer: Provided, That a program, project, or activity may be increased by up to an additional 2 percent subject to approval by the House and Senate Committees on Appropriations: Provided further, That the transfer authority granted by this section shall be available only to meet emergency needs and shall not be used to create any new program or to fund any project or activity for which no funds are provided in this Act: Provided further, That the Appropriations Committees of both Houses of Congress are notified at least 15 days in advance of any transfer.

(TRANSFER OF FUNDS)

SEC. 208. The Director of the National Institutes of Health, jointly with the Director of the Office of AIDS Research, may transfer up to 3 percent among institutes, centers, and divisions from the total amounts identified by these two Directors as funding for research pertaining to the human immunodeficiency virus: Provided, That the Congress is promptly notified of the transfer.

(TRANSFER OF FUNDS)

SEC. 209. Of the amounts made available in this Act for the National Institutes of Health, the amount for research related to the human immunodeficiency virus, as jointly determined by the Director of the National Institutes of Health and the Director of the Office of AIDS Research, shall be made available to the "Office of AIDS Research" account. The Director of the Office of AIDS Research shall transfer from such account amounts necessary to carry out section 2353(d)(3) of the Public Health Service Act.

SEC. 210. None of the funds appropriated in this Act may be made available to any entity under title X of the Public Health Service Act unless the applicant for the award certifies to the Secretary that it encourages family participation in the decision of minors to seek family planning services and that it provides counseling to minors on how to resist attempts to coerce minors into engaging in sexual activities.

SEC. 211. None of the funds appropriated by this Act (including funds appropriated to any trust fund) may be used to carry out the Medicare Advantage program if the Secretary denies participation in such program to an otherwise eligible entity (including a Provider Sponsored Organization) because the entity informs the Secretary that it will not provide, pay for, provide coverage of, or provide referrals for abortions: Provided, That the Secretary shall make appropriate prospective adjustments to the capitation payment to such an entity (based on an actuarially sound estimate of the expected costs of providing the service to such entity's enrollees): Provided further, That nothing in this section shall be construed to change the Medicare program's coverage for such services and a Medicare Advantage organization described in this section shall be responsible for informing enrollees where to obtain information about all Medicare covered services.

SEC. 212. Notwithstanding any other provision of law, no provider of services under title X of the Public Health Service Act shall be exempt from any State law requiring notification or the reporting of child abuse, child molestation, sexual abuse, rape, or incest.

SEC. 213. (a) Except as provided by subsection (e) none of the funds appropriated by this Act may be used to withhold substance abuse funding from a State pursuant to section 1926 of the Public Health Service Act (42 U.S.C. 300x–26) if such State certifies to the Secretary of Health and Human Services by May 1, 2006 that the State will commit additional State funds, in accordance with subsection (b), to ensure compliance with State laws prohibiting the sale of tobacco products to individuals under 18 years of age.

(b) The amount of funds to be committed by a State under subsection (a) shall be equal to 1 percent of such State's substance abuse block grant allocation for each percentage point by which the State misses the retailer compliance rate goal established by the Secretary of Health and Human Services under section 1926 of such Act.

(c) The State is to maintain State expenditures in fiscal year 2006 for tobacco prevention programs and for compliance activities at a level that is not less than the level of such expenditures maintained by the State for fiscal year

2005, and adding to that level the additional funds for tobacco compliance activities required under subsection (a). The State is to submit a report to the Secretary on all fiscal year 2005 State expenditures and all fiscal year 2006 obligations for tobacco prevention and compliance activities by program activity by July 31, 2006.

(d) The Secretary shall exercise discretion in enforcing the timing of the State obligation of the additional funds required by the certification described in subsection (a) as late as July 31, 2006.

(e) None of the funds appropriated by this Act may be used to withhold substance abuse funding pursuant to section 1926 from a territory that receives less than $1,000,000.

SEC. 214. In order for the Centers for Disease Control and Prevention to carry out international health activities, including HIV/AIDS and other infectious disease, chronic and environmental disease, and other health activities abroad during fiscal year 2006, the Secretary of Health and Human Services—

(1) may exercise authority equivalent to that available to the Secretary of State in section 2(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2669(c)). The Secretary of Health and Human Services shall consult with the Secretary of State and relevant Chief of Mission to ensure that the authority provided in this section is exercised in a manner consistent with section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927) and other applicable statutes administered by the Department of State, and

(2) is authorized to provide such funds by advance or reimbursement to the Secretary of State as may be necessary to pay the costs of acquisition, lease, alteration, renovation, and management of facilities outside of the United States for the use of the Department of Health and Human Services. The Department of State shall cooperate fully with the Secretary of Health and Human Services to ensure that the Department of Health and Human Services has secure, safe, functional facilities that comply with applicable regulation governing location, setback, and other facilities requirements and serve the purposes established by this Act. The Secretary of Health and Human Services is authorized, in consultation with the Secretary of State, through grant or cooperative agreement, to make available to public or nonprofit private institutions or agencies in participating foreign countries, funds to acquire, lease, alter, or renovate facilities in those countries as necessary to conduct programs of assistance for international health activities, including activities relating to HIV/AIDS and other infectious diseases, chronic and environmental diseases, and other health activities abroad.

SEC. 215. The Division of Federal Occupational Health hereafter may utilize personal services contracting to employ professional management/administrative and occupational health professionals.

SEC. 216. (a) AUTHORITY.—Notwithstanding any other provision of law, the Director of the National Institutes of Health may use funds available under section 402(i) of the Public Health Service Act (42 U.S.C. 282(i)) to enter into transactions (other than contracts, cooperative agreements, or grants) to carry out research in support of the NIH Roadmap for Medical Research.

(b) PEER REVIEW.—In entering into transactions under subsection (a), the Director of the National Institutes of Health may utilize such peer review procedures (including consultation with appropriate scientific experts) as the Director determines to be appropriate to obtain assessments of scientific and technical merit. Such procedures shall apply to such transactions in lieu of the peer review and advisory council review procedures that would otherwise be required under sections 301(a)(3), 405(b)(1)(B), 405(b)(2), 406(a)(3)(A), 492, and 494 of the Public Health Service Act (42 U.S.C. 241, 284(b)(1)(B), 284(b)(2), 284a(a)(3)(A), 289a, and 289c).

SEC. 217. Funds which are available for Individual Learning Accounts for employees of the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry may be transferred to "Disease Control, Research, and Training", to be available only for Individual Learning Accounts: Provided, That such funds may be used for any individual full-time equivalent employee while such employee is employed either by CDC or ATSDR.

SEC. 218. Notwithstanding any other provisions of law, funds made available in this Act may be used to continue operating the Council on Graduate Medical Education established by section 301 of Public Law 102–408.

(RESCISSION OF FUNDS)

SEC. 219. The unobligated balance in the amount of $10,000,000 appropriated by Public Law 108–11 under the heading "Public Health and Social Services Emergency Fund" are rescinded.

(RESCISSION OF FUNDS)

SEC. 220. $15,912,000 of the unobligated balance of the Health Professions Student Loan program authorized in subpart II, Federally-Supported Student Loan Funds, of title VII of the Public Health Service Act are rescinded.

SEC. 221. Funds appropriated for State Pharmaceutical Assistance Programs in Public Law 108–173 for fiscal year 2005 shall remain available through fiscal year 2006.

This title may be cited as the "Department of Health and Human Services Appropriations Act, 2006".

TITLE III—DEPARTMENT OF EDUCATION

EDUCATION FOR THE DISADVANTAGED

For carrying out title I of the Elementary and Secondary Education Act of 1965 ("ESEA") and section 418A of the Higher Education Act of 1965, $14,525,135,000, of which $6,935,826,000 shall become available on July 1, 2006, and shall remain available through September 30, 2007, and of which $7,383,301,000 shall become available on October 1, 2006, and shall remain available through September 30, 2007 for academic year 2006–2007: Provided, That $6,934,854,000 shall be for basic grants under section 1124: Provided further, That up to $3,472,000 of these funds shall be available to the Secretary of Education on October 1, 2005, to obtain annually updated educational-agency-level census poverty data from the Bureau of the Census: Provided further, That $1,365,031,000 shall be for concentration grants under section 1124A: Provided further, That $2,269,843,000 shall be for targeted grants under section 1125: Provided further, That $2,269,843,000 shall be for education finance incentive grants under section 1125A: Provided further, That $9,424,000 shall be to carry out part E of title I.

IMPACT AID

For carrying out programs of financial assistance to federally affected schools authorized by title VIII of the Elementary and Secondary Education Act of 1965, $1,240,862,000, of which $1,102,896,000 shall be for basic support payments under section 8003(b), $49,966,000 shall be for payments for children with disabilities under section 8003(d), $18,000,000 shall be for construction under section 8007 and shall remain available through September 30, 2007, $65,000,000 shall be for Federal property payments under section 8002, and $5,000,000, to remain available until expended, shall be for facilities maintenance under section 8008: Provided, That for purposes of computing the amount of a payment for an eligible local educational agency under section 8003(a) of the Elementary and Secondary Education Act (20 U.S.C. 7703(a)) for school year 2005–2006, children enrolled in a school of such agency that would otherwise be eligible for payment under section 8003(a)(1)(B) of such Act, but due to the deployment of both parents or legal guardians, or a parent or legal guardian having sole custody of such children, or due to the death of a military parent or legal guardian while on active duty (so long as such children reside on Federal property as described in section 8003(a)(1)(B)), are no longer eligible under such section, shall be considered as eligible students under such section, provided such students remain in average daily attendance at a school in the same local educational agency they attended prior to their change in eligibility status.

SCHOOL IMPROVEMENT PROGRAMS

For carrying out school improvement activities authorized by title II, part B of title IV, part A and subparts 6 and 9 of part D of title V, parts A and B of title VI, and parts B and C of title VII of the Elementary and Secondary Education Act of 1965 ("ESEA"); the McKinney-Vento Homeless Assistance Act; section 203 of the Educational Technical Assistance Act of 2002; the Compact of Free Association Amendments Act of 2003; and the Civil Rights Act of 1964, $5,457,953,000, of which $3,821,042,000 shall become available on July 1, 2006, and remain available through September 30, 2007, and of which $1,435,000,000 shall become available on October 1, 2006, and shall remain available through September 30, 2007, for academic year 2006–2007: Provided, That funds made available to carry out part B of title VII of the ESEA may be used for construction, renovation and modernization of any elementary school, secondary school, or structure related to an elementary school or secondary school, run by the Department of Education of the State of Hawaii, that serves a predominantly Native Hawaiian student body: Provided further, That from the funds referred to in the preceding proviso, not less than $1,250,000 shall be for a grant to the Department of Education of the State of Hawaii for the activities described in such proviso, and $1,250,000 shall be for a grant to the University of Hawaii School of Law for a Center of Excellence in Native Hawaiian law: Provided further, That funds made available to carry out part C of title VII of the ESEA may be used for construction: Provided further, That $411,680,000 shall be for State assessments and related activities authorized under sections 6111 and 6112 of the ESEA: Provided further, That $56,825,000 shall be available to carry out section 203 of the Educational Technical Assistance Act of 2002: Provided further, That $36,022,000 shall be available to carry out part D of title V of the ESEA: Provided further, That no funds appropriated under this heading may be used to carry out section 5494 under the ESEA: Provided further, That $12,132,000 shall be available to carry out the Supplemental Education Grants program for the Federated States of Micronesia, and $6,051,000 shall be available to carry out the Supplemental Education Grants program for the Republic of the Marshall Islands: Provided further, That up to 5 percent of these amounts may be reserved by the Federated States of Micronesia and the Republic of the Marshall Islands to administer the Supplemental Education Grants programs and to obtain technical assistance, oversight and consultancy services in the administration of these grants and to reimburse the United States Departments of Labor, Health and Human Services, and Education for such services.

INDIAN EDUCATION

For expenses necessary to carry out, to the extent not otherwise provided, title VII, part A of the Elementary and Secondary Education Act of 1965, $119,889,000.

INNOVATION AND IMPROVEMENT

For carrying out activities authorized by part G of title I, subpart 5 of part A and parts C and D of title II, parts B, C, and D of title V, and section 1504 of the Elementary and Secondary Education Act of 1965 (“ESEA”), $1,057,385,000: Provided, That $10,000,000 shall be available to carry out section 2151(c) of the ESEA through an award to the National Board for Professional Teaching Standards: Provided further, That from funds for subpart 4, part C of title II, up to 3 percent shall be available to the Secretary for technical assistance and dissemination of information: Provided further, That $417,924,000 shall be available to carry out part D of title V of the ESEA.

SAFE SCHOOLS AND CITIZENSHIP EDUCATION

For carrying out activities authorized by subpart 3 of part C of title II, part A of title IV, and subparts 2, 3 and 10 of part D of title V of the Elementary and Secondary Education Act of 1965 (“ESEA”), $697,300,000, of which $300,000,000 shall become available on July 1, 2006 and remain available through September 30, 2007: Provided, That of the amount available for subpart 2 of part A of title IV of the ESEA, $850,000 shall be used to continue the National Recognition Awards program under the same guidelines outlined by section 120(f) of Public Law 105–244: Provided further, That $300,000,000 shall be available for subpart 1 of part A of title IV and $232,807,000 shall be available for subpart 2 of part A of title IV: Provided further, That $134,493,000 shall be available to carry out part D of title V of the ESEA: Provided further, That of the funds available to carry out subpart 3 of part C of title II, up to $12,440,000 may be used to carry out section 2345 and $3,087,000 shall be used by the Center for Civic Education to implement a comprehensive program to improve public knowledge, understanding, and support of the Congress and the State legislatures.

ENGLISH LANGUAGE ACQUISITION

For carrying out part A of title III of the ESEA, $675,765,000, which shall become available on July 1, 2006, and shall remain available through September 30, 2007, except that 6.5 percent of such amount shall be available on October 1, 2005 and shall remain available through September 30, 2007, to carry out activities under section 3111(c)(1)(C).

SPECIAL EDUCATION

For carrying out the Individuals with Disabilities Education Act, $11,774,107,000, of which $6,145,104,000 shall become available on July 1, 2006, and shall remain available through September 30, 2007, and of which $5,424,200,000 shall become available on October 1, 2006, and shall remain available through September 30, 2007, for academic year 2006–2007: Provided, That $12,000,000 shall be for Recording for the Blind and Dyslexic, Inc., to support the development, production, and circulation of recorded educational materials: Provided further, That $1,500,000 shall be for the recipient of funds provided by Public Law 105–78 under section 687(b)(2)(G) of the Act (as in effect prior to the enactment of the Individuals with Disabilities Education Improvement Act of 2004) to provide information on diagnosis, intervention, and teaching strategies for children with disabilities: Provided further, That the amount for section 611(b)(2) of the Act shall be equal to the amount available for that activity during fiscal year 2005, increased by the amount of inflation as specified in section 619(d)(2)(B) of the Act.

REHABILITATION SERVICES AND DISABILITY RESEARCH

For carrying out, to the extent not otherwise provided, the Rehabilitation Act of 1973, the Assistive Technology Act of 1998 (“the AT Act”), and the Helen Keller National Center Act, $3,133,638,000, of which $1,000,000 shall be awarded to the American Academy of Orthotists and Prosthetists for activities that further the purposes of the grant received by the Academy for the period beginning October 1, 2003, including activities to meet the demand for orthotic and prosthetic provider services and improve patient care: Provided, That $34,760,000 shall be used for carrying out the AT Act, including $4,500,000 for State grants for protection and advocacy under section 5 of the AT Act and $3,760,000 shall be for alternative financing programs under section 4(b)(2)(D) of the AT Act: Provided further, That the Federal share of grants for alternative financing programs shall not exceed 75 percent, and the requirements in section 301(c)(2) and section 302 of the AT Act (as in effect on the day before the date of enactment of the Assistive Technology Act of 2004) shall not apply to such grants.

SPECIAL INSTITUTIONS FOR PERSONS WITH DISABILITIES

AMERICAN PRINTING HOUSE FOR THE BLIND

For carrying out the Act of March 3, 1879, as amended (20 U.S.C. 101 et seq.), $18,500,000.

NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

For the National Technical Institute for the Deaf under titles I and II of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.), $57,279,000, of which $800,000 shall be for construction and shall remain available until expended: Provided, That from the total amount available, the Institute may at its discretion use funds for the endowment program as authorized under section 207.

GALLAUDET UNIVERSITY

For the Kendall Demonstration Elementary School, the Model Secondary School for the Deaf, and the partial support of Gallaudet University under titles I and II of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.), $108,500,000: Provided, That from the total amount available, the University may at its discretion use funds for the endowment program as authorized under section 207.

VOCATIONAL AND ADULT EDUCATION

For carrying out, to the extent not otherwise provided, the Carl D. Perkins Vocational and Technical Education Act of 1998, the Adult Education and Family Literacy Act, title VIII-D of the Higher Education Amendments of 1998, and subpart 11 of part D of title V of the Elementary and Secondary Education Act of 1965 (“ESEA”), $1,923,766,000, of which $1,127,806,000 shall become available on July 1, 2006 and shall remain available through September 30, 2007 and of which $791,000,000 shall become available on October 1, 2006 and shall remain available through September 30, 2007: Provided, That of the amount provided for Adult Education State Grants, $68,582,000 shall be made available for integrated English literacy and civics education services to immigrants and other limited English proficient populations: Provided further, That of the amount reserved for integrated English literacy and civics education, notwithstanding section 211 of the Adult Education and Family Literacy Act, 65 percent shall be allocated to States based on a State's absolute need as determined by calculating each State's share of a 10-year average of the Immigration and Naturalization Service data for immigrants admitted for legal permanent residence for the 10 most recent years, and 35 percent allocated to States that experienced growth as measured by the average of the 3 most recent years for which Immigration and Naturalization Service data for immigrants admitted for legal permanent residence are available, except that no State shall be allocated an amount less than $60,000: Provided further, That of the amounts made available for the Adult Education and Family Literacy Act, $9,096,000 shall be for national leadership activities under section 243 and $6,638,000 shall be for the National Institute for Literacy under section 242: Provided further, That $4,960,000 shall be available to carry out part D of title V of the ESEA: Provided further, That $24,000,000 shall be for Youth Offender Grants.

STUDENT FINANCIAL ASSISTANCE

For carrying out subparts 1, 3 and 4 of part A, part C and part E of title IV of the Higher Education Act of 1965, as amended, $15,103,795,000, which shall remain available through September 30, 2007.

The maximum Pell Grant for which a student shall be eligible during award year 2006–2007 shall be $4,050.

STUDENT AID ADMINISTRATION

For Federal administrative expenses (in addition to funds made available under section 458), to carry out part D of title I, and subparts 1, 3, and 4 of part A, and parts B, C, D and E of title IV of the Higher Education Act of 1965, as amended, $120,000,000.

HIGHER EDUCATION

For carrying out, to the extent not otherwise provided, titles II, III, IV, V, VI, and VII of the Higher Education Act of 1965 (“HEA”), as amended, the Mutual Educational and Cultural Exchange Act of 1961, title VIII of the Higher Education Amendments of 1998, and section 117 of the Carl D. Perkins Vocational and Technical Education Act, $2,104,508,000: Provided, That $9,797,000, to remain available through September 30, 2007, shall be available to fund fellowships for academic year 2007–2008 under part A, subpart 1 of title VII of said Act, under the terms and conditions of part A, subpart 1: Provided further, That notwithstanding any other provision of law or any regulation, the Secretary of Education shall not require the use of a restricted indirect cost rate for grants issued pursuant to section 117 of the Carl D. Perkins Vocational and Technical Education Act of 1998: Provided further, That $980,000 is for data collection and evaluation activities for programs under the HEA, including such activities needed to comply with the Government Performance and Results Act of 1993: Provided further, That notwithstanding any other provision of law, funds made available in this Act to carry out title VI of the HEA and section 102(b)(6) of the Mutual Educational and Cultural Exchange Act of 1961 may be used to support visits and study in foreign countries by individuals who are participating in advanced foreign language training and international studies in areas that are vital to United States national security and who plan to apply their language skills and knowledge of these countries in the fields of government, the professions, or international development: Provided further, That of the funds referred to in the preceding proviso up to 1 percent may be used for program evaluation, national outreach, and information dissemination activities: Provided further, That the funds provided for title II of the HEA shall be allocated notwithstanding section 210 of such Act.

HOWARD UNIVERSITY

For partial support of Howard University (20 U.S.C. 121 et seq.), $238,789,000, of which not less than $3,600,000 shall be for a matching endowment grant pursuant to the Howard University Endowment Act (Public Law 98–480) and shall remain available until expended.

COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS PROGRAM ACCOUNT

For Federal administrative expenses to carry out activities related to existing facility loans pursuant to section 121 of the Higher Education Act of 1965, as amended, $573,000.

HISTORICALLY BLACK COLLEGE AND UNIVERSITY CAPITAL FINANCING PROGRAM ACCOUNT

The aggregate principal amount of outstanding bonds insured pursuant to section 344 of title III, part D of the Higher Education Act of 1965, shall not exceed $357,000,000, and the cost, as defined in section 502 of the Congressional Budget Act of 1974, of such bonds shall not exceed zero.

For administrative expenses to carry out the Historically Black College and University Capital Financing Program entered into pursuant to title III, part D of the Higher Education Act of 1965, as amended, $210,000.

INSTITUTE OF EDUCATION SCIENCES

For carrying out activities authorized by the Education Sciences Reform Act of 2002, as amended, the National Assessment of Educational Progress Authorization Act, section 208 of the Educational Technical Assistance Act of 2002, and section 664 of the Individuals with Disabilities Education Act, $522,695,000, of which $271,560,000 shall be available until September 30, 2007.

DEPARTMENTAL MANAGEMENT

PROGRAM ADMINISTRATION

For carrying out, to the extent not otherwise provided, the Department of Education Organization Act, including rental of conference rooms in the District of Columbia and hire of three passenger motor vehicles, $418,992,000.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, as authorized by section 203 of the Department of Education Organization Act, $91,526,000.

OFFICE OF THE INSPECTOR GENERAL

For expenses necessary for the Office of the Inspector General, as authorized by section 212 of the Department of Education Organization Act, $49,408,000.

GENERAL PROVISIONS

SEC. 301. No funds appropriated in this Act may be used for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to overcome racial imbalance in any school or school system, or for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to carry out a plan of racial desegregation of any school or school system.

SEC. 302. None of the funds contained in this Act shall be used to require, directly or indirectly, the transportation of any student to a school other than the school which is nearest the student's home, except for a student requiring special education, to the school offering such special education, in order to comply with title VI of the Civil Rights Act of 1964. For the purpose of this section an indirect requirement of transportation of students includes the transportation of students to carry out a plan involving the reorganization of the grade structure of schools, the pairing of schools, or the clustering of schools, or any combination of grade restructuring, pairing or clustering. The prohibition described in this section does not include the establishment of magnet schools.

SEC. 303. No funds appropriated in this Act may be used to prevent the implementation of programs of voluntary prayer and meditation in the public schools.

(TRANSFER OF FUNDS)

SEC. 304. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended) which are appropriated for the Department of Education in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: Provided, That the Appropriations Committees of both Houses of Congress are notified at least 15 days in advance of any transfer.

SEC. 305. For an additional amount to carry out subpart 1 of part A of title IV of the Higher Education Act of 1965 for the purpose of eliminating the estimated accumulated shortfall of budget authority for such subpart, $4,300,000,000, pursuant to section 303 of H. Con. Res. 95, the concurrent resolution on the budget for fiscal year 2006.

SEC. 306. Subpart 12 of part D of title V of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7265 et seq.) is amended—

(1) in section 5522(b), by adding at the end the following:

"(4) To authorize and develop cultural and educational programs relating to the Mississippi Band of Choctaw Indians.";

(2) in section 5523(a)—

(A) by redesignating paragraphs (6) through (8) as paragraphs (7) through (9), respectively; and

(B) by inserting after paragraph (5) the following:

"(6) The Mississippi Band of Choctaw Indians in Choctaw, Mississippi."; and

(3) in section 5525, by adding at the end the following:

"(4) For cultural and educational programs, not less than $2,000,000 to the Mississippi Band of Choctaw Indians in Choctaw, Mississippi.".

This title may be cited as the "Department of Education Appropriations Act, 2006".

TITLE IV—RELATED AGENCIES

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

SALARIES AND EXPENSES

For expenses necessary of the Committee for Purchase From People Who Are Blind or Severely Disabled established by Public Law 92-28, $4,669,000.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

DOMESTIC VOLUNTEER SERVICE PROGRAMS, OPERATING EXPENSES

For expenses necessary for the Corporation for National and Community Service to carry out the provisions of the Domestic Volunteer Service Act of 1973, as amended, $316,212,000: Provided, That none of the funds made available to the Corporation for National and Community Service in this Act for activities authorized by section 122 of part C of title I and part E of title II of the Domestic Volunteer Service Act of 1973 shall be used to provide stipends or other monetary incentives to volunteers or volunteer leaders whose incomes exceed 125 percent of the national poverty level.

NATIONAL AND COMMUNITY SERVICE PROGRAMS, OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the Corporation for National and Community Service (the "Corporation") in carrying out programs, activities, and initiatives under the National and Community Service Act of 1990 (the "Act") (42 U.S.C. 12501 et seq.), $546,243,000, to remain available until September 30, 2007: Provided, That not more than $280,000,000 of the amount provided under this heading shall be available for grants under the National Service Trust Program authorized under subtitle C of title I of the Act (42 U.S.C. 12571 et seq.) (relating to activities of the AmeriCorps program), including grants to organizations operating projects under the AmeriCorps Education Awards Program (without regard to the requirements of sections 121(d) and (e), section 131(e), section 132, and sections 140(a), (d), and (e) of the Act: Provided further, That not less than $149,000,000 of the amount provided under this heading, to remain available without fiscal year limitation, shall be transferred to the National Service Trust for educational awards authorized under subtitle D of title I of the Act (42 U.S.C. 12601), of which up to $4,000,000 shall be available to support national service scholarships for high school students performing community service, and of which $10,000,000 shall be held in reserve as defined in Public Law 108-45: Provided further, That in addition to amounts otherwise provided to the National Service Trust under the second proviso, the Corporation may transfer funds from the amount provided under the first proviso, to the National Service Trust authorized under subtitle D of title I of the Act (42 U.S.C. 12601) upon determination that such transfer is necessary to support the activities of national service participants and after notice is transmitted to Congress: Provided further, That of the amount provided under this heading for grants under the National Service Trust program authorized under subtitle C of title I of the Act, not more than $55,000,000 may be used to administer, reimburse, or support any national service program authorized under section 121(d)(2) of such Act (42 U.S.C. 12581(d)(2)): Provided further, That not more than $15,945,000 shall be available for quality and innovation activities authorized under subtitle H of title I of the Act (42 U.S.C. 12853 et seq.): Provided further, That notwithstanding subtitle H of title I of the Act (42 U.S.C. 12853), none of the funds provided under the previous proviso shall be used to support salaries and related expenses (including travel) attributable to Corporation employees: Provided further, That to the maximum extent feasible, funds appropriated under subtitle C of title I of the Act shall be provided in a manner that is consistent with the recommendations of peer review panels in order to ensure that priority is given to programs that demonstrate quality, innovation, replicability, and sustainability: Provided further, That $27,000,000 of the funds made available under this heading shall be available for the Civilian Community Corps authorized under subtitle E of title I of the Act (42 U.S.C. 12611 et seq.): Provided further, That $42,656,000 shall be available for school-based and community-based service-learning programs authorized under subtitle B of title I of the Act (42 U.S.C. 12521 et seq.): Provided further, That $4,000,000 shall be available for audits and other evaluations authorized under section 179 of the Act (42 U.S.C. 12639): Provided further, That $10,000,000 of the funds made available under this heading shall be made available for the Points of Light Foundation for activities authorized under title III of the Act (42 U.S.C. 12661 et seq.), of which not more than $2,500,000 may be used to support an endowment fund, the corpus of which shall remain intact and the interest income from which shall be used to support activities described in title III of the Act, provided that the Foundation may invest the corpus and income in federally insured bank savings accounts or comparable interest bearing accounts, certificates of deposit, money market funds, mutual funds, obligations of the United States, and other market instruments and securities but not in real estate investments: Provided further, That no funds shall be available for national service programs run by Federal agencies authorized under section 121(b) of such Act (42 U.S.C. 12571(b)): Provided further, That $5,000,000 of the funds made available under this heading shall be made available to America's Promise—The Alliance for Youth, Inc.: Provided further, That to the maximum extent practicable, the Corporation shall increase significantly the level of matching funds and in-kind contributions provided by the private sector, and shall reduce the total Federal costs per participant in all programs: Provided further, That notwithstanding section 501(a)(4) of the Act, of the funds provided under *this heading, not more than $12,642,000 shall be made available to provide assistance to state commissions on national and community service under section 126(a) of the Act: Provided further, That the Corporation may use up to 1 percent of program grant funds made available under this heading to defray its costs of conducting grant application reviews, including the use of outside peer reviewers.*

SALARIES AND EXPENSES

For necessary expenses of administration as provided under section 501(a)(4) of the National and Community Service Act of 1990 and under section 504(a) of the Domestic Volunteer Service Act of 1973, including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms in the District of Columbia, the employment of experts and consultants authorized under 5 U.S.C. 3109, and not to exceed $2,500 for official reception and representation expenses, $66,750,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $6,000,000, to remain available until September 30, 2007.

ADMINISTRATIVE PROVISIONS

Notwithstanding any other provision of law, the term "qualified student loan" with respect to national service education awards shall mean any loan determined by an institution of higher education to be necessary to cover a student's cost of attendance at such institution and made, insured, or guaranteed directly to a student by a State agency, in addition to other meanings under section 148(b)(7) of the National and Community Service Act.

Notwithstanding any other provision of law, funds made available under section 129(d)(5)(B) of the National and Community Service Act to assist entities in placing applicants who are individuals with disabilities may be provided to any entity that receives a grant under section 121 of the Act.

The Inspector General of the Corporation for National and Community Service shall conduct random audits of the grantees that administer activities under the AmeriCorps programs and shall levy sanctions in accordance with standard Inspector General audit resolution procedures which include, but are not limited to, debarment of any grantee (or successor in interest or any entity with substantially the same person or persons in control) that has been determined to have committed any substantial violations of the requirements of the AmeriCorps programs, including any grantee that has been determined to have violated the prohibition of using Federal funds to lobby the Congress: Provided, That the Inspector General shall obtain reimbursements in the amount of any misused funds from any grantee that has been determined to have committed any substantial violations of the requirements of the AmeriCorps programs.

For fiscal year 2006, the Corporation shall make any significant changes to program requirements or policy only through public notice and comment rulemaking. For fiscal year 2006, during any grant selection process, no officer or employee of the Corporation shall knowingly disclose any covered grant selection information regarding such selection, directly or indirectly, to any person other than an officer or employee of the Corporation that is authorized by the Corporation to receive such information.

Corporation for Public Broadcasting

For payment to the Corporation for Public Broadcasting, as authorized by the Communications Act of 1934, an amount which shall be available within limitations specified by that Act, for the fiscal year 2007, $400,000,000: Provided, That no funds made available to the Corporation for Public Broadcasting by this Act shall be used to pay for receptions, parties, or similar forms of entertainment for Government officials or employees: Provided further, That none of the funds contained in this paragraph shall be available or used to aid or support any program or activity from which any person is excluded, or is denied benefits, or is discriminated against, on the basis of race, color, national origin, religion, or sex: Provided further, That for fiscal year 2006, in addition to the amounts provided above, $35,000,000 shall be for costs related to digital program production, development, and distribution, associated with the transition of public broadcasting to digital broadcasting, to be awarded as determined by the Corporation in consultation with public radio and television licensees or permittees, or their designated representatives: Provided further, That for fiscal year 2006, in addition to the amounts provided above, $40,000,000 shall be for the costs associated with replacement and upgrade of the public television interconnection system: Provided further, That none of the funds made available to the Corporation for Public Broadcasting by this Act, Public Law 108–199 or Public Law 108–7, shall be used to support the Television Future Fund or any similar purpose.

Federal Mediation and Conciliation Service

SALARIES AND EXPENSES

For expenses necessary for the Federal Mediation and Conciliation Service to carry out the functions vested in it by the Labor Management Relations Act, 1947 (29 U.S.C. 171–180, 182–183), including hire of passenger motor vehicles; for expenses necessary for the Labor-Management Cooperation Act of 1978 (29 U.S.C. 175a); and for expenses necessary for the Service to carry out the functions vested in it by the Civil Service Reform Act, Public Law 95–454 (5 U.S.C. ch. 71), $43,439,000, including $500,000, to remain available through September 30, 2007, for activities authorized by the Labor-Management Cooperation Act of 1978 (29 U.S.C. 175a): Provided, That notwithstanding 31 U.S.C. 3302, fees charged, up to full-cost recovery, for special training activities and other conflict resolution services and technical assistance, including those provided to foreign governments and international organizations, and for arbitration services shall be credited to and merged with this account, and shall remain available until expended: Provided further, That fees for arbitration services shall be available only for education, training, and professional development of the agency workforce: Provided further, That the Director of the Service is authorized to accept and use on behalf of the United States gifts of services and real, personal, or other property in the aid of any projects or functions within the Director's jurisdiction.

Federal Mine Safety and Health Review Commission

SALARIES AND EXPENSES

For expenses necessary for the Federal Mine Safety and Health Review Commission (30 U.S.C. 801 et seq.), $7,809,000.

Institute of Museum and Library Services

OFFICE OF MUSEUM AND LIBRARY SERVICES: GRANTS AND ADMINISTRATION

For carrying out the Museum and Library Services Act of 1996, $290,129,000, to remain available until expended.

Medicare Payment Advisory Commission

SALARIES AND EXPENSES

For expenses necessary to carry out section 1805 of the Social Security Act, $10,168,000, to be transferred to this appropriation from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds.

National Commission on Libraries and Information Science

SALARIES AND EXPENSES

For necessary expenses for the National Commission on Libraries and Information Science, established by the Act of July 20, 1970 (Public Law 91–345, as amended), $993,000.

National Council on Disability

SALARIES AND EXPENSES

For expenses necessary for the National Council on Disability as authorized by title IV of the Rehabilitation Act of 1973, as amended, $3,344,000.

National Labor Relations Board

SALARIES AND EXPENSES

For expenses necessary for the National Labor Relations Board to carry out the functions vested in it by the Labor-Management Relations Act, 1947, as amended (29 U.S.C. 141–167), and other laws, $252,268,000: Provided, That no part of this appropriation shall be available to organize or assist in organizing agricultural laborers or used in connection with investigations, hearings, directives, or orders concerning bargaining units composed of agricultural laborers as referred to in section 2(3) of the Act of July 5, 1935 (29 U.S.C. 152), and as amended by the Labor-Management Relations Act, 1947, as amended, and as defined in section 3(f) of the Act of June 25, 1938 (29 U.S.C. 203), and including in said definition employees engaged in the maintenance and operation of ditches, canals, reservoirs, and waterways when maintained or operated on a mutual, nonprofit basis and at least 95 percent of the water stored or supplied thereby is used for farming purposes.

National Mediation Board

SALARIES AND EXPENSES

For expenses necessary to carry out the provisions of the Railway Labor Act, as amended (45 U.S.C. 151–188), including emergency boards appointed by the President, $11,628,000.

Occupational Safety and Health Review Commission

SALARIES AND EXPENSES

For expenses necessary for the Occupational Safety and Health Review Commission (29 U.S.C. 661), $10,510,000.

Railroad Retirement Board

DUAL BENEFITS PAYMENTS ACCOUNT

For payment to the Dual Benefits Payments Account, authorized under section 15(d) of the Railroad Retirement Act of 1974, $97,000,000, which shall include amounts becoming available in fiscal year 2006 pursuant to section 224(c)(1)(B) of Public Law 98–76; and in addition, an amount, not to exceed 2 percent of the amount provided herein, shall be available proportional to the amount by which the product of recipients and the average benefit received exceeds $97,000,000: Provided, That the total amount provided herein shall be credited in 12 approximately equal amounts on the first day of each month in the fiscal year.

FEDERAL PAYMENTS TO THE RAILROAD RETIREMENT ACCOUNTS

For payment to the accounts established in the Treasury for the payment of benefits under the Railroad Retirement Act for interest earned on unnegotiated checks, $150,000, to remain available through September 30, 2007, which shall be the maximum amount available for payment pursuant to section 417 of Public Law 98–76.

LIMITATION ON ADMINISTRATION

For necessary expenses for the Railroad Retirement Board for administration of the Railroad Retirement Act and the Railroad Unemployment Insurance Act, $102,543,000, to be derived in such amounts as determined by the

Board from the railroad retirement accounts and from moneys credited to the railroad unemployment insurance administration fund.

LIMITATION ON THE OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General for audit, investigatory and review activities, as authorized by the Inspector General Act of 1978, as amended, not more than $7,196,000, to be derived from the railroad retirement accounts and railroad unemployment insurance account: Provided, That none of the funds made available in any other paragraph of this Act may be transferred to the Office; used to carry out any such transfer; used to provide any office space, equipment, office supplies, communications facilities or services, maintenance services, or administrative services for the Office; used to pay any salary, benefit, or award for any personnel of the Office; used to pay any other operating expense of the Office; or used to reimburse the Office for any service provided, or expense incurred, by the Office: Provided further, That funds made available under the heading in this Act, or subsequent Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Acts, may be used for any audit, investigation, or review of the Medicare program.

SOCIAL SECURITY ADMINISTRATION

PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

For payment to the Federal Old-Age and Survivors Insurance and the Federal Disability Insurance trust funds, as provided under sections 201(m), 228(g), and 1131(b)(2) of the Social Security Act, $20,470,000.

SUPPLEMENTAL SECURITY INCOME PROGRAM

For carrying out titles XI and XVI of the Social Security Act, section 401 of Public Law 92–603, section 212 of Public Law 93–66, as amended, and section 405 of Public Law 95–216, including payment to the Social Security trust funds for administrative expenses incurred pursuant to section 201(g)(1) of the Social Security Act, $29,510,574,000, to remain available until expended: Provided, That, notwithstanding the provisions of section 708(a) of the Social Security Act (42 U.S.C. 908(a)), the day designated for delivery of benefit payments under title XVI of such Act for October 2006 shall be the second day of such month: Provided further, That any portion of the funds provided to a State in the current fiscal year and not obligated by the State during that year shall be returned to the Treasury.

For making, after June 15 of the current fiscal year, benefit payments to individuals under title XVI of the Social Security Act, for unanticipated costs incurred for the current fiscal year, such sums as may be necessary.

For making benefit payments under title XVI of the Social Security Act for the first quarter of fiscal year 2007, $11,110,000,000, to remain available until expended.

LIMITATION ON ADMINISTRATIVE EXPENSES

For necessary expenses, including the hire of two passenger motor vehicles, and not to exceed $15,000 for official reception and representation expenses, not more than $9,020,400,000 may be expended, as authorized by section 201(g)(1) of the Social Security Act, from any one or all of the trust funds referred to therein: Provided, That not less than $2,000,000 shall be for the Social Security Advisory Board: Provided further, That unobligated balances of funds provided under this paragraph at the end of fiscal year 2006 not needed for fiscal year 2006 shall remain available until expended to invest in the Social Security Administration information technology and telecommunications hardware and software infrastructure, including related equipment and non-payroll administrative expenses associated solely with this information technology and telecommunications infrastructure: Provided further, That reimbursement to the trust funds under this heading for expenditures for official time for employees of the Social Security Administration pursuant to section 7131 of title 5, United States Code, and for facilities or support services for labor organizations pursuant to policies, regulations, or procedures referred to in section 7135(b) of such title shall be made by the Secretary of the Treasury, with interest, from amounts in the general fund not otherwise appropriated, as soon as possible after such expenditures are made: Provided further, That funds provided under this paragraph may be used to complete the processing of appeals received prior to July 1, 2005 under section 1852 and 1869 of the Social Security Act, notwithstanding section 931(b) of Public Law 108–173, and the Commissioner of the Social Security Administration may enter into a reimbursable agreement with the Secretary of Health and Human Services to process such appeals received after June 30, 2005 and prior to October 1, 2005.

From funds provided under the first paragraph, not less than $412,000,000 shall be available for conducting continuing disability reviews under titles II and XVI of the Social Security Act.

In addition to amounts made available above, and subject to the same terms and conditions, $189,000,000, for additional continuing disability reviews, pursuant to section 404(b)(1) of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

In addition, $119,000,000 to be derived from administration fees in excess of $5.00 per supplementary payment collected pursuant to section 1616(d) of the Social Security Act or section 212(b)(3) of Public Law 93–66, which shall remain available until expended. To the extent that the amounts collected pursuant to such section 1616(d) or 212(b)(3) in fiscal year 2006 exceed $119,000,000, the amounts shall be available in fiscal year 2007 only to the extent provided in advance in appropriations Acts.

In addition, up to $1,000,000 to be derived from fees collected pursuant to section 303(c) of the Social Security Protection Act (Public Law 108–203), which shall remain available until expended.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $26,000,000, together with not to exceed $67,000,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

In addition, an amount not to exceed 3 percent of the total provided in this appropriation may be transferred from the "Limitation on Administrative Expenses", Social Security Administration, to be merged with this account, to be available for the time and purposes for which this account is available: Provided, That notice of such transfers shall be transmitted promptly to the Committees on Appropriations of the House and Senate.

TITLE V—GENERAL PROVISIONS

SEC. 501. The Secretaries of Labor, Health and Human Services, and Education are authorized to transfer unexpended balances of prior appropriations to accounts corresponding to current appropriations provided in this Act: Provided, That such transferred balances are used for the same purpose, and for the same periods of time, for which they were originally appropriated.

SEC. 502. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 503. (a) No part of any appropriation contained in this Act shall be used, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television, or video presentation designed to support or defeat legislation pending before the Congress or any State legislature, except in presentation to the Congress or any State legislature itself.

(b) No part of any appropriation contained in this Act shall be used to pay the salary or expenses of any grant or contract recipient, or agent acting for such recipient, related to any activity designed to influence legislation or appropriations pending before the Congress or any State legislature.

SEC. 504. The Secretaries of Labor and Education are authorized to make available not to exceed $28,000 and $20,000, respectively, from funds available for salaries and expenses under titles I and III, respectively, for official reception and representation expenses; the Director of the Federal Mediation and Conciliation Service is authorized to make available for official reception and representation expenses not to exceed $5,000 from the funds available for "Salaries and expenses, Federal Mediation and Conciliation Service"; and the Chairman of the National Mediation Board is authorized to make available for official reception and representation expenses not to exceed $5,000 from funds available for "Salaries and expenses, National Mediation Board".

SEC. 505. Notwithstanding any other provision of this Act, no funds appropriated in this Act shall be used to carry out any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug.

SEC. 506. When issuing statements, press releases, requests for proposals, bid solicitations and other documents describing projects or programs funded in whole or in part with Federal money, all grantees receiving Federal funds included in this Act, including but not limited to State and local governments and recipients of Federal research grants, shall clearly state—

(1) the percentage of the total costs of the program or project which will be financed with Federal money;

(2) the dollar amount of Federal funds for the project or program; and

(3) percentage and dollar amount of the total costs of the project or program that will be financed by non-governmental sources.

SEC. 507. (a) None of the funds appropriated in this Act, and none of the funds in any trust fund to which funds are appropriated in this Act, shall be expended for any abortion.

(b) None of the funds appropriated in this Act, and none of the funds in any trust fund to which funds are appropriated in this Act, shall be expended for health benefits coverage that includes coverage of abortion.

(c) The term "health benefits coverage" means the package of services covered by a managed care provider or organization pursuant to a contract or other arrangement.

SEC. 508. (a) The limitations established in the preceding section shall not apply to an abortion—

(1) if the pregnancy is the result of an act of rape or incest; or

(2) in the case where a woman suffers from a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy itself, that would, as certified by a physician, place the woman in danger of death unless an abortion is performed.

(b) Nothing in the preceding section shall be construed as prohibiting the expenditure by a

State, locality, entity, or private person of State, local, or private funds (other than a State's or locality's contribution of Medicaid matching funds).

(c) Nothing in the preceding section shall be construed as restricting the ability of any managed care provider from offering abortion coverage or the ability of a State or locality to contract separately with such a provider for such coverage with State funds (other than a State's or locality's contribution of Medicaid matching funds).

(d)(1) None of the funds appropriated in this Act may be made available to a Federal agency or program, or to a State or local government, if such agency, program, or government requires any health care professional to provide, assist in the performance of, or train others to perform abortions, in violation of that individual's religious beliefs or moral convictions.

(2) None of the funds appropriated in this Act shall be used by a Federal agency or program, or by a State or local government to require any hospital to perform or assist in the performance of an abortion, to train for, or to make its facilities available for the performance of an abortion, in violation of that institution's religious beliefs or moral convictions.

(3) Nothing in this section shall be construed to preempt or overrule any provision of Title X, Medicaid, or Emergency Medical Treatment and Active Labor Act (EMTALA) statutes or any regulation issued thereunder which requires discussing or providing all medically appropriate information, services, or referring for services.

SEC. 509. (a) None of the funds made available in this Act may be used for—

(1) the creation of a human embryo or embryos for research purposes; or

(2) research in which a human embryo or embryos are destroyed, discarded, or knowingly subjected to risk of injury or death greater than that allowed for research on fetuses in utero under 45 CFR 46.208(a)(2) and section 498(b) of the Public Health Service Act (42 U.S.C. 289g(b)).

(b) For purposes of this section, the term "human embryo or embryos" includes any organism, not protected as a human subject under 45 CFR 46 as of the date of the enactment of this Act, that is derived by fertilization, parthenogenesis, cloning, or any other means from one or more human gametes or human diploid cells.

SEC. 510. (a) None of the funds made available in this Act may be used for any activity that promotes the legalization of any drug or other substance included in schedule I of the schedules of controlled substances established by section 202 of the Controlled Substances Act (21 U.S.C. 812).

(b) The limitation in subsection (a) shall not apply when there is significant medical evidence of a therapeutic advantage to the use of such drug or other substance or that federally sponsored clinical trials are being conducted to determine therapeutic advantage.

SEC. 511. None of the funds made available in this Act may be obligated or expended to enter into or renew a contract with an entity if—

(1) such entity is otherwise a contractor with the United States and is subject to the requirement in section 4212(d) of title 38, United States Code, regarding submission of an annual report to the Secretary of Labor concerning employment of certain veterans; and

(2) such entity has not submitted a report as required by that section for the most recent year for which such requirement was applicable to such entity.

SEC. 512. None of the funds made available in this Act may be used to promulgate or adopt any final standard under section 1173(b) of the Social Security Act (42 U.S.C. 1320d–2(b)) providing for, or providing for the assignment of, a unique health identifier for an individual (except in an individual's capacity as an employer or a health care provider), until legislation is enacted specifically approving the standard.

SEC. 513. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

SEC. 514. None of the funds appropriated in this Act may be used to enter into an arrangement under section 7(b)(4) of the Railroad Retirement Act of 1974 (45 U.S.C. 231f(b)(4)) with a nongovernmental financial institution to serve as disbursing agent for benefits payable under the Railroad Retirement Act of 1974.

SEC. 515. (a) None of the funds provided in this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2006, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that—

(1) creates new programs;

(2) eliminates a program, project, or activity;

(3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted;

(4) relocates an office or employees;

(5) reorganizes or renames offices;

(6) reorganizes programs or activities; or

(7) contracts out or privatizes any functions or activities presently performed by Federal employees.

None of the funds made available by this Act may be reprogrammed unless the Appropriations Committees of both Houses of Congress are notified 15 days in advance of a reprogramming or announcement of intent to reprogram funds, whichever occurs earlier.

(b) None of the funds provided in this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2006, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds in excess of $500,000 or 10 percent, whichever is less, that—

(1) augments existing programs, projects (including construction projects), or activities;

(2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or

(3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress; unless the Appropriations Committees of both Houses of Congress are notified 15 days in advance of a reprogramming or announcement of intent to reprogram funds, whichever occurs earlier.

SEC. 516. None of the funds made available in this Act may be used to reimburse, or provide reimbursement for drugs approved to treat erectile dysfunction.

This Act may be cited as the "Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2006".

The ACTING PRESIDENT pro tempore. Under the previous order, the committee-reported substitute is agreed to and considered as original text for the purpose of further amendment.

The committee amendment in the nature of a substitute was agreed to.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, at the outset, I thank the distinguished majority leader for calling this bill to the floor. In the past, we have had difficulties scheduling the Labor-HHS bill. Sometimes this very important appropriations bill has not received full Senate action. So I thank Senator FRIST for arranging the business of the Senate to take up this bill.

I also thank the majority leader for his exhortation of Members to be organized, to bring their amendments to the floor. This is a very complicated bill and one where we expect a great many amendments. One of the institutional problems of the Senate has been that when a bill is pending, the Senators do not come forward promptly with amendments to move the bill along. For countless hours, we have sat on this floor with the two lights on in a quorum call, which is our technical way of saying, you do not have a quorum of Senators on the floor, a majority; but what it really is, is a delaying practice, when there is nobody present to carry forward the business of the Senate.

In consultation with the majority leader, I announced last night, while a majority of the Senators were present, that we were going to be pressing ahead on amendments, and that I was going to urge the leader to go to third reading, which is a technical word for final passage, if amendments were not offered.

Senator HARKIN, the distinguished ranking member, whom I thank for his cooperation on this bill—he and I sent out a letter stating the same thing. The scourge of the Senate is the quorum call, where we do not transact the business of the Senate. But when this bill moves into next week, there will be a press by the managers—by Senator HARKIN and myself—to move to third reading or final passage, if Senators do not come forward to present their amendments.

Mr. President, this bill contains the largest appropriation of any bill to come before the Senate, including the Defense bill. It calls for expenditures in excess of $604 billion. That includes the payments for Supplemental Security Income payments at the Social Security Administration, Medicaid, and Medicare. When it comes down to the discretionary spending, this bill contains $145,693,000,000.

It is an extraordinarily difficult bill to structure because it involves three of the most important Departments of the Federal Government: Health, Education, and Labor. When we talk about health and education, we talk about the two greatest capital assets our country has. Without health, we cannot function. Without education, people cannot move ahead to attain their potential. So we are talking about rock bed issues of great importance to the American people.

The Department of Labor funding, similarly, is very important, providing for workers' safety, for the arbitration and adjudication of disputes between management and labor, to have a cohesive workforce and labor peace, which is indispensable to move ahead on the work of our country.

We have an extraordinary staff in Bettilou Taylor and Jim Sourwine on the majority side, and Ellen Murray on the minority side—a staff which is veteran and experienced, having served for more than a decade with great expertise in the field.

Senator HARKIN and I have worked on a bipartisan basis. Very frequently, you see clash and clamor and arguments and distension and disagreement and bickering. That does not happen with the work of this subcommittee. We have changed the gavel. When it passes from his hands to mine, or mine to his and back, it is a seamless transfer because we have a common objective and we work together.

But that does not assist us very much when we take a look at the kind of funding we have in our tight subcommittee allocation. When you have $145 billion to work with and the many lines which must be funded, it just does not go very far. There is a great concern about Federal expenditures, and it is a justified concern. We do spend too much money. Our deficit is too high, and our national debt is too high. But it is a matter of establishing priorities.

In my judgment, having been in this body, now in my 25th year, and being on the Appropriations Committee for all of those years, the priorities ought to be directed differently. When you talk about health and education, the two fundamental capital assets in our society and our daily lives, the funding is simply inadequate. Nevertheless, with the professionalism of our staffs and with the work Senator HARKIN and our Full Committee Chairman Senator COCHRAN, along with the cooperation of all other members of the Senate, we have amalgamated all of their priorities into this bill.

The highlights of the bill have been summarized in a comprehensive statement prepared by Bettilou Taylor. In the course of this relatively brief presentation, I will summarize the highlights. This budget contains $29.4 billion for the National Institutes of Health which is $1.050 billion over last year's budget. This is a tough item to increase by more than $1 billion, but we have done it with a very sharp pencil. We have done it because the National Institutes of Health has the greatest opportunity to improve the health of Americans. During the tenure that Senator HARKIN and I have chaired this subcommittee, we have increased funding from $12 to $28 billion. Now we are trying to push it up to 29-plus because of the enormous advances which have been made in medical science as a result of what NIH has done.

There is great attention paid to cancer—appropriately so—and to heart disease—again appropriately so—and to Alzheimer's, and Parkinson's. But there are many lesser known diseases which have a tremendous impact. Chairing this subcommittee has put me in the position of being the recipient of calls from many people who are concerned about so-called orphan diseases which may affect a relatively small number of people but are very important. These diseases are worth articulating.

I doubt that our C-SPAN 2 audience is very extensive on a Friday morning—it is 6:48 A.M. in California—but when people listen and hear some concern about their particular ailment, it is quite a psychological boost. I will take a minute or two and run through the diseases NIH is working on: autism; stroke; obesity; Alzheimer's; Parkinson's; spinal muscular atrophy; scleroderma; amyotrophic lateral sclerosis, which is Lou Gehrig's disease; muscular dystrophy; osteoporosis; cancers, including breast, cervical, ovarian, lymphoma, multiple myeloma, prostate, pancreatic, colon, head and neck, brain, lung; and then moving on, pediatric renal disorders; multiple sclerosis; deafness and other communication disorders; glaucoma; macular degeneration; sickle cell anemia; heart disease; spinal cord injury, sudden infant death syndrome; arthritis, schizophrenia, and other mental disorders; polycystic kidney disease; hepatitis, Cooley's anemia; primary immune deficiency disorders, autism, stroke, and obesity.

I would add to this list mesothelioma, an ailment I have become familiar with during the course of the past 2 years, as we are working on an asbestos reform bill where so many people are afflicted with this deadly disease which is contracted from exposure to asbestos. We are going to ask the National Institutes of Health to devote more resources. I say ask—not order, but ask—because NIH, on a professional basis, makes the determination for the allocation of funding to keep it out of the political realm. But from what I have seen on mesothelioma, with thousands of people suffering from a disease which causes death, we need to find better ways of dealing with it. Our bill on asbestos reform would provide a standard of payment, the creation of a trust fund of $140 billion, for which I salute my colleague Senator HATCH, who preceded me as chairman of the Senate Judiciary Committee, for structuring this idea which we are carrying forward. It seeks to assist people who cannot get compensation because their companies are bankrupt. Approximately 80 companies have gone into bankruptcy because of asbestos claims. That is one illustration of the potential for the National Institutes of Health funding. I compliment Dr. Zerhouni, Director of NIH, for doing an excellent job under very difficult circumstances.

The bill contains $2 million for embryo adoptions which raises the issue of stem cell research. This was the legislative vehicle in 1997 which provided a prohibition against Federal funding for stem cell research where the embryo is destroyed. The House of Representatives has passed legislation which would remove that prohibition. Senator HARKIN and I have a bill pending in the Senate which would duplicate the House effort to eliminate that restriction. Consideration was given to offering an amendment on this bill. Because this is the bill which has the prohibition, it would be a logical spot to remove it. But it would cause a multifaceted controversy with about five different positions to be inserted.

The majority leader has agreed to make this a priority item at the beginning of the next session of Congress where all facets of the issue may be explored. There have been some recent developments that there may be a way to use stem cells without destroying the embryo. If that can be done, it would be spectacular. But the success of that kind of research is a long way off. I personally would like to see Federal funding devoted to all aspects of embryo research because the potentials are extraordinary. Embryonic stem cells are so superior to adult stem cells. There are also cord blood stem cells. But the real opportunity for medical advance lies in the flexible embryonic stem cells which can, for example, be injected into a diseased heart, where the embryonic stem cells could have the potential to replace diseased heart cells. So it is my hope that we will be able to move ahead on this line.

The subcommittee has held 17 hearings on this subject, starting in December of 1998, a few days after embryonic stem cells burst on the scene. Our most recent hearing was earlier this week, on October 19, to coincide with the announcement in South Korea that they were starting a worldwide research program with adjunct facilities in San Francisco and England. While I applaud the efforts of the South Koreans or anyone to advance medical research with stem cells, it is regrettable that the United States has not maintained a lead in this line. The objections to embryonic stem cell research come from the contention that these embryos have the potential to create life. The conclusive answer to that argument is that there are some 400,000 embryos that are frozen and are going to be destroyed. Senator HARKIN and I and the subcommittee have taken the lead in putting up some $2 million for embryo adoption.

If all of these embryos could be adopted, produce life, I would not have any interest in advocating scientific research on them. But if they are going to be thrown away, it makes a lot more sense to use them than to destroy them. But to the extent that adoption can be promoted, this subcommittee supports this approach.

Some of the other items worth noting specifically: almost $10 million for a cord blood stem cell bank, which does provide a line for some advances on medical research with stem cells; $2 million for start-up costs on administering asbestos claims, anticipating passage of an asbestos reform bill—not counting any chickens there; it is a complex bill, and the majority leader has committed to bringing it up as one of the first items next year; it is a vital item, but this bill anticipates some costs along that line—$1 billion for the mesothelioma registry and tissue bank, which we like to see NIH supplement on mesothelioma research; $225 million to continue construction projects for the Centers for Disease Control.

We are calling upon the Centers for Disease Control repeatedly to take on major emergency tasks. Right now they are involved in trying to find a potential response for pandemic flu. Senator HARKIN and I visited the Centers for Disease Control several years ago and found the physical facilities in a state of total disrepair. It would not be inappropriate to note that the Presiding Officer is a distinguished Senator from the State of Georgia who has filled my ear with the importance—and pleasantly so—of maintaining that funding for CDC. We have $225 million in the bill to improve the facilities at the CDC. This is illustrative of the difficulties which this subcommittee faces in responding to so many urgent needs. We have to have our pencils very sharp to establish priorities.

It is my wish, hope, projection that the Senate, as a whole, would establish the priorities in our overall budget which will give more recognition to health, education, and labor issues.

This bill contains $2.183 billion for low-income energy assistance. That is a figure which is the best we can do, but is palpably insufficient. I anticipate an amendment, which if no one else offers one, the chairman will, to increase funding for LIHEAP. It is an emergency matter. It is an outgrowth in large measure of Katrina. With the prices of oil and gas going sky high and so many of our seniors facing the alternative of either heating or eating, this is an item which grips much of our country and needs further attention.

We have $300 million for Children's Hospital graduate medical education; $1.8 billion for community health centers; $454 million for health professions; $104 million for Healthy Start. That is a program I take special pride in because it was initiated in the early 1980s after I visited the Alma Illery Hospital in Pittsburgh, and saw for the first time a 1-pound baby, a human being about as big as the size of my hand.

Healthy Start was named after Head Start to give these infants of minuscule physiology a chance to live. We incorporated some of Dr. Koop's ideas on four prenatal visits and one postvisit.

That fund has grown and has taken on a very important role of taking care of the weakest in our society—1-pound babies.

We put the budget for Head Start at $6.8 billion; $1.6 billion for worker protection programs; $5.25 billion for job training; almost $13 billion for title I education to disadvantage students; $10.7 billion for special education, State grants. The Federal Government has an obligation to do more, and each year we have increased funding for special education programs and have stretched the funding to the maximum to come to that figure; $13.2 billion for Pell grants; $4.3 billion for the Pell grant shortfall; $306 million for GEAR UP, an idea which originated with Congressman Chaka Fattah, from Philadelphia. This is a mentoring program and was brought to my attention by the Congressman some 6 years ago. Over the years we have spent some $2 billion on this program and these are funds very well spent—to take young people in the minority community who have not had the benefit of a sound family life, who need some guidance, taking them at the eighth grade and moving them through high school. The results have been astounding. It has been projected on a nationwide basis. We have $94 million for youth offender programs; $45 million for the new youth gang prevention initiative; $22.5 million for youth violence prevention at the Centers for Disease Control. This program will be looking at the terrible incidence of youth violence plaguing my hometown, Philadelphia and plaguing my adopted hometown, Washington, DC, as well as so many other cities in America. There is $400 million for the Corporation for Public Broadcasting. The list goes on.

I know my distinguished colleague, Senator GRASSLEY, is awaiting an opportunity to speak. This highlights the contents of this bill where we have stretched the dollars as far as we can. We understand that our colleagues will have other ideas for amendments, and we urge them to come forward.

I do not make the determination as to when we go to third reading or final passage because I am not the majority leader, but I have consulted with Senator FRIST, and if the bill is stalled by prolonged quorum calls when we move into next week and we do not have amendments offered, I am going to use my best efforts to move ahead to final passage.

One other item which I have discussed with the leadership is the length of time on the rollcall votes. We have a rule for 15-minute votes, and there is a practice of a 5-minute extension. I note the distinguished Presiding Officer nodding in agreement. Sometimes the votes go 10, 15, 20 minutes over the original 20 minutes and consume a lot of time. When we have 95 Senators in the Chamber waiting for the next vote, when we have votes stacked, that just is not right. There was a day not too long ago when the time limits on voting were strictly enforced. Let me tell you and the few people watching on C–SPAN, Senators came and voted. If they know they can stretch out the vote, they are going to stretch out the vote. And if you know you have to be here on time, you will be here on time. It only takes one vote cutoff to impose strict discipline even on the 100 feudal barons who occupy the Senate.

I ask the 101st Senator, Bettilou Taylor, is there anything more? She says no.

I ask unanimous consent that the text of my full statement be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD as follows:

FLOOR STATEMENT, SENATOR ARLEN SPECTER

FY 2006 LABOR, HEALTH AND HUMAN SERVICES AND EDUCATION APPROPRIATIONS BILL

Mr. President, the legislation before the Senate today includes funding for the Labor, Health and Human Services and Education programs at the 302(b) allocation of $141.6 billion. The subcommittee's allocation is about the same as the President's budget request and $860 million below the amount that the House of Representatives had to spend on Labor-HHS programs. The Senate bill also has an additional $3.4 billion to spend in fiscal year 2006 which was achieved by requiring that Supplemental Security Income benefit checks be paid on Monday, October 2, 2006, instead of on Friday, September 29, 2006. On a program level basis, the bill before us is $2.3 billion or 1.5 percent over the fiscal year 2005 appropriation and $3.7 billion or 2.6 percent over the President's budget. Because of the amounts assumed in the budget resolution, the funds contained in this bill are not at the levels that I would like, but we did our best given the subcommittee's budget constraints.

The funds contained in this bill address this Nation's public health problems and continue to strengthen our biomedical research, assure a quality education for America's children, and offer opportunities for individuals seeking to improve job skills.

At this time, I want to take this opportunity to thank the distinguished Senator from Iowa, Mr. HARKIN, for his hard work on this bill and helping to bring the bill through the subcommittee and full committee.

Some of the key funding levels in the bill include: $29.4 billion for the National Institutes of Health, $1.050 billion over fiscal year 2005; $2 million for embryo adoption; $9.8 million for a cord blood stem cell bank; $2 million for startup costs for administering asbestos claims; $1 million for mesothelioma registry and tissue bank; $225 million to continue construction projects at the Centers for Disease Control; $2.183 billion for Low-Income Home Energy Assistance; $300 million for Children's Hospital graduate medical education; $1.8 billion for community health centers; $454 million for health professions; $104 million for Healthy Start; $6.8 billion for Head Start; $1.6 billion for worker protection programs; $5.25 billion for job training programs; $12.8 billion for title I grants to disadvantaged students; $10.7 billion for special education State grants; $13.2 billion for Pell grants to support a maximum grant of $4,050; $4.3 billion to pay for the Pell grant shortfall; $306.5 million for GEAR UP; $94 million for youth offender programs; $45 million for a new youth gang prevention initiative; $22.5 million for youth violence prevention at the Centers for Disease Control; $400 million for the Corporation for Public Broadcasting, in addition, $35 million is provided for digitalization conversion; and $40 million for the satellite.

Let me discuss in detail the major elements of this bill:

The bill before the Senate contains $29.3 billion for the National Institutes of Health. The $1 billion increase over the fiscal year 2005 appropriation will continue the important work of thousands of researchers across this Nation. These additional funds are critical in catalyzing scientific discoveries that will lead to a better understanding in preventing and treating the disorders that afflict men, women, and children in our society.

Each year, the Labor-HHS Subcommittee holds numerous hearings on medical research issues. Testimony is heard from the NIH Institute Directors, medical experts, patients, family members, and advocates asking for increased biomedical research funding to find the causes and cures for diseases Alzheimer's and Parkinson's disease, spinal cord injury, muscular dystrophy, ALS, AIDS, cancer, diabetes, heart disease, cancer. But the diseases I just mentioned are the ones that everyone knows. However, there are a number of orphan diseases, those affecting 200,000 people or less, that are just as important but not often talked about. Research also needs to be specifically focused on orphan diseases such as spinal muscular atrophy, Ataxia's, Batten disease, fibromyalgia, Fragile X and spina bifida.

The Centers for Disease Control and Prevention is the lead Federal agency for protecting the health and safety of Americans at home and abroad. The CDC's ability to respond quickly to address this nation's health concerns has been proven over the last several years. Within minutes of the September 11 attack, CDC set up an emergency operations center and began to deploy supplies and staff, isssuing health alerts and responding to State needs. During the anthrax crisis, CDC redirected more than 2,000 staff to focus their resources to identifying the disease and ensuring that health professionals were properly trained in recognizing the signs of anthrax. During the recent gulf coast hurricanes, the CDC staff was on the ground to assess and mitigate the infectious disease risk to residents of flooded areas. To address these critical needs, the bill includes $6.2 billion for programs at the Centers for Disease Control and Prevention. A few years ago, Senator HARKIN and I visited the CDC and were appalled at the deplorable conditions of the buildings and facilities in Atlanta. Therefore, the committee has included $225 million to continue the planning, design, and construction of new facilities, as well as repair and renovation of the existing structures.

More than 35 new emerging infectious diseases were identified between 1973 and 2002. Recent experiences with West Nile virus, SARS, and avian flu illustrate the vital need to strengthen this Nation's capacity to identify and combat emerging infectious diseases. The committee has included $1.7 billion to improve this Nation's research capacities and to detect and control emerging infectious disease threats in the United States and around the world.

Over the past several years, the Labor-HHS Subcommittee has held several hearings to explore the factors leading to medical errors. The subcommittee heard testimony from family members and patients detailing their experiences with medical mistakes. The Institute of Medicine also gave testimony and outlined findings from their recent report which indicated that 98,000 deaths occur each year because of medical errors. The bill before the Senate contains $84 million to reduce medical errors.

To continue this Nation's efforts to address bioterrorism threats, the bill provides $2.3 billion.

To help provide primary health care services to the medically indigent and underserved populations in rural and urban areas, the bill contains $1.8 billion for community health centers. This amount represents an increase of $105 million over the fiscal year 2005 appropriation.

For prevention and treatment of substance abuse, the bill includes $3.4 billion, including $2.1 billion for treatment programs, $202 million for prevention and $901 million for mental health programs. The latest estimates indicate that millions of Americans with serious substance abuse go untreated each year. The amount provided will help address the treatment gap.

The bill provides $2.183 billion for the Low-Income Home Energy Assistance Program, LIHEAP. LIHEAP is a key program for low-income families in Pennsylvania and States throughout the Nation. Funding supports grants to States to deliver critical assistance to low income households to help meet higher energy costs.

For programs serving the elderly, the bill before the Senate recommends $3.17 billion, including $436.7 million for the community service employment program for programs to provide part-time employment opportunities for low-income elderly; $354.1 million for supportive services and senior centers; $219.7 million for the national senior volunteer corps; $718.7 million for senior nutrition programs; $1.09 billion for research conducted at the National Institute on Aging; and $160.7 million for family and native American caregiver support programs.

The bill includes $6 billion for AIDS research, prevention and services. Included in this amount is $2.08 billion for Ryan White programs, an increase of $10 million; $657.6 million for AIDS prevention programs at the Centers for Disease Control and $2.9 billion for AIDS research at the National Institutes of Health.

The bill includes $574 million for efforts to fight HIV/AIDS, TB, and Malaria globally, $100 million for the Global Fund to fight AIDS, TB, and Malaria, $124 million for the CDC Global AIDS program and $350 million for international AIDS research at the NIH.

To enable all children to develop and function at their highest potential, the bill includes $6.87 billion for the Head Start program, an increase of $31 million over last year's appropriation.

To enhance this Nation's investment in education, the bill before the Senate contains $56.7 billion for discretionary education programs, an increase of $143 million over last year's funding level and $501 million more than the President's budget request.

The bill includes $12.8 billion, an increase of $100 million for title I grants to school districts. These funds will provide services to approximately 15 million school children in nearly all school districts in the nation.

For impact aid programs, the bill includes $1.24 billion. Included in the recommendation is: $50 million for payments for children with disabilities; $1.1 billion for basic support payments; and $65 million for payments for Federal property. In addition, $18 million is available for construction activities at certain impact aid-eligible schools.

For special education State grants, the bill includes $11.8 billion, an increase of $100.5 million more than provided in fiscal year 2005. These funds will help local educational agencies meet the requirement that all children with disabilities have access to a free, appropriate public education, and all infants and toddlers with disabilities have access to early intervention services. These funds will serve an estimated 6.9 million children age 3-21, with Federal support providing $1,542 per child.

The bill includes $1 billion for the Reading First State grants program which provides funds to implement comprehensive reading instruction programs to ensure that every child can read by the end of the third grade. Also included is $104 million for the Early Reading First Program which funds programs that support activities in existing preschool programs designed to enhance the verbal bills, phonological awareness, letter knowledge, pre-reading skills and early language development of children ages 3 through 5. To help struggling middle and high school students improve their reading skills the bill includes $35 million.

For community learning centers activities, such as before and afterschool, recreational, drug, violence prevention and family literacy programs, the bill includes $991 million for 21st Century Community Learning Centers.

The bill provides $306.5 million for Gaining Early Awareness and Readiness for Undergraduate Programs. These funds will be used to assist high schools to help low-income students prepare for and pursue postsecondary education.

To improve post-secondary education opportunities for low-income, first-generation college students, the committee recommendation provides $836.5 million for the TRIO program, to assist in more intensive outreach and support services for low income youth.

The bill includes $217 million for charter school grants which help in the planning, development and implementation of charter schools. Funding for this important program has more than doubled since fiscal year 1999.

Also included is $26 million for voluntary public school choice to expand programs, especially for parents whose children attend low-performing public schools.

For student aid programs, the bill provides $15.1 billion, an increase of $838 million over last year's amount. Pell grants, the cornerstone of student financial aid is funded at $4,050. The bill also includes $4.3 billion to pay off the estimated Pell grant shortfall. The bill also includes an increase of $26 million for the supplemental educational opportunity grants program.

In this Nation, we know all too well that unemployment wastes valuable talent and potential, and ultimately weakens our economy. The bill before us today provides $5.25 billion for job training programs. This includes $1.58 billion for the Job Corps; $893 million for adult training; and $1.47 billion for retraining dislocated workers.

The bill provides $1.55 billion for worker protection programs. While progress has been made in this area, there are still far too many work-related injuries and illnesses. The funds provided will continue the programs that inspect business and industry, assist employers in weeding out occupational hazards and protect workers' pay and pensions.

There are many other notable accomplishments in this bill, but for the sake of time, I mentioned just several of the key highlights, so that the Nation may grasp the scope and importance of this bill.

In closing, I again thank Senator HARKIN and his staff and the other Senators on the subcommittee for their cooperation.

Mr. SPECTER. Mr. President, I have been asked by the distinguished majority leader to propound a unanimous consent request.

MORNING BUSINESS

Mr. SPECTER. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SPECTER. I say, this is a license for Senators not to bring amendments to the floor on this bill, but this license is short lived. It is not going to last too long.

I yield the floor. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. GRASSLEY. Mr. President, I ask unanimous consent to address the Senate for 1 hour.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The Senator is recognized.

Mr. GRASSLEY. And for other Senators who may want to speak, I may be a little less than an hour or I may be a little more than an hour. I do not intend to be here forever, just in case my colleagues are wondering.

HURRICANE KATRINA

Mr. GRASSLEY. Mr. President, I rise to discuss the situation in Louisiana, particularly New Orleans, as it relates to the Katrina hurricane. I do that because of a very devoted constituent by the name of Craig Van Waardhuizen of 3716 Pearl Lane, Waterloo, IA. We are members of Prairie Lakes Church, Cedar Falls, IA, a Baptist church. He approached me because he had bad experiences in trying to help people in Louisiana at the height of the hurricane and the period of time thereafter.

He says things just were not right. That is quite obvious to all of the country. I had a chance to hear it from a person who witnessed it. He kept a diary of his experiences. He is a sincere enough individual to spend time with me, sincere enough individual to put things down in writing, and he is a sincere enough person who would like to have things that happened to him not happen again in a future natural disaster.

So I promised my friend in Waterloo that I would make sure the entire Senate knew of his situation. It will be on record for people to refer to so corrective action can be taken.

I suppose most of this falls in the area of FEMA's responsibility, but I am not so sure but what some of it doesn't fall into the area of local responders and to State people as well. But FEMA is the one most referred to. So I am going to spend my time reading word for word from this diary so that people will know the trials and tribulations of one bus driver, trying to help people all the way from Iowa, going to Louisiana to help people there who had problems.

This starts on September 1, which is the Thursday after Katrina hit. I believe Katrina hit either on that Saturday or Sunday, the 27th or 28th of August. Presumably some time after Katrina hit, my constituent friend was desiring to help the people in need there. He was affiliated with a bus company that could provide transportation. This starts on September 1, but presumably on the days of Monday, Tuesday, or Wednesday before September 1, he was trying to get involved in helping:

> September 1, 2005, Thursday: Another day of searching on the internet and contacting our motorcoach associations has brought no success as we (Northwest Iowa Transportation, Inc.) look for ways to help in New Orleans. We have coaches and drivers available to go help in moving people out of the New Orleans area. However, we do not believe that we should just drive down to New Orleans without any contact. It is discouraging when you want to help and yet can't find the avenue to help.
>
> September 2, Friday: There is a light in the tunnel. Today we were contacted by Utah Transportation Management to see if we had any coaches and drivers that could go help in evacuation of New Orleans. Finally a way to head to New Orleans and provide the assistance that we have wanted to do since a hurricane hit last Monday. Since this help will fall under FEMA we will be able to use four drivers and two motorcoaches to drive straight through to New Orleans. After finding three other drivers who were willing to help in this effort I head out to New Orleans. We pack extra supplies in the coaches along with water and food for ourselves. We also take along extra paper towels and toilet paper. About 9:00 p.m. we head south from Waterloo—

That is Waterloo, IA—

> ready to go provide assistance to those in need.
>
> Saturday, September 3: Driving straight through the night and switching off with driving we arrive at the staging area at Le Place, LA. The first thing we notice is the large number of motorcoaches waiting in the staging area and many more like ourselves, just pulling in. Our first order of business was to get in line to refill with fuel. We didn't stop for fuel on our way as we had been told that FEMA would provide fuel for all motorcoaches when we arrived at Le Place. We are ready to go to work and start moving people. The fuel was brought in by the National Guard and they did all the refueling in Le Place. Finally, it was our turn to get fuel. While fueling, we visited with the other drivers to find out what had been happening. We learned that after fueling you would get in another line and wait for orders. Nobody seemed to know who was in charge of the operation and there was very little communication. Finally a man with an orange vest came and asked us to get in line to go transport people. We lined up with 12 other coaches. Nobody moved until the state patrol was ready to provide escort. At last we have action. We are headed into New Orleans to do what we came down to do, move people. We had traveled about 10 miles when we were pulled onto the shoulder. No reason given for pulling all of us over. We sat and waited on the side of the highway wondering what was going to happen.
>
> After a waiting about 45 minutes we started traveling again, and it was soon apparent that we were headed back to the staging area. This whole operation seems to lack leadership and direction. We arrived back at the staging area at Le Place. Then we were sent down I–10 to the scale house and were staged with about 40 other coaches. Even the State patrol assigned to us didn't know what was going on. About 10 pm a deputy sheriff patrol showed up with some food for us. They didn't have any news or information. About 11 pm the State patrol said to stay with the motorcoach as we might be called upon at any time. As drivers we decided to get as much rest as we could while we had the opportunity.

So then presumably they slept the evening. That is a presumption on my part because it goes on now to Sunday, September 4. This is the fourth day of this tribulation.

> Last night was a long night with little sleep as it is hard to sleep on the coach. About 4 am a group of school buses arrived from Houston, TX. They had been told to report to this staging area and wait. The morning passed by very slow and we never saw or heard from anybody that knew what was actually happening. This is really amazing as we are all here to work and provide help and we are just sitting along the interstate. At the scale house on the other side of the interstate a unit of federal border patrol agents is also waiting for instructions. They have been waiting since Tuesday for orders.

So that means that they had been waiting for 5 days, the Federal border patrol was waiting—that's my assumption—waiting for orders. My writer says:

I asked the state patrol to radio to the main staging area where we fueled to see what was going on. The patrol had as many questions as we did. It sure seems like mass confusion and no clear leader. I really wonder who is in charge of this operation. About noon a guy shows up in an orange vest and tells us that we are moving to a new staging area at Lake Charles, LA. Soon the rumor is going around through the drivers that we will be moving people out of temporary shelters to better places. We move to Lake Charles with high hopes that we will finally be moving people. At the edge of Lake Charles we are pulled onto the shoulder of the interstate. With over 60 motorcoaches sitting on the shoulder of a major interstate (I-10), this is an accident waiting to happen. The school buses from Houston are headed back to Houston as they were told there was no work for them. What a waste of resources to have them drive all the way from Houston to New Orleans only to turn around and head back. A highway patrol escort arrives and leads us to a large parking area at the Lake Charles airport. We are all parked in a row with no other instructions. When the last coach is parked a man who tells us he is the dispatcher for this operation arrives and tells us that we are going to regroup.

This man has made arrangements for us to have a hot meal supplied by the Lake Charles Firefighters in the armory at the airport. During this meal he informs us that rooms in a motel have been reserved for us for the night. As we sign up for our rooms we are told to report back tomorrow at 1:30 pm for more instructions. Since the rooms are in Beaumont, TX he arranges to have five motorcoaches to take us as a group. At least we will have a good bed to sleep in tonight and we will be able to take a shower.

Now, Monday September 5.

Continued conversation with other drivers reveals only rumors and no facts. About noon we head back to Lake Charles to report in at this temporary dispatch office at the airport. When we report in, we are told there will be no movement until tomorrow. This is disappointing and hard to understand, especially as we listen to the radio and hear about this huge need to get people moved. Seems to me that there has to be a better way to organize and run this system. Who is in charge and who gives the orders to all of us (drivers)? There is very limited and very poor communication. If I ran operations like this, the company would lose all of its business and drivers. Calling back to the office—

I think he means his own office—

and to any other contact I can come up with doesn't provide any help. About 2 pm the dispatcher comes around looking for two coaches that have two drivers. We are just what he is looking for and we offer to be of service. He tells us to head to Fort Smith, AR as soon as we can hit the road and to report in at Fort Smith. We head right out and make the trip to Fort Smith. As we are going down the road we find out that a mistake has been made. Instead of Fort Smith at Fort Smith, AR, it is Fort Chaffee. The drive to Fort Smith is a long one, about 500 miles. Upon arrival we are to report to Fort Chaffee for instructions. As we are travelling we begin to notice many other motorcoaches headed the same direction.

September 6, Tuesday.

We arrive . . . and find the directions we were given in Lake Charles to be wrong. Finally, we arrive at Fort Chaffee and enter the base. The guards at the gate are very surprised to see us and they wonder why we are reporting at 2 a.m. The guards give us direction to the area where the people are housed. We get to that area only to find out nobody knows why they sent us to this base. Once again I get on the phone calling the numbers I was given. These calls just get voice mail and nobody ever returns the calls. One of the guards gives me the phone number of the base commander. I give him a call (at 2 a.m.) and have a nice conversation with him. I can see that he has no information to help us out. He suggests getting a motel room and coming back in the morning. There are no motel rooms available and it is now 4 a.m. We decide to head back into Fort Smith to top off the fuel tanks and get a hot breakfast. Looks like we are in a race headed nowhere. At 8 a.m. we report back to the base. We are wondering why we were sent over 500 miles to just sit and wait. The guards at the base are telling us that the people are being moved out to other places to live. Many of the other coaches from Lake Charles are showing up this morning. About 10 a.m. there is movement and they begin to load coaches to move people on. Some guy comes along and tells us to hang in there and we will soon be working. At noon we are moved into position to load people. However, we received no instructions or information as to where we will be going. Even the people we are loading don't know where they are headed. What a way to treat people who have lost everything they have. Soon we are loaded and waiting to go someplace. A representative of the state of AR comes aboard and wishes the people a good future. At the same time we are told we will be escorted by the state police to Siloam Springs, AR. We are part of a 12 coach move with a highway patrol escort for every three coaches. The drive is supposed to take about 90 minutes. The actual drive took us over three hours as the escort never went faster than 40 mph. All of the people are very thankful for the help in moving them and they are very pleasant considering what they have all been through.

Finally we arrive at Siloam Springs at a church camp. It seems like the whole community is here to welcome the people and help them make a home. It is very heart touching to see all the generous help. We unload and clean our two coaches. Feeling tired and hungry we head back towards Fort Smith. After what happened last night we see no need to arrive at Fort Chaffee in the middle of the night. We find rooms in Fayetteville and shut down for the night. The whole trip is nothing like we had hoped or thought it would be. Maybe we will feel better in the morning.

Morning is September 7, Wednesday. So this would be the seventh—it is my judgment this is the seventh day that my constituents were going through this trial and tribulation.

Our week of service is almost over and we sure haven't [done] much of any good. We have spent more time driving around empty as they have moved us all over. This morning we went back to Fort Chaffee and waited for new orders. Many other drivers were also waiting to see what we were to do. About noon we get the word that we were to report back to Lake Charles for the next duty. Here we go again on a 500 mile drive with no passengers. Does anybody really know what is going on? As we drive to Lake Charles, we know it will be about 9 p.m. when we arrive. Hopefully somebody will be around to fill us in. No such luck. When we arrive at Lake Charles the parking lot is filled with hundreds of motorcoaches. There are hundreds of coaches and drivers. Many drivers are very upset as they just sit idle. At Lake Charles we are told to report back in the morning and we are also told good luck on finding any lodging. Looks like another night of sleeping in the coach. I make some phone calls and find out there are some rooms at the casino. I call them and ask about rooms and explain what we have been doing. The manager gives us a deal on three rooms for the four of us. At least we will have a bed to sleep in and be able to take a shower in the morning.

September 8.

This will be Thursday.

This is the last day that we can help as we need to return to Iowa tonight. The coaches need to be back to go on charter trips. We will report to the temporary dispatch office early. With hundreds of coaches just parked it doesn't look good. The dispatcher said there is no work today and the next opportunity might be tomorrow. I ask if there is anybody that needs to move north as we could take people north as we head home. Nothing available today and with all the idle coaches it looks bad for tomorrow. I sign us out and we start back home. I am glad that we came down and tried to help. There is a huge sense of disappointment in the fact that we drove about 3,000 total miles and only hauled 47 people 103 miles. It seems like a huge waste of valuable resources and money. Especially as I look over a parking lot filled with hundreds of motorcoaches.

Somebody made the order to get all these coaches here and now they sit idle. It easy to see why people get frustrated with the system. Along with these coaches sitting idle, many school buses were moved to the area and never used. They were sent back home as they weren't needed. Today we learned that in the city of New Orleans all of the school buses were left to get caught in the flood. Why weren't they used before the hurricane and flood to get people moved out of harm's way in New Orleans. There are a large number of public officials at all levels and the news media pointing fingers trying to put the blame on FEMA when they should look at themselves. Why did the school buses get left and not used? Why didn't people heed the notice to get out and move to a safer area?

I think the whole process needs to be looked at and evaluated for making improvements. We were not the only ones to wonder what was going on. Almost all the drivers were asking who is in charge and where are the lines of communication. Of all the people who gave us orders, none of them seemed to understand operations and dispatch. From my viewpoint, it appears to me that many of those who were supposed to manage the coaches didn't have any idea of what to do and just how much help they needed.

September 9.

After driving through the night we arrived back in Iowa. We are tired and ready to be back in our own homes. The hardship we went through was very minor compared to what all the displaced families were going through. As a team, we all agreed that we would go again and we would do whatever we could to provide assistance to people in need. Hopefully, if there is a next time, there will be better organization and all involved parties will work together.

About 10 a.m. I received a call from the dispatcher in Lake Charles saying he had a trip for us. He was looking for us and wondered where we were. This is a good example of poor management as this was the same person I had signed out with yesterday morning in Lake Charles. What a joke and what a lack of management. I just hope that all of the drivers and coach companies didn't get mad at the system. If they did get upset with the whole system, there might not be enough help the next time.

I would go and help again. It seems like the call to come and help was about two days late. Then when the call went out, too many resources were brought into play and then there was overkill. I do hope to be able to sit down and talk with somebody who evaluates this operation.

Let me say parenthetically that he is going to continue to talk to other people, but he asked me to be part of this communication, to lay out, as he saw it, the problems, in hopes that action will be taken here and at the local responder level and the State level to make sure these things don't happen again.

I am going to say that sentence again that I just was distracted from.

I do hope to be able to sit down and talk with somebody who evaluates this operation.

Someway, somehow, there has to be a method to get operation managers in the right place to guide a mass movement of people as fast as possible. Maybe when this is all over people will have time to look back and make new plans.

The saddest part of this whole experience was the difference of the news media coverage to the real situation. The devastation was huge. The generous helping spirit of the American people was huge. A large number of resources available and there were people willing to provide assistance. Yet, many of these resources were poorly used as the lines of command and communication were poor. We went down to New Orleans to work hard and help. That goal of providing help was not accomplished in my eyes. Yes, we moved about 94 people on our two coaches. However, we only moved those people 100 miles and we spent the rest of our time driving empty as we were moved from place to place. There needs to be a better system of command and coordination.

I am very thankful for this opportunity to go and help, no matter how small the help seemed to be. The people we moved were very thankful and they greatly appreciated the efforts of many. My heart hurts for those people who have lost everything but their lives. I also know that we had the right kind of intentions as we went to help.

I now turn to September 20. I just have 3 more days—no, 6 more days. Anyway, they went back to Iowa and then they were called upon again for an opportunity because of Hurricane Katrina. So September 20:

Once again the call has come for help in the gulf area of LA and TX as hurricane Rita moves into the area. We have the opportunity to provide service again to those in need. The people who have called us, have assured us that there are better plans and communications in place this time. They have told us that lessons were learned from Katrina. This evening we are headed out with two coaches and four drivers. This combination allows us to get to the area in a straight through drive and be ready to work. Our orders call for us to report to a rest stop on 1–49 north of Lafayette, LA. This will be our staging area. Before we leave, we put extra supplies on board, take some food and pack some bedding. We learned from the last time of helping that we might have to spend nights sleeping on the coach. We depart with high hopes and a thankful heart for this opportunity to provide help. The people who called for this help are aware that we can help until Sunday evening. The drivers and coaches need to be back in Iowa for other charter work next Monday.

September 21.

The drive down was interesting and we saw a lot of others headed south with the same purpose in mind. We did encounter a slight problem in southern MS. There is a bug that is called the "love bug" which is bad at this time of the year. We had to make a couple of extra stops to clean the windshields off. These bugs are nasty. Despite the delay we arrived at the staging area about 4:00 pm. The staging area was a rest stop on 1–49 which was closed down for public use. First order of business was to report in and fuel. After fueling, we reported in for duty. The first thing we were told was to get in line and wait for orders. This is sure looking like the Katrina help situation. The old hurry up and wait plan. Fortunately, we had stopped for a good hot meal in Lafayette and were good to go. As the night moved along it appeared that we were going to sit and do nothing.

September 22.

A short night of limited sleep in the seat of the coach. It is difficult to sleep on a coach. Good thing we brought food with us. We were able to save some snack bars for breakfast. About 7:00 am the dispatcher came looking for two coaches. We took the call and headed into Lafayette to help evacuate people from a hospital. At 9:00 am we were loaded with about 18 passengers on each coach. We waited on our orders and we waited and waited. About 1:00 pm a doctor connected with Homeland Security gave us the go ahead. We were part of an escorted convoy moving these people from Lafayette to Monroe, LA. A four hour drive under good conditions. Our passengers had been on the coach since 9:00 am and they were not given any food. A very long day for everybody with no food. All of these people had been moved out of New Orleans before Katrina and now they had to move again. This time they moved from a hospital to a gym on the campus of LA Tech in Monroe. Sure am glad we have an escort as the road is jammed with people moving north. There are no gripes on our part as we are doing the work we came down to do. After unloading the people and helping them get moved into the gym, we took the opportunity to shower in the locker room. That was a refreshing moment. Then the drive back to the staging area. As we watched all the traffic moving north, we assumed we would be assigned a task as soon as we got back. That turned into a bad assumption. Upon our return to the staging area, we refueled and parked in line. Here we go again, another long night on the coach. Sleep. didn't come easy and I went for a walk. As I was walking I noticed some empty parking places near the front of the line. I went back to the coaches and moved us up in the line with the thought that we might get an assignment quicker. We didn't come back down to park in a line and wait.

September 23, 2005.

Hurricane Rita is moving closer to shore. Why are we not moving people? The word among the drivers is that there was a coach accident in TX and things are on hold. This brings up the subject of safety. The majority of the coaches in use are top of the line, with excellent drivers and a great safety record. However, there are some coaches operating with lights out, broken air brakes and other safety related issues. These coaches should be pulled to the side and put out of service until they are repaired. There are more than enough coaches here that are in excellent condition to be used. Poor condition coaches. should not be used. We are in a stressful situation, moving people whose lives are in danger. The coach accident in TX is a tragic deal. I don't know if it could have been avoided.

3:00 am, action at last. Ten coaches have been asked to move to the Baton Rouge airport to move people. We are part of the ten. Upon arrival at the airport we report in. Only, the airport was not expecting us and wonders why we were sent. This brings back bad thoughts of a couple of weeks ago. The airport folks find a place to park us while they determine the next step. We get parked right next to the National Guard base. The Guard asks all the drivers with the ten coaches in for a hot breakfast. This is very welcome and sure beats the snack foods. After breakfast we head back to the coach to nap and rest for whatever the next move might be. By noon the rain has started and Rita is nearing land.

Listening to the radio we hear about people who needed help to get out of the area. Why are we sitting here? At this point it is too late to go to the areas in need as we would arrive at the same time as the hurricane. We can only wonder why.

About 3:00 pm we get orders to move. We are moved to a large building in Baton Rouge and told to park along side the building. The rain is starting to come down hard. The coaches left at the rest stop on 1–49 are being moved further north to get out of harms way. Two FEMA representatives come out of the building and brief us. We are parked right along side the FEMA headquarters. We are at the main command post. Our orders are to stay prepared to move in case the building has to be evacuated. This is hard to believe. We have been assigned directly to the FEMA staff. During our discussion we ask if we can stay in the building tonight as we have been in the motorcoach since reporting for duty. The two staff members tell us they will check on that possibility. We never hear from them the rest of the night. The hurricane hits land near the LA–TX state line. It is no picnic in Baton Rouge. The wind is high and the rain comes down in sheets.

September 24.

With all the wind and the heavy rain it was difficult to get much sleep. It is very hard to believe and understand why we were not allowed to come in the building. It would have been a lot safer inside and there was a floor that was devoted to sleeping quarters. They even had cots for people to use. Yesterday the two staff members had told us we could come in the building and use the showers. When we tried to do this, security would not let us near the building and security would not call the two staff members inside. This is crazy. We are good enough to sit outside during a hurricane to be on call to provide evacuation transportation. Yet, we are treated like criminals when we try to get in to use the showers. On the door there is a sign about a national news conference at 2 p.m. I tell the other three drivers with me that we will receive orders to move before 1:30 p.m.

Sure enough, at 1:30 p.m. we are given orders to move to the staging area at Le Place. The FEMA staff didn't want us parked near the building when the press conference was taking place.

We follow orders and head to Le Place to report in and top off the fuel tanks. There is water everywhere from all the rain. At Le Place we drive through water to report in. Once again the orders are to park and wait. We spend more time driving around empty and waiting for orders than we do working. Nothing is going to happen the rest of today. In the parking area there are city buses from Atlanta, GA. They were asked to come to the area to help move people. Thus far they have done nothing but sit and wait. We said welcome to the crowd.

Nightfall comes with no place to obtain lodging. However, there are a couple of restaurants open in the area and we can get a good meal. We spend our evening talking with other drivers and listening to all of the frustration just sitting around. This frustration builds larger each day as you see resources sitting idle.

September 25.

We are tired and weary from spending the past six nights trying to sleep in the coach. This morning we are able to take a shower at the truck stop. The $9.00 to get a shower is worth every cent.

I sure wouldn't pay it.

After showers, we meet with the drivers of the other eight coaches we were with in Baton Rouge. As we are talking the dispatcher gives us orders to drive into New Orleans. We are going to be moving a National Guard unit out of New Orleans to the area where Rita has gone through.

After taking most of the morning it get organized the unit is ready to move out. We will be bringing up the rear of the convoy: Our route will be I-10 to Lafayette where the unit has been reassigned. I have discovered that these orders were issued at 1 a.m. this morning and it took eight hours for them to move through channels to us and the military. What an amazing chain of command. The commander of the unit fills us in on the route and how to drive in a convoy. The members of the unit are very happy to ride in the air conditioned coach. Upon arrival in Lafayette they set up a command center at an old Service Master store. We have to wait until the command releases us before we can go back to Le Place. The afternoon goes by slowly as we wait to be released from duty. The commander holds us as he sees no reason to be stationed in Lafayette as they have very little damage. Once again, I want to ask who is in charge. About 9 p.m. we are released to go back to Le Place.

Arriving in Le Place we find hundreds of coaches parked and waiting for orders. This brings back all the thoughts about wasteful use of resources. Our time is up; we need to head back to Iowa. I make the arrangements to be released and we head out for home.

September 26

Another long night of driving and we finally get home, a very tired group. This has proved to be another growing experience. Sleeping every night in the motorcoach, only getting one good meal a day, and only having two showers all week. We all learned a lot about ourselves and what we are able to do when needed.

The hardest thing to accept this trip was sitting out the hurricane in the motorcoach. It is very difficult to understand and accept the fact that we were not allowed in the FEMA building during the hurricane. Good enough to be a safety valve, but not good enough to be allowed in the building.

Hopefully, at some point in the future I will have an opportunity to share with the right folks and work with them to improve the system and the way it works as it relates to motorcoaches. Especially in the area of equipment safety and using motorcoaches to move large numbers of people in an emergency.

That is the end of his diary. He ends with a little paragraph that says:

Thoughts of Craig Van Waardhuizen while working through the Katrina and Rita hurricanes in LA. I was lead member of a four member team providing motorcoach service with two motorcoaches. I am a Terminal Manager and Operations Director for Northwest Iowa Transportation, Inc (a motorcoach carrier in Iowa with membership in UMA, ABA and IMG).

Craig Van Waardhuizen.

I thank my friend Craig for sharing his experiences with the people of the Nation through this, but most importantly for the Senate and my Senate colleagues to take this into consideration.

PRAIRIE LAKES RESPONDS TO HURRICANE KATRINA

Mr. GRASSLEY. Mr. President, I have one additional statement in regard to the Katrina situation.

As I said earlier before I read Craig's diary, I am a member of the Prairie Lakes Baptist Church at Cedar Falls, IA. Immediately after Katrina, our church in the following 3 weeks sent three different delegations—in other words, three different teams; a team the first week, a different team the second week, and a different team the third week—to go down to Brookhaven, MS, and help the First Baptist Church in Ocean Springs, MS, in their efforts to feed people who were in need and house people who were in need and do other things.

I have this letter which was sent to the pastor of our church, Pastor John Fuller, from the pastor of the First Baptist Church in Oceans Springs, MS. It says:

Dear Pastor:

I have never had the privilege of meeting you—but I know you because I have experienced the heart of your people. Mark Sherwood, Mike and Denise Goyen, Dalen Grimm, indeed the entire crew from Prairie Lakes Church manifested the heart of Mary, the hands of Martha, the hope of Jesus.

My wife and I count our Iowa volunteers as among the best of the best. They worked hard, they were sensitive to the people's broken hearts, and they were a blessing to our church, especially to my family and me.

It is my desire to come to Iowa, to thank you and your people for the job well done.

Mike Barnett.

I ask unanimous consent to have that statement printed in the RECORD, along with the list of the people from my church who were in teams 1, 2 and 3, as well as an article from the Waterloo Courier which talks about this.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PRAIRIE LAKES RESPONDS TO HURRICANE KATRINA

DEAR PASTOR: I have never had the privilege of meeting you—but I know you because I have experienced the heart of your people. Mark Sherwood, Mike and Denise Goyen, Dalen Grimm, indeed the entire crew from Prairie Lakes Church manifested the heart of Mary, the hands of Martha and the hope of Jesus.

My wife and I count our Iowa volunteers as among the best of the best. They worked hard, they were sensitive to people's broken hearts, and they were a blessing to our church, especially to my family and me.

It is my desire to come to Iowa, to thank you and your people for a job well done.

Sincerely,

MIKE BARNETT,
Pastor of First Baptist Church,
Ocean Springs, MS.

TEAM 1

Mark Badura; Jared Coffin; Steve Coffin; Kellie Dean; Michelle Ford; Adam Graber; Crystal Halverson; Mary Jungling; Nancy Killian; Georgianne Meester; Paul Neal; William Pierce; Mark Sherwood; Jerry Steele; Sara Steele; Andrew Zaug; Randy Zey; and Rob Zey.

TEAM 2

Mackenzie Carlisle; Bret Ford; Ally Fuller; Denise Goyen; Mike Goyen; Pat Haley; Ramon Harp; Holly Hartley; Bethany Pals; Mary Pals; Laney Poyner; Mark Sherwood; Julie Starbeck; Katie Trautmann; Lynn Trautmann; Beth Wion; and Rick Wion.

TEAM 3

Barb Braun; Erica Braun; Mike Campbell; Lori Edgerton; Steve Ephraim; Kelly Erickson; Lyndsey Fabel; Denise Goyen; Mike Goyen; Dalen Grimm; Kimberly Hansen; Jean Johnson; Gayle Kucera; Bailey Leymaster; Jessica Lippold; Aaron Merken; Rebekah Morris; Jeff Norton; Lauren Page; Joel Palmer; Jessie Paulson; Jeremy Sherwood; Mark Sherwood; Dean Smock; Judy Smock; Jenna Wheatly; and Ellie Zieser.

MISSION OF MERCY

CEDAR FALLS CHURCH MEMBERS HELP EVACUEES IN MISSISSIPPI

(By Karen Heinselman)

BROOKHAVEN, MS.—Homeseekers paradise.

That's how Lincoln County residents partial to Brookhaven introduce the southwest Mississippi town to strangers. "It might not look like it, but people like living here," boasted Clifford Britt, manager of the Brookhaven Lincoln County Airport

A 17-person crew from Prairie Lakes Church in Cedar Falls in town to help with hurricane relief hasn't had time to assess Brookhaven's best features. They drove in late Tuesday. They do have a deeper understanding of the disaster they are facing as they share meals and conversation with survivors of Hurricane Katrina.

"All I've talked to have lost everything," said Nancy Killian, 58, of Cedar Falls. "We mingle with them, give hugs when we can."

Located 100 miles north of New Orleans, Brookhaven has been an outpost for some 1,600 people displaced by the hurricane, said Mayor Bob Massingill. Many evacuees have moved on, but hundreds at the city's six shelters still need housing.

One hub of activity is Easthaven Southern Baptist Church, a shelter for 110, although for a time it served more than twice that number. Former Cedar Falls resident Merrill Oster initiated the relationship between Prairie Lakes and Easthaven. He learned of Easthaven's challenge from family members at that church. He called friends in the Cedar Valley who were looking for a way to help.

The population in this town of 12,000 has swelled with survivors and relief workers.

Members of the Indiana National Guard, shouldering M16s, are on hand to keep the peace and lend a hand And then there are the volunteers. Red Cross workers and Christians from Tennessee have moved into Easthaven Baptist Church. And now the Prairie Lakes contingent has arrived.

Prairie Lakes is partnering with Easthaven Baptist Church to help with shelter and a transitional housing project. The Cedar Falls church will send two more teams of volunteers in the next two weeks.

"We kind of answered the call to love people," said Adam Graber, 23, Waterloo.

The warm Mississippi air was thick with humidity and "love bugs" when volunteers started work Wednesday.

Men and women spent hours cutting and raking tall grass at a former trailer home park, preparing the way for 14 travel trailers. The units were purchased by Oster from Ace Fogdall RV.

Oster orchestrated the project Trailers, which will house displaced families, were filled with sheets, pots, pans and other amenities by Prairie Lakes and Cedar Heights Baptist congregations in Cedar Falls in two days.

Kim Oster of Easthaven Baptist, related by marriage to Merrill Oster, said evacuees have brought new life to her church, built specifically eight years ago to serve as a disaster shelter. The joyful but weary servants at Easthaven welcomed help from strangers up north.

"We needed manpower. We really needed people to work," she said.

Trailer lots are rent-free for six months. Organizers hope that is enough time for evacuees to achieve independence. Five homes also are being prepared for family use.

About $157,000 has been raised toward the $300,000 project.

On Wednesday, Cedar Valley and Mississippi volunteers began preparations for sewer, water and electricity at the trailer park. At first, workers had trouble locating the existing water line. Some Iowa jaws dropped as a tall and lanky Mississippi man slowly walked back and forth across the grass. Billy Crider strolled with arms outstretched, hands clutching metal sticks that pulled toward an underground line. The former Entergy Corp. employee was retired for more than 5 years when he was called up by his company to help after the hurricane.

Bystander Ron Williamson, a retired area school teacher and volunteer cook at the shelter, vouched for the accuracy of divining rods before ducking away to cook chicken for the evening meal for evacuees and volunteers.

"I love 'em God bless 'em all," Williamson said.

Volunteers are grateful to understanding employers and teachers for letting them serve in the South, and for the sponsorship of their churches.

Sara, 27, and Jerry Steele, 30, of Lytham, England extended a visit with family in Iowa to make the trek south. Delta Airlines let them delay their travel plans without extra fees. Jared Coffin, 14, is missing class at Hoover Middle School in Waterloo. He finished most of his homework on the 16-hour drive south.

"They need people down here to do things like this. They need people to donate clothes. It's just a matter of getting plugged in," Coffin said "We're going to be here for awhile."

Some Cedar Valley volunteers hoped to spend more time in the shelter's kitchen and were surprised to learn more help was available than expected. Some mentioned trekking further south if the need is greater there, added Steve Coffin, 51, of Cedar Falls.

"We're just getting started," said Mark Sherwood, volunteer coordinator from Cedar Falls. "Every day can be different."

Brookhaven experienced tree damage and power outages but was spared the destruction suffered by her southern neighbors.

"We've been inconvenienced, but their lives have changed," said Massingill the mayor. "People are ready to go back to their homes."

But not everyone can.

Despite what the highway signs near Brookhaven say, Kenner, La, evacuees Herbert Lange and his wife, Cynthia, weren't looking for paradise when they arrived at Easthaven Baptist. They just wanted a safe place to wait for the storm to pass and the water to recede so insurance and property issues can be resolved. Housed in a Sunday school room and fed three times a day, the Langes are convinced they have a little piece of heaven.

HONORING BARBARA GRASSLEY

Mr. GRASSLEY. Mr. President, October is Breast Cancer Month, and I wish to honor my wife, who is an 18-year survivor of breast cancer.

I don't often speak about this, but October is the month to raise money and bring attention to the plight of those who have breast cancer, most often with the idea in mind of adding to research for a cure of breast cancer.

My only opportunity to participate in this, besides a few remarks I make, is the second Saturday of October in Des Moines, IA, they have a 5K to raise money. Sixteen thousand of us participated in that 5K fundraiser in Des Moines, IA. I have nothing to brag about because it took me 28 minutes 6 seconds, but I was glad to have the opportunity to help raise money for the cause.

This morning, I would like to read a speech for my wife Barbara Grassley—today happens to be her 73rd birthday—about her personal challenge with breast cancer. Today is my wife's birthday, and it is fitting that we celebrate her victory over this.

Barbara's story is a familiar one. She had many busy years raising our five children, helping run the family farm, particularly during those years that I was in the State legislature, busy participating in community and church activities, and even at age 50 going back and finishing her BA degree at the University of Northern Iowa. Barbara never worried about her own health. Then one casual visit to do a free cholesterol screening led to a doctor's visit for a physical exam. It was an appointment that changed her life. She was diagnosed with breast cancer. Just 10 days later, she had a modified radical mastectomy at Covenant Hospital in Waterloo. That was 18 years ago.

We are fortunate that her breast cancer was detected early. We know with certainty that early detection can dramatically increase a woman's chance of defeating breast cancer. That is true for women like Barbara who have a family medical history working against them. Parenthetically, I think five out of six of my wife's aunts on her mother's side had breast cancer as well.

The need for routine mammograms cannot be repeated too often. Baseline mammograms and regular screening are key to saving the lives of the thousands of women who develop this disease each year.

As her husband and as a Senator, I follow closely the legislative commitment made to breast cancer research, education, and prevention. I am proud to be cosponsor of the Breast Cancer and Environmental Research Act. This bill before the HELP Committee would allow the Director of the National Institute of Environmental Health Sciences to make grants to develop centers across the country. These centers will help conduct research on the environmental factors that may be related to breast cancer. I hope the HELP Committee will consider this bill as soon as possible.

In the meantime, we must focus our efforts on finding a cure. In the past week, there have been breakthroughs on cancer research. Every day, we get one step closer to overcoming this disease.

This month is Breast Cancer Awareness Month. I hope men and women will take the opportunity to talk to their loved ones about getting a mammogram and preventing breast cancer. I hope we can continue to raise awareness of this disease for the sake of every mother, spouse, sister, daughter, and granddaughter in this world.

I remind people especially of the luck of my wife going to that early detection. She went for just one of these community screenings. She didn't go to the doctor with any idea she would have anything wrong; she just went there and there were some questions raised. Every opportunity you have to take a quick one, if there is something wrong that can lead to the routine mammogram, you should do it because that surely made a difference in my wife's condition at the time. Early detection is so important.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Idaho.

DEFICIT SPENDING AND COST OF KATRINA

Mr. CRAIG. Mr. President, for the last few minutes, I have listened with great interest to the Senator from Iowa reading a diary of the experience of a dedicated volunteer, obviously, to help out with Katrina victims in Louisiana and Mississippi. I found it most fascinating and also most frustrating, as I think the Senator did and certainly the person involved.

I want to also say "happy birthday" to Barbara Grassley. I hope the Senator will communicate that to her. My wife Suzanne and I know Barbara and Chuck well, and I extend a "happy birthday" from the Craig family to Barbara.

While I was home in Idaho this past week, like many of us who were in our home States, I held a series of town meetings across the State. The most often asked question at those open town meeting forums was about deficit spending and the cost of Katrina and the overall concern Idahoans have about Katrina and Katrina victims.

As the Senator from Iowa spoke, it is so true of Idaho and other States across the Nation where tremendous voluntary efforts have poured out in behalf of the citizens of Louisiana, Alabama, Mississippi, and Texas. They have gone through these literally catastrophic experiences of a magnitude that none of us certainly in Idaho have every experienced.

While that concern is real and the voluntary and contributive effort is of a record like none we have ever seen in our country, I truly believe there is a growing concern about the wise and responsible and careful use of the tax dollars. As Idahoans and Americans send their time and their generosity to the South, we are also sending our tax dollars. Clearly we want them spent carefully and wisely.

Prior to the recess, Congress held hearings to examine the fallacies of the response to Hurricane Katrina. There was much criticism—most of it, in part, from the press and some of it not as well-founded as we find out as expressed at the time—about what was done, what could be done, and what should be done appropriately to handle the literally billions of dollars headed south to help the citizens of those States.

In 5 or 10 years I hope we will not be conducting the same backward-looking hearings on how Federal dollars were spent, how waste, fraud, and abuse occurred in the Gulf States, and how it might have been prevented as we are looking backward today to see why the response to Katrina was so mishandled. Instead of looking back, we are now in a position to prevent waste, fraud, and abuse by acting responsibly now to control and offset Government spending. There are numerous ways for Congress to do this, but perhaps it is noteworthy to first talk about the congressional measures that will not, in my opinion, do it appropriately. Senate bill 1766, the Hurricane Katrina Disaster Relief and Economic Recovery Act, known as the Pelican Project, whatever you call the bill, $250 billion of what I have examined and referred to as a pork-stuffed package, costing more than the Louisiana Purchase adjusted for inflation, is not the way to go.

Some of the more noteworthy "relief provisions" in the bill include $8 million for an alligator farm, $25 million for sugarcane research and, of course, the $35 million to restore the seafood industry. At this time, it is questionable whether Federal tax dollars ought to be spent in those categories. However, overshadowing all of that, and what is worse, is the bill's whopping $40 billion requested not by but for the Army Corps of Engineers projects, many of which were unrelated to the flood projects or the flood protection.

To put this in perspective, the overall national Army Corps of Engineers budget for fiscal year 2005 was $4 billion, one-tenth of what was proposed for Louisiana. The Louisiana tradition of overreaching Corps projects makes this request, I guess, a little less surprising.

Take, for example, the Industrial Canal lock navigation project in New Orleans. In 2000, the Corps launched a $750 million lock navigation project on the Industrial Canal in New Orleans, the most expensive single lock project in history. The Corps justified its massive project by predicting barge traffic on the canal would increase when traffic, in fact, was decreasing, and had decreased 50 percent since 1988. Despite the economic and social concerns the project posed, Louisiana consistently welcomed it. The Industrial Canal has received more than $70 million over the last few years. In the 2006 budget, the President provided no funding for the Industrial Canal. However, the House—that is right—and this Senate pumped nearly $15 million into the project.

If we are wondering where the money came from, one of the programs the Senate cut in the same year was the one of the national priority projects. That is, the west bank and vicinity hurricane protection project of New Orleans. We cut that to do something else. Indeed, one of the levees that lined the Industrial Canal failed after Hurricane Katrina hit, inundating the lower Ninth Ward of New Orleans with floodwater. Yet that is where the money was cut to fund the canal itself.

Louisiana has never suffered from a lack of Army Corps funding. Over the last 5 years the State reportedly has received $1.9 billion in Corps funds, far more than any other State. If Hurricane Katrina stood for anything other than Mother Nature's catastrophic power, it is Louisiana, in my opinion, and the catastrophic failure to prioritize public interest projects over what now appears to be pork.

S. 1776 is no different. The bill's working group on Corps response projects was dominated by special interest lobbyists, with one insider reportedly expressing concern that the focus was not on protecting Louisiana. In addition, the bill would exempt any Corps projects from provisions of the National Environmental Policy Act and the Clean Water Act and it would also waive the usual Corps cost-sharing requirements, thus making taxpayers foot the entire bill. At a time of catastrophic emergency, I would be willing to look at something such as that. At the same time, these are material dollars that are going. Clearly, they deserve our oversight.

The taxpayer has already paid, dutifully and dearly, for Katrina relief. Thus far, $62.3 billion in emergency supplemental funding has been authorized for immediate relief and response needs for victims of Katrina. However, the Federal Government's role in disaster relief, as provided by existing law, is only one of support to State and local governments and agencies. The Stafford Act, which provides the statutory framework for Presidential declaration of an emergency or major disaster, explicitly states that Federal resources should supplement, not replace, State and local resources for disaster relief.

We understand the magnitude and we understand, in the case of Mississippi and Louisiana, major wipeouts of a kind we have never seen before. But still, let's not change the laws and the relationships. Let's keep the balance in mind as this Congress decides, and I hope tracks and, most importantly, monitors where those dollars go and how they will be spent.

With an act of supplementary spending also comes the duty of offsetting. Before Hurricane Katrina, the Federal Budget Office projected the 2005 deficit would total $331 billion. The picture, of course, is only bleaker now. Numerous groups have offered comprehensive savings proposals that would offset the massive costs of Katrina relief.

The Republican Study Committee, the Congressional Budget Office, the General Accounting Office, Citizens Against Government Waste, the Cato Institute, American Enterprise, the Heritage Foundation, all have come up with a variety of proposals not to deficit spend all of it but to see some reasonable belt tightening at the Federal level and some—not all—of the disaster relief being able to come out of current budgets.

In addition to these savings proposals, the Senate majority leader recently proposed a rescission package that would rescind unnecessary spending. A few weeks ago, President Bush became directly involved when he called on Congress to enact his proposed cuts in both mandatory and discretionary spending. There is little we can change about Katrina. Yet the focus still seems to be on finding who is responsible for the response or the lack of response. We are always responsible for the health of our Government, for the wise use of hard-earned taxpayer dollars, and for ensuring that America's future generations do not foot the bill for all of the current fiscal recklessness. The spending will be the subject of both public and Government scrutiny for future years, but we can prevent any of the waste or the fraud or abuse of those moneys that will occur or could occur.

That job is now. That is our responsibility as a Congress. I urge my colleagues to work with the Senators from Louisiana and Mississippi. Clearly, the need is real, and no one in any way denies that. But there is a responsibility here, a fundamental responsibility, as we literally send billions upon billions of dollars south to rebuild and reshape and refurbish the economies of those States, that those dollars be spent wisely, that those dollars be spent cautiously, and that no one individual benefit in an extraordinary, abusive, or fraudulent way. That is the responsibility of this Congress that I take most sincerely and I know most of my colleagues do.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I ask unanimous consent to speak in morning business for such time as I may consume.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE TRADE DEFICIT

Mr. DORGAN. Mr. President, my colleagues, Senators ALEXANDER and BINGAMAN, have been to the floor to describe a publication that has now been provided to all 100 Senators. It is by the National Academy of Sciences, the National Academy of Engineering, and the Institute of Medicine, entitled "Rising Above the Gathering Storm, Energizing and Employing America for a Brighter Economic Future." They have spoken about this report with justifiable pride. They did instigate some of the best scientific minds to ask and answer the question: Are we losing our scientific edge and what would it mean if we did and what do we do to get it back?

Part of this country's long-term opportunity and the opportunity to create a middle class in a country with an economy unlike any other in the world has been technology, science, knowledge, and education. The question is: Are we losing our edge? The answer in this report is: Yes, we are. Then it describes a number of ways to put together an approach that would deal with that. While I think this is very helpful, it is the first chapter of a rather lengthy book, the book about what is happening in our country. It reminds me of the movie "How Stella Got Her Groove Back." Has America lost its groove?

This country has done so much. This is the country that split the atom, spliced genes. We have been inventive. We have invented everything: Plastics, the silicon chip, radar. We cured smallpox, polio. We invented the telephone, the computer, television. We built airplanes, learned how to fly them. We built rockets and walked on the moon. Particularly in the last 100 years, America has been extraordinary in what it has done. It is standing on one another's shoulders, looking over the horizon and building and inventing and creating. Has America lost its groove? That is not the title of my remarks, but that was the question that was asked. The answer is in the covers of a lengthy report saying, among other things, we have to change our education system. We have to educate more engineers. It says that the Chinese and the folks from India are educating far more engineers than we are, and that is going to have an impact. We need greater teaching of science in our schools. I don't disagree with any of that. This is a significant contribution to a debate that we should have about new public policy.

But none of this means anything unless we also talk about the conditions under which we are exporting America's jobs and, yes, exporting good jobs, scientific jobs, technical jobs to other countries. If you triple the number of engineers educated in America and then discover that in the country of India you can hire five engineers for every engineer you pay in this country—and we continue to see an exodus of jobs out of this country to two countries, India and China—of what value has been tripling the number of engineers in America?

That brings me to the central point of what I wanted to talk about briefly today, or perhaps not so briefly because it is Friday. Nobody seems to be crowding people here on the floor. What I want to talk about is the issue of international trade and a trade policy that perhaps much more than the issue of losing the edge in science and technology, is injuring this country and pulling the foundation out from under the future of all the kids now in college and high school.

Let me describe some of this with some charts. This is our trade deficit. As you can see, this is a sea of red ink. Year after year we see our trade deficit grows worse and worse. It is now at about $700-plus billion a year. That means for every single day, 7 days a week, every single day we buy $2 billion more in goods from other countries than we sell. That means, at the end of the year, we have a trade deficit. This year we expect a trade deficit of about $750 billion. Add to that the roughly $550 billion in fiscal policy budget deficits—that is the amount that the Federal debt increased in the last year—and you are talking about a Federal indebtedness of $1.2 trillion. You would think that people would have an apoplectic seizure about that, understanding its consequences. But we just snore through it all, having pleasant dreams and a soft, little sleep. Nobody seems to care much. You would at least think that those people who are self-defined conservatives, wearing flinty gray suits and steel rim glasses and having the banker impetus that conservatives used to have, would say: This has to stop. A country can't run a $1.2 trillion indebtedness and expect to have a better future. But there is dead silence.

The only people who talk about this portion of the deficit are Fritz Hollings—he sat here. He is gone. Fritz left—I have been out here. Senator BYRD has from time to time. Otherwise, there is vast silence.

I want to talk through some of this. I want to tell you about the trade deficit with China because this is almost one-third of our deficit. It is unbelievable what has happened with respect to our bilateral trade relationship with China. I want to also talk to you about China and trade agreements because I think it is at the root of where we are headed. Automobile trade with China is interesting. "Here Come the Really Cheap Cars," says Time magazine.

> Chinese pirate companies have long been accused of illegally copying easy stuff such as shoe polish and digital movies. Now General Motors says a Chinese firm knocked off an entire vehicle—and Americans could soon start buying its cars.

Let me tell you a story about Chinese cars. We have this giant trade deficit with China. We have massive numbers of jobs, this giant sucking sound of American jobs rushing to China, to Bangladesh and Indonesia and Mexico but especially China. We negotiate a trade deal with China. This gets to the root of my contention that our trade negotiators are basically incompetent. I don't say that lightly. I say it because it is true. Let me describe the bilateral automobile provisions of trade with China that our country negotiated. We negotiated a bilateral deal and we said: By the way, with respect to the sale and movement of automobiles between China and the United States, here is what we will agree to. We will agree that after a phase-in, any U.S. cars that are sold in China, you can impose a 25-percent tariff on the cars we want to sell in China. And the United States, we will impose a 2.5-percent tariff on Chinese cars you want to move here.

Our negotiators said to a country with which we have a huge trade deficit: You can impose a tariff that is 10 times higher on American cars we want to sell in China than on Chinese cars they want to sell in America.

Why on Earth would someone agree to that? It is fundamentally unsound. It doesn't make any sense. China has nearly 1.4 billion people. They have 20 million automobiles on the roads. By the year 2020, they will have 120 million cars on the road. That means in the next 15 years, they will add 100 million cars. I can talk about the consequences for oil and energy issues with respect to that, but here is a market with 1.4 billion people for 100 million additional cars in the next 15 years. It is a country with which we have a large deficit. Our country has said to them: By the way, you charge a tariff that is 10 times higher on U.S. cars we try to sell in China than we will charge on Chinese cars to the United States.

Whoever negotiated that is incompetent and ought to be thrown out of Government immediately. But we can't figure out who did that, so that is what stands.

Here is what is happening on the other side. In China, there is a company called Chery. That is one letter away from Chevy. The Chery company is producing a car called the QQ. The QQ is a car that General Motors says is a rip-off of the production designs, right down to the details, of a car that General Motors was building. So General Motors says the Chinese company has stolen the production design blueprints for a car they now call the QQ.

What are the Chinese about to do? They are about to ramp up a significant automobile export industry, presumably including the QQ, which General Motors says was stolen from them, and we will see Chinese cars on the streets of this country coming in with tariffs one-tenth the rate of the tariffs if we were to try to sell U.S. cars in China—not that there is a big market for U.S. cars in China because China isn't interested in buying too much in terms of American products.

Here is what is happening with respect to bilateral automobile trade with China. It is unbelievably inept for this country to allow this to happen. We should not negotiate trade agreements with countries with which we have a huge deficit and say: Here is another big advantage to sucking jobs out of our country and putting those jobs in China. That makes no sense at all.

The report I referenced a bit ago is a report that talks about science and technology. But it doesn't include the other discussions about the conditions of production around the world. The production, for example, in countries such as Bangladesh and others in which children are employed, in some cases in slavelike conditions, locked behind factory doors, working 14 hours a day, 7 days a week. Those are the conditions of production in some areas that U.S. workers are told to compete against. And to the U.S. workers: If you can't compete, you are going to get fired.

Let me describe some examples of that. I have described this at great length because it is such a perfect one, but there are many others. This is Huffy bicycles. Again, I guess repetition is important. Huffy bicycles, they are not made here anymore. They were made by folks from Ohio. They all got fired. They got fired because they were making $11 an hour making Huffy bicycles, $11 an hour plus benefits. But that was way too much money, according to the company. So these are all now made in China. You can buy them at Wal-Mart and Sears and Kmart. But they are not American bikes. They are Chinese bikes. As an aside, the company Huffy has declared bankruptcy so that the people who used to work for Huffy will not get their pensions that were guaranteed by Huffy, and now the American taxpayer, through the Pension Benefit Guaranty Corporation, will be picking up that cost.

Here is what happened to Huffy. These people that made Huffy bicycles were making an honest living, enjoyed their work, did a good job, by all accounts. But now they were replaced. They were fired. The new employees make 33 cents an hour producing these bicycles in China. They work 7 days a week, and they work 12 to 14 hours a day. That is how your Huffy bike is produced. The folks who worked in Ohio are having to find other things to do because they made way too much money, $11 an hour.

We built this country believing that the middle class ought to be able to rise up and get educated and find a good job and be paid well. Now we are told that is a disadvantage. If you are paid well, the company says: Employing you is a huge disadvantage to us. We would sooner employ somebody whom we can pay 33 cents an hour. So we have Huffy bicycles. People say: That is manufacturing. We are going to lose those jobs because it is going to go to people in Bangladesh or China or other areas.

This is a Palm pilot. The last note on that Palm pilot was from a wonderful young woman who did everything you should do. She was an African-American woman who got advanced degrees and did everything one should do. She went into the job market and found a job in Silicon Valley in technology working on the Palm Pilot. But her last job dealing with the Palm Pilot was to train the person from India who was going to take her job. That is right. They brought the replacement over, and then they sent her to India to train the replacement.

Here is what she said on her Palm Pilot on her last day of work, this woman who did a good job, advanced college degrees, did everything you should do. The last message was: "My job's gone to India." Why? Because they could hire folks there for a fraction of the cost. It is about driving down wages. It is about profit, and it is about not caring about American workers.

The message is, if you are making $11 an hour building bicycles or you are working at Palm pilot, you are making too much. You should be paid Chinese wages. Or wages in India or Sri Lanka or Bangladesh.

Samsonite. Most of us have packed for trips with Samsonite. They sent 1,000 U.S. workers packing. Those jobs went to Mexico. Then when Mexican labor got too expensive, they sent those jobs to China and to Vietnam.

We have all seen the Maytag repairman on television waiting for something to do. Apparently he waited too long: 1,600 Maytag U.S. jobs gone to Mexico and then Korea.

Fruit of the Loom. We all have seen these television commercials when they get three guys to dress up—kind of goofy guys dressed up like red grapes, green grapes, and even an apple. Fruit of the Loom guys, 3,200 jobs gone.

I know on the day it happened, it was in the Washington Post that they were shutting down all their factories. I said it is one thing to lose your shirt, but Fruit of the Loom is gone, now we've lost our shorts.

The list, of course, is an endless list. The example I have used before is Fig Newton cookies. That was an all-American cookie. Now, if you want Mexican food, go to Monterey, Mexico, because that is where they make Fig Newton cookies.

Etch-a-Sketch? We have all played Etch-a-Sketch. Wal-Mart decided that Etch-a-Sketch had to be sold for under $10, $9.99. Therefore the Etch-a-Sketch company had to move to China to hire Chinese workers in order to keep Etch-a-Sketch at $9.99. All those workers lost their jobs. The list is almost endless. They don't make one pair of Levis in America. What is more American than a pair of Levis, except they don't make one pair of Levis in America. Gone; they are all gone.

We have all these people sitting around in this Chamber who voted for all these trade agreements—NAFTA, CAFTA, SHAFTA. We have all these acronyms for trade agreements. We have people who voted for all of them. Why? Because they think it is free trade and free trade is what leads to prosperity in our country.

The question is, when you have the examples I have used with respect to trade deficits, one wonders how anyone can take a look at this and continue down the same road. If this is what this trade philosophy buys us, how can we continue it? Who will have the jobs in this country? Where will the jobs exist that produce a middle class and sustain a middle class with people coming out of college and high school expecting to find decent jobs when those jobs are being moved elsewhere at a record pace?

If they say to you, No, this is about producing factory products, pencils and erasers, it is not true. We are now seeing medical technology jobs going elsewhere. We are seeing engineering jobs go elsewhere. We are seeing technology jobs going elsewhere.

IBM, Big Blue, General Motors. General Motors had a meeting that was little reported, but it was a meeting that was held in Detroit. It was on April 7, 2005. A man named Beau Anderson, who is the top purchasing agent for General Motors, called together all the top suppliers to General Motors. He told 380 executives from those suppliers that General Motors has to cut costs and you ought to consider building your car parts in China.

The effect of that, of course, is General Motors saying to their suppliers: We want your jobs to go to China. Why? To save money and cut costs. It was interesting that 2 months after that, General Motors announced a plan to cut 25,000 jobs. At the same time, they move out their biggest selling brand on television and wave the American Flag and say: This is an American revolution. No, it is not an American revolution, not if you are telling all your suppliers to move American jobs to China. That is not an American revolution.

Or what about Big Blue, IBM, a good American company? These are all good companies. It is just that the culture has changed. I wonder if they say the Pledge of Allegiance in the boardroom because their fealty is to the stockholders and profits and not so much caring about American jobs.

IBM officials Harry Newman and Tom Lynch were in the process of laying off 13,000 U.S. workers and also some workers in Europe and hiring 14,000 workers at the same time in India. Here is an excerpt of the presentation the two IBM officials made. They said:

> The good news is, we have not been cited in the press for a lot of what we are doing here. A couple of years ago, we went to Mexico with our PC—

That is personal computer—

> business as a cheap source of labor. Now Mexico doesn't look as cheap as some other markets.

And then they say to the managers how to break the news to the IBM employees who will be laid off:

> Don't be transparent regarding the purpose or the intent. The terms "onshore" and "offshore" should never be used.

In other words, they wanted to get rid of these American employees but did not want to talk straight to them. And, oh, yes, the last thing they said in their memo to IBM employees is: Workers should be told as they are laid off, so they can hire these engineers in India, that this action in no way is a comment on the excellent work they have done over the years.

Really? I thought if you did good work, if you contributed to the company's interests that you probably would not be someone who is fired or lose your job. In 2003, the Washington Post reported that more than one-half of all Fortune 500 companies were outsourcing software development overseas. One-half of the Fortune 500 companies are now moving software development jobs overseas.

Let me talk for a moment about the reason that many companies are finding it advantageous to pole-vault from the United States to other countries and employ these workers. You can employ workers without the restrictions you have in our country. If you want to open a manufacturing plant in China or Bangladesh, for example, you do not have to worry about these things that are a nuisance here, such as the minimum wage. There is no minimum wage, or at least not any that is adhered to. You don't have to worry about worker safety. You don't have to worry about working in a safe work plant, about dumping chemicals into the air or water, and, by the way, you sure don't have to worry about somebody joining a labor union. You can fire them or, better yet, jail them, according to the Chinese authorities.

I can offer some examples of the names of people who are now sitting in Chinese jails. What was their transgression? Trying to organize workers to decide they should not have to work 7 days a week, 12, 14 hours a day for 30, 40, and 50 cents an hour. They tried to organize those workers and now they find themselves in Chinese prisons.

We have been through all of that in this country. This is not something that is new to us. We, for a century, worked through these issues. Most people won't know of James Fyler. James Fyler, I once said, died of acute lead poisoning. I should not have done that. He was shot 54 times. James Fyler was shot 54 times. You know what he was doing? He was leading a labor strike in 1914 of coal miners objecting to working conditions, compensation, and hours. It is not just James Fyler who lost his life. Children working in the silk mills in Patterson, NJ, what was their demand? Eleven-hour days and 6-day workweeks. That is what they wanted. They wanted a 6-day workweek with 11 hours a day. That is what the kids wanted in Patterson, NJ.

In 1877, 10 coal miners were hanged in Pennsylvania. In 1903, Mary Harris Jones led a strike to demand a 55-hour workweek. In 1911, a fire at the Triangle Shirt Waste Company killed 147 people—women and mostly young girls locked in a 10-story building in sweatshop conditions. So we have been through all of this. In 1932, five U.S. autoworkers were beaten to death in Dearborn, MI, by Michigan police and goons when they went on a hunger march against Ford Motor.

We have been through all of this. Our country decided that in America we want to have child labor laws, we want to have fair wages, we believe that workers contribute to a company, we believe people ought to have a right to organize, and we believe workers ought to have the right to work in a safe workplace. We have been through it all. And now the way to avoid all of that is to fire your American workers and move the jobs to China or some other country.

In fact, unbelievably—and I will not name all the names today, although I should; I am writing a book at the moment and I will name all the names in the book—unbelievably, this Senate supports a tax provision that rewards companies that shut down their American manufacturing plants and move jobs overseas. We voted on that, I believe, four times on amendments I offered. I have lost all four of the amendments. On all four occasions, this Senate has expressed itself by saying, We believe it is appropriate to provide tax incentives to American companies that shut down their American plants, get rid of their American workers, and move the jobs overseas. That is unbelievable to me, but it is true, and all the names of the folks who voted that way—they know who they are—we will vote on it again, and we will continue to pay for it, we will reward it.

The question is what kind of a country is going to exist here 5 and 10 years from now as this line of dramatic increases in red ink continues.

One of the interesting characters I have met in my life is Warren Buffett, the second richest man in the world. He lives in Omaha, NE. He is as plain as an old shoe. I am sure he doesn't mind me saying that. He is the second richest man in the world, and you wouldn't know it. I don't know how you act as the second richest man in the world. Whatever it is, he doesn't act it. He is an interesting, provocative thinker.

What does he say about all this? Warren Buffett is one of the few major business figures in this country who says this is nuts; this is dangerous. He said we are heading toward a sharecropper society in this country in which other countries own the assets of America because every single day $2 billion goes to some other country. We buy $2 billion more from those countries than we sell to those countries. They hold American assets with which they can buy American stocks and bonds, and they can buy American real estate.

We are selling America piece by piece, and Warren Buffett is the only business leader I am aware of who speaks out on this subject, I am sure at some displeasure of other business leaders in this country.

I know some will listen to all of this and say it is the same old anticorporation rant. I want corporations to do well. I recognize big isn't always bad and small isn't always beautiful. You are not going to build a 757 airplane in a garage someplace in a small town. We need economies of scale. We do need larger enterprises for that. But I also believe there ought to be some courage to stand up for the economic interests of this country and, once it is decided the gate is open for companies to decide anywhere in the world they want to hire workers for pennies on the hour and get rid of their American workers, we ought to understand the consequences of that for our country.

The solution is not to train triple or quadruple the number of engineers in our country. While I would think that is probably a useful thing, that does not solve our problem. Having trained engineers who are unemployed is relatively worthless. What we need are trade agreements that stand up for our country's economic interests and, regrettably, those trade agreements at this point don't exist.

I wish to point out that nobody wants to talk about these issues, least of all the Labor Department. This is from the Associated Press. It says, "Labor Department Withholds Trade Reports." And just before we voted on the Central American free trade agreement, the Department of Labor, we discover, had kept secret for more than a year Government-commissioned studies that supported those of us who were opponents of this new trade deal. It talks about the fact that in the Central American countries there are just horrible labor conditions.

I wanted to show you a picture that shows the face of Central American labor. This is a young—I believe this boy is 11 years old in the sugarcane field in Honduras in this particular case. That is the face of labor in Central America.

The report in question was kept secret by the Department of Labor for a year. Why? Because they didn't want those of us in the Chamber who opposed the Central American free trade agreement to have that information.

If you wonder what the face of unfair trade looks like, this is an example. These are teenage girls whose hands are bound by ropes. I believe this is in Bangladesh. These pictures were taken by a journalist who was there. These young girls raised some objections to the working conditions in their factory in Bangladesh. The working conditions were unbelievable: 12- to 14-hour days, 7 days a week. And so they decided to protest. These are young kids who are held virtually captive. By the way, the product of their work comes to the United States and Europe for sale.

But let me show you the rest of the photographs that have been taken in Bangladesh. Here is a young woman shot in the stomach, part of the same group. Here are the pictures by the same photographer of the beatings.

What is this all about? It is about young kids, kids as young as 10 and 12 years old being put in factories in intolerable conditions working 12, 14 hours a day, 7 days a week without a break saying, Wait a second, this is killing us. And what is the result? The result is a trained police force comes in and decides to beat them mercilessly.

That picture is self-explanatory. That man is dead, shot dead because he believed that those labor conditions were intolerable and believed people ought to have a right to some self-determination.

We talk a lot about freedom these days. What about the freedom for these kids in Bangladesh? What about some knowledge by American consumers about the conditions of production for all these cheap products? It is something nobody wants to talk much about, but it is something one of these days this Congress and this country are going to have to deal with.

This economy is not doing well. Most of us know that. Oh, there was a spurt of some income-tax receipts and the spurt of those income-tax receipts recently was caused by a perverse business decision by this Congress, and those who voted for that will know of that as well. That decision was, let's decide for all those companies that have moved their jobs overseas and that are making money overseas move to America at some point and repatriate their profit and pay taxes, let's decide for them that we will give them a 5¼-percent tax rate. Nobody else in the country has that. Nobody. But for those who moved their jobs overseas and they repatriate their income, we will let them pay 5¼ rather than 35 percent.

What about my Uncle Harold? Why shouldn't he pay 5¼ percent? Why shouldn't the rest of the people pay 5¼ percent income tax? No, that wasn't good enough for all Americans, just the big interests that moved their jobs overseas.

I didn't support it. I thought it was outrageous, unbelievable to do this, but this Congress did it. It is pretty accommodating to big economic interests, and so we had votes and I voted against it; many voted for it. And so we have had a repatriation of income and had some small increase in income tax because of that. That is temporary. So now people say, Well, the deficit is less this year than last year. This year is still the third highest deficit in the history of this country. And it is going higher. It was less this year because of this perversion of rewarding companies that moved their jobs overseas. In fact, the Federal debt increased in the last year by over a half a trillion dollars. The trade debt increased, or will increase, this year by over $700 billion. That is $1.2 trillion in total indebtedness. We are way off track, just way off track.

Is there alarm or concern about it? No, not really I guess. We get hit with a hurricane. Well, the payment for that is very much like the war in Iraq. We get a budget from the President at the start of the year and it says, OK, we are in Iraq, we have 140,000 American troops in Iraq, it is costing a great deal of money, it is costing about $5 to $6 billion a month in Iraq and Afghanistan and guess what, my budget requests zero funding for it. Zero. This wouldn't pass eighth grade arithmetic.

So now every year the President sends us a budget with zero funding. So OK, we pass a budget because we understand later on the President will come back to this Chamber and say, oh, by the way, there is another expenditure to be approved outside the budget for emergency funding. It can add to the debt and nobody should care about that. And so then we get an emergency funding request for $50 billion, $40 billion, $70 billion, and that is the way it goes. No one is willing to stare truth in the face. But we are in significant trouble here, headed toward a result that is not a good result for this country.

The question for all of us is, When will we be straight? When will this Congress and this President be straight with the American people? Being straight with the American people means to get the fiscal house in order and to solve this trade mess. If we don't, we are burdening our kids with massive amounts of debt, unparalleled in the history of this country.

Is there evidence that the President is interested in this? No. Very little, very little at all. Is there evidence that Congress wants to deal with this?

Well, it is interesting. You go back to the year 2001 when the expectation was there had been a turnaround, things were looking better, not necessarily with respect to trade but with respect to the budget, we were going to have surpluses and all of a sudden the prediction was surpluses for 10 straight years and the President said to the Congress: You know what the predictions are for 10 straight years. Let's provide really big tax cuts. Some of us said: You know, maybe that is not the conservative way. Maybe we should be conservative. What if something happens? What if the surpluses don't materialize? The expectation of surpluses for 10 years, what if they are not there? What if something happens? Oh, don't worry, be happy, let's have big tax cuts.

And so those who got the biggest tax cuts were those with the biggest income. If you were a millionaire, I am telling you, in 2001 you should have had a lot of celebrating to do because you got the largest tax cuts you had ever seen.

So we had tax cuts and then all of a sudden we have a recession. Then we have a war in Afghanistan. We have the terrorist attack of 9/11, a war in Afghanistan, a war in Iraq. Then we have the proposed surpluses turning to big deficits, following which we have massive natural disasters. Now we have continuing costs of $5 to $6 billion a month in Iraq and Afghanistan and we have been hit with Hurricane Katrina and Hurricane Rita. The President says we can deal with all that.

If we just took back the tax cuts for those with over $1 million a year in income, just that, and should probably do it this afternoon, if we just took back the tax cuts, the tax cuts given to those with a million a year or more of income, we would raise about $32 billion a year.

Use that to reduce the deficit. I am for that. Is that picking on millionaires? No. They have the highest growth in income in the last decade. They didn't need a tax cut, especially a tax cut that we have charged and added to the debt because the surplus didn't exist.

But, Mr. President, we cannot possibly begin to put this country back on track unless we address both issues of the fiscal policy that is dangerously off track and a trade policy that is not only incompetent and "fundamentally dumb" with people chanting on street corners about free trade when the evidence is all around us that has abysmally failed. If we don't address these things, we don't have much of an economic future.

There is not a Republican or Democratic way to address them. There is a right and a wrong way to address them. And you can't start until the country has the will, until the Congress and the President have the will and exhibit the leadership to address them.

McCullough spoke about John Adams in that book "John Adams" as they were trying to put this new country together. Adams is traveling a lot, especially in Europe, and he writes to Abigail. And that is why we know a lot about John Adams. Back then he would say to Abigail as he was traveling: From where will the leadership come? Where will the leadership come from to help form this new country of ours? Where will the leadership emerge?

Then in a later letter he would sort of say lamentingly, there is really only us to provide the leadership. There is just us. There is me; there is George Washington; there is Thomas Jefferson; there is Ben Franklin; there is Mason; there is Madison. Well, in the rearview mirror of history they were only a few of some of the great talent in human history who framed quite a remarkable country and a Constitution that says "we the people."

But every generation of Americans has to ask the same question: From where will the leadership come? Who will emerge as the leaders to help put this on track? That is especially the case now. Who will emerge as the leaders to begin standing up for the economic interests of this country and to say that we can't continue these kinds of trade deficits, we can't continue shipping good American jobs overseas because people who make $11 an hour are paid too much? Where will the middle class in America be? Will we have a middle class if $11 an hour is the wage that is too high? Are we going to be willing to stand up for the economic interests for our country? Are our trade policies designed to raise other countries or push our country down? The answer to that, quite clearly, is push down wages and opportunities.

You read every day in your local newspapers about what is happening to pensions and benefits for workers across this country and, for that matter, wages.

If I might close with just the Palm Pilot message from the young woman from Silicon Valley, I think it says it all. I mean you lose your job in this country. You go to school; you get an education; you go to work for a technology company; you build Palm Pilots, help design them; and the last message on this young woman's Palm Pilot was "My job's gone to India." Guess what. She trained her successor as well. That is what the company required her to do at her last job. So the next time people say it is only about manufacturing jobs and it is really advantageous for us if we can find someone to make shoes and shirts and pants and clothes and trinkets and trousers in China or Bangladesh because it is cheaper for us to go to a big box retailer and pay that money, when they say that, understand it is not just about those jobs. Yes, it is jobs, but it is about jobs going to India and somebody who made Palm Pilots. It is about engineers going to India. It is about a massive loss of American jobs, 3 million in the last 4 years, and much, much more to come, given the trade agreements we have had and given the trade agreements that are now being negotiated.

I have one last point. Right now Ambassador Portman is negotiating a new trade deal in a place called Doha. I am assuming they are negotiating in Doha because they can't do it in New York or Paris or London or places such as that; the streets would be full of demonstrators because people are fed up with these kinds of agreements. So they are negotiating in Doha behind closed doors in secret and our negotiator has, in my judgment, just put a cherry on top of whipped cream on the sundae here in terms of incompetency. He said everything is on the table.

That means for everybody who is unfairly dumping in our country, we are willing to trade it away; it is on the table as they trade away our antidumping laws. That is the protection we are supposed to have in trade law against those who would commit unfair trade practices against us. We are willing to trade that away, the antidumping and the countervailing duties. It is all on the table.

This is unbelievable to me. This country needs a spine, a backbone, and a willingness to stand up for its own economic interests, and this has now been the case for some long while.

Mr. President, I will again offer amendments dealing with trade. I will offer the amendment which has been defeated now four times that rewards tax breaks, companies that ship American jobs overseas and hope, perhaps, that if not enough see the light perhaps more will feel the heat. One day perhaps there will be a majority who will step forward to stop this insidious practice to provide tax breaks for companies that ship American jobs overseas. If we can't take the first baby step, there is little hope to keep good jobs in this county.

Mr. President, I yield the floor.

The ACTING PRESIDENT PRO TEMPORE. The Senator from Ohio.

HONORING OUR ARMED FORCES

ARMY PRIVATE FIRST CLASS KENNETH C. SOUSLIN

Mr. DEWINE. Mr. President, I rise today to pay tribute to a young soldier who was taken from us far too soon. Army pfc Kenneth C. Souslin from Lexington, OH, lost his life on December 15, 2003, while serving our Nation in Iraq. He was 21 years old at the time of his death.

Kenneth—Kacey to his family and friends—was born on October 10, 1982, to loving parents, Kenneth and Cecelia. Growing up as the youngest of five boys, he quickly learned the importance of developing his own identity—and it was one of fearlessness, dedication, duty, and compassion. From a young age, he was devoted to his family and to his faith. Sean Davis, who knew Kacey since the 5th grade, remembers how he would sprint across the cafeteria to give his mom a hug whenever she came to their school.

At Lexington High School, Kacey was well-liked by all. His father said that Kacey "did not know an enemy. He was outgoing . . . not scared of anything." As a member of the drama club, he acted in several plays, including "Second Chance" and "Country Gothic." Drama teacher, Ray Gerrell remembers how well Kacey performed, despite a speech impediment. He said that Kacey "did wonderfully. . . . He gave 100 percent."

Though he loved being on the stage, Kacey also had a shy side. English teacher, Sally Giefer, considers Kacey's Junior Prom as one of her favorite memories of him. She recalls this about that dance:

> [Kacey] was so shy. He hid in the bathroom for 45 minutes. I had his friends get him out and told him that we needed to dance. He replied that he didn't know how and I said that there are no rules to dancing and we went and had fun. The next year, Kacey had grown so much. He asked my husband for permission to dance with me.

Following high school graduation, Kacey enlisted in the U.S. Army to see the world, experience new cultures, and meet new people—all while earning money for college. His family had already taught him the value of service through their own selfless examples. Kacey's father served in the U.S. Air Force in Thailand, and his brother, Bryant, served for 4 years in the Navy and then enlisted in the Air Force Reserves.

Kacey reported to boot camp at Fort Gordon, GA. There, he never complained and was known as a hard worker. Lexington High School Principal, Jim Goode, recalls that when Kacey returned with his recruiter to the high school wearing his Army uniform, he was full of confidence. Kacey gave him such a firm handshake that afterward, he had to pull his fingers apart.

Kacey was assigned to the 440th Signal Battalion, 22nd Signal Brigade, V Corps, stationed in Darmstadt, Germany. He arrived in Iraq in September 2003 and was stationed north of Baghdad.

Army Private First Class Souslin loved to serve and defend our Nation.

He was a good soldier.

He was a proud soldier.

He was a dedicated soldier.

Soon after Kacey's death, Sergeant Jan Wendling of the Mansfield, OH, Police Department, wrote a letter to the Editor of the Mansfield News Journal newspaper expressing condolences to his family and friends and to remind us all about the gratitude we owe to all the men and women serving in our military. The following is an excerpt from that letter:

> My heart sank when I read about PFC Kenneth Souslin losing his life in Iraq. . . . The suffering that families must endure for the rest of their lives is very seldom felt by the average citizen, and they are often forgotten. Let us never forget the sacrifices that our men and women in the armed forces and their families make for us every day. When you see a serviceman or woman, thank them for the unselfish job they do for us. Let them know that the work they do is very important to all our lives. Most of all pray that they will all return to their loved ones safely.

Indeed, Sergeant Wendling is right. We have an obligation to support and honor all of our service members—those who are with us and those who have given the ultimate sacrifice. Kacey Souslin served so that our world could be a better place. He served so that we could be protected so that our children and grandchildren can feel safe.

Kacey put everything he had into his service. One Internet tribute honoring him, comrade David Sanders wrote the following:

> It's been [a while] and still Souslin comes into my thoughts daily. I was in the 440th with him in Germany. In Iraq, he used to come by my work area every morning on his way to work. There are no words to describe the love he had for his fellow soldiers. He truly was a wonderful friend, confidant, and soldier.

Army Specialist Sean Page echoed these same sentiments when he wrote this:

> I am a soldier. I knew Kenneth because I am in the same company that he was in. I slept in the very tent that he slept in. I am writing this message to both offer my condolences and to honor his memory. Kenneth, whom we knew as "hot sauce," was a good man and a good soldier. His loss will be felt within [the] 440th for a long time to come.

Kacey Souslin was a good natured, daring, committed, outgoing, and reliable young man, who served our Nation with honor. As the Lexington, OH, community mourned for Kacey at the memorial service held in his honor, Reverend John Sgro offered the following consoling words:

> [Kacey's] life has touched a part of all of our lives. In the midst of bullets and bombs, in the midst of hate and evil, we can have a peace.

Though Kacey Souslin left this Earth far too soon, he had a very positive impact on countless lives in his all-too-brief 21 years with us. He continues to live on in the hearts and minds of his family and all those who were lucky enough to know him.

My wife Fran and I keep Kacey and his parents and his brothers Joshua, Adam, Bryant, and Robert in our thoughts and in our prayers.

MARINE LANCE CORPORAL ANDREW NOWACKI

Mr. PRESIDENT. I rise today to pay tribute to an exemplary soldier and an outstanding young man. Marine LCpl Andrew Nowacki, from South Euclid, OH, was killed in Iraq when a roadside bomb struck his Humvee on the afternoon of February 26, 2005, just south of Baghdad. He was 24 years old.

Andrew—Andy to his family and friends—served the public and protected the peace in two nations separated by time, distance and circumstance. As a police officer with the Grand River Police Department in Ohio, and as a Marine serving in Iraq, Andy dedicated his life to helping his fellow man. It was his calling. And, he was remarkably good at it.

Andy was in harm's way on that Saturday afternoon in February precisely because he had earned the trust and respect of his fellow Marines. Andy's commanding officer, Sergeant Paul A. Shook, explained in a letter to Andy's parents:

> I picked Andy to be my gunner. . . . Andy's job was very difficult compared to that of other gunners because he was more exposed than most of them. I needed someone I could trust, who wouldn't hesitate at any moment to offer the protection we needed. Andy was that Marine. I felt very safe having him watching over me, and I never questioned his judgment. . . . I thank God that Andy was in my life and . . . for the rare privilege to have put my safety in his hands.

It has been said that challenges don't build character, but, rather, that they reveal it. This certainly was the case for Andy. Andy's character was forged in Ohio with the love and support of his family. The challenges he faced abroad in Iraq simply revealed the core of this courageous, loving and, above all, joyful young man.

Andy was the youngest of three boys. His parents, Sheila and Denis Nowacki raised him to honor God and country through his actions. Even as a small child, Andy demonstrated selfless concern for the welfare of others. As his mother, Sheila remembers, "Even as a kid, he never cared what he got for Christmas. He was happier picking the perfect gift for other people."

His father Denis recalls that Andy followed a simple rule: Try and do something kind for someone else everyday. Always smiling, always happy, full of his totally original sense of humor, Andy inspired family and friends. He lived life joyfully and that joy was contagious.

Andy graduated from Brush High School in Lyndhurst, OH, in 1998, and enlisted in the Marine Corps Reserve the next fall. Andy's first experience in the Marines prepared him for the next chapter in his life—his time as a police officer. Andy wanted to work in law enforcement so that he could help others. And, as Andy's older brother, Nathan, remembers, "He told me he had become a police officer to reward the good and punish the bad." In 2000, Andy joined the Grand River Police Department. He worked 3 years as 1 of 31 Grand River officers and, during that time, he became part of a brotherhood that would never forget him.

Andy's work as a police officer required empathy and compassion—something that Andy had in spades. Robert Antonelli, the Grand River Chief of Police and the man who hired Andy, reflected on what made Andy so good at his job. This is what he said:

> Every time he had to work the road, Andy would treat every call as unique. He was able to adjust to help a little girl, or [help] a child off a school bus, or handle a domestic violence [situation]. The outcome would always be positive. He could be passionate when he had to be. If he had to put the law down, he put the law down. But, he always put that smile on his face. I am honored that he was part of the family we have. Only a policeman understands about other policemen. We're brothers in blue. He was family to us.

Andy's dad remembers the way that Andy thought of his job: "He thought it wasn't his job to hurt people. It was his job to educate. He was a man's man and a cop's cop. He delivered the courage of his convictions." An avid outdoorsman and animal lover, Andy loved to work on bike patrol. Outside, close to the people he was serving. Andy had the opportunity to touch the lives of so many in his small village of 345 people. He loved the weekly dinners at Chief Antonelli's house. He loved working with his brothers in blue.

In the village hall in Grand River, which houses the police station, a display celebrates Andy's service. His silver police badge, No. 15, still gleams alongside his starched uniform hat and still-crisp bike patrol t-shirt and dozens of photographs.

By 2003, as the conflict in Iraq escalated, Andy—again compelled by his compassion for others—answered the Marines' call to serve. Andy was in Iraq for 9 months in 2003, and returned in September 2004, when his obligation to the Reserve was almost over. During his first 6 months in Iraq, he had already suffered injuries to his right arm after a truck he was riding in suddenly blew up. But, in spite of his experiences and injuries, the images that he brought back from the war zone were those of life, not death.

His mother remembers that "Andy was one of the most joyful people. He was an animal lover. Many of the pictures that he brought back from Iraq were of children and animals." One picture, in particular, captures the very essence of Andy and what he brought to that troubled part of the world. In the picture, Andy is smiling that charming, boyish smile with his arms around two young Iraqi children. You can see the admiration that these children felt toward him.

Again, Andy was making a difference on that most basic, human level. Andy's father said he will forever cherish that photograph. He said, "That's what [Andy] was all about."

In spite of all the violence that Andy saw firsthand, he remained committed to being in Iraq as long as he was needed. His mother explained:

> He'd been in Iraq more than he'd been home the last two years. But, he really was OK with being over there because he saw the oppression and the cruelty that had happened to the people there. His heart went out to the Iraqi people and the deplorable conditions that they lived in. He thought a lot of the Iraqi people, and he was willing to go back because he thought we were doing so much good.

And that's exactly what he did—he went back for a second tour of duty in Iraq. Though he was scheduled to come back and live with his parents on April 1 of this year, he didn't rule out the possibility of going to Iraq for even a third tour. Throughout his time there, Andy kept in close touch with his family and his friends in the police force. Andy's last phone call home on February 24 was to tell his parents that he was scheduled to return home in about 4 weeks—just in time to celebrate his 25th birthday.

The sudden and tragic events of February 26 devastated family and friends, alike. Choking back tears, Police Chief Robert Anotelli remembers his last contact with Andy. He said:

> I have a message from him on my answering machine. . . . He was talking about buying a camelback for the captain. He said he was okay, to tell the guys "I love you, and I'll see you when I get back." I will never ever erase that message.

When asked about the impact of the news on the Grand River Police, Chief Antonelli said: "You ever see 29 grown men cry? You don't get many guys like Andy. He was the real deal. Andy believed in what he was doing in Iraq. He's a true hero." As Andy's brother, Nathan said, "The world's a lesser place right now. He made everyone around him better."

Andy's death has prompted an overwhelming outpouring of love and support. Perhaps, best of all, it has prompted people to remember and appreciate the beautiful person that Andy was. Family and friends remember Andy's unique sense of humor. His fellow police officers remember how he would bring disco balls in police cruisers just to make his partners laugh or how he'd bring smiley faces to jail to entertain the inmates. John Bechtel, one of Andy's good friends who works as a patrolman in East Cleveland had this to say:

> There was never a dull moment with Andy. He never had a bad day. He never complained. He was always happy. I don't think I ever saw him mad. . . . He had bought a computer in Iraq, and he was always downloading songs, calling me, saying "You've got to hear this song when I get back." And he was sending me text messages somehow. I still don't know how he did it.

Todd Carroscia, an East Cleveland and Timberlake police officer and close pal, said Andy gave 110 percent as an officer and a friend. He said that "Andy was a unique person. He had a smile that was amazing. That smile will be stuck in my mind forever."

Andy's friend, Andrew Moore, remembers all the particular mannerisms that made Andy so unique, so magnetic, and so charming. In a heartbreaking and beautiful letter to Andy's family, he wrote the following:

> His laugh was so funny. It always sounded like he was a mad scientist or [something]. . . . Andy had a walk that no one else had. It was more of a strut than a walk. . . . The voice, the laugh, the strut, these were the things that made you find out who he was on the inside and become a friend of his. And once you were allowed into his world, you'd see and hear things that you only see in movies or on TV.
>
> He had these characteristics that movie executives pay writers millions of dollars to create. But he had them, and they were real . . . [He was] one of the most wonderful souls ever to grace this earth—a human being [whom] thousands of people loved strictly because of who he was. . . .

Family and friends also remember Andy's love of children and animals. According to his mom:

> When he first got to Iraq, the first thing he did was find a lizard. He must have carried that thing around in the Humvee for seven months! He also had four dogs that followed him around there. He was like Dr. Doolittle! He once traded a case of Gatorade for chickens and a rooster. He got the chickens and a rooster, because he was trying to get fresh eggs. He never got fresh eggs. He got little chickens!

On March 7, 2005, a mass held at St. Gabriel Catholic Church in Concord, OH, drew about 1,000 mourners including hundreds of police officers and Marines in dress-blue uniforms from northeast Ohio and Pennsylvania. An honor guard of 60 members from the 4th Marine Division Truck Company in Erie, PA, where Andy was stationed before being deployed to Iraq, soberly lined the walkway into the church. The Marine line was bolstered by police officers dozens deep. Andy's peacekeeping brethren, both civilian and military, saluted his arrival and departure with tearful eyes.

Two of Andy's fellow Marines helped carry his casket. They were joined by a Grand River police officer and three officers from East Cleveland, home to several of Andy's closest friends.

The Reverend Jerome Dukes, the Catholic priest who gave Andy's eulogy, had known the family for years, officiating at the wedding of Andy's parents, Sheila and Denis, and baptizing Andy as a baby. Reverend Dukes said that "Andy was glowing testimony of what it means to be merciful and a peacemaker. He shared his life and liberty with all of us.

Andy was buried with full military honors in the All Souls Cemetery in Chardon, Ohio.

In honor of Andy, a memorial scholarship fund has been established at Lakeland Community College in Kirtland, Ohio. The scholarship fund benefits students entering the police academy, criminal justice program, EMT and firefighter programs offered at Lakeland. It is expected to last in perpetuity.

Along with Congressman STEVE LATOURETTE, I am an honorary Co-Chair of the Andy Nowacki Memorial Scholarship Committee. The fund expresses Andy's desire to help those who shared his love of humanity and pubic service. Andy wanted to give so that others might have the opportunity to give back, too.

My wife Fran and I continue to keep Andy's family and friends—especially his brothers Nathan and Peter and his parents Sheila and Denis—in our thoughts and in our prayers. The best comfort that we can give them is to remember all the good and joy that Andy brought into the world in a life that was all too brief. We can also remember one of Andy's favorite sayings: "Smile. There's nothing to be unhappy about."

Mr. President, I thank the Chair. I yield the floor.

TRIBUTE TO STEVEN A. VALDEZ

Mrs. LINCOLN. Mr. President, I rise today to honor the life of a young Arkansan who, in the name of freedom, paid the ultimate sacrifice on behalf of the nation he loved. Steven A. Valdez was a brave soldier who died a hero in a foreign land, but he was also a caring young man who deeply loved his family and friends and they were never far from his mind.

Those who knew Lance Corporal Valdez from his childhood in McRea, a small north-central Arkansas town, remember him as competitive, energetic and fun-loving. He graduated from Beebe High School in 2004 and, soon after, followed the footsteps of his older brother Glenn Skaggs, and his grandfather Billy Skaggs, into the U.S. Marine Corps.

In November of 2004, Lance Corporal Valdez reported to the Marine Corps Base at Kaneohe Bay, HI. Serving with the 2nd Battalion, 3rd Marine Regiment, he was deployed to Afghanistan in June as a machine gun operator with Weapons Platoon Company E. Within the year, his family received a letter from the Marines, which cited Valdez's promotion to Lance Corporal and praised him for going above and beyond what was asked or expected of him. While serving in Afghanistan, Lance Corporal Valdez was stationed at Camp Blessing. The camp is located in eastern Afghanistan, in the foothills of the Hindu Kush mountains near the Pakistani border, and serves as a forward operating base for intelligence and military operations aimed to train Afghan security forces and track down al-Qaida terrorists. He served with a platoon of Marines guarding the camp.

While serving in Afghanistan, Lance Corporal Valdez and his grandfather, Billy had an agreement; Billy would send care packages with his grandson's favorite snacks and items from home, but he would also include phone cards with the expectation that the young marine would call his grandfather once a week. For Lance Corporal Valdez, it was a much-needed respite from the stresses of war that allowed him to feel a little closer to home; for Billy, it was reassuring to hear his grandson's voice and to know that he was safe and healthy.

On September 26, insurgents attacked Camp Blessing with mortar, rocket-propelled grenades and small-arms fire. Lance Corporal Valdez was struck by shrapnel from a mortar while running to his machine gun post. The brave 20-year-old died shortly after.

In remembering their loved one Corporal Valdez's proud grandfather speaks of him as a "true hero." When his brother, SGT Glenn Skaggs, returns to Iraq, he will be concerned about his own well-being, but only in the sense that he doesn't want to put his family through another grieving process. Despite these concerns, in a manner typical of this courageous and selfless family, he proudly states "My brother was over there for something he believed in, and I want to help finish it."

Although Steven Valdez may no longer be with us, his legacy and his spirit will forever live on in our hearts. On behalf of a grateful nation, my thoughts and prayers go out his family, friends, and all who knew and loved him.

I thank you, Mr. President, and I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DEWINE. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

BARBARA BERGER RETIREMENT

Mr. FRIST. Mr. President, it is my pleasure to recognize Barbara Berger, a dedicated Senate employee who is retiring today. Barbara has devoted 33 years to the Office of the Sergeant at Arms in the Senate Recording Studio.

She has served 13 Sergeants at Arms. Of the 320 Senators who have passed through these halls during her tenure, only 4 current Members have been "under the Dome" longer than Barbara.

Throughout her career in the Senate, Barbara has brought strength, passion, and dignity to every aspect of her service. She's seen tremendous change over the years. But through it all, she has remained constant and loyal to this institution.

On behalf of the entire Senate, I would like to thank Barbara Berger for her 33 years of service.

We wish her the very best in her retirement.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

H.R. 554. An act to prevent legislative and regulatory functions from being usurped by civil liability actions brought or continued against food manufacturers, marketers, distributors advertisers, sellers, and trade associations for claims of injury relating to a person's weight gain, obesity, or any health condition associated with weight gain or obesity.

S. 1904. A bill to provide elementary and secondary education assistance to students and schools impacted by Hurricane Katrina.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. DODD (for himself and Mr. SMITH):

S. 1906. A bill to amend the Internal Revenue Code of 1986 to exclude property tax rebates and other benefits provided to volunteer firefighters, search and rescue personnel, and emergency medical responders from income and employment taxes and wage withholding; to the Committee on Finance.

By Mr. JOHNSON (for himself, Ms. CANTWELL, Mr. DORGAN, Mr. INOUYE, Mr. KERRY, Mrs. MURRAY, Mr. SMITH, and Ms. STABENOW):

S. 1907. A bill to promote the development of Native American small business concerns, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Mr. SMITH (for himself and Ms. CANTWELL):

S. 1908. A bill to authorize the Under Secretary of Technology of the Department of Commerce to award grants to establish up to eight Nanoscience to Commercialization Institutes throughout the United States to develop commercial applications for nanotechnology; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LOTT (for himself, Mr. DODD, and Mr. REID):

S. Res. 284. A resolution authorizing filming in the Chamber of the Senate for the use by the Capitol Visitor Center; considered and agreed to.

By Mr. MARTINEZ (for himself and Mr. SALAZAR):

S. Res. 285. A resolution recognizing the efforts and contributions of outstanding national Hispanic scientists; considered and agreed to.

ADDITIONAL COSPONSORS

S. 440

At the request of Mr. BUNNING, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 440, a bill to amend title XIX of the Social Security Act to include podiatrists as physicians for purposes of covering physicians services under the medicaid program.

S. 662

At the request of Mr. REED, his name was added as a cosponsor of S. 662, a bill to reform the postal laws of the United States.

S. 1200

At the request of Mr. BUNNING, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 1200, a bill to amend the Internal Revenue Code of 1986 to reduce the depreciation recovery period for certain roof systems.

S. 1504

At the request of Mr. ENSIGN, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 1504, a bill to establish a market driven telecommunications marketplace, to eliminate government managed competition of existing communication service, and to provide parity between functionally equivalent services.

S. 1570

At the request of Mr. ROBERTS, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 1570, a bill to promote employment of individuals with severe disabilities through Federal Government contracting and procurement processes, and for other purposes.

S. 1900

At the request of Ms. STABENOW, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 1900, a bill to amend title XVIII of the Social Security Act to stabilize the amount of the medicare part B premium.

S. RES. 282

At the request of Mr. BIDEN, the names of the Senator from Ohio (Mr. DEWINE) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. Res. 282, a resolution supporting the goals and ideals of National Domestic Violence Awareness Month and expressing the sense of the Senate that Congress should raise awareness of domestic violence in the United States and its devastating effects on families.

AMENDMENT NO. 2124

At the request of Mr. SCHUMER, the names of the Senator from Michigan (Ms. STABENOW), the Senator from Maine (Ms. COLLINS), the Senator from Nebraska (Mr. NELSON), the Senator from Arkansas (Mr. PRYOR), and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of amendment No. 2124 intended to be proposed to H.R. 3058, a bill making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DODD (for himself and Mr. SMITH):

S. 1906. A bill to amend the Internal Revenue Code of 1986 to exclude property tax rebates and other benefits provided to volunteer firefighters, search and rescue personnel, and emergency medical responders from income and employment taxes and wage withholding; to the Committee on Finance.

Mr. DODD. Mr. President, I am pleased to rise today with my colleague Senator SMITH to introduce bipartisan legislation to improve important tax relief to volunteer firefighters and emergency first responders. Congressman JOHN LARSON of Connecticut has introduced similar legislation in the House of Representatives.

Seventy-five percent of firefighters and emergency first responders in our country today are volunteers. Statistics show that the number of volunteer firefighters and emergency first responders has declined in past years. Since 1983, the number of volunteer firefighters and emergency first responders has declined anywhere between 5 and 10 percent. Meanwhile, the number of emergency calls made to these volunteer services has increased sharply.

Many municipalities across the country, including those within the State of Connecticut, offer stipends and property tax abatements to volunteer firefighters, search and rescue personnel, emergency medical technicians, paramedics and ambulance drivers. These incentives have helped local fire departments and emergency first responder services recruit and retain volunteers.

In 2002, the Internal Revenue Service, IRS, ruled that property tax abatements to volunteers should be treated as wages and income. This ruling significantly diminished the net value of tax abatements for volunteer firefighters and emergency first responders.

The legislation that Senator SMITH and I are introducing amends the Internal Revenue Code to exclude property tax abatements and stipends for volunteer firefighters and emergency first responders from the definition of income and wages. This bill would allow State and municipal governments to continue providing these incentives to their volunteer fighters and emergency first responders without any adverse federal tax implications.

I have long believed that our country should do more to encourage Americans to volunteer in their communities. A modest tax break is not a large repayment for the great services that volunteer firefighters and emergency first responders provide to our communities. They literally risk their lives daily for others. The least we can do is allow States and municipalities to offer these modest incentives to serve.

The current IRS rule—while on one level understandable—nevertheless complicates the good intentions and creative efforts of many states and municipalities. If our State and municipal governments are willing to forgo their local tax revenues in order to ensure that they have enough volunteer firefighters and emergency first responders to protect their communities, then our country should in my view support those State and local efforts. In so doing, our country will be acting to encourage and award volunteers.

I hope that our colleagues will join us in supporting this bipartisan legislation so that our national government can join with State and local governments to design and implement recruiting and retention initiatives that benefit not only volunteer firefighters and emergency first responders, but also the communities they protect.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1906

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXCLUSION OF PROPERTY TAX REBATES AND OTHER BENEFITS PROVIDED TO VOLUNTEER FIREFIGHTERS, SEARCH AND RESCUE PERSONNEL, AND EMERGENCY MEDICAL RESPONDERS FROM INCOME AND EMPLOYMENT TAXES AND WAGE WITHHOLDING.

(a) EXCLUSION FROM GROSS INCOME.—

(1) IN GENERAL.—Part III of subchapter B of chapter 1 of the Internal Revenue Code of 1986 (relating to items specifically excluded from gross income) is amended by redesignating section 140 as section 140A and by inserting after section 139 the following new section:

"SEC. 140. PROPERTY TAX REBATES AND OTHER BENEFITS PROVIDED TO VOLUNTEER FIREFIGHTERS, SEARCH AND RESCUE PERSONNEL, AND EMERGENCY MEDICAL RESPONDERS.

"(a) EXCLUSION.—Gross income shall not include a qualified property tax rebate or other benefit.

"(b) QUALIFIED PROPERTY TAX REBATE OR OTHER BENEFIT.—For purposes of subsection (a)—

"(1) IN GENERAL.—The term 'qualified property tax rebate or other benefit' means a rebate of real or personal property taxes, or any other benefit, provided by a State or political subdivision on account of services performed as a member of a qualified volunteer emergency response organization.

"(2) QUALIFIED VOLUNTEER EMERGENCY RESPONSE ORGANIZATION.—The term 'qualified volunteer emergency response organization' means any volunteer organization—

"(A) which is organized and operated to provide firefighting, search and rescue, or emergency medical services for persons in the State or political subdivision, as the case may be, and

"(B) which is required (by written agreement) by the State or political subdivision to furnish firefighting, search and rescue, or emergency medical services in such State or political subdivision.".

(2) CLERICAL AMENDMENT.—The table of sections for such part is amended by striking the last item and inserting the following new items:

"Sec. 140. Property tax rebates and other benefits provided to volunteer firefighters, search and rescue personnel, and emergency medical responders.
"Sec. 140A. Cross references to other Acts.".

(b) Exclusion From Employment Taxes.—

(1) Social security taxes.—

(A) Section 3121(a) of the Internal Revenue Code of 1986 (relating to definition of wages) is amended by striking "or" at the end of paragraph (21), by striking the period at the end of paragraph (22) and inserting "; or", and by inserting after paragraph (22) the following new paragraph:

"(23) any qualified property tax rebate or other benefit (as defined in section 140(b)).".

(B) Section 209(a) of the Social Security Act is amended by striking "or" at the end of paragraph (18), by striking the period at the end of paragraph (19) and inserting "; or", and by inserting after paragraph (19) the following new paragraph:

"(20) Any qualified property tax rebate or other benefit (as defined in section 140(b) of the Internal Revenue Code of 1986).".

(2) Unemployment taxes.—Section 3306(b) of the Internal Revenue Code of 1986 (relating to definition of wages) is amended by striking "or" at the end of paragraph (18), by striking the period at the end of paragraph (19) and inserting "; or", and by inserting after paragraph (19) the following new paragraph:

"(20) any qualified property tax rebate or other benefit (as defined in section 140(b).".

(c) Wage Withholding.—Section 3401(a) of the Internal Revenue Code of 1986 (defining wages) is amended by striking "or" at the end of paragraph (21), by striking the period at the end of paragraph (22) and inserting "; or", and by inserting after paragraph (22) the following new paragraph:

"(23) for any qualified property tax rebate or other benefit (as defined in section 140(b).".

(d) Effective Date.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

By Mr. SMITH (for himself and Ms. Cantwell):

S. 1908. A bill to authorize the Under Secretary of Technology of the Department of Commerce to award grants to establish up to eight Nanoscience to Commercialization Institutes throughout the United States to develop commercial applications for nanotechnology; to the Committee on Commerce, Science, and Transportation.

Mr. SMITH. Mr. President, I rise today with Senator Cantwell to introduce the Nanoscience to Commercialization Institutes Act of 2005.

Still in its infancy, nanotechnology is an exciting technology with a bright future and the potential to have a significant impact on the economy, global competitiveness and the quality of life for our citizens.

The advent of nanotechnology is creating opportunities in any array of industries with applications ranging from improving the performance of sports equipment used in recreation activities to life-saving medical applications used to combat deadly diseases such as cancer.

Many promising technological advances have already begun to take shape in the world of micro- and nanotechnology and countless more potential future applications exist in fields such as medicine, electronics, energy to name a few.

However, many times innovative research becomes victim of the "Valley of Death" by failing to advance from the research labs to application in commercial products and services.

My bill will establish up to eight Nanoscience to Commercialization Institutes across the country, each focusing on a specific field of expertise including areas such as energy, electronics, agriculture, medical, textiles and transportation with the purpose of developing and bridging research to the marketplace.

My bill is aimed at narrowing this so-called "Valley of Death," by focusing on bringing research to commercialization. To reach this objective, my bill contains provisions requiring these institutes to partner with private sector entities with experience in micro- and nanotechnology and for each institute to develop and maintain business plans.

My bill will create additional avenues for entities that are engaged in micro- and nanotechnologies to develop research for application in commercial products and services that will ultimately contribute to sustained economic development, an improved quality of living and increased U.S. global competitiveness.

The competitive landscape of nanotechnology is global in nature. Other countries, such as Japan and China are making tremendous investments and advances in various specialties of nanotechnology to gain competitive advantages. It is critical the U.S. demonstrate its global leadership role by further advancing opportunities to advance micro- and nanotechnology to commercial applications.

The future of nanotechnology is a bright future and its potential boundless. The legislation that I am introducing today with Senator Cantwell supports and encourages the advancement of this exciting technology. I urge my colleagues to support the Nanoscience to Commercialization Institutes Act of 2005.

I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1908

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Nanoscience to Commercialization Institutes Act of 2005".

SEC. 2. NANOSCIENCE TO COMMERCIALIZATION INSTITUTES.

(a) Grants Authorized.—

(1) In general.—The Under Secretary of Technology of the Department of Commerce (referred to in this Act as the "Under Secretary") is authorized to award grants to eligible entities to establish up to 8 Nanoscience to Commercialization Institutes (referred to in this Act as "Institutes") throughout the United States to assist in the commercialization of nanotechnology.

(2) Maximum amount.—The Under Secretary shall not award a grant under this section in an amount which exceeds $1,500,000 for any year of the grant period.

(3) Duration.—The Under Secretary shall award grants under this section for a period not to exceed 3 years.

(4) Location.—The Under Secretary shall ensure that each Institute is located at either a public university or Federal laboratory.

(b) Use of Funds.—

(1) In general.—Grants awarded pursuant to subsection (a) shall be used to establish at least 1 Institute in each of the following areas of nanotechnology or microtechnology:

(A) Energy, including clean coal liquification, gasification, and filtration, nuclear energy, biofuels, or fuel processing.

(B) Printable electronics, including electronic displays.

(C) Medical, including diagnostics, imaging, or medical devices.

(D) Transportation, including materials or coatings.

(E) Textiles, including heat resistance, waterproofing, insulation, or fireproofing.

(F) Agriculture.

(2) Limitation.—Not more than 20 percent of each grant award may be used for administrative expenses or other overhead costs.

(3) Matching requirement.—For-profit manufacturing companies conducting research and development in micro- and nanotechnologies shall provide—

(A) not less than 20 percent of the funding for each Institute; and

(B) in addition to the funding under subparagraph (A), in-kind contributions equal to not less than 15 percent of the operating costs of the Institute.

(c) Application.—

(1) In general.—Each entity desiring a grant under this section shall submit an application to the Under Secretary at such time, in such manner, and containing such information as the Under Secretary may reasonably require.

(2) Collaboration.—The application submitted under paragraph (1) shall include a business plan that—

(A) describes how each grant recipient will collaborate with the private sector entities that will contribute expertise and matching funds; and

(B) includes goals for the first year of the grant period.

(3) Ineligible entities.—Any institution of higher education that has a federally funded nanotechnology center or is the primary lead of a nanotechnology center is not eligible for a grant under this section.

(4) Peer review committee.—The Under Secretary shall establish a peer review committee, consisting of representatives from the micro- and nanotechnology industry and early stage venture capital firms, to review the goals and progress made by each Institute during the grant period.

(5) Renewal of grants.—

(A) Each entity that receives an initial 1-year grant under this section shall, as a condition of continued grant funding, submit a report, not later than 1 year after the beginning of the grant period and annually for the next 2 years, to the peer review committee established under paragraph (4).

(B) The report submitted under subparagraph (A) shall describe the Institute's accomplishments during the preceding year and the Institute's goals for the subsequent year.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $24,000,000 during the 3-year period beginning on the date of enactment of this Act to carry out the provisions of this Act.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 284—AUTHORIZING FILMING IN THE CHAMBER OF THE SENATE FOR THE USE BY THE CAPITOL VISITOR CENTER

Mr. LOTT (for himself, Mr. DODD, and Mr. REID) submitted the following resolution; which was considered and agreed to:

S. RES. 284

Resolved,

SECTION 1. AUTHORIZATION OF TAKING OF PICTURES IN SENATE CHAMBER FOR USE BY THE CAPITOL VISITOR CENTER .

(a) AUTHORIZATION.—Subject to subsection (b), paragraph 1 of rule IV of the Rules for the Regulation of the Senate Wing of the United States Capitol and Senate Office Buildings (prohibiting the taking of pictures in the Senate Chamber) is temporarily suspended for the purpose of permitting the taking of pictures while the Senate is in session or in recess for the period beginning on the date of adoption of this resolution and ending October 31, 2005, at locations and times to be determined by the Committee on Rules and Administration.

(b) LIMITATION ON USE OF IMAGES.—The pictures taken under subsection (a) may only be used by the Capitol Visitor Center for a video presentation in the Capitol Visitor Center after the video presentation has been approved by the Committee on Rules and Administration.

(c) ARRANGEMENTS.—The Sergeant at Arms and Doorkeeper of the Senate shall make the necessary arrangements to carry out this resolution, including such arrangements as are necessary to ensure that the taking of pictures under this resolution does not disrupt any proceeding of the Senate.

SENATE RESOLUTION 285—RECOGNIZING THE EFFORTS AND CONTRIBUTIONS OF OUTSTANDING NATIONAL HISPANIC SCIENTISTS

Mr. MARTINEZ (for himself and Mr. SALAZAR) submitted the following resolution; which was considered and agreed to:

S. RES. 285

Whereas the mission of the National Hispanic Scientist of the Year Award is to recognize outstanding national Hispanic scientists who promote a greater public understanding of science and motivate Hispanic youth to develop an interest in science;

Whereas the fifth annual National Hispanic Scientist of the Year Gala will be held at the Museum of Science & Industry in Tampa, Florida on Saturday, October 22, 2005;

Whereas proceeds of the National Hispanic Scientist of the Year Gala support scholarships for Hispanic boys and girls to participate in the Museum of Science & Industry's Youth Enriched by Science Program, known as the "YES! Team"; and

Whereas a need to acknowledge the work and effort of outstanding national Hispanic scientists has led to the selection of Dr. Edmond Jose Yunis as the honoree of the fifth annual National Hispanic Scientist of the Year Award, in recognition of the research conducted by Dr. Yunis in the genetic mapping of human major histocompatibility complex (MHC) genes and their role in immune responses, aging, and autoimmune diseases: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes efforts to educate, support, and provide hope for the Hispanic community, including efforts to honor outstanding national Hispanic scientists at the annual National Hispanic Scientist of the Year Gala and to organize a "Meet the Hispanic Scientist Day"; and

(2) congratulates Dr. Edmond Jose Yunis for being honored as the National Hispanic Scientist of the Year for 2005 by the Museum of Science & Industry, in recognition of the research conducted by Dr. Yunis in relation to organ and stem cell transplants in the areas of immune responses, aging, autoimmune diseases, and genetics.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2193. Mr. THUNE submitted an amendment intended to be proposed by him to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2193. Mr. THUNE submitted an amendment intended to be proposed by him to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other proposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. TELEHEALTH.

From amounts appropriated under this Act for the general appropriations for the Health Resources and Services Administration, there shall be transferred $10,000,000 to carry out programs and activities under the Health Care Safety Net Amendments of 2002 (Public Law 107-251) and the amendments made by such Act, and for other telehealth programs under section 330I of the Public Health Service Act (42 U.S.C. 254c-14), of which—

(1) $2,500,000 shall be for not less than 10 telehealth resource centers that provide assistance with respect to technical, legal, and regulatory service delivery or other related barriers to the deployment of telehealth technologies, of which not less than 2 centers shall be located in a rural State with a population of less than 1,000,000 individuals;

(2) $5,000,000 shall be for network grants and demonstration or pilot projects for telehomecare; and

(3) $2,500,000 shall be for grants to carry out programs under which health licensing boards or various States cooperate to develop and implement policies that will reduce statutory and regulatory barriers to telehealth.

NOTICES OF HEARINGS/MEETINGS

SUBCOMMITTEE ON NATIONAL PARKS

Mr. THOMAS. Mr. President, I would like to announce for the information of the Senate and the public that the Subcommittee on National Parks of the Committee on Energy and Natural Resources has scheduled a hearing to receive testimony on the National Park Service's Draft Management Policies, including potential impact of the policies on park operations, park resources, interaction with gateway communities, and solicitation and collection of donations.

The hearing will be held on Tuesday November 1, 2005, at 10:00 a.m. in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, SD-364 Dirksen Senate Office Building, Washington, DC 20510-6150.

For further information, please contact Tom Lillie at (202) 224-5161 or Brian Carlstrom at (202) 224-6293.

PRIVILEGE OF THE FLOOR

Mr. SPECTER. Mr. President, I ask unanimous consent that Lisa Bernhardt and Vicki Ball be given floor privileges during consideration of the fiscal year 2006 Labor-HHS appropriations bill.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, on behalf of Senator INOUYE, I ask unanimous consent that Susan Ball, an intern in his office, be granted the privileges of the floor during consideration of the Labor-Health and Human Services bill and any votes thereon.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AUTHORITY TO FILM IN THE SENATE CHAMBER

Mr. DEWINE. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 284, which was submitted earlier today.

The ACTING PRESIDENT pro tempore. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 284) authorizing filming in the Chamber of the Senate for the use by the Capitol Visitor Center.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DEWINE. Mr. President, I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid upon the table.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The resolution (S. Res. 284) was agreed to.

The resolution reads as follows:

S. RES. 284

Resolved,

SECTION 1. AUTHORIZATION OF TAKING OF PICTURES IN SENATE CHAMBER FOR USE BY THE CAPITOL VISITOR CENTER .

(a) AUTHORIZATION.—Subject to subsection (b), paragraph 1 of rule IV of the Rules for the Regulation of the Senate Wing of the United States Capitol and Senate Office Buildings (prohibiting the taking of pictures in the Senate Chamber) is temporarily suspended for the purpose of permitting the taking of pictures while the Senate is in session or in recess for the period beginning on the date of adoption of this resolution and ending October 31, 2005, at locations and times to be determined by the Committee on Rules and Administration.

(b) LIMITATION ON USE OF IMAGES.—The pictures taken under subsection (a) may only be used by the Capitol Visitor Center for a video presentation in the Capitol Visitor Center after the video presentation has been approved by the Committee on Rules and Administration.

(c) ARRANGEMENTS.—The Sergeant at Arms and Doorkeeper of the Senate shall make the necessary arrangements to carry out this resolution, including such arrangements as are necessary to ensure that the taking of pictures under this resolution does not disrupt any proceeding of the Senate.

MEASURES PLACED ON THE CALENDAR—S. 1904, H.R. 554

Mr. DEWINE. Mr. President, I understand there are two bills at the desk due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1904) to provide elementary and secondary education assistance to students and schools impacted by Hurricane Katrina.

A bill (H.R. 554) to prevent legislative and regulatory functions from being usurped by civil liability actions, and so forth.

Mr. DEWINE. Mr. President, in order to place the bills on the calendar under the provisions of rule XIV, I object to further proceeding en bloc.

The ACTING PRESIDENT pro tempore. Objection is heard. The bills will be placed on the calendar.

ORDERS FOR MONDAY, OCTOBER 24, 2005

Mr. DEWINE. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 2 p.m. on Monday, October 24. I further ask that following the prayer and pledge the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate resume consideration of H.R. 3010, the Labor-Health and Human Services appropriations bill.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

PROGRAM

Mr. DEWINE. Mr. President, today the Senate turned to the Labor-HHS appropriations bill and final appropriations bill for this fiscal year. Next week, we will continue work on this bill. We plan to complete action on it as quickly as possible.

On behalf of the leader, I remind our colleagues to notify the bill managers if they have amendments to offer, and the leader urges them to offer amendments early in the week.

As previously announced, Senators should expect a full week and plan their schedules accordingly. We will have at least one vote on Monday at 5:30 p.m.

RECOGNIZING OUTSTANDING HISPANIC SCIENTISTS

Mr. DEWINE. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 285 which was submitted earlier today.

The ACTING PRESIDENT pro tempore. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 285) recognizing the efforts and contributions of outstanding national Hispanic scientists.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DEWINE. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The resolution (S. Res. 285) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 285

Whereas the mission of the National Hispanic Scientist of the Year Award is to recognize outstanding national Hispanic scientists who promote a greater public understanding of science and motivate Hispanic youth to develop an interest in science;

Whereas the fifth annual National Hispanic Scientist of the Year Gala will be held at the Museum of Science & Industry in Tampa, Florida on Saturday, October 22, 2005;

Whereas proceeds of the National Hispanic Scientist of the Year Gala support scholarships for Hispanic boys and girls to participate in the Museum of Science & Industry's Youth Enriched by Science Program, known as the "YES! Team"; and

Whereas a need to acknowledge the work and effort of outstanding national Hispanic scientists has led to the selection of Dr. Edmond Jose Yunis as the honoree of the fifth annual National Hispanic Scientist of the Year Award, in recognition of the research conducted by Dr. Yunis in the genetic mapping of human major histocompatibility complex (MHC) genes and their role in immune responses, aging, and autoimmune diseases: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes efforts to educate, support, and provide hope for the Hispanic community, including efforts to honor outstanding national Hispanic scientists at the annual National Hispanic Scientist of the Year Gala and to organize a "Meet the Hispanic Scientist Day"; and

(2) congratulates Dr. Edmond Jose Yunis for being honored as the National Hispanic Scientist of the Year for 2005 by the Museum of Science & Industry, in recognition of the research conducted by Dr. Yunis in relation to organ and stem cell transplants in the areas of immune responses, aging, autoimmune diseases, and genetics.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. DEWINE. Mr. President, I ask unanimous consent that the Senate proceed to executive session for consideration of the following nominations on the Executive Calendar: 375, 377, 378, 379, 380, 381, 382, 388, 389.

I further ask unanimous consent that the nominations be confirmed en bloc, the motions to reconsider be laid upon the table, the President be immediately notified of Senate's action, and the Senate then return to legislative session.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

NOMINATIONS

DEPARTMENT OF EDUCATION

Mark S. Schneider, of the District of Columbia, to be Commissioner of Education Statistics for a term expiring June 21, 2009.

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

Diane Rivers, of Arkansas, to be a Member of the National Commission on Libraries and Information Science for a term expiring July 19, 2009.

Sandra Frances Ashworth, of Idaho, to be a Member of the National Commission on Libraries and Information Science for a term expiring July 19, 2009.

Jan Cellucci, of Massachusetts, to be a Member of the National Commission on Libraries and Information Science for a term expiring July 19, 2009.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Christine M. Griffin, of Massachusetts, to be a Member of the Equal Employment Opportunity Commission for a term expiring July 1, 2009.

Naomi Churchill Earp, of Virginia, to be a Member of the Equal Employment Opportunity Commission for a term expiring July 1, 2010.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Mark Hofflund, of Idaho, to be a Member of the National Council on the Arts for the remainder of the term expiring September 3, 2008.

THE JUDICIARY

Thomas Craig Wheeler, of Maryland, to be a Judge of the United States Court of Federal Claims for a term of fifteen years.

Margaret Mary Sweeney, of Virginia, to be a Judge of the United States Court of Federal Claims for a term of fifteen years.

LEGISLATIVE SESSION

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will return to legislative session.

ADJOURNMENT UNTIL MONDAY, OCTOBER 24, 2005, AT 2 P.M.

Mr. DEWINE. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 12:47 p.m., adjourned until Monday, October 24, 2005, at 2 p.m.

NOMINATIONS

Executive nominations received by the Senate October 21, 2005:

DEPARTMENT OF JUSTICE

JOHN F. CLARK, OF VIRGINIA, TO BE DIRECTOR OF THE UNITED STATES MARSHALS SERVICE, VICE BENIGNO G. REYNA, RESIGNED.

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS CHIEF OF NAVAL PERSONNEL, UNITED STATES NAVY, AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., 601 AND 5141:

To be vice admiral

REAR ADM. JOHN C. HARVEY, JR., 4323

DEPARTMENT OF HOMELAND SECURITY

GEORGE W. FORESMAN, OF VIRGINIA, TO BE UNDER SECRETARY FOR PREPAREDNESS, DEPARTMENT OF HOMELAND SECURITY, VICE FRANK LIBUTTI RESIGNED.

CONFIRMATIONS

Executive nominations confirmed by the Senate Friday, October 21, 2005:

DEPARTMENT OF EDUCATION

MARK S. SCHNEIDER, OF THE DISTRICT OF COLUMBIA, TO BE COMMISSIONER OF EDUCATION STATISTICS FOR A TERM EXPIRING JUNE 21, 2009.

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

DIANE RIVERS, OF ARKANSAS, TO BE A MEMBER OF THE NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE FOR A TERM EXPIRING JULY 19, 2009.

SANDRA FRANCES ASHWORTH, OF IDAHO, TO BE A MEMBER OF THE NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE FOR A TERM EXPIRING JULY 19, 2009.

JAN CELLUCCI, OF MASSACHUSETTS, TO BE A MEMBER OF THE NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE FOR A TERM EXPIRING JULY 19, 2009.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

CHRISTINE M. GRIFFIN, OF MASSACHUSETTS, TO BE A MEMBER OF THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION FOR A TERM EXPIRING JULY 1, 2009.

NAOMI CHURCHILL EARP, OF VIRGINIA, TO BE A MEMBER OF THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION FOR A TERM EXPIRING JULY 1, 2010.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

MARK HOFFLUND, OF IDAHO, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR THE REMAINDER OF THE TERM EXPIRING SEPTEMBER 3, 2008.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

THE JUDICIARY

THOMAS CRAIG WHEELER, OF MARYLAND, TO BE A JUDGE OF THE UNITED STATES COURT OF FEDERAL CLAIMS FOR A TERM OF FIFTEEN YEARS.

MARGARET MARY SWEENEY, OF VIRGINIA, TO BE A JUDGE OF THE UNITED STATES COURT OF FEDERAL CLAIMS FOR A TERM OF FIFTEEN YEARS.

HOUSE OF REPRESENTATIVES—*Monday, October 24, 2005*

The House met at noon and was called to order by the Speaker pro tempore (Mr. PETRI).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
October 24, 2005.

I hereby appoint the Honorable THOMAS E. PETRI to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord our God, in nature as well as the scriptures, You reveal Your creative goodness and Your saving power. Give us grateful hearts for all we have received and make us good stewards of all we possess. Help us to find balance in our lives. May all who labor find satisfaction in their work and enjoyment in their leisure.

May those who are retired, ill, or incapacitated discover involvements that engage their gifts and reveal Your peaceful presence. You are the Lord and source of life and love now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

The SPEAKER pro tempore led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

COMMUNICATION FROM STAFF MEMBER OF HON. JEFF MILLER, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Bob Black, Military Field Representative of the Honorable JEFF MILLER, Member of Congress:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, October 7, 2005.

Hon. J. DENNIS HASTERT,
Speaker, U.S. House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I was served with a subpoena, issued by the U.S. District Court, Northern District of Florida, for testimony in a criminal case.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

BOB BLACK,
Military Field Representative.

ADJOURNMENT

The SPEAKER pro tempore. Without objection, the House stands adjourned until 12:30 p.m. tomorrow for morning hour debates.

There was no objection.

Accordingly (at 12 o'clock and 3 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, October 25, 2005, at 12:30 p.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

4664. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement of Vice Admiral Gerald L. Hoewing, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

4665. A letter from the Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General John W. Rosa, Jr., United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

4666. A letter from the FMCSA Regulatory Ombudsman, Department of Transportation, transmitting the Department's final rule—Parts and Accessories Necessary for Safe Operation; General Amendments [Docket No. FMCSA-1997-2364] (RIN: 2126-AA61) received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4667. A letter from the Attorney, NHTSA, Department of Transportation, transmitting the Department's final rule—Certification; Importation of Vehicles and Equipment Subject to Federal Safety, Bumper and Theft Prevention Standards; Registered Importers of Vehicles Not Originally Manufactured to Conform to the Federal Motor Vehicle Safety Standards; Schedule of Fees Authorized by 49 U.S.C. 30141 [Docket No. NHTSA-2000-8159; Notice 3] (RIN: 2127-AJ63) received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4668. A letter from the Attorney-Advisor, NHTSA, Department of Transportation, transmitting the Department's final rule—Federal Motor Vehicle Safety Standards; Controls, Telltales and Indicators [Docket No. NHTSA-2005-22113] (RIN: 2127-AI09) received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4669. A letter from the Attorney-Advisor, NHTSA, Department of Transportation, transmitting the Department's final rule—Federal Motor Vehicle Safety Standards; Transmission Shift Position Sequence, Starter Interlock, and Transmission Braking Effect [DOT Docket No. NHTSA-05-21401] (RIN: 2127-AI43) received August 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4670. A letter from the Attorney-Advisor, NHTSA, Department of Transportation, transmitting the Department's final rule—MAKE INOPERATIVE PROVISIONS: Vehicle Modifications To Accomodate People With Disabilities [Docket No. NHTSA-2004-19092] (RIN: 2127-AJ07) received September 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4671. A letter from the Attorney-Advisor, NHTSA, Department of Transportation, transmitting the Department's final rule—Federal Motor Vehicle Safety Standards; Motorcycle Controls and Displays [Docket No. NHTSA-03-15073] (RIN: 2127-AI67) received September 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4672. A letter from the Attorney-Advisor, NHTSA, Department of Transportation, transmitting the Department's final rule—Federal Motor Vehicle Safety Standards; Hydraulic and Electric Brake Systems [Docket No. NHTSA-05-21400] (RIN: 2127-AI47) received August 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4673. A letter from the Attorney-Advisor, NHTSA, Department of Transportation, transmitting the Department's final rule—Federal Motor Vehicle Safety Standards; Glazing Materials [Docket No. NHTSA-2003-15712] (RIN: 2127-AJ43) received August 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4674. A letter from the Attorney-Advisor, NHTSA, Department of Transportation, transmitting the Department's final rule—Federal Motor Vehicle Safety Standards; Tire Pressure Monitoring Systems [Docket No. NHTSA 2005-22251] (RIN: 2127-AJ70) received September 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4675. A letter from the Attorney-Advisor, NHTSA, Department of Transportation, transmitting the Department's final rule—

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Federal Motor Vehicle Safety Standards; Occupant Protection in Interior Impact [Docket No. NHTSA-2005-22240] (RIN: 2127-AJ60) received September 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4676. A letter from the Attorney-Advisor, NHTSA, Department of Transportation, transmitting the Department's final rule—Federal Motor Vehicle Safety Standards; Bus Emergency Exits and Window Retention and Release [Docket No. NHTSA-99-5157] (RIN: 2127-AJ47) received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4677. A letter from the Attorney-Advisor, NHTSA, Department of Transportation, transmitting the Department's final rule—Federal Motor Vehicle Safety Standards; Low Speed Vehicles [Docket No. NHTSA-05-22116] (RIN: 2127-AJ12) received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4678. A letter from the Director, Internation Cooperation, Department of Defense, transmitting pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, a copy of Transmittal No. 10-05 which informs of an intent to sign an Memorandum of Agreement (MOA) concerning the upgrade of the AGM-88E Advanced Anti-Radiation Guided Missile (AARGM) between the United States and Italy, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

4679. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

4680. A letter from the Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 06-08, concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance to Colombia for defense articles and services; to the Committee on International Relations.

4681. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report pursuant to the heading "Loan Guarantees to Israel" in Chapter 5 of Title I of the Emergency Wartime Supplemental Appropriations Act, 2003 (Pub. L. 108-11); to the Committee on International Relations.

4682. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of the Secretary's intent to obligate FY 2005 Economic Support Funds (ESF) for Morocco to provide assistance to HIV/AIDS-infected children in Libya; to the Committee on International Relations.

4683. A letter from the U.S. Global AIDS Cordinator, Department of State, transmitting a report on the President's Emergency Plan for AIDS Relief: Community and Faith-Based Organizations, as requested in House Report 108-599; to the Committee on International Relations.

4684. A letter from the Deputy General Counsel for Equal Opportunity and Administrative Law, Department of Housing and Urban Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

4685. A letter from the Chairman, Federal Communication Commission, transmitting the Commission's strategic plan for fiscal years 2006 to 2011; to the Committee on Government Reform.

4686. A letter from the Chairman, Federal Housing Finance Board, transmitting pursuant to the requirements of Sections 3 and 4 of the Government Performance and Results Act of 1993 and Part 6 of Circular A-11 of the United States Office of Management and Budget, the annual performance budget for FY 2006; to the Committee on Government Reform.

4687. A letter from the Director of Finance and Administration, James Madison Memorial Fellowship Foundation, transmitting the Foundation's financial statements in compliance with the Accountability of Tax Dollars Act of 2002; to the Committee on Government Reform.

4688. A letter from the Inspector General, Nuclear Regulatory Commission, transmitting a copy of the FY 2005 Commercial and Inherently Governmental Activities Inventories for the Commission as required by the Federal Activities Inventory Reform Act of 1998 and guidance issued by the Office of Management and Budget; to the Committee on Government Reform.

4689. A letter from the Office of the District of Columbia Auditor, transmitting a report entitled, "Audit of Advisory Neighborhood Commission 3E for Fiscal Years 2003 and 2004"; to the Committee on Government Reform.

4690. A letter from the Office of the District of Columbia Auditor, transmitting a report entitled, "Audit of Advisory Neighborhood Commisison 2C for Fiscal Years 2003 Through 2005, as of March 31, 2005"; to the Committee on Government Reform.

4691. A letter from the Office of the District of Columbia Auditor, transmitting a report entitled, "Audit of Advisory Neighborhood Commission 2F for Fiscal Years 2003 Through 2005, as of March 31, 2005"; to the Committee on Government Reform.

4692. A letter from the General Counsel, Office of Management and Budget, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

4693. A letter from the Secretary, Department of the Interior, transmitting a copy of a draft bill, "To clarify the authorities for the use of certain National Park Service properties within Golden Gate National Recreation Area and San Francisco Maritime National Historical Park, and for other purposes"; to the Committee on Resources.

4694. A letter from the Acting Under Secretary for Emergency Preparedness and Response, Department of Homeland Security, transmitting notification that funding under Title V, subsection 503(b)(3) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, has exceeded $5 million for the response to the emergency declared as a result of Hurricane Rita on September 20, 2005 in the State of Texas, pursuant to 42 U.S.C. 5193; to the Committee on Transportation and Infrastructure.

4695. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Advanced Qualification Program [Docket No. FAA-2005-20750; Amendment Nos. 61-112, 63-33, 65-46, 121-313, 135-99] (RIN: 2120-AI59) received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4696. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures, Weather Takeoff Minimums; Miscellaneous Amendments [Docket No. 30456; Amdt. No. 3133] received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4697. A letter from the Secretary, Department of Transportation, transmitting the Department's report on State practices regarding specific service food signs, in accordance with Section 1213(g) of the Transportation Equity Act for the 21st Century; to the Committee on Transportation and Infrastructure.

4698. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Domestic VOR Federal Airway V-19; OH [Docket No. FAA 2003-16091; Airspace Docket No. 03-AGL-12] (RIN: 2120-AA66) received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4699. A letter from the Secretary, Department of Transportation, transmitting a report on any actions that should be taken with respect to recommendations made by the National Commission to Ensure Consumer Information and Choice in the Airline Industry, pursuant to Public Law 108-176, section 816; to the Committee on Transportation and Infrastructure.

4700. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Using Agency for Restricted Areas R-2510 A & B; El Centro, CA. [Docket No. FAA-2005-22400; Airspace Docket No. 05-AWP-10] (RIN: 2120-AA66) received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4701. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30458; Amdt. No. 3135] (received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4702. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures, Weather Takeoff [Docket No. 30457; Amdt. No. 3134] received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4703. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—IFR Altitudes; Miscellaneous Amendments [Docket No. 30459; Amdt. No. 457] received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4704. A letter from the Attorney-Advisor, Maritime Administration, Department of Transportation, transmitting the Department's final rule—Maritime Security Program [Docket No. MARAD-2004-18489] (RIN: 2133-AB62) received September 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4705. A letter from the Attorney, Pipeline & Hazardous Materials Safety Administration, Department of Transportation, transmitting the Department's final rule—Applicability of the Hazardous Materials Regulations to a "Person who Offers" a Hazardous Material for Transportation in Commerce [Docket No. PHMSA-04-19173 (HM-223A)] (RIN: 2137-AE04) received August 2, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4706. A letter from the Attorney-Advisor, Pipeline & Hazardous Materials Safety Administration, Department of Transportation, transmitting the Department's final rule—Hazardous Materials Regulations: Minor Editorial Corrections and Clarifications [Docket No. PHMSA-2005-22071 (HM-189Y)] (RIN: 2137-AE08) received September 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4707. A letter from the FMCSA Regulatory Ombudsman, Department of Transportation, transmitting the Department's final rule—Commercial Driver's License Standards; School Bus Endorsement [Docket No. FMCSA-2005-21603] (RIN: 2126-AA94) received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4708. A letter from the FMCSA Regulatory Ombudsman, Department of Transportation, transmitting the Department's final rule—Title VI Regulations for Federal Motor Carrier Safety Administration Financial Assistance Recipients [Docket No. FMCSA-2002-13248] (RIN: 2126-AA79) received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4709. A letter from the Trial Attorney, NHTSA, Department of Transportation, transmitting the Department's final rule—Civil Penalties [Docket No. NHTSA-05-21161; Notice 2] (RIN: 2127-AJ62) received September 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4710. A letter from the Attorney-Advisor, NHTSA, Department of Transportation, transmitting the Department's final rule—Procedures for Participating in and Receiving Data From the National Driver Register Problem Driver Pointer System [Docket No. NHTSA-04-17326] (RIN: 2127-AI45) received August 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4711. A letter from the Secretary, Department of Veterans Affairs, transmitting a copy of a draft bill, "To amend title 38, United States Code, to improve veterans' health care benefits and for other purposes"; to the Committee on Veterans' Affairs.

4712. A letter from the Secretary, Department of Veterans Affairs, transmitting a copy of a draft bill, "Veterans Programs Improvement Act of 2005"; to the Committee on Veterans' Affairs.

4713. A letter from the Assistant Secretary for Reserve Affairs, Department of Defense, transmitting the biennial report entitled, "Report on the Montgomery G.I. Bill for Members of the Selected Reserve" for Fiscal Year 2004, pursuant to 10 U.S.C. 16137 Public Law 106–65, section 546; jointly to the Committees on Armed Services and Veterans' Affairs.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. MARKEY:

H.R. 4124. A bill to amend the Public Health Service Act to authorize funding for the establishment of a program on children and the media within the Centers for Disease Control and Prevention to study the role and impact of electronic media in the development of children; to the Committee on Energy and Commerce.

By Ms. MILLENDER-McDONALD (for herself and Mr. GARY G. MILLER of California):

H. Res. 506. A resolution commending the Southern California Association of Governments for Forty Years of Planning and Advocacy in Transportation, Air Quality, and Growth Management; to the Committee on Transportation and Infrastructure.

By Mr. BARTLETT of Maryland (for himself, Mr. UDALL of New Mexico, Mr. GOODE, Mr. GRIJALVA, Mr. JONES of North Carolina, Mr. TANCREDO, Mr. GINGREY, Mr. KUHL of New York, Mr. ISRAEL, Mr. BUTTERFIELD, Mr. UDALL of Colorado, Mr. VAN HOLLEN, Mr. GILCHREST, and Mr. WYNN):

H. Res. 507. A resolution expressing the sense of the House of Representatives that the United States, in collaboration with other international allies, should establish an energy project with the magnitude, creativity, and sense of urgency that was incorporated in the "Man on the Moon" project to address the inevitable challenges of "Peak Oil"; to the Committee on Energy and Commerce.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 170: Ms. ZOE LOFGREN of California.

H.R. 219: Mr. NEY.

H.R. 1159: Mrs. MUSGRAVE.

H.R. 1426: Mr. PALLONE.

H.R. 2048: Mr. PETRI and Ms. SCHWARTZ of Pennsylvania.

H.R. 2182: Mr. PITTS, Mr. BURTON of Indiana, Mr. CHOCOLA, Mr. BARRETT of South Carolina, Mr. GUTKNECHT, Mr. FEENEY, Mr. BISHOP of Utah, Mr. BARTLETT of Maryland, Mr. WELDON of Florida, Mr. BRADY of Texas, and Mr. TIAHRT.

H.R. 3417: Mr. JACKSON of Illinois.

H.R. 3561: Mr. MCNULTY.

H.R. 3630: Mr. RYUN of Kansas and Mr. CAMP.

H.R. 3661: Mr. MILLER of Florida.

H.R. 3889: Mr. COOPER.

H. Con. Res. 190: Mr. FITZPATRICK of Pennsylvania and Mr. WEXLER.

H. Con. Res. 231: Mr. OWENS and Mr. SWEENEY.

H. Con. Res. 269: Mr. BARRETT of South Carolina, Ms. ESHOO, Ms. FOXX, Mr. GOHMERT, Mr. SHIMKUS, Mr. ROSS, Mr. LIPINSKI, Mr. PAUL, Mr. FOSSELLA, and Mrs. CHRISTENSEN.

H. Res. 477: Ms. VELÁZQUEZ.

H. Res. 483: Mrs. JOHNSON of Connecticut.

SENATE—*Monday, October 24, 2005*

The Senate met at 2 p.m. and was called to order by the Honorable PAT ROBERTS, a Senator from the State of Kansas.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray:

Creator of the universe, help us to grasp the length, breadth, and depth of Your love for us. We marvel that You desire a relationship with us and have given us the privilege of conversing with You in prayer.

Bless our Senators today and the many others who labor with them to keep our Nation strong. Open our eyes that we might perceive Your presence in our lives and world. Strengthen and sustain our loved ones who support and encourage us. Mold and meld us into the people You desire as we surrender ourselves to You for the business of this day.

Lord, we also pray for those affected by Hurricane Wilma and ask that You would help and comfort them. We pray in Your strong Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable PAT ROBERTS led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The assistant legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, October 24, 2005.*
>
> *To the Senate:*
>
> Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable PAT ROBERTS, a Senator from the State of Kansas, to perform the duties of the Chair.
>
> TED STEVENS,
> *President pro tempore.*

Mr. ROBERTS thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The distinguished majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, today we will immediately resume consideration of the Labor-HHS appropriations bill, following statements by myself and the Democratic leader. Amendments may be offered during today's session, and we hope Senators will come to the floor and offer their amendments. If Senators are unable to come to the floor, we ask that they notify the two managers or their respective cloakrooms of their intention to offer amendments and the specific subject matter. I know the distinguished chairman will have more to say on this. He has made it clear that at the appropriate time, he will go to third reading in order to complete this bill. His statement in saying that and my statement in restating that is that we will finish this bill this week. We absolutely must have people come to the floor today as soon as possible, instead of doing what has become almost a custom here, wait a few days before making the managers aware of their amendments.

It means that we will be voting, of course, through this week. We will have votes later tonight which I will speak to. As I have said before, working with the Democratic leader, it is very important that we work Monday, Tuesday, Wednesday, Thursday, and Friday. We have asked all of our colleagues, between now and Thanksgiving, to give us every Monday and every Friday instead, as has become the custom, of working Tuesday, Wednesday, Thursday on the floor and not Monday and Friday. We will have to ask everybody's cooperation and participation. The chairman will have more to say about that momentarily. We will have one vote, probably two votes, possibly three votes, but we will have one or more votes today beginning at 5:30. We hope we can have a vote on the Labor-HHS bill, if an amendment is offered and debated this afternoon. In addition, we have three district judges on the Executive Calendar, and those may require rollcall votes. Therefore, Senators can expect to begin voting at 5:30 today.

I remind Senators, we will have a very busy week with this particular bill. Senators are asked to report on time when we call a vote. Again, the tendency has been to go beyond 15 minutes and, indeed, beyond 20 minutes. Because we have so much to do in such a limited amount of time over the next 4 weeks, we will have to tighten that up and ask people to be more responsive than in the past.

Mr. REID. Will the Senator yield?

Mr. FRIST. I am happy to yield.

Mr. REID. Mr. President, I have kept quiet the last 8 or 9 months on this issue, but I am glad to hear somebody raising the issue of how long these votes take. It is so discourteous, so impolite of Senators to have us wait around here for 35, 40 minutes on a vote. It is not right. People have other things to do than wait for somebody who is finishing a phone call or some appointment. The only way to do this is to cut off the vote, have people miss votes. If I am late, cut off the vote. Senators come in here "hang tooth," sad that they missed a vote, after we keep the vote going for 35 or 40 minutes. I served in the House of Representatives. We had 15 minutes to vote in the House. It is over with. There are 435 Members over there. They all manage to get over and vote on time. I know we have a rollcall, but it is simply unfair to this institution to waste hours every week. My Democratic Senators, if they are late and there is equal pain around here and you cut off your Republicans, I will cut off my Democrats, and I will handle them. I want everyone within the sound of my voice, all the staffs, to hear that it is my understanding, based upon the urging of Senator SPECTER, that we are going to cut these votes off. I hope that is the case. It is a pet peeve I have around here. Where else in the world would you be so discourteous as to have people standing around waiting for you to do something that none of us care about? I don't know what they are doing over there. We hear the excuses, the plane has just landed, they are on their way. They have had too many tardy slips. Let's not accept that anymore. I think if we did it once, the second time it would be a lot easier. And the third time it would never happen. I hope the distinguished Republican leader will force our Senators to recognize that they have the obligation of voting on time. It is the main reason we are here. If they miss a vote, they miss a vote.

Mr. FRIST. Mr. President, you have heard it now from the two leaders and the chairman and the ranking member. Let's plow ahead, again being respectful of the body itself and the use of time, and keep the bill moving forward and America moving forward.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

DARFUR

Mr. FRIST. Mr. President, the United States will very soon vote on a resolution urging the international community and the Government of Sudan to end genocide in Darfur. Since March of 2003, more than 181,000 people have died in the Darfur region. Darfur and the country west of Sudan—Darfur is in the western part of Sudan and the country west of that, Chad, and the neighboring towns in that region. One hundred eighty-one thousand people have died of violence and disease. They are dying of malnutrition. More than 2 million people have been displaced from their homes, many times without their families, and remain scattered in these refugee camps in the Darfur region and in Chad.

I have had the opportunity to travel to Sudan many times and to the Darfur region, last year to Chad. Along the border, there are a whole number of refugee camps, each with anywhere from 6,000 to as many as 12,000 people. When you go into these refugee camps and you sit down on a little mat with all these little makeshift tents with 8,000 people who have had to leave their homes, you hear the stories of murder, the stories of rape from young women. You hear those stories of violence, many with descriptions of the Government of Sudan's jeeps driving through these villages as they are pushed forward. I have heard the stories myself. I have talked to enough people on the ground to know that this is, indeed, genocide and that it is time for us, the international community, to do something about it.

I have said basically that same thing on the floor of the Senate for the last year; many of us have. It is embarrassing to have to come back to the floor to say it once again.

The Government of Sudan has failed to take credible steps in terms of ending this genocide. There has been a lot of talk, but we don't see any action. It was clear, as I was there, as it is now, that the death toll is going to increase. It is going to increase unless we have stronger action, unified action, but not just by the Government of Sudan, because they are not going to act, but the entire international community against Khartoum, where the Government of Sudan is centered. President Bush and former Secretary of State Colin Powell and the Senate have all declared that the Darfur crisis is, in fact, genocide. It was the Senate that officially condemned it as genocide. Once again, we see no real response by the international community.

This past Friday, the United Nations High Commissioner for Refugees warned that the situation in the Darfur region of the Sudan is getting worse. Where is the international community's response?

Innocent civilians continue to be targeted by the Sudanese Government in Khartoum and its allied Janjaweed militias. The Janjaweed have even caused the United Nations to temporarily suspend some of its relief activities in many areas of Darfur. In the words of the High Commissioner, the situation is "extremely nasty, with ugly events." Last month, 400 Janjaweed Arab militia on camels and horseback attacked a refugee camp killing 35 people, wounding 10 others. More than 80 homes were burned to the ground. On October 8, an African Union convoy was ambushed in the southern part of Darfur. Four Nigerian soldiers and two civilian contractors were killed. The very next day, a group of rebels abducted 38 African Union soldiers in the border town of Tine, threatening the African Union to stay out of the territory.

Today there are fresh reports of heavy gunfire over the weekend in half a dozen towns in the region. The African Union forces deployed to the Darfur region have done a professional job and deserve praise for their determination. But they are up against ruthless opponents who attack and maim and kill their opponents. Nearly 200,000 civilians are dead, 2 million more displaced and suffering. The violence must stop. Those who are responsible for genocide for these war crimes against humanity and these criminal acts must be brought to justice.

I urge the United States to renew efforts to implement additional sanctions on the Government of Sudan through the United Nations Security Council. I also support an expansion of the size and mandate of the African Union mission in Darfur, and I encourage my colleagues to continue to support its efforts.

Time is running out. We cannot wait and see. The international community must live up to its declared responsibility to protect innocent citizens targeted for genocide. The credibility of the international community is at stake. Even more important than that are the hundreds of thousands of innocent people whose lives now hang in the balance.

I yield the floor.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The distinguished Democratic leader is recognized.

AMERICA'S PRIORITIES

Mr. REID. Mr. President, I think most Americans have been to Florida. It is such a pleasant place, and beautiful, with wonderful beaches and tremendous weather. But nature has been very unkind to Florida in the past few years. There have been numerous storms, devastating storms. Florida is now being buffeted by Wilma. Winds are over 125 miles an hour with torrential rains, flooding many parts of Florida. Over 20,000 people have sought safety in shelters. Many have chosen to ride out the storm, and that is unfortunate. According to reports, less than 10 percent of the residents of the Florida Keys have evacuated, and it appears this may turn out to be the most damaging hurricane to hit this region in more than a decade. This afternoon, Wilma's victims are certainly in our thoughts. The storm is still there.

In recent weeks, we have seen how destructive nature can be. The people of Florida know we stand ready to help if, in fact, that is necessary.

Victims of Hurricane Wilma join the growing list of the Americans who need our help. While Wilma is upon us—we had Rita before that—we cannot forget the people who have suffered such devastating losses from the storm that hit the gulf, Hurricane Katrina. But it is obvious that the majority has forgotten about them.

We have had bills agreed upon by the Finance Committee and others—bipartisan bills—that we cannot move to the Senate floor. We cannot move them. Now I am told a bill that started out at $8 billion to help the people who are in such need of medical care and attention, the Medicaid bill, has now shrunk to less than $2 billion. It will be, of course, a Band-Aid. It will give the majority something to say: we are trying to help. The fact is, they are not trying to help.

Weeks have gone by, and now Wilma is upon us, and Wilma will likely create the need for more help for people in Florida, which will push Katrina's victims, in the minds of the majority, further off the radar screen.

The American people, even before Wilma, were already looking to the Senate for help with rising energy prices, and preparedness for future disasters, such as the avian flu. We must add Wilma's victims to this list.

It is my hope that the majority in the Senate will join Democrats in focusing on these priorities. These priorities are about doing something about these staggering energy costs—heating fuel, filling the gas tank—or doing something about being prepared for what we have been told is going to be a pandemic, the avian flu. We have seen it leave the Far East and travel to Europe. And what are we going to do about the Katrina victims?

With few weeks remaining in this work period before Thanksgiving, we need to come together and make sure the agenda of the Senate reflects the agenda of the American people. Unfortunately, it does not at the present time.

This week, the Senate Budget Committee will mark up the bills they get from the various committees and move forward with budget reconciliation. This is legislation that cuts health care for the neediest of the needy, the Medicaid recipients. It will cut housing. It will cut programs for farmers. It could put at risk the pensions of millions of working Americans. But the majority's mantra is: Rich people of America, we are coming to your rescue; we are going to cut your taxes some more.

I am appealing to my colleagues in the majority: Don't do this. Postpone this effort. We have very real needs to address in this country. I repeat, rising energy prices, hurricane victims, and preparedness for the avian flu. These issues should be the focus of every Senator, not cutting programs to help those most in need and providing tax breaks for special interests.

Democrats voted against this immoral Republican budget once before Katrina hit. Now, after all we have been through, I think it is even more of an embarrassment to this institution that we are moving forward to cut the poor even more and cut taxes for special interests even more.

After a summer of rising energy prices and multiple hurricanes, hundreds of thousands of families are struggling to meet basic needs. The cuts in the Republican budget will only make these problems worse. Of course, even if Republicans move forward with their plans, Democrats will continue to insist the Senate address the priorities of the American people.

As we did last week, we will continue to try to bring forward legislation that will help working families. On energy, we will fight to make sure the Senate takes a real look at price gouging and takes steps to help millions of families fill their tanks and heat their homes. On avian flu, we will continue to push the Senate to consider our comprehensive preparedness legislation so our country has the tools and resources it needs to confront this pandemic. If we do not do something, we are told 48 percent of the people who get this flu are going to die. And with Katrina, we are going to do everything we can to make sure hundreds of thousands of victims get the health care, housing and economic opportunities they need.

This weekend brought a new round of stories about how gulf coast communities are struggling. The problems of Katrina have not gotten better. For many families they have gotten worse.

With Katrina, we also have to ensure we get answers to how this happened so we can do everything possible to prevent it from happening again. The Senate has an obligation to act.

I say to my friends who now, as we see from the morning papers, are concerned about how many Iraqis are killed and soon—it may have already happened—just a matter of hours from now, 2,000 Americans will have been killed in Iraq. No one was looking for offsets and have not been looking for offsets on the billions of dollars being spent in Iraq.

Unfortunately, the Republicans blocked our attempts to help the American people last week. We could have made real progress. Instead, the Senate wasted much of its time. America can do better. We do not have time to lose. Every day that goes by, the problems faced by Katrina's victims grow worse. Every day that goes by, families are squeezed tighter by the energy crunch. Every day that goes by, we lose precious time in preparing for the avian flu pandemic.

We can do better. America can do better.

The ACTING PRESIDENT pro tempore. The distinguished Senator from Illinois is recognized.

Mr. DURBIN. I thank the President for recognizing me.

I would like to follow on the remarks made by the Democratic leader of the Senate. The American people we represent expect us on the floor of the Senate to truly represent them and their real concerns—the needs of their families, the needs of their communities, the needs of businesses and farmers. We are elected to speak for them and to come together in common purpose on a bipartisan basis and deal with the real issues Americans face.

I would certainly acknowledge that the pending appropriations bill for Labor, Health and Human Services, which includes education as well, is one of the most important appropriations bills that addresses those needs. In years gone by, there was a Congressman from Kentucky named Bill Natcher who was the chairman of the subcommittee that handles this bill. He always called this bill on the House floor the "people's appropriations bill." I think it was aptly named because it meant so much.

So as we visit this bill this week, it is time well spent, time to reflect on what we can do to help education in America, time to reflect on what we can do in the area of health care for America, medical research for America. It is time to look at some of the most basic programs we count on.

Sadly, this bill is the exception, it is not the rule.

Too many times we come to the floor of the Senate not to serve the needs of the people of this great Nation, but to serve the needs of special interest groups. They dominate this process because it has become such an expensive process. Unless you are independently wealthy and can finance your own campaigns from the millions of dollars you made before you came to the Senate, most Senators, mere mortals, spend their time raising money. From whom? Well, from their voters somewhat but, by and large, from special interest groups. So it is no surprise that the agenda of the Senate reflects those special interest groups.

Just a week ago, the new bankruptcy law went into effect. Professor Warren of Harvard Law School this morning in the New York Times talks about what it is going to mean. This was a 9-year effort by the financial institutions and credit card companies of America to make it more difficult for families to file for bankruptcy. Nine years they put into it, and they finally scored their big victory this year. They got this new bankruptcy bill passed.

What it means is fewer people who walk into bankruptcy court will be able to walk out with a clean slate. Many people walking in, crushed by debt, will find themselves walking out still carrying most of that debt.

Who are these people? Who are these folks who have been accused of abusing the bankruptcy system? Take a look at them: Over half of them are people who were overwhelmed by one thing—medical bills. There was an article in the New York Times this Sunday on the front page—my colleagues might have read it—of a family with health insurance and a sick baby who ended up losing their home, despite the fact they had health insurance, because of the serious medical problems that little baby faced.

This new bankruptcy law pushed on us by financial institutions and credit card companies will make it more difficult for families like that to ever erase the slate and start over. The special interests won again.

Then we had this debate on the floor of the Senate about the Department of Defense authorization bill. Can you think of anything more important, certainly to the families of 150,000 American soldiers serving in Iraq today? Is there anything more important than the Department of Defense authorization bill, a bill which addresses the needs of our soldiers, the needs of the Pentagon, the needs of our veterans? Could there be a higher priority for us to deal with on the floor of the Senate?

Do you know what happened to that bill? The Republican leadership pulled that bill off the floor and said: We don't have time to consider it. And what did they replace it with? They replaced it with a bill pushed by the gun lobby, the National Rifle Association, a bill which says that gun manufacturers cannot be held liable in court for their wrongdoing. That is right, we have created this class in America, a limited class of people who are not responsible for their wrongdoing. It doesn't apply to you, not as an individual. If you are guilty of wrongdoing you can be held accountable. It does not apply to 99.9 percent of the businesses in America. Guilty of wrongdoing? You are held accountable.

But the gun industry, this big special interest group, so powerful that Republican leadership pulled the Department of Defense bill off the floor and has never returned to it.

Mr. REID. Mr. President, will the Senator yield for a question?

Mr. DURBIN. I will be happy to yield for a question.

Mr. REID. I apologize for interrupting.

In the New York Times today on the front page there is a column that says: "GOP Testing Ways to Blunt Leak Charges." Is the Senator aware that the senior Senator from Texas said she hoped "that if there is going to be an indictment that says something happened"—referring to the Rove-Libby scandal in the White House—"that it is an indictment on a crime and not some perjury technicality. . . ." Will my friend comment on this statement?

Mr. DURBIN. Mr. President, I did read the article on the plane coming out here. I think everyone knows, without saying this is a critical week, that something could happen this week. There are investigations under way of the Republican leadership, the House and the Senate, and now there is a question as to whether there will be indictments handed down for others in the executive department.

It is clear from the statement by some Senators, including the one quoted, that they are trying to prepare America for the shock that even higher level indictments could be handed down.

I say to the Senator from Nevada, and I think he would agree with me, the vast majority of the men and women serving in the House and Senate today are the most honest, hardworking people America could ever hope for. They come to work every day trying to serve the public good and yet in every institution, whether it is Government, business, families, even churches, there is wrongdoing. People do the wrong thing.

I hope what we hear being said by some Members of the Senate minimizing the possibility of indictments at the highest level of our Government does not reflect the true feeling of this body. I honestly believe there has been a rampant culture of corruption and cronyism that can take over our lives if we are not careful in public life. I hope we are mindful of the public's need to know that we are committed to continuing honest, ethical conduct in public service. Otherwise, we lose the confidence. Nothing else we do means much.

To minimize the possibility of someone being indicted for perjury overlooks the obvious. What is at stake, what is at issue in this investigation involving Valerie Plame, is the fact that this woman was a career employee of the Central Intelligence Agency in a covert status, which meant people did not know what she was doing. That gave her entre and opportunity others did not have. So protecting her identity was an important part of her service to this Nation.

There are many like her who risk their lives every day for America to make it safer to uncover potential acts of terrorism before they occur. So when her husband, a former ambassador, put an article in the newspaper critical of the Bush administration for overstating the reasons we were going to invade Iraq, someone—according to columnist Robert Novak, two people in the White House—came forward to out her identity. They did that for the most vain national political reasons, to punish her and her husband for speaking out against the administration.

That is a crime, to out the identity of a CIA agent. Who created this crime? It was a crime created by President Bush's father, former head of the CIA, who was so enraged that someone had written a book disclosing the identity of a CIA agent which he believed resulted in their death that he called on Congress to pass a law to say if anybody disclosed that identity, they should be held responsible for it. That is what is at the heart of this.

This is not a political game. It involves the lives and good fortunes of many men and women who serve this country selflessly. So to minimize this Valerie Plame investigation and to say it is over some technicality—for goodness sakes, the security of America and the security of the men and women in our intelligence agency, that is not a technicality. That is part of the defense of this country. I certainly hope what we have seen in the paper this morning, reflected in yesterday's talk shows, is not part of some strategy to try to minimize what is an extremely serious investigation.

I also say this before I yield the floor—I see the Senator from Pennsylvania is here as chairman of the committee. The three points made by the Senator from Nevada are critical points. Five weeks from now, how can we go home and say Thanksgiving has come, we are ready for the holidays, we are headed off, and not do something about energy in America? How can we face the people we represent who cannot afford to pay their heating bills, people who cannot afford the cost of gas in my part of the world, in the Midwest, or the cost of heating oil in the Northeast? Can we say we have done the best we can do? I do not think so.

When it comes to energy, the bill we passed was a sop to the special interests. It was $9 billion in subsidies to oil companies which are experiencing the highest profits they have seen in decades. Some parts of the bill were good, and I voted for it because it included ethanol and biodiesel and a few other things, but by and large this bill did not force us into an energy policy. What we need to do is very obvious.

First, we need to protect consumers in America from these price spikes. They are defenseless when the cost of gasoline reaches the point they cannot afford to go to work or run their small businesses or bring the harvest in from the farm.

Secondly, we need to punish profiteers. The four major oil companies in America in the first 6 months of this year had over $40 billion in profits.

When you stuck that nozzle in the tank of your car and watched those numbers racing by on the pump, you were sending it directly to the boardrooms of these oil companies, $40 billion in profits that they took right out of that experience.

One of the Senators from the other side last week asked, what is wrong with profits? Well, I guess nothing is wrong with profits unless you have to pay for them out of your hard-earned money every single day, and unless you cannot heat your home in the dead of winter because the cost of heating oil has gone up to make sure those profits keep coming to the boardrooms.

Some of us believe it is time to say, end of the road to these major oil companies that are profiteering, and to punish the profiteers with a windfall profits tax which tells them there is no incentive in raising the price for more profiteering. Some say that is harsh, it goes too far. I do not think so. Imposing that tax and bringing the money back to consumers directly in rebates or to help pay for LIHEAP so low-income families can heat their homes, in my mind, is simple justice.

Finally, we need an energy policy that looks ahead to making America less energy dependent. There was one critical issue on the floor when it came to the Energy bill. It was an amendment offered by Senator Maria Cantwell of Washington, cosponsored by many of us, and here is what it said: Much like President Kennedy's goal of reaching the Moon, we will set as a national goal reducing our dependence on foreign oil in America by 40 percent over the next 20 years. Is there a person following this debate who does not think that is a good idea, a positive thing, that we would take the impact of the OPEC cartel and oil sheiks out of the American economy, minimize their impact?

We called that amendment up for a vote. One would think it would have been a unanimous vote, but it turned out to be a partisan vote. Not a single Republican Senator would support it. To reduce the dependence on foreign oil? That makes no sense.

We need to push for creativity when it comes to energy. We need to find renewable, sustainable sources of energy. What is the administration's answer to the energy crisis? Drill in the Arctic National Wildlife Refuge. An argument can be made there is not enough oil there to sustain us for any period of time. Over 20 years, the oil coming out of there is worth 6 months of America's energy supply. Over 20 years, it would produce 6 months' worth.

What happened last week in the Energy Committee? Up came a vote which said, incidentally, if there is going to be drilling in the Arctic National Wildlife Refuge, the oil better come down to America to help reduce our prices. That amendment was defeated. It was defeated on a largely partisan rollcall. There were many who said, no, the oil companies cannot be told what to do with the oil they take out of a wildlife refuge that has been protected for 50 years.

One wonders about the reach and impact of special interest groups. President Eisenhower's Arctic Wildlife Refuge, which we have valued and protected for 50 years, is going to be invaded and desecrated to drill for oil for America's energy, but this Congress would not say that oil would come back for heat and to fuel the cars of Americans. Where will it go? Probably to China.

Think about that for a second. One of our largest competitors in the world, energy hungry themselves, may end up with the very oil we are taking out of this wildlife refuge we have debated for years.

The point made about Hurricane Katrina is a good one. How can we leave without creating an independent, nonpartisan commission to figure out what went wrong? For 24/7, we saw those ghastly images of our fellow Americans struggling so that their children could survive this flood. We watched corpses bobbing in the flooded waters, seeing people desperate for shelter, water, and food. Much like 9/11, we think we ought to look into that to make sure we never repeat those mistakes again. There is resistance from the White House and from the majority.

Basically, the avian influenza is another call to arms. If this avian influenza, which has been described as inevitable by Dr. Gerberding of the Centers for Disease Control, strikes America, the people of this country have a right to turn to every single elected official and ask, what did you do, knowing this was coming? What did you do to stockpile the antiviral agents that might save the lives of the children in my family? What did you do to start the vaccine production that might save the lives of hundreds of thousands of Americans? What did you do back in October of the year 2005 when you had that chance?

So the question is whether we will go home having addressed any of those issues: energy, Katrina or avian influenza. This bill before us is critically important, but after this bill is finished I hope we will move to those three items. I think they are of great national significance.

I yield the floor.

The ACTING PRESIDENT pro tempore. The distinguished Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, parliamentary inquiry: What is the pending business?

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2006

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 3010, which the clerk will now report.

The assistant legislative clerk read as follows:

A bill (H.R. 3010) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

Mr. SPECTER. Mr. President, I made an opening statement on Friday morning and I intend to yield in a moment or two to my distinguished colleague, the ranking member, Senator HARKIN. I urge all Senators to come forward with their amendments. So far staff has contacted every Senator's office to find out if there are amendments which the Senator intends to file. We have been made aware of approximately 15 amendments identified so far where there is an intention to file. We have had a fair number of other comments from staffers of other Senators who do not know what their Members intend to do.

We have a very complicated bill, in excess of $145 billion, three of the most important Departments of the Federal Government: Education, Health and Human Services, and Labor. We are in the closing days of this session. After the passage of this bill, we are going to have to go to conference and resolve many difficult matters. So it is important that this bill be completed as early as possible.

We also have many Members who are involved in this bill who are engaged in the preparation of the confirmation hearings on Ms. Harriet Miers for the Supreme Court of the United States. That is weighing very heavily on my mind, but this is an important bill which comes first. Senator HARKIN and I are determined, and Senator FRIST, the leader, as well as Senator REID, the Democratic leader, will back us up. Senator REID took the initiative to remind Senators about a statement which I initiated last week about going to the 15-minute plus 5, 20 minutes total, vote tally so we do not consume a large amount of time, which has become the practice of the Senate.

Speaking as the manager, and I know Senator HARKIN concurs with this—I would ask the Senator if that is correct?

Mr. HARKIN. Yes.

Mr. SPECTER. We are going to move to enforce the time limits. The managers intend to press to file a cloture petition tomorrow which will require that all amendments be filed by Wednesday at noon and that we take up only germane amendments.

We think these rules are the ones which should govern the consideration of this bill. If anybody has nongermane amendments, the floor is open this afternoon, and until cloture is invoked, the germane amendments will be open for consideration tomorrow.

I again urge our colleagues to come forward at this time with any amendments which they desire to offer.

The distinguished Senator from Iowa was not present to hear my lavish praise about him on Friday afternoon. He is giving me the waving-on signal. The choice is either to praise him again or relegate him to read the CONGRESSIONAL RECORD, so I choose to renew the praise.

He has been a steadfast colleague as we have moved the work of this important subcommittee without partisanship. The gavel has changed hands from time to time between Senator HARKIN and me. I know that while he has said some good things about my chairmanship, he prefers to be chairman. I do not know why, but he has maintained that position. In the public interest, when the chairmanship is changed, we use the expression "a seamless exchange of the gavel."

Now I do not hand him the gavel, but I hand him the floor seamlessly.

The ACTING PRESIDENT pro tempore. The distinguished, seamless, and steadfast Senator from Iowa is recognized.

Mr. HARKIN. Mr. President, I thank my friend, the distinguished chairman of this vital and important subcommittee on appropriations. Senator SPECTER and I have worked together—now that I think back, it has been 17 years that we have worked together, either as chairman or ranking member on this subcommittee. The chairman is absolutely right. No matter who has the gavel, we work together. I couldn't ask for a better working relationship with anyone than I have with my friend and my chairman, Senator SPECTER of Pennsylvania. It is Senator SPECTER who has led the charge in the past to do the things that enable our country to move ahead educationally and to be better prepared healthwise. It was Senator SPECTER who led the charge in the 1990s to get us up on the plateau, to double the funding for NIH. People said it could not be done.

We had fallen so low in terms of the number of peer- reviewed projects that were being funded that people were just giving up. We were not getting a pipeline of researchers. Maybe they had 1 chance in 10, maybe 1 chance in 20 of ever getting their research project funded, and this was after it went through the peer review and was deemed worthy of funding.

We had fallen to a terrible state, so Senator SPECTER and I worked together with our staffs to get a funding schedule that would double the funding for NIH. If I am not mistaken, I believe it was started under a Democratic President and finished under a Republican President. It was a bipartisan approach, but we got the job done. More and more people are looking at NIH now as again the premier institution it once was in our country and really the premier medical research institution anywhere in the world. It was Senator SPECTER who led that charge.

Many years ago, you will remember, there was a movie called "Outbreak." It had Dustin Hoffman in it. It was about 15 years ago, something like that. I happened to be chairman of the subcommittee at that time. I went down to Atlanta to visit the Centers for Disease Control. That was its name then. We changed the name to the Centers for Disease Control and Prevention, which is its rightful name now, in 1991 or 1992. I went down there to see these fancy things that were in the movie with Dustin Hoffman, these fancy laboratories and high-tech stuff. I wanted to see this. I went down to see this, and I found out that the movie producers had, indeed, visited the Centers for Disease Control to make this movie, but the facilities were so ramshackle, so rundown, so poor, they decided to build their own Hollywood set because no one would believe this really was the high-class, high-intensity, super-secure environment in which to investigate these kinds of infectious diseases. Indeed they were. They were working, actually, in buildings that had been constructed pre-World War II. In some cases, laboratories had been reconstructed from rest rooms that were, in those days, for colored men, colored women, White men, White women. They had done away with all that, and now they made them into laboratories.

Senator SPECTER and I both looked at that and said: We have to do something about this. And we did. We have now embarked on a multiyear program. We started several years ago, building facilities at the Centers for Disease Control and Prevention. They are now the best in the world. Not all of it is done, but many of the buildings have been built. As I said, we now have the kind of facilities that a great nation such as ours requires and deserves.

That is just my way of paying my respects to Senator SPECTER for his great leadership on this subcommittee in terms of health and of education in our country.

Having said that, I am pleased we have the bill on the floor. Last year, we never even got to the floor. As of last week, it looked as if we would not get to this one, so this is the last appropriations bill this year, and it deserves the full consideration of the Senate.

Second to Defense, this is the largest appropriations subcommittee. Health, Education, Labor it provides over $600 billion in programs. I mentioned the National Institutes of Health; Centers for Disease Control and Prevention; libraries—a lot of other things. It is the bill that paves the way for medical breakthroughs, provides job training to dislocated workers, vocational education, and helps our most disadvantaged students through title I, Individuals with Disabilities Education, Pell grants. It was once said of our committee that the Defense Appropriations Subcommittee is the committee that defends America; the Labor, Health and Human Services, Education Appropriations Subcommittee defines America. I believe that is true. It defines who we are, what kind of people we are, and how we perceive the future of our country. So it is true, the Defense Appropriations Subcommittee defends America. I think this subcommittee has the legislation and the money that defines America.

I again thank Senator SPECTER, and I especially wish to thank his staff. It goes without saying, our staffs have worked together very closely across the aisle for all these years. I could not ask for better relationships and openness, transparency, congeniality, working together.

So we have the bill before us. Am I ecstatic over this bill? Not quite. I am not. But I will say this: Senator SPECTER and his staff and I and our staff have done the best with what I consider a bad hand that was dealt us. A lot of times when the budget comes through here, we have a debate on the budget, people vote on the budget, and it goes through as if it doesn't have much effect. The budget goes through, ho-hum, and that is the end of it. But we have to operate with that budget and within that budget, and that is why we have the bill we have. Once the budget was adopted, our subcommittee had no hope of restoring all the cuts in the President's budget, much less giving increases to vitally important health and education programs.

We did the best we could. Again, I compliment Senator SPECTER, but just take a look at the National Institutes of Health. Again thanks to the leadership of Senator SPECTER, we go up about $1 billion. The President's budget only had it up $100 million. In community health centers, we are basically funded at the level of last year, but the demand is greater. The Community Services Block Grant Program got $636 million, the same as last year. That is less by $14 million than what we had in the year 2000. So we have more poor people—more people demanding services everywhere from Head Start to LIHEAP to childcare services—yet we have basically level funded, at least in our bill, the Community Services Block Grant Program.

Some Senators may remember that when the Defense Appropriations Subcommittee bill was on the floor, I offered an amendment to increase the community services block grants to this year's level because the continuing resolution we are operating under right now cut the community services block grants back to the level at which they were in 1986: about $340 million or $350 million.

This is October 24. We are now 24 days into this quarter at which the funding for our community action agencies is down to less than half of what was in last year's bill. So here we are, trying to get at least last year's level, even though that is inadequate. It is less than what we had in the year 2000, and we know poverty has increased. There is more demand for Head Start services, LIHEAP, and others. But again, at least in our bill, we keep it level funded. The continuing resolution knocked it back, it said, to the levels of 1986.

I mentioned LIHEAP. We have $2.2 billion in our bill. We should have more. The budget resolution wouldn't allow it, so we did the best we could. And with oil prices up—I checked in Iowa when I was there last week, and heating prices are double what they were last year. Natural gas prices are at least a minimum of 50 percent more than they were last year. Yet the amount of money we have for LIHEAP is the same as what it was last year—the Low-Income Home Energy Assistance Program, the same level as last year. I understand there will be an amendment offered to increase this. I assume it is going to take 60 votes, so I don't know how much hope we have of passing it. I hope it does pass because the demand is there. The need is there.

Pell grants are $4,050, maximum. That is the same as last year. There is no increase whatsoever, yet we know tuition costs have gone up. Pell grant purchasing power now is about 40 percent of what it was just 15 years ago when we were working together on this—40 percent less purchasing power in a Pell grant, and Pell grants go to the lowest income families in America for their kids to go to college.

We have the Perkins Program for Vocational Education. At a time when we need to be training and retraining workers in vocations such as electronics and computers and software and when they need retraining for the new kinds of jobs of the future, we have a program called the Perkins Program for Vocational Education. We funded it a little bit less than last year's level, and we know the need is there for more vocational education.

Title I funding goes to help local school districts that have a high proportion of very low-income kids. Last year, it was $12.7 billion. This year, it is $12.8 billion. When you take into account inflation, it is basically a little bit less than what we had last year in terms of purchasing power. We estimate that 75 percent of the school districts that get title I funding in America will actually get less next year than they got last year. Yet we know from the data there are more poor people out there, there are more low-income families and schools that teach these low-income kids, yet we are not funding the title I program in the way it has been funded in the past. So again we are caught up in a budget problem, a budget situation where in this budget this Senate voted for we have new tax breaks of about $70 billion more in tax breaks. There is $35 billion more in cuts and $35 billion more in deficit spending under this budget. So $70 billion in tax breaks, most of which go to the most affluent Americans, yet we have no money for title I or Pell grants or Perkins loans.

We have no more money for the Low-Income Home Energy Assistance Program, again for low-income people and the elderly. The funding for community health centers that are picking up the gap between those who have health insurance and those who do not is up $105 million, but out of $1.8 billion, that is basically level funding, maybe even a little less when you take inflation into account.

The budget we passed this year is a budget that measures our Nation just the opposite of what Franklin Roosevelt said in 1936.

President Roosevelt said the progress of America should be measured not in whether we can add more to the abundance of those who already have plenty but, rather, whether we can even meet the needs of those who have too little. This budget seems to be saying to us the measure of progress in America is how much more we can give to those who already have a lot and take from those who already have very little. That is the way we measure progress in America today under this budget. So that is why we have an appropriations bill that basically doesn't meet the needs for education in Pell grants, Perkins loans, or title I. It doesn't meet the needs we have for heating this winter, for community health centers, for community services block grants. I could go on and on.

So as I said, Senator SPECTER and I and our staffs did the best job we could, but our hands were tied by the budget. If there are amendments to waive the Budget Act and increase some of these, with no disrespect to my colleague and my chairman, I will find myself on the side of those who want to waive the Budget Act and increase funding for low-income heating and energy assistance, to waive the Budget Act for Pell grants, to waive the Budget Act to put more money in for title I funding. I will be on that side because, I am sorry, I do not agree with this budget. I do not agree with the budget that gives $70 billion to the wealthy and gives less to our poorest people. We can't afford title I funding for schools. We can't afford to put money into low-income heating and energy assistance for the poor and elderly. We don't have the money for it. We do have the money for it.

It is just right now that money is going out in more and more tax breaks for the wealthy. We have two tax cuts that are going into effect next year. They were passed in the 2001 tax bill. They start next year. They are not in effect now, but they start next year, called PEP and Pease, P-E-P and P-E-A-S-E, named after Don Pease of Ohio, former Congressman. And those two, according to the Congressional Budget Office, those two tax cuts alone will cost the Treasury $35 billion in the next 5 years, and in 10 years, $146 billion—lost revenue.

Well, who gets the money? Do low-income, hard-working, struggling families get PEP and Pease because they are going to get the tax break so they can pay the mortgage on the house, pay tuition for their kids to go to school? Over 50 percent—again, CBO, don't take my word for it—of the benefits of this tax cut that starts this next year, this PEP and Pease, over 50 percent goes to people making over $1 million a year; 97 percent of all of these tax cuts in PEP and Pease go to people making more than $100,000 a year. But over 50 percent—I think it is 54 percent—goes to people making over $1 million a year.

Now, we are going to do that, but we can't increase the Pell grants. We can't increase the Perkins loans for vocational education. We can't increase title I for the poorest school districts. So that is why I say if there are amendments offered to waive the Budget Act, I will find myself on that side, with no disrespect to my chairman. We did the best we could under the budget, but I repeat, I don't agree with this budget. I don't agree with this budget at all. Therefore, if we have to waive the Budget Act to fund these programs, that is the side I am going to be on.

Having said that, there are many things Senator SPECTER took the lead on that I want to thank him for: restoring funding for the elimination of child labor, system change grants at CMS that help States move people from institutions back to their communities, preventive health block grants, even community services block grants—even though we are level funding in this bill, the President's budget had zero, zeroed it out. He zeroed the preventive health block grants, system change grants to move people from institutions to living in their communities, to abide by the Supreme Court's ruling on that. The President zeroed it out. At least Senator SPECTER put that back in.

So given the bad hand we were dealt, Senator SPECTER did a great job. I thank him for his fairness, his cooperation, for his work on this bill.

I concur in his request earlier that people come over with amendments. I understand there will be a cloture motion filed tomorrow. That is something I can support to finish this bill this week and hopefully get it to conference. I just wish that we did not have the budget under which we are operating.

I again ask Senators who have amendments to come over and offer those amendments. We are open for business. We would like to finish this bill by Thursday night. I am sure most Senators would. There is no way to do that unless people come over and offer amendments.

So with that, Mr. President, I yield the floor, and I note the absence of a quorum.

The PRESIDING OFFICER (Mr. ALEXANDER). The clerk will call the roll.

The assistant legislative clerk proceed to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, Senator HARKIN just called my attention to the fact that a quorum call has been underway for a protracted period of time. Senator HARKIN and I are very much opposed to quorum calls during our watch.

I ask Senator HARKIN if it is too early to call for a third reading or final passage.

Mr. HARKIN. Mr. President, if the distinguished chairman will yield to allow me to respond to that, I say to my friend from Pennsylvania that I think it may be a bit early. I think there are Senators still coming back from their travels in their home States. We want to give them time to get back here.

Mr. SPECTER. Would 4:15 be an appropriate time?

Mr. HARKIN. Someone told me there was a vote on a couple of judges at 5:30. I think after that we have to take a look and see how many amendments there are, if I am not mistaken.

I thought the chairman was going to offer a cloture motion tomorrow. If we have third reading, the chairman can't file a cloture motion.

Mr. SPECTER. If we have third reading, we will not need a cloture motion.

I am persuaded by the eloquence of the Senator's argument.

Mr. HARKIN. There may be a point in time when I would agree with the chairman on this. It is Monday, and I know people are working diligently in their States, and they are headed back. There may be a couple of amendments that Members want to offer. I think perhaps 4:15 might be a little early for third reading.

But if the chairman will yield further, I believe the chairman is right. It is Monday. We are in business. Senator FRIST, the majority leader, said that we are going to be doing business today. If Members have amendments, they should come over and offer them. I agree with the chairman. It is ridiculous to sit here in quorum calls when we have an important bill like this and Members have amendments.

Mr. SPECTER. Mr. President, I thank the Senator from Iowa for his lenient response. I thought it worth noting that a quorum call had been on for a while. Even the generosity of Senator HARKIN has its limits on how much of a quorum call he will sustain.

AMENDMENT NO. 2197

Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER] proposes an amendment numbered 2197.

Mr. SPECTER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: to reduce administrative costs in the Centers for Medicaid and Medicare Services)

On page 154, line 10, strike "$3,203,418,000" and insert "$3,188,418,000" in lieu thereof.

Mr. SPECTER. Mr. President, this is an amendment which reduces the Federal administrative costs for the Centers for Medicare and Medicaid Services by $15 million. It is a very small reduction which will still leave in that account some $640 million, an increase of $57,570,000 over last year.

The reason for this amendment, which is more in the nature of a technical amendment, is it brings this bill in conformity with the budget resolution. We anticipate savings of $15 million from a certain item in the budget. We have found that the savings noted by Finance for fiscal year 2006 amounts to only $90 million. We are $15 million short. With the astute reading of the staff, this was noted, and we would be subject to a point of order if we were out of kilter. So we are offering this amendment.

I believe this would be the basis for at least one of the 5:30 votes this afternoon. The majority leader talked about other judicial nominees being on the calendar. That is up to him as to whether he will put those on the agenda for votes.

Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. SPECTER. Mr. President, that is the only amendment which this manager has to offer at this time. It is 3:22. We have 2 hours 8 minutes before the 5:30 vote.

There are frequent occurrences on the floor of this Senate where 8 minutes is valuable, and sometimes 2 minutes. Somebody asked unanimous consent on Thursday night for an additional minute, but it was objected to. Objection was withdrawn with 5 minutes to argue about whether we would have a minute. We have a lot of time. We could get some important work done if Senators who are now returning from their home States will come to the floor and offer amendments.

In the absence of any Senator seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. SPECTER. Mr. President, on behalf of the leader, I ask unanimous consent that at 5:30 today, the Senate proceed to executive session and immediately proceed to consecutive votes on the confirmation of Calendar No. 385, Brian Sandoval to be United States District Judge for Nevada, to be followed immediately by a vote on Calendar No. 387, Harry Mattice, Jr., to be United States District Judge for the Eastern District of Tennessee; provided further that there be 2 minutes equally divided for debate prior to each vote.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. SPECTER. I thank the Chair.

Again, in the absence of any Senator seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THOMAS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THOMAS. Mr. President, I ask unanimous consent to speak as in morning business.

As I told the chairman, if any Members come and want to proceed with amendments, I will be glad to yield the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE DEFICIT

Mr. THOMAS. Mr. President, there is a subjject that is extremely important. It is important to all. Frankly, having been at home this weekend, as most Members have, I heard more about it probably than any other issue. That is spending, of course; the amount of spending we are taking on, and the Federal Government challenges to do something about the increase in the deficit we are bringing upon ourselves. The challenges make it very difficult.

As Fred Thompson said once: It is like going to heaven; everyone wants to go, but nobody wants to make the changes necessary to get there. That is the way it is with the budget. It is an obligation to do more to control spending and to control the size of the Federal Government. We have that obligation.

We have had some difficult times in the last couple of years which have brought about some necessary spending. We had September 11, the war on terrorism, the gulf now, and other emergencies, all of which require spending. I understand that.

However, we have to treat this as a family or business would when an extraordinary thing happens: We take care of it, but, nevertheless, the costs for the family and business continue. Then we must find a way at some point to offset the costs. That is where we are now.

Things have not all been bad over the past year. We have decreased the deficit by $100 billion. We never hear much discussion in the media about that. The fact is, we have made some progress. We have done some other good things. We passed an energy bill. We passed a highway bill. Through the tax reductions over the years, we have increased the activity in the economy, increased jobs and pay. There are good things.

The fact is, we still have special costs and funding we have to take care of. As I mentioned, as in business, we have costs here, as well. We are going to have a reconciliation bill, hopefully, next week. We will look at the budget we are in now to ensure—and this is our last appropriations bill today in the Senate—we live within the budget in those appropriations. I support the idea that we will seek to reduce it an additional amount, whether it is the $35 billion in the bill the Senate has talked about or whether it is the $50 billion talked about in the House. That is what we necessarily need to be doing and should be doing.

Now, those are short-term issues, short-term changes for this year or the next 3 or 4 years. We should give more attention to the long-term situation. In most things we do here, particularly in spending, particularly regarding the deficit, we ought to think of the long term. We ought to have 20/20 vision and ask, Where do we want to be in 15 or 20 years? What do we want to hand off to the next generation as a vision of where we want to be and where we would like to be, where we think we should be with our families, with our communities, with our Nation, and make the decisions daily, as we have to make them, predicated on accomplishing those visions we have decided we want.

The Washington Times said since the 1950s, around 18 to 20 percent of the gross national product has been the deficit. Deficits are not unusual. It is debt for most everything—businesses and families and so on. If we continue to go this route over the next 50 years, we will be talking more about 30 or 40 percent deficit as a percentage of gross national product. Deficits and spending go up because gross national product goes up, so as a percentage they go up as well.

However, I don't think we want to find ourselves moving toward larger and larger government with more and more activities without paying for them and have this deficit continue. In order to do that, we will have to look at some reforms. We will have to look at changes that need to occur, looking broader than just the reconciliation bill, which is very important. We need to look beyond that. We need to look at where we are going in the future and make some real changes.

One change will be in the size and scope of the Federal Government and the activities we are involved with in the Federal Government. We have created a culture where if there is anything needed anywhere, from the community on to the Federal Government, we get the Federal Government to pay for it, and we will start a new program. That has become a culture and a custom. Once that program is built in, it becomes political. As programs are started, they get a constituency and they continue. Those are areas we need to look at.

We will have to look at Social Security, for example. That is where most of the money is spent. When we spend $2.5 trillion in a year, only about $800 million is discretionary spending. The rest is Social Security, Medicare, and Medicaid. We need to look at this. Everyone is committed to a well-funded, secure Social Security Program over the years. There are differences of views as to how to get there. We need to look out to the future so the young people here can look forward to Social Security in another 50 or 60 years.

Clearly, we want health care available, but we have to do it in different ways. We need changes. I come from a rural State. The way health care is delivered in rural Wyoming is different from in Washington, DC. We need to get in a position where people have access to care. Maybe we ought to be doing some things where we do not need health care as much. We need long-term changes to get that taken care of. We need to restrain growth in the Federal Government.

I have always advocated policies for reducing the size of government. It is apparent that the government is too big and too broad in its scope. Our phones practically ring off the hook with people wanting more money for this, more money for that. I understand that. However, we have to decide what is appropriate for the Federal Government to pay. Many of the programs should be invested in but at the local or State level.

It seems over time we have created programs for most everyone. There are approximately 1,200 funded Federal programs. We need to look at these for the long term. We have to look at each program and see, in fact, if it is still as needed as when it was put into place, to see if it is as efficient, evaluate it on its merit to decide if the taxpayers are getting their money's worth, then take a broad look, a long-term future look at eliminating programs, reducing the size of government, maintaining programs that are essential, and making them more efficient long term.

I have a bill called Government Reorganization and Program Performance Improvement Act that creates mechanisms to do that. We have an opportunity most any time to create a new program and to fund it. We have a process for that. We do not have a process for evaluating a program that started 10 years ago. Is that reason still there? Have we accomplished the goal? Should it be changed?

We talk about that, I suppose, from time to time, but we do not have a process for doing that. That is partly what we would do.

The bill would create a sunset commission and an individual results commission. The sunset commission would hold the Federal Government accountable for performance with Presidential proposals. The commission could propose to the President whether to retain the program—after it has been there for 10 years; taking a look at it—or to restructure the program, or to end the program.

This would be acted on by assessments, a seven-member, bipartisan commission, appointed by the President, so we would have a process—a process, which we do not have now—to evaluate programs to see if they are, as I said, accomplishing the things they were set up to accomplish or to see if they should be done differently.

The other half of it is an opportunity to evaluate performance, again, having a commission set up to take a look at programs to see if they are operating as efficiently as they might be operating. I think it is fair to say sometimes in the bureaucracy we get things built into programs where they are resistant to change. It is a little different generally than the private sector where the private sector has to change from time to time because of profits or because of a lack of profits, or whatever; where Government programs tend to go on forever pretty much as they are. And I understand that.

So it seems to me there needs to be a way to do some of those kinds of evaluations and make sure that, No. 1, the size of Government can be controlled, and No. 2, we would maintain it as efficiently as can be done, trying to do away with wastefulness and unnecessary and duplicative activities that take place—whether it is within the Federal Government or within State governments or local governments.

We are looking at a way to ensure good government. Everybody wants government. Everybody wants services. But we also want good government; we want efficient government; we want effective government. And we want it to be done as economically and in the least costly way it can be done and still get that accomplished.

That is not an easy project. I understand that. But it seems to me—as we look at excessive spending; as we look at trying to do something about the budget that is pretty short term, looking at these next couple of years—we ought to be looking at where we are going to be in making some decisions that will help us keep within the budget we would like to have over a longer period of time. Doing that, we would have to make more difficult decisions, perhaps, but they would be more long-term decisions. Now is a good time to do that. What better time would there be to take a look at that than now, when we are as concerned as we are about spending—which we ought to be?

I think this is a good government initiative which we ought to look at. It certainly urges us to bring these bills up and to take a look at them so that, in addition to next year's reductions in spending, we take a look at the overall problem we face by increasing spending because we have found, I think, that is an easy thing to do. I think under these current circumstances, it is a thing that happens pretty much constantly, unless we are doing something about that.

I hope, No. 1, we recognize the importance of controlling spending, we recognize the importance of controlling the size and the role of the Federal Government. I think there should be—there should be—some definitions. We ought to have in our own minds some criteria as to what is the role of the Federal Government, what is the role of the other governments, what is the role of the private sector, so we do not continue to be in this sort of circumstance where everything that needs to be done becomes a role of the Federal Government. And then we wonder why taxes go up; we wonder why spending goes up. It is pretty easy to explain that if you take a look at the size of the Government.

I guess what I am saying is, I hope we can take on the responsibility, as we go about our daily chores, to have some vision for the future, to evaluate with respect to where we are, but also trying to get a notion of where we want to be—how we see it for our families; how we see it for jobs; how we see it for education; how we see it for freedom of choice. That is part of the criteria for this country.

We get in a political situation, which we are kind of in now. All we do is criticize this and that. The real reason for elections is to talk about the issues and to decide where we need to be, to talk about the kinds of issues and decisions that need to be made to get us where we want to be. I think we have gotten so involved with the media picking up on every little controversial issue, and talking about that, that people have forgotten what elections are about. Elections are about direction. Decisions here are about direction. Decisions here are about where we are going to be, and where we need to be, and where we want to be over time—for our families, for our communities, for our Nation.

We have a great opportunity to do that. I urge we give some consideration to it in every chance we have. And particularly now, as concerned as we are about spending—and properly so—we should be sure we take a look at where we want to be, how we can get there, and what changes have to be made that are more than just for next year, so we can move forward in that direction.

Mr. President, I thank you for the opportunity to speak. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BURR). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from North Dakota.

RECONSTRUCTION IN THE GULF STATES

Mr. DORGAN. Mr. President, my colleague, Senator LANDRIEU from Louisiana, will be on the floor shortly. We want to talk about something that has occurred in the last week. A week ago today, I chaired a hearing of the Policy Committee. The hearing was on the subject of the reconstruction in the Gulf States in the wake of Hurricanes Katrina and Rita. We have held many previous hearings on reconstruction in Iraq. As you know, this Congress has literally spent tens of billions of dollars on reconstruction projects in Iraq, and the waste, fraud, and abuse there is mind-boggling. There is massive money going out the door to contractors, in many cases with large no-bid contracts, and the taxpayers are getting bilked. I will not go into the lengthy stories about it now.

We decided to hold a hearing with respect to contracting in the gulf because this Congress has already approved $60 billion for reconstruction, and we have heard tales and stories that are similar to those we hear with respect to reconstruction in Iraq.

At last Monday's hearing, we heard from a local New Orleans company. The owner of the company and his job foreman originally were hired to provide 75 qualified electricians to work on a project they had begun at the Belle Chase Naval Air Station in Louisiana. The project they were hired for was with Kellogg, Brown & Root, a subsidiary of Halliburton. This company was hired to provide 75 qualified electricians.

Very soon after they started, these qualified Louisiana electricians, many of whom were victimized by the hurricanes and who very much appreciated these jobs, were replaced by others. They were replaced by workers who were not of the same training in electrical skills. In many cases, Bob Knight, the general manager of the New Orleans company that suffered this fate, described the replacement workers as follows:

> Almost all of their workers were from out of State, and most didn't speak English. Few seemed to me to be qualified electricians. According to the Halliburton subcontractor, they were being paid [a fraction of the] prevailing hourly wage, with no benefits. At that time they were living in small tents on the base.

Here is a photograph of the circumstances of how they were living. This is, of course, a little rough shed with 2 by 4s to frame up some beds. I am guessing most of these are undocumented workers brought in to take the jobs that had belonged to the folks in Louisiana who desperately need these jobs. But because the President said there is no requirement to pay what Davis-Bacon wages, no requirement to pay the prevailing wage in this region, the result is unscrupulous contractors who bring in workers who will work for dirt cheap wages with no benefits and many hours and put them up in circumstances such as this.

And, oh, by the way, some of them were told they could go to work on a crew such as this and get a fraction of what they would have to pay others who are skilled, and they can get free meals at the Red Cross. Unbelievable, isn't it? Here is what is happening to jobs that are supposed to belong to the folks in Louisiana and presumably also Mississippi. People who got hit hard by the hurricane, who lost everything, in many cases, expected perhaps to get an opportunity to get back on their feet with a good job that pays all right as skilled electricians. They put together 75 of them and are told by the contractor: This job is going to last; it is going to be an opportunity for you. And just like that, somebody else is brought in because the President said they do not have to pay prevailing wages.

Guess what. Here is the circumstance, here are the people with the jobs. Most do not speak English. Most were brought, many of them undocumented.

Last Thursday or Friday, following the hearing that I held, there was a raid at this military installation by what is normally called the INS. It is now I guess the ICE, as it has been subsumed into this behemoth organization called Homeland Security.

At any rate, the immigration folks raided, and we are told by people on the ground that they found somewhere around 150 undocumented workers. The immigration folks now say they found 10 that they know of, but they play a little game with us because the more questions we ask, the less information we get from them.

It is pretty clear to me, based on eyewitness accounts on the ground, that they went in after the hearing we did and found undocumented workers on that military installation who had taken the jobs, we believe, from the folks in Louisiana who had been victimized by these hurricanes, the jobs they were working at.

Here is the Washington Post. This was last week after the hearing:

> Among the electricians who lost their jobs was Sam Smith, whose house in the Ninth Ward was destroyed after Katrina slammed into the Louisiana coast. Smith, 55, returned to the city because of the promise of $22-an-hour wages, and guaranteed work for at least a year at the naval base.

By the way, he was a skilled electrician with all the certifications.

> He was quickly disappointed, however, and lost his job within three weeks. "You would think that the federal government should be making sure that people who are trying to restart their lives and are trying to put their city back together again are out there working," Smith said. "But that's not the case."

The New York Times:

> The acrid smell inside trailer No. 2 is tough to take for any length of time. The linoleum floor is filthy and bare, aside from a few soiled blankets hammed in the corners. Dishes caked with leftover food are piled high in the sink, attracting flies. Two portable fans are the only things stirring the air. But six men are living here. They sleep on that floor. They swat away those flies and dodge the roaches at night. They traveled all the way from Guatemala.
>
> They are promised good pay, three meals a day and place to stay, and some contractors make good on this. But the Mississippi Immigrants Rights Alliance, an advocacy group, says many do not.

So it is, without the prospect of paying prevailing wages, the jobs are going to these kinds of folks.

> They get $8 an hour and labor 11 hours a day, six days a week. Subcontractors pulled them together for Belfor USA, an American subsidiary of a multibillion-dollar international company specializing in restoration after disasters. Before New Orleans, they had separately held construction, farm or factory jobs from Texas to North Carolina, they said.

The point is, there are other stories about workers, workers from elsewhere willing to take substandard wages to help the reconstruction of Louisiana and Mississippi.

We passed $60 billion out of this Chamber in reconstruction money and, guess what. What we now understand is reconstruction is going to others, not the folks from Louisiana, not the people who have a skilled certification as an electrician who lost their homes and who need the job. No, this is about companies that decide to bring in these folks and put them in these conditions—squalid conditions—and pay them a fraction of what should be paid for those jobs.

By the way, the foreman on the job who testified Monday—and my colleague from Louisiana was at that hearing—the foreman said these folks were not qualified. They were just not qualified. By the way, they were putting up 900 tents in metal frames in which our troops will live. And we have electricians not qualified wiring those tents for electricity? What on earth is going on?

It is the same old thing. They are paying a fraction of what they should pay and getting rid of the Louisiana workers so they can bring in these workers from Guatemala and elsewhere. You saw the stories: Undocumented workers, INS or ICE, they call it, the immigration folks, make a raid on the base.

My colleague from Louisiana will expand on that further, I am sure. They make a raid on the base, and we are told by people who were there that they found many—we heard 150 people. Now they will say there are only 10. At this point, they do not know, they cannot know, they will not tell us. It is the same old tap dance by a big Federal bureaucracy that does not want to get caught.

They ought to do their job, come clean, and tell us what they found on that base. I think I know what they found. I think what they found were contractors bringing in undocumented workers, paying them pennies on the dollar, taking jobs away from the folks in Louisiana. That is what I think they found.

I wonder if there is any Member of the Senate, just one, who wants to stand up and say: Yes, that is what we meant, we meant to shove $60 billion out the door of this Chamber and hope that some contractor would bring in some undocumented workers—and fire some Louisiana folks—to do the work in Louisiana. If there is one Senator willing to stand up and say that, they are not thinking very much. There is not one person in this Chamber who will agree that is what they meant, not in their worst moment.

I take no pleasure in pointing this out. In my judgment, this is a corruption of the process. We know what needs to be done. We know how to do it. There is a right way and a wrong way to do things, and what is happening is we are seeing the wrong way implemented in the reconstruction down in the gulf coast.

My colleague from the State of Louisiana participated in those hearings. I know she has been in touch with the contractors and knows what is happening with respect to that Naval air station as well, but I thank her for the work she has done. I can only imagine if it were my State or some other State of a Senator in this Chamber facing this, we would demand that those for whom those jobs were intended would have those jobs, not that they be fired so we could bring in undocumented workers and pay them pennies on the dollar. That is unbelievable incompetence, and we need to see it stopped right now.

So let me thank my colleague from Louisiana.

Ms. LANDRIEU. Will the Senator yield?

Mr. DORGAN. Of course. I would be happy to yield.

Ms. LANDRIEU. I ask the Senator if he has received the latest numbers from the Department of Labor about the number of Americans who have actually lost their jobs because of Katrina and Rita. We know it was upwards of 450,000 people who have lost their jobs because of the hurricane. Does the Senator know that his remarks are even more compelling based on the numbers of people who must be looking for work, have some skills to offer, and yet under the system the Senator has described they are finding it difficult to work in their own city or parish with their own Federal Government contracts? Did the Senator know that?

Mr. DORGAN. I was not aware of the number. I know this is devastating, the most significant natural disaster with the greatest consequence in terms of human misery, loss of jobs, loss of homes. It is unbelievable.

I realize that a lot of undocumented workers are just decent people who are trying to make a living. I don't mean to disparage them. My intention is to say, however, there are rules, and there is a right way and a wrong way to do things. We did not spend $60 billion out of this Chamber to give jobs to undocumented workers. We spent that amount of money to help the folks from Louisiana get back on their feet with good jobs for reconstruction, and the same for the folks from Mississippi.

I intend to work with the Senator from Louisiana and others to put a stop to what is going on, to redirect that money. We want reconstruction to move and move quickly, but we want those jobs to go to the victims, those folks who have suffered through all of this as well. We want those workers to be paid good wages. Davis-Bacon ought to be restored. The President ought to stand up today and say: I made a mistake by repealing Davis-Bacon. This Government has a responsibility to pay prevailing wages so we have good wages that pay well and decent jobs for those folks.

I again thank the Senator from Louisiana. I know she wants to make some comments about this as well.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. I thank the Senator from North Dakota for his great advocacy on behalf of American workers, the fair trade issues, and all of the things we have been debating in this Chamber now for the last couple of years on this subject.

People might ask, Why is the Senator from North Dakota speaking so enthusiastically or fervently on behalf of the citizens of Louisiana? He does not represent the State.

As a Senator, we all represent all of the people of the Nation, and the Senator from North Dakota is this Chamber's leading expert on contracts and contract abuse, not only at home but abroad in Iraq. He has been to this floor more times than I can count and has my great respect and the respect of many in this body for his work in trying to ferret out the great abuse in contracts, whether overseas or at home, so that American tax dollars can be spent well and wisely. He is never ceasing in his advocacy, and I thank him for continuing by calling a hearing not on contractor abuse in Iraq, on which he has conducted many, but contractor abuse and the abuse of Louisiana workers relative to the Katrina/Rita fiasco. So I wish to thank him and add just a few words to what he said and to the information he has laid out and the testimony that has been given because I did attend, along with Senator HARRY REID, Senator CARL LEVIN, and a few other Senators, a hearing earlier last week on this subject that shed some unbelievable light on this situation and hopefully something we can correct.

I begin by saying that the people of Louisiana, Mississippi, Alabama, and Texas, as I have said so many times on the floor, have really been through an unbelievable devastation of a natural disaster that has no parallel, has no peer. It was not just the two hurricanes that hit within 10 days of each other—the east side of the State first, the west side of the State second, parts of Texas in Rita's path as well—but the subsequent breaking of not 1 levee, not 2, but 17 levee breaks in the metropolitan area, an urban center, a highly dense center, a large American city, a vibrant and vital region of the Nation, as I have said many times, the Nation's only energy coast.

When those levees broke after the hurricane winds died down, it left a region 10 to 12 feet underwater; tens of thousands of homes, large and small, rich and poor, businesses underwater, businesses that have been making profits for 70, 100 years. We are an old city in an old place. We are proud of the longstanding businesses we have.

When the hurricanes left, the levees broke, and finally, when the flood waters went down, we looked up, and we have 400,000 people who have lost their jobs. These are people who are hardworking Americans, taxpaying citizens. Many of them have never asked for any direct help from the Federal Government other than what everyone gets from their Government: good police, good fire protection, hopefully their streets paved, the potholes are kept to a minimum, schools for their children to go to, basic Government services that are required. Most of these people have not asked for any particular Government help, and yet they find themselves out of work, in a position to start building their city only to find that the Federal system of awarding contracts, because of certain rules, certain actions this administration has taken, and a lack of oversight, has allowed companies to come in from out of State and hire workers who are undocumented while literally pushing aside Louisiana citizens who have the skills to rebuild and the desperate need, the obvious need, for the job itself.

In the case Senator BYRON DORGAN has brought to our attention, as the hearing went on last week, about 75 electricians from the area that was affected—many of those electricians had lost their homes. Their homes had been flooded. Some of them had run businesses on the side that they had lost. Their families had been placed into some safe place somewhere in the region. These men, most of the men—some of them could have been female electricians—came back at the request of a former employer who said, Would you all come back and help us build the barracks, the Navy base, the Belle Chasse base, in their own backyards?

These are residents who could look across the highway, who have worked at Belle Chasse before, who put up the electrical work at Belle Chasse, who were hired by a contractor and brought to work. After a few days, another contractor comes into the base, as the story is told, and basically hands these Louisiana workers a pink slip and says, If you do not mind, could you all please leave the base, and then ushers in 10, 20, 30, 40, 100—who knows what the investigation will show—workers not from Louisiana—and some of the workers are not even eligible to work in the United States of America—to work on an American military base.

Last week, I had the distinct honor of sitting in my Senate office and having two or three electricians, men who are obviously used to a hard day's work—their hands looked pretty tough—with shoulders stooping and almost on the verge of tears looking at me as their Senator saying: Senator, explain this to me. My parish has just been ruined by a hurricane. I have lost my house. I have worked my whole life as an electrician, and on a military base in the United States of America I am asked to leave so that an undocumented worker can take my job? I do not have an answer for them, but we need to find one because nobody in America will believe this is happening. It should not be happening.

I will tell you why it happens—because when nobody is watching the store and there is money being thrown out of this Chamber, $62 billion, people grab for it. The people of Louisiana have been accused of looting. I think maybe the camera needs to focus somewhere else. All we have done as a delegation is asked for help for our ports, our hospitals. This is a city that has lost 75 percent of its revenue. The parish of Plaquemine and the parish of St. Bernard are virtually nonexistent. Every structure—and 100,000 people—has basically been destroyed, and it is uninhabitable. We still have our refineries shut down, our pipelines exposed, and all we get is excuse after excuse.

Our own workers show up and ask for a decent wage. Their wage was $22 an hour. If any Senator on this floor thinks that paying a man or a woman $22 an hour, with some minimum benefits, to work 12 hours a day because the contract said if they want to work, they have to show up and work 12 hours a day, 7 days a week until further notice—so do not tell me these people did not want to work. They had to work without a day off, week after week, for $22 an hour. We are told that it is too much, we cannot afford to hire them, they can go on back and twiddle their thumbs while we have the undocumented workers rebuild this military base. It should not be happening now. It should not be happening in the future.

Today, I sent a letter to the Secretary of Homeland Security and the head of INS and asked them to please enforce the laws that are on the books, please enforce the laws so that the 478,000 people who are unemployed throughout the gulf coast, from Mississippi, Alabama, Louisiana, and Texas, can have the first chance at a good job.

I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, October 18, 2005.

Hon. MICHAEL CHERTOFF,
Secretary, Department of Homeland Security,
Washington, DC.

DEAR MR. SECRETARY: I have personally received compelling evidence that U.S. immigration laws are being flagrantly disregarded in the contracting and subcontracting for Hurricane Katrina relief. The use of undocumented, illegal workers in the construction industry is a lamentable reality. However, if press accounts are true, the issue is quickly becoming chronic along the Gulf Coast.

Under ordinary circumstances, the use of such workers would require investigation, but perhaps no more so than other violations of immigration law. Regrettably, these are not ordinary circumstances. The use of undocumented workers in federal contracts for hurricane relief and reconstruction comes at the direct expense of hurricane victims. While my state experiences unemployment rates not seen since the Great Depression, it is unconscionable that illegal workers would be brought into Louisiana aggravating our employment crisis and depressing earnings for our workers.

While there is a specific instance at the Belle Chasse Naval Air Station that I believe warrants particular scrutiny, a variety of press accounts lead me to believe the problem is widespread. I am equally confident that immediate and rigorous prosecution of these illegal activities would quickly stem this tide.

I respectfully request that you direct Assistant Secretary Clark of the Bureau of Immigration and Customs Enforcement to dispatch a team of additional immigration enforcement and investigations officers to the Gulf Coast region. Furthermore, I request that the Department institute a zero tolerance policy for the use of illegal workers in government contracts for reconstruction. Finally, I ask that this be done expeditiously, as time is of the essence.

Mr. Secretary, I appreciate your attention to this matter. I look forward to your response and your plan to uphold U.S. immigration law at this vital juncture.

With warmest regards, I am
Sincerely,

MARY L. LANDRIEU,
United States Senator.

Ms. LANDRIEU. I know people are going to debate about Davis-Bacon, but I just want to tell the American people this point: When the President issued the order and basically said, right after Katrina, waive all the labor laws that allow people to be paid a fair wage, he said he was doing that to save money. How does one save money on a no-bid contract? If a contract is not being put out for bid, how does one save any money? All that happens is wages of the people who need them the most at a time when they have lost everything are driven down. They are not asking for charity. They are not asking for a handout. They stood up to get a job to work 12 hours a day, 7 days a week, and still were basically under the administrative rules of waiving Davis-Bacon, lack of oversight and lack of focus, and have basically been asked to leave the military base.

So I hope that in the few weeks ahead, we can get these electricians back on the job, back to their homes, back to their neighborhoods to rebuild, and build some support in this Chamber and around America for paying people a decent wage. I do not think $22 is too much. I do not expect people to rebuild Louisiana at a minimum wage or $8 or $9 an hour without benefits.

People have to make a living. That amounts to about $45,000 a year. Is that too much to pay someone working 12 hours a day, 7 days a week, doing hard and sometimes dangerous work? I don't think so. But evidently somebody in Washington thinks that is too much because, instead of holding wages steady—not asking for union wages, but asking for an average wage, between union and nonunion, which seems fair to me—we are undercutting our workers. The Government should not mandate a union wage to be paid, but neither should we undercut our workers. So the prevailing wage is what we have come up with, to say don't pay union, don't pay nonunion, pay something in the middle, the average wage: $18, $20, $22 an hour for skilled labor. That is not too much to ask. But evidently it is.

Even if people can get these jobs back, under the policies of this administration, they will be told: You can work, so be happy and smile that we are going to pay you $9 an hour, on which you cannot even feed your family, invest in your pension, or send your children to school. You should smile and be happy you have a job.

People in Louisiana want more respect than that. They deserve more respect than that. The people along the gulf coast are, as I have said many times, honest, hardworking, and self-reliant. We do not come here asking for charity, but we do come here asking for help out of our National Treasury to which we have contributed so much over 300 years of hard work and toil to build the Nation's only energy coast. We are proud to do it, proud to take the risks associated with that hard work—building a port system, the greatest in the North American Continent, and building commerce that allows every State and every parish and every county in America to flourish. Without this port system, without this energy coast, our Nation would not be what it is today.

Despite all the ridicule we received, despite all of the snide remarks we have heard about public corruption and that we can't do anything for ourselves and we are disorganized, we are going to still hold our heads up, proud, tell our story, and demand to be treated with respect and dignity as every American would want to be treated—Black and White, Asian and Hispanic, young and old, rich and poor.

In conclusion, I thank Senator DORGAN for his focus on this. I will continue to come to the floor and to be at hearings with him, to help him, to hopefully build the kind of system and oversight that will allow us to give out contracts more efficiently, to make sure the work is going to gulf coast contractors, reputable contractors. There are many good contractors who treat their workers beautifully. There are many businesses, despite the fact they have no money coming in the door, that have kept their workers on the payroll, trying to hold heart and soul together and hold our community together while the Federal Government twiddles its thumbs and comes up with excuses about why it cannot help.

Let me be quick to compliment the many good contractors and many good businesses, small and large. But when we see this kind of irresponsible contracting, it makes a tough situation even so much worse. So I hope this letter will be responded to, that actions can be taken by other committees that have oversight so we can make sure we are spending the American taxpayer dollar well, that we are giving the preference, as required in the current law, to those affected by the storms and the unfortunate disaster itself, and then paying people a decent wage when we ask them to do work for their community and for our country.

I yield the floor.

Mr. GREGG. Mr. President, as chairman of the Budget Committee, I regularly comment on appropriations bills that are brought to this Senate for consideration and present the financial comparisons and budgetary data.

The pending Labor, HHS, Education Appropriations bill provides $141.7 billion in discretionary budget authority and $141.4 billion in discretionary outlays for the Departments of Labor, Health and Human Services, and Education, and related agencies for fiscal year 2006.

Also included in the bill is $405.3 billion in mandatory budget authority and $405.2 billion in mandatory outlays for FY 2006. With outlays from prior-years, amounts declared as an emergency—$300 million for LIHEAP and $19 million for Refugee Assistance—and other completed actions, the Senate bill totals $547.3 billion in budget authority and $546.6 billion in outlays for FY 2006.

These amounts would technically represent a decrease of 0.8 percent in discretionary budget authority and a decrease of 0.2 percent in discretionary outlays from the 2005 enacted levels. However, when taking into account the SSI pay date shift into FY 2007 and emergency appropriations, the bill provides $2.5 billion or a 1.7 percent increase in discretionary funding over the FY 2005 enacted level.

As originally reported, the level of budget authority was precisely at the subcommittee's 302(b) allocation while the outlays amount was $1.1 billion below the subcommittee's 302(b) allocation. However, because the bill assumes erectile dysfunction drug savings—$105 million—that were recently enacted into law by HR 3971 for Katrina related unemployment insurance costs—and the QI and TMA extensions—this bill is now $15 million over the subcommittee's 302(b) allocation and is subject to a 302(f) point of order.

The committee-reported bill also delays $3.36 billion in SSI payments to elderly and disabled individuals—an amount equivalent to one month's worth of FY 2006 SSI obligations—from fiscal year 2006 into fiscal year 2007. The original purpose of this shift was to allow for $3.4 billion in additional non-defense discretionary spending in FY 2006 that otherwise would put the bill over its 302(b) allocation, thereby exceeding the discretionary spending limit agreed to with the House in this year's budget resolution.

Not only could this action result in a hardship for the elderly and disabled on fixed incomes by delaying their ability to make their monthly rent payments, this accounting gimmick constitutes an advance appropriation that is unauthorized as well as exceeds the total level of allowed advance appropriations for fiscal year 2007 as set out under section 401(b) of the fiscal year 2006 budget resolution. As a result, a point of order lies against this bill for making an unauthorized advanced appropriation; if raised, the point of order may be waived only by an affirmative vote of 60 Members of the Senate.

Mr. President, I ask unanimous consent that a table displaying the Budget Committee scoring of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

H.R. 3010, 2006 LABOR, HHS AND EDUCATION APPROPRIATIONS BILL—SPENDING COMPARISONS—SENATE-REPORTED BILL

[Fiscal Year 2006, $ millions]

	General Purpose	Mandatory	Total
Senate-reported bill:			
Budget authority	141,668	405,311	546,979
Outlays	141,365	405,171	546,536
Senate 302(b) allocation:			
Budget authority	141,653	405,311	546,964
Outlays	142,472	405,171	547,643
2005 Enacted:			
Budget authority	142,843	354,444	497,287
Outlays	141,596	354,189	495,785
President's request:			
Budget authority	141,450	402,591	544,041
Outlays	143,015	404,083	547,098
House-passed bill:			
Budget authority	142,513	402,591	545,104
Outlays	143,708	404,083	547,791
Senate-Reported Bill Compared to:			
Senate 302(b) allocation:			
Budget authority	15	0	15
Outlays	−1,107	0	−1,107
2005 Enacted:			
Budget authority	−1,175	50,867	49,692
Outlays	−231	50,982	50,751
President's request:			
Budget authority	218	2,720	2,938
Outlays	−1,650	1,088	−562
House-passed bill:			
Budget authority	−845	2,720	1,875
Outlays	−2,343	1,088	−1,255

Note: Details may not add to totals due to rounding. Totals adjusted for consistency with scorekeeping conventions.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, today we are considering the appropriations bill reported by the Senate Appropriations Committee to fund the Department of Labor, Department of Health and Human Services, the Department of Education, and related agencies for the next fiscal year, 2006. I am especially grateful to the chairman of the subcommittee, the distinguished Senator from Pennsylvania, Mr. SPECTER, who has guided this legislation through a process of hearings to examine the administration's request, the bill passed by the other body funding these Departments, and requests of Members of the Senate for programs to be funded in this legislation. He and the ranking member of the committee, Senator HARKIN, have worked very hard and diligently to bring the Senate a bill that is both responsible but sensitive to the needs of the people who are served by the programs funded in this bill.

An example of the important appropriations provisions is those relating to low-income heating assistance. Over $2 billion of funding is provided in this bill to help those who are going to have difficulties meeting the payments for their heating bills during this winter.

There is an account in the Department of Education to provide assistance to low-income people who are seeking to improve themselves through higher education. Over $14 billion is included in this legislation for education for the disadvantaged account.

There is also money in here for medical research at the Department of Health and Human Services and also for the activities at the National Institutes of Health.

Included in the bill is $29.41 billion for NIH. This is above the level requested by the President, but in my judgment and in the judgment of the other members of this committee, it is needed. It is an important investment to help find new ways of dealing with diseases, to prevent illnesses, to do those things that will make America a healthier and, from an economic standpoint, more effective country.

There are many other provisions in this bill we could mention, but the Senators have already heard the bill described by the distinguished chairman of the subcommittee. There will be opportunity for discussion of individual amendments, if there are any, and I am sure there will be some for the Senate's consideration. But this is the final appropriations bill that will be considered in the regular appropriations process by the Senate this year. It is important that we notice the House has passed all of its appropriations bills and they did so early in the year. A lot of credit ought to be given to the distinguished gentleman from California, Mr. LEWIS, who is chairman of the House Appropriations Committee, in getting that work done and getting it done early in the year so the bills could come over to the Senate and give us an opportunity to review them and carefully consider the legislation.

I also want to point out that our committee works on a bipartisan basis. That is possible because of the cooperation of the distinguished ranking member of the committee, the Senator from West Virginia, Mr. BYRD. He is a former chairman of this committee, with a tremendous amount of knowledge of the legislation, and he has contributed in helping ensure the cooperation of all members of the committee, Democrats working with the Republicans, to report these bills to the Senate. It is a bipartisan effort and I think that is important for us as we complete our consideration of these bills this year.

We have had three bills passed with conference reports approved and they have been signed by the President. There are seven bills that have been passed by the Senate that are in conference with the House. The importance of this effort is to ensure that we can pass these bills on an individual basis and not have to resort to adding them all together, putting them all in one legislative vehicle as an omnibus appropriations bill, as we have seen happen in the past.

One other point that needs to be made is that, were it not for the cooperation of the leadership, we would not have been able to have the bills considered on an individual basis. That has been very important to the success of this enterprise and this effort. So the distinguished majority leader, in cooperation with the minority leader, has ensured that the Appropriations Committee has had time in the Senate to consider these bills on an individual basis, and that has been very important. It is our hope we will be able to complete action on all the bills and get them to the President so there will not be any delay in the planned adjournment of the Senate at Thanksgiving, as has been announced by the distinguished leader. We are hopeful we will be able to have time to reach agreement in conference with our House colleagues and get all of these remaining bills to the President for his signature before we adjourn at Thanksgiving.

Thank you all for the efforts you have made to cooperate with our committee to consider these bills in an orderly process. I think it is going to result in a better product, a more thoughtful approach to the appropriations process, and the people of this country will benefit from this record of achievement by the members of the committees and all of the Members of both bodies.

There are 72 Senators who are not members of the Appropriations Committee. Any one of them has the power to offer any amendment on any bill at any time during the consideration of these individual bills. If we had to group them all as an omnibus bill, it would take away from the opportunity each Senator has to participate in this process. So I thank all 72 Senators who have taken an active role in helping assure the success of this operation this year.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF HARRY SANDLIN MATTICE, JR.

Mr. FRIST. Mr. President, in a few moments we will begin two rollcall votes. The second of those votes will be on the nomination of Harry S. "Sandy" Mattice, Jr.

I hesitated a little bit because it is Harry S. Mattice, but nobody calls him that. It is Sandy to those of us who are his good friends and admirers.

The nomination is to serve on the United States District Court for the Eastern District of Tennessee.

I have known Sandy for many years and am proud to give him my absolute highest recommendation to serve on the Federal bench.

He is a native of Chattanooga, TN. He has nearly 17 years of experience as a practicing attorney, focusing primarily on business investigations, including securities and tax and white-collar crimes.

He currently serves as U.S. Attorney for the Eastern District of Tennessee, and in that role he manages Federal prosecutions for Tennessee's largest judicial district which encompasses 41 counties and 2.5 million Tennesseans.

Sandy will be an outstanding Federal judge. He is smart, he has a rock-solid work ethic, he respects his colleagues, and in turn has earned their respect and widespread admiration.

Throughout his entire career, Sandy has proved his merit as a skilled attorney and a talented prosecutor.

The American Bar Association gave him its highest possible rating, "unanimously well-qualified," to serve as a Federal judge.

In addition to his many professional qualifications, Sandy is an honest person of the highest integrity. He is devoted to his family and is active in his local community.

I have absolutely no doubt that Sandy will serve with honor on the Federal bench.

As we prepare to vote, I urge my colleagues to support the nomination of this truly outstanding and distinguished Tennessean.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I join the majority leader. The President has made a wise decision.

I respectfully say, in choosing Sandy Mattice, by scholarship, by experience, by integrity, by background he should be an excellent judge.

I should say, also, that he follows an excellent judge, Al Edgar. We are contemporaries. We grew up at the same time, same age, in towns close to one another.

Sandy Mattice has big shoes to fill, but he will fill them well; he is well-qualified. I salute the President for his outstanding appointment and I join the majority leader in expressing my pride in the nomination and look forward to his confirmation.

EXECUTIVE SESSION

NOMINATION OF BRIAN EDWARD SANDOVAL TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEVADA

The PRESIDING OFFICER. Under the previous order, the hour of 5:30 having arrived, the Senate will proceed to executive session to consider Executive Calendar No. 385, which the clerk will report.

The legislative clerk read the nomination of Brian Edward Sandoval, of Nevada, to be United States District Judge for the District of Nevada.

The PRESIDING OFFICER. There will now be a period of 2 minutes of debate equally divided prior to the vote.

Mr. REID. Mr. President, we are voting on a lifetime appointment of Brian Sandoval to be a U.S. District Judge for the District of Nevada.

Brian Sandoval is presently the attorney general of the State of Nevada. This is an elected position. I have known Brian Sandoval for many years. He served previously in the Nevada State Legislature as an assemblyman. He served as Chairman of the Nevada Gaming Commission. Brian Sandoval was recommended by this Senator to be a Federal judge. At the time I made that recommendation, I knew he was a Republican. When the Democrats had control of the Senate and we had a Democratic President, I asked Brian Sandoval at that time if he would be agreeable to my sending his name to the President. He said he was not ready at that time.

My friend, the junior Senator from the State of Nevada, when he learned there was going to be a Republican President, said that he would allow me to recommend every fourth district court judge. This is something he did not have to do. He did it to be nice, and I appreciate that. That is how I came to have the opportunity to send the name of Brian Sandoval to the President.

There is a lot of controversy over judges, but I think Brian Sandoval is the kind of person who should become a judge. He has not generated controversy. That is because he is a person who, in all of his activities, has been very bipartisan and fair. As a judge, he will be nonpartisan. He comes from a good family. Frankly, the reason he decided to leave elected office to be a judge is because he felt spending the time it takes to campaign and raise money took away from his family, his wife Kathleen and his children James, Madeline and Marisa. I am paraphrasing what he told me. But he said: I didn't want to be in Alcoa when my children are involved in extracurricular activities. I should be there.

These are choices we all have to make. I am confident Brian Sandoval made the best choice for him, his family, the State of Nevada, and the country. He will be a fine judge. I am honored to have the opportunity to recommend him. The Senate will vote for him overwhelmingly, and he will not disappoint us in the Senate.

I yield the floor.

Mr. FRIST. The majority yields back their 2 minutes, and I believe the Democratic side will yield back their remaining time.

Mr. REID. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Brian Edward Sandoval, of Nevada, to be United States District Judge for the District of Nevada?

The clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. The following Senators were necessarily absent: the Senator from Arizona (Mr. McCAIN), the Senator from Alabama (Mr. SESSIONS), and the Senator from Oregon (Mr. SMITH).

Further, if present and voting, the Senator from Alabama (Mr. SESSIONS) would have voted "yea."

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New Jersey (Mr. CORZINE), the Senator from California (Mrs. FEINSTEIN), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Florida (Mr. NELSON), the Senator from Illinois (Mr. OBAMA), and the Senator from Oregon (Mr. WYDEN) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 89, nays 0, as follows:

[Rollcall Vote No. 265 Ex.]

YEAS—89

Akaka
Alexander
Allard
Allen
Baucus
Bayh
Bennett
Bingaman
Bond
Boxer
Brownback
Bunning
Burns
Burr
Byrd
Cantwell
Carper
Chafee
Chambliss
Clinton
Coburn
Cochran
Coleman
Collins
Conrad
Cornyn
Craig
Crapo
Dayton
DeMint
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Frist
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inhofe
Isakson
Jeffords
Johnson
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McConnell
Mikulski
Murkowski
Murray
Nelson (NE)
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Santorum
Sarbanes
Schumer
Shelby
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner

NOT VOTING—11

Biden
Corzine
Feinstein
Inouye
Kennedy
McCain
Nelson (FL)
Obama
Sessions
Smith
Wyden

The nomination was confirmed.

Mr. LEAHY. I move to reconsider the vote.

Mr. FRIST. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NOMINATION OF HARRY SANDLIN MATTICE, JR., TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF TENNESSEE

The PRESIDING OFFICER. The clerk will report the next nomination.

The bill clerk read the nomination of Harry Sandlin Mattice, Jr., of Tennessee, to be United States District Judge for the Eastern District of Tennessee.

Mr. LEAHY. Mr. President, I yield back our time.

Mr. SPECTER. Mr. President, I yield back our time.

Mr. LEAHY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, a very short statement about the Labor, Health and Human Services, and Education bill. A cloture motion is being filed this evening, which will call for all germane amendments to be filed by Wednesday at noon.

I see some doubt as to whether we are filing a cloture motion. Soon, the cloture motion will be filed. But we have a very complex bill in hand. We are asking Members to file their amendments and bring them down for arguments so we can proceed to finish this bill in a timely manner—no later than by the end of this week, and hopefully sooner.

I yield the floor.

The PRESIDING OFFICER. The request is for the yeas and nays.

Is there a sufficient second?

There appears to be a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Harry Sandlin Mattice, Jr., of Tennessee, to be United States District Judge for the Eastern District of Tennessee.

The clerk will call the roll.

The bill clerk called the roll.

Mr. McCONNELL. The following Senators were necessarily absent: the Senator from Arizona (Mr. McCAIN), the Senator from Alabama (Mr. SESSIONS), and the Senator from Oregon (Mr. SMITH).

Further, if present and voting, the Senator from Alabama (Mr. SESSIONS) would have voted "yea."

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New Jersey (Mr. CORZINE), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Florida (Mr. NELSON), and the Senator from Oregon (Mr. WYDEN) are necessarily absent.

The PRESIDING OFFICER (Mr. CORNYN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 91, nays 0, as follows:

[Rollcall Vote No. 266 Ex.]

YEAS—91

Akaka
Alexander
Allard
Allen
Baucus
Bayh
Bennett
Bingaman
Bond
Boxer
Brownback
Bunning
Burns
Burr
Byrd
Cantwell
Carper
Chafee
Chambliss
Clinton
Coburn
Cochran
Coleman
Collins
Conrad
Cornyn
Craig
Crapo
Dayton
DeMint
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Frist
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inhofe
Isakson
Jeffords
Johnson
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McConnell
Mikulski
Murkowski
Murray
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Santorum
Sarbanes
Schumer
Shelby
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner

NOT VOTING—9

Biden
Corzine
Inouye
Kennedy
McCain
Nelson (FL)
Sessions
Smith
Wyden

The nomination was confirmed.

The PRESIDING OFFICER. Without objection, the President is notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

Mr. DODD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. FRIST. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. THUNE). Without objection, it is so ordered.

MORNING BUSINESS

Mr. FRIST. I ask unanimous consent there now be a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF BERTHA K. MADRAS

Mr. GRASSLEY. Mr. President, I have notified Senate leadership of my intent to object to any unanimous consent request relating to the nomination of Bertha K. Madras to the position of Deputy Director for Demand Reduction. This action has nothing to do with Ms. Madras or her qualifications for the position to which she has been nominated. I have taken this action because there are a number of outstanding issues regarding the activities and operation of the Office of National Drug Control Policy that should be resolved before considering this nomination. I am hopeful that, with the cooperation of the Office of National Drug Control Policy, these issues can be resolved shortly.

ELECTION ASSISTANCE FOR STATES IMPACTED BY HURRICANE KATRINA

Mr. DODD. Mr. President, over the past several weeks, Congress has taken great efforts to address the disruption that Hurricane Katrina, followed by Hurricane Rita, have inflicted on the good people of our gulf coast region. While Congress is acutely aware of the need for funding for food, clothing, shelter and medical care for the evacuees and residents of this region, we are only now becoming aware of some of the longer term needs of these devastated communities.

All of the States impacted by these hurricanes, including not just those directly hit by the storms but also the numerous States which have come to the aid of evacuees will be holding Federal elections in just a few short months. The displacement of nearly 1.5 million people raises a somewhat unique continuity of government issue for our democracy: how to ensure that the citizens of these States are able to participate in the upcoming Federal elections next year, as well as in numerous State and local elections between now and then. It is simply not acceptable that a loss of one's home may mean a loss of one's access to the ballot box. And yet, many of these States are facing unknown hurdles in ensuring that their displaced residents can vote in the next Federal election.

The Rules Committee, under the very capable leadership of the Chairman, Senator LOTT, has already begun meeting with the election officials of these affected States to determine what they will need to ensure that all eligible citizens will be able to participate in the 2006 Federal elections, regardless of the condition of their community or the location of their evacuated citizens. Under the auspices of the U.S. Election Assistance Commission, efforts are underway to identify Federal resources and assistance that is already available to the States to replace voting systems, polling places, and to assist in facilitating absentee voting.

However, at this point, many of these impacted States simply do not know the extent of the damage to election records or how to reach out to displaced citizens to ensure that they have access to absentee ballots or alternative polling facilities. While we are hopeful that the majority of the needs will be met through existing resources, I remain concerned that these States, and those who have stepped up to the plate to receive evacuees, will face additional expenses in ensuring the right to vote for the citizens of the gulf coast region.

The Election Assistance Commission, EAC, is charged with serving as a national clearinghouse and resource of information and procedures with respect to the administration of Federal elections and with distributing over $3 billion in Federal funds to the States to implement the requirements of the Help America Vote Act of 2002, HAVA, of which I was honored to be the primary Senate author. I applaud the efforts of the EAC to spearhead the efforts to identify and respond to the needs of these States in administering our Federal elections next year. However, I remain concerned that without additional resources, these States will face significant hurdles to ensuring that all eligible citizens have an equal opportunity to vote and have their vote counted.

While Congress has appropriated over $3 billion to date to implement the requirements of the Help America Vote Act, Congress has underfunded the authorization by over $800 million. At least one of the impacted States has already notified staff that they are short in funding to implement the HAVA requirements and face additional unmet need due to the impact of Hurricane Katrina.

While I am hopeful that sufficient other Federal resources will be identified and made available to these States for conducting the Federal elections next year, it will not be acceptable if citizens of the Gulf Coast States are disenfranchised because their States and localities simply do not have the resources to replace destroyed voting systems, provide alternative polling places, print absentee ballots or reconstruct lost voting registration records.

As the ranking member of the Senate Rules Committee which has oversight jurisdiction over Federal elections, I intend to ensure that these States, and these citizens, are able to fully participate in the Federal election next year. Our distinguished Chairman, Senator LOTT, whose State was in the path of both hurricanes, is keenly aware of this situation and I commend him for his leadership and attention to this issue. I know he shares my concern that as we learn the full extent of this problem, the Committee will act to ensure these communities and citizens can exercise their fundamental right to vote.

Mr. LOTT. First of all, I want to thank my good friend the senior Senator from Connecticut and ranking member of the Rules Committee, which I chair, for participating in this important discussion about the election-related challenges that the Gulf Coast States face in the aftermath of Hurricane Katrina. While the full extent of the damage to the election infrastructure cannot yet be precisely quantified, we know it was wide-ranging. For example, in my home county, Jackson County, MS, it appears that hundreds of voting booths and large amounts of voting equipment were destroyed as was the building that houses the county election commission. In neighboring Harrison County, we understand that all the polling places located near the coast were leveled. And in Hancock County, MS, all of the voting machines were destroyed and nearly every polling place was either completely flattened or otherwise rendered uninhabitable.

We have heard similar reports from the state of Louisiana. According to state election officials, early estimates are that the State lost over 500 polling places and over 2,000 voting machines, with some parishes reporting that all of their voting equipment was destroyed. Thus, it is clear that a major commitment of resources will be needed to rebuild polling places and replace voting machines that were damaged or destroyed by Hurricane Katrina.

But restoring damaged election infrastructure in the areas impacted by Hurricane Katrina is not the only election-related challenge to be surmounted. Hundreds of thousands of citizens in Louisiana and Mississippi had to be relocated as a result of Hurricane Katrina, in many instances to other States. Large numbers of these evacuees will not be able to return to their home communities in the immediate future. For these citizens, casting absentee ballots will be the primary, if not only, method by which they will able to be fully able to participate in upcoming elections that will affect the rebuilding efforts in their communities. Consequently, the demand for absentee ballots in the impacted areas will increase by many orders of magnitude during the coming months. We are already learning that additional workers may need to be hired to handle the increased number of absentee ballot requests that are anticipated. So, as we can plainly see, election officials in jurisdictions impacted by Hurricane Katrina will face numerous logistical challenges as they prepare to conduct upcoming elections.

We understand that FEMA, under its Public Assistance Program, is obligated to cover the expenses for replacing damaged voting equipment and restoring destroyed polling places in jurisdictions that have been designated Federal disaster areas. And for jurisdictions with upcoming elections but whose permanent polling places are currently uninhabitable, FEMA has a responsibility to pay the costs for setting up temporary polling places such as tents or trailers. The funding provided by FEMA, if it is disbursed in a timely manner, should go a long way towards restoring the election infrastructure in areas ravaged by Hurricane Katrina. It remains to be seen, however, whether such monies will be sufficient to bolster all aspects of the voting systems that were affected by the recent catastrophe.

As Chairman of the committee with jurisdiction over the administration of Federal elections in our country, I along with the ranking member, Senator DODD, will continue to vigilantly monitor the situation in the states impacted by Hurricane Katrina to ensure they are receiving the resources they need to fully restore their election infrastructure to pre-Katrina levels. As more information becomes available, we will assess whether additional funds may need to be appropriated to assist the impacted jurisdictions in reconstituting their election systems. We will also make sure FEMA follows through on its commitments and responsibilities.

In conclusion, the right to vote in the impacted regions of the Gulf Coast must not become a further casualty of Hurricane Katrina. We must work to ensure that it does not. Essential election infrastructure will need to be restored. And those who had to be evacuated as a result of Hurricane Katrina and who continue to be displaced from their homes must be afforded the full opportunity to participate in the democratic process in their home communities.

I again want to thank my friend Senator DODD for his leadership on the issue of election reform and look forward to continuing to work with him on this important matter.

Mr. DODD. I thank our Chairman, and my good friend, and commend him for his leadership on this issue. I look forward to working with him to ensure that, no matter the devastation of this natural disaster, all eligible citizens will be able to continue to participate in this democracy through the ballot box.

BREAST CANCER AWARENESS

Mr. CHAFEE. Mr. President, this month we observe National Breast Cancer Awareness Month, and reflect on a disease that has touched countless American lives. There are more than 3 million women living with breast cancer in the United States and tens of thousands of women die from breast cancer each year. Breast cancer is now the second leading cause of cancer deaths in American women. While important advances have been made, the causes of this disease and the means to prevent it are still unknown.

Scientific evidence about what aspects of the environment play a role in the initiation and development of breast cancer also remains scarce. Although it is generally believed that there is a correlation between environmental factors and the prevalence of breast cancer, the extent of the environment's role is not well understood. Given the clear need to explore the potential relationship between the environment and breast cancer, I have introduced S. 757, the Breast Cancer and Environmental Research Act. This bill would authorize $30 million per year for 5 years for the National Institute of Environmental Health Sciences, NIEHS, to award grants to study the relationship between environmental factors and breast cancer. Under a competitive, peer-reviewed grant making process, the Director of NIEHS would award grants for the development and operation of up to eight centers for the purpose of conducting multidisciplinary research. The bill would seek to foster community collaboration between the research centers, patients, and the patient advocacy organizations.

The targeted research proposed in S. 757 holds the promise for a better understanding of the causes of breast cancer, breakthroughs in prevention and treatment, and ultimately a cure. For this reason, I urge my colleagues to join me in cosponsoring S. 757 so that we may work together toward Senate passage this year.

HONORING OUR ARMED FORCES

STEVEN A. VALDEZ

Mrs. LINCOLN. Mr. President, I honor the life of a young Arkansan who, in the name of freedom, paid the ultimate sacrifice on behalf of the Nation he loved. Steven A. Valdez was a brave soldier who died a hero in a foreign land, but he was also a caring young man who deeply loved his family and friends and they were never far from his mind.

Those who knew Lance Corporal Valdez from his childhood in McRea, a small north-central Arkansas town, remember him as competitive, energetic and fun loving. He graduated from Beebe High School in 2004 and, soon after, followed the footsteps of his older brother Glenn Skaggs, and his grandfather Billy Skaggs, into the United States Marine Corps.

In November of 2004, LCpl Valdez reported to the Marine Corps Base at Kaneohe Bay, Hawaii. Serving with the 2nd Battalion, 3rd Marine Regiment, he was deployed to Afghanistan in June as a machine gun operator with Weapons Platoon Company E. Within the year, his family received a letter from the

Marines, which cited Valdez's promotion to Lance Corporal and praised him for going above and beyond what was asked or expected of him. While serving in Afghanistan, LCpl Valdez was stationed at Camp Blessing. The camp is located in eastern Afghanistan, in the foothills of the Hindu Kush mountains near the Pakistani border, and serves as a forward operating base for intelligence and military operations aimed to train Afghan security forces and track down al-Qaeda terrorists. He served with a platoon of Marines guarding the camp.

While serving in Afghanistan, LCpl Valdez and his grandfather, Billy, had an agreement; Billy would send care packages with his grandson's favorite snacks and items from home, but he would also include phone cards with the expectation that the young marine would call his grandfather once a week. For LCpl Valdez, it was a much needed respite from the stresses of war that allowed him to feel a little closer to home; for Billy, it was reassuring to hear his grandson's voice and to know that he was safe and healthy.

On September 26, insurgents attacked Camp Blessing with mortar, rocket-propelled grenades and small arms fire. LCpl Valdez was struck by shrapnel from a mortar while running to his machine gun post. The brave 20-year-old died shortly after.

In remembering their loved one, LCpl Valdez's proud grandfather speaks of him as a "true hero." When his brother, Sergeant Glenn Skaggs, returns to Iraq, he will be concerned about his own well-being, but only in the sense that he doesn't want to put his family through another grieving process. Despite these concerns, in a manner typical of this courageous and selfless family, he proudly states "My brother was over there for something he believed in, and I want to help finish it."

Although Steven Valdez may no longer be with us, his legacy and his spirit will forever live on in our hearts. On behalf of a grateful Nation, my thoughts and prayers go out his family, friends, and all who knew and loved him.

ADDITIONAL STATEMENTS

LOCAL LAW ENFORCEMENT ENHANCEMENT ACT OF 2005

• Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

On August 8, 2005, in Montrose, CO, two men were charged in the murder of Kevin Hale in what police are saying may be classified as a hate crime. Todd Fisk and Adam Hernandez got into a physical altercation with Hale. During the altercation, Fiske grabbed Hale by the neck and strangled him to death. According to police, Hale had received a number of physical threats from Fiske due to his sexual orientation.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.•

UNITED STATES-ISRAEL ENERGY COOPERATION ACT

• Mr. SMITH. Mr. President, I rise today in support of S. 1862, the United States-Israel Energy Cooperation Act of 2005, which I introduced on October 7, 2005. This bill is designed to promote binational collaboration in research, development, and commercialization of alternative and renewable energy technologies.

Israel is a strong ally of the United States and our two nations have a long history of mutual interest and successful collaboration in scientific research and technology development. Examples include the numerous successes of the programs under the U.S.-Israel Binational Science Foundation, BSF, and the U.S.-Israel Binational Industrial Research and Development Foundation, BIRD.

We also share an enduring interest in the development and commercialization of alternative energy technologies that offer the promise of enhancing the energy security of both of our countries as well as that of other nations. Israel and the United States have strong capabilities in renewable and alternative technologies based on extensive research and development efforts. In 1996, the United States and Israel entered into an agreement fostering energy cooperation as a means of sharing the benefits of our capabilities.

Today, we are facing increasing concerns about adequate supplies and increasing prices for both petroleum products and natural gas. In this context, it is especially important that we redouble our efforts to cooperate in the development of alternative energy systems. This bill establishes a grant program within the Department of Energy to support collaborative research, development, and commercialization projects in alternative renewable energy.

The program will provide grants for joint venture projects between U.S. and Israeli institutions meeting the program qualifications established by the Secretary of Energy. The bill authorizes funding of $20 million for each of the fiscal years 2006 through 2012. Technologies include: solar, biomass, energy efficiency, wind, and other types as determined by the Secretary. Proposals may be submitted either to the Secretary or to either of the binational research foundations, BSF and BIRD. This provision enables utilization of the established practices of those existing foundations for implementation of at least half of the funds granted for collaborative projects. To assure sound management of this grants program, this bill calls on the Secretary of Energy to establish an Advisory Board, including representatives of both the United States and Israel.

I thank the American Jewish Congress, the American Israeli Public Affairs Committee, and others for all their efforts and input on this bill.

In light of increasing concerns about the security of affordable energy supplies, I urge consideration of this bill as a means of capitalizing on considerable capabilities of the United States and Israel to move toward broader use of these clean and indigenous energy resources. I urge my colleagues to join me in cosponsoring this important bill.•

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 3893. An act to expedite the construction of new refining capacity in the United States, to provide reliable and affordable energy for the American people, and for other purposes; to the Committee on Energy and Natural Resources.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 1. Concurrent resolution regarding consent to assemble outside the seat of government; to the Committee on Rules and Administration.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 2520. An act to provide for the collection and maintenance of human cord blood stem cells for the treatment of patients and research, and to amend the Public Health Service Act to authorize the C.W. Bill Young Cell Transplantation Program.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–4327. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A330–301, –321, –322, –341, and –342 Airplanes; and Model A340–200 and A340–300 Series Airplanes" ((RIN2120-AA64)(2005-0474)) received on October 11, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4328. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Various Transport Category Airplanes Manufactured by McDonnell Douglas" ((RIN2120-AA64)(2005-0473)) received on October 11, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4329. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A330-243, -341, -342, and -343 Airplanes" ((RIN2120-AA64)(2005-0471)) received on October 11, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4330. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A330-300 Series Airplanes" ((RIN2120-AA64)(2005-0472)) received on October 11, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4331. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: BAE Systems Limited Model ATP Airplanes" ((RIN2120-AA64)(2005-0470)) received on October 11, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4332. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 737–100, –200, –200C, –300, –400, and –500 Series Airplanes" ((RIN2120-AA64)(2005-0484)) received on October 11, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4333. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 737–100, -200, -200C, -300, -400, and -500 Series Airplanes" ((RIN2120-AA64)(2005-0486)) received on October 11, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4334. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: BAE Systems Limited Model ATP Airplanes and Model HS 748 Airplanes" ((RIN2120-AA64)(2005-0487)) received on October 11, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4335. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 727 Series Airplanes" ((RIN2120-AA64)(2005-0489)) received on October 11, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4336. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 767-200, -300, and -300F Series Airplanes Powered by General Electric or Pratt and Whitney Engines" ((RIN2120-AA64)(2005-0490)) received on October 11, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4337. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A330-202, -223, -243, and -343 Airplanes; and Model A340-313 Airplanes" ((RIN2120-AA64)(2005-0491)) received on October 11, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4338. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A330-322, -341, and –342 Airplanes; and Airbus Model A340–200 and –300 Series Airplanes" ((RIN2120-AA64)(2005-0492)) received on October 11, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4339. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 737–100, –200, -200C, –300, –400, –500 Series Airplanes" ((RIN2120-AA64)(2005-0483)) received on October 11, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4340. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Teledyne Continental Motors GTSIO-520 Series Reciprocating Engines" ((RIN2120-AA64)(2005-0482)) received on October 11, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4341. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A330-200 and -300 Series Airplanes; and Model A340–200 and –300 Series Airplanes" ((RIN2120-AA64)(2005-0481)) received on October 11, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4342. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A300 B2 and A300 B4 Series Airplanes; Model A300 B4-600, B4-600R, and F4-600R Series Airplanes, and Model A300 C4–605R Variant F Airplanes; and Model A310-200 and -300 Series Airplanes" ((RIN2120-AA64)(2005-0480)) received on October 11, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4343. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 767-200 and 767-300 Series Airplanes" ((RIN2120-AA64)(2005-0479)) received on October 11, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4344. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 747–100, 747–100B, 747–100B SUD, 747–200B, 747-200C, 747-200F, 747-300, 747SR, and 747SP Series Airplanes" ((RIN2120-AA64)(2005-0478)) received on October 11, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4345. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: BAE Systems Limited Model ATP Airplanes; CORRECTION" ((RIN2120-AA64) (2005-0475)) received on October 11, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4346. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Aerospatiale Model ATR42–500 Airplanes" ((RIN2120-AA64) (2005-0476)) received on October 11, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4347. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Short Brothers Model SD3 Airplanes" ((RIN2120-AA64)(2005-0461)) received on October 11, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4348. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A340–200 and –300 Series Airplanes" ((RIN2120–AA64) (2005–0477)) received on October 11, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4349. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: The New Piper Aircraft, Inc. Models PA–28–160, PA–28–161, PA-28-180, and PA-28-181 Airplanes" ((RIN2120–AA64) (2005–0460)) received on October 11, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4350. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Lycoming Engines AEIO-360, IO-360, O-360, LIO-360, LO-360, AEIO-540, IO-540, O-540 and TIO–540 Series Reciprocating Engines" ((RIN2120-AA64) (2005-0459)) received on October 11, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4351. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Turbomeca Arrius 2 F Turboshaft Engines" ((RIN2120-AA64) (2005-0458)) received on October 11, 2005 to the Committee on Commerce, Science, and Transportation.

EC–4352. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: PZL-Swidnik S.A. Models PW–5 'Smyk' and PW-6U Gliders" ((RIN2120-AA64) (2005-0457)) received on October 11, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4353. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 737–300, –400, –500, –600 –700, –700C, –800 and –900 Series Airplanes" ((RIN2120–AA64) (2005–0462)) received on October 11, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4354. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: BAE Systems Limited Model 4101 Airplanes" ((RIN2120–AA64) (2005–0466)) received on October 11, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4355. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A320–111 Airplanes and Model A320–200 Series Airplanes" ((RIN2120–AA64) (2005–0465)) received on October 11, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4356. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: British Aerospace Model HS 748 Airplanes" ((RIN2120–AA64) (2005–0464)) received on October 11, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4357. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A330–301, –321, –322, –341, and –342 Airplanes; and Model A340–200 and A340–300 Series Airplanes" ((RIN2120–AA64) (2005–0463)) received on October 11, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4358. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A318–100, A319–100, A320–200, A321–100, and A321–200 Series Airplanes; and Model A320–111 Airplanes" ((RIN2120–AA64) (2005–0467)) received on October 11, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4359. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Hana, HI" ((RIN2120–AA66) (2005–0222)) received on October 11, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4360. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Golovin, AK; CORRECTION" ((RIN2120–AA66) (2005–0230)) received on October 11, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4361. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class D Airspace; and Revision of Class E Airspace; Big Delta, Allen Army Airfield, Fort Greely, AK" ((RIN2120–AA66) (2005–0229)) received on October 11, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4362. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Wellington Municipal Airport, KS" ((RIN2120–AA66) (2005–0224)) received on October 11, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4363. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Sheldon Municipal Airport, IA" ((RIN2120–AA66) (2005–0223)) received on October 11, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4364. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Norfolk, NE; Confirmation of Effective Date" ((RIN2120–AA66) (2005–0227)) received on October 11, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4365. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Restricted Area R–3004; Fort Gordon, GA" ((RIN2120–AA66) (2005–0225)) received on October 11, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4366. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Legal Description of Class E Airspace; Lincoln, NE" ((RIN2120–AA66) (2005–0226)) received on October 11, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4367. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Legal Description of the Class D and Class E Airspace; Salina Municipal Airport, KS; Confirmation of Effective Date" ((RIN2120–AA66) (2005–0228)) received on October 11, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4368. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Milk in the Appalachian and Southeast Marketing Areas—Partial Final Rule" (Docket No. AO–388–A15 and AO–366–A44; DA–03–11) received on October 18, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4369. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Quality Systems Verification Programs" ((RIN0581–AC12) (Docket No. LS–02–10)) received on October 18, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4370. A communication from the Commandant, United States Coast Guard, transmitting a draft of proposed legislation "To implement Annex VI to the International Convention for the Prevention of Pollution from Ships, 1973, as amended by the Protocol of 1978 relating thereto"; to the Committee on Commerce, Science, and Transportation.

EC–4371. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Revisions to the State Program Amendment Process" (RIN1029–AC06) received on October 18, 2005; to the Committee on Energy and Natural Resources.

EC–4372. A communication from the General Counsel, Office of Management and Budget, transmitting, pursuant to law, the report of a vacancy in the position of Administrator, Office of Federal Procurement Policy, received on October 18, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–4373. A communication from the Acting Director, Division of Policy, Planning and Program Development, Office of Federal Contract Compliance Programs, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Obligation To Solicit Race and Gender Data for Agency Enforcement Purposes" (RIN1215–AB45) received on October 18, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–4374. A communication from the Acting Under Secretary, Emergency Preparedness and Response, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, a report that funding for the State of Arkansas as a result of the emergency conditions resulting from the influx of evacuees from areas struck by Hurricane Katrina on August 29, 2005, and continuing, has exceeded $5,000,000; to the Committee on Banking, Housing, and Urban Affairs.

EC–4375. A communication from the General Counsel, Office of General Counsel, National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled "Technical Corrections 12 CFR Parts 703, 790, 791" received on October 18, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–4376. A communication from the Acting General Counsel, Office of General Counsel, Office of Federal Housing Enterprise Oversight, transmitting, pursuant to law, the report of a rule entitled "Organization and Functions, Final Rule" (RIN2550–AA33) received on October 18, 2005; to the Committee on Banking, Housing, and Urban Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. INHOFE, from the Committee on Environment and Public Works, with an amendment in the nature of a substitute:

S. 1409. A bill to amend the Safe Drinking Water Act Amendments of 1996 to modify the grant program to improve sanitation in rural and Native villages in the State of Alaska (Rept. No. 109–159).

By Mr. ENZI, from the Committee on Health, Education, Labor, and Pensions, with an amendment in the nature of a substitute:

S. 1873. A bill to prepare and strengthen the biodefenses of the United States against deliberate, accidental, and natural outbreaks of illness, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BURNS:

S. 1909. A bill to improve the provision of telehealth services under the Medicare Program, to provide grants for the development of telehealth networks, and for other purposes; to the Committee on Finance.

By Mr. SUNUNU:

S. 1910. A bill to amend title XVIII of the Social Security Act to provide incentives to physicians for writing electronic prescriptions; to the Committee on Finance.

By Mr. BENNETT (for himself and Mrs. CLINTON):

S. 1911. A bill to provide for the protection of the flag of the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. LIEBERMAN:

S. 1912. A bill to establish a global network for avian influenza surveillance among wild birds nationally and internationally to combat the growing threat of bird flu, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

ADDITIONAL COSPONSORS

S. 119

At the request of Mrs. FEINSTEIN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 119, a bill to provide for the protection of unaccompanied alien children, and for other purposes.

S. 132

At the request of Mr. SMITH, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 132, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for premiums on mortgage insurance.

S. 392

At the request of Mr. LEVIN, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 392, a bill to authorize the President to award a gold medal on behalf of Congress, collectively, to the Tuskegee Airmen in recognition of their unique military record, which inspired revolutionary reform in the Armed Forces.

S. 484

At the request of Mr. WARNER, the names of the Senator from Oregon (Mr. SMITH) and the Senator from Utah (Mr. HATCH) were added as cosponsors of S. 484, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 503

At the request of Mr. BOND, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 503, a bill to expand Parents as Teachers programs and other quality programs of early childhood home visitation, and for other purposes.

S. 627

At the request of Mr. HATCH, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 627, a bill to amend the Internal Revenue Code of 1986 to permanently extend the research credit, to increase the rates of the alternative incremental credit, and to provide an alternative simplified credit for qualified research expenses.

S. 632

At the request of Mr. LUGAR, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 632, a bill to authorize the extension of unconditional and permanent nondiscriminatory treatment (permanent normal trade relations treatment) to the products of Ukraine, and for other purposes.

S. 757

At the request of Mr. CHAFEE, the names of the Senator from North Dakota (Mr. DORGAN) and the Senator from Arkansas (Mr. PRYOR) were added as cosponsors of S. 757, a bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

At the request of Mr. HAGEL, his name was added as a cosponsor of S. 757, supra.

S. 843

At the request of Mr. SANTORUM, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 843, a bill to amend the Public Health Service Act to combat autism through research, screening, intervention and education.

S. 1057

At the request of Mr. MCCAIN, the names of the Senator from Washington (Ms. CANTWELL) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 1057, a bill to amend the Indian Health Care Improvement Act to revise and extend that Act.

S. 1155

At the request of Mr. BROWNBACK, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 1155, a bill to establish a commission to conduct a comprehensive review of Federal agencies and programs and to recommend the elimination or realignment of duplicative, wasteful, or outdated functions, and for other purposes.

S. 1173

At the request of Mr. DEMINT, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 1173, a bill to amend the National Labor Relations Act to ensure the right of employees to a secret-ballot election conducted by the National Labor Relations Board.

S. 1353

At the request of Mr. REID, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 1353, a bill to amend the Public Health Service Act to provide for the establishment of an Amyotrophic Lateral Sclerosis Registry.

S. 1462

At the request of Mr. SANTORUM, his name was added as a cosponsor of S. 1462, a bill to promote peace and accountability in Sudan, and for other purposes.

S. 1759

At the request of Mr. CRAIG, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1759, a bill to require the Secretary of the Army to remove the remains of Russell Wayne Wagner from Arlington National Cemetery.

S. 1779

At the request of Mr. AKAKA, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1779, a bill to amend the Humane Methods of Livestock Slaughter Act of 1958 to ensure the humane slaughter of nonambulatory livestock, and for other purposes.

S. 1800

At the request of Ms. SNOWE, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 1800, a bill to amend the Internal Revenue Code of 1986 to extend the new markets tax credit.

S. 1841

At the request of Mr. NELSON of Florida, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 1841, a bill to amend title XVIII of the Social Security Act to provide extended and additional protection to Medicare beneficiaries who enroll for the Medicare prescription drug benefit during 2006.

S. CON. RES. 46

At the request of Mr. BROWNBACK, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. Con. Res. 46, a concurrent resolution expressing the sense of the Congress that the Russian Federation should fully protect the freedoms of all religious communities without distinction, whether registered and unregistered, as stipulated by the Russian Constitution and international standards.

S. RES. 260

At the request of Mr. BIDEN, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. Res. 260, a resolution calling for free and fair parliamentary elections in the Republic of Azerbaijan.

S. RES. 277

At the request of Ms. MURKOWSKI, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. Res. 277, a resolution supporting the goals of Red Ribbon Week.

AMENDMENT NO. 2182

At the request of Mr. LEVIN, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of amendment No. 2182 proposed to H.R.

3058, a bill making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BURNS:

S. 1909. A bill to improve the provision of telehealth services under the Medicare Program, to provide grants for the development of telehealth networks, and for other purposes; to the Committee on Finance.

Mr. BURNS. Mr. President, I rise today to talk about the introduction of my bill, the Medicare Telehealth Enhancement Act of 2005.

Now, not all of us live in the big city—like New York City or Chicago—but that should not mean that all of us cannot receive the same quality health care. Since I have been in office, I have spent a lot of time making sure that folks who live out in the hinterland—like the small towns of Scobey or Jordan or Wolf Point across Montana—still get quality health care, like everyone else. I do not want distance to be a barrier to care.

One of the ways we have bridged these divides is through telehealth—actually using technology to draw people together and deliver care. Now, across the great State of Montana, we have doctors consulting with patients who may be 200 or 300 miles away. That means those folks who live in the middle of nowhere do not have to drive 400 miles roundtrip, just to get a medical opinion on symptoms they may have or minor changes which may need to be made to their diabetes equipment, or feedback from an x-ray at a local clinic, from a specialist. That is a big deal, especially when roads are icy and the temperature is below zero.

I have sponsored the Medicare Telehealth Enhancement Act of 2005, which is a bill to improve the provisions of telehealth services under the Medicare Program and provide grants for the development of telehealth networks.

Specifically, my bill will: facilitate the provision of telehealth services across State lines. Licensure, as it affects providers who consult diagnose across State lines, remains a significant barrier to accessing such services, and call for Medicare reimbursement for remote medical and health services for all remaining institutions eligible to participate in Medicare but not currently eligible to be reimbursed for telemedicine/telehealth services.

Include an expansion of Medicare-covered originating telehealth sites, prioritizing eligibility for nursing homes, dialysis centers, and community-based mental health centers.

Revise "originating site" language to ensure telehealth service providers are reimbursement-eligible when patients are located at sites with telehealth capabilities, regardless of originating site designation.

Expand Medicare reimbursement for telehealth services to all geographical areas, recognizing eligibility for telehealth sites among urban populations as well as rural and underserved populations.

Allow for "eligible practitioners" furnishing telehealth services to include physical and occupational therapists, speech-language pathologists, and other certified providers, as well as those the Secretary of Health and Human Services approves.

Amend Medicare coverage to all remaining medical services currently covered under the CPT procedure codes but not eligible to be reimbursed when provided via telemedicine/telehealth, and medical services that are provided using store-and-forward technology.

Authorize a grant program through the Office for the Advancement of Telehealth of HRSA for the development of telehealth networks and defines nonprofit and for-profit alliances as grant-eligible provided the grant recipient is a nonprofit.

Reauthorize the Telehealth Network and Telehealth Resource Centers grant programs through 2012.

Shortages of health care workers across the spectrum are nothing new. We have all witnessed this disturbing trend of shortages in nursing, radiology, mental health professions, and many other health professionals for quite some time. While the ultimate solution to this problem lies in a variety of actions, telehealth has proven a solution to this mounting crisis. I have long supported efforts in technology to improve the efficiency and quality of health care, and make it easier for folks in rural areas to get the health services they need. Telehealth is one answer to the access and affordability problems facing health care today, and I hope my bill will increase the ease with which folks obtain their critical health services.

Telehealth applications have a record of cutting costs, increasing choice and reducing medical errors in facilities and communities across the country. Telehealth also provides services to elderly who may not otherwise be able to get to a health care facility for care. This is growing increasingly important in rural America—especially in my State of Montana. Montana's demographics have been changing over the past few years, and our health care providers continue to see more and more patients over the age of 65. We now have more elderly people per capita than most States in the union, and by 2025, Montana is predicted to rank third in the Nation in the number of people over the age of 65.

We must charge forward to modernize and improve healthcare through the application of information technology. Healthcare expenditures in 2003 totaled $1.7 trillion—a number that is growing faster than the overall economy. Increased adoption of health information technology has the potential to save this country billions of dollars and thousands of lives. I want to do what I can to bring more money to the State of Montana for telehealth services and expand the availability of these services to more patients in more areas than ever before. I will continue my efforts, both through bringing money to Montana to make this happen and by passing meaningful, common-sense legislation to get rid of the over-burdensome red-tape that often gets in the way of good care.

I think it is essential to bring quality health care to all comers of Montana and other rural States. It is high time we bring back the dynamic days of these frontier areas by creating and maintaining vibrant and thriving communities, which have so much to offer their residents, including one of the most important basic needs—health care.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2194. Mr. REED (for himself, Ms. Collins, Mr. Kennedy, Ms. Snowe, Mr. Kerry, Ms. Cantwell, Mr. Harkin, Mr. Baucus, Mr. Coleman, Mr. Dorgan, Mr. Obama, Mr. Schumer, Mr. Leahy, Ms. Stabenow, Mrs. Clinton, Mr. Durbin, Mrs. Lincoln, Mr. Dayton, Mr. Reid, Mr. Bayh, Mr. Levin, Mr. Rockefeller, Mr. Lautenberg, Mr. Sarbanes, Mr. Jeffords, Mr. Salazar, Ms. Mikulski, Mr. Bingaman, Mr. Lugar, Mr. Smith, and Mr. Kohl) submitted an amendment intended to be proposed by him to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table.

SA 2195. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 2196. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 2197. Mr. SPECTER proposed an amendment to the bill H.R. 3010, supra.

SA 2198. Mrs. CLINTON (for herself and Mr. Schumer) submitted an amendment intended to be proposed by her to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 2199. Mr. ALLEN (for himself and Mr. Warner) submitted an amendment intended to be proposed by him to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 2200. Mr. NELSON, of Florida submitted an amendment intended to be proposed by him to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 2201. Mr. NELSON, of Florida submitted an amendment intended to be proposed by him to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 2202. Mr. NELSON, of Florida submitted an amendment intended to be proposed by him to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 2203. Mrs. CLINTON (for herself and Mr. SCHUMER) submitted an amendment intended to be proposed by her to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 2204. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 2205. Mr. BAYH submitted an amendment intended to be proposed by him to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 2206. Mr. BAYH submitted an amendment intended to be proposed by him to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 2207. Mr. BAYH submitted an amendment intended to be proposed by him to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 2208. Mr. BAYH submitted an amendment intended to be proposed by him to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 2209. Mr. BAYH submitted an amendment intended to be proposed by him to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 2210. Mr. BAYH submitted an amendment intended to be proposed by him to the bill H.R. 3010, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2194. Mr. REED (for himself, Ms. COLLINS, Mr. KENNEDY, Ms. SNOWE, Mr. KERRY, Ms. CANTWELL, Mr. HARKIN, Mr. BAUCUS, Mr. COLEMAN, Mr. DORGAN, Mr. OBAMA, Mr. SCHUMER, Mr. LEAHY, Ms. STABENOW, Mrs. CLINTON, Mr. DURBIN, Mrs. LINCOLN, Mr. DAYTON, Mr. REID, Mr. BAYH, Mr. LEVIN, Mr. ROCKEFELLER, Mr. LAUTENBERG, Mr. SARBANES, Mr. JEFFORDS, Mr. SALAZAR, Ms. MIKULSKI, Mr. BINGAMAN, Mr. LUGAR, Mr. SMITH, and Mr. KOHL) submitted an amendment intended to be proposed by him to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

In title II, in the matter under the heading "LOW-INCOME HOME ENERGY ASSISTANCE", in the matter under the heading "ADMINISTRATION FOR CHILDREN AND FAMILIES", after the first sentence insert the following:

In addition to amounts appropriated under the preceding sentence, for making payments under title XXVI of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 8621 et seq.), $2,920,000,000, which amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

SA 2195. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC.   .(a) Section 316 of the Immigration and Nationality Act (8 U.S.C. 1427), is amended by adding at the end the following:

"(g) The continuous residency requirement under subsection (a) may be reduced to 3 years for an applicant for naturalization if—

"(1) the applicant is the beneficiary of an approved petition for classification under section 204(a)(1)(E);

"(2) the applicant has been approved for adjustment of status under section 245(a); and

"(3) such reduction is necessary for the applicant to represent the United States at an international event.

"(h)(1) The Secretary of Homeland Security shall adjudicate an application for naturalization under this section not later than 30 days after the submission of such application if the applicant—

"(A) requests such expedited adjudication in order to represent the United States at an international event; and

"(B) demonstrates that such expedited adjudication is related to such representation.

"(2) An applicant is ineligible for expedited adjudication under paragraph (1) if the Secretary of Homeland Security determines that such expedited adjudication poses a risk to national security. Such a determination by the Secretary shall not be subject to review.".

(b) There is authorized to be appropriated to the Secretary of Homeland Security for the Bureau of Citizenship and Immigration Services, $100,000 for fiscal year 2006, to review applications for naturalization submitted by applicants who are eligible for the reduced residency requirement or expedited adjudication under subsections (g) and (h) of 316 of the Immigration and Nationality Act, as added by subsection (a).

(c) The amendment made by subsection (a) is repealed on October 1, 2006.

SA 2196. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

After section 221, insert the following:

SEC. 222. Not later than June 30, 2006, the Secretary of Health and Human Services shall prepare and submit to Congress a report outlining—

(1) a detailed plan for expeditiously changing the numerical identifier used to identify medicare beneficiaries under the medicare program so that a beneficiary's social security account number is no longer displayed on the identification card issued to the beneficiary under such program or on any explanation of medicare benefits mailed to the beneficiary; and

(2) the costs of implementing such plan.

SA 2197. Mr. SPECTER proposed an amendment to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 154, line 10, strike "$3,203,418,000" and insert "$3,188,418,000" in lieu thereof.

SA 2198. Mrs. CLINTON (for herself and Mr. SCHUMER) submitted an amendment intended to be proposed by her to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC.   . Notwithstanding any other provision of law rescinding the amounts made available under chapter 8 of division B of the Department of Defense and Emergency Supplemental Appropriations for Recovery from and Response to Terrorist Attacks on the United States Act, 2002 (Public Law 107-117), $50,000,000 shall be available under such chapter, and shall remain available until expended, for payment to the New York State Uninsured Employers Fund for reimbursement of claims related to the terrorist attacks of September 11, 2001 and for reimbursement of claims related to the first response emergency services personnel who were injured, were disabled, or died due to such terrorist attacks, and $75,000,000 shall be made available under such chapter to the Centers for Disease Control and Prevention upon enactment of this Act, and shall remain available until expended, for purposes related to the September 11, 2001 terrorist attacks. In expending such funds, the Director of the Centers for Disease Control and Prevention shall give first priority to the existing programs coordinated by the Mount Sinai Center for Occupational and Environmental Medicine, the Fire Department of New York City Bureau of Health Services and Counseling Services Unit, the New York City Police Foundation's Project COPE, Police Organization Providing Peer Assistance, and the New York City Department of Health and Mental Hygiene World Trade Center Health Registry that administer baseline and follow-up screening, clinical examinations, or long-term medical health monitoring, analysis, or treatment for emergency services personnel or rescue and recovery personnel, and shall give secondary priority to similar programs coordinated by other entities working with the State of New York and New York City.

SA 2199. Mr. ALLEN (for himself and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 178, after line 25, add the following:

SEC. 222. Effective as if enacted on January 1, 1995, the phrase "costs incurred during the year of furnishing hospital services" in section 1923(g)(1)(A) of the Social Security Act (42 U.S.C. § 1396r-4(g)(1)(A)), shall be applied to the State of Virginia as including the costs of physician services provided at a hospital when those costs are incurred either by the hospital or by an organization related to the hospital, as determined for purposes of title XVIII of the Social Security Act, including such services provided through a university or a faculty practice plan. The preceding sentence shall be applied without fiscal year limitation.

SA 2200. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

After section 221, insert the following:

SEC. 222. (a) Section 1851(e)(3)(B) of the Social Security Act (42 U.S.C. 1395w–21(e)(3)(B)) is amended—

(1) in clause (iii), by striking "May 15, 2006" and inserting "December 31, 2006"; and

(2) by adding at the end the following new sentence:

"An individual making an election during the period beginning on November 15, 2006, and ending on December 15, 2006, shall specify whether the election is to be effective with respect to 2006 or with respect to 2007 (or both).".

(b)(1) Section 1851(e) of the Social Security Act (42 U.S.C. 1395w–21(e)) is amended—

(A) in paragraph (2)(B)—

(i) in the heading, by striking "FOR FIRST 6 MONTHS";

(ii) in clause (i)—

(I) by striking "the first 6 months of 2006" and inserting "2006"; and

(II) by striking "the first 6 months during 2006" and inserting "2006";

(iii) in clause (ii), by inserting "(other than during 2006)" after "paragraph (3)"; and

(iv) in clause (iii), by striking "2006" and inserting "2007"; and

(B) in paragraph (4), by striking "2006" and inserting "2007" each place it appears.

(2) Section 1860D–1(b)(1)(B)(iii) of the Social Security Act (42 U.S.C. 1395w–101(b)(1)(B)(iii)) is amended by striking "subparagraphs (B) and (C) of paragraph (2)" and inserting "paragraph (2)(C)".

(c) The amendments made by this section shall take effect as if included in the enactment of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173).

SA 2201. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC.   . ADVANCE DIRECTIVES.

(a) FINDINGS.—Congress makes the following findings:

(1) Every year 2,500,000 people die in the United States. Eighty percent of those people die in institutions such as hospitals, nursing homes, and other facilities. Chronic illnesses, such as cancer and heart disease, account for 2 out of every 3 deaths.

(2) In January 2004, a study published in the Journal of the American Medical Association concluded that many people dying in institutions have unmet medical, psychological, and spiritual needs. Moreover, family members of decedents who received care at home with hospice services were more likely to report a favorable dying experience.

(3) In 1997, the Supreme Court of the United States, in its decisions in Washington v. Glucksberg and Vacco v. Quill, reaffirmed the constitutional right of competent adults to refuse unwanted medical treatment. In those cases, the Court stressed the use of advance directives as a means of safeguarding that right should those adults become incapable of deciding for themselves.

(4) A study published in 2002 estimated that the overall prevalence of advance directives is between 15 and 20 percent of the general population, despite the passage of the Patient Self-Determination Act in 1990, which requires that health care providers tell patients about advance directives.

(5) Competent adults should complete advance care plans stipulating their health care decisions in the event that they become unable to speak for themselves. Through the execution of advance directives, including living wills and durable powers of attorney for health care according to the laws of the State in which they reside, individuals can protect their right to express their wishes and have them respected.

(b) PURPOSES.—The purposes of this section are to improve access to information about individuals' health care options and legal rights for care near the end of life, to promote advance care planning and decisionmaking so that individuals' wishes are known should they become unable to speak for themselves, to engage health care providers in disseminating information about and assisting in the preparation of advance directives, which include living wills and durable powers of attorney for health care, and for other purposes.

(c) MEDICARE COVERAGE OF END-OF-LIFE PLANNING AND CONSULTATIONS AS PART OF INITIAL PREVENTIVE PHYSICAL EXAMINATION.—

(1) IN GENERAL.—Section 1861(ww) of the Social Security Act (42 U.S.C. 1395x(ww)) is amended—

(A) in paragraph (1), by striking "paragraph (2)," and inserting "paragraph (2) and the end-of-life care services described in paragraph (3),"; and

(B) by adding at the end the following new paragraph:

"(3) The end-of-life care services described in this paragraph include a discussion between the provider and the individual of end-of-life care for the purpose of informing the individual receiving such an examination regarding—

"(A) situations where an advance directive might be beneficial;

"(B) medical options available to such individual with respect to end-of-life care;

"(C) coverage of hospice care under this title; and

"(D) such other issues relevant to end-of-life care as the provider determines are appropriate.".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply to initial preventive physical examinations provided on or after the date that is 60 days after the date of enactment of this Act.

(d) IMPROVEMENT OF POLICIES RELATED TO THE USE AND PORTABILITY OF ADVANCE DIRECTIVES.—

(1) MEDICARE.—Section 1866(f) of the Social Security Act (42 U.S.C. 1395cc(f)) is amended—

(A) in paragraph (1)—

(i) in subparagraph (B), by inserting "and if presented by the individual (or on behalf of the individual), to include the content of such advance directive in a prominent part of such record" before the semicolon at the end;

(ii) in subparagraph (D), by striking "and" after the semicolon at the end;

(iii) in subparagraph (E), by striking the period at the end and inserting "; and"; and

(iv) by inserting after subparagraph (E) the following new subparagraph:

"(F) to provide each individual with the opportunity to discuss issues relating to the information provided to that individual pursuant to subparagraph (A) with an appropriately trained professional.";

(B) in paragraph (3), by striking "a written" and inserting "an"; and

(C) by adding at the end the following new paragraph:

"(5)(A) In addition to the requirements of paragraph (1), a provider of services, Medicare Advantage organization, or prepaid or eligible organization (as the case may be) shall give effect to an advance directive executed outside the State in which such directive is presented, even one that does not appear to meet the formalities of execution, form, or language required by the State in which it is presented to the same extent as such provider or organization would give effect to an advance directive that meets such requirements, except that a provider or organization may decline to honor such a directive if the provider or organization can reasonably demonstrate that it is not an authentic expression of the individual's wishes concerning his or her health care. Nothing in this paragraph shall be construed to authorize the administration of medical treatment otherwise prohibited by the laws of the State in which the directive is presented.

"(B) The provisions of this paragraph shall preempt any State law to the extent such law is inconsistent with such provisions. The provisions of this paragraph shall not preempt any State law that provides for greater portability, more deference to a patient's wishes, or more latitude in determining a patient's wishes.".

(2) MEDICAID.—Section 1902(w) of the Social Security Act (42 U.S.C. 1396a(w)) is amended—

(A) in paragraph (1)—

(i) in subparagraph (B)—

(I) by striking "in the individual's medical record" and inserting "in a prominent part of the individual's current medical record"; and

(II) by inserting "and if presented by the individual (or on behalf of the individual), to include the content of such advance directive in a prominent part of such record" before the semicolon at the end;

(ii) in subparagraph (D), by striking "and" after the semicolon at the end;

(iii) in subparagraph (E), by striking the period at the end and inserting "; and"; and

(iv) by inserting after subparagraph (E) the following new subparagraph:

"(F) to provide each individual with the opportunity to discuss issues relating to the information provided to that individual pursuant to subparagraph (A) with an appropriately trained professional.";

(B) in paragraph (4), by striking "a written" and inserting "an"; and

(C) by adding at the end the following paragraph:

"(6)(A) In addition to the requirements of paragraph (1), a provider or organization (as the case may be) shall give effect to an advance directive executed outside the State in which such directive is presented, even one that does not appear to meet the formalities of execution, form, or language required by the State in which it is presented to the same extent as such provider or organization would give effect to an advance directive that meets such requirements, except that a provider or organization may decline to honor such a directive if the provider or organization can reasonably demonstrate that it is not an authentic expression of the individual's wishes concerning his or her health care. Nothing in this paragraph shall be construed to authorize the administration of medical treatment otherwise prohibited by the laws of the State in which the directive is presented.

"(B) The provisions of this paragraph shall preempt any State law to the extent such law is inconsistent with such provisions. The provisions of this paragraph shall not preempt any State law that provides for greater portability, more deference to a patient's wishes, or more latitude in determining a patient's wishes.".

(3) EFFECTIVE DATES.—

(A) IN GENERAL.—Subject to subparagraph (B), the amendments made by paragraphs (1) and (2) shall apply to provider agreements and contracts entered into, renewed, or extended under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.), and to State plans under title XIX of such Act (42 U.S.C. 1396 et seq.), on or after such date as the Secretary of Health and Human Services specifies, but in no case may such date be later than 1 year after the date of enactment of this Act.

(B) EXTENSION OF EFFECTIVE DATE FOR STATE LAW AMENDMENT.—In the case of a State plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) which the Secretary of Health and Human Services determines requires State legislation in order for the plan to meet the additional requirements imposed by the amendments made by paragraph (2), the State plan shall not be regarded as failing to comply with the requirements of such title solely on the basis of its failure to meet these additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of the session is considered to be a separate regular session of the State legislature.

(e) INCREASING AWARENESS OF THE IMPORTANCE OF END-OF-LIFE PLANNING.—Title III of the Public Health Service Act (42 U.S.C. 241 et seq.) is amended by adding at the end the following new part:

"PART R—PROGRAMS TO INCREASE AWARENESS OF ADVANCE DIRECTIVE PLANNING ISSUES

"SEC. 399Z-1. ADVANCE DIRECTIVE EDUCATION CAMPAIGNS AND INFORMATION CLEARINGHOUSES.

"(a) ADVANCE DIRECTIVE EDUCATION CAMPAIGN.—The Secretary shall, directly or through grants awarded under subsection (c), conduct a national public education campaign—

"(1) to raise public awareness of the importance of planning for care near the end of life;

"(2) to improve the public's understanding of the various situations in which individuals may find themselves if they become unable to express their health care wishes;

"(3) to explain the need for readily available legal documents that express an individual's wishes, through advance directives (including living wills, comfort care orders, and durable powers of attorney for health care); and

"(4) to educate the public about the availability of hospice care and palliative care.

"(b) INFORMATION CLEARINGHOUSE.—The Secretary, directly or through grants awarded under subsection (c), shall provide for the establishment of a national, toll-free, information clearinghouse as well as clearinghouses that the public may access to find out about State-specific information regarding advance directive and end-of-life decisions.

"(c) GRANTS.—

"(1) IN GENERAL.—The Secretary shall use at least 60 percent of the funds appropriated under subsection (d) for the purpose of awarding grants to public or nonprofit private entities (including States or political subdivisions of a State), or a consortium of any of such entities, for the purpose of conducting education campaigns under subsection (a) and establishing information clearinghouses under subsection (b).

"(2) PERIOD.—Any grant awarded under paragraph (1) shall be for a period of 3 years.".

(f) GAO STUDY AND REPORT ON ESTABLISHMENT OF NATIONAL ADVANCE DIRECTIVE REGISTRY.—

(1) STUDY.—The Comptroller General of the United States shall conduct a study on the feasibility of a national registry for advance directives, taking into consideration the constraints created by the privacy provisions enacted as a result of the Health Insurance Portability and Accountability Act of 1996 (Public Law 104-191).

(2) REPORT.—Not later than 18 months after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on the study conducted under paragraph (1) together with recommendations for such legislation and administrative action as the Comptroller General of the United States determines to be appropriate.

(g) ADVANCE DIRECTIVES AT STATE DEPARTMENT OF MOTOR VEHICLES.—Each State shall establish a program of providing information on the advance directives clearinghouse established pursuant to section 399Z-1 of the Public Health Service Act, as added by subsection (e), to individuals who are residents of the State at such State's department of motor vehicles. Such program shall be modeled after the program of providing information regarding organ donation established at the State's department of motor vehicles, if such State has such an organ donation program.

(h) EFFECTIVE DATE.—Except as otherwise provided in this section, this section and the amendments made by this section shall take effect on the date of enactment of this Act.

SA 2202. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 178, after line 25, insert the following:

SEC. ____. None of the funds made available under this Act may be used to pay the salaries or expenses of any officer or employee of the Department of Health and Human Services to provide payments under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) to a physician, practitioner (as described in section 1842(b)(18)(C) of such Act (42 U.S.C. 1395u(b)(18)(C)), or other individual who charges their patients membership or similar fees, or who requires the purchase of services not covered under Medicare, as a condition for the provision of covered services under such title.

SA 2203. Mrs. CLINTON (for herself and Mr. SCHUMER) submitted an amendment intended to be proposed by her to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____.(a) Notwithstanding any other provision of law, $125,000,000 shall be available and shall remain available until expended to replace the funds appropriated but not expended under chapter 8 of division B of the Department of Defense and Emergency Supplemental Appropriations for Recovery from and Response to Terrorist Attacks on the United States Act, 2002 (Public Law 107-117), and of such amount, $50,000,000 shall be made available for payment to the New York State Uninsured Employers Fund for reimbursement of claims related to the terrorist attacks of September 11, 2001 and for reimbursement of claims related to the first response emergency services personnel who were injured, were disabled, or died due to such terrorist attacks, and $75,000,000 shall be made available to the Centers for Disease Control and Prevention upon enactment of this Act, and shall remain available until expended, for purposes related to the September 11, 2001 terrorist attacks. In expending such funds, the Director of the Centers for Disease Control and Prevention shall give first priority to the existing programs coordinated by the Mount Sinai Center for Occupational and Environmental Medicine, the Fire Department of New York City Bureau of Health Services and Counseling Services Unit, the New York City Police Foundation's Project COPE, Police Organization Providing Peer Assistance, and the New York City Department of Health and Mental Hygiene World Trade Center Health Registry that administer baseline and follow-up screening, clinical examinations, or long-term medical health monitoring, analysis, or treatment for emergency services personnel or rescue and recovery personnel, and shall give secondary priority to similar programs coordinated by other entities working with the State of New York and New York City.

(b) The amount provided under subsection (a) is designated as an emergency request, pursuant to section 402 of H. Con. Res. 95 (109th Congress).

SA 2204. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 112, strike lines 17 and 18, insert the following:

Workforce Investment Act of 1998; $2,790,806,000 plus reimbursements, of which $1,791,518,000 (plus an additional amount of $3,000,000 for workforce investment activities for adults under chapter 5 of subtitle B of such Act) is available for obli-* * *

SA 2205. Mr. BAYH submitted an amendment intended to be proposed by him to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title II, insert the following:

SEC. ____. Amounts appropriated in this title for the preventive health and health services block grant program under part A of title XIX of the Public Health Service Act (42 U.S.C. 300w et seq.) shall be increased to $132,000,000.

SA 2206. Mr. BAYH submitted an amendment intended to be proposed by him to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title II, insert the following:

SEC. . Amounts appropriated in this title for the global disease detection program at the Centers for Disease Control and Prevention shall be increased so that such program receives $45,000,000.

SA 2207. Mr. BAYH submitted an amendment intended to be proposed by him to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title II, insert the following:

SEC. . Amounts appropriated in this title for national immunization programs under section 317 of the Public Health Service Act (42 U.S.C. 247b) at the Centers for Disease Control and Prevention shall be increased so that such programs receives $748,000,000.

SA 2208. Mr. BAYH submitted an amendment intended to be proposed by him to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 222, between lines 5 and 6, insert the following:

SEC. 517. Notwithstanding clause (A) of the flush language immediately following section 1905(a)(28) of the Social Security Act, none of the funds made available in this Act may be used by the Secretary of Health and Human Services to withhold, suspend, disallow, or otherwise deny Federal financial participation under section 1903(a) of such Act to a State for the provision of items and services described in section 1905(a) of such Act to children who are receiving inpatient psychiatric hospital services for individuals under age 21 under the State Medicaid plan that are provided consistent with the requirements of title XIX of the Social Security Act and such plan.

SA 2209. Mr. BAYH submitted an amendment intended to be proposed by him to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title II, insert the following:

SEC. ____. Amounts made available under this title for bioterrorism activities at the Centers for Disease Control and Prevention shall be increased by $129,900,000, to be used to restore amounts available for grants for State and local capacity to the level provided for such grants for fiscal year 2005.

SA 2210. Mr. BAYH submitted an amendment intended to be proposed by him to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title II, insert the following:

SEC. . No amounts appropriated under this title for the Office of the Secretary of Health and Human Services shall be expended after January 1, 2006 unless the Secretary has prepared and publicly issued a national pandemic preparedness plan that—

(1) designates a single official as being responsible for Federal planning and response related to a national pandemic;

(2) describes global and domestic pandemic surveillance activities;

(3) describes efforts to build domestic production capacity to ensure a sufficient stockpile of vaccines and antivirals;

(4) addresses potential demands for or shortages of medical equipment and supplies such as antibiotics, ventilators, masks, gloves, and ongoing medical treatment needs for chronically ill individuals;

(5) addresses surge capacity and support to State and local governments;

(6) addresses the potential effectiveness of measures such as quarantine and the use of masks;

(6) addresses the plan of the Secretary for educating the public in advance of a pandemic;

(7) describes how the Secretary will coordinate with relevant government agencies to provide guidance to the medical and business communities regarding travel, transportation, the economy, business operations, and schools; and

(8) includes specific levels of funding for each element of the plan.

PRIVILEGE OF THE FLOOR

Mr. REID. Mr. President, I ask unanimous consent that the following Finance Committee fellows and interns be allowed the privilege of the floor during consideration of the Labor-HHS appropriations bill: Richard Litsey, Jorlie Cruz, and James Reavis.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ASSISTANCE FOR ORPHANS AND OTHER VULNERABLE CHILDREN IN DEVELOPING COUNTRIES

Mr. FRIST. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of H.R. 1409, which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 1409) to amend the Foreign Assistance Act of 1961 to provide assistance for orphans and other vulnerable children in developing countries, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. LUGAR. Mr. President, I rise to comment on H.R. 1409, a companion bill to S. 350, the Assistance for Orphans and Other Vulnerable Children in Developing Countries Act of 2005, which I introduced earlier this year. Prior to its passage, I want to address a concern that the administration has raised about the bill.

I want to clarify that this legislation is in no way intended to undercut the existing authority of the Global AIDS Coordinator over all U.S. Government resources and programs relating to international HIV/AIDS. The Office of the Global AIDS Coordinator has made tremendous progress in bringing together U.S. Government resources in addressing orphans and vulnerable children as part of the President's Emergency Plan for AIDS Relief. In accordance with section 102 of Public Law 108–25, the U.S. Leadership Against HIV/AIDS, Tuberculosis and Malaria Act of 2003, the Global AIDS Coordinator has primary responsibility for programming and directing funds for all international HIV/AIDS activities carried out by the U.S. Government.

This legislation is not intended to create new or separate authorities in programming or funding under the emergency plan regarding orphans and vulnerable children and HIV/AIDS programs, but rather provides for an advisory position to ensure that the best approaches to addressing the needs of this population are employed in our foreign HIV/AIDS programs. I would expect that the position created by this new legislation would work within the processes developed by the Office of the Global AIDS Coordinator to ensure that planning and implementation of any orphans and vulnerable children programs relating to international HIV/AIDS are consistent with the goals of the emergency plan. In fact, it is possible that this position may indeed be within the Office of the Global AIDS Coordinator, at the discretion of the Secretary of State, because of the close relationship of HIV/AIDS and its effect on orphans and vulnerable children.

The AIDS orphan crisis in sub-Saharan Africa has implications for political stability, development, and human welfare that extend far beyond the region, affecting governments and people worldwide. Every 14 seconds another child is orphaned by AIDS. Turning the tide on this crisis will require a coordinated, comprehensive, and swift response. I am hopeful that Senators will join me in backing this important legislation.

Mr. FRIST. I ask unanimous consent the bill be read a third time and passed, the motion to reconsider be laid on the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 1409) was read the third time and passed.

CONVEYANCE OF LAND FOR THE BENEFIT OF THE PUYALLUP INDIAN TRIBE

Mr. FRIST. I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 162, S. 1382.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1382) to require the Secretary of the Interior to accept the conveyance of certain land, to be held in trust for the benefit of the Puyallup Indian tribe.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. I ask unanimous consent the bill be read a third time and passed, the motion to reconsider be laid on the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1382) was read the third time and passed, as follows:

S. 1382

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PUYALLUP INDIAN TRIBE LAND CLAIMS SETTLEMENT.

(a) IN GENERAL.—The Secretary of the Interior shall—

(1) accept the conveyance of the parcels of land within the Puyallup Reservation described in subsection (b); and

(2) hold the land in trust for the benefit of the Puyallup Indian tribe.

(b) LAND DESCRIPTION.—The parcels of land referred to in subsection (a) are as follows:

(1) PARCEL A.—Lot B, boundary line adjustment 9508150496, as depicted on the map dated August 15, 1995, held in the records of the Pierce County Auditor, situated in the city of Fife, county of Pierce, State of Washington.

(2) PARCEL B.—

(A) IN GENERAL.—Parcel B shall be comprised of land situated in the city of Fife, county of Pierce, State of Washington, more particularly described as follows:

(i) Lots 3 and 4, Pierce County Short Plat No. 8908020412, as depicted on the map dated August 2, 1989, held in the records of the Pierce County Auditor, together with portion of SR 5 abutting lot 4, conveyed by the deed recorded under Recording No. 9309070433, described as follows:

(I) That portion of Government lot 1, sec. 07, T. 20 N., R. 4 E., of the Willamette Meridian, described as commencing at Highway Engineer's Station AL 26 6+38.0 P.O.T. on the AL26 line survey of SR 5, Tacoma to King County line.

(II) Thence S88°54′30″ E., along the north line of said lot 1 a distance of 95 feet to the true point of beginning.

(III) Thence S01°05′30″ W87.4′ feet.

(IV) Thence westerly to a point opposite Highway Engineer's Station AL26 5+50.6 P.O.T. on said AL26 line survey and 75 feet easterly therefrom.

(V) Thence northwesterly to a point opposite AL26 5+80.6 on said AL26 line survey and 55 feet easterly therefrom.

(VI) Thence northerly parallel with said line survey to the north line of said lot 1.

(VII) Thence N88°54′30″ E., to the true point of beginning.

(ii) Chicago Title Insurance Company Order No. 4293514 lot A boundary line adjustment recorded under Recording No. 9508150496, as depicted on the map dated August 15, 1995, held in the records of the Pierce County Auditor.

(B) EXCLUSION.—Excluded from Parcel B shall be that portion of lot 4 conveyed to the State of Washington by deed recorded under recording number 9308100165 and more particularly described as follows:

(i) Commencing at the northeast corner of said lot 4.

(ii) Thence N89°53′30″ W., along the north line of said lot 4 a distance of 147.44 feet to the true point of beginning and a point of curvature.

(iii) Thence southwesterly along a curve to the left, the center of which bears S0°06′30″ W., 55.00 feet distance, through a central angle of 89°01′00″, an arc distance of 85.45 feet.

(iv) Thence S01°05′30″ W., 59.43 feet.

(v) Thence N88°54′30″ W., 20.00 feet to a point on the westerly line of said lot 4.

(vi) Thence N0°57′10″ E., along said westerly line 113.15 feet to the northwest corner of said lot 4.

(vii) Thence S89°53′30″ east along said north line, a distance of 74.34 feet to the true point of beginning.

(3) ADDITIONAL LOTS.—Any lots acquired by the Puyallup Indian tribe located in block 7846, 7850, 7945, 7946, 7949, 7950, 8045, or 8049 in the Indian Addition to the city of Tacoma, State of Washington.

ORDERS FOR TUESDAY, OCTOBER 25, 2005

Mr. FRIST. I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Tuesday, October 25. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and there then be a period for morning business for up to 30 minutes, equally divided between the two leaders or their designees, with the first 15 minutes under majority control; provided further that the Senate then resume consideration of H.R. 3010, the Labor-HHS appropriations bill. I further ask unanimous consent that at 10:30 the Senate proceed to a vote in relation to the Specter amendment No. 2197, with no second-degree amendments in order to the amendment prior to the vote.

I further ask unanimous consent that the Senate recess from 12:30 to 2:15 for the weekly policy luncheons.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. Today the Senate returned to the Labor-HHS appropriations bill, the final appropriations bill for this fiscal year. Indeed, I thank my colleagues for participating and so systematically going through each and every one of these appropriations bills with this being the last. The two managers are here and are ready to roll up their sleeves on this bill and to keep it moving along. Chairman SPECTER was here all Friday, last Friday, and all day today. It is now time for Members to come forward with their amendments and not put this off, not postpone, not delay until later in the week. We are going to finish the bill this week. If cloture becomes necessary, we will file that motion at the necessary time. I hope and expect that tomorrow will be a full day with amendments and votes.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:07 p.m., adjourned until Tuesday, October 25, 2005, at 9:30 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate: Monday, October 24, 2005:

THE JUDICIARY

BRIAN EDWARD SANDOVAL, OF NEVADA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEVADA.

HARRY SANDLIN MATTICE, JR., OF TENNESSEE, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF TENNESSEE.

EXTENSIONS OF REMARKS

HONORING LAWRENCE "LARRY" MARIO CARAVARIO OF CLEARLAKE, CALIFORNIA

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 24, 2005

Mr. THOMPSON of California. Mr. Speaker, I rise today to recognize California Highway Patrol Officer, Lawrence "Larry" Mario Caravario of Clearlake, CA as he retires from 31½ years of dedicated service.

"Larry" Caravario was born and raised in San Francisco. He attended Riordan High School followed by 2 years at the City College of San Francisco where he studied accounting.

In January of 1974, Larry joined the California Highway Patrol (CHP). Eventually he was stationed in the Lake County. For years he protected county residents watching out after them as he patrolled state highways and county roads. Additionally, Officer Caravario was responsible for training his fellow officers in matters of weapons and safety. He also served as the CHP's representative to Lake County schools as a pupil safety officer.

Mr. Speaker, when not patrolling the streets or training other officers, Officer Caravario dedicated his time to the children of Lake County. Since 1967 he has coached youth and high school soccer, basketball and baseball. In 1968, Officer Caravario began working as a basketball and baseball game official.

In retirement, Officer Caravario plans to spend more time with his wife Diane, his son David and daughter Joell.

Mr. Speaker, it is appropriate that we take time to thank Officer Caravario for his hard work and devotion to his community throughout the years. On behalf of my fellow colleagues, I wish him the best in all his future endeavors.

STATEMENT OF INTRODUCTION: CHILDREN AND MEDIA RESEARCH ADVANCEMENT ACT

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 24, 2005

Mr. MARKEY. Mr. Speaker, I rise today to introduce, along with Representatives HART, BACA and FORD, the Children and Media Research Advancement Act, or CAMRA Act.

This bill has also been introduced in the Senate by Senators LIEBERMAN, BROWNBACK, CLINTON, SANTORUM, and DURBIN.

Our children live in the information age, and our country has one of the most powerful and sophisticated information technology systems in the world. While this system entertains them, it is not always harmless entertainment. Media have the potential to facilitate the healthy growth of our children. They also have the potential to harm. We have a stake in finding out exactly what that role is. We have a responsibility to take action. Access to the knowledge that we need for informed decision-making requires us to make an investment: An investment in research, an investment in and for our children, an investment in our collective future. The benefits to our youth and our Nation's families are immeasurable.

In order to ensure that we are doing our very best for our children, the behavioral and health recommendations and public policy decisions we make should be based on objective behavioral, social, and scientific research. Yet no Federal research agency has responsibility for overseeing and setting a coherent media research agenda that can guide these policy decisions. Instead, Federal agencies fund media research in a piecemeal fashion, resulting in a patch work quilt of findings. We can do better than that.

The bill we are introducing today would remedy this problem. The CAMRA Act will provide an overarching view of media effects by establishing a program devoted to Children and Media within the Centers for Disease Control and Prevention. This program of research, to be vetted by the National Academy of Sciences, will fund and energize a coherent program of research that illuminates the role of media in children's cognitive, social, emotional, physical, and behavioral development. The research will cover all forms of electronic media, including television, movies, DVDs, interactive video games, cell phones, and the Internet, and will encourage research involving children of all ages—even babies and toddlers. The bill also calls for a report to Congress about the effectiveness of this research program in filling this void in our knowledge base. In order to accomplish these goals, we are authorizing $90 million dollars to be phased in gradually across the next 5 years. The cost to our budget is minimal and can well result in significant savings in other budget areas.

This legislation has strong support among researchers and children's advocates. Ted Lempert, President of Children Now, a national nonprofit organization which for years has focused on the need for policymakers to keep pace with the rising influence of media on children, writes: "CAMRA's establishment of a program on children and the media within the Center for Disease Control and Prevention will provide invaluable insight into the role and impact of electronic media on the children's development. Kids are spending more time with media than on any other activity except for sleeping, yet there are sizeable gaps in what we know about the role media play in children's cognitive, physical and behavioral development."

Jim Steyer, founder and CEO of Common Sense Media, a leading non-partisan, nonprofit organization dedicated to promoting a healthy media environment for children, supports CAMRA, saying "We enthusiastically endorse the funding of coherent research which will better illuminate the role of media in children's cognitive, social, emotional, physical and behavioral development. In an increasingly digital world where convergence of technologies provides entertainment, information and interactive possibilities to consumers, there are discernable knowledge gaps about the role of media on children's healthy development."

Michael Rich, Director of the Center on Media and Child Health at Harvard Medical School and Harvard School of Public Health, also wrote the following in support this bill: "As a caring society we assess and respond to the quality of the air children breathe, the water they drink, and the food they consume. You and your co-sponsors are to be commended and supported for your foresight and leadership in directing the National Institutes of Health to investigate what we are feeding our children's minds and how that is likely to affect their health and development, now and in the future."

From the cradle to the grave, our children now live and develop in a world of media—a world that is increasingly digital, and a world where access is at their fingertips. This emerging digital world is well known to our children, but its effects on their development are not well understood. Young people today are spending an average of 6½ hours with media each day. For those who are under age 6, 2 hours of exposure to screen media each day is common, even for those who are under age 2. That is about as much time as children under age 6 spend playing outdoors, and it is much more time than they spend reading or being read to by their parents. How does this investment of time affect children's physical development, their cognitive development, or their moral values? Unfortunately, we still have very limited information about how media, particularly the newer interactive media, affect children's development. Why? We have not charged any Federal agency with ensuring an ongoing funding base to establish a coherent research agenda about the impact of media on children's lives. This lack of a coordinated government-sponsored effort to understand the effects of media on children's development is truly an oversight on our part, as the potential payoffs for this kind of knowledge are enormous.

Consider our current national health crisis of childhood obesity. The number of U.S. children and teenagers who are overweight has more than tripled from the 1960's through 2002. We think that media exposure is partly the cause of this epidemic. Is it? Is time spent viewing screens and its accompanying sedentary lifestyle contributing to childhood and adolescent obesity? Or is the constant bombardment of advertisements for sugar-coated

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

cereals, snack foods, and candy that pervade children's television advertisements the culprit? How do the newer online forms of "stealth marketing", such as advergaming where food products are embedded in computer games, affect children's and adolescents' eating patterns? Cell phones are one of the latest emerging high-tech gadgets to own, and cell phone/iPod combination devices are now on the market. What will happen when pop-up advertisements begin to appear on children's cell phones that specifically target them for the junk food that they like best at a place where that food is easily obtainable? The answer to the obesity and media question is complex. A committee at the National Academy of Sciences is currently charged with studying the link between media advertising and childhood obesity. Will the National Academy of Sciences panel have the data they need to answer this important question? A definitive answer has the potential to save a considerable amount of money in other areas of our budget. For example, child health care costs that are linked to childhood obesity issues could be reduced by understanding and altering media diets.

After two adolescent boys shot and killed some of their teachers, classmates, and then turned their guns on themselves at Columbine High School, we asked ourselves if media played some role in this tragedy. Did these boys learn to kill in part from playing first-person shooter video games like Doom where they acted as a killer? Were they rehearsing criminal activities when playing this game? There is rising concern about extremely violent video games. Gov. Arnold Schwarzenegger signed a bill October 7 that will prohibit the sale of "ultraviolent" video games to children under 18 without parental approval. In August, the American Psychological Association passed a resolution calling for less violence in computer and video games sold to children, citing research suggesting that the games contribute to aggressive behavior. The Federal Trade Commission reports that 40 percent of children under 18 play mature-rated video games. A person who plays mature-rated video games at least 40 minutes per day views 5,400 incidents of aggression per month, according to the Journal of Broadcasting and Electronic Media. With so many of our children immersed in an electronic environment saturated with violent images, we have cause for serious concern.

In the violence and media area, Congress passed legislation so that research was conducted about the relationship between media violence and childhood aggression, and as a result, we know more. Even though much of this database is older and involves the link between exposure to violent television programs and childhood aggression, some answers were forthcoming about how the Columbine tragedy could have taken place. Even so, there is still a considerable amount of speculation about the more complex questions. Why did these particular boys, for example, pull the trigger in real life while others who played Doom confine their aggressive acts to the gaming context? We need to be able to answer questions about which children under what circumstances will translate game playing into reallife lethal actions. Investing in media research could potentially reduce our budgets associated with adolescent crime and delinquency as well as reduce real-life human misery and suffering.

Many of us believe that our children are becoming increasingly materialistic. Does exposure to commercial advertising and the "good life" experienced by media characters partly explain materialistic attitudes? We're not sure. Why then are we exposing children to heavy doses of advertisements in many of our nation's schools through Channel1 Network where "free" television sets to schools are provided in exchange for a small fee: unfettered access to advertise to children during school time? As streaming video programming proliferates on computers, cell phones and personal digital assistants, advertisers have more avenues to reach our children and bombard them with pro-consumption messages. As technology advances and becomes increasingly widespread among younger children, parents are justifiably concerned about losing control over the messages their children receive. Recent research using brain-mapping techniques finds that an adult who sees images of desired products demonstrates patterns of brain activation that are typically associated with reaching out with a hand. How does repeatedly seeing attractive products affect our children and their developing brains? What will happen when our children will be able to click on their television screen and go directly to sites that advertise the products that they see in their favorite programs? Or use their cell phone/iPod to download music or pay for products that they want immediately? Why should they wait? Why should they work for long-term goals? Exactly what kind of values are we cultivating in our children, and what role does exposure to media content play in the development of those values?

A research report linked very early television viewing with later symptoms that are common in children who have attention deficit disorders. However, we don't know the direction of the relationship. Does television viewing cause attention deficits, or do children who have attention deficits find television viewing experiences more engaging than children who don't have attention problems? Or do parents whose children have difficulty sustaining attention let them watch more television to encourage more sitting and less hyperactive behavior? How will Internet experiences, particularly those where children move rapidly across different windows, influence attention patterns and attention problems? Once again, we don't know the answer. If early television exposure does disrupt the development of children's attention patterns, resulting in their placement in special education programs, actions taken to reduce screen exposure during the early years could lead to subsequent reductions in children's need for special education classes, thereby saving money while fostering children's development in positive ways.

We want no child left behind in the 21st century. Many of us believe that time spent with computers is good for our children, teaching them the skills that they will need for success in the 21st century. Are we right? How is time spent with computers different from time spent with television? Or time spent with books? What are the underlying mechanisms that facilitate or disrupt children's learning from these varying media? Can academic development be fostered by the use of interactive online programs designed to teach as they entertain? In the first 6 years of life, Caucasian more so than African American or Latino children have Internet access from their homes. Can our newer interactive media help ensure that no child is left behind, or will disparities in access result in leaving some behind and not others?

The questions about how media affect the development of our children are clearly important, abundant, and complex. Unfortunately, the answers to these questions are in short supply. Such gaps in our knowledge base limit our ability to make informed decisions about media policy.

We know that media are important. Over the years, we have held numerous hearings in these chambers about how exposure to media violence affects childhood aggression. We passed legislation to maximize the documented benefits of exposure to educational media, such as the Children's Television Act which requires broadcasters to provide educational and informational television programs for children. Can we foster children's moral values when they are exposed to prosocial programs that foster helping, sharing, and cooperating like those that have come into being as a result of the Children's Television Act?

We acted to protect our children from unfair commercial practices by passing the Children's Online Privacy Protection Act which provides safeguards from exploitation for our youth as they explore the Internet, a popular pastime for them. Yet the Internet has provided new ways to reach children with marketing that we barely know is taking place, making our ability to protect our children all the more difficult. We worry about our children's inadvertent exposure to online pornography—about how that kind of exposure may undermine their moral values and standards of decency. In these halls of Congress, we acted to protect our children by passing the Communications Decency Act, the Child Online Protection Act, and the Children's Internet Protection Act to shield children from exposure to sexually-explicit online content that is deemed harmful to minors. While we all agree that we need to protect our children from online pornography, we know very little about how to address even the most practical of questions such as how to prevent children from falling prey to adult strangers who approach them online. There are so many areas in which our understanding is preliminary at best, particularly in those areas that involve the effects of our newer digital media.

By passing the Children and Media Research Advancement Act, we can advance knowledge and enhance the constructive effects of media while minimizing the negative ones. We can make future media policies that are grounded in a solid knowledge base. We can be proactive, rather than reactive.

In so doing, we build a better Nation for our youth, fostering the kinds of values that are the backbone of this great Nation of ours, and we create a better foundation to guide future media policies about the digital experiences that pervade our children's daily lives.

RECOGNIZING SHEILA DAUGHERTY OF NAPA, CALIFORNIA

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 24, 2005

Mr. THOMPSON of California. Mr. Speaker, I rise today to recognize my dear friend Sheila Daugherty of Napa, CA as she is honored by the Salvation Army Napa Corps.

The story of Sheila Daugherty is uniquely American. Growing up in a large Irish family, Sheila was taught the importance of helping others and serving one's community. She has lived her life guided by the motto, "See something that needs to be done and do it."

Sheila was a Captain in the U.S. Army Nurse Corps, serving as a Civic Action Officer during the Vietnam War. Her service was rewarded with the U.S. Army Commendation Medal, the U.S. Army National Defense Medal and the Vietnam Campaign Medal.

For nearly 30 years, Sheila has devoted her life to working to improve the quality of life in the Napa Valley through a variety of positions including the Napa Valley Unified School District Board of Trustees, Board of Directors for the Volunteer Center of Napa County, the Queen of the Valley Hospital Board of Directors and volunteering for countless other civic causes.

For the past 11 years Sheila has worked closely with juveniles who suffer from drug and alcohol addictions. In 1997 Sheila implemented an outpatient substance abuse program for teenagers in Napa County. She was the driving force behind the creation of the Napa Tattoo Taboo program, which helps former gang members shed the symbols of their past by removing gang related tattoos.

In recognition of her contributions Sheila Daugherty is to be honored with the Salvation Army Napa Corps' "Other's Award" on September 16, 2005.

Mr. Speaker and Colleagues, it is appropriate today that we join in thanking Sheila Daugherty for her unwavering dedication to and love for our community. On behalf of the House of Representatives, I am proud to extend our heartfelt congratulations and best wishes to Sheila, her husband Lewis, sons Eugene and Matthew and two granddaughters Cecilia and Frances.

13TH ANNUAL DR. MARTIN LUTHER KING, JR., DAY IN FLOWER MOUND, TEXAS

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 24, 2005

Mr. BURGESS. Mr. Speaker, I rise today to recognize the 13th annual Dr. Martin Luther King, Jr., Day commemorative event in Flower Mound, TX, my home town.

As a leader in non-violent resistance, Dr. Martin Luther King, Jr. strongly advanced human rights with hope to end racial prejudice in the United States. In 1986, Martin Luther King Day was established as a U.S. national holiday in honor of Dr. Martin Luther King, Jr. Today, this honored memorial is observed on the third Monday of January each year, around the time of King's birthday. On January 18, 1993, for the first time, Martin Luther King Day was officially observed in all 50 U.S. states.

To honor the efforts of Dr. Martin Luther King, Jr., the Baha'is of Flower Mound, joined with the Town of Flower Mound, the Tau Rho Omega chapter of Alpha Kappa Alpha and other supporters, are sponsoring events commemorating and celebrating Dr. King's inspirational work. This celebration is intended to influence and educate young minds about the significance of freedom, liberty, and the acceptance of all individuals regardless of race, gender, national origin, religion, or social stratum. This year's events include Art and Essay contests among local middle and high school students. Twenty-eight prizes of $75 to $150 each will be awarded to winners. In addition, world-class runner, Gilbert Tuhabonye of Austin, will give the keynote address.

Mr. Speaker, it is with great honor today that I recognize this 13th annual event commemorating Dr. Martin Luther King, Jr. in Flower Mound. Education and inspiration are a few of the most important gifts we can give our children, and I believe this event honors a man who showed such vision and wisdom.

HONORING CAMERON REEVES OF LAKE COUNTY, CA

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 24, 2005

Mr. THOMPSON of California. Mr. Speaker, I rise today to recognize Cameron L. Reeves of Lake County, CA, as he retires after a distinguished 24-year career providing superior legal advice and a profound knowledge of the law to the Lake County Board of Supervisors as the chief county counsel.

Cameron was born and raised in a small, rural town in Oklahoma. After graduating from San Diego State University with a degree in political science, Cameron enlisted in the military. He began his military career in 1966 serving as an Army Security Agency warrant officer working on profile missions involving North Korea and Vietnam.

It was while serving in the armed forces Cameron decided he wanted to attend law school. While balancing a family and his day job with the State government, Cameron earned his law degree from the University of the Pacific, McGeorge School of Law in 1974.

Mr. Speaker, in 1981, Cameron embarked upon what would become an unprecedented 24-year career as the chief county counsel for Lake County. A steadfast, selfless, hard working man, Cameron sought out Lake County's most challenging problems and faced them head on. When Cameron arrived, there was no formal plan to direct the legal course of action for Lake County. Therefore he created the Legal Lake County General Plan, the first of its kind in this area. He has also worked extensively to harbor a strong relationship with neighboring Yolo County working through very contentions water rights issues between the two counties.

Mr. Speaker, Cameron is highly respected throughout the county and has committed himself to the position of chief county counsel with the desire to better his community. Throughout his career, Cameron has been a constant wealth of knowledge and insight helping to guide and inform 17 Supervisors, enabling them to make the best decisions for the people of Lake County. His fellow colleagues have stated it will be difficult to replace Cameron, a man of extreme integrity and intelligence.

In retirement, Cameron plans on traveling around the U.S. and spending more time with his wife, Sharon, and their four children, Layne, Marcy, Leslie and Brandon.

IN RECOGNITION OF THE AMERICAN RED CROSS IN GREATER NEW YORK AND ITS CENTENNIAL CELEBRATION HONOREE, FORMER PRESIDENT BILL CLINTON

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 24, 2005

Mrs. MALONEY. Mr. Speaker, I rise to salute the American Red Cross in Greater New York (ARC/GNY), which held its centennial celebration on October 20, 2005. At this wonderful event, the ARC/GNY honored former President Bill Clinton for his leadership of humanitarian efforts in war and disease-ravaged areas throughout the world. I trust that the members of this chamber will join me in recognizing the tremendous efforts of both the New York Red Cross and our former President to relieve suffering both here in the United States and in the international community.

Though the International Red Cross has roots that stretch back to the mid-nineteenth century, the first Red Cross Chapter in New York City was established in Brooklyn in 1905. Since its founding, the New York Red Cross has played a leadership role in many of the most significant events of our time. In 1911, a fire destroyed the Triangle Shirtwaist Factory in Manhattan, killing 145 workers. Fortunately, the New York Red Cross was there to provide support and financial assistance to victims and their families. The following year, Red Cross volunteers assisted hundreds of survivors of the Titanic disaster, as well.

New York Red Cross volunteers also played important roles in both World Wars, feeding soldiers traveling to Europe and the Pacific, recruiting nurses and doctors, supplying medical equipment and clothing, and, perhaps most significantly, organizing and staffing hospitals overseas in support of the Army's medical program. In 1959, the American Red Cross in Greater New York was founded, bringing together Red Cross chapters from each of New York City's five boroughs.

This year, the American Red Cross is leading much-needed efforts to assist those whose lives were upended by Hurricane Katrina. Since the hurricane made landfall, the Red Cross has provided shelter, food and more than $300 million to nearly 500,000 families. The ARC/GNY, for its part, has sent more than 100 trained staff members and volunteers to the Gulf Coast region, operated the largest Red Cross call center in the nation and sheltered nearly a thousand displaced families. All the while, the ARC/GNY continues to respond to tragedies closer to home: On average, the organization helps New Yorkers recover from eight fires, floods, building collapses and other disasters each day.

It is fitting that the staff, friends and volunteers of the New York Red Cross have chosen to honor another devoted humanitarian, President Bill Clinton. Since leaving office, President Clinton has devoted himself to helping underprivileged people around the world, in particular assisting those afflicted by the HIV/AIDS pandemic in Africa and the Asian tsunami disaster. During his tenure in the White House, Clinton presided over an economy that added 22 million jobs, worked with allies to put an end to ethnic cleansing in Bosnia and Kosovo, and played a major role in securing a meaningful and lasting peace in Northern Ireland.

Mr. Speaker, I request that my colleagues join me in recognizing the work of both the Red Cross in Greater New York and President Bill Clinton to help families displaced by disasters, war and disease. I am delighted to offer the ARC/GNY and President Clinton my very best wishes for many more decades of service to the neediest.

JOHN LaFALCE CONTINUES WORK FOR CONSUMER PROTECTION

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 24, 2005

Mr. FRANK of Massachusetts. Mr. Speaker, my predecessor as the ranking Democrat on the Financial Services Committee, John LaFalce, continues to be a very informed, thoughtful advocate of consumer protection within the context of a well-functioning financial system.

On October 11, he wrote to the various bank regulators in support of legislation introduced by myself and Representatives MALONEY, SANDERS, LEE and MCCARTHY, H.R. 3449, dealing with abuses in overdraft protection.

Mr. LaFalce's thoughtful analysis of the problem and the reasons for addressing it are very persuasive, and because this is an important issue that we are addressing, I ask that his comments to the Federal regulators be printed here.

The Federal banking agencies recently issued guidelines for the operation of overdraft protection programs, and the Federal Reserve Board recently revised its Regulation DD with respect to the advertising of overdraft protection programs. Although well-intentioned, these new guidelines fall far short of what is needed in this area, and in many ways the recent regulations by the Fed only make matters worse.

I call H.R. 3449 to your attention because I believe that the problems it deals with are enormous, and can and should be dealt with, promptly, by regulation. I shall highlight some of the more significant problems dealt with by H.R. 3449 and urge the bank regulators to address those problems.

I. BANK CUSTOMERS GENERALLY DO NOT KNOW OF OR CONSENT TO EXPENSIVE OVERDRAFT PROGRAMS

Overdraft protection has been demonstrated to be the most expensive form of consumer credit, with effective rates of interest far higher than even payday loans. Unlike other forms of consumer credit, however, upfront information about the overdraft programs has not been mandated under Regulation Z because of an arcane exception for banks covering their customers' incidental overdrafts. As a result of this exception, the logic of which no longer applies to today's automated overdraft protection programs, banks have been able to create a very high-cost, short-term credit product without any obligation to inform consumers of how the overdraft protection works and the actual credit costs involved.

Furthermore, many and probably most consumers are automatically and unknowingly being placed into the bank's most expensive overdraft program, when there are often other better and far less costly alternatives. While consumers may wish to take advantage of an overdraft program, they deserve the opportunity to learn about the program other than through the imposition of the most expensive of overdraft fees, and they surely should be informed of less costly alternatives, and given a choice amongst those alternatives.

H.R. 3449 would ensure that consumers know they are signing up for overdraft protection and the actual costs of utilizing the overdraft coverage by requiring: specific written consent by the consumer to the program; disclosure of the fee for the overdraft service; disclosure of the types of transactions that will trigger the fee; disclosure of the time period in which the consumer must cover the overdraft; and disclosure of the circumstances under which an overdraft will not be honored.

The bank regulators should require such consent and disclosure, including information concerning any less costly alternatives offered by the bank, such as overdraft lines of credit or automatic cash transfers from linked accounts. Almost without exception, banks are not doing this.

II. THE REGULATORS HAVE LITTLE OR NO DATA TO QUANTIFY THE PREVALENCE, MAGNITUDE, OR NATURE OF THIS PROBLEM AND SHOULD COLLECT THIS DATA

On February 17 and 18, 2005, Sanford C. Bernstein & Co. released a study indicating that it was not uncommon for banks to have a large percentage of their pre-tax income attributable to fees. For example, at Wells Fargo and Wachovia it was 25%, at Mellon it was 30%, at Bank of America it was 33%, at AmSouth it was 42%, at Washington Mutual it was 51%, and at TCF Financial it was 82%. They also concluded that there is a criminal risk in actively marketing bounce protection programs.

On May 2, 2005, a Business Week article indicated that "overall, banks raked in $32 billion in account service fees last year, up from $21 billion in 1999." They further stated that "fees have become such a powerful source of profits that they exceed earnings from mortgages, credit cards and all other lending combined." Additionally, the article refers to a banking analyst at Sanford C. Bernstein & Co. who said that "the poorest 20% of the country's 135,000,000 checking customers generate 80% of the $12 billion in annual overdraft fees."

On May 5, 2005, the American Banker reported that in a study by one bank it was discovered that individual "customers are spending thousands of dollars on overdraft fees each year. One retail customer paid $6,800.00 in the fist eleven months last year. At roughly $25.00 an overdraft, that works out to an average of about 22 bounced checks per month. The top business customer paid $8,825.00 in fees. The smallest total racked up by any of the 300 customers it analyzed was about $900.00 a year, or roughly three non-sufficient fund charges a month, assuming a $25.00 average."

On May 26, 2005, the Center for Responsible Lending issued a report conservatively estimating that "borrowers pay more than $10 billion dollars in overdraft loan fees per year." They actually believe the "current amount of overdraft loan fees could be as large as $22.7 billion."

On June 9, 2005, the Consumer Federation of America issued a report indicating that:

(1) "At least 27 of the 33 institutions surveyed (81.8 %) have courtesy overdraft provisions written into the fine print of their account agreements that say that the bank may or may not, at its discretion, cover debits to checking accounts that would overdraw the account. All of these banks allowed depositors to overdraw their accounts at the ATM, 26 (78.8 %) allow overdrafts at point-of-sale debit transactions at merchants, and 17 (51.5 %) allow overdrafts from automated or scheduled electronic payments."

(2) "Twelve of the banks (36.4 %) charge additional fees for not repaying the overdraft within a certain period. These sustained overdraft charges begin on average after the fifth day the account is deficient. Seven banks charge an average $5.57 per-day sustained overdraft fee and five banks charge an average $27.50 single sustained overdraft fee."

(3) "Contractual overdraft protection is cheaper than discretionary courtesy overdraft." The fee for a link to a savings account averaged $7.38; a link to a credit card averaged $10.00; links to lines of credit averaged $5.20; and the automatic courtesy overdraft averaged $28.57.

The five federal banking regulators have a need to know what is happening in the institutions they are regulating. To do that, these agencies should have financial institutions report, on a going-forward basis by month or quarter:

(a) The number of customers charged these fees, distinguishing between accounts where the overdrafts are rejected and unpaid versus accounts where the overdrafts are covered via overdraft protection (and excluding linked credit and deposit accounts, since they are reported elsewhere);

(b) Total fee income, again distinguishing between the total fees on overdrafts that are unpaid (i.e., true NSF fees) versus the total fees on overdrafts that are covered via overdraft protection;

(c) The average number of days overdraft protection funds are outstanding before being repaid; and

(d) The total overdraft amounts which are classified past due, in default or written off during the relevant period. Financial institutions in fact have all of this information, so it should not be a hardship for them to provide this information in call reports. This data will give the regulators important information about the programs and potential safety and soundness exposures.

III. BANKS ARE ADVERTISING "FREE" CHECKING ACCOUNTS WHILE MAKING ENORMOUS FEES ON OVERDRAFT PROGRAMS; THIS SHOULD BE RESTRICTED

According to one of the largest overdraft protection program vendors in the country, banks profit from overdraft protection whether or not the program itself is advertised. This is because profits are made from customer usage, whether the usage is planned or purely inadvertent. Not surprisingly, banks are pairing their overdraft protection programs with accounts that have strong consumer appeal, such as the so-called free checking accounts.

The Fed's recent revisions to Regulation DD and its related staff commentary were intended to rein in deceptive advertising of overdraft programs but had the perverse effect of creating an incentive to further hide the program from consumers. This is because the reforms mandated by the final rule, including the need to disclose the total monthly and annual overdraft fees incurred by the individual customer, are triggered only if the consumer is told about the program in advance. So long as a bank does not advertise the overdraft feature, the bank can fully promote its transaction accounts as being "free" and, just as perniciously, can avoid showing the total monthly and annual costs of overdraft fees in the periodic statement. Thus, the Fed's new rules that become effective in July 2006 will, in effect, create a safe harbor for banks to legally entrap customers.

H.R. 3449 would close this loophole and further prevent other deceptive marketing practices by prohibiting: advertisements of an account as "free" or "no cost" if the account includes overdraft protection; the marketing of overdraft protection as a short-term credit service; statements that the bank will cover any and all overdrafts if the bank, in fact, reserves the right not to do so; and statements that a negative account balance may be maintained, if the consumer, in fact, has to promptly cover the overdraft.

The bank regulators should make these prohibitions effective by regulation.

IV. ATM MACHINES DO NOT ALWAYS DISTINGUISH BETWEEN ACTUAL ACCOUNT BALANCES AND OVERDRAFT PROTECTION AMOUNTS

Customers are vulnerable to overdraft fees when accessing their funds from ATMs. While there are guidelines constraining this practice, banks have not been required to provide any sort of warning that a requested withdrawal would result in an overdraft of the customer's account. Some banks have gone well beyond relying upon a customer's ignorance of their actual balance, intentionally causing their customers to believe they have more funds in their accounts than actually is the case. For example, there are instances where banks have programmed their ATMs to show the actual account balance plus the available overdraft coverage as the balance available to the customer. This trick causes customers, particularly those with the lowest balances and who probably are the most financially vulnerable, to inadvertently overdraft their accounts and incur one or more overdraft fees.

H.R. 3449 would ensure that consumers who may overdraft their accounts at an ATM are given a chance to avoid overdrafting their accounts by requiring banks: to inform the consumer that a requested transaction will result in a specified overdraft fee, and to give the consumer an opportunity to cancel the requested transaction; and to disclose only the actual dollar balance in the account in response to a balance inquiry.

The bank regulators should adopt either the requirements of the HR. 3449 or their own guidelines as effective regulations.

V. OVERDRAFT PROTECTION FOR DEBIT CARDS MAY CONSTITUTE THE LARGEST ABUSE AND SHOULD BE RESTRICTED

The ordinary consumer probably writes far fewer checks and makes far fewer cash withdrawals from ATMs per month than the number of times he or she uses a debit card, for a debit card is often used daily and frequently.

In one day, for example, a debit card might be used for breakfast, lunch or dinner; at a grocery store, the cleaners, the gas station, the book store, the florist shop, the movies, etc. If overdraft fees were applicable, at $30.00 per overdraft, nine transactions would incur $270.00 in fees in one day.

Further, unlike checking accounts or ATMs, there is little likelihood of keeping an accurate account of one's cash balance. Hence, the potential for large overdraft fees from the use of debit cards is enormous.

There is no known data on this, for the regulators do not collect data. However, anecdotal information indicates that overdraft programs attached to debit cards may well be the most profitable source of fee income for banks, and the program that most preys upon consumers.

H.R. 3449 falls short here. It simply calls for the Fed to study the feasibility of informing customers of a potential overdraft, but study is not needed to tell us that strong regulation in this area would result in vendors developing practical and cost-effective solutions.

The bank regulators should either prohibit overdraft protection programs in connection with point of sale debit cards, or restrict the number of overdrafts to one per billing cycle with immediate and appropriate notification upon that single event.

VI. MANY BANKS AND BANK VENDORS MANIPULATE PAYMENT PROCESSING TO MAXIMIZE FEE INCOME

Many and perhaps most banks have programmed their computers to process customer payments in a manner designed to maximize overdraft fees; i.e., post the largest transaction first. In fact, many vendors' contracts often take a smaller percentage of each overdraft charge, provided the bank will pay the largest checks first, and then base their compensation on the amount of increase in fee income. This is all the more offensive given that, with overdraft protection, no checks get bounced, so processing the largest checks first is simply price gouging. To date, only the OTS has called for an end to this practice.

H.R. 3449 ensures that banks do not manipulate transaction processing in order to maximize the number of overdraft fees imposed on consumers, prohibiting both the delay of the posting of the deposits in an account and the posting of checks in an order designed to trigger one or more overdrafts.

The regulators should examine the contracts between the banks and the vendors to determine whether the compensation is based upon a percentage increase in fee income and whether the vendors are agreeing to take a reduction in their per overdraft compensation if the banks will permit them to manipulate the posting of checks to increase the number of overdrafts charged.

The bank regulators should adopt the provisions of H.R. 3449 by regulation, and should prohibit contracts between banks and vendors containing compensation provisions based upon increases in fee income. Those practices are unsafe, unsound, unfair, and deceptive.

VII. THE FEDERAL REGULATORS PUBLISHED AN EXCELLENT AND LITTLE KNOWN PAMPHLET DEALING WITH OVERDRAFT FEES THAT SHOULD BE ACTED UPON

A pamphlet virtually unknown to consumers, entitled "Protecting Yourself from Overdraft and Bounced-Check Fees," and published by the five Federal regulators, states that there are "other ways of covering overdrafts that may be less expensive."

First, very few customers know this. Second, most banks do not want their customers to know this or to choose a less expensive option (that is why it is usually only the "most expensive" option that is made automatic). Third, in my experience, few bank tellers or bank managers are aware of the various options, or of the fees associated with each option.

H.R. 3449 calls upon the Fed to study the feasibility of consumer surveys and market testing programs.

I believe the bank regulators should simply engage in a "mystery shopping" program to establish the knowledge (or lack thereof) of bank personnel and to observe their actual practices. Once the agency does this, it will better understand the imperative to require a bank, upon account opening, to disclose the various options and fees, and have the customer select and consent to the option of their choice.

VIII. CONCLUSION

H.R. 3449 succinctly highlights the major problems with overdraft protection programs. Nothing here, however, requires a legislative solution. I urge the regulators, therefore, to take the lead by implementing regulatory solutions, as articulated above, and that incorporate many of the provisions of H.R. 3449.

Further, much can be done to reshape the industry by enforcing even the limited existing rules and regulations. Strong enforcement actions against the more egregious actors could set the tone for more responsible overdraft programs. So far, the OCC is the only agency to bring an "unfair and deceptive" action against any bank; I encourage every regulator to use this tool where appropriate.

HONORING THE REDBUD FAMILY HEALTH CLINIC IN CLEARLAKE, CALIFORNIA

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 24, 2005

Mr. THOMPSON of California. Mr. Speaker, I rise today to recognize the grand opening of the Redbud Family Health Center in Clearlake, CA on Sunday, October 23, 2005.

The Redbud Family Health Center is affiliated with the local Adventist Health Redbud Community Hospital. This new state-of-the-art 33,400 square foot facility located in the City of Clearlake provides services such as primary care medicine, dental services, pediatric services, a behavioral health program, obstetric and women's health services, general surgery, orthopedic surgery, cardiac testing services, and cardiac and pulmonary rehabilitation services. There is also a privately owned on-site pharmacy.

Mr. Speaker, each month this center provides superior medical attention to 4,500 residents of rural Lake County. Last year alone, the Redbud Family Health Center cared for 50,400 patients.

The Redbud Family Health Center has taken a leading role in organizing numerous public outreach events such as blood drives, free health screenings, and an Annual Health and Safety Fair which I am proud to co-sponsor each fall. Over $14 million in free and low cost services have been contributed to the community. These are only a few examples of the Redbud Family Health Center's commitment to enhancing the quality of life for all Lake County citizens.

Mr. Speaker and colleagues, it is appropriate that we recognize the grand opening of the Redbud Family Health Center, as it will play a vital role in continuing the tradition of a healthier and happier community in Lake County, CA.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, October 25, 2005 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

OCTOBER 26

9 a.m.

Judiciary

To hold hearings to examine the Streamlined Procedures Act relating to Habeas Reform.

SD–226

9:30 a.m.

Environment and Public Works

Business meeting to consider S. 1772, to streamline the refinery permitting process, S. 1869, to reauthorize the Coastal Barrier Resources Act, and S. Res. 255, recognizing the achievements of the United States Fish and Wildlife Service and the Waterfowl Population Survey.

SD–406

10:30 a.m.

Judiciary

Terrorism, Technology and Homeland Security Subcommittee

To hold hearings to examine emergency preparedness relating to terrorism.

SD–226

2 p.m.

Budget

Business meeting to markup the proposed Deficit Reduction Omnibus Reconciliation Act of 2005.

SD–608

Energy and Natural Resources

Public Lands and Forests Subcommittee

To hold hearings to examine the implementation of the Federal Lands Recreation Enhancement Act (P.L. 108–447), by the Forest Service and the Department of the Interior.

SD–366

2:30 p.m.

Environment and Public Works

To resume hearings to examine Eco-terrorism specifically examining Stop Huntingdon Animal Cruelty.

SD–406

Homeland Security and Governmental Affairs

Federal Financial Management, Government Information, and International Security Subcommittee

To hold hearings to examine the tax gap, focusing on components that make up the tax gap and how to ensure that American taxpayers are not bearing the financial burden of those who are not complying with the law.

SD–342

Foreign Relations

To hold hearings to examine the nomination of James Caldwell Cason, of Florida, to be Ambassador to the Republic of Paraguay.

SD–419

Judiciary

Administrative Oversight and the Courts Subcommittee

To hold hearings to examine proposals to split the Ninth Circuit.

SD–226

Intelligence

To receive a closed briefing regarding certain intelligence matters.

SH–219

OCTOBER 27

9:30 a.m.

Indian Affairs

Business meeting to consider S. 1057, to amend the Indian Health Care Improvement Act to revise and extend that Act, S. 1003, to amend the Act of December 22, 1974, S. 692, to provide for the conveyance of certain public land in northwestern New Mexico by resolving a dispute associated with coal preference right lease interests on the land, a proposed bill to extend the statute of limitations for breach of trust claims, and S. 1219, to authorize certain tribes in the State of Montana to enter into a lease or other temporary conveyance of water rights to meet the water needs of the Dry Prairie Rural Water Association, Inc.

SR–485

Judiciary

Business meeting to consider pending calendar business.

SD–226

10 a.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine issues regarding the sending of remittances and the role of financial institutions.

SD–538

Energy and Natural Resources

To hold hearings to examine Administration's response to hurricane recovery efforts related to energy and to discuss energy policy.

SH–216

Agriculture, Nutrition, and Forestry

Forestry, Conservation, and Rural Revitalization Subcommittee

To hold an oversight hearing to examine the Forest and Rangeland Research Program of the USDA Forest Service.

SR–328A

2 p.m.

Finance

International Trade Subcommittee

To hold hearings to examine the status of World Trade Organization negotiations.

SD–215

Veterans' Affairs

To hold hearings to examine the rising number of disabled veterans deemed unemployable relating to the VA's individual unemployment benefit.

SR–418

2:30 p.m.

Foreign Relations

African Affairs Subcommittee

To hold hearings to examine cross-continental progress relating to African organizations and institutions.

SD–419

Intelligence

To receive a closed briefing regarding certain intelligence matters.

SH–219

OCTOBER 31

1 p.m.

Homeland Security and Governmental Affairs

Investigations Subcommittee

To hold hearings to examine reaching a consensus on United Nations reform regarding corruption in the United Nations Oil-for-Food program, including the oversight by the U.S. Office of Foreign Assets Control to stop misconduct by U.S. persons doing business under the Oil-for-Food program.

SD–342

NOVEMBER 1

10 a.m.

Energy and Natural Resources

National Parks Subcommittee

To hold hearings to examine the National Park Service's Draft Management Policies, including potential impact of the policies on park operations, park resources, interaction with gateway communities, and solicitation and collection of donations.

SD–366

2:30 p.m.

Judiciary

To hold hearings to examine pending nominations.

SD–226

NOVEMBER 2

9:30 a.m.

Indian Affairs

To hold an oversight hearing to examine In Re Tribal Lobbying Matters, Et Al.

Room to be announced

2 p.m.

Energy and Natural Resources

Public Lands and Forests Subcommittee

To hold hearings to examine S. 1541, to protect, conserve, and restore public land administered by the Department of the Interior or the Forest Service and adjacent land through cooperative cost-shared grants to control and mitigate the spread of invasive species, S.

1548, to provide for the conveyance of certain Forest Service land to the city of Coffman Cove, Alaska, S. 1552, to amend Public Law 97-435 to extend the authorization for the Secretary of the Interior to release certain conditions contained in a patent concerning certain land conveyed by the United States to Eastern Washington University until December 31, 2009, and H.R. 482, to provide for a land exchange involving Federal lands in the Lincoln National Forest in the State of New Mexico.

SD-366

NOVEMBER 3

10 a.m.

Energy and Natural Resources

To hold hearings to examine a status report on the Environmental Protection Management programs of the Department of Energy.

SD-366

Veterans' Affairs

To hold hearings to examine the rebuilding of VA assets on the Gulf Coast.

SR-418

10:30 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings to examine agricultural transportation and energy issues.

SH-216

NOVEMBER 7

12:30 p.m.

Judiciary

To hold hearings to examine the nomination of Harriet Ellan Miers, of Texas, to be an Associate Justice of the Supreme Court of the United States.

SH-216

NOVEMBER 8

10 a.m.

Energy and Natural Resources

To hold hearings to examine the progress made on the development of interim and long-term plans for use of fire retardant aircraft in Federal wildfire suppression operations.

SD-366

2:30 p.m.

Agriculture, Nutrition, and Forestry

Research, Nutrition, and General Legislation Subcommittee

To hold hearings to examine the Pet Animal Welfare Statute.

SDG-50

CANCELLATIONS

NOVEMBER 1

9:30 a.m.

Judiciary

To hold hearings to examine Department of Justice and the Weapons of Mass Destruction Commission Recommendations.

SD-226

SENATE—*Tuesday, October 25, 2005*

The Senate met at 9:30 a.m. and was called to order by the Honorable JOHNNY ISAKSON, a Senator from the State of Georgia.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God, who dwells between the cherubim, You alone are God of all the kingdoms of the Earth. You have given the Members of America's legislative branch the opportunity to be the instruments of Your providence. Use them today for Your glory. Give them discernment to know the critical issues and the wisdom to do Your will. May their lives be exemplary models of integrity and civility as they strive to keep this Nation strong. May their words bring life and hope, knowledge and understanding.

And Lord, we pause to thank You for the life and legacy of Rosa Parks, a great civil rights pioneer. We ask that You would comfort those who mourn her death. You are worthy, O Lord, to receive glory and honor and power, for You created all things, and by Your will they are sustained.

Amen.

PLEDGE OF ALLEGIANCE

The Honorable JOHNNY ISAKSON led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, October 25, 2005.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOHNNY ISAKSON, a Senator from the State of Georgia, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. ISAKSON thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning we have allocated the first 30 minutes for a brief period of morning business. After that first half-hour period, we will return to the consideration of the Labor-HHS appropriations bill. Chairman SPECTER and Senator HARKIN have started a process of lining up amendments to be considered. Last night we locked in a vote which will begin at 10:30 this morning. That vote will be on Senator SPECTER's amendment on Medicaid/Medicare centers for services.

I encourage Members who have amendments to the Labor-HHS bill to contact both managers as soon as possible. In order to ensure we finish the bill this week, we may have to file cloture at some point. We do not want to foreclose Members' rights to offer amendments. Thus, Senators should exercise their right to offer those amendments and do it now, come over this morning and over the course of the day. We will have multiple votes during today's session. Senators need to come to the floor promptly once a vote is called. As both the Democratic leader and I mentioned yesterday, we need to be responsible in voting on time, and that is a courtesy to the rest of the Senate. But even more importantly, we have so much to do that we do need to run the place in a disciplined way. We will have our policy luncheons today from 12:30 to 2:15.

ROSA PARKS

Mr. FRIST. Mr. President, a few moments ago, during our opening prayer, the Chaplain mentioned Rosa Parks. I, too, want to take a moment to note the passing of one of America's extraordinary citizens, an activist, a champion of principle, a true hero, Rosa Parks.

All Americans should know Mrs. Parks' extraordinary story, how her refusal to give up a seat on that Montgomery, AL, bus led to a successful bus boycott and how that boycott ultimately led to the great and historic civil rights movement that remade our Nation. Ms. Parks defied an unjust, unfair, and unconstitutional law that declared African Americans second-class citizens. In so doing, she began a process that led to the historically important and vital 1964 Civil Rights Act.

Racism still exists in our society. Discrimination continues. But Rosa Parks' brave stand against an unjust law began a movement that set our society moving away from prejudice toward equality, toward a society where people are not judged by the color of their skin but by the content of their character.

Rosa Parks' actions and the life she lived stand as a testament to the importance of principle and the power of a single individual to change the world. In the coming months, I hope that we in the Senate will look for other ways to honor Mrs. Parks' legacy and the principles for which she and her life stood.

THE GRAND OLE OPRY

Mr. FRIST. Mr. President, this year the Grand Ole Opry celebrates 80 years of star-studded country entertainment. This venerated institution stands as one the most important traditions in radio broadcasting and country music. If not for the Grand Ole Opry, my hometown of Nashville would most likely have never gained that title of "Music City USA."

The Grand Ole Opry first broadcast on November 28, 1925. Originally called the WSM Barn Dance, the weekly radio show featured comedy and blue glass, gospel and country. Radio host George D. Hay made sure that every broadcast was kept "real down to Earth."

Today, the Opry stands as the longest running continuous weekly radio broadcast, with over 4,000 consecutive Saturday evening shows. Audiences can tune into the Grand Ole Opry via radio, satellite, television or Internet. The show is even broadcast by the Armed Forces Radio and Television Services Network to entertain our troops around the world.

Throughout its history, the Opry has embraced and celebrated the best in family entertainment, including those musical performances and comedy sketches that have warmed the hearts of millions throughout the South, all over the country and, indeed, throughout the world. Country great and Opry member Dolly Parton explains that at the Opry, "there's a circle of friends, and a circle of performers and a circle of love at the old place."

Jeanie Seely puts it this way:

> The Grand Ole Opry is not an institution. It's not a building. It's the people, the performers, the people who come. That's the Grand Ole Opry. That's what makes it special.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

And for new members, joining the Opry is joining a pantheon of country music greats. Roy Acuff, Chet Atkins, Johnny Cash, Dolly Parton, Minnie Pearl, Grandpa Jones, Garth Brooks, Vince Gill, and Reba McEntire, all have been members, and the list goes on. Even President Nixon has played on that Grand Ole Opry stage.

As Loretta Lynn recently told a newspaper:

> If you've never played at the Grand Ole Opry, you haven't quite made it, yet.

The Opry has promoted country music in a unique way. It has promoted it to the entire world and has invited new generations to hear the best that country has to offer. I am honored to represent the home State of such a dynamic part of American culture and music history.

Today, I proudly introduce a Senate resolution commending the Grand Ole Opry for 80 years of music excellence.

COMMENDING THE GRAND OLE OPRY

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 286, which was submitted earlier today.

The ACTING PRESIDENT pro tempore. The clerk will report the resolution by title.

The legislative clerk read as follows:

> A resolution (S. Res. 286) commending the Grand Ole Opry on the occasion of its 80th anniversary for its important role in the popularization of country music and for its 8 decades of musical and broadcast excellence.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The resolution (S. Res. 286) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 286

Whereas the Grand Ole Opry is a pioneer of commercial radio in the United States, and is the longest running continuous radio program in the United States, having operated since November 28, 1925, and having broadcasted over 4,000 consecutive Saturday evening shows on WSM Radio, Nashville, Tennessee;

Whereas the Grand Ole Opry played an integral role in the commercial development of the country music industry, and in establishing Nashville, Tennessee, as "Music City USA";

Whereas the Grand Ole Opry has consistently promoted the best in live entertainment and provided a distinctive forum for connecting country music fans to musicians so as to promote the popularity of this uniquely American genre;

Whereas the Grand Ole Opry serves as a unique American icon that enshrines the rich musical history of country music, and preserves the tradition and character of the genre through commemorative performances and events;

Whereas the Grand Ole Opry is committed to quality performances, and the membership of the Grand Ole Opry represents the elite of country music performers, including generations of America's most talented musicians, encompassing the music legends of old and the superstars of today that continue to define American country music;

Whereas performers at the Grand Ole Opry have included such universally recognized names as Roy Acuff, Chet Atkins, Johnny Cash, Patsy Cline, Porter Wagoner, Little Jimmy Dickens, Connie Smith, Earl Scruggs, George Jones, Grandpa Jones, Loretta Lynn, Uncle Dave Macon, Dolly Parton, Minnie Pearl, Jim Reeves, Hank Williams, and many more;

Whereas the Grand Ole Opry celebrates the diversity of country music, with membership spanning both generation and genre, representing the best in folk, country, bluegrass, gospel, and comedy performances;

Whereas the Grand Ole Opry continues to utilize technological innovations to develop new avenues of connecting country music to its fans, and can be seen and heard around the world via television, radio, satellite radio, and the Internet;

Whereas the Grand Ole Opry provides heartening support to members of the Armed Forces by participating in the Department of Defense's America Supports You Program, providing live performances to American Forces serving abroad via the American Forces Radio and Television Services network;

Whereas the Grand Ole Opry is recognized as the world's premiere country music show, and continues to entertain millions of fans throughout the world, including United States Presidents and foreign dignitaries, and serves as an emissary of American music and culture; and

Whereas the Grand Ole Opry will continue to impact American culture and music, and play an important role in presenting the best in country music to new generations of fans throughout the world, touching millions with music and comedy: Now, therefore, be it

Resolved, That the Senate commends the Grand Ole Opry on the occasion of its 80th anniversary for its important role in the popularization of country music, and for its 8 decades of musical and broadcast excellence.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee is recognized.

Mr. ALEXANDER. Mr. President, I join the majority leader in the resolution that I have cosponsored honoring the Grand Ole Opry on its 80th birthday.

I ask unanimous consent to bring on the Senate floor this piece of demonstrative evidence which I hold in my hand and to which I will refer in a moment.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ALEXANDER. Those of us of a certain age will recognize this straw hat with a garland of flowers and a price tag that says $1.98 as the kind of hat that Minnie Pearl wore on the Grand Ole Opry on Friday and Saturday nights every year for about 40 years. Most of the time, Minnie Pearl was the Grand Ole Opry, along with Roy Acuff. She welcomed people with: Howdy, I'm so proud to be here. I didn't say it the way she would always say it. Thousands and thousands of Americans sat on the uncomfortable wooden pews in the back of the Ryman Auditorium and later at the Opry to watch this radio show. One of those was a young man from Minnesota named Garrison Keillor, who, in the 1970s, sat back there and imagined the show which we call today "The Prairie Home Companion."

A couple weekends ago, I was the guest announcer on the Grand Ole Opry. They didn't trust me with the Goo Goo candy bar commercial or with the 7 p.m. show which is nationally televised, so I was on at 8. But I did get to do the Martha White flour commercial and to introduce Porter Waggoner three times.

There is nothing quite like the Grand Ole Opry. There are 3,400 people out there every Friday night, every Saturday night, now sometimes on Tuesdays. Flashbulbs are popping. Everybody is having a good time.

There was Jimmy C. Newman from Louisiana who next year will be on the Grand Ole Opry for 50 years. There was Susan Haynes, the daughter of my law school roommate. This is her first year on the Grand Ole Opry. There was Carol Lee and Nora Lee, the back-up singers. They have been there a long time, too.

At 7 o'clock, there was Vince Gill who ended his hour-long session with a piece of jazz music. The Grand Ole Opry is getting more diversified. There was Keith Bilbrey backstage interviewing people. He was explaining what Charlie McCoy, the great harmonicist, once said about the four stages of being a country music star which sound a lot like being a politician. Stage No. 1 is, Who is Charlie McCoy? Stage No. 2 is, Get me Charlie McCoy. Stage No. 3 is, Get me somebody who sounds like Charlie McCoy. And stage No. 4 is, Who is Charlie McCoy?

The Opry was started so that the National Life and Accident Insurance Company could sell debit insurance. They got a big tower in Nashville. I think it is 50,000 watts. So all the people who were on little radio stations came to Nashville so they could be on the big radio station.

That is when Roy Acuff and Chet Atkins and Archie Grandpappy Campbell and Dolly Parton all moved from east Tennessee to Nashville. If you understand how important the Alamo is to Texas, you will understand how important the Grand Ole Opry is to Tennesseans, not just Tennesseans but many Americans, the 3,400 who every Friday and Saturday night have gone to thousands and thousands of these radio shows.

No one represented the Opry in its spirit better than Minnie Pearl. There is a photograph of Minnie in dressing room No. 1 backstage, which was Roy Acuff's dressing room until he died, which was the dressing room that Vince Gill was using on the night I was there as the guest announcer. There on the wall was a picture of a young Minnie Pearl in the early 1940s with this hat or a hat similar to this one.

Where did this $1.98 price tag come from? I heard the story that night for the first time. Minnie was performing on the Opry. She pinned a garland of flowers to her hat. And during her performance, this price tag wiggled down and started dangling from her hat. She left it there for the next 40 years as a reminder that anybody can make a mistake and it is all right to make one.

Minnie Pearl was a talented woman who wanted to be Katharine Hepburn. As she said, that was already taken. She set a standard of conduct and style for the Grand Ole Opry that lasts and persists until today, and that style was simply that she was just a very nice person. She would sign the last autograph; she would say hello to anyone; she would pay a call on a Grand Ole Opry family member who was sick; she would see the last fan who had waited for 2 hours after the show.

Minnie Pearl told me one time: I have gotten to the point in life where I have decided if people are not nice, they are not so hot in my book no matter how big they are.

So in the spirit of Minnie Pearl and all of the thousands of Americans who have created and enjoyed the Grand Ole Opry, happy 80th birthday, Grand Ole Opry.

Mr. President, I yield the floor.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. VITTER). Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will be a period for the transaction of morning business for up to 30 minutes, with the first half of the time under the control of the majority leader or his designee and the second half of the time under the control of the Democratic leader or his designee.

The Senator from Oklahoma is recognized.

SAVING OUR TAXPAYERS' DOLLARS

Mr. INHOFE. Mr. President, let me recognize that Minnie Pearl is a tough act to follow. Nonetheless, we must move on. Today, I am going to announce a one-sentence initiative that I will try to put on the Labor-HHS appropriations bill. I won't be successful because there are some procedural reasons. It would take a supermajority. But at least we will get a vote down so we will have an idea about who in this Chamber is really serious about doing something about the deficit.

I had to oppose my dear friend and junior Senator from Oklahoma last week because of the unintended consequences of interfering with local self-determination, and I caution any effort that would substitute or preempt States' sovereignty in favor of centralized control in the Federal bureaucracy unless substantial cuts in spending are accomplished.

The Framers of the Constitution feared one thing above all else, and that was a tyrannical central Government made up of unaccountable Federal bureaucrats would someday be able to supersede States' rights in decisionmaking by locally elected representatives. There is nothing more conservative than this very principle of preserving local control against the centralized Government.

As the author of the Transportation reauthorization bill, I was very pleased at the way we drafted the legislation. We took a formula so that we could allocate funds to the States but then didn't tell the States what to do with them and said: You determine what your priorities should be at the State level. I believe it is a very good process. I was proud to be a part of that process.

There is a mentality in Washington, DC, that if a decision isn't made in Washington, it is not a good decision. The controversial Ketchikan to Gravina Island bridge in Alaska has become a rallying point about boondoggles, and maybe it is a boondoggle, but the people in Alaska didn't think so. They have 100 projects. All States do it differently. But in Alaska, they list 100 projects that are the projects they want to have someday. That particular bridge is ranked in the top 4 of those 100. I think also that we have to recognize that we in Washington do not really know what is the best thing for them.

The other thing that is very important is that most of the money, had this amendment passed, is in accordance with the formula. So if we directed them not to build their bridge, that money could still be spent in Alaska on other projects. We would just be saying that you have to spend the dollars in a way that we in Washington say is best for you.

I will support future amendments that will save taxpayers' dollars. In the meantime, there is something we can do: support the one-sentence amendment that I will introduce.

> Beginning with fiscal year 2007 and thereafter nondefense, nontrust fund discretionary spending shall not exceed previous years without a two-thirds vote.

That is very simple, very straightforward, and something that will work. I recognize that we are only talking in this case about 20 percent of the budget because we have so many entitlements and, of course, the defense spending. But those entitlements are being addressed right now in the budget reconciliation. We need to wait and see how that washes out.

I had this as kind of a mission for a lot of years. I introduced the first amendment in 1987, the first year that I was here over in the other body at that time. But it goes all the way back to 1969 when then Senator Carl Curtis from Nebraska came up with the idea. He was the one who always wanted to the pass the amendment as an amendment to the Constitution. So he said, Why don't you out in Oklahoma preratify a constitutional amendment, so if we get enough States to do it, that would give us the power needed to try to pass a balanced budget amendment to the Constitution.

It never worked. I think the idea was right. I think this very simple solution is one we can address today. It will be something that will take care of these problems in a much simpler way and will maintain the authority out in the States where I believe it belongs. I have served as a mayor of a city, I have served in the State legislature, and I have served here. It has been my experience that the closer you get to home, the better the decisions, and that is consistent with what I am asking for today.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. DEMINT. I thank the Chair.

BUDGET RECONCILIATION

Mr. DEMINT. Mr. President, these are serious and difficult times for our country and for many Americans. These are times that demand bold and immediate action. The American people do not want any more excuses. They do not want to hear Congressmen and Senators arguing about who is to blame, and they are not impressed by those who constantly criticize the proposals of others but never make any proposals of their own.

Energy prices are too high, and we have heard enough excuses about why America cannot develop our own oil and gas reserves, build more refineries, and develop more alternative fuels to make us more independent of Middle East oil.

Health care and health insurance are too expensive, and we have heard enough excuses about why individuals cannot buy health insurance from anywhere in the country and get the same tax breaks as businesses.

Illegal immigration is out of control, and we have heard enough excuses about why we cannot control our borders.

Social Security is going broke, and we have heard enough excuses why Congress should continue to spend trillions of dollars of Social Security taxes on other Government programs.

We need action now, but we cannot solve these difficult problems that face us if we do not have a strong economy and a more efficient Government. House and Senate Republicans are developing budget reconciliation legislation now that will accomplish these goals to strengthen our economy, create jobs, and cut the cost of the Federal Government.

This package has two parts. The first part is to stop the scheduled tax increases that will soon add new burdens to our citizens and the businesses that pay their salaries. We must not allow new tax increases to steal our jobs and weaken our country at a time when we need all of our economic strength to solve the problems of today and to create new opportunities for the future.

The 2003 jobs and growth plan passed by Congress and signed by the President lowered taxes for capital gains and dividends, and it resulted in greater economic growth. Our economy has grown more than 4 percent a year since 2003, much faster than in the prior 2 years. Over 4 million jobs have been created since 2003, and 7 million seniors saved an average of over $1200 on their 2004 taxes. And while tax rates have fallen, tax revenues have been increasing. In fact, as a result of a growing economy, Federal tax receipts grew this year by over $270 billion—$100 billion more than the Congressional Budget Office estimated earlier this year. If Congress does not pass this important budget reconciliation legislation this year, taxes will go up and economic growth will go down.

During uncertain times, Americans want stability. And that is why Congress must act now to bring certainty to America's families and stop the scheduled tax increases.

The second part of the Republican budget reconciliation package is to cut Government waste and reduce Federal spending. There are many wasteful practices of Government. We have all heard the stories like the dentist who overbilled Medicaid, claiming to perform as many as 991 procedures a day during a 12-month period.

The PRESIDING OFFICER. The time under the control of the majority for morning business has expired.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. DEMINT. Could I ask unanimous consent?

Mr. LEAHY. Does the Senator want to ask for further time?

Mr. DEMINT. Yes, if I could have a couple more minutes. I ask unanimous consent for 2 more minutes.

Mr. LEAHY. Provided it will not come out of our time, I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DEMINT. I thank the Senator. I thank the Chair.

Examples like the Medicaid one I just mentioned are maddening. We must stop this wasteful spending, and we also must slow the growth of new spending. If we slow the growth of new spending only, we can save much of the money we need to help our States recover from this year's devastating hurricanes. There is no problem too big for America to solve if we have the commitment and the strength to do it. Mr. President, the time for criticism, excuses, and obstruction is over. I am here this morning to appeal to every Senator to support our budget reconciliation package that will stop new tax increases and help cut the cost of Government so we have all the strength we need to secure the future for every American.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. The minority controls 15 minutes which is beginning now.

Mr. LEAHY. Mr. President, I ask unanimous consent that we make that 21 minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

IRAQ

Mr. LEAHY. Mr. President, 3 years ago when the Congress and the country debated the resolution to give President Bush the authority to launch a preemptive war against Iraq, reference was often made to the lessons of Vietnam.

There are many lessons, both of that war and of the efforts to end it. But one that made a deep impression on me came from former Secretary of Defense Robert McNamara. He was, after all, the architect of that war. He said our greatest mistake was not understanding our enemy.

Vietnam was a relatively simple country. It had changed little in the preceding 3,000 years. It was for the most part racially, ethnically, linguistically, and even religiously homogeneous. One would have thought it would be easy for American military and political leaders to understand.

Apparently it was not. The White House and the Pentagon, convinced that no country, particularly a tiny impoverished land of rice farmers, could withstand the military might of the United States, never bothered to study and understand the history or culture of Vietnam, and they made tragic miscalculations. They lacked the most basic knowledge of the motivation and the capabilities and resolve of the people they were fighting.

At the start of the Iraq war, those who drew some analogies to Vietnam were ridiculed by the Pentagon and the White House. Iraq is not a Vietnam, they insisted. Our troops would be greeted as liberators. Troop strength was not a concern. Our mission would be quickly accomplished. Democracy would spread throughout the Middle East. Freedom was on the march.

It is true that Vietnam and Iraq are vastly different societies, but the point was not that they are similar but that some of the same lessons apply.

We did not understand Vietnam, a simple country, and we paid a huge price for our ignorance and our arrogance. Iraq, a complex country comprised of rival clans, tribes, and ethnic and religious factions who have fought each other for centuries, we understand even less.

If this were not apparent to many at the start of this ill-conceived and politically motivated war, a war I opposed from the beginning, it should be obvious today. Yet to listen to the Secretary of Defense or to the President or the Vice President, one would never know it.

We know today that President Bush decided to invade Iraq without evidence to support the use of force and well before Congress passed a resolution giving him the authority to do so—actually, authority he did not even believe he needed—despite our great Constitution which invests in the Congress the power to declare war.

Twenty-three Senators voted against that resolution, and I will always be proud to have been one of them.

We know today that the motivation for a plan to attack Iraq, hatched by a handful of political operatives, had taken hold within in the White House even before 9/11 and without any connection to the war on terrorism that came later.

We know that the key public justifications for the war—to stop Saddam Hussein from developing nuclear weapons and supporting al-Qaida—were based on faulty intelligence and outright distortions, and they have been thoroughly discredited. United Nations weapons inspectors, who were dismissed by the White House as being naive and ineffective, turned out to have gathered far better information with a tiny fraction of the budget of our own intelligence agencies.

We know the insurgency is continuing to grow along with American casualties—1,999 killed, and at least 15,220 wounded, many with crippling injuries, as of yesterday—despite the same old "light at the end of the tunnel" assertions and cliches by the White House and top officials in the Pentagon.

The sad but inescapable truth, which the President either does not see or refuses to believe or admit, is the Iraqi insurgency has steadily grown, in part because of, not in spite of, our presence there.

After baiting the insurgents to "bring them on," as the President said, we got what the President asked for. More than 2 years later, the pendulum has swung against us and the question is no longer whether we can stop the insurgency; the question is how do we extricate ourselves.

According to soldiers who volunteered for duty in Iraq believing in the mission and who have returned home, many Iraqis who detest the barbaric tactics of the insurgents have also grown to despise us. They blame us for the lack of water and electricity, for the lack of jobs and health care, for the hardships and violence they are suffering day in and day out.

Unlike our troops and their families who are making great sacrifices every day, most Americans have been asked to sacrifice nothing for this war. In fact, we don't pay the bills. The bills are being sent to our children and our grandchildren by way of our rapidly escalating national debt and annual deficits.

Yet as the hundreds of billions of dollars to pay for the war continue to pile up and domestic programs, such as Medicaid, job training, and programs for needy students, are cut, then the sacrifices are going to be felt as well.

Slogans have become little more than political rallying cries for the White House, slogans as empty and unfulfilled as "mission accomplished." Our troops were sent to fight an unnecessary war without sufficient armor against these ruthless and barbaric bombing attacks, without adequate reinforcements, without a plan to win the peace, and without adequate medical care and other services when they return home on stretchers or crutches or with eye patches, unable to walk, to work, to pay their mortgages, or to support their families.

Many of our veterans have been treated shamefully by their Government when it sent them into harm's way under false pretenses and again after they returned home.

Today I worry about places such as Ramadi, where more than 300 members of the Army National Guard from my State of Vermont are currently serving valiantly alongside their comrades in the Marine Corps and the Pennsylvania National Guard. Dozens of other citizen soldiers from the Vermont Guard are serving across Iraq, while hundreds more are deployed throughout the Persian Gulf region.

Many Vermonters have been killed in Ramadi and elsewhere by roadside bombs and all-too-accurate sniper attacks. The insurgents too often seem to attack and then escape with impunity. You can actually open newspapers and see photos of armed insurgents walking the streets of Iraq in broad daylight.

Many of these cold-blooded attacks are by people who are willing to trade their own lives to kill civilians, security guards, and our soldiers who now have no way of knowing whom they can trust among the general population.

The President has no plan to deal with Ramadi, let alone the rest of Iraq, except doing more of what we have been doing for more than 2 years at a cost of $5 billion a month—money we don't have and that future generations of Americans are going to have to repay. Nor has he proposed a practical alternative to our wasteful energy policy that guarantees our continued dependence on Persian Gulf oil for decades to come.

I am sure that what our military is doing to train the Iraqi Army and what our billions upon billions of dollars are doing to help rebuild Iraq—whatever is not stolen or wasted by profiteering contractors—is making a difference. Iraq is no longer governed by a corrupt, ruthless dictator, and there have been halting but important steps toward representative government.

I applaud the Iraqis who courageously stood in long lines to cast a ballot for a new constitution, despite the insurgents' threats. There are many profiles in courage among the Iraqi people, just as there are in the heroic and daily endeavors of United States soldiers there.

But this progress masks deeper troubles and may be short lived, threatened by a widening insurgency and a divisive political process that is increasingly seen as leading to a Shiite-dominated theocracy governed by Islamic law and aligned with Iran, or the dissolution of Iraq into separate Kurdish, Sunni, and Shiite states.

Mr. President, this war has been a costly disaster for the United States of America. More than half of the American people now say they have lost confidence in the President's handling of it.

Far from making us safer from terrorists, in fact, it has turned Iraq into a haven and recruiting ground for terrorists and deflected our attention and resources away from the fight against terrorism. If anything, it has emboldened our enemies, as it has become increasingly apparent that the most powerful army in the world cannot stop a determined insurgency.

Regrettably, it is no longer a secret how vulnerable we are. Hurricane Katrina showed how tragically unprepared we are to respond to a major disaster 4 years after 9/11 and after wasting billions of dollars on an unnecessary war.

Our cities are little further than the drawing board when it comes to developing workable evacuation plans for a terrorist attack or other emergency, not to mention how to feed, house, and provide for millions of displaced persons.

This war has caused immense damage to our relations with the world's Muslims, a religion practiced by some 1.2 billion people, about which most Americans know virtually nothing. We cannot possibly mount an effective campaign against terrorism without the trust, respect, and the active support of Muslims, particularly in the Middle East where our image has been so badly damaged. Our weakened international reputation is another heavy price our country has paid for this war.

Each day, as more and more Iraqi civilians, often children, lose their lives and limbs from suicide bombers and also from our bombs, the resentment and anger toward us intensifies. And every week, the number of U.S. service men and women who are killed or wounded creeps higher and will soon pass 2,000, but, even more tragically, shows no sign of diminishing.

This war has isolated us from our allies, most of whom want no part of it, and if we continue on the course the President has set, it will also divide our country.

Other Senators and Representatives, Republicans and Democrats, have expressed frustration and alarm with the President's failure to acknowledge that this war has been a costly mistake, that more of the same is not a workable policy, and that we need to change course. My friend Senator HAGEL, a Vietnam veteran, has pointed out the increasing similarities to Vietnam. We learned this week that the administration has even resumed the discredited Vietnam-era practice of measuring progress by reporting body counts.

White House and Pentagon officials and their staunchest supporters in Congress warn of a wider civil war if we pull our troops out. They could be right. In fact, it could be the first thing they have been right about since the beginning of this reckless adventure.

My question to them is: When and how then do we extract ourselves from this mess? What does the President believe needs to happen before our troops can come home? What is his plan for getting to that point?

If we cannot overcome the insurgency, what can we realistically expect to accomplish in Iraq—and at what cost—that requires the continued deployment of our troops? What is it that compels us to spend billions of dollars to rebuild the Iraqi military when our own National Guard is stretched to the breaking point and cannot even get the money for the equipment it needs?

I doubt the President or the Secretary of Defense will answer these questions. Instead of answers, we get rhetoric that conflicts with just about everything we hear or read, including from some of this country's most distinguished retired military officers who served under both Republican and Democratic administrations.

Six months ago, the Vice President said the insurgency was in its last throes. That was just the latest in a long string of grossly inaccurate statements and predictions and false expectations about Iraq.

Secretary Rice, when asked recently when U.S. forces could begin to come home assuming the Administration's rosy predictions come true, could not, or would not, even venture a guess.

Without answers—real answers, honest answers—to these questions, I will not support the open-ended deployment of our troops in a war that was based on falsehood and justified with hubris.

Even though I opposed this war, I have prayed, like other Americans, that it would weaken the threat of terrorism and make the world safer, that our troops' sacrifices would be justified, and that the President had a plan for completing the mission.

Instead, it has turned Iraq into a training ground for terrorists, it is fueling the insurgency, it is causing severe damage to the reputation and readiness of the United States military, and it is preventing us from addressing the inexcusable weaknesses in our homeland security.

The Iraqi people, at least the Shiites and Kurds, have voted for a new constitution, as hastily drafted, flawed, and potentially divisive as it may be. Saddam Hussein, whose capacity for cruelty was seemingly limitless, is finally facing trial for his heinous crimes. Elections for a new national government are due by the end of the year. By then, it will be more than 2½ years since Saddam's overthrow, and we will have given the Iraqi people a chance to chart their own course. The sooner we reduce our presence there, the sooner they will have to make the difficult decisions necessary to solve their own problems in their own country.

Our military commanders say that Iraq's problems increasingly need to be solved through the political process, not through military force. We must show Iraq and the world that we are not an occupying force, and that we have no designs on their country or their oil. The American people need to know that the President has a plan to bring our troops home.

Once a new Iraqi government is in place, I believe the President should consult with Congress on a flexible plan that includes pulling our troops back from the densely populated areas where they are suffering the worst casualties and to bring them home.

It is also long overdue for Congress and the White House to reassess our policy toward this region.

The President has declared democracy is taking root throughout the Middle East, and there have been some small, positive steps. But they are dwarfed by the ongoing threat posed by Iran, Syria's continued meddling in Iraq and Lebanon, repression and corruption in Saudi Arabia and Egypt, the danger that the momentum for peace from Israel's withdrawal from Gaza will be lost as settlement construction accelerates in the West Bank, and the widespread—albeit mistaken—belief among Muslims that the United States wants to destroy Islam itself.

Just as the White House's obsession with Iraq has diverted our resources and impeded our efforts to strengthen our defenses against terrorism at home, so has it made it more difficult to constructively, with our allies, address these regional threats.

As I have said, I did not support this war, and I believe that history will not judge kindly those who got us into this debacle by attacking a country that did not threaten us, after deceiving the American people and ridiculing those who appealed for caution and for instead mobilizing our resources directly against the threat of terrorism.

I worry that many of our young veterans who have gone to Iraq and experienced the brutality and trauma of war and may already feel guilty for having survived, will increasingly question its purpose. As the architects of this war move on to other jobs, I fear we are going to see another generation of veterans, many of them physically and psychologically scarred for life, who feel a deep sense of betrayal by their Government.

If President Bush will not say what remains to be done before he can declare victory and bring our troops home, then the Congress should be voting on what this war is really costing the Nation.

We should vote on paying for the war versus cutting Medicaid, as some are proposing; or pay for the war versus cutting VA programs that are already unable to pay the staggering costs of treatment and rehabilitation for our injured veterans; or pay for it versus rebuilding our National Guard; or rebuilding FEMA; or securing our ports and our borders; or investing in our intelligence so we can finally capture Osama bin Laden; or investing in health care for the tens of millions of Americans who cannot afford to get sick; or fixing our troubled schools, so our children can learn to do a better job than we have of making the world a safer place for all people.

These, and the tarnished reputation of a country that I love and so many once admired as not only powerful buy also good and just are the real costs of this war.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

ORDER OF PROCEDURE

Mr. SPECTER. Mr. President, I put all Senators on notice that we will soon be starting the debate on an amendment to be offered by Senator DURBIN. We had expected to go on the bill at 10, with morning business scheduled from 9:30 to 10, but morning business has run a little late. One of the Senators asked for an extension of time, which was not objected to. Now Senator STABENOW has asked for 5 minutes, which we will agree to. Senator HARKIN and I are on the floor, and we are anxious to proceed with the business of the bill. I know Senator HARKIN would like to make a comment.

Mr. HARKIN. If the distinguished chairman would yield, I am sorry I was off the floor momentarily, but did the Senator from Pennsylvania do anything about the amendment that is pending?

Mr. SPECTER. Mr. President, the request was made to have the amendment which is pending accepted by a voice vote. It is really in the nature of a technical amendment. The amendment reduces Federal administrative costs for the Centers for Medicare and Medicaid Services by $15 million with no cuts coming from oversight and enforcement. This reduction is necessary to bring the Labor-HHS bill into compliance with its allocation ceiling. Concerns have been raised that this reduction would reduce the funds available to administer the new prescription drug program. This is not the case—the reduction will come from administrative overhead, supplies and contracts. We had talked about having a vote on it this morning at 10:30, but in light of the request that we not vote on that amendment but vote on the Durbin amendment, that is acceptable to this side.

As I said before, Senator STABENOW has asked for 5 minutes, and we are prepared to yield that time. But we want to put all Senators on notice we are anxious to proceed with the bill, and I will expect to start on the Durbin amendment at about 10:24 and expect to vote on it sometime between 10:45 and 11.

Senator HARKIN and I, backed by the leaders, have said that we are going to do our best to enforce 20-minute votes, 15 and a 5-minute extension. So all Senators should know when we start the Durbin vote that it will be limited to 20 minutes to the extent that Senator HARKIN and I can prevail on that. When we finish the Durbin vote at about 11:15, we would be pressing to have amendments filed. We have a long, complicated bill. There is an amendment lined up at 2:15, but if we are to move this bill along and to avoid pressing for third reading and final passage, we want to avoid lengthy quorum calls.

I yield the floor.

TRIBUTE TO ROSA LOUISE PARKS

Ms. STABENOW. Mr. President, first, I appreciate the courtesies extended to me by the distinguished Senator from Pennsylvania and the distinguished Senator from Iowa.

I rise to pay tribute to one of the giants of American history. Today we honor the remarkable life and legacy of Rosa Parks, who died just last evening at the age of 92.

The Detroit News today says:

> Courage in the face of oppression; resistance in the face of injustice. That is the enduring legacy of Rosa Parks, whose defiance on a racially segregated Montgomery, Ala., bus lit the flame of the modern civil rights movement and inspired freedom movements from South Africa to Poland.

The Detroit Free Press today:

> When Rosa Parks refused to get up, an entire race of people began to stand up for their rights as human beings. Her refusal to give up her bus seat to a white man was a simple act that took extraordinary courage in Montgomery, Ala., in 1955. It was a place where black people had no rights that white people had to respect. It was a time when racial discrimination was so common, many blacks never questioned it. At least not out loud. But then came Rosa Louise Parks.

I am so proud Rosa Parks was a resident of Michigan. We have claimed her for many years and are so proud that she has left her legacy to all of us, particularly in Detroit, MI.

On December 1, 1955, Rosa Parks left work in her hometown of Montgomery, AL, and boarded a bus headed for home. When the bus became crowded, she was ordered by the bus driver to give up her seat to a white male passenger. She refused. Rosa Parks was arrested, and 4 days later the Montgomery bus boycott began. The boycott lasted for over a year until the Montgomery buses were officially desegregated in December of 1956.

Rosa Parks was a courageous woman who did what she believed was fair and right. She is a testament to the power of one individual willing to fight for their beliefs. Her actions set the civil rights movement in motion and set a precedent for protest without violence. We all owe a debt of gratitude to Rosa Parks for her contribution to freedom and justice for all men and women in this country. Truly, her actions changed the course of history.

Rosa Parks moved to Detroit in 1957 and it became home for her for nearly 50 years. In 1977, she and Elaine Easton Steele founded the Raymond and Rosa Parks Institute for Self-Development in Detroit to offer guidance to young African-Americans. The institute's many programs include the annual Pathways to Freedom bus tour that exposes young African Americans to landmarks of the civil rights era.

The people of Michigan take great pride in the fact that Rosa Parks became part of our community in our great State. She devoted her life to public service, to helping people, and to helping to serve as a role model for our children. She made such an impact on our country and on the people of the metro Detroit community that the actual bus where Rosa Parks made her defiant stand is now on display at the Henry Ford Museum in Dearborn, MI.

Children from all over the world have come to see the bus that became this symbol of the civil rights movement. Nicknamed the Mother of Civil Rights, President Clinton awarded Rosa Parks the Presidential Medal of Freedom in 1996, the highest civilian award this country can bestow. Mrs. Parks also received the Congressional Gold Medal in 1999. Earlier this year, Senator LEVIN and I introduced a bill to name a Federal building in Detroit after Mrs. Parks. We think it is important that we recognize her in this way to thank her in some small way for her incredible contribution to our country. It is an honor she richly deserves, and I believe it is important that we pass this bill this week in the Senate, just as the House has passed the bill, so that we can together, in a unanimous way, say: Thank you, Rosa Parks.

Mr. DURBIN. Mr. President, I join others the world over in mourning the death and giving thanks for the life of Mrs. Rosa Parks. Someone once said that in the instance Rosa Parks refused to move, somewhere in the universe a gear in the machinery shifted. Jim Crow had finally met his match.

Rosa Parks was an accomplished seamstress who helped us all see that America's great strength is the fact that we are one cloth sewn together in a splendid coat of many colors. It is often reported that Rosa Parks refused to give up her seat on the bus that day in Montgomery, AL, because her feet were tired.

That was not so. She said many times:

> I was not physically tired—or no more than I usually was at the end of a working day. No, the only tired I was, was tired of giving in.

It would be more than a year before the U.S. Supreme Court ruled Montgomery's segregated buses were unconstitutional.

To this day, the Montgomery bus boycott remains the largest and most successful act of civil disobedience in the history of the United States of America, all inspired by this simple, courageous woman. For 381 days, tens of thousands of hard-working middle class, lower class, and all classes of African Americans walked miles to work every day in the heat, in the cold, in the rain. Many of the boycotters, including Mrs. Parks and her husband Raymond, lost their jobs, but they never lost their faith. They persevered with courage and with dignity.

In the end, they did not just change the law; they changed our Nation, and they changed the world. The image of Rosa Parks sitting quietly on that bus waiting to be arrested is etched forever in our national consciousness, but it is not simply refusing to give up her seat that made Rosa Parks so great. It was a refusal to give up hope, especially her hope in young people.

In 1955, Mrs. Parks was the leader of the Montgomery NAACP local youth organization. It is one of the lesser known parts of her story that the evening she was arrested she was in the process of rejuvenating that youth group. Her dedication to the next generation is the reason she founded the Raymond and Rosa Parks Institute for Self-Development in Detroit, MI. Her faith was tested, but it was never broken. After Mrs. Parks was robbed and beaten in her own home in 1992, she implored people "not to read too much into the attack."

"Young people need to be taught to respect and care for their elders," she said. "Despite the violence and crime in our society, we should not let fear overwhelm us. We must remain strong. We must not give up hope; we can overcome."

This morning's Detroit Free Press has a wonderful story on Mrs. Parks' life and legacy. In it, U.S. Appeals Court Judge Damon Keith, a longtime friend of Mrs. Parks, recalls when another living icon of freedom, Nelson Mandela, visited Detroit in 1990.

When he got off the plane, a long line of dignitaries was waiting to greet the great man. President Mandela scanned the line until his eyes rested on a tiny woman. "He chanted Rosa, Rosa, Rosa Parks," Judge Keith recalls.

President Mandela told Mrs. Parks that she was his inspiration during the long years he was jailed on Robbins Island, and that her example had inspired South Africa's freedom fighters. Later, in a 1993 speech to the NAACP, Nelson Mandela called Rosa Parks "the David who challenged Goliath."

Ms. Johnnie Carr, Mrs. Parks' longtime friend, said Mrs. Parks always believed that the Montgomery bus boycott was "ordained by God." It was meant to be. But it almost did not happen. In her autobiography, Mrs. Parks wrote that, had she not been so tired that day, she would have waited for the next bus, because she would have recognized the driver of the Number 7 bus as the same man who had put her off the bus years earlier for refusing to board through the back door.

On that earlier occasion, in 1943, Mrs. Parks had just tried, unsuccessfully, to register to vote. Twelve years later—the morning after the long Montgomery bus boycott ended—Mrs. Parks again boarded the Number 7 bus, paid her fare, and took her seat in the front of the bus. By coincidence—or perhaps by divine design—the bus driver that day was the same man who had called the police to have her arrested more than a year earlier. His name was James Blake. And he lived in a little town call Equality, GA.

The Detroit Free Press this morning quotes from one of the last interviews Rosa Parks gave. A decade ago, in an interview with that newspaper, Mrs. Parks was asked how she hoped to be remembered. She replied, "I'd like people to say that I'm a person that always wanted to be free, and wanted it not only for myself—freedom for all human beings."

That is a great tribute to a great lady who we remember today.

I yield the floor to the chairman of the committee.

Mr. SPECTER. I thank the Senator from Illinois for yielding. Before proceeding to his amendment, I would like to commend the Senator from Michigan and the Senator from Illinois for their comments about the great leadership of Rosa Parks to the civil rights movement, and to associate myself with those comments.

I thank the Senator from Illinois.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2006

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 3010, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 3010) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2006 and for other purposes.

Pending:

Specter amendment No. 2197, to reduce administrative costs in the Centers for Medicaid and Medicare Services.

The PRESIDING OFFICER. The Senator from Pennsylvania.

AMENDMENT NO. 2197

Mr. SPECTER. Mr. President, I move to vitiate the yeas and nays on amendment No. 2197 and proceed to adopt the amendment by voice vote at this time. I cleared this matter with Senator HARKIN.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to amendment No. 2197.

The amendment (No. 2197) was agreed to.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, before Senator DURBIN begins, may I again remind my colleagues at the conclusion of this debate, which I would expect to be somewhere in the nature of 20 minutes, we will proceed to a rollcall vote. We expect it to be 15 and 5, limited to 20 minutes, and then we are anxious to have other amendments offered to proceed at that time.

Mr. DURBIN. Would the chairman yield for a question?

Mr. SPECTER. I do.

Mr. DURBIN. I say to the chairman, I believe this amendment may be noncontroversial. I do not know if there will be any time taken in opposition to the amendment. I would certainly be prepared to agree at 10:45 the vote would take place, if that would be appropriate, and then I would explain the amendment.

Mr. SPECTER. I thank the Senator from Illinois for that statement. Perhaps we ought to just formalize it in a unanimous consent agreement that the vote will occur at 10:45.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2196

Mr. DURBIN. Mr. President, I ask unanimous consent to set aside any pending amendment and call up amendment No. 2196, which is filed at the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Illinois [Mr. DURBIN] proposes an amendment numbered 2196.

Mr. DURBIN. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require the Secretary of Health and Human Services to submit to Congress a plan for changing the numerical identifier used to identify medicare beneficiaries under the medicare program)

After section 221, insert the following:

SEC. 222. Not later than June 30, 2006, the Secretary of Health and Human Services shall prepare and submit to Congress a report outlining—

(1) a detailed plan for expeditiously changing the numerical identifier used to identify medicare beneficiaries under the medicare program so that a beneficiary's social security account number is no longer displayed on the identification card issued to the beneficiary under such program or on any explanation of medicare benefits mailed to the beneficiary; and

(2) the costs of implementing such plan.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, according to the Federal Trade Commission, identity theft is the fastest growing crime in America, striking 27.3 million Americans who have been victims in the last 5 years. Not only is identity theft increasing, it is becoming more expensive.

Several years ago, I received a phone call from a credit agency at my home in Springfield, IL. They said: RICHARD DURBIN, we knew that we would finally catch up with you.

I said: What are you talking about?

They said: It is your credit card charges with a major chain of stores that were incurred in Denver, CO.

I said: I didn't incur any credit card charges.

It turned out my identity had been stolen. It took some time, and I finally got it straightened out, but I was one of the lucky ones.

Today's victims of identity theft spend an average of $1,400 in out-of-pocket expenses to remedy their situation, an increase of 85 percent from years past.

A recent survey indicates that identity theft cost Americans $52.6 billion in 2004—much of it accrued by businesses forced to write-off fraudulent charges.

According to the Federal Trade Commission, seniors are more vulnerable to fraud than other demographic groups.

In 2004, consumers over the age of 50 reported $152 million in fraud losses to the FTC, which is likely only a small fraction of the fraud that took place.

A Social Security number is a key for an identity thief. With it, he or she can open a new credit card or bank account, as well as access existing accounts.

One of the main actions Federal, State and local governments instruct you to take in protecting yourself from identity theft is guarding your Social Security number.

Many States and local governments have gone further to protect their citizens. Twelve States have passed laws restricting the use of Social Security numbers, including Illinois where private insurers are prohibited from using Social Security numbers as patient identifiers.

Meanwhile, the Federal Government continues to print Social Security numbers on Medicare cards, leaving 40 million seniors with their Social Security numbers in plain sight.

Almost one-third of identity thieves get access to your personal information by stealing your wallet, checkbook or credit card.

If a senior's wallet is stolen, access to a Social Security number would be simple. Just look on their Medicare card.

Walter Hornby from Bartlett, IL wrote to me to tell me about what he calls a "Catch-22 situation." After he fell victim to identity theft, he was advised never to carry anything in his wallet that includes his Social Security number.

Mr. Hornby wrote:

> All Medicare cards have Social Security numbers emblazoned on them in large print. I am sure many seniors carry their cards with them as proof of insurance, leaving them open to identity theft.

Mr. Hornby called CMS and the Social Security Administration, but was told it would "take an act of Congress to correct this situation." That is why we are here today.

According to a recent poll by the AARP, most seniors agree with Mr. Hornby. What is the percent of adults over the age of 50 who want Social Security numbers to appear on various documents? They asked of these seniors, How about Medicare cards? Yes, 25 percent; no, 70 percent. Seniors get it. They understand their vulnerability, but they don't know which way to turn. You need a Medicare card if you go to a hospital or provider. They want to have easy access, but there sits their Social Security number which could turn out making them vulnerable to identity theft.

A reporter asked a CMS spokesperson about whether the agency plans to change beneficiary identity numbers as a result of the rise of identity theft from seniors, and here is what he said:

> We're looking at all sorts of alternatives, but right now our greatest priority is implementing the prescription drug program. We continue to recommend treating your Social Security card like a credit card.

That is a good recommendation. But if you lose your wallet or your purse, you know what might happen. When seniors write to CMS asking to have their Social Security number removed from Medicare documents, CMS sends a reply:

> Medicare is required to protect individual privacy and confidentiality in accordance with applicable laws.

CMS is passing the buck. The buck stops here. It stops in Congress. We are abiding by the current law, they say, and that is good enough. But it really is not good enough.

BOB FILNER is a Congressman from San Diego, and he is a person with whom I worked and respect very much. He was attentive to this issue and raised it in consideration of this appropriations bill in the House. Congressman FILNER said, in very simple and straightforward language: No money can be spent on this bill to further issue these Medicare cards that contain Social Security numbers.

The amendment passed with a strong bipartisan vote. But if you look at it, we are afraid that perhaps it went too far—in the right direction but maybe too far. The CMS said there is no way they could cut off immediately the issuance of these cards. So we are placed in a difficult position. We know the problem, and we want to correct it. Cutting off funds and trying to do it immediately may be something that is just unmanageable and cannot be achieved.

My amendment would require the CMS to send a report to Congress by the end of next June outlining how the agency will expeditiously go about changing the system of patient identifiers and how much it will cost. We put the CMS on notice that this is a problem they need to help us solve. They can't pass the buck off to another year and another year of possible identity theft for so many senior citizens.

It is time for the Federal Government to step up the fight against identity theft. We have it in our power to make it much harder for identity thieves who hurt our Nation's seniors, and I commend amendment No. 2196, which I have introduced at this point, to all my colleagues on both sides of the aisle and ask for their bipartisan support.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, the amendment offered by the Senator from Illinois is a good amendment. What has happened here is that the House-passed version of the bill requires the Centers for Medicaid and Medicare Services to remove Social Security numbers immediately in order to prevent identity theft. When the Senator from Illinois outlines the problems on identity theft, he is exactly right. The Judiciary Committee, on which both Senator DURBIN and I sit, has legislation pending now to deal with identity theft in a comprehensive way. But the substance of what Senator DURBIN seeks is very sound.

CMS has advised that it is impossible to administer the House-passed amendment in its present form, which would require immediate removal. The amendment offered by the Senator from Illinois is a compromise to achieve greater protection against identity theft. It essentially calls for a study to give us an opportunity to work it out in a way that CMS can handle. I think the amendment is a good one, and it is agreeable to this side of the aisle as well.

We are going to proceed to a vote—candidly, so we can get some focus of attention on this bill. Our staffs have called around to the offices of all Senators seeking amendments. We have a long list of prospective amendments, but our experience has been that unless we have a vote where Senators come to the well of the Senate, which gives the managers an opportunity to talk to the many Senators who have stated an interest in offering an amendment—unless we proceed in that way, that we have protracted quorum calls without any amendments being offered.

So as previously announced, at 10:45, by the unanimous consent agreement, we will proceed to a vote. Again, I repeat, it will be a 20-minute vote: 15 minutes under the rule, and a limited extension of 5 minutes.

We have 2 minutes until the 10:45 vote is scheduled. In the interim, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the amendment. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. McCONNELL. The following Senator was necessarily absent: the Senator from Alabama (Mr. SHELBY).

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE) is necessarily absent.

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 267 Leg.]

YEAS—98

Akaka
Alexander
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Brownback
Bunning
Burns
Burr
Byrd
Cantwell
Carper
Chafee
Chambliss
Clinton
Coburn
Cochran
Coleman
Collins
Conrad
Cornyn
Craig
Crapo
Dayton
DeMint
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Frist
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inhofe
Inouye
Isakson
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McCain
McConnell
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Santorum
Sarbanes
Schumer
Sessions
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner
Wyden

NOT VOTING—2

Corzine
Shelby

The amendment (No. 2196) was agreed to.

Mr. SPECTER. I thank my colleagues for the promptness on that vote. The report was made to cut off the vote at 1 minute 6 seconds in excess of the 20 minutes, which is pretty good for voting in this Senate. We will hold the votes to 20 minutes.

We have the Senator from Massachusetts lined up to offer an amendment on Pell grants. We anticipate voting on it at 2:15, but they will have time before the customary adjournment at 12:30 for the policy luncheons to start debate on another amendment.

I have talked to a number of Senators about offering an amendment if that opportunity presents itself. We do want to push ahead.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts.

AMENDMENT NO. 2213

Mr. KENNEDY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY] proposes an amendment numbered 2213.

Mr. KENNEDY. Mr. President, I ask unanimous consent the reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To increase the maximum Federal Pell Grant award by $200 to $4,250)

At the end of title III (before the short title), insert the following:

SEC.   . In addition to amounts otherwise appropriated under this Act, there is appropriated, out of any money in the Treasury not otherwise appropriated, $836,000,000 for carrying out subpart 1 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070). Such additional appropriation shall be used to increase the maximum Pell Grant for which a student shall be eligible during award year 2006–2007 by $200 to $4,250, notwithstanding the maximum Pell Grant amount provided under the heading "STUDENT FINANCIAL ASSISTANCE" under this title.

Mr. KENNEDY. Mr. President, this is a very modest amendment. It is targeted to a program which is a lifeline to millions of hard-working American families in the form of education—the Pell grant. The Pell grant is the major instrument by which the Federal Government provides help and assistance to needy families in this country. The median income among families who benefit from the grant is about $24,000 a year and the median income of independent students who receive the grant is less than $13,000 per year. These families need help and assistance in going to college.

This particular amendment will raise the Pell grant from $4,050 to $4,250. The cost of the amendment is approximately $800 million.

I remind our colleagues of one of the great statements made in this country by an American Founding Father, John Adams, whose 270th birthday we celebrate this week. He was the architect of the Massachusetts State Constitution, written in 1780. Many of the ideas from that constitution have been accepted in constitutions all over the country. The one aspect that has been replicated in every State constitution is the State's commitment to educating children. It is said so well in the Massachusetts Constitution:

> It will reward its patron and benefactors by shedding its benign influence on the public minds. Laws for the liberal education of youth, especially of the lower class of people, are so extremely wise and useful that to a humane and generous mind no expense for this purpose would be thought extravagant.

That is what this amendment says. We are saying this Nation, at this time, cannot afford to lose these young minds. We have 400,000 young Americans who are qualified and would be accepted to 4-year colleges on the basis of their academic records if they had the resources to be able to attend. It is an indictment of our Nation if we fail to provide these young people with an opportunity to receive an education, participate in our society, and give something back to our country. We cannot afford to lose them. The Pell grant is the indispensable link between these families and an education.

This Nation has always responded when challenged in the areas of education. In response to the Industrial Revolution, we made a national commitment to expand access to high schools, and America prospered. It was an extraordinary commitment and has made an extraordinary difference in the success of this Nation, both commercially and militarily.

At the time of World War II, we had 12 to 14 million Americans who served—many for 3, 5, 6, 7 years—in the Armed Forces of our country. When they returned, President Roosevelt offered the GI bill. That would open the doors of opportunity for education. For all who came back from World War II, who had been out fighting for our Nation, they would have the benefits of an education. By the millions, they took advantage of the GI bill.

In reviewing the investment made by this Government, the figures show for every $1 invested in education, it was returned seven times by those who received or benefitted from the GI bill. We extended education benefits in the time of the Vietnam war. Also, when challenged technologically in 1957 with the launch of Sputnik—we had a Republican President, Democratic Congress—we recognized the need to dramatically improve math and science achievement in this country. We passed the National Defense Education Act to strengthen both our national security and our global competitiveness, and the Federal investment in education doubled, with a strong focus on math and science education.

At that time the Federal Government was spending 5 cents out of every $1 on education. Now we are at 1½ cents, and going south. Do we understand that? Only 1½ cents out of every Federal dollar is spent on education, and we are going, effectively, south. I think this is not the kind of priority the American people expect and the American people want. This is a very modest amendment, especially against that background. The amendment raises the maximum Pell grant by $200.

Let me first show what has happened to the Pell grant over the period of recent years. Some of us remember the great debates we had in the 1960s. One of the principal issues in the 1960 campaign was: Should we provide help and assistance to young people in the form of education? That was heavily debated in the Presidential debates at that time. A judgment and decision was made when the votes were in and President Kennedy won. One of the first things he did was submit a higher education bill, which was eventually passed in 1965.

There was a great debate at that time: Should we provide help and assistance to the child or should we provide help and assistance to the university? The decision was made that we would provide it to the young student so the student would have the flexibility to be able to go to the college of their choice.

In 1965, when the higher education bill was passed, the Federal funding for education was close to 80 percent in grants and 20 percent in loans, for students who qualified for grants. Those were families in the lowest income bracket. The Pell grant was used extensively and benefitted millions of young people.

This chart shows what has happened with the Pell grant between 1985 and 2005. It shows the shrinking buying power of the Pell grant over the past 20 years. We find that during the 1985–1986 school year the maximum Pell grant covered 57 percent of the cost of attendance at a 4-year public institution. We see, as the cost of education has gone up, that the purchasing power of the Pell grant has steadily declined. In the 2005–2006 school year the maximum grant covers only 33 percent of the cost of college attendance.

Look at this. This is a chart that shows the gap between the maximum Pell grant and the cost of attending college, which continues to increase. This is a reflection of the gradual increase in tuition over the recent years, from 2001 and 2002 up to 2005 and 2006. This shows the gap—now nearly $8,100. Here, this green line shows the maximum Pell grant which has been effectively stable during that period of time, while the cost of attending a 4-year public college has been going up and up and up, putting enormous pressure on these families who have limited opportunities and resources.

The Federal Government provides Pell grants. It provides Stafford loans. States and local communities also provide help and assistance to students. Here is an indication of what is happening in our States. This chart reflects the State and local funding per full-time student at public institutions, which has declined some 16 percent since 2001.

What all of this says is that the purchasing power of the Pell grant has gone down. There are hundreds of thousands of children who are not going to college because they are unable to afford it. We have seen that the help and assistance given to needy students has dropped at the State and local levels, but the costs have been continuing to go higher and higher.

This amendment requires a judgment and decision about a nation's priorities: whether we believe, as a nation, in the importance of supporting education and making education available to all young people, and for which we are prepared to support this very modest increase.

It is useful to make a judgment based upon what we think we need here in the United States. But it is also relevant to get some idea about what is happening in other countries that are increasingly competing with the American economy. Here is an example. The numbers of engineering graduates in China and India far outpace that of the United States. In China, it is 600,000; in India, 350,000; in the United States, 70,000, and many of these are foreign students who, more likely than not, will be returning to their home countries.

We cannot expect to have a first-rate economy with a second-rate educational system. It does not work that way. Not only will we not have a first-rate economy, but we will not have a first-rate military with a second-rate educational system.

This is not going to be the answer to all of our problems in terms of education. Later in the debate we consider other amendments to increase support for education and to improve math and science achievement. But this amendment is essential to ensuring every American has an opportunity to go to college.

Fewer and fewer good jobs are available for those without a college education. When I first came to the Senate, the greatest employer down in Quincy, Massachusetts was the Quincy Shipyard. I would say 90 percent of those workers had a high school education. They had a pretty good middle-class life. They worked hard. They got some time off to spend with their families. More often than not, they would be able to take a couple weeks with their children over the course of the summertime. There was a great sense of community. There was great involvement in all of the activities in the community, and people were able to make a very decent and good living, just as their parents had, working at that Quincy Fore River Shipyard.

Generally speaking, if you look back 40 or 45 years ago, an individual had one job. More often than not, they kept that job their whole life. Now we know that workers entering the workforce today will have eight or nine different jobs during their lifetimes. Investing in education and continuing training has to be a lifelong national commitment.

This particular amendment is focused on those who are just entering the educational process after they get out of high school and those who are from low-income families. We need the skills of those young people. We cannot, as a nation, afford to let those skills go untapped. We cannot effectively write off a whole segment of our Nation because it's too expensive to go on into higher education. And too often, that is what is happening.

We have all seen the statistics about the increased cost of gasoline, the increased cost of prescription drugs, the increased cost of energy, particularly in my part of the country. We have talked about that and debated it here in the last few weeks.

But we have also seen at other times that those in the basic middle income, even though they have seen very dramatic increases in productivity, in what they have been able to produce, have not seen a significant increase in their wages or in their family income over the period of these past years. That is a fact. That has been a reality. So there is increasing pressure.

We find out that even for those families who are able to patch together the means to get to college, even with the Pell grants today, more often than not, it takes the average family—even with their limited ability to borrow—over 20 years to pay back those loans that were needed to meet the cost of getting their child into higher education.

We are trying to say to Americans, to children of hard-working American people, that we recognize that education is a key to opportunity in this country. Our chart demonstrates the difference between the lifetime earnings of individuals with college degrees and those without them $1 million over a lifetime.

A key value in our society is fairness. The reality is, we, as a country, can well afford—in the richest nation in the world—to offer a helping hand to those who have limited incomes in the form of Pell grants. So this is an issue of fairness. It is an issue of opportunity.

It is also a question of competitiveness. If we do not have a solid educational system, we are not going to be a first-rate nation commercially or militarily. At a time when we are feeling the increasing forces of world competition, we see what is happening in other countries. Now we are not just exporting blue-collar jobs out of the heartland of our Nation; we are finding, increasingly, that high-tech jobs are not only moving out, but that many of our high-tech industries are moving out to take advantage of the training and education in other countries, particularly in India, and other places in the world.

So it is about fairness. It is about opportunity. It is about competition.

Finally, as I mentioned, it is about national security. We need to have in our military the best-trained, best-led troops. But they also need the best in terms of technology. This requires well-trained and educated personnel. Unless we have a talented pool of college graduates, our military, our intelligence community, all of our employers, and our Nation are going to suffer. And we won't have that talented pool unless we provide opportunities for our young people. This amendment takes a step in the right direction.

Mr. President, $200 does not sound like a lot when we are talking about the billions of dollars in this budget. But today we know that a $200 increase in student aid would mean that hundreds of thousands of students would be able to afford college. Two hundred dollars does not sound like a lot, but it is a lot to low-income families. It is a lot for millions of working families, as they are looking at their bills and trying to make adjustments and trying to make college a priority. It is a lot, and it is something we ought to respond to in this particular appropriations bill.

Mr. President, I yield the floor.

Mrs. CLINTON. Mr. President, I am pleased to join with my friend and colleague, Senator KENNEDY, in offering an amendment to increase the maximum Pell grant award by $200. If approved, this amendment would result in a $4,250 maximum Pell grant—an amount well below what is needed, but still important in addressing the crisis of lack of college affordability.

The College Board reports that students in the college class of 2010 will pay more, on average, for their post-secondary education than any other class in American history. The average 4-year private school now costs $21,235 each year and the average 4-year public institution costs $5,491 a year. And every year college costs are increasing at a rate faster than inflation. Last year the Consumer Price Index increased by 5.2 percent. But the cost of private 4-year schools went up 5.9 percent and public schools went up 7.1 percent.

A Pell grant increase is a step in the right direction to make college more affordable. Over the last few decades, college financial aid simply hasn't kept up with the rising cost of attendance. Twenty years ago, in the 1985–1986 school year, the maximum Federal Pell grant covered nearly 60 percent of the cost of the tuition, fees, room, and board of a 4-year public university. Today the maximum Pell grant covers less than 40 percent of those costs. More students take out loans and more are falling into debt. Fifty percent of today's college students graduate in debt, owing an average of $15,500. Many students owe even more. At Pace University in New York, 55 percent of students graduate owing an average $28,695. At New York University the debtloads are alarmingly similar. And at Hartwick College, nestled in the foothills of the Catskills Mountains, 72 percent of students graduate owing an average of $31,206, the second heaviest student debt-burden of any liberal arts college in the Nation.

Over the next 6 months, students in America's high school class of 2006 will decide whether or not to go to college. We need to make sure that students can afford college, not frighten them with a mountain of debt.

More and more, a college degree is essential in our modern economy. And helping students pay for college pays for itself. According to the College Board, the average college graduate earns 73 percent more over his or her lifetime than the average high school graduate. College graduates pay 78 percent more in taxes to public coffers, and they are less likely to draw on public resources for programs like unemployment insurance, food stamps, and welfare. College graduates are less likely to be incarcerated, and more likely to volunteer in their communities, more likely to vote, more likely to raise kids ready for school, and more likely to start businesses that create jobs.

We need to make sure every student who wants to go can afford college. It's good social policy to make higher education affordable, it's good economic policy, and it's good budgetary policy. Increasing the maximum Pell grant is an essential part of making college affordable. So, again, I want to thank Senator KENNEDY for raising this critical issue and working with me to offer this amendment and I urge my colleagues to vote in favor of it.

Mr. KOHL. Mr. President, I rise today in strong support of the Kennedy amendment. I am proud to cosponsor this amendment, which will increase the maximum Pell grant by $200—increasing the current $4,050 maximum award to $4,250. This modest increase is crucial to our efforts to ensure equality of access to higher education for all students.

The Pell Grant program is the largest need-related post-secondary student grant program administered by the Department of Education. However, for three consecutive years the maximum award has remained stagnant, accounting for less than 40 percent of the costs of attending a public, four year institution. Pell grant recipients have a median family income of only $15,200, so these grants truly target the most needy students. This amendment would provide an additional $10 million in need based aid to Wisconsin and give 1,360 new students the opportunity to make the dream of higher education a reality. Our Nation's well-being depends on our ability to provide greater access to higher education, regardless of financial means. I hope my colleagues will support this important amendment and provide the funding that our students need to succeed.

The ACTING PRESIDENT pro tempore. The Senator yields back.

The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I have listened to the presentation by the Senator from Massachusetts, and I do not disagree with anything he said. When he talks about the need for more education funding, I agree with him. When he talks about the importance for the productivity of the United States on the economics sphere, when he talks about the importance of education for military preparedness, he makes very valid points. And when he talks about fairness, those are very important considerations.

I applaud the work he has done in the field of education over his very distinguished career. He served for many years as chairman of the Senate Committee on Health, Education, Labor, and Pensions, and now he is the ranking member. He has addressed these issues of education funding year in and year out with logic and passion.

As chairman of the Appropriations subcommittee, the job I have, and our subcommittee does, and that of our excellent staff, is to make allocations, with a budget of $145 billion, as to where we are going to allocate the money.

The Senator from Massachusetts has asked for an increase of $836 million, but there is no offset. That means he has not found something in a budget of $145 billion which would pay for his amendment which would increase Pell grants by $836 million. I would like to increase Pell grants by $836 million myself. The fact is, I would like to increase them by more than that, if I could make the allocation. But the subcommittee is limited by what its allocation is and what the budget resolution provides. That is $145 billion to allocate among all the education programs sponsored by the Federal Government, all of the health programs sponsored by the Federal Government, all of the programs of the Department of Labor, and about $10, $11 billion on related agencies.

It is important to note that this budget contains $812 million over last year's budget. So that in looking at the Pell grants and in coming to a total figure of $13.177 billion, a very significant increase of $812 million over last year which is hard to find in this budget. But that is as far as we could stretch to provide the money.

When you talk about Pell grants, this has been a very high priority item for this Senator. I took over the chairmanship of the subcommittee after Republicans took control of the Senate in 1994. In 1995, the Pell grant awards were $2,340. We have increased them every year: from $2,340 in 1995 to $2,470 in 1996; to $2,700 in 1997; to $3,000 in 1998; to $3,125 in 1999; to $3,300 in the year 2000; $3,750 in 2001; $4,000 in 2002, and $4,050 in 2003. We had to maintain it at the same level in 2004; in 2005, the same. That is where we stand. We had to allocate last year $4.3 billion to pay off an estimated shortfall in the Pell grants. So we have paid a lot of attention to Pell grants and have put this on a very high priority basis.

There are quite a number of other programs in our education budget which are directed to the same kinds of considerations so eloquently articulated by the Senator from Massachusetts. Student loans are a very big point. This is well known. I think it is worth noting that the new student loan volume for 2006 fiscal year is in excess of $62 billion, which is $10 billion over the amount which was available in fiscal year 2004.

It is also important to note that there are a number of other programs which are directed to the same beneficiaries who are recipients of the Pell grants. We have, for example, $805 million for the Supplemental Educational Opportunity Grant program, which is an increase of $26 million. We have $66 million for loan cancellations. The Perkins loan program supports more than $1 billion in low-interest loans to undergraduate students, and there is funding for loan cancellations. We have $990 million in the Federal Work-Study Program. We have over $65 million for Leveraging Education Assistant Partnership programs. We have quite a number of programs.

Tax credits and deductions in 2006 are valued at a savings of $3.2 billion for students and families through the HOPE Scholarship tax credit; $2.1 billion under the Lifetime Learning Credit; $1.8 billion for the above-the-line deduction on higher education expenses; and $810 million in deductions for interest paid on student loans.

These are a variety of programs which are targeted and directed at people who need help, who have loans, who can't pay their loans. None of that is to say that the Pell grants are not vital and that we wouldn't be in a preferable position nationally if we had the funds to increase the Pell grants.

If the Senator from Massachusetts or anyone has any idea as to how to stretch these dollars further, I am interested to hear. If anybody has an idea of increasing funding in any particular line as a priority over some of the other $145 billion we have in this bill, I would be interested to hear and weigh that too. But on the basis of this record, we have stretched the dollars as far as we can. As much as I agree with everything the Senator from Massachusetts has said, and as much as I would like to raise the Pell grants, the budget resolution does not give me, as chairman, the discretion to do so.

For the edification of anybody who may be watching on C-SPAN 2, listening to this debate—and I have at least a few relatives listening—the next movement is to raise a point of order, although this may not be the appropriate time with further debate to take place. But I do think it is in order now to propound a unanimous consent request which will formalize the informal agreement which Senator KENNEDY and I arrived at earlier for 2:15 vote.

I ask unanimous consent that at 2:15 today, the Senate proceed to a vote in relation to the Kennedy amendment on Pell grants; provided further, that there be 2 minutes equally divided for debate prior to that vote and that no second degree be in order to the amendment prior to the vote.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SPECTER. We may consume all the time until 12:30, but there is a possibility that we may not. So if any other Senator has an amendment to offer, I urge that Senator to come to the floor at this time so that we can utilize all of the floor time for debate on this important bill.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I see the Senator from New Hampshire on the floor. As I understand, he wanted to be able to offer amendments.

Mr. SUNUNU. The Senator is correct.

Mr. KENNEDY. That would not upset the current situation. I am glad to yield to him.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire.

AMENDMENT NO. 2214

Mr. SUNUNU. Mr. President, as the Senator from Massachusetts indicated, I would like to rise very briefly to offer two amendments and then allow the Senator from Massachusetts to continue with the remarks on his own amendment. I will offer a few remarks, but hopefully we can work out the issues that might exist on these two amendments.

I ask unanimous consent that the pending amendments be set aside that I might call up amendment No. 2214.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from New Hampshire [Mr. SUNUNU] proposes an amendment numbered 2214.

Mr. SUNUNU. I ask unanimous consent that reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide for the funding of the Low-Vision Rehabilitation Services Demonstration Project)

After section 221, insert the following:

SEC. 222. For carrying out the Low-Vision Rehabilitation Services Demonstration Project by the Secretary of Health and Human Services, an additional $5,000,000: *Provided*, That funds made available for general department management under the heading General Department Management under the heading Office of the Secretary are reduced by $5,000,000.

Mr. SUNUNU. Mr. President, this amendment calls for $5 million to be allocated to a vision rehabilitation therapy demonstration program under Medicare. It is an amendment that is fully offset. This is a demonstration program that was established under report language crafted by Chairman SPECTER last year. This is an opportunity to give seniors additional independence by helping to cover some of the cost of vision rehabilitation therapy for those who have vision impairment. It helps them to do the very basic things of getting around their home, getting outside the home, doing errands. By maintaining this independence by dealing with vision problems, we reduce the risk of injury and the costs of injuries associated with vision impairment.

As I indicated, it is offset. It is an existing program. This additional $5 million in funding would ensure that the demonstration is conducted across a number of States, a number of cities, so that CMS has the data it needs to judge the efficacy of the program.

I encourage my colleagues to support the amendment.

AMENDMENT NO. 2215

Mr. SUNUNU. Mr. President, I ask unanimous consent to set the pending amendments aside, and I call up amendment No. 2215.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from New Hampshire [Mr. SUNUNU] proposes an amendment numbered 2215.

Mr. SUNUNU. I ask unanimous consent that reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To increase funding for community health centers)

At the appropriate place in title II, insert the following:

SEC.   . Amounts appropriated in this title for community health center programs under section 330 of the Public Health Service Act (42 U.S.C. 254b) shall be increased by $198,560,000. Notwithstanding any other provision of this Act, amounts appropriated under this Act shall be reduced on a pro rata basis by $198,560,000.

Mr. SUNUNU. Mr. President, this second amendment deals with community health center funding. Community health centers have been supported broadly in Congress and very broadly by the administration. What this amendment does is bring the appropriate level of funding for community health centers in this bill up to the level requested by the President. Less than 25 percent of the applications for new community health centers were funded last year. That indicates a need for continued significant levels of funding.

Health centers are the first line of defense for those who are served by Medicaid, for those without insurance, and for those who are underinsured. Community health centers provide a very strong, competent, qualified level of service. They are absolutely instrumental in today's health care environment.

This brings the funding up to the President's requested level. It is offset so it is not subject to a point of order. This bill is about setting priorities. I respect the challenges the chairman and the members of the subcommittee have to deal with in setting priorities. It is never easy. I provide a fractional across-the-board reduction to support this additional $200 million, but I am certainly willing to work with the chairman and members of the subcommittee to find another appropriate offset. I hope he and the Members of the Senate will support my amendment.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I thank the Senator from New Hampshire for coming to the floor to offer these amendments to move the bill along.

His amendment for $198.5 million for community health centers is certainly directed to a good program. These are very important health centers which are of great assistance to the American people. In the allocations of the funding, we have allocated for the next fiscal year in excess of $2 billion, $2,037,871,000. The figure I gave was the request, but the allocation is $1,839,311,000, which is an increase of $105 million over last year. Similar to the considerations on the amendment by the Senator from Massachusetts, the subcommittee and the full Appropriations Committee have given deliberation to the various priorities and believe this is the right figure.

It is a customary approach to suggest an across-the-board cut. If you fractionalize it, it comes out to a small figure. But still, it is important. It comes out of the National Institutes of Health. It comes out of the Centers for Disease Control. It comes out of many programs which are, I am at a loss as to whether to say, barely adequately funded or underfunded or not sufficiently funded, but they can't spare the money. This is a matter of priorities. When the Senator from New Hampshire says he would be glad to consider some other offset, I would be pleased to work with him on another offset. But in order to have another offset from some other allocation, there has to be proof and a showing that adding $198.5 million for community health centers is more important to America than where we have allocated it. And we have not picked these figures with a dartboard, Mr. President. We haven't pulled them out of the air. There has been laborious effort going through the history of these programs—how many we have, what we can cut, what we can add to. It is balanced off against many factors, including the Pell grants we heard about. So that it is necessary to oppose the amendment, as much as I would like to see more money in community health centers and many other lines.

With respect to the effort to add $5 million to the rehabilitation vision amendment, that, again, is another good amendment, but, again, it is a matter of allocation and where we will get the money. The Senator from New Hampshire would like to discuss the matter further. I think that is always useful, and I am prepared to undertake that to see if some accommodation can be made short of an outright opposition to the vote. So we will pursue that.

I do thank him for coming to the floor early in this debate and advancing ideas to help us move the bill along, and that inspires me to ask 1 of his 97 colleagues, aside from the 3 of us who are in the Chamber now, to come to the floor with other amendments so we can keep this bill moving.

I yield the floor.

The PRESIDING OFFICER (Mr. SUNUNU). The Senator from Massachusetts.

AMENDMENT NO. 2213

Mr. KENNEDY. Mr. President, I ask unanimous consent that the following be added as cosponsors of my amendment: Senators CLINTON, SCHUMER, LIEBERMAN, MIKULSKI, KERRY, REID of Nevada, LAUTENBERG, DAYTON, CANTWELL, KOHL, BINGAMAN, and DURBIN.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, first of all, I thank the Senator from Pennsylvania. He has worked hard in terms of prioritizing education, and certainly it has been a priority of his service in the Senate and also on the Appropriations Committee. I appreciate that kind of commitment, but he tells us that we only have a given amount of resources to allocate.

The Senate voted to add $5.4 billion to the Budget Act. When we voted on that issue earlier this year, it was $5.4 billion more for education—for education. That was one of the few amendments that passed when we had the debate on the Budget Act—$5.4 billion more for education. And when the budget came back, it did not come back with that $5.4 billion. The House had no increase for this purpose. The conference committee did not split the difference and come back with half. They came back with zero. But a majority of the Members of this body voted for that increase. Now we have another chance, and here we are just asking for $200 per Pell grant for the neediest students in the country.

The Senate, when it had its opportunity on the budget, supported a very enhanced funding level for higher education, but it went over to the Budget Committees behind closed doors and came out with zero. So he is right. In this particular budget that he has been allocated there is not the flexibility to very substantially enhance support for education; nonetheless, I think this amendment reflects the priorities of the Senate in the earlier part of the year and reflects the priorities of the American people.

I am reminded that it isn't just the families who are affected. It isn't just the education community. The business community also strongly supports increased access to higher education. Business leaders agree that education is essential to our competitiveness. Listen to what the Committee for Economic Development says in a recent report:

> Education has been a major source of productivity growth in the United States during the postwar era. Education increases productive human capital, which in turn contributes to overall increases in economic growth. Increases in a country's average level of educational attainment by 1 year can generate sizable increases in the annual economic growth, as much as 6 to 16 percent.

Look at what happens, Mr. President. Low income students enroll in college at less than half the rate of their high-income peers. These are students who are qualified for college—who worked hard, took rigorous courses and prepared for college. And once they enroll, only 6 percent of those low-income students receive a BA compared to 40 percent of those in the higher income levels. We are talking about children with comparable levels of academic achievement. Why is this happening? They are equally qualified students, but they have to leave college because of financial need. That is what this amendment is addressing. It is a question of priorities. We have the vote. If we are able to get the votes on the floor of the Senate, this will happen. This must be a priority.

It certainly is for Natalie from Turners Falls, MA, a single mother enrolled in college for the first time, who always lived below the Federal poverty line. She writes that without Pell grants "I would be stuck in this way of life with no 'light' to look forward to. . . . Knowledge is power and education is key."

It certainly is for Mary Susan from Sacramento, CA, who went to college and became a teacher. She writes: I would not have been able to go to college to become a teacher if I didn't have a Pell grant. I have been telling students at the low-income school I work at that they can go to college, too, if they study hard and get good grades. But if the Pell grants are not available, many will not be able to go to college.

Sara from Pensacola, FL, received Pell grants when she was a single mother enrolled in community college and later a 4-year college. She received her BA in English and is now employed making four times the income she made before earning her degree.

She writes: The Pell grant saw me through college. Without it, there was no way I could afford to go to school. The Pell grant works.

Yvonne from Port Richey, FL, served in the Air Force, then held a civilian job which she lost after September 11. She is now a single mother back in school. She writes: If it were not for the Pell grants I would not be able to return to school and be retrained for a new career.

Jen from Denver, CO, writes: The only way I was able to attend college was with grants and loans. Sixty thousand dollars later I have a college degree. Obviously, with loans this high I was not fortunate to have parental help. The $2,000 a year I received from the Pell grant was substantial even though so little. To take this away from students is a tragedy. Cutting funding for education of any kind is wrong.

That is a person with a very modest Pell grant. You see what a difference a few dollars makes.

Scott in Georgia received Pell grants during college, which helped him put himself through college. He writes: Pell grants gave me the ability to focus more on school and work less part-time hours. I am extremely grateful that the Pell grant ensured that I didn't make any brash decisions based on lack of finances.

I am sure the Senator from Pennsylvania has had the same experience I have had. You go to so many of these community colleges where these Pell grants offer the opportunity for students, and during the break time students—instead of talking about their books, instead of talking about lectures—are talking about their next job or where they are going to get the next job and what it is like to be working in that particular job. That is what is happening increasingly as our young gifted, talented people are being constantly squeezed. Our country is becoming more divided between the haves and have-nots. The Pell grant, which has been the key to opportunity, has always been something that has kept the door constantly open for so many young people.

As I say, it is the key to opportunity. It is the key to competitiveness, the key to national security. And it is the real key to fairness. Education ought to have a very special place in our national priorities.

I appreciate what the chairman has done in the area of education, but it does seem to me that the Senate as a whole should reflect that kind of high priority by ensuring expansive opportunities so our young people who have gifts and talents are able to get into school—public and private universities, community colleges, and others—and they are able to be a part of the American dream.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, just by way of a very brief comment as to the contentions raised by the Senator from Massachusetts, I recall his amendment on the budget resolution for $5 billion. I recall it very well because I voted for it. As I recollect it—we are checking the record now—it was a one-vote margin. There was considerable consternation about not having that amendment go to conference. I stayed with the Senator from Massachusetts on the $5 billion because I share his concern for education. And then it went to conference, as our procedures moved it through, and it was dropped. So Senator KENNEDY's $5 billion with which I agreed is not there anymore. And if it were there, we would have a good bit more money to add to the Pell grants. If I could find more money for the Pell grants, I would like to. If we could replay the cards of what happened on the $5 billion, I would like to do that, too. But I am confronted with a situation where I have an allocation that came through the process of the Senate, and I have to work within that framework. The priorities are established as best we can.

I think it is appropriate now for Senators who have the floor—we are going to vote at 2:15—to raise the point of order so it is on the record.

Mr. President, in anticipation of the vote at 2:15 for purposes of the record, I do raise a point of order under section 302(f) of the Congressional Budget Act, as amended, that the amendment provides budget authority and outlays in excess of the subcommittee's 302(b) allocation under the fiscal year 2006 concurrent resolution on the budget and therefore is not in order.

Mr. KENNEDY. Mr. President, pursuant to section 904 of the Budget Act of 1974 I move to waive the applicable section of the Budget Act in reference to the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second. The yeas and nays are ordered.

Mr. SPECTER. Mr. President, we have 33 minutes between now and the time of our policy luncheons when it is our practice to adjourn, so I would encourage my colleagues to come to the floor to offer an amendment. In the absence of any other Senator in the Chamber seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BURR). Without objection, it is so ordered.

TIMEFRAME FOR U.S. MILITARY MISSION IN IRAQ

Mr. FEINGOLD. Mr. President, I had the opportunity to give three speeches on the floor so far about issues concerning the fight against terrorism globally and the relationship of the Iraq war to that struggle and that battle.

Today, I come to the floor to talk about why I think we need a timeframe for the withdrawal of U.S. troops from Iraq. I do not mean a rigid timetable, nor do I mean a timetable that is not connected to clear and achievable benchmarks. But what we do need is a public, flexible, realistic timetable that will tell people when and how we expect to finish the military mission in Iraq.

As my colleagues may know, I have suggested a target date of December 31, 2006, the end of next year, for the completion of our military mission. Today, I want to talk a little bit about why a flexible timetable for withdrawal will help make the U.S. stronger and our enemies weaker.

Some have argued that a timetable is designed to appeal to the American public, that it has no relationship to our security or to our achieving policy goals in Iraq. Actually, it is just the opposite. I proposed a timeframe because I think it has everything to do with improving our national security strategy.

Our fundamental national security goal must be to combat the global terrorist networks that attacked and continue to threaten the United States. An increasing number of military experts and members of the public have concluded that our military presence in Iraq is not consistent with that goal and that it is, in fact, undermining that goal. I think it has become increasingly clear that we have created a breeding ground for terrorism in Iraq and that the apparent indefinite presence of tens of thousands of U.S. troops is often fueling, not dampening, the insurgency in that country.

Melvin Laird, a former Republican Congressman from my State of Wisconsin, who was the Defense Secretary under Richard Nixon, said:

> We owe it to the rest of the people back home to let them know there is an exit strategy. And more important, we owe it to the Iraqi people. Our presence is what feeds the insurgency. And our gradual withdrawal would feed the confidence and the ability of average Iraqis to stand up to the insurgents.

GEN George Casey, the commanding general of the allied forces in Iraq, made a similar point in testimony to Congress last month. He testified that:

> . . . getting Iraqis into leading the counterinsurgency effort as they are capable will allow us to gradually reduce the visibility of coalition forces across Iraq and, ultimately, as conditions warrant, to begin to reduce our presence in Iraq, taking away an element that fuels the insurgency; that is, the perception of occupation.

He went on to call reducing the visibility and presence of coalition forces a key element of our overall counterinsurgency strategy.

Melvin Laird and General Casey know that our presence has fed this insurgence, making it easy for the insurgents to convince new recruits that we are there to stay.

Mr. President, I know, you know—we all know—that is not the fault of our men and women in uniform who are serving courageously; it is the fault of the administration for sending them into battle without a clearly defined or well-thought-out mission.

In February, I asked one of the top allied commanders in Iraq when I was there in the Green Zone what would happen if we suggested to the world that there is a timeframe for achieving our military mission. This is what I asked him. His response to me, which of course was off the record, was that, "nothing would take the wind out of the sails of the insurgents more" than providing a clear public plan and timeframe for a remaining U.S. mission.

The President himself in June told the Nation that he did not support putting more troops into Iraq because, he said, "sending more Americans would suggest that we intend to stay forever."

Even the President has acknowledged the problem with feeding the insurgency if it appears our presence there is permanent, or ever expanding. I think that same logic applies to the President's refusal to issue a public timetable.

To the extent that we do not explain what our military goals in Iraq are and when we hope to achieve them, we are playing into the hands of the insurgents. The insurgents are motivated by our presence and they feed off conspiracy theories and suspicions regarding American intentions. And, of course, our brave service-members and their families deserve some clarity about how long they are likely to remain in Iraq.

The President is one of an ever-narrowing group of people who believe that a timetable works against our goals in Iraq. Military experts, people I talked to in Iraq, and the American people increasingly agree that the administration's refusal to even suggest a timetable for meeting our military goals in Iraq is feeding the insurgency.

The lack of a timetable doesn't just feed the insurgency, it also discourages Iraqi ownership of their own political process. By making it clear that the

U.S. will not be there indefinitely, we will help the Iraqis move toward the real political independence they need and dispel some of the cynicism about American intentions that empowers some of the more extreme elements of Iraqi society.

Finally, a timetable is important because it enables us to devote more resources to the other national security issues that demand our attention. To fight the global terrorist networks that threaten the U.S., we need to focus energy and resources on countering emerging terrorist tactics, dealing with the threat of "loose nukes," and repairing the damage to our Army, to name just a few urgent priorities. Drawing down U.S. troops in Iraq will allow us to focus on these priorities. It is time to make sure that our Iraq policy is advancing, not undermining, our national security goals.

The administration and its allies have offered various arguments as to why they can't or won't come up with a clear plan and timeline for military success in Iraq.

One argument has been that the U.S. pullouts from Somalia in the 1990s and Lebanon in the 1980s emboldened terrorists and others who oppose American interests. To pull out of Iraq without having put down the Iraqi insurgency once and for all would supposedly be another sign of American weakness.

But our decisions about national security shouldn't be made based on conjecture about the "message" that some might perceive. No one, including the Bush administration, can know how the insurgents in Iraq might feel about the withdrawal of U.S. troops from Iraq. We do know, however, that right now we are making the insurgency stronger with our indefinite presence in Iraq, and our failure to articulate a timetable for military withdrawal. We also know that our commitment of resources—money, troops, time—to Iraq is detracting from our ability to focus on our most pressing national security goals and stretching our military to the breaking point. Terrorists will not feel particularly emboldened about us putting our Iraq policy on track so that we can focus our attention on eliminating them. The President suggests that if he issues a timetable for how long he expects U.S. troops to remain in Iraq, our enemies will think that we are weak. But without a plan to finish our military mission, our enemies will know that we have fallen into a trap and we can't figure out how to get out. That is what they will know if we do not apply some common sense to this situation.

When I pressed Secretary Rice on the need for a timetable last week, she responded that "we'd like our discussions of withdrawal and of bringing down the numbers of forces to be results-based rather than time-based." But of course a timetable should be results-based. As I have said over and over, any timetable needs to be flexible and needs to be tied to achievable benchmarks. The point is to have some idea of when those benchmarks, those results, can be achieved. Without such a timetable, and without clear, realistic benchmarks, we cannot hold ourselves accountable for meeting our goals. Nor can we give our troops and the American people the clarity they deserve about their mission.

The Bush administration, with all these arguments, has succeeded in one thing: in intimidating people into not uttering the words "timetable," or "timeframe," or "target date" for finishing the military mission. But with the words of Republicans like Melvin Laird and military leaders like General Casey, more and more people understand that having a flexible timetable will strengthen our national security. This is not a timetable where the objective is troop withdrawal, the objective is to focus on our national security needs and the timetable is one step towards that goal. A timetable is not about domestic politics—it's about undercutting insurgency recruiting and unity, encouraging more Iraqi ownership and responsibility, and creating space for other important U.S. national security efforts.

I again emphasize that the timeframe I have proposed is a flexible one—not a drop-dead date, not a deadline, not a formula for "cut and run." It is linked with a call for more clarity about what we want the U.S. military to achieve in Iraq.

Please note that I am only referring to a timeframe for the military mission in Iraq, not for our broader political and other missions in Iraq. We all understand that our engagement in Iraq will not end with the U.S. military mission. We will still have a great deal of tough diplomatic work to do in Iraq well after the bulk of U.S. troops leave, and probably some serious security cooperation as well.

We will continue to devote resources to Iraq, without a doubt. But as it stands today, we have focused on Iraq to the exclusion of critically important national security priorities. And we have done so at great cost to the outstanding men and women of the U.S. military, and to their families. When I speak to service men and women in Wisconsin and in Iraq, and when I speak to their families, their pride in their service is evident and it is well earned. But their frustration with this open-ended commitment, with the stop-loss orders and the multiple deployments, with the extensions and the uncertainties, is equally evident, and it is very painful. We can do better by them, by insisting on clarity, by insisting on accountability, and by assuring them that we have a plan with clear and achievable goals.

We must stop feeding the insurgency in Iraq, and focus on the fight against the terrorist networks that threaten the security of the American people. A timetable can make us stronger, and our enemies weaker. That is the strategy we must pursue, and I look forward to working with colleagues here in the Senate to move such a proposal forward. I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. DAYTON. Mr. President, I ask unanimous consent to set aside the pending business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DAYTON. I ask unanimous consent, the previous order notwithstanding, that I might speak for up to 15 minutes as in morning business to eulogize my former colleague, Senator Paul Wellstone.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING THE LATE SENATOR PAUL WELLSTONE

Mr. DAYTON. Mr. President, 3 years ago today a chartered plane crashed in northeastern Minnesota killing Minnesota's senior Senator, Paul Wellstone, his wife Sheila, and their daughter Marcia. Also on board were Mary McEvoy, our State Democratic Party's associate chair; Tom Lapic, a longtime Senate staffer; a young aide, Will McLaughlin; and two pilots. There were no survivors.

They were flying to Minnesota's famed Iron Range to attend a friend's father's funeral when the plane crashed just before landing and before Senator Wellstone's reelection just 11 days away.

Paul and I were political allies and personal friends for over 20 years, and he was my colleague and mentor during my first 2 years in the Senate. In 1982, Paul was the Democratic Farmer-Labor or DFL candidate for State auditor in Minnesota, while I was its candidate for the Senate. We both lost.

Eight years later, we switched. Paul ran for the Senate; I ran for auditor. We both won. In between, we officed and worked together on energy and economic development programs for the Governor of Minnesota and became good friends. When Paul ran for reelection to the Senate in 1996, I agreed to be his finance chair. Paul hated fundraising as much as I did, so we made quite a team. Fortunately, Paul's great popularity in Minnesota and his nationwide reputation as champion for important, progressive causes prevailed, and he won a decisive reelection victory. Four years later, Paul helped me win my election to the Senate.

Everyone who knew Paul and Sheila Wellstone knows that they were extraordinary, unmatchable, and irreplaceable. Marcia, Mary, Tom, and Will were very accomplished and special people in their own rights, and their losses were as searing to their families and friends as Paul's and Sheila's.

Senator Paul Wellstone was unique. He was the leader, the heart, and the soul of Minnesota's Democratic Party. He had more passionately devoted followers, supporters, and political organizers than anyone else in Minnesota, perhaps more than anyone in our State's political history, for Paul Wellstone was truly a man of, by, and for the people, especially, as he jokingly referred to himself and to them, the little fellers. He stood for, spoke for, and worked for the many against the powerful, the wealthy, and the narrow special interests.

In 1990, he pulled one of the greatest political upsets ever by defeating a well-entrenched Republican incumbent, despite being outspent by 7 to 1 and being 40 percent behind in the polls at Labor Day. He came to Washington, immersed himself in the work of the Senate, and over his 12 years, won respect and friendships on both sides of the aisle.

Whether they agreed or disagreed with Paul, everyone knew that he truly believed his position was right, that he passionately cared about the people he was trying to help, and that he had the unflinching courage of his convictions. He also had the oratory eloquence to win skeptics to his side and the genuine good humor to keep even his opponents his friends.

He used his skills, his terrific mind always absorbing new ideas, his nationwide network of friends and advisers, his growing seniority in the Senate, and his passion and persistence to accomplish much more than time permits me to recount. During his first term, he authored and passed the landmark "gift ban" legislation that virtually eliminated all lobbyist gifts to Members of Congress and staffers. He was an original cosponsor of the McCain-Feingold campaign finance reform bill. In Paul's own words, he said:

> I am proud to be a politician because I believe strongly in democracy. My father, a Jewish immigrant from Russia whose family had to move from town to town because of czarist persecution, taught me to cherish free elections and the idea of "government of, by, and for the people." But I am not proud of the current state of campaigns and politics in our country.
>
> The ethical issue in our time is that money has come to dominate politics and the democracy my father so deeply believed in is so severely compromised. Campaigns match image-makers against image-makers, pollsters against pollsters, and millions of dollars against millions of dollars. It is a superficial, trivialized politics of attack ads, manipulated advertising and 9 second sound bites. Most importantly, money corrupts the process. This is a much more serious corruption than the wrongdoing of a single individual. This is the kind of corruption which results in too few people having too much wealth, power, and say and too many people being denied a voice. It is the politics of democracy for the few, not democracy for the many.

Paul also worked tirelessly for years in partnership with Senator DOMENICI to enact mental health parity, requiring that mental illness be treated similar to any other illness. This important cause pitted Senators WELLSTONE and DOMENICI against very powerful and profitable special interests—insurance companies and for-profit health providers, whose profits increased by not providing or not paying for needed health care services.

The two Senators succeeded in winning Senate passage of their amendment to the Kennedy-Kassebaum health insurance health protection bill with 70 votes in favor. Unfortunately, their amendment was defeated in the conference committee.

The two Senators continued working together to enact their historic legislation. Tragically, the Senate effort has lagged since Senator Wellstone's death, despite the present majority leader's pledge in his remarks on the Senate floor of October 24, 2003 "to ensure that mental health is appropriately addressed in this Congress." That legislation has not been voted on in the Senate, either in the last session of Congress or in this one.

It would be the best possible commemoration of Senator Wellstone's life, and the giving of his life in the service of his country, for the Senate to pass that legislation and insist that it becomes law.

There is so much more that Paul Wellstone achieved, such as protecting women and children from domestic abuse, on which he and his wife Sheila worked closely together, and which he wanted to achieve before his life was tragically ended.

His uniqueness recalls the words of Ernest Hemingway:

> Few men are willing to brave the disapproval of their fellows, the censure of their colleagues, the wrath of their society. Moral courage is a rarer quality than bravery in battle or great intelligence. Yet it is the one essential, vital quality of those who would seek to change a world which yields most painfully to change.

Paul Wellstone dedicated his life to change the world for the betterment of people. That is why he and Sheila meant so much to so many people in Minnesota and across the country.

All of us—their family, friends, and admirers—still feel their loss. They and Marcia, Mary, Tom, and Will all had so much life left to live. We will cherish them forever.

I close with a brief passage from Paul Wellstone's political autobiography, "The Conscience of a Liberal."

> When I am in coffeeshops with people, no one asks, Are you left, right or center? No one cares. What people want is that your politics be about them.
>
> Tip O'Neill once declared, "All politics is local." But I would go further. All politics is personal. These are people who more than anything else yearn for a politics they can believe in. They want politicians whom they can trust and who are at least most of the time on their side.

With Paul Wellstone, people had the very best on their side all of the time. He will always be missed. May his life—all of their lives—be an example and inspiration to us all.

I yield the floor.

RECESS

The PRESIDING OFFICER. The hour of 12:30 having arrived, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:32 p.m., recessed until the hour of 2:16 p.m., and reassembled when called to order by the Presiding Officer (Mr. ENSIGN).

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2006—Continued

AMENDMENT NO. 2213

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided on the motion to waive the Congressional Budget Act with respect to Kennedy amendment No. 2213.

The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, this amendment is a very modest amendment. It effectively adds $200 for students who receive Pell grants. These are students who come from families with low incomes. Pell grants have been a backbone of our education policy and are essential to providing these students an opportunity.

We initially passed in the budget a $5.4 billion increase in funding for higher education. All of that was eliminated. We have an opportunity this afternoon to make a small difference for those who receive Pell grants.

This amendment is about education. Education is about opportunity. This amendment is about competitiveness because in today's global economy we need well-educated individuals.

This amendment is about national security because education is the key to having a strong national security.

Finally, it is about fairness. Americans understand fairness. They believe in education.

I hope this amendment will succeed.

The PRESIDING OFFICER (Mr. VOINOVICH). The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I agree with everything Senator KENNEDY has said about the importance of increasing Pell grants. But the difficulty is, in adding this appropriated fund, in his effort to add additional money, there is no offset. We have a budget of $145 billion. We have made the allocations as best we can.

Since I took over the chairmanship of the Appropriations subcommittee, in

1995 we have increased the Pell grants on an annual basis from $2,340 to $4,050. I would like to increase them more, but there simply is not enough money to do so. If the Senator from Massachusetts has a suggestion as to some other priority which is of lesser importance, I would be glad to listen. This is a carefully crafted bill. Much as I would like to increase the Pell grants, there simply are not the funds to do so.

I am constrained to ask my colleagues to support the point of order.

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. KENNEDY. What is the issue before the Senate?

The PRESIDING OFFICER. The motion is to waive the Congressional Budget Act in relation to the Kennedy amendment.

Mr. KENNEDY. Further inquiry: An aye vote effectively would be related to keeping the pending amendment alive?

The PRESIDING OFFICER. The Senator is correct.

The question is on agreeing to the motion to waive the Budget Act. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 48, nays 51, as follows:

[Rollcall Vote No. 268 Leg.]

YEAS—48

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carper
Chafee
Clinton
Coleman
Collins
Dayton
DeWine
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Nelson (FL)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sarbanes
Schumer
Snowe
Stabenow
Talent
Wyden

NAYS—51

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Burr
Chambliss
Coburn
Cochran
Conrad
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Nelson (NE)
Roberts
Santorum
Sessions
Shelby
Smith
Specter
Stevens
Sununu
Thomas
Thune
Vitter
Voinovich
Warner

NOT VOTING—1

Corzine

The PRESIDING OFFICER. On this vote, the yeas are 48, the nays are 51. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

Mr. SPECTER. I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I thank my colleagues for their prompt arrival in the Chamber to vote. We had an 18½-minute vote. I don't think we have had too many under 20 minutes, recently, at least, so we are moving right along. I thank my colleagues.

The PRESIDING OFFICER. The Senator from Hawaii.

AMENDMENT NO. 2222

Mr. INOUYE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Hawaii [Mr. INOUYE], for himself, and Mr. COCHRAN, proposes an amendment numbered 2222.

Mr. INOUYE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To rename certain buildings of the centers within the Centers for Disease Control and Prevention)

At the appropriate place in title II, insert the following:

SEC. ____. (a) The Headquarters and Emergency Operations Center Building (Building 21) at the Centers for Disease Control and Prevention is hereby renamed as the Arlen Specter Headquarters and Emergency Operations Center.

(b) The Global Communications Center Building (Building 19) at the Centers for Disease Control and Prevention is hereby renamed as the Thomas R. Harkin Global Communications Center.

Mr. INOUYE. Mr. President, today I rise to pay tribute to two of our most distinguished colleagues, Senator ARLEN SPECTER and Senator TOM HARKIN. I wish to recognize both for their many outstanding contributions to our country's disease and injury prevention and emergency preparedness through their work with the Centers for Disease Control and Prevention.

Since 1995, when Senator SPECTER and Senator HARKIN became chair and ranking member of the Labor, Health and Human Services, and Education Appropriations Subcommittee, funding for the CDC has tripled, from a little over $2 billion to more than $6 billion. This funding has been used by CDC to achieve its mission of promoting health and quality of life by preventing and controlling disease, injury, and disability.

In 1999, Senators SPECTER and HARKIN visited the CDC main campus in Atlanta, GA. They were surprised to find world-class scientists and health care professionals working in substandard, 50-year-old buildings. They recognized that beyond the aesthetics, the facilities were hindering the ability of the scientists to respond to disease outbreaks with the full force of modern technology.

They set out to rebuild the infrastructure of the CDC to ensure that it was capable of meeting its mission. In 1999, the budget for CDC buildings and facilities was $17 million, barely enough to make critical repairs, such as patching leaky roofs. However, since 2000, under the leadership of Senators SPECTER and HARKIN, over $1.3 billion has been invested in the infrastructure of the CDC.

These funds have been used to build laboratories capable of handling the most dangerous pathogens, such as ebola, anthrax, and smallpox. The foresight of these two Senators was confirmed by the essential role the new facilities played in responding to the anthrax attack in 2001, the Marburg virus outbreaks, and the potential for an influenza pandemic.

The latest additions to the CDC campus are now complete and include two new buildings dedicated to responding to public health emergencies and disseminating information to health professionals. The CDC Headquarters and Emergency Operations Center will be the new home to the Office of the Director, Coordinating Officer of Terrorism Preparedness and Emergency Response, Office of Security and Emergency Preparedness, and the Emergency Operations Center. It will provide permanent, secure, and consolidated command and control areas for CDC's response to natural disasters, acts of terrorism, and outbreak responses. It allows for CDC's executive leadership and other critical headquarters functions to relocate to one building to allow for increased coordination and communication.

The Global Communications Center will support outreach and worldwide collaborative efforts. The center is a multifunctional, comprehensive scientific learning facility encompassing functions key to CDC's mission and goals for public health, such as outreach, research, and programmatic foundations. The Global Communications Center not only provides a physical place to bring the public health community together for training, information exchange, and collaboration, but it is also the technological link for CDC employees around the globe, from Alaska to Zimbabwe.

It is fitting that these flagship buildings be named for the two Senators who have led the Senate in providing funding for public health and research. I am pleased to offer this amendment, cosponsored by my dear friend from Mississippi, Senator COCHRAN, to designate the two new CDC buildings as the Arlen Specter Headquarters and Emergency Operations Center and the Thomas R. Harkin Global Communications Center.

Mr. President, the amendment has been cleared by both sides.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2222) was agreed to.

Mr. INOUYE. I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Rhode Island.

AMENDMENT NO. 2194

Mr. REED. Mr. President, I ask unanimous consent that the pending amendment be laid aside, and I further ask unanimous consent to call up amendment No. 2194 that is pending at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Rhode Island [Mr. REED, for himself, Ms. COLLINS, Mr. KENNEDY, Ms. SNOWE, Mr. KERRY, Ms. CANTWELL, Mr. HARKIN, Mr. BAUCUS, Mr. COLEMAN, Mr. DORGAN, Mr. OBAMA, Mr. SCHUMER, Mr. LEAHY, Ms. STABENOW, Mrs. CLINTON, Mr. DURBIN, Mrs. LINCOLN, Mr. DAYTON, Mr. REID, Mr. BAYH, Mr. LEVIN, Mr. ROCKEFELLER, Mr. LAUTENBERG, Mr. SARBANES, Mr. JEFFORDS, Mr. SALAZAR, Ms. MIKULSKI, Mr. BINGAMAN, Mr. LUGAR, Mr. SMITH, Mr. KOHL, Mr. DODD, and Mr. DEWINE, proposes an amendment numbered 2194.

Mr. REED. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide for appropriations for Low-Income Home Energy Assistance Program)

In title II, in the matter under the heading "LOW-INCOME HOME ENERGY ASSISTANCE", in the matter under the heading "ADMINISTRATION FOR CHILDREN AND FAMILIES", after the first sentence insert the following:

In addition to amounts appropriated under the preceding sentence, for making payments under title XXVI of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 8621 et seq.), $2,920,000,000, which amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Mr. REED. Mr. President, I ask unanimous consent to add Senators DODD and DEWINE as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REED. Mr. President, last week Senator COLLINS and I came to the floor to offer an amendment on the Transportation-Treasury appropriations bill to increase funding for the Low-Income Home Energy Assistance Program, more commonly known as LIHEAP. We would have increased the appropriations to the authorized amount of $5.1 billion. With Senator COLLINS' support, and with the help of 53 other Senators, we came forward to make a statement that in this cold winter that is approaching, with soaring energy prices, Americans needed help and we could do better. Fifty-three Senators, Democrats and Republicans, northerners and southerners, east coasters and west coasters supported our amendment when it came to a vote. But it failed to pass because of a procedural need to acquire 60 votes. We, joined by 30 of our colleagues, are here again today to offer our amendment to the Labor-HHS appropriations bill.

Our amendment provides $2.92 billion in emergency spending for the LIHEAP program. This amount, coupled with the $2.18 billion in the Labor-HHS appropriations bill, will fully fund LIHEAP at the authorized level of $5.1 billion, a level authorized by this Congress and signed into law by the President just 3 months ago. At this level, LIHEAP will cover the full increase in recipients' heating costs so they would not be forced to pay more out of their very limited budgets for this winter's heating season. It is imperative that this appropriations bill provide additional resources to the LIHEAP program so families are safe and warm this winter.

As we speak, there is a storm raging in the Northeast in New England. We expect in some parts of the region to have snow this evening. Winter is coming. It is coming with a particular ferocity at this moment. But something else is already happening: Rising energy prices, extraordinary increases in energy prices, much of it as a result of Hurricane Katrina that struck the gulf coast area. As I have said before, the first surge was high water that overwhelmed low-income people in New Orleans and Mississippi and Alabama and other cities along the gulf coast. The second surge is high energy prices which are about to overwhelm many individuals in the Northeast and the Midwest and throughout this country where the temperatures begin to fall as they do this time of year. We have to do more to protect these people because we know it is coming.

One of the lessons from Katrina is that we understand that there are people who are vulnerable, and they have to be protected before the storm hits, not afterwards. This is an opportunity to do that for people throughout this country who are vulnerable this winter to rising energy prices and falling temperatures.

I particularly thank Senators SPECTER and HARKIN for their strong support of the LIHEAP program. I realize the difficult choices they faced this year in determining spending limits for the Labor-HHS appropriations bill. I appreciate their support for this amendment to add emergency spending for LIHEAP.

On Saturday, the New York Times printed an editorial titled "Washington's Cold Shoulder." I ask unanimous consent that a copy of the editorial be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Oct. 22, 2005]

WASHINGTON'S COLD SHOULDER

The weather is turning cold, and home heating fuel is increasingly unaffordable. The Energy Department recently reported that households should expect to pay 48 percent more this year for natural gas, on average, and nearly a third more for oil and propane—assuming a "normal" winter and no further supply disruptions like Katrina.

In and of themselves, those increases will be too much for an estimated seven million low-income Americans, including old people, disabled people and families with children. On top of gasoline prices that are already high and wages that are stagnating, the rising cost of heating fuel is bound to be devastating.

Yet Congress is balking at approving an additional $3 billion in federal heating subsidies that would help meet the coming need. (Lawmakers allocated $2 billion to the subsidy program last summer, before Hurricanes Katrina and Rita sent prices soaring.) Earlier this month, and again on Thursday, measures in the Senate to provide the extra funds were defeated, largely by a bloc of Republican lawmakers, though with each vote, a handful of Republicans voted in favor and a few Democrats voted against.

At the same time, Republican majorities in Congress are unrelenting in their drive to pass $70 billion in new tax cuts this fall, most of them for wealthy investors, and $35 billion in spending cuts, most in programs that benefit the poor.

With Congress's priorities so obviously skewed, the best chance for adequate heating subsidies this winter lies with President Bush. Advocates for the poor are hoping that Mr. Bush will ask for the additional money in a future hurricane-related emergency spending request to Congress. But so far, Mr. Bush has not said whether he will ask for more heating aid, and, if so, when or how much.

This sad lack of urgency is seen elsewhere in the administration as well. Asked at a news conference earlier this month whether the administration would support bolstered subsidies for low-income families and the elderly, Secretary of Energy Samuel Bodman suggested that everyone just wait and see. "I can't respond to that," he said, "other than by saying we're going to do our very best, first, to see what we can accomplish by the reduction in demand for energy."

That's unacceptable. Heating subsidies are not a conservation issue. Vulnerable people need to keep the heat on to keep from getting sick, or worse. Such subsidies help everyone by maintaining public health and safety, ensuring that others don't become ill and spread illness, or resort to hazardous means of heating that can cause fires. Heating aid for the needy is also a matter of common decency, which ordinary Americans are entirely capable of, though not, so far, their elected leaders.

Mr. REED. The editorial says that our congressional priorities are skewed, and I agree. As the editorial points out, Members of Congress are continuing an unrelenting drive to pass $70 billion in new cuts this fall in taxes, most of them for wealthy investors, and to cut $35 billion in spending, mostly in programs that benefit the poor. The vulnerable people need to keep the heat on to keep from getting sick, becoming homeless, or worse.

Because of our budget rules, we are prevented from getting a straight up-or-down majority vote on our amendment to provide assistance to seniors, low-income working families, and disabled individuals. This amendment will ensure that they will be protected from the ravages of the cold this winter: aid that will ensure children will not become ill or malnourished, aid that will ensure families do not resort to hazardous means of heating that can cause fires. Unfortunately and regrettably, every heating season there is a terrible incident where some poor person decides their stove can provide them some heat, and they leave it on, causing a fire with tragic consequences. I hope that will not be the case this year. If we don't provide support for these families, they have very little choice in many cases, other than to improvised heat, and that often leads to tragedy.

As the New York Times editorial states: Heating aid for the needy is a matter of common decency. Is our memory so short that we have forgotten the pledge we made to low-income families after Hurricane Katrina to address the economic disparity in our Nation that literally leaves many out in the cold or in the dark?

Rising energy prices could financially wipe out working-class families and seniors this winter. Energy costs for the average family using heating oil are estimated to hit $1,600 this winter, an increase of $380 over last winter's heating season. For families using natural gas, prices could hit about $1,400, an increase of $500. For families using propane, prices are projected to hit $1,400, an increase of about $325. For families living in poverty, energy bills are now over 20 percent of their income compared to 5 percent of the income of other households, more affluent households.

In America, no one should be forced to choose between heating or eating. No senior citizen should be forced to choose between buying necessary pharmaceuticals and keeping the heat up. But unfortunately, low-income working Americans are facing these decisions each day, and they will become more dire and more consequential as the winter approaches.

The heat-or-eat dilemma is a real one for poor families. A study by the RAND Corporation found that low-income households reduce food expenditures by roughly the same amount as their increase in heating expenditures. That is an awful tradeoff, one that I don't think any American would like to see take place.

The Social Security Administration recently announced its cost-of-living adjustment for 2006 for seniors. The COLA is about a $65-per-month increase for the average retired couple. But with this winter's energy prices, that increase will be wiped out in an instant. So we have to do better. Even at a funding level of $5.1 billion, LIHEAP would still only serve about one-seventh of the 35 million households that are poor enough to qualify for assistance. So we are just talking about serving the very neediest in our community. This is a program that, frankly, could use many more dollars to serve every qualified individual. We are just reaching the neediest among us. If we don't pass this appropriations, we won't even reach those individuals.

I urge all my colleagues to join us to secure $2.9 billion in additional LIHEAP funding and pass this amendment. I urge an up-or-down vote on the amendment. As a nation, we must step back and evaluate our priorities. American families are facing an energy emergency. If we can find money for tax cuts, then we can find funds for LIHEAP. Now is not the time to sacrifice the health and safety of American families. We must prioritize, and the priorities start with providing affordable energy to low-income and middle-class Americans as they struggle with extraordinary increases in prices and the looming cold of this winter.

I am pleased and proud to be joined in this effort by my colleague from Maine, Senator COLLINS.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I am pleased to join with my colleague and friend from Rhode Island, Senator REED, in offering an amendment that would increase funding for the Low-Income Home Energy Assistance Program, commonly known as LIHEAP, by $2.9 billion. I want to begin my remarks by thanking the manager of this bill, Senator SPECTER, for his strong commitment to the LIHEAP program. Despite difficult budgetary constraints, the chairman has found an additional $200 million in LIHEAP funding above the administration's request, bringing the total to approximately $2.2 billion. I do recognize and very much appreciate that effort.

Unfortunately, even with this additional funding, we are still far short of the amount of funding that is needed for this vital program. Just a few months ago, President Bush signed into law the Energy Policy Act of 2005. This law, which passed the Senate with an overwhelming vote, authorizes $5.1 billion for the LIHEAP program for fiscal year 2006. The Reed-Collins amendment would increase LIHEAP funding to the fully authorized level.

Our Nation has now been struck by three extremely powerful hurricanes in as many months. While these hurricanes have been devastating to the people of Florida and the gulf coast, they have also had a major impact on the rest of the Nation. Just as the Nation should be building oil supplies for the winter heating season, these hurricanes have disrupted our already strained supplies and sent the cost of both home heating oil and gasoline, as well as natural gas, to painfully high levels.

While high energy prices pose a challenge for almost all Americans, they impose an especially difficult burden on low-income families and our elderly citizens who are living on limited incomes. Low-income families spend a greater percentage of their incomes on heating their homes, and they have fewer options available as energy prices soar. High energy prices can even cause families to choose between keeping the heat on, putting food on their table, or buying much-needed prescription drugs. In our country, the most prosperous country on Earth, surely no family should have to make such terrible choices.

I believe our amendment reflects a realistic appraisal of the need for more assistance in this program. Let me briefly describe the situation that we are facing in my State of Maine, a State where snow is predicted for later today. While the official start of winter is still 2 months away, temperatures have already fallen below freezing in much of Maine. In Maine, 78 percent of all households use home heating oil to heat their homes. Currently, the cost of home heating oil is approximately $2.50 per gallon, although I recently paid 20 cents more per gallon to fill my tank.

That price, the $2.50 price, is some 60 cents above last year's already high prices. These high prices greatly increase the need for assistance and at least 3,000 additional Mainers are expected to apply for LIHEAP assistance this year. With more people in need of help, the benefit is expected to fall by roughly 10 percent, to about $440 per qualifying household.

Unfortunately, at today's high prices, $440 is only enough to purchase approximately 173 gallons of oil. That is far below last year's equivalent benefit of 251 gallons and not nearly enough, not even close, to what will be needed by these families to get through Maine's winter.

With rising prices and falling benefits, we have a real problem. To purchase the same amount of oil as last year, Maine would need an additional

$10.8 million in LIHEAP funding. With winter fast approaching and energy prices soaring, home heating bills are set to pound family budgets mercilessly. For low-income families, LIHEAP funds can be a factor that prevents them from having to choose between turning down the heat to the point where they are at risk for hypothermia or putting food on the table, paying their bills or buying prescription drugs.

Surely we can do better to help those who otherwise will truly suffer during the winter months.

I call upon all of our colleagues to join us in this amendment or surely it will be too late to help those who are going to be in dire straits this winter. Let us act now to provide the funding that is so sorely needed.

I thank the Chair.

Mr. BYRD. Mr. President, I have been around the Senate for a long time, and I have been serving West Virginia for a long time. I have seen many seasons in my time in this Senate, and I know that with each season comes its challenges. There is strength and beauty in West Virginia winters, but the impacts of recent hurricanes and other energy challenges will test our ability to meet our needs this coming season. These colder temperatures mean that West Virginians and Americans in many regions of this country will be struggling to heat their homes. I know, as winter approaches, many West Virginians will be faced with tough choices about whether to use their paychecks to heat their homes, to fill their cars with gasoline, or to buy winter clothes for their children. I sympathize with those who have to make these tough choices, and these hard-working Americans deserve some measure of relief.

I strongly support the Reed/Collins amendment. We need to fully fund the Low Income Home Energy Assistance Program, LIHEAP. This program is critical for those in my State and across the country who will be facing a tough winter. Colder winter months, coupled with the simultaneous challenges of an increase in poverty, a growing elderly population, and ever-increasing home heating costs, will make this program crucial. The LIHEAP program fills the gap for the poorest and most vulnerable of our citizens, allowing them the sanctuary of a warm home, something to which each and every American is entitled. More than 130,000 households benefit from this program in my State. Households, including many in West Virginia, that heat with natural gas are expected to pay an average of $350, or 48 percent, more for home heating this winter than last. This increase will leave many West Virginians even more vulnerable and forced to make tough choices.

Therefore, I support this amendment, as I have when it has been previously offered on other fiscal year 2006 Appropriations bills. I cannot stand by and let the throes of winter leave the most vulnerable in my State out in the cold, and I urge my colleagues to support it.

IRAQ

Mr. BYRD. Mr. President, press reports today indicate that the number of American troops killed in Iraq has now reached 2,000—2,000. This is another tragic milestone in this costly and unnecessary war in which too much blood—too much blood, too much blood—has already been spilled. And I offer my deepest sympathies to the brave men and women who have given their lives—that is everything. They have given their lives. They have given their all, everything, their lives—most of these young lives in their 20s or thereabouts—given their lives in selfless dedication to service—2,000—2,000 men and women given their lives in dedication to our Nation. See the empty chairs. Two thousand, 2,000 empty chairs at the table, 2,000. How many hearts have been broken? How many tears have been spilled? I offer to these families my prayers that God, almighty God, may comfort them in their grief over the loss of their beloved husbands, wives, sons or daughters, brothers or sisters.

As we mourn the losses that have already occurred in the war in Iraq, Americans should be mindful that all indications are that there will be many more losses to come—many more losses to come, yes, in the most dangerous, the most dangerous country in the world, the most violent country in the world. How would you like your sons or grandsons or granddaughters to go? And for what? For what? They did not ask to be sent to war. They were young. They had life ahead of them. Oh, the lofty horizons they had, the great dreams they had—the dreams, the dreams, yes, the dreams, of these young men and women—2,000—2,000—2,000. They did not ask to be sent to war, I say.

But each day they carry out their duty. Think of those who are in Iraq. No, they must not stand still in one place, no. Keep on the move. Look all around you. How much they sleep at night and how much their mothers and fathers lie on their pillows to cry out to God to save their sons and daughters, to send them home safely. What a terrible thing.

It is only reasonable that the American people and their elected representatives, like you—like you, yes, and like me—ask more questions, questions, more questions, yes. Why? Oh, why? Why? Why? How much longer, how long do we have to suffer? How long do our young people have to look forward to this dreadful trap?

I was alarmed last week when Secretary of State Condoleezza Rice was asked at a hearing of the Senate Foreign Relations Committee about the President's ability to initiate another war. Specifically, Secretary Rice was asked whether the President must seek a new congressional authorization if he were to attack Syria or Iran. Secretary Rice responded:

> I don't want to try and circumscribe Presidential war powers.

How about that.

> I don't want to try and circumscribe Presidential war powers. And I think you'll understand fully that the President retains those powers in the war on terrorism and in the war on Iraq.

I am astounded, I am flabbergasted, I am astonished by that response. The Secretary of State seems to indicate that she believes this President or any other President has the power to redefine the war in Iraq and the war on terrorism—and that power that appears in the Constitution of the United States: Congress shall have power to declare war—has the power to redefine the war in Iraq and the war on terrorism to include a possible attack on Syria or Iran.

Think of it. Mr. President, Congress made a grave mistake, Congress made a grave mistake—what a blot on the escutcheon of the Senate—when it voted to pass the resolution which transferred to the President the power to declare war against Iraq. What a shame. What a shame. What a mistake. Oh, my, what a mistake. What a mistake. What a shame. And this Senate for the most part stood mute—mute, mute, silent, speechless.

Congress made a grave mistake on October 11, 2002, in passing the resolution that transferred to the President, any President, the power—how about that, the power—that is not what this Constitution says. This Constitution, which I hold in my hand, says that Congress—that is us, the people's representatives, here and across on the other side of the Capitol—Congress shall have power to declare war. But what did Congress do? Congress shifted that power to declare war, tucked its tail between its legs, so to speak, and walked off the field, threw its sword in the sand and walked off the field, relegated itself then, now, and forever more, until that law is changed, rendered itself speechless. We wash our hands, Congress washed its hands. Congress washed its hands and walked away from that field, with its broken sword in the sand, transferring to the President the power to declare war against Iraq. And for what? For what? Why did we go there? Well, there are all kinds of reasons now they bring but then it was because there were to be found weapons of mass destruction.

Mr. Rumsfeld said: Oh, we know where they are; they are in the north, they are in the south, the east and west. We know where they are.

Well, where are they, Mr. Secretary? Where are they? Where are they? Two thousand men and women, one for every year that has passed since Jesus Christ was born—2,000, 2,000. And for what?

But that resolution was limited to Iraq alone. It had no mention of Iran, no mention of Syria. That resolution cannot possibly authorize a new war against Syria or Iran. Our troops are so deeply mired in this sectarian conflict in Iraq, what point could there possibly be in contemplating an attack on Syria or Iran? Why did Secretary Rice dismiss the notion that the President must first come to Congress if he wishes to broaden this war to new countries—unless our country is under the direct threat of an imminent attack. Then a President has the inherent constitutional power to move to war.

The American people seek an end, they seek an end, they want an end to this ongoing bloody war in Iraq, not new conflicts in neighboring countries.

For the sake of the Constitution—here it is in my hand—for the sake of the Constitution, for the sake of the American people—there they are. I see them out there through those electronic lenses. Yes, there they are, out into the mountains, the Appalachians, then the Midwest, then the Rockies, then the west coast. They are all over there, the American people—and for the brave members of the U.S. Armed Forces, the President should publicly acknowledge that there will be no expansion of the war in Iraq, none, no expansion, without the authorization of Congress. That is us. That is us, Members of the House and Senate. Not one man, not one body. Two bodies, the House and the Senate, the Congress of the United States.

There must be no more mission creep. There must be no more billions committed. There must be no more lives lost without authorization by the people's representatives in Congress, including an open debate and an up-or-down vote. That is what I pleaded for. That is what some of us pleaded for. That is what some of us pleaded for—debate, time, talk, wait, wait until after the election; let's hear what the people have to say and then come back and talk about it. No, it had to be done in a hurry; we have to get it behind us.

The Senator from Massachusetts and the Senator from New Jersey and the Senator from Rhode Island and others said: Wait a minute, let's talk about it; let's wait until after the election; we don't have to do it now; let's wait, wait, wait; let's talk about it. No, we were told, get it behind us, get it behind us. I said you will never get it behind us. This man down at the White House is not going to let it get behind us. He has you right where he wants you.

Mr. KENNEDY. Mr. President, will the Senator yield on that point?

Mr. BYRD. Yes. I will be glad to yield for a question.

Mr. KENNEDY. Mr. President. I thank the Senator for addressing the Senate on this very grim day that marks the loss of the 2,000th young American in Iraq. I welcome my memory being refreshed by the Senator's very eloquent statements about what took place at that time and subsequently about his policy differences, which I share so deeply.

While the Senator said we should wait, does the Senator not think it might have been appropriate that we give the inspectors adequate time to complete their inspection prior to the time we were going to have the troops begin the invasion?

As members of the Armed Services Committee, we were told that we were transferring the information Don Rumsfeld had to the inspectors. Under the excellent questioning of the Senator from Michigan, Mr. LEVIN, Secretary Rumsfeld was asked about the information that would be transferred to the inspectors, and he gave the assurance to the Armed Services Committee that this was a continuing, ongoing process in which we were involved. Then we found out subsequently that there was no transfer of information. There was no transfer of information because, as the Senator has pointed out, those weapons had not been there. But that information was never shared with the Members of this body. There was never an effort to try to see whether the international inspectors could find what the Secretary of Defense swore to, effectively, about the weapons of mass destruction—and the Senator used the words north, south, east, and west, which are very much the words the Secretary of Defense used. He assured the American people he knew where they were.

Mr. BYRD. Yes.

Mr. KENNEDY. We understood they were going to notify the inspectors and give assurances to the American people. Doesn't the Senator believe it would have been appropriate at least if we had waited until that kind of process continued and we find out whether weapons of mass destruction were there or were not there? That is part of the waiting, is it not?

Mr. BYRD. Absolutely, positively.

Mr. KENNEDY. I thank the Senator for reminding us about that period in history. I gather from what the Senator is saying, with all the mistakes and blunders that have been made—

Mr. BYRD. Yes.

Mr. KENNEDY. —what the Senator is asking for is out of respect for the extraordinary heroism of our current men and women in the service, that they deserve something better than the cliches and slogans for policy.

Mr. BYRD. Yes.

Mr. KENNEDY. And that they need to have a real policy that is going to reflect how we can bring those brave American service men and women home with honor.

Mr. BYRD. Yes.

Mr. KENNEDY. And do it in a way of which we can all be proud.

Mr. BYRD. Yes, yes. I thank the distinguished Senator for his very appropriate observations. The U.N. inspectors were doing their job. They were finding certain weapons, and they were disposing of them. With some more time—I believe it was the top inspector, his name was Blix—he said: We can do this job; it may take some months. We could have done that and saved 2,000 men and women. Oh, what a shame. The inspectors were doing their job.

Let me hurry on. Too many lives have already been lost.

Mr. KENNEDY. Will the Senator yield? I don't want to interrupt his comments here, they are so important, but has the Senator, in his following of this issue, been able to detect any plan, any strategy that has come from the administration from which he believes the American people can gain great satisfaction that we are headed in the right direction? Does he know of any plan or program, any strategy that would result in the opportunity to bring those service men and women home with honor?

Mr. BYRD. There has been none. There is none. There has been none. I see only a huge black hole. No plan. No plan. No plan. No vision. We are there with no vision, and people perish and they perish.

Too many lives have already been lost in pursuit of this nefarious doctrine of preemption, unconstitutional on its face—on its face. How can there be a congressional debate if one man may decide when to hit, where to hit? I urge the administration to turn away from that dangerous doctrine of preemptive war and adhere to the requirements of the Constitution of these United States, to which we all swear an oath to support and defend the Constitution of the United States against all enemies foreign and domestic. Lord, Lord, help us. May God bless these men and women who gave their lives, and God bless their families who mourn them every day, every night, and there is no end in sight. May God help this Nation.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. COLEMAN). The Senator from Rhode Island.

AMENDMENT NO. 2194, AS MODIFIED

Mr. REED. Mr. President, I ask unanimous consent to modify my amendment No. 2194. I am told I do not need consent.

The PRESIDING OFFICER. The amendment is so modified.

The amendment, with its modification, is as follows:

On page 158, after line 12, insert:

In addition to amounts appropriated under the preceding sentence, for making payments under title XXVI of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C.

8621 et seq.), $2,920,000,000, which amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Mr. REED. Mr. President, I ask unanimous consent to add Senator BYRD to amendment No. 2194.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I believe the amendment which has been offered by the Senator from Rhode Island and the Senator from Maine is one of necessity. It is regrettable that fuel costs have grown so high, occasioned by a great many factors, one of which is what has happened with Hurricane Katrina and the elevation of oil, the elevation of natural gas prices.

This issue of low-income home energy assistance, LIHEAP, has been a difficult matter for this subcommittee for the 24 years I have been on the subcommittee because it poses such a drastic alternative for so many people. The comment "heat or eat" is a very accurate one. That really is the choice for so many, especially the elderly. I have supported funding for LIHEAP in the past, and I believe it is accurately characterized as an emergency.

I say that recognizing the very heavy, burdensome obligations the Federal Government has and that spending is a very major issue. But when it comes down to the exigencies of this moment where we have appropriated so much money to help the victims of Hurricane Katrina, we are talking about brothers and sisters of those victims of people who live in Rhode Island or New Hampshire or Maine or Pennsylvania or so many States in the Union. So I will be supporting the amendment Senator REED and Senator COLLINS have offered.

I have been advised that there will be an alternative amendment put forward to have an across-the-board cut. I do not think that is the better answer to the issue, but I wanted to put that on the record so that if we move ahead with the yeas and nays, we will hold off on the vote perhaps to vote on them side by side, if there is not a second-degree amendment. We will see what we sort out on procedure.

I thought it important as manager on this side that I make this statement which I have. I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I know we are going to pause at 3:40 p.m. My friend and colleague from New Jersey has an important statement, but he is letting me proceed.

Winter is rapidly closing in on States across America. Yet even after Hurricane Katrina shocked the Nation about the desperate plight of the poor, the administration and the Republican Congress continue to ignore our neediest citizens.

According to the Energy Information Administration, home heating bills will soar this winter. Households heating primarily with natural gas will pay an average of $350 more this winter for heat—an increase of an incredible 48 percent over last year. Those relying primarily on oil for heat will pay $378 more—an increase of 32 percent.

The people most in need of help on this issue are the 37 million Americans living in poverty today—including 13 million children. According to a recent report by Economic Opportunity Studies, families in poverty will owe an average of 25 percent of their entire income for their energy bills this winter.

The Federal poverty guideline is $16,090 for a family of three. That means that $4,022 will be spent on home energy bills, leaving only 12,000 or $1,000 a month for expenses the entire year.

A family whose rent is $800 a month would have only $200 left. For a household of three, that's only $63 per person per month for food, clothing, and health care.

Mr. President, 46 million Americans lack health insurance in this country. If such families have a health emergency and no health insurance, their annual income could be further strapped.

What if the family owns a car so they can get to and from work? More money will be needed to pay the high cost of gasoline and to make monthly car and insurance payments.

Since many families live below the Federal poverty line, they will have even less money left for other needs after they pay to heat their homes.

A recent study by researchers from Stanford University, the University of Chicago, the RAND Corporation, and UCLA found that when poor families' heating bills go up during cold winter months, they reduce their spending on food.

LIHEAP, the Low-Income Home Energy Assistance program, was created two decades ago to prevent low-income families from being forced to make these impossible tradeoffs. Yet Federal funding for LIHEAP has been stagnant for over a decade, even as the need for assistance has risen sharply. As a result, the purchasing power of LIHEAP assistance, adjusted for inflation, is now only a little over half of what it was in 1982.

Thirty-three million households are eligible for LIHEAP assistance. These households will spend nearly $55 billion in energy costs. Yet the LIHEAP program is funded at only $2 billion.

According to the National Energy Assistance Directors' Association, LIHEAP assistance reached 5 million families this year—the highest level in ten years, but only 15 percent of the eligible population.

In Massachusetts, LIHEAP serves 134,000 families, which is only 15 percent of the 867,000 families eligible for assistance.

Earlier this month, I visited the Curtis Hall Community Center in Boston, MA, with Mayor Menino. I heard first hand about the extreme need for home energy assistance among senior citizens.

Last winter, Eileen Duggan, a widow from Jamaica Plain in Boston, kept her oven on high and wore several layers of clothing because her time-worn furnace was inadequate to provide enough heat. She started buying less food so that she could use her small monthly budget to pay her heating bill. Despite her best efforts, she still couldn't pay that bill, and last April, with the New England winter chill still in the air, she asked the utility company to stop sending her oil. "I told the oil man: 'Don't give me any more. I can't afford it,'" she said.

Other low-income families have also been sharing their stories. One example involves a single mother who lives in Haverhill, MA, with her 18-year-old son who is handicapped, her 19-year-old daughter, and her daughter's child who has a medical condition. Both mother and daughter work as school bus monitors, and they have little or no income over the summer. Their rent is $950 a month. Their last gas bill was $1,729. Because they couldn't pay the bill, their gas was shut off last winter. Even if they qualify for $600 in LIHEAP assistance, the gas company may still refuse to reconnect their service, unless the family comes up with another $400 to $800 towards their debt.

Millions of low-income Americans set their thermostats at just 60 degrees or even lower—if their heat is still on—while Congress, the administration, and the vast majority of us rest content in warm homes. Yet the Bush administration and the Republican Congress do nothing year after year.

Time and time again I have stood on the Senate floor urging Congress to open its eyes to the needs of the poor.

It is shameful that after the President and the Republican Congress froze LIHEAP funds through the continuing resolution, they continue to tune out the pleas of low-income families who need home heating assistance.

Last week, the Republican leadership decided to use a procedural maneuver once again to block emergency funding for LIHEAP. Almost every Democratic Senator supported this additional relief, but Republican Senators overwhelmingly opposed it, and it was defeated.

There is no excuse for the Republican majority to look the other way—but they do. They continue to ignore families who lie awake at night worrying how to make ends meet. They refuse to acknowledge the parents who worry, day after day, week after week, month after month, how to feed their children and keep the heat on, or the elderly who turn down their thermostats, put on extra sweaters, or even turn off the heat in an attempt to save money.

It is time to tell low-income families across the country that we hear them, that we care about them, and that we don't intend to leave them shivering in the cold again this winter. That is why I strongly support the Reed-Collins amendment to add $2.9 billion to the LIHEAP program. We need to increase LIHEAP funding now to avoid real harm to real people this winter, and I urge my colleagues to support this amendment.

I urge our colleagues to listen to our colleagues not only from New England, from the Northeast, but other parts of the country in urging favorable consideration of this amendment. I join them in saying I have seen the faces of too many senior citizens, too many elderly people who are on fixed incomes. I have seen their fear about what is going to happen in their homes and the hard, difficult choices they are going to have to make this winter unless we provide this assistance. This assistance is desperately needed for our region of the country. It is Katrina in a very real way. Like Katrina, it is an emergency in terms of heating homes. I hope we can get favorable consideration of the amendment.

The PRESIDING OFFICER. The Senator from New Jersey.

IRAQ

Mr. LAUTENBERG. Mr. President, this is a grim moment for America: 2,000 of our young courageous people have perished in Iraq—2,000. From the years 1961 to 1965—those are the years in Vietnam—we got over 2,000 death notices sent to homes across the country. There is a lot of pain across the country, yes, for those who lost loved ones, but across this Nation of ours people are wondering what is it, when do we get to see our people coming back home, because it certainly does not have the appearance of a matter resolved.

I have often thought that some memorial should be present in this body as these casualty numbers are reported. But as we were denied the opportunity to have some reminders of this catastrophe displayed in the Rotunda or a busier place, I decided to put a memorial to those lost in Iraq at the front door to my office. I have been overwhelmed by the interest shown by passers-by.

We have their pictures up there and their names and the communities they come from. There are more numbers coming. We update the list regularly, the pictures regularly. Every casualty is a life cut short, families torn apart. Outside my office we have this memorial to the fallen heroes. You look at those faces and see how young are the people who died.

When I started the Senate memorial I hoped major combat would soon be over and our casualties would be minimal or eliminated, but major combat has dragged on and the memorial display unfortunately has grown and grown. It has gotten to the point where the memorial takes up most of the space outside my office. I encourage my colleagues to visit these memorials. There is one in the Longworth House Office Building in front of the office of Representatives RAHM EMANUEL and WALTER JONES. I encourage my colleagues to visit these memorials and pay tribute to these troops.

As we reach this grim milestone today, it is critical that we examine the situation we are facing in Iraq. The President made a speech today. We heard it on TV. He basically said let's keep on doing what we are doing. We heard the usual rhetoric about spreading freedom.

I do not think we need any more slogans. I remember the President's slogan on the aircraft carrier when he said, "Mission accomplished." Mission accomplished? The President declared that major combat operations were over. This was in May 2003. Since then we have lost 1,855 of our people.

As the debacle on the aircraft carrier proved, slogans are only as good as the banners they are written on. But we don't need more slogans. We need a plan. We need a plan that will provide relief to our troops so they are not shouldering all of the burdens in Iraq. The President and his team ignored the wise advice of the State Department and alienated our usual allies before the war, and did it with incredible arrogance and ineptitude.

Last year, President Bush scolded my colleague Senator KERRY, while debating this issue, alleging that Senator KERRY forgot—I put this in quotes—"forgot Poland." But even Poland is pulling out of Iraq now. With the exception of British troops in Basra, we are essentially going it alone across the rest of Iraq. As our troops go it alone, they have to live with President Bush's taunt to our enemies when he said: "Bring 'em on. Bring 'em on."

Mr. President, have they sufficiently brought them on? That was said in July of 2003.

What the troops on the ground need is less talk and more of a plan that defines our specific goals. They want to know exactly how many Iraqi troops need to be trained before our soldiers can begin to come home. We hear stories about these trained battalions, trained units that are made up of Iraqi soldiers. But when you get the other side, people who have knowledge from the front, they tell us there are far fewer Iraqis trained than are presented to us from the administration.

What we hear from President Bush over and over again is that we need to complete the mission. But we are not told what the mission is.

Today, I hope every American will pause and reflect on the price that has been paid by our very brave service people. Their courage is above question—but the administration's policy in Iraq is not. The American people have a right and a duty to demand answers from our Government. Our troops deserve nothing less. Every flag-draped coffin represents a family who will never again share a moment with their spouse, with their child, sibling, friend.

It was very telling, early on in this conflict, when the administration banned the photography of flag-draped coffins coming back to our shores from Iraq. Imagine banning that demonstration of honor and tribute—a flag-draped coffin, based upon the fact that it might disturb the privacy of the family while they greet the coffin. Families don't come to Dover, DE, where the coffins are carried off the airplanes. There is a mortuary where remains are often identified and moments of privacy provided for the families. But they banned these tributes to heroes who served our country. The administration argued about the privacy matter. It is a red herring. Of course the funerals are private. But at issue was the return of these caskets to Dover Air Force Base.

Why do I talk about it? Because it is an attempt to hide the real pain and sacrifice that is being made in this war in Iraq. They do not want the American people to see flag-draped coffin after flag-draped coffin because it reminds us about what is taking place.

Presidents Reagan and Clinton publicly met flag-draped coffins on the tarmac at Dover. But under this President we cannot even take pictures of them.

We should honor, not hide, flag-draped coffins. They are a symbol of the respect, honor, and dignity our fallen heroes deserve. Today we honor the 2,000 heroes who sacrificed their lives for our country.

I urge the President to pay tribute to their memory by offering this country a concise, realistic plan that will allow us finally to transfer power to Iraqis and bring our troops home.

I yield the floor.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. Mr. President, I know the chairman is eager to make further progress on the underlying bill, and therefore we will be brief.

A number of Senators have come to the floor over the course of today to express their thoughts or feelings or emotions or sympathies for the families of the over 2,000 military dead in Operation Iraqi Freedom.

At this point, I ask the Senate now proceed to a moment of silence in honor of our fallen soldiers.

The PRESIDING OFFICER. The Senate will now proceed to a moment of silence in honor of our fallen soldiers.

(Moment of silence.)

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, today U.S. military deaths in Operation Iraqi Freedom surpassed 2,000. These brave men and women in uniform sacrificed their lives for the cause of freedom and for the security of their fellow Americans. We owe them a deep debt of gratitude for their courage, for their valor, for their strength, for their commitment to our country. They heard the call of duty and they took the fight to the enemy so that the enemy would not strike us here at home. These brave men and women join a pantheon of heroes who have fought and died over the years for our country.

Because of their determination, Saddam Hussein now faces a trial for his life; because of their resolve, the Iraqi people are exercising their right to self-rule. And today, because of their bravery, today Iraq has a new constitution, a historic milestone on the march toward freedom and the fight against terror.

Our hearts do go out to all the families who have lost loved ones on the battlefield as well as the thousands of men and women who have been injured. Their valor, their courage are a shining example to all. We owe them our deepest respect. We offer our continued support and our continued prayers. We pledge to stand firm in the war on terror. We will accomplish the mission to secure a free and prosperous Iraq and, in turn, secure the freedom and safety of America.

We will persevere and we will win—for our heroes in uniform; for the United States of America.

The PRESIDING OFFICER. The Democratic leader.

Mr. REID. Mr. President, this is a solemn occasion, to have the Senate stand in silence in respect for the sacrifices made by the fighting men and women of this country. Our thoughts go out, not only to the lives of these individuals but to their families. This is only a small token of what we can do to recognize the sacrifices they have made, leaving behind their sons and daughters, the husbands and wives and friends. We all have been touched by the deaths of these 2,000 in one way or the other.

It is my prayer that the sacrifices made will prove to have been warranted.

I am grateful to my colleagues for being here today on both sides of the aisle, and I am grateful to Senator FRIST who has joined in this moment of silence. It is something that I will remember, and I hope we all do.

Mr. KENNEDY. Mr. President, as of today, 2,000 American soldiers have been killed in combat in Iraq.

Since last January's election in Iraq, we have lost 565 American soldiers; 74 of those soldiers have been killed in October—an average of three a day. An additional 15,220 have been wounded, and more than 7,000 of whom were unable to return to combat.

The youngest of America's fallen soldiers was just 18. The oldest was 59. Nearly three quarters had not even celebrated their 30th birthday. They came from every State in the Nation. This includes 38 soldiers from my own State of Massachusetts.

They are the best of America, and we are proud of each one. Although I disagree with the President about Iraq, I honor the service and sacrifice and dedication of each of these brave men and women.

Our Armed Forces are serving ably in Iraq under enormously difficult circumstances and the policy of our Government must be worthy of their sacrifice. Unfortunately, it is not, and the American people know it.

Our soldiers in Iraq need more than happy talk about progress from the President. They need more than a public relations campaign.

They need an effective plan to end the violence, and stabilize Iraq, so they can come home with dignity and honor.

Reality is hard medicine to swallow. Facts are stubborn. As the Valerie Plame case makes increasingly clear, the administration stopped at nothing to cover up its misguided and dishonest decision to go to war, and our servicemen and women, their families, and friends are paying an unacceptable price. They deserve better—much better from their President and so does the Nation.

It was wrong for the President to rush to war for such a deeply questionable cause. President Bush once said that the war in Iraq was a catastrophic success. He's half right in one sense. The war has been a catastrophe—for our soldiers and their families, for the war on terrorism, and for America's standing in the world. It has made the United States more hated in the world than at any other time in our history.

Beyond the cost in human lives and to our national security, there has been an enormous financial cost.

American taxpayers are spending $195 million each day in Iraq.

For the cost of fighting the war in Iraq for one day, we could make significant improvements in homeland security.

We could provide 4 million American households with emergency readiness kits. We could close the crisis communications technology gap for 41 small cities, 36 mid-sized cities, or 6 large cities, so that Federal, State and local first responders can talk to one another during an emergency.

We could purchase 780 fire trucks for improving local emergency response capabilities, and we could employ 5,000 fire fighters, 4,000 police patrol officers, or 7,000 paramedics and emergency medical technicians for one year each.

For the cost of fighting the war in Iraq one day, we could double the Federal budget for nuclear reactor safety and security inspections to ensure that these potential terrorist targets are adequately protected.

We could pay for 1,100 additional border patrol agents to better guard our borders against potential terrorists.

We could provide 9,700 port container inspection units to detect hazardous materials being trafficked into the country.

Obviously, the $195 million a day we spend in Iraq could be better spent on the all-important areas of jobs, education, and health care, which the Senate is debating today. Instead of spending those funds in Iraq, we could spend them on better teachers, better financial aid for college students, better health care for families, and countless other priorities whose budgets are being cut back because of Iraq. I ask unanimous consent that a document I've prepared outlining the various ways $195 million dollars a day could be spent on pressing priorities at home be printed in the RECORD.

Instead of covering up mistakes in Iraq, it is time for the President to admit them, to adopt an effective strategy to end this war and begin to bring our troops home, and to stop ignoring the very real priorities facing the Nation and the many many challenges facing us at home and abroad.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE REAL COST OF THE IRAQ WAR TO AMERICAN TAXPAYERS—$195 MILLION PER DAY

For the cost of fighting the war in Iraq for one day, we could . . .

HOMELAND SECURITY

One day in Iraq could provide 3.97 million households with an emergency readiness kit.

One day in Iraq could close the financing gap for interoperable communications in 41 small cities, 36 mid-sized cities, or 6 large cities so that Federal, State and local first responders can talk to one another during an emergency.

One day in Iraq could purchase 780 fire trucks for improving local emergency response capabilities.

One day in Iraq could employ 4,919 fire fighters, 4,222 police patrol officers, or 7,052 paramedics and emergency medical technicians for one year each.

One day in Iraq could double the Federal budget for nuclear reactor safety and security inspections to ensure that these potential terrorist targets are adequately protected.

One day in Iraq could pay for 1,101 additional border patrol agents to better guard our borders against potential terrorists.

One day in Iraq could provide 9,750 port container inspection units to detect hazardous materials being trafficked into the country.

One day in Iraq could provide 1,332 explosive trace detection portals for airport screening of passengers, as recommended by the 9/11 Commission.

One day in Iraq could provide 6,290 local law enforcement agencies with a bomb-detecting robot.

One day in Iraq could provide 4,875 narcotics vapor and particle detectors.

EDUCATION

One day in Iraq could cover the full cost of attendance for one year at a public college for more than 17,100 students.

One day in Iraq could provide more than 79,000 needy college students with a Pell grant.

One day in Iraq could enroll 27,000 more children in Head Start.

One day in Iraq could employ 4,269 elementary school teachers or 4,027 secondary school teachers for one year.

HEALTH CARE

One day in Iraq could provide health insurance coverage to 344,500 working Americans to give them a break from the rising cost of coverage.

One day in Iraq could provide health insurance coverage for one year to 380,900 uninsured children in America.

One day in Iraq could employ 3,597 additional registered nurses for one year.

One day in Iraq could immunize every person over 65 in the U.S. against influenza 4.6 times over.

One day in Iraq could immunize every baby born in the U.S. last year against measles, mumps, and rubella 14.2 times.

LABOR

One day in Iraq could provide unemployment benefits for almost 722,000 unemployed Americans for one week.

One day in Iraq could fund Social Security retirement benefits for one day for over 6.75 million Americans.

One day in Iraq could provide comprehensive safety and health training to 121,875 workers.

One day in Iraq could pay for an increase of $3.34 per hour in the wages of every minimum wage worker in the country.

One day in Iraq could provide paid sick leave to half a million workers for an entire year.

BASIC NEEDS

One day in Iraq could buy 71.55 million gallons of unleaded regular gasoline.

One day in Iraq could pay for one year's gasoline consumption for 97,500 Americans, even at today's elevated prices.

One day in Iraq could buy 63.1 million gallons of fortified whole milk.

One day in Iraq could buy 166.6 million cartons of large Grade A Eggs sold by the dozen.

INTERNATIONAL

One day in Iraq is equivalent to half of the Gross Domestic Product (GDP) of the country of East Timor.

One day in Iraq could feed all of the starving children in the world today almost four and a half times over.

One day in Iraq could vaccinate three-quarters of the children in Africa for measles and give millions a lifetime protection from the disease.

One day in Iraq could build 5,571 AIDS clinics in Africa.

One day in Iraq could provide 650,000 women in Africa living with HIV/AIDS antiretroviral treatment for one year to extend their lives and improve the lives of their children.

One day in Iraq could provide one third of the aid needed for earthquake relief for the four million people affected in South Asia.

Mrs. BOXER. Mr. President, today is a very somber day. The U.S. military death toll reached 2,000 in Iraq, a figure that I—and every American—hoped we would never reach. Our hearts go out to the families and friends of those who have lost loved ones.

I pray for these young Americans, may they rest in peace; and I pray for their families, may they heal.

Let us honor their lives and their memory.

And let us honor the lives of those who continue to serve by developing a credible plan for Iraq. It is time for this administration to level with the American people and provide a strategy for success.

As the current investigation into the leak of CIA agent Valerie Plame reminds us, this administration took us to war on false intelligence, misstatements, and exaggerations.

This administration told the American people that we had no other option but to go to war because the regime of Saddam Hussein posed a threat to the security of the United States. However, no weapons of mass destruction have been found, and there was no serious link between Iraq and al-Qaida.

The administration also provided rosy scenarios and false expectations about how the United States would be greeted as liberators in Iraq and how the war would be brief. In fact, Secretary of Defense Donald Rumsfeld actually said in February 2003 that the war "could last six days, six weeks. I doubt six months."

Yet here we are. 2½ years later, lamenting the death of the 2,000th soldier in Iraq. Of those 2,000 soldiers, 464 of these soldiers were either from California or based in California.

Even as attacks on American soldiers continue, the administration refuses to level with the American people. In May 2005, Vice President CHENEY proclaimed that: "I think the level of activity that we see today in Iraq from a military standpoint, I think will clearly decline. I think they're in the last throes, if you will, of the insurgency."

Since that day—since Vice President CHENEY told us that violence was coming to an end in Iraq—more than 300 Americans have lost their lives. And the violence continues to escalate.

Today we do not just lament the strategic disaster in Iraq, the loss of U.S. credibility around the world, and the overwhelming costs to the American taxpayer. Above all, we mourn the tragic deaths of 2,000 young Americans.

These men and women voluntarily put their lives on the line to defend us when they put on the uniform of the United States Armed Forces. They put their trust in the Government that we would only send them to war if there was no other recourse.

In rushing to war, in twisting and revising the case for war, and in failing to plan for the aftermath of the war, this administration broke the trust with these young men and women at a catastrophic cost.

These 2,000 young men and women have sons and daughters, husbands and wives, mothers and fathers, friends and extended family, all of whose lives have been forever changed by the consequences of this reckless war.

Today, let us remember these 2,000 brave Americans. Let us honor their lives and their memory by bringing this war to an end.

Ms. MIKULSKI. Mr. President, we have reached a milestone in Iraq. Two thousand U.S. servicemembers have been killed, including 42 Marylanders. We must not talk about this in terms of just numbers and statistics. Each individual has left behind a legacy, a unique life story.

Today, I want to pause to remember five young men from Maryland who died in Iraq in the last 10 days: Army SGT Brian R. Conner, Army SPC Samuel M. Boswell, Army SPC Bernard L. Ceo, Marine LCpl Norman W. Anderson, III, and Army SPC Kendell K. Frederick. Our condolences go out to their families, as well as our gratitude and our appreciation for these brave young men. To honor those who have died, we must remember the way they lived. Let me tell you about them:

SGT Brian R. Conner of Gwynn Oak, MD was just 36 years old. He was a member of the Maryland National Guard's 243rd Engineer Company, in Baltimore. Sergeant Conner was one of three Army National Guardsmen killed October 14 in an accident northwest of Baghdad. A tractor trailer struck their humvee, setting it on fire and detonating ammunition aboard. Sergeant Conner was a lieutenant in Baltimore Fire Department, having joined in 1993. He had served in the Maryland National Guard since June 1989. Sergeant Conner leaves behind three daughters, ages 10, 15, and 21, and his beloved 3-year-old grandson. He is survived by his mother Hortense Connor, his brother Paul Edwards, and sister Cherice Conner Davis. He is also mourned by his brothers and sisters in the Baltimore Fire Department. One family friend said of Sergeant Conner: "Brian was not only a great man who accomplished many of his dreams—he was someone loved and cared for. His values will live on." May God bless Brian Conner.

SPC Samuel M. Boswell of Elkridge, MD, was 20 years old. He was also in the Army National Guard, killed in the same accident that took Sergeant Conner's life. Specialist Boswell joined the National Guard in June 2003, right after graduating from the technology magnet program at River Hill High School in Clarksville. He is mourned by his father, Anthony L. Boswell, and by his seven brothers and sisters. Describing his youngest brother, Michael Boswell said, "Sam was probably the happiest person you'll ever meet. He was always walking around with a smile on his face. . . . He always wanted to do things that would help other people whether he knew them or not." May God bless Sam Boswell.

SPC Bernard L. Ceo of Baltimore was 23 years old. He was the third member of Maryland's Army National Guard killed on October 14. Specialist Ceo enlisted in the Army in December 2001, joining the military to help pay for college. He dreamed of being a teacher, and when he wasn't serving with the Guard, he worked with students with special needs at Kennedy Krieger High School Career and Technology Center. Specialist Ceo was carrying on a proud family tradition of military service: his father and several uncles served in Vietnam. He leaves behind his parents Rosemarie and Fred Ceo, fiancee Dajae Overton, and her two young children, whom he was raising as his own. Specialist Ceo's coworker said, "He was a thoughtful, introspective young guy. He would have been an excellent teacher." May God bless Bernie Ceo.

Marine LCpl Norman W. Anderson, III, from Parkton, MD, was 21 years old. He served with the U.S. Marines' 3rd Battalion, 6th Marine Regiment, 2nd Marine Division, based at Camp Lejeune, NC. Lance Corporal Anderson was killed by a suicide car bomb on October 19 in Karabilah, near the Syrian border. He was a 2002 graduate of Hereford High School, where he was a running back on the football team. He joined the Marines in December 2003, and had already served one tour in Afghanistan. He is survived by his wife Victoria Anderson, his parents, Robyn and Norman, and his sister Brooke. The last time he was home he told his mother that, if he was killed in Iraq, she should know that he died doing what he wanted to do. May God bless Norman Anderson.

Army SPC Kendell K. Frederick, from Randallstown, MD, was 21 years old. He was an Army reservist, assigned to 983rd Engineer Battalion, in Monclova, OH, where he served as a mechanic who worked on power generators. Specialist Frederick was killed outside Tikrit when a roadside bomb detonated near the vehicle he was driving. He was a 2004 graduate of Randallstown High School. Specialist Frederick leaves behind his parents, Michelle Murphy and Peter Ramsahai, his stepfather Kenmore Murphy, and two sisters and one brother. May God bless our Kendell.

Mr. President, similar stories are being told in every community, across the Nation. Stories about volunteers who left behind friends and family—in the case of guardsmen and reservists, they also left behind jobs—to protect our country and help bring freedom to people of Iraq. We honor their service and sacrifice, not just with words, but with deeds.

First, we must support our troops, by ensuring they have the equipment they need to stay safe and accomplish their mission. Second, we need a workable plan to drawdown our troops. Today, there are 159,000 U.S. troops in Iraq. Our strategy for Iraq must be worthy of sacrifices they have made. We need to involve the international community more, getting help to seal Iraq's borders and keep out foreign fighters and terrorists. We used to be at war with Iraq, now we are at war in Iraq with insurgents.

We must also continue to support Iraqi political process. The constitution has been approved by more than 78 percent in an election that included 63 percent of Iraq's registered voters. Iraq can now move forward with parliamentary elections. We should continue to support their progress toward democracy. We need better progress rebuilding Iraq's military. Iraqis need to fight for Iraq. Our training program has been slow to start. We seem to be making progress, but not fast enough. We should let our allies help us in this effort. Finally, let's get that Iraqi oil going, so they can start to pay their own bills.

We need to see faster progress on all these things. When these things happen, we can begin to withdraw our troops in stages and bring them home. Our military men and women have sacrificed in Iraq. They honored our country by volunteering to serve. We must honor them with an effective plan to finish their work, and bring our troops home.

Mr. DURBIN. Mr. President, I ask unanimous consent that Senator MIKULSKI of Maryland be recognized for 10 minutes to speak and that I be allowed to follow her to speak for 10 minutes.

The PRESIDING OFFICER (Mr. MARTINEZ). Without objection, it is so ordered.

The Senator from Maryland.

Ms. MIKULSKI. Mr. President, today we reach a milestone in Iraq.

Two thousand U.S. service members were killed, including four Marylanders.

A few weeks from now we will be celebrating Thanksgiving. For 2,000 families, there will be forever and a day an empty chair.

The 2,000 members of our armed services who died, we cannot think about them in numbers and statistics. We in Maryland have lost 42 soldiers, and most recently we have lost 5 in just this last week alone. Each individual left behind a legacy, a unique story.

Today, as I come to the Senate floor, I wanted to remember the five young men who died in the last 10 days, tell you their names, and tell you a little bit about them. Army SGT Brian R. Conner, Army SPC Samuel M. Boswell, Army SPC Bernard L. Ceo, Marine LCpl Norman W. Anderson, III, Army SPC Kendell K. Frederick.

Our condolences go out to their families, as well as our gratitude and our appreciation for those who have died. To honor those who have died, we must remember the way they lived.

Let me just tell you about them. SGT Brian Connor was only 36, a member of the Maryland National Guard's 243rd Engineer Company. He was one of three Army National Guardsmen killed on October 14 northwest of Baghdad. Their humvee carrying munitions was set on fire and detonated. The ammunition exploded and all three died. Sergeant Conner, Specialist Boswell, and Specialist Ceo.

Sergeant Conner was a lieutenant in the Baltimore Fire Department. He joined in 1993. But he was a real star. He rose quickly through the ranks to become a lieutenant. The firehouse put his hat and his coat aside as a perpetual remembrance. He leaves behind three daughters, one 10, one 15, the other 21, and a grandson he loved so much.

A family friend said about Sergeant Conner:

> Brian was not only a great man who accomplished many of the dreams, he was someone who loved and cared for people. His values will live on.

God bless Brian Conner.

Then there is SPC Samuel Boswell from Elkridge, MD, another guy from the Army National Guard, killed in that same accident. He joined the Guard in 2003. He had just gotten out one of our technology magnet schools called River Hill High School in Clarksville. He was one of eight brothers and sisters. He joined the military because he wanted to have a future. He wanted a long career, and he wanted to follow the American dream while protecting the American homeland. Here is what Michael Boswell said about his brother:

> Sam was probably the happiest person you'll ever meet. He was always walking around with a smile on his face. He always wanted to do things that would help other people whether he knew them or not.

God bless you, Samuel Boswell.

Then there was Specialist Bernard L. Ceo, from Baltimore. He was just 23. He enlisted in the Army in December 2001 to help earn money for college. Specialist Ceo dreamed of being a teacher, and when he wasn't on duty as Guardsman, he worked with students with special needs at the Kennedy Krieger High School Career and Technology Center. He was carrying on a proud family tradition of military service—his father and several uncles had served in Vietnam. Specialist Ceo leaves behind his parents, Rosemarie and Fred, his fiancee Dajae Overton, and her two children, whom he was raising as his own. God bless you, Bernie Ceo.

Then there was Norman Anderson, III from Parkton, MD. He was a marine based in Camp Lejeune. He was killed on October 19. A suicide bomber killed him. He had just graduated in 2002 from Hereford High School, where he was a running back on the football team. Under the Friday Night Lights this week, they took his helmet and his sweatshirt and put them aside. The team gave him a salute. They really knew that Norman Anderson gave one for the Gipper and one for the United States of America. He joined the Marines in December 2003. He already served one tour in Afghanistan. He came back home and was recently married to a wonderful woman named Victoria. But he went back into the field one more time because he felt it was his duty. The last time he was home, he told his mother if he died she should know that he died doing what he wanted to do.

God bless Norman Anderson, III.

Then we come to Kendell K. Frederick, U.S. Army, only 21 years old, from Randallstown, MD. He was in an engineering battalion. He was a mechanic who worked with power generators. He wanted to do something for his country as wells as for himself. He graduated from one of our community high schools called Randallstown High School. He was killed outside Tikrit. A roadside bomb detonated near the vehicle he was driving. He leaves behind his parents, a stepfather, and other family members. He had two sisters and one brother. But he was willing to go into the military in order to be able to earn what he needed to earn to be able to go on to college.

All of Randallstown mourns our Kendell. We want to say to Kendell Frederick, God bless you.

Senators of the U.S. Senate, and to all who are watching, those are five Marylanders. Knowing they will never be back, we can never forget them. The best way for a grateful nation to honor them is to stand up for our troops. We need to make sure they have the right pay, that they have the right benefits, that they have the right equipment to protect themselves. We also need to have a workable plan to draw down our troops. Our strategy for Iraq must be worthy of the sacrifices our troops have made. The U.N. needs to get more involved in international burden sharing—in securing Iraq's borders. We need to continue supporting the Iraqi political process, and work with our allies to boost training for the Iraqi military. Iraqis want to fight for Iraq, and they should. Finally, let's get that Iraqi oil going, so they can pay their own bills. We need to see faster progress on all these things. When these things happen, we can begin to withdraw our troops and bring them home with the honor they have earned.

God bless our men and women in the U.S. military and all those who passed on. And wherever there is an empty chair, we should always fill it with our hearts and our remembrance.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, first let me thank Senator FRIST and Senator REID for this extraordinary occasion, for this bipartisan moment of silence.

Today, we learned that our Nation had crossed a tragic threshold: 2,000 American service men and women have now been killed in Iraq, and more than 15,000 of our sons and daughters have been injured and have suffered painful and permanent injuries.

All are equal in their tragedy. The 2,000th death is no more heartbreaking than the first or the 50th. But the enormity of this lost—of 2,000 of our best and bravest—breaks America's heart.

We have seen their pictures. When you look at the faces of the fallen, you are struck by several things.

First, you are overwhelmed by how young they are. Three hundred and fifty-seven of these men and women never saw their 21st birthday.

As a father, I cannot imagine a greater grief than losing a child so young.

When you see the photos of our fallen heroes, you are struck by the resolve in their faces. They were young but they had courage, a sense of duty and purpose to volunteer and defend America.

In a few cases, you are also struck by some of the faces that are quite old. The oldest American killed in Iraq was 60 years old. The faces look like America because they are America. Most were born here. Some were Americans and soldiers by choice.

These 2,000 of our best and bravest came from every State of the Union and from the Territories. Seventy-nine were from my home State of Illinois. Almost half of those killed were soldiers in the Army, but members of this saddest of all rollcalls came from every branch of the service.

About one in four of those killed were members of the National Guard and Reserve, one more measure of the enormous sacrifice that these branches of our service are making.

All of these fine men and women volunteered to serve their country. All 2,000 gave their lives in that service.

The great World War II correspondent, Ernie Pyle, wrote a book entitled "Brave Men." It is a collection of some of his best writing in the European theater. This is what he wrote in the dedication:

> In solemn salute to those thousands of our comrades—great, brave men that they were—for whom there will be no homecoming, ever.

It is right that we honor the sacrifices of the great, brave men and women we have lost in Iraq and the sacrifices of their families and loved ones.

But words alone are not enough. We owe our fallen soldiers and their families answers. We owe them accountability. We owe them leadership as brave as their service. America cannot allow our Nation to drift into a war without end in Iraq.

GEN John Abizaid, the Commander of U.S. Central Command, said recently that the key to military success in Iraq "is whether we can learn from our mistakes."

We owe it to those who have fallen, to their loved ones, and to those who are still in harm's way, to change course when needed.

Our troops adapt to changing tactical situations on the ground—and so, frankly, do our enemies. Political leaders in Washington must do no less.

Earlier this month, the people of Iraq voted on a constitution. In December they are scheduled to hold parliamentary elections, and then, we hope, a new government will take over that can lead Iraq forward.

These are important milestones. They should be milestones not only for the Iraqis but for our troops as well. Each step the Iraqis take toward the successful establishment of self-governance should bring our troops a step closer to home.

Today is not a day to cast blame or question past decisions. Today is a day to mourn our dead, to honor their service and to extend our most heartfelt thoughts and prayers to their families. But we cannot put off a debate over the best course for the future. Two thousand brave soldiers, sailors, airmen, and marines have given their lives for America. More than 15,000 have suffered devastating, life-changing wounds. Over 150,000 still stand in harm's way.

The choice we face in Iraq is not a choice between resolve or retreat. The men and women in our military and their loved ones deserve a clear path to stability in Iraq so they can come home as soon as humanly possible. We do not honor our fallen soldiers simply by adding to their numbers. At some moment today or very soon we will cross that sad threshold and begin the count toward another thousand lives.

The American people and every elected leader of both political parties owe it to our soldiers and their families to never allow this war in Iraq to drift and stall as lives are lost and bodies are broken. One more soldier's life lost in Iraq is one too many. The 2,000 funerals, 2,000 flag-draped coffins, 2,000 grieving families—America mourns the loss of these brave soldiers. America's leaders must redouble their efforts 2,000 times over to bring this war to an end.

I yield the floor.

The PRESIDING OFFICER. The minority leader.

Mr. REID. Mr. President, I want the majority leader to understand how much I appreciate his breaking up his schedule to come here to offer this unanimous consent request. I appreciate it very much.

As I indicated a short time ago, the solemnity of this occasion is significant. I want the record to reflect that we have reached, as has been said here several times today, regrettably, a milestone in Iraq; that is these 2,000 killed. Frankly, Mr. President, it is no longer 2,000. It is now 2,002.

There has been—and will continue to be—heated debate about our involvement in Iraq, about the flawed pre-war intelligence that some say existed, and it appears pretty certain at this time, the selling of the war by administration officials, the poor planning, and the ideologically driven attempt by the President and others to reshape the Middle East through the force of arms.

These debates will go on, and they should. That is what our country is all about. But today—right now this minute—I think it is appropriate to set the debate aside and reflect on this solemn mark that we have reached so that we can pay tribute to the heroic services and the sacrifice that each of these brave Americans made to our Nation.

A few months ago, I was able to travel along with a number of my colleagues to the Middle East where I spent time with scores of Nevadans serving in Iraq. Any one of us who traveled to the region meets with U.S. troops and comes back so impressed and so proud of the men and women who serve our country. Many are young, as Senator DURBIN has so graphically described, just out of high school, and this is their first time out of the country. Others are more senior, having served in the first Gulf war or in Afghanistan. Most were given short notice, year-long deployment, and were serving away from family, children, spouses, parents and friends.

The Nevada Guard unit that I spent time with was tasked with transporting critical supplies from Kuwait through Iraq and into Baghdad to support combat forces. These were dangerous missions, carried out with the real possibility of an attack by Iraqi insurgents.

I also met with some young Marines from Nevada who were assigned to protect U.S. facilities in the fortified Green Zone. Eager, enthusiastic, and with a great sense of spirit, these young men took pride in their duties, and we took great pride in them.

But there can be no question that the effort in Iraq has taken a huge toll on Americans, and on Nevadans.

So far, 13 Nevadans have died in this conflict. But the number 13 does not tell the whole story.

Let me take just a minute. I will be brief. But I would like to, as my dear friend, the junior Senator from Maryland, outlined, tell you just a little bit about these 13 Nevadans.

Marine LCpl Donald Cline, Jr., of Sparks as the first Nevada soldier to die in Iraq. During the initial invasion of Southern Iraq, LCpl Cline was killed in combat while assisting injured soldiers on March 23, 2003. He left behind a wife and two sons, Dakota and Dylan.

Marine 1LT Frederick Pokorney of Nye was killed in action on March 23, 2003. He left behind a wife and a 3-year old daughter. Lieutenant Pokorney was the first Marine from Operation Iraqi Freedom to be buried in Arlington National Cemetery.

Sgt Eric Morris of Sparks was only six weeks into his tour of duty when he was killed by a homemade bomb on April 28, 2005. He was awarded the Purple Heart and the Bronze Star for his bravery.

Marine Cpl William I. Salazar of Las Vegas was killed on October 15, 2004, in a suicide bomb attack. Corporal Salazar was the first Marine combat photographer to be killed in action in more than 35 years. He died on his father's birthday.

Marine PFC John Lukac of Las Vegas was killed on October 30, 2004, when his convoy was attacked. The son of immigrants who escaped Communist rule in Czechoslovakia, Private Lukac had been interested in joining the Marines since the age of 12.

LCpl Nicholas Anderson of Las Vegas died on November 12, 2004, when his Humvee crashed. It had only been one year since he graduated from Bonanza High School.

Army PFC Daniel Guastaferro of Las Vegas was determined to join the Army, despite suffering a snowboarding injury that left him with a steel plate in his arm. Private Guastaferro died on January 7, 2005, when his vehicle ran off the road. He was 27 years old.

Marine LCpl Richard A. Perez, Jr. of Las Vegas died in a truck accident on February 10, 2005. LCpl Perez enlisted in the Marines shortly after his graduation from Coronado High School and volunteered to go to Iraq. He died only 10 days before he was supposed to return home.

Cpl Stanley Lapinski died on June 11, 2005 from injuries sustained in a roadside explosion. After college, he worked at several jobs, finally winding up at the Bellagio Hotel in Las Vegas. September 11 prompted him to join the Army. The 37-year old was known in his unit as "Pops."

Marine Cpl Jesse Jaime of Henderson was killed on June 15, 2005 when the vehicle he was riding in hit an explosive device. The 22-year-old had followed his twin brother's footsteps by enlisting in the Marines.

Spc Anthony S. Cometa of Las Vegas was killed on June 16, 2005 when his Humvee flipped over. He was a member of the 1864th Transportation Company, which I met with when I visited Kuwait and Iraq. Specialist Cometa was the first Nevada Army National Guard soldier to die in Iraq. He died just one day after his 21st birthday.

2LT James J. Cathey of Reno was killed by a roadside bomb on August 21, 2005. After graduating from the University of Colorado in 2004, he headed to Quantico, VA, for officer training. Known as "Cat," Cathey and his wife had just found out they were going to have their first child before he left for Iraq.

Spc Joseph Martinez of Las Vegas was killed on August 27, 2005. He was killed in combat while serving his second tour of duty in Iraq. His mother said he always wanted to be a soldier.

To all of these Nevada families—and to the families of all 2,000 U.S. troops who have fallen in Iraq—our Nation will forever be in debt to you. Your sons and daughters are heroes, and their sacrifice will never be forgotten.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. SALAZAR. Mr. President, I ask the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2226

Mr. SALAZAR. Mr. President, I call up amendment No. 2226, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Colorado [Mr. SALAZAR], proposes an amendment numbered 2226.

Mr. SALAZAR. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide that certain local educational agencies shall be eligible to receive a fiscal year 2005 payment under section 8002 or 8003 of the Elementary and Secondary Education Act of 1965)

At the end of title III (before the short title), insert the following:

SEC. . APPLICATIONS FOR IMPACT AID PAYMENT.

Notwithstanding paragraphs (2) and (3) of section 8005(d) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7705(d)(2) and (3)), the Secretary of Education shall treat as timely filed, and shall process for payment, an application under section 8002 or section 8003 of such Act (20 U.S.C. 7702, 7703) for fiscal year 2005 from a local educational agency—

(1) that, for each of the fiscal years 2000 through 2004, submitted an application by the date specified by the Secretary of Education under section 8005(c) of such Act for the fiscal year;

(2) for which a reduction of more than $1,000,000 was made under section 8005(d)(2) of such Act by the Secretary of Education as a result of the agency's failure to file a timely application under section 8002 or 8003 of such Act for fiscal year 2005; and

(3) that submits an application for fiscal year 2005 during the period beginning on February 2, 2004, and ending on the date of enactment of this Act.

Mr. SALAZAR. Mr. President, Senate amendment No. 2226 will provide Impact Aid to the children of the service personnel in Fort Carson, CO. It will restore $1.2 million in needed educational Impact Aid funding to the El Paso school district. The money for this amendment has already been appropriated and sits within the Department of Education. The El Paso school district educates thousands, serving our men and women at the Fort Carson military base. Many loved ones of the students and staff of the El Paso school district have been deployed to Iraq as part of Operation Iraqi Freedom. In fact, over 11,000 soldiers from Fort Carson are currently deployed in Iraq today. That is one-half of the fort's total force.

Due to a technical error, the Department of Education denied the school district access to $1.2 million set aside for that school district's program. The result is the district may have to eliminate as many as 12 teachers and teachers' aides positions. This amendment simply corrects a technical error between the district and the Department of Education and permits the school to access money already set aside for it.

I note, too, that I have discussed this issue with the HELP Committee.

Chairman ENZI and Ranking Member KENNEDY have graciously consented to the inclusion of this amendment on this bill. I have also been in close contact with Senators from Arizona and New Mexico who face similar challenges. They support this measure as well.

Mr. President, I ask unanimous consent to set this amendment aside to call up amendment No. 2224 and ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection?

The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I would suggest, if I may, that we conclude action on this amendment, with a brief reply by this side, so we can move ahead with the amendment, anticipating its adoption. I think that would be a more orderly process. So technically, I do object—with that suggestion.

The PRESIDING OFFICER. Objection is heard.

The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, as I said, I think it is preferable, as a procedural matter, to take up the amendments one at a time so we can conclude debate on the amendments.

I believe this amendment is a good amendment. It would permit the Secretary of Education to treat as timely filed applications from El Paso, CO, school district and Window Rock, AZ, for impact aid. There is no cost involved. There is sound explanation as to why they were not timely filed.

In order for the Secretary of Education to make the payments, there needs to be legislative action. The Senator from Colorado has provided the vehicle for doing so. I support the amendment and urge its adoption.

The PRESIDING OFFICER. Is there further debate on the amendment?

The Senator from Colorado.

Mr. SALAZAR. Mr. President, I would then ask my friend from Pennsylvania whether we should move for unanimous consent on the adoption of the amendment I just proposed.

Mr. SPECTER. Mr. President, the amendment on impact aid, I urge its adoption, or you can articulate it for unanimous consent to be adopted. One way or another, let's adopt it and move on.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 2226) was agreed to.

Mr. SPECTER. Mr. President, I thank the Chair.

Mr. SALAZAR. Mr. President, I thank the Chair, and I also thank the chairman of the committee, my friend from Pennsylvania.

AMENDMENT NO. 2224

Mr. President, I call up amendment No. 2224 and ask for its immediate consideration.

The PRESIDING OFFICER The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Colorado [Mr. SALAZAR], proposes an amendment numbered 2224.

The amendment is as follows:

(Purpose: To require the Secretary of Education to conduct a study to evaluate the effectiveness of violence prevention programs receiving funding under the Safe and Drug-Free Schools and Communities Act)

At the end of title III (before the short title), add the following:

SEC. . The Secretary of Education shall conduct a study to evaluate the effectiveness of violence prevention programs receiving funding under the Safe and Drug-Free Schools and Communities Act (20 U.S.C. 7101 et seq.) based on, among other things, evidence of deterrent effect, strong research design, sustained effects, and multiple site replication. The study shall also include information on what regular assessment mechanisms exist to allow the Department of Education to evaluate the efficacy of such programs on an ongoing basis. Not later than 18 months after the date of enactment of this Act, the Secretary of Education shall submit a report to Congress describing the findings of the study.

Mr. SALAZAR. Mr. President. I am a proponent of evaluating the effectiveness of the actions we take and the programs we enact here in this Capitol. That is because I believe that results do matter. At the end of the day, we can all say what we tried to do, but Americans will judge us by the results we achieve. We all have a responsibility to see that taxpayer dollars are spent wisely and well.

Amendment No. 2224 is a "results matter" amendment. It will simply require the Department of Education to conduct an assessment of the effectiveness of youth violence prevention programs.

These programs are vitally important in my home State of Colorado and across the Nation. During my time as Colorado's attorney general, I spent much of my time working on the investigation of the horrific murders involving many young people at Columbine High School, which remains today the bloodiest school shooting in American history.

As we worked to learn the lessons from that terrible tragedy in Colorado, we also attempted to implement programs in our schools to create safer schools and safer school communities. As I went through the process of assembling information about how we create the safest school environments possible, it became obvious to me that though we spend literally hundreds of millions of dollars on programs intended to deal with the issue of youth violence prevention, we do not know whether many of those programs work. Indeed, when we look at the facts and we look at what the science tells us, many of those programs actually harm our children more than they actually help our children.

So it is important we measure the effectiveness of these programs. This amendment will ask the Department of Education to do exactly that. I believe our violence prevention programs should actually work and that we should be able to measure them with the results we intend them to have. We owe it to the next generation to ensure that these programs are as effective as possible in preventing youth violence. This amendment will do this by providing an assessment of the programs.

Mr. President, I urge adoption of amendment No. 2224.

The PRESIDING OFFICER. Is there further debate?

The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, the amendment calls for the Secretary of Education to undertake a study to evaluate the effectiveness of violence prevention under the Safe and Drug-Free Schools Program. I think it is a good idea.

So frequently we make appropriations for certain purposes and never have any concrete idea as to how well the programs are working. One area analogous to this is the money we spent on literacy training and job training, so-called rehabilitation in our correctional system. It is not enough we spend the funding, never having an idea as to really what works and what does not work in terms of stopping recidivism.

I believe the Senator from Colorado has struck a good idea. I support the amendment and join with the Senator from Colorado in urging its adoption.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 2224) was agreed to.

Mr. SPECTER. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Colorado.

AMENDMENT NO. 2225

Mr. SALAZAR. Mr. President, I call up amendment No. 2225 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Colorado [Mr. SALAZAR], proposes an amendment numbered 2225.

Mr. SALAZAR. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide for a study of national service programs in the rural United States)

On page 196, strike line 14 and insert the following:

tional poverty level: *Provided further*, That the Corporation shall use a portion of the funds made available under this heading to conduct an evaluation, after consultation with experts on national service programs and rural community leaders, of programs carried out under the national service laws (consisting of that Act and the National and Community Service Act of 1990) in rural areas, to determine utilization of the programs and to develop new and innovative strategies that would prioritize geographic diversity of the programs carried out under the national service laws to increase the presence of the programs in rural areas.

Mr. SALAZAR. Mr. President, amendment No. 2225 also makes sure that our national service programs effectively serve all of our citizens. This amendment calls on the Corporation for National and Community Service to report on efforts to bring its programs to rural communities.

These programs include, first, the AmeriCorps program, which has done wonders, which was created in 1994 and provides opportunities for more than 70,000 Americans to work in 3,000 public agencies, faith-based and other community organizations. Through the various AmeriCorps programs, volunteers tutor and mentor youth, build affordable housing, teach computer skills, take care of our environment, and help communities respond to disasters. In exchange, they are given an opportunity to build career skills, to invest in a community, and are provided a small educational stipend.

The programs also include Senior Corps, which recognizes that seniors are one of America's most vital resources.

The programs also include Learn and Serve America. Learn and Serve America supports schools, higher education institutions, and community-based organizations that engage students, their teachers, and others in service-learning. Through Learn and Serve, students get their hands dirty. Service-learning connects teaching in the classroom with communities. Nearly 1 million students participated in Learn and Serve programs last year.

The resources marshaled by these service programs—students, elders, and energized and committed people—can help unlock the door to rural development in America. It is my hope that the corporation will come up with new and innovative strategies for increasing rural participation in national service programs. This amendment will not cost additional money and has the potential to benefit rural communities throughout the Nation. We owe it to our rural communities to make sure our national programs are serving them. We must not allow rural America to be left behind by these very important national service programs.

Mr. President, amendment No. 2225 would direct the Corporation of National and Community Service, CNCS, to conduct an evaluation of the presence of their programs in rural America. The study would include programs funded by the Domestic Volunteer Service Act of 1973 and the National and Community Service Act of 1990, presence in Rural America. In addition, CNCS, in consultation with national service experts and rural community leaders, is directed to develop new and innovative strategies to prioritize increasing rural communities' participation in CNCS programs. The amendment does not require additional funding.

As per Jane Oates at 4-8460, Senator KENNEDY has no objections to the amendment.

As per Beth Beuhlmann at 4-6770, Senator ENZI is reviewing the amendment language, but appears to have no objections since the amendment is cost neutral.

As per Brandon Avila at 606-6728, Corporation for National and Community Service, Office of Legislation and Government Affairs, they are reviewing but are supporting of conducting evaluations that help increase CNCS programs in rural areas.

In addition, we have touched base with Voices for National Service, a national service non-profit coalition. They are very supporting of the amendment's intent.

Mr. President, I urge adoption of amendment No. 2225.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, before the amendment is adopted, I would like to have an opportunity to speak on this side of the aisle.

This amendment would use a portion of the funds for the Corporation for National and Community Service to do a study of national service programs in rural areas. I think, again, this is a good idea which the Senator from Colorado is offering. Rural areas are too often underserved and underfocused. Pennsylvania has more people living in rural areas than any other State in the Union. It might be surprising, but we do.

I think it is a good amendment, and I will now defer to the Senator from Colorado for urging its adoption.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. SALAZAR. Mr. President, I urge adoption of the amendment.

The PRESIDING OFFICER. If there is no further debate on the amendment, the question is on agreeing to the amendment.

The amendment (No. 2225) was agreed to.

Mr. SPECTER. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2223

Mr. SALAZAR. Mr. President, finally, I call up amendment No. 2223 and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Colorado [Mr. SALAZAR], proposes an amendment numbered 2223.

Mr. SALAZAR. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To increase funding for the safe and drug-free schools and communities program)

At the end of title III (before the short title), insert the following:

SEC. ____. In addition to amounts otherwise appropriated under this Act, there is appropriated, out of any money in the Treasury not otherwise appropriated, an additional $15,000,000 to carry out subpart 1 of part A of title IV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7111 et seq.).

Mr. SALAZAR. Mr. President, amendment No. 2223 addresses a serious and growing problem that we face in our urban and rural communities. As attorney general of Colorado, I saw firsthand the growth of methamphetamine problems in communities throughout my State. Meth usage has increased in rural towns and communities across our Nation.

Some of the facts are startling.

According to the National Association of Counties, meth use is the Nation's most serious local drug problem today.

Secondly, 58 out of 500 county law enforcement officials have said methamphetamine use is, in fact, their largest problem.

Third, 87 percent of county law enforcement officials reported increases in meth arrests in just the last 3 years. In the West, methamphetamine use is a growing problem. Between 67 and 75 percent of the western counties rated meth as their No. 1 drug problem.

The labs for meth production are rising in rural areas. Because meth can be made in the home and has harsh effects on the environment, it is easier to hide from authorities in rural areas. Three of our most rural States—Missouri, Iowa, and Tennessee—have the highest number of meth labs, with over 5,000 meth labs in those three States alone. Meth labs in Colorado have been on the rise, with over 225 meth labs this last year in my State.

In a report by Congressional Quarterly, the Drug Enforcement Agency said that meth use is the No. 1 drug threat in rural America. The production of meth has spiked, from 327 labs nationwide being busted in 1995 to over 17,000 meth labs busted in 2005; that is, in a period of 10 years, we have gone from busting 327 meth labs to over 17,000 meth labs.

Our health infrastructure has dealt with the meth use increase as well, with emergency room visits due to meth use doubling in 7 years.

This amendment I have proposed will restore $15 million in funding to the Safe and Drug-Free Schools State grant program, which funds virtually all of the drug prevention programs in our Nation, to ensure that our schools and communities are as safe and drug-free as we can make them. We need to help our young people understand the dangers of drugs, including meth, and this amendment takes an important step toward making this issue the Federal priority it should be.

Mr. President, I thank my good friend from Pennsylvania and yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, this amendment would add $15 million to a program. While it is a very good program, regrettably, this would exceed the allocation which has been given to the subcommittee. I, therefore, have to oppose it. It is subject to a point of order.

For the record, I raise a point of order under section 302(f) of the Congressional Budget Act, as amended, that the amendment provides budget authority and outlays in excess of the subcommittee's 302(b) allocation under the fiscal year 2006 concurrent resolution on the budget and, therefore, is not in order.

As I had discussed with the Senator from Colorado, this will require 60 votes for the Senator from Colorado to prevail. So the choice is his as to whether we move ahead to vote on it at some point during the consideration of the bill. I ask how the Senator from Colorado would like to proceed.

Mr. SALAZAR. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive the applicable sections of the act for purposes of the pending amendment. I ask that we dispense with a rollcall vote and that we just do a voice vote on this amendment at the appropriate time.

Mr. SPECTER. That is acceptable, provided those on the floor can muster a no which either exceeds the ayes or is so recognized by the Chair to be the predominant voice vote. I call for the question on a voice vote.

The PRESIDING OFFICER. The question is on agreeing to the motion to waive the Budget Act in relation to amendment No. 2223.

In the opinion of the Chair, the motion has failed and the Senate has not obtained the three-fifths majority necessary for passage. The point of order is sustained, and the amendment falls.

Mr. SPECTER. I thank the Senator from Colorado for coming forward at this early stage with these four amendments to help move processing of the bill.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. SALAZAR. Mr. President, I thank my good friend from Pennsylvania for his leadership, not only on this bill but also on so many other important issues that we are working on in the Senate today.

The PRESIDING OFFICER. The Senator from Arkansas.

AMENDMENT NO. 2194

Mr. PRYOR. Mr. President, I rise to speak on the Reed-Collins LIHEAP amendment. I want to speak to all of my colleagues, but mostly I want to address my comments to my colleagues from the South and the West. I thank Senator JACK REED and Senator SUSAN COLLINS for their cosponsorship of amendment No. 2194, bringing forward the issue of LIHEAP funding. We all know that LIHEAP funding has decreased in real dollars for over a decade now. Senators REED and COLLINS have shown true leadership in offering their amendment. Hopefully, we will vote on it today. They have shown national leadership with what they are trying to accomplish.

In the face of rising energy prices, the poorest among us have been hit the hardest. They are paying about $3 at the pump right now. We have had a record hot summer in many parts of the country. Their utility bills have been going up and up. Low-income families need our help. I believe we can do better. We can think of ways to help our low-income constituents and low-income Americans. The Reed-Collins amendment can do that. It adds $3.1 billion to the core LIHEAP program. This is what Southern and Western Senators need to understand. I don't want any of my colleagues to be surprised when the amendment comes to the floor for a vote today. I hope that all their staff who are listening will please advise their bosses accordingly. This money will go to LIHEAP's core program.

When I say "core program," that means it will not be designated as emergency funding for the Department of Health and Human Services. Why is that significant? It is significant for this basic reason. By giving the money to the core program instead of HHS, the amendment helps put low-income heating applicants in Southern and Western States on better footing.

Let me explain. In the past, Health and Human Services has had discretion. When we put emergency funding there, they have had discretion on how they spend it. Their track record has been very clear. They seem to prioritize areas of the country that are heated with home heating oil. What we are trying to do is put the money into the core program, which means it goes into the formula that has been long established in Federal law, which means in States all across America—States such as Arkansas in the South and the West—people who are going to be facing record high prices for natural gas this winter will receive some relief.

Unfortunately, when we get emergency funding, many of the States are not helped as much as the formula would help them. I am not disputing at all that the Northeast and the Midwest face very harsh winters, more so than the South and some parts of the West. But we have low-income citizens in our States, too, who need to heat their homes this winter. I believe it is a more effective and better way to put money into the core LIHEAP program, sending it through the formula, rather than leaving it to the discretion of HHS.

I am happy to join Senators REED and COLLINS in this effort. It is a bipartisan effort. I want my colleagues to understand that. In my view, it is better than past proposals. It is better because it is more equitable in its distribution. It is bipartisan. Southern and Western Senators have a chance to help the people in their States with this vote. It will help people all across America. This amendment also recognizes the high cost of natural gas this winter. All the experts who have looked at this say natural gas is going to be at a record high price for consumers this winter. It acknowledges the high cost of other forms of energy to heat our homes.

I don't want my colleagues to be surprised when this comes to the floor for a vote at some point this afternoon or tonight. I would hate for any Senator to vote against this and then later learn that this is their best opportunity to help their constituents during this very cold and expensive winter.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, we have been proceeding reasonably well on handling amendments. We had a short period between 12 and 12:30 where we did not have amendments pending. I understand we will have an amendment presented at about 6 o'clock this evening. But that leaves us with an hour and 22 minutes. The distinguished Senator from Texas wishes to speak for 10 or 15 minutes. We can accommodate his schedule. We have quite a number of amendments which have been filed and others where there has been an indication that there will be amendments. I urge my colleagues to come to the floor. Floor time is hard to find. When this bill moves ahead tomorrow or the day after or Friday, the bill is going to be finished this week, however long it takes us. We are anxious to conclude the work of the Senate. Now is the time.

I yield to my distinguished colleague from Texas 10 to 15 minutes, as he chooses, and ask unanimous consent for his recognition to speak for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Texas is recognized.

IRAQ

Mr. CORNYN. Mr. President, I would like to thank the distinguished manager of the bill, the chairman of the Senate Judiciary Committee, on which I am honored to serve, for his accommodation. I certainly do not want to detract from the efforts to complete this important appropriations bill. I do thank the Senator for yielding to me so I may address some of the historic events occurring today in Iraq. This has been the subject of other speakers. I thought it was important that while this is on the minds of a lot of people, that we talk about some of our successes in Iraq and what the facts are with regard to what reality is like there on the ground.

I am disappointed to hear some Members, primarily on the other side of the aisle, this morning blaming America for the insurgency and claiming that our military does not have a plan for victory. That is not true as a factual matter, and they know it. As recently as a couple of weeks ago, we had the commander of the coalition forces in Iraq, General George Casey, and the CENTCOM commander, General John Abizaid here, along with Secretary Rumsfeld and others, to talk precisely about what conditions were like on the ground in Iraq, how our plan was going, and what the future looked like. We do have a plan, and I wanted to talk about it for a minute.

I want to note my concern that to use Iraq as a convenient political football only undercuts the brave young men and women who are fighting there, not only on behalf of the beleaguered Iraqi people but on behalf of us here. We know that the central front in the war on terror today is in Iraq. We know that foreign fighters and other jihadists who adhere to an extremist ideology, who believe that they can use force to kill innocent Americans because they simply hate who we are and our way of life, that Iraq is where they are being drawn. If we leave prematurely, if we fail to finish the job that we have undertaken there, then it will simply leave a haven available for those who want to train, recruit, and finance international terrorism and who will then threaten us on our own shores, as we were hit dramatically on September 11.

In reality, it is the critics of our military that have no plan. They simply want to cut and run. They believe in retreat. The most disturbing of all, their proposals serve merely to divide the American people.

I am particularly concerned when I hear people make the argument, as I have heard on the floor of the Senate, that Iraq was not a threat to the United States and the rest of the world. Perhaps these critics need to be reminded of the statement of President Clinton in 1998 which clearly lays out the threat that Iraq posed at that time. President Clinton said, talking about Saddam:

> What if he fails to comply, and we fail to act, or we take some ambiguous third route which gives him yet more opportunities to develop this program of weapons of mass destruction . . . He will then conclude he can go right on and do more to rebuild an arsenal of devastating destruction. And some day, some way, I guarantee you, he'll use the arsenal.

This was on February 17, 1998, President Bill Clinton.

Then, on December 16, 1998, President Clinton said:

> The hard fact is that so long as Saddam remains in power, he threatens the well-being of this people, the peace of the region, and the security of the world. The best way to end that threat once and for all is with a new Iraqi government, a government ready to live in peace with its neighbors, a government that respects the rights of its people.

That was President Clinton on December 16, 1998. I am pleased that this body passed that same year the Iraq Liberation Act of 1998, which stated:

> It should be the policy of the United States to support efforts to remove the regime headed by Saddam Hussein from power in Iraq and to promote the emergence of a democratic government to replace that regime.

The Congress passed that legislation because, indeed, Saddam Hussein was a threat in 1998 and remained a threat. Fortunately, today, he is no longer a threat. But we must stay the course.

Complaints without solutions are simply not productive. What are the proposals coming from those who criticize our current efforts in Iraq? Some complain that we don't have enough troops in Iraq to finish the job, but at the same time all they talk about is creating an arbitrary timetable for cutting and running and bringing those troops home before they finish the job, before we finish the job. Then others say our presence in Iraq actually creates additional terrorism. But what they don't explain is what we would leave the Iraqis with if we were to leave prematurely. Again, complaints are not solutions.

GEN George Casey, whom I mentioned a moment ago, who is the leader of the coalition forces in Iraq, said when he testified before the Senate Armed Services Committee:

> We're in a tough fight but we've been in tough fights before to advance the cause of democracy and to protect our way of life. We should not be afraid of this fight. We and the Iraqi people will prevail in this battle of wills if we don't lose ours.

Again:

> We and the Iraqi people will prevail in this battle of wills if we don't lose ours.

Just this morning, we heard that the Independent Electoral Commission of Iraq has announced an overwhelming majority of Iraqis has approved the country's constitution; that is, 78 percent of those who voted yes to approve that constitution which has now been cleared. You know what. Their voter turnout was 63 percent, better than most elections we hold here in the United States, given our long tradition of constitutional democracy.

Soon the Iraqi people will have a chance to elect their elected representatives in parliamentary elections on December 15 which will provide the final step in their march to democracy and self-determination.

Yes, the Nation of Iraq has made remarkable political progress in the last 2 years, but they still have a way to go to achieve a fully functioning democracy. Last week, Secretary of State Condoleezza Rice testified before the Senate Foreign Relations Committee, and in her eloquent remarks she clearly outlined the political and military strategy in Iraq: Clear, hold, build. Clear, hold, build. That is to clear areas from insurgent control, to hold them securely, and to build durable national Iraqi institutions.

I could not agree more with Secretary Rice. This is a strategy that has been articulated for quite some time now by the President of the United States. This strategy is the only way we will see the blossoming of a democratic Iraq.

In 2003, not that long ago, the brutal reign of Saddam Hussein was brought to an end. The Iraqi people were liberated and a provisional government established. In 2004, a five-step plan was announced to end occupation in Iraq and to bring our troops home, and in 2005 that transition is well underway.

Our strategy is working. The Iraqi people will vote in elections in December and soon will select a government that will serve them for the next 4 years.

As I mentioned, Iraqi participation in these recent elections was very strong, including among Sunnis who boycotted the earlier election last January. These elections were also much more peaceful than the previous elections. A clear path is being charted to implement the rule of law and we must continue our support for the Iraqi people to achieve success.

It is clear that the implementation of the rule of law is the next step, a necessary next step to achieve stability in Iraq. It is in the absence of democracy, it is in the vacuum created by the absence of the rule of law, that there is no forum, no mechanism for justice to address grievances in which extremism will rear again its ugly head.

Only 2 short years ago the people of Iraq were oppressed by a brutal dictator. Those who privately yearned for freedom held their silence out of fear for their lives. No more. As it has been said before, freedom is on the march.

Part of implementing law and justice, not to mention providing a measure of closure for the people of Iraq, is the trial of Saddam Hussein which began on October 19. Unfortunately, this trial has been postponed because—and it comes as perhaps no surprise—the defense lawyers representing him said they needed more time to prepare.

Well, I for one do not begrudge them additional time, but it is not so much for them, because I doubt any level of preparation, any amount of investigation will absolve Saddam Hussein of the blood that is on his hands, but I do believe that perception is important, and it is important that the public perception, the international perspective be that this is, indeed, a fair proceeding and that Saddam Hussein, even the most brutal of tyrants and dictators, is, indeed, entitled to the protection of the rule of law and entitled to a fair process.

Of course, this trial is one of the first formal acts in the path to restoring the rule of law, and it is important Iraq demonstrate to the world that it can conduct this trial in a fair manner, as it is a foundational and deeply symbolic proceeding.

A series of declassified U.S. intelligence documents and other U.S. agency reports provides a wealth of evidence substantiating Saddam Hussein's human rights abuses and more evidence of Saddam's brutality is provided by the people of Iraq who had suffered under his boot heel for years. A portion of these documents concerned Saddam's responsibility, along with other members of his regime, for the massacre in 1982 of Shiites in a town 35 miles north of Baghdad after an unsuccessful coup d'etat, including an attempt on the dictator's life. It is said he may be tried at least a dozen times for crimes he committed during his regime, to include gassing of Kurds and suppression of a Shiite uprising in the south. However, the Iraqi Government is reportedly considering foregoing additional trials if Saddam is convicted as expected and such conviction results in the death penalty under the laws of the sovereign nation of Iraq.

In remarks before the United Nations, Iraqi Foreign Minister Hoshyar Zebari said that under the rule of Saddam Hussein, Iraq was "a murderous tyranny that lasted 35 years and today we are unearthing thousands of victims in horrifying testament." In a report entitled "Mass Graves: Iraq's Legacy of Terror," compiled by the United States Agency for International Development, it is estimated that nearly 400,000 Iraqis lie buried in mass graves—Kurds, Shiites, Sunnis, Egyptians, Kuwaitis, Iranians, all killed because neither Saddam Hussein nor his regime valued life in the least.

I am confident that some day in the not too distant future an appropriate measure of justice will be meted out to Saddam Hussein for the atrocities he committed against his own people, the people of Iraq. And that is as it should be. I am sure that the symbolism of this first tribunal being held in Iraq to try their former dictator is not lost on the people of Iraq. This restoration of the rule of law, this process which is designed to administer justice, is commensurate with the rule of law.

We must continue working with the Iraqi people to ensure that democracy, freedom, progress, free markets, self-governance, and the rule of law are allowed to flourish. It is the only way to promote stability in that country and throughout the greater Middle East.

There is no enemy on the face of the Earth that can defeat the people of the United States of America unless, of course, it is the American people ourselves, by losing our resolve to stay the course, to finish a job that was just in its initiation and which is just in its goals. We must stay the course. We must maintain our resolve. To hear the comments of those here in this body and elsewhere who would attempt to hijack this just cause in the interest of political gamesmanship does nothing but harm our efforts, the resolve of the American people, and undermine the heroic and noble efforts being carried out on a daily basis by our young men and women who are fighting in freedom's cause, not just for us but for the people of Iraq.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, the regular order is that we are back on the bill, is that right?

The PRESIDING OFFICER. We are on the bill.

AMENDMENT NO. 2194

Mr. GREGG. Mr. President, obviously, the amendment that is now pending of the Senator from Rhode Island and the Senator from Maine is an amendment I am sympathetic to. Those of us who come from the northern States, whether they be in the Midwest or New England, recognize that winter can be a beautiful time. Snow is wonderful, lovely, and certainly brings skiers to our region, and we very much encourage that. But it can also be an extraordinarily difficult time, difficult for people who are living on a fixed income, a set income, difficult for folks who have to find ways to heat their home and also meet the expenses of everyday life. Certainly keeping home heating is about as important an expense as you can have in everyday life. It is especially hard on senior citizens, seniors who have obviously fixed incomes in most instances. When the price of their fuel oil jumps significantly, they do not have a whole lot of opportunity to adjust their income because they are no longer earning a salary, usually, in most instances in order to meet that increase in cost. We have obviously seen a dramatic rise in the cost of energy prices, especially home heating oil and in the gas area for homes. So the issue becomes how do we help these people who, through no action of their own, find themselves in a dire financial situation and facing a very stark situation this winter, should they not have the dollars necessary to pay for their home heating oil.

We are talking about people of very low incomes, people who are on fixed incomes, in most instances people who are senior citizens, and the Low-Income Heating Assistance Program which has been in place for a number of years has been a way of helping these people bridge this period, and it has always been focused on the neediest of the needy. It has been a well-administered program, at least in the State of New Hampshire where people who were clearly in distress, who have situations where they simply are unable to afford the cost of keeping their home heated in the middle of an extremely cold winter, had a place to go to get some assistance.

It is a good program for that reason. It has been strongly supported over the years in a bipartisan way. The administration has consistently funded this program and has, to its credit, always released money early when it was necessary due to cold weather hitting us sooner than might have been originally anticipated under the traditional weather patterns, which is what happened last year. But this year we do face the unique situation of these huge runups in the cost of home heating oil in New England specifically and, of course, the gas across the Midwest and into parts of New England, and this runup is a function of a lot of different events. The Katrina situation is a big part of it. It has disrupted the refining capacity of our Nation rather significantly. Obviously, the instability of the Middle East is another part of it. The demand which is now being created in parts of Asia, especially China and India, as those economies expand, is part of it.

But whatever the reason, we are seeing a dramatic jump in the cost of home heating oil specifically and therefore we know a lot of people, as we head into winter—and believe me, it is getting cold in New Hampshire. In fact, today there was a fair amount of snow in many parts of our State—we know these people are going to need some help, people of very low income, people who are living on very fixed and tight budgets.

So it is appropriate that we expand the LIHEAP program to meet this unanticipated cost which is no fault of anybody's, certainly not those who are receiving the benefit of this program.

The question is how do we expand this program? Over the last few weeks, we have had a number of attempts to expand this program. It really was not in a manner we call fiscally prudent or responsible, and we simply said we are going to put a lot of money in this program, money not budgeted, money outside the budget, and do it in a manner which would have violated the budget. So points of order were made against those proposals, and those points of order have all been sustained, and appropriately so.

We do have a budget under which we must live. The issue is how do we set priorities within that budget. Right now I believe one of our actions should be to set a priority to put more money into the Low-Income Home Energy Assistance Program. We should absolutely do that, but we should do it in a way that is responsible so we do not end up passing the bills for today's energy costs on to our children by creating more debt.

I don't think senior citizens who benefit from the low-income energy program want us to go into debt to pay for their energy costs and end up with our children paying the cost of their energy today, when their children might need the same type of support and would be less able to get it if they had to pay for not only their energy costs but also pay for the low-income energy costs of the last generation, the generation of today.

The proper way to do this is to increase the LIHEAP program in a way that is fiscally responsible. The best way to do that is to look at what the need is, to begin with. The program costs or additional costs of the program, which we know will probably be generated as they can best be projected, on top of the money already being spent on the program, which is about $2.4 billion, is about $1.276 billion.

This number of the additional cost increase, which is a fairly significant number—it is a lot of money—that was essentially reached by calculating the increase in energy cost as a result of a runup in energy prices and finding out how much oil and gas was used last year by this program and then basically converting that to the increase in the cost of the program.

So the number that has been generally agreed to around here as being the correct number and the reasonable number and the number that would be consistent with the historic needs of the program is $1.276 billion.

It is not me saying this, by the way. I didn't come to that number. Actually, 41 Members of the Senate signed a letter saying that. They wrote the Chairman and Ranking Member of the Senate Appropriations Committee on September 20—not that long ago—and asked for an increase in the Low-Income Home Energy Assistance Program by $1.27 billion. Signing that letter were Senator Collins and Senator Reed, who are the authors of the pending amendment, along with, as I mentioned, 41 other Members, which is a fairly large number of the membership of the Senate, many of whom are from the Northeast. They reached that number through the calculations I just said. So that number is a reasonable number.

I ask unanimous consent that this letter, signed by 41 Senators, be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

U.S. Senate,
Washington, DC, September 20, 2005.

Hon. Thad Cochran,
Chairman, Committee on Appropriations,
U.S. Senate, Washington, DC.
Hon. Robert C. Byrd,
Ranking Member, Committee on Appropriations,
U.S. Senate, Washington, DC.

Dear Chairman Cochran and Ranking Member Byrd: Hurricane Katrina upset the lives of millions, displacing families from their homes and inflicting severe economic damage. Without question, the people of the Gulf region deserve our support, and we stand ready to help. As the Appropriations Committee considers an urgently needed comprehensive supplemental appropriations bill to address Hurricane Katrina's devastation as well as its economic and energy impacts on the nation, we urge you to include $1.276 billion in emergency Low Income Home Energy Assistance Program (LIHEAP) funds. With this additional funding, the LIHEAP program will be able to provide the same level of purchasing power as last year. This funding is critical to avoid a looming, but preventable, crisis for millions of additional Americans caused by the soaring cost and diminishing affordability of home heating fuel as winter approaches.

The effects of Hurricane Katrina are being felt by Americans outside of the Gulf Region as gasoline, heating oil, and natural gas prices rise in the wake of this disaster. Indeed, there is an imminent emergency confronting millions of low-income Americans unable to afford the cost of rising energy prices. The current skyrocketing in energy prices coupled with energy debt remaining from last winter and this summer are leading to increased disconnections and arrears among consumers as the winter heating season begins—threatening the well-being of low-income families and seniors. This situation warrants the provision of emergency LIHEAP funding in the comprehensive supplemental request.

Prior to Hurricane Katrina's devastation in the Gulf region, Americans were facing record prices for oil, natural gas, and propane. Hurricane Katrina damaged platforms and ports and curtailed production at refineries in the Gulf of Mexico, the source of almost a third of U.S. oil output. Crude oil for October delivery stands at over $66 a barrel on the New York Mercantile Exchange. Heating oil prices increased dramatically after Hurricane Katrina. Prices averaged $1.70 per gallon in July, but now stand over $2 per gallon. Before Hurricane Katrina struck, the Energy Information Administration (EIA) predicted a 16 percent increase in heating oil costs. This increase comes on top of the 34 percent increase during the 2003–2004 winter. Natural gas prices also rose dramatically after Hurricane Katrina, and now stand over $12, more than 140 percent increase compared to last year at this time. EIA's Short-term Energy Outlook reports, "The ranges for expected heating fuel expenditure increases this winter are 69 percent to 77 percent for natural gas in the Midwest; 17 percent to 18 percent for electricity in the South; 29 percent to 33 percent for heating oil in the Northeast; and 39 percent to 43 percent for propane in the Midwest." Heating costs for the average family using heating oil are projected to hit $1,666 during the upcoming winter. This represents an increase of $403 over last winter's prices and $714 over the winter heating season of 2003–04. For families using natural gas, prices are projected to hit $1,568, representing an increase of $611 over last year's prices and $643 over 2003–04. States need additional funding immediately to help low-income families and seniors to ensure they can afford to heat their homes. States are bracing for potentially crisis conditions caused by the lack of affordable heating sources, particularly for seniors and the disabled.

Almost daily, newspapers are reporting on the impacts of higher energy costs for consumers. Hurricane Katrina's impact on energy markets comes on top of soaring energy prices over the past several years. Utilities from New England to Florida to Oregon are seeking rate increases. In addition to rising energy prices, the economic devastation in the Gulf region is likely to impact the national economy. Many more Americans will need LIHEAP assistance than the 5 million households that received aid during FY 2005. State LIHEAP programs are expecting a major increase in applications due to the rapid increase in home energy prices and this additional funding will allow them to address the need for assistance.

Residents and business affected by Hurricane Katrina deserve the nation's full support and financial assistance, and we stand ready and willing to do everything we can to help. We recognize that the Committee is still working to assess the needs wrought by Hurricane Katrina and will face difficult priorities in determining emergency funding. We feel that preventing hardship for millions of Americans by acting to provide LIHEAP emergency funds before we have another crisis on our hands is an important priority. Thank you for your serious consideration of our request.

Sincerely,

Susan M. Collins, Jeff Bingaman, Olympia Snowe, Jack Reed, Joe Biden, Hillary Rodham Clinton, Frank R. Lautenberg, Debbie Stabenow, Carl Levin, Dick Lugar, Chris Dodd, Evan Bayh, Patrick Leahy, Mike DeWine, Mark Dayton, Jay Rockefeller, Barack Obama, Edward M. Kennedy, Jon S. Corzine, Max Baucus, Ken Salazar, Joe Lieberman, Barbara A. Mikulski, Paul

S. Sarbanes, Jim Jeffords, Herb Kohl, Maria Cantwell, Kent Conrad, Lisa Murkowski, Byron L. Dorgan, Russell D. Feingold, Charles Schumer, Lincoln Chafee, John F. Kerry, Mark Pryor, Blanche L. Lincoln, Dianne Feinstein, Dick Durbin, Gordon H. Smith, Conrad Burns, Tom Carper, Pete V. Domenici, Tim Johnson, Ron Wyden, Norm Coleman, Jim Talent.

Mr. GREGG. Mr. President, I think that establishes pretty definitively what the number is. In fact, I drafted an amendment, which I intend to offer at this time, which would increase the funding for low-income energy assistance by an amount of $1.276 billion. The $1.276 billion which is, I believe, the agreed-to number about which 41 Members of this Senate, all of whom I believe are probably supporting various amendments in this area, signed a letter asking the Chairman and Ranking Member of the Appropriations Committee to put in place an increase in the LIHEAP program—is going to be the amount by which my amendment increases the LIHEAP program.

That is a significant increase, a rather dramatic increase, in fact, and it represents, as a percentage, probably about a 50-percent increase in the program or well over a 50-percent increase; in fact, a 58-percent increase in funding and, in fact, hits the target we need to aim at in order to make sure that people of low incomes, living on fixed incomes, will have the necessary support they need to fund the cost of their energy this winter during the coldest months so they do not have to be put in a situation where they choose between food and warmth, something that would be inexcusable and inappropriate.

There is a further thing that my amendment does because I do believe in a fiscally responsible approach, and I believe Congress has an obligation to set priorities. There is no question in my mind that an immediate priority for us is that we make sure that the low-income energy assistance program is adequately funded heading into what will obviously be a difficult winter in light of the high energy costs. That should be a priority of our Government. But in setting that priority, we should not pass the debt, as I said earlier, of funding that program on to our children. We should decide what we are going to cut or how we are going to reduce the rate of growth in spending at the Federal level to pay for this program.

So my amendment, in addition to adding this fairly significant, rather dramatic increase in funding to the LIHEAP program, and a number which was originally supported by the 41 signatories of the letter to the Chairman and Ranking Member of the Appropriations Committee, also puts in place an offset to pay for this.

The offset represents an across-the-board cut under this bill of all accounts. It comes out to be less than a 1-percent cut, a nine-tenths-of-1-percent reduction in spending across other accounts to pay for this LIHEAP spending. That is the proper way to approach an issue such as this.

Let's determine whether or not it is a priority. If it is a priority—and I believe it is a priority—to fund LIHEAP, then let's fund it and not pass it on to our children.

That is what I do in this amendment. Rather than sending it up as a second degree, I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER (Mr. ALEXANDER). Without objection, it is so ordered.

Mr. OBAMA. Mr. President, I rise today in support of the amendment offered by Senators REED and COLLINS to the Fiscal Year 2006 Labor, HHS appropriations bill to appropriate $2.92 billion emergency funding for the Low-Income Home Energy Assistance Program, (LIHEAP).

LIHEAP provides much needed assistance to Americans who might otherwise be forced to choose between heating their home during the winter months and putting food on the table for their family. In Illinois, 311,000 households received LIHEAP assistance last winter, out of 600,000 that applied. Clearly there is much more need than there are available funds.

If you have never experienced an Illinois winter, I can tell you that it can be bitterly cold. In January, the wind coming off of Lake Michigan near my house in Chicago will chill you to the bone. This year, the National Oceanic and Atmospheric Association is projecting an even colder than average winter. As a result of colder temperatures and rising energy prices, the Department of Energy's Energy Information Administration is predicting that families will be faced with significantly higher heating costs than last year. Those families whose homes are heated primarily by natural gas will pay about $350 more this winter, families in homes heated primarily by propane will pay an average of $325 more, and families in homes heated primarily by heating oil will pay, on average, as much as $378 more than last year.

With the expected increase in heating costs, there will be an increased demand for LIHEAP assistance. Already this year, 100,000 Illinois households have applied for help with their heating bills for the coming winter, a higher than average number for this point in the year. The $2.92 billion in emergency funding proposed in this amendment will supplement the $2.18 billion already contained in the Labor-HHS appropriations bill to fully fund LIHEAP at a total of $5.1 billion.

Livable shelter is a basic human necessity. Without authorizing these emergency funds: we put the elderly, the disabled and the low-income families that depend on this aid at risk. If we have learned anything from the tragedy of Hurricane Katrina, it is that we cannot afford to shortchange programs that provide assistance for the most vulnerable in our society.

I urge my colleagues to join me in supporting this important amendment.

AMENDMENT NO. 2253

Mr. GREGG. Mr. President, I send my amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Hampshire [Mr. GREGG] proposes an amendment numbered 2253.

Mr. GREGG. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To increase appropriations for the Low-Income Home Energy Assistance Program by $1,276,000,000, with an across-the-board reduction)

On page 158, strike lines 12 through 21 and insert the following:

bus Budget Reconciliation Act of 1981, $3,159,000,000.

For making payments under title XXVI of the Omnibus Budget Reconciliation Act of 1981, $300,000,000, to remain available until expended: *Provided*, That these funds are for the unanticipated home energy assistance needs of one or more States, as authorized by section 2604(e) of the Act: *Provided further*, That the entire amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

GENERAL PROVISION—REDUCTION AND RESCISSION

SEC. ____. (a) Amounts made available in this Act, not otherwise required by law, are reduced by 0.92 percent.

(b) The reduction described in subsection (a) shall not apply to amounts made available under this Act—

(1) for the account under the heading "LOW-INCOME HOME ENERGY ASSISTANCE"; or

(2) for the account under the heading "REFUGEE AND ENTRANT ASSISTANCE" (with respect to amounts designated as emergency requirements).

SEC. ____. (a) There is rescinded an amount equal to 0.92 of the budget authority provided in any prior appropriation Act for fiscal year 2006, for any discretionary account described in this Act.

(b) Any rescission made by subsection (a) shall be applied proportionately—

(1) to each discretionary account described in subsection (a) to the extent that it relates to budget authority described in subsection (a), and to each item of budget authority described in subsection (a); and

(2) within each such account or item, to each program, project, and activity (as delineated in the appropriation Act or accompanying report for the relevant fiscal year covering such account or item).

(c) The rescission described in subsection (a) shall not apply to budget authority provided as described in subsection (a)—

(1) for the account under the heading "LOW-INCOME HOME ENERGY ASSISTANCE"; or

(2) for the account under the heading “REFUGEE AND ENTRANT ASSISTANCE (with respect to amounts designated as emergency requirements)”.

Mr. GREGG. Mr. President, the reason I sent this amendment up as a first-degree amendment is that I believe we have an understanding with Senator REED and Senator COLLINS as to the voting sequence, and that is important, and that is why I originally asked to be protected with a second-degree amendment.

The amendment is now pending. Once again, to summarize what the amendment does, it increases the funding for LIHEAP by $1.276 billion, which is the number which was asked originally of the administration about a month ago by 41 Senators, including Senator COLLINS and Senator REED, in a letter sent to the Chairman and Ranking Member of the Appropriations Committee. It is a significant number. The number is reached by determining what the projected costs of the increased cost of energy will be to our citizens who are living on a fixed income.

Second, it is an amendment which is paid for where we recognize we have a priority as a Government to participate in assisting these individuals who, through no fault of their own, find themselves in dire straits if the energy costs, with their significant jump in price, make it impossible for them to buy adequate heating oil to heat their homes, and in recognizing that priority, we pursue a policy of making sure that the moneys will be put into the LIHEAP program, but at the same time it will be paid for by a reasonable, across-the-board cut, relative to other programs within this bill, on the theory it would be inappropriate to simply raise this spending without doing an across-the-board cut or without some adequate offset because that means we would be deficit financing this number and thus passing this cost on to our children to pay, rather than absorbing the cost, as it should be absorbed, by our generation.

I ask unanimous consent that Senator GRASSLEY be listed as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I appreciate the thrust of the argument being advanced by the Senator from New Hampshire in terms of expenditures. There is no doubt that the deficit is excessive. There is no doubt that the national debt is an enormous burden on our society. When we deal with the issue of energy assistance for the poor, there has been a generalized agreement, as evidenced by the amendment offered by the Senator from New Hampshire, agreeing that there ought to be LIHEAP assistance.

He approaches it differently than the Reed-Collins amendment, which treats the issue as an emergency, and instead has an across-the-board cut of almost 1 percent on all funding under this bill.

The bill is not cut to the bone. The bill, in its present shape, goes into the bone. It does not have an increase for inflation. It has a very marked shortfall on many programs. We heard one this morning on education in the caption of Pell grants where there simply is not enough money to take care of the basic needs of these three departments.

Education and health care are our two major capital assets. Without good health, people cannot function. Without a decent education, people cannot progress. This allocation of $145 billion is right to the bone.

We find ourselves in what I think is a genuine emergency situation with respect to fuel assistance. It is as much an emergency as Katrina is to the people who are victims of that hurricane. That incident has markedly raised the cost of fuel oil and natural gas where people need it for heating.

Where we can appropriate the kind of dollars which we have for Katrina—and I am not questioning that—this is right in the same boat, to use an overused metaphor.

Much as we have problems with the deficit, much as we have problems with the national debt, this is, I think, a genuine emergency, and the accounts on this bill simply cannot tolerate further cuts. Therefore, I am constrained to oppose the amendment offered by the Senator from New Hampshire.

Mr. President, in the absence of any other Senator seeking recognition—I was about to suggest the absence of a quorum—but let me urge my colleagues to come to the floor, instead, and offer amendments. We have an indication that there will be an amendment offered at 6 o'clock. We may be in a position to vote on some amendments at that time, if no other amendments are to be offered. But we have 47 minutes between now and 6 o'clock where there is ample time for someone to come to the floor a few minutes and offer an amendment.

It may be the offerer of the next amendment will be here at 5:30. I am advised there may be a change. That still leaves us 16 minutes. We can get a lot done in 16 minutes, if somebody comes to the floor and offers an amendment. We don't like to waste any time, Mr. President. We have a complicated bill here. Wait and see, tomorrow, the day after tomorrow, Friday, or whoever knows when this week we will finish this bill—and the majority leader and the managers are determined to finish the bill—16 minutes will look like a lot of time.

I remind my colleagues about the argument over a unanimous-consent request for 1 extra minute last Thursday. We have those arguments from time to time, sometimes made by experienced Senators who know that if you object to a 1-minute unanimous consent request, it will take at least 5 minutes to straighten it out. Eventually they got the minute. Mr. President, 15 or 16 minutes is a lot of time, so I urge my colleagues to come to the floor.

In the interim, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCONNELL. I ask unanimous consent I be allowed to proceed for up to 5 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. MCCONNELL are printed in today's RECORD under “Morning Business.”)

Mr. McCONNELL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THUNE. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THUNE. Mr. President, is there an amendment pending?

The PRESIDING OFFICER. Yes, there is.

Mr. THUNE. I ask unanimous consent to lay it aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2193, AS MODIFIED

Mr. THUNE. Mr. President, I ask unanimous consent to call up and send to the desk amendment No. 2193, as modified.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from South Dakota [Mr. THUNE], for himself, Mr. CONRAD, Mr. CRAPO, Mr. BROWNBACK, and Mr. TALENT, proposes an amendment numbered 2193, as modified.

Mr. THUNE. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of title II (before the short title), add the following:

SEC. ___. TELEHEALTH.

(a) APPROPRIATION.—In addition to amounts otherwise appropriated under this Act, there are appropriated, out of any money in the Treasury not otherwise appropriated, $10,000,000 to carry out programs and activities under the Health Care Safety Net Amendments of 2002 (Public Law 107-251) and the amendments made by such Act, and for other telehealth programs under section 330I of the Public Health Service Act (42 U.S.C. 254c–14), of which—

(1) $2,500,000 shall be for not less than 10 telehealth resource centers that provide assistance with respect to technical, legal, and regulatory service delivery or other related barriers to the deployment of telehealth technologies, of which not less than 2 centers shall be located in a rural State with a population of less than 1,500,000 individuals;

(2) $5,000,000 shall be for network grants and demonstration or pilot projects for telehomecare; and

(3) $2,500,000 shall be for grants to carry out programs under which health licensing boards or various States cooperate to develop and implement policies that will reduce statutory and regulatory barriers to telehealth.

(b) OFFSET.—Notwithstanding any other provision of this Act, amounts made available under this Act for the administration and related expenses for the departmental management for the Department of Labor, the Department of Health and Human Services, and the Department of Education, shall be reduced, on a pro rata basis, by $10,000,000. The Director of the Office of Management and Budget shall administer such reductions.

Mr. THUNE. Mr. President, I ask the amendment be laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THUNE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CHAMBLISS). Without objection, it is so ordered.

Mr. DORGAN. Mr. President, my understanding is we are on the appropriations bill. I will speak for 5 minutes or so on a subject unrelated to the bill.

The PRESIDING OFFICER. It is the Senator's right.

PENTAGON CLEARANCE FOR JUDITH MILLER

Mr. DORGAN. Mr. President, there has been a lot of information around this town about a New York Times reporter named Judith Miller. She has been central to a case that Mr. Fitzgerald, the special prosecutor, is looking into. There is a lot of anticipation here about what or what might not happen with respect to charges that might be filed. It has to do with the disclosure of a covert CIA agent and who might have disclosed her name and why. Judith Miller was a reporter for the New York Times and Judith Miller spent some 80-plus days in jail because she decided not to testify about that subject before a grand jury when requested by the special prosecutor. She was subsequently released and did testify.

I share the common interest in what has happened, what did the special prosecutor find, were there people in Washington, DC, who were "outing," as it were, a covert agent of the CIA, and if so, did they lie about it, did they obstruct justice. I don't know the answer and I don't pretend to know the answer to any of that. As one colleague suggested on television this weekend, these are not "technical" issues. There is no such thing as technical perjury. In any event, this is very important. But that is now why I am here now.

The reason I come to the Senate for a moment to mention Judith Miller is she wrote something in her own hand that appeared in the New York Times in recent days describing her situation. She said something that was of interest to me and alerted my curiosity. I have since made a number of calls related to that.

Judith Miller was embedded in a military unit and she said the following in her piece:

> The Pentagon had given me clearance to see secret information as a part of my assignment "embedded" with a special military unit hunting for unconventional weapons [or weapons of mass destruction.]

We all understand in the Senate what it means to see secret or top secret material. We frequently are provided briefings by the CIA, by the Defense Department, by other intelligence units, briefings that are classified as either "secret," or "top secret." We understand what that means. We understand, for example, if a member of our staff is to be made available to have those clearances, clearances come only when there is a background check and people are evaluated for receiving a clearance to possess secret or top secret information.

So I had a question when I read this article from a New York Times reporter embedded with a military unit:

> The Pentagon had given me clearance to see secret information . . .

My question is, What kind of clearance would that be, that a reporter, traveling with a military unit in Iraq, searching for weapons of mass destruction, what kind of clearance would that reporter have to see classified or secret information?

I called the Pentagon to find out what kind of clearance would exist, perhaps not just with respect to this reporter. My interest would be on a broader basis. We had many reporters embedded with military units in Iraq during the invasion and during the subsequent activities, looking for weapons of mass destruction.

Based on what I can learn from the Pentagon—although it was not all that clear from the response I received—based on what I could learn from the Pentagon, it seems there was no "secret" or "top secret" clearance given this reporter.

Now, last evening I talked to a soldier in Germany, a man who was a part of the unit in which this reporter was embedded. He was very willing and interested in talking about the entire experience. The fellow from Germany, who is a sergeant in that special unit Judith Miller was embedded in, spoke at some length about what happened there. I told him of the quote Judith Miller had in the New York Times. He said he would have understood that she would have likely seen secret or even top secret information. The way the reporter is embedded in that circumstance, they have access to a substantial amount of information, could not help but have access. So the question I asked the Pentagon is, on what basis would a reporter have access to these clearances to receive secret or top secret information?

Further, it is my understanding, at least from the sergeant whom I spoke with in Germany last evening, all that was transmitted from this reporter, embedded with a military unit, was approved by the colonel involved in that military unit and material was not to be published without the colonel's approval. Well, of course, that is the censoring of the material. It is also the case as reported not only by the sergeant in the conversation I had last evening but also in previous publications, that this reporter, Judith Miller, described often her acquaintance with Donald Rumsfeld and Mr. Feith and others in the Pentagon at high levels, including generals. And she expressed freely her either agreement or disagreement with the military activities of the unit she was in, and talked about complaining back to Rumsfeld, and so on and so forth.

I don't know the voracity of all of that. All I am reporting is what I was told by someone in that unit. That is, perhaps, for another discussion. I intend to visit about this a bit more fully tomorrow.

The first question I have is not just with respect to Judith Miller, but generally under what conditions were reporters approved to be embedded with military units and given opportunity to see secret or top secret material? Did they have security clearances or not? The Pentagon says not. This reporter said she did. If they had clearances, what kinds of clearances were they? The Pentagon said they have nondisclosure forms. How can you give a nondisclosure form to a reporter and then show them secret or top secret material? Take a look at the law, which I will read tomorrow in the Senate. That is not what is allowed.

The classification of material that is secret or top secret dealing with intelligence or military operations is not a classification that is done lightly. It is not a classification that can be overcome by someone in the Pentagon who says, Okay, put on a military shirt or a pair of military trousers and go embed yourself with that unit, and, by the way, you sign a form that says "nondisclosure." That is not the way we decide how to disperse information that is considered secret or top secret.

Those who are in our Senate community, on our staffs and so on, those who are permitted to see classified secret and top secret material, must have a clearance. That clearance must come after an investigation to determine whether that person is qualified to have classified information. I am asking the Pentagon, did they provide a clearance? The short answer says no, they did not. The writer says they did. The Pentagon says a "nondisclosure form." What on Earth is that? How many nondisclosure forms exist when they are embedding men and women in the news media with military units engaged in activities that often are secret and top secret?

I will be asking the inspector general at the Pentagon to take a look at this to evaluate for the Congress. All Members should understand this. What are the circumstances by which a reporter describes her access to see secret information because she had a "clearance" from the Pentagon when the Pentagon said she did not have a clearance? We understand what secret clearances are around here. All of us understand that. We deal with that classification every day. What are the circumstances by which a reporter is allowed to see secret or top secret information because they have a clearance, when the Pentagon says no such clearance exists?

If, in fact, it is not a clearance and the reporter has simply misspoken, if it is instead a nondisclosure form, then I would like to see the provision in law by which the Pentagon has decided to provide nondisclosure releases to journalists who join military units whose units then censor the material that comes from the journalist. And is there in any way any implied quid pro quo, saying: Give me a clearance, embed me, let me see secret material; and by the way, I won't report on the things that are secret and you can review all things I write and take out the things you do not like?

I do not know the circumstance. What I have read in recent days raised questions for me beyond what has been raised in recent days which is the issue of the special prosecutor and his potential action before the grand jury expires. I don't know about all of that. I am as interested as others about what may or may not happen.

I am a member of the Subcommittee on Defense Appropriations. We spend a fair amount of time evaluating weapons programs and other issues that are secret and top secret. But I don't understand this, a self-description by a New York Times reporter about her clearance to see secret information as part of being embedded with the military unit.

Mr. President, I will have more to say about this tomorrow. In the meantime, I intend to try to find additional answers. They have not been forthcoming in the last couple of days. But I think all of the Congress, all of the Senate, should be asking these questions as well.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, we have been sitting in the Chamber without accomplishing much for more than 45 minutes now. We had, in my view, more quorum calls and more time which was not spent on the bill than we should have. We have a great many amendments pending, and we are going to be pushing ahead.

We are filing cloture today, and we are going to be pushing ahead to try to get this bill finished at the earliest time. Whether it is Thursday, Friday, or when this week, I do not know. We have been awaiting for more than 30 minutes the arrival of a Senator to offer another amendment. And very candidly, I am tired of waiting.

So that concludes the action on this bill today. We will begin tomorrow morning with a series of amendments. We had wanted to vote on a number of amendments which were pending, but we cannot because too many Senators have other commitments. That is something that is hard to understand sometimes: why we are notified mid-afternoon that Senators are too busy to attend to the business of the Senate and to vote.

I say in gest that I am going to run for majority leader on a platform to have a 4-day workweek, from Monday noon until Friday noon. That would double the workweek of the Senate. The second plank of my platform—I notice the two Senators from Georgia are amused; anybody would be amused—to hold down these votes to 15 minutes and 5 more minutes, we did pretty well on that. We had an 18½-minute vote. So that is a little progress. The junior Senator from Georgia is nodding in the affirmative.

But we have to do better. And to advocate a 4-day workweek, which would double the work of the Senate, is said only facetiously. I would have only one vote, my own. I would have maybe two or three if I didn't run on that kind of a platform.

Seriously, we need to get on with this bill. But it is now past 6 o'clock, and that concludes our activity on the bill. I think the custom of the Senate is to move to morning business at this point.

I am advised we have not yet filed cloture, Mr. President, so I suggest the absence of a quorum so we technically stay on the bill until the final signature is added so that the cloture motion can be filed.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, I ask unanimous consent that I be allowed to proceed as though in morning business for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. LEVIN are printed in today's RECORD under "Morning Business.")

Mr. LEVIN. Mr. President, I note that S. Res. 287, which is a resolution I introduced on behalf of Senator STABENOW, Senator REID, Senator FRIST, and I believe a majority of this body now, has been cleared for passage later on this evening. I very much welcome that development. It is fitting, indeed, that on the day after the passing of Rosa Parks the majority of this body sees it important to adopt a bipartisan resolution honoring her life.

I thank the Chair. I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLOTURE MOTION

Mr. FRIST. Mr. President, we have been moving forward with the underlying bill, and Chairman SPECTER has indicated that he has a lineup of amendments ready for tomorrow. I know that tomorrow will be a busy day with votes in relation to those amendments. We need this final appropriations bill this week, as I have said again and again—this week and last week—and, therefore, in order to facilitate passage, I now send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on H.R. 3010: The Labor-HHS appropriations bill.

Bill Frist, Arlen Specter, Thad Cochran, Michael Enzi, Wayne Allard, Jon Kyl, Rick Santorum, Richard Lugar, Mike DeWine, Craig Thomas, Mel Martinez, Sam Brownback, Kay Bailey Hutchison, John Thune, Orrin Hatch, Robert Bennett, Mike Crapo.

Mr. FRIST. Mr. President, I ask unanimous consent that the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. This cloture vote will occur Thursday morning. We will announce the exact time sometime during tomorrow's session, hopefully Thursday morning.

Mr. OBAMA. Mr. President. I rise today to support an important cause, at a critical time, increasing the representation of students from underrepresented backgrounds in law school and the legal profession.

Senator DURBIN and I have introduced an amendment to the Labor, Health and Human Services, and Education appropriations bill that would restore funding for a program which seeks to do just that the Thurgood Marshall Legal Educational Opportunity Program. The Marshall Program provides technical assistance, training, coaching, and financial assistance to prospective law students who might otherwise experience academic or financial obstacles to law school success. It also runs 6-week Summer Institutes that serve as a bridge between college and law school, and helps law students prepare for the bar exam. Since its inception, over 7,000 students have received their law degrees with help from the Marshall Program. I am proud to say that some of the Program's valuable initiatives are held at Illinois' own Northern Illinois University and DePaul University.

Judges, prosecutors, public defenders, and other legal professionals are the faces of our justice system. It is important that these individuals come from a variety of experiences, and bring to their jobs a diverse range of perspectives. According to a national study commissioned in 2000, however, half of those polled believed that the justice system treated people differently because of their background. One important way to address this problem is to make sure that working-class people and students from different cultural backgrounds have the opportunity to go to law school and successfully enter the legal profession.

Equally important is the effect these students will have on their families and their communities. The Marshall Program's benefits extend not only to program participants but also to the generations that follow behind them. Every person who rises from limited means to become a doctor or lawyer in this country is also a mother, father, sister or brother who will help bring resources to their families, leadership to their neighborhoods, and hope to their communities. The Marshall Progam helps to expand opportunities, for this generation of Americans and the next.

I am proud to support the cause of increasing the representation of students from less advantaged backgrounds in the legal profession. I urge my colleagues to do the same.

MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

LOCAL LAW ENFORCEMENT ENHANCEMENT ACT OF 2005

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

On September, 19, 1998, two men and two women pulled up to Peter Johnson's car in Chicago, IL, and asked him if he was gay. When he replied that he was, the four people exited the vehicle and beat the man. He was then taken to a local hospital and treated for injuries that he had sustained during the attack.

I believe that our Government's first duty is to defend its citizens, in all circumstances, from threats to them at home. The Local Law Enforcement Enhancement Act is a major step forward in achieving that goal. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

EARTHQUAKE RELIEF FOR PAKISTAN

Mr. BIDEN. Mr. President, the people of Kashmir are no strangers to hardship. Their beautiful, tragic land has been the arena of full-scale warfare between India and Pakistan, a long-running insurgency marked by exceptional brutality and penetration by terrorist groups in league with al-Qaida.

On October 8, the people of Kashmir suffered the most devastating blow yet: A massive earthquake killed about as many Kashmiris in just a few minutes as all the bullets and bombs of massed armies were able to kill there over the previous half-century. And unless we act now, the casualty count will climb even higher.

At latest count, the quake's death toll is somewhere between 55,000 and 80,000. An estimated 3 million people are now homeless. As the survivors spend day after miserable day with little food or water, little medical care, little protection from the bitterly cold winter temperatures that have already hampered relief efforts, the number of the dead will certainly rise.

Residents of the Indian-administered portion of Kashmir were hit hard: 1,400 have died, a number greater than the death toll of Katrina. But the worst devastation has been felt in the area administered by Pakistan, which has borne the brunt of the disaster.

For Pakistan, the earthquake was at least 40 Katrinas, all rolled into one.

The capitol of Pakistani Kashmir has been largely destroyed. Relief efforts will cost billions of dollars, and repairs to the very most basic infrastructure will cost billions more.

American helicopter pilots and other military personnel have performed heroically in the rescue operation. The first 72 hours after a disaster of this magnitude are vital, since this is the window in which trapped survivors have a realistic chance of being brought out alive. As of last week, October 17, 442 U.S. personnel and 11 helicopters were involved in the effort, and the U.S. military had evacuated 2,500 survivors. I am proud of our service men and women, and I wholeheartedly support President Bush's decision to deploy our military assets to this mission of mercy.

I would like to see far more of our choppers devoted to this vital effort: With only 30 percent of the affected villages reachable by road, the single greatest need is for every utility helicopter that can be rushed to the scene; we've got Chinooks, Blackhawks, and other suitable craft right across the border in Afghanistan, and I hope the administration will immediately shift more of these assets to the short-term mission of saving lives.

I also support the President's pledge of financial aid for the reconstruction effort—indeed, I rise today to urge President Bush to send more aid. This is no time for half-measures.

If there is one thing we all should have learned from Katrina and the Southeast Asian tsunami, it is that an effective, rapid, well-funded response is necessary to prevent a terrible tragedy from spiraling into an uncontrolled disaster.

As of today, October 24, the total amount of earthquake aid committed by the administration has been about $27 million. President Bush has pledged "up to" $50 million, and Secretary Rice has hinted that the total figure might be higher than this, but so far—2 weeks after the tragedy—these are still vague abstractions. The costs for tsunami relief proved far higher than the initial estimates—or the initial U.S. pledge. It is a safe bet that the needs for this tragedy will also prove much greater than initial estimates. It is far too early to cap our contribution.

The U.N. has sought $312 million to meet immediate needs but has found the world community willing to pledge barely a quarter of this amount—and the White House's response has been to promise less than 4 percent of this modest sum, per USAID fact-sheet of 10/21: $10.8 million to U.N. flash appeal. Mr. President, we need to do much more, to do it much faster—and we need the administration to start telling us some answers:

How much money will we actually spend? And where will it come from? Does the administration plan to shift funds from existing accounts for Pakistan, in which case the President's pledge would look like a bait-and-switch? Would the funds come from existing disaster accounts, in which case every dollar sent to Kashmir would potentially be a dollar taken from Darfur, Guatemala, or Niger?

With so many pressing needs here in the United States, some may ask why send any aid overseas. Let's take care of our own people, some may say, leave other nations to take care of themselves.

But this is a false choice. We can take care of our own people and fulfill our moral duty to our fellow human beings elsewhere in the world.

When we were struck by the tragedy of Katrina, 90 nations offered us assistance—including a pledge of $1 million from Pakistan. Aiding the victims of the Kashmiri earthquake is the right thing to do, and it is also in our vital national interest. As we have seen in the aftermath of the Asian tsunami this year, disaster relief is one of the most effective—and cost-effective—tools in our diplomatic or political arsenal.

Other nations recognize the twinned moral and political need for generous humanitarian response. Some 30 countries have sent relief aid to Pakistan, countries including Russia, China, Japan, South Korea, France, Spain, Holland, Germany, Switzerland, Iran, Jordan, Syria and Afghanistan. Several, including Britain and Turkey, sent specialized search-and-rescue teams to pull survivors out of the rubble.

Others have already established mobile field hospitals that are saving hundreds—maybe thousands—of lives on a daily basis. Even Pakistan's longtime rival India sent planeloads of tents, medicine, and other supplies.

The U.S. has been generous, but so too have other countries. If the administration does indeed follow through on President Bush's $50 million promise, that would be half the amount pledged by Kuwait, half the amount pledged by the United Arab Emirates. Last weekend, Saudi Arabia announced an aid package of $133 million. We are not the only country involved in this relief effort and our contribution should reflect our Nation's true generosity of spirit.

It is not just nations that are joining the effort: private individuals and groups have opened their hearts and wallets. Here in this country, NGOs like Mercy Corps, CARE, the International Rescue Committee, Save the Children and the Red Cross have collected many thousands of dollars.

In one development that builds upon an encouraging warming of ties between Pakistan and Israel, President Musharraf has specifically welcomed the contributions of American Jewish charities.

But there are other organizations whose support is more troubling: extremist groups have been in the forefront of disaster relief. There is a desperate need for more assistance—and that void is being filled by groups hostile to American interests.

Jamaat ul-Dawa, an affiliate of the terrorist group Lashkar-e Taiba, has been operating a major field hospital complete with x-ray facilities and an operating theater—a facility so capable that it has been treating casualties of the Pakistani military itself.

More than a week after the earthquake, the U.S. had still not set up a mobile field hospital, despite the proximity of resources in Afghanistan and the Middle East; I hope that by now such a facility is in operation. We have the finest military medical personnel in the world, and they are eager to save as many lives as they can.

Why has the administration been unable to accomplish a vital humanitarian task that is currently being carried out by a terrorist affiliate?

And Jamaat ul-Dawa isn't the only extremist group filling this need. The Al-Khidmat Foundation, the charity branch of hardline Islamist party Jamaat-e Islami, has organized relief convoys, medical facilities and camps sheltering survivors.

The Al-Rasheed trust, a group whose U.S. assets have been frozen on the suspicion that it channeled funds to al-Qaida is highly visible in a variety of relief efforts.

There's nothing new about extremist groups performing social services. Hezbollah, Hamas, the Tamil Tigers, and a variety of other groups on the Foreign Terrorist Organization list have long bolstered their base of support by providing social welfare programs—especially where the government has been either unable or unwilling to meet its citizens' most basic needs.

The extremists know that such programs build goodwill among the populace. They have learned a lesson already known to every U.S. military officer: You can't win a war with bombs alone, you have to win hearts and minds.

Our military professionals know this, but it sometimes seems as if the civilian leadership in the White House has forgotten the lesson. We had an opportunity to demonstrate our friendship to the Pakistani people, to the Kashmiris on both sides of the line of control, to Muslims throughout the globe, and instead we have failed to match our commitment with our superpower status. Every day we let the extremists fill the void is another opportunity wasted.

The Asian tsunami provides a shining example of the need for rapid action, and what we can accomplish when we do things right.

The initial response from the White House was disappointing: for the first week after the tragedy, the administration lagged behind other nations, including small countries with far inferior resources than we possess.

But once the administration decided to match America's contribution with our superpower status, we leapt to the forefront of the relief effort. When the USS *Abraham Lincoln* carrier group and other naval assets arrived on the scene, they immediately established us the leader of the global response.

The sailors, marines and other service members did an absolutely superb job: They performed an act of public diplomacy more powerful than any dollars-and-sense reckoning could calculate.

They showed that the U.S. military is not merely a fearsome adversary but also a powerful friend.

This effort had an immediate impact: In Indonesia, the world's most populous Muslim nation, popular attitudes towards the United States profoundly improved, almost overnight. Before George Bush took office, 75 percent of Indonesians had a favorable impression of the United States; by 2003, that number had fallen to 15 percent.

But in the aftermath of the tsunami, Indonesians saw Americans as friends rather than foes. In a survey sponsored by the nonpartisan group Terror Free Tomorrow, 65 percent of respondents had a more favorable view of the United States after the arrival of the USS *Abraham Lincoln*.

This public attitude is directly reflected in Indonesian views of the war on terror. In the same poll, support for Osama bin Laden dropped from 58 percent prior to the tsunami to 23 percent afterward. For the first time in any major poll, a plurality, 40 percent, supported the U.S.-led fight against terrorism.

And this isn't merely a matter of poll numbers: Indonesian-based extremist groups tried to use their relief operations in the tsunami-ravaged province of Aceh as a tool for recruitment, and due in large part to the strong U.S. response these groups utterly failed to make headway. When they tried to preach anti-American sentiments, the people of Aceh shut them down cold: The survivors of the tsunami knew better because they had seen American sailors and marines saving lives.

The lesson is clear: Our humanitarian duty and our national security interests here are in complete accord. When we use our military and financial strength to save lives, we help drain the swamp of terrorism.

We accomplished a tremendous feat in the tsunami recovery effort. For the price of just a few days' operating expenses in Iraq, we bought an incalculable amount of goodwill among the 210 million Muslims in Indonesia, and improved our standing among many other Muslims worldwide.

Today, we have the chance to replicate our success. We can do in Pakistan what we did in Indonesia: prove that America is not engaged in a crusade against Islam.

We can demonstrate—with deeds, not empty words—that we are allies rather than adversaries. We can show that we, and not the extremists or the terrorists, are the best friends that the people of Muslim nations could want to have.

We can do this, but we can't do it on the cheap. We can't do it with just a dozen helicopters and $27 million and a promise that eventually we may contribute half as much as Kuwait.

Mr. President, I urge this Chamber to do more. And I urge the administration to immediately match our contribution with the vital need at hand: With Pakistan reeling from the worst natural disaster in its history, we can't afford to let our response be too little and too late.

Today, Mr. President, our moral duty and our national security interest are one.

COMMEMORATING THE SIXTIETH ANNIVERSARY OF THE UNITED NATIONS

Mr. BIDEN. Mr. President, I recognize and pay tribute to the United Nations on the occasion of its sixtieth anniversary.

During this week in 1945, fifty countries came together to found the United Nations, a body created to advance two momentous goals: a world free from war, and one in which the basic rights of citizens are respected in all countries. Over the last 6 decades, with the help of the UN, we have at least avoided the scourge of another world war. And we have seen the advancement of democracy and human rights around the world, as well as the provision of shelter, basic education, and critical healthcare to millions that would otherwise have gone without.

Today, while the broad goals of the UN remain the same, global threats and challenges are drastically different. Internal conflict, terrorism, the spread of weapons of mass destruction, religious hatreds, natural disasters, and disease pose great hardships and risks to all people, regardless of country of origin, and require, more than ever, coordinated international responses. By harnessing the resources and collective expertise of its 191 member states, the United Nations has the ability to address these concerns in ways that no single nation can on its own.

We in the United States owe the UN our profound gratitude for the assistance that has been provided to victims of Hurricane Katrina on our gulf coast. Within days of the disaster, the United Nations launched a campaign to coordinate relief assistance with federal efforts. UN agencies have distributed life-saving supplies, are supporting the surveillance work of the Centers for Disease Control, and are assisting in evacuee registration and tracking of missing children.

Day in and day out, we see evidence of the critical work that the United Nations undertakes around the world. The organization continues to lead humanitarian relief efforts in the wake of last year's tsunami disaster in Southeast Asia and has launched an emergency response to the devastating earthquake in Pakistan. Through UNAIDS, the organization coordinates a comprehensive global response to the fight against HIV/AIDS, working to halt and reverse the epidemic by 2015. The UN women's fund, UNIFEM, supports women's empowerment and gender equality, in particular through supporting local initiatives to end violence against women. The UN Development Program is supporting democratic governance projects in Iraq, Afghanistan, Sierra Leone, Haiti and over 150 countries worldwide. Inspections by the International Atomic Energy Agency have uncovered violations by Iran and North Korea, and the agency's safeguards have assured the world that other countries are not diverting nuclear material from their peaceful nuclear power programs.

Finally, the UN Refugee Agency, UNHCR, extends protection and life saving assistance to some 19 million refugees and other vulnerable persons. In May 2005, I had the opportunity to visit the Oure Cassoni refugee camp along the Chad-Sudan border, and was incredibly impressed with UNHCR's work in providing direly needed food, shelter, and education services for nearly 25,000 refugees. The agency's aid staff is working tirelessly to serve this large population, and I witnessed extraordinary dedication and professionalism.

For 60 years, the United Nations has been on the front lines leading humanitarian stabilization efforts under conditions and in situations that are the worst of the worst. Now the organization is focused on another critical task: reforming itself. Many, including Secretary General Annan, have recognized that the UN must change the way it does business if it is to maintain the support of its members and effectively address the challenges that the global community will face in the future.

This reordering and restructuring is needed, significant, and moving forward. To highlight a few items, as a result of the support demonstrated at the UN Summit last month, member states are working to create a Human Rights Council to replace the defunct Human Rights Commission, in order to more effectively advance the rights and freedoms that continue to be denied to far too many. The establishment of a Peace Building Commission will make the UN, and the world, better equipped to prevent post-conflict countries from relapsing into violence, reducing the conditions that breed terrorism. And the dozens of personnel, management and budget reforms that have been proposed and endorsed by member states will make the organization more efficient in the important work it does.

Now, as the United Nations moves into the next chapter of its history, it is imperative that this momentum for change continues. Implementing these reforms is the responsibility of the member states. The United States can playa critical leadership role in securing their support, and their action. The future effectiveness of the United Nations lies in the balance, and I have every expectation that the member states can and will deliver. I encourage the Members of this chamber to fully support the efforts that are underway at the United Nations.

Article One of the United Nations Charter states that the purposes of the organization are to maintain international peace and security; address international social, economic and cultural problems; and to promote fundamental human rights and freedoms. Today, although tremendous progress has been made, we still need the UN to advance these goals. Therefore, I congratulate and thank the United Nations, its current personnel and staff, as well as those who have served in the past, for all that it has done to advance peace, security and freedom around the world, and for all that it must do in the years ahead to realize the vision of its founders.

VOTE EXPLANATION

Mr. NELSON of Florida. Mr. President, I would like the RECORD to reflect that I was necessarily absent for the votes on the confirmations of Brian Edward Sandoval to be U.S. District Judge for the District of Nevada, Vote No. 265, and Harry Sandlin Mattice, Jr., to be U.S. District Judge for the Eastern District of Tennessee, Vote No. 266, on Monday, October 24, 2005, so I could assess the impact of Hurricane Wilma on Florida. Had I been present for these votes, I would have voted in favor of both nominations.

FORT RENO MINERAL LEASING ACT

Mr. INHOFE. Mr. President, on October 6, 2005, I introduced S. 1832, the "Fort Reno Mineral Leasing Act". At that time I introduced letters of support for this legislation. Since then I have received a letter from Mrs. Donna Von Tungeln that I would like to submit for the RECORD.

Mrs. Von Tungeln and her late husband Henry Jo have been active supporters of preserving the historical buildings at Fort Reno. Their dedicated work to this project is greatly appreciated.

I ask unanimous consent the following letter be printed for the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

VON TUNGELN FARMS,
Calumet, OK, September 28, 2005.

Hon. JIM INHOFE,
Russell Building,
Washington, DC.

DEAR SENATOR INHOFE: I appreciate your interest in helping the citizens of Oklahoma to preserve one of our most important historical assets, the buildings of Fort Reno. Funding is badly needed to restore and maintain the Fort's buildings, many of which were built as early as the 1880's. The legislation you are willing to introduce on our behalf will insure that these priceless buildings are not lost, but are preserved and maintained and made available for viewing and use by generations of Oklahomans.

I also appreciate that you support a revenue-neutral approach to financing the restoration of Fort Reno without increasing our tax burden. My late husband, Henry Jo, first suggested this mechanism about two years ago, and worked to have it considered. Your willingness to implement the plan means a great deal to me. Success with the legislation will mean much to many other Oklahomans, as well as the thousands of out-of-state tourists who visit Fort Reno each year.

Sincerely,

DONNA VON TUNGELN.

TRIBUTE TO PAUL AND SHEILA WELLSTONE

Mrs. MURRAY. Mr. President, I rise today in memory of Paul and Sheila Wellstone. It is hard to believe that on this date 3 years ago, the lives of Paul and Sheila Wellstone, and others, were taken in a plane crash in Minnesota. On that day, I lost a good friend, the Senate lost a leader, and the American people lost an advocate who was never afraid to stand up and speak for those who had no voice.

Today I honor my friend and colleague, Senator Paul Wellstone, who inspired so many people to speak up and to serve. Even as I stand here today, I cannot imagine that when I turn around I won't see Paul standing at his desk, his arms flailing in the air, making his point with great passion.

Paul inspired me to run for the U.S. Senate. His brilliant example reminded me that you don't need to be powerful or rich to make a difference. You just need to have an honest concern for others, an optimistic spirit, and the courage to act. Paul embodied these traits.

I am grateful for the time we had with Paul. He and I worked on everything from domestic violence and education to providing health care to veterans and protecting families from asbestos.

As the month of October, which is Domestic Violence Awareness Month, draws to a close, there is much the Senate has accomplished on this issue. The Violence Against Women Act reauthorization, which contains many improvements to the current law, has passed the Senate. But the absence of the Wellstones has truly been felt. Paul and Sheila were such champions for victims of domestic violence, especially in the area of economic security.

Paul knew that it is important to address the economic barriers that trap women in violent homes or relationships. That is why he and I worked together to introduce bills to provide economic protections for victims. I am proud to carry on the legacy of Paul and Sheila Wellstone, and in their honor I have introduced the Security and Financial Empowerment, SAFE Act, which will protect and even save the lives of victims of domestic or sexual violence and their families.

We are all poorer for the loss of Paul Wellstone, his wife Sheila, his daughter Marcia, the members of his staff, and the pilots who were taken from us on this day 3 years ago. But I continue to hope that each one of us who are here will take on part of Paul's legacy—for example, the spirit to speak out for the underprivileged or for the woman on welfare because of domestic violence who is trying to get back on her feet.

If we can remember to fight for all Americans no matter what challenges they face, and do so with respect and dignity, then Paul's legacy will live on in the Senate, as it lives on in our hearts and minds. In the name of Paul and Sheila Wellstone, I pledge to carry on their legacy throughout my time in the Senate.

BREAST CANCER AWARENESS MONTH

Mr. HARKIN. Mr. President, I rise today to recognize National Breast Cancer Awareness Month, and call for quick passage of the Breast Cancer Environmental Research Act. Breast Cancer is a disease that has impacted virtually every American's life, including my own. My two sisters both had breast cancer and died of the disease. Sadly, they contracted breast cancer at a time when regular mammograms and improved treatment methods were not widely available. More than 3 million women are currently living with breast cancer, and each year, tens of thousands of women die from this disease.

In 1992, I offered an amendment to dedicate $210 million in the Defense Department budget to begin the Breast Cancer Research Program, a partnership between the military, medical, and breast cancer survivor communities to develop and implement innovative research towards the goal of curing and eliminating breast cancer. This funding was in addition to the funding for breast cancer research conducted at the National Institutes of Health. My amendment passed and overnight it doubled Federal funding for breast cancer. Since then, funding for breast cancer research has been included in the Defense Department budget every year.

Almost a decade ago, when I looked into the issue of breast cancer research, I discovered that barely $90 million was spent on breast cancer research. Today, I am proud to say that between the Department of Defense, the National Institutes of Health and the Centers for Disease Control and Prevention, nearly a billion dollars annually is being spent on finding a cure for breast cancer. Scientific researchers are making exciting discoveries about the causes of breast cancer and its prevention, detection, diagnosis, treatment and control, leading to real progress in our war against this devastating disease. We know better than ever before how a healthy cell can become cancerous, how breast cancer spreads, why some tumors are more aggressive than others and why some women suffer more severely and are more likely to die of the disease.

However, our work is not done. While important advances have been made, we still do not know what causes this disease, or how to prevent it. Today, I call upon my Senate colleagues to cosponsor the Breast Cancer Environmental Research Act, legislation modeled after the Defense Department's Breast Cancer Research Program. The Breast Cancer Environmental Research Act would establish eight centers to conduct research on environmental factors that may contribute to breast cancer and, importantly, would require collaboration with community organizations in the areas where the centers are established. I strongly believe any breast cancer research must include the perspectives of breast cancer survivors, and this legislation does so by including consumer advocates in the peer review and programmatic review process. In addition, the legislation is structured to ensure the kind of efficiency and public accountability that has made an overwhelming number of Senate colleagues, as well as scientists and consumers, so supportive of the Department of Defense Breast Cancer Research Program. I urge my colleagues to support the Breast Cancer Environmental Research Act.

IN MEMORY OF PENN KEMBLE

Mrs. CLINTON. Mr. President. On October 16, our Nation lost one of its finest defenders of freedom, Richard Penn Kemble.

The central theme of Penn Kemble's activist youth and professional life was the promotion and strengthening of democracy. In the 1970s, he served on the Senate staff of my predecessor, Daniel Patrick Moynihan, and in the Clinton administration, he served as Deputy and Acting Director of the United States Information Agency, USIA. At USIA, Penn Kemble initiated Civitas, a multinational educational program.

Under his leadership, USIA made educational reform, to strengthen both citizenship and the culture of democracy, one of its central interests. Through its partnership with the Center for Civic Education, it nurtured a worldwide civic education movement that began at its first meeting in Prague in June of 1995. I had the honor of addressing the third annual Civitas World Conference in 1999 in Palermo, Italy, which brought together political leaders and more than 350 civic educators from around the world.

This international civic education movement continues today in no small measure because of the important work Penn Kemble began in 1995. He knew that even though the institutional machinery of democracy might be in place, it could not be sustained unless a culture of democracy was to take root. He knew that people could only become citizens when they understood and exercised the rights and responsibilities of self-government. He knew that it was in our Nation's best interest to support emerging democracies through citizen education and he used his intellect, boundless energy, and creativity to achieve that end.

I am grateful for the work Penn Kemble began during my husband's Presidency, and I join his family and friends from all over the world in mourning his loss.

THE AVIAN INFLUENZA

Mr. FEINGOLD. Mr. President, today I rise to express my concern about avian influenza and America's preparedness for a global pandemic. While I do not want to add to people's fears about this issue, reports of the lethality of the H5N1 strain must be taken seriously and we need to make sure that we are taking appropriate measures to prepare for a possible pandemic.

As we all well know, migratory birds are steadily carrying the avian flu virus from throughout Southeast Asia and Siberia to Romania, Turkey, and now Greece. International health officials predicted that this spread could happen, and it should be no surprise that this disease is taking this course. In the 20th century alone, three influenza pandemics swept throughout the world, most notably the 1918 flu pandemic, which took 500,000 lives. Our knowledge of disease and hygiene has improved dramatically since then, and our ability to ready ourselves has subsequently advanced, but our risk for a pandemic remains a danger.

Scientists and public health officials throughout the world have warned that a flu pandemic will take place, have alerted governments to the possibility of pandemic through the avian flu, and have watched as little has been done to prepare for the occurrence. Despite the warnings of the inevitability of pandemic, research into influenza vaccine and therapy has been continually underfunded, as have our programs that would provide emergency health care relief in a time of crisis. Hurricane Katrina illustrated our lack of preparedness for a true disaster, and the Government's failure to quickly bring relief to our friends along the gulf coast should send a resounding message that we must better prepare for an emergency in the future. That emergency could well be the avian flu pandemic. Let us not be caught unaware. While there is no guarantee that this will occur this winter, next winter, or even the year after that, scientists tell us that it is only a matter of time, and we should use that time to build our stockpiles of vaccines and medicines, and to support global initiatives to help prevent the spread of the disease through containment strategies and alerts.

Although the avian flu does not yet transmit from human to human, this type of virus is capable of rapidly mutating and becoming highly infectious among people. With the seasonal flu season approaching, the risk of a human strain emerging increases, as the opportunity for the virus to drift among species and mutate is augmented. If a pandemic ensued, the threat would obviously not be distributed evenly across the population. The young and elderly would be at most risk, as would immunocompromised people and people suffering from malnutrition and inadequate basic health services. We know this, we are aware of the problems, and we must take action to ensure the health and safety of the most vulnerable. Guaranteeing safety means taking responsibility for all of our communities' responses and plans.

I am pleased that I was able to join many of my colleagues in sending a letter to President Bush on October 4, 2005, that urged the administration to release a finalized Pandemic Influenza Response and Preparedness Plan, which the World Health Organization has deemed essential to planning a strategy in the case of a global pandemic. I am eagerly waiting for this plan to be released, as I believe it is of extreme importance to the American people. I am also pleased that the Senate approved a measure to add $3.9 billion to the Defense Department's budget for the purchase of vaccines and medicines to treat avian flu, and I hope to see the House agree to this in conference. This was an important measure to help prepare Americans, particularly those most vulnerable, against the ravages of a fatal disease.

While we do not know when or where this pandemic may develop, we must work to prepare now.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT RELATIVE TO THE CONTINUATION OF THE NATIONAL EMERGENCY DECLARED IN EXECUTIVE ORDER 12938 WITH RESPECT TO THE PROLIFERATION OF WEAPONS OF MASS DESTRUCTION—PM 28

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice, stating that the emergency posed by the proliferation of weapons of mass destruction and their means of delivery declared by Executive Order 12938 on November 14, 1994, as amended, is to continue in effect beyond November 14, 2005. The most recent notice continuing this emergency was signed on November 4, 2004, and published in the *Federal Register* on November 8, 2004 (69 FR 64637).

Because the proliferation of weapons of mass destruction and the means of delivering them continues to pose an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States, I have determined the national emergency previously declared must continue in effect beyond November 14, 2005.

GEORGE W. BUSH.
THE WHITE HOUSE, *October 25, 2005.*

MESSAGE FROM THE HOUSE

ENROLLED BILL SIGNED

At 1:09 p.m., a message from the House of Representatives, delivered by

Ms. Brandon, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

S. 397. An act to prohibit civil liability actions from being brought or continued against manufacturers, distributors, dealers, or importers of firearms or ammunition for damages, injunctive or other relief resulting from the misuse of their products by others.

The enrolled bill was signed subsequently by the President pro tempore (Mr. STEVENS).

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 3894. To provide for waivers under certain housing assistance programs of the Department of Housing and Urban Development to assist victims of Hurricane Katrina and Hurricane Rita in obtaining housing; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 3895. To amend title V of the Housing Act of 1949 to provide rural housing assistance to families affected by Hurricane Katrina or Hurricane Rita; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 3896. To temporarily suspend, for communities affected by Hurricane Katrina or Hurricane Rita, certain requirements under the community development block grant program; to the Committee on Banking, Housing, and Urban Affairs.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 2123. An act to reauthorize the Head Start Act to improve the school readiness of disadvantaged children, and for other purposes.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, October 25, 2005, she had presented to the President of the United States the following enrolled bill:

S. 397. An act to prohibit civil liability actions from being brought or continued against manufacturers, distributors, dealers, or importers of firearms or ammunition for damages, injunctive or other relief resulting from the misuse of their products by others.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–4377. A communication from the Secretary of the Air Force, transmitting, pursuant to law, the report of a Program Acquisition Unit Cost (PAUC) Breach relative to the National Polar-orbiting Operational Environmental Satellite System; to the Committee on Armed Services.

EC–4378. A communication from the Secretary of Defense, transmitting a report on the approved retirement of Lieutenant General John W. Rosa, Jr., United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–4379. A communication from the Commissioner, Social Security Administration, transmitting, pursuant to law, a consolidated report of the Administration's processing of continuing disability reviews for fiscal year 2004; to the Committee on Finance.

EC–4380. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Weighted Average Interest Rate Update Notice—Pension Funding Equity Act of 2004" (Notice 2005–71) received on October 18, 2005; to the Committee on Finance.

EC–4381. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Bureau of Labor Statistics Price Indexes for Department Stores—August 2005" (Rev. Rul. 2005–69) received on October 18, 2005; to the Committee on Finance.

EC–4382. A communication from the Regulations Officer, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled "Deemed Duration of Marriage for Widows/Widowers and Removal of Restriction on Benefits to Children of Military Parents Overseas" (RIN0960–AG23) received on October 18, 2005; to the Committee on Finance.

EC–4383. A communication from the Director, Regulations and Disclosure Law Division, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Extension of Import Restrictions Imposed on Certain Categories of Archaeological Material from the Pre-Hispanic Cultures of the Republic of Nicaragua" (RIN1505–AB61) received on October 18, 2005; to the Committee on Finance.

EC–4384. A communication from the National President, Women's Army Corps Veterans' Association, transmitting, pursuant to law, a report of the Association's financial statements for the year ended June 30, 2005; to the Committee on the Judiciary.

EC–4385. A communication from the Director, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, transmitting, pursuant to law, the report of a rule entitled "Establishment of the Red Hill Douglas County, Oregon Viticultural Area" (RIN1513–AA39) received on October 18, 2005; to the Committee on the Judiciary.

EC–4386. A communication from the Director, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, transmitting, pursuant to law, the report of a rule entitled "Establishment of the Dos Rios Viticultural Area" (RIN1513–AA95) received on October 18, 2005; to the Committee on the Judiciary.

EC–4387. A communication from the Attorney Advisor, National Highway Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a vacancy in the position of Administrator, received on October 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4388. A communication from the Under Secretary and Director, Patent and Trademark Office, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Provisions for Claiming the Benefit of a Provisional Application with a Non-English Specification and Other Miscellaneous Matters" (RIN0651–AB85) received on October 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4389. A communication from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of defense articles or defense services sold commercially under contract in the amount of $100,000,000 or more to Japan (technical data, defense services and hardware related to the sale and inspection of U–125A aircraft); to the Committee on Foreign Relations.

EC–4390. A communication from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of defense articles or defense services sold commercially under contract in the amount of $100,000,000 or more to Japan (design, production and launch of the BSAT–3a commercial communications satellite); to the Committee on Foreign Relations.

EC–4391. A communication from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of defense articles or defense services sold commercially under contract in the amount of $100,000,000 or more to Sea Launch Company LLC and the Boeing Company (JCSAT 9); to the Committee on Foreign Relations.

EC–4392. A communication from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of defense articles or defense services sold commercially under contract in the amount of $72,000,000 or more to Japan (Evolved SeaSparrow Missile); to the Committee on Foreign Relations.

EC–4393. A communication from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the dollar value of articles, materials, and supplies purchased by the United States Department of State that were manufactured outside of the United States; to the Committee on Foreign Relations.

EC–4394. A communication from the Director of Finance and Administration, Delta Regional Authority, transmitting, pursuant to law, the Authority's Audited Financial Statements for Fiscal Year 2004; to the Committee on Environment and Public Works.

EC–4395. A communication from the Assistant Secretary of the Army (Civil Works), Department of Defense, transmitting, a report of proposed legislation relative to the Civil Works program of the Army Corps of Engineers; to the Committee on Environment and Public Works.

EC–4396. A communication from the Assistant Secretary of the Army (Civil Works), Department of Defense, transmitting, pursuant to law, a report recommending authorization of the project for ecosystem restoration, Denver County Reach, South Platte River, Denver, Colorado; to the Committee on Environment and Public Works.

EC–4397. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality

Implementation Plans; Connecticut; Redesignation of City of New Haven PM10 Nonattainment Area to Attainment and Approval of the Limited Maintenance Plan" (FRL7979-8) received on October 18, 2005; to the Committee on Environment and Public Works.

EC–4398. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Maryland; Control of Visible and Particulate Emissions from Glass Melting Facilities" (FRL7984-7) received on October 18, 2005; to the Committee on Environment and Public Works.

EC–4399. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Maryland; Amendments to the Control of VOC from AIM Coatings" (FRL7984–6) received on October 18, 2005; to the Committee on Environment and Public Works.

EC–4400. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Texas; Speed Limits Local Measure for the Dallas/Fort Worth Ozone Nonattainment Area" (FRL7982–1) received on October 18, 2005; to the Committee on Environment and Public Works.

EC–4401. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Maintenance Plan Revisions; Wisconsin" (FRL7974-4) received on October 18, 2005; to the Committee on Environment and Public Works.

EC–4402. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, Monterey Bay United Air Pollution Control District" (FRL7975-1) received on October 18, 2005; to the Committee on Environment and Public Works.

EC–4403. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "TSCA Inventory Update Reporting Partially Exempted Chemicals List: Addition of 1,2,3-Propanetriol" (FRL7715–2) received on October 18, 2005; to the Committee on Environment and Public Works.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. GRASSLEY for the Committee on Finance.

*Franklin L. Lavin, of Ohio, to be Under Secretary of Commerce for International Trade.

*Clay Lowery, of Virginia, to be a Deputy Under Secretary of the Treasury.

*James S. Halpern, of the District of Columbia, to be a Judge of the United States Tax Court for a term of fifteen years.

*Karan K. Bhatia, of Maryland, to be Deputy United States Trade Representative, with the Rank of Ambassador.

*Susan C. Schwab, of Maryland, to be a Deputy United States Trade Representative, with the rank of Ambassador.

By Mr. LUGAR for the Committee on Foreign Relations.

*C. Boyden Gray, of the District of Columbia, to be Representative of the United States of America to the European Union, with the rank and status of Ambassador.

Nominee: Clayland Boyden Gray.

Post: U.S. Ambassador to the European Union.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, Amount, Date, and Donee:

1. Self: 1,000.00, 01/22/01, Collins for Senate (2002-P); 1,000.00, 05/03/01, Friends of Connie Morella (2002-P); 10,000.00, 05/11/01, National Republican Senatorial Committee; 1,000.00, 05/21/01, Bob Smith for Senate (2002-P); 1,000.00, 06/13/01, Voinovich for Senate (2004-P); 4,000.00, 06/13/01, The 2001 President's Dinner (1/2 NRSC and 1/2 NRCC); 1,000.00, 06/15/01, Senator John Warner Committee (2002-P); 1,000.00, 06/26/01, Lindsey Graham for Senate (2002-P); 500.00, 07/09/01, Friends of Max Baucus (2002-P), 1,000.00, 07/13/01, Inhofe for Senate (2002-P); 1,000.00, 09/11/01, Texas Freedom Fund; 500.00, 10/04/01, McConnell for Senate 2002 (2002-P); 1,000.00, 10/04/01, McConnell for Senate 2002 (2002-G); 1,000.00, 10/23/01, Citizens for Arlen Specter (2004-G); 1,000.00, 10/23/01, Dole 2002 Committee (2002-P); -1,000.00, 10/23/01, Friends of Phil Gramm (REFUND of contribution made in 1998 for 2002 general election); 500.00, 11/05/01, Hagel for Senate (2002–P); 1,000.00, 12/05/01, Coleman for Senate (2002–P); 7,500.00, 12/05/01, National Republican Senatorial Committee; 1,000.00, 12/05/01, Greenwood for Congress (2002-P); 1,500.00, 12/26/01, Senate Majority Fund; 1,000.00, 12/26/01, Lynette Boggs McDonald for Congress (2002-P); 1,000.00, 12/26/01, John Thune for South Dakota (2002–P); 1,500.00, 01/02/02, Senate Majority Fund; 1,000.00, 01/14/02, America's Foundation; 1,000.00, 01/14/02, Tennesseans for Thompson (2002-P); 500.00, 02/21/02, Nancy Johnson for Congress (2002–P); 1,000.00, 02/21/02, The Richard Burr Committee (2002-P); 1,000.00, 03/21/02, Kevin Raye for Congress; 1,000.00, 04/22/02, Tom Young for Congress (2002–P); 1,000.00, 04/25/02, People for Pete Domenici (2002-P); 1,000.00, 02/13/03, Judd Gregg Committee (2004-P); 2,000.00, 4/01/03, The Richard Burr Committee (2004–P); 5,000.00, 04/21/03, VOLPAC; 2,000.00, 04/28/03, Friends of George Allen (2006–P); 1,000.00, 05/22/03, Portman for Congress (2004-P); 200.00, 6/12/03, Committee to Re-Elect Congressman Rohrabacher (2004-P); 2,000.00, 06/13/03, Bush-Cheney '04, Inc. (2004–P); 25,000.00, 06/26/03, Republican National Committee; 1,000.00, 06/30/03, Voinovich for Senate (2004-P); 2,000.00, 06/30/03, Voinovich for Senate (2004–G); 1,000.00, 07/21/03, DeWine for U.S. Senate (2002–P); 1,000.00, 07/21/03, Judd Gregg Committee (2004-P); 1,000.00, 09/22/03, Friends of Sessions Senate Committee, Inc. (2004–P); 2,000.00, 10/02/03, The Richard Burr Committee (2004-G); 1,000.00, 10/21/03, Citizens for Arlen Specter (2004–P); 2,000.00, 12/09/03, Tom Davis for Congress (2004-P); 2,000.00, 02/04/04, Congressman Joe Barton Committee (2004–P); 500.00, 03/02/04, David Vitter for U.S. Senate (2004–P); 2,000.00, 03/12/04, Elizabeth Dole Committee (2008–P); 25,000.00, 03/15/04, Republican National Committee; 2,000.00, 03/15/04, Paterno for Congress (2004-P); 1,000.00, 03/15/04, Portman for Congress (2004–P); 2,000.00, 03/26/04, Martinez for Senate (2004-P); 1,000.00, 03/26/04, Citizens for Arlen Specter (2004–G); 2,000.00, 03/31/04, Frelinghuysen for Congress (2004–P); 1,500.00, 05/24/04, Friends of Connie Mack (2004-P); 1,000.00, 05/25/04, The Judd Gregg Committee (2004-G); 500.00, 05/25/04, Bill Manger for Congress (2004–P); 1,000.00, 06/25/04, Bond for U.S. Senate (2004-P); 2,500.00, 07/01/04, National Republican Senatorial Committee, 10,000.00, 08/24/04, McCollum for U.S. Senate (FEC Reg. 400.42(c) 2004; primary contribution of increase in limitation only); 500.00, 01/07/05, Santorum 2006 (2006–P); 3,500.00, 01/14/05, National Republican Senatorial Committee; 4,500.00, 01/18/05, National Republican Senatorial Committee; 1,000.00, 02/10/05, The Sensenbrenner Committee (2006–P); 500.00, 03/07/05, Gerlach for Congress (2006–P); 1,000.00, 03/07/05, Snowe for Senate (2006–P); 1,000.00, 03/07/05, Friends of Sessions Senate Committee (2008–P); 500.00, 03/07/05, Alexander for Senate (2008-P); 1,000.00, 03/07/05, Friends of George Allen (2006–G); 1,000.00, 03/09/05, Chambliss for Senate (2008-P); 900.00, 03/10/05, VOLPAC; 500.00, 03/10/05, Portman for Congress (2006–P); -500.00, 03/21/05, Portman for Congress (contribution returned); 25,000.00, 05/06/05, Republican National Committee; 100.00, 06/01/05, Elizabeth Dole Committee, Inc. (2008–P); 2,100.00, 06/01/05, Elizabeth Dole Committee, Inc. (2008-G); 2,500.00, 06/01/05, National Republican Senatorial Committee; 2,000.00, 06/01/05, Frelinghuysen for Congress (2006–P).

Abbreviations:

P—Primary election contribution for election year specified.

G—General election contribution for election year specified.

2. Spouse: N/A.

3. Children and Spouse: Eliza Gray, None.

4. Parents: Jane Boyden Craige—Deceased; Gordon Gray—Deceased.

Nancy Gray-Pyne (Step-mother), 1,000.00, 8/3/01, Susan M. Collins (via Collins for Senate); 500.00, 8/26/01, Susan M. Collins (via Collins for Senate); 500.00, 11/6/02, Thomas Cass Ballenger (via Cass Ballenger for Congress Committee); 500.00, 2004, John Thune for Senate; 500.00, 2004, Kerry Victory.

5. Grandparents: Bowman Gray (paternal)—Deceased; Nathalie Fontaine Lyons (paternal)—Deceased; maternal grandfather—Deceased; maternal grandmother—Deceased.

6. Brothers and Spouses: Burton C. Gray—Deceased; Gordon Gray, Jr.—None.

Maggie Gray, 1,000.00, 7/22/03, Howard Dean (via Dean for America); 1,000.00, 2/5/04, Howard Dean (via Dean for America).

Bernard Gray, 1,000.00, 2/1/01, Republican National Committee; 500.00, 9/17/01, Irvin, Bob (via Bob Irvin Senate Committee, Inc.); 1,000.00, 10/3/02, Republican National Committee; 1,000.00, 7/8/03, Bush, George W. (via Bush/Cheney '04 (Primary) Inc.); 2,000.00, 6/11/03, Clay, Charles (via Clay for Congress.com); 250.00, 3/16/04, Isakson, John Hardy (via Georgians for Isakson); 2,000.00, 7/9/04, Clay, Charles (via Clay for Congress.com); 2,000.00, 10/20/04, Burr, Richard (via Richard Burr Committee).

Anne Gray, 1,000.00, 7/8/03, Bush, George W. (via Bush/Chaney ('04 Primary), Inc.).

7. Sisters and Spouses: None.

*David B. Dunn, of California, to be Ambassador to the Togolese Republic.

Nominee: David B. Dunn

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, Amount, Date, Donee:

1. Self: None.

2. Spouse: None.

3. Children and Spouses: Thomas A. Dunn—None; Brian J. Dunn—None.

4. Parents: Elmer L. Dunn—Deceased 2003, $65.00, 1/10/02, Repub. Natl. Comm.; Marjory H. Dunn—None.

5. Grandparents: Morris Dunn, Frances Dunn—Both deceased—None; Thomas Hill, Susan Hill—Both deceased—None.

6. Brothers and Spouses: Stephen E. Dunn—None; Jeannette Dunn—None.

7. Sisters and Spouses: Not Applicable.

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*Cannen Maria Martinez, of Florida, to be Ambassador to the Republic of Zambia.

Nominee: Carmen Maria Martinez.

Post: Zambia.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, Amount, Date, Donee:

1. Carmen Maria Martinez—None.

2. Victor Juan Eugenio Reimer—None.

3. Children and Spouses: Alexander Reimer—None.

Parents: Jose Luis Martinez—None; Hortense Margaret Martinez—None.

5. Grandparents: All deceased.

6. Brothers and Spouses: Luis Anthony Martinez—None; Tanya Martinez—None.

7. Sisters and Spouses: Lisa Dormi—None; Alberto Dormi—None.

Julie Brumley—None; David Brumley—None.

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*Michael R. Arietti, of Connecticut, to be Ambassador to the Republic of Rwanda.

Nominee: Michael R. Arietti.

Post: Kigali.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, Amount, Date, Donee:

1. Self: $25.00, Sept. 04, Nat'l Dem. Committee.

2. Spouse: $25.00, June 04, Nat'l Dem. Committee.

3. Children and Spouses Names: Rachael—None.

4. Parents: Names: Michael J. Arietti—Deceased; Margaret M. Arietti—Deceased.

5. Grandparents Names: Ricardo Arietti—Deceased; Pierina Arietti—Deceased; Gustav Schiller—Deceased; Lillian Schiller—Deceased.

6. Brothers and Spouses Names: James T. Arietti; Martha Arietti—None.

7. Sisters and Spouses Names: None—None.

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*Benson K. Whitney, of Minnesota, to be Ambassador to Norway.

Nominee: Benson K. Whitney.

Post: Ambassador to Norway.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

***Denotes contributions/changes made from 4/23/05 original SRFC form to 10/21/05.

Contributions, amount, date, and donee:

1. Self: $5,000, 10/4/00, RNC Republican National State Elections; $20,000, 10/5/00, Republican National Committee*** in process of obtaining $5,500 refund from RNC for this contribution; $10,000, 10/25/00, RNC Republican National State Elections; $15,000, 11/20/00, RNC Republican National State Elections; $25,000, 4/23/05, Republican National Committee; $25,000, 5/11/04, RNC 2004 Joint State Victory Committee; $5,000, 4/12/05, Northstar Leadership PAC; $20,000, 2/26/02, Coleman Leadership Committee Non Fed; $5,000, 2/27/02, Coleman Leadership Committee; $5,000, 2/28/02, Coleman Leadership Committee; $1,000, 10/24/03, Coleman for Senate '08; $1,000, 11/29/04, Coleman for Senate '08; $1,000 6/14/05, Coleman for Senate '08***; $500, 9/23/05, Coleman for Senate '08***; $3,000, 6/3/02, Minnesotans for a Republican Congress Committee; $1,000, 7/10/02, Rally for Leadership; $268, 7/11/02, Rally for Leadership; $2,000, 10/21/04, Tim Michels for U.S. Senate; $1,000, 5/30/03, Gutknecht for Congress; $1,000, 6/30/01, Gutknecht for Congress; $500, 9/9/00, Gutknecht for Congress; $2,500, 12/15/00, Minnesotans for Americas Promise; $1,000, 5/7/03, Jim Ramstad Volunteer Committee; $250, 4/19/01, Jim Ramstad Volunteer Committee; $1,000, 11/3/00, Jim Ramstad Volunteer Committee; $500, 9/8/00, National Republican Congressional Comm.; $1,000, 6/21/00, Lazio 2000 Inc.; $1,000 8/19/00, Lazio 2000 Inc.; $1,000, 6/15/01, Ramstad Volunteer Committee; $1,000, 10/11/01, Ramstad Volunteer Committee; $500, 7/30/02, Ramstad Volunteer Committee; $500, 6/10/98, Kline for Congress; $1,000, 2/15/00, Kline for Congress; $1,000, 4/8/02, Kline for Congress; $1,000, 6/25/02, Kline for Congress; $250, 11/12/03, Kline for Congress; $500, 8/3/04, Kline for Congress; $500, 9/3/04, Kline for Congress; $500, 10/4/04, Kline for Congress; $250, 10/28/04, Kline for Congress; $500, 2/21/05, Kline for Congress; $1,000, 4/26/02, Dan Stevens Congressional Exploratory Comm.; $500, 10/29/02, Dan Stevens Congressional Exploratory Comm.; $2,500, 10/31/00, Swing States for a Conservative White House; $500, 6/29/00, Gutknecht for Congress; $500, 2/25/02, Gutknecht for Congress; $500, 2/10/04, Gutknecht for Congress; $200, 8/25/00, Log Cabin Republicans; $1,000 8/9/04/ Citizens for Arlen Specter; $200, 12/20/02, Barkely For Senate; $500, 6/20/00, Runbeck for Congress; $500, 9/14/00, Runbeck for Congress; $500, 8/25/04, Progress for America Voter Fund; $100, 10/13/00, Denny Rehberg for Congress; $1,000, 1/23/04, Russ Darrow for Senate; $500, 5/13/03, Nat'l Thoroughbred Racing Assn PAC; $500, 3/15/04, Nat'l Thoroughbred Racing Assn PAC; $1,000, 5/22/00, Bush for President, Inc.; $1,000, 6/27/00, Bush for President, Inc.; $1,000, 6/27/00, Bush Cheney 2000 Compliance Comm.; $5,000, 11/14/00, Bush-Cheny Recount Fund; $500, 1/12/01, Grams for U.S. Senate; $1,000, 4/19/00, Grams for U.S. Senate; $1,000, 5/23/03, Kline for Congress; $500, 8/22/00, Kline for Congress; $500, 5/15/00, Kline for Congress; $4,200, 3/9/05, Kennedy for U.S. Senate; $1,000, 5/26/03, Mark Kennedy for Congress; $1,000, 12/28/01, Kennedy '02; $1,000, 4/6/00, Kennedy for Congress; $5,030, 10/15/03, Republican Party of Minnesota; $5,000, 4/1/02, Republican Party of Minnesota; $5,000, 10/25/01, Republican Party of Minnesota; $1,000, 8/19/00, Lazio 2000 Inc.; $5,000, 6/8/04, Demint for Senate Committee; $1,000, 1/4/04, Sturrock for Congress; $1,000, 12/26/03, Sturrock for Congress; $500, 9/1/00, Runbeck for Congress; $500, 6/1/00, Runbeck for Congress; $1,000, 10/21/02, John Thune for South Dakota; $1,000, 4/28/02, John Thune for South Dakota; $10,000, 12/6/00, Bush Cheney Presidential Fund 2000; $5,000, 11/13/00, Bush Cheney Recount Fund; $2,000, 8/22/03, Bush-Cheney '04 (Primary) Inc.; $892, 8/25/04, Arkansas Leadership Committee 2004; $500, 8/23/02, Dan Stevens Exploratory Committee; $5,000, 4/24/01, Republican National Congressional Committee.

2. Spouse: Mary Whitney: $4,200, 3/9/05, Kennedy for Senate; $1,000, 10/21/00, Kennedy for Congress; $2,000, 6/5/01, Coleman for U.S. Senate; $1,000, 10/21/00, Kline for Congress; $1,000, 10/22/00, Kline for Congress; $1,000, 11/0/00, Ramstad Volunteer Committee; $25,000, 4/22/05, Republican National Committee; $15,000, 11/20/00, Republican National Committee; $2,000, 8/22/03, Bush-Cheney '04 (Primary) Inc.; $1,000, 7/19/02, Rally for Leadership Fund; $2,000, 6/3/02, Minnesotans for a Republican Congress Committee.

3. Children and Spouses: Victoria Whitney (No Spouse): None; John Whitney (No Spouse): None; David Whitney (No Spouse): None; Copeland Whitney (No Spouse): None.

4. Parents: Wheelock Whitney: $1,000, 4/4/00, Kennedy for Congress; $500, 10/10/00, Kennedy for Congress; $1,000, 6/15/01, Mark Kennedy '02; $1,000, 2/22/02, Mark Kennedy '02; $500, 1/11/03, Mark Kennedy for Congress; $750, 6/10/03, Mark Kennedy for Congress; $500, 9/5/03, Mark Kennedy for Congress; $250, 12/11/03, Mark Kennedy for Congress; $250, 12/11/03, Mark Kennedy for Congress; $750, 6/6/04, Mark Kennedy for Congress; $500, 8/25/04, Mark Kennedy for Congress; $500, 11/2/04, Mark Kennedy for Congress; $1,000, 3/7/05, Kennedy for U.S. Senate; $20,000, 2/22/02, Coleman Leadership Non Fed; $5,000, 2/22/02, Coleman Leadership Committee; $5,000, 2/23/02, Coleman Leadership Committee; $2,500, 10/22/02, Coleman Victory Comm Non Fed; $1,000, 5/24/01, Norm Coleman for U.S. Senate; $1,000, 6/19/01, Norm Coleman for U.S. Senate; $35,000, 8/9/00, RNC Republican State Elections Committee; $15,000, 10/17/00, RNC Republican State Elections Committee; $15,000, 8/3/00, Republican National Committee; $2,000, 7/24/03, Bush-Cheney '04 (Primary).

Kathleen Blatz (stepmother): None.

5. Grandparents: Wheelock Whitney, Sr.: Deceased; Katherine Kimball Whitney: Deceased; Joseph M. Hixon: Deceased; Dorothy Laughlin: Deceased.

6. Brothers and Spouses: Wheelock Whitney III (No Spouse): $5,000, 6/28/00, DNC Services/DNC; $2,500, 11/6/03, DNC Services/DNC; $2,500, 3/23/04, DNC Services/DNC; $2,500, 9/16/04, DNC Services/DNC; $2,500, 10/27/04, DNC Services/DNC; $2,500, 6/19/03, DNC Services/DNC; $250, 8/7/02, Pillsbury for Congress; $1,000, 3/25/99, Kostmeyer 2000; $1,000, 3/26/99, Kostmeyer 2000; $2,000, 4/30/04, John Kerry for President; $250, 7/19/04, A lot of People Supporting Tom Daschle; $250, 3/1/00, Flanagan for U.S. Senate; $750, 3/2/00, Flanagan for U.S. Senate.

Joseph H. Whitney: $2,500, 12/18/01, Norm Coleman for U.S. Senate; $1,000, 3/12/02, Coleman Leadership Comm.; $1,000, 3/13/02, Coleman Leadership Comm.; $2,000, 9/28/03, Bush-Cheney '04 (Primary) Inc.

Sue Peterson (former spouse): None.

7. Sisters and Spouses: Pennell Whitney: $1,000, 9/9/04, DNC Services Corporation/DNC; $500, 5/10/02, Pillsbury for Congress; $500, 9/30/02, Pillsbury for Congress, $2,000, 7/7/04, John Kerry for President; $1,000, 6/22/00, Flanagan for U.S. Senate; $1,000, 7/17/02, Rally for Leadership.

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*David M. Hale, of New Jersey, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador to the Hashemite Kingdom of Jordan.

Nominee: David M. Hale.

Post: Ambassador to Jordan.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee.

1. Self: None.

2. Spouse: N/A.

3. Children and spouses: N/A.

4. Parents: John M. Hale, deceased.

Marjorie Kler Freeman: $25, 2004, National Republican Party; $50, 2003, National Republican Party.

5. Grandparents: Joseph H. Kler: Deceased; Elizabeth V. Kler: Deceased; John M. Hale: Deceased; Jessamine Hale: Deceased.

6. Brothers and spouses: John M. Hale: None; Laurie Hale: None.

7. Sisters and Spouses: N/A.

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*Nicholas F. Taubman, of Virginia, to be Ambassador to Romania.

Nominee: Nicholas F. Taubman.

Post: Ambassador to Romania.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee.

1. Self: $1,000, 5/10/01, Senator John Warner Committee; $10,000, 5/21/01, RNC State Elections Committee; $15,000, 5/21/01, Republican National Committee; $5,000, 10/22/01, Good Government for America PAC; $750, 12/31/01, Senator John Warner Committee; $25,000, 2/27/02, RNC State Elections Committee; $100,000, 2/27/02, RNC State Elections Committee; $5,000, 3/26/02, Over the Hill PAC (Joint Fundraiser); $1,000, 5/20/02, Norm Coleman for U.S. Senate; $1,000, 5/20/02, Norm Coleman for U.S. Senate; $4,000, 5/20/02, Norm Coleman for U.S. Senate; $2,000, 6/11/02, Norm Coleman for U.S. Senate; $1,000, 6/13/02, Texans for Senator John Cornyn, Inc.; $4,000, 6/28/02, Good Government for America PAC; $1,000, 6/29/02, Friends of George Allen; $1,000, 7/8/02, Goode for Congress (Virgil Goode); $1,000, 8/8/02, John Thune for South Dakota; $1,000, 8/9/02, Forrester 2002 (Douglas Forrester); $1,000, 8/9/02, Forrester 2002 (Douglas Forrester); $1,000, 8/13/02, Ganske for Senate; $100,000, 9/17/02, RNC State Elections Committee; $1,000, 10/7/02, Eric Cantor for Congress; $5,000, 10/23/02, Georgia Unity (Joint Fundraiser); $4,000, 11/1/02, Georgia Republican Party; $1,000, 11/4/02, Chambliss for Senate (S. Chambliss); $1,000, 11/11/02, Terrell for Senate (Suzanne Terrell); $5,000, 3/3/03, Good Government for America PAC; $25,000, 4/29/03, Republican National Committee; $2,000, 5/9/03, Bob Goodlatte for Congress Committee; $2,000, 6/18/03, Missourians for Kit Bond; $2,000, 6/18/03, Missourians for Kit Bond; $2,000, 6/26/03, Bush-Cheney '04 (Primary), Inc.; $2,000, 3/24/04, Bob Goodlatte for Congress Committee; $1,000, 6/28/04, Goode for Congress (Virgil Goode); $25,000, 8/13/04, Republican National Committee; $2,500, 9/17/04, Every Republican is Crucial (ERICPAC).

2. Spouse: Eugenia L. Taubman: $5,000, 10/22/01, Good Government for America PAC; $1,000, 12/31/01, Senator John Warner Committee; $1,000, 12/31/01, Senator John Warner Committee; $1,000, 6/13/02, Texans for Senator John Cornyn, Inc.; $25,000, 4/29/03, Republican National Committee; $2,000, 6/30/03, Bush-Cheney '04 (Primary), Inc.; $2,000, 3/24/04, Bob Goodlatte for Congress Committee; $25,000, 8/13/04, Republican National Committee; $2,500, 9/17/04, Every Republican is Crucial (ERICPAC).

3. Children and Spouses: Marc E. Taubman, Child: $500, 5/10/01, Senator John Warner Committee; $1,000, 5/20/02, Norm Coleman for U.S. Senate; $1,000, 6/25/03, Bush-Cheney '04 (Primary), Inc.; $1,000, 6/25/03, Bush-Cheney '04 (Primary), Inc.

Nan B. Taubman, Child's spouse: $1,000, 6/25/03, Bush-Cheney '04 (Primary), Inc.; $1,000, 6/25/03, Bush-Cheney '04 (Primary), Inc.

Lara L. Taubman, Child (single): $2,000, 6/26/03, Bush-Cheney '04 (Primary), Inc.; $2,100, 3/31/05, Friends of George Allen.

4. Parents: Arthur Taubman: Deceased; Grace Taubman: Deceased.

5. Grandparents: Fanny Weber: Deceased; Leslie Weber: Deceased; Sophie Taubman: Deceased; Morris Taubman: Deceased.

6. Brothers and Spouses: None.

7. Sisters and Spouses: Stephanie T. Low, Sister (divorced): $1,000, 4/30/01, Cantwell 2006 (Maria Cantwell); $1,000, 11/5/01, DNC Services Corporation; $250, 5/9/02, Jean Carnahan for Missouri Committee; $500, 7/17/02, PAC to the Future; $1,000, 7/22/02, Ron Kirk for U.S. Senate; $1,000, 7/29/02, Texas U.S. Senate 2002; $2,000, 8/6/02, DNC Services Corporation; $20,000, 10/1/02, DNC-Non-Federal Individual (Soft Money); $10,100, 10/7/02, Shaheen for Senate Committee; $300, 10/14/02, Citizens to Elect Rick Larsen; $1,000, 10/14/02, Ron Kirk for U.S. Senate; $350, 10/14/02, Rush Holt for Congress; $1,000, 10/14/02, Wellstone for Senate; ($1,000), 10/16/02, Ron Kirk for U.S. Senate; $1,500, 10/18/02, South Dakota Democratic Party; $1,000, 10/31/02, Jean Carnahan for Missouri Committee; $500, 11/1/02, Jill Long Thompson Committee; $1,000, 11/1/02, Minnesota Democratic Farmer Labor Party; $1,000, 11/2/02, Mondale for Senate; $250, 7/15/02, Richardson for Congress; $350, 10/16/02, Inslee for Congress; $500, 10/24/02, Schneider for Congress; $2,000, 3/18/03, Dean for America; $500, 12/15/03, Rush Holt for Congress; $500, 12/17/03, Hoeffel for Senate Committee; $10,000, 5/20/03, DNC Services Corporation; $15,000, 7/8/03, DNC Services Corporation; $2,000, 2/25/04, TruthandHope.org; $500, 3/26/04, Downtown for Democracy; $2,000, 4/12/04, John Kerry for President, Inc.; $200, 5/11/04, Moveon PAC; $200, 6/10/04, Moveon PAC; $250, 6/10/04, Democracy for America; $500, 6/11/04, John Kerry for President, Inc.; $500, 7/1/04, Hoeffel for Senate Committee; $200, 7/15/04, Moveon PAC; $200, 7/15/04, Moveon PAC; $250, 7/16/04, Kalyn Free for Congress; $250, 7/16/04, Jim Stork for Congress; $250, 7/16/04, Richard Romero for Congress; $250, 7/20/04, Moveon PAC; $15,000, 7/27/04, Kerry Victory 2004; $15,000, 7/27/04, DNC Services Corporation; $1,000, 7/31/04, America Coming Together; $500, 8/2/04, Rush Holt for Congress; $2,500, 8/3/04, Moveon PAC; $5,000, 8/5/04, Downtown for Democracy; $1,000, 9/2/04, Democracy for America; $1,000, 9/5/04, Mitakides for Congress; $500, 9/6/04, Hoeffel for Senate Committee; $2,000, 9/10/04, A Lot of People Supporting Tom Daschle; $1,000, 9/15/04, Moveon PAC; $2,000, 9/15/04, Paul Babbitt for Congress; $2,000, 9/15/04, Campaign for Florida's Future; $2,000, 9/16/04, Lois Murphy for Congress; $2,000, 9/16/04, Thomas for Congress; $2,000, 9/18/04, Friends of Frank Barbaro; $2,000, 9/20/04, Richard Romero for Congress; $2,000, 9/22/04, Schrader for Congress; $1,000, 9/29/04, Friends of Jan Schneider; $2,000, 10/1/04, Allyson Schwartz for Congress; $2,000, 10/7/04, Inez Tenenbaum for U.S. Senate; $2,000, 10/8/04, Salazar for Senate; $1,000, 10/17/04, Downtown for Democracy; $500, 10/23/04, Hoeffel for Senate Committee; $800, 10/31/04, Friends of Jan Schneider; $2,000, 12/14/04, Cobb/Lamarche; $500, 1/20/05, Allyson Schwartz for Congress.

*Susan Rasinski McCaw, of Washington, to be Ambassador to the Republic of Austria.

Nominee: Susan Rasinski McCaw.

Post: Ambassador.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of may knowledge, the information contained in this report is complete and accurate.

Contributions, Amount, Date, and Donee.

1. Self: $250, 09/07/2005, Friends of George Allen; $1,350, 03/18/2005, Friends of Reagan Dunn; $5,000, 06/03/2004, National Republic Senatorial Committee; $1,000, 05/19/2005, Anibal 2004; $25,000, 05/17/2004, 2004 Joint Candidate Committee; $25,000, 05/17/2004, RNC—Presidential Trust; $25,000, 12/31/2003, Republican National Committee; $2,000, 06/27/2003, Bush-Cheney '04, Inc.; -$750, 11/08/2002, Friends of Jennifer Dunn; $1,750, 10/08/2002, Friends of Jennifer Dunn; $1,000, 09/17/2002, Daschle; $1,000, 09/17/2002, Friends of Max Cleland; $1,000, 09/17/2002, Friends of Max Cleland; $1,000, 12/31/2001, Friends of Max Cleland; $500, 10/12/2001, Senator Kay Bailey Hutchison's Leadership PAC; $250, 08/23/2001, Friends of Jennifer Dunn; $1,000, 07/27/2001, Hollings for Senate; $1,000, 07/27/2001, Markey for Congress Committee; $5,000, 06/13/2001, XO Communications, Inc. PAC; $1,000, 06/13/2001, Cantwell 2000/2006; $50,000, 01/17/2001, Presidential Inaugural Committee.

2. Spouse: Craig O. McCaw: $250, 09/07/2005, Friends of George Allen; $1,000, 06/07/2005, Pickering for Congress; $2,000, 06/07/2005, Keep Our Majority Political Action Committee; $1,350, 03/18/2005, Friends of Reagan Dunn; *$100,000.00, 01/07/2005, 55th President Inaugural Committee; $3,000, 06/22/2004, The Markey Committee; $5,000, 06/03/2004, National Republican Senatorial Committee; $1,000, 05/19/2004, Partido Popular; $25,000, 05/17/2004, 2004 Joint Candidate Committee; $25,000, 05/17/2004, Republican National Committee—Presidential Trust; $1,000, 05/05/2004, Stevens for Senate Committee; $1,000, 05/04/2004, Daniel K. Inouye in 2004; $1,000, 05/04/2004, Pickering for Congress; $2,000, 03/31/2004, Reichert for Congress; $2,000, 02/29/2004, Governor Rosello; $25,000, 12/31/2003, Republican National Committee; -$1,000, 12/23/2003, Hollings for Senate; $2,000, 12/10/2003, Cantwell 2000/2006; $4,000, 12/05/2003, Wyden for Senate; $1,000, 07/10/2003, Friends of Dorgan; $2,000, 06/27/2003, Bush-Cheney '04, Inc.; -$750, 11/08/2002, Friends of Jennifer Dunn; $1,750, 10/08/2002, Friends of Jennifer Dunn; $1,000, 09/17/2002, Tom Daschle; $1,000, 04/25/2002, Senator Byron Dorgan; $1,000, 12/31/2001, Friends of Harry Reid; $1,000, 12/31/2001, Friends of Max Cleland; $500, 10/12/2001, Cannon for Congress; $1,000, 10/12/2001, Stevens for Senate Committee; $250, 08/23/2001, Friends of Jennifer Dunn; $1,000, 07/27/2001, Hollings for Senate; $1,000, 07/27/2001, Markey for Congress Committee; $1,000, 06/29/2001, Americans for a Republican Majority; $5,000, 06/13/2001, XO Communications, Inc. PAC; $1,000, 06/13/2001, Cantwell 2000/2006; $50,000, 01/17/2001, Presidential Inaugural Committee.

*Contribution made by Clearwire Corporation of which donor is President and CEO.

3. Children and Spouses: Chase O. McCaw: None; Julia L. McCaw: None; Reid C. McCaw: None.

4. Parents: Joan Rasinski: $10, 2004, Republican National Committee; $2,000, 08/19/2003, Bush-Cheney '04; $10, 2003, Republican National Committee; $10, 2002, Republican National Committee; $10, 2001, Republican National Committee.

Julius Victor Rasinski: None.

5. Grandparents: Clara Rasinski: Deceased; Julius Rasinski: Deceased; Laura Rosinski: Deceased; Louis Rosinski: Deceased.

6. Brothers and Spouses: Stephen Rasinski: None; Cheryl Rasinski: None; Peter Rasinski: None; Susan Rasinski: None; Thomas Rasinski: None; Lisbeth Rasinski: None.

7. Sisters and Spouses: Julie Yale aka Dagley: $2,000, 08/26/2003, Bush-Cheney '04; Steve Dagley: None.

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*Jennifer L. Dorn, of Nebraska, to be United States Alternate Executive Director of the International Bank for Reconstruction and Development for a term of two years.

*Anne W. Patterson, of Virginia, to be an Assistant Secretary of State (International Narcotics and Law Enforcement Affairs).

Mr. LUGAR. Mr. President, for the Committee on Foreign Relations I report favorably the following nomination list which was printed in the RECORD on the date indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that this nomination lie at the secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Foreign Service nominations beginning with Deanna Hanek Abdeen and ending with James M. Lambert, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on July 14, 2005.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. LUGAR:

S. 1913. A bill to authorize the Secretary of the Interior to lease a portion of the Dorothy Buell Memorial Visitor Center for use as a visitor center for the Indiana Dunes National Lakeshore, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. ENSIGN (for himself and Mr. REID):

S. 1914. A bill to provide for the conveyance of certain land in Clark County, Nevada, for use by the Nevada National Guard; to the Committee on Energy and Natural Resources.

By Mr. ENSIGN (for himself, Ms. LANDRIEU, Mr. BYRD, Mr. SPECTER, Mr. LOTT, Mr. LIEBERMAN, Mr. INOUYE, Mr. LEVIN, and Mr. DEMINT):

S. 1915. A bill to amend the Horse Protection Act to prohibit the shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling, or donation of horses and other equines to be slaughtered for human consumption, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. HAGEL:

S. 1916. A bill to strengthen national security and United States borders, and for other purposes; to the Committee on the Judiciary.

By Mr. HAGEL:

S. 1917. A bill to require employers to verify the employment eligibility of their employees, and for other purposes; to the Committee on the Judiciary.

By Mr. HAGEL:

S. 1918. A bill to amend the Immigration and Nationality Act to address the demand for foreign workers; to the Committee on the Judiciary.

By Mr. HAGEL:

S. 1919. A bill to amend the Immigration and Nationality Act in order to reunify families, to provide for earned adjustment of status, and for other purposes; to the Committee on the Judiciary.

By Mr. OBAMA:

S. 1920. A bill to amend the Clean Air Act to establish a renewable diesel standard, and for other purposes; to the Committee on Environment and Public Works.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. FRIST (for himself and Mr. ALEXANDER):

S. Res. 286. A resolution commending the Grand Ole Opry on the occasion of its 80th anniversary for its important role in the popularization of country music and for its 8 decades of musical and broadcast excellence; considered and agreed to.

By Mr. LEVIN (for himself, Ms. STABENOW, Mr. FRIST, Mr. REID, Mr. OBAMA, Mr. KENNEDY, Mr. SCHUMER, Mr. VOINOVICH, Mr. MARTINEZ, Mr. BROWNBACK, Mr. ALLEN, Mr. TALENT, Mr. MCCONNELL, Mrs. DOLE, Mr. CHAMBLISS, Mr. THOMAS, Mrs. HUTCHISON, Mrs. CLINTON, Mr. HARKIN, Mrs. BOXER, Mrs. FEINSTEIN, Mr. KERRY, and Mr. DURBIN):

S. Res. 287. A resolution honoring the life of and expressing the condolences of the Senate on the passing of Rosa Parks; considered and agreed to.

By Mr. TALENT:

S. Con. Res. 60. A concurrent resolution designating the Negro Leagues Baseball Museum in Kansas City, Missouri, as America's National Negro Leagues Baseball Museum; to the Committee on Energy and Natural Resources.

ADDITIONAL COSPONSORS

S. 119

At the request of Mrs. FEINSTEIN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 119, a bill to provide for the protection of unaccompanied alien children, and for other purposes.

S. 484

At the request of Mr. WARNER, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 484, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 863

At the request of Mr. CONRAD, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 863, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centenary of the bestowal of the Nobel Peace Prize on President Theodore Roosevelt, and for other purposes.

S. 1035

At the request of Mr. INHOFE, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1035, a bill to authorize the presentation of commemorative medals on behalf of Congress to Native Americans who served as Code Talkers during foreign conflicts in which the United States was involved during the 20th century in recognition of the service of those Native Americans to the United States.

S. 1357

At the request of Mr. HARKIN, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 1357, a bill to protect public health by clarifying the authority of the Secretary of Agriculture to prescribe performance standards for the reduction of pathogens in meat, meat products, poultry, and poultry products processed by establishments receiving inspection services and to enforce the Hazard Analysis and Critical Control Point (HACCP) System requirements, sanitation requirements, and the performance standards.

S. 1504

At the request of Mr. ENSIGN, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1504, a bill to establish a market driven telecommunications marketplace, to eliminate government managed competition of existing communication service, and to provide parity between functionally equivalent services.

S. 1719

At the request of Mr. INOUYE, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1719, a bill to provide for the preservation of the historic confinement sites where Japanese Americans were detained during World War II, and for other purposes.

S. 1863

At the request of Mr. GREGG, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 1863, a bill to establish the Gulf Coast Recovery and Disaster Preparedness Agency, and for other purposes.

S. 1878

At the request of Mr. AKAKA, the name of the Senator from New York

(Mr. SCHUMER) was added as a cosponsor of S. 1878, a bill to prohibit predatory payday loans, and for other purposes.

S. CON. RES. 37

At the request of Mr. DEWINE, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of S. Con. Res. 37, a concurrent resolution honoring the life of Sister Dorothy Stang.

S. RES. 273

At the request of Mr. COLEMAN, the name of the Senator from South Carolina (Mr. DEMINT) was added as a cosponsor of S. Res. 273, a resolution expressing the sense of the Senate that the United Nations and other international organizations shall not be allowed to exercise control over the Internet.

S. RES. 282

At the request of Mr. BIDEN, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. Res. 282, a resolution supporting the goals and ideals of National Domestic Violence Awareness Month and expressing the sense of the Senate that Congress should raise awareness of domestic violence in the United States and its devastating effects on families.

AMENDMENT NO. 2193

At the request of Mr. THUNE, the names of the Senator from North Dakota (Mr. CONRAD), the Senator from Idaho (Mr. CRAPO), the Senator from Kansas (Mr. BROWNBACK) and the Senator from Missouri (Mr. TALENT) were added as cosponsors of amendment No. 2193 proposed to H.R. 3010, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 2194

At the request of Mr. REED, the names of the Senator from Connecticut (Mr. DODD), the Senator from Ohio (Mr. DEWINE), the Senator from West Virginia (Mr. BYRD) and the Senator from Arkansas (Mr. PRYOR) were added as cosponsors of amendment No. 2194 proposed to H.R. 3010, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 2196

At the request of Mr. TALENT, his name was added as a cosponsor of amendment No. 2196 proposed to H.R. 3010, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes.

At the request of Mr. DURBIN, the names of the Senator from New Jersey (Mr. CORZINE) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of amendment No. 2196 proposed to H.R. 3010, supra.

AMENDMENT NO. 2200

At the request of Mr. NELSON of Florida, the names of the Senator from Michigan (Ms. STABENOW) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of amendment No. 2200 intended to be proposed to H.R. 3010, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 2204

At the request of Ms. CANTWELL, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of amendment No. 2204 intended to be proposed to H.R. 3010, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 2208

At the request of Mr. BAYH, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of amendment No. 2208 intended to be proposed to H.R. 3010, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ENSIGN (for himself, Ms. LANDRIEU, Mr. BYRD, Mr. SPECTER, Mr. LOTT, Mr. LIEBERMAN, Mr. INOUYE, Mr. LEVIN, and Mr. DEMINT):

S. 1915. A bill to amend the Horse Protection Act to prohibit shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling, or donation of horses and other equines to be slaughtered for human consumption, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. ENSIGN. Mr. President, I rise along with my colleagues, Senators LANDRIEU, BYRD, SPECTER, LOTT, LIEBERMAN, INOUYE, LEVIN, and DEMINT, in order to introduce the Virgie S. Arden American Horse Slaughter Prevention Act.

As a veterinarian, I am well aware of the love that Americans have for their horses. Much of our Nation's early history and culture is associated with these animals. We think of George Washington's horses and the legend of Paul Revere's ride and the Pony Express. More recently, we were reminded of how the Depression Era race between Seabiscuit and War Admiral raised the spirit of our Nation during desperate times.

While horses in the United States are not raised for food, last year alone more than 65,000 horses were slaughtered in the United States for human consumption abroad. Tens of thousands more were transported to Canada and Mexico for slaughter there. Work horses, race horses, and even pet horses, many of them young and healthy, are slaughtered for human consumption in Europe and Asia, where the meat is sold as a high-end delicacy. Polls show that Americans overwhelmingly support an end to this practice. This sentiment was reflected in the Senate's recent 69–28 vote to prohibit the use of Federal funds to facilitate horse slaughter. The House of Representatives passed identical legislation by a similarly bipartisan vote in June.

Often, owners who sell their horses at auction are unaware that their horses may well be on their way to one of the three remaining slaughterhouses in America where horses are killed for human consumption. These slaughterhouses are foreign-owned and the product is shipped abroad, as are the profits.

While several States are attempting to address the concerns of citizens regarding the tens of thousands of horses going to slaughter each year, the absence of Federal law creates a loophole through which the slaughter can continue. Some States have prohibited the use of double-deck cattle trailers to move horses to slaughter. Texas, which is home to two of the three slaughter plants, has had a law in place since 1949 to effectively prohibit horse slaughter for human consumption. Yet the district attorneys with jurisdiction over the plants have been unable to prosecute these foreign companies, and horses continue to be slaughtered. To end this situation, we must have a Federal law that prohibits sending horses within States, across State lines, or over our domestic borders for the purpose of slaughtering them for human consumption. We can effectively achieve this goal by passing the Virgie S. Arden American Horse Slaughter Prevention Act.

Congress has the constitutional authority to regulate the horse slaughter trade—including intrastate shipment—because such trade has a substantial impact on interstate and international commerce. Horses are regularly moved across State lines to be slaughtered in the three remaining horse slaughter plants—one in Illinois—and the other two in Texas. Others are exported across the U.S. border to Canada and Mexico for slaughter there. Even the meat of slaughtered horses is eventually moved across State lines or our domestic borders for sale outside of the United States. Our bill will end this practice.

I know that some people have expressed concerns about what will happen to horses if their slaughter is ended. Many of these horses will be sold to a new owner, kept longer by their original owner, or euthanized by a licensed veterinarian. Others will be cared for by the horse rescue community, and efforts are now underway to standardize practices in this ever-growing sector. Guidelines for these rescue organizations have been developed by the animal protection community and embraced by sanctuaries across the country.

Some people have questioned whether this law will result in the abuse and neglect of unwanted horses. Thankfully, statistics do not support this claim at all. Recently released figures show that the number of abuse cases dropped significantly in Illinois from 2002 to 2004, the period in which the State's only horse slaughtering facility was closed due to fire. Also, since California passed a law banning the slaughter of horses for human consumption, there has been no discernible increase in cruelty and neglect cases in the state.

Furthermore, it is currently illegal to "turn out," neglect, or starve a horse, so this bill will not result in an increased number of orphaned horses in the United States. If a person attempts to turn his or her horses out, under current law, animal control agents will be able to enforce humane laws. As I stated before, this bill seeks only to end the slaughter of horses for human consumption. If a person wishes to put an animal down, it costs about $225 to have the horse euthanized by a licensed veterinarian and disposed of—a fraction of what it costs to keep a horse as a companion or a work animal. That cost is not too big a burden to bear when no other options are available.

The time for a strong federal law ending this slaughter is now. This bill does not target other forms of slaughter, rendering, or euthanasia, rather it focuses solely on the slaughter of American horses for human consumption. The House version of this bill, H.R. 5031, currently has more than 120 cosponsors. Please join Senator LANDRIEU and me in cosponsoring the Virgie S. Arden American Horse Slaughter Prevention Act.

Mr. President, I yield the floor.

By Mr. HAGEL:

S. 1916. A bill to strengthen national security and United States borders, and for other purposes; to the Committee on the Judiciary.

By Mr. HAGEL:

S. 1917. A bill to require employers to verify the employment eligibility of their employees, and for other purposes; to the Committee on the Judiciary.

By Mr. HAGEL:

S. 1918. A bill to amend the Immigration and Nationality Act to address the demand for foreign workers; to the Committee on the Judiciary.

By Mr. HAGEL:

S. 1919. A bill to amend the Immigration and Nationality Act in order to reunify families, to provide for earned adjustment of status, and for other purposes; to the Committee on the Judiciary.

Mr. HAGEL. Mr. President, I rise today to introduce my comprehensive immigration reform legislation. This legislative package consists of four bills that deal with national security, employment security, America's workforce, and bringing accountability to those living here illegally. This package is an enhanced version of immigration reform legislation I introduced in 2004 with former Senate Minority Leader Tom Daschle.

Immigration reform is an urgent national security priority. We cannot continue to defer making tough choices about our nation's immigration policy. It is not in our interest to have 8 to 12 million people undocumented and unaccounted for in our country. The American people won't accept immigration reform until they are convinced we are controlling our borders. Congress must reform the patchwork of immigration laws that have created an underground, black market labor force.

The first bill is the Strengthening America's Security Act of 2005. The bill strengthens national security and U.S. borders by assisting law enforcement in their efforts to secure our borders. It will increase the number of Customs and Border Protection officers; require DHS to use updated technology at the border; increase criminal penalties for alien smuggling, document fraud, misuse of social security numbers, gang violence, and drug trafficking at the border; authorize continued funds to reimburse states for the costs of detaining undocumented aliens; and give DHS additional tools to detain and deport undocumented aliens.

The second bill, the Employment Verification Act of 2005, requires employers to verify the employment eligibility of their employees. The bill will assist all employers in their effort to hire legal workers by establishing a mandatory electronic worker verification system. The system would be managed by DHS in conjunction with the Social Security Administration. The system will allow employers to immediately verify whether an individual is authorized to work in the U.S. This system is already being used by the federal government and by certain employers across the country, including some in Nebraska. The system will be phased-in over a 5 year period, starting with large employers. The legislation includes protections to ensure that the system will not result in hiring discrimination based on race or national origin, nor will it interfere with the regular hiring process. Employers who use the system will receive a "safe-harbor" from prosecution for hiring unauthorized workers.

The Strengthening America's Workforce Act of 2005 will amend the Immigration and Nationality Act to address the demand for foreign workers. The bill will provide foreign workers for low-skilled jobs that would otherwise go unfilled by admitting a limited number of workers annually through a new temporary worker program. Employers seeking to hire foreign workers through this program must first demonstrate that no qualified U.S. worker exists and that they will provide the same wage levels and working conditions as U.S. workers. Workers will be admitted for a limited period of time and will be allowed to change employers. Visas are good for 2 years and can be renewed. Qualified workers and their families would be provided an opportunity to adjust their immigration status over time.

In order to address the need for high-tech workers and to reduce the existing worker visa backlog, this legislation would allow foreign students who have earned an advanced degree in science, technology, engineering or math from U.S. universities to receive a H-1B work visa without leaving the country and without regard to the annual cap of 65,000. In addition, high-tech workers who have worked in the U.S. for three years may be allowed to adjust to permanent resident status without regard to the annual cap of 140,000. The spouses and children of immigrant workers would also be allowed to adjust status without regard to this cap.

In order to encourage more foreign students to study in the U.S., this legislation would give full-time foreign college and graduate students the opportunity to work part-time while studying at U.S. universities.

The fourth bill, the Immigrant Accountability Act of 2005, will amend the Immigration and Nationality Act in order to encourage those in the U.S. illegally to apply for legal status. The legislation would create an earned adjustment program for long-term undocumented Immigrants and provide an opportunity for illegal aliens and their families to become invested stakeholders in the country if they can demonstrate that they have met all of the following requirements:

Passed national security and criminal background checks;

Resided in the U.S. for at least 5 years preceding the date of introduction;

Worked a minimum of 3 years in the U.S. preceding the date of introduction, and 6 years after introduction;

Paid all Federal and State taxes;

Registered for Military Selective Service;

Demonstrated knowledge of English language and American civics requirements;

Paid a $2,000 fine, in addition to required application fees. Fines assessed from this program could total as much as $12 billion.

The legislation would create a program for short-term undocumented immigrants who cannot meet the work or residence requirements. They will register with DHS and will be allowed to apply for a visa. However, these undocumented immigrants must return to their home country to obtain the visa and be readmitted through the legal process. These undocumented immigrants will have three years to complete the application process and will be authorized to work during that time.

There is a backlog reduction provision in the bill that would exempt certain individuals, living outside the U.S., from existing caps on family-based immigrant visas. This section was originally included in the 2004 Hagel/Daschle Immigration Reform bill.

The new fines and fees created by this legislation will fund the new and expanded programs created in it. Fines assessed by this legislation could total as much as $12 billion. A majority of the funds will come from the $2000 fine illegal aliens would pay under the Earned Adjustment Program.

This legislation is the product of years of discussions with law enforcement, business, labor, and advocacy communities. The bills are a serious effort to meet the President's principles for reform with commonsense legislation. In March, I visited the Mariposa Nogales Port of Entry in Arizona at the U.S.-Mexico border and saw first-hand border patrol operations with U.S. Customs and Border Protection agents.

I understand that immigration reform is a complex and difficult issue. In addition to the legislation I have introduced today, there are other proposals on the table. The American people won't accept any more excuses. Now is the time for us to stop deferring tough decisions and take action on this urgent national priority.

Mr. OBAMA:

S. 1920. A bill to amend the Clean Air Act to establish a renewable diesel standard, and for other purposes; to the Committee on Environment and Public Works.

Mr. OBAMA. Mr. President, the House of Representatives has passed, and the Senate Environment and Public Works Committee is considering, legislation to increase petroleum refinery capacity in the United States. The argument is that the shortage of domestic refining capacity is contributing to the rising price of gasoline which, in turn, is squeezing families' pocketbooks and complicating our Nation's economic future. The theory is that relaxing environmental regulations will unlock long dormant investment in new domestic refining capacity.

It is incumbent upon industry and the congressional supporters of this bill to document that environmental regulation has in fact blocked such investment. Testimony has been provided on both sides of that proposition.

What seems to me to be less debatable is that any legislative effort to address deficient refining capacity should include the encouragement of domestic nonpetroleum refinery infrastructure. If we are serious about reducing our country's dependence on imported petroleum and insulating our economy from future supply disruption shocks—whether from the volatile Middle East or natural disasters such as Katrina—encouraging the construction of more alternative fuel refineries should be part of that strategy. After all, even if we have more petroleum refineries, we won't have any more crude oil to process through them, unless we import more. That is not what I would define as "progress."

This past summer, Congress passed the Energy Policy Act. As my colleagues know, that law includes a bold, bipartisan initiative to help wean our Nation from its petroleum dependency: the Renewable Fuels Standard, RFS.

The RFS establishes that the national gasoline supply will consist of at least 7.5 billion gallons of homegrown ethanol by the year 2012. The RFS also commits the country to the greater use of biodiesel in our fuel supply.

As Congress looks to expand domestic gasoline supply, a far stronger signal should be sent that the U.S. Government is serious about growing our 40 billion gallons-a-year domestic diesel industry. That's why today I am introducing legislation to create a Renewable Diesel Standard, with the goal of 2 billion gallons annually of alternative and renewable diesels by 2015.

Petrodiesel is used in a wide variety of transportation modes: transit buses; semi trucks; ships; heavy duty construction, farming and mining equipment; military vehicles; locomotives; barges; large scale generators; farm and mining equipment; and in many people's individual cars and trucks. While not as large of a market as gasoline, petrodiesel is enormously significant.

A Renewable Diesel Standard would focus alternative fuel production strongly on the world of diesel engine vehicles. And engines that use petrodiesel can also use other types of diesel fuels, like biodiesel, or Fischer Tropsch diesel, with little or no engine modification.

This interchangeability helps in time of diesel shortages. It helps keep diesel prices competitive. And, as diesel is made from domestic feedstocks, it reduces our reliance on foreign crude oil. That is good for national security—especially when diesel is the fuel for workhorse vehicles like buses, bulldozers, or military equipment that are so important in times of emergency.

In recent months, Illinois farmers have raised concerns with me regarding the high cost of diesel fuel. Imagine how biodiesel and diesel alternatives could help mitigate fuel costs for farmers who now mostly rely on diesel fuel made from foreign oil. Imagine how biodiesels or coal diesels could help truckers and other small business owners, whose profit margins are so seriously affected by unforeseen price spikes in petrodiesel for semi trucks.

For my colleagues who have staked out opposing positions in the CAFE debate, a Renewable Diesel Standard would, like the RFS, lay the groundwork for increasing "miles per gallon" per vehicle in terms of petroleum usage. And wasn't that the underlying intent of CAFE in the first place when it was enacted in 1975—to reduce our use of petroleum, especially imported oil and petroleum products?

This bill does not propose that 10 percent of the national petrodiesel pool be strengthened with diesel alternatives. It proposes only 1 percent of the national supply.

That is hardly painful for the petroleum industry. This initiative would not in any way dent the oil industry's record-shattering profits. It is, however, a bold initiative for those entrepreneurs who know that new diesels work and are willing to prove it by investing on a commercial scale. They know we can make diesel from soybeans, from sunflower seeds, from coal, and even from garbage. Let's give them stronger assurance that the United States intends to capitalize on their vision, ingenuity, and expertise in the cause of energy independence.

Right now, there is an estimated 180 million gallons of biodiesel production capacity in the United States. Fifty-four companies have reported their plans to construct dedicated biodiesel plants in the near future, but those plans are dependent upon regional and national demand prospects.

Current domestic petroleum demand is estimated to be high enough in the coming years that the United States would need to construct a 400,000 barrel per day petroleum refinery each year to meet market projections. Yet no new petroleum refineries have been built in the United States in a quarter century. During the same period, however, more than 120 refineries have been built for ethanol and biodiesel, with more in the works. And the good news is: unlike petroleum refineries, our ethanol and biodiesel refineries do not require imported oil as raw material to make the finished product.

Mr. President, hundreds of millions of gallons of diesel are possible within the timeline proposed in my legislation, making another small but bold step to create jobs in rural America, strengthen our economic security, and improve air quality. A Renewable Diesel Standard is the right course for the Nation's future. I hope my colleagues will join me in cosponsoring this legislation, and I ask their support for swift enactment.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 286—COMMENDING THE GRAND OLE OPRY ON THE OCCASION OF ITS 80TH ANNIVERSARY FOR ITS IMPORTANT ROLE IN THE POPULARIZATION OF COUNTRY MUSIC AND FOR ITS 8 DECADES OF MUSICAL AND BROADCAST EXCELLENCE

Mr. FRIST (for himself and Mr. ALEXANDER) submitted the following resolution; which was considered and agreed to:

S. RES. 286

Whereas the Grand Ole Opry is a pioneer of commercial radio in the United States, and is the longest running continuous radio program in the United States, having operated since November 28, 1925, and having broadcasted over 4,000 consecutive Saturday evening shows on WSM Radio, Nashville, Tennessee;

Whereas the Grand Ole Opry played an integral role in the commercial development of the country music industry, and in establishing Nashville, Tennessee, as "Music City USA";

Whereas the Grand Ole Opry has consistently promoted the best in live entertainment and provided a distinctive forum for connecting country music fans to musicians so as to promote the popularity of this uniquely American genre;

Whereas the Grand Ole Opry serves as a unique American icon that enshrines the rich musical history of country music, and preserves the tradition and character of the genre through commemorative performances and events;

Whereas the Grand Ole Opry is committed to quality performances, and the membership of the Grand Ole Opry represents the elite of country music performers, including generations of America's most talented musicians, encompassing the music legends of old and the superstars of today that continue to define American country music;

Whereas performers at the Grand Ole Opry have included such universally recognized names as Roy Acuff, Chet Atkins, Garth Brooks, Johnny Cash, Patsy Cline, Vince Gill, Alan Jackson, Grandpa Jones, Loretta Lynn, Uncle Dave Macon, Dolly Parton, Minnie Pearl, Jim Reeves, Ernest Tubb, Hank Williams, Trisha Yearwood, and many more;

Whereas the Grand Ole Opry celebrates the diversity of country music, with membership spanning both generation and genre, representing the best in folk, country, bluegrass, gospel, and comedy performances;

Whereas the Grand Ole Opry continues to utilize technological innovations to develop new avenues of connecting country music to its fans, and can be seen and heard around the world via television, radio, satellite radio, and the Internet;

Whereas the Grand Ole Opry provides heartening support to members of the Armed Forces by participating in the Department of Defense's America Supports You Program, providing live performances to American Forces serving abroad via the American Forces Radio and Television Services network;

Whereas the Grand Ole Opry is recognized as the world's premiere country music show, and continues to entertain millions of fans throughout the world, including United States Presidents and foreign dignitaries, and serves as an emissary of American music and culture; and

Whereas the Grand Ole Opry will continue to impact American culture and music, and play an important role in presenting the best in country music to new generations of fans throughout the world, touching millions with music and comedy: Now, therefore, be it

Resolved, That the Senate commends the Grand Ole Opry on the occasion of its 80th anniversary for its important role in the popularization of country music, and for its 8 decades of musical and broadcast excellence.

SENATE RESOLUTION 287—HONORING THE LIFE OF AND EXPRESSING THE CONDOLENCES OF THE SENATE ON THE PASSING OF ROSA PARKS

Mr. LEVIN (for himself, Ms. STABENOW, Mr. FRIST, Mr. REID, Mr. OBAMA, Mr. KENNEDY, Mr. SCHUMER, Mr. VOINOVICH, Mr. MARTINEZ, Mr. BROWNBACK, Mr. ALLEN, Mr. TALENT, Mr. MCCONNELL, Mrs. DOLE, Mr. CHAMBLISS, Mr. THOMAS, Mrs. HUTCHISON, Mrs. CLINTON, Mr. HARKIN, Mrs. BOXER, Mrs. FEINSTEIN, Mr. KERRY, and Mr. DURBIN) submitted the following resolution; which was considered and agreed to:

S. RES. 287

Whereas Rosa Parks was born on February 4, 1913, as Rosa Louise McCauley, to James and Leona McCauley in Tuskegee, Alabama;

Whereas her moral clarity and quiet dignity shaped and inspired the Civil Rights Movement in the United States over the last half-century;

Whereas Rosa Parks was educated in Pine Level, Alabama, until the age of 11, when she enrolled in the Montgomery Industrial School for Girls and then went on to attend the Alabama State Teachers College High School;

Whereas on December 18, 1932, Rosa McCauley married Raymond Parks and settled in Montgomery, Alabama;

Whereas, together, Raymond and Rosa Parks worked in the Montgomery, Alabama branch of the National Association for the Advancement of Colored People (NAACP), where Raymond Parks served as an active member and Rosa Parks served as a secretary and youth leader;

Whereas on December 1, 1955, Rosa Parks was arrested for refusing to give up her seat in the "colored" section of the bus to a white man on the orders of the bus driver because the "white" section was full;

Whereas the arrest of Rosa Parks led African Americans and others to boycott the Montgomery city bus line until the buses in Montgomery were desegregated;

Whereas the 381-day Montgomery bus boycott encouraged other courageous people across the United States to organize in protest and demand equal rights for all;

Whereas most historians date the beginning of the modern-day Civil Rights Movement in the United States to December 1, 1955;

Whereas the fearless acts of civil disobedience displayed by Rosa Parks and others resulted in a legal action challenging Montgomery's segregated public transportation system, which subsequently led to the United States Supreme Court, on November 13, 1956, affirming a district court decision that held that Montgomery segregation codes deny and deprive African Americans of the equal protection of the laws (352 U.S. 903);

Whereas in 1957, Rosa Parks moved to Detroit, Michigan;

Whereas in 1965, Representative John Conyers hired Rosa Parks as a member of his staff, where she worked in various administrative jobs for 23 years and retired in 1988 at age 75;

Whereas Rosa Parks continued her civil rights work by starting the Rosa and Raymond Parks Institute for Self Development in 1987, a nonprofit organization that motivates young people to reach their highest potential;

Whereas the Rosa and Raymond Parks Institute for Self Development offers educational programs for young people, including two signature programs: first, Pathways to Freedom, a 21-day program that introduces students to the Underground Railroad and the civil rights movement with a freedom ride across the United States and Canada, tracing the underground railroad into civil rights, and second, Learning Centers and Senior Citizens, a program that partners young people with senior citizens where the young help the senior citizens develop their computer skills and senior citizens mentor the young;

Whereas Rosa Parks has been commended for her work in the realm of civil rights with such recognitions as the NAACP's Spingarn Medal, the Martin Luther King, Jr., Nonviolent Peace Prize, the Presidential medal of Freedom, and the Congressional Gold Medal;

Whereas Time magazine named Rosa Parks one of the "100 most influential people of the 20th century", The Henry Ford Museum in Michigan bought and exhibited the bus on which she was arrested, and The Rosa Parks Library and Museum opened in Montgomery in 2000;

Whereas in 2005, the year marking the 50th anniversary of Rosa Parks' refusal to give up her seat on the bus, we recognize the courage, dignity, and determination displayed by Rosa Parks as she confronted injustice and inequality; and

Whereas in 1988 Rosa Parks said: "I am leaving this legacy to all of you . . . to bring peace, justice, equality, love and a fulfillment of what our lives should be. Without vision, the people will perish, and without courage and inspiration, dreams will die—the dream of freedom and peace": Now, therefore, be it

Resolved, That the Senate honors the life and accomplishments of Rosa Parks and expresses its condolences on her passing.

SENATE CONCURRENT RESOLUTION 60—DESIGNATING THE NEGRO LEAGUES BASEBALL MUSEUM IN KANSAS CITY, MISSOURI, AS AMERICA'S NATIONAL NEGRO LEAGUES BASEBALL MUSEUM

Mr. TALENT submitted the following concurrent resolution, which was referred to the Committee on Energy and Natural Resources:

S. CON. RES. 60

Whereas the Negro Leagues Baseball Museum in Kansas City, Missouri, was founded in 1990, in honor of those individuals who played in the Negro Baseball Leagues as a result of segregation in America;

Whereas the Negro Leagues Baseball Museum is the only public museum in the Nation that exists for the exclusive purpose of interpreting the experiences of the players in the Negro Leagues from 1920 through 1970;

Whereas the Negro Leagues Baseball Museum project began in the 1980s, through a large scale, grass roots, civic and fundraising effort by citizens and baseball fans in the Kansas City metropolitan area;

Whereas the first Negro Leagues Baseball Museum was located at 1615 East 18th Street in the historic "18th and Vine District", which was designated by the city of Kansas City, Missouri, in 1988, as historic in nature and the birthplace of the Negro Leagues;

Whereas the current Negro Leagues Baseball Museum was opened at 1616 East 18th Street in 1997, with a dramatic expansion of core exhibition and gallery space and over 10,000 square feet of new interpretive and educational exhibits;

Whereas the Negro Leagues Baseball Museum continues to receive strong support from the residents of the Kansas City metropolitan area and annually entertains over 60,000 visitors from all 50 States, and numerous foreign countries;

Whereas there remains a need to preserve the evidence of honor, courage, sacrifice, and triumph in the face of segregation of those African Americans who played in the Negro Leagues;

Whereas the Negro Leagues Baseball Museum seeks to educate a diverse audience through its comprehensive collection of historical materials, important artifacts, and oral histories of the participants in the Negro Leagues and the impact that segregation played in the lives of these individuals and their fans; and

Whereas a great opportunity exists to use the invaluable resources of the Negro Leagues Baseball Museum to teach the Nation's school children, through on-site visits, traveling exhibits, classroom curriculum, distance learning, and other educational initiatives: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) designates the Negro Leagues Baseball Museum in Kansas City, Missouri, including the museums future and expanded exhibits, collections library, archives, artifacts and education programs as "America's National Negro Leagues Baseball Museum";

(2) supports the Negro Leagues Baseball Museum in their efforts to recognize and preserve the history of the Negro Leagues and the impact of segregation on our Nation;

(3) recognizes that the continued collection, preservation, and interpretation of the historical objects and other historical materials held by the Negro Leagues Baseball Museum enhances our knowledge and understanding of the experience of African Americans during legal segregation;

(4) commends the ongoing development and visibility of the "Power Alley" educational outreach program for teachers and students throughout the Nation sponsored by the Negro Leagues Baseball Museum;

(5) asks all Americans to join in celebrating the Negro Leagues Baseball Museum and its mission of preserving and interpreting the legacy of the Negro Leagues; and

(6) encourages present and future generations to understand the sensitive issues surrounding the Negro Leagues, how they helped shape our Nation and Major League Baseball, and how the sacrifices made by Negro League players helped make baseball America's national pastime.

AMENDMENTS SUBMITTED & PROPOSED

SA 2211. Mrs. CLINTON (for herself and Mr. SCHUMER) submitted an amendment intended to be proposed by her to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table.

SA 2212. Mr. OBAMA (for himself, Mr. DURBIN, Mrs. CLINTON, Mr. KERRY, Mr. DODD, and Mr. CORZINE) submitted an amendment intended to be proposed by him to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 2213. Mr. KENNEDY (for himself, Mrs. CLINTON, Mr. SCHUMER, Mr. LIEBERMAN, Ms. MIKULSKI, Mr. KERRY, Mr. REID, Mr. LAUTENBERG, Mr. DAYTON, Ms. CANTWELL, Mr. KOHL, Mr. BINGAMAN, Mr. DURBIN, Mr. ROCKEFELLER, Mrs. MURRAY, Mr. DODD, Mrs. FEINSTEIN, Mr. REED, and Mr. CORZINE) proposed an amendment to the bill H.R. 3010, supra.

SA 2214. Mr. SUNUNU submitted an amendment intended to be proposed by him to the bill H.R. 3010, supra.

SA 2215. Mr. SUNUNU submitted an amendment intended to be proposed by him to the bill H.R. 3010, supra.

SA 2216. Mr. KERRY submitted an amendment intended to be proposed by him to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 2217. Mr. NELSON, of Florida (for himself, Mr. FEINGOLD, and Mr. CORZINE) submitted an amendment intended to be proposed by him to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 2218. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 2219. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 2220. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 2221. Ms. SNOWE (for herself and Ms. COLLINS) submitted an amendment intended to be proposed by her to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table.

SA 2222. Mr. INOUYE (for himself and Mr. COCHRAN) proposed an amendment to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes.

SA 2223. Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill H.R. 3010, supra.

SA 2224. Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill H.R. 3010, supra.

SA 2225. Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill H.R. 3010, supra.

SA 2226. Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill H.R. 3010, supra.

SA 2227. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 2228. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 2229. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 2230. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 2231. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 2232. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 2233. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 2234. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 2235. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 2236. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 2237. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 2238. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 2239. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 2240. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 2241. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 2242. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 2243. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 2244. Mr. DAYTON submitted an amendment intended to be proposed by him to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 2245. Mr. DAYTON submitted an amendment intended to be proposed by him to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 2246. Mr. KENNEDY (for himself, Mr. HARKIN, and Mr. LAUTENBERG) submitted an amendment intended to be proposed by him to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 2247. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 2248. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 2249. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 2250. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 2251. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 2252. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 2253. Mr. GREGG (for himself and Mr. GRASSLEY) proposed an amendment to the bill H.R. 3010, supra.

SA 2254. Mr. DODD (for himself, Mr. KENNEDY, Mrs. CLINTON, Mrs. MURRAY, Mr. KERRY, Mr. LAUTENBERG, Mr. CORZINE, Mr. DURBIN, and Mr. DAYTON) submitted an amendment intended to be proposed by him to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 2255. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 2256. Mr. OBAMA (for himself, Mr. BYRD, Mr. BAYH, Ms. MIKULSKI, and Mr. DURBIN) submitted an amendment intended to be proposed by him to the bill H.R. 3010 supra; which was ordered to lie on the table.

SA 2257. Mrs. FEINSTEIN (for herself and Mrs. BOXER) submitted an amendment intended to be proposed by her to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 2258. Mr. DOMENICI (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 2259. Mr. SMITH (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 2260. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 2261. Mr. COLEMAN (for himself and Ms. STABENOW) submitted an amendment intended to be proposed by him to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 2262. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 2263. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 2264. Mr. COLEMAN (for himself and Mr. BAYH) submitted an amendment intended to be proposed by him to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 2265. Ms. COLLINS (for herself and Mr. FEINGOLD) submitted an amendment intended to be proposed by her to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 2266. Ms. COLLINS (for herself and Mr. FEINGOLD) submitted an amendment intended to be proposed by her to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 2267. Ms. COLLINS (for herself and Mr. FEINGOLD) submitted an amendment intended to be proposed by her to the bill H.R. 3010, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2211. Mrs. CLINTON (for herself and Mr. SCHUMER) submitted an amendment intended to be proposed by her to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___.(a) Notwithstanding any other provision of law, $125,000,000 shall be available and shall remain available until expended to replace the funds appropriated but not expended under chapter 8 of division B of the Department of Defense and Emergency Supplemental Appropriations for Recovery from and Response to Terrorist Attacks on the United States Act, 2002 (Public Law 107–117), and of such amount, $50,000,000 shall be made available for payment to the New York State Uninsured Employers Fund for reimbursement of claims related to the terrorist attacks of September 11, 2001 and for reimbursement of claims related to the first response emergency services personnel who were injured, were disabled, or died due to such terrorist attacks, and $75,000,000 shall be made available to the Centers for Disease Control and Prevention upon enactment of this Act, and shall remain available until expended, for purposes related to the September 11, 2001 terrorist attacks. In expending such funds, the Director of the Centers for Disease Control and Prevention shall give first priority to the existing programs coordinated by the Mount Sinai Center for Occupational and Environmental Medicine, the Fire Department of New York City Bureau of Health Services and Counseling Services Unit, the New York City Police Foundation's Project COPE, Police Organization Providing Peer Assistance, and the New York City Department of Health and Mental Hygiene World Trade Center Health Registry that administer baseline and follow-up screening, clinical examinations, or long-term medical health monitoring, analysis, or treatment for emergency services personnel or rescue and recovery personnel, and shall give secondary priority to similar programs coordinated by other entities working with the State of New York and New York City.

(b) The amounts provided under subsection (a) are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress).

SA 2212. Mr. OBAMA (for himself, Mr. DURBIN, Mrs. CLINTON, Mr. KERRY, Mr. DODD, and Mr. CORZINE) submitted an amendment intended to be proposed by him to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III (before the short title), insert the following:

SEC. ___. THURGOOD MARSHALL LEGAL EDUCATIONAL OPPORTUNITY PROGRAM AND POSITIVE BEHAVIORAL INTERVENTIONS AND SUPPORTS.

(a) INCREASES.—In addition to amounts otherwise appropriated under this Act, there is appropriated, out of any money in the Treasury not otherwise appropriated, an additional $3,500,000 for subpart 3 of part A of title VII of the Higher Education Act of 1965 (20 U.S.C. 1136 et seq.), and an additional $1,000,000 to the Office of Special Education Programs of the Department of Education for the expansion of positive behavioral interventions and supports.

(b) OFFSET FROM CONSULTING SERVICES.—Notwithstanding any other provision of this Act, amounts made available for the Department of Health and Human Services for consulting services under this Act shall be reduced by $4,500,000.

(c) REPORT ON THURGOOD MARSHALL LEGAL EDUCATIONAL OPPORTUNITY PROGRAM.—Not later than September 30, 2006, the Secretary of Education shall prepare and submit to Congress a report on the evaluation data regarding the educational and professional performance of individuals who have participated, during fiscal year 2006 or any preceding year, in the program under subpart 3 of part A of title VII of the Higher Education Act of 1965 (20 U.S.C. 1136 et seq.).

SA 2213. Mr. KENNEDY (for himself, Mrs. CLINTON, Mr. SCHUMER, Mr. LIEBERMAN, Ms. MIKULSKI, Mr. KERRY, Mr. REID, Mr. LAUTENBERG, Mr. DAYTON, Ms. CANTWELL, Mr. KOHL, Mr. BINGAMAN, Mr. DURBIN, Mr. ROCKEFELLER, Mrs. MURRAY, Mr. DODD, Mrs. FEINSTEIN, Mr. REED, and Mr. CORZINE) proposed an amendment to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

At the end of title III (before the short title), insert the following:

SEC. ___. In addition to amounts otherwise appropriated under this Act, there is appropriated, out of any money in the Treasury not otherwise appropriated, $836,000,000 for carrying out subpart 1 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070). Such additional appropriation shall be used to increase the maximum Pell Grant for which a student shall be eligible during award year 2006–2007 by $200 to $4,250, notwithstanding the maximum Pell Grant amount provided under the heading "STUDENT FINANCIAL ASSISTANCE" under this title.

SA 2214. Mr. SUNUNU submitted an amendment intended to be proposed by him to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

After section 221, insert the following:

SEC. 222. For carrying out the Low-Vision Rehabilitation Services Demonstration

Project by the Secretary of Health and Human Services, an additional $5,000,000: *Provided*, That funds made available for general department management under the heading General Department Management under the heading Office of the Secretary are reduced by $5,000,000.

SA 2215. Mr. SUNUNU submitted an amendment intended to be proposed by him to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

At the appropriate place in title II, insert the following:

SEC. . Amounts appropriated in this title for community health center programs under section 330 of the Public Health Service Act (42 U.S.C. 254b) shall be increased by $198,560,000. Notwithstanding any other provision of this Act, amounts appropriated under this Act shall be reduced on a pro rata basis by $198,560,000.

SA 2216. Mr. KERRY submitted an amendment intended to be proposed by him to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title II (before the short title), add the following:

SEC. . None of the funds made available in this Act may be used to implement any strategic plan under section 3 of Executive Order 13335 (regarding interoperable health information technology) that lacks a provision that requires the Department of Health and Human Services to give notice to any patient whose information maintained by the Department under the strategic plan is lost, stolen, or used for a purpose other than the purpose for which the information was collected.

SA 2217. Mr. NELSON of Florida (for himself, Mr. FEINGOLD, and Mr. CORZINE) submitted an amendment intended to be proposed by him to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

After section 221, insert the following:

SEC. 222. (a) The Comptroller General of the United States shall conduct a study to—

(1) examine—

(A) the cost savings that have occurred in States that currently have programs in place for the recycling or reusing of medications that have been dispensed to, but not used by, an inpatient of a long-term care facility; and

(B) the potential for the expansion of such programs to other States;

(2) identify measures that could be put in place to maximize cost savings under the programs described in paragraph (1);

(3) identify—

(A) the potential safety concerns raised by such programs; and

(B) the rate of medication error and adverse events under such programs; and

(4) identify—

(A) safety procedures currently used under such programs;

(B) additional safety procedures that could be put in place to eliminate the safety concerns identified under paragraph (3); and

(C) the infrastructure or resources necessary to implement such additional safety procedures.

(b) Not later than the date that is 12 months after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on the study conducted under subsection (a), together with such recommendations for legislative or administrative action as the Comptroller General determines to be appropriate.

SA 2218. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III (before the short title), insert the following:

SEC. ____. In addition to amounts otherwise appropriated under this Act, there is appropriated, out of any money in the Treasury not otherwise appropriated, an additional $18,500,000 to carry out part G of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6531 et seq.).

SA 2219. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III (before the short title), insert the following:

SEC. ____.(a) In addition to amounts otherwise appropriated under this Act, there is appropriated, out of any money in the Treasury not otherwise appropriated, an additional $4,900,000 to carry out part H of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6551 et seq.).

(b) Notwithstanding any other provision of this Act, the amounts made available for administrative expenses and salaries for the Department of Education under this Act shall be reduced by $4,900,000.

SA 2220. Mrs. MURRAY submitted an amendment intended to be proposed by him to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 153, between lines 17 and 18, insert the following:

In addition, for making payments to States for the provision of coverage for prescription drugs under State Medicaid plans (notwithstanding section 1935(d)(1) of the Social Security Act) or under separate drug assistance programs to individuals who have attained age 65 or are disabled, and whose income does not exceed 150 percent of the national poverty level or who are eligible for medical assistance under the State Medicaid plan under a "medically needy" or other "spend down" eligibility category, including such individuals who are eligible for benefits under titles XVIII and XIX of the Social Security Act, receiving assistance under a State drug assistance program, or receiving coverage under an AIDS Drug Assistance Program, to ensure that such individuals do not lose coverage for prescription drugs or suffer a gap in such coverage due to the implementation of the Medicare prescription drug benefit under part D of title XVIII of such Act, and for making payments to providers of items and services under the State Medicaid plan, including pharmacists, community health centers, rural health clinics, hospitals, critical access hospitals, and physicians, for reimbursement of uncompensated costs associated with the provision of medically necessary drugs for such individuals, $2,000,000,000: *Provided*, That a State shall not receive such payments unless the State notifies the Centers for Medicare and Medicaid Services, not later than December 31, 2005, of the State's plan for the provision of such coverage: *Provided further*, That a State shall not receive such payments unless the State notifies such individuals and providers of the availability of such coverage: *Provided further*, That the entire amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

SA 2221. Ms. SNOWE (for herself and Ms. COLLINS) submitted an amendment intended to be proposed by her to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title XXVIII of division B, add the following:

SEC. 2887. TRANSFER TO REDEVELOPMENT AUTHORITIES WITHOUT CONSIDERATION OF PROPERTY LOCATED AT MILITARY INSTALLATIONS CLOSED OR REALIGNED UNDER 2005 ROUND OF DEFENSE BASE CLOSURE AND REALIGNMENT.

(a) OPTION ON TRANSFER OF REAL PROPERTY AND FACILITIES.—Paragraph (2)(C) of section 2905(b) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) is amended—

(1) by inserting "(i)" after "(C)"; and

(2) by adding at the end the following new clause:

"(ii) In the case of any real property or facilities located at an installation for which the date of approval of closure or realignment is after January 1, 2005, including property or facilities that would otherwise be transferred to a military department or other entity within the Department of Defense or the Coast Guard under clause (i), or would otherwise be transferred to another Federal agency—

"(I) the Secretary shall, unless the Secretary determines that a transfer of such property or facilities to a military department or other entity within the Department of Defense or the Coast Guard under clause (i), or to the Department of Homeland Security, is necessary in the national security interest of the United States, instead offer to transfer such property or facilities to the redevelopment authority with respect to such installation; and

"(II) if the redevelopment authority accepts the offer, transfer such property or facilities to the redevelopment authority, without consideration, subject to the provisions of paragraph (4).".

(b) OPTION ON TRANSFER OF PERSONAL PROPERTY.—Paragraph (3) of such section is amended—

(1) in subparagraph (C)(i), by striking "subparagraphs (E) and (F)" and inserting "subparagraphs (F) and (G)";

(2) by redesignating subparagraphs (E) and (F) as subparagraphs (F) and (G), respectively; and

(3) by inserting after subparagraph (D) the following new subparagraph (E):

"(E) In the case of any personal property located at an installation for which the date of approval of closure or realignment is after January 1, 2005, including property that is determined pursuant to the inventory under subparagraph (A)(i) to be excess property that would otherwise be transferred to another Federal agency under subchapter II of chapter 5 of title 40, United States Code, pursuant to the authority in paragraph (1)(A)—

"(i) the Secretary shall, unless the Secretary determines that a transfer of such property to a military department or other entity within the Department of Defense or the Coast Guard, or to the Department of Homeland Security, is necessary in the national security interest of the United States, instead offer to transfer such property to the redevelopment authority with respect to such installation; and

"(ii) if the redevelopment authority accepts the offer, transfer such property to the redevelopment authority, without consideration, subject to the provisions of paragraph (4).".

(c) ECONOMIC REDEVELOPMENT.—Paragraph (4)(A) of such section is amended by striking "purposes of job generation" and inserting "purposes of economic redevelopment or job generation".

(d) CONFORMING CHANGE.—Paragraph (4)(B) of such section is amended—

(1) by striking "shall seek" and all that follows through "with respect to the installation" and inserting the following: "may not obtain consideration in connection with any transfer under this paragraph of property located at the installation. The redevelopment authority to which such property is transferred shall";

(2) in clause (i), by striking "agrees" and inserting "agree"; and

(3) in clause (ii)—

(A) by striking "executes" and inserting "execute"; and

(B) by striking "accepts" and inserting "accept".

SA 2222. Mr. INOUYE (for himself and Mr. COCHRAN) proposed an amendment to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

At the appropriate place in title II, insert the following:

SEC. ____. (a) The Headquarters and Emergency Operations Center Building (Building 21) at the Centers for Disease Control and Prevention is hereby renamed as the Arlen Specter Headquarters and Emergency Operations Center.

(b) The Global Communications Center Building (Building 19) at the Centers for Disease Control and Prevention is hereby renamed as the Thomas R. Harkin Global Communications Center.

SA 2223. Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

At the end of title III (before the short title), insert the following:

SEC. ____. In addition to amounts otherwise appropriated under this Act, there is appropriated, out of any money in the Treasury not otherwise appropriated, an additional $15,000,000 to carry out subpart 1 of part A of title IV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7111 et seq.).

SA 2224. Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

At the end of title III (before the short title), add the following:

SEC. ____. The Secretary of Education shall conduct a study to evaluate the effectiveness of violence prevention programs receiving funding under the Safe and Drug-Free Schools and Communities Act (20 U.S.C. 7101 et seq.) based on, among other things, evidence of deterrent effect, strong research design, sustained effects, and multiple site replication. The study shall also include information on what regular assessment mechanisms exist to allow the Department of Education to evaluate the efficacy of such programs on an ongoing basis. Not later than 18 months after the date of enactment of this Act, the Secretary of Education shall submit a report to Congress describing the findings of the study.

SA 2225. Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 196, strike line 14 and insert the following:

tional poverty level: *Provided further*, That the Corporation shall use a portion of the funds made available under this heading to conduct an evaluation, after consultation with experts on national service programs and rural community leaders, of programs carried out under the national service laws (consisting of that Act and the National and Community Service Act of 1990) in rural areas, to determine utilization of the programs and to develop new and innovative strategies that would prioritize geographic diversity of the programs carried out under the national service laws to increase the presence of the programs in rural areas.

SA 2226. Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

At the end of title III (before the short title), insert the following:

SEC. ____. APPLICATIONS FOR IMPACT AID PAYMENT.

Notwithstanding paragraphs (2) and (3) of section 8005(d) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7705(d)(2) and (3)), the Secretary of Education shall treat as timely filed, and shall process for payment, an application under section 8002 or section 8003 of such Act (20 U.S.C. 7702, 7703) for fiscal year 2005 from a local educational agency—

(1) that, for each of the fiscal years 2000 through 2004, submitted an application by the date specified by the Secretary of Education under section 8005(c) of such Act for the fiscal year;

(2) for which a reduction of more than $1,000,000 was made under section 8005(d)(2) of such Act by the Secretary of Education as a result of the agency's failure to file a timely application under section 8002 or 8003 of such Act for fiscal year 2005; and

(3) that submits an application for fiscal year 2005 during the period beginning on February 2, 2004, and ending on the date of enactment of this Act.

SA 2227. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 143, line 22, before the period, insert the following: ": *Provided further*, the Centers for Disease Control and Prevention shall use not more than $10,000,000 of funds provided under this heading to offer to enter into a contract with 1 or more eligible organizations to establish a Global Network for Avian Influenza Surveillance".

SA 2228. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. (a) None of the funds made available in this Act may be used to request that a candidate for appointment to a Federal scientific advisory committee disclose the political affiliation or voting history of the candidate or the position that the candidate holds with respect to political issues not directly related to and necessary for the work of the committee involved.

(b) None of the funds made available in this Act may be used to disseminate scientific information that is deliberately false or misleading.

SA 2229. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3010, making appropriations for the Departments of

Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

Sec. .(a) Notwithstanding any other provision of this Act, amounts not required by law provided in this Act for fiscal year 2006 are reduced by 5 percent.

(b) Any reduction made under this section shall be applied proportionately to each discretionary account and each item of budget authority covered by this Act, and within each account and item, to each program, project, and activity.

(c) Notwithstanding subsection (a), the President, in consultation with the Chairman and Ranking Member of the applicable authorizing committees of the Congress, may except certain programs, projects, and accounts, in whole or in part, from a reduction required by subsection (a), provided that such exceptions do not, in the aggregate, exceed an amount equal to 1 percent of the overall reduction.

SA 2230. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 222, between lines 5 and 6, insert the following:

SEC. 517. LIMITATION ON FUNDING FOR CONFERENCES.

(a) Department of Labor.—Of the funds made available for the Department of Labor under the heading "Departmental Management, Salaries and Expenses" in title I, not to exceed $2,000,000 shall be available for expenses related to conferences, including for conference programs, staff time, travel costs, and related expenses.

(b) Department of Health and Human Services.—Of the funds made available for the Department of Health and Human Services under the heading "Office of the Secretary, General Departmental Management" in title II, not to exceed $25,000,000 shall be available for expenses related to conferences, including for conference programs, .staff time, travel costs, and related expenses.

(c) Department of Education.—Of the funds made available for the Department of Education under the heading "Departmental Management, Program Administration" in title III, not to exceed $2,000,000 shall be available for expenses related to conferences, including for conference programs, staff time, travel costs, and related expenses.

SA 2231. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

Sec. ____. Any limitation, directive, or earmarking contained in either the House of Representatives or Senate report accompanying H.R. 3010 shall also be included in the conference report or joint statement accompanying H.R. 3010 in order to be considered as having been approved by both Houses of Congress.

SA 2232. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 139, line 16, insert after the colon the following: "*Provided further*, That in addition to amounts otherwise made available for State AIDS Drug Assistance Programs authorized by such section 2616, the Secretary shall transfer $60,000,000 from the amount appropriated under this Act for the construction and renovation of the facilities of the Centers for Disease Control and Prevention to carry out such Drug Assistance Programs;".

SA 2233. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

Sec. . Notwithstanding any other provision of this Act, none of the funds appropriated in this Act may be used for any activities associated with HIV Vaccine Awareness Day.

SA 2234. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 222, between lines 5 and 6, insert the following:

Sec. 517. None of the funds provided under this Act may be used by the Department of Health and Human Services or the Department of Education for programs and activities not in compliance with the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note, Public Law 107–300), including programs and activities under the Temporary Assistance for Needy Families Program under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.), the Foster Care and Adoption Assistance Program under part E of title IV of such Act (42 U.S.C. 670 et seq.), the Medicaid program under title XIX of such Act (42 U.S.C. 1396 et seq.), the State Children's Health Insurance Program under title XXI of such Act (42 U.S.C. 1397aa et seq.), the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.), and title I of the Elementary and Secondary Education Act of 1965.

SA 2235. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 182, line 4, strike ", and" and all that follows through "Hawaiian law" on line 6.

SA 2236. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

Sec. . (a) No funds appropriated under this Act may be provided to hospitals or other facilities at which partial-birth abortions are performed.

(b) Subsection (a) shall not apply to a partial-birth abortion that is necessary to save the life of a mother whose life is endangered by a physical disorder, physical illness, or physical injury, including a life-endangering physical condition caused by or arising from the pregnancy itself.

(c) In this section, the term "partial-birth abortion" means an abortion in which the person performing the abortion—

(1) deliberately and intentionally vaginally delivers a living fetus until, in the case of a head-first presentation, the entire fetal head is outside the body of the mother, or, in the case of breech presentation, any part of the fetal trunk past the navel is outside the body of the mother, for the purpose of performing an overt act that the person knows will kill the partially delivered living fetus; and

(2) performs the overt act, other than completion of delivery, that kills the partially delivered living fetus.

SA 2237. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. PROMOTION OF FAMILY FORMATION AND HEALTHY MARRIAGE.

(a) State Plans.—Section 402(a)(1)(A) of the Social Security Act (42 U.S.C. 602(a)(1)(A)) is amended by adding at the end the following:

"(vii) Encourage equitable treatment of healthy 2-parent married families under the program referred to in clause (i).".

(b) Healthy Marriage Promotion Grants; Repeal of Bonus for Reduction of Illegitimacy Ratio.—Section 403(a)(2) of such Act (42 U.S.C. 603(a)(2)) is amended to read as follows:

"(2) Healthy marriage promotion grants.—

"(A) Authority.—

"(i) In general.—The Secretary shall award competitive grants to States and Indian tribes [and tribal organizations] for not more than 50 percent of the cost of developing and implementing innovative programs to promote and support healthy 2-parent married families.

"(ii) USE OF OTHER TANF FUNDS.—A State or Indian tribe with an approved tribal family assistance plan may use funds provided under other grants made under this part for all or part of the expenditures incurred for the remainder of the costs described in clause (i). In the case of a State, any such funds expended shall not be considered qualified State expenditures for purposes of section 409(a)(7).

"(B) HEALTHY MARRIAGE PROMOTION ACTIVITIES.—Funds provided under subparagraph (A) and corresponding State matching funds shall be used to support any of the following programs or activities:

"(i) Public advertising campaigns on the value of marriage and the skills needed to increase marital stability and health.

"(ii) Education in high schools on the importance of healthy marriages and the characteristics of other healthy relationships experienced throughout life, including education on the importance of grounding all relationships in mutual respect and how earlier healthy relationships are the building blocks for later healthy marital relationships.

"(iii) Marriage education, marriage skills, and relationship skills programs, that may include parenting skills, financial management, conflict resolution, and job and career advancement, for non-married pregnant women, non-married expectant fathers, and non-married recent parents.

"(iv) Pre-marital education and marriage skills training for engaged couples and for couples or individuals interested in marriage.

"(v) Marriage enhancement and marriage skills training programs for married couples.

"(vi) Divorce reduction programs that teach relationship skills.

"(vii) Marriage mentoring programs which use married couples as role models and mentors.

"(viii) Programs to reduce the disincentives to marriage in means-tested aid programs, if offered in conjunction with any activity described in this subparagraph.

"(C) VOLUNTARY PARTICIPATION.—

"(i) IN GENERAL.—Participation in programs or activities described in any of clauses (iii) through (vii) of subparagraph (B) shall be voluntary.

"(ii) ASSURANCE OF INFORMED CONSENT AND OPTION TO DISENROLL.—Each State or Indian tribe or tribal organization that carries out programs or activities described in any of clauses (iii) through (vii) of subparagraph (B) shall provide the Secretary with an assurance that each recipient of assistance under a State or tribal program funded under this part who elects to participate in such programs or activities shall be informed, prior to making such election—

"(I) that such participation is voluntary;

"(II) that the recipient may elect at any time to disenroll from such programs or activities by notifying the State or Indian tribe or tribal organization that the recipient no longer wants to participate in such programs or activities;

"(III) of the process, if any, by which a recipient who chooses to withdraw from, or fails to participate in, such programs or activities may be required to follow to become engaged in other programs or activities that are not programs or activities described in clauses (iii) through (vii) of subparagraph (B); and

"(IV) that the State may reassign a recipient at any time to other activities that are not programs or activities described in clauses (iii) through (vii) of subparagraph (B).

"(iii) NO SANCTION FOR REFUSAL OR FAILURE TO PARTICIPATE.—

"(I) IN GENERAL.—No State or Indian tribe shall deny or reduce assistance to a recipient of assistance under a State or tribal program funded under this part solely on the basis of the recipient's withdrawal from, or failure to, participate in programs or activities described in clauses (iii) through (vii) of subparagraph (B).

"(II) RULE OF CONSTRUCTION.—Nothing in this subparagraph shall be construed as precluding a State or Indian tribe from requiring a recipient of assistance under a State or tribal program funded under this part to engage in programs or activities that are not programs or activities described in clauses (iii) through (vii) of subparagraph (B) or to sanction a recipient for failure to engage in such programs or activities or to follow any such procedures the State may establish to enroll a recipient in such other programs or activities.

"(D) GENERAL RULES GOVERNING USE OF FUNDS.—The rules of section 404, other than subsection (b) of that section, shall not apply to a grant made under this paragraph.

"(E) REQUIREMENTS FOR RECEIPT OF FUNDS.—A State or Indian tribe or tribal organization may not be awarded a grant under this paragraph unless the State or Indian tribe or tribal organization, as a condition of receiving funds under such a grant—

"(i) consults with domestic violence organizations that have demonstrated expertise working with survivors of domestic violence in developing policies, procedures, programs and training necessary to appropriately address domestic violence in families served by programs and activities funded under such grant;

"(ii) describes in the application for a grant under this paragraph—

"(I) how the programs or activities proposed to be conducted will appropriately address issues of domestic violence; and

"(II) what the State or Indian tribe or tribal organization, will do, to the extent relevant, to ensure that participation in such programs or activities is voluntary, and to inform potential participants that their involvement is voluntary;

"(iii) establishes a written protocol for providers and administrators of programs and activities relevant to the grant that—

"(I) provides for helping identify instances or risks of domestic violence; and

"(II) specifies the procedures for making service referrals and providing protections and appropriate assistance for identified individuals and families;

"(iv) establishes performance goals for funded programs and activities that clarify the primary objective of such funded programs and activities is to increase the incidence and quality of healthy marriages and not solely to expand the number or percentage of married couples; and

"(v) submits the annual reports required under subparagraph (F).

"(F) ANNUAL REPORTS TO THE SECRETARY.—Each State and Indian tribe or tribal organization awarded a grant under this paragraph shall submit to the Secretary an annual report on the programs and activities funded under the grant that includes the following:

"(i) A description of the written protocols developed in accordance with the requirements of subparagraph (E)(iii) for each program or activity funded under the grant and how such protocols are used, including specific policies and procedures for addressing domestic violence issues within each program or activity funded under the grant and how confidentiality issues are addressed.

"(ii) The name of each individual, organization, or entity that was consulted in the development of such protocols.

"(iii) A description of each individual, organization, or entity (if any) that provided training on domestic violence for the State, Indian tribe or tribal organization, or for any subgrantees.

"(iv) A description of any implementation issues identified with respect to domestic violence and how such issues were addressed.

"(G) BIANNUAL REPORTS TO CONGRESS.—Not later than 24 months after the date of enactment of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2006, and every 6 months thereafter, the Secretary shall submit to Congress a report regarding the programs and activities funded with grants awarded under this paragraph. Each report submitted in accordance with this subparagraph shall include the following:

"(i) The name of each program or activity funded with such grants and the name of each grantee and subgrantee.

"(ii) The total number of individuals served under programs or activities funded under the grant.

"(iii) The total number of individuals who—

"(I) completed a program or activity funded under the grant, including the number of such individuals who received assistance under a State or tribal program funded under this part or with qualified State expenditures (as defined in section 409(a)(7)(B)(i)) while participating in such program or activity; and

"(II) did not complete such a program or activity, including due to ceasing to receive assistance under a State or tribal program funded under this part or with qualified State expenditures (as defined in section 409(a)(7)(B)(i)) or for other reasons.

"(iv) A description of the types of services offered under such programs or activities.

"(v) The criteria for selection of programs or activities to be funded under such grant with respect to the award of grants by the Secretary and the awarding of funds to subgrantees.

"(vi) A description of the activities carried out by the Secretary to support grantees and subgrantees in responding to domestic violence issues.

"(v) A summary of the written domestic violence protocols used by grantees and subgrantees.

"(vii) A summary of who the grantees and subgrantees consulted with in developing such protocols.

"(viii) A summary of the training provided to grantees and subgrantees on domestic violence.

"(ix) A list of the organizations, entities, and activities funded under section 413(k).

"(H) DOMESTIC VIOLENCE DEFINED.—In this paragraph, the term 'domestic violence' has the meaning given that term in section 402(a)(7)(B).

"(I) APPROPRIATION.—

"(i) IN GENERAL.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated for each of fiscal years 2006 through 2011, $100,000,000 for grants under this paragraph.

"(ii) EXTENDED AVAILABILITY OF FUNDS.—

"(I) IN GENERAL.—Funds appropriated under clause (i) for each of fiscal years 2006 through 2011 shall remain available to the Secretary until expended.

"(II) AUTHORITY FOR GRANT RECIPIENTS.—A State or Indian tribe or tribal organization may use funds made available under a grant awarded under this paragraph without fiscal year limitation pursuant to the terms of the grant.".

(c) COUNTING OF SPENDING ON NON-ELIGIBLE FAMILIES TO PREVENT AND REDUCE INCIDENCE OF OUT-OF-WEDLOCK BIRTHS, ENCOURAGE FORMATION AND MAINTENANCE OF HEALTHY 2-PARENT MARRIED FAMILIES, OR ENCOURAGE RESPONSIBLE FATHERHOOD.—Section 409(a)(7)(B)(i) of such Act (42 U.S.C. 609(a)(7)(B)(i)) is amended by adding at the end the following:

"(V) COUNTING OF SPENDING ON NON-ELIGIBLE FAMILIES TO PREVENT AND REDUCE INCIDENCE OF OUT-OF-WEDLOCK BIRTHS, ENCOURAGE FORMATION AND MAINTENANCE OF HEALTHY 2-PARENT MARRIED FAMILIES, OR ENCOURAGE RESPONSIBLE FATHERHOOD.—Subject to subclauses (II) and (III), the term 'qualified State expenditures' includes the total expenditures by the State during the fiscal year under all State programs for a purpose described in paragraph (3) or (4) of section 401(a).".

(d) PURPOSES.—Section 401(a)(4) of such Act (42 U.S.C. 601(a)(4)) is amended by striking "two-parent families" and inserting "healthy 2-parent married families, and encourage responsible fatherhood".

(e) SECRETARY'S FUND FOR RESEARCH, DEMONSTRATIONS, AND TECHNICAL ASSISTANCE.—Section 413 of such Act (42 U.S.C. 613) is amended by adding at the end the following:

"(k) FUNDING FOR RESEARCH, DEMONSTRATIONS, AND TECHNICAL ASSISTANCE.—

"(1) APPROPRIATION.—

"(A) IN GENERAL.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated $80,000,000 for each of fiscal years 2006 through 2011, which shall remain available to the Secretary until expended.

"(B) USE OF FUNDS.—

"(i) IN GENERAL.—Funds appropriated under subparagraph (A) for a fiscal year shall be expended for the purpose of conducting or supporting research and demonstration projects by public or private entities in connection with activities described in section 403(a)(2)(B), or for providing technical assistance in connection with such activities, to States, Indian tribal organizations, sub-State entities, and such other entities as the Secretary may specify.

"(ii) AMOUNTS IN ADDITION TO OTHER FUNDS.—Funds appropriated under subparagraph (A) and expended in accordance with this subsection shall be in addition to any other funds made available under this part for activities described in section 403(a)(2)(B).

"(2) SECRETARY'S AUTHORITY.—The Secretary may conduct activities authorized by this subsection directly or through grants, contracts, or interagency agreements with public or private entities.

"(3) REQUIREMENT FOR USE OF FUNDS.—The Secretary shall not pay any funds appropriated under paragraph (1)(A) to an entity for the purpose of conducting or supporting research and demonstration projects involving activities described in section 403(a)(2)(B) unless the entity, as a condition of receiving funds under such a grant—

"(A) describes in the application for a grant under this subsection—

"(i) how the programs or activities proposed to be conducted will appropriately address issues of domestic violence; and

"(ii) what the organization will do to ensure that participation in such programs or activities is voluntary, in accordance with the provisions of section 403(a)(2)(C), and to inform potential participants that their involvement is voluntary; and

"(B) establishes a written protocol for providers and administrators of programs and activities relevant to the grant that—

"(i) provides for helping identify instances or risks of domestic violence; and

"(ii) specifies the procedures for making service referrals and providing protections and appropriate assistance for identified individuals and families.".

(f) REDUCTION IN BONUS TO REWARD HIGH PERFORMANCE STATES.—Section 403(a)(4) of the Social Security Act (42 U.S.C. 603(a)(4)) is amended—

(1) in subparagraph (D)(ii)—

(A) in subclause (I), by striking "$200,000,000" and inserting "$120,000,000"; and

(B) in subclause (II), by striking "$1,000,000,000" and inserting "$720,000,000";

(2) in subparagraph (E)(i), by striking "1999, 2000, 2001, 2002, and 2003" and inserting "2006, 2007, 2008, 2009, 2010, and 2011"; and

(3) in subparagraph (F), by striking "1999 through 2003 $1,000,000,000" and inserting "2006 through 2011, $720,000,000".

(g) EFFECTIVE DATE.—The amendments made by this section shall be effective as if enacted on October 1, 2005, and shall apply without fiscal year limitation.

SA 2238. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. RESPONSIBLE FATHERHOOD PROGRAM.

(a) RESPONSIBLE FATHERHOOD PROGRAM.—

(1) FINDINGS.—Congress makes the following findings:

(A) Nearly 24,000,000 children in the United States, or 34 percent of all such children, live apart from their biological father.

(B) Sixty percent of couples who divorce have at least 1 child.

(C) The number of children living with only a mother increased from just over 5,000,000 in 1960 to 17,000,000 in 1999, and between 1981 and 1991 the percentage of children living with only 1 parent increased from 19 percent to 25 percent.

(D) Forty percent of children who live in households without a father have not seen their father in at least 1 year and 50 percent of such children have never visited their father's home.

(E) The most important factor in a child's upbringing is whether the child is brought up in a loving, healthy, supportive environment.

(F) Children who live without contact with their biological father are, in comparison to children who have such contact—

(i) 5 times more likely to live in poverty;

(ii) more likely to bring weapons and drugs into the classroom;

(iii) twice as likely to commit crime;

(iv) twice as likely to drop out of school;

(v) more likely to commit suicide;

(vi) more than twice as likely to abuse alcohol or drugs; and

(vii) more likely to become pregnant as teenagers.

(G) Violent criminals are overwhelmingly males who grew up without fathers.

(H) Between 20 and 30 percent of families in poverty are headed by women who have suffered domestic violence during the past year, and between 40 and 60 percent of women with children receiving welfare were abused sometime during their life.

(I) Responsible fatherhood includes active participation in financial support and child care, as well as the formation and maintenance of a positive, healthy, and nonviolent relationship between father and child and a cooperative relationship between parents.

(J) States should be encouraged to implement programs that provide support for responsible fatherhood, promote marriage, and increase the incidence of marriage, and should not be restricted from implementing such programs.

(K) Fatherhood programs should promote and provide support services for—

(i) loving and healthy relationships between parents and children; and

(ii) cooperative parenting.

(L) There is a social need to reconnect children and fathers.

(M) The promotion of responsible fatherhood and encouragement of healthy 2-parent married families should not—

(i) denigrate the standing or parenting efforts of single mothers or other caregivers;

(ii) lessen the protection of children from abusive parents; or

(iii) compromise the safety or health of the custodial parent;

but should increase the chance that children will have 2 caring parents to help them grow up healthy and secure.

(N) The promotion of responsible fatherhood must always recognize and promote the values of nonviolence.

(O) For the future of the United States and the future of our children, Congress, States, and local communities should assist parents to become more actively involved in their children's lives.

(P) Child support is an important means by which a parent can take financial responsibility for a child and emotional support is an important means by which a parent can take social responsibility for a child.

(2) FATHERHOOD PROGRAM.—Title I of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193) is amended by adding at the end the following:

"SEC. 117. FATHERHOOD PROGRAM.

"(a) IN GENERAL.—Title IV (42 U.S.C. 601–679b) is amended by inserting after part B the following:

"'PART C—RESPONSIBLE FATHERHOOD PROGRAM

"'SEC. 441. RESPONSIBLE FATHERHOOD GRANTS.

"'(a) GRANTS TO STATES TO CONDUCT DEMONSTRATION PROGRAMS.—

"'(1) AUTHORITY TO AWARD GRANTS.—

"'(A) IN GENERAL.—The Secretary shall award grants to up to 10 eligible States to conduct demonstration programs to carry out the purposes described in paragraph (2).

"'(B) ELIGIBLE STATE.—For purposes of this subsection, an eligible State is a State that submits to the Secretary the following:

"'(i) APPLICATION.—An application for a grant under this subsection, at such time, in such manner, and containing such information as the Secretary may require.

"'(ii) STATE PLAN.—A State plan that includes the following:

"'(I) PROJECT DESCRIPTION.—A description of the programs or activities the State will fund under the grant, including a good faith estimate of the number and characteristics of clients to be served under such projects and how the State intends to achieve at least 2 of the purposes described in paragraph (2).

“‘(II) COORDINATION EFFORTS.—A description of how the State will coordinate and cooperate with State and local entities responsible for carrying out other programs that relate to the purposes intended to be achieved under the demonstration program, including as appropriate, entities responsible for carrying out jobs programs and programs serving children and families.

“‘(III) RECORDS, REPORTS, AND AUDITS.—An agreement to maintain such records, submit such reports, and cooperate with such reviews and audits as the Secretary finds necessary for purposes of oversight of the demonstration program.

“‘(iii) CERTIFICATIONS.—The following certifications from the chief executive officer of the State:

“‘(I) A certification that the State will use funds provided under the grant to promote at least 2 of the purposes described in paragraph (2).

“‘(II) A certification that the State will return any unused funds to the Secretary in accordance with the reconciliation process under paragraph (5).

“‘(III) A certification that the funds provided under the grant will be used for programs and activities that target low-income participants and that not less than 50 percent of the participants in each program or activity funded under the grant shall be—

“‘(aa) parents of a child who is, or within the past 24 months has been, a recipient of assistance or services under a State program funded under part A, D, or E of this title, title XIX, or the Food Stamp Act of 1977; or

“‘(bb) parents, including an expectant parent or a married parent, whose income (after adjustment for court-ordered child support paid or received) does not exceed 150 percent of the poverty line.

“‘(IV) A certification that the State has or will comply with the requirements of paragraph (4).

“‘(V) A certification that funds provided to a State under this subsection shall not be used to supplement or supplant other Federal, State, or local funds that are used to support programs or activities that are related to the purposes described in paragraph (2).

“‘(C) PREFERENCES AND FACTORS OF CONSIDERATION.—In awarding grants under this subsection, the Secretary shall take into consideration the following:

“‘(i) DIVERSITY OF ENTITIES USED TO CONDUCT PROGRAMS AND ACTIVITIES.—The Secretary shall, to the extent practicable, achieve a balance among the eligible States awarded grants under this subsection with respect to the size, urban or rural location, and employment of differing or unique methods of the entities that the eligible States intend to use to conduct the programs and activities funded under the grants.

“‘(ii) PRIORITY FOR CERTAIN STATES.—The Secretary shall give priority to awarding grants to eligible States that have—

“‘(I) demonstrated progress in achieving at least 1 of the purposes described in paragraph (2) through previous State initiatives; or

“‘(II) demonstrated need with respect to reducing the incidence of out-of-wedlock births or absent fathers in the State.

“‘(2) PURPOSES.—The purposes described in this paragraph are the following:

“‘(A) PROMOTING RESPONSIBLE FATHERHOOD THROUGH MARRIAGE PROMOTION.—To promote marriage or sustain marriage through activities such as counseling, mentoring, disseminating information about the benefits of marriage and 2-parent involvement for children, enhancing relationship skills, education regarding how to control aggressive behavior, disseminating information on the causes of domestic violence and child abuse, marriage preparation programs, premarital counseling, marital inventories, skills-based marriage education, financial planning seminars, including improving a family's ability to effectively manage family business affairs by means such as education, counseling, or mentoring on matters related to family finances, including household management, budgeting, banking, and handling of financial transactions and home maintenance, and divorce education and reduction programs, including mediation and counseling.

“‘(B) PROMOTING RESPONSIBLE FATHERHOOD THROUGH PARENTING PROMOTION.—To promote responsible parenting through activities such as counseling, mentoring, and mediation, disseminating information about good parenting practices, skills-based parenting education, encouraging child support payments, and other methods.

“‘(C) PROMOTING RESPONSIBLE FATHERHOOD THROUGH FOSTERING ECONOMIC STABILITY OF FATHERS.—To foster economic stability by helping fathers improve their economic status by providing activities such as work first services, job search, job training, subsidized employment, job retention, job enhancement, and encouraging education, including career-advancing education, dissemination of employment materials, coordination with existing employment services such as welfare-to-work programs, referrals to local employment training initiatives, and other methods.

“‘(3) RESTRICTION ON USE OF FUNDS.—No funds provided under this subsection may be used for costs attributable to court proceedings regarding matters of child visitation or custody, or for legislative advocacy.

“‘(4) REQUIREMENTS FOR RECEIPT OF FUNDS.—A State may not be awarded a grant under this section unless the State, as a condition of receiving funds under such a grant—

“‘(A) consults with experts in domestic violence or with relevant community domestic violence coalitions in developing such programs or activities; and

“‘(B) describes in the application for a grant under this section—

“‘(i) how the programs or activities proposed to be conducted will address, as appropriate, issues of domestic violence; and

“‘(ii) what the State will do, to the extent relevant, to ensure that participation in such programs or activities is voluntary, and to inform potential participants that their involvement is voluntary.

“‘(5) RECONCILIATION PROCESS.—

“‘(A) 3-YEAR AVAILABILITY OF AMOUNTS ALLOTTED.—Each eligible State that receives a grant under this subsection for a fiscal year shall return to the Secretary any unused portion of the grant for such fiscal year not later than the last day of the second succeeding fiscal year, together with any earnings on such unused portion.

“‘(B) PROCEDURE FOR REDISTRIBUTION.—The Secretary shall establish an appropriate procedure for redistributing to eligible States that have expended the entire amount of a grant made under this subsection for a fiscal year any amount that is returned to the Secretary by eligible States under subparagraph (A).

“‘(6) AMOUNT OF GRANTS.—

“‘(A) IN GENERAL.—Subject to subparagraph (B), the amount of each grant awarded under this subsection shall be an amount sufficient to implement the State plan submitted under paragraph (1)(B)(ii).

“‘(B) MINIMUM AMOUNTS.—No eligible State shall—

“‘(i) in the case of the District of Columbia or a State other than the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, receive a grant for a fiscal year in an amount that is less than $1,000,000; and

“‘(ii) in the case of the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, receive a grant for a fiscal year in an amount that is less than $500,000.

“‘(7) DEFINITION OF STATE.—In this subsection, the term ‘State’ means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

“‘(8) APPROPRIATION.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated for each of fiscal years 2006 through 2010, $20,000,000 for purposes of making grants to eligible States under this subsection.

“‘(b) GRANTS TO ELIGIBLE ENTITIES TO CONDUCT DEMONSTRATION PROGRAMS.—

“‘(1) AUTHORITY TO AWARD GRANTS.—

“‘(A) IN GENERAL.—The Secretary shall award grants to eligible entities to conduct demonstration programs to carry out the purposes described in subsection (a)(2).

“‘(B) ELIGIBLE ENTITY.—For purposes of this subsection, an eligible entity is a local government, local public agency, community-based or nonprofit organization, or private entity, including any charitable or faith-based organization, or an Indian tribe or tribal organization (as defined in section 419(4)), that submits to the Secretary the following:

“‘(i) APPLICATION.—An application for a grant under this subsection, at such time, in such manner, and containing such information as the Secretary may require.

“‘(ii) PROJECT DESCRIPTION.—A description of the programs or activities the entity intends to carry out with funds provided under the grant, including a good faith estimate of the number and characteristics of clients to be served under such programs or activities and how the entity intends to achieve at least 2 of the purposes described in subsection (a)(2).

“‘(iii) COORDINATION EFFORTS.—A description of how the entity will coordinate and cooperate with State and local entities responsible for carrying out other programs that relate to the purposes intended to be achieved under the demonstration program, including as appropriate, entities responsible for carrying out jobs programs and programs serving children and families.

“‘(iv) RECORDS, REPORTS, AND AUDITS.—An agreement to maintain such records, submit such reports, and cooperate with such reviews and audits as the Secretary finds necessary for purposes of oversight of the demonstration program.

“‘(v) CERTIFICATIONS.—The following certifications:

“‘(I) A certification that the entity will use funds provided under the grant to promote at least 2 of the purposes described in subsection (a)(2).

“‘(II) A certification that the entity will return any unused funds to the Secretary in accordance with the reconciliation process under paragraph (3).

"'(III) A certification that the funds provided under the grant will be used for programs and activities that target low-income participants and that not less than 50 percent of the participants in each program or activity funded under the grant shall be—

"'(aa) parents of a child who is, or within the past 24 months has been, a recipient of assistance or services under a State program funded under part A, D, or E of this title, title XIX, or the Food Stamp Act of 1977; or

"'(bb) parents, including an expectant parent or a married parent, whose income (after adjustment for court-ordered child support paid or received) does not exceed 150 percent of the poverty line.

"'(IV) A certification that the entity has or will comply with the requirements of paragraph (3).

"'(V) A certification that funds provided to an entity under this subsection shall not be used to supplement or supplant other Federal, State, or local funds provided to the entity that are used to support programs or activities that are related to the purposes described in subsection (a)(2).

"'(C) PREFERENCES AND FACTORS OF CONSIDERATION.—In awarding grants under this subsection, the Secretary shall, to the extent practicable, achieve a balance among the eligible entities awarded grants under this subsection with respect to the size, urban or rural location, and employment of differing or unique methods of the entities.

"'(2) RESTRICTION ON USE OF FUNDS.—No funds provided under this subsection may be used for costs attributable to court proceedings regarding matters of child visitation or custody, or for legislative advocacy.

"'(3) REQUIREMENTS FOR USE OF FUNDS.—The Secretary may not award a grant under this subsection to an eligible entity unless the entity, as a condition of receiving funds under such a grant—

"'(A) consults with experts in domestic violence or with relevant community domestic violence coalitions in developing the programs or activities to be conducted with such funds awarded under the grant; and

"'(B) describes in the application for a grant under this section—

"'(i) how the programs or activities proposed to be conducted will address, as appropriate, issues of domestic violence; and

"'(ii) what the entity will do, to the extent relevant, to ensure that participation in such programs or activities is voluntary, and to inform potential participants that their involvement is voluntary.

"'(4) RECONCILIATION PROCESS.—

"'(A) 3-YEAR AVAILABILITY OF AMOUNTS ALLOTTED.—Each eligible entity that receives a grant under this subsection for a fiscal year shall return to the Secretary any unused portion of the grant for such fiscal year not later than the last day of the second succeeding fiscal year, together with any earnings on such unused portion.

"'(B) PROCEDURE FOR REDISTRIBUTION.—The Secretary shall establish an appropriate procedure for redistributing to eligible entities that have expended the entire amount of a grant made under this subsection for a fiscal year any amount that is returned to the Secretary by eligible entities under subparagraph (A).

"'(5) APPROPRIATION.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated for each of fiscal years 2006 through 2010, $25,000,000 for purposes of making grants to eligible entities under this subsection.

"'SEC. 442. NATIONAL CLEARINGHOUSE FOR RESPONSIBLE FATHERHOOD PROGRAMS.

"'(a) MEDIA CAMPAIGN NATIONAL CLEARINGHOUSE FOR RESPONSIBLE FATHERHOOD.—

"'(1) IN GENERAL.—From any funds appropriated under subsection (c), the Secretary shall contract with a nationally recognized, nonprofit fatherhood promotion organization described in subsection (b) to—

"'(A) develop, promote, and distribute to interested States, local governments, public agencies, and private entities a media campaign that encourages the appropriate involvement of parents in the life of any child, with a priority for programs that specifically address the issue of responsible fatherhood; and

"'(B) develop a national clearinghouse to assist States and communities in efforts to promote and support marriage and responsible fatherhood by collecting, evaluating, and making available (through the Internet and by other means) to other States information regarding the media campaigns established under section 443.

"'(2) COORDINATION WITH DOMESTIC VIOLENCE PROGRAMS.—The Secretary shall ensure that the nationally recognized nonprofit fatherhood promotion organization with a contract under paragraph (1) coordinates the media campaign developed under subparagraph (A) of such paragraph and the national clearinghouse developed under subparagraph (B) of such paragraph with national, State, or local domestic violence programs.

"'(b) NATIONALLY RECOGNIZED, NONPROFIT FATHERHOOD PROMOTION ORGANIZATION DESCRIBED.—The nationally recognized, nonprofit fatherhood promotion organization described in this subsection is an organization that has at least 4 years of experience in—

"'(1) designing and disseminating a national public education campaign, as evidenced by the production and successful placement of television, radio, and print public service announcements that promote the importance of responsible fatherhood, a track record of service to Spanish-speaking populations and historically underserved or minority populations, the capacity to fulfill requests for information and a proven history of fulfilling such requests, and a mechanism through which the public can request additional information about the campaign; and

"'(2) providing consultation and training to community-based organizations interested in implementing fatherhood outreach, support, or skill development programs with an emphasis on promoting married fatherhood as the ideal.

"'(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $5,000,000 for each of fiscal years 2006 through 2010 to carry out this section.

"'SEC. 443. BLOCK GRANTS TO STATES TO ENCOURAGE MEDIA CAMPAIGNS.

"'(a) DEFINITIONS.—In this section:

"'(1) BROADCAST ADVERTISEMENT.—The term 'broadcast advertisement' means a communication intended to be aired by a television or radio broadcast station, including a communication intended to be transmitted through a cable channel.

"'(2) CHILD AT RISK.—The term 'child at risk' means each young child whose family income does not exceed the poverty line.

"'(3) POVERTY LINE.—The term 'poverty line' has the meaning given such term in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)), including any revision required by such section, that is applicable to a family of the size involved.

"'(4) PRINTED OR OTHER ADVERTISEMENT.—The term 'printed or other advertisement' includes any communication intended to be distributed through a newspaper, magazine, outdoor advertising facility, mailing, or any other type of general public advertising, but does not include any broadcast advertisement.

"'(5) STATE.—The term 'State' means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

"'(6) YOUNG CHILD.—The term 'young child' means an individual under age 5.

"'(b) STATE CERTIFICATIONS.—Not later than October 1 of each of fiscal year for which a State desires to receive an allotment under this section, the chief executive officer of the State shall submit to the Secretary a certification that the State shall—

"'(1) use such funds to promote the formation and maintenance of healthy 2-parent married families, strengthen fragile families, and promote responsible fatherhood through media campaigns conducted in accordance with the requirements of subsection (d);

"'(2) return any unused funds to the Secretary in accordance with the reconciliation process under subsection (e); and

"'(3) comply with the reporting requirements under subsection (f).

"'(c) PAYMENTS TO STATES.—For each of fiscal years 2006 through 2010, the Secretary shall pay to each State that submits a certification under subsection (b), from any funds appropriated under subsection (i), for the fiscal year an amount equal to the amount of the allotment determined for the fiscal year under subsection (g).

"'(d) ESTABLISHMENT OF MEDIA CAMPAIGNS.—Each State receiving an allotment under this section for a fiscal year shall use the allotment to conduct media campaigns as follows:

"'(1) CONDUCT OF MEDIA CAMPAIGNS.—

"'(A) RADIO AND TELEVISION MEDIA CAMPAIGNS.—

"'(i) PRODUCTION OF BROADCAST ADVERTISEMENTS.—At the option of the State, to produce broadcast advertisements that promote the formation and maintenance of healthy 2-parent married families, strengthen fragile families, and promote responsible fatherhood.

"'(ii) AIRTIME CHALLENGE PROGRAM.—At the option of the State, to establish an airtime challenge program under which the State may spend amounts allotted under this section to purchase time from a broadcast station to air a broadcast advertisement produced under clause (i), but only if the State obtains an amount of time of the same class and during a comparable period to air the advertisement using non-Federal contributions.

"'(B) OTHER MEDIA CAMPAIGNS.—At the option of the State, to conduct a media campaign that consists of the production and distribution of printed or other advertisements that promote the formation and maintenance of healthy 2-parent married families, strengthen fragile families, and promote responsible fatherhood.

"'(2) ADMINISTRATION OF MEDIA CAMPAIGNS.—A State may administer media campaigns funded under this section directly or through grants, contracts, or cooperative agreements with public agencies, local governments, or private entities, including charitable and faith-based organizations.

"'(3) CONSULTATION WITH DOMESTIC VIOLENCE ASSISTANCE CENTERS.—In developing broadcast and printed advertisements to be used in the media campaigns conducted under paragraph (1), the State or other entity administering the campaign shall consult with representatives of State and local domestic violence centers.

"'(4) NON-FEDERAL CONTRIBUTIONS.—In this section, the term 'non-Federal contributions' includes contributions by the State and by public and private entities. Such contributions may be in cash or in kind. Such term does not include any amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, or any amount expended by a State before October 1, 2005.

"'(e) RECONCILIATION PROCESS.—

"'(1) 3-YEAR AVAILABILITY OF AMOUNTS ALLOTTED.—Each State that receives an allotment under this section shall return to the Secretary any unused portion of the amount allotted to a State for a fiscal year not later than the last day of the second succeeding fiscal year together with any earnings on such unused portion.

"'(2) PROCEDURE FOR REDISTRIBUTION OF UNUSED ALLOTMENTS.—The Secretary shall establish an appropriate procedure for redistributing to States that have expended the entire amount allotted under this section any amount that is—

"'(A) returned to the Secretary by States under paragraph (1); or

"'(B) not allotted to a State under this section because the State did not submit a certification under subsection (b) by October 1 of a fiscal year.

"'(f) REPORTING REQUIREMENTS.—

"'(1) MONITORING AND EVALUATION.—Each State receiving an allotment under this section for a fiscal year shall monitor and evaluate the media campaigns conducted using funds made available under this section in such manner as the Secretary, in consultation with the States, determines appropriate.

"'(2) ANNUAL REPORTS.—Not less frequently than annually, each State receiving an allotment under this section for a fiscal year shall submit to the Secretary reports on the media campaigns conducted using funds made available under this section at such time, in such manner, and containing such information as the Secretary may require.

"'(g) AMOUNT OF ALLOTMENTS.—

"'(1) IN GENERAL.—Except as provided in paragraph (2), of the amount appropriated for the purpose of making allotments under this section for a fiscal year, the Secretary shall allot to each State that submits a certification under subsection (b) for the fiscal year an amount equal to the sum of—

"'(A) the amount that bears the same ratio to 50 percent of such funds as the number of young children in the State (as determined by the Secretary based on the most current reliable data available) bears to the number of such children in all States; and

"'(B) the amount that bears the same ratio to 50 percent of such funds as the number of children at risk in the State (as determined by the Secretary based on the most current reliable data available) bears to the number of such children in all States.

"'(2) MINIMUM ALLOTMENTS.—No allotment for a fiscal year under this section shall be less than—

"'(A) in the case of the District of Columbia or a State other than the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, 1 percent of the amount appropriated for the fiscal year under subsection (i); and

"'(B) in the case of the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, 0.5 percent of such amount.

"'(3) PRO RATA REDUCTIONS.—The Secretary shall make such pro rata reductions to the allotments determined under this subsection as are necessary to comply with the requirements of paragraph (2).

"'(h) EVALUATION.—

"'(1) IN GENERAL.—The Secretary shall conduct an evaluation of the impact of the media campaigns funded under this section.

"'(2) REPORT.—Not later than December 31, 2008, the Secretary shall report to Congress the results of the evaluation under paragraph (1).

"'(3) FUNDING.—Of the amount appropriated under subsection (i) for fiscal year 2006, $1,000,000 of such amount shall be transferred and made available for purposes of conducting the evaluation required under this subsection, and shall remain available until expended.

"'(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $10,000,000 for each of fiscal years 2006 through 2010 for purposes of making allotments to States under this section.

"'SEC. 444. NATIONAL RESOURCE CENTER FOR RESPONSIBLE FATHERHOOD

"'(a) IN GENERAL.—The Secretary shall contract with a nationally recognized, nonprofit research and education fatherhood organization described in subsection (b) to—

"'(1) provide technical assistance and training to public and private agencies and grass roots organizations that promote responsible fatherhood and healthy marriage; and

"'(2) develop a clearinghouse of resource materials to assist community-based organizations in developing local responsible fatherhood programs, with an emphasis on training and outcome evaluation.

"'(b) NATIONALLY RECOGNIZED NONPROFIT RESEARCH AND EDUCATION FATHERHOOD ORGANIZATION DESCRIBED.—A nationally recognized nonprofit research and education fatherhood organization described in this subsection is an organization that has been in existence for at least 12 years with experience in—

"'(1) developing and distributing research-based curriculum that promotes responsible fatherhood and healthy marriage with an emphasis on low-income and noncustodial fathers;

"'(2) providing consultation and training to community-based organizations with a track record of working with social service, government, and faith-based organizations; and

"'(3) providing direct training to fathers, father figures, and mothers using research-based curriculum in a variety of economic, cultural and family situations.

"'(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section, $1,000,000 for each of fiscal years 2006 through 2010.

"'SEC. 445. NONDISCRIMINATION.

"'The projects and activities assisted under this part shall be available on the same basis to all fathers and expectant fathers able to benefit from such projects and activities, including married and unmarried fathers and custodial and noncustodial fathers, with particular attention to low-income fathers, and to mothers and expectant mothers on the same basis as to fathers.'.

"(b) INAPPLICABILITY OF EFFECTIVE DATE PROVISIONS.—Section 116 shall not apply to the amendment made by subsection (a) of this section.".

(3) CLERICAL AMENDMENT.—Section 2 of such Act is amended in the table of contents by inserting after the item relating to section 116 the following new item:

"Sec. 117. Responsible fatherhood program.".

(4) EFFECTIVE DATE.—The amendments made by this subsection shall be effective as if enacted on October 1, 2005, and shall apply without fiscal year limitation.

(b) REDUCTION OF FUNDS.—Notwithstanding any other provision of this Act, the following amounts shall be available for the following purposes and any other amounts appropriated in this Act for such purposes are reduced accordingly:

(1) For Parent Information Resource Centers, $12,000,000.

(2) For School Leadership programs and activities, $8,000,000.

(3) For State Grants for Incarcerated Youth, $0.

SA 2239. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC.   . The Secretary of Health and Human Services shall use amounts appropriated under title II for the purchase of not less than 1,000,000 rapid oral HIV tests.

SA 2240. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 178, after line 25, insert the following:

SEC.___. SUPPORT FOR NONPROFIT COMMUNITY-BASED ORGANIZATIONS; DEPARTMENT OF HEALTH AND HUMAN SERVICES.

(a) SUPPORT FOR NONGOVERNMENTAL ORGANIZATIONS.—The Secretary of Health and Human Services (referred to in this section as "the Secretary") may award grants to and enter into cooperative agreements with nongovernmental organizations, to—

(1) provide technical assistance for community-based organizations, which may include—

(A) grant writing and grant management assistance, which may include assistance provided through workshops and other guidance;

(B) legal assistance with incorporation;

(C) legal assistance to obtain tax-exempt status; and

(D) information on, and referrals to, other nongovernmental organizations that provide expertise in accounting, on legal issues, on tax issues, in program development, and on a variety of other organizational topics;

(2) provide information and assistance for community-based organizations on capacity building;

(3) provide for community-based organizations information on and assistance in identifying and using best practices for delivering assistance to persons, families, and communities in need;

(4) provide information on and assistance in utilizing regional intermediary organizations to increase and strengthen the capabilities of nonprofit community-based organizations;

(5) assist community-based organizations in replicating social service programs of demonstrated effectiveness; and

(6) encourage research on the best practices of social service organizations.

(b) Support for States.—The Secretary—

(1) may award grants to and enter into cooperative agreements with States and political subdivisions of States to provide seed money to establish State and local offices of faith-based and community initiatives; and

(2) shall provide technical assistance to States and political subdivisions of States in administering the provisions of this Act.

(c) Applications.—To be eligible to receive a grant or enter into a cooperative agreement under this section, a nongovernmental organization, State, or political subdivision shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(d) Limitation.—In order to widely disburse limited resources, no community-based organization (other than a direct recipient of a grant or cooperative agreement from the Secretary) may receive more than 1 grant or cooperative agreement under this section for the same purpose.

(e) Definition.—In this section, the term "community-based organization" means a nonprofit corporation or association that has—

(1) not more than 6 full-time equivalent employees who are engaged in the provision of social services; or

(2) a current annual budget (current as of the date the entity seeks assistance under this section) for the provision of social services, compiled and adopted in good faith, of less than $450,000.

(f) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section $150,000,000 for fiscal year 2006, and such sums as may be necessary for each of fiscal years 2007 through 2009.

(g) Appropriation.—In addition to any other amounts appropriated under this Act for a compassion capital fund, there is appropriated $55,000,000 for such a fund.

(h) Reduction of Funds.—Notwithstanding any other provision of this Act, the following amounts shall be available for the following purposes and any other amounts appropriated in this Act for such purposes are reduced accordingly:

(1) For parental information and resource centers carried out under subpart 16 of part D of title V of the Elementary and Secondary Education Act of 1965, $11,000,000.

(2) For Youth Offender Grants, $0.

SA 2241. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

Sec. _____.(a) There is established a Congressional Commission on Expanding Social Service Delivery Options (referred to in this section as the "Commission").

(b)(1) The Commission shall be composed of 10 members, of whom—

(A) 3 shall be appointed by the Speaker of the House of Representatives;

(B) 3 shall be appointed by the majority leader of the Senate;

(C) 2 shall be appointed by the minority leader of the House of Representatives; and

(D) 2 shall be appointed by the minority leader of the Senate.

(2) Members of the Commission shall be appointed from among individuals with demonstrated expertise and experience in social service delivery, including, to the extent practicable, in the area of reform of such delivery.

(3) The appointments of the members of the Commission shall be made not later than 30 days after the date of enactment of this Act.

(4) Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(c) The Speaker of the House of Representatives shall designate 1 of the members appointed under subsection (b)(1)(A) as a co-Chairperson of the Commission. The majority leader of the Senate shall designate 1 of the members appointed under subsection (b)(1)(B) as a co-Chairperson of the Commission.

(d)(1) Not later than 60 days after the date of enactment of this Act, the Commission shall hold its first meeting.

(2) The Commission shall meet at the call of either co-Chairperson.

(3) A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(e)(1)(A) The Commission shall conduct a thorough and thoughtful study of all matters relating to increasing beneficiary-selected or beneficiary-directed options for social service delivery in Federal social service programs, including certificate, scholarship, voucher, or other forms of indirect delivery. The Commission shall review all relevant Federal social service programs in existence on the date of the beginning of the study, including the initiatives of the Corporation for National and Community Service. The Commission shall determine program areas, among the Federal programs, for which it is appropriate and feasible to implement full or partial beneficiary-selected or beneficiary-directed options for the delivery of the social services.

(B) In making determinations under subparagraph (A), the Commission shall seek to promote goals of—

(i) expanding consumer and beneficiary choice in Federal social service programs;

(ii) maximizing the use of governmental resources in the Federal programs; and

(iii) minimizing concerns relating to any precedent under the Constitution regarding the participation of faith-based providers in the Federal programs.

(2) The Commission shall develop recommendations on program areas, among the Federal social service programs, for which it is appropriate and feasible to implement full or partial beneficiary-selected or beneficiary-directed options for the delivery of the social services.

(3) Not later than 11 months after the date of enactment of this Act, the Commission shall submit a report to the Speaker and minority leader of the House of Representatives and the majority leader and minority leader of the Senate, which shall contain a detailed statement of the findings and conclusions of the Commission, together with its recommendations for such legislation and administrative actions as it considers appropriate.

(f)(1) The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers necessary to carry out this section.

(2) The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out this section. Upon request of either co-Chairperson of the Commission, the head of such department or agency shall furnish such information to the Commission.

(3) The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(g)(1) Each member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission. All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(2) The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(3)(A) The co-Chairpersons of the Commission, acting jointly, may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties. The employment of an executive director shall be subject to confirmation by the Commission.

(B) The co-Chairpersons of the Commission, acting jointly, may fix the compensation of the executive director and other personnel without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(4) Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(5) The co-Chairpersons of the Commission, acting jointly, may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(h) The Commission shall terminate 90 days after the date on which the Commission submits its report under subsection (e).

(i)(1) There are authorized to be appropriated to the Commission for fiscal year 2006 such sums as may be necessary to carry out this section.

(2) Any sums appropriated under the authorization contained in this subsection shall remain available, without fiscal year limitation, until expended.

SA 2242. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . CERTAIN TELEVISION PARTS.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new headings:

"	9902.85.21	Liquid Crystal Device (LCD) panel assemblies for use in Liquid Crystal Device direct view televisions (provided for in subheading 9013.80.90)	Free	No change	No change	On or before 12/31/2008	
"	9902.85.22	Liquid Crystal Device (LCD) panel assemblies for use in Liquid Crystal Device direct view televisions (provided for in subheading 9013.80.90)	Free	No change	No change	On or before 12/31/2008	
"	9902.85.23	Electron guns actually used for high definition cathode ray tubes (CRT's) (provided for in subheading 8540.91.50)	Free	No change	No change	On or before 12/31/2008	".

(b) EFFECTIVE DATE.—The amendments made by this section apply with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

SA 2243. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in the bill, insert the following:

SEC. ___. DUTY TREATMENT OF QUALIFYING TELEVISIONS PRODUCED IN A FOREIGN TRADE ZONE.

(a) CERTAIN TELEVISION RECEPTION APPARATUS.—Section 202(a)(2)(A) of the North American Free Trade Agreement Implementation Act (19 U.S.C. 3332(a)(2)(A)), is amended by striking "Subparagraph (B)" and inserting "Except for television reception apparatus classified under heading 8528 of the Harmonized Tariff Schedule of the United States, subparagraph (B),".

(b) EFFECTIVE DATE.—The amendment made by this section applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

SA 2244. Mr. DAYTON submitted an amendment intended to be proposed by him to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 156, line 2, strike "Funds." and insert "Funds: *Provided further*, That the Secretary, by not later than January 1, 2006, shall produce and mail a corrected version of the annual notice required under section 1804(a) of the Social Security Act (42 U.S.C. 1395b-2(a)) to each beneficiary described in the second sentence of such section, together with an explanation of the error in the previous annual notice that was mailed to such beneficiaries.".

SA 2245. Mr. DAYTON submitted an amendment intended to be proposed by him to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III (before the short title), insert the following:

SEC. . In addition to amounts otherwise appropriated under this Act, there is appropriated, out of any money in the Treasury not otherwise appropriated, an additional $12,375,000,000 for carrying out part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.), in order to fully fund the Federal Government's share of the costs under such part.

SA 2246. Mr. KENNEDY (for himself, Mr. HARKIN, and Mr. LAUTENBERG) submitted an amendment intended to be proposed by him to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 131, line 18, insert before the period the following: ": *Provided*, That the Current Employment Survey shall maintain the content of the survey issued prior to August 2005 with respect to the collection of data for the women worker series".

SA 2247. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III (before the short title), add the following:

SEC. . POSTSECONDARY EDUCATION STABILIZATION BOARD.

(a) APPROPRIATIONS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, of the amounts made available to the Department of Homeland Security under the heading "Disaster Relief" under the heading "Emergency Preparedness and Response" of Public Law 109-62 (119 Stat. 1991), not less than $5,000,000,000 shall be available to the Postsecondary Education Stabilization Board, established under this section, to establish an Education Relief Fund for the compensation of postsecondary educational institutions for direct and associated losses due to the impact of Hurricane Katrina or Rita and for recovery initiatives.

(2) AMOUNTS AVAILABLE UNTIL EXPENDED.—The amounts appropriated under paragraph (1) shall remain available until expended.

(b) POSTSECONDARY EDUCATIONAL INSTITUTION.—In this section, the term "postsecondary educational institution" means—

(1) a public postsecondary institution;

(2) a private nonprofit postsecondary institution, which is accredited by the appropriate State entity; or

(3) a private for profit postsecondary institution determined by the Postsecondary Education Stabilization Board to be eligible for assistance under this section.

(c) POSTSECONDARY EDUCATION STABILIZATION BOARD.—

(1) ESTABLISHMENT.—There is established a Postsecondary Education Stabilization Board composed of the Secretary of Education (or a designee of the Secretary of Education), and the Secretary of the Treasury (or a designee of the Secretary of the Treasury).

(2) DUTIES.—The Postsecondary Education Stabilization Board shall—

(A) establish an Education Relief Fund that includes funds appropriated under this section;

(B) from such Education Relief Fund provide funds to postsecondary educational institutions for direct or indirect losses resulting from the impact of Hurricane Katrina or Rita, and recovery initiatives of such institutions;

(C) give preference to postsecondary educational institutions that demonstrate to the Postsecondary Education Stabilization Board the greatest need based on the institution's direct or indirect losses; and

(D) give consideration to the overall economic and physical impact of the disaster on the State in which the postsecondary educational institution is based.

(d) USE OF ASSISTANCE.—Assistance received by a postsecondary educational institution pursuant to this section may be used for—

(1) direct and indirect construction costs and clean-up costs resulting from Hurricane Katrina or Rita;

(2) faculty salaries and incentives for retaining faculty;

(3) educational programs relevant to the recovery effort;

(4) institutional initiatives designed for economic and community revitalization and recovery;

(5) faculty recruitment costs;

(6) costs of lost tuition, revenue, and enrollment; and

(7) debt relief.

(e) REQUIREMENTS FOR ASSISTANCE DUE TO LOSSES.—A postsecondary educational institution that desires to receive assistance under this section shall—

(1) submit a sworn financial statement and other appropriate data, documentation, or other evidence requested by the Postsecondary Education Stabilization Board, to the Postsecondary Education Stabilization Board that indicates that the institution incurred losses resulting from the impact of Hurricane Katrina or Rita and the monetary amount of such losses; and

(2) demonstrate that the institution attempted to minimize the costs of any losses by pursuing collateral source compensation from the Federal Emergency Management Agency, the Small Business Administration, and insurance prior to seeking assistance under this section.

(f) AUDIT.—The Secretary of Education and the Comptroller General of the United States may audit a statement submitted under subsection (e) and may request any information that the Secretary of Education and Comptroller General determine necessary to conduct such an audit.

(g) REDUCTION IN ASSISTANCE.—In calculating assistance to a postsecondary educational institution under this section, the Postsecondary Education Stabilization Board shall calculate a figure that reduces from the monetary amount of losses incurred by such institution, only the amount of collateral source compensation the institution has received from insurance, the Federal Emergency Management Agency, and the Small Business Administration.

(h) REGULATIONS.—Not later than 14 days after the date of enactment of this section, the Office of Management and Budget, in consultation with the Postsecondary Education Stabilization Board, shall issue regulations setting forth procedures for an application for assistance under this section and minimum requirements for receiving assistance under this section, including the following:

(1) Online forms to be used in submitting requests for assistance

(2) Information to be included in forms.

(3) Procedures to assist in filing and pursuing assistance.

(i) TAX CONSEQUENCES.—

(1) NOT INCOME.—Any assistance received by a postsecondary educational institution under this section shall not be treated as income for the purposes of the Internal Revenue Code of 1986.

(2) TAX EXEMPT.—Any Government bond issued to finance the construction of a public or private postsecondary educational institution shall be considered an exempt facility bond for purposes of the Internal Revenue Code of 1986 and shall not be subject to section 146 of such Code.

(j) WAIVERS.—The Secretary of Education may waive any requirements under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.) that are rendered infeasible or unreasonable due to the impact of Hurricane Katrina or Rita, including due diligence requirements and reporting deadlines, for an institution of higher education, eligible lender, or other entity participating in a student assistance program under such title that is located in, or whose operations are directly affected by, an area in which the President has declared that a major disaster exists in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170), related to Hurricane Katrina or Rita.

SA 2248. Ms. LANDRIEU an amendment intended to be proposed by her to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III (before the short title), add the following:

SEC. ___. FEDERAL TRIO PROGRAMS FOR HURRICANE AFFECTED STUDENTS.

(a) ADDITIONAL AMOUNTS FOR FEDERAL TRIO PROGRAMS.—In addition to amounts otherwise appropriated under this Act, there are appropriated, out of any money in the Treasury not otherwise appropriated, $5,000,000 to carry out the Federal TRIO programs under chapter 1 of subpart 2 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070a–11 et seq.) for students affected by Hurricanes Katrina or Rita in their respective institution of higher education.

(b) OFFSET FROM DEPARTMENTAL MANAGEMENT FUNDS.—Notwithstanding any other provision of this Act, amounts made available under this Act for the administration and related expenses for the departmental management for the Department of Labor, the Department of Health and Human Services, and the Department of Education, shall be reduced, on a pro rata basis, by $5,000,000.

SA 2249. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title II (before the short title), add the following:

SEC. ___. FUNDING FOR COMMUNITY HEALTH CENTERS IN HURRICANE KATRINA OR HURRICANE RITA AFFECTED AREAS.

Notwithstanding any other provision of law, if the amount appropriated under this Act for community health centers is more than the amount appropriated for such centers for fiscal year 2005, then—

(1) 5 percent of such excess amount shall be directed to establishing or expanding community health centers in areas affected by Hurricane Katrina or Hurricane Rita; and

(2) 5 percent of such excess amount shall be directed to community health centers serving patients affected by Hurricane Katrina or Hurricane Rita.

SA 2250. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title II (before the short title), add the following:

SEC. ___. MOSQUITO ABATEMENT FOR SAFETY AND HEALTH ACT.

From amounts appropriated under this Act for the Centers for Disease Control and Prevention for infectious diseases-West Nile Virus, there shall be transferred $5,000,000 to carry out section 317S of the Public Health Service Act (relating to mosquito abatement for safety and health) with preference given to areas at greater risk of the West Nile Virus because of the effects of Hurricanes Katrina and Rita.

SA 2251. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III (before the short title), add the following:

SEC. . GRANT PROGRAM FOR INSTITUTIONS OF HIGHER EDUCATION AFFECTED BY HURRICANES KATRINA AND RITA.

(a) AUTHORIZATION.—The Secretary of Education shall award grants to eligible institutions of higher education to enable such institutions to carry out the activities described in subsection (d).

(b) DEFINITION OF ELIGIBLE INSTITUTION OF HIGHER EDUCATION.—In this section, the term "eligible institution of higher education" means an institution of higher education that is located in the Hurricanes Katrina and Rita affected area, as determined by the Secretary of Education, and, as a result of such location, has had a disruption of service at the institution.

(c) APPLICATION AND DEMONSTRATION.—An eligible institution of higher education that desires to receive a grant under this section shall—

(1) submit an application to the Secretary of Education at such time, in such manner, and accompanied by such information as the Secretary may reasonably require;

(2) demonstrate the extent to which services at the institution have been disrupted; and

(3) display the need for short-term support.

(d) USE OF FUNDS.—An eligible institution of higher education that receives a grant under this section shall use the grant funds to maintain operations at the institution, including paying salaries of employees of the institution and covering other expenses.

(e) FUNDING.—

(1) IN GENERAL.—Notwithstanding any other provision of law, of the amounts made available to the Department of Homeland Security under the heading "DISASTER RELIEF" under the heading "EMERGENCY PREPAREDNESS AND RESPONSE" of Public Law 109–62 (119 Stat. 1991), not less than $400,000,000 shall be available for grants under this section.

(2) AVAILABLE UNTIL EXPENDED.—The amounts appropriated under paragraph (1) shall remain available until expended.

SA 2252. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE ___—ASSISTANCE TO REBUILD AFFECTED COMMUNITIES

SEC. . ASSISTANCE TO SCHOOLS ENROLLING EVACUATED STUDENTS.

(a) Purpose.—It is the purpose of this section to provide financial assistance to eligible entities that serve students who are displaced by Hurricane Katrina or Hurricane Rita and enroll in the elementary or secondary schools (including charter schools) served by the eligible entities or in the eligible entities (as the case may be).

(b) Program Authorized.—From amounts appropriated under subsection (k), the Secretary of Education shall award grants to eligible entities to enable the eligible entities to award subgrants under subsection (g) and to carry out the activities described in subsection (h).

(c) Eligible Entity.—In this section, the term "eligible entity" means—

(1) in Louisiana or Mississippi, a State educational agency;

(2) in a State other than Louisiana or Mississippi, a local educational agency that enrolls a student who is displaced by Hurricane Katrina or Hurricane Rita; or

(3) an elementary school or secondary school funded by the Bureau of Indian Affairs that enrolls a student who is displaced by Hurricane Katrina or Hurricane Rita.

(d) Conditions of Grant.—

(1) Duration of grant.—Each grant awarded under this section shall be for the period beginning on the date of the award and ending on the last day of the 2005–2006 school year.

(2) Return of non-obligated funds.—An eligible entity receiving a grant under this section shall return to the Secretary of Education any grant funds that have not been expended or obligated during the grant period.

(e) Student Count.—An eligible entity desiring to receive a grant under this section shall—

(1) submit to the Secretary of Education a count of the number of students enrolled in the eligible entity or in the elementary and secondary schools served by the eligible entity (as the case may be) who were displaced by Hurricane Katrina or Hurricane Rita; and

(2) maintain the records necessary to document the student enrollment count under paragraph (1).

(f) Amount of Grants.—

(1) In general.—As soon as feasible after receiving an enrollment count described in subsection (e)(1) from an eligible entity, the Secretary of Education shall award a grant in the amount described in paragraph (2) to such eligible entity.

(2) Amount of grants.—The amount of a grant described in this paragraph shall be equal to the product of—

(A) the number of students enrolled in the eligible entity or in the elementary and secondary schools served by the eligible entity (as the case may be) who were displaced by Hurricane Katrina or Hurricane Rita; multiplied by

(B) 90 percent of the average per-pupil expenditure for elementary and secondary education in the State in which the eligible entity is located, as determined by the Secretary of Education using data from the most recent year for which satisfactory data are available, except that the amount described in this subparagraph shall not exceed $7,500.

(3) Ratable reduction.—If the amount appropriated for grants under this section is insufficient to pay the grants to all eligible entities in the amount calculated under paragraph (2), the grants to all eligible entities shall be ratably reduced.

(g) Use of Funds by State Educational Agencies.—

(1) In general.—An eligible agency described in subsection (c)(1) that receives a grant under this section shall use grant funds to—

(A) award subgrants, in the amount described in paragraph (2), to local educational agencies within the State that serve students who were displaced by Hurricane Katrina or Hurricane Rita, to enable the local educational agencies to carry out the activities described in subsection (h); and

(B) to carry out the activities described in paragraph (3).

(2) Amount of subgrants.—The amount of a subgrant made to a local educational agency under paragraph (1)(A) shall be equal to—

(A) the product of —

(i) the average per-pupil expenditure for elementary and secondary education in the local educational agency; multiplied by

(ii) the number of students enrolled in schools served by the local educational agency who were displaced by Hurricane Katrina or Hurricane Rita; or

(B) an amount calculated by an alternate methodology, if the use of such methodology is approved by the Secretary of Education.

(3) Use of remaining funds.—From any grant funds awarded to an eligible agency described in subsection (c)(1) that remain after the eligible agency has awarded subgrants in accordance with paragraph (1), the eligible agency may use such remaining funds to carry out activities that assist local educational agencies serving schools that are closed as a result of Hurricane Katrina or Hurricane Rita, in order to reopen such schools as quickly and effectively as possible. Such activities may include—

(A) arranging for the temporary facilities necessary to operate educational programs while permanent facilities are being rebuilt or repaired;

(B) purchasing equipment and materials to replace those items destroyed or damaged by Hurricane Katrina or Hurricane Rita;

(C) paying the cost of student transportation;

(D) recruiting or retraining teachers or other school personnel to serve in reopened schools; and

(E) providing nonfinancial assistance to students and their families when such students return to the areas affected by Hurricane Katrina or Hurricane Rita or reenroll in schools that are affected by Hurricane Katrina or Hurricane Rita.

(h) Uses of Funds by Bureau of Indian Affairs Schools and Local Educational Agencies.—An eligible entity described in paragraph (2) or (3) of subsection (c) that receives a grant under this section, or a local educational agency that receives a subgrant under subsection (g)(1), shall use the grant funds to pay for the costs related to educating students enrolled in the schools served by the eligible entity or in the eligible entity (as the case may be), which costs may include—

(1) teacher and staff salaries;

(2) building maintenance;

(3) materials and equipment;

(4) student transportation;

(5) special services and instruction, such as—

(A) English language acquisition services and programs for students with limited English proficiency;

(B) services for children with disabilities; and

(C) mental health counseling for children displaced by Hurricane Katrina or Hurricane Rita;

(6) after-school programs;

(7) supplemental educational services; and

(8) early childhood programs.

(i) Accountability.—An eligible entity that receives a grant under this section shall take appropriate measures to ensure the proper use of, and accounting for, all grant funds received by the eligible entity under this section.

(j) Expiration of Authority.—On June 30, 2006, the authority described in subsection (b) shall expire and all funds under this section that are not expended or obligated by such date shall be transferred to the general fund of the Treasury.

(k) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section $1,860,000,000 for fiscal year 2006.

SEC. ___. ASSISTANCE FOR THE ENROLLMENT OF EVACUATED STUDENTS IN PRIVATE SCHOOLS.

(a) Authority.—From funds appropriated under subsection (j), the Secretary of Education shall make one-time, emergency grants to State educational agencies to enable the State educational agencies to reimburse the parents or guardians of students who were displaced by Hurricane Katrina or Hurricane Rita and who are attending a private school in the State that is accredited or licensed or otherwise operates in accordance with State law.

(b) Length of Grant.—

(1) Duration of grant.—Each emergency grant awarded under this section shall be for the period beginning on the date of the award and ending on the last day of the 2005–2006 school year.

(2) Return of non-obligated funds.—Each State educational agency that receives a grant under this section shall return to the Secretary of Education any grant funds that have not been expended or obligated during the grant period.

(c) Applications.—A State educational agency that desires to receive an emergency grant under this section shall submit an application to the Secretary of Education at such time, in such manner, and containing such information as the Secretary may require, including—

(1) the number of students who were displaced by Hurricane Katrina or Hurricane Rita and whose parents or guardians the State educational agency expects to reimburse under this section; and

(2) a detailed description of the procedures the State educational agency plans to use—

(A) to provide reimbursements to the parents or guardians of the displaced students described in paragraph (1); and

(B) to ensure fiscal accountability for any funds received by the State educational agency under this section.

(d) Amount of Grants.—

(1) In general.—For each State educational agency, the amount of an emergency grant under this section shall be equal to the product of—

(A) the number of students who were displaced by Hurricane Katrina or Hurricane Rita and whose parents or guardians will be reimbursed by the State educational agency, as determined by the Secretary of Education; multiplied by

(B) 90 percent of the average per-pupil expenditure for elementary and secondary education in the State, as determined by the Secretary of Education using data from the most recent year for which satisfactory data are available, except that the amount described in this subparagraph shall not exceed $7,500.

(2) RATABLE REDUCTION.—If the amount appropriated for emergency grants under this section is insufficient to pay the emergency grants to all State educational agencies in accordance with paragraph (1), the emergency grants to all State educational agencies shall be ratably reduced.

(e) USES OF FUNDS.—Each State educational agency receiving an emergency grant under this section—

(1) shall use the grant funds to provide reimbursements, once per semester (or lesser portion of the school year, if the State so decides), directly to the parents or guardians of the displaced students, for the cost of those students' tuition, fees, and transportation expenses, if any, at any private school of the parents' or guardians' choice in the State for that semester (or lesser period), in accordance with subsection (f);

(2) shall ensure that a parent or guardian who receives funds under this section use those funds only for the purposes described in paragraph (1);

(3) may use not more than 1 percent of the grant funds for the administrative expenses of carrying out this subsection; and

(4) may contract with a public or private nonprofit agency or entity to administer and operate the reimbursement program under this subsection.

(f) AMOUNT OF PAYMENTS TO PARENTS OR GUARDIANS.—

(1) IN GENERAL.—The maximum reimbursement that a State educational agency may provide to an eligible parent or guardian on behalf of a student who is displaced by Hurricane Katrina or Hurricane Rita under this section shall be equal to the amount described in subsection (d)(1)(B).

(2) ELIGIBILITY REQUIREMENTS FOR REIMBURSEMENT.—

(A) CRITERIA FOR ENROLLING SCHOOLS.—A parent of a student who is displaced by Hurricane Katrina or Hurricane Rita is eligible for a reimbursement by the State educational agency under subsection (e) if the private school in which the parent enrolls the student—

(i) is accredited or licensed or otherwise operates in accordance with State law; and

(ii) has in place a refund policy for the refund of tuition and fees (and transportation expenses, if any) for displaced students that is at least as favorable as the refund policy applicable to other students at the school.

(B) CRITERIA FOR PARENTS OR GUARDIANS.—In addition to the requirements of subparagraph (A), the Secretary of Education shall establish criteria, which may include the use of criteria involving family income or assets, to determine the eligibility for or amount of assistance provided under this section to a parent or guardian of a student who is displaced by Hurricane Katrina or Hurricane Rita.

(g) BY-PASS.—If a State educational agency is unable or unwilling to carry out this section, the Secretary of Education may make such arrangements as the Secretary determines appropriate to carry out this section on behalf of the students attending private schools in such State who are displaced by Hurricane Katrina or Hurricane Rita.

(h) RULE OF CONSTRUCTION.—Section 308 of the DC School Choice Incentive Act of 2003 (Public Law 108–199) shall apply to the program under this section in the same manner as such section applies to the program under such Act.

(i) EXPIRATION OF AUTHORITY.—On June 30, 2006, the authority described in subsection (a) shall expire and all grant funds that are not expended or obligated by such date shall be transferred to the general fund of the Treasury.

(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $488,000,000 for fiscal year 2006.

SEC. ___. IMMEDIATE AID TO RESTART EDUCATIONAL OPERATIONS.

(a) PURPOSE.—It is the purpose of this section—

(1) to provide immediate services or assistance to institutions of higher education, local educational agencies, and eligible private schools that serve an area for which a major disaster has been declared in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170), related to Hurricane Katrina or Hurricane Rita;

(2) to assist school district administrators and personnel of such institutions, agencies, or eligible private schools who are working to restart operations; and

(3) to facilitate the reopening of the institutions, elementary schools and secondary schools served by such agencies, or eligible private schools and the enrollment of students in such institutions or schools as soon as possible.

(b) PAYMENTS AUTHORIZED.—From amounts appropriated to carry out this section, the Secretary of Education is authorized to make payments to State educational agencies or State agencies for higher education that serve an area for which a major disaster has been declared in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170), related to Hurricane Katrina or Hurricane Rita, to enable such agencies to—

(1) restart schools located in an area in which a major disaster has been declared in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170), related to Hurricane Katrina or Hurricane Rita;

(2) provide assistance to institutions of higher education located in such an area; and

(3) provide assistance to eligible private schools in accordance with subsection (c).

(c) ASSISTANCE TO ELIGIBLE PRIVATE SCHOOLS.—

(1) IN GENERAL.—From the payments provided by the Secretary of Education under subsection (b) and after timely and meaningful consultation with appropriate private school officials, a State educational agency that serves an area for which a major disaster has been declared in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170), related to Hurricane Katrina or Hurricane Rita, shall provide to eligible private schools special educational services or benefits for the students served by such eligible private schools on the equitable basis described in paragraph (3).

(2) SECULAR, NEUTRAL, NONIDEOLOGICAL.—The educational services or other benefits provided under paragraph (1), including materials and equipment, shall be secular, neutral, and nonideological.

(3) EQUITY.—Educational services and other benefits provided for eligible private school students under paragraph (1) shall be equitable in comparison to the educational services and other benefits provided for public school students under this section.

(4) PUBLIC CONTROL OF FUNDS.—The control of funds provided to an eligible private school under paragraph (1), and title to materials, equipment, and property purchased with such funds, shall be in a public agency, and a public agency shall administer such funds, materials, equipment, and property.

(d) SUPPLEMENT NOT SUPPLANT.—Funds made available under this section shall be used to supplement, and not supplant, any funds made available through the Federal Emergency Management Agency or through a State.

(e) DEFINITIONS.—In this section:

(1) ELIGIBLE PRIVATE SCHOOL.—The term "eligible private school" means a private elementary or secondary school that desires to participate in the program under this section and is located in an area in which a major disaster has been declared in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170), related to Hurricane Katrina or Hurricane Rita.

(2) INSTITUTION OF HIGHER EDUCATION.—The term "institution of higher education" has the meaning given such term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.).

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,000,000,000 for fiscal year 2006.

SEC. ___. FUNDING.

(a) IN GENERAL.—Notwithstanding any other provision of law, of the amounts made available to the Department of Homeland Security under the heading "DISASTER RELIEF" under the heading "EMERGENCY PREPAREDNESS AND RESPONSE" of Public Law 109–62 (119 Stat. 1991), not less than $3,300,000,000 shall be available to the heads of the appropriate departments or agencies of the Federal Government to carry out the programs and activities authorized under this title.

(b) AVAILABLE UNTIL EXPENDED.—The amounts appropriated under subsection (a) shall remain available until expended.

SA 2253. Mr. GREGG (for himself and Mr. GRASSLEY) proposed an amendment to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 158, strike lines 12 through 21 and insert the following:

bus Budget Reconciliation Act of 1981, $3,159,000,000.

For making payments under title XXVI of the Omnibus Budget Reconciliation Act of 1981, $300,000,000, to remain available until expended: *Provided*, That these funds are for the unanticipated home energy assistance needs of one or more States, as authorized by section 2604(e) of the Act: *Provided further*, That the entire amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

GENERAL PROVISION—REDUCTION AND RESCISSION

SEC. . (a) Amounts made available in this Act, not otherwise required by law, are reduced by 0.92 percent.

(b) The reduction described in subsection (a) shall not apply to amounts made available under this Act—

(1) for the account under the heading "LOW-INCOME HOME ENERGY ASSISTANCE"; or

(2) for the account under the heading "REFUGEE AND ENTRANT ASSISTANCE" (with

respect to amounts designated as emergency requirements).

SEC. ___. (a) There is rescinded an amount equal to 0.92 of the budget authority provided in any prior appropriation Act for fiscal year 2006, for any discretionary account described in this Act.

(b) Any rescission made by subsection (a) shall be applied proportionately—

(1) to each discretionary account described in subsection (a) to the extent that it relates to budget authority described in subsection (a), and to each item of budget authority described in subsection (a); and

(2) within each such account or item, to each program, project, and activity (as delineated in the appropriation Act or accompanying report for the relevant fiscal year covering such account or item).

(c) The rescission described in subsection (a) shall not apply to budget authority provided as described in subsection (a)—

(1) for the account under the heading "LOW-INCOME HOME ENERGY ASSISTANCE"; or

(2) for the account under the heading "REFUGEE AND ENTRANT ASSISTANCE (with respect to amounts designated as emergency requirements)".

SA 2254. Mr. DODD (for himself, Mr. KENNEDY, Mrs. CLINTON, Mrs. MURRAY, Mr. KERRY, Mr. LAUTENBERG, Mr. CORZINE, Mr. DURBIN, and Mr. DAYTON) submitted an amendment intended to be proposed by him to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 162, line 1, strike "$9,000,832,000" and insert "$9,153,832,000".

On page 162, line 7, strike "$6,874,314,000" and insert "$7,027, 314,000".

SA 2255. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III (before the short title), add the following:

SEC. . ADDITIONAL FUNDING FOR THE MATHEMATICS AND SCIENCE PARTNERSHIPS PROGRAM.

In addition to amounts otherwise appropriated under this Act, there are appropriated, out of any money in the Treasury not otherwise appropriated, $271,440,000 for the mathematics and science partnerships program.

SA 2256. Mr. OBAMA (for himself, Mr. BYRD, Mr. BAYH, Ms. MIKULSKI, and Mr. DURBIN) submitted an amendment intended to be proposed by him to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title II, insert the following:

SEC. ___. Amounts appropriated in this Act for the Centers for Disease Control and Prevention to upgrade State and local capacity grants and cooperative agreements for pandemic flu preparedness activities shall be increased by $122,000,000.

SA 2257. Mrs. FEINSTEIN (for herself and Mrs. BOXER) submitted an amendment intended to be proposed by her to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 222, between lines 5 and 6, insert the following:

SEC. 517. None of the funds made available in this Act may be used by the Secretary of Health and Human Services to withhold, suspend, disallow, or otherwise deny Federal financial participation under section 1903(a) of the Social Security Act for adult day health care services or medical adult day care services, as defined under a State medicaid plan approved on or before 1982, if such services are provided consistent with such definition and the requirements of such plan, or to withdraw Federal approval of any such State plan provision. Notwithstanding any other provision of law, the preceding sentence shall apply without fiscal year limitation.

SA 2258. Mr. DOMENICI (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III (before the short title), insert the following:

SEC. ___. DEFINITION OF INDIAN STUDENT COUNT.

Section 117(h) of the Carl D. Perkins Vocational and Technical Education Act of 1998 (20 U.S.C. 2327(h)) is amended by striking paragraph (2) and inserting the following:

"(2) INDIAN STUDENT COUNT.—

"(A) IN GENERAL.—The term 'Indian student count' means a number equal to the total number of Indian students enrolled in each tribally-controlled postsecondary vocational and technical institution, as determined in accordance with subparagraph (B).

"(B) DETERMINATION.—

"(i) ENROLLMENT.—For each academic year, the Indian student count shall be determined on the basis of the enrollments of Indian students as in effect at the conclusion of—

"(I) in the case of the fall term, the third week of the fall term; and

"(II) in the case of the spring term, the third week of the spring term.

"(ii) CALCULATION.—For each academic year, the Indian student count for a tribally-controlled postsecondary vocational and technical institution shall be the quotient obtained by dividing—

"(I) the sum of the credit-hours of all Indian students enrolled in the tribally-controlled postsecondary vocational and technical institution (as determined under clause (i)); by

"(II) 12.

"(iii) SUMMER TERM.—Any credit earned in a class offered during a summer term shall be counted in the determination of the Indian student count for the succeeding fall term.

"(iv) STUDENTS WITHOUT SECONDARY SCHOOL DEGREES.—

"(I) IN GENERAL.—A credit earned at a tribally-controlled postsecondary vocational and technical institution by any Indian student who has not obtained a secondary school degree (or the recognized equivalent of such a degree) shall be counted toward the determination of the Indian student count if the institution at which the student is enrolled has established criteria for the admission of the student on the basis of the ability of the student to benefit from the education or training of the institution.

"(II) PRESUMPTION.—The institution shall be presumed to have established the criteria described in subclause (I) if the admission procedures for the institution include counseling or testing that measures the aptitude of a student to successfully complete a course in which the student is enrolled.

"(III) CREDITS TOWARD SECONDARY SCHOOL DEGREE.—No credit earned by an Indian student for the purpose of obtaining a secondary school degree (or the recognized equivalent of such a degree) shall be counted toward the determination of the Indian student count under this clause.

"(v) CONTINUING EDUCATION PROGRAMS.—Any credit earned by an Indian student in a continuing education program of a tribally-controlled postsecondary vocational and technical institution shall be included in the determination of the sum of all credit hours of the student if the credit is converted to a credit-hour basis in accordance with the system of the institution for providing credit for participation in the program.".

SA 2259. Mr. SMITH (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title II, insert the following:

SEC. . In addition to amounts provided in this title for the AIDS Drug Assistance Program within the Health Resources and Services Administration, there shall be appropriated an additional $74,000,000 for such program.

SA 2260. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___.(a) This section may be cited as the "Diversity Visa Fairness Act of 2005".

(b)(1) Section 204(a)(1)(I)(ii) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(I)(ii)) is amended by striking subclause (II) and inserting the following:

"(II) An alien who qualifies, through random selection, for a visa under section 203(c) or adjustment of status under section 245(a) shall remain eligible to receive such visa or adjustment of status beyond the end of the specific fiscal year for which the alien was selected if the alien—

"(aa) properly applied for such visa or adjustment of status during the fiscal year for which the alien was selected; and

"(bb) was notified by the Secretary of State, through the publication of the Visa Bulletin, that the application was authorized.".

(2)(A) Notwithstanding any other provision of law, a visa shall be available for an alien under section 203(c) of the Immigration and Nationality Act (8 U.S.C. 1153(c)) if—

(i) such alien was eligible for and properly applied for an adjustment of status under section 245 of such Act (8 U.S.C. 1255) during any of the fiscal years 1998 through 2005;

(ii) the application submitted by such alien was denied because personnel of the Department of Homeland Security or the Immigration and Naturalization Service failed to adjudicate such application during the fiscal year in which such application was filed;

(iii) such alien moves to reopen such adjustment of status applications pursuant to procedures or instructions provided by the Secretary of Homeland Security or the Secretary of State; and

(iv) such alien has continuously resided in the United States since the date of submitting such application.

(B) A visa made available under subparagraph (A) may not be counted toward the numerical maximum for the worldwide level of set out in section 201(e) of the Immigration and Nationality Act (8 U.S.C. 1151(e)).

(3) The amendment made by paragraph (1) shall take effect on October 1, 2005.

SA 2261. Mr. COLEMAN (for himself and Ms. STABENOW) submitted an amendment intended to be proposed by him to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, insert the following:

SEC. . (a) There is established the Federal Youth Development Council (in this section referred to as the "Council") composed of—

(1) the Attorney General, the Secretary of Agriculture, the Secretary of Labor, the Secretary of Health and Human Services, Secretary of Housing and Urban Development, the Secretary of Education, the Secretary of the Interior, the Secretary of Commerce, the Secretary of Defense, the Secretary of Homeland Security, the Director of National Drug Control Policy, the Director of the Office of Management and Budget, the Assistant to the President for Domestic Policy, the Director of the U.S.A. Freedom Corps, the Deputy Assistant to the President and Director of the Office of Faith-Based and Community Initiatives, and the Chief Executive Officer of the Corporation for National and Community Service, and other Federal officials as directed by the President, to serve for the life of the Council; and

(2) such additional members as the President, in consultation with the majority and minority leadership of the House of Representatives and the Senate, shall appoint from among representatives of faith-based organizations, community based organizations, child and youth focused foundations, universities, non-profit organizations, youth service providers, State and local government, and youth in disadvantaged situations, to serve for terms of 2 years and who may be reappointed by the President for a second 2-year term.

(b) The Chairperson of the Council shall be designated by the President.

(c) The Council shall meet at the call of the Chairperson, not less frequently than 4 times each year. The first meeting shall be not less than 6 months after the date of enactment of this Act.

(d) The duties of the Council shall be—

(1) to ensure communication among agencies administering programs designed to serve youth, especially those in disadvantaged situations;

(2) to assess the needs of youth, especially those in disadvantaged situations, and those who work with youth, and the quantity and quality of Federal programs offering services, supports, and opportunities to help youth in their educational, social, emotional, physical, vocational, and civic development;

(3) to set objectives and quantifiable 5-year goals for such programs;

(4) to make recommendations for the allocation of resources in support of such goals and objectives;

(5) to identify target populations of youth who are disproportionately at risk and assist agencies in focusing additional resources on them;

(6) to develop a plan, including common indicators of youth well-being, and assist agencies in coordinating to achieve such goals and objectives;

(7) to assist Federal agencies, at the request of one or more such agency, in collaborating on model programs and demonstration projects focusing on special populations, including youth in foster care, migrant youth, projects to promote parental involvement, and projects that work to involve young people in service programs;

(8) to solicit and document ongoing input and recommendations from—

(A) youth, especially those in disadvantaged situations, by forming an advisory council of youth to work with the Council;

(B) national youth development experts, parents, faith and community-based organizations, foundations, business leaders, youth service providers, and teachers;

(C) researchers; and

(D) State and local government officials; and

(9) to work with Federal agencies to conduct high-quality research and evaluation, identify and replicate model programs, and provide technical assistance, and, subject to the availability of appropriations, to fund additional research to fill identified needs.

(e)(1) The Chairperson, in consultation with the Council, shall employ and set the rate of pay for a Director and any necessary staff to assist in carrying out its duties.

(2) Upon request of the Council, the head of any Federal department or agency may detail, on a reimbursable basis, any of the personnel of that department or agency to the Council to assist it in carrying out its duties under this section.

(f)(1) The Council may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(2) Upon the request of the Council, the Administrator of General Services shall provide to the Council, on a reimbursable basis, the administrative support services necessary for the Council to carry out its responsibilities under this section.

(g)(1) Subject to the availability of appropriations, the Council may provide technical assistance and make grants to States to support State councils for coordinating State youth efforts.

(2) Applicants for grants shall be States. Applications for grants under this subsection shall be submitted at such time and in such form as determined by the Council.

(3) Priority for grants will be given to States that—

(A) have already initiated an interagency coordination effort focused on youth;

(B) plan to work with at least 1 locality to support a local youth council for coordinating local youth efforts;

(C) demonstrate the inclusion of nonprofit organizations, including faith-based and community-based organizations, in the work of the State council; and

(D) demonstrate the inclusion of young people, especially those in disadvantaged situations, in the work of the State council.

(h) Not later than 1 year after the Council holds its first meeting, and on an annual basis for a period of 4 years thereafter, the Council shall transmit to the President and to Congress a report of the findings and recommendations of the Council. The report shall—

(1) include a comprehensive compilation of recent research and statistical reporting by various Federal agencies on the overall wellbeing of youth;

(2) include the assessment of the needs of youth and those who serve them, the goals and objectives, the target populations of at-risk youth, and the plan called for in subsection (d);

(3) report on the link between quality of service provision, technical assistance and successful youth outcomes and recommend ways to coordinate and improve Federal training and technical assistance, information sharing, and communication among the various programs and agencies serving youth;

(4) include recommendations to better integrate and coordinate policies across agencies at the Federal, State, and local levels, including recommendations for legislation and administrative actions;

(5) include a summary of actions the Council has taken at the request of Federal agencies to facilitate collaboration and coordination on youth serving programs and the results of those collaborations, if available; and

(6) include a summary of the input and recommendations from the groups identified in subsection (d)(8).

(i) The Council shall terminate 60 days after transmitting its fifth and final report pursuant to subsection (h).

(j) There is authorized to be appropriated for fiscal years 2006 through 2010 such sums as may be necessary to carry out this section.

SA 2262. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III (before the short title), insert the following:

SEC. ___. INCREASED FUNDING FOR EDUCATION PROGRAMS SERVING HISPANIC STUDENTS.

(a) MIGRANT EDUCATION.—In addition to amounts otherwise appropriated under this

Act, there are appropriated, out of any money in the Treasury not otherwise appropriated, an additional $9,600,000 for the education of migratory children under part C of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6391 et seq.).

(b) ENGLISH LANGUAGE ACQUISITION.—In addition to amounts otherwise appropriated under this Act, there are appropriated, out of any money in the Treasury not otherwise appropriated, an additional $10,300,000 for English language acquisition programs under part A of title III of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6811 et seq.).

(c) HEP/CAMP.—In addition to amounts otherwise appropriated under this Act, there are appropriated, out of any money in the Treasury not otherwise appropriated, an additional $5,700,000 for the High School Equivalency Program and the College Assistance Migrant Program under section 418A of the Higher Education Act of 1965 (20 U.S.C. 1070d–2).

(d) SCHOOL DROPOUT PREVENTION.—In addition to amounts otherwise appropriated under this Act, there are appropriated, out of any money in the Treasury not otherwise appropriated, an additional $5,000,000 for school dropout prevention programs under part H of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6551 et seq.).

(e) ESL/CIVICS PROGRAMS.—In addition to amounts otherwise appropriated under this Act, there are appropriated, out of any money in the Treasury not otherwise appropriated, an additional $6,500,000 for English as a second language programs and civics education programs under the Adult Education Act (20 U.S.C. 9201 et seq.).

(f) PARENT ASSISTANCE AND LOCAL FAMILY INFORMATION CENTERS.—In addition to amounts otherwise appropriated under this Act, there are appropriated, out of any money in the Treasury not otherwise appropriated, an additional $13,000,000 for the Parent Assistance and Local Family Information Centers under subpart 16 of part D of title V of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7273 et seq.).

(g) HISPANIC-SERVING INSTITUTIONS.—In addition to amounts otherwise appropriated under this Act, there are appropriated, out of any money in the Treasury not otherwise appropriated, $9,900,000 for Hispanic-serving institutions under title V of the Higher Education Act of 1965 (20 U.S.C. 1101 et seq.).

SA 2263. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. None of the funds made available under this Act to carry out the Energy Employees Occupational Illness Compensation Program Act may be used for the Advisory Board on Radiation and Worker Health unless—

(1) the Advisory Board, in order to improve the radiation dose reconstruction program carried out by the Office of Compensation and Analysis Support of the National Institute of Occupational Safety and Health, and to promptly correct identified quality problems through the audit process of the Advisory Board, promptly develops a formal comment resolution process with a process for the tracking of findings and issues;

(2) the Advisory Board reviews and acts on site profile and dose reconstruction audit reports supplied by the Advisory Board's audit contractor within 90 days of the date on which such audit reports are received; and

(3) the National Institute on Occupational Safety and Health prepares and submits a corrective action plan with specific deadlines within 90 days of the action of the Advisory Board under paragraph (2).

SA 2264. Mr. COLEMAN (for himself and Mr. BAYH) submitted an amendment intended to be proposed by him to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 156, line 2, insert before the period the following: ": *Provided further*, That the Secretary of Health and Human Services shall publish in the Federal Register, not later than 30 days after the date of enactment of this Act, a notice of intent that adoption of ICD–10–CM and ICD–10–PCS will occur not later than October 1, 2006, and that compliance with such coding systems will be required with respect to transactions occurring on or after October 1, 2009: *Provided further*, That the Secretary shall take such steps as may be necessary to ensure that procedure codes are promptly available for assignment and use under ICD–9–CM until such time as such ICD–9–CM is replaced as a code set standard with ICD–10–PCS".

SA 2265. Ms. COLLINS (for herself and Mr. FEINGOLD) submitted an amendment intended to be proposed by her to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title II, insert the following:

SEC. ____. From amounts appropriated under this title, the Secretary of Health and Human Services shall make available $5,000,000 to fund grants for innovative programs to address dental workforce needs under section 340G of the Public Health Service Act (42 U.S.C. 246g). Amounts made available under this section shall be transferred from the General Departmental Management account under the heading Office of the Secretary.

SA 2266. Ms. COLLINS (for herself and Mr. FEINGOLD) submitted an amendment intended to be proposed by her to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title II, insert the following:

SEC. ____. From amounts appropriated under this title, the Secretary of Health and Human Services shall make available $5,000,000 to fund grants for innovative programs to address dental workforce needs under section 340G of the Public Health Service Act (42 U.S.C. 246g). Amounts made available under this section shall be transferred from the amount provided as administrative funds for the Centers for Medicare & Medicaid Services under the heading Program Management.

SA 2267. Ms. COLLINS (for herself and Mr. FEINGOLD) submitted an amendment intended to be proposed by her to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title II, insert the following:

SEC. ____. From amounts appropriated under this title, the Secretary of Health and Human Services shall make available $5,000,000 to fund grants for innovative programs to address dental workforce needs under section 340G of the Public Health Service Act (42 U.S.C. 246g).

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place on Thursday, November 3, 2005 at 2:30 p.m. in room 366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to consider the nominations of:

Jeffrey D. Jarrett, of Pennsylvania, to be Assistant Secretary for Fossil Energy, Department of Energy.

Edward F. Sproat, III, of Pennsylvania, to be Director, Office of Civilian Radioactive Waste Management, Department of Energy.

For further information, please contact Judy Pensabene of the committee staff at (202) 224–1327.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. SPECTER. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on October 25, 2005, at 9:30 a.m., in open session to consider the following nominations: Honorable John J. Young, Jr., to be Director of Defense Research and Engineering; Mr. J. Dorrance Smith, to be Assistant Secretary of Defense for Public Affairs; Dr. Delores M. Etter, to be Assistant Secretary of the Navy for Research, Development and Acquisition; General Burwell B. Bell, III, USA, for reappointment to the grade of General and to be Commander, United Nations Command/Combined Forces Command, and Commander, United States Forces Korea; and Lieutenant General Lance L. Smith, USAF, for appointment to the grade of General and to be Commander, United States Joint Forces Command and Supreme Allied Commander transformation.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. SPECTER. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on October 25, 2005, at 10 a.m., to conduct a hearing on the nomination of Mr. Matthew Slaughter, of New Hampshire, to be a member of the Council of Economic Advisers; Ms. Katherine Baicker, of New Hampshire, to be a member of the Council of Economic Advisers; Mr. Orlando J. Cabrera, of Florida, to be an Assistant Secretary of Housing and Urban Development; Ms. Gigi Hyland, of Virginia, to be a member of the National Credit Union Administration Board; and Mr. Rodney E. Hood, of North Carolina, to be a member of the National Credit Union Administration Board.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. SPECTER. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, October 25, 2005, at 10 a.m. The purpose of this hearing is to receive testimony on S. 1829, to repeal certain sections of the act of May 26, 1936, pertaining to the Virgin Islands; S. 1830, to amend the compact of Free Association Amendments Act of 2003, and for other purposes; and S. 1831, to convey certain submerged land to the Commonwealth of the Northern Mariana Islands, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. SPECTER. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet in open Executive Session during the session on Tuesday 25, 2005, at 9:30 a.m., to conduct a markup to achieve the Committee's budget reconciliation instructions to reduce the growth of outlays as contained in H. Con. Res. 95.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. SPECTER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, October 25, 2005, at 9:30 a.m. to hold a hearing on Nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. SPECTER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, October 25, 2005, at 2:15 p.m. to hold a Business Meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. SPECTER: Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on "Saudi Arabia: Friend or Foe in the War on Terror?" on Tuesday, October 25, 2005 at 9:30 a.m. in the Dirksen Senate Office Building Room 226.

Witness List

Presentation

Yigal Carmon, Middle East Media Research Institute, Washington, DC; Presentation on Saudi Television.

Panel I: Daniel Glaser, Deputy Assistant Secretary for Terrorist Financing and Financial Crimes, United States Department of the Treasury, Washington, DC; and Alan Misenheimer, Director of Arabian Peninsula and Iran Affairs, United States Department of State, Washington, DC.

Panel II: James Woolsey, Vice President of Booz Allen, Former Director, Central Intelligence Agency, Washington, DC; Nina Shea, Director, Center for Religious Freedom, Washington, DC; Steve Emerson, Terrorism Expert and Executive Director, Investigative Project on Terrorism, Washington, DC; Gulam Bakali, Islamic Association of North Texas, Board of Trustees, Richardson, TX; and Kamal Nawash, President, Free Muslim Coalition Against Terrorism, Washington, DC.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, AND INTERNATIONAL SECURITY

Mr. SPECTER. Mr. President, I ask unanimous consent that the Subcommittee on Federal Financial Management, Government Information, and International Security be authorized to meet on Tuesday, October 25, 2005, at 2:30 p.m. for a hearing regarding "Guns and Butter: Setting Priorities in Federal Spending in the Context of Natural Disaster, Deficits and War."

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. LEAHY. Mr. President, I ask unanimous consent that privilege of the floor be granted to Caroline Burke during consideration of this legislation, as well as votes that may occur.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I ask unanimous consent that David McClendon, Health fellow to Senator COCHRAN, be granted the privilege of the floor during debate on the fiscal year 2006 Labor-HHS appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I ask unanimous consent that William Viner be granted the privilege of the floor during the duration of today's session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REED. Mr. President, I ask unanimous consent that the privilege of the floor be granted to Ari Strauss, who is legislative director of the Northeast-Midwest Coalition, for the duration of the debate on the LIHEAP amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING THE LIFE OF AND EXPRESSING CONDOLENCES OF THE SENATE ON THE PASSING OF ROSA PARKS

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 287, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

> A resolution (S. Res. 287) honoring the life of and expressing the condolences of the Senate on the passing of Rosa Parks.

There being no objection, the Senate proceeded to consider the resolution.

Mr. LEVIN. Mr. President, last evening, we lost Rosa Parks. She died at the age of 92. Her personal bravery and self-sacrifice have shaped this Nation's history and she is remembered with reverence and respect by us all.

A half century ago, Rosa Parks, the black seamstress whose refusal to give up her seat on a Montgomery, AL bus to a white man sparked a revolution in American race relations. Rosa Parks decided that she would no longer tolerate the humiliation and demoralization of racial segregation on a bus. In her own words, Rosa Parks said, "People always say that I didn't give up my seat because I was tired, but that isn't true. I was not tired physically, or no more tired than I usually was at the end of a working day. I was not old, although some people have an image of me as being old then. I was forty-two. No, the only tired I was, was tired of giving in."

The strength and spirit of this courageous woman captured the consciousness of not only the American people but the entire world. Rosa Parks's arrest for violating the city's segregation laws was the catalyst for the Montgomery bus, boycott. Her stand on that December day in 1955 was not an isolated incident but part of a lifetime of struggle for equality and justice. Twelve years earlier, in 1943, Rosa Parks had been arrested for violating another one of the city's bus related segregation laws requiring blacks to pay their fares at the front of the bus, then get off of the bus and reboard from the rear of the bus. The driver of that bus, was the same driver with whom she would have her confrontation years later.

The rest is history: the boycott which Rosa Parks began was the beginning of an American revolution that elevated that status of African Americans nationwide and introduced to the world a young leader who would one day have a national holiday declared in his honor, the Reverend Martin Luther King, Jr.

For her personal bravery and self-sacrifice, in 1999, we honored Rosa Parks with the Congressional Gold Medal.

My home State of Michigan proudly claims Rosa Parks as one of our own. Rosa Parks and her husband Raymond made the journey to Detroit in 1957 where Rosa Parks's brother resided. In the years since, she continued to dedicate her life to advancing equal opportunity and to educating our youth about the past struggles for freedom, from slavery up to the civil rights movement of the 1960s.

In 1987, the Rosa and Raymond Parks Institute for Self-Development was established. Its primary focus has been working with young people from across the country and the world as part of the "Pathways to Freedom" program. The pathways program traces history from the days of the underground railroad to the civil rights movement of the 1960s and beyond. Through this institute, young people, ages 11 to 17, meet with national leaders and participate in a variety of educational and research projects. During the summer months, they have the opportunity to travel across the country visiting historical sites.

The Rosa and Raymond Parks Institute for Self-Development has expanded to include an intergenerational mentoring and computer skills partnership program, which teams young people with elderly Americans. Generational and age barriers break down as young people help the elderly develop computer skills, while the elderly provide their unique and personalized recollections of their lives in American history. To date, over 10,000 youth from around the world have participated in this program.

With the work of her institute, we can truly say that in addition to having played a major role in shaping America's past and present, Rosa Parks is continuing to help shape America's future.

Mr. President, I close with the profound, instructive words of Rosa Parks, which she spoke in 1988. She said: "I am leaving this legacy to all of you . . . to bring peace, justice, equality, love and a fulfillment of what our lives should be. Without vision, the people will perish, and without courage and inspiration, dreams will die—the dream of freedom and peace."

Mr. MCCONNELL. Mr. President, one of the honors and duties of serving in the United States Senate is to note the passing of great Americans and to recognize their greatness. Last night, Rosa Parks died in her home in Detroit. She was 92 years old.

Rosa Parks did not set out to become a hero on the evening of December 1, 1955. She was, like millions of other Americans, merely on her way home after a long day's work.

She was a seamstress in Montgomery, AL, but her simple, profound act of civil disobedience was the spark that ignited the modern civil rights movement. For far too many African Americans at that time America did not live up to its promise that "all men are created equal." Thanks to Rosa Parks, America was forced to look at itself in the mirror, admit its failing, and recommit itself to its founding ideals.

Dr. Martin Luther King once wrote that "human progress never rolls in on wheels of inevitability; it comes through the tireless efforts of men." This is the story of one such effort.

Rosa Parks was heading home that winter night on the Montgomery city bus system, which was segregated. Front row seats were reserved for White passengers. Blacks were restricted to the back of the bus and sometimes the middle of the bus. But if a White passenger demanded a Black person give up his or her seat, that Black person was required to do so.

On that first day in December, the White bus driver demanded that four African Americans give up their seats so a single White man could sit down. Three of them complied.

Rosa didn't.

"If you don't stand up I'm going to call the police and have you arrested," said the driver.

But Rosa Parks had had enough of the evil divisions of segregation, and she replied to the driver, "You may do that."

With this simple refusal, Rosa Parks set into motion a crusade that would eventually awaken the conscience of our country. Perhaps the time was right for a nation like America to erase the stain of segregation. But it was not inevitable that the struggle would start on that day in that town, lit by one woman's courage and conviction.

Nor was it inevitable that Mrs. Parks took her stand in a town that counted among its residents a 26-year-old preacher named Martin Luther King, Jr. In response, Dr. King became the leader of the local bus boycott. Over time, as we all know, he led America's civil rights movement to overcome the injustices that robbed millions of our fellow citizens of their full rights as Americans.

Rosa Parks' life proved that one American with courage can make a majority. We note her passing with sadness but also with deep gratitude for the gift she left all of us.

Mr. REID. Mr. President, yesterday, our Nation lost one of our heroes, Rosa Parks—the mother of the modern civil rights movement. The movement that she helped launch changed not only our country but the entire world, as her actions gave hope to every individual fighting for civil and human rights.

While history proudly remembers December 1, 1955, as Rosa Parks' bravest moment, her fight against oppression and segregation began long before that day. Mrs. Parks was active in the Montgomery NAACP, serving as secretary and as an adviser to the NAACP's Youth Council. She also worked to register African Americans to vote and was active in many other civil rights causes. While it was her act of defiance in 1955 that garnered national attention, she had been thrown off a bus 12 years earlier—by the same driver—for refusing to move. Why was she thrown off the bus? Even then, she refused to give up her seat.

Rosa Parks' bravery triggered the Montgomery bus boycott. The boycott gained national attention, ushered in an atmosphere of change, and was the precursor to landmark legislation—most importantly, the Civil Rights Act and the Voting Rights Act. Eventually, the issue of segregation and Montgomery's bus policy ended up in the Supreme Court—another reminder of how important the institution is in protecting the rights of every American.

And we should not forget something else. The boycott introduced the Nation to a young minister, a Baptist preacher named Dr. Martin Luther King, Jr.

While the Nation will miss Rosa Parks, we take heart in the fact that her legacy will be felt by generations to come. As Senators, all of us have a special responsibility when it comes to the legacy of Rosa Parks. It is not enough for us to celebrate her life with words. As leaders of this country, we must honor it with deeds, deeds that continue the fight Rosa Parks began almost 50 years ago.

Specifically, we must reauthorize the Voting Rights Act, which has opened the doors of political participation to countless Americans. We must work to increase educational opportunities so that all young people have a chance for a better life. We must ensure that our policies build a better America for the meek and vulnerable, not only the powerful and strong. This work is how we will truly celebrate the life of Rosa Parks. All of us in this Chamber have it in our power to further the fight she began, and we owe it to every American to ensure her legacy endures.

Mr. OBAMA. Mr. President, today the Nation mourns a genuine American hero. Rosa Parks died yesterday in her home in Detroit. Through her courage and by her example, Rosa Parks helped lay the foundation for a country that could begin to live up to its creed.

Her life, and her brave actions, reminded each and every one of us of our personal responsibilities to stand up for what is right and the central truth of the American experience that our greatness as a nation derives from seemingly ordinary people doing extraordinary things.

Rosa Parks' life was a lesson in perseverance. As a child, she grew up listening to the Ku Klux Klan ride by her house, fearing that her house would be burned down. In her small hometown in Alabama, she attended a one-room school for African American children that only went through the sixth grade. When she moved to Montgomery, AL, to continue her schooling, she was forced to clean classrooms after school to pay her tuition. Although she attended Alabama State Teachers College, Rosa Parks would later make her living as a seamstress and housekeeper.

But she didn't accept that her opportunities were limited to sewing clothes or cleaning houses. In her 40s, Rosa Parks was appointed secretary of the Montgomery branch of the NAACP and was active in voter registration drives with the Montgomery Voters League. In the summer of 1955, she attended the Highlander Folk School, where she took classes in workers' rights and racial equality. Well before she made headlines across the country, she was a highly respected member of the Montgomery community and a committed member of the civil rights effort.

Of course, her name became permanently etched in American history on December 1, 1955, when she was arrested for refusing to give up her seat to a white passenger on a Montgomery bus. It wasn't the first time Rosa Parks refused to acquiesce to the Jim Crow system. The same bus driver who had her arrested had thrown her off a bus the year before for refusing to give up her seat.

Some schoolchildren are taught that Rosa Parks refused to give up her seat because her feet were tired. But our Nation's schoolbooks are only getting it half right. She once said:

> The only tired I was, was tired of giving in.

This solitary act of civil disobedience became a call to action. Her arrest led a then relatively unknown pastor, Martin Luther King, Jr., to organize a boycott of the Montgomery bus system. That boycott lasted 381 days and culminated in a landmark Supreme Court decision finding that the city's segregation policy was unconstitutional.

This solitary act of civil disobedience was also the spark that ignited the beginning of the end for segregation and inspired millions around the country and ultimately around the world to get involved in the fight for racial equality.

Rosa Parks' persistence and determination did not end that day in Montgomery, nor did it end with the passage of the Civil Rights Act and Voting Rights Act years later. She stayed active in the NAACP and other civil rights groups for years. From 1965 to 1988, Ms. Parks continued her public service by working for my good friend Congressman JOHN CONYERS. And in an example of her low-key demeanor, her job in Congressman CONYERS' office did not involve appearances as a figurehead or celebrity; she helped homeless folks find housing.

At the age of 74, she opened the Rosa and Raymond Parks Institute for Self-Development, which offers education and job training programs for disadvantaged youth. And even into her 80s, Rosa Parks gave lectures and attended meetings with civil rights groups.

At the age of 86, Rosa Parks' courage and fortitude was recognized by President Bill Clinton, who awarded her the Nation's highest honor for a civilian the Congressional Gold Medal.

As we honor the life of Rosa Parks, we should not limit our commemorations to lofty eulogies.

Instead, let us commit ourselves to carrying on her fight, one solitary act at a time, and ensure that her passion continues to inspire as it did a half-century ago. That, in my view, is how we can best thank her for her immense contributions to our country.

Rosa Parks once said:

> As long as there is unemployment, war, crime and all things that go to the infliction of man's inhumanity to man, regardless—there is much to be done, and people need to work together.

Now that she has passed, it is up to us to make sure that her message is shared. While we will miss her cherished spirit, let's make sure that her legacy lives on in the heart of a nation.

As a personal note, I think it is fair to say were it not for that quiet moment of courage by Mrs. Parks, I would not be standing here today. I owe her a great thanks, as does the Nation. She will be sorely missed.

I yield the floor.

Mr. KENNEDY. Mr. President, with the passing of Rosa Parks, the Nation has lost a courageous woman, a true American heroine, and an icon of the civil rights movement. All of us mourn her loss. Half a century ago, Rosa Parks stood up not only for herself but for all future generations of Americans. Her quiet resoluteness in the face of segregation inspired America, transformed the civil rights movement, and roused the moral conscience of the Nation from its long slumber on civil rights. We will never forget her, and our hearts and prayers today are with her loved ones.

On December 1, 1955, Rosa Parks was a seamstress in Montgomery, AL, on her way home by bus from her work. Under the law at that time in Montgomery, and in many other places in the South, Rosa Parks, as an African American, was ordered to give up her seat for a white passenger when the bus became crowded. She refused, was arrested, and lost her job as a result. But her courageous act prompted the African American community to begin a boycott of the Montgomery bus system, which eventually broke the back of the Jim Crow rules in the system, and Montgomery buses were desegregated the following year.

Her later life continued to demonstrate her quiet moral resolve and her extraordinary commitment to doing what is right. She continued her civil rights work after moving to Detroit in 1957, working with the office of Congressman JOHN CONYERS for over 20 years, and later starting the Rosa and Raymond Parks Institute for Self Development, a nonprofit organization that motivates youths to reach their highest potential.

In 1996, Rosa Parks was honored by President Clinton with the Presidential Medal of Freedom and she received the Congressional Gold Medal in 1999.

I join my colleagues from Michigan, Senators LEVIN and STABENOW, in support of a resolution honoring the life and accomplishments of Rosa Parks. Her courage, dignity, and determination symbolize the best of America, the spirit of patriotism that challenges us whenever we fail to live up to the highest ideals of our society.

Today, as we mourn the passing of Rosa Parks, we are reminded how much has been accomplished because of her sacrifice, and how much work America still has to do to fully live up to her ideals of equality. We are grateful for her example, and proud to carry on her mission of hope, opportunity, and equal justice for all.

As Dr. Martin Luther King, Jr. wrote about her courageous step towards equality, "[N]o one can understand the action of Mrs. Parks unless he realizes that eventually the cup of endurance runs over, and the human personality cries out, 'I can take it no longer'". Let those words in honor of Rosa Parks be our guide today.

Mr. ALLEN. Mr. President, we learned last night of the passing of one of this Nation's greatest Civil Rights heroes who will always be remembered for her steadfast leadership for equal justice. When Rosa Parks peacefully refused to give up her seat on a Montgomery public bus in 1955, her solitary act of courage for the cause of equality became a defining moment in American history.

It was Mrs. Parks' steady courage and unflinching character that helped set in motion changes that moved the hearts and minds of the American people. She clearly demonstrated the need for our country to live up to one of our founding principles, that all men are created equal. America is a much better place today because of the strength of this quiet seamstress from Tuskegee. My thoughts and prayers are with Mrs. Parks' family during these days of sadness.

I would encourage young Americans to visit the Rosa Parks Library and Museum in Montgomery to learn about her life. It is my hope that the spirit of Rosa Parks continues to live on in America and that this Nation and its leaders never forget the important lessons about decency and equality of opportunity for all. I know that her spirit will live on in my life.

Mr. KYL. Mr. President, America mourns the passing of a quiet hero, Rosa Parks, who died yesterday in Detroit at the age of 92.

On December 1, 1955, in Montgomery, AL, a seamstress named Rosa Parks refused to move from her seat near the front of a city bus so a White person could sit there. Like a shot heard round the world, her act of civil disobedience spurred the movement to gain social and political equality for Black people in this country.

It is almost hard to recover, half a century later, a sense of how much courage it took for her to do what she did. By remaining seated, she violated a local segregation law that consigned African Americans to second-class citizenship. She was arrested for disorderly conduct, and the incident galvanized the Montgomery bus boycott, propelling Martin Luther King, Jr., the boycott's leader, to a national role in the civil rights movement.

As the ancient poet once said, "A good reputation is more valuable than money." Rosa Parks' sterling reputation was what civil rights leaders banked on in putting her in the spotlight for the cause that day—and they were never disappointed. Throughout her long life she exemplified honesty, integrity, and dignity, and articulated the all-important principle that political and social equality is every American's due.

Mrs. Parks, along with Dr. King, A. Philip Randolph, Medgar Evers, Fannie Lou Hamer, Bob Moses, and the other campaigners for civil rights during the 1940s, 1950s, and early 1960s, had faith in the legal process. They had faith, too, in the moral conscience of America. They knew time had come. Their patience, their discipline, and their understanding that these two qualities would win the White majority to their cause, were admirable. Mrs. Parks deserves a share of the credit for accomplishments in the decade following the famous bus boycott: passage of the landmark Civil Rights Act of 1964 and Voting Rights Act of 1965.

These laws made illegal racial segregation in public accommodations, in housing, in education, and in the workforce. These and other civil rights laws have not eradicated bigotry. They have not gotten us all the way to a colorblind society yet. But they were huge strides toward making America live up to its founding doctrine that "All men are created equal."

Mrs. Parks took risks to vindicate ideas that transcend race, color, and religious creed. She said: "To this day I believe we are here on the planet Earth to live, grow up and do what we can to make this world a better place for all people to enjoy freedom."

She stood for what is universal. That is why interest in one seamstress' act on a December day long ago in Alabama has never flagged. There are books, songs, and television shows about the bus boycott and its humble heroine, proving that unassuming people can do great things when they are animated by the highest ideals.

Rosa Parks, Godspeed.

Mr. CHAMBLISS. Mr. President, it is with deep sadness and heavy hearts that my wife Julianne and I learned of the passing of Mrs. Rosa Parks. Our thoughts and prayers are with the entire Parks family at this sorrowful time.

Mrs. Rosa Parks, "The Mother of the Civil Rights Movement," is an international symbol of freedom. She stood for what she believed in, and changed our Nation's history. Her act of courage inspired so many during the civil rights movement and continues to inspire people today.

Rosa Parks sat quietly on a bus in Montgomery, AL 50 years ago, and refused to give up her seat to a white passenger. Because of the nonviolent protest that Mrs. Parks displayed on December 1, 1955 our entire Nation turned its attention to the gross indecencies that were affecting the black community.

Her solitary action set into play the revolutionary 381-day bus boycott that was organized by Reverend Martin Luther King Jr. At the time not many Americans had heard of Reverend Martin Luther King Jr. His protest and monumental following brought about the November 1956 Supreme Court Ruling that segregation on transportation is illegal, and in 1964 the Civil Rights Act, which outlawed racial discrimination in the U.S.

Rosa Parks attended Alabama State College, and upon graduation worked as a seamstress and housekeeper. She and her husband, Raymond Parks, were active in the National Association for the Advancement of Colored People, NAACP. In 1943 Mrs. Parks was elected Secretary of the Montgomery Chapter of the NAACP, and later became its youth leader. She was also involved in the Montgomery Voters League, an organization that helped black citizens become registered to vote.

Rosa Parks continued to set an example for our Nation in 1987 when she founded the Rosa and Raymond Parks Institute for Self-Development. The Institute teaches young people the history of the civil rights movement through an annual summer program called "Pathways to Freedom."

Rosa Parks was one of the most significant figures in the 20th century, and appropriately received hundreds of awards and honors, including the Medal of Freedom Award, presented by President Clinton in 1996. Mrs. Parks will be deeply missed, and her legacy will forever be remembered.

Ms. CANTWELL. Mr. President, I rise tonight to honor the life of Rosa Parks.

Let's ask an impossible question: Who was Rosa Parks?

Rosa Parks was a seamstress. She was a community organizer. She was an activist and a leader. Rosa Parks was a carpenter's daughter and a barber's wife. She was a hero of the civil rights movement. She was a trusted Congressional aide and a respected youth development expert.

And of course, Rosa Parks was the inspiring protagonist of a stirring American tale. Protest, reform, and reinvention marked the early pages of her great human story. On December 1, 1955, on a bus in Montgomery, AL, Rosa Parks, a black woman, refused to stand up and give her seat to a white man. She was arrested, tried, convicted, and fined for her act of civil disobedience in less than a week. The citywide boycott inspired by her actions would last more than a year. The full impact of those events would change a nation, last a lifetime, and reach far beyond.

Rosa Parks has played a guiding role not only in the lives of countless individuals but, over the last half-century, in the shape of our ever-evolving Nation. Throughout it all, she has been a great American teacher.

From Rosa Parks, we learned what it takes to be courageous in the face of oppression and hate. From Rosa Parks, we learned that sometimes to be strong is to say "No."

From Rosa Parks we learned that freedom without equality is no freedom at all. And from Rosa Parks we learned that fighting the bonds of orthodoxy and confronting the sources of ignorances is a noble and urgent cause.

Rosa Parks' legacy reminds us that a lone person can effect great change; many people working together with united purpose can achieve even more.

Rev. Martin Luther King Jr., the young Montgomery preacher who helped to transform Rosa Parks' act of resistance into a powerful movement, would later say the "arc of the moral universe is long, but it bends towards justice."

If we are to honor the legacy of Rosa Parks, we must never rest in our pursuit of that justice.

Mr. NELSON of Florida. Mr. President, I want to express my thoughts on the passing of a true civil rights pioneer. Rosa Parks' actions almost 50 years ago in Montgomery, AL, ignited a movement that dramatically changed the face of America and the world.

Even before her refusal to give up her seat on December 1, 1955, Mrs. Parks was already actively involved in the civil rights movement as the secretary of the local chapter of the NAACP. But her actions that day laid the groundwork for the civil rights movement in the years to follow. As a result of her actions, a local public bus boycott ensued that garnered national attention and resulted in a U.S. Supreme Court ruling prohibiting bus segregation, mass demonstrations throughout the South ensued, and Martin Luther King, Jr. becoming a national civil rights leader.

Mrs. Parks' refusal to give up her seat on December 1, 1955, was a simple but dangerous action that highlighted the inequalities faced by millions of Americans living under segregation. Former U.S. poet laureate, Rita Dove, wrote, "How she sat there, the time right inside a place so wrong it was ready." America was ready for change and that change continues today.

As the world grieves, let us remember her courage and work to ensure that her legacy continues.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to, en bloc, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be printed in the RECORD, without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 287) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 287

Whereas Rosa Parks was born on February 4, 1913, as Rosa Louise McCauley, to James and Leona McCauley in Tuskegee, Alabama;

Whereas her moral clarity and quiet dignity shaped and inspired the Civil Rights Movement in the United States over the last half-century;

Whereas Rosa Parks was educated in Pine Level, Alabama, until the age of 11, when she enrolled in the Montgomery Industrial School for Girls and then went on to attend the Alabama State Teachers College High School;

Whereas on December 18, 1932, Rosa McCauley married Raymond Parks and settled in Montgomery, Alabama;

Whereas, together, Raymond and Rosa Parks worked in the Montgomery, Alabama branch of the National Association for the Advancement of Colored People (NAACP), where Raymond Parks served as an active member and Rosa Parks served as a secretary and youth leader;

Whereas on December 1, 1955, Rosa Parks was arrested for refusing to give up her seat in the "colored" section of the bus to a white man on the orders of the bus driver because the "white" section was full;

Whereas the arrest of Rosa Parks led African Americans and others to boycott the Montgomery city bus line until the buses in Montgomery were desegregated;

Whereas the 381-day Montgomery bus boycott encouraged other courageous people across the United States to organize in protest and demand equal rights for all;

Whereas most historians date the beginning of the modern-day Civil Rights Movement in the United States to December 1, 1955;

Whereas the fearless acts of civil disobedience displayed by Rosa Parks and others resulted in a legal action challenging Montgomery's segregated public transportation system, which subsequently led to the United States Supreme Court, on November 13, 1956, affirming a district court decision that held that Montgomery segregation codes deny and deprive African Americans of the equal protection of the laws (352 U.S. 903);

Whereas in 1957, Rosa Parks moved to Detroit, Michigan;

Whereas in 1965, Representative John Conyers hired Rosa Parks as a member of his staff, where she worked in various administrative jobs for 23 years and retired in 1988 at age 75;

Whereas Rosa Parks continued her civil rights work by starting the Rosa and Raymond Parks Institute for Self Development in 1987, a nonprofit organization that motivates young people to reach their highest potential;

Whereas the Rosa and Raymond Parks Institute for Self Development offers educational programs for young people, including two signature programs: first, Pathways to Freedom, a 21-day program that introduces students to the Underground Railroad and the civil rights movement with a freedom ride across the United States and Canada, tracing the underground railroad into civil rights, and second, Learning Centers and Senior Citizens, a program that partners young people with senior citizens where the young help the senior citizens develop their computer skills and senior citizens mentor the young;

Whereas Rosa Parks has been commended for her work in the realm of civil rights with such recognitions as the NAACP's Spingarn Medal, the Martin Luther King, Jr., Nonviolent Peace Prize, the Presidential medal of Freedom, and the Congressional Gold Medal;

Whereas Time magazine named Rosa Parks one of the "100 most influential people of the 20th century". The Henry Ford Museum in Michigan bought and exhibited the bus on which she was arrested, and The Rosa Parks Library and Museum opened in Montgomery in 2000;

Whereas in 2005, the year marking the 50th anniversary of Rosa Parks' refusal to give up her seat on the bus, we recognize the courage, dignity, and determination displayed by Rosa Parks as she confronted injustice and inequality; and

Whereas in 1988 Rosa Parks said: "I am leaving this legacy to all of you . . . to bring peace, justice, equality, love and a fulfillment of what our lives should be. Without vision, the people will perish, and without courage 'and inspiration, dreams will die—the dream of freedom and peace": Now, therefore, be it

Resolved by the Senate That the Senate honors the life and accomplishments of Rosa Parks and expresses its condolences on her passing.

ANTITRUST CRIMINAL INVESTIGATIVE IMPROVEMENTS ACT OF 2005

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 250, S. 443.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 443) to improve the investigation of criminal antitrust offenses.

There being no objection, the Senate proceeded to consider the bill.

Mr. KOHL. Mr. President, I rise in support of the Antitrust Investigative Improvements Act of 2005, a bill I am cosponsoring with Senators DEWINE and LEAHY. This important measure will give the antitrust criminal enforcers at the Department of Justice a vital tool to investigate, detect, and prevent antitrust conspiracies. It will allow the Justice Department, upon a showing of probable cause to a Federal judge, authority to obtain a wiretap order for a limited time period to monitor communications between those suspected of engaging in illegal antitrust conspiracies.

The current Federal criminal code lists over 150 predicate offenses for which the Justice Department may obtain a wiretap during the course of a criminal investigation. These offenses include basic white collar crimes such as mail fraud, wire fraud, and bank fraud. However, under current law, if the Government is investigating a criminal antitrust conspiracy, such as a scheme to fix prices to consumers, the Government cannot obtain a wiretap of the suspected conspirators. This inability to obtain wiretaps unquestionably severely handicaps the detection and prevention of such conspiracies. Only with the consent of a member of the conspiracy who has already agreed to cooperate with the Government may the Government surreptitiously record the meetings of the conspirators.

There is no logical basis to exclude criminal antitrust violations from the list of predicate offenses for a wiretap. A criminal antitrust offense, such as price fixing, is every bit as serious—and causes every bit as much financial loss to its victims—as other white collar crimes, such as mail fraud or wire fraud. A price-fixing conspiracy raises prices to consumers, stealing hard earned dollars from citizens as surely as does a salesman promoting a bogus investment from a "boiler room" or, indeed, a thief with a gun. Moreover, by its secret nature as an agreement among competitors, such a conspiracy is likely harder to detect than a fraudulent offering over the phone or through the mail. A properly issued wiretap, therefore, is even more necessary to detect criminal antitrust conspiracies than other white collar offenses.

Detecting, preventing, and punishing criminal antitrust offenses are one of the principal missions of the Justice Department's Antitrust Division. Such offenses are punished severely with corporations facing fines of up to $100 million and individuals subject to jail terms of up to 10 years for each offense. Indeed, last year we passed legislation raising criminal penalties to these new levels. Yet, despite the damage these conspiracies do to the economy and individual consumers, our law enforcement agencies lack the one vital tool essential to uncover these secret conspiracies—the ability to obtain a wiretap to monitor communications between the suspected conspirators upon a showing of probable cause. This legislation will remedy this defect by granting to our law enforcement officials the necessary means to protect consumers and end illegal antitrust conspiracies.

I urge my colleagues to join with me in supporting this legislation.

Mr. LEAHY. Mr. President, earlier this year I was pleased to join the chairman and ranking member of the Judiciary Committee's Subcommittee on Antitrust, Competition Policy and Consumer Rights, Senators DEWINE and KOHL, on the introduction of the "Antitrust Criminal Investigative Improvements Act of 2005, ACIIA. Today, I am even more pleased to see the Senate pass this bill. This is important legislation, and I hope that it will receive the speedy vote in the House of Representatives that it deserves. Once the President signs it into law, the Department of Justice will finally have another vital tool to enforce antitrust laws—wiretap authority to investigate and prosecute criminal antitrust violations.

America's antitrust laws play a critical role in protecting consumers and ensuring a fair and competitive marketplace for business. Congress's first antitrust law, the Sherman Antitrust Law, was enacted in 1890 to prohibit abusive monopolies and restraints of trade. Since that time, enforcement of the antitrust laws has benefited consumers through lower prices, greater variety, and higher quality products and services. But antitrust criminal offenses have been somewhat anomalous in the law, for they have not qualified for judicially approved wiretaps. The ACIIA will add criminal price fixing and bid rigging to the many crimes that are already "predicate offenses" for wiretap purposes. There are over 150 offenses that currently qualify for judicial approved wiretaps. These "predicate offenses" under Title III of the Omnibus Crime Control and Safe Streets Act, include crimes of lesser impact and significance than criminal antitrust violations. The ACIIA will ensure that the Department of Justice has the tools commensurate with the seriousness of the violations.

Under current law, the Department of Justice must often rely on the FBI or other investigative agencies to obtain evidence. While the Justice Department may engage in court-authorized searches of business records, it may only monitor phone calls of informants or the conversations of consenting parties. In light of the seriousness of economic harms caused by violations of the Sherman Antitrust Act, the inability of the Department of Justice to obtain wiretaps when investigating criminal antitrust violations makes little sense. The evidence that can be acquired through wiretaps is precisely the type of evidence that is essential for the successful prosecution and prevention of serious antitrust violations. This bill equips the Department of Justice investigators and prosecutors the opportunity to zealously enforce the criminal antitrust laws of the United States.

Mr. FRIST. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 443) was read the third time and passed, as follows:

S. 443

Be it enacted by the Senate and House of Representative of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Antitrust Criminal Investigative Improvements Act of 2005".

SEC. 2. AMENDMENT OF PREDICATE CRIMES FOR AUTHORIZATION FOR INTERCEPTION OF WIRE, ORAL, AND ELECTRONIC COMMUNICATIONS.

Section 2516(1) of title 18, United State Code, is amended—

(1) in subparagraph (q), by striking "or" after the semicolon;

(2) by redesignating subparagraph (r) as subparagraph (s); and

(3) by adding after subparagraph (q) the following:

"(r) any criminal violation of section 1 (relating to illegal restraints of trade or commerce), 2 (relating to illegal monopolizing of trade or commerce), or 3 (relating to illegal restraints of trade or commerce in territories or the District of Columbia) of the Sherman Act (15 U.S.C. 1, 2, 3); or".

ORDERS FOR WEDNESDAY, OCTOBER 26, 2005

Mr. FRIST. I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Wednesday, October 26. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate then proceed to a period for morning business for up to 30 minutes, with the first 15 minutes under the control of the minority, and the final 15 minutes under the control of the majority.

I further ask that the Senate then resume consideration of H.R. 3010, the Labor-HHS appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. Mr. President, tomorrow the Senate will resume consideration of that Labor-HHS appropriations bill. Just a few moments ago I filed cloture on that bill. Senators who are serious about offering germane amendments should work with the bill managers to schedule floor consideration just as quickly as possible. We are on track, the track that we set out last week, to finish the bill this week. I encourage Senators to vote for cloture in order to speed passage of this, the very last, the final appropriations bill for this year.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. FRIST. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:53 p.m., adjourned until Wednesday, October 26, 2005, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate October 25, 2005:

THE JUDICIARY

AIDA M. DELGADO-COLON, OF PUERTO RICO, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF PUERTO RICO, VICE SALVADOR E. CASELLAS, RETIRED.

IN THE COAST GUARD

To be rear admiral

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES COAST GUARD TO THE GRAD INDICATED UNDER TITLE 14, U.S.C., SECTION 271:

REAR ADM. (LH) JODY A. BRECKENRIDGE, 6724
REAR ADM. (LH) ARTHUR E. BROOKS, 5540
REAR ADM. (LH) JOHN E. CROWLEY, 5694
REAR ADM. (LH) RICHARD R. HOUCK, 0136
REAR ADM. (LH) RICHARD R. KELLY, 9972
REAR ADM. (LH) DAVID P. PEKOSKE, 6564
REAR ADM. (LH) FRED M. ROSA, 1832
REAR ADM. (LH) TIMOTHY S. SULLIVAN, 4325

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. FRANK THORP IV, 3785

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY

MEDICAL SPECIALIST CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be colonel

ROBINETTE J. AMAKER, 6702
GEORGE A. DILLY, 9138
BRENDA K. ELLISON, 8159
ANN GREDIAGIN, 9607
JOSEF H. MOORE, 1725

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY VETERINARY CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be colonel

TERRY K. BESCH, 8189
PERRY R. CHUMLEY, 2082
CHERYL D. DICARLO, 5030
CAROL L. EISENHAUER, 0327
GEORGE C. RENISON, 3981
JOHN R. TABER, 7013

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY NURSE CORPS AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK(*)) UNDER TITLE 10, U.S.C. SECTIONS 624, 531, AND 3064:

To be colonel

KIMBERLY K. ARMSTRONG, 0214
MICHAEL K. BAYLES, 2417
CHERYL E. CARROLL, 0088
RHONDA L. EARLS, 4512
LORRAINE A. FRITZ, 9099
KATHRYN M. GAYLORD, 8344
STEVEN F. * GERTONSON, 0235
BARBARA A. GILBERT, 4316
STEVEN W. GRIMES, 2435
ELIZABETH A. JOHNSON, 1307
JIMMIE O. KEENAN, 1290
TIMOTHY A. NEWCOMER, 4768
DAVID D. PETERSON, 2864
KATHLEEN R. RYAN, 8954
ANN M. SAMMARTINO, 1347
KELLY A. WOLGAST, 7403

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be colonel

RANDALL G. ANDERSON, 7870
DONALD F. ARCHIBALD, 0893
STEVEN G. BOLINT, 1946
DAVID P. BUDINGER, 0740
KYLE D. CAMPBELL, 0829
BRIAN T. CANFIELD, 3583
CHARLES E. CANNON, 1712
SCOTT F. CASS, 5912
LISA P. CHISHOLM, 0631
JOHN M. COLLINS, 1159
JOHN P. COLLINS, 9712
DANIEL J. FISHER, 3412
ALEXANDER GARDNER III, 4979
DAVID G. GILBERTSON, 7355
NEIL G. GLENESK, 8859
MAX GROGL, 2351
BRYANT E. HARP, JR., 1667
SALLY C. HARVEY, 2449
BRUCE E. HASELDEN, 1411
CLAUDE HINES, JR., 4444
MARSHA A. LANGLOIS, 1221
WILLIAM J. LAYDEN, 5275
POLLYANNE A. MARCIESKI, 4976
THIRSA MARTINEZ, 8361
BRUCE W. MCVEIGH, 2409
MARK A. MELANSON, 5382
JOHN R. MERCIER, 2556
TALFORD V. MINDINGALL, 0091
RAFAEL C. MONTAGNO, 5546
JOSEPH A. PECKO, 3699
JEROME PENNER III, 7180
ANGELA PEREIRA, 8134
MICHAEL P. RYAN, 2422
HARRY F. SLIFE, JR., 3005
EARLE SMITH II, 0496
JOHN R. STEWART, 1020
ROBERT D. TENHET, 5358
JOHN H. TRAKOWSKI, JR., 9435

HOUSE OF REPRESENTATIVES—*Tuesday, October 25, 2005*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. ISSA).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
October 25, 2005.

I hereby appoint the Honorable DARRELL E. ISSA to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2005, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from California (Mr. GEORGE MILLER) for 5 minutes.

RAISING THE MINIMUM WAGE

Mr. GEORGE MILLER of California. Mr. Speaker, today I rise on behalf of millions of American working men and women who are in desperate need of a raise. It has been a disgraceful 8 years since Congress last voted to raise the national minimum wage which is stuck today at only $5.15 an hour. A person making the minimum wage today would have to work for the better part of an hour just to afford a single gallon of milk or a gallon of gasoline. It was recently announced by the Kaiser Family Foundation that the average cost of health insurance premiums for a family of four has for the first time surpassed the annual income of a minimum wage earner. That means that if you work all year long at the minimum wage and you pay your health insurance premiums, you have no money left over for anything else.

Last week, Democrats in the House and Senate sought to raise the minimum wage, but the Republican leadership in Congress defeated our efforts. Instead, Congress continues to deny America's most vulnerable workers the very basic wage necessary to help them support their families. Where is Congress' sense of decency and fairness towards those Americans who simply want, and need, to see work pay?

Now, a major player in the world economy has said that it agrees that the national minimum wage must be increased. We welcome Wal-Mart to this debate. Wal-Mart's CEO said today that the minimum wage should be raised. Here is what he said:

"The U.S. minimum wage of $5.15 an hour has not been raised in nearly a decade and we believe it is out of date with the times. We can see firsthand at Wal-Mart how many of our customers are struggling to get by. Our customers simply don't have the money to buy basic necessities between paychecks."

Wal-Mart recognizes what most Americans have known, and Democrats in Congress have been saying, for years, that millions of Americans cannot afford even the most basic necessities of life on today's minimum wage. I don't see eye to eye with Wal-Mart on many important issues, but the company is right about the minimum wage and it deserves praise for taking this position and it deserves to be listened to in this case.

I have introduced legislation to increase the minimum wage from $5.15 an hour to $7.25 in three increments over a little more than 2 years. This legislation is sorely needed. People who work full time all year at $5.15 an hour earn just $10,700 a year, putting them $5,000 below the official poverty line for a family of three. Raising the minimum wage to $7.25 an hour would add another $4,370 to their income.

An increase in the minimum wage would directly benefit 7.5 milllion workers. Of those 7.5 million workers, three-quarters are 20 years old or older. Roughly 44 percent of minimum wage workers work full time. Nearly two-thirds of them are women. They end up at the end of the year poor and below poverty.

I welcome Wal-Mart to the table. I urge them to use the considerable power and influence it has to press hard for Congress to raise the minimum wage. Americans need a raise. Democrats know it. Most Americans know it. And now Wal-Mart knows it. When will the Republican leadership and President Bush finally get the message that it is time to treat these workers with some decency and to provide for an increase in the minimum wage?

I include in the CONGRESSIONAL RECORD an article from today about Wal-Mart's CEO calling for a hike in the minimum wage.

WAL-MART CALLS FOR MINIMUM WAGE HIKE

[From CNN/Money, Oct. 25, 2005]

Wal-Mart CEO Lee Scott said he's urging Congress to consider raising the minimum wage so that Wal-Mart customers don't have to struggle paycheck to paycheck.

Scott told Wal-Mart (Research) directors and executives in a speech Monday that he believes "it is time for Congress to take a look at the minimum wage and other legislation that can help working families."

"The U.S. minimum wage of $5.15 an hour has not been raised in nearly a decade and we believe it is out of date with the times," Scott said. "We can see first-hand at Wal-Mart how many of our customers are struggling to get by. Our customers simply don't have the money to buy basic necessities between pay checks."

Given increasing gas prices and other economic pressures on Wal-Mart customers, Scott went on to say that Wal-Mart shoppers will further be challenged to "support themselves and their families."

"While it is unusual for us to take a public position on a public policy issue of this kind, we simply believe it is time for Congress to take a responsible look at the minimum wage and other legislation that may help working families," he said.

Wal-Mart maintains that it pays above the current $5.15 an hour minimum wage to its employees.

As the world's largest retailer and largest U.S. non-union private sector employer with more than 1.3 million "associates" in its U.S. stores, Wal-Mart has been a lightning rod for criticism about its wage and benefits policy as well as lawsuits alleging gender discrimination. It continues to draw fire for allegedly stifling small businesses and squeezing its vendors.

Scott also discussed a new health-care package with lower premiums for Wal-Mart workers.

The new "Value option" plan, which will be introduced Jan. 1 2006, offers insurance coverage of $23 a month "and kids covered for less than 50 cents per day . . . no matter how many children," Scott said.

"We will offer this plan for $11 a month, with children covered for less than 30 cents per day in some markets—and we are working to offer these savings nationally," he said.

Said Scott, "We want to drive out as much as 25 percent of the cost in the healthcare system through leading a coalition of business, government and industry leaders in applying standards and technologies for efficiency."

He also touted the retailer's efforts to present itself as a more environmentally friendly company.

Whether it is jobs, health care, product sourcing or environmental impact, "it is clear to me that in order to build a 21st century company, we need to view these same issues in a different light," Scott said in the speech.

"Our environmental goals at Wal-Mart are simple and straightforward," he said. "One, to be supplied 100 percent by renewable energy. Two, to create zero waste. Three, to sell products that sustain our resources and environment."

In energy-saving moves that will save Wal-Mart money, Scott said the company plans to increase the fuel efficiency of its truck fleet—among the largest in the country—by 25 percent over the next three years and double it within ten years.

"If implemented across our entire fleet by 2015, this would amount to savings of more than $310 million a year. Compare that to doing nothing," he said.

In addition, Wal-Mart said it will show preference to factories in China that participate in a "green company program" where the company will show preference to those suppliers and their factories involved in such a program.

"We are also committed to reducing our solid waste from U.S. stores and clubs by 25 percent in the next three years," Scott said. "We're replacing PVC packaging for our private brands with alternatives that are more sustainable and recyclable within the next two years."

Scott delivered the speech on the eve of the company's annual two-day conference for analysts at its Bentonville, Ark., headquarters.

MEDICAID REFORM

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2005, the gentleman from Florida (Mr. STEARNS) is recognized during morning hour debates for 5 minutes.

Mr. STEARNS. Mr. Speaker, today the House Committee on Energy and Commerce will begin the long road to meaningful Medicaid reform and I am proud to be part of this effort. Think back just a decade ago when, together, the Republican-led Congress and then President Clinton, the Democrat President, enacted a successful welfare reform with a transformation of the program from a sixties-era program that became a way of life to a temporary assistance program, sort of a hand and not a handout. I believe we can do this together for Medicaid.

The Medicaid program that is vitally sustaining for some people has become a leaking raft, carrying too many others whom we want to help obtain health care with options in competition and consumer choice. It is time to take a fresh look at Medicaid. Spending for Medicaid, Federal-State medical and long-term care for low-income families, elderly and the disabled, has risen very dramatically in the past decade. It has an annual growth of 7.9 percent, almost 8 percent. This is an unsustainable trend. As mandatory spending grows, obviously less money is available for other programs with high priorities, such as education, homeland security and National Institutes of Health research. This is true in the States also. In Florida, Medicaid represents nearly a quarter of the budget and is projected by 2015 to include almost 60 percent. Yet Medicaid does not well serve either the beneficiaries or the providers. It is unwieldy for States to oversee, unfortunately making it a program which attracts fraudulent practices. Finally, it does not provide opportunities and incentives for beneficiaries to take charge of their own health care. This is especially worrisome when some eligibility categories depend upon the Medicaid program, such as the developmentally disabled.

Some points I would like to highlight include, one, cost-sharing. No one has said this better than Tennessee Governor Phil Bredesen, who delivered the national Democratic address on a Saturday in June: "Number one, everybody pays something. Imagine shopping at a store where nothing has a price tag and you never get a bill. You would spend a lot more than you do now. But this is exactly how Medicaid works today. Until there's a little economic tension, until everyone has a little skin in the game, the system will continue to be inefficient."

Also, I am encouraged to hear some forward-looking Governors, like Governor Jeb Bush of Florida, who has been discussing the role that beneficiary behavior change could play and has received Federal approval for a tidal change demonstration project in Medicaid. Last Wednesday, October 19, Health and Human Services Secretary Mike Leavitt approved an innovative Medicaid reform plan that will allow Florida beneficiaries to choose health care plans that best suit their needs, for the first time introducing competition and consumer choice to this government-funded health care program. Florida will begin the phase-in of this unprecedented demonstration in two counties, Broward and Duval, in July 2006. A statewide implementation plan will follow. The demonstration is approved to run through June 30, 2011.

My colleagues, these are opportunities in Medicaid coverage where vast savings could be realized. More importantly, quality of life can be vastly improved if beneficiaries would make healthier, more responsible, more forward-looking choices. This could be implemented with a carrot, not a stick, strategy and it is not such a radical departure from other insurance models that we see today. The auto insurance industry has given safe driver discounts for years, and some health insurance plans give, quote, healthy lifestyle discounts for insurees who use a gym or stop smoking. Let's design a beneficiary-empowering reward system to incentivize beneficiaries to lead healthy, fulfilling lives. Eat healthfully, drink in moderation, stop smoking, exercise, manage stress, purchase long-term care insurance when you are young and healthy, develop strong family and community ties as nurturing resources.

Mr. Speaker, finally I am most hopeful about the prospect of making consumer direction in Medicaid a permanent option. For years there has been a proposed pilot project called "cash and counseling" in Medicaid in Arkansas, New Jersey and my home State of Florida. Since then it has been expanded to 11 new States who were impressed by its success. In the Medicare Prescription Drug and Modernization Act of 2003, I included a provision creating an analogous demonstration and evaluation project in the Medicare program. And today I plan to introduce "cash and counseling" legislation to make it a permanent option so future States do not have to go through the bureaucratic waiver process for years to get on board. Besides the positive features of increasing choice, personal responsibility, and a sense of ownership over one's own health.

Let's all take this opportunity to work together, Congress, Governors, beneficiaries, patient advocates, providers, on productive solutions.

OUR SITUATION IN IRAQ

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2005, the gentleman from Missouri (Mr. SKELTON) is recognized during morning hour debates for 5 minutes.

Mr. SKELTON. Mr. Speaker, I rise this morning with mixed emotions for our situation in Iraq. I am certainly pleased for the Iraqi people to see that it looks as if they have passed the constitutional referendum. The upcoming December elections for the national assembly will be another important milestone for them as well as their nation.

At the same time, it is impossible not to reflect on the other milestone we reached today, the announcement of the 2,000th American casualty with the deaths of two Marines in Anbar province last week. All Americans mourn with their families and all that came before them. This announcement comes simultaneously with the coordinated bombings on two Baghdad hotels this morning by insurgents. We can see from this attack and other engagements with American forces that the insurgency continues. Defeating the insurgency will not happen with military force alone. And it will not happen by American hands alone. We know that the answer in Iraq lies in transitioning security responsibility to the Iraqis themselves. The administration has been saying this for some time.

The problem, from my perspective, is that the American and the Iraqi people, if they are going to stay with us until the Iraqi security forces are capable of taking over the job, must have a clear sense of progress. Iraqi security forces must be able to take the fight to the insurgents on their own and to inspire the confidence of the Iraqi people. Similarly, the American public must see that there is a connection between increasing capability of Iraqi security forces and a diminishing American commitment over time.

For this reason, I have proposed a clear formula that can be used by our military leaders and that can be explained to the Iraqi and American publics alike, that for every three Iraqi security force combat brigades rated level 1—or fully capable—an American brigade or unit of similar size, type, and mission should be strategically redeployed from Iraq. In terms of units, because a brigade is the smallest military unit able to support itself and fight independently, brigades should be the standard sized units used to measure Iraqi security force capability over time. Additionally, in terms of readiness standards, units rated at level 1 indicate that they have the capability to plan and fight independently, without any assistance from U.S. forces. In my view, 3 to 1 is the right measurement because an American brigade surpasses its Iraqi counterpart in both quantity of forces and in quality. I think this is a formula that makes sense, but beyond the numbers, it is important because it is a benchmark that is easy to understand and that sets reasonable, achievable standards for both our forces and the Iraqis.

Finally, Mr. Speaker, I propose that we apply even more resources toward the training of Iraqi security forces to accelerate the effort. If more advisory teams would do the job faster, we should add them. All these advisory units should be staffed and equipped with our very best officers. Instead of staffing them in an ad-hoc manner, we should take those selected for command of U.S. units and assign them to advisory billets. These are the officers the services have determined to be their very best. Furthermore, we should make every effort to name next year's advisers today and get them in adviser and language schools now. We must make a combat adviser tour a highly career enhancing tour in the military.

Mr. Speaker, I believe like the President that we must leave an Iraq that is able to provide for its own security. Yet both to build the confidence of the Iraqis and to maintain the support of the American people, we must demonstrate a clear sense connection between increasing Iraqi capability and a diminishing need for American forces. This formula does that and I urge its serious consideration.

Mr. Speaker, I include for the RECORD the following letter I wrote to the President dated October 20 of this year.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ARMED SERVICES,
Washington, DC, October 20, 2005.

THE PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: The recent constitutional referendum, where Iraqis were able to cast their vote in the absence of large-scale violence, is an important milestone for the Iraqi people. I commend our forces for the role they played in helping to secure that vote.

I strongly believe that we share the goal of an Iraq able to provide for its own security. At the same time, both the American and the Iraqi people must have a clear sense of progress, given that the challenges to Iraqi security remain substantial. Iraqi security forces must be able to take the fight to the insurgents on their own and to inspire the confidence of the Iraqi people. Similarly, the American public must see that there is a connection between increasing capability of Iraqi security forces and a diminishing American commitment over time.

The latest quarterly report from the Department of Defense on "Measuring Stability and Security in Iraq" talks about the "criteria for withdrawing forces." While it discusses the considerations that will be taken into account in any redeployment and talks about "when conditions permit handing over security responsibilities," it is not specific nor does it give any measurement that the Iraqi or American people can use to see progress toward redeployment over time. If we expect the American people to continue to support continued deployments in Iraq, we should be able to explain the connection between the improvement in Iraqi capability and the reduced need for U.S. forces in Iraq over time more clearly.

I believe that we should set a benchmark that is easy to understand and that sets reasonable, achievable standards for both our forces and the Iraqis. In terms of units, because a brigade is the smallest military unit able to support itself and fight independently, brigades should be the standard sized units used to measure Iraqi security force capability over time. Additionally, in terms of readiness standards, units rated at "Level 1" indicate that they have the capability to plan and fight independently, without any assistance from U.S. forces. Therefore, I propose the following formula: that for every three Iraqi security force combat brigades rated "Level 1"—or fully capable—an American brigade or unit of similar size, type, and mission should be strategically redeployed from Iraq.

In addition to setting a clear benchmark, we need to apply even more resources toward the training of Iraqi security forces to accelerate the effort. If more advisory teams would do the job faster, we should add them. All of these advisory units should be staffed and equipped with our very best officers. Instead of staffing them in an ad-hoc manner, we should take those selected for command of U.S. units and assign them to advisory billets. These are the officers the Services have determined to be their very best. Furthermore, we should make every effort to name next year's advisors today and get them in advisor and language schools now. We must make a combat advisor tour a highly career enhancing tour in the military.

Mr. President, I realize there are a variety of reasonable ways to look at benchmarks for strategic redeployment, but I think any of them must clearly link to the development of Iraqi Security Force capability to the redeployment of American forces in a way that both the American and the Iraqi people can plainly see. That is why I think my method of matching the redeployment of an American brigade for every three Iraq brigades that reach Level 1 readiness has particular merit.

I stand ready to assist in this critical effort and share your pride in all that our fine troops have done in Iraq and around the world.

Sincerely,

IKE SKELTON,
Ranking Democrat.

REMEMBERING THE LATE HONORABLE BOB BADHAM

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2005, the gentleman from California (Mr. DREIER) is recognized during morning hour debates for 5 minutes.

Mr. DREIER. Mr. Speaker, I rise today to remember our friend and former colleague Bob Badham who passed away suddenly last Friday. While Bob was a private man, he dedicated his life to public service. He was a veteran of the Korean War and served with great distinction as a member of the California State legislature. He represented Newport Beach, California here in the United States Congress from 1977 to 1989, and he served on the civil service board in his hometown of Newport Beach until his passing last Friday.

Bob was a longtime friend and great supporter of President Reagan. They knew each other in Sacramento when Ronald Reagan was Governor of California and Bob was a member of the State assembly. Like the President, Bob was an optimist, a true American patriot, and a strong voice for freedom and democracy. As a senior member of the House Armed Services Committee, Bob was an advocate for America's veterans, and he pushed for a more muscular and modern U.S. fighting force. He supported the defense buildup of the 1980s because he knew our country's strengths could not be sustained with weak Armed Forces. He firmly believed that communism was no match for a strong United States military defending free people and our democratic system. Bob had vision and conviction and, Mr. Speaker, as we all know from looking at history, Bob Badham was right.

His work in Congress involved serious national security and international policy efforts, but all of us who worked with Bob remember that his sense of humor and sense of self never deserted him. He was a gracious colleague with a strong backbone and a big heart. I feel honored to have worked with Bob Badham and I am grateful for his friendship and his stellar service to this body and to the United States of America.

Mr. Speaker, the thoughts and prayers I know of all of us here in the Congress are with his wife Anne; his daughters Phyllis, Sharon and Jennifer; his sons Robert, Jr. and William; their 11 grandchildren; and his brother.

GENERAL LEAVE

Mr. DREIER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material in the RECORD as it relates to the passing of our friend Bob Badham.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

HONORING THE LATE PRIVATE FIRST CLASS JOSE M. ROSARIO AND OTHER VIRGIN ISLANDS WAR HEROES

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2005, the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) is recognized during morning hour debates for 5 minutes.

Mrs. CHRISTENSEN. Mr. Speaker, I rise today to pay homage to Private First Class Jose M. Rosario from Estate Campo Rico on my home island of St. Croix in the U.S. Virgin Islands who was killed in Iraq last week.

Private First Class Rosario joined the Army shortly after completing high school with the desire to serve his country and with the dream, whispered only to his older sister Ruth, of one day becoming an attorney. He told his family how much he loved his job, the adventure of it, and most of all the fact that he was making a contribution to our Nation. They have all attested that he was happy fulfilling his mission as a member of the Fifth Squadron, Seventh Cavalry Regiment, First Brigade Combat Team of the 42nd Infantry Division. Like so many of the now 2,000 men and women who have given their lives for their country in the Iraq war, Private First Class Rosario was young, just 20 years old, and with a dream of a brighter future. He died, along with Army Specialist Russell Nahvi of Arlington, Texas, and Sergeant Arthur Mora, Jr. of Pico, California, when their up-armored humvee was hit with indirect fire while on patrol in Balad, Iraq. And while his lifetime was short, Jose served his country with courage and with distinction and he has made his family and the entire Virgin Islands community very proud as he helped to make the entire Nation a better place by his sacrifice. Our prayers are with his mother Gregoria and all of the family.

Mr. Speaker, we in the U.S. Virgin Islands along with our sister territories send more men and women per capita to serve in our Armed Forces, and Virgin Islanders have served in every war and conflict from the Revolutionary War forward. Our Virgin Islands National Guard has been proud to serve and do so with distinction around the world. They currently have several units in Afghanistan and Iraq. Dr. Bob Thompson, a good friend of mine and chief of medicine at the Governor Juan Luis Hospital, just returned from a tour in Iraq. Sixteen members of the 620th are scheduled to return home later this week. The 652nd Engineering Company is currently serving in Afghanistan and will be there for another 6 months.

While home in August, I attended a deployment ceremony where the 610th and the 640th companies of the Virgin Islands National Guard, many of them young women, were preparing to leave for Iraq. They are currently at Fort Bragg being processed and the 107 men and women of the 610th are to depart in early November. The 640th will follow them shortly thereafter.

In addition, Dr. Hinman, the State Surgeon of the Virgin Islands National Guard, is at Fort Bliss processing for his 90-day rotation, and we have an MP security team at Fort Leonard Wood, all preparing to also go to Iraq. I pray that they will all return safely and whole. I also play that the President will begin now to bring all of our troops home.

With our population of just over 110,000, the U.S. Virgin Islands has already lost five young men before Private First Class Rosario.

Daniel Wyatt, whose family splits their time between Wisconsin and St. Croix, and who spent what he called the best 2 weeks of his life in St. Croix before heading overseas.

Shane Goldman, whose memorial I attended and who had a tree and a small monument placed at Club St. Croix, a place frequented by his father and which he loved to visit.

Private First Class Jason Lynch from a large St. Croix family and the nephew of a close friend of mine Betty Lynch, a child I knew as he was growing up.

Staff Sergeant Kendall Thomas, slightly older than the others, from St. Thomas and I believe serving his second tour. We are proud of the men and women who have given their lives in service to their country.

We are particularly proud of Private First Class Jose M. Rosario and all of the men and women from the U.S. Virgin Islands who have served or now serve. They do so proudly and with great dedication and loyalty. I would be remiss if I did not here note that neither they nor their fellow Virgin Islanders have the right to vote for the Commander in Chief, something which we are seeking to correct with House Joint Resolution 1, which I introduced on the opening day of this 109th Congress.

It is my hope that their sacrifice and that of all the other Virgin Islanders and American citizens in the offshore territories will be honored with its passage and ratification. May their example and that of all of our fallen resonate in all of our hearts and our country in their memory turn to peace and away from war.

TIME TO END THE WAR IN IRAQ

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2005, the gentleman from Massachusetts (Mr. MCGOVERN) is recognized during morning hour debates for 5 minutes.

Mr. MCGOVERN. Mr. Speaker, 2,000 American troops have now lost their lives in Iraq. It is time to end this war. Let us bring our troops home and restore U.S. credibility in the world community. This war was based on fiction. That is a fact that is no longer disputed. There were no weapons of mass destruction and no ties to al Qaeda. There was no imminent threat. This administration, with the acquiescence of Congress, rushed into a war that, according to Secretary of State Colin Powell's former chief of staff Lawrence Wilkerson, has made our country more vulnerable, not less, to future crisis.

The Bush administration has stubbornly refused to reassess the situation. They have refused to listen to the words of military and diplomatic leaders who have warned that a continuing U.S. presence in Iraq will not calm the violence or lead to a more stable Iraq. The U.S. presence in Iraq is now a major part of the problem. Al Qaeda is in Iraq today because we are there. The abuse and torture by U.S. forces of detainees at Abu Ghraib prison and the near 3-year occupation by U.S. troops have made us an unpopular force in Iraq even among those who originally supported the U.S. invasion. We have spent over $300 billion on the war with no end in sight. It is estimated that another 2 years of war will boost that amount to $1 trillion. Our military is stretched to the limit, with much of the burden falling on our Guard and Reserves.

There are some politicians in Washington who say that, no matter what, we must "stay the course." I strongly disagree. It is worth pointing out that it is not Congressmen, Senators or members of the Bush administration whose lives are on the line in battle. It takes no courage for anybody in Washington to wave the American flag and send more troops. We owe our brave fighting men and women so much more. Washington made a mistake in going to war. It is time for politicians to admit that mistake and fix it before any more lives are lost.

"In Vietnam, we didn't have the lesson of Vietnam to guide us," says David Halberstam, who won a Pulitzer Prize for his coverage of that war. He goes on to say, "In Iraq we did have those lessons. The tragedy is that we didn't pay any attention to them."

Mr. Speaker, we have now sacrificed the lives of 2,000 members of our Armed Forces in Iraq. Thousands of others are wounded. Tens of thousands of civilians from Iraq and elsewhere have died since the U.S. entered Baghdad and ostensibly took control of the nation.

This week I am introducing a resolution to prohibit the use of taxpayer funds to deploy United States Armed Forces to Iraq. This bill, however, will allow funds to be used for the safe and orderly withdrawal of our troops. It will allow us to support transitional security provided by other countries, including international organizations like NATO and the United Nations. The bill will also allow for continued support for Iraqi security forces and international forces in Iraq, as well as funding for reconstruction efforts. This is not a cut and run strategy. Rather, it is a way to support efforts that I believe can be more helpful in creating a more stable Iraq. But the bill makes clear, no more U.S. boots on the ground in Iraq. Ultimately, the future of Iraq will depend on whether the various factions in the country genuinely and truly want to live with each other. No constitution or election can fully determine that outcome.

This war has cost us dearly in terms of human life and treasure. At a time when we are shortchanging our veterans here at home, our schools, health care and even our homeland security, it makes no sense to throw good money after bad in this quagmire in Iraq. Sometimes great nations misstep, as I believe we have done in this case. It is now time to ask the tough questions and face the hard truths. It is time to end this war.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 59 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PETRI) at 2 p.m.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Glory be to You, O Lord, for all the blessings of the earth and the protected freedoms of this our country. As people celebrate Octoberfest, Sukkot and harvest festivals, we are mindful of the bounty so many of us share in this Nation. Yet we will not forget those who hunger not only for food but for shelter and safety as well, here in our country, but also around the world.

May our gratitude for Your many gifts make us joyful but not selfish. May our blessings make us gracious and kind to those who are in most need of our attention. Let largesse open our hearts and not delay.

Enable Congress to help the American people use natural resources wisely and maximize human resources for the common good. To You be honor, praise and thanksgiving now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from South Carolina (Mr. WILSON) come forward and lead the House in the Pledge of Allegiance.

Mr. WILSON of South Carolina led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

> H.R. 1409. An act to amend the Foreign Assistance Act of 1961 to provide assistance for orphans and other vulnerable children in developing countries, and for other purposes.

The message also announced that the Senate has passed bills of the following titles in which concurrence of the House is requested:

> S. 1382. An act to require the Secretary of the Interior to accept the conveyance of certain land, to be held in trust for the benefit of the Puyallup Indian tribe.
>
> S. 1905. An act to clarify Foreign Service Grievance Board procedures.

ROSA PARKS

(Mr. PITTS asked and was given permission to address the House for 1 minute.)

Mr. PITTS. Mr. Speaker, I am proud to say today we live in an age of heroes. Not so long ago it seemed like we did not have heroes anymore, but today heroes seem to be plentiful. Our soldiers in Iraq and Afghanistan are risking their lives every day so that people half a world away can live in peace and democracy.

Our first responders on September 11 proved that hundreds of people can rise up jointly in one great act of heroism. Todd Beamer and the other heroes of Flight 93 are soon to be featured in films. Difficult times require heroes, and America has always risen to the challenge.

Today we are remembering another difficult time, the era of Jim Crow and racial bigotry, and we are remembering that gentle and humble woman who would not give up her seat on a bus in Montgomery, Alabama; that one act of courage sparked a boycott which led to a movement which has changed the lives of every American.

Rosa Parks was a real, genuine hero, the kind of American our Nation has always produced when tough times required it. Today I am sure she is hearing the words, well done, good and faithful servant.

HONORING DEPUTY SHERIFF PATRICK NEAL

(Mr. PRICE of Georgia asked and was given permission to address the House for 1 minute.)

Mr. PRICE of Georgia. Mr. Speaker, I rise today to honor Deputy Sheriff Patrick Neal of the Cherokee County Sheriff's Department. He was recently named the Top Cop by the National Association of Police Organizations, and yesterday I had a chance to meet this hero. His exemplary actions took place in August 2004 when he tracked a wanted felon to a suspect's neighborhood and found him standing by his truck.

The criminal took out a pistol and opened fire on Deputy Sheriff Neal from nearly point-blank range. In the exchange, Deputy Sheriff Neal was shot six times. The criminal was shot four times, falling to the ground, causing him to lose his weapon. However, he tried to crawl and gain his gun again, determined to kill Deputy Sheriff Neal.

Having been struck in the face and nearly blacking out due to blood loss, Deputy Sheriff Neal mustered everything he had and fired one last time, ending the confrontation for good.

Mr. Speaker, modern-day heroes are very rare. Deputy Sheriff Neal is as close as they come. His selflessness and courage under fire epitomized what it means to be a public servant hero. On behalf of my constituents, I thank Deputy Sheriff Neal for his dedicated service to his community, our State and our Nation.

PASSAGE OF IRAQ CONSTITUTION

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, we continue to hear more good news about Iraq's steps to build a civil society opposing terrorism.

Today the Independent Electoral Commission confirmed that the Iraqi people voted by 78.9 percent to adopt their landmark constitution. The turnout of 63 percent exceeded January's election turnout of 60 percent, and the elections are being hailed as a shining success. Terrorists attempted to intimidate voters, but they were unable to stop 9.8 million Iraqi voters from exercising their freedom.

Additionally, Iraqi Security Forces deserve enormous praise for their ability to provide excellent security at polling centers and the barriers outside these centers. Every day these forces are playing a larger role in protecting and securing their country, inspired by our courageous troops.

The passage of Iraq's constitution marks yet another milestone for the nation. Iraqi citizens continue to demonstrate they are serious about establishing a democracy and committed to the future of their nation. Their success in building a civil society is a critical step in the global war on terrorism and is helping to protect American families.

In conclusion, God bless our troops, and we will never forget September 11.

PASSPORTS ARE A NATIONAL SECURITY ISSUE

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker, every day thousands of packages travel throughout the world. United Parcel Service ships and tracks packages from places far and wide, and these packages are kept up with a simple bar code. These packages are scanned at every stop they make when they enter or leave a building, or, when they are loaded on to trucks, ships or planes, they are scanned.

From when a package leaves its destination, let us say in Tegucigalpa, Honduras, until its ends up here in its final destination in Washington, DC, it is scanned at least 10 times and tracked with almost up-to-the-minute data on where it has been and where it is going.

Mr. Speaker, millions of people cross our borders every day. We do not even record who enters our Nation. A border agent at a port of entry in south Texas just looks into the vehicle and may or may not examine papers, and waves the passengers in. We must require the machine-readable bar code passports to enter the United States. It will add no measurable amount of time.

We take the time to record letters and packages; now we must start recording foreign citizens who enter the United States. It is an issue of our national security.

SPENDING REDUCTIONS

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Mr. Speaker, Americans are writing us, sending us e-mails, calling us, stopping us at the grocery store and at the high school football game on Friday night, and they are telling us that they want to see us reduce government spending. They support us on the $35 billion in reductions already part of the 2006 budget plan, and they support our effort to begin eliminating 98 programs that have shown little, if any, results.

They appreciate the Speaker of this House making fiscal responsibility a part of his economic agenda, putting that at the heart of our economic security of this Nation. But our constituents do not appreciate that not one Democrat in this House, not one, has stood up to support our effort to get that 2006 budget savings from $35 billion to $50 billion.

Americans do not appreciate that the Democrats are refusing to call for across-the-board cuts. They will not even support a 1 percent reduction, not even 1 percent, Mr. Speaker. If the liberals in this House had their way, we would be spending billions of dollars more every year.

I hope the American people will reach out and let them know that they would like to see Federal spending reduced.

JOB LOSS IN OHIO

(Mr. BROWN of Ohio asked and was given permission to address the House for 1 minute.)

Mr. BROWN of Ohio. Mr. Speaker, the job loss in my State of Ohio continues, yet this Congress does nothing; no manufacturing policy, no industrial policy, bad trade policies, passing the Central American Free Trade Agreement in the middle of the night, a tax policy that benefits and gives incentives for corporations to outsource manufacturing jobs to China and New Mexico and to Central America, into other parts of the world, but does nothing to assist small manufacturers.

Mr. Speaker, this country's economic leaders and political leaders are taking this country in the wrong direction. It is time we passed better trade policy. It is time we passed a manufacturing policy. It is time we assisted America's and Ohio's small manufacturers, because they create the jobs and create the middle class in this country.

ROSA PARKS

(Mr. BURGESS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURGESS. Mr. Speaker, I would just add to the gentleman from the State of Ohio that the State of Texas added 15,000 jobs last month.

Mr. Speaker, when she sat down, society stood up and took notice. Rosa Parks, the name is synonymous with civil rights. Often referred to as the Mother of Civil Rights, Ms. Parks, with one small act of defiance, refusing to give up her bus seat, galvanized a generation of activists, including the young Reverend Martin Luther King, who then organized a 381-day boycott of the Montgomery bus system. Finally in November of 1956, the Supreme Court ruled that segregation on public transportation was unconstitutional.

Mr. Speaker, Rosa Parks was then a 42-year-old seamstress, an active member of the National Organization for the Advancement of Colored People, and had worked as its adviser to its youth council. But it was on a city bus on December 1, 1955, when her seat was demanded and when history was made. When questioned why she did not vacate her seat that day, her answer was simple. She said, "I felt I had a right to be treated as any other passenger. We had endured that kind of treatment for too long."

Mr. Speaker, Rosa Parks received many awards throughout her lifetime, including the Presidential Medal of Freedom in 1996; and then in 1999, the Congressional Gold Medal was awarded to Ms. Parks. But Ms. Parks wanted people to remember what was most important, to understand the government, to understand their rights, and the Constitution.

ROSA PARKS

(Mr. DAVIS of Illinois asked and was given permission to address the House for 1 minute.)

Mr. DAVIS of Illinois. Mr. Speaker, I rise in tribute to Rosa Parks who passed away yesterday.

A reporter called me last night and wanted to know what did Rosa Parks's life mean to me. I remembered that I was a young teenager, as a matter of fact, the same age as Emmett Till, growing up during that period, living in the southern part of the country.

Things became so exciting for us as a result of Rosa Parks and the whole civil rights movement until we could hardly sleep at night waiting to see what was going to happen the next day. So Rosa Parks sparked a movement that shall forever live and can never die. We still have a ways to go, but she helped bring us to a real point. I salute her.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

RECOGNIZING AMERICA'S BLOOD CENTERS

Mr. BASS. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 220) recognizing America's Blood Centers and its member organizations for their commitment to providing over half the Nation with a safe and adequate volunteer donor blood supply, and for other purposes, as amended.

The Clerk read as follows:

H. RES. 220

Whereas each year more than 4,500,000 Americans need a blood transfusion, and for over half the need is urgent and lifesaving;

Whereas one out of three people need donated blood in their lifetime, and one out of seven hospital patients need a blood transfusion;

Whereas it is the blood available on a daily basis that saves lives, and volunteer blood donors are required every day to meet patient needs and to be immediately available in times of disaster;

Whereas community blood centers strive year-round to maintain a sufficient blood supply, an urgent task because blood components must be constantly rotated as a result of blood's short 42-day shelf life;

Whereas America's Blood Centers was founded in 1962 and is North America's largest network of community-based, federally licensed, not-for-profit blood centers;

Whereas members of America's Blood Centers serve more than 150,000,000 people and operate more than 600 collection sites, collecting a significant amount of the blood supply of the United States;

Whereas members of America's Blood Centers are currently engaged in developing new tests and new technologies to further assure the safety of the Nation's blood supply and are actively engaged in biomedical research in the area of transfusion medicine;

Whereas America's Blood Centers assists its members and other blood organizations in assuring adequate blood supplies for patients in times of disasters;

Whereas members of America's Blood Centers were the first to respond to the Oklahoma City bombing, the Columbine shootings, and the 9/11 World Trade Center tragedy and since 9/11 have supported and developed with the Departments of Homeland Security and Health and Human Services proposals to ensure rapid response and adequate blood support in the case of a national disaster or act of terrorism; and

Whereas members of America's Blood Centers support military operations around the globe: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the role of America's Blood Centers and its members in—

(A) providing life saving blood to patients, including the military in times of war and the Nation in times of disaster;

(B) ensuring the safety of that blood supply; and

(C) promoting essential blood donor initiatives;

(2) acknowledges the efforts made by member community blood centers and other blood organizations to promote and protect the safety and adequacy of blood components provided to patients; and

(3) recognizes the need to promote a stable blood supply and increase volunteer participation of blood donors.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Hampshire (Mr. BASS) and the gentleman from Ohio (Mr. BROWN) each will control 20 minutes.

The Chair recognizes the gentleman from New Hampshire (Mr. BASS).

GENERAL LEAVE

Mr. BASS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material therein.

The SPEAKER pro tempore (Mr. PETRI). Is there objection to the request of the gentleman from New Hampshire?

There was no objection.

Mr. BASS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H. Res. 220, a resolution recognizing America's Blood Centers and their member organizations and their commitment to providing over half the Nation with a safe and adequate donor blood supply.

Each year more than 4½ million Americans need a blood transfusion; and for many, donated blood will be a lifesaver. One out of every three people will need donated blood in their lifetime. For many of us, we do our part by participating in blood drives, but we do not fully recognize the significance of our action.

What can take 15 minutes to donate a pint of blood can literally save the life of a mother, a next-door neighbor, or a child. An ample blood supply is also critically important to ensuring we are prepared to respond to health care emergencies.

I thank the gentleman from Louisiana (Mr. BOUSTANY) for offering this resolution. This is a great resolution, and I urge all Members to support it.

Mr. Speaker, I reserve the balance of my time.

Mr. BROWN of Ohio. Mr. Speaker, I yield myself such time as I may consume.

I am proud to support H. Res. 220, which recognizes America's Blood Centers. Founded 43 years ago, America's Blood Centers are North America's largest network of nonprofit, community blood centers. Seventy-six blood centers operate 600-plus collection sites in 45 States and provide nearly half the United States volunteer donor blood supply.

There are some facts about blood and blood donation that I think are worth noting. Four and a half million Americans would die each year without lifesaving blood transfusions. Approximately 32,000 pints of blood are used each day in our country. Every 3 seconds someone needs blood. One out of every 10 people in the United States entering a hospital needs blood. Just one pint of donated blood can help save as many as three people's lives. About 3 gallons of blood supports the entire Nation's blood needs for just 1 minute.

We all expect blood to be there for us when we need it, and that time is too often unexpected. Whether it is a 7-year-old battling leukemia, a father injured in a serious car accident, or a 65-year-old woman having heart surgery, every day hundreds of people in our communities need blood; and there is, of course, no substitute for it.

H. Res. 220 recognizes blood heroes who are ensuring that the safest possible blood is readily available whenever and wherever needed. As we recognize the important efforts of the blood centers, it is also important to recognize and encourage those Americans who routinely give blood. Both blood donors and blood centers are an essential lifeline for all of us.

I urge the entire House to vote "yes" for this important resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. BASS. Mr. Speaker, I yield such time as he may consume to the gentleman from Louisiana (Mr. BOUSTANY).

Mr. BOUSTANY. Mr. Speaker, I rise in strong support of H. Res. 220, a resolution I sponsored to recognize America's Blood Centers and its member organizations for their commitment to providing the United States with a safe and adequate volunteer donor blood supply. I would also like to thank the gentleman from New Hampshire (Mr. BASS) for his support of this resolution.

America's Blood Centers was founded in 1962 and is North America's largest network of community-based, federally licensed, not-for-profit blood centers. With locations in 45 States, America's Blood Centers collects almost half the United States blood supply, more than any other organization. They provide blood products and services to more than 3,300 United States hospitals and serve more than 150 million people.

America's Blood Centers have been a national leader in meeting increased national blood supply needs, developing new donor recruitment tools, and making blood donation a societal priority. They are often the first responders to national disasters and ensure that needed resources are available in times of crisis. And, in fact, Mr. Speaker as a cardiac surgeon and a surgeon with extensive experience in open heart surgery and in trauma, I have seen directly the benefit that these blood centers provide.

Additionally, America's Blood Centers are currently engaged in developing new tests and technologies to further assure the safety of the Nation's blood supply and are actively engaged in biomedical research in the area of transfusion medicine.

The resolution before us will ensure that America's Blood Centers receives the national recognition they deserve for their work, work that saves lives every day. Their services are invaluable, and I urge my colleagues to support this resolution.

Mr. POMBO. Mr. Speaker, I rise in order to extend a warm thanks and offer my heartfelt appreciation to those who work tirelessly to ensure the well-being of all Americans. The purpose of House Resolution 220 is to give credit where credit is due; to pay our respect to those who provide life-giving assistance to those in need. I would personally like to thank America's Blood Centers and its Member Organizations for 43 years of providing blood products and services to over 3,300 hospitals across the country.

I am extremely proud to say my district is home to members of America's Blood Centers. The Delta Blood Bank in San Joaquin County is a founding member of America's Blood Centers. The Delta Blood Bank serves 18 hospitals throughout four California counties. And just as the demand for assistance never rests, the Delta Blood Bank center is staffed 24 hours a day, 7 days a week, 365 days a year. This community blood bank accepts donations throughout our beautiful central valley from draw sites located in Stockton, Manteca, Lodi and my hometown of Tracy.

Delta Blood Bank's diligent effort to collect, process, store and distribute safe and reliable blood and blood components to every patient in need has not gone unnoticed. America's Blood Centers has been at the frontline to respond to disaster, military and everyday demands. The America's Blood Centers has extended its helping hand beyond the needs of thousands of American hospitals by providing blood to our troops with the life-giving assistance they need. They play an integral role in ensuring the safety of those risking their lives to protect our great country.

House Resolution 220 recognizes the contribution America's Blood Centers has made to the welfare of all Americans. Additionally, there are other organizations that contribute, such as the Pleasanton Blood Center, affiliated with the American Red Cross.

Again, on behalf of the 4.5 million who benefit from its services each and every year, I would like to thank America's Blood Centers, particularly Delta Blood Bank, which serves my hometown and home district in California. And with such tragedies as hurricanes Katrina and Rita and continuing struggles in the Global War on Terror, the role the America's Blood Centers will play in the welfare of Californians and all Americans will be as important as ever.

Mr. BROWN of Ohio. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BASS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Hampshire (Mr. BASS) that the House suspend the rules and agree to the resolution, H. Res. 220, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

AMERICAN SPIRIT FRAUD PREVENTION ACT

Mr. STEARNS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3675) to amend the Federal Trade Commission Act to increase civil penalties for violations involving unfair or deceptive acts or practices that exploit popular reaction to an emergency or major disaster, and to authorize the Federal Trade Commission to seek civil penalties for such violations in actions brought under section 13 of that Act.

The Clerk read as follows:

H.R. 3675

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "American Spirit Fraud Prevention Act".

SEC. 2. INCREASE IN PENALTIES FOR UNFAIR OR DECEPTIVE ACTS OR PRACTICES EXPLOITING REACTION TO CERTAIN EMERGENCIES AND MAJOR DISASTERS.

(a) VIOLATIONS OF PROHIBITION AGAINST UNFAIR OR DECEPTIVE ACTS OR PRACTICES.—Section 5(m)(1) of the Federal Trade Commission Act (15 U.S.C. 45(m)(1)) is amended by adding at the end the following:

"(D) In the case of a violation involving an unfair or deceptive act or practice in a national emergency period or disaster period, or relating to an international disaster, the amount of the civil penalty under this paragraph shall be double the amount otherwise provided in this paragraph, if the act or practice exploits popular reaction to the national emergency or major disaster that is the basis for such period, or to the international disaster.

"(E) In this paragraph—

"(i) the term 'national emergency period' means the period that—

"(I) begins on the date the President declares a national emergency under the National Emergencies Act (50 U.S.C. 1601 et seq.); and

"(II) ends on the expiration of the 1-year period beginning on the date of the termination of the national emergency;

"(ii) the term 'disaster period' means the 1-year period beginning on the date the President declares an emergency or major disaster under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.); and

"(iii) the term 'international disaster' means any natural or man-made disaster in response to which the President furnishes assistance to any foreign country, international organization, or private voluntary organization pursuant to section 491 of the Foreign Assistance Act (22 U.S.C. 2292(b)).".

(b) VIOLATIONS OF OTHER LAWS ENFORCED BY THE FEDERAL TRADE COMMISSION.—Section 13 of the Federal Trade Commission Act (15 U.S.C. 53) is amended by adding at the end the following:

"(e)(1) If a person, partnership, or corporation is found, in an action under subsection (b), to have committed a violation involving an unfair or deceptive act or practice in a national emergency period or a disaster period, or relating to an international disaster, and if the act or practice exploits popular reaction to the national emergency or major disaster that is the basis for such period, or to the international disaster, the court, after awarding equitable relief (if any) under any other authority of the court, shall hold the person, partnership, or corporation liable for a civil penalty of not more than $22,000 for each such violation.

"(2) In this subsection—

"(A) the term 'national emergency period' means the period that—

"(i) begins on the date the President declares a national emergency under the National Emergencies Act (50 U.S.C. 1601 et seq.); and

"(ii) ends on the expiration of the 1-year period beginning on the date of the termination of the national emergency;

"(B) the term 'disaster period' means the 1-year period beginning on the date the President declares an emergency or major disaster under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.); and

"(C) the term 'international disaster' means any natural or man-made disaster in response to which the President furnishes assistance to any foreign country, international organization, or private voluntary organization pursuant to section 491 of the Foreign Assistance Act (22 U.S.C. 2292(b)).".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. STEARNS) and the gentlewoman from Illinois (Ms. SCHAKOWSKY) each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. STEARNS).

GENERAL LEAVE

Mr. STEARNS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on this legislation.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. STEARNS. Mr. Speaker, I yield myself such time as I may consume.

Since the difficult weeks following the destruction wrought by hurricanes Katrina and Rita, America has witnessed the overpowering kindness of the American heart, the charitable generosity of Americans to help each other. That outpouring of support, financial, spiritual, and otherwise, is beginning to give those who are suffering hope that their communities and lives will finally be rebuilt. The generosity of America is the heart of this great land and is a national treasure that benefits the entire world.

Unfortunately, there are disturbing reports that some unscrupulous persons are again trying to capitalize on the plight of others to make a fast profit and sully the greatness of America and its capability. Like the reports following September 11, fraudsters are again at work trying to take advantage of the kindness of Americans who want to help people who are suffering. And as we learned at the Katrina hearing I held in my subcommittee, the Internet as well as the old-fashioned door-to-door and telephone solicitations again are the tools of choice for those thieves scheming to defraud Americans of their charitable contributions. This is abhorrent and, in my opinion, particularly egregious in times of national tragedy.

While the Federal Government and the States have ways to prosecute these crimes, I think it is absolutely necessary to put those who take advantage of America's charitable generosity on notice that they will face severe penalties. Law enforcement is busy tracking down these thieves, and the Congress needs to make certain that this activity will be aggressively prosecuted once they are exposed and finally brought to justice.

Our response to these crimes also must serve to encourage those who want to give their time and money to aid those in need to do so without fear of becoming victims themselves. Whether it is phony Web sites, spam e-mail solicitations, or just the old-fashioned scam artist, we must ensure that the financial generosity of Americans to help those in crisis is not slowly corroded by fraud. Charitable giving is a unique American tradition that provides incredible support to relief efforts and their agencies; and it must, Mr. Speaker, be protected.

H.R. 3675, the American Spirit Fraud Prevention Act, would double the civil penalties available to the Federal Trade Commission in their prosecutions of fraudulent schemes that exploit popular reaction to national disasters or emergencies as unfair or deceptive acts or practices. Now, these increased penalties, up to $22,000, would go into effect after a declaration of a national emergency or a national disaster by the President of the United States. A trigger for international disasters also was added to the bill in response to international emergencies like the Asian tsunami and the earthquake in Pakistan.

Mr. Speaker, I believe this is a necessary bill that honors the generosity of all American people by ensuring that the tradition, our proud tradition, of charitable giving remains safe from the now notorious and despicable criminals that seek to steal from the hearts of our fellow Americans.

I would like to thank, in particular, the gentleman from New Hampshire (Mr. BASS) for his steadfast and strong leadership on this issue. He has done a great service to all Americans with this bill. I urge my colleagues to pass H.R. 3675, the American Spirit Fraud Prevention Act.

Mr. Speaker, I reserve the balance of my time.

Ms. SCHAKOWSKY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 3675, the American Spirit Fraud Prevention Act. Hurricane Katrina was one of the worst natural disasters to have ever struck the United States; and it will take months, if not years, to recover from its wake. Countless lives were lost, and the Nation was confronted with a new reality, a harsh sense of our vulnerabilities. One saving grace, the one ray of hope that helped to combat the pain, suffering, and sadness of the Nation, was the commitment displayed by Americans who were determined to help. As the cities of New Orleans, Gulfport, Biloxi, and others try to regain their footing, residents around the Nation, including the Chicago area, where I am from, have opened their hearts, their homes, and their pocketbooks to provide support to those who have lost so much.

Over $1 billion has been raised for relief efforts and aid to victims of Katrina from donations large and small made by the American public.

Unfortunately, however, there are some in our country who demonstrated the shameful side of humanity by attempting to illegally profit from Katrina. Those individuals tried to exploit the generosity demonstrated by so many through fraudulent solicitations in which they claimed to be representing organizations benefiting the victims or providing emergency response services. While those despicable acts are already illegal, it is necessary for the Congress, on behalf of our constituents, to send a clear message that such behavior will be subject to even more severe penalties in the future.

Under H.R. 3675, the American Spirit Fraud Prevention Act, the maximum civil fines for actions of fraud in an attempt to profit from national emergencies will be doubled. These increased penalties will apply to all violations that occur within 1 year of the time the President declares a disaster and all violations that occurred during and up to 1 year after the expiration of a Presidential emergency declared under the National Emergencies Act.

The American public is caring and committed. We care about the well-being of our neighbors, and we are committed to do what we can to ensure prosperity and security for this Nation. While our government needs to do much more to improve its preparedness and response, we will not allow the generous and caring spirit of the American public to be victimized during a national emergency.

I urge my colleagues to vote in support of this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. STEARNS. Mr. Speaker, I yield such time as he may consume to the gentleman from New Hampshire (Mr. BASS), who is the author of the bill.

Mr. BASS. Mr. Speaker, I thank my friend from Florida for yielding me this time. I think I will thank him twice during this speech for what he has been able to do, which was to bring this bill to the floor quickly, along with my friend from Illinois.

As he mentioned, the American Spirit Fraud Prevention Act will double the penalties that the Federal Trade Commission can levy against individuals who commit fraud during times of Presidential emergencies or disasters if the offending action is associated with our response to the disaster.

This would be the third time that I have introduced this bill. It has passed Congress on two previous occasions, and I sincerely hope that it will pass again today.

Americans have opened their hearts and their wallets over and over again in the last 4 or 5 years, donating $2.2 billion in the wake of September 11; $1.3 billion for the tsunami victims; and as of now, over $1.7 billion for Katrina aid. In 2004 alone, charities raised $248.5 billion in the United States.

Americans should be proud that we can come together as a country over and over again even though oftentimes we have to dig a little deep in order to help people who are in trouble.

□ 1430

My hometown of Peterborough got together and adopted a town in Mississippi. We will raise close to $50,000 for this little town in Mississippi by the end of this week. I think that is enormously admirable. The money contributed is carefully accounted for, and it goes to the exact place it needs to go.

However, there is fraud. I understand that the Nation's first Internet charity fraud case involving Hurricane Katrina has been uncovered. An individual has been charged and a Federal indictment is pending for creating a consumer Web site that asked that donations be made on line, purportedly to support humanitarian airlift operations to get victims out of Louisiana. Two people in Los Angeles set up a table outside a big box department store in Burbank and displayed fliers that read, "Help now. American Red Cross relief for Hurricane Katrina." It had no connection whatever with the Red Cross.

Now, as was mentioned before, Federal officials do have some power to prosecute those engaged in fraud, but if we double the penalties at times when Americans are most likely to be wanting to give without doing the proper research that is necessary before any gift is made, I think we will create an extra element of deterrence.

I want to thank again my friend from Florida and my friend from Illinois as chairman and ranking member of the Subcommittee on Commerce, Trade, and Consumer Protection of the Committee on Energy and Commerce for allowing this bill once again to come to the floor of the House. I want to thank Chairman BARTON and Ranking Member DINGELL as well.

Mr. Speaker, it is time to pass this bill out of the Congress, pass it through the Senate and send it to the President's desk. I look forward to working with my colleagues in the committee and in the House and the Senate and White House to make sure this happens quickly.

Mr. STEARNS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as the gentleman from New Hampshire has pointed out, we passed this twice before, and this is the third time. This a timely bill. More importantly, it is appropriate, and it is in need of passage more than ever. So I urge my colleagues not only to support it, but also I urge leadership in both Houses to move this bill to the President.

Ms. SCHAKOWSKY. Mr. Speaker, I yield back the balance of my time.

Mr. STEARNS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PETRI). The question is on the motion offered by the gentleman from Florida (Mr. STEARNS) that the House suspend the rules and pass the bill, H.R. 3675.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. STEARNS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

SUPPORTING THE GOALS OF RED RIBBON WEEK

Mr. BASS. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 485) supporting the goals of Red Ribbon Week.

The Clerk read as follows:

H. RES. 485

Whereas the Governors and Attorneys General of the States, the National Family Partnership, Parent Teacher Associations, Boys and Girls Clubs of America, and more than 100 other organizations throughout the United States annually cosponsor Red Ribbon Week during the week of October 23 through October 31;

Whereas a purpose of the Red Ribbon Campaign is to commemorate the service of Enrique "Kiki" Camarena, a Drug Enforcement Administration special agent who died in the line of duty in 1985 while engaged in the battle against illicit drugs;

Whereas the Red Ribbon Campaign is nationally recognized and is in its twentieth year of celebration, helping to preserve Special Agent Camarena's memory and further the cause for which he gave his life;

Whereas the objective of Red Ribbon Week is to promote drug-free communities through drug prevention efforts, education, parental involvement, and community wide support;

Whereas drug and alcohol abuse contributes to domestic violence and sexual assaults, and places the lives of children at risk;

Whereas drug abuse is one of the major challenges our Nation faces in securing a safe and healthy future for our families and children;

Whereas emerging drug threats, such as the growing epidemic of methamphetamine abuse, jeopardize the progress made against illegal drug abuse; and

Whereas parents, youth, schools, businesses, law enforcement agencies, religious institutions, service organizations, senior citizens, medical and military personnel, sports teams, and individuals throughout the United States demonstrate their commitment to drug-free, healthy lifestyles by wearing and displaying red ribbons during this weeklong celebration: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals of Red Ribbon Week;

(2) encourages children and teens to choose to live a drug-free life; and

(3) encourages all people of the United States to promote drug-free communities and to participate in drug prevention activities to show support for healthy, productive, drug-free lifestyles.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Hampshire (Mr. BASS) and the gentlewoman from Illinois (Ms. SCHAKOWSKY) each will control 20 minutes.

The Chair recognizes the gentleman from New Hampshire (Mr. BASS).

GENERAL LEAVE

Mr. BASS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Res. 485.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Hampshire?

There was no objection.

Mr. BASS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Resolution 485, which would resolve that the House of Representatives support the goals of Red Ribbon Week during the week of October 23 through October 31 in order to commemorate the services of DEA Special Agent Enrique "Kiki" Camarena, who died in the line of duty in 1985 while engaged in the battle against illicit drugs.

I also understand that Red Ribbon Week encourages children and teens to choose to live a drug-free life, and I understand also that this resolution encourages all people of the United States to promote drug-free communities and to participate in drug-free prevention activities to show support for healthy, productive, drug-free lifestyles.

We know ultimately that education is the answer to drug abuse amongst children. As the father of a 14-year-old and a 12-year-old, I can assure you that education is key. What Red Ribbon Week does is recognize nationally the importance of keeping our youth off of drugs, and I am particularly pleased that we are commemorating this year and through this resolution Special Agent Enrique "Kiki" Camarena.

Mr. Speaker, this is a great resolution. I urge Congress to pass it.

Ms. SCHAKOWSKY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H. Res. 485, a resolution supporting the goals of Red Ribbon Week, October 23 through October 31, 2005.

As mentioned, the original and most fundamental purpose of Red Ribbon Week is to honor the memory of Enrique "Kiki" Camarena, a Drug Enforcement Administration agent who was brutally murdered by drug traffickers in 1985.

Now in its 20th year, Red Ribbon Week has grown into a national campaign to promote drug-free communities by raising awareness, particularly among our children, of the perils of drug use. During this week, communities, school and home-based programs will convey important drug use information to millions of our fellow citizens, particularly the most vulnerable among our children.

I regularly participate in one of those celebrations in my own district and appreciate the educational aspect of Red Ribbon Week. It aims to prevent drug use. Red Ribbon Week is a useful part of what we all acknowledge is a constant challenge in young lives.

Notwithstanding the many laudable aspects of Red Ribbon Week, it is clear that we still have a lot of work to do. The most recent National Survey on Drug Use and Health tells us that almost 8 percent of the population over the age of 12 are current users of illicit drugs. Current use of illicit drugs is even more prevalent among teens, almost 11 percent. While marijuana is the most commonly used illicit drug, methamphetamine use is spreading across the country at alarming rates.

The NSDUH report also notes significant use and abuse of alcohol, tobacco and legal drugs such as pain relievers and tranquilizers. Again, young people in their late teens and early twenties have use rates in each of these areas that are significantly higher than the overall average.

We need to bolster our efforts aimed at prevention and do more to return our citizens to normal productive lives when their lives have been overtaken by drug abuse. And we should steer our policies and resources away from the overly militaristic and supply-side strategies of recent years. They do not work, and the money would be better spent on proven, effective ways to combat drugs and drug use.

While resolutions such as this are nice, and, in fact, they are important, they do not provide the additional resources necessary to provide prevention and treatment services for all who need them. Nonetheless, Mr. Speaker, I would urge all of my colleagues to support H. Res. 485, supporting the goals of Red Ribbon Week.

Mr. Speaker, I yield such time as he may consume to the gentleman from Arkansas (Mr. SNYDER).

Mr. SNYDER. Mr. Speaker, I thank the gentlewoman for yielding me time.

Mr. Speaker, I rise in support of this resolution that was sponsored by the gentleman from Indiana (Mr. SOUDER) and the gentleman from Maryland (Mr. CUMMINGS) and others. The line I like in it the most is it talks about encouraging children to choose a drug-free life, because the reality is, as every parent knows, you cannot follow around your kids for the rest of their life. They have to have the kind of honesty and information and judgment that they make the right choice for the rest of their life with regard to the use of drugs and the abuse of alcohol.

Part of that honesty, of course, is to familiarize kids with the brutality of the drug culture and what it has been like around the world. This resolution pays tribute to Kiki Camarena and his brutal death, but also brings attention to the fact the level of brutality and violence that accompanies the drug trade.

In Arkansas tomorrow there is going to be a celebration of the 20th anniversary of the Arkansans for Drug-Free Youth, the Red Ribbon Rally, and the Teen Summit on Alcohol and Tobacco. Governor Mike Huckabee will be there, along with 6,000 schoolchildren, 6,001 if you count TV personality Craig O'Neill, who will also be there, to celebrate this day in Arkansas.

As a family doctor, I have seen many times the ravages of addiction to both drugs and alcohol. It is not only the health problems that occur, but job loss and problems in families and child abuse and spousal abuse. It is bad stuff that can come from drug addiction.

From the medical perspective, the infections we have seen, infections that change lives and destroy lives, do bad things to people, there are so many reasons we need to help these kids choose a drug-free life.

So thank you to the sponsors of this bill for proposing it. I know that everyone in Congress supports the goals of giving kids the tools they need to choose a drug-free life.

Mr. BACA. Mr. Speaker, I rise today in support of H. Res. 485. Red Ribbon Week is the annual campaign to prevent illegal drug use and to promote drug-free communities.

All of our children have so much potential. All of our children deserve a chance at life.

Caring for our children and making sure they do not get addicted to drugs is all of our responsibility.

Mr. Speaker, 81 percent of teenagers ages 14 to 20 have used drugs. One out of every four high school seniors has used illegal drugs in the past 30 days; almost 30 percent of young adults have used marijuana in the past.

This must change. Our children deserve better.

Better treatment and policing are essential to winning the battle against drugs, but prevention is the foundation. Red Ribbon Week uses community action to educate and help prevent drug abuse.

This community led movement started in Imperial Valley, California and is changing lives across the Nation.

Throughout the United States, many of our schools are participating in this program, informing our children to stay away from drugs.

As a father and a grandfather, I would like to state my personal commitment to Red Ribbon Week, and to saving the lives of our children.

That is why I sponsored a bill supporting Red Ribbon Week in the 107th Congress, which passed unanimously.

I urge my colleagues to support Red Ribbon Week in the State of California, and I ask for their support for Red Ribbon Week throughout our Nation.

Mr. Speaker, I urge my colleagues to support H. Res. 485.

Mr. CUMMINGS. Mr. Speaker, I rise today in support of H. Res. 485, legislation commemorating Red Ribbon Week.

The week was created to pay homage to Agent Enrique Camarena, a man who dedicated his career to and sacrificed his life for the war against illegal drugs. Throughout his career as a Drug Enforcement Administration agent, Agent Camarena worked on the front lines of the drug war. His courage and dedication were admirable.

In 1985, while working undercover in Mexico, Special Agent Camarena was brutally kidnapped, tortured, and murdered by drug dealers at the age of 37. Although his death was tragic, it served as a catalyst for the entire Nation to unite and formulate constructive ways to combat illegal drugs.

Congressman DUNCAN HUNTER and Henry Lozano, a friend of Camarena's in his hometown of Calexico, CA, originally launched Camarena Clubs. Hundreds of club members pledged to lead drug-free lives to honor the sacrifices made by Camarena and other brave Americans. These coalitions began to wear red badges of satin, red ribbons, as a symbol of Camarena's memory. The Red Ribbon Week campaign emerged from the efforts of these coalitions. Eventually, news about the week spread and soon transformed Red Ribbon Week into one of the largest drug prevention and education events in the country.

Today, Red Ribbon Week is nationally recognized and celebrated, helping to preserve Special Agent Camarena's memory and to further the cause for which he gave his life. The Red Ribbon Campaign also became a symbol of support for the DEA's efforts to reduce demand for drugs through prevention and education programs.

During the last week of October of each year, over 80 million Americans participate by wearing red ribbons symbolizing a public stand against illegal drugs. Wearing a red ribbon pays homage not only to Special Agent Camarena, but to all men and women who have made the ultimate sacrifice in support of our Nation's struggle against drug trafficking and abuse.

Mr. Speaker, America's youth are the focus of the event, and activities during Red Ribbon Week are planned to encourage adoption of a firm stance against drug usage. The Week also serves an equally important role as a day of remembrance of every American that has ever been a victim of drug-related violence.

Now in its 20th year, Red Ribbon Week has accomplished remarkable things. However, it is now our responsibility to build upon this foundation in an effort to mitigate substance abuse in America.

According to the National Survey on Drug Use and Health, in 2004, approximately 19.1 million Americans over the age of 12 were illicit drug users. This number reflects 7.9 percent of the total population and 10.6 percent of our youth population. This statistic is especially alarming with the emergence of club drugs like ecstasy and the alarming rise of crystal methamphetamine use. We must act now to ensure that more attention and education is provided to America's youth about the dangers of drugs and their deleterious effects.

Mr. Speaker, I believe drug treatment is key. Bringing it closer to home, my district has at least 60,000 crack cocaine and heroin addicts. In fact, according to the Office of National Drug Control Policy, Baltimore City continues to have one of the most severe heroin problems and one of the highest drug-related homicide rates in the entire nation. In 2004, 34,076 people received treatment in my district.

I believe emphasis on prevention, education and treatment amalgamated in Red Ribbon Week has the ability to make a substantial impact in the anti-drug movement. In fact, a recent study has shown that each dollar invested in prevention totals a savings of 10 dollars in treatment. For this reason, we should continue to push forward in this battle and never give up on the hope that one day, we can win this war.

That is why I urge my colleagues to support H. Res. 485. I applaud my dear friend, Representative MARK SOUDER, Chairman of the Government Reform Criminal Justice, Drug Policy and Human Resources Subcommittee, of which I am the Ranking Member for sponsoring this resolution. It is my hope that increased awareness of Red Ribbon Week will aid our nation in achieving a drug-free America. May the legacy of Special Agent Camarena live on and may the message of Red Ribbon Week resound in the hearts of all Americans.

Ms. SCHAKOWSKY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BASS. Mr. Speaker, this is a great resolution. I urge the Congress to adopt it.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Hampshire (Mr. BASS) that the House suspend the rules and agree to the resolution, H. Res. 485.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

RECOGNIZING THE 40TH ANNIVERSARY OF THE WHITE HOUSE FELLOWS PROGRAM

Mrs. SCHMIDT. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 269) recognizing the 40th anniversary of the White House Fellows Program.

The Clerk read as follows:

H. CON. RES. 269

Whereas in 1964, John W. Gardner presented the idea of selecting a handful of outstanding men and women to come to Washington to participate as Fellows and learn the workings of the highest levels of the Federal Government to learn about leadership as they observed the Nation's officials in action and met with these officials and other leaders of society, thereby strengthening the Fellows' abilities and desires to contribute to their communities, their professions, and their country;

Whereas President Lyndon B. Johnson established the President's Commission on White House Fellowships, through Executive Order 11183, to create a program that would select between 11 and 19 outstanding young Americans every year and bring them to Washington for "first hand, high-level experience in the workings of the Federal Government, to establish an era when the young men and women of America and their government belonged to each other—belonged to each other in fact and in spirit";

Whereas the White House Fellows Program has steadfastly remained a nonpartisan program that has served 8 Presidents exceptionally well;

Whereas the more than 600 White House Fellows that have served have established a legacy of leadership in every aspect of American society that includes appointments as Cabinet officials and senior White House staff, election to the House of Representatives, Senate, and State and local Government, appointments to the Federal, State, and local judiciary, appointments as United States Attorneys, leadership in many of the Nation's largest corporations and law firms, service as presidents of colleges and universities, deans of our most distinguished graduate schools, officials in nonprofit organizations, distinguished scholars and historians, and service as senior leaders in every branch of the United States Armed Forces;

Whereas this legacy of leadership is a national resource that has been used by the Nation in major challenges including organizing resettlement operations following the Vietnam War, assisting with the national response to terrorist attacks, managing the aftermath of natural disasters such as Hurricanes Katrina and Rita, and reforming and innovating in national and international securities and capital markets;

Whereas the more than 600 White House Fellows have characterized their post-Fellowship years with a lifetime commitment to public service through continuing personal and professional renewal and association, creating a Fellows community of mutual support for leadership at every level of government and in every element of our national life; and

Whereas September 1, 2005, marked the 40th anniversary of the first class of White House Fellows to serve this Nation: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) recognizes the 40th anniversary of the White House Fellows program and commends the White House Fellows for their continuing lifetime commitment to public service;

(2) acknowledges the legacy of leadership provided by White House Fellows over the years in their local communities, the Nation, and the world; and

(3) expresses appreciation and support for the continuing leadership of White House Fellows in all aspects of our national life in the years ahead.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Ohio (Mrs. SCHMIDT) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Ohio (Mrs. SCHMIDT).

GENERAL LEAVE

Mrs. SCHMIDT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Con. Res. 269.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

Mrs. SCHMIDT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H. Con. Res. 269. This resolution, introduced by my distinguished colleague from Texas (Mr. BARTON), honors the 40th class of Fellows participating in the White House Fellows Association. The program was founded in 1964 by President Lyndon Baines Johnson and is considered one of the most prestigious opportunities for leadership and public service today.

Offered strictly on a nonpartisan basis, White House Fellowships offer exceptional young people firsthand experience in working at the highest levels of Federal Government. White House Fellows spend a year assisting full-time senior White House staff, the Vice President, Cabinet secretaries and other senior officials. Fellows are also invited to take part in educational travel in order to examine United States domestic and international policy in action. Finally, the education program offers roundtable discussions including leaders from both the private and public sectors.

The purpose of the White House Fellows program is to shape young minds into having an understanding of the challenges faced by the Federal Government. The leadership and public affairs development offered by the program is crucial to the functioning of our system in that it provides us with exceptional young professionals in our nongovernmental sector.

President Johnson's idea for the program was clear when he said, "I want to give the Fellows firsthand high-level experience in the workings of the Federal Government and to increase their sense of participation in national affairs." President Johnson's hope was that those who were given this extraordinary opportunity would "continue their work as private citizens on their public agendas."

In Congress today, both the sponsor of this resolution, Congressman JOE BARTON, and Senator SAM BROWNBACK are former White House Fellows. I hope that my colleagues will join me in recognizing this exceptional program through the adoption of this resolution.

Mr. Speaker, I reserve the balance of my time.

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Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to join with my colleague from Ohio in consideration of this important legislation. Forty years ago, President Lyndon B. Johnson, through executive order 11183, established the President's Commission on White House Fellowships. The commission was given the task of creating the White House Fellows program. The program was designed to expose the best and the brightest of America's future leaders to policymaking at the highest levels. Between 11 and 20 young, gifted Americans serve as White House Fellows each year, and they truly represent the best of what America has to offer.

Being a White House Fellow provides each Fellow with the unique opportunity of interacting with officials at the highest levels of government. It is not uncommon for Fellows to learn about policymaking in all of its forms, at both the domestic and international levels, while gaining access to policymakers that is generally afforded to only a small group of advisers and senior staff. As a result, the White House Fellows program plays an integral role in cultivating the leaders of tomorrow.

The program is indeed bipartisan and is hailed as a great success by Republicans and Democrats alike. Over the last 4 decades, more than 600 people have served as White House Fellows. The program has attracted the most talented of America's young up-and-comers. Former Fellows have gone on to serve in Cabinet positions, as elected officials at all levels of government, as heads of industry, as distinguished members of the Armed Forces, as leaders in the legal field, and as distinguished academicians in some of the Nation's top colleges and universities.

I ask my colleagues to join me in recognizing the 40th anniversary of the White House Fellows program and the Federal Government's continued commitment to producing the future generations of American leaders.

Mr. Speaker, I yield back the balance of my time.

Mrs. SCHMIDT. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Texas (Mr. BARTON).

Mr. BARTON of Texas. I thank the gentlewoman for her leadership on this and being the floor manager for this important bill.

Mr. Speaker, I am proud to be the primary sponsor of H. Con. Res. 269, a resolution to recognize the 40th anniversary of the White House Fellows program. As has already been pointed out, this is a program that was established first by President Lyndon Johnson to be a leadership forum for young Americans of all walks of life, of all political persuasions, all ideological philosophies, to give them a window on Washington for a year and then encourage them to go and be leaders in building America. Since its inception in 1964, over 600 Americans have served as White House Fellows. I was privileged to be a part of the class of 1981 and 1982 where I served in the Department of Energy.

The best thing about the Fellows program are the Fellows. You get to meet the most amazing people. In my class, we had the police captain from Oakland, California; we had an Indian chief from Oklahoma; we had a law professor from Utah; we had a Navy captain from the Navy; an Air Force officer from the Air Force; a tank commander, an infantry battalion commander from the Army; and you had somebody like me, JOE BARTON, from Crockett, Texas, plant manager.

There have been, as I said, over 600 Americans serve in the program. Some of them are names that we now know as household words. Colin Powell, who was Secretary of State and Chairman of the Joint Chiefs, was a White House Fellow. Elaine Chao, Secretary of the Department of Labor, is a former White House Fellow. Wesley Clark, who was former Allied supreme commander in Europe, is a former White House Fellow. In my class, David Karnes was a Senator from Nebraska. Paul Applegarth was a senior officer at the World Bank. Mike Ullman is currently president and CEO of JCPenney Corporation. Members who have served in Congress or in the Senate since they were Fellows include Tom Campbell; SAM BROWNBACK, who is currently the Senator from Kansas; former Senator Tim Wirth, who started out as a Congressman from Colorado and then became Senator from Colorado; and of course myself, who is currently serving in the House of Representatives.

As has been pointed out, this is a nonpartisan program. You are asked to fill out an application that is about 30 pages long. It is the most extensive application I have ever had to fill out. You are asked what your life's ambitions are, what you consider your notable achievements, what you hope to achieve, and you are even asked to give a policy recommendation to the President of the United States. Pretty heady stuff when you are a young plant manager in Crockett, Texas, like I was back in 1981.

The interview process is extensive. You start out at the regional level. Everybody whose application is accepted, and normally there are 1,000 to 2,000 applications filed that are winnowed down by the staff of the White House Fellows to about 500 or 600. Those then are read over several weekends by former White House Fellows and that application pool is winnowed down to approximately 150. If you are one of the 150 what are called regional semifinalists, you are invited to a regional interview over a 2-day period where you sit down face to face with a panel of leaders in your local area and are asked all kinds of questions.

Each region picks three finalists to go to the national finals. There are 33 national finalists. You come to Washington for a weekend where the national panel interviews you. From that group of 33, they pick the class that is anywhere from 10 to 15 Fellows. I think the largest class has been 19. You then spend the next year, if you are picked, working as an assistant in one of the Federal agencies, up and including the White House; but every week you meet with your class and you meet world leaders, local leaders. My year we met with Tom Foley who was the majority leader, I believe, in the House. We met with Tip O'Neill. We met with the majority leader in the Senate. We met with the President. We met with the Vice President. We also met with corporation leaders. We met with community service leaders.

And you get to go on several trips. We had two domestic trips where we went to Chicago where we studied the architecture of Chicago. We went to the west coast where we went out and studied agriculture in California. I got to take my class to Texas and we showed them Houston, TX, where we met with leaders of the oil industry; and then we went to Austin, TX, where we met with State leaders. We also went on one international trip. My class went to Europe where we studied NATO issues.

This is a wonderful program. You make lifelong friends, but it also helps facilitate that ephemeral quality called leadership. The goal of the program as established by President Johnson back in the 1960s was to give young Americans who had shown potential in their early career the opportunity to have a window on Washington and then go out, whether they go back to their community, whether they stay in Washington, whether they change career paths, to hopefully be a positive force for change for America. I can honestly say after 600 Fellows, after 40 years, that the program has delivered beyond the wildest expectations of President Johnson.

It is with a great deal of pride that I am allowed to be the primary sponsor for this resolution. I think Senator BROWNBACK is the sponsor in the Senate. I say to the past 600 Fellows, the current 15 Fellows and to future Fellows: job well done; let's look to the future; let's continue to build a better America.

Mrs. SCHMIDT. Mr. Speaker, I urge all Members to support the adoption of House Concurrent Resolution 269.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PETRI). The question is on the motion offered by the gentlewoman from Ohio (Mrs. SCHMIDT) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 269.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mrs. SCHMIDT. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

CONGRESSMAN JAMES GROVE FULTON MEMORIAL POST OFFICE BUILDING

Mrs. SCHMIDT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3256) to designate the facility of the United States Postal Service located at 3038 West Liberty Avenue in Pittsburgh, Pennsylvania, as the "Congressman James Grove Fulton Memorial Post Office Building".

The Clerk read as follows:

H.R. 3256

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONGRESSMAN JAMES GROVE FULTON MEMORIAL POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 3038 West Liberty in Pittsburgh, Pennsylvania, shall be known and designated as the "Congressman James Grove Fulton Memorial Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Congressman James Grove Fulton Memorial Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Ohio (Mrs. SCHMIDT) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Ohio (Mrs. SCHMIDT).

GENERAL LEAVE

Mrs. SCHMIDT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

Mrs. SCHMIDT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 3256, introduced by the distinguished gentleman from Pennsylvania (Mr. MURPHY). This bill would designate the post office in Pittsburgh, Pennsylvania, as the James Grove Fulton Memorial Post Office Building. James Grove Fulton was born in Allegheny County, Pennsylvania, on March 1, 1903. He attended the public schools in South Hills and the fine arts department of the Carnegie Institute of Technology in Pittsburgh, Pennsylvania. In 1928 he was admitted to the bar after graduating from Harvard Law School and began to practice law in Pittsburgh.

He served the Commonwealth of Pennsylvania in many capacities. He was a member of the Allegheny County board of law examiners from 1934 to 1942, he served in the State Senate from 1939 to 1940, he served as solicitor for Dormont Borough in 1942, and finally as the publisher of the Mount Lebanon, Pennsylvania News. Mr. Fulton was also a member of the United States Naval Reserve after enlisting in 1942. He served in the South Pacific as a lieutenant until 1945 when he was discharged. James Grove Fulton, while still serving in the Navy, was elected to the 79th Congress. Mr. Fulton was a 14-term Member whose time in Congress spanned nearly 30 years. This respected Member of Congress will be remembered for his passion for science as a member of the Science and Aeronautics Committee as well as a delegate to the United Nations as an adviser on space from 1960 to 1969.

James Grove Fulton served the Commonwealth of Pennsylvania his entire life at all levels of government. Mr. Speaker, I urge support of H.R. 3256, and I salute the sponsor, the gentleman from Pennsylvania, for his work on this measure.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as a member of the House Government Reform Committee, I am pleased to join my colleague in the consideration of H.R. 3256, legislation naming a postal facility in Pittsburgh, Pennsylvania, after Congressman James Grove Fulton. This measure, which was sponsored by the gentleman from Pennsylvania (Mr. MURPHY), was introduced on July 12, 2005, and unanimously reported by our committee on October 20, 2005.

James Grove Fulton was a native of Pennsylvania and practiced law in Pittsburgh before serving in the State senate in 1939 and 1940. Prior to enlisting in the U.S. Naval Reserve, Mr. Fulton published the Mount Lebanon News and other newspapers.

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While still serving in the Naval Reserve, Mr. Fulton was elected to the 79th Congress. He was reelected to 13 succeeding Congresses, and served from 1945 until his death in 1971.

Former Representative Fulton will be remembered for his work with the United Nations where he served as an adviser on space and delegate on trade and employment.

Mr. Speaker, I would urge swift passage of this bill.

Mr. Speaker, I yield back the balance of my time.

Mrs. SCHMIDT. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. MURPHY).

Mr. MURPHY. Mr. Speaker, I thank the gentlewoman from Ohio (Mrs. SCHMIDT) for yielding me time and for her work and the work of the Committee on Government Reform on this bill.

We are here to remember and consider a Congressman beloved in the hearts of those in southwestern Pennsylvania, James G. Fulton. Now, there were two things you were not allowed to say in the congressional office of James Fulton. The first was, "I can't," and the second was, "I don't know," this according to Congressman Fulton's long-time aide Richard Beeman, who wrote these words in the eulogy that were included in the CONGRESSIONAL RECORD on October 21, 1971.

Consistent with these simple mottos, warm-hearted, thoughtful, plain-spoken James Fulton represented the Pittsburgh area in Congress with great charm and distinction and a vibrant can-do spirit for 27 years.

James Fulton was born in Dormont Borough in Allegheny County in March of 1903, and it was the elected officials in Dormont who recommended that we consider him for naming this post office. He graduated from Pennsylvania State College, now known as Penn State University, and later from Harvard Law School.

He pursued many diverse interests in his young adulthood; went on to private practice in Pittsburgh; as it was noted before, became the publisher of the Mount Lebanon News; earned a seat on the Allegheny County Board of Law Examiners; and then served 2 years in the Pennsylvania State senate in 1939 and 1940.

At the relatively advanced age of 39, he enlisted in the United States Naval Reserve in 1942, and heroically served in the South Pacific as a lieutenant. What is perhaps most remarkable about Fulton's service was that he actually ran for Congress while still fighting the war abroad.

Indeed, in November 1944, while still in the service, Fulton was elected as a Republican to the 79th Congress to represent the Pittsburgh area. When he was honorably discharged in early 1945, he began what became a nearly 27-year career in the U.S. House of Representatives.

His primary interest in the House was to facilitate U.S. innovation in science technology. He rose to become ranking member of the House Committee on Science and Astronautics. Sadly, he died in office on October 6, 1971, at the age of 68. But among his accomplishments is something that is still remembered today in our region. He worked tirelessly in dealing with some of the many flood control issues in the hilly areas of southwest Pennsylvania. Still today when we are beleaguered by huge storms in our area, people note that it was his work on flood control projects which to this day have a lasting legacy of saving many homes in the region.

In the years following his death in 1972, the James G. Fulton Fellows Program was established as a living memorial to Congressman Fulton. This program remains today open to undergraduate students who permanently reside in Allegheny County who want to work for a Pennsylvania Member of Congress. The program reflects the fact that Congressman Fulton mentored more than 100 college students during his tenure in Congress.

Mr. Speaker, last but not least, I thank my good friends from the Committee on Government Reform, the gentleman from Virginia (Mr. DAVIS), the gentleman from California (Mr. WAXMAN), for helping me to honor such an esteemed former Member of this body as Congressman Fulton.

I also want to recognize Sara D'Orsie on the committee's majority staff and Denise Wilson of the staff of the gentleman from California (Mr. WAXMAN) for their important efforts.

Mr. Speaker, with enactment of this legislation, this post office building will stand as a prominent tribute to the public service career of a Pittsburgh icon, Congressman James Fulton. I urge my colleagues to join me in support of this measure.

Mrs. SCHMIDT. Mr. Speaker, I urge all Members to support the passage of H.R. 3256.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PETRI). The question is on the motion offered by the gentlewoman from Ohio (Mrs. SCHMIDT) that the House suspend the rules and pass the bill, H.R. 3256.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mrs. SCHMIDT. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

GAGETOWN VETERANS MEMORIAL POST OFFICE

Mrs. SCHMIDT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3368) to designate the facility of the United States Postal Service located at 6483 Lincoln Street in Gagetown, Michigan, as the "Gagetown Veterans Memorial Post Office".

The Clerk read as follows:

H.R. 3368

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. GAGETOWN VETERANS MEMORIAL POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 6483 Lincoln Street in Gagetown, Michigan, shall be known and designated as the "Gagetown Veterans Memorial Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Gagetown Veterans Memorial Post Office".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Ohio (Mrs. SCHMIDT) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Ohio (Mrs. SCHMIDT).

GENERAL LEAVE

Mrs. SCHMIDT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

Mrs. SCHMIDT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 3368, introduced by the distinguished gentlemen from Michigan (Mr. KILDEE). This bill would designate the post office in Gagetown, Michigan, as the Gagetown Veterans Memorial Post Office.

The entire Michigan delegation has cosponsored this legislation. Although the town of Gagetown, Michigan, is a small community of only 337 people, the 38 veterans that reside there have made a big contribution to the American way of life. Every member of our armed services has contributed to the preservation of the goals and ideals of this country.

Those who have served and are currently serving our country are fighting for the basic rights that we enjoy here in our free Nation, here in this very room. From the American Revolution to the current war on terrorism, there are numerous untold stories of bravery and courage, and so many unsung heroes that live among us.

The 38 veterans of Gagetown, Michigan, have been involved in World War II, Korea, Vietnam and Iraq. The designation of this post office building would be a token of the town's gratitude and respect for those who have answered the call to serve their country.

What these veterans have done for all of us here in America enjoying the freedoms that these soldiers have provided is truly immeasurable, which is why it is only right to honor these courageous soldiers.

I urge all Members to come together and honor the efforts of the dedicated veterans in Gagetown, Michigan.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield such time as he may consume to the author of this legislation, the gentleman from Michigan (Mr. KILDEE).

Mr. KILDEE. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise today in support of my bill, H.R. 3368, to designate the facility of the United States Postal Service located at 6483 Lincoln Street in Gagetown, Michigan, as the Gagetown Veterans Memorial Post Office.

It is an honor to recognize all of our Nation's veterans in this visible manner. Mr. Pablo Lopez brought this idea to my attention, and the village of Gagetown overwhelmingly passed a resolution in support of designating the post office to honor our veterans. I am also pleased that the entire Michigan delegation has joined me as cosponsors of this legislation.

Mr. Speaker, I believe we owe all of our veterans a debt of gratitude for their service. In my years of public service, there are few people I have met who deserve the word "heroic" as do those who have served in our Armed Forces. We can honor that heroism here today to show the respect and gratitude due to those who have served in all of our forces.

Mr. Speaker, when I was a schoolteacher in Flint, Michigan, I took a year off to travel around the world. I traveled through many countries and saw many wonderful sights and met many wonderful people, but the one sight that always gave me a feeling of security, integrity and decency was the American flag as I approached an American Embassy. That flag still flies proudly, because of the sacrifices made by our veterans.

Today we are a Nation whose freedom has been guaranteed by our veterans, all of our veterans, and each deserves our pledge of justice, equity and care. Throughout my years in public office, I have always supported veterans programs because I know that each vote on veterans issues directly touches the lives of nearly one out of three Americans, the veteran themselves, and the fathers, the mothers, the sons, the daughters, the brothers and sisters whose sacrifice deserve our undying gratitude.

My heart guides my hand on each vote I cast for veterans. Those votes are a demonstration of gratitude and a pledge of support. All of us need to honor the memory of those who paid so dearly with their lives. We need to think of the pain and loss felt by those left behind.

Theodore Roosevelt wrote the following upon the death of his son Quentin during World War I. He wrote, "He had his crowded hour, he died at the crest of his life, in the glory of the dawn."

Mr. Speaker, millions of Americans died at the crest of their lives because they believed in the absolute of America's promise. We can properly honor the memory of our fallen by assuring our Nation lives up to its obligation to its veterans.

If I could request my Government to do one thing, if I could ask my fellow citizens to do one thing, it would be to grant our veterans the care, respect and recognition that they so richly deserve.

Mr. Speaker, Members of the House, please join me in supporting H.R. 3368, to honor all of our veterans.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

As a member of the Committee on Government Reform, I am pleased to join with my colleagues in consideration of H.R. 3368, the legislation naming a postal facility in honor of Gagetown veterans. This measure, which was sponsored by the gentleman from Michigan (Mr. KILDEE), was introduced on July 20, 2005, and unanimously reported by our committee on October 20, 2005.

Mr. Speaker, veterans from the Gagetown community have fought valiantly in all conflicts. Veterans from the village of Gagetown have fought in World War II, the Korean War, the Vietnam War and, most recently, in Iraq.

I am pleased to note that the village council of Gagetown, Michigan, fully supports naming the Gagetown Post Office in honor and memory of Gagetown veterans.

Mr. Speaker, I commend my colleague for seeking to honor the sacrifice of Gagetown veterans in this manner. And on behalf of my colleagues, let me say that we all sincerely appreciate your heroic service to the Nation.

Mr. Speaker, I urge swift passage of this bill.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mrs. SCHMIDT. Mr. Speaker, I urge all Members to support the passage of H.R. 3368.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Ohio (Mrs. SCHMIDT) that the House suspend the rules and pass the bill, H.R. 3368.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed with amendment a bill of the House of the following title:

H.R. 3058. An act making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 3058) "An Act making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. BOND, Mr. SHELBY, Mr. SPECTER, Mr. BENNETT, Mrs. HUTCHISON, Mr. DEWINE, Mr. BROWNBACK, Mr. STEVENS, Mr. DOMENICI, Mr. BURNS, Mr. ALLARD, Mr. COCHRAN, Mrs. MURRAY, Mr. BYRD, Ms. MIKULSKI, Mr. REID, Mr. KOHL, Mr. DURBIN, Mr. DORGAN, Mr. LEAHY, Mr. HARKIN, Ms. LANDRIEU, and Mr. INOUYE, to be conferees on the part of the Senate.

SUPPORTING EFFORTS TO PROMOTE GREATER AWARENESS OF EFFECTIVE RUNAWAY YOUTH PREVENTION PROGRAMS

Mr. PORTER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 484) supporting efforts to promote greater awareness of effective runaway youth prevention programs and the need for safe and productive alternatives, resources, and supports for homeless youth.

The Clerk read as follows:

H. RES. 484

Whereas preventing young people from running away and supporting homeless youth and youth in other high-risk situations is a family, community, and national concern;

Whereas the prevalence of runaway and homeless youth in the Nation is staggering, with studies suggesting that between 1,600,000 and 2,800,000 young people live on the streets of the United States each year;

Whereas running away from home is widespread, with 1 out of every 7 children in the United States running away before the age of 18;

Whereas youth that end up on the streets or in emergency shelters are often those who have been thrown out of their homes by their families; who have been physically, sexually, or emotionally abused at home; who have been discharged by State custodial systems without adequate transition plans; who have lost their parents through death or divorce; and who are too poor to secure their own basic needs;

Whereas providers of services to runaway and homeless youth are experiencing increased demand for services due to the displacement of youth and families in the aftermath of Hurricanes Katrina and Rita;

Whereas the commemoration of National Runaway Prevention Month will encourage all sectors of society to develop community-based solutions to prevent runaway and homeless episodes among the Nation's youth;

Whereas effective programs that support runaway and homeless youth and assist young people in remaining at home succeed because of partnerships created among families, community-based human service agencies, law enforcement agencies, schools, faith-based organizations, and businesses;

Whereas the future well-being of the Nation is dependent on the value placed on young people and the opportunities provided for youth to acquire the knowledge, skills, and abilities necessary to develop into safe, healthy, and productive adults;

Whereas Congress supports an array of community-based support services that address the critical needs of runaway and homeless youth, including family strengthening, street outreach, emergency shelter, and transitional living programs;

Whereas Congress supports programs that provide crisis intervention and referrals to reconnect runaway and homeless youth to their families and to link young people to local resources that provide positive alternatives to running away; and

Whereas the purpose of National Runaway Prevention Month in November 2005 is to increase public awareness of the life circumstances of youth in high-risk situations and the need for safe and productive alternatives, resources, and supports for youth, their families, and their communities: Now, therefore, be it

Resolved, That the House of Representatives supports efforts to promote greater public awareness of effective runaway youth prevention programs and the need for safe and productive alternatives, resources, and supports for homeless youth and youth in other high-risk situations.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nevada (Mr. PORTER) and the gentleman from Texas (Mr. HINOJOSA) each will control 20 minutes.

The Chair recognizes the gentleman from Nevada (Mr. PORTER).

GENERAL LEAVE

Mr. PORTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Res. 484.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nevada?

There was no objection.

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Mr. PORTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H. Res. 484, which seeks to promote greater public awareness of effective runaway youth prevention programs and the need for safe and productive alternatives, resources, and support for youth in high-risk situations. I would like to thank the leadership for allowing this resolution to come to the House floor as it highlights a very tragic and very important issue.

Runaway and thrown-away episodes among our Nation's youth are serious and widespread, with one of every seven children and youths in the United States running away or being turned out of the home before the age of 18. A recent study by the Federal Office of Juvenile Justice and Delinquency Prevention estimates that nearly 1.7 million youth experienced a runaway or thrown-away episode in a single year. The prevalence of runaway and homeless youth in the Nation is astounding, with studies suggesting that between 1.6 million and 2.8 million young people live on the streets of the United States of America each year.

The primary factors of running away or being thrown away are severe family conflict, abuse, neglect, and parental abuse of alcohol and of drugs. In the wake of massive loss of life and property after the recent natural disasters, we can expect these numbers to rise. We must congratulate service providers for their response to the increased numbers of displaced youth as a result of these terrible tragedies.

In the district I represent in southern Nevada, the statistics are similar. In 2003, the Las Vegas Metropolitan Police Department reported 4,527 runaways. There were approximately 3,500 children who required emergency shelter; 1,800 of these children were placed in foster care. In addition to that, the Clark County School District estimates 3,500 of our students were homeless.

These astonishing statistics highlight the need for our support of those very important programs that seek to prevent these types of incidences. Many of the conditions that lead young people to leave or be turned out of their homes are preventable through interventions that strengthen family and support youth in high-risk situations. Successful interventions are grounded in partnerships among families and community-based human service agencies, law enforcement agencies, schools, faith-based organizations, and the business community.

The National Network For Youth and the National Runaway Switchboard are collaborative since 2002 in cosponsoring National Runaway Prevention Month during the month of November. National Runaway Prevention Month is a public education initiative aimed at increasing the awareness of issues facing runaways, as well as making the public aware of role they play in preventing youth from running away.

As a result of this collaboration, communities across the country have undertaken a range of activities to commemorate National Runaway Prevention Month. Preventing young people from running away and supporting youth in high-risk situations is a family, community, and national concern. Please join us in encouraging all Americans to play a role in supporting the millions of young people who have run away, who are at risk of doing so each year.

H. Res. 484 supports efforts to promote greater public awareness of effective runaway youth prevention programs and the need for safe and productive alternatives, resources and supports for youth in high-risk situations.

Mr. Speaker, I urge my colleagues to support this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. HINOJOSA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H. Res. 484, in recognition of National Runaway Prevention Month. I would like to commend the gentleman from Nevada (Mr. PORTER) for bringing it to the floor.

The prevalence of runaway and homeless youth in our Nation is staggering, with studies suggesting that between 1.6 and 2.8 million young people live on the streets of the United States each year. Each year roughly 5,000 of these troubled young people die from assault, illness, and in some cases from suicide. In my home State of Texas, more than 100,000 young people ages 7 through 17 run away from home each year. It is literally a matter of life and death that we raise awareness and do everything in our power to prevent runaways.

In the aftermath of hurricanes Katrina and Rita, the system of support for runaway and homeless youths is being stretched to the limit. This is especially true in Texas where many of the victims of these terrible storms have sought refuge.

National Runaway Prevention Month is a time to encourage the development of community-based solutions to prevent runaway and homeless episodes among our Nation's youths. More importantly, it is a time to draw attention to the need for resources to combat this problem.

During National Runaway Prevention Month, the National Runaway Switchboard and the National Network For Youth seek to raise community member awareness of the widespread nature of runaway situations and the importance of strengthening families and engaging their involvement in crisis intervention communities.

In Texas, our hotline started in 1973 as Operation Peace of Mind after the devastating discovery of 27 young men, many runaways, who were brutally murdered. Today, our hotline operates 24 hours a day and provides critical services which include the following:

Crisis intervention and counseling; information and referrals for callers seeking food, shelter and transportation home; confidential conference calls between youth and their families; and, yes, it provides a message service to promote communication between runaways and their families.

Mr. Speaker, runaways are the Nation's most vulnerable youth. We must be united in helping them find a safe, healthy, and productive place where they can fulfill their potential. I urge my colleagues to support this resolution.

Mr. Speaker, I yield 3 minutes to the gentlewoman from Minnesota (Ms. MCCOLLUM).

Ms. MCCOLLUM of Minnesota. Mr. Speaker, today we will vote on a resolution in support of preventive programs; yet this Congress continues to underfund the critical resources needed to address the problems faced by these vulnerable youth.

Homelessness is merely a symptom of a bigger problem. For many youth, their home situation is violent and it is unhealthy. The Wilder Foundation, a nonprofit health and human service organization that has served the greater St. Paul area since 1906, understands this issue well. They tell us that children who run away are three times more likely to have been physically abused, five times more likely to have been treated for drug and alcohol problems. These young adults need our help, they need our support, and they need the opportunity to know that they can get their lives back on track. And there are many in our community and across this country who are ready to serve homeless youths.

In Minnesota there are groups such as the Ain Dah Yung Center, serving Native American youths; the Bridge For Runaway Youth, and they are working hard to provide critical services.

When I visited one of the homeless shelters for youth just recently, I found out that they had to cut their hours back, that they could not provide a safe haven for children to escape the cold during the day and to get counseling, to reunite them with their families when possible or to put them in a place where they would be safe. These children need our assistance. They need a partner at the Federal level, one that they can count on, not only for well-intentioned resolutions but the dollars needed to provide those resources, those safe havens, especially as winter sets in on these young adults in Minnesota.

They need resources. They need beds. They need counselors. But most of all they need to know, our children need to know that Congress is prepared to vote for them and to approve not only this resolution but in the future the resources needed in order for them to turn their lives around.

Our children deserve our hope for a better future for them, and they deserve an opportunity to have that future.

Mr. HINOJOSA. Mr. Speaker, I yield 3 minutes to my good friend and colleague from the great State of Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, I want to first of all thank the gentleman from Texas for yielding me time. I also want to commend my colleague from Nevada for bringing this important matter before us today.

Mr. Speaker, I rise as a strong supporter of H. Res. 484. Studies indicate that a staggering between 1.8 and 2.6 million children live on the streets of our country each and every year. This legislation in a way honors the individuals and organizations who work so hard to reach out to our young people that are in some of the most desperate of situations.

As we can all imagine, the situation on the streets for these young people is desperate and incredibly rough. Half of the HIV cases in the United States are in the youth population. Homeless and runaway youth are two to 10 times higher than the nonhomeless teens who have HIV, and the Centers for Disease Control and Prevention report that 94 percent of homeless youth are sexually active. We, unfortunately, cannot make street life disappear or even reach a level of utopia; but we can ensure that there are services available to help with the daily lives of these young people, whether it is trying to find a bed, a warm meal, or some safe, genuine companionship.

Mr. Speaker, I support this legislation. In a large urban district like mine where there are thousands of impoverished young people living in less than desirable home situations, we know that they need help. And I commend some of the many organizations like the Night Ministry, Tabitha House, Hope House, the House of Daniel, Clare's House, Mother's House, and all of the other programs that are designed to assist young people as they go through this stage of their lives.

Ms. BORDALLO. Mr. Speaker, I rise in support of H. Res. 484, a resolution introduced by our colleague from Nevada, Mr. PORTER, to recognize the value of runaway youth prevention programs and the needs of homeless and at-risk youth. Our consideration of this resolution today is timely given that October is recognized as National Runaway Prevention Month.

In my district, we have benefited greatly from the development and implementation of several runaway youth prevention programs. These programs have proven their effectiveness with increasing support from various members of our community. They have been built with support from families, parents, teachers, social workers, counselors, ministers, and other civic-minded citizens in our community. They have also been supplemented with important grant assistance from both the local and federal government. Their effectiveness is worth promoting and increasing awareness of the needs of our homeless and at-risk youth is an important undertaking.

I take this opportunity to share the story of just one particular organization in Guam that has grown to fulfill these needs of Guam's homeless and at-risk youth. As a member of the National Network for Youth, Sanctuary, Inc. has developed and sponsored many important programs serving our homeless and at-risk youth. Sanctuary, Inc. works in close collaboration with the Department of Youth Affairs of the Government of Guam as well as with the judicial system and the courts to identify ways to support our youth.

Through workshops, counseling, referral services, support groups, and especially with their annual summer parent-child conference, Sanctuary, Inc. works to strengthen family relationships and promotes a drug, alcohol and violence-free lifestyle among youth participants. Their after-school programs are especially effective in providing activities for our youth and complementing their classroom instruction. Apart from their programs, Sanctuary operates two temporary emergency shelters to accommodate our homeless youth, providing them with room and board and a family away from home.

I commend Sanctuary, Inc. for their outstanding work and their positive influence on our at-risk youth and their families. I urge my colleagues to support H. Res. 484. I too urge all of us to work together to increase awareness of effective runaway youth prevention programs. Through these proven community-based programs we can help provide for a safer and more educational environment for our at-risk youth.

Ms. SCHAKOWSKY. Mr. Speaker, I rise today in support of H. Res. 484, a resolution which supports efforts to promote greater awareness of effective prevention programs for youth at-risk of running away from home and the need for safe and productive alternatives, resources, and supports for homeless youth. The resolution also commemorates National Runaway Prevention Month.

The statistics of runaway and homeless youth are staggering: 1.6 million youth are on the streets every day; more than 1,200 youth run away from home each day; and 1 out of every 7 children in the United States runs away from home before the age of 18. It's not easy being a kid today. The decisions and concerns confronting kids today are tougher than ever: peer pressure, drug/alcohol abuse, and more. Some face pregnancy or AIDS. Many more are experiencing violence in the streets, at home, and in the classroom.

For the estimated 1.6 million kids living on the street, these dilemmas may be especially difficult because there is all too often no one to talk to. These youth thought they could escape their problems by running away, only to encounter even more problems.

That is why I support the National Runaway Switchboard (NRS)'s mission which serves as the federally-designated national communication system for homeless and runaway youth. While its national headquarters is in my district in Chicago, NRS provides services to youth and families across the country. Without organizations such as the National Runaway Switchboard, over a million youth each year would have nowhere to turn during a time of crisis. Established in 1971, NRS is recognized as the oldest hotline in the world. With the support of more than 150 volunteers, NRS handled over 111,000 calls last year and more than 3 million calls in its 34-year history. NRS provides crisis intervention, referrals to local resources, and education and prevention services to youth, families and community members throughout the country 24 hours a day, 365 days a year. Over 10,000 youth have been reunited with their families through the NRS Home Free program.

On April 18, 2005, I joined Executive Director, Maureen Blaha, at NRS headquarters to unveil NRS's new 800 number, 1–800–RUNAWAY to the American public. NRS also announced the establishment of a new web site, www.1800RUNAWAY.org to match its new signature 800 number. These new initiatives are intended to provide vulnerable and at-risk youth with an easy name and number to remember when they are experiencing crisis and looking for help. The NRS hopes to offer its services to more and more youth with the roll-out of 1–800–RUNAWAY.

Now is the time to protect the vulnerable and support our youth. Tomorrow's leaders are running away from homes and falling into a life of uncertainty, violence, and crime. I urge my colleagues to join me in this fight to save tomorrow's leaders; vote "yes" on H. Res. 484.

Mr. HINOJOSA. Mr. Speaker, I yield back the balance of my time.

Mr. PORTER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PETRI). The question is on the motion offered by the gentleman from Nevada (Mr. PORTER) that the House suspend the rules and agree to the resolution, H. Res. 484.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

ESTABLISHING INTERAGENCY AEROSPACE REVITALIZATION TASK FORCE TO DEVELOP A NATIONAL STRATEGY FOR AEROSPACE WORKFORCE RECRUITMENT, TRAINING, AND CULTIVATION

Mr. EHLERS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 758) to establish an interagency aerospace revitalization task force to develop a national strategy for aerospace workforce recruitment, training, and cultivation.

The Clerk read as follows:

H.R. 758

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

Congress finds the following:

(1) The aerospace industry generates nearly 15 percent of the gross domestic product of the United States, supports approximately 11,000,000 jobs in the United States, and leads the United States economy in net exports.

(2) The aerospace industry contributes directly to the economic and national security of the United States through military, space, air transport, and information technology applications.

(3) A skilled and educated workforce represents the most valuable asset of the United States economy.

(4) In 2004, total employment in the aerospace industry fell to its lowest point in 50 years.

(5) 27 percent of the aerospace manufacturing workforce will become eligible for retirement by 2008.

(6) Students in the United States rank near the bottom of the leading industrialized countries of the world in mathematics and science test performance.

(7) To ensure the stability of high-skilled jobs and the global competitiveness of the domestic aerospace industry, the United States requires coordinated Federal Government policies to sustain and expand the science, mathematics, engineering, and manufacturing workforce.

SEC. 2. INTERAGENCY AEROSPACE REVITALIZATION TASK FORCE.

(a) ESTABLISHMENT.—There is established a task force to be known as the "Interagency Aerospace Revitalization Task Force" (in this section referred to as the "Task Force").

(b) DUTIES.—The Task Force shall develop a strategy for the Federal Government for aerospace workforce development, including strategies for—

(1) maximizing cooperation among departments and agencies of the Federal Government and the use of resources of the Federal Government in fulfilling demand for a skilled workforce across all vocational classifications;

(2) developing integrated Federal Government policies to promote and monitor public and private sector programs for science, engineering, technology, mathematics, and skilled trades education and training; and

(3) establishing partnerships with industry, organized labor, academia, and State and local governments to—

(A) collect and disseminate information on occupational requirements and projected employment openings; and

(B) coordinate appropriate agency resources, including grants, loans, and scholarships, for the advancement of workforce education, training, and certification programs.

(c) MEMBERSHIP.—

(1) NUMBER AND APPOINTMENT.—The Task Force shall be composed of 11 members who shall be appointed as follows:

(A) One member shall be the Assistant Secretary of Labor for Employment and Training.

(B) One member shall be a representative of the Department of Commerce and shall be appointed by the Secretary of Commerce.

(C) One member shall be a representative of the Department of Defense and shall be appointed by the Secretary of Defense.

(D) One member shall be a representative of the Department of Homeland Security and shall be appointed by the Secretary of Homeland Security.

(E) One member shall be a representative of the Department of Education and shall be appointed by the Secretary of Education.

(F) One member shall be a representative of the Department of Transportation and shall be appointed by the Secretary of Transportation.

(G) One member shall be a representative of the Department of Energy and shall be appointed by the Secretary of Energy.

(H) One member shall be a representative of the National Aeronautics and Space Administration (NASA) and shall be appointed by the Administrator of NASA.

(I) One member shall be a representative of the National Science Foundation (NSF) and shall be appointed by the Director of the NSF.

(J) Two members shall be appointed by the President.

(2) CHAIRPERSON.—The Assistant Secretary of Labor for Employment and Training shall serve as the chairperson of the Task Force.

(3) DEADLINE FOR APPOINTMENT.—Each member shall be appointed to the Task Force not later than 90 days after the date of the enactment of this Act.

(4) VACANCIES.—A vacancy in the Task Force shall be filled in the manner in which the original appointment was made.

(5) PROHIBITION OF COMPENSATION.—Members of the Task Force may not receive pay, allowances, or benefits by reason of their service on the Task Force.

(d) MEETINGS.—

(1) IN GENERAL.—The Task Force shall meet at the call of the Chairperson.

(2) FREQUENCY.—The Task Force shall meet not less than two times each year.

(3) QUORUM.—6 members of the Task Force shall constitute a quorum.

(e) ANNUAL REPORTS.—Not later than one year after the date of the enactment of this Act, and annually thereafter for four years, the Task Force shall submit to Congress, and make available to the public, a report detailing the activities of the Task Force and containing the findings, strategies, recommendations, policies, and initiatives developed pursuant to the duties of the Task Force under subsection (b).

(f) TERMINATION.—The Commission shall terminate on the date of the submission of the final report under subsection (e).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. EHLERS) and the gentleman from Texas (Mr. HINOJOSA) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan (Mr. EHLERS).

GENERAL LEAVE

Mr. EHLERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 758.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. EHLERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased that today we are considering a bill that addresses the needs of the United States aerospace workforce.

The Aerospace Revitalization Act establishes a task force designed to develop a national strategy for aerospace workforce recruitment, training, and cultivation. It implements a key recommendation from the 2002 Bipartisan Commission on the Future of the United States Aerospace Industry Report to the President to counter what it termed "the Nation's apathy toward developing a scientifically and technologically trained workforce."

☐ 1530

This bill creates an interagency task force to examine ways to partner within and beyond the Federal Government to strengthen our aerospace workforce. Led by the Department of Labor, membership on the task force spans nine agencies that participate in the development and deployment of the present and future aerospace workforce.

The goal is to develop a comprehensive strategy to increase the number of students and workers who choose science, engineering and other aerospace-related careers. To that end, the task force will also establish partnerships with industry, organized labor, academia and State governments to coordinate aerospace career education and training programs.

Each of the aerospace industry's three core segments, national defense, civil aviation and space systems, makes a unique contribution to sustaining the Nation's global political and technological leadership. The aerospace industry generates nearly 15 percent of the gross domestic product of the United States, supports approximately 11 million jobs in the United States, and leads the United States economy in net exports. Furthermore, aerospace contributes directly to the economic and national security of our country through military, space, air transport, and information technology applications.

If that is true, why do we need this bill? For a very simple reason. A large number of employees in the aerospace industry started shortly after the Apollo project of the 1960s. Many of them are now reaching retirement age, and that creates a huge problem because we do not have a workforce available to fill the vacuum created when these individuals leave.

In 2004, total employment in the aerospace industry fell to its lowest point in 50 years, and almost 30 percent of the aerospace manufacturing workforce will become eligible for retirement by 2008. Employers within the aerospace industry are concerned that U.S. students, who currently perform near the bottom of the leading industrialized countries of the world in math and science tests, lack the necessary training and skills to fulfill the anticipated workforce needs of the industry. Clearly, our country needs a national strategy for aerospace workforce recruitment, training and cultivation so that we will have a sufficient workforce, a trained workforce, to carry this program forward and sustain this important part of our economy in the years ahead.

At a time when we are expanding the boundaries of scientific discovery through space exploration and depend on a strong national defense to keep our citizens safe, the calculated coordination and training of our aerospace workforce is a critical need. I am grateful to all my colleagues for considering this bill, and I encourage them to support its passage.

Mr. Speaker, I reserve the balance of my time.

Mr. HINOJOSA. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of H.R. 758, legislation that will establish an interagency aerospace revitalization task force in order to develop a national strategy for workforce development in a field that is vital to our national security.

I would like to commend the gentleman from Michigan (Mr. EHLERS), my colleague from the Committee on Education and the Workforce, and all of the bill's cosponsors for bringing this forward.

The aerospace industry is just one of the scientific and technical fields where our Nation is falling behind, and it is a critical one. The aerospace industry is at the heart of our military, space, air transport and information technology applications.

In the year 2004, total employment at the aerospace industry fell to its lowest point in 50 years. Twenty-seven percent of the aerospace manufacturing workforce will become eligible for retirement by 2008.

The sad fact is that we have neglected the pipeline that would prepare new workers for this industry. On international assessments, our students rank near the bottom of industrialized nations for math and science literacy.

This task force is a good beginning; however, we need to do much more. It has been my privilege to work with the gentleman from Michigan to push for increased funding for math and science education. We must invest in these areas on a much larger scale if our Nation hopes to retain its global leadership in science, engineering and innovation.

It is my hope that this task force on the aerospace industry will spark a much broader discussion about our Nation's future in the fields of science, technology, engineering and mathematics, and will launch a groundswell of support for greater investment in that future.

I urge my colleagues to support H.R. 758.

Mr. Speaker, it is my privilege to yield 3 minutes to the distinguished gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, I rise in strong support of H.R. 758. This legislation establishes an interagency aerospace revitalization task force to develop a national strategy for aerospace workforce recruitment, training and cultivation.

As the aerospace industry supports over 11 million American jobs and generates 15 percent of our gross domestic product, the strength and vitality of this sector of our economy is absolutely vital. Unfortunately, like many other labor-intensive manufacturing industries, the aerospace industry is experiencing increased competition from other countries. In fact, the aerospace industry in our country employs fewer people today than it did 50 years ago. If we are to remain competitive in this field, we must, and I agree with both the gentleman from Michigan and from Texas, we must produce highly trained workers that can compete with workers overseas.

Additionally, this legislation also mandates a coordinated effort to improve science and math education in the United States. Providing a strong education in math and science is absolutely vital and would not only aid the aerospace industry, but also will go a long way to ensuring a prosperous future for our country.

I am proud to support this legislation. I am also proud of the fact that Boeing Industries is in my congressional district. I often tell the young people who live there that if they want to look to areas where there is opportunity, then they really need to get a strong background in math and science because much of the future is in this area.

So I support this legislation, just as I support Boeing and its employees who live and work in my congressional district.

Mr. HINOJOSA. Mr. Speaker, I yield back the balance of my time.

Mr. EHLERS. Mr. Speaker, I yield myself such time as I may consume.

I wish to thank the gentleman from Texas for his very fine statement and his encouragement on this issue. As we know, Texas is the center of a very important component of the aerospace industry, our space effort, and they have done very well in that.

I also appreciate the statement of the gentleman from Illinois who represents the leading aviation and aerospace company in the United States. That reflects very accurately what we are dealing with in the future if we simply do not produce the workforce that is required to maintain our lead in aerospace issues.

I have no further speakers at this time, but I do want to mention that several Members from California wish to speak on this bill. Unfortunately, they are currently en route here inside products of the aerospace industry, and I am sure they will submit statements for the RECORD later on.

I wish to thank the minority side for their support of this bill and thank my colleagues for their support. I urge everyone to continue their support, and I hope this bill will pass unanimously.

Mrs. TAUSCHER. Mr. Speaker, I am pleased to join my good friend and colleague VERN EHLERS in support of H.R. 758, the Aerospace Revitalization Act and I urge my colleagues to give it their strong support.

I am a proud co-sponsor of this bill which will help restore U.S. leadership in a field we cannot afford to neglect.

While business in both the aerospace and defense industries seems to be picking up with increased orders and shipments in recent months, this development will not be sufficient to reverse what is a real crisis in the aerospace workforce.

Over the last 15 years, the aerospace industry has lost hundreds of thousands of jobs, many of them in my home state of California.

Many of these losses are cyclical and linked to the ebb and flow of defense spending.

Many of them, however, are due to self-inflicted injuries such as a lack of clear federal policy and direction and badly outdated export control systems that make no distinction between cutting-edge and readily available technology.

Our bill implements a central recommendation of the bipartisan Commission on the Future of the United States Aerospace Industry by creating an interagency taskforce to better coordinate aerospace workforce development efforts across the federal government with those of the private sector.

The bill focuses the federal government's efforts and fosters new solutions with the private sector to help workers obtain the skills and expertise necessary to replace what is today a shrinking and aging workforce.

A scientifically-literate and competitive workforce is produced over a lifetime and must evolve with demand.

Our bill would help improve training in the areas of science, engineering, technology, and skilled vocational trades to ensure competitive U.S. works for the foreseeable future.

While the challenges facing the aerospace industry will require a range of solutions, our bill is an important means of reclaiming our competitive edge.

I urge my colleagues to vote for this bill.

Mr. CALVERT. Mr. Speaker, I want to add my voice of support for this very important legislation, The Aerospace Revitalization Act, which I have cosponsored. I want to offer a tribute to Congressman VERNON EHLERS, a colleague from the Science Committee and Congresswoman ELLEN TAUSCHER, a colleague from my home state of California, for their insight in sponsoring this legislation. I also want to thank Chairman JOHN BOEHNER and Ranking Democrat GEORGE MILLER for their insight in moving this bill out of their Committee.

This legislation evolved from recommendations of the 2002 bipartisan Commission on the Future of the United States Aerospace Industry report, which was chaired by the Honorable Robert Walker, a former member of this body and a former chairman of the Science Committee. In this report, a recommendation proposed that the federal government needed to respond to what the Report termed, "the nation's apathy toward developing a scientifically and technologically trained workforce."

This bill does just that. H.R. 758 establishes a taskforce to be coordinated by the Secretary of the Department of Labor and spanning eight other federal agencies. This taskforce includes NASA, the National Science Foundation, and the Departments of Defense, Energy, Education, Commerce, Transportation, and Homeland Security. This taskforce will examine the competitive challenges to the aerospace industry's three core business units—civil aviation, military contracting, and space transportation. It will then blend the resources of the federal government to identify new aerospace workforce training and recruitment opportunities through scholarship, grant and loan programs. The taskforce will also set up alliances with the private sector and state governments to tie business, state governments, and the federal government together with the common goal of providing the technical skills needed to keep America competitive.

As the Chairman of the House Space and Aeronautics Subcommittee, I sponsored the NASA Authorization, which passed this House in July. Because of our Committee's like concerns about our nation's competitiveness globally, in my bill, we direct the Administrator of NASA to develop a Human Capital strategy to address our concerns about not only the size of the workforce, but the technical skill mix of this workforce. We all recognize the necessity to keep the United States competitively at the forefront. Our largest export is from the high tech aerospace industry. Our global standing is at risk if we do not keep our aerospace workforce second to none!

Mr. UDALL of Colorado. Mr. Speaker, I rise today in support of H.R. 758, the Interagency Aerospace Revitalization Task Force. The situation facing the aerospace sector is a serious one. For example, the average age of an aerospace engineer is fifty-four, and twenty-seven percent of the aerospace engineers will retire by 2008. These are startling statistics.

Moreover, many recent reports have specifically pointed to the decline in the number of science, technology, engineering and math degrees being produced in the U.S. Each report presents a worrisome outlook for our economic health, national security, and quality of life. With a growing chorus of experts drawing our attention to this problem, we can't ignore the reality that the U.S. is losing its cutting edge. We need a national effort throughout our educational system to attract students at a young age and provide support through the graduate level.

The aerospace industry has an impact on both the public and private sectors. Aerospace generates nearly 15 percent of the U.S. gross domestic product, and plays a large role in reducing our trade deficit. It is vital to our national defense. It has improved the quality of life for our citizens, and it has opened up new opportunities. Yet, as countless studies have pointed out, we cannot assume that the aerospace sector will remain healthy without a coordinated governmental approach.

I support H.R. 758 because developing a strong education base is vital to our aerospace industry. However, it is not a panacea. We must also look to reinvigorate our investment in aerospace research and development. If we continue to cut funding in these areas we will continue to lose expertise and experience in our current workforce, as well as our ability to compete globally. It is for this reason that I introduced the Aeronautics Research and Development Revitalization Act (H.R. 2358). This bill passed the House of Representatives as part of the NASA Authorization bill, H.R. 3070. The bill establishes an aeronautics research and development policy at NASA that will expand capacity, ensure safety, and increase the efficiency of the nation's air transportation system.

Education is a key component of strengthening the aerospace industry, but unless we also invest in R&D the number of aerospace jobs available will inevitably decline. I am hopeful that this taskforce will recognize the true value of these investments and will suggest a strategy that provides both short term and long term support for aerospace in this country.

Mr. EHLERS. Mr. Speaker, I yield back the balance my time.

The SPEAKER pro tempore (Mr. PETRI). The question is on the motion offered by the gentleman from Michigan (Mr. EHLERS) that the House suspend the rules and pass the bill, H.R. 758.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

CONTINUATION OF NATIONAL EMERGENCY REGARDING THE PROLIFERATION OF WEAPONS OF MASS DESTRUCTION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 109-63)

The SPEAKER pro tempore laid before the House the following message from the President of the United States: which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice, stating that the emergency posed by the proliferation of weapons of mass destruction and their means of delivery declared by Executive Order 12938 on November 14, 1994, as amended, is to continue in effect beyond November 14, 2005. The most recent notice continuing this emergency was signed on November 4, 2004, and published in the *Federal Register* on November 8, 2004 (69 FR 64637) .

Because the proliferation of weapons of mass destruction and the means of delivering them continues to pose an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States, I have determined the national emergency previously declared must continue in effect beyond November 14, 2005.

GEORGE W. BUSH.

THE WHITE HOUSE, *October 25, 2005.*

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 3 o'clock and 42 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

☐ 1832

AFTER RECESS

The recess having expired, the House was called to order at 6 o'clock and 32 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 3675, by the yeas and nays;

H. Con. Res. 269, by the yeas and nays;

H.R. 3256, by the yeas and nays.

The first and third electronic votes will be conducted as 15-minute votes. The second vote in this series will be a 5-minute vote.

AMERICAN SPIRIT FRAUD PREVENTION ACT

The SPEAKER. The pending business is the question of suspending the rules and passing the bill, H.R. 3675.

The Clerk read the title of the bill.

The SPEAKER. The question is on the motion offered by the gentleman from Florida (Mr. STEARNS) that the House suspend the rules and pass the bill, H.R. 3675, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 399, nays 3, not voting 31, as follows:

[Roll No. 536]

YEAS—399

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Hooley
Hostettler
Hoyer
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Rothman
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar

Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)

NAYS—3

Conaway
Flake
Paul

NOT VOTING—31

Andrews
Boswell
Brady (TX)
Brown, Corrine
Brown-Waite, Ginny
Carson
Diaz-Balart, L.
Diaz-Balart, M.
Edwards
Evans
Fattah
Foley
Ford
Gingrey
Gutierrez
Higgins
Honda
Hulshof
Jackson-Lee (TX)
Meek (FL)
Payne
Reyes
Reynolds
Ros-Lehtinen
Roybal-Allard
Shaw
Strickland
Visclosky
Wasserman Schultz
Wexler
Young (FL)

☐ 1856

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCING PASSING OF FORMER CONGRESSMEN ED ROYBAL AND BOB BADHAM

(Mr. DREIER asked and was given permission to address the House for 1 minute.)

Mr. DREIER. Mr. Speaker, it is with great sadness that I inform our colleagues of the passing of two of our very distinguished former colleagues.

Last Friday former Congressman Bob Badham who served with great distinction on the Committee on Armed Services passed away suddenly, and then we just received the news today of the passing of the father of our very distinguished colleague, LUCILLE ROYBAL-ALLARD. Her father, Ed Roybal, served for many, many years in this institution and was a great friend to many of us. I think it important that our colleagues know of this great loss that has come for the State of California, for this institution, and for the country.

I yield to my very good friend from California (Mr. STARK).

Mr. STARK. Mr. Speaker, last night Ed Roybal passed away. He is survived by his wife, Lucille, and his three children: our colleague of course, LUCILLE ROYBAL-ALLARD; her sister, Lillian Roybal-Rose; and Ed, Jr.

Ed was born in 1916, served in the military, served in the House here for 30 years. He was the first Hispanic from California to serve in Congress since 1879. Among his distinct honors, he was the founder and the first chairman of the Congressional Hispanic Caucus.

☐ 1900

He was chairman of the Select Committee on Aging for a number of years and a great supporter of Meals on Wheels; and, of course, his great honor and joy was having his daughter succeed him in what was part of his district.

On a personal note, I happened to talk with a lady who had been a page some years ago here in the House. She remembers Ed Roybal as a kind Member and as a very polite and distinguished Member. For all of us who pass the pages in the cloakroom, I think we all know when a page remembers that from a number of years ago, it goes a long way.

We will miss him, and our heartfelt sympathy to Lucille; her family, and her mother.

Last night, October 24, 2005, former Representative Edward Roybal died in Pasadena, California. He is survived by his wife, Lucille Beserra Roybal, and his three children, Representative LUCILLE ROYBAL-ALLARD, Lillian Roybal-Rose and Edward Roybal, Jr.

Edward Ross Roybal was born on February 10, 1916 in Albuquerque, New Mexico and then moved to the Boyle Heights area of Los Angeles at an early age.

After military service in World War II, he began his political career as many of us did—by losing his first run for office. In reaction to that defeat, he founded the Los Angeles Community Service Organization (CSO) with the goal of mobilizing Los Angeles's Mexican-Americans against discrimination in housing, employment and education.

In 1949, following a groundswell of support from minority communities, Mr. Roybal was elected to the L.A. City Council, the first Hispanic to serve on the city council in more than a century.

In 1962, he was elected to the U.S. House of Representatives representing an LA District that changed several times during his 30-year tenure in the House.

At the time of his election, he became the first Hispanic from California to serve in Congress since 1879.

He was one of the founding members—and became the first Chair—of the Congressional Hispanic Caucus, CHC.

During his time in Congress, he ascended to the powerful Appropriations Committee, where he was an outspoken advocate for funding for education, civil rights, and health programs. He was one of the first Members of Congress to press for HIV/AIDS research funding.

He was a true advocate for senior citizens as well. He served on the Select Committee on Aging—and was the chairman from 1985 to 1993. He worked tirelessly for the rights of senior citizens and was most proud of his efforts to protect and expand the Meals on Wheels program.

Upon his retirement from Congress in 1992, Representative Roybal was honored to see his daughter—and our colleague—LUCILLE ROYBAL-ALLARD elected to Congress to represent the newly-created 33rd Distirct, which included a portion of the same district that Representative Ed Roybal represented in Congress for 30 years.

After leaving Congress, Ed continued to advocate for those he cared most about and founded a non-profit research agency, now called the Edward R. Roybal Institute for Applied Gerontology, at the California State University—Los Angeles campus.

In 1999, the Centers for Disease Control, CDC, honored Representative Roybal's support for public health programs by naming its main campus in Atlanta in his honor and awarding him its "Champion of Prevention" Award.

Representative Roybal was a tireless advocate for the less fortunate. He served his country with honor both in uniform and in this Congress. His contributions will be remembered and celebrated; his death will be deeply mourned.

On behalf of Congress, I extend my deepest sympathies to those he loved and those who loved him. He had a rich life and we can best honor him by striving to live up to his example of how best to serve.

Mr. DREIER. Mr. Speaker, yesterday, a dear friend, a great man and the father of one of our colleagues, former Congressman Ed Roybal, passed away.

Ed was a man of tremendous passion and compassion. He saw no limits, only possibilities. He was a trailblazer for the Hispanic community who aimed high without fear of failure.

Ed moved to Los Angeles when he was a child, and he became as much a part of the city as it became part of him. Upon returning from service in World War Two, Ed became director of health education for the Los Angeles County Tuberculosis and Health Association. Healthcare and the well-being of his fellow citizens would be a hallmark of Ed's long career of public service.

When Ed was elected to the first of his nearly 30 years in Congress in 1962, he was only the second Hispanic-American to represent California. While Ed was at the center of issues facing Los Angeles, he was a strong advocate for the region and all of California.

Ed's sincerity and heartfelt speeches on the floor of this body are legendary, and so was his decency. The attention and care he devoted to his constituents, he also paid to his colleagues.

Through Ed's example, we learned patience, kindness and generosity. He was unfailingly gracious, determined and effective, all at once.

His legacy is found in the successes of his constituents who were inspired by his example. His legacy is found in community programs in Los Angeles. And his legacy is found right here in the Capitol.

Our thoughts and prayers are with Ed's daughter, Congresswoman LUCILLE ROYBAL-ALLARD, as she carries on his example of public service, and also with the entire Roybal family.

Mr. BACA. Mr. Speaker, yesterday, our Nation lost a public servant who demonstrated conscience and commitment. The Honorable Edward Ross Roybal was a pioneer and a fighter for the disadvantaged. As a Mexican-American man in 1930s and 40s in Los Angeles, he personally experienced brutality because of his color. He fought that racism with political activism. As a city council member, activist, and 30 year Congressman in this great House, he broke barrier after barrier.

But it wasn't enough for him to break barriers simply by his presence in American political life, which was remarkable in its own right. He worked to actively pave the way for those behind him, never losing passion for giving voice to the voiceless.

He co-founded the Congressional Hispanic Caucus, dedicated to voicing and advancing, issues affecting Hispanics in the United States.

He founded the National Association of Latino Elected Officials, which empowers Latinos nationwide to participate in the democratic process.

He remained active in California politics, mentoring the next generation of young leaders.

Congressman Roybal was more than an asset to the Hispanic Community. He was an asset to the American community. In these chambers, he was a role model to us all. He voted his conscience and stuck to his principles. And America is better off because of him.

I offer heartfelt condolences to my colleague and friend, the Honorable LUCILLE ROYBAL-ALLARD, and I join the Nation in mourning this great man.

Mr. GEORGE MILLER of California. Mr. Speaker, I rise to pay tribute today to a friend and distinguished former colleague, Mr. Edward Roybal of California.

I had the honor of working with Ed for 17 of the 30 years he served in the House of Representatives. I knew Ed to be a man of integrity, good conscience, courage and passion. He always stood for what he believed was best for the country. And he helped found many institutions of importance to America's Latino community.

Ed's passion and dedication to public health and quality of life issues has benefited generations of people and helped saved lives. He and I both shared the belief that government has an obligation to invest in the public good. Ed's work to secure the first funding for AIDS research and programs at the Center's for Disease Control and Prevention (CDC) in 1982 stands out to me. Back then, we did not fully understand how serious and deadly the AIDS virus would become, but Ed Roybal did.

Consequently, I though it was a fitting honor for the CDC central campus in Atlanta and the California State University at Los Angeles Institute for Applied Gerontology to dedicate their facilities in his name. These honors, and many others given him, are well deserved.

I offer my sincerest condolences to Ed's surviving family, including his daughter, my friend and current colleague, Representative LUCILLE ROYBAL-ALLARD. With Ed's passing, America has lost a leader, role model, and to those of us who were fortunate enough to call him such: a friend.

Mr. UDALL of New Mexico. Mr. Speaker, I rise today to honor the memory of Representative Ed Roybal, a towering figure whose tireless work on behalf of civil rights and health care were the hallmarks of his distinguished career, For three, decades, Representative Roybal served with distinction and honor in the House, and it is with sadness that we now recognize his passing.

Born in Albuquerque only 4 years after New Mexico gained statehood, Ed Roybal's childhood was spent in the Land of Enchantment. His family had resided in the Southwest for several generations, its family lineage stretching to the founding of Santa Fe, the oldest capital in the Nation. When he was 6, Ed Roybal's father became unemployed during a railroad strike, and in 1922 they moved to Los Angeles, California.

Over the next two decades, Ed Roybal became passionate on issues of discrimination, minority rights, health care, and senior citizens. After forming an organization to combat against housing and education discrimination against minorities, and after serving on the Los Angeles City Council, Ed Roybal in 1963 became the first Mexican-American from California elected to serve in the U.S. House of Representatives. During his three decades in this role, he became a national leader and outspoken advocate for health care and minority rights, while at the same time being revered by his constituents for his never-ending attention to their needs.

Representative Roybal can also be credited with creating the National Association of Latino Elected Officials (NALEO), one of the leading Hispanic political organizations in the Nation. Several locally elected officials throughout my district often visit me while in Washington for NALEO conferences, and each and every one of them extol the virtues of the organization and its successes in promoting Hispanic action and service in the political field. I have no doubt that it is because of Representative Roybal's ceaseless and caring service that so many Hispanics serve today. I know for certain that one member of our own body was front and center for Representative Roybal's wonderful lessons in civics and public service. Representative LUCILLE ROYBAL-ALLARD, who now represents the district her father once represented, has continued her father's advocacy for the poor, for the voiceless, and for the disenfranchised. She, like so many of us, was able to learn from his exemplary service, and he was extremely proud of her.

Mr. Speaker, Representative Ed Roybal added immensely to this distinguished body during his three decades of service. He is to be remembered for his hard work and his dedication and leadership on so many noble causes. I extend my sympathies to my colleague and to the rest of her family on this loss. We share their sadness on this occasion.

GENERAL LEAVE

Mr. DREIER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the passing of Congressman Ed Roybal.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Without objection, 5-minute voting will continue.

There was no objection.

RECOGNIZING THE 40TH ANNIVERSARY OF THE WHITE HOUSE FELLOWS PROGRAM

The SPEAKER. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 269.

The Clerk read the title of the concurrent resolution.

The SPEAKER. The question is on the motion offered by the gentlewoman from Ohio (Mrs. SCHMIDT) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 269, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 401, nays 0, not voting 32, as follows:

[Roll No. 537]

YEAS—401

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth

Hefley
Hensarling
Herger
Herseth
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Hooley
Hostettler
Hoyer
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Pearce
Pelosi
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Rothman
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)

NOT VOTING—32

Andrews
Boswell
Brady (TX)
Brown, Corrine
Brown-Waite, Ginny
Carson
Diaz-Balart, L.
Diaz-Balart, M.
Edwards
Fattah
Foley
Ford
Gingrey
Gutierrez
Higgins
Honda
Hulshof
Jackson-Lee (TX)
Manzullo
Meek (FL)
Payne
Peterson (MN)
Reyes
Reynolds
Ros-Lehtinen
Roybal-Allard
Shaw
Strickland
Visclosky
Wasserman Schultz
Wexler
Young (FL)

☐ 1910

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCING THE PASSING OF ROSA LOUISE PARKS

(Mr. CONYERS asked and was given permission to address the House for 1 minute.)

Mr. CONYERS. Mr. Speaker, I am sorry to announce the passing of Rosa Louise Parks yesterday evening, and I would like to announce that we have already prepared a Special Order immediately following the business tomorrow, and we invite all of the Members on both sides of the aisle to attend.

MOMENT OF SILENCE IN MEMORY OF ROSA LOUISE PARKS

Mr. CONYERS. Mr. Speaker, may I ask for the Speaker to call for a moment of silence in memory of Rosa Louise Parks.

The SPEAKER. Would Members please rise and join me in a moment of silence in memory of Mrs. Rosa Louise Parks.

CONGRESSMAN JAMES GROVE FULTON MEMORIAL POST OFFICE BUILDING

The SPEAKER. The pending business is the question of suspending the rules and passing the bill, H.R. 3256.

The Clerk read the title of the bill.

The SPEAKER. The question is on the motion offered by the gentlewoman from Ohio (Mrs. SCHMIDT) that the House suspend the rules and pass the bill, H.R. 3256, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 396, nays 1, not voting 36, as follows:

[Roll No. 538]

YEAS—396

Ackerman
Aderholt
Akin
Alexander
Allen
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Rothman
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shays
Sherman

Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Walden (OR)
Walsh
Wamp
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)

NAYS—1

Abercrombie

NOT VOTING—36

Andrews
Boswell
Brady (TX)
Brown, Corrine
Brown-Waite, Ginny
Carson
Diaz-Balart, L.
Diaz-Balart, M.
Edwards
Fattah
Foley
Ford
Gingrey
Gutierrez
Higgins
Hulshof
Jackson-Lee (TX)
Keller
Maloney
Manzullo
Meek (FL)
Miller (FL)
Murtha
Payne
Pombo
Reyes
Reynolds
Ros-Lehtinen
Roybal-Allard
Shaw
Strickland
Visclosky
Wasserman Schultz
Waters
Wexler
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON) (during the vote). Members are advised 2 minutes remain in this vote.

☐ 1929

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. ANDREWS. Mr. Speaker, I regret that I missed three votes on October 25, 2005. Had I been present I would have voted "yes" on H.R. 3675 (the American Spirit Fraud Prevention Act), H. Con. Res. 269 (Recognizing the 40th anniversary of the White House Fellows Program) and H.R. 3256 (the Congressman James Grove Fulton Memorial Post Office Designation Act).

PERSONAL EXPLANATION

Mr. GUTIERREZ. Mr. Speaker, I was unavoidably absent from this Chamber today. I would like the Record to show that, had I been present, I would have voted "yea" on rollcall votes 536, 537, and 538.

PERSONAL EXPLANATION

Ms. CARSON. Mr. Speaker, due to a weather related travel delay, I was unable to record my vote for rollcall suspension votes 536 through 538. Had I been present I would have voted "yes."

HONORING OUR SOLDIERS IN IRAQ

(Mr. MEEHAN asked and was given permission to address the House for 1 minute.)

Mr. MEEHAN. Mr. Speaker, the Pentagon announced today that 2,000 American servicemen and women have been killed in Iraq. On this same day, Iraqi officials announced that Iraq's constitution was approved with nearly 80 percent of the vote.

This progress on the political front is in stark contrast with the failure to set clear benchmarks on the security front.

As the casualties continue to mount and rise, the Bush administration continues to refuse to lay out a strategy for a timeline for bringing our troops home.

On this day of mourning, my thoughts and prayers are with the families who have lost their loved ones and with all of our soldiers still serving in Iraq today.

On this day of mixed messages, I renew our call to the administration to outline their plans for bringing our troops home. The best way to honor our soldiers is to find a safe and responsible exit for them from a sovereign and independent Iraq.

HONORING PETTY OFFICER HOSPITALMAN THIRD CLASS CHRISTOPHER THOMPSON

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Mr. Speaker, I rise with a very heavy heart today to express the condolences of a grateful Nation and to honor the life of Petty Officer Hospitalman Third Class Christopher Thompson, who passed away on October 21 while serving in Iraq.

A native of Wilkes County, North Carolina, Petty Officer Thompson served his country as a naval hospital corpsman. In that role he cared for his wounded comrades and was awarded the Navy Commendation Medal during his first tour of duty for aiding four Marines hurt in a bombing.

Petty Office Thompson was a loving son and brother. He leaves behind his parents, Larry and Geraldine Thompson; and brothers, David Thompson and Jimmy Epley. May God bless them and comfort them during this very difficult time.

We owe this brave sailor and his family a tremendous debt of gratitude for his selfless service and sacrifice. Our Nation could not maintain its freedom and security without heroes like Christopher who make the ultimate sacrifice. Americans, as well as Iraqis, owe their liberty to Christopher and his comrades who came before him.

Mr. Speaker, please join me in honoring Petty Officer Christopher Thompson. May God bless him.

THE SACRIFICE OF OUR FIGHTING MEN AND WOMEN

(Mr. ABERCROMBIE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ABERCROMBIE. Mr. Speaker, the spokesperson for the Pentagon in Baghdad today indicated that anyone who even comments on the fact that 2,000 fighting men and women have died on behalf of the United States in Iraq, anyone who even comments on this, is undermining morale, should not even be allowed to make a comment unless they will be designated as having a political agenda. He went on to state that anyone commenting on the fact that 2,000 fighting men and women have died in Iraq in our name, that anyone who even comments on that at this stage is not entitled to regard themselves as being truly a patriotic American by implication. He went on to say that this does not even rise to the level of a story.

Well, Mr. Speaker, I bet it was a story to the parents and loved ones of the fighting man who died No. 2,000. This is a benchmark, yes, a benchmark of the failure and our failure here in the Congress to come to grips with what the word "sacrifice" really means.

We are not sacrificing in this country. We are watching it on TV. We are adding it up. We are looking at it, observing it, and not really understanding our obligation and our responsibility to the true sacrifice of these fighting men and women.

HELPING THE AUTOMOTIVE INDUSTRY

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Mr. Speaker, recent events in the State of Ohio makes it urgent that this Congress address issues that relate to the automotive industry. Delphi's recent bankruptcy filing may result in the closing of several Ohio plants that provide thousands of jobs. General Motors' sharp cutbacks in health care benefits for UAW members and retirees as well as Ford's announcement of sharp job cutbacks beginning in January of 2006 possibly affecting at least one major auto production facility make it imperative that we come together to do everything we can to help protect America's automotive industry.

And we are doing that in Ohio by organizing not only our elected officials and our labor officials but the business community in coming together to address the challenge to one of our State's largest employment sectors that can only be met by a coordinated effort of our entire delegation.

The automotive industry is in a state of crisis. We are cooperating to bring together all of the resources possible to make sure that we protect the jobs of autoworkers as well as all the allied unions who work with them and to make sure that one of America's great industries has the strength to endure.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. SODREL). Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. MCCARTHY) is recognized for 5 minutes.

Mrs. McCARTHY. Mr. Speaker, last week in this House, we passed a gun liability bill, and we gave immunity to the gun manufacturers and gun dealers that have never seen the likes of before.

With this passage of the bill and with the President being there to sign it, we are going to be counting on the NICS system more than ever to make sure that those that should not be able to buy guns should not be able to get them. It is going to put added responsibility onto the NICS system, and the NICS system is not ready.

People know that a computer is only as good as the information that is given to it. I want the Members to look at this sign. In 25 States, 40 percent of felons can buy guns, no questions asked, mainly because 25 States have entered less than 60 percent of their felons into their computer systems.

When we talk about trying to prevent gun violence in this country, I have offered numerous solutions that are common sense certainly to try to protect the American people; and yet this House, unfortunately, has not done anything to try to reduce gun violence in this country. In 13 States, subjects of restraining orders can buy guns, no questions asked. Thirteen States do not list restraining orders, and yet certainly it is part of what we know that those that are under restraining orders are not supposed to be able to buy guns.

This month we are also talking about domestic violence awareness; and yet we see constantly that we do not list those that have been served with restraining orders, that there is no protection at all.

All States sell guns to those on terrorist watch lists. All States sell guns to those that are on a terrorist watch list.

The majority of us here in Congress fly a couple of times a week. We go through the search. We take off our shoes. At one point some of us are actually on that watch list, and we are able to get off it when we find out when a mistake is made. And yet we do know that there are terrorists that are not allowed to fly on our planes; yet they can go into any one of our States and they can buy a gun. Where is the common sense in that? Terrorists cannot fly, but they can buy guns in any State in this country.

H.R. 1415 is a bill that I introduced a couple of years ago. It actually passed here on the House floor by voice vote. Unfortunately, the Senate did not have enough time to pick it up. I think the time is really now to look at the NICS Improvement and Enforcement Act and it is time to pass it again.

If we are going to give gun immunity to our gun dealers and to our gun manufacturers, we still should be doing something to make sure that the people of the United States have the best protection possible.

This bill is actually good for gun dealers. It saves lives. It is time for common sense. It is time for us to try to change the way we talk about gun violence, the second amendment, here in this Chamber.

I honestly do not know that many people that want to take away the right of someone to own a gun. What we are trying to do is put common sense into our gun laws to prevent people from dying, prevent accidents, and also try to save the taxpayers money.

When we talk about spending over $200 billion, $200 billion, a year associated with gun violence, health care related to gun violence in this country, I think that is quite a bit of money. When we are talking about sometime this week possibly having a budget reconciliation, and I am going to be in the Committee on Education and the Workforce tomorrow and I understand that we are going to be cutting anywhere from $3 billion to $4 billion on top of the $13 billion we have already cut out of higher education, I think $200 billion a year could help us. But the House still does not have the will.

I am hoping that people will listen. I am hoping that people will understand that this is common sense; that if we do the background checks, we can certainly prevent an awful lot of people from buying the guns who should not be buying the guns. Maybe we could save some lives. Maybe we could have education for the parents that buy the guns, that they should be buying child safety locks to make sure that their children do not get ahold of a gun. There are so many common-sense things that we can do.

I hope now that the House has passed their major legislation on blocking any kind of tort reform or passing tort reform for the gun industry and the NRA has got their number one issue done for the year, that we can start talking about how we are going to save lives, how we are going to prevent injuries, how we are going to save money in the health care system because of needless killings and accidental deaths and suicides. These are things that affect so many families in different parts of our country on a daily basis. I will be talking about this over the next several months. I am determined to get this passed. I hope my colleagues will be there with me.

☐ 1945

AFTA AND DRUG CONTROL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Mr. Speaker, last month, 10,500 North Carolinians lost their jobs. Many of those jobs were in the manufacturing sector. Why? Misguided trade policies like "Most Favored Nation" trade status for China, Trade Promotion Authority, and an explosion of free trade agreements like NAFTA and CAFTA.

It appears this administration wants to eliminate more U.S. manufacturing jobs by signing another free trade agreement, this one with the low-wage countries such as Colombia, Ecuador and Peru. This agreement is called AFTA, Andean Free Trade Agreement. It is being negotiated as we speak.

In addition to eliminating U.S. jobs, AFTA is likely to increase the amount of cocaine coming into this country. U.S. negotiators are pushing the Colombians to agree to provisions that will force many of their poor farmers into cocaine production. That cocaine will undoubtedly come flooding into American neighborhoods. I urge my colleagues to look into this issue, because if there is one thing this country does not need, it is a new trade agreement that exports U.S. jobs and increases imports of deadly drugs.

Mr. Speaker, I think too many times we in the Congress try to do what we think is right, but when it comes to sending jobs down to Central America or to China or other countries, it is not good for the American workers.

Mr. Speaker, with that, tonight I am going to close by asking the American people to please remember our men and women in uniform who are serving in Iraq and Afghanistan, to please remember the families who have lost loved ones in Afghanistan and Iraq, and I close by asking God to please bless our men and women in uniform.

HONORING THE 2,000 AMERICANS KILLED IN IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. EMANUEL) is recognized for 5 minutes.

Mr. EMANUEL. Mr. Speaker, today marks a solemn milestone: 2,000 American military personnel have now given their lives fighting in Iraq; 244 Americans have also fallen in Afghanistan. We owe these brave men and women and their families a debt of gratitude that can never be fully repaid.

In July of this year, I led a bipartisan group of 21 Members of Congress in reading the names of the fallen into the CONGRESSIONAL RECORD over a 2-week period of time. Tonight I continue this tribute by reading the names of some of those who have fallen most recently.

In the words of President Franklin Delano Roosevelt, each of these heroes stands in the unbroken line of patriots who have dared to die that freedom might live and grow and increase in its blessings. God bless them, and keep each of the brave Americans whose memory we honor tonight in our memory: Staff Sergeant Jeremy W. Doyle, Specialist Ray M. Fuhrmann II, Lance Corporal Phillip C. George, Private 1st Class Timothy J. Seamans, 1st Lieutenant Laura M. Walker, Sergeant Willard Todd Partridge, Private 1st Class Elden D. Arcand, 2nd Lieutenant James J. Cathey, Specialist Blake W. Hall, 1st Lieutenant Joshua M. Hyland, Sergeant Michael R. Lehmiller, Staff Sergeant Brian Lee Morris, Specialist Joseph C. Nurre, Private Christopher L. Palmer, Sergeant Joseph Daniel Hunt, Specialist Hatim S. Kathiria, Staff Sergeant Ictoir P. Lieurance, Private 1st Class Ramon Romero, Master Sergeant Chris S. Chapin, 1st Lieutenant Carlos J. Diaz, Sergeant 1st Class Trevor J. Diesing, Master Sergeant Ivica Jerak, Corporal Timothy M. Shea, Staff Sergeant Damion G. Campbell, Specialist Joseph L. Martinez, Sergeant 1st Class Obediah J. Kolath, Chief Warrant Officer Dennis P. Hay, 2nd Lieutenant Charles R. Rubado, Major Gregory J. Fester, Specialist Jason E. Ames, Captain Lowell T. Miller II, Sergeant Monta S. Ruth, Sergeant George Ray Draughn, Jr., 1st Lieutenant Derek S. Hines, Staff Sergeant Robert Lee Hollar, Jr., Sergeant 1st Class Lonnie J. Parson, Lance Corporal Ryan J. Nass, Sergeant Matthew Charles Bohling, Specialist Luke C. Williams, Hospitalman Robert N. Martens, Specialist Jeffrey A. Williams, Sergeant Franklin R. Vilorio, Staff Sergeant Jude R. Jonaus, Staff Sergeant Christopher L. Everett, Specialist Jeremy M. Campbell, Sergeant Kurtis Dean K. Arcala, Seaman Apprentice Robert D. Macrum, Sergeant Alfredo B. Silva, Lance Corporal Shane C. Swanberg, Sergeant Matthew L. Deckard.

Mr. Speaker, in the words of President Abraham Lincoln, who wrote to the mother of five fallen soldiers, "I pray that our Heavenly Father may assuage the anguish of your bereavement, and leave you only the cherished memory of the loved and lost, and the solemn pride that must be yours to have laid so costly a sacrifice upon the altar of freedom."

I would also like to thank the brave men and women who continue to serve our Nation in both Iraq and Afghanistan and throughout the world and serve with distinction. Our thoughts and prayers and gratitude are with you and your families at this time until you return home.

To the families whose names I have read here tonight and other nights, if I have mispronounced your names, my apology. I want you to know your family member, your son and your daughter, your brothers and sisters, your fathers and mothers, that we only meant to put your name in the CONGRESSIONAL RECORD and to always be part of our country and our community.

God bless you.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind Members that remarks are supposed to be directed to the Speaker, rather than the viewing audience.

PANDEMIC PLAN: AVIAN INFLUENZA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. BURGESS) is recognized for 5 minutes.

Mr. BURGESS. Mr. Speaker, I just wanted to take a minute this evening to talk about something that has been in the news a lot lately, and something that this Congress is going to be dealing with more and more as the next several months go by, and that is a discussion about the avian flu, or the so-called bird flu. I wanted to use these remarks tonight to talk about what is the bird flu; perhaps some history that may be important; what is a pandemic, and what makes a pandemic a pandemic; and then, finally, what can be done to prepare ourselves and our country if indeed this pandemic is on the horizon.

It is important to remember, Mr. Speaker, that the influenza virus has been with us for a long time. It is constantly changing and undergoes a continuous process of evolution and changes. Generally, these are small changes referred to as genetic drift. It is why we have to get a flu shot every year. But occasionally, occasionally, the virus undergoes a major evolutionary change and undergoes a genetic shift, rather than just the drift that we see from year to year.

For the past several years, a flu type known as H3N2 has been the type against which we commonly receive our yearly flu shot. Because of genetic drift, a new vaccination is necessary every year. With the absence of a regular yearly update in the flu vaccination, we would all have some immunity that would carry over from year to year. But approximately every 30 years there is a major change in the flu virus worldwide. This type of major change took place in 1957, and 170,000 people in this country died from the Asiatic flu, and in 1968, when 35,000 died from the Hong Kong flu.

Mr. Speaker, the term "pandemic" applies when there is no underlying immunity within the community to the particular type of flu virus. A pandemic occurs with periodic evolution of the influenza virus.

Assumptions about prior pandemics become part of our planning for the avian flu, a particularly virulent strain of flu that could overwhelm all of the available responses and resources that we could have at our disposal in this country. Every hospital bed filled. Think in terms of nearly 2 million deaths in this country from a pandemic.

The virus under consideration, H5N1, actually has some similarities with the Spanish flu that caused the big pandemic in 1918. Both of these illnesses cause lower respiratory tract symptoms, high fever, myalgias, prostration and a postviral weakness that could last from 4 to 6 weeks.

The virus primarily replicates in bronchial tissue. It may cause a primary or secondary pneumonia. The pulmonary tree is unable to clear itself of secretions and debris. The vast majority of people could recover, but there is significant potential to kill, and it is related to the virulence of the virus.

Currently we talk about the 1918 Spanish flu. That was a pure avian or bird flu, which then adapted to humans with fulminant infections as a result. There is currently a widespread bird infection throughout Asia, Russia, several former Soviet republics and Southeast Asia, and recently we have seen it make an appearance in European Union countries.

The virus has jumped species. What began purely as a presence in avian populations is now present in canines and felines. Person-to-person transmission has occurred.

Because of the presence in birds, migratory flyways facilitate distribution of the illness, and, of course, modern worldwide travel imposes additional concerns, as we saw with the SARS epidemic 2 years ago.

The steps to a pandemic include: Number one, the virus in a widespread host such as birds; number 2, a wide geographic setting with involvement of other mammals; number 3, bird-to-human transmission; number 4, inefficient human-to-human transmission; and, number 5, efficient human-to-human transmission.

Steps 1 through 4 have already occurred since avian influenza first appeared in 1997. It is the last step, efficient human-to-human transmission, which to date has not occurred. This will require further genetic mutation of the virus, but if that event does occur, that is what will mark the commencement of a worldwide pandemic.

It is entirely possible that the mutation will not occur. It is also entirely possible that efficient human-to-human transmission will never be developed and the pandemic will not occur. The situation is very unpredictable, but because of the extremely wide geographic distribution of the avian flu, unlike any ever seen previously before, it is prudent to prepare for the outbreak in humans.

TRIBUTE TO ROSA PARKS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, I rise today to recognize Rosa Parks, who died yesterday at the age of 92.

Some 50 years ago, Mrs. Parks took a stand for freedom by sitting down. She refused to give up her seat on a city bus to a white man. Mrs. Parks was arrested and convicted of violating Alabama's segregation laws. Her actions sparked the Montgomery bus boycott and toppled the Jim Crow law under which she had been convicted.

Mrs. Parks was not seeking attention, was not trying to become a symbol at that moment of the civil rights movement. But by taking a stand against racial inequality, her arrest personalized the injustice to Americans of faith and strong belief, of all races, and personalized the humiliation of segregation laws.

☐ 2000

Rosa Parks' courage and active defiance ignited the civil rights movement. Her understanding of equality and commitment to justice made her a gifted leader of that movement.

Today we mourn the loss of Mrs. Parks. We honor her personal strength, her determination, as a civil rights leader and her vision of a Nation where freedom is denied to no man and to no woman. The memory of Rosa Parks inspires the fight for social and economic justice.

RED RIBBON WEEK

The SPEAKER pro tempore (Mr. SODREL). Under a previous order of the House, the gentleman from Indiana (Mr. SOUDER) is recognized for 5 minutes.

Mr. SOUDER. Mr. Speaker, I thank my colleagues in the entire House today for adopting H. Res. 485, supporting the goals of Red Ribbon Week. Red Ribbon Week, which is this week, helps bring together local communities for anti-drug abuse education and other prevention efforts. I would like to thank all the members who cosponsored this resolution, and Chairman JOE BARTON of the Energy and Commerce Committee, and Chairman NATHAN DEAL of the Health Subcommittee for their assistance in bringing it before the whole House. Regrettably, as this resolution was added to the schedule only last night, I was in my Congressional district and was unable to be on the House floor today to express my support for my own bill.

However, I am very pleased that we were able to pass Red Ribbon Week. Twenty years ago, in March 1985, Special Agent Enrique Camarena of the Drug Enforcement Agency, DEA, was kidnapped, tortured and murdered by drug dealers in Mexico. Red Ribbon Week began as a local commemorative effort Agent Camarena's hometown of Calexico, California. Congressman DUNCAN HUNTER and Camarena's high school friend, Henry Lozano, created the Camarena Club to preserve the agent's legacy. The National Family Partnership later formalized Red Ribbon Week as a national campaign, an 8-day event proclaimed by the U.S. Congress and chaired by then President and Mrs. Ronald Reagan.

Red Ribbon Week is dedicated to helping preserve Agent Camarena's memory and further the cause for which he gave his life, the fight against the violence of drug crime and the misery of addiction. By gathering together in special events and wearing a red ribbon during the last week in October, Americans from all walks of life demonstrate their opposition to drugs. Such events include organizing drug prevention events and schools distributing educational materials to young people about the dangers of drug abuse and other activities designed to promote healthy choices. Approximately 80 million people participate in Red Ribbon events each year.

I would also like to use this opportunity to urge that our leadership soon act on anti-methamphetamine legislation, legislation with broad bipartisan support. I hope that after this legislation is passed, it is then applied to the Commerce, State, Justice appropriations bill and any other appropriate appropriations bill that we have not yet passed, rather than languishing with a few hundred bills over in the other body. We need results, not just more posturing, not just talk, actual money and actual policy in the fight against methamphetamines.

I hope the appropriations conference committees do not undo the will of the House, as we added methamphetamine funding in a number of appropriations bills, including adding $25 million to the national ad campaign specifically designed for methamphetamine prevention, not a reallocation of other committee money. We had an offset, it was money specifically in the ad campaign for anti-methamphetamine advertising.

Also, that this $25 million not be diverted to other types, on marijuana and other issues, it is for methamphetamine advertising. It is very important, it was bipartisan and it was overwhelming. We need to do these things. We have not had a lot of bipartisanship in this House, but in this battle against methamphetamines, we have that.

The same on steroids. I have been a long-suffering White Sox fan for over 50 years at this point in my life. I am thrilled they are in the World Series. This is a time that we should move the ONDCP, the so-called drug czar bill through, which has been held up because even though it passed unanimously through the committee, which was not an easy process, we have a very divided Government Reform and Oversight Committee, but we were unanimous on trying to address the problems of steroids.

Rafael Palmeiro thumbed his nose at this Congress, as did Mark McGwire, and then the reaction of the Baltimore Orioles when he actually went to testify, they said he was not welcomed back in their locker room because he named other players. If there is any doubt in our minds that Major League Baseball will never solve the problem of performance-enhancing drugs, it is that scene in the Baltimore locker room.

If their club mentality is to punish the players who finger the dealers, who punish the trainers who identify and cooperate with law enforcement, it will never be fixed internally. We can sit here and twiddle our thumbs and be bullied by different organizations that do not want this, but it is time during Red Ribbon Week for us to stand up and say we are going to do something in a bipartisan way on methamphetamine. We are doing to do something on steroids, and we will bring these bills to the floor and we will find out how to make them law.

That is how we can recognize Agent Camarena, a DEA agent who was shot by law enforcement officials on the other side of the border, one of the most tragic events that led to this whole national campaign. What we can do here in Congress, in addition to speaking out in our district, working with events, as I am going to be at South Side High School in Fort Wayne this Saturday. They are going to have a poster contest and a basketball event to try to get kids in other programs and keep them off the streets.

We need to do that as Members of Congress, but we are legislators. What we need to do is pass the bills that the House has already spoken out on regarding methamphetamines, pass the bills that have unanimous backing on steroids and stop holding it up, getting it done, even if a few powerful people want to stop it. What better time to do it when the White Sox finally win the World Series, and we take a strong stand on baseball.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 420, LAWSUIT ABUSE REDUCTION ACT OF 2005

Mr. SESSIONS, from the Committee on Rules, submitted a privileged report (Rept. No. 109–253) on the resolution (H. Res. 508) providing for consideration of the bill (H.R. 420) to amend Rule 11 of the Federal Rules of Civil Procedure to improve attorney accountability, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1461, FEDERAL HOUSING FINANCE REFORM ACT OF 2005

Mr. SESSIONS, from the Committee on Rules, submitted a privileged report (Rept. No. 109–254) on the resolution (H. Res. 509) providing for consideration of the bill (H.R. 1461) to reform the regulation of certain housing-related Government-sponsored enterprises, and for other purposes, which was referred to the House Calendar and ordered to be printed.

EXCHANGE OF SPECIAL ORDER TIME

Ms. KAPTUR. Mr. Speaker, I ask unanimous consent to take the time of the gentlewoman from California (Ms. WOOLSEY).

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

TRADE DEFICIT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, America's economy has an internal rot that threatens our actual independence as a republic. I want to talk about that tonight, and I rise to draw attention to the astronomical and growing current account deficit that grows every day. This is a chart that shows the trade deficit that has been getting worse and more and more red ink every year.

In the year 2004, that deficit rose to $668 billion of more foreign imports coming into our country than our exports going out. This red ink drags down economic growth, results in job loss, wage stagnation and actual cuts now in people's benefits for health and retirement and, indeed, wages themselves.

This deficit has been clearly increasing. Again, just in the first half of this year, by almost 20 percent more at $394 billion. This represents the equivalent of 2 billion more dollars per day or $1.5 million more per minute in foreign debt. We are literally cashing out America.

The tourniquet gets tighter each year, and Americans can feel it. Wages do not go up, your health benefits are more expensive, everything costs more, and you seem not just to be running in place, but running and falling behind. Given the rising cost of oil imports, a significant increase over last year's record high figure is an absolute certainty this year.

According to one report, the higher price of oil could add an estimated $60- to $90 billion more to the Nation's trade deficit in 2005. Unbelievable. America, wake up. America's independence is at stake.

This deficit not only represents lost jobs in our communities, more and more each day, it is a very real threat to the economic security of our country for the future. The fundamentals are seriously out of whack.

Curiously, our sky high and growing trade deficit results in a growing U.S. debt held by foreigners. These foreign investors now hold over half of the publicly traded U.S. securities, and that number has been growing in recent years to the highest in American history. If you look, this is just a listing of some of the countries that own a piece of the rock, a piece of America: Japan, with holdings of nearly $700 billion. Europe, $427 billion. China, Hong Kong, nearly $300 billion this year. That is the fastest growing. That number is going up astronomically. The oil exporting countries own over $134 billion of us, all down the list.

If a large number of those investors decided to sell off those public securities at the same time for any reason, or even a portion of them, whether it was due to a sudden lack of confidence in our economy or to a coordinated political offensive, America would face a widespread financial crisis. We are in uncharted waters.

In addition to this insecurity, job losses due to increased imports are a reality in every one of our communities. One estimate suggests for $1 billion of trade deficit, we lose 20,000 more jobs in this country. Delphi, and its struggles, are not a fairy tale.

In my community in Ohio, workers and businesses are losing out as we struggle to save production. Companies like La-Z-Boy, companies like Clay, reforming firms, Delphi most recently, Ford Thunderbird, so many companies are literally struggling or have closed their doors.

As Princeton economist Paul Krugman noted last week, when corporate executives say they have to cut wages to meet foreign competition, workers have every right to ask, why do we not cut the foreign competition instead.

During prior decades, America held a surplus in automotive parts. But last year, we had turned that surplus into a trade deficit of over $24 billion, and that deficit grows even more this year. That is why I am now drafting a bill, the Balancing Trade Act of 2005. It would require the President to renegotiate trading relations with a country, if America's trade deficit with that country reaches more than $10 billion for 3 consecutive years. This initiative would require action on the $45 billion deficit we already have with Mexico, a country we enjoyed a small trade surplus with when NAFTA passed in 1993. It would require the President to take action in the face of deficits, like our current $162 billion deficit and growing deficit with China, which has almost doubled since PNTR was passed in 2000, just a short 5 years ago.

Each new trade agreement, while expanding U.S. markets so slightly, has brought in a flood of new imports that cancels any gains we make. Not only cancels, but pushes us further behind, resulting in the ownership of the rock by foreign investors.

The only action we have seen so far in this administration's efforts to expand the flawed NAFTA in two more countries in this hemisphere was through CAFTA. Look at their effort to muscle that through just about a month ago by one vote here in this chamber, and it was not on the legit. They had to wring arms for every single vote. If the American people were inside these chambers, that never would have passed.

Mr. Speaker, I say to the American people, wake up, America's independence really is at stake.

THE VALERIE PLAME INCIDENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. HINCHEY) is recognized for 5 minutes.

Mr. HINCHEY. Mr. Speaker, I have here a letter which I wrote last month, which is addressed to United States Attorney Patrick Fitzgerald, who is currently conducting an investigation with regard to who it was who revealed the name of Valerie Wilson, who is and was an undercover operator for the Central Intelligence Agency, which I will enter at this point into the CONGRESSIONAL RECORD.

CONGRESS OF THE UNITED STATES,
Washington, DC, September 15, 2005.

Re request to expand investigation.

U.S. Attorney PATRICK FITZGERALD,
Justice Department,
Washington, DC.

DEAR UNITED STATES ATTORNEY FITZGERALD: We hereby request that you expand your investigation regarding who in the Bush Administration revealed to the press that Valerie Wilson, the wife of Ambassador Joseph Wilson, was an undercover agent for the Central Intelligence Agency (C.I.A.). We believe that expansion should include investigating the Administration's false and fraudulent claims in January 2003 that Iraq had sought uranium for a nuclear weapon, which the Administration offered as one of the key grounds to justify the war against Iraq.

President Bush made two uranium claims, one in his State of the Union Address to Congress and another in a report that he submitted to Congress concerning Iraq, and National Security Advisor Condoleezza Rice, Secretary of State Colin Powell, and Secretary of Defense Donald Rumsfeld made three other uranium claims. We request that you investigate whether such claims violated two criminal statutes, 18 U.S.C., Sec. 1001 and 18 U.S.C., Sec. 371, that prohibit making false and fraudulent statements to Congress and obstructing the functions of Congress.

You have broad discretion to conduct this investigation. The issues we raise are directly related to your current investigation and clearly fall under your authority. The desire to discredit the information provided by Ambassador Wilson regarding the lack of evidence to support the Administration's contention that Iraq sought uranium from Niger is the nearly-universally accepted motive behind the leak of Mrs. Wilson's identity. In order to fully investigate the disclosure of an undercover CIA agent's identity, it is clear that you should fully investigate the reasons for that disclosure.

As we outline below, we believe that members of the Administration may have violated laws governing communications with Congress with respect to assertions about Iraq's nuclear capabilities. Ambassador Wilson's efforts to publicly contradict these assertions seem to be the reason for the undercovering of Mrs. Wilson's identity. It is very likely that you would encounter these assertions during the course of your investigation, and thus their legality should be the subject of your investigation.

THE ADMINISTRATION'S CLAIMS ABOUT IRAQ SEEKING URANIUM WERE FALSE AND FRAUDULENT

The uranium claims of the Administration in January 2003 that Iraq had sought uranium for a nuclear weapon were shown to be false because, after intensive post war investigations, the Iraq Survey Group found no evidence that Iraq had sought the uranium. In the months prior to the war, weapons inspectors of the United Nations (U.N.) conducted extensive inspections in Iraq and found no evidence that Iraq had revived its nuclear weapons program. The Administration has never produced any legitimate actual evidence that Iraq had sought the uranium.

The uranium claims were also fraudulent because although some in the American intelligence community (including the C.I.A.) may have agreed at the time with the British opinion that Iraq had sought uranium, numerous people with the Administration did not tell the whole truth consisting of the contrary views held by the best informed U.S. intelligence officials. C.I.A. Director George Tenet told the White House in October 2002 that C.I.A. analysts believed the reporting on the uranium claim was "weak" and thus the Director told the White House that it should not make the claim. Later that same day, the C.I.A.'s Associate Deputy Director for Intelligence sent a fax to the White House stating that the "evidence [on the uranium claim] is weak." The National Security Council (N.S.C.) believed in January 2003 that the nuclear case against Iraq was weak. Secretary of State Powell was told during meetings at the C.I.A. to vet his U.N. speech of February 5, 2003 that there were doubts about the uranium claim and he therefore kept it out of his speech for that reason. The U.S. government told the U.N. on February 4, 2003 that it could not confirm the uranium reports.

Furthermore, the original draft of the State of the Union Address stated that "we know that [Hussein] has recently sought to buy uranium in Africa," but after the White House consulted with the C.I.A., the White House changed the speech to refer to the British view rather than the American view. The final draft stated that the "British government has learned that Saddam Hussein recently sought significant quantities of uranium from Africa." The parties involved stated that they had no discussions about the credibility of the reporting and the reason for the switch was to identify the source for the uranium claim.

However, in response to the uproar over the op-ed article by Ambassador Wilson, C.I.A. Director Tenet issued a statement in which he admitted that C.I.A. officials who reviewed the draft of the State of the Union Address containing the remarks on the Niger-Iraqi uranium deal "raised several concerns about the fragmentary nature of the intelligence with [White House] National Security Council colleagues" and "[s]ome of the language was changed." Tenet stated that "[f]rom what we know now, Agency officials in the end concurred that the text in the speech was factually correct—i.e. that the British government report said that Iraq sought uranium from Africa."

What this tells us is that although Administration officials, informed by the highest ranking members of our own intelligence operation, knew that the claim of Niger uranium going to Iraq was "weak" and could not be confirmed, they were still determined to use it in the President's address to Congress and fell back on the dubious language of the British report. The Administration clearly sought to cover up their own officials' doubts about Iraq's nuclear capabilities and hide those doubts from the Congress and the U.S. public.

MOTIVE

A motive for making such false and fraudulent uranium claims would have been to thwart Congressional and U.N. efforts to delay the start of the war. Pending at the time that the Administration made its uranium claims in January 2003 was a Congressional resolution, H. Con. Res. 2, submitted by five members of Congress on January 7, 2003, which expressed the sense of Congress that it should repeal its earlier war resolution to allow more time for U.N. weapons inspectors to finish their work. On January 24, 2003, a few days prior to the State of the Union Address, 130 members of Congress wrote to the president encouraging him to consider any request by the U.N. for additional time for weapons inspections. On February 5, 2003, 30 members of Congress submitted another resolution, H.J. Res. 20, to actually repeal the war resolution.

Had it not been for the uranium claims in the State of the Union Address, which sought to squelch congressional concern over the impetus for the pending war, the number of sponsors for H.J. Res. 20 would have been far greater. The influence of the uranium claims can be seen in the fact that 130 members of Congress signed the letter before the State of the Union Address, but only 30 sponsored H.J. Res. 20, which was introduced after the speech. The Administration's uranium claims thwarted the congressional efforts to delay the start of the war since the Administration used the claims to allege that Iraq had a nuclear weapons program—despite the failure of the U.N. inspectors to find such a program—and thus falsely assert that Iraq posed an immediate threat that needed to be nullified without further delay.

Concerning the importance of the uranium claims, the report Iraq On The Record, produced by the Minority Staff of the House Committee on Government Reform, states: "Another significant component of the Administration's nuclear claims was the assertion that Iraq had sought to import uranium from Africa. As one of few new pieces of intelligence, this claim was repeated multiple times by Administration officials as proof that Iraq had reconstituted its nuclear weapons program." A nuclear-armed Iraq was a key reason, if not the most important reason, used by the Administration to justify the need for a preemptive war against Iraq. Rather than allow the U.N. inspectors to finish their inspections, the results of which might have fueled further congressional efforts and resolutions to stop the war, the Administration commenced the war in March 2003.

THE ADMINISTRATION'S FALSE AND FRAUDULENT URANIUM CLAIMS ARGUABLY VIOLATED CRIMINAL LAWS CONCERNING COMMUNICATIONS WITH CONGRESS

The criminal statute, 18 U.S.C., Sec. 1001, prohibits knowingly and willfully making false and fraudulent statements to Congress in documents required by law. The two uranium claims in the State of the Union Address and the report to Congress concerning Iraq were false and fraudulent, and are in documents that the White House submitted to Congress. See House Document 108-1 and House Document 108–23. The law required the president to give such reports. Article II, Section 3 of the constitution requires presidents to give State of the Union Addresses. Section 4 of Public Law 107–243, which is the Congressional resolution authorizing the war against Iraq, requires the president to give reports to Congress relevant to the war resolution and the president submitted said report on Iraq pursuant to that law. Thus 18 U.S.C., Sec. 1001 was evidently violated.

The criminal statute, 18 U.S.C., Sec. 371, prohibits conspiring to defraud the United States and is applicable since the Supreme Court in the case of Hammerschmidt v. United States, 265 U.S. 182, 188 (1924) held that to "conspire to defraud the United States means primarily to cheat the government out of property or money, but it also means to interfere with or obstruct one of its lawful government functions by deceit, craft or trickery, or at least by means that are dishonest." Senior Administration officials arguably violated Section 371 because their uranium claims had the effect of obstructing or interfering with the function of Congress to reconsider its war resolution and to allow further time for U.N. weapons inspections. If the whole truth had been told, Congress may well have withdrawn the war resolution or delayed the start of the war to allow further U.N. weapons inspections, which would have shown what we now know; that Iraq had no weapons of mass destruction and had not sought the uranium. However, it should be noted that Section 371 does not require proof that the conspiracy was successful.

Additionally, the Downing Street memos should be part of the investigation as to whether one of the several ways in which the Administration deliberately "fixed" the facts and intelligence on uranium included its switch of the language in the State of the Union Address to justify the war. These documents provide valuable insight into the mindset of the Administration the summer preceding the Iraq invasion.

CONCLUSION

The above matters are clearly related to your current investigation. Ambassador Wilson's op-ed article focused on the uranium claim made in the 2003 State of the Union Address and he concluded that "intelligence related to Iraq's nuclear weapons program was twisted to exaggerate the Iraqi threat." You are investigating whether any laws were violated when Administration officials—in order to discredit Wilson's claim and/or to retaliate against him—leaked to the press the fact that his wife was a CIA agent. As set forth in this letter, Wilson's original charge that the Administration "twisted" the evidence concerns matters that are just as criminal as the Administration's attempts to discredit Wilson and his charge by revealing the identity of Mrs. Wilson as a CIA operative.

Justice Department officials in Washington certainly have the same type of conflict of interest in this matter as they did in the CIA leak case, which resulted in current your assignment. (See 28 CFR, Sec. 45.2(a) prohibiting Department employees from matters in which they have a conflict of interest).

I Thank you for your attention to this request. We look forward to your response.

Sincerely,

Maurice D. Hinchey, William D. Delahunt, Bernard Sanders, Pete Stark, George Miller, John Conyers, Jr., Richard E. Neal, Martin Olav Sabo, Marcy Kaptur, Xavier Becerra, Hilda L. Solis, Cynthia McKinney, Doris Matsui, David Wu, Louise Slaughter, Charles B. Rangel, Ed Towns, Jim McDermott, Raúl M. Grijalva, Michael M. Honda.

Albert R. Wynn, Sam Farr, Lynn C. Woolsey, Tammy Baldwin, Chris Cannon, Jerrold Nadler, Carolyn B. Maloney, Jim Moran, Donald M. Payne, Peter J. Visclosky, Carolyn C. Kilpatrick, Dennis J. Kucinich, Neil Abercrombie, Jim McGovern, Maxine Waters, Luis V. Gutierrez, Sheila Jackson-Lee, Barbara Lee, Frank Pallone, Jr., Wm. Lacy Clay, José E. Serrano.

Mr. Speaker, the purpose of this letter is to recognize, first of all, the importance of the investigation as to who it was who revealed the identity of Mrs. Wilson as an operator for the Central Intelligence Agency. Whoever did so violated Federal law, which went into effect in 1968.

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That is a very important question. An even more important question is why that was done. And so in the context of this letter, I and the other 39 Members of the House who signed this letter are asking that this investigation be conducted more deeply, be conducted further into the question as to why that revelation was made.

To recount the events here, back in late 2002, the administration was making claims that Iraq possessed weapons of mass destruction. And on the basis of those claims, it was preparing a final push asking the Congress to support a war against Iraq.

Included in those weapons of mass destruction were references to uranium which allegedly had been imported from Niger in West Africa into Iraq for the purposes of constructing a nuclear weapon. The Central Intelligence Agency and other intelligence operations within the Federal Government expressed serious doubts about the accuracy of that information with regard to enriched uranium coming out of Niger into Iraq.

Nevertheless, the administration continued to press the case, telling the intelligence agencies over and over again to go back and look again, go back and look again, when the intelligence agencies found that they had no evidence, no substantial evidence whatsoever, that that uranium had been imported into Iraq from Niger.

Finally, the Central Intelligence Agency sent a retired ambassador, Ambassador Joseph Wilson, to Niger to investigate whether there was any prospect whatsoever that enriched uranium had been sent from Niger into Iraq. Mr. Wilson conducted a thorough investigation. He came back and reported to the Central Intelligence Agency that no such information was found.

The CIA informed the White House. Nevertheless, the administration continued to assert weapons of mass destruction, including the potential for the creation of a nuclear weapon. Those assertions were made directly to the Congress. It is against the law, it is against Federal law, a criminal violation of Federal law, to misinform the Congress of the United States and to intentionally mislead the Congress.

We believe that that has been done, and that if it had not been for the assertion of nuclear weapons and the belief that there were nuclear weapons being made in Iraq, that this Congress likely would not have passed the resolution authorizing the war in Iraq. If that had not taken place, that resolution had not been passed, we would not be seeing today nearly 2,000 American service men and women having been killed in Iraq; tens of thousands of others seriously wounded; hundreds, tens of thousands, perhaps as much as 100,000 Iraqis killed, many of them women and children, innocent civilians.

And so this question as to why that revelation was made is seriously important. Furthermore, we need to look into the issue of why this misinformation was given to the Congress, and that ought to be done by the Congress. This House of Representatives ought to be conducting hearings now that we know there were no weapons of mass destruction in Iraq prior to our invasion, and that whatever evidence there might have been was flimsy and weak and not anything to be based on.

Why was that done? That is a question of great seriousness presently before this House of Representatives, and it is not being addressed. The most important question of human rationality is why, why something was done? Was it as a result of a cabal that existed within the administration between powerful people who were determined to present information that would mislead the Congress in the way that they did? Because the Congress was misled, unquestionably so.

The Government of the United States is supposed to be open and transparent. Decisionmaking should be subject to powerful checks and balances. That has not been done, and it must be done. This Congress must fulfill its obligations under the Constitution to investigate these breakages of Federal law.

PRICE-MILLER RESOLUTION ON IRAQ

The SPEAKER pro tempore (Mr. SODREL). Under a previous order of the House, the gentleman from North Carolina (Mr. PRICE) is recognized for 5 minutes.

Mr. PRICE. Mr. Speaker, I rise in support of the Price-Miller resolution, which we have introduced today, to require the President to submit to Congress a plan for the withdrawal of United States troops from Iraq in the wake of the October 15 constitutional referendum, beginning with an initial drawdown.

This is not a requirement I propose lightly. As many in this Chamber and in my home State know, I have been an outspoken critic of the Bush administration's policies in Iraq, and I voted against giving the President authority to invade Iraq, regarding it as an abdication of congressional responsibility.

I have supported funding for troops in the field and for Iraqi reconstruction, while calling for an exit strategy, including benchmarks to which the administration should be held accountable, and major policy changes that would increase the probability of achieving at least some of our goals.

But there is no evidence that President Bush has heeded anyone who does not accept his glib assurances and his stay-the-course rhetoric. As a result, the mistakes that have marred this effort from the beginning, poor or nonexistent planning, for example, and weak international participation, have been compounded.

Such failures must not become a rationale for extending our occupation of Iraq. In fact, our presence itself is a target of the insurgents and a magnet for international terrorists. And it may be encouraging some elements of the Iraqi leadership to defer essential decisions and compromises that are necessary if their country is to assume responsibility for its own future.

So we must leave. How we leave does matter: in a away that spares the lives of American troops and Iraqi noncombatants, in a way that minimizes the chance that Iraq will descend into massacres, ethnic cleansing or civil war, and in a way that maximizes the chances for Iraqi self-defense and self-government.

But we must end the occupation, and the approval of the Constitution offers us an opportunity to begin that process. It is an opportunity we must seize. There are no guarantees in this enterprise. Iraq could rise to this challenge with the Kurds and the Shia more fully accommodating the essential interests of Sunnis in changes to the Constitution early next year, based on input from a newly elected Sunni Parliament after December, or Iraq could further descend into sectarian violence.

Our country cannot absolve ourselves of responsibility for creating this quagmire, or for helping avoid the worst-case possibilities going forward, but we must understand, and the President must tell the world we understand, that a sustained American military presence is not part of the solution. It is not feasible. In some ways it exacerbates the difficulties, and it must be ended.

Our resolution draws in concept and content on one introduced in the Senate by Mr. FEINGOLD on June 14. It updates that resolution by taking explicit account of the constitutional referendum and proposing an initial immediate drawdown of troops.

Mr. Speaker, we should never have started this war. We should have and could have utilized other means of containing and controlling whatever threat Saddam Hussein represented. No ideal option is available to us now in ending it, but the October 15 vote offers the best opportunity we are likely to have to begin the process of withdrawal credibly, and hopefully to turn the responsibility for Iraq's future over to the Iraqis themselves, and to repair the diplomacy and foreign policy from which the invasion of Iraq has been such a tragic departure for our country.

PRICE-MILLER RESOLUTION ON IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. MILLER) is recognized for 5 minutes.

Mr. MILLER of North Carolina. Mr. Speaker, I also rise in support of the Price-Miller resolution.

Mr. Speaker, millions of Americans feel increasing frustration with the contrived reasons given for invading Iraq, with the lack of any realistic plan for the aftermath of our invasion, and with the administration's failure to state clearly what has to happen for our military to come home.

And I feel the same frustration. This administration has said simply that we should stay the course, but has failed to declare our port of destination. It is hard to believe that there is a course, that we are not simply drifting rudderless.

Mr. Speaker, it has become painfully clear that most Iraqis now see our military, who has served admirably, as an occupying army. Iraqis believe the United States intends to occupy Iraq on a long-term basis, and they believe that our government intends to dominate the elected Iraqi Government, rather than respect that government as the legitimate government of a fully sovereign nation with control of its own natural resources, security and public safety.

Iraqi suspicions about our intentions undermine the legitimacy of the Iraqi Government and fuel the insurgency that continues unabated. Mr. Speaker, if our presence in Iraq is truly not for Iraq's oil or for a permanent staging area for our military operations in that part of the world, we need to say so. We need to state clearly that we do not intend a long-term occupation of Iraq, and the Iraqis will determine their own future. We need to say out loud that we will transfer to Iraq security forces the bases now used by our military, and that we will maintain no permanent bases or long-term military presence in Iraq.

The Price-Miller resolution calls for more than the platitudes that we stay the course or finish the job. We demand that the President state clearly the remaining mission of our military in Iraq, and to state the time period that the President believes will be required to accomplish that mission, what needs to happen for our men and women to come home, and when does the Bush administration think that it will happen.

Mr. Speaker, there is no better way to persuade the Iraqi people that we really intend to withdrew than to begin withdrawing. The Price-Miller resolution calls for a partial withdrawal as soon as possible. There is still work to be done to help the new Iraqi Government achieve stability and an enduring democracy, and we need to give new urgency to those efforts. We need to train Iraq security forces and engage other nations in that effort. We need to help reconstruction efforts and provide diplomatic support to the new government. But the referendum approving the new Constitution gives us an opportunity, an opportunity we must seize, to change fundamentally what we are fighting for, and what the Iraqi insurgents are fighting against.

Mr. Speaker, we cannot do that unless we say credibly out loud that our military is not there to stay.

THE REPUBLICAN BUDGET IS BAD FOR LATINOS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. SOLIS) is recognized for 5 minutes.

Ms. SOLIS. Mr. Speaker, today I rise in opposition to the proposed Republican budget cuts and the impact it will have on the Latino community. There are nearly 40 million Latinos in the United States, and more than 19 million are in the labor force making contributions to our Nation's prosperity and economic growth. These families have strengthened the fabric of our society through their commitment to family and community.

The Republican budget, in my opinion, ignores the challenges that American families are facing, particularly Latino families. Republicans have proposed cuts to essential programs to our Nation's Latino families in order to pay for the $106 billion tax break for the wealthy few. These tax cuts are reckless, in my opinion, and unfair to the middle- and lower-income families, and reflect this Republican-led Congress's double standard.

The Republican proposal includes a cut of more than $10 billion of Medicaid over the next 5 years. Today, as you know, Medicaid is the largest health insurance program in our country, and Medicaid is a very important program for the Latino families in America. It currently provides health insurance to about 58 million people, including 28 million who are children. Medicaid helps 41 percent of people who live in poverty, many of whom work full time and still do not earn enough to rise out of poverty.

Over 10 million Medicaid recipients are Latinos, and Medicaid covers more than one in three Latino children. Latinos have the highest uninsured rate in America. One out of every three Latinos, or 34 percent of those Latinos, are without any form of health insurance, and as a result, Latinos depend on Medicaid as their only means of health care access. By making preventative and primary care more readily available, and by protecting against and providing care for serious diseases, Medicaid has improved the health of millions of low-income Latinos and their families.

Despite Medicaid's enormous importance in providing access to health care services for millions of Latinos, Medicaid remains under assault by the Republican Congress and its administration. When the Republicans took control of Congress back in 1995, the first thing they did was propose slashing Medicaid by $128 billion to pay for the tax cuts for the wealthiest Americans.

Once again, Medicaid is under assault, and the Republicans are at it again. The Republican proposal would shift the cost to States and beneficiaries, undermine the ability to provide health care services, and ultimately increase the number of uninsured.

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Medicaid cuts would shut the neediest individuals out of public health programs. Latinos represent nearly one-fifth of the Medicaid beneficiaries. They would be disproportionately affected by these cuts. Latinos are already marginalized in this country. At a time when Latinos lack proper health insurance and are facing rising health care costs, cuts in Medicaid funding will ultimately deny care and treatment to the most vulnerable. Many of these cuts for Medicaid will be forced to rely on emergency medical services and, as you know, will cost the taxpayers more money.

The administration has allowed 5.4 million Americans to slip into poverty. Under the proposal in my State of California, it is estimated to lose over $174 million in Federal funds annually, and current enrollment would drop by 3 million people. In my county alone, in L.A., the loss would be close to $74.5 million, affecting over one million beneficiaries.

A recent study shows the combination of stagnant income and staggering increases, important items like health care, housing, education, transportation, all affecting our families. These cuts do nothing to relieve America's working families.

Let us do the right thing. Let us make sure we fully fund Medicaid so that American families and Latino families have full access to affordable quality health care for themselves and their children.

On this eve where we are paying tribute to a former Member of Congress, Congressman Ed Roybal from Los Angeles, who was a pioneer advocating for the elderly and health care and Medicaid, I would ask that we remember at this time his strength and his tenacity in this House and how he fought so hard for the coverage of services through Medicaid for our seniors and especially those in East Los Angeles and across the country.

DEFICIT DANGERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from South Carolina (Mr. SPRATT) is recognized for 60 minutes as the designee of the minority leader.

Mr. SPRATT. Mr. Speaker, last week I came to the well of this House to express my concern along with the concern of others in the Committee on the Budget who joined us that night about the direction that a process we call reconciliation was taking.

This week my concerns have not been allayed. They have been aggravated because I see the course that reconciliation has taken, and it is coming home closer and closer to programs that matter to those that can least afford to take the hits that they are about to receive. As we speak, our colleagues, our Republican colleagues from across the aisle, are debating and considering and moving toward big cuts in Medicaid, student loans, child support enforcement, child foster care, and supplemental security income, farm conservation, the list goes on. About $50 billion in spending cuts spread over about a 5-year period of time.

They have offered up these spending cuts as a way to offset, partially at least, the spending increases that the responses to hurricanes Katrina and Rita will require; but in actuality, these spending cuts will not go to offset the costs of Hurricane Katrina because the Republican budget calls for $106 billion in additional tax cuts. And when these additional tax cuts are passed, the spending cuts that are also being proposed will simply go to make up for the revenue losses to some extent caused by the tax cuts they are proposing.

Since the spending cuts are $50 billion, as this chart here shows, and the tax cuts are $106 billion, none of the spending cuts will ever make it to the bottom line where they might otherwise be available and applied to the offset of the cost of Katrina and Rita.

So the first problem that we as Democrats have, with what our Republican colleagues are pushing and pushing hard this week, is that it is not what approximate purports to be. It is not what it claims to be. It is not a plan to pay for Hurricane Katrina. It is a plan to facilitate $106 billion in additional tax cuts, notwithstanding the fact that we have last year, just a few weeks ago, we closed the books, and the deficit for the preceding fiscal year was the third largest in history, $320 billion; $106 billion in additional tax cuts at a time when we have a $320 billion deficit that is only likely to get worse this year because of the cost of the hurricane.

The second problem that we as Democrats have with the plan that our colleagues are pushing is that we believe the cost to help one State sustain the catastrophic costs of a natural disaster, a disaster like Hurricane Katrina, should be borne by all the States and spread over the entire population, the whole country, but spread equitably, spread equitably. We do not believe that those least able to bear the costs should be burdened with the lion's share of the load, and yet that is exactly what is taking shape.

That is exactly what they are doing, pushing a plan to pay for the cost of Hurricane Katrina, at least under that pretext that will come down on the backs of college students borrowing to pay for their education; on the backs of the sick whose only access to care is Medicaid; and on the backs of the very poor who depend on food stamps and foster care and child support enforcement, all of these things. These are the programs and the bore sights of the plan that are about to be brought to the floor.

These are just some, a sampling of those on whom these cuts are going to fall.

So what we have coming before the House this week, if it does indeed come forth, is a plan for spending cuts that does not serve its stated purpose because it does not go to pay for the cost of Hurricane Katrina, not a dime of it. And the spending cuts it selects, whether to offset more tax cuts or to pay for Katrina, come down on those, as I have said, who are least able to bear them.

On our side we think it is fair to ask, Why this sudden interest in offsets? Why insist on offsets to pay for building or rebuilding Biloxi, but not insist on offsets for building or rebuilding or building back Baghdad for which we have appropriated so far more than $20 billion?

One reason that our colleagues have suddenly seized on this issue is that the evidence of bad budgeting, of fiscal failure, of endless deficits is mounting and spreading and becoming undeniable is too much to sweep under the rug. On their watch, the Federal budget has descended from a surplus of $236 billion in the year 2000, the last full fiscal year of the Clinton administration, to a deficit of $320 billion last year and $412 billion the year before.

The deficit will only be worse this year, as I have said, this fiscal year, 2006, because this year is when most of the spending to fix up and respond to Katrina is going to be paid out. Here is one simple, back-of-the-envelope way of looking at the budgets that we have had and the impact of these budgets that bottom-line over the last 5 fiscal years.

Our Republican colleagues have had to come to the floor four times and raise the debt ceiling, the legal limit to which the United States can borrow, incur debt, in order to make room for the budgets of the Bush administration. As a consequence, in June 2002 they had to vote to raise the debt ceiling by $450 billion. In May, just a year later, they had to raise it again by a record amount, $984 billion. You would think that $984 billion would give you plenty of room for additional deficits to be accommodated, but no.

In November 2004, 15, 16 months later, $800 billion had to be added to the debt ceiling. In the budget resolution that will come to the floor this week, there is a contingent provision that when the Senate passes the provision, the debt ceiling will be raised one more time by $781 billion. Add up these four increases in the debt ceiling over the last 5 fiscal years, you get 3 trillion, 15 billion: $3 trillion, the amount by which they have had to raise the debt ceiling to accommodate their budget. That says it, as I said, on the back of the envelope, better than any way I could possibly put it.

When the Bush administration closed the books on fiscal year 2005, just 3 weeks ago, they announced a bit better deficit, no doubt about it, a deficit of $320 billion. But that is still the third largest deficit in our Nation's history. And it shows you how sad the State of our fiscal affairs have become when the White House boasts about and brags about a $320 billion deficit as being good.

Mr. Speaker, I yield to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. Mr. Speaker, the gentleman indicated that last year was the third largest deficit in the history of the United States. When were the other two?

Mr. SPRATT. The year before it was 412, and the year before that it was 375. Those are the three worst over the last 3 years, three record deficits in a row.

Here is the hard part. It would be bad enough if that were behind us and we are now having to live with this $3 trillion increase in the debt ceiling of the United States, but the future looks even bleaker. This September, the Congressional Budget Office, which is neutral and nonpartisan, prepared for us, as they always do, it is their custom and I think it is required by law, an update of the economy and the budget and a projection of where the economy was going and a projection of where the budget was going with the economy. Here is what they came up with.

They predicted a deficit of $319 billion. That is about where we came out. Look at the red line here and you will see their continued projection shows that over the next 10 years the deficit will double. It will increase from 320 to $640 billion in the year 2015. That is CBO's projection per certain requests we made to them to adjust their baseline survey.

We said to CBO, take your baseline survey and assume four things in the President's budget: number one, that the tax cuts passed in 2001, 2002, and 2003 will all be renewed and extended when they expire at the end of 2010;

Number two, that the alternative tax will be fixed as we all know it must be so it does not affect middle-income taxpayers to whom it was never intended;

Number three, that we will eventually have a drawdown of our troops in Afghanistan and Iraq, principally Iraq, so that we have 20,000 in each theater. CBO has a model for estimating what the likely cost of that force is going to be;

Finally, the President gave us the numbers for implementing his Social Security privatization program for the last 2 years of his 5-year forecast. Pick up where he left off and carry it out 10 years. Make those changes, we said to CBO, and tell us what then. If you hit the highlights, carry out the basics of the Bush budget, what then happens to the budget? Here is what happens with the deficit: it goes from 320 to 640 in 10 years.

The debt of the United States held by the public, and in many cases held by foreigners, goes from $4.6 trillion in 2005 to $9.2 trillion in 2015. Debt service, this is obligatory, this is one thing in the budget that has to be paid or the credit of the United States will collapse, the debt service that we now pay, the interest we now pay on the national debt, net interest, will increase from $182 billion in 2005 to $458 billion in 2015. It will become one of biggest items in the budget. This is the sort of thing that breeds cynicism of our government, because people pay heavy taxes, yet they see nothing in return due to the fact that money is going to service the national debt.

One thing else, a lot of this is due to tax cuts that they keep making despite the bottom line, despite the fact that the original forecast showing $5.6 trillion in surpluses over a 10-year period of time no longer apply. However, those tax cuts eventually become a debt tax because that is what you see here. We have a debt tax, a tax that has to be laid on the people in order to pay the debt service, the interest on the national debt, which is truly obligatory.

Mr. Speaker, I yield to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. Mr. Speaker, I thank the gentleman for pointing that out. Sometimes it is helpful to puts these numbers in perspective. Is it not true that the military budget on an annual basis is approximately $400 billion?

Mr. SPRATT. It is indeed. That is true. It has increased substantially.

Mr. SCOTT of Virginia. So the debt service in 2015 is going to rival the entire military budget?

Mr. SPRATT. That is true.

Mr. SCOTT of Virginia. And you get absolutely nothing for interest on the national debt. It is money down the drain. You do not get the first rifle. You do not get the first schoolbook. You do not get any health care. You do not get anything for interest on the national debt.

Mr. SPRATT. But it has to be paid. It is obligatory. There is no way around it. You have got to pay it, otherwise the bonds default and the country is in bankruptcy. We cannot let that happen.

Let me touch on the package that we expect to come to the floor to show what our concern is and why we are here at this hour of the day talking about the package that the Republicans are putting together to bring to the floor ostensibly to pay for some of the costs for Hurricane Katrina but truly, truly to offset additional tax cuts of $106 billion.

Originally, as the gentleman from Virginia (Mr. SCOTT) knows, because this is his committee and he can comment further upon it, the Higher Education Act had to be amended this year and was to be amended so that student loans would enjoy fixed rates, not variable rates which would go up as interest rates go up as they are likely to do in the near future.

□ 2045

That decision has been discarded. It is gone.

Next, origination fees. The front-end fees that students have to pay to take out a student loan were to be lowered. Not anymore, not with the latest cut. What we are looking at are the barest component parts of this bill called the reconciliation bill that is coming to the floor. It went directly from the Committee on the Budget to the committees of jurisdiction, like the Committee on Education and the Workforce, and they said cut so much money from programs in your jurisdiction. So where did the Committee on Education and the Workforce cut? They turned to student loans, the most significant part of their budget, and the Pension Benefit Guaranty Corporation.

Mr. SCOTT of Virginia. Mr. Speaker, I would point out, and I appreciate the gentleman bringing this to our attention, that when the Committee on the Budget instructed the Committee on Education and the Workforce to cut mandatory spending by those billions of dollars, there were only a couple of programs in the education jurisdiction that has mandatory spending. One is student loans, and then school lunches, and, to a little minor extent, job training. Those are the only programs we could cut to accommodate that instruction that the Committee on the Budget gave.

When you start talking about balancing the budget, and we say balancing the budget on the backs of those that actually need the help, going after student loans, when student loans right now and when assistance for higher education is at an all-time low, 20 or 30 years ago a Pell grant would cover about 85 percent of the cost of going to a public college. Now it is about 30 percent, and the rest you have to make up with student loans. We are cutting the student loan subsidies, which means that the students could end up paying thousands of dollars more for their education than they do now. That is because we are not paying for Katrina. We are paying for the tax cuts, and some of these tax cuts are about as mean-spirited in terms of priorities as you can imagine.

We call them tax cuts for the wealthy. People say, oh, no, no, it is not tax cuts for the wealthy. The gentleman from South Carolina (Mr. SPRATT) is familiar with the tax cut that had not even gone into effect yet but will go into effect next year.

Two hundred billion dollars, 5-year cost, to implement the two tax cuts that address the personal exemption and standard deduction phase-in. We have a chart that shows who gets the benefit of this $200 billion. If you make under $75,000 a year, you do not get anything; $75,000 to $100,000, on average you will get $1.00; $100,000 to $200,000 on average will get $25, there is a bar down there, you just cannot see it, in terms of what you might get, but $25; $200,000 to $500,000, about 500 and some dollars on average; $500,000 to $1 million, over $4,000; and over $1 million, on average you will be getting $19,000. That is how we distribute 5-year costs, $200 billion, and rather than let us not make this go into effect and have the $200 billion go to deficit reduction.

Mr. SPRATT. These two tax provisions, called PEP and Pease, phase-out of the personal exemption and the phase-in limitation on itemized deductions, these two provisions were signed into law by the first President Bush.

When the second President Bush sent up his request for tax cuts, these provisions were not included in his package of proposed tax cuts. They were added by Members and pushed to the very end of the implementation period. They do not actually get cut out or cut back, phased out until the year 2007.

Nevertheless, as you are pointing out, these provisions, if they were simply left in place, would yield enough revenues over time to pay the cost of Katrina and leave a substantial amount of change on the table.

Mr. SCOTT of Virginia. Mr. Speaker, $200 billion, and instead, we are going after student loans. We are going after food stamps. We are going after Medicaid. This is not something new, somebody taking something somebody already has. This had not even gone into effect yet, where the millionaires get $19,000. Everybody making less than $75,000 gets nothing; $75,000 to $100,000, you get $1. You cannot even see on this chart what you get until you get up around $200,000 in income. So, when we talk about tax cuts for the wealthy, this is what we are talking about, $200,000.

You talked about paying for Katrina and what that does to our fiscal situation. This chart shows the annual deficit as you have outlined, if we pay for Katrina and if we do not pay for Katrina, and the solid line shows what the projections are, and the dotted line is if we borrow money and do not pay for Katrina how much more deficit there would be.

This is obviously a blip on the screen because it shows that there is a 1-year deterioration in the budget, but then it goes back. You can hardly tell a difference in the lines later on. It does not make any difference at all later on what we are doing to Katrina.

When this administration came in, there was a projected over $5 trillion surplus coming in, and by the time they finish, we are looking at in excess of $3 trillion in deficit for the same 10 years, a $9 trillion swing, $200 billion for Katrina, which is the estimated total cost. That is .2. Nobody said anything about the $9 trillion, and all of the sudden, as you have suggested, they are going to jump up and try to be fiscally conservative by making people cut student loans and food stamps and Medicaid to pay for the .2, which has zero to do with the long-term deterioration in the budget to begin with.

I appreciate your pointing this out to everyone, that the Katrina cost is virtually negligible compared to all of the other damage done to this budget.

Mr. SPRATT. Mr. Speaker, let me return to student loans and yield back to the gentleman because he is far more conversant in student loans than I am.

It is curious that you would turn to student loans, to kids who are accumulating more debt than any generation in America to get a college education, and raise the cost of student loans in order to pay for the cost of Katrina. It just does not strike me as the kind of equitable loading that would support.

Mr. SCOTT of Virginia. Mr. Speaker, I would say if you talk about student loans and helping student loans, if you cut back on the student loan program, somebody has to pick up that weight. The students who are affected by this will be paying thousands of dollars, $5,000 and $6,000 more, for their college education than they would have had we not gone after the student loan program to pay for the tax cuts.

Mr. SPRATT. Because they are so devilishly difficult to understand all the fine details that go into the pricing of student loans and the renewability and consolidation. A lot of the details about the changes being proposed are not yet widely disseminated and widely understood. Nevertheless, the students are going to feel it and see it once they realize what the long-term cost of it is and the envelope they have to repay.

Mr. SCOTT of Virginia. The simple bottom line is if you take money out of the student loan program, somebody's going to pay it. It is the students, and it is thousands of dollars more per student.

Mr. SPRATT. I looked the numbers up, and that is why I have got them available, but let me show you how the reconciliation process works so that the gentleman from Virginia (Mr. SCOTT) can pick up from there.

Originally, when the Republicans decided in their budget resolution that they would cut $35 billion to facilitate $70 billion in tax cuts, it had nothing to do with Katrina. It was just one way of diminishing the impact of the tax cuts on the bottom line. Originally, when that $35 billion number was set as the reconciliation target, the amount that was reconciled to the Committee on Education and the Workforce was $12.6 billion.

That committee labored diligently. I do not think the gentleman voted for the final product, but it was still $10.6 billion, $2 billion less than what was reconciled. Now, all of the sudden comes a claim for an additional $5.5 billion. Where in the world will the $5.5 billion come from within the jurisdiction of your committee?

Mr. SCOTT of Virginia. The Committee on Education and the Workforce has essentially three programs they can get the money from: student loans, school lunches, and, to a small extent, job training programs. That is about it.

So when you have billions of dollars coming out of those programs, obviously the students who are borrowing money, the students who eat lunches at school and possibly job training. The job training money is so small that you could wipe the whole program out and still not come up to the billion of dollars you need to reconcile the instruction from the Committee on the Budget. Basically it is student loans and school lunches.

In order to fund tax cuts, in this case as we have shown primarily for the wealthy, and as you have indicated, had we done nothing with the budget, had we not passed the budget, had we not made any changes, just let the budget go on as it usually does without the changes, the bottom line would be over $100 billion better off if we had done nothing.

Instead we have cut taxes, those well over $100 billion worth coming up next year, and to make up for some of it, we are going after student loans, school lunches, and other committees and child support payments, facilitating those. We are cutting back on those support services, cutting back on Medicaid and other necessary food stamps.

The kinds of services that Katrina victims would actually need, that is what we are cutting back on to fund not the cost of Katrina, the cost of the tax cuts, because the cuts we are making have not even covered the tax cuts yet. So obviously we are not doing anything in term of the ravages of the hurricanes.

Mr. SPRATT. Already in the bill you have reported, which is $2 billion short of your targeted amount, and now it is going to be $5.5 billion more than either targeted amount, already you have reversed the decision to lower origination rates. Your committee has raised the rate effectively on student loans. You have reversed the decision to increase the amount that students can borrow. You have changed the rates at which they could expect to consolidate their loans. How do you get the additional $5.5 billion after having done this much already to student loans?

Mr. SCOTT of Virginia. The bottom line is you get it from the students. They will be paying more. Thousands of dollars each on average for student loans, they will have to pay. It is the only way to get it. If you cut the subsidy, somebody's got to pick it up, and it is the students.

We also try to make up for a little bit of it by attacking pensions, those who have pensions in the Pension Guaranty Fund, come up with a little money by adding some fees on to that.

But in terms of trying to meet the requirement of the Committee on the Budget to try to get this thing closer in terms of deficit, student loans and school lunches, it just seems to be an inappropriate priority, and we can certainly do better than that.

Mr. SPRATT. Let us look at the Committee on Ways and Means. In the original budget resolution, the Committee on Ways and Means was largely spared, mainly because the cuts in Ways and Means would mostly fall on Medicare. It is the biggest entitlement within their jurisdiction except for Social Security, and that is not in the cards right now.

Only $1 billion was reconciled in the way of spending cuts to the Committee on Ways and Means, but now, in recent weeks, in the zeal to get the amount from $35 billion to $50 billion, which is reconciled, they have added to the directive for Ways and Means, or they will if this resolution gets passed this week, another $7 billion, $8 billion.

□ 2100

Very little of this actually comes out of Medicare because they do not want to touch Medicare for fear that they will have a fight in their own ranks, but this is where it comes from. This is astounding. It comes from child support enforcement. This is the money that we appropriate to match State money to enforce fathers who are not supporting their families to come up with the financial support for their own families. We let them know this program will be robustly funded. We have a national program so they cannot skip from one State to another. We have a State-by-State program so they cannot elude enforcement. They are going to take a reduction in child support enforcement of $3.8- to $4 billion in child support enforcement.

Foster care for children and families, foster care families, children not with their own biological families, a cut of $577 million.

And then Supplemental Security Income, the welfare program of last resort for people who are disabled and the elderly and have nothing else to fall back on. SSI is truly a safety net program. It will be cut by $732 million. Do you know how? They will say to people who have back claims for SSI, who qualify for SSI, go through a long process to prove it, and who have a claim settlement at the end of that process, we cannot pay you 100 percent of this. Despite the fact you have been living on next to nothing, we will pay you in installments, so $732 million out of SSI.

And then in the same bill we are told all of these things that are truly safety net programs, they turn to something called antidumping duties. We impose duties, antidumping duties, on foreign companies in foreign countries that ship goods to us, like steel, below its true market value in the country from which it comes. When we find that people are doing that in order to undercut our domestic industry, we impose antidumping duties on those industries. The law provides that the duties thus collected go to the American companies that are hurt by these illegal trade practices.

What they propose to do is repeal the Byrd amendment which provides for the money to go to these firms. That repeal will not save a dollar. To the contrary, it will cost Federal spending of $3.2 billion over a 5-year period of time. After squeezing money out of child support enforcement, foster care and SSI, they turn around and give up a $3.2 billion resource that goes to firms that have been hard hit by unfair foreign trade.

Mr. SCOTT of Virginia. Madam Speaker, let me remind Members, this is the kind of tax cut that is under the jurisdiction of the Committee on Ways and Means. As this chart shows, it is $200 billion primarily for the wealthy. If a family makes less than $200,000, you can hardly see what you would get. Instead of going after this tax cut that has not even gone into effect yet, they attack unemployment compensation, SSI, and the child support enforcement services. Those are the kinds of things that make a difference in people's lives.

When I was in the State senate, one of the things that we kept having problems with in child support enforcement was the interstate cases. Virginia could take care of its own cases. We put the resources in to find the responsible parent. We would get the wage withholding. We could take care of the case if it was in Virginia. But once it went out of State, we had problems. Those are the kinds of cases that the child support enforcement from the Federal Government can help.

That is what you are eliminating, and those are the kinds of things that make a difference in people's lives because parents need that child support to help raise the children. If you do not get it, it is much more difficult to raise the children. You have financial stress. We are cutting back on that kind of assistance to people in order to fund the tax cuts, many of which go primarily to the wealthy.

Mr. SPRATT. Madam Speaker, a lot of people say it is necessary for fiscal reasons. We have to balance the budget. They say to us as Democrats, What would you do? And that is fair enough.

Whenever anyone raises this issue, I think it is pertinent for us to point out this is what we did. Beginning in 1992, after President Clinton came to office, January 20, 1993, on February 17, 1993, the first piece of legislation he sent to the Congress was a 5-year budget to cut a deficit of $290 billion, he inherited that deficit, to cut it in half over the next 5 years. This is what happened. Every year thereafter, 1993, 1994, 1995, 1996, every year thereafter, the bottom line of the budget got better and better and better, to the point where in 1996 we had a deficit of about $120 billion. We convened again under his auspices, the President's auspices, and we passed the Balanced Budget Act of 1997. As a consequence of that, in 2 years the budget was not just in surplus, it was in a surplus of $236 billion.

So all of this is history. This is where we took the budget, and this is where we handed it off, at that point, with a surplus just below $200 billion. We handed the budget over to President Bush, and every year thereafter, except this year, the bottom line is that the budget got worse. It got marginally better this year, but as this chart shows, it is still $320 billion.

As I said, under the basics of the Bush administration's budget, the highlights of his budget, the things that he is pushing us to do, if we follow that course, CBO tells us we will incur a deficit in 10 years of $640 billion, twice today's deficit, and the debt service of the United States will go up threefold from $182 billion to $458 billion.

Mr. SCOTT of Virginia. Madam Speaker, as we look at that chart where each year under the Clinton administration was better than the one before, and we went into such surplus that when Chairman Greenspan was testifying before Congress in 2001, he was answering questions like, What happens if we pay off the entire national debt? What is going to happen to the bond market? What is going to happen to interest rates?

We had at that point projected we would be able to pay off the national debt held by the public by 2008. By 2013, if we were continuing to run surpluses, we would be able to put all of the money back in the trust funds. Members talk about Social Security being empty. Social Security would have had gotten all its money back, and there would be assets in the trust fund, not the IOUs we have now.

But in 2001, Congress passed massive tax cuts. President Bush signed them, and we see what happened.

Now, Members will remember in 1995 when the Republicans took over the United States House and Senate, they also passed massive tax cuts. What happened to those tax cuts in 1995? What did President Clinton do to those tax cuts?

Mr. SPRATT. Madam Speaker, he vetoed those tax cuts.

Mr. SCOTT of Virginia. And Republicans threatened to close down the government. In fact, they closed down the government, but President Clinton refused to sign those massive tax cuts we could not afford. Year by year he held that veto pen out to make sure that we did not do anything irresponsible, and we ran up those surpluses.

The first thing this President did was sign those massive tax cuts that we could not afford, and we see what happened.

I think it would be helpful if the gentleman would explain what PAYGO means to know how we could maintain that fiscal discipline.

Mr. SPRATT. Madam Speaker, this was not just serendipity or good luck. We had a good economy, but we also had a good set of budget policies and a good budget converging with a good economy.

One of the things that we did in 1991 under the first President Bush, we adopted a set of budget rules in the Budget Enforcement Act. One of these required every budget to be a 5-year budget.

Secondly, another rule required that we put a cap on discretionary spending. We cap and limit on a 5-year basis the money that we appropriate every year for discretionary programs. These are discretionary programs.

Thirdly, we adopted something called a pay-as-you-go rule. It was a very effective rule which simply provided if Members want to increase the benefits under an entitlement program, Medicare, Social Security, whatever it may be, you have to either pay for it or cut some other entitlement by an equal amount. By the same token, we said if you want to cut taxes when we have a huge deficit, you have to pay for those tax cuts, offset those tax cuts, either with a spending cut of equal amount or with a tax increase elsewhere in the Code of an equal amount so it is deficit-neutral, it does not impact and worsen the deficit. Those rules proved to be extremely helpful as we moved the budget from a $290 billion deficit in 1992 to a $236 billion surplus in the year 2000.

Mr. SCOTT of Virginia. Madam Speaker, with PAYGO, that means if you want to have a new spending program, you have to cut spending somewhere else or raise taxes to pay for it. If you have a new tax cut, either you have to cut spending that same amount or raise some other taxes, but you have to pay as you go. What happens under that is if you have natural growth, you can do better each year on the deficit. But what happened in 2001 with PAYGO?

Mr. SPRATT. Madam Speaker, in 2001, 2002, PAYGO, the multiyear spending caps and the sequestration provision, all of the budget enforcement rules that we put in specially in 1991 that served us so well in the 1990s, were allowed to expire. Why? Because the PAYGO rule would have impeded further tax cuts when we had still big deficits.

Mr. SCOTT of Virginia. Therefore, when the tax cuts were offered, they did not have to be paid for. So the question was not how would you like some new tax cuts with these spending cuts, or how would you like these tax cuts with increased taxes here to pay for them; the question before us was: How would you like some tax cuts? Congress said, well, I think I will.

At the same time, how would you like some more spending increases? You do not have to raise taxes to pay for them and/or cut other spending, so the question before you is how would you like to spend more money? Well, I think I will. This chart shows what happened.

Mr. SPRATT. Here is a good account. Defense, for reasons we all understand, has gone up substantially from the year 2000 to the year 2011. This is a projection. It will increase from about $300 billion to $600 billion over that period of time.

When the President talks about the increase in spending as if he is laying the blame on the Congress, and in truth most of it is coming in defense accounts, and all of it has been requested by the President of the United States. We have appropriated. I voted for it. I do not think you send troops in the field and give them a tough mission to do and not back them up. But let us be honest where the spending increases he decries are really coming from. They are coming from defense.

This layer right here was what was planned for defense in January 2001. This red layer is what the Bush administration added to it in the way of policy. It is mainly new equipment, personnel and things of that nature. This is the cost of Iraq, Afghanistan and future war costs here; also, the cost of waging the war on terror, but it does not include homeland security. This is cost risk because the Pentagon typically has overruns in its programs. CBO said it is reasonable to assume they will miss their targets by at least this amount.

When you put all these layers together, you see a budget increase from $300 billion to $600 billion over a 10-year period of time. At the same time all of this is being done, more or less deliberately, stacked on top of each other, we are having substantial tax cuts. When you put together these two factors, the defense spending increases and the tax cut decreases, you begin to see the emergence of the deficits that we are struggling to deal with today.

Mr. SCOTT of Virginia. Madam Speaker, I just want to emphasize the fact that all of these cuts in spending today are not due and have virtually nothing to do with Hurricane Katrina. They are there whether Hurricane Katrina spending happened or not.

Mr. SPRATT. It is a reaction to this curve right here, a recognition that the chickens are coming home to roost. All of the bad budget decisions and fiscal policy risks that have been taken are not breaking favorably, are beginning to accumulate, and we have increasing deficits that require dramatic action.

The problem is, and there is recognition of the problem finally, and that is good. There is reaction to it, and that is good, but the resolution that is before us, the reaction that is being taken, the substance of it, does not really address the problem. And, if anything, it worsens the problem because it adds to the deficit rather than diminishing the deficit.

That is why we are out here trying to explain this somewhat complicated fact in the face of what is posing to be, taken as a pretext to be, a fiscal responsibility initiative.

□ 2115

Mr. SCOTT of Virginia. Madam Speaker, as this chart shows, we could have done better, and we did do better when President Clinton vetoed the irresponsible budgets and there were enough Democrats in Congress to sustain those vetoes. And if we look at that chart, every year is better than the one before. And when this administration came in in 2001, they inherited a 10-year $5 trillion surplus, $5 trillion surplus; and now it looks like those same 10 years will run into a deficit of over $3 trillion, a total of over $9 trillion.

Mr. SPRATT. In the wrong direction.

Mr. SCOTT of Virginia. In the wrong direction.

Mr. SPRATT. Madam Speaker, I thank the gentleman for his comments.

THE FEDERAL BUDGET

The SPEAKER pro tempore (Mrs. SCHMIDT). Under the Speaker's announced policy of January 4, 2005, the gentleman from Texas (Mr. HENSARLING) is recognized for 60 minutes as the designee of the majority leader.

Mr. HENSARLING. Madam Speaker, it is interesting that tonight the American people will hear from both sides of the aisle on a very important topic. That topic has to do with how we are going to pay for all of the relief funds that are necessary for the hurricanes that have caused such damage and wreaked such havoc upon our gulf coast.

What is very interesting for us to note tonight, and the American people need to know this, Madam Speaker, there are really only three different places that these funds can come from. Either, number one, in order to relieve human suffering along the gulf coast, we are going to pass debt on to our children, or we are going to raise taxes on the American people, or we can do what the Republicans on this side of the aisle want to do, and that is restrain the growth of government, ask maybe the Federal budget to tighten its belt just a little bit so that families do not have to tighten their belt instead.

Madam Speaker, everybody here wants to help relieve the human suffering along the gulf coast. We have seen the pictures. We have seen the devastation. I had family who live in New Orleans who were affected. They were among the lucky ones. They are alive. Their home is damaged, but standing. So all of us have felt in our hearts what has gone on there.

But, Madam Speaker, we cannot take a great natural disaster of this generation and turn it into a great fiscal disaster for the next generation. For us to sit here and pass on $62 billion of additional debt to our children is simply, absolutely unconscionable. I cannot believe, Madam Speaker, that anybody would want to do that. Yet I know many in this body contemplate that.

Madam Speaker, for anybody who heard the earlier discussion this evening led by the gentleman from South Carolina, the ranking member on the Committee on the Budget, one would think that there is only one other answer and that is to increase taxes yet again on the American people. To some extent all we heard was how we have massive budget deficits because of tax relief.

Madam Speaker, as the Members will see developed this evening, tax relief has actually proven to be part of the deficit solution. It is tax relief that has created jobs. It is tax relief that has promoted economic growth. And yet those on that side of the aisle would take it all away from us. They have a plan. Whether or not they have owned up to it, they want to engage in the largest single tax increase in American history; and that, Madam Speaker, is not the right thing for America.

So at first I think it is important that we deal with some of the facts.

Not a particularly well kept secret is the fact that our entitlement spending today is absolutely out of control. We have Social Security growing at 5½ percent. We have Medicaid growing at 7.8 percent. We have Medicare growing at 9 percent. Every time we try to reform these programs that are far outstripping our ability to pay for them, the Democrats do everything they can to stymie this, and what we have discovered is that as time goes by, as these programs grow beyond our ability to pay for them, more and more massive tax increases are going to be necessary to pay for them. On this chart alone, if we start out at 2005, the average American family, in just less than one generation, is going to be faced with a $10,000 tax increase.

The Government Accountability Office, the Office of Management and Budget, the House Committee on the Budget, anybody who has looked at this problem all have come to the same conclusion, and that is that within roughly 30 years, we are either going to have to double taxes on the American people just to balance the budget or the entirety of today's Federal budget will pay for Social Security, Medicare, and Medicaid; and there will be nothing else. There will be no Pentagon. There will be no VA benefits. There will be no student loans. There will be no other Federal Government.

So as the Democrats work every day to say we cannot do anything to control spending, what they are really telling us, Madam Speaker, what they are telling the American people is they want to double taxes on our children. That is the program they have signed up for. That is their program, supposedly, of fiscal responsibility.

But, Madam Speaker, that is not so; and we have a number of distinguished speakers here tonight to tell us about why that is not the fiscally responsible thing to do.

I first yield to the gentlewoman from Tennessee (Mrs. BLACKBURN), one of the great leaders in government reform and fiscal responsibility in this Congress.

Mrs. BLACKBURN. Madam Speaker, I thank the gentleman from Texas for his excellent work on this issue. It is a pleasure for me to stand here tonight before this body and before the American people and associate myself with his good work and with his remarks.

Madam Speaker, he was talking about looking at where we are now and going forward. I want to step back for just a moment, if I may. I am going to pick up on a phrase that our colleague from across the aisle had used when he was talking about policies, and he said those chickens are coming home to roost. Well, Madam Speaker, I will have to tell the Members chickens do come home to roost, and the Democrats spent 40 years building program after program after program after program, just layering them up and creating a government that is very expensive. And he is right, after 40 years chickens do come home to roost.

I know that is not the point that he was making there. He was trying to say that in a year or 2 years or 3 years they would come home to roost. But the point is the Democrats controlled this Chamber. They controlled the other Chamber. They had control of the White House, and they kept growing and growing and growing and growing government. And the gentleman from Texas (Mr. HENSARLING) is so right in showing this chart that shows what will happen and what the tax burden will be if we do not take the steps that are necessary to cut back on the spending, and how right he is in the remarks that he has made.

History should be our guide, because 40 years of growing government has left us with many programs that have outlived their usefulness. We have got 234 different economic development programs in the Federal Government. For goodness sakes, would we not be better off with doing some streamlining?

Another comment that was made from across the aisle, as our colleagues were talking, someone mentioned something about impeding tax cuts, doing some things that would impede tax cuts. Well, I hope that the American people hear this because they may want to impede tax cuts. They may want to take more money out of working families' pockets, and what we are doing is trying to put that focus back on having working families keep more of their hard-earned money. And the way we do it is not to take more money out of their pockets. The way we do it is to go in and say government does not have a revenue problem; government has a spending problem.

Now, how do we address this? Step number one, let us look at where we are spending this money and decide, are we getting the appropriate outcome for the money that we are spending. Those are the steps that this majority is working to take in this House. We fully believe that bureaucrats need to be accountable to the taxpayers of this great Nation. And for some of our colleagues on the other side of the aisle who are sadly misinformed on this issue, we would love to sit down and visit with them and be certain that they understand this issue.

Tax reductions mean money in American families' pockets. It means control for individuals, and that is something that is very important. We are going to spend a lot of time, as the gentleman from Texas was saying, this week talking about what the steps are going to be that we are going to take to provide tax relief, to provide the right foundation for reducing what the Federal Government spends, to be certain that the Federal Government is prioritizing that budget.

The gentleman from Texas has a great chart, tax relief versus the 5-year Federal budget; and he is right on target with this.

Mr. HENSARLING. Madam Speaker, reclaiming my time, I certainly thank the gentlewoman for her observations.

Again, it is so interesting, as Democrat after Democrat speaks out against all the evils of tax relief and how somehow tax relief is the center of all fiscal irresponsibility, what they do not point out is that we have passed a 5-year 13.9 trillion, trillion with a "t," budget, $13.9 trillion of spending versus less than $150 billion of tax relief.

So say, for example, that tax relief did absolutely no good to our economy. Let us just say we took that money and just put it in a hole and buried it. It is less than 1 percent of the budget. So when we think about all these massive tax increases that are going to be necessary to pay for all of this spending that the Democrats want, how is less than 1 percent of the Federal budget responsible for this? They are ignoring over 99 percent of the challenge. The challenge is on the spending side.

And, by the way, Madam Speaker, we did not take this tax relief money and put it in a hole. We did something else with it far more productive. Madam Speaker, what we did was we took that money and we gave it back to small businesses. We gave it back to families. We gave it back to hard-working Americans, entrepreneurs, who rolled up their sleeves and created new jobs and went out and created new businesses. And guess what happened. We got in more tax revenue. We cut marginal tax rates and guess what. Our tax revenue went up in 2003 from almost $1.8 trillion to almost $1.9 trillion to now $2.1 trillion.

Madam Speaker, they just do not seem to get it. Tax relief, again, is what is helping America's economic situation. Again, do not believe me. Look at the Treasury report. This is from the United States Treasury. Already we see that tax receipts are up 15 percent. Individual income tax receipts are up 14.6 percent. Corporate income taxes, our businesses, they are up 47 percent. So it is interesting that, instead of this item being called tax relief in the budget, if it was called the Agency for Widget Production Subsistence, every Democrat would want to double its budget. But somehow because it is tax relief for small businesses, for people to go out and create jobs, they deride it. They claim that it is part of our fiscal challenge. Instead, we see that it is absolutely critical to ensuring that our children do not bear further debt.

Mrs. BLACKBURN. Madam Speaker, will the gentleman yield?

Mr. HENSARLING. I yield to the gentlewoman from Tennessee.

Mrs. BLACKBURN. Madam Speaker, I thank the gentleman from Texas for yielding to me.

I want to go back to the chart that he has so appropriately shown, and look what happens here.

□ 2130

In Tennessee, we have a State that is very much like the State of Texas. In Tennessee, we are a small-business, entrepreneurial-oriented state. Small business is our major employer. The largest growing sector of our small business sector is women-owned small businesses. Women are beginning to take the reins, and we have more women creating businesses than any other part of the sector. That is where we are seeing our job growth.

What the chart shows to us is this: On those small businesses, when you lower those tax rates and you give them the opportunity to invest in their business, invest in their communities, invest in those great ideas that make American free enterprise what it is, which is what everybody in the world wants, look what happens. Faith, hope and opportunity come into play. Elbow grease, sweat equity, hard work, it goes to work, and people realize a big part of the American dream, which is owning their own business, and we know that. We realize that.

You lower those rates, you allow people to get in there with lower taxes and less regulation and have their shot at creating the American dream. And look what happens. Your revenues will grow.

Many times, Madam Speaker, and I know the gentleman from Texas has heard this, people have said, well, look, the economy has grown, revenues are up, and guess what? The deficit is lower than expected. It is amazing how free enterprise works. It is amazing how lower taxes work. It is good for this economy, it is good for the American people, because there is more money in their pocket, there is more money to invest in their businesses, and their families have more money to spend on children, on education, on the things that truly are the desires of their heart.

Mr. HENSARLING. Madam Speaker, reclaiming my time, again, I thank the gentlewoman for her leadership, and I thank her for her observations.

Madam Speaker, we have now been joined by one of the great leaders on budget matters in this Congress, someone who has coauthored the Family Budget Protection Act, to try to enforce our budget, to try to bring some accountability into the government, to try to protect the family budget from the Federal budget, and I am very happy to yield to the gentleman from Indiana (Mr. CHOCOLA).

Mr. CHOCOLA. Madam Speaker, I thank the gentleman for yielding, for his leadership on these matters and for bringing us together here tonight to discuss these important issues.

Madam Speaker, I think we can probably find bipartisan agreement here tonight that the deficit is too big. Where we probably part ways is what do we do about it?

I think it is important when we discuss what do we do about it to recognize the fact that the result of the deficit comes from one of two things: Either we spend too much, or we tax too little. I have to say that the people of the Second District of Indiana do not feel like they are taxed too little, and I do not think they are really any different from the people of every congressional district around this country.

Unfortunately, too many times here in Washington we use as the only measurement of success how much we spend, not how well we spend. But I think it is clear to say that the Federal Government spends enough money. What we did do too little of is prioritize the spending and root out waste, fraud and abuse.

Madam Speaker, tonight we have heard that we really cannot cut spending, it would just be an onerous thing to do. There is no way we can find savings or root out waste, fraud and abuse. We have also heard a little bit about the reconciliation process, where we are trying to find savings over future government growth. So the fact of the matter is, when it comes to reconciliation, we are not talking about cuts at all; we are simply talking about slowing down the future growth of government by a very small amount.

As an example, we can find $100 billion in savings over the next 5 years by simply slowing the growth of government by 3/10 of 1 percent. But, still, even with that marginal savings, we hear that there is just no way that we can even slow the growth of government. It would be simply impossible to do.

Let us look at a few examples, Madam Speaker, on where we might find that money. As an example, as reported by the Social Security Administration inspector general in 2002, more than $31 million in Social Security payments had been made to dead people. Another example, in 2003, the food stamp program spent $1.1 billion in overpayments to program beneficiaries. Another example is that Medicare overpayments in 2001, get this, totaled $12.1 billion. Let me repeat that, Madam Speaker: Medicare overpayments totaled $12.1 billion in 2001.

The Federal Government cannot account for $17.3 billion spent in 2001. They simply do not know where the money went. That does not include the $12.1 billion in Medicare I just mentioned, because we know where that money went, to overpayments. But there is another $17.3 billion that the Federal Government simply does not know where it went, and that leads the GAO, the Government Accountability Office, to refuse to certify the government's own accounting books because the bookkeeping is so poor.

Madam Speaker, no business could operate under those management practices; no family could operate under those management practices. In fact, if the Federal Government was a publicly traded company, there would be criminal charges brought for those management practices.

Those that say we cannot find savings and slow down the future growth of government simply do not want to do the hard work of management and being good stewards of taxpayer dollars. The American people understand that spending money is easy and managing money is hard.

I certainly believe that I was elected, and every Member of this body was elected, to do the hard things, to find a way to manage money better, to get a good return for taxpayer investment, and not fall back on the easy thing of saying if we slow the growth of government, we are balancing the budget on the backs of those people that can least afford it.

Madam Speaker, I ask, what is compassionate about wasting $12.1 billion in Medicare? That is money that is not going to any beneficiaries, it is not providing health care to any senior. It is simply mismanagement and wasted money.

Madam Speaker, I want to yield back to the gentleman from Texas, and I want to thank him again for his leadership on this issue. I certainly encourage all of my colleagues to do the hard work we are elected to do by providing better fiscal responsibility, better stewardship and better management on behalf of the people of this country.

Mr. HENSARLING. Madam Speaker, reclaiming my time, I thank the gentleman for his participation in this debate tonight. He brings up many good points.

I think that once again we need to look at the facts of what we are speaking about. When Democrats talk about all of these massive cuts that are going to take place, first let us look at how much spending has already taken place.

Madam Speaker, this is a chart that just talks about in the last 10 years, what has happened to the family budget and what has happened to the Federal budget? As measured by median family income, the family budget has increased from roughly $45,000 for a family of four to $62,000. Yet look at this red line showing what has happened in the same 10-year period to the Federal budget. It has increased $1.5 trillion to almost $2.5 trillion. In other words, the Federal budget is growing faster than the family budget by almost a full third. Madam Speaker, over the long term, that is unsustainable.

Again, the Democrats are setting us up to either pass on unconscionable debt to our children or to engage in the largest tax increase in the history of America. We cannot sustain this kind of spending growth.

They also tell us what heavy lifting it is to try to restrain the growth of government. Well, if we look at what we are trying to do here, the President so far has called for roughly $62 billion of hurricane relief for the victims on the gulf coast. That is to be contrasted with $13.9 trillion of other spending. So what we are trying to do here, Madam Speaker, is find roughly a half a cent on the dollar of savings, a half a cent.

If you went to any American family or any small business and said, you know what, we have hit some tough times, can you go back and take a look at your budget and find a half a cent on the dollar? Of course they could do it.

Madam Speaker, they laugh at us when we say, oh, we cannot do this, we cannot find a half a penny of savings. And the truth is it is not even a cut. All we are doing is restraining the growth of government. What the Democrats do not want you to know is that even after we find these savings, government still is going to grow. It is still going to grow roughly 3 percent next year over this year.

What we call mandatory spending, if we achieve this plan, without any help from the Democrats whatsoever, if we achieve this plan, what we call mandatory spending is going to grow at 6.3 percent instead of 6.4. That is the massive cut of which they have spoken.

Madam Speaker, I yield back to the gentleman from Indiana.

Mr. CHOCOLA. Madam Speaker, I thank the gentleman for yielding again. Just very quickly, I appreciate the facts that the gentleman is pointing out.

Let me draw the gentleman's attention to a couple other facts. The Wall Street Journal last week had a very important editorial when they pointed out the fact that during the period of 2001 to 2005, inflation on a cumulative basis was 12 percent. The Federal spending in transportation increased 24 percent; employment benefits, 26 percent; general government spending, 32 percent; income security programs, 39 percent; health spending, 42 percent; community development, 71 percent; housing and commerce, 86 percent; international affairs, 94 percent; education, 99 percent. Remember, inflation over that period of time was 12 percent.

Before being elected to Congress, I ran a business. Every year we would go through a budget process. Every year all the general managers would come into my office, and we would talk about the next year's budget. In almost every case we would find ways to save over the last year in our spending budget.

I will have to say, Madam Speaker, if I would have that meeting with general managers, and I would ask them to find ½ of 1 percent savings next year, they would frankly laugh in my face. They would be very relieved, because they would have expected to hear 10 percent.

Every American business and family has found ways to find substantial savings in their budget when they are faced with budget challenges. The Federal Government should be no different. There is no reason that we cannot find these savings, that we cannot act more responsibly on behalf of the American people and provide a good return and sound investment for the American taxpayer. Saying we cannot do it is simply shirking our responsibilities and not wanting to do the hard work of management. We are elected to do oversight and be good stewards of the taxpayer dollars.

Again, I thank the gentleman for his leadership.

Mr. HENSARLING. I thank the gentleman.

Now, Madam Speaker, I am very happy that we have been joined by one of our colleagues, who is a great leader in our Operation Offset, to come forward and bring to the American people ideas about how we can find waste, fraud and abuse and duplication and lower priority spending in the Federal Government in order to help pay to relieve human suffering along the gulf coast. I am happy to yield to my fellow Texan, the gentleman from Texas (Mr. NEUGEBAUER).

Mr. NEUGEBAUER. Madam Speaker, I thank the gentleman for organizing this important debate this evening.

I think what has been pointed out is there are some very important challenges facing this Congress and facing this Nation. We are defending America in the war on terror, both abroad and domestically. We are grappling with rising energy prices. We are trying to figure out how to get a lid on health care in our country and how we are going to continue to grow this economy and provide jobs for American citizens, as well as how we are going to deal with this catastrophic loss of property that has been experienced by these hurricanes.

There are those that want to say, well, we will just push that problem down the road for someone else; that this is just a little blip on the screen; that we do not need to pay for this relief. We will just borrow money. But those same people were the people that we are talking about that our deficits are rising at too fast a rate.

So what does this call for? It calls for a sound fiscal policy. It is what the American voters sent us to Congress to do. They sent us here to make these difficult choices, to make policy that makes sense, to make policy that they have to live with at home, and that is we have a certain amount of money coming in, and we have a certain amount of money to spend.

But what is interesting here, and it has been brought up tonight, and I want to reiterate it, is we do not have an income problem in our country, we have a spending problem. In fact, tax revenues, as the gentleman pointed out, have been increasing over the last few years, and, in fact, what we found is when we put more money back into the American taxpayers' pockets, they spent that. When the small businesses had more capital to invest in their businesses, they invested.

□ 2145

They created jobs and our economy is growing; and now, for that reason, our deficit this year is projected to be $80 billion to $100 billion less than what was originally projected.

But the problem is that our spending is growing faster than our economy. Currently, over the last 5 years, the Federal budget has been increasing at an annual rate of 6.3 percent. However, our economy has only been growing at an annual rate of 2.75 percent. So you do not have to be an economist to figure out that if the government is growing at this rate and the economy is growing at this rate, that we are never going to be able to balance our budget. So what it causes is for the Republican-led Congress to take action and to begin to work on this spending problem.

What you did not hear from the other side of the aisle tonight was any spending cuts, any program reform. What you heard is their solution is to continue to raise taxes for the American people and to take away the momentum that we have already given this economy by the fact that we are putting more money back in their pockets. What has happened because of these reductions in taxes is that the economy is now growing this year at 4.2 percent and that Federal tax revenues have risen $360 billion since 2003 and that a 22 percent reduction in the Federal deficit has occurred since 2004.

We have frozen nondefense discretionary spending. Now, I know we are using a lot of Washington kind of talk. So what is discretionary spending? That is the spending each year that Congress gets to vote on. So each year, the budget chairman brings before the Congress and the appropriations chairman, they bring a plan of how to spend the American taxpayers' money, and we get to vote on that, and we have made progress on that. But let me tell you where the real problem is in our country. The programs that were put in place many, many years ago are growing at such a fast rate, and these are programs that we do not get to vote on on an annual basis, so we go through this process called reconciliation.

What is reconciliation? Well, really what that is is how we look into that budget and say, are these programs relevant today and should we or could we do something to stem the rate of growth. Now, the colleagues on the other side talked tonight about all the cutting we are doing. What we are doing is we are talking about slowing the accelerator down. We are talking about reducing the rate of increase, reducing the rate of government. That is why we are going to go through this process.

What we are doing, just talking about over the next 5 years, is finding at least $35 billion, because as the gentleman made the point awhile ago, we are spending $7.257 trillion in 2006 alone. So how do we do that?

Well, one of the things that I have proposed, as the gentleman alluded to, is to look at some ways to offset say some of the spending that we are going to have to do for those devastated areas in the gulf coast. By the way, I have been to the gulf coast, and I have seen that devastation and I have seen what has happened to the lives of those people down there; and, certainly, there is a role for the Federal Government, but there is also a role for the private sector down there. What we need to make sure of is that the Federal Government does not preempt the private sector's ability to go down and make sure that we begin to rebuild those communities.

There is a little box that you checked when you did your tax return in April, and it says, I want to give $3 to the Presidential campaign. You know what? The American people less and less and less have thought it was a good idea to give money to Presidential campaigns and to their conventions. So I have introduced a bill that would allow the deletion of the payment to political campaigns and to the parties' conventions. Hey, let us spend that money for our efforts in Iraq. Let us spend that money for relief for Katrina, or maybe let us use that money to pay down debt, instead of putting monies into political campaigns. In fact, the campaigns themselves have started turning down that money because they feel like that leaves them at a disadvantage, and so many of the major campaigns over the last few years have not even used that money and turned it down.

So we can save $200 million alone by just saying to the political parties, hey, go raise your own funds.

So what we are talking about tonight is in that quest to balance the budget and not leave our future generations with a debt they cannot pay, we are talking about slowing down the rate of growth in our government. We are talking about getting the rate of growth of government to coincide with the rate of growth of our economy.

As a small note, I started a little tradition a few years ago with my grandsons, and each evening when I come home, I put the change in a little coffee can, and when the coffee can gets full, we go down to the toy store, and we count how much money we have in the coffee can. So my 2 grandsons, who are 5 and 7, we go into that toy store knowing how much money we have to spend. They are 5 and 7 and they already understand how much money they have to spend. So they ask what each item that they are looking for might cost, and they try to figure up, do they have enough money to buy that purchase. Some of those purchases are more than they have, so they cannot make that purchase.

That is what the American taxpayers expect the United States Congress to do. It is a concept that 5- and 7-year-olds understand, and it is certainly a concept that Members of the United States Congress need to understand. We cannot afford not to have this debate. I welcome the other side to come up with some solutions and some ideas on how we can reduce this rate of growth of our government, because our future generations are depending on it.

Madam Speaker, I yield back to the gentleman from Texas.

Mr. HENSARLING. Madam Speaker, I thank the gentleman for his leadership in Operation Offset. It was an interesting story he told about how you take the change out of your pocket and put it in a jar to benefit your grandchildren. Recently, as my colleagues might have read, the Democrats have launched something called the Campaign For Change, and now I suddenly understand what it is all about. It is taking your grandchildren's change away from them to fund the massive government spending that they want to go to and continue to grow. They want to grow big government. They believe in more government and less freedom. We believe in less government and more freedom.

And how much government is enough? How much spending does it take? Madam Speaker, as my colleagues can see from this chart, Washington is now spending $22,000 per household. This is a chart that starts in 1990, goes to the present; and we see that spending has gone from over, roughly a little over $18,000 per family to now $22,000 per household. This is the highest spending in inflation-adjusted terms since World War II. It is one of the highest levels of spending in the entire history of America. Yet, it does not seem to be enough.

In the last 10 years, again, median family income has grown about 38 percent. Yet Federal spending on international affairs is up 57 percent; space and technology, 46 percent; natural resources, 49 percent; agricultural spending, 206 percent; commerce and housing credits, 74 percent; transportation, 95 percent; community and regional development, 83 percent. Madam Speaker, the list goes on and on and on.

This is not a debate again about how much the American people and we as a society are going to spend on education, how much we are going to spend on housing, how much we are going to spend on nutrition. It is a debate about who is going to do the spending. The Democrats want government to do the spending. They want Big Government to take that money away from American families, throw it into a wasteful bureaucracy and have a few pennies come out on the other end. We want to empower the American family. We want to protect their budget. We want to help them realize their American Dream. We want them to be able to send their kids to college. We want them to be able to put a roof over their heads. That is really what this debate is all about.

Now, Madam Speaker, I am very happy that we have been joined by a member of the Republican leadership team, a leader in helping put together Speaker HASTERT's plan to help offset this Katrina spending with lower priority spending, to help us start this process called reconciliation, which is Washington-speak for reform; someone who is very admired by the entire conference and Congress, the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Madam Speaker, I thank the gentleman for that generous introduction. I was looking around to see who he might be talking about for a while. Before the gentleman from Texas (Mr. NEUGEBAUER) leaves, I have a rhetorical question because I know the answer to it, but is it not true that the State of Texas is looking at privatizing part of its food stamp distribution program?

Mr. NEUGEBAUER. That is correct. The State of Texas is looking for innovative ways to make sure that we cut down on the waste, fraud, and abuse and also to deliver that service in the most cost-effective way.

Mr. KINGSTON. And is it not also true that in doing that, you save the taxpayers money and actually have not hurt the food stamp participation level a bit?

Mr. NEUGEBAUER. The gentleman is correct. Because what happens is when we begin to think outside the box and be creative and innovative, what we actually do is we save the taxpayers money, but we also at the same time generate more program money for those people that really need those benefits.

Mr. KINGSTON. Well, the reason why I asked that before the gentleman leaves is today, in agriculture appropriations, we had probably about a 1-hour debate on the State of Texas's right to privatize part of its food stamp distribution. One of the things that is ridiculous about the proponents of this, and they are all the liberal Democrat faction, is that States should not be able to have the right to privatize something without permission of Congress, because I guess here in Washington people know more about Texas than the good folks down in Austin. I understand Pennsylvania, Florida, and New York are also looking at these privatization plans. It is just a distribution method which they found to be more effective.

Madam Speaker, when I think about the private sector, which they fear so much, I think about companies like AOL and UPS and Home Depot and Cingular Wireless. When I think about the Federal Government, I think about the IRS, the Immigration Service, FEMA, and the post office. Yet here are these folks who are defending the Federal Government and saying that they should not get involved with the private sector. But that is just one amendment that we are fighting that saves taxpayers' dollars that we want to make sure that States have the right.

But there are some other examples of savings that we are trying to get out of this budget. One of them was one that the gentleman from Texas and the gentlewoman from North Carolina supported, and that is the elimination of the mounted police unit here in Washington, D.C. The Capitol Police had horses for horse patrol. They were not patrolling parades or anything like this, but the horses were brought in from a 60-mile round trip every day so that they could parade around, walk around the 95-acre Capitol campus. The cost of that not only was $200,000 just to bring them in, but it was $50,000 to clean up the manure that these horses left on the Capitol grounds. Now, any casual observer of Washington knows that we have our own manure around here and we do not need horses imported so we could have more of it, but that is an example of something we have eliminated.

Another thing that we eliminated from the budget was the exchanges with the historic Whaling and Trading Partners program. It is a $9 million program that was specialized for the folks in Hawaii, Massachusetts, and Alaska; and it was for competitive cultural grants to study the history of whaling, $9 million; and it was a competitive process, but it only went to three States, so there was not a heck of a lot of competition in it.

Then another one is the Robert Byrd Scholarship program, $41 million. Now, the Byrd scholarship program on the surface, it sounds like a good idea, helps people go to school, it pays $1,500 for a college education. The only problem is we already have a Pell grant. Pell grants pay $4,100 to do the exact same thing.

Then there is the Advanced Technology Program. The Advanced Technology Program was to spur research and development of technology in small businesses. Well, the only problem is, 35 percent of the money, and it is a $136 million program, by the way, 35 percent of the money went to Fortune 500 companies such as IBM, General Electric, and General Motors, hardly small business innovation. Then when the General Accounting Office investigated the whole Advanced Technology Program, they found that all the research dollars that were going on were already being done by the private sector, not costing the taxpayers any money, and the duplication was impossible to eliminate.

I am going to yield back, because I know the gentlewoman from North Carolina wants to speak. But I want to say that in the appropriations process, the four programs that I have mentioned, we have eliminated approximately 90 such programs, duplicative, ridiculous, and unnecessary. We have fought back about $61 billion in the last 3 years of spending increases which the gentleman from Wisconsin (Mr. OBEY), the ranking member, and the Democrats have rallied behind year after year, $61 billion; and these are from the people who tell us we are spending too much money. I agree we are spending too much money, but their solution is to spend $61 billion more than what we are doing.

So there are a lot of things that are going on in the Committee on Appropriations. We want to offset the cost of Katrina. We think the fat is in the budget to do so, and we stand behind the good work of Operation Offset. Madam Speaker, I want to thank the gentleman from Texas (Mr. HENSARLING) for giving me a few minutes.

□ 2200

Mr. HENSARLING. Well, I thank the gentleman from Georgia (Mr. KINGSTON) for joining in this debate. He made so many excellent points. It reminds me of the title of a rock and roll song that I listened to in high school, Do Not Get Fooled Again.

We should not get fooled again by the Democrats. We need to remember, these are the very same people who told us welfare reform would never work. They told us that families would fracture, and so the New Republic wrote.

The Democrat leader at the time said a million children will be forced into poverty. One of the Democratic leaders in the Senate said that we will experience a national trauma we have not seen since the cholera epidemic. And guess what? We gave people incentives to go out and become educated. We gave people incentives to go out and work. And guess what, Mr. Speaker? They did just that.

Welfare case loads dropped in half, and people found jobs, and they found hope, and they found opportunity. And millions went from welfare, from the dependency on a government check, to being able to feed their own children, to put a roof over their head, and to have pride in having their own job, and a job well done.

Mr. KINGSTON. In 1996, when we passed welfare reform, there were 14 million people on welfare. The number dropped to 5 million. Still too many, but that is 9 million people who are not taking from the government, but are contributing to the government, and they are able-bodied people, who, as you said, found out working has it own rewards and have derived a lot of pleasure and satisfaction from holding a job.

Mr. HENSARLING. Mr. Speaker, again it is not how much money Washington spends that counts, it is how the money is spent. That is what counts.

With that, I would be very happy to yield to the gentlewoman from North Carolina (Ms. FOXX), who has been very outspoken in her commitment to fiscal responsibility, a great conservative leader in the freshman class.

Ms. FOXX. Mr. Speaker, I am pleased to be with you tonight. You have done a great job of leading our conservative group to think about these issues, and to provide the facts and figures that we need. In fact, the little history lesson that you have just given about the cutback on welfare, I think, is a very timely lesson to have, because every time we talk about lowering the rate of increase, we are given all of these gloom and doom stories about what is going to happen. And yet we know very well that Government is not the answer to the problems that we have in this country, the individuals are, and as long as people look to the Government to solve their problems, the problems are going to mushroom instead of go away.

These past few weeks have really tested our Nation's emergency response system, our compassion, and Congress's ability to set spending priorities. I think we are doing very well with Operation Offset and other things that we are working on in the Congress. But it is clear, as we go about this process, that Republicans are the Members who make up the party of fiscal responsibility.

And that fiscal responsibility has helped grow the economy and bolster jobs. Some of these statistics I know have been given out by other speakers, but I think it bears repeating, that over the last 2 years, our Nation has created millions of jobs. The unemployment level has dropped dramatically, and the economy has grown.

If you listen to the mainstream media, you hear nothing but gloom and doom. All of the good news gets drowned out. But we are making tough decisions, and we are cutting back on spending, and that is what is going to be the other factor that is going to really help this economy grow.

Earlier this year Republicans passed a budget that cut $100 billion from the deficit. And what did the Democrats do? They refused to vote for the budget. As my colleagues have said, Republicans have recommended 98 programs be terminated for a total savings of more than $4.3 billion.

It is my understanding that later this week we will be voting on a bill to permanently deauthorize those programs. So many times a program is not funded, but the authorization is not taken away. We need to do that, too, and we are going to do that. The Republican leadership is going to put domestic discretionary spending on track to be below last year's levels.

Now, the gentleman earlier gave a little lesson about the difference between discretionary and mandatory spending. As my colleagues know, I do not even like to use that term, "mandatory spending." And every time that it comes up, I mention that I cannot find that word anywhere in the Constitution. And I want to encourage people to keep reading the Constitution to see if you can find the word "mandatory spending."

But we are doing a lot with the Republican leadership to cut the growth of spending, and that is what we have to do. But what have the Democrats done? Over the last 3 years they have attempted to bust the discretionary budget in the appropriations process by more than $60 billion. And the way they would finance this is raising taxes on small businesses. So it is not surprising that at a time when we must be watchful of taxpayer dollars, the Democrats have turned to their old playbook and called up one of their favorites, the old tax and spend.

We think it is time for Democrats to come up with a new plan and join us in doing something important about spending. I am relived that they have not had their way with the Federal checkbook, or things would be much worse than they are. In fact, if they had their way with spending, a new report by the House Appropriations Committee shows they would have increased spending by more than $60 billion over the last 3 years.

Before our Nation faced the challenges of recent hurricanes, we were on track to produce more, and our government was spending less. Last year we held nonsecurity discretionary spending to a 1 percent growth rate, far blow inflation and the previous 5-year average of 6 percent growth. Last year we held nonsecurity discretionary spending to a 1.4 percent growth rate, less than inflation, and a major reduction from previous years.

Democrats, on the other hand, have no plan to reduce the deficit. While they stand here and complain about budget deficits, they propose billions more in new spending. It is really frustrating to hear the two sides of their plan, knowing that there is no way for it to work, and the only way that it would work would be for them to raise taxes. But you never hear them talking about that.

I am asking our Democratic colleagues to join us in the effort to restore fiscal sanity to this country. In 1997, the House passed a deficit reduction bill with 153 Democratic votes that saved billions of dollars. What we need now is Democrats to join us in a similar move. But in the meantime, we are looking to the gentleman from Texas (Mr. HENSARLING), those of us on the Republican side, to continue to bring up these issues, and again present the facts and help educate the American public as to what the real facts are, not the shell game that we keep seeing played out on the other side every night, but the real numbers so that they can see what Republicans have accomplished and what more we can do with the effort that we have been putting into it with Operation Offset and really knuckling down to being fiscally responsible.

Mr. HENSARLING. Mr. Speaker, I thank the gentlewoman for joining us for this debate. I appreciate her leadership in the freshman class. It is very interesting that you would use this metaphor of a shell game, because that is exactly what the Democrats are trying to do with the American people.

Because again, the spending that it is going to take to relieve the human suffering on the gulf coast can only come from one of three places. Either we are going to pass debt on to our children; we are going to engage in massive tax increases on the American people; or we are going to ask the Federal budget not to grow quite as fast, to get rid of some of the fraud, to get rid of some of the waste, to get rid of the lower-priority spending.

What they want to make sure in their shell game is that they never show the American people the massive tax increases they are planning. They have planted seeds in our so-called entitlement spending that American people are not going to be able to afford.

Their tax plan just grows and grows and grows. Again, Mr. Speaker, what is going to happen for the next generation? For the Democrats to fund all of their programs, when they refuse to work with us, and we have invited them to work with us to help reform some of this entitlement spending, if they do not work with us, this is the future our children and grandchildren are facing, massive and massive tax increases. We will be on the verge of being perhaps the first generation to leave our children a lower standard of living. We are going to have to double taxes on the American people just to balance the budget in 30 years if we do not do something to restrain the growth of Government.

And again, as I showed earlier, how much Government should we have? Already in just the last 10 years, we have seen that the Federal budget has outpaced the family budget by over a full third. Mr. Speaker, is there any reason why we should have the Federal budget outpace the family budget by over a third? Ultimately all of this spending has to be paid for.

Mr. Speaker, all this spending is not created equal. I mean, too often we hear from those on the other side of the aisle that any time we try to restrain the growth of spending, that somehow we are hurting the poor. Well, I am here to tell you, Mr. Speaker, compassion for the poor is not measured by the number of government checks you send out, it is measured by the number of jobs you create so that the American people can go out and realize their American dream.

And when we have had tax relief, not only, not only, Mr. Speaker, have we received greater tax revenues, the deficit has come down, but what we have also seen is millions and millions of Americans, 4 million new jobs created from tax relief.

Now, Mr. Speaker, when we look at the Federal budget and we look at this spending, sometimes many good things come from it: Kevlar vests for our brave men and women fighting in the war on terror, student loans for many needy folks who otherwise might not have an opportunity to go to college. But all too often we also see a Medicare who will pay five times as much for a wheelchair as the VA did simply because one would competitively bid, and the other would not. We see $800 spent on an outhouse in a national park, and the toilet does not even flush, $800,000. We see millions and millions of dollars spent for an indoor rain forest in the State of Iowa, and the list goes on and on and on.

Mr. Speaker, the American people just do not believe there is not waste, fraud, abuse and duplication in the Federal budget. For example, we have 342 economic development programs. We have 130 programs serving the disabled, 90 early childhood early development programs. The list goes on and on. How much duplication do we need? And yet the Democrats want to raise taxes to pay for more of this.

The Federal Government made at least $20 billion in overpayments in 2001. The Department of Housing and Urban Development spent 3.3 billion, 10 percent of their budget in 2001, on overpayments, yet Democrats want to raise our taxes to pay for more of this.

The Advanced Technology Programs spends $150 million annually subsidizing private businesses, 40 percent of which goes to Fortune 500 companies, and yet Democrats want to raise our taxes to pay for more of this.

And there are so many reforms that we can institute in this body that could, for example, brings us greater health care at a cheaper cost. If we would pass meaningful medical liability reform, we would bring down the cost of health care 5 to 10 percent in America.

☐ 2215

Medicaid could save $1.5 billion a year if they would base their drug payments on actual acquisition costs. They could save 2 to $3 billion a year if they would stop improper payments to States that use that money for purposes other than Medicaid, and the list goes on and on.

We can find the reforms, but we must start this process of reconciliation, which, again, when we look at $62 billion of savings we are trying to find in a 5-year $13.9 trillion budget, that is a half a cent. That is one half of one penny, Mr. Speaker, that we are trying to find so that our children do not face massive tax increases as far as the eye can see, guaranteeing to lower their standard of living.

Mr. Speaker, this really comes down to two visions for America: one helping empower people, helping them realize their American Dream, about them going out, starting new jobs. It is really about a vision of less government and more freedom. Yet our friends on the other side on the aisle who will not work with us on reconciliation, who will not work with us to root out this waste and this fraud and abuse, who only want to continue with more spending and more spending and more spending, they believe nothing good happens in America unless it comes from the Federal Government.

Well, a lot of good things come from the American family. A lot of good things come from the free enterprise system. That is what we need to strengthen. In the days to come, Mr. Speaker, that is what this debate is all about, those who want to restrain the growth of the Federal budget so the family budget can expand and those who only want to grow government and impose massive tax increases on our children and grandchildren as far as the eye can see.

Mr. Speaker, there is no doubt that when the American people will look at this, ultimately they will chose less government and more freedom.

30-SOMETHING WORKING GROUP

The SPEAKER pro tempore (Mr. BOOZMAN). Under the Speaker's announced policy of January 4, 2005, the gentleman from Ohio (Mr. RYAN) is recognized for half the remaining time until midnight.

Mr. RYAN of Ohio. Mr. Speaker, I appreciate the opportunity to address the House again. Unfortunately, we are missing a couple of our standard-bearers who are usually here, our two Members from Florida, the gentleman from Florida (Mr. MEEK) and the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ), who are down dealing with the hurricane and the storm down in Florida. So we want to send out to them our thoughts and our prayers. We are thinking about them and their constituents and all the citizens of Florida at this time. And we are glad they are down there where they should be, with their constituents.

I would also like to say hello briefly, Mr. Speaker, not only to those citizens of Florida but some friends of mine who are paying attention to what is happening here tonight and good friends of mine who are back in Ohio now, Bill and Molly Gales, who are watching us, paying attention, trying to understand some of the issues of the day, and I would like to give a shout out, Mr. Speaker.

But let me say this, Mr. Speaker, we spent the last hour listening to, quite frankly, a lot of rhetoric, a lot of empty rhetoric. And normally the 30-something Group comes out and we talk about and criticize and critique the performance of the Republican majority. And I want the American people to understand this: the Democrats do not have any power in this Chamber. The Republican Party just spent the last hour blaming the Democrats. Like we had any lever of government to pull. The Republican Party controls the House by a large margin. They control the Senate. And the Republican Party controls the White House. They control every legislative and executive branch of government in the United States of America right now, Federal Government. So to look over here like we are the ones running these huge budget deficits is an absolute joke.

I would like to say, my friends on the other side who were talking about saving money and controlling the deficits that are projected as far as the eye can see, $500 billion, I would like to say to our friends, Mr. Speaker, go to www.Thomas.gov and you can get the votes for two particular votes that I think the American people and Members of this Chamber would be interested in. Go check out H.R. 1, this is www.Thomas.gov, H.R. 1 in the 108th Congress. That is the prescription drug bill. That is a bill that spent 700-plus billion dollars on the Medicare prescription drug program and did absolutely nothing to control the costs of drugs by allowing for reimportation from Canada that would drive the costs down, or allow for the Secretary of Health and Human Services to negotiate with the drug companies on behalf of the Medicare recipients. Both of those provisions were Democratic provisions that went to drive down the costs of the prescription drug bill because we would be able to control the costs.

Now, my friends on the other side who have spent the last hour being so critical, I find their names on the "aye" column. There were only 25 Republicans who voted against the prescription drug bill. So the Republicans passed a prescription drug bill full of pork that did not control costs.

Before I yield to the gentleman, let me first give him a formal 30-something welcome. Do not let the gray hair fool you. This guy is 39½. I would be happy to yield to the gentleman from Massachusetts (Mr. DELAHUNT).

Mr. DELAHUNT. Mr. Speaker, I thank my friend from Ohio. Before I begin to comment, let me say that over the past several months I have had a chance to observe the gentleman and the gentleman from Florida (Mr. MEEK) and the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ). They have done an extraordinary job in reviewing what is happening in America.

It is an honor to join the 30-Something Group. I think in terms of honesty, I would have to disclose that I am a bit over 30. In fact, if you allow me, I am two members of the 30-Something Group because in one body you get 30 times two and maybe a little more.

Mr. RYAN of Ohio. We are going to have to implement the same rule that we had to implement when the gentleman from New Jersey (Mr. PALLONE) came. The gentleman is going to have to pay dues twice to the 30-Something Group.

Mr. DELAHUNT. I see. I know the gentleman from New Jersey (Mr. PALLONE). We share the same alma mater, Middlebury College in Vermont. I know that I graduated a decade or so before the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Is the gentleman sure about that?

Mr. DELAHUNT. I think so.

Mr. PALLONE. The gentleman looks good.

Mr. DELAHUNT. Because we are here to be honest, because in the previous hour I think what we heard tonight from our friends on the other side an attempt at humor. I do not think that they were being dishonest. I think that they were just demonstrating a great sense of humor because I heard the term "fiscal responsibility" as I was watching their conversation, and I really laughed out loud.

I do not know if the gentleman from New Jersey saw it like I did, but if the Republicans in this House and in the other branch and the White House represent fiscal responsibility, we are in serious trouble. Because I remember when the gentleman and I were here during the Clinton administration when President Clinton left. My memory is, and the gentleman can help me because I am a little older, there was a surplus in excess of $5 trillion. And maybe the gentleman can tell us, is there still a surplus after the Republicans have run this government?

What we have today is a single-party state, and what has happened? It certainly is not, in my judgment, and I think we probably share this conclusion, it does not reflect fiscal responsibility. What it does reflect is an appetite to borrow money and then to spend it.

Mr. PALLONE. Mr. Speaker, the gentleman is absolutely right. The amazing thing to me when I was listening to the Republicans in the last hour is when they were trying to make the analogy to their households and talking about their kids. And one of the Republican Members talked about how he went down to the candy store and you could only spend what was in your pocket, and that is what we want to do here. And I was saying, these guys on the Republican side of the aisle have been building up deficits ever since President Bush came into office.

How do they have the nerve to even talk about making the analogy with their households and going to the candy store when from the day that they arrived they have been increasing the deficit?

Mr. DELAHUNT. With all due respect to my friend from New Jersey, I do not think that he realizes what they meant. They really meant that they would send their kid down to the candy store with a credit card because that is how they have run this country, on a credit card. It is borrow and borrow and borrow and borrow and you know what? Sooner or later that credit card gets maxed out. And the next thing if you are a family or if you are an individual, you are down at the bankruptcy court. That is why I say when I heard the term or the sentence that "we are the party of fiscal responsibility," then I knew they were joking. I really did. And I started to laugh. That was a great punchline.

Mr. PALLONE. I know the gentleman says he is older than me and I question that. I know I have been here longer than he. I remember when I first came down in 1988, there were a group of Republicans who would come down and do Special Orders every night, and they had the pages come out with this digital clock that really was the length of this dais here, and every night they would talk about the deficit and how they wanted to cut the deficit and the deficit was climbing too high.

That is just all completely out of the window. All they have done now is increase the deficit.

I have statistics here that this budget resolution which they were going to vote on last week and now they so far cannot get the votes for it, and hopefully they will never get the votes for it that they were talking about, will increase the deficit by more than $100 billion over 5 years. By contrast, the House Democratic budget achieved balance in 2012.

Mr. DELAHUNT. It is just another example of a great sense of humor on the part of our colleagues on the other side on the aisle. They gave us and the American people who were watching this evening a real good belly laugh. Fiscal responsibility? Please.

Mr. PALLONE. I wanted to respond to one thing the gentleman said because he took us back to the Clinton administration and the last 2 or 3 years when we had a surplus. Not only did we have a surplus because we had a balanced budget but the economy was booming. Jobs were being created left and right. I do not care if you were rich or you were poor, things were getting better. But President Bush comes in and he is elected and he says, the answer to the economy is we are going to cut taxes. And the taxes were cut mostly for wealthy people and corporate interests and special interests that were helping the Republicans with their campaign finance. And that was supposed to be the answer to the economy.

Well, I will say, I have this briefing paper from the Economic Policy Institute, which is a bipartisan group. This is not a Democratic organization. And they are talking about the boom that was not. The economy has little to show for the $860 billion in tax cuts under President Bush. As the gentleman said, we went from a surplus of something like 2 or $300 billion. Now just the opposite, a deficit that is two or three times that.

And they come to the conclusion in this report, I just want to read this one section, it says: "Almost every broad measure of economic activity, gross domestic product, jobs, personal income, and business investment among others, has fared worse over the last 4 years than in the past cycles. Proponents of this series of major tax cuts since 2001 have projected that gauges such as these would reflect improvements after enactment."

In fact, the opposite has occurred. Not only have we created a huge deficit under the Bush Republican administration, but all the indicators of economic activity have gone down. So where this Republican philosophy has just created a dynamic that has really ruined the economy, it is not completely ruined, we are getting along, but by every economic indicator things were better in the last few years of the Clinton administration.

Mr. RYAN of Ohio. I agree with the gentleman 100 percent. The study that the gentleman just referenced, the Economic Policy Institute, the 30-Something Group is all about third-party validators. This is not the Meek or Ryan or Delahunt or Pallone Institute. This is the Economic Policy Group, a nonpartisan economic study group saying that the tax cuts were bogus.

A couple of our friends on the other side said, well, the projected budget is going to be $100 billion or $80 billion less than what they thought it was going to be because the tax cuts are actually working.

□ 2230

What they fail to tell you is that a loophole has been closed. It sunsetted out last year. So there was a tax put on a small business, people, that raised money to the tune of $80 billion. Do not come in and mislead the American people. It is not the tax cuts that are working. The tax cuts are not working.

Go ask the workers at Delphi if the tax cuts are working. Go ask the workers whose wages have been stagnant the last 30 years if the tax cuts are working. They want to talk about we want to raise taxes. They are spending money on the country's credit card, as my good friend has said.

Real quick, I just want to clean this up. The two bills I want our friends, other Members, to go see, go to Thomas.gov. H.R. 1 in the 108th Congress was the prescription drug bill which we were lied to about the original price, was supposed to be $400 billion. Then they came back months later and said it was $700 billion, no controls on the price. Go to the 108th Congress, H.R. 1. Then go in the 109th Congress, Thomas.gov, H.R. 3893, our energy bill.

Our friends that are so concerned with reining in spending, the Republican House passed a bill that has given billions of dollars to the oil companies, and BP's profits today came out 34 percent higher this quarter.

I mean, give us a break. The rhetoric is done. You try to dust off the rhetoric from the 1980s and put it in today's society, and it just does not work because it just does not make any sense. If you can hear and see and think, you know what they are saying on the other side is not making sense.

What the Democratic proposal is is to balance the budget; is to implement PAYGO, which means if you spend money, you have got to pay for it, one way or the other. Our friends, the Republican majority, that started out with this big Republican revolution that I think has ended up in a Republican devolution, would not pass the PAYGO rules. We have a plan, you go to the House Committee on the Budget, to balance the budget. We retain middle-class tax cuts for working people.

I am not afraid to stand up and say I am going to ask Bill Gates to pay a little more in taxes. I am not afraid to say it. I do not think that is a bold political move, but the wealthiest people are the only ones in this country who have not been asked to sacrifice in some way to pay for the two or three wars that we have going on and the greatest natural and national disaster this country has ever seen.

Mr. DELAHUNT. Mr. Speaker, I think when we hear our friends on the other side talk about the economy is growing, well, the economy is growing. The question is who is benefiting from that growth, and the answer is very simple. It is a very small segment of the American community. It is the top 1 percent, the top 5 percent. Their income is going up; but remember this, the median income for a family of four in this country that is directly in the middle, it is not an average, it is directly in the middle, has in fact gone down since the Bush administration came to power. There are today in absolute numbers and percentages more Americans below the poverty line.

So what we have is an economy today that is eroding the middle class and is creating a Nation and a society where a very few, a small segment, is doing quite well and everybody else is slipping behind.

What we have or what our friends would do is, they support ironically a welfare program, a welfare program for pharmaceutical companies; a welfare program for large energy companies; a welfare program, by the way, for Iraq, not for the United States, but for Iraq, because here is what we are doing in Iraq. We are building schools. We are building primary health care centers. We are educating teachers. I see the gentleman from New Jersey (Mr. PALLONE) has a chart there that illustrates this.

Mr. RYAN of Ohio. Mr. Speaker, if the gentleman would yield briefly, I just want to share a third-party validator that we have as we continue talking about welfare in the United States and what it is being spent on. This is by Cal Thomas, who writes a column.

Cal Thomas, as most of you may know, is one of the conservative columnists in the country. In his column this week, he says, "Seventy-two percent of farm subsidy money goes to 10 percent of recipients, the richest farmers, partnerships, corporations, estates and other entities." Cal Thomas, third-party validator says too much money going to the big farmers, and this is a big welfare State. What is Cal Thomas' advice to the 30-somethings and the House of Representatives? Cal Thomas says, "Here's a suggestion: don't start with the poor. Start with the rich."

Cal Thomas, one of the top conservatives in the country, is telling the Republican Congress, the Republican Senate and the Republican President, start cutting the welfare programs for the richest people in this country.

We have been pinned into a corner in this country where the people down in New Orleans and those people who do not have and the middle class are somehow to be blamed for our huge deficits when 72 percent of ag money, ag subsidies are going to the top 10 percent of the farmers.

Mr. PALLONE. Mr. Speaker, I wanted to say one thing, and then I want to lead into the issue of this budget reconciliation that we want to talk about tonight.

I wanted to go back to what my colleague from Massachusetts said about how, since the Bush administration came into office, the fiscal policy benefits wealthy people and is at the expense of the middle class. There is no question that is true.

I would venture to say that the Republican fiscal policy is really stupid for everyone because the bottom line is that in the last few years of the Clinton administration, when we had a surplus and we were balancing the budget, everybody was getting richer. The richer were getting richer, the middle class was doing better, and the poor were doing better.

I do not even think if you are wealthy you are doing better under Bush. You are doing better than the rest of the guys because the rest of the guys are suffering, but the irony of it is, in the last few years of the Clinton administration, the economy was booming so much that everybody was doing better. I do not even care if I were the wealthiest person in the world, I do not see how I benefit under this administration ultimately, because if the economy does not grow the way it did in the boom years of the Clinton administration, nobody benefits. It is true, of course, that it is primarily for the benefit of the wealthy. There is no question about that.

What I wanted to stress tonight, and all that we do is that the Republicans now have gone even further. Now they are saying because they have to pay for Katrina, they want to do this budget reconciliation, which is another sort of round of budget cuts; and those budget cuts are primarily at the expense of poor people and working-class people rather than the wealthy.

What we are seeing is all the programs that might benefit middle-class people, working-class people or poor people, whether it is student loans or it is health care or it is housing, are all being cut; and those cuts directly impact the hurricane victims. Rather than going after wealthy individuals or cutting benefits of programs that might benefit wealthy individuals or corporate interests, they are simply cutting programs for poor people and working people. That is simply not right.

As my colleague from Massachusetts was saying, the irony of it is they are increasing the deficit in order to give more tax breaks for the rich and for the corporate interests. At the same time, they are increasing the deficit by paying for Iraq because none of that is paid for. None of the war reconstruction in Iraq is paid for; and if you look at these charts, as you were saying, you can see that the very cuts that are being proposed in programs here in the United States, in many cases money is being spent in Iraq, deficit spending, to do the same things in Iraq that are being cut here.

I do not want to go through the whole thing, but if you look at health care, $10 billion in Medicaid cuts are proposed by this Republican budget; $252 million in cuts for health care professionals; $94 million in cuts to community health clinics in the U.S. In Iraq, we get 110 primary health care centers built or renovated, 2,000 health educators trained, 32 million children vaccinated. You can go through this whole list.

Mr. RYAN of Ohio. Mr. Speaker, if the gentleman will yield, I just want to make a point.

The money that is getting cut, and we understand that reform needs to take place and our friends on the other side have not been willing to do it, but to cut $94 million in community health care and community health centers, that is preventative medicine. That investment is ultimately going to save our country money and save our health care system money because those people who will not have access to the community health care centers will end up in an emergency room a week or two later.

Instead of going to the community health center with a cold, they are going to go to the emergency room in downtown Youngstown or East Hartford, Connecticut, or wherever they are living, and they are going to walk in with pneumonia; and it is going to cost the taxpayer more money. That is poor management. That is not smart. That is silly. No businessperson would make that investment.

Mr. DELAHUNT. Mr. Speaker, I think another aspect of this conversation ought to be informing the American people and our colleagues that while we are doing such things as building 6,000 miles of roads in Iraq, constructing 2,500 new schools or rehabilitating existing schools in Iraq, we are not going to see a single dime of those American tax dollars come back because we all were here when the money for those initiatives was appropriated. Democrats stood on this floor and said let us make it a loan; let us allow the American taxpayer to be paid back for these billions of dollars that they are investing in Iraq.

The Republican White House, the Republican majority said no. This is the same party who about an hour earlier was talking about welfare. Tell me, Mr. Speaker, can you imagine this kind of a welfare program being sponsored and promoted by a party that claims to be fiscally responsible?

We talk about welfare reform. This is a giveaway of extraordinary proportion; but you know what, we will not do this in America. We will do it in Iraq.

Guess what happened? There are layoffs occurring, as everyone knows, in Louisiana, in Mississippi, because the tax base for municipalities has been destroyed.

□ 2245

They are laying off firefighters, emergency responders, and teachers. Some school districts that formerly employed 2- or 3,000 educators no longer have schools that are operating. They have layoffs.

So what are these communities doing? They are calling on the Federal Government for help. You know what the Federal Government is saying to them? We cannot give it to you, but we will loan it to you. We will loan it to you. In other words, if you are in Iraq, we are going to give it to you. What a giveaway. But here in America, no, you have to have matching funds if you are a community. The State treasurer down in Louisiana said, we asked for a grant, and they said, no grant, but a loan. But if you are in Iraq, because of the action of the Republican majority and the White House, they said, no, we will just give it away.

The United States taxpayer is rebuilding Iraq, and they will never see a dime come back. If they are serious about Operation Offset, I am sure that we could work out a unanimous consent agreement where we would go back and renegotiate with the Iraqi Government and say, we will give you favorable terms, and we will not charge you an arm and a leg in terms of your interest; but at some point in time, that money has to come back to the coffers of the United States Treasury because we cannot carry you.

Do you remember Paul Wolfowitz saying this will not cost anything? They have those massive oil reserves that will fund the reconstruction of their country. They were wrong on that like they were wrong on the weapons of mass destruction, and like they were wrong on al Qaeda, and like they have been wrong on so many different issues. But if you want to see welfare, go to Iraq. You will see an American welfare state operating today in Iraq.

Mr. PALLONE. Mr. Speaker, I could not help but remember within a few days of the hurricane when President Bush gave a speech, I think from New Orleans, and he talked about how they were going to reconstruct the city and provide all of these programs and benefits, and none of it has happened. It sounded like he was doing a reconstruction program like in Iraq, or the Marshall Plan after World War II. Now they are proposing cuts in all of the programs that would actually benefit people.

It is not just poor people. If you look at the things that we are mentioning here for the U.S. versus Iraq, I talked about health care. The Republican budget would cut $9 billion in student loans, $806 million from No Child Left Behind. That is for all Americans. On the other hand in Iraq, they rehabilitated 2,717 schools, and 36,000 teachers and administrators were trained.

Even the environment, everybody breathes the air and drinks the water. In the U.S., the Republican budget has a $200 million cut in clean water State revolving funds, and opens ANWR to oil drilling. In Iraq, we spend $1 billion for safe drinking water, $4 million for marshland restoration. Everybody is drinking the water and benefiting from environmental infrastructure.

It is just really Americans versus Iraqis, and I am not saying that we should not help the Iraqis in some way. I did not support the war, and I still oppose the war, but I do not mind spending some money to help rebuild Iraq, but it is not fair to spend all of this money on Iraq and cut money for Americans.

Look at the infrastructure. In the U.S. under the Republican budget, $336 million is cut from the Army Corps of Engineers, including funding for the levee construction in Louisiana. It is no wonder the levee gave. We did not keep it up. There is a $2.3 million cut from Amtrak; high-speed rail funding is eliminated. In Iraq we are rehabilitating the canal system, including repairs to levees, and rebuilding the Iraq railway line.

Mr. DELAHUNT. Mr. Speaker, why should the American taxpayer be reimbursed? Why should we be carrying that burden? If they are serious about Operation Offset, let us renegotiate. We are the only country, the only major donor country, other than, I think, maybe Japan, that did not insist on providing reconstruction dollars on a loan basis. We are not going to be paid back.

And here we have Donald Rumsfeld in March 2003 saying, When it comes to reconstruction, before we turn to the American taxpayer, we will turn first to the resources of the Iraqi Government and the international community. Hogwash. Hogwash.

Mr. PALLONE. The gentleman from Ohio (Mr. RYAN) talked about prevention before in the context of health care. It is not just Iraq versus America, it is the fact that these cuts are plain stupid. We talk about prevention in terms of health care, by eliminating community health centers, people go to emergency centers, and it costs more. An argument could be made if we did not cut funding for the levees in Louisiana, we may not even have had the crisis there.

Mr. RYAN of Ohio. Basically what we are trying to say is that the Republican majority in the House and the Senate are not only spending American, hard-working taxpayer dollars to subsidize the most profitable industries in the country, the oil industry, the pharmaceutical industry and the top agricultural, the megafarms. Not only are they doing that, welfare for corporations, and Democrats are for ending corporate welfare. Not only have they provided a welfare state for Iraq where we are not going to loan them the money and get the money back, welfare to corporations, welfare to Iraq, and then we are cutting the programs that just may lead to economic growth in the United States. We have to jump-start this economy, and we are not going to do it by cutting one of the great investments of high-speed rail. What a great program for United States of America.

When I was in China, I went to Shanghai. They had a magnetic levitation train. It is the only one in the world. It goes almost 280 miles an hour. You are standing up and you are drinking your coffee. Why is that in Shanghai and not in the United States of America?

Look at some of the cuts from the Republican Study Committee. Loans to graduate students, $840 million in cuts; eliminate the National Science Foundation math and science program grants.

Mr. DELAHUNT. Mr. Speaker, I would say to the gentleman from Ohio (Mr. RYAN), you go to Iraq if you are a student and go to school. If you are an Iraqi and you qualify, you get a grant. If you are an American, you have to pay your own way.

Mr. RYAN of Ohio. And tuition is going to double in 5 years.

Mr. DELAHUNT. Is this Alice in Wonderland, up is down and down is up?

Mr. RYAN of Ohio. Mr. Speaker, how about this for short-sightedness. We are going to cut the Centers for Disease Control. Everybody is talking about the avian flu. We do not know what to do. People are making requests of the administration. I am sorry, but government is the problem, unless somebody needs something. And I am sorry, but the Republican majority has had this House since 1994. They have had the Senate since 2000 or 2001, definitely since 2002, and on and off through the 1990s, and the White House since 2001. They cannot govern.

Mr. DELAHUNT. Mr. Speaker, the gentleman from New Jersey (Mr. PALLONE) makes a very good point about investment. There was just completed in Iraq, in Mosul, a magnificent dam. From every source that I am aware of, it is purported to be extremely well engineered, and it is a dam that will hopefully serve the Iraqi people well. Good for them. They benefit from the welfare state funded by American taxpayers. But you know what? It was reported in the New Orleans Times Picayune, which is the paper down there, that last year the funding for levees in New Orleans was reduced. In other words, a levee that may have prevented the magnitude of the disaster that befell New Orleans and Louisiana could possibly have been averted, and we would not be looking at a $60 billion bill. But oh, no, the government is the problem.

Well, if the government and the Army Corps of Engineers had the funding, possibly, possibly, those levees and the issues of flood control could have been addressed in a timely fashion. But no, what we hear is government is the problem.

Mr. PALLONE. Mr. Speaker, the budget bill that they want us to vote on, the one we were supposed to vote on last week, cuts funding for levees again, not necessarily the one in New Orleans, but other levees in Louisiana. This is part of the funding cuts. They want to cut levee construction now. This is not the same one that fell in New Orleans.

Mr. DELAHUNT. Mr. Speaker, there was a dam up in Taunton, Massachusetts, in a district that is represented by the gentleman from Massachusetts (Mr. FRANK) that was on the verge of collapsing and inundating a city of some 50,000 that would have been a disaster. But do not worry if you are in Iraq, particularly if you are in Mosul, you are well protected. You are well protected because you have a brand new dam funded by the American taxpayers. Thank you to the welfare program of the Republican Party for our friends in Iraq.

Mr. PALLONE. Mr. Speaker, I used this analogy last week, and I cannot help but repeating it again. Soon after the invasion of Iraq, the U.S. invasion, a couple of our Republican colleagues went over there. Maybe it was within 6 months of the U.S. invasion. It was in September of the year after. They had just come back, the Republican colleagues had just come back from Iraq, and they had been there on the first day of school. I will never forget because I was on the floor waiting to do a Special Order, and three or four of my Republican colleagues, they brought back with them the book bags and the pencils. They had these book bags that were in blue, and they had emblazoned on them the seal of the United States with the eagle. They were so proud of the fact that every Iraqi school child on the opening day of school had received a book bag with the seal of the U.S., pencils, pads, all kinds of things, free of charge.

I had just come back from approximately the first day of school here in the U.S., and I had just been to a teacher event at one of my local schools, and the teachers were complaining that the pencils and paper were not provided there, and they had to actually go out, the teachers, and buy pencils and paper and pads and crayons for the children because they were not provided at our public school in my district.

The pride that was on the faces of my Republican colleagues for all the wonderful things we were doing in Iraq, and I kept saying that was very nice, but we do not have those things here in my district. It is not right. It is not fair. I am not saying again that we should not be helping the Iraqis, but it is just not fair that they get this help and we do not.

Mr. DELAHUNT. Mr. Speaker, how about helping our kids? How about helping our elderly? How about helping our disabled? How about protecting our cities? We talk about a strong America. A strong America begins at home. That is really what it is about. Right now, given what is happening to our economy, given all of the problems that are besetting our Nation, it is time that we focused on the United States of America, all of us together. Together we can make America a better place for every citizen.

□ 2300

Mr. RYAN of Ohio. Mr. Speaker, reclaiming my time, the decisions that we need to make have to be focused on what is best for the country, not what is best for one's political party; and I think that has really been the problem. It seems to me that every decision that is made down here by the Republican majority is what is best for the Republican Party, not what is best for the country. And it is time we start choosing the country over the party if we want to have some success.

And just go through everything that has happened. Everything that has happened with the majority leader has been an attempt to secure power for the party and not do its best for the country. Let us look at the CIA leak and the corruption that is going on. To out a CIA agent because their husband disagreed with them on the war is choosing their party and protecting their party over what is best for the country.

And to make cuts in programs that would invest in the American people and lead to economic growth instead of listening to Cal Thomas, who says cut for the richest people who are getting corporate welfare, they do that because they could then raise money for their party. And if the Republican majority keeps choosing their party over the country, then the country becomes weak; and a strong America starts right here at home.

Mr. DELAHUNT. Mr. Speaker, if the gentleman will continue to yield, can I pick up on the corruption theme. I am the ranking member on a subcommittee of the House Committee on International Relations. Its title is the Oversight and Investigations Subcommittee. We have not held one hearing after repeated requests to exercise our oversight responsibility into an unprecedented level of corruption in Iraq.

In Iraq, billions of dollars are missing. In fact, the defense minister of Iraq made this statement, that this is the greatest robbery of all time. There is in excess of $1 billion missing from that single ministry. I guess there was one contract where they bought some tanks from Poland that were 28 years old, 28 years old, to the tune of $230 million; and they cannot find the contracts. And the current Iraqi defense minister is saying all we have are scraps of paper and scraps of metal.

I found it particularly interesting listening to Fox News where there were two colonels who were very hawkish in their attitudes that described the situation in Iraq in terms of corruption as totally out of control. That is the biggest scandal of all, because here tragically today was memorable in the reality that there have been 2,000 American servicemen killed; and we all, Republicans and Democrats, join our fellow citizens in our sympathy to the families of those 2,000 as well as to the tens of thousands of American service men and women and others including Iraqi civilians and Iraqi members of their defense force that have been wounded and maimed for life.

But to think that this rampant corruption going on under the auspices of the Coalition Provisional Authority is not being reviewed and examined by the subcommittee with jurisdiction is absolutely an abrogation of our responsibility. They are afraid of it. They will not look into it. They will talk about it, but it is absolutely crying out for review.

Mr. PALLONE. Mr. Speaker, if the gentleman will continue to yield, one of the things that the 30-Something Group has been talking about, and it relates directly to what he said, is this idea that there should be a bipartisan commission in the aftermath of Hurricane Katrina. And it is the same principle that the gentleman from Massachusetts brought up, that they just do not want any kind of investigation of themselves.

The Republicans control the White House, the Senate, the House of Representative. They know there are problems that came out of Hurricane Katrina. They know they are responsible. They do not want any investigation by a bipartisan commission because they do not want an investigation of themselves. They are afraid of what it is going to reveal. And that is the problem around here. They do not want oversight. They do not want accountability. They do not want any kind of effort on a bipartisan basis, which would happen with the gentleman's subcommittee, because it might reveal that they have basically created a lot of problems and screwed up on a lot of things. That is what they are against.

Mr. RYAN of Ohio. Mr. Speaker, reclaiming my time, that is another example of the extreme Republican majority in this House choosing their party over the country. They do not want to find out what the truth is, although that would be best for us to fix the problems that we had with Katrina and then be able to respond to the next problem that we may have, whether it is a terrorism attack or another natural disaster. We would then educate ourselves.

But to not give the Democrats subpoena power to try to fix the problem because they hired all of their cronies in the top 8 or 10 positions in FEMA is, again, what is best for their party, not what necessarily is best for the country. And the Democrats are providing, time and time again in committee, on the floor, with amendments, with ideas, whether it is lend the money, whether it is reduce the cost for prescription drugs, whether it is strip the billions of dollars in subsidies that went to the oil companies, the Democrats have always provided an alternative, a change, to take the country in another direction. And that is what the Democrats are for.

Let me real quickly give the e-mail address here: 30somethingdems@mail.house.gov.

I would like to thank our dual Member from Massachusetts and our Member and a half from New Jersey. With that, Mr. Speaker, I say this is not your father's 30-Something Group.

ENERGY

The SPEAKER pro tempore (Mr. BOOZMAN). Under the Speaker's announced policy of January 4, 2005, the gentleman from Pennsylvania (Mr. PETERSON) is recognized for the remaining time until midnight.

Mr. PETERSON of Pennsylvania. Mr. Speaker, I rise tonight to talk about what I believe is the number one issue facing America. It is the energy issue. And the one part of our energy debate that, in my view, has been neglected is natural gas.

Natural gas is the fuel that we use to heat our homes, we cook our meals, we heat our schools, hospitals, YMCAs, YWCAs. Most small businesses use natural gas. We melt steel. We melt aluminum. We make nitrogen fertilizer, all fertilizers; and 71 percent of the cost of making fertilizers for our farmers is natural gas. It is used as an ingredient in all our petrochemicals. All the chemicals that we buy at the hardware store and the grocery store, the cleaners, skin softeners, all have a natural gas base to them. Polymers and plastics are made from both petroleum and natural gas. From face creams to fertilizers, everything we manufacture in this country, they use natural gas to make it; and they use natural gas as an ingredient.

Now, the crisis in natural gas is the price. Currently, the price is somewhere between $13.50 and $14 a thousand. That is a crisis because just 5 years ago, it was $3.30. Eleven years ago it was less than $2. That is an 1,100 percent increase in 15 years and a 700 percent increase in 5 years.

□ 2310

If milk had increased the same, it would be $28 a gallon for milk. Would we be dealing with it? Yes, we would.

I have been just stunned by the reluctance of anyone but a small group of us to take on the issue of natural gas. It is the clean fuel. It is the safe fuel. It is the abundant fuel. It is the one we could be totally self-sufficient on if we just produced it.

We get a lot from the Gulf and we get a lot of it from the Midwest, and it is scattered around the country. We get very little from the Outer Continental Shelf, because 85 percent of our Outer Continental Shelf is locked up.

What is the Outer Continental Shelf? The State owns 3 miles out into the ocean and the Federal Government owns 3 miles to 200 miles, and then it is international waters. That is the Outer Continental Shelf. That is the shelf before the ocean gets real deep, and, in most parts of the world, that is where they produce a great amount of their energy, both gas and oil.

Canada produces out there, right off the coast of Maine, right off the coast of Washington. They actually produce in our Great Lakes and sell us the gas. Denmark, Sweden, Norway, Great Britain, New Zealand, Australia, all produce both oil and gas on their Outer Continental Shelf. In fact, that is their greatest source of supply.

Well, why is America short on natural gas? We produce 84 percent of our own. We import 2 percent from foreign countries, which is called LNG. You have to liquefy it, put it in very huge ships, bring it, build ports, turn it back into gas. There is a lot of fear about those. I do not think they are unsafe, but there is a fear factor. We get 2 percent that way. And we get the rest from Canada, who is the only neighbor who can import us natural gas.

Now, we could be totally self-sufficient, because we have had a moratorium from producing gas or oil on the Outer Continental Shelf for 22 or 23 years. That happened under President Bush-one. President Clinton extended it to 2012, and currently it has not been addressed.

About the same time, leadership in the House put a moratorium on also, a legislative moratorium. So we have two moratoriums, a presidential and a legislative moratorium that says we cannot produce gas or oil in our most productive field, the Outer Continental Shelf.

Now, we have lots of it in the Midwest, but it is not as easy, and we have lots of gas in Alaska and they have been trying to build a pipeline for years, it will be another 10 or 12 years, if it gets built. In the meantime, the supply that we have of natural gas and oil, and I am promoting natural gas, not oil, because we cannot drill our way out of our oil problem. We have about 3 percent of the world's oil, but we have a unlimited supply almost of natural gas.

There was a switch in policy in this country about 10 years ago, this was about the year before I came. The decision was made to use natural gas to make electricity, to generate electricity.

Historically it was always prohibited, and you could only make electricity at peak power time, that was in the morning when we are all cooking and doing our things at home and the factories are running, and then in the evening time when we are running the washing machine and doing the dishes and cooking, so we were using a lot of natural gas, a lot of hot water and things that take energy. That is when we have this peak demand.

So for electric companies to meet that peak demand, it was easier to have natural gas plants, they are quicker to build, and you can turn them on and off. You cannot do that with coal and nuclear plants, but with the peaking plants for natural gas. So it was only allowed to be used for peaking, and I think about 8 percent of our electricity was created. Now one fourth of our electricity is produced from natural gas.

Many years ago I attended some breakfasts by the Edison institute. We were talking about this 10 to 15 year period when in this country we would generate a lot of electricity with natural gas. I had some concerns about that, because I knew there was so much land in the Midwest, millions and millions of acres where you could not produce it, where there was a lot of it, and the Outer Continental Shelf was locked up. I thought, where are we going to get all this natural gas?

Daniel Yergin, who wrote the book, "Expose' on Oil," a Pulitzer Prize winning book, was speaking over in the Senate, and I went over with a group of House Members and listened to him. At that time, this was 6 or 7 years ago, he predicted if we did not open up supply and move forward with this program of making electricity out of natural gas, we would have a short supply at high prices.

Why is $14 natural gas worse than $65 oil? Well, they are both harmful. But gasoline prices, which have dominated the news, you hear it every night, in fact I was debating a Member of the Florida delegation the other day on one of the networks and we were talking about natural gas and the Outer Continental Shelf. In the prelude to us, the two hosts were talking about oil and gasoline prices. I said, "Folks, you just talked about oil and gasoline. We are here to debate natural gas. That is a different fuel."

So the American public knows that gasoline prices have increased. They have not quite doubled, they are 80 percent greater than they were 3 or 4 years ago. But at the same time, natural gas is 7 times more costly.

In my view, tonight is really the first cool night here in Washington, and cool weather is just starting to come down the East Coast, those Canadian fronts are starting to come down. The furnaces are going to be turned on. As these Canadian front start coming down, the early ones go all the way to Florida, and you will have tremendous gas consumption up and down the coast as we heat our homes and run our businesses and keep our schools and hospitals warm and all the other things we do with natural gas.

So, here we are with $14 natural gas. When we have $65 oil, the whole world pays that. But when we have $14 natural gas, we are the only country in the world to pay that. Canada is $2 or $3 cheaper. Europe is about $6. China, our big fears competitor, gives them another advantage, they are $4. So when they melt steam, melt aluminum, bake products, heat treat products, melt anything, cook anything, bake anything in China, it costs a third as much as it does here. You add cheap labor to that and now you show how it hurts us competitively.

The rest of the world is less than $2. In fact, in South America, in Trinidad, it is $1.60. In Trinidad, American companies are building steel plants, they are building aluminum plants, they are building fertilizer plants, they are building chemical plants, polymers and plastic plants. Why? Because the amount of natural gas used at all of those productions is immense.

I talked to a fertilizer company the other day that uses $3 million worth of natural gas a day. That is kind of an unbelievable figure. Do you think they are going to do that very long in America when it costs $14, and you can go to South America and do it for $1.60?

Mr. Speaker, that is the job side. If we do not deal with natural gas in this country, we are going to export really the best working man jobs we have left. People working in polymers and plastics and petrochemicals and fertilizer plants make good wages. They are sophisticated jobs. It is very sophisticated machine and equipment.

Last year, Dow Chemical, one of our big ones, moved 2,000 jobs to Germany. Why? Natural gas is a lot cheaper. That is not a cheap labor market, but they have the sophistication, the technology there, because these are high-tech companies. They are not simple tasks. The people that run these have to be very skilled.

So the fear I have is that we are just going to lose 1 million or more of the best jobs left in America? Why? Because they cannot afford to be here and pay these exorbitant natural gas prices that no one else has. It is like tying both hands behind our businesses and saying compete. Do hand-to-hand combat here with your hands tied behind your back.

Let us go back to families. We are just approaching the winter season, especially in the northern part of the country. Seniors and the poorest of our communities struggle to make ends meet. Their gas bills, I know people who have told me already that they have set their thermostats at 55. That is no way Americans should live. I know other people who have not yet turned on a furnace. They are literally dressing warm with layered clothing and said they are not going to turn it on because they know the price of natural gas.

In Pennsylvania we have a system where they argue once a year about how much it costs to deliver gas, but then every 90 days the natural gas prices pass through whatever they pay. Where I live, we are going to get a big increase in November. We are going to get another increase in February and we are going to get the third increase in May. We already got one in August. I think August was in the teens. They are predicting the one in November to be close to 40 percent, and nobody knows what it will be.

But no one projected $14 gas for this time of year. Some thought we might reach $11 or $12 during the winter crisis, but here we are in the fall when we are still utilizing minimal amounts, but the storms have curtailed supply, and the generation of electricity just continues to grow and suck up our natural gas.

□ 2320

Folks, in my view, the rubber is going to hit the road in the next few months. I have just been joined here by the gentleman from Louisiana (Mr. JEFFERSON), and I will turn to him in a moment. But we were having a debate on the floor on this issue in spring, and I think the gentleman from New Mexico (Mr. PEARCE) said it best. He said, folks, sometime we are going to get our act together and open up the Outer Continental Shelf for production where we have such an abundant amount of natural gas, and the secret is, do we do it now and preserve a million good jobs, keep people in their homes, keep people affording to heat their church, their YMCAs, their community centers, or do we wait until that all falls apart, we lose those million or more jobs, those companies move offshore because they cannot compete here, and people actually lose their homes to foreclosure and lose the ability to maintain their residences as they would like to in elder years.

This is a crisis that is facing this country, and it is one that I think has been caused by inaction. I have been one, and several of us have been predicting this for years. We looked at all the charts and graphs. We are using more and more natural gas and we are producing the same amount. One of the things that I have noticed is I think we are drilling almost twice the number of wells daily now than we did before, and we are not getting any more gas and the reason is that we are in these old, tired fields that have been producing for decades and the volumes are gone. We are drilling deeper, which costs more, and we cannot even maintain an equality to or supply. It still continues to be flat, and we are doing all of that production. Why? We are not out producing gas where it is plentiful, where those fields are rich.

My proposal is, and then I will turn it over to my friend from Louisiana, my proposal is we need to open up the Outer Continental Shelf to natural gas production. Both coastlines have been locked up, over half of the gulf has been locked up where there is rich amounts. One of our big opponents has been Florida. They have been fighting most viciously to not let production happen anywhere near them: yet they use 233 times more natural gas than they produce, and they are in one of the richest fields there are, and 75 percent of their electricity is made from natural gas, which is going to come back to bite them when this all comes home.

So I am going to now ask the gentleman to join me and let him share his thoughts. I thank him for joining us at this hour of the evening.

Mr. JEFFERSON. Mr. Speaker, I thank the gentleman for yielding. I rise to bring attention, as the gentleman is doing so well, to the natural gas crisis that our country is facing today, and I want to thank the gentleman for the commitment he has shown on this issue, for the clarity with which he articulates the concerns that we all have in this country, that we ought to have anyhow, about the natural gas crisis, and for calling upon the leadership of this Congress to bring this matter to the floor so Members can take a vote on it and people in this country can have the benefit of the wise legislation that the gentleman is proposing.

The price of natural gas is approximately three times the average price from 2000 to 2005, and it is nearly seven times the average price during the 1990s. This natural gas crisis has been building for years, for the last 2 years, and has suddenly erupted as those hurricanes hit the gulf down there and the aftermath has paralyzed much of the gulf natural gas and oil production. No region in the United States provides the United States with more natural gas than the gulf where 10 billion cubic feet are produced each day, representing approximately 20 percent of the gas consumed in the U.S. and 16 percent 16 percent of that is produced. This tight market, as the gentleman points out, is exacerbated by the devastating impact of these hurricanes we have just lived through, Hurricane Rita and Hurricane Katrina, and the price has risen dramatically from $3.21 in 1995 to $12.68 per million BTU today, as opposed to other countries.

For example, China pays 4.85, Iran pays $1.21, Russia, 95 cents. I mean, how can we compete with that? How can the American consumer compete with these sorts of prices? According to the Energy Information Agency, the heating costs are expected to increase somewhere between 69 to 77 percent for homeowners in the Midwest, for Southerners, 17 to 18 percent, for Northeasterners, 29 to 33 percent, and people can expect huge heating costs increases. The average family is looking at heating costs of $1,666 this year, which is a $433 increase from last year. These are huge numbers. The expected rise of home energy costs will particularly affect low-income people and fixed-income individuals.

According to a survey on the rising energy costs on poor families conducted by the National Energy Assistance Directors Association, 32 percent of families will have to sacrifice medical care, 24 percent will fail to make their rent or mortgage payment, 20 percent will be without food for at least a day, and 44 percent will skip paying or will pay less than their home energy bill in the past years. So these are devastating results.

As others have said and as the gentleman has said tonight, most devastation is going to take place in our economy and the capacity of our businesses that rely on natural gas as a major feedstock to survive. Fertilizer plants, chemical plants, food processing plants, other small businesses, our Nation's 32 million small businesses are going to suffer if we do not do something about these natural gas prices.

That is not the end of the story. Homeland security, national security all are affected here. This is a blue collar, working-family issue. People simply are going to be unable to afford it, and their families are going to have to sacrifice as a result of it. It is something we can do something about. A lot of the time we face these issues and we know the consequences and we do not have any way to get out of it. But this time we do. It is a pretty simple solution: open up the Outer Continental Shelf to gas production. It is as simple as that. If we do that, we can fix the problem for God knows how many years into the future.

I think it is a solution that this Congress cannot afford not to take at this time, and the American people cannot afford to take at this time. And I applaud the gentleman for the efforts he is making to get this brought before the Congress, before the people of this country and have an honest debate about it, and then I believe we can get this bill passed. I think the people of America, once they see it, will push our colleagues to make the right choice, and I thank the gentleman for his leadership.

Mr. PETERSON of Pennsylvania. Mr. Speaker, Florida has been one of the big opponents, but recently we received a letter that was sent to MMS, the Mineral Management Agencies, urging them to open up the Outer Continental Shelf as soon as possible. The largest business association of Florida, with 10,000 members, sent a very clear message, a 2-page letter that my staff said, I am surprised you did not write this letter because it sounds like you talking saying, we must open the OCS. Yes, here in Florida we love our tourism businesses; but if people are not successful in America, they are not going to have money to come to Florida and have their vacations, because tourism is a huge part. I am not trying to pick on Florida, but they have been much of the reason we have not dealt with this issue as a State. I have not understood that, because they are great consumers of natural gas.

They are a big farm State. You take farmers, who get hit by the energy issue probably as many times as anybody. When they plow their fields, they use petroleum. When they harvest, they use petroleum. When they dry their grains, they use natural gas. When they plant, and I missed this in the beginning, they use fertilizer, which up to 71 percent of the cost of making fertilizer is natural gas, and those prices have doubled and tripled in the last few years. Farmers do not set the prices that they sell the products for, and with these huge energy cost increases, they just cannot raise their price. They are subject to whatever the markets pay and, unfortunately, it has been low pay a lot of the time, and that is why we are always trying to keep our farmers healthy and working, but it is very difficult. But energy is playing a huge, huge role with our farmers.

Mr. JEFFERSON. Mr. Speaker, if the gentleman will yield, I can tell my colleagues that this has an effect on the balance of payments on trade deficits that our country is so concerned about. Domestic production is going to mean we will have to import less and less of our fuel for this country's needs, and I just think it makes sense on every score that we look at it. It is a blue collar working issue, it is an economic issue for our economy, it is a national security issue for our country, and it is an issue of global competitiveness for our country. I think it encompasses so many important points that the gentleman has pointed out, and I think it is time for this Congress to face up to the fact that we have to do something about it.

This is a bipartisan issue. We had a press conference a few weeks ago and you had Democrats and Republicans pushing this idea together.

□ 2330

I think it is a welcome, I think, respite for the country to see us come together on an issue, and embracing it in a bipartisan way to try to get the Congress to make the right choice here.

Mr. PETERSON of Pennsylvania. Well, we really are appreciative of your support. And many other Democrats have come on this issue, and we both have been working both sides of the aisle.

If we get a chance, and I am going to share with you that we have been promised that there is going to be an energy bill in Resources tomorrow as part of reconciliation, and we have chosen not to try to amend that, because that is going to be a complicated bill. We are getting great resistance. So we have been promised that if we do not amend that bill, that my bill, our bill, will be given consideration in the Resources Committee, we will have a hearing in the near future.

We will have a vote, if we can get it out of committee, and I have strong belief we can, because we have already successfully passed that amendment on another bill that they have since held up and did not bring it to the floor because of our amendment winning, opening up the Outer Continental Shelf, then we have been promised that we will a chance on the floor.

So all I have asked for is for a timely format where we can debate this in committee, have a hearing first and then mark up the bill and pass it, bring it to the floor, and have a debate on this issue alone, not tied into all of the other issues that are going on the reconciliation act, but get focused on that.

I was promised that by the leadership of the House. So I am really looking forward, because that is what I have been wanting.

It is interesting to me in my district. When I talk to any group that I talk to, I have people that are part of very green organizations who did not particularly like production or drilling, and they will come to me and they will say, I think you are right.

You know, I have just spoken to group after group, because I keep saying someone debate me and show me a natural gas producing well that has caused a dirty beach, that has caused pollution in the waterways. It does not.

As I said earlier, Canada drills off the coast of Maine. They drill off the coast of Washington, right near it. They drill in the Great Lakes, our Great Lakes, and sell us the gas. We get 14 percent of our gas from them. And I have nobody yet saying they want to debate this issue, that natural gas production is some wild polluting threat to our environment. You are familiar with it. You live where it happens.

Mr. JEFFERSON. I think you are exactly right. We have encouraged, by national policy, the use of natural gas for the very reason that it burns cleaner; it is better for the environment when we are using it. And as you point out, the production of it has not resulted in a catastrophe that anybody has been able to single out as a reason why we should not produce it in these areas that have been foreclosed so far.

We cannot have it both ways. You cannot encourage the use of natural gas as a cleaner-burning fuel, and at the same time see prices go up, at the same time make it harder for people to get access to that fuel without paying higher prices. It does not make any sense. So if you are going to end up encouraging it, you have got to have a policy that makes it affordable for people.

Mr. PETERSON of Pennsylvania. If we would produce the right amount of natural gas, and the price would moderate and be cheaper than oil, it should, all of our hospitals and our schools have dual capacity. They have to have a redundant heating system. So they will have fuel tanks full of fuel oil, and they will have a gas line, and then they, if one system goes down or something, then they have the backup, because you cannot have a hospital or school without that.

Now, what happens is they also use that to advantage economically. In the last couple of winters, they have used a lot of fuel oil because gas has been higher than normal. So now we are adding to our need for oil, which we depend 65 percent on foreign countries, and we have a lack of refining capacity.

We passed a bill last week dealing with refining capacity, but natural gas, I say, can be the bridge to the future of renewables and other energy because it is the clean fuel. There is no pollutants. It is one-fourth of the CO_2.

I have bus system in State College, Pennsylvania, that is all natural gaps. Now, that used to be a savings for them. Now it costs them considerably more. They are getting penalized. But in the cities where we have pollution problems from vehicles, we can have all of our buses, school buses, transit buses, taxicabs, short-haul vehicles, construction vehicles, service people servicing our air conditioning and refrigeration, and all of those short-haul vehicles could go home and gas up every night and run on natural gas, because that is a cheap conversion.

So we could really take away the need for so much foreign oil, and we could have less pollution in the air. And also everybody knows that the hydrogen fuel, I have been a supporter of hydrogen for years.. How we will run the first hydrogen car, and I have ridden in a couple, is they have a natural gas tank on them, because natural gas is the easiest way to make nitrogen, so the first natural gas cars will have a natural gas tank. Then they will use the natural gas to make hydrogen, which will burn more efficiently than natural gas does and even cleaner yet.

It is the bridge to the future. In my view, natural gas should be what we are really using a lot of, but we got to produce a lot of it to get the price down.

I was a retailer. I had a supermarket for 26 years. I was in business during the late 1970s and early 1980s when we had our other energy crisis, when natural gas was high, and we had at that same time our news magazines were all talking about global chilling then. They were talking about the new ice age because we had three or four severe winters in a row.

And I remember in my store, historically it was hard to make money and profit in December or January and February, and maybe March you started to make a profit. But in those years when you had those cold winters and high energy prices, people just purchased less. Business was tough. And I think that is what we are going to find this year, because people are going to be spending a lot more to drive to work, drive to school, and then they are going to be spending a lot more to heat their homes. And about 70 percent of Americans spend every dollar they earn every paycheck, and when they spend twice as much to drive and twice as much to heat their homes, they are going to have a whole lot less money to spend, and the economy is going to get soft.

Actually we can fall into a recession, and it will be energy costs, and most of them have been.

Mr. JEFFERSON. If I can get back to your environmental point for just a minute. We are relying a lot in the future on the importation of liquified natural gas from other parts of the world. The process to deliquify that and gassify it again is a very problematic environmental question. We are concerned about fisheries that are going to be affected by the heat that is generated by this process in the gulf, in these facilities that are used to gassify the liquified natural gas. We do not have answers to that.

We have people who are objecting to the location of these plants around the country because they worry about this sort of issue. Yet as you point out, there is such an increasing demand in the country for natural gas uses, that means we are going to rely on imported natural gas and suffer the consequences of trying to figure out how to degassify it in a way that does not cause environmental degradation.

If we can produce it ourselves, we would not have that sort of issue. We would have all of the pipelines to distribute from down in Louisiana and the rest of the gulf and other parts of the country. We can move it straight from the point of exploration to the distribution points around the country and solve this whole issue of how we handle the regassification of liquified natural gas for use in this country.

Mr. PETERSON of Pennsylvania. I am not a big fan of LNG. Right now we need everything we can get, and it is okay in a pinch. But we buy it from Libya, Algeria, Nigeria, Russia. Do we want to go down the same road we went down with oil, of buying another part of our energy portfolio from countries that do not have real stable governments, that are not exactly good friends of ours, in fact, who are working to form a cartel as we speak, so they can, their terminology is, so we can get a fair price for our natural gas?

When you have an abundant supply of your own, I think it is just not an appropriate policy to be going to foreign countries, and you have to build the most expensive ships known to man. You have to build these very controversial ports.

I do not know about the ports in the gulf, you may, but we have a port in Baltimore that I do not think has gotten above 63 percent capacity in utilization. I do not understand that. When can you buy gas in other countries for $2 or $3, liquify it and bring it here in a ship? Why the ships would not be lined up and why that port would not be accepting all of the gas it could, because it is pretty profitable to go from $2 to $14, but for some reason it is not happening.

□ 2340

I have not been able to get answers on that, but I have asked a lot of people and I do not know whether the ports in the gulf, are they running wide open.

Mr. JEFFERSON. It is very difficult. The ports in the gulf and Texas, Louisiana are trying very hard to work with putting liquified natural gas into a gas form again. But there are many places around the country where this is simply unacceptable technology and, consequently, it means that the supply that is available around the world is still hard to get into this country; but when we do, we do face environmental challenges that we otherwise would not face.

Now, the gentleman makes the point about national security. Our own government estimates that by 2020 half of our energy will be produced by unfriendly and unstable governments. Our reliance on natural gas from these countries is going to get us in the same fix we have been in for all these years with oil. And to go down the roads we are headed in a direction we know does not work for us currently does not make any sense for fuel so valuable for us in the future and where we are placing such reliance on it in the future.

I think for all the reasons we pointed out, for our small businesses, for our own domestic chemical producers, for our own fertilizer producers, for our homeland security concerns, and our national security concerns, and just for the idea that the average consumer needs to have access to energy that is affordable, these just argue very strongly for our working the solution out that has us exploit our own resources and rely on ourselves to bring this vital energy source to our people.

Mr. PETERSON of Pennsylvania. As we recap here as the evening grows short, we have been chatting here awhile about natural gas, the clean fuel, the abundant fuel, the one we have lots of. We are not short on natural gas. We are short because we have locked it up. Much of the Midwest is locked up, and 85 percent of the Continental Shelf has been locked up. To me that is bad public policy. We need to deal with that. We need to have that debate.

The mineral mines management have been taking information from the public on what they should do in the next 5-year plan; and 80-some percent of those communicating, and it is thousands and thousands and thousands have been produced in the Outer Continental Shelf. Very strong support for it. In fact, 80-some percent of those from Florida who are very opposed to this, public policy leaders there, were produced, most people know that a natural gas producing oil has never harmed anything.

What is interesting, and the gentleman is more from the gulf area, but I am told that after Katrina that one of the fears were by the fishermen that some of these platforms would be removed from the gulf and they would lose their best fishing. I have been told by the people over at mines and management who have to manage all this nationally that every test that has been done, there is more wildlife, there is more aquatic life, there are more fish and creatures around where we produce than where we do not produce. They like the break. They like the shade. They like to be in around those platforms and under them, and that is where the good fishing is.

Mr. JEFFERSON. That is absolutely true. Most folks around my way will tell you the best fishing is around these platforms. We look to them as landmarks to get out there and get good fishing in.

I want to give the gentleman the last word on there because it is his bill and it is his passion that has brought it to this point. But I do want to say that we are the only developed nation in the world that has locked up our access to our offshore gas resources. That ought to be a telling point. We have 406 trillion cubic feet of natural gas along the OCS. And currently we produce about 9.5 trillion cubic feet per year, which means we have 50 years at our current usage of natural gas that is locked up just by the fact of our policy having done it. Nobody did it to us. No country forced us to do it. There are not any international treaties or anything that prevents us from doing it. It is our own legislation, our own lack of will to make this decision.

I think it is high time we turned our attention to solving our own problems here at home in this arena. I want to thank the gentleman again for what he has done to bring it to the attention of the country, and I am proud to be associated with the gentleman on this issue.

Mr. PETERSON of Pennsylvania. I thank the gentleman very much. I really appreciate the gentleman's support because he brings a lot of knowledge because he has watched it. He has seen it happen in his part of the country. He knows it can be done appropriately; it can be done environmentally right.

Let us conclude with talking about our proposal. We have added an amendment that, currently, the Federal Government owns the Outer Continental Shelf except the first 3 miles. I think there are a couple of exceptions to that where the States have 9 miles in one place. I do not know how that happened, but normally it is just 3 miles. So the Outer Continental Shelf, which are Federal waters, are from 3 to 200. Then you are in international waters.

Now, our proposal, the new amendment we have added, would say, all right, States can control oil and they can choose to opt out of both the legislative and the Presidential moratorium. They have the right to do that. So that would mean a State legislature, house and senate, would have to pass it. Their Governor would have to sign it. They then have to petition the Department of the Interior to open it up. That is going to take some time. At best it would be several years.

I was in the legislature for a number of years. It is hard to get a house and a senate to agree on the fine prints of the bill. I can hear those arguments in the States as they happen.

I am willing to concede 20 miles. When you are producing, you can see 12 miles. On a clear day after 12 miles they claim you cannot even see a pimple on the horizon. So let us give them 20. Now, there is lots out there so we are not giving away the store totally. So now nobody on the beach or the east or west coast or the gulf would not see a rig. They would not know it was there.

We will say we will give the States the first 20 miles for both oil and gas, but on natural gas from 20 to 200 that is Federal waters and that is open for production. To me that would send a clear message. We will deal with some other proposals that will tinker with this thing, but they do not really fix it. If we open up the Outer Continental Shelf as we have talked, that is where the gas is close to the population. Where is the population in this country? They are in the gulf. They are on the east and west coast. The majority of this population is not in the Midwest where there are other reserves. The problem with getting to those reserves is getting it to the people. But on the Outer Continental Shelf, you are close to the population centers. You can bring that gas right in to where it is needed in our largest cities, our largest populations, our largest factories and make this gas affordable.

I believe we can send a message to the chemical companies. We can send a message to the polymers and plastics companies, the fertilizer companies. Bear with us, because the statistic that I saw the other day really scared me. Petrochemical people have been talking to me for 3 or 4 years. I said, Why did you come to me 3 or 4 years ago? They said, Some people said you understand our looming natural gas problem. It is hard to get people around here to deal with it. I said, Yes, I have been speaking about natural gas, and I was wondering why you came to me. You are not from my district. You are not even close to my district. They were the big companies. And they said, Well, we want to solicit your help. We have to get natural gas if we are going to stay here.

The statistic I wanted to mention was the Manufacturing Association chairman said the other day in the hearing there are 120 chemical plants being built in the world; 119 in the rest of the world and one here.

Those are jobs that American men and women can work at and have a nice home, have a nice vehicle, have a savings account for their kids' education and have the American Dream. Those are really the best jobs left in America, and we are not going to lose them to cheap labor. We are going to lose them because we have not dealt with the natural gas issue that they just cannot afford to pay.

I talked to three or four companies this week that went from $7. They do not buy from the distribution system that our homes buy from. Most companies buy direct. They pay the distributing company a flat line fee, but every company I talked to was currently buying gas at the $14 price because this spring when their contracts were up, the price was higher than expected and the consultants told them, do not buy yet, it is going to get cheaper. Well, it did not get cheaper. Now they are paying $14. And when you use millions of dollars of gas a month and you are paying twice as much, how do you make that up? You do not. That comes right out of the bottom line.

ALCOA, a Pittsburgh corporation, a month ago said the following on a Monday morning, AP story: if energy prices in America persist high like they have been, especially natural gas, in parentheses, we will have to reconsider if we can produce here. Do we want to say good-bye to ALCOA Aluminum? Do we want to say good-bye to U.S. Steel?

Not only the steel and aluminum makers, but those who bend it, those who shape it, those who heat treat it. I have pottered metal companies in my district who make parts for cars and parts for everything that moves. Now, after they make those through the presses, then they run through them through heat treatment. That is natural gas. So it is just utilized so much; and like I said, chemicals and fertilizers, it is almost beyond comprehension what a major part of our success of America has been clean, affordable natural gas.

□ 2350

So I want to thank the gentleman for joining me in this discussion. I know he is going to join me in the debate because we are going to debate this. When all of us Members of Congress can get this message out to the American people, they are going to vote to open up the OCS, to get adequate supplies of natural gas, so we can heat our homes, so we can run our businesses, and so we have a strong economy.

Mr. JEFFERSON. Mr. Speaker, I thank the gentleman.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HIGGINS (at the request of Ms. PELOSI) for today on account of personal business.

Ms. JACKSON-LEE of Texas (at the request of Ms. PELOSI) for today on account of official business in the district.

Mr. MEEK of Florida (at the request of Ms. PELOSI) for today on account of Hurricane Wilma.

Mr. REYES (at the request of Ms. PELOSI) for today and October 26 on account of official business in the district.

Ms. ROYBAL-ALLARD (at the request of Ms. PELOSI) for today and the balance of the week on account of a death in the family.

Ms. WASSERMAN SCHULTZ (at the request of Ms. PELOSI) for today on account of Hurricane Wilma.

Mr. SHAW (at the request of Mr. BLUNT) for today and October 26 on account of hurricane damage in his district.

Mr. FOLEY (at the request of Mr. BLUNT) for today on account of travel delays on account of Hurricane Wilma.

Mr. GINGREY (at the request of Mr. BLUNT) for today on account of attending a wake.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mrs. MCCARTHY) to revise and extend their remarks and include extraneous material:)

Mrs. MCCARTHY, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. HINCHEY, for 5 minutes, today.

Mr. PRICE of North Carolina, for 5 minutes, today.

Mr. MILLER of North Carolina, for 5 minutes, today.

Ms. SOLIS, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

(The following Members (at the request of Mr. SOUDER) to revise and extend their remarks and include extraneous material:)

Mr. MORAN of Kansas, for 5 minutes, today and October 26.

Mr. JONES of North Carolina, for 5 minutes, today, October 26 and 27.

Mr. BURTON of Indiana, for 5 minutes, today, October 26, 27, and 28.

Mr. BURGESS, for 5 minutes, today, October 26 and 27.

Mr. PAUL, for 5 minutes, October 26 and 27.

Mr. SOUDER, for 5 minutes, today.

Mr. GINGREY, for 5 minutes, October 26.

Mr. FLAKE, for 5 minutes, October 26.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1382. An act to require the Secretary of the Interior to accept the conveyance of certain land, to be held in trust for the benefit of the Puyallup Indian Tribe; to the Committee on Resources.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 397. An act to prohibit civil liability actions from being brought or continued against manufacturers, distributors, dealers, ot importers of firearms or ammunition for damages, injunctive or other relief resulting from the misuse of their products by others.

ADJOURNMENT

Mr. PETERSON of Pennsylvania. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 50 minutes p.m.), the House adjourned until tomorrow, Wednesday, October 26, 2005, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

4714. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Protected Plant Permits [Docket No. 04-137-1] received October 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4715. A letter from the Congressioanl Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Noxious Weed Control and Eradication Act; Revisions to Authority Citations [Docket No. 05-012-2] received October 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4716. A letter from the Congressioanl Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Tuberculosis in Cattle and Bison; State and Zone Designations; Michigan [Docket No. 05-035-1] received October 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4717. A letter from the Administrator, Agricultural Marketing Service, FVP, Department of Agriculture, transmitting the Department's final rule — Kiwifruit Grown in California; Increased Assessment Rate [Docket No. FV05-920-2 FR] received October 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4718. A letter from the Administrator, Agricultural Marketing Service, FVP, Department of Agriculture, transmitting the Department's final rule — Melons Grown in South Texas; Continued Suspension of Handling and Assessment Collection Regulations [Docket No. FV05-979-2 IFR] received October 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4719. A letter from the Administrator, Agricultural Marketing Service, FVP, Department of Agriculture, transmitting the Department's final rule — Kiwifruit Grown in

California; Relaxation of Pack Requirements [Docket No. FV05-920-1 FR] received October 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4720. A letter from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule — Quality Systems Verification Programs [No. LS-02-10] (RIN: 0581-AC12) received October 13, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4721. A letter from the Administrator, Dairy Programs, Department of Agriculture, transmitting the Department's final rule — Milk in the Appalachian and Southeast Marketing Areas; Order Amending the Orders [Docket No. AO-388-A15 and AO-366-A44; DA-03-11] received October 13, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4722. A letter from the Acting Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Advisory and Assistance Servcies [DFARS Case 2003-D042] received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

4723. A letter from the Acting Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Defense Logistics Agency Waiver Authority [DFARS Case 2005-D019] received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

4724. A letter from the Acting Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Extension of Partnership Agreement — 8(a) Program [DFARS Case 2005-D020] received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

4725. A letter from the Acting Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Central Contractor Registration [DFARS Case 2003-D040] received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

4726. A letter from the Acting Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Assignment of Contract Administration — Exception for Defense Energy Support Center [DFARS Case 2004-D007] received October 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

4727. A letter from the Acting Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Levy on Payments to Contractors [DFARS Case 2004-D033] October 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

4728. A letter from the Acting General Counsel, Office of Federal Housing Enterprise Oversight, transmitting the Office's final rule — Organization and Functions (RIN: 2550-AA33) received October 13, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4729. A letter from the Deputy Executive Director, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits — October 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

4730. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — TSCA Inventory Update Reporting Partially Exempted Chemicals List; Addition of 1, 2, 3-Propanetriol [OPPT-2003-0075; FRL-7715-2] (RIN: 2070-AC61) received October 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4731. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, Monterey Bay United Air Pollution Control District [R09-OAR-2005-CA-0009; FRL-7975-1] received October 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4732. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Maintenance Plan Revisions; Wisconsin [R05-OAR-2005-WI-0002; FRL-7974-4] received October 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4733. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Texas; Speed Limits Local Measure for the Dallas/Fort Worth Ozone Nonattainment Area [TX-126-1-7685; FRL-7982-1] received October 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4734. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Maryland; Amendments to the Control of VOC from AIM Coatings [R03-OAR-2005-MD-0011; FRL-7984-6] received October 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4735. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Maryland; Control of Visible and Particulate Emissions from Glass Melting Facilities [R03-OAR-2004-MD-0002; FRL-7984-7] received October 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4736. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Connecticut; Redesignation of City of New Haven PM10 Nonattainment Area to Attainment and Approval of the Limited Maintenance Plan [R01-OAR-2005-CT-0003; A-1-FRL-7979-8] received October 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4737. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Connecticut; VOC RACT Orders for Hitchcock Chair Co., Ltd.; Kimberly Clark Corp.; Watson Laboratories, Inc.; and Ross & Roberts, Inc. [R01-OAR-2005-CT-0002; A-1-FRL-7967-2] received October 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4738. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of State Plans For Designated Facilites and Pollutants: Massachusetts; Negative Declaration [R01-OAR-2005-MA-003; FRL-7986-6] received October 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4739. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Maine; Consumer Products Regulation [R01-OAR-2005-ME-0004; A-1-FRL-7982-4] received October 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4740. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Indiana [R05-OAR-2005-IN-0003; FRL-7981-8] received October 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4741. A letter from the Legal Advisor to the Bureau Chief, MB, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Clinton and Mayfield, Kentucky) [MB Docket No. 05-152; RM-11204] received October 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4742. A letter from the Chairman, Federal Communications Commission, transmitting a report on Auction Expenditures for FY 2004, pursuant to the Balanced Budget Act of 1997, as codified in Section 309(j)(8)(B) of the Communications Act of 1934, as amended; to the Committee on Energy and Commerce.

4743. A communication from the President of the United States, transmitting notification that the national emergency declared with respect to the proliferation of weapons of mass destruction and their delivery systems declared by Executive Order 12938 on November 14, 1994, as amended, is to continue in effect beyond November 14, 2005, pursuant to 50 U.S.C. 1622(d); (H. Doc. No. 109-63); to the Committee on International Relations and ordered to be printed.

4744. A letter from the Assistant General Counsel (Gen. Law and Ethics), Department of the Treasury, transmitting the Department's final rule — Federal Benefit Payments Under Certain District of Columbia Retirement Plans (RIN: 1505-AB55) received October 13, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

4745. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Miscellaneous Revisions to EPAAR Clauses [FRL-7986-2] received October 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

4746. A letter from the Senior Procurement Executive, OCAO, GSA, National Aeronautics and Space Administration, transmitting the Administration's final rule — Federal Acquisition Circular 2005-06—received October 7, 2005, pursuant to 5 U.S.C.

801(a)(1)(A); to the Committee on Government Reform.

4747. A letter from the Chief Administrative Officer, transmitting the quarterly report of receipts and expenditures of appropriations and other funds for the period July 1, 2005 through September 30, 2005 as compiled by the Chief Administrative Officer, pursuant to 2 U.S.C. 104a Public Law 88-454; (H. Doc. No. 109-62); to the Committee on House Administration and ordered to be printed.

4748. A letter from the Assistant Secretary of the Interior, Department of the Interior, transmitting the Department's final rule — Oil and Gas Leasing; Geothermal Resources Leasing; Coal Management; Management of Solid Minerals Other Than Coal; Mineal Materials Disposal; and Mining Claims Under the General Mining Laws [WO-610-4111-02-24 1A] (RIN: 1004-AC64) received October 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4749. A letter from the Bureau of Land Management, Department of the Interior, transmitting the Department's final rule — Leasing in Special Tar Sand Areas [WO-310-1310-PP-241A] (RIN: 1004-AD76) received October 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4750. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries [I.D. 091405F] received October 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4751. A letter from the Secretary, Department of Health and Human Services, transmitting a petition on behalf of a class of workers from the Mallinckrodt Chemical Works to be added to the Special Exposure Cohort (SEC), pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA); to the Committee on the Judiciary.

4752. A letter from the Assistant Secretary of the Army, Civil Works, Department of the Defense, transmitting a Feasibility Report and Environmental Assessment for the Denver County Reach, South Platte River, Denver, Colorado; to the Committee on Transportation and Infrastructure.

4753. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; AvCraft Dornier Model 328-300 Airplanes [Docket No. FAA-2005-21054; Directorate Identifier 2005-NM-054-AD; Amendment 39-14205; AD 2005-15-16] (RIN: 2120-AA4) received September 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4754. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Cirrus Design Corporation Models SR20 and SR22 Airplanes [Docket No. FAA-2004-19694; Directorate Identifier 2004-CE-41-AD; Amendment 39-14240; AD 2005-17-19] (RIN: 2120-AA64) received September 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4755. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Turbomeca Arrius 2F Turboshaft Engines [Docket No. FAA-2005-21924; Directorate Identifier 2005-NE-30AD; Amendment 39-14236; AD 2005-17-15] (RIN: 2120-AA64) received September 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4756. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworhtiness Directives; Bombardier Model CL-600-2B19 (Regional Jet Series 100 & 440) Airplanes [Docket No. FAA-2005-21599; Directorate Identifier 2005-NM-036-AD; Amendment 39-14246; AD 2005-18-06] (RIN: 2120-AA64) received September 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4757. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-100, -200, -200C, and -300 Series Airplanes [Docket No. FAA-2004-18877; Directorate Identifier 2002-NM-340-AD; Amendment 39-14248; AD 2005-18-08] (RIN: 2120-AA64) received September 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4758. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pilatus Aircraft Ltd. Models PC-6, PC-6-H1, PC-6-H2, PC-6/350, PC-6/350-H1, PC-6/350-H2, PC-6/A-H1, PC-6/A/H2, PC-6/B-H2, PC-6/B1-H2, PC-6/B2-H2, PC-6/B2-H4, PC-6/C-H2, and PC-6/C1-H2 Airplanes [Docket No. FAA-2005-20515; Directorate Identifier 2005-CE-09-AD; Amendment 39-14221; AD 2005-17-01] (RIN: 2120-AA64) received September 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4759. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Last-in; First-out Inventories (Rev. Rul. 2005-69) received October 13, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4760. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Weighted Average Interest Rates Update [Notice 2005-71] received October 17, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4761. A letter from the Commissioner, Social Security Administration, transmitting a consolidated report of the Administration's processing of continuing disability reviews for FY 2004; to the Committee on Ways and Means.

4762. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Guidance on Fees Charged by States to Recipients of Clean Water State Revolving Fund Program Assistance [FRL-7983-7] received October 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Upon clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. POMBO: Committee on Resources. H.R. 1129. A bill to authorize the exchange of certain land in the State of Colorado; with an amendment (Rept. 109-252). Referred to the Committee of the Whole House on the State of the Union.

Mr. GINGREY: Committee on Rules. House Resolution 508. Resolution providing for consideration of the bill (H.R. 420) to amend Rule 11 of the Federal Rules of Civil Procedure to improve attorney accountability, and for other purposes (Rept. 109–253). Referred to the House Calendar.

Mr. SESSIONS: Committee on Rules. House Resolution 509. Resolution providing for consideration of the bill (H.R. 1461) to reform the regulation of certain housing-related Government-sponsored enterprises, and for other purposes (Rept. 109–254). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. SHUSTER (for himself, Ms. Norton, and Mr. Boustany):

H.R. 4125. A bill to permit the Administrator of General Services to make repairs and lease space without approval of a prospectus if the repair or lease is required as a result of damages to buildings or property attributable to Hurricane Katrina or Hurricane Rita; to the Committee on Transportation and Infrastructure.

By Mr. GILCHREST (for himself, Mr. Wynn, Mr. Moran of Virginia, Mr. Cardin, Mr. Van Hollen, Mr. Scott of Virginia, Mr. Hoyer, Mrs. Drake, Mr. Bartlett of Maryland, Mr. Ruppersberger, Mr. Holden, Mr. Cummings, Mr. Hinchey, Mr. Platts, Ms. Norton, Mr. Tom Davis of Virginia, and Mr. Castle):

H.R. 4126. A bill to amend the Federal Water Pollution Control Act to improve and reauthorize the Chesapeake Bay program; to the Committee on Transportation and Infrastructure.

By Mr. STEARNS (for himself, Ms. Pryce of Ohio, Mr. Upton, Mr. Radanovich, Mr. Bass, Mrs. Bono, Mr. Ferguson, and Mrs. Blackburn):

H.R. 4127. A bill to protect consumers by requiring reasonable security policies and procedures to protect computerized data containing personal information, and to provide for nationwide notice in the event of a security breach; to the Committee on Energy and Commerce.

By Mr. SENSENBRENNER (for himself, Mr. Goodlatte, Mr. Conyers, Ms. Waters, Mr. Bonilla, Ms. Herseth, Mr. DeLay, and Mr. Blunt):

H.R. 4128. A bill to protect private property rights; to the Committee on the Judiciary.

By Mr. SESSIONS (for himself, Mr. Tiahrt, Mr. Terry, Mr. Flake, and Mr. Sweeney):

H.R. 4129. A bill to amend the Internal Revenue Code of 1986 to repeal certain limitations on the expensing of section 179 property, to allow taxpayers to elect shorter recovery periods for purposes of determining the deduction for depreciation, and for other purposes; to the Committee on Ways and Means.

By Mr. ANDREWS:

H.R. 4130. A bill to require information on the contents of sludge to be provided to purchasers of the sludge and the public; to the Committee on Energy and Commerce.

By Mr. BROWN of Ohio (for himself, Mr. Nadler, Mr. Waxman, Mr. Berry, Mr. Stark, Mr. Allen, and Mr. Kucinich):

H.R. 4131. A bill to amend title 35, United States Code, to provide for compulsory licensing of certain patented inventions relating to health care emergencies, and to provide that applications under section 505 of the Federal Food, Drug, and Cosmetic Act that are submitted pursuant to such licenses may be approved with immediate effective dates; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DELAHUNT (for himself and Mr. DANIEL E. LUNGREN of California):

H.R. 4132. A bill to amend title 18, United States Code, to provide penalties for officers and employees of the Federal Bureau of Investigation who obtain knowledge of criminal conduct within the jurisdiction of State and local prosecutors and fail to so inform those prosecutors; to the Committee on the Judiciary.

By Mr. FITZPATRICK of Pennsylvania (for himself, Ms. GINNY BROWN-WAITE of Florida, Mr. NEY, Mr. BAKER, Mr. BOUSTANY, Mr. JINDAL, Mr. ENGLISH of Pennsylvania, Mr. DENT, and Mr. TAYLOR of Mississippi):

H.R. 4133. A bill to temporarily increase the borrowing authority of the Federal Emergency Management Agency for carrying out the national flood insurance program; to the Committee on Financial Services.

By Mr. FLAKE:

H.R. 4134. A bill to provide that rates of pay for Members of Congress shall not be increased as a result of any adjustment otherwise scheduled to take effect in fiscal year 2006; to the Committee on House Administration, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HERGER:

H.R. 4135. A bill to extend the suspension of duty on certain steam generators and certain parts used in nuclear facilities; to the Committee on Ways and Means.

By Ms. HOOLEY:

H.R. 4136. A bill to ensure that exports of Alaskan North Slope crude oil are prohibited; to the Committee on International Relations, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. LOWEY:

H.R. 4137. A bill to authorize additional appropriations to the National Institutes of Health for research on the early detection of and the reduction of mortality rates attributed to breast cancer; to the Committee on Energy and Commerce.

By Mrs. LOWEY:

H.R. 4138. A bill to provide for the establishment of a program of assistance to States for consultations with respect to weatherization and energy efficiency; to the Committee on Energy and Commerce.

By Ms. MCKINNEY:

H.R. 4139. A bill to minimize harm to populations impacted by the release of environmental contaminants, hazardous materials or infectious materials in the aftermath of Hurricanes Katrina and Rita by providing for a Comprehensive Environmental Sampling and Toxicity Assessment Plan (CESTAP) to assess and monitor air, water, soil and human populations, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Transportation and Infrastructure, the Budget, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. MILLENDER-MCDONALD:

H.R. 4140. A bill to direct the Election Assistance Commission to make grants to States to restore and replace election administration supplies, materials, and equipment which were damaged as a result of Hurricane Katrina or Hurricane Rita; to the Committee on House Administration.

By Ms. MILLENDER-MCDONALD:

H.R. 4141. A bill to amend the Help America Vote Act of 2002 to permit individuals to use a national write-in absentee ballot to cast votes in elections for Federal office, and for other purposes; to the Committee on House Administration.

By Mr. MURPHY:

H.R. 4142. A bill to amend title XIX of the Social Security Act to provide health information technology grants to States and transform the Medicaid Program by reducing the number of medical and medication errors, unnecessary hospitalizations, infections and inappropriate care that exists within the current system and save thousands of lives and tens of billions of dollars a year; to the Committee on Energy and Commerce.

By Mr. PAUL:

H.R. 4143. A bill to provide for relief payments to private and public hospitals that temporarily ceased to operate because of a mandatory evacuation order issued in anticipation of Hurricane Rita, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PRICE of North Carolina (for himself and Mr. MILLER of North Carolina):

H.J. Res. 70. A joint resolution requiring the President to submit to Congress a plan for the withdrawal of United States Armed Forces from Iraq, and for other purposes; to the Committee on International Relations.

By Mr. ROGERS of Alabama (for himself, Mr. CRAMER, Mr. DAVIS of Alabama, Mr. BONNER, Mr. BACHUS, Mr. EVERETT, Mr. ADERHOLT, Mr. SCOTT of Georgia, Mr. MCCOTTER, Mr. NEAL of Massachusetts, Mr. WEXLER, Ms. BORDALLO, Mr. COOPER, Mr. BISHOP of Georgia, Mr. FITZPATRICK of Pennsylvania, Mr. EHLERS, Mr. GONZALEZ, Mr. MORAN of Virginia, Mr. TAYLOR of Mississippi, Ms. SOLIS, Ms. NORTON, Mrs. MALONEY, Mr. BURGESS, Mr. BRADY of Pennsylvania, Mr. NADLER, Mr. MCNULTY, Ms. WATSON, Mr. MOORE of Kansas, Mr. LEVIN, Mr. BUTTERFIELD, Mr. PORTER, Mr. HOLT, Mr. SNYDER, Mrs. EMERSON, Mr. ROTHMAN, Mr. SERRANO, Mr. SCHWARZ of Michigan, Ms. LORETTA SANCHEZ of California, Mr. RUPPERSBERGER, Mrs. MCCARTHY, Mr. UPTON, Mr. ROSS, Mrs. MILLER of Michigan, Mr. LINCOLN DIAZ-BALART of Florida, Mr. TIAHRT, Mr. MCGOVERN, Mr. FOLEY, Mr. BOUSTANY, Mr. EMANUEL, Mr. JEFFERSON, Mr. ISRAEL, Mr. LEWIS of Georgia, Mr. ROHRABACHER, Mrs. CAPPS, Mr. AL GREEN of Texas, Mr. ETHERIDGE, Mr. HONDA, Mr. BERMAN, Mr. WOLF, and Mr. SCOTT of Virginia):

H. Con. Res. 273. Concurrent resolution recognizing the 50th anniversary of the Montgomery bus boycott; to the Committee on Government Reform.

By Ms. MCKINNEY:

H. Con. Res. 274. Concurrent resolution reaffirming the continued importance and applicability of the Posse Comitatus Act; to the Committee on the Judiciary.

By Mr. WEXLER (for himself, Mr. CHABOT, Mr. LANTOS, Mr. ACKERMAN, Mr. MENENDEZ, Mr. CROWLEY, Mr. TANCREDO, Mr. ISSA, and Mr. MCCOTTER):

H. Res. 510. A resolution supporting the findings of the United Nations International Independent Investigation Commission that is investigating the assassination of former Lebanese Prime Minister Rafik Hariri, condemning the Government of Syria for its apparent involvement in this terrorist attack, and demanding compliance by Syria with United Nations Security Council Resolution 1595; to the Committee on International Relations.

MEMORIALS

Under clause 3 of rule XII,

181. The SPEAKER presented a memorial of the Senate of the Commonwealth of Massachusetts, relative to a resolution memorializing the Congress of the United States relative to the early termination fees imposed by cellular telephone companies; to the Committee on Energy and Commerce.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 23: Mr. GILLMOR.

H.R. 97: Mr. ANDREWS.

H.R. 202: Mr. MARKEY.

H.R. 213: Mr. SHERMAN.

H.R. 215: Mr. PUTNAM.

H.R. 267: Mr. INGLIS of South Carolina.

H.R. 583: Ms. LEE.

H.R. 586: Mr. BACHUS.

H.R. 625: Mr. OLVER.

H.R. 669: Mrs. CUBIN.

H.R. 735: Mrs. MCCARTHY.

H.R. 758: Mr. CALVERT.

H.R. 814: Mr. JACKSON of Illinois.

H.R. 874: Mrs. SCHMIDT.

H.R. 916: Mr. PAYNE, Ms. CARSON, Mr. COBLE, Mr. LARSEN of Washington, Mr. MICHAUD, Mr. BOUSTANY, Ms. MATSUI, Mrs. MALONEY, Mr. BARROW, Mr. BERMAN, Mr. SAXTON, Mr. GOODE, Mr. BUTTERFIELD, and Mr. WELLER.

H.R. 1000: Mr. FOSSELLA.

H.R. 1029: Mr. MOORE of Kansas.

H.R. 1068: Mr. GORDON and Ms. LORETTA SANCHEZ of California.

H.R. 1124: Mrs. DAVIS of California and Mr. WAXMAN.

H.R. 1264: Mr. ENGLISH of Pennsylvania, and Mr. MICHAUD.

H.R. 1288: Mr. PETRI.

H.R. 1298: Mr. BROWN of Ohio and Mr. JENKINS.

H.R. 1356: Mr. PLATTS.

H.R. 1402: Mr. ROTHMAN, Mr. MCHUGH, and Mr. DAVIS of Tennessee.

H.R. 1405: Mr. HOLT and Mr. FILNER.

H.R. 1413: Mr. PRICE of North Carolina and Mr. MCNULTY.

H.R. 1414: Ms. CARSON and Mr. MOORE of Kansas.

H.R. 1424: Mr. MEEHAN.

H.R. 1511: Mr. MCHUGH.

H.R. 1554: Mr. LYNCH.

H.R. 1592: Mr. LEACH.

H.R. 1632: Mr. DOYLE.

H.R. 1668: Ms. MCKINNEY.

H.R. 1671: Mr. BRADY of Pennsylvania.

H.R. 1678: Mr. GILLMOR.

H.R. 1709: Mr. FATTAH and Mr. RUSH.

H.R. 1719: Mr. CASTLE.

H.R. 1789: Mr. BRADY of Pennsylvania.

H.R. 1823: Mr. ROTHMAN.

H.R. 1849: Mr. HONDA.

H.R. 1850: Mr. BRADY of Pennsylvania.

H.R. 1951: Ms. SCHAKOWSKY.

H.R. 1956: Mr. KOLBE.

H.R. 2051: Mr. BERMAN.

H.R. 2134: Mrs. CAPPS and Mr. GEORGE MILLER of California.

H.R. 2231: Mr. CLAY, Mr. CHANDLER, Mr. MILLER of North Carolina, Mr. MARKEY, Mr. INSLEE, Mr. CUMMINGS, and Mr. PASCRELL.

H.R. 2328: Mr. MCGOVERN.

H.R. 2339: Mr. TANCREDO.

H.R. 2369: Ms. MCKINNEY.

H.R. 2533: Mr. SCHWARZ of Michigan and Mr. OXLEY.

H.R. 2553: Ms. BERKLEY, Mr. MEEKS of New York, Ms. WASSERMAN SCHULTZ, Mr. BLUMENAUER, Mr. MARKEY, and Mr. SABO.

H.R. 2694: Mr. BISHOP of Georgia.

H.R. 2716: Mr. GRIJALVA and Mr. MCDERMOTT.

H.R. 2788: Mr. KILDEE and Mr. MCDERMOTT.

H.R. 2792: Mr. WYNN.

H.R. 2803: Mr. BROWN of South Carolina, Mr. SHERMAN, and Mr. GORDON.

H.R. 2870: Ms. NORTON.

H.R. 2924: Mr. THOMPSON of Mississippi.

H.R. 2962: Mr. STUPAK and Ms. HERSETH.

H.R. 2963: Mr. GREEN of Wisconsin, Mr. BISHOP of Georgia, and Mr. ROSS.

H.R. 2989: Ms. WOOLSEY and Mr. SCHWARZ of Michigan.

H.R. 3011: Mr. MCCOTTER, Mr. HULSHOF, Mr. COLE of Oklahoma, and Mr. LEWIS of Kentucky.

H.R. 3042: Mrs. MALONEY.

H.R. 3137: Mr. FOLEY, Mr. BOEHNER, Mr. CARTER, and Mr. HERGER.

H.R. 3151: Mr. BERMAN and Mr. SANDERS.

H.R. 3157: Mr. KILDEE.

H.R. 3165: Mr. SHERMAN.

H.R. 3183: Mr. BONILLA and Ms. ZOE LOFGREN of California.

H.R. 3189: Mr. SOUDER.

H.R. 3298: Mr. MCCAUL of Texas.

H.R. 3313: Mr. BLUMENAUER, Mrs. CHRISTENSEN, Mr. ISRAEL, Mrs. CAPPS, Ms. KAPTUR, Ms. KILPATRICK of Michigan, Mr. SANDERS, Mr. CASE, Ms. MILLENDER-MCDONALD, Mr. HONDA, Mr. EMANUEL, Ms. BERKLEY, Ms. CARSON, Ms. LEE, and Mr. CLEAVER.

H.R. 3326: Mr. WYNN.

H.R. 3361: Mr. HINCHEY.

H.R. 3369: Mr. TIERNEY.

H.R. 3373: Mr. ISTOOK, Mrs. MCCARTHY, Mr. MORAN of Kansas, Mr. HYDE, and Mr. TIERNEY.

H.R. 3401: Mr. INGLIS of South Carolina.

H.R. 3437: Mr. HOEKSTRA.

H.R. 3442: Mrs. DAVIS of California.

H.R. 3476: Mr. LYNCH and Mr. DELAHUNT.

H.R. 3505: Mr. RYAN of Ohio.

H.R. 3506: Mr. SOUDER.

H.R. 3550: Mr. UPTON.

H.R. 3616: Mr. LATOURETTE and Mr. PRICE of North Carolina.

H.R. 3630: Mr. KNOLLENBERG, Mr. KENNEDY of Minnesota, and Mr. LINDER.

H.R. 3697: Mr. JACKSON of Illinois, Mr. DEFAZIO, and Ms. DEGETTE.

H.R. 3698: Mrs. DAVIS of California, Mr. OLVER, and Mr. CLEAVER.

H.R. 3708: Ms. MCKINNEY.

H.R. 3734: Mr. JACKSON of Illinois, Mr. HOYER, Mr. HOLT, Ms. WASSERMAN SCHULTZ, and Ms. PELOSI.

H.R. 3748: Ms. MCKINNEY.

H.R. 3753: Mr. PUTNAM and Mr. SODREL.

H.R. 3779: Ms. SCHAKOWSKY, Mr. BOEHLERT, and Mr. SERRANO.

H.R. 3837: Ms. ZOE LOFGREN of California and Mr. GUTIERREZ.

H.R. 3841: Mr. SODREL.

H.R. 3858: Mr. THOMPSON of California, Mr. SHERMAN, Mr. MCINTYRE, Mr. WEXLER, Ms. MCCOLLUM of Minnesota, and Mrs. JO ANN DAVIS of Virginia.

H.R. 3868: Mr. WILSON of South Carolina.

H.R. 3883: Mrs. BLACKBURN, Mr. EVERETT, Mr. WILSON of South Carolina, Mr. GREEN of Wisconsin, Mr. ALEXANDER, Mr. BONNER, Mr. WICKER, Mr. BUTTERFIELD, Mr. JONES of North Carolina, Mr. PETERSON of Pennsylvania, Mr. ETHERIDGE, Mr. SHERWOOD, Mr. ADERHOLT, Mr. MICHAUD, and Mr. BASS.

H.R. 3889: Mrs. MUSGRAVE.

H.R. 3903: Mr. COLE of Oklahoma and Mr. CHABOT.

H.R. 3904: Mr. COLE of Oklahoma and Mr. CHABOT.

H.R. 3906: Mr. COLE of Oklahoma and Mr. CHABOT.

H.R. 3943: Mr. NORWOOD, Mr. PICKERING, Mr. CONAWAY, Mr. MOORE of Kansas, Mr. NEUGEBAUER, and Mr. PETERSON of Pennsylvania.

H.R. 3948: Mr. MICHAUD and Mr. ROSS.

H.R. 3960: Mr. TANCREDO and Mr. BURTON of Indiana.

H.R. 3970: Mr. ANDREWS.

H.R. 4008: Mr. BROWN of South Carolina, Mr. COOPER, Mr. SIMMONS, and Mr. TAYLOR of Mississippi.

H.R. 4030: Ms. LEE.

H.R. 4032: Mr. KUHL of New York.

H.R. 4045: Mr. BERMAN, Mr. BRADY of Pennsylvania, Mr. EMANUEL, and Ms. SCHAKOWSKY.

H.R. 4047: Mr. GOODLATTE.

H.R. 4048: Mr. DOGGETT.

H.R. 4057: Mr. MORAN of Virginia.

H.R. 4062: Mr. OLVER, Mr. FARR, Ms. HERSETH, Mr. THOMPSON of Mississippi, Mr. JEFFERSON, Ms. VELÁZQUEZ, Mr. RYAN of Ohio, and Ms. LEE.

H.R. 4063: Ms. WOOLSEY, Mrs. MCCARTHY, and Mr. KIRK.

H.R. 4073: Mr. MORAN of Virginia, Ms. EDDIE BERNICE JOHNSON of Texas, and Ms. LINDA T. SÁNCHEZ of California.

H.J. Res. 69: Mr. OWENS and Ms. ESHOO.

H. Con. Res. 10: Mr. GORDON.

H. Con. Res. 42: Mr. SOUDER.

H. Con. Res. 106: Mr. FRANK of Massachusetts.

H. Con. Res. 172: Mr. ROTHMAN and Mr. CHANDLER.

H. Con. Res. 179: Mr. KNOLLENBERG.

H. Con. Res. 184: Mrs. TAUSCHER, Mr. UDALL of Colorado, Mr. DICKS, Mr. MILLER of North Carolina, and Mrs. MALONEY.

H. Con. Res. 190: Mr. SOUDER and Mr. GRAVES.

H. Con. Res. 197: Mr. MARKEY, Mr. TIERNEY, and Mr. RANGEL.

H. Con. Res. 222: Mr. GRAVES.

H. Con. Res. 230: Mrs. TAUSCHER, Ms. ROS-LEHTINEN, Mr. HYDE, Mr. HULSHOF, and Mr. DAVIS of Alabama.

H. Con. Res. 231: Mr. SERRANO.

H. Con. Res. 254: Mr. RYAN of Ohio.

H. Con. Res. 260: Mr. KIRK, Ms. SCHAKOWSKY, Ms. WATSON, Mr. CLEAVER, and Ms. LINDA T. SÁNCHEZ of California.

H. Con. Res. 261: Mr. FALEOMAVAEGA, Mr. CROWLEY, Mr. TANCREDO, Mr. LANTOS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. JEFFERSON, Mr. CONYERS, and Mr. RUSH.

H. Con. Res. 268: Mr. GOODE, Mr. FEENEY, Mr. MCCOTTER, Mrs. DRAKE, Mr. ADERHOLT, Mr. BARTLETT of Maryland, Mr. PEARCE, Mr. PICKERING, Mr. CANNON, Mr. WILSON of South Carolina, Mr. GARRETT of New Jersey, Mr. SESSIONS, Mrs. BLACKBURN, Mr. BURTON of Indiana, and Mr. NEUGEBAUER.

H. Res. 76: Ms. SCHAKOWSKY and Mr. PETERSON of Minnesota.

H. Res. 97: Mr. BEAUPREZ, Mr. ROGERS of Alabama, and Mr. HALL.

H. Res. 302: Mr. SIMMONS, Mr. BROWN of Ohio, Mr. FORTUÑO, Mr. SHIMKUS, Ms. JACKSON-LEE of Texas, and Mr. WELDON of Pennsylvania.

H. Res. 447: Mr. GRIJALVA.

H. Res. 458: Mr. FILNER.

H. Res. 477: Mrs. DAVIS of California, Mr. TIERNEY, Mr. OLVER, Mr. NEAL of Massachusetts, and Mr. MICHAUD.

H. Res. 484: Mr. TIBERI and Ms. MCCOLLUM of Minnesota.

H. Res. 487: Mr. ROTHMAN, Mr. CONYERS, Mr. BISHOP of Georgia, Mr. CARDIN, Mr. BRADY of Pennsylvania, Ms. HARMAN, Ms. SCHAKOWSKY, Mr. ENGEL, Mr. PUTNAM, Mr. GRIJALVA, Mr. LEACH, and Mr. ABERCROMBIE.

H. Res. 488: Mr. JOHNSON of Illinois.

H. Res. 489: Mr. MCGOVERN, Mr. LOBIONDO, Mr. JOHNSON of Illinois, Mr. CARDIN, Mr. RANGEL, and Mr. MICHAUD.

H. Res. 496: Mr. CAPUANO.

PETITIONS, ETC.

Under clause 3 of rule XII,

74. The SPEAKER presented a petition of the Lasalle County Board, Illinois, relative to a resolution supporting Congressmen Weller's Combat Military Medically Retired Veteran's Fairness Act of 2005 (H.R. 995) and urging the Illinois congressional representatives to co-sponsor and pass H.R. 995; which was referred to the Committee on Armed Services.

EXTENSIONS OF REMARKS

CONGRATULATING ALEX PETTIT

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 25, 2005

Mr. BURGESS. Mr. Speaker, I rise today to congratulate Mr. Alex Pettit of Denton, Texas on receiving the 2005 Best of Texas Award for Demonstrated Leadership in Management of Information Technology.

The Best of Texas Awards program was established to salute Information Technology professionals in Texas State and local government organizations for their dedication, hard work and contributions. An Evaluation Committee reviews submissions and selects recipients for each of the 9 categories. The Demonstrated Leadership in Management of Information Technology award is available only to Chief Information Officers or Agency Chief Information Officers who have staffed, planned and executed technology plans that have assisted their jurisdiction, department, or agency in meeting its mission. The winner of this category is judged on the basis of vision, leadership and support of IT throughout the department, agency and the entire jurisdiction.

This year, the Demonstrated Leadership in Management of Information Technology Award was given to Mr. Pettit by the Center for Digital Government for providing outstanding leadership and technical direction to the City of Denton. Mr. Pettit's responsibilities include negotiation and management of all system procurements and implementations, security, tactical and strategic planning for technology solutions and services to support the City, and coordination of all phones and pagers used by City personnel. Through these responsibilities, Mr. Pettit has succeeded in implementing the goal of the City of Denton to be a leader among cities in the delivery of outstanding quality services and products through the utilization of innovation, citizen involvement, and efficient use of resources. The award was presented to Mr. Pettit on October 19, 2005 at the Center for Digital Government's award ceremony in Austin, Texas.

I extend my sincere congratulations to Mr. Alex Pettit for receiving the 2005 Best of Texas Award. His contributions to the technology industry and his service to the Denton community should inspire us all.

HONORING FATHER BRENDAN O'SULLIVAN UPON HIS RETIREMENT

HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 25, 2005

Ms. MATSUI. Mr. Speaker, I rise today in tribute to a distinguished man who has selflessly served the Sacramento area for almost 50 years. Father Brendan O'Sullivan retires this month from St. Anthony's Catholic Church in Sacramento. As his parishioners, friends, family and colleagues gather to celebrate his decades of ministerial service, I ask all of my colleagues to join me in saluting this outstanding citizen of Sacramento.

Father O'Sullivan hails from Ireland, where he was born in Beara and studied for the priesthood at St. Patrick's Seminary in Thurles. Shortly after being ordained to the priesthood on June 10, 1956 he traveled to California to begin service in the Roman Catholic Diocese of Sacramento.

His first assignment in the diocese was as associate pastor of St. Joseph's Parish in Redding. Father O'Sullivan then served at various northern California churches, including St. Lawrence Parish in North Highlands. He served as a Catholic chaplain to the Newman Center at the University of California at Davis from 1962 to 1965 and continued working with Catholic youth as chaplain of the Newman Center at American River College and as an educator at St. Francis High School in Sacramento.

In 1972 he accepted an assignment as a faculty member and director of campus ministry at the College of Notre Dame in Belmont, CA. Later, Father O'Sullivan was called back to serve in the Diocese of Sacramento as associate pastor of St. Joseph's Parish in Clarksburg.

In 1974 Father O'Sullivan was asked to establish a new parish in the Pocket area of Sacramento and was appointed by Bishop Alden J. Bell to be the founding pastor of St. Anthony Parish. During the past 30 years, he has presided over the parish's phenomenal growth. His natural charm and openness to people from all walks of life surely was responsible for much of that growth. The parish now has over 2,000 families and is highly regarded across the Sacramento region.

During his tenure as pastor, Father O'Sullivan oversaw the building of the church, a religious education center and later a rectory. Additionally, a multipurpose Memorial Center was built in 1996 and the parish offices were expanded in 2002. Father O'Sullivan had the foresight to suggest that the church be structured around a central point of assembly that would unify the parishioners. The result was a central plaza where parishioners gather before and after Mass and where community events are now held. In addition, Father O'Sullivan has encouraged St. Anthony members to extend their outreach beyond the parish boundaries by participating in numerous social programs in Sacramento.

Father O'Sullivan has served the Diocese of Sacramento in various capacities beyond his role of pastor. He has been dean of the City Deanery, director of continuing education of priests for the diocese, a member of the Council of Priests and the Priest's Personnel Board and an advisor in the Diocesan Synod process. He also took a sabbatical to study at the University of Louvain in Belgium, one of the great centers of Catholic learning.

Father O'Sullivan has been a visionary leader in implementing the reforms and vision of the Catholic Church's Second Vatican Council. He urged his parishioners to not be afraid of discussing controversial issues, because he is certain that a healthy church is one that allows for the free exchange of ideas. Throughout his tenure, he has proven to be an effective consensus builder, a pragmatic thinker and a tireless worker, who has earned the respect and admiration of those who have worked with him.

Mr. Speaker, as Father O'Sullivan's parishioners, friends and colleagues gather to celebrate his great service in the ministry, I am truly honored to pay tribute to one of Sacramento's most honorable citizens. We all have greatly benefited from having Father O'sullivan's strong leadership in our community. His dedication to the people of Sacramento spans decades, many churches and thousands of families. I ask all of my colleagues to join with me in wishing Father O'Sullivan continued success and happiness in all of this future endeavors, wherever his retirement may lead him.

COMMEMORATING THE UNITED NATIONS AT ITS 60TH ANNIVERSARY

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 25, 2005

Mr. PAYNE. Mr. Speaker, I rise today to recognize the United Nations at its 60th anniversary and honor the organization for its many contributions to humanity over the last 60 years.

The United Nations came into being on October 24, 1945, when 50 countries pledged to work to promote international peace, security and human rights after suffering through two World Wars and the Holocaust. Sixty years later, we have, indeed, avoided another global war and seen the U.N. protect the lives of millions by creating the circumstances for peace in some 170 disputes around the world.

The 21st century is profoundly different than the world in which the United Nations was created. Threats of terrorism, natural disaster, and poverty heighten the role that the United Nations plays in securing peace and stability worldwide. The United Nations promotes democracy where it has not existed, helping to build democratic institutions and hold elections in places like Afghanistan and Iraq. The United Nations operates 17 peacekeeping missions in regions of strategic importance to the United States, such as Sudan, the Middle East, the India-Pakistani border, and Haiti.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Then there are the important works of the United Nations affiliated organizations. The International Atomic Energy Agency is leading a global effort to secure nuclear materials and guarantee that they are used for legal and peaceful reasons. The World Food Program provides life-saving food assistance to millions of famine stricken people every year, while the Food and Agriculture Organization helps improve the long-term sustainability of providing good nutrition in developing countries. Efforts of the World Health Organization and UNICEF have drastically improved vaccination rates for preventable diseases in children. International conventions and programs undertaken by United Nations agencies have helped to strengthen the rights of women, refugees, and victims of human rights abuses, and 10 United Nations agencies are helping to treat and prevent the AIDS epidemic in 130 countries.

I congratulate the United Nations on the anniversary of its 60th year, and encourage the United States and Congress to further their support for a strong and effective United Nations.

HONORING THE 50TH ANNIVERSARY OF ABC–CLIO

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 25, 2005

Mrs. CAPPS. Mr. Speaker, today I rise to recognize and honor 50 years of reference publishing and involvement with local community schools and libraries by the Santa Barbara publisher, ABC–CLIO. ABC–CLIO is a privately held company founded by the Boehm family and is now in its second generation of ownership. The company's corporate headquarters is located in Santa Barbara, California, with additional offices in Denver, Colorado, and Oxford, England.

Committed to serving the history profession and its teachers, as well as students and scholars of history, ABC–CLIO annually publishes approximately 80 encyclopedias, guides, and handbooks. Since 1991, this acclaimed reference book-line has won over 60 best-reference awards from the American Library Association and Library Journal.

The best-known publications by ABC–CLIO are the abstracting and indexing services, Historical Abstracts and America: History and Life, which together represent the largest bibliographic history database in the world. Its award-winning social studies databases reach students in thousands of schools nationally.

I commend Eric H. Boehm, Inge P. Boehm, Fritz Fellner, and John A.S. Grenville for founding Historical Abstracts 50 years ago. This pioneering publication connects the international community of historians, making writings of the international history community known and accessible to historians and history students worldwide.

ABC–CLIO is also committed to serving our local community by actively participating in Partners in Education, United Way, and numerous other local programs. ABC–CLIO and CEO Ron Boehm have supported the nationally recognized Computers for Families, which is the flagship program for Partners in Education, since its inception eight years ago.

I commend ABC–CLIO on its 50th Anniversary and recognize them for the important role they play in our community and our world by ensuring that historical scholarship is accessible to historians and students across the globe.

A TRIBUTE TO THE VISITING NURSE ASSOCIATION OF HOLYOKE, MA

HON. JOHN W. OLVER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 25, 2005

Mr. OLVER. Mr. Speaker, I rise today to recognize and honor the Visiting Nurse Association, Inc for 100 years of service and care to the community of Holyoke, MA. Officially organized on November 28, 1905 at the Second Baptist Church of Holyoke, the District Nurse Association, as it was then known, began raising money to bring nursing to residents who were unable to access healthcare because of their humble origins.

In 1918, the association became incorporated and eventually, under the first supervisor, Emma Schenker, changed the name and became the Holyoke Visiting Nurse Association, Inc.

In the early years this community-based nursing service evolved under the guidance of the National League for Nursing as a charter member. It established scholarships to promote the availability of nurses and found funding to continue the level of care needed for the city of Holyoke's blue collar workers and their families.

By 1956, 51 percent of the Holyoke Visiting Nurses funding came from the United Way, then known as the Holyoke Community Chest. In 1965 the agency became certified by Medicare and Medicaid and later purchased property for a permanent residence, both of which further stabilized their presence in the community of Holyoke.

The Holyoke Visiting Nurse Association went on to receive accreditation from the National League of Nursing in 1979. In 1984 they diversified into three affiliated subsidiaries so as to better serve their clients, and in 1990 the Commonwealth of Massachusetts licensed and certified Hospice Life Care specializing in caring for a patient's final stages of life.

During the early 1990's the VNA, with growth of 20 percent, was given official accreditation by the Joint Commission on Accreditation of Health Care Organizations. Later in the same decade, because of service expansion to other geographic areas in the region, the VNA experienced unprecedented growth for a total of 211,334 visits and the serving of 2,912 patients by 400 employees in 1 year.

With the beginning of the new millennium, budget cuts from Medicaid and Medicare caused the VNA to reorganize, reduce workforce and office space, and to freeze wages in order to survive. Then in October of 2000 the Medicare Prospective Payment System changed the reimbursement environment and relieved the financial constraints on the agency.

Presently with advances in technology and the ability to monitor patients 7 days a week, the VNA is able to benchmark against State and national norms for quality of care and patient/customer satisfaction. In 2004 the agency received the Greater Holyoke Chamber of Commerce Pacesetter Award for Non-Profit Operational Excellence.

In conclusion, the VNA for the past 100 years has maintained the primary theme of affordable patient care by making 2 million visits to over 30,000 patients. I am proud to recognize the Holyoke Visiting Nurse Association for their dedication and commitment to the care of the residents of this region.

SALUTE TO HURRICANE VOLUNTEER GARY LOUDERMILK

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 25, 2005

Mr. BURGESS. Mr. Speaker, I rise today to salute those individuals and organizations that opened their hearts and dedicated both financial and emotional support to the evacuees of Hurricane Katrina and Hurricane Rita. All of the States along the gulf coast have endured terrible hardships during this hurricane season, and I know that the generosity of North Texans played a vital role in bringing some peace into their lives.

Today, I want to specifically thank one man and his donation. Gary Loudermilk, the Executive Director of the Denton Baptist Association, helped provide Hurricane Katrina evacuees with a place to stay at Camp Copass.

Camp Copass is a known as Texas' first "Full-Service" Baptist camp. They normally provide summer camp for kids of all ages, but during this time of need, they donated their time, space and money for Katrina evacuees.

I stand here today to sincerely thank Gary Loudermilk for his donation. It is people like him that I am proud to call a fellow Texan. Through his contribution, he not only stands as a devoted and giving American citizen, but he serves as an inspiration to others.

HONORING THE OLDER WOMEN'S LEAGUE ON ITS 25TH ANNIVERSARY

HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 25, 2005

Ms. MATSUI. Mr. Speaker, I rise in tribute to an organization with a great record of service to older and midlife women throughout the United States. For the past 25 years, the Older Women's League has worked tirelessly and successfully to protect and improve the economic, health and social equity needs of aging women. I ask all of my colleagues to join me in saluting the 25th anniversary of the Older Women's League, the only national grassroots organization in America to provide a voice to the over 58 million American women who are over the age of 40.

Founded in 1980 following a White House Mini-Conference on Older Women in Des Moines, Iowa, the Older Women's League (OWL) has grown to over 40 local chapters and 4,500 members nationwide. The members of these local OWL chapters engage in nationwide education and advocacy campaigns to place issues of interest to older women in the public spotlight and on the legislative agenda.

OWL members have worked diligently to highlight key older women's health issues including the Medicare prescription drug benefit, mental health awareness, osteoporosis and better nutrition. In addition, the organization has launched a recent campaign geared toward women of all ages, entitled "Social Security Matters." This campaign educates women on the importance of Social Security and why privatization could jeopardize their retirement.

Perhaps one of the most important initiatives that OWL undertakes each year is the OWL Mother's Day Report. The first OWL Mother's Day Report was released shortly after the organization's inception and provides an in-depth analysis of a particular matter of concern to older and midlife women ranging in subjects from Caregiving to Age and Sex Discrimination in America's Labor Force.

Another important accomplishment for which OWL has been nationally recognized has been the establishment of the Older Americans' Mental Health Week, which occurs during the last full week of May each year. This yearly public awareness campaign is designed to highlight the many misperceptions associated with mental illness and aging. To bring national attention to mental health, OWL partners with several mental health and senior citizen organizations, including the American Association for Geriatric Psychiatry, American Society on Aging, AARP, American Association of People with Disabilities, Depression and Bipolar Support Alliance and Families for Depression Awareness.

Finally, it has been an honor to have a local advocate for OWL at our side, Betty Perry. Betty Perry has been instrumental at the Sacramento OWL chapter and OWL of California in providing a powerful voice for older women in regards to prescription drug benefits, equal pensions for older women and fighting against Social Security privatization.

Mr. Speaker, I am honored to pay tribute to the Older Women's League's 25 years of advocacy and empowerment of women. I am confident that this organization will continue to play a crucial role in bringing national attention to issues affecting midlife and older women. I ask all of my colleagues to join with me in wishing the Older Women's League continued success in all its future endeavors.

TRIBUTE TO ADDOLORATA IMMACOLATA GILI—DEDICATION OF MAMA GILI'S PLACE

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 25, 2005

Mr. PAYNE. Mr. Speaker, it is with great enthusiasm that I ask my colleagues here in the House of Representatives to join me as I rise to honor the memory of a very special person, the late Addolorata (Dolores) Immacolata Gili, and to offer my congratulations to her family and friends, and to the people whose lives she touched in my Congressional District of Orange, New Jersey. Mama Gili, as she was affectionately known, was being honored on Saturday October 22, 2005 for her faithful devotion to God, her community and humankind. She was the proud mother of five children, Helen, Florida, Claudia, Caesar and Joseph Jr., and the "adoptive" mother to many people in the Orange community.

She emigrated from Atripalda, Italy to the United States in 1909 and initially stayed with her brother, Umberto, in Brooklyn, New York. After moving to Orange, New Jersey, to live with another brother, she met her future husband, Joseph F. Gili, whom she married in 1913.

Always a true believer in the omnipresent power and love of God, Mama Gili knew that her life would be guided by His principles of service to others. She opened her home to many Italian immigrants as they transitioned to a new life in the U.S. She also always made time to lend an ear and give devout advice to people in her community.

Even though she prematurely lost her husband and endured the hardships of the Great Depression as a single mother, her faith never wavered. In 1953, she returned, for the first time, to her hometown in Italy where she had a providential meeting with a Franciscan priest. He showed her a picture of the Holy Face of Jesus from the Shroud of Turin. After seeing this image, Mama Gili dedicated her life, until her death in 1985, to spreading the Word about the Holy Face to those in her community.

She was honored by the Italian Tribune newspaper with the Woman of the Year award in 1965 for her work with many charities and, for helping both to establish the Capuchin Franciscan Friars and to organize the Third Order of St. Francis in Orange. This past Saturday, she was again being honored with the dedication of Minton Place between Lincoln Avenue and Scotland Road in Orange, NJ. Renamed "Mama Gili Place", this memorial will be a tribute to her steadfast dedication to her faith and community.

Mr. Speaker, I congratulate Mama Gili's friends and family on their efforts to keep her legacy alive. I also wish them continued success on their journey towards her Beatification/Canonization to Sainthood.

NATIONAL GAUCHER FOUNDATION AWARENESS MONTH

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 25, 2005

Mr. FRANK of Massachusetts. Mr. Speaker, last month, September, the National Gaucher Foundation devoted its efforts to publicizing what the foundation calls "the most prevalent genetic disease facing United States Jews." The National Gaucher Foundation is dedicated to combating this disease that affects significant numbers of Ashkenazi Jews. While the disease is very debilitating, it is treatable, and it is therefore particularly important that people learn a great deal about it so that those who do suffer from it or are threatened from it are aware of what can be done to treat it. I commend the work of the National Gaucher Foundation, and I encourage people, particularly Ashkenazi Jews who may well be vulnerable to it, to take advantage of the foundation's work to gain knowledge that may be of significant benefit for their health and that of their families.

FISCAL SPENDING CONSTRAINT

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 25, 2005

Mr. MILLER of Florida. Mr. Speaker, President Reagan once said, "We don't have a trillion-dollar debt because we haven't taxed enough; we have a trillion-dollar debt because we spend too much." I wish others would heed his words and begin exercising more fiscal constraint.

We should start with our own paychecks and truly lead the American people by actions and not words.

I have introduced a bill—Rescind the Congressional Pay Raise Act, which rescinds Members' salaries back to last year's pay level. We cannot, in good conscience, entitle ourselves to more money while others continue to willingly make sacrifices for the sake of our Nation's future.

Mr. Speaker, now is the critical time for Congress to step up to the plate and do what is necessary to control this spending gone awry. Let us start with ourselves.

RECOGNIZING LOCAL MARINES FROM INDIA COMPANY FOR THEIR SERVICE TO THIS NATION

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 25, 2005

Mr. HIGGINS. Mr. Speaker, I stand here today to express thanks to the Marines from India Company who have just completed a tour of duty where they fought heroically on behalf of the United States of America.

The brave soldiers from India Company were deployed to Iraq in March of this year to aid in Operation Iraqi Freedom and have just recently returned to be with their families in western New York.

In particular, I would like to recognize Sgt. Eugene O'Connor, Cpl Joshua O'Connor, PVT Matthew Shaw, Sgt Gary Spengler Jr., PVT Jarred Leavitt, Cpl William Maher, Sgt James Thompson, LCpl Chris Manns, LCpl Jason Florea and Cpl Jonathan Monaco, our local heroes who selflessly defended peaceful international relations and helped secure freedom for the Iraqi people. Each played an integral role in their company and deserve our recognition and respect.

Through their valiant efforts they assisted stabilizing the city of Hit in the province of Al Anbar, protecting Iraqis and their comrades, aiding in the arrest of 116 insurgents, and assisting in exposing over 150 weapons stores and 160 bombs.

Mr. Speaker, on behalf of the residents of the 27th Congressional District and all Americans I wish to extend my sincerest gratitude to these courageous and noble soldiers. Their service and sacrifices help protect the safety and freedoms that make this Nation great.

CONGRATULATING MARIELA AGUILLON

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 25, 2005

Mr. BURGESS. Mr. Speaker, I rise today to congratulate Ms. Mariela Aguillon for receiving the PacifiCare Latino Health Scholarship.

Since 2003, PacifiCare has awarded $356,000.00 to 155 deserving students in the Latino Health Scholars program. This program was created to educate students about career opportunities for Hispanics and Latinos in the healthcare field. In order to qualify for this $2,000.00 scholarship, applicants are required to demonstrate a grade point average of 3.0 or better and be fluent in Spanish and English. In addition, applicants must be enrolled in an approved health care program at a university, community college or accredited technical college.

According to the Office of Minority Health, there is a nationwide shortage of bilingual and bicultural professionals in the health care field. Specifically, the shortage of Spanish speaking personnel in nursing and other allied health professions, coupled with the growth of the Latino population in the United States, requires training and recruitment of an ever-greater number of qualified professionals. Mr. Russell Bennett, Vice President of PacifiCare's Latino Health Solutions, notes that the Latino Health Scholars program has "made a positive difference in the lives of these deserving youths who are beginning their journey toward realizing their academic and professional aspirations."

I extend my sincere congratulations to Ms. Mariela Aguillon on receiving this scholarship funded by the PacifiCare Foundation. As a doctor of over 21 years, I commend Ms. Aguillon's dedication and desire to help others by pursuing a career in the health care profession.

A TRIBUTE TO THE 2005 SACRAMENTO MONARCHS

HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 25, 2005

Ms. MATSUI. Mr. Speaker, I rise in tribute to the 2005 Sacramento Monarchs, the deserving winners of the 2005 Women's National Basketball Association championship. The 2005 Monarchs successfully beat the Connecticut Sun three games to one in a thrilling best of five games series to be crowned WNBA royalty. By winning the 2005 WBNA championship series, the Sacramento Monarchs gave Sacramento its first national title in professional basketball. I ask all of my colleagues to join with me in saluting the triumphant 2005 Sacramento Monarchs.

The 2005 Sacramento Monarchs were comprised of an outstanding blend of seasoned professionals with several years of WNBA experience under their belts, as well as young, talented recent college graduates. The team was led by Yolanda Griffith, a former WNBA MVP and four-time WNBA All-Star. During the regular season, Griffith averaged nearly fourteen points and over six rebounds a game. Against the Sun, when it mattered the most, she increased her averages to eighteen points and ten rebounds a game and was named Finals MVP.

During the playoffs, point guard Ticha Penicheiro led the league in assists, and averaged five a game throughout the Monarchs' playoff run. She was recently recognized in her hometown of Figueira da Foz, Portugal, with the "Medalha de Honra ao Merito Desportivo," a medal honoring her outstanding achievement in the WNBA.

In addition, the 2005 WNBA Championship team was assisted by the contributions of many other great players including Olympia Scott-Richardson, DeMya Walker, Kara Lawson, Rebekkah Brunson, and Nicole Powell. All of these Monarchs proved themselves to be among the best in the entire league. Whether a veteran or a recent addition, every member of the championship team demonstrated excellent team work, dedication, and integrity as they fought their way to win the title. Later this month, the entire team will find themselves on supermarket shelves across the country, as they will be the first WNBA team featured on a Wheaties box.

Besides having an extremely talented roster, the Monarchs could not have gone as far as they did without the commitment of a great coaching staff and an uncompromising leadership team in the front office. On the bench, head coach John Whisenant and his able assistant coaches Tom Abatemarco, Steve Shuman, and Monique Ambers each contributed countless hours of film watching, strategizing, and coaching to transform the Monarchs into champions.

In the front office, the Monarchs are led by the ownership of the Maloof Family and the astute management of team president John Thomas. Under the Maloofs, the Sacramento Monarchs have taken great steps to gain a widespread following among area fans. Given the team's commitment to their fans, it is no wonder that Sacramento fans are so loyal to their professional sports teams. In September, over 3,000 fans cheered the Monarchs on as they paraded through downtown Sacramento with the WNBA championship trophy.

Mr. Speaker, as the Sacramento Monarchs revel in their most successful season in their nine year history and prepare for another outstanding season, I am honored to pay tribute to the many hardworking women and men of the Monarchs' franchise. Over the past few months, they have brought so much joy and civic pride to the city of Sacramento. Their success and loyal following is truly a testament to the ever increasing importance of women's professional sports, and it is a great honor for me to have the opportunity to commend them on their accomplishments. I ask all of my colleagues to join with me in congratulating the Sacramento Monarchs on a memorable season and wishing them continued success in the future.

RECOGNITION OF MRS. BONNIE MANLEY

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 25, 2005

Ms. SCHAKOWSKY. Mr. Speaker, I rise today in recognition of Mrs. Bonnie Manley of San Diego, California and Mr. Ron Blackman of Fort Wayne, Indiana. These special individuals dedicated their lives to educating the United States' next generation of cosmetologists. Mrs. Manley and Mr. Blackman were owners of Pivot Point International member schools, part of a global beauty education company headquartered in my district. They honorably supported the company's philanthropic commitment to the National Center for Missing & Exploited Children (NCMEC).

Mrs. Manley was passionate about the welfare of children. Whether it was caring for her own grandchildren, or a missing child hundreds of miles away, she inspired her students to raise more than $50,000 for NCMEC.

Ron Blackman refused to allow even a disaster to stop his commitment to the National Center. Despite severe flood damage to his school, he continued to raise money. Each year their students joined hundreds of others nationwide to raise money for NCMEC. Their contributions are now approaching the $500,000 mark.

Tragically, both of these amazing individuals have recently passed away. To honor their commitment to children, the Pivot Point Member Schools have created the "Manley-Blackman Spirit Award." This award will be given to a Pivot Point school owner, faculty member, or staff person who demonstrates a willingness to push limits, has shown a commitment to community service, inspires others to be the best they can be, and demonstrates perseverance in the face of adversity. I hope that all my colleagues join me in recognizing the lives and achievements of Bonnie Manley and Ron Blackman.

THANKING OREGON SCIENCE TEACHERS ASSOCIATION

HON. DAVID WU

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 25, 2005

Mr. WU. Mr. Speaker, I would like to state for the record my thanks to the Oregon Science Teachers Association for its participation in National Chemistry Week.

Just last week, the Oregon Science Teachers Association focused one of the sessions at its annual convention on National Chemistry Week. The session provided Oregon science teachers with the opportunity to learn how to incorporate National Chemistry Week into their classroom, providing them with projects and lab ideas.

I thank every Oregon science teacher for their participation. Oregon science teachers are molding the next generation of scientists.

SALUTE TO HURRICANE VOLUNTEER WILLIAM SCHULTZ

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 25, 2005

Mr. BURGESS. Mr. Speaker, I rise today to salute those individuals and organizations that opened their hearts and dedicated both financial and emotional support to the evacuees of Hurricane Katrina and Hurricane Rita. All of the States along the gulf coast have endured terrible hardships during this hurricane season, and I know that the generosity of north Texans played a vital role in bringing some peace into their lives.

Today, I want to specifically thank one man, his store and his donation. William Schultz, from Circle C Construction, donated $1,000 in clothing and videos during Hurricane Katrina.

Circle C Construction is located in Fort Worth. They provide services such as installation, building and contracting, and utility contracting.

I stand here today to sincerely thank William Schultz for his donation. It is people like him that I am proud to call a fellow Texan. Through his contribution, he not only stands as a devoted and giving American citizen, but he serves as an inspiration to others.

HONORING UNION VALE MIDDLE SCHOOL

HON. JOHN E. SWEENEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 25, 2005

Mr. SWEENEY. Mr. Speaker, I would like to take this time to recognize the marvelous response of the students of Union Vale Middle School in Lagrangeville, New York to the victims of Hurricane Katrina.

Hurricane Katrina caused such extensive devastation that has had a profound effect on the entire country. When Hurricane Katrina made landfall on August 29, 2005, as a Category 4 storm, millions of American lives were changed forever. Americans in the Gulf Coast lost their families, homes, business, schools and communities. Intense rains, wind, flooding and tornadoes caused by Hurricane Katrina resulted in immense devastation of the Gulf Coast states. The residents of the affected areas are trying to find a way to rebuild their lives, despite returning to a lack of water, food and shelter.

Americans across the nation felt the effects of Hurricane Katrina. To this day, Americans continue to donate money, time and effort to help rebuild this devastated part of the country. States across the country have taken in evacuees and are helping them find shelter and rebuild their lives. Colleges and universities have welcomed students displaced by Katrina to their campuses. Americans have opened their hearts to their fellow citizens.

This great relief effort can be seen in the community of students, faculty and parents from Union Vale Middle School in Lagrangeville, New York. Upon learning of the terrible devastation caused by Katrina, Union Vale Middle School set to work raising funds to support the victims. The middle school established a "Katrina Relief Week", which included a "Walk to Higher Ground" walk-a-thon, bake sale, silent auction with prizes donated by faculty, staff and local businesses, along with a Faculty Benefit Showcase. In all, the community of Union Vale Middle School raised over $26,000. This is a marvelous accomplishment and a heartfelt donation to the victims of Hurricane Katrina.

I would like to recognize the Union Vale Middle School community for their remarkable efforts for raising money for the areas devastated by Hurricane Katrina. The students, faculty and staff dedicated a great amount of time and money to this cause, demonstrating their concern for and compassion towards their fellow citizens. Union Vale Middle School is an exemplary community whose invaluable dedication to helping our nation deserves our recognition.

CONGRATULATING THE CHICAGO WHITE SOX ON WINNING THE PENNANT

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 25, 2005

Mr. EMANUEL. Mr. Speaker, I rise today to congratulate the Chicago White Sox for winning their first pennant since 1959. On the strength of its pitching staff, clutch hitting and expert managing, the White Sox led the American League with 99 victories in the regular season and won an American League Central Division title.

Ozzie Guillen, a long-time White Sox player, managed the team to a sweep of the defending champion Boston Red Sox in American League Division Series. The team followed that impressive feat with a victory over the Anaheim Angels in five games in the American League Championship Series, led by series MVP Paul Konerko and tremendous starting pitching. Jose Contreras, Mark Buehrle, Jon Garland and Freddy Garcia pitched consecutive complete game victories for the Sox in the ALCS, an accomplishment not seen since 1956.

I'd also like to extend my personal congratulations to Jerry Reinsdorf, who is the owner of this historic franchise, and one of the most dominant teams in NBA history, the Chicago Bulls. Jerry was born in Brooklyn, New York, but he has made his mark on Chicago history, providing North and South Siders alike with years of excitement and memories. Jerry has been the head of these historic franchises for over 20 years, during which the Bulls won six World Championships, and the White Sox won 4 division titles and one pennant.

Jerry is also to be commended for his work in ensuring that these historic franchises remained where they belong, in Chicago. In an era when countless sports franchises abandoned their local fan base to move to the suburbs or new cities, Jerry oversaw the construction of new stadiums for the White Sox and Bulls, directly across the street from their former locations. He has also been instrumental in the community outreach efforts of his teams and has been a credit to the Chicago community. Jerry has also exhibited a strong community spirit and work ethic in his other work as an attorney, certified public accountant and real-estate developer.

As a lifelong North Sider I must admit that I'm a little wistful seeing the activity at U.S. Cellular Field while Wrigley Field goes into another quiet October, but I'm thrilled to join first fan Mayor Richard M. Daley and all of Chicago in hoping the White Sox can win it all for the first time since 1917. I wish manager Ozzie Guillen, general manager Ken Williams, owner Jerry Reinsdorf and all the players and loyal fans the best of luck against the Houston Astros in the World Series. Go Sox!

TRIBUTE TO THE RECIPIENTS OF THE RECORDING ACADEMY HONORS

HON. HAROLD E. FORD, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 25, 2005

Mr. FORD. Mr. Speaker, I rise to pay tribute to Craig Brewer, Isaac Hayes, David Porter, Justin Timberlake and WDIA. On Saturday, October 22, 2005, they were honored by the Memphis Chapter of the Recording Academy for their contribution to our city and the greater creative community.

From W.C. Handy, the father of the blues, B.B. King, Otis Redding, Jerry Lee Lewis, Wilson Pickett, and Al Green to Sam and Dave, Carl Perkins, Rufus Thomas, Roy Orbison and Elvis Presley, Memphis has long been known for fostering creativity and musical talent. W.C. Handy first made traditional blues music popular, and in the 1950s, Memphis based artists synthesized blues and country into "rock-a-billy," the precursor to rock and roll. At Sun Studios, Sam Phillips helped discover the legends—Elvis Presley, Jerry Lee Lewis and others—that made Memphis the birthplace of rock and roll. In the 1960s, as the Almanac of American Politics said, "Memphis once again became the crucible of a new sound, soul music, which emerged as a counterpoint to rock," with the Stax sound and artists such as Isaac Hayes, Booker T. and the MG's and Rufus Thomas.

Mr. Speaker, that creative tradition is alive and well in Memphis as demonstrated by the success of the Recording Academy's honorees.

So much of our city's creative success would not have been possible without the existence of WDIA. It has given a venue to local artists who have gone on to national and international fame. At a time of public and private segregation, WDIA broke down racial barriers. It is still an instrumental part of making our community a better place to live and work.

As one of the most popular music artists performing today, Justin Timberlake is the latest superstar to carry on the Memphis music legacy. Drawing from our rich and diverse music traditions to create multi-platinum records, Justin has earned a rightful place in the pantheon of stars our city has produced over the years.

At Stax Records, Isaac Hayes and David Porter were a dynamic and creative duo that churned out a unique musical sound that became popular throughout the world. We are fortunate that both are still active artists and that Stax has undergone a reincarnation as the Stax Museum of American Soul Music and the Stax Music Academy where young people are receiving music education and academic skills.

Long part of the Memphis film scene, Craig Brewer was recently catapulted onto the national stage with his critically acclaimed film Hustle & Flow. Our special brand of hip-hop music and film making is getting national exposure as the result of his work. We look forward to his next endeavor about the blues entitled Black Snake Moan.

Mr. Speaker, I ask that the following description of the honorees provided by the Recording Academy be included in the RECORD and ask my colleagues to join me in recognizing their accomplishments.

Craig Brewer: True to the spirit of this city's indomitable, independent tradition, Memphis film maker Craig Brewer is a self-made man. Like Clarence Saunders, Sam Phillips, Elvis Presley, Fred Smith, and dozens more entrepreneurs and free thinkers who have helped put Memphis on the map, Brewer has succeeded where others might fear to even try. In 2000, this unknown screenwriter/director walked away with the Hollywood Film Festival's Best Digital Feature Award on the basis of his self-financed project The Poor And Hungry. Four years later, Brewer struck gold with his hometown rap epic Hustle & Flow, which won the Audience Award at the 2005 Sundance Film Festival and was subsequently purchased by MTV Films. Now Brewer is applying his midas touch to the fictional story of a rural bluesman, played by actor Samuel L. Jackson. The Paramount Classics film, Black Snake Moan, is currently in production in Memphis with Christina Ricci, Justin Timberlake, and David Banner.

Isaac Hayes & David Porter: They started out as just a couple of talented Memphis kids trying to make it in the local music scene. Fate brought them to Stax Records. David Porter got there first and became Stax's first staff songwriter. But it was when Grammy-winner Isaac Hayes joined the Stax family that the equation was complete: Hayes + Porter = Southern Soul's premier songwriting duo. They fueled the success of Stax and Atlantic Records with such classics as "Soul Man," "Hold On, I'm Coming," and "When Something is Wrong With My Baby." They also were producers and artists, turning out hit records under their own names. Hayes went on to become the first Amcan-American composer to win the Oscar (for the timeless classic "Theme from Shaft" from Shaft), while Porter became one of Memphis most prominent Amcan-American entrepreneurs. Together they bear the distinction of having had national chart hits in five consecutive decades—a testimony to the enduring quality of their teamwork. Their recent induction into the International Songwriters Hall of Fame cements what their hometown has long known. As Rodgers & Hammerstein were to Broadway, the Gershwins to classic pop and Leiber & Stoller to early rock and roll, Hayes & Porter are to Memphis soul—simply the best there ever was.

Justin Timberlake: Grammy-winning artist Justin Timberlake is simply the hottest pop music artist to come from the Mid-South since Elvis Presley. Born and raised in the Shelby Forest area north of Memphis, the platinum-selling artist, all of 24, has gone from one mega-success to another. At 14, Justin joined *NSYNC a five-member band based in Orlando, Fla. That group would go on to become one of the biggest acts of the past decade, inciting a Beatles-like hysteria in its legion of fans. In 2002, Timberlake went solo; proving that life after the group craze could be even better. His solo debut, Justified, racked up numerous awards, including two Grammys and went on to sell nearly 7 million records worldwide. Not only is he a talented singer, dancer, composer, producer and actor, Timberlake is also a philanthropist who believes in fostering music education. In 2001, The Justin Timberlake Foundation began fulfilling its mission by providing grants to schools in need of instruments, sheet music, or staffing, as well as to non-profit organizations, which provide much needed after-school music programs.

WDIA is the first radio station in America that was programmed entirely by Amcan-Americans for Amcan-Americans. It empowered a huge segment of the population that was, until the late 1940s, largely unrecognized. The Goodwill Station, as it came to be known, was an unprecedented pioneer in community involvement, setting new standards of civic responsibility for the electronic media. Its annual Goodwill and Starlight Revues played to capacity crowds, and all the money raised was used for charitable activities. Drawing from talent throughout the Mid-South, WDIA was the opportunity unknown performers were praying for. Local talents such as Rufus Thomas, Dwight "Gatemouth" Moore, and Maurice "Hot Rod" Hulbert began as disc jockeys. Entertainers such as B.B. King and Bobby Blue Bland began the road to fame plugging their gigs at local clubs, while their music received airtime on WDIA. With WDIA's emergence, the broadcasting landscape for Amcan-Americans changed forever.

Established in 1957, the National Academy of Recording Arts & Sciences, Inc., also known as The Recording Academy, is an organization of musicians, producers, engineers and recording professionals that is dedicated to improving the cultural condition and quality of life for music and its makers. Internationally known for the Grammy Awards, The Recording Academy is responsible for groundbreaking professional development, cultural enrichment, advocacy, education and human services programs.

SALUTE TO HURRICANE VOLUNTEER MICHAEL RAMSEY

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 25, 2005

Mr. BURGESS. Mr. Speaker, I rise today to salute those individuals and organizations that opened their hearts and dedicated both financial and emotional support to the evacuees of Hurricane Katrina and Hurricane Rita. All of the states along the Gulf Coast have endured terrible hardships during this hurricane season, and I know that the generosity of North Texans played a vital role in bringing some peace into their lives.

Today, I want to specifically thank one man, his store and his donation. Michael Ramsey, the Vice President of Christian Community Action participated in the Albertsons Food Relief Donation during hurricane Katrina.

Since 1973, Christian Community Action has provided spiritual and physical assistance to communities and families in need. CCA is a grass-roots nonprofit organization that provides food, clothing, housing and vital personal services to destitute families throughout North Texas. From the headquarters in Old Town Lewisville, CCA assists more than 15,000 people every year.

I stand here today to sincerely thank Michael Ramsey for his donation. It is people like him that I am proud to call a fellow Texan. Through his contribution, he not only stands as a devoted and giving American citizen, but he serves as an inspiration to others.

HONORING DR. MARIA GUAJARDO LUCERO

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 25, 2005

Mr. UDALL of Colorado. Mr. Speaker, I rise today to honor Dr. Maria Guajardo Lucero. As we recognize Hispanic Heritage Month, we acknowledge the immeasurable contributions that Hispanic-Americans have made to enrich our culture and inform our values. The wealth of literature, film, art, music, and cuisine is evident throughout America, but even more so in my part of the country, the West. Core Latino values—hard work, faith, family, and love of country—are values we all respect and admire.

The West is largely a story written in Spanish and Hispanic peoples. Whether as conquerors, founders or new immigrants, Hispanic people have shaped the country.

So it was for Maria Guajardo Lucero, whose parents came to this country with six young children hoping to make good on the "American Dream." Her mother had a second grade education and her father never went to school. As she has said, "Between both of my parents they have never read a book. " Yet they were wise in setting very high expectations for their daughter. They expected academic excellence because they knew that an education was her best opportunity to have a better life. Maria understood this at a very young age. She says, "I determined to make growing up easier for other children."

Maria set high goals for herself and she reached them.

She graduated with honors from Harvard University and earned her Masters and PhD from the University of Denver. In addition, she is also a graduate of the Kennedy School of Government Programs for Senior Executives in State and Local Government. Dr. Guajardo Lucero is now the Executive Director of the Mayor's Office for Education and Children in Denver, where she oversees programs that include early childhood education (Head Start) to post-secondary education.

I had the opportunity to work with her recently on the "Education to Elevate Colorado's Economy" (E3) Summit. She is as articulate on the subject of student preparedness as anyone I have ever heard. She points out that children in classrooms today are not only competing with children from other schools in America, but also with children on a global scale. Children today need to be prepared to compete with students from China, Russia, India, and around the world. If the United States is to retain its strength in the world, we must be prepared to compete in the global marketplace, and that means in the marketplace of ideas—the marketplace of excellence.

Dr. Guajardo Lucero insists that we hold all students to the same high academic standards, regardless of their race or socio-economic status. I agree with her when she says that we should ensure that each student graduates high school and is prepared to enter college after graduation. Rationalizing that we should expect less from those who have less does an unconscionable disservice to our underserved populations. It also runs contrary to the instincts of any parent who naturally perceives boundless potential for their own child, so how can we hope for anything less for other children?

If anyone can illustrate this in real life it is Dr. Maria Guajardo Lucero.

I also want to note that Dr. Guajardo Lucero is a graduate of the Colorado Outward Bound School. She participated and graduated in this program when I was the head of this school, and at a time when I was trying to bring Outward Bound's leadership program to a more diverse population. While I signed her graduation certificate, I did not lead her course, but I am reliably informed by those who knew her at the time that she is a courageous rock climber.

Nothing speaks more to our collective ideals than our investment in public education. The foundation of American society is based on the principle that each of us ought to have the opportunity to achieve our full potential. Dr. Maria Guajardo Lucero serves as an example of this ideal in practice. Whether one is fortunate enough to share in her Latino heritage or not, it is an ideal every American can appreciate.

A TRIBUTE TO DR. ATUL B. CHOKSHI

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 25, 2005

Mr. TOWNS. Mr. Speaker, I rise today in recognition of Dr. Atul B. Chokshi, a member of the Brooklyn community and a distinguished member of the healthcare profession. It is an honor to represent Dr. Chokshi in the House of Representatives and it behooves us to pay tribute to this outstanding leader in American Medicine.

Mr. Speaker, on Dr. Atul B. Chokshi's resume he states that his life's goals are to "be as complete a cardiologist as possible" and "to be as nice and loving a human being as possible." To the thousands of people of the Interfaith Medical Center community who have been touched by Dr. Chokshi's gentleness and caring nature, he has already met his life's goals.

Born and trained in India, with an 18-month stint in England, Dr. Chokshi has been with Interfaith Medical Center for nearly his entire medical career. Joining one of Interfaith Medical Center's predecessor hospitals, Jewish Hospital and Medical Center of Brooklyn, or "Brooklyn Jewish" in the summer of 1978 as an Intern in Internal Medicine. Dr. Chokshi has served in a variety of positions leading up to his being named the Director of the Cardiac Catheterization Lab.

As head of Interfaith Medical Center's Cardiac Cath Lab since 1993, Dr. Chokshi has pioneered thoughtful and gentle cardiology care. In November 2004, Dr. Chokshi launched the City's first Walk-in-Walk-Out transradial cardiac catheterization program. Virtually painless and allowing the patient to go home to resume normal activity within an hour, Interfaith Medical Center's Walk-in-Walk-Out service involves inserting the catheter into the radial artery at the wrist for complete cardiac evaluation and even a peripheral angiogram can be done at the same time without the use of the femoral artery.

In addition to being a brilliant physician, Dr. Chokshi is an ardent student of the Bhagawad Gita, which inspired him to combine his devotion to the teachings of Lord Krishna with his cardiology expertise to help establish The Krishna Heart Institute in Ahmedabad, India. Since its opening in 2000, The Krishna Heart Institute has performed more than 4000 open heart surgeries and 25,000 other life-saving procedures.

Dr. Chokshi is married to Dr. Vandana Chokshi, a radiologist with a subspecialty in Nuclear Medicine and Chief of both Radiology and Nuclear Medicine at Interfaith Medical Center. Drs. Atul and Vandana Chokshi have a daughter, Krishna.

Mr. Speaker, I believe that it is incumbent on this body to recognize the accomplishments and selfless service of Dr. Chokshi as he offers his talents and philanthropic services for the betterment of our local and national communities.

Mr. Speaker, Dr. Chokshi has continuously demonstrated a level of altruistic dedication that makes this kind gentleman and master scientist most worthy of our recognition today.

HONORING MR. JACK C. SMITH, FOUNDER OF K-VA-T FOODS, FOOD CITY

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 25, 2005

Mr. DUNCAN. Mr. Speaker, I rise to express my admiration and respect for Mr. Jack C. Smith, the creative entrepreneur and community leader responsible for K–VA–T Foods, Food City. Although Mr. Smith resides in Virginia, his impact has reached thousands of households in East Tennessee.

As Members of this body, we frequently have the opportunity to recognize the achievements of our constituents and these achievements are quite often remarkable. Today, though, we have the distinct honor to recognize a man who has consistently embodied what we respectfully call the great American spirit.

Mr. Smith was born into a small rural coalmining community in Southern Virginia. From an early age he showed signs of leadership and recognized the greatness of his Nation. Young Jack set as his life's goal service in the United States Navy and on Flag Day, 1944, Jack Smith joined the ranks of our Navy's finest as a Midshipman at the United States Naval Academy.

In 1947, he graduated from Annapolis and was married to his wife, Judy Smith. From 1947 until 1954, Mr. Smith served his Country with distinction. Following an honorable discharge, Mr. Smith and his wife returned to the hills of Virginia.

It was here that Mr. Smith's eye for business became focused. Recognizing the community's need for a supermarket style grocery, Mr. Smith, with his family's support, set about to meet that need.

Today, 50 years have passed since that first grocery store opened its doors, but the focus on excellence and the determination to support local communities has only grown. Through expansion and acquisition, Mr. Smith's small family company has grown to 92 stores with a service reach of over 2.5 million people in Kentucky, Virginia and Tennessee.

In addition to being a successful businessman, Mr. Smith has demonstrated his appreciation for local communities through countless philanthropic efforts. Under his leadership, Food City has donated over $7 million to schools in three states and has partnered with local farmers giving them an avenue to bring their produce to a broad and profitable market. Communities throughout its service region know that if a Food City store opens in their neighborhood, their neighborhood will become stronger.

Food City stands as an example of the great success that can come from one man's commitment to doing the very best he can do. Food City continues to be a family owned company.

As possibly the most impacting testimony of all, his children and grandchildren possess the same remarkable character that set one young man from a rural coalmining community on a path that we celebrate here on the Floor of the United States House of Representatives today.

Congratulations to Mr. Jack C. Smith for 50 years of business success and thank you for 50 years of setting an example each of us can follow.

RECOGNIZING THE GURU GOBIND SINGH FOUNDATION

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 25, 2005

Mr. CROWLEY. Mr. Speaker, I would like to recognize the completion of the Guru Gobind Singh Foundation and its opening, which will occur on October 2, 2005. I commend this organization for their dedication to the construction and also the inauguration of such an important spiritual center within the Sikh community. The Guru Gobind Singh Foundation (GGSF) is a Gurdwara, an institution with a hope to increase global awareness of Sikhism, the world's fifth largest religion, as well as enhance the image of Sikhs in order to bring them into the mainstream, especially in American society.

Since its inception in 1985, GGSF has devoted its time and energy to promoting and highlighting the issues concerning Sikhs in the United States. Since 1987, this group has represented Sikhism in the Inter-Faith Conference, held in Washington, DC, and in 1993, participated in the World Parliament of Religions in Chicago. Also since 1987, they have consistently demonstrated their support for the Civil Rights Movement through their annual involvement in the birthday celebration of Martin Luther King, Jr. Uplifting local communities and focusing on the youth, GGSF has organized Punjabi and Gurmat classes every Saturday for 14 years in addition to camps, study circles and educational conferences.

On an international scale, GGSF attended a Global Conference on Environment in Moscow in 1990, and various other conferences in Turkey, Greece, Japan and England, at which the organization fully represented Sikhism by illustrating its viewpoint on different topics. As early as 1984, GGSF has adamantly worked for the protection of the human and civil rights of Sikhs in India.

More recently, in March of 2000, the Guru Gobind Singh Foundation organized an interfaith memorial service for the 40 Sikh victims of the Kashmir Massacre, a tragedy which occurred in India. After the unforgettable tragedy of 9/11, GGSF played a major role in representing Sikhism and creating awareness of the portrayal of Sikhs in the media since 9/11. Also, the organization worked closely with the White House, U.S. Congress, and civil liberties organizations and held press conferences to call attention to the racial profiling and to deter hate crimes against Sikhs.

The Guru Gobind Singh Foundation has proven to be a cornerstone of the Sikh community and more importantly, of American society. This organization has continuously worked to increase Sikh participation in the religious, social, cultural and political fabric of America. While ensuring the protection of those members of the Sikh community, GGSF promotes mutual respect and human rights for all people, and contributes to the efficiency of dialogue and understanding among all religions.

I commend not only their success over the years from its inception up to the inauguration of a new spiritual center, but also their undeniable commitment to the promotion of religious and cultural awareness both nationally and internationally. The Guru Gobind Singh Foundation serves as a strong, unified representative of Sikhism by communicating the interests and perspectives of the Sikh community to the American public and international organizations.

Once again, I fully acknowledge the achievements of the Guru Gobind Singh Foundation and its undying determination to foster awareness and understanding of Sikhism in America.

SALUTE TO HURRICANE VOLUNTEER WAYNE HASSLER

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 25, 2005

Mr. BURGESS. Mr. Speaker, I rise today to salute those individuals and organizations that opened their hearts and dedicated both financial and emotional support to the evacuees of Hurricane Katrina and Hurricane Rita. All of the states along the Gulf Coast have endured terrible hardships during this hurricane season, and I know that the generosity of North Texans played a vital role in bringing some peace into their lives.

Today, I want to specifically thank one man, his store and his donation. Wayne Hassler, from Chick-fil-A donated 75 sandwiches for volunteers during hurricane Katrina.

Chick-fil-A is one of the largest privately owned restaurant chains in the Nation. Yet, from the beginning, their first priority has never been just to serve chicken; they serve the Lord and the community.

I stand here today to sincerely thank Wayne Hassler for his donation. It is people like him that I am proud to call a fellow Texan. Through his contribution, he not only stands as a devoted and giving American citizen, but he serves as an inspiration to others.

CELEBRATING IRMA EDNA HENRY'S 100TH BIRTHDAY

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 25, 2005

Mr. HONDA. Mr. Speaker, I rise today to pay tribute to Irma Edna Henry, who is celebrating her 100th birthday. Irma has been a joy to the community and has profoundly impacted the lives of her friends, family, and neighbors.

Irma Edna Henry was born to Bertha and Frank Daniels on November 7, 1905 in Pittsburgh, Pennsylvania and has lived in Coraopolis, Pennsylvania for most of her life. Growing up with three sisters and two brothers, Irma has always greatly valued family life. At the age of sixteen, Irma began working for the phone company, a job which she maintained intermittently after her marriage to Ralph Dewitt Henry on August 22, 1927. During the 1950s, Ralph, an employee at Gulf Oil, was transferred to Texas, where Irma became a nursing assistant at a local hospital. She then started a career at the county office in Pittsburgh, where she worked for several years until her retirement. Wherever she worked, Irma was well known for her extraordinary work ethic.

As much as she enjoyed each of her jobs, Irma has always treasured staying at home with her family. Irma and Ralph raised three sons, Ralph Jr., Herman, and Kenneth, and gained three daughters-in-law, Justina, Phyllis, and Arlene. Irma's husband Ralph passed away on December 8, 1984 at the age of eighty-six; however, Irma enjoys the company of her seven grandchildren and eleven great-grandchildren.

Throughout her life, Irma has been an active member of the community and of the Democratic Party. She was elected committee woman for the Fourth Ward of Coraopolis, Pennsylvania and has always enjoyed advocating for others. Today, Irma is still very active and lives independently in her own apartment. She attends church services at her high-rise apartment and listens to country, western, and gospel music, enjoying the music of Daniel O'Donnell in particular. Irma is also a fan of Jeopardy, never missing an episode, and often spends her afternoons drinking coffee with her friends. Friends and neighbors appreciate her hospitality and her delicious cooking, always considering a meal at her home to be a special treat.

Mr. Speaker, I rise today to honor an outstanding member of the community. Irma Henry's great dedication to her friends and neighbors and her love of assisting others have inspired those around her to serve the community as much as Irma has done. Irma has touched the lives of many, and all those who know her feel privileged for having had the opportunity to meet such a remarkable woman.

DEATH OF ROSA PARKS

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 25, 2005

Mr. CARDIN. Mr. Speaker, Rosa Parks embodied the modern civil rights movement in the United States. Through her quiet determination to challenge a racist law by refusing to give up her bus seat to a white passenger, Rosa Parks sparked massive civil disobedience by fellow African-Americans in Montgomery, Alabama in 1955. Her arrest led to a year-long bus boycott and ultimately a Supreme Court decision that outlawed segregation on buses.

In a broader sense Rosa Parks was the conscience of our nation, who forced Americans to confront the racism in our government and society. Her case cried out for action, as our government struggled to implement the

Fourteenth Amendment's guarantee to provide "the equal protection of the law" to all citizens, regardless of race.

Civil rights historian and author Taylor Branch described Rosa Parks as a "tireless worker and churchgoer, of working-class station and middle class demeanor." Her case raised the profile of the National Association for the Advancement of Colored People (NAACP), where she was secretary of the local chapter. The Rev. Martin Luther King, Jr. seized on her case and over the next decade rose to national prominence by leading the effort to enact historic civil rights and voting rights legislation in Congress.

America bestowed its highest honors on Rosa Parks later in her life, including the Presidential Medal of Freedom and the Congressional Gold Medal. Her life and legacy shows us that one person can change the course of history by courageously standing up for what is right. We must honor her legacy by continuing the fight for civil rights and equality under the law, to insure that all Americans, regardless of race, have the opportunity to pursue the blessings of liberty.

HONORING THE LEGACY OF ROSA PARKS

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 25, 2005

Mr. MEEK of Florida. Mr. Speaker, I rise to honor the life and works of an incredible woman and activist, Mrs. Rosa Parks.

Mrs. Parks' act of brave defiance rocked the foundation of American society and inspired generations of civil rights leaders and created a sense of hope for every American facing legal discrimination in this country. Ten years after she refused to give up her seat because of her color, the country changed completely.

What seemed like a small act; refusing to leave her bus seat on a winter day in 1955 in Montgomery, Alabama, led to a boycott of the Montgomery buses for nearly 13 months by the black community. Her act captivated a nation, solidified a movement, and ignited the candle of hope for an entire generation of blacks.

In 1955, Mrs. Parks was a seamstress at the Montgomery Fair department store, and on that day, in the winter of 1955, she boarded the Cleveland Avenue bus and took a seat in the middle. The bus quickly filled up at subsequent stops and soon a white passenger was left standing. Mrs. Parks refused to give her seat up as the bus driver instructed. In her 1992 autobiography, she said "People always said that I didn't give up my seat because I was tired, but that wasn't true. I was not tired physically, or no more than I usually was at the end of a working day. No, the only tired I was, was tired of giving in." Soon after Mrs. Parks' refusal, the U.S. Supreme Court desegregated Montgomery's bus system.

A museum and library now stands on Cleveland Avenue where Mrs. Parks boarded her bus. She was given the Medal of Honor and the Presidential Medal of Freedom. One cannot discuss the civil rights movement without mention of her name, and she will never be forgotten for her role in challenging the status quo.

Mr. Speaker, I cannot adequately express my feelings of sorrow at Mrs. Parks' passing. Mrs. Parks boarded the Cleveland Avenue bus in 1955 and took a journey she could never have imagined. But now, 50 years after her ride, we must remember her journey and renew our commitment to equality for all Americans.

RECOGNIZING DR. SARAH K. NOBLE FOR HER CONTRIBUTIONS AND SERVICE TO THE HOUSE SCIENCE COMMITTEE

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 25, 2005

Mr. GORDON. Mr. Speaker, I rise today to recognize a talented individual who has been a dedicated member of our Committee staff for the past year—Dr. Sarah K. Noble.

Sarah came to the minority staff of the House Science Committee in late 2004 as a Fellow on a fully funded scholarship from the Geological Society of America (GSA). Sponsored by GSA and the American Association for the Advancement of Science (AAAS), she has spent her time on the Committee assisting primarily with the Subcommittee on Space and Aeronautics.

She is an expert in the field of space weathering and has concentrated much of her academic career on the geological specifics of lunar and planetary studies. She is an esteemed researcher who has presented her work at numerous meetings and conferences. In short Mr. Speaker, we were honored to have a person of her distinction and expertise on our team.

During her tenure on the Committee, Sarah played an important role in our oversight of NASA, with a particular focus on its science and education programs. She also was a valued and tireless participant in developing H.R. 3250, the Democratic NASA Authorization bill. A significant fraction of that legislation was incorporated into H.R. 3070, the NASA Authorization Act that passed the House by a wide margin earlier this year. In short, both her analytic work and her thoughtful perspectives helped us to craft a better bill than otherwise would have been the case.

In addition to her policy and procedural work for the Committee, Sarah was also instrumental in another of our great accomplishments this year—our newly refurbished website. It must be difficult to find a distinguished geologist who also minored in art in college, but we successfully found that person in Sarah. Her vision for our new site helped shape the overall look and feel, easing navigation and broadening its appeal.

Sarah also has a passion for the study of science and mathematics, especially as it relates to inspiring our youth to pursue careers in the field. Sarah translated this passion—one that I share—into a groundbreaking section on our new website designed specifically for science and math teachers and the students they inspire.

The "Science Education & You" portion of the Science Democrats' website is more complete and effective today due to Sarah's input and guidance. Hardly a day goes by that a teacher or policy professional doesn't email with positive feedback on this portion of our website. The federal resources we locate and organize for teachers and students at http://sciencedems.house.gov will continue to grow, and Sarah deserves many thanks for helping us launch such a valuable resource.

We are sad to see her go, but Sarah is moving on to the next prestigious phase of her career at NASA's Johnson Space Center in Houston, TX where she will pursue post-doctoral work.

In a recent AAAS column detailing her Washington, DC experience Sarah wrote, "Scientists have a vital role to play in creating sound science policy and I am thrilled to be a part of that process." Mr. Speaker, Sarah's input as both a scientist and a scholar have been invaluable to our Committee this past year. I thank her for her dedicated service and wish her the very best in what promises to be an exciting career.

HONORING SPECIALIST DANIEL BARTELS

HON. STEPHANIE HERSETH

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 25, 2005

Ms. HERSETH. Mr. Speaker, I am saddened to report the passing of Specialist Daniel Bartels. He was killed, while serving in Operation Iraqi Freedom.

The lives of countless people were enormously enhanced by Daniel's goodwill and service. He inspired all those who knew him. Our nation is a far better place because of his life. All Americans owe Daniel, and the other soldiers who have made the ultimate sacrifice in defense of freedom, a tremendous debt of gratitude for their service.

Every member of the House of Representatives has taken a solemn oath to defend the Constitution against all enemies, foreign and domestic. While we certainly understand the gravity of the issues facing this legislative body, Specialist Daniel Bartels lived that commitment to our country. Today, we remember and honor his noble service to the United States and the ultimate sacrifice he has paid with his life to defend our freedoms and foster liberty for others.

Mr. Speaker, I express my sympathies to the family and friends of Specialist Daniel Bartels. I believe the best way to honor him is to emulate his commitment to our country. I know he will always be missed, but his service to our Nation will never be forgotten.

CONGRATULATING MAYOR GERALD ALSIP ON HIS RETIREMENT

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 25, 2005

Mr. LEVIN. Mr. Speaker, I rise today to offer congratulations to Mayor Gerald Alsip on his retirement from the City of Roseville, Michigan.

Mayor Alsip's exceptional career in public service spans 28 years. He has served the City of Roseville as a city council person for 16 years and Mayor for 12 years. Mayor Alsip's tenure has seen fiscal stability at the city and numerous local projects which have brought vitality and a sense of pride to the community. The new Recreation Center, renovations of the Library/City Hall and Police/Court complex, the opening of the Senior Center, and a variety of new businesses along the Gratiot corridor are highlights of an established community moving forward to serve its residents.

Mayor Alsip's record of accomplishment demonstrates his leadership abilities and his dedication to the City of Roseville and its residents. Jerry Alsip attended and graduated from Roseville Community Schools. He and his wife, Sharon are parents of 3 daughters, Sandra, Shannon and Amanda and proud grandparents of Hunter and Payton with a third grandchild due in November. Jerry Alsip has also been employed for 33 years at the Macomb County Circuit Court-Juvenile Division, currently serving as the Juvenile Division Administrator.

Mr. Speaker, I ask my colleagues to join me in applauding Mayor Jerry Alsip for his years of effective service to the City of Roseville and for his tireless commitment to the well-being of its citizens. With our Congressional offices now located in Roseville, I have enjoyed the opportunity to work with Mayor Alsip and I extend my heartiest congratulations and warmest wishes as he starts this new chapter in his life.

CONGRATULATING WILLIAM RANDOLPH COOK AND PATRICIA COLETTE GREEN ON THEIR UPCOMING NUPTIALS

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 25, 2005

Mr. MEEK of Florida. Mr. Speaker, I rise to congratulate and pay tribute to two people who are bound by their love for each other and by their service to God and our community. It is one of these ties that I want to recognize today, for William Randolph Cook and Patricia Colette Green are getting married on Saturday, October 29, 2005 at Mount Hernon African Methodist Episcopal Church in Miami Gardens, Florida.

They both served their country with distinction and honor in the U.S. Army. Patricia joined the U.S. Army in 1991 and served until 1994, receiving several commendations for service. Patricia is now a middle school teacher at Bob Graham Education Center. William served in the U.S. Army for four years. William now works for the Dade County Police Department in the PST Division and has received several unit citations from the Dade County Police Department.

They are both native Floridians who returned to the State after their military service and decided to serve the residents of Florida by helping to eradicate drugs from the neighborhood and teaching youth in urban North Miami.

I think the quote from Emily Bronte that they plan to use in their wedding program speaks to their commitment to each other, "whatever our souls are made of, his and mine are the same."

Each is a valuable contributing member of the South Florida family, and together they have truly emerged as leaders helping to foster the empowerment of a people and an overall better quality of life in our community. Our prayers and good wishes go with them for a long and happy life together.

TRIBUTE TO THE LATE ROSA PARKS

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 25, 2005

Mr. MOORE of Kansas. Mr. Speaker, today America celebrates the life of Rosa Parks. Fifty years ago a brave lady said "no," she would not go to the back of the bus and she helped end a sad chapter in American history. When Rosa Parks refused to move she stood tall for what America is about—for the dignity of every person and for human rights. Rosa Parks helped make us a better country. Rosa Parks made us all proud.

HONORING DRS. ORA AND MARK PESCOVITZ

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 25, 2005

Mr. BURTON of Indiana. Mr. Speaker, I rise tonight to pay tribute to two outstanding Hoosiers, Drs. Ora and Mark Pescovitz who were recently recognized at the Indiana-Israel Dinner of State held in Indianapolis on September 18, 2005—sponsored by the State of Israel Bonds/Development Corporation—for their years of dedicated service to the people of Indiana and to the State of Israel.

Since 1951, the State of Israel Bonds/Development Corporation for Israel has issued securities in the name of the government of Israel for the development of every aspect of Israel's economy, including agriculture, commerce and industry. Israel Bonds has secured close to more than $26 billion in investment capital, and throughout its history, Israel has maintained a perfect record on the payment of principal and interest on the securities it has issued. From humble beginnings, Israel Bond has gone from a fledgling idea, to a powerful legacy of achievement; in the process becoming the financial bedrock upon which the modern State of Israel was built.

This simple concept of investment in people and communities is also the bedrock upon which Drs. Ora and Mark Pescovitz have built their lives. Dr. Ora Pescovitz serves as an Executive Dean for Research at Indiana University School of Medicine as well as CEO and President of Riley Hospital for Children—the only comprehensive children's hospital in the state of Indiana, where thousands of patients and families travel to every year to seek diagnosis and treatment from one of Riley's many specialists. As if that weren't enough she has served on numerous committees of Endocrine Society and was chair of the 2002 Annual Meeting Steering Committee, she has served as President of the Society for Pediatric Research—the nation's largest pediatric research organization—been on six journal editorial boards, and is currently serving as the President of the Lawson Wilkins Pediatric Endocrine Society, chair of the March of Dimes Grants Review Committee, and a member of the Ad-Hoc Group for Medical Research Funding.

Dr. Ora has even found time to publish more than 170 manuscripts and books, including a recently published renowned textbook on Pediatric Endocrinology, and her awards and accolades are many including, a Research Career Development Award from the National Institutes of Health, Indiana University School of Medicine's highest Teaching Award, and the Distinguished Alumni Award from Northwestern's Feinberg School of Medicine.

Dr. Mark Pescovitz's contributions are just as impressive. He is currently serving as Vice Chair for Research in the Department of Surgery at Indiana University, and since 1988, he has been a member of the Division of Transplant Surgery. Dr. Mark is also actively involved in the transplant community in the U.S. and around the world, serving on many national and international committees—most recently the Executive Council of the United Network of Organ Sharing, the umbrella organization that regulates transplant organs—and lecturing on the subject worldwide.

Dr. Mark is as prolific a researcher and writer as his wife, publishing over 200 articles in scientific journals and serving on the editorial boards of the three primary transplant journals. His primary research interests are new drugs to prevent transplant rejection and viral infections, but more recently he has combined his knowledge of immunology with that of diabetes and is directing a world-wide study designed to treat patients recently diagnosed with type-1 diabetes with the ultimate goal of eliminating their need for insulin. Dr. Mark Pescovitz is also famous for being the first doctor to perform a pancreas transplant for diabetes in Indiana—shortly after his arrival at Indiana University—essentially single-handedly creating the pancreas transplant program in the Department of Surgery at Indiana University.

Over the years, Drs. Ora and Mark Pescovitz have also spent time nurturing their Indiana and Jewish roots, opening their home to host numerous events for the Jewish community including for the Maimonides Association, Beth-El Zedeck, the Hasten Hebrew Academy, NCJW, the Borns Center for Jewish Studies at Indiana University, Israel Bonds and the Jewish Federation. Dr. Mark is also a member of the board of the Jewish Federation and Jewish Community Relations Council, as well as a member of the boards of the Indianapolis Opera, the International Violin Competition of Indianapolis, and the Herron School of Art.

Mr. Speaker, individually and together, the Pescovitzes' contributions to the United

States, to the people of Indiana, and Indiana Jewish Community, and to the State of Israel represent the highest tradition of selfless public service, civic stewardship and commitment to others. Their praiseworthy efforts were recognized at the Northwest Indiana-Israel Dinner of State, and I ask my colleagues to join me now to commend and congratulate Drs. Ora and Mark Pescovitz for their outstanding achievements, and their lives of service.

IN HONOR OF ROSA PARKS

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 25, 2005

Mr. HONDA. Mr. Speaker, yesterday we lost one of the truly great figures in American history, Rosa Parks. I rise to honor the life of the Civil Rights icon known for her strong and quite courage. Ms. Parks was a seamstress at the Montgomery Fair department store in Montgomery, Alabama. It was her refusal to surrender a bus seat to a white man that launched the modern civil rights movement 50 years ago and inspired generations of activists.

During the 1950's, this nation was at a turning point in the area of race relations. Looking back, the Civil Rights movement had been building up, but a special moment, a spark, was needed to wake the national conscious. Rosa Parks stand provided that spark, and later became known as the "mother of the civil rights movement".

The arrest of Rosa Parks inspired a young Reverend Martin Luther King Jr. to organize the famous Montgomery bus boycott. The 381 day Montgomery Bus Boycott, became one of the largest and most successful challenges of segregation, which drew more attention towards the civil rights movement.

Ms. Parks dedicated her life towards achieving equality and freedom for all, serving as secretary of the NAACP and later the Adviser to the NAACP Youth Council, helping African Americans pass special tests which would allow them to register to vote. Mrs. Parks continued on her journey for racial equality when she tried to register to vote on several unsuccessful attempts.

Over the years, Rosa Parks dedicated her time to educating her fellow Americans on the history of the civil rights struggle. In 1987, with the help of Elaine Eason Steele, Parks founded the Rosa and Raymond Parks Institute for Self-Improvement, a youth assistance organization in Detroit. The program takes young people on an educational tour that visits sites of importance in the civil rights movement.

Because of the dedication Rosa Parks showed in the struggle for racial equality, her work has been recognized in receiving innumerable honors, including the Martin Luther King Jr. Nonviolent Peace Prize Award, the Martin Luther King Jr. Leadership Award, the Eleanor Roosevelt Women of Courage Award, Medal of Honor, the highest award that the U.S. government bestows, and the Presidential Medal of Freedom, the nation's highest civilian award.

Mr. Speaker, Rosa Parks continued her commitment to civil rights until her death. She will always be known as a person who was immensely concerned about equality, freedom, prosperity justice for all and she will be dearly missed.

DEATH OF RABBI HERMAN N. NEUBERGER

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 25, 2005

Mr. CARDIN. Mr. Speaker, today I rise to mourn the recent passing of Rabbi Herman N. Neuberger, the president of the Orthodox Ner Israel Rabbinical College in Baltimore, Maryland. I have known Rabbi Neuberger for many years and have counted on his friendship and advice. The death of Rabbi Neuberger is a tremendous loss for our entire community. Rabbi Neuberger was one of the foremost leaders of Orthodox Jewry in the United States, and was internationally recognized for his accomplishments.

Born in 1918 in Germany, Rabbi Neuberger was the youngest of three children. In 1938 he fled to the United States, on his own, as the Nazi regime began its rise to power in Germany. During World War II he helped to erect Ner Israel's first building on Garrison Boulevard in Baltimore.

Rabbi Neuberger affected the lives of many Jews in Baltimore, but he also helped Jews around the world escape from persecution. In 1976 he began bringing young Iranians back to Ner Israel for scholarship, and he encouraged them to return to the Middle East. After the 1979 Iranian revolution, Rabbi Neuberger successfully persuaded the State Department to recognize Iranian Jews as political refugees, which allowed them to enter the United States. Many of the refugees became students of Rabbi Neuberger, who waived tuition for them. The school estimates that over the years roughly 1,000 people were brought to the United States due to the Rabbi's efforts.

Throughout his life Rabbi Neuberger also labored mightily to build bridges between different religious communities in Baltimore, understanding the critical importance of strengthening the inter-faith dialogue in this country to confront common problems.

Through his work over a half century, the campus expanded to include 90 acres and 800 students. Today Ner Israel teaches Talmudic Law and offers students numerous degrees, including a baccalaureate, master's, doctorate, Rabbinical Ordination and a teacher's diploma. Ner Israel is recognized as an accredited college by the state of Maryland, and its students may take courses at other colleges and universities in the Baltimore region and receive academic credits for their religious studies.

Rabbi Neuberger's family also contributed to his legacy at Ner Israel, as he is survived by five sons, three of which teach at the school.

Rabbi Neuberger had a tremendous impact on the spiritual, intellectual, and communal lives of thousands of Jews throughout the world. Rabbi Neuberger exemplified what it was to be a rabbi: someone with the wisdom to be a learned teacher and leader. His advice was sought out by community leaders of all faiths, and his wise counsel will be sorely missed.

25TH ANNIVERSARY OF INTEL RIO RANCHO

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 25, 2005

Mr. UDALL of New Mexico. Mr. Speaker, I rise today to recognize the 25th anniversary of the Intel Corporation facility in Rio Rancho, in my home state of New Mexico. Intel Corporation came to New Mexico in 1980 with just 25 employees and a tremendous vision for the future; today Intel is the largest employer in Rio Rancho, an area now known as the Silicon Mesa. Intel Corporation is a vital part of the local economy and a major contributor to civic and educational programs in Rio Rancho and the surrounding area.

Intel has been instrumental in the growth and economic development of Rio Rancho throughout the years; as plant operations expanded so did the number of employees and support services utilized by this technology giant. Intel expansion has resulted in numerous improvements in Rio Rancho; in 1997, the corporation donated $30 million dollars for the construction of a much-needed high school.

Intel currently employs over seven thousand workers and subcontractors in New Mexico who benefit from wages that are well above the state average. Area businesses also flourish as Intel continually bolsters the local economy by purchasing goods and services in Rio Rancho. The city of Rio Rancho has grown, and continues to grow, around the presence of Intel Corporation.

Intel's involvement in Rio Rancho extends far beyond economic consideration, and commitment to community is evident by the corporation's participation in numerous philanthropic programs. Intel employees regularly volunteer time on many local art, education and cultural projects which are then matched by corporate funding. Intel also awards monetary grants to local organizations seeking to better the community and the state of New Mexico.

The Intel Corporation plays a key role in technology education in New Mexico. Intel partners with higher learning institutions in the state to create programs and curriculum that prepare students for employment at the Rio Rancho facility. Additionally, Intel provides access to technology in the Computer Clubhouse program and donates funding and equipment to local schools.

Mr. Speaker, please join me in congratulating Intel Corporation on 25 successful years of business in Rio Rancho. Intel's presence in Rio Rancho has resulted in abundant resources for both employees and the surrounding community. Intel is an integral component in the growth of Rio Rancho and a stabilizing factor in the local economy. I thank the Intel Corporation for their consistent participation and lasting contributions to Rio Rancho and the state of New Mexico.

PERSONAL EXPLANATION

HON. PHIL GINGREY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 25, 2005

Mr. GINGREY. Mr. Speaker, due to the passing of my good friend, Sam Smith of Cartersville, Georgia, I request a leave of absence from votes this evening so I may attend his wake.

RECOGNIZING THE CONTRIBUTIONS OF LILIA PEREZ

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 25, 2005

Mr. CUELLAR. Mr. Speaker, I rise today to honor Lilia Perez for her contributions to the Laredo, Texas community that recently resulted in the opening of a community center bearing her name.

Lilia Perez is a native Laredoan who grew up, attended school, and has worked her entire life in Laredo. A few short years after studying Business Administration at Laredo Junior College, Lilia was elected to the Webb County Community Action Agency Board, where she represented the poor of Laredo for over thirty years.

In 1982, Lilia Perez was elected a Commissioner of Webb County, making her the first female Commissioner in the county's history. Lilia has also served on the South Texas Region Community Development Block Grant Review Committee and the City of Laredo Planning and Zoning Commission.

Continuing her devotion to her community, Lilia was appointed to the South Texas Retired Senior Volunteer Board. Lilia's service to seniors and the poor led the City of Laredo to name their newly-built Community Center in her honor.

The Lilia Perez Community Center was financed through the Community Development Block Grant Program of the U.S. Department of Housing and Urban Development. The Community Center opened on September 30th, and provides meeting and storage facilities for seniors in the Laredo community.

I am honored to come before you today to recognize the contributions of Lilia Perez to Webb County, and I wish the Community Center the best as it serves our elderly citizens in Laredo.

HONORING THE MEMORY OF NJ STATE ASSEMBLYMAN AND NEWARK CITY COUNCILMAN DONALD K. TUCKER

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 25, 2005

Mr. PAYNE. Mr. Speaker, I rise to honor the memory of a former colleague and a friend, Assemblyman/Councilman Donald Kofi Tucker. I have known Assemblyman/Councilman Tucker for most of my adult life, serving with him on the Newark Municipal Council for many years.

Donald served in the United States Air Force and following his honorable discharge, he became an activist in the Community. He was a man who looked after the needs of all the people. He was elected to the Newark Municipal Council in 1970 and began working as an elected official on behalf of the citizens of Newark. He worked diligently for decades as chairman of the Tax Abatement Committee of the Newark Municipal Council and he served as president of the National Black Caucus of Local Elected Officials (NBCLEO) for many years. He was also appointed and served as chair of the Passaic Valley Sewerage Commission. As one of the founders and chairman of the New Jersey Black Issues Convention (BIC), he had a mind to educate African Americans on the issues concerning the struggle for peace, equality and justice. He was elected to the New Jersey State General Assembly as an Assemblyman in the 28th Legislative District in 1997 and was named in 2001 and served as Speaker Protempore until his passing. Donald also supported the National Black Caucus of State Legislators (NBCSL). We must remember all the countless children and elderly he served as founder and president of "The Centre, Inc.", a community services multipurpose center serving children, youth and seniors on Elizabeth Avenue in Newark.

Assemblyman/Councilman Tucker had views he firmly believed in and supported those views very passionately. But at the same time, he was a gentle man who gave of himself wholeheartedly. Even while he was ill, he still put the needs of his constituents before that of his own health.

After lying in State in the Rotunda of Newark City Hall, a home-going service will take place on Tuesday, October 25, 2005 in Newark, New Jersey where his family, friends and colleagues will remember his legacy. I am certain that this legacy will live on in the people of Newark, throughout the State of New Jersey and across the Nation. He will be sorely missed.

I ask my colleagues here in the U.S. House of Representatives to join me in paying tribute to the memory of this outstanding public servant and in offering our deepest condolences to his wife, Cleopatra and his three children, Donna Wynn, Stacey Carroll and Kiburi Tucker and his nine grandchildren.

ON THE PASSING OF ROSA PARKS

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 25, 2005

Mr. VAN HOLLEN. Mr. Speaker, I rise today to pay tribute to Rosa Parks, a woman who dedicated her life to changing our Nation so that all Americans would have the opportunity to experience true freedom and justice. It was her courage and steadfast resolve that launched the Montgomery, Alabama bus boycott and sparked the civil rights movement.

As we mourn her loss, we should recommit ourselves to stamping out injustice wherever it exists. We can best pay tribute to this remarkable woman by speaking out boldly against inequality and oppression and refusing to accept, ignore, or submit to it.

I extend my deepest sympathies to the members of Mrs. Parks' family. I hope that they can find solace in knowing that all Americans are grieving the loss of this courageous woman, who inspired generations of civil rights activists and changed the course of our Nation's history forever.

ON THE PASSING OF ROSA PARKS

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 25, 2005

Mr. ENGEL. Mr. Speaker, I rise today to honor the life and memory of the civil rights pioneer Rosa Parks, who passed away on October 24, 2005, at the age of 92. Rosa Parks is one of our country's premier civil rights advocates, who worked in the Montgomery, Alabama office of the National Association for the Advancement of Colored People and is best known for refusing to relinquish her bus seat to a white man in December 1955.

Her quiet defiance lead to her arrest and sparked the movement that inspired the Civil Rights Act which banned racial discrimination in public accommodations, ending legal segregation in America. Her historic act of courage showed that it was long past time to roll back the Jim Crow era discrimination laws.

After taking her public stand for civil rights and the ensuing Montgomery bus boycott, Mrs. Parks was unable to obtain work in Alabama. In the midst of threats and harassment, she and her husband, Raymond Parks, moved to Detroit, MI in 1957. Mrs. Parks worked as an aide in Rep. John Conyers' Detroit office from 1965 until retiring September 30, 1988.

Upon her retirement, Mrs. Parks said she sought to dedicate more time to the Rosa and Raymond Parks Institute for Self Development, founded in 1987. The Institute is committed to developing leadership among Detroit's young people and initiating them into the struggle for civil rights. Mrs. Parks continued to be a leader within her community and a symbol of freedom for all Americans up to her death.

Mr. Speaker, Rosa Parks' lifetime work and fight for the civil rights for African-Americans has not gone unnoticed in the last decade. Mrs. Parks was awarded the prestigious Presidential Medal of Freedom by President Bill Clinton and the Congressional Gold Medal. Rosa Parks not only stood up for herself but for generations of African-Americans. Mrs. Parks will and shall forever remain an inspiration to those who are fighting for freedom and her legacy will remain iconic for the civil rights movement.

STATEMENT HONORING THE LIFE AND ACCOMPLISHMENTS OF CIVIL RIGHTS INSPIRATION ROSA PARKS

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 25, 2005

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to pay tribute to the life of civil rights icon, Rosa Parks. Mrs. Parks served us all as a shining example of courage, strength and dignity for the whole of her 92 years and through some of the darkest points in our nation's history. An acknowledgement of her life and her passing on Monday, October 24, 2005 is in order.

On December 1, 1955, Rosa Parks quietly insisted upon the actions demanded by the most self-evident of truths: that she be recognized and respected as an equal. An equal to every other human being and every other citizen in the State of Alabama and the United States of America. On a day when she had worked as hard as anyone else, Rosa Parks insisted that she be recognized and respected as a human being, and quietly demanded to keep her seat.

The simplicity of her refusal to give up her seat on a public bus to a White passenger crystallized the pain of a nation and sparked a Movement. From that day on, African-Americans would be civilly disobedient. We would use non-violence to quietly demand in the most respectful way possible that we receive the respect that had been denied to us. Mrs. Parks inspired a Civil Rights Movement that empowered African-Americans politically, socially and personally. She was our inspiration to walk together until the economic, cultural, historical and political importance of African-Americans as Americans would be recognized. Mrs. Parks inspired the first steps in the next chapter of our national journey. . .and we continue to walk together today.

As we remember Rosa Parks, we must remember the trials and sacrifices for which she and so many others tirelessly fought. We must honor her memory by continuing the fight. The fight for justice. The fight for equality. The fight to be recognized first and foremost and in all situations as human beings. We are saddened by her passing, but she will live on in our memories and our actions.

85TH ANNIVERSARY OF MACARON'S SOOPER MARKET

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 25, 2005

Mr. UDALL of New Mexico. Mr. Speaker, I rise today to recognize the 85th anniversary of Macaron's Sooper Market, the oldest business establishment in the town of Springer, in my home state of New Mexico. Founded in 1920, Macaron's Sooper Market has been family-owned and operated for the entire 85 years the store has been in existence.

A testament to small business success in Northeastern New Mexico, Macaron's Sooper Market, the oldest business establishment in the town of Springer, in my home state of New Mexico. Founded in 1920, Macaron's Sooper Market has been family-owned and operated for the entire 85 years the store has been in existence.

A testament to small business success in Northeastern New Mexico, Macaron's Sooper Market also plays a significant role in the history of Springer. Originally known as the Springer Confectionery Store, Joseph and Lillie Macaron purchased the establishment in 1920 and reopened the business in October as the Macaron's Sooper Market.

In the thirties, more modern times necessitated the move to a newly constructed, larger building not far from the original location. The store was expanded again in the sixties to become the Macaron's Sooper Market we know today.

The legacy continues as Fred, Betty, Gary and Marilyn Macaron, descendents of the store founders, carry on the family business and decades-long tradition. Macaron's Sooper Market is an enduring and historic feather of Springer and a staple of the Northern New Mexico small business community.

Mr. Speaker, please join me in offering congratulations to the Macaron family as they celebrate 85 years in business. Family-owned small businesses like Macaron's Sooper Market are the heart of Northeastern New Mexico's economy.

HONORING ROSA PARKS

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 25, 2005

Mr. LANTOS. Mr. Speaker, I rise today to commemorate and celebrate the life of Rosa Parks and her immense contribution to the struggle for human rights and the betterment of American society. Rosa died in her Detroit, Michigan, home on Monday, October 24, 2005, at age 92. Although saddened by this great loss, I cannot help but have great admiration for the courageous woman who kept her seat in a time of injustice. Known as the "mother of civil rights," Rosa unremittingly devoted her life to guarantee equal rights to all Americans.

Rosa, clothed with determination, refused to give up her seat on a Montgomery, Alabama, bus 50 years ago and injected life and energy into the Civil Rights Movement. Rosa's actions led to a 380-day citywide bus boycott and influenced a Supreme Court decision that demanded all public transportation be desegregated. Rosa's civil disobedience gave rise to a young minister, Martin Luther King, Jr., and to a wave of mass demonstrations and protests that changed a nation. Rosa's relentless belief in the American ideal that "all men are created equal" strengthened her ability to make a difference.

Many honors were given to Rosa during her life, memorializing her monumental achievements. She received the Congressional Gold Medal, the nation's highest government award showing appreciation for her distinguished achievements and contributions, and the Presidential Medal of Freedom, the nation's highest civilian award, which recognizes exceptional meritorious service. More than 40 colleges and universities bestowed Rosa with an honorary doctorate. A museum and library on the Montgomery corner where she boarded the bus in 1955, is named for her. It is difficult to find a U.S. history book that does not mention her role in history.

Mr. Speaker, I ask my colleagues to join me in paying tribute to the legacy of Rosa Parks who gave selflessly to ensure the basic principles of American democracy were afforded to everyone. Rosa improved the quality of life for many and made the United States into a place where all people enjoy freedom.

CONGRATULATING THE PENN HIGH SCHOOL GIRLS GOLF TEAM ON ITS SECOND CONSECUTIVE STATE CHAMPIONSHIP

HON. CHRIS CHOCOLA

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 25, 2005

Mr. CHOCOLA. Mr. Speaker, Hank Aaron, baseball's all-time homerun champion, once said, "It took me seventeen years to get 3,000 hits in baseball. I did it in one afternoon on the golf course."

As Mr. Aaron can attest, playing golf and being skilled at golf are two very different things. Which is why I rise today to note the accomplishment of five young women in my district who attend Penn High School in Mishawaka, IN.

These five young women—seniors Julia Potter, Laura Ormson, Erin Buttrey, Michelle Fleischman, and freshman Anne Ormson—recently won their second consecutive championship at the 33rd Annual Indiana High School Athletic Association Girls Golf State Finals tournament.

The 2-day tournament was held at the Legends of Indiana Golf Course in Franklin, IN, where the Penn Kingsmen finished first among a field of nine talented golf teams.

And they did so in dramatic fashion. The team set Indiana State finals records for their 18-hole and 36-hole leads, ultimately defeating runner-up Noblesville by 32 strokes.

This was the team's third State title in 4 years under Coach Jim Garrett, with three team members—Julia Potter, Anne Ormson, and Laura Ormson—finishing among the top nine individual golfers in the entire State.

Mr. Speaker, former President Gerald Ford once expressed this sentiment on golf: "The pat on the back, the arm around the shoulder, the praise for what was done right and the sympathetic nod for what wasn't are as much a part of golf as life itself."

I couldn't agree more. And I'm sure the parents of these five young women agree that the character building lessons they learned on the golf course will benefit them throughout their lives.

On behalf of the constituents of the Second District of Indiana, I would like to express our heartfelt congratulations to the Penn High School girls golf team for winning the 2005 State title.

OCTOBER IS NATIONAL BREAST CANCER AWARENESS MONTH

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 25, 2005

Ms. LEE. Mr. Speaker, I rise today to recognize October as National Breast Cancer Awareness Month. For over 20 years, National Breast Cancer Awareness Month has educated women about early breast cancer detection.

The statistics are staggering and demonstrate the dramatic impact this disease takes on our country. Most of us know of someone who has been affected by breast cancer—your mother, your sister, your wife, or a beloved friend.

In the United States, breast cancer is the most common non-skin cancer and the second leading cause of cancer-related death in women. It is the leading cause of death in women between the ages of 40 and 55.

In 2005, an estimated 270,000 women will be diagnosed with some form of breast cancer and approximately 40,000 women are expected to die from this disease, 4,100 in my home State of California alone.

While women account for the majority of breast cancer cases, we must not forget the estimated 1,690 men who will be diagnosed this year and the 460 expected to die. Due to the rarity of breast cancer in men, much less is known. This leads to the fact that men are more likely than women to be diagnosed with advanced disease and thus have poorer chances of survival.

In 2002, there were approximately 2.3 million women with a history of breast cancer. The most recent data suggests that 13.2 percent of women born today will be diagnosed with breast cancer at some time in their lives. That means 1 in 8 women will be affected by this disease.

Rates for women differ significantly for certain racial and ethnic groups. Although breast cancer deaths declined by 2.4 percent for white women from 1990 to 2002, the rate only dropped by 1.8 percent for Hispanics and 1 percent for African-Americans and Asian-Americans-Pacific Islanders. Strikingly, breast cancer mortality rates disproportionately affect African-American women in relation to White women. In 2002, death rates were 37 percent higher for African-Americans.

These disparities can be seen in my home State of California and in my district of Alameda County. The breast cancer rate for Asian women in California is going up, while the rates for other California ethnic groups are dropping. In the Greater Bay Area, as in the U.S., African-American women continue to have poorer breast cancer survival rates compared to White women.

Specifically, in Oakland, the breast cancer incidence rate was 144.1 per 100,000, significantly lower than the Alameda County rate of 159.7. This suggests that women in Oakland do not have enough access to testing and are less likely to be diagnosed than women countywide.

Breast cancer does not have to take the lives of so many women. When detected early, the 5-year survival rate is over 95 percent. Mammograms and breast self-exams are proven methods of combating this disease. Seventy percent of all breast cancers are found through breast self-exams and mammography can detect breast cancer an average of 1–3 years before it is large enough to be felt.

Despite these proven detection methods, 13 million U.S. women, 40 years of age or older, have never had a mammogram. For women between the ages of 40 and 49, a mammogram every 1–2 years may reduce the risk of dying from breast cancer by 17 percent and for women aged 50–74 it may reduce the risk by 30 percent. Women cannot afford to go without these life saving measures. Every day and especially on October 21, 2005, National Mammography Day, women are encouraged to make an appointment.

Although mammograms are available, many women with poor or no health insurance, can't afford these routine tests. It's estimated that current funding allows only 1 in 5 needy women who qualify for the free CDC National Breast and Cervical Cancer Early Detection Program to get these tests. As these simple screenings save the lives of thousands of women, we must commit to providing more money and resources for those women who can't afford to get tested.

Despite these facts, I am happy to report that more California women are getting regular mammograms. In the year 2000, 79 percent of women age 40 and older had had a mammogram within the past 2 years compared to 38 percent of women in 1987.

This month, I applaud the efforts of groups such as the American Cancer Society, the National Breast Cancer Foundation, the National Breast Cancer Coalition, the CDC, the National Cancer Institute and all the other groups working to end this disease for their commitment to research, fundraising, screening, and support for individuals affected by breast cancer.

In Congress we must support initiatives that advance the message of these groups. As Representatives, we must pass H.R. 2231, legislation that would establish multidisciplinary, multi-institutional breast cancer research centers to study the potential links between breast cancer and the environment.

We must also support the $150 million appropriation for the Department of Defense Peer Reviewed Breast Cancer Research Program. This program is the gold standard for breast cancer research in the country and has a decade of support from a majority of Congress.

Strong research translates into more effective ways to treat breast cancer patients. Moreover, as we develop improved methods for treating this disease we must ensure that all Americans have access to the highest quality health care.

Each one of us has the duty to continue to support these meaningful measures and work within our communities to decrease the prevalence and death rate of breast cancer. In October and in every other month of the year we must continue the fight to educate both men and women about breast cancer and to eradicate this disease.

HISPANIC HERITAGE MONTH

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 25, 2005

Ms. LEE. Mr. Speaker, I rise to recognize and celebrate Hispanic Heritage Month which just ended. I want to once again acknowledge and appreciate this ever growing community.

In Congress, I have always held the concerns of the Latino community as my own. I am a Member of the Hispanic Working Group organized by Democratic Leader NANCY PELOSI, and am a member of the Tri-Caucus, which is the collection of the Congressional Hispanic Caucus, Congressional Black Caucus, and the Asian Pacific American Caucus. Through these Congressional organizations, and through the legislation I introduce and support, I look for ways to improve the lives for Latinos, particularly in Healthcare, Education, Housing, and other areas.

In my district, the 9th Congressional District of California, the contributions of Latino members of the community are stronger than ever. The Latino community is active and engaged throughout the District, State, and beyond. For example, Gabriela Franco, Vice President/Bank manager for Bank of the West was born in a small town in Mexico. Her parents brought her family to live in the United States when she was just 5 years old. She is the first person in her entire family to earn a college degree. Like so many other Latinas, Gabriela has a passion for giving back to the community in any way she can. Gabriela sits on the advisory board for three non profit organizations, Operation Hope, Women's Initiative for Self Employment (WISE) and the Ora Lee Brown Foundation. She volunteers with different organizations in my community, including Wardrobe for Opportunity and the ALAS program for WISE.

WISE is a private, non-profit agency providing comprehensive business training, ongoing technical assistance and financing for Bay Area low-income women. Their programs are designed to assist an entrepreneur in gaining the necessary skills to start, grow and/or expand her business. Among the many successful graduates of WISE is Eva Saavedra. Eva and her husband Juan began their business from their home offering food to her neighbors. She met with instant success and after three years, with the assistance of WISE and the Unity Council, she was able to purchase the necessary equipment to open her own restaurant, El Huarache Azteca. El Huarache Azteca has been recognized by the Oakland Tribune and the San Francisco Chronicle as one of the finest Mexican restaurants in the Bay Area.

Another example is Terry Alderete; Terry has been a leader and mentor for many years. Terry has served on the board of the Chicano-Latino Youth Leadership Project, (CLYLP) which was established in 1982 to prepare Latino high school students to actively participate in California's economic, social, and political development in the 21st century and beyond. Terry has been instrumental in securing funding for CLYLP which has served countless Latino students including members of my staff.

Terry serves as the Northern Region Director of the California Hispanic Chamber of Commerce, and as the Vice President of the Alameda County Hispanic Chamber of Commerce. In addition, Terry is the coordinator of the largest Dia de los Muertos (Day of the Dead) and Cinco de Mayo celebrations in the United States. Terry has managed to make these events as the premier family-oriented, alcohol-free, large-scale free festival in the East Bay, celebrating cultural traditions, diversity, and the arts in a fun and safe environment. Because of the popularity, diversity, and historical importance of the Dia de los Muertos festival, I inducted the festival into the Library of Congress as a local legacy in the State of California.

Individuals in my district are the motivating force behind the remarkable organizations that promote civic engagement among Latinos in the 9th Congressional District. Leaders like Jesus Rodriguez, an Oakland Community Organization field representative, who organizes informational town hall meetings on health care, education, and immigration for the Latino community. Belen Pulido, an Berkeley Organizing Congregations for Action field representative, helps BOCA fulfill its mission of creating a coalition of interfaith congregations throughout the city of Berkeley to come together to dialog the need of faith support in the wider Berkeley area. Belen's leadership has been instrumental in having BOCA meeting the needs of the Latino community by persuading Berkeley High School in the English Language Learners program to translate forms and documents into Spanish for parents. In addition, Belen has organized immigration town halls and fundraiser for the School of the Americas organization.

Mr. Speaker, these are just a few examples, but I hope that this Congress will acknowledge the contributions of the Latino community to our nation. Our differences should not divide us; rather, they should be bringing us together in celebration of what this nation is about. The work of people like Belen Pulido, Terry Alderete, Eva Saavedra, and Gabriela Franco, set a shining example for the next generation of leaders of not just the Latino community, but of this nation as a whole.

SENATE—*Wednesday, October 26, 2005*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God our rock, exalted above all blessings and praise, the host of Heaven worships You. Today we praise You for the opportunity of serving our country in the Senate. Incline our hearts to do Your will and set a guard over our lips. Help us to see the path You desire us to take as You teach us to do Your will.

Lead our Senators. Revive them so that they will face each challenge with an inexhaustible faith. Direct their steps by Your word and let no evil dominate them. May their faith have feet and hands, a voice, and a heart, that they will seek to serve You by serving others.

Help each of us to strive for truth, justice, and peace. May the lofty ideals we profess shine in our faces and be seen in our lives.

We pray in Your wonderful Name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning we have set aside the first 30 minutes for a period of morning business. We will then proceed to consideration of the Labor-HHS appropriations bill. Senator SPECTER has commitments from several Senators this morning to come offer their amendments. In addition to those to be offered, we already have several pending from yesterday. We will be calling rollcall votes throughout the course of today to dispose of these amendments, and we will announce when Senators can expect those votes.

I remind my colleagues that a cloture motion was filed last night on the Labor-HHS appropriations bill. That cloture vote will occur on Thursday morning. Under rule XXII, Senators have until 1 o'clock today to file their first-degree amendments at the desk. We will finish this bill this week. It is up to the Senate to decide if we are going to be here late Thursday or Friday, but we will finish the bill. If Senators are reasonable in their requests for amendments and debate times, we may well be able to finish tomorrow; if not, we will continue on Friday to finish this final appropriations bill. Again, I congratulate all of our colleagues for sticking together and systematically going through each of the appropriations bills over the last several weeks.

Mr. REID. If I could direct a question to the distinguished majority leader, it is my understanding we are not going to recess at 1:45 for Negroponte. People can go or not, and we will still continue Senate business.

Mr. FRIST. That is correct. We will continue working today. Again, I want to restate the conversation that the distinguished Democratic leader and I had yesterday regarding these votes over the course of the day. We want people to come over on time so we can proceed in a disciplined, orderly way.

I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business for up to 30 minutes, with the first half of the time under the control of the Democratic leader and the second half of the time under the control of the majority leader.

The Senator from Washington is recognized.

MEDICARE PRESCRIPTION DRUG PROGRAM

Mrs. MURRAY. Mr. President, I am here this morning to talk about a dangerous flaw in the Medicare prescription drug program that is about to take effect. This flaw is a ticking time bomb for more than 6 million Americans, for our communities and our health care providers. That fuse is going to detonate on January 1.

We cannot allow low-income seniors and the disabled to lose their direct coverage. We cannot leave our doctors and hospitals and nursing homes unprepared for the biggest change in decades. And we should not be pushing hundreds of thousands of people who need care onto our local communities. We can't wait. We have to fix this problem today. That is why I will be offering an amendment later this morning.

I have been working with Senators ROCKEFELLER and BINGAMAN to address the immediate crisis. I thank them for their leadership. I have also introduced my own bill to protect our most vulnerable. It is the Medicare HEALS Act, S. 1822.

I have been traveling around my State. I have been meeting with people in Seattle, Lakewood, Yakima, Aberdeen, and Olympia. I want my colleagues to know, everywhere I go, people are angry and confused. And they are very worried, with good reason.

One senior told me:

> Everyone I have talked to is totally confused—my doctor, my pharmacist, even the Medicare number you are supposed to call.

Another one said:

> If we can't understand this, this whole [Medicare] plan is going to fail.

Everywhere I went, people were confused. There were questions that I couldn't answer. When I turned to the doctors sitting next to me, they didn't know the answer. And neither did the pharmacists or the patient advocates. If Senators and doctors and experts do not understand this, how can we expect an 80-year-old person with serious medical problems to understand this complicated new program? We can't. So we need more time and more resources to make this prescription drug plan work.

One person I met with said:

> Please give us more time. Give us the chance to understand this so we don't make a mistake when we sign up.

One panelist told me:

> Taking away something from those that need it the most . . . is not the American way.

I couldn't agree more. That is why I am here this morning to talk about this, and that is why I will be offering an amendment shortly after we go to the bill.

I have many concerns with the Medicare prescription drug law. I voted against it in 2003 because I believed that seniors deserve better and that

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

America can do better than that. I am concerned about the complexity, the coverage gap, whether needed drugs will be covered. I am concerned about retirees losing the good coverage they have today. And I am concerned about the late enrollment penalty that is going to punish seniors who need more time to pick the right plan. I am working with many other Senators to address all of those concerns. But today the most urgent problem is the way the new law treats our most vulnerable people, people with low incomes, the disabled, and those facing serious medical challenges like AIDS.

This law takes away the critical drug coverage these people have today and puts them into a new program that could charge them more money in exchange for less drug coverage. If they don't sign up for a plan, they are randomly assigned one. Either way, the prescriptions they need may not be covered. Because these Americans are living on the financial brink, an interruption of their drug coverage or a new copayment could keep them from getting the drugs they need to live on. The people who are being affected don't know what is going to happen. The doctors and pharmacists, they don't understand it either. This entire mess is going to burst into the open on January 1. We need to take action to prevent this catastrophe now because it is only a few months away.

To understand this problem, let's look at how our most vulnerable get their prescription drugs today and how that is about to change. Today, about 6.4 million Americans with low incomes get help from two programs: Medicare at the Federal level and Medicaid at the State level. These individuals are sometimes what we call dual eligibles because they are eligible for assistance from both Medicare and Medicaid. What Medicare does not cover, the States usually cover. For example, the Federal program did not cover prescription drugs. The State programs filled in that gap. The State coverage is often called wraparound coverage, and it is critical for our most vulnerable families. As a result, these individuals get the drugs they need, often without copayments or deductibles.

But there is a big problem coming January 1. The new drug program prohibits States from providing the extra help they do provide today. Instead, what it does is move these people into the Medicare program alone, which will require higher out-of-pocket payments and which will most likely cover fewer drugs. To me, it doesn't make sense to take away the good coverage that vulnerable families have today, force them into a program that might not meet their needs, charge them more money in the process, and then prohibit our States from helping out these most vulnerable people. It doesn't make sense, but that is exactly what this new drug program will do unless we fix it before January 1.

In fact, the new Medicare prescription drug program changes the coverage of our most vulnerable in five ways: It imposes higher costs—those are premiums, copays and deductibles; it covers fewer drugs; it blocks States from providing extra help as they do today; it provides no transition period to ensure that these low-income residents don't face these gaps in coverage; and it penalizes people who need more time to pick the right plan for them.

These are real people we are talking about. I want to introduce two of them. Earlier this month in Seattle, I met a woman named Kathryn Cole. She is 36 years old. She is disabled, and she is living on Social Security disability. She fills about 15 prescriptions each month, and her monthly income is $757. She told me:

> Even if the copay were only $5, that adds up to $75 a month. I don't have the kind of extra money to squeeze out of my budget.

Kathryn asked me:

> Which week am I supposed to not eat?

People like Kathryn are living on the financial edge. They cannot afford to pay more for their medication. They need our help. In Olympia, WA, I met a man named William Havens. He is 50 years old, living with HIV/AIDS. He takes 43 pills a day. William told me:

> For the first time [in my life], I realize I'm going to have to make a choice between pills and food.

It is outrageous that this new law is going to make life so much harder for people like Kathryn and William. In addition to hurting people, the new drug program is going to hurt our health care system. It is going to have a costly impact on nursing homes, doctors, pharmacists, and hospitals. Many of these dual-eligible individuals live in nursing homes. Now nursing homes are going to have to navigate all these new plans out there.

In my State of Washington, there are at least 14 of these new plans. Some States have as many as 40 or more, all with different costs and different formularies. Nursing home managers are going to have to see which plan each resident has been assigned to and if their needed drugs are covered.

In Olympia, I met with a Dr. David Fairbrook. He is in private practice, and he is also the medical director of two skilled nursing facilities which care for 150 people. He was very concerned about his patients being randomly assigned to plans that don't meet their medical needs. He said patients may be denied drugs. They may be forced to change their medications, and they could face a time-consuming, stressful appeals process. He predicts there will be "chaos for nursing staff regarding coordination of multiple suppliers. It further duplicates paperwork and documentation requirements."

That is a tremendous new administrative burden for understaffed and underfunded nursing homes and care providers who care for people we know—our parents, grandparents, sisters, and brothers.

That is who is going to be affected by this new law if we don't take action.

Unless we act, the new program is going to make the work of our pharmacists across the country much harder. They are literally going to be on the front lines. They may well be forced to deny coverage to seniors. And by the way, each one of these pharmacists has to go in contract with each of these new drug plans in their States.

Now CMS is telling us that pharmacists will be able to look up and see what plan someone has been assigned to. But frankly, I have to say, given the error and the mistakes CMS has made so far, I don't have a lot of confidence that this is going to be a flawless situation in transition. Remember, the people who will be hurt have no financial cushion. They are living on fixed incomes and they don't have an extra $20 or $30 for copayments or premiums. If they are turned away at the pharmacy counter, they do not have the money to pay for those drugs now and get reimbursed later when all the paperwork is sorted out.

Doctors are going to be on the front line in this, too. Doctors are going to have to know which drugs are on the formulary. They may have to help patients appeal any denials, and they will have to treat patients who have gone without their medicine.

One doctor told me, "Doctors don't have the information they need on this yet. If patients pick the wrong plan and their medicine is not covered, it can have serious medical harm."

Hospitals are also going to be affected. They are going to have to navigate all of these new plans. They are going to have to deal with patients who haven't been able to get their prescriptions. In fact, for many poor families, the only place to get these medicines will be the emergency room, and that is going to increase the cost of health care for every single one of us.

So as you can see, this new drug law is going to impose an expensive and very confusing administrative burden on our doctors, on our pharmacists, on our hospitals, and our nursing homes. In this country I think we can do a lot better than that.

The amendment I will be offering today says let's fix this problem before people realize they can't get the prescriptions they need. My amendment simply provides emergency funding to prevent this disaster.

First, it ensures that our most vulnerable don't lose their current drug coverage. It will provide $2 billion in emergency funding to make sure our low-income seniors do not lose their benefits or suffer a gap in coverage.

That money will allow our States to help the low-income residents they have, people who currently get help from State drug assistance programs, and people being helped by AIDS drug assistance programs.

My amendment will protect our most vulnerable, including any beneficiary with income below 150 percent of the Federal poverty level and any beneficiary currently eligible for Medicaid through "spend down" requirements.

It is going to give our States the flexibility to protect the people who live in those States. States could provide coverage through Medicaid or as a separate drug assistance program. And importantly, my amendment provides accountability. States will be required to notify CMS of their plan for ensuring no lapse in benefits for low-income beneficiaries.

Secondly, my amendment ensures that everyone knows about the changes that are coming. It requires States to notify those currently eligible for Medicaid and Medicare assistance. I can't tell you how many people I talked to when I was in my State who said: I have not been notified that I need to make a change. No one has told me. And yet we are 2 months away from them being assigned a plan.

States would also notify pharmacists. They would notify community health centers, rural health clinics, hospitals, critical access hospitals, doctors, and other Medicaid-eligible providers that assistance is available.

Providers will be allowed to seek reimbursement for any uncompensated costs associated with providing medically necessary drugs to these people.

In summary, my amendment simply protects our most vulnerable and makes sure that everyone involved knows what is happening.

This new Medicare prescription drug plan that has been passed has a lot of problems, but the most urgent one is what is going to happen to our most vulnerable patients and the difficulty it will cause our health care providers such as hospitals, nursing homes, doctors, and pharmacists. Time is running out. As of January 1, millions of vulnerable Americans are going to be forced into a new system they haven't been told about, they don't understand, and it will not meet their needs. We can avoid this train wreck. Senators who are concerned about the health and well-being of their own constituents but who are concerned about the costs have other options. We can support efforts on the reconciliation to provide additional time to transition into this plan and we can make changes to the Medicare Modernization Act to let the States provide coverage they have available through Medicaid during this transition.

No matter what, this is a problem. Either we spend the money now to prevent this crisis, I warn my colleagues, or we are going to have to push back the deadline so we can make this transition smoothly. People's lives are hanging in the balance.

I urge my colleagues to stand up today for those who don't have a voice, and for the doctors, hospitals, pharmacists, and nursing homes, and give them the relief and protection my amendment provides.

I will be offering this amendment in the Chamber today and I urge my colleagues' support.

I thank the Chair. I yield the floor.

The PRESIDENT pro tempore. The Senator from Idaho is recognized.

BUDGET RECONCILIATION

Mr. CRAIG. Mr. President, I come this morning to speak about a need for fiscal responsibility. Over 200 years ago, George Washington warned that "Government is not reason. It is not eloquence. It is force. Like fire, it can be a dangerous servant or a fearful master." Even when government functions properly as a servant, Washington observed, it is dangerous.

Mr. President, I rise today to talk about—and to urge a need for something to happen in this Senate and in this Congress—fiscal responsibility. While Congress has been talking about spending measure after spending measure over the past several weeks, Americans have been talking about Congress' loose spending of their tax dollars. What many lawmakers have referred to as the fiscal policy of the Government has come to mean nothing more than the Government's dangerous tendency toward fiscal recklessness.

Fiscal responsibility is premised on the simple concept that less is more. Less government spending means more freedom for individual Americans and increased levels of economic activity and rates of economic growth for the country. Several studies confirm this.

> A Public Finance Review study indicated that: "Higher total government expenditure, no matter how financed, is associated with a lower growth rate of real per capita gross state product."
>
> A study by the Journal of Monetary Economics found that: "There is substantial crowding out of private spending by government spending. Permanent changes in government spending lead to a negative wealth effect."
>
> And an International Monetary Fund study showed that: "Average growth for the preceding 5-year period was higher in countries with small governments both periods."

The cumulative evidence in these studies suggests one important thing—government spending hampers the economic growth of our country. Even more than this, the growth of government spending is economically destructive.

Every dollar the government spends is one taken from an American, and is one less dollar in the productive, private sector economy.

Every dollar the government spends to fund agencies imposes large costs on the economy's productive sector, no matter how small the agency.

Every dollar the government spends on programs such as welfare and unemployment insurance encourages bad behavior by providing incentives for Americans to remain unemployed and choose leisure over work. Every dollar the government spends this way goes to making Americans passive supplicants rather than active citizens, particularly at a time when the number of those dependent on the government is growing and the number supporting it is shrinking.

We have been seeing those numbers talked about over the last good number of years—who is taxed and who is not, who is paying in to the Government versus who is not. We are now edging toward 50 percent of the American people not paying taxes, and yet we still hear this great debate in the Senate about, well, the tax cuts are only for the wealthy. The tax cuts are for people who pay taxes versus those who do not pay taxes. There is a very important reality check that has to occur out there.

When I am home visiting with folks at our town meetings and I say a family of four making $27,000 to $30,000 a year does not pay Federal taxes anymore, that is a fact. Yet somehow we get this rich versus poor debate in this Chamber. It is really those who pay taxes versus those who do not pay taxes and become the recipients of the largesse of Government.

Every dollar the Government spends to subsidize both health care and education distorts competitive processes in the marketplace and makes States increasingly more dependent, and their budgets become distorted because they are the ones that have had that historic Government responsibility. Every dollar the Government spends to deliver services is one that should be in the private sector allowing the marketplace to choose its efficiency and its effectiveness.

There are some interesting figures. In 2005, Washington spent $2.470 trillion, raised $2.154 trillion, and ran a $317 billion budget deficit. This deficit is 2.5 percent of gross domestic product. Some will say that is the lowest ever; it doesn't mean anything. $317 billion is a lot of money.

Spending increased by 8 percent in 2005 and is up 33 percent overall since 2001.

In 2005, inflation-adjusted federal spending neared $22,000 per household, the highest level since World War II.

Federal spending has increased by 33 percent since 2001, from $1.863 trillion to $2.470 trillion. Defense and 9/11-related costs have only accounted for a smaller-than-expected portion of this:

From 2001 to 2003, spending expanded by $296 billion, 45 percent of which went to defense and 9/11-related costs, and 55 percent of which went to new Federal spending unrelated to defense and 9/11. This is an 11 percent jump in Federal spending, the fastest growth in a decade.

From 2001 to 2005, discretionary spending surged 48 percent, from $649 billion to $969 billion.

Current spending on entitlement consumes nearly 60 percent of all program spending, a record 10.8 percent of gross domestic product, and is projected to nearly double over the next decade.

Long-term trends project the cost of Social Security, Medicare, and Medicaid to jump from 8.4 percent of GDP in 2005 to 18.9 percent of GDP by 2050. Federal program spending is projected to reach 27.6 percent of GDP by 2050.

By 2050, our children and our children's children will be footing the bill for our current fiscal irresponsibility.

Nearly 200 hundred years ago, Thomas Jefferson said that "although a republican government is slow to move, yet once in motion, its momentum becomes irresistible." There was a time not too long ago when Republicans stood up, made the case for smaller government, and made it happen. From 1998 to 2001, we did this by enjoying record budget surpluses.

The time for action is upon us once again.

The Federal Government's spending momentum, however, makes tax cuts, reductions in pork, and slashes in subsidies only first steps toward a real solution. The only long-term, fundamental, permanent reform that would effectively dispel the danger of current fiscal recklessness and restore fiscal responsibility is a balanced budget amendment to the Constitution like the one I reintroduced earlier this year.

Jefferson once said, "with respect to future debt; would it not be wise and just for that nation to declare in the constitution they are forming that neither the legislature, nor the nation itself can validly contract more debt than they may pay?" I think he's right and urge my colleagues to join me in supporting a balanced budget amendment to our Constitution to restore the past principles of fiscal responsibility envisioned by the Founding Fathers and to safeguard the future by providing a bill of economic rights for our children.

It is important we understand the impact that Federal spending has, and it is clearly time some of us come to the floor and challenge all of us to recognize what we are doing, where we are going, and the amount of money being spent. Now we recognize more than ever before, with the natural disasters hitting our country that are unprecedented in their impact on human lives, that we have a new responsibility to help those citizens who have lost everything gain a little back. Somehow we think we can go on doing that at our current level of spending, but it is time we get a little realistic about some belt tightening around here, even if it is at last year's rate of spending versus an increased level of spending for the next budget.

I think Americans want us to wake up, realize what we are doing, and the impact this kind of spending has both in the short term on our economy and in the long term on our economy both for us, our children, and our grandchildren.

I thank the Senator from Colorado for yielding.

The PRESIDING OFFICER (Mr. SUNUNU). The Senator from Colorado is recognized.

Mr. ALLARD. Mr. President, we are moving into an important part of our budget plan for the year. Ideally, for the Congress to operate, we need to reach an agreement between the House and the Senate. We did that this year. In the past years we have not been able to do it. It is called the budget. As a member of the Budget Committee, I was delighted to see that happen. We laid out spending parameters for all of the various agencies, and then we also laid out a plan as to how we were going to control spending. We are going to do more things to reduce the deficit.

The Budget Committee is going to be meeting this afternoon to put together the final steps of what we call reconciliation. We look at what we can do to reduce spending. It is called the Deficit Reduction Omnibus Reconciliation Act. The most important two words in that particular piece of legislation are "deficit reduction."

In the budget, we had laid out a plan to reduce the deficit by $34.7 billion. That is net now, and so we need to keep that process moving. This is going to move us into an important aspect of our debate next week where we are going to begin debating on the floor of the Senate the Deficit Reduction Act. It is important we work hard to reduce the deficit. Why is it important? Because we do not want to be passing on today's obligations to future generations and robbing their futures because of the spending.

If we look at what has been happening with deficit spending in recent years, it has been growing, and I think it concerns a lot of Members of the Senate. It is easy to express concerns, but it is difficult sometimes to get the votes we need in order to hold down deficit spending. So the Members of the Senate are going to have an opportunity to see how committed they are to reducing the deficit. This only applies to spending as was outlined in the budget resolution that we passed earlier this year.

There is another aspect to spending, emergency spending. I happen to believe we need to work harder to find offsets on emergency spending. We have ignored that aspect. Everybody wants to push for emergency spending because it gets them around the budget rules, and they do not have to worry about the spending in their programs that perhaps they could not get adopted as part of the appropriations or the budget or both.

We are going to be moving into a critical time next week. I think it is important that Members of the Senate remember we have a commitment to future generations. We may have to cast some tough votes next week to keep our plan going on reducing the deficit by $34.7 billion. I happen to think it may come out a little better than that. I guess I am an eternal optimist. But it is very important. It is a start. It is not as much as we should be doing, but it is a start. It addresses some mandatory spending programs, which seem to be the toughest for Members around here to address, and it addresses some discretionary spending.

If we look out into the future, the greatest obligations that are affecting our budget are Social Security, Medicare, and Medicaid. It is difficult to make decisions to reduce those programs. It is easier to go to discretionary spending, but that is not where we are seeing the real growth in spending. We are going to have to make more difficult decisions beyond next week.

Next week is going to be a test on just how determined we are and how committed we are to reducing deficit spending.

What the President has done in stimulating our economy with some tax reductions has proved fruitful. This year, we are seeing the results of those tax cuts with close to $100 million in revenue that was unanticipated at the first of the year, which obviously could have gone to deficit spending, but the emergency spending and what has happened with Hurricane Katrina and all the emergencies that have occurred in September has created a problem in being able to reduce the deficit as much as some of us had hoped.

Hopefully, we can hold this small amount of deficit spending that we are going to be bringing to the floor next week. It is important that we do. I urge my colleagues in the Senate to join me and the other members of the Budget Committee when we report this bill out to hold it so at least we can reduce the deficit by $34.7 billion. It is important to the future of this country that we at least take this first step. It is something we need to work hard on if we expect a prosperous future for our children and grandchildren.

My children are now grown and have good salaries. My grandchildren are now going to school. I want to see them have the same opportunities to grow and save their money and not have to face high tax rates because we exceeded spending in our generation. It is a challenge. It is a challenge, though, that we must meet. It is a challenge that we cannot put off, and the sooner we address this challenge, the sooner we are going to reduce deficit spending.

Mr. President, I think my time is about ready to expire.

The PRESIDING OFFICER. The majority has 1½ minutes remaining in morning business.

Mr. ALLARD. I will use a little more of my time. This is really important. It is an important time. I commend the chairman of the Budget Committee for working hard to try and hold down our deficits. I know he was very frustrated when the budget resolution was before the Senate earlier this year. I know he had some real hope of holding down spending even more than what finally ended up in the budget bill. I have supported him in trying to hold down the deficit. We do that by holding down spending.

I know he seems somewhat frustrated now because he has not been able to do as much as he wanted to do to eliminate the deficit. I think it is important that we stand behind the Budget Committee members, that we stand behind the chairman of the Budget Committee in trying to reduce the deficit.

Spending should not be running on automatic pilot. To keep this economy growing and keep it strong, we are just going to have to make some tough decisions. So I urge my colleagues to join me in supporting our chairman next week in a first step towards reducing the deficit.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2006

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 3010, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 3010) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2006, for other purposes.

Pending:

Sununu amendment No. 2214, to provide for the funding of the Low-Vision Rehabilitation Services Demonstration Project.

Sununu amendment No. 2215, to increase funding for community health centers.

Reed modified amendment No. 2194, to provide for appropriations for the Low-Income Home Energy Assistance Program.

Gregg amendment No. 2253, to increase appropriations for the Low-Income Home Energy Assistance Program by $1,276,000,000, with an across-the-board reduction.

Thune modified amendment No. 2193, to provide funding for telehealth programs.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, the distinguished Senator from Iowa and I have been conferring on our schedule this morning. We have a number of amendments lined up. The first amendment will be offered by Senator BYRD on title I, scheduled for 10 o'clock. We are pretty close to being on schedule. There may be some intervening business.

I want to take this opportunity to urge our colleagues to come to the floor and offer amendments. A cloture motion was filed yesterday with advance notice to all Members. It will be voted on tomorrow. Under the rule, Members have until 1 o'clock today to file amendments. At the moment, we have openings in the afternoon. So we urge our colleagues to come forward with their amendments.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I concur with my chairman in that regard. The only other observation I make, we are not encouraging a lot of amendments. We are just saying if you have amendments come over and do them this morning or this afternoon so we can finish up the bill, hopefully, by tomorrow. I know there are some important amendments—Senator BYRD certainly has one coming up on title I—that we need to address in this bill.

Again, I am hopeful, if people do have amendments, that they will come over. And, again, Members need to know amendments have to be filed by 1 p.m. today to be considered under the cloture motion.

Mr. President, I understand that the Senator from Rhode Island, Mr. REED, needs to make a modification to his amendment, and I know, also, the Senator from Washington, Mrs. MURRAY, wants to offer an amendment before we begin Senator BYRD's amendment. Senator BYRD has been kind enough to yield to them a few minutes so we can get that done before he proceeds on his amendment.

The PRESIDING OFFICER. The Senator from Rhode Island.

AMENDMENT NO. 2194, AS MODIFIED

Mr. REED. Mr. President, I ask unanimous consent to return to amendment No. 2194, as modified.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2194, AS FURTHER MODIFIED

Mr. REED. Mr. President, I send a modification of this amendment to the desk.

The PRESIDING OFFICER. The Senator has a right to modify his amendment.

The amendment, as modified, is as follows:

On page 158, after line 21 insert:

In addition to amounts appropriated under any other provision of this Act, for making payments under title XXVI of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 8621 et seq.), $2,920,000,000, which amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Mr. REED. Mr. President, I ask unanimous consent that the Senator from New Jersey, Mr. CORZINE, and the Senator from Connecticut, Mr. LIEBERMAN, be added as cosponsors to my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Washington.

AMENDMENT NO. 2220

Mrs. MURRAY. Mr. President, I call up amendment No. 2220 and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendments are set aside. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY] proposes an amendment numbered 2220.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide stop gap coverage for low-income Seniors and disabled individuals who may lose benefits or suffer a gap in coverage due to the implementation of the Medicare part D prescription drug benefit)

On page 153, between lines 17 and 18, insert the following:

In addition, for making payments to States for the provision of coverage for prescription drugs under State Medicaid plans (notwithstanding section 1935(d)(1) of the Social Security Act) or under separate drug assistance programs to individuals who have attained age 65 or are disabled, and whose income does not exceed 150 percent of the national poverty level or who are eligible for medical assistance under the State Medicaid plan under a "medically needy" or other "spend down" eligibility category, including such individuals who are eligible for benefits under titles XVIII and XIX of the Social Security Act, receiving assistance under a State drug assistance program, or receiving coverage under an AIDS Drug Assistance Program, to ensure that such individuals do not lose coverage for prescription drugs or suffer a gap in such coverage due to the implementation of the Medicare prescription drug benefit under part D of title XVIII of such Act, and for making payments to providers of items and services under the State Medicaid plan, including pharmacists, community health centers, rural health clinics, hospitals, critical access hospitals, and physicians, for reimbursement of uncompensated costs associated with the provision of medically necessary drugs for such individuals, $2,000,000,000: *Provided*, That a State shall not receive such payments unless the State notifies the Centers for Medicare and Medicaid Services, not later than December 31, 2005, of the State's plan for the provision of such coverage: *Provided further*, That a State shall not receive such payments unless the State notifies such individuals and providers of the availability of such coverage: *Provided further*, That the entire amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Mrs. MURRAY. Mr. President, I talked about this amendment earlier today. It provides stopgap coverage for low-income seniors and disabled individuals who may lose their benefits or suffer a gap in coverage due to the implementation of the Medicare Part D prescription drug benefit.

I ask unanimous consent that the amendment be set aside and we come back to the amendment to discuss it.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Rhode Island.

Mr. REED. Mr. President, I understand Senator BYRD will now offer his amendment. I ask unanimous consent that at the conclusion of his remarks that I be recognized for up to 10 minutes to speak on amendment No. 2194.

The PRESIDING OFFICER. Is there objection? The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I have no objection if the Senator wishes to proceed at this time. Am I recognized?

The PRESIDING OFFICER. The Senator from West Virginia has been recognized.

Mr. BYRD. I yield to the Senator, as I may, without any objections, for 10 minutes, and I retain my right to the floor.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized for 10 minutes.

AMENDMENT NO. 2194, AS FURTHER MODIFIED

Mr. REED. Mr. President, my colleague Senator GREGG offered an amendment to increase funding for the Low-Income Home Energy Assistance Program, LIHEAP, by $1.276 billion yesterday. He will offset the spending by an across-the-board cut of almost 1 percent to all other programs funded by this bill—cuts to programs that protect the public health of our Nation, cuts to research to cure diseases, cuts to educational programs that help children reach their potential and build bright futures, and cuts to labor programs to help our workers remain competitive in the global economy. These cuts are very difficult and, indeed, I think should be avoided at all costs.

This is the wrong level of funding for the LIHEAP bill and, second, it is the wrong way to go about paying for these costs.

First, Senator GREGG based the amount of funding in his amendment on a letter Senator COLLINS and I wrote to the appropriators in September. We were pleased to be joined by 43 of our colleagues in requesting $1.276 billion in emergency spending for LIHEAP. Since that time, 51 of our colleagues have joined us to vote for an increase in spending to $5.1 billion, the full authorized amount. At this point, a majority of the Senate is on record supporting a much higher level of funding for the State grant program.

The second point about Senator GREGG's amendment is that the $1.276 billion level of funding requested in our letter is different from the money we have been discussing and voting on in the last several days. The $1.276 billion was for emergency funding that could be used by the President at his discretion. This would give the President the ability to target assistance to the States most in need of additional funding based on increases in energy prices and weather conditions.

Senator GREGG's amendment adds the additional funding into the State block grant program, not the emergency discretionary program. Ironically, because of the formula allocation of this program, the cold-weather States that Senator GREGG and all of us are attempting to help this winter may see only slight increases in funding.

I have been provided with different analyses of the LIHEAP formula and what States will gain and lose under the Gregg amendment. This, I must say, is a rather arcane formula which produces at least two interpretations. Based on data from the Department of Health and Human Services and a preliminary analysis by CRS, States, such as Minnesota, Washington, and Wisconsin, will see no increase in funding under Senator GREGG's amendment. Iowa will see an increase of under 3 percent. Oregon will see less than a 7.5-percent increase, and Maine less than 10 percent, hardly the targeting we need to ensure these States are prepared for the cold weather that is upon us and the high energy prices.

Under a second scenario, another analysis—and this is according to the Economic Opportunity Study also based on data from Health and Human Services—States, such as Maine, New Hampshire, Iowa, Minnesota, South Dakota, Alaska, Nebraska, Wyoming, and Montana, may receive only a slight increase under the Gregg amendment and less funding than they received last year when these States received both their block grant allocation and emergency funds. This will be less funding when energy bills are rising 50 percent, and the Gregg amendment is proposing $1 billion in increased spending.

The reason there are at least two different scenarios is because of the complex nature of this formula. The current LIHEAP formula favors funding to cold-weather States up to $1.97 billion in appropriations. For funds above that level, a new formula determines the allocation of funding. This new formula directs funding to warm-weather States in the South and Southwest. Therefore, cold weather States in New England, the Midwest, and the North will see fewer additional dollars despite the increase offered by Senator GREGG. Cold weather States that need a substantial increase in assistance now to address rising energy prices will not get the funding they need under the amendment of Senator GREGG.

The amendment Senator COLLINS and I offered adds $2.92 billion to the State LIHEAP block grant program. This funding, coupled with the money currently provided in the Labor-HHS appropriations bill, will provide a total of $5.1 billion for LIHEAP, the level authorized in the Energy Policy Act of 2005. This law was passed by this Congress and signed into law by the President just 3 months ago. The $5.1 billion level of funding acknowledges the program needs and would fully satisfy the demands caused by this winter and rising energy prices or at least go a substantial way to satisfy all the demands throughout the country. Our amendment adds the $2.92 billion to the block grant program which provides direct assistance to the States. Our funding level is sufficient to ensure both cold weather and warm weather States get the funding they need.

The other problem that the $1.276 billion level raises is, because of income data, because of cold weather, because of the number of Americans who qualify, we need every dollar we can get to help Americans this winter, particularly seniors. There are 32 million households eligible for LIHEAP assistance under the law, and yet we are serving only 5 million. So this is a situation where demand far exceeds needs even at robust funding levels, and at the $19.9 billion level, it is dramatically unsatisfactory. Seniors just received a $65 adjustment, but this is totally inadequate to deal with the soaring energy prices in all the cold States of this Nation. So I believe we have to do much more. In fact, the majority of the Senate believes that, in supporting a higher level of $5.1 billion total appropriation level for LIHEAP.

The other point I think is disturbing about the approach of the Senator is it would pay for this by cutting programs across the board, cutting very important programs that are necessary for all of us.

As the chairman, Senator SPECTER, pointed out, this is a barebones bill. It does not even have increases for inflation, and we are literally robbing Peter to pay Paul if, in fact, we support the approach of the Senator from New Hampshire. This support for across-the-board cuts will leave behind 37,000 needy students who could be served by title I and will reduce IDEA funding for special education by $98 million. It would drop the Federal share of excess special education costs from 18.6 percent in fiscal year 2005 to 17.8 percent in fiscal year 2006. It would mean a $63 million cut in the level for Head Start.

$32 million below the level of last year, and here we have a program that would be serving, as a result, 4,400 fewer children.

We face a challenge this year, a particular challenge after Katrina, of ensuring that the second surge from that disaster, the surge of high energy prices and cold weather, does not leave families vulnerable. That is why I am so pleased that the majority of the Senate supports our approach of $5.1 total appropriation, and we hope, as the votes come, that we will reach the 60-vote margin we need to prevail. I hope we can, in fact, reach that margin.

I will join, again, Senator COLLINS in urging all our colleagues to support our amendment.

Mr. President, I also commend and thank Senator BYRD, first for his kindness in yielding to me and second because his title I amendment will increase funding. I thank the Senator for his valiant work in this regard and his concern for those who need that type of funding for their education and their future.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I send an amendment to the desk.

AMENDMENT NO. 2275

The PRESIDING OFFICER. Without objection, the pending amendments are set aside. The clerk will report,

The assistant legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD], for himself, Mr. LIEBERMAN, Mr. CORZINE, Mr. ROCKEFELLER, Mr. SCHUMER, Mr. KERRY, Mr. REED, Mr. REID, Mr. KENNEDY, Mr. BINGAMAN Mr. DODD, Mr. KOHL, Mrs. MURRAY, Mr. LAUTENBERG, Ms. MIKULSKI, Mrs. CLINTON, and Mr. DAYTON, proposes an amendment numbered 2275.

Mr. BYRD. Mr. President, I ask unanimous consent that further reading of the amendment be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide additional funding for title I of the Elementary and Secondary Education Act of 1965)

At the end of title III (before the short title), add the following:

SEC. ___. ADDITIONAL TITLE I FUNDING.

In addition to amounts otherwise appropriated under this Act, there are appropriated, out of any money in the Treasury not otherwise appropriated, $5,000,000,000 for carrying out title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), of which—

(1) $2,500,000,000 shall be for targeted grants under section 1125 of such Act; and

(2) $2,500,000,000 shall be for education finance incentive grants under section 1125A of such Act.

Mr. BYRD. Mr. President, I have offered an amendment on behalf of the Nation's disadvantaged students and the schools that are struggling to educate these disadvantaged students.

Hear me, I have offered an amendment on behalf of the Nation's disadvantaged students and the schools that are struggling to educate them. When Congress passed the No Child Left Behind Act 4 years ago—how short are our memories—it promised—get this—we promised to give schools the funding they would need to help every young person in this country to succeed in the classroom. I wish I had that when I was starting out in a two-room schoolhouse 80 years ago. That promise has not been kept. We have not even come close, and there is no better example of that broken promise than the title I program.

Title I is the most important Federal education program we have. Did you hear, Senators? Title I is the most important Federal education program we have. It helps the students who need help the most—who need help.

When Caesar was about to drown, Caesar said:

Help me, Cassius, or I sink!

Here is a program that is not well. It needs help or it will sink—help for the millions of children who are being left behind.

It is also the program that, under the No Child Left Behind Act, will hold schools accountable—yes, hold schools accountable for improving student performance. They should be held accountable. That is why when Congress wrote the No Child Left Behind Act it authorized specific funding levels for title I for every year through fiscal year 2007. But every year—now get this—every year when it is time to appropriate the money, we have come up short.

This chart here beside me tells the story. Focus your eyes on this chart. Here is the title to the chart, "Falling Behind On 'No Child Left Behind.'" How about that? "Falling Behind On 'No Child Left Behind.'" The numbers are in billions, billions of dollars. Take a good look at this chart, I say. This chart tells the story, a pretty sordid story. The first year of the law, fiscal year 2002—this bar right here—the No Child Left Behind Act authorized. $13.5 billion. There it is, the first year: $13.5 billion authorized. How much did Congress appropriate? Congress appropriated just $10.3 billion. The blue shows $13.5 billion authorized. The red shows we fell short. We only appropriated $10.3 billion.

In fiscal year 2003, watch this gap. The gap grew wider. The blue line shows that Congress authorized $16 billion, the blue bar, but Congress appropriated just $11.7 billion. There was $16 billion authorized, $11.7 billion appropriated.

Each year, as one can see on this chart, Congress has fallen further and further behind, behind in its promise to America's most needy students.

The authorized amount for fiscal year 2006—that is where we are now—appropriating moneys for fiscal year 2006, the authorized amount is $22.75, way over here on the chart, $22.75 billion. But the amount in this bill is just $12.8. Look at it. That is $10 billion less than the law promised to these disadvantaged students and to the schools in which they study. What a shame, $10 billion less—$22.75 was authorized, $12.8 billion was appropriated.

What a gap, $10 billion. That is $10 for every minute since Jesus Christ was born—$10 billion. That is $10 for every minute since Jesus Christ was born. What a gap. What a gap, $10 billion. That is enough to provide the full range of title I services to more than 3 million needy students who are currently being left behind by our Nation's schools. And at the current funding level in the Senate bill, they will continue to be left behind.

We got a hard look at some of those disadvantaged students during Hurricanes Katrina and Rita. Those disasters cast a bright light on a part of America that many people would like to pretend does not exist—a part of America where the school buildings are crumbling, where there are not enough good teachers, and students are afraid for their own safety. These are real live people, live students who have a future, who have a horizon out there, who have a vision, and yet we are not keeping our promise to them. They are being left behind.

I took a piece of plastic clay
And idly fashioned it one day
And as my fingers pressed it still
It moved and yielded to my will.

I came again when days were past,
The bit of clay was hard at last.
The form I gave it, it still bore
And I could change that form no more.

I took a piece of living clay
And gently formed it day by day
And molded with my power and art
A young child's soft and yielding heart.

I came again when years were gone,
He was a man I looked upon.
He still that early impress wore
And I can change him never more.

Never more, never more.

That is what we are talking about, a piece of human clay, human clay.

We are leaving those children behind.

Those are exactly the kinds of students who are being left behind today and they are exactly the kinds of students who can be helped by title I.

America can do better. I say America can do better for these students. That is why I am offering this amendment to increase funding for title I. I wish I could increase this program by the entire $10 billion to fulfill this commitment, our commitment, the commitment we made when Congress passed the No Child Left Behind Act. However, I know I wouldn't get enough votes from the other side of the aisle, I have to say. They are all good people over on the other side. They are all patriotic people. They are good citizens and they are dedicated to the service of the people. But I realize I can be wrong sometimes. I think they are wrong. I don't think some of them will vote for this. We will see.

I am proposing instead that we get halfway there. We are just going halfway—$10 billion shortage—$10 billion shortage in our promise for the children, the disadvantaged children of this country, $10 billion short. I am going to ask for half of that, at least try to close half the gap, half of it.

I am proposing that we get half the way there, that we close the gap over 2 years: $5 billion now, $5 billion the following year. I am proposing we get halfway there, that we close the gap over 2 years by adding $5 billion.

That is enough to fully serve more than 1.5 million disadvantaged students who the administration would leave behind, and we would leave behind. These children will be taught by highly qualified teachers and receive the complete range of instructional services called for under the No Child Left Behind Act. States will benefit from this amendment—your State, Mr. President, your State, my State.

In my own State of West Virginia, schools would receive a total increase of just $800,000 for title I if the bill is passed as it is now. Under my amendment, those students in West Virginia would receive an additional $39 million above the bill. Tennessee would receive an additional $78 million.

Do you hear me? The people of Tennessee—are you listening? Are you listening? Tennessee would receive an additional $78 million.

Pennsylvania—are you listening? Pennsylvania is the State of which Benjamin Franklin was once president. Yes. Old Ben Franklin. Pennsylvania would receive an additional $185 million.

Louisiana would receive an additional $111 million; Mississippi, an additional $62 million.

I offered a similar amendment 2 years ago and those who opposed my amendment argued then that Congress is under no obligation to fund title I at the authorizing level because authorizations are only guidelines. Title I is not your average authorization program. Most educational authorizations don't put requirements on States and local school districts, but the title I program in the No Child Left Behind Act puts more requirements on our Nation's schools than any law in the past 35 years.

This law requires every State to develop a plan for helping all students reach a proficient or advanced level of achievement within 12 years. That is all students. That is all students, not just those in the affluent suburbs. No, not just those in the affluent suburbs, but poor students in Appalachia. That is where I come from, you see. When I was a boy I would have been included, ROBERT BYRD. And the gulf coast includes children with disabilities. Do you hear me? Hear, listen. That includes children with disabilities. And it includes students of all races. How about that? And ethnicity. How about that? All races, all ethnicities.

Schools must leave no child behind—not your child, not my great-grandchild. And if schools that receive title I funds fall short of this goal, they face serious consequences. Schools that fail to make adequate yearly progress in raising student performance for 2 consecutive years—listen to this—have to give students the option of transferring to another public school. Yes. That means the school has to redirect money it would have spent for instruction and use it—for what?—for transportation instead.

This past school year, almost 11,000 schools and districts in the country failed to make adequate yearly progress for at least 2 straight years.

Did you hear that? Almost 11,000—11,000—schools and districts in this country failed this past year to make adequate yearly progress for at least 2 straight years.

The penalties get more severe the longer the school fails to make adequate yearly progress. Ultimately, if a title I school falls short for 5 years in a row, it can be taken over—get this—the school can be taken over by the State, or the entire staff can be fired.

> Help me, Cassius, or I sink.

These are serious penalties. The entire staff can be fired. There is the door. There is the door. The entire staff can be fired and replaced. That gets pretty tough. That hits close to home.

These are serious penalties, and I support them. I believe it is high time that we hold schools accountable for their performance and getting their act together. I believe it is high time we hold schools accountable for their performance. But—here is the conjunction "but"—I also believe that if we in the Congress are going to demand that schools raise student achievement, we, I, you, Senators, all Senators, all Members of the other body, if we are going to demand that schools raise student achievement, we have a responsibility to provide those schools with the additional resources that they need to improve.

That is what we are talking about on this chart. We are falling short. We are falling behind in the No Child Left Behind Act. Unfortunately, as I say, we are not keeping our promise. In fact, for most school districts, Federal funds are moving in the opposite direction. In fiscal year 2004, more than half of the Nation's school districts received less title I funding than they did the year before. What a shame. How about that. Look at that.

Listen. Hear me. I will say that again.

In fiscal year 2004, more than half of the Nation's school districts received less title I funding than they did the year before. In fiscal 2005, two-thirds of school districts took a cut in title I funding.

If Congress passes the Senate bill as it stands now, most districts will receive less title I funding for the third year in a row. That is not what Congress promised. That is not what Congress intended when it passed the No Child Left Behind Act.

The funding level for title I in this bill is a betrayal of the law and it is unfair to all people in this country who are working so hard to implement the law. Parents and teachers want their schools to be held accountable. They want every child—not just this one or that one but every child—to succeed. They are holding up their end of the bargain. Are we? Are we holding up our end of the bargain? It is time for the Congress to do the same.

I voted for the No Child Left Behind Act. I support the reforms in that law. But schools need more funding if we are truly going to leave no child behind. What is more important than our children? What is more important than the education of our children?

I urge my fellow Senators to approve this amendment. We gave our word to the people, didn't we? Yes, we gave our word to the people when we passed the No Child Left Behind Act. Let us keep our word.

I yield the floor.

The PRESIDING OFFICER (Mr. VITTER). The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, I have listened with great interest to the comments by the very distinguished Senator from West Virginia. It is always a treat to listen to Senator BYRD, hear a little Roman history, hear a tune from time to time, and hear the lengthy experience that Senator BYRD brings to this august body.

He was elected to the House of Representatives in 1952. Before that he had been a legislator for the State of West Virginia. He was elected to the Senate in 1958. We were reminiscing the other day about his having served with President Truman, only for a few days, because President Truman did not run in 1952. President Eisenhower did. And Senator BYRD always very carefully denominates the service "with" as opposed to "under." That is exactly correct. I share his insistence on parity.

When they wrote the Constitution, Congress was article I, not the executive branch. It did not come in until article II, and the judiciary, not until article III. But the Supreme Court has sort of rewritten the Constitution more than once.

Now, if we were to rewrite the Constitution, they would be article I. I don't know where the Congress would be, they have taken away so much of our authority. We have lost our authority under the commerce clause.

The Supreme Court wrote an opinion in a case called United States v. Morrison involving the legislation on protecting women against violence; notwithstanding a mountain of evidence, a voluminous record, they said it was insufficient, and they disagreed with our "method of reasoning."

It surprised me, in preparation for the hearings from Chief Justice Roberts, to know that Congress had a defective method of reasoning. I didn't know that until I read that in the Supreme Court opinion. Somehow when you move from the columns of Congress, the Senate, lined up directly with the columns of the Supreme Court, you lose some reasoning capacity in the interim—which I doubt very much. Then when they interpreted the Americans with Disabilities Act, Justice Scalia said they were tasking the Congress, getting us to do our homework, that we had not made a sufficient record.

So when I listen to Senator BYRD talk about the Constitution and about our duties, it is with great interest. I recollect a few years back when Senator BYRD chaired the Committee on Appropriations and I had the audacity to challenge his mark. It was not done by any Senator. I thought I had that standing. I looked at my Commission of Elections, and I had that standing. I got 3 votes out of 29: Senator D'Amato, Senator Kasten voted with me. Senator Kasten was not here at the 1992 elections, so it was a long time ago that Senator BYRD looked across the table in S-128, the appropriations room, and said: Someday you may be chairman, you may set the mark.

I am not too far away and have not gotten there yet to be chairman of the Committee on Appropriations.

We wrestle with these appropriations budgets. It is really a tough job. This subcommittee of the bill we have today for $145 billion has to fund education and health, which are our two major capital assets. If you do not have good health, you cannot do anything. If you cannot have a good education, you cannot move ahead in this world. Senator BYRD and I have both benefited from a good education. I didn't come from a school quite as small as his. I went to high school in a town of 5,000, Russell, KS, where Bob Dole had gone to high school. However, education is the key to the future and I know that, and I appreciate that.

We have struggled mightily to make the best allocation we can with the priorities ahead. As I listened to Senator BYRD talk about title I of No Child Left Behind, I would like to see the funding increased on No Child Left Behind. I would see our priorities on a budget of $2.6 trillion arranged differently if I set the priorities.

Maybe someday I will get to be chairman of the Committee on Appropriations and can set the priorities. But even as I say that, there is so little of that money in discretionary spending that so much of the authority of the Committee on Appropriations is taken away. We have to do the best we can. We labored mightily to craft the best priorities we could.

There will be a number of amendments. There was an amendment offered yesterday by the Senator from Massachusetts, Mr. KENNEDY, on Pell grants. I would like to have had more money for Pell grants. I said if Senator KENNEDY can show the priorities of what could be cut, I would be glad to consider that.

As I listened to Senator BYRD today, I would like to have $5 billion more and accept his amendment and see more money go to title I and No Child Left Behind, but the money simply is not there.

I have to disagree with my distinguished colleague when he says there has been a betrayal of the promise. I don't think the authorization constitutes a proposition. The authorization is always higher than the appropriation. In the dark ages of the past, my colleague—Senator HARKIN is returning to the Senate—the dark ages of the past when Senator HARKIN was chairman of this subcommittee, Democrats took control in that fateful time, the spring of 2001, and controlled the budget process 2001 and 2002 for about a 17-month period. I took a look at what the figures were at that time. I noted the authorization on title I for fiscal year 2002 was $13.5 billion, and the appropriation was $10.35 billion. I understood that because we crafted that bill together.

When I say the "dark ages" I say it only in jest. Senator HARKIN and I have worked coordinately. With all the bickering that exists in this Senate—and it is a lot—there is a deep trench here that crosses the aisle on many days in the Senate but not when TOM HARKIN and ARLEN SPECTER or BOB BYRD and THAD COCHRAN or TED STEVENS work on a bill. We cross the partisan line.

Senator HARKIN and the Democrat-controlled Congress could not fund it all the way up to the authorization. And in 2003, again, when Senator HARKIN was chairman of the subcommittee, the authorization was $16 billion and the appropriation was $11.689 billion.

I took a look at the funding for the 5 years of the Bush administration and compared it to funding in the 5 years of President Clinton's administration. As to title I, under the Bush administration, the budget request for fiscal year 2006 is $13.342 billion; President Clinton's last year at $8.357 billion. There was an increase during the Bush years of $4.985 billion.

With President Clinton, I compared from 1997 to 2001. In 1997, the budget request by the President was $7.165 billion, and President Clinton's last year it was $8.357 billion. So there was an increase during President Clinton's watch of $1.192 billion.

I cite those figures only to point out President Bush has not done too badly by comparison to President Clinton. They both struggled as well.

When we look at the total funding on education, President Bush's budget for 2006 is $56.219 billion, going back to 2001 as a base, $40.088 billion, the education budget request by President Clinton has increased $16.131 billion.

If you take a comparable period for President Clinton and use the fiscal year 2001 figures of $40.088 billion contrasted with fiscal year 1997, $25.829 billion, there was an increase of $14.259 billion.

Now, these figures are subject to differences of inflation. They are not exact. But it ought to be understood, or at least the point I seek to make is that it is not a political matter. When it comes to education there is recognition by both parties that it is a very high priority item.

On the comparison, I find fault with neither party. Both Presidents have tried to do what they could with a lot of conflicting problems. Certainly, when Senator HARKIN was the chairman of the subcommittee, he did his best. We worked together. When I had an idea, I would bring it to him and we would try to work it out. When he had an idea, he would bring it to me and I would try to work it out.

We have been talking about the avian flu issue, which we will talk about later. I was in my hideaway—that is a small Senate office for somebody watching on C-SPAN2, where you go to hide to try to get some work done, instead of your office where you are surrounded by many assistants who want answers to their specific problems which are the most pressing of the day.

The phone rang. It was Senator HARKIN trying to prepare an opening statement for the Harriet Miers confirmation hearings. We have other work to do besides this big appropriations bill. It was quiet until the phone rang. It was Senator HARKIN. Would I take a call from Senator HARKIN? Of course, I will take a call from Senator HARKIN, put him through.

We talked about avian flu and what we are going to do. He had some good ideas on avian flu, and we will discuss that in some detail a little later today.

Wherever he has an idea, and I am the chairman, I am all ears. If I can accommodate Senator HARKIN, I am going to do so. He was hard to get off the phone this morning. That happens from time to time. He was giving me a very heavy pitch. I tried to interrupt him at one point and said: TOM, I hate to say this, but I think you are right.

It didn't stop him, he kept going, kept going. About 30 seconds after I said that, he stopped, and said: Yes, you said I was right.

I said: That's right, TOM. Can we finish this conversation and continue it in the Senate when we have the issue before the Senate?

In conclusion—the two most popular words of any speech—while I would like to agree with Senator BYRD and I would like to see $5 billion more, we do not have the money under the allocation. If anybody has any ideas about how to rearrange the priorities, I am willing to listen.

It is customary for the allocation, the appropriation, to be under the authorization. That happens whether Democrat or Republican. You do not put on a villain's hat necessarily because you are in one party or the other. We will continue the struggle and continue to try to do our best on education.

I thank the distinguished Senator from West Virginia for his contributions.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. HARKIN. Mr. President, as always, it is a joy and interesting to listen to my friend and colleague, my chairman, talk about the past and what we have done together. He is right, we have worked together closely. I followed his lead on a lot of things, such as when ARLEN SPECTER, back in the mid-1990s, wanted to do double funding for NIH. He took the lead on that. I did what I could to help. And we got the job done under his great leadership.

So we have worked together on a lot of different things. And where we have had differences, we have had differences, but we have always been, I think, upfront and open about those differences. While I love ARLEN SPECTER dearly, and respect him greatly, he is not my twin, he is not my clone, so we do have different ways of approaching things once in a while. And that is the way it ought to be around here. There should not be, as he said, this big gulf between us, but there ought to be an honest airing of differences of views on how we ought to approach things.

Take the Byrd amendment, for example. I stated earlier, when we first brought the bill to the floor, that Senator SPECTER had done a superb job, and he was always open with my staff and me in crafting and putting together this bill. I said when you are dealt a bad hand, you have to do the best you can. And Senator SPECTER did. So in terms of the bill itself and how it is crafted, I do not have problems.

What I have problems with is our allocation. That is where I have problems. Since I did not support the budget, I said at the time we laid the bill down the other day: Look, if people are going to come here with amendments that offset and jiggle things around in the bill, I will not support it because we worked very hard, Senator SPECTER worked very hard, to craft a bill that was fair in terms of what we had to deal with. So I would not support amendments which jiggle things around. But if someone has an amendment they want to offer which would not jiggle things around, but add money—which I understand takes 60 votes to waive the Budget Act—I am going to be for that because I don't agree with the Budget Act. I don't agree with what the budget calls for.

Mr. BYRD. I don't either.

Mr. HARKIN. So I will support the Byrd amendment because he is not trying to take money from one pot and move it to another; he is saying the budget was wrong. We ought to waive it and put the money in.

Now, with all due respect, again, to my friend from Pennsylvania, in going back over the history of this, I wish to point out that the Byrd amendment only closes 50 percent of the gap between the authorization level and what is in the Senate bill.

I have here a chart that shows the authorization and the appropriations levels going back to fiscal year 2002. Senator SPECTER made mention there was an interim period there when our party was in charge for about a year, so we were in charge of the budget and the appropriations at that time.

I point out that at that point our appropriations were a little over 70 percent, maybe about 75 percent of the authorization level. Today, we are less than 40 percent of the authorization level. So what Senator BYRD has said is the authorization level is going up, our appropriations are staying flat. We now have this huge gap. We are trying to close this gap. It is not 100 percent. It is about 50 percent of closing that gap, and that would tend to bring us back to about where we were 3 or 4 years ago, in terms of the difference between the authorization level and the appropriations level.

Now, there is one other thing that happened during this period of time. The Congress passed something called No Child Left Behind, a new mandate on the States, a new mandate that States had to do in education. Now, I am on the authorizing committee for education. At that time, Senator KENNEDY was our chairman. I can remember sitting at the White House, and I can remember sitting up here in meetings discussing No Child Left Behind, I say to my friend from West Virginia, and about what it was going to cost.

The White House, through their representatives, agreed on what level we would fund No Child Left Behind. Now, that was only authorization because it was an authorization bill. But we were told by the White House that they would meet these authorization levels. One of the reasons I voted for the bill, not that I was enamored with it, but I felt the White House had made a commitment they would fund No Child Left Behind at the levels we agreed to. We agreed with the White House: These levels? OK, yes, we agree at these levels.

Here they are. This level, right here, $22.75 billion for fiscal year 2006. That is what we agreed upon. Yet our appropriation for this year is $12.8 billion. That is why I said it is about—well, I said 40 percent. I made a mistake. It is a little over 50 percent. But in fiscal year 2002, we were at about 75 percent of funding, and that was at the beginning of No Child Left Behind.

So what Senator BYRD is trying to do is make us live up to what we had agreed to do, with both the White House and the States. I dare say, any Senator here who goes home and talks to their State government, talks to their school districts—go out and talk to your school districts and find out what they are saying about No Child Left Behind. They are saying: Wait a minute. You put all of these mandates on us. You said you were going to fund it. Now you are not, and now we are being penalized because we can't meet the goals of No Child Left Behind.

We have put them in kind of what they call a catch-22 situation: Darned if you do; darned if you don't. Either way, you lose.

So that is why I am supporting Senator BYRD's amendment. The budget needs to be waived. We need to meet our commitments on this.

Mr. DODD. Mr. President, will the Senator yield?

Mr. HARKIN. Mr. President, I will yield to the Senator from Connecticut.

Mr. DODD. Mr. President, I wish to ask a question of my colleague from Iowa, in support of the amendment being offered by the Senator from West Virginia. It was only a few years ago that I offered an amendment, during the authorizing bill, to fully fund title I. That amendment carried with over 70 votes to fully fund title I in this Chamber. It was only a matter of months ago. That was an authorization bill. It was not the appropriations bill. All of us are certainly adults, and we know the authorizing levels do not always meet with the appropriations. But we have gone on record supporting this.

I wish to underscore the point the Senator is making and the Senator from West Virginia made; and that is, I hear it. My State, in fact, has filed a lawsuit on the No Child Left Behind Act because of restrictions being required of them.

Now, again, similar to the Senator from Iowa and the Senator from West Virginia, I have great respect for this law because it is a civil rights bill, in my view. It says we should no longer tolerate social promotions of children. We ought to be insisting there ought to be accountability at every single level.

The essence of the bill Senator KENNEDY and others drafted, that we were a part of, I think is sound. I think history will prove it to be such. The great shortcoming is not the failure of the law. The law is sound. It is sensible. It makes sense. The failure is as the Senator from Iowa and the Senator from West Virginia pointed out; and that is, we have not lived up to the commitment we made.

Mr. HARKIN. That is right.

Mr. DODD. We turned around and voted overwhelmingly for that law. President Bush wanted it. The Department of Education wanted it. The Congress wanted it. We said: This is what we will do. Yet month after month, since enactment of that legislation, we have failed to meet that obligation. That is the great tragedy in all of this, not the No Child Left Behind law, but the failure of the Congress and the President to say to the people of our respective States: This is what you must do. And by the way, we will be here to see to it the funding is there to support those efforts. We have gone on record in this body, and we are now denying our own record if we turn down this amendment offered by Senator BYRD.

I wish to reinforce the point made by the Senator from Iowa.

Mr. HARKIN. Mr. President, I thank my colleague from Connecticut. He was also on the education committee and was involved in those discussions during No Child Left Behind. The Senator from Connecticut chaired the education subcommittee there, so he knows full well the commitments that were made at that time by the White House and the Congress to fund it. Senator KENNEDY was absolutely right, we are not doing what we agreed to do in this regard.

Mr. President, prior to yielding the floor, might I ask, what is the pending business before the Senate?

The PRESIDING OFFICER (Mr. GRAHAM). The Byrd amendment is the pending amendment.

AMENDMENT NO. 2283

Mr. HARKIN. Mr. President, I ask unanimous consent that the Byrd amendment be temporarily set aside. I have an amendment I send to the desk and ask for its consideration.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN], for himself, Mr. KENNEDY, Mr. REID, Mr. DURBIN, Mr. BAYH, and Mr. JOHNSON, proposes an amendment numbered 2283.

Mr. HARKIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To make available funds for pandemic flu preparedness)

On page 222, at the appropriate place at the end of Title V, insert the following:

TITLE .

SECTION 101.

(a) From the money in the Treasury not otherwise obligated or appropriated, there are appropriated to the Centers for Disease Control and Prevention $7,975,000,000 for activities relating to a pandemic influenza epidemic during the fiscal year ending September 30, 2006, which shall be available until expended.

(b) Of the amount appropriated under subsection (a)—

(1) $3,680,000,000 shall be for stockpiling of antivirals and necessary medical supplies relating to pandemic influenza and public health infrastructure, of which not less than $600,000,000 shall be for grants to state and local public health agencies for emergency preparedness;

(2) $60,000,000 shall be for global surveillance relating to avian flu;

(3) $3,300,000 shall be to increase the national investment in domestic vaccine infrastructure including development and research;

(4) $750,000,000 shall be for improving hospital preparedness and surge capacity and health information technology systems and networks to improve detection of influenza outbreaks;

(5) $75,000,000 shall be for risk communication and outreach to providers, businesses, and to the American public;

(6) $100,000,000 shall be for research and CDC lab capacity related to pandemic influenza; and

(7) $10,000,000 for surveillance of migratory birds for the occurrence of influenza.

(c) This title shall take effect on the date of enactment of this Act.

AMENDMENT NO. 2275

Mr. HARKIN. Mr. President, I ask unanimous consent that we now return to the Byrd amendment and that it be the pending business of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. With that, I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, the distinguished Senator from Massachusetts, Mr. KENNEDY, wishes to speak for 5 minutes. If I may take 5 seconds.

I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President. I thank our leaders on education: Senator BYRD on Title I, Senator DODD on the Head Start program, and Senator CLINTON on IDEA. As I did yesterday, I pay tribute to the chairman of the subcommittee, Senator SPECTER, because when education issues have been before the Senate, he has voted for increases in funding.

But the Senator from West Virginia will remember, during the budget consideration, this body asked for $5 billion more in education funding. The budget went to conference. We did not get $5 billion. We did not get $4 billion. We did not get $3 billion. We did not get $2 billion. We did not get $1 billion. We got zero.

Now we have the opportunity, with the amendment offered by the Senator from West Virginia, to do something for the neediest children in this country. Those are Title I children.

In the early 1960s, this Nation made a commitment and said: For the poorest of the poor children in this Nation, we are going to recognize a national responsibility. Those were Title I children. We have, over a long period of time, tried to focus on improving opportunities for the most disadvantaged students. But as my friends and colleagues on our Education Committee said, we heard the President of the United States say: We are going to do even more for those children with the No Child Left Behind Act. Instead what we have seen is a failure to meet that commitment.

One of the most important reasons for supporting the Senator from West Virginia, the Senator from Connecticut, and the Senator from New York on their amendments is that we find, when we provide this help and assistance, it works. You have positive results.

I refer you to what has happened in my own State of Massachusetts. Today, in my State of Massachusetts, we are No. 1 in the country for fourth graders and tied for first for eight graders on the Nation's Report Card because we did a real No Child Left Behind, the Education Reform Act, 8 years before the No Child Left Behind Act was signed into law. The reforms included smaller class sizes, better trained teachers, and supplementary services. Parents were involved in decisionmaking. This is what the Senator from West Virginia wants to do. He wants to make sure the whole country can catch up and make sure we keep the commitment we made when this President signed the No Child Left Behind Act and said we were going to have proficiency guaranteed to all the children in this country. The Senator from West Virginia says: Well, we are not going to leave the more than 3 million children behind who will be left behind without his particular amendment. I thank the Senator from West Virginia for offering the amendment. I hope the Senate will adopt it.

Finally, Mr. President, I am a strong supporter of and pay tribute to our leader on Head Start, the Senator from Connecticut, who used to be the chairman of our children's caucus. He has been the battler and fighter for the program. Every study shows that the money invested in children at the earliest age is the most productive and useful in education. Head Start children are less likely to repeat a grade, less likely to need special education services, and more likely to complete school. I also applaud the work of the Senator from New York on IDEA. We are far behind in meeting our responsibility to many of the children who have faced some of the most difficult challenges—those who have both physical and mental disabilities. The amendment offered by the Senator will go a long way to providing the resources needed to ensure that students with disabilities receive the resources they need to succeed. I applaud her efforts.

With these amendments on Title I, Head Start and IDEA, we have an opportunity to speak about the future. Education is about opportunity. It is about fairness. It is about competitiveness. And it is about national security. Hopefully, the Senate will go on record and support these three measures. Our children and our schools need our help. They need it now more than ever, and so does the Nation. I urge my colleagues to approve all three of these amendments.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I hope the Senate will vote quickly. But before it does, I thank the Senators who have just spoken, particularly the manager of the bill, Mr. SPECTER. He is an outstanding Senator. I have seen this Senate turn over more than 3 times, complete turnover of 100 Senators more than 3 times. I tell you, my friends, I have never seen a more eloquent, more dedicated Senator to his State, to his people, to the people of this country, to his work here, than Senator SPECTER. I admire him. Some day when he runs for reelection, I may make a little contribution to him. I will leave that for another time.

I also thank my colleagues. What splendid colleagues they are. Senator DODD, traveling in the wake of the Senator from Connecticut who signed the Constitution of the United States. What a man, Roger Sherman. And then the Senator from Massachusetts, TED KENNEDY. What a great State that was and is. Read your history on the Revolutionary War, those times. Someone talked recently about the people of my generation who saw World War I, who lived through World War II and the Vietnam War, the other wars we have participated in, the Great Depression. My, these are great Senators. I can see their pictures out there on the medallions in the room just outside this Chamber. And the chairman and ranking member of this committee, my, what Senators they are. They are right, and they are right to oppose it in saying we don't have the money. I know they are right. But Congress could shift those priorities.

How about the big tax cuts for the wealthy? How about the war in Iraq? How much are we spending there in treasure, to say nothing of the blood that is being spilled? Yes, we could do better, but we are doing the best we can under the circumstances now. I don't fault the Senator from Pennsylvania. I admire him. If I were in his position, I would understand his responsibility.

My responsibility is to try. We can do better.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I raise a point of order under section 302(f) of the Congressional Budget Act that the amendment provides budget authority and outlays in excess of the subcommittee's 302(b) allocation for fiscal year 2006 and, therefore, is not in order.

Mr. BYRD. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974, for which I voted, I move to waive the applicable sections of that act for purposes of the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The yeas and nays were ordered.

Mr. SPECTER. Mr. President, it would be my preference to stack the votes, unless the Senator from West Virginia would like to have a vote now.

Mr. BYRD. Mr. President, I prefer to have the vote now.

Mr. SPECTER. All right. In deference to the Senator from West Virginia, we will accede to his request. It would be my hope—I talked to Senator HARKIN about this—that to the extent we can, while we have people here ready to offer amendments—we have just worked out a time agreement with Senator DODD, 45 minutes equally divided for his amendment—while we have Senators in the Chamber ready to proceed, we do so to the extent we can, unless there is a circumstance which requires a different outcome.

I understand Senator ALEXANDER may have a related issue. I have just been informed about that. May I suggest to the Chair that we hear from Senator ALEXANDER to see how it impacts on the vote before we move ahead with the vote?

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Tennessee is recognized.

Mr. ALEXANDER. Mr. President, it would be my purpose to introduce an amendment that would increase funding for title I to the level President Bush has recommended. I propose that we set aside the pending amendment so that I may introduce that amendment. Perhaps we could vote on those two amendments.

Mr. SPECTER. Mr. President, I ask the Senator from Tennessee if he would be agreeable to a time limit of, say, 30 minutes equally divided?

Mr. ALEXANDER. Certainly.

Mr. BYRD. Mr. President, I propose that we vote on this amendment. The Senator can still offer an amendment if he wishes to do so after this vote. Let's go. I ask for the vote. I object to any request to set this amendment aside.

The PRESIDING OFFICER. Objection is heard.

The Senator from Pennsylvania.

Mr. SPECTER. Under the regular order, we will then proceed to a vote, objection having been heard. We will entertain Senator ALEXANDER's amendment at the earliest time the managers can. May I remind my colleagues that this is going to be a 15-minute rollcall vote, with 5 additional minutes. We had an 18½-minute vote yesterday. Let's see if we can beat that record. I know we are going to proceed. I will talk to my colleagues, and we will work out the sequence.

Mr. DODD. Mr. President, I hope that will be the case. We have been trying to be responsive by being here to offer amendments when we have been asked to be here. It sort of throws off our schedule for the day. But I am happy to talk to my colleague.

Mr. ALEXANDER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I think we have worked out a procedure where there will not be either a side-by-side or second-degree amendment offered. The Senator from Tennessee would like an opportunity to speak for 10 minutes on it, and we will hear Senator ALEXANDER for 10 minutes and then proceed to a vote on the Byrd amendment. So I ask unanimous consent at this time that Senator ALEXANDER be recognized for 10 minutes, that we then proceed to a vote on the Byrd amendment, and then we proceed to take up the Dodd amendment and seek to proceed with the order we have established.

Mr. DODD. Reserving the right to object, Mr. President, may I also suggest the amendment offered by the Senator from New York be able to follow the Dodd amendment? Can we lock these in?

Mr. SPECTER. Let us hold off on this. There may be some amendment on the Republican side. I doubt there will be, but I don't want to have a series of amendments on both sides.

I think that would be agreeable, but I would not want to be bound to it at this moment.

Mr. HARKIN. Mr. President, I ask unanimous consent that following the vote on the Byrd amendment, Senator DODD be recognized to offer his amendment, after which point there would be a vote on the Dodd amendment, after which point if there is a Republican amendment that is to be brought up and disposed of; if there is not, the Senator from New York be recognized at that point to offer her amendment, followed by a vote.

Mr. SPECTER. Mr. President, reserving the right to object, and I do not intend to press this issue if we can't get agreement, but I would like to stack the Dodd amendment, say, behind the Clinton amendment so we can save time.

Let me restate the understanding. There will be 10 minutes for Senator ALEXANDER, and there will be a vote on the Byrd amendment. We will then proceed to a Dodd amendment. If there is no intervening Republican seeking recognition to offer an amendment, we will proceed to the Clinton amendment, and we will discuss at a later time the sequence of votes.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Reserving the right to object, and I have no intention to object, Mr. President, as I understand it, 10 minutes will be utilized by the Senator from Tennessee for remarks only.

Mr. SPECTER. Mr. President, that is correct. The Senator from Tennessee will speak in opposition to the Byrd amendment and in support of the budget point of order, but he will just make a statement. Nothing will be offered.

Mr. BYRD. I have no objection.

The PRESIDING OFFICER. Is there further objection? If not, the Senator from Tennessee is recognized for 10 minutes.

Mr. ALEXANDER. I thank the Chair. I thank the Senator from Pennsylvania. I thank the Senator from West Virginia for his courtesy of allowing me—and the Senator from Iowa and the Senator from Connecticut—allowing me 10 minutes to speak.

Mr. President, I am here in support of the budget point of order of the Senator from Pennsylvania to the Byrd amendment. Let me see if I can say in just a few minutes why I support that.

I would like to ask the Chair if he will let me know when I have 1 minute remaining.

The PRESIDING OFFICER. Absolutely.

Mr. ALEXANDER. Mr. President, the question is funding for the title I program, Federal funding for our public schools across the country that helps disadvantaged children. It is a very important program. I heard the Senator from West Virginia describe the importance of it. I agree with him about the importance of the program, but to try to put things into perspective, let me make a few points.

First, the Senator from West Virginia, if I am not mistaken, is suggesting we spend $5 billion more, $2.5 billion a year on this important program. But he has not found some other place in the budget to reduce the spending. So this is $5 billion beyond the budget, and this comes at a time when all of the committees of the Senate have been working hard on deficit reduction. In the agriculture committee, in the education committee, in almost every committee, we are working at deficit reduction. Because we are at war, because we have had three terrible hurricanes, because we have new homeland security needs, and because entitlement spending—mandatory spending—is growing out of control, we are all trying to do a good job of living better within our means. So we are working to have a deficit reduction of $35 billion, and this would add another $5 billion in the opposite direction.

The second point I would like to make to put this into perspective is that, as important as this program is, the Federal Government is not the principal source of funding for K-12 education. We only spend 7 or 8 percent. States don't spend money for national defense by and large, and we don't spend much money for K-12. We spend 7 or 8 percent. The State and local governments have the major responsibility for our elementary and secondary schools.

The third thing I would like to mention to put things in perspective is that money isn't everything. The top five State spenders in terms of dollars, total dollars for kindergarten through the 12th grade, have the widest achievement gaps between White students and Minority students, Hispanic students and African-American students. For example, in Massachusetts, a State which spends about $9,500 per student, there is a 33-percent gap between White and Minority students. In Connecticut, which spends even more, more than $10,000 per student, there is also a significant gap between White and Minority students. So even the States that spend the most money do not get the best results. Money is not everything.

Another point to put this in perspective: we are spending more on education in our country today than at any time in history—more than we did when we had a surplus, more than we did when we were not at war, more than we did when we didn't have big hurricanes and a terrorist attack and homeland security concerns. And Federal increases for K-12, even though they are a smaller part of the pie, have gone up more rapidly than State increases over the last several years.

For example, in Tennessee, my home State, there is $50 million a year, $25 million of it new money, for teacher training, to help teachers become highly qualified.

Now, that is a lot of money. Those are Federal dollars. It would be enough money to give every teacher about an $858 pay increase a year. So the State could choose to use that money to help all of those teachers go to the community college or some other program to become better trained teachers, or the State could use those Federal dollars to give every Tennessee teacher an $800 pay raise based on some merit program. So there is a lot of new Federal money.

The other argument that I heard a great deal about was that we are not funding up to the level of authorization. Mr. President, that is a convenient political argument, but let us think about what we mean by that. I do not have the figures—I wish I did—of how much money we have authorized to be spent for all the programs of the federal government. But if we spent all the way up to that authorization, which thankfully we don't, there would not be enough printing presses in Washington, DC, to print that much money. We almost never spend up to the authorization for every defense program or for health or for HIV/AIDS or for any other part of the Federal budget. We have set an authorization level as sort of a top, a maximum, and then we appropriate every year what we can afford to spend based upon the needs that we see.

So the idea that we are not appropriating to the authorization level is not a valid basis upon which to cast this vote. Also, I think it is important to note that there is a lot of money already appropriated by the Federal Government that is unspent. The Department of Education has some figures on that. The most conservative estimate is that prior to this year, so not even counting money appropriated in this fiscal year, there is 1.7 billion Federal dollars that we have appropriated to State and local governments for schools that is waiting to be spent, which raises the question: Shouldn't we be cautious about how much more we spend?

Now, the budget that we are acting on would add $100 million to title I, bringing the number up to 12.8 billion Federal dollars, or a 47-percent increase since the last year of President Clinton. That is a big increase, and just to put this in perspective again, I have this chart. I think to be fair about it we would have to say President Bush, this President, and the Congress with which he has served in the last 2 years, have been good friends to title I.

During President Clinton's time in office, 8 years, the increase was $2.4 billion. President Clinton cared about education. I know that; I served with him when he was Governor. We worked together on those things with other Governors, too. And he felt it was important over his 8 years to increase title I by $2.4 billion. I salute him and those past Congresses for having done that. But if we are going to salute him and those past Congresses, I think we ought to pat ourselves on the back a little bit, and this President, because in this President's first 4 years he increased funding by $4 billion. And so did the Congress. So it is $4 billion for the first 4 years of Bush, $2.4 billion for the 8 years of Clinton.

Now, one may say, well, this was after No Child Left Behind was enacted; it should have gone up. And that is correct, it should have gone up. I was not here when that happened, but the Congress looked at that and said we made a new commitment. We need additional dollars for title I. We need additional funds for IDEA. We need additional funds for teacher training. We need additional funds for some of the things we have asked the States to do. So we have increased funding for title I over 4 years by 47 percent—over 5 years.

So including this budget, title I would be up to $12.8 billion, or 47 percent since the last year of President Clinton.

I am here today agreeing with the distinguished Senator from West Virginia that title I is an immensely important program. I am proud of the fact that the Congress and President Bush have over the last 4 years increased it by $4 billion. That builds on significant increases in title I that have been approved by Congress during the time of President Clinton and even before that. It may be that as time goes on and we see the need, and we are not in the middle of a war and we don't have three hurricanes of Titanic proportion and homeland security becomes less of a risk, we will have more money available. But in these times I believe the proper thing to do is to devote this amount of money to title I and support the budget point of order of the Senator from Pennsylvania.

I thank the Chair, and I thank the Senators for giving me this opportunity to speak before the vote.

Mr. KOHL. Mr. President, I rise today as a proud cosponsor of the Byrd amendment. This amendment would increase funding for title I by $5 billion. The No Child Left Behind Act authorized $22.7 billion in fiscal year 2006 for title I, which serves low-income, disadvantaged students and schools across the Nation. Unfortunately, this bill falls $9.9 billion short. This modest $5 billion increase is only half of the difference between the authorized amount in NCLB and the Senate bill level.

I strongly believe that one of the Federal Government's primary roles is to improve education for disadvantaged students. Without adequate funding, we will put States, school districts, teachers and ultimately, students, at an even greater disadvantage as many will be unable to meet the requirements in the new law and it will be the students who will suffer. I hope my colleagues will support this important amendment.

The PRESIDING OFFICER. All time has expired. Under the unanimous consent agreement it is now appropriate to have a rollcall vote.

The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, one more reminder. This is a 20-minute vote.

I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the motion to waive the Budget Act with respect to amendment No. 2275. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. McCONNELL. The following Senators were necessarily absent: the Senator from Florida (Mr. MARTINEZ) and the Senator from Virginia (Mr. WARNER).

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE), the Senator from Minnesota (Mr. DAYTON), and the Senator from Florida (Mr. NELSON) are necessarily absent.

The PRESIDING OFFICER (Ms. MURKOWSKI). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 44, nays 51, as follows:

[Rollcall Vote No. 269 Leg.]

YEAS—44

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carper
Clinton
Collins
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
Mikulski
Murray
Nelson (NE)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sarbanes
Schumer
Snowe
Stabenow
Wyden

NAYS—51

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Burr
Chafee
Chambliss
Coburn
Cochran
Coleman
Conrad
Cornyn
Craig
Crapo
DeMint
DeWine
Dole
Domenici
Ensign
Enzi
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
McCain
McConnell
Murkowski
Roberts
Santorum
Sessions
Shelby
Smith
Specter
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich

NOT VOTING—5

Corzine
Dayton
Martinez
Nelson (FL)
Warner

The PRESIDING OFFICER. On this vote, the yeas are 44, the nays are 51. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained. The amendment falls.

Mr. SPECTER. Madam President, I move to reconsider the vote and lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. We are now prepared to proceed with the Dodd amendment. I ask unanimous consent that we limit the time on this amendment to 45 minutes equally divided.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Iowa.

AMENDMENT NO. 2283, AS MODIFIED

Mr. HARKIN. Madam President, before we proceed to the Dodd amendment, I believe the pending amendment is my amendment. I have a modification at the desk. I ask for its consideration.

The PRESIDING OFFICER. The Senator has a right to modify the amendment. The amendment is so modified.

The amendment (No. 2283), as modified, is as follows:

(Purpose: To make available funds for pandemic flu preparedness)

On page 169, line 18, strike "$183,589,000: *Provided*, That 120,000,000" and replace with "$8,158,589,000: *Provided*, That 8,095,000,000"

Mr. HARKIN. I further ask unanimous consent that no second-degree amendments be in order on the Dodd amendment prior to the vote.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Connecticut.

AMENDMENT NO. 2254

Mr. DODD. Madam President, I understand that we have a 45-minute time agreement on this amendment. Is that correct?

Mr. SPECTER. Madam President, that is correct.

Mr. DODD. Madam President, I call up amendment No. 2254 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Connecticut [Mr. DODD], for himself, Mr. KENNEDY, Mrs. CLINTON, Mrs. MURRAY, Mr. KERRY, Mr. LAUTENBERG, Mr. CORZINE, Mr. DURBIN, Mr. LIEBERMAN, Ms. STABENOW and Mr. DAYTON proposes an amendment numbered 2254.

Mr. DODD. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To increase appropriations for Head Start programs)

On page 162, line 1, strike "$9,000,832,000" and insert "$9,153,832,000".

On page 162, line 7, strike "$6,874,314,000" and insert "$7,027, 314,000".

Mr. DODD. Madam President, the Head Start Program, which is what this amendment is about, is, of course, very familiar to all Members. The Head Start Program began some 40 years ago. Ed Zigler from the State of Connecticut, who hails from Yale University, was the father of the Head Start concept and idea. I think it goes without saying that with the reforms that have been instituted over the last number of years, Head Start has been a very successful program during the past 40 years.

There have been modifications to the program that I think have even strengthened it over the years. Literally thousands of American children, who would otherwise not get a good start in their educational process, have been benefitting as a result of Head Start.

Annually, there are some 900,000 children in the United States who are involved in some 18,000 programs across the country. That is serving about one in four of the eligible children under Head Start.

Over the years, there have been various amendments that have been offered to fully fund Head Start or to raise the amounts considerably to increase the number of eligible children who could receive a Head Start Program. That is not my amendment today.

I should have begun these remarks by thanking my colleague from Pennsylvania. He has been recognized already by the Senator from West Virginia and the Senator from Iowa for his support of these programs and ideas over the years. In fact, some 24 years ago, when he and I arrived as newly minted Senators in January of 1981, we formed together something called the Children's Caucus in the Senate. Senator SPECTER and I were the chair and co-chair of that caucus, to raise the level of awareness about issues affecting one in four Americans who are children. We had a variety of ad hoc hearings. We did not have any funding. We did not have the means to actually go out and solicit public support for our efforts to highlight some of these issues.

The very first ad hoc hearing Senator SPECTER and I ever held dealt with latchkey children, afterschool programs, childcare, the related issues for single parents or both parents working. We were trying to get those children to have a good start to provide some resources and support for them. We went on to hold a variety of different hearings over the number of years thereafter. He was a great advocate and a great supporter of those programs. He continues to be today.

Today I recognize that in fact the committee has had a modest increase in the Head Start Program of some $31.2 million. I am appreciative of that. My amendment merely raises that amount by $153 million to make sure we do not have a decline or loss in services for the 900,000 children being served. This amendment is designed to protect about 20,000 children who would fall out of the Head Start Program if we were not able to keep pace with the rising costs of administering these programs.

Also, I ask unanimous consent that Senators KENNEDY, CLINTON, DURBIN, KERRY, MURRAY, CORZINE, LAUTENBERG, LIEBERMAN, STABENOW, and DAYTON be listed as cosponsors of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. The idea is just, if we can, to get these levels of support and funding up because of the rising costs of running these programs.

Energy costs are going up on the average in Head Start Programs by 15 percent. Transportation costs are going up 16 percent. Health insurance in some places has gone up as high as 25 percent. Training for staff is up 4 percent. Facility maintenance is up 9 percent. Services for children with special needs, of course, continues to rise.

This amendment does not expand the program. It is not going to add 100,000 children to the Head Start Program. It is just designed to make sure that we do not see the program deteriorate, that we do not force children presently in the program to be dropped because we are unable to meet the predictable inflationary costs of about 2.7 percent in Head Start Programs across the country. That is the rationale for it. It is not an excessive amendment at all. It is a realistic effort to try to do what we can to see to it that these children are going to get the kind of start they deserve.

To make my case, I want to point out two studies. One was done a number of years ago. It was a survey done of kindergarten teachers throughout the United States. These were asked. How ready are children when they come to kindergarten? How ready are they to learn? Over 50 percent of kindergarten teachers in the United States, when surveyed and asked that question, responded that the majority of children were not ready to learn when they entered kindergarten.

There are a variety of reasons for that. We are not going to solve the problem overnight. But we do know now, after 40 years, that children who are in a Head Start Program clearly benefit and have a much higher degree of success than children in similar circumstances who do not participate in programs.

We know, for instance, that Head Start children are more likely to maintain grade level performance in elementary schools and on into secondary schools. We know that Head Start children stay out of the juvenile justice system to a far higher degree than children who are not in those programs. We know that children in the Head Start Program are less likely to become abusers of substances, either alcohol or drugs. We know these children, who are involved in Head Start Programs are less likely to become teen mothers.

In statistic after statistic, we find these children who get the benefit and advantages of a Head Start Program have a greater likelihood of success. It is not a guarantee of success. There are obviously children who do not make it. But we know after 40 years this program works pretty well.

Again, I am not suggesting today we expand the program. I have tried that in the past. All I am asking my colleagues today is to say for the coming fiscal year can we do what is possible to avoid some 20,000 children who are presently in the program from falling out of it?

The second study I want to point out has just come out in the last several days. I do not know if my colleagues have yet received these in their offices. My colleagues, Senator LAMAR ALEXANDER and JEFF BINGAMAN of New Mexico, went to the National Academy of Sciences a couple of months ago. If I can paraphrase their request, they said to the National Academy of Sciences: Would you mind telling us, over the next number of years, what are the 10 things we ought to better prepare to handle the math, the science, and the technology demands of our Nation?

I am not going to recite the full study here, which is entitled "Rising Above the Gathering Storm." I will just list some of the authors. The chair is Norman Augustine, the retired chair of Lockheed Martin; Craig Barrett, chairman of the board of Intel Corporation; Rick Levin, the president of Yale University; the president of MIT, the president of DuPont company, the president of Rensselaer Polytechnic Institute—it is just an incredible list of distinguished Americans and academicians who worked over a period of time, I think 3 or 4 months, to come out with a series of recommendations.

I will not go through all of their report. You will get it and it is worth looking at. There were some very dramatic recommendations and ones we should take very seriously.

Their findings come in this smaller pamphlet entitled "Rising Above the Gathering Storm." In the first paragraph, these distinguished Americans say:

> We are worried about the future prosperity of the United States. Although many people assume the United States will always be a world leader in science and technology, this may not continue to be the case inasmuch as great minds and ideas exist throughout the world. We fear the abruptness with which a lead in science and technology can be lost, and the difficulty of recovering a lead once lost if, indeed, it can be regained at all. This Nation must prepare with great urgency to preserve its strategic and economic security.

It continues, but I think that language directly bears on the amendment I am offering today. The No. 1 suggestion they make—I don't think they necessarily prioritize it, but the first suggestion is to train and put into the field 10,000 teachers a year in math and the sciences. The goal is that each one of these teachers might educate 1,000 students over a career, so that over time a million students in our country would benefit from a tremendous education in science and math and engineering.

If America is going to avoid exactly what these distinguished Americans have warned us against we must prepare teachers and children. Let me go back to the statistic I mentioned a moment ago, that if the kindergarten teachers of America are right, half of children entering kindergarten today are not ready to learn. It is one thing to have teachers, but what if you don't have the students who are ready to learn? If we know that Head Start kids are more likely to be prepared for school, stay in school, stay out of trouble, avoid substance abuse, don't become teen parents, then we ought to be doing what we can to keep those 900,000 kids in the program. We know full well that Head Start, after 40 years, does make a difference.

We can do a lot better. We can do so much better if we start making these modest investments. We know the modest investments in these programs pay huge dividends. Should we not try to stop some erosion in this program? That is all I am offering today, a modest 2.7-percent increase, a little more than $150 million to just keep the number of children in the program there for the coming fiscal year. Then, I hope, in the coming years when our fiscal condition is much stronger and better certainly than it is today, we can do more to see that these children have a chance to go on.

Someday I want to come back and offer an amendment again, as I did years ago, to make sure every eligible child can get in a good program like Head Start and Early Head Start. I wouldn't try that today. I know my colleagues cannot accept that. I understand the budget realities. But can we not find $153 million? We are spending $6 billion a month in Iraq. That doesn't include Afghanistan. My colleague from Tennessee and I and Senator ENZI and Senator KENNEDY recently worked on a package for 1 year to help out some 400,000 students who have lost their schools as a result of Katrina and Rita—mostly Katrina. It was a great idea. Let's put aside our differences. Let's make sure these kids can get going so they do not miss a year because the schools have been washed away or destroyed.

But there are not hurricanes and natural disasters all over our country, thank the Lord. But these children in Head Start, in many ways, live in a disastrous situation every day. They live in chaos, many of them. They live in families and neighborhoods where it is amazing that anyone can come out of them intact. Head Start has reached into these communities and provided a safe place, a harbor for children with talents and abilities. If you go to a Head Start Program you see the children are bright and they want to learn and they overcome obstacles, as their parents do every day, to give them a chance to get going. I don't want some kid in a Head Start Program to be dropped out this year who could have become that engineer or that scientist who becomes that CEO of Intel or who becomes the head of Lockheed Martin or becomes the president of RPI or Yale University. And they are there. These kids are not just in the private schools. They are not just in the affluent neighborhoods. Talented Americans are in every neighborhood in America, and we ought to be able to do better for these children. We ought to be able to say: This year things are tough, we can't expand the program. But we are not going to lose any kids. We are not going to leave any child behind in a Head Start Program.

Listen to the warnings of this report. It can happen with abruptness, and once lost, very difficult to regain. So while we expand the pool of teachers, while we do everything we can to give kids a chance to learn, we have to make sure these kids are ready to learn. Head Start, for 40 years has done that.

It has made it possible for kids to become ready to learn. Not that they make it in every case, again, but we know without any question today that the difference between a child who is in an Early Head Start or Head Start Program and a child who is not is the likelihood the Head Start participant will avoid the obvious pitfalls that can happen so quickly in a young person's life. There is a greater likelihood they will go through it.

I am offering this amendment today, pleading with my colleagues, let's not lose 20,000 kids. We have not yet even begun to discuss this "Rising Storm" report. I like big ideas, and one of the reasons I am so fond of my colleague from Tennessee is because he likes big ideas. He wanted to come to the Senate to grapple with a big idea, and this is a big idea. I am sure he has not, nor am I, endorsing every dotted I or crossed t here. But it is a very big idea. Head Start is a big idea that Ed Zigler had 40 years ago, and today there are some 900,000 children in this country who benefit from it, less than 50% of those who are eligible. It is a big idea that needs to be protected. We need to be thinking about both parts of the equation—we need teachers and we need students. We can do a lot better, in my view, if we try to do both. We are not going to deal with this report this year. But it seems to me we know Head Start works and the success we have had with it, and knowing the costs that the nearly 19,000 programs across the country are facing—energy, transportation, health insurance, training for staff; all of these increases ranging from 15 percent to 25 percent in the next year. Just to try to keep these programs whole, to hold them harmless, is something I think is worth doing.

Therefore, I offer this amendment on behalf of myself and my colleagues with the hopes that there will be enough votes maybe to overcome the budget considerations. Again, I say to my colleague from Pennsylvania and my colleague from Iowa, you have a thankless job. I know it is not easy to have Members like myself coming over, making these cases to you. But my hope would be in some instances, particularly this one, that we would undertake the responsibility of trying to at least keep the program alive.

Barbara Tuchman wrote a wonderful book years ago. She is no longer with us. She wrote a number, but one of them is called "The March of Folly," and it mostly dealt with strategic military questions, going throughout past history. Her point was that nations commit folly when they engage in behavior they know is unwise yet they pursue it anyway. This is a different kind of problem than a mistake you make when you didn't know it was a mistake until later. But the follies, according to Barbara Tuchman, were when you knew you were making a mistake and you went ahead and did it anyway.

In a sense, for us not to keep these programs whole is the "March of Folly" when it comes to America's future. We know, we know it as well as we know anything in this body, that the key to America's success has been based, throughout its 220-year history on an educated population. I have said this maybe 1,000 times; 201 years ago, Thomas Jefferson said:

> Any nation that ever expects to be ignorant and free
>
> Expects what never was and never possibly can be.

If that was true in the beginning of the 19th century, here we are in the beginning of the 21st century with all the explosions of advances around the globe. If we don't make these investments, if we don't do everything possible to educate our children, knowing that the failure to do so puts this Nation at risk on every level, is in fact the "March of Folly."

It could be a new chapter for Barbara Tuchman were she alive today and writing the sequel to her own book. To not support these efforts, I think, leads us on a path that these distinguished academicians and others have strongly identified in their report.

Again, read their words on the opening page, if you will, of "Rising Above the Gathering Storm."

> We are worried about the future prosperity of the United States. Although many people assume the United States will always be a world leader in science and technology, this may not continue to be the case. Inasmuch as great minds and ideas exist throughout the world, we fear the abruptness with which the lead in science and technology can be lost and the difficulty of recovering a lead once lost, if indeed it can be regained at all. This Nation must prepare with great urgency to preserve the strategic and economic security.

Those words are about as clear as they could be. Head Start is an integral part of that, in my view. There is a sense of urgency that ought to be about it.

My hope is again that my colleagues will see their way through to supporting this amendment.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Madam President, listening to the passionate presentation by the Senator from Connecticut, I agree with virtually everything he said but nothing more than when he said that Senator HARKIN and I have thankless tasks.

It is very hard to reply to what the Senator from Connecticut has had to say about the importance of Head Start without agreeing with him, and his reminiscences back to January following the 1980 election when 18 new Senators came to the Senate—16 Republicans and 2 Democrats. I was one of 16, and Senator DODD was one of 2. His class has maintained 50 percent representation. Our class is down to one-eighth, 12½ percent. Senator DODD and I formed the Children's Caucus. He wasn't a chairman anywhere because he was in the minority. He wanted to have a gavel—at least half a gavel. I chaired the Juvenile Justice Subcommittee. We talked and formed a caucus. I think we did very good work. I think some of the work we did has followed its way into Head Start and very important juvenile programs.

As Senator DODD has said, it is a thankless job to manage this bill, to make allocations of $145 billion among education, health care, and labor and work safety. We have done the very best we could in our allocations. It has been crafted, as I said, jointly by Senator HARKIN and myself.

Over the years, I have been and still am a steadfast supporter of Head Start. We have in this budget almost $7 billion for Head Start, a very substantial sum of money. Between fiscal year 1994 and fiscal year 2004, we have doubled Head Start.

Nothing would please me more than to be able to accede to the request by the Senator from Connecticut, which is, as he accurately stated, a moderate request. Yesterday, the Senator from Massachusetts, Senator KENNEDY, offered an amendment on Pell grants which I thought was a good amendment. We had Senator BYRD's amendment this morning for increased funding on education title I, which is a good amendment. It is difficult not to be able to support these amendments. But in my job, it is necessary to take the allocation which the budget resolution gives us and make the allocations as best we can.

If Senator DODD had some suggestion as to an offset—that is, where we could move some money from one account to another on the basis of priority—I would be glad to consider whatever he had to say. But I am constrained to stay within the limits which the budget resolution has provided. That requires, much as I dislike to, raising a budget point of order.

Much as I dislike doing so, I raise a point of order under 302(f) of the Congressional Budget Act that the amendment would put the authority and outlays in excess of the subcommittee's 302(b) allocation and, therefore, is out of order.

Mr. DODD. Madam President, much as I regret, I move to waive the appropriate sections of the Congressional Budget Act, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. DODD. Madam President, may I inquire how much time remains on this amendment?

The PRESIDING OFFICER. The sponsor's time has expired, and 17 minutes 20 seconds remains on the other side.

Mr. SPECTER. Madam President, I yield back my time.

Mr. DODD. Madam President, it is my understanding that the Senator from New York is going to offer an amendment.

Mr. SPECTER. Madam President, we are going to move to the amendment by the Senator from New York.

Mr. DODD. I thank the Senator. I thank the Chair.

Mr. SPECTER. Madam President, I ask unanimous consent that the pending amendment be set aside temporarily and the vote in relation to this amendment be determined by the majority leader after consultation with the Democratic leader and that we move ahead to the amendment to be offered by the Senator from New York, Mrs. CLINTON.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New York.

Mrs. CLINTON. Madam President, I appreciate the chairman's kindness in arranging this. As I understand, we have by unanimous consent set aside the pending amendment. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

AMENDMENT NO. 2292

Mrs. CLINTON. Madam President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant clerk read as follows:

The Senator from New York [Mrs. CLINTON], for herself, Mr. DODD, Mr. KENNEDY, Mr. JEFFORDS, Ms. STABENOW, Mr. DAYTON, Mr. LIEBERMAN, Mr. REID, Mr. LAUTENBERG, Mr. KOHL, Mr. CORZINE, and Ms. MIKULSKI, proposes an amendment numbered 2292.

Mrs. CLINTON. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide additional funding for part B of the Individuals with Disabilities Education Act)

At the end of title III (before the short title), add the following:

SEC. . In addition to amounts otherwise appropriated under this Act, there are appropriated, out of any money in the Treasury not otherwise appropriated, $3,958,901,143 for carrying out part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.).

Mrs. CLINTON. Madam President, I come to the Chamber today to offer an amendment to provide much-needed resources to help educate the most needy of our students in New York and across America.

At the outset, I would like to recognize some of my colleagues who have been extraordinary leaders on behalf of children with special needs, starting with my colleague from Connecticut who is still here on the floor, Senator DODD. He has been a longtime leader in the fight to increase Federal funding for special education. In that fight for years have also been Senators HARKIN, KENNEDY, JEFFORDS, HAGEL, and others who have come to this Chamber repeatedly championing the right of those with special needs and reminding us that the noble effort we undertook as a nation to require that children with disabilities and special needs be given the education they deserve, to have as a mandate that has been placed upon our local school districts. It is a noble and worthy undertaking to require that no child literally be left behind, but it is a burden that we should recognize that our local districts struggle with every school year.

I began working on special education issues as a very young lawyer literally just out of law school many years ago working for the Children's Defense Fund. I worked on a project where I walked door to door in communities, knocking on doors and asking people if they had school-age children. We had realized when looking at census data compared to school enrollment data that we were missing hundreds and thousands and on a national basis millions of children. They were not in our schools. What I found as I went from home to home was alarming: Children with disabilities back in 1973 and 1974 were not being sent to school. They were being kept at home because the schools were unable to care for them, to meet their needs. Many of them were thought to be uneducable.

I remember going into an apartment on the second floor of a wooden house in New Bedford, MA, to meet a lovely young girl of about 12 in a wheelchair, just as bright and smart and curious as you could imagine any child could be, who had never been to school. There were no accommodations in those days for children or adults in wheelchairs. She was at home day after day. I remember meeting another child who was blind, and her parents didn't want to send her over to the State school for blind children which was some distance away, so she was at home.

We recorded all of these children with their needs, and we presented a report by the Children's Defense Fund which was used by leaders in this body to argue for and eventually pass the 1975 Education for All Handicapped Children Act. That is today known as IDEA, Individuals with Disabilities Education Act.

This watershed act—no country had ever tried to open the doors of its education system to children with special needs—was an extraordinary accomplishment for our Nation. It promised every child the right to a free, appropriate public education. Senator JEFFORDS and Senator KENNEDY actually helped to author that bill, and Senators DODD, HARKIN, and others have been fighting to make sure it lives up to its promise ever since.

Today, Senator DODD and I are seeking to honor that original promise, the pledge to provide up to 40 percent of the per-pupil expenditure for students with disabilities. Today, the Federal Government provides less than 25 percent, which makes it very difficult for schools to provide a high-quality education to students with disabilities.

In short, after 30 years, the Federal Government still fails to live up to the promise we made in 1975 to every child, to that child's family, and to the school districts of America.

This amendment will provide close to $4 billion. That is the difference between the amount appropriated in the Senate bill and the amount promised in IDEA. For New York, that would mean $243 million extra.

Lack of funding for this mandated program, as important as it is, has serious implications for local communities. School districts do not have a choice about whether they comply. They are legally required to do so, and they should be. They have to provide the necessary services that ensure every child with special needs receives that free, appropriate public education.

Throughout New York, I have spoken with many educators, teachers, principals, and superintendents who work hard every single day to make IDEA a reality for the children in their care. But the other reality in today's difficult budget times is that it is increasingly difficult for our schools to meet the mandate of IDEA without cutting other educational services for all the other children in the school district. I am talking about essential services such as teachers' salaries, programs that enrich the curriculum, and afterschool programs. Oftentimes the cost of special education is the driving force as to why school districts seek increases in property taxes.

I will give an example from my own home county. In Westchester County we just learned the Children's Rehabilitation Center, a wonderful program that serves children with disabilities such as cerebral palsy, spina bifida, Down's syndrome, is closing. That leaves parents scrambling to find other arrangements. The parents are understandably concerned about the impact of this closure on their children.

Our local newspaper, the Journal News, in a recent op-ed about the situation, said the following:

> Hearts of compassionate people, of course, go out to the [parents]. But there are public-policy implications also at play here that many, if not most, taxpayers may not realize.

The paper went on:

> The reality is this. All children have a right to an education, one that is in the home district or as close as possible. Public education, and transportation to it, are paid for by a combination of local, state, and federal funding. When a desperately needed program like Children's Rehabilitation Center scales down, and even if accommodations are made for those affected, the impact is well beyond an individual family and employees—it affects the entire community and, quickly, local school districts. And, yes, that means higher property taxes.

A similar situation is occurring in Bethlehem, NY, where property owners are facing a 7.9-percent increase in their tax rate for the coming school year, in part, to pay for increased special education costs. Under the new rate, a homeowner whose property is assessed at $100,000 will be charged $203 more this year than last year.

According to a recent article in the Pittsburgh Post-Gazette, Pennsylvania is considering a proposal for additional funding for special education that would enable property taxes to be cut in half.

I know many of my colleagues on the other side of the aisle will come to the Senate and argue this amendment breaks the budget, raises the deficit, and could increase Federal expenditures. The truth is, quite simply, this amendment would lower taxes for New Yorkers and for all Americans who pay property taxes because it will relieve some of the pressure on local communities. The choice before the Senate today is not between this amendment and lower taxes for Americans. The choice, as it impacts many communities, is between this amendment and higher local property taxes. The total tax burden for American families will stay roughly the same. We will succeed only in shifting the responsibility for raising revenue to overburdened localities and homeowners, struggling to meet the mandates of No Child Left Behind and the 30-year-old mandate of IDEA.

This amendment is particularly critical today because the cost of special education has increased substantially in both absolute and relative terms. Today, 15.3 structures in New York public schools have special needs. The National Center for Education Statistics reports New York's demand for IDEA has consistently increased over the last decade and a half. Since 1991, the percentage of children between ages 3 and 21 served by IDEA has increased by over 43 percent. We have, at the same time, increased by 61 percent the number of children receiving these services. Nationwide, the upward trajectory has been even more dramatic. Our country has experienced a 73-percent increase in the number of students in IDEA between 1976 and 2002. According to CRS, the Congressional Research Service, the cost of "regular" education has increased 4 percent in constant dollars since 1985, while the cost of special education has increased 10 percent.

Part of the reason is because we have also witnessed dramatic increases in the rates of diagnoses of particular types of disabilities. Before 1985, for instance, only 4 to 6 of every 10,000 children were diagnosed with autism. Today, 1 in 1,000 is considered a conservative estimate. We should not be discouraged by this increasing need for services. Part of the reason more children are being identified is as a result of our paying more attention to children with disabilities. One of the programs we have turned to over the last several years, the Preschool Grants and Infants and Toddlers With Disabilities Program, helps identify children earlier, which in turn helps them get better educated and learn how to deal with their particular disability. It goes hand in hand. It is a good news and challenging news story. The good news is we are reaching out and finding out about what disabilities children suffer from. But the challenge is, how we are going to take care of their needs?

We still have a lot of work to do on student assessments. We know from State assessments there is a large gap between the performance of students receiving special education services and their nondisabled peers. Wide gaps also exist in the performance of students with disabilities who attend high-need school districts compared to school districts with greater resources. And a great percentage of minority students are identified as having disabilities. Once identified, a greater percentage are placed in more restrictive special education settings.

We must remain accountable for the promises we made these children. Under No Child Left Behind, we are testing these children. We are publishing the results. We are telling school districts, you cannot come to us and say you have to discard the scores of our children with Down's syndrome or cerebral palsy. We are saying, we expect you to educate all of your children. I am very supportive of that. However, in order to do that, we have to be fair to the school districts and give them the resources they need to fulfill this mandate.

We are in the year 2005. We cannot blame the economy. We cannot blame the war in Iraq. We cannot blame Katrina and Rita in failing to make good on our promise for special education funding. This has been going on for 30 years, through good times and challenging times. Now more than ever we need to invest in the education of children with special needs. I hope we will do just that. It is time we step up and put the Federal Government on record to fulfill its promise and provide the resources, help districts keep down property taxes, help them meet the needs of these children.

I hope if there is a budget point of order, which I fully expect there to be, that my colleagues will vote in favor of fulfilling the promise of IDEA and opposing the budget point of order.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Madam President, I concur with the Senator from New York about the tremendous importance of special education. That has been a priority of mine since becoming chairman of the subcommittee.

In the 1996 fiscal year, the Federal contribution was 7.3 percent. Since that time, through fiscal year 2005, we have raised it to 18.5 percent. We are still a good bit shy of approximating a 40-percent figure, but when we look at the funding for IDEA, there have been very marked increases as we have moved along, with an increase one year of $1.3 billion, another year $1.1 billion. We are now at a position where the total funding for IDEA has come up very dramatically but candidly is not as far as I would like to see it. We now stand in a range of funding of $10.7 billion.

The amendment offered by the Senator from New York increases funding by $3.959 billion, almost $4 billion. Like the amendment offered by Senator DODD for Head Start, I would like to see the money for IDEA. Last year, Senator DAYTON offered an amendment for $11 billion which—even that draws a smile from my colleague from Connecticut. Or the amendment offered by Senator BYRD for $5 billion, or the one yesterday for Head Start.

A few years ago, after managing this bill for some time, I made a determined effort to become chairman of the Subcommittee on Foreign Operations. It seems to me a good place to be so when these votes came up I would be free to cast a vote to exceed the budget limitations, since it takes 60 votes. That means if you take 44 Democrats and Senator JEFFORDS and 14 votes possible, you can be with the good guys and still not bust the budget. That luxury is not enjoyed by the manager, however. It is one of the footnotes in the manager's book, you cannot raise a point of order and vote against a point of order. It presents a very difficult voting record for reelection to vote against Head Start, against education funding, against Pell grants, and against special education.

I have stayed with this Subcommittee on Labor, Health, and Education because it is important. Senator HARKIN and I have led the way on funding for NIH. We have some very important funding for the Centers for Disease Control. But I think we have done a great deal with this budget, to the maximum extent possible. Each year it becomes much more difficult. The increase of $100 million for special education this year is insufficient. I wish there were more money that could be advanced. I am well aware that the education for special education, disabled, and handicapped puts people in the mainstream of American life and improves the quality of their life. It is important.

But when we have a budget resolution that is thought out—and I voted for the $5 billion Senator KENNEDY wanted to add to education which would have given money. It was a 51-to-49 vote. I was importuned by the Republican cloakroom with great pressure to change my vote and make it 50 to 50 so that amendment would go down. I stayed with Senator KENNEDY's amendment. If we had had $5 billion more, we could have accommodated what Senator CLINTON wants and what Senator DODD wants and some of Senator BYRD's request, but we do not have the money.

My duties require me to raise a point of order, which I now do formally, but I will desist because I see Senator DODD on his feet for a short speech.

The PRESIDING OFFICER (Mr. THUNE). The Senator from Connecticut.

Mr. DODD. I will wait until you make the point of order.

Mr. SPECTER. Mr. President, I raise a point of order under section 302(f) of the Congressional Budget Act that the amendment provides budget authority and outlays in excess of the subcommittee's 302(b) allocation under fiscal year 2006 concurrent resolution and therefore is not in order.

The PRESIDING OFFICER. The Senator from New York.

Mrs. CLINTON. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive the applicable sections of that act for purposes of the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I will, if I may, take a few minutes in support of the amendment by my colleague from New York. I am a cosponsor of this amendment. As she very graciously pointed out, over a number of years, a number of us have worked on this issue. But my colleague is much too humble. The fact that she has only been in this Chamber a little short of her first term belies her interest in this subject matter, which goes back years.

As she pointed out, she was a lawyer working with the Children's Defense Fund. I know our mutual friend, Marion Wright Edelman, has had this issue on the agenda for years and years and years. While the Senator from New York is a relatively new Member of this Chamber, she is not a newcomer to this issue. I am delighted she is taking the lead on this issue this year to highlight the importance of this issue.

She made all the important arguments. Again, I think the Senator from New York and I both agree, saying to our friend from Pennsylvania: We don't want you to go anywhere. We like the fact you are the chair. You won't mind if the Senator from New York and I might prefer that Senator HARKIN were the chairman of the committee and you were the ranking member of that committee. You will appreciate our desire to be in the majority, not in the minority, on these issues. But we appreciate immensely the deep commitment of the Senator from Pennsylvania on these issues, not just intellectually but passionately as well. And that is understood.

But, certainly, as you understand and we understand the situation you are in, you must understand, as well, the position we feel so strongly about: and that is, the people who rely and count on us to come up here and raise these issues to try to see if we can't do a bit better.

I know within the Budget Act the restraints are there. But we all know as well that we can make choices here in this Chamber. We can make choices about revenue raising, about different priorities within our overall budget. I don't want to leave anyone with the impression that it is impossible for us to do this. It is not impossible for us to do this. If the will of a majority here exists—or in this case a supermajority to overcome the Budget Act—we can do this.

It is a matter of choices we all get asked to make every single day. They are not easy choices—I understand that—from time to time, although I think the case for special education is so profoundly clear that it ought not be that difficult. We all appreciate the position the manager of the bill is in when he offers, as he must, a point of order because what we are suggesting does break the ceiling. But that should not be a restraint on anyone else who has the opportunity to make a choice about whether they think this issue has merit.

The Senator from New York has pointed out there has been a number of people over the years—Republicans and Democrats—who have supported increasing funds for special education.

The Senator from New York rightly goes back and talks about a not too distant history—this is not ancient history—when millions of our fellow citizens, merely because they were confined to a wheelchair, because they had a physical disability, had a learning disability, were deprived the opportunity to receive an education in our country.

It was only 30 years ago we decided it was important we provide an opportunity for every child—every child—to reach his or her potential and that our educational system ought to be able to accommodate those children, and to see to it they have the opportunity to become as independent and as successful as their God-given talents would provide them. That has been a great success in our country.

Back not that many years ago, only 20 percent of children with disabilities ever got an education. Imagine that. It is not that long ago. The Senator from New York has pointed out how she met children, when she was doing her work early on, who were in wheelchairs, children who were blind.

My oldest sister Carolyn—whom many of my colleagues have met; I know my colleague from New York has met—was born legally blind. She just retired after 41 years of teaching. She holds two masters degrees in early childhood development. She ran and taught in Montessori schools, and taught, in the late 1950s, in the Whitby School in Greenwich, CT, with Nancy Rambusch, for those who follow Montessori and educational issues.

But for the financial situation of my family and my parents, who could go out and provide an opportunity for my sister Carolyn who was born in the 1930s, I would hate to think what might have happened to my sister under different economic circumstances. What I also regret, as well, is what those children over those 41 years would have lost from a remarkable human being who taught them.

Today, many of these children across our country who have a physical disability, a learning disability, can go out and achieve great success. I know, for instance, a great new airline in the country—JetBlue, I think it is called—the man who started that company lives in my State of Connecticut. He has nine children. He is dyslexic. Nelson Rockefeller, who presided over this Chamber as Vice President of the United States, who was a former Governor of the State of New York, which my colleague who has offered this amendment represents, was dyslexic. He had a difficult time reading a speech. Yet think of the achievements he reached. Again, economic circumstances gave him opportunities.

What we are saying today is we do not want to deprive these families, these individuals, of the opportunity to achieve their potential and to serve our country, not just themselves because we have all benefited as a result of the last 30 years of educational opportunities.

My colleague from New York makes a very good point. I have often said if you go back to any community, any county in the United States today and ask them: What could we possibly do to be of help to you?—now, there are unique circumstances. There may be a road or a bridge or a dam or some special project. But I promise you, I don't care whether you go from New Hampshire to Pennsylvania to South Dakota to New York, walk into a county or small town and ask, What are the things we can help out with, and you will hear about No Child Left Behind. That may come first. But I will tell you what is either first or second, unless there is some special need that exists in that community. It is special education, and particularly if you go to rural communities, small towns.

I know in my own State, if you go to meet with the first selectman or selectwoman and ask, What is the cost, you may find that you have one or two special needs children whose educational costs distort the local budget. And it can throw their budget all out of whack. What it does, unfortunately, as well, is it sort of singles out these families and children as if somehow they are culpable for creating financial difficulty to their community or their county.

We made a promise 30 years ago. We made a promise that we would pick up the cost of 40 percent of the special educational costs. We are now at about 18 percent. What the Senator from New York offers us would get us to a little more than 24 percent, for 1 year, by the way. This is not an amendment that provides the funding in the succeeding years. It would result, without any question, I can tell you, in rural communities in my State, in lowering property taxes, without any question whatsoever. I suspect that would be true in larger communities as well, but certainly in smaller communities, in rural areas in the country, if we could begin to meet our obligation.

We are not creating an obligation here. We are merely fulfilling one. We could actually make a huge difference in a tax that is very onerous to most people in the country—rising property taxes. That occurs because of, primarily, education costs, in most areas. It is the education budget that drives the property tax increases more than anything else.

So if you are interested in reducing some of the taxes on our people, particularly on one that affects middle-income and lower income people, who could really use the break, then you ought to be supporting the amendment offered by the Senator from New York; not to mention, of course, the advantage and the benefit that our country receives because we are providing an opportunity for children who can make such a difference in our society.

The other day I was talking with my colleague, Senator ISAKSON. I think Senator ISAKSON made this point. If he didn't then I stand corrected. But I believe it was Senator ISAKSON. We were talking about special education and the importance of these programs, and I was recalling that not that long ago I went to a program in Connecticut where there is an effort to integrate special needs children with mainstream children. Part of the day these children are also in special classes. Seeing special needs children interacting with their peers was a wonderful thing to see.

I wish all of my colleagues could have been with me that morning to see the children who are not special needs children and what an education they are getting sitting in a classroom with children who have learning disabilities or other special needs. You can see these children defend, understand, help, reach out, and recognize the talents of their fellow classmates—in a wheelchair or having a learning disability because of some mental retardation—and see how proud they are to be in a classroom with these kids, how proud they are of their accomplishments and what they can do, even under limited circumstances.

I cannot put a line item in the budget for you on that one. There is no way I can calculate the cost of what it means for a child to understand that a fellow classmate of theirs—in an elementary school, by the way—is learning and doing their best. What a better citizen, what a better person that child without those needs is because of that experience. It is an incredible thing to see, to watch children caring for each other. What better adults they are going to be when they are grown up in society, understanding that not everyone who is a part of this country—with all the great success we attribute to our own Nation—are without problems.

This amendment is designed to do what we can to see to it that we provide more help to these communities and to these families and these children whom we all agree and understand deserve our support. We don't want to go back, obviously, to the days when we excluded as many as 80 percent of the children in this country with disabilities from receiving an education. We are not doing that, but we have a choice now, in the next few hours.

We have a choice to make on Head Start. We have a choice to make on special education. It can be done. Don't go home to constituents and say it was impossible for us to do it. It is not impossible. It is possible. It is a question of whether you want to make the choice to make it possible. That is the difference. That is what we are asking here to do.

Again, I commend my colleague from New York and thank her immensely for offering this amendment. I look forward to someday getting some real success in all of this. But this is a major step forward, and I commend her for it.

The PRESIDING OFFICER. The Senator from New York.

Mrs. CLINTON. Mr. President, I thank my colleague, who has been such a great leader on this issue, for his eloquent, passionate explanation as to why this amendment is so important. I also thank the chairman for his very eloquent and moving statement and appreciate his leadership on this and so many other issues over the years.

AMENDMENT NO. 2313

Mr. President, I ask unanimous consent that the pending amendment be set aside to call up amendment No. 2313.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from New York [Mrs. CLINTON], for herself, and Mr. SCHUMER, proposes an amendment numbered 2313.

Mrs. CLINTON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide for payments to the New York State Uninsured Employers Fund for reimbursement of claims related to the terrorist attacks of September 11, 2001, and payments to the Centers for Disease Control and Prevention for treatment for emergency services personnel and rescue and recovery personnel)

At the appropriate place, insert the following:

SEC. ____.(a) Notwithstanding any other provision of law, $125,000,000 shall be available and shall remain available until expended to replace the funds appropriated but not expended under chapter 8 of division B of the Department of Defense and Emergency Supplemental Appropriations for Recovery from and Response to Terrorist Attacks on the United States Act, 2002 (Public Law 107–117), and of such amount, $50,000,000 shall be made available for payment to the New York State Uninsured Employers Fund for reimbursement of claims related to the terrorist attacks of September 11, 2001 and for reimbursement of claims related to the first response emergency services personnel who were injured, were disabled, or died due to such terrorist attacks, and $75,000,000 shall be made available to the Centers for Disease Control and Prevention upon enactment of this Act, and shall remain available until expended, for purposes related to the September 11, 2001 terrorist attacks. In expending such funds, the Director of the Centers for Disease Control and Prevention shall give first priority to the existing programs coordinated by the Mount Sinai Center for Occupational and Environmental Medicine, the Fire Department of New York City Bureau of Health Services and Counseling Services Unit, the New York City Police Foundation's Project COPE, Police Organization Providing Peer Assistance, and the New York City Department of Health and Mental Hygiene World Trade Center Health Registry that administer baseline and follow-up screening, clinical examinations, or long-term medical health monitoring, analysis, or treatment for emergency services personnel or rescue and recovery personnel, and shall give secondary priority to similar programs coordinated by other entities working with the State of New York and New York City.

On page 116, line 10, strike "$3,326,000,000" and insert "$3,201,000,000" in lieu thereof.

Mrs. CLINTON. Mr. President, I ask unanimous consent that the amendment be temporarily set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. CLINTON. Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from New Hampshire.

AMENDMENT NO. 2215, AS MODIFIED

Mr. SUNUNU. Mr. President, I have a technical modification to one of my amendments that has been pending. It is amendment No. 2215. I ask unanimous consent that the pending amendments be set aside, that amendment be called up, and I be allowed to submit the modification to the desk.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered. The amendment is so modified.

The amendment, as modified, is as follows:

(Purpose: To increase funding for community health centers)

At the appropriate place in title II, insert the following:

SEC. ___. Amounts appropriated in this title for community health center programs under section 330 of the Public Health Service Act (42 U.S.C. 254b) shall be increased by $198,560,000. Notwithstanding any other provision of this Act, amounts appropriated under this Act shall be reduced by 0.14 percent.

Mr. SUNUNU. I yield the floor.

Mr. SPECTER. Mr. President, in the absence of any Senator seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, we have a request from Senator DEMINT for 15 minutes of morning business. This would be a good time to accommodate that request.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2228

Mr. DURBIN. Mr. President, I ask unanimous consent to set aside the pending amendment and call up amendment No. 2228 already filed at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Illinois [Mr. DURBIN], for himself, Mr. LAUTENBERG, Mr. FEINGOLD, Mr. BINGAMAN, and Mr. KENNEDY, proposes an amendment numbered 2228.

Mr. DURBIN. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To ensure the scientific integrity of Federally-funded scientific advisory committees and their findings)

At the appropriate place, insert the following:

SEC. ___. (a) None of the funds made available in this Act may be used to request that a candidate for appointment to a Federal scientific advisory committee disclose the political affiliation or voting history of the candidate or the position that the candidate holds with respect to political issues not directly related to and necessary for the work of the committee involved.

(b) None of the funds made available in this Act may be used to disseminate scientific information that is deliberately false or misleading.

Mr. DURBIN. I ask unanimous consent that Senators LAUTENBERG, FEINGOLD, BINGAMAN, and KENNEDY be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, all of us benefit from scientific information and advice provided by many Federal agencies. When we go to the Centers for Disease Control Web site to read about infectious disease threats or turn to the National Cancer Institute to learn about the latest in cancer treatment, we have confidence that we are being provided with honest, accurate, and objective information. We rely on scientists and medical experts serving the National Institutes of Health to make wise decisions based on real science, not politics, to ensure that our investments in medical research will improve the health of Americans for generations to come.

The amendment I offer seeks to ensure that the American people will continue to benefit from the best possible scientific advice and information from the Government's scientific advisers and from the Federal agencies themselves. First, the amendment prohibits the use of Federal funds to ask candidates for appointment to scientific advisory committees to disclose their voting history, their political affiliation, or their opinions on unrelated political topics. When the Federal Government seeks expert medical and technical advice, it should look for the very best experts. It should not limit itself to only those experts who voted for a particular political candidate or who agree with any President's policies or who support the death penalty. That is not how we, in our personal lives, would go about choosing a doctor. It should not be the way our Government seeks out expert scientific advice.

It appears this is exactly what has happened in a number of instances. In the year 2002, Dr. William Miller, professor of psychology and psychiatry at the University of New Mexico, was denied a position on the National Advisory Council on Drug Abuse after he admitted that he had not voted for the President. Dr. Miller was also asked for his views on abortion rights and the death penalty. This was for an appointment to the National Advisory Council on Drug Abuse.

In March 2004, the White House screened a nominee to the Arctic Research Commission, an advisory panel on issues that include Arctic drilling. According to the candidate, Dr. Sharon Smith, a professor of marine ecology at the University of Miami:

> The first and only question was, "do you support the President?"

Following incidents such as these, the National Academies of Science convened a committee to study how the Government should select its science advisers. Earlier this year it issued a report that said candidates for scientific advisory positions should find it inappropriate to be asked to provide nonrelevant information such as their voting record, political party affiliation, or their position on particular policies. The report goes on to compare these types of questions to asking candidates about their hair color or their height.

My amendment would prohibit the use of Federal funds to ask these inappropriate political questions of medical and scientific experts. My amendment also prohibits the use of funds to disseminate scientific information that is false or misleading. This ensures that Americans can continue to have full confidence and trust that scientific information provided by the Federal Government is honest, accurate, and objective.

There is reason to be concerned. In one notorious incident, the key findings section of a 2003 report on health care disparities was rewritten and edited to leave out conclusions about the seriousness and pervasiveness of racial and ethnic disparities in health care. In fact, the word "disparity" itself was edited out. The word appears 30 times in the original draft, only twice in the edited version.

Joseph Betancourt, a Harvard professor who served on two Institute of Medicine panels on inequity in health care, said:

> I admire the Administration's ability to look at the positive, but it shouldn't come at the expense of the truth.

Eventually, the Department of Health and Human Services admitted it made a mistake and agreed to release the original, more honest version. This kind of incident should not happen again. My amendment prohibits the use of funds to disseminate scientific information that is deliberately false or misleading. This amendment makes sure that all of us can continue to have full faith and confidence in the scientific information that is being provided by our Federal Government.

I urge my colleagues to support scientific integrity in Federal agencies by voting for the amendment.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DEMINT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DEMINT. I ask unanimous consent to speak for 15 minutes in morning business.

The PRESIDING OFFICER. That authority has already been granted.

Mr. DEMINT. If I may, I ask the Chair to notify me when I have 1 minute remaining.

The PRESIDING OFFICER. The Senator will be notified when he has a minute remaining.

FISCAL CONCERNS

Mr. DEMINT. Mr. President, yesterday I spoke on the floor about the need for fiscal responsibility and the need to pass a deficit reduction bill to get our fiscal house in order. These are serious times, difficult for our country and for many of our citizens. Americans are demanding bold and immediate action.

The Senator from Oklahoma, Dr. COBURN, made some important remarks on the floor last week. I want to associate myself with them. Senator COBURN talked about a distant rumble, a rumble at the grassroots level, the sound of hard-working Americans who are getting increasingly angry with out-of-control Government spending, waste, fraud, and abuse.

This rumble is becoming a roar, and it is the sound of the growing frustration of the American people. It is a sense of increasing disgust about blatant overspending, our inability to make the tough budget choices the American people make every day, and our unwillingness to make priorities rather than spending our children and grandchildren's future.

I am very pleased the Senate Republicans are developing a deficit reduction package that will cut Government waste and reduce Federal spending. The fiscal discipline comes at a critical time. There are many wasteful practices of Government, and I will look at one of them today in Medicaid.

In New York, there was a dentist who overbilled Medicaid, claiming to perform as many as 991 procedures in a single day. It was also reported that school officials in New York have enrolled tens of thousands of low-income students in speech therapy without the required evaluation. This created more than $1 billion in questionable Medicaid payments for their districts. In fact, one Buffalo school sent over 4,000 students into speech therapy in a single day without talking to them or reviewing their records.

In Illinois, another dentist cheated Medicaid out of more than $200,000 in bogus payments. This man falsely claimed to treat abused children in the care of the State's child welfare agency for 7 years.

In California, a Medicaid fraud scheme involved more than 15 clinical laboratories that illegally billed over $20 million for tests that were never authorized by physicians.

In Florida, an ophthalmologist wrote prescriptions for a single drug worth over $2 million over a 2-year period.

The list goes on and on. We are talking about Medicaid fraud and abuse, not medical care for the poor. The Government Accountability Office reports that perhaps 10 percent of all Medicaid spending is questionable or fraudulent.

We must stop this waste. The Republican deficit reduction package will create some needed accountability to this program.

I have heard objections to these savings from those who believe that these savings will fall on the poor. This is absurd. We are trying to catch a thief, not hurt the poor. If we let billions and billions continue to be wasted, stolen, or embezzled, that will hurt the poor. This is a small amount compared to the overall budget. This plan, this total deficit reduction plan we are talking about, which includes the changes in Medicaid, will reduce mandatory spending by only $35 billion over 5 years, which is less than one-half of 1 percent of total spending this year.

These spending reductions represent only about one-third of the reductions Congress passed in 1993 and 1997. In 1993, Congress passed a reduction package that trimmed about $78 billion. That is 2.6 times greater than what we are talking about today. Unfortunately and curiously, many Democrats who supported this larger effort in 1993 are opposing our modest downpayment today.

In 1997, Congress passed a reduction package that trimmed about $89 billion. That is over three times greater than what we are talking about today. Unfortunately and curiously, many Democrats who supported this larger effort in 1997 are opposing our modest downpayment today.

This plan, this $35 billion reduction, is a small amount to ask in the context of our total budget, and it is only a downpayment on our future deficit. We need to do much more.

I cannot understand why some of my Democratic colleagues will not support this modest effort, given all the waste, fraud, and abuse we have in Government today. I find this opposition intriguing because many of these same Senators supported similar measures that were far more substantial. In fact, in 1993, they thought $78 billion in savings was not big enough. Here is a quote from Senator KERRY from Massachusetts:

> My own personal view is we have not cut enough where we could have and should have cut more.

And Senator DORGAN from North Dakota:

> I favored a more robust deficit reduction by cutting another $100 billion in wasteful or low-priority spending.

Senator BIDEN from Delaware:

> Specifically I want more spending cuts.

In 1997, when Congress cut $114 billion, my Democratic colleagues applauded it and some wanted more. Senator BYRD of West Virginia said:

> If the budget resolution included only the aforementioned spending reductions, I would likely be standing on the floor today declaring my unequivocal support for its passage.

Senator CONRAD from North Dakota:

> I rise to support the budget agreement. I believe it is a modest step—I want to emphasize "modest"—in the right direction.

And Senator DURBIN from Illinois:

> This budget package cuts 115 billion over 5 years, without excessive new burdens on seniors . . . This budget cuts only $13 billion from Medicaid over 5 years . . . On balance . . . the spending package . . . [is] worthy of support.

I think it is important to note that 33 of my current Democratic colleagues were in the Senate at the time and supported the deficit reduction package. I am deeply troubled by the apparent flip-flopping around here. We hear a lot of talk from my Democratic friends about the need to keep our fiscal house in order, but then they offer amendment after amendment to increase spending.

Mr. President, I know this is difficult to read from where you sit, but these are the amendments to add to the budget this year by Democrats which totaled $460 billion.

During the debate on the budget resolution, they tried to increase spending by $192 billion—here on our Democratic "spendometer." During debate on the emergency supplemental, they offered amendments to increase spending by another $10 billion. During the debate on the various appropriations bills, they tried to increase spending by another $253 billion. I think all of this shows us something, something the American people understand very well: Democrats are not for keeping our fiscal house in order. They are for higher spending and higher taxes. Rather than making modest reductions today, they prefer to spend, spend, spend. This new spending sets them up to tax, tax, tax. We need to wake up. We cannot keep spending and taxing, taxing and spending.

There is no problem too big for America to solve if we have the commitment and the strength to do it. The time for excuses and obstruction is over. I am here today to appeal to every Senator to support our deficit reduction package that will help cut the cost of Government so we have all of our strength to secure America's future.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Democratic leader.

Mr. REID. Mr. President, I came here to speak on another subject, but I have to comment on the statements made by my distinguished colleague.

The American people are smart enough to understand what is going on in this country. The House of Representatives and the Senate are controlled by Republicans. The White House is controlled by a Republican. All the agencies of Government are headed by individuals appointed by this President. For someone to come and lecture us on spending when both Houses of Congress are controlled by Republicans and the President is a Republican takes a lot of nerve.

Of course, we are all opposed to Medicaid fraud and abuse. Of course, there are programs that need to be implemented. But I say to my distinguished friend from South Carolina, the President has the tools to do that right now, without any new laws. The tools are there. Have his Justice Department do something about it. In fact, some time could be spent on that, for sure.

My friend spoke about some of the things going wrong in the State of New York. I would suggest that my friend look at this White House as to what is going wrong. The person who was in charge of procurement at the Office of Management and Budget was led away in handcuffs because of alleged corruption. When this President took office 5 years ago, the 10-year surplus was expected to be about $5 to $6 trillion. This has been squandered in 5 years; squandered. In 5 years of this President we have a debt now—not over 10 years but right now—of $8 trillion. So don't lecture us on a spendometer.

This Government is controlled by Republicans. What happened when we had a Democrat in the White House? Some of the time we had a Democratic-controlled Senate. 2 years during President Clinton's administration we had Democratic control of the House of Representatives. What happened? In 1993 his Budget Deficit Reduction Act passed. How did it pass? Without a single vote by the Republicans in the House and without a single vote by the Republicans in the Senate. A tie had to be broken by Al Gore, Vice President of the United States. What happened after that, this country went on the most prolonged economic boom in the history of the country. In the last 3 years of the Clinton administration the debt was being paid down by some half a trillion dollars. We were spending less money than we were taking in.

So don't lecture us on how money is to be spent. This White House has squandered trillions of taxpayers' dollars.

I did not come up with the verbiage describing the budget that is now going to be reconciled in the next couple weeks. I didn't come up with the verbiage. The leading Protestant churches in America came up with the verbiage that the budget is immoral. And that was before Katrina hit us. If this budget was immoral then, it is really immoral now.

What are we going to do? What do the Republicans want to do? I say to the American public, they want to cut more. What do they want to cut it from? Not the elite of America, but the poorest of the poor, starting with Medicaid, programs for the poorest of the poor. The people suffering the most from Katrina are still suffering. I was with some of them in the House of Representatives yesterday. They came and met with us. One woman lost her job. She was a janitor. The school is gone. She has applied for Medicaid. They turned her down because we can't get our bill out of this Senate. In the House, they apparently want to cut student aid as part of reconciliation. And to top it off, Republicans in the House and Senate want to give more tax cuts to the rich. If they want to have a better looking program around here, wash out some of that.

So I want everyone to know that when someone comes to the floor and makes statements that are basically without foundation, we are going to respond to them. We don't have to stand and be lectured to about the White House, the House, and the Senate squandering the legacy of this last administration—namely, the Clinton administration—without our ability to respond. Don't give me a spendometer. Give me the ability to get the spending of this country in order. For 5 years, we have seen it go out of whack.

I want to say one other thing about the statement made by my friend from South Carolina. He talks about amendments offered by Democratic colleagues on different pieces of legislation. With rare exception, those all had offsets. So what that means to the American public is it wold not have cost the American public any more because it was offset by spending cuts in other places.

Again, I want everyone to understand, when statements are made that

I think are without foundation, keeping in mind we have a Republican President, a Republican House of Representatives, and a Republican Senate, either this Senator or someone on this side will be available to answer those statements.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, I will be calling up a series of amendments. Before I do that, I visited with the chairman of this subcommittee. I have four amendments to offer. I ask unanimous consent that we not exceed 45 minutes on them, equally divided between myself and those opposing this amendment. I think a couple of these amendments will probably be accepted. One of them will have some significant debate; the other one probably will not.

The PRESIDING OFFICER. Is there objection?

The Senator from Pennsylvania.

Mr. SPECTER. I thank the Senator from Oklahoma.

Mr. REID. Reserving the right to object, what was the request? Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Oklahoma.

AMENDMENT NO. 2231

Mr. COBURN. Mr. President, I call up amendment No. 2231.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside. The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 2231.

Mr. COBURN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require that any limitation, directive, or earmarking contained in either the House of Representatives or Senate report accompanying this bill be included in the conference report or joint statement accompanying the bill in order to be considered as having been approved by both Houses of Congress)

At the appropriate place, insert the following:

SEC. ____. Any limitation, directive, or earmarking contained in either the House of Representatives or Senate report accompanying H.R. 3010 shall also be included in the conference report or joint statement accompanying H.R. 3010 in order to be considered as having been approved by both Houses of Congress.

Mr. COBURN. Mr. President, this is an amendment that has been accepted on four appropriations bills thus far. When it was last voted on, it was accepted 55 to 39 by the Senate.

It simply is an amendment that says we ought to know what we are voting on. We call it the sunshine amendment. The procedure is oftentimes on conference reports that come back to the Senate, we know what we have in there, we know what is in the conference report, but we are not aware of what the House earmarks are in those appropriations conference reports.

This is simply an amendment that says those conference earmarks ought to be made available to Members of the Senate so they can, in fact, know what they are voting on in an appropriations conference report.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I think the idea offered by the Senator from Oklahoma, that all of the earmarks be specified in the conference report, is a very sound idea. The earmarks from this bill have traditionally and always have been properly identified.

I am very pleased to accept the amendment.

Mr. COBURN. I thank the Senator from Pennsylvania.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the amendment No. 2231.

The amendment (No. 2231) was agreed to.

AMENDMENT NO. 2233

(Purpose: To prohibit the use of funds for HIV Vaccine Awareness Day activities)

Mr. COBURN. Mr. President, I call up amendment No. 2233.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

The clerk will report.

The bill clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 2233.

At the appropriate place, insert the following:

SEC. . Notwithstanding any other provision of this Act, none of the funds appropriated in this Act may be used for any activities associated with HIV Vaccine Awareness Day.

Mr. COBURN. Mr. President, all this amendment does is say that money spent for HIV vaccine research ought to be spent on HIV vaccine research. There has been $5.2 million spent in the last 4 years to create an HIV Vaccine Awareness Day. It is not used for recruitment of candidates. It is not used for recruitment for anything other than to celebrate the fact that we are working on an HIV vaccine.

I believe it is very important that dollars for research on HIV go to research on HIV and a vaccine, in particular. The hope is that sometime in the next 5 to 10 years, we will have a vaccine. We do not have a cure for HIV, no matter how hard we work, how many hundreds of millions of dollars we are putting into that. And for us to have spent $5.2 million over the last 4 years and another million dollars over the next year in promotional activity to make Americans aware that we are working on an HIV vaccine is an improper placement of the dollars being spent.

I believe the dollars will be better spent toward HIV vaccine efforts rather than an effort to make people aware of that fact.

I hope the Senator from Iowa and the Senator from Pennsylvania will accept this amendment.

The PRESIDING OFFICER. Is there further debate?

The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, the purpose of the advertisements, I have one in my hand, is to set the stage for recruiting people, as represented to me, to use the vaccine when it is developed. This ad, for example, pictures a man which says:

> I'm fighting to stop a killer. HIV is a killer. I'm a witness. I have buried babies, I have buried old people and young people, people like me, people like you. HIV is serious. So my life's work is helping others learn about it and prevent it. Today, thousands of research, medical professionals, and volunteers are committed to discovering a vaccine that prevents HIV and stopping this epidemic. To them I say, I'm with you.

This ad tries to stimulate awareness of what is being done, an ultimate tool in finding people who will be volunteers.

NIH has run this ad. What I suggest to the Senator from Oklahoma is that we set the amendment aside and take a closer look at the purposes NIH has in mind in using it. Then we can revisit it and decide whether to accept it or whether to contest it and have a vote on it.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, I will be happy to set the amendment aside, but I have to let you know we have looked at all the ads. There has never been recruitment of anybody for vaccine trials in any of the ads they have ever run. The American people ought to be asking, why would we be spending $1 million a year? Everybody in this country knows HIV is deadly. There is no lack of knowledge on that issue. To spend $1 million on HIV Vaccine Awareness Day is $1 million to help people with HIV through the ADAP program, $1 million to fund an extra research model or it is $1 million to fund three researchers on an HIV vaccine a year.

I believe we would be well advised to prioritize the money that is going there. I would be happy to set this amendment aside, as per the chairman's request.

I am adamant that I think that we are not spending the money properly.

The PRESIDING OFFICER (Mr. SUNUNU). The Senator from Pennsylvania.

Mr. SPECTER. I ask to set it aside and move on to the next amendment.

The PRESIDING OFFICER. Without objection, the pending amendments are set aside.

The Senator from Oklahoma.

AMENDMENT NO. 2230

Mr. COBURN. I call up amendment No. 2230.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 2230.

Mr. COBURN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To limit funding for conferences)

On page 222, between lines 5 and 6, insert the following:

SEC. 517. LIMITATION ON FUNDING FOR CONFERENCES.

(a) DEPARTMENT OF LABOR.—Of the funds made available for the Department of Labor under the heading "Departmental Management, Salaries and Expenses" in title I, not to exceed $2,000,000 shall be available for expenses related to conferences, including for conference programs, staff time, travel costs, and related expenses.

(b) DEPARTMENT OF HEALTH AND HUMAN SERVICES.—Of the funds made available for the Department of Health and Human Services under the heading "Office of the Secretary, General Departmental Management" in title II, not to exceed $25,000,000 shall be available for expenses related to conferences, including for conference programs, staff time, travel costs, and related expenses.

(c) DEPARTMENT OF EDUCATION.—Of the funds made available for the Department of Education under the heading "Departmental Management, Program Administration" in title III, not to exceed $2,000,000 shall be available for expenses related to conferences, including for conference programs, staff time, travel costs, and related expenses.

Mr. COBURN. This is a very straightforward amendment. Growth in conferences in the Federal Government has exploded in the last 6 years in this country. Over the past 5 years, the Department of HHS has spent $300 million on conferences.

The idea of conferences and using communication to put forward ideas, to promote health, to promote programs is a good idea, but the expanded growth of these programs through each of these departments, Labor and Health and Human Services, has grown exponentially at the same time that technology has grown even greater. There is a lack of utilization of those technologies in a time of budget duress, in a time of tremendous debt, in a time where last year we added $546 billion to our children's debt, and we are struggling with Katrina.

This amendment caps the conference costs for each of these departments so that the other moneys can be used in more productive ways. It forces creativity through conferences. It promotes videoconferencing. It saves millions of dollars in travel and hotel costs and still allows the flexibility of the Departments for conferences, but does it with the technology we have today, a smarter, more current, and more effective means of accomplishing communication with which each of these agencies is charged.

I will limit my comments to that and respond should the chairman and ranking member have questions.

The PRESIDING OFFICER. Is there further debate on the amendment?

The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, the Department of Health and Human Services opposes this amendment saying that they are important for their work and best practices. I note that a similar amendment was offered on the Transportation, Treasury, and HUD appropriations bill and that it was agreed upon by a voice vote.

Before taking a definitive position, I would like to conduct a further inquiry with HHS. In preparation for this bill being on the floor, we have an idea of the amendments which are going to be offered, and we have information provided by the administrative agency. I understand the logic of the position of the Senator from Oklahoma. I do not want to abandon the agency without giving them an opportunity to present in a fuller way their ideas. We will consult with them and come back to the Senator from Oklahoma.

Mr. COBURN. Will the Senator yield for a question?

Mr. SPECTER. I do.

Mr. COBURN. My only request is that the Senator would allow my staff to be there as they make this presentation. We have done significant research on their expenditures on these conferences, and we would love to have the opportunity, if the Senator so allowed it, for us to participate as they make their presentation.

Mr. SPECTER. I would think it mandatory that the Senator's staff be present.

Mr. COBURN. I thank the chairman.

Mr. SPECTER. Of course. The Senator and his staff are welcome to whatever information we have. We want the Senator to know what it is every step of the way. I believe in full disclosure. Let us find out what the facts are. It has always been a point of mine that if one comes to an agreement on the facts, they can almost always come to an agreement on policy that flows from the facts. We will set up a meeting jointly.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. I ask that the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2232

Mr. COBURN. I call up amendment No. 2232.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 2232.

Mr. COBURN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To increase funding for the AIDS drug assistance program)

On page 139, line 16, insert after the colon the following: "*Provided further*, That in addition to amounts otherwise made available for State AIDS Drug Assistance Programs authorized by such section 2616, the Secretary shall transfer $60,000,000 from the amount appropriated under this Act for the construction and renovation of the facilities of the Centers for Disease Control and Prevention to carry out such Drug Assistance Programs:".

Mr. COBURN. Mr. President, this amendment does not save us any money but saves hundreds of lives. Some 5 years ago, we embarked on making major changes at the CDC through a construction program, through advancing the facilities there by increasing the capabilities of the CDC. At the end of this fiscal year, September 30, they had unspent moneys in excess of $240 million going toward this construction budget. This year, the President asked for $30 million to be in that construction budget. The House passed $30 million in the construction budget. I believe we have in this bill $225 million for additional construction moneys, making available almost $500 million for expenditure in the next 12 months.

This amendment is a simple amendment. It is backed by thousands of groups in the country, and it says while people are dying from HIV, they cannot get medicines under the ADAP program because we cannot fund it significantly. We have multiple States with people on waiting lists. We have multiple States that cap the available benefits. It is a death sentence to those people with HIV today. This moves $60 million from that account into the AIDS Drug Assistance Program, a vital program to keep people working, to keep people active, and to make the lifesaving drugs available to those people with an infection of HIV who have no other access to lifesaving drugs.

I believe priorities ought to be directed toward the emerging disease program at the CDC. As a matter of fact, that building is complete. It is in the works. We are working to finalize all of that. This $60 million, which still brings us down to $165 million plus the $240 million that is in the account, will put us at $400 million still for CDC to move forward, and we will do something that has never yet been done since ADAP started: We will have enough funding to make sure everybody with HIV in this country has the medicine they need to stay alive.

I know it is a controversial question for my fellow Senators from Georgia. The CDC happens to be there. This puts no risk to the CDC expansion in Colorado, as it is directed in the budget. It puts no risk to that whatsoever. I believe we ought to be thinking about people, not buildings.

We have moved on the emerging diseases portion of this. This will not slow down any of that construction. It will, however, maybe slow down the Japanese gardens and the tremendous waterfalls and all of the gardens that are going to be there.

One other thing, the CDC has just completed a $62 million visitors center. I am asking for $60 million for people who have HIV, who are never going to get to visit the visitors center. I do not know how we spent $62 million on a visitors center for the CDC, but I believe that priority is wrong when people are dying from HIV and do not have the available medicines.

I yield until a further time.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. INHOFE. Mr. President, would the Senator from Pennsylvania yield just for an announcement?

Mr. SPECTER. Mr. President, I do.

The PRESIDING OFFICER. Without objection, the Senator from Oklahoma is recognized.

Mr. INHOFE. I thank the Senator from Pennsylvania.

I have been trying for some time to get an amendment in, and it is at the desk. I am not going to ask that it be brought up right now, but I am going to announce that regardless of the procedure that is used, I am going to get a vote on it between now and the passage of this bill. It is a one-sentence amendment that says: Beginning with fiscal year 2007 and thereafter, all nondefense, nontrust fund discretionary spending shall not exceed the previous fiscal years without a two-thirds vote of the Members.

It is very simple and straightforward. I am not going to do it right now, but I will do it before final passage.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. We would be glad to accommodate the senior Senator from Oklahoma. We can handle that amendment.

Mr. INHOFE. I appreciate that. The reason I cannot stay, I chair the Environment and Public Works Committee. We have a very large hearing. I will be there for the rest of the afternoon.

Mr. SPECTER. Mr. President, we will find a time which is convenient to the senior Senator from Oklahoma.

On to the pending amendment, it is always difficult in the floor debate when we talk about facts to know what the facts are. My training is that we want to find out the facts, so we have a trial and present witnesses, the witnesses testify, and then we find out what the facts are.

I do know this about CDC because I visited the facility about 5 years ago and found it in shambles. I have seen a lot of Federal installations. I have never seen one as ramshackle as the Centers for Disease Control. We saw premier scientists with their desks in the corridors. We were advised that there were many toxic substances which were not properly secured. It was a mess. I then consulted with the Secretary of Health and Human Services—this goes back a few years, as I say—and no attention had been paid to it.

Senator HARKIN later made a similar visit, and that year, on an immediate basis, my recollection is we appropriated $175 million. Then we took a look at their plans for very extensive renovation when we had appropriated seriatim substantial sums of money.

When the Senator from Oklahoma says that monies have not been spent, it is represented to me that contractors will not contract with the Federal Government unless they know the money is in hand. Understandably, unless there is authorization and appropriation, nobody wants to do business with some Federal employee who makes representations without having the cash in hand. That is the advice which is coming to me.

The landscaping is said to be very modest, which would not include a Japanese garden. I would like to inquire more to find out about it. From what I have seen of the officials at the Centers for Disease Control, Dr. Julie Gerberding is an extraordinary public servant. I know that when I have wanted some information on the problems of pandemic flu, I had to find her in Bangkok, where she was making an international survey. I know when we had a deadly botulism in western Pennsylvania a couple of years ago, I called her up and she came on a weekend to Beaver County, Pennsylvania. I do not think it was just because the chairman of the appropriations subcommittee was calling; that is the kind of service they perform.

They wrestle with HIV, SARS, and hurricanes, and now they are wrestling with pandemic flu. Among the many people in the Federal Government whom I have dealt with—and there have been quite a few in the course of my time—I would rate Dr. Gerberding, who is the head of it, very highly.

Having mentioned Japanese gardens, I have just been handed a note from my staff that says it does have a Japanese garden. Well, I wish to inquire further. Maybe there could be a less expensive exotic garden than a Japanese garden.

I do, at my risk, commend the Senator from Oklahoma for his tenacity and for his sharpness in digging up wasteful spending. I do believe that on this one, he is on the wrong track, but the Senators from Georgia are present, and I know they want to be heard. I think the distinguished ranking member wants to be heard. So I will yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I join my chairman and support his views on this amendment. He correctly stated a lot of the history of how this has come about. Between the two of us, as we have alternated as chairmen of this subcommittee, it has been a strong bipartisan effort, not just between the two of us but on both sides of the aisle for a long time, to bring the Centers for Disease Control and Prevention in Atlanta's facilities up to the 21st century.

I remember having gone down in the 1990s. I had seen this movie "Outbreak" starring Dustin Hoffman. It supposedly had taken place at the Centers for Disease Control and Prevention in Atlanta. I was quite taken by all of the containment facilities and how modern it was in this movie, and I wanted to go down and see all this. Imagine my surprise when I went down to the Centers for Disease Control and Prevention and I asked to see these wonderful facilities that were in this movie and I was told the movie producers had come down to film the movie there, saw the facilities, and said no one would ever believe these ramshackle buildings are our Centers for Disease Control, so they went out and built their own movie set to make the movie.

I went around and looked at their buildings, some predating World War II, in which the most virulent specimens of viruses and other things were being dealt with. There was a tremendous concern about safety. We perhaps didn't think about it in terms we are thinking about it now, but in terms of terrorist activity, about someone being able to abscond with some of those very lethal strains, plus the environment for scientists to be able to work down there.

After looking at this and consulting with one another, and others, and with probably three administrations, Republican and Democratic, it was decided we needed to bring these buildings up to the 21st century. We embarked on that and we are about through bringing them up. They are state of the art, as they should be.

We have always prided ourselves in America of being on the leading edge—not on the edge, being way out in front of everyone in our medical research, but also in terms of the Centers for Disease Control. I don't know that there is any institution in America dealing with health and safety that is called upon more around the globe to do something than the Centers for Disease Control and Prevention. Whether it was SARS a few years ago—think about it. We prevented SARS from coming to America. We did. The Centers for Disease Control and Prevention did. They are called upon all over the globe, whether it is for Ebola, swine flu, of course now the avian flu, a pandemic that may be confronting us shortly.

These buildings need to be finished. We have the plan. We have gone through. We have had our oversight hearings and we found they came through on time and under budget, so I think we ought to finish it.

I would say the AIDS Drug Assistance Program the Senator is talking about is a good program. I have no problems putting money into those programs if they are good programs. But to take it from the Centers for Disease Control for that is—talk about robbing Peter to pay Paul, you are invading one entity that goes to control and prevent diseases and illnesses in America and putting it into another one. It doesn't make much sense. I think we ought to finish our projects, be proud of the buildings that are built there, be proud of the Centers for Disease Control and Prevention and what they do for America and for the world.

I am opposed to this amendment. We ought to finish the job we started on. I don't know about Japanese gardens. I don't know that much about gardens and stuff such as that. But, you know, if I might make a minor observation. I remember traveling through the Soviet Union years ago and looking at all the government buildings built in Moscow and places such as that, East Germany. They were stark, sterile, concrete block buildings. Who would ever want to work there? They were ugly; depressing. Is that what we want to build here?

As I said, I don't know much about Japanese gardens, but this is the premier facility in the world regarding health and disease prevention.

I understand that the building in question where this garden is—in fact, I went down and saw it. It is designed to emphasize healthy living. The stairs are located on exterior walls to increase daylight and to encourage daily physical activity. We talked about that with Dr. Gerberding. The green space around the building includes a stream fed by water runoff collected from the building to make the area inviting for exercise. I remember seeing that. I didn't think it was a Japanese garden; I thought it was a green space. But it is to get people out, exercise, walk more. As far as I am concerned, the more green space and the more daylight and the more exercise people get there, the better off we are. That is what they are preaching, right? They are preaching to us to do more exercise to stay healthy. I guess they are going to start doing that more on their own at the Centers for Disease Control and Prevention.

I understand what the Senator from Oklahoma wants to do here. If he wants to increase money for the AIDS Drug Assistance Program, that is all well and good, but not at the expense of taking it away from the Centers for Disease Control and Prevention.

Mr. COBURN. Mr. President, I have to leave the floor to chair a subcommittee hearing. I want to spend 2 or 3 minutes.

No. 1, the head of the CDC, Dr. Gerberding, I know very well as the former head of the President's Commission on HIV/AIDS in this country.

No. 2, her submission to Congress for building funds this year was $30 million.

No. 3, the total budget for CDC is $4.5 billion. We are asking that we take $60 million in construction money and slow it down and save the lives of thousands of people in this country by making available drugs to them.

We need the facilities at CDC; I am not debating that. This is about saving lives and the priorities of putting that money in a place where it will save lives.

I yield the floor, and I thank the chairman and the Senator from Georgia for their collegiality in working on this amendment.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, I rise in opposition to the amendment of my good friend from Oklahoma. He and I were elected to the House together and we fought many battles over there, not unlike what he has brought to the Senate, and I wound up voting with him a number of times. But in this case I must oppose him, mainly because I think he has the facts wrong.

I want to say to the chairman and ranking member, since my days on the House side when I had to go to the then-chairman of the Appropriations Committee over there, who has jurisdiction of CDC, after I would talk with him I would come over here and visit with Senators because this has been such an important project that we have embarked on. Both Senator SPECTER and Senator HARKIN have been very supportive of the work down at CDC, not just the construction program, which I want to talk a little bit about but also of the ongoing work down there.

Nobody, even my friend from Oklahoma, would disagree that the work being done at CDC is unparalleled anywhere else in the world. Were it not for the great support of Senator HARKIN and Senator SPECTER, I am not sure we would be in this position today. I can only emphasize how important that work is by telling the American people, as we talk about this issue and talk about CDC, that on September 11, after the terrorists struck New York City, there were two planes that were authorized to be in the air. One was Air Force One. The other was an airplane commissioned by the CDC to carry CDC medical workers to New York City. That is how important a priority it is in our country. That is why it is important that we make sure the employees at CDC have the availability of working in first-class facilities.

Most of the laboratory facilities at the Chamblee, GA location of CDC are in a state of extreme disrepair and require immediate repair or modernization. Perhaps the laboratories in the worst condition are 60-year-old wooden former temporary military barracks from the World War II era and previous to that, that are on the verge of collapse and could be repaired only at an expense greater than the value of the facilities. I want to show you a couple of examples of what it looks like at the CDC if we take money away from the CDC building program to put it towards the ADAP program, as this amendment calls for. These are some of the facilities that will go lacking and the construction project will be delayed for the buildings which will house these facilities.

Here is a main environmental health lab at Chamblee, in a World War II barrack. If you will notice, there appears to be a shield of some sort here. This shows the roof above this shield that extends all the way up to the roof. The reason it is there is because there is a leak in the roof. When the water comes through, it leaks into this funnel, which is this shield, and you will see a pipe connected to that shield and it takes the water to the outside.

Here is a typical infectious disease lab at the Roybal Campus adjacent to Emory University. This shows not just the crowded conditions in which the most sophisticated scientists in the world operate, but it also shows you it is not adequate for the type of work that needs to be carried out to prevent every kind of infectious disease that exists in the world today. That is because the CDC is not called on by simply other States in America; it is called on by every country around the world when illness occurs.

This is a pretty typical facility. These are not facilities that have been replaced. These are facilities that exist today.

A quick personal anecdote. I will never forget the first time I went to the Chamblee campus a few years before we embarked on this building program. I walked into what then was a World War II barrack. It now has been replaced. There was a shower curtain, and it wasn't one of those $540 shower curtains. This had been purchased by the individual scientist working in that building. That shower curtain was put over a piece of equipment and it was about 5 feet, I guess, above the equipment itself. When I asked what that was for, they pointed to a hole in the roof and said, The roof leaks and there is nothing we can do about it. Here we have a piece of equipment worth about $1.5 million that sits right under there. It has to be there because of the design of the lab inside the building. That shower curtain was purchased by the individual scientist to make sure that not only the equipment was not damaged but, obviously, that the working papers on that scientist's desk were not destroyed by water coming in and leaking on it. But we have since torn that building down and we have replaced it.

Expensive and sensitive equipment has literally fallen through the floors at some of these facilities. In addition, most of the remainder of the CDC's laboratories are more than 40 years old and are incapable of handling the dangerous viruses encountered over the last 25 years, such as Ebola virus, hantavirus, and Dengue fever. This raises concerns that these facilities will be severely outmatched in the future by undiscovered biological threats, which we have most recently experienced with the threat of anthrax in the past years, and the disasters that occurred on September 11. The Asian bird flu or any other highly pathogenic avian influenza is currently an issue for agricultural health and animal disease experts, but should this virus mutate to allow for human-to-human transfer, the control and efforts to limit its spread will fall squarely under the purview of the very entity that this amendment would seek to cut, the CDC.

The three prongs critical to managing an animal-borne pandemic—DHS, CDC, and USDA—must all be equipped with the necessary resources to effectively address potential outbreaks in a timely and efficient manner. This amendment will jeopardize a critical element in this effort.

During the 1997 Hong Kong avian flu outbreak, CDC was forced to create emergency laboratory space by displacing researchers working on other diseases. With additional funding, CDC will be much better prepared to respond to such emergencies as a terrorist attack using smallpox virus, anthrax, a worldwide flu pandemic or a large-scale exposure to deadly toxic chemicals. A delayed or slow response from CDC may increase public panic or anxiety in an emergency situation and cost human lives.

One of today's most serious potential threats to our national security is bioterrorism. The CDC is an integral part of the homeland defense because of its ability to identify, classify, and recommend courses of action in dealing with biological and chemical threats. The CDC master plan will address the current and future needs for surge capacity for responding to large public health emergencies.

In addition to working in asbestos-laden facilities, many highly trained scientists perform their research in facilities that lack safety features, such as sprinkler systems and adequate electric and airflow systems. The poor conditions of the facilities have damaged the Agency's ability to recruit and retain the world-class scientists upon which CDC relies to serve the American public.

The multiyear master plan has received wide bipartisan support in the House and Senate. In the past, addressing these deficiencies has greatly benefited all Americans by enhancing CDC's ability to respond to emergencies as well as providing the desperately needed facilities required for the day-to-day public health and research activities.

The fiscal year 2006 funding will continue to substantially enhance the CDC's ability to build the new infectious disease laboratory, which will include greatly needed biosafety level 4 "hot lab" construction of a new environmental toxicology lab and greatly needed security updates.

Let me tell you about the master plan to which I referred a couple of times.

Back in 2001, probably at about the time Senator SPECTER said he went to CDC—and I am sure Senator HARKIN was there about that time—they observed the condition of the facilities at CDC, both at the Chamblee Campus, as well as the Roybal Campus. Those buildings were in total disrepair, and in bad need of replacement.

Again, the examples which I alluded to, the personal anecdote as well as what I have shown in pictures, still exist, particularly throughout the Chamblee Campus.

Under the leadership then of Dr. Jeffrey Koplan, and subsequently under Dr. Gerberding, the CDC developed a master building plan. What they did was unique to any governmental agency that I have ever engaged with since I have been in Congress for 11 years now: that is, they went out and had an architect draw a master plan for a specific set of buildings. It involves a number of buildings where we are going to consolidate laboratories as we tear down these World War II barracks. That master plan not only had the buildings drawn, but they also went further than this and had the plans and specifications themselves sent out for bid. And they now have a contract on each one of these buildings. That is the master plan.

Originally, we were scheduled to complete that $15 billion master plan over 10 years.

Senator ISAKSON, who was then a Member of the House, and myself, along with our entire delegation, in a bipartisan fashion, came to our leadership in the House and to the leadership in the Senate and said, rather than doing this over 10 years following September 11, we need to consolidate this to five years and let our scientists have the ability to do a better job in a first-class facility.

So we decided to go with a 5-year plan as opposed to a 10-year plan.

Each year, we have asked for $300 million to try to complete that plan. We have been successful for a number of years in getting $250 million.

I have to say that every year—the Senator from Oklahoma is right—the budget that comes over from the President is very low because they know we are going to plus-up that amount of money; we have done it every year because we need the facilities. Every year we have had $250 million, beginning with fiscal year 2002. In 2002, 2003, 2004, and 2005, we funded $250 million for CDC in Atlanta, to speed up this master plan. This year, because of the tight budget conditions that we are in, Senator SPECTER and Senator HARKIN allocated $200 million instead of $250 million for this master plan.

Let me respond very quickly to this Japanese garden issue. I will tell you what the Japanese garden is. In parts of Georgia, if you drill a hole in the ground when building, you sometimes hit granite rock. In this case, part of the area on the Roybal Campus where we are carrying out the master plan, there is rock under the surface. It was necessary to blast that rock out. When they blasted the rock out, instead of hauling that rock off, Dr. Gerberding said, Let's take that and develop an area for our employees to utilize during the day, to exercise, as Senator HARKIN referred to, and go out and eat lunch. I guess what we have out there is a gardedn of some sort that must have a Japanese "tinge" to it, and that is why it is referred to as "the Japanese garden." It looked to me like a nice place where employees could go out in the open air and have lunch. I have seen them out there doing this.

I am going to let Senator ISAKSON address a couple of other specific items that have been suggested as being somewhat wasteful spending. They are hard-working, dedicated employees. If we are going to continue to recruit the very finest that the world has to offer, we ought to at least be able to spend a little bit of money and take advantage of the contours of the land to give them a nice place to go out and sit on their break and at lunchtime.

I sympathize with the Senator from Oklahoma when he says that we need to continue spending money on the AIDS Drug Assistance Program. We have responded to that in the Congress. We have maintained a level amount of spending for CDC in Atlanta, for the completion of our master plan over the last 5 years. The ADAP appropriations for 2001 was $589 million. In 2002, that rose to $639 million; then $714 million; then $748 million; and in the 2005 appropriations, it was $793 million. In 2006, we expect $797.5 million.

It is not like we haven't been increasing the funding for ADAP. We have, and we need to continue to do so, but not at the expense of providing the most premier medical scientists and researchers in the world with a facility within which to work.

I urge my colleagues to vote against this amendment.

Again, I say to Senator SPECTER and Senator HARKIN that under their leadership, we do have the most premier medical research facility in the world located in Atlanta, GA, today, and we need to continue to provide the funding for this master plan, which we will now complete in another couple of years. We should be able to continue to attract the very finest and best that the world has to offer. We also need to ensure that Americans are safe, when the avian flu presents a threat, that our scientists are able to respond, as they are doing today, and that they have the habitat within which to work, allowing them to do the very best job they can do to protect Americans and to protect the world from the health hazards that exist.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. ISAKSON. Mr. President, I associate myself entirely with the remarks of my colleague, the senior Senator from Georgia, Mr. CHAMBLISS.

I rise for two specific reasons. The first is to correct some statements that have been made to be factual that are not and, second, to take issue with the contention that the amendment before us places people before buildings.

Before I do either, however, I want to pay particular praise and attention to Senator HARKIN and Senator SPECTER. My first visit ever to the Senate was as a Member of Congress, shortly after my election, when I came to the offices of both these Senators, accompanied by Bernie Marcus, Oz Nelson, and other executives who led a private sector focus on what we are discussing and debating today; that is, the fact that the world's premier health care and disease prevention facility was crumbling and in shambles.

These corporate leaders came to these two Senators and came to us, along with Dr. Jeffrey Copeland, with a plan to remake and rebuild the CDC so that it could carry out the jobs of the 21st century in health care.

Ironically, that visit was a year and half before September 11, 2001. But fortunately, it was a year and half before that tragic day because all of the research that was done that helped us in the identification of the anthrax problem that we had was done right there in CDC, to deal with monkeypox, to deal with avian flu, to deal with the West Nile virus—all of these diseases we have, in part, been able to deal with, with the new facilities built in this 5-year building program.

I commend Senators HARKIN and SPECTER for their leadership and for their support.

I rise in opposition to this amendment based entirely on the facts which have been presented which are not correct. I will deal with the facts first.

The statement has been made on this floor that $200 million in construction money is sitting idle at the CDC. There is $200 million for construction at CDC, which is absolutely essential to complete Building 23 and start Building 24, in addition to the $171 million that is included in this appropriation.

As Senator SPECTER said early on, contractors don't contract until all compensation for construction can be made. We did the seed-planting money in the previous appropriations bills in this Congress. Now it is time build Building 23, which is the Infectious Disease Building.

It is incorrect to characterize money that is there today as being excess funds. It is part of the cash flow that we have appropriated over a 5-year plan to complete this project.

Second, and most importantly, the statement was made that CDC had spent $60 million of the money on a welcome center.

I happen to know where that came from. That came from a newspaper article in the Atlanta Journal Constitution, which was, on its face, absolutely incorrect. The $60 million building is the Global Communications Center, which was Building 19, which was the first thing we completed to allow the United States of America and the CDC to be able to meet a pandemic, a terrorist attack, and communicate simultaneously and seamlessly throughout the world to stop the death and destruction of Americans, as well the lives of human beings throughout the world. It was an absolutely incorrect statement made in the media. There is no welcome center, but there is a state-of-the-art communications center that allows us to instantly respond to the threats we know only too well—whether it be threats of human beings like those on September 11 who attacked us, or threats that lie await in poultry and birds in Asia that may materialize into an avian flu human-to-human transfer.

Both the statements of $200 million being on deposit or $60 million being spent on a welcome center are incorrect in the way they were presented. The money in this bill of $200 million for this 2006 budget is to provide $171 million to complete Building 23, which is the infectious disease laboratory, another $21 million for Building No. 24, which will be one of the last buildings to go into place—this is the planning and design money—and $7.5 million for maintenance of these facilities.

Last, the characterization that this amendment is about putting buildings before people's lives, with all due respect, there is a fact that should be shared today. All decry AIDS, and I commend the Senator from Oklahoma for wanting to put $60 million in AIDS drugs for those who cannot afford them, but to do so and claim that CDC spend this on a building when they could be spending it on AIDS patients is a travesty.

This year, the CDC, on its own, will deploy, of its money and that of other governments and other resources around the world, over $1 billion in its prevention efforts for acquired immunodeficiency syndrome, or AIDS. There is no organization in the world that is more on the leading edge of the prevention of AIDS and its treatment than the Centers for Disease Control. In fact, to take this $60 million away from the building laboratory that is designed for infectious disease study would do more harm to patients with AIDS than would help to move it to drug programs for patients with AIDS. It is an improper characterization and it is an improper prioritization of money that is appropriated.

As the Senator said in the beginning presentation of his amendment, this does not save a dime of expenditure. It just moves some money around. There are some places we ought to do it. The distinguished Senator from Oklahoma is right many times in his criticism and the characterizations he presents, but he is 100 percent dead wrong in terms of this amendment.

I respectfully submit the facts to the Senate, and I ask my colleagues to reject the Coburn amendment on the CDC and continue our commitment to the health care of the people around the world and the safety and security of American citizens by continuing to fund the world's premier health care, health prevention, and health resource facility, the Centers for Disease Control in Atlanta, GA.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I ask unanimous consent the pending Coburn amendment be set aside and we proceed with another amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The pending amendment is set aside.

The Senator from Minnesota.

AMENDMENT NO. 2244

Mr. DAYTON. Mr. President, I thank the distinguished chairman of the committee and the distinguished ranking member for ceding me this time. I call up amendment No. 2244.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Minnesota [Mr. DAYTON] proposes an amendment numbered 2244.

Mr. DAYTON. Mr. President, I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide for the production and mailing of a corrected Medicare and You handbook)

On page 156, line 2, strike "Funds." and insert "Funds: *Provided further*, That the Secretary, by not later than January 1, 2006, shall produce and mail a corrected version of the annual notice required under section 1804(a) of the Social Security Act (42 U.S.C. 1395b–2(a)) to each beneficiary described in the second sentence of such section, together with an explanation of the error in the previous annual notice that was mailed to such beneficiaries.”.

Mr. DAYTON. Mr. President, recently the Centers for Medicare and Medicaid Services sent to 42 million Medicare beneficiaries this handbook, “Medicare & You,” to describe a myriad of plans providing prescription drug coverage. There are an enormous number of plans in Minnesota—over 40 plans. I have tried to go through the book myself. I have had my staff try to explain it to me. I think I am a reasonably intelligent American, but this is extremely complicated and it will be very challenging to many Medicare beneficiaries. That is going to be compounded by the fact that there is a very serious error in the tables that will apply to 17 million Americans whose incomes are low enough that they qualify for partial subsidy for their premiums.

The question in the column heading is “If I qualify for extra help, will my full premium be covered?”

Under every single plan, the answer is listed as “yes.” That is incorrect. Only about 40 percent of the plan offerings—those with premiums below the regional average—will be covered. The other 60 percent will be only covered up to that amount, and anything above that the beneficiary has to pay, but that is incorrectly described here. Yet CMS refuses to correct the error by a subsequent mailing.

My amendment requires them to do so and would transfer such funds as necessary from their administrative accounts so it is offset. It is essential to all beneficiaries and the integrity of the plan.

AMENDMENT NO. 2245

I ask that amendment be set aside, and I call up amendment No. 2245.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Minnesota [Mr. DAYTON] proposes an amendment numbered 2245.

Mr. DAYTON. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To fully fund the Federal Government's share of the costs under part B of the Individuals with Disabilities Education Act)

At the end of title III (before the short title), insert the following:

SEC. ___. In addition to amounts otherwise appropriated under this Act, there is appropriated, out of any money in the Treasury not otherwise appropriated, an additional $12,375,000,000 for carrying out part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.), in order to fully fund the Federal Government's share of the costs under such part.

Mr. DAYTON. This amendment increases the Federal funding for IDEA, special education, to what was promised 28 years ago, 40 percent of the cost of State and local governments.

I can only speak for my State, but that money would be desperately needed and very well used. It would amount to about $250 million in additional Federal funding for K–12 education for my State to keep the promise that has been broken. It has cost about $12 billion above what has been committed so far.

I recognize the distinguished chairman and ranking member have made this a priority and have increased funding, and we have made some progress in the last few years. But we are still less than 20 percent—less than half—of the commitment for special education made almost three decades ago.

AMENDMENT NO. 2289

Finally, I ask that amendment be set aside, and I call up amendment No. 2289.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Minnesota [Mr. DAYTON] proposes an amendment numbered 2289.

Mr. DAYTON. Mr. President, I ask unanimous consent the reading be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To increase funding for disabled voter access services under the Help America Vote Act of 2002)

On page 178, after line 25, insert the following:

SEC. _____. (a) In addition to amounts otherwise appropriated under this Act, there are appropriated, out of any money in the Treasury not otherwise appropriated, $15,121,000 for activities authorized by the Help America Vote Act of 2002, of which $10,000,000 shall be for payments to States to promote access for voters with disabilities, and of which $5,121,000 shall be for payments to States for protection and advocacy systems for voters with disabilities.

(b) Notwithstanding any other provision of this Act, amounts made available under this title for the administration and related expenses shall be reduced by $15,121,000 from other services.

Mr. DAYTON. This amendment provides additional funding to State governments and agencies involved with Americans with disabilities to allow them access to vote. The Help America Vote Act of 2003—landmark legislation, bipartisan legislation—unfortunately, has not been funded to the level necessary to help States and local governments comply with this requirement. This is a modest amount, $15 million, offset by the increase in the administrative costs, so it would result in a reduction for administration but would be money we committed that has not been forthcoming.

I yield the floor.

AMENDMENT NO. 2239

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, I call up amendment No. 2239.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SANTORUM] proposes an amendment numbered 2239.

Mr. SANTORUM. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide funding for the purchase of rapid oral HIV tests)

At the appropriate place, insert the following:

SEC. ___. The Secretary of Health and Human Services shall use amounts appropriated under title II for the purchase of not less than 1,000,000 rapid oral HIV tests.

Mr. SANTORUM. This is an amendment that is to instruct the Department of Health and Human Services to purchase of no less than 1 million rapid oral HIV tests.

As we all know, the problem of HIV and the spread of HIV continues to be a problem. Experts tell us that over half of all new HIV cases are as a result of someone who was unaware of their HIV status. The idea is having better testing out there, along with oral testing where it does not require any drawing of blood or needles—obviously, for a lot of folks that is a concern. This provides a safe effective way to be able to get these results in a timely fashion to give people the notice they need before they engage in an activity that might cause the further spread of the HIV virus.

I understand from my colleague from Pennsylvania, this is an amendment he is willing to accept. If there is no discussion, I urge agreement of the amendment.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, the amendment as outlined by my colleague from Pennsylvania provides for 1 million HIV oral rapid tests. The funds are provided for within the amounts already in the bill. These tests are essential. He correctly states my agreement and acquiescence. I join my colleague in urging agreement.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. I have no objection.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2239) was agreed to.

AMENDMENT NO. 2241

Ms. CANTWELL. I call up amendment No. 2241 and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SANTORUM] proposes an amendment numbered 2241.

Mr. SANTORUM. Mr. President, I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To establish a Congressional Commission on Expanding Social Service Delivery Options)

At the appropriate place, insert the following:

SEC. ____.(a) There is established a Congressional Commission on Expanding Social Service Delivery Options (referred to in this section as the "Commission").

(b)(1) The Commission shall be composed of 10 members, of whom—

(A) 3 shall be appointed by the Speaker of the House of Representatives;

(B) 3 shall be appointed by the majority leader of the Senate;

(C) 2 shall be appointed by the minority leader of the House of Representatives; and

(D) 2 shall be appointed by the minority leader of the Senate.

(2) Members of the Commission shall be appointed from among individuals with demonstrated expertise and experience in social service delivery, including, to the extent practicable, in the area of reform of such delivery.

(3) The appointments of the members of the Commission shall be made not later than 30 days after the date of enactment of this Act.

(4) Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(c) The Speaker of the House of Representatives shall designate 1 of the members appointed under subsection (b)(1)(A) as a co-Chairperson of the Commission. The majority leader of the Senate shall designate 1 of the members appointed under subsection (b)(1)(B) as a co-Chairperson of the Commission.

(d)(1) Not later than 60 days after the date of enactment of this Act, the Commission shall hold its first meeting.

(2) The Commission shall meet at the call of either co-Chairperson.

(3) A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(e)(1)(A) The Commission shall conduct a thorough and thoughtful study of all matters relating to increasing beneficiary-selected or beneficiary-directed options for social service delivery in Federal social service programs, including certificate, scholarship, voucher, or other forms of indirect delivery. The Commission shall review all relevant Federal social service programs in existence on the date of the beginning of the study, including the initiatives of the Corporation for National and Community Service. The Commission shall determine program areas, among the Federal programs, for which it is appropriate and feasible to implement full or partial beneficiary-selected or beneficiary-directed options for the delivery of the social services.

(B) In making determinations under subparagraph (A), the Commission shall seek to promote goals of—

(i) expanding consumer and beneficiary choice in Federal social service programs;

(ii) maximizing the use of governmental resources in the Federal programs; and

(iii) minimizing concerns relating to any precedent under the Constitution regarding the participation of faith-based providers in the Federal programs.

(2) The Commission shall develop recommendations on program areas, among the Federal social service programs, for which it is appropriate and feasible to implement full or partial beneficiary-selected or beneficiary-directed options for the delivery of the social services.

(3) Not later than 11 months after the date of enactment of this Act, the Commission shall submit a report to the Speaker and minority leader of the House of Representatives and the majority leader and minority leader of the Senate, which shall contain a detailed statement of the findings and conclusions of the Commission, together with its recommendations for such legislation and administrative actions as it considers appropriate.

(f)(1) The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers necessary to carry out this section.

(2) The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out this section. Upon request of either co-Chairperson of the Commission, the head of such department or agency shall furnish such information to the Commission.

(3) The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(g)(1) Each member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission. All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(2) The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(3)(A) The co-Chairpersons of the Commission, acting jointly, may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties. The employment of an executive director shall be subject to confirmation by the Commission.

(B) The co-Chairpersons of the Commission, acting jointly, may fix the compensation of the executive director and other personnel without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(4) Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(5) The co-Chairpersons of the Commission, acting jointly, may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(h) The Commission shall terminate 90 days after the date on which the Commission submits its report under subsection (e).

(i)(1) There are authorized to be appropriated to the Commission for fiscal year 2006 such sums as may be necessary to carry out this section.

(2) Any sums appropriated under the authorization contained in this subsection shall remain available, without fiscal year limitation, until expended.

Mr. SANTORUM. Mr. President, this is a commission, a bipartisan bicameral commission, that will be set up as a result of this amendment that would undertake a comprehensive and thoughtful review of Federal social service programs and make recommendations that would be appropriate to provide beneficiaries more choice in how they receive their social services that are paid for from the Federal Government.

One of the things I hear as I work in communities that heavily rely on social services, a lot of places where they would like to get social services—community-based organizations, in some cases faith-based organizations—are not able. They either do not qualify for Federal funds or do not have the technical expertise to get Federal funds. The President has put forward a faith-based initiative. The Congress has passed charitable choice legislation. We have done a lot to try to get more providers in social services involved, and even in some areas provide more flexibility—such as vouchers for certain services that are out there so people can take that voucher and get the services from qualified places.

There is still a level of frustration out in the community. I think we need to do a more comprehensive job in looking at how we address the issue of giving people choices as to how they get their social services. I think this is a way to bring some of the best minds that we have into the social service delivery area, folks from both the House and the Senate and the White House, appointees, to sit down and look to see, is there a better mousetrap than the current system of social service delivery? Is there a better way for us to restructure some of these programs to give more efficient and effective services at less cost and with more consumer buy-in and choice?

One of the reasons some of our social services plans do not work very well is people do not interface well with the delivery systems in place right now. This commission would be tasked to determine how we can, in fact, remove some of these barriers to folks who do not access the social services systems.

One of the big problems we have continually with a lot of our programs—whether it is health programs, housing programs, rehabilitation programs, or other programs—is we have large segments of the community that simply do not participate. They may be eligible for services, but they do not participate in the services. So we have to figure out: How do we better reach these people? How do we better make these services available in such a way that we can actually start reaching people in how they live their lives and in a way that meets their needs?

As far as the money for this commission, I have asked that it be such sums as may be determined by the committee. Hopefully, they will allocate such resources they have available to stand up this commission. But, to me, it is important we get better utilization. For my mind, just giving more money to the different Departments to figure out ways to advertise or to do things to bump up their enrollment in some of these programs has been tried in the past, and it basically does not work very well. I think we need to at least have some of our best minds look at this together, as to how we could redesign this system and get recommendations given to the Congress as to how we can do a better job providing services.

With that, Mr. President, I urge the adoption of the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, my colleague and I were just discussing the amendment. I believe it is acceptable.

I yield to my colleague.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, this is the first time I have seen this amendment. This is setting up a congressional commission on expanding social service delivery options. I have no problem with that.

But the way it is spelled out and everything, I would ask the Senator from Pennsylvania, the author of the amendment, has this been brought up before the authorizing committee? Has there been any hearing on this? Has there ever been a hearing on this, or has the authorizing committee acted on this at all? This is authorization on an appropriations bill.

The PRESIDING OFFICER. Without objection, the Senator from Pennsylvania is recognized.

Mr. SANTORUM. Thank you, Mr. President.

Mr. President, we have discussed it with the members of the Finance Committee which, as you know, I am a member of. To my knowledge, I am not aware of any objection on the part of the Finance Committee as to this particular provision. I will be offering a couple other amendments promptly which are under the jurisdiction of the Finance Committee which they do object to, which I will just offer and withdraw. But to my knowledge, they have not objected to this particular amendment.

Mr. HARKIN. Again, I thank the Senator. I personally do not have any problem with it, but this is something I think—I always have a little question when any Senator, on this side of the aisle or that side, anywhere, has a pretty thick amendment that involves commissions and how you select commissions and what they do.

I have not even had a chance to read this amendment. I don't even know what is in it.

Again, I ask my friend from Pennsylvania, has this amendment, in its present form, been submitted to either the Finance Committee or the HELP Committee? They probably share jurisdiction there. Have they looked at it to see if there are any objections to this?

The PRESIDING OFFICER. Without objection, the Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, to my knowledge, we filed the amendment. My staff has discussed it, I know, with the Finance Committee. I do not know about any other committees. This is not a bill I introduced and has gone to committee. This is something I have brought up on this bill.

So to answer your question, I think, as directly as I can, no, we have not filed this with the Finance Committee as a bill to have them review it as a bill in committee, if that is your question.

Mr. HARKIN. Mr. President, I wonder if the Senator from Pennsylvania—well, you have offered the amendment. That is fine. The amendment is at the desk. I wonder if we might put off voting on this amendment.

Mr. SANTORUM. I would be happy to.

Mr. HARKIN. I would like to have the chairman and ranking member of the Finance Committee, and perhaps the HELP Committee because it perhaps crosses both—to have them at least take a look at it. If it is fine, then I do not care.

Mr. SANTORUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa has the floor.

Mr. HARKIN. Mr. President, am I correct, has the Senator from Pennsylvania laid down the amendment? Is the amendment at the desk?

The PRESIDING OFFICER. The amendment is pending.

Mr. HARKIN. Mr. President, I ask unanimous consent that the amendment be temporarily laid aside.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I say to my friend from Pennsylvania, if this can be given to the chairs and ranking members of those committees, to have them look at it, and if it is fine, then I have no objection. As I said, I have not had a chance to look at it, and it is not in my jurisdiction at all.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, I perfectly understand what the concerns are of the Senator from Iowa and would be happy to work with him over the next several hours to get that amendment cleared.

AMENDMENT NO. 2237

Mr. President, I ask that amendment No. 2237 be called up and ask for its immediate consideration.

The PRESIDING OFFICER. The pending amendments have been set aside. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Pennsylvania [Mr. SANTORUM] proposes an amendment numbered 2237.

Mr. SANTORUM. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in the RECORD of Tuesday, October 25, 2005, under "Text of Amendments.")

Mr. SANTORUM. Thank you, Mr. President. The next two amendments I am going to be talking about are amendments that I have offered and on which I want to have a discussion. They are in the subject area of this appropriations bill, but they are provisions that, as my colleague from Pennsylvania advised me, rightfully belong as amendments to a welfare bill.

But as Members of this Chamber know, we have not had the privilege in the Senate of having a welfare bill come across this floor, even though the welfare bill of 1996 expired a couple of years ago. We have passed extension after extension. As a result of that, the work requirements in the welfare reform bill of 1996—which have been so effective in transforming the lives of millions of Americans who were trapped in the welfare system—those work requirements in most States have gone away because the requirements only required that 50 percent of the caseload, at the time of the passage of the bill, had to be working.

Well, we reduced the caseload more than 50 percent, therefore the work requirements went away for the caseload that is remaining. So many States have begun to sort of go back to the pre-1996 provision of welfare. It is easier for States to do that. Work programs cost money to the States. Other initiatives to try to help people get out of poverty, they cost money. So if you do not have to spend that money as a

State, if you can just simply continue to pay out the money and not have to provide all these other services, it is a lot cheaper for States to do. In fact, that is what States did for years upon years upon years, as the welfare rolls grew.

There is still a time limit, so that is a good thing. That causes a lot of people, in spite of the lack of effort in many cases by States, to move themselves off of welfare because of the limits on the ability to get relief. But I believe we can do better. So I have many times come to the floor of the Senate and asked for consideration of the bill, asked for a specific number of amendments, and, candidly, we have had objections from both sides of the aisle. I think that is unfortunate.

So as a result, I have brought forward amendments to this bill on two programs that I think are vitally important in the next step on welfare. We did a great job in the welfare reform bill of 1996 in providing an economic path to recovery for millions of Americans, in providing incentives to work. We made work pay more than staying on welfare. In many cases prior to that, that was not the case.

We also did a lot in providing strict time limits and giving States very tough provisions to require work as a way of getting people out of poverty, instead of simply just allowing them to be maintained in poverty. It gave them a requirement that a certain percentage of the caseload had to be at work. That is all for the good. We saw the rate of poverty from 1996 to the year 2001—until we had, unfortunately, a recession in this country—we saw the rate of poverty go down, and go down dramatically.

One of the greatest indicators is poverty among African-American children. Poverty among African-American children, in the year 2001, was the lowest ever recorded—lowest ever recorded—and was a dramatic decline from one of the highest rates ever recorded, which was in the mid-1990s. So you can point directly to this act as a way of helping to alleviate poverty.

But I think what we have found since 1996, yes, we have had economic successes, but still there are people struggling at the margins of society. One of the reasons that is the case is, even though we now have moms who have gotten jobs—and it was predominantly moms who were on welfare—what they have not gotten is families brought back together. What we have not seen is an increase in the amount of family unification, moms and dads coming together and marrying and raising children in poor communities.

In fact, the rate of out-of-wedlock births has not changed substantially at all in most of these communities. The amount of fatherlessness in these communities continues to be of epidemic proportions. And we now have folks on the left and the right writing about this. This is no longer just a conservative cabal when we talk about family unification; families, mothers and fathers raising children. Now even those on the left have said there is no longer an argument. Children raised in healthy, stable, two-parent married families do better.

It should be a social policy to encourage those kinds of relationships for the benefit of children, for the benefit of mothers, for the benefit of fathers, for the benefit of neighborhoods, for the benefit of the country. Yet when it comes to that here in Washington, DC, when it comes to public policy that helps build those strong relationships, that helps nurture and foster those relationships of marriage and fathers taking responsibility for their children, the Government stands in absolute neutrality.

We do nothing to promote stable marriages. We do nothing, other than attach fathers' wages and get child support and establish paternity. We do nothing to help nurture and bring fathers back into the lives of their children and into productive and healthy relationships with the mother of their children.

What I have suggested, in both amendment No. 2237 and No. 2238, are two initiatives that are better placed and will be placed and will be debated in full on the welfare bill. One is a healthy marriage initiative. The second is a fatherhood initiative. Both would provide funding.

Let's review some of the statistics of the impact of marriage. This was done by the Brookings Institution. Those on the other side of the aisle will know that the Brookings Institution is not often cited on the Republican side of the aisle. It shows you that the debate is over. There is no debate anymore about the impact of marriage and the impact of having fathers involved in their children's lives. I talked about the effectiveness of five factors in reducing poverty rates. We hear a lot of talk on both sides of the aisle—unfortunately, more on the other side of the aisle—about reducing poverty. Hopefully, that will change soon.

In 1992, we did what was, in fact, the most effective thing in reducing poverty, this study found. The most effective thing was not to double cash welfare payments. Some on the other side of the aisle have suggested that all we need to do is pay people more from the Government. If we give them more, they will get out of poverty. Wrong. That doesn't work. In fact, the percentage reduction in poverty rates, if we doubled cash welfare, would only decrease the poverty rate by 8 percent.

What did work? Full-time work. Full-time work decreases the poverty rate by 42 percent. We have done that. We have required work, not full-time work, but we require 20 hours. The bill that is being proposed, that we have yet to bring to the floor, requires 24 hours. But we have required work, and it is working to take people out of poverty.

What is the next biggest factor in reducing poverty? Again, according to the Brookings Institution report, an increase in marriage. We did something to require work. Many States have more generous welfare benefits than what is prescribed by the Federal Government. In fact, I know there is some money out there for healthy marriages, but very few States and very little Federal money goes to do anything about helping to improve the health of marriage among the poor. It is vitally important that we recognize that there is a direct social-policy, social-service-community, child-mother-father benefit for encouraging healthy marriages. The Federal Government doesn't spend a penny. This Congress has not spent a penny on something we know could reduce poverty by 27 percent and, more importantly, provide more stability in the lives of children, reduce domestic violence, and improve the lives of millions in communities across America. We will not spend a penny this year. That is why I offered the amendment, because I want to spend more than a few pennies, because we know it has an impact.

What impact does it have? Let's look at the benefits of marriage for children: better school performance and less dropouts; fewer emotional and behavioral problems; less substance abuse; less abuse or neglect; less criminal activity; less early sexual activity and fewer out-of-wedlock births. I am not too sure I know anybody who doesn't think all of those things are good. The Federal Government doesn't spend a penny.

Think of all the things we spend money on in Washington. One of the things you hear most when you go back home is all the waste, fraud, all the money we throw at projects for which people have no rhyme or reason as to why we spend the money. Yet here is something that we know will help children, mothers, fathers, neighborhoods, will build on a stronger America, and we don't spend one red cent.

You might ask the question: Why is that, Senator? Why don't we spend any money on this? Let me tell you what some of my colleagues on the Finance Committee have said. The response was: Well, who are we to impose our values on other folks; who are we to suggest that marriage is something the Federal Government should be concerned with; that is a private matter.

Is this a private matter? Is less substance abuse a private matter? Is less abuse and neglect a private matter? Is less criminal activity a private matter? This isn't a private matter. We are talking about policies that have a direct impact on the health and safety of children. It is not a private matter. Supporting healthy marriages is a public good. If you think about all the other things we spend money on, I can't imagine anything that would be a more valuable expenditure than to provide more stable families for children growing up in poor neighborhoods.

The second amendment is an offshoot of the first. That is to try to bring fathers who have children out of wedlock back and get them involved in their children's lives—not necessarily to marry, but to have them involved. I was at a conference within the last year where Jason DeParle, a writer from the New York Times, was giving a talk. He was talking about a book he had written, following three women in Milwaukee, WI, post welfare reform of 1996. He wrote about many things, about how welfare reform is working in some ways and not in others. One way he talked about where it wasn't working was with regard to fathers. There was a question from the crowd about who these dads are. We are not talking about the best neighborhoods in America when it comes to crime, wealth. We are talking about a lot of dads who, yes, were or even are incarcerated, were or still are dealing with addiction, dealing with unemployment, dealing with a whole host of other maladies that affect large segments of our population.

The question was: Do we want these dads involved in the lives of these children? I thought that was a bold question. Jason's answer was, in a word—I won't quote him, because I didn't write it down—well, they may not be the best role models of dads, but they are still their dads. These children, like all of us children, want to be loved by their dads. They need that love, as imperfect as it is. As a dad, I know how imperfect it can be. We all do. But it is still your dad.

These programs are not perfect. We are not bringing "Father Knows Best" Robert Young dads back into the home. We understand that. But these children still long for their dad. Do we have a Federal program that helps bring dads back into the home? Do we spend any Federal dollars to help reunite fathers with their children, in spite of all the benefits that we know about two parents? No, we don't. We will spend more money on daycare, billions more on daycare. We will spend more money on afterschool programs, Head Start Programs, early programs, late programs, noon programs. We will spend all sorts of money on Government programs. But will we spend a penny to help reunite a father with his children? No. Who are we to impose our values, is the line I hear.

Did anyone ever ask a kid whether he wants his dad back? What kind of value is that? We need to start thinking about how important it is for young children growing up in a hostile world in poor neighborhoods in America to have a shot to be with their dad and to start funding those groups who are out there—and there are hundreds across America who are working hard every day on a shoestring—to help dads be a dad.

I can't offer this amendment because it is authorizing on an appropriations bill. We aren't going to get a welfare bill, so kids across America are going to have to wait a little longer while Congress decides whether we want to take the time to help find their dad. Hopefully we can find the time sometime soon. The kids are waiting.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

AMENDMENT NO. 2291

Mr. SPECTER. Mr. President, I call up amendment No. 2291 and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

The clerk will report.

The legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER] proposes an amendment numbered 2291.

Mr. SPECTER. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To restrict the use of funds to implement or enforce the interim final rule with respect to power mobility devices)

On page 178, after line 25, insert the following:

SEC. ____.(a) Notwithstanding any other provision of law, none of the funds made available under this Act may be used to implement or enforce the interim final rule published in the Federal Register by the Centers for Medicare & Medicaid Services on August 26, 2005 (70 Fed. Reg. 50940) or any corresponding similar regulation or ruling—

(1) prior to April 1, 2006; and

(2) on or after April 1, 2006, unless the Secretary of Health and Human Services publishes—

(A) by not later than January 1, 2006, a proposed rule with respect to motorized or powered wheelchairs, followed by a 45-day period to comment on the proposed rule; and

(B) by not later than February 14, 2006, a final rule with respect to motorized or powered wheelchairs, followed by a 45-day transition period for implementation of the final rule.

(b)(1) Notwithstanding any other provision of law, with respect to a covered item consisting of a motorized or power wheelchair furnished during 2006, the Secretary of Health and Human Services shall reduce the payment amount otherwise applicable under section 1834 of the Social Security Act (42 U.S.C. 1395m) for such item by 1.5 percent.

(2) The payment reduction provided under paragraph (1) for 2006—

(A) shall not apply to a covered item consisting of a motorized or power wheelchair that is furnished after 2006; and

(B) shall not be taken into account in calculating the payment amounts applicable for such a covered item furnished after 2006.

Mr. SPECTER. Mr. President, this is an amendment which would delay the implementation of the Medicare reimbursement for all power mobility vehicles for a period of 6 months. It has been cleared by Senator HARKIN. I ask for its adoption.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to amendment No. 2291.

The amendment (No. 2291) was agreed to.

AMENDMENT NO. 2260

Mr. SPECTER. Mr. President, I call up amendment No. 2260.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

The clerk will report.

The legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER] for Mr. CHAMBLISS, proposes an amendment numbered 2260.

Mr. SPECTER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To permit an alien to remain eligible for a diversity visa beyond the fiscal year in which the alien applied for the visa, and for other purposes)

At the appropriate place, insert the following:

SEC. ____.(a) This section may be cited as the "Diversity Visa Fairness Act of 2005".

(b)(1) Section 204(a)(1)(I)(ii) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(I)(ii)) is amended by striking subclause (II) and inserting the following:

"(II) An alien who qualifies, through random selection, for a visa under section 203(c) or adjustment of status under section 245(a) shall remain eligible to receive such visa or adjustment of status beyond the end of the specific fiscal year for which the alien was selected if the alien—

"(aa) properly applied for such visa or adjustment of status during the fiscal year for which the alien was selected; and

"(bb) was notified by the Secretary of State, through the publication of the Visa Bulletin, that the application was authorized.".

(2)(A) Notwithstanding any other provision of law, a visa shall be available for an alien under section 203(c) of the Immigration and Nationality Act (8 U.S.C. 1153(c)) if—

(i) such alien was eligible for and properly applied for an adjustment of status under section 245 of such Act (8 U.S.C. 1255) during any of the fiscal years 1998 through 2005;

(ii) the application submitted by such alien was denied because personnel of the Department of Homeland Security or the Immigration and Naturalization Service failed to adjudicate such application during the fiscal year in which such application was filed;

(iii) such alien moves to reopen such adjustment of status applications pursuant to procedures or instructions provided by the Secretary of Homeland Security or the Secretary of State; and

(iv) such alien has continuously resided in the United States since the date of submitting such application.

(B) A visa made available under subparagraph (A) may not be counted toward the numerical maximum for the worldwide level of set out in section 201(e) of the Immigration and Nationality Act (8 U.S.C. 1151(e)).

(3) The amendment made by paragraph (1) shall take effect on October 1, 2005.

Mr. SPECTER. Mr. President, this has been cleared with Senator HARKIN. It relates to the Diversity Visa Fairness Act and strikes the language that allows aliens to only be eligible for immigrant visas during the fiscal year in which they apply and makes the applicants eligible for immigrant visas despite the end of the fiscal year.

The PRESIDING OFFICER. Is there further debate on the amendment?

The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, reserving the right to object, this deals with immigration. On that immigration committee. I am sure others have had an opportunity to see it. I wonder if the Senator could just let me have a few minutes to look at it prior to making that request.

Mr. SPECTER. Mr. President, I have been advised by staff that this has been signed off by the Senator from Massachusetts as well as others. But of course, if he would like a chance to review it—

Mr. KENNEDY. I am sure I will not object. but just the way it was described, I didn't understand it the way it had been explained to me. If the chairman would extend that opportunity, I would appreciate it.

AMENDMENT NO. 2268

Mr. SPECTER. Mr. President, I now call up amendment 2268.

The PRESIDING OFFICER. Without objection, the pending amendments are set aside. The clerk will report.

The legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER], for Mr. LEVIN, proposes an amendment numbered 2268.

Mr. SPECTER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To amend section 316 of the Immigration and Nationality Act, to reduce the residency requirement and limit the adjudication period for the naturalization of aliens with extraordinary ability so that such aliens may represent the United States at international events)

At the appropriate place, insert the following:

SEC.   .(a) Section 316 of the Immigration and Nationality Act (8 U.S.C. 1427), is amended by adding at the end the following:

"(g)(1) The continuous residency requirement under subsection (a) may be reduced to 3 years for an applicant for naturalization if—

"(A) the applicant is the beneficiary of an approved petition for classification under section 204(a)(1)(E);

"(B) the applicant has been approved for adjustment of status under section 245(a); and

"(C) such reduction is necessary for the applicant to represent the United States at an international event.

"(2) The Secretary of Homeland Security shall adjudicate an application for naturalization under this section not later than 30 days after the submission of such application if the applicant—

"(A) requests such expedited adjudication in order to represent the United States at an international event; and

"(B) demonstrates that such expedited adjudication is related to such representation.

"(3) An applicant is ineligible for expedited adjudication under paragraph (2) if the Secretary of Homeland Security determines that such expedited adjudication poses a risk to national security. Such a determination by the Secretary shall not be subject to review.

"(4)(A) In addition to any other fee authorized by law. the Secretary of Homeland Security shall charge and collect a $1,000 premium processing fee from each applicant described in this subsection to offset the additional costs incurred to expedite the processing of applications under this subsection.

"(B) The fee collected under subparagraph (A) shall be deposited as offsetting collections in the Immigration Examinations Fee Account.".

(b) The amendment made by subsection (a) is repealed on January 1, 2006.

Mr. SPECTER. Mr. President, this amendment is offered on behalf of Senator LEVIN and will allow aliens of extraordinary abilities who will represent the United States at an international event to complete the citizen requirement process in less time.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. SPECTER. I understand this has been cleared, too. with Senator HARKIN.

Mr. HARKIN. Well, I understand. I just hope the appropriate committee of jurisdiction has looked at it, too.

Mr. SPECTER. Mr. President, it has been represented that the appropriate Senators have signed off.

Mr. HARKIN. I have no objection.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2268) was agreed to.

AMENDMENT NO. 2260

Mr. SPECTER. Mr. President. I am advised further that as to 2260. where the Senator from Massachusetts had asked for some time to take a look at it. we have his assent at this time.

Mr. KENNEDY. No objection. Mr. President.

The PRESIDING OFFICER. Amendment 2260 is the pending amendment. Is there further debate on the pending amendment? If not. the question is on agreeing to the amendment.

The amendment (No. 2260) was agreed to.

Mr. SPECTER. Mr. President, I ask unanimous consent that at 4:05. there be 10 minutes equally divided with respect to the two pending LIHEAP amendments, provided further that following that time. the Senate proceed to vote in relation to the following amendments: Senator REID, 2194: Senator GREGG. 2253 as modified; Senator DODD, 2254; Senator CLINTON, 2292; Senator COBURN. 2232: provided further there be no second-degree amendments in order to the listed amendments prior to the votes. and prior to the vote it be in order for Senator SPECTER to modify the Gregg amendment on his behalf. And I further ask there be 2 minutes for debate equally divided between each of the votes listed after the first vote. Mr. President, I ask that after the first vote, the votes be 10 minutes instead of 15 minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears none. and it is so ordered.

Mr. SPECTER. Mr. President, so that there will be no doubt and all Senators will be on notice, we will start the vote at 4:15, and the first vote will be 15 minutes, with 5 minutes additional, limited to 20 minutes, and each vote thereafter will be 10 minutes with a 5-minute addition, limited to 15 minutes, and the request will be made that Senators remain in the Chamber to complete the votes on those five amendments.

I yield the floor.

The PRESIDING OFFICER (Mr. CHAFEE). The Senator from Iowa.

Mr. HARKIN. It is my intention now that I would speak for 15 minutes, at which time I ask unanimous consent that I be able to yield the floor and Senator KENNEDY be recognized for 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President. earlier today, on behalf of myself, Senators KENNEDY, REID, DURBIN, OBAMA, BAYH, KOHL, MIKULSKI, CLINTON, JOHNSON, DAYTON, and BYRD, I laid down an amendment dealing with preparing this country for an avian flu pandemic. The amendment that we laid down today and that we will be voting on tomorrow will allow the United States to dramatically step up preparation for an avian flu pandemic.

Last month, I offered and the Senate approved an amendment to the Defense appropriations bill that provided $3.9 billion for preparation for such a pandemic. At that time. there was some discussion as to why we were putting it on the Defense bill; it should go on the Labor-Health and Human Services bill. At that time, we didn't even know if we would have this bill up.

Well, the bill is in the Chamber, and this amendment appropriately belongs on this legislative vehicle in our jurisdiction. So the amendment that was laid down that I offered earlier today is essentially a more robust version of that earlier amendment again based on more and better information we have obtained since that time.

There is a broad consensus in the scientific community as to the steps we need to take to get ready for a potential pandemic. Reflecting that scientific consensus, the amendment we have laid down will do four broad things.

First, as our first line of defense, it will dramatically step up international surveillance of avian flu outbreaks overseas.

Second, it will ramp up our vaccine production infrastructure here in the United States.

Third, it will give us the resources to build up stockpiles of vaccines that are currently believed to be effective against the flu as well as building up stockpiles of antiviral medications.

Fourth, it will strengthen our public health infrastructure at the Federal, State, and local level, which today is simply not equipped to cope with a major pandemic.

Some have suggested that we be patient, that we wait for the administration to put forward a plan to fight avian flu, but we have already waited too long as a nation. We have been warned now for almost 8 years to get ready.

We had been warned about a lot of other things. We were warned for years that the levees in New Orleans would fail in the case of a major hurricane. Yet the Federal Government did not do anything. And the Federal Government has not come forward with any action plan now regarding the avian flu pandemic possibility. Even within the last year, as the threat of this pandemic becomes more urgent and immediate, there still is no plan.

So today, with the alarm bells ringing at full volume, we in Congress cannot in good conscience wait any longer. We need to act. If the administration offers a plan at a later date, that is fine. We will almost certainly include the basic elements encompassed here. We are all talking to the same people, whether it is the Centers for Disease Control and Prevention or NIH or the major drug companies. We know what we have to do. So if we take action now in this appropriations bill with the amendment we have offered, then we will have already passed an appropriation, we will not have lost any time, and we will be able to go forward as rapidly as possible.

There is no question the United States right now is woefully unprepared for a major outbreak of human-to-human transmitted avian flu. We have already had two disasters. We had 9/11, we had Katrina, we were unprepared for both despite clear warnings that we had.

Similarly, we have been warned in no uncertain terms about avian flu, but our preparations are inadequate. As many of my colleagues know, avian flu, or H5N1 as it is called in the scientific community, has passed from bird to bird. What started in a small area of Southeast Asia has now extended we know to as far away as Greece, Turkey, and Romania. Recently, one bird in Great Britain died and was examined and found to have H5N1. We know that the avian flu has been detected in Indonesia and in Japan and in the Philippines, in China, in Russia. It is only a matter of time before these migratory birds cross paths and the avian flu is now in Canada and the United States and South and Central America.

This is a virulent form of flu. One hundred percent of the birds, the chickens and the birds that have gotten this have died, 100 percent. Fifty percent of the humans who have come down with avian flu have died. Now, thus far we only know of one case, one certified case where the flu virus has gone from a human to a human. Only one case. But that has warned us that it is capable of doing so.

Now, it is not sustained, it is not widespread, but scientists tell us it is only a matter of time. And we do not know how much time we have. We know as we say it has killed 50 percent of the individuals it infected. A nightmare scenario, a kind of 21st century Black Death is not difficult to picture. Indeed, most experts say it is not a matter of if but when. So we have to ask some tough questions now: Where do our preparedness efforts stand? Can we do better?

First, look at global surveillance. The Centers for Disease Control is doing a great job working in concert with the World Health Organization and governments in affected regions to detect the disease and help stop its spread. This is our first line of defense—surveillance and quarantine in the area in which it occurs. The sooner we can identify it and quarantine it, the better off we will be. To put it in other terms, better to find H5N1 over there than home.

The good news is we have experience. The Centers for Disease Control and Prevention kept SARS from coming to the United States with this procedure. But we do not have adequate personnel, we do not have the resources in place in other countries to make sure that we detect as rapidly as possible an outbreak of avian flu. We can and we must do better to protect our people.

Second, the status of our capacity to produce vaccines in the United States, unfortunately, is all bad news. It is astonishing when we tell people we only have one plant in America capable of producing flu vaccines. And that plant uses an egg-based technology. Right now, in the event of a worldwide pandemic, the United States would have to rely on imported vaccines, vaccines that other countries might not be willing to send to us. After all, the first responsibility of any government is to protect its own people, and if this pandemic starts, every government is going to want to protect its own people first. So we are vulnerable. We are playing catchup ball. We need to help private industry develop more vaccine manufacturing capacity, and we need to do it in a way in which we can produce enough vaccine rapidly to deal with a major outbreak.

Some say it would take many years to produce a non-egg-based, cell-based production capacity. I don't accept that. This is a matter of incredible urgency. We have to do better, and we can do better. Our goal should be to have research and production capacity to isolate a virus, convert it to a vaccine, produce enough vaccine for nearly 300 million Americans, and do it within 6 to 9 months. Right now we are a long way from reaching that goal. This amendment we have offered will put the money forward to get that process moving rapidly to develop cell-based technology for the production—the rapid production—of vaccines in this country.

Third, as I mentioned, we need an aggressive program of purchasing and stockpiling vaccines and antivirals. Unfortunately, the United States is way behind. I am indebted to Senator KENNEDY for producing this chart. I want to show it here. The World Health Organization a few years ago suggested that countries stockpile at least 25 percent antivirals to cover their population. Look what some other countries did: Australia, 20 percent; Britain, 25 percent; France, 25 percent; Japan, 17 percent; the United States, 1 percent. We only have enough antivirals to cover 1 percent of our people. It is unconscionable. So we need to play catchup ball here also. We need to stockpile—and that is what this amendment will do—to provide the funds to begin to ramp up the production of these antivirals.

Roche is a drug company. I met with them. They publicly announced—they hold the patent; they produce most of it overseas—they are willing now to let other generic companies produce this under license to them.

We need to get the money out there right now to buy them from those companies so they can start producing the antivirals now. Not next year; now. That is what this amendment provides.

Fourth, and last, public health infrastructure. Right now our public health infrastructure is simply not capable of dealing with either a bird flu pandemic or even an act of bioterrorism. Even if we had an adequate stock of vaccines or antivirals, what good does it do if we don't have the public health infrastructure to identify, isolate, and deliver the antivirals and the vaccines?

Again, the President's budget this year cut $120 million from State public health agencies. This amendment does not just restore that. We need to do a lot more than that. We need to make major new investments. We need to hire more public health professionals—epidemiologists, physicians, lab technicians, and others.

We also need to dramatically increase the surge capacity of hospitals. As Dr. Rick Blum, the president of the American College of Emergency Room Physicians, recently said:

> We've pumped billions of dollars into preparedness since 9/11, but virtually none of that has gone to the one place where we know 80 percent of patients go first.

The emergency room—if we have an avian flu pandemic, that is where people will go. And most victims of avian flu might need ventilators to help them breathe. Right now there are only 105,000 ventilators in the entire United States, and three-quarters of them are in use on any given day.

We have our work cut out for us. We face enormous technical and logistical challenges, and there is no time to waste. The time for planning and planning and planning and planning is over. It is now time to act. This amendment would provide, as I said, nearly $8 billion for a comprehensive national effort to prepare our people for an avian flu pandemic. I know that sounds like a lot of money, but keep in mind, it is less than 2 months of our expenditures on the war in Iraq. When this avian flu pandemic—I don't say if; when. Scientists tell us it is not a question of if, it is a question of when. When it hits, we have to be ready to protect our people. That is what this amendment does.

Again, I hope as we move forward we can get this amendment adopted and get the money out there. It does not have to be spent now. It is at the Secretary's discretion, but at least it is there and they can move on it rapidly to do what we all know is necessary to protect our people in this country.

I have used my 15 minutes. I want to reserve 15 minutes for Senator KENNEDY.

Mr. SPECTER. Mr. President, if I may be recognized very briefly. I know the remainder of the time is reserved for Senator KENNEDY. We are 16 minutes away from 4:05 p.m.

Mr. HARKIN. I yield the floor.

Mr. SPECTER. Mr. President, I wish to make a comment or two. I commend the Senator from Iowa for his foresight on moving ahead on the pandemic issue. He and I have been discussing it for several days. I think it is difficult to proceed without knowing what the administration's plans are.

As the Senator from Iowa correctly notes, action has to be taken. When the administration decides on a plan and picks a figure, there is going to have to be congressional action, and we are nearing the end of this session. A supplemental or an emergency appropriations bill is always difficult to structure. So there are sound reasons to take a look at it now and make some judgment.

We have been in touch with the White House on a number of occasions to try to find out what the position is of the administration. So far they are unprepared to give us an answer. We are working to see if it is possible to structure an appropriation, subject to the Secretary's discretion, and how it will be in consultation and would be an emergency. There is no doubt there ought to be planning now for this emergency.

What the proper figure is I don't know. That is a figure that would be more within the scope of understanding, knowledge, and projection of the administration, and the experts at CDC and NIH.

I wanted to make those few comments. We are going to carry this over until tomorrow. I know the administration will be aware of what is happening on the floor today, and perhaps that will motivate them or enable them to come forward to help us grapple with this issue and find some realistic and practical solution at this time.

Mr. HARKIN. Mr. President, I appreciate my chairman's remarks. I yield the floor.

The PRESIDING OFFICER (Mr. COBURN). The Senator from Massachusetts.

Mr. KENNEDY. I ask if the Chair will be good enough to let me know when I have 3 minutes remaining.

The PRESIDING OFFICER. The Chair will so notify the Senator.

WAGE PROTECTIONS

Mr. KENNEDY. Mr. President a few moments ago, as I understand, the President of the United States reversed his course on the incredibly damaging decision to suspend wage protections for workers rebuilding the Gulf Coast after Hurricane Katrina, known as the Davis-Bacon provisions. These are the prevailing wage provisions, the age-old policy that the Government should not drive wages below the prevailing wage in a particular community.

The prevailing wage for construction is $8 in Mississippi, $9 in Alabama, and $10 in Louisiana. That would work out to $16,000, $18,000, $21,000 a year as the prevailing wage. That's not too much for workers who are trying to rebuild their homes and rebuild their lives.

I applaud the decision the President has made on that issue.

AMENDMENT NO. 2283, AS MODIFIED

Mr. KENNEDY. Mr. President, before speaking on the current Harkin amendment, which I strongly support for the reasons I will outline, I want the Senate to know that our HELP Committee, under the chairmanship of Senator ENZI, and the subcommittee, under the chairmanship of Senator BURR, has been working on this issue, but from a different angle.

Right now we need appropriations, which are included in the Harkin amendment. And we will also consider—hopefully favorably—the Burr-Enzi legislation, which deals with a range of issues involving patent, compensation, and liability issues that are all related to encouraging companies to enter the market.

These are different approaches, and each is enormously important in its own way. I thank the chairman of my committee, Senator ENZI, who always is tireless in his courtesies and his outreach to the members of the committee on his side as well as ours, and to Senator BURR for working with us. I am very hopeful that if we can schedule and pass that legislation, and get this appropriation included today, we will, I believe, have the best of all worlds.

Looking at this issue globally, there are various components. We have the resource aspect of it, we have the public health aspect of it, and then the aspect that is related to providing incentives for the private sector. Hopefully, we will deal with all of those before the end of the term.

I believe strongly, as Senator HARKIN pointed out, that we must take action now on this legislation, to ensure that we'll have sufficient resources to deal with the purchasing aspects and also the limited, but extremely important, public health provisions which are included in this legislation.

One provision provides for the global detection of this pandemic, as well as domestic detection, should it come to the United States. It also provides the resources to contain and respond to the danger by improving surge capacity, and developing an overall plan so we are able to effectively deal with this issue.

We have been on notice for years. This chart is going to be difficult to read for those viewing: "The U.S. missed the warning signs of the flu pandemic." In 1992, the Institute of Medicine pointed out:

> Policymakers must realize and understand the potential magnitude of an influenza pandemic.

This is when we began to detect the dangerous indicators of this pandemic:

In 1997, there was an outbreak in Hong Kong.

In November 2000:

> Federal and State influenza plans do not address the key issues surrounding the purchase and distribution of vaccines and antivirals.

This comes from a GAO report which found that very few States have made the kind of downpayment that is required to protect individuals from this pandemic.

Again, in May 2002, according to the World Health:

> Authorities must understand the potential impact and threat of pandemic influenza.

Then in December of 2003, there was an outbreak in South Korea.

In January 2004, there was an outbreak in Vietnam.

The reason the World Health Organization and the European Union have been so concerned about this is because of the danger of this particular flu strain.

This chart indicates the death rate from this flu strain. In Cambodia, it has been 100 percent; in Thailand, 71 percent; in Vietnam, 44 percent; an overall average of 50 percent. We are talking about dozens of cases, not hundreds, not thousands, not millions. But if this strain mutates and easily spreads human-to-human, we are talking about potentially a great threat.

I know the Senator from Iowa, myself, Senator REID, our leader, Senator OBAMA, and Senator DURBIN are frustrated about this issue.

This is a General Accounting Office report that was published in October 2000, "Influenza Pandemic. Plan needed for Federal and State response."

The General Accounting Office reviewed what the needs were and suggested to Congress and the Administration that we respond. Five years later, we are finally getting some action on the floor of the Senate.

In this chart, we can see what has happened in other countries. In comparison, the U.S. stockpile of antiviral medicine is inadequate. Senator HARKIN pointed out what other nations have done. This is a sample: Australia has antiviral medicine for 20 percent of its population; Britain, 25 percent; France, 25 percent; Japan, 17 percent; and the United States, we only cover 1 percent of our population.

We are faced with whether we should take action or not take action.

This is a list of the various countries that have developed nationwide plans: Japan, October 1997; Canada, February 2004; Czech Republic, 2004; Hong Kong, 2005; Britain in March of 2005.

I point out the British plan, I am not going to include it in the RECORD, but I will include it by reference. It is some 95 pages long. It sets the scene and provides the overall framework for the UK's response to an influenza pandemic. It is based on the current advice for national pandemic plans from the World Health Organization. The response is divided into phases, starting with work to be done before a potential pandemic emerges, followed by a step-by-step escalating response to the pandemic.

The plan goes on:

> Advanced planning is essential to establish and rehearse contingency arrangements and identify and address gaps in our preparedness so we are in the best possible position to manage the emergency and to ameliorate its impact.

On page 5, it talks about the various aspects of the plans: communication, surveillance, information gathering, the public health response, measures to reduce the health impact, vaccination, health service response, civil contingency, workforce education and training, essential preparatory work. All of this outlined in the UK, in Great Britain.

Here is Canada's plan. It is 87 pages long. What does this plan address? This is what they have: Who is responsible for the pandemic planning? It lists those in charge. Why is this an important health issue? It outlines why it is a health issue. What preparations are being made? It outlines all of the preparations that are being made. What needs to happen in a comprehensive response? It outlines all of those. What will be involved in a recovery from a pandemic? It has an entire section, all outlined here.

Where is the United States? Where is our response? The USA is the big question mark, and that is what we find unacceptable. That is why the Harkin amendment is important to adopt. It has provisions dealing with antivirals and vaccines; it has the needed global interventions; and it has the detection needed here in the United States. It has the surge capacity and public health provisions that need to be expanded. Senator BURR indicated that hearings on public health provisions will take place after we pass this legislation, which is all well and good. But we need to act now.

Each country with a national plan includes important public health components. We would not be meeting our responsibilities unless we did likewise.

This proposal recognizes that we have a responsibility to move forward on this and provides the resources necessary to get started. This particular proposal works to fulfill the recommendations of the World Health Organization, with $3 billion for antivirals and $3 billion in vaccines. There is flexibility in these allocations and in the allocations for the public health provisions.

So I would hope very much that the Senate would accept this. It is a modest downpayment. As I mentioned, there are several aspects of the battle. One certainly is the stockpiling of the vaccines and antivirals. It is enormously important that the resources are there. A downpayment in terms of the public health is also very important. And we must provide incentives for industry to encourage vaccine development and production. That is following along with the Enzi-Burr proposal, and all of us owe a debt of gratitude to them.

The PRESIDING OFFICER. The Senator has 2 minutes 45 seconds remaining.

Mr. KENNEDY. I thank the Chair. We are all working together to have a bipartisan proposal that we will be able to act on.

If we have positive action on the Harkin amendment, and a positive result on the Enzi-Burr proposal, at the end of this session, the Senate will have made a very strong downpayment in preparing this Nation. We eagerly await the administration's proposal, but quite frankly, I do not think we can delay any longer.

Other countries have moved ahead. At this time, we have only stockpiled 1 percent of the total amount of antivirals that we will need. This is the issue. Now is the time for action. I am very hopeful that this amendment will be accepted.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I ask unanimous consent at this time that my amendment, which is the second amendment to be ordered, be called up and that the other amendments be set aside so I can modify my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2253, AS MODIFIED

Mr. GREGG. I send a modification to the desk.

The PRESIDING OFFICER. Is there objection to the modification?

Without objection, the amendment is so modified.

The amendment (No. 2253), as modified, is as follows:

(Purpose: To increase appropriations for the Low-Income Home Energy Assistance Program by $1,276,000,000, with an across-the-board reduction)

On page 158, strike lines 12 through 21 and insert the following:

bus Budget Reconciliation Act of 1981, $3,159,000,000.

For making payments under title XXVI of the Omnibus Budget Reconciliation Act of 1981, $300,000,000, to remain available until expended: *Provided*, That these funds are for the unanticipated home energy assistance needs of one or more States, as authorized by section 2604(e) of the Act: *Provided further*, That the entire amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

GENERAL PROVISION—REDUCTION AND RESCISSION

SEC.   . (a) Amounts made available in this Act, not otherwise required by law, are reduced by 0.982 percent.

(b) The reduction described in subsection (a) shall not apply to amounts made available under this Act—

(1) for the account under the heading "LOW-INCOME HOME ENERGY ASSISTANCE"; or

(2) for the account under the heading "REFUGEE AND ENTRANT ASSISTANCE" (with respect to amounts designated as emergency requirements).

SEC. ____. (a) There is rescinded an amount equal to 0.981 percent of the budget authority provided in any prior appropriation Act for fiscal year 2006, for any discretionary account described in this Act.

(b) Any rescission made by subsection (a) shall be applied proportionately—

(1) to each discretionary account described in subsection (a) to the extent that it relates to budget authority described in subsection (a), and to each item of budget authority described in subsection (a); and

(2) within each such account or item, to each program, project, and activity (as delineated in the appropriation Act or accompanying report for the relevant fiscal year covering such account or item).

(c) The rescission described in subsection (a) shall not apply to budget authority provided as described in subsection (a)—

(1) for the account under the heading "LOW-INCOME HOME ENERGY ASSISTANCE"; or

(2) for the account under the heading "REFUGEE AND ENTRANT ASSISTANCE (with respect to amounts designated as emergency requirements)".

Mr. GREGG. I ask unanimous consent that we return to regular order.

The PRESIDING OFFICER. Who seeks recognition?

There is now 10 minutes of debate equally divided on the LIHEAP amendment. Who seeks time?

The Senator from Rhode Island.

Mr. REED. Mr. President, Senator COLLINS and I have proposed an amendment that would raise LIHEAP funding to a total of $5.1 billion. That is absolutely necessary as we approach the winter with rising fuel prices, rising natural gas prices. Our amendment will help all States. I want to make it very clear all of our funding goes into the State block grant program, so no State will be disadvantaged.

My colleague from New Hampshire has introduced a complementary amendment that does not provide, in my view, sufficient funding. At his level of funding, States such as Minnesota, Washington, and Wisconsin will receive no new money. I think that is unfortunate because those States and the citizens of those States deserve the kind of support that will be necessary this winter.

Fifty-three Senators have already joined us to support the increase in LIHEAP spending to the $5.1 billion total mark. I hope they will continue to support us. There is a second storm surge coming from Katrina, and that is rising energy prices that have overwhelmed vulnerable families throughout this country.

In addition, my colleague from New Hampshire is proposing to fund this with an across-the-board cut. That across-the-board cut will disappear in conference. As Chairman SPECTER has pointed out, this bill is bare bones. When the conferees arrive and look at the funding for Head Start and look at funding for other critical programs, I do not think they are going to allow this supposed increase in LIHEAP funding. Also, we are paying for this LIHEAP increase by taking away valuable programs: 37,000 students in title I will be denied services because of these cuts. We are going to reduce IDEA spending. We are going to reduce Head Start spending. We are essentially robbing Peter to pay Paul, taking from some who need to give to others who need. That is not fair. It is not appropriate and it is unnecessary.

This is an emergency. Just as the storm damage in the gulf was an emergency, this is an emergency. I urge support of the Reed-Collins amendment and opposition to the Gregg amendment.

I reserve the remainder of my time.

The PRESIDING OFFICER Who seeks time?

The Senator from New Hampshire.

Mr. GREGG. First off, I would note that the amount that is in my amendment is the exact amount which the Senator from Rhode Island asked of the Appropriations Committee less than a month ago. It is the exact amount that the Senator from Maine asked of the Appropriations Committee less than a month ago. It is the exact amount that 41 other Senators sent a letter to the Appropriations Committee and asked for relative to LIHEAP costs, low-income energy costs.

Why was that amount chosen? It was not picked out of the air. It was chosen because that is the amount necessary in order to hold harmless the various low-income energy programs across this country, in order to cover the costs of the increase of fuel oil estimated in September, which was actually at a higher cost level than today. So this actually will represent more money than is necessary in order to keep these programs whole. It will actually represent additional money. It represents over a 48-percent increase in funding. That is a rather dramatic increase.

In addition, this amendment that I have proposed is paid for. Our job should be to set priorities in this Congress. We should say, what is the priority? Well, I happen to think one of the priorities is making sure that senior citizens, people who live on fixed incomes, low-income individuals who are trying to heat their homes in this very difficult winter, with prices being high and with the winter already upon us—at least in New Hampshire we had some significant snow yesterday—that they will have the ability to have a program which covers those costs. But we should pay for it.

What have I suggested? I have suggested a less than 1 percent cut across the board in all the other programs in this bill. That is the logical and appropriate way to pay for this increase in funding which is needed, an increase which is the exact amount of money that was asked for by the Senator from Rhode Island, the Senator from Maine, and other Senators who felt the need, as I do, for a commitment in this account.

So it is a reasonable step. My bill is a reasonable action. I would also note one other thing. The Senator from Rhode Island and the Senator from Maine have offered an amendment which because it is so over the top from a budget standpoint, so outside the budget structure which we have, is subject to a budget point of order. As Budget chairman, I am fairly familiar with these.

Those budget points of order are put in place to discipline ourselves, and of course it is to set priorities. My amendment is not subject to a budget point of order, an emergency point of order.

So let us remember that when we are voting on this, if my colleagues want to have a realistic chance of getting a significant increase in funding for the low-income energy program, they should vote for my amendment because it is only going to take 51 votes to pass it; whereas, the amendment from the other side will take 60 votes.

Remember that the number I have put into this amendment is the number which was actually requested by the sponsors of the first amendment, and therefore it is a reasonable number. It is not an arbitrary number. It is a number that makes sense.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who seeks recognition?

There is 2 minutes 49 seconds remaining.

The Senator from Iowa.

Mr. HARKIN. Mr. President, I thank the Senator from Rhode Island for yielding a couple of minutes.

Here they go again. Every year, Senators on that side of the aisle say they want to increase funding for LIHEAP and other things, but they want to take it out of other programs. These amendments are phony. These across-the-board cuts will never get passed into law.

My good friend from New Hampshire says: Well, it is just 1 percent or just 2 percent or whatever it might be. Let's take a look at what the Senator from New Hampshire's cuts really mean. He said it will not affect anybody. Well, it is a .98-percent cut. That does not sound like much, but in terms of No Child Left Behind, it means that 39,400 kids will not be served by title I. I guess they do not count. It means that we will cut special education by $105 million. It means that 9,300 Head Start kids will not get Head Start programs. That is why this amendment is phony. That is why we have to adopt the Reed amendment.

Again, the Senator from New Hampshire always said he wanted to increase funding for special education. Right now the Federal Government is paying 18.6 percent of the excess costs of special education. We are supposed to go to 40 percent. Under Senator GREGG's amendment, the share will drop to 17.8 percent. We will go in the wrong direction. So we will never reach the goal of full funding for special education if we adopt the amendment of the Senator from New Hampshire. So do not be fooled by these across-the-board cuts. It hurts people. It hurts poor kids. It hurts special education. And it hurts title I kids. We do not want to hurt them in order to give money for low-income elderly so they can buy heating oil and pay their gas bills this winter. That is unfair. It is unconscionable. The best way to go is to adopt the Reed amendment.

I thank the Senator for yielding.

Mr. REED. I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator has 38 seconds remaining.

Who seeks time? There is 1 minute 31 seconds remaining.

The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, it is in order to raise a point of order as to the Reed amendment. Since I have spoken in favor of it, I ask my colleague, Senator CRAPO, to raise the technical point of order.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAPO. Mr. President, pursuant to section 402 of H. Con Res. 95 of the 109th Congress—

The PRESIDING OFFICER. The Senator will cease. A budget point of order has to be raised at the conclusion of debate. It cannot be raised at this time.

Mr. CRAPO. I will withhold.

The PRESIDING OFFICER. Who yields time?

Mr. GREGG. What is the time status?

The PRESIDING OFFICER. There is 1 minute 5 seconds left to the Senator from New Hampshire, 38 seconds left to the Senator from Rhode Island.

Mr. GREGG. Mr. President, I will respond briefly—because I only have a minute, I will have to do it briefly—to the point of the Senator from Iowa. What is happening is that we are suggesting that we should put approximately a $3 billion hole in the budget to pay for heating costs. Who is going to pay for that? Who is going to pay for it if we do not set the priorities here and offset the costs? I will tell you who is going to pay for it—our children are, because we have to go out and borrow that $3 billion. So what we are essentially saying is we are going to take $3 billion from our children to pay for heating costs this winter for seniors and other people who are on fixed incomes. We should be responsible for that here this year, not be passing it on to the next generation to pay that cost through a debt, financing it through debt.

Clearly, offsetting this spending makes sense, and my amendment does exactly that. It offsets it in a reasonable way, less than a 1-percent across-the-board cut, less than 1 percent in order to fund a very important program, increase funding for a very important program to assist seniors and other folks who are on fixed incomes and low incomes.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. REED. Mr. President, quickly, Senator COLLINS and Senator GREGG and I are trying to put more money in the State block grant program. Mr. President, $1 billion will not provide assistance in many States that need it now, Wisconsin and other States that are going to see a very difficult winter. Only by supporting our amendment will we reach all the States, all the people who need it. These cuts, as Senator HARKIN suggested, are illusory; they will not be made. Frankly, I don't think it is appropriate, when we are trying to help poor people in the wintertime to heat their homes, we think about offsets; we think about that when we are providing tax cuts for very wealthy Americans.

I urge passage of Reed-Collins and the rejection of the Gregg amendment.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAPO. Mr. President, pursuant to section 402 of H. Con. Res. 95 of the 109th Congress, I make a point of order against the emergency designation contained in the amendment.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. I move to waive the applicable section of that act for the purposes of the pending amendment.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

The Senator from Pennsylvania.

Mr. SPECTER. I remind all our colleagues, under the unanimous consent agreement, we are now going to proceed to have five rollcall votes. The first will be 15 minutes and 5, the other four will be 10 and 5. Pursuant to our arrangements, the time limits will be enforced.

The PRESIDING OFFICER. The question is on agreeing to the motion. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. McCONNELL. The following Senators were necessarily absent: the Senator from Alaska (Ms. MURKOWSKI) and the Senator from Alabama (Mr. SESSIONS).

Further, if present and voting, the Senator from Alaska (Ms. MURKOWSKI) would have voted "yea."

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE) is necessarily absent.

The yeas and nays resulted—yeas 54, nays 43, as follows:

The result was announced—yeas 54, nays 43, as follows:

[Rollcall Vote No. 270 Leg.]

YEAS—54

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Chafee
Clinton
Coleman
Collins
Conrad
Dayton
DeWine
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
Mikulski
Murray
Nelson (FL)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Santorum
Sarbanes
Schumer
Smith
Snowe
Specter
Stabenow
Sununu
Talent
Voinovich
Wyden

NAYS—43

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Burr
Carper
Chambliss
Coburn
Cochran
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Martinez
McCain
McConnell
Nelson (NE)
Roberts
Shelby
Stevens
Thomas
Thune
Vitter
Warner

NOT VOTING—3

Corzine
Murkowski
Sessions

The PRESIDING OFFICER. On this vote, the yeas are 54, the nays are 43. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the emergency designation is removed.

Mr. SPECTER. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2194, AS FURTHER MODIFIED

Mr. SPECTER. Mr. President, I raise a point of order under section 302(f) of the Congressional Budget Act that the amendment provides budget authority outlays in excess of the subcommittee's 302(b) allocation for fiscal year 2006, and it is not in order.

The PRESIDING OFFICER. The point of order is sustained. The amendment falls.

Mr. SPECTER. Mr. President, we were 3 minutes over on that vote. We will try to hold this next vote in line with 15 minutes, as the unanimous consent agreement provided a 10-minute vote with an additional 5 minutes.

AMENDMENT NO. 2253

We are now proceeding to vote on Gregg amendment No. 2253.

The PRESIDING OFFICER. There is now 2 minutes of debate equally divided on the Gregg amendment.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I simply note that this amendment increases the funding for the low-income assistance program by $1.27 billion, which is the number 41 Senators asked for the amount of increase. That means the program will effectively have been increased by about 48 percent. It will allow for the program to be held harmless, and, in fact, it will probably put extra money into the program beyond holding it harmless.

In addition, this is paid for, so we are setting priorities. We are not passing this additional spending on to our children through debt, which means it is not subject to a point of order.

In addition, it is the responsible way to approach this. As a practical matter, if you expect to increase the funding for low-income assistance programs, this will be your best vote to do it because this will only take 51 votes; the other votes took 60.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, the Gregg amendment would appropriate $1.2 billion into the State block grant program for LIHEAP. That would mean, because of the arcane nature of the formula, States such as Minnesota, Washington, and Wisconsin will see no increase, Iowa will have under a 3-percent increase, and Oregon has less than a 7.5-percent increase.

In sum, the States that need this help right away, the cold-weather States, will see little help from the amendment.

Moreover, his amendment is funded by cutting valuable programs—Head Start, education for disabled Americans, a host of programs—that cannot be made up.

As our chairman and ranking member said, this amendment probably will be disregarded in conference because they will not fund but be taking away what very little exists already—title I, Head Start, and a host of other programs.

I urge my colleagues to reject this amendment. We will try again for a real LIHEAP amendment.

Mr. GREGG. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second. The yeas and nays were ordered.

The PRESIDING OFFICER. The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 46, nays 53, as follows:

[Rollcall Vote No. 271 Leg.]

YEAS—46

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Burr
Chambliss
Coburn
Cochran
Cornyn
Craig
Crapo
DeMint
DeWine
Dole
Domenici
Ensign
Enzi
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Isakson
Kyl
Lugar
Martinez
McCain
McConnell
Murkowski
Roberts
Santorum
Sessions
Shelby
Smith
Stevens
Sununu
Thomas
Thune
Voinovich
Warner

NAYS—53

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carper
Chafee
Clinton
Coleman
Collins
Conrad
Dayton
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sarbanes
Schumer
Snowe
Specter
Stabenow
Talent
Vitter
Wyden

NOT VOTING—1

Corzine

The amendment (No. 2253), as modified, was rejected.

AMENDMENT NO. 2254

The PRESIDING OFFICER. There will now be, by previous consent, 2 minutes of debate equally divided on the Dodd amendment.

The Senator from Connecticut.

Mr. DODD. Mr. President, we discussed this amendment sometime ago. In the past, I have offered amendments to fully fund Head Start. This amendment does not do that. This amendment adds $153 million specifically to deal with the inflation that will affect the cost of the 19,000 Head Start Programs across the country.

There are 900,000 children in Head Start. If this amendment is not adopted, the estimates are that 20,000 to 25,000 children will be dropped from the Head Start Program across our country.

We all know that a Head Start child is more likely to finish school, less likely to end up in the juvenile justice system, less likely to be a substance abuser, less likely to become a teenage parent. We know it is not perfect, but after 40 years, Head Start works. This is not to expand the program, but let us not lose the children today who are part of that program.

I urge the adoption of this amendment.

The PRESIDING OFFICER. Who seeks recognition?

The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, the Head Start Program is very valuable. It has received priority attention from our subcommittee. We more than doubled Head Start between fiscal year 1994 and fiscal year 2004. Regrettably, there are no funds to stretch further.

If the Senator from Connecticut had an offset, wanted to discuss priorities, I would have been glad to do that. But we have to stay within the budget. Therefore, with great reluctance, I have raised the point of order.

Mr. President, it should be noted that the last vote was less than 13 minutes. I would ask all of my colleagues to stay in the Chamber. We now have another 10-minute vote, with a 5-minute extension.

I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the motion to waive the Budget Act. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE) is necessarily absent.

The yeas and nays resulted—yeas 47, nays 52, as follows:

[Rollcall Vote No. 272 Leg.]

YEAS—47

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carper
Chafee
Clinton
Collins
Dayton
DeWine
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
Mikulski
Murray
Nelson (FL)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sarbanes
Schumer
Snowe
Stabenow
Wyden

NAYS—52

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Burr
Chambliss
Coburn
Cochran
Coleman
Conrad
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Martinez
McCain
McConnell
Murkowski
Nelson (NE)
Roberts
Santorum
Sessions
Shelby
Smith
Specter
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner

NOT VOTING—1

Corzine

The PRESIDING OFFICER. On this vote, the yeas are 47, the nays are 52.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

The Senator from Michigan.

ROSA PARKS FEDERAL BUILDING

Ms. STABENOW. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 260, S. 1285, a bill to designate the Federal building located at 333 Mt. Elliott Street in Detroit, MI, as the "Rosa Parks Federal Building." Rosa Parks passed away this past Monday at the age of 92, one of the giants in American history. It is very fitting that we pass this bill naming this building. I ask that the bill be read three times, passed, and the motion to reconsider be laid on the table without intervening action or debate.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, reserving the right to object, I never thought I would see the day that I would stand to object to such a meritorious proposal as my distinguished colleague has offered.

Mrs. Parks has been dead but 3 or 4 days. For 3 years, I have been trying to get the new courthouse annex here in Washington, DC named for Judge William B. Bryant. Judge Bryant is an African American. He is 94 years old. Let me tell you about this distinguished individual. Born in Alabama——

Mr. SPECTER. Mr. President, regular order. I hate to interrupt my colleague from Virginia, but we have a unanimous consent request to proceed with——

Mr. WARNER. I reserved the right to object, and I ask the respect of the manager to allow me to state my case.

I thank the distinguished Senator.

He graduated from Howard University in 1936, classmate of Thurgood Marshall and Appellate Judge Spotswood Robinson. He graduated from Howard Law School first in his class and then, with no real opportunities for African-American attorneys in the District of Columbia, served as chief research assistant to Ralph Bunche, who later won the Nobel Prize. From 1943 to 1947, he was in the Army and rose to the rank of lieutenant colonel during World War II. He was a criminal defense attorney, Assistant U.S. Attorney, the first African American ever to be an Assistant U.S. Attorney in the Nation's Capital. I was privileged to be in the U.S. Attorney's Office during some of his tenure there and worked with him. He was a teacher to me and many others. He was appointed to the U.S. District Court in 1965. In 1977, he was appointed the first African American to be chief judge of the U.S. District Court.

Now at the age of 94, Judge Bryant is serving as a Senior Judge on the United States District Court for the District of Columbia. This man, like Rosa Parks, suffered from discriminatory practices and persevered, therefore breaking new ground for African-Americans to come. When he first began trying cases as an Assistant U.S. Attorney in 1951 the Bar Association of D.C. did not allow African-American members. William Bryant, while trying cases in District Court was unable to access the law library at the Courthouse like his white colleagues. Despite the obstacles, William Bryant succeeded.

Over the years this man has been a fixture at that courthouse, first trying cases, and for the past 40 years, hearing them as a judge. The D.C. Bar and his colleagues have unanimously endorsed the legislation I offer today as a tribute to this man's truly extraordinary life, legendary career, and service to this nation's judicial system.

However, there are rules in the Environment and Public Works Committee which do not permit courthouses to be named for living or sitting judges. But it is interesting, before the current Chairman of the Committee took over, the rule was waived in certain cases. I am aware of more than 20 instances when this discretion was used to name Courthouses for living and sitting judges. As a matter of fact, I know of some instances where Members of this Chamber have gotten around the rule by attaching naming resolutions to bills in other committees of the Senate. We can all agree that Rosa Parks is deserving of the recognition to have a building named after her. Today I ask this body the simple question, why is she more deserving today than she was last week?

Mr. REID. Mr. President, if the Senator will yield, I have been informed by the chairman of the committee, he has no objection to this. Senator STABENOW would agree to your amendment, that your judge be included in the resolution.

Mr. WARNER. I thank my distinguished colleague. I send to the desk an amendment and ask if it would be included in the unanimous consent request.

Ms. STABENOW. Yes, Mr. President. I ask unanimous consent to modify my request to include the Warner amendment.

The PRESIDING OFFICER. Is there objection?

Mr. INHOFE. Mr. President, reserving the right to object, let me state the position we have on the committee. I have chaired this committee for 3 years. As the distinguished Senator from Virginia knows—he used to chair the same committee, as did the minority leader—we have a rule that we don't name courthouses after anyone who is living. I am going to object to this. However, if you want to have a vote on this, I will record myself as opposing it because I am not going to break the record. I think it is a good rule to keep. That is my position.

The PRESIDING OFFICER. Is there objection?

The Senator from Missouri.

Mr. BOND. Reserving the right to object. Mr. President, the Rosa Parks naming and the Bryant naming are very important measures. I would support both of them. But I believe as long as we have this rule in the committee, unless the committee will change the rule, I would be happy to join with my colleague from Virginia in suggesting a change in the rule to permit——

Mr. WARNER. If I could ask my distinguished colleague, were you not faced with the same dilemma several years ago and managed to get a courthouse named for a sitting judge in your State by action of the Appropriations Committee?

Mr. BOND. What was the judge's name?

Mr. WARNER. I have talked to the Administraive Office of the Courts, and I will get that answer to the Senator.

Mr. BOND. I must renew my objection. I look forward to a discussion with the distinguished Senator from Virginia.

The PRESIDING OFFICER. Is there objection to the unanimous consent request?

Mr. INHOFE. I object.

The PRESIDING OFFICER. Objection is heard.

Ms. STABENOW. Mr. President, I renew my request to pass the Rosa Parks Building designation. I renew my request to pass that. Rosa Parks is one of the great civil rights leaders of our time, a great heroine who has now passed away at the age of 92. She deserves this recognition. I very much hoped that we could have a unanimous vote in support of honoring this very important woman.

The PRESIDING OFFICER. Is there objection to the unanimous consent request.

Mr. INHOFE. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. INHOFE. Mr. President, there is an easy way out of this. Let's don't make it complicated. Let's go ahead. He will have an amendment to this bill, have a vote on that. I will record myself as voting no. It will pass. I am sure it will pass. Everybody agrees, as far as Judge Bryant and Rosa Parks are concerned, that we want this to happen today. But I will object to that in terms of UCing it. I want to have a vote, and I will be recorded no. That solves the problem.

The PRESIDING OFFICER. The minority leader.

Mr. REID. If we had a voice vote, the distinguished chairman of the committee could still be recorded as voting no; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. WARNER. If I understand, has the Senator amended her request to accept my amendment?

Ms. STABENOW. Yes, I did do that. There was an objection to that. So I renewed my unanimous consent request for the Rosa Parks Federal Building.

Mr. WARNER. I have to object if the Warner amendment is not included in the unanimous consent agreement.

Ms. STABENOW. I will be happy to include a revised unanimous consent for Senator WARNER.

Mr. REID. She has included yours.

Mr. WARNER. Fine. I thank the Senator.

Mr. DOMENICI. Reserving the right to object, I will not object, but I want to say, this debate has everybody on this floor thinking about what is going on with reference to other things being held up by this Senate on holds that we don't even know the name of the person holding them. This is not this issue, but there are many of them. I have the Deputy Secretary of Interior for 7 months waiting to be confirmed, and there is some hold somewhere. I think we ought to all begin to understand that that has to stop. Today reminds me that I am going to be looking at it, and perhaps I will stop every bill until we get some of these that are being held up for no reason to be released. I hope this one succeeds.

Mr. SPECTER. Parliamentary inquiry.

The PRESIDING OFFICER. Is there objection to the request?

Mr. SPECTER. Mr. President, are we considering the appropriations bill for

Labor-Health and Human Services-Education?

The PRESIDING OFFICER. The Senator is correct. We are. We have a unanimous consent request.

Mr. SPECTER. Are we under a unanimous consent agreement binding this Senate to proceed with five consecutive votes?

The PRESIDING OFFICER. We are.

Mr. SPECTER. I was prepared to listen for a while. But this has gone on, and we are having more collateral issues. I press my request for regular order.

The PRESIDING OFFICER. Is there objection to the request for regular order?

Mr. REID. There is a unanimous consent request pending before the Senate at this time.

Mr. INHOFE. I have already objected to the unanimous consent request.

The PRESIDING OFFICER. There is objection to the unanimous consent request.

Mr. SPECTER. Parliamentary inquiry: Does a call for regular order require unanimous consent? Regular order means the order has been decided to proceed. I insist on the regular order.

The PRESIDING OFFICER. The Senator is correct.

There are now 2 minutes of debate equally divided on the Clinton amendment No. 2292.

Mr. SPECTER. Mr. President, regular order.

The PRESIDING OFFICER. Who yields time on the Clinton amendment? The minority leader.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that Calendar No. 260, the Rosa Parks Federal Building, be read three times, passed, the motion to reconsider be laid on the table, with the amendment to it affixing the William B. Bryant Annex to that. It is my understanding that this will be done by voice vote. Those who don't like it can tell the Chair that, and it will be a no vote. I ask unanimous consent that this matter be called now.

The PRESIDING OFFICER. Is there objection?

Mr. REID. I ask for a voice vote, Mr. President.

Mr. INHOFE. Mr. President, what I would like to do is urge the adoption of the Warner amendment to the underlying bill.

Mr. REID. That is what I tried to do. That is what I did do.

Mr. INHOFE. All right. Let's do it by voice vote.

The PRESIDING OFFICER. The question is on passage of the bill, as amended.

The amendment (No. 2330) was agreed to, as follows:

(Purpose: To designate the annex to the E. Barrett Prettyman Federal Building and United States Courthouse located at 333 Constitution Avenue Northwest in the District of Columbia as the "William B. Bryant Annex")

At the appropriate place, insert the following:

SEC. . (a) The annex, located on the 200 block of 3rd Street Northwest in the District of Columbia, to the E. Barrett Prettyman Federal Building and United States Courthouse located at Constitution Avenue Northwest in the District of Columbia shall be known and designated as the "William B. Bryant Annex".

(b) Any reference in a law, map, regulation, document, paper, or other record of the United States to the annex referred to in section 1 shall be deemed to be a reference to the "William B. Bryant Annex".

The bill (S. 1285), as amended, was read the third time and passed, as follows:

S. 1285

Be it enacted by the Senate and House of Representative of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF ROSA PARKS FEDERAL BUILDING.

The Federal building located at 333 Mt. Elliott Street in Detroit, Michigan, shall be known and designated as the "Rosa Parks Federal Building".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the "Rosa Parks Federal Building".

SEC. 3. DESIGNATION OF WILLIAM B. BRYANT ANNEX.

The annex, located on the 200 block of 3rd Street Northwest in the District of Columbia, to the E. Barrett Prettyman Federal Building and United States Courthouse located at Constitution Avenue Northwest in the District of Columbia shall be known and designated as the "William B. Bryant Annex".

SEC. 4. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the annex referred to in section 3 shall be deemed to be a reference to the "William B. Bryant Annex".

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mrs. BOXER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEAHY. Mr. President, Rosa Parks and Judge William B. Bryant are two venerable figures in our Nation's movement toward equality for all Americans. I am proud that the Senate has taken the opportunity today to recognize and celebrate these two extraordinary individuals. I commend Senator STABENOW for introducing this bill to name a Federal building in Michigan after Rosa Parks, a cherished civil rights leader. I also commend the efforts of Senator WARNER, who has worked with me for the past 3 years to name the new annex to the E. Barrett Prettyman United States Courthouse in Washington, DC, the "William B. Bryant Annex."

Judge Bryant's service to the United States District Court for the District of Columbia is truly historic. He continues to perform duties as a senior Federal judge at the age of 93. He began his legal career with the belief that lawyers could make a difference in eliminating the widespread racial segregation in the United States. He became a criminal defense lawyer in 1948, taking on many pro bono cases and was soon recognized by the U.S. Attorney's office for his skills as a defense attorney. The U.S. Attorney's office hired him in 1951 and he became the first African American to practice in Federal court here in the District. Judge Bryant was nominated by President Johnson to the Federal bench in 1965 and became the first African American Chief Judge for the United States District Court in DC.

Naming the new annex to the E. Barrett Prettyman Courthouse after Judge Bryant is a fitting tribute to this distinguished jurist. Much like Judge Prettyman, Judge Bryant has had an illustrious career in public service and on the bench. I thank my colleagues for honoring Judge Bryant's service.

AMENDMENT NO. 2292

The PRESIDING OFFICER. Who seeks time on the Clinton amendment?

The Senator from New York is recognized.

Mrs. CLINTON. Mr. President, this next vote is to add $4 billion to the IDEA account. This amendment moves us closer to that mandate imposed upon school districts in 1975, a worthy and noble undertaking to ensure that every child be given an appropriate public school education. This amendment moves us closer to fulfilling what Congress said it would do: provide 40 percent of the funding for special education. This will help school districts lower property taxes. It is the kind of commitment we owe to children and their parents and to relieve the burdens of taxpayers.

Thank you, Mr. President.

Mr. CARPER. Mr. President, the Senate is not in order.

The PRESIDING OFFICER. The Senator is correct. The Senate is not in order.

The Senator from New York may continue.

Mrs. CLINTON. So, Mr. President, now that the Senate is in order, let me just request that we pass this amendment to add money to IDEA, which is something we all hear about everywhere we travel in our States to provide necessary tax relief to property tax owners and provide the resources that are needed for the special needs of special education students.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. KOHL. Mr. President, I rise today in strong support of the Clinton amendment. This amendment would fully fund IDEA for this year by adding $4 billion, the difference between the amount appropriated in the Senate bill and this year's authorization level. As a proud co-sponsor, I am hopeful the Senate will act today to set IDEA on a path toward full funding.

Despite substantial increases in IDEA funding over the past several years, the Federal Government has not lived up to its commitment to pay for 40 percent of the costs of special education. This is one of the top concerns of educators in Wisconsin. As a result of this funding shortfall, local school districts continue to devote a large part of their budgets toward special education, which makes it more difficult for them to adequately fund other vital education programs. This problem has only gotten worse as financially strapped States and local governments are cutting funding for education in order to balance their budgets. This amendment would provide much needed relief. My home State of Wisconsin would benefit from an additional $70 million in special education funds. I urge my colleagues to support this amendment, subsequently making good on our commitment to special education students and their teachers.

The PRESIDING OFFICER. Who yields time? The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I concur with what the Senator from New York has said about the importance of special education, and I only wish our allocation were larger so we could provide for more money for special education. Special education has received priority attention by the subcommittee. In 1996, it was less than $3 billion; now it is more than $11 billion. We have to live within the budget as enacted by the Congress, and that means, regrettably, the point of order has been filed that it exceeds the budget limit, and I must therefore oppose the amendment and ask my colleagues to sustain the point of order.

I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the motion to waive the Budget Act. Yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE) is necessarily absent.

The yeas and nays resulted—yeas 46, nays 53, as follows:

[Rollcall Vote No. 273 Leg.]

YEAS—46

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carper
Chafee
Clinton
Collins
Dayton
Dodd
Durbin
Feingold
Feinstein
Harkin
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sarbanes
Schumer
Snowe
Stabenow
Wyden

NAYS—53

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Burr
Chambliss
Coburn
Cochran
Coleman
Conrad
Cornyn
Craig
Crapo
DeMint
DeWine
Dole
Domenici
Dorgan
Ensign
Enzi
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Martinez
McCain
McConnell
Murkowski
Roberts
Santorum
Sessions
Shelby
Smith
Specter
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner

NOT VOTING—1

Corzine

The PRESIDING OFFICER. On this vote, the yeas are 46, the nays are 53. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

Mr. SPECTER. I move to reconsider the vote.

Mr. HARKIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2232

The PRESIDING OFFICER. There will be 2 minutes equally divided before a vote on the Coburn amendment No. 2232.

The Senator from Oklahoma.

Mr. COBURN. Mr. President, I have an amendment that will transfer $60 million to save the lives of people who are infected with HIV. There is no question where I get this money. It is a good goal. Enhancing the CDC, the buildings, the development of that, is all good. We have been on a fast track to do that in 5 years. That ought to continue.

What I am saying with this amendment is, since this amount is eight times what the President requested, we ought to put saving lives right now in this country at this time ahead of speeding up buildings. If my colleagues agree with that, then they ought to be supporting this amendment. If they do not, do not support it.

I reserve the remainder of my time.

Mr. BYRD. Mr. President, I will vote against the Coburn amendment that would have increased funding for the State AIDS Drug Assistance Program by cutting needed funding for the Centers for Disease Control and Prevention, CDC.

I have long supported, and will continue to support, increased funding for the State AIDS Drug Assistance Program to assist those suffering from HIV/AIDS in West Virginia and across the Nation. However, I could not support the Coburn amendment that would have reduced funding to upgrade and modernize the public health facilities at the Centers for Disease Control and Prevention in Atlanta, GA.

The current facilities at the CDC are in a state of extreme disrepair. This is unacceptable at a moment when we face a possible avian flu pandemic which could threaten millions of American lives. The CDC serves on the frontlines of our Nation's defense and preparations for such a flu outbreak.

Mr. KENNEDY. Mr. President, I rise in opposition to the amendment from Senator COBURN. For five years now, this President and this Republican Congress have prioritized tax cuts for the rich at the expense of urgent national priorities. It has left us with so many unmet needs.

The amendment offered by Senator COBURN asks us to choose between two vitally important national priorities—protecting our national security or providing increased assistance to people living with HIV and AIDS. We shouldn't have to do that, and a responsible Congress wouldn't force our hand.

An epidemic of HIV and AIDS continues to ravage communities—especially communities of color—across the country. Approximately 1 million individuals live with the disease and they struggle every day to make ends meet and to afford the medical care, medicines, and other supports they need to live healthy and productive lives.

The Federal AIDS Drug Assistance Program gives needy individuals the help they need. It is a vital part of our safety net for people living with HIV and AIDS, and it deserves more Federal support.

I look forward to working with Senator COBURN soon on the reauthorization of the ADAP program as well as reauthorization of the other vital programs in the Ryan White CARE Act. We need to expand our commitment to the whole of the CARE Act programs so we can improve lives of people living with HIV and AIDS.

But this amendment isn't the right approach. It is irresponsible and dangerous. It proposes to increase funding for the ADAP program by cutting our investment in the Centers for Disease Control—the frontline Federal agency in the battle against bioterrorist threats and avian flu that threaten the health and safety of all Americans. In the past they fought and protected us from the SARS virus and their expertise is often called upon to protect others across the world from Ebola and other deadly viruses.

Senator HARKIN has outlined the need for modern facilities for the CDC. They cannot fight 21st century threats in 20th century buildings.

It is wrong to cut $60 million from CDC construction appropriations at this time when so many public health threats are converging on us and I urge all my colleagues to vote against the Coburn amendment.

The PRESIDING OFFICER. Who yields time in opposition?

The Senator from Iowa.

Mr. SPECTER. Time is yielded to the Senator from Georgia.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, I rise in opposition to this amendment. While I agree with the need to continue to fight AIDS, the program to which this money is transferred——

The PRESIDING OFFICER. Who yields time in opposition?

Mr. SPECTER. The Senator from Georgia has the time.

Mr. HARKIN. Mr. President, I yield to the Senator from Georgia.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, the fund to which Senator COBURN seeks to transfer this money is already funded in this bill to the tune of almost $800 million. It is not as if we are ignoring the very noble issue he is seeking to improve, but the fact is that we embarked on a multiyear plan at the CDC to improve the quality of the buildings where our most sophisticated and important researchers and scientists work on critical issues. It is imperative that we continue with this plan.

I yield to my friend from Georgia for the remainder of the time.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. ISAKSON. Mr. President, with all due respect, this is not a choice of putting buildings ahead of people or people ahead of buildings. This is a choice of maintaining the commitment to save the lives of our children and grandchildren in the future against pandemics and terrorist threats in the future.

The Senator from Oklahoma, well intended, is wrong. I urge a "no" vote on the Senator's amendment.

Mr. COBURN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 25 seconds remaining.

Mr. COBURN. Mr. President, if you have HIV today and you don't have health insurance and you are standing in line to get HIV retrovirus therapy and heart therapy and they tell you they don't have enough money, you are out of luck. In this country, where we have invested so much in this disease, to put anybody out of luck—we have invested a lot of money in the ADAP program, but it is not enough, and people are dying every year in this country because we are not doing it. It is time we should do it.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HARKIN. Parliamentary inquiry: How much time remains?

The PRESIDING OFFICER. Five seconds.

Mr. HARKIN. I ask for 5 seconds.

To my colleague, we will be calling up amendment No. 2259 later on to add $74 million to the ADAP program, but we will not take it out of CDC. That is the amendment we ought to vote for.

The PRESIDING OFFICER (Mr. COBURN). The question is on agreeing to amendment No. 2232.

Mr. SPECTER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE) is necessarily absent.

The result was announced—yeas 14, nays 85, as follows:

[Rollcall Vote No. 274 Leg.]

YEAS—14

Burr
Chafee
Coburn
Cornyn
Dayton
DeWine
Ensign
Feingold
Grassley
Lugar
McCain
Smith
Stabenow
Wyden

NAYS—85

Akaka
Alexander
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Brownback
Bunning
Burns
Byrd
Cantwell
Carper
Chambliss
Clinton
Cochran
Coleman
Collins
Conrad
Craig
Crapo
DeMint
Dodd
Dole
Domenici
Dorgan
Durbin
Enzi
Feinstein
Frist
Graham
Gregg
Hagel
Harkin
Hatch
Hutchison
Inhofe
Inouye
Isakson
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Martinez
McConnell
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Santorum
Sarbanes
Schumer
Sessions
Shelby
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner

NOT VOTING—1

Corzine

The amendment (No. 2232) was rejected.

Mr. HARKIN. Mr. President, I move to reconsider the vote.

Mr. DURBIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Who seeks time?

The Senator from Washington.

Mrs. MURRAY. Mr. President, earlier today I was on the floor and offered amendment No. 2220 that was set aside. We were supposed to have a vote on that this evening. It was not in the queue. I ask unanimous consent that the vote on amendment No. 2220 occur before the cloture vote tomorrow morning.

The PRESIDING OFFICER. Is there objection to the unanimous consent request?

Mr. LOTT. I object on behalf of the chairman.

The PRESIDING OFFICER. The objection is heard.

What is the will of the Senate?

The Senator from Illinois.

AMENDMENT NO. 2287

Mr. DURBIN. Mr. President, on behalf of Senator BOXER, I call up amendment 2287, which I will then set aside.

The PRESIDING OFFICER. Without objection, the pending amendments are set aside.

The clerk will report.

The legislative clerk read as follows:

The Senator from Illinois [Mr. DURBIN], for Mrs. BOXER, for herself and Mr. ENSIGN, proposes an amendment numbered 2287.

Mr. DURBIN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To increase appropriations for after-school programs through 21st century community learning centers)

At the appropriate place, insert the following:

SEC. ___. 21ST CENTURY COMMUNITY LEARNING CENTERS.

(a) FUNDING INCREASE.—In addition to amounts otherwise appropriated under this Act, there is appropriated $51,900,000 for 21st century community learning centers under part B of title IV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7171 et seq.).

(b) OFFSET FROM TITLE I DEPARTMENTAL MANAGEMENT.—The amounts appropriated under title I under the heading "DEPARTMENTAL MANAGEMENT" for salaries and expenses shall be reduced by $51,900,000.

Mr. DURBIN. I ask unanimous consent that the amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New Mexico.

AMENDMENT NO. 2259

Mr. BINGAMAN. Mr. President, I call up amendment No. 2259 for Senator SMITH and myself.

The PRESIDING OFFICER. Without objection, the Clerk will report.

The legislative clerk read as follows:

The Senator froom New Mexico (Mr. BINGAMAN), for Mr. SMITH and himself, proposes an amendment numbered 2259.

Mr. BINGAMAN. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide funding for the AIDS Drug Assistance Program within the Health Resources and Services Administration)

At the appropriate place in title II, insert the following:

SEC. ____. In addition to amounts provided in this title for the AIDS Drug Assistance Program within the Health Resources and Services Administration, there shall be appropriated an additional $74,000,000 for such program.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2218

Mr. BINGAMAN. Mr. President, I now call up amendment No. 2218.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN] proposes an amendment numbered 2218.

Mr. BINGAMAN. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To increase funding for advanced placement programs)

At the end of title III (before the short title), insert the following:

SEC. ____. In addition to amounts otherwise appropriated under this Act, there is appropriated, out of any money in the Treasury not otherwise appropriated, an additional $18,500,000 to carry out part G of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6531 et seq.).

Mr. BINGAMAN. Mr. President, this is an amendment I am offering with Senator HUTCHISON and also with cosponsors KENNEDY, CLINTON, DODD, MURRAY, and SALAZAR. I ask unanimous consent that all those Senators be listed as cosponsors on amendment No. 2218.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. Mr. President, let me briefly describe the amendment. It increases funding for the advanced placement programs to the level the President requested in his budget, submitted to the Congress earlier this year.

Mr. BINGAMAN. I ask that amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

According to a recent report issued by the National Academy of Sciences, NAS, the scientific and technical building blocks of this Nation's economic strength are eroding at a time when many other Nations are gathering strength. In no uncertain terms, the NAS Committee on Prospering in the Global Economy of the 21st Century expressed "fear" that our ability to lead in science and technology can be lost abruptly, and that once lost, it may be very difficult to regain, if at all.

The NAS report issued a number of recommendations to strengthen the economic security of this country. Among the highest priorities, the NAS urged that we increase America's talent pool by vastly improving K-12 mathematics and science education. My amendment seeks to do that by increasing funding available for advanced placement programs.

According to the NAS report, the vast majority of students in this country will never take an advanced math or science course while in high school. Evidence shows, however, that the intensity and rigor of a student's high school coursework is directly related to the student's success in college and beyond. Students who take a solid college prep curriculum are less likely to need remedial classes, and are more likely to earn a college degree.

In fact, evidence shows that the intensity and quality of a high school curriculum is the greatest measure of completion of a bachelor's degree. Importantly, studies also show that not only do college-bound students benefit from rigorous courses, but that all students benefit from more rigorous coursework.

Accordingly, it is critical that all of our young people have access to rigorous coursework in secondary school in order to meet the demands of post secondary education and a competitive workforce.

NAS urges us to expand the pipeline—increase the number of students taking advanced science and math courses, such as AP–IB. Accordingly, we must create additional opportunities and incentives for middle-school and high-school students to pursue advanced work in math and science. NAS recommends quadrupling the number of students in AP or IB math or science courses to 4.5 million by 2010.

Moreover, I believe we all know that the quality of the teaching force is paramount to improving student achievement. A great teacher can not only help a student develop critical, analytical, and problem-solving skills, or mastery of a particular subject, but can motivate a student to pursue a career in the field.

Unfortunately, this country is facing a shortage of highly qualified math and science teachers.

According to the NAS report, the vast majority of high school students in this country are being taught science and math by teachers without certification or a degree in the subject being taught. In fact, a U.S. high school student has a 70 percent chance of being taught English by a teacher with a degree in English while the same student has about a 40 percent chance of being taught chemistry by a teacher with a degree in chemistry.

The NAS report recommended that we strengthen the skills of 250,000 teachers through training and educational programs. One of the critical steps in reaching that goal is through increased training for instructors in the Advanced Placement or International Baccalaureate—AP–IB—Programs. NAS recommended that we train an additional 150,000 AP–IB and pre AP–IB instructors to teach advanced courses in math and science.

The FY 06 Labor-HHS-Education Appropriations bill presents a critical opportunity to begin implementing some of the recommendations. We must invest in the economic security of this great country.

This amendment seeks to increase funding for advanced placement programs in the underlying bill by $18.5 million, to a total of $51.5 million. This level of funding, which is the same as the level requested by the administration, would help train additional AP–IB teachers, and help more low-income students take AP–IB courses.

NAS recommends we invest in excess of $400 million to achieve these goals. Therefore, this amendment onlyresents a down payment, however, toward meeting the committee's recommendation, but would demonstrate our commitment to our children and grandchildren that we do not take their prosperity and security for granted.

The NAS advises us to prepare with great urgency to preserve this Nation's strategic and economic security. By investing in AP, we can provide the foundation for students to be internationally competitive. This amendment is a step in that direction, and I urge my colleagues to support this amendment.

Mr. BINGAMAN. I ask that the amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2219

Mr. BINGAMAN. Mr. President, I call up amendment No. 2219.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN] proposes an amendment numbered 2219.

Mr. BINGAMAN. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To increase funding for school dropout prevention)

At the end of title III (before the short title), insert the following:

SEC. . (a) In addition to amounts otherwise appropriated under this Act, there is appropriated, out of any money in the Treasury not otherwise appropriated, an additional $4,900,000 to carry out part H of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6551 et seq.).

(b) Notwithstanding any other provision of this Act, the amounts made available for administrative expenses and salaries for the

Department of Education under this Act shall be reduced by $4,900,000.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that Senators REID, KENNEDY, CLINTON, DODD, and SALAZAR be added as cosponsors of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. This is an amendment to maintain current funding for the school dropout prevention program that is authorized under No Child Left Behind. The underlying bill would completely eliminate funding for dropout prevention, which I think would be a terrible mistake. This amendment is essential in order that that not occur. Nationally, only two-thirds of our 9th graders will graduate from high school with a diploma after completing the 12th grade. And, only about 50 percent of our Nation's African American, Hispanic, and Native American students will graduate with a high school diploma alongside their classmates.

Sadly, a recent report by Educational Testing Services, ETS, makes it clear that the dropout crisis is actually getting worse: the high school completion rate has been steadily declining in 43 States. Even more alarming, the report concludes that students are dropping out at a younger age, meaning dropouts are even less educated now than in previous years.

Yet, while dropout rates continue to rise, the Federal Government's response has unfortunately diminished. According to a recent GAO report, the Department of Education has done very little to help States increase graduation rates, and in fact, has failed to disseminate information about effective dropout prevention strategies.

GAO found that the Department of Education had failed to rigorously evaluate the effectiveness of various State and local interventions designed to increase high school graduation rates. As a result, schools and districts may not be using the most effective approaches to help their students stay in school and graduate.

In addition, Congress has significantly cut funding for the school dropout prevention program in recent years. The underlying bill, however, completely eliminates funding for dropout prevention, ostensibly because local school districts can use part of their Title I funds for dropout prevention.

It is clear, however, that an allowable use of Title I funds is insufficient to stem the tide, as dropout rates continue to rise. The ETS report concludes that our failure to provide adequate resources for school dropout prevention is "social dynamite."

The response of the Federal Government to this crisis is wholly inadequate, and in fact, is moving in the wrong direction. Dropout rates continue to climb, and the economic consequences are devastating for our younger and less educated population of dropouts. The reality is that in 2002, a high school dropout earned less than $23,000 per year, not enough for a family to be self-sufficient and pay for the basic necessities of life, such as food, housing, and health care.

Moreover, I believe this dropout crisis places our economic security in peril. How will this country continue to compete in a global economy when only two-thirds of our high school students graduate high school. An educated workforce is the foundation for our future economic strength.

I am offering this amendment to the FY 06 Labor-HHS-Education Appropriations bill to add $4.9 million to maintain funding for dropout prevention, representing the current funding level. This amount is offset by amounts made available to the Department of Education for administrative expenses and salaries.

I believe this offset is reasonable, given that in the past few years alone, the Department of Education has spent millions of dollars on public relations contracts and grants to promote certain Department policies and priorities, some of which violated Federal law. I believe, however, reducing the dropout rate is a higher priority than promoting the Department's own agenda. I urge my colleagues to support this amendment.

Again, I ask to have that amendment laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2262

Mr. BINGAMAN. Mr. President, I call up amendment No. 2262.

The PRESIDING OFFICER. Without objection, the clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN] proposes an amendment numbered 2262.

Mr. BINGAMAN. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To increase funding for education programs serving Hispanic students)

At the end of title III (before the short title), insert the following:

SEC. ___. INCREASED FUNDING FOR EDUCATION PROGRAMS SERVING HISPANIC STUDENTS.

(a) MIGRANT EDUCATION.—In addition to amounts otherwise appropriated under this Act, there are appropriated, out of any money in the Treasury not otherwise appropriated, an additional $9,600,000 for the education of migratory children under part C of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6391 et seq.).

(b) ENGLISH LANGUAGE ACQUISITION.—In addition to amounts otherwise appropriated under this Act, there are appropriated, out of any money in the Treasury not otherwise appropriated, an additional $10,300,000 for English language acquisition programs under part A of title III of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6811 et seq.).

(c) HEP/CAMP.—In addition to amounts otherwise appropriated under this Act, there are appropriated, out of any money in the Treasury not otherwise appropriated, an additional $5,700,000 for the High School Equivalency Program and the College Assistance Migrant Program under section 418A of the Higher Education Act of 1965 (20 U.S.C. 1070d-2).

(d) SCHOOL DROPOUT PREVENTION.—In addition to amounts otherwise appropriated under this Act, there are appropriated, out of any money in the Treasury not otherwise appropriated, an additional $5,000,000 for school dropout prevention programs under part H of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6551 et seq.).

(e) ESL/CIVICS PROGRAMS.—In addition to amounts otherwise appropriated under this Act, there are appropriated, out of any money in the Treasury not otherwise appropriated, an additional $6,500,000 for English as a second language programs and civics education programs under the Adult Education Act (20 U.S.C. 9201 et seq.).

(f) PARENT ASSISTANCE AND LOCAL FAMILY INFORMATION CENTERS.—In addition to amounts otherwise appropriated under this Act, there are appropriated, out of any money in the Treasury not otherwise appropriated, an additional $13,000,000 for the Parent Assistance and Local Family Information Centers under subpart 16 of part D of title V of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7273 et seq.).

(g) HISPANIC-SERVING INSTITUTIONS.—In addition to amounts otherwise appropriated under this Act, there are appropriated, out of any money in the Treasury not otherwise appropriated, $9,900,000 for Hispanic-serving institutions under title V of the Higher Education Act of 1965 (20 U.S.C. 1101 et seq.).

Mr. BINGAMAN. Mr. President, I ask unanimous consent that Senator SALAZAR be added as a cosponsor of this amendment, No. 2262.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. Mr. President, let me speak for just a very few minutes on this amendment. Then I see there are other Senators seeking recognition. I will not delay them long.

This is a very important amendment on which I will request we actually have a rollcall vote tomorrow. It is an amendment to invest an additional $60 million in eight different programs, in a combination of eight different programs. They are very important to the Hispanic community in this country. The eight programs are migrant education, English language acquisition programs, the High School Equivalency Program, the College Assistance Migrant Program, Dropout Prevention, English as a Second Language Programs, local family information centers, and the Hispanic-Serving Institutions Program.

The amendment is strongly supported by the Hispanic Education Coalition, which is an ad hoc coalition of national organizations dedicated to improving educational opportunities for more than 40 million Hispanics living in the United States, including groups such as the National Council of La Raza, HACU, and MALDEF. The National PTA is also a very strong supporter of the amendment.

The Title I Migrant Education Program was established to provide a compensatory education program designed to deal with the difficulties encountered by children of migrant workers as a consequence of their mobility. Some of these children attend three or four schools in a single school year.

They have a great need for coordination of educational services among the States and local districts where they live, often for short periods of time. The MEP builds the support structures for migrant students so that they can achieve high levels of success both in and outside of school.

The U.S. Department of Education reports that more than 750,000 students were identified as eligible for the program in fiscal year 2001. Additional funds are necessary to ensure that these children are able to meet the challenges mandated by the No Child Left Behind Act. This amendment will provide an additional $9.6 million in needed funding.

This amendment would also increase funding to States and local school districts in order to ensure that as many of the 5.5 million children with limited English skills as possible learn English, develop high levels of academic attainment, and meet the same challenging State academic standards as all children.

Title III is a formula grant program that distributes funding to all 50 States based on the number of limited English proficient, LEP, and recent immigrant students. The funds are used for developing effective language acquisition programs; training for bilingual/ESL teachers and regular teachers and educational personnel; parent involvement; and providing services for recently arrived immigrant students. This amendment requests an additional $10.3 million for Language Acquisition Grants, which restores the program's funding to its fiscal year 2003 level.

This amendment would provide modest increases for the High School Equivalency Program, HEP, and the College Assistance Migrant Program, CAMP. The HEP helps migrant students who have dropped out of high school earn a GED. The CAMP assists migrant students in their first year of college with both counseling and stipends. These programs provide farmworker migrant students with education opportunities and support that will help them to become productive members of society.

Migrant students are among the most disadvantaged youth in this Nation. Current estimates place the dropout rate for migrant youth at between 50 and 60 percent. Before CAMP, there was no record of a child of migrant farm workers ever having attended college. Both programs have been very successful in helping migrant students become productive members of society.

According to the Department of Education, in 2003–2004, almost 10,000 students were served by HEP CAMP, and 63 percent of the HEP participants received a GED, and 84 percent of CAMP students completed their first year of college in good standing. This amendment provides an additional $5.7 million for these programs.

The Dropout Prevention program helps States and school districts to implement research-based, sustainable, and coordinated school dropout prevention and re-entry programs in order to raise student achievement. At a time when schools are focused on narrowing achievement gaps between differing subgroups of students, it seems that Congress would want to retain Dropout Prevention, a program specifically aimed at providing schools with the tools to help students achieve a high school degree.

Support for Dropout Prevention is even more significant when considering that the primary source of Federal funding for public schools, authorized through the No Child Left Behind Act, NCLB, focuses mainly on elementary schools. More than 90 percent of Title I funds—the principal NCLB program—are directed to elementary schools. Such an emphasis on elementary education is necessary and appropriate, but equally important is continuing an investment of resources throughout the education continuum in order to meet the needs of middle level and high school students.

The Dropout Prevention program is the only Federal program actively working to reduce the Nation's dropout rates, and, as recent headlines tell us, it is a problem that is far more severe than previous data indicated.

A report by the Urban Institute finds that only 68 percent of all students in the public high school class of 2001 graduated. Furthermore, it states that only 50 percent of all black students and 53 percent of Hispanic students graduate. Nearly half of all black and Hispanic students do not graduate from high school. This is a problem that has reached enormous proportions. The Dropout Prevention program was eliminated in this legislation. This amendment restores $5 million to this program.

The Local Family Information Centers program was authorized under the No Child Left Behind Act to provide parents of Title I students, including English language learners, with information about their children's schools so that they can help their children to meet the high standards we have set under NCLB.

The Local Family Information Centers also help parents to hold their local and State school officials accountable and become more involved in their children's education. This amendment would increase funding for these centers by $13 million.

The need for increased funding for English as a Second Language, ESL, is evident by the growing demand for services and the lack of resources to meet that need.

Enrollment in Adult ESL has increased 105 percent over the past 10 years, yet there is a lack of programs and funding to ensure that all who desire to learn English have access to appropriate services.

Currently, community-based organizations must piece programs together with volunteer labor and facilities. The need for more targeted services is overwhelming. Demand for English-language instruction far outweighs supply, waiting lists for classes typically range from several months to years, and many States do not have the capacity to meet the demand.

The current $70 million in funding is insufficient to meet the enormous demand for ESL services. As the labor market continues to require English-proficient labor, investing in ESL programs will strengthen the labor pool and return a more versatile productive workforce. This amendment provides an additional $6.5 million for ESL programs.

Currently, 35 percent of Hispanics are under the age of 18. The Educational Testing Service has projected the U.S. higher education system will grow by 3.5 million additional students by 2015 and that nearly 40 percent of these new students will be Hispanic. HSIs serve the largest concentrations of the Nation' s youngest and largest ethnic population.

The impending emergence of more than 100 new HSIs, mostly in California, Texas, Florida, New Mexico and Illinois, in the next few years and the rapid growth of the Hispanic college-age population underscore the urgency for immediate, major, and sustained increases in Title V funding.

At a time when the current labor force is reaching retirement age in substantial numbers, Hispanics already represent one of every three new workers joining the U.S. labor force, according to the U.S. Bureau of Labor Statistics. By 2025, the Bureau projects that one of two new workers joining the U.S. labor force will be Hispanic. This amendment would provide an additional $9.9 million in assistance to these great institutions.

We must do everything possible to provide every child with the best education we can. This amendment would provide small, but much-needed increases to programs that can make a difference in the lives of millions of children. I urge my fellow Senators to support these greatly needed programs by providing them with the proper resources. I will seek some additional time tomorrow before we actually have a vote on this amendment in order to further explain to my colleagues the reasons this amendment needs to be adopted.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. MARTINEZ. Mr. President, I ask unanimous consent to speak as in morning business for 5 minutes regarding the hurricane in Florida.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator is recognized.

HURRICANE WILMA DAMAGE

Mr. MARTINEZ. Mr. President, I rise today to address an issue that unfortunately has become all too familiar to us, particularly us Floridians, which is the devastating ravages of yet another storm that has hit our coastal zone and particularly the State of Florida.

I have just returned from the State of Florida, from south Florida, having traveled there today, with Senator NELSON. I also traveled around with Members of the Congress, with ILEANA ROS-LEHTINEN, Congressman LINCOLN DIAZ-BALART, Congressman MARIO DIAZ-BALART, and Congressman CLAY SHAW.

We went first to Miami, Dade County, where we visited the emergency operations center. There we were able to get a briefing and an update from people on the ground about the situation there. Unfortunately, there, and then again in Broward County and Fort Lauderdale where we further visited, the situation seems to be somewhat the same.

There is widespread damage to people's homes and places of business, but the most important and most pervasive problem seems to be the very severe loss of electrical power.

In addition to the electrical power, there is a combination in some of the places which also has to do with problems of potable water.

As I stand here, there are still 2.8 million people in Florida without electricity. Nearly 6 million people were without power Tuesday morning. We are making some progress, thanks in part to the contributions of other States that have responded to this emergency. More than 5,000 people from neighboring States are actively working to restore power in the lower peninsula.

Damage in Florida not only began in the area of Naples and Marco Island on the west coast, but then it traveled across the rural area of our State, across the Everglades and slammed in an angling way, covering the Florida Keys before it ever reached the mainland, and then Miami, Dade County, Broward County, Palm Beach County, exiting out in the area of Palm Beach.

Regarding those 2.8 million people without power, I am hopeful that figure will be dropping substantially in the next several days. That will be good news if it happens. In the meantime, there is an area of great concern.

We are being told by the power companies it will be at least a week, maybe 10 days, maybe 2 weeks before a substantial number of these customers will be restored to power. In fact, the date of November 22 is now being given as to when all customers will be back on line. That is almost a month from now. No power, for many Floridians, means there is no way to prepare meals, no hot water in which to bathe or wash clothes or dishes, no traffic lights, no way to pump gas, no access to cash machines so people might access resources necessary to restock and obtain water and food supplies.

Banks are closed. The schools in many ways would be ready to reopen in a matter of a couple of days, but they cannot open until there is power. Hospitals are working on generators; however, there is concern that these generators will begin to start running low on fuel and there is also the "boil water" order given to the people of south Florida, in counties that are, frankly, having problems with water pressure issues.

There are substantial relief efforts in progress. There have been a few glitches along the way. Yesterday, there were long lines of exasperated people, which is understandable in the first 48 hours following a category 3 hurricane that hit with well over 100-mile-an-hour winds in some of the most populated areas of the State of Florida.

I commend our Governor, Jeb Bush, for his preparation before the storm ever reached our shores and for the good cooperation that local government has been given throughout the State. Even though we have all heard reports of long lines at these distribution points and that we have run out of supplies too soon, the system is working and will be working even better in the coming hours. Improvements have been made over the last 24 hours, and we believe more improvements will be made in a very short period of time.

I also commend our Florida National Guard. The Florida National Guard, time and again, has answered the call as we have faced storm after storm in the State of Florida. Right now we have over 4,000 members of the Guard who have been activated, helping to distribute food and material and assisting local law enforcement and patrolling areas, assisting local law enforcement. More troops are being called up, I understand.

There are curfews in effect throughout south Florida, and it is a big task to enforce these curfews. Floridians are following the instructions and local government officials were pleased to report to us how well Floridians were responding to the call for curfew. We hope this will continue because the curfews will need to be in effect for ongoing days, and we hope the same level of cooperation will be seen.

FEMA is on the ground in Florida. In addition to helping to provide for immediate needs, the administrators have approved individual assistance for 10 Florida counties covering an estimated 6.5 million people in the State of Florida. That was welcome news to the people in Miami, Dade and Broward Counties, that I visited today.

As far as the overall picture, the extent of the damage, and the economic impact, it is hard to get an accurate dollar figure just yet because the estimates are still coming in. Just to give my colleagues an idea, the preliminary figures, according to the Florida Insurance Council, puts the cost of Hurricane Wilma to somewhere close to $10 billion.

If that figure holds, it makes Wilma the most damaging storm to hit the State this year and perhaps Florida's most damaging hurricane in over a decade.

I also want to underscore that Florida is a State that went into this particular storm with a lot on its shoulders already. Before Wilma, over 10 percent of Florida's homes were damaged from four previous hurricanes last year. Even today, we still had over 20,000 Floridians living in some sort of transitional housing. Most of that is a backlog of structural repair. Now that number is going to dramatically escalate.

Before Wilma was even a squall, Florida's agricultural damages from the last year stood at $665 million. Whole sectors of our agricultural industry are devastated. Frankly, it will take years to replant and reestablish some of the crops. It is highly likely that this hurricane is going to make yet another agricultural season a total loss for Floridians.

I also want to mention S. 939, the Disaster Recovery Act. This bill, which has been introduced by myself and several others, is pending before this body. It seeks to expedite Federal assistance and assist communities in debris removal. This is straightforward legislation. Without it, people in communities can be kept waiting for months for any assistance. In the case of debris removal, it is an issue of public safety that has gone unaddressed for far too long. With the help of my good friends from Maine and Mississippi, this bill is now moving forward, and I will ask my colleagues to lend their support. This is critical legislation, and it will make a difference to millions of Floridians and others affected by the recent storms. This bill is currently hotlined, and I am hopeful that first thing tomorrow morning we will be able to move this bill along.

Beyond that, I know there is still an appropriate time and place for a larger Federal role in this disaster. I ask my colleagues to keep in mind that Florida has been hit by eight hurricanes and two tropical storms in the last 14 months. Going into this storm, we have had a lot of damage from Wilma, and it has only been compounded by existing problems and new ones have been created.

So let me conclude on a brighter note and express appreciation for those of my colleagues who have indicated their concern for Florida. It is times like these that makes me proud to be a Floridian. We are resilient people. What we saw today was folks pulling together. We will repair the damage and we will move on. The communities of Florida are pulling together, helping one another and reaching out to one another in a spirit of cooperation and neighborliness, which I think is commendable.

I think we need to continue to pull together because these are difficult days. We are not going to get over this in a matter of 24 hours or 48 hours. It is going to take some time.

In the first 48 hours after a category 3 hurricane, it is understandable that people's nerves are fraying and impatience is setting in.

However, we are ready for this, and I know we will pull together and get through it in the best way possible.

I believe it is most important to point out that in spite of all of this, the Orlando International Airport has reopened for business. The cruise ships are coming in and out of Miami Harbor. The fact is that the attractions—all in central Florida—were completely unaffected by any of this and are open for business. Florida, in fact, is open for business. The convention facilities are working. Florida will be back to normal in short order. I do hope that people recognize Florida is still a wonderful place to visit.

I thank my colleagues for all of the expressions of support, and I look forward to working with them as we try to seek an appropriate Federal response to Florida's problem.

Thank you, Mr. President. I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I ask unanimous consent that the pending amendments be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2322

Mr. HARKIN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN] proposes an amendment numbered 2322.

Mr. HARKIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit payments for administrative expenses under the Medicaid program if more than 15 percent of applications for medical assistance, eligibility redeterminations, and change reports are processed by individuals who are not State employees meeting certain personnel standards)

At the appropriate place in title II, insert the following:

SEC. ____. (a) IN GENERAL.—None of the funds made available in this Act may used for Federal matching payments under section 1903(a)(7) of the Social Security Act (42 U.S.C. 1396b(a)(7)) for reimbursement of amounts expended for the proper and efficient administration of a State Medicaid plan under title XIX of such Act to a State agency if more than—

(1) 15 percent of the applications for medical assistance under the State Medicaid plan in any fiscal year quarter are received or initially processed;

(2) 15 percent of eligibility redeterminations for such medical assistance are initially processed; or

(3) 15 percent of change reports are received and initially processed,

by individuals who are not State employees meeting the personnel standards required under section 1902(a)(4)(A) of the Social Security Act (42 U.S.C. 1396a(a)(4)(A)).

(b) EXCLUSION OF APPLICATIONS RECEIVED AND PROCESSED ON AN OUTSTATION BASIS.—The percentages described in subsection (a) shall be determined without regard to applications received and processed by the Health Resources Services Administration.

Mr. HARKIN. Mr. President, I ask unanimous consent that the amendment now be laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Texas.

AMENDMENT NO. 2277

Mr. CORNYN. Mr. President, I call up amendment No. 2277.

The PRESIDING OFFICER. Without objection, the pending amendments are set aside and the clerk will report.

The legislative clerk read as follows:

The Senator from Texas [Mr. CORNYN] proposes an amendment numbered 2277.

Mr. CORNYN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To increase the amount of appropriated funds available for Community-Based Job Training Grants)

On page 112, strike lines 17 and 18 and insert the following:

Workforce Investment Act of 1998; $2,867,806,000 plus reimbursements, of which $1,871,518,000 is available for obli-

On page 113, strike lines 8 through 13 and insert the following:

$1,148,264,000 shall be for activities described in section 132(a)(2)(B) of such Act: *Provided further*, That $125,000,000 shall be available for Community-Based Job Training Grants, and not more than an additional $125,000,000 may be used by the Secretary of Labor for such grants from funds reserved under section 132(a)(2)(A) of the Workforce Investment Act of 1998, to carry out such grants under sec-

On page 132, line 9, strike "$320,250,000" and insert "$240,250,000, of which $13,248,000 is for such management or operation of activities conducted by or through the Bureau of International Labor Affairs, and"

Mr. CORNYN. Mr. President, this amendment supports the administration's request for second-year funding for the Community-Based Job Training Grant Initiative.

Although that is a mouthful, this goes to one of the most basic needs of our country, and particularly our growing economy.

For those who are concerned about offshoring and outsourcing of jobs to other countries, for those who are concerned about American citizens who have not yet attained a living wage in their jobs, this is the answer to all of those challenges, and more.

The primary purpose of the grants that are included in this program is to strengthen the role of community and technical colleges and train workers for the skills required to succeed in high-growth, high-demand industries.

The amendment covers publicly funded institutions of higher education that grant associate degrees. Community-based job training grants are awarded to community and technical colleges that demonstrate they are engaged in a strategic partnership with business and industry. In other words, this is not just the teaching of academic subjects but, rather, working with industry to determine what sort of job skills they need for the good jobs they can provide, if they can find a sufficient number of trained employees to do them.

Applicants for these grants are required to identify workforce challenges and their ability to implement workforce solutions for locally identified high-growth, high-demand occupations.

This amendment will help increase the capacity of community colleges to provide innovative job training strategies in local demand industries. They will be able to develop training criteria with local industry, hire qualified faculty, arrange on-the-job experiences with industry, and use up-to-date equipment.

Community colleges are one of the best kept educational secrets in this country. They are adaptable, flexible, affordable, and accessible by all segments of the community.

This amendment will help community colleges train 100,000 new and experienced workers in demand industries and then increase the retention and earnings of trained workers.

The Labor Department is committed to making all curricula and training techniques developed through the grants available to community colleges nationwide so these grants help more than just the direct recipient of the grant.

This amendment will help millions more workers access education and training for exciting career opportunities and a brighter future. The first grant competition for $125 million was appropriated in fiscal year 2005 and was issued in May. Nearly 400 community colleges submitted proposals and 70 community colleges in 40 States were awarded grants on October 19.

I am particularly proud that 7 of the community colleges in Texas were awarded grants through the first $125 million competition.

I have long been an advocate of these kind of workforce partnerships and initiatives formed with community colleges and local business communities because I have actually seen them succeed.

While in the Senate, I have had the opportunity to visit a number of these initiatives across the State of Texas, in Austin, in Houston, Pasadena, Laredo, Beaumont, Sherman, El Paso, Lubbock, and Victoria.

I remember in particular a young Hispanic woman, a single mom who had been a prison guard in Amarillo, TX who, as a result of a program that she trained in in an Amarillo community college, was able to increase her earnings and brighten her future, as well as get out of her somewhat dangerous job as a prison guard to begin working on the production line for the V-22 tilt rotor being made at Bell Helicopter in Amarillo, TX.

This is only one example of how we can provide the resources to individuals so they can improve their future, improve their skills, and satisfy the needs of employers who search, often in vain, for qualified workers to take these good and very well paying jobs.

I know, in consultation with the distinguished floor manager of this bill, that this contains an offset that causes some concerns. What I would like to do is continue our discussions with Senator SPECTER, the Senator from Pennsylvania, the distinguished manager of this bill, as we proceed through this process to try to find some way to maximize the funds available to this particular program in the conference and hopefully restore some of the money that would otherwise be cut. I realize the subcommittee is working within allocation caps and we don't want to cause any unnecessary concern. But this is an initiative that I feel so strongly about, and I think the more our colleagues learn about this, the more our colleagues will be supportive of this restoration of these funds for this important initiative.

With that, I ask unanimous consent that the amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CORNYN. Mr. President, I look forward to working with the distinguished Senator from Pennsylvania and the distinguished Senator from Iowa as we try to work in the conference to try to accommodate and indeed try to maximize the funds for this important initiative.

I yield the floor.

AMENDMENT NO. 2278

Mr. SPECTER. Mr. President, there is now a series of five amendments which have been accepted on both sides. I now ask unanimous consent that the Senate turn to a series of five amendments which have been accepted on both sides.

I start with an amendment on behalf of Senator FRIST, No. 2278, and I ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER], for Mr. FRIST, proposes an amendment numbered 2278.

Mr. SPECTER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To increase funding for suicide prevention activities)

On page 116, line 9, strike "$132,825,000, together with" and insert "$119,825,000: *Provided*, That amounts provided for in this Act for suicide prevention activities under the Garrett Lee Smith Memorial Act (Public law 108-355) shall be increased by $13,000,000: *Provided further*," That".

Mr. SPECTER. Mr. President, this amendment provides an additional $13 million for suicide prevention activities.

I urge adoption of the amendment. This is an offset, so we stay within our limits.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 2278) was agreed to.

AMENDMENT NO. 2315

Mr. SPECTER. Mr. President, I now call up the Durbin amendment on point of entry, and yield to the Senator from Illinois.

The PRESIDING OFFICER. Without objection, the pending amendments are set aside.

Mr. DURBIN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Illinois [Mr. DURBIN] proposes an amendment numbered 2315.

Mr. DURBIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To designate a port of entry)

On page 22, after line 8, insert the following:

SEC. 517. Notwithstanding any other provision of law, not later than 60 days after the date of enactment of this Act, MidAmerica St. Louis Airport in Mascoutah, Illinois, shall be designated as a port of entry.

Mr. DURBIN. Mr. President, this is a technical amendment which designates Mid-American St. Louis Airport in Mascoutah, IL as a point of entry. It has been cleared on both sides, and with Senator GREGG.

I urge adoption of the amendment.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 2315) was agreed to.

Mr. DURBIN. Mr. President, I move to reconsider the vote.

Mr. HARKIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2228

Mr. SPECTER. Mr. President, I now call up a second Durbin amendment on scientific integrity and yield to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, it is my understanding that this amendment is pending. If that is the case, I urge adoption of amendment.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 2228) was agreed to, as follows:

(Purpose: To ensure the scientific integrity of Federally-funded scientific advisory committees and their findings)

At the appropriate place, insert the following:

SEC. . (a) None of the funds made available in this Act may be used to request that a candidate for appointment to a Federal scientific advisory committee disclose the political affiliation or voting history of the candidate or the position that the candidate holds with respect to political issues not directly related to and necessary for the work of the committee involved.

(b) None of the funds made available in this Act may be used to disseminate scientific information that is deliberately false or misleading.

Mr. DURBIN. Mr. President, I move to reconsider the vote.

Mr. SPECTER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Pennsylvania.

AMENDMENT NO. 2246

Mr. HARKIN. Mr. President, I now call up an amendment by the Senator from Massachusetts, Senator KENNEDY, on women's employment data. I ask unanimous consent that the pending amendments be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN], for Mr. KENNEDY, for himself, Mr. HARKIN, and Mr. LAUTENBERG, proposes an amendment numbered 2246.

Mr. HARKIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To ensure that the Current Employment Survey maintains the content of the survey issued prior to August 2005 with respect to the collection of data for the women worker series)

On page 131, line 18, insert before the period the following: ": *Provided*, That the Current Employment Survey shall maintain the content of the survey issued prior to August 2005 with respect to the collection of data for the women worker series".

AMENDMENT NO. 2246, AS MODIFIED

Mr. HARKIN. Mr. President, I ask unanimous consent on behalf of Senator KENNEDY to send a modification to the amendment to the desk. It changes the date, it looks like, from August to June.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendment (No. 2246), as modified, is as follows:

On page 131, line 18, insert before the period the following: ": *Provided*, That the Current Employment Survey shall maintain the content of the survey issued prior to June 2005 with respect to the collection of data for the women worker series".

Mr. KENNEDY. Mr. President, in June 2005, the Department of Labor's Bureau of Labor Statistics eliminated the most reliable source of employment data on women workers by removing the Women Worker Series from its Current Employment Statistics survey. This move—opposed by a bipartisan coalition of Senators—blocks collection of key data about the status and progress of women in the workplace. I offer an amendment today to reverse that decision.

Comprehensive and accurate information on gender employment is vital to ending long-standing economic discrimination against women in our society. The facts are painfully clear. Women today earn 76 cents for every dollar earned by men. They work disproportionately in lower-paying occupations, and have far lower lifetime earnings than men. Congress, researchers, and policymakers across the country need the data collected by the Women Worker Series to understand the true dimensions of gender inequality in the workforce, and guide us in our effort to eliminate it.

The Women Worker Series has the best available data on women in the workforce. It's been part of a broad-based survey of nearly 400,000 business establishments that examines the most accurate data available—employers' own records. The data are the most reliable way to assess monthly changes in employment, and they contain valuable insights on women's employment and unemployment in the business cycle.

The information collected in the survey is indispensable to policymakers and researchers. During the comment period conducted by the Department of Labor, the comments received were more than 9-to-1 against discontinuing the series. Every business group that commented on the proposed elimination of the data, including the Women's Chamber of Commerce and Business and Professional Women, supported continuing the collection of the data. Janet Norwood, Commissioner of the Bureau of Labor Statistics in both the Carter and Reagan administrations, criticized the recent decision to discontinue this collection.

Many of the comments cited studies that used the data to uncover important conclusions about the position of women in the workforce. A study by the Federal Reserve Bank of New York, for example, used the data to find that men and women have historically been affected differently by recessions, with jobs often shifting from women to men during these periods. This study would have been impossible without the Women Worker Series.

The department claims that it has eliminated the series in order to reduce the burden on employers responding in the survey. But continuing to collect this information would not be unduly burdensome. The gender series is only one question in a larger survey that the department continues to conduct. According to BLS estimates, the entire survey takes only seven minutes to fill out, so the burden imposed by a single question is virtually nonexistent. Indeed, most employers are required to track the gender of their employees for other purposes, so the requested information is almost always readily available.

The decision to eliminate the Women Worker Series is an insult to working women across the country, and can only strengthen the discrimination they face in the workplace. At a time when women's employment may be changing in fundamental ways, we should be expanding—not reducing—our ability to understand the evolving role of women in the Nation's labor force. I urge my colleagues to accept this amendment and avoid taking an unfair step backward on this very important issue for working women across America.

I ask, unanimous consent that letters in support of the amendment be printed in the RECORD.

There being no objection, the material was ordered to be printed in the Record, as follows:

U.S. SENATE
Washington, DC, February 9, 2005.

KATHLEEN P. UTGOFF,
Commissioner, U.S. Bureau of Labor Statistics, Washington, DC.

DEAR COMMISSIONER UTGOFF: We are writing to express our concern about the Bureau's plans to discontinue the gender series in the Current Employment Statistics (CES) program. We strongly urge you to continue to collect these data.

Comprehensive and accurate gender employment information is vital to end the longstanding economic discrimination against women in our society. Women today earn 76 cents for every dollar earned by men. They work disproportionately in lower-paying occupations, and have far lower lifetime earnings than men. Congress, researchers, and policymakers across the country need the CBS data to understand gender inequality in the workforce, and guide us in our efforts to eliminate it.

The recent recession marked the start of the only period of sustained job loss for women in the last forty years. At a time when women's employment may be changing in fundamental ways, we should be expanding—not limiting—our ability to understand the evolving role of women in the nation's labor-force.

The CES data are the best available data on employment trends, and are indispensable to policymakers and researchers on the issue, The Current Population Survey is not an adequate substitute. Economists widely agree that the Bureau's Payroll Survey provides a far more accurate view of general employment trends than the Population Survey. As you yourself testified to the Congressional Joint Economic Committee in 2003, "the payroll survey provides more reliable information on the current trend in wage and salary employment" than the household survey, because the payroll survey has a larger sample and is linked to the total employment count based on records of the unemployment insurance tax.

You have indicated that eliminating the gender series is necessary so that the Bureau can reduce the burden of the survey on employers. But that benefit is miniscule compared to the significant loss caused by the elimination of the data series. The gender series is only a small portion of a survey that, by your own estimate, takes only seven minutes to fill out. Companies with 100 or more employees already have to submit EEO–1 forms detailing the gender breakdown of their workforce. In smaller companies, it is little burden to see the number of male and female employees.

In light of the special importance of the gender series, we urge you to continue to collect and provide these needed data.

Sincerely,
EDWARD M. KENNEDY,
RICHARD J. DURBIN,
TOM HARKIN,
CHRISTOPHER J. DODD,
JEFF BINGAMAN,
HILLARY RODHAM CLINTON,
MARY LANDRIEU,
JOHN F. KERRY,
MARIA CANTWELL,
EVAN BAYH,
OLYMPIA J. SNOWE,
SUSAN COLLINS,
LISA MURKOWSKI,
BARBARA A. MIKULSKI,
PATTY MURRAY,
DEBBIE STABENOW,
HERB KOHL,
DIANNE FEINSTEIN,
PAUL S. SARBANES,
PATRICK J. LEAHY,
BILL NELSON,
RON WYDEN,
JOSEPH I. LIEBERMAN,
JON S. CORZINE,
BARACK OBAMA,
TIM JOHNSON,
DANIEL K. AKAKA,
FRANK LAUTENBERG,
MARK DAYTON,
KEN SALAZAR.

OCTOBER 18, 2005.

Hon. FRANK LAUTENBERG
U.S. Senate,
Washington, DC

DEAR SENATOR LAUTENBERG: We are writing to inform you that the Bureau of Labor Statistics (BLS) announced on August 5, 2005 that it would no longer collect the data on women workers in the Current Employment Statistics Survey (CES). These critical data are not collected by any other survey and without it researchers cannot obtain a complete and accurate picture of women's employment. We the 137 undersigned organizations ask that Congress require BLS to continue collecting these data in the Appropriations bill for the Departments of Labor, Health and Human Services and Education for FY2006 that is currently being finalized.

The CES survey is a monthly nationwide survey of payroll records that covers more than 300,000 businesses and provides important industry data. The "Women Worker Series" consists of one question in the CES survey: "Enter the number of employees from Column 1 who are women." This one question, however, provides the only accurate picture of whether (and in which industries) women are gaining or losing jobs in response to economic restructuring, changes in the business cycle, variation in labor supply and other factors. Because men and women generally work in different parts of the labor market, data that specifically track how women workers are faring compared to men is essential. Combined data may mask important differences in the experience of women and men workers.

The reasons that BLS has given for terminating the collection of these data do not hold up under scrutiny:

There Is No Substitute for the CES Survey: BLS has claimed that ending the Women Workers Series does no harm, because the Current Population Survey ("CPS") collects extensive data on women's employment status and is thereby an adequate substitute. This is simply not true. The CPS data are collected from households and individuals, whereas the CES is collected from businesses, and thus, according to a former BLS Commissioner, "provides more reliable information on the current trend of wage and salary employment."

There is a High Response Rate for the CES Survey and It Is Not Burdensome for Businesses: BLS claimed that discontinuing the data collection from the single question about women workers would reduce the burden on employers. As evidence of this problem, they misleadingly stated that there was a low response rate to this inquiry. In fact, the response rate to this query is 86%—the second highest of any question on the CES Survey. Further, the only organizations representing businesses that submitted comments to BLS about the discontinuation of this data collection all supported continuing the data collection. Not only are businesses able to respond to these queries easily, but the record shows that they want the data collection to continue.

Researchers Use This Important Data: In announcing the discontinuation of this data collection, BLS stated that it was not widely used. This is not accurate either. Just this past month, the Center for Economic and Policy Research issued a report, "Gender Bias in the Current Economic Recovery? Declining Employment Rates for Women in the 21st Century," based on the Women Worker Series in the CES. Further, many of the thousands of comments submitted to BLS in support of this data collection came from researchers at such organizations as the New York Federal Reserve Bank and the Consortium of Social Science Associations (including sociologists, political scientists, and others).

Perhaps the greatest evidence for the importance of this data is the outcry that arose after BLS announced it was going to stop collecting it. News services around the country ran the story. A bipartisan group of U.S. Representatives and Senators opposed the decision. Researchers and women's employment advocates pressed BLS to continue collecting the data.

In fact, during the original comment period, five thousand comments were submitted—running at least 9 to 1 in support of continuing the data collection. The only comments submitted by employers were in support of the continued collection of the Women Workers Series.

Despite the overwhelming case in support of continuing the Women Workers Series, and the underwhelming case for dropping it, BLS announced that it would terminate the data collection anyway.

Congress can, and should, require BLS to continue collecting the Women Workers Series.

Please support a provision in the Labor-HHS-Education Appropriations bill for FY 2006 to require BLS to continue collecting the Women Workers Series on the CES Survey. This information is critical to understanding the employment status of women in America. Please feel free to contact Heidi Hartmann of the Institute for Women's Policy Research (202/785–5100) or Sharon Levin of Women's Prerogative (202/296–3818) for further information.

Sincerely,

Alliance for Retired Americans, Alliance for the Status of Missouri Women, American Association of University Women, American Association of University Women, Ballwin-Chesterfield Chapter, American Association of University Women, Ferguson-Florisant Branch, American Educational Research Association, American Federation of Government Employees, AFL–CIO, American Federation of Government Employees (AFGE), Local 12, American Medical Women's Association, and Americans for Democratic Action.

Asian & Pacific Islander American Health Forum, Association of American Geographers, Business and Professional Women/USA, Business and Professional Women/Kentucky, Business and Professional Women/Kirksville, Business and Professional Women/Maryland, Business and Professional Women/Missouri, Business and Professional Women/St. Louis Metro, Business and Professional Women/St. Petersberg/Pinellas, Business and Professional Women/Suburban Maryland, and Business and Professional Women/USA.

BVM Network for Women's Issues, California National Organization for Women, California Partnership to End Domestic Violence, Catalyst Connection, Center for Independent Living of South Florida, Center for the Education of Women, University of Michigan, Center for Women Policy Studies, Chicago Women in Trades, Cincinnati National Organization for Women, and Coalition for Equal Pay.

Coalition of Labor Union Women, Common Cause, Communication Workers of America, Consortium of Social Science Associations, Dads and Daughters, Department for Professional Employees, AFL–CIO, Democratic Women's Club of Upper Pinellas, Discrimination Research Center, and Displaced Homemakers Network of New Jersey, Inc.

Family Tree, Inc., Federally Employed Women, Feminist Majority, Florida Consumer Action Network, Gender Watchers, General Federation of Women's Clubs, Georgia Rural Urban Summit, Georgia Women Work, and Girls Incorporated.

Honorable Linda Tan-Whelan, Tan-Whelan & Associates, Inc., Illinois Alliance for Retired Americans, Institute for Women's Policy Research, Institute for Research on Women and Gender, Jewish Women's Coalition, Laborers' International Union of North America, Lebanon (MO) Business and Professional Women, and Legal Momentum.

Maine Center for Economic Policy, Maine National Organization for Women, Maine People's Alliance, Maine Women's Lobby, Maryland National Organization for Women, Michigan Conference of the National Organization for Women, Michigan Women Work, Middle Way House, Inc., Minnesota National Organization for Women, Missouri Women's Coalition, Missouri Women's Network, Montgomery County Commission for Women, and MOTHERS (Mothers Ought to Have Equal Rights).

Mothers and More, Mt. Pleasant National Organization for Women, NA'AMATUSA, National Alliance for Partnerships in Equity, National Association of Social Workers, Maine Chapter, National Association of Women Business Owners, National Coalition Against Domestic Violence, National Committee on Pay Equity, National Council of Jewish Women, and National Council for Research on Women.

National Council of Women's Organizations, National Organization for Women, National Partnership for Women and Families, National Women's Conference, National Women's Law Center, National Women's Political Caucus, NCA Union Retirees, Negotiating Women, Inc., New Choices/New Options, New Hampshire National Organization for Women, and New York State National Organization for Women.

Ohio National Organization for Women, Older Women's League, Oregon Consumer League, Oregon Tradeswomen, Inc., PHASE, University of Arizona, Philadelphia Coalition of Labor Union Women, Project IRENE, Sargent Shriver National Center on Poverty Law, Scholar Bound, South Carolina Coalition Against Domestic Violence and Sexual Assault, South Dakota Advocacy Network for Women, South Dakota Family Economic Self-Sufficiency Project, and St. Louis Coalition of Labor Union Women.

Teachers as Leaders and Learners Program at The College of New Jersey, Tennessee Healthcare Campaign, The Business Women's Network of Howard County, Tradewomen, Inc., Tradewomen Now and Tomorrow, The Media Project, The Washington Lawyers' Committee for Civil Rights & Urban Affairs, The Women's Center at Carnegie Mellon University, The Women's Office, Sisters of Charity, BVM, and The Women's Union.

United Food and Commercial Workers International Union (UFCW), United University Professions, U.S. Action, U.S. Women's Chamber of Commerce, Wider Opportunities for Women, Women of Reform Judaism, Women Work! The National Network for Women's Employment, Women's Center of Fayetteville, Women's Center of Greater Lansing, and Women's City Club of New York.

Women's Committee of 100, Women's Edge Coalition, Women Employed, Women For: Orange County, Women in Media and News, Women's Prerogative, Women's Research and Education Institute, Women's Resource Center, Women's Resource Center of Alamance

County, North Carolina, Women's Resource Center of Central Oregon, World of Women SI Inc., Zonta Club of Pasadena, and 9 to 5, National Association of Working Women.

UNITED STATES SENATE,
Washington, DC, April 12, 2005.

Secretary ELAINE CHAO,
Department of Labor,
Washington, DC.

DEAR SECRETARY CHAO: I'm writing to express my surprise and concern at your ongoing plans to eliminate the women worker series in the Current Employment Statistics program.

Full and accurate gender employment information is a vital part of ending the longstanding economic discrimination against women in our society. As you know, women today earn 76 cents for every dollar earned by men. They work disproportionately in lower-paying occupations, and have far lower lifetime earnings than men. By eliminating the CES data, the Department will make it more difficult for Congress, researchers, and policymakers to understand the true nature of gender inequality in the workforce, and harm our efforts to eliminate it.

I understand that the Department has received nearly 5,000 comments about these proposed changes, and 90 percent of them urged you to continue collecting the data on women workers. The CES data are obviously the best sources of information on employment trends, and are indispensable to any analysis of job discrimination against women.

The Current Population Survey is not an adequate substitute, since it provides a far less accurate view of general employment trends than the payroll survey. The benefit of reducing the burden of the CES survey on employers is miniscule compared to the significant damage caused by eliminating the data series.

In light of the importance of the series and the broad support for its continuation, I urge you to continue to collect and provide these essential data.

With respect and admiration,

Sincerely,

EDWARD M. KENNEDY.

FEBRUARY 16, 2005.

Ms. AMY A. HOBBY,
Bureau of Labor Statistics,
Washington, DC.

DEAR MS. HOBBY: On behalf of the 505,000 women business Women Impacting Public Policy (WIPP), in accordance with the advisory authority granted us in Public Law 100-553, and on behalf of Chair Marilyn Carlson Nelson and the other members of the National Women's Business Council, I am writing you today to comment upon proposed changes to the Bureau of Labor Statistics' Current Employment Statistics survey—in particular the proposal that the information from this survey no longer be made available by gender of worker.

As you may know, the mission of the National Women's Business Council is to provide advice and counsel to the President and his Administration and to the U.S. Congress on issues of importance to women business owners and their enterprises. In this capacity, we conduct research on issues of importance to the women's community, communicate those findings widely, connect the women's business community to one another and to federal policy makers, and—in so doing—create positive change for an estimated 15.6 million women who are engaged in the sole or shared ownership of approximately 10.6 million businesses in the United States.

Research has shown that among the greatest challenges faced by women in business—in addition to access to capital, training and technical assistance, markets and networks—is being taken seriously as contributors to our economy. One of the most significant ways in which women have achieved visibility, and thus recognition, for their economic contributions has been through the collection and dissemination of statistics monitoring their participation in the workforce, and their progression from non-supervisory to managerial positions, and from there to self-employment and business ownership. The gender-disaggregated information currently available through the BLS' Current Employment Statistics is a vital thread in the fabric of federal government data on the economic contributions of women. Regular, detailed information by industry and location is critical to understanding women's employment patterns as well as their progress (or lack thereof) over time.

The National Women's Business Council strongly opposes the proposed elimination of the collection of gender-based information from the CES. The elimination of gender as an item in the survey would not save a significant amount of money nor significantly reduce respondent burden, but—on the other hand—it would seriously impede analysis and monitoring of women's progress in the workforce and their contributions to our economy.

We are supportive of proposed efforts to pursue optical character recognition (OCR) and Web-based technologies to enhance survey response rates, increase efficiency, and save time and money.

We agree that such technologies have advanced to such a point that they can be reasonably incorporated into the survey methodology.

The Council welcomes the opportunity to provide the Bureau of Labor Standards our thoughts and comments on these important issues. We look forward to reading the comments of other organizations and interested parties, and you can be assured that the Council will closely monitor this most important issue. Knowledge fuels action, and one cannot responsibly react to and manage that which is not measured. The BLS has played an important role in women's economic development through the information published from the CES, CPS and other surveys. Again, it is vitally important that gender-disaggregated information continue to be made available to federal policy makers, to advisory bodies like the National Women's Business Council, and to the women's business community at large.

Sincerely,

JULIE R. WEEKS,
Executive Director,
Women Impacting Public Policy.

FEDERAL RESERVE BANK OF NEW YORK,
New York, NY, February 22, 2005.

U.S. Bureau of Labor Statistics,
Division of Current Employment Statistics,
Washington, DC.

TO THE BUREAU OF LABOR STATISTICS: This letter is in response to the request for public comment on the proposed discontinuation of the Women Workers Series (WWS) from the Current Employment Series. Economists in the Research and Statistics Group at the Federal Reserve Bank of New York recently learned of the existence of the WWS and are currently engaged in research using it to study the gender differences that underlie the unusual recent cyclical pattern of employment.

The attached is a synopsis of preliminary findings that suggest that time series patterns of employment for men and women are different, vary among recessions, and show no evidence of recent convergence. The approach follows recent work by Erica Groshen and Simon Potter (published in the August 2003 edition of the Federal Reserve Bank of New York's Current Issues in Economics and Finance) that finds it likely that the recent recession had a stronger cyclical component than previous recessions.

Gender disparities are of particular interest at the moment because the labor force participation rate for women during the past recession has fallen more than usual and as yet shows no sign of recovery. These results have interesting policy implications if they allow us insight into whether the decline in participation indicates enhanced cyclicality or a secular drop in women's labor force participation.

Our previous understanding of sectoral reallocations and heterogeneity is based largely on analysis of industry-level CES aggregate data. Household-based data series have too much sampling error to allow analysis by industry much beyond the 1-digit level and are not seasonally adjusted. The technique used here relies on seasonally adjusted data with more disaggregation than is available from the Current Population Survey (CPS)—particularly on a timely basis (that is, before the CPS microdata are released). It also requires a long time series, since recessions are rare events. CPS data are sparse before the 1980s.

The lack of prior use of the WWS may reflect the lack of visibility of the series on the BLS website and in news releases. Indeed, Groshen and Potter learned of its existence only this fall, when they discovered it in the Haver Analytics DLX database. Despite their many years of research in labor economics, neither had encountered it before.

In light of our experience and intriguing recent findings, we do not support elimination of the WWS. Rather than discontinue an informative series with such a long history, we suggest that the BLS consider highlighting its existence among the community of data users and issuing a periodic release. Use might rise substantially. Such an effort would be the best way to judge the advisability of taking the drastic step of eliminating the WWS at a time when it may be particularly useful for understanding current macroeconomic phenomena.

Thank you for your consideration on this important issue.

Sincerely,

JOSEPH S. TRACY,
Executive Vice President and
Director of Research.

Mr. SPECTER. Mr. President, this amendment would require the Bureau of Labor Statistics to continue collecting data on women workers in the current employment statistic survey.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 2246), as modified, was agreed to.

Mr. HARKIN. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2244

Mr. SPECTER. Mr. President, I call up amendment No. 2244.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER], for Mr. DAYTON, proposes an amendment numbered 2244.

Mr. SPECTER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide for the production and mailing of a corrected Medicare and You handbook)

On page 156, line 2, strike "Funds." and insert "Funds: *Provided further*, That the Secretary, by not later than January 1, 2006, shall produce and mail a corrected version of the annual notice required under section 1804(a) of the Social Security Act (42 U.S.C. 1395b–2(a)) to each beneficiary described in the second sentence of such section, together with an explanation of the error in the previous annual notice that was mailed to such beneficiaries.".

AMENDMENT NO. 2244

Mr. SPECTER. Mr. President, I ask unanimous consent that the pending amendment be set aside and we call up amendment 2244.

The PRESIDING OFFICER. The amendment is currently pending.

Mr. SPECTER. Mr. President, this amendment requires the Secretary to issue a new "Medicare & You" handbook. There are many errors in the handbook. The book should be reissued and mailed out again. This has been cleared on both sides

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2244) was agreed to.

Mr. HARKIN. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SPECTER. With respect to tomorrow's schedule, we will have a cloture vote anticipated to be at 10 o'clock tomorrow morning.

The PRESIDING OFFICER. The majority leader is recognized.

UNANIMOUS-CONSENT AGREEMENT—S.1042

Mr. FRIST. Mr. President, I ask consent that at a time determined by the majority leader, with concurrence of the Democratic leader, the Senate will resume consideration of S. 1042, the Defense authorization bill, and it be considered under the following limitations: All of the pending amendments be withdrawn and the bill be considered as follows: the only first-degree amendments in order be up to 12 amendments to be offered by each of the two leaders or their designees; provided further that the amendments be within the jurisdiction of the Committee on Armed Services or relevant to the underlying bill; further, that these amendments be subject to second degrees which are to be relevant to the amendment to which they are offered; provided further that first-degree amendments be limited to 1 hour of debate equally divided in the usual form, with any second degrees limited to 30 minutes of debate equally divided; provided further that the only other amendments in order other than the above-listed amendments be those managers' amendments which have been cleared by both managers of the bill.

I further ask that there be 2 hours of general debate on the bill divided between the two managers. Finally, I ask consent that at the expiration of that time and the disposition of the above amendments, the bill be read the third time and the Senate proceed to a vote on passage of the bill as amended, if amended, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. Mr. President, I am pleased we were finally able to reach a consent agreement on this very important bill that we have attempted to address more fully twice in the past, the Defense authorization bill. This will allow the Senate to return to the bill and complete it in a timely manner, in an orderly manner, with the amendments that are relevant to the issue at hand; that is the issue of providing for our armed services. We will look for an appropriate window of time to resume the bill. I believe, under the guidance of the experienced chairman and ranking member, we should be able to complete that bill within 2 or possibly 3 days.

I thank everyone for working so hard to bring us to this point, for their patience and cooperation, and allowing us to go forward with this agreement, and I look forward to completion of that Defense authorization bill.

The PRESIDING OFFICER. The minority leader.

Mr. REID. Mr. President, this is not the time for protracted debate on why we are here, why we are not here. We are here. One of the most important bills this Congress must decide every year is this Defense authorization bill.

The majority leader and the two managers of the bill, Senator WARNER and Senator LEVIN, know—because I have sent them every letter I have sent to my distinguished colleague, the Senator from Tennessee—I strongly support the Senate consideration of the Defense authorization bill since it was unanimously passed by the Committee on Armed Services last May. We have a lot to do around here. I suggest there is nothing more important than taking care of the U.S. military. This is not the way to handle the bill. I recognize that, but it is the only way left we can handle this bill.

I hope the two managers can help work through these amendments. I know they are ready to accept scores of amendments once we get to this bill. I hope the 12 on each side are amendments that will be good for the Senate, good for this institution, and, of course, very good for the armed services of our country. If that is the case, it will be good for our country.

As I have said, this is not a time for pointing fingers. I am glad we are here even though that is not how I wanted to get here.

Mr. WARNER. Mr. President, I wish to thank our distinguished two leaders. On behalf of Senator LEVIN and myself, we assure our two leaders we will deal with this expeditiously, with the cooperation of the Senate. I am certain we can have an armed services bill this year. This is a nation at war. We have no alternative.

I yield the floor.

AMENDMENTS NOS. 2248, 2250, AND 2249, EN BLOC

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Ms. LANDRIEU. Mr. President, we have several amendments to consider this evening. I will be very brief.

I ask unanimous consent to call up three amendments, to talk about them in 5 minutes, and then to set a vote whenever it is within the purview of the managers: amendment Nos. 2248, 2250, and 2249.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Louisiana [Ms. LANDRIEU] proposes amendments en bloc numbered 2248, 2250, and 2249.

Ms. LANDRIEU. I ask unanimous consent to dispense with the reading.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 2248

(Purpose: To increase appropriations for the Federal TRIO programs for students affected by Hurricanes Katrina or Rita)

At the end of title III (before the short title), add the following:

SEC. . FEDERAL TRIO PROGRAMS FOR HURRICANE AFFECTED STUDENTS.

(a) ADDITIONAL AMOUNTS FOR FEDERAL TRIO PROGRAMS.—In addition to amounts otherwise appropriated under this Act, there are appropriated, out of any money in the Treasury not otherwise appropriated, $5,000,000 to carry out the Federal TRIO programs under chapter 1 of subpart 2 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070a–11 et seq.) for students affected by Hurricanes Katrina or Rita in their respective institution of higher education.

(b) OFFSET FROM DEPARTMENTAL MANAGEMENT FUNDS.—Notwithstanding any other provision of this Act, amounts made available under this Act for the administration and related expenses for the departmental management for the Department of Labor, the Department of Health and Human Services, and the Department of Education, shall be reduced, on a pro rata basis, by $5,000,000.

AMENDMENT NO. 2250

(Purpose: To provide funding to carry out the Mosquito Abatement for Safety and Health Act)

At the end of title II (before the short title), add the following:

SEC. ___. MOSQUITO ABATEMENT FOR SAFETY AND HEALTH ACT.

From amounts appropriated under this Act for the Centers for Disease Control and Prevention for infectious diseases-West Nile Virus, there shall be transferred $5,000,000 to carry out section 317S of the Public Health Service Act (relating to mosquito abatement for safety and health) with preference given to areas at greater risk of the West Nile Virus because of the effects of Hurricanes Katrina and Rita.

AMENDMENT NO. 2249

(Purpose: To require that any additional community health center funding be directed, in part, to centers in areas affected by Hurricane Katrina or Hurricane Rita)

At the end of title II (before the short title), add the following:

SEC. ___. FUNDING FOR COMMUNITY HEALTH CENTERS IN HURRICANE KATRINA OR HURRICANE RITA AFFECTED AREAS.

Notwithstanding any other provision of law, if the amount appropriated under this Act for community health centers is more than the amount appropriated for such centers for fiscal year 2005, then—

(1) 5 percent of such excess amount shall be directed to establishing or expanding community health centers in areas affected by Hurricane Katrina or Hurricane Rita; and

(2) 5 percent of such excess amount shall be directed to community health centers serving patients affected by Hurricane Katrina or Hurricane Rita.

Ms. LANDRIEU. Mr. President, first of all, all three of these amendments are small in number but important in scope. Each seeks to take money that is already appropriated in the underlying bill and direct and target it, if you will, to the gulf coast area for some extraordinary needs. We have been struggling to find a way to provide for the unprecedented natural disaster that has occurred in the Rita-Katrina areas of Texas, Louisiana, Mississippi, and Alabama.

There are many important programs in this bill that seek to send important aid around the Nation. There are three programs I have chosen to bring to the attention of the Senate tonight in very small amounts that could provide great help to the people of our region.

One is the TRIO Program, which has been extremely successful in helping first-generation college students to pursue a degree. Of course, we know 80 percent of all jobs in the future will require some college. This TRIO Program is federally funded but locally led and has been extremely effective, with great support from Republicans and Democrats, the House and the Senate.

The purpose of my amendment is to target $5 million of the money in here toward Katrina-related areas—Katrina-Rita—to make sure our universities and the thousands of students who have been displaced can have a little extra funding to help them at this time.

The second amendment has to do with community health centers that are going to see, because of the good work of the ranking member and the chairman, an increase of $105 million in a competitive grant—additional money for community health centers. One of these amendments takes just 10 percent of the increase of $105 million and directs it to Katrina-Rita areas, as we have to stand up a new health care system for the region. It would be given out by the Department. Again, it is another way to not add money but to just direct and target money that we are already spending—not taking it away from anyone but targeting some of the increase to our region.

Finally, the third amendment would do the same thing for mosquito abatement. We are hopeful we will not get the avian flu that seems headed our way. For those in Louisiana, Mississippi, and Alabama, we worry about the disease that can be spread—West Nile—by mosquitos. Our health officials say the mosquito populations, because of the extraordinary flooding, have increased by 800 percent. Since October 18, there have been 81 cases and 6 fatalities. Again, my amendment takes money that is already designated and sends $5 million of the $40 million to the Katrina-Rita areas.

I ask my colleagues to look favorably on these three amendments. Again, they are small amounts of money, but they could go a long way. They do not add money to the deficit. They do not take money away from anyone else because we are taking a portion of the increase. That portion is based on our population in the region.

It is quite reasonable. I hope the managers will accept them. If not, we can have a vote sometime tomorrow.

I yield the floor.

AMENDMENT NO. 2265, AS MODIFIED

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, I ask unanimous consent that the pending amendments be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. COLLINS. I call up amendment 2265, and I send a modification to the desk.

The PRESIDING OFFICER. The amendment will be so modified.

The clerk will report.

The legislative clerk read as follows:

The Senator from Maine [Ms. COLLINS] and Mr. FEINGOLD, propose an amendment numbered 2265, as modified.

Ms. COLLINS. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment, as modified, is as follows:

(Purpose: To fund grants for innovative programs to address dental workforce needs)

At the appropriate place in title II, insert the following:

SEC.   . From amounts appropriated to the Health Resources and Services Administration, $5,000,000 shall be available to fund grants for innovative programs to address dental workforce needs under section 340G of the Public Health Service Act (42 U.S.C. 246g).

Ms. COLLINS. Mr. President, 3 years ago, the Senate enacted and the President signed into law the Dental Health Improvement Act as part of the health care safety net amendments of 2002. This was legislation authored by the Senator from Wisconsin, Mr. FEINGOLD, and myself which authorized grants to States to help them develop innovative dental workforce development programs tailored to their specific needs.

I rise today to offer an amendment with my colleague from Wisconsin to provide $5 million for this important program next year to help States improve access to oral health care by strengthening the dental workforce in our Nation's rural and underserved communities.

While oral health in America has improved dramatically over the last 50 years, these improvements have not occurred evenly across all sectors of our population. Particularly, our low-income families have been left out. An estimated 25 million Americans live in areas lacking in adequate dental services. Astoundingly, as many as 11 percent of our Nation's rural population has never been to a dentist.

The situation is exacerbated by the fact that our dental workforce is growing older. More than 20 percent of dentists nationwide will retire in the next decade. The number of dental graduates by 2015 will not be enough to replace these retirees. As a consequence, many States, particularly rural States like mine, are facing a serious shortage of dentists. In Maine, there is one general practice dentist for every 2,300 people in the Portland area. But the numbers drop off dramatically in other parts of our State. In Aroostook County, for example, which is where I am from, there is only 1 dentist for every 5,500 people. And of the 23 practicing dentists in Aroostook County, only 6 are taking on new patients. Moreover, at a time when tooth decay is the most prevalent childhood disease in America, Maine has fewer than 10 specialists in pediatric dentistry, and virtually all of them are located in the southern part of the State.

The Collins-Feingold Dental Health Improvement Act authorized a new State grant program administered by the Health Resources and Services Administration that is designed to improve access to oral health services in rural or underserved areas.

Now, States could use these grants for a variety of programs. For example, they might use the grant for loan forgiveness or repayment programs for dentists practicing in underserved areas. They could also use the grant funds to establish or expand community- or school-based dental clinics or to set up mobile or portable dental facilities.

To assist in their recruitment and retention efforts, States could use the funds for placement and support of dental students, residents, and advanced dentistry trainees. Or they could use the grants for continuing education, for distance-based education, and practice support through teledentistry.

Our amendment is supported by the American Dental Association, the American Dental Education Association, the American Dental Hygienists Association, and other members of the Dental Access Coalition. It is also fully offset.

There is clearly a need to make our oral health care services more accessible in our Nation's rural and underserved communities.

Again, I end my remarks with what I think is a troubling and astonishing statistic; and that is, that 11 percent of rural Americans have never been to the dentist. This is a serious public health challenge, and this modest investment could make a real difference.

I urge all of my colleagues to join Senator FEINGOLD and me in supporting this amendment.

I thank the subcommittee chairman and ranking member for working so closely with us to identify an appropriate offset.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. DEMINT). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2285

Mrs. MURRAY. Mr. President, I ask unanimous consent that amendment No. 2285 be called up and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY] proposes an amendment numbered 2285.

Mrs. MURRAY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To insert provisions related to an investigation by the Inspector General)

At the end of title II (before the short title), insert the following:

SEC. ____. (a) There are appropriated $3,000,000 to the Office of Inspector General to conduct a investigation of the management of the Food and Drug Administration to pursue examples of mismanagement and promote economy and efficiency in the Department.

(b) The investigation under subsection (a) shall not include any investigation of a former Commissioner of Food and Drugs, but shall include investigation of the actions by the Food and Drug Administration with respect to the over-the-counter application for the drug Plan B.

(c) Not later than 60 days after the date of enactment of this Act, the Inspector General shall complete the investigation under this section and submit a report to the Subcommittee on Labor, Health and Human Services, Education and Related Agencies of the Committee on Appropriations of the Senate on the findings of such investigation.

(d) Notwithstanding any other provision of this title, amounts made available under this Act for the Office of the Secretary shall be reduced by $3,000,000 and transferred to the Office of Inspector General to conduct the investigation under this section.

Mrs. MURRAY. Mr. President, I rise this evening to offer an amendment that really need not be offered. In fact, each time I come to the floor of the Senate to talk about Plan B and the FDA, I hope it will be the last time. I continue to hope that the FDA or Health and Human Services will do the right thing and finally put science and safety and efficacy over politics. Unfortunately, over the course of the past several years, as you can see by the timeline shown behind me, I, along with millions of Americans, have been disappointed time and time again.

I have always supported a strong and independent Food and Drug Administration. It is the only way in which the FDA can truly operate effectively and with the confidence of American consumers and health care providers. Americans have to have faith that when they walk into their local grocery store or their local pharmacy, the products they purchase are safe, effective, and that their approval has been based on sound science.

They have to be assured that those decisions were not based on political pressure or pandering to interest groups. That is why the application process for Plan B emergency contraceptives has been so troubling to me and many others.

Back in December of 2003, almost 2 years ago, the FDA's own scientific advisory board overwhelmingly recommended approval of Plan B's over-the-counter application by a vote of 23 to 4. But the FDA has not adhered to its own guidelines for drug approval and continues to this day, after all of these actions, to drag its feet.

In fact, Alastair Wood, who is a member of the advisory panel, said:

> What's disturbing is that the science was overwhelming here, and the FDA is supposed to make decisions based on science.

It is obvious to me and to many of my colleagues—and to millions of American women and men—that something other than science is going on at the FDA. It is far past time to get to the bottom of it. That is why tonight I am offering this amendment which will shift $3 million from the Office of the Secretary to the Office of the Inspector General at the Department of Health and Human Services. This funding will help the inspector general's office to investigate potential mismanagement at the FDA. This investigation will be separate from ongoing investigations of the former Commissioner, Lester Crawford, and it will include, but not be limited to, over-the-counter application for Plan B.

Let me be clear: The men and women of the FDA work very hard. They adhere to the principles of science. They do a job that all Americans can be proud of. But their hard work is being undermined and it is overshadowed by the Agency's own leadership. If the leadership at the FDA and HHS don't take steps to restore the confidence of American consumers in the FDA's ability to promote safe and effective treatments, then Congress has a duty to step in. The health and well-being of the American people should not blow with the political winds. Caring for the people we represent is an American issue, and part of that goal is reassuring that Americans have access to safe, effective medicines in a timely fashion.

Time and time again, I, along with my colleague, Senator CLINTON of New York, and others, have asked for a decision on Plan B. We have not dictated that we want a yes. We have not dictated that we want a no. We have simply said: We want a decision. This continued foot dragging—day after day, month after month, year after year—is unusual, unwarranted, and unprofessional. This continued delay goes against everything the FDA's own advisory panel found nearly 2 years ago: that Plan B is safe and it is effective and should be available over the counter. There is no credible scientific reason to continue to deny increased access to this safe health care option, but there is even less reason to deny an answer.

This is not the last word on this issue. The problem with politics subverting the FDA's adherence to science and its integrity is so profound and so urgent, I intend to use every tool available to me as a Senator to make sure that this discussion about our priorities and our future is not lost.

I ask my colleagues to do what we tell the FDA to do, which is to make decisions based on science and safety and efficacy true, and we don't turn the gold standard we have at the FDA into a mockery. It would be a disservice to every citizen, every American who walks into a drugstore and counts on the fact that when they buy a drug over the counter or a prescription, they know it is safe and effective.

This is an urgent matter. That is why I am on the floor to offer my amendment, which will simply shift money from the Office of the Secretary to the Office of the Inspector General, so we can get to the bottom of it.

I urge my colleagues to support the amendment. I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. THUNE. Mr. President, is there an amendment pending?

The PRESIDING OFFICER. Yes, there is.

Mr. THUNE. I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2193, AS MODIFIED

Mr. THUNE. Mr. President, I call for the regular order on my amendment No. 2193 and would like to speak in support of that.

I rise today, along with my colleagues, Senators CONRAD, CRAPO, BROWNBACK, TALENT, CHAFEE, and BURNS, in support of an amendment that is pending at the desk that would provide funding to the Office for Advancement of Telehealth, located under the Health Resources and Services Administration.

Telehealth is not only an important component of health care in rural States like South Dakota; it is important to patients and health care providers throughout the United States.

Telehealth is an innovation that promises greater access and higher quality health care with reduced costs. Telehealth uses telecommunications and information technologies to provide health care services at a distance. These communications and information technologies provide people access to quality health care in underserved areas.

Three years ago, Congress enacted a bill called the Health Care Safety Net Amendments Act of 2002. This legislation was approved unanimously in the Senate and passed the House with only five dissenting votes. Section 211 of the bill provided the authority for Congress to fund at least $60 million for certain telehealth activities.

Sadly, 3 years have passed and Congress has yet to appropriate a dime for these important provisions. My amendment provides $10 million for the telehealth activities authorized by the 2002 Health Care Safety Net Amendments. This is one-sixth of the authorized amount and less than one percent—one-seventh of one percent—of the budget for HRSA.

Specifically, my amendment would appropriate $2.5 million for the development of 10 telehealth resource centers. These centers, two of which are required to be located in a State with less than 1.5 million people, would help assist the telehealth community in breaking down barriers to the adoption of telehealth.

My amendment also provides $5 million for network grants and grants for telehomecare pilot projects. In order to be efficient and effective, telemedicine must have strong telecommunication networks.

In addition to these grants, my amendment provides $2.5 million for grants to State health licensing boards to develop and implement cooperative policies that reduce statutory and regulatory barriers to telehealth.

S. 1418, the Wired for Health Care Quality Act, introduced by Senator ENZI on July 18, specifically reauthorizes Section 330L(b) of the Public Health Service Act, which allows the Secretary of Health and Human Services to make grants to State professional licensing boards to reduce statutory and regulatory barriers to telemedicine. My amendment simply appropriates funds for this authorization.

Last year, the Office for the Advancement of Telehealth within HRSA was funded at only $3.9 million. OAT was only able to make 14 competitive grant awards. The budget for this lead agency for telehealth has been cut by ⅓ over the past 5 years.

Congress spoke when it passed with broad bipartisan support the Health Care Safety Net Amendments Act of 2002. It is time to put our money where our mouth is and start to put some real resources in this area.

Last year, we provided absolutely no funds for the telehealth safety net provisions. Surely we can find a way to provide $10 million in the entire budget for one of the most promising opportunities to help control the rising cost of health care.

My amendment does not break the budget caps. It merely reallocates $10 million for telehealth services from the billions in administrative costs in this budget. On July 8, 2005 a letter was sent to Chairman SPECTER and Ranking Member HARKIN on behalf of over 200 individuals and telehealth organizations across the country, supporting an increase in funding for telehealth.

My amendment answers their call for funding and wider adoption of telehealth.

Telehealth has the promise of delivering quality, efficient health care to individuals in remote, isolated or even devastated areas. Telehealth applications have been proven effective in extending medicine's reach to underserved areas across the Nation.

The $10 million provided by my amendment, while modest, will have an impact on almost every health activity in this giant bill.

Additionally, my amendment is fully offset by reducing the departmental management accounts of the Department of Labor, the Department of Health and Human Services, and the Department of Education pro rata by .0065 percent. The Congressional Budget Office has declared this amendment as budget neutral.

This is a very small investment in the future of our Nation's health care system. I urge my colleagues to support the amendment.

Of all the things we will debate in this particular bill about how to lower health care costs, how to make quality health care more available to more people, the promise of telehealth can do more to meet that critical objection than almost anything else. This is taking state-of-the-art technology and thinking, state-of-the-art information systems and applying them in a way that can meet health care needs across the country, not just in rural areas, but also in urban ones. It is high time we took advantage of this incredible asset and put it to work for health care needs of Americans.

Mr. President, I ask unanimous consent to print in the RECORD a letter from the American Hospital Association in support of my amendment. Some examples of the organizations that support my amendment are the following: Home Care Technology Association of America; Center for Telemedicine Law; Federation of State Medical Boards, Consumer Health Access Through Technology Coalition; American Telemedicine Association; National Rural Health Association; Northland Healthcare Alliance; University of Missouri Health Care; Northcentral Montana Healthcare Alliance; Avera McKennan Telehealth Network: Avera St. Luke's; Rapid City Regional Hospital Home Care Department; Horizon Health Care, Inc.; Sioux Valley Telehealth; Sioux Valley Visiting Nurses; South Dakota Board of Nursing.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMERICAN HOSPITAL ASSOCIATION,
October 25, 2005.

Hon. JOHN THUNE,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR THUNE: The American Hospital Association, on behalf of our 4,800 member hospitals, health systems and other health care organizations, and our 33,000 individual members, is pleased to support your amendment to the fiscal year (FY) 2006 Labor, Health and Human Services, and Education appropriations bill adding $10 million for telehealth activities authorized by the Health Care Safety Net Amendments of 2002. We applaud your effort to fund these activities, which can play a vital role in increasing access to health care services for underserved rural and urban populations.

Congress overwhelmingly passed the Health Care Safety Net Amendments, and in doing so authorized more than $80 million in grants to help providers overcome technical, legal, regulatory, and service delivery barriers to implementing telehealth programs. Several urban and rural hospitals would be among those who would benefit from these grant programs, which, unfortunately, have never received funding.

Your amendment will provide a vital downpayment toward the resources needed to implement telehealth programs. These programs have the potential to expand access to health care services, improve training of health care providers, and expand the quality of available health information. As a result, hospitals will be better able to overcome many of the barriers to telehealth technology adoption and work to further improve the safety net for underserved populations, as envisioned by the Health Care Safety Net Amendments.

We look forward to working with you and your colleagues to ensure passage of this important amendment.

Sincerely,

RICK POLLACK,
Executive Vice President.

AMENDMENT NO. 2193, AS FURTHER MODIFIED

Mr. THUNE. Mr. President, I send a modification to my amendment to the desk and ask for its consideration.

The PRESIDING OFFICER. Without objection, the amendment is further modified.

The amendment, as further modified, is as follows:

At the end of title II (before the short title), add the following:

SEC. . TELEHEALTH.

(a) APPROPRIATION.—Of the amounts appropriated to the Health Resources and Services Administration, $10,000,000 shall be to carry out programs and activities under the Health Care Safety Net Amendments of 2002 (Public Law 107-251) and the amendments made by such Act, and for other telehealth programs under section 330I of the Public Health Service Act (42 U.S.C. 254c–14), of which—

(1) $2,500,000 shall be for not less than 10 telehealth resource centers that provide assistance with respect to technical, legal, and regulatory service delivery or other related barriers to the deployment of telehealth technologies, of which not less than 2 centers shall be located in a rural State with a population of less than 1,500,000 individuals;

(2) $5,000,000 shall be for network grants and demonstration or pilot projects for telehomecare; and

(3) $2,500,000 shall be for grants to carry out programs under which health licensing boards or various States cooperate to develop and implement policies that will reduce statutory and regulatory barriers to telehealth.

(b) OFFSET.—On page 137, line 9 strike $480,751,000 and insert $470,751,000.

Mr. THUNE. I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

AMENDMENT NO. 2300

Mr. ENSIGN. Mr. President, I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ENSIGN. I call up amendment No. 2300.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. ENSIGN], for himself, Mr. WARNER, and Mr. ALLEN, proposes an amendment numbered 2300.

Mr. ENSIGN. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit funding for the support, development, or distribution of the Department of Education's e-Language Learning System (ELLS))

At the end of title III (before the short title), insert the following:

SEC. ___. PROHIBITION REGARDING THE E-LANGUAGE LEARNING SYSTEM.

Notwithstanding any other provision of this Act, none of the funds made available under this Act shall be used to support, develop, or distribute the Department of Education's e-Language Learning System (ELLS).

Mr. ENSIGN. Mr. President, I yield the floor.

AMENDMENT NO. 2213

Mr. OBAMA. Mr. President, I rise today to express my disappointment in the failure of this body to approve an amendment offered yesterday by Senator KENNEDY to increase the financial support provided to students though the Pell Grant program.

Pell Grants represent by far the largest source Federal grant aid for postsecondary education and provide necessary financial support for many students. My support of this amendment echoes the first piece of legislation I introduced in the Senate and a promise I made during my Senate campaign. That promise, and that legislation, was the Higher Education Opportunity through Pell Grant Expansion Act of 2005, S.697—the HOPE Act. My statement today expresses my continuing efforts on behalf of students who need our support to continue their education.

Many students know that realizing their dreams depends on a college diploma, and, for many, the chance to earn that diploma is dependent on the Pell Grant program. As students dream of that diploma, they also worry about how to pay for it. The statistics confirm their worries. College tuition is rising almost 1 percent a year, and over the last 25 years, it's gone up more than fivefold. Because of these rising prices, over 200,000 students were priced out of college altogether just last year.

Today, need-based Pell Grants are used by 5.3 million undergraduate students, and 85 percent of these grants go to families earning less than $40,000. Over too long of a period, the amount of these awards has not kept up with the spiraling price of tuition or even with the rate of inflation. As a result, the current $4,050 Pell Grant maximum is insufficient.

This amendment would have raised that amount to $4,250, and represented one step toward making college more affordable for those students who have worked hard to keep alive their hope of earning a college diploma. Even in this time of shared sacrifice, I believe we must continue to support those hopes and the students who deserve a chance to turn them into reality. This remains a priority for me. Despite yesterday's vote, I will continue to work to increase support for our students though the Pell Grant Program.

LIHEAP

Mr. NELSON of Nebraska. Mr. President, due to skyrocketing home energy prices, millions of low-income households are facing an imminent heating emergency this winter. The Department of Energy projects the average family to incur heating costs of $1,099 or more this winter; an increase of 30–48 percent over last year's heating bills.

This is a concern, as volatile and record-high energy costs will inevitably lead to an increase in the number of missed mortgage payments and foreclosures.

LIHEAP is a very positive, effective partnership between the Federal Government, State governments and the private sector.

Leveraging private dollars to supplement Federal dollars, LIHEAP has proven that successful relationships can exist between the government, businesses, gas and electric utilities and community-based social service organizations.

While States, local governments and the private sector have demonstrated their capacity to develop programs to address some energy assistance needs, collectively these programs cannot meet the demand for LIHEAP assistance. The need for energy assistance continues. However, we must ensure that we are addressing this assistance in a fiscally responsible way.

That is why, along with Senator CARPER, I have filed an amendment to provide an offset for funding for LIHEAP.

Specifically, my amendment increases the amount in the LIHEAP program by $1.6 billion.

Because of the severe budget deficits this country is facing today, I feel like wherever practical, we need to consider offsets.

That is why my amendment offsets this increase by using 3 changes in tax policy that have passed the Senate on numerous occasions—most recently as part of the Highway bill this past May. Unfortunately, these offsets were stripped in conference, which is why they are once again available for our use here to pay for additional funding for LIHEAP.

I am very hopeful my amendment will clear all necessary procedural hurdles to be considered on the Labor HHS appropriations bill. I will continue to encourage my colleagues to support a responsible offset for LIHEAP funding now and in the future. This is a critical program, but we are also facing a critical time with our budget and increased deficit spending—both are serious issues that require serious solutions.

AMENDMENT NO. 2212

Mr. OBAMA. Mr. President, I would like to speak on an amendment to H.R. 3010 that I was proud to introduce with the support of Senator DURBIN. This amendment increases funding for a program in the Department of Education that has proven success in improving student behavior and school climate in thousands of schools across the country: Positive Behavioral Interventions and Support.

A problem I hear about from teachers all the time is that disruptive students slow down the rest of the class, and can turn our schools into places unworthy of our most precious resource—our children. To help teachers in doing their important work of educating our children, I propose that we expand an innovative program, already being used in states such as Illinois, that teaches students about positive behavior and expects the adults in our schools to set the same high standards for behavior as they do for achievement.

This system is called Positive Behavioral Interventions and Supports. PBIS is designed to deal with discipline problems in a research-based, experimentally-verified way, based on one simple premise: stop problem behavior before it starts. The problem might be a general lack of discipline, increasing school violence, or a loss of instructional time because of behavioral issues. PBIS has shown that schools benefit from unified and efficient interventions that specifically teach, model, and reward good behavior, while providing consequences for problem behavior.

Kids are smart. When a school has clear and effective expectations, agreed to by the adults in the school, they respond positively. When the expectations are disputed and ineffective, kids exploit the situation.

PBIS shows positive results. At one school in Illinois, when PBIS was implemented, suspensions decreased 85 percent, there was more time for teaching, and student test scores increased. It makes sense: with fewer disruptions, students can stay on task more, and so learn more. Successes such as these have been replicated in thousands of schools across the country.

Today, I am proposing that we expand our support for this technical assistance program in the Office of Special Education Programs at the Department of Education. PBIS has proven itself, and has already been adopted by many schools. Let's give all our children the benefit of high expectations and supports for good behavior. Let's give all our schools the opportunity to adopt this system. Let's support our kids by supporting PBIS.

I urge my colleagues to support this amendment.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. FRIST. I ask unanimous consent there now be a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO CONGRESSMAN EDWARD R. ROYBAL

Mr. REID. Mr. President, it was a great privilege for me to serve in the House of Representatives. I loved my job in the House for a lot of reasons, one of which is I got to know a man by the name of Ed Roybal real well. Congressman Ed Roybal died Monday. I will sure miss him. My thoughts and my prayers are with his wonderful family.

For those of us who knew him, it is a time to reflect and really be sad. I remember Congressman Roybal as a very quiet man, with an unwavering commitment to justice and compassion. He was not much for giving speeches, but he was much for getting work done. He worked tirelessly over the past four decades on behalf of the poor, the elderly, those who are disenfranchised.

To get a glimpse of the kind of man he was, here he is, a senior Member of the House of Representatives, chairman of the Aging Committee, and one of the leaders on the Appropriations Committee. My dear wife became extremely ill, and she spent more than a month at UCLA Medical Center. I had just been elected to the Senate. I would fly from here to L.A. Ed Roybal would meet me at the airport and drive me to the hospital. That is the kind of guy he was.

He was always there for the people of California, just like he was there for his friend from Nevada. For the people of California and this country, he fought to increase educational, political, and economic opportunities.

As an advocate for Hispanics, he had no peer. He was a pioneer and a relentless leader. When he was young, Ed Roybal created an organization called Community Service Organization. This group began a crusade against discrimination in housing, employment, and education and also conducted voter registration and get-out-the-vote drives within the Latino community.

It is my understanding that he was the first Hispanic elected to the Los Angeles City Council—if not, he was one of the first. He was elected to Congress in 1963, the first Hispanic from California to serve since 1879. When he came to Washington, Ed Roybal was one of the few people fighting for the progress of Latinos. There was no Congressional Hispanic Caucus when he arrived, so he created one. It was founded by Ed Roybal. Later in 1976, he helped create the National Association of Latino Elected and Appointed Officials.

Getting more Hispanics involved in the political process was a passion of his, and he was a mentor of many Latinos. As part of this effort, he cofounded the Congressional Hispanic Caucus Institute. To this day, this organization is bringing a new generation of talented Latinos into the political system and supporting them as they follow in Ed's footsteps.

I served on his Aging Committee. His fingerprints are all over the last major immigration bill we had here. I went to Ed Roybal to find out how I should vote. I had great confidence in his integrity.

I wish we could all have known Ed as I felt I knew him. Everyone in Government should have known Ed Roybal. He, to me, was a shining example of what Government is all about: selfless, compassionate, committed to equality. He lent his voice and his life to making the American dream a reality for everyone.

On a more personal level, he loved to come to Las Vegas. He loved Las Vegas. I talked with his daughter, Lucille, yesterday and reminded her of that. She said: Yes, but he always left his credit cards at home. He only took enough money so he could have a good time. He would be there for me. He did Hispanic conferences for me. He did Aging Committee hearings. He was always there for me.

I know how proud he was of his daughter, Congresswoman Lucille Roybal-Allard. She has taken up his cause, so his legacy lives on in her work. But the burden does not fall only on her; it falls on us all.

When he died, opportunity lost one of its greatest champions. It is up to all of us to pick up on his absence and continue opening doors and building an America that works for everyone.

Mrs. FEINSTEIN. Mr. President, I rise to pay tribute to a great American, former Congressman Edward Roybal, who passed away on October 24, 2005, at the age of 89.

My heartfelt sympathy goes out to his family, especially to his daughter, my friend and colleague, Congresswoman LUCILLE ROYBAL-ALLARD.

As his friends and family gather to pay tribute and celebrate Ed's remarkable life, I ask all of my colleagues to join with me in paying tribute to the memory of this outstanding public servant.

Ed Roybal devoted over 50 years of his life to public service, 30 of those years as a Member of the House of Representatives from 1962 to 1992. During that time, Ed was a steadfast advocate on behalf of those without a voice.

His long and distinguished career in public service began in 1942. Having returned to Los Angeles, upon completion of military service, he became a director of health education for the Los Angeles County Tuberculosis and Health Association.

In 1949, he established the Community Service Organization to advocate for the rights of minorities in the areas of housing, employment, and education. That same year, he was elected to the Los Angeles City Council where he served until 1962.

When Ed was first elected to the House of Representatives in 1962, he was the first Hispanic from California to serve in Congress since the 1879 election of Romualdo Pacheco.

During his three decades of service in the House, Ed worked tirelessly to protect the rights of minorities, the elderly, and the physically challenged.

Together with Senator Ralph Yarborough of Texas, he championed the 1968 Bilingual Education Act to assist the Nation's schools in meeting the educational needs of children who come from non-English speaking homes. Later, he worked to establish a Cabinet Committee on Opportunities for Spanish- speaking people.

Ed Roybal was a national leader for the Latino Community. In 1976, he became one of the founding members of the Congressional Hispanic Caucus and served as its first chairman.

Ed also played an important role in the passing of legislation to outlaw age discrimination, and he worked for numerous benefits and opportunities for those with handicaps.

Ed also continued to champion healthcare issues throughout his career in Congress. He led efforts to fund America's first AIDS research and treatment programs and was instrumental in renewing legislation to provide medical service to people with Alzheimer's disease. In recognition of his leadership on health care issues, the county of Los Angeles opened the Edward R. Roybal Clinic in East Los Angeles in 1976.

Over the course of his life, Ed cofounded several other organizations to increase civic participation of Hispanics, including the National Association of Latino Elected Officials and the Mexican American Political Association.

Ed Roybal was a true leader and pioneer for the City of Los Angeles, the State of California, and for the national Latino community. I feel very lucky to have known him. I know my colleagues join me in extending to his family our deepest sympathy and condolences. He will be greatly missed.

Mrs. BOXER. Mr. President, California and the Nation have lost a unique leader with the passing of former Congressman Ed Roybal.

In 1922, Ed Roybal moved to Los Angeles from New Mexico with his parents. He graduated from Roosevelt High School and attended UCLA before going off to fight in World War II. When he returned from the war, he returned to Los Angeles and joined the County's Department of Health Education in its County Tuberculosis and Health Association.

In 1947, Ed Roybal decided to run for a seat on the Los Angeles City Council in a district that was remarkably diverse and included Boyle Heights, Bunker Hill, Civic Center, Chinatown, Little Tokyo, and the Central Avenue District. Though he lost this race, he returned in 1949, winning in the same district. In part, his victory was based on a well organized effort to register Latino voters in the district. With this victory, he became the first Latino to serve on the Los Angeles City Council since 1881. He would serve on the council until 1962, when he was elected to the U.S. Congress.

When he took his seat in the House of Representatives in Washington, DC, Ed Roybal remembered his constituents and his roots. He worked tirelessly to ensure that Latinos were represented and that their interests were not diluted by redistricting changes. He often stood alone in these efforts.

Ed Roybal was also a tireless advocate for the elderly, and the working poor. He served as chairman of both the Select Committee on Aging and the Subcommittee on Health and Long Term Care, guiding legislation on health care, Social Security, housing and human services. He also helped to establish important programs in southern California, including scholarship programs at local colleges and universities.

In 1992, Ed Roybal was fourth in seniority in the House of Representatives and known as a legislator's legislator, crafting and passing landmark legislation. It was then that he opted for retirement, with his daughter, LUCILLE ROYBAL-ALLARD, running for and winning his seat. A generation of Latino leaders have followed in Ed Roybal's steps, including his daughter. It is very fitting that Congresswoman ROYBAL-ALLARD's office can be found in the Edward R. Roybal Federal Building in downtown Los Angeles. I ask my colleagues to join me in sending my deepest condolences to Congresswoman ROYBAL-ALLARD and her family on their personal loss.

California and its leadership have undergone remarkable changes since Ed Roybal first ran and won a seat on the Los Angeles City Council in 1949 and was later elected to Congress in 1962. Following his leadership and example, Latinos are represented in the Congress, in the state legislature and lead our most populous cities. And people across our Nation who depend on Social Security, who need medical care and who work for fair and representative elections can be grateful today for Ed Roybal's vital service to our Nation.

IN MEMORY OF ROSA L. PARKS

Mr. SANTORUM. Mr. President, I rise today in recognition of the passing of a great American, Mrs. Rosa L. Parks. Mrs. Parks was a woman of dignity, spirit and conviction, and throughout her life, she demonstrated immense courage in her quest to achieve equality for all Americans.

On December 1, 1955, Mrs. Parks made a decision that altered the course of American history. When asked by the driver of a Montgomery, AL, bus to give up her seat to a white man, Mrs. Parks refused. She was, she later stated, "tired of giving in." By refusing to give in any longer, Mrs. Parks took a stance that required uncommon levels of courage and principle. With this single act, Mrs. Parks effectively kicked-off the modern civil rights movement and changed America forever.

In response to Mrs. Parks' refusal to leave her seat and her subsequent arrest, the African-American community in Montgomery, led by the Reverend Dr. Martin Luther King, Jr., organized the Montgomery Bus Boycott. For 381 days, members of the African-American community stood in solidarity with Mrs. Parks, refusing to utilize the bus system until the law legalizing segregation in public buses was lifted. Ultimately, Mrs. Parks took her case to the U.S. Supreme Court, where laws permitting segregated bus service were deemed unconstitutional. Because of Mrs. Parks, no African-American would ever be forced to move to the back of the bus again.

In addition to the Supreme Court decision, Mrs. Parks' actions, and the boycott that followed her arrest, injected a tremendous amount of energy into the Civil Rights Movement. Her actions helped make Americans all over the country aware of the extensive injustices African Americans were forced to endure. A catalyst for similar protests throughout our Nation, Rosa Parks and the Montgomery bus boycott served as a model for the non-violent protests that were central to the civil rights movement and contributed heavily to its ultimate success.

Mrs. Parks' commitment to equality for all Americans did not begin, or end, on the bus that day in 1955. After marrying Mr. Raymond Parks, who was also active in civil rights causes, she became a member of the Voters' League. In December 1943, Mrs. Parks became a secretary for the Montgomery branch of the National Association for the Advancement of Colored People. Later in life, Mrs. Parks founded the Rosa and Raymond Parks Institute for Self Development. Created in honor of her husband, this institute informs younger Americans of their history, running "Pathway to Freedom" bus tours that travel to important civil rights and Underground Railroad sites across the country.

Mr. President, our Nation has lost a great daughter and an American icon with the passing of Mrs. Rosa Parks. My deepest sympathies go out to her family, friends, and all who were fortunate enough to know and love this wonderful woman. While America will surely miss her, the legacy of Rosa Parks, who changed the face of our Nation and inspired generations of activism, will live on for years to come.

Mrs. BOXER. Mr. President, I rise to pay tribute to the inspired life of an American icon, Rosa Parks, who died on Monday, October 24, 2005 in Detroit, MI, at the age of 92.

Rosa Parks is often called the "Mother of the Civil Rights Movement" because of her courage in refusing to give up her seat in the black section of a Montgomery, AL, bus to a white man. Her refusal to tolerate racial prejudice paved the way for the civil rights gains that followed.

On December 1, 1955, Parks was a tired seamstress on her way home from work, sitting at the front of the section reserved for black bus riders. When the bus started to fill up, Parks refused to give up her seat after the bus driver demanded she move despite the fact that three fellow black people moved from their seats.

Parks was arrested and fined $14.00 for disorderly conduct and violating a city ordinance. Parks' family was harassed after the bus incident and she was fired from her job as a seamstress.

To protest Parks' arrest and bus segregation, the African American community formed the Montgomery Improvement Association, headed by the young minister of the Dexter Avenue Baptist Church, Dr. Martin Luther King, Jr. The group organized a successful 381-day boycott of the bus system during which time African Americans in Montgomery walked, took taxicabs and formed carpools. The boycott took quite a toll on the finances of the bus system and provided a model for successful nonviolent resistance against racism in the U.S.

The boycott ended on November 13, 1956, after the U.S. Supreme Court upheld a lower court ruling that Montgomery's segregated bus system was unconstitutional. However, it wasn't until the 1964 Civil Rights Act that all public places in the U.S. were desegregated.

Of her refusal to move, Parks said, "I only knew that, as I was being arrested, that it was the very last time that I would ever ride in humiliation of this kind."

Rosa Parks was born Rosa Louise McCauley in Tuskegee, AL, on February 4, 1913, to James McCauley, a carpenter, and Leona Edwards McCauley, a teacher. In 1932, at the age of 20, she married Raymond Parks, a barber, and they remained married until his death in 1977. She attended Alabama State College, worked as a seamstress and housekeeper, and was active in the National Association for the Advancement of Colored People, NAACP, and the Montgomery Voters League to register and empower black voters. In 1943 she was elected Secretary of the Montgomery Chapter of the NAACP.

In 1957 she and her husband moved to Detroit, MI, where they remained active in the NAACP and the Southern Christian Leadership Conference, SCLC. In 1965, she went to work for Congressman John Conyers, Jr., a civil rights leader, managing his Detroit office.

In 1987, in honor of her husband, she founded the Rosa and Raymond Parks Institute for Self-Development in order to motivate youth to reach their full potential through the philosophy of "Quiet Strength."

Parks remained active into her 80s, speaking to civil rights groups and accepting awards, including the Martin Luther King, Jr. Nonviolent Peace Prize, the Presidential Medal of Freedom and the Congressional Gold Medal.

I had the honor and privilege of meeting this incredible woman in the 1990s. She was dignified, brave and an inspiration to me and generations of Americans who care about equality, freedom and human dignity. Parks said it best in the following statement: "To this day I believe we are here on the planet Earth to live, grow up and do what we can to make this world a better place for all people to enjoy freedom."

Rosa Parks showed us that one person can change history and make a difference by taking a principled stand against injustice. Her legacy also teaches us that we must fight against continued inequality in America and around the world. We must never give up.

Mr. COLEMAN. Mr. President, the passing of Rosa Parks is an important occasion for us to remember her life and understand in a deeper way how history changes America. While we grieve the loss for her family, every American should be grateful that someone like her lived among us.

As we look at the challenges and injustices of the world around us, we often ask the question: how can we change the world? I think we often look in the wrong place for change. We look to big government, big business, big entertainment or big publishing to bring about change. But when we look at history, almost every big change started small.

The arrival of a few dozen Pilgrims on the North American continent was not newsworthy in 1620. I doubt that the battles of Lexington and Concord made the London Times in April of 1775. The arrival of Dred Scott at Ft. Snelling in the free territory of Minnesota was not a big local event. But all three were part of something historically big that changed the world and our lives dramatically.

The Pilgrims created a fabulously idealistic vision of a new form of society which attempted to rise above corruption and create a "shining city on a hill." The farmers and townspeople of eastern Massachusetts challenged the world's great superpower from behind stone walls and groves of oak trees. Dred Scott would stand before the United States Supreme Court, just down the hall from where we stand today and assert that because he had lived in free territory he was not property, but a person entitled under God—with unalienable rights. Though he lost his case, he galvanized the Northern states to fight a civil war for a Union based on freedom.

On December 1, 1955 Rosa Parks "sat down" for her principles in Montgomery, AL. She was arrested, tried, convicted, and assessed a fine of $14 and $3 in court costs. Her actions precipitated the Montgomery bus boycott that lasted more than a year. That event brought young Dr. Martin Luther King, Jr. to national prominence. As someone has said, if it were not for Rosa Parks, we might never have heard of Dr. King.

She stood as an example then and she does today. Perhaps we are too quick to see an injustice and run to the Courthouse or the Statehouse or the TV station. The wisdom of our Founders was that a single person armed with the truth is a majority.

Legislation we passed in the Congress has been crucial: the Civil Rights Act, the Voting Rights Act, and a series of more measures right into our own decade. Obviously, vigorous enforcement of those statutes is essential. But if citizens push their own responsibility for social justice off on government, we will not have the change we seek.

We need to speak up for equality when we hear a racially oriented joke. We need to challenge the status quo and bring up the subtle forms of racism that stereotype or demean or set low expectations for people. We need to open our mouths to challenge the phobias, misconceptions and prejudices that block the progress of people based on race, gender, age, creed or disability.

The Rosa Parks history reminds me of President Lincoln's reported remark when he met Harriet Beecher Stowe, author of Uncle Tom's Cabin: "So this is the little woman who started this big war."

In America, there are no "ordinary people." Every one of us has the power to bend history in the little circle of people around us, and we never know when one act of principle will commence a movement of historical significance.

On the steps of the Alabama State Capitol building, not far from Rosa Parks' bus stop, Dr. King gave a speech in 1965. It summed up what Rosa Parks was all about, and what we each one of us "ordinary Americans" should be about. He said:

> Let us therefore continue our triumphal march to the realization of the American dream . . . for all of us today, the battle is in our hands. The road ahead is not altogether

> a smooth one. There are no broad highways that lead us easily and inevitably to quick solutions. We are still in for a season of suffering How long? Not long. Because no lie can live forever . . . our God is marching on.

Mr. SALAZAR. Mr. President, I rise to honor the life of Rosa Parks, a true American hero.

I was proud to be a cosponsor of S. Res. 287, introduced by my colleagues, Senator LEVIN and Senator STABENOW and passed unanimously last night, which pays tribute to Mrs. Parks' accomplishments and expresses the Senate's condolences on the occasion of her passing.

When I heard of Mrs. Parks' death late Monday night, I was reminded that each of us has the ability to change the course of this country, to shape our shared destiny, and to bring us closer to being the Nation we aspire to be. Rosa Parks' role in our America in progress can not be overstated.

Her single act of defiance drew international attention. More importantly, her action set in motion the modern civil rights movement and eventually led to the passage of the Civil Rights Act of 1964 and the Voting Rights Act of 1965.

Almost 50 years ago, in Montgomery, AL, Mrs. Parks directly confronted Jim Crow, when she refused to give up her seat to a white passenger riding on the city's bus.

At the time, Mrs. Parks was working as a seamstress for the Montgomery Fair Department Store. And she had been working to help build a better America long before her famous act of courage on that bus.

She had been actively involved in the local chapter of the National Association for the Advancement of Colored People, NAACP, serving as an officer.

She had assisted the NAACP in voter registration drives and attended organizing trainings at the Higlander Folk Center, an educational center for workers' rights and racial equality in Tennessee.

Years later, when recalling her actions and her subsequent arrest, Mrs. Park had this to say:

> At the time I was arrested I had no idea it would turn into this. It was just a day like any other day. The only thing that made it significant was that the masses of the people joined in.

However, that one day catapulted her to a leadership role in the civil rights movement and began the great 381 day Montgomery boycott of the bus system by African Americans and others dedicated to equal rights.

A young 26-year old Baptist minister, Reverend Martin Luther King Jr., organized the boycott.

Throughout her life, Rosa Parks remained a committed civil rights activist.

In the 1980s she worked in the anti-apartheid movement, and opened a career counseling center for black youth in Detroit with her husband.

She served the United States as an aide to U.S. Congressman JOHN CONYERS, a great civil rights leader in his own right, for many years.

In the last years of her life, Mrs. Parks was recognized for her role in our country's history.

She received the Presidential Medal of Freedom, awarded to civilians making an outstanding contribution to American life in 1996. In addition, President Clinton presented Mrs. Parks with the Congressional Gold Medal, the Nation's highest civilian honor, in 1999.

Despite the international attention and acclaim she received and the many lectures and addresses she gave as a public figure, Mrs. Parks has been described as quiet and reserved by her friends, co-workers and those who knew her best.

When she spoke, she spoke with a purpose.

She was indeed the mother of the civil rights movement, and her passing marks the end of an era that changed the landscape of America.

Today, I honor the courage and wisdom of Mrs. Parks.

I thank her for inspiring countless generations to dream of an America, and a world, that respects and includes all of its citizens.

SAFETEA-LU

Mr. SARBANES. Mr. President, on August 10 of this year the President signed into law the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, known as SAFETEA-LU. This new multi-year reauthorization of our Nation's surface transportation programs represents a carefully balanced package intended to address the needs of our roadways and transit systems. The Chairman of the Transportation-Treasury-HUD Appropriations Subcommittee, in his role as Chairman of the Transportation and Infrastructure Subcommittee on the Environment and Public Works Committee, was instrumental in striking that balance. As the Chairman has recognized, the Transportation-Treasury-HUD Appropriations bill for fiscal year 2006 was reported by the Appropriations Committee prior to passage of SAFETEA-LU, and therefore does not fully reflect the agreements reached in that piece of legislation. To take one specific example, it does not fund the Federal transit program at the level authorized by SAFETEA-LU for fiscal year 2006, falling $400 million short. The funding levels in SAFETEA-LU were the product of a great deal of negotiation, and I greatly appreciate the contributions my colleague from Alabama and my colleague from Missouri made to that discussion. I hope that in this, the first year of SAFETEA-LU's authorization, the agreements reached in SAFETEA-LU will be honored for all modes of transportation.

Mr. SHELBY. Mr. President, I agree with what my colleague from Maryland has said. SAFETEA is the culmination of many years of work by the committees of jurisdiction, who held dozens of hearings with transportation stakeholders to share ideas on how to respond to our nation's transportation needs. I believe that SAFETEA made some very important improvements to our previous transportation law and struck a good balance between the various modes, and I hope to see those changes reflected in this appropriations legislation when it emerges from the conference committee.

Mr. BOND. Mr. President, I agree with my colleagues that SAFETEA-LU is a carefully crafted approach to meeting our surface transportation needs, and will have a historic impact on transportation programs in my State of Missouri and across the country. I will make every effort to see that the final conference report on this legislation will honor the agreements reached in SAFETEA-LU between the various modes of transportation.

LOCAL LAW ENFORCEMENT ENHANCEMENT ACT OF 2005

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

On February, 25, 2005, Thomas Stockwell was on the campus of North Carolina at Chapel Hill, when six men attacked him. Before chasing Stockwell down the street and beating him up, the men were heard yelling sexually derogatory slurs at him. According to reports, the motivation for the attack was Stockwell's sexual orientation.

I believe that our Government's first duty is to defend its citizens, in all circumstances, from threats to them at home. The Local Law Enforcement Enhancement Act is a major step forward in achieving that goal. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

ELECTIONS IN HAITI

Mr. LEAHY. Mr. President, I rise to express my strong concern regarding the political and economic situation in Haiti and the effect this will have on the upcoming elections in that country. The events of the last few months in Haiti have been dispiriting for those who have long sought stability and progress in that country. Due to the precarious political and security situation in Haiti, the question must be raised; can free and fair elections be carried out in Haiti on schedule? Or should they be postponed until we can guarantee a more favorable environment for legitimate elect to take place?

Nearly a year and a half has passed since President Aristide was removed from power and since then the country has continued to spiral downward into worsening poverty and political violence. The interim government of Prime Minister Gerard Latortue has failed to deliver stability and economic progress and for the fourth time this year, has postponed the date of the elections. Presently, elections are planned for December 15 and there is widespread concern that, if held, these elections will be anything but open, inclusive or fair.

Currently, the political and social climate in Haiti is not conducive for credible elections to take place. The Haitian people are largely ignorant about the electoral system and detached from the process. Out of a total of 4.5 million eligible voters approximately 870,000 people have actually registered, with supporters of the Lavalas Party—a large portion of the electorate—threatening to boycott. According to reports, voter registration stations have been placed in less than 500 locations in contrast with the 5,000 stations available under the Aristide administration.

Citizens are disenchanted over the lack of jobs, miserable government services, and rampant violence. As the poorest country in the Western Hemisphere, four out of five Haitians live on less than $2 a day and nearly half of the children in the country are malnourished. In the last year, there have been almost 800 killings and criminal and political kidnappings by urban armed gangs have reached historic levels. Only recently, after a shaky start, the United Nations Stabilization Mission, MINUSTAH, has been making modest progress in preventing even greater levels of violence. But the security situation in Haiti remains volatile.

Equally as troubling is our own government's seeming indifference to the deteriorating situation in Haiti. Several weeks ago, Secretary of State Rice flew into Port-au-Prince for a 5 hour visit that amounted to little more than a photo op. The situation there is fragile and demands immediate action and will require a long-term international commitment.

Haiti's capacity to hold credible elections needs to be given serious consideration by the interim government, Bush administration and United Nations. While the Haitian constitution grants a new administration to be sworn in to office by February 7, 2006, the stakes are too great to push forward an election simply to adhere to an arbitrary date. If the consensus is that political and social conditions could be improved in the next 3 to 6 months, and there are serious problems that threaten the legitimacy of this election, we owe it to the people of Haiti to take the time necessary to work to address these problems so that the election is as fair as possible.

The next few weeks present a seminal period for the Haitian people and the future of Haiti. Enormous logistical, political, and security obstacles need to be overcome if Haiti is to have elections with any semblance of credibility. There are very few options left for a country that is already teetering on the brink of state failure and cannot afford to lose much more. We must keep the best interests of the Haitian people in mind and do everything in our power to create the conditions necessary for Haiti to take the next step in transitioning toward democratic stability.

HONORING AMERICA'S VETERANS

Ms. STABENOW. Mr. President, I rise today in recognition of Veterans Day to pay tribute to the men and women that have served our country as members of the U.S. Armed Forces.

I join my colleagues and those across Michigan and our country in reflecting upon the meaning of this day and the service of our fellow Americans.

I often have the pleasure of meeting with Michigan's proud community of veterans. I have also been privileged to welcome home members of our armed services and the Michigan National Guard and reserves serving in Operation Iraqi Freedom and Operation Enduring Freedom. These men and women are a credit to our great State, their communities, and their families.

America's men and women in the military give their time, and in many cases life and limb, to serve our country. Today's soldiers, sailors, airmen, and marines are tomorrow's veterans and we owe them our gratitude for their service.

One of the most fitting ways we can honor the service and sacrifice of America's veterans is to ensure that we honor the commitments we have made to them and their families. I am proud to be working with my colleagues from both political parties and with veterans' organizations from across the country, including the American Legion and VFW, in leading the fight to pass legislation guaranteeing that health care services for our veterans are funded. This law would eliminate the year-to-year uncertainty about funding for veterans health care by making this funding mandatory in the annual budget. As we reflect on this Veterans Day, I urge my colleagues to keep our promise to our Nation's veterans by supporting this important amendment.

I stand today in honor of all the men and women from Michigan and across our country who have given their lives while serving in Iraq and Afghanistan. We are all grateful for their sacrifice and offer our condolences to their families. On this Veterans Day, I join my colleagues and the wonderful men and women that have served our country in the Armed Forces—veterans young and old—in paying tribute to them and their service.

ANTITRUST CRIMINAL INVESTIGATIVE IMPROVEMENTS ACT

Mr. DEWINE. Mr. President, I am very pleased that the Senate yesterday passed the Antitrust Criminal Investigative Improvements Act of 2005, which represents a significant addition to the Antitrust Division's arsenal for prosecuting criminal violations of the antitrust laws.

In criminal antitrust investigations, it is critical that prosecutors gain access to evidence on the inner workings of the alleged conspiracy. To meet their burden of proof, prosecutors must marshal strong evidence of the participants in the conspiracy, the nature of their participation, and the terms of the illegal agreement. This type of evidence is very difficult to gain without penetrating the inner workings of a conspiracy in action. Currently, the Antitrust Division often has no option but to rely on the cooperation of members of a conspiracy, who are frequently reluctant to come forward to assist the Division in uncovering illegal activities in which they, themselves, have taken part. Without the ability to obtain wiretaps, the Antitrust Division unnecessarily faces a much heavier burden in detecting and preventing these conspiracies.

There is no principled reason for excluding criminal antitrust violations from the list of over 150 predicate offenses for obtaining a wiretap. Offenses, such as wire fraud, mail fraud, and bank fraud are predicate offenses, but up to now, criminal antitrust offenses have not been on the list, despite the fact that their penalties are similar. Criminal antitrust offenses are basically white-collar fraud offenses, and often do much more harm to consumers than other types of fraud offenses. Given the gravity of these crimes, it is time that antitrust violations are added as a predicate offense.

Of course, antitrust prosecutors still will need to meet the ordinary requirements for obtaining wiretap authority to receive court permission to utilize this tool, but it is important that they have that ability. Accordingly, I am very pleased that we have passed this legislation, and hope that the House will act soon to move it, as well.

THANKING THOSE WHO HAVE HELPED SUPPORT THE DINOSAUR DISCOVERY SITE AT JOHNSON FARM

Mr. HATCH. Mr. President, I rise to pay tribute to all the men and women in Washington County, UT whose hard work and diligence have made and are making the Dinosaur Discovery Site at Johnson Farm such a success. These dedicated volunteers are helping to protect and display an asset of great value not only to Utah but to the Nation.

The history of this discovery is fascinating. A few years ago, retired optometrist Dr. Sheldon Johnson was preparing his farm site for development and as he turned over the earth, he discovered tracks of early residents of Washington County—very early residents, in fact. Dinosaur tracks dating back to the Jurassic period of history were uncovered. They are being preserved and are bringing economic and historic benefit to St. George, Washington County, UT, and the Nation. To date, visitors from 68 nations and all 50 States have visited the site.

I want to recognize and thank Dr. Sheldon and LaVerna Johnson who discovered the tracks and then donated the land to preserve this heritage. The Johnsons have made it all possible. Linda Sappington, Washington County volunteer coordinator, aided by volunteer supervisors Kae Crabtree and Carole Chadwick began in February 2000 to bring together individuals who cared about the tracks and who were willing to give of themselves to help preserve the find.

I also want to recognize and thank Mayor Dan McArthur, the city of St. George, Washington County, and the Utah State legislature for their efforts to enhance, preserve, and share this heritage area with the community now and for generations to come.

In addition to the Johnsons, I recognize, Suzanne Allen; Dr. Andrew Barnum; Herb Basso; Dr. David Borris; Alan Crooks; Lyle Drake; Kenneth Hinton; Sharon Isom; unfortunately, now deceased; LaRee Jones; Dr. James Kirkland; Dr. Martin Lockley; Dan Matheson; Layton Ott, also deceased, Kathy Smith; Darcy Stewart; Marshall Topham; Gary Watts; John Willie. They are all members of the Dinosaur AH'torium, a 501 (c) 3 foundation responsible for funding the project. Advisory members include James Hansen, Dr. Jerry Harris, Gary Sanders, with Cliff Green and Robert Milder, resident artist.

Finally, today, I specifically want to recognize and thank the many volunteers who have made and are making the Dinosaur Discovery Site at Johnson Farm possible. Many of these wonderful individuals have been contributing their time and energy for more than 5 years. A tremendous thank you to the Dinosaur Discovery Site at Johnson Farm volunteers. I commend each of them.

2000 volunteers include: Chad Anderson; Josephine Kellejan; T.R. Thompson; Andrew Milner; Donnette Hatch; June Barton; Kae Crabtree; Nina Schwarze; Karen Rammell; Lee Rammell; Doug Bergen; Richard Gardner; Ryan Babcock; Dick Groves; Robert Pritchitt; Klein Adams; Rafael Acosta; Ryan Oburn; Hal Arrowood; Jason Skeen; Clyde Terry; Vilma Terry; Bev Middleton; Chris Walker; Steve Smith; Helen Salvatore; Cindy Greco; Scott Broen; Jereen Hyde; Stevan Duke; Barbara Duke; Stacie Wilson; Constance Sherwood; Jacob Hendriks; and Brett Bronson.

Mr. President, 2001 volunteers: Jim Burns; Lillian Zielke; Barbara Hatch; Peggy Wardle; Carol Duley; Gary Watts; Josephine Kellijan; Ember Rodgers; Kirk Rehfield; Bill Reynolds; Theresa Walker; Cassandra Lee; Lynnie Rolfe; Joel Campbell; Ryan Losee; Chris Gibson; Kyle Fraley; John Shaw; Steve Anderson; Drew Gubler; Shelton Heath; Paula Ryan; Bernie Yeager; Jill Conner; Candace Crane; Nichole Burton; Austin Carter; Dusty Ott; Kirk Richfield; Nate Leifson; Ron Kittelsrud; Maren Christensen; Ben Joe Markland; Emily Weidauer; Holly Hult; Carol Killian; Scott Woodworth; Brian Barrett; Warren Hoskings; Kevin Wiederhold; Autumn Cluff.

Mr. President, 2002 volunteers: Rudy Johnson; Clay Hopkins; Elizabeth Nipperus; Jeff Lingwall; Debbie Woodard; Joyce Proctor; Britton Puki; Joe Borden; Melvin Done; Melanie Hackmann; Kathryn VanRoosendaal; Doug Griffiths; Charlotte Rice; Angie Hendrickson; Chad Tipton; Laurie Barnholt; Aaron Heaton; Kathy Hancock; Carson Blickenstaff; Glen Steenbuck; Bev Rhodes; Brigham Mellor; Kami Cox; Kathy Cox; Russ Childs; Delbert Vern Chadwick; Beverly Kirk; Matthew Wilkinson; Monte Johnson; Darrell Wade; Terri Wade; Sheena Gawer; Barbara Smith; Ken Parkes; Darienne McNamara; Kat Duttadway; Kylea Christensen; Jacob Cox; Jason Rabbitt; Don Triptow; Bill Yensen; Arlene Yensen; Les Townsend; Barbara Townsend; Al Abrams; John Donnell; JoAnn Abrams; Arlea Howell; David Kitselmer; Steve Chilow; Cathy Freeman; Duane Freeman; Steven Bart.

Mr. President, 2003 volunteers: Janece Tolber; George D'Apuzzo; Carl Berg, Laurie Berg; Myron Hatch; David Slauf; Taylor Birthisel; Linda Baldazzi; Bob Baldazzi; Sally Stephenson; Steve Stephenson; Roger Head; Bonnie Head; Pat Elliott; Jacqueline Dubois; Jerry Schwantz; Shirley Surfas; Pat Vanderwark; Keith Vanderwark; Joan Triptow; Jay Guymon; Kilby Andersen; Kelly Bringhurst; Marc Raines; Lisa Raines; Molly Swift; Chester Pierce; Dennis Broad; George Mulle; Rena Jensen; Roger Taylor; Maynie Begeman; Tobert Begeman; Bal Humble; Paul Wiener; Frances Wiener; Anne Bredon; Gail Taylor; Mike Llewellyn; Curtis Halliday; Dale Peck; Arlea Howell; Shannon Ducrest; Anne Basham; Brooke Ranter; Melissa Thomson; Michelle Bower; Jana Hightower; Brian Schlegel; Danny Diamond; Dallas Jones; Andrew Neff; Lindsay Connelley-Brown.

Mr. President, 2004 volunteers: Carla Ritter; Sheila Hughes; Don Hughes; Tracey O'Kelly; Jerry Harris; Jessica Williams.

Mr. President, 2005 volunteers: Paula Welker; Connie Welker; Kameron Evans; Dick Vos; Rogerta Champlin; Wally Champlin; Richard Berger; Justin Moosman; Christine Blum; Lamont Reynolds; Judy D'Apuzzo; Louise Snyder; Arleen Stillman; Lorene Reynolds; Freddie Arrighi.

To these dedicated volunteers and to all of those who will continue to volunteer, I say thank you.

ADDITIONAL STATEMENTS

HONORING THE STUDEBAKER NATIONAL MUSEUM

• Mr. BAYH. Mr. President, I rise today to pay tribute to a community landmark in northern Indiana. The Studebaker National Museum is home to more than 114 years of automobile history, including four presidential carriages and several vehicles from the original Studebaker collection.

The Studebaker name has been a significant part of the South Bend community since 1852 when the Studebaker brothers founded their blacksmith business. For more than a century, the Studebaker Corporation helped form the economic and social fabric of the area, employing tens of thousands of Hoosiers and providing classic affordable cars to thousands more.

In 1966, the Studebaker Corporation donated its collection of rare and antique vehicles, beginning the automobile collection at the Studebaker National Museum. The collection has continued to grow since then, demonstrating both Studebaker's famous craftsmanship and innovative design, as well as the evolution of the automobile industry. The collection now tells the story of America's Industrial Age, bringing the era to life for Hoosiers and Americans from across the country.

In addition to the educational and historical services it provides, the Studebaker National Museum is a committed leader in the development and growth of South Bend's vibrant economy and the revitalization of the Historic West Washington District.

Soon, the Museum will be relocating into the Historic West Washington District. On the occasion of this move, I commend the Studebaker National Museum on their impressive service to the community thus far and wish them well in their new location.●

DETROIT-WINDSOR TUNNEL'S 75TH ANNIVERSARY

● Mr. LEVIN. Mr. President, November 3 marks the 75th anniversary of the Detroit-Windsor Tunnel. Since it first opened to vehicle traffic in 1930, the Detroit-Windsor Tunnel has made a tremendous contribution not only to my home State of Michigan, but to our Nation as a whole. On the occasion of this historic milestone, I know my colleagues join me in recognition of the Detroit-Windsor Tunnel, the hard-working men and women who keep it operating, the thousands of Americans and Canadians who pass through it each day, and the critical role it plays in our economic relationship with Canada.

The Detroit-Windsor Tunnel serves as much more than a conduit for travel, it is a critical socioeconomic link between the United States and Canada. The idea for a tunnel to connect the cities of Detroit and Windsor was first conceived in the 1870s. After a number of failed attempts, Windsor Mayor Edward Blake Winter proposed a new tunnel project in 1919. Mayor Winter believed a tunnel would foster greater unity between the two countries and would serve as a memorial to the soldiers who were killed in World War I. After 11 years of planning and construction, this vision finally became a reality on November 1, 1930. On that day, President Herbert Hoover pressed a golden button in the U.S. Capitol officially opening the mile-long tunnel and forever changing and strengthening the relationship between the United States and Canada.

Today, the Detroit-Windsor Tunnel remains the only underwater international tunnel open to vehicular traffic in the world. Its construction in the late 1920s was unparalleled by any other tunnel in the world and took only 26 months to complete, nearly a year ahead of schedule. Amazingly, the tunnel allows four full lanes of traffic to cross the U.S.-Canadian border at a depth of 75 feet below the surface of the water.

However, it is not simply the marvel of the tunnel's engineering that we celebrate on its 75th anniversary. We must also recognize its continuing contributions to trade and travel between the United States and Canada. Approximately 29,000 vehicles pass through the tunnel each day, making the Detroit-Windsor Tunnel one of the 15 most heavily traveled border crossings in the United States.

Every day, untold numbers of workers, manufacturers, and suppliers on both sides of the border depend on the Detroit Windsor Tunnel to get to jobs and transport products. Thousands of families also use the tunnel. This movement of people and goods has an immeasurable impact on the economic health of Detroit and Windsor alike. In addition, the cross-border transit reinforces U.S.-Canadian relations.

It is with great pride that I honor the 75 years of valuable contributions made by the Detroit-Windsor Tunnel. I would like to extend my sincerest wishes of thanks and good luck to the people of Detroit and Windsor and the people who keep the tunnel operating as they work to make its future as productive and beneficial as its past.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 3:54 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House disagreed to the amendment of the Senate to the bill (H.R. 2419) entitled "An Act making appropriations for energy and water development for the fiscal year ending September 30, 2006, and for other purposes", and agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints the following Members as the managers of the conference on the part of the House: Mr. HOBSON, Mr. FRELINGHUYSEN, Mr. LATHAM, Mr. WAMP, Mrs. EMERSON, Mr. DOOLITTLE, Mr. SIMPSON, Mr. REHBERG, Mr. LEWIS of California, Mr. VISCLOSKY, Mr. EDWARDS, Mr. PASTOR, Mr. CLYBURN, Mr. BERRY, and Mr. OBEY.

The message also announced that the House passed the following bills, in which it requests the concurrence of the Senate:

H.R. 758. An act to establish an interagency aerospace revitalization task force to develop a national strategy for aerospace workforce recruitment, training, and cultivation.

H.R. 3256. An act to designate the facility of the United States Postal Service located at 3038 West Liberty Avenue in Pittsburgh, Pennsylvania, as the "Congressman James Grove Fulton Memorial Post Office Building".

H.R. 3368. An act to designate the facility of the United States Postal Service located at 6483 Lincoln Street in Gagetown, Michigan, as the "Gagetown Veterans Memorial Post Office".

H.R. 3675. An act to amend the Federal Trade Commission act to increase civil penalties for violations involving unfair or deceptive acts or practices that exploit popular reaction to an emergency or major disaster, and to authorize the Federal Trade Commission to seek civil penalties for such violations in actions brought under section 13 of that Act.

The message further announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 269. Concurrent resolution recognizing the 40th anniversary of the White House Fellows Program.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 758. An act to establish an interagency aerospace revitalization task force to develop a national strategy for aerospace workforce recruitment, training, and cultivation; to the Committee on Commerce, Science, and Transportation.

H.R. 3256. An act to designate the facility of the United States Postal Service located at 3038 West Liberty Avenue in Pittsburgh, Pennsylvania, as the "Congressman James Grove Fulton Memorial Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 3368. An act to designate the facility of the United States Postal Service located at 6483 Lincoln Street in Gagetown, Michigan, as the "Gagetown Veterans Memorial Post Office"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 3675. An act to amend the Federal Trade Commission Act to increase civil penalties for violations involving unfair or deceptive acts or practices that exploit popular reaction to an emergency or major disaster, and to authorize the Federal Trade Commission to seek civil penalties for such violations in actions brought under section 13 of that Act; to the Committee on Commerce Science, and Transportation.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 269. Concurrent resolution recognizing the 40th anniversary of the White House Fellows Program; to the Committee on the Judiciary.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-4404. A communication from the Assistant Attorney General, Department of Justice, transmitting, pursuant to law, the July 2005 AMBER Alert Report; to the Committee on the Judiciary.

EC-4405. A communication from the Secretary, Judicial Conference of the United States, transmitting, pursuant to law, a report relative to legislation that would authorize the remaining bankruptcy judgeships recommended by the Conference in February 2005; to the Committee on the Judiciary.

EC-4406. A communication from the Acting Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Agency, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Schedules of Controlled Substances: Placement of Pregabalin into Schedule V" (Docket No. DEA-267F) received on October 21, 2005; to the Committee on the Judiciary.

EC-4407. A communication from the Chief, Regulatory Review Group, Farm Service Agency, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Guaranteed Farm Ownership and Operating Loan Requirements" (RIN0560-AG65) received on October 21, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4408. A communication from the Chief, Regulatory Review Group, Farm Service Agency, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Dairy Disaster Assistance Program" (RIN0560-AH28) received on October 21, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4409. A communication from the Human Resources Specialist, Office of the Assistant Secretary for Administration and Management, Department of Labor, transmitting, pursuant to law, the report of nominations and the designation of acting officers for the positions of Assistant Secretary for Occupational Safety and Health and Assistant Secretary for Mine Safety and Health, received on October 21, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC-4410. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to adding a class of certain workers of Mallinckrodt Chemical Works to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC-4411. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Food Labeling: Nutrient Content Claims, Definition of Sodium Levels for the Term 'Healthy'" (RIN0910-AC49) received on October 21, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC-4412. A communication from the U.S. Global AIDS Coordinator, Department of State, transmitting, pursuant to law, a report on the President's Emergency Plan for AIDS Relief: Community and Faith-Based Organizations; to the Committee on Foreign Relations.

EC-4413. A communication from the Executive Secretary and Chief of Staff, U.S. Agency for International Development, transmitting, pursuant to law, the reports of a vacancy in the position of Inspector General and nominations for the positions of Inspector General and Assistant Administrator, received on October 21, 2005; to the Committee on Foreign Relations.

EC-4414. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 05-247-05-259); to the Committee on Foreign Relations.

EC-4415. A communication from the Under Secretary of Defense for Personnel and Readiness, transmitting, a report on the approved retirement of Lieutenant General Philip R. Kensinger, Jr., United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC-4416. A communication from the Under Secretary of Defense for Personnel and Readiness, transmitting, a report on the approved retirement of Vice Admiral Lowell E. Jacoby, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

EC-4417. A communication from the Acting Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Prohibition of Foreign Taxation on U.S. Assistance Programs" (DFARS Case 2004-D012) received on October 21, 2005; to the Committee on Armed Services.

EC-4418. A communication from the Acting Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Quality Control of Aviation Critical Safety Items and Related Services" (DFARS Case 2003-D101) received on October 21, 2005; to the Committee on Armed Services.

EC-4419. A communication from the Acting Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Extension of Partnership Agreement 8(a) Program" (DFARS Case 2005-D020) received on October 21, 2005; to the Committee on Armed Services.

EC-4420. A communication from the Acting Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Central Contractor Registration" (DFARS Case 2003-D040) received on October 21, 2005; to the Committee on Armed Services.

EC-4421. A communication from the Acting Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Advisory and Assistance Services" (DFARS Case 2003-D042) received on October 21, 2005; to the Committee on Armed Services.

EC-4422. A communication from the Acting Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Defense Logistics Agency Waiver Authority" (DFARS Case 2005-D019) received on October 21, 2005; to the Committee on Armed Services.

EC-4423. A communication from the Chairman, Flight 93 Advisory Commission, transmitting, pursuant to law, the Flight 93 National Memorial International Design Competition Summary Report to the Committee on Energy and Natural Resources.

EC-4424. A communication from the Attorney, Office of Assistant General Counsel for Legislation and Regulatory Law, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Energy Conservation Standards for Certain Consumer Products and Commercial and Industrial Equipment" (RIN1904-AB54) received on October 21, 2005; to the Committee on Energy and Natural Resources.

EC-4425. A communication from the Attorney, Office of Assistant General Counsel for Legislation and Regulatory Law, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Energy Conservation Program for Consumer Products: Test Procedures for Residential Central Air Conditioners and Heat Pumps" (RIN1904-AA46) received on October 21, 2005; to the Committee on Energy and Natural Resources.

EC-4426. A communication from the Deputy General Counsel for Equal Opportunity and Administrative Law, Office of General Counsel, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a nomination notification for the Presidentially-appointed Senate-confirmed position of Assistant Secretary for Public and Indian Housing received on October 21, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC-4427. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled "Letter Report: Certification of the Sufficiency of the Washington Convention Center Authority's Projected Revenues and Excess Reserve to Meet Projected Operating and Debt Service Expenditures and Reserve Requirements for Fiscal Year 2006"; to the Committee on Homeland Security and Governmental Affairs.

EC-4428. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled "Audit of Advisory Neighborhood Commission 3E for Fiscal Years 2003 and 2004"; to the Committee on Homeland Security and Governmental Affairs.

EC-4429. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled "Audit of Advisory Neighborhood Commission 2C for Fiscal Years 2003 Through 2005, as of March 31, 2005"; to the Committee on Homeland Security and Governmental Affairs.

EC-4430. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled "Audit of Advisory Neighborhood Commission 2F for Fiscal Years 2003 Through 2005, as of March 31, 2005"; to the Committee on Homeland Security and Governmental Affairs.

EC-4431. A communication from the Director, United States Holocaust Memorial Museum, transmitting, pursuant to law, a report entitled "A Strategic Plan for the Second Decade"; to the Committee on Homeland Security and Governmental Affairs.

EC-4432. A communication from the Acting Assistant Secretary and Chief Financial Officer, Department of State, transmitting, pursuant to law, a report on the Department's implementation of the Federal Financial Assistance Management Improvement Act of 1999; to the Committee on Homeland Security and Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. INHOFE, from the Committee on Environment and Public Works, without amendment and with a preamble:

S. Res. 255. A resolution recognizing the achievements of the United States Fish and Wildlife Service and the Waterfowl Population Survey.

By Mr. INHOFE, from the Committee on Environment and Public Works, without amendment:

S. 1285. A bill to designate the Federal building located at 333 Mt. Elliott Street in Detroit, Michigan, as the "Rosa Parks Federal Building".

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. DEMINT (for himself and Mr. GRAHAM):

S. 1921. A bill to promote freedom, fairness, and economic opportunity by repealing the income tax and other taxes, abolishing the Internal Revenue Service, and replacing such taxes with a national sales tax and a business tax; to the Committee on Finance.

By Mr. CONRAD (for himself, Mr. ROBERTS, Mr. BAUCUS, Mr. THUNE, Mr. JOHNSON, Mr. BROWNBACK, Mr. DORGAN, Mr. BURNS, Mr. SALAZAR, Mr. TALENT, Mr. BOND, Mr. ENZI, Mr. THOMAS, Mrs. LINCOLN, Mr. CRAPO, Mr. CORNYN, Mr. CRAIG, Mr. COLEMAN, Mr. ALLARD, Mr. REID, and Mr. CHAMBLISS):

S. 1922. A bill to authorize appropriate action if negotiations with Japan to allow the resumption of United States beef exports are not successful, and for other purposes; to the Committee on Finance.

By Ms. SNOWE (for herself, Mr. TALENT, and Mr. BOND):

S. 1923. A bill to address small business investment companies licensed to issue participating debentures, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Mr. DURBIN:

S. 1924. A bill to strengthen civil-military relationships by permitting State and local governments to enter into lease purchase agreements with the United States Armed Forces; to the Committee on Armed Services.

By Mr. KENNEDY (for himself, Mr. REID, Mr. HARKIN, Mr. DODD, Ms. MIKULSKI, Mr. REED, Mrs. BOXER, Mr. KERRY, Mr. DORGAN, Mr. SCHUMER, Mr. DAYTON, and Mr. LAUTENBERG):

S. 1925. A bill to provide for workers and businesses during the response to Hurricane Katrina and Hurricane Rita, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SCHUMER:

S. Res. 288. A resolution recognizing the life and accomplishments of Wellington Mara of New York; considered and agreed to.

ADDITIONAL COSPONSORS

S. 370

At the request of Mr. LOTT, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 370, a bill to preserve and protect the free choice of individual employees to form, join, or assist labor organizations, or to refrain from such activities.

S. 407

At the request of Mr. JOHNSON, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 407, a bill to restore health care coverage to retired members of the uniformed services, and for other purposes.

S. 492

At the request of Mr. FRIST, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 492, a bill to make access to safe water and sanitation for developing countries a specific policy objective of the United States foreign assistance programs, and for other purposes.

S. 632

At the request of Mr. LUGAR, the names of the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from South Carolina (Mr. DEMINT) were added as cosponsors of S. 632, a bill to authorize the extension of unconditional and permanent nondiscriminatory treatment (permanent normal trade relations treatment) to the products of Ukraine, and for other purposes.

S. 757

At the request of Mr. CHAFEE, the names of the Senator from Utah (Mr. BENNETT), the Senator from North Dakota (Mr. CONRAD), the Senator from Maine (Ms. SNOWE), the Senator from Vermont (Mr. LEAHY) and the Senator from Louisiana (Mr. VITTER) were added as cosponsors of S. 757, a bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

S. 828

At the request of Mr. HARKIN, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 828, a bill to enhance and further research into paralysis and to improve rehabilitation and the quality of life for persons living with paralysis and other physical disabilities, and for other purposes.

S. 939

At the request of Mr. MARTINEZ, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 939, a bill to expedite payments of certain Federal emergency assistance authorized pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act, and to direct the Secretary of Homeland Security to exercise certain authority provided under that Act.

S. 1002

At the request of Mr. GRASSLEY, the name of the Senator from New Hampshire (Mr. SUNUNU) was added as a cosponsor of S. 1002, a bill to amend title XVIII of the Social Security Act to make improvements in payments to hospitals under the medicare program, and for other purposes.

S. 1004

At the request of Mr. ALLEN, the name of the Senator from South Carolina (Mr. DEMINT) was added as a cosponsor of S. 1004, a bill to provide the Federal Trade Commission with the resources necessary to protect users of the Internet from the unfair and deceptive acts and practices associated with spyware, and for other purposes.

S. 1110

At the request of Mr. PRYOR, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 1110, a bill to amend the Federal Hazardous Substances Act to require engine coolant and antifreeze to contain a bittering agent in order to render the coolant or antifreeze unpalatable.

S. 1138

At the request of Mr. ALLEN, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 1138, a bill to authorize the placement of a monument in Arlington National Cemetery honoring the veterans who fought in World War II as members of Army Ranger Battalions.

S. 1197

At the request of Mr. BAUCUS, his name was added as a cosponsor of S. 1197, a bill to reauthorize the Violence Against Women Act of 1994.

S. 1272

At the request of Mr. NELSON of Nebraska, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1272, a bill to amend title 46, United States Code, and title II of the Social Security Act to provide benefits to certain individuals who served in the United States merchant marine (including the Army Transport Service and the Naval Transport Service) during World War II.

S. 1285

At the request of Ms. STABENOW, the names of the Senator from Vermont (Mr. JEFFORDS) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of S. 1285, a bill to designate the Federal building located at 333 Mt. Elliott Street in Detroit, Michigan, as the "Rosa Parks Federal Building".

S. 1358

At the request of Mr. DURBIN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1358, a bill to protect scientific integrity in Federal research and policymaking.

S. 1504

At the request of Mr. ENSIGN, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 1504, a bill to establish a market driven telecommunications marketplace, to eliminate government managed competition of existing communication service, and to provide parity between functionally equivalent services.

S. 1513

At the request of Mr. NELSON of Florida, his name was added as a cosponsor of S. 1513, a bill to reauthorize the HOPE VI program for revitalization of severely distressed public housing, and for other purposes.

S. 1779

At the request of Mr. AKAKA, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1779, a bill to amend the Humane Methods of Livestock Slaughter Act of 1958 to ensure the humane slaughter of nonambulatory livestock, and for other purposes.

S. 1841

At the request of Mr. NELSON of Florida, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 1841, a bill to amend title XVIII of the Social Security Act to provide extended and additional protection to Medicare beneficiaries who enroll for the Medicare prescription drug benefit during 2006.

S. 1864

At the request of Mr. TALENT, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 1864, a bill to amend the Internal Revenue Code of 1986 to treat certain farming business machinery and equipment as 5-year property for purposes of depreciation.

S. 1920

At the request of Mr. OBAMA, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 1920, a bill to amend the Clean Air Act to establish a renewable diesel standard, and for other purposes.

S. RES. 180

At the request of Mr. SCHUMER, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. Res. 180, a resolution supporting the goals and ideals of a National Epidermolysis Bullosa Awareness Week to raise public awareness and understanding of the disease and to foster understanding of the impact of the disease on patients and their families.

S. RES. 273

At the request of Mr. COLEMAN, the names of the Senator from Arkansas (Mr. PRYOR) and the Senator from Virginia (Mr. ALLEN) were added as cosponsors of S. Res. 273, a resolution expressing the sense of the Senate that the United Nations and other international organizations shall not be allowed to exercise control over the Internet.

S. RES. 282

At the request of Mr. BIDEN, the names of the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of S. Res. 282, a resolution supporting the goals and ideals of National Domestic Violence Awareness Month and expressing the sense of the Senate that Congress should raise awareness of domestic violence in the United States and its devastating effects on families.

At the request of Ms. MURKOWSKI, her name was added as a cosponsor of S. Res. 282, supra.

S. RES. 287

At the request of Mr. LEVIN, the names of the Senator from Hawaii (Mr. AKAKA), the Senator from Montana (Mr. BAUCUS), the Senator from Indiana (Mr. BAYH), the Senator from Delaware (Mr. BIDEN), the Senator from New Mexico (Mr. BINGAMAN), the Senator from West Virginia (Mr. BYRD), the Senator from Washington (Ms. CANTWELL), the Senator from Delaware (Mr. CARPER), the Senator from North Dakota (Mr. CONRAD), the Senator from New Jersey (Mr. CORZINE), the Senator from Minnesota (Mr. DAYTON), the Senator from Connecticut (Mr. DODD), the Senator from North Dakota (Mr. DORGAN), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Hawaii (Mr. INOUYE), the Senator from Vermont (Mr. JEFFORDS), the Senator from South Dakota (Mr. JOHNSON), the Senator from Wisconsin (Mr. KOHL), the Senator from Louisiana (Ms. LANDRIEU), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Vermont (Mr. LEAHY), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Arkansas (Mrs. LINCOLN), the Senator from Maryland (Ms. MIKULSKI), the Senator from Washington (Mrs. MURRAY), the Senator from Florida (Mr. NELSON), the Senator from Nebraska (Mr. NELSON), the Senator from Arkansas (Mr. PRYOR), the Senator from Rhode Island (Mr. REED), the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from Colorado (Mr. SALAZAR), the Senator from Maryland (Mr. SARBANES) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. Res. 287, a resolution honoring the life of and expressing the condolences of the Senate on the passing of Rosa Parks.

AMENDMENT NO. 2193

At the request of Mr. THUNE, the names of the Senator from Rhode Island (Mr. CHAFEE) and the Senator from Montana (Mr. BURNS) were added as cosponsors of amendment No. 2193 proposed to H.R. 3010, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 2194

At the request of Mr. REED, the names of the Senator from New Jersey (Mr. CORZINE) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of amendment No. 2194 proposed to H.R. 3010, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 2200

At the request of Mr. NELSON of Florida, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of amendment No. 2200 intended to be proposed to H.R. 3010, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 2218

At the request of Mr. BINGAMAN, the names of the Senator from Texas (Mrs. HUTCHISON), the Senator from Massachusetts (Mr. KENNEDY), the Senator from New York (Mrs. CLINTON), the Senator from Connecticut (Mr. DODD), the Senator from Washington (Mrs. MURRAY) and the Senator from Colorado (Mr. SALAZAR) were added as cosponsors of amendment No. 2218 proposed to H.R. 3010, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 2219

At the request of Mr. BINGAMAN, the names of the Senator from Nevada (Mr. REID), the Senator from Massachusetts (Mr. KENNEDY), the Senator from New York (Mrs. CLINTON), the Senator from Connecticut (Mr. DODD) and the Senator from Colorado (Mr. SALAZAR) were added as cosponsors of amendment No. 2219 proposed to H.R. 3010, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 2228

At the request of Mr. DURBIN, the names of the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from New Mexico (Mr. BINGAMAN) and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of amendment No. 2228 proposed to H.R. 3010, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 2246

At the request of Mr. KENNEDY, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of amendment No. 2246 proposed to H.R. 3010, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 2254

At the request of Mr. DODD, the names of the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Michigan (Ms. STABENOW) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of amendment No. 2254 proposed to H.R. 3010, a bill making appropriations for the Departments of Labor, Health and Human

Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 2257

At the request of Mrs. FEINSTEIN, the names of the Senator from New York (Mr. SCHUMER), the Senator from New Jersey (Mr. CORZINE) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of amendment No. 2257 intended to be proposed to H.R. 3010, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 2261

At the request of Mr. COLEMAN, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of amendment No. 2261 intended to be proposed to H.R. 3010, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 2262

At the request of Mr. BINGAMAN, the names of the Senator from Colorado (Mr. SALAZAR), the Senator from Nevada (Mr. REID), the Senator from Massachusetts (Mr. KENNEDY), the Senator from New York (Mrs. CLINTON), the Senator from Connecticut (Mr. DODD), the Senator from Washington (Mrs. MURRAY) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of amendment No. 2262 proposed to H.R. 3010, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. SNOWE (for herself, Mr. TALENT, and Mr. BOND):

S. 1923. A bill to address small business investment companies licensed to issue participating debentures, and for other purposes; to the Committee on Small Business and Entrepreneurship.

Ms. SNOWE. Mr. President, I rise to support the "Small Business Investment and Growth Act of 2005," which I have introduced today to facilitate increased investments in small businesses throughout this country. I am pleased to be joined by my esteemed colleagues from Missouri, Senator JIM TALENT and Senator KIT BOND, in sponsoring this bill.

As Chair of the Senate Committee on Small Business and Entrepreneurship, I am committed to supporting our Nation's small businesses by increasing their access to capital. Small businesses comprise 99.7 percent of all businesses in the United States. Moreover, small businesses employ more than half, 57 percent, of the total private-sector workforce, and are responsible for the creation of more than two-thirds of all new jobs. Clearly, increasing investments in small businesses is crucial to our on-going economic success.

This bill will reform and enhance the Small Business Administration's SBIC program, a program that is vital to fostering innovation, growth, and job creation in small businesses throughout our country. Small Business Investment Companies (SBICs) are privately-owned and managed venture capital investment companies that are licensed and regulated by the SBA. SBICs use their own capital, combined with funds borrowed from other private investors and supported by an SBA guarantee, to make equity and debt investments in qualifying small businesses. The SBA shares in the profits of SBICs. The structure of the program is unique and has been a model for similar public-private partnerships around the world.

The program has been successful in mobilizing private venture capital investment, and leveraging that private investment with additional funds supported by SBA guarantees. According to the SBA's annual reports to Congress, the SBIC program has provided over $17.2 billion in financing to small businesses since the beginning of Fiscal Year 1999. Each year, this financing allows small businesses to create or retain tens of thousands of jobs. For instance, according to the SBA's Office of Advocacy, in 2004 alone SBIC investments helped small businesses create or retain approximately 81,042 jobs.

There are currently two types of SBIC Programs, the Participating Securities Program and the Debenture Program. Unfortunately, the Participating Securities Program stopped issuing new financing to SBICs at the beginning of FY 2005 because the program had ceased to be a zero-subsidy program, and there were no Federal appropriations to support the program. The Debenture Program has not suffered similar losses, and is unaffected by this bill.

This bill would create a third type of SBIC program, the "Participating Debenture" SBIC Program, that would replace the Participating Securities program. This new program would be a "zero-subsidy" program, with no Federal appropriations necessary, that would provide financing with equity characteristics to small businesses. In response to two major problems suffered by the Participating Securities Program, the new Participating Debenture program would seek to a, ensure that a participating debenture is considered a debt instrument for Federal budgetary purposes, and b, prevent financial losses by the SBA by increasing the SBA's share of SBICs' profits.

Together with Senator TALENT and Senator BOND, I plan to foster a debate in the Small Business Committee about this bill and move toward a successful rejuvenation of the equity portion of the SBIC program. I believe that a full discussion about the proposal by the SBA, the SBICs, and experts in the venture capital industry will be necessary to achieve this progress.

In July 2005 a bill, H.R. 3429, was introduced in the House that would also create a new program to replace the Participating Securities program. The bill we are introducing has some elements in common with that House bill, but goes further to clarify the manner in which the SBIC program would operate, and to bring the program into greater compliance with budgetary guidelines.

This bill will allow the SBA to guarantee the repayment of the redemption price, principal, and interest for a new type of security, a "participating debenture," issued by a SBIC. This type of guarantee (of principal and interest for a security issued by an SBIC) existed in the two other SBIC programs, and for those other two programs it was explicitly authorized in the Small Business Investment Act of 1958 (the SBIA). This bill will also authorize the SBA to guarantee the repayment to an "interim funding provider" (an IFP) of any funds lost by the IFP because of the default of an SBIC during the period after the IFP has advanced monies to the SBIC, and before the IFP has been repaid for those funds. This type of guarantee existed in practice in the two other SBIC programs, but was not authorized by the SBIA Thus, this provision rectifies that problem and brings the new program into compliance with the Federal Credit Reform Act of 1990 (the FCRA).

Another section of the bill authorizes the SBA to guarantee the payment of the redemption price and interest for a trust certificate issued by a trustee of a pool of PDs. This type of guarantee existed in the two prior SBIC programs, but was not authorized by the SBIA. Similar to the current Participating Securities and Debenture SBIC programs, the Participating Debenture (PD) program will raise funds by pooling the securities issued by SBICs into a pool and selling trust certificates that represent interests in that pool. Thus, this provision rectifies that problem and brings the new program more into compliance with the FCRA.

Our bill includes all of the provisions of H.R. 3429 that address redemption and interest, and also includes several additional provisions. First, the bill includes repayment in default. It authorizes the SBA to guarantee repayment to IFPs for funds lost due to the default of an SBIC. The bill also authorizes the SBA to guarantee the payment of the redemption price and interest for trust certificates issued by a trustee of a pool of PDs. For each of the guarantees authorized here, the SBA is empowered to charge a fee.

The fee authorized above will be sufficient to reduce to zero the net cost to the SBA of each guarantee. For the other two SBIC programs, the SBIA only explicitly authorized such a fee for the first guarantee, mentioned above, and did not authorize such a fee for the other two types of guarantees. Thus, this provision rectifies that problem and brings the new program into compliance with the FCRA. This section is not found in H.R. 3429.

The obligations that each SBIC hold to repay the SBA will be identical, or "matched", in both size and timing to the obligations that the SBA holds to repay to the trust certificate holders that have purchased trust certificates in the pool that holds that particular SBICs' PDs. For advancing funds to an SBIC in accordance with the SBIC's license agreement with the SBA, an IFP shall have the right to receive interest from the SBIC. The manner of calculating and collecting this interest is specified. These sections is not found in H.R. 3429. The aggregate unpaid principal balance of the PDs issued by a SBIC must not exceed 200 percent of that company's private capital. In other words, the maximum ratio of the SBA's outstanding investment in the SBIC, when compared to the private investors' investment, is 2:1. This method would be identical to the two current SBIC programs.

The bill permits the SBA may authorize a trust or pool acting on behalf of the SBA to purchase PDs from an SBIC. This practice occurs in the other two SBIC programs, but is not explicitly authorized by the SBIA. The principal balance of each PD will be payable in full not later than the tenth anniversary of the date of issuance of that PD. If a SBIC fails to make this payment they default immediately and are liquidated. This was not the case in the other two SBIC programs. Thus, both of these provisions bring this new program more into compliance with the FCRA.

Our bill, unlike the House bill, adds that if an SBIC fails to repay the required principle and interest by a date no later than the tenth anniversary of the original issuance, the SBIC defaults immediately and must be liquidated. Beginning on the date of issuance, interest on the principal balance outstanding of a PD shall accrue on a daily basis, and unpaid accrued interest shall compound every six months. There are no interest payments during the first five years of a PD. All unpaid interest on a PD accruing during the first five years will be due and payable in full out of gross receipts on the fifth anniversary. Interest accruing on a PD after the fifth anniversary will be due and payable semiannually. Interest payments used to be contingent on a SBIC's profitability. In this proposal, the payments are due regardless of a SBIC's financial situation and if a payment is missed the SBA has the right to liquidate the SBIC. Thus, this provision brings this new program more into compliance with the FCRA.

In addition, the SBA is authorized to charge an additional fee, as necessary to reduce the cost of the program to zero, as that term is defined in the FCRA, but the fee is capped at 1.5 percent, this may need to be adjusted. This type of fee existed in the other two SBIC programs. If a SBIC fails to pay any principal or interest on a PD when due, the Administration, in addition to any other remedies that it may have, can demand immediate repayment of the principal balance and all accrued interest on all outstanding PDs of that SBIC. This was not the case in the other two programs; thus, this provision brings the new program more into compliance with the FCRA. If a default occurs, the SBA has the right to charge a default rate of interest. Again, this is an improvement on the existing program. Finally, if a default occurs, the SBA may apply the SBIC's private collateral, its private investments, to pay any interest or principal that the SBIC owes the SBA. Again, this is an improvement (a crucial improvement) on the existing program.

The bill offers several additions, in this regard, to the House bill. If default occurs, the SBA can charge a default rate of interest. The SBA can also make use of private investments to pay any interest or principle owed to the SBA by the SBIC. In the event of a SBIC's liquidation, a PD will be senior in priority for all purposes to any equity interests, in other words, the SBA will have first priority to reimbursement. Also, the SBIC's private collateral may, at the option of the SBA, be applied to pay accrued interest and principal of outstanding PDs.

In the event of a default by an SBIC, a PD will be senior in priority for all purposes to any equity interests, in other words, the SBA will have first priority to reimbursement. Also, the SBIC's private collateral may, at the option of the SBA, be applied to pay accrued interest and principal of outstanding PDs. The bill has an additional section for the defaults of the SBIC. The section creates rights for the SBA, in case of default, that are the same as the SBA's rights in liquidation. An SBIC also commits to invest private equity in small businesses, to match the capital raised by its PDs. An SBIC in this program shall have no other debt other than financing obtained pursuant to this program.

Unless otherwise allowed by the SBA, an SBIC may used the proceeds of a PD issued by the company to pay the principal and interest due on outstanding PDs issued by that company, if the SBIC has outstanding private equity capital invested in an amount equal to that being refinanced. This section of the Senate bill adds that an SBIC may use proceeds of a PD if it has outstanding private equity capital invested in an amount equal to that be refinanced.

Unless otherwise provided, an SBIC's gross receipts shall be used first for the payment of accrued interest on PDs, and then for repayment of PD principal and private investments into the SBIC, and then for profit distributions. Gross Receipts means all cash received by a SBIC, including proceeds of the sale of securities, management or other fees, and cash representing return of invested capital, other than capital contributed by partners, the proceeds of the issuance of PDs, and money borrowed from other sources, if any. Marketable Securities that the company distributes in kind will be distributed as if they were Gross Receipts.

When an SBIC misses a payment, the SBA may choose not to liquidate the SBIC and the SBIC may continue to operate. In such a case, a SBIC must use Gross Receipts within 10 days after receipt to repay any outstanding past due interest and past due principal. If a SBIC has no outstanding past due interest or principal, it must use Gross Receipts to prepay accrued interest. Such prepayment will be due not later than the end of the calendar quarter during which such Gross Receipts were received. Failure to prepay accrued interest will be deemed a Payment Default. At such time as there is no unpaid, accrued interest or past due principal outstanding on a SBIC's PDs, the SBIC may use Gross Receipts to prepay PD principal that is not past due. If any Gross Receipts remain, they may be paid to private investors to repay their investments. As long as there are any outstanding PDs, a SBIC may distribute Gross Receipts to its limited partners but only if they distribute at least a pro-rata share simultaneously to the administration.

If Gross Receipts remain after the payment of all required payments, remaining funds can be used for profit distributions. When all PD principal and all private capital has been repaid in full, post-amortization payments may made be made to the administration. The payments are 25 precent of their pro-rata share until private investors have received 100 percent of their principal; and thereafter, 50 percent of their pro-rata share. The order of payments are: interest payments, principal payments, pre-payments, pre-amortization payments, and post-amortization payments. This provision provides for tax distributions that are required by law, as necessary. No distribution may violate liquidity requirements or other restrictions imposed by the SBA's regulations or any State's law.

At any time a SBIC is in restricted operation or liquidation by reason of capital impairment or regulatory violation, the maturity date of the SBIC's PDs, including principal and accrued interest, is subject to acceleration at the option of the administration, and whether or not there has been such an acceleration, up to 100 percent of all Gross Receipts and unfunded private investor commitments may, at the option of the administration, be required to be distributed to the administration until all accrued interest and principal on the SBIC's PDs have been paid in full. No distributions will be made to limited partners when a SBIC is in restricted operations or liquidation due to capital impairment or regulatory violation. This section of the bill details the procedures and requirements that would apply if an SBIC provided a partial repayment to the SBA in the form of securities, rather than cash.

Another section details the schedule under which payments will be made to the SBA by an SBIC. Subject to SBA regulations and the permission of private investors, an SBIC may reinvest Gross Receipts back into small businesses. In addition, the bill provides that after re-payments have occurred in this program, the SBA's share of such re-payments shall not be reduced or recalculated. This section does not create any ownership interest for the SBA in any SBICs. Rather, the relationship is one of lender-borrower.

I urge my colleagues to support this bill. Too much is at stake for small businesses, and the economy as a whole, to allow this critical legislation to languish. Congress must find essential agreement and fulfill its obligation to America's small businesses. Failing to advance this bill would diminish our chances for innovation, and stifle the entrepreneurial opportunities this program will produce. Instead, we have an opportunity to support these key attributes of American small businesses.

By Mr. DURBIN:

S. 1924. A bill to strengthen civil-military relationships by permitting State and local governments to enter into lease purchase agreements with the United States Armed Forces; to the Committee on Armed Services.

Mr. DURBIN. Mr. President. I have often said here on the floor of the Senate that by working together, we in America can build a better future for all of us. Rather than limit our potential with an every-man-for-himself philosophy, we should find ways to work together. Anyone who has ever played sports can recall their coach's encouragement to use teamwork. That was good advice for athletics and it's a good idea in public policy too. America could use a little bit more of a teamwork society.

Today I rise to introduce the Base and Community Lease-Purchase Expansion Act. The purpose of this bill is to provide more opportunity for military bases to enter into cooperative agreements with the governments of the communities in which they are located.

One of the options available to the military for obtaining the facilities and office space it needs is the lease-purchase agreement. In this sort of arrangement, the military service contracts with an entity that agrees to construct a building on military land. The military then makes lease payments over a term of several years. At the end of that term the building becomes the property of the government. Current law says that the military services may enter into an agreement such as this only with a "private contractor."

The bill I offer today expands the range of entities with which the military can enter into these agreements so that the door can be opened to cooperative lease-purchase arrangements between the military and governments at the local and State level.

We know from the recent round of base closures and realignments that communities across the Nation are closely connected to the military installations situated nearby. The health and prosperity of one has a direct effect on the health and prosperity of the other. It is only prudent to allow the two to work together when it will benefit both the base and the community to do so. And what more stable partner could a military base have than the local government that welcomes its presence and role in the local community?

In my own State of Illinois, for example, we are very proud to be host to Scott Air Force Base, home to the United States Transportation Command, the Air Force's Air Mobility Command, and some tireless flying units that move troops and materials all over the world in defense of our Nation. St. Clair County, where Scott Air Force Base is located, has for some time been willing to discuss with the Air Force the idea of working together on a lease-purchase agreement. That idea cannot get off the ground; much less take flight, however, so long as the current law strictly limits such agreements to private contractors.

This is just one example from my own State of Illinois. I expect there may be other military installations and their neighboring jurisdictions that also might like to work together in a similar fashion. The Base and Community Lease-Purchase Expansion Act which I introduce today will help open the door to that sort of teamwork.

America is strongest when the military and civilian parts of our society work together in partnership on projects of mutual benefit. To that end we must work to reduce barriers and seize opportunities to foster cooperation between military installations and the states and local jurisdictions in which they are located. In so doing, we lay the foundation for mutual understanding, a strong military and enduring communities.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 288—RECOGNIZING THE LIFE AND ACCOMPLISHMENTS OF WELLINGTON MARA OF NEW YORK

Mr. SCHUMER submitted the following resolution; which was considered and agreed to:

S. RES. 288

Whereas Tim Wellington Mara was born on August 14, 1916 in New York City;

Whereas Wellington Mara became a ball boy for the New York Giants at the age of 9;

Whereas Wellington Mara was made co-owner of the New York Giants in 1930 at the age of 14;

Whereas Wellington Mara graduated from Loyola High School, a Jesuit institution in Manhattan, and then attended Fordham University;

Whereas the only interruption in Wellington Mara's 81 years with the New York Giants organization occurred during World War II, when he served with distinction for more than 3 years in the Navy, seeing action in both the Atlantic and Pacific theaters aboard aircraft carriers;

Whereas Wellington Mara was instrumental in crafting an agreement in which larger market teams shared television revenue with smaller market teams, thereby allowing football to thrive throughout the United States;

Whereas under nearly 80 years of Wellington Mara's leadership, the New York Giants made 26 postseason appearances, the second highest in league history, including 18 National Football League Divisional championships, and 6 National Football League championships;

Whereas Wellington Mara displayed an unwavering commitment to his players and coaches by finding doctors for former players, paying for medical expenses, and arranging help for their families;

Whereas Wellington Mara was an invaluable contributor to the National Football League as a member of many ownership committees and has been recognized for always putting the interests of the game ahead of what was best for the New York Giants;

Whereas, in 1997, Wellington Mara was elected to the Professional Football Hall of Fame, joining his father, Tim Mara, who was a charter member of the Hall of Fame; and

Whereas, at the end of a life dedicated to the great game of football, its fans, and players, Wellington Mara passed away on October 25, 2005, at the age of 89: Now, therefore, be it

Resolved, That the Senate—

(1) expresses its most sincere condolences to the family of Wellington Mara, the former Ann Mumm, whom he married in 1954, their 11 children, and 40 grandchildren; and

(2) recognizes the life and accomplishments of Wellington Mara, who, for more than 8 decades, dedicated his life to the New York Giants and their millions of fans and supporters.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2268. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes.

SA 2269. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 2270. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 2271. Mr. AKAKA submitted an amendment intended to be proposed by him to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 2272. Mr. NELSON of Nebraska (for himself and Mr. DeWine) submitted an amendment intended to be proposed by him to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 2273. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 2274. Mr. NELSON of Nebraska (for himself and Mr. Carper) submitted an amendment intended to be proposed by him to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 2275. Mr. BYRD (for himself, Mr. Lieberman, Mr. Corzine, Mr. Rockefeller, Mr. Schumer, Mr. Kerry, Mr. Reed, Mr. Reid, Mr. Kennedy, Mr. Bingaman, Mr. Dodd, Mr. Kohl, Mrs. Murray, Mr. Lautenberg, Ms. Mikulski, Mrs. Clinton, and Mr. Dayton) proposed an amendment to the bill H.R. 3010, supra.

SA 2276. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 2277. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 3010, supra.

SA 2278. Mr. FRIST submitted an amendment intended to be proposed by him to the bill H.R. 3010, supra.

SA 2279. Mr. FEINGOLD (for himself and Ms. Collins) submitted an amendment intended to be proposed by him to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 2280. Mr. HARKIN submitted an amendment intended to be proposed by him to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 2281. Mr. HARKIN (for himself, Mr. Kennedy, Mr. Reid, Mr. Durbin, Mr. Bayh, and Mr. Johnson) submitted an amendment intended to be proposed by him to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 2282. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 2283. Mr. HARKIN (for himself, Mr. Kennedy, Mr. Reid, Mr. Durbin, Mr. Obama, Mr. Bayh, Mr. Kohl, Ms. Mikulski, Mrs. Clinton, Mr. Johnson, Mr. Dayton, and Mr. Byrd) proposed an amendment to the bill H.R. 3010, supra.

SA 2284. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 2285. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill H.R. 3010, supra.

SA 2286. Mr. REED submitted an amendment intended to be proposed by him to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 2287. Mrs. BOXER (for herself and Mr. Ensign) submitted an amendment intended to be proposed by her to the bill H.R. 3010, supra.

SA 2288. Ms. STABENOW (for herself and Ms. Snowe) submitted an amendment intended to be proposed by her to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 2289. Mr. DAYTON submitted an amendment intended to be proposed by him to the bill H.R. 3010, supra.

SA 2290. Mr. GREGG submitted an amendment intended to be proposed by him to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 2291. Mr. SPECTER submitted an amendment intended to be proposed by him to the bill H.R. 3010, supra.

SA 2292. Mrs. CLINTON (for herself, Mr. Dodd, Mr. Kennedy, Mr. Jeffords, Ms. Stabenow, Mr. Dayton, Mr. Lieberman, Mr. Reid, Mr. Lautenberg, Mr. Kohl, Mr. Corzine, Ms. Mikulski, Mr. Durbin, Mr. Rockefeller, Mr. Johnson, and Mr. Kerry) proposed an amendment to the bill H.R. 3010, supra.

SA 2293. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 2294. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 2295. Mr. ENZI submitted an amendment intended to be proposed by him to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 2296. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 2297. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 2298. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 2299. Mr. COCHRAN submitted an amendment intended to be proposed by him to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 2300. Mr. ENSIGN (for himself, Mr. Warner, and Mr. Allen) submitted an amendment intended to be proposed by him to the bill H.R. 3010, supra.

SA 2301. Mr. OBAMA (for himself, Mr. Durbin, Mr. Kerry, Mrs. Clinton, Mr. Dodd, and Mr. Corzine) submitted an amendment intended to be proposed by him to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 2302. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 2303. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 2304. Mr. HAGEL (for himself, Mr. Alexander, Mr. Roberts, Mr. Warner, and Ms. Murkowski) submitted an amendment intended to be proposed by him to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 2305. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 2306. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 2307. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 2308. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 2309. Ms. COLLINS (for herself and Mr. Reed) submitted an amendment intended to be proposed by her to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 2310. Mr. STEVENS (for himself and Mrs. Murray) submitted an amendment intended to be proposed by him to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 2311. Mr. SUNUNU submitted an amendment intended to be proposed by him to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 2312. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 2313. Mrs. CLINTON (for herself and Mr. Schumer) proposed an amendment to the bill H.R. 3010, supra.

SA 2314. Mr. CONRAD submitted an amendment intended to be proposed by him to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 2315. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill H.R. 3010, supra.

SA 2316. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 2317. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 2318. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 2319. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 2320. Mr. OBAMA submitted an amendment intended to be proposed by him to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 2321. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 2322. Mr. HARKIN submitted an amendment intended to be proposed by him to the bill H.R. 3010, supra.

SA 2323. Mr. HARKIN submitted an amendment intended to be proposed by him to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 2324. Mr. ALLEN (for himself and Mr. Warner) submitted an amendment intended to be proposed by him to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 2325. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 2326. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 2327. Mr. COLEMAN (for himself and Mr. Bingaman) submitted an amendment intended to be proposed by him to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 2328. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 2329. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 2330. Mr. WARNER (for himself and Mr. Leahy) proposed an amendment to the bill S. 1285, to designate the Federal building located at 333 Mt. Elliott Street in Detroit, Michigan, as the "Rosa Parks Federal Building".

SA 2331. Mr. ENZI submitted an amendment intended to be proposed to amendment SA 2283 proposed by Mr. Harkin (for himself, Mr. Kennedy, Mr. Reid, Mr. Durbin, Mr. Obama, Mr. Bayh, Mr. Kohl, Ms. Mikulski, Mrs. Clinton, Mr. Johnson, Mr. Dayton, and Mr. Byrd) to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table.

SA 2332. Mr. ENZI submitted an amendment intended to be proposed to amendment SA 2283 proposed by Mr. Harkin (for himself, Mr. Kennedy, Mr. Reid, Mr. Durbin, Mr. Obama, Mr. Bayh, Mr. Kohl, Ms. Mikulski, Mrs. Clinton, Mr. Johnson, and Mr. Dayton) to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 2333. Mr. ENZI submitted an amendment intended to be proposed to amendment SA 2283 proposed by Mr. Harkin (for himself, Mr. Kennedy, Mr. Reid, Mr. Durbin, Mr. Obama, Mr. Bayh, Mr. Kohl, Ms. Mikulski, Mrs. Clinton, Mr. Johnson, and Mr. Dayton) to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 2334. Mr. ENZI submitted an amendment intended to be proposed to amendment SA 2288 submitted by Ms. Stabenow (for herself and Ms. Snowe) and intended to be proposed to the bill H.R. 3010, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2268. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

At the appropriate place, insert the following:

Sec. ____. (a) Section 316 of the Immigration and Nationality Act (8 U.S.C. 1427), is amended by adding at the end the following:

"(g)(1) The continuous residency requirement under subsection (a) may be reduced to 3 years for an applicant for naturalization if—

"(A) the applicant is the beneficiary of an approved petition for classification under section 204(a)(1)(E);

"(B) the applicant has been approved for adjustment of status under section 245(a); and

"(C) such reduction is necessary for the applicant to represent the United States at an international event.

"(2) The Secretary of Homeland Security shall adjudicate an application for naturalization under this section not later than 30 days after the submission of such application if the applicant—

"(A) requests such expedited adjudication in order to represent the United States at an international event; and

"(B) demonstrates that such expedited adjudication is related to such representation.

"(3) An applicant is ineligible for expedited adjudication under paragraph (2) if the Secretary of Homeland Security determines that such expedited adjudication poses a risk to national security. Such a determination by the Secretary shall not be subject to review.

"(4)(A) In addition to any other fee authorized by law, the Secretary of Homeland Security shall charge and collect a $1,000 premium processing fee from each applicant described in this subsection to offset the additional costs incurred to expedite the processing of applications under this subsection.

"(B) The fee collected under subparagraph (A) shall be deposited as offsetting collections in the Immigration Examinations Fee Account.".

(b) The amendment made by subsection (a) is repealed on January 1, 2006.

SA 2269. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

Sec. . (a) None of the funds made available in this Act may be used to provide abstinence education that includes information that is medically inaccurate. For purposes of this section, the term "medically inaccurate" means information that is unsupported or contradicted by peer-reviewed research by leading medical, psychological, psychiatric, and public health publications, organizations and agencies.

SA 2270. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 178, after line 25, insert the following:

Sec. . None of the funds made available under this Act may be used to enroll beneficiaries under Part D of title XVIII of the Social Security Act for a prescription drug plan or an MA-PD plan that contains an initial coverage limit (as described in section 1860D-2(b)(3) of such Act), unless the beneficiary signs a certification of the following in a typeface of not less than 18 points: "I understand that the Medicare Prescription Drug Plan or MA-PD Plan that I am signing up for may result in a gap in coverage during a given year. I understand that if subject to this gap in coverage, I will be responsible for paying 100 percent of the cost of my prescription drugs and will continue to be responsible for paying the plan's monthly premium while subject to this gap in coverage.".

SA 2271. Mr. AKAKA submitted an amendment intended to be proposed by him to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title II, insert the following:

Sec. ____. Notwithstanding any other provision of law, the Secretary of Health and Human Services shall compute a DSH allotment for the State of Hawaii for fiscal year 2006 for purposes of the Medicaid program under title XIX of the Social Security Act that is comparable to the DSH allotments determined under that program for other States with a statewide waiver in effect under section 1115 of such Act.

SA 2272. Mr. NELSON of Nebraska (for himself and Mr. DeWine) submitted an amendment intended to be proposed by him to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 222, between lines 5 and 6, insert the following:

Sec. _____. (a) Congress makes the following findings:

(1) The American Jobs Creation Act of 2004 permitted the outsourcing or privatization by the Internal Revenue Service of collection of unpaid and past due federal income taxes.

(2) The Internal Revenue Service is about to issue to private-sector debt collection companies tax collection contracts that will create up to 4,000 well paying private-sector jobs.

(3) If the same tax collection activities were conducted by Federal employees, Federal law would give preferences in employment to disabled veterans in filling those federal jobs.

(4) By enacting legislation to improve the Internal Revenue Service's tax collection efforts and outsourcing or privatizing those efforts, Congress did not intend to curtail the Nation's long-standing commitment to creating meaningful job opportunities for disabled veterans and other persons with severe disabilities.

(5) The contracts the Internal Revenue Service will execute with private-sector debt collection companies provide a unique opportunity for the Federal government to stimulate the creation of well paying jobs for disabled veterans and other persons with disabilities.

(b) It is the sense of the Senate that—

(1) the Secretary of the Treasury should, to the maximum extent practicable, ensure that existing Federal employment preferences for disabled veterans and Federal policies promoting opportunities for other disabled persons are carried forward as a part of any tax collection contract program carried out under section 6306 of the Internal Revenue Code of 1986, as added by the American Jobs Creation Act of 2004, and

(2) the criteria applied by the Internal Revenue Service in awarding contracts to private-sector tax collection companies under

such program should incorporate a preference for companies hiring disabled veterans and other disabled persons.

SA 2273. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III (before the short title), add the following:

SEC. . ADDITIONAL FUNDING FOR PART A OF TITLE I OF ESEA.

In addition to amounts otherwise appropriated under this Act, there are appropriated, out of any money in the Treasury not otherwise appropriated, $85,000,000 to ensure that the amount of Federal assistance received under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) by a local educational agency for fiscal year 2006 is not less than the amount of Federal assistance received by such agency under such part for fiscal year 2005.

SA 2274. Mr. NELSON of Nebraska (for himself and Mr. CARPER) submitted an amendment intended to be proposed by him to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 158, strike lines 12 through 21 and insert the following:

bus Budget Reconciliation Act of 1981, $3,483,000,000.

For making payments under title XXVI of the Omnibus Budget Reconciliation Act of 1981, $300,000,000, to remain available until expended: *Provided*, That these funds are for the unanticipated home energy assistance needs of one or more States, as authorized by section 2604(e) of the Act: *Provided further*, That the entire amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

GENERAL PROVISION—REVENUE RAISING PROVISIONS

SEC. ___. PARTIAL PAYMENTS REQUIRED WITH SUBMISSION OF OFFERS-IN-COMPROMISE.

(a) In General.—Section 7122 of the Internal Revenue Code of 1986 (relating to compromises) is amended by redesignating subsections (c) and (d) as subsections (d) and (e), respectively, and by inserting after subsection (b) the following new subsection:

"(c) Rules for Submission of Offers-in-Compromise.—

"(1) Partial payment required with submission.—

"(A) Lump-sum offers.—

"(i) In general.—The submission of any lump-sum offer-in-compromise shall be accompanied by the payment of 20 percent of amount of such offer.

"(ii) Lump-sum offer-in-compromise.—For purposes of this section, the term 'lump-sum offer-in-compromise' means any offer of payments made in 5 or fewer installments.

"(B) Periodic payment offers.—The submission of any periodic payment offer-in-compromise shall be accompanied by the payment of the amount of the first proposed installment and each proposed installment due during the period such offer is being evaluated for acceptance and has not been rejected by the Secretary. Any failure to make a payment required under the preceding sentence shall be deemed a withdrawal of the offer-in-compromise.

"(2) Rules of application.—

"(A) Use of payment.—The application of any payment made under this subsection to the assessed tax or other amounts imposed under this title with respect to such tax may be specified by the taxpayer.

"(B) No user fee imposed.—Any user fee which would otherwise be imposed under this section shall not be imposed on any offer-in-compromise accompanied by a payment required under this subsection.".

(b) Additional Rules Relating to Treatment of Offers.—

(1) Unprocessable offer if payment requirements are not met.—Paragraph (3) of section 7122(d) of the Internal Revenue Code of 1986 (relating to standards for evaluation of offers), as redesignated by subsection (a), is amended by striking "; and" at the end of subparagraph (A) and inserting a comma, by striking the period at the end of subparagraph (B) and inserting ", and", and by adding at the end the following new subparagraph:

"(C) any offer-in-compromise which does not meet the requirements of subsection (c) shall be returned to the taxpayer as unprocessable.".

(2) Deemed acceptance of offer not rejected within certain period.—Section 7122 of such Code, as amended by subsection (a), is amended by adding at the end the following new subsection:

"(f) Deemed Acceptance of Offer Not Rejected Within Certain Period.—Any offer-in-compromise submitted under this section shall be deemed to be accepted by the Secretary if such offer is not rejected by the Secretary before the date which is 24 months after the date of the submission of such offer (12 months for offers-in-compromise submitted after the date which is 5 years after the date of the enactment of this subsection). For purposes of the preceding sentence, any period during which any tax liability which is the subject of such offer-in-compromise is in dispute in any judicial proceeding shall not be taken in to account in determining the expiration of the 24-month period (or 12-month period, if applicable).".

(c) Effective Date.—The amendments made by this section shall apply to offers-in-compromise submitted on and after the date which is 60 days after the date of the enactment of this Act.

SEC. ___. TREATMENT OF CONTINGENT PAYMENT CONVERTIBLE DEBT INSTRUMENTS.

(a) In General.—Section 1275(d) of the Internal Revenue Code of 1986 (relating to regulation authority) is amended—

(1) by striking "The Secretary" and inserting the following:

"(1) In general.—The Secretary", and

(2) by adding at the end the following new paragraph:

"(2) Treatment of contingent payment convertible debt.—

"(A) In general.—In the case of a debt instrument which—

"(i) is convertible into stock of the issuing corporation, into stock or debt of a related party (within the meaning of section 267(b) or 707(b)(1)), or into cash or other property in an amount equal to the approximate value of such stock or debt, and

"(ii) provides for contingent payments,

any regulations which require original issue discount to be determined by reference to the comparable yield of a noncontingent fixed-rate debt instrument shall be applied as if the regulations require that such comparable yield be determined by reference to a noncontingent fixed-rate debt instrument which is convertible into stock.

"(B) Special rule.—For purposes of subparagraph (A), the comparable yield shall be determined without taking into account the yield resulting from the conversion of a debt instrument into stock.".

(b) Cross Reference.—Section 163(e)(6) of the Internal Revenue Code of 1986 (relating to cross references) is amended by adding at the end the following:

"For the treatment of contingent payment convertible debt, see section 1275(d)(2).".

(c) Effective Date.—The amendments made by this section shall apply to debt instruments issued on or after the date of the enactment of this Act.

SEC. . IMPOSITION OF MARK-TO-MARKET TAX ON INDIVIDUALS WHO EXPATRIATE.

(a) In General.—Subpart A of part II of subchapter N of chapter 1of the Internal Revenue Code of 1986 is amended by inserting after section 877 the following new section:

"SEC. 877A. TAX RESPONSIBILITIES OF EXPATRIATION.

"(a) General Rules.—For purposes of this subtitle—

"(1) Mark to market.—Except as provided in subsections (d) and (f), all property of a covered expatriate to whom this section applies shall be treated as sold on the day before the expatriation date for its fair market value.

"(2) Recognition of gain or loss.—In the case of any sale under paragraph (1)—

"(A) notwithstanding any other provision of this title, any gain arising from such sale shall be taken into account for the taxable year of the sale, and

"(B) any loss arising from such sale shall be taken into account for the taxable year of the sale to the extent otherwise provided by this title, except that section 1091 shall not apply to any such loss.

Proper adjustment shall be made in the amount of any gain or loss subsequently realized for gain or loss taken into account under the preceding sentence.

"(3) Exclusion for certain gain.—

"(A) In general.—The amount which, but for this paragraph, would be includible in the gross income of any individual by reason of this section shall be reduced (but not below zero) by $600,000. For purposes of this paragraph, allocable expatriation gain taken into account under subsection (f)(2) shall be treated in the same manner as an amount required to be includible in gross income.

"(B) Cost-of-living adjustment.—

"(i) In general.—In the case of an expatriation date occurring in any calendar year after 2005, the $600,000 amount under subparagraph (A) shall be increased by an amount equal to—

"(I) such dollar amount, multiplied by

"(II) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year, determined by substituting 'calendar year 2004' for 'calendar year 1992' in subparagraph (B) thereof.

"(ii) Rounding rules.—If any amount after adjustment under clause (i) is not a multiple of $1,000, such amount shall be rounded to the next lower multiple of $1,000.

"(4) Election to continue to be taxed as United States citizen.—

"(A) IN GENERAL.—If a covered expatriate elects the application of this paragraph—

"(i) this section (other than this paragraph and subsection (i)) shall not apply to the expatriate, but

"(ii) in the case of property to which this section would apply but for such election, the expatriate shall be subject to tax under this title in the same manner as if the individual were a United States citizen.

"(B) REQUIREMENTS.—Subparagraph (A) shall not apply to an individual unless the individual—

"(i) provides security for payment of tax in such form and manner, and in such amount, as the Secretary may require,

"(ii) consents to the waiver of any right of the individual under any treaty of the United States which would preclude assessment or collection of any tax which may be imposed by reason of this paragraph, and

"(iii) complies with such other requirements as the Secretary may prescribe.

"(C) ELECTION.—An election under subparagraph (A) shall apply to all property to which this section would apply but for the election and, once made, shall be irrevocable. Such election shall also apply to property the basis of which is determined in whole or in part by reference to the property with respect to which the election was made.

"(b) ELECTION TO DEFER TAX.—

"(1) IN GENERAL.—If the taxpayer elects the application of this subsection with respect to any property treated as sold by reason of subsection (a), the payment of the additional tax attributable to such property shall be postponed until the due date of the return for the taxable year in which such property is disposed of (or, in the case of property disposed of in a transaction in which gain is not recognized in whole or in part, until such other date as the Secretary may prescribe).

"(2) DETERMINATION OF TAX WITH RESPECT TO PROPERTY.—For purposes of paragraph (1), the additional tax attributable to any property is an amount which bears the same ratio to the additional tax imposed by this chapter for the taxable year solely by reason of subsection (a) as the gain taken into account under subsection (a) with respect to such property bears to the total gain taken into account under subsection (a) with respect to all property to which subsection (a) applies.

"(3) TERMINATION OF POSTPONEMENT.—No tax may be postponed under this subsection later than the due date for the return of tax imposed by this chapter for the taxable year which includes the date of death of the expatriate (or, if earlier, the time that the security provided with respect to the property fails to meet the requirements of paragraph (4), unless the taxpayer corrects such failure within the time specified by the Secretary).

"(4) SECURITY.—

"(A) IN GENERAL.—No election may be made under paragraph (1) with respect to any property unless adequate security is provided to the Secretary with respect to such property.

"(B) ADEQUATE SECURITY.—For purposes of subparagraph (A), security with respect to any property shall be treated as adequate security if—

"(i) it is a bond in an amount equal to the deferred tax amount under paragraph (2) for the property, or

"(ii) the taxpayer otherwise establishes to the satisfaction of the Secretary that the security is adequate.

"(5) WAIVER OF CERTAIN RIGHTS.—No election may be made under paragraph (1) unless the taxpayer consents to the waiver of any right under any treaty of the United States which would preclude assessment or collection of any tax imposed by reason of this section.

"(6) ELECTIONS.—An election under paragraph (1) shall only apply to property described in the election and, once made, is irrevocable. An election may be made under paragraph (1) with respect to an interest in a trust with respect to which gain is required to be recognized under subsection (f)(1).

"(7) INTEREST.—For purposes of section 6601—

"(A) the last date for the payment of tax shall be determined without regard to the election under this subsection, and

"(B) section 6621(a)(2) shall be applied by substituting '5 percentage points' for '3 percentage points' in subparagraph (B) thereof.

"(c) COVERED EXPATRIATE.—For purposes of this section—

"(1) IN GENERAL.—Except as provided in paragraph (2), the term 'covered expatriate' means an expatriate.

"(2) EXCEPTIONS.—An individual shall not be treated as a covered expatriate if—

"(A) the individual—

"(i) became at birth a citizen of the United States and a citizen of another country and, as of the expatriation date, continues to be a citizen of, and is taxed as a resident of, such other country, and

"(ii) has not been a resident of the United States (as defined in section 7701(b)(1)(A)(ii)) during the 5 taxable years ending with the taxable year during which the expatriation date occurs, or

"(B)(i) the individual's relinquishment of United States citizenship occurs before such individual attains age 18½, and

"(ii) the individual has been a resident of the United States (as so defined) for not more than 5 taxable years before the date of relinquishment.

"(d) EXEMPT PROPERTY; SPECIAL RULES FOR PENSION PLANS.—

"(1) EXEMPT PROPERTY.—This section shall not apply to the following:

"(A) UNITED STATES REAL PROPERTY INTERESTS.—Any United States real property interest (as defined in section 897(c)(1)), other than stock of a United States real property holding corporation which does not, on the day before the expatriation date, meet the requirements of section 897(c)(2).

"(B) SPECIFIED PROPERTY.—Any property or interest in property not described in subparagraph (A) which the Secretary specifies in regulations.

"(2) SPECIAL RULES FOR CERTAIN RETIREMENT PLANS.—

"(A) IN GENERAL.—If a covered expatriate holds on the day before the expatriation date any interest in a retirement plan to which this paragraph applies—

"(i) such interest shall not be treated as sold for purposes of subsection (a)(1), but

"(ii) an amount equal to the present value of the expatriate's nonforfeitable accrued benefit shall be treated as having been received by such individual on such date as a distribution under the plan.

"(B) TREATMENT OF SUBSEQUENT DISTRIBUTIONS.—In the case of any distribution on or after the expatriation date to or on behalf of the covered expatriate from a plan from which the expatriate was treated as receiving a distribution under subparagraph (A), the amount otherwise includible in gross income by reason of the subsequent distribution shall be reduced by the excess of the amount includible in gross income under subparagraph (A) over any portion of such amount to which this subparagraph previously applied.

"(C) TREATMENT OF SUBSEQUENT DISTRIBUTIONS BY PLAN.—For purposes of this title, a retirement plan to which this paragraph applies, and any person acting on the plan's behalf, shall treat any subsequent distribution described in subparagraph (B) in the same manner as such distribution would be treated without regard to this paragraph.

"(D) APPLICABLE PLANS.—This paragraph shall apply to—

"(i) any qualified retirement plan (as defined in section 4974(c)),

"(ii) an eligible deferred compensation plan (as defined in section 457(b)) of an eligible employer described in section 457(e)(1)(A), and

"(iii) to the extent provided in regulations, any foreign pension plan or similar retirement arrangements or programs.

"(e) DEFINITIONS.—For purposes of this section—

"(1) EXPATRIATE.—The term 'expatriate' means—

"(A) any United States citizen who relinquishes citizenship, and

"(B) any long-term resident of the United States who—

"(i) ceases to be a lawful permanent resident of the United States (within the meaning of section 7701(b)(6)), or

"(ii) commences to be treated as a resident of a foreign country under the provisions of a tax treaty between the United States and the foreign country and who does not waive the benefits of such treaty applicable to residents of the foreign country.

"(2) EXPATRIATION DATE.—The term 'expatriation date' means—

"(A) the date an individual relinquishes United States citizenship, or

"(B) in the case of a long-term resident of the United States, the date of the event described in clause (i) or (ii) of paragraph (1)(B).

"(3) RELINQUISHMENT OF CITIZENSHIP.—A citizen shall be treated as relinquishing United States citizenship on the earliest of—

"(A) the date the individual renounces such individual's United States nationality before a diplomatic or consular officer of the United States pursuant to paragraph (5) of section 349(a) of the Immigration and Nationality Act (8 U.S.C. 1481(a)(5)),

"(B) the date the individual furnishes to the United States Department of State a signed statement of voluntary relinquishment of United States nationality confirming the performance of an act of expatriation specified in paragraph (1), (2), (3), or (4) of section 349(a) of the Immigration and Nationality Act (8 U.S.C. 1481(a)(1)–(4)),

"(C) the date the United States Department of State issues to the individual a certificate of loss of nationality, or

"(D) the date a court of the United States cancels a naturalized citizen's certificate of naturalization.

Subparagraph (A) or (B) shall not apply to any individual unless the renunciation or voluntary relinquishment is subsequently approved by the issuance to the individual of a certificate of loss of nationality by the United States Department of State.

"(4) LONG-TERM RESIDENT.—The term 'long-term resident' has the meaning given to such term by section 877(e)(2).

"(f) SPECIAL RULES APPLICABLE TO BENEFICIARIES' INTERESTS IN TRUST.—

"(1) IN GENERAL.—Except as provided in paragraph (2), if an individual is determined under paragraph (3) to hold an interest in a trust on the day before the expatriation date—

"(A) the individual shall not be treated as having sold such interest, “(B) such interest shall be treated as a separate share in the trust, and

“(C)(i) such separate share shall be treated as a separate trust consisting of the assets allocable to such share,

“(ii) the separate trust shall be treated as having sold its assets on the day before the expatriation date for their fair market value and as having distributed all of its assets to the individual as of such time, and

“(iii) the individual shall be treated as having recontributed the assets to the separate trust.

Subsection (a)(2) shall apply to any income, gain, or loss of the individual arising from a distribution described in subparagraph (C)(ii). In determining the amount of such distribution, proper adjustments shall be made for liabilities of the trust allocable to an individual's share in the trust.

“(2) SPECIAL RULES FOR INTERESTS IN QUALIFIED TRUSTS.—

“(A) IN GENERAL.—If the trust interest described in paragraph (1) is an interest in a qualified trust—

“(i) paragraph (1) and subsection (a) shall not apply, and

“(ii) in addition to any other tax imposed by this title, there is hereby imposed on each distribution with respect to such interest a tax in the amount determined under subparagraph (B).

“(B) AMOUNT OF TAX.—The amount of tax under subparagraph (A)(ii) shall be equal to the lesser of—

“(i) the highest rate of tax imposed by section 1(e) for the taxable year which includes the day before the expatriation date, multiplied by the amount of the distribution, or

“(ii) the balance in the deferred tax account immediately before the distribution determined without regard to any increases under subparagraph (C)(ii) after the 30th day preceding the distribution.

“(C) DEFERRED TAX ACCOUNT.—For purposes of subparagraph (B)(ii)—

“(i) OPENING BALANCE.—The opening balance in a deferred tax account with respect to any trust interest is an amount equal to the tax which would have been imposed on the allocable expatriation gain with respect to the trust interest if such gain had been included in gross income under subsection (a).

“(ii) INCREASE FOR INTEREST.—The balance in the deferred tax account shall be increased by the amount of interest determined (on the balance in the account at the time the interest accrues), for periods after the 90th day after the expatriation date, by using the rates and method applicable under section 6621 for underpayments of tax for such periods, except that section 6621(a)(2) shall be applied by substituting ‘5 percentage points’ for ‘3 percentage points’ in subparagraph (B) thereof.

“(iii) DECREASE FOR TAXES PREVIOUSLY PAID.—The balance in the tax deferred account shall be reduced—

“(I) by the amount of taxes imposed by subparagraph (A) on any distribution to the person holding the trust interest, and

“(II) in the case of a person holding a nonvested interest, to the extent provided in regulations, by the amount of taxes imposed by subparagraph (A) on distributions from the trust with respect to nonvested interests not held by such person.

“(D) ALLOCABLE EXPATRIATION GAIN.—For purposes of this paragraph, the allocable expatriation gain with respect to any beneficiary's interest in a trust is the amount of gain which would be allocable to such beneficiary's vested and nonvested interests in the trust if the beneficiary held directly all assets allocable to such interests.

“(E) TAX DEDUCTED AND WITHHELD.—

“(i) IN GENERAL.—The tax imposed by subparagraph (A)(ii) shall be deducted and withheld by the trustees from the distribution to which it relates.

“(ii) EXCEPTION WHERE FAILURE TO WAIVE TREATY RIGHTS.—If an amount may not be deducted and withheld under clause (i) by reason of the distributee failing to waive any treaty right with respect to such distribution—

“(I) the tax imposed by subparagraph (A)(ii) shall be imposed on the trust and each trustee shall be personally liable for the amount of such tax, and

“(II) any other beneficiary of the trust shall be entitled to recover from the distributee the amount of such tax imposed on the other beneficiary.

“(F) DISPOSITION.—If a trust ceases to be a qualified trust at any time, a covered expatriate disposes of an interest in a qualified trust, or a covered expatriate holding an interest in a qualified trust dies, then, in lieu of the tax imposed by subparagraph (A)(ii), there is hereby imposed a tax equal to the lesser of—

“(i) the tax determined under paragraph (1) as if the day before the expatriation date were the date of such cessation, disposition, or death, whichever is applicable, or

“(ii) the balance in the tax deferred account immediately before such date.

Such tax shall be imposed on the trust and each trustee shall be personally liable for the amount of such tax and any other beneficiary of the trust shall be entitled to recover from the covered expatriate or the estate the amount of such tax imposed on the other beneficiary.

“(G) DEFINITIONS AND SPECIAL RULES.—For purposes of this paragraph—

“(i) QUALIFIED TRUST.—The term ‘qualified trust’ means a trust which is described in section 7701(a)(30)(E).

“(ii) VESTED INTEREST.—The term ‘vested interest’ means any interest which, as of the day before the expatriation date, is vested in the beneficiary.

“(iii) NONVESTED INTEREST.—The term ‘nonvested interest’ means, with respect to any beneficiary, any interest in a trust which is not a vested interest. Such interest shall be determined by assuming the maximum exercise of discretion in favor of the beneficiary and the occurrence of all contingencies in favor of the beneficiary.

“(iv) ADJUSTMENTS.—The Secretary may provide for such adjustments to the bases of assets in a trust or a deferred tax account, and the timing of such adjustments, in order to ensure that gain is taxed only once.

“(v) COORDINATION WITH RETIREMENT PLAN RULES.—This subsection shall not apply to an interest in a trust which is part of a retirement plan to which subsection (d)(2) applies.

“(3) DETERMINATION OF BENEFICIARIES' INTEREST IN TRUST.—

“(A) DETERMINATIONS UNDER PARAGRAPH (1).—For purposes of paragraph (1), a beneficiary's interest in a trust shall be based upon all relevant facts and circumstances, including the terms of the trust instrument and any letter of wishes or similar document, historical patterns of trust distributions, and the existence of and functions performed by a trust protector or any similar adviser.

“(B) OTHER DETERMINATIONS.—For purposes of this section—

“(i) CONSTRUCTIVE OWNERSHIP.—If a beneficiary of a trust is a corporation, partnership, trust, or estate, the shareholders, partners, or beneficiaries shall be deemed to be the trust beneficiaries for purposes of this section.

“(ii) TAXPAYER RETURN POSITION.—A taxpayer shall clearly indicate on its income tax return—

“(I) the methodology used to determine that taxpayer's trust interest under this section, and

“(II) if the taxpayer knows (or has reason to know) that any other beneficiary of such trust is using a different methodology to determine such beneficiary's trust interest under this section.

“(g) TERMINATION OF DEFERRALS, ETC.—In the case of any covered expatriate, notwithstanding any other provision of this title—

“(1) any period during which recognition of income or gain is deferred shall terminate on the day before the expatriation date, and

“(2) any extension of time for payment of tax shall cease to apply on the day before the expatriation date and the unpaid portion of such tax shall be due and payable at the time and in the manner prescribed by the Secretary.

“(h) IMPOSITION OF TENTATIVE TAX.—

“(1) IN GENERAL.—If an individual is required to include any amount in gross income under subsection (a) for any taxable year, there is hereby imposed, immediately before the expatriation date, a tax in an amount equal to the amount of tax which would be imposed if the taxable year were a short taxable year ending on the expatriation date.

“(2) DUE DATE.—The due date for any tax imposed by paragraph (1) shall be the 90th day after the expatriation date.

“(3) TREATMENT OF TAX.—Any tax paid under paragraph (1) shall be treated as a payment of the tax imposed by this chapter for the taxable year to which subsection (a) applies.

“(4) DEFERRAL OF TAX.—The provisions of subsection (b) shall apply to the tax imposed by this subsection to the extent attributable to gain includible in gross income by reason of this section.

“(i) SPECIAL LIENS FOR DEFERRED TAX AMOUNTS.—

“(1) IMPOSITION OF LIEN.—

“(A) IN GENERAL.—If a covered expatriate makes an election under subsection (a)(4) or (b) which results in the deferral of any tax imposed by reason of subsection (a), the deferred amount (including any interest, additional amount, addition to tax, assessable penalty, and costs attributable to the deferred amount) shall be a lien in favor of the United States on all property of the expatriate located in the United States (without regard to whether this section applies to the property).

“(B) DEFERRED AMOUNT.—For purposes of this subsection, the deferred amount is the amount of the increase in the covered expatriate's income tax which, but for the election under subsection (a)(4) or (b), would have occurred by reason of this section for the taxable year including the expatriation date.

“(2) PERIOD OF LIEN.—The lien imposed by this subsection shall arise on the expatriation date and continue until—

“(A) the liability for tax by reason of this section is satisfied or has become unenforceable by reason of lapse of time, or

“(B) it is established to the satisfaction of the Secretary that no further tax liability may arise by reason of this section.

"(3) CERTAIN RULES APPLY.—The rules set forth in paragraphs (1), (3), and (4) of section 6324A(d) shall apply with respect to the lien imposed by this subsection as if it were a lien imposed by section 6324A.

"(j) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section.".

(b) INCLUSION IN INCOME OF GIFTS AND BEQUESTS RECEIVED BY UNITED STATES CITIZENS AND RESIDENTS FROM EXPATRIATES.—Section 102 of the Internal Revenue Code of 1986 (relating to gifts, etc. not included in gross income) is amended by adding at the end the following new subsection:

"(d) GIFTS AND INHERITANCES FROM COVERED EXPATRIATES.—

"(1) IN GENERAL.—Subsection (a) shall not exclude from gross income the value of any property acquired by gift, bequest, devise, or inheritance from a covered expatriate after the expatriation date. For purposes of this subsection, any term used in this subsection which is also used in section 877A shall have the same meaning as when used in section 877A.

"(2) EXCEPTIONS FOR TRANSFERS OTHERWISE SUBJECT TO ESTATE OR GIFT TAX.—Paragraph (1) shall not apply to any property if either—

"(A) the gift, bequest, devise, or inheritance is—

"(i) shown on a timely filed return of tax imposed by chapter 12 as a taxable gift by the covered expatriate, or

"(ii) included in the gross estate of the covered expatriate for purposes of chapter 11 and shown on a timely filed return of tax imposed by chapter 11 of the estate of the covered expatriate, or

"(B) no such return was timely filed but no such return would have been required to be filed even if the covered expatriate were a citizen or long-term resident of the United States.".

(c) DEFINITION OF TERMINATION OF UNITED STATES CITIZENSHIP.—Section 7701(a) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

"(49) TERMINATION OF UNITED STATES CITIZENSHIP.—

"(A) IN GENERAL.—An individual shall not cease to be treated as a United States citizen before the date on which the individual's citizenship is treated as relinquished under section 877A(e)(3).

"(B) DUAL CITIZENS.—Under regulations prescribed by the Secretary, subparagraph (A) shall not apply to an individual who became at birth a citizen of the United States and a citizen of another country.".

(d) INELIGIBILITY FOR VISA OR ADMISSION TO UNITED STATES.—

(1) IN GENERAL.—Section 212(a)(10)(E) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(10)(E)) is amended to read as follows:

"(E) FORMER CITIZENS NOT IN COMPLIANCE WITH EXPATRIATION REVENUE PROVISIONS.—Any alien who is a former citizen of the United States who relinquishes United States citizenship (within the meaning of section 877A(e)(3) of the Internal Revenue Code of 1986) and who is not in compliance with section 877A of such Code (relating to expatriation).".

(2) AVAILABILITY OF INFORMATION.—

(A) IN GENERAL.—Section 6103(l) of the Internal Revenue Code of 1986 (relating to disclosure of returns and return information for purposes other than tax administration) is amended by adding at the end the following new paragraph:

"(21) DISCLOSURE TO DENY VISA OR ADMISSION TO CERTAIN EXPATRIATES.—Upon written request of the Attorney General or the Attorney General's delegate, the Secretary shall disclose whether an individual is in compliance with section 877A (and if not in compliance, any items of noncompliance) to officers and employees of the Federal agency responsible for administering section 212(a)(10)(E) of the Immigration and Nationality Act solely for the purpose of, and to the extent necessary in, administering such section 212(a)(10)(E).".

(B) SAFEGUARDS.—Section 6103(p)(4) of such Code (relating to safeguards) is amended by striking "or (20)" each place it appears and inserting "(20), or (21)".

(3) EFFECTIVE DATES.—The amendments made by this subsection shall apply to individuals who relinquish United States citizenship on or after the date of the enactment of this Act.

(e) CONFORMING AMENDMENTS.—

(1) Section 877 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

"(h) APPLICATION.—This section shall not apply to an expatriate (as defined in section 877A(e)) whose expatriation date (as so defined) occurs on or after the date of the enactment of the Safe, Accountable, Flexible, and Efficient Transportation Equity Act of 2005.".

(2) Section 2107 of such Code is amended by adding at the end the following new subsection:

"(f) APPLICATION.—This section shall not apply to any expatriate subject to section 877A.".

(3) Section 2501(a)(3) of such Code is amended by adding at the end the following new subparagraph:

"(C) APPLICATION.—This paragraph shall not apply to any expatriate subject to section 877A.".

(f) CLERICAL AMENDMENT.—The table of sections for subpart A of part II of subchapter N of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 877 the following new item:

"Sec. 877A. Tax responsibilities of expatriation.".

(g) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in this subsection, the amendments made by this section shall apply to expatriates (within the meaning of section 877A(e) of the Internal Revenue Code of 1986, as added by this section) whose expatriation date (as so defined) occurs on or after the date of the enactment of this Act.

(2) GIFTS AND BEQUESTS.—Section 102(d) of the Internal Revenue Code of 1986 (as added by subsection (b)) shall apply to gifts and bequests received on or after the date of the enactment of this Act, from an individual or the estate of an individual whose expatriation date (as so defined) occurs after such date.

(3) DUE DATE FOR TENTATIVE TAX.—The due date under section 877A(h)(2) of the Internal Revenue Code of 1986, as added by this section, shall in no event occur before the 90th day after the date of the enactment of this Act.

SA 2275. Mr. BYRD (for himself, Mr. LIEBERMAN, Mr. CORZINE, Mr. ROCKEFELLER, Mr. SCHUMER, Mr. KERRY, Mr. REED, Mr. REID, Mr. KENNEDY, Mr. BINGAMAN, Mr. DODD, Mr. KOHL, Mrs. MURRAY, Mr. LAUTENBERG, Ms. MIKULSKI, Mrs. CLINTON, and Mr. DAYTON) proposed an amendment to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III (before the short title), add the following:

SEC. ___. ADDITIONAL TITLE I FUNDING.

In addition to amounts otherwise appropriated under this Act, there are appropriated, out of any money in the Treasury not otherwise appropriated, $5,000,000,000 for carrying out title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), of which—

(1) $2,500,000,000 shall be for targeted grants under section 1125 of such Act; and

(2) $2,500,000,000 shall be for education finance incentive grants under section 1125A of such Act.

SA 2276. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 165, strike line 2 and insert the following:

for a study of the system's effectiveness: *Provided further*, That the total amount made available under this heading shall be increased by $15,000,000, which shall be for carrying out the National Youth Sports Program under the Community Services Block Grant Act.

GENERAL PROVISION—REDUCTION

SEC. ___. Notwithstanding any other provision of this Act, $338,614,000 shall be the total amount made available under the heading "GENERAL DEPARTMENTAL MANAGEMENT" under the heading "OFFICE OF THE SECRETARY" (other than funds transferred and expended as authorized by section 201(g)(1) of the Social Security Act, and amounts available under section 241 of the Public Health Service Act, as described under such headings).

SA 2277. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 112, strike lines 17 and 18 and insert the following:

Workforce Investment Act of 1998; $2,867,806,000 plus reimbursements, of which $1,871,518,000 is available for obli-

On page 113, strike lines 8 through 13 and insert the following:

$1,148,264,000 shall be for activities described in section 132(a)(2)(B) of such Act: *Provided further*, That $125,000,000 shall be available for Community-Based Job Training Grants, and not more than an additional $125,000,000 may be used by the Secretary of Labor for such grants from funds reserved under section 132(a)(2)(A) of the Workforce Investment Act of 1998, to carry out such grants under sec-

On page 132, line 9, strike "$320,250,000" and insert "$240,250,000, of which $13,248,000 is for such management or operation of activities conducted by or through the Bureau of International Labor Affairs, and"

SA 2278. Mr. FRIST submitted an amendment intended to be proposed by him to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 116, line 9, strike "$132,825,000, together with" and insert "$119,825,000: *Provided*, That amounts provided for in this Act for suicide prevention activities under the Garrett Lee Smith Memorial Act (Public law 108-355) shall be increased by $13,000,000: *Provided further*," That".

SA 2279. Mr. FEINGOLD (for himself and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title II, insert the following:

SEC. ___. The Secretary of Health and Human Services shall make available $800,000, from amounts appropriated in this Act for General Departmental Management for the Department of Health and Human Services, to carry out section 312 of the Public Health Service Act (42 U.S.C. 244).

SA 2280. Mr. HARKIN submitted an amendment intended to be proposed by him to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 178, after line 25, insert the following:

SEC. 222. Section 640(i) of the Head Start Act (42 U.S.C. 9835(i)) is amended—

(1) by striking "(i) The" and inserting the following:

"(i) TRANSPORTATION SAFETY.—

"(1) REGULATIONS.—The"; and

(2) by adding at the end the following:

"(2) WAIVER AUTHORITY.—

"(A) IN GENERAL.—The Secretary may waive, for a period not to exceed 2 years, any requirement of regulations promulgated under paragraph (1) for 1 or more vehicles used by the agency or its designee in transporting children enrolled in a Head Start program or an Early Head Start program for vehicles operated by a direct or indirect recipient of funding from the Federal Transit Administration if, in addition to meeting all Federal Motor Vehicle Safety Standards normally applicable to transit vehicles, transit buses used by the agency or its designee for Head Start transportation also comply with the following Federal Motor Vehicle Safety Standards:

"(i) Standard number 220 (School Bus Rollover Protection).

"(ii) Standard number 221 (School Bus Body Joint Strength).

"(iii) Standard number 301 (Fuel System Integrity).

"(iv) Standard number 207 (Seating Systems) and standard number 208 (Occupant Crash Protection) or standard number 222 (School Bus Passenger Seating and Crash Protection).

"(v) Standard number 209 (Seat Belt Assemblies) and standard number 210 (Seat Belt Assembly Anchorages).

"(B) BUS MONITOR.—A waiver of the bus monitor requirement may be granted if the agency or its designee is transporting less than 5 children who are enrolled in a Head Start program or an Early Head Start program.".

SA 2281. Mr. HARKIN (for himself, Mr. KENNEDY, Mr. REID, Mr. DURBIN, Mr. BAYH, and Mr. JOHNSON) submitted an amendment intended to be proposed by him to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 22, at the appropriate place at the end of Title V, insert the following:

TITLE .

SECTION 101.

(a) From the money in the Treasury not otherwise obligated or appropriated, there are appropriated to the Centers for Disease Control and Prevention $7,975,000,000 for activities relating to a pandemic influenza epidemic during the fiscal year ending September 30, 2006, which shall be available until expended.

(b) Of the amount appropriated under subsection (a)—

(1) $3,680,000,000 shall be for stockpiling of antivirals and necessary medical supplies relating to pandemic influenza and public health infrastructure, of which not less than $600,000,000 shall be for grants to state and local public health agencies for emergency preparedness;

(2) $60,000,000 shall be for global surveillance relating to avian flu;

(3) $3,300,000 shall be to increase the national investment in domestic vaccine infrastructure including development and research;

(4) $750,000,000 shall be for improving hospital preparedness and surge capacity and health information technology systems and networks to improve detection of influenza outbreaks;

(5) $75,000,000 shall be for risk communication and outreach to providers, businesses, and to the American public;

(6) $100,000,000 shall be for research and CDC lab capacity related to pandemic influenza; and

(7) $10,000,000 for surveillance of migratory birds for the occurrence of influenza.

(c) This title shall take effect on the date of enactment of this Act.

SA 2282. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On Page 165, before the period on line 5, insert the following:

: *Provided*, That the Secretary shall undertake a family reunification effort in concert with national non-profit organizations engaged in similar efforts

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SA 2283. Mr. HARKIN (for himself, Mr. KENNEDY, Mr. REID, Mr. DURBIN, Mr. OBAMA, Mr. BAYH, Mr. KOHL, Ms. MIKULSKI, Mrs. CLINTON, Mr. JOHNSON, Mr. DAYTON, and Mr. BYRD) proposed an amendment to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 222, at the appropriate place at the end of Title V, insert the following:

TITLE .

SECTION 101.

(a) From the money in the Treasury not otherwise obligated or appropriated, there are appropriated to the Centers for Disease Control and Prevention $7,975,000,000 for activities relating to a pandemic influenza epidemic during the fiscal year ending September 30, 2006, which shall be available until expended.

(b) Of the amount appropriated under subsection (a)—

(1) $3,680,000,000 shall be for stockpiling of antivirals and necessary medical supplies relating to pandemic influenza and public health infrastructure, of which not less than $600,000,000 shall be for grants to state and local public health agencies for emergency preparedness;

(2) $60,000,000 shall be for global surveillance relating to avian flu;

(3) $3,300,000 shall be to increase the national investment in domestic vaccine infrastructure including development and research;

(4) $750,000,000 shall be for improving hospital preparedness and surge capacity and health information technology systems and networks to improve detection of influenza outbreaks;

(5) $75,000,000 shall be for risk communication and outreach to providers, businesses, and to the American public;

(6) $100,000,000 shall be for research and CDC lab capacity related to pandemic influenza; and

(7) $10,000,000 for surveillance of migratory birds for the occurrence of influenza.

(c) This title shall take effect on the date of enactment of this Act.

SA 2284. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE ___—ELEMENTARY AND SECONDARY EDUCATION ASSISTANCE TO STUDENTS AND SCHOOLS IMPACTED BY HURRICANE KATRINA

SEC. . SHORT TITLE.

This title may be cited as the "Hurricane Katrina Elementary and Secondary Education Recovery Act".

SEC. . FINDINGS.

Congress finds the following:

(1) Hurricane Katrina has had a devastating and unprecedented impact on students who attended schools in the disaster areas.

(2) Due to the devastating effects of Hurricane Katrina, a significant number of students have enrolled in schools outside of the area in which they resided on August 22, 2005, including a significant number of students who enrolled in non-public schools because their parents chose to enroll them in such schools.

(3) 372,000 students were displaced by Hurricane Katrina. Approximately 700 schools have been damaged or destroyed. Nine States each have more than 1,000 of such displaced students enrolled in their schools. In Texas alone, over 45,000 displaced students have enrolled in schools.

(4) In response to these extraordinary conditions, this title creates a one-time only emergency grant for the 2005-2006 school year tailored to the needs and particular circumstances of students displaced by Hurricane Katrina.

(5) The level and type of assistance provided under this title, both for students attending public schools and students attending non-public schools, is being authorized solely because of the unprecedented nature of the crisis, the massive dislocation of students, and the short duration of assistance.

SEC. . WAIVERS AND OTHER ACTIONS.

(a) CURRENT WAIVER AND OTHER AUTHORITY.—The Secretary of Education is encouraged to exercise the maximum waiver authority available or exercise other actions for States, local educational agencies, and schools affected by Hurricane Katrina with respect to the waiver authority or authorization of actions provided under the following provisions of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.):

(1) Section 1111(b)(3)(C)(vii) of such Act (20 U.S.C. 6311(b)(3)(C)(vii)).

(2) Section 1111(b)(7) of such Act (20 U.S.C. 6311(b)(7)).

(3) Section 1111(c)(1) of such Act (20 U.S.C. 6311(c)(1)).

(4) Section 1111(h)(2)(A)(i) of such Act (20 U.S.C. 6311(h)(2)(A)(i)).

(5) Section 1116(b)(7)(D) of such Act (20 U.S.C. 6316(b)(7)(D)).

(6) Section 1116(c)(10)(F) of such Act (20 U.S.C. 6316(c)(10)(F)).

(7) Section 1125A(e)(3) of such Act (20 U.S.C. 6337(e)(3)).

(8) Section 3122(a)(3)(B) of such Act (20 U.S.C. 6842(a)(3)(B)).

(9) Section 5141(c) of such Act (20 U.S.C. 7217(c)).

(10) Section 7118(c)(3)(A) of such Act (20 U.S.C. 7428(c)(3)(A)).

(11) Section 9521(c) of such Act (20 U.S.C. 7901(c)).

(b) REPORT ON WAIVERS.—Not later than December 31, 2005, the Secretary of Education shall prepare and submit a report on the States and local educational agencies requesting a waiver of any provision under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) and the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) due to the impact of Hurricane Katrina to the Committee on Education and the Workforce and the Committee on Appropriations of the House of Representatives and the Committee on Health, Education, Labor, and Pensions and the Committee on Appropriations of the Senate.

SEC. ___. PROVIDING ADDITIONAL SUPPORT FOR STUDENTS AFFECTED BY HURRICANE KATRINA.

(a) GRANTS TO STATES AUTHORIZED.—From amounts appropriated under subsection (g), the Secretary of Education is authorized to make grants to States for assistance to eligible local educational agencies to enable the agencies to provide services, programs, and activities as described in subsection (c).

(b) STATE APPLICATIONS.—A State that desires to receive a grant under this section shall submit an application to the Secretary of Education at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

(c) ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES.—A State that receives a grant under subsection (a) shall use the funds made available through the grant to provide assistance to eligible local educational agencies to enable such agencies to provide, to students displaced by Hurricane Katrina or students attending a school in an area described in subsection (f)(1)—

(1) supplemental educational services consistent with the definitions, criteria, and amounts established under section 1116(e) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316(e)); or

(2) additional programs and activities under part B of title IV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7171 et seq.) relating to 21st century community learning centers.

(d) LOCAL APPLICATIONS.—An eligible local educational agency that desires to receive assistance under this section from a State shall submit an application to the State at such time, in such manner, and accompanied by such information as the State may reasonably require.

(e) INTERACTION WITH THE ESEA.—An eligible local educational agency providing services described in subsection (c)(1) may provide such services to a student displaced by Hurricane Katrina regardless of the status of the school under section 1116(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316(b)) that such student attends.

(f) DEFINITION OF ELIGIBLE LOCAL EDUCATIONAL AGENCY.—In this section, the term "eligible local educational agency" means—

(1) a local educational agency in an area in which a major disaster has been declared in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) related to Hurricane Katrina; or

(2) a local educational agency that enrolls a student displaced from an area where a major disaster has been declared in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) related to Hurricane Katrina.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $100,000,000 for fiscal year 2006.

SEC. . IMMEDIATE AID TO RESTART SCHOOL OPERATIONS.

(a) PURPOSE.—It is the purpose of this section—

(1) to provide immediate and direct assistance to local educational agencies in Louisiana, Mississippi, and Alabama that serve an area in which a major disaster has been declared in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170), related to Hurricane Katrina;

(2) to assist school district administrators and personnel of such agencies who are working to restart operations in elementary schools and secondary schools served by such agencies; and

(3) to facilitate the re-opening of elementary schools and secondary schools served by such agencies and the re-enrollment of students in such schools as soon as possible.

(b) PAYMENTS AND GRANTS AUTHORIZED.—From amounts appropriated to carry out this section, the Secretary of Education is authorized to make payments, not later than November 30, 2005, to State educational agencies (as defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801 et seq.)) in Louisiana, Mississippi, and Alabama to enable such agencies to award grants to local educational agencies serving an area in which a major disaster has been declared in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170), related to Hurricane Katrina.

(c) ELIGIBILITY AND CONSIDERATION.—In determining whether to award a grant under this section, or the amount of the grant, the State educational agency shall consider the following:

(1) The number of school-aged children served by the local educational agency in the academic year preceding the academic year for which the grant is awarded.

(2) The severity of the impact of Hurricane Katrina on the local educational agency and the extent of the needs in each local educational agency in Louisiana, Mississippi, and Alabama that is in an area in which a major disaster has been declared in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170), related to Hurricane Katrina.

(d) APPLICATIONS.—Each local educational agency desiring a grant under this section shall submit an application to the State educational agency at such time, in such manner, and accompanied by such information as the State educational agency may reasonably require to ensure expedited and timely payment to the local educational agency.

(e) USES OF FUNDS.—

(1) IN GENERAL.—A local educational agency receiving a grant under this section shall use the grant funds for—

(A) recovery of student and personnel data, and other electronic information;

(B) replacement of school district information systems, including hardware and software;

(C) financial operations;

(D) reasonable transportation costs;

(E) rental of mobile educational units and leasing of neutral sites or spaces;

(F) initial replacement of instructional materials and equipment, including textbooks;

(G) redeveloping instructional plans, including curriculum development;

(H) initiating and maintaining education and support services; and

(I) such other activities related to the purpose of this section that are approved by the Secretary.

(2) USE WITH OTHER AVAILABLE FUNDS.—A local educational agency receiving a grant under this section may use the grant funds in coordination with other Federal, State, or local funds available for the activities described in paragraph (1).

(3) PROHIBITIONS.—Grant funds received under this section shall not be used for any of the following:

(A) Construction or major renovation of schools.

(B) Payments to school administrators or teachers who are not actively engaged in restarting or re-opening schools.

(f) SUPPLEMENT NOT SUPPLANT.—

(1) IN GENERAL.—Except as provided in paragraph (2), funds made available under

this section shall be used to supplement, not supplant, any funds made available through the Federal Emergency Management Agency or through a State.

(2) EXCEPTION.—Paragraph (1) shall not prohibit the provision of Federal assistance under this section to an eligible educational agency that is or may be entitled to receive, from another source, benefits for the same purposes as under this section if—

(A) such agency has not received such other benefits by the time of application for Federal assistance under this section; and

(B) such agency agrees to repay all duplicative Federal assistance received to carry out the purposes of this section.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $900,000,000 for fiscal year 2006.

SEC. ___. HOLD HARMLESS FOR LOCAL EDUCATIONAL AGENCIES SERVING MAJOR DISASTER AREAS.

In the case of a local educational agency that serves an area in which the President has declared that a major disaster exists in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170), related to Hurricane Katrina, the amount made available for such local educational agency under each of sections 1124, 1124A, 1125, and 1125A of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6333, 6334, 6335, and 6337) for fiscal year 2006 shall be not less than the amount made available for such local educational agency under each of such sections for fiscal year 2005.

SEC. . TEACHER AND PARAPROFESSIONAL RECIPROCITY; DELAY.

(a) TEACHER AND PARAPROFESSIONAL RECIPROCITY.—

(1) TEACHERS.—

(A) AFFECTED TEACHER.—In this subsection, the term "affected teacher" means a teacher who is displaced due to Hurricane Katrina and relocates to a State that is different from the State in which such teacher resided on August 22, 2005.

(B) IN GENERAL.—A local educational agency may consider an affected teacher hired by such agency who is not highly qualified in the State in which such agency is located to be highly qualified, for purposes of section 1119 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6319) and section 612(a)(14) of the Individuals with Disabilities Education Act (20 U.S.C. 1412(a)(14)), for a period not to exceed 1 year, if such teacher was highly qualified, consistent with section 9101(23) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(23)) and section 602(10) of the Individuals with Disabilities Education Act (20 U.S.C. 1401(10)), on or before August 22, 2005, in the State in which such teacher resided on August 22, 2005.

(2) PARAPROFESSIONAL.—

(A) AFFECTED PARAPROFESSIONAL.—In this subsection, the term "affected paraprofessional" means a paraprofessional who is displaced due to Hurricane Katrina and relocates to a State that is different from the State in which such paraprofessional resided on August 22, 2005.

(B) IN GENERAL.—A local educational agency may consider an affected paraprofessional hired by such agency who does not satisfy the requirements of section 1119(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6319(c)) in the State in which such agency is located to satisfy such requirements, for purposes of such section, for a period not to exceed 1 year, if such paraprofessional satisfied such requirements on or before August 22, 2005, in the State in which such paraprofessional resided on August 22, 2005.

(b) DELAY.—The Secretary of Education may delay, for a period not to exceed 1 year, applicability of the requirements of paragraphs (2) and (3) of section 1119(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6319(a)(2) and (3)) and section 612(a)(14)(C) of the Individuals with Disabilities Education Act (20 U.S.C. 1412(a)(14)(C)) with respect to the States of Alabama, Louisiana, and Mississippi (and local educational agencies within the jurisdiction of such States), if any such State or local educational agency demonstrates that a failure to comply with such requirements is due to exceptional or uncontrollable circumstances, such as a natural disaster or a precipitous and unforeseen decline in the financial resources of local educational agencies within the State.

SEC. ___. ASSISTANCE FOR HOMELESS YOUTH.

(a) IN GENERAL.—The Secretary of Education shall provide assistance to local educational agencies serving homeless children and youths displaced by Hurricane Katrina, consistent with section 723 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11433), including identification, enrollment assistance, assessment and school placement assistance, transportation, coordination of school services, supplies, referrals for health, mental health, and other needs.

(b) EXCEPTION AND DISTRIBUTION OF FUNDS.—

(1) EXCEPTION.—For purposes of providing assistance under subsection (a), subsections (c) and (e)(1) of section 722 and subsections (b) and (c) of section 723 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11432(c) and (e)(1), 11433(b) and (c)) shall not apply.

(2) DISBURSEMENT.—The Secretary of Education shall disburse funding provided under subsection (a) to State educational agencies based on demonstrated need, as determined by the Secretary, and such State educational agencies shall distribute funds available under subsection (c) to local educational agencies based on demonstrated need, for the purposes of carrying out section 723 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11433).

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $50,000,000.

SEC. ___. ALTERNATIVE EDUCATION PROGRAMS FOR DISPLACED ADOLESCENT STUDENTS.

(a) DEFINITIONS.—In this section:

(1) ALTERNATIVE EDUCATION PROGRAM.—The term "alternative education program" means a transitional program that provides displaced adolescent students with—

(A) instruction in reading, mathematics, writing, study skills, and other relevant subjects;

(B) counseling;

(C) tutoring;

(D) activities designed to familiarize the displaced adolescent students with the range of career options available to the students;

(E) mentoring;

(F) test preparation for college entrance examinations, including the PSAT, SAT, and ACT;

(G) counseling on the financial aid available for postsecondary education; or

(H) job readiness skills and career and technical education.

(2) DISPLACED ADOLESCENT STUDENT.—The term "displaced adolescent student" means a secondary school student who—

(A) resides or resided on August 22, 2005, in an area for which a major disaster has been declared in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170), related to Hurricane Katrina;

(B) cannot continue enrollment in a secondary school because of Hurricane Katrina; and

(C) is expected to obtain a secondary school diploma by the end of the 2006-2007 school year.

(3) ELIGIBLE ENTITY.—The term "eligible entity" means a State educational agency, local educational agency, or consortium of such agencies, located in an area in which a major disaster has been declared in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) related to Hurricane Katrina, that—

(A) demonstrates a need for additional funds in order to provide an alternative education program to displaced adolescent students; and

(B) has the ability to administer the alternative education program and to serve displaced adolescent students.

(4) SECRETARY.—The term "Secretary" means the Secretary of Education.

(b) PROGRAM AUTHORIZED.—From amounts appropriated under this section for fiscal year 2006, the Secretary shall award grants to States for assistance to eligible entities to enable the entities to develop and carry out alternative education programs for displaced adolescent students.

(c) STATE APPLICATIONS.—A State desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(d) ASSISTANCE TO ELIGIBLE ENTITIES.—

(1) IN GENERAL.—A State that receives a grant under this section may use the funds made available through the grant to provide assistance to eligible entities to enable the eligible entities to develop and carry out alternative education programs for displaced adolescent students.

(2) PARTNERSHIPS.—An eligible entity may apply for assistance under this section in partnership with 1 or more community-based organizations or institutions of higher education (as such term is defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)), or both.

(e) LOCAL APPLICATIONS.—An eligible entity desiring assistance under this section from a State shall submit an application to the Governor of the State at such time, in such manner, and containing such information as the Governor may require. At a minimum, the Governor shall require an entity that desires to carry out an alternative education program in an area in which another organization is carrying out an alternative education program to provide an assurance that the entity will coordinate activities carried out under its program with the activities carried out by the organization under its program

(f) USES OF FUNDS.—An eligible entity that receives assistance under this section shall use the assistance to carry out an alternative education program that meets the needs of displaced adolescent students, including the staffing, curricular materials, and other programmatic costs needed to carry out the alternative education program.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2006.

SEC. ___. GENERAL PROVISION.

Nothing in the previous 9 sections of this title shall be construed to permit discrimination on the basis of race, color, religion, sex (except as otherwise permitted under title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.)), national origin, or disability in any program funded under such sections.

SEC. ___. TEMPORARY EMERGENCY IMPACT AID FOR DISPLACED STUDENTS.

(a) TEMPORARY EMERGENCY IMPACT AID AUTHORIZED.—

(1) AID TO STATE EDUCATIONAL AGENCIES.—From amounts appropriated under subsection (o), the Secretary of Education shall provide emergency impact aid to State educational agencies to enable the State educational agencies to make emergency impact aid payments to eligible local educational agencies and eligible BIA-funded schools to enable—

(A) such eligible local educational agencies and schools to provide for the instruction of displaced students served by such agencies and schools; and

(B) such eligible local educational agencies to make immediate impact aid payments to accounts established on behalf of displaced students (referred to in this section as "accounts") who are attending eligible non-public schools located in the areas served by the eligible local educational agencies.

(2) AID TO LOCAL EDUCATIONAL AGENCIES AND BIA-FUNDED SCHOOLS.—A State educational agency shall make emergency impact aid payments to eligible local educational agencies and eligible BIA-funded schools in accordance with subsection (d).

(3) STATE EDUCATIONAL AGENCIES IN CERTAIN STATES.—In the case of the States of Louisiana and Mississippi, the State educational agency shall carry out the activities of eligible local educational agencies that are unable to carry out this section, including eligible local educational agencies in such States for which the State exercises the authorities normally exercised by such local educational agencies.

(b) DEFINITIONS.—In this section:

(1) DISPLACED STUDENT.—The term "displaced student" means a student who enrolled in a school (other than the school that the student was enrolled in, or was eligible to be enrolled in, on August 22, 2005) because such student resides or resided on August 22, 2005, in an area for which a major disaster has been declared in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170), related to Hurricane Katrina.

(2) ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—The term "eligible local educational agency" means a local educational agency that serves—

(A) an elementary school or secondary school (including a charter school) in which there is enrolled a displaced student; or

(B) an area in which there is located an eligible non-public school.

(3) ELIGIBLE NON-PUBLIC SCHOOL.—The term "eligible non-public school" means a non-public school that—

(A) is accredited or licensed or otherwise operates in accordance with State law;

(B) was in existence on August 22, 2005; and

(C) serves a displaced student on behalf of whom an application for an account has been made pursuant to subsection (c)(2)(A)(ii).

(4) ELIGIBLE BIA-FUNDED SCHOOL.—In this section, the term "eligible BIA-funded school" means a school funded by the Bureau of Indian Affairs in which there is enrolled a displaced student.

(c) APPLICATION.—

(1) STATE EDUCATIONAL AGENCY.—A State educational agency that desires to receive emergency impact aid under this section shall submit an application to the Secretary of Education at such time, in such manner, and accompanied by such information as the Secretary of Education may reasonably require, including—

(A) information on the total displaced student child count of the State provided by eligible local educational agencies in the State and eligible BIA-funded schools in the State under paragraph (2);

(B) a description of the process for the parent or guardian of a displaced student enrolled in a non-public school to indicate to the eligible local educational agency serving the area in which such school is located that the student is enrolled in such school;

(C) a description of the procedure to be used by an eligible local educational agency in such State to provide payments to accounts;

(D) a description of the process to be used by an eligible local educational agency in such State to obtain—

(i) attestations of attendance of eligible displaced students from eligible non-public schools, in order for the local educational agency to provide payments to accounts on behalf of eligible displaced students; and

(ii) attestations from eligible non-public schools that accounts are used only for the purposes described in subsection (e)(2)(A); and

(E) the criteria, including family income, used to determine the eligibility for and the amount of assistance under this section provided on behalf of a displaced student attending an eligible non-public school.

(2) LOCAL EDUCATIONAL AGENCIES AND BIA-FUNDED SCHOOLS.—An eligible local educational agency or eligible BIA-funded school that desires an emergency impact aid payment under this section shall submit an application to the State educational agency at such time, in such manner, and accompanied by such information as the State educational agency may reasonably require, including documentation submitted quarterly for the 2005-2006 school year that indicates the following:

(A) In the case of an eligible local educational agency—

(i) the number of displaced students enrolled in the elementary schools and secondary schools (including charter schools and including the number of displaced students who are served under part B of the Individuals with Disabilities Education Act) served by such agency for such quarter; and

(ii) the number of displaced students for whom the eligible local educational agency expects to provide payments to accounts under subsection (e)(2) (including the number of displaced students who are served under part B of the Individuals with Disabilities Education Act) for such quarter who meet the following criteria:

(I) The displaced student enrolled in an eligible non-public school prior to the date of enactment of this title.

(II) The parent or guardian of the displaced student chose to enroll the student in the eligible non-public school in which the student is enrolled.

(III) The parent or guardian of the displaced student submitted an application requesting that the agency make a payment to an account on behalf of the student.

(IV) The displaced student's tuition and fees (and transportation expenses, if any) for the 2005–2006 school year is waived or reimbursed (by the eligible non-public school) in an amount that is not less than the amount of emergency impact aid payment provided on behalf of such student under this section.

(B) In the case of an eligible BIA-funded school, the number of displaced students, including the number of displaced students who are served under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.), enrolled in such school for such quarter.

(3) DETERMINATION OF NUMBER OF DISPLACED STUDENTS.—In determining the number of displaced students for a quarter under paragraph (2), an eligible local educational agency or eligible BIA-funded school shall include in such number the number of displaced students served during such quarter prior to the date of enactment of this title.

(d) AMOUNT OF EMERGENCY IMPACT AID.—

(1) AID TO STATE EDUCATIONAL AGENCIES.—

(A) IN GENERAL.—The amount of emergency impact aid received by a State educational agency for the 2005–2006 school year shall equal the sum of—

(i) the product of the number of displaced students (who are not served under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.)), as determined by the eligible local educational agencies and eligible BIA-funded schools in the State under subsection (c)(2), times $6,000; and

(ii) the product of the number of displaced students who are served under part B of the Individuals with Disabilities Education Act, as determined by the eligible local educational agencies and eligible BIA-funded schools in the State under subsection (c)(2), times $7,500.

(B) INSUFFICIENT FUNDS.—If the amount available under this section to provide emergency impact aid under this subsection is insufficient to pay the full amount that a State educational agency is eligible to receive under this section, the Secretary of Education shall ratably reduce the amount of such emergency impact aid.

(2) AID TO ELIGIBLE LOCAL EDUCATIONAL AGENCIES AND ELIGIBLE BIA-FUNDED SCHOOLS.—

(A) QUARTERLY INSTALLMENTS.—

(i) IN GENERAL.—A State educational agency shall provide emergency impact aid payments under this section on a quarterly basis for the 2005-2006 school year by such dates as determined by the Secretary of Education. Such quarterly installment payments shall be based on the number of displaced students reported under subsection (c)(2) and in the amount determined under clause (ii).

(ii) PAYMENT AMOUNT.—Each quarterly installment payment under clause (i) shall equal 25 percent of the sum of—

(I) the number of displaced students (who are not served under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.)) reported by the eligible local educational agency or eligible BIA-funded school for such quarter (as determined under subsection (c)(2)) times $6,000; and

(II) the number of displaced students who are served under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.) reported by the eligible local educational agency or eligible BIA-funded school for such quarter (as determined under subsection (c)(2)) times $7,500.

(iii) TIMELINE.—The Secretary of Education shall establish a timeline for quarterly reporting on the number of displaced students in order to make the appropriate disbursements in a timely manner.

(iv) INSUFFICIENT FUNDS.—If, for any quarter, the amount available under this section to make payments under this subsection is insufficient to pay the full amount that an eligible local educational agency or eligible BIA-funded school is eligible to receive under this section, the State educational agency shall ratably reduce the amount of such payments.

(B) MAXIMUM PAYMENT TO ACCOUNT.—In providing quarterly payments to an account for the 2005–2006 school year on behalf of a displaced student for each quarter that such student is enrolled in a non-public school in the area served by the agency under subsection (e)(2), an eligible local educational agency may provide not more than 4 quarterly payments to such account, and the aggregate amount of such payments shall not exceed the lesser of—

(i)(I) in the case of a displaced student who is not served under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.), $6,000; or

(II) in the case of a displaced student who is served under part B of the Individuals with Disabilities Education Act, $7,500; or

(ii) the cost of tuition and fees (and transportation expenses, if any) at the non-public school for the 2005-2006 school year.

(e) USE OF FUNDS.—

(1) DISPLACED STUDENTS IN PUBLIC SCHOOLS.—An eligible local educational agency or eligible BIA-funded school receiving emergency impact aid payments under this section shall use the payments to provide instructional opportunities for displaced students who enroll in elementary schools and secondary schools (including charter schools) served by such agency or in such a school, and for other expenses incurred as a result of the agency or school serving displaced students, which uses may include—

(A) paying the compensation of personnel, including teacher aides, in schools enrolling displaced students;

(B) identifying and acquiring curricular material, including the costs of providing additional classroom supplies, and mobile educational units and leasing sites or spaces;

(C) basic instructional services for such students, including tutoring, mentoring, or academic counseling;

(D) reasonable transportation costs;

(E) health services (including counseling and mental health services); and

(F) education and support services.

(2) DISPLACED STUDENTS IN NON-PUBLIC SCHOOLS.—

(A) IN GENERAL.—An eligible local educational agency that receives emergency impact aid payments under this section and that serves an area in which there is located an eligible non-public school shall, at the request of the parent or guardian of a displaced student who meets the criteria described in subsection (c)(2)(A)(ii) and who enrolled in a non-public school in an area served by the agency, use such emergency impact aid payment to provide payment on a quarterly basis (but not to exceed the total amount specified in subsection (d)(2)(B) for the 2005-2006 school year) to an account on behalf of such displaced student, which payment shall be used to assist in paying for any of the following:

(i) Paying the compensation of personnel, including teacher aides, in the non-public school, which funds shall not be used for religious instruction, proselytization, or worship.

(ii) Identifying and acquiring curricular material, including the costs of providing additional classroom supplies (which shall be secular, neutral, and shall not have a religious component), and mobile educational units and leasing sites or spaces, which shall not be used for religious instruction, proselytization, or worship.

(iii) Basic instructional services, including tutoring, mentoring, or academic counseling, which services shall be secular and neutral and shall not be used for religious instruction, proselytization, or worship.

(iv) Reasonable transportation costs.

(v) Health services (including counseling and mental health services), which services shall be secular and neutral and shall not be used for religious instruction, proselytization, or worship.

(vi) Education and support services, which services shall be secular and neutral and shall not be used for religious instruction, proselytization, or worship.

(B) VERIFICATION OF ENROLLMENT.—Before providing a quarterly payment to an account under subparagraph (A), the eligible local educational agency shall verify with the parent or guardian of a displaced student that such displaced student is enrolled in the non-public school.

(3) PROVISION OF SPECIAL EDUCATION AND RELATED SERVICES.—

(A) IN GENERAL.—In the case of a displaced student who is served under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.), any payment made on behalf of such student to an eligible local educational agency or any payment available in an account for such student, shall be used to pay the cost of providing the student with special education and related services consistent with the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.).

(B) SPECIAL RULE.—

(i) RETENTION.—Notwithstanding any other provision of this section, if an eligible local educational agency provides services to a displaced student attending an eligible non-public school under section 612(a)(10) of the Individuals with Disabilities Education Act (20 U.S.C. 1412(a)(10)), the eligible local educational agency may retain a portion of the assistance received under this section for such student to pay the cost of providing such services.

(ii) DETERMINATION OF PORTION.—

(I) GUIDELINES.—Each State shall issue guidelines that specify the portion of the assistance that an eligible local educational agency in the State may retain under this subparagraph. Each State shall apply such guidelines in a consistent manner throughout the State.

(II) DETERMINATION OF PORTION.—The portion specified in the guidelines shall be based on customary costs of providing services under such section 612(a)(10) for the local educational agency.

(C) DEFINITIONS.—In this paragraph:

(i) SPECIAL EDUCATION; RELATED SERVICES.—The terms "special education" and "related services" have the meaning given such terms in section 602 of the Individuals with Disabilities Education Act (20 U.S.C. 1401).

(ii) INDIVIDUALIZED EDUCATION PROGRAM.—The term "individualized education program" has the meaning given the term in section 614(d)(2) of the Individuals with Disabilities Education Act (20 U.S.C. 1414(d)(2)).

(f) RETURN OF AID.—

(1) ELIGIBLE LOCAL EDUCATIONAL AGENCY OR ELIGIBLE BIA-FUNDED SCHOOL.—An eligible local educational agency or eligible BIA-funded school that receives an emergency impact aid payment under this section shall return to the State educational agency any payment provided to the eligible local educational agency or school under this section that the eligible local educational agency or school has not obligated by the end of the 2005-2006 school year in accordance with this section.

(2) STATE EDUCATIONAL AGENCY.—A State educational agency that receives emergency impact aid under this section, shall return to the Secretary of Education—

(A) any aid provided to the agency under this section that the agency has not obligated by the end of the 2005–2006 school year in accordance with this section; and

(B) any payment funds returned to the State educational agency under paragraph (1).

(g) LIMITATION ON USE OF AID AND PAYMENTS.—Aid and payments provided under this section shall only be used for expenses incurred during the 2005-2006 school year.

(h) ADMINISTRATIVE EXPENSES.—A State educational agency that receives emergency impact aid under this section may use not more than 1 percent of such aid for administrative expenses. An eligible local educational agency or eligible BIA-funded school that receives emergency impact aid payments under this section may use not more than 2 percent of such payments for administrative expenses.

(i) SPECIAL FUNDING RULE.—In calculating funding under section 8003 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703) for an eligible local educational agency that receives an emergency impact aid payment under this section, the Secretary of Education shall not count displaced students served by such agency for whom an emergency impact aid payment is received under this section, nor shall such students be counted for the purpose of calculating the total number of children in average daily attendance at the schools served by such agency as provided in section 8003(b)(3)(B)(i) of such Act (20 U.S.C. 7703(b)(3)(B)(i)).

(j) TERMINATION OF AUTHORITY.—The authority provided by this section shall terminate on August 1, 2006.

(k) NOTICE OF OPTION OF PUBLIC SCHOOL OR NON-PUBLIC SCHOOL ENROLLMENT.—Each State receiving emergency impact aid under this section shall provide, to the parent or guardian of each displaced student for whom a payment is made under this section to an account who resides in such State, notification that such parent or guardian has the option of enrolling such student in a public school or a non-public school.

(l) BY-PASS.—If a State educational agency or eligible local educational agency is unable to carry out this section, the Secretary of Education may make such arrangements with the State as the Secretary determines appropriate to carry out this section on behalf of displaced students attending an eligible non-public school in the area served by such agency. For a State in which State law prohibits the State from using Federal funds to directly provide services on behalf of students attending non-public schools and provides that another entity shall provide such services, the Secretary of Education shall make such arrangements with that entity.

(m) NONDISCRIMINATION.—

(1) IN GENERAL.—A school that enrolls a displaced student under this section shall not discriminate against students on the basis of race, color, national origin, religion, disability, or sex.

(2) APPLICABILITY AND SINGLE SEX SCHOOLS, CLASSES, OR ACTIVITIES.—

(A) IN GENERAL.—To the extent consistent with title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), the prohibition of sex discrimination in paragraph (1) shall not apply to a non-public school that is controlled by a religious organization if the application of paragraph (1) would not be consistent with the religious tenets of such organization.

(B) SINGLE SEX SCHOOLS, CLASSES, OR ACTIVITIES.—Notwithstanding paragraph (1) and to the extent consistent with title IX of the Education Amendments of 1972, a parent or guardian may choose and a non-public school may offer a single sex school, class, or activity.

(C) ENROLLMENT.—The prohibition of religious discrimination in paragraph (1) shall not apply with regard to enrollment for a non-public school that is controlled by a religious organization, except in the case of the enrollment of displaced students assisted under this section.

(3) GENERAL PROVISION.—Nothing in this section may be construed to alter or modify the provisions of the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), and the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.).

(4) OPT-IN.—A displaced student assisted under this section who is enrolled in a non-public school shall not participate in religious worship or religious classes at such school unless such student's parent or guardian chooses to opt-in such student for such religious worship or religious classes.

(5) RULE OF CONSTRUCTION.—The amount of any payment (or other form of support provided on behalf of a displaced student) under this section shall not be treated as income of a parent or guardian of the student for purposes of Federal tax laws or for determining eligibility for any other Federal program.

(n) TREATMENT OF STATE AID.—A State shall not take into consideration emergency impact aid payments received under this section by a local educational agency in the State in determining the eligibility of such local educational agency for State aid, or the amount of State aid, with respect to free public education of children.

(o) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $2,400,000,000 for fiscal year 2006.

SEC. ___. SUNSET PROVISION.

Except as otherwise provided in this title, the provisions of this title shall be effective for the period beginning on the date of enactment of this title and ending on August 1, 2006.

SEC. . FUNDING.

(a) IN GENERAL.—Notwithstanding any other provision of law, of the amounts made available to the Department of Homeland Security under the heading "DISASTER RELIEF" under the heading "EMERGENCY PREPAREDNESS AND RESPONSE" of Public Law 109–62 (119) Stat. 1991), not less than $3,450,000,000 shall be available to the heads of the appropriate departments or agencies of the Federal Government to carry out the programs and activities authorized under this title.

(b) AVAILABLE UNTIL EXPENDED.—The amounts appropriated under subsection (a) shall remain available until expended.

SA 2285. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

At the end of title II (before the short title), insert the following:

SEC. ___. (a) There are appropriated $3,000,000 to the Office of Inspector General to conduct a investigation of the management of the Food and Drug Administration to pursue examples of mismanagement and promote economy and efficiency in the Department.

(b) The investigation under subsection (a) shall not include any investigation of a former Commissioner of Food and Drugs, but shall include investigation of the actions by the Food and Drug Administration with respect to the over-the-counter application for the drug Plan B.

(c) Not later than 60 days after the date of enactment of this Act, the Inspector General shall complete the investigation under this section and submit a report to the Subcommittee on Labor, Health and Human Services, Education and Related Agencies of the Committee on Appropriations of the Senate on the findings of such investigation.

(d) Notwithstanding any other provision of this title, amounts made available under this Act for the Office of the Secretary shall be reduced by $3,000,000 and transferred to the Office of Inspector General to conduct the investigation under this section.

SA 2286. Mr. REED submitted an amendment intended to be proposed by him to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III (before the short title), add the following:

SEC. . In addition to amounts otherwise appropriated under this Act, there are appropriated, out of any money in the Treasury not otherwise appropriated, $2,476,514 for the Gaining Early Awareness and Readiness for Undergraduate Programs under chapter 2 of subpart 2 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070a–21 et seq.).

SA 2287. Mrs. BOXER (for herself and Mr. ENSIGN) submitted an amendment intended to be proposed by her to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ___. 21ST CENTURY COMMUNITY LEARNING CENTERS.

(a) FUNDING INCREASE.—In addition to amounts otherwise appropriated under this Act, there is appropriated $51,900,000 for 21st century community learning centers under part B of title IV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7171 et seq.).

(b) OFFSET FROM TITLE 1 DEPARTMENTAL MANAGEMENT.—The amounts appropriated under title I under the heading "DEPARTMENTAL MANAGEMENT" for salaries and expenses shall be reduced by $51,900,000.

SA 2288. Ms. STABENOW (for herself and Ms. SNOWE) submitted an amendment intended to be proposed by her to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title II, insert the following:

SEC. ___. Amounts appropriated in this title for the Office of the National Coordinator for Health Information Technology shall be increased by $29,850,000: *Provided*, That funds made available for General Department Management under the heading Office of the Secretary shall be reduced by $29,850,000.

SA 2289. Mr. DAYTON submitted an amendment intended to be proposed by him to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 178, after line 25, insert the following:

SEC. . (a) In addition to amounts otherwise appropriated under this Act, there are appropriated, out of any money in the Treasury not otherwise appropriated, $15,121,000 for activities authorized by the Help America Vote Act of 2002, of which $10,000,000 shall be for payments to States to promote access for voters with disabilities, and of which $5,121,000 shall be for payments to States for protection and advocacy systems for voters with disabilities.

(b) Notwithstanding any other provision of this Act, amounts made available under this title for the administration and related expenses shall be reduced by $15,121,000 from other services.

SA 2290. Mr. GREGG submitted an amendment intended to be proposed by him to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 158, strike lines 12 through 21 and insert the following:

bus Budget Reconciliation Act of 1981, $3,159,000,000.

For making payments under title XXVI of the Omnibus Budget Reconciliation Act of 1981, $300,000,000, to remain available until expended: *Provided*, That these funds are for the unanticipated home energy assistance needs of one or more States, as authorized by section 2604(e) of the Act: *Provided further*, That the entire amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

GENERAL PROVISION—REDUCTION AND RESCISSION

SEC. . (a) Amounts made available in this Act, not otherwise required by law, are reduced by 0.982 percent.

(b) The reduction described in subsection (a) shall not apply to amounts made available under this Act—

(1) for the account under the heading "LOW-INCOME HOME ENERGY ASSISTANCE"; or

(2) for the account under the heading "REFUGEE AND ENTRANT ASSISTANCE" (with respect to amounts designated as emergency requirements).

SEC. . (a) There is rescinded an amount equal to 0.981 percent of the budget authority provided in any prior appropriation Act for fiscal year 2006, for any discretionary account described in this Act.

(b) Any rescission made by subsection (a) shall be applied proportionately—

(1) to each discretionary account described in subsection (a) to the extent that it relates to budget authority described in subsection (a), and to each item of budget authority described in subsection (a); and

(2) within each such account or item, to each program, project, and activity (as delineated in the appropriation Act or accompanying report for the relevant fiscal year covering such account or item).

(c) The rescission described in subsection (a) shall not apply to budget authority provided as described in subsection (a)—

(1) for the account under the heading "LOW-INCOME HOME ENERGY ASSISTANCE"; or

(2) for the account under the heading "REFUGEE AND ENTRANT ASSISTANCE (with respect to amounts designated as emergency requirements)".

SA 2291. Mr. SPECTER submitted an amendment intended to be proposed by him to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 178, after line 25, insert the following:

SEC. . (a) Notwithstanding any other provision of law, none of the funds made available under this Act may be used to implement or enforce the interim final rule published in the Federal Register by the Centers for Medicare & Medicaid Services on August 26, 2005 (70 Fed. Reg. 50940) or any corresponding similar regulation or ruling—

(1) prior to April 1, 2006; and

(2) or or after April 1, 2006, unless the Secretary of Health and Human Services publishes—

(A) by not later than January 1, 2006, a proposed rule with respect to motorized or powered wheelchairs, followed by a 45-day period to comment on the proposed rule; and

(B) by not later than February 14, 2006, a final rule with respect to motorized or powered wheelchairs, followed by a 45-day transition period for implementation of the final rule.

(b)(1) Notwithstanding any other provision of law, with respect to a covered item consisting of a motorized or power wheelchair furnished during 2006, the Secretary of Health and Human Services shall reduce the payment amount otherwise applicable under section 1834 of the Social Security Act (42 U.S.C. 1395m) for such item by 1.5 percent.

(2) The payment reduction provided under paragraph (1) for 2006—

(A) shall not apply to a covered item consisting of a motorized or power wheelchair that is furnished after 2006; and

(B) shall not be taken into account in calculating the payment amounts applicable for such a covered item furnished after 2006.

SA 2292. Mrs. CLINTON (for herself, Mr. DODD, Mr. KENNEDY, Mr. JEFFORDS, Ms. STABENOW, Mr. DAYTON, Mr. LIEBERMAN, Mr. REID, Mr. LAUTENBERG, Mr. KOHL, Mr. CORZINE, Ms. MIKULSKI, Mr. DURBIN, Mr. ROCKEFELLER, Mr. JOHNSON, and Mr. KERRY) proposed an amendment to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

At the end of title III (before the short title), add the following:

SEC. . In addition to amounts otherwise appropriated under this Act, there are appropriated, out of any money in the Treasury not otherwise appropriated, $3,958,901,143 for carrying out part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.).

SA 2293. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. None of the funds appropriated under this Act shall be used to enforce or otherwise comply with the provisions of Proclamation 7924 (70 Fed. Reg. 54227), as issued by the President, relating to the suspension of the application of the provisions of subchapter IV of chapter 31 of title 40, United States Code (commonly referred to as the Davis-Bacon Act).

SA 2294. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III (before the short title), add the following:

SEC. ___. ASSESSMENT OF MATHEMATICS AND SCIENCE PARTNERSHIPS PROGRAM.

(a) IN GENERAL.—The Secretary of Education shall conduct an assessment of the Mathematics and Science Partnerships program under part B of title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6661 et seq.). The assessment shall—

(1) include the current participation level of businesses and nonprofit organizations in the program;

(2) include a comparative analysis between those partnerships that include either a business or a nonprofit organization and those that do not;

(3) include a general comparative survey of other competing nations that involve businesses in similar programs;

(4) include the level of interest and demand by institutions of higher education and high-need local educational agencies for business participation in the program;

(5) include a determination as to whether greater participation in the program by businesses and nonprofit organizations would improve the program's effectiveness and efficiency in meeting the goals of such program and better ensures that the learning process is geared towards the development of marketable skills for teachers and students;

(6) include a list of possible incentives for greater business involvement in the program; and

(7) determine whether additional business participation in the program would help address the critical need for a strong, highly skilled workforce in science, technology, engineering, and mathematics.

(b) REPORT.—Not later than 180 days after the date of enactment of this section, the Secretary of Education shall report the Secretary's findings to Congress.

SA 2295. Mr. ENZI submitted an amendment intended to be proposed by him to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 115, strike line 15, and insert the following:

under title I of the Workforce Investment Act of 1998, or to approve, through regulatory or administrative action, the redesignation of local areas that were in effect under subtitle B of that title on June 30, 2005 and that have substantially met (as defined by the State board involved) the local performance measures for the local areas under that subtitle and sustained the fiscal integrity of the funds used by the areas to carry out activities under that subtitle (as specified in section 116(a)(3)(B) of that Act but notwithstanding the time limits specified in section 116(a)(3)(B) of that Act), until

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SA 2296. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 222, between lines 5 and 6, insert the following:

TITLE VI—KATRINA RECOVERY

SEC. 601. SHORT TITLE.

This title may be cited as the "Louisiana Katrina Recovery Act of 2005".

SEC. 602. DEFINITIONS.

In this title:

(1) ADMINISTRATOR.—The term "Administrator" means the Louisiana Katrina Recovery Administrator.

(2) AGENCY.—The term "agency" has the meaning given the term under section 551(1) of title 5, United States Code.

(3) OFFICE.—The term "Office" means the Office of the Louisiana Katrina Recovery Administrator.

(4) RECOVERY.—The term "recovery" includes relief, rebuilding, and reconstruction.

SEC. 603. ESTABLISHMENT.

(a) ESTABLISHMENT.—There is established within the Executive Office of the President, the Office of the Louisiana Katrina Recovery Administrator.

(b) ADMINISTRATOR.—

(1) APPOINTMENT.—The Louisiana Katrina Recovery Administrator shall be the head of the Office. Not later than 30 days after the date of enactment of this Act, the President shall appoint the Administrator.

(2) QUALIFICATIONS.—The individual appointed as Administrator—

(A) shall be a United States citizen at least 30 years of age; and

(B) shall be appointed on the basis of—

(i) extensive business and management experience;

(ii) demonstrated political independence and integrity; and

(iii) independence from financial interests associated with recovery from Hurricane Katrina in Louisiana.

SEC. 604. AUTHORITIES AND FUNCTIONS.

(a) IN GENERAL.—The Administrator shall—

(1) provide leadership in—

(A) developing a plan for the recovery of areas in Louisiana adversely impacted by Hurricane Katrina; and

(B) ensuring accountability in and transparency of recovery efforts;

(2) have management and oversight authority of all agencies in all Federal activities and the use of Federal resources relating to the recovery from Hurricane Katrina in Louisiana;

(3) ensure the activities and resources referred to under paragraph (2) are performed and used in the most efficient and effective manner practicable;

(4) coordinate the efforts of the Federal Government and the State and local governments of Louisiana in the recovery from Hurricane Katrina in Louisiana; and

(5) after consultation with the relevant head of an agency, have the authority to—

(A) if necessary to ensure streamlined Federal action and avoid unnecessary bureaucratic delays in long-term recovery efforts, direct the head of an agency to exercise any administrative waiver authority of that agency relating to a requirement of Federal law, including any waiver authority under section 301 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5141); and

(B) extend any such waiver for any period until the termination of the Office.

(b) CHAIRPERSON OF THE INTERAGENCY WORKING GROUP.—

(1) ESTABLISHMENT.—There is established the Louisiana Katrina Interagency Working Group (in this subsection referred to as the "Working Group"). The Administrator shall be the Chairperson of the Working Group.

(2) FUNCTIONS.—The Working Group shall coordinate with the Administrator to carry out this title.

(3) MEMBERS.—The Working Group shall include—

(A) the Secretary of Housing and Urban Development;

(B) the Secretary of Commerce;

(C) the Secretary of Education;

(D) the Secretary of Labor;

(E) the Secretary of Agriculture;

(F) the Administrator of the Small Business Administration;

(G) the Director of the Environmental Protection Agency; and

(H) any other head of an agency, as determined by the President.

(4) TERMINATION.—The Working Group shall terminate on the date of the termination of the Office.

SEC. 605. ADMINISTRATIVE AND SUPPORT SERVICES.

The President shall provide administrative and support services (including personnel) for the Office.

SEC. 606. LOUISIANA KATRINA ADVISORY BOARD.

(a) ESTABLISHMENT.—There is established the Louisiana Katrina Advisory Board (in this section referred to as the "Board").

(b) MEMBERSHIP.—The Board shall be comprised of 6 members, none of whom shall be an elected official, and of whom—

(1) 2 shall be appointed by the President;

(2) 2 shall be appointed by the Governor of the State of Louisiana;

(3) 1 shall be appointed by the mayor of the city of New Orleans; and

(4) 2 shall be appointed by a majority of the parish presidents of Jefferson, Plaquemines, St. Bernard, St. Tammany, and Washington Parishes, Louisiana.

(c) DUTIES.—The Board shall provide advice and recommendations to the Administrator to carry out the purposes of this title.

(d) CHAIRPERSON.—The Administrator shall designate 1 member as Chairperson of the Board.

(e) POWERS OF THE BOARD.—

(1) HEARINGS.—The Board may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Board considers advisable to carry out this section.

(2) INFORMATION FROM FEDERAL AGENCIES.—The Board may secure directly from any Federal department or agency such information as the Board considers necessary to carry out this section. Upon request of the Chairperson of the Board, the head of such department or agency shall furnish such information to the Board.

(3) POSTAL SERVICES.—The Board may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(4) GIFTS.—The Board may accept, use, and dispose of gifts or donations of services or property.

(f) BOARD PERSONNEL MATTERS.—

(1) COMPENSATION OF MEMBERS.—Each member of the Board who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Board. All members of the Board who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(2) TRAVEL EXPENSES.—The members of the Board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Board.

(3) STAFF.—

(A) IN GENERAL.—The Chairperson of the Board may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Board to perform its duties. The employment of an executive director shall be subject to confirmation by the Board.

(B) COMPENSATION.—The Chairperson of the Board may fix the compensation of the executive director and other personnel without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(C) PERSONNEL AS FEDERAL EMPLOYEES.—

(i) IN GENERAL.—The executive director and any personnel of the Board who are employees shall be employees under section 2105 of title 5, United States Code, for purposes of chapters 63, 81, 83, 84, 85, 87, 89, 89A, 89B, and 90 of that title.

(ii) MEMBERS OF BOARD.—Subparagraph (A) shall not be construed to apply to members of the Board.

(4) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Board without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(5) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the Board may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(g) TERMINATION OF THE BOARD.—The Board shall terminate on the date of the termination of the Office of the Louisiana Katrina Recovery Administrator.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as necessary to the Board to carry out this title.

SEC. 607. DISAPPROVAL RESOLUTIONS.

(a) IN GENERAL.—Notwithstanding any other provision of this title, if Congress enacts a joint resolution as provided under this section—

(1) a waiver under section 604(a)(5) shall not take effect or cease to be in effect, as the case may be; or

(2) notwithstanding section 610(b), the Office shall terminate.

(b) CONTENTS OF RESOLUTION.—For the purpose of subsection (a), the term "joint resolution" means a joint resolution, the matter after the resolving clause of which is only 1 of the following:

"That Congress disapproves the waiver extension under section 604(a)(5) of the Louisiana Katrina Recovery Act of 2005 relating to ___________ (the blank space being appropriately filled in).".

"The Congress disapproves the extension of termination under section 610(b) of the Louisiana Katrina Recovery Act of 2005, of which the President submitted notice to Congress on   (the blank space being filled in by the appropriate date).".

(c) REFERRAL TO COMMITTEE.—A resolution described in subsection (b) introduced in the House of Representatives shall be referred to the Committee on Homeland Security of the House of Representatives. A resolution described in subsection (b) introduced in the Senate shall be referred to the Committee on Homeland Security and Governmental Affairs of the Senate. Such a resolution may not be reported before the 8th day after its introduction.

(d) DISCHARGE OF COMMITTEE.—If the committee to which is referred a resolution described in subsection (b) has not reported such resolution (or an identical resolution) at the end of 15 calendar days after its introduction, such committee shall be deemed to be discharged from further consideration of such resolution and such resolution shall be placed on the appropriate calendar of the House involved.

(e) FLOOR CONSIDERATION.—

(1) IN GENERAL.—When the committee to which a resolution is referred has reported, or has been deemed to be discharged (under subsection (d)) from further consideration of, a resolution described in subsection (b), it is at any time thereafter in order (even though a previous motion to the same effect has

been disagreed to) for any Member of the respective House to move to proceed to the consideration of the resolution, and all points of order against the resolution (and against consideration of the resolution) are waived. The motion is highly privileged in the House of Representatives and is privileged in the Senate and is not debatable. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the resolution is agreed to, the resolution shall remain the unfinished business of the respective House until disposed of.

(2) Debate.—Debate on the resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours, which shall be divided equally between those favoring and those opposing the resolution. A motion further to limit debate is in order and not debatable. An amendment to, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the resolution is not in order. A motion to reconsider the vote by which the resolution is agreed to or disagreed to is not in order.

(3) Vote on Final Passage.—Immediately following the conclusion of the debate on a resolution described in subsection (b), and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the appropriate House, the vote on final passage of the resolution shall occur.

(4) Rulings of the Chair on Procedure.—Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution described in subsection (b) shall be decided without debate.

(f) Coordination With Action by Other House.—If, before the passage by 1 House of a resolution of that House described in subsection (b), that House receives from the other House a resolution described in subsection (b) relating to the same matter, then the following procedures shall apply:

(1) The resolution of the other House shall not be referred to a committee.

(2) With respect to a resolution described in subsection (b) of the House receiving the resolution—

(A) the procedure in that House shall be the same as if no resolution had been received from the other House; but

(B) the vote on final passage shall be on the resolution of the other House.

(g) Rules of House of Representatives and Senate.—This subsection is enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a resolution described in subsection (b), and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

SEC. 608. SPECIAL INSPECTOR GENERAL FOR RELIEF AND RECONSTRUCTION.

(a) Redesignation.—(1) Section 3001 of the Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004 (Public Law 108–106; 117 Stat. 1234; 5 U.S.C. App. 3 section 8G note) is amended—

(A) in subsection (b), by striking "Office of the Special Inspector General for Iraq Reconstruction" and inserting "Office of the Special Inspector General for Relief and Reconstruction"; and

(B) in subsection (c)(1), by striking all after "The head of the Office of the Special Inspector General" and inserting "for Relief and Reconstruction is the Special Inspector General for Relief and Reconstruction (in this section referred to as the 'Inspector General'). If a vacancy occurs after the service of the individual as provided under section 608(b) of the Louisiana Katrina Recovery Act of 2005, the Inspector General shall be appointed by the President, by and with the advice and consent of the Senate.".

(2)(A) The heading of such section is amended to read as follows:

"SEC. 3001. SPECIAL INSPECTOR GENERAL FOR RELIEF AND RECONSTRUCTION.".

(B) The heading of title III of such Act is amended to read as follows:

"TITLE III—SPECIAL INSPECTOR GENERAL FOR RELIEF AND RECONSTRUCTION".

(b) Continuation in Office.—The individual serving as the Special Inspector General for Iraq Reconstruction as of the date of the enactment of this Act may continue to serve as the Special Inspector General for Relief and Reconstruction (with all additional duties and responsibilities as provided under this title) after that date without reappointment under paragraph (1) of section 3001(c) of the Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004, but remaining subject to removal as specified in paragraph (4) of that section.

(c) Purposes.—Subsection (a) of such section is amended—

(1) in paragraph (1), by inserting "and for Hurricane Katrina recovery activities" after "Iraq Relief and Reconstruction Fund"; and

(2) in paragraph (3), by striking "the Secretary of State and the Secretary of Defense" and inserting "the Secretary of State, the Secretary of Homeland Security, the Secretary of Defense, and the heads of other Federal agencies, as appropriate.".

(d) Responsibilities of Assistant Inspector General for Auditing.—Subsection (d) of such section is amended to read as follows:

"(d) Assistant Inspectors General.—(1) The Inspector General shall, in accordance with applicable laws and regulations governing the civil service—

"(A) appoint 1 or more Assistant Inspectors General for Auditing who shall have the responsibility for supervising the performance of auditing activities relating to—

"(i) programs and operations supported by the Iraq Relief and Reconstruction Fund; and

"(ii) programs and operations relating to Hurricane Katrina recovery activities; and

"(B) appoint 1 or more Assistant Inspectors General for Investigations who shall have the responsibility for supervising the performance of investigative activities relating to such programs and operations.".

(e) Supervision.—Such section is further amended—

(1) in subsection (e)—

(A) by striking paragraph (1) and inserting the following:

"(1)(A) Except as provided in paragraph (2), the Inspector General shall report directly to, and be under the general supervision of, the Secretary of State and the Secretary of Defense with respect to activities relating to the Iraq Relief and Reconstruction Fund.

"(B) Except as provided in paragraph (2), the Inspector General shall report directly to, and be under the general supervision of, the Director of the Office of Management and Budget and the Secretary of Homeland Security with respect to activities relating to Hurricane Katrina recovery activities."; and

(B) in paragraph (2)—

(i) by striking "Department of Defense, the Department of State, or the United States Agency for International Development" and inserting "Federal Government"; and

(ii) by inserting "and Hurricane Katrina recovery activities" after "Iraq Relief and Reconstruction Fund";

(2) in subsection (f)—

(A) in paragraph (1)—

(i) by inserting "(A)" after "(1)";

(ii) by redesignating subparagraphs (A) through (E) as clauses (i) through (v), respectively; and

(iii) by adding at the end the following:

"(B) It shall be the duty of the Inspector General to conduct and coordinate audits and investigations of the treatment, handling, and expenditure of amounts appropriated or otherwise made available for Hurricane Katrina recovery by the Federal Government, and of the programs, operations, and contracts carried out utilizing such funds, including—

"(i) the oversight and accounting of the obligation and expenditure of such funds;

"(ii) the monitoring and review of reconstruction activities funded by such funds;

"(iii) the monitoring and review of contracts funded by such funds;

"(iv) the monitoring and review of the transfer of such funds and associated information between and among departments, agencies, and entities of the United States, State and local governments, and private and nongovernmental entities;

"(v) the maintenance of records on the use of such funds to facilitate future audits and investigations of the use of such funds; and

"(vi) the monitoring of Federal grants and benefit programs."; and

(B) in paragraph (4)—

(i) by inserting "(A)" after "(4)";

(ii) by striking all after "cooperation of" and inserting "the inspectors general and auditing entities of all other Federal departments and agencies."; and

(iii) by adding at the end the following:

"(B)(i) The Inspector General shall ensure, to the greatest extent possible, that the activities of the Inspector General do not duplicate audits and investigations of inspectors general and other auditors of Federal departments and agencies, and State and local government entities.

"(ii) The Inspector General shall notify the inspector general of the relevant agency or department before initiating an audit or investigation relating to Hurricane Katrina activities.

"(iii) Nothing in this section shall be construed to limit the statutory authority of inspectors general to conduct audits or investigations relating to Hurricane Katrina activities.";

(3) in subsection (h)(4)(B), by striking "Secretary of State or Secretary of Defense" and inserting "Director of the Office of Management and Budget and heads of relevant agencies"; and

(4) in subsection (h)(5)—

(A) by inserting "(A)" after "(5)";

(B) by inserting "for activities relating to Iraq" after "operation of such offices"; and

(C) by adding at the end the following:

“(B) The Secretary of Homeland Security shall provide the Inspector General with appropriate and adequate office space, together with such equipment, office supplies, and communications facilities and services as may be necessary for the operations of such offices for activities relating to Hurricane Katrina, and shall provide necessary maintenance services for such offices and equipment and facilities located therein.”.

(f) Reports Relating to the Iraqi Relief and Reconstruction.—Subsection (i) of such section is amended by adding at the end the following:

“(7)(A) The Inspector General shall also submit each report under this subsection to the Secretary of State and the Secretary of Defense.

“(B)(i) Not later than 30 days after receipt of a report under subparagraph (A), the Secretary of State and the Secretary of Defense may submit to the appropriate committees of Congress any comments on the matters covered by the report as the Secretary of State or the Secretary of Defense, as the case may be, considers appropriate.

“(ii) A report under this subparagraph may include a classified annex if the Secretary of State or the Secretary of Defense, as the case may be, considers it necessary.”.

(g) Reports Relating to Hurricane Katrina Relief and Reconstruction.—Subsection (j) of such section is amended to read as follows:

“(j) Reports Relating to Hurricane Katrina Relief and Reconstruction.—(1)(A) At the end of each calendar quarter, beginning with the first full quarter after the date of enactment of the Louisiana Katrina Recovery Act of 2005, the Inspector General shall submit to the appropriate committees of Congress a report summarizing for the period of that quarter the activities of the Inspector General and of the Hurricane Katrina recovery activities of the Federal Government. Each report shall include, for the period covered by such report, a detailed statement of all obligations, expenditures, and revenues associated with recovery activities for Hurricane Katrina, including the following:

“(i) Obligations and expenditures of appropriated funds.

“(ii) Accounting of the costs incurred to date for Hurricane Katrina recovery, together with the estimate of the Federal Government's costs to complete each project and each program.

“(iii) Operating expenses of any Federal departments, agencies, or entities receiving appropriated funds for Hurricane Katrina recovery activities.

“(iv) In the case of any contract described in paragraph (2)—

“(I) the amount of the contract or other agreement;

“(II) a brief discussion of the scope of the contract or other agreement;

“(III) a discussion of how the contracting department or agency identified, and solicited offers from, potential contractors to perform the contract, together with a list of the potential contractors that were issued solicitations for the offers; and

“(IV) the justification and approval documents on which was based the determination to use procedures other than procedures that provide for full and open competition.

“(B) The first quarterly report required to be submitted under subparagraph (A) shall also summarize activities for Hurricane Katrina recovery undertaken before that quarter.

“(2) A contract described in this paragraph is any major contract or other agreement that is entered into by any department or agency of the United States Government that involves the use of amounts appropriated or otherwise made available for Hurricane Katrina recovery with any public or private sector entity.

“(3) Not later than 45 days after the date of enactment of the Louisiana Katrina Recovery Act of 2005, the Inspector General shall submit to the appropriate committees of Congress an interim report on the status of Hurricane Katrina recovery activities of the Federal Government. The interim report shall include the following:

“(A) The operational activities of the Office of the Special Inspector General for Relief and Reconstruction.

“(B) The status of auditors and investigators deployed to Louisiana.

“(C) A strategic plan for oversight, including audits of no bid contracts.

“(D) Vulnerabilities identified and immediate actions to address such vulnerabilities.

“(E) Measures taken to coordinate interagency oversight elements.

“(4) Not later than March 31, 2006, and semiannually thereafter, the Inspector General shall submit to the appropriate committees of Congress a report meeting the requirements of section 5 of the Inspector General Act of 1978 (5 U.S.C. App.).

“(5) The Inspector General shall publish each report under this subsection on an accessible Federal Government Internet website.

“(6) Nothing in this subsection shall be construed to authorize the public disclosure of information that is—

“(A) specifically prohibited from disclosure by any other provision of law;

“(B) specifically required by Executive order to be protected from disclosure in the interest of national defense or national security or in the conduct of foreign affairs; or

“(C) a part of an ongoing criminal investigation.

“(7)(A) The Inspector General shall also submit each report under this subsection to the Director of the Office of Management and Budget, Secretary of Homeland Security, or heads of other appropriate agencies.

“(B) Not later than 30 days after receipt of a report under paragraph (1), the Director of the Office of Management and Budget and the heads of other appropriate agencies may submit to the appropriate committees of Congress any comments on the matters covered by the report as the Director of the Office of Management and Budget and heads of relevant agencies consider appropriate.

“(8) The Inspector General shall respond to any reasonable summons to appear and testify before any duly constituted committee of Congress.”.

(h) Transparency.—Subsection (k) of such section is amended—

(1) in paragraph (1), by striking “subsection (i), the Secretary of State and the Secretary of Defense shall jointly” and inserting “subsection (i) or (j), the Director of the Office of Management and Budget and the heads of the relevant departments shall”; and

(2) in paragraph (2), by striking “subsection (j)(2) of comments on a report under subsection (i), the Secretary of State and the Secretary of Defense shall jointly” and inserting “subsection (i)(7)(B) or (j)(7)(B) of comments on a report under subsection (i) or (j), the Director of the Office of Management and Budget and the heads of relevant departments shall”.

(i) Waiver.—Subsection (l) of such section is amended—

(1) in paragraph (1), by inserting “or paragraph (1) or (3) of subsection (j)” after “subsection (i)”; and

(2) in paragraph (2), by inserting “or paragraph (1) or (3) of subsection (j)” after “subsection (i)” each place that term occurs.

(j) Appropriate Committees of Congress.—Subsection (m) of such section is amended—

(1) in paragraph (1), by striking “and Foreign Relations” and inserting “Foreign Relations, and Homeland Security and Governmental Affairs”; and

(2) in paragraph (2), by striking “and International Relations” and inserting “International Relations, and Homeland Security”.

(k) Funding.—Subsection (n) of such section is amended by adding at the end the following:

“(3) There are authorized to be appropriated to the Office of the Special Inspector General for Relief and Reconstruction to carry out the responsibilities of the Special Inspector General relating to Hurricane Katrina recovery such sums as necessary for fiscal year 2006.”.

(l) Application to Louisiana and Termination.—Such section is amended by striking subsection (o) and inserting the following:

“(o) Application to Louisiana.—Any reference in this section to Hurricane Katrina recovery shall only apply with respect to Hurricane Katrina recovery in the State of Louisiana.

“(p) Termination.—(1)(A) The responsibilities of the Office of the Special Inspector General for Relief and Reconstruction with respect to the Iraq Relief and Reconstruction Fund shall terminate on the date that is 10 months after the date, as determined by the Secretary of State and Secretary of Defense, on which 80 percent of the amounts appropriated or otherwise made available to the Iraq Relief and Reconstruction Fund by chapter 2 of title II of this Act have been obligated.

“(B) The responsibilities of the Office of the Special Inspector General for Relief and Reconstruction with respect to Hurricane Katrina recovery activities shall terminate 2 years after the date of enactment of the Louisiana Katrina Recovery Act of 2005.

“(2) The Office of the Special Inspector General for Relief and Reconstruction shall terminate on the later date occurring under subparagraph (A) or (B) of paragraph (1).”.

SEC. 609. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as necessary to carry out this title.

SEC. 610. TERMINATION OF OFFICE.

(a) In General.—The Office and position of Administrator shall terminate 2 years after the date of enactment of this Act.

(b) Extension of Termination.—

(1) In general.—The President may extend the date of termination under subsection (a) in accordance with this subsection.

(2) Conditions of extension.—Any extension of termination under this subsection—

(A) shall not be effective for any period occurring 5 years after the date of enactment of this Act;

(B) may not apply retroactively if the Office and the position of Director have terminated under this section;

(C) shall not be effective unless 60 days before the date on which a termination would occur the President submits a notice to Congress of a determination to extend the termination; and

(D) subject to subparagraph (A), shall be for a 6-month period.

SA 2297. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title I (before the short title), insert the following:

SEC.   . COMMUNITY-BASED TRAINING GRANTS.

(a) INCREASE FOR TRAINING AND EMPLOYMENT.—In addition to amounts otherwise appropriated under this Act, the $2,787,806,000 appropriated under title I under the heading "TRAINING AND EMPLOYMENT SERVICES (INCLUDING RESCISSION)" under the heading "EMPLOYMENT AND TRAINING ADMINISTRATION" shall be increased by an additional $125,000,000, which additional amount shall be available for obligation for the period July 1, 2006, through June 30, 2007.

(b) INCREASE FOR COMMUNITY-BASED JOB TRAINING GRANTS.—In addition to amounts otherwise appropriated or made available under this Act for Community-Based Job Training Grants, not more than an additional $125,000,000 may be used by the Secretary of Labor for such grants, from funds reserved under section 132(a)(2)(A) of the Workforce Investment Act of 1998, to carry out such grants under section 171(d) of such Act, except that the 10 percent limitation otherwise applicable to the amount of funds that may be used to carry out section 171(d) shall not by applicable to funds used for Community-Based Job Training Grants.

(c) OFFSET FROM DEPARTMENTAL MANAGEMENT.—Notwithstanding any other provision of this Act, the amounts appropriated under title I under the heading "SALARIES AND EXPENSES" under the heading "DEPARTMENTAL MANAGEMENT", for management or operation of activities conducted by or through the Bureau of International Labor Affairs, shall be reduced by $125,000,000.

SA 2298. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE   —FAMILY EDUCATION REIMBURSEMENT ACCOUNT PROGRAM

SEC.   . SHORT TITLE.

This title may be cited as the "Family Education Reimbursement Act of 2005".

SEC. ___. FAMILY EDUCATION REIMBURSEMENT ACCOUNTS.

(a) ESTABLISHMENT.—The Secretary of Education, in consultation with the Secretary of Health and Human Services, shall—

(1) establish a Family Education Reimbursement Account Program under which, at the direction of the parent of each displaced student who signs up under subsection (d), the Secretary provides reimbursement to enable the student or preschool-age child to attend the school or preschool program of his or her parent's choice during the 2005–2006 school year;

(2) of the amount available to carry out this section for fiscal year 2006, use not more than one third of one percent of such amount for administrative expenses, including outreach, support services, and dissemination of information; and

(3) contract with a nongovernmental entity to administer and operate the program.

(b) REIMBURSEMENT.—

(1) IN GENERAL.—In carrying out this section, the Secretary—

(A) shall allow the parent of the participating displaced student to select the school or preschool program to be attended by the student during the 2005–2006 school year;

(B) at the direction of the parent, shall provide reimbursement to that school or preschool program on a quarterly basis; and

(C) in the case of a public school, may provide such reimbursement to the appropriate local fiscal agent for the school.

(2) AMOUNT.—In providing reimbursement under paragraph (1), the Secretary shall—

(A) determine the amount of reimbursement to a school or preschool program based on the number of weeks during which the participating displaced student attended the school or preschool program during the preceding quarter;

(B) subject to subparagraph (C), provide the same amount of reimbursement to each school and preschool program for each week of attendance by one participating displaced student;

(C) not provide reimbursement that exceeds the actual cost of the school for educating students, or the actual cost of the preschool program, for the same period for students who are not displaced students;

(D) not provide reimbursement of more than $6,700 on behalf of any student for the 2005–2006 school year; and

(E) discontinue reimbursement once a displaced student returns to the school he or she attended prior to August 29, 2005.

(3) USE OF FUNDS.—The Secretary may provide reimbursement under paragraph (1) on behalf of a displaced student only if the school or preschool program involved agrees—

(A) to use the reimbursement for providing educational and other services to the displaced student; and

(B) not to use the reimbursement for the construction or renovation of facilities.

(c) ACCOUNTING OF FUNDS.—The Secretary shall provide an appropriate accounting of funds for each school or program that receives a payment on behalf of one or more participating displaced students under .this section.

(d) REGISTRATION.—

(1) IN GENERAL.—To seek to participate in the program under this section, the parent of a displaced student shall sign up by means of the Internet site, toll-free telephone number, or paper form developed under subsection (e).

(2) ACCOUNT NUMBERS.—Upon completion of registration for the program under this section—

(A) the displaced student shall be assigned an account number; and

(B) the account number shall be made available to the parent of the student.

(3) FAMILIES.—If a parent has more than one child who is a displaced student—

(A) the parent shall be allowed to register each child under this subsection at the same time; and

(B) the same account number under paragraph (2) shall be provided to each child.

(e) FERA SYSTEM DEVELOPMENT AND ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary shall develop and implement a web-based system—

(A) to support the registration in the program under this section of displaced students by means of an Internet site, toll-free telephone number, or paper form; and

(B) to facilitate the timely payment of funds from the accounts of families participating in the program under this section to the school or preschool program authorized to be reimbursed for educational and other services rendered.

(2) SYSTEM REQUIREMENTS.—

(A) INTERNET SITE; TOLL-FREE TELEPHONE NUMBER; PAPER FORM.—The Internet site and toll-free telephone number developed pursuant to paragraph (1)—

(i) shall be integrated with each other;

(ii) shall, with respect to the toll-free telephone number, not be fully automated;

(iii) shall be operational not later than 2 weeks after the date of the enactment of this section;

(iv) shall include privacy controls, consistent with section 444 of the General Education Provisions Act (20 U.S.C. 1232g);

(v) shall be accessible to participating displaced students and their parents for the purpose of determining—

(I) the amount expended under this section on the student's behalf to date; and

(II) the amount remaining for expenditure under this section on the student's behalf;

(vi) shall be accessible to schools and preschool programs for the purpose of facilitating reimbursement under subsection (b);

(vii) shall support non-English speaking parents by providing information and registration in an understandable and uniform format and, to the extent practicable, in a language the parents can understand;

(viii) may use existing Federal grant management and electronic payment systems;

(ix) shall include information technology and other controls necessary to prevent fraud and overpayment, including mechanisms to validate family and school information; and

(x) shall provide technical support services (including support for registration and processing of accounts) to the families of participating displaced students and the schools and preschool programs in which the students are enrolled.

(B) PAYMENT SYSTEM.—The Secretary shall ensure that—

(i) the payment system required to carry out this section is operational not later than 4 weeks after the date of the enactment of this section; and

(ii) the first disbursements under this section are made not later than 5 weeks after the date of the enactment of this section.

(3) CONTRACTOR REQUIREMENTS.—The Secretary shall award the contract required by subsection (a)(3) to a nongovernmental entity that—

(A) has experience meeting the requirements described in paragraph (2)(A);

(B) demonstrates expertise in the development and operation of information technology infrastructures, including the manufacture and supply of hardware and software, information management, electronic fund transfer payment systems, and customer relations management and outreach;

(C) demonstrates significant experience in the development, implementation, and technical support for payment management systems operated by agencies of the Federal Government, including the Department of Education and the Department of Health and Human Services; and

(D) is based, and operates help desk services, in the United States.

(f) TRANSFERRING STUDENTS.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall continue to provide reimbursement under this section on behalf of a participating displaced student who transfers to one or more schools or preschool programs during the 2005-2006 school year.

(2) EXCEPTION.—The Secretary shall not provide reimbursement under this section on behalf of a participating displaced student with respect to any school or preschool program which the student attends for less than 2 consecutive weeks during the 2005-2006 school year.

(g) ADDITIONAL AMOUNT FOR ADMINISTRATIVE EXPENSES.—In providing reimbursement to an entity under this section—

(1) the Secretary shall include an additional amount equal to 1 percent of the total amount of such reimbursement to the entity for the purpose of defraying administrative expenses;

(2) such additional amount shall not be counted for purposes of the maximum reimbursement amount specified in subsections (b)(2)(C) and (b)(2)(D); and

(3) of the amount specified in subsections (b)(2)(C) and (b)(2)(D), 100 percent of such amount shall be made available to the school or preschool program.

(h) PROCUREMENT.—For purposes of the contract required by subsection (a)(3), the following provisions of Federal acquisition law shall not apply:

(1) Title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.).

(2) The Office of Federal Procurement Policy Act (41 U.S.C. 403 et seq.).

(3) The Federal Acquisition Streamlining Act of 1994 (Public Law 103-355).

(4) The Competition in Contracting Act of 1984 (Public Law 98-369).

(5) Subchapter V of chapter 35 of subtitle III of title 31, relating to the procurement protest system.

(6) The Federal Acquisition Regulation and any laws not listed in paragraphs (1) through (5) providing authority to promulgate regulations in the Federal Acquisition Regulation.

(i) AUDIT.—The Secretary may provide reimbursement under this section to a school or program on behalf of a displaced student only if the school or program agrees to allow the Secretary to conduct an audit to review and verify that the school or program is using the reimbursement in accordance with subsection (b)(3).

(j) NONDISCRIMINATION.—

(1) IN GENERAL.—The Secretary may provide reimbursement under this section to a school or preschool program only if the school or program agrees not to discriminate against participating displaced students (including applicants) on the basis of race, color, national origin, religion, or sex.

(2) APPLICABILITY AND SINGLE SEX SCHOOLS, CLASSES, OR ACTIVITIES.—

(A) IN GENERAL.—Notwithstanding any other provision of law, the prohibition of sex discrimination in paragraph (1) shall not apply to a school or preschool program that is operated by, supervised by, controlled by, or connected to a religious organization to the extent that the application of paragraph (1) is inconsistent with the religious tenets or beliefs of the school or program.

(B) SINGLE SEX SCHOOLS, CLASSES, OR ACTIVITIES.—Notwithstanding paragraph (1) or any other provision of law, a parent may choose and a school may offer a single sex school, class, or activity.

(3) CHILDREN WITH DISABILITIES.—Nothing in this section may be construed to alter or modify the provisions of the Individuals with Disabilities Education Act.

(4) RELIGIOUSLY AFFILIATED SCHOOLS.—

(A) IN GENERAL.—Notwithstanding any other provision of law, a school or preschool program receiving reimbursement under this section that is operated by, supervised by, controlled by, or connected to, a religious organization may exercise its right in matters of employment consistent with title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e-1 et seq.), including the exemptions in such title.

(B) MAINTENANCE OF PURPOSE.—Notwithstanding any other provision of law, funds made available under this section on behalf of participating displaced students that are received by a school or preschool program, as a result of their parents' choice, shall not, consistent with the first amendment of the United States Constitution, necessitate any change in the school or program's teaching mission, require any school or program to remove religious art, icons, scriptures, or other symbols, or preclude any school or program from retaining religious terms in its name, selecting its board members on a religious basis, or including religious references in its mission statements and other chartering or governing documents.

(5) RULE OF CONSTRUCTION.—Reimbursement (or any other form of support provided on behalf of participating displaced students) under this section shall be considered assistance to the student and shall not be considered assistance to the school or preschool program that enrolls the student.

(k) REPORTS.—At the end of each quarter described in subsection (b)(2)(A), the Secretary shall submit a report to the appropriate committees of the Congress describing the implementation and results of the program under this section. Such report shall—

(1) specify the number of children served, the percentage of funds used on instructional activities, and the percentage of funds used for supplemental educational services; and

(2) include information on the mobility of displaced students.

(l) DEFINITIONS.—In this section:

(1) The term "displaced student" means a student who is at least 4 years old, has not completed 12th grade, and would have attended another school or preschool program during the 2005-2006 school year, but for the fact that—

(A) the school, the program, or the surrounding area was damaged by a Gulf hurricane disaster; and

(B) the school or program could not reopen shortly after the disaster.

(2) The term "Gulf hurricane disaster" means a major disaster that was declared to exist by the President, in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170), and was caused by Hurricane Katrina or Hurricane Rita.

(3) The term "parent" has the meaning given to that term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(4) The term "participating displaced student" means a displaced student participating in the program under this section.

(5) The term "preschool program" means a public or private program serving 4 or 5 year old children, including any such Head Start program, that is in compliance with applicable State health and safety requirements.

(6) The term "school" means a public or private elementary school or secondary school (as those terms are defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)), including a religious elementary school or secondary school, that was legally operating in the State involved before September 1, 2005.

(7) The term "Secretary" means the Secretary of Education, in consultation with the Secretary of Health and Human Services.

(m) FUNDING.—

(1) IN GENERAL.—

(A) APPROPRIATION.—Out of funds not otherwise appropriated, there is hereby appropriated to the Secretary of Education, to carry out this section, $2,500,000,000, to remain available through the period ending on July 31, 2006. Any such funds that are not obligated by the end of such period shall revert to the Treasury.

(B) OFFSET.—Notwithstanding any other provision of this Act, each account for which amounts are appropriated under this Act and are not otherwise required by law shall be reduced by 1.76 percent.

(2) CONTRIBUTIONS.—Under such terms and conditions as the Secretary may impose, the Secretary may, for the purpose of carrying out this section, accept and use such amounts as may be contributed by individuals, business concerns, or other entities for such purpose.

SA 2299. Mr. COCHRAN submitted an amendment intended to be proposed by him to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title II (before the short title), add the following:

SEC. . ADDITIONAL PUBLIC HEALTH FUNDING.

(a) MINORITY PUBLIC HEALTH.—In addition to amounts otherwise appropriated under this Act, there are appropriated, out of any money in the Treasury not otherwise appropriated, $10,000,000 for the Office of Minority Health.

(b) SICKLE CELL DISEASE.—From amounts appropriated under the title for the Office of the Secretary of Health and Human Services, such Secretary shall make available and amount not to exceed $2,000,000 of such amounts to provide funding for grants under paragraph (1) of section 712(c) of Public Law 108-357 (42 U.S.C. 300b-1 note).

(c) OFFSET.—Notwithstanding any other provision of this Act, amounts made available under this Act under the heading Program Management for the Centers for Medicare and Medicaid Services shall be reduced, on a pro rata basis, by an additional $12,000,000.

SA 2300. Mr. ENSIGN (for himself, Mr. WARNER and Mr. ALLEN) submitted an amendment intended to be proposed by him to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

At the end of title III (before the short title), insert the following:

SEC. . PROHIBITION REGARDING THE E-LANGUAGE LEARNING SYSTEM.

Notwithstanding any other provision of this Act, none of the funds made available under this Act shall be used to support, develop, or distribute the Department of Education's e-Language Learning System (ELLS).

SA 2301. Mr. OBAMA (for himself, Dr. DURBIN, Mr. KERRY, Mrs. CLINTON, Mr. DODD, and Mr. CORZINE) submitted an amendment intended to be proposed by him to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III (before the short title), insert the following:

SEC. ____. THURGOOD MARSHALL LEGAL EDUCATIONAL OPPORTUNITY PROGRAM AND POSITIVE BEHAVIORAL INTERVENTIONS AND SUPPORTS.

(a) INCREASES.—In addition to amounts otherwise appropriated under this Act, there is appropriated, out of any money in the Treasury not otherwise appropriated, an additional $3,500,000 for subpart 3 of part A of title VII of the Higher Education Act of 1965 (20 U.S.C. 1136 et seq.), and an additional $1,000,000 to the Office of Special Education Programs of the Department of Education for the expansion of positive behavioral interventions and supports.

(b) OFFSET FROM CONSULTING EXPENSES.—

(1) Notwithstanding any other provision of this Act, each amount provided by this Act for consulting expenses for the Department of Health and Human Services shall be reduced by the pro rata percentage required to reduce the total amount provided by this Act for such expenses by $4,500,000.

(2) Not later than 30 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall submit to the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate a listing of the amounts by account of the reductions made pursuant to paragraph (1).

(c) REPORT ON THURGOOD MARSHALL LEGAL EDUCATIONAL OPPORTUNITY PROGRAM.—Not later than September 30, 2006, the Secretary of Education shall prepare and submit to Congress a report on the evaluation data regarding the educational and professional performance of individuals who have participated, during fiscal year 2006 or any preceding year, in the program under subpart 3 of part A of title VII of the Higher Education Act of 1965 (20 U.S.C. 1136 et seq.).

SA 2302. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 182, beginning on line 4, strike ", and $1,250,000 shall be for a grant to the University of Hawaii School of Law for a Center of Excellence in Native Hawaiian law".

SA 2303. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE ___—ELEMENTARY AND SECONDARY EDUCATION ASSISTANCE TO STUDENTS AND SCHOOLS IMPACTED BY HURRICANE KATRINA

SEC. . SHORT TITLE.

This title may be cited as the "Hurricane Katrina Elementary and Secondary Education Recovery Act".

SEC. ___. FINDINGS.

Congress finds the following:

(1) Hurricane Katrina has had a devastating and unprecedented impact on students who attended schools in the disaster areas.

(2) Due to the devastating effects of Hurricane Katrina, a significant number of students have enrolled in schools outside of the area in which they resided on August 22, 2005, including a significant number of students who enrolled in non-public schools because their parents chose to enroll them in such schools.

(3) 372,000 students were displaced by Hurricane Katrina. Approximately 700 schools have been damaged or destroyed. Nine States each have more than 1,000 of such displaced students enrolled in their schools. In Texas alone, over 45,000 displaced students have enrolled in schools.

(4) In response to these extraordinary conditions, this title creates a one-time only emergency grant for the 2005–2006 school year tailored to the needs and particular circumstances of students displaced by Hurricane Katrina.

(5) The level and type of assistance provided under this title, both for students attending public schools and students attending non-public schools, is being authorized solely because of the unprecedented nature of the crisis, the massive dislocation of students, and the short duration of assistance.

SEC. ___. WAIVERS AND OTHER ACTIONS.

(a) CURRENT WAIVER AND OTHER AUTHORITY.—The Secretary of Education is encouraged to exercise the maximum waiver authority available or exercise other actions for States, local educational agencies, and schools affected by Hurricane Katrina with respect to the waiver authority or authorization of actions provided under the following provisions of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.):

(1) Section 1111(b)(3)(C)(vii) of such Act (20 U.S.C. 6311(b)(3)(C)(vii)).

(2) Section 1111(b)(7) of such Act (20 U.S.C. 6311(b)(7)).

(3) Section 1111(c)(1) of such Act (20 U.S.C. 6311(c)(1)).

(4) Section 1111(h)(2)(A)(i) of such Act (20 U.S.C. 6311(h)(2)(A)(i)).

(5) Section 1116(b)(7)(D) of such Act (20 U.S.C. 6316(b)(7)(D)).

(6) Section 1116(c)(10)(F) of such Act (20 U.S.C. 6316(c)(10)(F)).

(7) Section 1125A(e)(3) of such Act (20 U.S.C. 6337(e)(3)).

(8) Section 3122(a)(3)(B) of such Act (20 U.S.C. 6842(a)(3)(B)).

(9) Section 5141(c) of such Act (20 U.S.C. 7217(c)).

(10) Section 7118(c)(3)(A) of such Act (20 U.S.C. 7428(c)(3)(A)).

(11) Section 9521(c) of such Act (20 U.S.C. 7901(c)).

(b) REPORT ON WAIVERS.—Not later than December 31, 2005, the Secretary of Education shall prepare and submit a report on the States and local educational agencies requesting a waiver of any provision under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) and the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) due to the impact of Hurricane Katrina to the Committee on Education and the Workforce and the Committee on Appropriations of the House of Representatives and the Committee on Health, Education, Labor, and Pensions and the Committee on Appropriations of the Senate.

SEC. ___. PROVIDING ADDITIONAL SUPPORT FOR STUDENTS AFFECTED BY HURRICANE KATRINA.

(a) GRANTS TO STATES AUTHORIZED.—From amounts appropriated under subsection (g), the Secretary of Education is authorized to make grants to States for assistance to eligible local educational agencies to enable the agencies to provide services, programs, and activities as described in subsection (c).

(b) STATE APPLICATIONS.—A State that desires to receive a grant under this section shall submit an application to the Secretary of Education at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

(c) ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES.—A State that receives a grant under subsection (a) shall use the funds made available through the grant to provide assistance to eligible local educational agencies to enable such agencies to provide, to students displaced by Hurricane Katrina or students attending a school in an area described in subsection (f)(1)—

(1) supplemental educational services consistent with the definitions, criteria, and amounts established under section 1116(e) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316(e)); or

(2) additional programs and activities under part B of title IV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7171 et seq.) relating to 21st century community learning centers.

(d) LOCAL APPLICATIONS.—An eligible local educational agency that desires to receive assistance under this section from a State shall submit an application to the State at such time, in such manner, and accompanied by such information as the State may reasonably require.

(e) INTERACTION WITH THE ESEA.—An eligible local educational agency providing services described in subsection (c)(1) may provide such services to a student displaced by Hurricane Katrina regardless of the status of the school under section 1116(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316(b)) that such student attends.

(f) DEFINITION OF ELIGIBLE LOCAL EDUCATIONAL AGENCY.—In this section, the term "eligible local educational agency" means—

(1) a local educational agency in an area in which a major disaster has been declared in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) related to Hurricane Katrina; or

(2) a local educational agency that enrolls a student displaced from an area where a major disaster has been declared in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) related to Hurricane Katrina.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $100,000,000 for fiscal year 2006.

SEC. ___. IMMEDIATE AID TO RESTART SCHOOL OPERATIONS.

(a) Purpose.—It is the purpose of this section—

(1) to provide immediate and direct assistance to local educational agencies in Louisiana, Mississippi, and Alabama that serve an area in which a major disaster has been declared in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170), related to Hurricane Katrina;

(2) to assist school district administrators and personnel of such agencies who are working to restart operations in elementary schools and secondary schools served by such agencies; and

(3) to facilitate the re-opening of elementary schools and secondary schools served by such agencies and the re-enrollment of students in such schools as soon as possible.

(b) Payments and Grants Authorized.—From amounts appropriated to carry out this section, the Secretary of Education is authorized to make payments, not later than November 30, 2005, to State educational agencies (as defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801 et seq.)) in Louisiana, Mississippi, and Alabama to enable such agencies to award grants to local educational agencies serving an area in which a major disaster has been declared in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170), related to Hurricane Katrina.

(c) Eligibility and Consideration.—In determining whether to award a grant under this section, or the amount of the grant, the State educational agency shall consider the following:

(1) The number of school-aged children served by the local educational agency in the academic year preceding the academic year for which the grant is awarded.

(2) The severity of the impact of Hurricane Katrina on the local educational agency and the extent of the needs in each local educational agency in Louisiana, Mississippi, and Alabama that is in an area in which a major disaster has been declared in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170), related to Hurricane Katrina.

(d) Applications.—Each local educational agency desiring a grant under this section shall submit an application to the State educational agency at such time, in such manner, and accompanied by such information as the State educational agency may reasonably require to ensure expedited and timely payment to the local educational agency.

(e) Uses of Funds.—

(1) In general.—A local educational agency receiving a grant under this section shall use the grant funds for—

(A) recovery of student and personnel data, and other electronic information;

(B) replacement of school district information systems, including hardware and software;

(C) financial operations;

(D) reasonable transportation costs;

(E) rental of mobile educational units and leasing of neutral sites or spaces;

(F) initial replacement of instructional materials and equipment, including textbooks;

(G) redeveloping instructional plans, including curriculum development;

(H) initiating and maintaining education and support services; and

(I) such other activities related to the purpose of this section that are approved by the Secretary.

(2) Use with other available funds.—A local educational agency receiving a grant under this section may use the grant funds in coordination with other Federal, State, or local funds available for the activities described in paragraph (1).

(3) Prohibitions.—Grant funds received under this section shall not be used for any of the following:

(A) Construction or major renovation of schools.

(B) Payments to school administrators or teachers who are not actively engaged in restarting or re-opening schools.

(f) Supplement Not Supplant.—

(1) In general.—Except as provided in paragraph (2), funds made available under this section shall be used to supplement, not supplant, any funds made available through the Federal Emergency Management Agency or through a State.

(2) Exception.—Paragraph (1) shall not prohibit the provision of Federal assistance under this section to an eligible educational agency that is or may be entitled to receive, from another source, benefits for the same purposes as under this section if—

(A) such agency has not received such other benefits by the time of application for Federal assistance under this section; and

(B) such agency agrees to repay all duplicative Federal assistance received to carry out the purposes of this section.

(g) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $900,000,000 for fiscal year 2006.

SEC. . HOLD HARMLESS FOR LOCAL EDUCATIONAL AGENCIES SERVING MAJOR DISASTER AREAS.

In the case of a local educational agency that serves an area in which the President has declared that a major disaster exists in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170), related to Hurricane Katrina, the amount made available for such local educational agency under each of sections 1124, 1124A, 1125, and 1125A of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6333, 6334, 6335, and 6337) for fiscal year 2006 shall be not less than the amount made available for such local educational agency under each of such sections for fiscal year 2005.

SEC. . TEACHER AND PARAPROFESSIONAL RECIPROCITY; DELAY.

(a) Teacher and Paraprofessional Reciprocity.—

(1) Teachers.—

(A) Affected teacher.—In this subsection, the term "affected teacher" means a teacher who is displaced due to Hurricane Katrina and relocates to a State that is different from the State in which such teacher resided on August 22, 2005.

(B) In general.—A local educational agency may consider an affected teacher hired by such agency who is not highly qualified in the State in which such agency is located to be highly qualified, for purposes of section 1119 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6319) and section 612(a)(14) of the Individuals with Disabilities Education Act (20 U.S.C. 1412(a)(14)), for a period not to exceed 1 year, if such teacher was highly qualified, consistent with section 9101(23) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(23)) and section 602(10) of the Individuals with Disabilities Education Act (20 U.S.C. 1401(10)), on or before August 22, 2005, in the State in which such teacher resided on August 22, 2005.

(2) Paraprofessional.—

(A) Affected paraprofessional.—In this subsection, the term "affected paraprofessional" means a paraprofessional who is displaced due to Hurricane Katrina and relocates to a State that is different from the State in which such paraprofessional resided on August 22, 2005.

(B) In general.—A local educational agency may consider an affected paraprofessional hired by such agency who does not satisfy the requirements of section 1119(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6319(c)) in the State in which such agency is located to satisfy such requirements, for purposes of such section, for a period not to exceed 1 year, if such paraprofessional satisfied such requirements on or before August 22, 2005, in the State in which such paraprofessional resided on August 22, 2005.

(b) Delay.—The Secretary of Education may delay, for a period not to exceed 1 year, applicability of the requirements of paragraphs (2) and (3) of section 1119(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6319(a)(2) and (3)) and section 612(a)(14)(C) of the Individuals with Disabilities Education Act (20 U.S.C. 1412(a)(14)(C)) with respect to the States of Alabama, Louisiana, and Mississippi (and local educational agencies within the jurisdiction of such States), if any such State or local educational agency demonstrates that a failure to comply with such requirements is due to exceptional or uncontrollable circumstances, such as a natural disaster or a precipitous and unforeseen decline in the financial resources of local educational agencies within the State.

SEC. ___. ASSISTANCE FOR HOMELESS YOUTH.

(a) In General.—The Secretary of Education shall provide assistance to local educational agencies serving homeless children and youths displaced by Hurricane Katrina, consistent with section 723 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11433), including identification, enrollment assistance, assessment and school placement assistance, transportation, coordination of school services, supplies, referrals for health, mental health, and other needs.

(b) Exception and Distribution of Funds.—

(1) Exception.—For purposes of providing assistance under subsection (a), subsections (c) and (e)(1) of section 722 and subsections (b) and (c) of section 723 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11432(c) and (e)(1), 11433(b) and (c)) shall not apply.

(2) Disbursement.—The Secretary of Education shall disburse funding provided under subsection (a) to State educational agencies based on demonstrated need, as determined by the Secretary, and such State educational agencies shall distribute funds available under subsection (c) to local educational agencies based on demonstrated need, for the purposes of carrying out section 723 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11433).

(c) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section $50,000,000.

SEC. . ALTERNATIVE EDUCATION PROGRAMS FOR DISPLACED ADOLESCENT STUDENTS.

(a) Definitions.—In this section:

(1) Alternative education program.—The term "alternative education program"

means a transitional program that provides displaced adolescent students with—

(A) instruction in reading, mathematics, writing, study skills, and other relevant subjects;

(B) counseling;

(C) tutoring;

(D) activities designed to familiarize the displaced adolescent students with the range of career options available to the students;

(E) mentoring;

(F) test preparation for college entrance examinations, including the PSAT, SAT, and ACT;

(G) counseling on the financial aid available for postsecondary education; or

(H) job readiness skills and career and technical education.

(2) DISPLACED ADOLESCENT STUDENT.—The term "displaced adolescent student" means a secondary school student who—

(A) resides or resided on August 22, 2005, in an area for which a major disaster has been declared in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170), related to Hurricane Katrina;

(B) cannot continue enrollment in a secondary school because of Hurricane Katrina; and

(C) is expected to obtain a secondary school diploma by the end of the 2006-2007 school year.

(3) ELIGIBLE ENTITY.—The term "eligible entity" means a State educational agency, local educational agency, or consortium of such agencies, located in an area in which a major disaster has been declared in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) related to Hurricane Katrina, that—

(A) demonstrates a need for additional funds in order to provide an alternative education program to displaced adolescent students; and

(B) has the ability to administer the alternative education program and to serve displaced adolescent students.

(4) SECRETARY.—The term "Secretary" means the Secretary of Education.

(b) PROGRAM AUTHORIZED.—From amounts appropriated under this section for fiscal year 2006, the Secretary shall award grants to States for assistance to eligible entities to enable the entities to develop and carry out alternative education programs for displaced adolescent students.

(c) STATE APPLICATIONS.—A State desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(d) ASSISTANCE TO ELIGIBLE ENTITIES.—

(1) IN GENERAL.—A State that receives a grant under this section may use the funds made available through the grant to provide assistance to eligible entities to enable the eligible entities to develop and carry out alternative education programs for displaced adolescent students.

(2) PARTNERSHIPS.—An eligible entity may apply for assistance under this section in partnership with 1 or more community-based organizations or institutions of higher education (as such term is defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)), or both.

(e) LOCAL APPLICATIONS.—An eligible entity desiring assistance under this section from a State shall submit an application to the Governor of the State at such time, in such manner, and containing such information as the Governor may require. At a minimum, the Governor shall require an entity that desires to carry out an alternative education program in an area in which another organization is carrying out an alternative education program to provide an assurance that the entity will coordinate activities carried out under its program with the activities carried out by the organization under its program

(f) USES OF FUNDS.—An eligible entity that receives assistance under this section shall use the assistance to carry out an alternative education program that meets the needs of displaced adolescent students, including the staffing, curricular materials, and other programmatic costs needed to carry out the alternative education program.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2006.

SEC. . GENERAL PROVISION.

Nothing in the previous 9 sections of this title shall be construed to permit discrimination on the basis of race, color, religion, sex (except as otherwise permitted under title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.)), national origin, or disability in any program funded under such sections.

SEC. . TEMPORARY EMERGENCY IMPACT AID FOR DISPLACED STUDENTS.

(a) TEMPORARY EMERGENCY IMPACT AID AUTHORIZED.—

(1) AID TO STATE EDUCATIONAL AGENCIES.—From amounts appropriated under subsection (o), the Secretary of Education shall provide emergency impact aid to State educational agencies to enable the State educational agencies to make emergency impact aid payments to eligible local educational agencies and eligible BIA-funded schools to enable—

(A) such eligible local educational agencies and schools to provide for the instruction of displaced students served by such agencies and schools; and

(B) such eligible local educational agencies to make immediate impact aid payments to accounts established on behalf of displaced students (referred to in this section as "accounts") who are attending eligible non-public schools located in the areas served by the eligible local educational agencies.

(2) AID TO LOCAL EDUCATIONAL AGENCIES AND BIA-FUNDED SCHOOLS.—A State educational agency shall make emergency impact aid payments to eligible local educational agencies and eligible BIA-funded schools in accordance with subsection (d).

(3) STATE EDUCATIONAL AGENCIES IN CERTAIN STATES.—In the case of the States of Louisiana and Mississippi, the State educational agency shall carry out the activities of eligible local educational agencies that are unable to carry out this section, including eligible local educational agencies in such States for which the State exercises the authorities normally exercised by such local educational agencies.

(b) DEFINITIONS.—In this section:

(1) DISPLACED STUDENT.—The term "displaced student" means a student who enrolled in a school (other than the school that the student was enrolled in, or was eligible to be enrolled in, on August 22, 2005) because such student resides or resided on August 22, 2005, in an area for which a major disaster has been declared in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170), related to Hurricane Katrina.

(2) ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—The term "eligible local educational agency" means a local educational agency that serves—

(A) an elementary school or secondary school (including a charter school) in which there is enrolled a displaced student; or

(B) an area in which there is located an eligible non-public school.

(3) ELIGIBLE NON-PUBLIC SCHOOL.—The term "eligible non-public school" means a non-public school that—

(A) is accredited or licensed or otherwise operates in accordance with State law;

(B) was in existence on August 22, 2005; and

(C) serves a displaced student on behalf of whom an application for an account has been made pursuant to subsection (c)(2)(A)(ii).

(4) ELIGIBLE BIA-FUNDED SCHOOL.—In this section, the term "eligible BIA-funded school" means a school funded by the Bureau of Indian Affairs in which there is enrolled a displaced student.

(c) APPLICATION.—

(1) STATE EDUCATIONAL AGENCY.—A State educational agency that desires to receive emergency impact aid under this section shall submit an application to the Secretary of Education at such time, in such manner, and accompanied by such information as the Secretary of Education may reasonably require, including—

(A) information on the total displaced student child count of the State provided by eligible local educational agencies in the State and eligible BIA-funded schools in the State under paragraph (2);

(B) a description of the process for the parent or guardian of a displaced student enrolled in a non-public school to indicate to the eligible local educational agency serving the area in which such school is located that the student is enrolled in such school;

(C) a description of the procedure to be used by an eligible local educational agency in such State to provide payments to accounts;

(D) a description of the process to be used by an eligible local educational agency in such State to obtain—

(i) attestations of attendance of eligible displaced students from eligible non-public schools, in order for the local educational agency to provide payments to accounts on behalf of eligible displaced students; and

(ii) attestations from eligible non-public schools that accounts are used only for the purposes described in subsection (e)(2)(A); and

(E) the criteria, including family income, used to determine the eligibility for and the amount of assistance under this section provided on behalf of a displaced student attending an eligible non-public school.

(2) LOCAL EDUCATIONAL AGENCIES AND BIA-FUNDED SCHOOLS.—An eligible local educational agency or eligible BIA-funded school that desires an emergency impact aid payment under this section shall submit an application to the State educational agency at such time, in such manner, and accompanied by such information as the State educational agency may reasonably require, including documentation submitted quarterly for the 2005-2006 school year that indicates the following:

(A) In the case of an eligible local educational agency—

(i) the number of displaced students enrolled in the elementary schools and secondary schools (including charter schools and including the number of displaced students who are served under part B of the Individuals with Disabilities Education Act) served by such agency for such quarter; and

(ii) the number of displaced students for whom the eligible local educational agency expects to provide payments to accounts under subsection (e)(2) (including the number of displaced students who are served under part B of the Individuals with Disabilities Education Act) for such quarter who meet the following criteria:

(I) The displaced student enrolled in an eligible non-public school prior to the date of enactment of this title.

(II) The parent or guardian of the displaced student chose to enroll the student in the eligible non-public school in which the student is enrolled.

(III) The parent or guardian of the displaced student submitted an application requesting that the agency make a payment to an account on behalf of the student.

(IV) The displaced student's tuition and fees (and transportation expenses, if any) for the 2005–2006 school year is waived or reimbursed (by the eligible non-public school) in an amount that is not less than the amount of emergency impact aid payment provided on behalf of such student under this section.

(B) In the case of an eligible BIA-funded school, the number of displaced students, including the number of displaced students who are served under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.), enrolled in such school for such quarter.

(3) DETERMINATION OF NUMBER OF DISPLACED STUDENTS.—In determining the number of displaced students for a quarter under paragraph (2), an eligible local educational agency or eligible BIA-funded school shall include in such number the number of displaced students served during such quarter prior to the date of enactment of this title.

(d) AMOUNT OF EMERGENCY IMPACT AID.—

(1) AID TO STATE EDUCATIONAL AGENCIES.—

(A) IN GENERAL.—The amount of emergency impact aid received by a State educational agency for the 2005-2006 school year shall equal the sum of—

(i) the product of the number of displaced students (who are not served under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.)), as determined by the eligible local educational agencies and eligible BIA-funded schools in the State under subsection (c)(2), times $6,000; and

(ii) the product of the number of displaced students who are served under part B of the Individuals with Disabilities Education Act, as determined by the eligible local educational agencies and eligible BIA-funded schools in the State under subsection (c)(2), times $7,500.

(B) INSUFFICIENT FUNDS.—If the amount available under this section to provide emergency impact aid under this subsection is insufficient to pay the full amount that a State educational agency is eligible to receive under this section, the Secretary of Education shall ratably reduce the amount of such emergency impact aid.

(2) AID TO ELIGIBLE LOCAL EDUCATIONAL AGENCIES AND ELIGIBLE BIA-FUNDED SCHOOLS.—

(A) QUARTERLY INSTALLMENTS.—

(i) IN GENERAL.—A State educational agency shall provide emergency impact aid payments under this section on a quarterly basis for the 2005-2006 school year by such dates as determined by the Secretary of Education. Such quarterly installment payments shall be based on the number of displaced students reported under subsection (c)(2) and in the amount determined under clause (ii).

(ii) PAYMENT AMOUNT.—Each quarterly installment payment under clause (i) shall equal 25 percent of the sum of—

(I) the number of displaced students (who are not served under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.)) reported by the eligible local educational agency or eligible BIA-funded school for such quarter (as determined under subsection (c)(2)) times $6,000; and

(II) the number of displaced students who are served under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.) reported by the eligible local educational agency or eligible BIA-funded school for such quarter (as determined under subsection (c)(2)) times $7,500.

(iii) TIMELINE.—The Secretary of Education shall establish a timeline for quarterly reporting on the number of displaced students in order to make the appropriate disbursements in a timely manner.

(iv) INSUFFICIENT FUNDS.—If, for any quarter, the amount available under this section to make payments under this subsection is insufficient to pay the full amount that an eligible local educational agency or eligible BIA-funded school is eligible to receive under this section, the State educational agency shall ratably reduce the amount of such payments.

(B) MAXIMUM PAYMENT TO ACCOUNT.—In providing quarterly payments to an account for the 2005–2006 school year on behalf of a displaced student for each quarter that such student is enrolled in a non-public school in the area served by the agency under subsection (e)(2), an eligible local educational agency may provide not more than 4 quarterly payments to such account, and the aggregate amount of such payments shall not exceed the lesser of—

(i)(I) in the case of a displaced student who is not served under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.), $6,000; or

(II) in the case of a displaced student who is served under part B of the Individuals with Disabilities Education Act, $7,500; or

(ii) the cost of tuition and fees (and transportation expenses, if any) at the non-public school for the 2005-2006 school year.

(e) USE OF FUNDS.—

(1) DISPLACED STUDENTS IN PUBLIC SCHOOLS.—An eligible local educational agency or eligible BIA-funded school receiving emergency impact aid payments under this section shall use the payments to provide instructional opportunities for displaced students who enroll in elementary schools and secondary schools (including charter schools) served by such agency or in such a school, and for other expenses incurred as a result of the agency or school serving displaced students, which uses may include—

(A) paying the compensation of personnel, including teacher aides, in schools enrolling displaced students;

(B) identifying and acquiring curricular material, including the costs of providing additional classroom supplies, and mobile educational units and leasing sites or spaces;

(C) basic instructional services for such students, including tutoring, mentoring, or academic counseling;

(D) reasonable transportation costs;

(E) health services (including counseling and mental health services); and

(F) education and support services.

(2) DISPLACED STUDENTS IN NON-PUBLIC SCHOOLS.—

(A) IN GENERAL.—An eligible local educational agency that receives emergency impact aid payments under this section and that serves an area in which there is located an eligible non-public school shall, at the request of the parent or guardian of a displaced student who meets the criteria described in subsection (c)(2)(A)(ii) and who enrolled in a non-public school in an area served by the agency, use such emergency impact aid payment to provide payment on a quarterly basis (but not to exceed the total amount specified in subsection (d)(2)(B) for the 2005–2006 school year) to an account on behalf of such displaced student, which payment shall be used to assist in paying for any of the following:

(i) Paying the compensation of personnel, including teacher aides, in the non-public school, which funds shall not be used for religious instruction, proselytization, or worship.

(ii) Identifying and acquiring curricular material, including the costs of providing additional classroom supplies (which shall be secular, neutral, and shall not have a religious component), and mobile educational units and leasing sites or spaces, which shall not be used for religious instruction, proselytization, or worship.

(iii) Basic instructional services, including tutoring, mentoring, or academic counseling, which services shall be secular and neutral and shall not be used for religious instruction, proselytization, or worship.

(iv) Reasonable transportation costs.

(v) Health services (including counseling and mental health services), which services shall be secular and neutral and shall not be used for religious instruction, proselytization, or worship.

(vi) Education and support services, which services shall be secular and neutral and shall not be used for religious instruction, proselytization, or worship.

(B) VERIFICATION OF ENROLLMENT.—Before providing a quarterly payment to an account under subparagraph (A), the eligible local educational agency shall verify with the parent or guardian of a displaced student that such displaced student is enrolled in the non-public school.

(3) PROVISION OF SPECIAL EDUCATION AND RELATED SERVICES.—

(A) IN GENERAL.—In the case of a displaced student who is served under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.), any payment made on behalf of such student to an eligible local educational agency or any payment available in an account for such student, shall be used to pay the cost of providing the student with special education and related services consistent with the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.).

(B) SPECIAL RULE.—

(i) RETENTION.—Notwithstanding any other provision of this section, if an eligible local educational agency provides services to a displaced student attending an eligible non-public school under section 612(a)(10) of the Individuals with Disabilities Education Act (20 U.S.C. 1412(a)(10)), the eligible local educational agency may retain a portion of the assistance received under this section for such student to pay the cost of providing such services.

(ii) DETERMINATION OF PORTION.—

(I) GUIDELINES.—Each State shall issue guidelines that specify the portion of the assistance that an eligible local educational agency in the State may retain under this subparagraph. Each State shall apply such guidelines in a consistent manner throughout the State.

(II) DETERMINATION OF PORTION.—The portion specified in the guidelines shall be based on customary costs of providing services under such section 612(a)(10) for the local educational agency.

(C) Definitions.—In this paragraph:

(i) Special education; related services.—The terms "special education" and "related services" have the meaning given such terms in section 602 of the Individuals with Disabilities Education Act (20 U.S.C. 1401).

(ii) Individualized education program.—The term "individualized education program" has the meaning given the term in section 614(d)(2) of the Individuals with Disabilities Education Act (20 U.S.C. 1414(d)(2)).

(f) Return of Aid.—

(1) Eligible local educational agency or eligible BIA-funded school.—An eligible local educational agency or eligible BIA-funded school that receives an emergency impact aid payment under this section shall return to the State educational agency any payment provided to the eligible local educational agency or school under this section that the eligible local educational agency or school has not obligated by the end of the 2005–2006 school year in accordance with this section.

(2) State educational agency.—A State educational agency that receives emergency impact aid under this section, shall return to the Secretary of Education—

(A) any aid provided to the agency under this section that the agency has not obligated by the end of the 2005–2006 school year in accordance with this section; and

(B) any payment funds returned to the State educational agency under paragraph (1).

(g) Limitation on Use of Aid and Payments.—Aid and payments provided under this section shall only be used for expenses incurred during the 2005–2006 school year.

(h) Administrative Expenses.—A State educational agency that receives emergency impact aid under this section may use not more than 1 percent of such aid for administrative expenses. An eligible local educational agency or eligible BIA-funded school that receives emergency impact aid payments under this section may use not more than 2 percent of such payments for administrative expenses.

(i) Special Funding Rule.—In calculating funding under section 8003 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703) for an eligible local educational agency that receives an emergency impact aid payment under this section, the Secretary of Education shall not count displaced students served by such agency for whom an emergency impact aid payment is received under this section, nor shall such students be counted for the purpose of calculating the total number of children in average daily attendance at the schools served by such agency as provided in section 8003(b)(3)(B)(i) of such Act (20 U.S.C. 7703(b)(3)(B)(i)).

(j) Termination of Authority.—The authority provided by this section shall terminate on August 1, 2006.

(k) Notice of Option of Public School or Non-Public School Enrollment.—Each State receiving emergency impact aid under this section shall provide, to the parent or guardian of each displaced student for whom a payment is made under this section to an account who resides in such State, notification that such parent or guardian has the option of enrolling such student in a public school or a non-public school.

(l) By-Pass.—If a State educational agency or eligible local educational agency is unable to carry out this section, the Secretary of Education may make such arrangements with the State as the Secretary determines appropriate to carry out this section on behalf of displaced students attending an eligible non-public school in the area served by such agency. For a State in which State law prohibits the State from using Federal funds to directly provide services on behalf of students attending non-public schools and provides that another entity shall provide such services, the Secretary of Education shall make such arrangements with that entity.

(m) Nondiscrimination.—

(1) In general.—A school that enrolls a displaced student under this section shall not discriminate against students on the basis of race, color, national origin, religion, disability, or sex.

(2) Applicability and single sex schools, classes, or activities.—

(A) In general.—To the extent consistent with title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), the prohibition of sex discrimination in paragraph (1) shall not apply to a non-public school that is controlled by a religious organization if the application of paragraph (1) would not be consistent with the religious tenets of such organization.

(B) Single sex schools, classes, or activities.—Notwithstanding paragraph (1) and to the extent consistent with title IX of the Education Amendments of 1972, a parent or guardian may choose and a non-public school may offer a single sex school, class, or activity.

(C) Enrollment.—The prohibition of religious discrimination in paragraph (1) shall not apply with regard to enrollment for a non-public school that is controlled by a religious organization, except in the case of the enrollment of displaced students assisted under this section.

(3) General provision.—Nothing in this section may be construed to alter or modify the provisions of the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), and the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.).

(4) Opt-in.—A displaced student assisted under this section who is enrolled in a non-public school shall not participate in religious worship or religious classes at such school unless such student's parent or guardian chooses to opt-in such student for such religious worship or religious classes.

(5) Rule of construction.—The amount of any payment (or other form of support provided on behalf of a displaced student) under this section shall not be treated as income of a parent or guardian of the student for purposes of Federal tax laws or for determining eligibility for any other Federal program.

(n) Treatment of State Aid.—A State shall not take into consideration emergency impact aid payments received under this section by a local educational agency in the State in determining the eligibility of such local educational agency for State aid, or the amount of State aid, with respect to free public education of children.

(o) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $2,400,000,000 for fiscal year 2006.

SEC.   . SUNSET PROVISION.

Except as otherwise provided in this title, the provisions of this title shall be effective for the period beginning on the date of enactment of this title and ending on August 1, 2006.

SA 2304. Mr. HAGEL (for himself, Mr. Alexander, Mr. Roberts, Mr. Warner, and Ms. Murkowski) submitted an amendment intended to be proposed by him to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III (before the short title), add the following:

Sec. ____.(a) In addition to amounts otherwise appropriated under this Act, there are appropriated, out of any money in the Treasury not otherwise appropriated, $408,000,000 to carry out part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.).

(b) Notwithstanding any other provision of this Act, amounts appropriated under this Act for discretionary programs (other than programs under title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) and programs under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.)) shall be reduced, on a pro rata basis, by $408,000,000.

SA 2305. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III (before the short title), add the following:

Sec. ____.(a) There are appropriated, out of any money in the Treasury not otherwise appropriated, $7,000,000 to the National Assessment Governing Board for the purposes of implementing a National Assessment of Educational Progress test in United States history.

(b) Notwithstanding any other provision of this Act, amounts appropriated under title I under the heading "SALARIES AND EXPENSES" under the heading "Departmental Management" shall be reduced by $7,000,000.

SA 2306. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III (before the short title), add the following:

Sec. ____.(a) There are appropriated, out of any money in the Treasury not otherwise appropriated, $7,000,000 to the National Assessment Governing Board for the purposes of implementing a National Assessment of Educational Progress test in United States history.

(b) Notwithstanding any other provision of this Act, amounts appropriated under title I for the State Unemployment Insurance and Employment Service Operations shall be reduced by $7,000,000.

SA 2307. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill H.R. 3010, making appropriations for the Departments of

Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III (before the short title), add the following:

SEC. ____.(a) In addition to amounts otherwise appropriated under this Act, there are appropriated, out of any money in the Treasury not otherwise appropriated, $502,738,000 for targeted grants under section 1125 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6335) and education finance incentive grants under section 1125A of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6337).

(b) Notwithstanding any other provision of this Act, amounts appropriated under this Act for discretionary programs (other than programs under title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) and programs under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.)) shall be reduced, on a pro rata basis, by $502,738,000.

SA 2308. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III (before the short title), add the following:

SEC. .(a) There are appropriated, out of any money in the Treasury not otherwise appropriated, $7,000,000 to the National Assessment Governing Board for the purposes of implementing a National Assessment of Educational Progress test in United States history.

(b) Notwithstanding any other provision of this Act, amounts appropriated under title I for the Job Corps: Operations shall be reduced by $7,000,000.

SA 2309. Ms. COLLINS (for herself and Mr. REED) submitted an amendment intended to be proposed by her to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . It is the sense of the Senate that the additional $2,920,000,000 in new budget authority provided in this Act to the Low-Income Home Energy Assistance Program should be offset by the reconciliation bill pursuant to subsection (b) of section 202 of H. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2006, by scaling back or eliminating certain tax deductions, exemptions, preferences, subsidies, or other tax expenditures provided under current law to the oil and gas industry, to provide savings totaling $2,920,000,000 over the period of fiscal years 2006 through 2010.

SA 2310. Mr. STEVENS (for himself and Mrs. MURRAY) submitted an amendment intended to be proposed by him to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

1. At the appropriate place insert the following:

SEC. —. PROHIBITION OF THE USE OF FUNDS FOR RELIANCE ON STUDENT INTEREST SURVEYS IN DETERMINING COMPLIANCE WITH TITLE IX.

None of the funds provided under this Act shall be used—

(1) for any educational, compliance, or enforcement activities that are based on the Department of Education's March 17, 2005 policy guidance entitled "Additional Clarification of Intercollegiate Athletics Policy: Three Part Test—Part Three," or on the principles governing the interpretation of surveys set forth in that guidance, regarding compliance with the Patsy Takemoto Mink Equal Opportunity in Education Act (20 U.S.C. 1681 et seq.) (commonly referred to as "title IX"); or

(2) to rely on the results of any survey of student interest as a basis for presuming that an educational institution has complied with such title IX.

SA 2311. Mr. SUNUNU submitted an amendment intended to be proposed by him to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title II, insert the following:

SEC. ____. Amounts appropriated in this title for community health center programs under section 330 of the Public Health Service Act (42 U.S.C. 254b) shall be increased by $198,560,000. Notwithstanding any other provision of this Act, amounts appropriated under this Act shall be reduced by 0.14 percent.

SA 2312. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III (before the short title), insert the following:

SEC. . FUNDING INCREASE FOR EVEN START.

(a) INCREASE.—In addition to amounts otherwise appropriated under this Act, there is appropriated, out of any money in the Treasury not otherwise appropriated, an additional $200,000,000 for carrying out subpart 3 of part B of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6381 et seq.).

(b) OFFSET.—Notwithstanding any other provision of this Act, each amount appropriated under this Act for salaries and expenses at the Occupational Safety and Health Administration and the Employment Standards Administration is reduced by a uniform percentage necessary to reduce the total amounts so appropriated by $200,000,000.

SA 2313. Mrs. CLINTON (for herself and Mr. SCHUMER) proposed an amendment to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. .(a) Notwithstanding any other provision of law, $125,000,000 shall be available and shall remain available until expended to replace the funds appropriated but not expended under chapter 8 of division B of the Department of Defense and Emergency Supplemental Appropriations for Recovery from and Response to Terrorist Attacks on the United States Act, 2002 (Public Law 107–117), and of such amount, $50,000,000 shall be made available for payment to the New York State Uninsured Employers Fund for reimbursement of claims related to the terrorist attacks of September 11, 2001 and for reimbursement of claims related to the first response emergency services personnel who were injured, were disabled, or died due to such terrorist attacks, and $75,000,000 shall be made available to the Centers for Disease Control and Prevention upon enactment of this Act, and shall remain available until expended, for purposes related to the September 11, 2001 terrorist attacks. In expending such funds, the Director of the Centers for Disease Control and Prevention shall give first priority to the existing programs coordinated by the Mount Sinai Center for Occupational and Environmental Medicine, the Fire Department of New York City Bureau of Health Services and Counseling Services Unit, the New York City Police Foundation's Project COPE, Police Organization Providing Peer Assistance, and the New York City Department of Health and Mental Hygiene World Trade Center Health Registry that administer baseline and follow-up screening, clinical examinations, or long-term medical health monitoring, analysis, or treatment for emergency services personnel or rescue and recovery personnel, and shall give secondary priority to similar programs coordinated by other entities working with the State of New York and New York City.

On page 116, line 10, strike "$3,326,000,000" and insert "$3,201,000,000" in lieu thereof.

SA 2314. Mr. CONRAD submitted an amendment intended to be proposed by him to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III (before the short title), add the following:

SEC. .(a) In addition to amounts otherwise appropriated under this Act, there are appropriated, out of any money in the Treasury not otherwise appropriated, $29,376,000 for the Rural Education Achievement Program under part B of title VI of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7341 et seq.).

(b) Notwithstanding any other provision of this Act, the amount appropriated under this title under the heading "PROGRAM ADMINISTRATION" under the heading "DEPARTMENTAL MANAGEMENT" shall be reduced by $29,376,000.

SA 2315. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill H.R. 3010, making appropriations for the Departments of

Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 222, after line 8, insert the following:

SEC. 517. Notwithstanding any other provision of law, not later than 60 days after the date of enactment of this Act, MidAmerica St. Louis Airport in Mascoutah, Illinois, shall be designated as a port of entry.

SA 2316. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SEC. . Not later than 12 months after the date of enactment of this Act, the Comptroller General of the United States shall transmit to the Congress a report on the formula used to determine trade adjustment assistance funding levels for States. The report shall examine the formula and determine if State funding levels are in proportion to the amount of eligible displaced workers in each State, or if other factors affect the overall funding levels that States receive. The report shall include information on States that have had to request funding from the reserve because the formula did not provide enough base funding to immediately assist all workers who are eligible, the length and incidence of waiting lists established because of lack of base funding, the effect of waiting lists on displaced workers and communities, and the burden that is placed on States when funding is dispersed late due to a delayed appropriations process. The report shall examine whether or not the rigorous and complicated timelines and deadlines that citizens are required to meet affects the overall number of people who are able to successfully apply for assistance and the overall funding level that States will be able to receive in the future. The report shall include recommendations on how to make the process of meeting the rigorous timelines and deadlines easier to understand, less complicated, and easier for States to administer. The report shall also address the overall level of funding needed to provide assistance to firms and workers affected by the Dominican Republic-Central America-United States Free Trade Agreement.

SA 2317. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SEC. ___. (a) The amount appropriated under title I for trade adjustment assistance under the heading "FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES" is hereby increased by $90,900,000.

(b) Not later than 12 months after the date of enactment of this Act, the Comptroller General of the United States shall transmit to the Congress a report on the formula used to determine trade adjustment assistance funding levels for States. The report shall examine the formula and determine if State funding levels are in proportion to the amount of eligible displaced workers in each State, or if other factors affect the overall funding levels that States receive. The report shall include information on States that have had to request funding from the reserve because the formula did not provide enough base funding to immediately assist all workers who are eligible, the length and incidence of waiting lists established because of lack of base funding, the effect of waiting lists on displaced workers and communities, and the burden that is placed on States when funding is dispersed late due to a delayed appropriations process. The report shall examine whether or not the rigorous and complicated timelines and deadlines that citizens are required to meet affects the overall number of people who are able to successfully apply for assistance and the overall funding level that States will be able to receive in the future. The report shall include recommendations on how to make the process of meeting the rigorous timelines and deadlines easier to understand, less complicated, and easier for States to administer. The report shall also address the overall level of funding needed to provide assistance to firms and workers affected by the Dominican Republic-Central America-United States Free Trade Agreement.

SA 2318. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title I, insert the following:

SEC. . The Secretary of Labor, in consultation with the Secretary of Health and Human Services and the Secretary of Energy, shall investigate, and submit to Congress a report on, whether the coverage dates for uranium rolling activities at the Bethlehem Steel atomic weapons employer facility in Lackawana, New York (which is detailed in the Department of Energy's list of facilities covered under the Energy Employees Occupational Illness Compensation Program Act (42 U.S.C. 7384 et seq.)) is accurate and complete. In making such determination, the Secretary of Labor shall undertake diligent measures and apply the full array of investigative tools available to the Department of Labor, including on-site inspection and review records at Bethlehem Steel records facilities, in order to determine whether the records of Bethlehem Steel, and its successor, contain shipping, receiving, contracting, or production-related information pertaining to activities on behalf of the Atomic Energy Commission or its contractors or subcontractors in processing radioactive materials extended beyond the time periods of 1949 through 1952. The Secretary of Labor, in consultation with the Secretary of Energy, shall also review uranium shipping and receipt records at the Hanford and Savannah River facilities and provide a list of dates and shipments involving Bethlehem Steel.

SA 2319. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. SURVIVORS OF SEXUAL ASSAULT; PROVISION BY HOSPITALS OF EMERGENCY CONTRACEPTIVES.

(a) IN GENERAL.—No Federal funds appropriated in this Act may be provided to a hospital under any health-related program, unless the hospital meets the conditions specified in subsection (b) in the case of—

(1) any woman who presents at the hospital and states that she is a victim of sexual assault, or is accompanied by someone who states she is a victim of sexual assault; and

(2) any woman who presents at the hospital whom hospital personnel have reason to believe is a victim of sexual assault.

(b) ASSISTANCE FOR VICTIMS.—The conditions specified in this subsection regarding a hospital and a woman described in subsection (a) are as follows:

(1) The hospital promptly provides the woman with medically and factually accurate and unbiased written and oral information about emergency contraception, including information explaining that—

(A) emergency contraception does not cause an abortion; and

(B) emergency contraception is effective in most cases in preventing pregnancy after unprotected sex.

(2) The hospital promptly offers emergency contraception to the woman, and promptly provides such contraception to her on her request.

(3) The information provided pursuant to paragraph (1) is in clear and concise language, is readily comprehensible, and meets such conditions regarding the provision of the information in languages other than English as the Secretary may establish.

(4) The services described in paragraphs (1) through (3) are not denied because of the inability of the woman or her family to pay for the services.

(c) DEFINITIONS.—For purposes of this section:

(1) The term "emergency contraception" means a drug, drug regimen, or device that—

(A) is used postcoitally;

(B) prevents pregnancy by delaying ovulation, preventing fertilization of an egg, or preventing implantation of an egg in a uterus; and

(C) is approved by the Food and Drug Administration.

(2) The term "hospital" has the meanings given such term in title XVIII of the Social Security Act, including the meaning applicable in such title for purposes of making payments for emergency services to hospitals that do not have agreements in effect under such title.

(3) The term "Secretary" means the Secretary of Health and Human Services.

(4) The term "sexual assault" means coitus in which the woman involved does not consent or lacks the legal capacity to consent.

(d) EFFECTIVE DATE; AGENCY CRITERIA.—This section takes effect upon the expiration of the 180-day period beginning on the date of enactment of this Act. Not later than 30 days prior to the expiration of such period, the Secretary shall publish in the Federal Register criteria for carrying out this section.

SA 2320. Mr. OBAMA submitted an amendment intended to be proposed by him to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title II, insert the following:

SEC. . Amounts appropriated in this Act to carry out the preventive health and health services block grant program under part A of title XIX of the Public Health Service Act (42 U.S.C. 300w et seq.) shall be increased by $9,000,000, such increased amounts to be used to maintain critical health promotion and disease prevention activities in States.

SA 2321. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title II, insert the following:

SEC. . (a) IN GENERAL.—No amounts appropriated under this title for the Office of the Secretary of Health and Human Services shall be expended for travel during the period that begins on January 2, 2006, and ends on the date regulations implementing the amendments made by section 506(a) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173, 117 Stat. 2294) are promulgated.

(b) NONAPPLICATION.—This Act shall be applied without regard to subsection (a) if, not later than January 1, 2006, the Secretary of Health and Human Services promulgates regulations implementing the amendments made by section 506(a) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173, 117 Stat. 2294).

SA 2322. Mr. HARKIN submitted an amendment intended to be proposed by him to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

At the appropriate place in title II, insert the following:

SEC. . (a) IN GENERAL.—None of the funds made available in this Act may used for Federal matching payments under section 1903(a)(7) of the Social Security Act (42 U.S.C. 1396b(a)(7)) for reimbursement of amounts expended for the proper and efficient administration of a State Medicaid plan under title XIX of such Act to a State agency if more than—

(1) 15 percent of the applications for medical assistance under the State Medicaid plan in any fiscal year quarter are received or initially processed;

(2) 15 percent of eligibility redeterminations for such medical assistance are initially processed; or

(3) 15 percent of change reports are received and initially processed,

by individuals who are not State employees meeting the personnel standards required under section 1902(a)(4)(A) of the Social Security Act (42 U.S.C. 1396a(a)(4)(A)).

(b) EXCLUSION OF APPLICATIONS RECEIVED AND PROCESSED ON AN OUTSTATION BASIS.—The percentages described in subsection (a) shall be determined without regard to applications received and processed by the Health Resources Services Administration.

SA 2323. Mr. HARKIN submitted an amendment intended to be proposed by him to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title II, insert the following:

SEC. . Notwithstanding section 403(a)(1) of the Social Security Act (42 U.S.C. 603(a)(1)), the Secretary of Health and Human Services shall reduce the State family assistance grant payable to a State under the Temporary Assistance for Needy Families Program established under part A of title IV of the Social Security Act for a fiscal year quarter by the amount of administrative expenditures incurred for the preceding quarter if more than 10 percent of applications for assistance under the State program funded under such part that are received or initially processed in the preceding quarter are received or initially processed by individuals who are not State employees meeting personnel standards that are established and maintained on a merit basis.

SA 2324. Mr. ALLEN (for himself and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 178, after line 25, add the following:

SEC. 222.(a) FINDINGS.—The Senate makes the following findings:

(1) Hospitals cannot provide patient care without physicians.

(2) It is particularly difficult for hospitals to provide patient care to uninsured patients.

(3) Medicaid disproportionate share hospital (DSH) payments provide payments to hospitals to provide care to uninsured patients.

(4) Hospitals that provide a large volume of care to uninsured patients incur significant costs.

(5) Since there is no other source of reimbursement for hospitals related to these costs, some States have permitted reimbursement of these physician costs through Medicaid DSH.

(6) The State of Virginia has approved the inclusion of physician services costs as hospital costs for Medicaid DSH purposes.

(7) Fifty percent of all indigent care in the State of Virginia is provided by its 2 academic medical centers.

(8) The financial viability of these academic medical centers is threatened if these costs cannot be included in Medicaid DSH reimbursement.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Senate is aware of an issue regarding the definition of "hospital costs" incurred by the State of Virginia for purposes of Medicaid reimbursement to that State and urges the Administrator of the Centers for Medicare & Medicaid Services to work with the State to resolve the pending issue.

SA 2325. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . None of the funds made available in this Act may be used to disseminate scientific information that is deliberately false or misleading.

SA 2326. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. (a) None of the funds made available in this Act may be used to request that a candidate for appointment to a Federal scientific advisory committee disclose the political affiliation or voting history of the candidate or the position that the candidate holds with respect to political issues not directly related to and necessary for the work of the committee involved.

SA 2327. Mr. COLEMAN (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 191, line 2, strike "may be used" and all that follows through "dissemination activities:" on line 4 of such page and insert "may be used for program evaluation, national outreach, and information dissemination activities, and shall be used by the Secretary of Education to develop, through consultation with the Secretaries of State, Commerce, Homeland Security, and Energy, institutions of higher education in the United States, organizations that participate in international exchange programs, and other appropriate groups, a strategic plan for enhancing the access of foreign students, scholars, scientists, and exchange visitors to institutions of higher education of the United States for study and exchange activities: *Provided further*, That the strategic plan described in the preceding proviso shall make use of the Internet and other media resources, establish a clear division of responsibility and a mechanism of institutionalized cooperation between the Departments of Education, State, Commerce, Homeland Security, and Energy, and include streamlined procedures to facilitate international exchanges of foreign students, scholars, scientists, and exchange visitors:".

SA 2328. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III (before the short title), add the following:

SEC. . FEDERAL TRIO PROGRAMS FOR HURRICANE AFFECTED STUDENTS.

(a) ADDITIONAL AMOUNTS FOR FEDERAL TRIO PROGRAMS.—In addition to amounts otherwise appropriated under this Act, there are appropriated, out of any money in the Treasury not otherwise appropriated, $5,000,000 for carrying out title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.) which amount shall be available to carry out the Federal TRIO programs under chapter 1 of subpart 2 of part A of such title.

(b) OFFSET FROM DEPARTMENTAL MANAGEMENT FUNDS.—Notwithstanding any other provision of this Act, amounts made available under this title under the heading "PROGRAM ADMINISTRATION" under the heading "DEPARTMENTAL MANAGEMENT" shall be reduced by $5,000,000.

SA 2329. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

"Beginning with fiscal year 2007 and thereafter, all non-defense, non- trust-fund, discretionary spending shall not exceed the previous fiscal year's levels, for purposes of the congressional budget process (Section 302 et al of the Congressional Budget Act of 1974), without a 2/3 vote of Members duly chosen and sworn."

SA 2330. Mr. WARNER (for himself and Mr. LEAHY) proposed an amendment to the bill S. 1285, to designate the Federal building located at 333 Mt. Elliott Street in Detroit, Michigan, as the "Rosa Parks Federal Building"; as follows:

At the appropriate place, insert the following:

SEC. . (a) The annex, located on the 200 block of 3rd Street Northwest in the District of Columbia, to the E. Barrett Prettyman Federal Building and United States Courthouse located at Constitution Avenue Northwest in the District of Columbia shall be known and designated as the "William B. Bryant Annex".

(b) Any reference in a law, map, regulation, document, paper, or other record of the United States to the annex referred to in section 1 shall be deemed to be a reference to the "William B. Bryant Annex".

SA 2331. Mr. ENZI submitted an amendment intended to be proposed to amendment SA 2283 proposed by Mr. HARKIN (for himself, Mr. KENNEDY, Mr. REID, Mr. DURBIN, Mr. OBAMA, Mr. BAYH, Mr. KOHL, Ms. MIKULSKI, Mrs. CLINTON, Mr. JOHNSON, and Mr. DAYTON) to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 1 of the amendment, insert "(such amounts shall be in lieu of amounts appropriated for such purposes under the Department of Defense Appropriations Act, 2006)" after "$8,158,589,000".

SA 2332. Mr. ENZI submitted an amendment intended to be proposed to amendment SA 2283 proposed by Mr. HARKIN (for himself, Mr. KENNEDY, Mr. REID, Mr. DURBIN, Mr. OBAMA, Mr. BAYH, Mr. KOHL, Ms. MIKULSKI, Mrs. CLINTON, Mr. JOHNSON, and Mr. DAYTON) to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 1 of the amendment, insert "(such amounts shall be in lieu of amounts appropriated for such purposes under the Department of Defense Appropriations Act, 2006 and, notwithstanding any other provision of this Act, shall be used for newly emerging pandemic infectious diseases, which may include pandemic influenza)" after "$8,158,589,000".

SA 2333. Mr. ENZI submitted an amendment intended to be proposed to amendment SA 2283 proposed by Mr. HARKIN (for himself, Mr. KENNEDY, Mr. REID, Mr. DURBIN, Mr. OBAMA, Mr. BAYH, Mr. KOHL, Ms. MIKULSKI, Mrs. CLINTON, Mr. JOHNSON, and Mr. DAYTON) to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 1 of the amendment, insert "(notwithstanding any other provision of this Act, such amounts shall be used for newly emerging pandemic infectious diseases, which may include pandemic influenza)" after "$8,158,589,000".

SA 2334. Mr. ENZI submitted an amendment intended to be proposed to amendment SA 2288 submitted by Ms. STABENOW (for herself and Ms. SNOWE) and intended to be proposed to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment add the following: "The additional amounts provided for the Office of the National Coordinator for Health Information Technology under this section shall not be made available unless and until Congress approves legislation that authorizes appropriations for such Office.".

NOTICES OF INTENT

Mr. NELSON of Nebraska. Mr. President, I intend to move to suspend rule XVI with respect to legislating on an appropriations bill for consideration of my amendment to increase funding for the Low-Income Home Energy Assistance Program, LIHEAP

Mr. NELSON of Nebraska. Mr. President, I intend to move to suspend rule XVII with respect to germaneness for consideration of my amendment to increase funding for the Low-Income Home Energy Assistance Program, LIHEAP.

Mr. NELSON of Nebraska. Mr. President, I intend to move to suspend rule XVI with respect to legislating on an appropriations bill for consideration of my amendment which expresses the Sense of the Senate that the Secretary of the Treasury should ensure that existing Federal employment preferences for disabled veterans and Federal policies promoting opportunities for other disabled persons are carried forward as a part of any tax collection contract program.

Mr. NELSON of Nebraska. Mr. President, I intend to move to suspend rule XXII with respect to germaneness for consideration of my amendment which expresses the Sense of the Senate that the Secretary of the Treasury should ensure that existing Federal employment preferences for disabled veterans and Federal policies promoting opportunities for other disabled persons are carried forward as a part of any tax collection contract program.

NOTICES OF HEARINGS/MEETINGS

SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. CRAIG. Mr. President, I would like to announce for the information of the Senate and the public that S. 405, a bill to provide for the conveyance of certain public land in Clark County, NV, for use as a heliport, has been added to the agenda of the hearing scheduled before the Subcommittee on Public Lands and Forests scheduled for Wednesday, November 2 at 2 p.m. in Room SD-366.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150.

For further information, please contact Frank Gladics (202-224-2878), Dick Bouts (202-224-7545), or Kristina Rolph (202-224-8276) of the Committee staff.

AUTHORITIES FOR COMMITTEES TO MEET

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. SPECTER. Mr. President, I ask unanimous consent that the committee on energy and natural resources be authorized to meet during the session of the Senate on Wednesday, October 26 at 2 p.m. The purpose of this hearing is to receive testimony on the implementation of the Federal Lands Recreation Enhancement Act, P.L. 108-447 by the Forest Service and the Department of the -Interior.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. SPECTER. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet on October 26, 2005, at 9:30 a.m. to conduct a business meeting on the following agenda:

S. 1772, The Gas Price Act;

S. 1869, To reauthorize the Coastal Barrier Resources Act, and for other purposes; and

S. Res. 255, A resolution recognizing the achievements of the United States Fish and Wildlife Service and the Waterfowl Population Survey.

Resolutions: Committee resolution on the Beneficial Use of Dredged Material on the Delaware River, Delaware, New Jersey, and Pennsylvania; and

Two Committee resolutions on additional items in GSA's FY06 Capital Investment and Leasing Program.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. SPECTER. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet on October 26 2:30 p.m. to hold its second hearing on Eco-terrorism specifically examining Stop Huntingdon Animal Cruelty ("SHAC").

THE PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. SPECTER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, October 26, 2005, at 2:30 p.m., to hold a hearing on Nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. SPECTER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on "Habeas Reform: The Streamlined Procedures Act" on Wednesday, October 26, 2005 at 9 a.m., in the Dirksen Senate Office Building, room 226.

Witness List: Seth Waxman, Esq., Former Solicitor General of the United States, Partner, Wilmer, Cutler, Pickering, Hale and Dorr, Washington, DC; Ronald Eisenburg, Esq., Deputy District Attorney, Philadelphia District Attorney's Office, Philadelphia, PA; Stephen Saltzburg, Esq., Wallace and Beverly Woodbury University Professor of Law, George Washington University School of Law, Washington, DC; Kent Scheidegger, Esq., Legal Director, Criminal Justice Legal Foundation, Sacramento, CA.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. SPECTER. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on October 26, 2005 at 2:30 p.m. to hold a closed briefing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ADMINISTRATIVE OVERSIGHT AND THE COURTS

Mr. SPECTER. Mr. President, I ask unanimous consent that the Subcommittee on Administrative Oversight and the Courts be authorized to meet to conduct a hearing on "Revisiting Proposals to Split the Ninth Circuit: An Inevitable Solution to a Growing Problem" on Wednesday, October 26, 2005 at 2:30 p.m. in Room 226 of the Dirksen Senate Office Building.

Witness List

Panel I: Circuit Judge Diarmuid O'Scannlain, U.S. Court of Appeals for the Ninth Circuit Portland, OR; Circuit Judge Richard Tallman, U.S. Court of Appeals for the Ninth Circuit, Seattle, WA; Chief Judge Mary Schroeder U.S. Court of Appeals for the Ninth Circuit, Phoenix, AZ; and Circuit Judge Alex Kozinski U.S. Court of Appeals for the Ninth Circuit, Pasadena CA.

Panel II: Circuit Judge Andrew Kleinfeld U.S. Court of Appeals for the Ninth Circuit, Fairbanks, AK; District Judge John Roll, U.S. District Court, District of Arizona, Tuscon, AZ; Circuit Judge Sidney T. Thomas, U.S. Court of Appeals for the Ninth Circuit, Billings, MT; and Chief Judge Emeritus Marilyn Huff, U.S. District Court, Southern District, CA, San Diego, CA.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION AND INTERNATIONAL SECURITY

Mr. SPECTER. Mr. President, I ask unanimous consent that the Subcommittee on Federal Financial Management, Government Information, and International Security be authorized to meet on Wednesday, October 26, 2005, at 2:30 p.m. for a hearing regarding "Uncollected Taxes: Can We Reduce the $300 Billion Tax Gap?"

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON TERRORISM, TECHNOLOGY AND HOMELAND SECURITY

Mr. SPECTER. Mr. President, I ask unanimous consent that the Subcommittee on Terrorism, Technology, and Homeland Security be authorized to meet to conduct a hearing on "Terrorism: Emergency Preparedness," on Wednesday, October 26, 2005, at 10:30 a.m. in Room 226 of the Dirksen Senate Office Building.

Witness List

Panel I: Former Senator Slade Gorton, 9/11 Public Discourse Project, Seattle, WA; Wayne Thomas, Vice-President of Homeland Security, Innovative Emergency Management, Inc., Baton Rouge, LA; Henry Renteria, Director, California Governor's Office of Emergency Services, Mather, CA; Matt Bettenhausen, Director, California Office of Homeland Security, Sacramento, CA; Michael O'Hanlon, Senior Fellow and co-holder of Sydney Stein chair, Foreign Policy Studies Program, Brookings Institution, Washington, DC.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. HARKIN. Mr. President, I ask unanimous consent that Jacob Cilek of my staff be granted the privilege of the floor for the duration of today's session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Madam President, I ask unanimous consent that privilege of the floor be granted to two fellows in my office, Elizabeth Hoffman and Regan Fitzgerald, during consideration of this legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. I ask unanimous consent that Matt Ryno of my staff be granted the privilege of the floor for the duration of today's session.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. FRIST. Mr. President, I ask unanimous consent the Senate immediately proceed to executive session to consider the following nominations on today's Executive Calendar: Calendar Nos. 370, 371, and 373. I further ask unanimous consent that the nominations be confirmed and the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and finally the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF VETERANS AFFAIRS

Robert Joseph Henke, of Virginia, to be an Assistant Secretary of Veterans Affairs (Management).

William F. Tuerk, of Virginia, to be Under Secretary of Veterans Affairs for Memorial Affairs.

Lisette M. Mondello, of Texas, to be an Assistant Secretary of Veterans Affairs (Public and Intergovernmental Affairs).

NOMINATION OF LISETTE MONDELLO

Mrs. HUTCHISON. Mr. President, today I wish to congratulate a friend and fellow Texan, Ms. Lisette Mondello, who is being confirmed to be Assistant Secretary of Public and Intergovernmental Affairs at the Department of Veterans Affairs. She is one of the finest and most qualified individuals for this position.

Ms. Mondello has been serving as the senior advisor to the Secretary of Education. This experience is invaluable and has provided exceptional training for the position of Assistant Secretary.

Prior to her position with the Department of Education, Ms. Mondello was the director of communications in my office for 4 years. During that time I valued her counsel and commitment. In fact, her husband Joe Mondello, was my legislative director for several years. Prior to that, she worked for our colleague, Senator Alfonse D' Amato.

Additionally, Ms. Mondello has held several positions in the private sector and with grassroots organizations. These experiences have contributed to an understanding of political and public relations from two distinctive viewpoints. She will bring an enormous wealth of knowledge and understanding to the Department of Veterans Affairs.

Ms. Mondello received a bachelor of arts degree from Trinity University in San Antonio, TX. She obtained a Certificate in Finance from Southern Methodist University in Dallas, TX.

Given Ms. Mondello's rich and diverse background, she is ideally suited to serve as the department's lead in public and intergovernmental affairs. She has earned an impressive record of accomplishment and will bring great enthusiasm and honor to this position.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will return to legislative session.

RECOGNIZING THE LIFE AND ACCOMPLISHMENTS OF WELLINGTON MARA OF NEW YORK

Mr. FRIST. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of S. Res. 288 submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 288) recognizing the life and accomplishments of Wellington Mara of New York.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table, and any statement relating thereto be printed in the RECORD as if read, without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 288) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 288

Whereas Tim Wellington Mara was born on August 14, 1916 in New York City;

Whereas Wellington Mara became a ball boy for the New York Giants at the age of 9;

Whereas Wellington Mara was made co-owner of the New York Giants in 1930 at the age of 14;

Whereas Wellington Mara graduated from Loyola High School, a Jesuit institution in Manhattan, and then attended Fordham University;

Whereas the only interruption in Wellington Mara's 81 years with the New York Giants organization occurred during World War II, when he served with distinction for more than 3 years in the Navy, seeing action in both the Atlantic and Pacific theaters aboard aircraft carriers;

Whereas Wellington Mara was instrumental in crafting an agreement in which larger market teams shared television revenue with smaller market teams, thereby allowing football to thrive throughout the United States;

Whereas under nearly 80 years of Wellington Mara's leadership, the New York Giants made 26 postseason appearances, the second highest in league history, including 18 National Football League Divisional championships, and 6 National Football League championships;

Whereas Wellington Mara displayed an unwavering commitment to his players and coaches by finding doctors for former players, paying for medical expenses, and arranging help for their families;

Whereas Wellington Mara was an invaluable contributor to the National Football League as a member of many ownership committees and has been recognized for always putting the interests of the game ahead of what was best for the New York Giants;

Whereas, in 1997, Wellington Mara was elected to the Professional Football Hall of Fame, joining his father, Tim Mara, who was a charter member of the Hall of Fame; and

Whereas, at the end of a life dedicated to the great game of football, its fans, and players, Wellington Mara passed away on October 25, 2005, at the age of 89: Now, therefore, be it

Resolved, That the Senate—

(1) expresses its most sincere condolences to the family of Wellington Mara, the former Ann Mumm, whom he married in 1954, their 11 children, and 40 grandchildren; and

(2) recognizes the life and accomplishments of Wellington Mara, who, for more than 8 decades, dedicated his life to the New York Giants and their millions of fans and supporters.

SUPPORTING THE GOALS AND IDEALS OF NATIONAL DOMESTIC VIOLENCE AWARENESS MONTH

Mr. FRIST. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 282 and that the Senate proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 282) supporting the goals and ideals of National Domestic Violence Awareness Month and expressing the sense of the Senate that Congress should raise awareness of domestic violence in the United States and its devastating effects on families.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution and the preamble be agreed to en bloc, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be printed in the RECORD, without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 282) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 282

Whereas 2005 marks the 11th anniversary of the enactment of the Violence Against Women Act of 1994 (Public Law 103–322, 108 Stat. 1902);

Whereas since the passage of the Violence Against Women Act of 1994, communities have made significant progress in reducing domestic violence such that between 1993 and 2001, the incidents of nonfatal domestic violence fell 49 percent;

Whereas the Violence Against Women Act of 1994 cost $15.50 per woman to implement, and has been estimated to save $159 per woman, totaling a savings of nearly $14,800,000,000 since its creation in averted costs of victimization;

Whereas since it was created by the Violence Against Women Act of 1994, the National Domestic Violence Hotline has been used to answer over 1,000,000 calls;

Whereas States have passed over 660 State laws pertaining to domestic violence, stalking, and sexual assault;

Whereas the Violence Against Women Act of 1994 has helped make strides toward breaking the cycle of violence, but there remains much work to be done;

Whereas the Senate recently passed the Violence Against Women Act of 2005 which reauthorized critical components of the original Act and established additional protections for battered immigrants and victims of human trafficking in order to further combat domestic violence and sexual assault;

Whereas domestic violence affects women, men, and children of all racial, social, religious, ethnic, and economic groups in the United States;

Whereas protecting the economic security of victims can help break the cycle of domestic violence;

Whereas abusers frequently seek to control their partners by actively interfering with the ability of their partners to work, including by preventing their partners from going to work and harassing their partners at work;

Whereas only 28 States and the District of Columbia have laws that explicitly provide unemployment insurance to victims of domestic violence under certain circumstances;

Whereas, on average, more than 3 women are murdered by their husbands or boyfriends in the United States every day;

Whereas women who have been abused are much more likely to suffer from chronic pain, diabetes, depression, unintended pregnancies, substance abuse, and sexually transmitted infections, including HIV/AIDS;

Whereas only about 10 percent of primary care physicians routinely screen for domestic violence during new patient visits, and 9 percent routinely screen during periodic checkups;

Whereas each year, about 324,000 pregnant women in the United States are battered by the men in their lives, leading to pregnancy complications, such as low-weight gain, anemia, infections, and first and second trimester bleeding;

Whereas every 2 minutes, someone in the United States is sexually assaulted;

Whereas almost 25 percent of women surveyed had been raped or physically assaulted by a spouse or boyfriend at some point in their lives;

Whereas in 2002 alone, 250,000 women and girls older than the age of 12 were raped or sexually assaulted;

Whereas 64 percent of women have reported being raped, physically assaulted, or stalked since age 18 by their current or former intimate partner;

Whereas 1 out of every 12 women has been stalked in her lifetime;

Whereas approximately 503,000 women are stalked by an intimate partner annually in the United States;

Whereas the influence of cultural norms, economics, language barriers, and limited access to legal services and information may render some immigrant women particularly vulnerable to abuse;

Whereas 1 in 5 adolescent girls in the United States becomes a victim of physical or sexual abuse, or both, in a dating relationship;

Whereas 40 percent of girls ages 14 to 17 report knowing someone their age who has been hit or beaten by a boyfriend;

Whereas approximately 8,800,000 children in the United States witness domestic violence each year;

Whereas witnessing domestic violence increases the risk of developing long-term physical and mental health problems, future struggles with substance abuse, and experiencing domestic abuse as a victim;

Whereas a boy who witnesses his father's domestic violence is 10 times more likely to engage in domestic violence than a boy from a nonviolent home;

Whereas almost 37 percent of all women who sought care in hospital emergency rooms for violence-related injuries were injured by a current or former spouse, boyfriend, or girlfriend;

Whereas the cost of domestic violence, including rape, physical assault, and stalking, exceeds $5,800,000,000 each year, of which $4,100,000,000 is spent on direct medical and mental health care services;

Whereas 44 percent of the mayors of the United States have identified domestic violence as a primary cause of homelessness;

Whereas over 50 percent of abused women lose at least 3 days of work per month due to domestic violence, 60 percent of battered women endure reprimands for arriving late to work and displaying other work-related problems associated with abuse, and 70 percent report difficulties in performing their work due to the effects of domestic violence;

Whereas existing statistical data suggests that forced prostitution, trafficking for sex, and sex tourism has increased throughout the world;

Whereas the need to increase the public awareness and understanding of domestic violence and the needs of battered women and their children continues to exist;

Whereas the month of October 2005 has been recognized as National Domestic Violence Awareness Month, a month for activities furthering awareness of domestic violence; and

Whereas the dedication and successes of those working tirelessly to end domestic violence and the strength of the survivors of domestic violence should be recognized: Now, therefore, be it

Resolved, That the Senate

(1) supports the goals and ideals of National Domestic Violence Awareness Month; and

(2) expresses the sense of the Senate that Congress should continue to raise awareness of domestic violence in the United States and its devastating impact on families.

ORDERS FOR THURSDAY, OCTOBER 27, 2005

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Thursday, October 27. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, the Senate resume consideration of H.R. 3010, the Labor-HHS appropriations bill, and the time until 10 a.m. be equally divided between the majority and minority. I further ask unanimous consent that at 10 a.m., the Senate proceed to a vote on the motion to invoke cloture. I further ask that Senators have until 10 a.m. to file second-degree amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. Mr. President, tomorrow the Senate will continue consideration of the Labor-HHS appropriations bill. There will be a cloture vote on the bill at 10 a.m. I encourage Members to invoke cloture so that we can expedite passage of this final appropriations bill this year. Once cloture is invoked, we should be able to conclude the amendment process and move to final passage tomorrow.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:51 p.m., adjourned until Thursday, October 27, 2005, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate October 26, 2005:

DEPARTMENT OF STATE

BERNADETTE MARY ALLEN, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF NIGER.

JANICE L. JACOBS, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SENEGAL, AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF GUINEA-BISSAU.

MARILYN WARE, OF PENNSYLVANIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO FINLAND.

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADES INDICATED IN THE UNITED STATES ARMY DENTAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be colonel

ROBERT DEMPSTER, 0031

To be lieutenant colonel

PHILIP PARK, 8343

To be major

MARY HARRELL, 9076
KRISTINE KNUTSON, 8112
ERROL LADER, 1906

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADES INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be colonel

MIMMS MABEE, 3561
JACK MARKUSFELD, 4060
ROY MAROKUS, 9742
RICKY SNYDER, 9716

To be lieutenant colonel

JAMES BENTLEY, 7821
GEORGE BERNDT, 0594
JAMES FEELEY, 8320
ROGER JONES, 1573
LAWRENCE MCCHESNEY, 9007
MARY SHEPHERD, 2284
STEVE WAXMAN, 9193

To be major

FATEN ANWAR, 0397
HANS BAKKEN, 9773
PAUL BRISSON, 4258
BRIAN EASTRIDGE, 3757
VALERIE FIELDS, 1660
SAMUEL GALIB, 8861
JOSEPH GRILLO, 4962
ANTHONY MICKELSON, 1890
MOHAMMAD NAEEM, 3802
RICHARD NAHOURAII, 0938
JIMMIE PEREZ, 2011

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES ARMY NURSE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531, AND 3064:

To be major

MICHELLE BEACH, 6791
HELEN LAQUAY, 3417

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

GREGORY BREWER, 5493
CHRISTOPHER CHANDLER, 5989
CLIFFORD HOPEWELL, 9488
TERRELL MORROW, 1415

CONFIRMATIONS

Executive nominations confirmed by the Senate Wednesday, October 26, 2005:

DEPARTMENT OF VETERANS AFFAIRS

ROBERT JOSEPH HENKE, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF VETERANS AFFAIRS (MANAGEMENT).

WILLIAM F. TUERK, OF VIRGINIA, TO BE UNDER SECRETARY OF VETERANS AFFAIRS FOR MEMORIAL AFFAIRS.

LISETTE M. MONDELLO, OF TEXAS, TO BE AN ASSISTANT SECRETARY OF VETERANS AFFAIRS (PUBLIC AND INTERGOVERNMENTAL AFFAIRS).

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

HOUSE OF REPRESENTATIVES—*Wednesday, October 26, 2005*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mrs. MILLER of Michigan).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
October 26, 2005.

I hereby appoint the Honorable CANDICE S. MILLER to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Reverend Mark Vander Meer, Pastor, Monocacy Valley Church, Ijamsville, Maryland, offered the following prayer:

Heavenly Father, we come before You in awe and wonder, recognizing that it is by Your grace and sustaining love that we awoke to enjoy the blessings and challenges of this new day.

It is by Your will and providence that You called our great country into being and entrusted leaders to steward and manage it on Your behalf. This is no easy task. The decisions that this body must make are difficult, complicated, and impact the lives of so many. I pray that Your Spirit would inhabit this Chamber and fill the hearts and minds of all who lead with the wisdom, discernment, and insight that only comes from You.

May all that takes place this day be an act of worship, honoring both You and the people we serve. To You be honor and glory. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. WILSON of South Carolina. Madam Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on agreeing to the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. WILSON of South Carolina. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from West Virginia (Mrs. CAPITO) come forward and lead the House in the Pledge of Allegiance.

Mrs. CAPITO led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

SPECIALIST RICHARD A. HARDY

(Mr. NEY asked and was given permission to address the House for 1 minute.)

Mr. NEY. Madam Speaker, I rise today to reflect upon the service and life of a great American, Specialist Richard A. Hardy, who was killed in action while fulfilling his duty to the United States of America.

Specialist Hardy was born in Timken, OH, and last resided in Newcomerstown, OH. He was assigned to A Company, 2nd Battalion, 69th Armor Regiment, 3rd Infantry Division, out of Fort Benning, GA. Specialist Hardy gave the last full measure of devotion to his country in Ar Ramadi, Iraq during Operation Iraqi Freedom.

Madam Speaker, Specialist Hardy represents the best that America has to offer. I want to give my heartfelt condolences to the family and friends of Specialist Hardy. His sacrifice will not be forgotten. May God rest his soul.

THE VALERIE PLAME INVESTIGATION

(Mr. NADLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NADLER. Madam Speaker, it is time for someone in the Bush administration to be held accountable for the leaking of the identity of a covert CIA operative. Washington Republicans are already attempting to minimize in advance the special prosecutor's findings. Anyone who does not believe leaking a CIA operative's identity is a serious breach of national security should listen to the words of our President's father, who served not only as President but as director of the CIA.

During a speech at the CIA in 1999 he said, "I have nothing but contempt and anger for those who betray the trust by exposing the names of our sources. They are, in my view, the most insidious of traitors." That is the President's father, a former Republican President himself.

While his son's administration is working in secret to destroy Joseph Wilson's name, it was the former President Bush who sent a letter to Wilson congratulating him for his service to his country and sending his sympathies that his wife's identity had been made public. President Bush should listen to his father. He should not condone these outrageous actions, should fire anyone involved, and hold them in utter contempt.

TEXAS SHERIFF RICK FLORES

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Madam Speaker, this past weekend I traveled to the United States-Mexico border and spent time patrolling the Rio Grande River with Sheriff Rick Flores and his deputies of Webb County, Texas. Sheriff Flores is a determined lawman. He is fighting invasion of illegal immigration and the war against the dangerous, violent drug cartels that are slithering into the United States.

Flores has only 13 deputies to patrol a county bigger than Delaware. In the tense border towns like Laredo, Rio Bravo and El Cenizo, the war between the drug cartels is waging and getting more dangerous every day. These drug outlaws have more money, extra manpower, better electronic equipment, a better intelligence network, and better firepower than the sheriff and his posse.

The sheriff needs Humvees, body armor, off-road vehicles, satellite phones, GPS systems and much more to fight this battle against drug cartels and human smugglers. Madam Speaker, Sheriff Flores has a passion to protect Texas and all of America. Sheriff Flores put it best when he said protecting our borders is not a partisan issue, it is a red, white, and blue issue. Madam Speaker, that is just the way it is.

CHILDREN AT RISK

(Mr. BLUMENAUER asked and was given permission to address the House for 1 minute.)

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Mr. BLUMENAUER. Madam Speaker, every day on the floor, we have much spirited debate. Often there is some agreement. But I think there is one thing that every Member of this Chamber can agree, the needless loss to water-borne disease of a child every 15 seconds. Four children will die before I finish my 1-minute here this morning. This sum is a tragedy that we must and should act to avert.

The good news is it is something we can change. We can make water and sanitation a cornerstone of United States foreign aid policy. We have legislation moving through our House International Relations Committee, passed unanimously, that would make this important change. There is legislation on the other body, encouragingly introduced by both the majority leader and the minority leader, that is parallel in nature.

Yesterday, Chairman HYDE and I invited each Member of the House to join over 60 other bipartisan cosponsors to add their names to H.R. 1973, the Paul Simon Water for the Poor Act. This critical bipartisan legislation will enable the United States to fulfill our international obligation and prevent this tragic, unnecessary loss of life around the world.

HONORING THE LIFE OF MR. JOEL STUBBLEFIELD

(Mr. BOOZMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOOZMAN. Madam Speaker, I rise today to honor the life of a dedicated educator, Joel Stubblefield, who passed away last week. Mr. Stubblefield assumed the role of chancellor at the University of Arkansas, Fort Smith, in 2002. Without his vision and efforts, that role would have never existed. While he always gave the credit to others, Mr. Stubblefield's initiatives transformed Westark, which was a very successful 2-year community college which he had been president of for many, many years, into a full-fledged 4-year institution that became part of the University of Arkansas system.

Under his stewardship, UAFS blossomed, the faculty ranks doubled, student enrollment nearly doubled and private giving, a measure of the school support, skyrocketed. He worked tirelessly to accomplish these feats. In fact, he worked so hard that at one point the school's trustees had to vote to force him to take a vacation.

Madam Speaker, 2 days ago I joined over 1,000 people at the UAFS campus to say our final good-byes to Joel Stubblefield. While he may no longer be with us, the impact he left on the community of Fort Smith will remain literally for generations to come. He was dedicated in every way to making a difference in the lives of his students, and our communities are a better place because of his efforts.

TEMPORARY PROTECTED STATUS FOR PAKISTANI NATIONALS

(Mr. AL GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. AL GREEN of Texas. Madam Speaker, I am on a mission of mercy today to acquire temporary protected status for Pakistani nationals in this country. Madam Speaker, as we know, Pakistan has been devastated by a 7.6 Richter scale earthquake. Thousands upon thousands are without homes. Thousands upon thousands have died. There is much assistance needed. The Pakistani nationals in the country, Madam Speaker, would be given an opportunity to stay for an additional 12 months, which would give the country an opportunity to try to recover from the devastation that it has suffered.

Madam Speaker, this is a bipartisan effort. I thank all of those on both sides who are supporting H.R. 4073. This is the right thing for us to do. The Pakistani people are suffering. These are our allies in the war on terrorism, and this would give us an opportunity to clearly extend the hand of friendship to those who have been of assistance to us.

PRIME MINISTER, FREE THE DALITS

(Mr. PITTS asked and was given permission to address the House for 1 minute.)

Mr. PITTS. Madam Speaker, earlier this month a human rights conference was held on Capitol Hill on the issue of the Dalits of India. We learned that India's caste system was established 3,000 years ago. It allows a powerful few to dominate the many, but not everyone has a caste.

A group once called the Dalits, "the untouchables," have none. They are literally outcast, some 250 to 300 million people. Often the Dalits are treated worse than animals, denied access to water, food, health care, even clothing, because they are deemed unworthy of these things. The vast injustice done to these people is indescribable. The Dalits are attacked not only physically, but various community members, sometimes even the police, attack them.

India is a great friend to America. As the world's largest democracy, it holds limitless potential; but just as slavery and the unequal treatment of African Americans blemished our record for much of our history, so the treatment of Dalits will hold our friend India back.

Countries that protect the rights and freedoms of all people are more stable and more prosperous. Once America came to accept that all citizens were equal and deserved equal opportunity to build a better life, we became a stronger Nation, and our calls for freedom elsewhere carry more credibility, because we grant it to all of our citizens. If they free the Dalits, India's will, too.

OPPOSITION TO PROPOSED BUDGET CUTS

(Ms. SOLIS asked and was given permission to address the House for 1 minute.)

Ms. SOLIS. Madam Speaker, today I rise in opposition to the proposed Republican budget cuts and the harmful impact that will have on women across the country. The Republican budget slashes Medicaid by $10 billion, a vital program for the health and welfare of women of all ages. It provides essential care such as family planning, breast and cervical cancer treatment, and care for disabled women to more than 16 million women, including approximately 10 million women of child-bearing age. In California alone, in my State, over 3.7 million women of all ages are enrolled in Medicaid and 1.3 million Medicaid beneficiaries are recipients in Los Angeles County. Medicaid ensures that women receive a full spectrum of maternity coverage, including prenatal, labor, delivery, and postpartum care. Medicaid is one of the largest sources of funding for women over the age of 80 living in nursing homes, covering nursing home costs and long-term care services.

These facts demonstrate that Medicaid is a significant health safety net program for women. The proposed Republican budget cuts billions from Medicaid. I urge my colleagues to reject the Medicaid budget cuts and to provide full funding for women and their children and for the vital safety of children.

❑ 1015

SLOGANS, NOT SOLUTIONS, FROM DEMOCRATS

(Mr. PRICE of Georgia asked and was given permission to address the House for 1 minute.)

Mr. PRICE of Georgia. Madam Speaker, we are at a financial crossroads. My Republican colleagues and I are committed to fiscal responsibility, while Democrats merely propose slogans and catch phrases to hide behind their tax-and-spend policies.

Over the past 3 years, Democrats have offered amendments totaling tens of billions of dollars of additional spending and $392 billion in additional taxes. That is more taxes.

A lot of these proposed spending increases were to be financed by raising taxes on small businesses, which means fewer jobs. Earlier this year not a single Democrat House Member supported the lean budget that passed Congress, not one.

Before Hurricanes Katrina and Rita, our economy was surging, and deficits were shrinking. Fact: The budget deficit shrank last year from $412 billion to $319 billion, a decrease of nearly 25 percent. We had 25 straight months of job growth, falling unemployment, and strong growth in the economy.

Madam Speaker, Americans deserve and expect us to work together. I urge my Democrat colleagues to move from slogans to solutions. We would welcome their productive contributions. The American people are waiting.

ADMINISTRATION OFFICIALS WORK TO UNDERMINE SPECIAL PROSECUTOR'S INVESTIGATION

(Mr. FILNER asked and was given permission to address the House for 1 minute.)

Mr. FILNER. Madam Speaker, it is clear that high-ranking officials in the Bush White House have not leveled with the American people about their involvement in the leaking of CIA agent Valerie Plame's identity to reporters.

When this investigation first began 2 years ago, Deputy Chief of Staff Karl Rove told ABC News that he was not involved in any way. After a steady stream of questions, White House press secretary Scott McClellan said he personally went and asked Karl Rove and Scooter Libby if they were involved, and they both assured him that they were not. McClellan told reporters at the White House press briefing on October 7, "They are good individuals. They're important members of our White House team, and that's why I spoke with them, so I could come back to you and say that they were not involved."

Well, like much of what the White House says today, that is simply not true. Both Rove and Libby were involved in the leaking of a covert agent's identity. That means someone in this administration has a lot of explaining to do.

Madam Speaker, this is not the way the American people want their government to be run. It is time for someone to be held accountable at the White House for this outrageous abuse of power. This administration of neocons turns out to be an administration of just plain cons.

REPUBLICANS CALL FOR FISCAL RESPONSIBILITY

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Madam Speaker, Hurricanes Katrina and Rita delivered disastrous blows to families and communities in the southern part of our country.

As the Federal Government fulfills its commitment on the gulf coast, Congress must make significant sacrifices in other parts of the Federal budget. House Republicans are proposing several commonsense reforms that will decrease the deficit and the size of the Federal Government.

Instead of considering our positive proposals, House Democrats continue to rely upon their tired tax-and-spend plans that ultimately force future generations to pay higher taxes. They have tried to increase Federal spending by billions of dollars at every stage of the legislative process. Earlier this year not a single Democratic House Member supported the lean budget that passed the Congress.

As our Nation continues to recover from these hurricanes, it is time for Democrats to work with Republicans on fresh reforms that will decrease the Federal deficit, strengthen the Federal Government, and help American families.

In conclusion, God bless our troops, and we will never forget September 11.

FIRE ACT GRANTS

(Mrs. MALONEY asked and was given permission to address the House for 1 minute.)

Mrs. MALONEY. Madam Speaker, we as a Nation can do much better in protecting the American people with our limited homeland security dollars.

Recently I released a report on the status of the FIRE Act program, the only homeland security program specifically for firefighters, and we know it was the firefighters on 9/11 who were the true heroes and heroines. The statistics in this report, which can be found on my Web site, would be absolutely laughable if the threats to New York City and other areas in America were not so serious.

In 2004, the FIRE Act program was capped at $750,000 regardless of threat and size; yet we know that the 9/11 Commission report says that all of our homeland dollars should be targeted specifically and only for high threat and risk. In this report, as the Members can see, Montana gets over $7.84 per person, while high-threat, number one threat city, New York City gets a mere 12 cents per person.

This is unfair. This is wrong. We can do better.

BREAST CANCER

(Mrs. MYRICK asked and was given permission to address the House for 1 minute.)

Mrs. MYRICK. October is Breast Cancer Awareness Month, and as a breast cancer survivor, I am very encouraged by all the research that goes on and continues to find, hopefully, a cure one day.

But I want to encourage everybody to be vigilant because this is a disease that each one of us has to take care of our own bodies to find. I am one of those that was seen by five doctors, and I had three mammograms, and everyone told me I was fine and there was nothing wrong. But I knew something was wrong because I had pain. So I persevered, was able to get an ultrasound, and they found it.

So my message today is preventive medicine is so important, but it is especially important for each one of us as individuals to take care of ourselves. And I encourage everyone during this month, to men and women alike, because men get breast cancer, too, to get mammograms; if they know something is wrong to persevere until they find the answers. And one of these days we will not have to stand here because we will have a cure for this bad disease.

CRONYISM IN THE BUSH ADMINISTRATION: APPOINTMENTS BASED ON CONNECTIONS, NOT CREDENTIALS

(Ms. BERKLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. BERKLEY. Madam Speaker, the Bush administration has systematically abused its power by appointing political allies rather than qualified people to positions that have a direct effect on the safety and well-being of the American people.

This dangerous practice became painfully evident in the devastating aftermath of Hurricane Katrina when the incompetence and inexperience of FEMA Director Michael Brown led to a terribly inadequate response to natural disaster. We now know that President Bush appointed Brown as a favor to a friend, not on his ability to do the job.

Unfortunately, this is not an isolated example. A recent Time Magazine inquiry found that in filling positions at vital government agencies, the Bush administration has put connections ahead of credentials. Time notes in a September 25 article that "connections, not qualifications, have helped an unusually high number of Bush appointees land vitally important jobs in the Federal Government."

Madam Speaker, this cronyism must end. Our tax dollars should pay for government that works for everyone, not just the President's friends. The American people deserve better.

SECURITY AGENDA

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Madam Speaker, while the Democrats are working to develop a message for the upcoming year, Republicans have more than a message. We have an agenda: the security agenda.

We know that Americans have strong views on how this country ought to run, and this Republican majority represents those views. We believe in focusing on four areas: retirement security, homeland security, economic security, and moral security.

We are aggressively fighting terrorism both here at home and abroad to strengthen our national and homeland security. We continue to work to be certain that our seniors are taken care of and provided for in their retirement years. We are working to keep taxes low, regulation light, and shrink the growth of government to be certain that our economic security is not threatened.

Madam Speaker, we want to preserve the right of every American to worship as we choose, defend the sanctity of marriage, and we are fighting to advance the culture of life in order to guard our Nation's moral security.

Madam Speaker, Republicans are focused on these security issues. We know this is an agenda where the American people join us in the actions they would like to see.

WHITE HOUSE STONEWALLING OF VALERIE PLAME LEAK INVESTIGATION

(Ms. LEE asked and was given permission to address the House for 1 minute.)

Ms. LEE. Madam Speaker, sadly, 2,000 American troops have now died in Iraq due to a war based on fabrications of weapons of mass destruction in Iraq.

Two years have passed since the Bush White House breached national security by leaking a covert CIA agent's name to reporters to smear a former ambassador who questioned their misleading case for war. Why has President Bush not acted on this reprehensible act?

Anyone who follows the news now knows that the White House Deputy Chief of Staff Karl Rove is implicated in leaking Valerie Plame's identity to Time reporter Matthew Cooper. We also know that it was the Vice President's Chief of Staff, Scooter Libby, at the heart of charges leaking Plame's identity to New York Times reporter Judith Miller.

Two years ago the White House press secretary told reporters, "If anyone in this administration was involved in it, they would no longer be in this administration." But that was before it was clear that Karl Rove was indeed involved. President Bush now says staffers will only be fired if they committed a crime.

Talk about lowering the bar. The Bush administration was right at first when it said that anyone involved in this serious breach of our national security would be handed their walking papers.

The stonewalling and the coverup of the White House must finally come to an end. Our country must do better. The world is watching.

BREAST CANCER AWARENESS MONTH

(Mrs. CAPITO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CAPITO. Madam Speaker, October is Breast Cancer Awareness Month. In West Virginia alone, 270 women will lose their lives to breast cancer in 2005 while an estimated 1,410 new cases will be diagnosed.

The impact of breast cancer goes well beyond the individual to impact her family, her friends, as well as change the path in life the woman is leading.

Regular breast self-examinations, mammograms, and regular visits with a doctor give a woman her greatest chance for overcoming breast cancer.

These reasons are why women, especially women over 50 and women who have a history of breast cancer, should visit their doctor regularly. My husband Charlie lost his mother and his aunt to breast cancer over 30 years ago. Since that time advancements in treatment and educational efforts have increased the 5-year survival rate to 98 percent if the cancer is found and treated before it spreads.

As this Republican-led Congress continues its commitment to fund research efforts, we must also continue efforts to educate women and ensure they have access to proper health care. We owe it to thousands of women, and their families, we have lost to breast cancer. We owe it to ourselves and our daughters for their futures.

THE SAD MILESTONE OF 2,000 U.S. TROOPS KILLED IN IRAQ

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Madam Speaker, we mark another sad and tragic milestone in the war in Iraq. Two thousand American soldiers have been killed in the war in Iraq.

We must end this war. How many more of America's finest have to die for this war before we realize that the quagmire in Iraq cannot be solved by military force, and that our occupation is counterproductive?

Iraq has been a colossal failure of American policy. From the beginning this administration has waged a campaign of misinformation and has continued to deliberately mislead the public and this Congress about the realities on the ground. The truth is that Iraq will never be free and the insurgency will not end until we end our occupation and allow the decisions about the future of Iraq to be made in Baghdad, not Washington.

As Americans we lament the loss of every American life and every American injury and every Iraqi civilian casualty. We mourn the first casualties as much as the 2,000th casualty.

Now more than ever, we need to support the troops. Support the troops by bringing them home.

IN SPECIAL RECOGNITION OF THE PATRIOTISM OF KATELIN RICHTER OF WATERTOWN, MINNESOTA

(Mr. KENNEDY of Minnesota asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KENNEDY of Minnesota. Madam Speaker, I rise today to recognize 16-year-old Katelin Richter, a student at Watertown-Mayer High School in my hometown.

Katelin recently wrote an essay on the importance and relevance of the Pledge of Allegiance, which was published in a large newspaper in our home State. The theme of Katelin's essay is that the language of the Pledge of Allegiance is the core values held by Americans, that we are one Nation under God, and that it should not be attacked by activist judges.

I think she is right.

Madam Speaker, it is my privilege to recognize the patriotism of Katelin Richter. It is through young voices such as hers that our great Nation will remain strong.

CRONYISM IN THE BUSH ADMINISTRATION: DAVID SAFAVIAN, THE MICHAEL BROWN OF PROCUREMENT

(Mr. OWENS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OWENS. Madam Speaker, together Americans can do better in showing Iraq and the rest of the world how true democracy will not tolerate corruption. We must set better examples than the Bush administration has set.

One glaring example of Bush corruption came when President Bush nominated a former lobbyist, David Safavian, as the Chief Procurement Officer for the Federal Office of Management and Budget. Mr. Safavian had limited experience with procurement when President Bush chose him for that powerful position. What he did have, however, were strong connections to powerful Republican lobbyist Jack Abramoff. The two lobbyists, Safavian and Abramoff, shared clients at the firm where they worked in the early 1990s. Later, through his position at the GSA, Safavian helped Abramoff lease Federal property for office space. In exchange, Abramoff took Safavian on an expensive golf trip to Scotland.

□ 1030

Not surprisingly, Mr. Speaker, David Safavian was arrested last month for obstructing a Federal examination into Jack Abramoff's questionable business dealings with Washington Republicans. At the time of his arrest, Mr. Safavian was a multibillion-dollar Hurricane Katrina contract awardee.

Together, America, we can do better.

FISCAL RESPONSIBILITY

(Mr. GINGREY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGREY. Mr. Speaker, I rise today as a fiscal conservative, and, more importantly, as a Member who believes in making the tough choices and tightening the belt of the Federal budget. Every American family knows that you do not spend money on big purchases unless you have a way to pay for it. Yet our Federal Government does this every day.

There are two ways to get our fiscal house back in order: we can raise taxes, as some of our colleagues across the aisle have suggested; or we can rein in government spending. Well, we Republicans believe that American families already pay too high a price in taxes, and we know that there are too many places where our bureaucracy is bloated and our programs are redundant and ineffective.

So rather than making the American taxpayers shoulder the burden of excessive Federal spending, I say we put the weight on ourselves, the Congress, and work our hardest to cut the fat out of the Federal budget.

I believe that government should tailor its spending to accommodate lower taxes, rather than tailoring its taxes to accommodate higher spending called for by the Democrats. Now is the time to treat our Federal budget as we would our household budget. We need to make the tough decisions.

WORRYING ABOUT THE REST OF AMERICA

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DEFAZIO. Mr. Speaker, that was an interesting speech, but it defies reality. If the government eliminated every general fund program, everything the government does except the Department of Defense, guess what? We would still have a deficit. We would still be borrowing money.

The Republicans are borrowing $1.2 billion a day to run the government, and now they are the party of fiscal responsibility, and, oh, it is those poor working people they are concerned about. Except what they do not talk about is the tax cuts they are talking about, the ones that would cost $70 billion and increase the deficit, flow predominantly to people who earn over $300,000 a year, mostly over $1 million a year, and to estates worth more than $6 million. That is the hard-working families they are worried about, one-tenth of 1 percent of the people in America.

Well, I am worried about the rest of America who are getting screwed by these kinds of priorities.

GOVERNMENT ECONOMIC GROWTH POLICIES WORKING

(Mr. HENSARLING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HENSARLING. Mr. Speaker, we are soon going to debate how we pay for the relief for the devastating hurricanes that hit our gulf coast. There are only three ways: Either, number one, we are going to raise taxes yet again on the American people; number two, we are going to pass debt on to our children; or, number three, we are going to moderate the growth of the Federal budget so that families do not have to moderate the growth of their budget.

Now, you have heard the Democrats claim that somehow the Republicans want to cut, slash, and burn the Federal budget. Since I have been on the face of the planet, the Federal budget has grown seven times faster than the family budget. How much Federal Government do we need? And even if we offset all of this hurricane spending, what most people view as mandatory welfare spending will end up growing at 6.3 percent, instead of 6.4 percent.

Compassion for the poor is not measured by the number of government checks you print. It is measured by the number of jobs you create. Under tax relief policies and economic growth policies of this administration and this Republican Congress, we have created over 4 million new jobs so that families can go out and do their spending and create their American Dream.

TIME TO END IRAQ WAR

(Mr. McGOVERN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McGOVERN. Mr. Speaker, today we mark another sad milestone in our involvement in Iraq with the announcement that 2,000 Americans have died.

It is time to end this war. This war was based on fiction: there were no weapons of mass destruction, no ties to al Qaeda, no imminent threat. We have spent hundreds of billions of dollars on this war. We are bankrupting our Nation.

Great nations, Mr. Speaker, sometimes make mistakes, as I believe we have done in this case. This war was a mistake. It is wrong; let us fix it. America can do better. Not one more dollar, not one more death.

ENDING FRIVOLOUS LAWSUITS

(Mr. CARTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARTER. Mr. Speaker, as a State district judge for over 20 years in Texas, I presided over my fair share of frivolous lawsuits. I have seen firsthand the effect they have on small businesses and families.

The current tort system is costing Americans over $200 million a year. Small businesses rank the cost and availability of liability insurance as second only to the cost of health care as their top priority. Both problems are fueled by frivolous lawsuits.

Frivolous lawsuits make small businesses and workers suffer. This year the Nation's oldest ladder manufacturer, family-owned John S. Tilley Ladders Company of New York, filed for bankruptcy protection and sold off most of its assets due to litigation costs.

Founded in 1855, the Tilley firm could not handle the cost of liability insurance, which had risen from 6 percent of sales a decade ago to 29 percent, even though the company never lost an actual court judgment. "We could see the handwriting on the wall and just want to end this whole thing," said Robert Howland, a descendant of the founder, John Tilley.

Mr. Speaker, let us put an end to frivolous lawsuits that are ruining the American Dream.

PRIORITIZING CUTS IN FEDERAL COVERAGE OF HEALTH CARE

(Mr. OBEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OBEY. Mr. Speaker, I note that the majority party is considering a number of actions to cut spending, including actions to cut back child health care under Medicaid and including actions to cut back SSI payments to disabled Americans.

I wonder if some of those same Members of Congress would be willing to eliminate Federal coverage for health care for Members of Congress before they reach down to the low-income groups in this society and cut their health care. It seems to me that if you are going to start by cutting health care benefits anywhere, we ought to start right on this floor, with the people who work here.

FREEDOM IS WINNING, TERRORISM IS LOSING IN IRAQ

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, it has been asked in some shrill tones this morning on the floor of this Congress, 2,000 American casualties in Iraq, and what do we have to show for it?

Well, I would offer very humbly, what we have to show for it is a dictator behind bars, a terrorist haven vanquished, 100,000 Iraqis in uniform with another 100,000 yet being trained in the next year, millions freed from tyranny, national elections in January, and, as the headlines today attest, a constitution ratified in a new, free, and democratic Iraq. That is what we have to show for it.

Because of the ongoing sacrifices of the American soldier, those at their post and those in glory, and their families, freedom is winning, terrorism is losing in Iraq.

CAPTAIN JAMES R. JONES

(Ms. FOXX asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FOXX. Mr. Speaker, I rise today to pay tribute to Vietnam War hero Captain James R. Jones, who gave his life for his country. This past weekend, I had the pleasure to award the late Captain Jones the Purple Heart for his bravery and courage.

Captain Jones was an extraordinary man. Born in Surry County, North Carolina, in 1939 to Buster and Myrtle Jones, Captain Jones received degrees with honor from J.J. Jones High School in Mount Airy, A&T College in Greensboro, and a dentistry degree from Howard University. Upon his graduation in 1964, he was commissioned as a captain under the ROTC program and subsequently entered military service.

In 1967, he was assigned to a small dental clinic at an outlying base in Vietnam. Sadly, his care would never be received. The aircraft he was on board crashed soon after takeoff and caught fire. Everyone on board perished. Captain Jones is remembered today for his commitment to his fellow man and his country.

Mr. Speaker, Captain James R. Jones is to be commended for his bravery, his fierce determination, and his patriotism. His self-sacrifice should be a testament to us all.

BEING BITTER AND ANGRY

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, "Together We Can Do Better." That is the new motto of the Democrat Party. Well, you can judge the future by their past, and let us see how they did in the past.

Social Security, take an issue. What was their solution? Still waiting. No solution. Hello Democrat Party, put it on the board. You did not like our solution? What is your better solution?

Taxes? You do not like tax cuts. The government knows how to spend your money better than you do. And when tax revenues went up $94 billion because of our tax cuts creating new jobs, what did the Democrats have to say? We just do not like tax cuts.

Fiscal responsibility. Now they have a chance. We know in the Committee on Appropriations they have offered $61 billion in spending increases in the last 3 years. Now is their chance to show "we did not mean it." They can do better.

9/11, what was their response? Whining and pining and hand-wringing, saying, Why do they hate us? That is what we must find out.

Iraq, well, let us turn Iraq over to Cindy Sheehan. She should run our foreign policy.

Together we can do better? I think they ought to look at "together we can be bitter, bitter and angry."

DEFENDING CRITICISM AGAINST DEMOCRATS

(Mr. FRANK of Massachusetts asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FRANK of Massachusetts. Mr. Speaker, I do not want the gentleman from Georgia to wonder all day about some of these things, so I have one answer and one correction.

Our response to 9/11, the gentleman's memory seems to be failing him, was to vote virtually unanimously with only one dissent to invade Afghanistan and put an end to that regime. I am sorry we were not able to catch Osama bin Laden. But I have heard few distortions as great as to say that our response to 9/11 was whatever he said. In fact, we all but one on this side voted to go to war in Afghanistan. Now, that may seem a triviality to him, but it seems to me that that was a very useful response.

Secondly, the gentleman wants to know what is our answer to Social Security. It is very simple: put the money back. If Social Security receives every dollar which has been paid into Social Security and the interest that it is legally entitled to receive on that, it is fully funded until sometime in the 2040s.

Now, having spent some of the Social Security surplus for the war in Iraq, for tax cuts for the very wealthy, the President now says, Well, those are just IOUs. We do not have the money.

But here is my answer: put the money back. If you just put the money back into Social Security, we will be okay.

APPOINTMENT OF CONFEREES ON H.R. 2419, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2006

Mr. HOBSON. Mr. Speaker, pursuant to clause 1 of rule XXII and by direction of the Committee on Appropriations, I move to take from the Speaker's table the bill (H.R. 2419) making appropriations for energy and water development for the fiscal year ending September 30, 2006, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. Hefley). The question is on the motion offered by the gentleman from Ohio (Mr. Hobson).

The motion was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees: Messrs. Hobson, Frelinghuysen, Latham, Wamp, Mrs. Emerson, Messrs. Doolittle, Simpson, Rehberg, Lewis of California, Visclosky, Edwards, Pastor, Clyburn, Berry, and Obey.

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 1461, FEDERAL HOUSING FINANCE REFORM ACT OF 2005

Mr. SESSIONS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 509 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 509

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1461) to reform the regulation of certain housing-related Government-sponsored enterprises, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Financial Services. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Financial Services now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Texas (Mr. SESSIONS) is recognized for 1 hour.

□ 1045

Mr. SESSIONS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

This structured rule provides for 1 hour of general debate, equally divided and controlled by the chairman and ranking minority member of the Committee on Financial Services. It waives all points of order against consideration of the bill, and provides that the amendment in the nature of a substitute recommended by the Committee on Financial Services now printed in the bill shall be considered as an original bill for the purpose of amendment and shall be considered as read. It waives all points of order against the amendment in the nature of a substitute and makes in order only those amendments printed in the Rules Committee report accompanying the resolution.

It provides that the amendments made in order may be offered only in the order printed in the report, offered only by a Member designated in the report, shall be considered as read, and shall be debatable for the time specified in the report equally divided and controlled by the proponent and opponent. They shall not be subject to amendment, and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole.

Finally, the rule waives all points of order against the amendments printed in the report and provides one motion to recommit with or without instructions.

Mr. Speaker, I rise today in strong support of this rule and the underlying legislation, H.R. 1461, the Federal Housing Finance Reform Act of 2005. This bill, cosponsored by my good friend, Chairman RICHARD BAKER, was accepted at its full committee markup last May and reported to the House by an overwhelming bipartisan vote of 65 to 5. This balanced rule under debate makes in order a manager's amendment and an equal number of additional amendments from Members of both sides of the aisle, with four Republican and four Democrat amendments also made in order.

The purpose of this legislation is simple: to provide for the creation of a world-class regulator to oversee the housing government-sponsored entities that help make America's mortgage and capital markets the envy of the world.

Currently, approximately 70 percent of American households own their own home, a fact that is due in no small part to the liquid and strong capital markets that allow families to achieve the American dream of homeownership at rates never seen before.

But the same GSEs that help to drive high ownership rates are also among the largest U.S. financial institutions, with approximately $2.5 billion in assets. Between the two largest GSEs, Fannie Mae and Freddie Mac, nearly half the residential market is either owned or guaranteed. Because of their size and potential to have a disproportionate impact on America's capital markets, they require strong and effective oversight of their operations. The Federal Housing Finance Reform Act, brought forth by Chairman MIKE OXLEY and Chairman RICHARD BAKER, will accomplish this goal.

This bill will provide for the continued strength of our mortgage markets by creating a new, world-class regulator with strong safety and soundness and mission powers to oversee these GSEs. It merges the Office of Federal Housing Enterprise Oversight, which currently regulates Fannie Mae and Freddie Mac, with the Federal Housing Finance Board, which currently regulates the Federal home loan banks, into a single entity. This new entity, the Federal Housing Finance Agency, will be headed by a Director who is appointed by the President and confirmed by the Senate. It will also be comprised of an advisory board, represented by the Department of the Treasury, HUD, and two nongovernmental members.

This regulator will be empowered to ensure the safety and soundness of GSEs through a number of increased powers similar to ones already given to bank regulators, including the ability to determine minimum and risk-based capital standards, to review and adjust portfolio holdings, to approve new programs and business activities, to mandate prudent management and operational standards, to take prompt corrective and enforcement actions, and to put critically undercapitalized GSEs into receivership, to require corporate governance improvements, and, lastly, to hire examination and accounting experts.

This legislation also establishes an Affordable Housing Fund, based on the Affordable Housing Program already in place for the Federal home loan banks. Fannie Mae and Freddie Mac will now have the opportunity to manage affordable housing programs funded by a percentage of their earnings. These funds will be awarded through a competitive application process to for-profit builders, State housing agencies, and nonprofit organizations; and, this fund will streamline HUD's current affordable housing goals for the GSEs to meet pressing needs in low-income and rural communities.

Under this rule we also have the opportunity to discuss a manager's amendment to this legislation, which makes a significant number of improvements to the bill. Chief among these is the recognition that Congress must provide strong, market-based incentives to rebuild the devastated gulf coast region in the wake of Hurricanes Katrina and Rita. The manager's amendment will ensure that during the first 2 years, additional weight will be given to Hurricane Katrina and Rita disaster areas and to those families affected by these catastrophes. Priority will be given for other disaster areas and to areas of greatest impact and geographic diversity.

The manager's amendment also recognizes the need for fast action in the gulf region, and speeds up the effective dates of this legislation from 1 year to 6 months after enactment. Finally, the manager's amendment sunsets the fund after 5 years, at which point the Director will report to Congress on whether funds should be extended or modified to improve its efficiency and effectiveness so that Congress can exercise appropriate oversight of this new program.

Mr. Speaker, I strongly support this legislation to reform and improve oversight of housing GSEs, and I would like to thank Chairman RICHARD BAKER and Chairman MIKE OXLEY and their colleagues on the Financial Services Committee for their hard work on this important legislation. I encourage my colleagues to support this fair and balanced rule and the underlying legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I want to thank the gentleman from Texas (Mr. SESSIONS) for yielding me the customary 30 minutes, and I yield myself 5½ minutes.

Mr. Speaker, I rise today in opposition to this restrictive rule and to the manager's amendment made in order under the rule. H.R. 1461, the Federal Housing Finance Reform Act, as reported out of the Committee on Financial Services, was a thoughtful, reasonable, bipartisan piece of legislation. As evidenced by the 65-5 committee vote in favor of the bill on May 25, H.R. 1461 clearly has the support from both Democrats and Republicans.

Chairman OXLEY and Ranking Member FRANK worked together to craft bipartisan legislation that provides real oversight and a stronger, more powerful regulator for Freddie Mac, Fannie Mae, and the Federal home loan banks. The Federal Housing Reform Act, as reported out of the committee in May, is the kind of legislation that the Framers intended Congress to pass. Not only is it legislation that will do good and will improve people's lives, it is legislation that was created out of bipartisan negotiations and compromise.

I commend Chairman OXLEY and Ranking Member FRANK for their actions on the Financial Services Committee and for producing an excellent bill.

But, Mr. Speaker, it is clear that the Republican leadership cannot handle bipartisan success. Despite overwhelming bipartisan support in committee, the Republican leadership held the bill hostage for 5 months, merely because a radical faction of their party opposes affordable housing and, specifically, opposes the Affordable Housing Fund included in the bill.

Unfortunately, after being strongarmed by the Republican Study Committee, the Republican leadership forced changes that not only weakened the Affordable Housing Fund provision, but will actually restrict the ability of low-income people from voting in future elections. Here is the deal: They have a manager's amendment that has some very good things in it, but tucked in that manager's amendment there is included some language that many of us find offensive. And the gentleman from Massachusetts, the ranking member of the Financial Services Committee, wanted to have an amendment made in order to strike that offensive language and was denied that opportunity last night in the Rules Committee.

The language that I am talking about specifically denies faith-based and nonprofit groups from funding simply if they express their first amendment rights. Under these restrictions, any nonprofit community group, or church would be ineligible to receive funding if either they or their "affiliates" have engaged in nonpartisan voter registration and get-out-the-vote activities. Furthermore, affiliation is defined so broadly that it includes having overlapping board members sharing physical space or other public communications.

It is worth noting that for-profit companies are exempt from these restrictions. Why would we protect companies from these restrictions, and impose them on low-income and faith-based communities, the very people who this legislation is supposed to empower? I would ask my colleagues, what do you have against faith-based organizations? We need to enhance access to affordable housing, not reduce it.

Mr. Speaker, these restrictions are undemocratic. They are part of a pattern by the extreme right in the Republican Party in an attack on poor people. They are written with the intent to deny poor people the access to vote. These provisions are a direct affront on the democratic principles upon which this country was founded.

It seems clear that these restrictions are unconstitutional. They would require any organization that wanted to receive funding from the Affordable Housing Fund to sacrifice their freedom of assembly, which protects their right to associate with one another in groups for economic, political, or religious purposes.

We can provide and expand the affordable housing market without trouncing on the Bill of Rights. Just as easily as these restrictions were added into the legislation, they can be removed without affecting the goals of the Affordable Housing Fund or the overall legislation.

A multitude of organizations across the country, ranging from the United States Conference of Catholic Bishops to the National Alliance to End Homelessness, have expressed their strong disapproval of these egregious provisions. For one reason, these groups realize how harmful these restrictions would be toward fighting homelessness.

Homelessness cannot be combatted unless our Nation's affordable housing stock is increased. Affordable housing cannot be expanded if we bar nonprofits and community organizations from tapping into the appropriate resources.

Mr. Speaker, affordable housing should not be a partisan issue, but, unfortunately, the Republican leadership has made it so. The battle against homelessness and the expansion of affordable housing needs to be addressed through a coordinated effort between the government and nonprofit and faith-based communities. This language in this manager's amendment severely restricts the ability of affordable housing professionals to fulfill their role.

After Hurricane Katrina, President Bush and the leadership in the House talked about the need to help poor Americans rise out of poverty. They talked about improving people's lives. Well, Mr. Speaker, their actions clearly do not match their rhetoric. When the Republican leadership had a chance to help the poorest of Americans to receive affordable housing, they acted to restrict access to a proposed affordable housing fund. When the Republican leadership had a chance to stand up for people who do not have a voice, for people who need help making ends meet, they made a conscious decision to turn their backs on them.

Mr. Speaker, at the heart of this debate is the ability to provide affordable housing and access to voting for low-income families. One of the icons of the civil rights movement, Rosa Parks, died on Sunday. We all mourn her passing. But it is hard not to see the irony that 2 days after her death, we are going to debate and vote on a bill that will restrict the ability of the poor to have access to affordable housing and to vote in democratic elections in this country.

This is a lousy way to run this Congress. I urge my colleagues to vote against this undemocratic and restrictive rule.

Mr. Speaker, I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, it is right out there in front of everybody: Republicans are good on policy and, evidently, the Democrats do not like the politics. The policy is what this Financial Services Committee is all about. That is why they produced this great bill.

I am pleased to yield 3 minutes at this time to the gentleman from Florida (Mr. FEENEY) who serves on that committee.

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Mr. FEENEY. Mr. Speaker, I want to thank the gentleman from Texas for yielding me this time.

I want to speak in favor of the manager's amendment, if it is adopted, certainly a great and important bill, and the rule itself.

The actual truth of the matter is that housing ownership in America is at an all time high. This Congress and this President have established policies that allow virtually every American that has a job to find a way, if they desire, to own a home.

The GSEs, Fannie Mae and Freddie Mac, have played an important part in that. They provide liquidity in the secondary market so that there are more opportunities for people to borrow at relatively low rates of interest. We ought to preserve that system, and we ought to protect that system.

These are enormous entities. Fannie alone is $1.7 trillion in terms of assets, and both of these entities had some accounting troubles. The gentleman from Ohio (Mr. OXLEY) and the gentleman from Louisiana (Mr. BAKER) have led the way so that we can reform and have appropriate oversight for those enormous, but important, entities that help the housing market in America flourish.

The question here today is whether the rule ought to be adopted. Some of our friends on the other side are very upset, because rather than providing money for bricks and mortar, what they would like to do is to provide money for politics. They want to allow folks that engage in political activity, including voter registration, to have access to money that otherwise would go to low-interest loans or to help affordable housing builders at the local level actually build bricks and mortar.

People that want a home do not need a lobbyist; they do not want a politician. They want somebody that will actually build them, with the sticks and the bricks and the mortar, a home to live in. That is what this fight is about. One of the largest advocates, the groups that the other side would like to have receive up to 2 or $3 billion this fund may reach in the next 5 years, is a group called ACORN.

Now, ACORN is an important group. They are a first amendment group. The gentleman is right. They have every right to participate in first amendment activity, but not with money that we give them from Congress. Thomas Jefferson said that to force a man to contribute to a cause in which he does not believe is the definition of tyranny.

We want to build homes. They want to buy liberal lobbyists and politicians. That is what this debate is about. ACORN had a game plan in the year 2003 in Florida. By the way, they do this in many other competitive States. ACORN wanted to register voters. They argued to the public that this was about support for a minimum wage constitutional amendment in Florida.

But their three bottom-line goals here are very important. Increasing the minimum wage was the least important thing as part of their voter registration drive. What they argued to contributors, who have the right to contribute to this activity, who we should not force probably to contribute to this activity, is they had three goals. And I want to read these into the RECORD.

The goals of this campaign are threefold: To increase voter turnout of working class, mainly Democratic voters without increasing opposition turnout; number two, to increase the power of progressive constituencies by moving a mass agenda, putting together the capacity to get on the ballot and win and by putting our side on the offensive; number three, to deliver a wage increase to hundreds of thousands of Floridians. That was an afterthought.

Chairman OXLEY and Chairman BAKER have fashioned a great compromise. Let us build homes. Let us pay for bricks and mortar. Let us not pay for a liberal lobbyist.

Mr. McGOVERN. Mr. Speaker, I include in the RECORD the following letter from Catholic Charities USA, which strongly opposes the language in the manager's amendment.

CATHOLIC CHARITIES USA,
Alexandria, VA, October 25, 2005.

Hon. JAMES P. MCGOVERN,
House of Representatives, Cannon House Office Building, Washington, DC.

DEAR CONGRESSMAN MCGOVERN: On behalf of Catholic Charities USA, the national association of Catholic social services agencies and institutions serving over seven million people in need every year, I urge you to support H.R. 1461, the Federal Housing Finance Reform Act of 2005, and to oppose amendments that would prevent experienced faith-based and community-based organizations from successfully competing for the proposed affordable housing funds.

We strongly support the creation of the housing funds and are convinced that this initiative would increase the development of affordable housing, but we have learned that the Rules Committee will be asked to put in order a managers' amendment to bar organizations with proven experience in mobilizing community support and resources.

We applaud efforts to develop additional non-governmental funding resources to support affordable housing efforts that will be cost neutral to the federal budget. At the same time, we oppose limiting language that essentially bars non-profits whose mission extends beyond the provision of affordable housing. Not only our Catholic Charities agencies, but many religious orders and some parishes, whose missions are serving the poor and vulnerable in their communities, develop and manage very effective affordable housing programs alongside programs that provide food, clothing, counseling, and other health and social services. These agencies should not be barred from affordable housing funds simply because their primary purpose goes beyond affordable housing.

In addition, we oppose amendments that restrain non-profits from receiving these funds if they are engaged in any non-partisan voter registration activities, even if these activities are funded by their own resources. One of the strengths of our democratic system has been the almost universal involvement of community-based and religious organizations in encouraging all citizens to register and vote. National religious bodies, regional bodies, such as Catholic dioceses, and local congregations throughout the country organize voter registration efforts and provide transportation to the polls for isolated seniors and people with disabilities. Non-profits with expertise in housing should not have to choose between two equally important missions: supporting full participation in our democracy and providing affordable housing.

While this Administration has worked diligently to remove barriers to full participation in federal programs and funding by faith-based organizations, these amendments would bar these very same groups from being considered for this funding while for-profit agencies remain free to engage in these same voter activities. We are puzzled and troubled by the double standard being applied to faith-based and non-profit organizations.

Existing limits in H.R. 1461 on activities that qualify for affordable housing funds prevent abuse of this funding. In addition, Catholic Charities agencies routinely sign certifications to receive federal, state, and local government funds that prohibit diversion of program funds for political and lobbying purposes. There are multiple vehicles available to ensure that the new Affordable Housing Funds are protected from inappropriate use by grantees.

The proposed Affordable Housing Fund to be created under H.R. 1461 is sorely needed, especially in the devastated Gulf Coast region where hundreds of thousands of families have not been able to return to their homes. In such challenging times, it would be unfortunate if experienced faith-based organizations and non-profits that have performed laudably in meeting the needs of these survivors would be barred from participation in funding that would help meet critical housing needs.

Sincerely,

REV. LARRY SNYDER,
President.

Mr. Speaker, I yield 3½ minutes to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, the problem is, I tell the former Speaker from the Florida legislature, you do not have the courage of your convictions on your side. You are not prepared to put your proposition to a democratic vote on your side.

Mr. Speaker, once again this House majority is resorting to heavy-handed tactics that are designed to do one thing only, to achieve a preordained result by shutting down a full and fair debate in this House.

Let me remind my colleagues what the chairman of the Rules Committee, Mr. DREIER, said on this floor 12 years ago, in March 1993: "Frankly, it seems to me that the process of representative government means that a person who represents 600,000 people here should have the right to stand up and put forth an amendment and then have it voted down if it is not supportable. We are simply asking that we comply with the standard operating rules of this House."

Why will you not do that today? Because you do not have the confidence you have the votes. Again, today, the gentleman from California (Mr. DREIER) and his Republican colleagues are violating their own promise to allow free and fair debates. It is another stark example of the arrogance of power and the abuse of power.

This Republican majority has blocked Mr. FRANK's amendment, as well as other Democratic amendments, and thus stifled, shut down, democracy and stifled debate.

The manager's amendment, among other provisions, will prohibit non-profit organizations from using their own funds, I tell the gentleman from Florida, their own funds, from voter registration drives or get-out-the-vote activities for a period beginning 12 months before a grant application until it is over.

Mr. Speaker, it is outrageous that this House would take such an action, any action that would inhibit or prevent anyone from engaging in non-partisan voter registration, unless, of course, you fear the wrath of the voters in response to your abuse of power. Let us be clear. This provision is nothing more than a transparent attempt to disenfranchise voters who otherwise may not register to vote.

The gentleman mentioned the Catholic Conference. Let me read just two sentences. I hope I have the time to do it: "Proposals that would limit eligible recipients to organizations that have as their primary purpose the provision of affordable housing would effectively prevent Catholic dioceses, parishes and Catholic charity agencies from participating in affordable housing programs."

That is the Catholic Conference of Bishops speaking. They say it would force Catholic agencies, not ACORN, would force Catholic agencies to choose between participating in affordable housing fund programs, or engaging in constitutionally protected voter registration and lobbying activities with their own funds.

This is Catholic bishops, I tell my friend, speaking. These provisions are an outrage, and this process is an outrage. As one Member of this body complained, once again the vast majority of Americans are having their representatives in Congress gagged by the closed-rule committee.

That was the gentleman from California (Mr. DREIER), the now-chairman of the Rules Committee. This undermines democracy in this the People's House. What a shame.

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume.

I am very disappointed that the gentleman from Maryland referred to this as a closed rule, when in fact he knows it is not a closed rule.

The gentleman from Maryland understands that what we have done and undertaken in this rule is the opportunity that would allow any Member, but in particular a Member of the minority, a chance to vote on a manager's amendment, a motion to recommit, and certainly final passage.

Mr. HOYER. Mr. Speaker, will the gentleman yield?

Mr. SESSIONS. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, so the public understands and our colleagues understand, what I indicated was that the gentleman from Massachusetts (Mr. FRANK), the ranking Democrat on this committee, who has been here over a quarter of a century, wants to offer an amendment that was supported in the committee; and he has been precluded from offering that amendment.

To that extent, the Republicans have undermined the free and fair debate on this floor. That was my point. And I believe I was absolutely correct.

Mr. SESSIONS. Mr. Speaker, reclaiming my time, so that the gentleman does understand the facts of the case, the committee had no discussion on this point. The discussion took place in the Rules Committee, because a decision was made well after May, at the time that the committee brought it forward.

Mr. FRANK of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. SESSIONS. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Speaker, I agree with the gentleman, it was never discussed in committee. That is precisely the point. The restrictive language being put forward, which would say no faith-based group could participate, has never been debated in this committee and we are not allowed to do an amendment on the floor.

Yes, it is part of the manager's amendment along with a number of other things such as preference for the gulf. All we asked for was an ability to vote on some of these specific things. I agree, it was not brought up in committee. It was brought up in a private session between the Republican Study Committee and the then-majority leader. That is not an appropriate forum to be the only place where we discuss things.

Mr. SESSIONS. Mr. Speaker, reclaiming my time, my point is that the gentleman from Maryland referred to this as being a closed rule. It is not a closed rule.

Mr. Speaker, I will insert in the RECORD a campaign plan from ACORN that is very much a part of this debate today about what organizations and groups plan to do with politics and money.

Floridians for All—Campaign Plan for a November 2004 Minimum Wage Constitutional Amendment Initiative

INTRODUCTION

A Florida constitutional amendment initiative to create a minimum wage of $6.15 with indexing will help defeat George W. Bush and other Republicans by increasing Democratic turnout in a close election, will deliver wage gains to at least 300,000 Floridians, and will catalyze the construction of permanent progressive political infrastructure that will help redirect Florida politics in a more progressive, Democratic direction.

The 2004 election in Florida is shaping up to be just as close as 2000, which Al Gore won by 537 votes. Although there have been demographic changes and growth throughout Florida when the 2000 total is adjusted for 2004 it is still-razor thin: Unofficial NCEC analysis shows that Gore's adjusted margin is 404, combined with the 2004 adjusted Nader voter—25,138 (assuming 25 percent stay home, 25 percent vote for Bush and 50 percent vote for Gore). The 2004 adjusted margin is 25,542—too close for comfort.

The 2004 projections indicate addition turnout of 370,000 a total of 6.4 million, increasing the vote goal by 200,000 in order to have a winning margin. The other significant change in preliminary analysis is that the electorate will have 10 percent fewer ticket splitters than 2000. With less persuadable voters, the need to increase base voters and turning out more infrequent voters is critical to reach the vote goal in Florida.

Given that turnout is down when the economy is bad, since our voters are more discouraged, the need for a exciting ballot initiative strategy that works to address the needs of the most economically needy, and also likely Democratic voters, is a fundamental part of a winning strategy in Florida.

Florida ACORN is building a coalition, called Floridians for All, that will unite labor unions, community and civil rights organizations, the faith community, elected officials, sectors of the business community, political organizations, and thousands of grassroots activists behind the proposed strategy. At the same time, we are building the infrastructure to carry out the campaign and ensure the accomplishment of our objectives.

The empirical evidence from other states indicates that initiatives generally increase voter turnout, and that minimum wage initiatives can significantly increase the turnout of supporters without increasing turnout from the opposition. [ACORN's own experience running municipal and state minimum wage ballots [Denver, Houston (1996), Missouri (1996), New Orleans (2002)] supports the conclusion that these efforts are highly motivating to low-wage voters.] In 2000, 6.1 million voters came to the polls in Florida, a turnout of approximately 70 percent. A targeted campaign that works to turn out 1 percent of that electorate, approximately 61,000 voters, would not only make the difference for the Democratic Presidential candidate but also lend significant support to Congressional and local races. [As an example, Congressional District 5 was won by conservative Republican Ginny Brown-Waite, by little over 4,000 votes. From the top of the ticket on down, a ballot initiative strategy which mobilizes infrequent voters and energizes unregistered Democratic constituency will help defeat George W. Bush and allow Floridians to vote themselves a raise.]

An estimated 300,000 Florida workers would receive a direct raise from our proposal. Moreover, thousands more would receive residual raises because of their wage level just above the new minimum. Floridians sorely need this proposed raise. In 2001 over 28 percent of Florida's workers earned less than the poverty line (approximately $8.70 an hour). A full 20 percent of those workers earned less that $7.69 an hour, a result that can be partially explained by the concentration of workers in the lowest wage job sectors—retail and service. A whopping 37.3 percent of the state's workforce is employed in service sector jobs, with another 19.6 percent in the low wage retail sector. The additional earnings of minimum wage workers, almost $700 million in the first year alone, would be directly pumped back into the economy, helping to stimulate the stagnant economy created under the watch of Bush's destructive tax cuts. Not only is this proposal beneficial to Florida's economy, it also helps to seed a mass constituency for future change.

Because we are starting this campaign early, and because we have a plan, the Floridians for All Campaign will challenge the institutional forces for progressive and Democratic change in the state to build permanent political capacity. This is particularly important to rehabilitating the long-term prospects of our side. In a state where Democrats control only 53 of 160 legislative seats, and zero Constitutional offices, the need to rebuild infrastructure and capacity to win, has never been more important. For example, the signature gathering phase of the campaign will lead to the construction of a vast database of hundreds of thousands of economic justice activists and voters in the state. These are the same voters the Democratic Party must court and win to regain a presence in state politics. The campaign will also force organizations like

ACORN to build massive field capacity to deliver these necessary signatures and GOTV. A vast network of activists and voters, combined with sophisticated field campaign will act as a unifying force among Democratic electoral forces. The combined strength of community, labor, and—faith organizations committed to mobilizing their members and leaders at the grassroots level, will result in a cohesive strategy to retake the White House in 2004 and rebuild the Florida Democratic Party.

CAMPAIGN GOALS

The goals of this campaign are threefold:

1. To increase voter turnout of working class, mainly Democratic voters without increasing opposition turnout;

2. To increase the power of progressive constituencies by moving a mass agenda, putting together the capacity to get on the ballot and win, and by putting our side on the offensive;

3. To deliver a wage increase to hundreds of thousands of Floridians.

Increasing turnout is crucial to a successful 2004 electoral strategy from the top of the ticket all the way down, through the many key races in Florida that include not only the Presidency, but also a key Senate race, Congressional seats and also significant turnover in the Florida Legislature. Given these many key races, exciting and mobilizing constituency has never been more important, but in order to do this there must be a compelling issue on the ballot. Though presidential year elections always result in higher turnout, the 2000 elections demonstrate the importance of every vote in Florida; and we do not want to leave turnout to chance. These turnout figures from the most recent Florida elections demonstrate the overall decline in voter participation and the need to refocus efforts on mobilizing and motivating our base.

	Percent
1992	83
1994	66
1996	67
1998	49
2000	70
2002	55
AVG	64

General Election Turnout Statistics from the Florida Secretary of State http://election.dos.state.fl.us/online/voterpercent.shtml

Giving our constituency the opportunity to vote themselves a raise is probably the most compelling reason to go the ballot box. Candidates will make many promises, but turning out to vote for a higher minimum wage is a voter's guaranteed chance to affect real chance at the ballot box.

The process of building a statewide network of progressive forces can be accelerated greatly through the use of the minimum wage ballot initiative. Though there are many groups that represent and advocate for the needs of social justice, civil liberties, and environmental concerns, the strength of these forces is limited through a lack of coordination amongst these groups. While the groups promote diverse agendas, a coalition of necessity is required in the face of organized and unilateral support amongst opposition groups. This ballot initiative will bring together progressive forces from around the state around a common goal: increasing turnout in the 2004 election in order to support campaigns which represent the interests of all our groups.

Approximately 303,000 workers would be directly affected by a minimum wage increase, putting millions of dollars into the pockets of working families across Florida. In addition to the workers who are directly affected, many more will benefit through the rising tide of wages that results from raising the baseline wage level. Unlike tax cut policies which supposedly put money into peoples pockets, but really just raid state and federal treasuries, a minimum wage increase will put real in the hands of those who need it the most: working families.

CAMPAIGN STRATEGY

We define winning here as accomplishing the three campaign objectives:

1. Driving heightened Democratic turnout;

2. Passing the initiative;

3. Building permanent political capacity for future gains.

Our plan to win centers on a series of strategic premises, layed out as follows:

1. First, we will divide the electorate into targeted groups of voters/potential voters, and make a strategic plan vis-à-vis each group. We are in the process of completing this plan, but roughly, the categories/plans are as follows:

*African American voters—According to NCEC, there are 440,000 unregistered VAP (Voting Age Population) African-Americans in Florida. Of the 440,000 unregistered voters statewide, 176,000 of these voters live in the 475 majority African-American precincts in Florida. This campaign will work to register 50,000 of these potential voters through voter registration drives in the following major metropolitan areas:

	Total VAP	White	Latino	Black	County
VAP (from 2000)					
Miami:					
M-Dade	283,673	32,116	195,859	49,000	1.7M
Orlando:					
Orange	144,987	81,100	23,414	32,563	670K
Tampa:					
Hillsborough	228,681	126,387	42,711	50,109	746K
Fort Lauderdale:					
Broward	122,821	77,807	11,282	28,620	1.2M
St. Petersburg:					
Pinellas	194,796	141,797	7,618	36,752	744K
Jacksonville:					
Duval	539,278	353,983	20,759	139,700	573,888
Tallahassee:					
Leon	124,431	74,942	5,341	39,327	188,445

This potential universe of newly registered voters, and highly motivated activists can be the deciding factor in the 2004 election. Registering 50,000 new African-American voters in these majority precincts can result in a net vote gain of approximately 21,000 votes (assuming 70 percent turnout of new registrations and 60 percent approval for the measure).

*Non-Cuban Latino voters—There are 800,000 Hispanic voters in Florida, 400,000 of whom are non-Cuban, and 345,000 new potential Hispanic voters of Voting Age Population. The Hispanic population is the fastest growing population in Florida, and presents the Democratic Party with an opportunity to build a new, revitalized constituency within Florida.

Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. GILLMOR).

Mr. GILLMOR. Mr. Speaker, I appreciate the gentleman from Texas for yielding. I rise in support of the rule, rise in support of the bill, and I also want to note that government-sponsored enterprise reform is way overdue, and it does pose a systemic risk to our financial system.

Also I want to commend Chairman OXLEY, Chairman BAKER and also Ranking Member FRANK for all of the work they have put into bringing this bill to this point.

Mr. Speaker, I would like to discuss briefly an amendment that I had offered that was adopted by the committee by voice vote back in May. That amendment adds an important disclosure requirement to ensure that shareholders are fully informed on the charitable giving practices of Fannie Mae and Freddie Mac.

The language would authorize the Federal Housing Finance Agency to require that Fannie Mae and Freddie Mac make publicly available each year the total value of contributions made to nonprofit organizations during the previous fiscal year, and it would also request specific disclosures on donations to insider-affiliated charities.

The housing GSEs, Fannie Mae and Freddie Mac, were established by congressional charter and give special privileges to provide a service to the American people by creating a secondary mortgage market and increasing liquidity.

Given their unique status and responsibility to improve access to the housing market, it is both their shareholders' and the public's right to know how these profits are being spent.

Mr. McGOVERN. Mr. Speaker, I include the following editorial that appeared in today's New York Times entitled, "A Ban on Voter Registration," which is very much opposed to the offensive language in the manager's amendment.

[From the New York Times, Oct. 26, 2005]

A BAN ON VOTER REGISTRATION

Hurricane Katrina made it politically necessary for Republican Congressional leaders to tone down their effort to kill off federal programs for affordable housing. But it has not stopped them from dragging their feet on an important bill to create a valuable housing fund by tapping into a small portion of the after-tax profits of the federally backed mortgage giants Fannie Mae and Freddie Mac. The fund would initially be aimed at the hurricane-ravaged gulf states, but would eventually help to house poor, elderly and disabled people nationally.

Not satisfied with just delaying the bill, House ideologues are advocating an outrageous and potentially unconstitutional provision that would bar the nonprofit groups that build most affordable housing from participating in the fund if they also participate in even nonpartisan voter registration. This would force such nonprofits to choose between their historically important roles: promoting civic engagement and providing housing and other services for low-income people. The provision would conflict with state laws that require housing grant recipients to do things like register voters and would put the federal government in the unacceptable position of actively discouraging political participation.

The long-overdue housing fund contains numerous safeguards that would prevent grant recipients from using federal dollars for advocacy. A measure that would bar them from nonpartisan activities has absolutely no place in a democracy.

Mr. Speaker, I yield 3½ minutes to the gentlewoman from California (Ms. MATSUI).

Ms. MATSUI. Mr. Speaker, I rise today in opposition to the rule, House Resolution 509. The Federal Housing Finance Reform Act as reported by the Committee on Financial Services is a strong bipartisan effort.

It represents several years of work that will ensure the safety and soundness of the government-sponsored entities, helping working Americans achieve the dream of homeownership. Unfortunately, this rule has a potential to undercut the committee's fine effort and may severely undermine critical GSE reform.

The availability of affordable housing keeps our communities strong. So wisely, the committee bill includes a fund to build and preserve affordable housing and, I would add, support these activities at no cost to the Federal Government. Unfortunately, the manager's amendment mars this fund by forcing nonprofit, affordable housing groups to make a choice. They can work to bring affordable housing to working families, or they can register voters in the most nonpartisan of ways; but they cannot do both, not even to drive an elderly person to the polls.

Over 60 national organizations, many of them faith-based, such as the U.S. Conference of Catholic Bishops, the Episcopal Church, the Presbyterian Church, have come out opposing this provision. These organizations represent the mainstream values of this Nation, and their efforts should not be hindered by roll-backs in these constitutionally protected rights.

I urge my colleagues to maintain the broadly supported language that came out of the Committee on Financial Services by rejecting the rule and the manager's amendment.

This rule also provides for consideration of another amendment worthy of a "no" vote. I am referring to the measure by the gentleman from New Jersey (Mr. GARRETT) that would strike the bill's conforming loan limit provision. Like many other metropolitan locations, my constituents in Sacramento face escalating housing prices that are making it harder and harder for working families to achieve the dream of homeownership: firefighters police officers, the teachers in our schools. They deserve to live in the same communities they work in.

□ 1115

Increasing the conforming loan limit would bring fairness to the housing market by giving working families in more expensive parts of the country the same opportunity as everyone else to own their own home.

Once again, this commonsense provision was included in the bipartisan committee bill, and so I urge my colleagues to reject the Garrett amendment.

In closing, I reiterate to my colleagues the importance of maintaining the bipartisan version of H.R. 1461 that came out of the committee. Vote no on this rule which will tar the Affordable Housing Fund without giving the majority an opportunity to vote on it.

Mr. SESSIONS. Mr. Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I yield 4 minutes to the gentleman from Missouri (Mr. CLEAVER).

Mr. CLEAVER. Mr. Speaker, I would like to thank my friend for yielding me time.

Mr. Speaker, at no time in our Nation's history has the need for affordable housing been so great. As the price of owning a house has risen all over America, the poverty level has risen to almost 13 percent, and now Hurricanes Katrina and Rita have left thousands more Americans, many of limited income, homeless.

The bill we will consider today takes a critical step toward addressing our Nation's affordable housing crisis. By establishing an affordable housing fund, we are increasing the supply of affordable homes to low- and very low-income families. As a member of the Committee on Financial Services, I was proud to see the inclusion of an affordable housing fund in the bill and proud to support the bill in committee.

Seeing this bipartisan support for this bill provided one of those moments when we can just say, oh, happy days. But this important provision will be for naught should one amendment made in order by the Rules Committee pass. The Oxley amendment would disqualify nonprofit organizations, including faith-based organizations, from participating in the fund if they engage in voter participation or get-out-the-vote activities. And it effectively prevents many nonprofits from participating.

As an ordained minister in the United Methodist Church, I come to this discussion from a unique perspective. Mr. Speaker, it is the mission of the United Methodist Church and every denomination and every faith group in our world to serve the poor and vulnerable. For my church, the St. James United Methodist Church in Kansas City, an important part of the mission is to shelter the poor, and that is why we started in 1985 a section 202 project not far from our church.

Mr. Speaker, I grew up one of those vulnerable citizens. I am not sure how many Members of the United States Congress lived in public housing, but I did. My family, including my three sisters and mother and father, lived in a shack, literally a two-room shack. My mother and father both worked all day every day, and I can tell you, growing up in public housing, not one time did we ever see a candidate canvassing our community, not one time do I remember any kind of effort to get the citizens to vote.

I do not ever even remember seeing a voting precinct until I was about 17 years old because the elected officials knew that the poor do not vote. They knew that if you were poor, you were preoccupied with survival, and so there was no civic or political involvement. It was, how can we make it one more day?

We have created a culture in low-income neighborhoods where people do not participate in the political process, and what we need is to democratize the low-income neighborhoods of our communities. And if you go around, I do not care whether you are Republican or Democrat or just a lazy person, if you go and look at the voting returns, you will find that people who live in low-income neighborhoods do not vote. And I do not care who you are, you ought to want to get people to vote.

This is the United States of America. We are strong only if we are able to get all of our citizens to participate in the political process.

Someone used the term "liberal." If liberal means that I care, then color me liberal. And understand this: Caring may hurt, but not caring hurts more. We can do better than this. America can do better than this.

Mr. Speaker, at no time in our Nation's history has the need for affordable housing been so great. As the price of owning a home has risen all over America, the poverty level has risen to almost 13 percent. And now Hurricanes Katrina and Rita have left thousands more Americans, many of limited means, homeless.

The bill we will consider today takes a critical step forward toward addressing our Nation's affordable housing crisis. By establishing an affordable housing fund, we are increasing the supply of affordable homes to low- and very low-income families. As a member of the Financial Services Committee, I was proud to see the inclusion of affordable housing fund in the bill, and proud to support the bill in committee. Seeing the bipartisan support for this bill provides one of those moments when we can say, "O Happy Day". But this important provision will be for naught should one amendment made in order by the Rules Committee pass. The Oxley amendment would disqualify nonprofit organizations, including faith-based organizations, from participating in the fund if they engage in voter registration or get-out the vote activities, and it effectively prevents many nonprofits from participating.

As an ordained minister in the United Methodist Church, I come to this discussion from a unique perspective, Mr. Speaker. It is the mission of the United Methodist Church, and every denomination and faith group in our world, as it is of many religious orders and communities, to serve the poor and vulnerable. For my church, St. James United Methodist in Kansas City, an important part of that mission is to shelter the poor by providing affordable housing. But an equally important part of that mission is empowering the poor and vulnerable by supporting their full participation in the Democratic process.

I grew up one of those vulnerable citizens—my family, by any standard of measurement was financially poor. Until the age of 7, I lived in a shack—literally a two room shack—with my mother, my father, and my three sisters. We had no indoor plumbing and for a while, no electricity. My family moved into public housing when I was 7. I can tell you, growing up, no candidates canvassed our community and few, if any residents in our projects voted. My great-grandfather, who lived until age 103, never once voted in his life. I say this as a point of illustration. The poor and vulnerable are often those who need the most help to fully participate in our democracy. When you live in public housing, you are preoccupied with economic survival.

Let me be perfectly clear, Mr. Speaker, by forcing faith-based organizations and other nonprofits to choose between participating in the Affordable Housing Fund or engaging in constitutionally protected voter registration and get out the vote activities with their own funds, the Oxley amendment limits the full participation of our Nation's most vulnerable citizens in our democracy.

I keep a photograph of the shack where I grew up hanging on the wall in my office to remind me that I have been given the opportunity to speak for those who cannot, and represent in this the interests of the most vulnerable and voiceless American citizens here in the Congress. Every day when I go to work for the people of my district and the citizens of our country, I walk out of the front door of that shack. But whose interests are being served by passing these restrictions? We're not serving the interests of the faith-based community or the poor. These restrictions serve only the political purposes of some study group that should not have the power to derail democracy in our land. It is an assault on the poor in this country, and it is obscene.

Vote "no" on the Rule and vote "no" on the Oxley amendment.

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman from Kansas City very clearly articulated the exact reason why this bill is moving forward, and the reason why Chairman RICHARD BAKER and the chairman of the committee, Chairman MIKE OXLEY, have moved forward a bill that is so powerful, that will include more dollars.

But I believe that the argument that is here is about politics, pure and simple politics, rather than policy. And this bill is about policy. It is about getting millions of dollars that will be given to the source at which we will create more and better housing for really poor people.

The gentleman referred to him being a member of the United Methodist Church. I am a member of the United Methodist Church. When you look at a Web site for Habitat for Humanity, you will see large corporations on that list who contribute to new houses in this country, not-for-profits and others; and number four on that list is my church, of the entire country, my church the Highland Park United Methodist Church of Dallas, Texas. We build houses in Dallas, Texas, for poor people, people who are without that ability for their families.

But what we are asking here is the ability to move this bill to create thousands of more homes. And I think what MIKE OXLEY wants in this bill is to make it about policy, not about politics. And I am proud of how we are doing this.

Mr. Speaker, I reserve the balance of my time.

Mr. McGOVERN. Mr. Speaker, the gentleman from Texas keeps on saying this is about policy, not politics; but what would be more political than the language in here that denies poor people the right to vote?

Mr. Speaker, I yield 2½ minutes to the gentleman from Pennsylvania (Mr. KANJORSKI).

Mr. KANJORSKI. Mr. Speaker, I rise today with a heavy heart. We need to have a strong, independent and world-class regulator for Fannie Mae, Freddie Mac, and the Federal home loan banks.

The committee I serve on, the Committee on Financial Services, has labored for 6 years, 20 hearings, hundreds and hundreds of hours, and hundreds of witnesses to put together what I think is probably one of the best examples of bipartisan activity this House has seen in many years. It is unfortunate that we come here today with the manager's amendment excluding faith-based entities from participating in the Affordable Housing Fund.

I am convinced that the overwhelming majority of our friends on the other side of the aisle, if they understood the restrictions in the manager's amendment and the denial by the Committee on Rules of a right to vote on the issue, that is all we asked. It was never considered in the subcommittee. It was never considered in the full committee. It has never had an up-and-down vote or any consideration of this issue. It appeared at the 11th hour to satisfy some political fears of some of the majority party's members, and they felt this was a way of solving it. Maybe it was directed at one entity, but in fact it has encompassed in its grasp the faith-based entities of this country which provide most of the affordable housing.

I have to say that with this we are making our religious institutions choose between a joint mission of serving God their number one mission, and then helping the poor. They are going to have to give up helping the poor because if they were to do so, they will be restricted from spending their own funds, not these affordable housing funds, but their own funds, to bring out the vote, to have voter education, and to have even carrying a voter to the polls for people who do not have a ride.

We have taken 15 protections in the bill to see that the intended purposes were not abused. We did not need these additional restrictions. They are there, I think, probably for political reaction purposes, and it is unfortunate. As a result, we are going to compromise an otherwise perfectly bipartisan bill that could have shone with great favor in this House at this particular time in our history. I find it unfortunate that we are denied this right to have an up and down vote, and, as a result, I urge my colleagues to vote no on the rule.

Mr. SESSIONS. Mr. Speaker, I yield 3 minutes to the gentleman from the Fifth Congressional District of Texas (Mr. HENSARLING).

Mr. HENSARLING. Mr. Speaker, I thank the gentleman for yielding me time, and I rise in support today of this rule.

I have been listening with great interest to some of the debate, which I must admit is a little bit confusing to me. I hear some of my colleagues on the other side of the aisle argue that essentially this is a closed rule; yet I look at the fact that we will be voting on a number of amendments later today, a number of which were offered by Democratic Members.

I understand there is an accusation that somehow language dealing with the Affordable Housing Fund, that Members do not have an ability to weigh in on that. As I look at the manager's amendment, substantially all of it has to do with the Affordable Housing Fund issue. So if for some reason you do not like this language, you have an opportunity to vote on it. So it seems to me that the process and procedures dealing with this very important issue are quite open. If you do not like it, vote against the manager's amendment. Vote for the underlying bill.

Now, let us move to the substance of the arguments as far as the creation of the so-called Affordable Housing Fund. I for one am not convinced of the need for yet another government so-called affordable housing program. Already we have over 80 different government programs ostensibly aimed at affordable housing. We have got Community Development Block Grant for Insular Areas; Shelter Plus Care, S Plus C Emergency Shelter Grant. We have housing opportunities, the HOPWA program. One- to Four-Family Mortgage Insurance, section 203(b). We have got counseling for home buyers. Supporting Housing for the Elderly, and the list goes on and on and on.

Mr. Speaker, the truth is there is no greater housing program than the American free enterprise system, which is created by the creation of jobs, which, under the economic policies of this administration and this Republican Congress, are working. Over 4 million new jobs have been created. And guess what, Mr. Speaker? We now have achieved the highest rate of homeownership in the entire history of the United States of America. That is astounding. We have the highest rate of homeownership in the entire history of America.

The question or the debate is not how much money we are going to spend on housing; the question is who is going to do the spending? Is it going to be American families, or is it going to be government bureaucracies?

Now, I know this fund is included in the bill, and so be it, I support the legislation. But the question is, going forward, if we are going to have yet another housing fund, should not it be used for housing? Why open up the opportunity for it to be subverted into things like political activities? I do not understand if those who have advocated on behalf of the funds truly want to help the low-income, then why do we not simply increase the section 8 voucher program? Why do we not cut out the middleman? That is what we need to do.

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Mr. McGOVERN. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. HINOJOSA).

Mr. HINOJOSA. Mr. Speaker, I rise in strong opposition to the rule on H.R. 1461. It adds an anti-minority, anti-family provision that was not included in any of the sections of the legislation I supported in committee.

The rule will prohibit nonprofit groups involved in voter registration and get-out-the-vote activities from receiving money from the affordable housing fund created by the bill.

It will negatively impact good civic organizations in my district such as Amigos del Valle, National Council of La Raza, and Catholic and faith-based organizations.

This rule is strongly opposed by large Latino groups, including NALEO, LULAC, NCLR, and others.

The newly added provision is included in the manager's amendment and appears to be aimed at suppressing the civic engagement of low- and moderate-income and minority families. I respectfully urge that these provisions be removed before the amendment and bill come to the House floor for a vote.

I will insert at this point in the RECORD two letters to Speaker HASTERT. One is dated October 24, 2005, by NCLR, LULAC, and the League of United Latin American Citizens. The second letter is from the Jesuit Conference, and that letter is signed by the Reverend Bradley Schaeffer.

OCTOBER 24, 2005.

Hon. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: It has come to our attention that the House Leadership has forged a compromise with members of the House Financial Services Committee regarding the Federal Housing Finance Reform Act of 2005 (H.R. 1461). The newly-added provision is included in the Manager's amendment and appears to be aimed at suppressing the civic engagement of low- and moderate-income and minority families. We urge that these provisions be removed before the amendment and bill come to the House floor for a vote.

With strong bipartisan support, H.R. 1461 (Federal Housing Finance Reform Act of 2005) passed the House Financial Services Committee. The bill contained a measure that would create an affordable housing fund, potentially generating billions of dollars for development. As you know, with housing prices continuing to rise, many communities suffer from a lack of affordable rental and homeownership opportunities for hard-working families.

Unfortunately, after passage, a compromise was struck between the House Leadership and the Financial Services committee that would preclude most nonprofits from accessing the funds. Many of the organizations that would be left out are uniquely positioned to develop the affordable housing needed in their communities. Specifically, nonprofit applicants would be restricted from participating in voter registration and many classic civic engagement activities in the twelve months before the time of application. In addition, the nonprofit applicants would be deemed ineligible if they are affiliated with an organization that engages in these activities. Notably, for-profit organizations would not have the same restrictions.

As representatives of diverse Hispanic constituencies, we have the following concerns:

Minority Voter Suppression. The Latino community has experienced a long history of voter suppression. Nonprofit community-based organizations have played a critical role in fighting against those who would limit the voice of Latinos. The groups often serve as the main point of contact in Hispanic communities and, in many cases, they are the only local organization addressing their social, civic, and educational needs. The proposed Manager's amendment to H.R. 1461 will force these trusted community centers to choose between providing civic education and affordable housing.

For-Profit Double Standard. Inexplicably, under this provision, for-profit developers would not face similar restrictions and would likely become the majority of fund recipients. Even for-profits with a dubious track record would be eligible to receive funds while public interest social service providers would not.

We urge you to preserve the integrity of H.R. 1461 by fighting to remove the restrictions on nonprofits.

Sincerely,

National Association of Latino Elected and Appointed Officials.
National Council of La Raza.
National Puerto Rican Coalition, Inc.
League of United Latin American Citizens.

JESUIT CONFERENCE,
OFFICE OF THE PRESIDENT,
Washington, DC, October 25, 2005.

Hon. J. DENNIS HASTERT,
Speaker of the House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: I am writing to you on behalf of the Jesuit Conference board of the Society of Jesus in the United States to express our concern regarding an amendment to H.R. 1461, the Federal Housing Finance Reform Act of 2005, that concerns the Affordable Housing Fund. We support the Fund but strongly oppose a manager's amendment that would severely restrict the organizations eligible to build much needed affordable housing and would be an affront to the promotion of civic engagement.

Today there are approximately 3,300 Jesuit priests and brothers working in our domestic programs and abroad which include: over 100 parishes, various social works throughout the country, 28 Jesuit-affiliated colleges and universities, and around 60 Jesuit-affiliated secondary and middle schools. Many of our projects put us in direct contact with low-income people that benefit from affordable housing programs, or that suffer from a lack of housing.

Our nation desperately needs more housing that is affordable to those struggling to get by. The U.S. Catholic bishops, in their statement, Putting Children and Families First, comment that, "Many families cannot find or afford decent housing, or must spend so much of their income for shelter that they forego other necessities, such as food and medicine . . . [The Catholic bishops] support housing policies which seek to preserve and increase the supply of affordable housing and help families pay for it." The Affordable Housing Fund would address some of this great need by increasing the supply of affordable homes for very low and extremely low-income families. We applaud the effort to increase the affordable housing stock in the country.

However, the manager's amendment that will be introduced would disqualify any nonprofit organization, including faith-based groups, from using resources from the Fund to build affordable housing if that organization has engaged in voter registration, get-out-the-vote, and other nonpartisan voter participation activities. Furthermore, language in the amendment also disqualifies organizations that are "affiliated," a term broadly defined, with any organization that engages in such activities.

Concerns that the Affordable Housing Fund would finance partisan grassroots lobbying are unfounded. Current law, and language in H.R. 1461, already contains sufficient restrictions to ensure that funds are used solely for affordable housing and not for other activities. However, the manager's amendment will prevent even those groups that both build housing and that conduct constitutionally protected voter registration activities from receiving funds.

We strongly urge you to allow a vote on an amendment to delete the harmful provisions of the manager's amendment described above. H.R. 1461 and the Affordable Housing Fund present Congress with an opportunity to provide housing relief to the families that need it most. Don't let the unconstitutional manager's amendment get in the way.

In the Lord,

Very Reverend Bradley M. Schaeffer, S.J.

Mr. SESSIONS. Mr. Speaker, I yield 4 minutes to the gentleman from Baton Rouge (Mr. BAKER), the author of the bill.

Mr. BAKER. Mr. Speaker, I thank the gentleman for yielding time and wish to express my appreciation to him and members of the Rules Committee who have delivered a rule enabling consideration by the House today of significant legislation relative to the reform in the regulatory structure of government-sponsored enterprises.

For many years, that has been the subject of discussion by the Committee on Financial Services and, prior to that, the Committee on Banking. I cannot express enough appreciation to Chairman OXLEY for his long-standing tolerance on this matter, the many hours of agony I am sure I have caused all Members on this subject matter; and I am very appreciative for his courtesies extended in bringing to the floor a bill which has been over many months hammered into the shape we currently find it.

As to the current issue before the House in the consideration of the rule now pending, I wish to make clear that the manner in which the manager's amendment was constructed is no different from the construction of hundreds of manager's amendments over the years in this body. From the time at which a matter leaves committee until it arrives on the House floor can be a matter of days, weeks, or months. Circumstances change.

In this case, one element of that manager's amendment is the establishment of assistance for victims of the significant hurricanes the country has experienced, a highly appropriate utilization of a new fund. I think it important to understand this is the first time such fund has been constructed. The entity which will manage and distribute the funds does not now exist; and so, for some Members, constraining the utilization of the fund in its beginning stages was a logical precaution.

It is about restoration of housing in the case of hurricane victims, many of whom do not live in my district, but certainly reside in my State. At the moment, they are without a home. They are living in a FEMA trailer or a tent or with family and friends or in any number of circumstances around the country. They are desperate for the opportunity to come home, to live in that structure that they call their own.

The bill now provides resources to construct homes. It was never intended that the bill would become the basis for political activism. The choice is clear: If we have limited resources to meet overwhelming need, should we not ensure that those resources are used as intended for the construction, for affording opportunity for low-income individuals and those who are requiring homeownership opportunities for the first time to have every cent go for that utilization? Of course it does.

It is regrettable, of course, that there would be those to say the amendment is flawed and that you should oppose it because we will not allow a voter registration campaign or political activism. I think in light of the concerns expressed, the overwhelming need for housing inventory, the fact that this is a 5-year program which will end at the end of 5 years, that we do not have yet an entity to manage, supervise or distribute the funds, it is highly appropriate that the constraints adopted in the manager's amendment be favorably considered by this House and adopted.

More broadly, I think the rule has made in order a number of amendments that were not discussed in committee, which the House will consider and vote on accordingly; and I think at the end of the day, no matter the construct of the final bill, it is important to understand that a government-sponsored enterprise reform is absolutely essential.

I will speak more to that matter during general debate; but I think those who only listen to the debate on the rule should understand, a government-sponsored enterprise is created by an act of Congress. It is given a privileged position in the marketplace. They utilize taxpayer-guaranteed debt in order to make a profit for their shareholders. They are unique in their construct in that they are authorized by the Congress, but are shareholder-driven institutions. They take on great risk and, accordingly, deserve the highest standard of regulatory oversight possible. This bill achieves that.

Mr. McGOVERN. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY. Mr. Speaker, I rise in support for the underlying bipartisan bill on GSEs, but in strong opposition to the rule that was put in at the last minute, a provision that prevents any nonprofit recipient of a housing grant from conducting nonpartisan civic voter registration.

This is an outrageous, undemocratic provision that imposes restrictions on promoting the most fundamental of our civil liberties, the right to vote. Of all our rights, this is the one that our Founding Fathers held most dear. What in the world are we doing today in this Congress in an attempt to limit this great right on which our country was founded?

Restricting the right of nonprofits in this way violates these organizations' first amendment rights. Voter ID, civic awareness, civic activities are protected by the first amendment. Yet this provision forbids any nonprofits from even applying for a grant if they have encouraged voting in the recent past.

There is absolutely no justification for preventing nonprofits' efforts to encourage civic activities such as voting. Many faith-based organizations, including the Catholic Church, the Presbyterian Church, the American Jesuit Conference, have come out in opposition to this provision; and I will place in the RECORD at this point a list of these organizations that have come out in opposition to this provision.

THE EPISCOPAL CHURCH,
OFFICE OF GOVERNMENT RELATIONS,
Washington, DC, October 20, 2005.

Hon. DENNIS HASTERT,
House of Representatives,
Washington, DC.

DEAR SPEAKER HASTERT. The Episcopal Church supports the Affordable Housing Fund as part of the Federal Housing Finance Reform Act of 2005 (H.R. 1461). However, we are strongly opposed to the inclusion of language in H.R. 1461 that restricts non-profits—including religious organizations—from receiving Affordable Housing Funds if they have engaged in any voter registration, voter identification, get-out-the-vote, and other nonpartisan voter participation activities or voter encouragement efforts within 12 months of the application. They very people in need of affordable housing are those who often need the most help in fully participating in our democracy as voters. It is highly ironic that at the very moment when we have seen in the starkest of terms the great need for affordable housing, important legislation to meet that need is encumbered with language that undermines our democracy.

The Episcopal Church, through Jubilee Ministries and Episcopal service providers, offers housing assistance to many of our nation's poor. Jubilee Ministries administers grants to over 70 Jubilee Centers throughout the United States as well as the wider Anglican Communion. Including a provision that would prohibit Episcopal organizations that encourage democratic engagement from participating in Affordable Housing Fund programs would limit our response to God's call to serve the least among us and severely restrict our efforts to provide safe, decent, and affordable housing.

In supporting the Affordable Housing Fund in H.R. 1461, we are acting upon a resolution passed at our 2003 General Convention that reaffirmed our commitment to providing affordable housing for the poor. The resolution calls for the legislative branches of the federal government to provide "rental and owner-occupied housing that is safe, accessible, and affordable for low-income and moderate-income persons and their families including persons with disabilities" and "to ensure that housing assistance programs are adequately funded to address the growing gap between the number of affordable housing units available and the number of renter households in the bottom quartile of income in this nation."

As a church we have also acknowledged "the use of the political process as an act of Christian stewardship" and recognized that a "faithful commitment to voting is an extension of our baptismal covenant to 'strive for justice and peace and the dignity of every human being.'" We have asked "all Episcopalians to actively engage in advocating for voter rights, encouraging voter registration, getting out the vote, and volunteering to assist voters at the polls."

Mr. Speaker, we ask that you do all in your power to see that the provisions related to voter participation are removed from H.R. 1461. No organization should be asked to choose between providing homes for those in need or enabling citizens to fully participate fully in our democracy.

Sincerely,

REV. KWASI A. THORNELL,
Chair, National Concerns Committee of the Executive Council.
RT. REV. JOHN BRYSON CHANE, D.D.,
Bishop of Washington.

NATIONAL ORGANIZATIONS OPPOSED TO VOTER RESTRICTIONS IN H.R. 1461,

Washington, DC, October 19, 2005.

Hon. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER, The undersigned national organizations have learned that the compromise reached by House Leadership on H.R 1461, the Federal Housing Finance Reform Act of 2005, includes provisions that would restrict the ability of American citizens to engage in our democratic process. We urge that these provisions be removed before the bill comes to the House floor for a vote probably during the week of October 24.

Specifically, we object to the restrictions on non-profit organizations that apply for grants through the Affordable Housing Fund established in H.R. 1461. The egregious provisions, which we strongly oppose, disqualify any nonprofit organization that has engaged in voter registration, voter identification, get-out-the-vote, and other nonpartisan voter participation activities in the 12 months prior to application from eligibility for the Affordable Housing Fund grants. It further prohibits non-profit organizations that receive grant funds from engaging in these activities.

These grants are to be used solely to produce and preserve housing that is affordable to extremely low and very low income families. For the first two years, the funds will be prioritized to rebuild housing in the areas devastated by Hurricane Katrina. The anti-democratic provisions do not just prohibit the use of Affordable Housing Fund dollars from being used for these purposes. The prohibition applies to any resources of a grantee, including funds specifically for civic engagement activities.

Moreover, even if a particular non-profit organization does not itself engage in any of these activities itself, "affiliation" with an organization that does would disqualify the nonprofit from applying for Affordable Housing Fund grants. Notably, for-profit companies are exempt from these restrictions.

These provisions are blatantly undemocratic and raise substantial constitutional questions in the attempt to limit the rights of affiliation. They are intended for no other purpose than to reduce access to voting by low income people. People of color are overrepresented in the low income population, making this a civil rights issue. Moreover, these provisions have serious implications for the broader nonprofit community by setting a very dangerous precedent.

The low income housing community has worked tirelessly to establish the Affordable Housing Fund in H.R. 1461, because we know the dire need for funds to increase the nation's affordable housing stock. But nothing is worth compromising the right of all Americans to participate in our precious democracy.

Sincerely,

Alliance for Healthy Homes.
Alliance for Justice.
American Counseling Association.
American Federation of State, County and Municipal Employees.
American Network of Community Options and Resources.
Americans for Democratic Action.
Association of Community Organizations for Reform Now (ACORN).
Campaign for America's Future.
Center for Community Change.
Center for Law and Social Policy.
Child Welfare League of America.
Children's Defense Fund.
Cities for Progress at the Institute for Policy Studies.
Coalition on Human Needs.
Consortium for Citizens with Disabilities.
Corporation for Supportive Housing.
Enterprise Foundation.
Environmental Working Group.
Episcopal Church.
Lawyers' Committee for Civil Rights Under Law.
Leadership Conference on Civil Rights.
Local Initiatives Support Corporation.
Lutheran Services in America.
Mercy Housing.
National AIDS Housing Coalition.
National Alliance of HUD Tenants.
National Alliance on Mental Illness.
National Alliance to End Homelessness.
National Association for the Advancement of Colored People (NAACP).
National Association of Housing Cooperatives.
National Coalition for the Homeless.
National Committee for Responsive Philanthropy.
National Community Reinvestment Coalition.
National Council on the Aging.
National Council of Nonprofit Associations.
National Council on Independent Living.
National Fair Housing Alliance.
National Head Start Association.
National Health Care for the Homeless Council.
National Housing Conference.
National Housing Law Project.
National Housing Trust.
National Law Center on Homelessness & Poverty.
National Low Income Housing Coalition.
National Neighborhood Coalition.
National Policy and Advocacy Council on Homelessness.
National Urban League.
OMB Watch.
Poverty and Race Research Action Council.
Presbyterian Church (U.S.A.) Washington Office.
Public Housing Authorities Directors Association (PHADA).
RESULTS.
Smart Growth America.
Stewards of Affordable Housing for the Future.
Technical Assistance Collaborative.
The Arc of the U.S.
U.S. Public Interest Research Group (U.S. PIRG), National Association of State PIRGs.
United Cerebral Palsy.
United Church of Christ Justice and Witness Ministries.
Women's Committee of 100.
YWCA USA.

Mr. Speaker, clearly, these organizations recognize an attack on faith-based values when they see one.

These restrictions force faith-based organizations to make a decision between providing low-income housing or promoting civic activities, and that choice is not one Congress should be forcing.

It goes against our deepest principles and strikes at those who can least protect themselves, and I feel that it is particularly inappropriate that the majority is trying to limit the rights of the disadvantaged this week in the wake of the death of Rosa Parks, who stood up for the right to vote in so many courageous ways.

I urge a "no" vote on this rule.

Mr. Speaker, I rise in opposition to this rule which did not permit a vote on Congressman FRANK's amendment to strike from this bill the provision that prevents any nonprofit recipient of a housing grant from conducting nonpartisan civic voter registration.

This is an outrageously bad provision that imposes unconstitutional restrictions on promoting the most fundamental of our civil liberties: The right to vote.

Of all our rights, this is the right that our Founding Fathers held most dear; that thousands have come to this great democracy to hold; and that right now our men and women are dying to protect in Iraq.

What are we doing here limiting this great right on which our Nation is founded?

Restricting the rights of nonprofits in this way violates these organizations' fundamental First Amendment rights. Voter registration, voter identification, and get-out-the vote activities are protected by the First Amendment. Yet this provision forbids nonprofits from even applying for grants if they have encouraged voting in the recent past. There is just no justification for preventing nonpartisan civic efforts to encourage voting.

Many faith based organizations strongly oppose these restrictions. The Catholic Church is just one of many organizations whose faith-based mission to serve the disadvantaged leads them to both provide low-cost housing and help the disadvantaged exercise their right to vote.

Indeed, faith based organizations are strongly united in their opposition. Among them are the Lutheran Church, the United Church of Christ, the Presbyterian Church, the U.S. Jesuit Conference, and the American Jewish Congress, just to name a few.

Clearly these organizations recognize an attack on faith-based values when they see one.

These restrictions force faith based organizations to make a choice: Provide low-income housing or promote the ability to vote. That choice is not one Congress should be forcing. It goes against our deepest principles and strikes at those who can least protect themselves.

It is particularly inappropriate that the majority is trying to limit the rights of the disadvantaged to vote this week, in the wake of the death of Rosa Parks. Rosa Parks was a national icon, a symbol of what one courageous person can do to achieve civil rights and liberties. This amendment to preserve nonpartisan voter registration could be called the Rosa Parks Amendment—to remind us that she co-founded the Rosa and Raymond Parks Institute for Self Development to help young people register to vote, and I am confident that she would have supported it with the quiet dignity and faith that she demonstrated in her own life.

I urge my colleagues on both sides of the aisle to repudiate these provisions that strike all faith-based organizations.

Mr. McGOVERN. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Speaker, I find it rather embarrassing to have to come to the floor of the Congress of the United States to protect the constitutional rights of the citizens of this country when, in fact, that is what we were all elected for, to make sure that this democracy works.

I am opposed to this rule, and I cannot believe that my colleagues on the opposite side of the aisle would jeopardize the opportunity for us to provide housing for people who are victims of these hurricanes that have hit this country because they have interjected politics into this bill.

This is absolutely outrageous. There is nothing in this bill that would allow any nonprofit or profit-making organization who wished to produce housing for low- and moderate-income people to use this money for any political activity. It is not fair. My colleagues are making it up, and it is absolutely outrageous.

As a matter of fact, we were so concerned about making sure that everybody had an opportunity to provide housing, to produce housing, we put in an amendment that would make sure that this money would not go to one or two big organizations; that it would be available in rural communities; it would be available to the faith-based communities; it would be available all over this country to small- and medium-sized organizations, not just a few large ones.

So we have been very democratic. We know that there are some people on the opposite side of the aisle that did not like the idea of providing funds for low- and moderate-income housing; but we also know, because of the leadership of some people on the other side of the aisle who understood the homelessness and the crisis that we have in America, lack of housing, the low-income people, that they were able to prevail, and we came out with a good bill.

Do not get up here and fuss and talk about closed rule, modified rule, manager's amendment. It has nothing to do with that. My colleagues either want to provide low-income housing and not put politics in it and prevent people from exercising their constitutional rights or they do not want anything for anybody.

Mr. McGOVERN. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Massachusetts (Mr. FRANK), the ranking member on the committee.

Mr. FRANK of Massachusetts. Mr. Speaker, first, as to the rule, let us be very clear. This is democracy denied squared. Substantively, this imposes restraints on getting lower income people to vote.

One of the Members of the majority, one of the authors of this restruction, the gentleman from Florida, talked about ACORN. In fact, under provisions of the bill which are agreed upon unanimously, what ACORN proposed would have disqualified them from getting funds. There is agreement that if groups are engaging in partisan activity they should be excluded.

One thing that the majority forgot to mention, one of the pieces of their amendment to which we object is the piece that says you can only participate in this program if housing is your principal purpose. The faith-based initiative, rest in peace. Apparently, it did not last very long.

The primary purpose of faith-based organizations is faith. It is not housing. They would like to do housing. It is part of their mission, but it is not their primary purpose. That is why not just Catholic charities but the Conference of Catholic Bishops of the United States has asked that this be amended, because this provision that only if your primary purpose is housing can you participate denies any faith-based group the right to participate. Apparently, the fear of low-income people voting outweighs the support for faith-based groups.

What are the substantive restrictions? We agree that there should be no partisanship. There would be a lot of restrictions if my very small, specific amendment were to pass. You could do not electioneering. You could not do lobbying beyond a very limited amount, but you could get out the vote. You know what that means? We had the Episcopalians, the Methodist, the Orthodox Jews, all of which do a lot of housing. You are the Methodists and you run an elderly housing project, under the Republican provision, you cannot do get-out-the-vote activity if you help build housing. So you cannot hire a bus to go take the old people to vote. You cannot have somebody come in and get them to register.

That is what we are talking about. There is an extremism here that is not comprehensively accepted in the history.

The committee voted on this bill. It is contentious as anything I would write, as anybody would write. It is a good bill which sets up a world-class regulator. Much of what has been said on that side I agree with.

Then the Republican Study Committee, the most conservative Members of the House who appear to be able to run the House by using their influence with the majority leadership, an influence which does not seem to have changed since the majority leadership changed, they were able to take this bill hostage.

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They tried to kill this whole thing. Members on their side now say, we are for doing this affordable housing. Well, then why did they try to kill it?

There was an amendment to kill the whole affordable housing fund, not restricted. It lost 53 to 17, and so then they went to the majority leader and said we cannot win a fair fight. Hijack the bill. So now it comes to the rules situation. Here it is. Yes, we will get the vote on the manager's amendment. The manager's amendment includes what the gentleman from Ohio, the gentleman from Louisiana, myself, and the gentleman from Pennsylvania all agree to, along with the gentlewoman from California, to give a preference for those areas affected by the hurricane.

So what the gentleman from Texas would have Members believe, both gentlemen from Texas, it is an open rule on this issue because if you are willing to vote not to give a preference to the hurricane areas, you can also vote to let the Catholic Church participate in low-income housing. They come as a package. If you think the Catholic Church and the Episcopal Church and the Methodist Church and other churches ought to be able to participate in this, then you have to vote not to give preference to the hurricane areas. That is their idea of a fair rule.

All I asked for was a chance to agree to everything in the manager's amendment except for three things: Allow faith-based groups to participate. Let it be one of their primary purposes. Let them do nonpartisan voter registration and let them do nonpartisan get-out-the-vote. We are not given a chance to vote on that.

I hope Members will vote against the manager's amendment. It is a tough vote for Members in the hurricane areas because they will be demagogued.

If the manager's amendment is defeated, let me announce now, I will then offer a motion to recommit which will be everything in the manager's amendment except these three things. So Members over there who have told these low-income groups, as often happens, I do not like what these people have done, I do not want to exclude the Catholic Church, but my hands are tied, we will untie your hands. We will give you a chance to vote on it, but it is still not a fair vote.

I think it is very clear that there is one reason why the Members are not allowed to vote on a specific amendment that says let us take all of the restrictions on the groups, and when people say we do not want the money spent on other things, it has always been clear that the money can only be spent on affordable housing. We are talking about whether groups with their own money can do other things. People have said the money is fungible. Well, when we were debating faith-based groups, when we said if you give money for day care, is that going to go to religious activities, we were told, no, they will be segregated. I agreed with that. So the argument about fungibility, apparently, appears to be itself very fungible.

Mr. Speaker, all we are asking for is a chance for an up-or-down vote on three provisions which have never been voted on which were inserted here because the most conservative elements in the Republican Party, the Republican Study Committee, got the majority leader to make them a condition of the bill coming to the floor. I guess if the rest of the Republicans want to be held hostage by that group, they will show us by their votes today.

Mr. SESSIONS. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio (Mr. OXLEY), chairman of the Committee on Financial Services.

Mr. OXLEY. Mr. Speaker, let me thank the gentleman from Texas (Mr. SESSIONS) for conducting a worthwhile debate on this issue and the rule.

While we will have plenty of time to debate the merits of the legislation, and there are a great deal of those out there, and I think both sides would agree, I want to thank the gentleman from Louisiana (Mr. BAKER) for his excellent work, as well as the gentleman from Massachusetts (Mr. FRANK), the ranking member.

The approach that we took, beginning with the need, the glaring need for a world-class regulator for the GSEs, became quite evident with the revelations of some of the accounting scandals that took place in both of those institutions and to a lesser extent with the Home Loan banks.

Looking back in the past when Chairman BAKER was a lone voice in trying to get changes in the regulatory structure to where we are now is quite extraordinary. It is quite extraordinary that we are actually debating a rule that would bring up a major piece of legislation totally changing the way we look at GSEs and their role in the housing market and the secondary market, particularly as it relates to their regulation and how they are regulated. I do not think anybody can argue that the structure we set up is less than superlative and provides a world-class regulator.

Some of the issues we debated that were so contentious, I think of receivership, and all of the debates that we had about the necessity for including receivership language in it so in case one or both of the GSEs, that the regulator could actually put them in receivership, essentially became a nonissue just a few months ago. I think that points out the kind of progress we made in the committee. The 65-5 vote that we had on final passage was quite extraordinary.

We also needed to look at the whole issue of affordable housing. The gentleman from Ohio (Mr. NEY) and his subcommittee really deserve a lot of credit for putting together, I think, a very solid plan borrowed from the Home Loan bank system from which they set aside 10 percent of their profits towards affordable housing. Let me point out that program has been incredibly successful over the years, borrowing a page from the Home Loan banks, in this case, to set aside 5 percent from Fannie Mae and Freddie Mac that would potentially provide hundreds of millions of dollars towards affordable housing. Again, I think Members agreed with that, and the concern was always, I think, in the back of everybody's mind to make certain that this money was accountable and it was used for bricks and mortar, actually building the homes instead of political advocacy and the like. Indeed, I think we came to a reasonable conclusion on that.

We have differences as to the application of that. It was always our goal to make those funds available only to groups that had housing as a function and that they had a track record. I am thinking of Habitat for Humanity as a good example, but also State housing agencies and for-profit companies that would compete for those funds and would have to be approved by the board we set up in the legislation, again, providing accountability where that money goes because it is technically, certainly, not government funds, taxpayer funds, but private sector funds. We want to make certain that every dollar that was made available went into building affordable housing.

And then, of course, along came Hurricane Katrina, Hurricane Rita, and now Wilma; and those events provided another glaring need for affordable housing in those heavily struck areas. That is why we wanted to include those and provide them with the opportunity to essentially be first in line for those funds because of the enormous complications that have developed down there in terms of housing and exacerbated an already difficult situation. That is where we are now.

I am proud of the committee and the work we have been able to do. I think we are in a position where we can debate the manager's amendment under the rule. There are several Democrat amendments made in order, Republican amendments made in order, four on each side. I think the Rules Committee has done a superb job in doing that. I know the gentleman from Massachusetts will probably offer a motion to recommit based on the issue of fund availability. That is precisely within his rights, and I would expect that.

But this vote on the rule that I support is moving us forward to get to legislation passing to help the hurricane victims and to better regulate the GSEs. I think there is a broad bipartisan consensus for that. Let us vote up the rule and get on with the debate.

Mr. MCGOVERN. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, over the past 5 years, we have seen 100,000 Federal housing units lost. We are down 50 percent in real terms in elderly and disabled housing at a time when the leadership on the other side of the aisle has tried to eliminate the Community Development Block Grant Program. They have significantly cut back on the number of section 8 vouchers for low-income housing assistance, and they have tried to limit housing assistance overall, so it is important that this underlying bill pass and at the same time that this reprehensible provision, this attack on poor people, be struck from the bill.

Mr. Speaker, to prohibit organizations from receiving funding for housing, many of these organizations, faith-based organizations, that participate in nonpartisan activities, as the New York Times said today, has no place in our democracy. We can do so much better. The fact of the matter is that many of these faith-based organizations that do an incredible job in housing will be barred from participating because of this provision. Vote down the rule. Let us fix this provision.

Mr. Speaker, I yield back the balance of my time.

Mr. SESSIONS. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I heard the gentleman from Massachusetts refer to his 25 years of service in this distinguished body, and I have great respect for that; but I want him to know, and I am certain he remembers this, that the Democrats when they were in the majority, many times denied Republicans an opportunity in the legislative and rulemaking process to have motions to recommit. In fact, the Republican majority has given the minority that under this rule, as we have the entire time we have been in the majority.

This vote today is simply on the rule. The committee voted for the bill 65-5. Members are going to have an opportunity during consideration of these amendments to voice their disapproval of the manager's amendment and vote it down if that is what they choose to do.

The purpose of these changes that we are talking about in the manager's amendment is to prevent nonprofits from receiving these funds and engaging in political activity, to ensure that the scarce and available funds for housing resources are allocated effectively and for their intended purpose, pure and simple. We want to make sure that they are used for rebuilding houses with the primary emphasis in the gulf region.

This legislation does not prevent nonprofit organizations from pursuing a political agenda if they so choose. It simply prevents them from accepting these funds if they put politics first. It is their choice.

Hurricanes do not take party affiliation into account, and these funds are being contributed by the housing GSEs to rebuild this important region of our country. It should not be done on a political basis. I am very proud of this bill and the underlying legislation.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in opposition to H. Res. 509 as reported out of the Committee on Rules last night relative to our debate of the GSE legislation, H.R. 1461. While many substantive amendments were made in order, the committee blocked what we undoubtedly consider one of the most substantive amendments that was offered by the gentleman from Massachusetts, Mr. FRANK, the ranking member of the body from which the underlying measure was discharged.

The gentleman's amendment would have removed language contained in the current manager's amendment that bars organizations with proven experience in mobilizing community support and resources—a nonpartisan initiative. In addition, the manager's amendment would constrain the ability of experienced faith-based and community-based organizations to successfully compete for the affordable housing funds that are proposed in the underlying bill.

My district of Houston, TX, has a plethora of faith-based organizations that have plans that would provide much-needed affordable housing for the surrounding community. Our affordable housing stock has suffered for a long time, and I have been working steadfastly with the Secretary of Housing and Urban Development to facilitate the obtainment of opportunities by these groups. The nugatory provisions in the manager's amendment will contravene the hard work that I and many other Members have done to this end.

While I applaud the effort made by the administration to remove barriers to full participation in Federal programs and funding faith-based entities, proposals such as the manager's amendment will bar these groups from access to this funding while for-profit agencies remain free to engage in the democratic process which is every American's birthright. This double-standard must be removed. It contravenes the spirit of the U.S. Constitution.

Mr. Speaker, I oppose this rule.

Mr. HOLT. Mr. Speaker, I rise today to oppose an outrageous provision attached to previously strong legislation. I am shocked and disappointed that the majority has chosen to destroy what was an effective, responsible, and bipartisan bill by including an indefensible provision to restrict nonpartisan civic activity of nonprofit organizations.

This legislation started out as an example of how the legislative process should work. The Financial Services Committee reported a bill to reform Government Sponsored Enterprises, GSEs, and establish an Affordable Housing Fund, AHF. The bill would increase home ownership among low-income families, increase investment in housing in low income and economically distressed areas, and in general increase the Nation's supply of affordable housing. The bill received broad bipartisan support, reported by a vote of 65–5.

It is unfortunate that the majority has chosen to mandate consideration of a bill that includes a provision restricting nonpartisan civic activities of nonprofit organizations, even if they use their own funds to conduct such activities. Nonprofit organizations (and any affiliate of the nonprofit) would be prohibited from engaging in nonpartisan voter registration or get-out-the-vote activities. These restrictions would force low-income housing groups and faith-based groups to choose between obtaining funding for low-income housing and using other funds to engage in nonpartisan voter registration and get-out-the-vote activities.

In my home State of New Jersey, organizations like Catholic Charities provide vital social services to vulnerable people in need, such as food, clothing, counseling, and health services. They also routinely hold voter registration drives before elections and provide elderly and disabled voters with transportation to the polls. Their activities are nonpartisan and play a vital role in ensuring that people are able to vote if they so desire. Under this legislation, they would no longer be able to fulfill this function. This body should not prohibit social service organizations from conducting nonpartisan civic activities.

The majority protests loudly when its actions are judged to be motivated by a desire to suppress voter turnout and civic participation in urban or low-income areas. From the inclusion of this discriminatory provision, it is difficult to reach any other conclusion. Today this rule blocks an amendment by Representative BARNEY FRANK that would remove this provision.

It is disheartening to see that, at a time when the majority and the administration claims to support removing barriers for faith-based organizations, this provision has been included to restrict the activities they are permitted to conduct. Inclusion of the provision has sunk the prospects of passing strong and bipartisan legislation that will help the most vulnerable obtain affordable housing. I urge my colleagues to reject this rule.

Mr. CROWLEY. Mr. Speaker, I rise to lament the wrecking of a solid, bipartisan bill that, at one time, both established a tough new regulator for our Nation's secondary mortgage market and created a new national housing trust to build affordable housing.

Our Nation's economic security and the housing opportunity of millions of Americans is being played with on the floor today.

But more than this particular bill, I also lament the fact that this Congress is held hostage to the extreme right wing agenda of the majority. A small cabal of 50 or so Members who, though small in number, loud in voice, threaten this Republican Majority and hold this Congress and our country hostage.

They claim they want smaller government but they are saddling our children with trillions in the notorious birth tax—yes, every child born in America today comes into this world with a $30,000 debt to the Government thanks to the skewed economic policies of the so-called fiscally conservative Republican Party.

They claim to help people but want to strip away student loans from college kids, Medicaid from the poor, and aid to farmers, for bigger tax cuts for the richest Americans.

They claim they support families, but they are robbing the basic tenet of the American Dream—home ownership—right here in this very bill.

They claim to represent people of faith, but they are stripping away the ability of groups like Catholic Charities, Baptists and other people of faith to use this new funding to benefit their communities and make America stronger.

If this rule passes the Republicans will have done what they do best, stripping away the American Dream of owning a home for millions of Americans. As well as continuing on their path to destroying what this country stands for, religious freedom, home ownership and the ability of child to live a better life than his or her parents.

This debate is bigger than this rule, bigger than this bill. It goes to the heart of who the Republican Party is today, and it is a party that does not stand for working people.

This rule demonstrates this fact. Vote down this anti-religion, anti-American rule.

Mr. SESSIONS. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. McGOVERN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 443. An act to improve the investigation of criminal antitrust offenses.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later today.

HURRICANE KATRINA FINANCIAL SERVICES RELIEF ACT OF 2005

Mr. BAKER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3945) to facilitate recovery from the effects of Hurricane Katrina by providing greater flexibility for, and temporary waivers of certain requirements and fees imposed on, depository institutions and Federal regulatory agencies, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3945

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Hurricane Katrina Financial Services Relief Act of 2005".

SEC. 2. FINDINGS.

The Congress finds as follows:

(1) On August 29, 2005, Hurricane Katrina, a category 4 storm with an impact area of 90,000 square miles, reached landfall devastating the States of Louisiana, Mississippi and Alabama, causing loss of life and property.

(2) Levee breaches in the flood control system for the city of New Orleans as a result of Hurricane Katrina resulted in tragic flooding, causing additional loss of life and property.

(3) Due to the substantial damage to both property and infrastructure, more than 1,000,000 people were made homeless or brought under financial duress by the effects of Hurricane Katrina.

(4) At least 120 insured depository institutions and 96 insured credit unions are located in the areas of Texas, Louisiana, Mississippi and Alabama, declared as major disaster areas by the President.

SEC. 3. DEFINITIONS.

For purposes of this Act, the following definitions shall apply:

(1) APPROPRIATE FEDERAL BANKING AGENCY.—The term "appropriate Federal banking agency" has the same meaning as in section 3 of the Federal Deposit Insurance Act.

(2) INSURED CREDIT UNION.—The term "insured credit union" has the same meaning as in section 101 of the Federal Credit Union Act.

(3) INSURED DEPOSITORY INSTITUTION.—The term "insured depository institution" has the same meaning as in section 3 of the Federal Deposit Insurance Act.

(4) QUALIFIED DISASTER AREA.—The term "qualified disaster area" means any area within Alabama, Louisiana, or Mississippi in which the President, pursuant to section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, has determined, on or after August 28, 2005, that a major disaster exists due to Hurricane Katrina.

SEC. 4. SENSE OF THE CONGRESS ON CASHING OF GOVERNMENT CHECKS.

It is the sense of the Congress that—

(1) it is vital that insured depository institutions and insured credit unions continue to provide financial services to consumers displaced or otherwise affected by Hurricane Katrina, which includes the cashing of Federal government assistance and benefit checks;

(2) the Secretary of the Treasury and the Federal financial regulators should seek to educate insured depository institutions and insured credit unions on the proper application of the guidance issued by the Secretary on cashing of Federal government assistance and benefit checks and published in the Federal Register while such guidance is in effect; and

(3) the Federal financial regulators should continue to work with the insured depository institutions and insured credit unions operating under extraordinary circumstances to facilitate the cashing of Federal government assistance and benefit checks.

SEC. 5. WAIVER OF FEDERAL RESERVE BOARD FEES FOR CERTAIN SERVICES.

Notwithstanding section 11A of the Federal Reserve Act or any other provision of law, during the effective period of this section, a Federal reserve bank shall waive or rebate any transaction fee for wire transfer services that otherwise would be imposed on any insured depository institution or insured credit union that as of August 28, 2005, was headquartered in a qualified disaster area.

SEC. 6. FLEXIBILITY IN CAPITAL AND NET WORTH STANDARDS FOR AFFECTED INSTITUTIONS.

(a) IN GENERAL.—Notwithstanding section 38 of the Federal Deposit Insurance Act, section 216 of the Federal Credit Union Act, or any other provision of Federal law, during the 18-month period beginning on the date of enactment of this Act, the appropriate Federal banking agency and the National Credit Union Administration may forbear from taking any action required under any such section or provision, on a case-by-case basis, with respect to any undercapitalized insured depository institution or undercapitalized insured credit union that is not significantly or critically undercapitalized, if such agency or Administration determines that—

(1) the insured depository institution or insured credit union derives more than 50 percent of its total deposits from persons who normally reside within, or whose principal place of business is normally within, a qualified disaster area;

(2) the insured depository institution or insured credit union was at least adequately capitalized as of August 28, 2005;

(3) the reduction in the capital or net worth category of the insured depository institution or insured credit union is directly attributable to the impact of Hurricane Katrina; and

(4) forbearance from any such action—

(A) would facilitate the recovery of the insured depository institution or insured credit union from the disaster in accordance with a recovery plan or a capital or net worth restoration plan established by such depository institution or credit union; and

(B) would be consistent with safe and sound practices.

(b) CAPITAL AND NET WORTH CATEGORIES DEFINED.—For purposes of this section, the terms relating to capital categories for insured depository institutions have the same meaning as in section 38(b)(1) of the Federal Deposit Insurance Act and the terms relating to net worth categories for insured credit unions have the same meaning as in section 216(c)(1) of the Federal Credit Union Act.

SEC. 7. DEPOSIT OF INSURANCE PROCEEDS.

(a) IN GENERAL.—The appropriate Federal banking agency and the National Credit Union Administration may, by order, permit an insured depository institution or insured credit union, during the 18-month period beginning on the date of enactment of this Act, to subtract from such institution's or credit union's total assets in calculating compliance with the leverage limit, applicable under section 38 of the Federal Deposit Insurance Act or section 216(c)(2) of the Federal Credit Union Act with respect to such insured depository institution or insured credit union, an amount not exceeding the qualifying amount attributable to insurance proceeds, if the agency or Administration determines that—

(1) such institution or credit union—

(A) derives more than 50 percent of its total deposits from persons who normally reside within, or whose principal place of business is normally within, a qualified disaster area;

(B) was at least adequately capitalized as of August 28, 2005; and

(C) has an acceptable plan for managing the increase in its total assets and total deposits; and

(2) the subtraction is consistent with the purpose of section 38 of the Federal Deposit Insurance Act, in the case of an insured depository institution, and section 216 of the Federal Credit Union Act, in the case of an insured credit union.

(b) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

(1) LEVERAGE LIMIT.—The term "leverage limit"—

(A) with respect to an insured depository institution, has the same meaning as in section 38 of the Federal Deposit Insurance Act; and

(B) with respect to an insured credit union, means the net worth ratio that corresponds to the leverage limit, as established in accordance with section 216(c)(2).

(2) QUALIFYING AMOUNT ATTRIBUTABLE TO INSURANCE PROCEEDS.—The term "qualifying amount attributable to insurance proceeds" means the amount (if any) by which the institution's or credit union's total assets exceed the institution's or credit union's average total assets during the calendar quarter ending before the date of the earliest Presidential determination referred to in section 3(4), because of the deposit of insurance payments or governmental assistance, including government disaster relief payments, made with respect to damage caused by, or other costs resulting from, the major disaster within a qualified disaster area.

SEC. 8. EFFECTIVE PERIOD.

(a) IN GENERAL.—Except as provided in sections 4(2), 6(a), and 7(a) and subject to subsection (b), the provisions of this Act shall not apply after the end of the 180-day period beginning on the date of the enactment of this Act.

(b) 30-DAY EXTENSION AUTHORIZED.—With respect to the provisions of section 5, the 180-day period referred to in subsection (a) may be extended for 1 additional 30-day period upon a determination by the Board of Governors of the Federal Reserve System that such extension is appropriate to achieve the purposes of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Louisiana (Mr. BAKER) and the gentleman from Massachusetts (Mr. FRANK) each will control 20 minutes.

The Chair recognizes the gentleman from Louisiana (Mr. BAKER).

Mr. BAKER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 3945 and express appreciation to the chairman and the ranking member and the members of the Committee on Financial Services for their continuing assistance for those who are victims of Hurricane Katrina.

In this instance, it is relative to financial institutions who now find themselves under some financial duress as collateral for loan obligations has been impaired, or in the case of loan repayments, the revenue streams available to the borrower are no longer available for repayment of loan obligations.

Under current regulatory law, the regulator must act when a financial institution's financial characteristics take on certain problems. In the instance of this legislation, we are providing unprecedented flexibility for the regulator with regard to capital and net worth standards for lending institutions. Stated another way, we know these institutions are only impaired as a result of the consequences of Hurricane Katrina as they were all adequately-to-well-capitalized the day before the storm made landfall.

In addition to that capital and net worth forbearance, we also extend terms relative to deposit of insurance proceeds. Normally, when there is a large influx of assets into the bank, deposits or really liabilities, the bank is then required to take certain financial actions to ensure its financial solvency. This provides the regulator with the ability to allow that aberrant behavior brought on by Hurricane Katrina insurance payments not trigger normal regulatory responses.

To say it a different way, the bill provides relief to financial institutions which today could be found to be troubled which are fully capable of restoration of their responsibilities over time if the regulator is given the ability to exercise the powers in this legislation.

□ 1200

I think it is well crafted. I think it is responsive to the problems identified, and I would hope the House would act favorably on its consideration.

Mr. Speaker, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I concur with the gentleman from Louisiana, this is a very narrowly and appropriately drafted bill that provides relief that is both in timing and geography restricted. It allows flexibility in dealing with the affected area.

None of us believe that this is enough. None of us believe that this resolves all the problems. There continue to be serious problems for people there, but what this will do will be to give the financial institutions the flexibility and give the regulators the power to allow this flexibility to help us get through this immediate period.

We will, I hope, soon be working on in our committee some broader measures of relief, not just in our committee, but elsewhere. But at this point, this relief, which is carefully restricted, is entirely necessary to minimize the damage.

The financial system in this country serves us well. Our financial intermediaries do an excellent job. While not everything worked well, obviously, during the response to the hurricane, I think credit should be given to the financial regulators, to the Federal Reserve, the FDIC, the Office of Thrift Supervision, the Comptroller of the Currency, the Credit Union Administration, because sometimes the news is what you do not hear. It is the dog that does not bark that could be significant.

Among the things that you have not heard in these months since that problem, nearly 2 months now, you have not heard criticism of the financial regulators. They deserve credit for having taken maximum advantage of the flexibility they have.

What this bill does is, frankly, to say, yes, we have confidence in them. We believe that they have behaved appropriately, and this gives them even more flexibility to take into account the short-term concerns that we have there while we work collectively on a longer-term fix. I think this is an entirely appropriate piece of legislation. I am glad to support it.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BAKER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I certainly appreciate the comments of the gentleman from Massachusetts and his courtesy extended during the course of consideration of this and a number of other measures relating to the response to the Katrina effort. I feel it entirely appropriate, in light of the many people who are still adversely affected by the storm, to not appear that we are only expressing interest in the financial institutions.

There are many individuals today where their employment is no longer possible because the structure where they worked is no longer there. There are folks who cannot go back to work because other employees are unable to be located. There are many people still without homes living in a variety of circumstances across the country. The state of emergency continues.

In reaching out to those individuals, we are at work on a number of measures, one of which I hope the House will soon consider, H.R. 4100, relative to the Louisiana Recovery Corporation. I will be speaking to that issue at length in hearings over time, but I certainly wanted to take advantage of the opportunity presented to let individuals adversely affected by the current storm circumstance understand that this is only one small part of a very large effort by all of the members of the House delegation from Louisiana, as well as the members of the Committee on Financial Services, to be responsive to the entire array of identified difficulties.

In fact, the corporation, once created and authorized by the Congress, would enable to assist financial institutions and homeowners with the acquisition of mortgages and assuming the debt obligations for those borrowers, as well as some restoration of the equity homeowners may have in their property prior to the storm.

It is intended to help communities rebuild, not simply build homes. The overall effort from extending assistance and forbearance through the regulatory process to financial institutions, as well as extending assistance to homeowners who are now displaced from their property, is a massive long-term effort, which will require the work of this Congress, I suspect, for years to come.

To those who are concerned about Louisianans rebuilding in circumstances which are less than desirable, we share the view. Only when levee restoration is complete, only when environmental remediation is complete will the rebuilding begin, and then to the highest hurricane standards available and applicable for our circumstance.

But make no mistake. Because of the vital nature of the energy industry, the aquaculture industry, the shipping and exporting business, which is conducted through one of the world's largest ports, the Baton Rouge/New Orleans, there is an evident and obvious necessity for people to return to the great city of New Orleans and the surrounding area because of the jobs that are necessary to provide the rest of the Nation with energy independence and the abundance of natural resources which our State produces.

Accordingly, the bill now before us is an important measure to help provide that economic stability going forward. It is a small part of a much larger package, but there is a plan, coming through in various pieces through each of the appropriate committees, to respond to the needs of the people of Louisiana in an appropriate and professional manner.

I simply ask the indulgence of those people in Louisiana who are still dealing with FEMA, living in a trailer, not certain about tomorrow, to understand the Congress is responsive to their concerns, and over the course of the next several weeks, actions will be taken we hope all will find appropriate and responsive.

Mr. Speaker, I yield back the balance of the time.

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the motion offered by the gentleman from Louisiana (Mr. BAKER) that the House suspend the rules and pass the bill, H.R. 3945, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. BAKER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the

Chair's prior announcement, further proceedings on this question will be postponed.

GENERAL LEAVE

Mr. BAKER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3945.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will now resume on questions previously postponed.

Votes will be taken in the following order:

Adopting H. Res. 509, by the yeas and nays.

Approving the Journal, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. The second electronic vote will be conducted as a 5-minute vote.

PROVIDING FOR CONSIDERATION OF H.R. 1461, FEDERAL HOUSING FINANCE REFORM ACT OF 2005

The SPEAKER pro tempore. The pending business is the vote on adoption of House Resolution 509 on which the yeas and nays are ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the resolution.

The vote was taken by electronic device, and there were—yeas 220, nays 196, not voting 17, as follows:

[Roll No. 539]

YEAS—220

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Cunningham
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Rogers (LA)
Rogers (KY)
Rogers (MI)
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)

NAYS—196

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (NY)
Blumenauer
Boren
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (LA)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Ross
Rothman
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Woolsey
Wu
Wynn

NOT VOTING—17

Bishop (GA)
Boswell
Brown-Waite, Ginny
Diaz-Balart, L.
Diaz-Balart, M.
Emanuel
Foley
Meek (FL)
Platts
Reyes
Reynolds
Ros-Lehtinen
Roybal-Allard
Shaw
Wasserman Schultz
Wexler
Young (FL)

☐ 1232

Messrs. CARDIN, CUMMINGS, and BERRY, and Ms. CARSON changed their vote from "yea" to "nay."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

THE JOURNAL

The SPEAKER pro tempore (Mr. SIMPSON). Pursuant to clause 8 of rule XX, the pending business is the question of agreeing to the Speaker's approval of the Journal on which the yeas and nays are ordered.

The question is on agreeing to the Speaker's approval of the Journal.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 349, nays 62, answered "present" 2, not voting 20, as follows:

[Roll No. 540]

YEAS—349

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Biggert
Bilirakis
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boucher
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carnahan
Carter
Case
Castle
Chabot
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeGette
Delahunt
DeLauro

DeLay
Dent
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Flake
Forbes
Ford
Fortenberry
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Green (WI)
Green, Al
Gutierrez
Hall
Harman
Harris
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Langevin
Lantos
Larson (CT)
LaTourette
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
Meehan
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore (WI)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Obey
Ortiz
Osborne
Owens
Oxley
Pallone
Pascrell
Paul
Payne
Pearce
Pelosi
Pence
Peterson (PA)
Petri
Pickering
Pitts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Rangel
Regula
Rehberg
Reichert
Renzi
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Rothman
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Salazar
Sánchez, Linda T.
Sanders
Saxton
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shays
Sherman
Sherwood
Shimkus
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Sullivan
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tierney
Towns
Turner
Upton
Van Hollen
Walden (OR)
Walsh
Wamp
Waters
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wynn
Young (AK)

NAYS—62

Baird
Baldwin
Barrow
Berry
Brady (PA)
Capuano
Chandler
Costello
Davis (KY)
DeFazio
English (PA)
Filner
Fitzpatrick (PA)
Fossella
Graves
Grijalva
Gutknecht
Hart
Hastings (FL)
Hefley
Holt
Jones (OH)
Kennedy (MN)
Kucinich
Larsen (WA)
Latham
Lewis (GA)
LoBiondo
Matheson
McCotter
McDermott
McNulty
Miller, George
Moore (KS)
Moran (KS)
Oberstar
Olver
Otter
Pastor
Peterson (MN)
Ramstad
Sabo
Sanchez, Loretta
Schakowsky
Shuster
Slaughter
Strickland
Stupak
Sweeney
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tiberi
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Watson
Weller
Wu

ANSWERED "PRESENT"—2

Carson
Tancredo

NOT VOTING—20

Bishop (GA)
Boswell
Brown-Waite, Ginny
Diaz-Balart, L.
Diaz-Balart, M.
Feeney
Foley
Green, Gene
Leach
Meek (FL)
Moran (VA)
Platts
Reyes
Reynolds
Ros-Lehtinen
Roybal-Allard
Shaw
Wasserman Schultz
Wexler
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SHIMKUS) (during the vote). Members are advised 2 minutes remain in this vote.

☐ 1241

So the Journal was approved.

The result of the vote was announced as above recorded.

GENERAL LEAVE

Mr. OXLEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1461, the Federal Housing Finance Reform Act of 2005.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

FEDERAL HOUSING FINANCE REFORM ACT OF 2005

The SPEAKER pro tempore. Pursuant to House Resolution 509 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1461.

☐ 1243

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1461) to reform the regulation of certain housing-related Government-sponsored enterprises, and for other purposes, with Mr. SIMPSON in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

Under the rule, the gentleman from Ohio (Mr. OXLEY) and the gentleman from Massachusetts (Mr. FRANK) each will control 30 minutes.

The Chair recognizes the gentleman from Ohio (Mr. OXLEY).

Mr. OXLEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, today the House will consider H.R. 1461, the Federal Housing Finance Reform Act of 2005. This legislation creates a world-class regulator for the housing Government-Sponsored Enterprises, or GSEs, Fannie Mae, Freddie Mac, and the Federal home loan banks.

Last May, the Committee on Financial Services overwhelmingly approved H.R. 1461 by a vote of 65 to 5.

We have worked a long time on GSE regulatory reform. Since the 106th Congress, we have had over 20 hearings and received testimony from more than 100 witnesses on GSE-related matters. Capital Markets Subcommittee Chairman BAKER has worked hard on these issues for many, many years. He should be commended for his many efforts.

I also want to thank Housing Subcommittee Chairman NEY for taking a leadership role in developing the housing goals and Affordable Housing Fund sections of the bill, as well as our ranking member, Mr. FRANK, for his constructive input on many of the bill's key provisions.

The GSEs are among the largest financial institutions, with $2.5 trillion in assets. Fannie Mae and Freddie Mac own or guarantee nearly half of the residential mortgage market. Eight thousand banks, thrifts, and credit unions have $550 billion in loans from the 12 Federal home loan banks. For decades the GSEs have served the housing finance system well.

We have heard from some that Congress should be cautious in creating a GSE regulator and mindful not to harm the housing market. However, we are here today largely because we have learned over the past 2 years about multiple accounting violations and widespread corporate mismanagement by the GSEs, resulting in billion-dollar earnings restatements.

☐ 1245

This has brought to light the fact that current GSE regulators lack many of the supervisory and enforcement powers bank regulators currently have. H.R. 1461 will remedy this troublesome situation by consolidating GSE regulation and providing all of the tools needed to oversee these huge, complex institutions.

It is time for a new GSE regulator who can prevent problems from developing and take swift action if the problems arise, thus ensuring that the housing market and financial system remains strong. Some believe that the GSEs should be more tightly controlled. Federal Reserve Chairman Greenspan has called for a mandatory reduction in their $1.5 trillion in mortgage portfolio holdings.

He is concerned about the systemic risk posed by the GSEs, based on investor perception that GSE debtholders are backed by the Federal Government. I do not take this concern lightly, nor the potential for any taxpayer financial liability.

Today OFHEO can reduce a GSE's portfolio only if the company is already seriously undercapitalized. H.R. 1461 gives a new regulator broad discretionary authority to require portfolio adjustments depending on the circumstances at the time, even if the GSE meets minimum capital standards.

Such action must be consistent with the GSE's safe and sound operations or mission, relying on the regulator's expertise. H.R. 1461 strikes the right balance by fully empowering the GSE regulator, while at the same time allowing the GSEs to pursue their mission in the housing market.

Specifically, the bill merges OFHEO, FHFB, and part of HUD into a new independent regulatory agency, the Federal Housing Finance Agency, to oversee the GSEs. It is funded by annual assessments on the GSEs, not subject to the congressional appropriations process. The agency is headed by a director appointed by the President and confirmed by the Senate for a 5-year term.

There are three deputy directors for divisions of enterprise regulation, Federal Home Loan bank regulation, and housing. A housing finance oversight board advises the agency on overall strategies and policies, but has no executive authority. The board is comprised of the Secretaries of the Treasury and HUD, two appointed members and the director as chairman.

The agency's director is authorized to determine minimum and risk-based capital standards, review and adjust portfolio holdings, approve new programs and business activities, establish credential management and operation standards, take prompt corrective and enforcement actions, put a critically undercapitalized GSE into receivership, require corporate governance improvements, and hire examination and accounting experts.

H.R. 1461 also greatly expands the affordable housing role of Fannie and Freddie. By charter, they must assist in providing mortgages for low- and moderate-income families. The bill includes new single-family and multifamily housing goals, duty to serve lower income markets and a new affordable housing fund with contributions from the enterprises.

The bill establishes a fund to finance construction of houses for underserved people. It is modeled after the successful Affordable Housing Program of the Federal Home Loan Bank system. Fannie Mae and Freddie Mac will manage programs funded by a percentage of their after-tax earnings, initially 3.5 percent, then 5 percent, or $450 to $650 million annually combined.

In comparison, CBO estimated that in 2003, GSE status provided Fannie Mae and Freddie Mac a $20 billion Federal subsidy, one-third of which was retained by stockholders and management, not passed through to borrowers.

Twenty-five percent of the GSEs' contributions will go to the Treasury Department to help pay off REFCorp, that is the old S&L bonds, with the remainder going to the fund. Funds will be awarded through a competitive, transparent application process to for-profit builders, State, and local housing agencies and nonprofit organizations.

This should result in Fannie and Freddie leading the market rather than lagging behind private sector lenders as HUD has found in promoting affordable housing for underserved communities. Moreover, a greater amount of the GSE subsidy will go where Congress intended.

I intend to offer a manager's amendment that includes a number of important changes to the fund, which I will specify at that time.

Mr. Chairman, H.R. 1461 is of great importance to the safety and soundness of the housing mission of the GSEs, as well as to the stability of this Nation's housing and financial system. I urge Members to support its passage.

Mr. Chairman, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself as much time as I may consume.

Mr. Chairman, I agree with a great deal of what the gentleman from Ohio (Mr. OXLEY) has said, as I agree with a great deal of what is in the bill. In the nature of parliamentary debate, we will be focusing on some specific points where I disagree, but I do not want that to obscure the fact that there is a great deal of agreement.

Mr. Chairman, I yield 4½ minutes to the gentlewoman from California (Ms. WATERS) who as ranking member of the minority on the Housing Subcommittee has had a major role in shaping our position and in the impact of the affordable housing front.

Ms. WATERS. Mr. Chairman, I would like to thank the gentleman from Massachusetts (Mr. FRANK) for yielding me the time and for the job he has done to shape this legislation.

I would like to thank the gentleman from Ohio (Mr. OXLEY) for the tremendous cooperation and the leadership that has been shown that helped to get bipartisan support for this legislation. When it left our committee, it was a good bill. It was a bill that even some people who had not wanted to support it went along with, because in the final analysis, it was going to bring about reform of the GSEs.

Now, some of us know that there is a need for reform with the GSEs. We are concerned. We do not want them carrying debt that is not shown, that we do not understand, because we do not want these humongous general services enterprises to somehow get in trouble and we have to bail them out the way we did with the S&Ls.

So despite the fact that we think there was an effort by some on the opposite side of the aisle to basically deal with the some of the arguments of the banks and savings and loans about the GSEs being too big, getting too retail, basically taking over their markets, we support reform; and we voted for the bill because we support reform.

Because of the vision of the gentleman from Massachusetts (Mr. FRANK), we were able to do something for working people and for poor people by creating this very, very special arrangement that could be used for the production and preservation of low-income affordable housing, this kind of set aside.

It would be the after-tax profit from these GSEs that will be used to produce low-income housing. And so despite the fact that for years there has been kind of a confrontation between the GSEs and the banks and S&Ls about market share and all of that, we thought it made good sense to make sure that the GSEs were not too big, carrying too much debt. So this reform is good.

But what is absolutely mind-boggling about what has happened, from the time the bill left committee until the time it has reached the floor today, is this politicizing of the fund by some of those on the opposite side of the aisle who never supported this fund for low- and moderate-income housing to begin with.

What did they do? After the bill left committee, they decided that they were going to try to put some unconstitutional boundaries on nonprofits, and I guess profit-making organizations alike, that would not allow them to participate in the production of low- and moderate-income housing no matter what the need, no matter what the crisis, if, in fact, they exercised their constitutional rights to assist people and lead people in doing voter registration.

That is so unbelievable because, number one, it is unconstitutional. It is absolutely unconstitutional. This government has shown that it indeed supports reaching out to the citizens of this country to encourage them to be involved in voting and participating in this democracy. We have the Motor Voter Act, which says motor vehicle departments all over the country, when people register their vehicles, encourage them to vote; give them voter regulation slips; do whatever you can to get them involved in the political process. We are on record with doing that.

And now to have those Members from the opposite side of the aisle say that you cannot produce low-income housing if you exercise your constitutional right by helping people to get registered to vote is absolutely mind-boggling. And let me tell you what is even more mind-boggling about this. We know that we have gone through some terrible, terrible times recently here in this country, down in Florida, where there were databases that were developed of people supposedly who had been incarcerated and committed felonies that were supposedly not allowed to vote. But it turned out to be fraudulent databases.

We have had attempts to stop people and discourage them from voting by having uniformed officers question them when they come into the polling place. I would think that they would not want to continue with that kind of reputation.

I will not vote for this bill no matter how much it is needed, as long as the constitutional rights are violated.

Mr. OXLEY. Mr. Chairman, I yield 3½ minutes to the gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. Mr. Chairman, I thank the gentleman for yielding me the time. I thank the gentleman for his great leadership on this bill, H.R. 1461. This has clearly been a long, long time in the making. It has taken unbelievable negotiation, incredible legislation, incredible patience from our chairman. I want to congratulate the gentleman from Louisiana (Mr. BAKER), as well, for his steadfast work, his incredible leadership in bringing this bill to the floor, something, frankly, that has been in the making for well over a decade.

I think it would be good, Mr. Chairman, to remind people why we are here in the first place. For a lot of Americans they do not quite understand what the GSEs are, Fannie and Freddie. Admittedly they play a very critical role in our housing market, in helping produce what we now enjoy, the highest rate of homeownership in the history of America.

But at the same time, we have given them a very special charter. We have given them unique government-granted benefits that we do not grant their competitors, and we give them these benefits so that they can create liquidity in the secondary mortgage market and help create the American Dream for so many people.

But, unfortunately, there have been abuses, a number of abuses. We have now seen in recent years the largest financial restatement in history, dwarfing the financial restatements that we saw at Enron and WorldCom.

Now, when we saw all of these accounting irregularities earlier on with the Enrons and WorldComs of the world, Congress was outraged. And Congress rightly answered with critical legislation, Sarbanes-Oxley, to address these types of corporate abuses.

But all of a sudden, there seems to have been a deafening silence when we see Fannie and Freddie engaged in activities that with respect to the financial restatements rival those that I have described. And so these people play an incredible role in our marketplace, but we have given them incredible powers as well, and there must be increased accountability.

So I think that this legislation takes a very significant step forward in bringing about a significant regulator for these enterprises, because we know that we have been warned by the Chairman of our Federal Reserve that particularly with respect to the portfolio holdings of their own mortgage-backed securities that this represents a systemic risk to our economy.

This is not something that we can leave unregulated and unabated. And I think this legislation takes a very good step forward. I hope in conference with the other body that we can came up with something that will help address this. I am also concerned about their mission creep.

Again, when we see them engaging in activities like airplane leasing and activities related to loan originations, and the list goes on, if they are going to receive government-granted benefits, we need to ensure that they use their charter to provide this liquidity in the secondary-mortgage market.

Now we know that there is a debate over the affordable housing fund. Again, I would ask my colleagues from the other side of the aisle, if we want to create more affordable housing, why do we not go directly to the people who need it? Why do we not simply increase that section 8 voucher?

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Are we trying to have affordable housing, or are we trying to have affordable lobbyists and lawyers? I think we should have affordable housing and support the manager's amendment.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself 30 seconds to welcome the conversion of the gentleman from Texas to an increased section 8 voucher program. We on our side have several times offered amendments to do that in the appropriations bill. I did not remember him as a supporter. But conversion is a great thing, and I celebrate it, and I look forward to the gentleman from Texas voting with us the next time we move to increase the section 8 voucher program. But it does not solve all of the problems.

Mr. Chairman, I yield 3 minutes to the gentlewoman from California (Ms. LEE), someone who has been very hardworking, both on voter registration and on housing.

Ms. LEE. Mr. Chairman, I want to thank the gentleman for yielding me time.

I want to thank Chairman OXLEY and Ranking Member FRANK for their leadership and their really tireless efforts on this bipartisan bill that we reported out of committee. It is really tragic that it has unraveled and that the spirit of bipartisanship has been totally eroded.

Sadly, Mr. Chairman, the bill that I supported, like all of us supported, coming out of the committee, a product that struck a fair balance, a fair balance between regulatory oversight and the GSEs' housing mission and goals, would be turned on its head and gutted by the undemocratic provisions of the manager's amendment that would be offered today.

It is rare that this House considers housing bills, given our enormous housing crisis in our country. It is shameful, especially given those left homeless by Katrina, that our bipartisan efforts to support increased home ownership and wealth building through the creation of an affordable housing trust fund have fallen victim to the rights wing's ongoing assault on democracy and programs designed to help the poor, the elderly, the disabled, the communities of color, and our underserved community.

Mr. Chairman, once again we have found ourselves in a situation where some of the Republicans giveth, and then they taketh away. They give us a vote on a housing bill, but then they ensure that it will be undercut by an extremist provision inserted into the manager's amendment at the bidding of right-wing ideologues. Then, just to ensure that these provisions prevail, the Republicans deny a fair vote on the Frank amendment to strike it.

The nonprofit gag provision is not only extreme and undemocratic, it is possibly unconstitutional. It would gag nonpartisan speech and civic engagement and participation in our most fundamental of democratic activities.

Let us be clear about the exact consequences of this outrageous gag provision. It prohibits nonprofits that build affordable housing from engaging in nonpartisan voter registration. It prohibits nonprofits from engaging in nonpartisan get-out-to-vote efforts. It prohibits nonprofits from engaging in nonpartisan election activities period.

What does that mean? For example, it means a preacher whose church received affordable housing funds would be prohibited from calling on his parishioners to vote or even identify voting locations. It means that residents of a building constructed with affordable housing funds will not be able to host a debate or an election watch party if their housing units are affiliated with the supportive housing program.

These measures are unconscionable. They hurt the very people we are trying to help, the poor, the low-income communities, the elderly, the disabled and our underserved communities.

Mr. Chairman, it is a testament to just how far right this House has tilted that the gentleman from Massachusetts and Democrats have been denied a fair vote. That is all we ask for is a fair vote on this critical issue that goes to the core of our democracy and has such dire consequences for our communities. This is un-American. It is shameful. And I am left with no choice but to reject the extreme provisions of this amendment.

Mr. OXLEY. Mr. Chairman, I yield 2 minutes to the gentlewoman from Ohio (Ms. PRYCE).

Ms. PRYCE of Ohio. Mr. Chairman, I would like to congratulate the chairman and Mr. BAKER and Mr. FRANK and Mr. NEY and the many Members who have worked so hard on this issue for years now.

This is a strong bill that creates a world-class regulator for Fannie Mae, Freddie Mac and the Federal home loan bank at a time when one is much needed.

I rise today, Mr. Chairman, because I am concerned about specific provisions in the manager's amendment which could have unintended consequences on members of our senior population and the ability of nonprofits to work together to serve low-income communities. Specifically, Mr. Chairman, I would like to receive some assurance from you that you will work with me on these issues as we move toward a final bill in conference. And first I would like to work to clarify language in the amendment so it does not disqualify nonprofits from participating in the Affordable Housing Fund if they transport their own senior housing residents to the polls. That is with the understanding that many of these seniors have no other option to get to the polls but for their own nursing home's transportation facilities.

Mr. OXLEY. Mr. Chairman, will the gentlewoman yield?

Ms. PRYCE of Ohio. I yield to the gentleman from Ohio.

Mr. OXLEY. I look forward to working with the gentlewoman on that issue.

Ms. PRYCE of Ohio. I thank you very much, Mr. Chairman.

Secondly, I would like to see clarification that the intention of the language in the manager's amendment pertaining to "overlapping board membership" was not to disallow single individuals from serving on the board of two organizations. Rather, the language was sought to disqualify affiliated organizations from participating in the fund where clear control of one organization is maintained by another which is participating in election activities.

Mr. OXLEY. I look forward to clarifying this language with the help of the gentlewoman from Ohio.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself 1 minute. I would be glad to yield the gentlewoman from Ohio further time to point out the weaknesses in the manager's amendment. I share her appreciation of the extremely excessive language there. I think she is more optimistic than I about some of these little tweaks, but I do appreciate her understanding of its problems.

There are further problems, and there are other ways that we will get at it, but I welcome the gentlewoman's expression of disagreement with the extreme sweep of the manager's amendment.

Ms. PRYCE of Ohio. I am not in need of any further time, and I thank the chairman for his understanding of these issues.

Mr. FRANK of Massachusetts. When the gentlewoman says she is not in need of further time, I think she is being very kind to her colleagues in the Republican Study Committee. She is being very kind to our colleagues who miswrote this amendment.

The only thing that I would differ with the gentlewoman is she said there are unintended consequences. No, to her they are unintended. To the people who think poor people vote too much, they were intended. But we can work together to fix it.

Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania (Mr. KANJORSKI), the ranking member of the subcommittee of jurisdiction here, who has been one of the major architects of what we believe is mostly a very good piece of legislation.

Mr. KANJORSKI. Mr. Chairman, the Committee on Financial Services has studied the need to reform the regulation of housing Government-Sponsored Enterprises for nearly 6 years.

Since convening our first government hearing on GSE reform in March 2000, we have examined these matters extensively. As the ranking Democratic member on the subcommittee of jurisdiction, I have also had the opportunity to participate in more than 20 hearings and to hear scores of witnesses.

The legislation to address these matters that the Committee on Financial Services ultimately reported earlier this year was a very, very good piece of legislation. It would, as long as I have advocated, created a strong, world-class, independent regulatory for housing GSEs. The bill also received the overwhelming backing of my colleagues on the committee, passing by a vote of 65 to 5.

While I still believe this base legislative package is a good bill, I am concerned about some of the amendments that we will debate today. For example, the manager's amendment that we will shortly consider will add a number of new provisions that will severely restrict the ability of faith-based groups to participate in the new Affordable Housing Fund created by this bill and to participate in our democracy.

These changes are controversial, unconstitutional, and immoral. These provisions which were not previously debated in committee, which have generated considerable disagreement, deserve close scrutiny. Because the rule does not allow a clean vote to remove these troubling provisions from the legislation, I must regretfully oppose this bill on final passage.

Beyond the concerns I have with the manager's amendment, I have concerns about those amendments which would alter the delicate balance we crafted in committee to create a strong, world-class, and independent safety and soundness regulator for GSEs. These amendments, which I will oppose, would remove the Treasury line of credit for the GSEs, impose capital standards based on competition rather than risk, create arbitrary limitations on GSE portfolios for reasons other than safety and soundness, and alter provisions of the bill that will help middle-income families purchase homes in high-cost areas.

Still, there are also a number of good amendments which I will support, including my own amendment to restore the Presidential and regulatory board appointment systems for the GSEs.

I hope all of my colleagues will support this target amendment to retain an independent public voice on Government-Sponsored Enterprise boards. This amendment also has the support of the National Association of Home Builders and the National Association of Realtors.

In closing, Mr. Chairman, while this bill has many admirable aspects, the process by which we have brought it to the floor is flawed. As a result, I will oppose this bill at the end of the day, but hope to work to improve the legislation as it moves on in the process.

Mr. BAKER. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. GARRETT), who was an instrumental participant in the construction of the reform legislation under consideration.

Mr. GARRETT of New Jersey. Mr. Chairman, I rise today to compliment both Chairman BAKER and Chairman OXLEY for their work in order to put together a bill that the main purpose which is to regulate and strengthen the regulation of Fannie Mae and Freddie Mac.

If anyone here questions the need for additional remedies such as regulations, all we have to do is look at a brief history going back a couple of years of these two entities.

Back in January of 2003, Freddie Mac issued a press release and stated it will issue an unaudited statement of earnings for the year 2002 and restate accounting results for prior years.

November of the next year, November 2003, Freddie issues a restatement of past accounting results for the year 2000, 2001, 2002, and revises its net earnings upwards by $4.4 billion that they were off in their records.

September of 2004, OFHEO makes public a report highly critical of accounting methods of Fannie Mae. November of 2004, Fannie announces that it is unable again to file a third-quarter earning statement because its auditor, KPMG, refused to sign off on the accounting results.

December of 2004, the Securities and Exchange Commission, the SEC, issues a statement supporting OFHEO's report and orders Fannie to restate its financial results. Again, in December of 2004, the Fannie CEO Franklin Raines and CFO Tim Howard have to resign from those entities.

Finally, in June of 2005, after 3 years, finally Freddie issues its first audited annual report since the year 2002. And now we are here in October, and we look back about a week or so ago, and press reports are out again suggesting that investigators have uncovered again new accounting violations of Fannie Mae, possibly including overvalued assets, underreported credit losses, and misused tax credits.

Mr. Chairman, if there was ever a need of entities that need additional regulation, it is Fannie Mae and Freddie Mac. If there are ever two entities that need to be limited in their size, it is these two entities. If there were every two entities that need not grow, it is these two entities. I applaud the chairmen for their work to regulate them.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 3 minutes to the gentleman from Georgia (Mr. LEWIS). Since this is a bill which in its form in the manager's amendment would interfere with voter registration efforts, there can be no more appropriate speaker on our side than the gentleman from Georgia, who, 40 years ago and more, literally risked his life to advance the rights of people to vote. And I do not think he will be deterred any more today than he was by Bull Connor.

Mr. LEWIS of Georgia. Mr. Chairman, I want to thank my friend and my colleague from Massachusetts for yielding me time.

Today we should be doing one thing, providing housing for people who need it. I must tell you, Mr. Chairman, I am deeply disturbed that we would add language to this bill to prohibit nonprofit organizations and groups, churches, synagogues, mosques, from engaging in civic participation, activity like nonpartisan voter regulation and get-out-the-vote drives. That is wrong. That is dead wrong.

The right to vote, the right to participate in the democratic process in our country is almost sacred. The churches, the synagogues, religious institutions, nonprofits have a long history of being involved in efforts to get people to participate, to register and to vote.

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Many faith-based groups will be prohibited from providing housing to people who desperately need it, simply because part of their moral mission is to encourage people to vote, to become participants in a democratic process. This provision would stifle people and organizations from engaging in their civic responsibilities.

These groups are engaging in lawful, nonpartisan, civic activity, and I cannot believe that in 2005, this is not 1964, this is not 1965, this is not the OEO. This is not going back to the Nixon administration. What are we saying to the people around the world, telling the people in Iraq they can register, they can vote, they can participate, but we are saying here in America that our own people, nonprofit, churches, synagogues, faith-based groups cannot engage in nonpartisan voter registration and voter turnout? What kind of example are we sending for an emerging democracy?

Voter identification, voter registration and get-out-the-vote activities are fundamental activities protected by the first amendment, the cornerstone of our democracy.

To strengthen our democracy, we need to increase voter registration and increase voter turnout. We must promote these activities, not discourage them or penalize people for engaging in them.

This provision will take us back to the dark past. This is undemocratic and unconstitutional. In my estimation, it is dead wrong. We can do better, much better.

Mr. BAKER. Mr. Chairman, I yield myself such time as I may consume.

I think it important to realize how we came to this point with just the briefest of look-backs over historical performance of the three enterprises that will be subject to the new regulatory standards.

In May of 1996, both HUD and the Treasury agencies issued reports to the committee which were suggestive of reforms which ought to be considered and adopted by the Congress, to which the then-acting Vice President for Corporate Relations at Fannie Mae made the following professional comment: "This is the work of economic pencil brains who wouldn't recognize something that works for ordinary home buyers if it bit them in their erasers."

To which the CBO responded to the criticisms: Not only do the managements of Fannie Mae and Freddie Mac have a fiduciary responsibility to defend shareholder interest, but their own financial interests and compensation are closely linked to the continued flow of subsidies to the enterprises.

How prescient were those observations of the CBO in 1996. It required almost a decade longer before it was discovered that earnings manipulations not only had led to significant restatements, they had triggered another consequence.

Bonuses paid by the corporations to management at Fannie Mae were tied directly to earnings per share, and there were categories of earnings that triggered highest, moderate and lowest bonuses that could be paid. Apparently in a given year, the earnings per share target was hit to one-thousandths of a cent accuracy, I was later told by mathematical probability it just happened, that triggered the payment of $65 million in bonuses in a single year. Over the period of 2001 to 2003, the period of time for which financials have still not been certified, total bonuses paid amounted to $154.3 million. These bonuses are in addition to base salaries and other benefits, and represent money provided by the American taxpayers through guarantees of obligations that the agencies are able to use in the business world to yield profits for shareholders and evidently profits for themselves.

Further examination of the ability of the regulator to intervene even in the matter of the unwarranted bonuses was later proven in court to be insufficient to bar payment of the bonuses until criminal illegality is proved. That matter is still under examination at the moment.

The bill, however, is important for other reasons to taxpayers. This enterprise will stand between the agencies who issue debt and engage in housing activities and significant potential losses to taxpayers should either of the enterprises ever be found under significant financial duress.

The regulator historically has been impaired. It is the only financial regulator in the United States which must come to the Congress for its funding. All other regulators are funded by assessments on the regulated entities. We fixed that problem. All other regulators have the ability to reach inside the organization of a financial enterprise and adjust its capital requirements. That is money put in the sock drawer for a rainy day. In case something goes bad, you need to have capital.

For the OFHEO-regulated enterprises, you had to come to the Congress and pass an act of Congress to adjust the capital. If any other financial enterprise were to get into financial duress and be unwound in the marketplace, that process is called receivership. Not so for Fannie Mae and Freddie Mac. There are special provisions that allow the Congress to intervene in protection of their financial interest. This bill remedies that problem.

There are a host of other matters that the 360 pages of the bill address, but probably the most important is a tool used by regulators today in financial enterprises known as prompt corrective action. That means if a regulator sees an activity that could lead to injury of shareholders and taxpayers, it can intercede at a very early time and require a cessation of those activities or simply prohibit them from doing it again. We provide for prompt corrective action.

What we enable with the passage of this bill is the creation of an independently funded regulator, with all the tools a modern financial regulator should have to oversee vastly complex financial enterprises to protect the American taxpayer from unwarranted losses.

Besides the criticism leveled at the bill today relative to affordable housing, there is another issue which I feel appropriate to address, and that is relative to the growth constraints on the investment portfolios of the two enterprises.

They have, in the aggregate, $1.6 trillion invested in the two portfolios. Under the prudential management and operations standards of the bill, the director of the new enterprise shall examine counterparty risks; management of interest rate risks; adequacy and maintenance of liquidity and reserves; management of asset and investment portfolios: investments and acquisitions; overall risk management processes; and, if we did not cover it in that list, such other operational and management standards as the director determines to be appropriate. That translates into, if you do not see it on our list, Mr. Director, go do it anyway, because we are giving you the authority.

Finally, as to the ability to establish how the portfolio should be reduced and to what level, Secretary Snow testified before our committee he could not tell us how to do it or to what level they should be adjusted, but he did go on to say it should be the subject of professional examination and recommendation.

Finally, on page 273 of the bill, we read: "An analysis of the potential systemic risk implications for the enterprises, the housing and capital markets, and the financial system of portfolio holdings, and whether such holdings should be limited or reduced over time," is the director's obligation to engage in professional study, make recommendations to the Congress if congressional action is needed, or otherwise act in the best interest of the United States taxpayer.

Finally, with regard to the concerns over the affordable housing disposition, it should be pointed out these funds are not available today. This is a new fund. If people are engaged in assistance as a charitable activity in affording housing to low-income individuals and registering people to vote, this bill will not preclude that activity from going forward. What it merely says is that in an instance where we have limited funds available, estimated to be perhaps $500 million spread across the entire country, that those funds first and foremost should be utilized to help people in true need of housing, not political activism.

If one is engaged in political activism and building houses as of today's date, you can continue to do it. If you wish to be engaged in this fund going forward, you will have to make a policy decision, do I wish to continue political activism, or do I really want to help people get in homes?

Mr. Chairman, I represent to the House this is a fair bill, fair compromise and responsible action on the part of this House, and I urge Members to support its adoption.

Mr. Chairman, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself 15 seconds to say the gentleman from Louisiana has phrased that conundrum for groups exactly correctly.

I agree with the Roman Catholic Church of the United States that they should not have to make that choice, and the Episcopal Church and the Baptist. That is exactly what the Catholic Church says: We have been doing housing; do not make us choose.

Mr. Chairman, I yield for the purpose of making a unanimous consent request to the gentlewoman from California (Ms. ZOE LOFGREN).

Ms. ZOE LOFGREN of California. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I am concerned about two provisions in this bill, raising the conforming loan limit and the attempt to limit the ability of American citizens to engage in our democratic process currently contained in the manager's amendment offered by Mr. OXLEY.

Mr. Chairman, in my district, the median price for a home in Santa Clara County is $715,000, yes I said $715,000. The current conforming loan limit is $359,650, about 50 percent of what the median home price is. Mr. Chairman, there are simply not enough homes at or near the conforming loan limit to meet the needs of my constituents.

As a result of this shortage of homes priced near the conforming loan limit, many first-time homebuyers are either forced into taking out jumbo loans or are more likely simply priced out of the market altogether.

Some argue that the conforming loan limit will not make a meaningful cost difference for homebuyers. Currently there is a .25 percent to .40 percent difference between interest rates on a conforming loan versus a jumbo loan. In today's market that difference can be as much as $135.00 per month. That matters to hardworking families.

I remind my Republican colleagues that this administration, in testimony before the House Financial Services Committee spoke in favor of raising the conforming loan limit.

Part of Mr. OXLEY's amendment is simply un-American. Mr. OXLEY seeks to prohibit nonprofit organizations from engaging in nonpartisan, I repeat nonpartisan, voter registration efforts and get out the vote drives in the 12-month period prior to applying for funds made available through the Affordable Housing Fund. If that wasn't bad enough, the amendment further prohibits nonprofits that receive grant funds from subsequently engaging in these important activities.

This Congress should be about promoting the values and the processes of democratic government, not trying to limit or suppress them. What are you afraid of, more Americans exercising their right to participate in their government?

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. BACA), one of our most energetic members on the committee, fully familiar with the need for housing in particular.

Mr. BACA. Mr. Chairman, I thank the gentleman from Massachusetts for the time.

I think we have put together a good bill. It was a bipartisan bill. It addressed a lot of the concerns that a lot of us had about affordable housing for minorities, low-income individuals who have an opportunity to obtain a home, but with the poison pill that has been put in in its final package, it makes the bill very difficult to support.

All of us believe that affordable homes should be available for individuals. This does strengthen regulatory oversight on Freddie Mac, Fannie Mae and the Federal home loan banks. I think that is positive, and it presents an opportunity for many individuals, especially in my area, San Bernardino County, the Inland Empire, where we have a lot of growth in the area. We have people that are moving from Orange County, L.A., San Diego. They are looking at buying affordable homes. This bill would give many individuals, low income, an opportunity to do that, especially when the average cost of a home in L.A. is $475,000, and in San Bernardino it is $352,000. Many individuals cannot afford to buy a home.

Now that they have that first opportunity, I know what it is like because I came from a family of 15, and I know for the very first time when we were able to buy a home. Had we not bought a home, I would not have had stability in my roots in the immediate area. That is why provisions of this bill are great.

What I do not like about the bill is a poison pill that has been put on there, which I believe it is unconstitutional and restrictions aimed at suppressing the civil rights engaged in by poor minorities for voting. We believe that every person should have the right to vote and to participate, and we say that that does not preclude them, and you have to put a priority whether it is for affordable housing or whether you will be involved in engaging, encouraging individuals.

America has always encouraged individuals to participate in our American democracy, and that is the democracy of voting. We have our veterans who have fought for this country and are now fighting in Iraq, are fighting for the freedoms that we enjoy today. One of those freedoms is the right to get out and vote, to allow every individual to participate and vote, not to restrict individuals, but to allow them to vote.

This would restrict these individuals who are getting funded for the housing to say you are not going to participate in this American democracy by registering individuals to vote. We should allow them. It is part of democracy. This is anti-civil rights, especially when we just have Rosa Parks who just died and fought hard for civil rights. We have Alice Paul who fought for the suffrage of women and others to encourage to make sure that women had the right to vote.

Now what we are saying is, minorities, you are voting in higher numbers; we are not going to include you in part of that process because if you do, and if you get involved in part of that process, we are going to cut out your funding. I believe this is not fair. That is why the National Council of La Raza, NAACP, NALEO, LULAC, Puerto Rican Association, faith-based initiatives are all opposing the restriction of this anti-poison pill that has been put into this bill.

I hope we can make a correction in the Senate and do justice for every individual. We talk about Leave No Child Behind. Now we are saying leave every individual who wants to participate from low-income minority families behind because we do not want them to participate in our American democracy.

This is about America. We are proud Americans, and we should allow every American to participate. We should not deny one organization from going to them and asking them to participate in that process. What we are doing is saying, you will not be involved in that process, you will not be involved in that process. No, that is unfair. It is un-American.

As an American and a Member who served in the Armed Forces, which we fought for many individuals, we have that responsibility, Mr. Chairman. We have the responsibility to make sure that every American has that right.

Let us not go backwards. Let us go forward. Together we can make a difference.

Mr. Chairman, I rise in support of H.R. 1461 to strengthen the regulatory oversight of Fannie Mae, Freddie Mac, and the Federal Home Loan Banks.

I comment my colleagues on the Financial Services Committee for their bipartisan approach and hard work in drafting this important bill.

This bill keeps the Government Sponsored Enterprises (GSEs) safe, sound and focused on their mission while preserving their mission to support financing for low- and moderate- income housing.

Also, this bill includes provisions that will increase housing opportunities for low income families by: establishing a specific requirement for GSEs to serve underserved areas, enhancing the GSEs affordable housing goals and increasing loan limits for high cost areas.

This bill includes an affordable housing fund that will increase affordable housing for low income communities.

This fund is particularly important to me because of its potential to increase affordable housing for many hard-working families in my district. Housing costs in Southern California have skyrocketed. Many families have moved to the San Bernardino area where housing is considered less expensive. But even here, we have seen home prices rise quickly, and I am concerned that many working couples cannot afford a home.

Last week, the Los Angeles Times reported that the median price paid for a Southern California home was $475,000 in September, up 16.1 percent from a year earlier. In San Bernardino County, the median price has risen 32.8 percent in the past year to $352,000.

This issue has great meaning to me personally. I grew up in a family with 15 children without a lot of money. I have been fortunate enough to have worked hard and been able to achieve the American dream of owning a home. But I know that this dream remains unattainable for millions of families.

Hispanic families especially face difficulties buying a home as their incomes on average are lower, and they might not have the same access to or understanding of financial institutions. I hope the Affordable Housing Fund will increase rental and homeownership opportunities for these and other working class families.

As a Catholic, I have learned of our obligation to serve the poor. I am proud of the work that Catholic Charities and other faith-based groups engage in. Their mission to help those in need includes providing shelter and also helping citizens fully participate in America's political process.

While I support the bill for its merits, I am strongly opposed to the restrictions added after it passed the committee that place severe restrictions on nonprofit entities and faith based groups applying for affordable housing grants.

The language inserted would undermine and severely limit the fund by excluding nonprofits involved in non-partisan voter registration efforts.

Republicans are trying to prevent church groups and other respected non-profit organizations from providing important services. They are engaged in yet another backdoor scheme to sneak in unconstitutional restrictions aimed at suppressing the civic engagement of working class and minority families.

These non-partisan community groups often serve as the main point of contact and, in many cases, are the only local groups addressing the social, civic, and educational needs of the people they serve. Yet Conservative Republicans want to force these trusted organizations to choose between providing civic education and affordable housing.

Why? Why do Republicans want to deny low income and minority voters participation in the political process? What do they fear? Do they fear democracy?

During the presidential campaign, Republican leaders made aggressive efforts to woo Black and Hispanic voters who have historically supported Democrats. Now Republicans are determined to deny affordable housing to these same minority groups. Is this payback?

I hope that we would all agree our country is stronger if more Americans register to vote and show up at the polls, whichever party or candidate they support. We need to encourage participation in our great democracy not limit it. I want to mention an American hero, Alice Paul, who made our country better, fairer, more Democratic by leading the struggle for women's rights—including the right to vote.

By the way, she was a Republican, but she was committed to promoting political participation.

So we should encourage community organizations to help register voters and praise them for doing so, not penalize them or prevent them.

The restrictions added by Republicans serve no other purpose than to reduce access to voting by low income people, and I urge my colleagues to vote against the restrictions.

If however, they pass, I am committed to working with my colleagues to strip away these horrible provisions as the bill goes through the Conference Committee Process.

Mr. BAKER. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Delaware (Mr. CASTLE), who is a long-term co-contributor to the preparation of the legislation before us.

□ 1330

Mr. CASTLE. Mr. Chairman, I thank Chairman BAKER for yielding me this time; and to call me a co-contributor, when one considers all the effort he has put into this, is a vast overstatement. I have never seen, during the time I have been here, which is a number of years now, a legislator work so hard on a particular issue; and I congratulate Chairman BAKER for getting it this far.

And I would like to thank the ranking member. The gentleman from Massachusetts (Mr. FRANK) has been extremely helpful. I do not know where this is going to come out in the end because of the discussion and dispute over the affordable housing fund. But, basically, I think the underlying bill is a heck of a sound bill. I would like to credit both sides.

We do not have a lot of legislation on this floor which is really done with the best interests of America at heart without any consideration for politics, Republican or Democrat; and I think this is one piece of legislation that does this.

I doubt there are those, other than the gentleman from Massachusetts (Mr. FRANK) and the gentleman from Louisiana (Mr. BAKER), and maybe three or four other people in Congress, a few on the outside, who can really describe all that this means in terms of the GSEs.

When you are dealing with Fannie Mae and Freddie Mac and the Home Loan banks, virtually any mortgage out there is in some way touching on them. They have vast investments.

They have vast sums of dollars that they are handling on a regular basis. If there are any organizations that need close scrutiny and regulation in this country, to me it is these GSEs. That is what this bill does.

I am not critical of those who have been doing the regulation before, but the bottom line is there were some problems. We do need the most sophisticated kind of regulation that we can have, because they are participating in some of the most sophisticated kinds of investments that one can make. We are dealing with a housing market; and while I hope there will not be a bubble or anything of that nature, there are problems potentially in that area that we will have to deal with, and we want to make sure that they are closely monitored so they will not contribute to that particular problem.

I appreciate the affordable housing fund. I am sorry there is a dispute over it. I think the concept of the affordable housing fund makes a heck of a lot of sense as well.

I would strongly recommend this legislation. I hope it will pass in the House and we can achieve this as final legislation that the President can sign and all of us can take a great deal of pride in doing something that is constructive for America.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself such time as I may consume.

First, let me say that I am glad that the gentleman from Louisiana (Mr. BAKER) indicated the status of the gentleman from Delaware (Mr. CASTLE), because I would not have wanted him to have been an unindicated co-contributor. I think that was very helpful.

Mr. Chairman, I yield 2½ minutes to the gentleman from New York (Mr. MEEKS), a very active member of the Committee on Financial Services who is very aware of the need for housing.

Mr. MEEKS of New York. Mr. Chairman, as a member of the Committee on Financial Services, I am shocked and disappointed in the result of what up until now has been a true bipartisan policy-making effort.

We in this committee this past May passed a bill, H.R. 1461, by a vote of 65–5. There was true bipartisanship. In fact, just yesterday I was talking about how the committee was working collectively together and there was really bipartisanship and we would come up with a bill that we could agree upon. How wrong, how wrong I am.

Unfortunately, the Republican Study Committee got involved and has pushed for an unjust and unnecessary amendment that restricts nonprofits that do not have housing as their primary purpose or engage in nonpartisan voter registration or education programs from receiving funds and grants. Just look at it. I look at my district. My predecessor at Allen AME is known for developing public-private housing that is affordable to people, and they would not be able to participate. Look at what would be left out with this ridiculous amendment.

Furthermore, if you read this amendment, it clearly states in its language that the restrictions for not-for-profits are not the same restrictions as for-profits. I wonder if for-profits can engage in whatever they want to and still be able to participate in these fundings, but not-for-profits would not.

It seems to me there is a lot of talk, talk about democracy; but we truly do not want democracy. We are trying to lock out a whole group of people from having the opportunity to vote. When we look at the numbers of people who come out to vote, the numbers are far less than the percentages any place else. We should be doing everything in our power to encourage people to come out to vote.

I wonder why the Republicans are doing this. For if they feel so strong and righteous about their manager's amendment, they surely would have allowed the Frank amendment which would have stripped this destructive language before a vote. They did not do this because they are afraid their own Republican Members that support the CDCs and faith-based affordable housing programs would vote in favor of the Frank amendment. There is no democracy for the Republican Caucus. This was an excellent bill that the radical right wing of the Republican Caucus has destroyed.

Mr. BAKER. Mr. Chairman, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 2½ minutes to the gentleman from Massachusetts (Mr. LYNCH), who has worked in the building trades and knows this issue very well.

Mr. LYNCH. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in opposition to the measure before us today. Specifically, I stand in this House to condemn the language in this bill which would prohibit faith-based organizations, our churches, my church, our temples and synagogues and mosques, from helping the homeless by providing housing for the thousands of families in this country who are either homeless or in shelters or forced to live in substandard housing.

Under the express terms of this manager's amendment, nonprofit groups that engage in voter participation activities will be prohibited from applying for a grant under the affordable housing fund. I am frustrated as well with the whole process here because my friend and colleague from Massachusetts (Mr. FRANK) was denied the opportunity to offer an amendment to strike these egregious provisions.

In this day and age when we are beset by major crises such hurricanes Katrina and Rita and Wilma, which have destroyed literally hundreds of thousands of homes across the southern part of this country, it is no time to shackle the hands of our nonprofit, faith-based organizations from doing what Americans have always taken pride in, and that is helping their neighbor.

While like most Members I deeply respect the separation of church and State in matters of worship and the freedom to practice religion without government influence, there has always been in this country a recognition, at least until now, that we have faith-based institutions; and when they have sought to provide basic assistance, such as food for the hungry and health care for the sick and elderly and housing for the homeless, free of any effort to persuade or proselytize, they are in the business of solely reducing suffering, and we have recognized the goodness in that.

That would end today if the manager's amendment succeeds. We would have a departure in this country from that long tradition, and for those reasons I oppose this bill.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 2½ minutes to the gentleman from New York (Mr. CROWLEY), one of the most active members of the committee and very familiar with needs for housing.

Mr. CROWLEY. Mr. Chairman, I rise to tell my colleagues of the good bipartisan bill that was crafted by the Financial Services Committee, by Chairman OXLEY and by ranking member BARNEY FRANK.

The members of that committee crafted a bill that passed the committee on a vote of 65–5 that would finally create a tough new regulator for the Federal housing GSEs and the Federal Home Loan Banks, something that was needed after some accounting missteps at the GSEs.

At the same time, this bill also created a massive new Federal housing trust fund, using a percentage of the profits of these housing GSEs to ensure a new stock of affordable housing in every section of this country and providing millions of families the opportunity of attaining the American dream of homeownership. But that is not the bill that is before us under this manager's amendment.

This bill went before the Committee on Rules where it was hijacked by the extremist wing of the Republican Party that holds a grip over the House of Representatives. They added language to ban churches and other houses of worship the ability to tap into these funds if they take part in any type of nonpartisan voter activity, such as helping register people to vote or taking people to the polls.

What this bill really is is an utter disregard for our Constitution. This is not a gray area. This is a limitation on free speech. I am amazed that the same people who champion legislation by the gentleman from North Carolina (Mr. JONES) known as the Houses of Worship Free Speech Restoration Act, which would allow churches and other houses of worship to discuss politics and endorse candidates from the pulpit without losing their tax-exempt status, will now be the same people who are stripping their churches from any of this funding to help their congregations.

This bill could be the greatest housing construction legislation ever passed by Congress and will help people in every district in America and benefit almost every church and house of worship in our country, but the far right wing is opposed to it. They are hypocritically opposed to it and so stuck in ideology that they refuse to debate this bill for the issue it is.

Like scared children, they tuck the provisions into the manager's amendment and refuse any opportunity in the rule to strike it because they know they cannot win.

We are a religious country and we have many members of the cloth in Congress, most of whom, I point out, are Democrats, and the far right knows that their anti-religious language cannot pass on the merits. That is why I regretfully ask all members of faith and all Members who respect the independence of religion and the pulpit to oppose the manager's amendment.

As the gentleman from Massachusetts (Mr. FRANK) has stated, if the manager's amendment is defeated, all of the good sections will be restored, such as targeting this aid to the hurricane-ravaged areas, in the motion to recommit.

Mr. Chairman, stand up for your constituents, stand up for the American dream of homeownership, stand up for people of faith, and stand up to the far right wing extremists who are hijacking this bill for their own purposes.

Mr. OXLEY. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. NEY), the chairman of the housing subcommittee.

Mr. NEY. Mr. Chairman, I rise today in support of the bill. As chairman of the Subcommittee on Housing and Community Opportunity, I have had a keen interest in the strength of the mortgage market. The mortgage market has single-handedly kept the economy afloat during these difficult economic times.

Passage of this bill sends an important signal that we understand the importance of GSEs and the secondary-mortgage markets in maintaining a stable economy.

More importantly, I want to comment on the issues of affordable housing and the effect of the affordable housing fund, which is a great fund to have, and we have worked with the minority on this issue and the gentleman from Ohio (Mr. OXLEY) and his staff and our staff. I believe that we will have a profound impact on the country with the fund.

As Members know, it is very difficult to achieve the delicate balance between meeting public policy goals and ensuring a free market business climate. The creation of the government-sponsored enterprises was one such feat that provides an invaluable public service of creating and maintaining a secondary market for the mortgage markets. As a result, our homeownership rates and our access to capital are the best in the world.

On the other hand, I also understand that because these financial institutions are creatures of the Federal Government, we also have a responsibility to ensure they achieve a public-policy purpose. Homeownership rates among minority families are increasing, but we can obviously do much better than the current average of 50 percent for African Americans, Hispanic urban and rural communities, just to name a few. We have to ensure that these communities that have not been full participants in the pursuit of the American Dream can be reached.

Fannie Mae and Freddie Mac own or guarantee nearly half of this country's residential mortgage market. The legislation we are considering today would markedly improve GSE performance of their housing mission. The Committee on Financial Services approved major sections on new single-family and multi-family housing goals; the duty to serve lower income markets, and I stress duty to serve them; and a new affordable housing fund with contributions from the enterprises.

Of course, there are other parts of this bill that are good, and I give credit to the gentleman from Ohio (Mr. OXLEY) and the gentleman from Louisiana (Mr. BAKER) in strengthening oversight.

Today, I just wanted to speak freely on the actual housing fund. I urge my colleagues to support this legislation.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 2½ minutes to the gentleman from New Jersey (Mr. PASCRELL) to speak regarding a very important provision of the bill as it now exists.

Mr. PASCRELL. Mr. Chairman, I first of all commend the chairman and the ranking member for putting a great bipartisan bill together concerning government-sponsored enterprises.

In addition to establishing a very strong, independent regulator, the legislation will also create a sorely needed affordable housing fund.

The housing fund will help people with low incomes who face the greatest difficulty in finding housing that is available and affordable; but as we put forward this new housing fund, I do not think the manager's amendment is a very good one. We should never force nonprofits to choose between providing affordable housing and encouraging full participation in the American Dream.

The housing trust fund will provide a much-needed stimulus to our American economy, but it is not only low-income Americans who suffer from lack of affordable housing. I would ask the gentleman to please be cognizant of what I am saying. I know my district and the area within my district. A recent study has found that 4.8 million working families, many of them middle-income, have faced critical housing needs in recent years, spending more than half of their income on rent or living in substandard housing.

To help struggling middle-class families, it is essential that we preserve section 123 of this bill, which raises the conforming loan limit by up to 50 percent for certain high-cost housing areas. Without raising that limit, the benefits of the GSE housing subsidies are not distributed evenly or fairly across geographical lines.

In 2003, Fannie Mae and Freddie Mac purchased 35 percent of all mortgages originated nationwide. In several high-cost housing areas, these institutions were able to purchase fewer than 30 percent of the new mortgages. In my area, a large portion of real estate transactions take place over the conforming loan limit.

In my own district, my own area, Bergen, Passaic, and Essex counties, the median price of housing is 125 percent above the existing loan limit, one of the highest rates in the country.

☐ 1345

This is an unfair limit. It prevents many middle-class families in New Jersey from being able to own a home in the State.

At a time, Mr. Chairman, when wages are stagnant, energy prices soaring, college tuition skyrocketing, we are well aware of just how much these hardworking families are being squeezed financially. This is common sense. This is not Democrat or Republican. This is common sense that we help middle-class folks out to purchase the homes. And I am not going to talk personally to the gentleman from New Jersey, but on this he is dead wrong.

Mr. OXLEY. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. GARY G. MILLER).

Mr. GARY G. MILLER of California. Mr. Chairman, Chairman OXLEY and Ranking Member FRANK have worked very hard to come up with a very good bill. The goal is to make sure we find liquidity in the secondary marketplace so people in this country have a home. The more liquidity we have in the marketplace, the more stability we have in the marketplace, the better it is for the Nation and the overall vibrant housing market.

GSEs have been at the forefront of creating affordable housing opportunity throughout our Nation for

American families. There is an amendment that is coming up later that guts something we tried to do in this bill, and that is to make sure that GSEs can adequately provide loans in the markets throughout this country. And people who happen to live in certain areas that are considered high-cost areas, such as California; New York; Massachusetts, Mr. FRANK's State, currently are not able to acquire Freddie and Fannie loans because the housing market has grown so much and the costs have grown so much that they have exceeded the limits that GSEs can lend in. And it is a shame that if people live in Hawaii, Guam, and places like that, they can still get a Freddie and Fannie loan, yet in California they cannot. And what we have done through this bill, thanks to Chairman OXLEY, is provide for those needs and turned out a very good bill.

I strongly urge my colleagues to support this bill.

I rise in strong support of H.R. 1461, the Federal Housing Finance Reform Act of 2005.

I commend Chairman OXLEY and Ranking Member FRANK for their tireless efforts to produce a balanced bill, that ensures that the housing GSEs are adequately regulated without disrupting our nation's strong and vibrant housing markets.

Government Sponsored Enterprises (GSEs) have been at the forefront of creating affordable housing opportunities for American families.

In my district, for example, Fannie Mae has created employer-assisted housing programs for the City of Brea Police Department to allow police officers to live in the communities they serve.

They have helped to finance affordable housing initiatives in Anaheim, California.

Across the district, they have been able to offer innovative programs to allow those with blemished credit to afford the dream of homeownership, to help seniors convert the equity in their homes into cash to help them meet their needs, and to help families and individuals with special needs become homeowners.

All of this, in partnership with lenders, is intended to meet the ever-growing needs of our communities.

As we have addressed deficiencies in GSE supervision, we worked hard to ensure H.R. 1461 does not lose sight of Congress' original goal in chartering GSEs.

The mission of Fannie Mae and Freddie Mac is to provide stability and on-going assistance to the secondary market for residential mortgages, and to promote access to mortgage credit and homeownership in the United States.

While we make these regulatory reforms, we are also unwavering in our commitment to help Americans achieve the dream of homeownership.

H.R. 1461 seeks to improve regulation of the GSEs while continuing to ensure the accessibility of mortgage funds at the lowest cost.

While there is no question that regulatory changes must be made to ensure the safety and soundness of the secondary mortgage market, H.R. 1461 recognizes that strong regulation provides a means to achieve our ultimate goal of expanding the supply of affordable mortgage credit across this nation.

For generations, the goal of owning a home has been the bedrock of our economy and a fundamental part of the American Dream.

The bill we consider today is about homeownership in this country.

Homeownership benefits our communities and national economy. Indeed, it is the key to promoting long-term economic stability for our citizens and nation. That is why this bill is so important.

H.R. 1461 provides for a strong regulator for the GSEs so that investors and the markets are assured that these companies are sound and that their investments in America's housing markets are safe.

LOAN LIMIT LANGUAGE

I am especially grateful that the bill includes language that recognizes that housing costs differ widely throughout the country.

While GSEs are chartered to operate in every district across the country, their effectiveness in certain areas has been seriously hindered because high housing prices have caused fewer and fewer mortgages to fall within the conforming loan limit.

Those who live in high-cost areas of the country should be able to participate in federal efforts to provide affordable housing opportunities.

This is a simple issue of fairness. It is unacceptable for the federal government to tell my constituents that federal programs exist to increase homeownership in America, but they cannot qualify simply because of where they happen to live and work.

The language in the bill increases loan limits in high cost areas to the median home price of the area, not to exceed the limit for Alaska, Hawaii, Guam, and the Virgin Islands (150 percent of national loan limit). This does not impact the portfolios of the GSEs as all loans made in high-cost areas must be securitized.

By adjusting conforming loan limits in high-cost areas, we can create nearly 250,000 new homeowners at no cost to taxpayers.

I urge my colleagues to support this important provision and reject efforts to remove it during the amendment process.

Mr. OXLEY. Mr. Chairman, I yield 2 minutes to the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Mr. Chairman, I thank the gentleman for yielding me this time. And I particularly want to thank the gentleman from Louisiana (Mr. BAKER) for his efforts for years in this area and for the gentleman from Ohio's (Mr. OXLEY) work and the gentleman from Massachusetts' (Mr. FRANK) work as well.

When Enron was collapsing and Sarbanes-Oxley was created, the gentleman from Louisiana (Mr. BAKER) said to me, But you know what? Fannie Mae and Freddie Mac do not even come under these laws because they do not come under the 1933 Securities Act and the 1934 Securities Exchange Act.

So we thought let us try to get them under it. And I cannot tell the Members the grief that ensued after that. All of a sudden Fannie Mae and Freddie Mac considered us enemies because we wanted them to play by the same rules that everyone else had to play by. And through the work of the gentleman from Louisiana (Mr. BAKER) and others, Fannie Mae was forced to come under, voluntarily as they said, the 1934 act. And when they did that, all of a sudden all this information about all of their problems started to come out because information was being provided to us. This action we are taking today is in response to the information that we have learned about Fannie Mae and Freddie Mac.

I am grateful that the new administrations of these agencies are no longer arrogant like the previous ones. I am grateful that we are starting to say that they should have to play by the same rules as everyone else. And because of that, the taxpayers will be protected, and the investors will be protected.

There are parts of this law that I would like strengthened, but this is a good act. It deserves our support. And, again, I thank our chairman for moving forward, as he always does, in a bipartisan way and for listening to the wisdom of the gentleman from Louisiana (Mr. BAKER).

I rise in strong support of this legislation and appreciate Chairman OXLEY and Chairman BAKER's efforts. Fannie Mae and Freddie Mac play a vital role in our housing finance market, yet for far too long these companies have been playing by their own set of rules. During this time we've witnessed massive earning restatements, accounting irregularities, frequent challenges to their regulator's judgment and authority, and a cookie jar reserve. These were all part of a culture of arrogance at the GSEs, and were enabled by a weak and ineffective regulator. With this legislation, we are beginning to correct this very serious situation.

How serious is the issue of GSE oversight? What's at stake if one or both companies fail? Fannie Mae and Freddie Mac have $1.6 trillion in combined assets; $1.4 trillion in retained mortgages in portfolio; $1.5 trillion in outstanding debt; and $1.5 trillion in notional derivatives. In addition, outstanding mortgage-backed securities guaranteed by Fannie and Freddie, but held by third parties, total $1.7 trillion. Mr. Chairman, in the absence of a world-class regulator to oversee these institutions, we are truly playing Russian roulette.

Creating a new regulator is not about punishing the GSEs—it is in fact vital to the safety and soundness of our Nation's housing market. Both investors and taxpayers have a right to know the financial condition of the GSEs and they deserve a strong, independent regulator that has the resources to oversee their operations.

There has been and will continue to be vigorous debate about this legislation. I want to address a few key issues surrounding this legislation, and share my thoughts on what I hope is ultimately included in the bill that is sent to the President.

Currently, Fannie Mae and Freddie Mac are the only two publicly-traded companies in the

Fortune 500 that are exempt from regulation by the SEC. The only reason Fannie Mae and Freddie Mac were forced to reveal their accounting errors is because in July 2002, under pressure from Congress and the Administration, the two companies finally agreed to comply with certain reporting requirements of the Securities Exchange Act of 1934. Fannie Mae followed through and registered in 2003, but failed to file a report in the third quarter of 2004, and is now in the process of restating those reports it did file. Freddie Mac simply never lived up to the agreement.

I believe all publicly traded firms should play by the same set of rules, and am pleased this legislation codifies the 2002 agreement. This legislation should go even further by requiring Fannie Mae and Freddie Mac to comply fully with the Securities Act of 1933 and the Securities Exchange Act of 1934.

Regarding the powers of the new regulator, due to the enormity of the GSEs' holdings, it seems to me we should go even further in empowering this new office. Economic experts, most notably Federal Reserve Board Chairman Alan Greenspan, have warned this Congress that the tremendous concentration of mortgage assets at Fannie Mae and Freddie Mac coupled with the dangers associated with interest rate risk may pose a systemic risk, not only to the U.S. capital markets, but indeed the global financial system. Later today, I intend to support an amendment to empower the regulator to reduce Fannie and Freddie's mortgage assets if it determines these assets pose a systemic risk. I oppose placing statutory or hard caps on the GSEs' portfolios, but consistent with the Treasury Department's recommendation, it is prudent we provide the new regulator with the authority to consider systemic risk.

Finally, regarding the affordable housing fund, despite my concern that creating this fund will only deepen the perception the GSEs are backed by the Federal government, those concerns are outweighed by the pressing need for more affordable housing in Connecticut and around the country. Year after year, we vigorously debate the amount of Federal funds to allocate for public housing, Section 8 and other housing programs, and it is my strong conviction that we must creatively address the affordable housing crisis. It seems to me this fund is a worthy solution.

Non-profit organizations and social service providers in Connecticut do an amazing job and are continually finding ways to do more with less. But the needs are tremendous, and families continue to struggle to find housing where they can safely raise their children and still afford to feed them too. It's time we empowered housing organizations with additional resources to build more affordable units, including in the Gulf Coast region devastated by Hurricanes Katrina and Rita.

Mr. Chairman, while there is more work to be done before Congress sends this legislation to the President, I support what we have before us today and encourage my colleagues to do so as well.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I have noticed a certain level of discomfort on some of my friends on the Republican side and some of my not so good friends on the Republican side. So I want to be very generous and ease their discomfort.

There are people who are not happy with everything in the manager's amendment. A lot of what is in the manager's amendment a lot of us like, the preference for the gulf areas, some of the restrictions on what people do with the use of funds.

There are three small provisions in the manager's amendment that are controversial. The one that says no faith-based groups can go in there, the principal purpose; and the one that says nonpartisan voter registration and nonpartisan get out the vote are not possible.

So I want to tell people this: If the manager's amendment is defeated, I will offer as the recommittal motion the exact manager's amendment minus those three specifics. So if they like the manager's amendment but do not want to keep the Catholic Church out of affordable housing, do not want to have the problem that the gentlewoman from Ohio (Ms. PRYCE) mentioned where they cannot take old people to the polls, and do not want to restrict nonpartisan voter registration, if the manager's amendment is defeated, everything except those three things that were in the manager's amendment will be in the recommit.

And as proof of that, I have given a copy of what the recommit would then be over to the Republican side. They can look it up, as Casey Stengel used to say. They will be able to see that they can then carefully and in good conscience vote against the manager's amendment and then vote for the recommit because it will be their amendment; so they will get permission to vote for the recommit, and they will get everything in the manager's amendment except the one thing that keeps out faith-based, restricting it to people whose primary purpose is here, and the nonpartisan restriction on voter registration. All the other restrictions and everything else will be in it. So do not worry. I am making their life easier.

Mr. OXLEY. Mr. Chairman, I yield myself such time as I may consume.

This has been an excellent debate, and we appreciate the efforts on both sides of the aisle for this legislation.

Mr. Chairman, this is historic legislation, the first time that any Congress has reached a stage where we are debating a major reform effort for the GSEs. It is a long time coming. The gentleman from Louisiana (Mr. BAKER) has toiled in the vineyards for all of these years, and we have finally reached a situation where we can finally pass legislation that will improve the regulatory structure of the GSEs, ultimately make them stronger and more accountable, provide affordable housing funds through the GSEs throughout the country and particularly related to the hurricane-affected areas.

This is well balanced. It makes a lot of sense, something that we have been working on for a long time. And I know a lot of the debate has been about one particular part of the manager's amendment that I will be offering next, but at the end of the day, when this bill comes up for final passage, most Members will support it because it makes good sense from a regulatory standpoint, it makes good sense from an affordable housing standpoint.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FINANCIAL SERVICES,
Washington, DC, September 14, 2005.

Hon. F. JAMES SENSENBRENNER, Jr.,
Chairman, Committee on the Judiciary, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: On July 14, 2005, the Committee on Financial Services filed its report on H.R. 1461, "Federal Housing Finance Reform Act of 2005." The bill was then sequentially referred to the Committee on the Judiciary until September 16, 2005. I am writing to confirm our mutual understanding with respect to the further consideration of H.R. 1461.

I am pleased that our staffs have been working together during this period and have reached an agreement on an amendment regarding independent litigation authority (copy attached). I agree that I will request the Rules Committee make this amendment in order as part of a manager's amendment during consideration of the bill, and to consult with your Committee in providing an explanation of its contents. It is my understanding that with this commitment, no further action by the Judiciary Committee on this bill will be required and the time period for the sequential referral will thereby lapse. It is also understood that this procedure is without prejudice to the jurisdictional interests of the Judiciary Committee on this or similar legislation. I will also support the request of the Judiciary Committee for an appropriate appointment of conferees should H.R. 1461 or a similar Senate bill be considered in conference. I will also include this exchange of letters in the Congressional Record during consideration of the bill.

Thank you for your cooperation and your attention to this important matter.

Yours truly,

MICHAEL G. OXLEY,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, September 14, 2005.

Hon. MICHAEL G. OXLEY,
Chairman, House Committee on Financial Services, Rayburn House Office Building, Washington DC.

DEAR CHAIRMAN OXLEY: This letter responds to your recent letter concerning H.R. 1461, the "Federal Housing Finance Reform Act of 2005," which was ordered reported to the House by the Committee on Financial Services on July 14, 2005 and sequentially referred to the Committee on the Judiciary.

As you know the Committee on the Judiciary has jurisdiction over matters concerning independent litigation, bankruptcy laws, civil judicial matters, and other subject matter contained in the bill. I am pleased to acknowledge the agreement between our Committees to address changes that you will include in a manager's amendment to the bill concerning independent litigating authority. In order to expedite this legislation for floor consideration, the Judiciary Committee agrees to forgo action on this bill based on the agreement reached by our Committees and with the understanding that no other provisions affecting the jurisdiction of the Judiciary Committee are included in the amendment to H.R. 1461. The Judiciary Committee takes this action with the understanding that it in no way prejudices the Committee with respect to the appointment of conferees or its jurisdictional prerogatives on this or similar legislation. I also request that you include this exchange of letters in the Congressional Record during floor consideration of this bill.

Thank you for your attention to this matter and for the cooperation of your staff.

Sincerely,

F. JAMES SENSENBRENNER, Jr.,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAYS AND MEANS,
Washington, DC, October 25, 2005.

Hon. MICHAEL G. OXLEY,
Chairman, Committee on Financial Services, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN OXLEY: I am writing with respect to H.R. 1461, the "Federal Housing Finance Reform Act of 2005," which was reported to the House by the Committee on Financial Services on Thursday, July 14, 2005.

As you know, the Committee on Ways and Means has jurisdiction over matters concerning taxes and the Internal Revenue Code of 1986. A provision in Section 144 of H.R. 1461 would provide an exemption for a limited-life enterprise from Federal taxes, and thus falls within the jurisdiction of the Committee on Ways and Means. However, in order to expedite this legislation for floor consideration, the Committee will forgo action on this bill. This is being done with the understanding that it does not in any way prejudice the Committee with respect to the appointment of conferees or its jurisdictional prerogatives on this or similar legislation.

I would appreciate your response to this letter, confirming this understanding with respect to H.R. 1461, and would ask that a copy of our exchange of letters on this matter be included in the Congressional Record during floor consideration.

Best regards,

BILL THOMAS,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FINANCIAL SERVICES,
Washington, DC, October 26, 2005.

Hon. WILLIAM M. THOMAS,
Chairman, Committee on Ways and Means, House of Representatives, Longworth House Office Building, Washington, DC.

DEAR CHAIRMAN THOMAS: Thank you for your letter concerning H.R. 1461, the "Federal Housing Finance Reform Act of 2005". This bill was reported by the Committee on Financial Services on July 14, 2005. It is my expectation that this bill will be scheduled for floor consideration in the near future.

I acknowledge your committee's interest in a provision contained in section 144 of the bill which would provide an exemption for a limited-life enterprise from Federal taxes. Such matters concerning Federal taxation fall under the exclusive jurisdiction of the Committee on Ways and Means. However, I appreciate your willingness to forego action on H.R. 1461 in order to allow the bill to come to the floor expeditiously. I agree that your decision to forego further action on this bill will not prejudice the Committee on Ways and Means with respect to its jurisdictional prerogatives on this or similar legislation. I would support your request for conferees on those provisions within your jurisdiction should this bill be the subject of a House-Senate conference.

I will include this exchange of correspondence in the Congressional Record when this bill is considered by the House. Thank you again for your assistance.

Yours truly,

MICHAEL G. OXLEY,
Chairman.

Mr. WEINER. Mr. Chairman, despite the divisiveness of the term "faith-based," most Americans are united in their support of religious organizations. Across the country, these organizations do great work, feeding the hungry, caring for the sick, and in many cases providing affordable housing to those most in need.

That's why it's surprising that the Republicans are using an otherwise worthy effort to reform Government Sponsored Enterprises like Fannie Mae and Freddie Mac to throw a wrench in the relationship between government and the religious community. The Affordable Housing Fund created by the bill will commit 5 percent of Fannie and Freddie profits toward a grant program to build, maintain, and rehabilitate housing for low-income families. Yet language passed in the Managers Amendment stops that money from flowing to faith-based organizations. That amounts to $500 million a year that Republicans don't believe should go to organizations like Catholic Charities.

Today in Brooklyn and Queens alone Catholic Charities operates 3,000 units of affordable housing including 2,090 units for senior citizens, 480 units of family housing and 377 units of supportive housing for formerly homeless individuals. But the Church, the largest non-profit provider of low income housing in Brooklyn and Queens, will be shut out of the new program.

Faith should never be used to divide an electorate or play a political game. I believe that is exactly what Republicans have done in order to take the teeth out of a program designed to help those most in need.

We should all embrace the principle of Tikkun Olam which says that those who have a little more, should do a little more. That is exactly what the Affordable Housing Fund would have allowed faith-based organizations to do in partnership with the Federal Government until Republicans inserted their limiting provisions.

In the words of the Most Rev. Nicholas DiMarzio, Bishop of Brooklyn, in a letter to the Speaker dated October 3, "There are ample ways to write safeguards into the legislation to prevent the diversion of affordable housing funds to uses other than what they are intended without requiring recipients to forego their constitutionally protected rights as a condition for participating in Affordable Housing Fund programs."

I include the Bishop's letter for the RECORD.

DEPARTMENT OF SOCIAL
DEVELOPMENT
AND WORLD PEACE,
Washington, DC, October 3, 2005.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: I write as Chairman of the Domestic Policy Committee of the United States Conference of Catholic Bishops (USCCB) to urge you to retain the Affordable Housing Fund as part of the Federal Housing Finance Reform Act of 2005 (H.R. 1461) and bring the bill to a vote forthwith. The Catholic Bishops have historically urged the federal government to help meet our nation's promise of a decent home for every American family, especially those families with extremely low incomes.

As I noted in my June 10 letter to the House of Representatives, the Catholic Community—through our Charities agencies, dioceses, and parishes—serves tens of thousands of men, women, and children who struggle to maintain adequate housing. Besides sheltering homeless people who turn to us for help, we have built, and continue to maintain, thousands of affordable housing units. All of these experiences have demonstrated to us how inadequate, substandard housing hurts human life, undermines families, destroys communities, and weakens the social fabric of our nation. Despite our efforts—and the efforts of so many others—there just is not enough affordable housing available.

Proposals that would limit eligible recipients to organizations that have as their primary purpose the provision of affordable housing would effectively prevent Catholic dioceses, parishes and Catholic Charities agencies from participating in Affordable Housing Fund programs. Similarly, proposals that would prohibit recipients from engaging in voter registration and lobbying activities with their own funds during the period they are utilizing affordable housing funds would force Catholic agencies to choose between participating in Affordable Housing Fund programs or engaging in constitutionally protected voter registration and lobbying activities with their own funds. I urge you to oppose inclusion of these kinds of unnecessary limitations and prohibitions in H.R. 1461 as it moves to the House floor for a vote. There are ample ways to write safeguards into the legislation to prevent the diversion of affordable housing funds to uses other than what they are intended without requiring recipients to forego their constitutionally protected rights as a condition for participating in Affordable Housing Fund programs.

The Bishops' statement, Putting Children and Families First, notes: "Many families cannot find or afford decent housing, or must spend so much of their income for shelter that they forego other necessities, such as food and medicine.... [The Catholic bishops] support housing policies which seek to preserve and increase the supply of affordable housing and help families pay for it." We must put in place a sustainable source of funds to build affordable housing and this new fund would do that.

As I said in my June letter, this legislation presents Congress with a genuine opportunity to make the shelter needs of extremely low-income families a national priority. I believe that such families who need housing the most should be targeted to receive these limited funds.

With every best wish, I am.

Sincerely,

MOST REV. NICHOLAS

DIMARZIO, PHD, DD
Bishop of Brooklyn,
Chairman, Domestic Policy Committee, United States Conference of Catholic Bishops.

Ms. KILPATRICK of Michigan. Mr. Chairman, it is with some reluctance I rise now in opposition to H.R. 1461, the Federal Housing Finance Reform Act. In its amended form, the legislation no longer puts the best interest of our Nation at heart, but instead holds a precious resource hostage for the sake of partisan politics.

The provision restricting non-profit organizations, and their affiliates, from using their own funds to engage in non-partisan voter registration or get-out-the-vote activities if they want to apply for the much-needed affordable housing funds is entirely inappropriate. Election activities promoting good citizenship conducted by unbiased, non-profit organizations should be encouraged, not restricted. To add insult to injury, the new provision imposes a new burden of requiring these groups to list housing assistance as their "primary purpose" if they want to apply for funds. The effect of this constraint will be to reduce the diversity of assistance that will be available.

With such a growing need for affordable housing, and for competent groups capable of connecting people with the already scarce resources, I cannot imagine why my colleagues would want to handicap these organizations from providing assistance to our Nation's most vulnerable populations.

It is for these reasons I cannot support this otherwise sound and reasonable measure to improve the regulation of our Nation's largest source of mortgages. I urge my colleagues to vote "no" on H.R. 1461.

Mr. NADLER. Mr. Chairman, I rise in opposition to this legislation.

I support increasing oversight of Fannie Mae and Freddie Mac. It is a worthwhile goal, one that the recent scandals at these institutions and on Wall Street illustrate is sorely needed. And I support the creation of a budget-neutral Affordable Housing Fund. Indeed, that this kind of program should be created, given the proclivity of this Republican House of gutting programs for the poor, is nothing short of miraculous.

However, I cannot support a program whose benefits come at the expense of the rights of nonprofit organizations. The provision in question would disqualify any nonprofit group that engages in voter participation activities, such as voter registration and get-out-the-vote efforts, from applying for a grant under the Affordable Housing Fund. This would apply even if the activities are non-partisan and even if they are paid for with non-federal monies. This provision would have a chilling effect on the Constitutional speech and association rights of all nonprofits.

How can the Republicans, in good faith, claim to work with us on the reauthorization of the Voting Rights Act, and turn around and tie the hands of those groups who are trying to incorporate the disenfranchised into the democratic process? What's worse, this provision is entirely superfluous. Nonprofits are already prohibited from using federal funds to lobby. However, they are free to engage in lobbying and nonpartisan voter registration with non-federal dollars. This bill is a slap in the face to those groups who need this money most. What's more, this restriction only applies to non-profit organizations, not any for-profit entities seeking grants from the Fund.

This bill also essentially bars non-profits whose mission extends beyond the provision of affordable housing. Many organizations develop and manage effective affordable housing programs alongside programs that provide food, closing, counseling, and other health and social services. Those who claim to work on behalf of the faith-based community should take a close look at this bill, and should watch this vote closely. By voting aye you are barring church groups from affordable housing funds if their primary mission goes beyond affordable housing.

This is a typical piece of Republican legislation. Once again, my friends from across the aisle have poisoned legislation that would otherwise have received bipartisan support by picking on those who can least afford to defend themselves. I encourage my colleagues to join me in opposing this bill, and supporting the motion to recommit. We can and should do better.

Mr. FOSSELLA. Mr. Chairman as we consider H.R. 1461, the Federal Housing Finance Reform Act, I would like to urge my colleagues to support the inclusion of a provision to provide an increase in Conforming Loan Limits for high cost Metropolitan Service Areas, MSAs.

Since 1980, the price of homeownership in New York has increased by 492 percent, and continues to escalate in the current housing market. With drastically higher prices than other parts of the country, homeownership in the area has limited access for lower and middle income New Yorkers.

The GSE's chartered mission is to expand homeownership for low to middle income Americans, and this should apply to Americans regardless of the geographic region in which they reside. In working towards achieving this mission, Fannie Mae and Freddie Mac are restricted in their ability to participate in these high cost areas because significantly fewer mortgages fall within the conforming loan limit.

The current loan limit is set at $359,650. The median price of a home in the New York area, however, is $435,200—considerably higher even for entry level home prices. While the current loan limit has been raised to the lesser of 150 percent of the statutory limit or the median home price in Alaska, Hawaii, Guam and the Virgin Islands, high cost metropolitan areas like New York City have been left out.

Language included in HR 1461 would increase loan limits in high cost areas to the maximum of the area's median home purchase price, capped at 150 percent of the current limit. Raising these limits will help lower to middle income residents in high cost areas like Staten Island gain access to the lower interest mortgage rates Fannie and Freddie are able to provide—mortgage rates that, compared to jumbo loans, can save my constituents as much as $135 a month.

Fannie and Freddie are able to provide lower interest rates to homebuyers and expand homeownership through the contributions of the American taxpayer. It is time the taxpayers in high cost areas like New York City realize the benefits of their contributions through access to lower interest mortgages. The current disparity is undeniable.

I urge my colleagues to support the Conforming Loan Limits language and vote no on attempts to remove it from the Federal Housing Finance Reform Act.

Mr. RAHALL. Mr. Chairman, today, the House of Representatives voted on H.R. 1461, the GSE Federal Housing Finance Reform Act of 2005. This bill will not only substantially overhaul the safety and soundness of the housing government-sponsored enterprises, but it will also establish an Affordable Housing Fund.

I voted in favor of this legislation, but with some reservation.

The Affordable Housing Fund provides funds to grantees to build housing that is affordable to low income families. This is an important goal, and while I support the bill and the establishment of the Affordable Housing Fund, I do not support the inclusion of language that blocks non-profit organizations from non-partisan activities that encourage citizens to participate in our democratic process. This is why I voted against the manager's amendment to H.R. 1461 earlier today.

The amendment included language that will prohibit grantees from using even their own funds to encourage citizens to exercise their right to vote and would retroactively penalize organizations that have done so in the past. This language would restrict non-profits who engage in first amendment political activity, with their own funds, from receiving Affordable Housing Fund grants. In short, it will have a chilling effect on the free speech rights of non-profit organizations.

By keeping funding out of the hands of non-profit and faith-based organizations that are associated with any kind of voter registration activities and exempting for-profit companies from the same restrictions, I ask, what legitimate governmental interest is there in preventing nonpartisan voter participation activities? Political participation is a foundation of our Constitution.

I hope that when H.R. 1461 reaches Conference, a bi-partisan effort will come together to strike this language from an otherwise worthy piece of legislation. I will continue to protect our citizens' ability to register to vote and have a voice in the political process.

Mrs. MALONEY. Mr. Chairman, when this bill left the Financial Services Committee on a 65 to 5 vote, I felt we were on the way to a great accomplishment. I was truly impressed with the hard work that Chairman OXLEY, Ranking Member FRANK, Congressman BAKER, and others had done to bring the GSEs into this century.

It is no less than tragic that the majority leadership and the administration have deep sixed this bipartisan legislation.

The bill creates the sort of regulator that the GSEs have long lacked and that they demonstrably need, without destroying their housing mission.

I was particularly excited by the Affordable Housing Fund provided by this bill. The Fund is a critical and long-overdue step toward addressing the very real housing crisis that confronts low-income families.

It would be the first concrete step the Congress has taken in support of housing in this administration.

We know that without Federal assistance, housing for low-income families does not get built or made available. Yet each year this administration has cut its support for housing. In this bill, we found a bipartisan way to support housing using a new funding source.

The GSEs were chartered by the Federal government for the purpose of providing housing to more Americans, and they enjoy a benefit as a result of their Federal charter. Thus, it is uniquely appropriate that they plow a percentage of their profits—up to 5 percent—back into the low-income end of the housing market.

This would be $500 million or more annually. That is serious money.

We built on success: the Fund is modelled after the successful Affordable Housing Program of the Federal Home Loan Bank Program.

We wanted all players involved. Funds would be awarded through a competitive process to for profit builders, State housing organizations, and non-profits.

We put in place safeguards to prevent abuse. The funds must be used for low-income housing. They may not be used to lobby or to conduct partisan political activities. Recipients who misuse funds will not be allowed to participate again.

This bill is the best thing that has come along for housing in a very long time.

Therefore it is particularly tragic that the majority has injected a poison pill into the bipartisan bill that left our Committee: the provision that prevents any nonprofit recipient of a housing grant from conducting nonpartisan voter registration or get-out-the-vote activities.

This is an outrageously bad provision that imposes unconstitutional restrictions on promoting the most fundamental of our civil liberties: the right to vote.

It is profoundly disturbing that the majority and the administration are willing to use any tool available to kill this bill and prevent the Housing Fund from becoming a reality.

I urge my colleagues on both sides of the aisle to repudiate these provisions that strike at faith based organizations and the fundamental right to vote.

I cannot in good conscience vote for this bill with this provision in it. Even the promise of housing money comes at too high a price when we must compromise the principles on which this Nation is built.

Ms. PELOSI. Mr. Chairman, I thank the gentlemen from the Financial Services Committee, Mr. FRANK and Mr. OXLEY for working in a bipartisan way to build broad support for the GSE reform bill they bring to the Floor today. This bill was reported from the Committee by a vote of 65–5.

But today that spirit of working together for common sense reforms and for the good of the people seems to have vanished.

The first order of business will be to consider a manager's amendment that will eviscerate a provision of the bill that is central to the broad support it enjoys—the Affordable Housing program funded through a small percentage of the profits of Fannie Mae and Freddie Mac. If enacted, it will be the first affordable housing resource created without using Federal dollars since Congress established the Federal Home Loan Banks Affordable Housing Program in 1989.

Mr. Chairman, for too long many of America's low-income families have struggled to find affordable, safe, decent housing. Budget cuts and rising development costs mean that fewer units are built under existing programs each year. We are losing more affordable housing than we are building. Therefore it is vital that a new dedicated funding stream for affordable housing be created.

Unfortunately, my Republican conservative colleagues hijacked this bill in an effort to strip away the bipartisan housing fund. When they were not able to completely get rid of it, they limited its use by blocking nonprofit organizations and faith-based groups, who engage in vote registration with their own funds, from even applying for grants to build affordable housing. There are no similar restrictions on "for-profit" organizations.

This is not fair. As Catholic Charities has pointed out, "Encouraging citizens to exercise their right to vote is an integral part of the Catholic Church's religious and moral mission and reinforces individual responsibility for the common good . . . Catholic Charities agencies should not be forced to choose between affordable housing funds and fulfillment of their religious mission."

It is unacceptable to force a poisoned choice on these entities: to help fill critical housing needs or to exercise their basic civic responsibilities. Most importantly, it is an unacceptable barrier to Americans' right to vote.

Our democracy depends on protecting the right of every American citizen to vote—and to register to vote—in every election. As the Supreme Court noted: "No right is more precious in a free country than that of having a voice in the election of those who make the law, under which, as good citizens, we must live."

We dare not, we must not create barriers on the right to vote and undermine 40 years of progress. It is a chilling precedent and a path we should refuse to walk. No church, no religious order, no faith-based group or non-profit organization should face the prospect of being deemed ineligible for money to help low-income, elderly, or disabled individuals find affordable homes simply because they offer a full range of services, including counseling, clothing, mentoring, and—yes—helping people fulfill their right to participate in their government.

Mr. Chairman, today we honor the life of Rosa Parks. We must use the opportunity in this bill to recommit ourselves to the ideals of equality and opportunity that are both our hope and our future. We must defeat this cynical, political strategy to divide us once again. I urge my colleagues to support our effort to strip these mean-spirited restrictions from the bill.

Mr. GUTIERREZ. Mr. Chairman, I am very proud of the committee print of H.R. 1461, legislation designed to improve the regulatory structure of the Government Sponsored Enterprises, GSEs. I am pleased that two amendments I offered at markup are part of the bill. One of my amendments preserves the minority component of the single family housing goals relating to underserved areas, with a major improvement in its implementation. My other amendment provides protection from liability for a GSE that makes reports to its regulator concerning transactions involving fraudulent loans or financial instruments. This provision was modeled after the protection from potential liability for such reports that banking institutions currently have under the Bank Secrecy Act.

H.R. 1461 also contains a much-needed expansion of Fannie and Freddie's affordable housing goals. The legislation directs each company to establish and manage an affordable housing fund to promote affordable housing and assist victims of Hurricane Katrina. The GSEs would devote 3.5 percent of after tax profits to the fund beginning in 2006, which increases to 5 percent annually beginning in 2007.

In 1989, in the FIRREA legislation, we created a similar Affordable Housing Program in the Federal Home Loan Bank System. The AHP requires the FHLBs to devote 10 percent of each year's net profits as grants for affordable housing projects sponsored by their member financial institutions. The AHP's success can be measured by the fact that today it constitutes the largest private source of funding for affordable housing and community development projects.

In my hometown of Chicago, the Federal Home Loan Bank of Chicago's AHP plays a key role in local efforts to address the housing needs of low- and moderate-income families by providing financial assistance for rental and owner-occupied housing, assisted living facilities, senior housing developments, homeless shelters and group homes.

In 2004 alone, the Chicago FHLB awarded $32.1 million of subsidies to 109 projects in Illinois and Wisconsin, and another 15 projects in other States. As a result, 5,680 housing units were created or rehabilitated, of which 58 percent were for very low-income households. Another $10.4 million was funded in downpayment assistance to help 2,278 families buy their first home in Illinois or Wisconsin.

While these figures are impressive, numbers do not quite tell the whole story. Let me describe one AHP project in the Humboldt Park/West Town area of Chicago to provide a better sense of the impact these programs can have in their local communities.

Joly Hernandez and Jose Rodriguez, with their children Imani and Albert, lived in Chicago's Humboldt Park/West Town community. Like many, they wanted a larger apartment, but could not afford the higher rent due the dramatic rise in the cost of housing in the area. In the 1990s, with increased recognition of Humboldt Park as an attractive, artist-friendly neighborhood and historic district, property values soared, and affordable rental housing was lost to speculators and developers of expensive luxury condos and single-family homes.

In 1994, Bickerdike Redevelopment Corporation, BRC, a nonprofit, community-based affordable housing developer and property manager began the arduous task of planning the Harold Washington Unity Cooperative to address the loss of affordable housing in the Humboldt Park/West Town area. Despite the increase of new construction and housing renovation in the area, a few pockets remained undeveloped. BRC knew that if the vacant land and neglected buildings were not immediately claimed for affordable housing, more long-time residents would be displaced.

A project was planned to develop 87 housing units in 18 buildings over 10 sites in a formerly blighted four-block area bordered by Kedzie Avenue, Albany Avenue, Chicago Avenue and Ohio Street. All 87 units in the Cooperative will remain affordable to households earning 50 percent or less of the area median income for at least 15 years.

The total cost of the project was almost $14 million. The Chicago FHLB, working through Bank One, which sponsored the project's application, provided an AHP grant of $500,000. In addition, the project received financing from CDBG funds through the City of Chicago, Trust Funds from the Illinois Housing and Development Agency, Federal Low Income Housing Tax Credits, Illinois State Tax Credits, an Empowerment Zone grant, a Tax Increment Financing, TIF, loan and first mortgage financing.

Ten years after its original conception, the Harold Washington Unity Cooperative stands as an enviable display of community pride, determination and opportunity.

Because of the hard work and dedication of BRC, Joly, Jose and their two children now live in a new home in their old neighborhood. They also belong to the Bickerdike Residents Council and feel a strong sense of community and camaraderie with their neighbors.

Extending this program to Fannie and Freddie is long overdue, has overwhelming bipartisan support, and I look forward to similar success stories once this legislation is implemented.

Those of us on the Committee have worked very hard to ensure that the fund can only be used for affordable housing purposes. It cannot be used for political advocacy or lobbying either by the receiving entity or a third party affiliated with them. It cannot be used for counseling services or tax preparation or travel expenses, administrative costs or anything that is outside of the GSE charter. It can only be used for affordable housing purposes. But apparently that was not enough for a small minority of radical conservative members, who insisted on inserting a provision restricting non-partisan civic activities by non-profits. This language would prohibit non-profit organizations (as well as any affiliate of the non-profit) from using their own funds to engage in non-partisan voter registration or get-out-the-vote activities. Profit earning entities are not similarly restricted.

Low-income housing groups and faith-based groups would be forced to choose between obtaining funding for low-income housing and using other funds to engage in non-partisan voter registration and get-out-the-vote activities. This provision is likely unconstitutional.

The manager's amendment also contains language that would require that a faith-based or social welfare non-profit entity applying for a grant must have as its sole "primary purpose" the provision of affordable housing. This restriction is particularly problematic for social welfare and faith-based groups, which have a broader mission than exclusively affordable housing.

These provisions are not only offensive substantively, but I have a real procedural problem with the way these provisions are being inserted in the bill. They are a part of the manager's amendment, which also contains important provisions that were worked out on a bipartisan basis, and provisions designed to help hurricane victims. The Rules Committee has unconscionably denied us an opportunity to vote to strike these offensive provisions on a stand alone basis. They did this because they knew we would win such a vote and they needed to bow to a tiny minority of conservatives who apparently have little regard for the Constitution.

Regretfully, I must oppose H.R. 1461 due to the inclusion of these provisions and the fact that we were not even allowed an opportunity to vote to strike it. I sincerely hope that these provisions are stripped in conference and, if that is the case, I look forward to enthusiastically supporting the conference report so that this otherwise excellent legislation can become law.

Mr. PAUL. Mr. Chairman, H.R. 1461 fails to address the core problems with the Government Sponsored Enterprises, GSEs. Furthermore, since this legislation creates new government programs that will further artificially increase the demand for housing, H.R. 1461 increases the economic damage that will occur when the housing bubble bursts. The main problem with the GSEs is the special privileges the Federal Government gives the GSEs. According to the Congressional Budget Office, the housing-related GSEs received almost 20 billion dollars worth of indirect federal subsidies in fiscal year 2004 alone.

One of the major privileges the Federal Government grants to the GSEs is a line of credit from the United States Treasury. According to some estimates, the line of credit may be worth over two billion dollars. GSEs also benefit from an explicit grant of legal authority given to the Federal Reserve to purchase the debt of the GSEs. GSEs are the only institutions besides the United States Treasury granted explicit statutory authority to monetize their debt through the Federal Reserve. This provision gives the GSEs a source of liquidity unavailable to their competitors.

This implicit promise by the government to bail out the GSEs in times of economic difficulty helps the GSEs attract investors who are willing to settle for lower yields than they would demand in the absence of the subsidy. Thus, the line of credit distorts the allocation of capital. More importantly, the line of credit is a promise on behalf of the government to engage in a massive unconstitutional and immoral income transfer from working Americans to holders of GSE debt. This is why I am offering an amendment to cut off this line of credit. I hope my colleagues join me in protecting taxpayers from having to bail out Fannie Mae and Freddie Mac when the housing bubble bursts.

The connection between the GSEs and the government helps isolate the GSEs' managements from market discipline. This isolation from market discipline is the root cause of the mismanagement occurring at Fannie and Freddie. After all, if investors did not believe that the Federal Government would bail out Fannie and Freddie if the GSEs faced financial crises, then investors would have forced the GSEs to provide assurances that the GSEs are following accepted management and accounting practices before investors would consider Fannie and Freddie to be good investments.

Federal Reserve Chairman Alan Greenspan has expressed concern that the government subsidies provided to the GSEs makes investors underestimate the risk of investing in Fannie Mae and Freddie Mac. Although he has endorsed many of the regulatory "solutions" being considered here today, Chairman Greenspan has implicitly admitted the subsidies are the true source of the problems with Fannie and Freddie.

Mr. Chairman, H.R. 1461 compounds these problems by further insulating the GSEs from market discipline. By creating a "world-class" regulator, Congress would send a signal to investors that investors need not concern themselves with investigating the financial health and stability of Fannie and Freddie since a "world-class" regulator is performing that function.

However, one of the forgotten lessons of the financial scandals of a few years ago is that the market is superior at discovering and punishing fraud and other misbehavior than are government regulators. After all, the market discovered, and began to punish, the accounting irregularities of Enron before the government regulators did.

Concerns have been raised about the new regulator's independence from the Treasury Department. This is more than a bureaucratic "turf battle" as there are legitimate worries that isolating the regulator from Treasury oversight may lead to regulatory capture. Regulatory capture occurs when regulators serve the interests of the businesses they are supposed to be regulating instead of the public interest. While H.R. 1461 does have some provisions that claim to minimize the risk of regulatory capture, regulatory capture is always a threat where regulators have significant control over the operations of an industry. After all, the industry obviously has a greater incentive than any other stakeholder to influence the behavior of the regulator.

The flip side of regulatory capture is that mangers and owners of highly subsidized and regulated industries are more concerned with pleasing the regulators than with pleasing consumers or investors, since the industries know that investors will believe all is well if the regulator is happy. Thus, the regulator and the regulated industry may form a symbiosis where each looks out for the other's interests while ignoring the concerns of investors.

Furthermore, my colleagues should consider the constitutionality of an "independent regulator." The Founders provided for three branches of government—an executive, a judiciary, and a legislature. Each branch was created as sovereign in its sphere, and there were to be clear lines of accountability for each branch. However, independent regulators do not fit comfortably within the three branches; nor are they totally accountable to any branch. Regulators at these independent agencies often make judicial-like decisions, but they are not part of the judiciary. They often make rules, similar to the ones regarding capital requirements, that have the force of law, but independent regulators are not legislative. And, of course, independent regulators enforce the laws in the same way, as do other parts of the executive branch; yet independent regulators lack the day-to-day accountability to the executive that provides a check on other regulators.

Thus, these independent regulators have a concentration of powers of all three branches and lack direct accountability to any of the democratically chosen branches of government. This flies in the face of the Founders' opposition to concentrations of power and government bureaucracies that lack accountability. These concerns are especially relevant considering the remarkable degree of power and autonomy this bill gives to the regulator. For example, in the scheme established by H.R. 1461 the regulator's budget is not subject to appropriations. This removes a powerful mechanism for holding the regulator accountable to Congress. While the regulator is accountable to a board of directors, this board may conduct all deliberations in private because it is not subject to the sunshine act.

Ironically, by transferring the risk of widespread mortgage defaults to the taxpayers through government subsidies and convincing investors that all is well because a "world-class" regulator is ensuring the GSEs' soundness, the government increases the likelihood of a painful crash in the housing market. This is because the special privileges of Fannie and Freddie have distorted the housing market by allowing Fannie and Freddie to attract capital they could not attract under pure market conditions. As a result, capital is diverted from its most productive uses into housing. This reduces the efficacy of the entire market and thus reduces the standard of living of all Americans.

Despite the long-term damage to the economy inflicted by the government's interference in the housing market, the government's policy of diverting capital into housing creates a short-term boom in housing. Like all artificially created bubbles, the boom in housing prices cannot last forever. When housing prices fall, homeowners will experience difficulty as their equity is wiped out. Furthermore, the holders of the mortgage debt will also have a loss. These losses will be greater than they would have been had government policy not actively encouraged over-investment in housing.

H.R. 1461 further distorts the housing market by artificially inflating the demand for housing through the creation of a national housing trust fund. This fund further diverts capital to housing that, absent government intervention, would be put to a use more closely matching the demands of consumers. Thus, this new housing program will reduce efficacy and create yet another unconstitutional redistribution program.

Perhaps the Federal Reserve can stave off the day of reckoning by purchasing the GSEs' debt and pumping liquidity into the housing market, but this cannot hold off the inevitable drop in the housing market forever. In fact, postponing the necessary and painful market corrections will only deepen the inevitable fall. The more people are invested in the market, the greater the effects across the economy when the bubble bursts.

Instead of addressing government polices encouraging the misallocation of resources to the housing market, H.R. 1461 further introduces distortion into the housing market by expanding the authority of Federal regulators to approve the introduction of new products by the GSEs. Such regulation inevitability delays the introduction of new innovations to the market, or even prevents some potentially valuable products from making it to the market. Of course, these new regulations are justified in part by the GSEs' government subsidies. We once again see how one bad intervention in the market (the GSEs' government subsidies) leads to another (the new regulations).

In conclusion, H.R. 1461 compounds the problems with the GSEs and may increases the damage that will be inflicted by a bursting of the housing bubble. This is because this bill creates a new unaccountable regulator and introduces further distortions into the housing market via increased regulatory power. H.R. 1461 also violates the Constitution by creating yet another unaccountable regulator with quasi-executive, judicial, and legislative powers. Instead of expanding unconstitutional and market distorting government bureaucracies, Congress should act to remove taxpayer support from the housing GSEs before the bubble bursts and taxpayers are once again forced to bailout investors who were misled by foolish government interference in the market.

Ms. KILPATRICK of Michigan. Mr. Chairman, it is with some reluctance I rise now in opposition to H.R. 1461, the Federal Housing Finance Reform Act. In its amended form, the legislation no longer puts the best interest of our Nation at heart, but instead holds a precious resource hostage for the sake of partisan politics.

The provision restricting non-profit organizations, and their affiliates, from using their own funds to engage in non-partisan voter registration or get-out-the-vote activities if they want to apply for the much-needed affordable housing funds is entirely inappropriate. The inaptness is compounded by the fact that the language still allows for-profit institutions to engage in voter advocacy, even conducted in a partisan, biased manner. If the threat of misuse of these funds is so apparent as to warrant this amendment, why would we only restrict charitable organizations and not those whose fundamental goal is to swell business profits?

It is extremely apparent that the leadership's priorities are backwards. Congress should be encouraging election activities promoting good citizenship conducted by unbiased, non-profit organizations, not restricting the types of aid these groups are allowed to provide. To add insult to injury, the new provision imposes a new burden of requiring these groups to list housing assistance as their "primary purpose" if they want to apply for funds. The effect of this constraint will be to reduce the diversity of assistance that will be available.

With such a growing need for affordable housing, and for competent groups capable of connecting people with the already scarce resources, I cannot imagine why my colleagues would want to handicap these organizations from providing assistance to our Nation's most vulnerable populations. It is for these reasons I cannot support this otherwise sound and reasonable measure to improve the regulation of our Nation's largest source of mortgages. I urge my colleagues to vote no on H.R. 1461.

Mr. GREEN of Wisconsin. Mr. Chairman, I supported Chairman OXLEY'S Manager's Amendment to H.R. 1461, the Federal Housing Finance Reform Act of 2005, because it maintains progress on several key issues Congress has been working on this session. I was pleased to see that the manager's amendment gave the victims of Hurricane Katrina priority in receiving grants from the Affordable Housing Fund for the first two years after its inception. I continue to urge my colleagues to look for ways to ease the burden of recovery that currently rests on the taxpayers. I also support the sunset provision of this amendment so that a future Congress can revisit this issue and again evaluate the needs of affordable housing recipients. Finally, I would like to express my full support for the ability of non-profit organizations to compete for the funds created by H.R. 1461.

I agree that there must be full oversight of the groups receiving grants from the Affordable Trust Fund, and that no dollars from the fund may be used for lobbying, travel, or election activities. However, I do have concerns that some of the language included in the manager's amendment was overly broad. Some have argued that the amendment may prohibit groups like Catholic Charities, Lutheran Services in America, and Habitat for Humanity from receiving Affordable Trust Fund grants. I would strongly urge House conferees to revisit and narrow the language included in this amendment so that these organizations, along with other well-meaning non-profit groups, can access the funds and grow their affordable housing programs.

Mr. UDALL of Colorado. Mr. Chairman, I rise in support of the "Federal Housing Finance Reform Act." This legislation not only addresses key components to ensure the stability of mortgage lenders Fannie Mae and Freddie Mac but it does a great deal more to expand homeownership opportunities for millions of American families.

I am pleased this legislation creates a new and single regulator in the Federal Housing Finance Agency which has expanded strength, including full receivership powers in the event of a financial crisis and independent litigating authority. As these companies have a public mission they must comply with high standards and accountability on their activities.

As the price of housing continues to rise, especially in high cost communities, many families find the opportunity of homeownership elusive. I am pleased this legislation will allow Freddie Mac and Fannie Mae to loan up to the median average of homes in areas of high cost. This provision will help middle class families in Colorado towns such as Minturn, Basalt and Frisco to receive needed resources so they can purchase a home.

I am also pleased the legislation includes an affordable housing fund. This fund would require these mortgage lenders to allocate a portion of their profits for purposes such as down payment assistance and closing costs for low income first time homebuyers.

While this bill has many strong elements it is important to note a significant shortcoming. I am outraged by provisions which subverts activities of nonprofit, charitable, faith based organizations and their affiliates. I find troubling that these groups would not be considered for funding from the affordable housing fund if they use their own funds to participate in political activities such as non partisan voter registration drives and get out the vote activities. This is especially troubling as the Federal Government continues to spend time and resources expanding voting opportunities with the Help America Vote Act and the National Voter Registration Act.

I hope the Senate and conference committee will reject such language to ensure that groups and organizations are not penalized for participation in the political process.

In spite of deficiencies the bill is worth supporting because it is important to strengthen regulations and operations of Fannie Mae and Freddie Mac. By doing so we continue to provide and further expand the American dream of homeownership to millions of Americans and their families.

Ms. VELÁZQUEZ. Mr. Chairman, I rise today to register my opposition to H.R. 1461 the Federal Housing Finance Reform Act, due to recently add provisions that restrict nonprofit organizations from receiving affordable housing funds if they engage in nonpartisan voter registration activities.

On May 25, 2005, the Financial Services Committee reported the GSE bill with strong bipartisan support. I supported moving the bill because it took necessary steps toward expanding homeownership for American families.

However, in an effort to bring the bill to the floor, Republicans altered the language that created an affordable housing trust fund. Under the Republican language, controversial limitations were included to restrict the receipt of the funds by nonprofit organizations. Specifically, the language prohibits nonprofit organizations, including religious groups, from applying for and receiving grants if they engage in, or maintain an affiliation with any organization that engages in, nonpartisan voter registration within the 12 months preceding the application or during the duration of the grant.

This restrictive language has never been debated by the Financial Services Committee, despite the fact that its implications warrant careful study. For instance, the provisions raise significant constitutional questions because they place restrictions on the First Amendment right to affiliate. They also directly contradict current voter registration laws by discouraging civic participation in the democratic process.

Moreover, I am extremely concerned that this language will exempt qualified non-profit groups from providing much needed affordable housing services across the country. The Financial Services Committee had taken great strides in this bill to increase homeownership through the creation of an affordable housing trust fund. Yet, this language throws our bipartisan efforts aside, the impact of which will be felt by the low income, elderly and disabled.

As the Federal Housing Finance Reform Act moves forward through the legislative process, I hope that the Senate and conference committee recognize the harmful effects of these restrictions on non-profit organizations and remove the language that jeopardizes our democratic form of government.

Mr. HENSARLING. Mr. Chairman, I first want to thank the gentleman from Ohio (Mr. OXLEY) and the gentleman from Louisiana (Mr. BAKER) for their leadership in getting this bill, H.R. 1461, to the House floor. Reforming the regulatory structure for the housing GSEs has clearly been a long time in the making.

I am going to vote for this legislation, and I encourage my colleagues to do the same. I believe that we must act as a body to move this process forward, and work with the Senate to draft a bill that President Bush can sign into law. We are all aware of the economic damage that took place in the wake of other corporate accounting scandals, be it Enron, WorldCom or Tyco. It is important to remember that in terms of assets, Enron was only about one-sixteenth the size that Fannie Mae is today. WorldCom and Tyco were about one-tenth the size of Fannie in terms of assets. These facts cannot be ignored. Legislation is long overdue.

However, I continue to have many concerns about certain provisions in H.R. 1461 that I believe could do more harm than good to our housing markets. Primarily, I am concerned that H.R. 1461 does not go far enough to protect our financial markets from the systemic risk posed by the giant portfolio holdings of Fannie Mae and Freddie Mac.

Federal Reserve Chairman Alan Greenspan has warned us that without the needed restrictions on the size of Fannie and Freddie's portfolios, our ability to preserve safe and sound financial markets is significantly put at risk. H.R. 1461 would not give the new regulator the necessary tools to appropriately limit the size of the portfolios of these two institutions. The combined retained portfolios of these two companies now exceed $1.6 trillion, up from $136 billion in 1990. Portfolios of this size do nothing to promote liquidity in the secondary market. Unfortunately, H.R. 1461 will do nothing to protect American taxpayers from having to bail these institutions out should they fail.

I am also concerned about what is commonly referred to as "mission creep" of these two entities. Congress has given Fannie Mae and Freddie Mac very special charters, unique government-granted benefits that we do not grant their competitors. These benefits exist so that they can create liquidity in the secondary mortgage market and help create the American Dream for middle and low income families. In recent years, these entities have been clearly engaging in areas outside of this charter, including airplane leasing, purchasing tobacco bonds, and providing international consulting. H.R. 1461 does not provide the necessary bright line between the activities in which Fannie Mae and Freddie Mac can and cannot engage. While Congress prohibits Fannie and Freddie from originating loans, we clearly need a better definition of loan origination and what separates the primary market from the secondary market. Not only would a bright line provide clarity, it would enhance competition in the primary market and prevent these taxpayer-backed institutions from engaging in activities outside of the scope of their charters.

Further, I have concerns about raising the conforming loan limits for Fannie Mae and Freddie Mac, as H.R. 1461 does. Raising these limits will do nothing to help Fannie and Freddie meet their affordable housing goals. The conforming loan limits were originally established to ensure that Fannie Mae and Freddie Mac are focused on increasing the availability of housing for middle and low income Americans. These limits are necessary to prevent Fannie and Freddie from competing with private sector lenders, who already meet the demand for larger home loans. Raising the conforming loan limits is a clear extension of Fannie and Freddie's charters. That is not the purpose of this legislation.

Mr. Chairman, the Chairman of the Financial Services Committee worked diligently and in good faith with myself and many of my colleagues who had serious concerns about the creation of an affordable housing fund for both Fannie Mae and Freddie Mac in H.R. 1461. I applaud him for his willingness to include language in this bill that seeks to prevent affordable housing fund monies from being abused for political purposes. However, it is my hope that as this bill moves toward conference with the Senate, we take a serious look at the need to create another housing fund of this nature, especially one that has the potential to be abused for political purposes.

Our housing finance system is driven by the creation of jobs, supported by sound economic policy. Under the policies of this administration and this Republican Congress, this system has never worked better, and we now have achieved the highest rate of homeownership in the entire history of the United States of America. Mr. Chairman, the truth is there is no greater housing program than the American free enterprise system.

Mr. OXLEY. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the amendment in the nature of a substitute is as follows:

H.R. 1461

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Federal Housing Finance Reform Act of 2005".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title and table of contents.
Sec. 2. Definitions.

TITLE I—REFORM OF REGULATION OF ENTERPRISES AND FEDERAL HOME LOAN BANKS

Subtitle A—Improvement of Safety and Soundness

Sec. 101. Establishment of the Federal Housing Finance Agency.
Sec. 102. Duties and authorities of Director.
Sec. 103. Housing Finance Oversight Board.
Sec. 104. Authority to require reports by regulated entities.
Sec. 105. Disclosure of charitable contributions by enterprises.
Sec. 106. Assessments.
Sec. 107. Examiners and accountants.
Sec. 108. Prohibition and withholding of executive compensation.
Sec. 109. Reviews of regulated entities.
Sec. 110. Regulations and orders.

Sec. 111. Risk-based capital requirements.
Sec. 112. Minimum and critical capital levels.
Sec. 113. Review of and authority over enterprise assets and liabilities.
Sec. 114. Corporate governance of enterprises.
Sec. 115. Required registration under Securities Exchange Act of 1934.
Sec. 116. Financial Institutions Examination Council.
Sec. 117. Guarantee fee study.
Sec. 118. Conforming amendments.

Subtitle B—Improvement of Mission Supervision

Sec. 121. Transfer of program and activities approval and housing goal oversight.
Sec. 122. Review by Director of new programs and activities of enterprises.
Sec. 123. Conforming loan limits.
Sec. 124. Annual housing report regarding regulated entities.
Sec. 125. Revision of housing goals.
Sec. 126. Duty to serve underserved markets.
Sec. 127. Monitoring and enforcing compliance with housing goals.
Sec. 128. Affordable housing fund.
Sec. 129. Consistency with mission.
Sec. 130. Enforcement.
Sec. 131. Conforming amendments.

Subtitle C—Prompt Corrective Action

Sec. 141. Capital classifications.
Sec. 142. Supervisory actions applicable to undercapitalized regulated entities.
Sec. 143. Supervisory actions applicable to significantly undercapitalized regulated entities.
Sec. 144. Authority over critically undercapitalized regulated entities.
Sec. 145. Conforming amendments.

Subtitle D—Enforcement Actions

Sec. 161. Cease-and-desist proceedings.
Sec. 162. Temporary cease-and-desist proceedings.
Sec. 163. Prejudgment attachment.
Sec. 164. Enforcement and jurisdiction.
Sec. 165. Civil money penalties.
Sec. 166. Removal and prohibition authority.
Sec. 167. Criminal penalty.
Sec. 168. Subpoena authority.
Sec. 169. Conforming amendments.

Subtitle E—General Provisions

Sec. 181. Presidentially appointed directors of enterprises.
Sec. 182. Report on portfolio operations, safety and soundness, and mission of enterprises.
Sec. 183. Conforming and technical amendments.
Sec. 184. Study of alternative secondary market systems.
Sec. 185. Effective date.

TITLE II—FEDERAL HOME LOAN BANKS

Sec. 201. Definitions.
Sec. 202. Directors.
Sec. 203. Federal Housing Finance Agency oversight of Federal Home Loan Banks.
Sec. 204. Joint activities of banks.
Sec. 205. Sharing of information between Federal Home Loan Banks.
Sec. 206. Reorganization of banks and voluntary merger.
Sec. 207. Securities and Exchange Commission disclosure.
Sec. 208. Community financial institution members.
Sec. 209. Technical and conforming amendments.
Sec. 210. Study of affordable housing program use for long-term care facilities.
Sec. 211. Effective date.

TITLE III—TRANSFER OF FUNCTIONS, PERSONNEL, AND PROPERTY OF OFFICE OF FEDERAL HOUSING ENTERPRISE OVERSIGHT, FEDERAL HOUSING FINANCE BOARD, AND DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Subtitle A—Office of Federal Housing Enterprise Oversight

Sec. 301. Abolishment of OFHEO.
Sec. 302. Continuation and coordination of certain regulations.
Sec. 303. Transfer and rights of employees of OFHEO.
Sec. 304. Transfer of property and facilities.

Subtitle B—Federal Housing Finance Board

Sec. 321. Abolishment of the Federal Housing Finance Board.
Sec. 322. Continuation and coordination of certain regulations.
Sec. 323. Transfer and rights of employees of the Federal Housing Finance Board.
Sec. 324. Transfer of property and facilities.

Subtitle C—Department of Housing and Urban Development

Sec. 341. Termination of enterprise-related functions.
Sec. 342. Continuation and coordination of certain regulations.
Sec. 343. Transfer and rights of employees.
Sec. 344. Transfer of appropriations, property, and facilities.

SEC. 2. DEFINITIONS.

Section 1303 of the Housing and Community Development Act of 1992 (12 U.S.C. 4502) is amended—

(1) in paragraph (7), by striking "an enterprise" and inserting "a regulated entity";

(2) by striking "the enterprise" each place such term appears (except in paragraphs (4) and (18)) and inserting "the regulated entity";

(3) in paragraph (5), by striking "Office of Federal Housing Enterprise Oversight of the Department of Housing and Urban Development" and inserting "Federal Housing Finance Agency";

(4) in each of paragraphs (8), (9), (10), and (19), by striking "Secretary" each place that term appears and inserting "Director";

(5) in paragraph (13), by inserting ", with respect to an enterprise," after "means";

(6) by redesignating paragraphs (16) through (19) as paragraphs (20) through (23), respectively;

(7) by striking paragraphs (14) and (15) and inserting the following new paragraphs:

"(18) REGULATED ENTITY.—The term 'regulated entity' means—

"(A) the Federal National Mortgage Association and any affiliate thereof;

"(B) the Federal Home Loan Mortgage Corporation and any affiliate thereof; and

"(C) each Federal home loan bank.

"(19) REGULATED ENTITY-AFFILIATED PARTY.—The term 'regulated entity-affiliated party' means—

"(A) any director, officer, employee, or controlling stockholder of, or agent for, a regulated entity;

"(B) any shareholder, affiliate, consultant, or joint venture partner of a regulated entity, and any other person, as determined by the Director (by regulation or on a case-by-case basis) that participates in the conduct of the affairs of a regulated entity;

"(C) any independent contractor for a regulated entity (including any attorney, appraiser, or accountant); and

"(D) any not-for-profit corporation that receives its principal funding, on an ongoing basis, from any regulated entity.";

(8) by redesignating paragraphs (8) through (13) as paragraphs (12) through (17), respectively; and

(9) by inserting after paragraph (7) the following new paragraph:

"(11) FEDERAL HOME LOAN BANK.—The term 'Federal home loan bank' means a bank established under the authority of the Federal Home Loan Bank Act.";

(10) by redesignating paragraphs (2) through (7) as paragraphs (5) through (10), respectively; and

(11) by inserting after paragraph (1) the following new paragraphs:

"(2) AGENCY.—The term 'Agency' means the Federal Housing Finance Agency.

"(3) AUTHORIZING STATUTES.—The term 'authorizing statutes' means—

"(A) the Federal National Mortgage Association Charter Act;

"(B) the Federal Home Loan Mortgage Corporation Act; and

"(C) the Federal Home Loan Bank Act.

"(4) BOARD.—The term 'Board' means the Housing Finance Oversight Board established under section 1313B.".

TITLE I—REFORM OF REGULATION OF ENTERPRISES AND FEDERAL HOME LOAN BANKS

Subtitle A—Improvement of Safety and Soundness

SEC. 101. ESTABLISHMENT OF THE FEDERAL HOUSING FINANCE AGENCY.

(a) IN GENERAL.—The Housing and Community Development Act of 1992 (12 U.S.C. 4501 et seq.) is amended by striking sections 1311 and 1312 and inserting the following:

"SEC. 1311. ESTABLISHMENT OF THE FEDERAL HOUSING FINANCE AGENCY.

"(a) ESTABLISHMENT.—There is established the Federal Housing Finance Agency, which shall be an independent agency of the Federal Government.

"(b) GENERAL SUPERVISORY AND REGULATORY AUTHORITY.—

"(1) IN GENERAL.—Each regulated entity shall, to the extent provided in this title, be subject to the supervision and regulation of the Agency.

"(2) AUTHORITY OVER FANNIE MAE, FREDDIE MAC, AND FEDERAL HOME LOAN BANKS.—The Director of the Federal Housing Finance Agency shall have general supervisory and regulatory authority over each regulated entity and shall exercise such general regulatory authority, including such duties and authorities set forth under section 1313 of this Act, to ensure that the purposes of this Act, the authorizing statutes, and any other applicable law are carried out.

"(c) SAVINGS PROVISION.—The authority of the Director to take actions under subtitles B and C shall not in any way limit the general supervisory and regulatory authority granted to the Director.

"SEC. 1312. DIRECTOR.

"(a) ESTABLISHMENT OF POSITION.—There is established the position of the Director of the Federal Housing Finance Agency, who shall be the head of the Agency.

"(b) APPOINTMENT; TERM.—

"(1) APPOINTMENT.—The Director shall be appointed by the President, by and with the advice and consent of the Senate, from among individuals who are citizens of the United States, have a demonstrated understanding of financial management or oversight, and have a demonstrated understanding of capital markets, including the mortgage securities markets and housing finance.

"(2) TERM AND REMOVAL.—The Director shall be appointed for a term of 5 years and may be removed by the President only for cause.

"(3) VACANCY.—A vacancy in the position of Director that occurs before the expiration of the term for which a Director was appointed shall be filled in the manner established under paragraph (1), and the Director appointed to fill

such vacancy shall be appointed only for the remainder of such term.

"(4) SERVICE AFTER END OF TERM.—An individual may serve as the Director after the expiration of the term for which appointed until a successor has been appointed.

"(5) TRANSITIONAL PROVISION.—Notwithstanding paragraphs (1) and (2), the Director of the Office of Federal Housing Enterprise Oversight of the Department of Housing and Urban Development shall serve as the Director until a successor has been appointed under paragraph (1).

"(c) DEPUTY DIRECTOR OF THE DIVISION OF ENTERPRISE REGULATION.—

"(1) IN GENERAL.—The Agency shall have a Deputy Director of the Division of Enterprise Regulation, who shall be appointed by the Director from among individuals who are citizens of the United States, have a demonstrated understanding of financial management or oversight and of mortgage securities markets and housing finance.

"(2) FUNCTIONS.—The Deputy Director of the Division of Enterprise Regulation shall have such functions, powers, and duties with respect to the oversight of the enterprises as the Director shall prescribe.

"(d) DEPUTY DIRECTOR OF THE DIVISION OF FEDERAL HOME LOAN BANK REGULATION.—

"(1) IN GENERAL.—The Agency shall have a Deputy Director of the Division of Federal Home Loan Bank Regulation, who shall be appointed by the Director from among individuals who are citizens of the United States, have a demonstrated understanding of financial management or oversight and of the Federal Home Loan Bank System and housing finance.

"(2) FUNCTIONS.—The Deputy Director of the Division of Federal Home Loan Bank Regulation shall have such functions, powers, and duties with respect to the oversight of the Federal home loan banks as the Director shall prescribe.

"(e) DEPUTY DIRECTOR FOR HOUSING.—

"(1) IN GENERAL.—The Agency shall have a Deputy Director for Housing, who shall be appointed by the Director from among individuals who are citizens of the United States, and have a demonstrated understanding of the housing markets and housing finance.

"(2) FUNCTIONS.—The Deputy Director for Housing shall have such functions, powers, and duties with respect to the oversight of the housing mission and goals of the enterprises, and with respect to oversight of the housing mission of the Federal home loan banks, as the Director shall prescribe.

"(f) LIMITATIONS.—The Director and each of the Deputy Directors may not—

"(1) have any direct or indirect financial interest in any regulated entity or regulated entity-affiliated party;

"(2) hold any office, position, or employment in any regulated entity or regulated entity-affiliated party; or

"(3) have served as an executive officer or director of any regulated entity, or regulated entity-affiliated party, at any time during the 3-year period ending on the date of appointment of such individual as Director or Deputy Director.".

(b) APPOINTMENT OF DIRECTOR.—Notwithstanding any other provision of law or of this Act, the President may, any time after the date of the enactment of this Act, appoint an individual to serve as the Director of the Federal Housing Finance Agency, as such office is established by the amendment made by subsection (a). This subsection shall take effect on the date of the enactment of this Act.

SEC. 102. DUTIES AND AUTHORITIES OF DIRECTOR.

(a) IN GENERAL.—The Housing and Community Development Act of 1992 (12 U.S.C. 4513) is amended by striking section 1313 and inserting the following new sections:

"SEC. 1313. DUTIES AND AUTHORITIES OF DIRECTOR.

"(a) DUTIES.—

"(1) PRINCIPAL DUTIES.—The principal duties of the Director shall be—

"(A) to oversee the operations of each regulated entity; and

"(B) to ensure that—

"(i) each regulated entity operates in a safe and sound manner, including maintenance of adequate capital and internal controls;

"(ii) the operations and activities of each regulated entity foster liquid, efficient, competitive, and resilient national housing finance markets that minimize the cost of housing finance (including activities relating to mortgages on housing for low- and moderate- income families involving a reasonable economic return that may be less than the return earned on other activities);

"(iii) each regulated entity complies with this title and the rules, regulations, guidelines, and orders issued under this title and the authorizing statutes; and

"(iv) each regulated entity carries out its statutory mission only through activities that are consistent with this title and the authorizing statutes.

"(2) SCOPE OF AUTHORITY.—The authority of the Director shall include the authority—

"(A) to review and, if warranted based on the principal duties described in paragraph (1), reject any acquisition or transfer of a controlling interest in an enterprise; and

"(B) to exercise such incidental powers as may be necessary or appropriate to fulfill the duties and responsibilities of the Director in the supervision and regulation of each regulated entity.

"(b) DELEGATION OF AUTHORITY.—The Director may delegate to officers or employees of the Agency, including each of the Deputy Directors, any of the functions, powers, or duties of the Director, as the Director considers appropriate.

"(c) LITIGATION AUTHORITY.—

"(1) IN GENERAL.—In enforcing any provision of this title, any regulation or order prescribed under this title, or any other provision of law, rule, regulation, or order, or in any other action, suit, or proceeding to which the Director is a party or in which the Director is interested, and in the administration of conservatorships and receiverships, the Director may act in the Director's own name and through the Director's own attorneys.

"(2) SUBJECT TO SUIT.—Except as otherwise provided by law, the Director shall be subject to suit (other than suits on claims for money damages) by a regulated entity or director or officer thereof with respect to any matter under this title or any other applicable provision of law, rule, order, or regulation under this title, in the United States district court for the judicial district in which the regulated entity has its principal place of business, or in the United States District Court for the District of Columbia, and the Director may be served with process in the manner prescribed by the Federal Rules of Civil Procedure.

"SEC. 1313A. PRUDENTIAL MANAGEMENT AND OPERATIONS STANDARDS.

"(a) STANDARDS.—The Director shall establish standards, by regulation, guideline, or order, for each regulated entity relating to—

"(1) adequacy of internal controls and information systems taking into account the nature and scale of business operations;

"(2) independence and adequacy of internal audit systems;

"(3) management of credit and counterparty risk, including systems to identify concentrations of credit risk and prudential limits to restrict exposure of the regulated entity to a single counterparty or groups of related counterparties;

"(4) management of interest rate risk exposure;

"(5) management of market risk, including standards that provide for systems that accurately measure, monitor, and control market risks and, as warranted, that establish limitations on market risk;

"(6) adequacy and maintenance of liquidity and reserves;

"(7) management of any asset and investment portfolio;

"(8) investments and acquisitions by a regulated entity, to ensure that they are consistent with the purposes of this Act and the authorizing statutes;

"(9) maintenance of adequate records, in accordance with consistent accounting policies and practices that enable the Director to evaluate the financial condition of the regulated entity;

"(10) issuance of subordinated debt by that particular regulated entity, as the Director considers necessary;

"(11) overall risk management processes, including adequacy of oversight by senior management and the board of directors and of processes and policies to identify, measure, monitor, and control material risks, including reputational risks, and for adequate, well-tested business resumption plans for all major systems with remote site facilities to protect against disruptive events; and

"(12) such other operational and management standards as the Director determines to be appropriate.

"(b) FAILURE TO MEET STANDARDS.—

"(1) PLAN REQUIREMENT.—

"(A) IN GENERAL.—If the Director determines that a regulated entity fails to meet any standard established under subsection (a)—

"(i) if such standard is established by regulation, the Director shall require the regulated entity to submit an acceptable plan to the Director within the time allowed under subparagraph (C); and

"(ii) if such standard is established by guideline, the Director may require the regulated entity to submit a plan described in clause (i).

"(B) CONTENTS.—Any plan required under subparagraph (A) shall specify the actions that the regulated entity will take to correct the deficiency. If the regulated entity is undercapitalized, the plan may be a part of the capital restoration plan for the regulated entity under section 1369C.

"(C) DEADLINES FOR SUBMISSION AND REVIEW.—The Director shall by regulation establish deadlines that—

"(i) provide the regulated entities with reasonable time to submit plans required under subparagraph (A), and generally require a regulated entity to submit a plan not later than 30 days after the Director determines that the entity fails to meet any standard established under subsection (a); and

"(ii) require the Director to act on plans expeditiously, and generally not later than 30 days after the plan is submitted.

"(2) REQUIRED ORDER UPON FAILURE TO SUBMIT OR IMPLEMENT PLAN.—If a regulated entity fails to submit an acceptable plan within the time allowed under paragraph (1)(C), or fails in any material respect to implement a plan accepted by the Director, the following shall apply:

"(A) REQUIRED CORRECTION OF DEFICIENCY.—The Director shall, by order, require the regulated entity to correct the deficiency.

"(B) OTHER AUTHORITY.—The Director may, by order, take one or more of the following actions until the deficiency is corrected:

"(i) Prohibit the regulated entity from permitting its average total assets (as such term is defined in section 1316(b)) during any calendar *quarter to exceed its average total assets during the preceding calendar quarter, or restrict the rate at which the average total assets of the entity may increase from one calendar quarter to another.*

"(ii) Require the regulated entity—

"(I) in the case of an enterprise, to increase its ratio of core capital to assets.

"(II) in the case of a Federal home loan bank, to increase its ratio of total capital (as such term is defined in section 6(a)(5) of the Federal Home Loan Bank Act (12 U.S.C. 1426(a)(5)) to assets.

"(iii) Require the regulated entity to take any other action that the Director determines will better carry out the purposes of this section than any of the actions described in this subparagraph

"(3) MANDATORY RESTRICTIONS.—In complying with paragraph (2), the Director shall take one or more of the actions described in clauses (i) through (iii) of paragraph (2)(B) if—

"(A) the Director determines that the regulated entity fails to meet any standard prescribed under subsection (a);

"(B) the regulated entity has not corrected the deficiency; and

"(C) during the 18-month period before the date on which the regulated entity first failed to meet the standard, the entity underwent extraordinary growth, as defined by the Director.

"(c) OTHER ENFORCEMENT AUTHORITY NOT AFFECTED.—The authority of the Director under this section is in addition to any other authority of the Director.".

(b) INDEPENDENCE IN CONGRESSIONAL TESTIMONY AND RECOMMENDATIONS.—Section 111 of Public Law 93–495 (12 U.S.C. 250) is amended by striking "the Federal Housing Finance Board" and inserting "the Director of the Federal Housing Finance Agency".

SEC. 103. HOUSING FINANCE OVERSIGHT BOARD.

(a) IN GENERAL.—Title XIII of the Housing and Community Development Act of 1992 (12 U.S.C. 4501 et seq.) is amended by inserting after section 1313A, as added by section 102 of this Act, the following new section:

"SEC. 1313B. HOUSING FINANCE OVERSIGHT BOARD.

"(a) IN GENERAL.—There is established the Housing Finance Oversight Board.

"(b) DUTIES.—

"(1) IN GENERAL.—The Board shall advise the Director with respect to overall strategies and policies in carrying out the duties of the Director under this title, at the request of the Director and at the initiative of the Board, and shall carry out such functions as otherwise provided by law.

"(2) LIMITATION.—The Director may not delegate to the Board any of the functions, powers, or duties of the Director.

"(c) COMPOSITION.—The Board shall be comprised of 5 members, as follows:

"(1) One member shall be the Director, who shall serve as the Chairperson of the Board.

"(2) One member shall be the Secretary of the Treasury or the designee of the Secretary.

"(3) One member shall be the Secretary of Housing and Urban Development or the designee of the Secretary.

"(4) Two members shall be appointed by the President, by and with the advice and consent of the Senate, who shall include—

"(A) one individual who has extensive experience and expertise in the capital markets (including debt markets), the secondary mortgage market, and mortgage-backed securities; and

"(B) one individual who has extensive experience and expertise in mortgage finance (including single family and multifamily housing mortgage finance), development of affordable housing, and economic development and revitalization.

"(d) TERMS AND VACANCIES.—

"(1) TERMS.—Each member of the Board pursuant to paragraph (4) shall be appointed for a term of 3 years, and may be removed by the President only for cause.

"(2) VACANCIES.—A member of the Board appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term. A member of the Board may serve after the expiration of the member's term until a successor has been appointed.

"(e) PROHIBITION OF ADDITIONAL COMPENSATION.—Notwithstanding any other provision of law, members of Board pursuant to paragraphs (1), (2), and (3) shall not receive additional compensation by reason of service on the Board.

"(f) LIMITATIONS.—Each member of the Board may not—

"(1) have any direct or indirect financial interest in any regulated entity or regulated entity-affiliated party; or

"(2) hold any office, position, or employment in any regulated entity or regulated entity-affiliated party.

"(g) FULL-TIME MEMBERS AND STAFF.—

"(1) FULL-TIME MEMBERS.—The members of the Board pursuant to subsection (c)(4) shall serve on a full-time basis.

"(2) STAFF.—The staff of the Board shall be appointed subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, except that each member of the Board pursuant to paragraph (4) may appoint one staff member without regard to the such provisions governing appointments in the competitive service and such staff members may be paid by the Board without regard to the such provisions relating to classification and General Schedule pay rates.

"(h) MEETINGS.—

"(1) IN GENERAL.—The Board shall meet upon notice by the Director, but in no event shall the Board meet less frequently than once every 3 months.

"(2) SPECIAL MEETINGS.—Any member of the Board may, upon giving written notice to the Director, require a special meeting of the Board, which shall be convened by the Director within 30 days after such notice.

"(i) TESTIMONY.—On an annual basis, the Board shall testify before Congress regarding—

"(1) the safety and soundness of the regulated entities;

"(2) any material deficiencies in the conduct of the operations of the regulated entities;

"(3) the overall operational status of the regulated entities;

"(4) an evaluation of the performance of the regulated entities in carrying out their respective missions;

"(5) operations, resources, and performance of the Agency and the Board; and

"(6) such other matters relating to the Agency, the Board, and the regulated entities, and their fulfillment of their missions, as the Board determines appropriate.

"(j) COSTS.—Costs of the Board, including staff, shall be paid by the Agency as a cost and expense of the Agency.

"(k) EXEMPTION.—Notwithstanding any other provision of law, the provisions of section 552b of title 5, United States Code, shall not apply to the Board.".

(b) ANNUAL REPORT OF THE DIRECTOR.—Section 1319B(a) of the Housing and Community Development Act of 1992 (12 U.S.C. 4521 (a)) is amended—

(1) in paragraph (3), by striking "and" at the end; and

(2) by striking paragraph (4) and inserting the following new paragraphs:

"(4) an assessment of the Board with respect to—

"(A) the safety and soundness of the regulated entities;

"(B) any material deficiencies in the conduct of the operations of the regulated entities;

"(C) the overall operational status of the regulated entities;

"(D) an evaluation of the performance of the regulated entities in carrying out their missions, including compliance of the enterprises with the housing goals under subpart B of part 2 of this subtitle and compliance of the Federal home loan banks with the community investment and affordable housing programs under subsections (i) and (j) of section 10 of the Federal Home Loan Bank Act;

"(E) an evaluation of the performance of the Agency in fulfilling its duties and responsibilities under law; and

"(F) such other matters relating to the Board and the fulfillment of its duties as the Board considers appropriate;

"(5) operations, resources, and performance of the Agency; and

"(6) such other matters relating to the Agency and its fulfillment of its mission.".

SEC. 104. AUTHORITY TO REQUIRE REPORTS BY REGULATED ENTITIES.

Section 1314 of the Housing and Community Development Act of 1992 (12 U.S.C. 4514) is amended—

*(1) in the section heading, by striking "**ENTERPRISES**" and inserting "**REGULATED ENTITIES**";*

(2) in subsection (a)—

(A) in the subsection heading, by striking "Special Reports and Reports of Financial Condition" and inserting "Regular and Special Reports";

(B) in paragraph (1)—

(i) in the paragraph heading, by striking "FINANCIAL CONDITION" and inserting "REGULAR REPORTS"; and

(ii) by striking "reports of financial condition and operations" and inserting "regular reports on the condition (including financial condition), management, activities, or operations of the regulated entity, as the Director considers appropriate"; and

(C) in paragraph (2), after "submit special reports" insert "on any of the topics specified in paragraph (1) or such other topics"; and

(3) by adding at the end the following new subsection:

"(c) REPORTS OF FRAUDULENT FINANCIAL TRANSACTIONS.—

"(1) REQUIREMENT TO REPORT.—The Director shall require a regulated entity to submit to the Director a timely report upon discovery by the regulated entity that it has purchased or sold a fraudulent loan or financial instrument or suspects a possible fraud relating to a purchase or sale of any loan or financial instrument. The Director shall require the regulated entities to establish and maintain procedures designed to discover any such transactions.

"(2) PROTECTION FROM LIABILITY FOR REPORTS.—

"(A) IN GENERAL.—If a regulated entity makes a report pursuant to paragraph (1), or a regulated entity-affiliated party makes, or requires another to make, such a report, and such report is made in a good faith effort to comply with the requirements of paragraph (1), such regulated entity or regulated entity-afffiliated party shall not be liable to any person under any law or regulation of the United States, any constitution, law, or regulation of any State or political subdivision of any State, or under any contract or other legally enforceable agreement (including any arbitration agreement), for such report

or for any failure to provide notice of such report to the person who is the subject of such report or any other person identified in the report.

"(B) RULE OF CONSTRUCTION.—Subparagraph (A) shall not be construed as creating—

"(i) any inference that the term 'person', as used in such subparagraph, may be construed more broadly than its ordinary usage so as to include any government or agency of government; or

"(ii) any immunity against, or otherwise affecting, any civil or criminal action brought by any government or agency of government to enforce any constitution, law, or regulation of such government or agency.".

SEC. 105. DISCLOSURE OF CHARITABLE CONTRIBUTIONS BY ENTERPRISES.

Section 1314 of the Housing and Community Development Act of 1992 (12 U.S.C. 4514), as amended by the preceding provisions of this Act, is further amended by adding at the end the following new subsection:

"(d) DISCLOSURE OF CHARITABLE CONTRIBUTIONS BY ENTERPRISES.—

"(1) REQUIRED DISCLOSURE.—The Director shall, by regulation, require each enterprise to submit a report annually, in a format designated by the Director, containing the following information:

"(A) TOTAL VALUE.—The total value of contributions made by the enterprise to nonprofit organizations during its previous fiscal year.

"(B) SUBSTANTIAL CONTRIBUTIONS.—If the value of contributions made by the enterprise to any nonprofit organization during its previous fiscal year exceeds the designated amount, the name of that organization and the value of contributions.

"(C) SUBSTANTIAL CONTRIBUTIONS TO INSIDER-AFFILIATED CHARITIES.—Identification of each contribution whose value exceeds the designated amount that were made by the enterprise during the enterprise's previous fiscal year to any nonprofit organization of which a director, officer, or controlling person of the enterprise, or a spouse thereof, was a director or trustee, the name of such nonprofit organization, and the value of the contribution.

"(2) DEFINITIONS.—For purposes of this subsection—

"(A) the term 'designated amount' means such amount as may be designated by the Director by regulation, consistent with the public interest and the protection of investors for purposes of this subsection; and

"(B) the Director may, by such regulations as the Director deems necessary or appropriate in the public interest, define the terms officer and controlling person.

"(3) PUBLIC AVAILABILITY.—The Director shall make the information submitted pursuant to this subsection publicly available.".

SEC. 106. ASSESSMENTS.

Section 1316 of the Housing and Community Development Act of 1992 (12 U.S.C. 4516) is amended—

(1) by striking subsection (a) and inserting the following new subsection:

"(a) ANNUAL ASSESSMENTS.—The Director shall establish and collect from the regulated entities annual assessments in an amount not exceeding the amount sufficient to provide for reasonable costs and expenses of the Agency, including—

"(1) the expenses of any examinations under section 1317 of this Act and under section 20 of the Federal Home Loan Bank Act;

"(2) the expenses of obtaining any reviews and credit assessments under section 1319; and

"(3) such amounts in excess of actual expenses for any given year as deemed necessary by the Director to maintain a working capital fund in accordance with subsection (e).";

(2) in subsection (b)—

(A) in the subsection heading, by striking "ENTERPRISES" and inserting "REGULATED ENTITIES";

(B) by realigning paragraph (2) two ems from the left margin, so as to align the left margin of such paragraph with the left margins of paragraph (1);

(C) in paragraph (1)—

(i) by striking "Each enterprise" and inserting "Each regulated entity";

(ii) by striking "each enterprise" and inserting "each regulated entity"; and

(iii) by striking "both enterprises" and inserting "all of the regulated entities"; and

(D) in paragraph (3)—

(i) in subparagraph (B), by striking "subparagraph (A)" and inserting "clause (i)";

(ii) by redesignating subparagraphs (A), (B), and (C) as clauses (i), (ii) and (ii), respectively, and realigning such clauses, as so redesignated, so as to be indented 6 ems from the left margin;

(iii) by striking the matter that precedes clause (i), as so redesignated, and inserting the following:

"(3) DEFINITION OF TOTAL ASSETS.—For purposes of this section, the term 'total assets' means as follows:

"(A) ENTERPRISES.—With respect to an enterprise, the sum of—"; and

(iv) by adding at the end the following new subparagraph:

"(B) FEDERAL HOME LOAN BANKS.—With respect to a Federal home loan bank, the total assets of the Bank, as determined by the Director in accordance with generally accepted accounting principles.";

(3) by striking subsection (c) and inserting the following new subsection:

"(c) INCREASED COSTS OF REGULATION.—

"(1) INCREASE FOR INADEQUATE CAPITALIZATION.—The semiannual payments made pursuant to subsection (b) by any regulated entity that is not classified (for purposes of subtitle B) as adequately capitalized may be increased, as necessary, in the discretion of the Director to pay additional estimated costs of regulation of the regulated entity.

"(2) ADJUSTMENT FOR ENFORCEMENT ACTIVITIES.—The Director may adjust the amounts of any semiannual assessments for an assessment under subsection (a) that are to be paid pursuant to subsection (b) by a regulated entity, as necessary in the discretion of the Director, to ensure that the costs of enforcement activities under subtitle B and C for a regulated entity are borne only by such regulated entity.

"(3) ADDITIONAL ASSESSMENT FOR DEFICIENCIES.—If at any time, as a result of increased costs of regulation of a regulated entity that is not classified (for purposes of subtitle B) as adequately captitalized or as the result of supervisory or enforcement activities under subtitle B or C for a regulated entity, the amount available from any semiannual payment made by such regulated entity pursuant to subsection (b) is insufficient to cover the costs of the Agency with respect to such entity, the Director may make and collect from such regulated entity an immediate assessment to cover the amount of such deficiency for the semiannual period. If, at the end of any semiannual period during which such an assessment is made, any amount remains from such assessment, such remaining amount shall be deducted from the assessment for such regulated entity for the following semiannual period.";

(4) in subsection (d), by striking "If" and inserting "Except with respect to amounts collected pursuant to subsection (a)(3), if"; and

(5) by striking subsections (e) through (g) and inserting the following new subsections:

"(e) WORKING CAPITAL FUND.—At the end of each year for which an assessment under this section is made, the Director shall remit to each regulated entity any amount of assessment collected from such regulated entity that is attributable to subsection (a)(3) and is in excess of the amount the Director deems necessary to maintain a working capital fund.

"(f) TREATMENT OF ASSESSMENTS.—

"(1) DEPOSIT.—Amounts received by the Director from assessments under this section may be deposited by the Director in the manner provided in section 5234 of the Revised Statutes (12 U.S.C. 192) for monies deposited by the Comptroller of the Currency.

"(2) NOT GOVERNMENT FUNDS.—The amounts received by the Director from any assessment under this section shall not be construed to be Government or public funds or appropriated money.

"(3) NO APPORTIONMENT OF FUNDS.—Notwithstanding any other provision of law, the amounts received by the Director from any assessment under this section shall not be subject to apportionment for the purpose of chapter 15 of title 31, United States Code, or under any other authority.

"(4) USE OF FUNDS.—The Director may use any amounts received by the Director from assessments under this section for compensation of the Director and other employees of the Agency and for all other expenses of the Director and the Agency.

"(5) AVAILABILITY OF OVERSIGHT FUND AMOUNTS.—Notwithstanding any other provision of law, any amounts remaining in the Federal Housing Enterprises Oversight Fund established under this section (as in effect before the effective date under section 185 of the Federal Housing Finance Reform Act of 2005), and any amounts remaining from assessments on the Federal Home Loan banks pursuant to section 18(b) of the Federal Home Loan Bank Act (12 U.S.C. 1438(b)), shall, upon such effective date, be treated for purposes of this subsection as amounts received from assessments under this section.

"(g) BUDGET AND FINANCIAL MANAGEMENT.—

"(1) FINANCIAL OPERATING PLANS AND FORECASTS.—The Director shall provide to the Director of the Office of Management and Budget copies of the Director's financial operating plans and forecasts as prepared by the Director in the ordinary course of the Agency's operations, and copies of the quarterly reports of the Agency's financial condition and results of operations as prepared by the Director in the ordinary course of the Agency's operations.

"(2) FINANCIAL STATEMENTS.—The Agency shall prepare annually a statement of assets and liabilities and surplus or deficit; a statement of income and expenses; and a statement of sources and application of funds.

"(3) FINANCIAL MANAGEMENT SYSTEMS.—The Agency shall implement and maintain financial management systems that comply substantially with Federal financial management systems requirements, applicable Federal accounting standards, and that uses a general ledger system that accounts for activity at the transaction level.

"(4) ASSERTION OF INTERNAL CONTROLS.—The Director shall provide to the Comptroller General an assertion as to the effectiveness of the internal controls that apply to financial reporting by the Agency, using the standards established in section 3512 (c) of title 31, United States Code.

"(5) RULE OF CONSTRUCTION.—This subsection may not be construed as implying any obligation on the part of the Director to consult with or obtain the consent or approval of the Director of the Office of Management and Budget with respect to any reports, plans, forecasts, or other information referred to in paragraph (1) or any jurisdiction or oversight over the affairs or operations of the Agency.

"(h) AUDIT OF AGENCY.—

"(1) IN GENERAL.—The Comptroller General shall annually audit the financial transactions of the Agency in accordance with the U.S. generally accepted government auditing standards as may be prescribed by the Comptroller General of the United States. The audit shall be conducted at the place or places where accounts of the Agency are normally kept. The representatives of the Government Accountability Office shall have access to the personnel and to all books, accounts, documents, papers, records (including electronic records), reports, files, and all other papers, automated data, things, or property belonging to or under the control of or used or employed by the Agency pertaining to its financial transactions and necessary to facilitate the audit, and such representatives shall be afforded full facilities for verifying transactions with the balances or securities held by depositaries, fiscal agents, and custodians. All such books, accounts, documents, records, reports, files, papers, and property of the Agency shall remain in possession and custody of the Agency. The Comptroller General may obtain and duplicate any such books, accounts, documents, records, working papers, automated data and files, or other information relevant to such audit without cost to the Comptroller General and the Comptroller General's right of access to such information shall be enforceable pursuant to section 716(c) of title 31, United States Code.

"(2) REPORT.—The Comptroller General shall submit to the Congress a report of each annual audit conducted under this subsection. The report to the Congress shall set forth the scope of the audit and shall include the statement of assets and liabilities and surplus or deficit, the statement of income and expenses, the statement of sources and application of funds, and such comments and information as may be deemed necessary to inform Congress of the financial operations and condition of the Agency, together with such recommendations with respect thereto as the Comptroller General may deem advisable. A copy of each report shall be furnished to the President and to the Agency at the time submitted to the Congress.

"(3) ASSISTANCE AND COSTS.—For the purpose of conducting an audit under this subsection, the Comptroller General may, in the discretion of the Comptroller General, employ by contract, without regard to section 5 of title 41, United States Code, professional services of firms and organizations of certified public accountants for temporary periods or for special purposes. Upon the request of the Comptroller General, the Director of the Agency shall transfer to the Government Accountability Office from funds available, the amount requested by the Comptroller General to cover the full costs of any audit and report conducted by the Comptroller General. The Comptroller General shall credit funds transferred to the account established for salaries and expenses of the Government Accountability Office, and such amount shall be available upon receipt and without fiscal year limitation to cover the full costs of the audit and report.".

SEC. 107. EXAMINERS AND ACCOUNTANTS.

(a) EXAMINATIONS.—Section 1317 of the Housing and Community Development Act of 1992 (12 U.S.C. 4517) is amended——

(1) in subsection (a), by adding after the period at the end the following: "Each examination under this subsection of a regulated entity shall include a review of the procedures required to be established and maintained by the regulated entity pursuant to section 1314(c) (relating to fraudulent financial transactions) and the report regarding each such examination shall describe any problems with such procedures maintained by the regulated entity.";

(2) in subsection (b)—

(A) by inserting "of a regulated entity" after "under this section"; and

(B) by striking "to determine the condition of an enterprise for the purpose of ensuring its financial safety and soundness" and inserting "or appropriate" ; and

(3) in subsection (c)—

(A) in the second sentence, by inserting "to conduct examinations under this section" before the period; and

(B) in the third sentence, by striking "from amounts available in the Federal Housing Enterprises Oversight Fund".

(b) ENHANCED AUTHORITY TO HIRE EXAMINERS AND ACCOUNTANTS.—Section 1317 of the Housing and Community Development Act of 1992 (12 U.S.C. 4517) is amended by adding at the end the following new subsection:

"(g) APPOINTMENT OF ACCOUNTANTS, ECONOMISTS, SPECIALISTS, AND EXAMINERS.—

"(1) APPLICABILITY.—This section applies with respect to any position of examiner, accountant, specialist in financial markets, specialist in technology, and economist at the Agency, with respect to supervision and regulation of the regulated entities, that is in the competitive service.

"(2) APPOINTMENT AUTHORITY.—The Director may appoint candidates to any position described in paragraph (1)—

"(A) in accordance with the statutes, rules, and regulations governing appointments in the excepted service; and

"(B) notwithstanding any statutes, rules, and regulations governing appointments in the competitive service.".

(c) REPEAL.—Section 20 of the Federal Home Loan Bank Act (12 U.S.C. 1440) is amended—

(1) in the section heading, by striking "**REPORTS**" and inserting "**GAO AUDITS**";

(2) in the third sentence, by striking "the Board and" each place such term appears; and

(3) by striking the first two sentences and inserting the following: "The Federal home loan banks shall be subject to examinations by the Director to the extent provided in section 1317 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4517).".

SEC. 108. PROHIBITION AND WITHHOLDING OF EXECUTIVE COMPENSATION.

(a) IN GENERAL.—Section 1318 of the Housing and Community Development Act of 1992 (12 U.S.C. 4518) is amended—

(1) in the section heading, by striking "**OF EXCESSIVE**" and inserting "**AND WITHHOLDING OF EXECUTIVE**";

(2) by redesignating subsection (b) as subsection (d); and

(3) by inserting after subsection (a) the following new subsections:

"(b) FACTORS.—In making any determination under subsection (a), the Director may take into consideration any factors the Director considers relevant, including any wrongdoing on the part of the executive officer, and such wrongdoing shall include any fraudulent act or omission, breach of trust or fiduciary duty, violation of law, rule, regulation, order, or written agreement, and insider abuse with respect to the regulated entity. The approval of an agreement or contract pursuant to section 309(d)(3)(B) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1723a(d)(3)(B)) or section 303(h)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1452(h)(2)) shall not preclude the Director from making any subsequent determination under subsection (a).

"(c) WITHHOLDING OF COMPENSATION.—In carrying out subsection (a), the Director may require a regulated entity to withhold any payment, transfer, or disbursement of compensation to an executive officer, or to place such compensation in an escrow account, during the review of the reasonableness and comparability of compensation.".

(b) CONFORMING AMENDMENTS.—

(1) FANNIE MAE.—Section 309(d) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1723a(d)) is amended by adding at the end the following new paragraph:

"(4) Notwithstanding any other provision of this section, the corporation shall not transfer, disburse, or pay compensation to any executive officer, or enter into an agreement with such executive officer, without the approval of the Director, for matters being reviewed under section 1318 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4518).".

(2) FREDDIE MAC.—Section 303(h) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1452(h)) is amended by adding at the end the following new paragraph:

"(4) Notwithstanding any other provision of this section, the Corporation shall not transfer, disburse, or pay compensation to any executive officer, or enter into an agreement with such executive officer, without the approval of the Director, for matters being reviewed under section 1318 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4518).".

(3) FEDERAL HOME LOAN BANKS.—Section 7 of the Federal Home Loan Bank Act (12 U.S.C. 1427) is amended by adding at the end the following new subsection:

"(l) WITHHOLDING OF COMPENSATION.—Notwithstanding any other provision of this section, a Federal home loan bank shall not transfer, disburse, or pay compensation to any executive officer, or enter into an agreement with such executive officer, without the approval of the Director, for matters being reviewed under section 1318 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4518).".

SEC. 109. REVIEWS OF REGULATED ENTITIES.

Section 1319 of the Housing and Community Development Act of 1992 (12 U.S.C. 4519) is amended—

(1) by striking the section designation and heading and inserting the following:

"SEC. 1319. REVIEWS OF REGULATED ENTITIES.";

and

(2) by inserting after "any entity" the following: "that the Director considers appropriate, including an entity".

SEC. 110. REGULATIONS AND ORDERS.

Section 1319G of the Housing and Community Development Act of 1992 (12 U.S.C. 4526) is amended—

(1) by striking subsection (a) and inserting the following new subsection:

"(a) AUTHORITY.—The Director shall issue any regulations, guidelines, and orders necessary to carry out the duties of the Director under this title and each of the authorizing statutes to ensure that the purposes of this title and such Acts are accomplished.";

(2) in subsection (b), by inserting ", this title, or any of the authorizing statutes" after "under this section"; and

(3) by striking subsection (c).

SEC. 111. RISK-BASED CAPITAL REQUIREMENTS.

(a) IN GENERAL.—Section 1361 of the Housing and Community Development Act of 1992 (12 U.S.C. 4611) is amended to read as follows:

"SEC. 1361. RISK-BASED CAPITAL LEVELS FOR REGULATED ENTITIES.

"(a) IN GENERAL.—

"(1) ENTERPRISES.—The Director shall, by regulation, establish risk-based capital requirements for the enterprises to ensure that the enterprises operate in a safe and sound manner, maintaining sufficient capital and reserves to support the risks that arise in the operations and management of the enterprises.

"(2) FEDERAL HOME LOAN BANKS.—The Director shall establish risk-based capital standards *under section 6 of the Federal Home Loan Bank Act for the Federal home loan banks.*

"(b) CONFIDENTIALITY OF INFORMATION.—Any person that receives any book, record, or information from the Director or a regulated entity to enable the risk-based capital requirements established under this section to be applied shall—

"(1) maintain the confidentiality of the book, record, or information in a manner that is generally consistent with the level of confidentiality established for the material by the Director or the regulated entity; and

"(2) be exempt from section 552 of title 5, United States Code, with respect to the book, record, or information.

"(c) NO LIMITATION.—Nothing in this section shall limit the authority of the Director to require other reports or undertakings, or take other action, in furtherance of the responsibilities of the Director under this Act.".

(b) FEDERAL HOME LOAN BANKS RISK-BASED CAPITAL.—Section 6(a)(3) of the Federal Home Loan Bank Act (12 U.S.C. 1426(a)(3)) is amended—

(1) by striking subparagraph (A) and inserting the following new subparagraph:

"(A) RISK-BASED CAPITAL STANDARDS.—The Director shall, by regulation, establish risk-based capital standards for the Federal home loan banks to ensure that the Federal home loan banks operate in a safe and sound manner, with sufficient permanent capital and reserves to support the risks that arise in the operations and management of the Federal home loans banks."; and

(2) in subparagraph (B), by striking "(A)(ii)" and inserting "(A)".

SEC. 112. MINIMUM AND CRITICAL CAPITAL LEVELS.

(a) MINIMUM CAPITAL LEVEL.—Section 1362 of the Housing and Community Development Act of 1992 (12 U.S.C. 4612) is amended—

(1) in subsection (a), by striking "IN GENERAL" and inserting "ENTERPRISES"; and

(2) by striking subsection (b) and inserting the following new subsections:

"(b) FEDERAL HOME LOAN BANKS.—For purposes of this subtitle, the minimum capital level for each Federal home loan bank shall be the minimum capital required to be maintained to comply with the leverage requirement for the bank established under section 6(a)(2) of the Federal Home Loan Bank Act (12 U.S.C. 1426(a)(2)).

"(c) ESTABLISHMENT OF REVISED MINIMUM CAPITAL LEVELS.—Notwithstanding subsections (a) and (b) and notwithstanding the capital classifications of the regulated entities, the Director may, by regulations issued under section 1319G(b), establish a minimum capital level for the enterprises, for the Federal home loan banks, or for both the enterprises and the banks, that is higher than the level specified in subsection (a) for the enterprises or the level specified in subsection (b) for the Federal home loan banks, to the extent needed to ensure that the regulated entities operate in a safe and sound manner.

"(d) AUTHORITY TO REQUIRE TEMPORARY INCREASE.—Notwithstanding subsections (a) and (b) and any minimum capital level established pursuant to subsection (c), the Director may, by order, increase the minimum capital level for a regulated entity for such period as the Director may provide if the Director—

"(1) makes any of the determinations specified in subparagraphs (A) through (C) of section 1364(c)(1); or

"(2) determines that the regulated entity has violated any of the prudential management and operations standards established pursuant to section 1313A and, as a result of such violation, is operating in an unsafe and unsound manner.

"(e) AUTHORITY TO ESTABLISH ADDITIONAL CAPITAL AND RESERVE REQUIREMENTS FOR PARTICULAR PROGRAMS.—The Director may, at any time by order or regulation, establish such capital or reserve requirements with respect to any program or activity of a regulated entity as the Director considers appropriate to ensure that the regulated entity operates in a safe and sound manner, with sufficient capital and reserves to support the risks that arise in the operations and management of the regulated entity.

"(f) PERIODIC REVIEW.—The Director shall periodically review the amount of core capital maintained by the enterprises, the amount of capital retained by the Federal home loan banks, and the minimum capital levels established for such regulated entities pursuant to this section. The Director may, by regulations issued under section 1319G(b), adjust the minimum capital levels as necessary, based on the Director's review.".

(b) CRITICAL CAPITAL LEVELS.—

(1) IN GENERAL.—Section 1363 of the Housing and Community Development Act of 1992 (12 U.S.C. 4613) is amended—

(A) by striking "For" and inserting "(a) Enterprises.—For"; and

(B) by adding at the end the following new subsection:

"(b) FEDERAL HOME LOAN BANKS.—

"(1) IN GENERAL.—For purposes of this subtitle, the critical capital level for each Federal home loan bank shall be such amount of capital as the Director shall, by regulation require.

"(2) CONSIDERATION OF OTHER CRITICAL CAPITAL LEVELS.—In establishing the critical capital level under paragraph (1) for the Federal home loan banks, the Director shall take due consideration of the critical capital level established under subsection (a) for the enterprises, with such modifications as the Director determines to be appropriate to reflect the difference in operations between the banks and the enterprises.".

(2) REGULATIONS.—Not later than the expiration of the 180-day period beginning on the effective date under section 185, the Director of the Federal Housing Finance Agency shall issue regulations pursuant to section 1363(b) of the Housing and Community Development Act of 1992 (as added by paragraph (1) of this subsection) establishing the critical capital level under such section.

SEC. 113. REVIEW OF AND AUTHORITY OVER ENTERPRISE ASSETS AND LIABILITIES.

Subtitle B of title XIII of the Housing and Community Development Act of 1992 (12 U.S.C. 4611 et seq.) is amended—

(1) by striking the subtitle designation and heading and inserting the following:

***"Subtitle B—Required Capital Levels for Regulated Entities, Special Enforcement Powers, and Reviews of Assets and Liabilities"**; and*

(2) by adding at the end the following new section:

"SEC. 1369E. REVIEWS OF ENTERPRISE ASSETS AND LIABILITIES.

"(a) IN GENERAL.—The Director shall conduct, on a periodic basis, a review of the on-balance sheet and off-balance sheet assets and liabilities of each enterprise.

"(b) AUTHORITY TO REQUIRE DISPOSITION OR ACQUISITION.—Pursuant to such a review and notwithstanding the capital classifications of the enterprises, the Director may by order require an enterprise, under such terms and conditions as the Director determines to be appropriate, to dispose of or acquire any asset or liability, if the Director determines that such action is consistent with the safe and sound operation of the enterprise or with the purposes of this Act or any of the authorizing statutes.".

SEC. 114. CORPORATE GOVERNANCE OF ENTERPRISES.

The Housing and Community Development Act of 1992 is amended by inserting before section 1323 (12 U.S.C. 4543) the following new section:

"SEC. 1322A. CORPORATE GOVERNANCE OF ENTERPRISES.

"(a) BOARD OF DIRECTORS.—

"(1) INDEPENDENCE.—A majority of seated members of the board of directors of each enterprise shall be independent board members, as defined under rules set forth by the New York Stock Exchange, as such rules may be amended from time to time.

"(2) FREQUENCY OF MEETINGS.—To carry out its obligations and duties under applicable laws, rules, regulations, and guidelines, the board of directors of an enterprise shall meet at least eight times a year and not less than once a calendar quarter.

"(3) NON-MANAGEMENT BOARD MEMBER MEETINGS.—The non-management directors of an enterprise shall meet at regularly scheduled executive sessions without management participation.

"(4) QUORUM; PROHIBITION ON PROXIES.—For the transaction of business, a quorum of the board of directors of an enterprise shall be at least a majority of the seated board of directors and a board member may not vote by proxy.

"(5) INFORMATION.—The management of an enterprise shall provide a board member of the enterprise with such adequate and appropriate information that a reasonable board member would find important to the fulfillment of his or her fiduciary duties and obligations.

"(6) ANNUAL REVIEW.—At least annually, the board of directors of each enterprise shall review, with appropriate professional assistance, the requirements of laws, rules, regulations, and guidelines that are applicable to its activities and duties.

"(b) COMMITTEES OF BOARDS OF DIRECTORS.—

"(1) FREQUENCY OF MEETINGS.—Any committee of the board of directors of an enterprise shall meet with sufficient frequency to carry out its obligations and duties under applicable laws, rules, regulations, and guidelines.

"(2) REQUIRED COMMITTEES.—Each enterprise shall provide for the establishment, however styled, of the following committees of the board of directors:

"(A) Audit committee.

"(B) Compensation committee.

"(C) Nominating/corporate governance committee.

Such committees shall be in compliance with the charter, independence, composition, expertise, duties, responsibilities, and other requirements set forth under section 10A(m) of the Securities Exchange Act of 1934 (15 U.S.C. 78j–1(m)), with respect to the audit committee, and under rules issued by the New York Stock Exchange, as such rules may be amended from time to time.

"(c) COMPENSATION.—

"(1) IN GENERAL.—The compensation of board members, executive officers, and employees of an enterprise—

"(A) shall not be in excess of that which is reasonable and appropriate;

"(B) shall be commensurate with the duties and responsibilities of such persons,

"(C) shall be consistent with the long-term goals of the enterprise;

"(D) shall not focus solely on earnings performance, but shall take into account risk management, operational stability and legal and regulatory compliance as well; and

"(E) shall be undertaken in a manner that complies with applicable laws, rules, and regulations.

"(2) REIMBURSEMENT.—If an enterprise is required to prepare an accounting restatement due to the material noncompliance of the enterprise, as a result of misconduct, with any financial reporting requirement under the securities laws, the chief executive officer and chief financial officer of the enterprise shall reimburse the

enterprise as provided under section 304 of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7243). This provision does not otherwise limit the authority of the Agency to employ remedies available to it under its enforcement authorities.

"(d) CODE OF CONDUCT AND ETHICS.—

"(1) IN GENERAL.—An enterprise shall establish and administer a written code of conduct and ethics that is reasonably designed to assure the ability of board members, executive officers, and employees of the enterprise to discharge their duties and responsibilities, on behalf of the enterprise, in an objective and impartial manner, and that includes standards required under section 406 of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7264) and other applicable laws, rules, and regulations.

"(2) REVIEW.—Not less than once every three years, an enterprise shall review the adequacy of its code of conduct and ethics for consistency with practices appropriate to the enterprise and make any appropriate revisions to such code.

"(e) CONDUCT AND RESPONSIBILITIES OF BOARD OF DIRECTORS.—The board of directors of an enterprise shall be responsible for directing the conduct and affairs of the enterprise in furtherance of the safe and sound operation of the enterprise and shall remain reasonably informed of the condition, activities, and operations of the enterprise. The responsibilities of the board of directors shall include having in place adequate policies and procedures to assure its oversight of, among other matters, the following:

"(1) Corporate strategy, major plans of action, risk policy, programs for legal and regulatory compliance and corporate performance, including prudent plans for growth and allocation of adequate resources to manage operations risk.

"(2) Hiring and retention of qualified executive officers and succession planning for such executive officers.

"(3) Compensation programs of the enterprise.

"(4) Integrity of accounting and financial reporting systems of the enterprise, including independent audits and systems of internal control.

"(5) Process and adequacy of reporting, disclosures, and communications to shareholders, investors, and potential investors.

"(6) Extensions of credit to board members and executive officers.

"(7) Responsiveness of executive officers in providing accurate and timely reports to Federal regulators and in addressing the supervisory concerns of Federal regulators in a timely and appropriate manner.

"(f) PROHIBITION OF EXTENSIONS OF CREDIT.—An enterprise may not directly or indirectly, including through any subsidiary, extend or maintain credit, arrange for the extension of credit, or renew an extension of credit, in the form of a personal loan to or for any board member or executive officer of the enterprise, as provided by section 13(k) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(k)).

"(g) CERTIFICATION OF DISCLOSURES.—The chief executive officer and the chief financial officer of an enterprise shall review each quarterly report and annual report issued by the enterprise and such reports shall include certifications by such officers as required by section 302 of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7241).

"(h) CHANGE OF AUDIT PARTNER.—An enterprise may not accept audit services from an external auditing firm if the lead or coordinating audit partner who has primary responsibility for the external audit of the enterprise, or the external audit partner who has responsibility for reviewing the external audit has performed audit services for the enterprise in each of the five previous fiscal years.

"(i) COMPLIANCE PROGRAM.—

"(1) REQUIREMENT.—Each enterprise shall establish and maintain a compliance program that is reasonably designed to assure that the enterprise complies with applicable laws, rules, regulations, and internal controls.

"(2) COMPLIANCE OFFICER.—The compliance program of an enterprise shall be headed by a compliance officer, however styled, who reports directly to the chief executive officer of the enterprise. The compliance officer shall report regularly to the board of directors or an appropriate committee of the board of directors on compliance with and the adequacy of current compliance policies and procedures of the enterprise, and shall recommend any adjustments to such policies and procedures that the compliance officer considers necessary and appropriate.

"(j) RISK MANAGEMENT PROGRAM.—

"(1) REQUIREMENT.—Each enterprise shall establish and maintain a risk management program that is reasonably designed to manage the risks of the operations of the enterprise.

"(2) RISK MANAGEMENT OFFICER.—The risk management program of an enterprise shall be headed by a risk management officer, however styled, who reports directly to the chief executive officer of the enterprise. The risk management officer shall report regularly to the board of directors or an appropriate committee of the board of directors on compliance with and the adequacy of current risk management policies and procedures of the enterprise, and shall recommend any adjustments to such policies and procedures that the risk management officer considers necessary and appropriate.

"(k) COMPLIANCE WITH OTHER LAWS.—

"(1) DEREGISTERED OR UNREGISTERED COMMON STOCK.—If an enterprise deregisters or has not registered its common stock with the Securities and Exchange Commission under the Securities Exchange Act of 1934, the enterprise shall comply or continue to comply with sections 10A(m) and 13(k) of the Securities Exchange Act of 1934 (15 U.S.C. 78j-1(m), 78m(k)) and sections 302, 304, and 406 of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7241, 7243, 7264), subject to such requirements as provided by subsection (l) of this section.

"(2) REGISTERED COMMON STOCK.—An enterprise that has its common stock registered with the Securities and Exchange Commission shall maintain such registered status, unless it provides 60 days prior written notice to the Director stating its intent to deregister and its understanding that it will remain subject to the requirements of the sections of the Securities Exchange Act of 1934 and the Sarbanes-Oxley Act of 2002, subject to such requirements as provided by subsection (l) of this section.

"(l) OTHER MATTERS.—The Director may from time to time establish standards, by regulation, order, or guideline, regarding such other corporate governance matters of the enterprises as the Director considers appropriate.

"(m) MODIFICATION OF STANDARDS.—In connection with standards of Federal or State law (including the Revised Model Corporation Act) or New York Stock Exchange rules that are made applicable to an enterprise by section 1710.10 of the Director's rules (12 C.F.R. 1710.10) and by subsections (a), (b), (g), (i), (j), and (k) of this section, the Director, in the Director's sole discretion, may modify the standards contained in this section or in part 1710 of the Director's rules (12 U.S.C. Part 1710) in accordance with section 553 of title 5, United States Code, and upon written notice to the enterprise.".

SEC. 115. REQUIRED REGISTRATION UNDER SECURITIES EXCHANGE ACT OF 1934.

The Housing and Community Development Act of 1992 is amended by adding after section 1322A, as added by the preceding provisions of this Act, the following new section:

"SEC. 1322B. REQUIRED REGISTRATION UNDER SECURITIES EXCHANGE ACT OF 1934.

"(a) IN GENERAL.—Each regulated entity shall register at least one class of the capital stock of such regulated entity, and maintain such registration with the Securities and Exchange Commission, under the Securities Exchange Act of 1934.

"(b) ENTERPRISES.—Each enterprise shall comply with sections 14 and 16 of the Securities Exchange Act of 1934.".

SEC. 116. FINANCIAL INSTITUTIONS EXAMINATION COUNCIL.

The Federal Financial Institutions Examination Council Act of 1978 is amended—

(1) in section 1003 (12 U.S.C. 3302)—

(A) in paragraph (1), by inserting "Director of the Federal Housing Finance Agency," after "Supervision,"; and

(B) in paragraph (3), by striking "or a credit union;" and inserting "a credit union, or a regulated entity (as such term is defined in section 1303 of the Housing and Community Development Act of 1992 (12 U.S.C. 4502)).";

(2) in section 1004 (12 U.S.C. 3303)—

(A) in paragraph (4), by inserting a semicolon at the end;

(B) by redesignating paragraph (5) as paragraph (6); and

(C) by inserting after paragraph (4) the following new paragraph:

"(5) the Director of the Federal Housing Finance Agency; and"; and

(3) in section 1006(d) (12 U.S.C. 3305(d)), by striking "and employees of the Federal Housing Finance Board".

SEC. 117. GUARANTEE FEE STUDY.

(a) IN GENERAL.—The Comptroller General of the United States, in consultation with the heads of the federal banking agencies and the Director of the Office of Federal Housing Enterprise Oversight of the Department of Housing and Urban Development, shall, not later than one year after the date of the enactment of this Act, submit to the Congress a study concerning the pricing, transparency and reporting of the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, and the Federal home loan banks with regard to guarantee fees and concerning analogous practices, transparency and reporting requirements (including advances pricing practices by the Federal Home Loan Banks) of other participants in the business of mortgage purchases and securitization.

(b) FACTORS.—The study required by this section shall examine various factors such as credit risk, counterparty risk considerations, economic value considerations, and volume considerations used by the regulated entities (as such term is defined in section 1303 of the Housing and Community Development Act of 1992) included in the study in setting the amount of fees they charge.

(c) CONTENTS OF REPORT.—The report required under subsection (a) shall identify and analyze—

(1) the factors used by each enterprise (as such term is defined in section 1303 of the Housing and Community Development Act of 1992) in determining the amount of the guarantee fees it charges;

(2) the total revenue the enterprises earn from guarantee fees;

(3) the total costs incurred by the enterprises for providing guarantees;

(4) the average guarantee fee charged by the enterprises;

(5) an analysis of how and why the guarantee fees charged differ from such fees charged during the previous year;

(6) a breakdown of the revenue and costs associated with providing guarantees, based on product type and risk classifications; and

(7) other relevant information on guarantee fees with other participants in the mortgage and securitization business.

(d) PROTECTION OF INFORMATION.—Nothing in this section may be construed to require or authorize the Government Accounting Office, in connection with the study mandated by this section, to disclose information of the enterprises or other organization that is confidential or proprietary.

SEC. 118. CONFORMING AMENDMENTS.

(a) 1992 Act.—Part 1 of subtitle A of title XIII of the Housing and Community Development Act of 1992 (12 U.S.C. 4511 et seq.), as amended by the preceding provisions of this Act, is further amended—

(1) by striking "an enterprise" each place such term appears in such part (except in sections 1313(a)(2)(A), 1313A(b)(2)(B)(ii)(I), and 1316(b)(3)) and inserting "a regulated entity";

(2) by striking "the enterprise" each place such term appears in such part (except in section 1316(b)(3)) and inserting "the regulated entity";

(3) by striking "the enterprises" each place such term appears in such part (except in sections 1312(c)(2), 1312(e)(2), and 1319B(a)(4)(D)) and inserting "the regulated entities";

(4) by striking "each enterprise" each place such term appears in such part and inserting "each regulated entity";

(5) by striking "Office" each place such term appears in such part (except in sections 1312(b)(5), 1315(b), and 1316(g), and section 1317(c)) and inserting "Agency";

(6) in section 1315 (12 U.S.C. 4515)—

(A) in subsection (a)—

(i) in the subsection heading, by striking "Office Personnel" and inserting "In General"; and

(ii) by striking "The" and inserting "Subject to titles III and IV of the Federal Housing Finance Reform Act of 2005, the";

(B) by striking subsections (d) and (f); and

(C) by redesignating subsection (e) as subsection (d);

(7) in section 1319A (12 U.S.C. 4520)—

(A) by striking "(a) In General.—Each enterprise" and inserting "Each regulated entity"; and

(B) by striking subsection (b);

(8) in section 1319B (12 U.S.C. 4521), by striking "Committee on Banking, Finance and Urban Affairs" each place such term appears and inserting "Committee on Financial Services"; and

(9) in section 1319F (12 U.S.C. 4525), striking all that follows "United States Code" and inserting ", the Agency shall be considered an agency responsible for the regulation or supervision of financial institutions.".

(b) AMENDMENTS TO FANNIE MAE CHARTER ACT.—The Federal National Mortgage Association Charter Act (12 U.S.C. 1716 et seq.) is amended—

(1) by striking "Director of the Office of Federal Housing Enterprise Oversight of the Department of Housing and Urban Development" each place such term appears, and inserting "Director of the Federal Housing Finance Agency", in—

(A) section 303(c)(2) (12 U.S.C. 1718(c)(2));

(B) section 309(d)(3)(B) (12 U.S.C. 1723a(d)(3)(B)); and

(C) section 309(k)(1); and

(2) in section 309—

(A) in subsections (d)(3)(A) and (n)(1), by striking "Banking, Finance and Urban Affairs" each place such term appears and inserting "Financial Services"; and

(B) in subsection (m)—

(i) in paragraph (1), by striking "Secretary" the second place such term appears and inserting "Director";

(ii) in paragraph (2), by striking "Secretary" the second place such term appears and inserting "Director"; and

(iii) by striking "Secretary" each other place such term appears and inserting "Director of the Federal Housing Finance Agency"; and

(C) in subsection (n), by striking "Secretary" each place such term appears and inserting "Director of the Federal Housing Finance Agency".

(c) AMENDMENTS TO FREDDIE MAC ACT.—The Federal Home Loan Mortgage Corporation Act is amended—

(1) by striking "Director of the Office of Federal Housing Enterprise Oversight of the Department of Housing and Urban Development" each place such term appears, and inserting "Director of the Federal Housing Finance Agency", in—

(A) section 303(b)(2) (12 U.S.C. 1452(b)(2));

(B) section 303(h)(2) (12 U.S.C. 1452(h)(2)); and

(C) section 307(c)(1) (12 U.S.C. 1456(c)(1));

(2) in sections 303(h)(1) and 307(f)(1) (12 U.S.C. 1452(h)(1), 1456(f)(1)), by striking "Banking, Finance and Urban Affairs" each place such term appears and inserting "Financial Services";

(3) in section 306(i) (12 U.S.C. 1455(i))—

(A) by striking "1316(c)" and inserting "306(c)"; and

(B) by striking "section 106" and inserting "section 1316"; and

(4) in section 307 (12 U.S.C. 1456))—

(A) in subsection (e)—

(i) in paragraph (1), by striking "Secretary" the second place such term appears and inserting "Director";

(ii) in paragraph (2), by striking "Secretary" the second place such term appears and inserting "Director"; and

(iii) by striking "Secretary" each other place such term appears and inserting "Director of the Federal Housing Finance Agency"; and

(B) in subsection (f), by striking "Secretary" each place such term appears and inserting "Director of the Federal Housing Finance Agency".

Subtitle B—Improvement of Mission Supervision

SEC. 121. TRANSFER OF PROGRAM AND ACTIVITIES APPROVAL AND HOUSING GOAL OVERSIGHT.

Part 2 of subtitle A of title XIII of the Housing and Community Development Act of 1992 (12 U.S.C. 4541 et seq.) is amended—

(1) by striking the designation and heading for the part and inserting the following:

"PART 2—PROGRAM AND ACTIVITIES APPROVAL BY DIRECTOR, CORPORATE GOVERNANCE, AND ESTABLISHMENT OF HOUSING GOALS"; and

(2) by striking sections 1321 and 1322.

SEC. 122. REVIEW BY DIRECTOR OF NEW PROGRAMS AND ACTIVITIES OF ENTERPRISES.

(a) IN GENERAL.—Part 2 of subtitle A of title XIII of the Housing and Community Development Act of 1992 is amended by inserting before section 1323 (12 U.S.C. 4543) the following new section:

"SEC. 1321. REVIEW AND APPROVAL BY DIRECTOR OF NEW PROGRAMS AND BUSINESS ACTIVITIES OF ENTERPRISES.

"(a) LIMITATION ON AUTHORITY TO UNDERTAKE PROGRAMS AND ACTIVITIES.—An enterprise may not undertake any new program, including a pilot program, or any new business activity except in accordance with the procedures set forth in this section and orders and regulations issued under this section.

"(b) NEW PROGRAMS.—

"(1) PRIOR APPROVAL REQUIREMENT.—An enterprise may not commence any new program before it has obtained the approval of the Director, pursuant to this subsection, for the new program.

"(2) APPLICATION.—The Director shall, by order or regulation, require that an enterprise shall, to obtain a determination by the Director regarding approval of a new program by the enterprise, submit to the Director a written application for the new program in a format as prescribed by the Director.

"(3) NOTICE.—Immediately upon receipt of a complete application for a new program, the Director shall cause to be published in the Federal Register notice of the receipt of such application and of the period for public comment pursuant to paragraph (4) regarding such new program, and a description of the new program proposed by the application.

"(4) PUBLIC COMMENT PERIOD.—During the 30-day period beginning upon publication pursuant to paragraph (3) of a notice regarding such an application, the Director shall receive public comments regarding the new program.

"(5) DETERMINATION.—Not less than 15 days after the conclusion of the public comment period pursuant to paragraph (4) regarding an application but not more than 30 days after the conclusion of such comment period, the Director shall approve, conditionally approve, or reject such program, in writing.

"(6) STANDARD FOR APPROVAL.—The Director may approve, or conditionally approve, a new program of an enterprise only if the Director determines, taking into consideration any relevant information and comments received during the public comment period, that such new program—

"(A) does not contravene and is not inconsistent with the purposes of this title, the Federal National Mortgage Association Charter Act, or the Federal Home Loan Mortgage Corporation Act, as such purposes are determined taking into consideration the definitions of the terms 'mortgage loan origination' and 'secondary mortgage market' pursuant to section 1303;

"(B) is not otherwise inconsistent with the safety and soundness of the enterprise; and

"(C) is in the public interest.

"(7) LIMITATION.—The Director, in implementing this subsection, may not prevent an enterprise from continuing to offer the automated loan underwriting system in existence on the date of the enactment of the Federal Housing Finance Reform Act of 2005 or continuing to engage in counseling and education activities.

"(c) NEW BUSINESS ACTIVITIES.—

"(1) AUTHORITY OF DIRECTOR TO PROHIBIT NEW BUSINESS ACTIVITIES.—The Director shall have authority to prohibit any new business activity by an enterprise if the Director determines, in writing, that such activity—

"(A) contravenes or is inconsistent with the purposes of this title, the Federal National Mortgage Association Charter Act, or the Federal Home Loan Mortgage Corporation Act;

"(B) is otherwise inconsistent with the safety and soundness of the enterprise; or

"(C) is not in the public interest.

"(2) NOTIFICATION OF NEW BUSINESS ACTIVITIES.—An enterprise that undertakes any new business activity shall provide written notice of the activity to the Director and may commence the new business activity only in accordance with paragraph (4).

"(3) DIRECTOR DETERMINATION OF APPLICABLE PROCEDURE.—

"(A) TIMING.—Immediately upon receipt of any notice under paragraph (2) regarding a new business activity, the Director shall undertake a determination under subparagraph (B) of this paragraph regarding the new business activity.

"(B) DETERMINATION AND TREATMENT AS NEW PROGRAM.—If the Director determines that any new business activity consists of, relates to, or involves any new program—

"(i) the Director shall notify the enterprise of the determination;

"(ii) the new business activity described in the notice shall be considered a new program for purposes of this section; and *"(iii) the Director shall prohibit the enterprise from carrying out the activity except to the extent that approval for the activity is obtained pursuant to subsection (b).*

"(4) COMMENCEMENT.—An enterprise may commence a new business activity—

"(A) if the Director issues a written approval regarding such new business activity, immediately upon such issuance or at such other time as provided by the Director in such letter; or

"(B) if, during the 30-day period beginning upon receipt by the Director of notice pursuant to paragraph (2) regarding a new business activity, the Director has not issued to the enterprise a written approval or denial of the new business activity, upon the expiration of such 30-day period.

"(d) APPROVAL AND CONDITIONAL APPROVAL.—The Director may at any time conditionally approve the undertaking of a particular new program or new business activity by an enterprise and set forth the terms and conditions that apply to the program or activity with which the enterprise shall comply if it undertakes the new program or activity. Such approval may, in the discretion of the Director, be in the form of a written agreement between the enterprise and the Director and shall be subject to such terms and conditions therein. Such a written agreement or conditional approval shall be enforceable under subtitle C.

"(e) DETERMINATION AND TREATMENT OF ACTIVITY AS NEW BUSINESS ACTIVITY.—If the Director determines that any activity of an enterprise consists of, relates to, or involves any new business activity—

"(1) the Director shall notify the enterprise of the determination;

"(2) such activity shall be considered a new business activity for purposes of this section; and

"(3) the Director shall prohibit the enterprise from carrying out the activity except to the extent that approval for the activity is obtained pursuant to subsection (c).

"(f) EFFECT ON OTHER AUTHORITIES.—

"(1) EXAMINATIONS.—Nothing in this section may be construed to limit, in any manner, any other authority or right the Director may have under other provisions of law to conduct an examination of an enterprise.

"(2) REQUESTS FOR INFORMATION.—Nothing in this section may be construed to limit the right of the Director at any time to request additional information from an enterprise concerning any business activity.

"(3) NO IMPLIED RIGHT OF ACTION.—This section shall not create any private right of action against an enterprise or any director or executive officer of an enterprise, or impair any private right of action under other applicable law.

"(4) NO LIMITATION.—Nothing in this section may be construed to restrict the general supervisory and regulatory authority of the Director over all programs, products, activities, or business operations of any kind.

"(g) REPORT ON PROGRAMS AND BUSINESS ACTIVITIES.—Not later than the expiration of the 180-day period beginning on the effective date under section 185 of the Federal Housing Finance Reform Act of 2005, each enterprise shall submit to the Director a report identifying and describing each program and business activity of the enterprise engaged in or existing as of the submission of the report.

"(h) REGULATIONS.—The Director shall by order or regulation issue rules and procedures to implement this section, including in the discretion of the Director, such definitions, interpretations, forms, and other guidances as the Director considers appropriate.".

(b) DEFINITIONS.—Section 1303 of the Housing and Community Development Act of 1992 (12 U.S.C. 4502), as amended by section 2 of this Act, is further amended—

(1) by redesignating paragraphs (17) through (23) as paragraphs (20) through (26), respectively;

(2) by inserting after paragraph (16) the following new paragraph:

"(19) NEW BUSINESS ACTIVITY.—The term 'new business activity' means, with respect to an enterprise, a business activity that—

"(A) is materially changed or materially different from any of the business activities that the enterprise was engaging in on the effective date under section 185 of the Federal Housing Finance Reform Act of 2005; and

"(B) the enterprise has not previously obtained authorization, pursuant to the provisions of section 1321(c), to offer, undertake, transact, conduct, or engage in.";

(3) by redesignating paragraphs (15) and (16) as paragraphs (17) and (18), respectively;

(4) by inserting after paragraph (14) the following new paragraph:

"(16) MORTGAGE MARKETS.—The terms 'mortgage loan origination' and 'secondary mortgage market' shall have such meanings as the Director shall, by regulation, prescribe consistent with the Federal National Mortgage Association Charter Act and the Federal Home Loan Mortgage Corporation Act. The Director shall issue such regulations not later than the expiration of the 12-month period beginning on the effective date under section 185 of the Federal Housing Finance Reform Act of 2005, and the Director shall review such regulations on a periodic basis.";

(5) by redesignating paragraphs (5) through (14) as paragraphs (6) through (15), respectively; and

(6) by inserting after paragraph (4) the following new paragraph:

"(5) BUSINESS ACTIVITY.—The term 'business activity' means, with respect to an enterprise, any offering, undertaking, transacting, conducting, or engaging in any conduct, activity, or product by the enterprise, as the Director shall provide.".

(c) CONFORMING AMENDMENTS.—

(1) FANNIE MAE.—Section 302(b)(6) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1717(b)(6)) is amended—

(A) by striking "new program (as such term is" and inserting "new program or new business activity (as such terms are"; and

(B) by striking "before obtaining the approval of the Secretary under section 1322" and inserting "except in accordance with section 1321".

(2) FREDDIE MAC.—Section 305(c) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(c)) is amended—

(A) by striking "new program (as such term is" and inserting "new program or new business activity (as such terms are"; and

(B) by striking "before obtaining the approval of the Secretary under section 1322" and inserting "except in accordance with section 1321".

SEC. 123. CONFORMING LOAN LIMITS.

(a) FANNIE MAE.—

(1) GENERAL LIMIT.—Section 302(b)(2) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1717(b)(2)) is amended by striking the 7th and 8th sentences and inserting the following new sentences: "Such limitations shall not exceed $359,650 for a mortgage secured by a single-family residence, $460,400 for a mortgage secured by a 2-family residence, $556,500 for a mortgage secured by a 3-family residence, and $691,600 for a mortgage secured by a 4-family residence, except that such maximum limitations shall be adjusted effective January 1 of each year beginning after the effective date under section 185 of the Federal Housing Finance Reform Act of 2005, subject to the limitations in this paragraph. Each adjustment shall be made by adding to or subtracting from each such amount (as it may have been previously adjusted) a percentage thereof equal to the percentage increase or decrease, during the most recent 12-month or fourth-quarter period ending before the time of determining such annual adjustment, in the housing price index maintained by the Director of the Federal Housing Finance Agency (pursuant to section 1322 of the Housing and Community Development Act of 1992 (12 U.S.C. 4541)).".

(2) HIGH-COST AREA LIMIT.—Section 302(b)(2) of the Federal National Mortgage Association Charter Act is (12 U.S.C. 1717(b)(2)) is amended by adding after the period at the end the following: "Such foregoing limitations shall also be increased with respect to properties of a particular size located in any area for which the median price for such size residence exceeds the foregoing limitation for such size residence, to the lesser of 150 percent of such foregoing limitation for such size residence or the amount that is equal to the median price in such area for such size residence, except that, subject to the order, if any, issued by the Director of the Federal Housing Finance Agency pursuant to section 123(d)(3) of the Federal Housing Finance Reform Act of 2005, such increase shall apply only with respect to mortgages on which are based securities issued and sold by the corporation."

(b) FREDDIE MAC.—

(1) GENERAL LIMIT.—Section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)(2)) is amended by striking the 6th and 7th sentences and inserting the following new sentences: "Such limitations shall not exceed $359,650 for a mortgage secured by a single-family residence, $460,400 for a mortgage secured by a 2-family residence, $556,500 for a mortgage secured by a 3-family residence, and $691,600 for a mortgage secured by a 4-family residence, except that such maximum limitations shall be adjusted effective January 1 of each year beginning after the effective date under section 185 of the Federal Housing Finance Reform Act of 2005, subject to the limitations in this paragraph. Each adjustment shall be made by adding to or subtracting from each such amount (as it may have been previously adjusted) a percentage thereof equal to the percentage increase or decrease, during the most recent 12-month or fourth-quarter period ending before the time of determining such annual adjustment, in the housing price index maintained by the Director of the Federal Housing Finance Agency (pursuant to section 1322 of the Housing and Community Development Act of 1992 (12 U.S.C. 4541)).".

(2) HIGH-COST AREA LIMIT.—Section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act is amended by adding after the period at the end the following: "Such foregoing limitations shall also be increased with respect to properties of a particular size located in any area for which the median price for such size residence exceeds the foregoing limitation for such size residence, to the lesser of 150 percent of such foregoing limitation for such size residence or the amount that is equal to the median price in such area for such size residence, except that, subject to the order, if any, issued by the Director of the Federal Housing Finance Agency pursuant to section 123(d)(3) of the Federal Housing Finance Reform Act of 2005, such increase shall apply only with respect to mortgages on which are based securities issued and sold by the Corporation."

(c) HOUSING PRICE INDEX.—Subpart A of part 2 of subtitle A of title XIII of the Housing and Community Development Act of 1992 (as amended by the preceding provisions of this Act) is amended by inserting after section 1321 (as added by section 122 of this Act) the following new section:

"SEC. 1322. HOUSING PRICE INDEX.

"(a) IN GENERAL.—The Director shall establish and maintain a method of assessing the national average 1-family house price for use for adjusting the conforming loan limitations of the enterprises. In establishing such method, the Director shall take into consideration the monthly survey of all major lenders conducted by the Federal Housing Finance Agency to determine the national average 1-family house price, the House Price Index maintained by the Office of Federal Housing Enterprise Oversight of the Department of Housing and Urban Development before the effective date under section 185 of the Federal Housing Finance Reform Act of 2005, any appropriate house price indexes of the Bureau of the Census of the Department of Commerce, and any other indexes or measures that the Director considers appropriate.

"(b) GAO AUDIT.—

"(1) IN GENERAL.—At such times as are required under paragraph (2), the Comptroller General of the United States shall conduct an audit of the methodology established by the Director under subsection (a) to determine whether the methodology established is an accurate and appropriate means of measuring changes to the national average 1-family house price.

"(2) TIMING.—An audit referred to in paragraph (1) shall be conducted and completed not later than the expiration of the 180-day period that begins upon each of the following dates:

"(A) ESTABLISHMENT.—The date upon which such methodology is initially established under subsection (a) in final form by the Director.

"(B) MODIFICATION OR AMENDMENT.—Each date upon which any modification or amendment to such methodology is adopted in final form by the Director.

"(3) REPORT.—Within 30 days of the completion of any audit conducted under this subsection, the Comptroller General shall submit a report detailing the results and conclusions of the audit to the Director, the Committee on Financial Services of the House of Representatives, and the Committee on Banking, Housing, and Urban Affairs of the Senate.".

(d) CONDITIONS ON CONFORMING LOAN LIMIT FOR HIGH-COST AREAS.—

(1) STUDY.—The Director of the Federal Housing Finance Agency shall conduct a study under this subsection during the six-month period beginning on the effective date under section 185 of this Act.

(2) ISSUES.—The study under this subsection shall determine—

(A) the effect that restricting the conforming loan limits for high-cost areas only to mortgages on which are based securities issued and sold by the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation (as provided in the last sentence of section 302(b)(2) of the Federal National Mortgage Association Charter Act and the last sentence of section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act, pursuant to the amendments made by subsections (a)(2) and (b)(2) of this section) would have on the cost to borrowers for mortgages on housing in such high-cost areas;

(B) the effects that such restrictions would have on the availability of mortgages for housing in such high-cost areas; and

(C) the extent to which the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation will be able to issue and sell securities based on mortgages for housing located in such high-cost areas.

(3) DETERMINATION.—

(A) IN GENERAL.—Not later than the expiration of the six-month period specified in paragraph (1), the Director of the Federal Housing Finance Agency shall make a determination, based on the results of the study under this subsection, of whether the restriction of conforming loan limits for high-cost areas only to mortgages on which are based securities issued and sold by the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation (as provided in the amendments made by subsections (a)(2) and (b)(2) of this section) will result in an increase in the cost to borrowers for mortgages on housing in such high-cost areas.

(B) ORDER.— If such determination is that costs to borrowers on housing in such high-cost areas will be increased by such restrictions, the Director may issue an order terminating such restrictions, in whole or in part.

(4) PUBLICATION.— Not later than the expiration of the six-month period specified in paragraph (1), the Director of the Federal Housing Finance Agency shall cause to be published in the Federal Register—

(A) a report that—

(i) describes the study under this subsection; and

(ii) sets forth the conclusions of the study regarding the issues to be determined under paragraph (2); and

(B) notice of the determination of the Director under paragraph (3); and

(C) the order of the Director under paragraph (3).

(5) DEFINITION.—For purposes of this subsection, the term "conforming loan limits for high-cost areas" means the dollar amount limitations applicable under the section 302(b)(2) of the Federal National Mortgage Association Charter Act and section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act (as amended by subsections (a) and (b) of this section) for areas described in the last sentence of such sections (as so amended).

(e) REGULAR ADJUSTMENT OF CONFORMING LOAN LIMITS.—

(1) ADJUSTMENT FOR YEAR INTERVENING BEFORE EFFECTIVE DATE.—Notwithstanding section 302(b)(2) of the Federal National Mortgage Association Charter Act and section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act, as amended by this section, the maximum dollar amount limitations in such sections shall be adjusted on the effective date under section 185 of this Act, and the limitations as so adjusted shall be immediately effective, so that the limitations under such sections applicable to the year in which such effective date occurs are equal to the limitations in effect under such sections immediately before such effective date.

(2) FURTHER ADJUSTMENTS.—After such effective date, the dollar amount limitations as adjusted pursuant to paragraph (1) shall be considered "such amount (as it may have been previously adjusted" for purposes of section 302(b)(2) of the Federal National Mortgage Association Charter Act and section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act.

SEC. 124. ANNUAL HOUSING REPORT REGARDING REGULATED ENTITIES.

(a) IN GENERAL.—The Housing and Community Development Act of 1992 is amended by striking section 1324 (12 U.S.C. 4544) and inserting the following new section:

"SEC. 1324. ANNUAL HOUSING REPORT REGARDING REGULATED ENTITIES.

"(a) IN GENERAL.—After reviewing and analyzing the reports submitted under section 309(n) of the Federal National Mortgage Association Charter Act, section 307(f) of the Federal Home Loan Mortgage Corporation Act, and section 10(j)(11) of the Federal Home Loan Bank Act (12 U.S.C. 1430(j)(11)), the Director shall submit a report, not later than October 30 of each year, to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate, on the activities of each regulated entity.

"(b) CONTENTS.—The report shall—

"(1) discuss the extent to which—

"(A) each enterprise is achieving the annual housing goals established under subpart B of this part;

"(B) each enterprise is complying with section 1337;

"(C) each Federal home loan bank is complying with section 10(j) of the Federal Home Loan Bank Act; and

"(D) each regulated entity is achieving the purposes of the regulated entity established by law;

"(2) aggregate and analyze relevant data on income to assess the compliance by each enterprise with the housing goals established under subpart B;

"(3) aggregate and analyze data on income, race, and gender by census tract and other relevant classifications, and compare such data with larger demographic, housing, and economic trends;

"(4) examine actions that—

"(A) each enterprise has undertaken or could undertake to promote and expand the annual goals established under subpart B and the purposes of the enterprise established by law; and

"(B) each Federal home loan bank has taken or could undertake to promote and expand the community investment program and affordable housing program of the bank established under section subsections (i) and (j) of section 10 of the Federal Home Loan Bank Act;

"(5) examine the primary and secondary multifamily housing mortgage markets and describe—

"(A) the availability and liquidity of mortgage credit;

"(B) the status of efforts to provide standard credit terms and underwriting guidelines for multifamily housing and to securitize such mortgage products; and

"(C) any factors inhibiting such standardization and securitization;

"(6) examine actions each regulated entity has undertaken and could undertake to promote and expand opportunities for first-time homebuyers;

"(7) describe any actions taken under section 1325(5) with respect to originators found to violate fair lending procedures;

"(8) discuss and analyze existing conditions and trends, including conditions and trends relating to pricing, in the housing markets and mortgage markets; and

"(9) identify the extent to which each enterprise is involved in mortgage purchases and secondary market activities involving subprime loans (as identified in accordance with the regulations issued pursuant to section 124(b) of the Federal Housing Finance Reform Act of 2005) and compare the characteristics of subprime loans purchased and securitized by the enterprises to other loans purchased and securitized by the enterprises

"(c) DATA COLLECTION AND REPORTING.—

"(1) IN GENERAL.—To assist the Director in analyzing the matters described in subsection (b) and establishing the methodology described in section 1322, the Director shall conduct, on a monthly basis, a survey of mortgage markets in accordance with this subsection.

"(2) DATA POINTS.—Each monthly survey conducted by the Director under paragraph (1) shall collect data on—

"(A) the characteristics of individual mortgages that are eligible for purchase by the enterprises and the characteristics of individual mortgages that are not eligible for purchase by the enterprises including, in both cases, information concerning—

"(i) the price of the house that secures the mortgage;

"(ii) the loan-to-value ratio of the mortgage, which shall reflect any secondary liens on the relevant property;

"(iii) the terms of the mortgage;

"(iv) the creditworthiness of the borrower or borrowers; and

"(v) whether the mortgage, in the case of a conforming mortgage, was purchased by an enterprise; and

"(B) such other matters as the Director determines to be appropriate.

"(3) PUBLIC AVAILABILITY.—The Director shall make any data collected by the Director in connection with the conduct of a monthly survey available to the public in a timely manner, provided that the Director may modify the data released to the public to ensure that the data is not released in an identifiable form.

"(4) DEFINITION.—For purposes of this subsection, the term 'identifiable form' means any representation of information that permits the identity of a borrower to which the information relates to be reasonably inferred by either direct or indirect means.".

(b) STANDARDS FOR SUBPRIME LOANS.—The Director shall, not later than one year after the effective date under section 185, by regulations issued under section 1316G of the Housing and Community Development Act of 1992, establish standards by which mortgages purchased and mortgages purchased and securitized shall be characterized as subprime for the purpose of, and only for the purpose of, complying with the reporting requirement under section 1324(b)(9) of such Act.

SEC. 125. REVISION OF HOUSING GOALS.

(a) HOUSING GOALS.—The Housing and Community Development Act of 1992 is amended by striking sections 1331 through 1334 (12 U.S.C. 4561–4) and inserting the following new sections:

"SEC. 1331. ESTABLISHMENT OF HOUSING GOALS.

"(a) IN GENERAL.—The Director shall establish, effective for the first year that begins after the effective date under section 185 of the Federal Housing Finance Reform Act of 2005 and each year thereafter, annual housing goals, with respect to the mortgage purchases by the enterprises, as follows:

"(1) SINGLE FAMILY HOUSING GOALS.—Three single-family housing goals under section 1332.

"(2) MULTIFAMILY SPECIAL AFFORDABLE HOUSING GOALS.—A multifamily special affordable housing goal under section 1333.

"(b) ELIMINATING INTEREST RATE DISPARITIES.—

"(1) IN GENERAL.—In establishing and implementing the housing goals under this subpart, the Director shall require the enterprises to disclose appropriate information to allow the Director to assess if there are any disparities in interest rates charged on mortgages to borrowers who are minorities as compared with borrowers of similar creditworthiness who are not minorities, as evidenced in reports pursuant to the Home Mortgage Disclosure Act of 1975.

"(2) REPORT AND REMEDY.—Upon a finding by the Director, pursuant to the information provided by an enterprise in paragraph (1), that a pattern of disparities in interest rates exists, the Director shall—

"(A) submit to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a report detailing the disparities; and

"(B) require the enterprise to take such action as the Director deems appropriate pursuant to this Act to remedy the interest rate disparities identified.

"(3) PROTECTION OF IDENTITY.—In carrying out this subsection, the Director shall ensure that no information is made public that would reasonably allow identification, directly or indirectly, of an individual borrower.

"(c) TIMING.—The Director shall establish an annual deadline by which the Director shall establish the annual housing goals under this subpart for each year, taking into consideration the need for the enterprises to reasonably and sufficiently plan their operations and activities in advance, including operations and activities necessary to meet such annual goals.

"SEC. 1332. SINGLE-FAMILY HOUSING GOALS.

"(a) IN GENERAL.—The Director shall establish an annual goal for the purchase by each enterprise of conventional, conforming, single-family, owner-occupied, purchase money mortgages financing housing for each of the following categories of families:

"(1) Low-income families.

"(2) Families that reside in low-income areas.

"(3) Very low-income families.

"(b) DETERMINATION OF COMPLIANCE.—The Director shall determine, for each year that the housing goal under this section is in effect pursuant to section 1331(a), whether each enterprise has complied with the single-family housing goal established under this section for such year. An enterprise shall be considered to be in compliance with such a goal for a year only if—

"(1) for each of the types of families described in subsection (a), the percentage of the number of conventional, conforming, single-family, owner-occupied, purchase money mortgages purchased by each enterprise in such year that serve such families, meets or exceeds

"(2) the target for the year for such type of family that is established under subsection (c).

"(c) ANNUAL TARGETS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), for each of the types of families described in subsection (a), the target under this subsection for a year shall be the average percentage, for the three years that most recently precede such year and for which information under the Home Mortgage Disclosure Act of 1975 is publicly available, of the number of conventional, conforming, single-family, owner-occupied, purchase money mortgages originated in such year that serves such type of family, as determined by the Director using the information obtained and determined pursuant to paragraphs (3) and (4).

"(2) AUTHORITY TO INCREASE TARGETS.—

"(A) IN GENERAL.—The Director may, for any year, establish by regulation, for any or all of the types of families described in subsection (a), percentage targets that are higher than the percentages for such year determined pursuant to paragraph (1), to reflect expected changes in market performance related to such information under the Home Mortgage Disclosure Act of 1975.

"(B) FACTORS.—In establishing any targets pursuant to subparagraph (A), the Director shall consider the following factors:

"(i) National housing needs.

"(ii) Economic, housing, and demographic conditions.

"(iii) The performance and effort of the enterprises toward achieving the housing goals under this section in previous years.

"(iv) The size of the conventional mortgage market serving each of the types of families described in subsection (a) relative to the size of the overall conventional mortgage market.

"(v) The need to maintain the sound financial condition of the enterprises.

"(3) HMDA INFORMATION.—The Director shall annually obtain information submitted in compliance with the Home Mortgage Disclosure Act of 1975 regarding conventional, conforming, single-family, owner-occupied, purchase money mortgages originated and purchased for the previous year.

"(4) CONFORMING MORTGAGES.—In determining whether a mortgage is a conforming mortgage for purposes of this paragraph, the Director shall consider the original principal balance of the mortgage loan to be the principal balance as reported in the information referred to in paragraph (3), as rounded to the nearest thousand dollars.

"(d) NOTICE OF DETERMINATION AND ENTERPRISE COMMENT.—

"(1) NOTICE.—Within 30 days of making a determination under subsection (b) regarding a compliance of an enterprise for a year with the housing goal established under this section and before any public disclosure thereof, the Director shall provide notice of the determination to the enterprise, which shall include an analysis and comparison, by the Director, of the performance of the enterprise for the year and the targets for the year under subsection (c).

"(2) COMMENT PERIOD.—The Director shall provide each enterprise an opportunity to comment on the determination during the 30-day period beginning upon receipt by the enterprise of the notice.

"(e) USE OF BORROWER INCOME.—In monitoring the performance of each enterprise pursuant to the housing goals under this section and evaluating such performance (for purposes of section 1336), the Director shall consider a mortgagor's income to be such income at the time of origination of the mortgage.

"SEC. 1333. MULTIFAMILY SPECIAL AFFORDABLE GOAL.

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—The Director shall establish, by regulation, an annual goal for the purchase by each enterprise of each of the following types of mortgages on multifamily housing:

"(A) Mortgages that finance dwelling units for very low-income families.

"(B) Mortgages that finance dwelling units assisted by the low-income housing tax credit under section 42 of the Internal Revenue Code of 1986.

"(2) ADDITIONAL REQUIREMENTS FOR SMALLER PROJECTS.—The Director shall establish, within the goal under this section, additional requirements for the purchase by each enterprise of mortgages described in paragraph (1) for multifamily housing projects of a smaller or limited size, which may be based on the number of dwelling units in the project or the amount of the mortgage, or both, and shall include multifamily housing projects of such smaller sizes as are typical among such projects that serve rural areas.

"(3) FACTORS.—In establishing the goal under this section relating to mortgages on multifamily housing for an enterprise, the Director shall consider—

"(A) national multifamily mortgage credit needs;

"(B) the performance and effort of the enterprise in making mortgage credit available for multifamily housing in previous years;

"(C) the size of the multifamily mortgage market;

"(D) the ability of the enterprise to lead the industry in making mortgage credit available, especially for underserved markets, such as for small multifamily projects of 5 to 50 units, multifamily properties in need of rehabilitation, and multifamily properties located in rural areas; and

"(E) the need to maintain the sound financial condition of the enterprise.

"(b) UNITS FINANCED BY HOUSING FINANCE AGENCY BONDS.—The Director shall give full credit toward the achievement of the multifamily special affordable housing goal under this section (for purposes of section 1336) to dwelling units in multifamily housing that otherwise qualifies under such goal and that is financed by tax-exempt or taxable bonds issued by a State or local housing finance agency, but only if—

"(1) such bonds are secured by a guarantee of the enterprise; or

"(2) are not investment grade and are purchased by the enterprise.

"(c) USE OF TENANT INCOME OR RENT.—The Director shall monitor the performance of each enterprise in meeting the goals established under this section and shall evaluate such performance (for purposes of section 1336) based on—

"(1) the income of the prospective or actual tenants of the property, where such data are available; or

"(2) where the data referred to in paragraph (1) are not available, rent levels affordable to low-income and very low-income families.

A rent level shall be considered to be affordable for purposes of this subsection for an income category referred to in this subsection if it does not exceed 30 percent of the maximum income level of such income category, with appropriate adjustments for unit size as measured by the number of bedrooms.

"(d) DETERMINATION OF COMPLIANCE.—The Director shall, for each year that the housing goal under this section is in effect pursuant to section 1331(a), determine whether each enterprise has complied with such goal and the additional requirements under subsection (a)(2).

"SEC. 1334. DISCRETIONARY ADJUSTMENT OF HOUSING GOALS.

"(a) AUTHORITY.—An enterprise may petition the Director in writing at any time during a year to reduce the level of any goal for such year established pursuant to this subpart.

"(b) STANDARD FOR REDUCTION.—The Director may reduce the level for a goal pursuant to such a petition only if—

"(1) market and economic conditions or the financial condition of the enterprise require such action; or

"(2) efforts to meet the goal would result in the constraint of liquidity, over-investment in certain market segments, or other consequences contrary to the intent of this subpart, or section 301(3) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1716(3)) or section 301(3) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1451 note), as applicable.

"(c) DETERMINATION.—The Director shall make a determination regarding any proposed reduction within 30 days of receipt of the petition regarding the reduction. The Director may extend such period for a single additional 15-day period, but only if the Director requests additional information from the enterprise. A denial by the Director to reduce the level of any goal under this section may be appealed to the United States District Court for the District of Columbia or the United States district court in the jurisdiction in which the headquarters of an enterprise is located.".

(b) CONFORMING AMENDMENTS.—The Housing and Community Development Act of 1992 is amended——

(1) in section 1335(a) (12 U.S.C. 4565(a)), in the matter preceding paragraph (1), by striking "low- and moderate-income housing goal" and all that follows through "section 1334" and inserting "housing goals established under this subpart"; and

(2) in section 1336(a)(1) (12 U.S.C. 4566(a)(1)), by striking "sections 1332, 1333, and 1334," and inserting "this subpart" .

(c) DEFINITIONS.—Section 1303 of the Housing and Community Development Act of 1992 (12 U.S.C. 4502), as amended by the preceding provisions of this Act, is further amended—

(1) in paragraph (26), by striking "60 percent" each place such term appears and inserting "50 percent";

(2) by redesignating paragraphs (23) through (26) as paragraphs (27) through (30), respectively;

(3) by inserting after paragraph (22) the following new paragraph:

"(26) RURAL AREAS.—The term 'rural areas' means any areas that are non-metropolitan areas (as such term is defined by the Director of the Office of Management and Budget), including micropolitan areas and tribal trust lands.".

(4) by redesignating paragraphs (14) through (22) as paragraphs (17) through (25), respectively; and

(5) by inserting after paragraph (13) the following new paragraph:

"(16) LOW-INCOME AREA.—The term 'low income area' means a census tract or block numbering area in which the median income does not exceed 80 percent of the median income for the area in which such census tract or block numbering area is located, and, for the purposes of section 1332(a)(2), shall include families having incomes not greater than 100 percent of the area median income who reside in minority census tracts.";

(6) by redesignating paragraphs (12) and (13) as paragraphs (14) and (15), respectively;

(7) by inserting after paragraph (11) the following new paragraph:

"(13) EXTREMELY LOW-INCOME.—The term 'extremely low-income' means—

"(A) in the case of owner-occupied units, income not in excess of 30 percent of the area median income; and

"(B) in the case of rental units, income not in excess of 30 percent of the area median income, with adjustments for smaller and larger families, as determined by the Secretary.";

(8) by redesignating paragraphs (8) through (11) as paragraphs (9) through (12), respectively; and

(9) by inserting after paragraph (7) the following new paragraph:

"(8) CONFORMING MORTGAGE.—The term 'conforming mortgage' means, with respect to an enterprise, a conventional mortgage having an original principal obligation that does not exceed the dollar limitation, in effect at the time of such origination, under, as applicable—

"(A) section 302(b)(2) of the Federal National Mortgage Association Charter Act; or

"(B) section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act.".

SEC. 126. DUTY TO SERVE UNDERSERVED MARKETS.

(a) ESTABLISHMENT AND EVALUATION OF PERFORMANCE.—Section 1335 of the Housing and Community Development Act of 1992 (12 U.S.C. 4565) is amended—

(1) in the section heading, by inserting "**DUTY TO SERVE UNDERSERVED MARKETS AND**" before "**OTHER**";

(2) by striking subsection (b);

(3) in subsection (a)—

(A) in the matter preceding paragraph (1), by inserting "and to carry out the duty under subsection (a) of this section" before ", each enterprise shall";

(B) in paragraph (3), by inserting "and" after the semicolon at the end;

(C) in paragraph (4), by striking "; and" and inserting a period;

(D) by striking paragraph (5); and

(E) by redesignating such subsection as subsection (b);

(4) by inserting before subsection (b) (as so redesignated by paragraph (3)(E) of this subsection) the following new subsection:

"(a) DUTY TO SERVE UNDERSERVED MARKETS.—

"(1) DUTY.—In accordance with the purpose of the enterprises under section 301(3) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1716) and section 301(b)(3) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1451 note) to undertake activities relating to mortgages on housing for very low-, low-, and moderate-income families involving a reasonable economic return that may be less than the return earned on other activities, each enterprise shall have the duty to increase the liquidity of mortgage investments and improve the distribution of investment capital available for mortgage financing for underserved markets.

"(2) UNDERSERVED MARKETS.—To meet its duty under paragraph (1), each enterprise shall comply with the following requirements with respect to the following underserved markets:

"(A) MANUFACTURED HOUSING.—The enterprise shall lead the industry in developing loan products and flexible underwriting guidelines to facilitate a secondary market for mortgages on manufactured homes for very low-, low-, and moderate-income families.

"(B) AFFORDABLE HOUSING PRESERVATION.—The enterprise shall lead the industry in developing loan products and flexible underwriting guidelines to facilitate a secondary market to preserve housing affordable to very low-, low-, and moderate-income families, including housing projects subsidized under—

"(i) the project-based and tenant-based rental assistance programs under section 8 of the United States Housing Act of 1937;

"(ii) the program under section 236 of the National Housing Act;

"(iii) the below-market interest rate mortgage program under section 221(d)(4) of the National Housing Act;

"(iv) the supportive housing for the elderly program under section 202 of the Housing Act of 1959;

"(v) the supportive housing program for persons with disabilities under section 811 of the Cranston-Gonzalez National Affordable Housing Act; and

"(vi) the rural rental housing program under section 515 of the Housing Act of 1949.

"(C) RURAL AND OTHER UNDERSERVED MARKETS.—The enterprise shall lead the industry in developing loan products and flexible underwriting guidelines to facilitate a secondary market for mortgages on housing for very low-, low-, and moderate-income families in rural areas, and for mortgages for housing for any other underserved market for very low-, low-, and moderate-income families that the Secretary identifies as lacking adequate credit through conventional lending sources. Such underserved markets may be identified by borrower type, market segment, or geographic area."; and

(5) by adding at the end the following new subsection:

"(c) EVALUATION AND REPORTING OF COMPLIANCE.—

"(1) IN GENERAL.—Not later than 6 months after the effective date under section 185 of the Federal Housing Finance Reform Act of 2005, the Director shall establish a manner for evaluating whether, and the extent to which, the enterprises have complied with the duty under subsection (a) to serve underserved markets and for rating the extent of such compliance. Using such method, the Director shall, for each year, evaluate such compliance and rate the performance of each enterprise as to extent of compliance. The Director shall include such evaluation and rating for each enterprise for a year in the report for that year submitted pursuant to section 1319B(a).

"(2) SEPARATE EVALUATIONS.—In determining whether an enterprise has complied with the duty referred to in paragraph (1), the Director shall separately evaluate whether the enterprise has complied with such duty with respect to each of the underserved markets identified in subsection (a), taking into consideration—

"(A) the development of loan products and more flexible underwriting guidelines;

"(B) the extent of outreach to qualified loan sellers in each of such underserved markets; and

"(C) the volume of loans purchased in each of such underserved markets.".

(b) ENFORCEMENT.—Subsection (a) of section 1336 of the Housing and Community Development Act of 1992 (12 U.S.C. 4566(a)) is amended—

(1) in paragraph (1), by inserting "and with the duty under section 1335A of each enterprise with respect to underserved markets," before "as provided in this section,"; and

(2) by adding at the end of such subsection, as amended by the preceding provisions of this title, the following new paragraph:

"(4) ENFORCEMENT OF DUTY TO PROVIDE MORTGAGE CREDIT TO UNDERSERVED MARKETS.—The duty under section 1335(a) of each enterprise to serve underserved markets (as determined in accordance with section 1335(c)) shall be enforceable under this section to the same extent and under the same provisions that the housing goals established under sections 1332, 1333, and 1334 are enforceable. Such duty shall not be enforceable under any other provision of this title (including subpart C of this part) other than this section or under any provision of the Federal National Mortgage Association Charter Act or the Federal Home Loan Mortgage Corporation Act.".

SEC. 127. MONITORING AND ENFORCING COMPLIANCE WITH HOUSING GOALS.

Section 1336 of the Housing and Community Development Act of 1992 (12 U.S.C. 4566) is amended—

(1) in subsection (b)—

(A) in the subsection heading, by inserting "Preliminary" before "Determination";

(B) by striking paragraph (1) and inserting the following new paragraph:

"(1) NOTICE.—If the Director preliminarily determines that an enterprise has failed, or that there is a substantial probability that an enterprise will fail, to meet any housing goal established under this subpart, the Director shall provide written notice to the enterprise of such a preliminary determination, the reasons for such determination, and the information on which the Director based the determination.";

(C) in paragraph (2)—

(i) in subparagraph (A), by inserting "finally" before "determining";

(ii) by striking subparagraphs (B) and (C) and inserting the following new subparagraph:

"(B) EXTENSION OR SHORTENING OF PERIOD.—The Director may—

"(i) extend the period under subparagraph (A) for good cause for not more than 30 additional days; and

"(ii) shorten the period under subparagraph (A) for good cause."; and

(iii) by redesignating subparagraph (D) as subparagraph (C); and

(D) in paragraph (3)—

(i) in subparagraph (A), by striking "determine" and inserting "issue a final determination of";

(ii) in subparagraph (B), by inserting "final" before "determinations"; and

(iii) in subparagraph (C)—

(I) by striking "Committee on Banking, Finance and Urban Affairs" and inserting "Committee on Financial Services"; and

(II) by inserting "final" before "determination" each place such term appears; and

(2) in subsection (c)—

(A) by striking the subsection designation and heading and all that follows through the end of paragraph (1) and inserting the following:

"(c) CEASE AND DESIST ORDERS, CIVIL MONEY PENALTIES, AND REMEDIES INCLUDING HOUSING PLANS.—

"(1) REQUIREMENT.—If the Director finds, pursuant to subsection (b), that there is a substantial probability that an enterprise will fail, or has actually failed, to meet any housing goal under this subpart and that the achievement of the housing goal was or is feasible, the Director may require that the enterprise submit a housing plan under this subsection. If the Director makes such a finding and the enterprise refuses to submit such a plan, submits an unacceptable plan, fails to comply with the plan or the Director finds that the enterprise has failed to meet any housing goal under this subpart, in addition to requiring an enterprise to submit a housing plan, the Director may issue a cease and desist order in accordance with section 1341, impose civil money penalties in accordance with section 1345, or order other remedies as set forth in paragraph (7) of this subsection.";

(B) in paragraph (2)—

*(i) by striking "**CONTENTS**.—Each housing plan" and inserting "**HOUSING PLAN**.—If the Director requires a housing plan under this section, such a plan"; and*

(ii) in subparagraph (B), by inserting "and changes in its operations" after "improvements";

(C) in paragraph (3)—

(i) by inserting "comply with any remedial action or" before "submit a housing plan"; and

(ii) by striking "under subsection (b)(3) that a housing plan is required";

(D) in paragraph (4), by striking the first two sentences and inserting the following: "The Director shall review each submission by an enterprise, including a housing plan submitted under this subsection, and not later than 30 days after submission, approve or disapprove the plan or other action. The Director may extend the period for approval or disapproval for a single additional 30-day period if the Director determines such extension necessary."; and

(E) by adding at the end the following new paragraph:

"(7) ADDITIONAL REMEDIES FOR FAILURE TO MEET GOALS.—In addition to ordering a housing plan under this section, issuing cease and desist orders under section 1341, and ordering civil money penalties under section 1345, the Director may seek other actions when an enterprise fails to meet a goal, and exercise appropriate enforcement authority available to the Director under this Act to prohibit the enterprise from entering into new programs and new business activities and to order the enterprise to suspend programs and business activities pending its achievement of the goal.".

SEC. 128. AFFORDABLE HOUSING FUND.

(a) IN GENERAL.—The Housing and Community Development Act of 1992 is amended by striking sections 1337 and 1338 (12 U.S.C. 4562 note) and inserting the following new section:

"SEC. 1337. AFFORDABLE HOUSING FUND.

"(a) ESTABLISHMENT AND PURPOSE.—Each enterprise shall establish and manage an affordable housing fund in accordance with this section. The purpose of the affordable housing fund shall be—

"(1) to increase homeownership for extremely low-and very low-income families;

"(2) to increase investment in housing in low-income areas, and areas designated as qualified census tracts or an area of chronic economic distress pursuant to section 143(j) of the Internal Revenue Code of 1986 (26 U.S.C. 143(j));

"(3) to increase and preserve the supply of rental and owner-occupied housing for extremely low- and very low-income families; and

"(4) to increase investment in economic and community development in economically underserved areas.

"(b) ALLOCATION OF AMOUNTS BY ENTERPRISES.—

"(1) IN GENERAL.—In accordance with regulations issued by the Director under subsection (l) and subject to paragraph (2) of this subsection, each enterprise shall allocate to the affordable housing fund established under subsection (a) by the enterprise, in each year beginning after the effective date under section 185 of the Federal Housing Finance Reform Act of 2005, 5 percent of the after-tax income of the enterprise for the preceding year.

"(2) LIMITATION.—An enterprise shall not be required to make an allocation for a year to the affordable housing fund of the enterprise established under subsection (a) unless—

"(A) the enterprise is classified by the Director at the time of such allocation as adequately capitalized; and

"(B) the enterprise generated after-tax income for the preceding year.

"(3) DETERMINATION OF AFTER-TAX INCOME.—For purposes of this section, the term 'after-tax income' means, with respect to an enterprise for a year, the amount reported by the enterprise for such year in the enterprise's annual report for such year that is filed with the Securities and Exchange Commission, except that for any year in which no such filing is made by an enterprise or such filing is not timely made, such term means the amount determined by the Director based on the income tax return filings of the enterprise.

"(c) SELECTION OF ACTIVITIES FUNDED USING AFFORDABLE HOUSING FUND AMOUNTS.—Amounts from the affordable housing fund of the enterprise may be used, or committed for use, only for activities that—

"(1) are eligible under subsection (d) for such use; and

"(2) are selected for funding by the enterprise in accordance with the process and criteria for such selection established pursuant to subsection (l)(2)(C).

"(d) ELIGIBLE ACTIVITIES.—Amounts from the affordable housing fund of an enterprise shall be eligible for use, or for commitment for use, only for assistance for—

"(1) the production, preservation, and rehabilitation of rental housing, including housing under the programs identified in section 1335(a)(2)(B), except that amounts provided from the Fund may be used for the benefit only of extremely low- and very low-income families;

"(2) the production, preservation, and rehabilitation of housing for homeownership, including such forms as downpayment assistance, closing cost assistance, and assistance for interest-rate buy-downs, that—

"(A) is available for purchase only for use as a principal residence by families that qualify both as—

"(i) extremely low- and very-low income families at the times described in subparagraphs (A) through (C) of section 215(b)(2) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12745(b)(2)); and

"(ii) first-time homebuyers, as such term is defined in section 104 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12704), except that any reference in such section to assistance under title II of such Act shall for purposes of this section be considered to refer to assistance from the affordable housing fund of the enterprise;

"(B) has an initial purchase price that meets the requirements of section 215(b)(1) of the Cranston-Gonzalez National Affordable Housing Act; and

"(C) is subject to the same resale restrictions established under section 215(b)(3) of the Cranston-Gonzalez National Affordable Housing Act and applicable to the participating jurisdiction that is the State in which such housing is located; and

"(3) leveraged grants under subsection (e).

"(e) LEVERAGED GRANTS.—

"(1) IN GENERAL.—Pursuant to regulations issued by the Director, each enterprise shall carry out a program under this subsection to make leveraged grants from amounts in the affordable housing fund of the enterprise, subject to the requirements under this subsection.

"(2) ELIGIBLE PURPOSES.—Amounts from the affordable housing fund of an enterprise may be used only for leveraged grants under paragraph (4) for—

"(A) the development, preservation, rehabilitation, or purchase of affordable housing that meets underserved needs for affordable housing;

"(B) community or economic development activities in economically underserved areas; or

"(C) a combination of the activities identified in subparagraphs (A) and (B).

"(3) ELIGIBLE SPONSORS.—A leveraged grant under this subsection may be made only on behalf of a sponsor that meets such requirements as the Director shall establish for experience and success in carrying out the types of activities proposed under the application of the sponsor, such as the following entities:

"(A) A low-income housing fund.

"(B) A housing finance agency of a State or unit of general local government.

"(C) A non-profit organization having as one of its principal purposes the development or management of affordable housing.

"(D) A community development financial institution.

"(E) A national non-profit housing intermediary.

"(F) A community development corporation.

"(G) A community development entity.

"(4) ELIGIBLE USES.—Amounts from the affordable housing fund of an enterprise may be used under this subsection only for the following types of leveraged grants:

"(A) To provide loan loss reserves.

"(B) To capitalize a revolving loan fund.

"(C) To provide equity capitalization of an affordable housing fund.

"(D) To provide equity capitalization of a community development or economic development fund.

"(E) For risk sharing loans.

"(F) For the funding of a specific, detailed investment plan that identifies the specific types of uses and the expected timeframes with respect to such uses.

"(5) APPLICATIONS.—The Director shall provide, in the application process established pursuant to subsection (l)(2)(C), for eligible sponsors under paragraph (3) of this subsection to submit applications to an enterprise for leveraged grants pursuant to this subsection, which shall include a detailed description of—

"(A) the types of affordable housing or community or economic development activities for which the leveraged grant is made;

"(B) the type of eligible leveraged grants under paragraph (4) to be made in the project;

"(C) the types, sources, and amounts of other funding for the project;

"(D) and the expected time frame of the leveraged grant under this subsection.

"(6) LIMITATIONS.—The Director shall by regulation—

"(A) ensure that leveraged grants pursuant to this subsection are designed to alleviate need for affordable housing in underserved markets identified in section 1335(a) having the greatest need for such housing or to address community and economic development needs in economically underserved areas having the greatest need; and

"(B) ensure that any returns from leveraged grants under this subsection accrue to the affordable housing fund of the enterprise and are available for use only as provided under this section.

"(f) LIMITATIONS ON USE.—

"(1) AMOUNTS FOR HOMEOWNERSHIP.—Of any amounts allocated pursuant to subsection (b) in each year to the affordable housing fund of an enterprise, not less than 10 percent shall be used for activities under paragraph (2) of subsection (d).

"(2) AMOUNTS FOR LEVERAGED GRANTS.—Of any amounts allocated pursuant to subsection (b) in each year to the affordable housing fund of an enterprise, not more than 12.5 percent shall be used for leveraged grants under subsection (e).

"(3) DEADLINE FOR COMMITMENT OR USE.—Any amounts allocated to the affordable housing fund of an enterprise shall be used or committed for use within two years of the date of such allocation.

"(4) USE OF RETURNS.—Any return on investment of any amounts allocated pursuant to subsection (b) to the affordable housing fund of an enterprise shall be available for use by the enterprise only for eligible activities under subsection (d).

"(5) ADMINISTRATIVE COSTS.—The Director shall, by regulation—

"(A) provide that, except as provided in subparagraph (B), amounts allocated to the affordable housing fund of an enterprise may not be used for administrative, outreach, or other costs of—

"(i) the enterprise; or

"(ii) any recipient of amounts from the affordable housing fund; and

"(B) limit the amount of any such contributions that may be used for administrative costs of the enterprise of maintaining the affordable housing fund and carrying out the program under this section.

"(6) PROHIBITION OF CONSIDERATION OF USE FOR MEETING HOUSING GOALS.—In determining compliance with the housing goals under this subpart, the Director may not consider amounts used under this section for eligible activities under subsection (d). The Director shall give credit toward the achievement of such housing goals to purchases of mortgages for housing that receives funding under this section, but only to the extent that such purchases are funded other than under this section.

"(7) PROHIBITION OF CERTAIN SUBGRANTS.—The Director shall, by regulation, ensure that amounts from the affordable housing fund of an enterprise awarded under this section to a national non-profit housing intermediary are not used for the purpose of distributing subgrants to other non-profit entities.

"(g) CONSISTENCY OF USE WITH HOUSING NEEDS.—

"(1) QUARTERLY REPORTS.—The Director shall require each enterprise to submit a report, on a quarterly basis, to the Director and the affordable housing board established under subsection (j) describing the activities funded under this section during such quarter with amounts from the affordable housing fund of the enterprise established under this section. The Director shall make such reports publicly available. The affordable housing board shall review each report by an enterprise to determine the consistency of such activities funded with the criteria for selection of such activities established pursuant to subsection (l)(2)(C).

"(2) REPLENISHMENT.—If the affordable housing board determines that an activity funded by an enterprise with amounts from the affordable housing fund of the enterprise is not consistent with the criteria established pursuant to subsection (l)(2)(C), the board shall notify the Director and the Director shall require the enterprise to allocate to such affordable housing fund (in addition to amounts allocated in compliance with subsection (b)) an amount equal to the sum of the amounts from the affordable housing fund used and further committed for use for such activity.

"(h) CAPITAL REQUIREMENTS.—The utilization or commitment of amounts from the affordable housing fund of an enterprise shall not be subject to the risk-based capital requirements established pursuant to section 1361(a).

"(i) REPORTING REQUIREMENT.—Each enterprise shall include, in the report required under section 309(m) of the Federal National Mortgage Association Charter Act or section 307(f) of the Federal Home Loan Mortgage Corporation Act, as applicable, a description of the actions taken by the enterprise to utilize or commit amounts allocated under this section to the affordable housing fund of the enterprise established under this section.

"(j) AFFORDABLE HOUSING BOARD.—

"(1) APPOINTMENT.—The Director shall appoint an affordable housing board of 7, 9, or 11 persons, who shall include—

"(A) the Director, or the Director's designee;

"(B) the Secretary of Housing and Urban Development, or the Secretary's designee;

"(C) the Secretary of Agriculture, or the Secretary's designee;

"(D) 2 persons from for-profit organizations or businesses actively involved in providing or promoting affordable housing for extremely low- and very low-income households; and

"(E) 2 persons from nonprofit organizations actively involved in providing or promoting affordable housing for extremely low- and very low-income households.

"(2) TERMS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the term of each member of the affordable housing board appointed pursuant to paragraph (1) (but not including members appointed pursuant to subparagraphs (A), (B), and (C)) shall be 3 years.

"(B) INITIAL APPOINTEES.—The Director shall appoint the initial members of the affordable housing board not later than the expiration of the 60-day period beginning on the date of the enactment of this Act. As designated by the Director at the time of appointment, of the members of the affordable housing board first appointed pursuant to paragraph (1) (but not including members appointed pursuant to subparagraphs (A), (B), and (C))—

"(i) in the case of a board having 7 members—

"(I) one shall be appointed for a term of one year; and

"(II) one shall be appointed for a term of two years;

"(ii) in the case of a board having 9 members—

"(I) two shall be appointed for a term of one year; and

"(II) two shall be appointed for a term of two years; and

"(iii) in the case of a board having 11 members—

"(I) two shall be appointed for a term of one year; and

"(II) three shall be appointed for a term of two years;

"(3) DUTIES.—The affordable housing board shall meet not less than quarterly—

"(A) to determine extremely low- and very low-income housing needs;

"(B) to advise the Director with respect to—

"(i) establishment of the selection criteria under subsection (l)(2)(C) that provide for appropriate use of amounts from the affordable housing funds of the enterprises to meet such needs; and

"(ii) operation of, and changes to, the program under this section appropriate to meet such needs; and

"(C) to review the reports submitted by the enterprises pursuant to subsection (g)(1) to determine whether the activities funded using amounts from the affordable housing funds of the enterprises comply with the regulations issued pursuant to subsection (l)(2)(C) and inform the Director of such determinations, for purposes of subsection (g)(2).

"(4) EXPENSES AND PER DIEM.—Members of the board shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

"(5) ADVISORY COMMITTEE.—The board shall be considered an advisory committee for purposes of the Federal Advisory Committee Act (5 U.S.C. App.).

"(6) DURATION.— The board shall have continued existence until terminated by law.

"(k) DEFINITION.—For purposes of this section, the term 'economically underserved area' means an area that predominantly includes census tracts for which—

"(1) at least 20 percent of the population is below the poverty line (as such term is defined in section 673(2) of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 9902(2)), including any revision required by such section), applicable to a family of the size involved; or

"(2) median family income does not exceed the greater of—

"(A) 80 percent of the median family income for the metropolitan statistical area in which such census tracts are located; or

"(B) 80 percent of the median family income for the State in which such census tracts are located.

"(l) REGULATIONS.—

"(1) IN GENERAL.—The Director shall issue regulations to carry out this section.

"(2) REQUIRED CONTENTS.—The regulations issued under this subsection shall include—

"(A) authority for the Director to audit, provide for an audit, or otherwise verify an enterprise's activities, to ensure compliance with this section;

"(B) a requirement that the Director ensure that the affordable housing fund of each enterprise is audited not less than annually to ensure compliance with this section;

"(C) requirements for a process for application to, and selection by, an enterprise for activities to be funded with amounts from the affordable housing fund, which shall provide that—

"(i) selection shall based upon specific criteria, including a prioritization of funding based upon—

"(I) greatest impact;

"(II) geographic diversity;

"(III) ability to obligate amounts and undertake activities so funded in a timely manner;

"(IV) in the case of rental housing projects under subsection (d)(1), the extent to which rents for units in the project funded are affordable, especially for extremely low-income families; and

"(V) in the case of rental housing projects under subsection (d)(1), the extent of the duration for which such rents will remain affordable; and

"(ii) an enterprise may not require for such selection that an activity involve financing or underwriting of any kind by the enterprise (other than funding through the affordable housing fund of the enterprise) and may not give preference in such selection to activities that involve such financing; and

"(D) requirements to ensure that amounts from the affordable housing funds of the enterprises used for rental housing under subsection (d)(1) are used only for the benefit of extremely low- and very-low income families.

"(3) LIMITATION.—Any regulations issued by the Director pursuant to this section shall be no more restrictive on the enterprises' activities in connection with the allocation of after-tax income under this section than the regulations issued to implement the affordable housing program of the Federal home loan banks pursuant to section 10(j) of the Federal Home Loan Bank Act (12 U.S.C. 1430(j)).".

(b) CONTRIBUTIONS FOR 2006.—

(1) RESERVATION AND CONTRIBUTION.—In 2006, each enterprise (as such term is defined in section 1303 of the Housing and Community Development Act of 1992) shall reserve for contribution to the affordable housing fund to be established by the enterprise pursuant to section 1337 of such Act (as amended by subsection (a) of this section), an amount equal to 3.5 percent of the after-tax income of the enterprise for 2005. Upon the establishment of such affordable housing fund, each enterprise shall allocate to such fund the amounts reserved under this subsection by the enterprise.

(2) EXCEPTION TO DEADLINE FOR COMMITMENT.—Section 1337(e)(2) of the Housing and Community Development Act of 1992 (as amended by subsection (a) of this section) shall not apply to amounts allocated to the affordable housing fund of an enterprise pursuant to paragraph (1).

(3) AFTER-TAX INCOME.—For purposes of this subsection, the term "after-tax income" has the meaning provided in subsection (b)(3) of the new section 1337 to be inserted by the amendment made by subsection (a) of this section.

(4) EFFECTIVE DATE.—This subsection shall take effect on the date of the enactment of this Act.

SEC. 129. CONSISTENCY WITH MISSION.

Subpart B of part 2 of subtitle A of title XIII of the Housing and Community Development Act of 1992 (12 U.S.C. 4561 et seq.) is amended by adding after section 1337, as added by section 127 of this Act, the following new section:

"SEC. 1338. CONSISTENCY WITH MISSION.

"This subpart may not be construed to authorize an enterprise to engage in any program or activity that contrqvenes or is inconsistent with the Federal National Mortgage Association Charter Act or the Federal Home Loan Mortgage Corporation Act.".

SEC. 130. ENFORCEMENT.

(a) CEASE-AND-DESIST PROCEEDINGS.—Section 1341 of the Housing and Community Development Act of 1992 (12 U.S.C. 4581) is amended—

(1) by striking subsection (a) and inserting the following new subsection:

"(a) GROUNDS FOR ISSUANCE.—The Director may issue and serve a notice of charges under this section upon an enterprise if the Director determines—

"(1) the enterprise has failed to meet any housing goal established under subpart B, following a written notice and determination of such failure in accordance with section 1336;

"(2) the enterprise has failed to submit a report under section 1314, following a notice of such failure, an opportunity for comment by the enterprise, and a final determination by the Director;

"(3) the enterprise has failed to submit the information required under subsection (m) or (n) of section 309 of the Federal National Mortgage Association Charter Act, or subsection (e) or (f) of section 307 of the Federal Home Loan Mortgage Corporation Act;

"(4) the enterprise has violated any provision of this part or any order, rule or regulation under this part;

"(5) the enterprise has failed to submit a housing plan that complies with section 1336(c) within the applicable period; or

"(6) the enterprise has failed to comply with a housing plan under section 1336(c).";

(2) in subsection (b)(2), by striking "requiring the enterprise to" and all that follows through the end of the paragraph and inserting the following: "requiring the enterprise to—

"(A) comply with the goal or goals;

"(B) submit a report under section 1314;

"(C) comply with any provision this part or any order, rule or regulation under such part;

"(D) submit a housing plan in compliance with section 1336(c);

"(E) comply with a housing plan submitted under section 1336(c); or

"(F) provide the information required under subsection (m) or (n) of section 309 of the Federal National Mortgage Association Charter Act or subsection (e) or (f) of section 307 of the Federal Home Loan Mortgage Corporation Act, as applicable.";

(3) in subsection (c), by inserting "date of the" before "service of the order"; and

(4) by striking subsection (d).

(b) AUTHORITY OF DIRECTOR TO ENFORCE NOTICES AND ORDERS.—Section 1344 of the Housing and Community Development Act of 1992 (12 U.S.C. 4584) is amended by striking subsection (a) and inserting the following new subsection:

"(a) ENFORCEMENT.—The Director may, in the discretion of the Director, apply to the United States District Court for the District of Columbia, or the United States district court within the jurisdiction of which the headquarters of the enterprise is located, for the enforcement of any effective and outstanding notice or order issued under section 1341 or 1345, or request that the Attorney General of the United States bring such an action. Such court shall have jurisdiction and power to order and require compliance with such notice or order.".

(c) CIVIL MONEY PENALTIES.—Section 1345 of the Housing and Community Development Act of 1992 (12 U.S.C. 4585) is amended—

(1) by striking subsections (a) and (b) and inserting the following new subsections:

"(a) AUTHORITY.—The Director may impose a civil money penalty, in accordance with the provisions of this section, on any enterprise that has failed to—

"(1) meet any housing goal established under subpart B, following a written notice and determination of such failure in accordance with section 1336(b);

"(2) submit a report under section 1314, following a notice of such failure, an opportunity for comment by the enterprise, and a final determination by the Director;

"(3) submit the information required under subsection (m) or (n) of section 309 of the Federal National Mortgage Association Charter Act, or subsection (e) or (f) of section 307 of the Federal Home Loan Mortgage Corporation Act;

"(4) comply with any provision of this part or any order, rule or regulation under this part;

"(5) submit a housing plan pursuant to section 1336(c) within the required period; or

"(6) comply with a housing plan for the enterprise under section 1336(c).

"(b) AMOUNT OF PENALTY.—The amount of the penalty, as determined by the Director, may not exceed—

"(1) for any failure described in paragraph (1), (5), or (6) of subsection (a), $50,000 for each day that the failure occurs; and

"(2) for any failure described in paragraph (2), (3), or (4) of subsection (a), $20,000 for each day that the failure occurs.";

(2) in subsection (c)—

(A) in paragraph (1)—

(i) in subparagraph (A), by inserting "and" after the semicolon at the end;

(ii) in subparagraph (B), by striking "; and" and inserting a period; and

(iii) by striking subparagraph (C); and

(B) in paragraph (2), by inserting after the period at the end the following: "In determining the penalty under subsection (a)(1), the Director shall give consideration to the length of time the enterprise should reasonably take to achieve the goal.";

(3) in the first sentence of subsection (d)—

(A) by striking "request the Attorney General of the United States to" and inserting ", in the discretion of the Director,"; and

(B) by inserting ", or request that the Attorney General of the United States bring such an action" before the period at the end;

(4) by striking subsection (f); and

(5) by redesignating subsection (g) as subsection (f).

(d) ENFORCEMENT OF SUBPOENAS.—Section 1348(c) of the Housing and Community Development Act of 1992 (12 U.S.C. 4588(c)) is amended—

(1) by striking "request the Attorney General of the United States to" and inserting ", in the discretion of the Director,"; and

(2) by inserting "or request that the Attorney General of the United States bring such an action," after "District of Columbia,"

(e) CONFORMING AMENDMENT.—The heading for subpart C of part 2 of subtitle A of the Housing and Community Development Act of 1992 is amended to read as follows:

"Subpart C—Enforcement".

SEC. 131. CONFORMING AMENDMENTS.

Part 2 of subtitle A of title XIII of the Housing and Community Development Act of 1992 (12 U.S.C. 4541 et seq.) is amended—

(1) by striking "Secretary" each place such term appears in such part and inserting "Director";

(2) in the section heading for section 1323 (12 U.S.C. 4543), by inserting "**OF ENTERPRISES**" before the period at the end;

(3) by striking section 1327 (12 U.S.C. 4547);

(4) by striking section 1328 (12 U.S.C. 4548);

(5) in sections 1345(c)(1)(A) and 1346(b) (12 U.S.C. 4585(c)(1)(A), 4586(b)), by striking "Secretary's" each place such term appears and inserting "Director's"; and

(6) by striking section 1349 (12 U.S.C. 4589).

Subtitle C—Prompt Corrective Action

SEC. 141. CAPITAL CLASSIFICATIONS.

(a) IN GENERAL.—Section 1364 of the Housing and Community Development Act of 1992 (12 U.S.C. 4614) is amended—

(1) in the heading for subsection (a) by striking "In General" and inserting "Enterprises";

(2) in subsection (c)—

(A) by striking "subsection (b)" and inserting "subsection (c)";

(B) by striking "enterprises" and inserting "regulated entities"; and

(C) by striking the last sentence;

(3) by redesignating subsections (c) (as so amended by paragraph (2) of this subsection) and (d) as subsections (d) and (f), respectively;

(4) by striking subsection (b) and inserting the following new subsections:

"(b) FEDERAL HOME LOAN BANKS.—

"(1) ESTABLISHMENT AND CRITERIA.—For purposes of this subtitle, the Director shall, by regulation—

"(A) establish the capital classifications specified under paragraph (2) for the Federal home loan banks;

"(B) establish criteria for each such capital classification based on the amount and types of capital held by a bank and the risk-based, minimum, and critical capital levels for the banks and taking due consideration of the capital classifications established under subsection (a) for the enterprises, with such modifications as the Director determines to be appropriate to reflect the difference in operations between the banks and the enterprises; and

"(C) shall classify the Federal home loan banks according to such capital classifications.

"(2) CLASSIFICATIONS.—The capital classifications specified under this paragraph are—

"(A) adequately capitalized;

"(B) undercapitalized;

"(C) significantly undercapitalized; and

"(D) critically undercapitalized.

"(c) DISCRETIONARY CLASSIFICATION.—

"(1) GROUNDS FOR RECLASSIFICATION.—The Director may reclassify a regulated entity under paragraph (2) if—

"(A) at any time, the Director determines in writing that the regulated entity is engaging in conduct that could result in a rapid depletion of core or total capital or, in the case of an enterprise, that the value of the property subject to mortgages held or securitized by the enterprise has decreased significantly;

"(B) after notice and an opportunity for hearing, the Director determines that the regulated entity is in an unsafe or unsound condition; or

"(C) pursuant to section 1371(b), the Director deems the regulated entity to be engaging in an unsafe or unsound practice.

"(2) RECLASSIFICATION.—In addition to any other action authorized under this title, including the reclassification of a regulated entity for any reason not specified in this subsection, if the Director takes any action described in paragraph (1) the Director may classify a regulated entity—

"(A) as undercapitalized, if the regulated entity is otherwise classified as adequately capitalized;

"(B) as significantly undercapitalized, if the regulated entity is otherwise classified as undercapitalized; and

"(C) as critically undercapitalized, if the regulated entity is otherwise classified as significantly undercapitalized."; and

(5) by inserting after subsection (d) (as so redesignated by paragraph (3) of this subsection), the following new subsection:

"(e) RESTRICTION ON CAPITAL DISTRIBUTIONS.—

"(1) IN GENERAL.—A regulated entity shall make no capital distribution if, after making the distribution, the regulated entity would be undercapitalized.

"(2) EXCEPTION.—Notwithstanding paragraph (1), the Director may permit a regulated entity, to the extent appropriate or applicable, to repurchase, redeem, retire, or otherwise acquire shares or ownership interests if the repurchase, redemption, retirement, or other acquisition—

"(A) is made in connection with the issuance of additional shares or obligations of the regulated entity in at least an equivalent amount; and

"(B) will reduce the financial obligations of the regulated entity or otherwise improve the financial condition of the entity.".

(b) REGULATIONS.—Not later than the expiration of the 180-day period beginning on the effective date under section 185, the Director of the Federal Housing Finance Agency shall issue regulations to carry out section 1364(b) of the Housing and Community Development Act of 1992 (as added by paragraph (4) of this subsection), relating to capital classifications for the Federal home loan banks.

SEC. 142. SUPERVISORY ACTIONS APPLICABLE TO UNDERCAPITALIZED REGULATED ENTITIES.

Section 1365 of the Housing and Community Development Act of 1992 (12 U.S.C. 4615) is amended—

(1) in the section heading, by striking "**ENTERPRISES**" and inserting "**REGULATED ENTITIES**";

(2) in subsection (a)—

(A) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively;

(B) by inserting before paragraph (2) the following paragraph:

"(1) REQUIRED MONITORING.—The Director shall—

"(A) closely monitor the condition of any regulated entity that is classified as undercapitalized;

"(B) closely monitor compliance with the capital restoration plan, restrictions, and requirements imposed under this section; and

"(C) periodically review the plan, restrictions, and requirements applicable to the undercapitalized regulated entity to determine whether the plan, restrictions, and requirements are achieving the purpose of this section."; and

(C) by inserting at the end the following new paragraphs:

"(4) RESTRICTION OF ASSET GROWTH.—A regulated entity that is classified as undercapitalized shall not permit its average total assets (as such term is defined in section 1316(b) during any calendar quarter to exceed its average total assets during the preceding calendar quarter unless—

"(A) the Director has accepted the capital restoration plan of the regulated entity;

"(B) any increase in total assets is consistent with the plan; and

"(C) the ratio of total capital to assets for the regulated entity increases during the calendar quarter at a rate sufficient to enable the entity to become adequately capitalized within a reasonable time.

"(5) PRIOR APPROVAL OF ACQUISITIONS, NEW PROGRAMS, AND NEW BUSINESS ACTIVITIES.—A regulated entity that is classified as undercapitalized shall not, directly or indirectly, acquire any interest in any entity or engage in any new program or new business activity unless—

"(A) the Director has accepted the capital restoration plan of the regulated entity, the entity is implementing the plan, and the Director determines that the proposed action is consistent with and will further the achievement of the plan; or

"(B) the Director determines that the proposed action will further the purpose of this section.";

(3) in the subsection heading for subsection (b), by striking "FROM UNDERCAPITALIZED TO SIGNIFICANTLY UNDERCAPITALIZED"; and

(4) by striking subsection (c) and inserting the following new subsection:

"(c) OTHER DISCRETIONARY SAFEGUARDS.—The Director may take, with respect to a regulated entity that is classified as undercapitalized, any of the actions authorized to be taken under section 1366 with respect to a regulated entity that is classified as significantly undercapitalized, if the Director determines that such actions are necessary to carry out the purpose of this subtitle.".

SEC. 143. SUPERVISORY ACTIONS APPLICABLE TO SIGNIFICANTLY UNDERCAPITALIZED REGULATED ENTITIES.

Section 1366 of the Housing and Community Development Act of 1992 (12 U.S.C. 4616) is amended—

(1) in the section heading, by striking "**ENTERPRISES**" and inserting "**ENTITIES**";

(2) in subsection (a)(2)(A), by striking "enterprise" the last place such term appears;

(3) in subsection (b)—

(A) in the subsection heading, by striking "Discretionary Supervisory Actions" and inserting "Specific Actions";

(B) in the matter preceding paragraph (1), by striking "may, at any time, take any" and inserting "shall carry out this section by taking, at any time, one or more";

(C) by redesignating paragraphs (5) and (6) as paragraphs (6) and (7), respectively;

(D) by inserting after paragraph (4) the following new paragraph:

"(5) IMPROVEMENT OF MANAGEMENT.—Take one or more of the following actions:

"(A) NEW ELECTION OF BOARD.—Order a new election for the board of directors of the regulated entity.

"(B) DISMISSAL OF DIRECTORS OR EXECUTIVE OFFICERS.—Require the regulated entity to dismiss from office any director or executive officer who had held office for more than 180 days immediately before the entity became undercapitalized. Dismissal under this subparagraph shall not be construed to be a removal pursuant to the Director's enforcement powers provided in section 1377.

"(C) EMPLOY QUALIFIED EXECUTIVE OFFICERS.—Require the regulated entity to employ qualified executive officers (who, if the Director so specifies, shall be subject to approval by the Director)."; and

(E) by inserting at the end the following new paragraph:

"(8) OTHER ACTION.—Require the regulated entity to take any other action that the Director determines will better carry out the purpose of this section than any of the actions specified in this paragraph.";

(4) by redesignating subsection (c) as subsection (d); and

(5) by inserting after subsection (b) the following new subsection:

"(c) RESTRICTION ON COMPENSATION OF EXECUTIVE OFFICERS.—A regulated entity that is classified as significantly undercapitalized may not, without prior written approval by the Director—

"(1) pay any bonus to any executive officer; or

"(2) provide compensation to any executive officer at a rate exceeding that officer's average rate of compensation (excluding bonuses, stock options, and profit sharing) during the 12 calendar months preceding the calendar month in which the regulated entity became undercapitalized.".

SEC. 144. AUTHORITY OVER CRITICALLY UNDERCAPITALIZED REGULATED ENTITIES.

(a) IN GENERAL.—Section 1367 of the Housing and Community Development Act of 1992 (12 U.S.C. 4617) is amended to read as follows:

"SEC. 1367. AUTHORITY OVER CRITICALLY UNDERCAPITALIZED REGULATED ENTITIES.

"(a) APPOINTMENT OF AGENCY AS CONSERVATOR OR RECEIVER.—

"(1) IN GENERAL.—Notwithstanding any other provision of Federal or State law, if any of the grounds under paragraph (3) exist, at the discretion of the Director, the Director may establish a conservatorship or receivership, as appropriate, for the purpose of reorganizing, rehabilitating, or winding up the affairs of a regulated entity.

"(2) APPOINTMENT.—In any conservatorship or receivership established under this section, the Director shall appoint the Agency as conservator or receiver.

"(3) GROUNDS FOR APPOINTMENT.—The grounds for appointing a conservator or receiver for a regulated entity are as follows:

"(A) ASSETS INSUFFICIENT FOR OBLIGATIONS.—The assets of the regulated entity are less than the obligations of the regulated entity to its creditors and others.

"(B) SUBSTANTIAL DISSIPATION.—Substantial dissipation of assets or earnings due to—

"(i) any violation of any provision of Federal or State law; or

"(ii) any unsafe or unsound practice.

"(C) UNSAFE OR UNSOUND CONDITION.—An unsafe or unsound condition to transact business.

"(D) CEASE-AND-DESIST ORDERS.—Any willful violation of a cease-and-desist order that has become final.

"(E) CONCEALMENT.—Any concealment of the books, papers, records, or assets of the regulated entity, or any refusal to submit the books, papers, records, or affairs of the regulated entity, for inspection to any examiner or to any lawful agent of the Director.

"(F) INABILITY TO MEET OBLIGATIONS.—The regulated entity is likely to be unable to pay its obligations or meet the demands of its creditors in the normal course of business.

"(G) LOSSES.—The regulated entity has incurred or is likely to incur losses that will deplete all or substantially all of its capital, and there is no reasonable prospect for the regulated entity to become adequately capitalized (as defined in section 1364(a)(1)).

"(H) VIOLATIONS OF LAW.—Any violation of any law or regulation, or any unsafe or unsound practice or condition that is likely to—

"(i) cause insolvency or substantial dissipation of assets or earnings; or

"(ii) weaken the condition of the regulated entity.

"(I) CONSENT.—The regulated entity, by resolution of its board of directors or its shareholders or members, consents to the appointment.

"(J) UNDERCAPITALIZATION.—The regulated entity is undercapitalized or significantly undercapitalized (as defined in section 1364(a)(3) or in regulations issued pursuant to section 1364(b), as applicable), and—

"(i) has no reasonable prospect of becoming adequately capitalized;

"(ii) fails to become adequately capitalized, as required by—

"(I) section 1365(a)(1) with respect to an undercapitalized regulated entity; or

"(II) section 1366(a)(1) with respect to a significantly undercapitalized regulated entity;

"(iii) fails to submit a capital restoration plan acceptable to the Agency within the time prescribed under section 1369C; or

"(iv) materially fails to implement a capital restoration plan submitted and accepted under section 1369C.

"(K) CRITICAL UNDERCAPITALIZATION.—The regulated entity is critically undercapitalized, as defined in section 1364(a)(4) or in regulations issued pursuant to section 1364(b), as applicable.

"(L) MONEY LAUNDERING.—The Attorney General notifies the Director in writing that the regulated entity has been found guilty of a criminal offense under section 1956 or 1957 of title 18, United States Code, or section 5322 or 5324 of title 31, United States Code.

"(4) JUDICIAL REVIEW.—

"(A) IN GENERAL.—If the Agency is appointed conservator or receiver under this section, the regulated entity may, within 30 days of such appointment, bring an action in the United States District Court for the judicial district in which the principal place of business of such regulated entity is located, or in the United States District Court for the District of Columbia, for an order requiring the Agency to remove itself as conservator or receiver.

"(B) REVIEW.—Upon the filing of an action under subparagraph (A), the court shall, upon the merits, dismiss such action or direct the Agency to remove itself as such conservator or receiver.

"(5) DIRECTORS NOT LIABLE FOR ACQUIESCING IN APPOINTMENT OF CONSERVATOR OR RECEIVER.—The members of the board of directors of a regulated entity shall not be liable to the shareholders or creditors of the regulated entity for acquiescing in or consenting in good faith to the appointment of the Agency as conservator or receiver for that regulated entity.

"(6) AGENCY NOT SUBJECT TO ANY OTHER FEDERAL AGENCY.—When acting as conservator or receiver, the Agency shall not be subject to the direction or supervision of any other agency of the United States or any State in the exercise of the rights, powers, and privileges of the Agency.

"(b) POWERS AND DUTIES OF THE AGENCY AS CONSERVATOR OR RECEIVER.—

"(1) RULEMAKING AUTHORITY OF THE AGENCY.—The Agency may prescribe such regulations as the Agency determines to be appropriate regarding the conduct of conservatorships or receiverships.

"(2) GENERAL POWERS.—

"(A) SUCCESSOR TO REGULATED ENTITY.—The Agency shall, as conservator or receiver, and by operation of law, immediately succeed to—

"(i) all rights, titles, powers, and privileges of the regulated entity, and of any stockholder, officer, or director of such regulated entity with respect to the regulated entity and the assets of the regulated entity; and

"(ii) title to the books, records, and assets of any other legal custodian of such regulated entity.

"(B) OPERATE THE REGULATED ENTITY.—The Agency may, as conservator or receiver—

"(i) take over the assets of and operate the regulated entity with all the powers of the shareholders, the directors, and the officers of the regulated entity and conduct all business of the regulated entity;

"(ii) collect all obligations and money due the regulated entity;

"(iii) perform all functions of the regulated entity in the name of the regulated entity which are consistent with the appointment as conservator or receiver; and

"(iv) preserve and conserve the assets and property of such regulated entity.

"(C) FUNCTIONS OF OFFICERS, DIRECTORS, AND SHAREHOLDERS OF A REGULATED ENTITY.—The Agency may, by regulation or order, provide for the exercise of any function by any stockholder, director, or officer of any regulated entity for which the Agency has been named conservator or receiver.

"(D) POWERS AS CONSERVATOR.—The Agency may, as conservator, take such action as may be—

"(i) necessary to put the regulated entity in a sound and solvent condition; and

"(ii) appropriate to carry on the business of the regulated entity and preserve and conserve the assets and property of the regulated entity.

"(E) ADDITIONAL POWERS AS RECEIVER.—The Agency may, as receiver, place the regulated entity in liquidation and proceed to realize upon the assets of the regulated entity, having due regard to the conditions of the housing finance market.

"(F) ORGANIZATION OF NEW REGULATED ENTITIES.—The Agency may, as receiver, organize a successor regulated entity that will operate pursuant to subsection (i).

"(G) TRANSFER OF ASSETS AND LIABILITIES.—The Agency may, as conservator or receiver, transfer any asset or liability of the regulated entity in default without any approval, assignment, or consent with respect to such transfer. Any Federal home loan bank may, with the approval of the Agency, acquire the assets of any Bank in conservatorship or receivership, and assume the liabilities of such Bank

"(H) PAYMENT OF VALID OBLIGATIONS.—The Agency, as conservator or receiver, shall, to the extent of proceeds realized from the performance of contracts or sale of the assets of a regulated entity, pay all valid obligations of the regulated entity in accordance with the prescriptions and limitations of this section.

"(I) SUBPOENA AUTHORITY.—

"(i) IN GENERAL.—

"(I) IN GENERAL.—The Agency may, as conservator or receiver, and for purposes of carrying out any power, authority, or duty with respect to a regulated entity (including determining any claim against the regulated entity and determining and realizing upon any asset of any person in the course of collecting money due the regulated entity), exercise any power established under section 1348.

"(II) APPLICABILITY OF LAW.—The provisions of section 1348 shall apply with respect to the exercise of any power exercised under this subparagraph in the same manner as such provisions apply under that section.

"(ii) AUTHORITY OF DIRECTOR.—A subpoena or subpoena duces tecum may be issued under clause (i) only by, or with the written approval of, the Director, or the designee of the Director.

"(iii) RULE OF CONSTRUCTION.—This subsection shall not be construed to limit any rights that the Agency, in any capacity, might otherwise have under section 1317 or 1379D.

"(J) CONTRACTING FOR SERVICES.—The Agency may, as conservator or receiver, provide by contract for the carrying out of any of its functions, activities, actions, or duties as conservator or receiver.

"(K) INCIDENTAL POWERS.—The Agency may, as conservator or receiver—

"(i) exercise all powers and authorities specifically granted to conservators or receivers, respectively, under this section, and such incidental powers as shall be necessary to carry out such powers; and

"(ii) take any action authorized by this section, which the Agency determines is in the best interests of the regulated entity or the Agency.

"(3) AUTHORITY OF RECEIVER TO DETERMINE CLAIMS.—

"(A) IN GENERAL.—The Agency may, as receiver, determine claims in accordance with the requirements of this subsection and any regulations prescribed under paragraph (4).

"(B) NOTICE REQUIREMENTS.—The receiver, in any case involving the liquidation or winding up of the affairs of a closed regulated entity, shall—

"(i) promptly publish a notice to the creditors of the regulated entity to present their claims, together with proof, to the receiver by a date specified in the notice which shall be not less than 90 days after the publication of such notice; and

"(ii) republish such notice approximately 1 month and 2 months, respectively, after the publication under clause (i).

"(C) MAILING REQUIRED.—The receiver shall mail a notice similar to the notice published under subparagraph (B)(i) at the time of such publication to any creditor shown on the books of the regulated entity—

"(i) at the last address of the creditor appearing in such books; or

"(ii) upon discovery of the name and address of a claimant not appearing on the books of the regulated entity within 30 days after the discovery of such name and address.

"(4) RULEMAKING AUTHORITY RELATING TO DETERMINATION OF CLAIMS.—Subject to subsection (c), the Director may prescribe regulations regarding the allowance or disallowance of claims by the receiver and providing for administrative determination of claims and review of such determination.

"(5) PROCEDURES FOR DETERMINATION OF CLAIMS.—

"(A) DETERMINATION PERIOD.—

"(i) IN GENERAL.—Before the end of the 180-day period beginning on the date on which any claim against a regulated entity is filed with the Agency as receiver, the Agency shall determine whether to allow or disallow the claim and shall notify the claimant of any determination with respect to such claim.

"(ii) EXTENSION OF TIME.—The period described in clause (i) may be extended by a written agreement between the claimant and the Agency.

"(iii) MAILING OF NOTICE SUFFICIENT.—The notification requirements of clause (i) shall be deemed to be satisfied if the notice of any determination with respect to any claim is mailed to the last address of the claimant which appears—

"(I) on the books of the regulated entity;

"(II) in the claim filed by the claimant; or

"(III) in documents submitted in proof of the claim.

"(iv) CONTENTS OF NOTICE OF DISALLOWANCE.—If any claim filed under clause (i) is disallowed, the notice to the claimant shall contain—

"(I) a statement of each reason for the disallowance; and

"(II) the procedures available for obtaining agency review of the determination to disallow the claim or judicial determination of the claim.

"(B) ALLOWANCE OF PROVEN CLAIM.—The receiver shall allow any claim received on or before the date specified in the notice published under paragraph (3)(B)(i), or the date specified in the notice required under paragraph (3)(C), which is proved to the satisfaction of the receiver.

"(C) DISALLOWANCE OF CLAIMS FILED AFTER END OF FILING PERIOD.—Claims filed after the date specified in the notice published under paragraph (3)(B)(i), or the date specified under paragraph (3)(C), shall be disallowed and such disallowance shall be final.

"(D) AUTHORITY TO DISALLOW CLAIMS.—

"(i) IN GENERAL.—The receiver may disallow any portion of any claim by a creditor or claim of security, preference, or priority which is not proved to the satisfaction of the receiver.

"(ii) PAYMENTS TO LESS THAN FULLY SECURED CREDITORS.—In the case of a claim of a creditor against a regulated entity which is secured by any property or other asset of such regulated entity, the receiver—

"(I) may treat the portion of such claim which exceeds an amount equal to the fair market value of such property or other asset as an unsecured claim against the regulated entity; and

"(II) may not make any payment with respect to such unsecured portion of the claim other than in connection with the disposition of all claims of unsecured creditors of the regulated entity.

"(iii) EXCEPTIONS.—No provision of this paragraph shall apply with respect to any extension of credit from any Federal Reserve Bank, Federal home loan bank, or the Treasury of the United States.

"(E) NO JUDICIAL REVIEW OF DETERMINATION PURSUANT TO SUBPARAGRAPH (D).—No court may review the determination of the Agency under subparagraph (D) to disallow a claim. This subparagraph shall not effect the authority of a claimant to obtain de novo judicial review of a claim pursuant to paragraph (6).

"(F) LEGAL EFFECT OF FILING.—

"(i) STATUTE OF LIMITATION TOLLED.—For purposes of any applicable statute of limitations, the filing of a claim with the receiver shall constitute a commencement of an action.

"(ii) NO PREJUDICE TO OTHER ACTIONS.—Subject to paragraph (10), the filing of a claim with the receiver shall not prejudice any right of the claimant to continue any action which was filed before the date of the appointment of the receiver, subject to the determination of claims by the receiver.

"(6) PROVISION FOR JUDICIAL DETERMINATION OF CLAIMS.—

"(A) IN GENERAL.—The claimant may file suit on a claim (or continue an action commenced before the appointment of the receiver) in the district or territorial court of the United States for the district within which the principal place of business of the regulated entity is located or the United States District Court for the District of Columbia (and such court shall have jurisdiction to hear such claim), before the end of the 60-day period beginning on the earlier of—

"(i) the end of the period described in paragraph (5)(A)(i) with respect to any claim against a regulated entity for which the Agency is receiver; or

"(ii) the date of any notice of disallowance of such claim pursuant to paragraph (5)(A)(i).

"(B) STATUTE OF LIMITATIONS.—A claim shall be deemed to be disallowed (other than any portion of such claim which was allowed by the receiver), and such disallowance shall be final, and the claimant shall have no further rights or remedies with respect to such claim, if the claimant fails, before the end of the 60-day period described under subparagraph (A), to file suit on such claim (or continue an action commenced before the appointment of the receiver).

"(7) REVIEW OF CLAIMS.—

"(A) OTHER REVIEW PROCEDURES.—

"(i) IN GENERAL.—The Agency shall establish such alternative dispute resolution processes as may be appropriate for the resolution of claims filed under paragraph (5)(A)(i).

"(ii) CRITERIA.—In establishing alternative dispute resolution processes, the Agency shall strive for procedures which are expeditious, fair, independent, and low cost.

"(iii) VOLUNTARY BINDING OR NONBINDING PROCEDURES.—The Agency may establish both binding and nonbinding processes, which may be conducted by any government or private party. All parties, including the claimant and the Agency, must agree to the use of the process in a particular case.

"(B) CONSIDERATION OF INCENTIVES.—The Agency shall seek to develop incentives for claimants to participate in the alternative dispute resolution process.

"(8) EXPEDITED DETERMINATION OF CLAIMS.—

"(A) ESTABLISHMENT REQUIRED.—The Agency shall establish a procedure for expedited relief outside of the routine claims process established under paragraph (5) for claimants who—

"(i) allege the existence of legally valid and enforceable or perfected security interests in assets of any regulated entity for which the Agency has been appointed receiver; and

"(ii) allege that irreparable injury will occur if the routine claims procedure is followed.

"(B) DETERMINATION PERIOD.—Before the end of the 90-day period beginning on the date any claim is filed in accordance with the procedures established under subparagraph (A), the Director shall—

"(i) determine—

"(I) whether to allow or disallow such claim; or

"(II) whether such claim should be determined pursuant to the procedures established under paragraph (5); and

"(ii) notify the claimant of the determination, and if the claim is disallowed, provide a statement of each reason for the disallowance and the procedure for obtaining agency review or judicial determination.

"(C) PERIOD FOR FILING OR RENEWING SUIT.—Any claimant who files a request for expedited relief shall be permitted to file a suit, or to continue a suit filed before the appointment of the receiver, seeking a determination of the rights of the claimant with respect to such security interest after the earlier of—

"(i) the end of the 90-day period beginning on the date of the filing of a request for expedited relief; or

"(ii) the date the Agency denies the claim.

"(D) STATUTE OF LIMITATIONS.—If an action described under subparagraph (C) is not filed, or the motion to renew a previously filed suit is not made, before the end of the 30-day period beginning on the date on which such action or motion may be filed under subparagraph (B), the claim shall be deemed to be disallowed as of the end of such period (other than any portion of such claim which was allowed by the receiver), such disallowance shall be final, and the claimant shall have no further rights or remedies with respect to such claim.

"(E) LEGAL EFFECT OF FILING.—

"(i) STATUTE OF LIMITATION TOLLED.—For purposes of any applicable statute of limitations, the filing of a claim with the receiver shall constitute a commencement of an action.

"(ii) NO PREJUDICE TO OTHER ACTIONS.—Subject to paragraph (10), the filing of a claim with the receiver shall not prejudice any right of the claimant to continue any action that was filed before the appointment of the receiver, subject to the determination of claims by the receiver.

"(9) PAYMENT OF CLAIMS.—

"(A) IN GENERAL.—The receiver may, in the discretion of the receiver, and to the extent funds are available from the assets of the regulated entity, pay creditor claims, in such manner and amounts as are authorized under this section, which are—

"(i) allowed by the receiver;

"(ii) approved by the Agency pursuant to a final determination pursuant to paragraph (7) or (8); or

"(iii) determined by the final judgment of any court of competent jurisdiction.

"(B) AGREEMENTS AGAINST THE INTEREST OF THE AGENCY.—No agreement that tends to diminish or defeat the interest of the Agency in any asset acquired by the Agency as receiver under this section shall be valid against the Agency unless such agreement is in writing, and executed by an authorized official of the regulated entity, except that such requirements for qualified financial contracts shall be applied in a manner consistent with reasonable business trading practices in the financial contracts market.

"(C) PAYMENT OF DIVIDENDS ON CLAIMS.—The receiver may, in the sole discretion of the receiver, pay from the assets of the regulated entity dividends on proved claims at any time, and no liability shall attach to the Agency, by reason of any such payment, for failure to pay dividends to a claimant whose claim is not proved at the time of any such payment.

"(D) RULEMAKING AUTHORITY OF THE DIRECTOR.—The Director may prescribe such rules, including definitions of terms, as the Director deems appropriate to establish a single uniform interest rate for, or to make payments of post-insolvency interest to creditors holding proven claims against the receivership estates of regulated entities following satisfaction by the receiver of the principal amount of all creditor claims.

"(10) SUSPENSION OF LEGAL ACTIONS.—

"(A) IN GENERAL.—After the appointment of a conservator or receiver for a regulated entity, the conservator or receiver may, in any judicial action or proceeding to which such regulated entity is or becomes a party, request a stay for a period not to exceed—

"(i) 45 days, in the case of any conservator; and

"(ii) 90 days, in the case of any receiver.

"(B) GRANT OF STAY BY ALL COURTS REQUIRED.—Upon receipt of a request by any conservator or receiver under subparagraph (A) for a stay of any judicial action or proceeding in any court with jurisdiction of such action or proceeding, the court shall grant such stay as to all parties.

"(11) ADDITIONAL RIGHTS AND DUTIES.—

"(A) PRIOR FINAL ADJUDICATION.—The Agency shall abide by any final unappealable judgment of any court of competent jurisdiction which was rendered before the appointment of the Agency as conservator or receiver.

"(B) RIGHTS AND REMEDIES OF CONSERVATOR OR RECEIVER.—In the event of any appealable judgment, the Agency as conservator or receiver shall—

"(i) have all the rights and remedies available to the regulated entity (before the appointment of such conservator or receiver) and the Agency, including removal to Federal court and all appellate rights; and

"(ii) not be required to post any bond in order to pursue such remedies.

"(C) NO ATTACHMENT OR EXECUTION.—No attachment or execution may issue by any court upon assets in the possession of the receiver.

"(D) LIMITATION ON JUDICIAL REVIEW.—Except as otherwise provided in this subsection, no court shall have jurisdiction over—

"(i) any claim or action for payment from, or any action seeking a determination of rights with respect to, the assets of any regulated entity for which the Agency has been appointed receiver; or

"(ii) any claim relating to any act or omission of such regulated entity or the Agency as receiver.

"(E) DISPOSITION OF ASSETS.—In exercising any right, power, privilege, or authority as conservator or receiver in connection with any sale or disposition of assets of a regulated entity for which the Agency has been appointed conservator or receiver, the Agency shall conduct its operations in a manner which maintains stability in the housing finance markets and, to the extent consistent with that goal—

"(i) maximizes the net present value return from the sale or disposition of such assets;

"(ii) minimizes the amount of any loss realized in the resolution of cases; and

"(iii) ensures adequate competition and fair and consistent treatment of offerors.

"(12) STATUTE OF LIMITATIONS FOR ACTIONS BROUGHT BY CONSERVATOR OR RECEIVER.—

"(A) IN GENERAL.—Notwithstanding any provision of any contract, the applicable statute of limitations with regard to any action brought by the Agency as conservator or receiver shall be—

"(i) in the case of any contract claim, the longer of—

"(I) the 6-year period beginning on the date the claim accrues; or

"(II) the period applicable under State law; and

"(ii) in the case of any tort claim, the longer of—

"(I) the 3-year period beginning on the date the claim accrues; or

"(II) the period applicable under State law.

"(B) DETERMINATION OF THE DATE ON WHICH A CLAIM ACCRUES.—For purposes of subparagraph (A), the date on which the statute of limitations begins to run on any claim described in such subparagraph shall be the later of—

"(i) the date of the appointment of the Agency as conservator or receiver; or

"(ii) the date on which the cause of action accrues.

"(13) REVIVAL OF EXPIRED STATE CAUSES OF ACTION.—

"(A) IN GENERAL.—In the case of any tort claim described under subparagraph (B) for which the statute of limitations applicable under State law with respect to such claim has expired not more than 5 years before the appointment of the Agency as conservator or receiver, the Agency may bring an action as conservator or receiver on such claim without regard to the expiration of the statute of limitation applicable under State law.

"(B) CLAIMS DESCRIBED.—A tort claim referred to under subparagraph (A) is a claim arising from fraud, intentional misconduct resulting in unjust enrichment, or intentional misconduct resulting in substantial loss to the regulated entity.

"(14) ACCOUNTING AND RECORDKEEPING REQUIREMENTS.—

"(A) IN GENERAL.—The Agency as conservator or receiver shall, consistent with the accounting and reporting practices and procedures established by the Agency, maintain a full accounting of each conservatorship and receivership or other disposition of a regulated entity in default.

"(B) ANNUAL ACCOUNTING OR REPORT.—With respect to each conservatorship or receivership, the Agency shall make an annual accounting or report available to the Board, the Comptroller General of the United States, the Committee on Banking, Housing, and Urban Affairs of the Senate, and the Committee on Financial Services of the House of Representatives.

"(C) AVAILABILITY OF REPORTS.—Any report prepared under subparagraph (B) shall be made available by the Agency upon request to any shareholder of a regulated entity or any member of the public.

"(D) RECORDKEEPING REQUIREMENT.—After the end of the 6-year period beginning on the date that the conservatorship or receivership is terminated by the Director, the Agency may destroy any records of such regulated entity which the Agency, in the discretion of the Agency, determines to be unnecessary unless directed not to do so by a court of competent jurisdiction or governmental agency, or prohibited by law.

"(15) FRAUDULENT TRANSFERS.—

"(A) IN GENERAL.—The Agency, as conservator or receiver, may avoid a transfer of any interest of a regulated entity-affiliated party, or any person who the conservator or receiver determines is a debtor of the regulated entity, in property, or any obligation incurred by such party or person, that was made within 5 years of the date on which the Agency was appointed conservator or receiver, if such party or person voluntarily or involuntarily made such transfer or incurred such liability with the intent to hinder, delay, or defraud the regulated entity, the Agency, the conservator, or receiver.

"(B) RIGHT OF RECOVERY.—To the extent a transfer is avoided under subparagraph (A), the conservator or receiver may recover, for the benefit of the regulated entity, the property transferred, or, if a court so orders, the value of such property (at the time of such transfer) from—

"(i) the initial transferee of such transfer or the regulated entity-affiliated party or person for whose benefit such transfer was made; or

"(ii) any immediate or mediate transferee of any such initial transferee.

"(C) RIGHTS OF TRANSFEREE OR OBLIGEE.—The conservator or receiver may not recover under subparagraph (B) from—

"(i) any transferee that takes for value, including satisfaction or securing of a present or antecedent debt, in good faith; or

"(ii) any immediate or mediate good faith transferee of such transferee.

"(D) RIGHTS UNDER THIS PARAGRAPH.—The rights under this paragraph of the conservator or receiver described under subparagraph (A) shall be superior to any rights of a trustee or any other party (other than any party which is a Federal agency) under title 11, United States Code.

"(16) ATTACHMENT OF ASSETS AND OTHER INJUNCTIVE RELIEF.—Subject to paragraph (17), any court of competent jurisdiction may, at the request of the conservator or receiver, issue an order in accordance with Rule 65 of the Federal Rules of Civil Procedure, including an order placing the assets of any person designated by the Agency or such conservator under the control of the court, and appointing a trustee to hold such assets.

"(17) STANDARDS OF PROOF.—Rule 65 of the Federal Rules of Civil Procedure shall apply with respect to any proceeding under paragraph (16) without regard to the requirement of such rule that the applicant show that the injury, loss, or damage is irreparable and immediate.

"(18) TREATMENT OF CLAIMS ARISING FROM BREACH OF CONTRACTS EXECUTED BY THE RECEIVER OR CONSERVATOR.—

"(A) IN GENERAL.—Notwithstanding any other provision of this subsection, any final and unappealable judgment for monetary damages entered against a receiver or conservator for the breach of an agreement executed or approved in writing by such receiver or conservator after the date of its appointment, shall be paid as an administrative expense of the receiver or conservator.

"(B) NO LIMITATION OF POWER.—Nothing in this paragraph shall be construed to limit the power of a receiver or conservator to exercise any rights under contract or law, including to terminate, breach, cancel, or otherwise discontinue such agreement.

"(19) GENERAL EXCEPTIONS.—

"(A) LIMITATIONS.—The rights of a conservator or receiver appointed under this section shall be subject to the limitations on the powers of a receiver under sections 402 through 407 of the Federal Deposit Insurance Corporation Improvement Act of 1991 (12 U.S.C. 4402 through 4407).

"(B) MORTGAGES HELD IN TRUST.—

"(i) IN GENERAL.—Any mortgage, pool of mortgages, or interest in a pool of mortgages, held in trust, custodial, or agency capacity by a regulated entity for the benefit of persons other than the regulated entity shall not be available to satisfy the claims of creditors generally.

"(ii) HOLDING OF MORTGAGES.—Any mortgage, pool of mortgages, or interest in a pool of mortgages, described under clause (i) shall be held by the conservator or receiver appointed under this section for the beneficial owners of such mortgage, pool of mortgages, or interest in a pool of mortgages in accordance with the terms of the agreement creating such trust, custodial, or other agency arrangement.

"(iii) LIABILITY OF RECEIVER.—The liability of a receiver appointed under this section for damages shall, in the case of any contingent or unliquidated claim relating to the mortgages held in trust, be estimated in accordance set forth in the regulations of the Director.

"(c) PRIORITY OF EXPENSES AND UNSECURED CLAIMS.—

"(1) IN GENERAL.—Unsecured claims against a regulated entity, or a receiver, that are proven to the satisfaction of the receiver shall have priority in the following order:

"(A) Administrative expenses of the receiver.

"(B) Any other general or senior liability of the regulated entity and claims of other Federal home loan banks arising from their payment obligations (including joint and several payment obligations).

"(C) Any obligation subordinated to general creditors.

"(D) Any obligation to shareholders or members arising as a result of their status as shareholder or members.

"(2) CREDITORS SIMILARLY SITUATED.—All creditors that are similarly situated under paragraph (1) shall be treated in a similar manner, except that the Agency may make such other payments to creditors necessary to maximize the present value return from the sale or disposition or such regulated entity's assets or to minimize the amount of any loss realized in the resolution of cases so long as all creditors similarly situated receive not less than the amount provided under subsection (e)(2).

"(3) DEFINITION.—The term 'administrative expenses of the receiver' shall include the actual, necessary costs and expenses incurred by the receiver in preserving the assets of the regulated entity or liquidating or otherwise resolving the affairs of the regulated entity. Such expenses shall include obligations that are incurred by the receiver after appointment as receiver that the Director determines are necessary and appropriate to facilitate the smooth and orderly liquidation or other resolution of the regulated entity.

"(d) PROVISIONS RELATING TO CONTRACTS ENTERED INTO BEFORE APPOINTMENT OF CONSERVATOR OR RECEIVER.—

"(1) AUTHORITY TO REPUDIATE CONTRACTS.—In addition to any other rights a conservator or receiver may have, the conservator or receiver for any regulated entity may disaffirm or repudiate any contract or lease—

"(A) to which such regulated entity is a party;

"(B) the performance of which the conservator or receiver, in its sole discretion, determines to be burdensome; and

"(C) the disaffirmance or repudiation of which the conservator or receiver determines, in its sole discretion, will promote the orderly administration of the affairs of the regulated entity.

"(2) TIMING OF REPUDIATION.—The conservator or receiver shall determine whether or not to exercise the rights of repudiation under this subsection within a reasonable period following such appointment.

"(3) CLAIMS FOR DAMAGES FOR REPUDIATION.—

"(A) IN GENERAL.—Except as otherwise provided under subparagraph (C) and paragraphs (4), (5), and (6), the liability of the conservator or receiver for the disaffirmance or repudiation of any contract pursuant to paragraph (1) shall be—

"(i) limited to actual direct compensatory damages; and

"(ii) determined as of—

"(I) the date of the appointment of the conservator or receiver; or

"(II) in the case of any contract or agreement referred to in paragraph (8), the date of the disaffirmance or repudiation of such contract or agreement.

"(B) NO LIABILITY FOR OTHER DAMAGES.—For purposes of subparagraph (A), the term 'actual direct compensatory damages' shall not include—

"(i) punitive or exemplary damages;

"(ii) damages for lost profits or opportunity; or

"(iii) damages for pain and suffering.

"(C) MEASURE OF DAMAGES FOR REPUDIATION OF FINANCIAL CONTRACTS.—In the case of any qualified financial contract or agreement to which paragraph (8) applies, compensatory damages shall be—

"(i) deemed to include normal and reasonable costs of cover or other reasonable measures of damages utilized in the industries for such contract and agreement claims; and

"(ii) paid in accordance with this subsection and subsection (e), except as otherwise specifically provided in this section.

"(4) LEASES UNDER WHICH THE REGULATED ENTITY IS THE LESSEE.—

"(A) IN GENERAL.—If the conservator or receiver disaffirms or repudiates a lease under which the regulated entity was the lessee, the conservator or receiver shall not be liable for any damages (other than damages determined under subparagraph (B)) for the disaffirmance or repudiation of such lease.

"(B) PAYMENTS OF RENT.—Notwithstanding subparagraph (A), the lessor under a lease to which that subparagraph applies shall—

"(i) be entitled to the contractual rent accruing before the later of the date—

"(I) the notice of disaffirmance or repudiation is mailed; or

"(II) the disaffirmance or repudiation becomes effective, unless the lessor is in default or breach of the terms of the lease;

"(ii) have no claim for damages under any acceleration clause or other penalty provision in the lease; and

"(iii) have a claim for any unpaid rent, subject to all appropriate offsets and defenses, due as of the date of the appointment, which shall be paid in accordance with this subsection and subsection (e).

"(5) LEASES UNDER WHICH THE REGULATED ENTITY IS THE LESSOR.—

"(A) IN GENERAL.—If the conservator or receiver repudiates an unexpired written lease of real property of the regulated entity under which the regulated entity is the lessor and the lessee is not, as of the date of such repudiation, in default, the lessee under such lease may either—

"(i) treat the lease as terminated by such repudiation; or

"(ii) remain in possession of the leasehold interest for the balance of the term of the lease, unless the lessee defaults under the terms of the lease after the date of such repudiation.

"(B) PROVISIONS APPLICABLE TO LESSEE REMAINING IN POSSESSION.—If any lessee under a lease described under subparagraph (A) remains in possession of a leasehold interest under clause (ii) of such subparagraph—

"(i) the lessee—

"(I) shall continue to pay the contractual rent pursuant to the terms of the lease after the date of the repudiation of such lease; and

"(II) may offset against any rent payment which accrues after the date of the repudiation of the lease, and any damages which accrue after such date due to the nonperformance of any obligation of the regulated entity under the lease after such date; and

"(ii) the conservator or receiver shall not be liable to the lessee for any damages arising after such date as a result of the repudiation other than the amount of any offset allowed under clause (i)(II).

"(6) CONTRACTS FOR THE SALE OF REAL PROPERTY.—

"(A) IN GENERAL.—If the conservator or receiver repudiates any contract for the sale of real property and the purchaser of such real property under such contract is in possession, and is not, as of the date of such repudiation, in default, such purchaser may either—

"(i) treat the contract as terminated by such repudiation; or

"(ii) remain in possession of such real property.

"(B) PROVISIONS APPLICABLE TO PURCHASER REMAINING IN POSSESSION.—If any purchaser of real property under any contract described under subparagraph (A) remains in possession of such property under clause (ii) of such subparagraph—

"(i) the purchaser—

"(I) shall continue to make all payments due under the contract after the date of the repudiation of the contract; and

"(II) may offset against any such payments any damages which accrue after such date due to the nonperformance (after such date) of any obligation of the regulated entity under the contract; and

"(ii) the conservator or receiver shall—

"(I) not be liable to the purchaser for any damages arising after such date as a result of the repudiation other than the amount of any offset allowed under clause (i)(II);

"(II) deliver title to the purchaser in accordance with the provisions of the contract; and

"(III) have no obligation under the contract other than the performance required under subclause (II).

"(C) ASSIGNMENT AND SALE ALLOWED.—

"(i) IN GENERAL.—No provision of this paragraph shall be construed as limiting the right of the conservator or receiver to assign the contract described under subparagraph (A), and sell the property subject to the contract and the provisions of this paragraph.

"(ii) NO LIABILITY AFTER ASSIGNMENT AND SALE.—If an assignment and sale described under clause (i) is consummated, the conservator or receiver shall have no further liability under the contract described under subparagraph (A), or with respect to the real property which was the subject of such contract.

"(7) PROVISIONS APPLICABLE TO SERVICE CONTRACTS.—

"(A) SERVICES PERFORMED BEFORE APPOINTMENT.—In the case of any contract for services between any person and any regulated entity for which the Agency has been appointed conservator or receiver, any claim of such person for services performed before the appointment of the conservator or the receiver shall be—

"(i) a claim to be paid in accordance with subsections (b) and (e); and

"(ii) deemed to have arisen as of the date the conservator or receiver was appointed.

"(B) SERVICES PERFORMED AFTER APPOINTMENT AND PRIOR TO REPUDIATION.—If, in the case of any contract for services described under subparagraph (A), the conservator or receiver accepts performance by the other person before

the conservator or receiver makes any determination to exercise the right of repudiation of such contract under this section—

"(i) the other party shall be paid under the terms of the contract for the services performed; and

"(ii) the amount of such payment shall be treated as an administrative expense of the conservatorship or receivership.

"(C) ACCEPTANCE OF PERFORMANCE NO BAR TO SUBSEQUENT REPUDIATION.—The acceptance by any conservator or receiver of services referred to under subparagraph (B) in connection with a contract described in such subparagraph shall not affect the right of the conservator or receiver to repudiate such contract under this section at any time after such performance.

"(8) CERTAIN QUALIFIED FINANCIAL CONTRACTS.—

"(A) RIGHTS OF PARTIES TO CONTRACTS.—Subject to paragraphs (9) and (10) and notwithstanding any other provision of this Act, any other Federal law, or the law of any State, no person shall be stayed or prohibited from exercising—

"(i) any right such person has to cause the termination, liquidation, or acceleration of any qualified financial contract with a regulated entity that arises upon the appointment of the Agency as receiver for such regulated entity at any time after such appointment;

"(ii) any right under any security agreement or arrangement or other credit enhancement relating to one or more qualified financial contracts described in clause (i); or

"(iii) any right to offset or net out any termination value, payment amount, or other transfer obligation arising under or in connection with 1 or more contracts and agreements described in clause (i), including any master agreement for such contracts or agreements.

"(B) APPLICABILITY OF OTHER PROVISIONS.—Paragraph (10) of subsection (b) shall apply in the case of any judicial action or proceeding brought against any receiver referred to under subparagraph (A), or the regulated entity for which such receiver was appointed, by any party to a contract or agreement described under subparagraph (A)(i) with such regulated entity.

"(C) CERTAIN TRANSFERS NOT AVOIDABLE.—

"(i) IN GENERAL.—Notwithstanding paragraph (11) or any other Federal or State laws relating to the avoidance of preferential or fraudulent transfers, the Agency, whether acting as such or as conservator or receiver of a regulated entity, may not avoid any transfer of money or other property in connection with any qualified financial contract with a regulated entity.

"(ii) EXCEPTION FOR CERTAIN TRANSFERS.—Clause (i) shall not apply to any transfer of money or other property in connection with any qualified financial contract with a regulated entity if the Agency determines that the transferee had actual intent to hinder, delay, or defraud such regulated entity, the creditors of such regulated entity, or any conservator or receiver appointed for such regulated entity.

"(D) CERTAIN CONTRACTS AND AGREEMENTS DEFINED.—In this subsection:

"(i) QUALIFIED FINANCIAL CONTRACT.—The term 'qualified financial contract' means any securities contract, commodity contract, forward contract, repurchase agreement, swap agreement, and any similar agreement that the Agency determines by regulation, resolution, or order to be a qualified financial contract for purposes of this paragraph.

"(ii) SECURITIES CONTRACT.—The term 'securities contract'—

"(I) means a contract for the purchase, sale, or loan of a security, a certificate of deposit, a mortgage loan, or any interest in a mortgage loan, a group or index of securities, certificates of deposit, or mortgage loans or interests therein (including any interest therein or based on the value thereof) or any option on any of the foregoing, including any option to purchase or sell any such security, certificate of deposit, mortgage loan, interest, group or index, or option, and including any repurchase or reverse repurchase transaction on any such security, certificate of deposit, mortgage loan, interest, group or index, or option;

"(II) does not include any purchase, sale, or repurchase obligation under a participation in a commercial mortgage loan unless the Agency determines by regulation, resolution, or order to include any such agreement within the meaning of such term;

"(III) means any option entered into on a national securities exchange relating to foreign currencies;

"(IV) means the guarantee by or to any securities clearing agency of any settlement of cash, securities, certificates of deposit, mortgage loans or interests therein, group or index of securities, certificates of deposit, or mortgage loans or interests therein (including any interest therein or based on the value thereof) or option on any of the foregoing, including any option to purchase or sell any such security, certificate of deposit, mortgage loan, interest, group or index, or option;

"(V) means any margin loan;

"(VI) means any other agreement or transaction that is similar to any agreement or transaction referred to in this clause;

"(VII) means any combination of the agreements or transactions referred to in this clause;

"(VIII) means any option to enter into any agreement or transaction referred to in this clause;

"(IX) means a master agreement that provides for an agreement or transaction referred to in subclause (I), (III), (IV), (V), (VI), (VII), or (VIII), together with all supplements to any such master agreement, without regard to whether the master agreement provides for an agreement or transaction that is not a securities contract under this clause, except that the master agreement shall be considered to be a securities contract under this clause only with respect to each agreement or transaction under the master agreement that is referred to in subclause (I), (III), (IV), (V), (VI), (VII), or (VIII); and

"(X) means any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in this clause, including any guarantee or reimbursement obligation in connection with any agreement or transaction referred to in this clause.

"(iii) COMMODITY CONTRACT.—The term 'commodity contract' means—

"(I) with respect to a futures commission merchant, a contract for the purchase or sale of a commodity for future delivery on, or subject to the rules of, a contract market or board of trade;

"(II) with respect to a foreign futures commission merchant, a foreign future;

"(III) with respect to a leverage transaction merchant, a leverage transaction;

"(IV) with respect to a clearing organization, a contract for the purchase or sale of a commodity for future delivery on, or subject to the rules of, a contract market or board of trade that is cleared by such clearing organization, or commodity option traded on, or subject to the rules of, a contract market or board of trade that is cleared by such clearing organization;

"(V) with respect to a commodity options dealer, a commodity option;

"(VI) any other agreement or transaction that is similar to any agreement or transaction referred to in this clause;

"(VII) any combination of the agreements or transactions referred to in this clause;

"(VIII) any option to enter into any agreement or transaction referred to in this clause;

"(IX) a master agreement that provides for an agreement or transaction referred to in subclause (I), (II), (III), (IV), (V), (VI), (VII), or (VIII), together with all supplements to any such master agreement, without regard to whether the master agreement provides for an agreement or transaction that is not a commodity contract under this clause, except that the master agreement shall be considered to be a commodity contract under this clause only with respect to each agreement or transaction under the master agreement that is referred to in subclause (I), (II), (III), (IV), (V), (VI), (VII), or (VIII); or

"(X) any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in this clause, including any guarantee or reimbursement obligation in connection with any agreement or transaction referred to in this clause.

"(iv) FORWARD CONTRACT.—The term 'forward contract' means—

"(I) a contract (other than a commodity contract) for the purchase, sale, or transfer of a commodity or any similar good, article, service, right, or interest which is presently or in the future becomes the subject of dealing in the forward contract trade, or product or byproduct thereof, with a maturity date more than 2 days after the date the contract is entered into, including, a repurchase transaction, reverse repurchase transaction, consignment, lease, swap, hedge transaction, deposit, loan, option, allocated transaction, unallocated transaction, or any other similar agreement;

"(II) any combination of agreements or transactions referred to in subclauses (I) and (III);

"(III) any option to enter into any agreement or transaction referred to in subclause (I) or (II);

"(IV) a master agreement that provides for an agreement or transaction referred to in subclauses (I), (II), or (III), together with all supplements to any such master agreement, without regard to whether the master agreement provides for an agreement or transaction that is not a forward contract under this clause, except that the master agreement shall be considered to be a forward contract under this clause only with respect to each agreement or transaction under the master agreement that is referred to in subclause (I), (II), or (III); or

"(V) any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in subclause (I), (II), (III), or (IV), including any guarantee or reimbursement obligation in connection with any agreement or transaction referred to in any such subclause.

"(v) REPURCHASE AGREEMENT.—The term 'repurchase agreement' (which definition also applies to a reverse repurchase agreement)—

"(I) means an agreement, including related terms, which provides for the transfer of one or more certificates of deposit, mortgage-related securities (as such term is defined in the Securities Exchange Act of 1934), mortgage loans, interests in mortgage-related securities or mortgage loans, eligible bankers' acceptances, qualified foreign government securities or securities that are direct obligations of, or that are fully guaranteed by, the United States or any agency of the United States against the transfer of funds by the transferee of such certificates of deposit, eligible bankers' acceptances, securities, mortgage loans, or interests with a simultaneous agreement by such transferee to transfer to the transferor thereof certificates of deposit, eligible bankers' acceptances, securities, mortgage loans, or interests as described above, at a date certain not later than 1 year after such transfers or on demand, against the transfer of funds, or any other similar agreement;

"(II) does not include any repurchase obligation under a participation in a commercial mortgage loan unless the Agency determines by regulation, resolution, or order to include any such participation within the meaning of such term;

"(III) means any combination of agreements or transactions referred to in subclauses (I) and (IV);

"(IV) means any option to enter into any agreement or transaction referred to in subclause (I) or (III);

"(V) means a master agreement that provides for an agreement or transaction referred to in subclause (I), (III), or (IV), together with all supplements to any such master agreement, without regard to whether the master agreement provides for an agreement or transaction that is not a repurchase agreement under this clause, except that the master agreement shall be considered to be a repurchase agreement under this subclause only with respect to each agreement or transaction under the master agreement that is referred to in subclause (I), (III), or (IV); and

"(VI) means any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in subclause (I), (III), (IV), or (V), including any guarantee or reimbursement obligation in connection with any agreement or transaction referred to in any such subclause.

For purposes of this clause, the term 'qualified foreign government security' means a security that is a direct obligation of, or that is fully guaranteed by, the central government of a member of the Organization for Economic Cooperation and Development (as determined by regulation or order adopted by the appropriate Federal banking authority).

"(vi) SWAP AGREEMENT.—The term 'swap agreement' means—

"(I) any agreement, including the terms and conditions incorporated by reference in any such agreement, which is an interest rate swap, option, future, or forward agreement, including a rate floor, rate cap, rate collar, cross-currency rate swap, and basis swap; a spot, same day-tomorrow, tomorrow-next, forward, or other foreign exchange or precious metals agreement; a currency swap, option, future, or forward agreement; an equity index or equity swap, option, future, or forward agreement; a debt index or debt swap, option, future, or forward agreement; a total return, credit spread or credit swap, option, future, or forward agreement; a commodity index or commodity swap, option, future, or forward agreement; or a weather swap, weather derivative, or weather option;

"(II) any agreement or transaction that is similar to any other agreement or transaction referred to in this clause and that is of a type that has been, is presently, or in the future becomes, the subject of recurrent dealings in the swap markets (including terms and conditions incorporated by reference in such agreement) and that is a forward, swap, future, or option on one or more rates, currencies, commodities, equity securities or other equity instruments, debt securities or other debt instruments, quantitative measures associated with an occurrence, extent of an occurrence, or contingency associated with a financial, commercial, or economic consequence, or economic or financial indices or measures of economic or financial risk or value;

"(III) any combination of agreements or transactions referred to in this clause;

"(IV) any option to enter into any agreement or transaction referred to in this clause;

"(V) a master agreement that provides for an agreement or transaction referred to in subclause (I), (II), (III), or (IV), together with all supplements to any such master agreement, without regard to whether the master agreement contains an agreement or transaction that is not a swap agreement under this clause, except that the master agreement shall be considered to be a swap agreement under this clause only with respect to each agreement or transaction under the master agreement that is referred to in subclause (I), (II), (III), or (IV); and

"(VI) any security agreement or arrangement or other credit enhancement related to any agreements or transactions referred to in subclause (I), (II), (III), (IV), or (V), including any guarantee or reimbursement obligation in connection with any agreement or transaction referred to in any such subclause.

Such term is applicable for purposes of this subsection only and shall not be construed or applied so as to challenge or affect the characterization, definition, or treatment of any swap agreement under any other statute, regulation, or rule, including the Securities Act of 1933, the Securities Exchange Act of 1934, the Public Utility Holding Company Act of 1935, the Trust Indenture Act of 1939, the Investment Company Act of 1940, the Investment Advisers Act of 1940, the Securities Investor Protection Act of 1970, the Commodity Exchange Act, the Gramm-Leach-Bliley Act, and the Legal Certainty for Bank Products Act of 2000.

"(vii) TREATMENT OF MASTER AGREEMENT AS ONE AGREEMENT.—Any master agreement for any contract or agreement described in any preceding clause of this subparagraph (or any master agreement for such master agreement or agreements), together with all supplements to such master agreement, shall be treated as a single agreement and a single qualified financial contract. If a master agreement contains provisions relating to agreements or transactions that are not themselves qualified financial contracts, the master agreement shall be deemed to be a qualified financial contract only with respect to those transactions that are themselves qualified financial contracts.

"(viii) TRANSFER.—The term 'transfer' means every mode, direct or indirect, absolute or conditional, voluntary or involuntary, of disposing of or parting with property or with an interest in property, including retention of title as a security interest and foreclosure of the regulated entity's equity of redemption.

"(E) CERTAIN PROTECTIONS IN EVENT OF APPOINTMENT OF CONSERVATOR.—Notwithstanding any other provision of this Act (other than paragraph (13) of this subsection), any other Federal law, or the law of any State, no person shall be stayed or prohibited from exercising—

"(i) any right such person has to cause the termination, liquidation, or acceleration of any qualified financial contract with a regulated entity in a conservatorship based upon a default under such financial contract which is enforceable under applicable noninsolvency law;

"(ii) any right under any security agreement or arrangement or other credit enhancement relating to one or more such qualified financial contracts; or

"(iii) any right to offset or net out any termination values, payment amounts, or other transfer obligations arising under or in connection with such qualified financial contracts.

"(F) CLARIFICATION.—No provision of law shall be construed as limiting the right or power of the Agency, or authorizing any court or agency to limit or delay, in any manner, the right or power of the Agency to transfer any qualified financial contract in accordance with paragraphs (9) and (10) of this subsection or to disaffirm or repudiate any such contract in accordance with subsection (d)(1) of this section.

"(G) WALKAWAY CLAUSES NOT EFFECTIVE.—

"(i) IN GENERAL.—Notwithstanding the provisions of subparagraphs (A) and (E), and sections 403 and 404 of the Federal Deposit Insurance Corporation Improvement Act of 1991, no walkaway clause shall be enforceable in a qualified financial contract of a regulated entity in default.

"(ii) WALKAWAY CLAUSE DEFINED.—For purposes of this subparagraph, the term 'walkaway clause' means a provision in a qualified financial contract that, after calculation of a value of a party's position or an amount due to or from 1 of the parties in accordance with its terms upon termination, liquidation, or acceleration of the qualified financial contract, either does not create a payment obligation of a party or extinguishes a payment obligation of a party in whole or in part solely because of such party's status as a nondefaulting party.

"(9) TRANSFER OF QUALIFIED FINANCIAL CONTRACTS.—In making any transfer of assets or liabilities of a regulated entity in default which includes any qualified financial contract, the conservator or receiver for such regulated entity shall either—

"(A) transfer to 1 person—

"(i) all qualified financial contracts between any person (or any affiliate of such person) and the regulated entity in default;

"(ii) all claims of such person (or any affiliate of such person) against such regulated entity under any such contract (other than any claim which, under the terms of any such contract, is subordinated to the claims of general unsecured creditors of such regulated entity);

"(iii) all claims of such regulated entity against such person (or any affiliate of such person) under any such contract; and

"(iv) all property securing or any other credit enhancement for any contract described in clause (i) or any claim described in clause (ii) or (iii) under any such contract; or

"(B) transfer none of the financial contracts, claims, or property referred to under subparagraph (A) (with respect to such person and any affiliate of such person).

"(10) NOTIFICATION OF TRANSFER.—

"(A) IN GENERAL.—If—

"(i) the conservator or receiver for a regulated entity in default makes any transfer of the assets and liabilities of such regulated entity, and

"(ii) the transfer includes any qualified financial contract,

the conservator or receiver shall notify any person who is a party to any such contract of such transfer by 5:00 p.m. (eastern time) on the business day following the date of the appointment of the receiver in the case of a receivership, or the business day following such transfer in the case of a conservatorship.

"(B) CERTAIN RIGHTS NOT ENFORCEABLE.—

"(i) RECEIVERSHIP.—A person who is a party to a qualified financial contract with a regulated entity may not exercise any right that such person has to terminate, liquidate, or net such contract under paragraph (8)(A) of this subsection or section 403 or 404 of the Federal Deposit Insurance Corporation Improvement Act of 1991, solely by reason of or incidental to the appointment of a receiver for the regulated entity (or the insolvency or financial condition of the regulated entity for which the receiver has been appointed)—

"(I) until 5:00 p.m. (eastern time) on the business day following the date of the appointment of the receiver; or

"(II) after the person has received notice that the contract has been transferred pursuant to paragraph (9)(A).

"(ii) CONSERVATORSHIP.—A person who is a party to a qualified financial contract with a regulated entity may not exercise any right that such person has to terminate, liquidate, or net such contract under paragraph (8)(E) of this subsection or section 403 or 404 of the Federal Deposit Insurance Corporation Improvement Act of 1991, solely by reason of or incidental to the appointment of a conservator for the regulated entity (or the insolvency or financial condition of the regulated entity for which the conservator has been appointed).

"(iii) Notice.—For purposes of this paragraph, the Agency as receiver or conservator of a regulated entity shall be deemed to have notified a person who is a party to a qualified financial contract with such regulated entity if the Agency has taken steps reasonably calculated to provide notice to such person by the time specified in subparagraph (A).

"(C) Business day defined.—For purposes of this paragraph, the term 'business day' means any day other than any Saturday, Sunday, or any day on which either the New York Stock Exchange or the Federal Reserve Bank of New York is closed.

"(11) Disaffirmance or repudiation of qualified financial contracts.—In exercising the rights of disaffirmance or repudiation of a conservator or receiver with respect to any qualified financial contract to which a regulated entity is a party, the conservator or receiver for such institution shall either—

"(A) disaffirm or repudiate all qualified financial contracts between—

"(i) any person or any affiliate of such person; and

"(ii) the regulated entity in default; or

"(B) disaffirm or repudiate none of the qualified financial contracts referred to in subparagraph (A) (with respect to such person or any affiliate of such person).

"(12) Certain security interests not avoidable.—No provision of this subsection shall be construed as permitting the avoidance of any legally enforceable or perfected security interest in any of the assets of any regulated entity, except where such an interest is taken in contemplation of the insolvency of the regulated entity, or with the intent to hinder, delay, or defraud the regulated entity or the creditors of such regulated entity.

"(13) Authority to enforce contracts.—

"(A) In general.—Notwithstanding any provision of a contract providing for termination, default, acceleration, or exercise of rights upon, or solely by reason of, insolvency or the appointment of a conservator or receiver, the conservator or receiver may enforce any contract or regulated entity bond entered into by the regulated entity.

"(B) Certain rights not affected.—No provision of this paragraph may be construed as impairing or affecting any right of the conservator or receiver to enforce or recover under a director's or officer's liability insurance contract or surety bond under other applicable law.

"(C) Consent requirement.—

"(i) In general.—Except as otherwise provided under this section, no person may exercise any right or power to terminate, accelerate, or declare a default under any contract to which a regulated entity is a party, or to obtain possession of or exercise control over any property of the regulated entity, or affect any contractual rights of the regulated entity, without the consent of the conservator or receiver, as appropriate, for a period of—

"(I) 45 days after the date of appointment of a conservator; or

"(II) 90 days after the date of appointment of a receiver.

"(ii) Exceptions.—This paragraph shall—

"(I) not apply to a director's or officer's liability insurance contract;

"(II) not apply to the rights of parties to any qualified financial contracts under subsection (d)(8); and

"(III) not be construed as permitting the conservator or receiver to fail to comply with otherwise enforceable provisions of such contracts.

"(14) Savings clause.—The meanings of terms used in this subsection are applicable for purposes of this subsection only, and shall not be construed or applied so as to challenge or affect the characterization, definition, or treatment of any similar terms under any other statute, regulation, or rule, including the Gramm-Leach-Bliley Act, the Legal Certainty for Bank Products Act of 2000, the securities laws (as that term is defined in section 3(a)(47) of the Securities Exchange Act of 1934), and the Commodity Exchange Act

"(15) Exception for federal reserve and federal home loan banks.—No provision of this subsection shall apply with respect to—

"(A) any extension of credit from any Federal home loan bank or Federal Reserve Bank to any regulated entity; or

"(B) any security interest in the assets of the regulated entity securing any such extension of credit.

"(e) Valuation of Claims in Default.—

"(1) In general.—Notwithstanding any other provision of Federal law or the law of any State, and regardless of the method which the Agency determines to utilize with respect to a regulated entity in default or in danger of default, including transactions authorized under subsection (i), this subsection shall govern the rights of the creditors of such regulated entity.

"(2) Maximum liability.—The maximum liability of the Agency, acting as receiver or in any other capacity, to any person having a claim against the receiver or the regulated entity for which such receiver is appointed shall equal the lesser of—

"(A) the amount such claimant would have received if the Agency, had liquidated the assets and liabilities of such regulated entity without exercising the authority of the Agency under subsection (i) of this section; or

"(B) the amount of proceeds realized from the performance of contracts or sale of the assets of the regulated entity.

"(f) Limitation on Court Action.—Except as provided in this section or at the request of the Director, no court may take any action to restrain or affect the exercise of powers or functions of the Agency as a conservator or a receiver.

"(g) Liability of Directors and Officers.—

"(1) In general.—A director or officer of a regulated entity may be held personally liable for monetary damages in any civil action by, on behalf of, or at the request or direction of the Agency, which action is prosecuted wholly or partially for the benefit of the Agency—

"(A) acting as conservator or receiver of such regulated entity, or

"(B) acting based upon a suit, claim, or cause of action purchased from, assigned by, or otherwise conveyed by such receiver or conservator,

for gross negligence, including any similar conduct or conduct that demonstrates a greater disregard of a duty of care (than gross negligence) including intentional tortious conduct, as such terms are defined and determined under applicable State law.

"(2) No limitation.—Nothing in this paragraph shall impair or affect any right of the Agency under other applicable law.

"(h) Damages.—In any proceeding related to any claim against a director, officer, employee, agent, attorney, accountant, appraiser, or any other party employed by or providing services to a regulated entity, recoverable damages determined to result from the improvident or otherwise improper use or investment of any assets of the regulated entity shall include principal losses and appropriate interest.

"(i) Limited-Life Regulated Entities.—

"(1) Organization.—

"(A) Purpose.—If a regulated entity is in default, or if the Agency anticipates that a regulated entity will default, the Agency may organize a limited-life regulated entity with those powers and attributes of the regulated entity in default or in danger of default that the Director determines necessary, subject to the provisions of this subsection. The Director shall grant a temporary charter to the limited-life regulated entity, and the limited-life regulated entity shall operate subject to that charter.

"(B) Authorities.—Upon the creation of a limited-life regulated entity under subparagraph (A), the limited-life regulated entity may—

"(i) assume such liabilities of the regulated entity that is in default or in danger of default as the Agency may, in its discretion, determine to be appropriate, provided that the liabilities assumed shall not exceed the amount of assets of the limited-life regulated entity;

"(ii) purchase such assets of the regulated entity that is in default, or in danger of default, as the Agency may, in its discretion, determine to be appropriate; and

"(iii) perform any other temporary function which the Agency may, in its discretion, prescribe in accordance with this section.

"(2) Charter.—

"(A) Conditions.—The Agency may grant a temporary charter if the Agency determines that the continued operation of the regulated entity in default or in danger of default is in the best interest of the national economy and the housing markets.

"(B) Treatment as being in default for certain purposes.—A limited-life regulated entity shall be treated as a regulated entity in default at such times and for such purposes as the Agency may, in its discretion, determine.

"(C) Management.—A limited-life regulated entity, upon the granting of its charter, shall be under the management of a board of directors consisting of not fewer than 5 nor more than 10 members appointed by the Agency.

"(D) Bylaws.—The board of directors of a limited-life regulated entity shall adopt such bylaws as may be approved by the Agency.

"(3) Capital stock.—No capital stock need be paid into a limited-life regulated entity by the Agency.

"(4) Investments.—Funds of a limited-life regulated entity shall be kept on hand in cash, invested in obligations of the United States or obligations guaranteed as to principal and interest by the United States, or deposited with the Agency, or any Federal Reserve bank.

"(5) Exempt status.—Notwithstanding any other provision of Federal or State law, the limited-life regulated entity, its franchise, property, and income shall be exempt from all taxation now or hereafter imposed by the United States, by any territory, dependency, or possession thereof, or by any State, county, municipality, or local taxing authority.

"(6) Winding up.—

"(A) In general.—Subject to subparagraph (B), unless Congress authorizes the sale of the capital stock of the limited-life regulated entity, not later than 2 years after the date of its organization, the Agency shall wind up the affairs of the limited-life regulated entity.

"(B) Extension.—The Director may, in the discretion of the Director, extend the status of the limited-life regulated entity for 3 additional 1-year periods.

"(7) Transfer of assets and liabilities.—

"(A) In general.—

"(i) Transfer of assets and liabilities.—The Agency, as receiver, may transfer any assets and liabilities of a regulated entity in default, or in danger of default, to the limited-life regulated entity in accordance with paragraph (1).

"(ii) Subsequent transfers.—At any time after a charter is transferred to a limited-life regulated entity, the Agency, as receiver, may transfer any assets and liabilities of such regulated entity in default, or in danger in default, as the Agency may, in its discretion, determine to be appropriate in accordance with paragraph (1).

"(iii) EFFECTIVE WITHOUT APPROVAL.—The transfer of any assets or liabilities of a regulated entity in default, or in danger of default, transferred to a limited-life regulated entity shall be effective without any further approval under Federal or State law, assignment, or consent with respect thereto.

"(8) PROCEEDS.—To the extent that available proceeds from the limited-life regulated entity exceed amounts required to pay obligations, such proceeds may be paid to the regulated entity in default, or in danger of default.

"(9) POWERS.—

"(A) IN GENERAL.—Each limited-life regulated entity created under this subsection shall have all corporate powers of, and be subject to the same provisions of law as, the regulated entity in default or in danger of default to which it relates, except that—

"(i) the Agency may—

"(I) remove the directors of a limited-life regulated entity; and

"(II) fix the compensation of members of the board of directors and senior management, as determined by the Agency in its discretion, of a limited-life regulated entity;

"(ii) the Agency may indemnify the representatives for purposes of paragraph (1)(B), and the directors, officers, employees, and agents of a limited-life regulated entity on such terms as the Agency determines to be appropriate; and

"(iii) the board of directors of a limited-life regulated entity—

"(I) shall elect a chairperson who may also serve in the position of chief executive officer, except that such person shall not serve either as chairperson or as chief executive officer without the prior approval of the Agency; and

"(II) may appoint a chief executive officer who is not also the chairperson, except that such person shall not serve as chief executive officer without the prior approval of the Agency.

"(B) STAY OF JUDICIAL ACTION.—Any judicial action to which a limited-life regulated entity becomes a party by virtue of its acquisition of any assets or assumption of any liabilities of a regulated entity in default shall be stayed from further proceedings for a period of up to 45 days at the request of the limited-life regulated entity. Such period may be modified upon the consent of all parties.

"(10) OBTAINING OF CREDIT AND INCURRING OF DEBT.—

"(A) IN GENERAL.—The limited-life regulated entity may obtain unsecured credit and incur unsecured debt in the ordinary course of business.

"(B) INABILITY TO OBTAIN CREDIT.—If the limited-life regulated entity is unable to obtain unsecured credit the Director may authorize the obtaining of credit or the incurring of debt—

"(i) with priority over any or all administrative expenses;

"(ii) secured by a lien on property that is not otherwise subject to a lien; or

"(iii) secured by a junior lien on property that is subject to a lien.

"(C) LIMITATIONS.—

"(i) IN GENERAL.—The Director, after notice and a hearing, may authorize the obtaining of credit or the incurring of debt secured by a senior or equal lien on property that is subject to a lien (other than mortgages that collateralize the mortgage-backed securities issued or guaranteed by the regulated entity) only if—

"(I) the limited-life regulated entity is unable to obtain such credit otherwise; and

"(II) there is adequate protection of the interest of the holder of the lien on the property which such senior or equal lien is proposed to be granted.

"(ii) BURDEN OF PROOF.—In any hearing under this subsection, the Director has the burden of proof on the issue of adequate protection.

"(D) AFFECT ON DEBTS AND LIENS.—The reversal or modification on appeal of an authorization under this paragraph to obtain credit or incur debt, or of a grant under this section of a priority or a lien, does not affect the validity of any debt so incurred, or any priority or lien so granted, to an entity that extended such credit in good faith, whether or not such entity knew of the pendency of the appeal, unless such authorization and the incurring of such debt, or the granting of such priority or lien, were stayed pending appeal.

"(11) ISSUANCE OF PREFERRED DEBT.—A limited-life regulated entity may, subject to the approval of the Director and subject to such terms and conditions as the Director may prescribe, issue notes, bonds, or other debt obligations of a class to which all other debt obligations of the limited-life regulated entity shall be subordinate in right and payment.

"(12) NO FEDERAL STATUS.—

"(A) AGENCY STATUS.—A limited-life regulated entity is not an agency, establishment, or instrumentality of the United States.

"(B) EMPLOYEE STATUS.—Representatives for purposes of paragraph (1)(B), interim directors, directors, officers, employees, or agents of a limited-life regulated entity are not, solely by virtue of service in any such capacity, officers or employees of the United States. Any employee of the Agency or of any Federal instrumentality who serves at the request of the Agency as a representative for purposes of paragraph (1)(B), interim director, director, officer, employee, or agent of a limited-life regulated entity shall not—

"(i) solely by virtue of service in any such capacity lose any existing status as an officer or employee of the United States for purposes of title 5, United States Code, or any other provision of law; or

"(ii) receive any salary or benefits for service in any such capacity with respect to a limited-life regulated entity in addition to such salary or benefits as are obtained through employment with the Agency or such Federal instrumentality.

"(13) ADDITIONAL POWERS.—In addition to any other powers granted under this subsection, a limited-life regulated entity may—

"(A) extend a maturity date or change in an interest rate or other term of outstanding securities;

"(B) issue securities of the limited-life regulated entity, for cash, for property, for existing securities, or in exchange for claims or interests, or for any other appropriate purposes; and

"(C) take any other action not inconsistent with this section.

"(j) OTHER EXEMPTIONS.—When acting as a receiver, the following provisions shall apply with respect to the Agency:

"(1) EXEMPTION FROM TAXATION.—The Agency, including its franchise, its capital, reserves, and surplus, and its income, shall be exempt from all taxation imposed by any State, country, municipality, or local taxing authority, except that any real property of the Agency shall be subject to State, territorial, county, municipal, or local taxation to the same extent according to its value as other real property is taxed, except that, notwithstanding the failure of any person to challenge an assessment under State law of the value of such property, and the tax thereon, shall be determined as of the period for which such tax is imposed.

"(2) EXEMPTION FROM ATTACHMENT AND LIENS.—No property of the Agency shall be subject to levy, attachment, garnishment, foreclosure, or sale without the consent of the Agency, nor shall any involuntary lien attach to the property of the Agency.

"(3) EXEMPTION FROM PENALTIES AND FINES.—The Agency shall not be liable for any amounts in the nature of penalties or fines, including those arising from the failure of any person to pay any real property, personal property, probate, or recording tax or any recording or filing fees when due.

"(k) PROHIBITION OF CHARTER REVOCATION.—In no case may a receiver appointed pursuant to this section revoke, annul, or terminate the charter of a regulated entity.".

(b) CONFORMING AMENDMENTS.—Subtitle B of title XIII of the Housing and Community Development Act of 1992 is amended by striking sections 1369 (12 U.S.C. 4619), 1369A (12 U.S.C. 4620), and 1369B (12 U.S.C. 4621).

SEC. 145. CONFORMING AMENDMENTS.

Title XIII of the Housing and Community Development Act of 1992, as amended by the preceding provisions of this Act, is further amended—

(1) in sections 1365 (12 U.S.C. 4615) through 1369D (12 U.S.C. 4623), but not including section 1367 (12 U.S.C. 4617) as added by section 144 of this Act—

(A) by striking "An enterprise" each place such term appears and inserting "A regulated entity";

(B) by striking "an enterprise" each place such term appears and inserting "a regulated entity"; and

(C) by striking "the enterprise" each place such term appears and inserting "the regulated entity";

(2) in section 1366 (12 U.S.C. 4616)—

(A) in subsection (b)(7), by striking "section 1369 (excluding subsection (a)(1) and (2))" and inserting "section 1367"; and

(B) in subsection (d), by striking "the enterprises" and inserting "the regulated entities";

(3) in section 1368(d) (12 U.S.C. 4618(d)), by striking "Committee on Banking, Finance and Urban Affairs" and inserting "Committee on Financial Services";

(4) in section 1369C(c) (12 U.S.C. 4622(c)), by striking "any enterprise" and inserting "any regulated entity"; and

(5) in subsections (a) and (d) of section 1369D, by striking "section 1366 or 1367 or action under section 1369)" each place such phrase appears and inserting "section 1367)".

Subtitle D—Enforcement Actions

SEC. 161. CEASE-AND-DESIST PROCEEDINGS.

Section 1371 of the Housing and Community Development Act of 1992 (12 U.S.C. 4631) is amended—

(1) by striking subsections (a) and (b) and inserting the following new subsections:

"(a) ISSUANCE FOR UNSAFE OR UNSOUND PRACTICES AND VIOLATIONS OF RULES OR LAWS.—If, in the opinion of the Director, a regulated entity or any regulated entity-affiliated party is engaging or has engaged, or the Director has reasonable cause to believe that the regulated entity or any regulated entity-affiliated party is about to engage, in an unsafe or unsound practice in conducting the business of the regulated entity or is violating or has violated, or the Director has reasonable cause to believe that the regulated entity or any regulated entity-affiliated party is about to violate, a law, rule, or regulation, or any condition imposed in writing by the Director in connection with the granting of any application or other request by the regulated entity or any written agreement entered into with the Director, the Director may issue and serve upon the regulated entity or such party a notice of charges in respect thereof. The Director may not, pursuant to this section, enforce compliance with any housing goal established under subpart B of part 2 of subtitle A of this title, with section 1336 or 1337 of this title, with subsection (m) or (n) of section 309 of the Federal National Mortgage Association Charter Act (12 U.S.C. 1723a(m), (n)), with subsection (e) or (f) of section 307 of the Federal Home Loan

Mortgage Corporation Act (12 U.S.C. 1456(e), (f)), or with paragraph (5) of section 10(j) of the Federal Home Loan Bank Act (12 U.S.C. 1430(j)).

"(b) ISSUANCE FOR UNSATISFACTORY RATING.—If a regulated entity receives, in its most recent report of examination, a less-than-satisfactory rating for asset quality, management, earnings, or liquidity, the Director may (if the deficiency is not corrected) deem the regulated entity to be engaging in an unsafe or unsound practice for purposes of this subsection.";

(2) in subsection (c)(2), by striking "enterprise, executive officer, or director" and inserting "regulated entity or regulated entity-affiliated party"; and

(3) in subsection (d)—

(A) in the matter preceding paragraph (1), by striking "enterprise, executive officer, or director" and inserting "regulated entity or regulated entity-affiliated party";

(B) in paragraph (1)—

(i) by striking "an executive officer or director" and inserting "a regulated entity affiliated party"; and

(ii) by inserting "(including reimbursement of compensation under section 1318)" after "reimbursement";

(C) in paragraph (6), by striking "and" at the end;

(D) by redesignating paragraph (7) as paragraph (8); and

(E) by inserting after paragraph (6) the following new paragraph:

"(7) to effect an attachment on a regulated entity or regulated entity-affiliated party subject to an order under this section or section 1372; and".

SEC. 162. TEMPORARY CEASE-AND-DESIST PROCEEDINGS.

Section 1372 of the Housing and Community Development Act of 1992 (12 U.S.C. 4632) is amended—

(1) by striking subsection (a) and inserting the following new subsection:

"(a) GROUNDS FOR ISSUANCE.—Whenever the Director determines that the violation or threatened violation or the unsafe or unsound practice or practices specified in the notice of charges served upon the regulated entity or any regulated entity-affiliated party pursuant to section 1371(a), or the continuation thereof, is likely to cause insolvency or significant dissipation of assets or earnings of the regulated entity, or is likely to weaken the condition of the regulated entity prior to the completion of the proceedings conducted pursuant to sections 1371 and 1373, the Director may issue a temporary order requiring the regulated entity or such party to cease and desist from any such violation or practice and to take affirmative action to prevent or remedy such insolvency, dissipation, condition, or prejudice pending completion of such proceedings. Such order may include any requirement authorized under section 1371(d).";

(2) in subsection (b), by striking "enterprise, executive officer, or director" and inserting "regulated entity or regulated entity-affiliated party";

(3) in subsection (d)—

(A) by striking "An enterprise, executive officer, or director" and inserting "A regulated entity or regulated entity-affiliated party"; and

(B) by striking "the enterprise, executive officer, or director" and inserting "the regulated entity or regulated entity-affiliated party"; and

(4) by striking subsection (e) and in inserting the following new subsection:

"(e) ENFORCEMENT.—In the case of violation or threatened violation of, or failure to obey, a temporary cease-and-desist order issued pursuant to this section, the Director may apply to the United States District Court for the District of Columbia or the United States district court within the jurisdiction of which the headquarters of the regulated entity is located, for an injunction to enforce such order, and, if the court determines that there has been such violation or threatened violation or failure to obey, it shall be the duty of the court to issue such injunction.".

SEC. 163. PREJUDGMENT ATTACHMENT.

The Housing and Community Development Act of 1992 is amended by inserting after section 1375 (12 U.S.C. 4635) the following new section:

"SEC. 1375A. PREJUDGMENT ATTACHMENT.

"(a) IN GENERAL.—In any action brought pursuant to this title, or in actions brought in aid of, or to enforce an order in, any administrative or other civil action for money damages, restitution, or civil money penalties brought pursuant to this title, the court may, upon application of the Director or Attorney General, as applicable, issue a restraining order that—

"(1) prohibits any person subject to the proceeding from withdrawing, transferring, removing, dissipating, or disposing of any funds, assets or other property; and

"(2) appoints a person on a temporary basis to administer the restraining order.

"(b) STANDARD.—

"(1) SHOWING.—Rule 65 of the Federal Rules of Civil Procedure shall apply with respect to any proceeding under subsection (a) without regard to the requirement of such rule that the applicant show that the injury, loss, or damage is irreparable and immediate.

"(2) STATE PROCEEDING.—If, in the case of any proceeding in a State court, the court determines that rules of civil procedure available under the laws of such State provide substantially similar protections to a party's right to due process as Rule 65 (as modified with respect to such proceeding by paragraph (1)), the relief sought under subsection (a) may be requested under the laws of such State.".

SEC. 164. ENFORCEMENT AND JURISDICTION.

Section 1375 of the Housing and Community Development Act of 1992 (12 U.S.C. 4635) is amended—

(1) by striking subsection (a) and inserting the following new subsection:

"(a) ENFORCEMENT.—The Director may, in the discretion of the Director, apply to the United States District Court for the District of Columbia, or the United States district court within the jurisdiction of which the headquarters of the regulated entity is located, for the enforcement of any effective and outstanding notice or order issued under this subtitle or subtitle B, or request that the Attorney General of the United States bring such an action. Such court shall have jurisdiction and power to order and require compliance with such notice or order."; and

(2) in subsection (b), by striking "or 1376" and inserting "1376, or 1377".

SEC. 165. CIVIL MONEY PENALTIES.

Section 1376 of the Housing and Community Development Act of 1992 (12 U.S.C. 4636) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking "or any executive officer or" and inserting "any executive officer of a regulated entity, any regulated entity-affiliated party, or any"; and

(B) in paragraph (1)—

(i) by striking "the Federal National Mortgage Association Charter Act, the Federal Home Loan Mortgage Corporation Act" and inserting "any provision of any of the authorizing statutes";

(ii) by striking "or Act" and inserting "or statute";

(iii) by striking "or subsection" and inserting ", subsection"; and

(iv) by inserting ", or paragraph (5) or (12) of section 10(j) of the Federal Home Loan Bank Act" before the semicolon at the end;

(2) by striking subsection (b) and inserting the following new subsection:

"(b) AMOUNT OF PENALTY.—

"(1) FIRST TIER.—Any regulated entity which, or any regulated entity-affiliated party who—

"(A) violates any provision of this title, any provision of any of the authorizing statutes, or any order, condition, rule, or regulation under any such title or statute, except that the Director may not, pursuant to this section, enforce compliance with any housing goal established under subpart B of part 2 of subtitle A of this title, with section 1336 or 1337 of this title, with subsection (m) or (n) of section 309 of the Federal National Mortgage Association Charter Act (12 U.S.C. 1723a(m), (n)), with subsection (e) or (f) of section 307 of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1456(e), (f)), or with paragraph (5) or (12) of section 10(j) of the Federal Home Loan Bank Act;

"(B) violates any final or temporary order or notice issued pursuant to this title;

"(C) violates any condition imposed in writing by the Director in connection with the grant of any application or other request by such regulated entity;

"(D) violates any written agreement between the regulated entity and the Director; or

"(E) engages in any conduct the Director determines to be an unsafe or unsound practice, shall forfeit and pay a civil penalty of not more than $10,000 for each day during which such violation continues.

"(2) SECOND TIER.—Notwithstanding paragraph (1)—

"(A) if a regulated entity, or a regulated entity-affiliated party—

"(i) commits any violation described in any subparagraph of paragraph (1);

"(ii) recklessly engages in an unsafe or unsound practice in conducting the affairs of such regulated entity; or

"(iii) breaches any fiduciary duty; and

"(B) the violation, practice, or breach—

"(i) is part of a pattern of misconduct;

"(ii) causes or is likely to cause more than a minimal loss to such regulated entity; or

"(iii) results in pecuniary gain or other benefit to such party, the regulated entity or regulated entity-affiliated party shall forfeit and pay a civil penalty of not more than $50,000 for each day during which such violation, practice, or breach continues.

"(3) THIRD TIER.—Notwithstanding paragraphs (1) and (2), any regulated entity which, or any regulated entity-affiliated party who—

"(A) knowingly—

"(i) commits any violation or engages in any conduct described in any subparagraph of paragraph (1);

"(ii) engages in any unsafe or unsound practice in conducting the affairs of such regulated entity; or

"(iii) breaches any fiduciary duty; and

"(B) knowingly or recklessly causes a substantial loss to such regulated entity or a substantial pecuniary gain or other benefit to such party by reason of such violation, practice, or breach, shall forfeit and pay a civil penalty in an amount not to exceed the applicable maximum amount determined under paragraph (4) for each day during which such violation, practice, or breach continues.

"(4) MAXIMUM AMOUNTS OF PENALTIES FOR ANY VIOLATION DESCRIBED IN PARAGRAPH (3).—The maximum daily amount of any civil penalty which may be assessed pursuant to paragraph (3) for any violation, practice, or breach described in such paragraph is—

"(A) in the case of any person other than a regulated entity, an amount not to exceed $2,000,000; and

"(B) in the case of any regulated entity, $2,000,000.";

(3) in subsection (c)(1)(B), by striking "enterprise, executive officer, or director" and inserting "regulated entity or regulated entity-affiliated party";

(4) in subsection (d), by striking the first sentence and inserting the following: "If a regulated entity or regulated entity-affiliated party fails to comply with an order of the Director imposing a civil money penalty under this section, after the order is no longer subject to review as provided under subsection (c)(1) and section 1374, the Director may, in the discretion of the Director, bring an action in the United States District Court for the District of Columbia, or the United States district court within the jurisdiction of which the headquarters of the regulated entity is located, to obtain a monetary judgment against the regulated entity or regulated entity affiliated party and such other relief as may be available, or request that the Attorney General of the United States bring such an action."; and

(5) in subsection (g), by striking "subsection (b)(3)" and inserting "this section, unless authorized by the Director by rule, regulation, or order".

SEC. 166. REMOVAL AND PROHIBITION AUTHORITY.

(a) In General.—Subtitle C of title XIII of the Housing and Community Development Act of 1992 is amended—

(1) by redesignating sections 1377, 1378, 1379, 1379A, and 1379B (12 U.S.C. 4637–41) as sections 1379, 1379A, 1379B, 1379C, and 1379D, respectively; and

(2) by inserting after section 1376 (12 U.S.C. 4636) the following new section:

"SEC. 1377. REMOVAL AND PROHIBITION AUTHORITY.

"(a) Authority to Issue Order.—Whenever the Director determines that—

"(1) any regulated entity-affiliated party has, directly or indirectly—

"(A) violated—

"(i) any law or regulation;

"(ii) any cease-and-desist order which has become final;

"(iii) any condition imposed in writing by the Director in connection with the grant of any application or other request by such regulated entity; or

"(iv) any written agreement between such regulated entity and the Director;

"(B) engaged or participated in any unsafe or unsound practice in connection with any regulated entity; or

"(C) committed or engaged in any act, omission, or practice which constitutes a breach of such party's fiduciary duty;

"(2) by reason of the violation, practice, or breach described in any subparagraph of paragraph (1)—

"(A) such regulated entity has suffered or will probably suffer financial loss or other damage; or

"(B) such party has received financial gain or other benefit by reason of such violation, practice, or breach; and

"(3) such violation, practice, or breach—

"(A) involves personal dishonesty on the part of such party; or

"(B) demonstrates willful or continuing disregard by such party for the safety or soundness of such regulated entity, the Director may serve upon such party a written notice of the Director's intention to remove such party from office or to prohibit any further participation by such party, in any manner, in the conduct of the affairs of any regulated entity.

"(b) Suspension Order.—

"(1) Suspension or Prohibition Authority.—If the Director serves written notice under subsection (a) to any regulated entity-affiliated party of the Director's intention to issue an order under such subsection, the Director may—

"(A) suspend such party from office or prohibit such party from further participation in any manner in the conduct of the affairs of the regulated entity, if the Director—

"(i) determines that such action is necessary for the protection of the regulated entity; and

"(ii) serves such party with written notice of the suspension order; and

"(B) prohibit the regulated entity from releasing to or on behalf of the regulated entity-affiliated party any compensation or other payment of money or other thing of current or potential value in connection with any resignation, removal, retirement, or other termination of employment or office of the party.

"(2) Effective Period.—Any suspension order issued under this subsection—

"(A) shall become effective upon service; and

"(B) unless a court issues a stay of such order under subsection (g) of this section, shall remain in effect and enforceable until—

"(i) the date the Director dismisses the charges contained in the notice served under subsection (a) with respect to such party; or

"(ii) the effective date of an order issued by the Director to such party under subsection (a).

"(3) Copy of Order.—If the Director issues a suspension order under this subsection to any regulated entity-affiliated party, the Director shall serve a copy of such order on any regulated entity with which such party is affiliated at the time such order is issued.

"(c) Notice, Hearing, and Order.—A notice of intention to remove a regulated entity-affiliated party from office or to prohibit such party from participating in the conduct of the affairs of a regulated entity shall contain a statement of the facts constituting grounds for such action, and shall fix a time and place at which a hearing will be held on such action. Such hearing shall be fixed for a date not earlier than 30 days nor later than 60 days after the date of service of such notice, unless an earlier or a later date is set by the Director at the request of (1) such party, and for good cause shown, or (2) the Attorney General of the United States. Unless such party shall appear at the hearing in person or by a duly authorized representative, such party shall be deemed to have consented to the issuance of an order of such removal or prohibition. In the event of such consent, or if upon the record made at any such hearing the Director shall find that any of the grounds specified in such notice have been established, the Director may issue such orders of suspension or removal from office, or prohibition from participation in the conduct of the affairs of the regulated entity, as it may deem appropriate, together with an order prohibiting compensation described in subsection (b)(1)(B). Any such order shall become effective at the expiration of 30 days after service upon such regulated entity and such party (except in the case of an order issued upon consent, which shall become effective at the time specified therein). Such order shall remain effective and enforceable except to such extent as it is stayed, modified, terminated, or set aside by action of the Director or a reviewing court.

"(d) Prohibition of Certain Specific Activities.—Any person subject to an order issued under this section shall not—

"(1) participate in any manner in the conduct of the affairs of any regulated entity;

"(2) solicit, procure, transfer, attempt to transfer, vote, or attempt to vote any proxy, consent, or authorization with respect to any voting rights in any regulated entity;

"(3) violate any voting agreement previously approved by the Director; or

"(4) vote for a director, or serve or act as a regulated entity-affiliated party.

"(e) Industry-Wide Prohibition.—

"(1) In General.—Except as provided in paragraph (2), any person who, pursuant to an order issued under this section, has been removed or suspended from office in a regulated entity or prohibited from participating in the conduct of the affairs of a regulated entity may not, while such order is in effect, continue or commence to hold any office in, or participate in any manner in the conduct of the affairs of, any regulated entity.

"(2) Exception if Director Provides Written Consent.—If, on or after the date an order is issued under this section which removes or suspends from office any regulated entity-affiliated party or prohibits such party from participating in the conduct of the affairs of a regulated entity, such party receives the written consent of the Director, the order shall, to the extent of such consent, cease to apply to such party with respect to the regulated entity described in the written consent. If the Director grants such a written consent, it shall publicly disclose such consent.

"(3) Violation of Paragraph (1) Treated as Violation of Order.—Any violation of paragraph (1) by any person who is subject to an order described in such subsection shall be treated as a violation of the order.

"(f) Applicability.—This section shall only apply to a person who is an individual, unless the Director specifically finds that it should apply to a corporation, firm, or other business enterprise.

"(g) Stay of Suspension and Prohibition of Regulated Entity-Affiliated Party.—Within 10 days after any regulated entity-affiliated party has been suspended from office and/or prohibited from participation in the conduct of the affairs of a regulated entity under this section, such party may apply to the United States District Court for the District of Columbia, or the United States district court for the judicial district in which the headquarters of the regulated entity is located, for a stay of such suspension and/or prohibition and any prohibition under subsection (b)(1)(B) pending the completion of the administrative proceedings pursuant to the notice served upon such party under this section, and such court shall have jurisdiction to stay such suspension and/or prohibition.

"(h) Suspension or Removal of Regulated Entity-Affiliated Party Charged With Felony.—

"(1) Suspension or Prohibition.—

"(A) In General.—Whenever any regulated entity-affiliated party is charged in any information, indictment, or complaint, with the commission of or participation in a crime involving dishonesty or breach of trust which is punishable by imprisonment for a term exceeding one year under State or Federal law, the Director may, if continued service or participation by such party may pose a threat to the regulated entity or impair public confidence in the regulated entity, by written notice served upon such party—

"(i) suspend such party from office or prohibit such party from further participation in any manner in the conduct of the affairs of any regulated entity; and

"(ii) prohibit the regulated entity from releasing to or on behalf of the regulated entity-affiliated party any compensation or other payment of money or other thing of current or potential value in connection with the period of any such suspension or with any resignation, removal, retirement, or other termination of employment or office of the party.

"(B) Provisions Applicable to Notice.—

"(i) Copy.—A copy of any notice under paragraph (1)(A) shall also be served upon the regulated entity.

"(ii) Effective Period.—A suspension or prohibition under subparagraph (A) shall remain in

effect until the information, indictment, or complaint referred to in such subparagraph is finally disposed of or until terminated by the Director.

"(2) REMOVAL OR PROHIBITION.—

"(A) IN GENERAL.—If a judgment of conviction or an agreement to enter a pretrial diversion or other similar program is entered against a regulated entity-affiliated party in connection with a crime described in paragraph (1)(A), at such time as such judgment is not subject to further appellate review, the Director may, if continued service or participation by such party may pose a threat to the regulated entity or impair public confidence in the regulated entity, issue and serve upon such party an order that—

"(i) removes such party from office or prohibits such party from further participation in any manner in the conduct of the affairs of the regulated entity without the prior written consent of the Director; and

"(ii) prohibits the regulated entity from releasing to or on behalf of the regulated entity-affiliated party any compensation or other payment of money or other thing of current or potential value in connection with the termination of employment or office of the party.

"(B) PROVISIONS APPLICABLE TO ORDER.—

"(i) COPY.—A copy of any order under paragraph (2)(A) shall also be served upon the regulated entity, whereupon the regulated entity-affiliated party who is subject to the order (if a director or an officer) shall cease to be a director or officer of such regulated entity.

"(ii) EFFECT OF ACQUITTAL.—A finding of not guilty or other disposition of the charge shall not preclude the Director from instituting proceedings after such finding or disposition to remove such party from office or to prohibit further participation in regulated entity affairs, and to prohibit compensation or other payment of money or other thing of current or potential value in connection with any resignation, removal, retirement, or other termination of employment or office of the party, pursuant to subsections (a), (d), or (e) of this section.

"(iii) EFFECTIVE PERIOD.—Any notice of suspension or order of removal issued under this subsection shall remain effective and outstanding until the completion of any hearing or appeal authorized under paragraph (4) unless terminated by the Director.

"(3) AUTHORITY OF REMAINING BOARD MEMBERS.—If at any time, because of the suspension of one or more directors pursuant to this section, there shall be on the board of directors of a regulated entity less than a quorum of directors not so suspended, all powers and functions vested in or exercisable by such board shall vest in and be exercisable by the director or directors on the board not so suspended, until such time as there shall be a quorum of the board of directors. In the event all of the directors of a regulated entity are suspended pursuant to this section, the Director shall appoint persons to serve temporarily as directors in their place and stead pending the termination of such suspensions, or until such time as those who have been suspended cease to be directors of the regulated entity and their respective successors take office.

"(4) HEARING REGARDING CONTINUED PARTICIPATION.—Within 30 days from service of any notice of suspension or order of removal issued pursuant to paragraph (1) or (2) of this subsection, the regulated entity-affiliated party concerned may request in writing an opportunity to appear before the Director to show that the continued service to or participation in the conduct of the affairs of the regulated entity by such party does not, or is not likely to, pose a threat to the interests of the regulated entity or threaten to impair public confidence in the regulated entity. Upon receipt of any such request, the Director shall fix a time (not more than 30 days after receipt of such request, unless extended at the request of such party) and place at which such party may appear, personally or through counsel, before one or more members of the Director or designated employees of the Director to submit written materials (or, at the discretion of the Director, oral testimony) and oral argument. Within 60 days of such hearing, the Director shall notify such party whether the suspension or prohibition from participation in any manner in the conduct of the affairs of the regulated entity will be continued, terminated, or otherwise modified, or whether the order removing such party from office or prohibiting such party from further participation in any manner in the conduct of the affairs of the regulated entity, and prohibiting compensation in connection with termination will be rescinded or otherwise modified. Such notification shall contain a statement of the basis for the Director's decision, if adverse to such party. The Director is authorized to prescribe such rules as may be necessary to effectuate the purposes of this subsection.

"(i) HEARINGS AND JUDICIAL REVIEW.—

"(1) VENUE AND PROCEDURE.—Any hearing provided for in this section shall be held in the District of Columbia or in the Federal judicial district in which the headquarters of the regulated entity is located, unless the party afforded the hearing consents to another place, and shall be conducted in accordance with the provisions of chapter 5 of title 5, United States Code. After such hearing, and within 90 days after the Director has notified the parties that the case has been submitted to it for final decision, it shall render its decision (which shall include findings of fact upon which its decision is predicated) and shall issue and serve upon each party to the proceeding an order or orders consistent with the provisions of this section. Judicial review of any such order shall be exclusively as provided in this subsection. Unless a petition for review is timely filed in a court of appeals of the United States, as provided in paragraph (2), and thereafter until the record in the proceeding has been filed as so provided, the Director may at any time, upon such notice and in such manner as it shall deem proper, modify, terminate, or set aside any such order. Upon such filing of the record, the Director may modify, terminate, or set aside any such order with permission of the court.

"(2) REVIEW OF ORDER.—Any party to any proceeding under paragraph (1) may obtain a review of any order served pursuant to paragraph (1) (other than an order issued with the consent of the regulated entity or the regulated entity-affiliated party concerned, or an order issued under subsection (h) of this section) by the filing in the United States Court of Appeals for the District of Columbia Circuit or court of appeals of the United States for the circuit in which the headquarters of the regulated entity is located, within 30 days after the date of service of such order, a written petition praying that the order of the Director be modified, terminated, or set aside. A copy of such petition shall be forthwith transmitted by the clerk of the court to the Director, and thereupon the Director shall file in the court the record in the proceeding, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition, such court shall have jurisdiction, which upon the filing of the record shall (except as provided in the last sentence of paragraph (1)) be exclusive, to affirm, modify, terminate, or set aside, in whole or in part, the order of the Director. Review of such proceedings shall be had as provided in chapter 7 of title 5, United States Code. The judgment and decree of the court shall be final, except that the same shall be subject to review by the Supreme Court upon certiorari, as provided in section 1254 of title 28, United States Code.

"(3) PROCEEDINGS NOT TREATED AS STAY.—The commencement of proceedings for judicial review under paragraph (2) shall not, unless specifically ordered by the court, operate as a stay of any order issued by the Director.".

(b) CONFORMING AMENDMENTS.—

(1) 1992 ACT.—Section 1317(f) of the Housing and Community Development Act of 1992 (12 U.S.C. 4517(f)) is amended by striking "section 1379B" and inserting "section 1379D".

(2) FANNIE MAE CHARTER ACT.—The second sentence of subsection (b) of section 308 of the Federal National Mortgage Association Charter Act (12 U.S.C. 1723(b)) is amended by striking "The" and inserting "Except to the extent that action under section 1377 of the Housing and Community Development Act of 1992 temporarily results in a lesser number, the".

(3) FREDDIE MAC ACT.—The second sentence of subparagraph (A) of section 303(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1452(a)(2)(A)) is amended by striking "The" and inserting "Except to the extent that action under section 1377 of the Housing and Community Development Act of 1992 temporarily results in a lesser number, the".

SEC. 167. CRIMINAL PENALTY.

Subtitle C of title XIII of the Housing and Community Development Act of 1992 (12 U.S.C. 4631 et seq.) is amended by inserting after section 1377 (as added by the preceding provisions of this Act) the following new section:

"SEC. 1378. CRIMINAL PENALTY.

"Whoever, being subject to an order in effect under section 1377, without the prior written approval of the Director, knowingly participates, directly or indirectly, in any manner (including by engaging in an activity specifically prohibited in such an order) in the conduct of the affairs of any regulated entity shall, notwithstanding section 3571 of title 18, be fined not more than $1,000,000, imprisoned for not more than 5 years, or both.".

SEC. 168. SUBPOENA AUTHORITY.

Section 1379D(c) of the Housing and Community Development Act of 1992 (12 U.S.C. 4641(c)), as so redesignated by section 165(a)(1) of this Act, is further amended—

(1) by striking "request the Attorney General of the United States to" and inserting ", in the discretion of the Director,";

(2) by inserting "or request that the Attorney General of the United States bring such an action," after "District of Columbia,"; and

(3) by striking "or may, under the direction and control of the Attorney General, bring such an action".

SEC. 169. CONFORMING AMENDMENTS.

Subtitle C of title XIII of the Housing and Community Development Act of 1992 is amended—

(1) in section 1372(c)(1) (12 U.S.C. 4632(c)), by striking "that enterprise" and inserting "that regulated entity";

(2) in section 1379 (12 U.S.C. 4637), as so redesignated by section 165(a)(1) of this Act—

(A) by inserting ", or of a regulated entity-affiliated party," before "shall not affect"; and

(B) by striking "such director or executive officer" each place such term appears and inserting "such director, executive officer, or regulated entity-affiliated party";

(3) in section 1379A (12 U.S.C. 4638), as so redesignated by section 165(a)(1) of this Act, by inserting "or against a regulated entity-affiliated party," before "or impair";

(4) by striking "An enterprise" each place such term appears in such subtitle and inserting "A regulated entity";

(5) by striking "an enterprise" each place such term appears in such subtitle and inserting "a regulated entity";

(6) by striking "the enterprise" each place such term appears in such subtitle and inserting "the regulated entity"; and

(7) by striking "any enterprise" each place such term appears in such subtitle and inserting "any regulated entity".

Subtitle E—General Provisions

SEC. 181. PRESIDENTIALLY APPOINTED DIRECTORS OF ENTERPRISES.

(a) Fannie Mae.—

(1) In general.—Subsection (b) of section 308 of the Federal National Mortgage Association Charter Act (12 U.S.C. 1723(b)) is amended—

(A) in the first sentence, by striking "eighteen persons, five of whom shall be appointed annually by the President of the United States, and the remainder of whom" and inserting "not less than 7 and not more than 15 persons, who";

(B) in the second sentence, by striking "appointed by the President";

(C) in the third sentence—

(i) by striking "appointed or"; and

(ii) by striking ", except that any such appointed member may be removed from office by the President for good cause";

(D) in the fourth sentence, by striking "elective"; and

(E) by striking the fifth sentence.

(2) Transitional provision.—The amendments made by paragraph (1) shall not apply to any appointed position of the board of directors of the Federal National Mortgage Association until the expiration of the annual term for such position during which the effective date under section 185 occurs.

(b) Freddie Mac.—

(1) In general.—Paragraph (2) of section 303(a) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1452(a)(2)) is amended—

(A) in subparagraph (A)—

(i) in the first sentence, by striking "18 persons, 5 of whom shall be appointed annually by the President of the United States and the remainder of whom" and inserting "not less than 7 and not more than 15 persons, who"; and

(ii) in the second sentence, by striking "appointed by the President of the United States";

(B) in subparagraph (B)—

(i) by striking "such or"; and

(ii) by striking ", except that any appointed member may be removed from office by the President for good cause"; and

(C) in subparagraph (C)—

(i) by striking the first sentence; and

(ii) by striking "elective".

(2) Transitional provision.—The amendments made by paragraph (1) shall not apply to any appointed position of the Board of Directors of the Federal Home Loan Mortgage Corporation until the expiration of the annual term for such position during which the effective date under section 185 occurs.

SEC. 182. REPORT ON PORTFOLIO OPERATIONS, SAFETY AND SOUNDNESS, AND MISSION OF ENTERPRISES.

Not later than the expiration of the 12-month period beginning on the effective date under section 185, the Director of the Federal Housing Finance Agency shall submit a report to the Congress which shall include—

(1) a description of the portfolio holdings of the enterprises (as such term is defined in section 1303 of the Housing and Community Development Act of 1992 (12 U.S.C. 4502) in mortgages (including whole loans and mortgage-backed securities), non-mortgages, and other assets;

(2) a description of the risk implications for the enterprises of such holdings and the consequent risk management undertaken by the enterprises (including the use of derivatives for hedging purposes), compared with off-balance sheet liabilities of the enterprises (including mortgage-backed securities guaranteed by the enterprises);

(3) an analysis of portfolio holdings for safety and soundness purposes;

(4) an assessment of whether portfolio holdings fulfill the mission purposes of the enterprises under the Federal National Mortgage Association Charter Act and the Federal Home Loan Mortgage Corporation Act; and

(5) an analysis of the potential systemic risk implications for the enterprises, the housing and capital markets, and the financial system of portfolio holdings, and whether such holdings should be limited or reduced over time.

SEC. 183. CONFORMING AND TECHNICAL AMENDMENTS.

(a) 1992 Act.—Title XIII of the Housing and Community Development Act of 1992 is amended by striking section 1383 (12 U.S.C. 1451 note).

(b) Title 18, United States Code.—Section 1905 of title 18, United States Code, is amended by striking "Office of Federal Housing Enterprise Oversight" and inserting "Federal Housing Finance Agency" .

(c) Flood Disaster Protection Act of 1973.—Section 102(f)(3)(A) of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a(f)(3)(A)) is amended by striking "Director of the Office of Federal Housing Enterprise Oversight of the Department of Housing and Urban Development" and inserting "Director of the Federal Housing Finance Agency".

(d) Department of Housing and Urban Development Act.—Section 5 of the Department of Housing and Urban Development Act (42 U.S.C. 3534) is amended by striking subsection (d).

(e) Title 5, United States Code.—

(1) Director's pay rate.—Section 5313 of title 5, United States Code, is amended by striking the item relating to the Director of the Office of Federal Housing Enterprise Oversight, Department of Housing and Urban Development and inserting the following new item:

" Director of the Federal Housing Finance Agency.".

(2) Deputy directors' pay rate.—Section 5314 of title 5, United States Code, is amended by adding at the end the following new item:

"Deputy Directors, Federal Housing Finance Agency (3).".

(3) Pay rate for members of housing finance oversight board.—Section 5315 of title 5, United States Code, is amended by adding at the end the following new item:

"Members, Housing Finance Oversight Board.".

(4) Exclusion from senior executive service.—Section 3132(a)(1)(D) of title 5, United States Code, is amended by striking "the Office of Federal Housing Enterprise Oversight of the Department of Housing and Urban Development" and inserting "the Federal Housing Finance Agency".

(f) Inspector General Act of 1978.—Section 8G(a)(2) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by striking "Federal Housing Finance Board" and inserting "Federal Housing Finance Agency".

(g) Federal Deposit Insurance Act.—Section 11(t)(2)(A) of the Federal Deposit Insurance Act (12 U.S.C.1821(t)(2)(A)) is amended by adding at the end the following new clause:

"(vii) The Federal Housing Finance Agency.".

(h) 1997 Emergency Supplemental Appropriations Act.—Section 10001 of the 1997 Emergency Supplemental Appropriations Act for Recovery From Natural Disasters, and for Overseas Peacekeeping Efforts, Including Those In Bosnia (42 U.S.C. 3548) is amended—

(1) by striking "the Government National Mortgage Association, and the Office of Federal Housing Enterprise Oversight" and inserting "and the Government National Mortgage Association"; and

(2) by striking ", the Government National Mortgage Association, or the Office of Federal Housing Enterprise Oversight" and inserting "or the Government National Mortgage Association".

(i) National Homeownership Trust Act .—Section 302(b)(4) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12851(b)(4)) is amended by striking "the chairperson of the Federal Housing Finance Board" and inserting "the Director of the Federal Housing Finance Agency".

SEC. 184. STUDY OF ALTERNATIVE SECONDARY MARKET SYSTEMS.

(a) In General.—The Director of the Federal Housing Finance Agency, in consultation with the Board of Governors of the Federal Reserve System, the Secretary of the Treasury, and the Secretary of Housing and Urban Development, shall conduct a comprehensive study of the effects on financial and housing finance markets of alternatives to the current secondary market system for housing finance, taking into consideration changes in the structure of financial and housing finance markets and institutions since the creation of the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation.

(b) Contents.—The study under this section shall—

(1) include, among the alternatives to the current secondary market system analyzed—

(A) repeal of the chartering Acts for the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation;

(B) establishing bank-like mechanisms for granting new charters for limited purposed mortgage securitization entities;

(C) permitting the Director of the Federal Housing Finance Agency to grant new charters for limited purpose mortgage securitization entities, which shall include analyzing the terms on which such charters should be granted, including whether such charters should be sold, or whether such charters and the charters for the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation should be taxed or otherwise assessed a monetary price; and

(D) such other alternatives as the Director considers appropriate;

(2) examine all of the issues involved in making the transition to a completely private secondary mortgage market system;

(3) examine the technological advancements the private sector has made in providing liquidity in the secondary mortgage market and how such advancements have affected liquidity in the secondary mortgage market; and

(4) examine how taxpayers would be impacted by each alternative system, including the complete privatization of the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation.

(c) Report.—The Director of the Federal Housing Finance Agency shall submit a report to the Congress on the study not later than the expiration of the 12-month period beginning on the effective date under section 185.

SEC. 185. EFFECTIVE DATE.

Except as specifically provided otherwise in this title, the amendments made by this title shall take effect on, and shall apply beginning on, the expiration of the 1-year period beginning on the date of the enactment of this Act.

TITLE II—FEDERAL HOME LOAN BANKS

SEC. 201. DEFINITIONS.

Section 2 of the Federal Home Loan Bank Act (12 U.S.C. 1422) is amended—

(1) by striking paragraphs (1), (10), and (11);

(2) by redesignating paragraphs (2) through (9) as paragraphs (1) through (8), respectively;

(3) by redesignating paragraphs (12) and (13) as paragraphs (9) and (10), respectively; and

(4) by adding at the end the following:

"(11) Director.—The term 'Director' means the Director of the Federal Housing Finance Agency.

"(12) AGENCY.—The term 'Agency' means the Federal Housing Finance Agency.".

SEC. 202. DIRECTORS.

(a) ELECTION.—Section 7 of the Federal Home Loan Bank Act (12 U.S.C. 1427) is amended—

(1) by striking subsection (a) and inserting the following:

"(a) NUMBER; ELECTION; QUALIFICATIONS; CONFLICTS OF INTEREST.—

"(1) IN GENERAL.—The management of each Federal Home Loan Bank shall be vested in a board of 13 directors, or such other number as the Director determines appropriate, each of whom shall be elected by the members and shall be a citizen of the United States.

"(2) MEMBER DIRECTORS.—A majority of the directors of each Bank shall be officers or directors of a member of such Bank that is located in the district in which such Bank is located.

"(3) INDEPENDENT DIRECTORS.—At least one-third of the directors of each Bank shall be independent directors as follows:

"(A) IN GENERAL.—Each independent director shall be a bona fide resident of the district in which such Bank is located.

"(B) PUBLIC INTEREST DIRECTORS.—At least 2 of the independent directors under this paragraph of each Bank shall be representatives chosen from organizations with more than a 2-year history of representing consumer or community interests on banking services, credit needs, housing, or financial consumer protections.

"(C) OTHER DIRECTORS.—Each independent director that is not a public interest director under subparagraph (B) shall have demonstrated knowledge of, or experience in, financial management, auditing and accounting, risk management practices, derivatives, project development, or organizational management, or such other knowledge or expertise as the Director may provide by regulation.

"(D) CONFLICTS OF INTEREST.—An independent director under this paragraph of a Bank may not, during such director's term of office, serve as an officer of any Federal Home Loan Bank or as a director or officer of any member of a Bank.";

(2) in subsection (b)—

(A) in the first sentence, by striking "directorship" and inserting "member directorship pursuant to subsection (a)(2)"; and

(B) by inserting after the period at the end of the first sentence the following new sentence: "Each independent directorship pursuant to subsection (a)(3) shall be filled by election by a plurality of the votes of the members of the Bank at large, in which election each member shall be entitled to nominate candidates and to cast the same number of votes as in an election to fill a directorship allocated to the member's State.";

(3) in subsection (c), by striking the second, third, and fifth sentences;

(4) in subsection (d)—

(A) in the first sentence, by striking ", whether elected or appointed,";

(B) in the second sentence, by striking "or appointed"; and

(C) in the third sentence, by striking "an elective" each place such term appears and inserting "a"; and

(5) by striking "elective" each place such term appears (except in subsection (e)).

(b) TERMS.—

(1) IN GENERAL.—Section 7(d) of the Federal Home Loan Bank Act (12 U.S.C. 1427(i)) is amended—

(A) in the first sentence, by striking "3 years" and inserting "4 years"; and

(B) in the second sentence—

(i) by striking "Federal Home Loan Bank System Modernization Act of 1999" and inserting "Federal Housing Finance Reform Act of 2005"; and

(ii) by striking "1/3" and inserting "1/4".

(2) SAVINGS PROVISION.—The amendments made by paragraph (1) shall not apply to the term of office of any director of a Federal home loan bank who is serving as of the effective date of this Act under section 211, including any director elected to fill a vacancy in any such office.

(c) VACANCIES.—Subsection (f) of section 7 of the Federal Home Loan Bank Act (12 U.S.C. 1427(f)) is amended to read as follows:

"(f) VACANCIES.—A Bank director elected to fill a vacancy shall be elected for the unexpired term of his or her predecessor in office. In the event of a vacancy in any Bank directorship, such vacancy shall be filled by an affirmative vote of a majority of the remaining Bank directors, regardless of whether such remaining Bank directors constitute a quorum of the Bank's board of directors. A Bank director so elected shall satisfy the requirements for eligibility which were applicable to his predecessor. If any Bank director shall cease to have any qualification set forth in this section, the office held by such person shall immediately become vacant. ".

(d) COMPENSATION.—Subsection (i) of section 7 of the Federal Home Loan Bank Act (12 U.S.C. 1427(i)) is amended to read as follows:

"(i) DIRECTORS' COMPENSATION.—

"(1) IN GENERAL.—Each Federal home loan bank may pay the directors on the board of directors for the bank reasonable and appropriate compensation for the ,time required of such directors, and reasonable and appropriate expenses incurred by such directors, in connection with service on the board of directors, in accordance with resolutions adopted by the board of directors and subject to the approval of the Director.

"(2) ANNUAL REPORT BY THE BOARD.—The Director shall include, in the annual report submitted to the Congress pursuant to section 1319B of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992, information regarding the compensation and expenses paid by the Federal home loan banks to the directors on the boards of directors of the banks.".

(e) TRANSITION RULE.—Any member of the board of directors of a Federal Home Loan Bank serving as of the effective date under section 211 may continue to serve as a member of such board of directors for the remainder of the term of such office as provided in section 7 of the Federal Home Loan Bank Act, as in effect before such effective date.

SEC. 203. FEDERAL HOUSING FINANCE AGENCY OVERSIGHT OF FEDERAL HOME LOAN BANKS.

The Federal Home Loan Bank Act (12 U.S.C. 1421 et seq.), other than in provisions of that Act added or amended otherwise by this Act, is amended—

(1) by striking sections 2A and 2B (12 U.S.C. 1422a, 1422b);

(2) in section 6 (12 U.S.C. 1426(b)(1))—

(A) in subsection (b)(1), in the matter preceding subparagraph (A), by striking "Finance Board approval" and inserting "approval by the Director"; and

(B) in each of subsections (c)(4)(B) and (d)(2), by striking "Finance Board regulations" each place that term appears and inserting "regulations of the Director";

(3) in section 8 (12 U.S.C. 1428), in the section heading, by striking "BY THE BOARD";

(4) in section 10(b) (12 U.S.C. 1430), by striking "by formal resolution";

(5) in section 11 (12 U.S.C. 1431)—

(A) in subsection (b)—

(i) in the first sentence—

(I) by striking "The Board" and inserting "The Office of Finance, as agent for the Banks,"; and

(II) by striking "the Board" and inserting "such Office"; and

(ii) in the second and fourth sentences, by striking "the Board" each place such term appears and inserting "the Office of Finance";

(B) in subsection (c)—

(i) by striking "the Board" the first place such term appears and inserting "the Office of Finance, as agent for the Banks,"; and

(ii) by striking "the Board" the second place such term appears and inserting "such Office"; and

(C) in subsection (f)—

(i) by striking the two commas after "permit" and inserting "or"; and

(ii) by striking the comma after "require";

(6) in section 15 (12 U.S.C. 1435), by inserting "or the Director" after "the Board";

(7) in section 18 (12 U.S.C. 1438), by striking subsection (b);

(8) in section 21 (12 U.S.C. 1441)—

(A) in subsection (b)—

(i) in paragraph (5), by striking "Chairperson of the Federal Housing Finance Board" and inserting "Director"; and

(ii) in the heading for paragraph (8), by striking "FEDERAL HOUSING FINANCE BOARD" and inserting "DIRECTOR"; and

(B) in subsection (i), in the heading for paragraph (2), by striking "FEDERAL HOUSING FINANCE BOARD" and inserting "DIRECTOR";

(9) in section 23 (12 U.S.C. 1443), by striking "Board of Directors of the Federal Housing Finance Board" and inserting "Director";

(10) by striking "the Board" each place such term appears in such Act (except in section 15 (12 U.S.C. 1435), section 21(f)(2) (12 U.S.C. 1441(f)(2)), subsections (a), (k)(2)(B)(i), and (n)(6)(C)(ii) of section 21A (12 U.S.C. 1441a), subsections (e)(7), (f)(2)(C), and (k)(7)(B)(ii) of section 21B (12 U.S.C. 1441b), and the first two places such term appears in section 22 (12 U.S.C. 1442)) and inserting "the Director";

(11) by striking "The Board" each place such term appears in such Act (except in sections 7(e) (12 U.S.C. 1427(e)), and 11(b) (12 U.S.C. 1431(b)) and inserting "The Director";

(12) by striking "the Board's" each place such term appears in such Act and inserting "the Director's";

(13) by striking "The Board's" each place such term appears in such Act and inserting "The Director's";

(14) by striking "The Finance Board" each place such term appears in such Act and inserting "The Director";

(15) by striking "the Finance Board" each place such term appears in such Act and inserting "the Director";

(16) by striking "Federal Housing Finance Board" each place such term appears and inserting "Director";

(17) in section 11(i) (12 U.S.C. 1431(i), by striking "the Chairperson of"; and

(18) in section 21(e)(9) (12 U.S.C. 1441(e)(9)), by striking "Chairperson of the".

SEC. 204. JOINT ACTIVITIES OF BANKS.

Section 11 of the Federal Home Loan Bank Act (12 U.S.C. 1431) is amended by adding at the end the following new subsection:

"(l) JOINT ACTIVITIES.—Subject to the regulation of the Director, any two or more Federal Home Loan Banks may establish a joint office for the purpose of performing functions for, or providing services to, the Banks on a common or collective basis, or may require that the Office of Finance perform such functions or services, but only if the Banks are otherwise authorized to perform such functions or services individually.".

SEC. 205. SHARING OF INFORMATION BETWEEN FEDERAL HOME LOAN BANKS.

(a) IN GENERAL.— The Federal Home Loan Bank Act is amended by inserting after section 20 (12 U.S.C. 1440) the following new section:

"SEC. 20A. SHARING OF INFORMATION BETWEEN FEDERAL HOME LOAN BANKS.

"(a) Regulatory Authority.—The Director shall prescribe such regulations as may be necessary to ensure that each Federal Home Loan Bank has access to information that the Bank needs to determine the nature and extent of its joint and several liability.

"(b) No Waiver of Privilege.—The Director shall not be deemed to have waived any privilege applicable to any information concerning a Federal Home Loan Bank by transferring, or permitting the transfer of, that information to any other Federal Home Loan Bank for the purpose of enabling the recipient to evaluate the nature and extent of its joint and several liability.".

(b) Regulations.—The regulations required under the amendment made by subsection (a) shall be issued in final form not later than 6 months after the effective date under section 211 of this Act.

SEC. 206. REORGANIZATION OF BANKS AND VOLUNTARY MERGER.

Section 26 of the Federal Home Loan Bank Act (12 U.S.C. 1446) is amended—

(1) by inserting "(a) Reorganization.—" before "Whenever"; and

(2) by striking "liquidated or" each place such phrase appears;

(3) by striking "liquidation or"; and

(4) by adding at the end the following new subsection:

"(b) Voluntary Mergers.—Any Bank may, with the approval of the Director, and the approval of the boards of directors of the Banks involved, merge with another Bank. The Director shall promulgate regulations establishing the conditions and procedures for the consideration and approval of any such voluntary merger, including the procedures for Bank member approval.".

SEC. 207. SECURITIES AND EXCHANGE COMMISSION DISCLOSURE.

(a) In General.—The Federal Home Loan Banks shall be exempt from compliance with—

(1) sections 13(e), 14(a), 14(c), and 17A of the Securities Exchange Act of 1934 and related Commission regulations; and

(2) section 15 of that Act and related Securities and Exchange Commission regulations with respect to transactions in capital stock of the Banks.

(b) Member Exemption.—The members of the Federal Home Loan Banks shall be exempt from compliance with sections 13(d), 13(f), 13(g), 14(d), and 16 of the Securities Exchange Act of 1934 and related Securities and Exchange Commission regulations with respect to their ownership of, or transactions in, capital stock of the Federal Home Loan Banks.

(c) Exempted and Government Securities.—

(1) Capital stock.—The capital stock issued by each of the Federal Home Loan Banks under section 6 of the Federal Home Loan Bank Act are—

(A) exempted securities within the meaning of section 3(a)(2) of the Securities Act of 1933; and

(B) "exempted securities" within the meaning of section 3(a)(12)(A) of the Securities Exchange Act of 1934.

(2) Other obligations.—The debentures, bonds, and other obligations issued under section 11 of the Federal Home Loan Bank Act are—

(A) exempted securities within the meaning of section 3(a)(2) of the Securities Act of 1933;

(B) "government securities" within the meaning of section 3(a)(42) of the Securities Exchange Act of 1934;

(C) excluded from the definition of "government securities broker" within section 3(a)(43) of the Securities Exchange Act of 1934;

(D) excluded from the definition of "government securities dealer" within section 3(a)(44) of the Securities Exchange Act of 1934; and

(E) "government securities" within the meaning of section 2(a)(16) of the Investment Company Act of 1940.

(d) Exemption From Reporting Requirements.—The Federal Home Loan Banks shall be exempt from periodic reporting requirements pertaining to—

(1) the disclosure of related party transactions that occur in the ordinary course of business of the Banks with their members; and

(2) the disclosure of unregistered sales of equity securities.

(e) Tender Offers.—The Securities and Exchange Commission's rules relating to tender offers shall not apply in connection with transactions in capital stock of the Federal Home Loan Banks.

(f) Regulations.—In issuing final regulations to implement provisions of this section, the Securities and Exchange Commission shall consider the distinctive characteristics of the Federal Home Loan Banks when evaluating the accounting treatment with respect to the payment to Resolution Funding Corporation, the role of the combined financial statements of the twelve Banks, the accounting classification of redeemable capital stock, and the accounting treatment related to the joint and several nature of the obligations of the Banks.

SEC. 208. COMMUNITY FINANCIAL INSTITUTION MEMBERS.

(a) Total Asset Requirement.—Paragraph (10) of section 2 of the Federal Home Loan Bank Act (12 U.S.C. 1422(10)), as so redesignated by section 201(3) of this Act, is amended by striking "$500,000,000" each place such term appears and inserting "$1,000,000,000".

(b) Use of Advances for Community Development Activities.—Section 10(a) of the Federal Home Loan Bank Act (12 U.S.C. 1430(a)) is amended—

(1) in paragraph (2)(B)—

(A) by striking "and"; and

(B) by inserting ", and community development activities" before the period at the end;

(2) in paragraph (3)(E), by inserting "or community development activities" after "agriculture,"; and

(3) in paragraph (6)—

(A) by striking "and"; and

(B) by inserting ", and 'community development activities'" before "shall".

SEC. 209. TECHNICAL AND CONFORMING AMENDMENTS.

(a) Right to Financial Privacy Act of 1978.—Section 1113(o) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3413(o)) is amended—

(1) by striking "Federal Housing Finance Board" and inserting "Federal Housing Finance Agency"; and

(2) by striking "Federal Housing Finance Board's" and inserting "Federal Housing Finance Agency's".

(b) Riegle Community Development and Regulatory Improvement Act of 1994.—Section 117(e) of the Riegle Community Development and Regulatory Improvement Act of 1994 (12 U.S.C. 4716(e)) is amended by striking "Federal Housing Finance Board" and inserting "Federal Housing Finance Agency".

(c) Title 18, United States Code.—Title 18, United States Code, is amended by striking "Federal Housing Finance Board" each place such term appears in each of sections 212, 657, 1006, 1014, and inserting "Federal Housing Finance Agency".

(d) MAHRA Act of 1997.—Section 517(b)(4) of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended by striking "Federal Housing Finance Board" and inserting "Federal Housing Finance Agency".

(e) Title 44, United States Code.—Section 3502(5) of title 44, United States Code, is amended by striking "Federal Housing Finance Board" and inserting "Federal Housing Finance Agency".

(f) Access to Local TV Act of 2000.—Section 1004(d)(2)(D)(iii) of the Launching Our Communities' Access to Local Television Act of 2000 (47 U.S.C. 1103(d)(2)(D)(iii)) is amended by striking "Office of Federal Housing Enterprise Oversight, the Federal Housing Finance Board" and inserting "Federal Housing Finance Agency".

SEC. 210. STUDY OF AFFORDABLE HOUSING PROGRAM USE FOR LONG-TERM CARE FACILITIES.

The Comptroller General shall conduct a study of the use of affordable housing programs of the Federal home loan banks under section 10(j) of the Federal Home Loan Bank Act to determine how and the extent to which such programs are used to assist long-term care facilities for low- and moderate-income individuals, and the effectiveness and adequacy of such assistance in meeting the needs of affected communities. The study shall examine the applicability of such use to the affordable housing programs required to be established by the enterprises pursuant to the amendment made by section 128 of this Act. The Comptroller General shall submit a report to the Director of the Federal Housing Finance Agency and the Congress regarding the results of the study not later than the expiration of the 1-year period beginning on the date of the enactment of this Act.

SEC. 211. EFFECTIVE DATE.

Except as specifically provided otherwise in this title, the amendments made by this title shall take effect on, and shall apply beginning on, the expiration of the 1-year period beginning on the date of the enactment of this Act.

TITLE III—TRANSFER OF FUNCTIONS, PERSONNEL, AND PROPERTY OF OFFICE OF FEDERAL HOUSING ENTERPRISE OVERSIGHT, FEDERAL HOUSING FINANCE BOARD, AND DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Subtitle A—Office of Federal Housing Enterprise Oversight

SEC. 301. ABOLISHMENT OF OFHEO.

(a) In General.—Effective at the end of the 1-year period beginning on the date of the enactment of this Act, the Office of Federal Housing Enterprise Oversight of the Department of Housing and Urban Development and the positions of the Director and Deputy Director of such Office are abolished.

(b) Disposition of Affairs.—During the 1-year period beginning on the date of the enactment of this Act, the Director of the Office of Federal Housing Enterprise Oversight shall, solely for the purpose of winding up the affairs of the Office of Federal Housing Enterprise Oversight—

(1) manage the employees of such Office and provide for the payment of the compensation and benefits of any such employee which accrue before the effective date of the transfer of such employee pursuant to section 303; and

(2) may take any other action necessary for the purpose of winding up the affairs of the Office.

(c) Status of Employees Before Transfer.—The amendments made by title I and the abolishment of the Office of Federal Housing Enterprise Oversight under subsection (a) of this section may not be construed to affect the status of any employee of such Office as employees of an agency of the United States for purposes of any other provision of law before the effective date of the transfer of any such employee pursuant to section 303.

(d) Use of Property and Services.—

(1) Property.—The Director of the Federal Housing Finance Agency may use the property

of the Office of Federal Housing Enterprise Oversight to perform functions which have been transferred to the Director of the Federal Housing Finance Agency for such time as is reasonable to facilitate the orderly transfer of functions transferred pursuant to any other provision of this Act or any amendment made by this Act to any other provision of law.

(2) AGENCY SERVICES.—Any agency, department, or other instrumentality of the United States, and any successor to any such agency, department, or instrumentality, which was providing supporting services to the Office of Federal Housing Enterprise Oversight before the expiration of the period under subsection (a) in connection with functions that are transferred to the Director of the Federal Housing Finance Agency shall—

(A) continue to provide such services, on a reimbursable basis, until the transfer of such functions is complete; and

(B) consult with any such agency to coordinate and facilitate a prompt and reasonable transition.

(e) SAVINGS PROVISIONS.—

(1) EXISTING RIGHTS, DUTIES, AND OBLIGATIONS NOT AFFECTED.—Subsection (a) shall not affect the validity of any right, duty, or obligation of the United States, the Director of the Office of Federal Housing Enterprise Oversight, or any other person, which—

(A) arises under or pursuant to the title XIII of the Housing and Community Development Act of 1992, the Federal National Mortgage Association Charter Act, the Federal Home Loan Mortgage Corporation Act, or any other provision of law applicable with respect to such Office; and

(B) existed on the day before the abolishment under subsection (a) of this section.

(2) CONTINUATION OF SUITS.—No action or other proceeding commenced by or against the Director of the Office of Federal Housing Enterprise Oversight in connection with functions that are transferred to the Director of the Federal Housing Finance Agency shall abate by reason of the enactment of this Act, except that the Director of the Federal Housing Finance Agency shall be substituted for the Director of the Office of Federal Housing Enterprise Oversight as a party to any such action or proceeding.

SEC. 302. CONTINUATION AND COORDINATION OF CERTAIN REGULATIONS.

All regulations, orders, determinations, and resolutions that—

(1) were issued, made, prescribed, or allowed to become effective by—

(A) the Office of Federal Housing Enterprise Oversight; or

(B) a court of competent jurisdiction and that relate to functions transferred by this subtitle; and

(2) are in effect on the date of the abolishment under section 301(a) of this Act, shall remain in effect according to the terms of such regulations, orders, determinations, and resolutions, and shall be enforceable by or against the Director of the Federal Housing Finance Agency until modified, terminated, set aside, or superseded in accordance with applicable law by such Director, as the case may be, any court of competent jurisdiction, or operation of law.

SEC. 303. TRANSFER AND RIGHTS OF EMPLOYEES OF OFHEO.

(a) TRANSFER.—Each employee of the Office of Federal Housing Enterprise Oversight shall be transferred to the Federal Housing Finance Agency for employment no later than the date of the abolishment under section 301(a) of this Act and such transfer shall be deemed a transfer of function for purposes of section 3503 of title 5, United States Code.

(b) GUARANTEED POSITIONS.—Each employee transferred under subsection (a) shall be guaranteed a position with the same status, tenure, grade, and pay as that held on the day immediately preceding the transfer. Each such employee holding a permanent position shall not be involuntarily separated or reduced in grade or compensation for 12 months after the date of transfer, except for cause or, if the employee is a temporary employee, separated in accordance with the terms of the appointment.

(c) APPOINTMENT AUTHORITY FOR EXCEPTED SERVICE EMPLOYEES.—

(1) IN GENERAL.—In the case of employees occupying positions in the excepted service, any appointment authority established pursuant to law or regulations of the Office of Personnel Management for filling such positions shall be transferred, subject to paragraph (2).

(2) DECLINE OF TRANSFER.—The Director of the Federal Housing Finance Agency may decline a transfer of authority under paragraph (1) (and the employees appointed pursuant thereto) to the extent that such authority relates to positions excepted from the competitive service because of their confidential, policy-making, policy-determining, or policy-advocating character.

(d) REORGANIZATION.—If the Director of the Federal Housing Finance Agency determines, after the end of the 1-year period beginning on the date of the abolishment under section 201(a), that a reorganization of the combined work force is required, that reorganization shall be deemed a major reorganization for purposes of affording affected employees retirement under section 8336(d)(2) or 8414(b)(1)(B) of title 5, United States Code.

(e) EMPLOYEE BENEFIT PROGRAMS.—Any employee of the Office of Federal Housing Enterprise Oversight accepting employment with the Director of the Federal Housing Finance Agency as a result of a transfer under subsection (a) may retain for 12 months after the date such transfer occurs membership in any employee benefit program of the Federal Housing Finance Agency or the Office of Federal Housing Enterprise Oversight, as applicable, including insurance, to which such employee belongs on the date of the abolishment under section 201(a) if—

(1) the employee does not elect to give up the benefit or membership in the program; and

(2) the benefit or program is continued by the Director of the Federal Housing Finance Agency;

The difference in the costs between the benefits which would have been provided by such agency and those provided by this section shall be paid by the Director of the Federal Housing Finance Agency. If any employee elects to give up membership in a health insurance program or the health insurance program is not continued by such Director, the employee shall be permitted to select an alternate Federal health insurance program within 30 days of such election or notice, without regard to any other regularly scheduled open season.

SEC. 304. TRANSFER OF PROPERTY AND FACILITIES.

Upon the abolishment under section 301(a), all property of the Office of Federal Housing Enterprise Oversight shall transfer to the Director of the Federal Housing Finance Agency.

Subtitle B—Federal Housing Finance Board

SEC. 321. ABOLISHMENT OF THE FEDERAL HOUSING FINANCE BOARD.

(a) IN GENERAL.—Effective at the end of the 1-year period beginning on the date of enactment of this Act, the Federal Housing Finance Board (in this title referred to as the "Board") is abolished.

(b) DISPOSITION OF AFFAIRS.—During the 1-year period beginning on the date of enactment of this Act, the Board, solely for the purpose of winding up the affairs of the Board—

(1) shall manage the employees of such Board and provide for the payment of the compensation and benefits of any such employee which accrue before the effective date of the transfer of such employee under section 323; and

(2) may take any other action necessary for the purpose of winding up the affairs of the Board.

(c) STATUS OF EMPLOYEES BEFORE TRANSFER.—The amendments made by titles I and II and the abolishment of the Board under subsection (a) may not be construed to affect the status of any employee of such Board as employees of an agency of the United States for purposes of any other provision of law before the effective date of the transfer of any such employee under section 323.

(d) USE OF PROPERTY AND SERVICES.—

(1) PROPERTY.—The Director of the Federal Housing Finance Agency may use the property of the Board to perform functions which have been transferred to the Director of the Federal Housing Finance Agency for such time as is reasonable to facilitate the orderly transfer of functions transferred under any other provision of this Act or any amendment made by this Act to any other provision of law.

(2) AGENCY SERVICES.—Any agency, department, or other instrumentality of the United States, and any successor to any such agency, department, or instrumentality, which was providing supporting services to the Board before the expiration of the 1-year period under subsection (a) in connection with functions that are transferred to the Director of the Federal Housing Finance Agency shall—

(A) continue to provide such services, on a reimbursable basis, until the transfer of such functions is complete; and

(B) consult with any such agency to coordinate and facilitate a prompt and reasonable transition.

(e) SAVINGS PROVISIONS.—

(1) EXISTING RIGHTS, DUTIES, AND OBLIGATIONS NOT AFFECTED.—Subsection (a) shall not affect the validity of any right, duty, or obligation of the United States, a member of the Board, or any other person, which—

(A) arises under the Federal Home Loan Bank Act or any other provision of law applicable with respect to such Board; and

(B) existed on the day before the effective date of the abolishment under subsection (a).

(2) CONTINUATION OF SUITS.—No action or other proceeding commenced by or against the Board in connection with functions that are transferred to the Director of the Federal Housing Finance Agency shall abate by reason of the enactment of this Act, except that the Director of the Federal Housing Finance Agency shall be substituted for the Board or any member thereof as a party to any such action or proceeding.

SEC. 322. CONTINUATION AND COORDINATION OF CERTAIN REGULATIONS.

(a) IN GENERAL.—All regulations, orders, and determinations described under subsection (b) shall remain in effect according to the terms of such regulations, orders, determinations, and resolutions, and shall be enforceable by or against the Director of the Federal Housing Finance Agency until modified, terminated, set aside, or superseded in accordance with applicable law by such Director, any court of competent jurisdiction, or operation of law.

(b) APPLICABILITY.—A regulation, order, or determination is described under this subsection if it—

(1) was issued, made, prescribed, or allowed to become effective by—

(A) the Board; or

(B) a court of competent jurisdiction and relates to functions transferred by this subtitle; and

(2) is in effect on the effective date of the abolishment under section 321(a).

SEC. 323. TRANSFER AND RIGHTS OF EMPLOYEES OF THE FEDERAL HOUSING FINANCE BOARD.

(a) TRANSFER.—Each employee of the Board shall be transferred to the Federal Housing Finance Agency for employment not later than the effective date of the abolishment under section 321(a), and such transfer shall be deemed a transfer of function for purposes of section 3503 of title 5, United States Code.

(b) GUARANTEED POSITIONS.—Each employee transferred under subsection (a) shall be guaranteed a position with the same status, tenure, grade, and pay as that held on the day immediately preceding the transfer. Each such employee holding a permanent position shall not be involuntarily separated or reduced in grade or compensation for 12 months after the date of transfer, except for cause or, if the employee is a temporary employee, separated in accordance with the terms of the appointment.

(c) APPOINTMENT AUTHORITY FOR EXCEPTED AND SENIOR EXECUTIVE SERVICE EMPLOYEES.—

(1) IN GENERAL.—In the case of employees occupying positions in the excepted service or the Senior Executive Service, any appointment authority established under law or by regulations of the Office of Personnel Management for filling such positions shall be transferred, subject to paragraph (2).

(2) DECLINE OF TRANSFER.—The Director of the Federal Housing Finance Agency may decline a transfer of authority under paragraph (1) to the extent that such authority relates to positions excepted from the competitive service because of their confidential, policymaking, policy-determining, or policy-advocating character, and noncareer positions in the Senior Executive Service (within the meaning of section 3132(a)(7) of title 5, United States Code).

(d) REORGANIZATION.—If the Director of the Federal Housing Finance Agency determines, after the end of the 1-year period beginning on the effective date of the abolishment under section 321(a), that a reorganization of the combined workforce is required, that reorganization shall be deemed a major reorganization for purposes of affording affected employees retirement under section 8336(d)(2) or 8414(b)(1)(B) of title 5, United States Code.

(e) EMPLOYEE BENEFIT PROGRAMS.—

(1) IN GENERAL.—Any employee of the Board accepting employment with the Federal Housing Finance Agency as a result of a transfer under subsection (a) may retain for 12 months after the date on which such transfer occurs membership in any employee benefit program of the Federal Housing Finance Agency or the Board, as applicable, including insurance, to which such employee belongs on the effective date of the abolishment under section 321(a) if—

(A) the employee does not elect to give up the benefit or membership in the program; and

(B) the benefit or program is continued by the Director of the Federal Housing Finance Agency.

(2) COST DIFFERENTIAL.—The difference in the costs between the benefits which would have been provided by the Board and those provided by this section shall be paid by the Director of the Federal Housing Finance Agency. If any employee elects to give up membership in a health insurance program or the health insurance program is not continued by such Director, the employee shall be permitted to select an alternate Federal health insurance program within 30 days after such election or notice, without regard to any other regularly scheduled open season.

SEC. 324. TRANSFER OF PROPERTY AND FACILITIES.

Upon the effective date of the abolishment under section 321(a), all property of the Board shall transfer to the Director of the Federal Housing Finance Agency.

Subtitle C—Department of Housing and Urban Development

SEC. 341. TERMINATION OF ENTERPRISE-RELATED FUNCTIONS.

(a) TERMINATION DATE.—For purposes of this subtitle, the term "termination date" means the date that occurs one year after the date of the enactment of this Act.

(b) DETERMINATION OF TRANSFERRED FUNCTIONS AND EMPLOYEES.—

(1) IN GENERAL.—Not later than the expiration of the 6-month period beginning on the date of the enactment of this Act, the Secretary, in consultation with the Director of the Office of Federal Housing Enterprise Oversight, shall determine—

(A) the functions, duties, and activities of the Secretary of Housing and Urban Development regarding oversight or regulation of the enterprises under or pursuant to the authorizing statutes, title XIII of the Housing and Community Development Act of 1992, and any other provisions of law, as in effect before the date of the enactment of this Act, but not including any such functions, duties, and activities of the Director of the Office of Federal Housing Enterprise Oversight of the Department of Housing and Urban Development and such Office; and

(B) the employees of the Department of Housing and Urban Development necessary to perform such functions, duties, and activities.

(2) ENTERPRISE-RELATED FUNCTIONS.—For purposes of this subtitle, the term "enterprise-related functions of the Department" means the functions, duties, and activities of the Department of Housing and Urban Development determined under paragraph (1)(A).

(3) ENTERPRISE-RELATED EMPLOYEES.—For purposes of this subtitle, the term "enterprise-related employees of the Department" means the employees of the Department of Housing and Urban Development determined under paragraph (1)(B).

(c) DISPOSITION OF AFFAIRS.—During the 1-year period beginning on the date of enactment of this Act, the Secretary of Housing and Urban Development (in this title referred to as the "Secretary"), solely for the purpose of winding up the affairs of the Secretary regarding the enterprise-related functions of the Department of Housing and Urban Development (in this title referred to as the "Department)"—

(1) shall manage the enterprise-related employees of the Department and provide for the payment of the compensation and benefits of any such employee which accrue before the effective date of the transfer of any such employee under section 343; and

(2) may take any other action necessary for the purpose of winding up the enterprise-related functions of the Department.

(d) STATUS OF EMPLOYEES BEFORE TRANSFER.—The amendments made by titles I and II and the termination of the enterprise-related functions of the Department under subsection (b) may not be construed to affect the status of any employee of the Department as employees of an agency of the United States for purposes of any other provision of law before the effective date of the transfer of any such employee under section 343.

(e) USE OF PROPERTY AND SERVICES.—

(1) PROPERTY.—The Director of the Federal Housing Finance Agency may use the property of the Secretary to perform functions which have been transferred to the Director of the Federal Housing Finance Agency for such time as is reasonable to facilitate the orderly transfer of functions transferred under any other provision of this Act or any amendment made by this Act to any other provision of law.

(2) AGENCY SERVICES.—Any agency, department, or other instrumentality of the United States, and any successor to any such agency, department, or instrumentality, which was providing supporting services to the Secretary regarding enterprise-related functions of the Department before the termination date under subsection (a) in connection with such functions that are transferred to the Director of the Federal Housing Finance Agency shall—

(A) continue to provide such services, on a reimbursable basis, until the transfer of such functions is complete; and

(B) consult with any such agency to coordinate and facilitate a prompt and reasonable transition.

(f) SAVINGS PROVISIONS.—

(1) EXISTING RIGHTS, DUTIES, AND OBLIGATIONS NOT AFFECTED.—Subsection (a) shall not affect the validity of any right, duty, or obligation of the United States, the Secretary, or any other person, which—

(A) arises under the authorizing statutes, title XIII of the Housing and Community Development Act of 1992, or any other provision of law applicable with respect to the Secretary, in connection with the enterprise-related functions of the Department; and

(B) existed on the day before the termination date under subsection (a).

(2) CONTINUATION OF SUITS.—No action or other proceeding commenced by or against the Secretary in connection with the enterprise-related functions of the Department shall abate by reason of the enactment of this Act, except that the Director of the Federal Housing Finance Agency shall be substituted for the Secretary or any member thereof as a party to any such action or proceeding.

SEC. 342. CONTINUATION AND COORDINATION OF CERTAIN REGULATIONS.

(a) IN GENERAL.—All regulations, orders, and determinations described in subsection (b) shall remain in effect according to the terms of such regulations, orders, determinations, and resolutions, and shall be enforceable by or against the Director of the Federal Housing Finance Agency until modified, terminated, set aside, or superseded in accordance with applicable law by such Director, any court of competent jurisdiction, or operation of law.

(b) APPLICABILITY.—A regulation, order, or determination is described under this subsection if it—

(1) was issued, made, prescribed, or allowed to become effective by—

(A) the Secretary; or

(B) a court of competent jurisdiction and that relate to the enterprise-related functions of the Department; and

(2) is in effect on the termination date under section 341(a).

SEC. 343. TRANSFER AND RIGHTS OF EMPLOYEES.

(a) TRANSFER.—

(1) IN GENERAL.—Except as provided in paragraph (2), each enterprise-related employee of the Department shall be transferred to the Federal Housing Finance Agency for employment not later than the termination date under section 341(a) and such transfer shall be deemed a transfer of function for purposes of section 3503 of title 5, United States Code.

(2) AUTHORITY TO DECLINE.—An enterprise-related employee of the Department may, in the discretion of the employee, decline transfer under paragraph (1) to a position in the Federal Housing Finance Agency and shall be guaranteed a position in the Department with the same status, tenure, grade, and pay as that held on the day immediately preceding the date that such declination was made. Each such employee holding a permanent position shall not be involuntarily separated or reduced in grade or compensation for 12 months after the date that the transfer would otherwise have occurred, except for cause or, if the employee is a temporary employee, separated in accordance with the terms of the appointment.

(b) GUARANTEED POSITIONS.—Each enterprise-related employee of the Department transferred under subsection (a) shall be guaranteed a position with the same status, tenure, grade, and pay as that held on the day immediately preceding the transfer. Each such employee holding a permanent position shall not be involuntarily separated or reduced in grade or compensation for 12 months after the date of transfer, except for cause or, if the employee is a temporary employee, separated in accordance with the terms of the appointment.

(c) APPOINTMENT AUTHORITY FOR EXCEPTED AND SENIOR EXECUTIVE SERVICE EMPLOYEES.—

(1) IN GENERAL.—In the case of employees occupying positions in the excepted service or the Senior Executive Service, any appointment authority established under law or by regulations of the Office of Personnel Management for filling such positions shall be transferred, subject to paragraph (2).

(2) DECLINE OF TRANSFER.—The Director of the Federal Housing Finance Agency may decline a transfer of authority under paragraph (1) to the extent that such authority relates to positions excepted from the competitive service because of their confidential, policymaking, policy-determining, or policy-advocating character, and noncareer positions in the Senior Executive Service (within the meaning of section 3132(a)(7) of title 5, United States Code).

(d) REORGANIZATION.—If the Director of the Federal Housing Finance Agency determines, after the end of the 1-year period beginning on the termination date under section 341(a), that a reorganization of the combined workforce is required, that reorganization shall be deemed a major reorganization for purposes of affording affected employees retirement under section 8336(d)(2) or 8414(b)(1)(B) of title 5, United States Code.

(e) EMPLOYEE BENEFIT PROGRAMS.—

(1) IN GENERAL.—Any enterprise-related employee of the Department accepting employment with the Federal Housing Finance Agency as a result of a transfer under subsection (a) may retain for 12 months after the date on which such transfer occurs membership in any employee benefit program of the Federal Housing Finance Agency or the Department, as applicable, including insurance, to which such employee belongs on the termination date under section 341(a) if—

(A) the employee does not elect to give up the benefit or membership in the program; and

(B) the benefit or program is continued by the Director of the Federal Housing Finance Agency.

(2) COST DIFFERENTIAL.—The difference in the costs between the benefits which would have been provided by the Department and those provided by this section shall be paid by the Director of the Federal Housing Finance Agency. If any employee elects to give up membership in a health insurance program or the health insurance program is not continued by such Director, the employee shall be permitted to select an alternate Federal health insurance program within 30 days after such election or notice, without regard to any other regularly scheduled open season.

SEC. 344. TRANSFER OF APPROPRIATIONS, PROPERTY, AND FACILITIES.

Upon the termination date under section 341(a), all assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available to, or to be made available to the Department in connection with enterprise-related functions of the Department shall transfer to the Director of the Federal Housing Finance Agency. Unexpended funds transferred by this section shall be used only for the purposes for which the funds were originally authorized and appropriated.

The CHAIRMAN. No amendment to the committee amendment is in order except those printed in House Report 109-254. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

It is now in order to consider amendment No. 1 printed in House Report 109-254.

AMENDMENT NO. 1 OFFERED BY MR. OXLEY

Mr. OXLEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. OXLEY:

Page 6, strike lines 3 through 5 and insert the following new subparagraph:

“(C) any independent contractor for a regulated entity (including any attorney, appraiser, or accountant), if—

“(i) the independent contractor knowingly or recklessly participates in—

“(I) any violation of any law or regulation;

“(II) any breach of fiduciary duty; or

“(III) any unsafe or unsound practice; and

“(ii) such violation, breach, or practice caused, or is likely to cause, more than a minimal financial loss to, or a significant adverse effect on, the regulated entity; and”.

Page 12, line 8, strike the quotations marks and the last period.

Page 12, after line 8, insert the following new subsection:

“(g) OMBUDSMAN.—The Director shall establish, by regulation, an Office of the Ombudsman in the Agency. Such regulations shall provide that the Ombudsman will consider complaints and appeals from any regulated entity and any person that has a business relationship with a regulated entity and shall specify the duties and authority of the Ombudsman.”.

Page 15, line 2, before the period insert “, or request that the Attorney General of the United States act on behalf of the Director”.

Page 15, after line 2, insert the following new paragraph:

“(2) CONSULTATION WITH ATTORNEY GENERAL.—The Director shall provide notice to, and consult with, the Attorney General of the United States before taking an action under paragraph (1) of this subsection or under section 1344(a), 1345(d), 1348(c), 1372(e), 1375(a), 1376(d), or 1379D(c), except that, if the Director determines that any delay caused by such prior notice and consultation may adversely affect the safety and soundness responsibilities of the Director under this title, the Director shall notify the Attorney General as soon as reasonably possible after taking such action.”.

Page 15, line 3, strike “(2)” and insert “(3)”.

Page 25, line 13, after the period insert quotation marks and a period.

Page 25, strike lines 14 through 16.

Page 66, after line 12 add the following new subsection:

(e) EFFECTIVE DATE.—This section shall take effect on the date of the enactment of this Act.

Page 102, after line 19, insert the following new subparagraph:

“(A) Mortgages that finance dwelling units for low-income families.”.

Page 102, line 20, strike “(A)” and insert “(B)”.

Page 102, line 22, strike “(B)” and insert “(C)”.

Strike line 17 on page 119 and all that follows through line 9 on page 138 and insert the following:

SEC. 128. AFFORDABLE HOUSING FUND.

(a) IN GENERAL.—The Housing and Community Development Act of 1992 is amended by striking sections 1337 and 1338 (12 U.S.C. 4562 note) and inserting the following new section:

“SEC. 1337. AFFORDABLE HOUSING FUND.

“(a) ESTABLISHMENT AND PURPOSE.—Each enterprise shall establish and manage an affordable housing fund in accordance with this section. The purpose of the affordable housing fund shall be—

“(1) to increase homeownership for extremely low-and very low-income families;

“(2) to increase investment in housing in low-income areas, and areas designated as qualified census tracts or an area of chronic economic distress pursuant to section 143(j) of the Internal Revenue Code of 1986 (26 U.S.C. 143(j));

“(3) to increase and preserve the supply of rental and owner-occupied housing for extremely low- and very low-income families;

“(4) to increase investment in public infrastructure development in connection with housing assisted under this section; and

“(5) to leverage investments from other sources in affordable housing and in public infrastructure development in connection with housing assisted under this section

“(b) ALLOCATION OF AMOUNTS BY ENTERPRISES.—

“(1) IN GENERAL.—In accordance with regulations issued by the Director under subsection (k) and subject to paragraphs (2) and (3) of this subsection and subsection (f)(5), each enterprise shall allocate to the affordable housing fund established under subsection (a) by the enterprise—

“(A) in the year in which the effective date under section 185 of the Federal Housing Finance Reform Act of 2005 occurs, 3.5 percent of the after-tax income of the enterprise for the preceding year;

“(B) in the year after the year referred to in subparagraph (A), 3.5 percent of the after-tax income of the enterprise for the preceding year; and

“(C) in each of the first three years after the year referred to in subparagraph (B), 5 percent of the after-tax income of the enterprise for the preceding year.

“(2) LIMITATION.—An enterprise shall not be required to make an allocation for a year to the affordable housing fund of the enterprise established under subsection (a) unless the enterprise generated after-tax income for the preceding year.

“(3) SUSPENSION OF CONTRIBUTIONS.—The Director shall temporarily suspend the allocation under paragraph (1) by an enterprise to the affordable housing fund of the enterprise upon a finding by the Director that such allocations—

“(A) are contributing, or would contribute, to the financial instability of the enterprise;

“(B) are causing, or would cause, the enterprise to be classified as undercapitalized; or

“(C) are preventing, or would prevent, the enterprise from successfully completing a capital restoration plan under section 1369C.

“(4) 5-YEAR SUNSET AND REPORT.—

"(A) Sunset.—The enterprises shall not be required to make allocations to the affordable housing funds in the 5th year after the year in which the effective date under section 185 of the Federal Housing Finance Reform Act of 2005 occurs or in any year thereafter.

"(B) Report on program continuance.—Not later 6 months before the end of the last year in which the allocations are required under paragraph (1), the Director shall submit to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a report making recommendations on whether the program under this section, including the requirement for the enterprises to make allocations to the affordable housing funds, should be extended and on any modifications for the program.

"(5) Determination of after-tax income.—For purposes of this section, the term 'after-tax income' means, with respect to an enterprise for a year, the amount reported by the enterprise for such year in the enterprise's annual report for such year that is filed with the Securities and Exchange Commission, except that for any year in which no such filing is made by an enterprise or such filing is not timely made, such term means the amount determined by the Director based on the income tax return filings of the enterprise.

"(c) Selection of Activities Funded Using Affordable Housing Fund Amounts.—Amounts from the affordable housing fund of the enterprise may be used, or committed for use, only for activities that—

"(1) are eligible under subsection (d) for such use; and

"(2) are selected for funding by the enterprise in accordance with the process and criteria for such selection established pursuant to subsection (k)(2)(C).

"(d) Eligible Activities.—Amounts from the affordable housing fund of an enterprise shall be eligible for use, or for commitment for use, only for assistance for—

"(1) the production, preservation, and rehabilitation of rental housing, including housing under the programs identified in section 1335(a)(2)(B), except that amounts provided from the Fund may be used for the benefit only of extremely low- and very low-income families;

"(2) the production, preservation, and rehabilitation of housing for homeownership, including such forms as downpayment assistance, closing cost assistance, and assistance for interest-rate buy-downs, that—

"(A) is available for purchase only for use as a principal residence by families that qualify both as—

"(i) extremely low- and very-low income families at the times described in subparagraphs (A) through (C) of section 215(b)(2) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12745(b)(2)); and

"(ii) first-time homebuyers, as such term is defined in section 104 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12704), except that any reference in such section to assistance under title II of such Act shall for purposes of this section be considered to refer to assistance from the affordable housing fund of the enterprise;

"(B) has an initial purchase price that meets the requirements of section 215(b)(1) of the Cranston-Gonzalez National Affordable Housing Act; and

"(C) is subject to the same resale restrictions established under section 215(b)(3) of the Cranston-Gonzalez National Affordable Housing Act and applicable to the participating jurisdiction that is the State in which such housing is located; and

"(3) public infrastructure development activities in connection with housing activities funded under paragraph (1) or (2).

"(e) Eligible Recipients.—

"(1) In general.—Amounts from the affordable housing fund of an enterprise may be provided only to a recipient that is an organization, agency, or other entity (including a for-profit entity, a nonprofit entity, a federally recognized tribe, an Alaskan Native village, and a faith-based organization) that—

"(A) has a demonstrated capacity for carrying out activities of the type that are to be funded with such affordable housing fund amounts; and

"(B) makes such assurances to the enterprise as the Director shall, by regulation, require to ensure that the recipient will comply with the requirements of this section (including, in the case of any organization, agency, or entity subject to paragraph (2), all of the requirements specified under such paragraph) during the entire period that begins upon selection of the recipient to receive amounts from the affordable housing fund of the enterprise and ending upon the conclusion of all activities under subsection (d) that are engaged in by the recipient and funded with such affordable housing fund amounts; and

"(C) in the case of any recipient who is not a for-profit entity or a government agency or authority, complies with all of the requirements under paragraph (2).

"(2) Additional requirements for recipients other than for-profit entities.—The requirements under this paragraph with respect to any organization, agency, or entity that is not a for-profit entity or a government agency or authority are that the organization, agency, or entity—

"(A) shall have as its primary purpose the provision of affordable housing, as defined by the Director;

"(B) shall make such assurances to the enterprise as the Director shall, by regulation, require to ensure that such affordable housing fund amounts—

"(i) are used only to supplement, and to the extent practical, to increase the level of funds that would, in the absence of amounts made available from the affordable housing fund, be made available from other sources for the recipient to carry out activities of the type that are eligible under subsection (d) for funding with affordable housing fund amounts; and

"(ii) are not in any case used so as to supplant any funds from other sources that are made available for such activities of the recipient; and

"(C) does not, at the time during the period that begins 12 months before submission of an application for funding from the affordable housing fund of the enterprise and ending upon the expiration of the period referred to in paragraph (1)(B)—

"(i) engage in any Federal election activity, as such term is defined in paragraph (20) of section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(20)), except that, notwithstanding the 120-day limitation in subparagraph (A)(i) of such paragraph, such term shall include voter registration activity during any period;

"(ii) make any expenditure for any electioneering communication (as such term is defined in section 304(f)(3) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(f)(3));

"(iii) make any lobbying expenditure, (as such term is defined in such section 501(h)(2)), except that this clause shall not apply to any such expenditure by an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 that is exempt from taxation under subsection (a) of such section 501, to the extent that such expenditure does not exceed the amount under such Code for which such exemption may be denied; or

"(iv) maintain any affiliation with any organization, agency, or other entity that does not comply with clauses (i), (ii), and (iii) of this subparagraph.

"(3) Affiliation.—

"(A) In general.—A recipient organization, agency, or entity shall be considered to be affiliated with another entity, for purposes of paragraph (2), if such recipient entity controls, is controlled by, or is under common control with such other entity.

"(B) Control.—The existence of any of the following relationships between a recipient entity and another entity shall indicate that control exists for purposes of subparagraph (A):

"(i) Overlapping board membership.—Individuals serve in a similar capacity as officers, executives, or staff of both the recipient entity and the other entity.

"(ii) Shared resources.—The recipient entity and the other entity share office space, staff members, supplies, resources, or marketing materials, including Internet and other forms of public communication.

"(iii) Funding.—The recipient entity receives more than 20 percent of its total funding from such other entity or provides more than 20 percent of the total funding of such other entity.

"(iv) Other.—The recipient entity or such other entity exhibits any other indicia of substantial overlap or common control as may be set forth in regulation by the Director.

"(4) For profit.—For purposes of this subsection, the term 'for-profit entity' means any entity any part of the net earnings of which inure to the benefit of any private shareholder, member, founder, contributor, or individual.

"(f) Limitations on Use.—

"(1) Required amount for REFCORP.—Of any amounts allocated pursuant to subsection (b) in each year to the affordable housing fund of an enterprise, 25 percent shall be used as provided in section 21B(f)(2)(E) of the Federal Home Loan Bank Act (12 U.S.C. 1441b(f)(2)(E)).

"(2) Required amount for homeownership activities.—Of any amounts allocated pursuant to subsection (b) in each year to the affordable housing fund of an enterprise, not less than 10 percent shall be used for activities under paragraph (2) of subsection (d).

"(3) Maximum amount for public infrastructure development activities in connection with affordable housing activities.—Of any amounts allocated pursuant to subsection (b) in each year to the affordable housing fund of an enterprise, not more than 12.5 percent may be used for activities under paragraph (3) of subsection (d).

"(4) Deadline for commitment or use.—Any amounts allocated to the affordable housing fund of an enterprise shall be used or committed for use within two years of the date of such allocation.

"(5) Use of returns.—The Director shall, by regulation—

"(A) provide that any return on a loan or other investment of any amounts allocated pursuant to subsection (b) to the affordable housing fund of an enterprise shall count against the allocation required under subsection (b) to be made by the enterprise for the year following such return; and

"(B) establish such limitations as may be necessary to ensure that the amount or likelihood of return is not the primary consideration of awarding of allocated amounts to recipients.

"(6) PROHIBITED USES.—The Director shall—

"(A) by regulation, set forth prohibited uses of amounts from the affordable housing funds of the enterprises, which shall include use for—

"(i) political activities;

"(ii) advocacy;

"(iii) lobbying, whether directly or through other parties;

"(iv) counseling services;

"(v) travel expenses; and

"(vi) preparing or providing advice on tax returns;

"(B) by regulation, provide that, except as provided in subparagraph (C), amounts allocated to the affordable housing fund of an enterprise may not be used for administrative, outreach, or other costs of—

"(i) the enterprise; or

"(ii) any recipient of amounts from the affordable housing fund; and

"(C) by regulation, limit the amount of any such contributions that may be used for administrative costs of the enterprise of maintaining the affordable housing fund and carrying out the program under this section.

"(7) PROHIBITION OF CONSIDERATION OF USE FOR MEETING HOUSING GOALS.—In determining compliance with the housing goals under this subpart, the Director may not consider amounts used under this section for eligible activities under subsection (d). The Director shall give credit toward the achievement of such housing goals to purchases of mortgages for housing that receives funding under this section, but only to the extent that such purchases are funded other than under this section.

"(8) PROHIBITION ON CERTAIN REDISTRIBUTION OF AMOUNTS.—The Director shall, by regulation, ensure that amounts from the affordable housing fund of an enterprise awarded under this section to a national nonprofit housing intermediary are not redistributed to other nonprofit entities.

"(g) ACCOUNTABILITY OF RECIPIENTS AND ENTERPRISES.—

"(1) RECIPIENTS.—

"(A) TRACKING OF FUNDS.—The Director shall—

"(i) require each enterprise to develop and maintain a system to ensure that each recipient of amounts from the affordable housing fund of the enterprise uses such amounts in accordance with this section, the regulations issued under this section, and any requirements or conditions under which such amounts were provided; and

"(ii) establish minimum requirements for agreements, between the enterprises and recipients, regarding grants from the affordable housing funds of the enterprises, which shall include—

"(I) appropriate continuing financial and project reporting, record retention, and audit requirements for the duration of the grant to ensure compliance with the limitations and requirements of this section and the regulation under this section; and

"(II) any other requirements that the Director determines are necessary to ensure appropriate grant administration and compliance.

"(B) MISUSE OF FUNDS.—If an enterprise determines that any recipient of amounts from the affordable housing fund of the enterprise has used any such amounts in a manner that is materially in violation of this section, the regulations issued under this section, or any requirements or conditions under which such amounts were provided—

"(i) the enterprise shall notify the Director of such misuse of amounts and the actions taken under this subparagraph with respect to the recipient;

"(ii) such recipient shall be ineligible in perpetuity to receive of any further amounts from the affordable housing fund of such enterprise; and

"(iii) the enterprise shall require the recipient to reimburse the enterprise for such misused amounts and return to the enterprise any amounts from the affordable housing fund of the enterprise that remain unused or uncommitted for use.

The remedies under this subparagraph are in addition to any other remedies that may be available under law.

"(2) ENTERPRISES.—

"(A) QUARTERLY REPORTS.—The Director shall require each enterprise to submit a report, on a quarterly basis, to the Director and the affordable housing board established under subsection (j) describing the activities funded under this section during such quarter with amounts from the affordable housing fund of the enterprise established under this section. The Director shall make such reports publicly available. The affordable housing board shall review each report by an enterprise to determine the consistency of such activities funded with the criteria for selection of such activities established pursuant to subsection (k)(2)(C).

"(B) REPLENISHMENT.—If the Director determines that an activity funded by an enterprise with amounts from the affordable housing fund of the enterprise is not consistent with the criteria established pursuant to subsection (k)(2)(C), the Director shall require the enterprise to allocate to such affordable housing fund (in addition to amounts allocated in compliance with subsection (b)) an amount equal to the sum of the amounts from the affordable housing fund used and further committed for use for such activity.

"(h) CAPITAL REQUIREMENTS.—The utilization or commitment of amounts from the affordable housing fund of an enterprise shall not be subject to the risk-based capital requirements established pursuant to section 1361(a).

"(i) REPORTING REQUIREMENT.—Each enterprise shall include, in the report required under section 309(m) of the Federal National Mortgage Association Charter Act or section 307(f) of the Federal Home Loan Mortgage Corporation Act, as applicable, a description of the actions taken by the enterprise to utilize or commit amounts allocated under this section to the affordable housing fund of the enterprise established under this section.

"(j) AFFORDABLE HOUSING BOARD.—

"(1) APPOINTMENT.—The Director shall appoint an affordable housing board of 7, 9, or 11 persons, who shall include—

"(A) the Director, or the Director's designee;

"(B) the Secretary of Housing and Urban Development, or the Secretary's designee;

"(C) the Secretary of Agriculture, or the Secretary's designee;

"(D) 2 persons from for-profit organizations or businesses actively involved in providing or promoting affordable housing for extremely low- and very low-income households; and

"(E) 2 persons from nonprofit organizations actively involved in providing or promoting affordable housing for extremely low- and very low-income households.

"(2) TERMS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the term of each member of the affordable housing board appointed pursuant to paragraph (1) (but not including members appointed pursuant to subparagraphs (A), (B), and (C)) shall be 3 years.

"(B) INITIAL APPOINTEES.—The Director shall appoint the initial members of the affordable housing board not later than the expiration of the 60-day period beginning on the effective date under section 185 of the Federal Housing Finance Reform Act of 2005. As designated by the Director at the time of appointment, of the members of the affordable housing board first appointed pursuant to paragraph (1) (but not including members appointed pursuant to subparagraphs (A), (B), and (C))—

"(i) in the case of a board having 7 members—

"(I) one shall be appointed for a term of one year; and

"(II) one shall be appointed for a term of two years;

"(ii) in the case of a board having 9 members—

"(I) two shall be appointed for a term of one year; and

"(II) two shall be appointed for a term of two years; and

"(iii) in the case of a board having 11 members—

"(I) two shall be appointed for a term of one year; and

"(II) three shall be appointed for a term of two years;

"(3) DUTIES.—The duties of the affordable housing board shall be—

"(A) to determine extremely low- and very low-income housing needs;

"(B) to advise the Director with respect to—

"(i) establishment of the selection criteria under subsection (k)(2)(C) that provide for appropriate use of amounts from the affordable housing funds of the enterprises to meet such needs; and

"(ii) operation of, and changes to, the program under this section appropriate to meet such needs; and

"(C) to review the reports submitted by the enterprises pursuant to subsection (g)(1) to determine whether the activities funded using amounts from the affordable housing funds of the enterprises comply with the regulations issued pursuant to subsection (k)(2)(C) and inform the Director of such determinations, for purposes of subsection (g)(2).

"(4) MEETINGS.—The board shall meet not less than quarterly, except that during the 2-year period referred to in paragraph (7), the board shall meet only as the Director determines necessary.

"(5) EXPENSES AND PER DIEM.—Members of the board shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

"(6) ADVISORY COMMITTEE.—The board shall be considered an advisory committee for purposes of the Federal Advisory Committee Act (5 U.S.C. App.).

"(7) TERMINATION.—The board shall terminate upon the expiration of the 2-year period that begins upon the conclusion of the last year referred to in subsection (b)(1)(C).

"(k) REGULATIONS.—

"(1) IN GENERAL.—The Director shall issue regulations to carry out this section.

"(2) REQUIRED CONTENTS.—The regulations issued under this subsection shall include—

"(A) authority for the Director to audit, provide for an audit, or otherwise verify an enterprise's activities, to ensure compliance with this section;

"(B) a requirement that the Director ensure that the affordable housing fund of each enterprise is audited not less than annually to ensure compliance with this section;

"(C) requirements for a process for application to, and selection by, an enterprise for activities to be funded with amounts from the affordable housing fund, which shall provide that—

"(i) selection shall be based upon specific criteria, which shall provide that—

"(I) in any selection of activities occurring during the 2-year period beginning on the effective date under section 185 of the Federal Housing Finance Reform Act of 2005, additional weight shall be given to applications for eligible activities under subsection (d) that—

"(aa) are to be carried out in any area that was declared by the President as a major disaster area pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act as result of Hurricane Katrina or Hurricane Rita in 2005; or

"(bb) the enterprise determines, in accordance with regulations issued by the Director, serve persons significantly affected by the occurrence of Hurricane Katrina or Hurricane Rita in 2005 (including persons displaced as a result of such hurricanes and persons whose affordable housing opportunities are significantly affected by the presence of persons displaced as a result of such hurricanes); and

"(II) taking into consideration any additional weight afforded applications pursuant to subclause (I), priority in funding shall be based upon—

"(aa) whether activities are to be carried out in any area that, not more than 2 years before such selection, was declared by the President as a major disaster area pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act;

"(bb) greatest impact;

"(cc) geographic diversity;

"(dd) ability to obligate amounts and undertake activities so funded in a timely manner;

"(ee) in the case of rental housing projects under subsection (d)(1), the extent to which rents for units in the project funded are affordable, especially for extremely low-income families; and

"(ff) in the case of rental housing projects under subsection (d)(1), the extent of the duration for which such rents will remain affordable; and

"(ii) an enterprise may not require for such selection that an activity involve financing or underwriting of any kind by the enterprise (other than funding through the affordable housing fund of the enterprise) and may not give preference in such selection to activities that involve such financing;

"(D) requirements to ensure that amounts from the affordable housing funds of the enterprises used for rental housing under subsection (d)(1) are used only for the benefit of extremely low- and very-low income families; and

"(E) limitations on public infrastructure development activities that are eligible pursuant to subsection (d)(3) for funding with amounts from the affordable housing funds of the enterprises and requirements for the connection between such activities and housing activities funded under paragraph (1) or (2) of subsection (d).

"(l) ENFORCEMENT.—Compliance by the enterprises with the requirements under this section shall be enforceable under subpart C. Any reference in such subpart to this part or to an order, rule, or regulation under this part specifically includes this section and any order, rule, or regulation under this section.".

(b) CONTRIBUTIONS FOR TRANSITION PERIOD.—

(1) RESERVATION AND CONTRIBUTION; PROHIBITION OF DOUBLE CONTRIBUTIONS.—If the date of the enactment of this Act does not occur in the same calendar year as the effective date under section 185 of this Act, each enterprise (as such term is defined in section 1303 of the Housing and Community Development Act of 1992) shall, in the year that such date of enactment occurs, reserve for contribution to the affordable housing fund to be established by the enterprise pursuant to section 1337 of such Act (as amended by subsection (a) of this section) an amount equal to 3.5 percent of the after-tax income of the enterprise for the preceding year. Upon the establishment of such affordable housing fund, each enterprise shall allocate to such fund the amounts reserved under this paragraph by the enterprise.

(2) EXCEPTION TO DEADLINE FOR COMMITMENT.—Section 1337(f)(4) of the Housing and Community Development Act of 1992 (as amended by subsection (a) of this section) shall not apply to any amounts allocated to the affordable housing fund of an enterprise pursuant to paragraph (1) of this subsection.

(3) AFTER-TAX INCOME.—For purposes of this subsection, the term "after-tax income" has the meaning provided in subsection (b)(5) of the new section 1337 to be inserted by the amendment made by subsection (a) of this section.

(4) EFFECTIVE DATE.—This subsection shall take effect on the date of the enactment of this Act.

(c) REFCORP PAYMENTS.—Section 21B(f)(2) of the Federal Home Loan Bank Act (12 U.S.C. 1441b(f)(2)) is amended—

(1) in subparagraph (E), by striking "and (D)" and inserting "(D), and (E)";

(2) by redesignating subparagraph (E) as subparagraph (F); and

(3) by inserting after subparagraph (D) the following new subparagraph:

"(E) PAYMENTS BY FANNIE MAE AND FREDDIE MAC.—To the extent that the amounts available pursuant to subparagraphs (A), (B), (C), and (D) are insufficient to cover the amount of interest payments, each enterprise (as such term is defined in section 1303 of the Housing and Community Development Act of 1992 (42 U.S.C. 4502)) shall transfer to the Funding Corporation in each calendar year the amounts allocated for use under this subparagraph pursuant to section 1337(f)(1) of such Act.".

Page 238, strike line 6 and insert the following:

(b) CONFORMING AMENDMENTS.—

(1) HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1992.—Subtitle B of title

Page 238, after line 10, insert the following new paragraph:

(2) FEDERAL HOME LOAN BANKS.—Section 25 of the Federal Home Loan Bank Act (12 U.S.C. 1445) is amended by striking "Board under this Act" and inserting "Director under section 1367 of the Housing and Community Development Act of 1992".

Page 248, line 4, after the semicolon insert "or".

Page 248, strike lines 5 through 11 and insert the following:

"(D) violates any written agreement between the regulated entity and the Director; shall forfeit and pay a civil money penalty of not more than $10,000 for each day during which such violation continues.".

Page 249, strike lines 4 through 10 and insert the following:

"(iii) results in pecuniary gain or other benefit to such party,
the regulated entity or regulated entity-affiliated party shall forfeit and pay a civil penalty of not more than $50,000 for each day during which such violation, practice, or breach continues.".

Strike line 22 on page 249 and all that follows through line 5 on page 250, and insert the following:

"(B) knowingly or recklessly causes a substantial loss to such regulated entity or a substantial pecuniary gain or other benefit to such party by reason of such violation, practice, or breach,
shall forfeit and pay a civil penalty in an amount not to exceed the applicable maximum amount determined under paragraph (4) for each day during which such violation, practice, or breach continues.".

Page. 278, line 21, after the comma insert "this title shall take effect on and".

Page 278, line 23, strike "1-year" and insert "6-month".

Page 296, line 19, after the period insert the following: "This section shall take effect on the date of the enactment of this Act."

Page 296, line 21, after the comma insert "this title shall take effect on and".

Page 296, line 23, strike "1-year" and insert "6-month".

Page 297, line 13, strike "1-year" and insert "6-month"

Page 297, line 19, strike "1-year" and insert "6-month".

Page 297, line 22, strike "solely".

Page 297, line 24, after "sight" insert "and in addition to carrying out its other responsibilities under law".

Page 302, line 25, strike "201(a)" and insert "301(a)".

Page 303, line 14, strike "201(a)" and insert "301(a)".

Page 304, line 13, strike "1-year" and insert "6-month".

Page 304, line 17, strike "1-year" and insert "6-month".

Page 304, line 19, strike "solely".

Page 304, line 20, after "Board" insert "and in addition to carrying out its other responsibilities under law".

Page 305, lines 23 and 24, strike "1-year".

Page 311, line 7, strike "one year" and insert "6 months".

Page 311, line 11, strike "6-month" and insert "3-month".

Page 312, line 17, strike "1-year" and insert "6-month".

Page 312, line 20, strike "solely".

Page 312, line 24, strike "ment)'" and insert "ment') and in addition to carrying out the Secretary's other responsibilities under law regarding such functions".

The CHAIRMAN. Pursuant to House Resolution 509, the gentleman from Ohio (Mr. OXLEY) and the gentleman from Massachusetts (Mr. FRANK) each will control 10 minutes.

The Chair recognizes the gentleman from Ohio (Mr. OXLEY).

Mr. OXLEY. Mr. Chairman, I yield myself such time as I may consume.

The manager's amendment that I offer makes a number of substantive and technical changes to H.R. 1461, the Federal Housing Finance Reform Act of 2005.

H.R. 1461, as reported by the Committee on Financial Services, greatly expands the affordable housing role of Fannie and Freddie. There are major sections on new single-family and multifamily housing goals, duty to serve lower-income markets, and a new Affordable Housing Fund with contributions from the enterprises.

The bill establishes a fund to finance construction of houses for underserved people. It is modeled after the successful Affordable Housing Program of the Federal Home Loan Bank System. Fannie Mae and Freddie Mac will manage programs funded by a percentage of their earnings.

The manager's amendment moves the effective date of the entire bill up from 1 year to 6 months following enactment, including the affordable housing funds. For the first 2 years, Fannie and Freddie will contribute 3.5 percent of after-tax earnings and, subsequent to that, 5 percent of such earnings. Twenty-five percent of the GSEs' contributions will go annually to the Treasury Department to help pay off REFCorp, that is, S and L bonds, with the remainder going to the fund.

The fund will sunset in 5 years, when its extension will be considered. During the first 2 years, priority consideration will be given to areas impacted by Hurricanes Katrina and Rita. Thereafter priority in funding will be based on greatest impact, geographic diversity, timely action, as well as other disaster area needs.

Eligible recipients, for-profit builders, State housing agencies, and nonprofit organizations must have a demonstrated capacity for affordable housing activities and make assurances that they will comply with limits on the use of those funds. Funds may not be used for political activities, advocacy, lobbying, counseling services, travel expenses, and tax return advice.

Nonprofit recipients must have affordable housing as their primary purpose, and beginning 1 year before applying, nonprofits and their affiliates cannot have engaged in Federal election activity, electioneering communication, or lobbying.

Recipient use of funds will be closely tracked. Those misusing funds will be permanently barred from participation and must make reimbursement.

In addition, the manager's amendment includes a request from the Committee on the Judiciary to require consultation with the Attorney General by the GSE regulator when exercising new litigation authority, and from the Committee on Government Reform to remove a Freedom of Information Act exemption for the proceedings of the new agency's oversight board.

The Federal Housing Finance Agency will establish an ombudsman to hear complaints and appeals from the GSEs and those having business relationships with the GSEs.

H.R. 1461 consolidates current GSE regulation by two agencies in HUD into one agency. The manager's amendment clarifies that existing rules and regulations will remain in force during the 6-month transition period and until changed by the new Federal Housing Finance Agency.

I urge adoption of the manager's amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I claimed the time in opposition to the manager's amendment because I am in opposition to a small part of the manager's amendment, and, like many Members, I have a dilemma. Much of the manager's amendment is what a manager's amendment ought to be, the result of taking into account in some cases things that happened after the bill came out of committee like the hurricanes, some refinements. It is a very good amendment.

There are two small changes I would like to make. First, the manager's amendment says, unlike the bill that passed committee, that a nonprofit group may only ask for these funds and build housing with these funds if building housing is its primary purpose. Understand that that unequivocally says no faith-based institution may apply unless we have a faith-based institution that worships housing. I am not aware of any, but I do not want to be narrow-minded. There may be one. But any other faith-based institution has as its primary purpose its faith, and this excludes organizations that have been doing work.

The gentleman from Louisiana correctly pointed out, well, if they have been already doing this, this does not stop them. It just means they cannot get the new money.

But we want this money to be used well. There is a wealth of experience in the Catholic Church, in the Episcopal Church, in the Methodist Church, in the Jewish Community Housing For the Elderly. In other groups, the Local Initiative Support Corporation, in other groups, the Enterprise Fund, nonprofit groups, some of which have housing as their primary purpose and some do not, why do we want to say to groups that have a very successful record of building affordable housing, including church groups, that they cannot participate in this program? But that is what it does.

So one thing that I would change in the manager's amendment is to say that they can do this if housing is one of their primary purposes, not their only primary purpose. It lets the faith-based groups back in.

Secondly, we agree that we should prohibit the groups, and, remember, we are not talking about using the money from the Affordable Housing Fund for anything but housing. That is very clear.

□ 1400

The Members have said, well, and I kind of slipped into this, well, political activism, et cetera. Not a penny of the affordable housing funds can be used for anything but housing; and there are strict penalties if you get caught doing that. By the way, there may be some who think that if you participate in affordable housing that it will be so profitable that it will generate funds that you can use elsewhere.

When I mentioned that point yesterday, people from the Catholic Conference and the Episcopal group and all the other groups started to laugh. Anyone who has done subsidized housing knows the organizations usually wind up further subsidizing with their own funds rather than end up making money.

But we are talking about now only what you can do with your own money if you use affordable housing funds for affordable housing. We have agreed to a lot of restrictions. We have agreed that with your own money, if you agree to participate in this fund, you cannot engage in any Federal election activity as it is defined in the Federal Election Campaign Act. You cannot make expenditure for any electioneering communication as defined in the Federal Campaign Act. You cannot make any lobbying expenditure except under the limits of 501(c)3. All of those we have accepted. They are in the manager's amendment as further restrictions, and we accept them.

All we are saying is that nonpartisan voter registration and get-out-the-vote should be permitted uses, in other words, what the gentleman from Ohio talked about. We had the gentleman from Florida read the ACORN Plan. That plan by ACORN would have made them ineligible to participate in this fund. It was partisan. People have every right to be partisan. We have made a concession here, that, yes, we will say that if you are engaged in partisan political activity you cannot do this.

Here is what will be the parliamentary situation. If this manager's amendment is defeated, I will offer as the recommittal motion 99.5 percent, textually, of the manager's amendment. It is over there at the majority's side. We will not touch it from what it now is. The only changes we will make is we will, instead of saying this has to be your primary purpose, which excludes faith-based groups, we will say it has to be one of your primary purposes.

We will continue the restriction on electioneering and lobbying, et cetera, but we will say that electioneering and communications or partisanship are banned, but nonpartisan voter registration and nonpartisan get-out-the-vote are not banned. That is the question.

Should we say that if you do affordable housing, you cannot also do voter registration, nonpartisan voter registration. If you are caught doing it in a partisan way, then you would lose the funds under here.

You cannot do get out the vote.

Again, voting and residence are very closely linked in America. You vote from your home. In some cases you might vote in your home, if you are in an elderly development. What about the people, and the gentleman from Ohio raised this. The gentleman from Ohio said, well, we are going to work on it. Yes, it has to be worked on, because right now, thanks to the demands of the Republican Study Committee, it is not there, the right to do that.

If you have a housing development, you cannot, under this manager's amendment, help the old people in the development vote. You cannot invite somebody in to do voter registration. They can come in on their own, but you cannot cooperate. Again, I want to emphasize and I would say to my Republican friends, this is a bill that has a lot of bipartisan support. We have some partisan differences in other areas than housing, but this one got pretty bipartisan.

What happened is this: there are people who do not like affordable housing. I have to say the gentleman from Texas (Mr. HENSARLING) is not here, but he said why do you not just do vouchers instead of this. He was being honest. He is not really for the affordable housing program at all.

I did look up, on June 29th this year, the House by a majority adopted an amendment to increase section 8 vouchers. The gentleman from Texas (Mr. HENSARLING) voted against that. Thirty Republicans voted for it. He was not one of them.

I think there are people who do not want the housing to go forward, and there are others who do not want to see an increased voter participation by people they do not think will be serious enough voters. If that is what the House wants to vote on, okay.

But procedurally what you have is a bill comes out of committee; it is held up for months because a part of the Republican Party does not want to put this to a fair vote. Well, I regret that. We should have had a fair vote. I am just offering you the next best thing. It is not the same thing. It is not a clean vote, but here is the functional equivalent.

Members can have two choices: they can vote against the manager's amendment and know that I will offer a recommittal motion, which will be everything in the manager's amendment except the one provision that prevents faith-based groups from participating; and the one that says no nonpartisan voter registration or the voter turnout.

Alternatively, if people vote for the manager's amendment, maybe some people will be afraid: well, I do not want to look like I am not helping the people in the hurricane area, then I will offer a recommit. The recommit will make those three small specific changes in the manager's amendment.

In other words, Members will have a chance to vote on everything in the manager's amendment, all the restrictions on what these groups can do with their own money, all the restrictions of what they can do with affordable housing money, put our faith-based groups in and have the voter registration be allowed. That is what will be before us.

Mr. Chairman, I reserve the balance of my time.

Mr. OXLEY. Mr. Chairman, I am pleased to yield 4 minutes to the gentleman from Louisiana (Mr. BAKER), chairman of the GSE subcommittee.

Mr. BAKER. Mr. Chairman, I thank the gentleman for his continuing courtesy and leadership on this issue. I am going to try one more time on this thing. The bill as it is now constructed allocates 3.5 percent of net profit for the first 2 years from the various enterprises into a fund which gives as a priority Katrina victims, Rita victims and natural disaster victims, in that order.

I can tell you if I were to go to the city of Baker, in my district today, walk down Groom Road to the FEMA trailer park and say to them, I am going to buy you a bus to haul you to go vote 2 years from now, or I am going to put money into building you a home, guess which one they would pick. People want out of the FEMA trailers, they want out of their circumstance; and almost every cent of this money, we will guarantee, I promise, to be utilized almost exclusively for Katrina and Rita.

It is estimated as a result of the Katrina disaster, 100,000 homes are impaired or destroyed: 100,000. The guesstimate of what it might take to pay off mortgages, to clean the mess up, and to build homes back is easily $30 billion. That is Katrina. Then we talk about Rita and then welcome back and plug Wilma in as a natural disaster, $500 million in the scope of this debate, concerning ourselves with creating a resource for additional political activism does not make sense.

Now, let us talk about the administration of the program: who is going to run it, what is the program. I know how you check on a house. You go see if it is there. Then you can figure out if somebody is in it and who are they. You can look at their income tax return; and, yes, they are entitled to be here pursuant to the provisions of the program.

How do you regulate a bus acquisition program used for hauling people to the polls? Who is going to do that? What are the rules? How about this? How about you leave Katrina/Rita victims alone, come back with regulations that create a system, something that makes sense. Here is how you do it. Here is how you comply. Then you get the money. No, we want to take the money first and figure it out later. That is what gets this place in trouble.

Now, if we really want to work together and reclaim our bipartisan territory, let us take it one step at a time. Let us figure out what the problem is, figure out a remedy, let us promulgate it, make it subject to hearings, pass it through the Congress, and plug some money in later. Now, I know that may be too logical, but I really want to leave that as a thought before you vote against the manager's amendment.

This is a well-crafted proposal with extremely limited resources aimed at an enormous problem that otherwise will not get resolved in a very cost-effective manner, and we will outstrip the resources of this proposal for 5 years, much less the 2 years for which the money has been officially dedicated for this purpose.

Keep in mind, if you are building houses and hauling voters and registering and engaged in political advocacy as of the date of passage of this bill, you can still do it. You just do not get to back your truck up to the U.S. Treasury and download a bunch of this money. That is all. It is an easy choice, and I suggest to the House that it is a reasonable position for us to take and a responsible position. It is not an attack on the basic civil rights of this country.

Mr. FRANK of Massachusetts. Mr. Chairman, I first yield myself 1 minute to say I do not think it is a fair characterization of the low-income housing activities of the Catholic Church or other organizations that they are trying to back up the truck to the Treasury. In the first place, there is no debate that every penny in the affordable housing fund goes for affordable housing.

The question is, what do you have to give up as a choice of doing the affordable housing. Every faith organization in America, every Protestant denomination, every branch of Judaism, and the Roman Catholic Church says we do housing, and the gentleman is right. They could simply refuse to take any money from this and go forward, because they are not eligible for money from this.

Why do that? Why say to the faith-based organization, whatever happened to your belief in the importance of helping faith-based organizations? Is it over already, that romance? Because that is what we just want to change. All we want is to allow our religious organizations in part to be able to participate without stopping their voter registration and other activity.

Mr. Chairman, I yield the balance of my time to the gentleman from Pennsylvania (Mr. KANJORSKI).

Mr. KANJORSKI. Mr. Chairman, I think we have debated a tough issue. I am sure there are people on the other side that understand why we feel so strongly on this faith-based issue. We have maybe a chance to resolve this and come out of this House with a resounding victory.

If we vote down the manager's amendment, we will include the entire manager's amendment in the motion to recommit with three exceptions. We will take out that the prime purpose has to be housing, so faith-based organizations can still consider God as a primary challenge and obligation.

Secondly, we will add in the terms that will allow for voter registration and get-out-the vote on a nonpartisan basis. So this will only affect getting out the vote and voter registration in a nonpartisan way. Finally, what I urge my colleagues on the other side to do is vote down the manager's amendment, accept the motion to recommit, have a perfect bill that we can walk out of here today with almost a unanimous approval.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield for the purpose of making a unanimous consent request to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise in opposition to the manager's amendment because it is a deal breaker with those provisions and certainly because the conference of Catholic bishops has indicated that they want to build houses and participate in democracy too.

Mr. Chairman, I rise in opposition to the instant legislation, H.R. 1461—especially insofar as it fails to remove the unfair and unreasonable language that provides that nonprofits will be prohibited from using their own funds to engage in nonpartisan voter registration and requires that housing be their primary purpose in order to receive funds.

The Motion to Recommit made by Mr. FRANKS seeks to protect our faith-based entities that need these valuable dollars to provide affordable housing.

Not only would the Gentleman's amendment have redeemed this legislation, but his Motion to Recommit would have removed language contained in the current Manager's Amendment that bars organizations with proven experience in mobilizing community support and resources—a nonpartisan initiative. In addition, the Manager's Amendment would constrain the ability of experienced faith-based and community-based organizations to successfully compete for the affordable housing funds that are proposed in the underlying bill.

My District of Houston, Texas, has a plethora of faith-based organizations that have plans that would provide much-needed affordable housing for the surrounding community. Our affordable housing stock has suffered for a long time, and I have been working steadfastly with the Secretary of Housing and Urban Development to facilitate the obtainment of opportunities by these groups. The nugatory provisions in the Manager's Amendment will contravene the hard work that I and many other Members have done to this end.

While I applaud the effort made by the administration to remove barriers to full participation in Federal programs and funding faith-based entities, proposals such as the Manager's Amendment will bar these groups from access to this funding while for-profit agencies remain free to engage in the same voter registration activities. This double-standard must be removed—it contravenes the spirit of the U.S. Constitution.

Existing limits in H.R. 1461 on activities that qualify for affordable housing funds prevent abuse of this funding. Groups, many of which operate in my District of Houston sign certifications to receive Federal, State, and local government funds that prohibit diversion of program funds for political and lobbying purposes. There are multiple vehicles available to ensure that the new Affordable Housing Funds are protected from inappropriate use by grantees.

Our faith-based groups need the proposed Affordable Housing Fund under H.R. 1461, especially in the devastated Gulf Coast region where hundreds of thousands of families have not been able to return to their homes. In such challenging times, it would be unfortunate if experienced faith-based organizations and nonprofits that have performed laudably in meeting the needs of these survivors would be barred from participation in funding that would help meet critical housing needs.

Mr. Chairman, I support the legislation on the above limited basis.

Mr. OXLEY. Mr. Chairman, I would simply say in summary to ask the Members to support the manager's amendment. We need to support the folks down in the gulf region that were affected by the hurricane. The purpose of the manager's amendment was twofold, to insure that money was available as quickly as possible to those victims who are 100,000 homeless, just in Louisiana alone, to make certain that they can get access to that as quickly as possible; secondly, to make certain that the groups that are building those homes are not political front groups for a right or left agenda, but ones who are sincerely interested in building with bricks and mortar to provide that opportunity to those folks.

If you want to help those folks in the gulf region, and you want to make certain that money is used effectively and not in a political way, support the Oxley manager's amendment.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN (Mr. PUTNAM). The question is on the amendment offered by the gentleman from Ohio (Mr. OXLEY).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. BAKER. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Ohio (Mr. OXLEY) will be postponed.

It is now in order to consider amendment No. 2 printed in House Report 109–254.

AMENDMENT NO. 2 OFFERED BY MS. CARSON

Ms. CARSON. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Ms. CARSON:

Page 114, line 6, strike the quotation marks and the last period.

Page 114, after line 6, insert the following new paragraph:

"(3) MANUFACTURED HOUSING MARKET.—In determining whether an enterprise has complied with the duty under subparagraph (A) of subsection (a)(2), the Director may consider loans secured by both real and personal property.".

The Acting CHAIRMAN. Pursuant to House Resolution 509, the gentlewoman from Indiana (Ms. CARSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Indiana (Ms. CARSON).

Ms. CARSON. Mr. Chairman, I yield myself such time as I may consume. This amendment I am offering today will help low- and moderate-income families fulfill the American dream of homeownership.

This amendment will not mandate, but encourage, the GSEs to purchase personal property loans secured by manufactured housing and will count towards the GSE underserved market goals.

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This practice is consistent with the charters of Fannie Mae and Freddie Mac.

In 2004, the average income of those who purchased manufactured homes was $28,000. These homes cost 30 percent less than a site-built house and are equal in quality, amenities, and efficiency. Currently only real property loans are considered for manufactured housing purchases, but the vast majority of manufactured home buyers rent the land on which it rests. Personal property loans are issued for the purchase of a manufactured home, but not tied to any piece of land. While these loans are typically financed as personal property, my amendment would allow for the GSEs to only purchase personal property loans that finance manufactured housing.

In 1992, Congress set a goal for the GSEs to promote mortgage credit in areas where traditional credit opportunities were unavailable, inaccessible, or too costly. My amendment will help the GSEs achieve this goal by encouraging them to purchase personal property loans for manufactured housing.

Mr. Chairman, this amendment will assist GSEs in continuing to serve home buyers in underserved areas and will encourage lenders to offer more and better loans to finance the purchase of new homes. It has the broad support of manufactured housing organizations as well as consumers. It has bipartisan support. I encourage my colleagues to adopt this amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. OXLEY. Mr. Chairman, I rise to claim the time in opposition to the amendment but am not opposed and would indicate that we are pleased to accept the amendment offered by the gentlewoman from Indiana and applaud her for her foresight and leadership in the area of manufactured housing.

The Acting CHAIRMAN (Mr. PUTNAM). The question is on the amendment offered by the gentlewoman from Indiana (Ms. CARSON).

The amendment was agreed to.

The Acting CHAIRMAN. It is now in order to consider amendment No. 3 printed in House Report 109-254.

AMENDMENT NO. 3 OFFERED BY MR. DAVIS OF ALABAMA

Mr. DAVIS of Alabama. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. DAVIS of Alabama:

Page 107, strike lines 20 through 24 and insert the following new paragraph:

"(26) RURAL AREA.—The term 'rural area' has the meaning given such term in section 520 of the Housing Act of 1949 (42 U.S.C. 1490), except that such term includes micropolitan areas and tribal trust lands.".

The Acting CHAIRMAN. Pursuant to House Resolution 509, the gentleman from Alabama (Mr. DAVIS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Alabama (Mr. DAVIS).

Mr. DAVIS of Alabama. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, one of the goals of this bill is to stimulate affordable housing activity on the part of the GSEs in certain categories and areas that traditionally have been underserved, and one of those happens to be the rural portions of America. There have been various goals that have been added that will require the GSEs to be more proactive in their lending in rural America.

The concern that I have with the underlying bill is that the definition of "rural" that has been adopted is one that is, number one, very different from the definition that has historically been used by the Congress beginning with the Housing Act of 1949; and, second of all, I think it is one that is unduly restrictive. The new definition would define "rural" as being, among other things, nonmetro areas.

As many of us in this Chamber know, "metro area" is very broadly defined in this country, and a number of areas that we would all think of as being rural, that we would all view as being within the ambit of this bill, would certainly fall inside metro areas and thus be excluded from the purview of this bill, and would be excluded from the definition of "rural."

So what our amendment, which I believe to be noncontroversial, would do would be to return to the traditional definition of "rural" that is contained in the Housing Act of 1949. That definition again is one that has long been accepted and long employed by this body.

I should also note, Mr. Chairman, that we would retain some of the changes made in the substantive bill which would talk about micropolitan and tribal trust lands. Those would be included in the new definition, but we would return to the traditional definition that has been employed since 1949.

Mr. Chairman, I reserve the balance of my time.

Mr. OXLEY. Mr. Chairman, I rise to claim the time in opposition, but I also want to say I do not oppose this amendment. As a matter of fact, I want to congratulate the gentleman from Alabama for an excellent amendment and well thought-out. He is a valuable member of the committee. This side has no objections to the amendment.

Mr. DAVIS of Alabama. Mr. Chairman, I thank the chairman for his compliments.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Alabama (Mr. DAVIS).

The amendment was agreed to.

The Acting CHAIRMAN. It is now in order to consider amendment No. 4 printed in House Report 109–254.

AMENDMENT NO. 4 OFFERED BY MR. LEACH

Mr. LEACH. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. LEACH:

Strike line 21 on page 49 and all that follows through line 4 on page 51 and insert the following new subsections:

"(c) ESTABLISHMENT OF REVISED MINIMUM CAPITAL LEVELS.—Notwithstanding subsections (a) and (b) and notwithstanding the capital classifications of the regulated entities, the Director may, by regulations issued under section 1319G(b) or by order—

"(1) establish a minimum capital level, for any particular enterprise, that is higher than the level specified in subsection (a) or, for any particular Federal home loan bank, that is higher than the level specified in subsection (b), as the Director deems necessary or appropriate taking into consideration the particular circumstances of the particular regulated entity, which may include any prudential standards necessary to ensure long-term insitutional viability and competitive equity in the market; or

"(2) establish a minimum capital level for the enterprises, for the Federal home loans banks, or for both the enterprises and the banks, that is higher than the level specified in subsection (a) for the enterprises or the level specified in subsection (b) for the Federal home loan banks, to the extent needed to ensure that the regulated entities operate in a safe and sound manner.

"(d) EFFECT ON OTHER AUTHORITY.—Nothing in this section may be construed to limit the authority of the Director to require a regulated entity to raise or maintain capital under other provisions of law, or pursuant to prompt corrective action or administrative enforcement actions, or in connection with conservatorship or receivership powers.".

The Acting CHAIRMAN. Pursuant to House Resolution 509, the gentleman from Iowa (Mr. LEACH) and the gentleman from Massachusetts (Mr. FRANK) each will control 5 minutes.

The Chair recognizes the gentleman from Iowa (Mr. LEACH).

Mr. LEACH. Mr. Chairman, I yield myself such time as I may consume.

My amendment is to strengthen the capital requirements of the bill. But first, let me acknowledge that between passage in the committee and the bringing of the bill to the floor, the capital standard provision has been strengthened, and I congratulate the committee for doing that.

But secondly, let me stress that still at this point in time, even though the bill itself got a strong bipartisan committee vote, it lacks the support of the administration. The principal reason does not relate to some of the debate that has occurred earlier on a very important issue, it relates to the fact that the Department of the Treasury, that is the administration, does not want to have accountability for regulation if it is not given adequate authority. And, lacking adequate authority, it feels that this approach is not one that produces greater safety and soundness for the American financial system.

So what this amendment does is strengthens the capital standard provision. Minimum capital is the amount of capital needed to protect financial institutions against broad categories of business risk, so when a crisis strikes, there is a reserve to fall back upon. Capital is especially important for GSEs because their short-term obligations are large, and they are single-industry-intensive. Fannie Mae and Freddie Mac, for instance, have debt obligations due within a year of about 45 percent of their debt liabilities. Any problem with capital markets affecting these firms could become very large, very quickly.

What might "very quickly" mean? Because of the scale of short-term obligations of the GSEs, the GSEs are rolling over many billions of dollars of obligations each week. For this reason, a market crisis could become acute in a matter of days, and this is something the country has to think through.

Today's House vote comes nearly a year after Federal regulators ordered Fannie Mae to restate $10.8 billion in previously reported earnings because of accounting problems several years ago, and this is not long after Freddie Mac restated about $5 billion in earnings.

The stakes are significant, given that these two GSEs carry together about $1.5 trillion in debt. The failure of either institution could potentially make the savings and loan crisis of a generation ago look somewhat minor.

I would stress here that Fannie and Freddie are very unique institutions. They are, on the one hand, secondary market institutions serving as intermediaries primary markets as well as a tertiary market. On the other hand, when they hold mortgages in their portfolios, they are, in effect, simply another S&L. Hence, while financial risk management tools are much greater than they were a generation ago when we had the S&L crisis, in one sense, for these two institutions, their use is a little bit more problematic, because in the housing industry risk is transferred to Fannie and Freddie disproportionately. They become receivers of risk and as risk becomes concentrated within these institutions, they disproportionately become on the hook if very extraordinary things happen in the economy, something that is not beyond thinking.

In the 1980s, without sufficient capital, S&Ls grew larger and entered new lines of business as their capital basis shrunk, and, when things got bad, the taxpayer was on the hook for $250 billion. Fannie and Freddie today operate on a capital base much less than S&Ls did just before their collapse in the 1980s.

It has been suggested by some—actually, a "Dear Colleague" letter has been circulated—that opponents believe that my amendment would limit the discretion of the new regulator. I would only suggest that that is not my intent, and it is clearly not the intent of the language.

Let me just describe what the Federal Reserve says about this. In a letter dated October 5, 2005, Chairman Greenspan wrote, "This amendment would improve the proposed legislation. . . The regulators for the GSEs should have a free hand in determining . . . minimum risk-based capital standards for these enterprises. Your amendment would give the regulator greater discretion in this critical area."

It is one thing to have institutions established to have an advantage in cost of money provided by the United States Government, and another thing to also have advantage in leverage ratio provided by the United States Congress. So because the growing presence of GSEs in our markets and the possible risk they pose to our financial system are significant, it is clear we need a strong regulator, and I would urge that this regulator be given this additional authority.

The Acting CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, the gentleman from Iowa is a thoughtful Member and the former chairman of the committee, who has been very critical of the role of GSEs, and I think this is, frankly, not so much a specific amendment as an expression of a sense that, a view that they have gotten too large. One particular aspect to the amendment seems to me to sum this up when it calls for higher minimum capital requirements as the director deems necessary or appropriate to ensure long-term institutional viability and competitive equity in the market.

Now, we are all for long-term institutional viability, but competitive equity means, look, there are banks who complain that because Fannie and Freddie are perceived to have some back-up from the Congress, and let me say right now, if you are listening, if you are buying Fannie or Freddie's paper because you think I am going to vote to bail you out, sell it, and cash it in, I am not going to do that. I do not think there is a Federal guarantee. I certainly, as a great supporter of their housing role, do not plan to do that. But banks complain that they cannot meet Fannie and Freddie's price because Fannie and Freddie can borrow money more cheaply. That is part of what we are dealing with here when you talk about competitive equity.

I agree that Fannie and Freddie get certain advantages in this. That is why we have virtual unanimity here. There are debates about restrictions on what happens when you go into the Affordable Housing Fund, but there is virtual unanimity about having an Affordable Housing Fund.

What we are saying is there are two ways we can do this. We can reduce what we think is Freddie and Fannie's competitive advantage, or you can make sure that more of that competitive advantage is shared with the housing market, and that is the position that the majority, bipartisan majority of the committee has taken.

When the gentleman from Iowa talks about competitive equity, it seems to me you are inviting the banks to say, wait a minute, that is not fair, and we do not want Fannie and Freddie to be able to do this as cheaply as possible because it is not fair to us.

With regard to the powers of the regulator, the gentleman from Louisiana played a major role in this, and the gentleman from Pennsylvania was with him, and the chair and ranking member of the subcommittee. The regulator is fully empowered. The regulator within the bill is fully empowered to do whatever is necessary for safety and soundness. The regulator can raise capital in general; the regulator can decide that a particular activity is risky, and capital should be raised to compensate for that. But to go beyond and to get into competitive equity, it seems to me to be not so much a concern for safety and soundness as the philosophical question.

I would also say that with all of the misdeeds of Fannie and Freddie, their safety and soundness has not been called into question. Yes, there were accounting misdeeds, and people got money who should not have gotten it, and some are being penalized as they should be, but safety and soundness has not been called into question, and this legislation further enhances what the regulator does.

Mr. LEACH. Mr. Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from Iowa.

Mr. LEACH. Mr. Chairman, first I would like to make clear that what the amendment does is say, "which may include" consideration for what the gentleman has just indicated.

Mr. FRANK of Massachusetts. Competitive equity.

Mr. LEACH. That is correct. But secondly, if you do not have concern for competitive equity, you put the taxpayer at greater risk because you will have weaker standards. You also drive a system that we will be putting all assets of a given kind of industry within a governmentally privileged institution. That is what the trends are. So this is both a taxpayer protection and free market protection.

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Mr. FRANK of Massachusetts. Well, I would say to the gentleman, we agree on this. Competitive equity has got nothing to do with protecting the taxpayers, except the taxpayers who happen to own banks. That is where competitive equity comes in.

The fact is that safety and soundness is what protects the taxpayers. Competitive equity has to do with fairness to competitors. That does not implicate the Treasury.

Mr. Chairman, I yield such time as he may consume to the gentleman from Texas (Mr. NEUGEBAUER).

Mr. NEUGEBAUER. Mr. Chairman, I rise in opposition to the Leach amendment. H.R. 1461 clearly stipulates that the new regulator for Fannie, Freddie, and the Home Loan Banks has the authority to increase the minimum capital levels "to the extent needed to ensure that the regulated entities operate in a safe and sound manner."

This is a broad grant of authority to this new regulator. The Leach amendment, however, begins to limit the discretion of the regulator by adding several competitive issues in the determination of the minimum capital.

The Leach amendment would effectively establish minimum capital at an arbitrary decision, by equating that to banks. Let us be very clear that these entities are not banks. One of the things that we need to make sure of is that if we are going to form a world-class regulator for these entities and that we are going to put in place people to manage that process and to regulate these entities, we need to give them the discretion that they need to make sure that as they set those capital levels that they are considering the economy, the state of the markets at that particular time, and have the ability to regulate to those entities and not try to make those entities something that they are not, and these entities are not banks.

The gentleman's amendment does not do anything to increase the safeness and the soundness of these institutions. By the very fact that the regulators will have the ability to do that, set those minimum capital levels at a level that they need to be, gives them the flexibility to do that.

And so I would urge Members to vote against the Leach amendment.

The Acting CHAIRMAN (Mr. PUTNAM). The question is on the amendment offered by the gentleman from Iowa (Mr. LEACH).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. LEACH. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Iowa (Mr. LEACH) will be postponed.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

Amendment No. 1 by Mr. OXLEY of Ohio.

Amendment No. 4 by Mr. LEACH of Iowa.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 1 OFFERED BY MR. OXLEY

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Ohio (Mr. OXLEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 210, noes 205, not voting 19, as follows:

[Roll No. 541]

AYES—210

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Cunningham
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Doolittle
Drake
Dreier
Duncan
Emerson
English (PA)
Everett
Farr
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson, Sam
Jones (NC)
Keller
Kelly
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Oxley
Paul
Pearce
Pence
Peterson (PA)
Pickering
Pitts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Reichert
Renzi
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shays
Sherwood
Shimkus
Shuster
Simpson
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Tancredo
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—205

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (NY)
Blumenauer
Boren
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Ehlers
Engel
Eshoo
Etheridge
Evans
Fattah
Filner
Ford
Frank (MA)
Gilchrest
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McKinney
McNulty
Meehan
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Otter
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Petri
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Ross
Rothman
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Simmons
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Sweeney
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Woolsey
Wu
Wynn

NOT VOTING—19

Bishop (GA)
Boswell
Brown-Waite, Ginny
Cannon
Diaz-Balart, L.
Diaz-Balart, M.
Emanuel
Foley
Meek (FL)
Moran (VA)
Platts
Reyes
Reynolds
Ros-Lehtinen
Roybal-Allard
Shaw
Towns
Wexler
Whitfield

□ 1457

Mr. WEINER, Ms. MILLENDER-MCDONALD, and Mr. GILCHREST changed their vote from "aye" to "no".

Mr. SIMPSON changed his vote from "no" to "aye".

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. FARR. Mr. Chairman, on rollcall No. 541, I inadvertently voted "aye." I wish the RECORD to show that had I voted correctly, I would have voted "no."

AMENDMENT NO. 4 OFFERED BY MR. LEACH

The Acting CHAIRMAN (Mr. PUTNAM). The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Iowa (Mr. LEACH) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 36, noes 378, not voting 19, as follows:

[Roll No. 542]

AYES—36

Beauprez
Blackburn
Chocola
Cooper
Dicks
Dingell
Duncan
Ehlers
Flake
Franks (AZ)
Garrett (NJ)
Gilchrest
Gillmor
Gutknecht
Hensarling
Hostettler
Johnson (CT)
King (IA)
Kingston
Latham
Leach
Lungren, Daniel E.
Musgrave
Nussle
Paul
Pence
Petri
Rohrabacher
Royce
Ryan (WI)
Shadegg
Shays
Taylor (MS)
Taylor (NC)
Wamp
Wynn

NOES—378

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Becerra
Berkley
Berry
Biggert
Bilirakis
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Doggett
Doolittle
Doyle
Drake
Dreier
Edwards
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Gibbons
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (NY)
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lynch
Mack
Maloney
Manzullo
Marchant
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy
Murtha
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ross
Rothman
Ruppersberger
Rush
Ryan (OH)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Young (AK)
Young (FL)

NOT VOTING—19

Berman
Bishop (GA)
Boswell
Brown-Waite, Ginny
Diaz-Balart, L.
Diaz-Balart, M.
Emanuel
Foley
Markey
Meek (FL)
Moran (VA)
Platts
Reyes
Reynolds
Ros-Lehtinen
Roybal-Allard
Shaw
Wexler
Whitfield

☐ 1506

Mr. ADERHOLT changed his vote from "aye" to "no."

Mr. ROHRABACHER changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The Acting CHAIRMAN (Mr. BISHOP of Utah). It is now in order to consider amendment No. 5 printed in House Report 109–254.

AMENDMENT NO. 5 OFFERED BY MR. ROYCE

Mr. ROYCE. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. ROYCE:

Page 53, line 20, after "enterprise" insert the following: ", with mitigating systemic risk to the housing or capital markets or the financial system,".

The Acting CHAIRMAN. Pursuant to House Resolution 509, the gentleman from California (Mr. ROYCE) and the gentleman from Pennsylvania (Mr. KANJORSKI) each will control 5 minutes.

The Chair recognizes the gentleman from California (Mr. ROYCE).

Mr. ROYCE. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey (Mr. GARRETT).

Mr. GARRETT of New Jersey. Mr. Chairman, I rise in support of this legislation, which strengthens the language with regard to portfolios and GSEs.

The GSEs claim that they are shock absorbers in the system. One of the main reasons that Fannie and Freddie claim they should not have their portfolios limited is that they provide a stable means of support for the residential finance markets at times of crisis.

Fannie's CEO, Dan Mudd, testified that "our mortgage portfolio allows us to play a shock-absorbing function for the finance system during times of potential difficulty."

This week, Freddie's president, Eugene McQuade, was quoted as saying that the enterprises provided a source of stability to the mortgage finance market after the September 11 terrorist attacks.

This is a nice thought, Mr. Chairman. However, their statements are not true.

If you look at Fannie's purchases for its portfolio during every month of 2001, you will notice that its purchases in September of 2001, of that year, were the lowest level of anytime during that year.

Fannie might argue that they acted as a shock absorber not by buying mortgages and MBS, but by committing to buy in succeeding months.

Mr. Chairman, I will conclude by saying that we should support these significant portfolio limitations in order to make sure that GSEs are able to be reined in and not become what they have said they are and go out of their range of portfolio.

Mr. KANJORSKI. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. GARY G. MILLER).

Mr. GARY G. MILLER of California. Mr. Chairman, this amendment basically is unnecessary. It interferes with the GSEs' ability to provide stability and liquidity to the residential mortgage market, including during times of crisis, which is mostly important.

The bill already allows the regulator to address safety and soundness concerns through risk-based capital, minimum capital, and portfolio powers. Adding this systemic risk language would likely add uncertainty and instability into the secondary-mortgage market, ultimately resulting in a negative impact on the housing markets.

H.R. 1461 gives the new regulator the same powers and authority that bank regulators have, and more, including the authority to limit the growth of the housing GSEs for safety and soundness reasons.

Bank regulators do not have the authority to limit growth of banks for undefined systemic risk reasons. The Royce amendment goes beyond the bank-like regulation.

Similar to bank regulatory authority, H.R. 1461 gives the GSE regulator the discretion to increase a GSE's capital requirement, particularly the minimum capital requirement, which effectively empowers the regulator to limit the growth of a GSE's portfolio.

H.R. 1461 also gives the regulator the authority to adjust risk-based capital, which provides a risk-related measure by which the regulator evaluates all aspects of a GSE's business.

H.R. 1461 already provides an unprecedented level of authority over the enterprises' portfolios.

The bill gives the regulator broad authority over the size and competition of the GSEs' portfolios.

The regulator could force an enterprise to dispose of any asset or liability if the regulator determines that doing so would be consistent with safety and soundness.

Let me quote from the bill itself. H.R. 1461, page 53: "Notwithstanding the capital classifications of the GSE, the director may by order require an enterprise, under such terms and conditions as the director determines to be appropriate, to dispose of or acquire any asset or liability, if the director determines that such action is consistent with the safe and sound operation of the GSE."

By harming the GSEs' ability to support our Nation's mortgage market, the Royce amendment would endanger housing.

Reducing the size of the GSE portfolios for reasons other than those affecting the safety and soundness of the company could negatively impact home buyers and the mortgage market in the following ways: one, increasing mortgage rates for customers; two, limiting the liquidity available to small lenders to sell their mortgages, and many more.

I strongly encourage a "no" vote for this amendment.

Limiting the GSEs' ability to sustain the market in time of crises and keep mortgage rates stable.

Reducing new mortgage product innovation—limiting the GSEs' ability to reach underserved populations and achieve their housing goals.

CONCLUSIONS

GSEs are essential to housing market. The GSEs' mortgage investment activities are crucial to fulfilling their mission to provide liquidity, stability and affordability in the residential mortgage market.

Banks are not obligated to provide liquidity, stability or affordability to the mortgage market. They are free to enter or leave the market at any time. When market conditions become less favorable, they will shift into other, more profitable investments.

Royce will reduce liquidity. Arbitrarily forcing the GSEs to reduce their mortgage investments would reduce liquidity in the mortgage market, hinder the GSEs' ability to stabilize the market, and make mortgage credit more expensive.

Mr. ROYCE. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. Mr. Chairman, I thank the gentleman for yielding me time, and I thank him for his amendment.

First, I want to thank the gentleman from Ohio (Mr. OXLEY) and the gentleman from Louisiana (Mr. BAKER) for bringing us to this position in the first place.

Clearly, there have been huge accounting irregularities at our GSEs. Clearly, something needs to be done; and with these accounting irregularities, we also know that we have very significant systemic risks to our economy that are involved with the GSEs' portfolio holdings.

Chairman Greenspan has testified before our committee on numerous occasions about this. It is time that we do something.

This is as straightforward an amendment as it can be. It simply adds a sentence to this legislation allowing the new regulator the authority to step in, where necessary, to reduce the size of Fannie and Freddie's portfolios, something that we know has nothing to do with their mission of creating liquidity in the secondary-mortgage market.

Again, as Chairman Greenspan said before, "Without the needed restrictions on the size of the GSE balance sheets, we put at risk our abilities to preserve safe and sound financial markets in the United States, a key ingredient of support for housing."

I urge a "yes" vote on the amendment.

□ 1515

Mr. KANJORSKI. Mr. Chairman, I yield 1 minute to the gentleman from Virginia (Mr. TOM DAVIS).

Mr. TOM DAVIS of Virginia. Mr. Chairman, I rise in opposition to the amendment.

Briefly, I want to note that the existing committee print already gives the regulator power to force Freddie Mac and Fannie Mae to sell assets for any possible safety and soundness problems. I am not sure that adding an additional test, one that is ill-defined, will accomplish any additional good.

And it could do some harm. Here is why: under this amendment, a regulator could decide to force a healthy, over-capitalized Freddie or Fannie to sell assets at a time when the housing market could ill afford it. The ripple effects on local homeowners, communities, and economies could suffer, all in the name of this theoretical term of "systemic risk."

I should add this approach is not consistent with the banking world. This power to punish a healthy institution in advance of any real safety and soundness problem does not exist in the banking world. And many banks are now the same size as Freddie and Fannie. I urge Members to support the well-balanced committee print language.

Mr. ROYCE. Mr. Chairman, I reserve the balance of my time.

Mr. KANJORSKI. Mr. Chairman, I yield myself the balance of my time.

I have a great deal of respect for the proponent of this amendment. I know he is a very serious and thoughtful Member; but I think this amendment goes overboard from the standpoint of during the 6 years of consideration of this bill, we balanced out very well the structure to create a regulator that would be similar to the bank regulators. The powers involved in this bill allow for the regulator to control safety and soundness and to have direction of the portfolio when systemic risk would occur in these particular organizations.

This amendment goes far beyond that and allows the latitude to the regulator to get involved whenever there are capital-markets instability, not only housing instability, but capital markets or the financial system instability. What it means is we will always be subject to the whim and fancy of a regulator to require these GSEs to sell assets or sell liabilities at the whim of the regulator's thought that there may be some need to regulate systemic risk, when in fact these organizations suffer no systemic risk.

I join with the gentleman from Virginia (Mr. TOM DAVIS) when he analyzes out that what we would be doing is arming a regulator who may not always be the most thoughtful individual in the world to take actions against our housing industry and our housing GSEs at the most inappropriate time and moment, causing destabilization to the housing market and, in effect, causing further destabilization and systemic risk to the financial markets. I urge my colleagues on both sides of the aisle to vote "no" on this amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. ROYCE. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I rise today in support of this amendment dealing with systemic risk to H.R. 1461, the legislation to reform oversight of the Nation's three housing GSEs.

I think most people would assume that Congress would and should create a regulator with the authority to protect the broader financial system with respect to systemic risk, especially in light of the warnings of systemic risk from the Federal Reserve and the

Treasury, the $1.5 trillion of mortgage assets concentrated in just two companies, the special ties the GSEs have with the Federal Government, and the over-$2 trillion in GSE debt.

Unfortunately, the fact of the matter is that H.R. 1461 fails to give the regulator the authority to protect the financial system against a potential shock that would seriously undermine the U.S. housing market and the global financial system.

I have just spoken with Alan Greenspan's office this afternoon, and they totally reject the argument that the regulator has this ability to take into account the systemic risk and take the necessary actions in the bill; and also the Bush administration disagrees with that assertion. They think it is not in there.

Furthermore, if the authority is already in the bill, what is wrong with my additional 14 words stating it explicitly. Let me also make the point that my amendment would allow the regulator to review the investment holdings of Fannie Mae and Freddie Mac, and this authority is necessary because the huge concentration of on-balance sheet assets of Fannie Mae and Freddie Mac create too much interest rate risk, in other words, too much exposure to swings in interest rates in the hands of only a few risk managers.

The traditional mortgage guarantee business model at Fannie Mae and Freddie Mac provides liquidity in the mortgage market and helps homeownership without increasing risk to the taxpayer. However, the enterprises' on-balance sheet mortgage assets only benefit Fannie and Freddie shareholders at the expense of the taxpayer.

Taking into account the unequaled levels of debt outstanding and the unprecedented use of derivatives to manage interest rate risk at the enterprises, the Federal Reserve and the Treasury Department believe that the on-balance sheet mortgage assets of the two enterprises create systemic risk to the global financial markets.

Mr. Chairman, Congress failed to rein in the savings and loan industry in the early 1980s. That failure led to hundreds of billions of dollars in taxpayer losses. Today, however, Congress has been forewarned by the Fed, the Treasury, the OECD, and the IMF. I would like to end debate on this amendment with the words of our distinguished chairman of the Federal Reserve, Alan Greenspan, who has publicly urged the House of Representatives to defeat H.R. 1461 unless the threat of systemic risk is addressed. He said: "To fend off possible future systemic difficulties, which we at the Federal Reserve Board assess as likely if GSE expansion continues unabated, preventative actions are required sooner rather than later." I urge my colleagues to support this amendment.

The Acting CHAIRMAN (Mr. BISHOP of Utah). The question is on the amendment offered by the gentleman from California (Mr. ROYCE).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. ROYCE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California (Mr. ROYCE) will be postponed.

It is now in order to consider amendment No. 6 printed in House Report 109–254.

AMENDMENT NO. 6 OFFERED BY MR. PAUL

Mr. PAUL. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. PAUL:

Page 64, after line 12, insert the following new section:

SECTION 117. ELIMINATION OF AUTHORITY TO BORROW FROM TREASURY OF THE UNITED STATES.

(a) FANNIE MAE.—Section 304 of the Federal National Mortgage Association Charter Act (12 U.S.C. 1719) is amended by striking subsection (c).

(b) FREDDIE MAC.—Section 306 of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1455) is amended by striking subsection (c).

(c) FEDERAL HOME LOAN BANKS.—Section 11 of the Federal Home Loan Bank Act (12 U.S.C. 1431) is amended by striking subsection (i).

The Acting CHAIRMAN. Pursuant to House Resolution 509, the gentleman from Texas (Mr. PAUL) and the gentleman from Massachusetts (Mr. FRANK) each will control 5 minutes.

The Chair recognizes the gentleman from Texas (Mr. PAUL).

Mr. PAUL. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, my amendment is straightforward. It cuts off a line of credit to the Treasury. The GSEs have a line of credit of $2 billion. It is said that it is not important because they never use it. The answer really to that is if they never use it, why leave it on the books. But we do know they indirectly use it. It has been described as a subsidy, because the GSEs can go into the market and get a discount on their loan costs; therefore, they can outcompete the private sector. My amendment merely eliminates that line of credit, puts a greater burden on the marketplace to regulate the GSEs rather than depending on regulation.

I think Members can see there is a problem with our GSEs. The debt is horrendous. Today, the administration sent a letter around and said that the debt of the GSEs totals $2.5 trillion, and they also guarantee in addition $2.4 trillion. That adds up to more money than the Federal Government has borrowed. So it is a tremendous amount of money and credit that is in the system; and people have become frightened about this, including chairman of the Federal Reserve Board, Alan Greenspan.

But what we are doing here today is not addressing the real problem: Why is it out of control? Why is there a financial housing bubble that everybody is afraid is going to undergo a severe correction?

One of the major reasons is the fact that it has this special line of credit. So if we want to address the real cause of the problem, we have to eliminate the line of credit. So it rather amazes me that we do this much legislating without addressing the real cause of our problem.

Of course, there are other things that contribute to the housing bubble, something that we cannot deal with today, but the fact that there is easy credit and low interest rates, interest rates below the market level, that is then directed into the housing market. This also contributes to the size and the scope of the borrowing capacity of the GSEs.

Also in this bill, of course, we are adding into this a brand new housing program which is said to probably involve another billion dollars in the next 2 years. I guess it is not surprising when The Wall Street Journal editorializes against this. Unfortunately, they are not very kind. They say this bill is another "Republican policy embarrassment".

This housing bubble, a housing program that we are starting up, how do we finance it? Well, we tax the GSEs. Instead of arguing the case for the marketplace and letting people earn money legitimately without subsidies, what we do, we keep allowing the system to continue. They do make profits, and then we tax them. We are talking about an additional tax, and this might very well be the reason the administration has come out against this bill, because of this new tax.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, first, the administration has been somewhat inconsistent on this. A year ago, Secretary of HUD Jackson boasted about the fact that he was insisting Freddie and Fannie increase the extent to which they do low-income housing because we have always had affordable housing goals enforced by law. So the administration last year was insisting that Fannie and Freddie use more of their money to help low-income people.

Let me say, I am not surprised. The gentleman from Texas (Mr. PAUL) has been straightforward. He is one of the most intellectually honest Members of the House. Sometimes, like on casino gambling and medical marijuana, I am glad to be with him. This time we disagree. He is very clear in saying we should not be doing subsidized housing. He is quite clear.

If his amendment were to pass, we would not be able to have an affordable housing program because the level of profits Fannie and Freddie generate, which we are tapping in part, 5 percent, to do affordable housing, would substantially diminish.

Yes, I think people ought to be able to work to build housing; but low-income people, people working at the minimum wage, a minimum wage the gentleman does not want to raise, are not going to be able to build their own housing.

People in the hurricane area who get priority, if the affordable housing bill goes through, that part of the bill goes through, hundreds of millions of dollars will be available to replace housing literally washed away in Mississippi, Alabama, Texas, and in Florida. There is no way people down there will be able to do it on their own. The gentleman has been quite explicit, and I appreciate his being honest about it.

If this amendment passes, the effect will be to substantially increase the capital cost to Fannie and Freddie. They will have to pay more for capital. Once they pay more for capital, not only would the affordable housing fund disappear, but so will the ability of the Bush administration, through Secretary Jackson, to demand that they meet certain housing goals. And leave aside the affordable housing program, the Bush administration, under Secretary Jackson, is proud of what it did to order Fannie and Freddie to do more to meet affordable housing goals, to buy up mortgages for people at 80 percent of median income. I hope that the gentleman's amendment in this particular case is defeated.

Mr. Chairman, I reserve the balance of my time.

Mr. PAUL. Mr. Chairman, I yield myself such time as I may consume.

If we had a bill that was a little cleaner, we probably would be dealing with the problems we face with the GSEs and we would be dealing with a housing program, a new housing program, probably with a different bill.

I see one attempt is to deal with this problem that we face. Another attempt is we are deciding that we need more money directed into the housing industry, and of course your building friends like this, too. And those are Republican allies as well. The builders love this because we will pump more money into the market so they can make more profits. So it is another government housing project. From a market viewpoint, this is not good because we want the money in the market to be allocated purely by the market and not by government direction.

It is the government direction first from the inflation, the artificial interest rates, and then from the allocation of funds that cause distortion. That is what we are dealing with here, the distortion that people are literally frightened about because nobody can even measure the amount of derivatives that are involved with Fannie Mae and Freddie Mac. People are holding their breath for an accident to happen.

I see this as an opportunity to talk about the marketplace, why we should move Fannie Mae and Freddie Mac into the market.

A lot of people complained about the problems we had with Enron, and we needed that as an excuse to pass a lot more regulation. The truth is the market dealt with Enron. Enron was dealt with rather cruelly by the marketplace before the regulators got there. What we need to do is not, and especially as Republicans and conservatives, talk about a world-class regulator and that it is going to solve all of these problems.

My argument is if we do not solve the problem of basic underlying inflation distortion of interest rates, allocation of funds through housing programs, as well as this line of credit, believe me, we are not going to solve this problem. Please vote to strike this line of credit to the Treasury.

□ 1530

As it was stated earlier on this floor, we may have some regulations built into this that may even precipitate the puncturing of the housing bubble. That nobody can predict. But without addressing the basic flaw in the system that has created this $5 trillion worth of debt, believe me, we will not have an answer. I urge a "yes" vote on this amendment.

The Acting CHAIRMAN (Mr. BISHOP of Utah). The time of the gentleman from Texas has expired.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself 30 seconds.

The gentleman's amendment actually does not go quite far enough, but he has a germaneness problem. What he really wants to do is abolish HUD, given his philosophy. He does not think there should be a Federal housing program. Since he cannot get at HUD, he goes after Fannie and Freddie in ways that would reduce substantially what we do in housing.

And, by the way, the administration's objection to this bill is not, as says the gentleman, that it is too much regulation. It is that we do not give the regulator enough powers. So the administration's position is somewhat opposite to the gentleman from Texas', not for the first time, to his credit.

Mr. Chairman, I yield 1½ minutes to the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ).

Ms. WASSERMAN SCHULTZ. Mr. Chairman, I rise today to strongly oppose the Paul amendment and the civic engagement restrictions in the manager's amendment we previously debated. These will have a disproportionate and disparate impact on the State of Florida.

I just came back from my district, where the damage caused by Hurricane Wilma has been extensive. Its effects will be felt for months, if not years. Thousands of Floridians are living in shelters, as thousands of homes in the State were severely or completely destroyed.

People in Florida, Texas, the Gulf States, and across the country have been affected by these storms and have real life issues to deal with: food, shelter, clothing, fuel, lines for 2 and 3 hours to get fuel. I had to drive 150 miles today before I could find one gas station that only had about a half-hour line.

These people need shelter. They are going to need affordable housing. They could care less about partisan politics. These restrictions are misplaced and unnecessary. They preclude legitimate nonprofits from accessing affordable housing funds at a time when hundreds of thousands of Americans desperately need this assistance. We should not be clouding the need for affordable housing with partisan politics.

I urge my colleagues to stay focussed on the issues that are at the center of people's lives and vote "no" on this amendment and ultimately support the gentleman from Massachusetts' motion to recommit.

Mr. FRANK of Massachusetts. Mr. Chairman, we have had very limited time here, so I am going to stray to another topic relative to the bill.

Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. SHERMAN).

Mr. SHERMAN. Mr. Chairman, I thank the gentleman for yielding me this time and for inviting me to address the Garrett amendment, which comes up next, and to urge that we oppose that amendment.

I want to thank the chairman and the ranking member for including in the bill when it left our committee language proposed by the gentleman from California (Mr. GARY G. MILLER) and myself to raise the conforming loan limit in certain areas.

The reason we have these GSEs is to help middle-class families achieve the dream of homeownership. Since the beginning, we recognized that a middle-class family cannot find a home in Alaska and Hawaii at the same amounts with the same level of mortgage as in the other 48 States. So we have always had a higher limit for those States. We now must recognize that in Los Angeles, New York, and certain other areas, housing prices are every bit as high as in some parts of Alaska and Hawaii. And that is why the bill that we need to defend from the Garrett amendment provides for a conforming loan limit, that is either as high as it is in Alaska and Hawaii or such lower amount as equals the average home price in that area.

We have middle-class families in my district, a police officer married to a teacher, trying to get a home. Do not deprive them of the benefits of these GSEs on the theory that they are wealthy. They are not.

The Acting CHAIRMAN (Mrs. CAPITO). The question is on the amendment offered by the gentleman from Texas (Mr. PAUL).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. PAUL. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas (Mr. PAUL) will be postponed.

It is now in order to consider amendment No. 7 printed in House Report 109–254.

AMENDMENT NO. 7 OFFERED BY MR. GARRETT OF NEW JERSEY

Mr. GARRETT of New Jersey. Madam Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. GARRETT of New Jersey:

Strike line 21 on page 81 and all that follows through line 4 on page 91.

The Acting CHAIRMAN. Pursuant to House Resolution 509, the gentleman from New Jersey (Mr. GARRETT) and the gentleman from California (Mr. GARY G. MILLER) each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. GARRETT).

Mr. GARRETT of New Jersey. Madam Chairman, I yield myself 2 minutes.

My amendment would strike the language in the bill that raises the conforming loan limits for certain parts of the United States. H.R. 1461 would raise by 50 percent the maximum size mortgage Fannie Mae and Freddie Mac could buy.

This language hurts the very basic functions of GSEs to provide liquidity and help lower-income home buyers.

While the GSEs are chartered to operate in every district across the country, their effectiveness in serving low-income borrowers has been seriously hindered because they focus instead on bigger and bigger loans to higher and higher-income borrowers. Presently, Fannie and Freddie can buy first mortgages on single-family houses up to $359,000. That limit is the so-called "conforming loan limit," and it rises every year. Next year it will go up to $400,000. But with the bill now, it will go up to $600,000 in 2006. A home buyer would need an income of almost $200,000 to buy that home. Is that what Fannie Mae was intended to help?

According to a study by the Federal Reserve published last January, the interest rate difference between a conforming loan and a jumbo loan fluctuates between .15 percent and .18 percent, most of which is pure profit for Fannie Mae. Based on the current interest rate environment, this means at best Fannie is going to lower monthly costs by simply $60 for someone buying that $200,000 loan who is now paying $3,300 or so a month in mortgage payments.

The problem for Fannie is this extension into jumbo loans for higher-income families and forgetting about their mission to help lower-income families comes with a an added price, a risk to their balance sheets.

Chairman Greenspan and Secretary Snow have consistently raised their concerns about the systemic risks that the size of Fannie and Freddie's portfolios pose to our Nation's housing market. And if we allow them now to participate in the jumbo loan market as well, they will only continue to further exacerbate this dire situation.

We should ask, why was it even proposed that Fannie get this added power to help high-income home buyers? Was there a problem that needed to be fixed? No such evidence was ever presented at any of the committee hearings.

The private sector has adequate sources of funding for loans that are above the conforming limits. An active private secondary market for larger mortgage loans that did not exist when the enterprises were set up is now active to supplement these sources of funding, and allowing Fannie to take on higher costs in jumbo loans only takes valuable time and resources away from their enterprises.

Madam Chairman, I reserve the balance of my time.

Mr. GARY G. MILLER of California. Madam Chairman, I yield myself such time as I may consume.

GSEs have been at the forefront of creating affordable housing opportunities for American families.

While nationally the homeownership rate is at a record high of 69.2 percent, many high-cost metropolitan areas across the Nation lag behind this national rate. In the second quarter of 2004, the national average was 69.2 percent. Yet in New York, New York it was 36.6; Los Angeles, California, 51.6; Orange County, California 61.4; and Boston, Massachusetts, 59.4.

The high-cost area designation takes median home prices into account, but would be capped at 150 percent of the statutory loan limit, the same limit that now applies to Alaska, Hawaii, Guam, and the Virgin Islands. If it is good enough for Alaska, Guam, Hawaii, and the Virgin Islands, it should also be good enough for California; Michigan; New York; Connecticut; New Jersey; Nevada; Virginia; Washington, D.C.; Pennsylvania; Florida; New Hampshire; and many more. For example, in the North New Jersey Metropolitan Statistical Area, the median home price is $435,200. It this amendment passes, it would drop to $359,650 under the loan limits.

The conforming loan limit provision in this bill will make a meaningful cost difference for home buyers. Based on the current interest rate environment, the current monthly payment difference between a conforming loan and a jumbo loan can save a homeowner up to $171 per month. In high-cost areas a significant majority of entry-level homes exceed the national conforming loan limit. The conforming loan limits language in H.R. 1461 will help nearly 245,000 first-time home buyers. In fact, in the gentleman from New Jersey's (Mr. GARRETT) district alone, it helps 42,987 first-time buyers.

There is broad-based opposition to this amendment. National Association of Realtors oppose it; National Association of Home Builders, National Association of Mortgage Brokers, Independent Community Bankers of America, National Alliance of Independent Bankers. I just received a call from HUD Secretary Jackson, who also opposes this amendment.

There are three parts in section 123. The Garrett amendment deletes all three in this section. I think that is an error on his part.

This section sets conforming loan limits and requires the agency to make annual adjustments to the limits based on increases or decreases in a housing price index maintained by the agency.

Two, the accuracy of the housing price index is required to be audited by the GAO.

And, three, for high-cost metropolitan statistical areas, the conforming loan limit is raised to the lesser of 150 percent of the statutory limit or the median home price in the area.

The Garrett amendment does not just strike the high-cost area provision, it completely strikes the entire conforming loan limits section of the bill: One, how the loan limit is calculated. Two, it creates uncertainty on who is supposed to set the new loan limit every year. Three, it eliminates flexibility in loan limits to reflect market fluctuations, and the GAO study to develop loan limit is deleted by this amendment entirely.

This basically is to make sure that high-cost areas are provided the same flexibility that Guam, Alaska, Hawaii, and Virgin Islands are currently benefiting from. The housing costs are going up across this Nation. This bill was worked in a fashion to allow for that, to allow systematic review yearly of these high-cost areas so GSEs can go out and compete in the jumbo marketplace, decreasing the cost of loans to individuals, decreasing their payments, allowing more individuals in the first-time marketplace to own a home and get the best possible home they can buy, especially during bad times.

When the economy starts to fail, banks sometimes pull out of marketplaces. GSEs at that time pull into them in a heavier fashion to make sure there is liquidity.

There is ample overview within this bill to make sure safety and soundness are taken into consideration. These loans are securitized. These loans just are just not sitting out there floating in the marketplace. These are good, sound loans based on people who need that.

Madam Chairman, I reserve the balance of my time.

Mr. GARRETT of New Jersey. Madam Chairman, I yield myself 1 minute.

We must remember what the original focus of the GSEs was when they were initially chartered by this Congress, they were to do two things, and that is to provide liquidity to the marketplace and also to help provide for facilitating low-income buyers coming into the marketplace.

It is already set up in the law that the amount that GSEs can lend can go up every year. As it is right now, it stands at $359,000. It is set to go up to $400,000 for next year, in 2006. As the bill was amended in committee, it comes out now that that will go up by 50 percent.

I ask the question, how would we define somebody who is about to buy a $600,000 home? That individual would have to be making an income of around $200,000. Even if they are firemen, policemen, teachers, who have you, they would still need an income of $200,000 in order to buy a home at $600,000.

That was not the intent of GSEs. The intent was to help the low-income market to get their homes. By allowing the GSEs to get into this market, what we are doing is distracting them from their purpose and hurting those very people that they were intended to help: low-income people, whether they are in New Jersey or California or other high-interest-rate States, to be able to buy their first time.

Madam Chairman, I reserve the balance of my time.

Mr. GARY G. MILLER of California. Madam Chairman, the gentleman should have been consistent and deleted Alaska, Guam, Hawaii, and the Virgin Islands.

Madam Chairman, I yield 1 minute to the gentleman from New Jersey (Mr. MENENDEZ).

Mr. MENENDEZ. Madam Chairman, I rise in strong opposition to the Garrett amendment, which would be devastating for middle-class families across New Jersey and in high-cost areas throughout the country.

While my colleague might argue that this amendment would have no effect on the ability of families to purchase a home, he is gravely mistaken.

The Garrett amendment prohibits Fannie and Freddie from purchasing mortgages at a higher cost than the current limit. This means that in the high-cost areas such as those in New Jersey where the median home price exceeds the national price by at least $200,000 in counties like Bergen and Passaic, families would not have access to an affordable loan. Under this amendment families will be priced out of their own neighborhood.

□ 1545

Those who live in higher-cost areas do not deserve to be punished and should not have to move somewhere else to obtain an affordable home loan; yet that is exactly what this amendment does. This amendment is a step backwards for efforts to open the doors to affordable homeownership. We should be trying to expand opportunities for families who dream of owning a home in the area they want to live in, not shutting them out of achieving the American Dream.

I urge a "no" vote on the amendment.

Mr. GARRETT of New Jersey. Madam Chairman, I yield myself 20 seconds.

Madam Chairman, the assertion that this would be devastating to the market runs contrary to the facts before the committee. There was no evidence whatsoever presented to the committee to say that the system in place in States such as New Jersey or California or elsewhere are in need of GSEs to come in to increase their conforming limits by 50 percent. There is already an additional market out there that allows for people to buy jumbo loans; and there are a number of different variations, adjustable rate loans, that allow people who are in the upper brackets and making $200,000 to be able to afford and to buy these mortgages.

Mr. GARY G. MILLER of California. Madam Chairman, I yield 30 seconds to the gentleman from New York (Mr. ISRAEL).

Mr. ISRAEL. Madam Chairman, what we are debating here is what is affordable, how much is enough. Middle-class families know the answer. If you are in the middle class, you are too rich to be eligible for Federal programs, but too poor to be able to keep up with the cost of living.

The language that the gentleman from California (Mr. GARY G. MILLER), the gentleman from California (Mr. SHERMAN), and I worked into this bill is a commonsense, bipartisan compromise that keeps up with that middle-class squeeze that makes the American Dream of homeownership possible. With all due respect to the gentleman, this amendment makes the American Dream of homeownership even harder. We should defeat this amendment.

Mr. GARRETT of New Jersey. Madam Chairman, I yield myself the balance of my time.

Madam Chairman, as stated, the purpose of Fannie Mae and Freddie Mac, the GSEs, was to provide liquidity difficult to the market and allow first-time homeowners to get into the market in the first place. However, we want to define who those people are, and I think some things we can agree on: those people who are making $200,000 and who want to expand and go up to larger houses should not be the ones that we define as lower-income individuals.

The statistics also show that came before our committee that even if we put this into place, the differential on mortgage rates would account for around $60 to $70 per mortgage. So if you are buying that $600,000 house and paying $3,000 or $3,300 a month, even if this bill were to pass, you would only see your savings of around $60 or $70.

I think the focus of Congress should be what it was when Fannie and Freddie were first set up, and that is to help those people get into their very first home. We can do that best by limiting their function to what it was prior to this amendment in the committee, and that is to focus on first-time home buyers in every State of the Union to be able to buy that first home, people of low and modest means who need the assistance of a government-backed program such as Fannie and Freddie to be able to know that there is a program there that allows them to get into that loan.

We can allow the other market, which is already in place, which has been functioning properly, where there is no evidence whatsoever to come before our committee that says there was a need to expand in this area, to continue to provide the financing for people who are at the upper-income levels of $200,000 and the like to be able to buy those homes.

Madam Chairman, I believe the best thing in mind is to make sure we remain in place the system that allows first-time home buyers the ability to get into their homes. By voting "yes" on this amendment, we be will be able to do that.

Mr. FARR. Madam Chairman, I rise in strong opposition to the Garrett amendment that would prevent an increase in the Conforming Loan Limit.

If the Conforming Loan Limit is not increased, middle income families on the Central Coast of California will not be able to own a piece of the American dream—their own home.

Right now, Fannie Mae and Freddie Mac can purchase single family mortgages up to a nationwide limit of $359,650.

Increasing the Conforming Loan Limit will allow these GSEs greater access to high cost housing markets, which will increase the availability of mortgage capital which will increase homeownership.

I understand a mortgage of $359,650 sounds like a lot in some congressional districts, but in my district, middle class families will be priced out of the housing market if the Conforming Loan Limit is not increased.

Let me give you some examples of housing prices for my district—

Monterey County, the median home sales price in September 2005 was $712,797.

Santa Cruz County, the medium home sales price in September 2005 was $750,000.

For the City of Salinas, in Monterey County, the median home sales price in September was $610,000, while the medium household income was $43,720, according to Census figures compiled for 1999.

For the City of Watsonville, in Santa Cruz County, the median home sales price in September was $654,750, while the median household income was $37,617, according to Census figures compiled in 1999.

There is a huge affordable housing-income gap in my district that will only get worse without an increase in the Conforming Loan Limit.

The American dream—homeownership—should be an opportunity for all Americans.

I urge a "no" vote on the Garrett amendment.

Mr. MENENDEZ. Madam Chairman, I rise in strong opposition to the Garrett amendment, which would be devastating for middle-class families across New Jersey and in high cost areas throughout the country.

One of the sensible actions this bill takes is allowing Fannie Mae and Freddie Mac to purchase mortgages that reflect the actual median home price instead of a set national limit.

We all know that the price of purchasing a home is increasing. But Madam Chairman, it is blatantly wrong to pretend that the same loan limits should apply to areas where the average home cost is $75,000 as areas where the median cost is well over $350,000. The reality is, home prices in high-cost areas are skyrocketing at higher rates and to costs that are far above the national average.

While my colleague from New Jersey argues that this amendment would have no affect on the ability of families to purchase a home, he is gravely mistaken.

Because his amendment would prohibit Fannie and Freddie from purchasing mortgages at a cost higher than the current limit, families in high cost areas—such as those in New Jersey where the median home price exceeds the national median home price by at least $200,000—would not have access to any affordable loan. Under this amendment, family will be priced out of their own neighborhood.

These affordable loans help ensure families who seek the dream of homeownership have the same chance to own their own home as those with more means. Families that live in higher cost areas do not serve to be punished and should not have to move somewhere else to obtain an affordable home loan. Yet that is what this amendment would do.

A family living in Bergen or Passaic County, for instance, where the median home price is $390,000, would not be able to get an affordable loan from Fannie or Freddie simply because they live in an area where the cost excess the current limit. So where are they supposed to go?

This amendment is a step backwards for efforts to open the doors to affordable homeownership. We should be trying to expand opportunities for families who dream of owning a home in the area they want to live, not shutting them out from achieving the American dream.

Mrs. MALONEY. Madam Chairman, I rise in opposition to the Garrett amendment. This amendment would take out of the bill a provision that I strongly support which raises the permissible loan limits for Fannie Mae and Freddie Mac up to the median home price in high cost areas such as New York City.

This is a simple and common-sense amendment which recognizes that home prices in some parts of the country are higher than in most of the nation.

In these areas middle class families cannot use lower rate GSE loans to buy a median price home, because the price will exceed the nationwide GSE limit. Simple fairness requires that we solve this problem and give middle class families in these areas the same opportunity to use a lower-cost GSE loan as those in other areas enjoy.

This is about whether New York's policemen, firefighters, school teachers, government workers and other middle-class workers can aspire to home ownership.

I strongly supported raising the loan limit in high cost areas and I strongly oppose taking this provision out.

This amendment is critical to New York and other high cost areas. But it does not come at a cost to other areas. This is not a zero sum situation.

So I urge my colleagues from these areas that are not affected by this amendment to join me in voting against it so that middle class workers across this nation will have a chance at the American Dream of owning your own home.

Ms. WOOLSEY. Madam Chairman, my district, the 6th District of California, just north of the Golden Gate Bridge is a "donor" district. We pay a lot more in taxes than we get back, in fact, the median home price is approaching $1 million. This is almost three times the national median home price, and my constituents want their taxes to work for them.

They want middle-class families in their area to be able to secure a GSE loan.

They want teachers, firefighters, and policemen who serve and live in areas of the country where the housing market is soaring, to be eligible for an GSE loan.

Madam Chairman, we can do that. We must preserve the section of the underlying bill that allows for raising conforming loan limits in high cost areas. I urge my colleagues to oppose the Garrett amendment and allow fair home mortgage lending.

The Acting CHAIRMAN (Mrs. CAPITO). The question is on the amendment offered by the gentleman from New Jersey (Mr. GARRETT).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. GARRETT of New Jersey. Madam Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New Jersey (Mr. GARRETT) will be postponed.

It is now in order to consider amendment No. 8 printed in House Report 109–254.

AMENDMENT NO. 8 OFFERED BY MS. LORETTA SANCHEZ OF CALIFORNIA

Ms. LORETTA SANCHEZ of California. Madam Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Ms. LORETTA SANCHEZ of California:

Page 93, line 17, before the semicolon insert ", including the use of alternative credit scoring".

The Acting CHAIRMAN. Pursuant to House Resolution 509, the gentlewoman from California (Ms. LORETTA SANCHEZ) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California (Ms. LORETTA SANCHEZ).

Ms. LORETTA SANCHEZ of California. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, my amendment is very simple and straightforward. It merely adds alternative credit scoring as an element of the Annual Housing Report, as outlined in section 1324 of the bill.

Before I continue, however, I would first like to thank the Committee on Rules for making the amendment in order and the Committee on Financial Services for its consideration. In particular I would like to thank the gentleman from Delaware (Mr. CASTLE), who has been a leader on exploring the challenges and the opportunities of alternative credit scoring. I look forward to working with the gentleman on this issue in the future.

My amendment is a modest one, but I think its implications have far-reaching potential. It is currently estimated that there are about 50 million people in the United States who have little or no credit history. Many of these individuals make a solid income, they pay their bills, they have substantial savings and investments. However, these people face tough, if not insurmountable, conditions when they go to secure a loan. Those who do qualify often have to pay excessive fees or elevated interest rates. The irony is that you are more likely to secure credit if you have debt than if you have none.

So the question is, how can these people who are outside the traditional banking system gain access to credit and home loans if they have no traditional credit history? One of the answers may be to use alternative credit scoring and alternative sources of information, such as utility bills and other types of payment systems so that they have a history. If we use that, then we could see that they would most likely pay their mortgage every month.

Much work is being done to develop and automate the use of alternative credit information. Companies such as

Fair Isaac, the originator of the FICO score, has an algorithm which it uses to help lenders gain the credit worthiness of unbanked or underbanked applicants. Nevertheless, while the private sector is taking the initiative, I think it needs the support of the Federal Government. Let me tell you why.

Recently, we had Hispanic Heritage Month here in Washington, D.C. where the Congressional Hispanic Caucus Institute does a summit. I did a particular forum on alternative credit scoring. Many of the actors, many of the first originators of loans for homes, for example, said that it would be much easier for them to approve people on alternative credit scoring if in fact the Fannie Maes, for example, of the world actually would buy these in the secondary market. Right now they do not.

So I think it is important for us as the Federal Government to step up and to have Fannie Mae and Freddie Mac and others begin to look at using alternative credit scoring on a more regular basis. It would encourage primary lenders to follow suit; and more people, who should really be eligible for these loans, would be eligible.

My amendment does not mandate nor does it direct GSEs to use alternative credit scoring. It only asks that they report on their use of these methods in the effort to promote greater homeownership, particularly in underserved communities. By raising awareness of alternative credit scoring, we could potentially be helping thousands of qualified home buyers who have always aspired to own their own home.

Madam Chairman, I ask my colleagues for their support on this amendment.

Madam Chairman, I yield back the balance of my time.

Mr. OXLEY. Madam Chairman, I claim the time in opposition, although I am not opposed to the amendment. As a matter of fact, I am very much in favor of the amendment, and I congratulate the gentlewoman from California for her amendment. I know the gentleman from Delaware (Mr. CASTLE) and the gentleman from Michigan (Mr. EHLERS) and others on our side of the aisle have been very interested in this entire issue. I think it is a worthy amendment, and we have no objection on this side.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from California (Ms. LORETTA SANCHEZ).

The amendment was agreed to.

Mr. OXLEY. Madam Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. BAKER) having assumed the chair, Mrs. CAPITO, Acting Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1461) to reform the regulation of certain housing-related Government-sponsored enterprises, and for other purposes, had come to no resolution thereon.

RESIGNATION AS MEMBER OF COMMITTEE ON ENERGY AND COMMERCE

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Energy and Commerce:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, October 26, 2005.

Hon. J. DENNIS HASTERT,
Speaker of the House, the Capitol,
Washington, DC.

DEAR MR. SPEAKER: Please accept my resignation from the House Energy and Commerce Committee.

It has been my great pleasure to serve on the committee under the fine leadership of Chairman Barton.

Thank you for your attention to this request.

Sincere regards,

ROY BLUNT,
Majority Whip.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

ELECTION OF MEMBER TO COMMITTEE ON ENERGY AND COMMERCE

Mr. OXLEY. Mr. Speaker, I offer a resolution (H. Res. 513) and I ask unanimous consent for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 513

Resolved, That the following Member be and is hereby elected to the following standing committee of the House of Representatives:

Committee on Energy and Commerce: Mr. Barrett of South Carolina.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

FEDERAL HOUSING FINANCE REFORM ACT of 2005

The SPEAKER pro tempore. Pursuant to House Resolution 509 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 1461.

☐ 1557

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 1461) to reform the regulation of certain housing-related Government-sponsored enterprises, and for other purposes, with Mrs. CAPITO (Acting Chairman) in the chair.

The Clerk read the title of the bill.

The Acting CHAIRMAN. When the Committee of the Whole rose earlier today, amendment No. 8 printed in House Report 109-254 offered by the gentlewoman from California (Ms. LORETTA SANCHEZ) had been disposed of.

It is now in order to consider amendment No. 9 printed in House Report 109–254.

AMENDMENT NO. 9 OFFERED BY MR. KANJORSKI

Mr. KANJORSKI. Madam Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Mr. KANJORSKI:

Strike line 8 on page 270 and all that follows through line 3 on page 271 and insert the following:

SEC. 181. BOARDS OF ENTERPRISES.

(a) FANNIE MAE.—

(1) IN GENERAL.—Subsection (b) of section 308 of the Federal National Mortgage Association Charter Act (12 U.S.C. 1723(b)) is amended in the first sentence by striking "eighteen persons," and inserting "not less than 7 and not more than 15 persons,".

Strike line 10 on page 271 and all that follows through line 6 on page 272 and insert the following:

(b) FREDDIE MAC.—

(1) IN GENERAL.—Paragraph (2) of section 303(a) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1452(a)(2) is amended in subparagraph (A) by striking "eighteen persons," and inserting "not less than 7 and not more than 15 persons,".

Page 280, lines 1 and 2, strike "shall be elected by the members and".

Page 280, line 3, after the period insert "All directors of a Bank who are not independent members pursuant to paragraph (3) shall be elected by the members.".

Page 280, lines 8 and 9, strike "one-third" and insert "two-fifths".

Page 280, line 10, strike "as follows" and insert ", who shall be appointed by the Director of the Federal Housing Finance Agency from a list of individuals recommended made by the Housing Finance Oversight Board, and shall meet the following criteria".

Page 280, line 20, after "housing," insert "community development, economic development,".

Page 281, line 5, strike "An" and insert "Notwithstanding subsection (f)(2), an".

Page 281, strike lines 11 through 14, and insert the following new paragraph:.

(2) in the first sentence of subsection (b), by striking "directorship" and inserting "member directorship pursuant to subsection (a)(2)";

Page 281, strike lines 15 through 23.

Page 281, line 25, after the semicolon insert "and".

Page 282, strike lines 1 through 8.

Page 282, line 9, strike "(5)" and insert "(4)".

Page 282, line 10, strike "subsection (e)" and insert "subsections (e) and (f)".

Page 283, strike lines 5 through 19 and insert the following:

(c) CONTINUED SERVICE OF INDEPENDENT DIRECTORS AFTER EXPIRATION OF TERM.—Section 7(f)(2) of the Federal Home Loan Bank Act (12 U.S.C. 1427(f)(2)) is amended—

(1) in the second sentence, by striking "or the term of such office expires, whichever comes first"; and

(2) by adding at the end the following new sentence: "An appointive Bank director may continue to serve as a director after the expiration of the term of such director until a successor is appointed.".

The Acting CHAIRMAN. Pursuant to House Resolution 509, the gentleman from Pennsylvania (Mr. KANJORSKI) and the gentleman from Ohio (Mr. OXLEY) each will control 5 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. KANJORSKI).

Mr. KANJORSKI. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, simply stated, the amendment would ensure a continued independent public voice in the corporate governance of Fannie Mae, Freddie Mac, and the Federal Home Loan Banks. The amendment also has had bipartisan support in the Committee on Financial Services. It additionally now has the support of the National Association of Homebuilders and the National Association of Realtors.

The bill before us would make a dramatic change in the board structures of the three government-sponsored enterprises, and this issue deserves a public debate.

The charters of Fannie Mae and Freddie Mac presently require that the boards of both enterprises shall at all times have five members appointed by the President. Additionally, in order to represent the public interest and provide an independent voice, the charters of the Federal Home Loan Banks require at least six individuals to be appointed by the regulator to serve on each bank board.

Unfortunately, the bill before us today would eliminate the requirement for Presidential appointees on the boards of Fannie Mae and Freddie Mac. It would also abolish regulatory appointees on the boards of the Federal Home Loan Banks.

In my view, requiring Presidential and regulatory appointees to serve on the board of Fannie Mae and Freddie Mac and the Federal Home Loan Banks is entirely appropriate, given the unique nature of their charters and their important public missions.

Government-sponsored enterprises by their very nature are public-private entities, and they need to have a public voice at the highest levels of governance.

□ 1600

The Presidential and regulatory appointments, therefore, signal that each entity is not only accountable to its shareholders, but also to broader national public policy interests.

Additionally, the Presidential and regulatory appointment system gives citizens a needed voice in ensuring the viability of our Nation's housing finance system and that the benefits of this system are widely distributed. Maintaining public representation on the GSE boards is therefore critical to ensuring continued public trust in these very important financial institutions.

This amendment would accordingly restore the Presidential and regulatory board appointment systems for GSEs while still preserving important changes made by the bill. These changes include providing flexibility in the size of corporate boards at Fannie Mae and Freddie Mac and lengthening the terms of service at the Federal home loan banks.

The amendment would also make three other minor modifications to the bill related to the boards of the Federal home loan banks. They include raising the number of independent directors, adding community and economic development expertise and allowing appointed independent directors to continue to serve until a successor is in place.

This commonsense amendment to retain an independent public voice on the GSE boards received bipartisan support during the markup of this bill. It also has the backing of those who know our housing markets best, like the National Association of Home Builders and the National Association of Realtors. In a recent letter to me about this amendment, the home builders note that "a diverse governing board of directors that is well balanced in knowledge and expertise in the full range of GSE-related issues and activities is critical."

They also believe that the amendment "will help ensure that the GSE's board of directors are best equipped to make informed, sound judgments in fulfilling their duties, including monitoring risk management activities of the GSEs' executives."

In sum, this amendment is one that deserves the support of everyone who wants to preserve a public voice within the public-private entities and promote good corporate governance. It has the support of the home builders and the realtors.

May I say, at the full committee the amendment was offered and had a 35–35 vote at full committee. On the basis of knowing the importance to corporate governance of this body, I urge my colleagues to adopt this amendment.

Mr. FRANK of Massachusetts. Madam Chairman, will the gentleman yield?

Mr. KANJORSKI. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Madam Chairman, I just wanted to add my voice. The ranking member of the subcommittee has spent a good deal of time focused on the corporate governance of these GSEs. He is one of the best students ever in the House. This is a very thoughtful and, I think, wholly constructive amendment.

It does not detract from any of the purposes that we have. In fact, I think it would enhance them, and I hope the amendment is adopted.

Mr. OXLEY. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, let me just say to my friend from Pennsylvania there are some sections of that amendment that I support in terms of independence. But I do have a problem with the Presidential appointees to the board. They are basically symbols of the tie between Fannie Mae, and Freddie Mac and the Federal Government, and really do speak to the implied guarantee out there for the GSEs.

The gentleman indicated that he had bipartisan support. In fact, it failed on a tie vote in the committee. I will concede there was bipartisan support. There was also bipartisan opposition.

But at the same time I think that President Bush, who has decided not to fill those vacancies on the board, is on the right track, and I think this amendment would simply add to the perception of the Federal guarantee. To that extent, I would oppose the amendment.

Madam Chairman, I yield back the balance of my time.

Mr. KANJORSKI. Madam Chairman, I yield back the balance of my time.

The Acting CHAIRMAN (Mrs. CAPITO). The question is on the amendment offered by the gentleman from Pennsylvania (Mr. KANJORSKI).

The amendment was agreed to.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

Amendment No. 5 by Mr. ROYCE of California.

Amendment No. 6 by Mr. PAUL of Texas.

Amendment No. 7 by Mr. GARRETT of New Jersey.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 5 OFFERED BY MR. ROYCE

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. ROYCE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 73, noes 346, not voting 14, as follows:

[Roll No. 543]

AYES—73

Akin
Bartlett (MD)
Beauprez
Blackburn
Blunt
Cardoza
Chabot
Chocola
Cooper
Culberson
Deal (GA)
DeLay
Dreier
Duncan
Ehlers
Feeney
Ferguson
Flake
Fortenberry
Foxx
Franks (AZ)
Garrett (NJ)
Gillmor
Gohmert
Goode
Gutknecht
Hall
Hayworth
Hensarling
Hoekstra
Hostettler
Hunter
Inglis (SC)
Jones (NC)
Kennedy (MN)
King (IA)
Kingston
Kirk
Kline
Kolbe
Leach
Lungren, Daniel E.
Manzullo
McHenry
Musgrave
Norwood
Nussle
Otter
Paul
Pence
Petri
Pitts
Platts
Radanovich
Ramstad
Regula
Rohrabacher
Royce
Ryan (WI)
Saxton
Sensenbrenner
Shadegg
Shays
Sherwood
Smith (NJ)
Stearns
Tancredo
Taylor (MS)
Taylor (NC)
Tiahrt
Upton
Weldon (FL)
Westmoreland

NOES—346

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Barton (TX)
Bass
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (NY)
Bishop (UT)
Blumenauer
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carnahan
Carson
Carter
Case
Castle
Chandler
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Edwards
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Filner
Fitzpatrick (PA)
Forbes
Ford
Fossella
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Gibbons
Gilchrest
Gingrey
Gonzalez
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hefley
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hyde
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (NY)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lynch
Mack
Maloney
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Nunes
Oberstar
Obey
Olver
Ortiz
Osborne
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Pickering
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Rahall
Rangel
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ross
Rothman
Ruppersberger
Rush
Ryan (OH)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Sessions
Sherman
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Strickland
Stupak
Sullivan
Sweeney
Tanner
Tauscher
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Weller
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—14

Bishop (GA)
Boswell
Brown-Waite, Ginny
Diaz-Balart, L.
Diaz-Balart, M.
Emanuel
Foley
Meek (FL)
Reyes
Ros-Lehtinen
Roybal-Allard
Shaw
Wexler
Whitfield

□ 1631

Messrs. DICKS, GORDON, COLE of Oklahoma, and GOODLATTE changed their vote from "aye" to "no".

Messrs. OTTER, STEARNS, HALL, BEAUPREZ and FERGUSON changed their vote from "no" to "aye".

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 6 OFFERED BY MR. PAUL

The Acting CHAIRMAN (Mrs. CAPITO). The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. PAUL) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 47, noes 371, not voting 15, as follows:

[Roll No. 544]

AYES—47

Akin
Bartlett (MD)
Barton (TX)
Blackburn
Boehner
Burton (IN)
Chocola
Deal (GA)
Duncan
Feeney
Flake
Foxx
Franks (AZ)
Garrett (NJ)
Gohmert
Goode
Hensarling
Hoekstra
Hostettler
Inglis (SC)
Istook
Jones (NC)
Kingston
Leach
Linder
Mack
Manzullo
McHenry
Miller (FL)
Myrick
Norwood
Nussle
Otter
Paul
Pence
Pitts
Platts
Price (GA)
Rohrabacher
Royce
Ryan (WI)
Sensenbrenner
Shadegg
Shays
Tancredo
Westmoreland
Young (AK)

NOES—371

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boehlert
Bonilla
Bonner
Bono
Boozman
Boren
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Burgess
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Edwards
Ehlers
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Forbes
Ford
Fortenberry
Fossella
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Hyde
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kirk
Kline
Knollenberg
Kolbe
Kucinich

Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Maloney
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Nunes
Oberstar
Obey
Olver
Ortiz
Osborne
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Poe
Pombo
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ross
Rothman
Ruppersberger
Rush
Ryan (OH)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Sessions
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOT VOTING—15

Bishop (GA)
Boswell
Brown-Waite, Ginny
Diaz-Balart, L.
Diaz-Balart, M.
Emanuel
Foley
Meek (FL)
Reyes
Ros-Lehtinen
Roybal-Allard
Shaw
Sherman
Wexler
Whitfield

☐ 1641

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 7 OFFERED BY MR. GARRETT OF NEW JERSEY

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New Jersey (Mr. GARRETT) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 57, noes 358, not voting 18, as follows:

[Roll No. 545]

AYES—57

Akin
Alexander
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Blackburn
Boustany
Burgess
Carter
Castle
Chocola
Cooper
Culberson
Davis, Jo Ann
Deal (GA)
Delahunt
Duncan
English (PA)
Flake
Franks (AZ)
Garrett (NJ)
Gohmert
Green (WI)
Gutknecht
Harris
Hensarling
Hostettler
Istook
Jindal
Jones (NC)
King (IA)
Kolbe
Leach
McCrery
Musgrave
Nussle
Otter
Paul
Pence
Petri
Pitts
Platts
Putnam
Radanovich
Royce
Rush
Ryan (WI)
Sensenbrenner
Shadegg
Sodrel
Stearns
Tancredo
Taylor (MS)
Tiahrt
Weldon (FL)
Westmoreland

NOES—358

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Baca
Bachus
Baird
Baldwin
Barrow
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (NY)
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chabot
Chandler
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Tom
DeFazio
DeGette
DeLauro
DeLay
Dent
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Edwards
Ehlers
Emerson
Engel
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Oberstar
Obey
Olver
Ortiz
Osborne
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Peterson (MN)
Peterson (PA)
Pickering
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Rothman
Ruppersberger
Ryan (OH)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Sessions
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Strickland
Stupak
Sullivan
Sweeney
Tanner
Tauscher
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Weller
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—18

Bishop (GA)
Bishop (UT)
Boswell
Brown-Waite, Ginny
Davis (FL)
Diaz-Balart, L.
Diaz-Balart, M.
Emanuel
Foley
Johnson, Sam
Marshall
Pelosi
Reyes
Ros-Lehtinen
Roybal-Allard
Shaw
Wexler
Whitfield

☐ 1649

Mr. TANNER changed his vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The Acting CHAIRMAN (Mrs. CAPITO). The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The Acting CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. THORNBERRY) having assumed the chair, Mrs. CAPITO, Acting Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1461) to reform the regulation of certain housing-related Government-Sponsored Enterprises, and for other purposes, pursuant to House Resolution 509, she reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. FRANK OF MASSACHUSETTS

Mr. FRANK of Massachusetts. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. FRANK of Massachusetts. In its present form, I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Frank moves to recommit the bill, H.R. 1461, to the Committee on Financial Services with instructions to report the same back to the House forthwith with the following amendments:

In the matter proposed to be inserted by section 128(a) of the bill, in section 1337(e)(2)(A) of the Housing and Community Development Act of 1992, strike "as its primary purpose" and insert "among its primary purposes".

In the matter proposed to be inserted by section 128(a) of the bill, in section 1337(e)(2)(C)(i) of the Housing and Community Development Act of 1992, strike "except that" and all that follows through "period" and insert the following:

"except that such term shall not include any voter registration or get-out-the-vote activity conducted on a non-partisan basis;".

Mr. FRANK of Massachusetts (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The SPEAKER pro tempore. The gentleman from Massachusetts (Mr. FRANK) is recognized for 5 minutes on his motion.

Mr. FRANK of Massachusetts. Mr. Speaker, a little while ago, we had a vote on the manager's amendment. It was a very close vote. It was 210 to 205. One Member inadvertently voted the other way that he planned to. So it was 209 to 206.

What I am offering here as the recommit is a close replay of that vote, but it ought to be even clearer for people. My recommittal motion leaves the manager's amendment as adopted entirely intact except for two changes.

One, instead of requiring that to participate in the Affordable Housing Fund, housing must be the organization's primary purpose, it says it must be one of its primary purposes. If you maintain the requirement that it be the primary purpose, no faith-based organization may participate.

Some of you may remember a familiar passage: Thou shalt have no primary purpose above me. If you say that you can only do this if you have housing as your primary purpose, by definition the Catholic Church and the Baptists and the Episcopalians and the Jewish groups, which are collectively today a very important provider of affordable housing, are simply automatically debarred. There will be no faith-based groups allowed.

People are talking about faith-based groups. I am aware of no restriction as binding as saying it has to be the primary purpose, and I will insert into the RECORD at this point a letter not just from Catholic Charities, but from Bishop DiMarzio, on behalf of the United States Conference of Catholic Bishops, saying that: "Proposals that would limit eligible recipients to organizations that have as their purpose the provision of affordable housing would effectively prevent Catholic dioceses, parishes and Catholic Charities agencies from participating."

DEPARTMENT OF SOCIAL DEVELOPMENT AND WORLD PEACE,
Washington, DC, October 3, 2005.

Hon. J. DENNIS HASTERT,
Speaker of the House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: I write as Chairman of the Domestic Policy Committee of the United States Conference of Catholic Bishops (USCCB) to urge you to retain the Affordable Housing Fund as part of the Federal Housing Finance Reform Act of 2005 (H.R. 1461) and bring the bill to a vote forthwith. The Catholic Bishops have historically urged the federal government to help meet our nation's promise of a decent home for every American family, especially those families with extremely low incomes.

As I noted in my June 10 letter to the House of Representatives, the Catholic Community—through our Charities agencies, dioceses, and parishes—serves tens of thousands of men, women, and children who struggle to maintain adequate housing. Besides sheltering homeless people who turn to us for help, we have built, and continue to maintain, thousands of affordable housing units. All of these experiences have demonstrated to us how inadequate, substandard housing hurts human life, undermines families, destroys communities, and weakens the social fabric of our nation. Despite our efforts—and the efforts of so many others—there just is not enough affordable housing available.

Proposals that would limit eligible recipients to organizations that have as their primary purpose the provision of affordable housing would effectively prevent Catholic dioceses, parishes and Catholic Charities agencies from participating in Affordable Housing Fund programs. Similarly, proposals that would prohibit recipients from engaging in voter registration and lobbying activities with their own funds during the period they are utilizing affordable housing funds would force Catholic agencies to choose between participating in Affordable Housing Fund programs or engaging in constitutionally protected voter registration and lobbying activities with their own funds. I urge you to oppose inclusion of these kinds of unnecessary limitations and prohibitions in H.R. 1461 as it moves to the House floor for a vote. There are ample ways to write safeguards into the legislation to prevent the diversion of affordable housing funds to uses other than what they are intended without requiring recipients to forego their constitutionally protected rights as a condition for participating in Affordable Housing Fund programs.

The Bishops' statement, Putting Children and Families First, notes: "Many families cannot find or afford decent housing, or must spend so much of their income for shelter that they forego other necessities, such as food and medicine. . . . [The Catholic bishops] support housing policies which seek to preserve and increase the supply of affordable housing and help families pay for it." We must put in place a sustainable source of funds to build affordable housing and this new fund would do that.

As I said in my June letter, this legislation presents Congress with a genuine opportunity to make the shelter needs of extremely low-income families a national priority. I believe that such families who need housing the most should be targeted to receive these limited funds.

With every best wish, I am,

Sincerely,
Most Rev. NICHOLAS DIMARZIO,
Chairman, Domestic Policy Committee,
U.S. Conference of Catholic Bishops.

AMERICAN ASSOCIATION OF HOMES AND SERVICES FOR THE AGING,
October 24, 2005.

DEAR REPRESENTATIVE: On behalf of the American Association of Homes and Services for the Aging (AAHSA), I want to express our members' deep reservations over an amendment expected to be proposed when H.R. 1461, the GSE reform legislation, is brought to the floor this week.

The proposed amendment seeks to impose restrictions on the eligibility of non-profit faith-based organizations interested in applying for development funding under the Affordable Housing Fund created in this legislation.

While on one hand Congress and the Administration call for greater participation by non-profit, faith-based organizations to carry the load in helping our neediest citizens, the House now seems poised to cut us off from a funding stream that we need in order to continue to provide affordable housing to low-income seniors. President Bush himself has lauded the faith-based, non-profit housing partnership with government as an outstanding example of successful faith-based programs.

AAHSA has 5600 members nationwide; all are non-profit organizations and most are faith-based. Our members serve two million people every day and provide services across the continuum: assisted living residences, continuing care retirement communities, nursing homes, senior housing facilities, and home and community based services.

For our many members who are non-profit sponsors of affordable senior housing, the proposal is a slap in the face to their efforts to be active participants in their communities and ensuring the highest possible quality of life for their senior residents.

As an association, we encourage our members to engage in and sponsor such non-partisan and perfectly legal activities as voter registration, providing transportation to the polls, candidate debates and Town Hall meetings. Because of the high concentration of voters, many of our senior housing facilities even serve as polling sites.

Our members should not have to choose between being good citizens and being eligible applicants for the quasi-public monies to be made available under the Affordable Housing Fund. Furthermore, even if a facility did not provide any of the civic services, the mere fact that it is affiliated with another organization that does, would render the organization ineligible.

Please support H.R. 1461, but without this restrictive amendment.

Sincerely yours,

WILLIAM L. MINNIX, Jr.,
President and CEO.

UNION OF ORTHODOX JEWISH
CONGREGATIONS OF AMERICA,
Washington, DC, October 24, 2005.

Hon. NANCY PELOSI,
Hon. STENY HOYER,
Hon. LOUISE SLAUGHTER,
Hon. BARNEY FRANK,
House of Representatives.

DEAR LEADERS OF THE HOUSE OF REPRESENTATIVES: We write on behalf of the Union of Orthodox Jewish Congregations of America to urge you to ensure that the Federal Housing Finance Reform Act of 2005 (H.R. 1461) contains no provisions which would be disruptive to participation of the many religiously affiliated organizations in affordable housing programs.

Proposals that would limit eligible recipients to organizations that have as their "primary purpose" the provision of affordable housing would effectively prevent many Jewish community entities from participating in Affordable Housing Fund programs. Similarly, proposals that would prohibit recipients from engaging in voter registration and lobbying activities with their own funds in order to receive affordable housing funds would force many Jewish agencies to choose between participating in Affordable Housing Fund programs or engaging in constitutionally protected voter registration and lobbying activities with their own funds. We urge you to oppose inclusion of these kinds of unnecessary limitations and prohibitions in H.R. 1461 and, if they are to be considered by the House on the floor, to ensure that these provisions receive a full debate and up or down vote.

It is critical to note that such proposals are as objectionable when it comes to housing funds and free speech rights as they are objectionable when proposed with regard to other social welfare program funds and other constitutionally protected rights. As is the case with many other federally funded social-welfare programs in which faith-based entities participate, there are appropriate ways to write safeguards into the legislation to prevent the diversion of funds to uses other than what they are intended without requiring recipients to forego their constitutionally protected rights as a condition for participating. We urge you to uphold these principles in the context of H.R. 1461.

Sincerely,

RABBI T. HERSH WEINREB,
NATHAN J. DIAMENT.

CONSORTIUM FOR
CITIZENS WITH DISABILITIES
Washington, DC, October 24, 2005.

Hon. DAVID DREIER,
House of Representatives,
Washington, DC.
Hon. LOUISE SLAUGHTER,
House of Representatives,
Washington, DC.

DEAR CHAIRMAN DREIER AND RANKING MEMBER SLAUGHTER: As you know, the House is scheduled this week to consider HR 1461, the Federal Housing Finance Reform Act of 2005. The Consortium for Citizens With Disabilities (CCD) would like to go on record against language in the proposed Manager's Amendment that we believe would be of tremendous harm to community-based nonprofit disability organizations across the country.

CCD is a coalition of more than 100 national disability organizations working together to advocate for national public policy that ensures the self-determination, independence, empowerment, integration and inclusion of children and adults with disabilities in all aspects of society. A large part of our agenda focuses on civil rights and protections for the 56 million people with disabilities in the U.S.

It is CCD's understanding that the proposed Manager's Amendment contains language that would require many disability organizations to violate state law if they were to apply for grants made available through the Affordable Housing Fund included in HR 1461. This would result from a requirement in the legislation for non-profit organizations that seek funding from this program to certify that they are not engaged in voter registration or voter education efforts, regardless of the source of these funds.

At the outset, CCD would like to make clear that we oppose efforts on the part of Congress to use federal funding as leverage to control how non-profit disability organizations expend other resources, including state and local, as well as privately raised funds. Such restrictions, in our view, amount to undue federal government control over activities of non-profit disability organizations. Unfortunately, the language in the proposed Manager's Amendment to HR 1461, singling out voter registration activities of non-profit organizations, takes an additional step that would place non-profit disability groups in jeopardy of violating both the Constitution and the law.

In addition, this would also conflict with the "Motor Voter" law. The National Voter Registration Act of 1993 ("Motor Voter law") was enacted to facilitate voter registration, with the goal of increasing turnout on Election Day. Besides requiring states to allow voter registration at motor vehicle agencies, the Motor Voter law also requires nonprofit organizations that receive state funds and are primarily engaged in providing services to persons with disabilities to provide voter registration forms as well as assistance in completing them. Because some of these same organizations would be prohibited from engaging in voter registration activities under the manager's amendment to H.R. 1461, the manager's amendment would force many organizations—particularly those that provide housing and other services to people with disabilities—to choose between their obligation to register voters and their ability to provide housing to individuals who need it most. No organization should be forced to make such a decision.

Because voter registration, identification, and get-out-the-vote efforts, as well as lobbying, are constitutionally protected First Amendment activities, funding restrictions that would stifle such activities could well be struck down if they are not adequately tailored to further an important government interest. Ensuring that organizations spend federal funds only as Congress has intended is, in itself, a legitimate government objective. The extreme breadth of the language in the proposed manager's amendment, however, would do nothing to further this goal. It does not seem possible that retroactively prohibiting activities, disqualifying applicants based on their affiliations with organizations that do not receive any federal dollars, or restricting the use of other unrelated funds would ensure that Affordable Housing Fund grants are used properly and in accordance with the law. Furthermore, there is no legitimate governmental interest in preventing nonpartisan voter participation activities. As such, the restrictions in the proposed manager's amendment will face inevitable challenge and could well be struck down as unconstitutional.

Finally, the proposed legislation would affect disability organizations that are essential to the successful development of affordable housing and permanent supportive housing for persons with disabilities. For example, it would affect non-profit disability organizations that have a direct role in the development and subsequent ownership of affordable rental housing for people with disabilities. Equally important, the proposed legislation would affect non-profit service provider organizations that are affiliated with affordable housing developers/owners for the purposes of providing essential supportive services to people who are living in the housing. Many non-profit service providers have structured these relationships with housing providers through formalized Memoranda of Understanding, Management Agreements, or other written agreements.

CCD has supported the Affordable Housing Fund contained in HR 1461 since its inception. Nonprofit disability groups across the country struggle every day to seek out funding to meet the growing affordable housing crisis for non-elderly people with disabilities. HUD programs such as Section 811, Section 8 tenant-based and project-based, HOME, CDBG and McKinney-Vento are critical resources in meeting the needs of extremely low-income people with disabilities. However, additional resources are needed to ensure that the increasing demand for affordable rental housing in the community among people with disabilities is met.

Non-profit disability organizations want to be able to access the resources being made available by this important legislation. CCD therefore urges you to remove the unfair and unwarranted restrictions on non-profit disability groups in the proposed Manager's Amendment to HR 1461. Non-profit disability groups should not be forced to violate state law in order to compete for affordable housing resources.

Sincerely,

CURTIS DECKER,
Chair.

Secondly, it would say that, yes, the restrictions on electioneering are maintained. By the way, with regard to the funds themselves from the Affordable Housing Fund, they can only be used for affordable housing with very strict penalties if they are not. We are talking now not about using that money for any purpose other than housing, but whether, if you agree to use that money for housing under those restrictions, you may, with your own money, do other things such as voter registration or get out the vote.

We maintain the restrictions on electioneering. We maintain the restrictions on making a communication vote for this one, a vote for that one. We say, however, there should be an exception to this, and copies of the recommit are available over there.

All we want to say is that when we restrict and prevent electioneering, it does not cover any voter registration or get-out-the-vote activity conducted on a nonpartisan basis.

Those who have a fear of ACORN should understand that the ACORN Florida activity referred to before would not be allowed under this. I would rather not be that restrictive, but I accept the reality of it. So only organizations that fit in the column of nonpartisan.

The gentleman from Ohio from the Republican Conference raised the issue. Under this bill, as it now stands, if you are a religious organization, and you maintain an elderly housing project, which are built with these funds, you cannot get a bus to take people to vote. That is get-out-the-vote activity. You cannot have a voter registrar in there. So that is what we are talking about, not using the funds for this, but using those funds on your own to help out.

There is a procedural issue here. The leadership in the Committee on Rules said we did not stop you from voting; you could vote on the manager's amendment, and you get a recommit. The manager's amendment, some people were conflicted because it included the preference for the hurricane areas. It included restrictions that I reluctantly accepted. I am not trying to change here.

This is the only chance we have to vote cleanly on whether or not we should exclude all faith-based groups and whether or not groups, faith-based or not, that agree to try to provide low-income housing with these funds should be debarred with their own funds from doing nonpartisan voter registration and get out the vote.

Here is the dilemma. On the one hand, we say we do not get a vote, and the Committee on Rules people said, oh, no, you have the recommit. On the other, they said to the Republicans, but do not vote against recommit; nice people do not vote against recommittal motions; recommit is not a real amendment; recommit is a procedural vote.

Well, this is a test. We have this situation. I do not believe most Members over there want to keep religious groups out. I do not believe they want to penalize voter registration. A small, conservative, ideological group, and I admire ideologues, sometimes I am one myself, they have held this out, and they have held off the bill.

Here is the one chance, the recommit, to see whether or not Members will frankly take back control of the House, because as long as you accept this interchange of events, bill comes out of committee, majority leadership holds it up and insists on provisions that we never got to vote on, and then you do not get a chance to vote just on those provisions, the only chance you get is when we do the recommit, and then what are you told: You cannot vote for the recommit; nice people do not do that.

The question here is will democracy prevail in the House and when Members on the other side vote their conscience and not be told that they simply cannot do what they know is right, many of them, because it is in a motion to recommit, when no other alternative was presented to them.

Mr. OXLEY. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from Ohio is recognized for 5 minutes.

Mr. OXLEY. Mr. Speaker, I never thought a debate on GSE reform would be so emotional, and it has been a long day and a very productive day and a good debate.

Let me, first of all, say to my friend from Massachusetts, who worked very well with us in committee on this important legislation, let us not lose sight of the fact that this is the first major GSE reform bill to ever come before any Congress. It was well written and well received, and it does a lot to create a world-class regulator for the GSEs.

Secondly, it creates for the first time a housing fund that will funnel millions and millions of dollars into affordable housing through the GSEs, and I think we do not want to lose sight of that.

Thirdly, this legislation does not ban faith-based groups from providing housing. All it says is that we want groups that have had a record of building houses, a record of building houses in the various States, to be able to do that. We want to make certain that that money is used for housing, not for political activity, not for lobbying or everything else.

Fourthly, let me add, the gentleman from Massachusetts (Mr. FRANK) in his motion talks about a nonpartisan basis.

□ 1700

There is no definition in the campaign laws that I can find that defines what is essentially nonpartisan, and I think we need to keep that in mind.

Understand this effort is to try to get as much money into the areas, in particularly the first 2 years in the hurricane-related areas, so we can provide affordable housing. Those folks along the gulf coast that were affected, Florida, Alabama, Mississippi, Texas, need to understand that this is the best way to provide affordable housing as quickly as possible with the maximum amount of oversight in this area.

Mr. Speaker, I yield to the gentleman from Louisiana (Mr. BAKER), the sponsor of the legislation.

Mr. BAKER. Mr. Speaker, this is a very important vote under consideration. I wish to point out that 3.5 percent assessment of net profits for the first 2 years will generate an estimated $400 million a year nationwide.

The identified needs for Hurricane Katrina only are probably in excess of $300 billion for housing-related activities. If we add Rita and Wilma, the funds will be far depleted before we ever get to the issue of whether we need to be engaged in voter registration or voter transport to the precincts. If one were to go to Trailer City on Groom Road in Baker, Louisiana, and walk up to one of those trailers and say, hey, folks, I am here from the Federal Government and I want to buy a new van to haul you to the precinct next year to go vote, what kind of response do you think you will get if you said that will come at the expense of advancing replacement housing for families to go home?

And then let us talk about the administration of the program. How do you confirm affordable housing works and they are doing it? You look at the lot and see the house. You knock on the door and see if anybody is inside. That is easy.

How do you confirm that the money being spent for voter enhancement, education, and transportation is used for a valid purpose? Do you go to Uncle Bob's RV Trailer Park and look to see if they are using those vehicles for voter transport? How do we know?

The idea here is we have very restricted resources. We have an incredibly large problem to resolve with response to the hurricanes. We know that by deploying these resources this way, we can ensure we are helping people in the most effective manner possible.

We should come back through regular order, have committee hearings and talk about it. How are we going to have advocacy for people to be able to vote and participate? And if we want to fund that, fund it separately. This is not the time, not the place, not the way. Please, do not vote for this motion to recommit.

Mr. FRANK of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. OXLEY. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Speaker, the gentleman has done great work, but he said this does not bar religious groups.

From October 3 to the Speaker from the Catholic bishops: "Limiting eligible recipients to organizations that have as their primary purpose," which this bill does now, "the provision of affordable housing, would effectively prevent Catholic dioceses, parishes and Catholic charities from participating."

Secondly, none of the money here would go to those other purposes. I agree with what the gentleman said. I just do not agree with what the bill said. This is their chance to reconcile them.

The SPEAKER pro tempore (Mr. THORNBERRY). Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. HOYER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on passage of H.R. 1461, if ordered, and the motion to suspend the rules and pass H.R. 3945.

The vote was taken by electronic device, and there were—ayes 200, noes 220, not voting 13, as follows:

[Roll No. 546]

AYES—200

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (NY)
Blumenauer
Boren
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Ross
Rothman
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Woolsey
Wu
Wynn

NOES—220

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Cunningham
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—13

Bishop (GA)
Boswell
Brown-Waite, Ginny
Diaz-Balart, L.
Diaz-Balart, M.
Emanuel
Foley
Reyes
Ros-Lehtinen
Roybal-Allard
Shaw
Wexler
Whitfield

☐ 1723

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. THORNBERRY). The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. ROGERS of Michigan. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 331, noes 90, not voting 12, as follows:

[Roll No. 547]

AYES—331

Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boucher
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carnahan
Carter
Case
Castle
Chabot
Chandler
Coble
Cole (OK)
Conaway
Costa
Costello
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
Delahunt
DeLauro
DeLay
Dent
Dicks
Doggett
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Forbes
Ford
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinojosa
Hobson
Hoekstra
Holden
Holt
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jackson (IL)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kildee
Kind
King (IA)

King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas
Lungren, Daniel E.
Lynch
Manzullo
Marchant
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
Meehan
Melancon
Menendez
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Myrick
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Obey
Ortiz
Osborne
Oxley
Pallone
Pascrell
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rahall
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Salazar
Sanchez, Loretta
Saxton
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Sensenbrenner
Sessions
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Souder
Spratt
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOES—90

Abercrombie
Ackerman
Blackburn
Brady (PA)
Capuano
Carson
Chocola
Clay
Cleaver
Clyburn
Conyers
Cooper
Crowley
DeGette
Dingell
Doyle
Fattah
Flake
Frank (MA)
Garrett (NJ)
Green, Al
Green, Gene
Grijalva
Gutierrez
Hastings (FL)
Hinchey
Honda
Inslee
Israel
Jackson-Lee (TX)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kilpatrick (MI)
Kucinich
Leach
Lee
Lewis (GA)
Lofgren, Zoe
Mack
Maloney
Markey
McCollum (MN)
McDermott
McGovern
McKinney
McNulty
Meek (FL)
Meeks (NY)
Millender-McDonald
Miller (NC)
Musgrave
Nadler
Oberstar
Olver
Otter
Owens
Pastor
Paul
Payne
Pelosi
Platts
Price (NC)
Ramstad
Rangel
Royce
Sabo
Sánchez, Linda T.
Sanders
Schakowsky
Scott (GA)
Scott (VA)
Serrano
Shadegg
Simpson
Solis
Stark
Tancredo
Towns
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Woolsey

NOT VOTING—12

Bishop (GA)
Boswell
Brown-Waite, Ginny
Diaz-Balart, L.
Diaz-Balart, M.
Emanuel
Foley
Reyes
Roybal-Allard
Shaw
Wexler
Whitfield

□ 1736

Mr. MEEHAN changed his vote from "no" to "aye."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN THE ENGROSSMENT OF H.R. 1461, FEDERAL HOUSING FINANCE REFORM ACT OF 2005

Mr. BAKER. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 1461, the Clerk be authorized to correct section numbers, punctuation, and cross-references, and to make such other technical and conforming changes as may be necessary to reflect the actions of the House.

The SPEAKER pro tempore (Mr. THORNBERRY). Is there objection to the request of the gentleman from Louisiana?

There was no objection.

HURRICANE KATRINA FINANCIAL SERVICES RELIEF ACT OF 2005

Mr. BAKER. Mr. Speaker, I ask unanimous consent that the text of H.R. 3945, as proposed to be adopted under suspension of the rules, be modified by the amendment that I have placed at the desk.

The SPEAKER pro tempore. The Clerk will report the modifications.

The Clerk read as follows:

Page 3, line 14, after "Louisiana" insert "Florida."

Page 3, line 17, strike "August 28, 2005" and insert "August 25, 2005."

Page 5, line 22, strike "August 28, 2005" and insert "August 25, 2005."

Page 7, line 13, strike "August 28, 2005" and insert "August 25, 2005."

The SPEAKER pro tempore. Without objection, the modifications are agreed to.

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions, and on H.R. 3945, will be taken tomorrow.

AMENDING FEDERAL FOOD, DRUG, AND COSMETIC ACT TO PROVIDE FOR REGULATION OF ALL CONTACT LENSES AS MEDICAL DEVICES

Mr. DEAL of Georgia. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 172) to amend the Federal Food, Drug, and Cosmetic Act to provide for the regulation of all contact lenses as medical devices, and for other purposes.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REGULATION OF CERTAIN ARTICLES AS MEDICAL DEVICES.

Section 520 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360j) is amended by adding at the end the following subsection:

"Regulation of Contact Lens as Device

"(n)(1) All contact lenses shall be deemed to be devices under section 201(h).

"(2) Paragraph (1) shall not be construed as bearing on or being relevant to the question of whether any product other than a contact lens is a device as defined by section 201(h) or a drug as defined by section 201(g).".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. DEAL) and the gentleman from California (Mr. WAXMAN) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia (Mr. DEAL).

GENERAL LEAVE

Mr. DEAL of Georgia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on S. 172.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. DEAL of Georgia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am proud to rise in favor of S. 172, and I would like to thank the gentleman from Arkansas (Mr. BOOZMAN) and the gentleman from California (Mr. WAXMAN) for their work on the House companion bill, which was H.R. 371.

Historically, the contact lens industry in the United States has secured prior approval from or clearance by the Food and Drug Administration prior to the introduction of contact lenses into the United States market. These same contact lens manufacturers also have been subjected to and complied with numerous requirements codified in the Federal Food, Drug, and Cosmetic Act.

A few companies challenged the FDA's ability to regulate non-corrective decorative contact lenses as medical devices to create a loophole in the current law. As a result, these entities distribute their products without the attendant controls that historically have safeguarded contact lens consumers.

The uncontrolled distribution of decorative contact lenses has caused a variety of eye injuries and conditions. At first, what might seem to be a minor irritation, if left untreated, can develop permanent eye damage and loss of vision. S. 172 would close this loophole by restoring the FDA's ability to regulate all contact lenses as medical devices.

Mr. Speaker, I urge Members to support this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. WAXMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise to join my colleagues, particularly the gentleman from Arkansas (Mr. BOOZMAN), in supporting this important bill to apply the highest safety standards and consumer protections to all contact lenses.

This legislation became necessary on April 4, 2003. On this date, the Food and Drug Administration decided to classify certain colored contact lenses as cosmetics, not medical devices. This classification made no sense. Cosmetics are not required to be made according to strict manufacturing standards; cosmetics are not reviewed for safety prior to marketing; and cosmetics are not prescribed by a doctor.

The loose regulatory approach to cosmetics may work for lipstick; but it is dangerous for contact lenses, which are placed directly on the eyes. If contact lenses are not made properly, they can cause severe infections. If lenses do not fit properly, they can cause disfiguring ulcers, and if lenses are worn by teenagers or others without the ongoing supervision of an eye care professional, severe injuries can result.

Since April 4, 2003, scores of teenagers and young adults have been injured by cosmetic contact lenses. Some have permanently lost vision. Others have required corneal transplants. In one survey in Louisiana, 85 percent of optometrists and 45 percent of ophthalmologists reported diagnosing eye injuries from contact lenses sold without a prescription.

Since April 4, 2003, I have worked with the gentleman from Arkansas (Mr. BOOZMAN), contact lens manufacturers, the American Academy of Ophthalmology, the American Optometric Association, and consumer advocates to ensure that all contact lenses are regulated according to the strict standards and consumer protections applied to medical devices.

In the 108th Congress, our legislation passed the House, but not the Senate. In late July of this year, the legislative approach that we designed passed the Senate. It is this legislation that is again before the House.

By passing this bill, we can ensure the FDA protects consumers from unsafe contact lenses, we can prevent serious eye injuries, even blindness, and we can send a timely message to teenagers and their parents about the dangers of unsupervised use of contact lenses at Halloween.

I would like to express my appreciation to Senators DEWINE and KENNEDY for guiding this legislation through the Senate. I would like to thank those at FDA who supported our legislative solution, and I recognize the efforts of experts such as Thomas Steinemann in Cleveland, who worked hard to raise awareness about the availability and dangers of unsafe lenses.

I especially want to thank and congratulate our colleague, the gentleman from Arkansas (Mr. BOOZMAN), for his persistence and hard work in the House of Representatives. I urge my colleagues to support this bipartisan consensus legislation today.

Mr. Speaker, I reserve the balance of my time.

Mr. DEAL of Georgia. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from Arkansas (Mr. BOOZMAN), who is the original cosponsor of the House companion bill to this legislation.

□ 1745

Mr. BOOZMAN. Mr. Speaker, last Congress, myself, Mr. WAXMAN in the House, Senator DEWINE, Senator KENNEDY in the Senate, became aware of a very serious problem. The FDA had claimed jurisdiction over all contact lenses, and then in April of 2003 announced that it did not feel like it had jurisdiction over contact lenses that did not have any power in them anymore. In other words, there were lenses that were sold for the purpose of changing eye color, sold at Halloween to enhance; if you were going to a whatever and wanted to look kind of wild, you could buy these lenses. Up until then, everyone agreed that a contact was a contact, but when they got to looking at their statute, they were very concerned that they did not have any jurisdiction.

As a result, these lenses began being sold at flea markets, began being sold at places where you get your nails done, and when they were sold, no one told them how to put them in and take them out, there was no effort at all to teach anything about hygiene, the disinfecting solutions that you needed to prevent your eyes from becoming infected.

Dr. Steineman at Case Western Reserve about this time started seeing a tremendous incidence in eye infections related to these lenses. Let me just tell my colleagues about a couple of them. Here is an example of a young gal that was 16 years old. Her boyfriend supplied her with these colored contact lenses, did not have any power in them, so they were not regulated. The patient admitted to sharing the colored contact lenses with her younger brother, again doing this because she had no idea of how you take care of this type of situation.

You say, well, it is just a 16-year-old. Here is an example of a 26-year-old that also bought contact lenses at a flea market that made him have cat eyes. This individual developed a very significant, very severe infection, which probably resulted in loss of vision.

Today what we are trying to do by passing this bill is to close the loophole which everybody agrees needs to be done. So the real heroes of this have been the FDA. We have worked very, very hard with them and have gotten language that they have agreed to; Dr. Steineman, in doing the early work in identifying this; and ophthalmology, optometry that have really pressed the issue in the House; the manufacturers of the particular lenses; Senator DEWINE and Senator KENNEDY in the Senate; and then also MIKE ENZI, the chairman of the committee over there that really took this upon himself to get this thing passed. Mr. WAXMAN has done a tremendous job of working with us and just really going through in an effort to get the particular language that would get this done without affecting the jurisdiction of the FDA. So I really appreciate the gentleman from California; also, Chairman BARTON and Chairman DEAL in allowing this to go forward to get this to the floor. These were the guys that really allowed us to get this done. We had a goal of getting this done before Halloween, and I think we are almost there.

The other thing I would like to do, which needs to be done more than we do it, is thank our staffs. They have put in literally countless hours trying to get this thing worked out.

Again, I would urge all of my colleagues to support this bill. I think it is something that needs to be done, and it is one of those things that as a result of us getting this done today truly will protect our youth, protect people in keeping them from experiencing a devastating eye injury.

I also want to thank the majority leader, Mr. BLUNT, for getting this scheduled, again before Halloween.

Mr. WAXMAN. Mr. Speaker, I yield myself such time as I may consume.

I want to thank my colleague from Arkansas for his very kind words and join him in saluting all of the Members of the House and the Senate and our staffs who have worked on this legislation. I do not want to dwell on why the FDA decided to regulate some lenses as cosmetics rather than medical devices. Congressman DEAL referred to it as a loophole. I consider it a lapse in enforcement. Regardless, this bill is neutral on what went wrong. It just fixes the problem, and that is what we need to do. I would urge all of our colleagues to join us in supporting the legislation.

Mr. Speaker, I yield back the balance of my time.

Mr. DEAL of Georgia. Mr. Speaker, I have no further requests for time, I urge the adoption of this Senate bill, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. GINGREY). The question is on the motion offered by the gentleman from Georgia (Mr. DEAL) that the House suspend the rules and pass the Senate bill, S. 172.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

REQUESTING THE PRESIDENT TO RETURN TO THE HOUSE OF REPRESENTATIVES THE ENROLLMENT OF H.R. 3765

Mr. KUHL of New York. Mr. Speaker, I offer a concurrent resolution (H. Con. Res. 276) requesting the President to return to the House of Representatives the enrollment of H.R. 3765 so that the Clerk of the House may reenroll the bill in accordance with the action of the two Houses, and ask unanimous consent for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 276

Resolved by the House of Representatives (the Senate concurring), That the President is requested to return to the House of Representatives the enrollment of H.R. 3765. When the bill is returned by the President, the actions of the presiding officers of the two Houses in signing the bill shall be rescinded, and the Clerk of the House shall reenroll the bill in accordance with the action of the two Houses.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

ROSA PARKS FEDERAL BUILDING

Mr. KUHL of New York. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2967) to designate the Federal building located at 333 Mt. Elliott Street in Detroit, Michigan, as the "Rosa Parks Federal Building".

The Clerk read as follows:

H.R. 2967

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The Federal building located at 333 Mt. Elliott Street in Detroit, Michigan, shall be known and designated as the "Rosa Parks Federal Building".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the "Rosa Parks Federal Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. KUHL) and the gentlewoman from the District of Columbia (Ms. NORTON) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. KUHL).

GENERAL LEAVE

Mr. KUHL of New York. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 2967.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. KUHL of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2967, introduced by Ms. KILPATRICK of Michigan, designates the Federal building located at 33 Mt. Elliott Street, Detroit, Michigan, as the "Rosa Parks Federal Building."

Rosa Parks, who passed away on Monday, is most well known for her simple, yet heroic act of defiance. Fifty years ago she refused to give up her seat on a segregated bus in Montgomery, Alabama. Rosa Parks was arrested, lost her job, and received numerous death threats for her actions. This simple act inspired further acts of civil disobedience and earned her the title of "mother of the civil rights movement."

Rosa Parks' dedication to fight for social and economic justice continued well beyond that monumental day in 1955. As a Secretary for the NAACP, she helped organize civil rights cases. She worked in the antiapartheid movement, and established the Rosa and Raymond Parks Institute for Self-Development in her adopted hometown of Detroit, Michigan. She spent the remainder of her life fighting against all forms of discrimination.

In 1999, Rosa Parks was named one of the 20 most influential and iconic figures of the 20th century by Time Magazine. She also received numerous awards for her contributions to the civil rights movement, including the Presidential Medal of Freedom and also the Congressional Gold Medal.

While Rosa Parks has already received significant recognition for her life's work, I believe that this is a fitting honor to a woman whose actions helped change our society for the better. I support this legislation, and I encourage my colleagues to do the same.

Mr. Speaker, I reserve the balance of my time.

Ms. NORTON. Mr. Speaker, I yield myself such time as I may consume. For this side I will be introducing the bill, and after I make an introductory statement, and the next time you go to our side, I want my colleagues to hear from the gentlewoman who is responsible for this bill, Ms. KILPATRICK, who has indicated she wants me to introduce it.

I want to thank her for this bill to designate the Federal Building, which is located at 333 Mt. Elliott Street in Detroit, Michigan, as the Rosa Parks Federal Building, and I want to thank her for really her quite extraordinary diligence in making sure that this bill came to the floor.

I want to say that this bill happens to come to the floor a few days after the death of Rosa Parks, but who is certainly not responsible for the tardiness of this bill reaching the floor is Ms. KILPATRICK. For months she has been talking to me as the ranking member of the subcommittee. For about the same length of time she has been talking with our ranking member Mr. OBERSTAR. I am sure nobody on our committee meant to hold this bill up, but the truth is that we very much desired for this bill to come to the floor before Rosa Parks died. We knew she was elderly. We are very grateful, however, to the majority for allowing this bill to come forward now in advance of the funeral so that Ms. KILPATRICK, who has carried this bill for so long, can go home to say the Congress has approved what I know Members on both sides would very much want to approve.

We all know the story of that December evening in 1955 when a 42-year-old black woman riding a bus in Montgomery, Alabama, refused to give up her seat at the demand of a white male passenger. This simple gesture, it was indeed more than a gesture; it was an act, and an action that our country will never forget, led to the disintegration of institutionalized segregation in much of the South and ushered in a new era now known as the civil rights era of our country.

Characteristically, Ms. Parks always played down her courageous act. Her strength of character and quiet, but determined sense of justice changed our country, however. Montgomery's segregation laws were very complex and deeply humiliating. For example, blacks were required to pay their fare to the driver and then get off the bus and reenter through the rear door. If the white section was full, blacks were required to give up their seats altogether, no matter what their age, and no matter what their infirmity, and move to the back of the bus.

Rosa Parks was very familiar with these humiliations; however, she was a self-educated, early activist with her own local NAACP, her time at the Highland School in Tennessee, but never particularly intending at that moment to engage in an act of civil disobedience. She simply was ready when the moment of humiliation came.

For her boldness, she was arrested and found guilty of disorderly conduct.

This action led to the famous Montgomery bus boycott that lasted over a year and, ultimately, to the Supreme Court decision that banned segregation on the city's public transportation systems, and, Mr. Speaker, therefore, on all public transportation throughout the United States. It is impossible to overstate the impact of her act of gentle defiance.

Rosa Parks' story has now become legendary in American history. I am honored to support this bill. It is a most fitting way to respect her life and to acknowledge her lifelong contributions to equality and justice for all Americans.

Mr. Speaker, it is with great pleasure that I yield such time as she may consume to the gentlewoman from Michigan (Ms. KILPATRICK), the sponsor of this bill, who is responsible for its emergence on the floor today.

□ 1800

Ms. KILPATRICK of Michigan. Thank you, America, for believing in a greater country. I want to thank the gentleman from Minnesota (Mr. OBERSTAR), ranking member of our committee, and certainly Chairman YOUNG. I want to thank the gentlewoman from the District of Columbia (Ms. NORTON), as well as the gentleman from Pennsylvania (Mr. SHUSTER) and the entire House of Representatives for bringing this bill to the floor at this time.

Rosa Parks lived in my district for almost 50 years. I met her as a young women of 19 years old, after leaving Montgomery, Alabama and coming to Detroit. She lived in my district even two nights ago when she passed, and I was honored when the family called me and asked me to come with them the night of her death.

The building that we are naming in honor of Mrs. Rosa Parks is the Federal building in Detroit that houses our Immigration and Homeland Security Department. It will soon be called the Rosa Parks Federal Building. What a tribute to a young woman who dedicated her life, her very soul, her self-respect to building a better, stronger America for all of its people.

Mrs. Parks was one who did not like a lot of fanfare. She did what she had to do, and she spent her life working with the youth of America, letting them know that they can be and do what they want to be and do, that with the spirit of God they can be that power that we must have in our country. It was young people that she dedicated her life to.

As we name this building the Rosa Parks Federal Building on a very busy thoroughfare in the city of Detroit that goes east and west through many communities, it is with honor that I stand here as a sponsor. I want to thank our entire Michigan delegation, both all the Republicans and all the Democrats, who signed on as cosponsors. It is a glorious occasion.

Before I take my seat, I want to talk about the Rosa and Raymond Parks Institute for Self Development, her foundation that she has had over 20 years that again encourages young people, teaches young people, educates them about the civil rights movement, about math, science and all that goes with that, as well as the struggle for justice and all that goes with that.

I thank the Members of the House of Representatives as we pass this tonight. The Senate has also acted today. On December 1, 1955, 50 years ago this December 1, Mrs. Rosa Parks sat down so that we might stand up. Our country is better for it, and the world is better for Mrs. Rosa Parks. The Rosa Parks Federal Building in Detroit will stand as a witness to her sacrifice, her self-respect, and her courage.

I would ask all my colleagues to support Mrs. Rosa Parks as we soon lay her to rest in the country that she helped to make great.

H.R. 2967 seeks to honor Mrs. Rosa Parks, an iconic figure of the civil rights movement by naming the Federal Building at 333 Mt. Elliott Street at E. Jefferson in Detroit, MI, after Rosa Louise Parks.

H.R. 2967 currently has 22 cosponsors including the entire Michigan delegation.

Rosa Parks was a seamstress and the secretary of the local NAACP. Mrs. Parks refused to give up her seat on a Montgomery, Al. bus in December 1955. She was arrested and fined for violating a city ordinance. Her defiance began a movement that ended legal segregation in America and made her an inspiration to people everywhere.

The bus incident led to the formation of the Montgomery Improvement Association. The association called for a boycott against the city-owned bus company. Black people citywide boycotted the bus system for more than a year. As a result of the boycott and the actions of Rosa Parks, the Supreme Court eventually outlawed racial segregation on public transportation.

December 1, 2005 marks the 50th anniversary of Mrs. Rosa Parks's arrest for refusing to give up her seat on the bus in Montgomery, Al.

It is the courage, dignity, and determination that Mrs. Parks exemplified that allow most historians to credit her with beginning the modern day civil rights movement.

In 1957, Mrs. Parks and her husband Raymond moved to Detroit.

She continued her seamstress career and later served on the staff of Congressman John Conyers in various administrative jobs for 23 years and retired in 1988 at the age of 75.

After the death of her husband, she founded the Rosa and Raymond Parks Institute for Self Development. The Institute sponsors leadership programs for youth, including an annual summer program for teenagers called Pathways to Freedom.

The Rosa and Raymond Parks Institute for Self Development offers educational programs for young people including two signature programs: first, Pathways to Freedom, a 21-day program that introduces students to the Underground Railroad and the civil rights movement with a freedom ride across the United States and Canada, tracing the underground railroad into civil rights; and second, Learning Centers and Senior Citizens, a program that partners young people with senior citizens where the young help the senior citizens develop their computer skills and senior citizens mentor the young;

HONORS

Rosa Parks has been honored for her dedication and work with such recognitions as: the NAACP's Spingarn Medal in 1979; The Martin Luther King, Jr., Nonviolent Peace Prize in 1980; The Presidential Medal of Freedom in 1996; and The Congressional Gold Medal in 1999. Time magazine also named Rosa Louise Parks as one of the "100 most influential people of the 20th century." The Henry Ford Museum in Michigan bought and exhibited the bus on which she was arrested, and the Rosa Parks Library and Museum opened in Montgomery in 2000.

LEGACY

Mrs. Parks passed away on Monday at the age of 92 in Detroit. Rosa Parks' legacy is a symbol of hope and inspiration for all. We can all proudly stand on the shoulders of this great giant.

Rosa Parks' work helped change history. Her contributions to the civil rights movement brought this country a step closer to equality. Her devotion to the civil rights movement and the city of Detroit will always be remembered.

People who make meaningful contributions to society should be recognized and honored. Naming the Federal Building at 333 Mt. Elliott Street at E. Jefferson after Mrs. Rosa Parks will remind everyone who drives by or visits the building of the contribution she made for civil rights.

The life of Rosa Parks shows that one person can make a difference.

QUOTES FROM ROSA PARKS

Memories of our lives, of our works and our deeds will continue in others

I would like to be known as a person who is concerned about freedom and equality and justice and prosperity for all people.

Mr. KUHL of New York. Mr. Speaker, I reserve the balance of my time.

Ms. NORTON. Mr. Speaker, I yield 4 minutes to the gentleman from Minnesota (Mr. OBERSTAR), the ranking member who worked so hard on behalf of this bill.

Mr. OBERSTAR. Mr. Speaker, I thank the gentlewoman from the District of Columbia (Ms. NORTON) for yielding, and I join in her commendation and great appreciation to the gentlewoman from Michigan (Ms. KILPATRICK) for championing this legislation over so many weeks and months. I join in their regret that we could not have done this in time for Rosa Parks to know that the Nation had recognized her service to equality by naming a Federal courthouse, a Federal building, in her honor.

A headline in The Washington Post today summed it up, in words that Ms.

KILPATRICK used herself, summed up the contribution of Rosa Parks: she sat down and we stood up. America did stand up, proud and tall, after this act of righteousness in defiance of a hateful symbol of division in America, segregation on America's buses.

The discussion that the gentlewoman from the District of Columbia had on the NewsHour just last night, with the Reverend Joseph Lowery of the Southern Christian Leadership Council, recalling their association with Rosa Parks, and their great respect for this woman, told of the humility and simplicity but steadfastness of this extraordinary woman.

I recall it rightly, and the gentlewoman from the District of Columbia will verify, it was Reverend Lowery who told the story of Rosa Parks making a wedding gift to his daughter, a check, then of a considerable amount, $25. Three years later, Reverend Lowery's daughter met Rosa Parks, who said to her, why did you not cash my check? You have messed up my accounting. The daughter replied, oh, I would never cash that check. I framed it. This is a treasure. She said no, young lady, you cash that check.

She did not want to be acknowledged and recognized and bowed to as an icon, which she certainly is. She continued a very simple, direct life-style. That is the kind of person that we should respect and honor. It is hard for many of us in northern tier States who have not experience firsthand the pain of segregation, to understand not only the symbolic significance, but the real courage it took to do this, to stand against this kind of discrimination.

I did not understand it fully until I traveled to New Orleans with my wife, who is from New Orleans, rode on the St. Charles street car line, the oldest public transit system in America. She showed me the place on the street cars where the sign was placed, "no colored ahead of this line." No colored ahead of this line. The holder is still in place.

She told me how appalled she was as a child to see white people come and move that device just a little further back so there could be more room for white people, how hateful it was. That no longer exists. But this vestige of the past remains, hopefully as a reminder to us that it should never occur again in America.

Mr. Speaker, I rise in strong support of H.R. 2967, a bill to designate the Federal building located at 333 Mt. Elliott Street, in Detroit, Michigan, as the "Rosa Parks Federal Building."

Rosa Parks is known as the "mother of the civil rights movement." With one single act of defiance—when she refused to give up her seat on the Cleveland Avenue bus in Montgomery, Alabama—she galvanized a Nation and changed the course of history. On December 1, 1955, Mrs. Parks was sitting in the middle rows of the bus with three other black riders. The bus driver demanded that all four give up their seats so that a single white man could sit. Three of the riders complied. Mrs. Parks remained seated.

It is important to keep in mind that what is often remembered as a quiet act of civil disobedience took tremendous personal courage. Blacks at that time had been arrested, and even beaten or killed, for refusing to follow the orders of bus drivers. Rosa Parks was arrested, jailed, and fined $14.

As Mrs. Parks herself has said in the years following that pivotal moment, she hadn't planned on taking a stand that day. She hadn't planned on becoming the face of the injustices of segregation. She had simply had enough. She was tired of being treated like a second-class citizen. She had had enough.

Mrs. Parks' act of courage sparked the civil rights movement. A boycott of the public buses was organized for Monday, December 5, the day of Mrs. Parks' trial. The Reverend Martin Luther King, Jr., then a young preacher who was only 26 years old, organized the boycott. The boycott lasted 381 days, ending only after the Supreme Court outlawed segregation on buses. It captured the attention of the Nation and forced people to confront the inequalities that were then commonplace. The civil rights movement ultimately led to the passage of the landmark Civil Rights Act of 1964, which banned racial discrimination in public accommodations, and the Voting Rights Act of 1965.

Rosa Parks is an American icon. By refusing to give up her seat on that Montgomery bus, she changed the course of history. This honor is long overdue.

Mr. Speaker, Rosa Parks died on Monday. She was 92. I'm only sorry that we could not have passed this bill while Mrs. Parks was still alive. Although she suffered from dementia in her later years, I believe that she would have understood and appreciated such recognition from the United States Congress.

The strength and presence of a Federal building perfectly captures the character and personality of this icon of the civil rights movement. It is fitting and just that her life and public accomplishments are acknowledged with this designation.

I strongly support H.R. 2967 and urge its passage.

Ms. NORTON. Mr. Speaker, I yield 3 minutes to the gentlewoman from Indiana (Ms. CARSON).

Ms. CARSON. Mr. Speaker, my heartfelt congratulation to the Delegate from the District of Columbia. I rise to pay homage to the honorable Rosa Parks, a woman who I honored in this Chamber when I first came to Congress with a resolution creating the Congressional Gold Medal for Mrs. Rosa Parks and a big ceremony that was held in the rotunda.

Throughout that ceremony, she retained a great deal of humility and appreciation and said to me, I do not deserve this medal for myself, but I deserve it as it is necessary for all the people of the United States to understand the struggle, the fact that while I sat there, it brought attention to the United States that even though we had written years ago, liberty and justice for all people, it still had not come through to fruition.

My heart hurt tonight when you passed the legislation that would deny not-for-profits the right to register voters. That was the most insidious inclusion in the housing bill that I have ever seen in all the week that we celebrate the life of Rosa Parks, who strove hard for voting rights and voting registration, that we would take it away from them, especially during this time of year.

Rosa Parks is very near and dear to me. She represents what many of our beautiful people of color represent in the United States of America. I would hope that if we are sincere about recognizing the life and the work of a woman who lived not just because, but lived for a cause, one of which was voter registration and voting opportunities for all people, that we would withdraw that insidious part of that bill that denies not-for-profits to register voters in a nonprofit, nonpartisan way to enable them to be able to vote in elections.

That is so important. We do it for places across the waters, and there is no better way that we can salute Mrs. Parks than to allow free and open registration for people in the United States of America. I would encourage that we do that. I thank the Delegate from the District of Columbia for allowing me the opportunity to take a little part of this celebration of a Federal building in Detroit to express my sentiments and respect for a woman that I loved dearly and appreciate the long life that God granted to her.

Today we pause to honor the life and legacy of Mrs. Rosa Parks, the Mother of America's Civil Rights Movement.

It was on a bitterly cold day in December 1955 when an unknown seamstress in Montgomery, Alabama forever changed the course of American history. In the face of vicious racism and entrenched segregation, Rosa Parks was arrested for refusing to give up her bus seat to a white passenger.

Her quiet courage inspired a 381-day bus boycott that brought the issue of legal segregation into the national consciousness and launched the beginning of the modern civil rights movement in America.

Today, her simple act of defiance continues to symbolize the power of non-violent protest.

Rosa Parks' actions on that bus a half-century ago marked only the beginning of what became a lifelong fight for equal rights. Along with her husband Raymond, she was an active member of the NAACP, serving first as secretary and later as adviser to the NAACP youth council. For over 20 years she faithfully served the people of Detroit on the staff of my colleague, Congressman JOHN CONYERS. In 1987 she established a training school for Detroit teenagers known as the Rosa and Raymond Parks Institute for Self-Development. The Institute is noted for developing a special program for young people age 11–18 called

Pathways to Freedom. Children in the program travel across the country tracing the Underground Railroad, visiting the scenes of critical events in the civil rights movement, tracing their heritage, and learning aspects of America's history.

Five years ago I had the privilege of introducing legislation that authorized President Clinton to award Rosa Parks the Congressional Gold Medal of Honor. Standing in the Capitol Rotunda as such an extraordinary woman received the Nation's highest civilian award was one of my greatest honors as a Member of Congress, and as an American. In keeping with her humble manner and unerring devotion to justice, Mrs. Parks used the occasion to call on the Nation's youth to continue her struggle until all people have equal rights.

Rosa Parks was an American hero. While we honor her life here in Congress today, may we honor her legacy by always remembering that justice is a right we must never take for granted.

Ms. NORTON. Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, all of us would like to claim a personal relationship with Rosa Parks. I thank the gentlewoman from Michigan (Ms. KILPATRICK) for her leadership on the naming of this building, the timing and the ability for the legislation to make its way to the floor at this time to allow us to share our thoughts. I thank the gentleman from Minnesota (Mr. OBERSTAR) for his guiding hand, and certainly the gentlewoman from the District of Columbia (Ms. NORTON) as well, not only for her leadership, but also for the knowledge that she gives to this issue.

I started by saying that we all would have liked to have had a personal relationship, but at least we can say that we had the opportunity to meet Rosa Parks. As we met her, we stood in awe as we have heard the words on the floor tonight, because, in fact, although she was a humble spirit, she was and continues to be larger than life. As we proceed to mourn her this weekend and through the coming months and weeks, there will be opportunities to name stamps after her and to seek ways of measuring the contributions that she made to America.

I ask my colleagues on both sides of the aisle to join us in the celebration. Let us not diminish the celebration of Rosa Parks and the role that she played in American history by any of the partisan politics that may take place. We are doing too much. Is this not enough? Because as the story is told, as we have already evidenced, she described herself as a simple seamstress. We realize that when she did sit down on that bus and she was arrested, there was no raising of the voice. There was a calmness.

She simply told the bus driver she was not moving. I think the interesting thing for those of us who are trained as lawyers, she did not ask for her lawyer, but she asked for her pastor, Martin Luther King, a pastor of the Dexter Avenue Baptist Church. It symbolized the kind of woman that she was. But it also symbolized the passion that she had for civil rights and freedom in the NAACP and the fact that she wanted to create a movement, and a movement she created. But it was not just a movement. It was a thunderous sound across America that stood up and said no to the divisiveness and the horrificness of segregation and told America once and for all, as the only way that a seamstress with a mild manner could say, but like a mother, she said, you will not do this. You have been naughty, and now is the time to stop.

For that I will be ever grateful, for I would not have been a graduate of an institution that I went to that was a majority institution. I would not have been able to go to law school had it not been for the courage of Rosa Parks, would not have been able to come out of the place where I lived, seen a greater day and a better opportunity, because we had, at that time, no thoughts of rising to the level of where we are today.

So, Rosa Parks, may you rest in peace. We thank you for in that simple manner, quiet demeanor, but yet courageous stand, a big heart, a loving heart, be able to set the tone.

As I close, let me join by saying, let us recommit ourselves to be a country that believes in one person, one vote, no barriers or obstructions to voting. No long lines, no bad balloting, no miscounts. No false registration. Let us do that in the name of Rosa Parks, and may she rest in peace.

□ 1815

Mr. LANTOS. Mr. Speaker, I ask unanimous consent that time for debate be extended for an additional 10 minutes to be equally divided between both sides. This is a very important matter for the entire Nation. We are honoring a heroine, a treasure.

The SPEAKER pro tempore (Mr. POE). Is there objection to the request of the gentleman from California?

There was no objection.

Ms. NORTON. Mr. Speaker, I yield 2 minutes to the gentlewoman from Ohio (Mrs. JONES).

Mrs. JONES of Ohio. Mr. Speaker, I would like to thank the other side for agreeing to the unanimous consent, and I would like to thank my colleagues for giving me this opportunity.

Mr. Speaker, I rise today in celebration of the life of a great heroine of the civil rights movement, Rosa Parks, a woman who dared to make a difference.

As a child I traveled to Alabama. My mother was from Chilton County. I experienced the segregated South. I rode in the back of the bus. I used a colored restroom, and I went in the back doors. Thank God for Rosa Parks.

I remember one day getting on a bus between Clinton and Birmingham, and the bus driver would not take my bag and put it on the bus. And I said, Sir, this bus ain't going nowhere unless you put my bag on. And an older woman on the bus said, Girl, you better get on this bus and sit down. It is a long ride between Clinton, Alabama, and Birmingham.

There are few in history of this country that had the courage to stand up to the adversity with the dignity and strength of Rosa Parks. Her brave action in 1955 began a movement that would change the face of the Nation. Oftentimes history has said that her reason for refusing to get up was because her feet hurt. The truth is she was tired, tired of enduring injustices and tired of being a second class citizen. And as Fannie Lou Hamer said, "Sick and tired of being sick and tired." So she decided to make a difference.

Rosa Parks' legacy of courage in the struggle for justice for African Americans in this country will be an inspiration for generations to come. I offer my sincere condolences to her family and friends at this time.

Mr. Speaker, I rise today in celebration of the life of a great heroine of the Civil Rights Movement, Rosa Parks. A woman who dared to make a difference.

As a child I traveled to Alabama and experienced the segregated South. I rode in the back of the bus, I used the colored restroom and I went into the back doors.

I remember riding the bus between Clanton and Birmingham and the bus driver refused to put my bag on. I told him the bus wasn't going anywhere until he put my bag on. An older woman said: "Girl get on this bus, it's a long ride between Clanton and Birmingham."

Thank God for Rosa Parks.

There are few in the history of this country who have had the courage to stand up to adversity with the dignity and strength of Rosa Parks. Her brave action in 1955, refusing to give up her seat on a Montgomery, Alabama bus to a white man, began a movement that would change the face of this Nation forever.

Oftentimes history has said that her reason for refusing to give up her seat was because her feet hurt, but that was not the case. The truth is, she was tired. Tired of enduring the injustices of the segregated South. Tired of being treated as a second-class citizen or as Fannie Lou Hamer would say, "sick and tired of being sick and tired." So she decided to make a difference that day in Alabama.

Rosa Parks' legacy of courage in the struggle for justice for African Americans in this country will be an inspiration for generations to come. I offer my sincere condolences to her family and friends during this time.

Ms. NORTON. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. LANTOS).

Mr. LANTOS. Mr. Speaker, I view American history as a long process of closing the hypocrisy gap. When we first heard the words "all men are created equal," they certainly were not equal, and women were not even mentioned. And many of the people in that great generation of the Founding Fathers themselves owned slaves.

This long and painful process of closing the hypocrisy gap has been closed to a large extent because of the courage, the determination, the perseverance of giants like the one we are honoring today.

Rosa Parks is a national treasure. She has reeducated all of us in the value that we, in fact, are all created equal, men and women, people of all faiths, people of all pigmentation. This is a message that needs to be sent over and over again, and I am proud that this House this evening again reminds all of us that the hypocrisy gap is not yet fully closed. We still have some distance to go. But Rosa Parks is among those giants who closed that gap in large measure, and for that we are eternally grateful.

Mr. KUHL of New York. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Speaker, I rise in support of this motion. I think it is important for conservatives and Republicans to speak up at this moment because they did not speak up back in the 1950s when they should have. I think that this is a fitting moment for this conservative to offer his apology to all those who were active with Rosa Parks in the civil rights movement for not being as supportive as I should have been as well as other conservatives who I know.

At that time many conservatives were blinded by the stupidity of the arguments presented to us called "States rights," which was a bunch of baloney, and we know that now. We know that the people who really were offering that argument, many of them had evil hearts and sinful hearts, and that they hate their fellow human beings and were trying to just oppose the efforts to perfect our country and to make it what our Founding Fathers and Mothers dreamed it would be, a land of liberty and justice for all.

Rosa Parks and the other activists in the civil rights movement at that time were doing their part to try to make our country better, to try to live up to its ideals. So as we name this Federal building, as we talk about this tonight and honor this great lady, I think it is fitting for those Republican conservatives to realize we did not do what was right back then. We recognize it, and we will make sure to do what is right in the future.

I thank the people who have spoken today. I thank the gentleman from California (Mr. LANTOS) for reminding us of what hypocrisy really was, and that we really should not be hypocrites in our lives, and we should speak out strongly for wonderful people who gave their lives trying to make this country a better place.

Ms. NORTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank the gentleman from California (Mr. ROHRABACHER) for the graciousness of his remarks. I want to thank the gentlewoman from Michigan (Ms. KILPATRICK) for her great diligence in making sure that this bill would be introduced and come forward now.

I want to say in closing that we are accustomed to revolutions being made by armies. We must appreciate what it meant for the opening shot, as it were, of the civil rights movement to have come from a gentlewoman who simply sat in her seat. After 400 years of slavery and discrimination, it might have been a bomb. It was instead an act which set the pattern of nonviolent resistance for the entire civil rights movement.

Please understand that Rosa Parks acted at great personal risk to herself. We may forget what life was like in the 1950s. We all know this, that black men had been lynched for less, and yet she stood there not knowing what would happen after she was arrested.

The remarks of the gentleman from California reminds us what she has done for our country, that essentially she has united our country with one message for all time, and that message does not know partisan lines. What she and the nonviolent revolution that she made that saved our country had done is to bring Republicans and Democrats to the same spot, to the understanding that equality under law is a basic American principle. We could celebrate that principle no better than by honoring the woman who set off the revolution with her gentle act, Rosa Parks.

I thank my good friends from the other side for bringing this bill forward.

Mr. Speaker, I yield back the balance of my time.

Mr. KUHL of New York. Mr. Speaker, I thank the gentlewoman from the District of Columbia (Ms. NORTON) for her comments and the comments of all of our colleagues tonight on both sides of the aisle.

I continue to support this bill, as I know everybody in this Chamber does.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. KUHL) that the House suspend the rules and pass the bill, H.R. 2967.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

CONGRATULATING THE STATE OF ISRAEL ON THE ELECTION OF AMBASSADOR DAN GILLERMAN AS VICE-PRESIDENT OF THE 60TH UNITED NATIONS GENERAL ASSEMBLY

Mr. CHABOT. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 368) congratulating the State of Israel on the election of Ambassador Dan Gillerman as Vice-President of the 60th United Nations General Assembly.

The Clerk read as follows:

H. RES. 368

Whereas the 60th General Assembly of the United Nations will be held in New York City from September through December 2005;

Whereas the United Nations General Assembly is presided over by a President and 21 Vice-Presidents, who are nominated by the General Assembly's five regional groupings;

Whereas prior to 2000, Israel was the only member of the United Nations to be excluded from a United Nations regional grouping;

Whereas this exclusion was the result of the refusal by Arab states to permit Israel to join the Asian group;

Whereas this exclusion prevented Israel from serving as the President of the United Nations General Assembly, or as a member of any bureau in the General Assembly and its main committees;

Whereas in 2000, Israel was accepted as a temporary member of the Western European and Others Group (WEOG), which includes Canada, the United States, Australia, and New Zealand, in addition to the countries of Western Europe, and its temporary membership was extended in 2004;

Whereas on April 21, 2005, the Western Europe and Others Group nominated Israel as a candidate for Vice-President of the 60th United Nations General Assembly;

Whereas on June 13, 2005, the 191 member United Nations General Assembly elected Ambassador Dan Gillerman, Israel's Permanent Representative to the United Nations, as one of 21 Vice-Presidents of the 60th General Assembly;

Whereas Israeli Ambassador Gillerman called the election "a historic moment for Israel", which had last served as United Nations General Assembly Vice-President in 1952;

Whereas Ambassador Gillerman also said that the election confirms that Israel is "becoming a more active and normal member of the [United Nations]"; and

Whereas United Nations Secretary-General Kofi Annan welcomed Israel's election to the Vice-Presidency of the General Assembly: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates Ambassador Dan Gillerman, Israel's Permanent Representative to the United Nations, and the Government and people of the State of Israel on Israel's election as Vice-President of the 60th General Assembly of the United Nations;

(2) welcomes the nomination by the Western European and Others Group (WEOG) of Israel for the position of Vice-President of the 60th United Nations General Assembly;

(3) welcomes the election by the United Nations General Assembly of Israel as Vice-President of the 60th General Assembly;

(4) supports continued expansion of Israel's role at the United Nations;

(5) notes with concern that Israel remains the object of extreme vilification by many members of the United Nations;

(6) further notes that Israel remains excluded from the Asian regional grouping within the organization; and

(7) calls upon United Nations Secretary-General Kofi Annan to work to end the vilification of Israel at the United Nations and to use his good offices to support Israel's bid to join the Asian regional grouping.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. CHABOT) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. CHABOT).

GENERAL LEAVE

Mr. CHABOT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Res. 368.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. CHABOT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is sometimes said that there are three classes of members of the United Nations, permanent members of the Security Council, countries eligible to become nonpermanent members of the Security Council, and countries ineligible to become nonpermanent members of the Security Council.

There is only one country in that third category, and that is, of course, the State of Israel. Israel has been the victim of an unfortunate impulse, rather widespread within the U.N., to isolate it, indeed to delegitimize it, that dates almost from Israel's independence.

As Israel has been until recently completely excluded from the regional group system, it has been effectively unable to advance its candidacy for many of the posts that it should by right be able to aspire to. Indeed, Israel has much to contribute to the U.N. and to the world. It has achieved much in science, technology and social and economic development. It has famously "made the desert bloom."

This phenomenon of isolating and vilifying Israel has called forth a response in some quarters of the international community and most clearly in the United States. The Congress and the American administrations of both parties have worked effectively with Israel to end its isolation.

This effort has required some heavy lifting at times, but the efforts have begun to bear fruit. It is especially gratifying that one result of these efforts has been that Ambassador Dan Gillerman, the Israeli Permanent Representative to the United Nations, has been elected as one of the Vice Presidents of the United Nations General Assembly as a candidate of the Western European and Others Group.

This resolution congratulates Israel for having achieved this landmark and calls for further efforts and further results in the effort to end Israel's isolation.

Mr. Speaker, I appreciate the efforts of the gentleman from California (Mr. SCHIFF) and also the distinguished gentleman from California (Mr. LANTOS), who have worked diligently, very hard on this, and they have helped in crafting this resolution for the House.

I also very much appreciate the assistance of the chairman of the committee, the gentleman from Illinois (Mr. HYDE), as well as the many others in this House who have worked on this resolution, and the House leadership as well for their assistance in arranging for consideration of this resolution.

It is about time that Israel be treated with the respect that it is due.

Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of this resolution. Mr. Speaker, first I want to thank my good friend from Ohio (Mr. CHABOT) for his powerful and eloquent statement. I want to thank the chairman of the Committee on International Relations, the gentleman from Illinois (Mr. HYDE), for working on this resolution and bringing it to the floor. But I particularly want to applaud our colleague, a distinguished member of the Committee on International Relations, the gentleman form California (Mr. SCHIFF), for drawing attention to this very positive development at the United Nations in New York.

Mr. Speaker, for the first time in over a half a century at the U.N., the Democratic State of Israel, which has for decades been the only member state to be excluded from U.N. leadership positions because it has been shut out of its regional grouping as an act of blatant discrimination, has now been elected to a significant United Nations post. I am delighted to report that last month Israel's distinguished Ambassador Dan Gillerman, my good friend, became the Vice President of the General Assembly. Ambassador Gillerman has served as Israel's Permanent Representative at the U.N. for nearly 3 years.

□ 1830

Previously, he made his mark as one of Israel's top business leaders. Election of Ambassador Gillerman is a result of congressional and United States Government pressure on our allies in the Western European grouping to finally accept Israel as a full-fledged member to make up for the fact that Israel is denied its rightful seat in the Asian grouping by prejudiced members of the Organization of the Islamic Conference.

This resolution is also important because it recognizes that despite this important development, Israel is still routinely vilified and singled out for political attack at the United Nations. Our measure calls on U.N. Secretary General Kofi Annan to work to end the continued attacks on Israel at the U.N. In fact, the timing of this resolution could not be more auspicious.

The recently concluded U.N. summit provided Secretary General Kofi Annan with the authority to review all mandates and programs at the U.N. This review will finally provide Kofi Annan with the opportunity to recommend to the General Assembly that they dissolve several long-standing preposterous committees within the Secretariat that are allocated millions of dollars on an annual basis for the sole purpose of pursuing one-sided, vicious propaganda aimed at Israel.

Mr. Speaker, today we celebrate the election of a top Israeli diplomat to a position of responsibility at the United Nations. At the same time, we hope that Ambassador Gillerman's election is a harbinger of things to come and that the single-minded persecution of the State of Israel at the United Nations will cease from now on.

I urge all of my colleagues to support this bill.

Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. SCHIFF), the distinguished author of this legislation.

Mr. SCHIFF. Mr. Speaker, I thank the gentleman for yielding me time and for his strong support of this resolution and all of his leadership on the Committee on International Relations. I feel deeply fortunate to have the chance to serve with the gentleman from California (Mr. LANTOS).

Mr. Speaker, on November 29, 1947, the United Nations General Assembly voted 33 to 13, with 10 abstentions, to partition Palestine into two States, one Arab and the other Jewish. With this historic vote, the U.N. assisted with the birth of the modern State of Israel, which proclaimed its independence the following May when Britain withdrew its forces from the region.

For millions of Jews around the world, the partition vote and Israel's joining the United Nations in 1949 held forth the promise that the new country would be embraced by the international community and that the horror of the Holocaust would give way to a new era of acceptance for the Jewish people and their national aspirations.

These hopes were quickly dashed, however, through the concerted efforts of the Arab members of the United Nations who denied Israel's right to exist. Israel's role in the world body became a Cold War sideshow; and for 5 decades, the combined efforts of the Arab States, the Soviet bloc, and the countries of the nonaligned movement prevented Israel from participating as a full member of the United Nations.

Happily, albeit slowly, Israel's fortunes are beginning to change; and on behalf of the gentleman from Ohio (Mr. CHABOT) and 79 of our colleagues, we bring this measure to the floor, and we hope that it will highlight the progress that has been made to date and presage a new chapter in the relationship of Israel and the United Nations.

For the past 5 weeks, the U.N. General Assembly has been meeting in New York. As in past years, the president of the General Assembly has been assisted by 27 vice presidents chosen by regional groupings at the United Nations. This year, however, is slightly different because one of the vice presidents is Israel's permanent representative to the U.N., Ambassador Dan Gillerman.

Ambassador Gillerman's election is historic. On September 20, he became the first Israeli to preside over the General Assembly since the legendary Abba Eban served as General Assembly vice president in 1953. Throughout most of the intervening 5 decades, the State of Israel has been the subject of unrelenting, and oftentimes grotesque, criticism at the United Nations.

Because of opposition from its Arab neighbors, Israel has been blocked from joining the Asian regional grouping at the United Nations; and until 2000, Israel was the only member of the U.N. to be excluded from joining any regional grouping. Under the U.N. structure, membership in a regional group is a prerequisite to service as president or vice president of the General Assembly, as well as membership in a host of other U.N. bodies.

In 2000, Israel was accepted as a temporary member of the Western Europe and Others group, which removed the bar to further Israeli participation at the U.N. Israel's membership was renewed in 2004.

In March of this year, the Western European group, which includes Western European countries, the U.S., Canada and New Zealand and Australia, nominated Israel for the post of vice president for the historic 60th General Assembly that is ongoing in New York.

The Israeli vice presidency is a small, but important, step towards better relations between the U.N. and Israel; and the Israeli Government and people are excited about the role their nation is playing in New York this fall. Ambassador Gillerman called the election "a historic moment for Israel" and said that it signaled that Israel is becoming a more active and normal member of the U.N.

Our resolution congratulates Ambassador Gillerman and Israel on the historic occasion of Israel's vice presidency. It welcomes the Western Europe and Others group, and it welcomes the General Assembly's election of Israel as a vice president. It supports the continued expansion of Israel's role at the U.N. It notes the House's continued concern that Israel remains the object of extreme vilification at the U.N. Finally, it calls upon Secretary General Kofi Annan to work to end the vilification of Israel and to work to gain Israel's admittance to the Asian regional grouping.

Throughout the last year, the Congress has discussed ways to reform the United Nations, to make it less corrupt and more responsive to the needs of a changing world. Many Members, myself included, have voiced consternation at Israel's marginalization at the U.N. as evidence of the U.N.'s failure to live up to its founding principles.

Israel's vice presidency, along with other steps, some initiated by Israel and others facilitated by Secretary General Annan, have initiated a thaw in the relationship between Israel and the world body. Much more remains to be done; but Israelis, their friends here in America, and true friends of the U.N. can take satisfaction in Israel's role at this fall's General Assembly.

I would like to thank, again, the gentleman from Ohio (Mr. CHABOT) for all of his work on the resolution. I am very grateful to the gentleman from Illinois (Mr. HYDE) and to the gentleman from California (Mr. LANTOS) for their strong support. This is truly something worth celebrating, and I urge my colleagues to join in support of the resolution.

Mr. CARNAHAN. Mr. Speaker, I rise in support of this resolution today to commend the great State of Israel on being selected as the Vice President of the 60th UN General Assembly.

When Israel became a vice president last month, the significance of Israel's first selection to the vice-presidency in 53 years was noted by all.

It Is a reflection of each nominating country's confidence in Israel's commitment to peace in the Middle East, and a reflection of Israel's continued relation building with Muslim states throughout the region.

When I traveled to Israel this past August, I was able to witness first-hand Israel's true dedication to achieving peace through a two state solution with the Palestinians.

I believe that Israel's selection to the vice-presidency is a true testament to Israel's continued growth as a key country in the world's march towards peace.

Once again, I congratulate Israel on its selection and current service as a vice president and look forward to the future as Israel continues to be a central figure at the United Nations.

Mr. GENE GREEN of Texas. Mr. Speaker, I want to offer my full support for this resolution to congratulate Ambassador Dan Gillerman, Israel's Permanent Representative to the United Nations, and the government and people of Israel on Israel's election as Vice-president of the 60th General Assembly of the United Nations.

Since joining the United Nations on May 11, 1949, Israel has been singled out time and again for disproportionate criticism, underrepresented on important committees, denied full membership in regional groupings and constantly attacked by a bloc of Arab states and their supporters.

From the time he assumed his post as Israel's Representative to the United Nation in January 2003, Mr. Gillerman has been a strong advocate of reforms at the UN that will give Israel more rights and will reform many of the wasteful and corrupt UN programs. In September 2005, Mr. Gillerman submitted Israel's first-ever candidacy for the Security Council, and Israel also recently proposed its first UN resolution.

Mr. Gillerman has also supported ending four UN committees established specifically to aid Palestinians. The Committee on the Exercise of the Inalienable Rights of the Palestinian People, the Division for Palestinian Rights, the Special Information Program on the Question of Palestine and the Special Committee to Investigate Israel Practices are all biased committees that have long outlived their intended purposes and have added to the waste and anti-Israeli sentiments at the UN.

In June 2005, Ambassador Gillerman was elected to serve as the Vice-President of the General Assembly of the United Nations. He is the first Israeli representative to serve as Vice-President of the General Assembly in the past 53 years, since Abba Eban who served in this position in 1952.

I congratulate Mr. Gillerman on his election as Vice-President of the 60th General Assembly of the United Nations and urge my colleagues to join me in supporting House Resolution 368.

Ms. SCHAKOWSKY. Mr. Speaker, I rise today in support of House Resolution 368, congratulating the State of Israel on the election of Ambassador Dan Gillerman as Vice President of the 60th United Nations General Assembly. I am proud to be a cosponsor of this important resolution.

In June 2005, Ambassador Gillerman was elected to serve as the Vice President of the General Assembly of the United Nations. Incredibly, Ambassador Gillerman is the first Israeli to serve as Vice President of the General Assembly in the past 53 years. The last Israeli to hold this prestigious post was the legendary Abba Eban, who served as Vice President in 1952. Ambassador Gillerman is bringing years of notable experience to this international body which historically has not been supportive of the State of Israel.

Ambassador Gillerman has played a prominent role in helping to steer Israel towards economic liberalization and a free market economy. He has served on the Prime Minister's National Economic and Social Council, the President's Committee of the Coordinating Council of Israel's Economic Organizations, and as Chairman of the Israel-British Business Council, as well as being a member of the executive board of the International Chamber of Commerce.

Most importantly, Ambassador Gillerman has been personally involved in the economic aspects of the Israeli/Palestinian peace process. He has honorably represented Israel during talks with Palestinian and Arab leaders trying to further economic cooperation within the region. I hope that his appointment at the United Nations will lead to further progress on a final peace settlement between Israel and Palestine.

I urge my colleagues to join me in congratulating Ambassador Gillerman and the State of Israel on this historic occasion.

Mr. LANTOS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. CHABOT. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. POE). The question is on the motion offered by the gentleman from Ohio (Mr. CHABOT) that the House suspend the rules and agree to the resolution, H. Res. 368.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. LANTOS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

CONFERENCE REPORT ON H.R. 2744, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2006

Mr. LAHOOD submitted the following conference report and statement on the bill (H.R. 2744), making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes:

CONFERENCE REPORT (H. REPT. 109–255)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2744) "making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes", having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2006, and for other purposes, namely:

TITLE I

AGRICULTURAL PROGRAMS

PRODUCTION, PROCESSING AND MARKETING

OFFICE OF THE SECRETARY

For necessary expenses of the Office of the Secretary of Agriculture, $5,127,000: Provided, That not to exceed $11,000 of this amount shall be available for official reception and representation expenses, not otherwise provided for, as determined by the Secretary.

EXECUTIVE OPERATIONS

CHIEF ECONOMIST

For necessary expenses of the Chief Economist, including economic analysis, risk assessment, cost-benefit analysis, energy and new uses, and the functions of the World Agricultural Outlook Board, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1622g), $10,539,000.

NATIONAL APPEALS DIVISION

For necessary expenses of the National Appeals Division, $14,524,000.

OFFICE OF BUDGET AND PROGRAM ANALYSIS

For necessary expenses of the Office of Budget and Program Analysis, $8,298,000.

HOMELAND SECURITY STAFF

For necessary expenses of the Homeland Security Staff, $934,000.

OFFICE OF THE CHIEF INFORMATION OFFICER

For necessary expenses of the Office of the Chief Information Officer, $16,462,000.

COMMON COMPUTING ENVIRONMENT

For necessary expenses to acquire a Common Computing Environment for the Natural Resources Conservation Service, the Farm and Foreign Agricultural Service, and Rural Development mission areas for information technology, systems, and services, $110,072,000, to remain available until expended, for the capital asset acquisition of shared information technology systems, including services as authorized by 7 U.S.C. 6915–16 and 40 U.S.C. 1421–28: Provided, That obligation of these funds shall be consistent with the Department of Agriculture Service Center Modernization Plan of the county-based agencies, and shall be with the concurrence of the Department's Chief Information Officer: Provided further, That of the funds provided under this section, the Secretary shall acquire one meter natural color digital ortho-imagery of the entire state of Utah.

OFFICE OF THE CHIEF FINANCIAL OFFICER

For necessary expenses of the Office of the Chief Financial Officer, $5,874,000: Provided, That hereafter the Chief Financial Officer shall actively market and expand cross-servicing activities of the National Finance Center: Provided further, That no funds made available by this appropriation may be obligated for FAIR Act or Circular A–76 activities until the Secretary has submitted to the Committees on Appropriations of both Houses of Congress and the Committee on Government Reform of the House of Representatives a report on the Department's contracting out policies, including agency budgets for contracting out.

OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

For necessary salaries and expenses of the Office of the Assistant Secretary for Civil Rights, $821,000.

OFFICE OF CIVIL RIGHTS

For necessary expenses of the Office of Civil Rights, $20,109,000.

OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION

For necessary salaries and expenses of the Office of the Assistant Secretary for Administration, $676,000.

AGRICULTURE BUILDINGS AND FACILITIES AND RENTAL PAYMENTS

(INCLUDING TRANSFERS OF FUNDS)

For payment of space rental and related costs pursuant to Public Law 92–313, including authorities pursuant to the 1984 delegation of authority from the Administrator of General Services to the Department of Agriculture under 40 U.S.C. 486, for programs and activities of the Department which are included in this Act, and for alterations and other actions needed for the Department and its agencies to consolidate unneeded space into configurations suitable for release to the Administrator of General Services, and for the operation, maintenance, improvement, and repair of Agriculture buildings and facilities, and for related costs, $187,734,000, to remain available until expended, as follows: for payments to the General Services Administration and the Department of Homeland Security for building security, $147,734,000, and for buildings operations and maintenance, $40,000,000: Provided, That amounts which are made available for space rental and related costs for the Department of Agriculture in this Act may be transferred between such appropriations to cover the costs of additional, new, or replacement space 15 days after notice thereof is transmitted to the Appropriations Committees of both Houses of Congress.

HAZARDOUS MATERIALS MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Department of Agriculture, to comply with the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601 et seq.) and the Resource Conservation and Recovery Act (42 U.S.C. 6901 et seq.), $12,000,000, to remain available until expended: Provided, That appropriations and funds available herein to the Department for Hazardous Materials Management may be transferred to any agency of the Department for its use in meeting all requirements pursuant to the above Acts on Federal and non-Federal lands.

DEPARTMENTAL ADMINISTRATION

(INCLUDING TRANSFERS OF FUNDS)

For Departmental Administration, $23,103,000, to provide for necessary expenses for management support services to offices of the Department and for general administration, security, repairs and alterations, and other miscellaneous supplies and expenses not otherwise provided for and necessary for the practical and efficient work of the Department: Provided, That this appropriation shall be reimbursed from applicable appropriations in this Act for travel expenses incident to the holding of hearings as required by 5 U.S.C. 551–558.

OFFICE OF THE ASSISTANT SECRETARY FOR CONGRESSIONAL RELATIONS

(INCLUDING TRANSFERS OF FUNDS)

For necessary salaries and expenses of the Office of the Assistant Secretary for Congressional Relations to carry out the programs funded by this Act, including programs involving intergovernmental affairs and liaison within the executive branch, $3,821,000: Provided, That these funds may be transferred to agencies of the Department of Agriculture funded by this Act to maintain personnel at the agency level: Provided further, That no funds made available by this appropriation may be obligated after 30 days from the date of enactment of this Act, unless the Secretary has notified the Committees on Appropriations of both Houses of Congress on the allocation of these funds by USDA agency: Provided further, That no other funds appropriated to the Department by this Act shall be available to the Department for support of activities of congressional relations.

OFFICE OF COMMUNICATIONS

For necessary expenses to carry out services relating to the coordination of programs involving public affairs, for the dissemination of agricultural information, and the coordination of information, work, and programs authorized by

Congress in the Department, $9,509,000: Provided, That not to exceed $2,000,000 may be used for farmers' bulletins.

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General, including employment pursuant to the Inspector General Act of 1978, $80,336,000, including such sums as may be necessary for contracting and other arrangements with public agencies and private persons pursuant to section 6(a)(9) of the Inspector General Act of 1978, and including not to exceed $125,000 for certain confidential operational expenses, including the payment of informants, to be expended under the direction of the Inspector General pursuant to Public Law 95–452 and section 1337 of Public Law 97–98.

OFFICE OF THE GENERAL COUNSEL

For necessary expenses of the Office of the General Counsel, $39,351,000.

OFFICE OF THE UNDER SECRETARY FOR RESEARCH, EDUCATION AND ECONOMICS

For necessary salaries and expenses of the Office of the Under Secretary for Research, Education and Economics to administer the laws enacted by the Congress for the Economic Research Service, the National Agricultural Statistics Service, the Agricultural Research Service, and the Cooperative State Research, Education, and Extension Service, $598,000.

ECONOMIC RESEARCH SERVICE

For necessary expenses of the Economic Research Service in conducting economic research and analysis, $75,931,000: Provided, That none of the funds made available by this Act or any other Act may be used by the Department of Agriculture to publish, disseminate, or distribute, internally or externally, Agriculture Information Bulletin Number 787: Provided further, That of the funds provided to the Economic Research Service, the Secretary of Agriculture shall use $350,000 to enter into an agreement for a comprehensive report on the economic development and current status of the sheep industry in the United States to be prepared by the National Academy of Sciences.

NATIONAL AGRICULTURAL STATISTICS SERVICE

For necessary expenses of the National Agricultural Statistics Service in conducting statistical reporting and service work, $140,700,000, of which up to $29,115,000 shall be available until expended for the Census of Agriculture.

AGRICULTURAL RESEARCH SERVICE

SALARIES AND EXPENSES

For necessary expenses to enable the Agricultural Research Service to perform agricultural research and demonstration relating to production, utilization, marketing, and distribution (not otherwise provided for); home economics or nutrition and consumer use including the acquisition, preservation, and dissemination of agricultural information; and for acquisition of lands by donation, exchange, or purchase at a nominal cost not to exceed $100, and for land exchanges where the lands exchanged shall be of equal value or shall be equalized by a payment of money to the grantor which shall not exceed 25 percent of the total value of the land or interests transferred out of Federal ownership, $1,135,004,000: Provided, That appropriations hereunder shall be available for the operation and maintenance of aircraft and the purchase of not to exceed one for replacement only: Provided further, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for the construction, alteration, and repair of buildings and improvements, but unless otherwise provided, the cost of constructing any one building shall not exceed $375,000, except for headhouses or greenhouses which shall each be limited to $1,200,000, and except for 10 buildings to be constructed or improved at a cost not to exceed $750,000 each, and the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building or $375,000, whichever is greater: Provided further, That the limitations on alterations contained in this Act shall not apply to modernization or replacement of existing facilities at Beltsville, Maryland: Provided further, That appropriations hereunder shall be available for granting easements at the Beltsville Agricultural Research Center: Provided further, That the foregoing limitations shall not apply to replacement of buildings needed to carry out the Act of April 24, 1948 (21 U.S.C. 113a): Provided further, That the foregoing limitations shall not apply to the purchase of land at Florence, South Carolina: Provided further, That funds may be received from any State, other political subdivision, organization, or individual for the purpose of establishing or operating any research facility or research project of the Agricultural Research Service, as authorized by law: Provided further, That the Secretary, through the Agricultural Research Service, or successor, is authorized to lease approximately 40 acres of land at the Central Plains Experiment Station, Nunn, Colorado, to the Board of Governors of the Colorado State University System, for its Shortgrass Steppe Biological Field Station, on such terms and conditions as the Secretary deems in the public interest: Provided further, That the Secretary understands that it is the intent of the University to construct research and educational buildings on the subject acreage and to conduct agricultural research and educational activities in these buildings: Provided further, That as consideration for a lease, the Secretary may accept the benefits of mutual cooperative research to be conducted by the Colorado State University and the Government at the Shortgrass Steppe Biological Field Station: Provided further, That the term of any lease shall be for no more than 20 years, but a lease may be renewed at the option of the Secretary on such terms and conditions as the Secretary deems in the public interest: Provided further, That the Agricultural Research Service may convey all rights and title of the United States, to a parcel of land comprising 19 acres, more or less, located in Section 2, Township 18 North, Range 14 East in Oktibbeha County, Mississippi, originally conveyed by the Board of Trustees of the Institution of Higher Learning of the State of Mississippi, and described in instruments recorded in Deed Book 306 at pages 553–554, Deed Book 319 at page 219, and Deed Book 33 at page 115, of the public land records of Oktibbeha County, Mississippi, including facilities, and fixed equipment, to the Mississippi State University, Starkville, Mississippi, in their "as is" condition, when vacated by the Agricultural Research Service: Provided further, That none of the funds appropriated under this heading shall be available to carry out research related to the production, processing, or marketing of tobacco or tobacco products.

BUILDINGS AND FACILITIES

For acquisition of land, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities as necessary to carry out the agricultural research programs of the Department of Agriculture, where not otherwise provided, $131,195,000, to remain available until expended.

COOPERATIVE STATE RESEARCH, EDUCATION, AND EXTENSION SERVICE

RESEARCH AND EDUCATION ACTIVITIES

For payments to agricultural experiment stations, for cooperative forestry and other research, for facilities, and for other expenses, $676,849,000, as follows: to carry out the provisions of the Hatch Act of 1887 (7 U.S.C. 361a–i), $178,757,000; for grants for cooperative forestry research (16 U.S.C. 582a through a-7), $22,230,000; for payments to the 1890 land-grant colleges, including Tuskegee University and West Virginia State University (7 U.S.C. 3222), $37,591,000, of which $1,507,496 shall be made available only for the purpose of ensuring that each institution shall receive no less than $1,000,000; for special grants for agricultural research (7 U.S.C. 450i(c)), $128,223,000; for special grants for agricultural research on improved pest control (7 U.S.C. 450i(c)), $14,798,000; for competitive research grants (7 U.S.C. 450i(b)), $183,000,000; for the support of animal health and disease programs (7 U.S.C. 3195), $5,057,000; for supplemental and alternative crops and products (7 U.S.C. 3319d), $1,187,000; for grants for research pursuant to the Critical Agricultural Materials Act (7 U.S.C. 178 et seq.), $1,102,000, to remain available until expended; for the 1994 research grants program for 1994 institutions pursuant to section 536 of Public Law 103–382 (7 U.S.C. 301 note), $1,039,000, to remain available until expended; for rangeland research grants (7 U.S.C. 3333), $1,000,000; for higher education graduate fellowship grants (7 U.S.C. 3152(b)(6)), $3,738,000, to remain available until expended (7 U.S.C. 2209b); for a veterinary medicine loan repayment program pursuant to section 1415A of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3101 et seq.), $500,000; for higher education challenge grants (7 U.S.C. 3152(b)(1)), $5,478,000; for a higher education multicultural scholars program (7 U.S.C. 3152(b)(5)), $998,000, to remain available until expended (7 U.S.C. 2209b); for an education grants program for Hispanic-serving Institutions (7 U.S.C. 3241), $6,000,000; for noncompetitive grants for the purpose of carrying out all provisions of 7 U.S.C. 3242 (section 759 of Public Law 106–78) to individual eligible institutions or consortia of eligible institutions in Alaska and in Hawaii, with funds awarded equally to each of the States of Alaska and Hawaii, $3,250,000; for a secondary agriculture education program and 2-year post-secondary education (7 U.S.C. 3152(j)), $1,000,000; for aquaculture grants (7 U.S.C. 3322), $3,968,000; for sustainable agriculture research and education (7 U.S.C. 5811), $12,400,000; for a program of capacity building grants (7 U.S.C. 3152(b)(4)) to colleges eligible to receive funds under the Act of August 30, 1890 (7 U.S.C. 321–326 and 328), including Tuskegee University and West Virginia State University, $12,312,000, to remain available until expended (7 U.S.C. 2209b); for payments to the 1994 Institutions pursuant to section 534(a)(1) of Public Law 103–382, $2,250,000; for resident instruction grants for insular areas under section 1491 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3363), $500,000; and for necessary expenses of Research and Education Activities, $50,471,000, of which $2,587,000 for the Research, Education, and Economics Information System and $2,051,000 for the Electronic Grants Information System, are to remain available until expended: Provided, That none of the funds appropriated under this heading shall be available to carry out research related to the production, processing, or marketing of tobacco or tobacco products: Provided further, That this paragraph shall not apply to research on the medical, biotechnological, food, and industrial uses of tobacco.

NATIVE AMERICAN INSTITUTIONS ENDOWMENT FUND

For the Native American Institutions Endowment Fund authorized by Public Law 103–382 (7 U.S.C. 301 note), $12,000,000, to remain available until expended.

EXTENSION ACTIVITIES

For payments to States, the District of Columbia, Puerto Rico, Guam, the Virgin Islands, Micronesia, Northern Marianas, and American

Samoa, $455,955,000, as follows: payments for cooperative extension work under the Smith-Lever Act, to be distributed under sections 3(b) and 3(c) of said Act, and under section 208(c) of Public Law 93–471, for retirement and employees' compensation costs for extension agents, $275,730,000; payments for extension work at the 1994 Institutions under the Smith-Lever Act (7 U.S.C. 343(b)(3)), $3,273,000; payments for the nutrition and family education program for low-income areas under section 3(d) of the Act, $62,634,000; payments for the pest management program under section 3(d) of the Act, $9,960,000; payments for the farm safety program under section 3(d) of the Act, $4,563,000; payments for New Technologies for Ag Extension under Section 3(d) of the Act, $1,500,000; payments to upgrade research, extension, and teaching facilities at the 1890 land-grant colleges, including Tuskegee University and West Virginia State University, as authorized by section 1447 of Public Law 95–113 (7 U.S.C. 3222b), $16,777,000, to remain available until expended; payments for youth-at-risk programs under section 3(d) of the Smith-Lever Act, $7,728,000; for youth farm safety education and certification extension grants, to be awarded competitively under section 3(d) of the Act, $444,000; payments for carrying out the provisions of the Renewable Resources Extension Act of 1978 (16 U.S.C. 1671 et seq.), $4,060,000; payments for Indian reservation agents under section 3(d) of the Smith-Lever Act, $1,996,000; payments for sustainable agriculture programs under section 3(d) of the Act, $4,067,000; payments for rural health and safety education as authorized by section 502(i) of Public Law 92–419 (7 U.S.C. 2662(i)), $1,965,000; payments for cooperative extension work by the colleges receiving the benefits of the second Morrill Act (7 U.S.C. 321–326 and 328) and Tuskegee University and West Virginia State University, $33,868,000, of which $1,724,884 shall be made available only for the purpose of ensuring that each institution shall receive no less than $1,000,000; for grants to youth organizations pursuant to section 7630 of title 7, United States Code, $2,000,000; and for necessary expenses of Extension Activities, $25,390,000.

INTEGRATED ACTIVITIES

For the integrated research, education, and extension grants programs, including necessary administrative expenses, $55,792,000, as follows: for competitive grants programs authorized under section 406 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7626), $45,792,000, including $12,867,000 for the water quality program, $14,847,000 for the food safety program, $4,167,000 for the regional pest management centers program, $4,464,000 for the Food Quality Protection Act risk mitigation program for major food crop systems, $1,389,000 for the crops affected by Food Quality Protection Act implementation, $3,106,000 for the methyl bromide transition program, and $1,874,000 for the organic transition program; for a competitive international science and education grants program authorized under section 1459A of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3292b), to remain available until expended, $1,000,000; for grants programs authorized under section 2(c)(1)(B) of Public Law 89–106, as amended, $744,000, to remain available until September 30, 2007 for the critical issues program, and $1,334,000 for the regional rural development centers program; and $10,000,000 for the Food and Agriculture Defense Initiative authorized under section 1484 of the National Agricultural Research, Extension, and Teaching Act of 1977, to remain available until September 30, 2007.

OUTREACH FOR SOCIALLY DISADVANTAGED FARMERS

For grants and contracts pursuant to section 2501 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279), $6,000,000, to remain available until expended.

OFFICE OF THE UNDER SECRETARY FOR MARKETING AND REGULATORY PROGRAMS

For necessary salaries and expenses of the Office of the Under Secretary for Marketing and Regulatory Programs to administer programs under the laws enacted by the Congress for the Animal and Plant Health Inspection Service; the Agricultural Marketing Service; and the Grain Inspection, Packers and Stockyards Administration; $724,000.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For expenses, not otherwise provided for, necessary to prevent, control, and eradicate pests and plant and animal diseases; to carry out inspection, quarantine, and regulatory activities; and to protect the environment, as authorized by law, $815,461,000, of which $4,140,000 shall be available for the control of outbreaks of insects, plant diseases, animal diseases and for control of pest animals and birds to the extent necessary to meet emergency conditions; of which $39,000,000 shall be used for the boll weevil eradication program for cost share purposes or for debt retirement for active eradication zones; of which $33,340,000 shall be available for a National Animal Identification program: Provided, That no funds shall be used to formulate or administer a brucellosis eradication program for the current fiscal year that does not require minimum matching by the States of at least 40 percent: Provided further, That this appropriation shall be available for the operation and maintenance of aircraft and the purchase of not to exceed four, of which two shall be for replacement only: Provided further, That, in addition, in emergencies which threaten any segment of the agricultural production industry of this country, the Secretary may transfer from other appropriations or funds available to the agencies or corporations of the Department such sums as may be deemed necessary, to be available only in such emergencies for the arrest and eradication of contagious or infectious disease or pests of animals, poultry, or plants, and for expenses in accordance with sections 10411 and 10417 of the Animal Health Protection Act (7 U.S.C. 8310 and 8316) and sections 431 and 442 of the Plant Protection Act (7 U.S.C. 7751 and 7772), and any unexpended balances of funds transferred for such emergency purposes in the preceding fiscal year shall be merged with such transferred amounts: Provided further, That appropriations hereunder shall be available pursuant to law (7 U.S.C. 2250) for the repair and alteration of leased buildings and improvements, but unless otherwise provided the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

In fiscal year 2006, the agency is authorized to collect fees to cover the total costs of providing technical assistance, goods, or services requested by States, other political subdivisions, domestic and international organizations, foreign governments, or individuals, provided that such fees are structured such that any entity's liability for such fees is reasonably based on the technical assistance, goods, or services provided to the entity by the agency, and such fees shall be credited to this account, to remain available until expended, without further appropriation, for providing such assistance, goods, or services.

BUILDINGS AND FACILITIES

For plans, construction, repair, preventive maintenance, environmental support, improvement, extension, alteration, and purchase of fixed equipment or facilities, as authorized by 7 U.S.C. 2250, and acquisition of land as authorized by 7 U.S.C. 428a, $4,996,000, to remain available until expended.

AGRICULTURAL MARKETING SERVICE

MARKETING SERVICES

For necessary expenses to carry out services related to consumer protection, agricultural marketing and distribution, transportation, and regulatory programs, as authorized by law, and for administration and coordination of payments to States, $75,376,000, including funds for the wholesale market development program for the design and development of wholesale and farmer market facilities for the major metropolitan areas of the country: Provided, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

Fees may be collected for the cost of standardization activities, as established by regulation pursuant to law (31 U.S.C. 9701).

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed $65,667,000 (from fees collected) shall be obligated during the current fiscal year for administrative expenses: Provided, That if crop size is understated and/or other uncontrollable events occur, the agency may exceed this limitation by up to 10 percent with notification to the Committees on Appropriations of both Houses of Congress.

FUNDS FOR STRENGTHENING MARKETS, INCOME, AND SUPPLY (SECTION 32)

(INCLUDING TRANSFERS OF FUNDS)

Funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), shall be used only for commodity program expenses as authorized therein, and other related operating expenses, including not less than $20,000,000 for replacement of a system to support commodity purchases, except for: (1) transfers to the Department of Commerce as authorized by the Fish and Wildlife Act of August 8, 1956; (2) transfers otherwise provided in this Act; and (3) not more than $16,055,000 for formulation and administration of marketing agreements and orders pursuant to the Agricultural Marketing Agreement Act of 1937 and the Agricultural Act of 1961.

PAYMENTS TO STATES AND POSSESSIONS

For payments to departments of agriculture, bureaus and departments of markets, and similar agencies for marketing activities under section 204(b) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1623(b)), $3,847,000, of which not less than $2,500,000 shall be used to make a grant under this heading.

GRAIN INSPECTION, PACKERS AND STOCKYARDS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the United States Grain Standards Act, for the administration of the Packers and Stockyards Act, for certifying procedures used to protect purchasers of farm products, and the standardization activities related to grain under the Agricultural Marketing Act of 1946, $38,443,000: Provided, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

LIMITATION ON INSPECTION AND WEIGHING SERVICES EXPENSES

Not to exceed $42,463,000 (from fees collected) shall be obligated during the current fiscal year for inspection and weighing services: Provided, *That if grain export activities require additional supervision and oversight, or other uncontrollable factors occur, this limitation may be exceeded by up to 10 percent with notification to the Committees on Appropriations of both Houses of Congress.*

OFFICE OF THE UNDER SECRETARY FOR FOOD SAFETY

For necessary salaries and expenses of the Office of the Under Secretary for Food Safety to administer the laws enacted by the Congress for the Food Safety and Inspection Service, $602,000.

FOOD SAFETY AND INSPECTION SERVICE

For necessary expenses to carry out services authorized by the Federal Meat Inspection Act, the Poultry Products Inspection Act, and the Egg Products Inspection Act, including not to exceed $50,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), $837,756,000, of which no less than $753,252,000 shall be available for Federal food safety inspection; and in addition, $1,000,000 may be credited to this account from fees collected for the cost of laboratory accreditation as authorized by section 1327 of the Food, Agriculture, Conservation and Trade Act of 1990 (7 U.S.C. 138f): Provided, That no fewer than 63 full time equivalent positions above the fiscal year 2002 level shall be employed during fiscal year 2006 for purposes dedicated solely to inspections and enforcement related to the Humane Methods of Slaughter Act: Provided further, That of the amount available under this heading, notwithstanding section 704 of this Act $4,000,000, available until September 30, 2007, shall be obligated to include the Humane Animal Tracking System as part of the Field Automation and Information Management System following notification to the Committees on Appropriations, which shall include a detailed explanation of the components of such system: Provided further, That of the total amount made available under this heading, no less than $20,653,000 shall be obligated for regulatory and scientific training: Provided further, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

OFFICE OF THE UNDER SECRETARY FOR FARM AND FOREIGN AGRICULTURAL SERVICES

For necessary salaries and expenses of the Office of the Under Secretary for Farm and Foreign Agricultural Services to administer the laws enacted by Congress for the Farm Service Agency, the Foreign Agricultural Service, the Risk Management Agency, and the Commodity Credit Corporation, $635,000.

FARM SERVICE AGENCY

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for carrying out the administration and implementation of programs administered by the Farm Service Agency, $1,030,000,000: Provided, That the Secretary is authorized to use the services, facilities, and authorities (but not the funds) of the Commodity Credit Corporation to make program payments for all programs administered by the Agency: Provided further, That other funds made available to the Agency for authorized activities may be advanced to and merged with this account: Provided further, That none of the funds made available by this Act may be used to pay the salaries or expenses of any officer or employee of the Department of Agriculture to close any local or county office of the Farm Service Agency unless the Secretary of Agriculture, not later than 30 days after the date on which the Secretary proposed the closure, holds a public meeting about the proposed closure in the county in which the local or county office is located, and, after the public meeting but not later than 120 days before the date on which the Secretary approves the closure, notifies the Committee on Agriculture and the Committee on Appropriations of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry and the Committee on Appropriations of the Senate, and the members of Congress from the State in which the local or county office is located of the proposed closure.

STATE MEDIATION GRANTS

For grants pursuant to section 502(b) of the Agricultural Credit Act of 1987, as amended (7 U.S.C. 5101–5106), $4,250,000.

GRASSROOTS SOURCE WATER PROTECTION PROGRAM

For necessary expenses to carry out wellhead or groundwater protection activities under section 12400 of the Food Security Act of 1985 (16 U.S.C. 3839bb–2), $3,750,000, to remain available until expended.

DAIRY INDEMNITY PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses involved in making indemnity payments to dairy farmers and manufacturers of dairy products under a dairy indemnity program, $100,000, to remain available until expended: Provided, That such program is carried out by the Secretary in the same manner as the dairy indemnity program described in the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106–387, 114 Stat. 1549A–12).

AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed farm ownership (7 U.S.C. 1922 et seq.) and operating (7 U.S.C. 1941 et seq.) loans, Indian tribe land acquisition loans (25 U.S.C. 488), and boll weevil loans (7 U.S.C. 1989), to be available from funds in the Agricultural Credit Insurance Fund, as follows: farm ownership loans, $1,608,000,000, of which $1,400,000,000 shall be for guaranteed loans and $208,000,000 shall be for direct loans; operating loans, $2,074,632,000, of which $1,150,000,000 shall be for unsubsidized guaranteed loans, $274,632,000 shall be for subsidized guaranteed loans and $650,000,000 shall be for direct loans; Indian tribe land acquisition loans, $2,020,000; and for boll weevil eradication program loans, $100,000,000: Provided, That the Secretary shall deem the pink bollworm to be a boll weevil for the purpose of boll weevil eradication program loans.

For the cost of direct and guaranteed loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, as follows: farm ownership loans, $17,370,000, of which $6,720,000 shall be for guaranteed loans, and $10,650,000 shall be for direct loans; operating loans, $133,849,000, of which $34,845,000 shall be for unsubsidized guaranteed loans, $34,329,000 shall be for subsidized guaranteed loans, and $64,675,000 shall be for direct loans; and Indian tribe land acquisition loans, $81,000.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $312,591,000, of which $304,591,000 shall be transferred to and merged with the appropriation for "Farm Service Agency, Salaries and Expenses".

Funds appropriated by this Act to the Agricultural Credit Insurance Program Account for farm ownership and operating direct loans and guaranteed loans may be transferred among these programs: Provided, That the Committees on Appropriations of both Houses of Congress are notified at least 15 days in advance of any transfer.

RISK MANAGEMENT AGENCY

For administrative and operating expenses, as authorized by section 226A of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6933), $77,048,000: Provided, That not to exceed $1,000 shall be available for official reception and representation expenses, as authorized by 7 U.S.C. 1506(i).

CORPORATIONS

The following corporations and agencies are hereby authorized to make expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accord with law, and to make contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act as may be necessary in carrying out the programs set forth in the budget for the current fiscal year for such corporation or agency, except as hereinafter provided.

FEDERAL CROP INSURANCE CORPORATION FUND

For payments as authorized by section 516 of the Federal Crop Insurance Act (7 U.S.C. 1516), such sums as may be necessary, to remain available until expended.

COMMODITY CREDIT CORPORATION FUND

REIMBURSEMENT FOR NET REALIZED LOSSES

For the current fiscal year, such sums as may be necessary to reimburse the Commodity Credit Corporation for net realized losses sustained, but not previously reimbursed, pursuant to section 2 of the Act of August 17, 1961 (15 U.S.C. 713a–11): Provided, That of the funds available to the Commodity Credit Corporation under section 11 of the Commodity Credit Corporation Charter Act (15 U.S.C 714i) for the conduct of its business with the Foreign Agricultural Service, up to $5,000,000 may be transferred to and used by the Foreign Agricultural Service for information resource management activities of the Foreign Agricultural Service that are not related to Commodity Credit Corporation business.

HAZARDOUS WASTE MANAGEMENT

(LIMITATION ON EXPENSES)

For the current fiscal year, the Commodity Credit Corporation shall not expend more than $5,000,000 for site investigation and cleanup expenses, and operations and maintenance expenses to comply with the requirement of section 107(g) of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9607(g)), and section 6001 of the Resource Conservation and Recovery Act (42 U.S.C. 6961).

TITLE II

CONSERVATION PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR NATURAL RESOURCES AND ENVIRONMENT

For necessary salaries and expenses of the Office of the Under Secretary for Natural Resources and Environment to administer the laws enacted by the Congress for the Forest Service and the Natural Resources Conservation Service, $744,000.

NATURAL RESOURCES CONSERVATION SERVICE

CONSERVATION OPERATIONS

For necessary expenses for carrying out the provisions of the Act of April 27, 1935 (16 U.S.C. 590a–f), including preparation of conservation plans and establishment of measures to conserve soil and water (including farm irrigation and land drainage and such special measures for soil and water management as may be necessary to prevent floods and the siltation of reservoirs and to control agricultural related pollutants); operation of conservation plant materials centers; classification and mapping of soil; dissemination *of information; acquisition of lands, water, and interests therein for use in the plant materials program by donation, exchange, or purchase at a nominal cost not to exceed $100 pursuant to the Act of August 3, 1956 (7 U.S.C. 428a); purchase and erection or alteration or improvement of permanent and temporary buildings; and operation and maintenance of aircraft, $839,519,000, to remain available until May 31, 2007, of which not less than $10,650,000 is for snow survey and water forecasting, and not less than $10,547,000 is for operation and establishment of the plant materials centers, and of which not less than $27,500,000 shall be for the grazing lands conservation initiative: Provided, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for construction and improvement of buildings and public improvements at plant materials centers, except that the cost of alterations and improvements to other buildings and other public improvements shall not exceed $250,000: Provided further, That when buildings or other structures are erected on non-Federal land, that the right to use such land is obtained as provided in 7 U.S.C. 2250a: Provided further, That this appropriation shall be available for technical assistance and related expenses to carry out programs authorized by section 202(c) of title II of the Colorado River Basin Salinity Control Act of 1974 (43 U.S.C. 1592(c)): Provided further, That qualified local engineers may be temporarily employed at per diem rates to perform the technical planning work of the Service.*

WATERSHED SURVEYS AND PLANNING

For necessary expenses to conduct research, investigation, and surveys of watersheds of rivers and other waterways, and for small watershed investigations and planning, in accordance with the Watershed Protection and Flood Prevention Act (16 U.S.C. 1001–1009), $6,083,000.

WATERSHED AND FLOOD PREVENTION OPERATIONS

For necessary expenses to carry out preventive measures, including but not limited to research, engineering operations, methods of cultivation, the growing of vegetation, rehabilitation of existing works and changes in use of land, in accordance with the Watershed Protection and Flood Prevention Act (16 U.S.C. 1001–1005 and 1007–1009), the provisions of the Act of April 27, 1935 (16 U.S.C. 590a–f), and in accordance with the provisions of laws relating to the activities of the Department, $75,000,000, to remain available until expended; of which up to $10,000,000 may be available for the watersheds authorized under the Flood Control Act (33 U.S.C. 701 and 16 U.S.C. 1006a): Provided, That not to exceed $30,000,000 of this appropriation shall be available for technical assistance: Provided further, That not to exceed $1,000,000 of this appropriation is available to carry out the purposes of the Endangered Species Act of 1973 (Public Law 93–205), including cooperative efforts as contemplated by that Act to relocate endangered or threatened species to other suitable habitats as may be necessary to expedite project construction.

WATERSHED REHABILITATION PROGRAM

For necessary expenses to carry out rehabilitation of structural measures, in accordance with section 14 of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1012), and in accordance with the provisions of laws relating to the activities of the Department, $31,561,000, to remain available until expended.

RESOURCE CONSERVATION AND DEVELOPMENT

For necessary expenses in planning and carrying out projects for resource conservation and development and for sound land use pursuant to the provisions of sections 31 and 32 of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1010–1011; 76 Stat. 607); the Act of April 27, 1935 (16 U.S.C. 590a–f); and subtitle H of title XV of the Agriculture and Food Act of 1981 (16 U.S.C. 3451–3461), $51,300,000, to remain available until expended: Provided, That the Secretary shall enter into a cooperative or contribution agreement, within 45 days of enactment of this Act, with a national association regarding a Resource Conservation and Development program and such agreement shall contain the same matching, contribution requirements, and funding level, set forth in a similar cooperative or contribution agreement with a national association in fiscal year 2002: Provided further, That not to exceed $3,411,000 shall be available for national headquarters activities.

TITLE III

RURAL DEVELOPMENT PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR RURAL DEVELOPMENT

For necessary salaries and expenses of the Office of the Under Secretary for Rural Development to administer programs under the laws enacted by the Congress for the Rural Housing Service, the Rural Business-Cooperative Service, and the Rural Utilities Service, $635,000.

RURAL COMMUNITY ADVANCEMENT PROGRAM

(INCLUDING TRANSFERS OF FUNDS)

For the cost of direct loans, loan guarantees, and grants, as authorized by 7 U.S.C. 1926, 1926a, 1926c, 1926d, and 1932, except for sections 381E–H and 381N of the Consolidated Farm and Rural Development Act, $701,941,000, to remain available until expended, of which $82,620,000 shall be for rural community programs described in section 381E(d)(1) of such Act; of which $530,100,000 shall be for the rural utilities programs described in sections 381E(d)(2), 306C(a)(2), and 306D of such Act, of which not to exceed $500,000 shall be available for the rural utilities program described in section 306(a)(2)(B) of such Act, and of which not to exceed $1,000,000 shall be available for the rural utilities program described in section 306E of such Act; and of which $89,221,000 shall be for the rural business and cooperative development programs described in sections 381E(d)(3) and 310B(f) of such Act: Provided, That of the total amount appropriated in this account, $25,000,000 shall be for loans and grants to benefit Federally Recognized Native American Tribes, including grants for drinking water and waste disposal systems pursuant to section 306C of such Act, of which $4,464,000 shall be available for community facilities grants to tribal colleges, as authorized by section 306(a)(19) of the Consolidated Farm and Rural Development Act, and of which $250,000 shall be available for a grant to a qualified national organization to provide technical assistance for rural transportation in order to promote economic development: Provided further, That of the amount appropriated for rural community programs, $6,350,000 shall be available for a Rural Community Development Initiative: Provided further, That such funds shall be used solely to develop the capacity and ability of private, nonprofit community-based housing and community development organizations, low-income rural communities, and Federally Recognized Native American Tribes to undertake projects to improve housing, community facilities, community and economic development projects in rural areas: Provided further, That such funds shall be made available to qualified private, nonprofit and public intermediary organizations proposing to carry out a program of financial and technical assistance: Provided further, That such intermediary organizations shall provide matching funds from other sources, including Federal funds for related activities, in an amount not less than funds provided: Provided further, That of the amount appropriated for the rural business and cooperative development programs, not to exceed $500,000 shall be made available for a grant to a qualified national organization to provide technical assistance for rural transportation in order to promote economic development; $2,000,000 shall be for grants to the Delta Regional Authority (7 U.S.C. 1921 et seq.) for any purpose under this heading: Provided further, That of the amount appropriated for rural utilities programs, not to exceed $25,000,000 shall be for water and waste disposal systems to benefit the Colonias along the United States/Mexico border, including grants pursuant to section 306C of such Act; $25,000,000 shall be for water and waste disposal systems for rural and native villages in Alaska pursuant to section 306D of such Act, with up to 2 percent available to administer the program and/or improve interagency coordination may be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses", of which $100,000 shall be provided to develop a regional system for centralized billing, operation, and management of rural water and sewer utilities through regional cooperatives, of which 25 percent shall be provided for water and sewer projects in regional hubs, and the State of Alaska shall provide a 25 percent cost share, and grantees may use up to 5 percent of grant funds, not to exceed $35,000 per community, for the completion of comprehensive community safe water plans; not to exceed $18,250,000 shall be for technical assistance grants for rural water and waste systems pursuant to section 306(a)(14) of such Act, unless the Secretary makes a determination of extreme need, of which $5,600,000 shall be for Rural Community Assistance Programs and not less than $850,000 shall be for a qualified national Native American organization to provide technical assistance for rural water systems for tribal communities; and not to exceed $13,750,000 shall be for contracting with qualified national organizations for a circuit rider program to provide technical assistance for rural water systems: Provided further, That of the total amount appropriated, not to exceed $21,367,000 shall be available through June 30, 2006, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones; of which $1,067,000 shall be for the rural community programs described in section 381E(d)(1) of such Act, of which $12,000,000 shall be for the rural utilities programs described in section 381E(d)(2) of such Act, and of which $8,300,000 shall be for the rural business and cooperative development programs described in section 381E(d)(3) of such Act: Provided further, That of the amount appropriated for rural community programs, $18,000,000 shall be to provide grants for facilities in rural communities with extreme unemployment and severe economic depression (Public Law 106–387), with 5 percent for administration and capacity building in the State rural development offices: Provided further, That of the amount appropriated, $26,000,000 shall be transferred to and merged with the "Rural Utilities Service, High Energy Cost Grants Account" to provide grants authorized under section 19 of the Rural Electrification Act of 1936 (7 U.S.C. 918a): Provided further, That any prior year balances for high cost energy grants authorized by section 19 of the Rural Electrification Act of 1936 (7 U.S.C. 901(19)) shall be transferred to and merged with the "Rural Utilities Service, High Energy Costs Grants Account".

RURAL DEVELOPMENT SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for carrying out the administration and implementation of programs in the Rural Development mission area, including activities with institutions concerning the development and operation of agricultural cooperatives; and for cooperative agreements;

$164,625,000: Provided, That of the funds appropriated under this title for salaries and expenses, $11,147,000, to remain available until September 30, 2007, shall be used to complete the consolidation of Rural Development activities in St. Louis, Missouri: Provided further, That notwithstanding any other provision of law, funds appropriated under this section may be used for advertising and promotional activities that support the Rural Development mission area: Provided further, That not more than $10,000 may be expended to provide modest nonmonetary awards to non-USDA employees: Provided further, That any balances available from prior years for the Rural Utilities Service, Rural Housing Service, and the Rural Business-Cooperative Service salaries and expenses accounts shall be transferred to and merged with this appropriation.

RURAL HOUSING SERVICE

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed loans as authorized by title V of the Housing Act of 1949, to be available from funds in the rural housing insurance fund, as follows: $4,821,832,000 for loans to section 502 borrowers, as determined by the Secretary, of which $1,140,799,000 shall be for direct loans, and of which $3,681,033,000 shall be for unsubsidized guaranteed loans; $35,000,000 for section 504 housing repair loans; $100,000,000 for section 515 rental housing; $100,000,000 for section 538 guaranteed multi-family housing loans; $5,000,000 for section 524 site loans; $11,500,000 for credit sales of acquired property, of which up to $1,500,000 may be for multi-family credit sales; and $5,048,000 for section 523 self-help housing land development loans.

For the cost of direct and guaranteed loans, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, as follows: section 502 loans, $170,837,000, of which $129,937,000 shall be for direct loans, and of which $40,900,000, to remain available until expended, shall be for unsubsidized guaranteed loans; section 504 housing repair loans, $10,238,000; repair, rehabilitation, and new construction of section 515 rental housing, $45,880,000; section 538 multi-family housing guaranteed loans, $5,420,000; multi-family credit sales of acquired property, $681,000; and section 523 self-help housing and development loans, $52,000: Provided, That of the total amount appropriated in this paragraph, $2,500,000 shall be available through June 30, 2006, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones: Provided further, That any funds under this paragraph initially allocated by the Secretary for housing projects in the State of Alaska that are not obligated by September 30, 2006, shall be carried over until September 30, 2007, and made available for such housing projects only in the State of Alaska.

For additional costs to conduct a demonstration program for the preservation and revitalization of the section 515 multi-family rental housing properties, $9,000,000: Provided, That funding made available under this heading shall be used to restructure existing section 515 loans, as the Secretary deems appropriate, expressly for the purposes of ensuring the project has sufficient resources to preserve the project for the purpose of providing safe and affordable housing for low-income residents including reducing or eliminating interest; deferring loan payments, subordinating, reducing or reamortizing loan debt; and other financial assistance including advances and incentives required by the Secretary.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $454,809,000, which shall be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses", of which not less than $1,000,000 shall be made available for the Secretary to contract with third parties to acquire the necessary automation and technical services needed to restructure section 515 mortgages.

RENTAL ASSISTANCE PROGRAM

For rental assistance agreements entered into or renewed pursuant to the authority under section 521(a)(2) or agreements entered into in lieu of debt forgiveness or payments for eligible households as authorized by section 502(c)(5)(D) of the Housing Act of 1949, $653,102,000; and, in addition, such sums as may be necessary, as authorized by section 521(c) of the Act, to liquidate debt incurred prior to fiscal year 1992 to carry out the rental assistance program under section 521(a)(2) of the Act: Provided, That of this amount, up to $8,000,000 shall be available for debt forgiveness or payments for eligible households as authorized by section 502(c)(5)(D) of the Act, and not to exceed $50,000 per project for advances to nonprofit organizations or public agencies to cover direct costs (other than purchase price) incurred in purchasing projects pursuant to section 502(c)(5)(C) of the Act: Provided further, That agreements entered into or renewed during the current fiscal year shall be funded for a four-year period: Provided further, That any unexpended balances remaining at the end of such four-year agreements may be transferred and used for the purposes of any debt reduction; maintenance, repair, or rehabilitation of any existing projects; preservation; and rental assistance activities authorized under title V of the Act: Provided further, That rental assistance that is recovered from projects that are subject to prepayment shall be deobligated and reallocated for vouchers and debt forgiveness or payments consistent with the requirements of this Act for purposes authorized under section 542 and section 502(c)(5)(D) of the Housing Act of 1949, as amended.

RURAL HOUSING VOUCHER PROGRAM

For the rural housing voucher program as authorized under section 542 of the Housing Act of 1949, (without regard to section 542(b)), $16,000,000, to remain available until expended: Provided, That such vouchers shall be available to any low-income household (including those not receiving rental assistance) residing in a property financed with a section 515 loan which has been prepaid after September 30, 2005: Provided further, That the amount of the voucher shall be the difference between comparable market rent for the section 515 unit and the tenant paid rent for such unit: Provided further, That funds made available for such vouchers, shall be subject to the availability of annual appropriations: Provided further, That the Secretary shall, to the maximum extent practicable, administer such vouchers with current regulations and administrative guidance applicable for section 8 housing vouchers administered by the Secretary of the Department of Housing and Urban Development (including the ability to pay administrative costs related to delivery of the voucher funds).

MUTUAL AND SELF-HELP HOUSING GRANTS

For grants and contracts pursuant to section 523(b)(1)(A) of the Housing Act of 1949 (42 U.S.C. 1490c), $34,000,000, to remain available until expended: Provided, That of the total amount appropriated, $1,000,000 shall be available through June 30, 2006, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

RURAL HOUSING ASSISTANCE GRANTS

For grants and contracts for very low-income housing repair, supervisory and technical assistance, compensation for construction defects, and rural housing preservation made by the Rural Housing Service, as authorized by 42 U.S.C. 1474, 1479(c), 1490e, and 1490m, $43,976,000, to remain available until expended: Provided, That $2,976,000 shall be made available for loans to private non-profit organizations, or such non-profit organizations' affiliate loan funds and State and local housing finance agencies, to carry out a housing demonstration program to provide revolving loans for the preservation of low-income multi-family housing projects: Provided further, That loans under such demonstration program shall have an interest rate of not more than 1 percent direct loan to the recipient: Provided further, That the Secretary may defer the interest and principal payment to the Rural Housing Service for up to 3 years and the term of such loans shall not exceed 30 years: Provided further, That of the total amount appropriated, $1,200,000 shall be available through June 30, 2006, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

FARM LABOR PROGRAM ACCOUNT

For the cost of direct loans, grants, and contracts, as authorized by 42 U.S.C. 1484 and 1486, $31,168,000, to remain available until expended, for direct farm labor housing loans and domestic farm labor housing grants and contracts.

RURAL BUSINESS—COOPERATIVE SERVICE

RURAL DEVELOPMENT LOAN FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the principal amount of direct loans, as authorized by the Rural Development Loan Fund (42 U.S.C. 9812(a)), $34,212,000.

For the cost of direct loans, $14,718,000, as authorized by the Rural Development Loan Fund (42 U.S.C. 9812(a)), of which $1,724,000 shall be available through June 30, 2006, for Federally Recognized Native American Tribes and of which $3,449,000 shall be available through June 30, 2006, for Mississippi Delta Region counties (as determined in accordance with Public Law 100–460): Provided, That of such amount made available, the Secretary may provide up to $1,500,000 for the Delta Regional Authority (7 U.S.C. 1921 et seq.): Provided further, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That of the total amount appropriated, $887,000 shall be available through June 30, 2006, for the cost of direct loans for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

In addition, for administrative expenses to carry out the direct loan programs, $4,793,000 shall be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses".

RURAL ECONOMIC DEVELOPMENT LOANS PROGRAM ACCOUNT

(INCLUDING RESCISSION OF FUNDS)

For the principal amount of direct loans, as authorized under section 313 of the Rural Electrification Act, for the purpose of promoting rural economic development and job creation projects, $25,003,000.

For the cost of direct loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, $4,993,000, to remain available until expended.

Of the funds derived from interest on the cushion of credit payments, as authorized by *section 313 of the Rural Electrification Act of 1936, $170,000,000 shall not be obligated and $170,000,000 are rescinded.*

RURAL COOPERATIVE DEVELOPMENT GRANTS

For rural cooperative development grants authorized under section 310B(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932), $29,488,000, of which $500,000 shall be for a cooperative research agreement with a qualified academic institution to conduct research on the national economic impact of all types of cooperatives; and of which $2,500,000 shall be for cooperative agreements for the appropriate technology transfer for rural areas program: Provided, That not to exceed $1,488,000 shall be for cooperatives or associations of cooperatives whose primary focus is to provide assistance to small, minority producers and whose governing board and/or membership is comprised of at least 75 percent minority; and of which $20,500,000, to remain available until expended, shall be for value-added agricultural product market development grants, as authorized by section 6401 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1621 note).

RURAL EMPOWERMENT ZONES AND ENTERPRISE COMMUNITIES GRANTS

For grants in connection with second and third rounds of empowerment zones and enterprise communities, $11,200,000, to remain available until expended, for designated rural empowerment zones and rural enterprise communities, as authorized by the Taxpayer Relief Act of 1997 and the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277): Provided, That of the funds appropriated, $1,000,000 shall be made available to third round empowerment zones, as authorized by the Community Renewal Tax Relief Act (Public Law 106–554).

RENEWABLE ENERGY PROGRAM

For the cost of a program of direct loans, loan guarantees, and grants, under the same terms and conditions as authorized by section 9006 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8106), $23,000,000 for direct and guaranteed renewable energy loans and grants: Provided, That the cost of direct loans and loan guarantees, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

RURAL UTILITIES SERVICE

RURAL ELECTRIFICATION AND TELECOMMUNICATIONS LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

Insured loans pursuant to the authority of section 305 of the Rural Electrification Act of 1936 (7 U.S.C. 935) shall be made as follows: 5 percent rural electrification loans, $100,000,000; municipal rate rural electric loans, $100,000,000; loans made pursuant to section 306 of that Act, rural electric, $2,700,000,000; Treasury rate direct electric loans, $1,000,000,000; guaranteed underwriting loans pursuant to section 313A, $1,500,000,000; 5 percent rural telecommunications loans, $145,000,000; cost of money rural telecommunications loans, $424,000,000; and for loans made pursuant to section 306 of that Act, rural telecommunications loans, $125,000,000.

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, including the cost of modifying loans, of direct and guaranteed loans authorized by sections 305 and 306 of the Rural Electrification Act of 1936 (7 U.S.C. 935 and 936), as follows: cost of rural electric loans, $6,160,000, and the cost of telecommunications loans, $212,000: Provided, That notwithstanding section 305(d)(2) of the Rural Electrification Act of 1936, borrower interest rates may exceed 7 percent per year.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $38,784,000 which shall be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses".

RURAL TELEPHONE BANK PROGRAM ACCOUNT

(INCLUDING TRANSFER AND RESCISSION OF FUNDS)

The Rural Telephone Bank is hereby authorized to make such expenditures, within the limits of funds available to such corporation in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as may be necessary in carrying out its authorized programs.

For administrative expenses, including audits, necessary to continue to service existing loans, $2,500,000, which shall be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses".

Of the unobligated balances from the Rural Telephone Bank Liquidating Account, $2,500,000 shall not be obligated and $2,500,000 are rescinded.

DISTANCE LEARNING, TELEMEDICINE, AND BROADBAND PROGRAM

For the principal amount of direct distance learning and telemedicine loans, $25,000,000; and for the principal amount of broadband telecommunication loans, $500,000,000.

For the cost of direct loans and grants for telemedicine and distance learning services in rural areas, as authorized by 7 U.S.C. 950aaa et seq., $30,375,000, to remain available until expended, of which $375,000 shall be for direct loans: Provided, That the cost of direct loans shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That $5,000,000 shall be made available to convert analog to digital operation those noncommercial educational television broadcast stations that serve rural areas and are qualified for Community Service Grants by the Corporation for Public Broadcasting under section 396(k) of the Communications Act of 1934, including associated translators and repeaters, regardless of the location of their main transmitter, studio-to-transmitter links, and equipment to allow local control over digital content and programming through the use of high-definition broadcast, multi-casting and datacasting technologies.

For the cost of broadband loans, as authorized by 7 U.S.C. 901 et seq., $10,750,000, to remain available until September 30, 2007: Provided, That the interest rate for such loans shall be the cost of borrowing to the Department of the Treasury for obligations of comparable maturity: Provided further, That the cost of direct loans shall be as defined in section 502 of the Congressional Budget Act of 1974.

In addition, $9,000,000, to remain available until expended, for a grant program to finance broadband transmission in rural areas eligible for Distance Learning and Telemedicine Program benefits authorized by 7 U.S.C. 950aaa.

TITLE IV

DOMESTIC FOOD PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR FOOD, NUTRITION AND CONSUMER SERVICES

For necessary salaries and expenses of the Office of the Under Secretary for Food, Nutrition and Consumer Services to administer the laws enacted by the Congress for the Food and Nutrition Service, $599,000.

FOOD AND NUTRITION SERVICE

CHILD NUTRITION PROGRAMS

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the National School Lunch Act (42 U.S.C. 1751 et seq.), except section 21, and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), except sections 17 and 21; $12,660,829,000, to remain available through September 30, 2007, of which $7,473,208,000 is hereby appropriated and $5,187,621,000 shall be derived by transfer from funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c): Provided, That none of the funds made available under this heading shall be used for studies and evaluations: Provided further, That up to $5,235,000 shall be available for independent verification of school food service claims.

SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

For necessary expenses to carry out the special supplemental nutrition program as authorized by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), $5,257,000,000, to remain available through September 30, 2007, of which such sums as are necessary to restore the contingency reserve to $125,000,000 shall be placed in reserve, to remain available until expended, to be allocated as the Secretary deems necessary, notwithstanding section 17(i) of such Act, to support participation should cost or participation exceed budget estimates: Provided, That of the total amount available, the Secretary shall obligate not less than $15,000,000 for a breastfeeding support initiative in addition to the activities specified in section 17(h)(3)(A): Provided further, That only the provisions of section 17(h)(10)(B)(i) and section 17(h)(10)(B)(ii) shall be effective in 2006; including $14,000,000 for the purposes specified in section 17(h)(10)(B)(i) and $20,000,000 for the purposes specified in section 17(h)(10)(B)(ii): Provided further, That funds made available for the purposes specified in section 17(h)(10)(B)(ii) shall only be made available upon a determination by the Secretary that funds are available to meet caseload requirements without the use of the contingency reserve funds: Provided further, That none of the funds made available under this heading shall be used for studies and evaluations: Provided further, That none of the funds in this Act shall be available to pay administrative expenses of WIC clinics except those that have an announced policy of prohibiting smoking within the space used to carry out the program: Provided further, That none of the funds provided in this account shall be available for the purchase of infant formula except in accordance with the cost containment and competitive bidding requirements specified in section 17 of such Act: Provided further, That none of the funds provided shall be available for activities that are not fully reimbursed by other Federal Government departments or agencies unless authorized by section 17 of such Act.

FOOD STAMP PROGRAM

For necessary expenses to carry out the Food Stamp Act (7 U.S.C. 2011 et seq.), $40,711,395,000, of which $3,000,000,000 to remain available through September 30, 2007, shall be placed in reserve for use only in such amounts and at such times as may become necessary to carry out program operations: Provided, That none of the funds made available under this heading shall be used for studies and evaluations: Provided further, That of the funds made available under this heading and not already appropriated to the Food Distribution Program on Indian Reservations (FDPIR) established under section 4(b) of the Food Stamp Act of 1977 (7 U.S.C. 2013(b)), not less than $3,000,000 shall be used to purchase bison meat for the FDPIR from Native American bison producers as well as from producer-owned cooperatives of bison ranchers: Provided further, That funds provided herein shall be expended in accordance with section 16 of the Food Stamp Act: Provided further, That this appropriation shall be subject to any work registration or workfare requirements as may be required by law: Provided further, That funds made available for Employment and Training under this heading shall remain available until expended, as authorized by section 16(h)(1) of the Food Stamp Act: Provided further, That notwithstanding section 5(d) of the Food Stamp

Act of 1977, any additional payment received under chapter 5 of title 37, United States Code, by a member of the United States Armed Forces deployed to a designated combat zone shall be excluded from household income for the duration of the member's deployment if the additional pay is the result of deployment to or while serving in a combat zone, and it was not received immediately prior to serving in the combat zone.

COMMODITY ASSISTANCE PROGRAM

For necessary expenses to carry out disaster assistance and the commodity supplemental food program as authorized by section 4(a) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note); the Emergency Food Assistance Act of 1983; special assistance (in a form determined by the Secretary of Agriculture) for the nuclear affected islands, as authorized by section 103(f)(2) of the Compact of Free Association Amendments Act of 2003 (Public Law 108–188); and the Farmers' Market Nutrition Program, as authorized by section 17(m) of the Child Nutrition Act of 1966, $179,366,000, to remain available through September 30, 2007: Provided, That none of these funds shall be available to reimburse the Commodity Credit Corporation for commodities donated to the program: Provided further, That notwithstanding any other provision of law, effective with funds made available in fiscal year 2006 to support the Seniors Farmers' Market Nutrition Program, as authorized by section 4402 of Public Law 107–171, such funds shall remain available through September 30, 2007: Provided further, That of the funds made available under section 27(a) of the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.), the Secretary may use up to $10,000,000 for costs associated with the distribution of commodities.

NUTRITION PROGRAMS ADMINISTRATION

For necessary administrative expenses of the domestic nutrition assistance programs funded under this Act, $140,761,000.

TITLE V

FOREIGN ASSISTANCE AND RELATED PROGRAMS

FOREIGN AGRICULTURAL SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Foreign Agricultural Service, including carrying out title VI of the Agricultural Act of 1954 (7 U.S.C. 1761–1768), market development activities abroad, and for enabling the Secretary to coordinate and integrate activities of the Department in connection with foreign agricultural work, including not to exceed $158,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), $147,901,000: Provided, That the Service may utilize advances of funds, or reimburse this appropriation for expenditures made on behalf of Federal agencies, public and private organizations and institutions under agreements executed pursuant to the agricultural food production assistance programs (7 U.S.C. 1737) and the foreign assistance programs of the United States Agency for International Development.

PUBLIC LAW 480 TITLE I DIRECT CREDIT AND FOOD FOR PROGRESS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of agreements under the Agricultural Trade Development and Assistance Act of 1954, and the Food for Progress Act of 1985, including the cost of modifying credit arrangements under said Acts, $65,040,000, to remain available until expended: Provided, That the Secretary of Agriculture may implement a commodity monetization program under existing provisions of the Food for Progress Act of 1985 to provide no less than $5,000,000 in local-currency funding support for rural electrification development overseas.

In addition, for administrative expenses to carry out the credit program of title I, Public Law 83–480, and the Food for Progress Act of 1985, to the extent funds appropriated for Public Law 83–480 are utilized, $3,385,000, of which $168,000 may be transferred to and merged with the appropriation for "Foreign Agricultural Service, Salaries and Expenses", and of which $3,217,000 may be transferred to and merged with the appropriation for "Farm Service Agency, Salaries and Expenses".

PUBLIC LAW 480 TITLE I OCEAN FREIGHT DIFFERENTIAL GRANTS

(INCLUDING TRANSFER OF FUNDS)

For ocean freight differential costs for the shipment of agricultural commodities under title I of the Agricultural Trade Development and Assistance Act of 1954 and under the Food for Progress Act of 1985, $11,940,000, to remain available until expended: Provided, That funds made available for the cost of agreements under title I of the Agricultural Trade Development and Assistance Act of 1954 and for title I ocean freight differential may be used interchangeably between the two accounts with prior notice to the Committees on Appropriations of both Houses of Congress.

PUBLIC LAW 480 TITLE II GRANTS

For expenses during the current fiscal year, not otherwise recoverable, and unrecovered prior years' costs, including interest thereon, under the Agricultural Trade Development and Assistance Act of 1954, for commodities supplied in connection with dispositions abroad under title II of said Act, $1,150,000,000, to remain available until expended.

COMMODITY CREDIT CORPORATION EXPORT LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For administrative expenses to carry out the Commodity Credit Corporation's export guarantee program, GSM 102 and GSM 103, $5,279,000; to cover common overhead expenses as permitted by section 11 of the Commodity Credit Corporation Charter Act and in conformity with the Federal Credit Reform Act of 1990, of which $3,440,000 may be transferred to and merged with the appropriation for "Foreign Agricultural Service, Salaries and Expenses", and of which $1,839,000 may be transferred to and merged with the appropriation for "Farm Service Agency, Salaries and Expenses".

MCGOVERN-DOLE INTERNATIONAL FOOD FOR EDUCATION AND CHILD NUTRITION PROGRAM GRANTS

For necessary expenses to carry out the provisions of section 3107 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1736o–1), $100,000,000, to remain available until expended: Provided, That the Commodity Credit Corporation is authorized to provide the services, facilities, and authorities for the purpose of implementing such section, subject to reimbursement from amounts provided herein.

TITLE VI

RELATED AGENCIES AND FOOD AND DRUG ADMINISTRATION

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Food and Drug Administration, including hire and purchase of passenger motor vehicles; for payment of space rental and related costs pursuant to Public Law 92–313 for programs and activities of the Food and Drug Administration which are included in this Act; for rental of special purpose space in the District of Columbia or elsewhere; for miscellaneous and emergency expenses of enforcement activities, authorized and approved by the Secretary and to be accounted for solely on the Secretary's certificate, not to exceed $25,000; and notwithstanding section 521 of Public Law 107–188; $1,838,567,000: Provided, That of the amount provided under this heading, $305,332,000 shall be derived from prescription drug user fees authorized by 21 U.S.C. 379h, shall be credited to this account and remain available until expended, and shall not include any fees pursuant to 21 U.S.C. 379h(a)(2) and (a)(3) assessed for fiscal year 2007 but collected in fiscal year 2006; $40,300,000 shall be derived from medical device user fees authorized by 21 U.S.C. 379j, and shall be credited to this account and remain available until expended; and $11,318,000 shall be derived from animal drug user fees authorized by 21 U.S.C. 379j, and shall be credited to this account and remain available until expended: Provided further, That fees derived from prescription drug, medical device, and animal drug assessments received during fiscal year 2006, including any such fees assessed prior to the current fiscal year but credited during the current year, shall be subject to the fiscal year 2006 limitation: Provided further, That none of these funds shall be used to develop, establish, or operate any program of user fees authorized by 31 U.S.C. 9701: Provided further, That of the total amount appropriated: (1) $443,153,000 shall be for the Center for Food Safety and Applied Nutrition and related field activities in the Office of Regulatory Affairs; (2) $520,564,000 shall be for the Center for Drug Evaluation and Research and related field activities in the Office of Regulatory Affairs; (3) $178,714,000 shall be for the Center for Biologics Evaluation and Research and for related field activities in the Office of Regulatory Affairs; (4) $99,787,000 shall be for the Center for Veterinary Medicine and for related field activities in the Office of Regulatory Affairs; (5) $245,770,000 shall be for the Center for Devices and Radiological Health and for related field activities in the Office of Regulatory Affairs; (6) $41,152,000 shall be for the National Center for Toxicological Research; (7) $58,515,000 shall be for Rent and Related activities, of which $21,974,000 is for White Oak Consolidation, other than the amounts paid to the General Services Administration for rent; (8) $134,853,000 shall be for payments to the General Services Administration for rent; and (9) $116,059,000 shall be for other activities, including the Office of the Commissioner; the Office of Management; the Office of External Relations; the Office of Policy and Planning; and central services for these offices: Provided further, That funds may be transferred from one specified activity to another with the prior approval of the Committees on Appropriations of both Houses of Congress.

In addition, mammography user fees authorized by 42 U.S.C. 263b may be credited to this account, to remain available until expended.

In addition, export certification user fees authorized by 21 U.S.C. 381 may be credited to this account, to remain available until expended.

BUILDINGS AND FACILITIES

For plans, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of or used by the Food and Drug Administration, where not otherwise provided, $8,000,000, to remain available until expended.

INDEPENDENT AGENCIES

COMMODITY FUTURES TRADING COMMISSION

For necessary expenses to carry out the provisions of the Commodity Exchange Act (7 U.S.C. 1 et seq.), including the purchase and hire of passenger motor vehicles, and the rental of space (to include multiple year leases) in the District of Columbia and elsewhere, $98,386,000, including not to exceed $3,000 for official reception and representation expenses.

FARM CREDIT ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed $44,250,000 (from assessments collected from farm credit institutions and from the Federal Agricultural Mortgage Corporation) shall be obligated during the current fiscal year for administrative expenses as authorized under 12 U.S.C. 2249: Provided, That this limitation shall not apply to expenses associated with receiverships.

TITLE VII

GENERAL PROVISIONS

(INCLUDING RESCISSIONS AND TRANSFERS OF FUNDS)

SEC. 701. Within the unit limit of cost fixed by law, appropriations and authorizations made for the Department of Agriculture for the current fiscal year under this Act shall be available for the purchase, in addition to those specifically provided for, of not to exceed 320 passenger motor vehicles, of which 320 shall be for replacement only, and for the hire of such vehicles.

SEC. 702. Hereafter, funds appropriated by this or any other Appropriations Act to the Department of Agriculture (excluding the Forest Service) shall be available for uniforms or allowances as authorized by law (5 U.S.C. 5901–5902).

SEC. 703. Hereafter, funds appropriated by this or any other Appropriations Act to the Department of Agriculture (excluding the Forest Service) shall be available for employment pursuant to the second sentence of section 706(a) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2225) and 5 U.S.C. 3109.

SEC. 704. New obligational authority provided for the following appropriation items in this Act shall remain available until expended: Animal and Plant Health Inspection Service, the contingency fund to meet emergency conditions, information technology infrastructure, fruit fly program, emerging plant pests, boll weevil program, low pathogen avian influenza program, up to $33,340,000 in animal health monitoring and surveillance for the animal identification system, up to $1,500,000 in the scrapie program for indemnities, up to $3,000,000 in the emergency management systems program for the vaccine bank, up to $1,000,000 for wildlife services methods development, up to $1,000,000 of the wildlife services operations program for aviation safety, and up to 25 percent of the screwworm program; Food Safety and Inspection Service, field automation and information management project; Cooperative State Research, Education, and Extension Service, funds for competitive research grants (7 U.S.C. 450i(b)), funds for the Research, Education, and Economics Information System, and funds for the Native American Institutions Endowment Fund; Farm Service Agency, salaries and expenses funds made available to county committees; Foreign Agricultural Service, middle-income country training program, and up to $2,000,000 of the Foreign Agricultural Service appropriation solely for the purpose of offsetting fluctuations in international currency exchange rates, subject to documentation by the Foreign Agricultural Service.

SEC. 705. The Secretary of Agriculture may transfer unobligated balances of discretionary funds appropriated by this Act or other available unobligated discretionary balances of the Department of Agriculture to the Working Capital Fund for the acquisition of plant and capital equipment necessary for the delivery of financial, administrative, and information technology services of primary benefit to the agencies of the Department of Agriculture: Provided, That none of the funds made available by this Act or any other Act shall be transferred to the Working Capital Fund without the prior approval of the agency administrator: Provided further, That none of the funds transferred to the Working Capital Fund pursuant to this section shall be available for obligation without the prior approval of the Committees on Appropriations of both Houses of Congress.

SEC. 706. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 707. Hereafter, not to exceed $50,000 in each fiscal year of the funds appropriated by this or any other Appropriations Act to the Department of Agriculture (excluding the Forest Service) shall be available to provide appropriate orientation and language training pursuant to section 606C of the Act of August 28, 1954 (7 U.S.C. 1766b).

SEC. 708. No funds appropriated by this Act may be used to pay negotiated indirect cost rates on cooperative agreements or similar arrangements between the United States Department of Agriculture and nonprofit institutions in excess of 10 percent of the total direct cost of the agreement when the purpose of such cooperative arrangements is to carry out programs of mutual interest between the two parties. This does not preclude appropriate payment of indirect costs on grants and contracts with such institutions when such indirect costs are computed on a similar basis for all agencies for which appropriations are provided in this Act.

SEC. 709. None of the funds in this Act shall be available to pay indirect costs charged against competitive agricultural research, education, or extension grant awards issued by the Cooperative State Research, Education, and Extension Service that exceed 20 percent of total Federal funds provided under each award: Provided, That notwithstanding section 1462 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3310), funds provided by this Act for grants awarded competitively by the Cooperative State Research, Education, and Extension Service shall be available to pay full allowable indirect costs for each grant awarded under section 9 of the Small Business Act (15 U.S.C. 638).

SEC. 710. Hereafter, loan levels provided in this or any other Appropriations Act to the Department of Agriculture shall be considered estimates, not limitations.

SEC. 711. Appropriations to the Department of Agriculture for the cost of direct and guaranteed loans made available in the current fiscal year shall remain available until expended to cover obligations made in the current fiscal year for the following accounts: the Rural Development Loan Fund program account, the Rural Electrification and Telecommunication Loans program account, and the Rural Housing Insurance Fund program account.

SEC. 712. Of the funds made available by this Act, not more than $1,800,000 shall be used to cover necessary expenses of activities related to all advisory committees, panels, commissions, and task forces of the Department of Agriculture, except for panels used to comply with negotiated rule makings and panels used to evaluate competitively awarded grants.

SEC. 713. None of the funds appropriated by this Act may be used to carry out section 410 of the Federal Meat Inspection Act (21 U.S.C. 679a) or section 30 of the Poultry Products Inspection Act (21 U.S.C. 471).

SEC. 714. No employee of the Department of Agriculture may be detailed or assigned from an agency or office funded by this Act to any other agency or office of the Department for more than 30 days unless the individual's employing agency or office is fully reimbursed by the receiving agency or office for the salary and expenses of the employee for the period of assignment.

SEC. 715. None of the funds appropriated or otherwise made available to the Department of Agriculture or the Food and Drug Administration shall be used to transmit or otherwise make available to any non-Department of Agriculture or non-Department of Health and Human Services employee questions or responses to questions that are a result of information requested for the appropriations hearing process.

SEC. 716. None of the funds made available to the Department of Agriculture by this Act may be used to acquire new information technology systems or significant upgrades, as determined by the Office of the Chief Information Officer, without the approval of the Chief Information Officer and the concurrence of the Executive Information Technology Investment Review Board: Provided, That notwithstanding any other provision of law, none of the funds appropriated or otherwise made available by this Act may be transferred to the Office of the Chief Information Officer without the prior approval of the Committees on Appropriations of both Houses of Congress: Provided further, That none of the funds available to the Department of Agriculture for information technology shall be obligated for projects over $25,000 prior to receipt of written approval by the Chief Information Officer.

SEC. 717. (a) None of the funds provided by this Act, or provided by previous Appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in the current fiscal year, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds which—

(1) creates new programs;

(2) eliminates a program, project, or activity;

(3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted;

(4) relocates an office or employees;

(5) reorganizes offices, programs, or activities; or

(6) contracts out or privatizes any functions or activities presently performed by Federal employees; unless the Committees on Appropriations of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

(b) None of the funds provided by this Act, or provided by previous Appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in the current fiscal year, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of $500,000 or 10 percent, which-ever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or (3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress; unless the Committees on Appropriations of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

(c) The Secretary of Agriculture, the Secretary of Health and Human Services, or the Chairman of the Commodity Futures Trading Commission shall notify the Committees on Appropriations of both Houses of Congress before implementing a program or activity not carried out during the previous fiscal year unless the program or activity is funded by this Act or specifically funded by any other Act.

SEC. 718. With the exception of funds needed to administer and conduct oversight of grants awarded and obligations incurred in prior fiscal years, none of the funds appropriated or otherwise made available by this or any other Act may be used to pay the salaries and expenses of personnel to carry out the provisions of section 401 of Public Law 105–185, the Initiative for Future Agriculture and Food Systems (7 U.S.C. 7621).

SEC. 719. None of the funds appropriated by this or any other Act shall be used to pay the salaries and expenses of personnel who prepare or submit appropriations language as part of the President's Budget submission to the Congress of the United States for programs under the jurisdiction of the Appropriations Subcommittees on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies that assumes revenues or reflects a reduction from the previous year due to user fees proposals that have not been enacted into law prior to the submission of the Budget unless such Budget submission identifies which additional spending reductions should occur in the event the user fees proposals are not enacted prior to the date of the convening of a committee of conference for the fiscal year 2007 appropriations Act.

SEC. 720. None of the funds made available by this or any other Act may be used to close or relocate a State Rural Development office unless or until cost effectiveness and enhancement of program delivery have been determined.

SEC. 721. In addition to amounts otherwise appropriated or made available by this Act, $2,500,000 is appropriated for the purpose of providing Bill Emerson and Mickey Leland Hunger Fellowships, through the Congressional Hunger Center.

SEC. 722. Hereafter, notwithstanding section 412 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1736f), any balances available to carry out title III of such Act as of the date of enactment of this Act, and any recoveries and reimbursements that become available to carry out title III of such Act, may be used to carry out title II of such Act.

SEC. 723. There is hereby appropriated $1,250,000 for a grant to the National Sheep Industry Improvement Center, to remain available until expended.

SEC. 724. The Secretary of Agriculture shall—

(1) as soon as practicable after the date of enactment of this Act, conduct an evaluation of any impacts of the court decision in Harvey v. Veneman, 396 F.3d 28 (1st Cir. Me. 2005); and

(2) not later than 90 days after the date of enactment of this Act, submit to Congress a report that—

(A) describes the results of the evaluation conducted under paragraph (1);

(B) includes a determination by the Secretary on whether restoring the National Organic Program, as in effect on the day before the date of the court decision described in paragraph (1), would adversely affect organic farmers, organic food processors, and consumers;

(C) analyzes issues regarding the use of synthetic ingredients in processing and handling;

(D) analyzes the utility of expedited petitions for commercially unavailable agricultural commodities and products; and

(E) considers the use of crops and forage from land included in the organic system plan of dairy farms that are in the third year of organic management.

SEC. 725. Hereafter, of any shipments of commodities made pursuant to section 416(b) of the Agricultural Act of 1949 (7 U.S.C. 1431(b)), the Secretary of Agriculture shall, to the extent practicable, direct that tonnage equal in value to not more than $25,000,000 shall be made available to foreign countries to assist in mitigating the effects of the Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome on communities, including the provision of—

(1) agricultural commodities to—

(A) individuals with Human Immunodeficiency Virus or Acquired Immune Deficiency Syndrome in the communities; and

(B) households in the communities, particularly individuals caring for orphaned children; and

(2) agricultural commodities monetized to provide other assistance (including assistance under microcredit and microenterprise programs) to create or restore sustainable livelihoods among individuals in the communities, particularly individuals caring for orphaned children.

SEC. 726. Notwithstanding any other provision of law, the Natural Resources Conservation Service shall provide financial and technical assistance—

(1) from funds available for the Watershed and Flood Prevention Operations program—

(A) to the Kane County, Illinois, Indian Creek Watershed Flood Prevention Project, in an amount not to exceed $1,000,000;

(B) for the Muskingam River Watershed, Mohican River, Jerome and Muddy Fork, Ohio, obstruction removal projects, in an amount not to exceed $1,800,000;

(C) to the Hickory Creek Special Drainage District, Bureau County, Illinois, in an amount not to exceed $50,000; and

(D) to the Little Red River Irrigation project, Arkansas, in an amount not to exceed $210,000;

(2) through the Watershed and Flood Prevention Operations program for—

(A) the Matanuska River erosion control project in Alaska;

(B) the Little Otter Creek project in Missouri;

(C) the Manoa Watershed project in Hawaii;

(D) the West Tarkio project in Iowa;

(E) the Steeple Run and West Branch DuPage River Watershed projects in DuPage County, Illinois; and

(F) the Coal Creek project in Utah;

(3) through the Watershed and Flood Prevention Operations program to carry out the East Locust Creek Watershed Plan Revision in Missouri, including up to 100 percent of the engineering assistance and 75 percent cost share for construction cost of site RW1; and

(4) through funds of the Conservation Operations program provided for the Utah Conservation Initiative for completion of the American Fork water quality and habitat restoration project in Utah.

SEC. 727. Hereafter, none of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this or any other appropriation Act.

SEC. 728. Notwithstanding any other provision of law, of the funds made available in this Act for competitive research grants (7 U.S.C. 450i(b)), the Secretary may use up to 22 percent of the amount provided to carry out a competitive grants program under the same terms and conditions as those provided in section 401 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7621).

SEC. 729. None of the funds appropriated or made available by this or any other Act may be used to pay the salaries and expenses of personnel to carry out section 14(h)(1) of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1012(h)(1)).

SEC. 730. None of the funds made available to the Food and Drug Administration by this Act shall be used to close or relocate, or to plan to close or relocate, the Food and Drug Administration Division of Pharmaceutical Analysis in St. Louis, Missouri, outside the city or county limits of St. Louis, Missouri.

SEC. 731. None of the funds appropriated or made available by this or any other Act may be used to pay the salaries and expenses of personnel to carry out subtitle I of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009dd through dd-7).

SEC. 732. Hereafter, agencies and offices of the Department of Agriculture may utilize any unobligated salaries and expenses funds to reimburse the Office of the General Counsel for salaries and expenses of personnel, and for other related expenses, incurred in representing such agencies and offices in the resolution of complaints by employees or applicants for employment, and in cases and other matters pending before the Equal Employment Opportunity Commission, the Federal Labor Relations Authority, or the Merit Systems Protection Board with the prior approval of the Committees on Appropriations of both Houses of Congress.

SEC. 733. None of the funds appropriated or made available by this or any other Act may be used to pay the salaries and expenses of personnel to carry out section 6405 of Public Law 107–171 (7 U.S.C. 2655).

SEC. 734. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to enroll in excess of 150,000 acres in the calendar year 2006 wetlands reserve program as authorized by 16 U.S.C. 3837.

SEC. 735. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel who carry out an environmental quality incentives program authorized by chapter 4 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3839aa et seq.) in excess of $1,017,000,000.

SEC. 736. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to expend the $23,000,000 made available by section 9006(f) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8106(f)).

SEC. 737. None of the funds appropriated or otherwise made available under this or any other Act shall be used to pay the salaries and expenses of personnel to expend the $80,000,000 made available by section 601(j)(1) of the Rural Electrification Act of 1936 (7 U.S.C. 950bb(j)(1)).

SEC. 738. None of the funds made available in fiscal year 2006 or preceding fiscal years for programs authorized under the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1691 et seq.) in excess of $20,000,000 shall be used to reimburse the Commodity Credit Corporation for the release of eligible commodities under section 302(f)(2)(A) of the Bill Emerson Humanitarian Trust Act (7 U.S.C. 1736f–1): Provided, That any such funds made available to reimburse the Commodity Credit Corporation shall only be used pursuant to section 302(b)(2)(B)(i) of the Bill Emerson Humanitarian Trust Act.

SEC. 739. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to expend the $120,000,000 made available by section 6401(a) of Public Law 107–171.

SEC. 740. Notwithstanding subsections (c) and (e)(2) of section 313A of the Rural Electrification Act (7 U.S.C. 940c(c) and (e)(2)) in implementing section 313A of that Act, the Secretary shall, with the consent of the lender, structure the schedule for payment of the annual fee, not to exceed an average of 30 basis points per year for the term of the loan, to ensure that sufficient funds are available to pay the subsidy costs for note guarantees under that section.

SEC. 741. None of the funds appropriated or otherwise made available by this or any other

Act shall be used to pay the salaries and expenses of personnel to carry out a Conservation Security Program authorized by 16 U.S.C. 3838 et seq., in excess of $259,000,000.

SEC. 742. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to carry out section 2502 of Public Law 107–171 in excess of $43,000,000.

SEC. 743. Of the unobligated balances available in the Special Supplemental Nutrition Program for Women, Infants, and Children reserve account, $32,000,000 is hereby rescinded.

SEC. 744. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to carry out section 2503 of Public Law 107–171 in excess of $73,500,000.

SEC. 745. With the exception of funds provided in fiscal year 2005, none of the funds appropriated or otherwise made available by this or any other Act shall be used to carry out section 6029 of Public Law 107–171.

SEC. 746. Hereafter, none of the funds appropriated or otherwise made available in this Act shall be expended to violate Public Law 105–264.

SEC. 747. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to carry out a ground and surface water conservation program authorized by section 2301 of Public Law 107–171 in excess of $51,000,000.

SEC. 748. None of the funds made available by this Act may be used to issue a final rule in furtherance of, or otherwise implement, the proposed rule on cost-sharing for animal and plant health emergency programs of the Animal and Plant Health Inspection Service published on July 8, 2003 (Docket No. 02–062–1; 68 Fed. Reg. 40541).

SEC. 749. Hereafter, notwithstanding any other provision of law, the Secretary of Agriculture may use appropriations available to the Secretary for activities authorized under sections 426–426c of title 7, United States Code, under this or any other Act, to enter into cooperative agreements, with a State, political subdivision, or agency thereof, a public or private agency, organization, or any other person, to lease aircraft if the Secretary determines that the objectives of the agreement will: (1) Serve a mutual interest of the parties to the agreement in carrying out the programs administered by the Animal and Plant Health Inspection Service, Wildlife Services; and (2) all parties will contribute resources to the accomplishment of these objectives; award of a cooperative agreement authorized by the Secretary may be made for an initial term not to exceed 5 years.

SEC. 750. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to carry out section 9010 of Public Law 107–171 in excess of $60,000,000.

SEC. 751. Hereafter, agencies and offices of the Department of Agriculture may utilize any available discretionary funds to cover the costs of preparing, or contracting for the preparation of, final agency decisions regarding complaints of discrimination in employment or program activities arising within such agencies and offices.

SEC. 752. Funds made available under section 1240I and section 1241(a) of the Food Security Act of 1985 in the current fiscal year shall remain available until expended to cover obligations made in the current fiscal year, and are not available for new obligations.

SEC. 753. There is hereby appropriated $750,000, to remain available until expended, for the Denali Commission to address deficiencies in solid waste disposal sites which threaten to contaminate rural drinking water supplies.

SEC. 754. Notwithstanding any other provision of law—

(1) the City of Palmer, Alaska shall be eligible to receive a water and waste disposal grant under section 306(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)) in an amount that is equal to not more than 75 percent of the total cost of providing water and sewer service to the proposed hospital in the Matanuska-Susitna Borough, Alaska;

(2) or any percentage of cost limitation in current law or regulations, the construction projects known as the Tri-Valley Community Center addition in Healy, Alaska; the Cold Climate Housing Research Center in Fairbanks, Alaska; and the University of Alaska-Fairbanks Allied Health Learning Center skill labs/classrooms shall be eligible to receive Community Facilities grants in amounts that are equal to not more than 75 percent of the total facility costs: Provided, That for the purposes of this paragraph, the Cold Climate Housing Research Center is designated an "essential community facility" for rural Alaska;

(3) for any fiscal year and hereafter, in the case of a high cost isolated rural area in Alaska that is not connected to a road system, the maximum level for the single family housing assistance shall be 150 percent of the median household income level in the nonmetropolitan areas of the State and 115 percent of all other eligible areas of the State; and

(4) any former RUS borrower that has repaid or prepaid an insured, direct or guaranteed loan under the Rural Electrification Act, or any not-for-profit utility that is eligible to receive an insured or direct loan under such Act, shall be eligible for assistance under Section 313(b)(2)(B) of such Act in the same manner as a borrower under such Act.

SEC. 755. There is hereby appropriated $1,000,000, to remain available until expended, for a grant to the Ohio Livestock Expo Center in Springfield, Ohio.

SEC. 756. Hereafter, notwithstanding the provisions of the Consolidated Farm and Rural Development Act (including the associated regulations) governing the Community Facilities Program, the Secretary may allow all Community Facility Program facility borrowers and grantees to enter into contracts with not-for-profit third parties for services consistent with the requirements of the Program, grant, and/or loan: Provided, That the contracts protect the interests of the Government regarding cost, liability, maintenance, and administrative fees.

SEC. 757. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to carry out an Agricultural Management Assistance Program as authorized by section 524 of the Federal Crop Insurance Act in excess of $6,000,000 (7 U.S.C. 1524).

SEC. 758. Notwithstanding any other provision of law, the Secretary of Agriculture is authorized to make funding and other assistance available through the emergency watershed protection program under section 403 of the Agricultural Credit Act of 1978 (16 U.S.C. 2203) to repair and prevent damage to non-Federal land in watersheds that have been impaired by fires initiated by the Federal Government and shall waive cost sharing requirements for the funding and assistance.

SEC. 759. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to carry out a Biomass Research and Development Program in excess of $12,000,000, as authorized by Public Law 106–224 (7 U.S.C. 7624 note).

SEC. 760. None of the funds provided in this Act may be used for salaries and expenses to carry out any regulation or rule insofar as it would make ineligible for enrollment in the conservation reserve program established under subchapter B of chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3831 et seq.) land that is planted to hardwood trees as of the date of enactment of this Act and was enrolled in the conservation reserve program under a contract that expired prior to calendar year 2002.

SEC. 761. Notwithstanding 40 U.S.C. 524, 571, and 572, the Secretary of Agriculture may sell the US Water Conservation Laboratory, Phoenix, Arizona, and credit the net proceeds of such sale as offsetting collections to its Agricultural Research Service Buildings and Facilities account. Such funds shall be available until September 30, 2007 to be used to replace these facilities and to improve other USDA-owned facilities.

SEC. 762. None of the funds provided in this Act may be used for salaries and expenses to draft or implement any regulation or rule insofar as it would require recertification of rural status for each electric and telecommunications borrower for the Rural Electrification and Telecommunication Loans program.

SEC. 763. The Secretary of Agriculture may use any unobligated carryover funds made available for any program administered by the Rural Utilities Service (not including funds made available under the heading "Rural Community Advancement Program" in any Act of appropriation) to carry out section 315 of the Rural Electrification Act of 1936 (7 U.S.C. 940e).

SEC. 764. There is hereby appropriated $650,000, to remain available until expended, to carry out provisions of section 751 of division A of Public Law 108–7.

SEC. 765. (a) Notwithstanding any other provision of law, and until the receipt of the decennial Census in the year 2010, the Secretary of Agriculture shall consider—

(1) the City of Bridgeton, New Jersey, the City of Kinston, North Carolina, and the City of Portsmouth, Ohio as rural areas for the purposes of Rural Housing Service Community Facilities Program loans and grants;

(2) the Township of Bloomington, Illinois (including individuals and entities with projects within Township) shall be eligible for Rural Housing Service Community Facilities Programs loans and grants;

(3) the City of Lone Grove, Oklahoma (including individuals and entities with projects within the city) shall be eligible for Rural Housing Service Community Facilities Program loans and grants;

(4) the City of Butte/Silverbow, Montana, rural areas for purposes of eligibility for Rural Utilities Service water and waste water loans and grants and Rural Housing Service Community Facilities Program loans and grants;

(5) Cleburne County, Arkansas, rural areas for purposes of eligibility of Rural Utilities Service water and waste water loans and grants;

(6) the designated Census track areas for the Upper Kanawha Valley Enterprise Community, West Virginia, rural areas for purposes of eligibility for rural empowerment zones and enterprise community programs in the rural development mission area;

(7) the Municipality of Carolina, Puerto Rico, as meeting the eligibility requirements for Rural Utilities Service water and waste water loans and grants;

(8) the Municipalities of Vega Baja, Manatí, Guayama, Fajardo, Humacao, and Naguabo, Puerto Rico, (including individuals and entities with projects within the Municipalities) shall be eligible for Rural Community Advancement Program loans and grants and intermediate relending programs;

(9) the City of Hidalgo, Texas as a rural area for the purpose of the Rural Business-Cooperative Service Rural Business Enterprise Grant Program;

(10) the City of Elgin, Oklahoma (including individuals and entities with projects within the city) shall be eligible for Rural Utilities Service water and waste water loans and grants; and

(11) the City of Lodi, California, the City of Atchison, Kansas, and the City of Belle Glade, Florida as rural areas for the purposes of the Rural Utilities Service water and waste water loans and grants.

SEC. 766. There is hereby appropriated $200,000 for a grant to Alaska Village Initiatives for the purpose of administering a private lands wildlife management program in Alaska.

SEC. 767. There is hereby appropriated $2,250,000, to remain available until expended, for a grant to the Wisconsin Federation of Cooperatives for pilot Wisconsin-Minnesota health care cooperative purchasing alliances.

SEC. 768. The counties of Burlington and Camden, New Jersey (including individuals and entities with projects within these counties) shall be eligible for loans and grants under the Rural Community Advancement Program for fiscal year 2006 to the same extent they were eligible for such assistance during the fiscal year 2005 under section 106 of Chapter 1 of Division B of Public Law 108–324 (188 Stat. 1236).

SEC. 769. Hereafter, notwithstanding any other provision of law, funds made available to States administering the Child and Adult Care Food Program, for the purpose of conducting audits of participating institutions, funds identified by the Secretary as having been unused during the initial fiscal year of availability may be recovered and reallocated by the Secretary: Provided, That States may use the reallocated funds until expended for the purpose of conducting audits of participating institutions.

SEC. 770. The Secretary of Agriculture is authorized and directed to quitclaim to the City of Elkhart, Kansas, all rights, title and interests of the United States in that tract of land comprising 151.7 acres, more or less, located in Morton County, Kansas, and more specifically described in a deed dated March 11, 1958, from the United States of America to the City of Elkhart, State of Kansas, and filed of record April 4, 1958 at Book 34 at Page 520 in the office of the Register of Deeds of Morton County, Kansas.

SEC. 771. There is hereby appropriated $2,500,000 to carry out the Healthy Forests Reserve Program authorized under Title V of Public Law 108–148 (16 U.S.C. 6571–6578).

SEC. 772. Unless otherwise authorized by existing law, none of the funds provided in this Act, may be used by an executive branch agency to produce any prepackaged news story intended for broadcast or distribution in the United States unless the story includes a clear notification within the text or audio of the prepackaged news story that the prepackaged news story was prepared or funded by that executive branch agency.

SEC. 773. In addition to other amounts appropriated or otherwise made available by this Act, there is hereby appropriated to the Secretary of Agriculture $7,000,000, of which not to exceed 5 percent may be available for administrative expenses, to remain available until expended, to make specialty crop block grants under section 101 of the Specialty Crops Competitiveness Act of 2004 (Public Law 108–465; 7 U.S.C. 1621 note).

SEC. 774. The Rural Electrification Act of 1936 is amended by inserting after section 315 (7 U.S.C. 940e) the following:

"SEC. 316. EXTENSION OF PERIOD OF EXISTING GUARANTEE. (a) IN GENERAL.—Subject to the limitations in this section and the provisions of the Federal Credit Reform Act of 1990, as amended, a borrower of a loan made by the Federal Financing Bank and guaranteed under this Act may request an extension of the final maturity of the outstanding principal balance of such loan or any loan advance thereunder. If the Secretary and the Federal Financing Bank approve such an extension, then the period of the existing guarantee shall also be considered extended.

"(b) LIMITATIONS.—

"(1) FEASIBILITY AND SECURITY.—Extensions under this section shall not be made unless the Secretary first finds and certifies that, after giving effect to the extension, in his judgment the security for all loans to the borrower made or guaranteed under this Act is reasonably adequate and that all such loans will be repaid within the time agreed.

"(2) EXTENSION OF USEFUL LIFE OR COLLATERAL.—Extensions under this section shall not be granted unless the borrower first submits with its request either—

"(A) evidence satisfactory to the Secretary that a Federal or State agency with jurisdiction and expertise has made an official determination, such as through a licensing proceeding, extending the useful life of a generating plant or transmission line pledged as collateral to or beyond the new final maturity date being requested by the borrower, or

"(B) a certificate from an independent licensed engineer concluding, on the basis of a thorough engineering analysis satisfactory to the Secretary, that the useful life of the generating plant or transmission line pledged as collateral extends to or beyond the new final maturity date being requested by the borrower.

"(3) AMOUNT ELIGIBLE FOR EXTENSION.—Extensions under this section shall not be granted if the principal balance extended exceeds the appraised value of the generating plant or transmission line referred to in subsection paragraph (2).

"(4) PERIOD OF EXTENSION.—Extensions under this section shall in no case result in a final maturity greater than 55 years from the time of original disbursement and shall in no case result in a final maturity greater than the useful life of the plant.

"(5) NUMBER OF EXTENSIONS.—Extensions under this section shall not be granted more than once per loan advance.

"(c) FEES.—

"(1) IN GENERAL.—A borrower that receives an extension under this section shall pay a fee to the Secretary which shall be credited to the Rural Electrification and Telecommunications Loans Program account. Such fees shall remain available without fiscal year limitation to pay the modification costs for extensions.

"(2) AMOUNT.—The amount of the fee paid shall be equal to the modification cost, calculated in accordance with section 502 of the Federal Credit Reform Act of 1990, as amended, of such extension.

"(3) PAYMENT.—The borrower shall pay the fee required under this section at the time the existing guarantee is extended by making a payment in the amount of the required fee.".

SEC. 775. (a) IN GENERAL.—The Secretary of Health and Human Services, on behalf of the United States may, whenever the Secretary deems desirable, relinquish to the State of Arkansas all or part of the jurisdiction of the United States over the lands and properties encompassing the Jefferson Labs campus in the State of Arkansas that are under the supervision or control of the Secretary.

(b) TERMS.—Relinquishment of jurisdiction under this section may be accomplished, under terms and conditions that the Secretary deems advisable,

(1) by filing with the Governor of the State of Arkansas a notice of relinquishment to take effect upon acceptance thereof; or

(2) as the laws of such State may otherwise provide.

(c) DEFINITION.—In this section, the term "Jefferson Labs campus" means the lands and properties of the National Center for Toxicological Research and the Arkansas Regional Laboratory.

SEC. 776. Section 204(b)(3)(A) of the Child Nutrition and WIC Reauthorization Act of 2004 (118 Stat. 781; 42 U.S.C. 1751 note) is amended by striking "July 1, 2006" and inserting "October 1, 2005".

SEC. 777. (a) Section 18(f)(1)(B) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769(f)(1)(B)) is amended—

(1) by striking "April 2004" and inserting "June 2005"; and

(2) in clause (ii), by striking "66.67" and inserting "75".

(b) The amendments made by subsection (a) take effect on January 1, 2006.

SEC. 778. None of the funds in this Act may be used to retire more than 5 percent of the Class A stock of the Rural Telephone Bank, except in the event of liquidation or dissolution of the telephone bank during fiscal year 2006, pursuant to section 411 of the Rural Electrification Act of 1936, as amended, or to maintain any account or subaccount within the accounting records of the Rural Telephone Bank the creation of which has not specifically been authorized by statute: Provided, That notwithstanding any other provision of law, none of the funds appropriated or otherwise made available in this Act may be used to transfer to the Treasury or to the Federal Financing Bank any unobligated balance of the Rural Telephone Bank telephone liquidating account which is in excess of current requirements and such balance shall receive interest as set forth for financial accounts in section 505(c) of the Federal Credit Reform Act of 1990.

SEC. 779. There is hereby appropriated $6,000,000 to carry out Section 120 of Public Law 108–265 in Utah, Wisconsin, New Mexico, Texas, Connecticut, and Idaho.

SEC. 780. Section 508(a)(4)(B) of the Federal Crop Insurance Act (7 U.S.C. 1508(a)(4)(B)) is amended by inserting "or similar commodities" after "the commodity".

SEC. 781. (a) Notwithstanding subtitles B and C of the Dairy Production Stabilization Act of 1983 (7 U.S.C. 4501 et seq.), during fiscal year 2006, the National Dairy Promotion and Research Board may obligate and expend funds for any activity to improve the environment and public health.

(b) The Secretary of Agriculture shall review the impact of any expenditures under subsection (a) and include the review in the 2007 report of the Secretary to Congress on the dairy promotion program established under subtitle B of the Dairy Production Stabilization Act of 1983 (7 U.S.C. 4501 et seq.).

SEC. 782. The Federal facility located at the South Mississippi Branch Experiment Station in Poplarville, Mississippi, and known as the "Southern Horticultural Laboratory", shall be known and designated as the "Thad Cochran Southern Horticultural Laboratory": Provided, That any reference in law, map, regulation, document, paper, or other record of the United States to such Federal facility shall be deemed to be a reference to the "Thad Cochran Southern Horticultural Laboratory".

SEC. 783. As soon as practicable after the Agricultural Research Service operations at the Western Cotton Research Laboratory located at 4135 East Broadway Road in Phoenix, Arizona, have ceased, the Secretary of Agriculture shall convey, without consideration, to the Arizona Cotton Growers Association and Supima all right, title, and interest of the United States in and to the real property at that location, including improvements.

SEC. 784. (a) IN GENERAL.—In carrying out a livestock assistance, compensation, or feed program, the Secretary of Agriculture shall include *horses and deer within the definition of "livestock" covered by the program.*

(b) CONFORMING AMENDMENTS.—

(1) Section 602(2) of the Agricultural Act of 1949 (7 U.S.C. 1471(2)) is amended—

(A) by inserting "horses, deer," after "bison,"; and

(B) by striking "equine animals used for food or in the production of food,".

(2) Section 806 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106–387; 114 Stat. 1549A–51) is amended by inserting "(including losses to elk, reindeer, bison, horses, and deer)" after "livestock losses".

(3) Section 10104(a) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1472(a)) is amended by striking "and bison" and inserting "bison, horses, and deer".

(4) Section 203(d)(2) of the Agricultural Assistance Act of 2003 (Public Law 108–7; 117 Stat. 541) is amended by striking "and bison" and inserting "bison, horses, and deer".

(c) APPLICABILITY.—

(1) IN GENERAL.—This section and the amendments made by this section apply to losses resulting from a disaster that occurs on or after July 28, 2005.

(2) PRIOR LOSSES.—This section and the amendments made by this section do not apply to losses resulting from a disaster that occurred before July 28, 2005.

SEC. 785. Amounts made available for the Plant Materials Center in Fallon, Nevada, under the heading "CONSERVATION OPERATIONS" under the heading "NATURAL RESOURCES CONSERVATION SERVICE" of title II of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2005 (Public Law 108–447; 118 Stat. 2823) shall remain available until expended.

SEC. 786. None of the funds made available in this Act may be used to study, complete a study of, or enter into a contract with a private party to carry out, without specific authorization in a subsequent Act of Congress, a competitive sourcing activity of the Secretary of Agriculture, including support personnel of the Department of Agriculture, relating to rural development or farm loan programs.

SEC. 787. None of the funds made available under this Act shall be available to pay the administrative expenses of a State agency that, after the date of enactment of this Act and prior to receiving certification in accordance with the provisions set forth in section 17(h)(11)(E) of the Child Nutrition Act of 1966, authorizes any new for-profit vendor(s) to transact food instruments under the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) if it is expected that more than 50 percent of the annual revenue of the vendor from the sale of food items will be derived from the sale of supplemental foods that are obtained with WIC food instruments, except that the Secretary may approve the authorization of such a vendor if the approval is necessary to assure participant access to program benefits.

SEC. 788. Of the unobligated balances under section 32 of the Act of August 24, 1935, $37,601,000 are hereby rescinded.

SEC. 789. None of the funds provided in this Act may be obligated or expended for any activity the purpose of which is to require a recipient of any grant that was funded in Public Law 102–368 and Public Law 103–50 for "Rural Housing for Domestic Farm Labor" in response to Hurricane Andrew to pay the United States any portion of any interest earned with respect to such grants: Provided, That such funds are expended by the grantee within 18 months of the date of enactment of this section for the purposes of providing farm labor housing consistent with the purpose authorized in Title V of the Housing Act of 1949, as determined by the Secretary.

SEC. 790. There is hereby appropriated $140,000 to remain available until expended, for a grant to the University of Nevada at Reno; $400,000 to remain available until expended for a grant to the Ohio Center for Farmland Policy Innovation at Ohio State University, Columbus, Ohio; $200,000 to remain available until expended, for a grant to Utah State University for a farming and dairy training initiative; $500,000, to remain available until expended, for a grant to the Nueces County, Texas Regional Fairground; and $350,000 to provide administrative support for a world hunger organization: Provided, That none of the funds may be used for a monetary award to an individual.

SEC. 791. There is hereby appropriated $1,000,000 to establish a demonstration intermediate relending program for the construction and rehabilitation of housing for the Mississippi Band of Choctaw Indians: Provided, That the interest rate for direct loans shall be 1 percent: Provided further, That no later than one year after the establishment of this program the Secretary shall provide the Committees on Appropriations with a report providing information on the program structure, management, and general demographic information on the loan recipients.

SEC. 792. Section 285 of the Agriculture Marketing Act of 1946 (7 U.S.C. 1638d) is amended by striking "2006" and inserting "2008".

SEC. 793. None of the funds appropriated or otherwise made available by this Act shall be used to pay salaries and expenses of personnel who implement or administer Section 508(e)(3) of the Federal Crop Insurance Act (7 U.S.C. 1508(e)(3)) or any regulation, bulletin, policy or agency guidance issued pursuant to Section 508(e)(3) of such Act for the 2007 reinsurance year.

SEC. 794. Effective 120 days after the date of enactment of this Act, none of the funds made available in this Act may be used to pay the salaries or expenses of personnel to inspect horses under section 3 of the Federal Meat Inspection Act (21 U.S.C. 603) or under the guidelines issued under section 903 the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 1901 note; Public Law 104–127).

SEC. 795. (a) Subject to subsection (b), none of the funds made available in this Act may be used to—

(1) grant a waiver of a financial conflict of interest requirement pursuant to section 505(n)(4) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(n)(4)) for any voting member of an advisory committee or panel of the Food and Drug Administration; or

(2) make a certification under section 208(b)(3) of title 18, United States Code, for any such voting member.

(b) Subsection (a) shall not apply to a waiver or certification if—

(1) not later than 15 days prior to a meeting of an advisory committee or panel to which such waiver or certification applies, the Secretary of Health and Human Services discloses on the Internet website of the Food and Drug Administration—

(A) the nature of the conflict of interest at issue; and

(B) the nature and basis of such waiver or certification (other than information exempted from disclosure under section 552 of title 5, United States Code (popularly known as the Freedom of Information Act)); or

(2) in the case of a conflict of interest that becomes known to the Secretary less than 15 days prior to a meeting to which such waiver or certification applies, the Secretary shall make such public disclosure as soon as possible thereafter, but in no event later than the date of such meeting.

(c) None of the funds made available in this Act may be used to make a new appointment to an advisory committee or panel of the Food and Drug Administration unless the Commissioner of Food and Drugs submits a quarterly report to the Inspector General of the Department of Health and Human Services and the Committees on Appropriations of the House and Senate on the efforts made to identify qualified persons for such appointment with minimal or no potential conflicts of interest.

SEC. 796. Section 274(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1324(a)(1)) is amended by adding at the end the following:

"(C) It is not a violation of clauses (ii) or (iii) of subparagraph (A), or of clause (iv) of subparagraph (A) except where a person encourages or induces an alien to come to or enter the United States, for a religious denomination having a bona fide nonprofit, religious organization in the United States, or the agents or officers of such denomination or organization, to encourage, invite, call, allow, or enable an alien who is present in the United States to perform the vocation of a minister or missionary for the denomination or organization in the United States as a volunteer who is not compensated as an employee, notwithstanding the provision of room, board, travel, medical assistance, and other basic living expenses, provided the minister or missionary has been a member of the denomination for at least one year.".

SEC. 797. (a) Section 2111(a)(1) of the Organic Foods Production Act of 1990 (7 U.S.C. 6510(a)(1)) is amended by inserting "not appearing on the National List" after "ingredient".

(b) Section 2118 of the Organic Foods Production Act of 1990 (7 U.S.C. 6517) is amended—

(1) in subsection (c)(1)—

(A) in the paragraph heading, by inserting "IN ORGANIC PRODUCTION AND HANDLING OPERATIONS" after "SUBSTANCES";

(B) in subparagraph (B)—

(i) in clause (i), by inserting "or" at the end; and

(ii) in clause (ii), by striking "or" at the end and inserting "and"; and

(C) by striking clause (iii); and

(2) in subsection (d), by adding at the end the following:

"(6) EXPEDITED PETITIONS FOR COMMERCIALLY UNAVAILABLE ORGANIC AGRICULTURAL PRODUCTS CONSTITUTING LESS THAN 5 PERCENT OF AN ORGANIC PROCESSED PRODUCT.—The Secretary may develop emergency procedures for designating agricultural products that are commercially unavailable in organic form for placement on the National List for a period of time not to exceed 12 months.".

(c) Section 2110(e)(2) of the Organic Foods Production Act of 1990 (7 U.S.C. 6509(e)(2)) is amended—

(1) by striking "A dairy" and inserting the following:

"(A) IN GENERAL.—Except as provided in subparagraph (B), a dairy"; and

(2) by adding at the end the following:

"(B) TRANSITION GUIDELINE.—Crops and forage from land included in the organic system plan of a dairy farm that is in the third year of organic management may be consumed by the dairy animals of the farm during the 12-month period immediately prior to the sale of organic milk and milk products.".

SEC. 798. (a) AMENABLE SPECIES.—The Federal Meat Inspection Act (21 U.S.C. 601 et seq.) is amended—

(1) by striking "cattle, sheep, swine, goats, horses, mules, and other equines" each place it appears and inserting "amenable species";

(2) in section 1, by adding at the end the following new subsection:

"(w) The term 'amenable species' means—

"(1) those species subject to the provisions of the Act on the day before the date of the enactment of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2006; and

"(2) any additional species of livestock that the Secretary considers appropriate."; and

(3) in section 19—

(A) by striking "horses, mules, or other equines" and inserting "species designated by regulations in effect on the day before the date of the enactment of the Agriculture, Rural Development, Food and Drug Administration and Related Agencies Appropriations Act, 2006"; and

(B) by striking "cattle, sheep, swine, or goats" and inserting "other amenable species".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect of the day after the effective date of section 794 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2006.

SEC. 799. Public Law 109–54, the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2006 is amended as follows:

(a) Under the heading National Park Service, Construction by:

(1) Striking "of which" after "$301,291,000, to remain available until expended," and inserting in lieu thereof "and";

(2) In the sixth proviso, striking "hereinafter" and inserting in lieu thereof "hereafter" and, after "Annex", inserting "and the Blue Ridge Parkway Regional Destination Visitor Center"; and

(3) In the seventh proviso, striking "solicitation and contract" and inserting in lieu thereof "solicitations and contracts";

(b) Under the heading National Park Service, Land Acquisition and State Assistance by striking '$74,824,000" and inserting in lieu thereof "$64,909,000";

(c) Under the heading Departmental Management, Salaries and Expenses by striking "$127,183,000" and inserting in lieu thereof "$117,183,000";

(d) Under the heading Title II—Environmental Protection Agency, State and Tribal Assistance Grants by:

(1) Before the period at the end of the first paragraph, inserting ": Provided further, That of the funds made available under this heading in Division I of Public Law 108–447, $300,000 is for the Haleyville, AL, North Industrial Area Water Storage Tank project: Provided further, That the referenced statement of the managers under the heading Environmental Protection Agency, State and Tribal Assistance Grants in Public Law 107–73, in reference to item 184, is deemed to be amended by striking "$2,000,000" and inserting in lieu thereof "$29,945" and by inserting after "improvements": ", $500,000 to the City of Sheridan for water system improvements, $500,000 to Meagher County/Martinsdale Water and Sewer District for Martinsdale Water System Improvements, and $970,055 to the City of Bozeman for Hyalite Waterline and Intake"; and

(2) In the second paragraph, striking the word "original";

(e) Under the heading Forest Service, Land Acquisition by striking "land that are encumbered" and all that follows through "under this section," and inserting in lieu thereof "lands that are encumbered by unpatented claims acquired under this section, or with previously appropriated funds,"; and

(f) At the end of Title IV—General Provisions, insert the following:

"SEC. 440. REDESIGNATION OF WILDERNESS.

(a) REDESIGNATION.—Section 140(c)(4) of Division E of Public Law 108–447 is amended by striking "National".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the "Gaylord A. Nelson National Wilderness" shall be deemed to be a reference to the "Gaylord A. Nelson Wilderness"."

This Act may be cited as the "Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2006".

And the Senate agree to the same.

HENRY BONILLA,
JACK KINGSTON,
TOM LATHAM,
JO ANN EMERSON,
VIRGIL GOODE, JR.,
RAY LAHOOD,
JOHN T. DOOLITTLE,
RODNEY ALEXANDER,
JERRY LEWIS,
Managers on the part of the House.

R.F. BENNETT,
THAD COCHRAN,
ARLEN SPECTER,
CHRIS BOND,
MITCH MCCONNELL,
TED STEVENS,
HERB KOHL,
DIANNE FEINSTEIN,
RICHARD DURBIN,
MARY LANDRIEU,
ROBERT C. BYRD,
Managers on the part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to bill (H.R. 2744), making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2006 and for other purposes, submit the following joint statement to the House and Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

CONGRESSIONAL DIRECTIVES

The statement of the managers remains silent on provisions that were in both the House and Senate bills that remain unchanged by this conference agreement, except as noted in this statement of the managers.

The conferees agree that executive branch wishes cannot substitute for Congress' own statements as to the best evidence of congressional intentions-that is, the official reports of the Congress. The conferees further point out that funds in this Act must be used for the purposes for which appropriated, as required by section 1301 of title 31 of the United States Code, which provides: "Appropriations shall be applied only to the objects for which the appropriations were made except as otherwise provided by law."

The House and Senate report language that is not changed by the conference is approved by the committee of conference. The statement of the managers, while repeating some report language for emphasis, does not intend to negate the language referred to above unless expressly provided herein.

In cases in which the House or the Senate have directed the submission of a report, such report is to be submitted to both the House and Senate Committees on Appropriations.

TITLE I—AGRICULTURAL PROGRAMS

PRODUCTION, PROCESSING, AND MARKETING

OFFICE OF THE SECRETARY

The conference agreement provides $5,127,000 for the Office of the Secretary as proposed by the House and the Senate.

The conference agreement provides the fiscal year 2005 funding level for cross-cutting trade negotiations and biotechnology resources in the following accounts: Office of the Secretary; Animal and Plant Health Inspection Service; Grain Inspection, Packers and Stockyards Administration; and the Foreign Agricultural Service.

The conferees appreciate receiving the detailed information provided in the Explanatory Notes prepared by the Department and rely heavily on this information when considering budget proposals. These materials have traditionally been prepared for the sole use of the Committees on Appropriations in a format consistent with the organization and operation of the programs and the structure of the Appropriations Act. At the direction of the Office of Management and Budget, the Department has changed the format and content of these materials to focus on broader goals and objectives rather than the major program structure followed in the Act, and in the actual conduct of the programs. The new organization and content does not present budget information in a format useful to the deliberations of the Committees. For fiscal year 2007 and future years, the Department is directed to present Explanatory Notes in a format consistent with the presentation used for the fiscal year 2002 Budget. Any deviations from that format are to be approved in advance by the Committees.

The conferees direct the Secretary to advise the Committees on Appropriations in writing of the status of all reports requested of the Department by the committees, at the time of submission of the fiscal year 2007 budget and quarterly thereafter.

The conferees are concerned by protocols employed by various food aid agencies related to measuring the quality of food products offered for international humanitarian assistance. The Secretary is encouraged to work with appropriate organizations to determine what actions may be proper to improve the nutritional integrity of food aid commodities and the consistency of testing methods. The Secretary is further encouraged, if appropriate, to work with groups experienced in food aid quality and tracking systems to carry out authorities provided in section 3013 of Public Law 107–171. The Committees on Appropriations expect a report on this subject no later than March 1, 2006.

The conferees are aware of the various USDA agencies that were affected by Hurricanes Katrina, Rita, and other storm events in recent months. As a result of the dislocation of many individuals employed by these agencies, the conferees expect the Department to initiate all safe harbor means available to ensure safe and adequate relief and recovery for these employees until full restoration of agency facilities is complete and agency personnel are able to return to their homes. The conferees expect the Secretary to provide a report to the Committees on Appropriations of the House and Senate on actions taken in this regard by March 1, 2006.

The conferees take note of the heightened awareness and concern surrounding the potential for an avian flu pandemic. The Secretary is directed to instruct all agencies with jurisdiction over possible introduction of foreign animal disease into this country to take all necessary steps, including increased surveillance and ensuring they have all the necessary authorities to provide the greatest level of safeguard against the introduction of highly pathogenic avian flu into the United States. The Secretary is further directed to report to the Committees on Appropriations of the House and Senate on this subject by March 1, 2006.

The conferees remain committed to provide funding for federal, state university, and other arenas of research and development activities to support U.S. agriculture. Given current budget constraints, this conference agreement provides the highest levels of funding possible for various research programs under the jurisdiction of this Act. In addition, the conferees urge the Secretary, and others in the Executive Branch, to increase public sector investment in this important area.

The conference agreement does not include language proposed by the Senate which would have conditioned imports of beef from Japan until that country takes steps toward opening its market to U.S. beef products. Nonetheless, the conferees strongly urge the Secretary to continue ongoing negotiations with the Japanese government to open this important market. The conferees are encouraged by recent movement in these negotiations, but clearly reserve the right to impose restrictions similar to those suggested by the Senate if there is not a swift resolution to this issue.

The conferees direct the Secretary to submit to the Committees on Appropriations of the House and Senate, as a supplement to the President's fiscal year 2007 budget request, a report on measures identified to address bark beetle infestations. This report should include information regarding resources identified in the fiscal year 2007 budget request, including assistance under the authorities of the Healthy Forests Restoration Act of 2003, relating to bark beetles. It is expected that the Secretary of Agriculture shall coordinate these activities with the Secretary of the Interior.

The conferees remain aware of public attention to animal health issues, especially those that have implications for food safety and other aspects of human public health issues. Following the discovery of a BSE-infected cow in Washington State in December of 2003, the Secretary of Agriculture imposed a ban on the entry of non-ambulatory beef cattle into the food supply. The conferees note the continuing strong interest among the American consuming public regarding this policy and direct the Secretary to notify and closely confer with the Committees on Appropriations of the House and Senate, and appropriate authorizing committees, before the Department takes any actions that would weaken this safeguard. In addition, the conferees encourage the Secretary to initiate an Advanced Notice of Proposed Rulemaking on this subject. Finally, the conferees urge the Secretary to continue efforts for enhanced surveillance of animal health through sampling tissues and other materials retrieved from rendering facilities or places where non-ambulatory animals are otherwise disposed.

The conferees recognize the importance of public and private contributions to relieve world hunger. Human suffering related to food shortages resulting from famine, natural disaster, civil unrest, and similar circumstances is one of the greatest tragedies of current times. Further, world hunger complicates international relations where civil unrest leads to national destabilization and sympathies toward terrorist organizations. The conferees are aware of the organization which annually awards the World Food Prize for outstanding work in the field of humanitarian food assistance, and encourages the Secretary to work with this organization in any form appropriate to support its activities and to further its goal of relieving world hunger. The Secretary is directed to report to the Committees by March 1, 2006, on ways in which the Department can participate in support of this organization.

The conferees are aware that the Department intends to release an interim report on a feasibility study on converting sugar into ethanol by December 15, 2005. The conferees encourage the Department to release the interim report to Congress by December 15, 2005 and final report not later that July 1, 2006.

The conferees are aware that the state of Texas has recently entered into a contract to privatize certain operations of the Food Stamp program. It is the conferees' understanding that USDA has worked with the State in order to ensure that this contract will not result in a higher food stamp error rate or reduced access to the program. Therefore, the conferees direct the Secretary to provide quarterly reports, beginning 30 days after enactment of this Act, on the status of this contract, including the effects it is having on program access, error rates, and spending on administrative expenses.

Executive Operations

CHIEF ECONOMIST

The conference agreement provides $10,539,000 for the Office of the Chief Economist as proposed by the House and the Senate.

NATIONAL APPEALS DIVISION

The conference agreement provides $14,524,000 for the National Appeals Division, as proposed by the House and the Senate.

OFFICE OF BUDGET AND PROGRAM ANALYSIS

The conference agreement provides $8,298,000 for the Office of Budget and Program Analysis as proposed by the House and the Senate.

HOMELAND SECURITY STAFF

The conference agreement provides $934,000 for Homeland Security Staff as proposed by the House instead of $1,166,000 as proposed by the Senate.

Office of the Chief Information Officer

The conference agreement provides $16,462,000 for the Office of the Chief Information Officer as proposed by the House instead of $16,726,000 as proposed by the Senate.

Common Computing Environment

The conference agreement provides $110,072,000 for common computing environment instead of $60,725,000 as proposed by the House and $118,072,000 as proposed by the Senate.

The conferees direct the Department to continue reporting to the Committees on Appropriations on a quarterly basis on the implementation of the common computing environment.

Since fiscal year 2000, Congress has appropriated over $500,000,000 for the modernization and integration of information systems in USDA's county field offices. The conferees have fully supported this effort, but will expect to see reduced or level funding levels for this account in future budget submissions as a result of anticipated efficiencies and economies of scale.

The following table reflects the conference agreement's recommendation:

[Dollars in thousands]

CCE base infrastructure	$ 19,735
FSA specific	74,000
NRCS specific	11,137
RD specific	4,000
Interagency e-Gov	1,200
	$110,072

Office of the Chief Financial Officer

The conference agreement provides $5,874,000 for the Office of the Chief Financial Officer as proposed by the House and the Senate.

The conferees direct USDA to work with the Office of Management and Budget and the Office of Personnel Management to investigate the feasibility of creating a public/private partnership to help leverage scarce federal resources to expand upon the existing e-payroll program to include such functions as automated data processing, cross-servicing capabilities, and other beneficial services to federal agencies. The conferees encourage the Secretary to continue these expansions and to give close consideration for the continuity of National Finance Center (NFC) operations in Louisiana.

The conferees commend the employees of the NFC in suburban New Orleans for their outstanding work in continuing the payrolls and cross-servicing operations of more than 130 government agencies during the devastation of Hurricane Katrina. The conferees note that several hundred NFC employees have been relocated to other work sites because of hurricane damage and directs the Secretary to report to the Committees on Appropriations by January 31, 2006 on the continuity of operations of the NFC and the reestablishment of payroll and cross-servicing operations and functions in New Orleans and plans for back-up facilities.

Working Capital Fund

The conference agreement includes a general provision that authorizes the Secretary to transfer unobligated balances of other accounts to the Working Capital Fund.

Office of the Assistant Secretary for Civil Rights

The conference agreement provides $821,000 for the Office of the Assistant Secretary for Civil Rights as proposed by the Senate instead of $811,000 as proposed by the House.

Office of Civil Rights

The conference agreement provides $20,109,000 for the Office of Civil Rights as proposed by the House and the Senate.

Office of the Assistant Secretary for Administration

The conference agreement provides $676,000 for the Office of the Assistant Secretary for Administration as proposed by the House and the Senate.

Agriculture Buildings and Facilities and Rental Payments

The conference agreement provides $187,734,000 for agriculture buildings and facilities and rental payments as proposed by the Senate instead of $183,133,000 as proposed by the House. The conference agreement provides an increase of $4,601,000 for building operations and maintenance to be applied to the highest priority needs for which additional funding was requested.

Hazardous Materials Management

The conference agreement provides $12,000,000 for Hazardous Materials Management as proposed by the Senate instead of $15,644,000 as proposed by the House.

Departmental Administration

The conference agreement provides $23,103,000 for Departmental Administration as proposed by the House and the Senate.

OFFICE OF THE ASSISTANT SECRETARY FOR CONGRESSIONAL RELATIONS

The conference agreement provides $3,821,000 for the Office of the Assistant Secretary for Congressional Relations as proposed by the House instead of $3,846,000 as proposed by the Senate.

OFFICE OF COMMUNICATIONS

The conference agreement provides $9,509,000 for the Office of Communications as proposed by the House and the Senate.

The conferees direct the Office of Communications to continue providing the Committees with copies of open source news material made available to USDA officials through the use of appropriated funds.

OFFICE OF THE INSPECTOR GENERAL

The conference agreement provides $80,336,000 for the Office of the Inspector General instead of $79,626,000 as proposed by the House and $81,045,000 as proposed by the Senate.

The conference agreement includes a program increase of $1,010,000, for computer forensics evidence storage and other high priority budgeted increases.

OFFICE OF THE GENERAL COUNSEL

The conference agreement provides $39,351,000 for the Office of the General Counsel instead of $38,439,000 as proposed by the House and $40,263,000 as proposed by the Senate.

The conference agreement provides an increase of $2,908,000 for 2 staff years for additional legal services for the Marketing and Regulatory Programs and for the highest priority needs for which additional funding was requested.

OFFICE OF THE UNDER SECRETARY FOR RESEARCH, EDUCATION AND ECONOMICS

The conference agreement provides $598,000 for the Office of the Under Secretary for Research, Education and Economics as proposed by the House and the Senate.

ECONOMIC RESEARCH SERVICE

The conference agreement provides $75,931,000 for the Economic Research Service as proposed by the House instead of $78,549,000 as proposed by the Senate.

The conference agreement provides an increase of $1,000,000, of which $350,000 is for an agreement with the National Academy of Sciences to conduct a comprehensive report on the economic development and current status of the sheep industry in the United States and $650,000 is to be applied to the highest priority needs for which additional funding was requested.

Also, within the funds provided, the conferees expect not later than 90 days after the date of enactment of this Act, the Secretary of Agriculture, in cooperation with the Secretary of Energy, to provide to the Committees on Appropriations of both Houses of Congress, a report that describes the impact of increased prices of gas, natural gas, and diesel on agricultural producers, ranchers, and rural communities.

NATIONAL AGRICULTURAL STATISTICS SERVICE

The conference agreement provides $140,700,000 for the National Agricultural Statistics Service instead of $136,241,000 as proposed by the House and $145,159,000 as proposed by the Senate.

The conference agreement provides an increase of $5,367,000 for agricultural estimates to be applied to the highest priority needs for which additional funding was requested.

AGRICULTURAL RESEARCH SERVICE

SALARIES AND EXPENSES

The conference agreement provides $1,135,004,000 for the Agricultural Research Service, Salaries and Expenses, instead of $1,035,475,000 as proposed by the House and $1,109,981,000 as proposed by the Senate.

The conferees note that the Agricultural Research Service has had the authority to construct certain buildings provided by 7 U.S.C. 2250 for several years. The conferees direct the Agricultural Research Service to notify the Committees on Appropriations on the use of this authority on a semi-annual basis beginning January 1, 2006.

The conferees expect the agency to promptly implement programs and allocate funds provided for the purposes identified by the Congress.

In complying with the conferees' directives, ARS is expected not to redirect support for programs from one State to another without prior notification to and approval of the Committees on Appropriations in accordance with the reprogramming procedures specified in this Act. Unless otherwise directed, the agency shall implement appropriations by programs, projects, and activities as specified by the Appropriations Committees. Unspecified reductions necessary to carry out the provisions of this Act are to be implemented in accordance with the definitions contained in the "Program, Project, and Activity" section of this Act.

The conference agreement continues the fiscal year 2005 level of funding for all research projects proposed to be terminated in the President's budget as provided in House Report 109–102 and Senate Report 109–92 accompanying the fiscal year 2006 Agriculture Appropriations bills, including hyperspectral imaging in New Orleans, LA.

The conferees have agreed to fund budgeted increases for the following areas of research:

Emerging Diseases of Livestock/Crops—Develop Systems for Rapid Response to Bioterrorism Agents—Laramie, WY, $250,000; Athens, GA, $175,000; Vaccinology Research for Control and Eradication of Biological Threat Agents—Ames, IA, $450,000; Plum Island, NY, (Antigen Delivery Systems) $250,000; Plum Island, NY, (Foot and Mouth Disease) $150,000; Advance Intervention Strategies for Emerging Diseases of Livestock and Poultry—Ames, IA, $300,000; Develop Diagnostics for Rapid, Practical, Identification of Pathogens—Parlier, CA, $150,000; Ft. Pierce, FL, $150,000; Salinas, CA, $175,000; Develop Taxonomy, Biology, and Genetics of Pathogens—St. Paul, MN, Pullman, WA, others (Wheat Stripe Initiative), $500,000; Pullman, WA (Rust Disease of Wheat), $175,000; Ft. Pierce, FL, $300,000; Develop Science-Based Forecasting Systems for Each Pathogen/Crop Combination—Ft. Detrick, MD, $250,000; Develop Integrated Disease Management Strategies and Tools—Stoneville, MS, $240,000; Ames, IA, $150,000; Raleigh, NC, $150,000; Urbana, IL, $150,000; Charleston, SC, $50,000; and, Tifton, GA, $50,000.

Food Safety—Develop Food Animal Surveillance and Epidemiology Programs for Early Detection of Epizootic Pathogens and Antibiotic Resistance—Athens, GA, $250,000; Beltsville, MD, $250,000; Genomics to Analyze Microbial Communities to Control Food Pathogens in Preharvest Stage—Clay Center, NE, $50,000; College Station, TX, $50,000; Fungal Genomics to Identify Improved Control Strategies for Mycotoxins—New Orleans, LA, $150,000; Develop Sampling Systems and Protocols in Detecting Intentional Contamination—Beltsville, MD, $150,000; Develop Rapid Systems to Maximize Detection Potential of Pathogens in Foods—Albany, CA, $50,000; Develop Detection and Processing Intervention Systems for Liquid Egg Products—Wyndmoor, PA, $250,000, Athens, GA, $150,000; Identification of Toxic Chemical Residues and Heavy Metals—Beltsville, MD, $125,000; and, Biological Toxins—Albany, CA, $150,000.

Bovine Spongiform Encephalopathy (BSE) Research—Implement an Integrated Zoonotic Research Program (BSE) in Pathogenesis, Diagnostics, and Intervention—Ames, IA, (Risk Assessment of BSE) $900,000; Albany, CA, (Pathophysiology of BSE) $450,000; Pullman, WA, $500,000; Ames, IA, (Pre-Clinical Live Animal Test) $250,000; and, Albany, CA, (Prion Deactivation for Decontamination of Feed) $250,000.

Obesity/Nutrition—Understanding Dietary Patterns That Contribute to Obesity in Low Socioeconomic and Minority Populations in the U.S.—Beltsville, MD, $250,000; Determine the Energy and Nutrient Content of Foods Consumed by U.S. Minority Populations—Grand Forks, ND, $200,000; Address the Obesity Epidemic and Promote a Healthier Lifestyle—Davis, CA, $150,000; Boston, MA, $150,000; Little Rock, AR, $150,000; Houston, TX, $200,000; Baton Rogue, LA, $200,000; and, Grand Forks, ND, $70,000.

Invasive Species—Conduct Research to Control Sudden Oak Death, Tamarisk, Emerald Ash Borer, Yellow Starthistle, Asian Long Horned Beatle, Lobate Lac Scale, Swallow—Worts, and Teasel—Corvalis, OR, $150,000; Ft. Detrick, MD, $150,000; Newark, DE, $137,500; Ithaca, NY, $150,000; Ft. Lauderdale, FL, $75,000; Reno, NV, $200,000; Develop IPM Components and Systems for Invasive Insects—Mt. Pellier, France, $100,000; Peoria, IL, $100,000; Columbia, MO, $100,000; Improve Taxonomic Knowledge of Invasive Species—Beltsville, MD, $150,000; and, Identify the Genes in the Red Invasive Fire Ant and Develop Better Bait Controls—Gainesville, FL, $150,000.

Air and Water Quality—Reduce Gaseous Particulate Matter Emissions from Animal Feeding Operations—Bushland, TX, $150,000.

Biobased Products/Bioenergy Research—Improve the Quality and Quantity of Agricultural Biomass Feedstock for Production of Energy and Biobased Products—Peoria, IL, $250,000; Develop Technologies to Produce Biofuels and Co products from Agricultural Commodities and Byproducts—Beltsville, MD, $150,000; Wyndmoor, PA, $150,000; and, Develop Technologies Leading to New Value Added Products from Food Animal Byproducts—Wyndmoor, PA, $162,500.

Genetic Resources—Genetic Resource Enhancement—Aberdeen, ID, $100,000; Miami, FL, $125,000; Raleigh, NC, $125,000; Madison, WI, $125,000; Genetic Resource Acquisition, Maintenance, and Characterization—Stuttgart, AR, $125,000; Ft. Collins, CO, $125,000; and, Ithaca, NY, $125,000.

Genomics—Collect Phenotypic Data and Use Genome Sequence—Derived Markers to Characterize Available Germplasm of Economic Importance in Food Animals—Miles City, MT, $150,000; Identify and Characterize Genes That Affect Feed Efficiency, Reproduction, Animal Well-being, Disease Resistance Product Quality, and Other Economically Important Production Traits in Food Animals—Clay Center, NE, $350,000; Discover, Characterize and Localize Genes that Medicate Expression of Economically Important Traits in Plants—Salinas, CA, $112,500; St. Paul, MN, $200,000; and Baton Rogue, LA, $375,000.

Characterize Functional Products of Important Genes That Influence Productivity and Product Quality in Plants—Manhattan, KS, $150,000.

Agricultural Information—Ensure Long-term Access to National Digital Library for Agriculture—Beltsville, MD, $200,000.

The conference agreement includes increased funding in fiscal year 2006 to expand the following research projects: Agroforestry (Shiitake Mushroom, $50,000), Booneville, AR—$130,000; Animal Vaccines, Greenport, NY—$60,000; Appalachian Horticulture (University of TN/TN State), Poplarville, MS—$150,000; Arid Lands, Las Cruces, NM—$120,000; Barley Yellow Dwarf, West Lafayette, IN—$75,000; Binational Agricultural Research and Development Program, $32,000; Bioinformatics, Santa Fe, NM—$100,000; Biological Weed Control, Sidney, MT—$120,000; Bioremediation, $120,000; Bovine Genetics, Beltsville, MD (University of CT/University of IL)—$300,000; Broomweed, Albany, CA—$100,000; Catfish Genome, Auburn, AL—$75,000; Center for Food Safety and Post-Harvest Technology, $449,000; Cereal Crops Research, Madison, WI—$250,000; Chloroplast Genetic Engineering, Urbana, IL (University of Central FL)—$80,000; Coffee/Cocoa, Beltsville, MD(H/S)/Miami, FL(S)—$120,000; Corn Rootworm, Ames, IA—$100,000; Cotton Ginning, Stoneville, MS—$50,000; Cropping Systems Research, Stoneville, MS (University of TN/Western TN Ag Experiment Station)—$150,000; Dairy Forage, Madison, WI—$510,000; Delta Human Nutrition Research, Stoneville, MS—$300,000; Delta Human Nutrition Research Initiative, Little Rock, AR—$100,000; Floriculture and Nursery Crops, $250,000; Forage and Range Research, Logan, UT—$250,000; Formosan Termites, New Orleans, LA—$120,000; Ft. Pierce Horticulture Research Lab, Ft. Pierce, FL—$250,000; Grape Genetics, Geneva, NY—$100,000; Grapefruit Juice/Drug Interaction, Winterhaven, FL—$80,000; Great Lakes Aquaculture, Madison, WI--$30,000; Greenhouse Lettuce Germplasm, Salinas, CA—$150,000; Improved Forage and Livestock Production, Lexington, KY (University of KY)—$120,000; Invasive Aquatic Weeds, Ft. Lauderdale, FL—$100,000; Invasive Ludwigia, Davis, CA—$100,000; Karnal Bunt, Manhattan, KS—$80,000; Medicinal and Bioactive Crops, Steven F. Austin State University/University of MD—$240,000; Mid-west/Mid-South Irrigation, Columbia, MO (Delta Center, University of MO)—$68,000; Mosquito Biological Control, (Stoneville, MS)—$210,000; National Cold Water Marine Aquaculture, Franklin, ME—$160,000; National Sclerotinia Initiative, $300,000; National Soil Dynamics, Auburn, AL—$120,000; Natural Products, Oxford, MS—$180,000; Northeast Plant Soil and Water Lab, Orono, ME—$80,000; NutriCore, National Center for Excellence in Foods and Nutrition Research—$42,000; Ogallala Aquifer, Bushland, TX (Texas A&M, Texas Tech, & Kansas State University)—$1,375,000; Peanut Production, Dawson, GA—$75,000; Peanut Variety, Stillwater, OK—$180,000; Pear Thrips, Ithaca, NY (University of Vermont)—$50,000; Pierce's Disease/Glassy-winged Sharpshooter, Parlier, CA—$25,000; Plant Genetic Diversity and Gene Discovery, Logan, UT—$180,000; Plant Protein Grazing Livestock, El Reno, OK—$100,000; Potato Blight, Orono, ME—$80,000; Quantify Basin Water Budget Components in the Southwest, Tucson, AZ—$200,000; Range and Forage Management (Sage Grouse), Burns, OR—$180,000; Regional Grains Genotyping Research, Raleigh, NC—$178,000; Salmonella, Listeria, E.coli, and Other Food Pathogens, Wyndmoor, PA—$100,000; Seafood Waste, Fairbanks, AK—$75,000; Seasonal Grazing, Coshocton, OH—$100,000; Soybean Research South, Stoneville, MS—$240,000; Sugarcane Breeding and Harvesting, Houma, LA—$100,000; Sustainable Aquaculture Feeds, Aberdeen, ID—$100,000; Swine Lagoon Alternatives, Florence, SC—$100,000; Turf Grass Research, Beaver, WV—$180,000; U.S. National Arboretum (Germplasm/Ornamental Horticulture), Washington, D.C.—$250,000; Vaccines and Microbe Control for Fish Health, Auburn, AL—$80,000; Viticulture, Corvallis, OR—$150,000; Waste Management, Bowling Green, KY (Western KY University)—$120,000; and, Winter Grain Legume, Pullman, WA—$120,000.

The conference agreement provides an increase of $200,000 above the fiscal year 2005 level for additional research at the Southwest Watershed Research Center at Tucson, Arizona instead of at the ARS Research Laboratory at Maricopa, Arizona and at the University of Arizona as proposed by the House.

BUILDINGS AND FACILITIES

The conference agreement provides $131,195,000 for the Agricultural Research Service, Buildings and Facilities, instead of $87,300,000 as proposed by the House and $160,645,000 as proposed by the Senate.

The following items reflect the conference agreement: National Center for Animal Health (Ames, Iowa), $58,800,000; Grape Genomics Research Center (Davis, California), $3,625,000; U.S. Agricultural Research Station (Salinas, California), $3,625,000; U.S. Pacific Basin Agricultural Research Center (Hilo, Hawaii), $3,625,000; Aquaculture Facility (Aberdeen/Bilingsley Creek, Idaho) $1,000,000; National Center for Agricultural Utilization Research (Peoria, Illinois), $3,625,000; Animal Waste Management Research Laboratory (Bowling Green, Kentucky), $3,000,000; Forage-Animal Research Laboratory (Lexington, Kentucky) $4,000,000; ARS Sugarcane Research Laboratory (Houma, Louisiana), $3,625,000; National Marine Cold Water Aquaculture Research Center (Orono/Franklin, Maine), $2,500,000; Beltsville Agricultural Research Center (Beltsville, Maryland), $3,625,000; Biotechnology Laboratory, Alcorn State (Lorman, MS), $2,000,000; Poultry Science Research Facility (Starkville, Mississippi), $5,000,000; National Plant and Genetics Security Center (Columbia, Missouri), $3,725,000; Animal Bioscience Facility (Bozeman, Montana), $4,000,000; Center for Grape Genetics (Geneva, New York), $3,625,000; Center for Crop-based Health Genomics (Ithaca, New York), $3,625,000; University of Toledo (Toledo, Ohio), $1,600,000; U.S. Vegetable Laboratory (Charleston, South Carolina), $2,000,000; ARS Research Laboratory (Pullman, Washington), $3,625,000; Appalachian Fruit Laboratory (Kearneysville, West Virginia), $2,045,000; Nutrient Management Research Laboratory (Leetown, West Virginia), $900,000; and, Nutrient Management Laboratory (Marshfield, Wisconsin), $8,000,000.

COOPERATIVE STATE RESEARCH, EDUCATION, AND EXTENSION SERVICE

RESEARCH AND EDUCATION ACTIVITIES

The conference agreement provides $676,849,000 for research and education activities instead of $662,546,000 as proposed by the House and $652,231,000 as proposed by the Senate.

The conference agreement provides $500,000 for resident instruction grants for insular areas.

The conference agreement provides $500,000 for the implementation of the National Veterinary Medical Services Act.

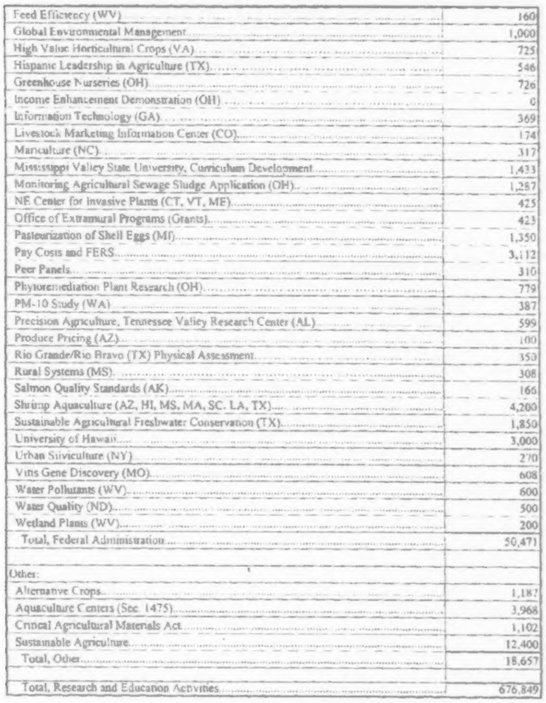
The following table reflects the conference agreement:

Cooperative State Research, Education, and Extension Service

Research and Education Activities

(Dollars in Thousands)

	2006 Conference
Hatch Act	$178,757
McIntire-Stennis Cooperative Forestry	22,230
Evans-Allen Program	37,591
National Research Initiative	183,000
State Agricultural Experiment Station Competitive Grants Program (SAES)	0
Special Research Grants	143,021
Animal Health and Disease (Sec. 1433)	5,057
1994 Institutions Research Program	1,039
Joe Skeen Institute for Rangeland Restoration (NM,TX,MT)	1,000
Graduate Fellowship Grants	3,738
Institution Challenge Grants	5,478
Multicultural Scholars Program	998
Hispanic Education Partnership Grants	6,000
Secondary/2-year Post-secondary	1,000
Capacity Building Grants (1890 Institutions)	12,312
Payments to the 1994 Institutions	2,250
Alaska Native-serving and Native Hawaiian-serving Education Grants	3,250
Resident Instruction Grants for Insular Areas	500
Veterinary Medical Services Act	500
Subtotal	607,721
Federal Administration:	
Ag-based Industrial Lubricants (IA)	549
Agriculture Development in the American Pacific	486
Agriculture Waste Utilization (WV)	690
Agriculture Water Policy (GA)	891
Alternative Fuels Characterization Laboratory (ND)	282
Animal Waste Management (OK)	396
Applied Agriculture and Environmental Research (CA)	1,000
Aquaculture (OH)	900
Aquaculture (PA)	220
Biodesign and Processing Research Center (VA)	950
Biotechnology Research (MS)	687
Botanical Research (UT)	900
Center for Agricultural and Rural Development (IA)	595
Center for Food Industry Excellence (TX)	1,367
Center for Innovative Food Technology (OH)	1,145
Center for North American Studies (TX)	1,000
Climate Forecasting (FL)	3,602
Cotton Research (TX)	2,500
Council for Agriculture Science and Technology	149
Data Information System (REEIS)	2,587
Dietary Intervention (OH)	1,250
Electronic Grants Administration System	2,051



Feed Efficiency (WV)	160
Global Environmental Management	1,000
High Value Horticultural Crops (VA)	725
Hispanic Leadership in Agriculture (TX)	546
Greenhouse Nurseries (OH)	726
Income Enhancement Demonstration (OH)	0
Information Technology (GA)	369
Livestock Marketing Information Center (CO)	174
Mariculture (NC)	317
Mississippi Valley State University, Curriculum Development	1,433
Monitoring Agricultural Sewage Sludge Application (OH)	1,287
NE Center for Invasive Plants (CT, VT, ME)	425
Office of Extramural Programs (Grants)	423
Pasteurization of Shell Eggs (MI)	1,350
Pay Costs and FERS	3,112
Peer Panels	310
Phytoremediation Plant Research (OH)	779
PM-10 Study (WA)	387
Precision Agriculture, Tennessee Valley Research Center (AL)	599
Produce Pricing (AZ)	100
Rio Grande/Rio Bravo (TX) Physical Assessment	350
Rural Systems (MS)	308
Salmon Quality Standards (AK)	166
Shrimp Aquaculture (AZ, HI, MS, MA, SC. LA, TX)	4,200
Sustainable Agricultural Freshwater Conservation (TX)	1,850
University of Hawaii	3,000
Urban Silviculture (NY)	270
Vitis Gene Discovery (MO)	608
Water Pollutants (WV)	600
Water Quality (ND)	500
Wetland Plants (WV)	200
Total, Federal Administration	50,471
Other:	
Alternative Crops	1,187
Aquaculture Centers (Sec. 1475)	3,968
Critical Agricultural Materials Act	1,102
Sustainable Agriculture	12,400
Total, Other	18,657
Total, Research and Education Activities	676,849

Cooperative State Research, Education, and Extension Service

Research and Education Activities

Special Research Grants

(Dollars in Thousands)

	2006 Conference
Advanced Computing Research and Education (UT)	$545
Advanced Genetic Technologies (KY)	645
Advanced Spatial Technologies (MS)	936
Aegilops Cylindricum (Jointed Goatgrass) (WA,ID)	355
Agricultural Diversification (HI)	221
Agricultural Diversity/Red River Corridor (MN, ND)	622
Agriculture Science (OH)	570
Agriculture Water Usage (GA)	0
Agroecology (MD)	406
Air Quality (CA)	300
Air Quality (TX, KS)	1,574
Alliance for Food Protection (NE)	157
Alternative Nutrient Management (VT)	182
Alternative Salmon Products (AK)	1,099
Alternative Uses for Tobacco (MD)	332
Animal Disease Research (WY)	350
Animal Science Food Safety Consortium (AR, KS, IA)	1,432
Apple Fire Blight (MI, NY)	500
Aquaculture (AR)	205
Aquaculture (FL, CA, TX)	600
Aquaculture (WA, ID)	764
Aquaculture (LA)	329
Aquaculture (MS)	517
Aquaculture (NC)	325
Aquaculture (VA)	200
Aquaculture Product and Marketing Development (WV)	750
Armilliaria Root Rot (MI)	151
Asparagus Technology and Production (WA)	248
Avian Bioscience (DE)	100
Babcock Institute (WI)	600
Barley for Rural Development (MT, ID)	735
Beef Technology Transfer (MO)	259
Beef Improvement Research (TX, MO)	1,000
Berry Research (AK)	1,300
Biobased Nanocomposite Research (ND)	177
Biomass-based Energy Research (OK, MS)	1,200
Biotechnology (NC)	287
Biotechnology Research (IL)	100
Biotechnology Test Production (IA)	465
Bovine Tuberculosis (MI)	356
Brucellosis Vaccine (MT)	440
Center for Public Lands and Rural Economies (UT)	300
Center for Rural Studies (VT)	365
Chesapeake Bay Agroecology (MD)	314
Childhood Obesity and Nutrition (VT)	201
Citrus Canker (FL)	500
Citrus Tristeza (WA)	691
Competitiveness of Agricultural Products (WA)	679
Computational Agriculture (NY)	239
Cool Season Legume Research (ID, WA,ND)	564
Cotton Fiber Quality (GA)	0
Cotton Insect Management (GA)	494
Cranberry/Blueberry (MA)	160
Cranberry/Blueberry Disease and Breeding (NJ)	650
Crop Integration and Production (SD)	300
Crop Diversification Center (MO)	375
Crop Pathogens (NC)	325
Dairy and Meat Goat Research (TX)	150
Dairy Farm Profitability (PA)	500

Delta Rural Revitalization (MS)	250
Designing Foods for Health (TX)	2,000
Diaprepes Root Weevil (FL)	500
Drought Mitigation (NE)	222
Drought Management (UT)	800
Efficient Irrigation (NM, TX)	1,675
Environmental Biotechnology (RI)	643
Environmental Research (NY)	373
Environmental Risk Factors/Cancer (NY)	217
Environmentally Safe Products (VT)	750
Ethnobotany Research (AK)	250
Exotic Pest Diseases (CA)	1,929
Expanded Wheat Pasture (OK)	323
Farm Injuries and Illnesses (NC)	0
Feed Barley for Rangeland Cattle (MT)	0
Feed Efficiency in Cattle (FL)	400
Feedstock Conversion (SD)	675
Fish and Shellfish Technologies (VA)	476
Food Chain Economic Analysis (IA)	416
Floriculture (HI)	352
Food and Agriculture Policy Research Institute (IA, MO)	1,612
Food Marketing Policy Center (CT)	579
Food Quality (AK)	275
Food Safety (AL)	1,146
Food Safety (OK, ME)	552
Food Safety (TX)	200
Food Safety Research Consortium (NY)	1,000
Food Safety Initiatives (ND)	1,425
Food Security (WA)	398
Food Systems Research Group (WI)	550
Forages for Advancing Livestock Production (KY)	390
Forestry Research (AR)	461
Fruit and Berry Crop Trials for Rural Villages (AK)	500
Fruit and Vegetable Market Analysis (AZ, MO)	350
Functional Genomics (UT)	1,485
Future Foods (IL)	666
Generic Commodity Promotions, Research and Evaluation (NY)	191
Genetically Enhanced Plants for Micro-nutrients and	0
Bio-renewable Oils (MO)	740
Genomics (MS)	1,140
Geographic Information System	1,802
Global Change/ Ultraviolet Radiation	2,184
Grain Sorghum (KS,TX)	736
Grapefruit Juice/Drug Interaction (FL)	344
Grass Seed Cropping for Sustainable Agriculture (WA, OR, ID)	450
Grazing Research (WI)	260
Greenhouse Crop Production (AK)	300
Hardwood Scanning (IN)	300
Horn Fly Research (AL)	200
Human Nutrition (IA)	650
Human Nutrition (LA)	706
Human Nutrition (NY)	580
Hydroponic Tomato Production (OH)	179
Illinois-Missouri Alliance for Biotechnology	1,170
Improved Dairy Management Practices (PA)	352
Improved Fruit Practices (MI)	212
Increasing Shelf Life of Agricultural Commodities (ID)	863
Infectious Disease Research (CO)	817
Institute for Biobased Products and Food Science (MT)	563
Institute for Food Science and Engineering (AR)	1,119
Integrated Fruit and Vegetable Research (GA)	256
Integrated Production Systems (OK)	255
International Arid Lands Consortium (AZ)	579
Iowa Biotechnology Consortium	1,775
Leopold Center Hypoxia Project (IA)	222
Livestock and Dairy Policy (NY, TX)	1,000
Livestock Genome Sequencing (IL)	815
Livestock Waste (IA)	266

Lowbush Blueberry Research (ME)		246
Maple Research (VT)		139
Meadow Foam (OR)		260
Michigan Biotechnology Consortium		555
Midwest Advanced Food Manufacturing Alliance (NE)		500
Midwest Agricultural Products (IA)		612
Midwest Poultry Consortium (IA)		682
Milk Safety (PA)		788
Minor Use Animal Drugs		588
Molluscan Shellfish (OR)		365
Montana Sheep Institute		597
Multi-commodity Research (OR)		353
Multi-cropping Strategies for Aquaculture (HI)		0
National Beef Cattle Genetic Evaluation Consortium (NY, CO, GA)		880
National Biological Impact Assessment Program (VA)		264
National Center for Soybean Biotechnology (MO)		987
Nematode Resistance Genetic Engineering (NM)		139
Nevada Arid Rangelands Initiative (NV)		504
New Crop Opportunities (AK)		443
New Crop Opportunities (KY)		760
Nursery, Greenhouse, Turf Specialties (AL)		0
Oil Resources from Desert Plants (NM)		211
Organic Cropping (WA)		359
Organic Waste Utilization (NM)		93
Oyster Post Harvest Treatment (FL)		446
Ozone Air Quality (CA)		401
Pasture and Forage Research (UT)		225
Peach Tree Short Life (SC)		278
Perrenial Wheat (WA)		141
Pest Control Alternatives (SC)		282
Phytophthora Research (GA)		258
Phytophthora Research (MI)		500
Phytophthora Root Rot (NM)		182
Pierce's Disease (CA)		2,211
Plant, Drought, and Disease Resistance Gene Cataloging (NM)		233
Potato Research		1,497
Precision Agriculture (KY)		675
Preharvest Food Safety (KS)		202
Preservation and Processing Research (OK)		250
Protein Utilization (IA)		845
Rangeland Ecosystems (NM)		282
Regional Barley Gene Mapping Project (OR)		682
Regionalized Implications of Farm Programs (MO, TX)		860
Rice Agronomy (MO)		250
Ruminant Nutrition Consortium (MT, ND, SD, WY)		494
Rural Development Centers (LA, ND)		230
Rural Obesity (NY)		187
Rural Policies Institute (NE, IA, MO)		1,205
Russian Wheat Aphid (CO)		306
Seafood Harvesting, Processing and Marketing (AK)		0
Seafood and Aquaculture Harvesting, Processing and Marketing (MS)		0
Seafood Safety (MA)		458
Seed Research (AK)		0
Seed Technology (SD)		360
Small Fruit Research (OR, WA, ID)		443
Soil and Environmental Quality (DE)		295
Southwest Consortium for Plant Genetics and Water Resources (NM)		392
Soybean Cyst Nematode (MO)		802
Soybean Research (IL)		1,076
STEEP III – Water Quality in Northwest		640
Sudden Oak Death (CA)		98
Sustainable Agriculture (CA)		515
Sustainable Agriculture (MI)		384
Sustainable Agriculture and Natural Resources (PA)		190
Sustainable Beef Supply (MT)		984
Sustainable Engineered Materials from Renewable Sources (VA)		700
Swine and Other Animal Waste Management (NC)		489
Tick Borne Disease Prevention (RI)		150

Tillage, Silviculture, Waste Management (LA)	500
Tri-state Joint Peanut Research (AL)	591
Tropical Aquaculture (FL)	211
Tropical and Subtropical Research/T-Star	9,548
Uniform Farm Management Program (MN)	298
Value-added Product Development from Agricultural Resources (MT)	405
Virtual Plant Database Enhancement Project (MO)	705
Viticulture Consortium (NY, CA, PA)	2,100
Water Conservation, (KS)	74
Water Use Efficiency and Water Quality Enhancements (GA)	494
Weed Control (ND)	384
West Nile Virus (IL)	0
Wetland Plants (LA)	563
Wheat Genetic Research (KS)	344
Wheat Sawfly Research (MT)	521
Wine Grape Foundation Block (WA)	322
Wood Utilization (OR, MS, NC, MN, ME, MI, ID, TN, AK, WV)	6,435
Wool Research (TX, MT, WY)	298
Subtotal, Special Research Grants	128,223
Improved Pest Control:	
Expert IPM Decision Support System	157
Integrated Pest Management	2,420
Minor Crop Pest Management (IR-4)	10,785
Pest Management Alternatives	1,436
Total, Improved Pest Control	14,798
Total, Special Research Grants	143,021

The conference agreement does not provide funding, within the National Research Initiative, for the competitive grants program as authorized under section 406 of the Agricultural Research, Extension, and Education Reform Act of 1998 as proposed by the House.

The conference agreement provides $1,000,000 for Applied Agricultural and Environmental Research of which $150,000 shall be for California State-Poly, and the remaining funds shall be equally divided among California State–Fresno, California State–San Luis Obispo, California State-Pomona, and California State–Chico.

The conference agreement provides $350,000 to continue physical assessments of the Rio Grande/Rio Bravo watershed to evaluate the hydrological feasibility of water management improvements.

The conference agreement provides $300,000 for air quality research of which $150,000 each shall be for the University of California at Davis and Fresno State University to supplement existing research initiatives for bovine emissions and manure lagoon emissions.

The conference agreement does not include language proposed by the House regarding Polymer-based University Research.

The conference agreement provides $1,612,000 for the Food and Agriculture Policy Research Institute. Of that amount, the conferees provide an increase of $75,000 above the fiscal year 2005 level for the Center for Agricultural and Trade Policies for the Northern Plains Region at North Dakota State University.

The conference agreement provides $736,000 for grain sorghum research of which $210,000 is for Texas Tech, $149,000 is for Texas A&M, and $377,000 is for Kansas State.

The conference agreement provides $9,548,000 for the Tropical and Subtropical Research program for Florida and Hawaii as proposed by the House instead of $4,699,000 for Hawaii as proposed by the Senate.

The conference agreement provides $600,000 for aquaculture research of which $300,000 shall be for Florida, and $150,000 each for California (Hubbs Research Institute) and Texas (Mote Marine Laboratory/University of Texas).

NATIVE AMERICAN INSTITUTIONS ENDOWMENT FUND

The conference agreement provides $12,000,000 for the Native American Institutions Endowment Fund as proposed by both the House and Senate.

EXTENSION ACTIVITIES

The conference agreement provides $455,955,000 for extension activities instead of $444,871,000 as proposed by the House and $453,438,000 as proposed by the Senate.

The conference agreement includes $2,000,000 for grants to youth organizations instead of $2,646,000 as proposed by the Senate.

The following table reflects the conference agreement:

Cooperative State Research, Education, and Extension Service

Extension Activities

(Dollars in Thousands)

	2006 Conference
Smith-Lever Sections 3(b) and 3(c)	$275,730
Smith-Lever Section 3(d):	
Farm Safety	4,563
Food and Nutrition Education (EFNEP)	62,634
Indian Reservation Agents	1,996
New Technologies for Ag Extension	1,500
Pest Management	9,960
Sustainable Agriculture	4,067
Youth at Risk	7,728
Youth Farm Safety Education and Certification	444
Total Section 3(d) Programs	92,892
1890 Colleges and Tuskegee	33,868
1890 Facilities Grants (Sec. 1447)	16,777
Renewable Resources Extension Act (RREA)	4,060
Rural Health and Safety Education	1,965
Extension Services at the 1994 Institutions	3,273
Grants to Youth Organizations	2,000
Subtotal	430,565
Federal Administration and Special Grants:	
Ag in the Classroom	865
Agricultural and Entrepreneurship Education (WI)	250
Alabama Beef Connection	850
Beef Producers Improvement (AR)	180
Conservation Technology Transfer (WI)	486
Dairy Education (IA)	229
Dairy Industry Revitalization (WI)	298
Diabetes Detection, Prevention (WA)	1,093
E-commerce (MS)	331
Efficient Irrigation (NM, TX)	2,325
Entrepreneurial Alternatives (PA)	333
Extension Specialist (MS)	132
Food Animal Residue Avoidance Database (FARAD)	806
Food Preparation and Marketing (AK)	331
Food Product Development (AK)	350
General Administration	6,922
Health Education Leadership (KY)	843
Income Enhancement Demonstration (OH)	1,247
Iowa Vitality Center	248
National Center for Agriculture Safety (IA)	241
National Wild Turkey Federation	234
Northern Aquaculture Demonstration (WI)	500
Nursery Production (RI)	295
Nutrition Enhancement (WI)	1,100
Ohio-Israel Agriculture Initiative	593
Oquirrh Institute	300
Pilot Technology Transfer (OK, MS)	300
Pilot Technology Transfer (WI)	250
Potato Pest Management (WI)	400
Range Improvement (NM)	244
Resilient Communities (NY)	0
Rural Business Enhancement (WI)	190
Rural Development (AK)	683
Rural Development Through Tourism (NM)	348
Rural Technologies (HI, WI)	315

Urban Horticulture (WI)	817
Urban Market Development (NY)	273
Web-based Agriculture Classes (MO)	0
Wood Biomass as an Alternative Farm Product (NY)	188
Total, Federal Administration	25,390
Total, Extension Activities	$455,955

INTEGRATED ACTIVITIES

The conference agreement provides $55,792,000 for integrated activities instead of $15,513,000 as proposed by the House and $55,784,000 as proposed by the Senate.

The following table reflects the conference agreement:

Cooperative State Research, Education, and Extension Service	
Integrated Activities	
(Dollars in Thousands)	
	2006
	Conference
Water Quality	$12,867
Food Safety	14,847
Regional Pest Management Centers	4,167
Crops at Risk from FQPA Implementation	1,389
FQPA Risk Mitigation Program for Major Food Crop Systems	4,464
Methyl Bromide Transition Program	3,106
Organic Transition Program	1,874
International Science and Education Grants Program	1,000
Critical Issues Program	744
Regional Rural Development Centers Program	1,334
Homeland Security, Food and Agriculture Defense Initiative	10,000
Total, Integrated Activities	$55,792

OUTREACH FOR SOCIALLY DISADVANTAGED FARMERS

The conference agreement provides $6,000,000 for Outreach for Socially Disadvantaged Farmers instead of $7,810,000 as proposed by the House and $5,888,000 as proposed by the Senate.

OFFICE OF THE UNDER SECRETARY FOR MARKETING AND REGULATORY PROGRAMS

The conference agreement provides $724,000 for the Office of the Under Secretary for Marketing and Regulatory Programs as proposed by the House and the Senate.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

SALARIES AND EXPENSES

The conference agreement provides $815,461,000 for the Animal and Plant Health Inspection Service (APHIS) instead of $842,520,000 as proposed by the House and $807,768,000 as proposed by the Senate.

The conference agreement provides specific amounts for each program administered by APHIS, and directs appropriations for a number of projects and activities within the programs. Unless otherwise directed, APHIS shall implement appropriations by program, projects, and activities as specified by the Committees on Appropriations. The conferees expect APHIS to provide the specified amount for each program or activity, and expect that there will not be any redirection of funds without prior notification to and approval by the Committees on Appropriations, in accordance with the reprogramming procedures specified in this Act.

The conference agreement does not assume Animal Welfare Act user fees of $10,858,000, as proposed in the President's budget request. Such fees are not authorized.

The following table reflects the conference agreement:

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

[In thousands of dollars]

Program	*FY 2006 Conference Recommendation*
Pest and Disease Exclusion:	
Agricultural quarantine inspection	27,524
Cattle ticks	7,627
Foreign animal diseases/FMD	8,743
Fruit fly exclusion and detection	59,976
Import-export inspection	12,493
Screwworm	28,000
Trade issues resolution management	12,583
Tropical bont tick	426
Total, Pest and Disease Exclusion	157,372
Plant and Animal Health Monitoring:	
Animal health monitoring & surveillance	147,449
Animal and plant health regulatory enforcement	10,399
Bio Survelllance	2,007
Emergency management systems	13,686
Pest detection	27,316
Select Agents	3,519
Wildlife Disease Monitoring and Surveillance	—
Total, Plant & Animal Health Monitoring	204,376
Pest and Disease Management:	
Aquaculture	1,262
Biological control	9,579
Boll weevil	39,000
Brucellosis	10,453
Chronic wasting disease	18,710
Emerging plant pests	100,217
Golden nematode	808
Grasshopper and Mormon cricket	5,555
Gypsy moth	4,818
Imported fire ant	2,154
Johnes disease	13,189
Low pathogen avian influenza	13,837
Noxious weeds	1,920
Pink bollworm	5,221
Plum pox	2,216
Pseudorabies	4,391
Scrapie	18,600
Tuberculosis	15,001
Wildlife services operations	77,927
Witchweed	1,527
Total, Pest and Disease Management	346,385
Animal Care:	
Animal welfare	17,478
Horse protection	497
Total, Animal Care	17,975
Scientific and Technical Services:	
Biosecurity	1,972
Information technology infrastructure	4,552
Biotechnology regulatory services	?,574
Environmental compliance	2,653
Plant methods development labs	8,535
Veterinary biologics	15,647
Veterinary diagnostics	22,890
Wildlife services methods development	17,390
Total, Scientific and Technical Services	84,213
Contingency fund	4,140
Physical security	1,000
Total, Salaries and Expenses	$815,461

For fiscal year 2006, the conferees provide $27,524,000 for the AQI appropriated account, which includes an increase of $52,000 over the fiscal year 2005 funding level for interline activities in Hawaii. The conference agreement includes $2,514,000 for the National Germplasm and Biotechnology Laboratory to operate its biosecurity level 3 greenhouse, and support detection of high-risk plant pathogens to protect the agriculture sector.

The conferees include $59,976,000 for fruit fly exclusion and detection. Of that amount, $2,758,000 is for fruit fly control in Texas, as requested.

The conferees are aware of the development of a strategic plan to address the threat of multiple fruit fly species to U.S. agriculture. While APHIS does participate in sterile fly production relating to the Mediterranean Fruit Fly, there are three other fruit fly species in Hawaii which pose serious threats to agricultural production in that and other states. The conferees are aware of an existing agency facility located on the island of Oahu which has been used to produce sterile fruit flies, and the Secretary is directed to take no action toward the dismantling or demolition of that facility since it may play a role in developing a multi-species fruit fly strategy for U.S. tropical and subtropical agriculture. The Secretary is also directed to work with representatives of the Hawaii agriculture sector in developing such a strategy and for possible inclusion of the existing APHIS facility in that regard.

The conferees provide $12,493,000 for import-export inspection, including $1,000,000 for a cooperative agreement with the California County Pest Detection Augmentation Program.

The conference agreement includes $147,449,000 for Animal Health Monitoring and Surveillance. Within that amount, the conference agreement provides $33,340,000 for the National Animal Identification System (NAIS), as requested. The conference agreement also includes an increase of $2,500,000 for the Comprehensive Surveillance System.

The conference agreement provides the full amount requested, $17,184,000, for surveillance and other activities related to Bovine Spongiform Encephalopathy (BSE).

The conference agreement includes: $600,000 for the Farm Animal Identification and Records (FAIR) program; funding of the New Mexico Rapid Syndrome Validation Program at $547,000 to support early detection of pathogens in animals and prevent their spread; $375,000 for Iowa State's work regarding risk assessments of genetically modified agricultural products; $325,000 to address bio-safety issues relating to antibiotic-resistant strains of bacteria in Vermont; $50,000 for animal tracking in Washington; and $50,000 for the Population Management Center, a collaboration between the Lincoln Park Zoo and the Davee Center for Epidemiology in Chicago, Illinois.

The conference agreement includes $3,571,000 for cooperative agreements with states, $1,900,000 for cooperative agreements as part of the National Animal Health Laboratory Network, and $8,930,000 for FMD/FAD surveillance.

The conference agreement includes $13,686,000 for emergency management systems, which includes a total of $4,307,000 for emergency coordinators and a total of $3,000,000 for the vaccine bank.

The conference agreement includes $27,316,000 for pest detection, including $200,000 for a remote sensing, hyperspectral imaging and light detection and ranging project; an increase of $100,000 for a cooperative agreement with California; and an increase of $1,546,000 for surveys through the Cooperative Agricultural Pest Surveys system.

The conference agreement provides a total of $3,519,000 for the Select Agents program. The funding for this program was transferred from the Import/Export and Pest Detection line items, as proposed in the President's budget request.

The conferees provide an increase of $50,000 above the fiscal year 2005 level for the Greater Yellowstone Interagency Brucellosis Committee and an increase of $50,000 for Montana.

For chronic wasting disease, the conferees provide $18,710,000. The program provides funding to states in which the disease has been found, including West Virginia. The conferees direct that of the total, $1,750,000 is for Wisconsin; $246,000 for Utah; $247,000 for the Conservation Medicine Center of Chicago; $50,000 for Colorado; and $150,000 for Alaska to monitor chronic wasting disease.

The conferees direct the Secretary to publish in the Federal Register proposed regulations relating to the control of chronic wasting disease. The Secretary is further directed to provide notice to the Committees on Appropriations of the House and Senate if this directive has not been achieved within 90 days of enactment and such notice shall include a description of actions taken and a timetable for publication in the Federal Register.

The conference agreement includes $100,217,000 for plant pests. The conferees provide $36,629,000 for citrus canker eradication; $24,250,000 for Pierce's Disease/Glassy-winged sharpshooter; $10,000,000 for Emerald Ash borer; $1,500,000 for Karnal Bunt; and $3,076,000 for Sudden Oak Death. The conferees provide $500,000 for hydrilla eradication around Lake Gaston in Virginia and North Carolina. Funding for olive fruit fly is continued at the fiscal year 2005 level.

The conference agreement includes $20,000,000 for Asian longhorned beetle activities. The conferees direct that no less than the fiscal year 2005 level be provided for activities in Chicago, Illinois. The conferees also direct that sufficient resources be allocated for activities in New York.

The conferees note their continued concern regarding the devastation caused by citrus canker. The conference agreement includes $36,629,000 for eradication and control activities. Additional funds have recently been made available by the Administration. In September 2005, the Secretary announced that USDA had provided $53,750,000 in emergency funding for eradication and control, and in October 2005, he announced $200,000,000 in disaster relief funding to compensate commercial growers for losses. Although the conferees understand that these funds do not cover total needs, particularly since the hurricanes that hit Florida in 2004 contributed to the spread of disease, the investment to date has been substantial. In total, over $740,000,000 in federal funding has been provided to address needs related to citrus canker. The conferees will continue to monitor the situation, and encourage the Administration to continue its support of the industry.

The conferees expect the Secretary of Agriculture to continue to utilize his authority to transfer funds from the Commodity Credit Corporation (CCC) to assist states with the arrest and eradication of animal and plant pests and diseases that threaten American agriculture.

The conference agreement provides $13,189,000 for Johne's Disease. Of that amount, no less than the fiscal year 2005 level shall be available for activities in Wisconsin.

The conferees note that a total of $28,337,000 is available for activities related to the prevention, control, and eradication of avian influenza, including $12,000,000 in carryover funds for indemnities. A program increase of $3,000,000 for detection, control, and eradication activities is provided in the conference agreement.

The conferees provide $1,920,000 for the noxious weeds account. This amount includes $50,000 for weed management in Nevada.

The conference agreement includes the amount requested, $2,216,000, for surveillance and control of the plum pox virus. In addition, approximately $600,000 is available for the program from carryover funds. The conferees understand that the virus has not moved beyond the borders of Pennsylvania, but are concerned about recent positive findings in the state. The conferees expect that if the incidence of plum pox virus increases, APHIS will use its authorities for emergency funding to support surveillance and removal and destruction of infected trees.

The conferees are aware of an outbreak of bovine tuberculosis in New Mexico and, in response, that an MOU has been executed between USDA and that state. The conferees urge the Secretary to use authorities and resources of the Department to provide testing, monitoring, surveillance, and other services, as needed, toward the control and eradication of this disease.

The conferees direct that, other than funding for the specific items noted in this statement, the funds provided in the Wildlife Services Operations line item are available for general operations needs.

The conferees do not concur with the President's request to reduce funding in the Wildlife Services account to allow cooperators to assume a larger share of the costs associated with these activities.

The conferees provide $1,200,000 for wolf predation management, of which $1,050,000 is for Wisconsin, Minnesota, and Michigan, and $150,000 is for New Mexico and Arizona.

The conference agreement continues funding for the following projects: $300,000 for beaver management in North Carolina; $250,000 for crop and aquaculture losses in Southeast Missouri; $625,000 for game bird predation work with the University of Georgia; $150,000 for predation wildlife services in western and southside Virginia; $135,000 for blackbird control in Louisiana; $1,337,000 for predator control programs in Montana, Idaho, and Wyoming; $1,000,000 for wildlife services in Texas; $225,000 for beaver management and damage in Wisconsin; $50,000 for control of feral hogs in Missouri; $1,000,000 for cormorant control in New York; $200,000 for cormorant control in Michigan; $150,000 for cormorant control in the Lake Champlain basin; $750,000 for wildlife service operations with the South Dakota Department of Game, Fish, and Parks; $539,000 for the management of beavers in Mississippi; $380,000 to continue control measures for minimizing blackbird damage to sunflowers in North Dakota and South Dakota; $172,000 for Kansas blackbird control; $342,000 for the Jack Berryman Institute, Utah; $247,000 for Kentucky State operations; $321,000 for Delta states operations; $196,000 for geese control in New York; and $250,000 for the New Hampshire State operations. The conference agreement does not include $100,000 increases for state operations in Alaska, Tennessee or Pennsylvania, as proposed by the Senate.

The conference agreement includes $10,700,000 for wildlife control in Western states.

The conference agreement provides $404,000 for activities in Hawaii and Guam. The conferees expect these funds to be used to enhance activities for control of pest species. In addition, the conference agreement provides $950,000 for brown tree snake control.

The conference agreement includes $23,580,000 for a cooperative oral rabies vaccination program, an increase of $2,000,000 over the fiscal year 2005 level. The conferees encourage APHIS to make use of existing funds to appropriately address rabies in Broward County, Florida.

Within the amount provided for wildlife surveillance, the conference agreement provides an increase of $100,000 for remote diagnostics and wildlife disease surveillance activities with North Dakota State University and Dickinson State University.

The conferees provide an increase of $1,900,000 for the National Animal Health Laboratory Network, as requested. Within the total, $375,000 is included for an agriculture biosecurity center in Kansas.

The conference agreement includes $17,390,000 for wildlife services methods development. Within that amount, the conferees provide $419,000 in funding for the National Wildlife Research Station in Kingsville, Texas, to address emerging infectious disease issues associated with wildlife populations; an increase of $175,000 for the Jack Berryman Institute, Mississippi; and an increase of $118,000 for the Utah Predator Research Station.

The conferees support the microchipping of pets for identification under a system of open microchip technology in which all scanners can read all chips. The conferees direct APHIS to develop the appropriate regulations that allow for universal reading ability and best serve the interests of pet owners. The conferees also direct APHIS to take into consideration the effect such regulation may have on the current practice of microchipping pets in this country, and to report to the Committees on Appropriations within 90 days of the date of enactment of this Act on progress toward that end.

The conferees are aware of the scientific achievements that have been made possible through the use of laboratory animals. However, the conferees also strongly support strict enforcement of the Animal Welfare Act, including regulatory oversight of the trade by Class B animal dealers. The Secretary is directed to report to the Appropriations Committees of the House and Senate by March 1, 2006, on enforcement actions taken in the regulation of Class B animal dealers. Such report should also include information regarding the frequency of inspection of Class B dealers, the allocation of resources for that purpose, and other actions of the Department.

BUILDINGS AND FACILITIES

The conference agreement provides $4,996,000 for Animal and Plant Health Inspection Service Buildings and Facilities as proposed by the House and the Senate.

AGRICULTURAL MARKETING SERVICE

MARKETING SERVICES

The conference agreement provides $75,376,000 for the Agricultural Marketing Service instead of $78,032,000 as proposed by the House and $76,643,000 as proposed by the Senate. The conference agreement does not include $2,918,000 in standardization fees, as proposed in the President's budget. These fees are not currently authorized in law.

The conference agreement does not include funding under this account for a web-based supply chain management system, but does provide funding for the system under the Funds for Strengthening Markets, Income, and Supply (section 32) Account.

The conferees provide $2,026,000 for activities relating to organic standards, $15,262,000 for the Pesticide Data Program, and $2,927,000 for Pesticide Recordkeeping, as requested in the budget, and an increase of $1,000,000 for activities related to country of origin labeling enforcement.

The conference agreement includes $1,000,000 for the Farmers' Market Promotion Program, to make grants to eligible entities for the purposes of establishing, expanding, and promoting farmers' markets. The conferees direct that no entity shall receive more than $75,000 in funding from the program, and request a report on the grants made, including the entity, purpose, and location, and administrative costs of the program within 180 days of enactment.

LIMITATION ON ADMINISTRATIVE EXPENSES

The conference agreement provides $65,667,000 as proposed by both the House and Senate.

FUNDS FOR STRENGTHENING MARKETS, INCOME, AND SUPPLY (SECTION 32)

The conference agreement provides $16,055,000 for Funds for Strengthening Markets, Income, and Supply as proposed by the House and the Senate.

In addition, the conferees provide not less than $20,000,000 for the first phase of development of the Web-based Supply Chain Management (WBSCM) system, which will benefit the programs of the Agricultural Marketing Service, the Farm Service Agency, and the Food and Nutrition Service, as well as enhancing food distribution to schools and other feeding outlets. The conferees note that administrative expenses to support commodity purchases are expressly allowed in the authorizing legislation, and Section 32 funds, accordingly, should be used to fund the development of the WBSCM system.

PAYMENTS TO STATES AND POSSESSIONS

The conference agreement provides $3,847,000 for Payments to States and Possessions as proposed by the Senate instead of $1,347,000 as proposed by the House.

The conference agreement includes bill language and funding for a specialty markets grant as proposed by the Senate.

GRAIN INSPECTION, PACKERS AND STOCKYARDS ADMINISTRATION

SALARIES AND EXPENSES

The conference agreement provides $38,443,000 for the Grain Inspection, Packers and Stockyards Administration as proposed by the Senate instead of $38,400,000 as proposed by the House.

The conference agreement fully funds the requested increase for pay costs and the development of an information disaster recovery program, and provides an increase of $225,000 for other high priority budgeted increases. The conference agreement does not include $24,701,000 in grain standardization and Packers and Stockyards licensing fees, as proposed in the President's budget. These fees are not currently authorized in law.

The conferees remain very interested in the study on marketing arrangements that GIPSA has undertaken with $4,500,000 provided in fiscal year 2003 for that purpose. Although the study was delayed, the conferees have been informed that it is scheduled for completion in mid-2006 and that the total cost is not affected. The conferees direct GIPSA to provide quarterly updates and report the study findings to the Committees on Appropriations by June 30, 2006.

The conference agreement includes $500,000 to continue the product verification protocols pilot program, in conjunction with the Missouri, Illinois, and Iowa Corn Growers Associations. The pilot program is to establish controls for regulated seed varieties and augment grain marketing.

LIMITATION ON INSPECTION AND WEIGHING SERVICES EXPENSES

The conference agreement provides $42,463,000 for limitation on inspection and weighing services expenses as proposed by the House and Senate.

OFFICE OF THE UNDER SECRETARY FOR FOOD SAFETY

The conference agreement provides $602,000 for the Office of the Under Secretary for Food Safety as proposed by the Senate instead of $590,000 as proposed by the House.

FOOD SAFETY AND INSPECTION SERVICE

The conference agreement provides $837,756,000 for the Food Safety and Inspection Service, instead of $837,264,000 as proposed by the House and $836,818,000 as proposed by the Senate. The conference agreement does not assume Food Safety Inspection user fees of $139,000,000, as proposed in the President's budget request. Such fees are not authorized.

The conferees include bill language, as proposed by the Senate, regarding full-time equivalent positions for inspections and enforcement of laws and regulations related to the Humane Methods of Slaughter Act.

The conference agreement provides $4,000,000 for FSIS to continue the incorporation of the Humane Activities Tracking (HAT) system into the Field Automation and Information Management (FAIM) system at slaughter plants throughout the country. This system will assist in connecting the HAT data into FSIS' broader food safety and food security communications infrastructure. In addition, this will provide FSIS with access to real-time information, assisting in the detection and prevention of potential food safety problems at FSIS-inspected facilities throughout the country.

The conference agreement provides the following increases: $2,236,000 for frontline inspection improvement; $1,008,000 for food safety employee training; $417,000 for biosurveillance; and $2,500,000 for laboratory capacity. The conference agreement also provides $2,976,000 for BSE surveillance, as requested, and $2,000,000 for microbiological baseline studies.

FOOD SAFETY AND INSPECTION SERVICE, FUNDING BY ACTIVITY

[In thousands of dollars]

Food Safety & Inspection:	
Federal	$753,252
State	53,790
International	19,551
Codex	3,002
FAIM Project	8,161
Total	837,756

OFFICE OF THE UNDER SECRETARY FOR FARM AND FOREIGN AGRICULTURAL SERVICES

The conference agreement provides $635,000 for the Office of the Under Secretary for Farm and Foreign Agricultural Services as proposed by the House and the Senate.

FARM SERVICE AGENCY

SALARIES AND EXPENSES

The conference agreement provides $1,030,000,000 for the Farm Service Agency instead of $1,023,738,000 as proposed by the House and $1,043,555,000 as proposed by the Senate.

The conference agreement includes the following increases: $15,944,000 for pay cost; $15,018,000 to maintain staffing levels being funded from carryover balances in fiscal year 2005; $2,900,000 for the National Agricultural Imagery Program, of which $300,000 is for a pilot Automated Crop Cultivation Assessment Tool; and $1,500,000 for the enhancement and management of the agriculture imagery catalog repositories and data warehouses as proposed by the Senate.

The conferees direct that of the funds available to the Administrator of the Farm Service Agency, $24,000,000 shall be for the National Agricultural Imagery Program (NAIP). This amount is in addition to any provided by cooperating funds from any other federal, state, or local government funding for NAIP.

The conferees note that USDA has set aside the FSA Tomorrow plan and expect USDA to exercise a cautious approach toward any county or local office closures.

The conferees are aware of the successful partnership between FSA and the National Tribal Development Authority in providing credit outreach to American Indian producers, which offers tribal members an equal opportunity to participate in farm loan programs. The National FSA American Indian Credit Outreach initiative reaches tribal members across the country, and has demonstrated continued success in increasing participation and reducing defaults since its inception in 2001. Recent funding concerns have created some uncertainty for the future of this program. The conferees encourage FSA to continue its partnership with NTDA for its credit outreach initiatives.

STATE MEDIATION GRANTS

The conference agreement provides $4,250,000 for State Mediation Grants, as proposed by the House and Senate.

GRASSROOTS SOURCE WATER PROTECTION PROGRAM

The conference agreement provides $3,750,000 for the Grassroots Source Water Protection Program instead of no funding as proposed by the House and $4,250,000 as proposed by the Senate.

Funding for this program in previous fiscal years has been provided through the Natural Resources Conservation Service.

DAIRY INDEMNITY PROGRAM

The conference agreement provides $100,000 for the Dairy Indemnity Program, as proposed by the House and Senate.

AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

The following table reflects the conference agreement:

Farm Ownership Loans:	
Direct	($208,000,000)
Subsidy	10,650,000
Guaranteed	(1,400,000,000)
Subsidy	6,720,000
Farm Operating Loans:	
Direct	(650,000,000)
Subsidy	64,675,000
Unsubsidized Guaranteed	(1,150,000,000)
Subsidy	34,845,000
Subsidized Guaranteed	(274,632,000)
Subsidy	34,329,000
Indian Tribe Land Acquisition	(2,020,000)
Subsidy	81,000
Boll Weevil Eradication	(100,000,000)
Subsidy	0
ACIF Expenses:	
Salaries and Expenses	304,591,000
Administrative Expenses	8,000,000

The conference agreement provides for a transfer of $304,591,000 to salaries and expenses instead of $297,127,000 as proposed by the House and $309,137,000 as proposed by the Senate. Of this amount, $4,194,000 shall be used for increased salary costs, $7,483,000 shall be used for the highest priority operating expenses, and no less than $1,500,000 shall be used to hire and train additional farm loan officers and managers.

The conference agreement provides no new budget authority for the emergency loan program. Currently, this loan program has over $152,000,000 available for eligible producers. Based on historical loan activity, this amount should meet all needs for emergency loans in this fiscal year.

RISK MANAGEMENT AGENCY

The conference agreement provides $77,048,000 for the Risk Management Agency instead of $77,806,000 as proposed by the House and $73,448,000 as proposed by the Senate.

The conference agreement provides $3,600,000 in discretionary funds for data mining and data warehousing activities to address the program compliance and integrity functions of the federal crop insurance program. The conferees will only provide one-time funding for these activities within discretionary funds, and recommend the Agency seek mandatory funds as previously authorized under the Federal Crop Insurance

Act (7 U.S.C. §§1501–1524) as proposed by the House.

Within the total funding for the Risk Management Agency, the conference agreement provides an increase of $1,000,000 for the Agency's Emerging Information Technology Architecture initiative, instead of $1,463,000 as proposed by the House.

The conferees urge the Risk Management Agency to initiate a pilot program that would evaluate the effectiveness of lamb price insurance for sheep producers of all size operations and geography as proposed by the House, and a second that would conduct an actuarial study, in conjunction with North Dakota State University, addressing an optional insurance program in North Dakota, South Dakota, and Minnesota on wheat, barley, soybeans, and corn as proposed by the Senate.

The conferees are aware of aerial platform multi-spectral digital imaging and its potential application in facilitating the accurate measurement of crop insurance claims. The conferees encourage the Secretary to consider the development of a pilot program with the University of Minnesota to advance the application of this technology to the claims process.

Federal Crop Insurance Corporation Fund

The conference agreement provides an appropriation of such sums as may be necessary for the Federal Crop Insurance Corporation Fund (estimated to be $3,159,379,000 in the President's fiscal year 2006 Budget Request), as proposed by the House and Senate.

Commodity Credit Corporation Fund

REIMBURSEMENT FOR NET REALIZED LOSSES

The conference agreement provides an appropriation of such sums as may be necessary for Reimbursement for Net Realized Losses of the Commodity Credit Corporation (estimated to be $25,690,000,000 in the President's fiscal year 2006 Budget Request), as proposed by the House and Senate.

HAZARDOUS WASTE MANAGEMENT

The conference agreement provides a limitation of $5,000,000 for Hazardous Waste Management, as proposed by the House and Senate.

TITLE II—CONSERVATION PROGRAMS

Office of the Under Secretary for Natural Resources and Environment

The conference agreement provides $744,000 for the Office of the Under Secretary for Natural Resources and Environment as proposed by the House and the Senate.

The conferees note that the Natural Resources Conservation Service underwent a reorganization in early 2004. In discussions about the reorganization with the Committees on Appropriations, the Department agreed to revisit the reorganization in two to three years to determine its effectiveness and address any concerns of the Committees. The conferees direct the Department to consult with the Committees prior to conducting an analysis of the reorganization, and describing how it has met the needs of the Service, Congress, and stakeholders.

Natural Resources Conservation Service

CONSERVATION OPERATIONS

The conference agreement includes $839,519,000 for Conservation Operations, instead of $773,640,000 as proposed by the House and $819,561,000 as proposed by the Senate.

The conference agreement provides $27,500,000 for the Grazing Lands Conservation Initiative, $10,650,000 for snow surveys, $10,547,000 for Plant Materials Centers, and $88,149,000 for the Soil Surveys Program. The budget authority provided for the Plant Materials Centers does not include funds for completion of the Alaska Plant Materials Center, as proposed by the Senate.

The conference agreement requires funds appropriated for Conservation Operations be available until May 31, 2007. The conferees direct the Secretary to report to the Committees no later than July 1, 2006, on any projects or activities for which funds have been specifically provided by this Act that have not been obligated by that date. Such a report shall include the reasons for which the obligations have not been made and a timetable indicating when those obligations shall occur.

Funding for fiscal year 2005 projects is not continued in fiscal year 2006 unless specifically mentioned in this statement of the managers. The following funds are directed to be used in cooperative agreements continued with the same cooperator entities as in the fiscal year 2005 agreements, except as noted: Cooperative agreement between the Alabama Department of Conservation and Natural Resources and the Alabama Wildlife Federation for conservation education (AL)—$446,000; Cooperative agreement with the Alabama Association of Conservation Districts (AL)—$100,000; Obtain/evaluate materials for cold region seeds of plants in conjunction w/Alaska Division of Agriculture (AK)—$300,000; Native Plant Materials (commercialization) (AK)—$300,000; NRI pilot development (AK)—$500,000; Cooperative agreement w/Soil and Water Conservation Districts (AK)—$1,488,000; National Water Management Center (AR)—$2,750,000; Study to determine logistics of transportation/coordination of excess nutrients (AR)—$225,000; Small Farm Wetlands Management Center w/University of Arkansas at Pine Bluff (AR)—$125,000; East Valley Conservation District/Santa Ana Watershed Authority Plant Removal (CA)—$1,000,000; Monterey Bay Sanctuary (CA)—$600,000; Cooperative agreement with the Municipal Water District of Orange County California (CA)—$200,000; Cooperative agreement w/Tufts University to improve conservation practices (CT)—$500,000; Pilot projects for technology systems resulting in nutrient reduction (FL)—$6,000,000; Manatee Agriculture Reuse System (FL)—$2,000,000; Lake Okeechobee Watershed project planning (FL)—$350,000; Suwannee, Dixie, and Lafayette Counties dairy and poultry waste treatment (FL)—$1,000,000; Cooperative agreement w/Green Institute (FL)—$400,000; Georgia Soil and Water Conservation Commission Cooperative Agreement (GA)—$3,700,000; Community nutrient management facilities (GA)—$350,000; Cooperative agreement w/GSU for the Altamaha River Basin water quality project (GA)—$100,000; Agricultural development/resource conservation (HI)—$900,000; Idaho One Plan (ID)—$200,000; cooperative agreement w/the College of S. Idaho (ID)—$125,000; Trees Forever Program (IL)—$100,000; Illinois River Agricultural Conservation Project w/ Ducks Unlimited (IL)—$242,000; Wildlife habitat education program in conjunction w/ National Wild Turkey Federation (IL)—$242,000; Kane County, Smart Growth Floodplain Monitoring Project (IL)—$600,000; Planning/ops in Illinois River watershed w/ Peoria County (IL)—$175,000; Hungry Canyon/Loess Hills Erosion Control/Western Iowa (IA)—$1,200,000; Trees Forever Program (IA)—$100,000; CEMSA w/Iowa Soybean Association (IA)—$432,000; Cooperative agreement w/ Northern Iowa University (IA)—$446,000; Soil erosion control cost-share program/soil survey program (KY)—$3,00,000; Technical assistance to provide grants to Soil Conservation Districts (KY)—$1,000,000; Cooperative agreement w/ Western Ky. University (KY)—$396,000; Dairy waste remediation-Lake Ponchartrain Basin (LA)—$295,000; Cooperative agreement w/ LSU on effectiveness of agriculture and forestry (LA)—$400,000; False River sedimentation/Bayou Grosse (LA)—$200,000; Union-Lincoln Parish Regional Water Conservation w/Lincoln Parish (LA)—$125,000; Chesapeake Bay activities (MD)—$6,000,000; Conservation related to cranberry production (MA/WI)—$600,000; Weed It Now-Taconic Mountains (MA/NY/CT)—$200,000; Great Lakes pilot program for conservation (MI)—$600,000; Conservation in the Driftless area w/Southwest Badger RC&D (MN/WI)—$263,000; Mississippi Conservation Initiative (MS)—$10,000,000; Delta Water Resources Study (MS)—694,000; Delta Conservation Demonstration Center, Washington County (MS)—$1,389,000; Soil erosion/Alcorn State (MS)—$192,000; Cattle and nutrient management in stream crossings (MS)—$893,000; Choctaw County feasibility study for surface impoundment (MS)—$250,000; Wildlife Habitat Management Institute (MS)—$5,776,000; Alluvial Floodplain Conservation (MS)—$750,000; Soil Monitoring Pilot Project (MT)—$150,000; Upper White River Water Quality Project in southern MO—$431,000; Carson City Erosion Control Project w/ Carson City (NV)—$375,000; Rangeland Conservation w/ Nevada Fire Safety Council (NV)—$125,000; State conservation cost share program (NJ)—$1,000,000; Riparian restoration activities along Rio Grande and Pecos (NM)—$537,000; Pastureland Management/Rotational Grazing (NY)—$600,000; Best management practices/Skaneateles and Owasco Watersheds (NY)—$325,000; Address non-point pollution in Onondaga and Oneida Lake Watersheds (NY)—$500,000; Phase II/Watershed Agriculture Council in Walton (NY)—$720,000; Pace University Land Use Law Center (NY)—$200,000; New York State Agriculture and Environment Program (NY)—$800,000; Long Island Sound watershed initiative (NY)—$200,000; Erosion control/stabilization for Hudson River shoreline (NY)—$250,000; Technical assistance to livestock/poultry industry (NC)—$450,000; West Cary Watershed and Farmland Protection Project (NC)—$298,000; North Central Planning Council water utilization/ Devil's Lake (ND)—$350,000; Maumee Watershed Hydrological Study and Flood Mitigation Plan (OH)—$1,000,000; Lake Erie Wetlands Conservation Corridors Project (OH)—$125,000; Cooperative agreement with Chemeketa Community College for the Oregon Garden, Silverton (OR)—$350,000; Conservation in Klamath and Lake Co. w/ Klamath County Economic Development Association (OR)—$175,000; Soil Survey Work in the State w/ MapCoast Partnership (RI)—$100,000; Study to characterize land use change while preserving natural resources in cooperation with Clemson University (SC)—$1,190,000; Bexar, Medina, Uvalde Counties irrigation in Edwards Aquifer (TX)—$500,000; Field office telecommunications pilot program/advanced soil survey methods (TX)—$2,400,000; Range vegetation pilot project, Ft. Hood (TX)—$500,000; Texas Water Resources Institute cooperative agreement for Tarrant County ($500,000) and Hood County ($100,000) (TX)—$600,000; AFO/CAFO Pilot Project (UT)—$300,000; Study to examine effects of vegetative manipulation on water yields w/ Utah State (UT)—$800,000; Washington Fields (UT)—$3,000,000; Utah

Conservation Initiative (UT)—$5,000,000; Reduce phosphorus loading into Lake Champlain (VT)—$300,000; Pilot farm viability program project (VT)—$300,000; Walla Walla watershed alliance (WA)—$500,000; Design/implement natural stream restoration initiatives (WV)—$800,000; Soil survey geographic database in the Mid-Atlantic Highlands (WV)—$200,000; Poultry Litter Composting (WV)—$160,000; Potomac and Ohio River Basin Soil Nutrient Project (WV)—$300,000; Appalachian Small Farmer Outreach Program (WV)—$860,000; GIS Center of Excellence, West Virginia University (WV)—$4,500,000; Multiflora Rose Control w/ West Virginia State Conservation Agency (WV)—$750,000; Grazing Lands Initiative/Wisconsin Department of Agriculture (WI)—$950,000; Conservation land internship program (WI)—$120,000; Wisconsin Tribal Conservation Advisory Committee cooperative agreement (WI)—$300,000; Cooperative agreement with Sand County Foundation (WI)—$1,200,000; University of Wisconsin cooperative agreement on conservation tech transfer (WI)—$300,000; Cooperative agreement Pioneer Farm (WI)—$300,000; Soil survey mapping project (WY)—$300,000; Audubon at Home Pilot Program—$500,000; Great Lakes Basin Program for Soil & Erosion Sediment—$2,500,000; On-Farm Management Systems Evaluation Network—$250,000; Watershed management demo program/NPPC—$548,000; National Fish and Wildlife Foundation Partnerships—$3,000,000; and Operation Oak to restore hardwoods—$400,000. The conference agreement includes funding for the Grassroots Source Water Protection Program in a separate account.

The conferees direct that the funding included in this account for the Community Nutrient Management Facilities project and the Georgia Soil and Water Conservation Commission Cooperative Agreement be provided to the Commission through the state NRCS office in a timely manner and in total, not in part, so that vital water projects in Georgia are not delayed. Of the funds provided for the Community Nutrient Management Facilities, $100,000 is for a contract with the Georgia Rural Water Association to continue the Lagoon Waste Management Demonstration program at agricultural and municipal sludge disposal facilities.

The conference agreement provides $6,000,000 for the continued implementation of pilot projects for innovative technology systems resulting in a 75 percent reduction in nutrients of waste stream discharged by animal feeding operations to be managed by Farm Pilot Project Coordination, Inc. The Secretary is directed to release these funds after submitting a report to the Committees on Appropriations that a satisfactory cooperative agreement between the NRCS and Farm Pilot Project Coordination, Inc. has been consummated.

The conference agreement provides $27,500,000 for the Grazing Lands Conservation Initiative. This is $4,188,000 more than the fiscal year 2005 level. The conferees expect the additional funds will be used to enhance efforts to manage and prevent the spread of invasive species. The conferees encourage the agency to make western range lands a priority when allocating funding.

The conferees support the NRCS proposal to use Conservation Innovation Grants to support the goals of the Wildlife Habitat Management Institute.

WATERSHED SURVEYS AND PLANNING

The conference agreement provides $6,083,000 for Watershed Surveys and Planning instead of $7,026,000 as proposed by the House and $5,141,000 as proposed by the Senate.

The conferees direct that the Chief of the Natural Resources Conservation Service evaluate and rank efforts currently underway in order to fund and complete the most promising projects, based upon merit, and notify the Committees on Appropriations of the House and Senate on the selected watershed projects. In addition, the agency is directed not to initiate any new planning starts for projects not otherwise specifically provided for by this Act.

WATERSHED AND FLOOD PREVENTION OPERATIONS

The conference agreement provides $75,000,000 for Watershed and Flood Prevention Operations instead of $60,000,000 as proposed by the House and the Senate.

The conferees include bill language which limits the amount spent on technical assistance to not more than $30,000,000.

WATERSHED REHABILITATION PROGRAM

The conference agreement provides $31,561,000 for the Watershed Rehabilitation Program instead of $47,000,000 as proposed by the House and $27,313,000 as proposed by the Senate.

The conferees direct that funding under this program be provided for rehabilitation of structures determined to be of high priority need in order to protect property and ensure public safety.

RESOURCE CONSERVATION AND DEVELOPMENT

The conference agreement provides $51,300,000 for Resource Conservation and Development instead of $51,360,000 as proposed by the House and $51,228,000 as proposed by the Senate.

The conferees include bill language as proposed by the House that directs the Secretary to enter into an agreement with a national association related to the Resource Conservation and Development program, and directs that such an agreement must maintain the same matching, contribution requirements and funding set forth in previous agreements.

The conferees also include bill language that limits funding for national headquarters activities as proposed by the House.

The conference agreement restores this account, rather than accepting the budget proposal to defund the 189 Resource Conservation and Development (RC&D) Councils that have been in existence for twenty years or more. The conferees would expect any such budget proposal to be based on the effectiveness and performance of the Councils rather than on Council age. The conferees direct that NRCS work with the Councils to develop appropriate measures of effectiveness for both conservation and economic development.

TITLE III—RURAL DEVELOPMENT PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR RURAL DEVELOPMENT

The conference agreement provides $635,000 for the Office of the Under Secretary for Rural Development as proposed by the Senate instead of $627,000 as proposed by the House.

The conferees direct the Under Secretary to give consideration to the following projects or organizations requesting financial and/or technical assistance, and grants and/or loans made available under the Rural Development mission area: Farm Counseling Project of Rural Services of Indiana (IN), to start a co-op; Northeast Texas (TX) Community College/Hanson-Sewell Center, to build a community outreach center; Navajo Tribal Utility Authority-Crownpoint Chapter (NM); a water and waste water system for Franklin County (ID); a water and waste water system for Franklin City (ID); a water and waste system for Dayton City (ID); a water and waste system for Preston City (ID); a water and waste system for Weston City (ID); Tuscarora Township (MI), Indian River wastewater system; Hartselle (AL), water works environmental education; Orangeburg County (SC), Felderville Church Road water project; Decatur County (IA), Decatur County Development Corporation; Franklin Furnace (OH), sewer and road improvements; Assumption Parish (LA), water and waste water infrastructure; a water and waste system for Lodi (CA); Northeast Organic Farming Association of Vermont (VT), farmers market; Scottsville Streetscape Project (VA); and the Chautauqua County (KS) Rural Water District No. 4.

The conferees expect the Under Secretary to approve these projects only when such applications are judged to be meritorious when subject to established review procedures.

The conferees are aware that the Department has previously provided funding for the National Rural Development Partnership (NRDP). The NRDP, and its associated State Rural Development Councils, facilitate interagency coordination and provide programmatic guidance for rural development at several levels. The State Rural Development Councils are uniquely positioned to support the work of the National Rural Development Coordinating Committee (NRDCC), which recently began operations. The conferees expect funds to be provided for the NRDP and State Rural Development Councils at a level comparable to fiscal year 2004. The Department is strongly encouraged to utilize funds outside of the Rural Development mission area and to solicit the participation of federal departments and agencies, nongovernmental organizations serving rural stakeholders, and State Rural Development Councils in support of the work of the NRDCC.

RURAL COMMUNITY ADVANCEMENT PROGRAM

The conference agreement provides $701,941,000 for the Rural Community Advancement Program (RCAP) instead of $657,389,000 as proposed by the House and $705,106,000 as proposed by the Senate.

The conference agreement provides $82,620,000 for rural community programs; $530,100,000 for rural utilities programs, of which $1,000,000 is for grants to nonprofit organizations to finance construction, refurbishing, and servicing of individually-owned household water well systems in rural areas, and of which $500,000 is for revolving funds for financing water and wastewater projects; and $89,221,000 is for rural business and cooperative development programs.

The conference agreement provides $25,000,000 for loans and grants to benefit Federally Recognized Native American Tribes.

The conference agreement provides $4,464,000 for community facilities grants to tribal colleges.

The conference agreement provides $6,350,000 for the Rural Community Development Initiative.

The conference agreement does not include in this account, $140,000 for a feasibility study for a cooperative sheep slaughter facility.

The conference agreement provides $2,000,000 for grants to the Delta Regional Authority.

The conference agreement provides $25,000,000 for rural and native villages in Alaska.

The conference agreement provides $18,250,000 for technical assistance grants for rural water and waste systems, unless the Secretary makes a determination of extreme need.

The conference agreement provides $5,600,000 for the Rural Community Assistance Programs and not less than $850,000 shall be for a qualified national Native American organization to provide technical assistance for rural water systems for tribal communities.

The conference agreement provides $13,750,000 for a circuit rider program.

The conference agreement provides $18,000,000 for facilities in rural communities with extreme unemployment and severe economic depression.

The conference agreement provides $26,000,000 to be transferred to the Rural Utilities Service, High Energy Cost Grants Account.

The following table indicates the distribution of funding for the RCAP:

Community:	
Community facility loan subsidies	$10,806,000
Community facility grants	17,000,000
Economic impact initiative grants	18,000,000
High energy costs grants	26,000,000
Rural community development initiative	6,350,000
Tribal college grants	4,464,000
Subtotal, community	82,620,000
Business:	
Business and industry guaranteed loan subsidies	44,221,000
Rural business enterprise grants	40,000,000
Rural business opportunity grants	3,000,000
Delta regional authority	2,000,000
Subtotal, business	89,221,000
Utilities:	
Water and waste disposal direct loan subsidies	69,100,000
Water and waste disposal grants	456,000,000
Solid waste management grants	3,500,000
Well system grants	1,000,000
Water and wastewater revolving funds	500,000
Subtotal, utilities	530,100,000
Total, loan subsidies and grants	$701,941,000
Directed spending:	
Federally Recognized Native American Tribes	25,000,000
Technical Assistance for Rural Transportation	750,000
Colonias	25,000,000
Alaska Villages	25,000,000
Technical Assistance	18,250,000
Circuit Rider	13,750,000
EZ/EC and REAP	21,367,000
RCAP	5,600,000

RURAL DEVELOPMENT SALARIES AND EXPENSES

The conference agreement provides $164,625,000 for Rural Development Salaries and Expenses instead of $152,623,000 as proposed by the House and $164,773,000 as proposed by the Senate.

The conference agreement provides an increase of $11,147,000 within the Rural Development Salaries and Expenses account to complete the consolidation of St. Louis Rural Development activities at the Goodfellow facility. Rural Development reported to the Committees on Appropriations on July 18, 2005, that this amount is based on revised numbers resulting from discussions between the General Services Administration and Rural Development to accomplish the move. The conferees request the Department to provide the Committees on Appropriations a report on the status of the consolidation within 60 days after enactment of this Act and quarterly thereafter.

RURAL HOUSING SERVICE

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

The conference agreement provides a total subsidy of $242,108,000 for activities under the Rural Housing Insurance Fund Program Account instead of $233,391,000 as proposed by the House and $228,983,000 as proposed by the Senate.

The conference agreement provides for an estimated loan program level of $5,078,380,000 instead of $5,079,349,000 as proposed by the House and $4,927,581,000 as proposed by the Senate.

The conference agreement provides for a transfer of $454,809,000 to salaries and expenses instead of $455,242,000 as proposed by the House and $465,886,000 as proposed by the Senate.

The conference agreement includes a provision authorizing housing funds initially allocated to Alaska to be available until September 30, 2007.

The conference agreement includes bill language making the section 515 rental housing program available for repair, rehabilitation, and new construction.

The conference agreement provides $9,000,000 to carry out a demonstration program for projects financed under the section 515 program. The conferees intend that the Department assist section 515 owners in revitalizing and preserving the section 515 portfolio through financial options provided in this demonstration and consistent with recommendations provided in the Comprehensive Property Assessment report released by the Department in 2004. The conferees expect that owners assisted under this demonstration program shall be required to maintain the housing assisted under this demonstration as affordable, as determined by the Secretary, for the remaining term of the original loan or the term of a restructured loan, whichever is longer.

The conference agreement provides $1,000,000 for the Secretary to acquire the necessary automation and technical support needed to restructure section 515 mortgages. The conferees encourage the Secretary to contract with third parties with expertise in multifamily housing finance, mortgage restructuring, development, market analysis, management, finance, taxation and other requirements as determined by the Secretary.

The following table indicates loan and subsidy levels provided in the conference agreement:

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

Loan authorizations:	
Single family direct (sec. 502)	($1,140,799,000)
Single family unsubsidized guaranteed	(3,681,033,000)
Housing repair (sec. 504)	(35,000,000)
Rental housing (sec. 515)	(100,000,000)
Site development loans (sec. 524)	(5,000,000)
Multi-family guarantees (sec. 538)	(100,000,000)
Multi-family housing credit sales	(1,500,000)
Single family housing credit sales	(10,000,000)
Self help housing land development	(5,048,000)
Total, Loan authorizations	($5,078,380,000)
Loan subsidies:	
Single family direct (sec. 502)	$129,937,000
Single family unsubsidized guaranteed	40,900,000
Housing repair (sec. 504)	10,238,000
Rental housing (sec. 515)	45,880,000
Site development loans (sec. 524)	—
Multi-family guarantees (sec. 538)	5,420,000
Multi-family housing credit sales	681,000
Single family housing credit sales	—
Self help housing land development	52,000
Subtotal, Loan subsidies	233,108,000
Multi-family housing preservation	9,000,000
Total, Loan subsidies	$242,108,000
RHIF administration expenses (transfer to RD)	$454,809,000

RENTAL ASSISTANCE PROGRAM

The conference agreement provides $653,102,000 for the Rental Assistance Program as proposed by the Senate instead of $650,026,000 as proposed by the House. Of this amount, the conference agreement includes up to $8,000,000 for debt forgiveness and payments to enhance preservation efforts and not to exceed $50,000 per project for advances to nonprofit organizations or public agencies to cover direct costs incurred in purchasing projects.

The conference agreement provides additional funding above the budget request for debt forgiveness. The conference agreement also includes a provision that will deobligate the cost of rental assistance in section 515 projects that are subject to prepayment and reallocate these funds through a separate funding stream for the cost of the vouchers and debt forgiveness consistent with the requirements of this Act. These funds are in addition to funds otherwise provided for such activities in this Act.

RURAL HOUSING VOUCHER PROGRAM

The conference agreement provides $16,000,000 for the Rural Housing Voucher Program as proposed by the Senate. The House did not provide funding for this program.

The conference agreement provides adequate funding for vouchers as a safety net to prevent the displacement of low-income rural tenants that currently reside in section 515 projects that are subject to prepayment or foreclosure of their existing loans. The conference agreement does not alter prepayment restrictions or intend for vouchers to be used in a property that would not be eligible or able to prepay without the use of such voucher.

MUTUAL AND SELF-HELP HOUSING GRANTS

The conference agreement provides $34,000,000 for Mutual and Self-Help Housing Grants as proposed by the House and Senate.

RURAL HOUSING ASSISTANCE GRANTS

The conference agreement provides $43,976,000 for Rural Housing Assistance Grants as proposed by the Senate instead of $41,000,000 as proposed by the House.

The conferees provide $2,976,000 for the preservation of the section 515 multi-family housing portfolio.

FARM LABOR PROGRAM ACCOUNT

The conference agreement provides $31,168,000 for the Farm Labor Program Account instead of $32,728,000 as proposed by the House and $29,607,000 as proposed by the Senate.

The conference agreement provides for an estimated loan program level of $38,502,000, $17,168,000 for loan subsidies, and $14,000,000 for grants.

RURAL BUSINESS—COOPERATIVE SERVICE

RURAL DEVELOPMENT LOAN FUND PROGRAM ACCOUNT

The conference agreement provides an estimated loan program level of $34,212,000 with a subsidy of $14,718,000 for the Rural Development Loan Fund as proposed by the House and Senate.

The conference agreement provides for a transfer of $4,793,000 to the Rural Development salaries and expense account instead of $4,719,000 as proposed by the House and $6,656,000 as proposed by the Senate.

The conference agreement includes $3,449,000 for Mississippi Delta Region counties, of which up to $1,500,000 is for the Delta Regional Authority.

RURAL ECONOMIC DEVELOPMENT LOANS PROGRAM ACCOUNT

The conference agreement provides an estimated loan program level of $25,003,000 with a subsidy of $4,993,000 for the Rural Economic Development Loans Program Account as proposed by the House and Senate.

RURAL COOPERATIVE DEVELOPMENT GRANTS

The conference agreement provides $29,488,000 for Rural Cooperative Development Grants instead of $64,000,000 as proposed by the House and $24,988,000 as proposed by the Senate.

The conference agreement provides $20,500,000 for value-added agricultural product market development grants.

The conference agreement provides $1,488,000 for cooperatives or associations of cooperatives to assist minority producers.

The conference agreement provides $500,000 for a cooperative research agreement with a qualified academic institution to conduct research on the national economic impact of all types of cooperatives.

RURAL EMPOWERMENT ZONES AND ENTERPRISE COMMUNITIES GRANTS

The conference agreement provides $11,200,000 for Rural Empowerment Zones and Enterprise Communities Grants instead of $10,000,000 as proposed by the House and $12,400,000 as proposed by the Senate.

The conferees are concerned that rural empowerment zones, particularly zones selected because of outmigration, are having a difficult time successfully competing for USDA Rural Development program funds. This difficulty is occurring because many Rural Development programs fail to consider outmigration as a factor when awarding grants. Additional funding from competitive grant programs, which supplements funding Congress has set-aside for empowerment zones over the last several years, is essential for the advancement of economic development in these communities. The conferees strongly encourage the Department to consider outmigration when awarding competitive grants.

The conferees further recognize that third round rural empowerment zones have not received funding at the same level as first and second round rural empowerment zones. The conferees believe that the competitive grant process is one way to address this disparity. The Department is strongly encouraged to give priority consideration to applications for Rural Development competitive grants from third round rural empowerment zones.

RENEWABLE ENERGY PROGRAM

The conference agreement provides $23,000,000 for the Renewable Energy Program as proposed by the House and the Senate.

RURAL UTILITIES SERVICE

RURAL ELECTRIFICATION AND TELECOMMUNICATIONS LOANS PROGRAM ACCOUNT

The conference agreement provides a total subsidy of $6,372,000 for activities under the Rural Electrification and Telecommunications Loans Program Account as proposed by the House and Senate. The conference agreement provides for an estimated loan program level of $6,094,000,000 instead of $4,994,000,000 as proposed by the House and $6,095,000,000 as proposed by the Senate.

The conference agreement provides for a transfer of $38,784,000 to the Rural Development salaries and expenses account instead of $38,907,000 as proposed by the House and $39,933,000 as proposed by the Senate.

The following table indicates loan and subsidy levels provided in the conference agreement:

RURAL ELECTRIFICATION AND TELECOMMUNICATIONS LOANS PROGRAM ACCOUNT

Loan authorizations:	
Electric:	
Direct, 5 percent	($100,000,000)
Direct, Muni	(100,000,000)
Direct, FFB	(2,600,000,000)
Direct, Treasury rate	(1,000,000,000)
Guaranteed	(100,000,000)
Guaranteed underwriting	(1,500,000,000)
Subtotal	(5,400,000,000)
Telecommunications:	
Direct, 5 percent	(145,000,000)
Direct, Treasury rate	(424,000,000)
Direct, FFB	(125,000,000)
Subtotal	(694,000,000)
Total, loan authorizations	(6,094,000,000)
Loan subsidies:	
Electric:	
Direct, 5 percent	920,000
Direct, Muni	5,050,000
Direct, Treasury rate	100,000
Guaranteed	90,000
Subtotal	6,160,000
Telecommunications:	
Direct, Treasury rate	212,000
Total, loan subsidies	6,372,000
RETLP administrative expenses (transfer to RD)	38,784,000

RURAL TELEPHONE BANK PROGRAM ACCOUNT

The conference agreement provides for a transfer of $2,500,000 to the Rural Development salaries and expenses account as proposed by the House and the Senate.

DISTANCE LEARNING, TELEMEDICINE, AND BROADBAND PROGRAM

The conference agreement provides for an estimated loan program level of $25,000,000 for distance learning and telemedicine and $500,000,000 for broadband telecommunications.

The conference agreement includes $375,000 for distance learning and telemedicine loan subsidy and $30,000,000 for distance learning and telemedicine grants, of which $5,000,000 is for public broadcasting system grants.

The conference agreement includes $10,750,000 for broadband telecommunications loan subsidy, and $9,000,000 for broadband telecommunications grants.

TITLE IV—DOMESTIC FOOD PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR FOOD, NUTRITION AND CONSUMER SERVICES

The conference agreement provides $599,000 for the Office of the Under Secretary for Food, Nutrition and Consumer Services, as proposed by the House and the Senate.

The conferees encourage the Agency to conduct a feasibility study, in consultation with WIC State agencies, to explore a common cost effective strategy to implement the cash value voucher for fruits and vegetables that may be adopted in response to recommendations outlined in the Institute of Medicine report on the food packages provided by the Special Supplemental Nutrition Program for Women, Infants and Children (WIC).

FOOD AND NUTRITION SERVICE

CHILD NUTRITION PROGRAMS

The conference agreement provides $12,660,829,000 for Child Nutrition Programs, instead of $12,412,027,000 as proposed by the House and $12,422,027,000 as proposed by the Senate. Included in the total is an appropriated amount of $7,473,208,000 and a transfer from section 32 of $5,187,621,000.

The conferees are aware that USDA, through its Team Nutrition program, recently updated its dietary guidelines and published My Pyramid and My Pyramid for Kids, which are updates to the former food guide pyramids. The conferees are also aware that FNS is currently working to publicize these nutrition standards. The conferees encourage FNS to use all available resources to ensure that funding for Team Nutrition remains at a level which will allow it to effectively provide this important nutrition information to both adults and children.

The conference agreement provides the following for Child Nutrition programs:

TOTAL OBLIGATIONAL AUTHORITY

Child Nutrition Programs:	
School lunch program	$7,415,142,000
School breakfast program	2,076,141,000
Child and adult care food program	2,159,711,000
Summer food service program	300,226,000
Special milk program	14,499,000
State administrative expenses	156,061,000
Commodity procurement and computer support	522,732,000
School meals initiative/Team nutrition	10,025,000
Food safety education	1,000,000
Coordinated review effort	5,235,000
Program pay cost	57,000
Total	12,660,829,000

SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

The conference agreement provides $5,257,000,000 for the Special Supplemental

Nutrition Program for Women, Infants and Children (WIC) as proposed by both the House and Senate.

The conference agreement includes $15,000,000 for continuation of the breastfeeding peer counselor program. In addition, the conference agreement provides $20,000,000 for investments in management information systems, if the Secretary determines that those funds are not needed to maintain caseload and will not require use of the contingency fund.

The conference agreement does not include language regarding adjunct eligibility restrictions.

The conference agreement includes such sums as are necessary to restore the contingency reserve to $125,000,000, to be allocated as the Secretary deems necessary, as proposed by the Senate.

FOOD STAMP PROGRAM

The conference agreement provides $40,711,395,000 for the Food Stamp Program, as proposed by the House and the Senate. Included in this amount is a reserve of $3,000,000,000, to remain available until September 30, 2007.

The conference agreement includes $36,049,026,000 for program expenses, $1,522,369,000 for grants to Puerto Rico and Samoa, and $140,000,000 for commodity purchase for The Emergency Food Assistance Program.

The conference agreement includes a provision allowing for purchase of bison meat, in an amount not less than $3,000,000, for the Food Distribution Program on Indian Reservations (FDPIR).

The conference agreement includes statutory language to exclude special pay for military personnel deployed to designated combat areas when determining food stamp eligibility.

COMMODITY ASSISTANCE PROGRAM

The conference agreement provides $179,366,000 for the Commodity Assistance Program instead of $178,797,000 as proposed by the House and $179,935,000 as proposed by the Senate.

The conference agreement provides $108,285,000 for the Commodity Supplemental Food Program. According to the USDA's latest estimates, approximately $6,020,000 in commodity inventory is expected to be available to CSFP in fiscal year 2006, making the total available for the program approximately $114,305,000. The conferees strongly encourage USDA to make every effort to maintain the fiscal year 2005 caseload by making full use of CSFP inventory and carryover from preceding years, and to access all available resources from bonus commodity holdings and CCC stocks.

The conferees provide $50,000,000 for administration (processing, storage, transport, and distribution—of The Emergency Food Assistance Program (TEFAP). The conference agreement includes a provision that provides the Secretary authority to transfer up to an additional $10,000,000 from TEFAP commodities for this purpose.

The conference agreement includes $20,000,000 for the Farmers' Market Nutrition Program.

The conferees note that $15,000,000 in funding is available for the Seniors Farmers' Market Nutrition Program in fiscal year 2006 through the Farm Security and Rural Investment Act of 2002.

NUTRITION PROGRAMS ADMINISTRATION

The conference agreement provides $140,761,000 for Nutrition Programs Administration as proposed by the House and the Senate. The conference agreement does not include language regarding limitations on the amount specified for certain administrative activities.

The conferees direct the Department to promptly publish interim final regulations regarding WIC vendor cost containment, as described in the legislative history of the Child Nutrition and WIC Reauthorization Act. The conferees also expect the Department to work with the WIC State agencies to implement the interim final regulations regarding vendor cost containment in accordance with the provisions set forth in section 17(h)(11)(G) of the Child Nutrition Act of 1966. In the event the WIC State agencies should fail to implement the interim final regulations before the enactment of this Act, the conferees have provided an extension of the moratorium on authorization of new 'WIC-only' stores until implementation of the regulations by the WIC State agencies. This moratorium is not intended to restrict the transfer or relocation of existing 'WIC-only' stores.

TITLE V—FOREIGN ASSISTANCE AND RELATED PROGRAMS

Foreign Agricultural Service

SALARIES AND EXPENSES

The conference agreement provides $147,901,000 for the Foreign Agricultural Service, Salaries and Expenses instead of $148,224,000 as proposed by the House and $147,868,000 as proposed by the Senate.

The conference agreement includes the following increases: $1,788,000 for pay costs; $1,200,000 for ICASS; $4,000,000 to offset the increased costs in overseas wages and currency rates, of which $2,000,000 shall remain available until expended; $300,000 for increased FAS presence in Baghdad; $2,743,000 for the capital surcharge being levied by the State Department; and $200,000 for technical assistance for the promotion of specialty crop exports.

The conference agreement provides $951,000 for administering Title I Food for Progress grant programs.

PUBLIC LAW 480 TITLE I AND TITLE II PROGRAM AND GRANT ACCOUNTS

The conference agreement provides $65,040,000 for Title I loan subsidies for a loan level of $74,032,000 as proposed by the House and the Senate.

The conference agreement includes bill language providing that the Secretary of Agriculture may implement a commodity monetization program under existing provisions of the Food for Progress Act of 1985 to provide no less than $5,000,000 in local-currency funding support for rural electrification overseas as proposed by the Senate.

The conference agreement provides $11,940,000 for Ocean Freight Differential as proposed by the House and the Senate.

The conference agreement provides $1,150,000,000 for international food assistance through PL 480 title II grants.

The conferees take the responsibilities of meeting humanitarian needs very seriously, and given current budget constraints, this conference agreement provides the highest levels of funding possible for various international food assistance programs. Under this conference agreement, title II grants under PL 480, one of the primary international food assistance programs, are funded at a level $265,000,000 higher than the President's request. The conferees encourage the Executive Branch to restore, through future budget requests, funding levels for international food assistance under the jurisdiction of the appropriations subcommittees of the House and Senate which fund USDA programs, more closely in line with historic levels. The conferees further admonish the Executive Branch to refrain from proposals which place at risk a carefully balanced coalition of interests which have served the interests of international food assistance programs well for more than fifty years.

The following table reflects the conference agreement for Public Law 480 program accounts:.

Public Law 480

Title 1—Program account:	
Loan authorization, direct	($74,032,000)
Loan subsidies	65,040,000
Ocean freight differential	11,940,000
Title II—Commodities for disposition abroad:	
Program level	(1,150,000,000)
Appropriation	1,150,000,000
Salaries and expenses:	
Foreign Agricultural Service (transfer)	168,000
Farm Service Agency (transfer)	3,217,000

Commodity Credit Corporation Export Loans Program Account

The conference agreement provides $5,279,000 for the Commodity Credit Corporation Export Loans Program Account as proposed by the House and the Senate.

MCGOVERN-DOLE INTERNATIONAL FOOD FOR EDUCATION AND CHILD NUTRITION PROGRAM GRANTS

The conference agreement provides $100,000,000 for the McGovern-Dole International Food for Education and Child Nutrition Program as proposed by the House and the Senate.

TITLE VI—RELATED AGENCIES AND FOOD AND DRUG ADMINISTRATION

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

SALARIES AND EXPENSES

The conference agreement provides total appropriations, including Prescription Drug User Fee Act, Medical Device User Fee Act, and Animal Drug User Fee Act collections, of $1,838,567,000 for the salaries and expenses of the Food and Drug Administration, instead of $1,837,928,000, as proposed by the House and $1,841,959,000 as proposed by the Senate, and provides specific amounts by FDA activity as reflected in the following table.

FOOD AND DRUG ADMINISTRATION, SALARIES AND EXPENSES

[In thousands of dollars]

Program	Budget authority	Prescription drug user fees	Medical device user fees	Animal drug user fees	Total
Foods	443,153				443,153

FOOD AND DRUG ADMINISTRATION, SALARIES AND EXPENSES—Continued

[In thousands of dollars]

Program	Budget authority	Prescription drug user fees	Medical device user fees	Animal drug user fees	Total
Human Drugs	300,723	219,841			520,564
Biologics	122,238	47,675	8,801		178,714
Animal Drugs and Feeds	90,486			9,301	99,787
Medical Devices	222,792		22,978		245,770
National Center for Toxicological Research	41,152				41,152
Other Activities	85,762	25,116	4,535	646	116,059
Rent and Rent-related Activities	57,732	0	783		58,515
Rental Payments to GSA	117,579	12,700	3,203	1,371	134,853
Total Recommendation	1,481,617	305,332	40,300	11,318	1,838,567

The conference agreement also makes mammography user fees and export certification user fees available to the agency. The conference agreement includes bill language related to the White Oak consolidation, as proposed by the House, and does not contain a provision relating to Congressional testimony, as proposed by the House.

Within the total funding for the Food and Drug Administration, the following increases above the fiscal year 2005 level are provided: $10,000,000 for activities related to food safety and food defense; $7,827,000 for medical device review; $10,000,000 for drug safety activities; $884,000 for activities related to direct-to-consumer advertising; $750,000 to support research with the Critical Path Institute; $200,000 for agricultural product testing at the Physical Science Laboratory at New Mexico State University; $300,000 for the National Center for Natural Products Research; $4,128,000 for relocation expenses related to the move to the consolidated White Oak campus; and $4,100,000 in rent paid to GSA. The conference agreement assumes reductions of $1,554,000 in administrative efficiencies and $5,116,000 in IT reductions, as proposed in the request.

The conference agreement provides $14,696,000 for Orphan Product grants, not less than $4,000,000 for the Office of Women's Health, and not less than $56,228,000 for the generic drug program.

The conference agreement provides the $5,000,000 increase for the Office of Drug Safety as requested in the budget. In addition, the conference agreement provides an increase of $5,000,000 for drug safety activities within CDER. The conferees intend that these increases be used for FDA's highest priority drug safety needs that were not funded in fiscal year 2005, such as hiring of additional scientists or the acquisition of databases to which FDA does not now have access to help track adverse drug events. The conferees direct FDA to provide a report to the Committees on Appropriations within 30 days of enactment, setting forth its proposed use of these funds in detail, including an object class breakout for the $10,000,000 increase.

The conference agreement provides no less than $29,556,000 for Bovine Spongiform Encephalopathy (BSE), as requested. The conferees understand that this funding will support agency-wide BSE activities including conducting yearly inspections of all renderers and feed mills processing products containing prohibited materials, extending BSE inspections into targeted segments of industries subject to the BSE Feed regulation, validating test methods for the detection of bovine-derived proteins in animal feed, and continuing to conduct research on Transmissible Spongiform Encephalopathies in FDA's product centers.

Within the food safety and defense increase, the conference agreement provides increases of $5,074,000 for food defense research, $3,926,000 for the Food Emergency Response Network, $500,000 for food defense biosurveillance, and $500,000 to improve and increase import surveillance of food.

The conferees have serious concerns regarding seafood safety issues posed by banned antibiotic contamination in farm-raised shrimp imports. In addition, the conferees are concerned that the FDA inspects less than 2 percent of shrimp being imported into the United States. The conferees recommend that the FDA, in cooperation with any state testing programs, continue testing of farm-raised shrimp imports for chloramphenicol and other related harmful antibiotics.

The conference agreement includes total funding of $5,360,000 for the CFSAN Adverse Events Reporting System, of which approximately $1,500,000 is for dietary supplements. This is $860,000 more than the amount in the budget request.

The conference agreement fully funds the amount designated for influenza in the budget request. The conferees encourage the Administration to develop a comprehensive response plan for dealing with potential human-to-human transmission of avian influenza, including the availability of vaccine and treatment. The conferees direct the agency to provide regular updates to the Committees on its involvement in influenza preparedness activities. Further, the conferees expect the Administration to provide a supplemental request should the need for additional influenza funding arise.

The conferees support the work of the National Antimicrobial Resistance Monitoring System (NARMS) and its collaborative relationship between FDA, USDA, and the Centers for Disease Control. The conferees expect the coordination of activities among these three areas of government to result in the most unbiased presentation of timely, accurate data in the best interest of public health, and encourage FDA to equally divide research funding among the three branches of the program. Further, the conferees direct that FDA perform a review of all components of the NARMS program to analyze the program's scientific soundness and relevance to public health, the criteria utilized to evaluate the program, the transparency of the program, opportunities for public input, and report the result to the Committees.

The conference agreement provides an increase of $300,000 to enhance the collaboration between FDA and the National Center for Natural Products Research and allow increased participation by FDA staff in the research on botanicals and dietary supplements being conducted at the National Center for Natural Products Research in Oxford, MS.

The conference agreement includes no more than $13,026,357 for the Unified Financial Management System (UFMS). Of this amount, $9,720,374 is for development and implementation, and $3,305,953 is for operations and maintenance of UFMS. The conferees note that FDA has spent in excess of the amount expressly appropriated for UFMS in previous fiscal years, and direct FDA to provide quarterly reports on spending for this system to ensure this does not continue.

The conference agreement does not include funding for a foods research center or a pilot program for compounded drug monographs or directed inspection funding, as proposed by the Senate.

The conferees are aware of concerns about the regulation of imports of ethnic foods in the Los Angeles district. Concerns include the issues of communication to importers about shipments being held by FDA, the amount of time that shipments are held, and proper declaration of products. The conferees understand that in 2004 FDA's Los Angeles District implemented new operating procedures and held a public meeting on these issues. Since two years have elapsed, the conferees suggest that FDA now review the performance of the program and solicit input from the import community.

The conferees note that FDA may use available funds to support review and action on new drug applications and supplements seeking approval for replacement or alternative abuse-resistant formulations of currently-available drug products that include an active ingredient that is a listed chemical under the Controlled Substances Act. Further, it is the understanding of the conferees that these applications may be considered under the expedited, priority review process at FDA.

The conferees are aware that the FDA issued a monograph for sunscreen products in 2002, and the monograph was stayed shortly thereafter so that FDA could address the issue of measuring protection against UVA rays, which cause skin cancer. Since that time, no further official action has been taken by the FDA, although skin cancer rates continue to rise, especially among young persons and women. The conferees believe that a comprehensive monograph would be useful to consumers. Therefore, the conferees direct FDA to issue a comprehensive final monograph for over-the-counter sunscreen products, including UVA and UVB labeling requirements, within six months of enactment of this Act.

The conferees do not include language in the House bill that withheld five percent of the funds provided to FDA's central offices pending a public hearing with the agency head on the fiscal year 2006 budget, because this requirement was satisfied by former Commissioner Crawford's testimony before the House subcommittee in July. However, the conferees expect the head of the agency to testify before the House and Senate subcommittees on the fiscal year 2007 budget during the regular course of budget hearings.

The conferees appreciate the detailed information provided in the budget justification prepared by the Food and Drug Administration and rely heavily on this information when considering budget proposals. These materials have traditionally been prepared for the sole use of the Committees on Appropriations in a format consistent with the structure of the Appropriations Act. The account organization in the fiscal year 2006 budget request does not present information in a format that is useful to the Committees. Therefore, the conferees do not approve the proposed restructuring of FDA's budget for the field activities, rent activities, and other activities accounts. The conferees direct the Agency to submit the fiscal year 2007 budget request in a format that follows the same account structure as the fiscal year 2005 budget request unless otherwise approved by the Committees.

The conferees direct the Department of Health and Human Services (HHS) to include all anticipated consolidations that impact FDA in the FDA budget request submitted to Congress. Further, the conferees direct that none of the funds made available to FDA in this Act be used for any assessments, fee, or charges by HHS unless such assessments, fees, or charges are identified in the FDA budget justification and expressly provided by Congress, or approved by Congress in the official reprogramming process as required in the General Provisions of this Act. The conferees further direct HHS to include in the fiscal year 2007 budget submission all sources of funding projected to be received by FDA from all other federal agencies in fiscal years 2006 and 2007, by agency, with a brief description of the reason for which the funds are to be provided to FDA.

In its fiscal year 2006 budget, FDA requested $146,213,000 for "research, development and evaluation" (RD&E) activities. This amounts to about 10 percent of the agency's discretionary request. FDA provided only general descriptions of its planned RD&E activities within the context of its strategic plan, without specifying the dollars requested, and provided only total proposed expenditures for each "research theme." The conferees direct FDA to provide the same level of budget justification for its research activities in the fiscal year 2007 budget as it does other activities, including a justification of both base spending and any proposed increases by activity within center or office.

The conference agreement provides $750,000 to support collaborative research with the C-Path Institute and the University of Utah on cardiovascular biomarkers predictive of safety and clinical outcomes. The conferees understand the research would involve identifying candidate genes and proteins in University of Utah databases, designing and conducting genomic and proteomic biomarker validation experiments by the C-Path Institute, the University of Utah, FDA and manufacturers, determining which biomarkers identify heart failure patients who are most likely to respond favorably to drug therapy and those at highest risk of adverse events.

The conferees remain concerned about the legal and regulatory issues relating to approval of drugs as both prescription and over the counter products, and urge FDA to expedite rulemaking on this topic.

BUILDINGS AND FACILITIES

The conference agreement provides $8,000,000 for the Food and Drug Administration Buildings and Facilities instead of $5,000,000 as proposed by the House and $7,000,000 as proposed by the Senate. Of the total, $4,000,000 is for the repair and improvement of existing buildings and facilities, and $4,000,000 is to complete the final phase of the Arkansas Regional Laboratory.

INDEPENDENT AGENCIES

COMMODITY FUTURES TRADING COMMISSION

The conference agreement provides $98,386,000 for the Commodity Futures Trading Commission as proposed by the House and the Senate. This is an increase of $4,814,000 over the fiscal year 2005 level.

FARM CREDIT ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

The conference agreement includes a limitation of $44,250,000 on administrative expenses of the Farm Credit Administration (FCA), as proposed by the House and the Senate.

The conference agreement does not include language allowing some expenses associated with terminations to exceed the limitation, as proposed by the Senate.

TITLE VII—GENERAL PROVISIONS

(INCLUDING RESCISSIONS AND TRANSFERS OF FUNDS)

Section 704.—The conference agreement includes language regarding appropriation items, which shall remain available until expended.

Section 705.—The conference agreement includes language that allows for unobligated balances to be transferred to the Working Capital Fund.

Section 709.—The conference agreement limits indirect costs for grants awarded by the Cooperative State Research, Education, and Extension Service to 20 percent.

Section 712.—The conference agreement includes language for funds to cover necessary expenses related to advisory committees.

Section 715.—The conference agreement includes language regarding the appropriations hearing process.

Section 716.—The conference agreement includes language regarding the transfer of funds to the Office of the Chief Information Officer and information technology funding obligations.

Section 717.—The conference agreement provides language regarding the reprogramming of funds.

Section 718.—The conference agreement includes language regarding the Initiative for Future Agriculture and Food Systems.

Section 723.—The conference agreement includes language that provides funding for the National Sheep Industry Improvement Center.

Section 724.—The conference agreement includes language regarding conducting an evaluation of the impact of a court decision.

Section 725.—The conference agreement directs the Secretary to make commodity tonnage available, to the extent practicable, to assist foreign countries to mitigate the effects of the Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome.

Section 726.—The conference agreement includes language regarding Natural Resources Conservation Service financial and technical assistance for certain projects in Illinois, Ohio, Arkansas, Alaska, Missouri, Hawaii, Iowa, and Utah.

Section 729.—The conference agreement includes language regarding the Dam Rehabilitation Program.

Section 730.—The conference agreement includes language to prohibit funds from being used to close or relocate the Food and Drug Administration Division of Pharmaceutical Analysis.

Section 731.—The conference agreement includes language regarding the Rural Strategic Investment Program.

Section 732.—The conference agreement allows unobligated balances within the Department of Agriculture to be used to reimburse the Office of the General Counsel for certain services provided.

Section 733.—The conference agreement includes language regarding the Rural Firefighters and Emergency Personnel Grant Program.

Section 734.—The conference agreement includes language regarding the Wetlands Reserve Program.

Section 735.—The conference agreement includes language regarding the Environmental Quality Incentives Program.

Section 736.—The conference agreement includes language regarding the renewable energy program.

Section 737.—The conference agreement includes language regarding the broadband telecommunications program.

Section 738.—The conference agreement includes language regarding the Bill Emerson Humanitarian Trust Act.

Section 739.—The conference agreement includes language regarding the value-added market development program.

Section 741.—The conference agreement includes language regarding the Conservation Security Program.

Section 742.—The conference agreement includes language regarding the Wildlife Habitat Incentives Program.

Section 743.—The conference agreement includes language that rescinds certain unobligated balances.

Section 744.—The conference agreement includes language regarding the Farmland Protection Program.

Section 745.—The conference agreement includes language regarding the Rural Business Investment Program.

Section 746.—The conference agreement includes language regarding Public Law 105-264.

Section 747.—The conference agreement includes language regarding the ground and surface water conservation program.

Section 748.—The conference agreement includes language related to final rulemaking on APHIS cost-sharing.

Section 749.—The conference agreement gives the Secretary of Agriculture the authority to enter into cooperative agreements to lease aircraft.

Section 750.—The conference agreement includes language regarding the Bioenergy Program.

Section 751.—The conference agreement includes language regarding the use of discretionary funds for certain purposes.

Section 752.—The conference agreement includes language regarding the availability of funds for certain conservation programs.

Section 753.—The conference agreement provides funding for the Denali Commission.

Section 754.—The conference agreement includes language regarding eligibility for certain rural development programs.

Section 755.—The conference agreement includes funds for a certain grant.

Section 756.—The conference agreement includes a provision to allow Community Facility Program borrowers to enter into contracts with third parties for necessary services.

Section 757.—The conference agreement includes language regarding the Agricultural Management Assistance program.

Section 758.—The conference agreement includes language regarding the Emergency Watershed Protection Program.

Section 759.—The conference agreement includes language that limits the Biomass Research and Development Program.

Section 760.—The conference agreement includes language regarding eligibility for the Conservation Reserve Program for land planted in hardwood trees, and previously enrolled in the program, to remain enrolled.

Section 761.—The conference agreement includes language regarding the disposal of certain federal facilities in Phoenix, AZ.

Section 762.—The conference agreement includes language regarding the recertification of rural status.

Section 763.—The conference agreement includes language allowing use of unobligated balances in certain accounts within the Rural Utilities Service for the purposes of section 315 of the Rural Electrification Act of 1936.

Section 764.—The conference agreement includes funds for a certain grant.

Section 765.—The conference agreement includes language that provides that certain locations shall be considered eligible for certain rural development programs.

Section 766.—The conference agreement includes funds for a certain grant.

Section 767.—The conference agreement includes funds for a certain grant.

Section 768.—The conference agreement includes language that provides that certain locations shall be considered eligible for certain rural development programs.

Section 769.—The conference agreement includes language regarding Child and Adult Care Food Program audit funds.

Section 770.—The conference agreement includes language in regard to the City of Elkhart, Kansas.

Section 771.—The conference agreement includes language to provide funding for the Healthy Forests Reserve program.

Section 772.—The conference agreement includes language that relates to government sponsored news stories.

Section 773.—The conference agreement includes funding for a specialty crops competitiveness program.

Section 774.—The conference agreement includes language in regard to the Federal Financing Bank.

Section 775.—The conference agreement includes language in regard to law enforcement at the National Center for Toxicological Research and the Arkansas Regional Laboratory.

Section 776.—The conference agreement includes a technical correction regarding the Child Nutrition Act.

Section 777.—The conference agreement includes language regarding the Summer Food Service Program.

Section 778.—The conference agreement includes language regarding the Rural Telephone Bank.

Section 779.—The conference agreement includes language in regard to the Fruit and Vegetable Pilot Program.

Section 780.—The conference agreement includes language amending the Federal Crop Insurance Act.

Section 781.—The conference agreement includes language regarding the National Dairy Promotion and Research Board.

Section 782.—The conference agreement includes language renaming the South Mississippi Branch Experiment Station.

Section 783.—The conference agreement includes language regarding the conveyance of certain federal facilities in Phoenix, AZ.

Section 784.—The conference agreement includes language amending the Agricultural Act of 1949.

Section 785.—The conference agreement includes language regarding the availability of funding for Conservation Operations.

Section 786.—The conference agreement includes language related to competitive sourcing of rural development or farm loan programs.

Section 787.—The conference agreement includes language regarding WIC-only vendors.

Section 788.—The conference agreement includes language that rescinds certain unobligated balances.

Section 789.—The conference agreement includes language regarding the Rural Housing for Domestic Farm Labor Program.

Section 790.—The conference agreement includes funds for certain grants.

Section 791.—The conference agreement includes language in regard to a demonstration intermediate relending program.

Section 792.—The conference agreement includes language regarding country of origin labeling.

Section 793.—The conference agreement includes language regarding the Federal Crop Insurance Act.

Section 794.—The conference agreement includes language regarding inspection activities under the Federal Meat Inspection Act or the Federal Agriculture Improvement and Reform Act of 1966.

It is the understanding of the conferees that the Department is obliged under existing statutes to provide for the inspection of meat intended for human consumption (domestic and exported). The conferees recognize that the funding limitation in Section 794 prohibits the use of appropriated funds only for payment of salaries or expenses of personnel to inspect horses.

Section 795.—The conference agreement includes language in regard to Food and Drug Administration waivers of a financial conflict of interest.

Section 796.—The conference agreement includes language amending the Immigration and Nationality Act.

Section 797.—The conference agreement includes language regarding provisions of the Organic Foods Product Act.

Section 798.—The conference agreement includes language regarding the Federal Meat Inspection Act.

Section 799.—The conference agreement makes technical corrections to the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2006. The corrections for the Department of the Interior involve the amounts appropriated for construction and land acquisition by the National Park Service and for departmental management. There is also a correction dealing with the construction of the Blue Ridge Parkway Regional Destination Visitor Center. In the Environmental Protection Agency, there are technical corrections for two State and Tribal Assistance Grants projects and for language associated with the rescission of funds from various EPA accounts. In the Forest Service, there is a correction to language dealing with a land acquisition in the Thunder Mountain area of the Payette National Forest, ID. In Title IV—General Provisions, there is a correction to the name of the Gaylord A. Nelson Wilderness.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 2006 recommended by the Committee of Conference, with comparisons to the fiscal year 2005 amount, the 2006 budget estimates, and the House and Senate bills for 2006 follow:

[In thousands of dollars]

New budget (obligational) authority, fiscal year 2005	$89,439,376
Budget estimates of new (obligational) authority, fiscal year 2006	100,132,911
House bill, fiscal year 2006	100,321,593
Senate bill, fiscal year 2006	100,722,949
Conference agreement, fiscal year 2006	100,981,758
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 2005	+11,542,382
Budget estimates of new (obligational) authority, fiscal year 2006	+848,847
House bill, fiscal year 2006	+660,165
Senate bill, fiscal year 2006	+258,809

Henry Bonilla,
Jack Kingston,
Tom Latham,
Jo Ann Emerson,
Virgil H. Goode, Jr.,
Ray LaHood,
John T. Doolittle,
Rodney Alexander,
Jerry Lewis,
Managers on the Part of the House.

R.F. Bennett,
Thad Cochran,
Arlen Specter,
Chris Bond,
Mitch McConnell,
Ted Stevens,
Herb Kohl,
Dianne Feinstein,
Richard Durbin,
Mary Landrieu,
Robert C. Byrd,
Managers on the Part of the Senate.

IRAN NONPROLIFERATION AMENDMENTS ACT OF 2005

Mr. ROHRABACHER. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1713) to make amendments to the Iran Nonproliferation Act of 2000 related to International Space Station payments, as amended.

The Clerk read as follows:

S. 1713

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Iran Nonproliferation Amendments Act of 2005".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The Director of Central Intelligence's most recent Unclassified Report to Congress on the Acquisition of Technology Relating to Weapons of Mass Destruction and Advanced Conventional Munitions, 1 July Through 31 December 2003, states "Russian entities during the reporting period continued to supply a variety of ballistic missile-related goods and technical know-how to countries such as Iran, India, and China. Iran's earlier success in gaining technology and materials from Russian entities helped accelerate Iranian development of the Shahab-3 MRBM, and continuing Russian entity assistance has supported Iranian efforts to develop new missiles and increase Tehran's self-sufficiency in missile production."

(2) Vice Admiral Lowell E. Jacoby, the Director of the Defense Intelligence Agency, stated in testimony before the Select Committee on Intelligence of the Senate on February 16, 2005, that "Tehran probably will

have the ability to produce nuclear weapons early in the next decade".

(3) Iran has—

(A) failed to act in accordance with the Agreement Between Iran and the International Atomic Energy Agency for the Application of Safeguards in Connection with the Treaty on the Non-Proliferation of Nuclear Weapons, done at Vienna June 19, 1973 (commonly referred to as the "Safeguards Agreement");

(B) acted in a manner inconsistent with the Protocol Additional to the Agreement Between Iran and the International Atomic Energy Agency for the Application of Safeguards, signed at Vienna December 18, 2003 (commonly referred to as the "Additional Protocol");

(C) acted in a manner inconsistent with its obligations under the Treaty on the Non-Proliferation of Nuclear Weapons, done at Washington, London, and Moscow July 1, 1968, and entered into force March 5, 1970 (commonly referred to as the "Nuclear Non-Proliferation Treaty"); and

(D) resumed uranium conversion activities, thus ending the confidence building measures it adopted in its November 2003 agreement with the foreign ministers of the United Kingdom, France, and Germany.

(4) On September 24, 2005, the Board of Governors of the International Atomic Energy Agency (IAEA) formally declared that Iranian actions constituted noncompliance with its nuclear safeguards obligations, and that Iran's history of concealment of its nuclear activities has given rise to questions that are within the purview of the United Nations Security Council.

(5) The executive branch has on multiple occasions used the authority provided under section 3 of the Iran Nonproliferation Act of 2000 (Public Law 106–178; 50 U.S.C. 1701 note) to impose sanctions on entities that have engaged in activities in violation of restrictions in the Act relating to—

(A) the export of equipment and technology controlled under multilateral export control lists, including under the Australia Group, Chemical Weapons Convention, Missile Technology Control Regime, Nuclear Suppliers Group, and the Wassenaar Arrangement or otherwise having the potential to make a material contribution to the development of weapons of mass destruction or cruise or ballistic missile systems to Iran; and

(B) the export of other items to Iran with the potential of making a material contribution to Iran's weapons of mass destruction programs or on United States national control lists for reasons related to the proliferation of weapons of mass destruction or missiles.

(6) The executive branch has never made a determination pursuant to section 6(b) of the Iran Nonproliferation Act of 2000 that—

(A) it is the policy of the Government of the Russian Federation to oppose the proliferation to Iran of weapons of mass destruction and missile systems capable of delivering such weapons;

(B) the Government of the Russian Federation (including the law enforcement, export promotion, export control, and intelligence agencies of such government) has demonstrated and continues to demonstrate a sustained commitment to seek out and prevent the transfer to Iran of goods, services, and technology that could make a material contribution to the development of nuclear, biological, or chemical weapons, or of ballistic or cruise missile systems; and

(C) no entity under the jurisdiction or control of the Government of the Russian Federation, has, during the 1-year period prior to the date of the determination pursuant to section 6(b) of such Act, made transfers to Iran reportable under section 2(a) of the Act.

(7) On June 29, 2005, President George W. Bush issued Executive Order 13382 blocking property of weapons of mass destruction proliferators and their supporters, and used the authority of such order against 4 Iranian entities, Aerospace Industries Organization, Shahid Hemmat Industrial Group, Shahid Bakeri Industrial Group, and the Atomic Energy Organization of Iran, that have engaged, or attempted to engage, in activities or transactions that have materially contributed to, or pose a risk of materially contributing to, the proliferation of weapons of mass destruction or their means of delivery (including missiles capable of delivering such weapons), including efforts to manufacture, acquire, possess, develop, transport, transfer, or use such items.

SEC. 3. AMENDMENTS TO IRAN NONPROLIFERATION ACT OF 2000 RELATED TO INTERNATIONAL SPACE STATION PAYMENTS.

(a) Treatment of Certain Payments.—Section 7(1)(B) of the Iran Nonproliferation Act of 2000 (Public Law 106–178; 50 U.S.C. 1701 note) is amended—

(1) by striking the period at the end and inserting a comma; and

(2) by adding at the end the following:

"except that such term does not mean payments in cash or in kind made or to be made by the United States Government prior to January 1, 2012, for work to be performed or services to be rendered prior to that date necessary to meet United States obligations under the Agreement Concerning Cooperation on the Civil International Space Station, with annex, signed at Washington January 29, 1998, and entered into force March 27, 2001, or any protocol, agreement, memorandum of understanding, or contract related thereto.".

(b) Exception.—Section 6(h) of the Iran Nonproliferation Act of 2000 (Public Law 106–178; 50 U.S.C. 1701 note) is amended by inserting after "extraordinary payments in connection with the International Space Station" the following: ", or any other payments in connection with the International Space Station,".

(c) Reporting Requirements.—Section 6 of the Iran Nonproliferation Act of 2000 (Public Law 106–178; 50 U.S.C. 1701 note) is amended by adding at the end the following new subsection:

"(i) Report on Certain Payments Related to International Space Station.—

"(1) In general.—The President shall, together with each report submitted under section 2(a), submit to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives a report that identifies each Russian entity or person to whom the United States Government has, since the date of the enactment of the Iran Nonproliferation Amendments Act of 2005, made a payment in cash or in kind for work to be performed or services to be rendered under the Agreement Concerning Cooperation on the Civil International Space Station, with annex, signed at Washington January 29, 1998, and entered into force March 27, 2001, or any protocol, agreement, memorandum of understanding, or contract related thereto.

"(2) Content.—Each report submitted under paragraph (1) shall include—

"(A) the specific purpose of each payment made to each entity or person identified in the report; and

"(B) with respect to each such payment, the assessment of the President that the payment was not prejudicial to the achievement of the objectives of the United States Government to prevent the proliferation of ballistic or cruise missile systems in Iran and other countries that have repeatedly provided support for acts of international terrorism, as determined by the Secretary of State under section 620A(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2371(a)), section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)), or section 40(d) of the Arms Export Control Act (22 U.S.C. 2780(d)).".

SEC. 4. AMENDMENTS TO THE IRAN NONPROLIFERATION ACT OF 2000 TO MAKE SUCH ACT APPLICABLE TO IRAN AND SYRIA.

(a) Reports on Proliferation Relating to Iran or Syria.—Section 2 of the Iran Nonproliferation Act of 2000 (Public Law 106–178; 50 U.S.C. 1701 note) is amended—

(1) in the heading, by striking "**TO IRAN**" and inserting "**RELATING TO IRAN AND SYRIA**"; and

(2) in subsection (a)—

(A) in the matter preceding paragraph (1)—

(i) by inserting "or acquired from" after "transferred to"; and

(ii) by inserting after "Iran" the following: ", or on or after January 1, 2005, transferred to or acquired from Syria"; and

(B) in paragraph (2), by inserting after "Iran" the following: "or Syria, as the case may be,".

(b) Determination Exempting Foreign Persons From Certain Measures.—Section 5(a) of the Iran Nonproliferation Act of 2000 (Public Law 106–178; 50 U.S.C. 1701 note) is amended—

(1) in paragraph (1), by striking "transfer to Iran" and inserting "transfer to or acquire from Iran or Syria, as the case may be,"; and

(2) in paragraph (2), by striking "Iran's efforts" and inserting "the efforts of Iran or Syria, as the case may be,".

(c) Restriction on Extraordinary Payments in Connection With the International Space Station.—Section 6(b) of the Iran Nonproliferation Act of 2000 (Public Law 106–178; 50 U.S.C. 1701 note) is amended—

(1) in the heading, by striking "TO IRAN" and inserting "RELATING TO IRAN AND SYRIA";

(2) in paragraphs (1) and (2), by striking "to Iran" each place it appears and inserting "to or from Iran and Syria"; and

(3) in paragraph (3), by striking "to Iran" and inserting "to or from Iran or Syria".

(d) Definitions.—Section 7(2) of the Iran Nonproliferation Act of 2000 (Public Law 106–178; 50 U.S.C. 1701 note) is amended—

(1) in subparagraph (C) to read as follows:

"(C) any foreign government, including any foreign governmental entity; and"; and

(2) in subparagraph (D), by striking "subparagraph (B) or (C)" and inserting "subparagraph (A), (B), or (C), including any entity in which any entity described in any such subparagraph owns a controlling interest".

(e) Short Title.—

(1) Amendment.—Section 1 of the Iran Nonproliferation Act of 2000 (Public Law 106–178; 50 U.S.C. 1701 note) is amended by striking "Iran Nonproliferation Act of 2000" and inserting "Iran and Syria Nonproliferation Act".

(2) References.—Any reference in a law, regulation, document, or other record of the United States to the Iran Nonproliferation Act of 2000 shall be deemed to be a reference to the Iran and Syria Nonproliferation Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. ROHRABACHER) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

Mr. PAUL. Mr. Speaker, I request the time in opposition if neither gentleman is opposed to the bill.

The SPEAKER pro tempore. Is the gentleman from California (Mr. LANTOS) opposed to the bill?

Mr. LANTOS. Mr. Speaker, no, I am not. I am supporting the bill.

The SPEAKER pro tempore. Pursuant to clause 1 of rule XV, the gentleman from Texas (Mr. PAUL) will control 20 minutes in opposition.

The Chair recognizes the gentleman from California (Mr. ROHRABACHER).

GENERAL LEAVE

Mr. ROHRABACHER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on S. 1713, the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ROHRABACHER. Mr. Speaker, I yield 10 minutes to the gentleman from California (Mr. LANTOS) and ask unanimous consent that he control that time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ROHRABACHER. Mr. Speaker, I yield myself such time as I may consume.

I want to thank the gentleman from California (Mr. LANTOS) and, of course, the gentleman from Illinois (Mr. HYDE) for the leadership that has been demonstrated in getting this legislation to the floor.

One of America's challenges as we seek global security and stability is stopping the proliferation of nuclear and missile technologies.

Several years ago, we enacted the Iran Nonproliferation Act of 2000 to give the United States several tools in our fight against proliferation to Iran, one of which was a restriction on U.S.-Russian space cooperation. As a member of both the Committee on International Relations and the Committee on Science, I was deeply involved in that aspect of the Iran Nonproliferation Act.

While many of the INA's tools have helped and should be continued, the limitation on space cooperation has not been effective and is now counterproductive. So, today, we have an opportunity to both correct and strengthen that legislation.

Mr. Speaker, I rise in strong support of the amended version of Senate bill 1713. First and foremost, the bill strengthens the tools available to fight proliferation to, and from, Iran. This bill also provides urgently needed relief for NASA so that the United States can maintain a continued presence on the International Space Station and enables cost-effective commercial partnerships to support the Space Station. This latter benefit also strengthens non-proliferation, because over the past decade we have learned that commercial ties between the United States and Russian aerospace companies have been an effective tool against proliferation. We need to employ such carrots along with our non-proliferation sticks.

The changes put in place by S. 1713 will prevent a major setback for America's space program, and that is one of the most important things we are talking about today. It will prevent this setback by ensuring a continued and uninterrupted presence, an American presence, on the International Space Station.

Cooperation with Russia, just as similar cooperation with Russia by the State of Israel in terms of space policy, will help us achieve America's space goals while maintaining our commitment to non-proliferation.

This bill needs to be passed. There is a time element here, and I would like to thank all those who have been involved in trying to get this legislation to the floor.

Mr. Speaker, I reserve the balance of my time.

Mr. PAUL. Mr. Speaker, I yield myself such time as I may consume.

I rise in opposition to the bill, but I want to make it very clear that the portion of the bill that the gentleman from California was speaking about I strongly endorsed. Matter of fact, I had a similar bill that would have made the same corrections, but I would like to make two points about this portion of the bill.

The one is that the corrections were necessary because we had placed sanctions on Iran, and there was an unintended consequence. It actually harmed NASA and harmed our relationships with Russia. This is making a correction and I think that is good, and I strongly support that part of the bill.

□ 1845

But it goes to show that sanctions per se are not necessarily good. We might just use as an example not having sanctions on a country like China. We do better talking with and getting along with China as we become trading partners rather than adversaries. So even countries that seem to be adversarial, there are some downsides to putting on sanctions.

Actually, the portion of the bill that I rise in objection to is the portion that was amended dealing with Syria. I consider this a significant change in our law. There has been very little discussion on this. This makes the bill quite different from the Senate bill. But once again, I think it is doing things that could come back to haunt us, and that is expanding our authority and the President's authority to place sanctions on Syria, of course always with good intentions; but too often bad things can happen.

In 1998, a bill came up on the suspension calendar. It was considered noncontroversial and was called the Iraq Liberation Act. It passed overwhelmingly, but at that particular time, I took the time in opposition to point out that there could be some unintended, or maybe some intended, consequences that at that time the Congress was not admitting to, and that it could lead to war. And, of course, that was the first stepping stone to the current war that we are in.

Although this particular bill is not nearly as strong as what the Iraq Liberation Act was, this nevertheless is a step as far as I am concerned in the wrong direction.

The basic thing that happens here is we are expanding tremendously the power to place sanctions on Syria, and this comes in light of the publication of the U.N. investigation on Hariri's murder, and there is a tremendous move right now to move on to the next regime change in the Middle East. To me, I believe we are overstepping our bounds and looking for more trouble.

We have essentially zero right to decide who should head foreign states. Once we decide that we know what is best for foreign countries and we can actually pick a head of state, I think it leads to trouble. I could give Members every bit of reason why we ought to change the King of Saudi Arabia, as we should change the King of Syria; and yet Saudi Arabia gets a lot of support from us.

There was a recent report in a newspaper today, whether it is factual or not it is still frightening, it said that the administration was actually putting feelers out and asking Israel and Italy to nominate a replacement for Assad. This means we are moving in that direction.

One of the reasons we are supposed to be doing this and looking closely to Syria is they present a destabilizing element in the Middle East. That in itself is stretching it. They are struggling to stabilize and survive with the pounding they are getting internationally. We forget that Syria actually sent troops into the first Persian Gulf war dealing with Kuwait. But those kinds of things are easily forgotten.

The truth is the Mehlis Report is rather vague. There is no way it ties it to Assad. There is no proof of that whatsoever. As a matter of fact, Der Spiegel, a German magazine, reported today that the most important information that the Mehlis Report cites comes from an informer who was a convicted swindler and felon. That is one of the sources of the information they are using to try to tie this into Syria.

If you want to talk about destabilization of a region, all we have to do is look at 150,000 troops in a country 6,000 miles from our borders. If we talk about the responsibility of somebody being assassinated, we might ask the question how many dozens of Iraqi administrators have been assassinated in Iraq since we have been in charge. So there are two different ways we can look at that. My deep concern is that we are moving in the direction of expanding our presence and expanding the war in that region.

Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this legislation. Five years ago, Congress approved far-reaching legislation to stop the flow of nuclear missiles and other sensitive technology to the ayatollahs of terror in Tehran. By a unanimous vote, Congress commanded that those who aid in the development of Iran's destabilizing nuclear and missile programs be exposed and sanctioned.

The need for the Iran Nonproliferation Act is stronger today than it was 5 years ago. The Iranian regime continues to seek aggressively a nuclear weapons capability by exploiting allegedly peaceful nuclear facilities to produce nuclear weapons materials. Iran is also developing long-range missile systems capable of destabilizing the entire Middle East and beyond. The Iranians are accomplishing this task with the active assistance of Russia and other irresponsible actors on the international scene.

Fortunately, Mr. Speaker, in large part due to the farsighted initiatives such as the Iran Nonproliferation Act, the world no longer trusts Tehran. Just this past month, the Board of Governors of the International Atomic Energy Agency in Vienna voted to find Iran in violation of its nuclear safeguards obligations. And absent any dramatic turnaround by Iran, the United States must and will demand that Iran's violations be reported to the U.N. Security Council at the next meeting of the International Atomic Energy Agency this coming November.

The legislation before us today is designed to preserve the core of the Iran Nonproliferation Act while allowing for continued cooperation with the Russians in support of our national space program.

It is unfortunate, Mr. Speaker, that this legislation is necessary. I wish that the Russians had ceased their missile-related cooperation with the Iranians so Congress would not be forced to carve out this new exception. Moscow's deliberate decision to flaunt international norms on weapons of mass destruction just shows how far away the Russian regime is from being a responsible international actor.

But we are compelled to pass this legislation because the United States needs to continue paying Russia for rides for American astronauts to the International Space Station and for other space services. Because the President cannot certify that Russia has ended it missile cooperation with Iran, and with the space shuttle still experiencing difficulties in its return to service, this exemption has proved necessary.

But, Mr. Speaker, at the end of the day, the Iran Nonproliferation Act is emerging even stronger than before. My good friend, the chairman of the Committee on International Relations, the gentleman from Illinois (Mr. HYDE), and I made changes to the bill which will focus even greater attention on Russia's destabilizing cooperation with Iran. The Hyde-Lantos provisions will make governments, not just individuals and business entities, newly vulnerable to sanctions for trade in weapons of mass destruction with the Iranian regime. It will also help ensure that Iran does not spread dangerous technology in the future.

Our bill also applies the provision of the Iran Nonproliferation Act for the first time to the authoritarian regime in Damascus. This action will help ensure that whatever happens to the regime of Bashir Assad in the near term as it faces international condemnation richly deserved for its direct complicity in the assassination of Rafik Hariri, the Prime Minister of neighboring Lebanon, it cannot develop weapons of mass destruction.

Mr. Speaker, the leadership cabals in both Tehran and Damascus are aggressively seeking to develop such weapons that would threaten the entire Middle East and the region beyond. Our legislation marks an important step in focusing greater attention on these emerging threats while preserving key aspects of our own space program. I urge all of my colleagues to support this most important and urgent piece of legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. ROHRABACHER. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. DELAY), a Member whose leadership has been a major factor in the passage of so much historic legislative reform that has gone through this body.

Mr. DELAY. Mr. Speaker, I thank the gentleman from California, and I appreciate the work that you all have done. I rise in strong support of this legislation and also to commend everyone on both sides of the aisle and both sides of the Capitol who helped develop this legislation in the recent months.

The legislation before us will correct an unintended consequence of the Iran Nonproliferation Act of 2000. Under that 2000 act passed by a Republican Congress and signed into law by President Clinton, the United States will soon find itself unable to manage many of its investments in space and unable to continue to develop and conduct vital scientific experiments aboard the International Space Station.

Under that 2000 act, by next April, NASA would be severely limited in its ability to maintain an American scientific crew on the ISS, let alone monitor the billions of dollars in investments that the American people have made in the program.

The bill before us will carve out an exemption in the 2000 act for NASA's relationships with Russian companies that build and maintain the vehicles and machinery that provide the services that help us in our partnership with them on the International Space Station. Among the most critical of these relationships are those that allow American astronauts access to the Russian Soyuz, a crew rescue vehicle, docking components for our own spacecraft, and other critical equipment and services.

The United States' permanent presence in space today depends on our ongoing partnership with the Russian Federal Space Agency and other international partners. The President's new vision for space exploration depends on America's investment and involvement in the ISS so that we can develop the science necessary to prepare our astronauts for long-term exposure to microgravity and radiation.

The experiments planned in coming years aboard the ISS can only be conducted in space, and NASA's future missions to the Moon and Mars depend on those experiments. Meanwhile, the potential gap between the retirement of the space shuttle and the deployment of NASA's new crew exploration vehicle would, without this legislation, leave the United States without continual access to space at a time at the end of this decade when we need it the most.

This bill ensures NASA has the flexibility it needs to meet America's challenges in space. I urge all Members to support it.

Mr. PAUL. Mr. Speaker, I yield myself such time as I may consume.

I want to reiterate that the portion of the bill that deals with our ability to pursue our space program I strongly endorse. It is the portion that deals with Syria that was added on at the last minute that I am concerned about.

I want to say that portion of the bill, I believe, further destabilizes the Middle East and we should move with great caution. We have been warned. We should be prepared for a broader war in the Middle East as plans are being laid for the next U.S.-led regime change in Syria.

A U.N. report of the death of Lebanese Prime Minister Hariri elicited this comment from a senior U.S. policy maker: "Out of a tragedy comes an extraordinary strategic opportunity." This statement reflects the continued neoconservative, Machiavellian influence on our foreign policy.

□ 1900

The "opportunity" refers to the long-held neoconservative plan for regime change in Syria, similar to what was carried out in Iraq.

This plan for remaking the Middle East has been around for a long time. Just as 9/11 served the interests of those who longed for changes in Iraq, the sensationalism surrounding Hariri's death is being used to advance plans to remove Assad.

Congress already has assisted these plans by authorizing the sanctions placed on Syria last year. Harmful sanctions, as applied to Iraq in the 1990s, inevitably represent a major step toward war since they bring havoc to so many innocent people. Syria already has been charged with developing weapons of mass destruction based on no more evidence than was available when Iraq was similarly charged.

Syria has been condemned for not securing its borders by the same U.S. leaders who cannot secure our own borders. Syria was castigated for placing its troops in Lebanon, a neighboring country, although such action was invited by an elected government and encouraged by the United States. The Syrian occupation of Lebanon elicited no suicide terrorist attacks, as was suffered by Western occupiers.

Condemning Syria for having troops in Lebanon seems strange considering most of the world sees our 150,000 troops in Iraq as unwarranted foreign intervention. Syrian troops were far more welcome in Lebanon.

Secretary Rice likewise sees the problem in Syria that we helped to create as an opportunity to advance our Middle Eastern agenda. In recent testimony she stated that it was always the administration's intent to redesign the greater Middle East, and Iraq was only part of that plan. And once again we have been told that all options are still on the table for dealing with Syria, including war.

The statement that should scare all Americans and the world is the assurance by Secretary Rice that the President needs no additional authority from Congress to attack Syria. She argues that authority already has been granted by the resolutions on 9/11 and Iraq. This is not true, but if Congress remains passive to the powers assumed by the executive branch, it will not matter. As the war spreads, the only role for the Congress will be to provide funding lest they be criticized for not supporting the troops. In the meantime, the Constitution and our liberties here at home will be further eroded as more Americans die.

This escalation of conflict with Syria comes as a result of the U.N. report concerning Hariri's death. When we need an excuse for our actions, it is always nice to rely on the organization our administration routinely condemns, one that brought us the multi-million-dollar oil-for-food scandal and the sexual crimes by U.N. representatives.

It is easy to ignore the fact that the report did not implicate Assad, who is targeted for the next regime change. The U.N. once limited itself to disputes between nations; yet now it assumes the U.N., like the United States, has a legal and moral right to inject itself into the internal policies of sovereign nations. Yet what is the source of this presumed wisdom? Where is the moral imperative that allows us to become the judge and jury of a domestic murder in a country 6,000 miles from our shores?

Moral, constitutional, and legal arguments for a less aggressive foreign policy receives little attention in Washington, but the law of unintended consequences serves as a thorough teacher for the slow learners and the morally impaired.

Is Iraq not yet a headache for the proponents of the shock and awe policy? Are 2,000 lives lost not enough to get their attention? How many hundreds of billions of dollars must be drained from our economy before it is noticed? Is it still plausible that deficits do not matter? Is the apparent victory for Iran in the Shiite theocracy we have created in Iraq not yet seen as a disturbing consequence of the ill-fated Iraq regime change effort? When we have our way with the next election in Lebanon and Hezbollah becomes a governing party, what do we do then?

If our effort to destabilize Syria is no more successful than our efforts in Iraq, then what? If destabilizing Syria leads to the same in Iran, what are our options? If we cannot leave now, we will surely not leave then. We will be told we must stay to honor the fallen to prove the cause was just.

We should remember Ronald Reagan's admonition regarding this area of the world. Ronald Reagan reflected on Lebanon in his memoirs, describing the Middle East as a "jungle" and Middle Eastern politics as "irrational." It forced him to rethink his policy in the region. It is time we do some rethinking as well.

This bill today does not help.

Mr. Speaker, I yield the balance of my time to be equally divided between the gentleman from California (Mr. LANTOS) and the gentleman from California (Mr. ROHRABACHER), and I ask unanimous consent that they be allowed to control that time.

The SPEAKER pro tempore (Mr. POE). Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. LANTOS. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. SHERMAN), a distinguished member of the Committee on International Relations.

Mr. SHERMAN. Mr. Speaker, as a member of the Committee on International Relations, and a member of the Committee on Science, and as a member of the Space and Aeronautics Subcommittee, and, in fact, the ranking member of International Terrorism and Nonproliferation Subcommittee, I am well aware of the conflict of two goals of the Federal Government. One of those is to meet our obligations to the international space station. The other is to use every device possible to try to prevent Iran from developing nuclear weapons and to try to prevent Russia from assisting in that process.

For me, these goals are not of equal weight. The supreme goal and objective and obligation of the Federal Government is to protect our people. Iranian nuclear weapons could be smuggled into our cities, and I would say that we should adopt no legislation and leave on the books current law that puts one objective, and that is limiting Iranian nuclear weapons, as the sole objective that is embodied in our statutes.

But, in fact, some balance is going to be struck, and it is not going to be the overwhelming balance that I would strike, a balance in favor of doing everything possible to limit Iranian nuclear weapons development and giving far less weight to meeting our international space station obligations.

I want to take this opportunity to commend the ranking member and the chairman of the Committee on International Relations and of the Committee on Science and the gentleman from California (Mr. ROHRABACHER) for doing a very good job of trying to narrowly tailor this legislation, to try to balance those two goals in not the way I would, but in a way that I have to concede is reasonable. And for that reason I will not ask for a recorded vote on this bill. I recognize that if this bill does not pass in this form, it is as likely to get worse as it is to get better because, in fact, my colleagues have labored very effectively and have taken some input from me to create a bill which is tailored to the twin objectives.

Now, I would hope the day would come when the President of the United States could certify to this Nation that Russia is doing everything possible to help us prevent Iran from developing nuclear weapons and in any case was not helping Iran to develop those terrible weapons. But until that day comes, present law says that we cannot contract with agencies of the Russian Government space program no matter what for various space-related activities.

As I understand this bill in its final revised form, and I see most of the principal authors of the amendment to it here on the floor, and I know the rest will correct the record tomorrow if I misstate anything, but I would yield to anyone here to correct me if I am wrong, the bill in its present form creates a very limited exception to present law. It allows NASA to contract with Russian Government space agencies only when those agencies are the only available seller of goods and services necessary to meet our obligations to the international space station.

There are two important aspects of that understanding. One is the language that I said, the only available seller of essential goods and services. That is to say this bill does not authorize us to turn a blind eye to Russian space agency cooperation with the nuclear plans of Tehran just because the Russian space agency is the cheapest or the most convenient or a few days faster. It allows us to ignore those important Iran nonproliferation goals only when it is absolutely necessary and only when necessary to meet our own obligations to the space station, not obligations of other countries.

To reiterate, not only is this bill limited to situations where it is necessary, not merely convenient, for us to contract with the Russian space agency, but it is also a requirement that we are meeting our obligations to the international space station, not a circumstance when we are paying the Russians to meet their own obligations or the obligations of some other country.

So I thank the gentleman for yielding me this time. And to put it in context, I think this bill does a good job of striking what is the best balance we are likely to see in this legislative process between our goals.

Mr. ROHRABACHER. Mr. Speaker, I yield 6 minutes to the gentleman from New York (Mr. BOEHLERT), a Member who was both the senior member of the Permanent Select Committee on Intelligence as well as serving as chairman of the Committee on Science.

Mr. BOEHLERT. Mr. Speaker, I rise in strong support of this amended version of S. 1713.

Let me start by thanking the gentleman from Illinois (Mr. HYDE) and the gentleman from California (Mr. LANTOS) for working so cooperatively with us for so long on this issue, which is of great concern to both of our committees over which both of our committees have jurisdiction. I also want to thank the gentleman from California (Mr. CALVERT), the chairman of our Space and Aeronautics Subcommittee, who, as always, has helped to keep our eye on the ball and has pressed to make sure we got this done. The gentleman from California (Mr. ROHRABACHER), the gentleman from California's (Mr. CALVERT) predecessor, who serves on both committees, played a similarly dogged role. And if one has been exposed to the Rohrabacher machine, they know he is persistent. All of us have cosponsored the bill before us today.

Finally, I want to thank the administration, including NASA and the State Department and the National Security Council, for being willing to consider a variety of approaches, and I want to thank the gentleman from Tennessee (Mr. GORDON), my ranking Democrat on the Committee on Science, for being a thoughtful participant as we examined different ways to deal with this issue.

The puzzle we had to solve with dealing with the Iran Nonproliferation Act was how to enable the U.S. to continue to man the international space station without reducing our vigilance with regard to nonproliferation. I have been clear all along that, for me, maintaining nonproliferation is a far more important goal than is continuing to have Americans aboard the space station.

But from the point of view of space policy, we had another goal here, too. We wanted to make sure that Russia, or any other foreign nation, could not bring our space program to a screeching halt or whatever the equivalent would be in the vacuum of space. Therefore, we wanted to try to write this bill in a way that would create an incentive for NASA to contract with new suppliers that would not be dependent on foreign technology to get U.S. personnel or supplies to and from the Space Station.

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These are all tough goals, goals that have had their critics, goals that create winners and losers, goals that seek to balance competing national needs. And I think with this version of the Iran Nonproliferation Act, we have come as close as anyone possibly could to accomplishing our goals.

The bill enables the U.S. to continue to use the International Space Station unimpeded. The bill, in effect, allows the status quo to continue until 2012, when presumably the U.S. will have access to a new crew exploration vehicle to carry astronauts and commercial firms to move cargo. We will see if the budget enables that to actually happen on that schedule, but it is a plausible position.

The bill encourages NASA to find commercial firms that are not dependent on the Russians to carry cargo in the future by setting a specific end date for our current relationship with the Russians. And the bill minimizes the harm to the nonproliferation regime by requiring the act to be reviewed again in 2012, by making it clear that no individual entity that violates the act can receive U.S. money and by adding Syria to the countries listed in the act, and, finally, by requiring clear reporting of payments under the act.

The Senate deserves credit for moving all parties toward compromise; and our version, I would say, perfects that compromise by adding Syria and by making it clear that we have a true deadline. Under our bill, no funds can be used in violation of the Iran Nonproliferation Act after 2012, even if the funds are made available before 2012 and even if they are made available pursuant to an agreement that existed before that date.

So I think we are where we have to be on this bill in order that we are going to protect the space program while protecting the world from nuclear weapons. These issues are never easy and nonproliferation necessarily involves a lot of guesswork about what is and what is not working; but this is a responsible, thoughtful compromise.

In closing, let me again thank the Members of the Committee on International Relations and their staff, particularly Walker Roberts, for working so cooperatively with us and for continuing to push for tighter, but reasonable, language.

I want to thank our staff on the Committee on Science, particularly Bill Adkins, for ensuring that we always took into account all the implications of the proposed language.

Mr. Speaker, I urge my colleagues to support this measure, which incorporates a truly thoughtful and effective compromise.

Mr. LANTOS. Mr. Speaker, before yielding back my time, I want to pay public tribute to two outstanding members of our staff, David Abramowitz and David Fite, who did extraordinary work on this very complex piece of legislation.

Mr. Speaker, I have no additional requests for time, and I yield back the balance of my time.

Mr. ROHRABACHER. Mr. Speaker, I yield myself 3 minutes.

First of all, thank you very much to the gentleman from California (Mr. LANTOS) and all those on the other side of the aisle and the gentleman from California (Mr. SHERMAN), who has done such great work in our committee and on issues dealing with Iran and trying to secure the safety of our country as well as the Middle East. The gentleman has my respect; and as he knows, he has had my cooperation in the past, and we appreciate his cooperation on this effort as well.

This legislation needed to come to the floor, and we needed that type of bipartisan cooperation as well as cooperation with the Members on this side of the aisle and the hard work of the staff of both the Committee on International Relations and the Committee on Science to ensure that we were able to get this legislation passed in time to prevent what would have been an embarrassment, a major embarrassment, to the United States of America, which would have done irreparable damage to our credibility.

Our space program would have been humiliated by the elimination of America's presence on the International Space Station, having an

International Space Station, which we paid for, then to be occupied and controlled by Russians. We have, by this effort today, and by this cooperation, prevented that shortcoming, that humiliation from happening.

But let me note, it was never the intent of the authors of this part of the Iran Nonproliferation Act that we should ever come to a crisis like this. I can say that with certainty, because I was the one who was involved with writing this portion of the Iran Nonproliferation Act. I felt at that time we should have taken care of this issue a long time ago with carrots rather than sticks.

I went to both the Clinton administration and the Bush administration years ago to ask them to offer Russia an alternative to being involved with Iran in terms of building nuclear facilities. The Clinton administration did not act and the Bush administration did not act to prevent this crisis that we are averting right now at the last minute from happening.

Thus, for the record, let us note that, yes, we have averted a crisis; but a long time ago, positive and responsible actions by either the Clinton administration or the Bush administration could have prevented this from happening in a most important way.

Let me note, cooperation with Russia in the space program is not inherently bad. It is something that is inherently good. It places the Russian scientists working on positive programs such as cooperation with America's space program. Israel itself is very involved with the Russians in their space program. Russian rockets launch Israeli satellites. Thus, we know that it is not inherently tied to Iran, the cooperation with Russia in space matters.

But let us make sure that by passing this today we in no way are belittling the argument about the importance of dealing with Iran's development of nuclear weapons. This should be of concern to each and every one of us, and passage of this bill does not lessen that concern whatsoever.

Mr. HYDE. Mr. Speaker, I rise in support of the Hyde-Lantos amendments to S. 1713, a bill passed by the Senate on September 21, 2005 amending the Iran Nonproliferation Act of 2000 to authorize new payments to Russia in support of the international space station. The Hyde-Lantos amendments, which have been authored on a bipartisan basis, would provide a substitute text for the Senate bill.

The Senate bill is defective in significant respects. Chief among these would be a reduction in United States leverage over Russian technology transfers to Iran's weapons programs. The Hyde-Lantos substitute text would remedy this and other deficiencies in the Senate bill by more carefully balancing space cooperation interests with our nonproliferation interests.

In particular, the substitute text would permit NASA to make payments to Russia for the next six years, up to January 1, 2012, as provided in the Senate version. But, it would eliminate the ambiguity in the Senate version, whereby payments and services might be rendered well beyond January 1, 2012. Instead, the substitute text would clearly establish that no payments or services may take place after that date unless Congress provides additional authority through new legislation or the Executive Branch makes the determination required under existing law concerning an end to Russia's support for Iran's weapons programs.

During my discussion of the substitute text with NASA Administrator Griffin, he expressed support for our version of the bill provided one small concern could be resolved. His concern centered on a parenthetical expression, which he felt might constrain negotiation of arrangements with Russia before new payments could commence. I agreed to strike the relevant language on the express understanding, which Mr. Griffin accepted, that, while the substitute text as revised would permit any necessary arrangement for payments in order to fulfill existing United States obligations under the space station agreement, it would not permit payments for new obligations. During consideration of the bill a question arose concerning whether this limitation would restrict NASA's ability to purchase international space station re-supply services from U.S. companies using Russian content, should NASA conclude that this is necessary to meet U.S. obligations under the space station agreement. In my opinion, this would not be the case, assuming the bona fides of the Russian suppliers.

In addition, the substitute text makes three changes to the underlying law, the Iran Nonproliferation Act of 2000. First, the Act would henceforth be applicable to Syria, as well as to Iran. Second, the Act would cover weapons technology exported to other countries by Iran and Syria (as well as weapons technology imported by them). Third, "foreign persons" would hereafter be defined to include foreign governmental entities, in addition to individuals and business organizations.

I consider these changes to the underlying law to be both necessary and timely in light of two recent developments. The first concerns charges by the United Kingdom that either Iran, or Iranian-backed Hezbollah, is supplying explosives technology used by insurgents against coalition forces in Iraq. The second is the very troubling UN report implicating Syria in the February 14th massive bombing assassination in Beirut of former Lebanese Prime Minister Rafik al-Hariri.

In light of NASA's support and the enhancements to United States nonproliferation interests we have made to the bill, I am optimistic that the Senate will have little difficulty agreeing to this substitute text.

Mr. CALVERT. Mr. Speaker, I rise in support of S. 1713, as amended, which strengthens the Nation's nonproliferation principles and objectives while allowing NASA to meet its operational and programmatic needs with regard to the International Space Station (ISS), as called for in the President's Vision for Space Exploration. I am pleased to be a cosponsor of such important legislation with my colleagues and friends, Chairman HYDE, Ranking Member LANTOS, Chairman BOEHLERT, and Congressman ROHRABACHER. This amendment is timely. NASA must revise its agreement and contractual arrangements with the Russian Federal Space Agency quickly in order to ensure uninterrupted training beyond October 2005. The next ISS crew is scheduled to fly on the Russian Soyuz in April 2006. If this amendment is not enacted, INA restrictions will prevent a continued presence of U.S. crew onboard the ISS and limit U.S. presence onboard the ISS to Space Shuttle visits. We could lose our leadership role on the International Space Station.

I know this amendment has been negotiated and discussed by many of my colleagues, who recognize the extreme importance of passing a measure which allows NASA to continue with its current role on the Space Station. I am a sponsor of this legislation and, at the same time, I have been concerned that we not be so restrictive on NASA to prevent them from doing their mission. S. 1713 as amended grants NASA the authority to procure urgent required goods and services from Russia, including crew rescue, to allow continuing ISS operations in the most safe and effective way possible. Some of these goods and services will be required from 2012 to the end of the program's operation. Moreover, ISS is an operational program that continues to evolve, requiring enough flexibility to deal with emerging issues over time. Consequently, Congress may need to address this issue again at a later date. We should be watchful as we move forward that we are able to maintain the ISS and to retain our leadership role.

As the Chairman of the House Space and Aeronautics Subcommittee, I am mindful of the importance of a continued American presence in space. This amendment moves in the right direction by supporting those Russian entities which are compliant, while helping to solve near-term problems for NASA and its international partners.

Without legislative action, NASA will have limited access to the ISS until the U.S. Crew Exploration Vehicle is ready to be deployed. I urge my colleagues to pass S. 1713 as amended as expeditiously as possible. I also salute my colleagues for bringing this important legislation to the floor in such a timely manner and plan to offer my support as we pass this legislation today in the House of Representatives.

Mr. CROWLEY. Mr. Speaker, I rise today to speak in strong support of the amendment offered by Mr. HYDE and Mr. LANTOS.

Iran and Syria remain threats to the security and stability of the Middle East and the world whether it is from their continued support of terrorists to their desire to obtain unconventional weapons.

Iran continues to thumb its nose to the IAEA and the international community on its desire to obtain nuclear weapons.

According to the British, Iran is providing weapons to terrorists attacking coalition troops and working hard to destabilize Iraq even though it is not in the region's interests.

Syria keeps its border with Iraq open thus allowing foreign fighters to illegally enter Iraq and carry out terrorists plots.

These terrorists are working against the Iraqi people's quest for freedom and democracy.

Iran is not the only neighbor Syria has been working hard to destabilize.

Last week, the UN released the findings of its investigation into the assassination of former Lebanese prime minister Rafik Hariri and I don't think any of us in this House were surprised to see that they pointed a finger at the regime of Syria's President Bashar Assad.

Before his death the former prime minister had become one of the most vocal opponents of the Syrian occupation.

This report names high level Syrian and Lebanese government officials who plotted to assassinate this outspoken leader.

I hope that our actions today will show President Assad that our resolve is strong.

Mr. Speaker, Syria must change its ways and begin to contribute to international peace and security rather than undermine it.

I urge all my colleagues to support this important amendment.

Mr. ROHRABACHER. Mr. Speaker, I rise to clarify a confusing or mistaken impression that may have been left by one of my colleagues during the House floor debate on S. 1713, the Iran Nonproliferation Amendments Act of 2005, for which I served as the majority floor manager.

The purpose of enacting S. 1713, as amended by the House, is twofold: to strengthen our nonproliferation tools in dealing with Iran and also Syria, and at the same time enable necessary cooperation between NASA and U.S. businesses with their Russian counterparts on the International Space Station. Just to be clear, in no way does S. 1713 favor our space goals at the expense of effectiveness in nonproliferation. In fact, the time-limited authority we give NASA to purchase, either directly or through U.S. companies, Russian space goods and services, is in my view a net plus for nonproliferation, not a minus.

That said, I want to stress that the legislation the House adopted, and the intent of that legislation, allows NASA significant flexibility in using Russian space goods and services to support the assembly and operation of the International Space Station between now and January 1, 2012. NASA is free to make payments pursuant to the Intergovernmental Agreement on ISS "or any protocol, agreement, memorandum of understanding, or contract related thereto." As Chairman HYDE pointed out in his floor statement, this means that after enactment of this legislation, NASA can enter into new arrangements to meet our needs regarding ISS, but that NASA will not enter into new obligations beyond or unrelated to the ISS.

The primary limitations with respect to ISS payments are the sunset date of January 1, 2012, and the existing statutory requirement that the specific Russian entities to be paid have not been sanctioned as proliferators under the earlier sections of the Iran Nonproliferation Act.

I point all of this out because my friend and colleague, Mr. SHERMAN, mistakenly suggested during the floor debate that the phrase "necessary to meet United States obligations" added to the Hyde-Lantos substitute to S. 1713 implies that NASA could not purchase Russian goods or services if any other alternative was available. That is certainly not the plain meaning of the phrase, nor the intent behind it. However, because Mr. SHERMAN explicitly invited correction, I am doing so here in some detail.

Here are three examples of arrangements that are wholly consistent with the legislative text, the Senate and House floor statements by the architects of this legislation, and the Administration's request for relief, but which would not be allowed under Mr. SHERMAN's interpretation.

First, NASA has stated it wants to use the Russian Soyuz crew capsule to exchange long-term ISS research crews, even during the time the Space Shuttle is flying, because this will allow the Shuttle astronauts to focus on the job of assembling the Space Station to meet our international partner commitments during the Shuttle's limited remaining lifetime. Under the previously negotiated agreements between our countries, Russia is no longer obligated to provide NASA with Soyuz crew transport seats. Therefore, in this example, NASA would not be paying Russia for an obligation they have promised to us. However, because NASA could theoretically use the Space Shuttle as an alternative to carry out crew transfer, albeit at some risk and a cost to our other ISS commitments, Mr. SHERMAN's inference would suggest NASA cannot do this. Given that the primary exigency for adopting this legislation is enabling continued U.S. occupation of ISS beyond April of next year, which requires payment for training and launch to ISS of a NASA astronaut on the next Soyuz launch, Mr. SHERMAN's interpretation is incorrect.

Second, Chairman HYDE's statement explicitly makes clear that cargo resupply services to ISS using technology developed by Russian companies would be legal under the amended Act, again within the limitations I stated above. This would be the case regardless of whether the Space Shuttle might technically be available to deliver cargo to ISS, namely through the middle of 2010.

Third, some bidders may wish to use a very reliable and capable U.S. launch vehicle, one which the Defense Department uses right now to launch critical military satellites, and which happens to incorporate Russian rocket engines. Nothing in this bill was meant to preclude such activities, even though there might be similar launch vehicles which do not use Russian rocket engines. Mr. HYDE's statement makes this clear.

Beyond those examples, I would offer the words of House Science Committee Chairman BOEHLERT as further disputation of Mr. SHERMAN's reading. In his floor statement, Chairman BOEHLERT declares that "by setting a specific end date for our current relationship with the Russians" the bill "encourages NASA to find commercial firms that are not dependent on the Russians to carry cargo in the future." While I may disagree with that goal or a sunset date's effectiveness as a management tool, if Mr. SHERMAN's reading were true, the sunset date would be superfluous, because once a U.S. provider whose service had no Russian content emerged, NASA would be barred from any further payments, let alone purchases, from companies which do use some Russian content. Clearly Chairman BOEHLERT's interpretation is the same as Chairman HYDE's and my own: Russian content is allowed up until the January 1, 2012 date.

Finally, I would just echo the comments made by Chairman CALVERT during the floor debate: the ISS program requires long-term flexibility for NASA to safely and cost-effectively execute both for our taxpayers and to meet our international commitments. We are partners with Russia in the Space Station. Both NASA and its commercial providers need to be able to exchange goods and services at ISS with nonproliferation compliant Russian entities for the lifetime of the station, particularly as we seek to engage the U.S. private sector in ISS operations. Last week the House made clear that even in a time of great concern over the manifest threat from Iran, we want NASA and industry to have this ability at least through January 1, 2012.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. POE). The question is on the motion offered by the gentleman from California (Mr. ROHRABACHER) that the House suspend the rules and pass the Senate bill, S. 1713, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill, as amended, was passed.

The title of the Senate bill was amended so as to read: "An Act to make amendments to the Iran Nonproliferation Act of 2000 related to International Space Station payments, and for other purposes.".

A motion to reconsider was laid on the table.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

THE CONCERN OF FARMERS AND RANCHERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. MORAN) is recognized for 5 minutes.

Mr. MORAN of Kansas. Mr. Speaker, tonight I rise to voice the concerns of farmers and ranchers who struggle to feed the world as well as their own families. Kansans will tell you it is difficult to make a living on the farm. Federal farm policies do not take into account the current scenario of input prices rising to record levels. Natural disasters, whether it is hurricanes in the South, in the gulf, or droughts in the Midwest, still fall far beyond what a farm bill or crop insurance policy can adequately address.

As we have seen with hurricanes Katrina and Rita, not only do such disasters introduce terrible human suffering and paralyze the region in which they hit, but they also affect with transportation bottlenecks and skyrocketing energy prices many others a long way away.

Any suggestion that things are good in ag country does not meet the reality test. Having completed 69 town hall meetings, one in each of the counties that I represent, I know farmers are greatly affected by the high cost of fuel, fertilizer, and natural gas.

American agriculture depends on natural gas to bring food to our tables. We use natural gas for irrigation, for drying our crops, processing our food, and, most importantly, in producing our fertilizer.

In addition to price of natural gas and fertilizer, the cost of diesel is a major concern for producers. In Kansas, it is estimated that the average farmer's fuel bill will increase $17,000 this year. Since January, diesel fuel has increased from $1.95 a gallon to $3.15 a gallon this month. Kansas farmers say when you do the math, it just does not pencil out.

It is easy for a Congressman to talk about these issues, but the mail from my Kansas farmers can better tell of the real struggles and convey the real story of life on the farm.

Mr. Speaker, this is a letter from a farmer at Otis, Kansas. He gives me his name and tells me he is a middle-age farmer with an operation located in western Barton and eastern Rush counties. He tells me: "The recent fuel and fertilizer price increases are pushing my bottom line into the red. Three years ago I could buy a transport load of diesel fuel for $7,800 and today the same amount costs me $27,740, a difference of 330 percent."

He says: "It seems as though other industries can pass fuel expenses by putting on fuel surcharges. However, we are not able to do that. The American public is taking the farmer for granted with the cheap quality food that we provide. Wait until we are dependent upon foreign food like we are oil. I just hope and pray that the farmer can survive. Thanks for any help."

And this from Lynette Stenzel, a farmer in Ness City, Kansas. She tells me she is "extremely concerned with rising fuel prices. It not only affects the economic concerns on the farmer, but our local government, schools, churches, hospitals and even our community service organizations. More money into the expense side of farming leaves less on the income side to support schools, churches and help raise funds for community projects. When living in a rural area, the economic situation of the farmer really does affect local bills as well."

She tells me that her younger brother, who now operates a third-generation family farm, said he felt if and when he had to pay the same amount for fuel as he got for a bushel of wheat, it would be time to give up the farm. "I am hoping he forgot that comment, as that time is here. His 12-year-old son wants to continues the family farm, so hopefully that will be possible."

Finally, from a farm couple in Southwest Kansas: "The real America is not in the political realm of Washington. Real Americans cannot afford to drive to work. They won't be able to heat their homes in the winter. Real American farmers continue to lose money feeding the world. We need real help for the real America."

Mr. Speaker, we need to work together as Members of Congress, as policymakers in these very challenging times. We must pursue economic, agriculture, and energy policies that increase the chances that our farmers can continue to farm the land and feed the world.

Mr. Speaker, as my farmers said, we need real help for the real America.

WAL-MART MAKING LIFE WORSE FOR WORKERS WHILE APPEARING TO DO GOOD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. GEORGE MILLER) is recognized for 5 minutes.

Mr. GEORGE MILLER of California. Mr. Speaker, this morning the New York Times reported an absolutely shocking story. The Times published an internal memo from Wal-Mart written earlier this year. The contents of that memo are stunning.

The memo, penned by Wal-Mart's executive vice president for benefits, is concerned with employee benefits, namely how to cut the cost of benefits while improving Wal-Mart's public relations. In other words, the memo laid out a scheme whereby Wal-Mart will make life worse for working people, while appearing to do good. It focused on cosmetic improvements to Wal-Mart's image and real damage to Wal-Mart's employees.

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First of all, the memo admits that Wal-Mart's critics are onto something.

The memo states that Wal-Mart's health care plan, for example, is expensive for low-income families, and Wal-Mart has a significant percentage of associates and their children on public assistance. The memo states that 46 percent of children of Wal-Mart employees are either on Medicaid or uninsured. It reveals that in 2004, 38 percent of Wal-Mart's employees enrolled in the company health plan spent more than 16 percent of the average Wal-Mart income on health care.

Next, the memo goes on to complain that too many workers are sticking around too long, driving up labor costs. The thanks that these loyal employees get from Wal-Mart is a plan by Wal-Mart to get rid of them. According to the memo, Wal-Mart is seeking to cut its labor costs by switching to more part-time employees who will not have meaningful access to the company health care plan. So while Wal-Mart announces to the public that they are going to offer the best health care plan they can for their employees, they are secretly redesigning their work force so those who work for them will not be able to take advantage of the health care plan that they have announced.

The memo also suggests that Wal-Mart can cut its labor costs by keeping less healthy employees out of the workforce. It even suggests that they should include physical lifting requirements in the cashier job, just so that the company can use that requirement as an excuse not to hire unhealthy people. The memo says that the top Wal-Mart officials received the recommendation enthusiastically. And, guess what? We are starting to see those changes take place.

Earlier this week Wal-Mart announced a new health care plan for employees, including a high-deductible plan with health savings accounts. What does the memo say about this? It recommends plans with high deductibles and health savings accounts in order to attract low utilizers, that is a euphemism for healthier people, and discourage employment of high utilizers, the euphemism for sick people.

The question is often asked, is Wal-Mart bad for America? The company's own executive vice president has answered that question. The memo speaks for itself.

Madam Speaker, what Wal-Mart is saying here is that the benefit that they have announced to their employees as being new and expansive it turns out is no benefit at all. You must work 1 year before you qualify, and yet Wal-Mart plans to get rid of those people who have worked that length of time. Wal-Mart plans to hire more part-time people so they will not qualify for the health care plan. Should they hire somebody that qualifies for it, they want to be able to discriminate in their hiring against somebody who may have a health care problem, and, therefore, they do not want to hire them, so they will make up a test that that person has to go through, go around collecting shopping carts or lifting things so that they can root those people out of the selection process for whom they would hire. So Wal-Mart then says that this is the discriminatory policy that they want to follow.

What this shows is that Wal-Mart in the last couple of days has announced a new energy policy; they announced a new health care policy; they said they support an increase in the minimum wage, that it would help their businesses; and people started to say, what is this? Is this an extreme makeover for Wal-Mart? Have they come to their senses whereby they recognize their obligations to their employees, their obligations to the Earth's environment, their obligations on energy policy? Has Wal-Mart finally become responsible?

No, this is not an extreme makeover. This is a cosmetic nip and tuck. This is a cosmetic redo of a policy that is no policy at all, because, apparently, Wal-Mart has already designed, as this memo points out, the means by which they will not have to invoke the benefits of the health policy for their employees.

This is damning evidence, but what it means, if we thought that this was going to be maybe a new Wal-Mart, a Wal-Mart that would be welcome to communities rather than fought by communities, what this means is, in fact, that that is not the case at all. Wal-Mart is going to continue their policy of everyday low wages, of everyday no health care, of everyday ruination of the environment, of everyday mistreatment of their workers. That is the Wal-Mart policy. That is the Wal-Mart policy that caused them to violate labor laws over and over again, to discriminate against their employees over and over again, to abuse the women employees over and over again. That is the record of Wal-Mart.

This was a false sunrise. This was a false sense that somehow Wal-Mart had started to accept its responsibility towards its employees. In fact, once again, it is going to abuse its employees. Sadly so, that is the case.

EXCHANGE OF SPECIAL ORDER TIME

Mr. GINGREY. Madam Speaker, I ask unanimous consent to take the time of the gentleman from North Carolina (Mr. JONES).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

REMEMBERING SAM SMITH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. GINGREY) is recognized for 5 minutes.

Mr. GINGREY. Madam Speaker, I rise today to recall the life of Sam C. Smith, former mayor of Cartersville, Georgia, president of Century Bank, and a lifelong community activist who leaves behind an everlasting legacy of service to his hometown. Sam is survived by his wife, Connie Hill Smith, and his three children, Ginny, Taylor, and Drew.

Sam's untimely death this past weekend is deeply felt by the entire Cartersville community, and I would like to share some of his accomplishments here today.

Sam lived life with a passion for everything he did, and he worked tirelessly for the betterment of his community. Never a man with small dreams or goals, Sam served as mayor of Cartersville from 1998 to 2002, and his tenure exemplified the kind of work that can be achieved when a city's leader is committed, involved, and enthusiastic about making his city a better place to live.

However, Sam's involvement in his community far outdates his rise to mayor. Sam Smith was a true fixture in Cartersville, and his shoes will be hard ones to fill. This is a man who earlier today was laid to rest less than a mile from the place where he was born 58 years ago.

After graduating from the University of Tennessee with a degree in finance, Sam quickly became a shining star for the Bartow County community. In 1972, he was named Cartersville's Outstanding Young Man of the Year, and in 1979, he was named one of five Outstanding Young Men in the State of Georgia by the Georgia Jaycees. These early accolades were followed by years of service to the community that honored him.

At the age of 26, Sam became president of Bartow County Bank, making him the youngest bank president in the State of Georgia. His distinguished tenure lasted for 20 years. More recently, he cofounded and served as president of Century Bank, the position he held at the time of his death.

Sam Smith exemplified that "personal banker" we value in a bank. So many people remember Sam as a banker who gave them their first loan, their first job, or that first vote of confidence in their new home or business.

Sam was also intimately involved in community organizations. He served as president of the Cartersville-Bartow Chamber of Commerce in the early 1980s and as chairman of the Georgia Bar Association Committee on Fee Arbitration in the 1990s. At the time of his death, Sam was chairman of the Independent Bankers Association's Bank Services Committee.

Sam Smith's community involvement went well beyond the financial sector. He helped bring a new Georgia Highlands College campus to Cartersville, and was an active member of Sam Jones United Methodist Church, and was an avid supporter of Cartersville's high school athletics. Just 12 days ago I was honored to be his guest at the Cartersville-Carrollton football game. Sam knew every Purple Hurricane by first name.

Last night I attended Sam's wake, and I was reminded of the impact a leader can have on the community he serves. Everyone shared words of praise, joyful memories, and personal stories I know will be told for many years to come.

It is fitting that the current mayor of Cartersville, a job Sam held with such honor, eloquently captured the spirit of Sam Smith this week. Cartersville mayor Mike Fields commented, "I can't think of anybody else who cared more about this city than Sam Smith. Very few people put as much heart and soul into the city than Sam. His accomplishments speak for themselves, but it will take an awful lot of effort from a lot of folks to replace what he did."

Madam Speaker, the residents of Cartersville, Georgia, were fortunate to have Sam leading their community. He made Bartow County a better place to live, to do business, even cheer on a local baseball team. It was a privilege to know him, and his presence will be deeply missed.

Madam Speaker, today Bartow County said goodbye to a favorite son. I offer my condolences to his family, his friends, and his beloved community. I know that while Sam Smith is no longer with us, his legacy will continue for many years to come.

TIME TO TAKE THE INCENTIVES OUT OF PRICE-GOUGING BY THE OIL COMPANIES

The SPEAKER pro tempore (Mr. GINGREY). Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

Mr. DEFAZIO. Mr. Speaker, yesterday, we saw an extraordinary event: The Republican leadership of Congress asking, pretty please, if the oil industry would build more refineries.

Now, of course, this flies in the face of the strategy of the oil industry and everything that has been done in the so-called energy bills we have passed so far, which is providing incentives, tax subsidies, and status quo to the oil and gas industry. In fact, in the last 10 years, the oil industry, through mergers, has managed to close half of the refineries in America. And now today, when we see extortion in prices for gas at the pump, and we say, why is that? And they say, we do not have enough refineries. And then they say, those darn environmentalists. But they do not put it in the same sentence, because they know it is not true. Not a single refinery was closed for environmental reasons.

They have not applied to build new refineries. They, in fact, have consciously closed refineries and squeezed down refinery capacity, so like Enron in California, when they shut down their generating plants, they can say, oh, the price has got to go up. We do not have enough of the product out there.

In fact, if you look at where consumers' money is going, if you take gas at $2.50 a gallon, about 95 cents of that is going to the refiners. That is up from the historic average of 27 cents, a 400 percent increase in profits to refiners, which is adding up to a wonderful bottom line for the oil companies. Today Conoco-Phillips announced that their profits are up 89 percent over this quarter last year, $3.8 billion in the third quarter. Not bad. BP, kind of a piker here, probably their stock will go down; their profits only went up 34 percent. What Americans' wages went up

34 percent, except maybe some of the CEOs of these companies, $6.53 billion?

But Exxon Mobil, the big one, will announce tomorrow, and it is widely expected among analysts, that they will report third quarter profits, one quarter, that is 3 months, of nearly $9 billion, which will be the largest quarterly profit for any corporation in the history of the world, and there is no price gouging going on.

Now, one part of that sentence was true, and the other part was a lie. The first part was true: The largest ever quarterly profit in the history of the world will go to Exxon Mobil, who has closed dozens of refineries, and then they say, well, we do not have enough capacity. The Republican leadership says, pretty please, might you build more refineries?

Now, the oil industry is getting a little worried because the American people are kind of onto this game. We saw over three bucks a gallon on the west coast on Labor Day weekend, but guess what? We are not in the east coast supply chain. Now, what justified that, except for price gouging and profit-taking, which did contribute to the largest ever quarterly profit for a corporation in the history of the world? Oregonians and other Westerners contributed to that, or were extorted to contribute to that?

And the industry is starting to get a little worried that maybe some meaningful action might happen, but they do not have to worry, because we have two oilmen in the White House, and we have a Republican leadership in Congress that says, pretty please, would you please do something about this, and you better not price gouge anybody.

In fact, the so-called energy bill we passed just about 10 days ago, energy bill II, all the bad ideas that did not fit into energy bill I, actually would have penalties for price gouging. But they could not be applied to refiners whose profits are up 400 percent, or to producers, crude oil producers, whose profits are up 50 percent, or even to distributors, but to retailers whose profits are up 2 percent.

Now, it is not the Mom and Pop gas station that is gouging the consumers. They are at the end of the chain. They get the gas; they get a tiny little markup. They are not the ones manipulating the system.

It is time to break up these energy cartels, no more mergers, break up some of these megacompanies that have been created, apply a windfall profits tax to take the incentive out of price gouging, adopt meaningful price gouging legislation like 23 States in the Union have; do that nationally to reign this in, go after OPEC and their restriction of supply in violation of WTO.

The President is a great free trader until it comes to OPEC, because he could file a free trade complaint about them, but he will not. I have written to him. I have asked him. I have introduced legislation. They will not hear it; they will not let us vote on it. Nobody wants to take on OPEC, because they are working hand in glove with Exxon Mobil and the big oil companies. They are all getting really rich together, and the American consumers are getting taken to the cleaners.

Short term we could save tens of billions of dollars for American industry, business, consumers, and others, and then long term we need an energy policy in America, something that has not happened in 5 years, even with Dick Cheney's secret meetings at the beginning of his term as Vice President. What we have is more subsidies for the oil, coal, and gas industry instead of a visionary energy policy that will get us new fuels, new technologies for the future, and make us energy-independent and efficient.

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ORDER OF BUSINESS

Mrs. SCHMIDT. Mr. Speaker, I ask unanimous consent to speak out of order for 5 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

HONORING THE MEMORY OF CINCINNATI, OHIO NATIVE MARINE STAFF SERGEANT RICHARD T. PUMMILL

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Mrs. SCHMIDT) is recognized for 5 minutes.

Mrs. SCHMIDT. Mr. Speaker, I rise today to honor the memory of a brave soldier who died in Iraq nobly defending our freedom and in the service of our country. Staff Sergeant Richard Pummill was killed in action while on combat operations in the Al Anbar Province on Thursday, October 20, 2005.

Rick is remembered as a star athlete who participated in football and wrestling at Anderson High School where he graduated in 1996. His friends and family knew him as a fun-loving, outgoing, and energetic person who loved life and his family. He also loved his community and his country. He was an individual who wanted to do something special with his life. He decided that special purpose was to join the Marines and serve his country.

He truly loved his country, and our Nation is a richer place because of his presence. Devoted to his family, Rick is survived by his wife, Chantal; his son, Donald; his parents, Lynn and Tom; and his loving grandparents.

Visitations are going on this evening in Cincinnati. He will be honored with a full military funeral tomorrow, Thursday, October 27, and buried at the Mt. Moriah Cemetery in Withamsville, Ohio. All of us mourn Rick's loss and are grateful for his brave and valiant service to our country.

I ask my colleagues to join me in praying for his family in their time of grief and need. May Richard Pummill rest in peace.

2,000 DEAD IN IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, his name is Staff Sergeant George T. Alexander of Clanton, Alabama. He died on Saturday, 5 days after a bomb exploded near his vehicle about 60 miles north of Baghdad. He was the 2,000th brave American to give his life in the Iraq war.

My deepest sympathies go out to his family, who I hope finds some comfort in the knowledge that Sergeant George Alexander is remembered by all of us as a true national hero. We mourn the loss of Staff Sergeant Alexander just as we continue to mourn all 1,999 who came before him.

In my recent visit to Iraq, nothing made a greater impression on me than the intelligence, decency, and loyalty I saw in our soldiers. They really are the best our country has to offer. It pains me to think that any one of them could become casualty number 2,001; 2,002; 2,050; or 2,060. And it pains me that we clearly do not have civilian leaders worthy of our troops.

It pains me that these soldiers have been betrayed by their superiors who sent them to Iraq on false pretenses, on a poorly defined mission without all of the tools they needed and without a plan to bring them home.

2,000 deaths is 2,000 too many for this mission, a mission which was immorally conceived and has been incompetently managed. The devastating truth is that Americans are not safer because of this war. We are not defeating the insurgency; we are inspiring it. That is not the fault of the men and women wearing the uniform; it is just the nature of this conflict.

Every day that we occupy Iraq breeds more resentment, more vicious and violent anti-Americanism. As one military commander put it, for every insurgent killed, three more are created. How do we win such a war? And let us not forget that the very first casualty in this war was the truth.

The President waxes idealistic about spreading freedom. But we all know that if spreading freedom had been the stated rationale for war back in 2002, there is no way this body would have authorized the use of force.

No, this was about the world's most dangerous weapons in the hands of most dangerous people. Remember, it was about yellow cake and aluminum tubes, mushroom clouds and nuclear winters. They engaged in a campaign of fear based on a lie.

Saddam Hussein had no weapons of mass destruction, a very expensive lie that has cost America 2,000 of its finest patriots. Their campaign of deceit was absolutely reprehensible. But I think we also have to look forward, as well back: to focus on not just how we got into Iraq, but how we are going to get out.

I held a hearing last month to explore in detail that very question. But the President meanwhile can offer nothing but the emptiest of platitudes: it is hard work. Stay the course. We will be there as long as we need to be there. Terrorism bad, freedom good. That is all well and good, but what is the plan?

He says he is confident of victory. But what exactly constitutes victory? What are the benckmarks of success? What is the plan? What does the endgame look like?

If the President will not lead, then I guess the rest of us will have to do it for him. There are three measures that we can take immediately: first, multilateral corporation. The Iraq campaign never was a global coalition. But now we can prevent further loss of life by bringing the U.S. Armed Forces home while simultaneously encouraging the United Nations and the NATO Alliance to establish a multinational interim security force for Iraq.

Second, diplomatic nonmilitary initiatives. The U.S. must lead a diplomatic offensive, making its presence in Iraq a humanitarian partnership, rather than a military occupation.

Third, post-conflict reconciliation. The U.S. should work with the U.N. to designate an international peace commission to oversee Iraq's postwar reconciliation. It is time for the President to admit his mistakes, eat a little crow and shift course.

It is time to return Iraq to the Iraqi people and the troops safely home to their families.

HONORING THE AMERICANS FALLEN IN IRAQ AND AFGHANISTAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. EMANUEL) is recognized for 5 minutes.

Mr. EMANUEL. Madam Speaker, yesterday we marked a solemn milestone: over 2,000 American military personnel have now given their lives fighting in Iraq. 246 Americans have also fallen in the line of duty in Afghanistan.

We owe these brave men and women and their families a debt of gratitude that can never fully be repaid. In July of this year, I led a bipartisan group of 21 Members of Congress in reading the names of the fallen into the CONGRESSIONAL RECORD. Tonight we continue this tribute by reading the names of some of those who have fallen recently to complete the list.

At that point we had said we would read every American's name as an official part of the CONGRESSIONAL RECORD. In the words of President Franklin Delano Roosevelt, each of these heroes stands in the unbroken line of patriots who have dared to die that freedom might live and grow and increase in its blessings.

God bless each of them and keep each of the brave Americans whose memory we honor tonight in our hearts: 1st Sergeant Alan Nye Gifford, Specialist David H. Ford IV, Staff Sergeant Regilio E. Nelom, Sergeant 1st Class Lawrence E. Morrison, Specialist William L. Evans, Specialist William V. Fernandez, Sergeant Michael Egan, 1st Lieutenant Mark H. Dooley, Sergeant Pierre A. Raymond, Staff Sergeant William Alvin Allers III, Sergeant Travis M. Arndt, Specialist Scott P. McLaughlin, Specialist Kevin M. Jones, Specialist Mike T. Sonoda Jr., Sergeant Paul C. Neubauer, Sergeant Andrew Joseph Derrick, Sergeant Brian E. Dunlap, Staff Sergeant Daniel R. Schelle, Sergeant Shawn A. Graham, Sergeant Kenneth G. Ross, Sergeant Tane T. Baum, Warrant Officer Adrian B. Stump, Sergeant Patrick D. Stewart, Chief Warrant Officer John M. Flynn, Sergeant 1st Class Casey E. Howe, Master Sergeant Tulsa T. Tuliau, Private Elijah M. Ortega, Sergeant Andrew P. Wallace, Specialist Michael J. Wendling, Sergeant Howard P. Allen, Lance Corporal Steven A. Valdez, Staff Sergeant Robert F. White, Staff Sergeant Jason A. Benford, Private 1st Class Oliver J. Brown, Specialist Lee A. Wiegand, Sergeant Eric W. Slebodnik, Staff Sergeant George A. Pugliese, Staff Sergeant Daniel L. Arnold, Airman 1st Class Elizabeth N. Jacobson, Sergeant Steve Morin Jr., Sergeant 1st Class James J. Stoddard Jr., Staff Sergeant John G. Doles, Staff Sergeant Jens E. Schelbert, Specialist Joshua J. Kynoch, Sergeant Marshall A. Westbrook, Staff Sergeant Timothy J. Roark, Sergeant Larry Wayne Pankey Jr., Private 1st Class Roberto C. Baez, Specialist Jacob T. Vanderbosch, Sergeant Bryan W. Large, Corporal John R. Stalvey, Sergeant Sean B. Berry, Petty Officer 2nd Class Brian K. Joplin, Private 1st Class Andrew D. Bedard, Lance Corporal Carl L. Raines II.

Madam Speaker, in the words of Abraham Lincoln, who wrote to the mother of five fallen soldiers in the Civil War, "I pray that our Heavenly Father may assuage the anguish of your bereavement, and leave you only the cherished memory of the loved and lost, and the solemn pride that must be yours to have laid so costly a sacrifice upon the alter of freedom."

I would also like to thank the brave men and women who continue to serve our Nation in Iraq, Afghanistan, and throughout the world, and serve their country with distinction and honor. Our thoughts and prayers and gratitude are with you and your families at this time until you return home.

Madam speaker, in case I mispronounced any names of any of the individuals, I apologize to them and their family. This brings us to little over 2,136 names read out of the 2,246.

STEEL TO SCHOLARS PROGRAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. RYAN) is recognized for 5 minutes.

Mr. RYAN of Ohio. Madam Speaker, I rise today to speak on a program back in Youngstown, Ohio in the Mahoney Valley, the old steel valley, called the Steel to Scholars Program. And this program was initiated by the president of our Chamber of Commerce, Tom Humphries. The intention of the program is to go into schools and school districts to set expectations and to highlight schools that are having success on the test scores that are mandated by the State of Ohio, and other test scores that schools take.

And I want to take this opportunity, Madam Speaker, to thank Tom Humphries for taking the initiative in recognizing the importance of education in our community.

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There is a lot that needs to be done in the field of education at a State level and local level and definitely at the Federal level. But I believe that the most important thing that the Steel to Scholars program accomplishes is that it sets goals, and it rewards and highlights positive behavior and positive achievements.

Madam Speaker, we recognize throughout society, whether it is in business or in education, that the level of success that any organization has or any school district has or any team has is directly related to the level of expectations that the community or the coaches provide and the bar that is there for the students to achieve.

Regardless of what we talk about, as far as what needs to be done for education, whether it is through programs, or after-school programs, or exactly what needs to be done, there is nothing more important than telemarketing high levels of expectation, not in any particular school district, but in all school districts, and that is what the Steel to Scholars program is all about.

The competition that we have in the United States of America and around the globe is more pronounced than it has ever been in the history of the United States of America. The competition is fierce. That is why tonight, Madam Speaker, we need to highlight the responsibility and the obligation of all of our citizens. Parents need to make it a personal mission to sit down and do homework with their kids; not some parents, all parents. Teachers and priests and pastors and the Chamber of Commerce and local elected officials all need to be there to raise that bar, to raise that level of expectation so that the kids, the students, will go out and try to achieve those levels.

If we look at what has happened in the past few years, just in the past decade, the local labor pool that used to be the United States is now the globe, and high-tech, high-value workers, are rewarded with high salaries.

I feel that the United States is not making the kind of investment that we need the make. Example: China, last year, graduated 600,000 engineers; India, last year, graduated 350,000 engineers; the United States, 70,000, and half of those graduates are foreign-born.

In high-tech output, total research and development investment, U.S. patent applications, in all three of these areas the Chinese have grown and closed the gap on the United States and are projected to surpass the United States in the upcoming years. The U.S. has lost world share in high-tech exports. If we do not recognize that we need to make investments in research and development, make investments in education, but at the same time demand from local school districts, local teachers, parents, local elected officials, there is no one that cannot be involved in this project. It will lead to the success or the failure of the United States in the next couple of decades. Everyone has a role to play.

Madam Speaker, I believe that the No Child Left Behind plan that passed this Congress needs to be fully funded. We need to make sure that those components of the No Child Left Behind program that allow for tutoring and math and reading that have shown great levels of success, those children who are tutored in math and reading through the No Child Left Behind program have increased their reading scores by 70 percent in some school districts, one teacher to six kids, but the funding needs to be there.

So we have the parents, the local community, the local elected officials, and groups like the Chamber of Commerce, and people like Tom Humphries all coming together to support these kids so that we can have a better economy in the City of Youngstown and in the old steel valley.

2,000 U.S. SOLDIERS DEAD IN IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WATERS) is recognized for 5 minutes.

Ms. WATERS. Madam Speaker, yesterday we reached a tragic milestone. Staff Sergeant George T. Alexander, Jr., of Texas, died from wounds he sustained while serving in Iraq. His death brought the U.S. death toll in Iraq to 2,000 soldiers. In addition to that, over 15,000 soldiers have been wounded, and over 400 are now amputees. My thoughts and prayers are with Staff Sergeant Alexander's family, and with all the families that have lost a loved one in Iraq.

However, I hope the administration will use this milestone as an opportunity to be honest, to square with the American people about why we are fighting in Iraq, and to develop a stronger plan that will secure Iraq and conclude our involvement the war.

Mr. Speaker, it is often said that to govern is to make choices. When it comes to the Iraq War, President Bush has made the wrong choices. Instead of putting the entire resources of the United States behind the efforts to find those responsible for the September 11th terrorist attacks, the President chose to use those tragic events as an excuse to go to war in Iraq.

Where is Osama bin Laden? Have we stopped looking for him? We have invaded Iraq. We have the shock and awe campaign. Thousands of Iraqis are dead, and now 2,000 of our soldiers are dead. We have left Iraq, and Baghdad in particular, in shambles. We have appropriated money for the reconstruction of Iraq, and we told the American people that we would basically pay for the major reconstruction with the proceeds from the oil that we would pump in Iraq. None of this is true; no weapons of mass destruction, no money coming from the oil fields in Iraq, no rehabilitation having been done. The insurgents not only are bombing all of the different sites in Iraq, they are killing schoolteachers.

We have created a breeding ground for terrorists. Oh, we claim they are coming from Syria. We claim that Iran has a hand in it. What is interesting now is Condoleezza Rice is telling us that we are going to get Iran to help us with Iraq. At the same time, Iran is developing and making more sophisticated its nuclear ability, but now we are going to try and join in with them to help us with Iraq? With this business of trying to make the American people believe that all of the insurgents are coming from Syria, we have created a new bogeyman for the people to focus on.

But that is not all about this terrorism, in this fight against terrorism. It seems to me that the President of the United States finds occasions by which he comes to the American public and he tells us that we have to be worried about a new terrorist threat. Every now and then he reminds us that the terrorists are still out there, and somehow we have to stay in Iraq. If we do not, we are going to be vulnerable to all of these terrorists. But if we stay the course, not only is he going to help keep us safe, no matter how many sacrifices we have to make, the right thing to do is to stay the course.

Mr. Speaker, that is easy to talk about and say when you are talking about somebody else's children. The President chose to go to war based on false and misleading intelligence. Look where it has gotten us. Look at the scandals surrounding the White House today because we tried to make the intelligence fit the decision that had already been made to go to war.

We are finding, and I guess we will know soon, once the indictments come down, who leaked the information about Valerie Plame and outed her because they were so mad at her husband, who had been sent to Niger to help put the story together that somehow Saddam Hussein had been seeking yellowcake in Niger. When Mr. Wilson came back and said it was not true, then they went after Mr. Wilson. Somehow the Vice President's office knows all about this.

Mr. Speaker, it is time to bring our soldiers home. It is time for Republicans and Democrats alike to understand that we do not need to lose another American soldier in Iraq.

He chose to go to war without international support or heed the warnings of those in Congress that urged him to slow the march to war.

The President chose to send our soldiers to war without the body armor and armored vehicles necessary to keep our soldiers safe.

And, he chose to go to war without an adequate number of troops or a clear plan for how to succeed in Iraq.

For those decisions, American soldiers are paying the price—and for 2,000 soldiers they have paid the ultimate price.

It is time that the President recognizes the dangers of "staying the course" and develops a plan that accomplishes our mission in Iraq and allows all our soldiers to return to their families.

Madam Speaker, over the past several weeks, members of the Republican Caucus have been trying to cut the Federal budget by $50 billion. They claim that it is to help pay for the rebuilding efforts in the wake of Hurricane Katrina and Rita.

Perhaps most shocking, the Republicans are trying to cut hundreds of millions of dollars from the Department of Veterans Affairs.

If the Republicans are successful in their efforts to cut discretionary funding by 2 percent, the VA's budget will be cut by more than $600 million which translates to nearly 100,000 fewer veterans receiving health care this year.

It is heartless and cruel to cut the VA's budget in order to make room for more tax cuts for the wealthiest of Americans, while 159,000 U.S. soldiers are fighting in Iraq and tens of thousands more are deployed throughout the world.

I urge my colleagues to oppose these cuts and urge the American people to call their representatives and tell them to oppose these cuts.

Our soldiers and their families have sacrificed too much for us to turn our backs on them when they return home.

Madam Speaker, I close by thanking our soldiers for their service and pray for their safe return.

WAR ON TERROR—PROGRESS IN IRAQ

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from California (Mr. HUNTER) is recognized for 60 minutes as the designee of the majority leader.

Mr. HUNTER. Madam Speaker, I take the floor tonight with my colleagues to talk about the values of freedom and the men and women who have, in very difficult places around the world, but especially in the warfighting theaters in Afghanistan and Iraq, have fought to change the world for freedom and, in doing so, to secure the United States of America, and to make us a more secure Nation, and to accrue to the benefit of generations over the next 10, 20 or 30 years.

I thought to talk a little bit about, especially following the speakers who have deplored our policy and condemned our policy in Iraq and Afghanistan, I thought it might be important to remind ourselves why we are in those theaters.

Madam Speaker, I brought tonight some of the citations for gallantry, gallantry that was carried out by American soldiers and sailors and airmen and marines in Iraq. I wanted to read one of those. Then I wanted to talk about what these soldiers and sailors and airmen and marines have purchased for the United States of America. I want to talk about the value of what they have done for our country.

This individual is Lance Corporal Aaron C. Austin. This is a commendation, a copy of a commendation, and a posthumous Silver Star medal, the Nation's third highest award for valor that was sent over to our office by the Secretary of the Navy. It talks about the incredible job that this young lance corporal, one of the guys who makes the Marine Corps work, that is an enlisted man just a couple of ranks up from private, but somebody who has taken a leadership position, who leads a fire team or a squad in places like Fallujah or Ramadi.

For conspicuous gallantry and bravery in action against the enemy as a Machine Gun Team Leader, Company E, 2d Battalion, 1st Marines, Regimental Combat Team-1, 1st Marine Division, I Marine Expeditionary Force. That is a force that takes a very dangerous difficult area west of Baghdad.

This great lance corporal, in an incredible firefight in which they were attacked from many different directions, by dozens of rocket-propelled grenades, RPGs, attacked by thousands of machine gun rounds, and then assaulted to within 20 meters of their position, Lance Corporal Austin supported his fellow marines, 16 of whom were wounded in this firefight, ensured that they receive medical treatment, and then rallied the few remaining members of his platoon and rushed to the critical rooftop defensive position to withstand the attack. I am quoting, "Braving withering enemy machine gun and rocket-propelled grenade fire, he reached the rooftop and prepared to throw a hand grenade. As he moved into a position from which to launch or throw this grenade, enemy machine gunfire struck Lance Corporal Austin multiple times in the chest. Undaunted by his injuries, and with heroic effort, Lance Corporal Austin threw his grenade which exploded amidst the enemy, halting their furious attack."

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He did that with the last efforts of his body before he succumbed to that mortal wound.

By his bold leadership, wise judgment and complete dedication to duty, Lance Corporal Austin reflected great credit upon himself and upheld the highest tradition of the Marine Corps and the United States naval service. That is what Gordon England, Secretary of the Navy, said in this posthumous award of the Silver Star medal to this lance corporal, one of thousands of about 140,000 personnel who have been in the theater consistently over the last several years, accomplishing their mission in Iraq.

So we know that this lance corporal had incredible bravery, and I think following especially the speakers who have criticized this mission and said it is without value, I think it is important to talk about the value for this Nation that this lance corporal and the other hundreds of thousands of men and women who wear the uniform of the United States have delivered to us through their service to our country.

To hear the speakers who have criticized this mission talk, we somehow have created a terrorist enemy and an insurgent enemy that, because of our own fault, attacks America, and the way for us to hold off these attacks, to dampen these attacks, is to be suppliant and to do nothing and to be compliant, and somehow we have agitated and upset the enemy who otherwise would not be intending to hurt Americans.

I am reminded that when those planes hit the United States in 9/11, it was following two major military operations that this country undertook. Interestingly, we took them both on behalf of Muslim nations, protecting them from neighboring nations, from the attacks of neighboring nations.

One good question to ask the speakers who just finished was what did the United States do to deserve those attacks?

They further said, well, we did not find any nuclear weapons, other weapons of mass destruction, in Iraq, and, Madam Speaker, let me tell you what we did find and what the world found and what history will reflect to the end of time.

I keep in my desk drawer a picture of Iraqi Kurdish mothers holding their babies tightly against them as they lie dead where they fell on the hillsides in northern Iraq where Saddam Hussein killed them with weapons of mass destruction; that is, chemical weapons; that is, poison gas; the only leader, to my knowledge, since Adolf Hitler to kill his own people with poison gas.

Every time I hear a speech about how things would have been better if the Americans did not show up, I pull that picture out to remind myself that things only get better when the Americans show up, and sometimes it is lonely, and sometimes it is tough, and sometimes we only find a few of our really toughest, closest allies like the Aussies and the Brits standing side by side with us. Although we now have lots of people from those countries that we liberated, which Donald Rumsfeld refers to as the new Europe, people like the Polish troops, who are securing, taking part in the multinational organization, securing the southern part of Iraq.

Sometimes we have a difficult mission, but it is very clear to us since September 11 that if we do not change the world, the world is going to change us. For Americans who wonder why we have not been attacked over the last several years, why there has not been another September 11, one answer is that we have kept the bad guy off balance. We pursued them in caves, in mountains, at 12,000 feet high where they thought we would never get to them. We have gotten them in safe houses where they thought they were totally safe, and we have pursued them to places where they never dreamed we would be able to find them. Because of that, we have kept them off balance, and we have kept them in a position where it has been very difficult for them to organize another attack against the United States.

The idea that we can somehow pull back into the United States and not pursue this war against terrorism and everything will be fine is a very erroneous idea. The men and women of our Armed Forces who are undertaking this very difficult mission in Iraq are accomplishing the mission. The mission is of great value because we have discovered in this century that when we have brought freedom to countries, those countries have not been a threat to the United States.

We are not worried about the nuclear weapons in Great Britain's arsenal because Great Britain is a free nation. We are not worried about the nuclear weapons in the arsenals, for example, of France or Israel because they are free nations. But we are worried about nuclear weapons and the possibility of nuclear weapons being obtained by nations which sponsor terrorism and which are themselves tyrannical to their people.

Every time we establish a nation which is free, and it does not have to be a perfect democracy or a perfect republic, but a Nation that has a modicum of freedom for its own people, and which has a benign relationship, a good relationship with the United States, and which is not our enemy, and which will not be a launching point for future terrorist operations, then we have achieved something of value that will accrue to the benefit of future generations of Americans. That is what our troops are doing. Our troops are doing something which is worthwhile and which is good.

For my friends who read off very solemnly the names of dead Americans, please do not give the impression that their lives were given without value, without reason, without cause, because they were given as a result of a very important mission. They have given great value to our country, and we owe all of them a great debt of gratitude.

Madam Speaker, I have some other citations that I will read at a later time. I am just talking a little bit about these great men and women who serve our country in uniform, who I think agreed with the proposition that what we are doing in Iraq is the right thing.

What I would like to do right now, though, is yield to the gentlewoman from Tennessee (Mrs. BLACKBURN), because she has a few things to say about this issue, and then we have five or six other colleagues that I would like to discuss this very important American mission with. I yield to the gentlewoman from Tennessee.

Mrs. BLACKBURN. Madam Speaker, I thank the gentleman from California so much for yielding.

The gentleman from California (Chairman HUNTER) has done a wonderful job in leading in this war on terror and leading in securing this homeland and homeland security, which is right at the top of concerns of the American people. He is a true leader, and this House is fortunate to have him as chairman of the Committee on Armed Services. This country is fortunate to have his leadership on this issue.

Madam Speaker, over the last few weeks, I have noticed a change in the rhetoric, a troubling trend in the rhetoric. We have heard some of it here tonight, and it really saddens me when those that are opposed to an aggressive war on terror speak as they speak.

Increasingly we are seeing those that oppose the war downplay the importance of the war, or they are trying to minimize the seriousness of the sacrifice that our military is making. I find that very sad.

I do not know what the intent of those comments are. I dare not even venture to think what the intent of those comments might be that we are hearing from the far left in this country, and I certainly hope that they will reconsider those comments, but unfortunately, the message those on the left are sending is that we do not favor an aggressive war on terrorism and that we are not winning.

Madam Speaker, they could not be further from the truth, and I want to say thank you to all of these military families, especially the families whose family members the chairman is going to read those citations tonight, thank them for that sacrifice, thank these moms and dads who are here. They really are on the frontline in homeland security, these moms that are tending to children, the dads that are tending to children, while their spouse is deployed. Right here in this country, they are on the frontline. They are making a tremendous sacrifice, and we appreciate that.

My hope is that some of these families are watching tonight and will hear this, and I want to thank every man and woman who is in uniform, and I want them to know this. We are grateful and so thankful for their courage and their commitment. We believe that what we are doing in Afghanistan and Iraq, Guantanamo Bay and around the world, we believe in it. We believe in this mission, and we do not believe that the work in Iraq is in vain.

I would say this to them: Do not let anyone from the left or the right make you think otherwise. We believe in you. We know it is tough. We all know it is tough. Do we mourn each and every time we lose an American servicemember? Absolutely. It breaks our heart. Are there days when we think the sun will not shine on our mission? Absolutely. But Madam Speaker, we fight through those moments of doubt because we do not want our kids and our grandchildren to ever face another September 11. We do not want our kids to pay the price for inaction, and that is the price they would be called on to pay.

I could stand here and I could read through a list, all of my colleagues could join me in reading through a list, of achievements in Afghanistan and Iraq and not even begin to mention the other Middle Eastern countries, but I am not going to do that. It would take a long time. I could talk about how we are dismantling al Qaeda, piece by piece, every single day. I could talk about the fundamental change we are trying to bring to a region that has spawned terrorism for decades before we responded, but I know my colleagues are going to speak to that.

So I simply want to thank our troops and thank our families. I want to thank the men and women who are serving at Fort Campbell, the 101st Airborne, which is currently deploying. I want to welcome home from Iraq Tennessee's own 278th Regimental Combat Team of the National Guard. They are returning to their families and loved ones this week, and we welcome them.

To the families whose loved ones will not be coming home, you are in our thoughts and our prayers. Your suffering is one we cannot fully comprehend, but your sacrifice is never going to be forgotten. We thank you, we appreciate you, and we pray God will bless you.

Mr. HUNTER. Madam Speaker, I want to thank the gentlewoman, and I want to thank her for being such a great representative of those men and women who serve, particularly coming out of her National Guard unit and the 101st Airborne, a legendary division.

I might say to the gentlewoman that a lot was made of the movie Band of Brothers, a story of the 101st in World War II. Of course, we have referred to a lot of those people as the Greatest Generation, and indeed, they were a great generation. But in reading about the exploits and meeting with the individuals of the 101st Air Mobile Division, which today is, in fact, getting ready and going into the northern AO, a very difficult place, and having already served in Iraq, I think it can fairly be said they are the greatest generation. They are every bit as good and great and capable as the people that fought in the Battle of the Bulge and went up those cliffs at Normandy. We are very proud of them.

I thank the gentlewoman, and I would like to yield to the gentleman from New Hampshire (Mr. BRADLEY), who has been a great supporter of the troops and worked with us to put together a great defense bill this year.

Mr. BRADLEY of New Hampshire. Madam Speaker, I thank the gentleman for the opportunity to be here this evening.

When our troops go into battle, they are blessed to have a chairman who will fight for their body armor, who will fight for the resources they need to prevail in every fight in this war on terrorism, and the gentleman from California (Mr. HUNTER) has done that, bar none. You have made it your mission. You have sons that are serving in Iraq. Thank you for the service that you give.

Mr. HUNTER. Madam Speaker, do not go too far in praising me. My son did serve a couple of tours in Iraq, but just like lots and lots of other sons.

Mr. BRADLEY of New Hampshire. Madam Speaker, I think that is what is so important tonight, that all of us here, and I think most of us that are here to speak tonight, have been to Iraq. I have been twice, and I am struck, as I am sure you are struck, by the dedication of our soldiers. Let us face it, it is a difficult mission.

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The sacrifice that is involved, a number of Americans have lost their lives or have come home injured. There is a sacrifice for their families. There is no question about that. But when I have gone there, the dedication, the sense of purpose and progress that our troops are making is noteworthy. It is something that I wish most Americans could see, because when we look at the television and see it on the nightly news, you do not get the full balance of the picture of the progress that is being made.

Yes, as I said before, it is a very difficult situation. There is a significant sacrifice that has to be made, but there is progress being made. The progress is our exit strategy. When our troops have successfully completed the mission, all of us, on a bipartisan basis, will be able to welcome them home to their loved ones and say job well done.

Let us look at that progress. I had the opportunity to go in November 2003 and in April 2005, and the difference was night and day. In 2003 there was hardly any Iraqi security forces. The Iraqi security forces now total about 200,000 and are growing every day. Their training is improving. Their ability to operate independent of our forces is growing.

Yes, we have to continue to improve upon the command and control structure and to make sure that they have all of the training and armament that they need, but we are making tremendous progress; and we are seeing it in the field as they are able to operate on their own and take the battle to the terrorists who are killing innocent women and children and Iraqi civilians indiscriminately. And the Iraqi security forces, a year from now or perhaps in that time frame, they will be fully trained, armed and equipped; and that is certainly significant, significant progress.

When I was in Iraq in April, we had an opportunity to meet with a number of Iraqi women leaders, and they told me, and these are Iraqi people, they told me they are doing a much better job protecting their country and their citizens. Yes, there is still work that needs to be done, but hearing that from Iraqi people was very noteworthy.

The other thing that is so important and we saw an example once again of progress is the steady march in Iraq toward democracy. The Constitution has now been ratified. It was a very democratic debate. The Sunnis in particular, many of them were opposed to it; but they went to the ballot box; and for the vast majority, it was a peaceful day. People voted. The majority of the Iraqi people, I believe it was nearly 80 percent, voted for the Constitution.

What that means now, in December, there will be another round of voting for a permanent parliament that will have to go about the business of continuing the reconstruction. But as democracy takes hold, more than anything else that, in combination with the Iraqi security forces, will be what enables our troops to be able to know that they have done a good job, they will be more ancillary. They will first be able to withdraw to certain secure bases and then be able to come home with a job well done. That is the strategy that is in place. It is working. The number of Iraqi security forces is increasing every day. Their performance is improving, and democracy is gaining traction every day.

With those two forces continuing, our troops will be able to come home. We will welcome them home to a job well done. Once again, it is an honor and pleasure to be here and to work with the gentleman on this important mission.

Mr. HUNTER. Mr. Speaker, I thank the gentleman; and I am reminded also, as I look down through the last several days in October, in fact starting with October 2, Iraqi Army soldiers captured bombers in Fallujah; October 5, Iraqi troops found and cleared improvised explosive devices in Fallujah; October 5, Iraqi soldiers seized a large weapons cache hidden by anti-Iraq forces in a school in Ramadi; October 8, Iraqi Army forces detained a suspected Iraqi bomber in Fallujah.

As we go down the line, we see the accomplishments of this force, which is a young new force, because we did not want to use the senior officers of Saddam Hussein's military. We needed to grow a force from scratch from this population. It has been tough. It has been rough. But these great Americans in the 2nd Marine Division, the 101st Airborne, the 3rd ID, which is going to be replaced shortly by the 4th ID in Baghdad, and all the rest of these tremendous troops who are serving, as we realized after New Orleans, are people with great talents, great ingenuity and great creativity. They can not only carry the day in a fire fight; they can also carry the day in training other personnel.

The accomplishments of the new Iraqi military as it stands up and takes over these areas of responsibility, like Najaf, which previously was a very hot area, that is a reflection on the capability of our troops, an important capability, which is the capability to train others. And of course why would others not want to be like American troops, because they show the greatest characteristics and character of any troops in the world.

Mr. Speaker, I yield to the gentleman from Kentucky (Mr. DAVIS), who has a daughter with a birthday today. Because of that, we have moved him to the front of the queue, but also because he has a great background in the military himself and really works hard for the men and women who wear the uniform of the United States.

Mr. DAVIS of Kentucky. Mr. Speaker, as a fellow Ranger, I thank the chairman. It is a great honor to serve in this Chamber. I think the one thing that has been very humbling to me is the experiences I shared visiting many of my friends that I have known for 28 and 29 years, serving around the world, serving in Afghanistan, serving in Iraq; and I think that their story is never told in this Chamber.

Their story is very rarely told in the American media; and if it is told, it is told almost as an afterthought. The one thing I would share that my classmates from West Point, friends from when I served as an enlisted soldier, friends who are in command of units on the ground now in the theater, returned to the United States with one common feeling towards the American media and toward the left, and that is anger at a complete misrepresentation of what they are doing.

I think the thing that we need to understand very clearly is that the battle to defeat the insurgents in Iraq is not taking place in Baghdad. It is not taking place in Tikrit and Fallujah and Mosul and Ramadi. That is where the kinetic end of the business is; but the insurgents are desperate. If Abu Mosab al-Zarqawi and Ayman al-Zawahiri in Iraq and Afghanistan can make the clear statement that they see the center of gravity of this fight right here in the United States and right here in American public opinion and in the willingness of American citizens to simply accept a call to duty, that is so clear when the American people have the facts.

As I travel in my district and as I have traveled in this country, the one thing I find very clearly is if an American citizen has taken a moment to speak to a soldier or Marine who has served on the ground in Iraq or Afghanistan, they have a completely different opinion, a completely different opinion of what is happening.

I think the thing that is remarkable to me, and I remember when I first joined the Army, is that the members of the left mocked the military. I remember receiving the Hitler salutes and being called a baby killer if I showed up on a college campus in uniform. The thing that is remarkable to me and some of the deceit about the American left, and frankly some of the deceit I see in this Chamber when we talk about the greatest struggle that the United States has faced since the end of the Second World War, is now the American soldier, to their disgust, is being used as a human shield to attack their use in defense of this Nation and defense of our freedom.

To those on the left and my colleagues on the other side who go to great lengths to talk about how much they care about the American military, where were they when 18,000 American servicemen died between 1983 and 1986 during peace and war in the service to this country? I think your lack of an answer to that ever in the media speaks for itself.

When we talk about the success, I think it comes down to the fact that there is a political agenda that is driving this that has to do with taking America down at the expense of right. Moreover, I think that if we listen to what Abu Mosab al-Zarqawi and Ayman al-Zawahiri are really saying, they are more and more desperate, and ironically it feeds into the liberal media's desire to control the message in this country.

I recently met with an editorial board of a major newspaper. We got into this very discussion when I met with the soldiers of an airborne unit I deployed in the Middle East with, the 1st 508th Parachute Infantry, now in the 173rd Airborne Brigade. The national media did not want to cover their successes. They were looking for disgruntled troops and could not understand why 100 percent of those soldiers wanted to reenlist. It is very simple: they believe in the mission they see on the ground.

I brought this up with this editorial board about the successes of the 2nd Brigade Combat Team in East Baghdad that have totally neutralized that area, which was once very violent, working closely and receiving great support from the Iraqi people. In fact, the Iraqi people are moving more and more into the front lines providing intelligence, providing the needed information. They are in the fight.

This editor of a major American daily newspaper looked me in the eye and said, "Geoff, car bombs are more sexy than opening schools." My heart broke when I heard that, because for the sake of a few dollars of profit, for a bit of readership, he chose to distort the very heart of what is happening in the world in the struggle that we face.

I would challenge those in this Chamber, as the left is selective, I would challenge those in this Chamber who want to talk about soldiers, and those watching on C-SPAN from around the United States, ignore the politicians. Talk to the soldiers, sailors, airmen and Marines. I would challenge that in every community in the United States of America, invite a Marine, invite a soldier who has been on the ground, who has been in the theater and served working with the Iraqi people and trained the Iraqi security forces, and who understands who an IED is, and that it is not some convenient means to beat up on the administration or to engage in partisan political attacks, but has lifted a friend who has put his life on the line out of a wreckage.

I would tell you to invite those people to talk to your Rotary clubs and your chamber of commerce, talk to the editorial boards of the local paper, and bypass these people who are bent on one thing, which is deceit of the actual mission, or a complete cultural misunderstanding of what is happening, and share those successes as we hear over and over again from the troops on the ground in every unit that comes back. There are is lack of recruits for the Iraqi security forces, and our units in combat are reenlisting at rates of 100 percent, and it means one thing: they believe in the mission. They see the success. They understand the seriousness of this fight; and ultimately they care about us in this Nation enough to serve.

I thank all of you men and women who are serving on active duty right now who have accepted the call to duty. My prayer is that this Nation will rise up, that citizens all across this country will rise up on the east and west coasts and in the heartland and will accept the call to duty that we have as a Nation and this generation to protect the foundation of our freedom, to finish this job and to have the forces of tyranny and suppression of truth know once and for all that they cannot prevail.

That is why they will not fight us in the street. They seek to win in American public opinion in the media or in criminal attacks against innocent civilians.

With that, I thank the troops for serving. I thank my colleagues for having the courage to stand in this body and point the truth out, to cut through the political rhetoric. I challenge those in the media to cover the truth of what is happening and to bring our soldiers and our Marines' stories into the forefront so the American people get a true perspective.

Mr. Speaker, I thank the gentleman from California for allowing me to speak tonight.

Mr. HUNTER. Mr. Speaker, I thank the gentleman for his statement and for his service and for all of the wonderful people that he represents.

I add my thanks to folks that wear the uniform. They are our very best citizens.

Mr. Speaker, I yield to the gentleman from Fort Benning, Georgia (Mr. GINGREY), who has done such a wonderful job on the Armed Services Committee and then moved on, but still has us in his heart. I thank the gentleman for all of the help that he gives.

Mr. GINGREY. Mr. Speaker, first of all, let me thank the chairman for allowing me to be a part of this special hour and be with my colleagues. I am humbled from just listening to the remarks of the gentleman from Kentucky who just spoke and others.

Mr. HUNTER. Mr. Speaker, if the gentleman would yield, I just wanted to thank the gentleman from Kentucky (Mr. DAVIS) as he goes out the door because I know he has his beautiful daughter, Hannah, with him tonight. It was good of Hannah to come over and to watch Dad and delay her birthday celebration for a little bit.

Mr. GINGREY. Mr. Speaker, I had the great opportunity to visit Iraq on two occasions: in December of 2003, five days after the capture of Saddam Hussein, and then again in February of this year with my colleagues on the Committee on Rules. I want to say what I noticed in Iraq, in the theater of operation, was I met soldiers' soldiers and I met commanders' commanders; and I want to say, too, that the gentleman from California (Mr. HUNTER), the chairman of our Committee on Armed Services, is a chairman's chairman. It was said earlier by other speakers the sacrifice he made himself while serving in Vietnam, and his sons now serving in Iraq.

This is the kind of support that we need to show and let those young soldiers who are over there right now, maybe some of them are having a needed break, an opportunity to get out of harm's way and possibly watching the deliberations that are occurring right here this evening as we praise them and give them our support.

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In the previous 5-minute litany that we heard from the other side, I think it was just the opposite. It was a little sad to hear them read names and then condemn the Commander in Chief, to condemn the cause.

And, Mr. Speaker, I would like to throw out a couple of names of young soldiers that gave their life in Iraq. I could mention Specialist Justin Johnson from Armuchee, Georgia, just 2 years out of high school. His dad, Joe Johnson, actually is in the Reserves now serving, activated, asked to be activated, and yet he gave his son in the ultimate sacrifice.

First Lieutenant Tyler Brown, president of the student body at my alma mater, Georgia Tech, had an opportunity to be in Arlington in the Honor Guard. But, no; instead he chose, he asked, to go to serve in Iraq, and, 2 weeks after he arrived there, was killed by a sniper. President of the student body at Georgia Tech just 4 years ago. I think of his family. I think of his mom and his dad and his brother and his sister.

I think of Command Sergeant Major Eric Cooke, who at age 43, after 19 years of service and four combat tours of duty, 1 day after I met him that first time in December of 2003 that I went to Iraq, on Christmas Eve, he gave his life by sitting in that seat in a Humvee so that one of his soldiers could get some needed rest.

That is the kind of men and women that I want to honor and remember here tonight as we talk about these great patriots that are serving us so well.

Mr. Speaker, I think it is all about one thing that we can remember. Those of us who are not veterans, those of us who are veterans, no matter what war we are talking about, and this country has been through a few in the 235 years of our history, the soldiers, particularly those who have given their lives in combat, they do not want us to forget. They do not want us to forget. That is all they ask of us.

And I am often reminded of that poem that was written by a Canadian physician serving with the Allies in World War I in Flanders, Belgium, when his buddy gave his life in combat. He wrote a poem, a tribute to him, and that is the great poem that we all know called "In Flanders Fields." I will try to recite it, Mr. Speaker. I might not do a very good job, but it goes something like this:

In Flanders Fields the poppies blow
Between the crosses row on row,
That mark our place; and in the sky
The larks, still bravely singing, fly
Scarce heard amid the guns below.
We are the dead. Short days ago
We lived, felt dawn, saw sunset glow,
We loved and were loved, and now we lie
In Flanders Fields.
Take up our quarrel with the foe;
To you from failing hands we throw
The torch; be yours to hold it high.
For if ye break faith with us who die
We shall not sleep, though poppies grow
In Flanders Fields.

That little poem that Dr. McCrae wrote in World War I, of course, is a very famous poem today, and it just says one thing, Mr. Speaker. It says, do not forget us. We died for our country. No matter what the cause, even if you do not agree with it, as we hear from the other side tonight and other times on this floor, we have got to remember the sacrifice, otherwise these 2,000 soldiers who have given their lives, and four times that many who have been injured, will indeed have died in vain. We will have forgotten them. We will not have taken up that torch that they are passing to us and they are asking us to hold it high.

That is our obligation. We do not necessarily have to be veterans, combat veterans, like the gentleman from California (Chairman HUNTER) or the gentleman from Kentucky (Mr. DAVIS) or the many men and women, too. And I think of the gentlewoman from New Mexico (Mrs. WILSON) and others who have served in this country. We are all serving. And I do not question the patriotism of the people on the other side until I hear them talking about the Commander in Chief and saying that he lied to the American people and that we did not need to be there, that we struck first. How quickly, Mr. Speaker, how quickly they forget 9/11.

God bless our troops. God bless the gentleman from California (Chairman HUNTER). We are behind them 100 percent, and we are winning, and we will continue to win and bring these soldiers home safe with a victory in hand.

Mr. HUNTER. Mr. Speaker, reclaiming my time, I thank the gentleman for a very eloquent statement. And I would just protest to my colleague that I did absolutely nothing special in Vietnam, and these guys and women who are serving in Iraq are real heroes and have performed extraordinarily.

And I thought that was a very fitting recitation of Flanders Fields because the last line that the gentleman recited where the soldier says, take up our quarrel with the foe and do not fail us, was forgotten several times in this last century because we came out of World War I, the war that was supposed to end all wars, was so horrible we could not envision having a successor to World War I, and we let our guard down.

And when we got into World War II, we found that we had neglected our Armed Forces, and it took an incredible build-up and lots of casualties before we had the industrial might of the United States and all of our population working and about half of them under uniform and pushing back on the Axis powers. And then we demobilized so quickly after World War II that when somebody asked General George Marshall how the demobilization was going, he said, It is not a demobilization; it is a route. We are throwing our weapons away.

And because of that we had a third-rate nation, Korea, push us down that peninsula in 1950 and almost pushed us into the ocean before we rallied and came back up to what is now the DMZ.

And we went through other fluctuations where we forgot that the admonition in that poem from people who gave their lives was to be strong and to fight for freedom and not to give up what we had. And we now realize that in this war against terror, we have to be strong, and we have to be forward-leaning because if we let the terrorists have safe haven like they had in Afghanistan where they could assemble their operations, where they could do their training, where they could gather their allies and have a platform to operate from, then we now know they could strike into America with that assemblage of capabilities. And that is what we are trying to deny them.

And if we can have an Iraq that has a modicum of freedom, and we are not threatened by free nations, and has a good relationship with the United States, and will not be a springboard for future terrorist operations, that is going to be good for generations of Americans especially in this neighborhood.

So it is an important thing that we are fighting for. It is a value. And the troops who have achieved this for us and are pushing forward with this mission are of value, and I think that is the essence of what the gentleman just said very eloquently, and I really appreciate his statement.

Mr. Speaker, I now yield to the gentleman from Texas (Mr. CONAWAY), who has been a stalwart on the committee and really cares about the soldiers.

Mr. CONAWAY. Mr. Speaker, I thank the chairman for yielding to me.

It is an honor to serve with him on the Committee on Armed Services. Of all the committees in the House, if our country is at war, there is not a better place to serve if one is too old to do anything else. But this is a great committee to serve on. He leads this committee well, and it is a great honor for me to learn this business, working with him on that committee.

I went to Iraq in July, and I want to talk a little bit about that. I grew up in west Texas. It is an arid desert. As we drove around some of the places in Baghdad and Kuwait, the territory, the scenery was remarkably similar to west Texas. I grew up where summers were hot, and the weather was bad, and the heat and blowing dirt, dust storms sometimes so bad that the street lights would come on at 2 o'clock in the afternoon. So I am a reasonably informed consumer about hot, bad weather.

I got off the C–130 in Baghdad on that July day and stepped out into the meanest, nastiest weather I could have ever imagined. It was so much worse than anything I had ever experienced in west Texas. And we have got the finest group of young men and women, and some not so young, leading this country's fight in Iraq against the terrorists, doing an incredible job.

I found a group of men and women whose morale was incredibly high. They knew they were doing the right thing. They knew they were well equipped. They knew they were well led. They knew they were doing a job that has to be done to protect this country. And they are accomplishing great things.

The other side, it is almost as if they have got their fingers in their ears and their hands over their eyes because they do not see this march to progress that we are doing. The elections last week that we got the official word yesterday 78 percent of the country voted for this Constitution, an Iraqi Constitution, not an American Constitution but an Iraqi Constitution. The march, the votes we have had, the votes we will have in December. We are making progress.

The stories that are not told is the electricity that is flowing, the commerce that is going on, the health care system that is reemerging, the stock market that is reemerging. All these good things that happen in this country get ignored, and it is partly our fault because we are not doing a very good job. Ever since I have gotten back from Iraq, every speech I have made, every talk I have given, I have included a piece of why it is important that we stay the course. And I hate to use that phrase. Let me rephrase that: that we finish this job, that we do not break faith, as our colleague just mentioned, with the young men and women who have led this fight.

Liberty is not cheap. It comes at an incredibly high price. It is easy to be a hawk, but we hawks ought to know the cost. Every one of my colleagues has been with me and others to Walter Reed and to Bethesda to go out there and hug the necks of those young men and women whose lives are forever changed, in some instances in a blink of an eyelash, to hug their necks, to thank them.

I have had three casualties since I have been elected. The first was a young man that was killed in November of last year, Brian Baker; another young man killed this summer, Mario Castillo; a young man who was killed from Odessa. I go see those families. There is nothing one can say. One cannot make the pain any easier, but I go hug their necks and tell them thank you, thank you on behalf of the country for their sacrifice.

I was sitting that evening with young widow Amy Baker, pregnant with twins who would not see their dad. It is a high price we are paying, but liberty is not cheap. Through that crushing grief that only a young widow can feel, she looked at me with tears streaming down our her face and she said, You make sure you tell President Bush to finish this fight. Do not let Brian have died in vain. Do not, in effect, break faith with Brian, because he knew he was doing the right job. He knew he was there getting something done.

The gentleman mentioned earlier the "greatest generation," and it was. My dad is in that generation. He fought World War II. He fought in Korea. And they accomplished great things. But the men and women who have done this fight in Afghanistan and Iraq can lay claim to having freed over 50 million people. We can argue about weapons of mass destruction and why we got where we are and all that kind of stuff, and there is a place for that. Let us do that. But at its core, they have freed 50 million people. Twenty-five million people in Afghanistan have gone to vote, created a democracy there. It is not perfect, but they are free today. They were under the Taliban, one of the most horrible regimes we can imagine, where the women were chattel. If I did not like something my wife did, I would just cut her head off, slit her throat, and let her die on the side of the road. They are no longer in charge over there; Karzai is. And a democracy is emerging there.

Twenty-seven million people are free in Iraq today, out from under the jackboot of Saddam Hussein, arguably the most ruthless, cold-blooded killer of any generation. He is in jail on trial for his life, as he should be.

So let us do not lose sight of the fact that we have accomplished great things, and we will stay in Iraq and get this job finished.

Let me close with a story in Afghanistan. We went from Iraq to Afghanistan, and we went out to a forward operating base, flew out of Kabul on a Chinook helicopter for about an hour, across a landscape where the way of life had not changed in 1,000 years: nomadic herders, tents, mud huts, sheep, those kinds of things. We landed in this forward-operating base, and this lieutenant colonel in charge there told us this story about they were on patrol one day, mounted in Humvees, and they were going down this dirt path because there are no paved roads in this part of the world. A young 10-year-old boy comes running out of a village that they were approaching, waving his arms and screaming and hollering, trying to get their attention. They stopped and waited for him to get there. And he breathlessly told them that the bad guys had come the night before and put a bomb in their path just ahead of that Humvee.

□ 2100

So our guys dismounted, got out there. Sure enough, there was a bomb, bad enough that it would have killed everybody in that lead Humvee. They disarmed it. And as they were getting ready to proceed, the lieutenant colonel asked that young man, why did you risk your life to come tell us this, because obviously you are a marked individual now for having helped the other side. The 10-year-old little boy, in that innocence of youth, simply looked at him and said, well, when the Americans came, I got to start going to school.

So the anecdotes are full of these types of stories all over the place, what wonderful things our country has done on behalf of these people in Afghanistan and Iraq. It has come at a high price, but liberty always comes at a high price; to get it originally and to keep it comes at a very, very high price.

I want to thank each one of those moms and dads and husbands and wives and children tonight who grieve over the loss of a loved one, who grieve over the injury of a loved one. I thank you. It sounds awful trite and there is not much more we can do, but each one of us who expresses it does it from the absolute core of our being, to tell these families thank you so very much for your sacrifice.

Mr. Speaker, I thank the chairman for letting me participate tonight. I appreciate that. God bless each and every one of our men and women in uniform tonight, wherever they are serving, whatever their responsibilities are, and particularly bless their families as they make sacrifices that most of us do not have to make, that we are not called upon to make.

So we simply want to make sure that every single day somebody somewhere thanks them and their loved ones for their service to this country. God bless each one of them, and God bless this great United States of America.

Mr. HUNTER. Mr. Speaker, reclaiming my time, I thank the gentleman, and I just want to echo his comments. I am looking at what our young men and women are doing. The gentleman mentioned the Greatest Generation, and they did great stuff in Normandy and Bastone and Guadalcanal and Iwo Jima. And we had wonderful people, wonderful troops in Vietnam.

The gentleman said I was a combat soldier. Compared to these guys, I was not a combat soldier. I had an easy tour in Vietnam. And compared to what these people went through, these young people who drove that iron spear up into Baghdad, who were told when they were going, and Tommy Franks testified before us on the Committee on Armed Services, General Franks testified that they heard on the radio back and forth between Saddam Hussein's commanders, "Get ready to use the special weapon," and they thought that was nerve gas, those young people were moving ahead into what they thought was a nerve gas battlefield, and they moved ahead.

And this maelstrom of IEDs, these remotely detonated devices, which are very deadly, very tough, all of the conditions that they have gone through and fought through, the massive dust storms, the ambushes and that intense heat that the gentleman from west Texas interestingly mentioned, that makes them, in my estimation, as good as the Greatest Generation, and from my point of view, the Greatest Generation are those folks that are over there right now.

I appreciate the gentleman for his support for these people. We will keep on working. I know we will finish this mission, and we acknowledge the value of those men and women who have carried it to date.

Mr. CONAWAY. Mr. Speaker, if the gentleman will yield further, let me say one more thing, if I might, and the gentleman said it already. A free Iraq, an Iraq that is at peace with its neighbors is no longer a sanctuary for the bad guys, will make the Middle East a safer place to be; and by extension, this country will also be a much safer place, as will the world.

So I agree with the gentleman's assessment, and we will finish the job.

Mr. HUNTER. Mr. Speaker, reclaiming my time, I would like to yield the balance of my time to the gentlewoman who has organized and led this Special Order, the great gentlewoman from Virginia (Mrs. DRAKE), a great member of the Committee on Armed Services. She has waited until last, and she is our cleanup hitter. I yield to the gentlewoman, and I thank her for her great work and her trips to the warfighting theaters.

Mrs. DRAKE. Mr. Speaker, I would like to thank the chairman for organizing this tonight, and I would also like to thank the gentleman for giving me the privilege of leading a Committee on Armed Services trip to Iraq at the very end of September-early October. It was my very first trip.

We flew into Kuwait City and landed there on the airstrip to take a C–130 into Baghdad. There on that airstrip, I had my very first conversation with one of our soldiers. As I spoke with him, he looked at me and he said, Ma'am, I know what I am doing, I know why I am doing it, and if I have anything to do with it, there will never be another attack on our Nation. He said, So don't worry about me, just pray for me. And he picked up his gear and he walked away.

As we got on that plane, I had another conversation with one of our military members who was assigned to that C–130. He told me his enlistment was almost up, but when he got home he was going to join the Reserve unit in his home area. And he said to me, You know, I won't be coming back here anytime soon, because in that Reserve unit, everyone volunteers to come to Iraq, and I won't have a turn to come back for some time.

It hit me right there before we ever left Kuwait City that, first of all, these are volunteers who voluntarily join our military, and many of them volunteer to go to Iraq or to return to Iraq.

That evening, we had dinner with our troops in Baghdad. A young woman from Virginia looked me right in the eye, and the first thing she said was, Why aren't our elected leaders telling America what we are doing? I told her that I already had determined that, that we had done a very poor job of telling the American people what they are doing over there, why they are doing it, the threat to America if they do not succeed, and the great success stories that they are having there. And I promised her that we would tell their story here in America.

These people know why they are there. They know what they are doing. But their question, these American heroes who are serving for us, their question is, what are the American people thinking and what are they saying?

That gave me the opportunity to tell them the stories from back home. To tell them about a cab driver in Phoenix, Arizona, that I met this summer who told me he is from Iraq, he has been here 16 years, he has family there, and he goes back on contract to help train the Iraqi troops. When he realized I was a Member of Congress, he stopped the cab, turned around and said, Will you please thank the American people for me for what you have done for Iraq? He said, You people work harder than anyone I have ever seen. He said, I don't think you even sleep, and you are doing it all for us.

I told them about a presentation at Sea World this summer before Shamu came on that was the commercial from the Super Bowl, where our troops walk into an airport in their camouflage and everyone stood and clapped. And I told them how the audience when that presentation was done, they were standing, they were clapping, they were cheering and they were crying. Of course, I said to my daughter, And you thought you were in the minority.

What I will tell them next time is what happened in Shannon, Ireland, on our way back, and a group of Marines walked through the airport in their camouflage and everyone stood and everyone clapped for those Marines in Ireland.

But I also told them that I believe that their generation will also be named. We have talked a lot tonight about World War II, and they are being named the Greatest Generation. I truly believe history will name them; and I have decided until history does, that I am going to call them the Freedom Believers.

We saw the success of what they are doing there. We met with units that work with IEDs and the EOD unit, that they are able to find and disarm and blow up a lot of these bombs. We met with the 42nd MP Brigade.

We toured that base in Baghdad, and then we flew to Balad Air Base. In that 60-mile trip, flying very fast and very low in an Army helicopter, what we saw were green agricultural fields. And those fields, the people that were working them were waving at us in the helicopter. When I commented on that when I reached Balad to General Frank Gorenc, he told me that happens all the time. We toured the hospital there, and we saw that we not only treat Iraqi civilians who have been injured; we treat the insurgents or the terrorists themselves that are doing this damage there.

These young men and women and those commanders know the success that is taking place in Iraq. They know that Saddam Hussein did not maintain their infrastructure there, that there was much deferred maintenance, that there was also deliberate destruction that was caused by sabotage and looters.

But USAID is hard at work in Iraq. They have a publication that they have done which talks about the improvements they are making to the infrastructure, the 2,500 schools countrywide that have been rehabbed, over 32,000 teachers and administrators that have been taught, $20.7 million in grants to create partnerships between U.S. and Iraqi universities, 200 USAID missionary personnel there at work, and over 80,000 Iraqis at work in sectors throughout the country.

These young men and women also understand the threat to the Nation. This shows our having dinner in Baghdad. This is in Qatar as we were leaving with the military men and women we met there.

But these young men and women and the commanders understand the threat to the world. We all know that Osama bin Laden made an edict in 1998, and he said, "Anyone who believes in Allah is to find Americans and to kill them."

What this map shows in green is their immediate goal. We have all heard and read Osama bin Laden's words and their mission to take over the entire world. None of us can believe that. This is their current goal. In the very bottom corner is their goal in 100 years, and when you see that in color and you see that their entire goal is not a little country in the Middle East, their goal is the entire world, it makes you understand that they are at war with civilization.

We as Americans, some of us think that Iraq is a local conflict. Iraq is the centerpiece of that puzzle, of that very much bigger plan of the people who would go after you and I if they had the opportunity.

It is difficult for us as Americans to understand that and to understand the threat. They have no tanks and they have no planes. They use our things. They use our planes. They use our subways. Their target is not the military; their target is us. It is only the military right now in Iraq.

Our military men and women know that there is no option but to fight this war and to win, not only for Iraq, but for us as well. And they know about the spread of freedom. They are the Freedom Believers. They know the spread of democracy in the Middle East makes this a safer world for all of us. What they want is for the American people to understand that, and I thank them for their service.

Mr. Speaker, I thank the chairman for arranging this tonight.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. WESTMORELAND). The Chair must remind Members that remarks in debate should be addressed to the Chair and not to others in the second person, including persons who might be guests of the House.

TRIBUTE TO ROSA PARKS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Alabama (Mr. DAVIS) is recognized for 60 minutes as the designee of the minority leader.

Mr. DAVIS of Alabama. Mr. Speaker, I thank you for letting me claim the time for my colleague, the gentleman from Michigan (Mr. CONYERS), who I trust will join us tonight.

Mr. Speaker, several of my colleagues have gathered to honor an individual who was one of the legendary Americans of the last century. She was named by Time magazine as one of the 100 most significant people of that century. She was honored by President Clinton as a winner of the Presidential Medal of Freedom, and she has been honored by numerous organizations all over this world and all over this country. Her name was Rosa Parks. She was, of course, an icon of the South, an icon of the country, and she was called home to her maker just last week.

She will have two memorial services. One we understand will be in Detroit, Michigan next Wednesday, one in Montgomery, Alabama, this coming Sunday. Two communities, Montgomery and Detroit, will do their best to make a statement on behalf of this extraordinary woman; and I thank the House for giving us this hour to speak to her role tonight.

I wanted to begin by hearkening, if I can, back to Montgomery, Alabama, in 1954. Montgomery, Alabama, happens to be the city where I was born in 1967, it happens to be the city where my mother was born, and my grandmother came to that city in 1931.

I still remember them telling me what it was like to sit at the back of the bus. As those who know history remember, that was not simply a Montgomery phenomenon; it was a Southern phenomenon. The practice of making black Americans sit in a certain place in the bus, the practice of making them yield their seat was carried on in a number of Southern cities; but I remember hearing the stories about Montgomery.

□ 2115

My mother and my grandmother never liked the stigma of segregation. They were not happy about it. But, like so many people their age and generation, they just took it as being part of the overlay over the land. They just took it as being part of the atmosphere of living in the South. And, like so many other people, they went on about their business, hoping for a better world, but not knowing when or if it would come.

And then all of a sudden this extraordinary woman named Rosa Parks, who was in her mid-40s at that time, decided that she would rise up and say "no" to this system of segregation. One day in late 1954, she resisted the order, she resisted the command to get up and to yield her seat. The world has never turned back from that moment. All of a sudden, people like my mother and grandmother were freed. But the interesting thing is that white Americans and white Montgomerians were freed as well, because all of a sudden, from that day forward, or maybe, more accurately, from the day that the moment succeeded and won concessions from the white power structure in Montgomery, we reached a point where people were free to sit together. That might seem like a quaint thing to those of us in 2005, but the sitting together led to talking together, led to reasoning together, and led to people accommodating each other. It led to people one day getting to the point that they could understand and build one solid and one stable community. That was the legacy of Rosa Parks.

As a number of my colleagues will point out tonight, we would do well if we understood exactly why segregation thrived for so long and what it was meant to do. It was never just meant to be a symbol. It was never just meant to be a code of laws; it was meant to be a stigma. It was meant to say to a certain group of people, you are not like the rest of us. You are not like us. You are different. You are worse than we are. It was meant to confer a badge of inferiority. And I think that the hope of segregationists, the hope of the supremacists was that these people who were being stigmatized might slowly but surely lose their confidence and slowly but surely buy into all the myths and all the hatred about them. That is why segregation thrived for so long.

Well, when Rosa Parks stood up by sitting down, when Rosa Parks refused to move, it was a triumph of the human spirit. It was a triumph of all people who yearn for some measure of freedom and dignity in their lives.

I hearken back to the last conversation, Mr. Speaker, the Special Order that happened before this. Our colleagues on the other side of the aisle talked about the adventure in Iraq right now and talked about the dawning of freedom in that territory. I am reminded how recent is that experience in this country. As we go around the world speaking on behalf of freedom, I am reminded tonight of how fresh and how recent is that experience here.

I think we ought to speak to another woman: Vivian Malone Jones. Vivian Malone Jones was another trailblazer like Rosa Parks. At the age of 20, she was the first African American to attend the University of Alabama and to stay there, and, at the age of 23, she was the first African American to graduate. It so happens the incredible irony of history that she died last week at the young age of 63.

I remember going on campus at the University of Alabama just last week to speak at a memorial service for her and to see students, black and white, people from the power structure of Tuscaloosa, people from all over Tuscaloosa gathering together to honor her sacrifice. I am reminded, Mr. Speaker, of a cover of Newsweek Magazine in 1963. It showed Vivian Malone Jones, who was a very beautiful young woman, it showed her standing there on the campus, and beneath her image was the anonymous quote: "We owe them and we owe ourselves a better country."

Mr. Speaker, I would submit that the Vivian Malone Joneses and the Rosa Parkses, what made them such icons, what makes them icons to us now, is the fact that they challenged us. They made us believe that we owed them a better country, and they also made us believe that we owed ourselves a better country.

One of the last points that I will make tonight is that there ought to be a challenge in this for us, because not only do we owe their successors a better country, we owe the people who are wounded in America, who are coming back from Iraq, a better country. We owe the people who are working every single day, striving to earn a living and falling just short of the water's edge, we owe them a better country. We owe the children who are sliding into poverty in this country a better country and a better vision. That is what we have to understand.

This legacy of civil rights, this history of individuals rising above oppression and segregation is a long-running theme in human history. The story of people standing up against oppressive systems and asserting their dignity is a long-running theme in human history. It is a theme of courage, and it is a uniquely American theme.

So as I prepare to yield to some of my colleagues tonight, I will simply make these two final points. I am very proud to be from Montgomery, Alabama, very proud to be a son of this modern South, because every day that we build bridges of reconciliation, we pay our own tribute to Rosa Parks. Every day that we find a way to exist across racial lines, every day that we find a way to transcend new boundaries, every day that we find a way to make better the lives of all the people who live in our community, we pay a silent tribute to Rosa Parks and to Vivian Malone Jones, and we ought to remember that.

The final point that I will make is simply, once again, to talk about the power of individual choice. I heard one of my colleagues on the other side of the aisle talk about the enormous courage of our soldiers in Iraq, and it is such a thing that inspires us, their courage. Well, there is a common theme between what they do and what Rosa Parks did. It is believing that there is a higher cause that can sustain you, just as our soldiers believe when they get up every morning and face the bunkers and the missiles and the grenades, they believe that there is a higher cause that can sustain them. So did Rosa Parks. When she sat on that bus, she believed that there was something beyond her mortal existence, and that moved her.

The last thing I say today is that our country can be moved if we simply understand the power of individuals asserting their dignity, if we put enough of a foundation beneath them so that they can live their destinies.

With that said, I am very happy to turn over the management of this Special Order to my colleague, John Conyers from Michigan, who employed Rosa Parks for a number of years, someone who was a friend of hers, and someone who has been an advocate for many years now, almost 40 years now, in this Chamber for so many progressive causes.

REMEMBERING ROSA PARKS

The SPEAKER pro tempore (Mr. WESTMORELAND). Under the Speaker's announced policy, and on the designation of the Minority Leader, the balance of the hour will be controlled by the gentleman from Michigan (Mr. CONYERS).

GENERAL LEAVE

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the subject of this Special Order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CONYERS. Mr. Speaker, I want to thank my colleague from Alabama (Mr. DAVIS) whose district I had the pleasure of being in, and with him, only a few days ago.

Mr. Speaker, this is a sad moment for me. The truth of the matter is that we have known that Mrs. Rosa Louise Parks had been in poor health; that frequently we would ask, how is she doing this week? Is she any better? How are things going? And now that this moment has come 2 days ago, we still cannot accept this reality of this dear, powerful, gentle lady going to her reward after 92 years of being with us on this Earth.

She has been regarded as an ordinary person, as an example of what an ordinary person can do in our system. But I am not convinced that she is an ordinary person, because I have seen her at very close range. The fact of the matter is I believe she is an extremely extraordinary person because of these two qualities. First of all, she was a gentle lady. She was soft-spoken. She had never in the years I have known her ever raised her voice in anger. She did not debate anyone. She was a very mild-mannered person. She never sought the limelight. She never, ever issued a press release. She never sought awards or commendations. Yet she received more than most people do in this world that we live in.

So that was this one aspect of her, but there was another. There was inside her forged a set of principles of which two were very prominent in terms of my analysis here this evening. One, she was a very religious woman. She attended church with great regularity, but, more than that, she worked in the church. She helped out. She was there during the week. And combined with her religious convictions was this fierce antipathy to segregation. And I do not know how many people we can think of that combine these two kinds of characteristics, soft spoken and humble, and yet fiercely prepared, in a nonviolent way, to fight segregation.

So she came to this activity not as something that she just happened to get into or that she moved one day, she did something different; she had always been an activist in Alabama. She was a member of the NAACP, she was always the first to sign the membership card, and it is hard to remember that this could be the case, but in the 1940s, being a member of the NAACP in the South, and publicly acknowledging it, was a very daring and courageous move in and of itself.

She subscribed to the theory of nonviolence. So when, on December 1, 1955, she decided that she would not give up her seat on a public bus in Montgomery, Alabama, some thought that was the first time that she had ever done it. But to the contrary, previously she had refused to give up her seat, but she was ordered off the bus. She had never been arrested. And so this time they told her, you will be arrested, you are going to be arrested.

□ 2130

And she said, I am not giving up my seat. You can do whatever you want. And so we marched into this great history.

Now, I wanted to point out that she was the one that brought Dr. Martin Luther King, Jr., into the civil rights movement. Martin Luther King, Jr., was at that time 26 years old, and he was called in to come after she had been arrested; and it was decided that everyone was going to boycott the buses as a result.

And so it is ironic that she had this role in addition to restarting the civil rights movement in America. She brought in the person who would ultimately lead it at the same time.

I am sure Dr. King may not have been thinking about his future and his destiny, and I am sure that Mrs. Parks could not anticipate what this one move was going to mean. And so I am very happy to tell you that I had the opportunity to meet her, to know her before she came to Detroit, and what a blessing it was to find out that she ultimately with her husband left Montgomery.

Why? Because she wanted to go somewhere else? No. She was fired from her job. She was black-balled. She could not get employment. And she and her husband and family were receiving death threats regularly. So they decided to relocate with relatives that were in Detroit, and so it was my good fortune to be able to get to know her.

She joined in my campaign. I said, the first person I am going to ask to be on my congressional staff when I get elected would be Rosa Parks. And I asked her to join my staff. She did not ask me for a job. I asked her to please come and join me, and it was a great source of pleasure and delight that she was a minor celebrity.

People came to my office to see not the Congressman on a constituent basis, but merely to get a picture of Rosa Parks or get a signature or ask if they could talk with her, and she was as accommodating with them as she was with everybody else.

She was a confidante I was able to connect up. The biggest legislative challenge in my very first year was the passage, the consideration and passage of the Voter Rights Act of 1965. And here she was right in the middle of that, working with the likes of Ralph Abernathy and Andrew Young and Fred Shuttleworth, and of course Dr. Martin Luther King, and many other of the great names that were around that original group that started the civil rights movement, the modern civil rights movement as we know it.

She had a great passion for young people, and she and her husband formed the Raymond and Rosa Parks Foundation which still exists today and which she and her husband and staff trained young people, and then they went visiting the major civil rights sites throughout the South, so that they could get the flavor of what was going on, and what happened and when it transpired.

And so, ladies and gentlemen, I see in the firmament of the great trilogy of leaders of freedom and justice, Nelson Mandella, Martin Luther King, Jr., and Rosa Louise Parks.

When Nelson Mandella came to Detroit and found out that Rosa Parks had come out to join him in welcoming him as he came out of 27 years of imprisonment, he began a chant for Rosa Parks, Rosa Parks. And here were these two great icons, both well aware of each other and their contributions. So it is with some pride that I have had the privilege of associating my congressional career with both Dr. King and Rosa Louise Parks.

And this Special Order will continue the discussion that has already begun to take place about all of the roles, the contributions, the feelings, the legacy of Rosa Parks; and that is how I think she will be remembered, as this gentle person with the determination of steel.

So it is with great pleasure that I yield now to the distinguished gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished gentleman for yielding.

I am moved by the gentleman's words. I want to thank him for this Special Order. I want to also thank him for wisdom more than his years at that time for the friendship and relationship that he established with Mrs. Parks and the fact that she served and honored all of the congressional staff by being a congressional staffer and working with him over the years.

I want to point out a few items regarding Mrs. Parks and thank her so very much for the service that she has given. John Hope Franklin made a comment that I think is very telling of Rosa Parks: her prominence endures. And she did not strike a cord for African American women, but she struck a cord for Americans. And when we look at the fabric of history, American history, world history, and particularly focus on our history, there were certain volcanic historical incidents in America: the founding of Plymouth Rock, the Revolutionary War, the Civil War, World War I, World War II, certainly different categories, and the beginning of the birth of the civil rights movement in the 20th century.

No one can be more attributed to that than Rosa Parks. For those of us who are the beneficiaries of that simple act from a very diminutive woman, the act of refusing to adhere to an unjust law, we owe her an enormous debt of gratitude.

For those of us who had the pleasure and opportunity of interfacing with her during her lifetime, simply as any one of us would acknowledge being in her presence, again we owe her a debt of gratitude. And, frankly, I think it is important to note that as she sat down on the bus, with intentions to be arrested, she set off a 300-day plus movement, boycott, march, walk, described by Dr. King in his words of watching one of the Montgomerians, if you will, citizens, walk back and forth, back and forth.

Dr. King eventually asked that person who participated in the Montgomery Improvement Association was she not tired. And in her own words she said, My feet is tired, but my soul is rested. Rosa Parks set the tone and the movement to empower these citizens in Montgomery, Alabama to walk and walk and walk and walk.

We should not ignore the fact that she was a trained member of the NAACP, and she will acknowledge that her courage, but also her training to accept that nonviolent approach to challenging an unjust law, came through that very effective NAACP training that was utilized across the deep South.

For the NAACP was the first body politic on the ground that empowered Medgar Evers, and Rosa Parks, many others, Christy Adar in my hometown, to become the kind of leaders and pioneers in the civil rights movement.

Mr. Speaker, I want to rise today to thank my good friend and colleague, the gentleman from Michigan (Mr. CONYERS), the ranking member of the Committee on the Judiciary, for his voice and giving us the opportunity to speak, and to be able to say, as I close, for there are many of us who want to share in our commitment and purpose and our celebration of Rosa Parks, that, Mr. Speaker, you well know, and I might imagine that someone in your life has spoken to you and taught you and said words are not necessarily the best tribute. It has to be deeds.

So I think we stand tonight, many of us, from the Congressional Black Caucus who happen to be Members of this Congress, to hopefully say to Rosa Parks, as she flies away, for that is a song we often sing in a home-going ceremony, she will fly away, flying up to heaven, is that we are committed to the reauthorization of the 1965 Voter Rights Act, we are committed to the voting rights of every single American, that every vote counts, we are committed to a Nation that respects the human dignity of each person, and we are committed to finally breaking the cycle of segregation, discrimination, and racism in this country.

We owe Rosa Parks that commitment that we will forever be indebted to her by our words. Rosa Parks, will you please rest in peace, and I know that you will fly away.

Mr. CONYERS. Mr. Speaker, I am pleased now to recognize the distinguished gentleman from Georgia (Mr. SCOTT).

Mr. SCOTT of Georgia. Mr. Speaker, this is indeed an extraordinary time. I want to thank the gentleman from Michigan (Mr. CONYERS) for allowing me to participate in this great testimonial to an extraordinary woman, Mrs. Rosa Parks.

Mrs. Rosa Parks was indeed an extraordinary lady who made extraordinary contributions at an extraordinary time in American history.

You know, sometimes at certain moments in life you feel that there are no words that are adequate to really tell the true story and to give the worth that a life like Rosa Parks deserves.

But the word that comes to my mind, as I think of Rosa Parks, is that word "great," because Rosa Parks was a great lady. But she was a great lady of greatness.

□ 2145

It might be wise of us just to take a moment and look at that word great, greatness. The great Greek philosopher Aristotle, when asked what did it take to be a great person, said, in order to be a great person, you must first of all know yourself, know thyself.

Well, Rosa Parks certainly knew herself. She not only knew who she was, she knew whose she was. For Rosa Parks more than anything else was foremost and first of all a child of God, as was so eloquently pointed out by the gentleman from Michigan (Mr. CONYERS), who knew her so personally well. She was truly a child of God.

When that question was put to the great Roman general, Marcus Aurelius, what does it take to be a great person, Marcus Aurelius said, in order to be a great person, you must first of all discipline yourself. She was disciplined. She was focussed. She had her mind set on that goal of freedom and quality for everyone.

When that question of greatness was put to the great abolitionist Frederick Douglass, of what does it take to be a great person, Frederick Douglass said, in order to be a great person, you must have courage. Well, Rosa Parks certainly had courage. She was a woman of extraordinary courage. Think about that time when the Ku Klux Klan was running rampant, when black men were getting lynched for barely not tipping their hat or getting off the sidewalk. These were tough, dark days for a woman to sit and defy the white power structure. Courage, courage.

Finally, when that question of greatness was put to the Messiah Jesus Christ what a great person is, he said, you first of all have to sacrifice yourself. And Rosa Parks sacrificed herself. She had what I call the great Isaiah instinct, that instinct when God said, "Who would go for us and whom shall we send," Isaiah cried out, "Here am I, Lord, send me."

At that moment of history when Rosa Parks on December 1, 1955, when God called out, "Who will go for us and who shall we send," Rosa Parks said, "Here am I, Lord, send me."

My God, what a woman. How much gratitude we have that we must give for her. And as an African American sitting and standing in the well of this House of Representatives, it is important for us to understand that when Rosa Parks sat down and did not get up to give that white man her seat on that bus in Montgomery, as she so eloquently stated, many people said they thought I was sitting there because my feet were tired. Well, that was not the truth. Rosa Parks said, it was not that my feet were tired, it was because my soul was tired of being a second-class citizen. When I sat down and would not give up my seat, I was standing up for justice, for equality for all.

So as an African American standing here, yes, I know she stood up for all of us. She certainly stood up for black people. But let it be said that more than that, Rosa Parks stood up for America, for black people, for white people, for brown people, for yellow people, for everybody who believes in that American dream of justice, of equality, of freedom for all of us. God bless Rosa Parks, and we thank God for sending this extraordinary sojourner of truth our way.

Mr. CONYERS. Mr. Speaker, it is my pleasure to recognize the gentlewoman from Oakland, California (Ms. LEE).

Ms. LEE. Mr. Speaker, first let me thank the gentleman from Michigan (Mr. CONYERS) for his leadership in organizing this tribute to a great leader, Mrs. Rosa Parks. My heart goes out to the gentleman from Michigan (Mr. CONYERS) in his personal loss. He is truly a remarkable human being, and I know that his memories and the love Mrs. Parks had for the gentleman will sustain him during this very difficult time.

My deepest condolences and prayers are with Mrs. Parks's family and her friends tonight as we lift her up, lift up her great spirit on this House floor on this very somber occasion.

Mrs. Parks passing away on Monday evening jolted the world. A giant has gone home. This has been a very difficult year full of losses. Rosa Parks joins other great African American heroes who recently passed away: Shirley Chisholm, Judge Constance Baker Motley, and C. Dolores Tucker, to name a few, all who faced opposition, stood their ground and sacrificed so much for freedom and for justice.

Mrs. Parks's simple nonviolent act 50 years ago to refuse to give up her seat on a bus changed the course of America. The mother of the modern civil rights movement, Mrs. Parks shattered the walls of legal segregation and opened the doors of opportunities for many, including myself. And, yes, I remember those days of the colored only faucets and not being able to go to the theaters and on the train only being able to ride in one car and not being able to attend public schools. I remember those days very vividly.

Let me say this act of defiance and dissent by Mrs. Parks, it toppled Jim Crow. Her life was recognized just this past September when the House, led by the gentleman from Michigan (Mr. CONYERS), and I must remind us, we unanimously passed a resolution in recognition of her legacy, H. Con. Res. 208.

A recipient of this Nation's highest honors, the Presidential Medal of Freedom in 1996 and the Congressional Gold Medal in 1999, Rosa Parks stood tall by sitting down. She quietly and peacefully challenged the status quo. She took on, though, the entire government, and she took down its shameful system of segregation.

Personally I was so inspired by Mrs. Parks in some of the most difficult moments in my career. In fact, just 2 years ago Mrs. Parks wrote me a personal reminder, and I read that letter again last night. And in her letter to me she said, Never think that you are alone when you stand for right, because God is with you. I cannot even explain what that meant and means to me.

Rosa Parks's quiet strength, as her 1994 book is titled, shattered the walls of legal segregation. And I had the privilege to be with her on many occasions in Los Angeles and in Oakland and in Sacramento, California, and I was in awe of this great woman, and I could not help but notice her love for children and her commitment to education.

She was a humble woman, yet a giant of a human being who loved her country and insisted that it live up to its creed of liberty and justice for all. Three thousand miles away and 50 years later, my constituents in the East Bay of California still honor Mrs. Parks's legacy. Students enrolled at the Rosa Parks Environmental Science Magnet School in Berkeley are reminded every day of her example by the painting of Mrs. Parks in the front seat of a bus that hangs above the door to the campus's main office. Their school anthem thanks Mrs. Parks for her role in bringing segregation to its knees.

She also inspired my constituents to create the Martin Luther King, Jr., Freedom Center, on which I serve as a founding board member. The MLK Freedom Center teaches social justice, equality and nonviolence in our community, especially with its outreach efforts to our youth. In fact, the young people from the center participated in the 40th anniversary of the historic civil rights march from Selma to Montgomery, Alabama, where they visited the bus stop where Rosa Parks protested and dared not to get up, and also the Dexter Avenue Baptist Church where Dr. King preached.

It is an important historical reminder of where we have been, just what Rosa Parks really did for us and for the country. It is a reminder of how far we have come, but also it reminds us of how far we have to go, as we have been recently reminded by Hurricane Katrina.

Daphne Muse, the director of the Women's Leadership Institute at my alma mater, Mills College in Oakland, wrote an essay entitled "Our Week With Rosa Parks—Her Presence is a Gift that Remains Part of our Hearts and Home." And in this essay she wrote about Mrs. Parks's visit to Oakland, California, and she said, In the course of preparing for Mrs. Parks's visit, she noted to members of the committee that hotels just did not suit her spirit, and she preferred the tradition extended through southern hospitality of putting people up in your home. She then asked if I would mind if she could be our guest during her week-long stay in Oakland. She made only one request of me, and that is that we keep her presence a secret. She and her longtime friend Elaine Steele were eager to be in a place where they could relax, listen to music, and eat great food without being disturbed.

Daphne Muse goes on to say, Although we had never even met, when Rosa Parks walked through our front door, she instantly became family.

Mr. Speaker, tonight as we remember this dignified, courageous and remarkable woman, let us honor her life and her legacy by standing up for what is right, for embracing peace and nonviolence as an effective tool in our work as public servants. And let us keep her family and her friends in our prayers and in our hearts and in our souls.

Thank you, Rosa Parks. May you finally now rest in peace.

Mr. Speaker, the full text of that essay is as follows:

Our Week With Rosa Parks: Her Presence Is a Gift That Remains Part of Our Heart and Home

(By Daphne Muse)

Every day, history is made by people whose names remain unknown as well as those who become eternal icons. In May of 1980, a woman who forever changed our country spent a week in our home. The East Bay Area Friends of Highlander Research and Education Center joined with founder Myles Horton to honor two of the Civil Rights Movements most courageous pioneers: Rosa Parks and Septima Clark. Clark broke ground as a pioneering force in citizenship training and voter education. The two women met at Highlander in 1955, a place where my own mother-in-law Margaret Landes was trained during the 1930s.

Founded in 1932, Highlander is a civil rights training school located on a 104-acre farm atop Bays Mountain, near New Market, Tennessee. Over the course of its history, Highlander has played important roles in many major political movements, including the Southern labor movements of the 1930s, the Civil Rights Movement of the 1940s–60s, and the Appalachian people's movements of the 1970s–80s. Through books in our home library, her teachers and my own work as a writer, Anyania knew about the role Ms. Parks played in changing the course of history.

Like millions of other African Americans, Mrs. Parks was tired of the racism, segregation and Jim Crow laws of the times. Through her commitment to freedom and training at Highlander Research and Education Center, her refusal to move to the back of a bus in Montgomery, Alabama on December 1, 1955, spawned a movement. Parks took a seat in the section of a Montgomery city bus designated for whites. She was arrested, tried and fined for violating a city ordinance. Mrs. Parks, a seamstress, often had run-ins with bus drivers and had been evicted from buses. Getting on the front of the bus to pay her fare and then getting off going to the back door was so humiliating. There were times the driver simply would shut the door and drive off. Her very conscious decision turned into an economically crippling, politically dynamic boycott and ended legal segregation in America. A three hundred and eighty two day bus boycott followed her morally correct and courageous act.

In the course of preparing for Ms. Parks' visit, she noted to members of the committee that hotels just didn't suit her spirit and she preferred the tradition extended through southern hospitality of putting people up in your home. She then asked if I would mind if she could be our guest during her week long stay in Oakland. She made only one request of us: that we keep her presence a secret. She and her long time friend Elaine Steele were eager to be in a place where they could relax, listen to music and eat great food without being disturbed. The disturbed part was my greatest concern for between the bullet blasting drug wars and the press, I was concerned about how to maintain that part of the agreement.

Our modest home in the Fruitvale community of Oakland, California had served as a cultural center and refuge to many writers, filmmakers, artists and activists including Sweet Honey in the Rock, novelist Alice Walker and poet Gwendolyn Brooks. Although we'd never even met, when Rosa

Parks walked through our front door, she instantly became family. She and Anyania melted into one another's arms like a grandmother seeing her grandchild for the first time. One morning as Anyania was about to take off for school, the button on her dress popped off. It was a jumper filled with multicultural images of ,I children my mother had made Anya. Ms. Parks asked if I had a sewing box, II threaded the needle and sewed the button back on. My spirit spilled over and I just burst into tears.

Anyania was so good at keeping the secret. I, on the other hand, wanted to blurt out to my family, friends and students at Mills College "Guess who's sleeping in my bed? A few months ago, a former neighbor came by to pay a visit and started set searching the scores of photographs hanging on the walls in our living room. She stopped, turned around and blurted out, "No that isn't." I instantly knew the photograph to which she was referring. Along with pictures of Fannie Lou Hamer, Eleanor Holmes Norton and Jim Forman hangs a very precious photograph of Rosa Parks surrounded by my then seven-year-old daughter and her playmate Kai Beard. Dottie was simply undone that in all the years she'd come into our home, she like so many others simply thought the woman sitting next to Anyania was her grandmother. A few weeks after she returned to Detroit, Ms. Parks sent Anyania an exquisite portrait of her painted by Paul Collins. That portrait now hangs in Anya's home in Brentwood, California where my grandchildren Maelia and Elijah live, read and play everyday.

ROSA & RAYMOND PARKS INSTITUTE FOR
SELF DEVELOPMENT.
January 15, 2003.

Hon. Barbara Lee,
U.S. Congress,
Washington, DC.

DEAR CONGRESSWOMAN LEE: Never think you are alone when you stand for right because GOD is with you. We are very proud of you. It makes us feel good that you are a Congressional Member.

Love, Peace and Prosperity,
ROSA PARKS.

Mr. CONYERS. What a beautiful remembrance of a great lady. I am sure the gentlewoman is one of the few people in Congress that have a written communication from Mrs. Parks. I congratulate the gentlewoman.

Mr. Speaker, I am pleased to recognize the gentlewoman from California (Ms. WATSON).

Ms. WATSON. Mr. Speaker, Rosa Parks's life is a milestone in American history. I stand here because she sat there. Her simple defiance of refusing to relinquish her seat 50 years ago on a bus in Montgomery, Alabama, ignited the civil rights movement that transformed these United States. Without Rosa Parks there may not have been a Martin Luther King or a civil rights movement.

Her death at the age of 92 reminds us all that one person can make a profound difference in the lives of others and in the course of history. She is the embodiment and exemplar of today's human rights movements around the world.

Part of Rosa Parks's legacy was her quiet dignity and disdain for injustice. She was truly a woman of peace. What she determined that fateful day on the bus in Montgomery, Alabama, is that she could not compromise her essential humanity. Her grace and her strength exemplified a purity of spirit and commitment to truth.

The road less traveled by Rosa Parks was not always smooth or kind. She and her husband received numerous death threats and lost their jobs in the aftermath of the historic bus boycott. Her supporters' houses were firebombed.

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Congress stood by and did nothing. Mrs. Parks finally moved north to Detroit where she had relatives and eventually ended up working for the gentleman from Michigan (Mr. CONYERS), the esteemed Congressman.

We all grieve the loss of Rosa Parks, and we extend our heartfelt sympathy to her family, friends, as well as my friends and colleagues here on the floor today and particularly the gentleman from Michigan (Mr. CONYERS), my friend. We are a better Nation and people because of Rosa Parks.

Mr. Speaker, I also want to briefly acknowledge the passing of two other heroes in the struggle for civil and human rights, Dr. C. Delores Tucker, buried last Saturday, and the former Congressman, Ed Roybal.

C. Delores Tucker was a pioneer in the field of civil rights and politics. She counted Martin Luther King, Jr., Rosa Parks, and many others among the civil rights luminaries as close friends and allies.

In 1971, Pennsylvania Governor Milton Shapp appointed Dr. Tucker as the first Secretary of the Commonwealth.

Dr. Tucker had many firsts in her long public career. She was the first black woman to be named vice chair of Pennsylvania's State Democratic Party and the first African American to serve as president of the National Federation of Democratic Women. She was also founder and chairwoman of the National Congress of Black Women.

Dr. Tucker was always on the front lines in the struggle for civil rights and the rights of African American women. She led with strength and dignity, always stood tall, and was concerned about inequities and justice for all. Her spirit lives on.

Mr. Speaker, Congressman Ed Roybal was a true pioneer in the struggle for human and civil rights in California. He was an advocate his whole life for the poor, the disenfranchised, and for seniors.

Ed stood up not only for the rights of Latinos but all people who have been denied an equal opportunity. I looked to him as he served on the Los Angeles City Council and then in Congress as a voice that could be trusted to consistently respond on behalf of those who could not speak for themselves. During his long career and many accomplishments, he never lost sight of those in need.

My prayers and thoughts are with the gentlewoman from California (Ms. ROYBAL-ALLARD), his daughter, and his family during their period of grieving for the loss of a great American. Ed's strong and dedicated message will never be silenced. He leaves behind a spiritual, indelible legacy that will live on.

Mr. Speaker, we have lost a triumvirate.

Mr. CONYERS. Mr. Speaker, I thank the gentlewoman from California for her kind remarks and remembrances of Rosa Parks; and now, Mr. Speaker, I am very pleased to yield to the gentleman from North Carolina (Mr. WATT), the chairman of the Congressional Black Caucus, a veteran member of the North Carolina bar and member of the Committee on the Judiciary of the House of Representatives.

Mr. WATT. Mr. Speaker, I thank the gentleman from Michigan (Mr. CONYERS) for yielding.

I was trying to decide how to approach this issue and decided that probably there were two things I need to do: number one, I want to thank the gentleman from Alabama (Mr. DAVIS), my good friend and colleague, and the gentleman from Michigan (Mr. CONYERS), my good friend and colleague, the two States with whom Rosa Parks probably had the strongest physical connections, for convening this Special Order for us to pay tribute to Rosa Parks.

I have listened to the gentleman from Michigan (Mr. CONYERS) and the gentleman from Alabama (Mr. DAVIS) and the gentlewoman from California (Ms. LEE) and my other colleagues talk about some of their personal connections to Rosa Parks. One would think that maybe the chairman of the Congressional Black Caucus would have some personal stories, too; but when I reflect, I can only say that I never met Rosa Parks, nor for that matter but for the fact that Martin Luther King spoke at my high school graduation in 1963 did I ever meet Martin Luther King.

So why would we be here talking about somebody that we have never met? Because they have had an impact on our lives. What would compel a person to go visit a bus stop in Alabama? Simply because you knew that there was a particular significance to that bus stop, that that was the stop at which Rosa Parks got on the bus.

I cannot talk about the personal things about Rosa Parks that some of my colleagues have talked about. I can only talk about the impact that she had on my life and the lives of other people who viewed her from a distance and respected and admired her gentle but defiant stand, the stand that she took actually by sitting down and refusing to stand up, and by knowing that it had a tremendous impact on everybody around us as we were growing up, because by her sitting down and refusing to stand up, it allowed other people to stand up and straighten their backs and raise their shoulders and look up and start to move in a direction that we had not been moving before, starting with a bus boycott, and then sit-ins and other public accommodations and the entry of Martin Luther King as a leader of a whole series of things that started to take place.

What does that say for us who never met this wonderful woman, except from a distance? It says that there are probably many, many, many people who are watching us and would it not be a wonderful tribute to have somebody someday pay tribute to us who never, ever met us in person, by saying this person had an impact on my life.

I cannot think of a higher way to pay tribute to her. She had an impact on my life, and I cannot think of a greater challenge to issue to my colleagues in this body, to people who may be watching around the Nation, than to say what a wonderful tribute to have somebody think that you could impact their lives by simply sitting down or taking a stand for what you know is right.

We have that opportunity every single day, and I am delighted to pay tribute to Rosa Parks for exercising that opportunity and for allowing me to stand taller on her shoulders, on that giant commitment that she made.

Mr. CONYERS. Mr. Speaker, I thank the gentleman from North Carolina (Mr. WATT) for his eloquent statement.

Mr. Speaker, I am now pleased to yield to the gentlewoman from California (Ms. MILLENDER-MCDONALD), who has been a strong supporter of civil rights, affirmative action, and the Voter Rights Act.

Ms. MILLENDER-McDONALD. Mr. Speaker, I thank the gentleman from Michigan (Mr. CONYERS) so much for yielding, and I am absolutely privileged to stand here today on the shoulders of a woman who stood so proud, though her frame was so small. One act, infused with courage, changed this world.

Her act was a spark that ignited a movement that altered the course of history for America. She sat down in order for America to stand up and look at itself, look at herself, and to see the atrocities that they were doing on a group of people, we African Americans.

I am so privileged to have had the opportunity to meet this great woman. She came to California; and while she came to California, she and I both hailed from Alabama. Yes, she was a native Alabaman and so am I.

Rosa Parks, a seamstress who refused to get up from her seat to give to it a white man, that is the type of courage that she displayed; and yet she did not want anyone to showcase her. In California, when we showcased her in the State legislature, she said, I do not want all of this. I said to her, I am sorry, you have all of this, because you have made this country a better country because of one act that you did.

All Americans should be standing up at this point, praising Rosa Parks for what she did, not only for a group of people but for this country. She raised the consciousness of this country and brought it to its knees in terms of segregation.

I am looking at the Washington Post Style, and they say: "Appreciation. The Thread That Unraveled Segregation." Indeed, she did. What a mighty force she was, a woman who used threads to make a living, and yet when she was about to make a dress for one of her persons, a person who was really not of her ilk, they told her, you have made this wedding dress so beautifully you should come to the wedding. She says, well, I would like to come to the wedding. But then officials at St. John's Episcopal Church told Lucy, the young woman for whom she was making the wedding dress, that if Rosa Parks was to attend this wedding, she would have to wear a uniform like a servant or sit in the balcony. She refused to do that. She was a woman of such great spirit, great soul.

I know the time is passing, but I just want to say to my dear sister, she has made us all proud. My daughters met her. I am sorry my granddaughters Ayanna, Ramia, and Blair did not meet her, nor my grandson Myles; but they will know her because their grandmother will tell them how she stood tall in spite of her small frame.

So thank you, Rosa Parks, for the distinction of becoming the mother of a civil rights movement and having the courage to act on behalf of all man- and womankind.

Mr. CONYERS. Mr. Speaker, I thank the gentlewoman from California (Ms. MILLENDER-MCDONALD) for those remembrances, and we had no idea that she and Rosa Parks had so much in common.

Mr. Speaker, that concludes our list of people that wanted to speak tonight. The celebrations of her life and legacy go on, though we will be observing memorial activities in Montgomery, Alabama; in the Nation's capital; and in Detroit, Michigan, as well. I want to thank you for the privilege of allowing me and other Members to come forward this evening for this round of tributes to the life and legacy of Rosa Louise Parks.

Mr. JACKSON of Illinois. Mr. Speaker, it is my privilege to pay tribute to the life and work of Rosa Lee Parks, a quiet but courageous woman who, by sitting down against injustice allowed a mass civil rights movement to stand up for justice.

She was a small woman who had a large impact.

Rosa Parks was more than the "Mother of the Civil Rights Movement."

The three civil rights workers—Schwerner, Goodman and Cheney—were inspired by Rosa Parks before they set out on their journey to register people to vote in Mississippi prior to their tragic deaths.

Viola Gregg Liuzzo, an Italian American Detroit housewife who was killed driving marchers back to Selma after the 1965 Selma to Montgomery march, knew of the witness of Rosa Parks.

In 1966 James Meredith gained strength from Rosa Parks as he led a "March Against Fear" from Memphis to Jackson, Mississippi—in which he was shot.

Her dignified leadership inspired those abroad to engage in courageous acts—for example, the young man who stood in front of the tank in Tiananmen Square.

Nelson Mandela knew of her actions before he spent 27 years in a South African jail.

She burst on the scene before Pope John Paul II was able to use his pontifical office to oppose communism. And when those in Eastern Europe struggling for independence from the Soviet Union sang "We Shall Overcome," they were paying tribute to Rosa Parks, not Ronald Reagan.

Believing in American democracy she affirmed that one person—without money or military might—could make a difference.

In the face of danger, entrenched racism, a "states' rights" philosophy—and a belief by many that any effort toward civil rights for "Negroes" was communist inspired—this graceful woman acted with the courage of a lion, and out of a grassroots bus boycott in Montgomery, Alabama, came a young man, Dr. Martin Luther King, Jr., and a mass movement to end legal apartheid in America.

Rosa Parks took the legal principle of "equal protection under the law" for all Americans in the 1954 Brown decision and applied it to public transportation—which eventually led to a 1964 Civil Rights Act, a 1965 Voting Rights Act and a 1968 Open Housing Act, all of which helped to build a more perfect union among the states and make America better.

Do we memorialize her with tributes like this around the nation? Absolutely.

But it also occurred to me that there are few statues of people of color and women in the Capitol. I think Rosa Parks deserves to be honored with a statue in Statuary Hall in the U.S. Capitol and, therefore, today I introduced H.R. 4145, legislation to design, sculpture and place her among the greats who have helped to make America and the world a better place in which to live. I think that is the most appropriate way to permanently memorialize Rosa Parks.

Mr. SCOTT of Virginia. Mr. Speaker, it was with great sadness that I learned of the passing of Mrs. Rosa Parks on October 24, 2005. I rise today along with my colleagues to celebrate and remember the life of a remarkable woman. I know that I speak for my colleagues here today when I say that America has lost one of its greatest citizens.

Mrs. Rosa Parks became one the Nation's first heroes of the Civil Rights Movement. Her refusal to give up her seat on a Montgomery Alabama bus solely because of her race sparked a result that no one could have predicted. The 381-day boycott of the Montgomery Alabama bus system and Mrs. Parks' court case were the first nationally recognized battles of the Civil Rights Movement. This movement eventually brought about legislation to end segregation in public accommodations, to secure the voting rights of all citizens, and to eliminate discriminatory housing practices, effectively changing the face of American society forever.

Although Mrs. Parks' actions were pivotal in creating laws, her actions also galvanized public support for the equal treatment of African Americans. It's important to remember that Mrs. Parks' actions did not exist in a vacuum. Less than a year had passed since the grisly lynching death of Emmett Till in Mississippi. Violence was a constant threat to anyone, black or white, who spoke out against the status quo. Mrs. Parks' actions resulted in death threats against her and her husband, threats which caused her to leave Alabama. The fact that people could harbor such hatred against Mrs. Parks solely for her desire to be treated as an equal person exposed to much of the country the cruel and ignorant practices of Jim Crow. The images from the fight for civil rights filled television screens throughout the world and were central in changing public opinions.

I had the honor and pleasure to meet Mrs. Parks when I was a fifth grade student in the late 1950's. She worked at Hampton Institute, now Hampton University, with my grandmother at the Holly Tree Inn. After leaving Hampton, she moved to Detroit, Michigan where she found work as a seamstress. In 1965, she went on to serve in the office of our distinguished colleague, the gentleman from Michigan, Mr. Conyers. Her 23 years of service to him and to this body are also worthy of commendation.

I want to express my condolences to the Parks family. Rosa Parks' act of non-violent resistance showed the world the power of one person in the face of injustice. Her name rightly belongs in the pantheon of individuals who have put the civil rights of all above their own personal safety. We have lost a national treasure.

Mr. HENSARLING. Mr. Speaker, today, Americans honor the life and legacy of Rosa Parks. Born in Tuskegee, Alabama, in 1914, Rosa Parks would become one of the most influential names in America's Civil Rights movement.

In December 1955, in Montgomery, Alabama, after a long day of work at a local department store, Rosa Parks paid her fare and took a seat on the bus. When she was asked to move to the back of the bus so that white passengers could take her seat, she refused.

Through her quiet yet courageous action, Rosa Parks will forever remain a lasting example of dignity and nonviolent protest in the quest for equality. By refusing to go to the back of the bus, she moved America forward. And by refusing to stand up and yield, she empowered future generations to stand up for themselves and their civil liberties.

Rosa Parks not only helped change the laws of our country, she helped transform the hearts and minds of the American people, which has helped lead America closer toward the goal of a truly colorblind society.

Mr. NEAL of Massachusetts. Mr. Speaker, I am saddened by the death of Rosa Parks, and I rise today to pay tribute to this exemplary woman who dynamically changed the 20th Century.

Rosa Parks became a major catalyst for racial reform in December 1955 when she refused to give up her seat to a white man on a public bus in Montgomery, Alabama, defying the racial standards of that time. As a result, she was arrested and fined for violating a city ordinance. But this arrest began a bus boycott movement that ended legal segregation in America, and made Ms. Parks an inspiration to those who longed for freedom for everyone. Although the boycott was a success, Rosa Parks later lost her job. But, despite of this mistreatment she still held on to what she believed in "freedom and equality."

Ms. Parks' valor, on that particular day, helped to make Americans aware of the history of the civil rights struggle. She was truly an example of courage, determination and inspiration to all Americans and for her courageous deed, Rosa Parks was hailed "the mother of the civil rights movement." Therefore, on June 15, 1999, we in Congress honored Ms. Parks' bravery by awarding her the Congressional Gold Medal in an historic ceremony at the Capitol Rotunda.

It was truly an honor to meet such an outstanding woman, and I will never forget her action and dedication that led to the end of segregation. Her heroism inspired the freedom and equality that African Americans so rightly deserve.

Mr. Speaker, I hope that Rosa Parks' legacy will be carried forward by future generations so that African Americans will continue to experience equality amongst all mankind.

Mr. COSTA. Mr. Speaker, I rise today in honor and memory of the civil rights icon Rosa Louise Parks. Almost half a century ago, Mrs. Parks' refusal to surrender her bus seat triggered the first organized actions in the civil rights movement. Because of her action that day, Mrs. Parks will always be remembered as the "mother of the civil rights movement."

Rosa Parks was born in Tuskegee, Alabama on February 4, 1913. As a girl, she wrote, "I had a very strong sense of what was fair." She led a life dedicated to improving civil rights and acted as an inspiration to many Americans.

On December 1, 1955, Mrs. Parks sat in an unreserved section of a city bus. When asked to give up her seat for a white man she politely refused. It is a common misconception that Rosa Parks was unwilling to give up her seat because she was tired from a long day at work. As she told it, "the only tired I was, was tired of giving in."

Mrs. Parks' act of civil disobedience is the popular inspiration that led to Martin Luther King Jr.'s decision to lead a bus boycott that lasted an amazing 381 days. On November 13, 1956, in an important victory for the civil rights movement, the Supreme Court outlawed segregation on buses. The civil rights movement would experience many important victories, but Rosa Parks will always be remembered as its catalyst.

Mrs. Parks was a shy, soft spoken woman who was uncomfortable being revered as a symbol of the civil rights movement. She only hoped to inspire young people to achieve great things. However, in 1996 her place in U.S. history was cemented when she was awarded the Nation's highest civilian honor, the Presidential Medal of Freedom by President Bill Clinton. Mrs. Parks passed away October 24th at the age of 92, at her home in Detroit.

Rosa Parks will be remembered for her lasting contributions to society. Her legacy lives on in the continued struggle for civil rights around the world. She will be missed.

Mr. WEINER. Mr. Speaker, in 1913, a little girl name Rosa Louise McCauley was born in Alabama. As she grew up, her mother, Leona McCauley, encouraged her daughter to "take advantage of the opportunities, no matter how few they were," and she did just that. In 1932, she married Raymond Parks, an active participant in civil rights causes. The couple joined the Voters League in the 1940s.

On December 1, 1955, Rosa Parks' life changed forever and she became an icon of the civil rights movement when she refused to give up her seat on a public bus to make extra room for white passengers. She was arrested and convicted of disorderly conduct for violating a local ordinance. Parks' arrest led to the formation of the Montgomery Improvement Association, which organized a boycott of public buses until the U.S Supreme Court ruled that Montgomery's policy of segregation on buses was unconstitutional.

Later, Parks moved to Michigan, where Rosa initially worked as a seamstress and later as an aide to the gentleman from Michigan, Mr. CONYERS, from 1965 to 1988. She cofounded the Rosa and Raymond Parks Institute for Self Development in 1987 with, which sponsors a summer bus tour for teenagers that were interested in learning the history of America and civil rights.

Yesterday, at the age of 92, Rosa Parks passed away. Her contributions to American history will never be forgotten. Her dedication to the cause of civil rights will be sorely missed, but her legacy will live on forever.

Mr. ROTHMAN. Mr. Speaker, I rise today to pay tribute to a courageous American hero, Rosa Parks. Mrs. Parks passed away on Monday evening at the age of 92 in her home in Detroit, Michigan.

On February 4, 1913, Rosa Louise McCauley was born in Tuskegee, Alabama. The daughter of a carpenter and a teacher, Rosa was home schooled until the age of 11 when she attended Industrial School for Girls in Montgomery. She obtained her high school diploma from Alabama State Teachers College, while caring for her ailing grandmother. Rosa married Raymond Parks in 1932 and volunteered for the National Association for the Advancement of Colored People, NAACP from 1943 to 1966 while she worked as a seamstress and housekeeper. She and her family eventually moved to Detroit and joined the staff of Congressman JOHN CONYERS (D–MI) in 1965, where she worked for 23 years.

Mrs. Parks' finest hour occurred on December 1, 1955, when four black passengers on a bus were asked to give up their seats for a single white man. Three of the passengers complied, one did not. It was at that moment that Rosa Parks changed the course of history forever. What seemed like a simple gesture made a huge impact on the character of our Nation then—and continues to affect our lives now. Following Mrs. Parks' brave gesture, residents of Montgomery then began a boycott of the city's bus system, in order to protest the treatment as second class citizens that African-Americans were subjected to on segregated buses.

Her courage, and the 380-day Montgomery, Alabama bus boycott that followed her heroic stand, culminated in the United States Supreme Court decision in Browder v. Gayle, which declared segregation on buses to be unconstitutional. Her refusal to "move to the back of the bus" ultimately helped spark the civil rights movement of the 1960s, which achieved stronger civil rights guarantees for Americans in all areas of life, including housing, employment, schools, and places of public accommodation.

One of Mrs. Parks' main concerns was her desire that Americans understand their rights. The day she refused to give up her seat, she was fed up with being treated as an inferior human being and simply wanted to be treated with dignity. She taught us that we must always defend our rights. We must continue the great work spurred on by Mrs. Parks. As she said later in life, "[W]ithout courage and inspiration, dreams will die—the dream of freedom and peace."

On May 21, 1983, as Mayor of the City of Englewood, New Jersey, I had the distinct honor to meet Mrs. Parks and personally bestow upon her a key to that city. In addition, two of our Nation's highest honors have been awarded to Rosa Parks. In 1996, President Clinton bestowed upon Mrs. Parks the Presidential Medal of Freedom, which recognizes meritorious service and outstanding contributions to American life. Three years later, I had the privilege to vote for the bill that awarded a Congressional Gold Medal, our Nation's highest civilian honor, to Mrs. Parks on June 15, 1999 for her "quiet dignity [that] ignited the most significant social movement in the history of the United States."

I have also supported two recent pieces of legislation that pay tribute to Mrs. Parks. I voted in favor of H. Con. Res. 208, a resolution which commemorates the 50th anniversary of Rosa Parks' refusal to give up her seat on the bus and the subsequent desegregation of American society. This resolution was unanimously approved by the House of Representatives on September 14, 2005. Another resolution that I support, which will be introduced this week by my colleague, Congressman MIKE ROGERS, will honor the 50th Anniversary of the Montgomery Bus Boycott, which resulted from Mrs. Parks' heroic actions and ultimately led to the Supreme Court decision in Browder. It is my hope that this bill will also be unanimously approved.

Mr. Speaker, I rise with sadness today as our Nation has lost a cherished historical figure and civil rights hero. However, we can all take comfort in knowing how much Rosa Parks changed the course of history and, by doing so, improved the lives of us all.

Mr. STUPAK. Mr. Speaker, we all have the opportunity to make choices in our lives. We have the choice to take the easy route, to blindly follow societal values no matter how false they may be. Or, we have the choice to take a stand and do what is right no matter how challenging the consequences may be.

December 1st this year will mark the day 50 years ago when one brave, great American took a stand that, while resulting in many challenges, would spur a civil rights movement that shaped a growing country in a very positive way.

In 1955, when Rosa Parks boarded that bus on her way home from work, she may not have been seeking to start a revolution; she may not have been looking to change the world; she may not have been hoping to lead a noble cause. Rosa Parks was presented with a choice: to accept the restrictions forced on her by false values or to take advantage of the opportunity to do the right thing.

Rosa Parks, right then and there in Montgomery Alabama, decided she would not give up her seat that day because as a leader in the NAACP, she understood that by accepting the restrictions imposed on her under segregation she was only enabling it further. Although she was weary from a hard day at work as a seamstress, Rosa Parks found the strength to challenge that plague of conformity so that she and others might no longer have to endure another day under its agonizing credence.

In making the choice to stand up to the monstrous ill of segregation, Rosa Parks joined heroes that have adorned legendary stories throughout the centuries when a common individual displays uncommon valor in the name of righteousness and against all odds.

Rosa Parks set off a chain of events that, over time, would slay that dragon of segregation. Her bravery would inspire other common individuals moved by the desire to promote equal rights to ban together to form an army committed to a mission. Their mission would force a society that had accepted an immoral practice to stop and reevaluate its priorities and values.

That day, Rosa Parks did start a revolution. That day, she inspired the Civil Rights movement that changed the world. That day she led a noble cause that she spent her entire life dedicated to seeing that we all have a seat of our choice at mankind's table. It all began with Rosa Parks making the choice to stand up for what she knew, in her heart, was right. America has reaffirmed that Rosa Parks was "right" in Montgomery, Alabama and "right" still today and in the future.

On October 25th, 2005, our great American hero, Rosa Parks, died at the age of 92 in her adopted home of Detroit, Michigan. While our country grieves for the loss of one of its most treasured patriots, we can rest assured that the stand Rosa Parks took nearly 50 years ago and the contributions she made thereafter, continues to shape and change the values of this growing country. We are reminded that we must evaluate our priorities and values each day if we are to protect the equal rights endowed to us by our Creator. Most of all, as common individuals, we are reminded that each of us has the uncommon valor to stand up for what is right no matter the consequences because, just like Rosa Parks, each of us has a hero within.

Mr. LEWIS of Georgia. Mr. Speaker, there are many today who may not understand today why December 1, 1955, will long be remembered throughout American history. That was the day a quiet, somewhat shy, 42-year old African American seamstress named Rosa Parks was ordered to get up and give her seat to a white passenger on a city bus in Montgomery, Alabama. For many years, countless times, all day, every day, all throughout the American South, African Americans had submitted to that humiliating demand. But that one December day, Rosa Parks simply refused to get up. It is true, she volunteered for the local NAACP chapter in Montgomery, but she had not planned a protest that day. She was just trying to get home. She was tired, and she had had enough.

Through that one simple act, Rosa Parks displayed nothing short of raw courage. It was dangerous—very dangerous—to defy the customs, traditions, and laws of racial discrimination and segregation in the South. The Brown v. Board of Education decision had been issued by the Supreme Court only 18 months before. In reaction, violence and intimidation erupted all across the South. There was so much tension, so much hate. In August of 1955, a 14-year-old African American boy, named Emmett Till had been murdered and mutilated by two white men while he was visiting his uncle in Money, Mississippi.

I believe there is a force—call it God or the spirit of history—that tracks us down and selects us to participate in a cause much greater than ourselves. Rosa Parks followed her own compass that day, and she allowed herself to be used for good. She could have been killed. Instead she was arrested, booked, and taken to jail because she would not give up her seat on a public bus. When the African American community of Montgomery heard what had happened to the demure and beautiful woman they knew as Rosa Parks, the news spread like wildfire. And people began to say, "If Rosa Parks can do it, so can I."

By sitting down, Rosa Parks was standing up, and with her she carried the hopes, dreams, aspirations, and yearnings of hundreds and thousands of oppressed people. She inspired an entire generation to take a stand by sitting-in at lunch counters and restaurants, by standing-in at theaters, by integrating public transportation on the Freedom Rides, and by organizing voter registration campaigns in the deepest and most dangerous part of the South. It was also in response to Rosa Parks' protest that a new, young minister named Martin Luther King, Jr. was called upon to be the spokesperson and leader of the movement that would ultimately become the Montgomery Bus Boycott.

That one simple, elegant act ignited a powerful non-violent movement that changed America forever. So when we pay tribute to Rosa Parks, we are saluting more than the mother of the modern day civil rights movement. We are honoring one of the founders of the New America, perhaps ultimately a founder of the Beloved Community, a truly interracial democracy where we lay down the burden of race and class.

The story of Rosa Parks reminds us that we are all one people, one family—the American family, the human family. And she reminds us that the actions of one single person have power, power to inspire a generation to greatness, power to make presidents, governors and members of Congress do what is right, even if they had not intended to. Rosa Parks teaches us that no matter what the challenge, even in the face of death, sometimes each of us is called upon to stand up, speak up, and speak out against the injustice of our day and time. And if we do, maybe, just maybe it might change a nation. And if we are as lucky as Rosa Parks, maybe it might even change the world.

Mr. ROGERS of Alabama. Mr. Speaker, I rise today to help pay tribute to one of Alabama's great Civil Rights leaders, Rosa Parks.

Nearly 50 years ago, Rosa Parks started a quiet, but determined, protest against the status quo.

What began as a principled refusal to give up her seat, grew into a movement that has helped change the world.

All of us assembled here today are beneficiaries of her courage, regardless of our race. We're deeply saddened by her passing, but we're also humbled by her life and legacy. Our Nation is stronger because of her actions.

Mr. Speaker, yesterday I introduced a resolution recognizing the 50th Anniversary of the Montgomery Bus Boycott.

Over 60 members of this chamber are cosponsors of that resolution, including all of my colleagues from Alabama.

It is my hope that resolution will also help honor Rosa Parks, and help pay tribute to those who laid the foundations for the modern-day Civil Rights movement.

I thank Mr. CONYERS for leading this tribute today, and thank my colleagues for their attention to the life and legacy of Rosa Parks.

Mr. FILNER. Mr. Speaker and colleagues, I rise today to acknowledge the passing of a great American, the venerable Rosa Louise Parks.

On a cold afternoon in December 1955, Rosa Parks could not have known she would soon become a national symbol and civil rights icon. But in standing her ground and demanding her fair and equal treatment on that bus in Montgomery, Alabama, Rosa Parks became the first lady of civil rights and the mother of the freedom movement.

Her simple action and committed resolve that day empowered a people, ignited a movement and changed the course of American history.

The events that followed Ms. Parks' protest that day—her arrest, the Montgomery bus boycott, and the eventual integration of the bus system—set the stage for Dr. Martin Luther King and the Civil Rights Act.

As a young college student, I was inspired by the stories of Ms. Parks' courageous action. I traveled to the south as a "freedom ride" in support of the emerging civil rights movement.

Rosa Parks' courage, determination, and tenacity continue to be an inspiration to all those committed to non-violent protest and change nearly half a century later. She will be remembered as an everlasting symbol and advocate for justice and equality throughout America.

Thank you Rosa, America will forever be indebted to you.

Mr. HOYER. Mr. Speaker, in February of 1913, an extraordinary lady was born and 42 years later she refused to give her seat up on a bus in Montgomery, Alabama. Her actions had an extraordinarily positive impact on America and on focusing Americans' attention on the fact that they were, as Dr. Martin Luther King, Jr., said, not fulfilling our Nation's promise of equality and justice. And so we note the passing of Rosa Parks at the age of 92. She made an extraordinary contribution, not just to our country, but to the concept of equality and dignity of human beings around the world.

Rosa Parks was a civil rights icon and a national treasure. Her simple, dignified act nearly half a century ago—defiance of a racist law that denied her humanity—helped galvanize the civil rights movement and delivered a moral body blow to segregationist laws that stain our Nation's history.

Ms. Parks' life is a testament to the truth that one person with courage and an unshakable will can change a Nation and begin to right wrongs. Her legacy will endure not only through her personal acts of courage and strength, but also through the thousands of activists who were inspired by her.

Ms. Parks risked everything, including her life, for a cause that she knew in her heart was right. We are a better Nation today as the result of her courage and vision. And, we should honor her memory by continuing the fight for equality, decency and basic human rights.

Mr. SCHIFF. Mr. Speaker, I rise today to honor the life of Ms. Rosa Parks who died on October 24, 2005 at the age of 92.

In 1955, Rosa Parks was a seamstress, housekeeper and volunteer at the local NAACP chapter in Montgomery, Alabama. One winter evening, the 42-year-old was riding a city bus home after a long day of work. Rather than give up her seat to a white person, she chose to be arrested, setting off a 381-day boycott of the bus system organized by a young Rev. Martin Luther King, Jr. Her simple act of defiance was an important catalyst in the Civil Rights Movement. She was arrested and later found guilty by a local court of violating segregation, but her case eventually went to the U.S. Supreme Court which overturned the Jim Crow-era laws.

Many civil rights pioneers would fight against injustice, helping advance genuine equality among citizens. Yet Rosa Parks was unique; a true American icon who embodied the notion that one person can make a difference, that a snowball can turn into an avalanche. She was the anonymous victim of discrimination whose fame quickly spread; a woman of profound inner-strength and deep conviction who selflessly volunteered herself for the greater cause of liberty. Her bravery galvanized thousands to use non-violent means to move Congress to pass landmark civil rights and voting rights legislation.

Two years ago, I joined a civil rights pilgrimage to Selma, Montgomery and Birmingham, Alabama. Led by Representative JOHN LEWIS and the Faith in Politics Institute, the pilgrimage took Members of the House and Senate to the sites of many of the civil rights struggles of the 1950s and 1960s. It was an unforgettable experience. All of the Members of Congress felt as I did, how lucky we were to visit these sites: the Edmund Pettus Bridge, the Dexter Avenue King Memorial Church, the 16th Street Baptist Church, the Civil Rights Institute and the Rosa Parks Museum, with some of the activists who led the movement. To see these places through their eyes, to hear them describe what it was like when the very church we were sitting in was under siege by an angry mob of segregationists, to witness tears come down their cheeks as they thought of where they had been and where we were standing.

As we reflected on the moving events of the pilgrimage, the Members of Congress—many like me, too young to remember well the civil rights movement—kept asking ourselves two questions: What would I have done? Would I have been an activist, or, like so many Americans, simply indifferent? And what about today? What is the contemporary relevance of the civil rights movement?

The more we pondered what we would have done, black or white, had we been born into 1960's Alabama, and the more we asked ourselves about what we could do to advance the civil rights movement today, the more I began to realize that the two questions were really interconnected.

The best window into what we would have done, the best insight into what might have been, can be gleaned from what we do in the future. While America today provides all of its citizens with more opportunities and better protects those most vulnerable, too many still face vestiges of bigotry. We can look to the Civil Rights Movement to inspire us to build a greater and more just society, but we must learn from the example set by Rosa Parks that each of us must take an affirmative step to ensure that our country remains faithful to the ideals of its founding. If we dedicate ourselves to the cause of racial justice, arm ourselves with an appreciation of history, and commit ourselves to the provision of equal opportunity to all, we will stand on the frontier of the new civil rights movement. And that would be the most fitting pilgrimage of all.

Mr. CUMMINGS. Mr. Speaker, when Mrs. Rosa Parks, "mother of the civil rights movement" died last Monday at the age of 92, she left America an inspiring legacy—a vision that can transform this country if we have the wisdom and courage to grasp it as our own.

December 1 will mark the 50th anniversary of that bus ride in Montgomery when Rosa Parks refused to give up her seat to a white man, as then required by the laws of segregation.

"I felt that I had a right to be treated as any other passenger," Mrs. Parks recalled in 1992. "We had endured that kind of treatment too long."

Rosa Parks was jailed and fined for defying the Jim Crow laws—a principled act of human dignity and determination that sounded an alarm that carried far beyond her home of Montgomery, Alabama.

Rosa Parks' action was the genesis of the Civil Rights Movement. Without Rosa Parks' heroic act of principle, there would have been no Montgomery bus boycott in 1955. A minister named the Rev. Dr. Martin Luther King, Jr., may not have been thrust upon the national stage.

Mr. Speaker, Mrs. Parks, one woman—one demure, diminutive and determined woman altered American history. It is important that we all remember that one person can make a difference during the difficult and dangerous times that we now must face and overcome.

President Clinton affirmed the truth of this proposition when he presented Rosa Parks with the Presidential Medal of Freedom in 1996. The Congress concurred in 1999, when I was proud to join my colleagues in awarding her the Congressional Gold Medal—America's highest civilian honor.

Mr. Speaker, these honors were well-deserved. Yet, a desire for public acclaim was not the foremost objective in Rosa Parks' mind.

"I am leaving this legacy to all of you," she declared during a 1988 celebration in her honor, ". . . to bring peace, justice, equality, love and a fulfillment of what our lives should be."

"Without vision, the people will perish," she continued, quoting Scripture, "and without courage and inspiration, dreams will die—the dreams of freedom and peace."

Rosa Parks was pleading with us to stand up for what is right when we are faced with the challenges to our shared humanity that, all too often, confront us in our daily lives.

To win these struggles, it is readily apparent that we first must address the issue of the continuing disparities that plague our national progress.

Consider the findings of the National Urban League's "State of Black America for 2005," the annual report that so graphically contrasts the health, education and general welfare of African Americans in relationship to the majority Caucasian population of this country.

Fifty years after Rosa Parks boarded that Montgomery bus, African Americans still are twice as likely to die before our time—reflecting the unequal treatment that African Americans receive from this nation's disparate system of health care.

African American unemployment rates remain twice those of White Americans. Our average net worth is ten times less, and our rate of home ownership (a critical component of wealth creation in this country) still lags far behind.

Inexperienced teachers are twice as likely to be teaching our children in minority schools.

We need not belabor the connection between these harsh facts of everyday life for Americans of color and the reality that our voting rights continue to be disproportionately attacked and denied.

For any nation that proclaims "liberty and justice for all," there is something fundamentally wrong with these pictures.

Mr. Speaker, if we are to advance Rosa Parks' vision of justice, equality and opportunity, we must remain vigilant in creating a color-blind level playing field for all Americans. That would be America's way of keeping alive the legacy of the great Rosa Lee Parks.

I thank my friend and Mrs. Parks' friend, Rep. JOHN CONYERS, for leading this effort to honor this exceptional American heroine. I extend my sincerest condolences to her family and loved ones.

Mr. SCOTT of Georgia. Mr. Speaker, I rise to address this chamber in honor of a civil rights hero, Rosa Parks. Mrs. Parks passed away on Monday evening but her legacy will continue to inspire us all. Her story is not just a civil rights story it is an American story. I am pleased to honor her here today and as a cosponsor of legislation that recognizes her courageous contributions to our nation.

On December 1, 1955 in Montgomery, Alabama, Mrs. Parks was riding the bus home from work. On that December evening Rosa Parks was asked, along with other African-Americans, to give up her seat to a white passenger. Mrs. Parks was the only one that refused to do so and she was subsequently arrested and fined. Her actions that day put the civil rights movement into motion and changed the direction of our nation. Her arrest inspired a young minister named Martin Luther King, Jr. to organize a boycott of the city's buses. The 381 day boycott eventually lead to a Supreme Court ruling that struck down the Montgomery ordinance and outlawed racial segregation on public transportation.

Rosa Parks was a humble woman who never wanted recognition, only equality. She continued to fight for equality through her local NAACP chapter. Her mother always told her to take advantage of opportunities no matter how few they are. She heeded that advice and seized opportunities and also provided a multitude of opportunities for others. Mrs. Parks will be remembered not only for her actions but for her courage. She did what so many others yearned to do. Her story catapulted the civil rights movement to the national stage and inspired many others to join the fight to end segregation.

Later in her life, Rosa Parks co-founded an organization for young people, the Rosa and Raymond Parks Institute, which enables youth to pursue educational opportunities, registers them to vote, and works toward racial peace. Mrs. Parks also hosted a special program organized through the Rosa and Rymond Parks Institute called Pathways to Freedom. This student program gives tours across the country that follows the Underground Railroad and highlights the events that spearheaded the civil rights movement. In 1996, President Clinton honored Rosa Parks with the presidential Medal of Freedom and in 1999, she received the Congressional Gold Medal.

Although parts of our history are marred with inequality, discrimination, and hate, it is also filled with individual courage, perseverance, and hope. We must learn from it so that we can continue to progress as a nation. We must never forget our history and we must never forget Rosa Parks.

Mr. KNOLLENBERG. Mr. Speaker, I rise today to mourn the passing of Rosa Parks.

Rosa Parks took a stand by refusing to leave her seat for a white man on a bus in Montgomery, Alabama. She forever changed the course of our nation with one simple act of courage and stubbornness. By keeping her seat in the front of the bus she started a movement which would ensure that African-Americans and other minorities would never again be required to take a back seat to bigotry, prejudice, and racism.

The significance of Rosa Parks' life was not limited to the civil rights movement, as can be evidenced by her reputation with people of all ages. She is just as important to children today as she was to the millions she inspired with her singular act of defiance in 1955. She led the life of a true heroine, refusing to bow down to intolerance, inequality, and narrowmindedness.

She was the voice of courage, the personification of bravery, and the catalyst of change. She sat down when the world told her to get up, inspiring millions to demand equality. She leaves a legacy built upon strength, pride, and hope. She was the beginning of a movement that sought tolerance and equality not only between blacks and whites, but also between people of all backgrounds.

Rosa Parks remains a role model for us all, having demonstrated the importance of perseverance and principle. I was and always will be proud to say that she was, for at least a portion of her life, a Michigander. She will be missed, but her memory will never fade.

Mr. MEEHAN. Mr. Speaker, I rise in honor of Rosa Louise Parks, a woman whose life was exemplified by quiet courage, strength and conviction.

During her 92 years, Ms. Parks impressed all that all of us with a sense of the possible. It was possible to change Alabama segregation law by refusing to give up a bus seat, it was possible to change Jim Crow across America, and it was possible to do all this in a non-violent fashion.

Her refusal to rise from her seat and subsequent arrest led to the 381-day Montgomery Bus Boycott and to the eventual repeal of the segregation laws of the South. Her individual act of defiance is considered by many to be the beginning of the civil rights movement.

It would be easy to remember Rosa Parks solely for this event. However, her legacy is so much more. I will remember her as someone who was deeply committed to equality. I will remember her as someone who never sought out personal attention, yet whose great actions attracted admiration from all quarters. I will remember her as a role model and as a great American.

However, without a doubt the best way that we can honor the life of Rosa Parks is not by erecting monuments or parading up and down the main streets of American towns and cities. This is not to say that we shouldn't honor her in this manner, but rather, we should continue her life's work and try to live by the ideals that she shared with all of us.

We should encourage grassroots democracy for positive change in our districts. We should encourage non-violent action, to resist intolerance and discrimination much as Ms. Parks did. Above all, we should encourage Americans to continue the fight for civil rights and equality.

The freedoms we enjoy today are because of the sacrifice of exceptional individuals like Rosa Parks who stood up to oppression and changed history. But Rosa Parks's greatest legacy is that she taught generations that acts of courage can precipitate great change.

Let us celebrate the lifetime achievements of a truly remarkable woman.

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to honor the life of one of the most important figures in our Nation's history: Mrs. Rosa Parks. In 1955, this courageous and gallant young lady took a stand. Or more correctly, took a seat, on a public bus in Montgomery, Alabama. Her refusal to give up her seat to a white man may have resulted in a disorderly conduct conviction and a $14 fine. But her refusal to move to the back of the bus ignited a flame that started a revolution. She brought forth change among the American people. The consequences and significance of her stand makes her a true hero in American history.

We always hear how Mrs. Parks refused to give up her seat because she was tired from a long day of work, but this is only a half truth. Yes, she was tired. But Rosa Parks' weariness came not only from a hard day's work, but also from years of discrimination that she and our people faced daily due to the racist and segregationist laws of our country. She knew that blacks were required to give their seats to white passengers if there were no more empty seats. But Rosa Parks made a conscious decision to fight. All of us here today, white, brown, black and blue, are better off today because Rosa Parks said, "No."

Rosa Parks' arrest served as a catalyst for a massive 381 day boycott of the public buses in Montgomery, which was led by another great individual, Dr. Martin Luther King Jr. During this time, African Americans would carpool, walk, bike, taxi, or do whatever else they had to do to get to their various destinations. They did everything, but ride the bus. Despite the harassment that everyone involved in the civil rights movement faced, the boycott continued and was successful. Resolution was finally achieved in 1956 when the case was brought to court, and the segregation of buses was ruled unconstitutional. As we all know, what Rosa Parks jump started in 1955, eventually led to passage of the Civil Rights Act of 1964 and the Voting Rights act of 1965.

During her lifetime, Mrs. Parks worked for the equality of not just black people, but all people. She was elected secretary of the Montgomery branch of the National Association for the Advancement of Colored People, unsuccessfully attempted to vote many times to prove her point of discrimination, and founded the Rosa and Raymond Parks Institute for Self Development, an organization which aids in the social and educational development of our youth.

Rosa Parks demonstrated that one person can help so many other people by standing up for what they believe in. While we grieve her death, we also celebrate her life. We must remember her actions inspired others to dream more, learn more, and do more. With that, we all become more. A great man once said, "All of the great leaders have had one characteristic in common; it was the willingness to confront unequivocally the major anxiety of their people in their time. This, and not much else, is the essence of leadership." Great leaders of the time, such as Rosa Parks, were tired of the inequality, and tired of the disparity that African Americans were facing at that time.

She challenged; she led; she served; and she inspired. Rosa Parks died with honor and principle. We have, but no other option, to live our lives in a manner which honors and mirrors the virtues she pursued with absolute courage and bravery.

Mr. OWENS. Mr. Speaker, along with all the constituents of the 11th Congressional District I mourn the death of Rosa Parks on October 24, 2005. From that band of anonymous great angels who always come forward to rescue America in times of great stress and decline Rosa Parks marched forth. She sat down in order to stand up for the basic rights of millions of oppressed African Americans. Outwardly she appeared to be a plain ordinary citizen but inside the small lady was a magnificent giant with great courage and tenacity. She was a spark plug who set the soul of Martin Luther King on fire. A blazing powerful movement was born from this union in Montgomery, Alabama. Rosa Parks became the mother of the Civil Rights Movement which changed America to make our Nation more like God and the constitution meant for it to be.

Mr. AL GREEN of Texas. Mr. Speaker, civil disobedience is the foundation of our democracy. Rosa Parks showed us that it was our duty, not just our right, to demand equal treatment and equal opportunity.

When this Montgomery resident decided to remain seated and actively resist, she catapulted the civil rights movement into a new kind of decisive action.

Ms. Parks, working as a seamstress, initially became involved with the civil rights movement through her work as a secretary for the Montgomery branch of the National Association for the Advancement of Colored Persons (NAACP). Her involvement heightened when she declined to give up her seat on a bus for a white man. In Ms. Parks' autobiography, *My Story*, she says that she was "tired of giving in" that day she 'decided not to give up her seat.

I am thankful that Ms. Parks was tired. She was tired of being treated as a second class citizen; tired of seeing her friends, family and fellow brothers and sisters being put upon by dogs and hoses; and most importantly, tired of being silenced in her own country.

It was due to her desire for social justice and her longing for equality that she chose to make a statement by refusing to rise. Her actions, along with those of many, awakened this Nation. It is because of their unwavering commitment to fighting against injustice and to realize the dream and vision of this nation's forefathers—that this country was forced to look at itself in the mirror and change what it saw.

Mr. Speaker, I am particularly aware of the contribution Ms. Parks' made by this act of civil disobedience. Rosa Park's actions were the spark. The spark that allowed the civil rights movement to progress and move forward under the leadership of a relatively unknown minister of the Dexter Avenue Baptist Church, the Rev. Martin Luther King, Jr.

Up until that point, litigation was the primary method the civil rights movement employed, but Rosa Parks marked the beginning of a new strategy, one of civil disobedience. Bus boycotts, sit-ins, and freedom rides were just some of the tactics. While the Montgomery Bus Boycott was not the first boycott, it was the first to last as long as it did, over one year, resulting in a monumental court ruling and setting the civil rights movement on a new course.

Ms. Parks' landmark Supreme Court case resulted in the ruling that segregated bus service was unconstitutional, unconstitutional not just because segregation on transportation affected interstate commerce, but segregation was unconstitutional in itself.

After the boycott, non-violence became the central tenet of the movement as civil rights leaders organized at the Southern Christian Leadership Conference with the goal of providing local leaders with the necessary tools to mount successful campaigns for justice.

It is because of the many sacrifices of people like Ms. Parks, the personal risks they took, that I, as an African American, can stand before my fellow Americans as a United States Congressman. While we have made great strides in the past 50 years, yet there is still progress to be made. I want to thank all of those that are continuing the fight for justice and equality as they honor the legacy of Rosa Parks.

Mrs. MALONEY. Mr. Speaker, I rise today to honor the life and work of Rosa Parks, a pioneer of the civil rights movement, who passed away on October 24, 2005. She will not soon be forgotten. In a moment of defiance, America's history forever changed. On one December day in 1955, Rosa Parks defied the social injustices that were plaguing the United States and made a statement by refusing to surrender her bus seat to a white man. This historic day in Montgomery, Alabama gave a spark to the civil rights movement. In a time and place of great danger, Rosa Parks was a leader among those brave individuals who sought to overcome racial discrimination and bigotry.

Rosa Parks knew the dangers and potential consequences of her actions, but she also had a greater sense of what was right and what was just. Her passion for freedom and equality should serve as an inspiration for generations to come, just as it did during the uncertain times of the 1950s and 1960s. When she refused to give away her seat, Mrs. Parks was not looking for any sort of attention or fame. She was simply asserting her fundamental rights as a woman and an American that serve as the foundation of the United States.

Today, and forever, we will honor the memory of Rosa Parks. History will remember her as one of the greatest Americans. Rosa Parks will forever walk among the heroes of justice and freedom.

Mr. LARSON of Connecticut. Mr. Speaker, I rise today to honor and celebrate the life of the distinguished Civil Rights leader, Rosa Parks who died Monday, October 24, 2005 at the age of 92. A woman of great character and conviction, Rosa Parks inspired a generation to change the course of history.

For half a century, the story of Rosa Parks—of a woman with the courage to challenge an unjust system, has been marked in history as a lesson for both young and old. While riding a bus home from her job in Montgomery, Alabama on December 1, 1955, Rosa Parks defied the segregation laws of the time and refused to give up her seat to a white passenger. She was then arrested and fined $14. Her bold and single act of defiance sparked a 381-day boycott of the Montgomery bus system by the African American community and ultimately the breakdown of segregation in the south.

Born Rosa Louise McCauley on February 4, 1913 in Tuskegee, Alabama, she married Raymond Parks in 1932 after briefly attending Alabama State College in Montgomery. As the first female member of the Montgomery chapter of the National Association for the Advancement of Colored People (NAACP), Rosa Parks worked tirelessly with her husband to encourage and increase voter participation in the African American community. Following the couple's move to Detroit, Rosa Parks began her 20-year service to the 14th district of Michigan as an administrative assistant in Congressman JOHN CONYERS, Jr.'s office. She also founded the Rosa and Raymond Parks Institute for Self Development to encourage leadership among Detroit's youth in 1987.

Although modest about the pivotal role she played in the Civil Rights movement, Rosa Parks has been recognized with some of the most prestigious awards and honors in the country. Among her many awards, she was the recipient of the Presidential Medal of Freedom, which is our Nation's highest civil award for merit and integrity, and the Congressional Gold Medal, which is the highest expression of national appreciation for distinguished achievements and contributions. She was also awarded the Springarn award by the NAACP that recognizes the highest achievements amongst African Americans and the Martin Luther King Jr. Award that recognizes those who work for social change through nonviolent means.

The longest journey begins with the smallest step. Rosa Parks' actions seemed small on that December day, but they accelerated the Civil Rights movement and enkindled a passion for equality in a generation. I had the honor of joining our colleague from Georgia, Mr. LEWIS, in March to celebrate the 40th anniversary of the Voting Rights March in Alabama and the many heroes who were inspired by Mrs. Parks. I was moved by their struggles and motivated by their strength. However, the journey towards true equality remains unfinished and the most fitting tribute to Mrs. Parks would be for us to continue that fight in her memory.

And so today, I join the country in bidding farewell to a true American hero and inspirational leader. Mrs. Rosa Parks will be greatly missed by her family, the Nation and the world.

Mr. CONYERS. Mr. Speaker, I yield back the balance of my time.

□ 2215

30-SOMETHING WORKING GROUP

The SPEAKER pro tempore (Mr. MCCAUL of Texas). Under the Speaker's announced policy of January 4, 2005, the gentleman from Florida (Mr. MEEK) is recognized for half the time until midnight.

Mr. MEEK of Florida. Mr. Speaker, it is an honor to be here on the floor once again. I thank the minority leader, the gentlewoman from California (Ms. PELOSI), and the minority whip, the gentleman from Maryland (Mr. HOYER), and our Democratic Caucus leadership, the gentleman from New Jersey (Mr. MENENDEZ) and the gentleman from South Carolina (Mr. CLYBURN).

I was moved by my colleagues that came to the floor to honor the late great Rosa Parks, and also the gentleman from Michigan (Mr. CONYERS) who is a Member of this body for a very long time, and actually worked very closely with Mrs. Rosa Parks. I know she is smiling on the gentleman and this Congress tonight for recognizing her contributions. I thank the gentleman for standing up at a time it was not popular to stand up for Rosa Parks and allow her to be a part of your operation. And obviously she allowed you to be a part of her life. Thank you for keeping her memory alive.

Mr. Speaker, I entered my comments for the CONGRESSIONAL RECORD of condolences to not only her family, but recognizing Rosa Parks's contributions to our great country, and to the world. Many leaders are not revered until they have passed on, and I can tell you that many Members of this Congress, especially in the Congressional Black Caucus, let Rosa Parks know how much we appreciated her contributions. I have read many letters to the editor from around the country from people from all backgrounds commending the life and memory of Mrs. Rosa Parks.

Mr. Speaker, I would like to come under regular order in the 30-Something Working Group to come to this floor once again and talk about some of the issues that are working in our Federal Government and some of the issues that we need to continue to work on.

My State was hit recently by Hurricane Wilma, closely following damage wrought by hurricanes Katrina and Rita, and there is a lot of work we have to do. I want to commend those first responders trying to save lives and making sure that we prevent accidents and future accidents. I want to thank Florida Power & Light and light companies from throughout the country for coming down to south Florida to try to restore power to so many Floridians.

But I can tell you it was very disheartening that yesterday, and I just got back this afternoon, there were thousands of people waiting on ice and water. Whatever the issue is as it relates to the communication lines, we are going to have to work on those issues. I know that in south Florida we have the most populated area in the State. We have the west coast hit, but we never can tell what Mother Nature is going to do. The east coast ended up being hammered quite a bit. A number of individuals were left without electricity. Roofs were ripped off. Things like that happen in category 2 and category 3 hurricanes. Water lines were ruptured, but hats off to the local government for making sure that we have potable water in many parts of Miami-Dade County and parts of Broward and Palm Beach counties.

But what we have to do is go back to what we were talking about originally, a Hurricane Katrina commission to make sure that we are able to work the kinks out so we can provide Americans what they need in their time of need. Unfortunately in this particular instance, that did not happen. I want to thank the National Guard for doing everything they could do, but the coordination is still not where it should be.

I wanted to talk tonight about what just happened, what has happened in the past, and how we can correct it in the future. I think that is something very, very important, especially as Members of Congress. I am joined by the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ). Both of us rode the storm out and both of us live in communities where the lights are out.

Both of us called directly to the director of FEMA to recommend to the White House that we be granted individual assistance for households. In Hurricane Katrina, that was not granted. Many Floridians in south Florida lost their homes. They did not meet the quote/unquote 800 threshold for damage to their homes, something that was a discretionary call. The entire Florida delegation asked, with the leadership of the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ), for the White House and FEMA to reconsider. It was denied both times.

This time we assumed nothing and worked very hard to make it happen. It was very obvious, and I am sure people in Washington, D.C. could watch the news and see that the need was there. We needed to meet it, but the Federal response is not what it should be at this particular time. I can tell you as I yield to my colleague, I was very, very disturbed by the fact that a person that I communicate with that I think is a very decent individual, and I still feel he is a decent individual, but when you come down to Florida, the Secretary of Homeland Security says, you just need to be patient. We know you just went through a storm, but be patient.

I can tell you before that, the State director, the Governor of Florida was saying, make sure you have what you need to have, water, ice, 24 hours after the event. Then when folks ran out, they waited in lines for hours. In some instances, water did not show up, ice was not there, and food was not there; and folks were promised it was going to be there and it did not happen.

There are a number of comments going back and forth between State, local, and Federal governments. This goes back to the importance of the independent Hurricane Katrina commission so we can have folks that can sit down and evaluate what happened in Hurricane Katrina, what happened in Rita and Wilma. What happened in other storms, so we can come out with best practices, not just for hurricanes but even if there is a terrorist attack.

This is a perfect example to show how the people who sent us here will not get what they need from the local, State, or Federal Government that is overwhelmed by the event that took place. That is why we have a FEMA, and I think that it is important that we work on these issues. I am glad to be here with my colleagues. We are quote/unquote evacuees. The airports just opened in south Florida, and I am glad to be here.

Mr. Speaker, I yield to the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ).

Ms. WASSERMAN SCHULTZ. Mr. Speaker, it has been stressful, and that is the mildest word I can use, last several days. We both rode out the storm in our houses in south Florida.

I have to say, if I had not been impressed by looking at the aftermath of Andrew, and I live in Broward County and so Andrew did not devastate Broward County like it did Miami-Dade County, we got grazed, but if I did not appreciate the kind of power Mother Nature has after observing the aftermath of Andrew and Hurricane Katrina on TV, I can tell you, being hit by an category 3 storm is awe inspiring.

When you are cowering with your kids and husband and your family in your home and you are boarded up in your house, it feels like God is literally throwing bowling balls on the roof. It is an emotional, stressful situation. For those of us who live in structures that have been built under the south Florida building code since Hurricane Andrew and have a sturdy structure in which to live, where we were not worried about our homes caving in around us, and then yesterday when I had an opportunity to ride with FEMA on their preliminary damage assessment review and saw the mobile home parks in my district and across south Florida spanning the gentleman's district, and literally see that the walls caved in around the foundations of these homes and just furniture was left. Massive trees fell, falling completely over or snapping in half and falling on people's houses. We can urge people to leave their homes as much as possible, but human nature often motivates people to stay with their belongings and protect their home base.

I just could not believe what might have happened. The fact that we avoided a huge loss of life is just a miracle. It really is. I have to say, the insensitivity on the part of the Governor as well as the President, both spanning from Hurricane Katrina to Wilma is just shocking. Governor Bush literally said today in our newspaper that he did not understand, and I will quote him: "We had a lot of people standing in line yesterday that we did not like to see. That is why we tell people to have 72 hours of food and water so you do not have to stand in line." That was Secretary Paulison. Then the Governor said he did not understand why people did not heed the warning and get 72 hours' worth of food and water in advance of the storm. That is an easy thing to do.

Well, I do not think Governor Bush was in south Florida for the several days, 6 or 7 days' progress that Wilma made across the continent and saw the lines in advance of the storm. And you know what, if you do not have money, if you cannot buy gas for your car or get to a store, it is going to be a little difficult to stock up on 72 hours' worth of food.

When I went on this preliminary damage assessment, I will be honest, I am quite certain that a lot of these people could not afford to buy 72 hours' worth of food and water. So the insensitivity between the Governor's comments and the President's comments after Hurricane Katrina. The President said something similar after Hurricane Katrina. He said in advance of the storm, we warned people and it is our responsibility to get people prepared; but if they did not listen, there is not too much we can do about it. I guess like brother like brother.

But what is the most disappointing, really, as someone who went through the storm myself and now have had literally thousands and thousands of constituents whose lives are affected who are sitting in the dark tonight as we speak who cannot hear our voices unless they are listening to C-SPAN Radio, honestly, it is just unbelievable that last week when we had our Florida delegation meeting, to listen to the supposedly organized and well-prepared preparations that FEMA and the State of Florida were putting in place to preposition supplies that people needed.

You would have thought that there would not be a kink in the works after the hurricane went through. Honestly, the reports that I am getting are so disturbing, price gouging of over $6 a gallon for gas in our districts. Where is the accountability? Where is the protection from the State government?

We have trucks that have been lost for 2 days that they still cannot find, that they bragged to us last week that they were pre-positioning ice and water and meals ready to eat in Jacksonville and Homestead, but then they lost the trucks because the only means of communication they had available to contact the trucks was cell phones. Maybe they did not notice, but cell phone towers are tall; and the tall things in south Florida when they got hit by a category 3 hurricane fell down or were damaged.

So that means communication went down. No water, no ice, no diesel fuel. Senior citizens older than 85 years old in Hallandale Beach stuck in their condominiums, the glass blown out of their places, no power, no food. The generators operating their power running out of diesel fuel. The mayor of Hallandale Beach had to call an emergency session of the city council and declare a state of emergency within her city so she could get ready to commandeer gas from a gas station to help those people.

This is the model State for natural disaster preparation. If we are the model, and we have already seen what the model is not, if we are the model, we have a lot of work to do.

□ 2230

Mr. MEEK of Florida. Mr. Speaker, I feel very strongly also there is a lot of work to be done. What I am disturbed about, I was at the emergency operation center last night in Miami-Dade County speaking with the county manager and several of the county commissioners. The mayor was on his way back from Homestead Air Force Base meeting with National Guard personnel and management, and the bottom line is that they did not get the supplies that they were supposed to get. The ice was not coming, Mr. Speaker. The water was not on the way, and it is not the Kendrick Meek report. It was on the Weather Channel. It was on CNN. It was on Fox. It was on MSNBC. It was on all the major news networks saying we are prepared because we are Floridians, and we are used to doing this. Well, I can tell the Members that we are never perfect.

And I am holding up just one picture here, Mr. Speaker, from the New York Times of the Orange Bowl. Everyone knows about the Orange Bowl throughout the country, but it is not known for what it was known for, for a number of championship games, a number of professional football games. It is a place of chaos and a place of frustration right now. And I use the word "chaos," and I do not use that loosely.

I can tell the Members I happened to be with the National Guard yesterday. I wanted them to take me to all of these distribution centers by a Blackhawk, and we had an opportunity to see them. There were lines around, literally if we were to go out the front door of the Capitol, we can go clear across the street to the Cannon Building and around, all the way around that building. People were waiting for 7 and 8 hours to get 1 bag of ice and 3 jugs of water.

I do not blame the local government officials. I do not even know if it was the truck driver that needed someone to sign a paper before they released the ice. What I do know is that Americans count on this government for them in their time of need. Local government can only go so far. State government can only go so far. The Federal Government, as far as we are concerned as it relates to the Federal Emergency Management Agency, this is what that Agency does 24-7. They plan for catastrophic events. And as far as I am concerned, as it relates to catastrophic, comparing Wilma to Katrina, it is very hard to compare it, but I can tell the Members that many of the Floridians that are being rationed for gas, we are not saying it is the government's problem for all of that. We are just saying that we need to manage our part of this thing. We need to make sure that if we tell someone that ice is going to be somewhere at a particular time, I can see a truck an hour late or 2 hours late, but 7 and 10 hours late?

This is not the Kendrick Meek report. This is in the papers throughout Florida and throughout this country and on several of the news outlets. And I have this here from the Sun-Sentinel, after the Governor made the comments about they should have been ready. And it is not about the Governor and the State of Florida. This is about responding to Americans in need, and we have a pattern.

In Rita we heard the same complaints from some members of the Texas delegation and some of the folks that came up here from Rita about what should have happened did not happen. We definitely heard those complaints in Katrina. So we know that we are having complaints, and we know that we have a problem, but we are not doing the things that we need to do to correct those problems. We are not doing it. And that is the problem. That is the main problem that we are not learning from recent events. We are talking about within the last 2 to 3 months. This is not like 1967. We do not have to go back that far. Just this year we should learn from it.

And the reason why I am alarmed by this, thank God we are in a hurricane season, but I do not know what these terrorists are thinking about. I really do not. I do not know if they are going to plan to hit a city in the Midwest or the east coast or the west coast. We definitely know that we are not able to respond in a way that we are supposed to respond throughout the country no matter where it is.

So it is important that we have this Independent Katrina Commission that many papers throughout this country has endorsed. It is important that 81 percent of Americans have said that they want an Independent Katrina Commission. It is named Independent Katrina Commission because so many issues happened during that event. And then we had Rita, and then we had Wilma, and no telling, we may have something else.

But what happens when we get a dirty bomb? What happens when we have to evacuate a whole U.S. city and we have to find not only housing, but shelter for folks? What happens when a local government sends out an SOS? Obviously they are sending out an SOS in south Florida. I do not want us to be too proud to beg, but if we need help, we need to say it. And if we are all collocated with FEMA, and everyone is talking to everyone, we cannot be concerned about this is my friend and I do not want to say anything about him, or this is my brother and I do not want to say anything about him. The bottom line is it is not personal, it is just business.

And I had constituents that were told to be at Hadley Park in the middle of my district. Not a truck of ice, water, anything. We had to argue with the emergency management people. We had to argue with the State. And finally it took an act of Congressmen getting involved for that to happen. What happened then? Well, I believe they ended up getting ice and food because there was no water to send over there.

So the bottom line is we do have people in the real world that cannot afford to buy a generator to keep their refrigerator and food fresh. We have people in our country, the working poor and some middle-class folks, that are working from paycheck to paycheck, that cannot afford to have ice reserved for 72 hours.

That is an interesting number because it keeps sliding. I heard we need to have enough to preserve ourselves for 24 hours. I heard this come out of the mouth of the Governor, the chief emergency management person, the FEMA people. And now we have problem. Now that number has slid to 72 hours. What is it going to be next, 150 hours because we cannot respond?

So I am very serious about this because it is our job. Even before Wilma, I am so glad that we were on this floor, and someone said, oh, it is just politics. And it is a perfect example. And, Mr. Speaker, I have said this time after time again. I have shared with the Members. We come to this floor. We say we need an Independent Katrina Commission to evaluate the local, State, and Federal response to these events, and folks said, oh, it is just politics. Guess what? Now it is us. Now it is Congresswoman WASSERMAN SCHULTZ. Now it is me. Now it is Congressman LINCOLN DIAZ-BALART, Congressman MARIO DIAZ-BALART, Congresswoman ROS-LEHTINEN, Congressman FOLEY, Congressman SHAW, Congressman HASTINGS of Florida. Now it is us. Now it is Senator MARTINEZ. Now it is Senator NELSON. Now it is Florida. Who is next?

And when are we going to be able to say, regardless of how it may look on the Federal Emergency Management Agency, the Department of Homeland Security, the White House, the Congress, individuals, we have to work this out? That is why people sent us up here. They did not send us up here to be friends and hug and tell each other, "I have got your back if you have mine." People sent us up here for us to have their back. And unless we are willing to do that, then we might as well just stay in our districts and say, call me when you want me to do something. Somebody calls me from the back of the Chamber and says, this is the way you are supposed to vote. If they are one of those kind of folks and they come and put their card in because someone else told them how to vote, and they say do not talk about that because this is the message for the day, we need to talk about it. We need to critical of one another so we can be better. And, unfortunately, it is now our constituents.

But I feel half all right about this thing because we have been about the solution and trying to bring about over 190 Members of this House. Unfortunately, Mr. Speaker, on this side of the aisle, it is not politics. It is just business. And guess what? It is reality.

We are calling for an Independent Katrina Commission, along with 81 percent of the American people that are calling for it. What has to happen next? Do we need to have a terrorist attack? Do we need to have a horrific event somewhere to say maybe we need to review what we are doing because what we are doing we are not doing right? It is almost like taking a carton of milk out of the refrigerator and saying, oh, it is spoiled, let me put it back in, and maybe it will be fresh tomorrow. It is just not going to happen. And until we leader up and until we work in a bipartisan way, it is just not going to happen.

So, I mean, I do not know how to make it any more plain of what we need to do and what we have to do, because Americans are suffering, and now, as we stand here today, a supermajority of our constituents cannot even see us here on this floor representing them. And guess what? Other Americans that now are sitting at home saying, oh, that is just a shame, or Members sitting in their office, that is a shame what happened in their district, we are going to pray about it, we know prayer without works is dead. We know that, and we know that we have to have action. And that is the reason why we have it in our hearts and in our minds to do the right thing. But guess what is standing in front of it? Politics; the politics of saying I have your back, you do not have to worry about it.

This majority over here in Congress is saying, do not worry, we are going to do a partisan commission. You do not have to worry about it. We are not going to be critical of you, White House. White House, do not be critical of us, and we will get through this thing. Let us just ride it out. But somehow, some way, there is a constant reminder of the disorganization of emergency management, and it starts from the Federal, and they will blame the State, or they will blame the local government, and the local government will blame the State, or the State will blame the Federal. We are not into the blame game. We are getting down to how we can get a system that will work for all Americans.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, will the gentleman yield?

Mr. MEEK of Florida. I yield to the gentlewoman from Florida.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, the gentleman is so right, and his comments have brought up so many different things that I want to say.

But let us go back to what we have been talking about on this floor lo these last few weeks. We have been talking about the three or four Cs that are the real issue in this administration and in this government. We have been talking about corruption. We have been talking about cronyism. We have been talking about competence. I think what has happened in our community in the last few days just points arrows in the direction of every one of those C words.

Let us talk about competence. The Governor can say, golly gee, our goal was to get up and running and be ready with all this water and ice and response and trucks and generators in 24 hours, and we will just have to work a little bit harder. Honestly, if they point to themselves as the model, if FEMA points to Florida as the model, and says that we are the most prepared State in terms of natural disasters, then they are owning up and saying, "I am competent." We are competent. We are ready to do the job.

I think if we traveled through South Florida tonight and asked people on the street, whom the gentleman and I have talked with, and asked them if they think their government is competent, I think the answer would be a resounding no, because these are some of the things that our constituents are having to deal with tonight, that our families are having to deal with tonight. the reality of getting hit by a Category 3 storm and not having the government respond to their needs is that in Broward County there is no potable water. The entire county is under a boil water order, which means that when I had to give my 2-year-old a bath the other day, I could not pour water over her head because the water could give her pinkeye. That is what I was cautioned about. We have to make sure that our children do not rinse their toothbrushes with the water because it can make them sick.

We have a myriad of issues. We have water and ice and food needs. We have people in high-rises who have had windows blown out. We have trucks that have been lost. How could the trucks get lost? If they prepositioned them in strategic portions of the State so as to ensure that they could be moved out and sent to places that they know they are going to be needed, how is it that they could not find them and in some cases still have not been able to find them?

Today in Miami-Dade County, which we both represent, although now I am told that Miami-Dade County does have drinkable water, except for Miami Beach, which I represent about half of, these are the water and ice distribution centers, Mr. Speaker, that we were supposed to be set up and fully equipped with water and ice. So let us peruse the availability of the supplies today.

This is for the model State in terms of preparation and the prepositioning of hundreds of trucks to be able to be distributed as soon as the storm is over.

Mr. MEEK of Florida. And over 2,000 FEMA employees there prior to the storm.

Ms. WASSERMAN SCHULTZ. In advance of the storm, 2,000 FEMA employees who were supposed to be ready to be dispatched to get this stuff distributed. We had the Miami Beach distribution center supplied. Metro Zoo in South Dade, no water, partial ice. Homestead Sports Complex, which is near where the trucks were prepositioned, no supplies. None. I mean, in Homestead they did not have water or ice, and the trucks were right there to start with. The Orange Bowl was supplied, but we had massive chaos in terms of the thousands of people that showed up to try to get access to that.

We have Miami-Dade College North, which is in the north part of the county, no water, partial ice. Miami-Dade College Kendall, which is more towards south Dade, partially supplied, meaning they did not have enough water or ice for the people that showed up. And let us keep in mind that what they were distributing to people when they were able to get it were six bottles of water and a bag of ice. I mean, that is what people were able to take home while they are sitting in the dark with no ability to cool their food and keep it fresh.

☐ 2245

A.D. Barns Park, no supplies. Tamiami Park, no supplies. The Mall at 163rd Street, in both your and my district, no supplies. And Landmark Property, no water, partial ice. This is the model State for natural disasters.

Let us talk about the IA, the granting of individual assistance or lack thereof. Why did the State of Florida, why did Governor Bush, not request automatic individual assistance for both the East Coast and the West Coast? He asked for that assistance immediately in advance of the storm for the West Coast, as if Wilma was going to hit a wall when she crossed over the West Coast and not cross over southeast Florida too.

I mean, it took literally until 7:30 last night with the gentleman talking to Secretary Paulison, me talking to Secretary Paulison, who, by the way lives in my district and is a constituent, and obviously knows the devastation, and he was in Washington, and much to his wife's dismay, he told me. But we even have the acting director of FEMA living in our area, and they still were not able to get individual assistance granted.

They literally went out on preliminary disaster assessments yesterday, as if you had to drive through a neighborhood to see the devastation. I mean, it was just so frustrating. This is what people are talking about when they say they do not feel their government is responsive to their needs, when they are frustrated beyond belief with the red tape.

I mean, it is so simple. It is very difficult to respond to natural disasters, there is no question about that. We lived through the chaos in the last few days. But, come on, if you are going to hold yourself up as a competent model and you are going to say that you are the example to which all others should be held, then you have to live up to that example.

Before I turn it back over to the gentleman, I just want to make sure we are not only talking about the one C, competence, we are talking about the cronyism too.

I was interested to come across an article today that talked about how Mr. Brown, "Brownie," who was ejected because of his incompetence from FEMA, Secretary Chertoff, the Homeland Security Secretary, extended Michael Brown's contract for another 30 days. For what?

The gentleman is on the Committee on Homeland Security. We had this partisan, dependent committee asking the right questions, supposedly, or at least that is what it was set up to do. How are they letting this happen? That is why we need an independent commission. If we had an independent commission, this would not have happened because there would be some accountability.

Our constituents want answers. I want to go home and make sure that FPL has the ability as much as they can humanly do to get those lights turned on. They are telling our people they are not going to be able to get those lights turned on possibly until November 22 at the earliest.

The other thing really disturbing that I heard and read in the Governor and the State and FEMA's comments today was that they did not anticipate the intensity of the storm and they made a mistake in their calculations. The director of the State EOC, Emergency Operations Center, said today in the paper that they made a mistake in their calculations and did not account for the size of our population in South Florida when calculating how much ice and water was going to be needed.

We have the biggest media market in the State. There are more than 6 million people, 7 million people that live in our three counties, if you count Palm Beach too?

Mr. MEEK of Florida. Mr. Speaker, reclaiming my time, 3.8 million in both of our counties.

Mr. Speaker, I am going to tell you, being a part of the solution is what we do. We are a part of the solution, Mr. Speaker, and I think it is important that even when it comes down to the individual assistance, I mean, you just had to turn on the television and see that there were over 800 homes damaged in Florida. That would automatically allow the people of the State of Florida to be able to call FEMA for individual assistance. But, no, we watched the sun rise and set twice in Florida.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, if the gentleman will yield further, let us not even let people believe that now that individual assistance has been granted and that it is being supplied. They do not even have the registration sites set up now.

I was driving through the district with the FEMA folks yesterday and people were coming up with their houses crushed in saying, I have got to have some help here. I have a baby. I have a grandmother who needs medicine. When is FEMA coming?

The poor guy who I was riding with, he does not know what to tell people. He said, "This is why we are doing this assessment, ma'am. I understand we are going to try to get help to you as soon as possible."

Now we are 72 hours out. Every day the Governor says it is going to get one day better. It does not feel that way.

Mr. MEEK of Florida. Mr. Speaker, reclaiming my time, that is the only way we are going to get better. We were calling directly to the FEMA director about this individual assistance. You call the 800 number, and the folks of Texas and Louisiana and Mississippi and Alabama, I think they kind of know about that FEMA 1-800 number.

I am going to put it to you this way. We had to talk to the director. Obviously, I am going to tell you something, I am going to be the first one to tell you, when Michael Brown left, well, he did not leave, he is still on, and I want to talk about that, when Michael Brown was removed, it is almost humorous, but it is sad, when he was moved from the director to whatever job he has now, at the same pay rate, okay, you are rewarded for not doing your job under this whole culture of corruption and cronyism. Because I can tell you right now, folks know that if you were at the helm of the ship and you did not know what to do or how to do it and you did not have the credentials, that you were not only fired, but you were fired yesterday; not, hey, you know something, you are doing a horrible job, but we are going to pay you at the same rate the day before we knew that you were not capable of doing the job, and not only that, we are going to extend you, because under this whole thing of cronyism, this is what we do.

It will be okay if it was a private company somewhere that decided to do that for a member of that company, because it was in their prerogative. It is their money, they make their own money. But when you are using the taxpayer's money to commend cronyism and incompetence, I have a problem with that. I do not think I need to be a Democrat or Republican to have a problem with that. I just need to be an American taxpayer that has a big problem with that.

How does this happen? It happens because it bubbles up from the bottom to the top, or I am going to say from the top it bubbles down from the top to the bottom. If the President is doing it, it is okay for the department heads to do it; if the department heads can do it, assistant secretaries can do it; if assistant secretaries can do it, area regional coordinators can do it; if regional coordinators can do it, it can go all the way down to the person that is making the decision in FEMA to foot drag or not, because they are okay.

Because if you are going to preserve a Michael Brown in the Federal Emergency Management Agency, then guess who also is being preserved around here? I mean, I cannot even imagine for the folks not under the spotlight that are being preserved and rewarded under this culture of corruption and cronyism. And I do not use this corruption and cronyism lightly, because there is a big cloud over Washington, D.C. right now about outing CIA agents, and not a mumbling word from the Congress about it. Not a mumbling word.

I can tell you one thing: If there was a Democrat in the White House and the Republican Congress, as it is right now, we would have to hold Members of Congress back from the gates of the White House, under this whole thing of outing a clandestine agent working to find out more about weapons of mass destruction to harm this country.

So, I say to the Congresswoman, this goes a lot deeper than just the regular Potomac two-step that is going on in Washington. It has gone to a whole other level.

The reason why we were on him on individual assistance to get better, it is because we are a part of trying to make FEMA right. We are a part of trying to make our government work. When we work and when we call and when we plead with Members of Congress and we talk to the department heads and say, listen, grant individual assistance. We already know we are eligible. Just do it so folks will know we are responding. "Well, we are doing assessments of the assessments, and I haven't heard back from the people that went out in the field."

Let me tell you, Mr. Speaker, thank God for the National Guard. I talked to them. They said listen, anyone from FEMA, who needs to do anything about getting us more, we will fly you down, we will do whatever we have to do. You could go up in a helicopter in 5 minutes and counts 800 homes and it is over.

But, no, this Congresswoman here had to get in a car with a gentleman, and I commended those frontline workers when I first started this hour. I think the first responders should be commended. They are the individuals that do what they are supposed to do. I think the FEMA folks on the ground are trying to do the best they can. They were going out, trying to do whatever they have to do to make it happen. Let us be happy for them, police officers, National Guard.

But, you know something? It comes down to the management of making it work. If you go to a Burger King or McDonald's, I am not picking on them, a fast food establishment, and things are not moving the way it is supposed to be moving, I cannot be mad at the guy on fries. I have to be upset with the manager standing there with a tie on looking important. Either you are going to be a part of the solution or you are part of the problem. Apparently you have a management problem.

And that is what we have. Unfortunately, it is the response to catastrophic events or a possible terrorist attack. This is real stuff. So what we are seeing here on the Floor, just like well were fighting not only on behalf of the people of Louisiana, Texas, Mississippi, Alabama, but we are fighting on behalf of Americans about the fact that, guess what? We are not prepared. And all of the paperwork and documents we have that say, oh, we are ready. We have this plan here, and when it is time, we are going to implement this plan.

Guess what? Diddly-squat. Because people are not ready to do what they need to do. What is the bad part about it is we have people covering for one another. Now, the President is going down there tomorrow, and I am glad the President is going down. He is going to fly around and he will take a look at what happened and then he is going to go back to the Hurricane Center and he is going to have a discussion with State and local folk.

Okay. That is good. I am glad the President is going. He should have been down there today, but I am glad he is going.

But I am going to tell you this: I told my people back home, and I told the State folks, if you do not tell the President the truth, then you are buying in to cronyism. You cannot sit there and go through the whole this is the script, and I do not even want to talk about scripts as it relates to press conferences with the President and the troops selected to speak at that press conference. But I am going to tell you this right now: The business of I have got your back and you have my back and we are elected or appointed and what have you, and you watch out for me, and if I end up getting removed from a location, I just want us to be okay so I can get a 90 day contract or can continue to go 6 months for doing a bad job. Those days are over.

And, guess what? As it relates to the 30-Something Working Group on this side of the aisle, we are going to call it the way it is. Bottom line: It is not personal, it is just business. That is the bottom line. We are not going to allow this to happen.

It is a shame, it is a real shame, that there is not an outrage, there is no outrage from this Congress, this Republican Congress, Republican Senate, the White House, the fact that, you know something, it is not working, we are going to get it right. The Secretary of Homeland Security went down and said you all be patient. What is the problem. What is going on here? What are you crying about? Why are you upset? Oh, you were waiting for a day-and-a-half for ice, or whatever the case may be, or were out there at 7 o'clock and we were supposed to be there at 12 and we did not show up until 7 o'clock?

I was at the 163rd Street location, got there at 10 o'clock. There is the ice trucks, pallets of them. Guess what? A few people there were frustrated because they left after waiting 10 or 15 hours for ice. And these are the victims of Wilma. These are not the folks coming in here saying, hey, listen, I want to suck off the government because I understand you all have milk. No. They came down there for help. We told them to come, and we were not there for them. And we had 2,000 FEMA people, let FEMA tell you, the Governor, oh, we have trucks, and trucks and trucks as far as the eye can see of ice and water. No ice and water. They lost trucks in Broward County. I do not know how trucks can get lost.

Thank God for the National Guard. They put helicopters in the air trying to find the trucks. This is serious business.

Let us just say it. If we have to evacuate Washington, D.C., what is going to happen with the people of the District of Columbia? What is going to happen to the people in Sioux City, Iowa, if they say you have to clear that town now? We are all going to be standing around here saying, oh, my goodness. What are we going to do?

Because you know something? We were not critical of our failures, and we have to be critical of our failures so we can have better days in the future.

□ 2300

It just does not get better. If you take it out of the refrigerator and it is sour, you put it back in and say maybe it will be fresh tomorrow. It just is not going to happen, and it does not make sense, doing the same thing expecting different results. It is beyond partisanship. It comes down to leadership.

I will say this to the majority: if you are not willing to lead, the American people will allow individuals that are willing to lead and are willing to call in, even if it is the same party in the White House, the party that is in control of the White House or in control of this Congress, and it has been proven. When there were issues with President Clinton or issues with President Carter, it was a democratic Congress that called them to the mat. Because we are Americans, and that is our role constitutionally in making sure that this country operates in a good way, because we are the representatives of the people of this country. A Senator can be appointed, but if you are a Member of the House, you have to be elected, and we are elected by the people to what? Lead and have oversight. And if you are not willing to do that, and I say this to the Majority side, I guarantee you, Democrats, Republicans, Independents, white, black, veteran, nonveteran, they want people to lead and they are going to get it. And I am going to tell you right now, I would much rather see some correction take place in the very near future so that lives are not lost and individuals are not told one thing and it is another, turn right, I meant left. We do not have time for that. We need accountability.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, we absolutely need accountability. There are people's lives at stake here. We are not here to be partisan.

I remember a few weeks ago when Katrina hit and after Katrina hit, and you and I and the gentleman from Ohio had been on this floor day after day, week after week, and talking about what the government's response needed to be and should have been and what our process should have done, which is establish an independent Katrina commission so that we could get some of these things resolved. Because it is very nice that the President is going to come down and land his helicopter or fly Air Force One or whatever he is going to do because the airports have not been open so, hopefully, he is going to have a place to land. That is very nice. I remember the movie "The Candidate," and Robert Redford's character is running against another guy for the U.S. Senate, and there is a big fire, and his opponent flies the helicopter down into the disaster area to survey the damage. And you know, the whole thing is a fiery mess and the guy flies in, surveys the damage, and flies out, looks important and impressive, and that is great. But what help did he provide to the people who were there? Did he grab a hose and start spraying?

I am glad that the President is coming because he is the symbol of the United States of America, and there is one person in this country who everyone looks to, but it is only helpful if, when he sits down at the hurricane center and goes through that briefing, it is only helpful if he learns something, if the Federal Government and the administration learn something and change it for the next time. Because we were on this floor weeks ago offering our advice and our suggestions and our opinion about the aftermath of Katrina and how disturbed we were, because we said, and I remember using these words: there but for the grace of God go I, and now we have. Now it has happened to us. So it is our responsibility.

Mr. Speaker, there are those on the Majority side of the aisle that will accuse us of doing this on a nightly basis to be political and to be partisan. No. It is the fact that particularly with natural disasters, natural or manmade disasters, you just know that at some point, especially where we live and in other parts of the country that are more prone to natural disasters, you just know it is going to happen to you at some point. I have talked to constituents, I have read constituents' comments in the paper, that it is all well and good that they come in and they do this review and this assessment, but it is only good if they learn something.

One of the things, when I was at the Broward Emergency Operations Center yesterday, Tony Carper, the director, was talking about how they are trying to find generators, both the big generators that can help run the power grid while they are trying to get the power lines up and running again, and the small ones that people are going to need to run their facilities, and I asked him, I said, why, if we knew this storm was coming for so many days in advance, why did we not get those in position ahead of time? He said, because we do not have enough flexibility in our homeland security funding, because we get a lot of money for terrorism, but they are not able to use that money to respond to natural disasters. Well, we are much more certain on a regular basis that we are going to get hit with natural disasters than we are, God forbid, going to get hit by a manmade disaster.

That is the kind of responsiveness that could have been fixed several storms ago. I mean, we have our eighth storm in 15 months. How is it that that was not fixed already? How is it that we still have people sitting in the dark? How is it that we were denied individual assistance after Katrina in Florida, when you had people looking through the roof at sky, both in Florida and in Louisiana, and then the very next time that we get hit by a storm, we have to fight to get individual assistance granted when all you have to do is walk out your front door or turn on the television and you can see 100 or 800 homes damaged, severely damaged. Do they not care? I mean, have they no shame? Have they no heart?

It feels like that. It feels like they are up on high in the White House and Capitol Hill and it is not me, it is them. They are 1,100 miles from here and: my roof is not caving in, so I am okay. And I have money, I have water, I have ice, my kids are not going to get pink eye when I give them a bath and run water over their heads. I just, I do not understand. I do not understand why we had to spend the last 72 hours pounding on people, pounding on this government to get our folks some help. It is just inexcusable. It is incompetence. It is corruption, it is a crisis. We are going to have a whole collection, a whole necklace full of seeds by the time we are done with this year. God forbid. I hope that somebody decides to read the book, "Everything I Needed to Know I Learned in Kindergarten" and start remembering that we need to care about each other and that we need to be responsive and put partisan politics aside. It is not about the next election; it is about taking care of each other.

Mr. MEEK of Florida. Congresswoman, the issue is the fact that if folks would say, well, why are the Democrats not doing something? They may well, I do not know, maybe they are saying what they should be doing and they are not doing. Guess what? I just want to remind the Members just in case, Mr. Speaker, someone bumped their head and has a little amnesia going on, the Republican-controlled Senate, Republican-controlled House, a majority, okay? A Republican-controlled White House. That is legislative and executive branch, all right? They are in control of this government.

The bottom line is in the minority, as it relates to the rules, they cannot agenda bills here on the Floor, they cannot call committee meetings. They cannot even get votes to take place here on this floor, and within the time that it is supposed to take place, especially when the majority is not on the prevailing side, because it is bad policy that they are passing. All we can do is make sure that not only the Members know exactly what they are doing, not only fight them in committee as it relates to amendments to try to make bills better and shame the majority into accepting those amendments so that the bill and the legislation could be better, or we can have better oversight over Federal agencies to make sure what? That the American people get their taxpayer dollars' worth of accountability out of those Federal agencies, and even sometimes out of individuals that are within the Federal Government.

So when that does not happen, we are at the point that we are now: a brick wall. A brick wall of just saying, listen, I am in the majority, and guess what? Live with it. It is not personal, it is just business. And believe it or not, it would be okay if things were properly managed in the Federal Government. It would be okay if we did not have White House folks outing, or rumors of well, the Vice President told his chief of staff who the agent was, the CIA agent was, and somehow it got out to a reporter, and then now her life is in jeopardy, and we have lost someone who had the opportunity to go to the other side where many of our intelligence officers could not go to find out where or how individuals possessed weapons of mass destruction to what? To protect our country, and someone thought because of politics, that they should out her. Okay? It would be okay, Congresswoman, but guess what? It is not.

We have one of the highest deficits in the history of the republic as we stand here in the 109th Congress. We have an emergency management agency/homeland security agency that cannot perform in the way that it is supposed to perform, let alone the public assistance that is supposed to go to local governments after these disasters to be able to replenish their dollars so that they can provide for who? The people that we represent and the Americans that are counting on us to respond in their time of need, let alone the fact that goodness, we cannot even get water and ice right and food. If we cannot get that right, then how can we count on, if we are under the gun of a terrorist attacks, and we do not know what area is safe, can we breath the air, can you drink the water, when is the next attack taking place, at least we have an opportunity with a natural disaster to say, we can see a storm coming, we can prepare for it as best we can, and say this is what we need to do and folks get in place. You get a terrorist attack, you do not get a warning. The terrorist did not call you up and say hey, guess what? We are going to carry out a terrorist attack in maybe another month so we want to make sure you guys are ready.

So unless we scrutinize our system that we have now, it will not be better and we will not be prepared. That is far beyond politics. And it should be far beyond cronyism. And you would say, as much as we talk about cronyism which is, in reality, we do not need to paint a picture there; just open your local paper. Just turn on the television. It is covered with corruption and cronyism. I mean I do not even need to waste time on that. I just need to say that for us to get better, either the majority is going to say, you know something, we are going to do what we are supposed to do, even if it embarrasses some of our friends in and outside of our party, because this is what we have to do. And that is not happening right now.

We have a committee right now, a partisan committee that has been created, more Republicans than Democrats, that is are supposed to be assigned to the committee. I am glad the democratic leader and other folks here on this side of the aisle have said, you know something? We are not going to participate in Operation I Have Your Back, You Have Mine. We are not going to participate in, you know something? We have lunch together and I am going to make sure that you are okay and you look good, because we are friends, and what time are we going to play golf? We are not going to participate in turning our backs on those victims of Katrina and storms after Katrina who are counting on some assessment, true assessment, an independent assessment of what took place so it would never happen again. The fact that water, ice, and food cannot be distributed in Florida right now or is spottily distributed in Florida right now, and yes, I am pretty sure things are getting better before they get worse, but I am going to tell you, if we cannot do that, then how in the world can we sit here with a straight face and say, well, the White House is doing a review of what went wrong with Katrina so that we can correct the future, when it is not even stated on their website of who is on this committee or what is going to happen with the findings, or where are we going to go from there? And in the House, we have a partisan committee that is calling folks up, that is supposed to put together a report by February, Congresswoman. So I guess we are supposed to take that and say, we have it right now. Oh, I am sorry, I go back to my example. My name is KENDRICK MEEK and I know we had some missteps and I have done possibly something wrong or something, but maybe I need to, I will tell you what, I am going to do a review of myself and I will be back and I will give you a report of where I went wrong. It is just not going to happen. And even on the other side of the building here, they are having some sort of evaluation of what took place. We need an independent Katrina commission.

Congresswoman, I just want to share this. USA Today said we need an independent commission. Let me put my little chart up here, right here. These major papers throughout the country, and these are just the major ones. I am not talking about the small paper that said it is the right thing to do. The News Observer in North Carolina; the Capital Times, Madison, Wisconsin; the Atlanta Constitutional Journal; the Courier Journal, Louisville, Kentucky; St. Petersburg Times in Florida; Salt Lake Tribune in Utah; Denver Post in Colorado; the San Antonio Express News, that is in Texas; Houston Chronicle, they have all said, and that is just to name a few, that we need an independent Katrina commission to evaluate what went wrong and how it went wrong so that we can be better.

□ 2315

They are not saying, well, we need to do it so we cam figure out who was wrong. No, we need to have an independent Katrina Commission so they can put together a report and so that we can correct our wrongs.

Unless we are willing to do that, because I guarantee you right now, it is not going to happen under normal circumstances.

I think we must, on behalf of Americans not only our constituents that are Americans too, continue to push and fight and get in the face of folks who are supposed to be doing the right thing and allowing an independent commission to come about so that we can have this kind of change that is needed in our country, so that we can have a better America and a safer America.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, if I can close us out by saying that their priorities are wrong. It is not an independent Katrina Commission; it is Katrina, Wilma, Rita. We have got to do better.

Mr. MEEK of Florida. Mr. Speaker, I want to let you know that we did not try to pass the time. But we want to thank the Democratic leader and thank you for your indulgence here.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BISHOP of Georgia (at the request of Ms. PELOSI) for today on account of a death in the family.

Mr. MEEK of Florida (at the request of Ms. PELOSI) for today before 4:40 p.m.

Ms. WASSERMAN SCHULTZ (at the request of Ms. PELOSI) for today before 1:30 p.m.

Mr. FOLEY (at the request of Mr. BLUNT) for today and the balance of the week on account of assessing damage from Hurricane Wilma.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DEFAZIO) to revise and extend their remarks and include extraneous material:)

Mr. GEORGE MILLER of California, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. CARSON, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Mr. RYAN of Ohio, for 5 minutes, today.

Ms. CORRINE BROWN of Florida, for 5 minutes, today.

Mr. DOGGETT, for 5 minutes, today.

Ms. WATERS, for 5 minutes, today.

(The following Members (at the request of Mr. GINGREY) to revise and extend their remarks and include extraneous material:)

Mr. HENSARLING, for 5 minutes, today.

Mr. GUTKNECHT, for 5 minutes, November 2.

Mr. HAYES, for 5 minutes, November 2.

Mrs. SCHMIDT, for 5 minutes, today.

Mr. MCHENRY, for 5 minutes, November 2.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 443. An act to improve the investigation of criminal antitrust offenses; to the Committee on the Judiciary.

ADJOURNMENT

Mr. MEEK of Florida. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 16 minutes p.m.) the House adjourned until tomorrow, Thursday, October 27, 2005, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

4763. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting a Memorandum of Justification for drawdown under sections 552(c)(2) of the Foreign Assistance Act to authorize Department of Defense commodities and services as part of the mission to support the deployment of AU forces to Darfur, Sudan; to the Committee on International Relations.

4764. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification regarding the proposed license for the export of defense articles and services to the Government of Canada (Transmittal No. DDTC 031-05); to the Committee on International Relations.

4765. A letter from the White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

4766. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's Annual Report for 2005 on the Implementation of the Federal Financial Assistance Management Improvement Act of 1999, pursuant to Public Law 106–107, section 5 (113 Stat. 1488); to the Committee on Government Reform.

4767. A letter from the Deputy General Counsel, Executive Office of the President, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

4768. A letter from the Deputy General Counsel, Executive Office of the President, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

4769. A letter from the Assistant General Counsel, Office of the Director of National Intelligence, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

4770. A letter from the Assistant General Counsel, Office of the Director of National Intelligence, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

4771. A letter from the Executive Secretary/Chief of Staff, U.S. Agency for Economic Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

4772. A letter from the Executive Secretary/Chief of Staff, U.S. Agency for International Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

4773. A letter from the Executive Secretary/Chief of Staff, U.S. Agency for International Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

4774. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmoshperic Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 620 of the Gulf of Alaska [Docket No. 041126333-5040-02; I.D. 091505B] received October 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4775. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 of the Gulf of Alaska [Docket No. 041126333-5040-02; I.D. 090605F] received September 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4776. A letter from the Office of Protected Resources, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Sea Turtle Conservation; Excemptions to Taking Prohibitions for Endangered Sea Trutles [Docket No. 050224044-5185-02; I.D. 092304A] received October 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4777. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pelagic Shelf Rockfish in the West Yakutat District of the Gulf of Alaska [Docket No. 041126333-5040-02; I.D. 080305A] received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4778. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Prohibition of the use of Regular B Days-at-Sea in the Georges Bank Cod Stock Area [Docket No. 040804229-4300-02; I.D. 071305B] received August 2, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4779. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Western Aleutian Disrict of Bering Sea and Aleutian Islands Management Area [Docket No. 041126332-5039-02; I.D. 071805A] received August 2, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4780. A letter from the Depty Assistant Adminstrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Framework Adjustment 41 [Docket No. 050630174-5234-02; I.D. 062005B-X] (RIN: 0648-AT08) received September 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4781. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Various Transport Category Airplanes Manufactured by McDonnell Douglas [Docket No. FAA-2005-20881; Directorate Identifier 2004-NM-253-AD; Amendment 39-14302; AD 2003-17-07 R1] (RIN: 2120-AA64) received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4782. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Second-in-Command Pilot Type Rating [Docket No. FAA-2004-19630; Amendment No. 61-108] (RIN: 2120-AI38) received September 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4783. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class D and Class E Airspace; Salina Municipal Airport, KS. [Docket No. FAA-2005-21873; Airspace Docket No. 05-ACE-27] received September 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4784. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A330-322, -341, and -342 Airplanes; and Airbus Model A340-200 and -300 Series Airplanes [Docket No. FAA-2005-22486; Directorate Identifier 2004-NM-219-AD; Amendment 39-14287; AD 2005-19-22] (RIN: 2120-AA64) received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4785. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A330-202, -223, -243, and -343 Airplanes; and Model A340-313 Airplanes [Docket No. FAA-2005-22484; Directorate Identifier 2003-NM-270-AD; Amendment 39-14286; AD 2005-19-21] (RIN: 2120-AA64) received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4786. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 767- 200, -300, and -300F Series Airplanes Powered by General Electric or Pratt & Whitney Engines [Docket No. FAA-2005-21355; Directorate Identifier 2005-NM-037-AD; Amendment 39-14288; AD 2005-19-23] (RIN: 2120-AA64) received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4787. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 727 Series Airplanes [Docket No. 2002-NM-66-AD; Amendment 39-14289; AD 2005-19-24] (RIN: 2120-AA64) received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4788. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A330-200 Series Airplanes [Docket No. FAA-2005-22483; Directorate Identifier 2004-NM-236-AD; Amendment 39-14292; AD 2005-19-27] (RIN: 2120-AA64) received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4789. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; BAE Systems (Operations) Limited Model ATP Airplanes and Model HS 748 Airplanes [Docket No FAA-2005-22482; Directorate Identifier 2003-NM-009-AD; Amendment 39-14291; AD 2005-19-26] (RIN: 2120-AA64) received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4790. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737-100, -200, -200C, -300, -400, and -500 Series Airplanes [Docket No. FAA-2005-20657; Directorate Identifier 2004-NM-39-AD; Amendment 39-14290; AD 2005-19-25] (RIN: 2120-AA64) received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4791. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 707 Airplanes, and Boeing Model 720 and 720B Series Airplanes [Docket No. FAA-2005-20785; Directorate Identifier 2005-NM-002-AD; Amendment 39-14295; AD 2005-20-02] (RIN: 2120-AA64) received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4792. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737-100, -200, -200C, -300, -400, and -500 Series Airplanes [Docket No. FAA-2005-18788; Directorate Identifier 2003-NM-203-AD; Amendment 39-14296; AD 2005-20-03] (RIN: 2120-AA64) received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4793. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737-100, -200, -200C, -300, -400, and -500 Series Airplanes [Docket No. FAA-2005-20356; Directorate Identifier 2004-NM-115-AD; Amendment 39-14294; AD 2005-20-01] (RIN: 2120-AA64) received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4794. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Teledyne Continental Motors GTSIO-520 Series Reciprocating Engines [Docket No. FAA-2005-20850; Directorate Identifier 2005-NE-05-AD; Amendment 39-14297; AD 2005-20-04] (RIN: 2120-AA64) received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4795. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A330-200 and -300 Series Airplanes; and Model A340-200 and -300 Series Airplanes [Docket No. FAA-2005-22540; Directorate Identifier 2004-NM-137-AD; Amendment 39-14301; AD 2005-20-08] (RIN: 2120-AA64) received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4796. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A300 B2 and A300 B4 Series Airplanes; Model A300 B4-600, B4-600R and F4-600R Series Airplanes, and Model A300 C4-605R Variant F Airplanes (Collectively Called A300-600 Series Airplanes); and Model A310-200 and -300 Series Airplanes [Docket No. FAA-2005-20796; Directorate Identifier 2004-NM-160-AD; Amendment 39-14299; AD 2005-20-06] (RIN: 2120-AA64) received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4797. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 767-200 and 767-300 Series Airplanes [Docket No. FAA-2005-21170; Directorate Identifier 2002-NM-124-AD; Amendment 39-14298; AD 2005-20-05] (RIN: 2120-AA64) received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4798. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747-100, 747-100B, 747-100B SUD, 747-200B, 747-200C, 747-200F, 747-300, 747SR, and 747SP Series Airplanes [Docket No. FAA-2005-22413; Directorate Identifier 2005-NM-167-AD; Amendment 39-14271; AD 2005-19-06] (RIN: 2120-AA64) received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4799. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A340-200 and -300 Series Airplanes [Docket No. FAA-2005-22405; Directorate Identifier 2002-NM-243-AD; Amendment 39-14269; AD 2005-19-04] (RIN: 2120-AA64) received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4800. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Aerospatiale Model ATR42-500 Airplanes [Docket No. FAA-2005-22406; Directorate Identifier 2002-NM-242-AD; Amendment 39-14270; AD 2005-19-05] (RIN: 2120-AA64) received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4801. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; BAE Systems (Operations) Limited Model ATP Airplanes [Docket No. FAA-2005-22404; Directorate Identifier 2005-NM-018-AD; Amendment 39-14268; AD 2005-19-03] (RIN: 2120-AA64) received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4802. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A330-301, -321, -322, -341, and -342 Airplanes; and Model A340-200 and A340-300 Series Airplanes [Docket No. FAA-2005-22485; Directorate Identifier 2001-NM-337-AD; Amendment 39-14293; AD 2005-19-28] (RIN: 2120-AA64) received October 6, 2005, pursuant to 5 U.S.C.

801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4803. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A330-300 Series Airplanes [Docket No. FAA-2005-22539; Directorate Identifier 2004-NM-08-AD; Amendment 39-14300; AD 2005-20-07] (RIN: 2120-AA64) received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4804. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A330-243, -341, -342, and -343 Airplanes [Docket No. FAA-2005-22563; Directorate Identifier 2004-NM-177-AD; Amendment 39-14304; AD 2005-20-10] (RIN: 2120-AA64) received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4805. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; BAE Systems (Operations) Limited Model ATP Airplanes [Docket No. FAA-2005-22562; Directorate Identifier 2004-NM-60-AD; Amendment 39-14303; AD 2005-20-09] (RIN: 2120-AA64) received October 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4806. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—IFR Altitudes; Miscellaneous Amendments [Docket No. 30453; Amdt. No. 456] received September 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BONILLA: Committee of Conference. Conference report on H.R. 2744. A bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes. (Rept. 109–255). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. ENGLISH of Pennsylvania (for himself, Mr. Holden, Ms. Hart, and Mr. Platts):

H.R. 4144. A bill to eliminate the requirement that States collect Social Security numbers from applicants for recreational licenses; to the Committee on Ways and Means.

By Mr. JACKSON of Illinois (for himself, Mr. Rogers of Alabama, Mr. Conyers, Mr. Watt, Mr. Shimkus, Mr. Cardin, Mr. Lincoln Diaz-Balart of Florida, Mr. Lantos, Mr. Schwarz of Michigan, Ms. Waters, Mr. Hulshof, Ms. Kilpatrick of Michigan, Mr. Porter, Mr. Davis of Illinois, Ms. Lee, Mr. Bishop of Georgia, Mr. Butterfield, Ms. Carson, Mrs. Christensen, Mr. Clay, Mr. Cleaver, Mr. Clyburn, Mr. Cummings, Mr. Davis of Alabama, Mr. Fattah, Mr. Ford, Mr. Al Green of Texas, Mr. Hastings of Florida, Ms. Jackson-Lee of Texas, Mr. Jefferson, Ms. Eddie Bernice Johnson of Texas, Mrs. Jones of Ohio, Mr. Lewis of Georgia, Ms. McKinney, Mr. Meek of Florida, Mr. Meeks of New York, Ms. Millender-McDonald, Ms. Moore of Wisconsin, Ms. Norton, Mr. Owens, Mr. Payne, Mr. Rangel, Mr. Rush, Mr. Scott of Georgia, Mr. Scott of Virginia, Mr. Thompson of Mississippi, Mr. Towns, Ms. Corrine Brown of Florida, Ms. Watson, Mr. Wynn, Mr. Lynch, Mr. Levin, Mr. Thompson of California, Mrs. Tauscher, Mr. Stark, Mr. Evans, Mr. Israel, Mr. Boyd, Mr. Honda, Mr. McGovern, Mrs. McCarthy, Mr. Nadler, Mr. Kucinich, Mr. Berman, Mrs. Napolitano, Mr. Hoyer, Mr. Waxman, Mrs. Lowey, Ms. Schakowsky, Mr. Menendez, Mr. Doyle, Mr. Emanuel, Mrs. Davis of California, Mr. Dingell, Mr. Ryan of Ohio, Mr. Kennedy of Rhode Island, Mrs. Maloney, Mr. Ackerman, Ms. Linda T. Sánchez of California, Mr. McNulty, Mr. Visclosky, Mr. Costello, Mr. Gutierrez, Mr. Rothman, Mr. Delahunt, Mr. Abercrombie, Ms. McCollum of Minnesota, Ms. DeLauro, Mr. Ross, and Mr. Meehan):

H.R. 4145. A bill to direct the Architect of the Capitol to obtain a statue of Rosa Parks and to place the statue in the United States Capitol in National Statuary Hall; to the Committee on House Administration.

By Mr. BAKER (for himself and Ms. Wasserman Schultz):

H.R. 4146. A bill to facilitate recovery from the effects of Hurricane Rita and Hurricane Wilma by providing greater flexibility for, and temporary waivers of certain requirements and fees imposed on, depository institutions, credit unions, and Federal regulatory agencies, and for other purposes; to the Committee on Financial Services.

By Ms. BORDALLO (for herself, Mr. Manzullo, Ms. Velázquez, Mr. Abercrombie, Mr. Burton of Indiana, Mrs. Christensen, Mr. Faleomavaega, and Mr. Farr):

H.R. 4147. A bill to amend the Immigration and Nationality Act to increase the period of authorized stay under the Guam visa waiver program to be the same as the period of authorized stay under the United States visa waiver program; to the Committee on the Judiciary.

By Mr. CONYERS (for himself, Mr. Emanuel, Mr. DeFazio, Mr. Grijalva, Mr. Hinchey, Ms. Kilpatrick of Michigan, Mr. Serrano, Mr. McDermott, Mrs. Maloney, and Mr. Sanders):

H.R. 4148. A bill to amend title 18, United States Code, to prohibit profiteering and fraud relating to relief or reconstruction efforts provided in response to a presidentially declared major disaster or emergency, and for other purposes; to the Committee on the Judiciary.

By Mr. FORTENBERRY (for himself and Ms. Herseth):

H.R. 4149. A bill to require the prompt issuance by the Secretary of Agriculture of regulations to restore integrity to the payment limitation requirements applicable to commodity payments and benefits, to reduce waste, fraud, and abuse related to the receipt of commodity payments and benefits, and for other purposes; to the Committee on Agriculture.

By Mr. INSLEE (for himself, Mr. Reichert, Mr. Smith of Washington, Ms. DeLauro, Mr. Dicks, Mr. Gordon, Mr. Hastings of Washington, Miss McMorris, Mr. Ford, Mr. Van Hollen, Mr. Larson of Connecticut, Mr. Peterson of Minnesota, Mr. Sanders, and Mr. Larsen of Washington):

H.R. 4150. A bill to amend title XXI of the Social Security Act to permit qualifying States to use a portion of their allotments under the State children's health insurance program for any fiscal year for certain Medicaid expenditures; to the Committee on Energy and Commerce.

By Mr. LEWIS of Kentucky (for himself, Mr. Rogers of Kentucky, Mr. Chandler, Mr. Whitfield, and Mr. Davis of Kentucky):

H.R. 4151. A bill to amend the Internal Revenue Code of 1986 to provide for the tax treatment of horses, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. McGOVERN (for himself, Mr. Frank of Massachusetts, Mr. Olver, Mr. Meehan, Mr. Markey, Mr. Delahunt, Mr. Capuano, Mr. Neal of Massachusetts, Mr. Tierney, and Mr. Lynch):

H.R. 4152. A bill to designate the facility of the United States Postal Service located at 320 High Street in Clinton, Massachusetts, as the "Raymond J. Salmon Post Office"; to the Committee on Government Reform.

By Mr. STEARNS:

H.R. 4153. A bill to amend title XIX of the Social Security Act to permit Medicaid beneficiaries the choice of self-directed personal assistance services through a cash and counseling program under the Medicaid Program; to the Committee on Energy and Commerce.

By Mr. UDALL of New Mexico:

H.R. 4154. A bill to require the Consumer Product Safety Commission to issue safety standards for lead-containing dishware; to the Committee on Energy and Commerce.

By Mr. DAVIS of Florida (for himself, Mr. King of New York, Ms. Ros-Lehtinen, Mr. Ackerman, Mr. Lantos, Mr. Smith of New Jersey, Mr. Burton of Indiana, Mr. Berman, Mr. Engel, Mr. Wexler, Mr. Delahunt, Mr. Brown of Ohio, Mrs. Jo Ann Davis of Virginia, Mr. Meeks of New York, Mr. Tancredo, Mr. Crowley, Ms. Watson, Ms. Berkley, Mr. Chandler, Mr. Shays, Mr. Saxton, Mrs. Tauscher, Ms. Slaughter, Ms. Harman, Mr. Weldon of Pennsylvania, Mr. Israel, Mr. Kind, Mr. Wamp, Mrs. Maloney, Mrs. McCarthy, Mr. Hinchey, Mr. Cramer, Ms. Eshoo, Mr. Skelton, Mr. Foley, Mr. Hastings of Florida, Mr. Nadler, Mr. Markey, Mrs. Lowey, Mr. Boyd, and Mr. McNulty):

H. Con. Res. 275. Concurrent resolution expressing the sense of Congress regarding the education curriculum in the Kingdom of Saudi Arabia; to the Committee on International Relations.

By Mr. KUHL of New York:

H. Con. Res. 276. Concurrent resolution requesting the President to return to the

House of Representatives the enrollment of H.R. 3765 so that the Clerk of the House may reenroll the bill in accordance with the action of the two Houses; considered and agreed to.

By Mr. CLEAVER:

H. Con. Res. 277. Concurrent resolution designating the Negro Leagues Baseball Museum in Kansas City, Missouri, as America's National Negro Leagues Baseball Museum; to the Committee on Resources.

By Mr. MOORE of Kansas (for himself, Mr. BAIRD, Ms. MILLENDER-MCDONALD, Mr. BERMAN, Mrs. NAPOLITANO, Mr. BACA, Mr. HINCHEY, Mr. SCHIFF, Mr. HONDA, Mr. FILNER, Ms. MATSUI, Mr. DICKS, Mr. PAYNE, Mr. DAVIS of Tennessee, Ms. LEE, Mr. RADANOVICH, Mr. LANTOS, Mr. COSTA, and Mrs. DAVIS of California):

H. Con. Res. 278. Concurrent resolution expressing the sense of Congress that Congress should raise awareness about the importance of social worker and case worker safety; to the Committee on Education and the Workforce.

By Ms. ROS-LEHTINEN:

H. Con. Res. 279. Concurrent resolution expressing the sense of Congress with respect to the 2005 presidential and parliamentary elections in Egypt; to the Committee on International Relations.

By Mr. NEY:

H. Res. 511. A resolution honoring and thanking United States Capitol Police Assistant Chief of Police James Patrick Rohan on the occasion of his retirement; to the Committee on House Administration.

By Ms. KILPATRICK of Michigan (for herself, Mr. CONYERS, Mr. COOPER, Mr. MCDERMOTT, Mr. CLEAVER, Mr. SERRANO, Ms. LEE, Mr. SHIMKUS, Mr. MURPHY, Mr. HOLT, Mrs. MALONEY, Ms. MCCOLLUM of Minnesota, Mr. CAPUANO, Mr. VAN HOLLEN, Ms. HARMAN, Ms. WATSON, Mr. GRIJALVA, Mr. MORAN of Virginia, Mr. SANDERS, Mr. HIGGINS, Ms. KAPTUR, Mr. KENNEDY of Rhode Island, Mr. SHERMAN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CROWLEY, Mr. HONDA, Mrs. JONES of Ohio, Mr. DAVIS of Alabama, Mr. PALLONE, Mr. BLUMENAUER, Mr. ROTHMAN, Ms. BERKLEY, Ms. WASSERMAN SCHULTZ, Ms. ROYBAL-ALLARD, Mr. CASE, Mr. DOGGETT, Mr. NADLER, Mr. SCOTT of Georgia, Mr. DINGELL, Mr. FARR, and Ms. CARSON):

H. Res. 512. A resolution honoring the life and accomplishments of Rosa Parks and expressing condolences on her passing; to the Committee on Government Reform.

By Mr. OXLEY:

H. Res. 513. A resolution electing a certain Member to a certain standing committee of the House of Representatives; considered and agreed to.

By Ms. MCCOLLUM of Minnesota (for herself, Mr. GILCHREST, Mrs. CHRISTENSEN, Mr. SNYDER, and Mr. SCHWARZ of Michigan):

H. Res. 514. A resolution supporting the observance of a Month of Global Health; to the Committee on International Relations.

By Mr. KUCINICH (for himself, Mr. MURTHA, Mr. GORDON, Mr. EMANUEL, Mr. GEORGE MILLER of California, Mr. WAXMAN, Mr. DELAHUNT, Mr. HOYER, Mr. HOLT, Mr. CLAY, Mr. OBERSTAR, Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. ALLEN, Mr. ANDREWS, Mr. BACA, Mr. BAIRD, Ms. BALDWIN, Mr. BECERRA, Ms. BERKLEY, Mr. BERMAN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BERRY, Mr. BISHOP of New York, Mr. BLUMENAUER, Mr. BRADY of Pennsylvania, Ms. CORRINE BROWN of Florida, Mr. BROWN of Ohio, Mr. BUTTERFIELD, Mrs. CAPPS, Mr. CAPUANO, Mr. CARDOZA, Ms. CARSON, Mrs. CHRISTENSEN, Mr. CLEAVER, Mr. CLYBURN, Mr. CONYERS, Mr. CROWLEY, Mr. CUMMINGS, Mr. DAVIS of Illinois, Mr. DAVIS of Tennessee, Mr. DEFAZIO, Ms. DEGETTE, Ms. DELAURO, Mr. DICKS, Mr. DOGGETT, Mr. DOYLE, Mr. ENGEL, Mr. ETHERIDGE, Mr. EVANS, Mr. FARR, Mr. FATTAH, Mr. FILNER, Mr. FORD, Mr. GENE GREEN of Texas, Mr. GRIJALVA, Mr. GUTIERREZ, Mr. HASTINGS of Florida, Ms. HERSETH, Mr. HINCHEY, Mr. HINOJOSA, Mr. HONDA, Ms. HOOLEY, Mr. INSLEE, Mr. ISRAEL, Mr. JACKSON of Illinois, Ms. JACKSON-LEE of Texas, Mr. KANJORSKI, Ms. KAPTUR, Mr. KENNEDY of Rhode Island, Mr. KILDEE, Ms. KILPATRICK of Michigan, Mr. KIND, Mr. LANGEVIN, Mr. LARSEN of Washington, Mr. LARSON of Connecticut, Ms. LEE, Mr. LEVIN, Mr. LEWIS of Georgia, Mrs. LOWEY, Mrs. MALONEY, Mr. MARKEY, Ms. MATSUI, Mrs. MCCARTHY, Ms. MCCOLLUM of Minnesota, Mr. MCDERMOTT, Mr. MCGOVERN, Ms. MCKINNEY, Mr. MCNULTY, Mr. MEEHAN, Mr. MEEK of Florida, Mr. MEEKS of New York, Mr. MENENDEZ, Mr. MICHAUD, Ms. MILLENDER-MCDONALD, Mr. MOORE of Kansas, Ms. MOORE of Wisconsin, Mr. MORAN of Virginia, Mr. NADLER, Mrs. NAPOLITANO, Mr. NEAL of Massachusetts, Mr. OLVER, Mr. OWENS, Mr. PALLONE, Mr. PASCRELL, Mr. PASTOR, Mr. PAYNE, Mr. POMEROY, Mr. PRICE of North Carolina, Mr. RANGEL, Mr. ROTHMAN, Mr. RUPPERSBERGER, Mr. RUSH, Mr. RYAN of Ohio, Mr. SABO, Ms. LINDA T. SÁNCHEZ of California, Ms. LORETTA SANCHEZ of California, Mr. SANDERS, Mr. SERRANO, Ms. SCHAKOWSKY, Mr. SCHIFF, Ms. SCHWARTZ of Pennsylvania, Mr. SHERMAN, Ms. SLAUGHTER, Mr. SMITH of Washington, Ms. SOLIS, Mr. STARK, Mr. STRICKLAND, Mrs. TAUSCHER, Mr. TAYLOR of Mississippi, Mr. THOMPSON of Mississippi, Mr THOMPSON of California, Mr. TIERNEY, Mr. TOWNS, Mrs. JONES of Ohio, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. VAN HOLLEN, Ms. VELÁZQUEZ, Mr. VISCLOSKY, Ms. WASSERMAN SCHULTZ, Ms. WATERS, Ms. WATSON, Mr. WATT, Mr. WEXLER, Mr. WEINER, Ms. WOOLSEY, Mr. WU, and Mr. WYNN):

H. Res. 515. A resolution of inquiry requesting the President of the United States to provide to the House of Representatives certain documents in his possession relating to the anticipated effects of climate change on the coastal regions of the United States; to the Committee on Science.

By Mr. MELANCON:

H. Res. 516. A resolution providing for consideration of the bill (H.R.3763) to reinstate the application of the wage requirements of the Davis-Bacon Act to Federal contracts in areas affected by Hurricane Katrina; to the Committee on Rules.

By Mr. PASCRELL (for himself, Mrs. LOWEY, Mrs. MCCARTHY, Mr. PALLONE, Mr. SERRANO, and Mr. FERGUSON):

H. Res. 517. A resolution recognizing the life of Wellington Timothy Mara and his outstanding contributions to the New York Giants Football Club, the National Football League, and the United States; to the Committee on Government Reform.

By Mr. PUTNAM (for himself and Mr. THOMPSON of Mississippi):

H. Res. 518. A resolution honoring professional surveyors and recognizing their contributions to society; to the Committee on Government Reform.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

182. The SPEAKER presented a memorial of the General Assembly of the State of Colorado, relative to Senate Joint Resolution No. 05-015 concerning opposition to the "Federal Lands Recreation Enhancement Act"; to the Committee on Agriculture.

183. Also, a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 33 memorializing the Congress of the United States to review the sale of violent video games to children; to the Committee on Energy and Commerce.

184. Also, a memorial of the General Assembly of the State of Colorado, relative to Senate Joint Memorial No. 05-007 memorializing the Congress of the United States to propose an amendment to the United States Constitution requiring that the total amount of all federal appropriations made by Congress for any fiscal year not exceed the total of all estimated federal revenue for that fiscal year; to the Committee on the Judiciary.

185. Also, a memorial of the General Assembly of the State of Colorado, relative to Senate Joint Memorial No. 05-004 memorializing the Congress of the United States to reauthorize the Federal Temporary Assistance to Needy Families Program; to the Committee on Ways and Means.

186. Also, a memorial of the General Assembly of the State of Colorado, relative to Senate Joint Memorial No. 05-006 memorializing the Congress of the United States to oppose the privatization of Social Security; to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 147: Mr. REGULA, Mr. CAMP, Mr. WELDON of Pennsylvania, and Mr. THOMPSON of Mississippi.

H.R. 269: Mr. CONAWAY.

H.R. 313: Mr. CLEAVER.

H.R. 314: Mr. CLEAVER and Mrs. MUSGRAVE.

H.R. 475: Ms. BALDWIN, Ms. ZOE LOFGREN of California, and Mrs. DAVIS of California.

H.R. 503: Mr. CLEAVER.

H.R. 558: Mr. BISHOP of New York.

H.R. 567: Mrs. NAPOLITANO.

H.R. 654: Ms. SCHAKOWSKY.

H.R. 688: Mr. BOOZMAN.

H.R. 772: Mr. BUTTERFIELD, Mr. WAMP, Mr. RUPPERSBERGER, and Mr. DINGELL.

H.R. 864: Mr. SIMMONS and Ms. MCCOLLUM of Minnesota.

H.R. 923: Mr. KUHL of New York, Mr. DEAL of Georgia, Mr. SHADEGG, Mr. GRIJALVA, Ms. SCHAKOWSKY, Mr. RUPPERSBERGER, Mr. HAYWORTH, and Mr. SCHIFF.

H.R. 987: Ms. MATSUI, Mr. ORTIZ, Mr. MCNULTY, Ms. JACKSON-LEE of Texas, Mr. SCOTT of Georgia, and Mr. HINOJOSA.

H.R. 1018: Mr. VAN HOLLEN, Mr. ACKERMAN, Mr. SERRANO, and Mr. MEEKS of New York.

H.R. 1124: Mr. LYNCH.

H.R. 1141: Mr. CROWLEY and Mr. TANCREDO.

H.R. 1246: Mr. BOEHNER.

H.R. 1259: Mr. COOPER, Mr. WELDON of Pennsylvania, Mr. McCOTTER, Mr. CRAMER, and Mr. FORTUÑO.

H.R. 1322: Mr. ABERCROMBIE, Ms. KAPTUR, Mr. OBERSTAR, Mr. HINCHEY, Ms. JACKSON-LEE of Texas, Mr. SANDERS, Mr. STRICKLAND, Mrs. CHRISTENSEN, and Mr. ENGEL.

H.R. 1357: Mr. FEENEY.

H.R. 1498: Mr. ROTHMAN, Mr. OLVER, Ms. McCOLLUM of Minnesota, and Mr. PITTS.

H.R. 1548: Mr. GRAVES, Mr. MENENDEZ, Ms. BALDWIN, Mr. NORWOOD, Mr. RAHALL, and Mr. ENGEL.

H.R. 1588: Mr. HINCHEY and Mr. CLEAVER.

H.R. 1595: Mr. ACKERMAN, Mr. BISHOP of New York, Mr. BUTTERFIELD, Mr. COSTA, Ms. JACKSON-LEE of Texas, and Mr. STUPAK.

H.R. 1671: Mr. McHUGH.

H.R. 1704: Mr. BRADY of Pennsylvania and Mr. WATT.

H.R. 1714: Ms. LINDA T. SÁNCHEZ of California.

H.R. 1736: Mr. WILSON of South Carolina and Mr. HOEKSTRA.

H.R. 1741: Mr. McHUGH.

H.R. 1849: Mr. CLEAVER.

H.R. 1951: Mr. RUPPERSBERGER, Mr. DAVIS of Tennessee, and Ms. JACKSON-LEE of Texas.

H.R. 1973: Ms. WATSON, Mr. SHIMKUS, Mr. LaHOOD, Mr. GUTIERREZ, Mr. COSTELLO, Mr. TOM DAVIS of Virginia, and Mr. WAMP.

H.R. 1994: Mr. CLAY, Mr. KUCINICH, Mr. LEWIS of Georgia, Mrs. CHRISTENSEN, and Ms. JACKSON-LEE of Texas.

H.R. 2121: Mr. McKEON, Mr. NEY, Mr. HAYWORTH, Ms. VELÁZQUEZ, Mr. ISRAEL, Mr. FEENEY, Mr. LINDER, and Ms. PRYCE of Ohio.

H.R. 2211: Mr. BARRETT of South Carolina.

H.R. 2409: Mr. BERMAN.

H.R. 2682: Mr. JINDAL.

H.R. 2684: Mr. BOUCHER.

H.R. 2739: Mr. BROWN of Ohio.

H.R. 2803: Mr. NUSSLE and Mr. TIBERI.

H.R. 2933: Mr. MILLER of Florida.

H.R. 2939: Mr. ANDREWS.

H.R. 2943: Ms. ESHOO.

H.R. 2952: Mr. EDWARDS.

H.R. 2990: Mr. CASTLE.

H.R. 3050: Ms. LORETTA SANCHEZ of California.

H.R. 3098: Mr. HOSTETTLER, Mr. JONES of North Carolina, Mr. CAMP, Mr. HERGER, Mr. PICKERING, Mr. LEVIN, Mr. DEAL of Georgia, Ms. BEAN, Mr. OTTER, and Mr. BARROW.

H.R. 3127: Mr. MICHAUD, Mr. PETERSON of Minnesota, Mr. COSTA, Mr. HEFLEY, Mr. INGLIS of South Carolina, Mr. FARR, Mrs. MALONEY, Mr. SNYDER, Mr. MARKEY, Mr. MORAN of Virginia, and Mr. CLAY.

H.R. 3135: Mr. GENE GREEN of Texas and Mr. MURPHY.

H.R. 3137: Mr. REHBERG and Mr. WHITFIELD.

H.R. 3145: Mr. PLATTS, Mr. RUPPERSBERGER, and Ms. WOOLSEY.

H.R. 3151: Mr. ABERCROMBIE.

H.R. 3255: Mr. HOLDEN and Mr. STUPAK.

H.R. 3304: Mr. WILSON of South Carolina.

H.R. 3307: Mr. McINTYRE.

H.R. 3334: Mr. NEAL of Massachusetts, Mr. JINDAL, Ms. VELÁZQUEZ, and Mr. WOLF.

H.R. 3337: Mr. SANDERS.

H.R. 3367: Mr. McCOTTER and Mr. ENGLISH of Pennsylvania.

H.R. 3476: Mr. McGOVERN.

H.R. 3479: Mr. RUPPERSBERGER.

H.R. 3547: Mr. PRICE of Georgia, Mr. McDERMOTT, and Mr. WU.

H.R. 3612: Mr. CASTLE.

H.R. 3616: Mrs. MALONEY, Mr. HONDA, and Mr. MARSHALL.

H.R. 3630: Mr. CULBERSON and Mr. GERLACH.

H.R. 3639: Mr. HOLT.

H.R. 3684: Mr. PAUL.

H.R. 3813: Mr. GARY G. MILLER of California, Mr. RUPPERSBERGER, Ms. HART, and Mr. SOUDER.

H.R. 3817: Mr. DeFAZIO.

H.R. 3870: Mr. FEENEY and Mr. BARRETT of South Carolina.

H.R. 3883: Mr. OTTER, Mrs. CUBIN, Mr. SIMPSON, Mrs. CAPITO, Mr. BAKER, Mr. ROGERS of Kentucky, and Mr. BOREN.

H.R. 3900: Mr. CALVERT.

H.R. 3909: Mr. FOLEY.

H.R. 3923: Mr. McHUGH.

H.R. 3924: Mr. McHUGH.

H.R. 3948: Mr. BARROW, Mrs. CAPPS, and Mr. GRIJALVA.

H.R. 3969: Mr. BOUSTANY, Ms. BORDALLO, and Mr. MILLER of Florida.

H.R. 3974: Mr. ROSS.

H.R. 3984: Mr. TERRY.

H.R. 3997: Mr. KENNEDY of Minnesota, Ms. HARRIS, Mr. JONES of North Carolina, Mr. GILLMOR, and Mr. TIBERI.

H.R. 4008: Mr. MORAN of Virginia, Mr. SANDERS, and Mr. WAXMAN.

H.R. 4015: Mr. GRIJALVA.

H.R. 4032: Mr. SAM JOHNSON of Texas, Mr. MICA, and Mr. BURTON of Indiana.

H.R. 4044: Mr. CUELLAR.

H.R. 4045: Mr. McHUGH.

H.R. 4047: Mr. HENSARLING.

H.R. 4073: Mr. NADLER, Mr. McCAUL of Texas, Mr. SODREL, and Mr. BURGESS.

H.R. 4086: Mr. TAYLOR of Mississippi.

H.R. 4089: Mr. PAUL and Mrs. SCHMIDT.

H.R. 4090: Mr. BROWN of Ohio.

H.R. 4110: Mr. CUMMINGS, Mr. TIERNEY, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. HOOLEY, Mr. SANDERS, Mr. REYES, Mr. RANGEL, and Ms. WOOLSEY.

H.R. 4121: Mr. FILNER.

H.R. 4133: Ms. WASSERMAN SCHULTZ and Ms. HARRIS.

H. Con. Res. 138: Mr. ENGEL.

H. Con. Res. 190: Mr. DEAL of Georgia.

H. Con. Res. 228: Ms. HERSETH, Mr. MOORE of Kansas, Mr. DAVIS of Illinois, Mr. FITZPATRICK of Pennsylvania, Mr. FARR, Mr. EMANUEL, Ms. HARMAN, Mr. DOGGETT, Mr. HIGGINS, Mr. STARK, Mr. ROTHMAN, Mr. McCAUL of Texas, Mrs. CAPITO, Ms. NORTON, Mrs. TAUSCHER, Ms. MILLENDER-McDONALD, Mr. INSLEE, Ms. CARSON, Mrs. LOWEY, and Mr. PASCRELL.

H. Con. Res. 268: Mr. STEARNS, Mr. KENNEDY of Minnesota, Ms. GINNY BROWN-WAITE of Florida, Mr. McHUGH, Mr. LUCAS, Mr. FRANKS of Arizona, Mr. TIAHRT, Mr. FORTUÑO, Mr. SODREL, Mr. MANZULLO, Mr. WELDON of Florida, Mr. SHADEGG, Mr. KINGSTON, Mr. GINGREY, and Mr. RAHALL.

H. Con. Res. 273: Ms. CARSON, Mr. MURPHY, Mr. KING of New York, Mr. YOUNG of Alaska, Mr. CLAY, Mr. DAVIS of Florida, and Mr. CALVERT.

H. Res. 97: Mr. WAMP and Mr. JINDAL.

H. Res. 196: Mr. HONDA, Mr. McDERMOTT, Mr. MORAN of Virginia, Ms. WATSON, Mr. SERRANO, and Mrs. MALONEY.

H. Res. 438: Mr. GARRETT of New Jersey and Mr. CHANDLER.

H. Res. 449: Mr. HOLT.

H. Res. 458: Ms. McKINNEY.

H. Res. 466: Mr. VAN HOLLEN, Ms. WASSERMAN SCHULTZ, and Mr. KIND.

H. Res. 477: Mr. FRANK of Massachusetts, Mr. McNULTY, Mr. CLEAVER, Mr. EVANS, and Mr. WAXMAN.

H. Res. 483: Mr. RANGEL, Mr. GRIJALVA, and Mr. McNULTY.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

75. The SPEAKER presented a petition of the Cook County Board of Commissioners, Illinois, relative to a resolution dated September 8, 2005 supporting the Community Reinvestment Act; to the Committee on Financial Services.

76. Also, a petition of the Board of Chosen Freeholders of the County of Atlantic, New Jersey, relative to Resolution No. 481, supporting House Bill H.R. 3052 (The Southern New Jersey Veterans Comprehensive Health Care Act); to the Committee on Veterans' Affairs.

EXTENSIONS OF REMARKS

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, October 27, 2005 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

OCTOBER 31

1 p.m.

Homeland Security and Governmental Affairs

Investigations Subcommittee

To resume hearings to examine corruption in the United Nations Oil-for-Food program, focusing on recent reports relative to illegal payments to individuals, investigations of the United Nations Office of Internal Oversight Services and the United Nations Procurement System, Bayoil oil diversions, and progress toward implementing United Nations management reforms, including the oversight by the U.S. Office of Foreign Assets Control to stop misconduct by U.S. persons doing business under the Oil-for-Food program.

SD–342

NOVEMBER 1

10 a.m.

Commerce, Science, and Transportation

To hold hearings to examine the nominations of Shana L. Dale, of Georgia, to be Deputy Administrator of the National Aeronautics and Space Administration, Ellen G. Engleman Conners, of Indiana, to be Chairman of the National Transportation Safety Board, and Mark V. Rosenker, of Maryland, and Kathryn Higgins, of South Dakota, each to be a Member of the National Transportation Safety Board.

SD–562

Homeland Security and Governmental Affairs

To hold hearings to examine the nominations of Shana L. Dale, of Georgia, to be Deputy Administrator of the National Aeronautics and Space Administration, Ellen G. Engleman Conners, of Indiana, to be Chairman of the National Transportation Safety Board, Mark V. Rosenker, of Maryland, to be a Member of the National Transportation Safety Board, and Kathryn Higgins, of South Dakota, to be a Member of the National Transportation Safety Board.

SD–562

Energy and Natural Resources

National Parks Subcommittee

To hold hearings to examine the National Park Service's Draft Management Policies, including potential impact of the policies on park operations, park resources, interaction with gateway communities, and solicitation and collection of donations.

SD–366

2:30 p.m.

Judiciary

To hold hearings to examine pending judicial nominations.

SD–226

NOVEMBER 2

9:30 a.m.

Environment and Public Works

To resume hearings to examine the response to Hurricane Katrina.

SD–406

Indian Affairs

To hold an oversight hearing to examine In Re Tribal Lobbying Matters, Et Al.

SH–216

10 a.m.

Homeland Security and Governmental Affairs

To hold hearings to examine why the levees failed relating to Hurricane Katrina.

SD–342

2 p.m.

Energy and Natural Resources

Public Lands and Forests Subcommittee

To hold hearings to examine S. 1548, to provide for the conveyance of certain Forest Service land to the city of Coffman Cove, Alaska, S. 1541, to protect, conserve, and restore public land administered by the Department of the Interior or the Forest Service and adjacent land through cooperative cost-shared grants to control and mitigate the spread of invasive species, S. 1552, to amend Public Law 97–435 to extend the authorization for the Secretary of the Interior to release certain conditions contained in a patent concerning certain land conveyed by the United States to Eastern Washington University until December 31, 2009, H.R. 482, to provide for a land exchange involving Federal lands in the Lincoln National Forest in the State of New Mexico, and S. 405, to provide for the conveyance of certain public land in Clark County, Nevada, for use as a heliport.

SD–366

2:30 p.m.

Commerce, Science, and Transportation

Business meeting to consider pending calendar business.

SH–216

NOVEMBER 3

10 a.m.

Energy and Natural Resources

To hold hearings to examine a status report on the Environmental Protection Management programs of the Department of Energy.

SD–366

Veterans' Affairs

To hold hearings to examine the rebuilding of VA assets on the Gulf Coast.

SR–418

10:30 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings to examine agricultural transportation and energy issues.

SH–216

2:30 p.m.

Energy and Natural Resources

To hold hearings to examine the nominations of Jeffrey D. Jarrett, of Pennsylvania, to be Assistant Secretary for Fossil Energy, and Edward F. Sproat III, of Pennsylvania, to be Director of the Office of Civilian Radioactive Waste Management, both of the Department of Energy.

SD–366

NOVEMBER 7

12:30 p.m.

Judiciary

To hold hearings to examine the nomination of Harriet Ellan Miers, of Texas, to be an Associate Justice of the Supreme Court of the United States.

SH–216

NOVEMBER 8

10 a.m.

Energy and Natural Resources

To hold hearings to examine the progress made on the development of interim and long-term plans for use of fire retardant aircraft in Federal wildfire suppression operations.

SD–366

2:30 p.m.

Agriculture, Nutrition, and Forestry

Research, Nutrition, and General Legislation Subcommittee

To hold hearings to examine the Pet Animal Welfare Statute.

SDG–50

NOVEMBER 9

11:30 p.m.

Energy and Natural Resources

Business meeting to consider pending calendar business.

SD–366

NOVEMBER 10

10 a.m.

Commerce, Science, and Transportation

Aviation Subcommittee

To hold hearings to examine the impact of the Wright amendment, which restricts travel into and out of Dallas Love Field for commercial flights with more than 56 seats.

SD–562

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

10:30 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings to examine the nominations of Charles R. Christopherson, Jr., of Texas, to be Chief Financial Officer, and James M. Andrew, of Georgia, to be Administrator, Rural Utilities Service, both of the Department of Agriculture.

SR–328A

NOVEMBER 17

10 a.m.

Commerce, Science, and Transportation

Aviation Subcommittee

To hold hearings to examine aviation safety.

SD–562

CANCELLATIONS

NOVEMBER 1

9:30 a.m.

Judiciary

To hold hearings to examine Department of Justice and the Weapons of Mass Destruction Commission Recommendations.

SD–226